



Running mates Willie Epps '95, Tania Dominguez '95, and Clarke Camper '95 swept the LSC elections last week. The three had never served on Law School Council before.

Students Expecting More; Epps Ticket Sweeps Vote

By April Rockstead

Willie Epps '95, Clarke Camper '95 and Tania Dominguez '95 will be the new LSC president, vice president and treasurer, respectively, effective as soon as current President Enu Mainigi '94 bids adieu to her term at the next council meeting.

Epps received 57 percent of the ballots cast for president to lock a majority in the vote last week, while candidates Jessica Herrera '95 and Spencer Levy '95 received 26 percent and 15 percent of the vote in the presidential race. A total of 769 people voted in last week's election, although not everyone voted for a presidential candidate.

"I am honored and humbled to be elected to lead the Law School Council," Epps said. "My team was elected to improve the quality of life at HLS, and we plan to do just that."

None of the vice-presiden-

tial candidates won a majority vote last week. A Monday runoff election between the two highest vote-getters — Jon Kissane '96 and Camper — made Camper the LSC-proclaimed winner with 54 percent of the vote but drew fire from Kissane, who said the runoff was flawed by "administrative problems."

According to Kissane, an hour-plus delay in opening the polls Monday morning may have "skewed" the election results by discouraging a group of 1Ls from voting immediately after their Monday morning class, at which Kissane solicited their votes.

As a result of the delay, many "disappointed" potential voters didn't return, Kissane said, noting that he couldn't say for certain whether any class allegiance to him as a fellow 1L might have swayed those who attempted to vote before the polls actually opened.

"I'm disappointed, but I don't want to be a sore loser,"

Kissane said. "I would just hope that these elections could be better run in the future so that the results would be fair to all candidates."

Kissane said he thought the vote was close enough that the results of the extra hour's voting could have made a difference. After the election, he filed a complaint with the Election Commission, a board that is currently comprised of disinterested LSC officials, including exiting President Mainigi.

Despite Kissane's complaint, the commission decided to let stand the runoff results

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Going Once, Going Twice ...

Public Interest Auctioneers to Hawk Novel Wares

By Robert Weissman

Get your checkbooks ready. Professor Charles Ogletree '78 and Abbe Smith of the Criminal Justice Institute want to take your money.

The two will auction off dozens of items at the First Annual Harvard Law School Student Public Interest Auction on Friday, March 18 in Ames Courtroom.

About 60 1Ls are preparing for the event, sponsored by the Alliance for Public Interest Alternatives (APIA). A silent auction will be held in Austin North before the live auction.

Proceeds from both will provide funding for students who want to work at public interest jobs this summer but who did not

receive Andres or Wasserstein grants.

"We are trying to make this the social event of the semester," said event organizer Shannon Liss '96. A jazz band will play at the silent auction, while food and beverages will be available throughout the evening.



Shannon Liss '96

To entice students and other members of the community to attend the occasion, a door prize of \$2,000 will go to a student planning to take a public interest job this summer.

The auction will also feature a raffle for a weekend at a Cape Cod bed-and-breakfast. Two-dollar raffle tickets will be sold before the auction, but the winner must be present to claim the prize.

about the difficulties the Law School faces in trying to ensure the integrity of an HLS degree.

At the Admissions Office, Assistant Dean Joyce Curll says she and her staff have "caught all sorts of things" in reviewing applications from prospective students. She says she has seen forged letters of recommendation, forged transcripts, and dramatically exaggerated lists of activities. The Law School also cooperates with the national Law School Admission Council, which investigates allegations of misconduct, conducts hearings (at which accused individuals have an opportunity to testify in their own defense and have a lawyer present), and notifies law schools of its conclusions.

Curll said the forgeries often have an amateur quality to them.

"Usually, the people don't do it very well," she said. "Even if they do it very well, they don't realize that we have a lot of experience in these things."

"We see so many that we know what things should look like."

Each piece of the application has the potential for misrepresentation, Curll said, and the admissions staff uses a variety of tactics to uncover fraud. Although Curll would not discuss details about all the methods she uses, she said the office had uncovered some abuses through techniques as simple as sending confirmation letters to professors and employers who write recommendations.

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CCR Lobbies Profs for More Diversity

By Victoria Kuohung

Office hours filled up this week as about 70 students took to the hallways to lobby professors about increasing faculty diversity at HLS.

Dubbing their effort "Lobby Days," the Coalition for Civil Rights sent groups of two to four students on Wednesday and Thursday to talk to professors about their concern with what they perceive as a lack of diversity among the faculty.

CCR scheduled appointments during both days for lobbyists to meet with professors. The group dropped off letters for

those faculty who could not be reached.

Kevin Reuther '96, who helped organize the effort, said Lobby Days gave students an opportunity to understand how hiring is conducted and what obstacles exist in increasing faculty diversity.

"The idea behind [Lobby Days] is to create a community [where] there is a greater diversity of ideas, perspectives and styles," Reuther said.

"When you get a community together of people from a variety of backgrounds — whether in terms of race, sexual orientation,

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Author of Skadden Book Speaks at Law School

By Jeff Bucholtz

Lincoln Caplan '76, author of "Skadden: Power, Money and the Rise of a Legal Empire," spoke in Pound Hall on Monday about his book on "the biggest of the baddest, the baddest of the biggest" law firms and the changing nature of law firm practice.

Caplan's talk, sponsored by the Keck Foundation and the Program on the Legal Profession, focused on the evolving institutional structure of law firms, with special attention given to Skadden, Arps, Slate, Meagher & Flom. Seeing the firm as a prime example of "the market-driven transformation of the practice of law" and "the object of comparison for every other big firm," Caplan began researching Skadden in 1988.

When Caplan first approached the firm, it was "soaring," and "viewed itself as another chapter in the great stories of Horatio Alger," and partners at the firm expected the book would be "a simple tale of triumph." Soon, however, "the firm was confronted with its first real economic challenge" in the form of the downturn of 1989-90. Caplan saw this turn of events as a journalistic windfall, as he "got to see hard choices made in real time."

Caplan chronicled Skadden's meteoric rise during the 1970s and 1980s, and he attributed much of its remarkable success to the work of Joe Flom '48. Flom, who "really wanted to go to Paul, Weiss but got turned down," joined Skadden as its first associate, and "stum-

bled onto proxy work." Evoking the "unsavory" reputation with which this area of the law was saddled, Caplan described how "the elite white-shoe firms" of the day thought proxy work was "undignified" and beneath them, and farmed it out.

Struck during a proxy battle by "how irrelevant doctrine and all the stuff we learn in law school is," Caplan recounted the aggressive technique pioneered by Flom. In one proxy fight, Caplan was told by a partner at Skadden, "Flom, with shirtsleeves rolled up and a bottle of scotch in front of him, stuck his cigar into the mouth of his adversary to make a point, stopping just short of burning him."

This style of lawyering contrasted sharply at the time with the prevailing "leave no footprints" mode, according to which a good lawyer was "a self-effacing individual whose power was inversely proportional to his notoriety." Caplan explained that this acceptance and glorification of competition has made the practice of law more like a business than it once was, and credits Skadden with "understanding earlier than most the importance of a public image to success."

Caplan's hour-long presentation was punctuated by tales of "the machismo that is part of Skadden's mystique," such as the associate who billed 500 hours in one month and downplayed that Herculean effort as "just a bunch of 17-hour days." Despite the firm's image as a sweatshop in which lawyers "compete to see who can work more consecutive days

without sleep," Caplan observed that many Skadden lawyers seemed to work "quite reasonable hours."

While emphasizing that he had "never been more conscious of spin" than when dealing with Skadden lawyers, Caplan declined to embrace the negative view of the firm that many critics of large corporate law firms hold.

"Skadden and the other megafirms represent a world of enormous importance to the country," said Caplan, referring to corporate lawyers' expertise in the complex business transactions that drive our economy. "They are the handmaidens to the future."

Contrasting Skadden's emphasis on "the bottom line" with its generous support of programs like the public-interest Skadden Fellowships, Caplan concluded that the firm, like the profession in general, is complex and multi-dimensional.

Matt Bekerman '95, who will be working at Skadden's New York office this summer, appreciated Caplan's analysis of Skadden and of the profession as a whole. "Skadden may be at the forefront of the evolution of the profession," said Bekerman, "but I think the book applies to big firms in general."

Bekerman agreed with Caplan's unwillingness to pass judgment on Skadden and praised his "objective" approach. "It's true that certain sensibilities have changed and that the profession is less genteel than it was," Bekerman said, "but that's not a good thing or a bad thing."

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It's Just Not Fair!

Drama Society Promises to Spare No One in Spring Parody

By Ray Kahler

The Drama Society's stage extravaganza, "My Fair J.D.," promises to delight audiences next week with its sprightly blend of drama, dance, comedy and song.

"My Fair J.D.," which is loosely based on "My Fair Lady," tells the story of Liza Donothing, a CVS clerk who gets admitted to Harvard Law School. A light-hearted parody of life at the Law School, the play features cameo appearances by faculty, students, and staff. On a somewhat deeper level, the play is a

"parable about how the institution molds all of us," according to Rob Rader '94, the producer.

The play parodies the 1L experience, including O-groups, the BSA, the first class, and extra-curricular activities. One of the play's subplots is an attempt by the Poetry Council to wrest control of the school from the Law School Council. Bill Groundhog and Emu Mangy, both Law School Council members, attempt to thwart the Poetry Council's hostile initiatives to preserve their power.

"As my good friend Tom Cruise told me the other day," Rader said, "Rob,

you've got a wonderful show, and with all those big-name faculty stars, it's sure to do well."

The show features Jamie Feldman '96 as Professor Dick Falloc, chairman of the Law School's sexual harassment committee;

Melissa

Manwaring '94 as Professor Martha Strawberry

Fields; Hallie

Levin '96 as Liza

Donothing, the

CVS clerk/HLS

student; Kelly

Sosnow '95 as

Maggie Whitman,

Liza's best friend

and a Yale under-

grad; and Chris

Spagnoli '94 as

Tommy, Liza's

love interest and

a clerk at CVS.

Said Rader,

"[Spagnoli] has

the distinction of

being a member of the cast and being

parodied by a character in the play,

Chris Spazmoli."

"My Fair J.D." has a 30-member cast

and a technical crew of about 15.

"Basically, the only reason people get

involved in drama is for sex," Rader said.

Desiring to maintain its reputation for

wholesomeness, the RECORD did not

pursue Rader's remark.

The show's technical crew features a

lighting expert, and Rader said that the

special effects would be spectacular. "I

can't say whether or not there will be explosions on stage at this time or not. Explosions will remain top secret," Rader said, adding that blasts in the audience are being considered.

The show includes a hip-hop dance

number and

several songs

— some paro-

dies of popu-

lar songs and

commercial

jingles, and

some original

pieces written

by students.

The musical

numbers will

be accompa-

nied by a

small ensem-

ble featuring

piano, guitar,

and bass.

"There's

been a lot of

effort this

year to keep

the show to a watchable length," said

Rader, adding that it would be a "fast-

paced two hours."

The show runs Wednesday, March 9 through Saturday, March 12 at 8:00 PM in the Ropes-Gray Room. Tickets are on sale now in the Hark for \$6. "My Fair J.D." was written by HLS students

Kevin Kakareka '94, Julie Sternberg '95, and Rader. It is directed by Laura Putney '95. Alcohol will be served at the Thursday, Friday, and Saturday performances.



The Drama Society is sure to both entertain and needle many when it performs its spring parody, "My Fair J.D.," next weekend in Ropes-Gray.

Blacks in the White House Are in the Know

By Katrina Campbell

Bill Clinton's White House represents a new awareness of diversity to his supporters, but blacks working within his administration still used old, tried-and-true methods of getting appointments.

"Literally, it's who you know," said

Donsia Strong, a senior policy analyst with the White House Domestic Policy Council.

Strong's comment echoed those of the four other African-American panelists who gathered for a discussion on African-Americans in the White House. Hosted by Henry Louis Gates, chairman of Harvard University's Department of Afro-American Studies, the Monday night discussion at the Kennedy School centered on the route the panelists took to their positions, a route that always included networking and working on campaigns.

"Working on a campaign is important, even if it is a losing campaign," said Christopher Edley '78, associate director for economics and government in the Office of Management and Budget. Edley is on leave from his professorship at HLS. He previously worked in Jimmy Carter's administration and on Michael Dukakis' presidential campaign.

Choosing whether to work for a political campaign is a question of one's personal values, Edley said. "It's important to make a sacrifice," he said.

Others agreed, including Sheryll Cashin '89, who said she rearranged her law school schedule so she could spend

three full weekdays plus weekends working on the Dukakis campaign. One contact from the campaign helped her move up the ranks to her present position as director to the National Economic Council for Community Development.

Cashin said she spends "50 to 60 percent" of her time working on economic empowerment zones and community investment banks.

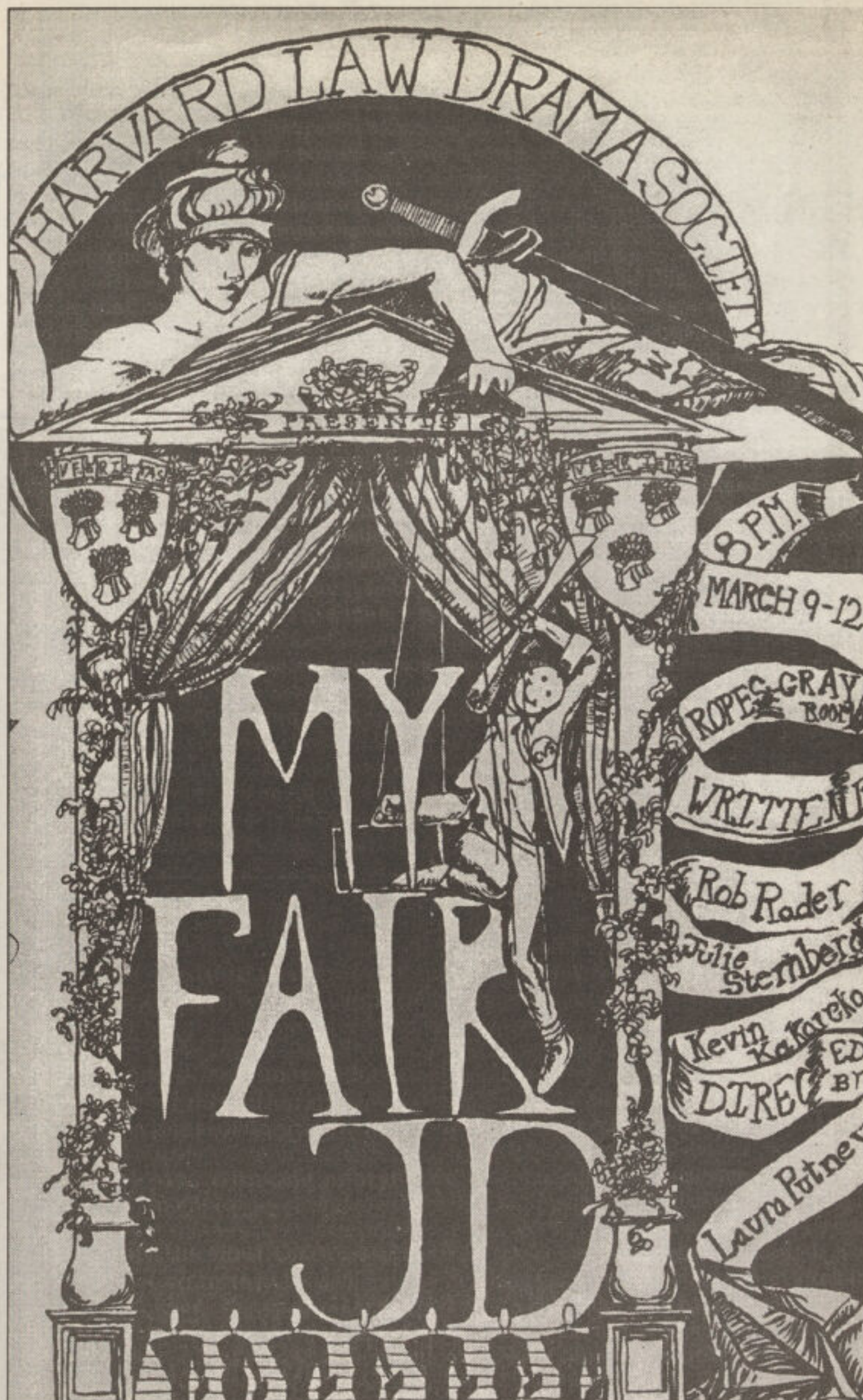
The "it's who you know" issue led one audience member to question whether "cronyism" hampered the appointees' ability to be effective in office. Keith Boykin '92, special assistant to the president and director of news analysis in the White House,

quickly responded that cronyism had not reached a level where he could not stand up for issues about which he had strong beliefs. During his attendance at HLS, Boykin was a plaintiff in a lawsuit against Harvard for discrimination in hiring law professors.

Openly gay, Boykin said he decided he wanted to work for the Clinton campaign in 1991 when Clinton said at a Kennedy School forum that if elected, he would lift the ban on gays and lesbians in the military.

"Cronyism is a group of people with the same beliefs pushing the same agenda," said Dr. Ernest Wilson, director of international programs and resources at the National Security Council. Edley said it is only dangerous "if it results in a compromise of confidence, or of diversity. But that hasn't happened here."

Cronyism had not reached a level where he could not stand up for issues about which he had strong beliefs.



BRIEFS



Professor Miller Mugged in Class

After noticing that Prof. Arthur Miller '58 always drank from a Lexis mug during Civil Procedure, his 1L students in Section III decided Miller was a little too Lexis-centric.

So last month Section III took affirmative action. Adam Cohen '96 called West Publishing to tell them what was up. Not to be outdone by its competitor Lexis, West immediately sent 120 blue-and-white company mugs to Cohen, who distributed them to his section-mates.

On February 1 (a.k.a. M-Day, or Mug Day), Miller was greeted by the sight of his entire class sipping from Westlaw mugs while a camera-happy Cathie Gordon '94 snapped away.

"What are you, a Westlaw rep or something?" Miller asked the camerawoman. He was right on.

Clark Brewing Solutions to Appease "Quality of Life" Critics

Dean Clark can be sighted at the John Harvard's Brew House more than ever this spring. Concerned about the quality of life at HLS, the dean, along with the Law School Council and the Dean of Students Office, has arranged a series of meetings with 3Ls to talk about their experience at the law school and has distributed memos to inform all students about his plans.

Among the goals the dean listed in his memo were lowering the student-faculty ratio and renovating Harkness Commons, goals which the present fundraising drive is designed to reach.

The dean has also talked with members of the Project on Community, a school-sponsored initiative to improve relations within HLS, about designing a survey on student life. The comprehensive questionnaire will be distributed next fall.

Paper Chase II

The Environmental Law Society wants Dean Clark to be more environmentally aware — or at least to copy his memos on double-sided paper.

ELS asked the Dean's Office last term to conserve paper by avoiding single-sided photocopying but received the response that anything else would be "too time consuming." ELS also points out that course materials, HLS Adviser, and student journals are not printed on recycled paper, and that HLS's copiers are stocked with paper (while the Kennedy School of Government as well as the federal government use recycled paper).

"The dean talks a lot about the environment in speeches to alumni," said Justin Smith '94, chair of ELS's Action Committee. "We think he should put his money where his mouth is — especially since a lot of what we're proposing would save Harvard money."

Dialing for Dollars is Trying to Reach You

Prof. Charles Ogletree '78 is appealing to law school faculty and staff to volunteer for Cambridge's Citywide Youth Employment Office Summer Jobs Campaign Phone-a-thon. The program's goal is to "reach 100 employers and generate at least 50 new learning and work opportunities for young people."

Harvard University and the Law School are both supporting the effort, according to Ogletree.

To obtain more information about the campaign or to sign up, call Saphira Baker or Suzanne Barry at 876-5214, or write to 99 Bishop Allen Dr., Cambridge, MA 02139.

Law School Honors Construction Crews

The Law School sponsored a private party in the Harkness Commons Back Bench Pub Friday afternoon to thank the construction employees who worked on the Holmes Field building over the past two years. All 35 or so subcontractors and suppliers were asked to invite employees who worked on the project, said Fran Pelletier, administrative assistant and office manager for the general contractor, Daniel O'Connell's Sons.

"It was pretty extensive as far as who was invited," Pelletier said. "It's always nice to be rewarded for your efforts."

About 60 people attended the party, which was catered by Gardner Merchant and included remarks by Prof. Charles Nesson '63, chair of the Holmes Field Building Committee, Administrative Dean Sandra Coleman, and Ron Steffek, the project's architect.

The building is slated for a faculty move-in within month's end.

Nesson Declares Black Letter Evidence Review a Success

When students speak, Prof. Charles Nesson '63 listens.

So when feedback memos from students enrolled in Nesson's winter term Evidence class indicated some thought they hadn't received enough black-letter Evidence training, Nesson scheduled an additional session last Saturday that lasted from 9:00 AM to about 4:00 PM.

"I started by warning people about the dangers of black-letter law, and then focused as hard as I could on it for the rest of the time," Nesson said.

About 25 students attended the marathon session, which featured Nesson lecturing but also provided opportunities for student questions. It included material similar to that he has previously used for Continuing Legal Education courses, Nesson said.

"It hit home for me the need to incorporate something like that in the course, even if I don't spend the whole course on it," Nesson said, adding that he thought the session was well-received by those who attended.

LSC Leaders Elected

continued from ELECTIONS, page 1

favoring Camper, Mainigi said.

"I just regret that it happened," she said of the imbroglio, "but I think we tried to do the equitable thing."

No similar acrimony apparently marred the aftermath of the presidential race.

"I think Willie's a great guy," said opponent Herrera of Epps' win. "He campaigned hard and the results proved that."

Agreed Levy, "I wish him well. I hope he's successful, and I hope to work with him."

Both Herrera and Levy filed statements last week to run for representative positions with the council.

For his part, Epps said, "I look forward to working with Jessica and Spencer, because I do think they ran excellent campaigns."

Epps said his team plans to begin work on delivering campaign agenda items such as coordinating TGIFs with DSAC and setting up other social events such as Seinfeld nights and a school-wide spring picnic as soon as possible.

"We're looking forward to making the law school a fun place," Epps said, adding, "But we're also hoping to tackle some more serious issues."

Initiatives begun during Mainigi's term, such as obtaining Hemenway Gym renovations and an ATM machine on campus, will be among priorities for this spring, Epps said.

1Ls Sponsor Auction

continued from AUCTION, page 1

and Jerry's ice cream;

- High tea at the Ritz Carlton with Profs. Carol Steiker '96 and Christine Desan (white gloves optional);

- A commissioned portrait by a professional artist whose portrait of Professor Emeritus Archibald Cox '37 has been valued at \$2,500 and will be on display;

- Salsa lessons, provided by La Alianza;

- Tickets to dinner and a Broadway show; and

- Two \$300 coupons for the SMH Bar Review.

Liss said inspiration for the auction came from a similar event held at Stanford Law School, but the more immediate catalyst was the shortfall of summer public interest funds at the Law School.

"So many students want to work at public interest jobs but may not be able to because funding is not available," said Gia Lee '96, another event organizer. Almost 200 students who applied for Andres and Wasserstein grants have been wait-listed.

"We hope the work students are putting into the auction will send a signal to the Law School administration that they ought to prioritize public interest concerns," Lee added.

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Council Recommends Pass/Fail System

By Maria Politis

By a strong majority, the LSC passed a resolution Monday night recommending to the dean and faculty that the current grading system be thrown out in favor of a partial pass/fail system.

The new system would mandate that 1Ls be judged on a curve with only three categories — honors, pass, and fail. During their second and third years, students would have the option of taking a total of five courses on this pass/fail system.

The LSC voted to recommend the change largely based on results of a survey, completed last week by 472 students, that polled their opinions on the current system, as well as options for change.

On a scale of one to five, with "1" denoting strong disagreement and "5" designating strong agreement, student opinion of the current system averaged to 2.56. In contrast, students rated a three-tiered system at an average of 3.44.

These results prompted the LSC to vote in favor of changing the system, said Erik Lindseth '95, chair of the Academic Affairs Committee of the LSC. Lindseth spearheaded the LSC's examination of the current system.

"Students, as evidenced by the survey, expressed some dissatisfaction for the [current] grading system...The survey corroborated many of the LSC members' own belief that students wanted a change. Students preferred a pass/fail system to the current system, and they preferred the honors/pass/fail system to other kinds of pass/fail," said Lindseth.

Resolution in hand, the LSC's next step is to approach Dean Clark '72. "I'll certainly take [the recommendation] seriously," said Clark. "Maybe the time is right for such a discussion. We haven't had one in quite a while."

At the LSC meeting, President Enu Mainigi '94 said Clark told her that when he first came to Harvard Law School as a professor, he favored a version of mandatory pass/fail system for first-semester

first-year students.

If the system is to be implemented, ultimately the proposal will require the approval of the faculty.

Lindseth said that due to the importance of the issue, the council will probably push it harder than most other issues. For some of the same reasons, Lindseth predicts the resolution will receive adequate attention by the administration.

"We've done our research well," he

mature.

"I would have liked to have seen more information," he said. "I would have liked a more narrative answer from employers."

For example, said Hammer, he would have liked to have known how employers would base their hiring decisions if they could no longer rely on grades.

Hammer also noted that students were polled before they knew about employers' reactions to the proposed changes.

Recommendation for Grading System Reform

Law School Council
Academic Affairs Committee
February 28, 1994

After extensive surveying and debate, the Law School Council recommends to the Dean and Faculty of the Law School the following grading system reforms. We acknowledge that the "grading issue" has been raised in the past, but demonstrated student dissatisfaction with the current 9-category grading mandates serious and renewed attention to the following recommendations:

1. Mandatory First-Year "Honors-Pass-Fail":

All students would be required to take all first year basic courses, including those given in the spring semester and over the full year, for grades of "Honors," "Pass," or "Fail." The Introduction to Lawyering (Ames) program could, but need not necessarily, be converted from the current "Pass-Fail" scheme to "Honors-Pass-Fail." If a curve were imposed, we propose that no more than the number of students who receive "F"s under the current system would "Fail" under the new system, while roughly 80% of students should "Pass" and the remainder should receive "Honors."

2. Optional Honors-Pass-Fail for Five Courses Taken Later:

In addition, students would be allowed to elect the "Honors-Pass-Fail" grading scheme for not more than five courses taken in the second or third years. We propose that students have three weeks from the first day of the course to exercise this option. At the end of the course, professors would submit final letter grades for all students, and the Registrar would then translate those letter grades to an "Honors" (A/A-), "Pass" (B+, B, B-, C, D) or "Fail" (F) for those students who had within the first three weeks elected the option.

said. "We have brought a thorough recommendation to the LSC. We have a fair amount of credibility going to the dean.

"I have enough respect in the administration that they will give us honest credence. They owe it to us to let us make our case."

But all students do not agree. LSC member Todd Hammer '94, who abstained from voting, thinks the resolution is pre-

When asked whether they would hire fewer Harvard students if the Law School changed to a two-tiered pass/fail system, 15.6 percent of the 87 employers who responded said they would offer HLS students "significantly less" positions, 30.6 percent would offer "somewhat fewer" positions, and 53.8 percent said they would offer the same number of positions.

If a four-tiered system were to be

implemented (high pass/pass/low pass/fail), 7 percent, 19 percent, and 61 percent of employers said they would hire "significantly less," "somewhat fewer" and the same number of positions to Harvard students, respectively.

Employers were not asked about a three-tiered system like the one advocated by the council.

Lindseth, however, stands by his figures. In a separate survey, 90 of 135, or two-thirds, of 1Ls said they favored an honors/pass/fail system even if roughly one-third of employers would probably hire somewhat fewer students.

Jennifer Lowman '96 voted against changing the system.

"I'm not really happy with the way it is, but I can't really see if we go to a pass-fail system, how things will change very much, and it may hurt people who are looking for jobs."

Lowman said she believes the Law School already has a type of pass-fail system. "People see an 'A' as an 'Honors'...and a 'C' as a 'Fail,'" she said. Everything between those marks is like a "Pass" designation, she added.

To the surprise of many students, the Law School has actually used a form of pass/fail in the past. According to Associate Registrar Annie Bombard, for five years in the early 1970s, 1Ls had three choices each semester: They could elect to take their choices on the nine-point system used today, on a two-tiered pass-fail basis, or on a four-tiered basis including high pass, pass, low pass, and fail.

Even more surprising, after viewing their first-semester second-year grades, students could then elect to "bump up" their grades from the two- or four-tiered system to either the four-tier or nine-point system. Students could not "bump down" their grades if they were unsatisfied.

Although the Registrar's Office did not reveal to students who chose some form of pass/fail what their grades would be if they bumped up, Bombard said she was not sure whether students could determine their potential letter grades by looking at their exams.

Mainigi Reflects on LSC Quest for Legitimacy

By David S. Clancy

A major priority of Enu Mainigi's outgoing Law School Council administration — to achieve greater status and "legitimacy" for the council as a representative of the student body — had mixed but generally positive results.

Only five years old, the Law School Council has battled the perception of being weaker and more peripheral than student governments at other schools.

"My biggest goal of the year was to legitimize the LSC," said Mainigi, who was elected LSC president last March.

Getting the LSC "institutionally situated" was harder with respect to students than faculty, according to Mainigi. "Students have more opinions, and are necessarily more critical of student government," she said.

But significant strides were made with respect to faculty, said Mainigi.

"We succeeded with the administration and faculty, who looked at me as the spokesperson of the student body and directed any concerns through the LSC," she said.

The council pursued its goal of legitimacy, said Mainigi, by focusing on "substantive things, things students really want." One major achievement was quickly addressing the issue of quality of life in the wake of a Princeton Review survey finding "quality of life" at HLS the worst in the nation.

The LSC stepped up its efforts to enhance the administration's awareness of this issue, said Mainigi.

"Dean Clark sounds very positive about doing something about this problem," she said.

Clark now plans to hold informal receptions at John Harvard's Brew

House in Cambridge to get students' views on life at HLS and how it can be improved.

But while Mainigi thinks that such student input is important, she also feels that Harvard's position in the quality of life survey may have been dragged down by 3Ls, who experienced the conflict and turbulence here three years ago and whose negative attitudes persist.

"The attitudes of 1Ls and even 2Ls may be different," she said.

Mainigi also cited the pursuit of greater faculty diversity as a substantive and important success of her administration. The LSC engaged in "an informal effort all year to lobby Dean Clark and key faculty members," according to

Mainigi. Partly as a result "the faculty has extended several offers as visiting professors to women and minorities for next year," she noted.

The LSC was unable, however, to effectively revive the Student Advisory Committee on Faculty Appointments. This committee, established at the beginning of 1992 to foster student-faculty discussion and debate on faculty hiring practices, met with severe resistance from certain members of the faculty hiring committee and has met only once this year.

Because most of the hiring process is necessarily secret, some faculty members think the student advisory committee is useless.



One of LSC's accomplishments during Mainigi's term has been bringing an ATM machine to campus. The machine will be located in the back of the Hark.

"It is difficult to get the faculty to accept this committee," said Mainigi. "Some restructuring and redefining needs to be done."

Other achievements noted by Mainigi were several improvements to Hemenway Gym, including new exercise equipment, a "very successful" blood drive that will return this spring and the imminent and long-awaited installation of an ATM machine in the Hark. Students will no longer have to walk to Harvard Square or to the BayBank machine beyond North Hall to withdraw cash.

Despite these achievements, discord among LSC members marred Mainigi's final days as president. A proposal by Dave Arronberg '96 to invite comedian John Stewart, host of MTV's "The John Stewart Show," was voted down by a divided council in a meeting that many Stewart supporters, including Arronberg, were unable to attend.

"I hope the council will realize that this place was dead last in the quality of life survey," said Arronberg. "I hoped they would take the chance to invite someone to liven up this place."

Stewart may still come, however, said Mainigi.

"I told Dave Arronberg that if he could prove he had a majority we'll hold a special meeting to vote on it," said Mainigi. "But a lot of people asked, 'Who is John Stewart?'"

Gaining more legitimacy and respect from students, faculty, and administrators will continue to be a central goal of the LSC in the coming year, said Mainigi.

"I think Willie Epps is a great guy, and he'll be a great president," she said.

Sarajevo, My Love

Zlata's Diary: A Child's Life in Sarajevo
By Zlata Filipovic
New York: Viking
200 pp. \$16.95/hardcover



By Mike Fischer '95

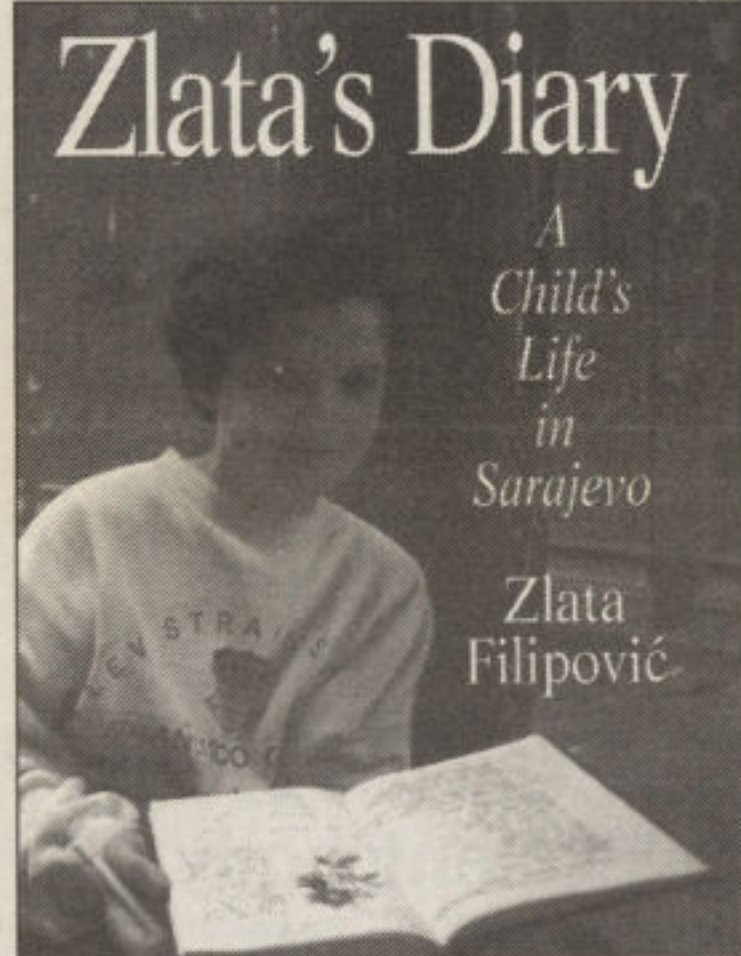
Book Review Editor

SUNDAY, April 5, 1992. Dear Mimmy: I'm trying to concentrate so I can do my homework (reading), but I simply can't. Something is going on in town. You can hear gunfire from the hills. Columns of people are spreading out from Dobrinja. They're trying to stop something, but they themselves don't know what. You can simply feel that something is coming, something very bad... The radio keeps playing the same song: "Sarajevo, My Love." That's all very nice, but my stomach is still in knots and I can't concentrate...

When the 11-year-old Zlata Filipovic wrote this entry in her diary almost two years ago, her life revolved around birthday parties and music lessons, childhood secrets shared with friends and the special relationship she enjoyed with her parents. Then, almost before we get to know who she might have been, the Chetniks begin bombing Sarajevo and obliterating her childhood. The little girl who, when the storm clouds began to gather, had confessed that she didn't have a "clue" what politics were and, moreover, wasn't "really interested," finds herself thrust into the middle of Europe's greatest atrocity since World War II.

The release of "Zlata's Diary" late last year in Europe was both a literary and a political event, both an immediate best-seller and a political indictment of the rank cowardice of the Mitterands and Clintons who finally have delivered the ultimatum they should have delivered 30 months ago. As a child too young to accept that politics are "complicated" and therefore unable to fathom the evasions that pass for policy considerations, Zlata and her diary slice through the tissue of lies to the simple truth beneath: Sarajevo is dying, and nobody seems to care. Nothing else matters.

Thursday, November 19, 1992. Dear Mimmy: I keep wanting to explain these stupid politics to myself... It looks to me as though these politics mean Serbs, Croats and Muslims. But they are all people. They are all the same. They all look like people, there's no difference. They all have arms, legs and heads, they walk and talk, but now there's "something" that wants to make them different... Of course I'm "young," and politics are conducted by "grown-ups." But I think we "young" would do it better. We certainly wouldn't have chosen war.



There is a reason why Wordsworth insisted that children are our prophets. Not yet socialized into a passive acceptance of things as they are, they fix their powerful gaze on the world that might be and shrug, "Why not?" "Be realistic," they chide. "Dream the impossible."

And why not indeed? There was nothing inevitable about Europe's third genocide of this century, just as there was nothing inevitable about the manufactured nationalisms cobbled together in Belgrade and Zagreb. Staring at the picture, included in this volume, of an exuberant 4-year-old Zlata attending the 1984 Winter Olympics, one glimpses how much more natural it would have been for the people of Bosnia to continue as they were then — as Zlata still sees them, even now: "People," "all the same."

Monday, March 15, 1993. Dear Mimmy: Even the children no longer seem like children. They've had their childhood taken away from them, and without that they can't be children. It's as if Sarajevo is slowly dying, disappearing. Life is disappearing. So how can I feel spring, when spring is something that awakens life, and here there is no life, here everything seems to have died.

Journalists are referring to Zlata as Sarajevo's Anne Frank, but that isn't quite right. Anne Frank was older — 16 — when she was herded onto one of the last cattle cars to the east in early 1945. Poised on the threshold of adolescence as her diary begins, she writes by diary's end as a woman — demonstrating a range and a depth unavailable to an 11-year-old girl.

Zlata's diary, conversely, is a story of innocence lost — of a childhood snuffed out before its time. In its own way, this makes it even more painful to read: Precisely because Zlata doesn't have Anne Frank's range or capacity for understanding what is happening around her, she cannot bridge the gap between the paradise she has lost and the dystopia that has replaced it. "Zlata's Diary" is not a literary masterpiece interpreting the nightmarish history unfolding in its midst. Instead, it records the innocent wishes of a child who can still hope, impossibly, that history is only a nightmare, one from which she will eventually wake up.

Sunday, September 19, 1993. Dear Mimmy: I keep thinking about Sarajevo, and the more I think about it, the more it seems to me that Sarajevo is slowly ceasing to be what it was. So many dead and wounded. Historical monuments destroyed. Treasure troves of books and paintings gone. Century-old trees felled. So many people have left Sarajevo forever. A dead city. And the warlords are still negotiating over something, drawing, crossing out, I just don't know for how long.

Watching Katarina Witt skate her tribute to the people of Sarajevo last Friday night, I began to cry — as I'm crying now, reader, while I write these words. It occurred to me then that I really shouldn't be reviewing this book — I just can't read or judge it with even the pretense of fairness and objectivity.

But maybe that's OK. Trying to explain why we have become so immune to what is happening in Bosnia, Susan Sontag wrote last fall that "not television but our politicians have made history come to seem like re-runs. We get tired of watching the same show." In this context, "Zlata's Diary" is most certainly a new program, worthy of a different kind of book review. Subjectivity, after all, is our most potent weapon against the tyranny of the inevitable. Reading "Zlata's Diary," one remembers that nothing about that history need be inevitable — if we would only see history through the eyes of a child.

Ballbusters Win First Game

By Bill O'Dowd '94

Sports Editor



LAST Saturday, history was made. The "Ballbusters," HLS' only all-female intramural basketball team, won their first game in the two years they have competed at Hemenway. Sparked by the red-hot outside shooting from Laura "Medicine Woman, Dr." Quintano '95, the "Ballbusters" ran to a 25-12 victory over "Black Flag," BALSA's co-ed entry into the B-League (and the only other intramural team among the 23 entries with more than one female player).

This is a special story about a very special team. In the fall of '92, team captain Kelly "Short" Cummings '94, an avid basketball fan from the University of Wisconsin, placed an ad in the Advisor seeking potential teammates for an all-female team in the traditionally male-dominated intramural basketball league at HLS.

Scorned and ridiculed by many of her "macho" male classmates who told her that an all-female team could never compete (One joke floating around the male locker room in Hemenway in those early days: Q: If you need a victory, who you gonna call? A: The Ballbusters.), Kelly vowed that one day her team would win a game in the very competitive B-League. Cummings attributes her selection of a team name to this ear-

Then fate dealt them a cruel hand. Scheduled first were the imposing Black Panthers II, BALSA's finest B-League entry. Employing a full-court press the entire game, the Panthers raced to a 50-10 victory. Cummings had this to say afterwards: "A lot of people thought that the Panthers were too tough on us. That's a lot of crap. We are in this league to compete. If they want to full-court press us the entire game, and set really hard picks, and try and knock us down, then so be it. To me, that's a sign that we have been accepted in the league. They played us just like they would have played any other team."

Ironically, it was that introduction to the most physical of play in the B-League which may have hardened the "Ballbusters" for the game against BALSA's third B-League entry, "Black Flag." The Flag opened the game with a two-male, three-female line-up. By halftime, the "Ballbusters" had raced to a 15-6 lead. Opening the second half, the Flag switched to a three-male, two-female line-up, but would meet with little success. With ten minutes to play, time-out was called with the "Ballbusters" holding a 19-9 lead. The Flag then made a furious attempt to ral-

Team leader Quintano noted: "We weren't lucky. Today, we were the better team, guys or no guys. We busted 'em."

ly hazing: "I knew we weren't going to be very good that first year. I just wanted to strike some fear in the hearts of those jerks."

The desire and determination to achieve that goal drove Kelly and her teammates to practice twice a week both of the past two seasons (to this reporter's knowledge, no other team in either A or B League comes close to displaying this dedication to the sport). Veteran Sarah "I'm A Big" Fandell '94 remembers the early workouts: "Last year, we needed a lot of help just to learn the fundamentals. We had no offense and no real concept of how to play defense. We all just wanted to play."

Slowly and surely, the team improved. By the end of last season, the team was no longer getting blown out in every game. The last game witnessed a mere 15-point defeat. Superstar point guard Christine "Cha" Chi '95 recalls that "we all left that game upbeat about our chances the next year. We all knew that we would improve even more."

In the offseason, the "Ballbusters" made some key acquisitions. Quintano convinced her roommate, and former Brooklyn blacktop legend, Tanya "Sweet Lou" Pinilla to join the team. It is said that Pinilla once scored 42 points in a high-school game. Also, Mia "Pharoah" Svensson, a 6-foot-2-inch former semi-pro ballplayer from Sweden, joined the team this year. Married to a Business School friend of several of her teammates, Svensson has agreed to battle under the boards of the very physical B-League despite learning that she is pregnant just a few short weeks ago.

Combined with an enthusiastic group of returning players, including starting shooting guard Niloofar "And Away" Razi '94, utility player Veronica "The" Curet '95, and forward Jamie "Red, Red" Wine '95, the prospects appeared bright for the lady hoopsters.

ly with a 4-male, 1-female squad. But the "Ballbusters" would not be denied. Team leader Quintano noted: "They could have used that line-up all game. It wouldn't have mattered. We weren't lucky. Today, we were the better team, guys or no guys. We busted 'em."

As the final horn blew, a celebration on the court began. Tired teammates mobbed each other. It was a sight to behold. Two years of very hard work had finally paid off. These ladies had accomplished what no other group of females had ever done at this law school — they had captured an intramural basketball victory. Stated an elated Razi after the game: "We enjoy playing against the men. We always knew that we had intellectual superiority. Today, we proved that we have physical superiority as well. Seriously, though, who would have thought that equality would have come to the courts of Hemenway before the classrooms of Langdell, or the faculty dining room in Pound?"

The benefactors of a forfeit victory a week before, the "Ballbusters" now stand at 2-1, a mere half-game out of first place in the B-League (and a half-game ahead of the 2-2 preseason favorite Chicano Bulls, I might add). A half-hour after the game, such thoughts of championships and feminist equality did not occupy the thoughts of captain, and team founder, Cummings. Rather, a very sore lady was slowly and quietly buttoning her overcoat. Secure in the knowledge that neither she nor her teammates had ever given up in the face of adversity, that she and her teammates had always played and conducted themselves like champions, and that she and her teammates had finally fulfilled the vow they had made to themselves over a year earlier, she could only offer a smile as she exited the gym door to a waiting burst of cold, February air. There was nothing left to say.

"Naked" Under the Gun

By Maddy Fain '94

RECORD Columnist

"**N**AKED," English director Mike Leigh's newest and most provocative film, is a startling disappointment after his "High Hopes" and "Life is Sweet." Generation X and David Lynch junkies will hail this movie as brilliant (indeed, "Naked" has already been called "the film of the year" by Village Voice critics and has won awards at the Palme d'Or and the 1993 Cannes Film Festival). But the raw power, violence, and manipulation of the film were not enough to convince this reviewer that "Naked" deserves such praise and recognition.

The opening scene in "Naked" sets the tone for the film — a violent rape in an underground passage. After the rape is over, the victim runs away from the perpetrator, Johnny (David Thewlis), and threatens to tell everyone what he has done to her. Thus begins Johnny's flight from his home in Manchester to London, where he hopes to bum off ex-girlfriend Louise.

Johnny arrives at Louise's home only to find that Louise is at work. Louise's lanky roommate Sofie lets Johnny in the house and the two begin flirting pathetically. Johnny "flatters" Sofie by telling her she is irresistible to men while making merciless fun of her at the same time. Unfortunately, Sofie is too weak and stupid to realize that Johnny is often insulting her between compliments.

When the cool and calm Louise arrives home, she is not at all pleased to see Johnny. While Louise tries to ignore Johnny, Johnny and Sofie go up to Sofie's room to have sex. Louise seems neither unmoved nor unsurprised by Johnny's tedious antics to get her attention. Later, when Sofie tells Johnny she loves him, Johnny simultaneously hits and kisses her before running out of the house to escape her frantic pleas for attention. This disturbing scene is a preview into Johnny's psyche, which comes into clearer focus as "Naked" progresses. Johnny lives only to fuck people, physically and mentally.

Johnny's antics continue as he lives his life on the street. He meets many pitiful people: two Scottish teens in an abusive relationship; Brian the security guard, who guards nothing of value; an alcoholic middle-aged woman; and a despairing waitress. Although he is displaced, penniless, and full of it, Johnny convinces all these people to let him into their lives. Once he learns about their vulnerabilities, he makes them even more miserable than they were before.

What makes Johnny's character so intriguing to many critics is that in addition to being a jerk, he is also a nihilistic philosopher and a prophet. When given the chance, Johnny rants on about both evolution and the Apocalypse. According to Johnny, Man is one link in the middle of a long chain. When the Apocalypse comes,

Johnny tells us, Man will evolve into the next stage. In other words, Man will cease to exist. Of God, Johnny says, "the existence of God enables evil to flourish... thus God is bad."

These rantings give us some insight into Johnny's character and how he justifies his sado-masochistic behavior. But what's depressing about this Nietzschean portrayal of Johnny is that Leigh makes him seem like a hero in comparison to Sebastian Hawkes (a.k.a. Jeremy G. Smart), who makes no justification at all for his violent, evil behavior.

While Johnny is roaming the streets of London, Sebastian enters the home of Louise and Sofie uninvited by claiming to be their landlord. Sebastian mercilessly rapes Sofie and proceeds to sleep in the bedroom, getting up only to walk around in his underwear. When Johnny returns, after being beaten up by a gang of young thugs, Sebastian terrorizes him as well. In what can only be described as a Lorena Bobbittish gesture, Sebastian retreats slightly when Louise threatens to cut his penis off with a knife. Finally, when Louise and Sofie's absent roommate returns home from a trip abroad, Sebastian is ousted.

Leigh's Johnny is somewhat reminiscent of Stanley Kubrick's Alex in "A Clockwork Orange." Both Johnny and Alex are brutal and pitiful characters. They want and expect sympathy from the audience. Yet, unlike "A Clockwork Orange," "Naked" has no political message of importance to convey. Although Leigh wants to communicate "the waste and unpredictable nature of things" to the audience, I found myself hating the characters in "Naked" so much that I neither wanted nor cared enough to listen to any of the garbage that was thrown at me.

Leigh is concerned and dismayed that some critics find "Naked" misogynistic. Although the female characters are often weak and victims of violence, not all the women in "Naked" are as pathetic as those portrayed in David Lynch's films. Still, the violence against women in "Naked" is upsetting, and most of the female characters are hard to like, except, perhaps, for Louise.

If anything can be said for "Naked," it is that the acting is so brilliant and the plot so disturbing that it is nearly impossible to walk out of the theater without feeling strongly about the film. Unfortunately, the film's apocalyptic vision is too pointless and precarious to warrant the raw emotions that Leigh instills in his audience.

RATING: ☆☆

Intramural Basketball Standings as of Sunday, February 27

TEAM NAME		WON-LOST		
"A" LEAGUE				
7.	Black Plague	4-1	4. Lawless	2-4
9.	Emite Romeno	4-1	6. Funky Bandits	1-3
1.	Two-L	4-1	8. The Fun Bunch	0-4
2.	Well-Hung Jury II	4-1	5. The Seventh Seal	0-5
3.	House of Style	3-2		
<u>"B" LEAGUE</u>				
12.	Black Panthers II	3-1	14. Full Tort Press	1-2
23.	AALSA's Year of the Dragon	3-0	31. Giant Steps	1-2
11.	Mo Knows	3-0	28. Team Gooch	1-2
20.	Rare Air	3-0	18. Two Wright ...	1-2
17.	The Runs	3-0	19. No Swiss Cheese ...	1-1
26.	We're Not Role Models	3-0	21. The Sleestaks	0-2
24.	Chicano Bulls	2-2	16. Below the Rim	0-3
25.	The Chicano Bulls	2-1	24. Black Flag	0-3
30.	Ballbusters II	2-1	22. The Grizzers	0-3
15.	Break Like the Wind	2-1	13. Joker & J's	0-3
27.	Death Squad	2-1	29. The Rest of the World	0-3
10.	The J-Men	2-1		
Compiled by Bill O'Dowd				

Compiled by Bill O'Dowd

FOOD - O - RAMA

Nightmare on Route One



By Ted Cohen '95 and Jonathan Goldstein '95

This is the first in an occasional series highlighting the culinary landmarks of historic Route 1.

Weylu's is terrifying. A post-apocalyptic palace perched high above Route 1 in working-class Saugus, it is the mother of all Chinese restaurants. Here — amid the lacquered, marbleized, pre-fab Buddhas and fire-breathing dragons, the dribbling, penny-filled fountains and Japanese-garden bridges, laid out over miles of plush, soiled pile carpeting — is the inevitable result of America's endless quest for the big, the bold, and the beautiful.

And big it is. From the outside, Weylu's gives the distinct impression that its designers feared an onslaught of roving Mongol hordes, who would sweep northward from Revere, storm the kitchen, and demand a ransom of Szechuan pork. (Is this food Szechuan? Hunan? Mandarin? The answer is deeply irrelevant.) How else to explain this fortress? Perhaps it's the unsettling proximity of Kappy's Discount Liquors which explains why Weylu's windows are 25 feet above ground level.

That might also explain the bizarre presence of a veritable regiment of *armed policemen* who stand purposefully at the entrance to the overwrought karaoke bar. For those of you whose faith that the world is a terribly depressing place needs some steeling, a couple of flaming shots to the agonizing strains of one of Elton John and Kiki Dee's *later* duets might be just the ticket.

Did we mention how big Weylu's is? This is a restaurant with an escalator *and* an elevator. With seating for 1500, Weylu's could feed the entire HLS student body simultaneously. (What fun!) There's a gift shop specializing in the cheesier sort of Oriental exotica: alabaster bodhisattvas, Kung Fu figurines, silver ben wa balls. "That's pretty," one misguided visitor commented as she fingered a piece of enameled pottery, conspicuously stamped "Taiwan R.O.C." This is High Cheese — cheese on such a grand scale that it becomes transcendent, leaving the uninitiated open-mouthed in wonder.

Beside the karaoke bar — which is, obviously, enormous — is a marble counter behind which three uniformed workers scurry back and forth, answering phones and questions. It distinctly resembles the reception desk at an upscale hotel. There is an eerie temptation to request a room key, as if one could ride the elevator upstairs and retire to a Vegas-style honeymoon suite with hot and cold running sake and a wonton-shaped bed. Alas, there are no rooms and no keys. The "reception desk" is in reality a take-out counter. And judging by the frenzied activity of those workers, it does quite a business.

Thanks to our exalted status, our party was shunted into a surreal V.I.P. room.

With seating for 1500, Weylu's could feed the entire HLS student body simultaneously. (What fun!)

But our pleasure at having full control over the level of lighting and the volume of canned, vaguely nauseating music was somewhat diminished when we realized that we'd been segregated from the vast splendor of the dining rooms.

The menu began with that familiar page of artistically rendered cocktails: the Screaming Bastard in its pineapple rind, the Hairy Virgin in its coconut shell, and, of course, the Scorpion Bowl. Riding a wave of nostalgia for our stint in the South Pacific, we ordered the last. Needless to say everything that followed is a blur.

Which is probably a good thing. All we know is that we woke up in the middle of the night, so dehydrated that our eyes felt like raisins in their sockets. Our lips were shrunken and withered for days. You see, the chefs have this little trick they do with the food at Weylu's to make it more "tasty": They dump a few truckloads of salt and MSG into every dish. Which is a shame, because up to a point — and here we're basically hypothesizing — the food is better prepared here than you'd expect: Ingredients are stir-fried quickly, in not too much oil. The vegetables retain their color. The chicken is pretty moist. Then, after a brief but potent stint in salt-hell, these simple ingredients are paired with "sauces."

We like hoisin sauce: Spooned in small quantities onto a pancake, with some peking duck and scallion, it plays an integral part in one of our favorite dishes. But a whole plate of bad shrimp slathered in the catsup-consistency mess? It's like eating the shrimp version of a McRib sandwich, without the bun.

Lemon chicken is equally scary: some perfectly nice chicken, deep fried in a batter that tastes alarmingly like the coating of a McDonald's apple pie and marooned in a pool of plain, hospital-quality glucose solution. By the way, in case you were wondering, our bill came to about \$25 a person (including a sizable amount of inedible leftovers).

At a break in the meal, we took the elevator upstairs to visit Weylu's Japanese cousin, Midori. Midori is both a sushi bar and a steak house, of the cook-at-the-table variety. It is decidedly more intimate in scale than Weylu's. The idea is to eat sushi while you're waiting for your place at the jammed tables; no one appeared to be there just for the sushi.

Everyone did look very drunk, though, and the air was thick with smoke and beef fat. This is the kind of place where a brawl might break out because some ex-football star and his high school-sweetheart bride didn't get enough to eat. It actually looked like a lot more fun than the factory downstairs.

When we got back to the table, a strange, slight man in a jacket and tie came into our V.I.P. den and asked us if everything was alright. Um. I guess so. Yeah, I guess everything was "alright." I guess it was "alright" to have lived through Weylu's. In any event, it's something every self-respecting American should do. Once.

RATING: Satisfactory

Harvard Law RECORD

Founded in 1946

Greg Stohr
Editor-In-Chief

The RECORD Moves On

As with many campus organizations, winter at the RECORD has been a time for 3Ls to turn over the reins. Here at the RECORD the impending graduation of people like Lisa Zornberg, Kevin Werbach, Johanna Davis and Jeff Patton has left a void that will be a challenge to fill. The changeover creates a natural opportunity both to say a few words about the departing 3Ls and to reaffirm the paper's commitment to being an open forum for all members of HLS community.

Nobody will be missed more here than outgoing Publisher Kevin Werbach and Editor-in-Chief Lisa Zornberg. Kevin's ingenuity at laying out the RECORD and enhancing its computer system has given the paper a sharper, more interesting appearance while allowing it to be produced in-house — thus giving the entire paper more flexibility. Equally as important, Kevin performed countless tasks behind the scenes — contributions that earned him little glory but nonetheless ensured that the paper made it to the Hark every week.

As my predecessor at the post of editor-in-chief, Lisa will be a difficult act to follow. Over the past year she has, I think, developed a reputation on campus as a tremendously fair and thorough leader at the paper. She is a great writer who has demonstrated a strong commitment both to making the RECORD an informative, provocative paper to read and to making the RECORD office a fun, comfortable place to work.

One of Lisa's strengths was encouraging open discussions. As she said in an editorial this time last year, at the RECORD we are committed to the notion that the answer to controversial speech is more speech. For most students at HLS, we will never again be surrounded by so many intelligent, interesting people nor again have such an opportunity for a candid debate over the fundamental and often emotional issues that accompany our legal system. The RECORD is and should be a forum for expressing those ideas, even if some readers find them irritating or maybe even offensive.

I wish to extend a special invitation to members of the faculty and staff of the Law School. Over the next year, soliciting columns, letters and interviews from them will be a high priority. Although the RECORD is a student-run newspaper, it should be a forum for all the Law School.

The only rule: If you write it, stand behind it. In the last few weeks, I have been surprised to receive a number of anonymous submissions, ranging from a lengthy letter on affirmative action to a curt note responding to an editorial. Both viewpoints could have been interesting contributions to a forum. Instead, both have been relegated to a file cabinet because, for whatever reason, the authors were reluctant to take responsibility for their work. No matter how much I hope the RECORD will be a lively forum over the next year, I can think of no scenario under which we would print an unsigned letter or column.

Anonymity, after all, can hardly contribute to the promotion of a community in which individuals can stand up and be counted. As America's oldest law school newspaper, the RECORD will continue to promote a forum in which all members of this community have the chance to count. Like so many things at HLS, the RECORD is a resource waiting to be used. I hope you will join us and be part of it.

- Stohr

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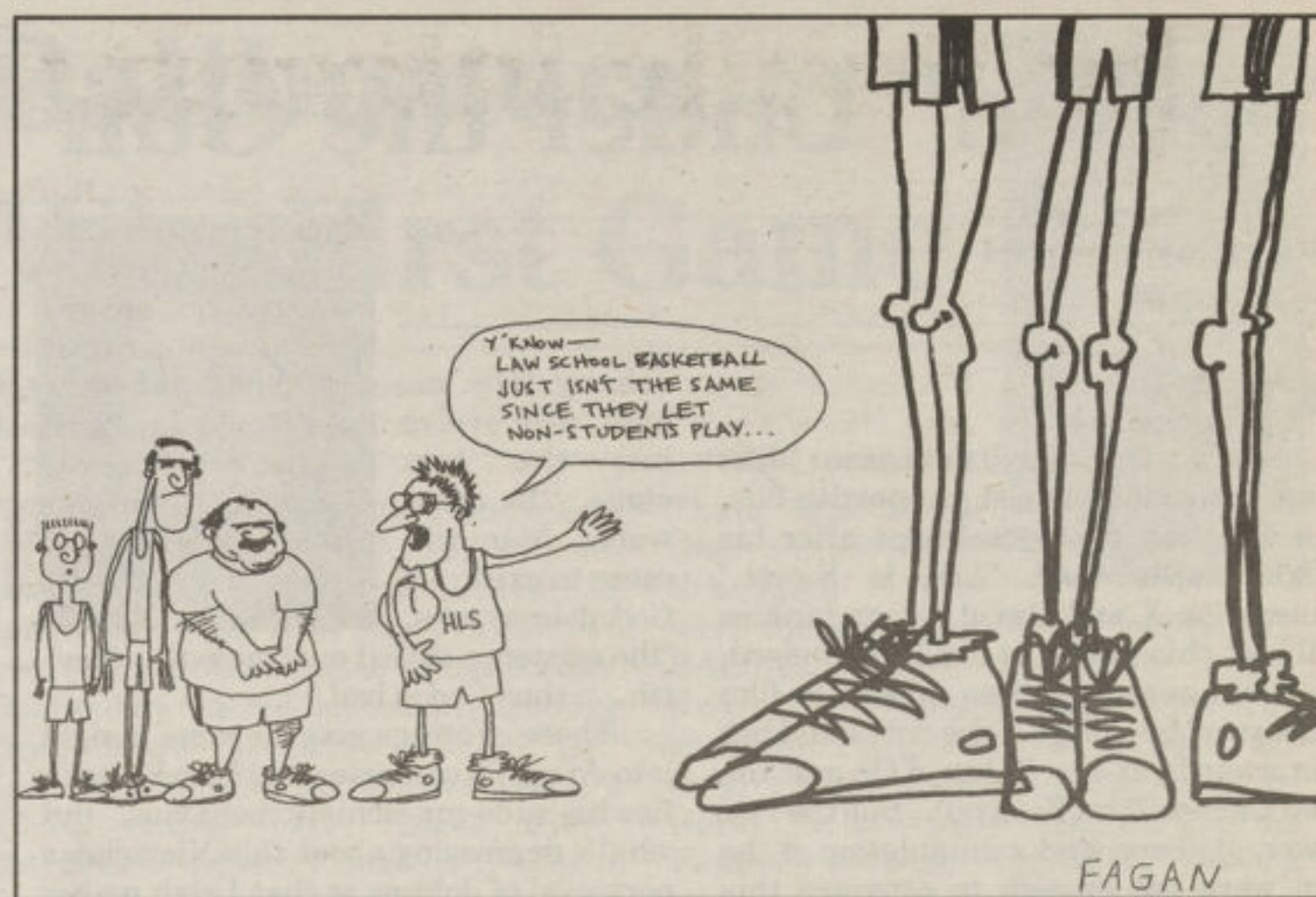
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"Congress shall make no law...abridging the freedom of speech, or of the press;..."

—First Amendment, US Constitution



• Letters •

Canada Adopted Definition, Not Law

Although the article last week on the pro-pornography panel quoted all of the panelists correctly, I wanted to write to correct an assertion made by the president of the Massachusetts Civil Liberties Union.

The MacKinnon-Dworkin civil rights ordinance authorizes women (and others) to bring civil lawsuits against the makers and distributors of pornography when they are harmed in certain ways, including: (1) being coerced into performing for pornography, (2) having pornography forced on them

in the home or workplace, and (3) being assaulted in a way that is directly related to a specific piece of pornography. The Canadian Supreme Court did not "adopt a version of the ordinance." It adopted a version of the definition of pornography in the ordinance. In Canada, as in the US, the state has the power to ban and seize obscene materials. Catharine MacKinnon and Andrea Dworkin wrote their ordinance to put power in the hands of women who are harmed. Under the ordinance, lesbian and gay pornography (as well as

Dworkin's books) could not be "censored" unless a person was able to prove that they had been harmed by the pornography under one of the causes of action.

I encourage everyone to attend the upcoming anti-pornography panel and continue the debate about pornography, armed with the facts about the ordinance. Sorry guys, there will probably be no famous porn stars at this one, but we will have a slide show.

Catherine Caporusso '95
February 28, 1994

Student Groups Protest Hebron Attack

The Middle East Law Student Association of Harvard Law School severely condemns last week's massacre in Hebron. We extend condolences to the families of the victims and wish complete recovery to those injured.

This recent act of terror, as other terrorist acts committed on both sides of the Palestinian-Israeli conflict, serves only to entrench hatred. The best response to such acts is to continue the

peace process, as peace is the only way to curtail the bloodshed in the Middle East. Not to do so would mean playing into the hands of those who oppose peace and use terror in the hope to put obstacles in its way.

Middle East Law
Students Association
March 1, 1994

I am writing to express my condemnation for the heinous killings perpetrated last

Friday in Hebron. This horrible act of terror against innocent victims at prayer is an act of hatred which has no place in modern society. Although the pain of the event is widely felt, perhaps it can spur the parties to act to create a peaceful solution to the current situation which is fair, secure, and above all just.

David J. Goldstone '94
President, Jewish Law
Students Association
February 28, 1994

Nesson's Feedback a Good Idea

In the February 11 issue of the RECORD, Professor Nesson [63] published a memo reporting his outstanding success with the feedback mechanisms that he employed during his winter term Evidence class. The Steering Committee for the Harvard Project on Community applauds and commends Professor Nesson's fine efforts.

The goal of the Project on Community is to foster a greater sense of interaction amongst the various members of the HLS community and to increase communication and dialogue between all parts of the school. Moreover, we are attempting to institute ongoing

programs that will provide their own momentum and self-perpetuating impetus to help carry out our goals. Towards this end we request that each faculty member consider taking up the challenge of offering students this chance for meaningful feedback several times each semester. It is a small investment in time for what could be a dramatic experience for all members of the learning process.

Professor Nesson's feedback methods make a real effort towards expanding the sense of community within HLS. The feedback memos he recommends could go far in

transforming the student-teacher relationship from a traditionally somewhat adversarial stance to a relationship in which each person takes responsibility for full participation in the classroom experience.

We ask others to consider employing these feedback techniques in their own classrooms. If even a few HLS classes made the effort, we believe it would drastically change the learning atmosphere of the HLS community.

The Harvard Project on
Community Steering
Committee
February 23, 1994

Fischer, Zornberg Score with Alum

My reaction to reading the RECORD over these many years has not always been a benign one. Thus it is with much pleasure that I address these lines to you since they are written with felicitous thoughts on my mind. I specifically refer to the column so ably written by Mike Fischer. I find him to be incisive, very broad-gauged, very bright,

and a delight to read. Please convey to Mike my admiration for his ability to keep up with his studies and do some outside reading and writing as well. It bespeaks a person of breadth and energy and talent. I very much admire his work.

And while I am at it, I hand [former Editor-in-Chief Lisa Zornberg] a bouquet of

encomia as well for an absolutely first-rate job in editing the RECORD. Despite the recent "Quality of Life" survey, as well as the views of the ubiquitous student critics of all manner of life and times, things are obviously not all bad at my Law School!!

Martin H. Webster '40
February 22, 1994

BE HEARD!

WRITE TO THE RECORD!

The Public Interest Generation (Uh-huh!)

By Kathleen Reich

Anyone who has ever skimmed "One L," "Broken Contract," or for that matter the National Law Journal, knows the myth well. At Harvard Law School, we are all told, students, faculty, and administration alike are focused on a single-minded goal: getting as many Harvard graduates as possible into Wall Street firms. (Washington, DC and San Francisco are acceptable, too.)

But this myth couldn't be further from reality. When it comes to public interest, Harvard is making the commitment where it counts, in course offerings, clinical programs, career counseling, and ultimately cold, hard cash. A new generation of law students has sparked an upsurge in interest in public service, with ever-increasing numbers participating in public-interest summer jobs and clinicals, and a steady stream of graduates headed for the public sector. True, the pull of the corporate market, with its high salaries and prestigious partnerships, remains extraordinarily strong at Harvard, and it probably always will be. But the Law School is actively working to ensure that students will know of another, less-traveled path — and that they can pursue that path if they choose.

The Law School has demonstrated its commitment to public-interest law most uniquely by creating the Office of Public Interest Advising. While many top law schools hire at most a part-time public-interest career counselor (often a second- or third-year law student), in 1990 Harvard established a separate career counseling office, staffed by experienced J.D.'s, devoted exclusively to raising students' awareness about careers in public interest and government, and to helping them find public-interest jobs. OPIA was the first office of its kind in the nation, and it has set the trend for other top law schools to follow. New York University, Columbia, and Georgetown law schools all have established or are establishing offices modeled on ours. Just last week, Yale Law School asked us to advise it on how to overhaul its public-interest career counseling.

Through our counseling services, guest panels, workshops, and visiting Wasserstein Fellows Program, OPIA has raised Harvard's public interest profile dramatically. Half of the 1L class shows up to our public service orientation every year, and this year more than 200 attended our public interest open house and student summer job fair. In contrast to 32 3Ls who pursued full-time public-interest employment in 1989 before OPIA opened its doors, an astonishing 63 3Ls — 12 percent of the class — took public interest and government jobs immediately after graduation in 1992, and 24 more 1992 graduates joined the public sector after completing one-year clerk-

ships. This fall alone, OPIA staffers saw 492 students in individual, one-hour counseling appointments.

Under Dean Clark, the Law School has committed time, energy, and money not just to our office, but to a host of funding programs that aim to ease the financial sacrifice that accompanies a public-interest career. The Kaufman Fellowships grant \$5000 stipends to graduating students who have demonstrated outstanding commitment to public-interest law and who are pursuing public service jobs after graduation. The innovative Low Income Protection Plan eases the debt burden for graduates who take public-interest jobs. Harvard's summer

funding programs provide \$130,000 each year for nearly 100 students to spend their summers in the public interest, while most other schools fund at most 10 or 20 students. The school also dedicates all of its federal work-study monies to public interest summer funding, and on the first night of its phone-a-thon this week, the student-organized Student Funded Fellowships raised over \$25,000 from their fellow students to supplement the Law School's public-interest funding.

Harvard Law students who want to devote their lives to public service have access to more resources, more professional advice, and more money than students at any other law school in the country.

While the clinical programs and OPIA certainly help to spark and sustain public interest sentiment at the law school, in the end student commitment provides the strongest proof of the Law School's public service spirit. This is evident in the hundreds of students who participate in the clinical programs, and the hundreds that participate in volunteer projects through PULSE and student practice organizations.

And if this year's first-year class is any indication, an exciting new generation is beginning for public interest at the Law School. The signs were clear this fall, when 200 1Ls participated in one-on-one counseling sessions at OPIA and when over 300 1Ls applied for summer public interest funding. When a group of 50 1Ls found themselves buried on the summer funding wait list, their reaction was not to abandon their public interest job search in favor of blanket mailings to more than 200 firms. Instead, they poured their energy into organizing the first annual Public Interest Auction, which will raise

funds for wait-listed students. In the past several months, they have tirelessly solicited donations from alumni, corporations, law firms, and businesses all over the country. On March 18 in the Ames Courtroom, they will auction off items ranging from a weekend in a bed-and-breakfast, to a week in an Italian villa outside Florence, to a basketball autographed by Senator Bill Bradley. The auction is a terrific example of the commitment, drive, and creativity that characterize public interest at the Law School.

However, the auction also shows that all of us at the Law School need to build on our efforts to meet the

needs of public-interest-minded students. As these students grow in number, Harvard's existing facilities are being overwhelmed, as anyone who has been wait-listed for a clinical course, summer funding, or a counseling appointment at OPIA knows. Students who visit OPIA, for example, still face a four-week wait for counseling each fall and have no faculty network to advise them on which courses will best prepare them for a public-interest career. Many students also walk away with a feeling from some of their professors and peers that public interest is a refuge for people who can't hack it in the private sector, rather than a legitimate career choice for people who want to help the indigent and underrepresented or to effect broad social change.

Unlike many law schools around the country, Harvard does not require students to perform some sort of pro bono work before graduation. Having made a substantial commitment to public interest, the Law School needs to build on that commitment, to put public interest on an equal footing with the private sector, so that in time public interest will be as natural and as important a component of life here as contracts and property.

But even though public interest at Harvard is experiencing some inevitable growing pains, the Law School's achievements in this area still shatter the myths. Far from being a cold, inhospitable place for those who want to make their law degrees work for society, Harvard Law School has become a model that other schools look to in planning their public-interest law programs. If you make even the slightest effort to look for public interest at Harvard, it's there — in the classroom, in the clinical placements, on the third floor of Pound Hall, and in the lives of your classmates. The Herculean efforts of students, faculty, and administration have created one of the fastest growing and most dynamic public-interest movements in the country. Let's not stop here.

If this year's first-year class is any indication, an exciting new generation is beginning for public interest at the Law School.

ALUMNI/AE • FACULTY • STAFF RECORD DIAGNOSTIC SURVEY

The editors of the RECORD would like to get a better idea of the direction the paper should take in the coming years. Student readers are being polled on their opinions in the Harkness Commons. You, the alum/faculty/staff reader, can help by filling out and sending in this questionnaire.

(1) OK, be honest: Do you usually read the RECORD?
☐ yes ☐ no

(2) If you answered "yes", what parts of the RECORD do you usually read? (Check any that apply.)

- ☐ news stories
- ☐ editorials
- ☐ letters
- ☐ opinion columns and op-eds
- ☐ reviews and/or sports columns
- ☐ comics
- ☐ Fenno
- ☐ advertisements

(3) Of the parts you read, which is your favorite? (Please indicate with the number "1.") Which is your second favorite? ("2.") And we hope we're not being overly optimistic, but which is your third favorite? ("3.")

- ☐ news stories
- ☐ editorials
- ☐ letters
- ☐ opinion columns and op-eds
- ☐ reviews and/or sports columns
- ☐ comics
- ☐ Fenno
- ☐ advertisements

(4) Speaking of advertisements, have you ever patronized a business because of advertising you saw in the RECORD? (Check any that apply.)

- ☐ ate in a restaurant
- ☐ bought something
- ☐ used a service

(5) Don't be gentle: Tell us what you think of the RECORD's graphic design.

- (a) Is the type easy to read?
☐ yes ☐ no
- (b) Are the photos interesting?
☐ yes ☐ no
- (c) Is the layout reader-friendly?
☐ yes ☐ no

(6) All right, maybe a little gentle: What would you change about the RECORD? "I'd like to see more" (explain)

"I'd like to see less" (explain)

(7) Any other comments?

(8) Who are you, anyway?

- ☐ An alum
Class of _____
- ☐ A faculty member
Grade you would give the RECORD: _____
- ☐ A staff member
- ☐ A student who filled this out even though we told you we were doing student surveys in the Hark.

(9) Thanks! We'll report on your responses in future issues!

Liabilities

By Paul Taylor



GROMM: Barbarian at Law

By Chris Spagnoli



Temporary Insanity

By Sheila Tuller



Koby Antupit

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CALENDAR

Music This Week

You may know him as Shea Moxon, Monster Trucker, but the screaming hordes of teenaged fans know him as Shea Moxon, axe master. Moxon '95 and his band, Mopar, play tonight, Friday, March 4, as part of WHRB's free happy hour. Festivities start around 10 PM. The Harvard station is located downstairs in Memorial Hall and broadcasts on 95.3 FM. Moxon describes Mopar as "basically a punk band. We're real loud." Hopefully loud enough to drive away those lingering Civ Pro exam memories.

If sugary art-pop is more your thing, the Cocteau Twins swirl into town on Thursday, March 10 to the Orpheum (931-2000). Singer Elizabeth Fraser gained notoriety for her unique style of inscrutable vocalizing — their fans spent hours trying to decipher what she was saying, only to discover that it wasn't words at all. It probably takes a lot more talent to write and sing nonsense syllables that convince half of your audience that you're brilliantly obscure than it does to sing like a normal person. Plus, you just can't top the fun of listening to some Robert Smith look-alike spout about how profound the Cocteau Twins are if you really understand them.

Hometown industrial-core powerhouse Big Catholic Guilt bring their cool name and cooler Ministry imitation to the Causeway (499-7996) for two shows, on Thursday and Friday, March 3 and 4. Their last EP featured more guitars and distortion, moving them closer to the electrothrash camp.

The cheese quotient of this week's shows can't compare to the last few weeks (after all, what could touch Quiet Riot?), but all is not a total loss. This week's geezers, the Sweet, get wheeled into the Rat on Thursday, March 10 (536-2750). Some people credit the Sweet, if "credit" is the proper word, with inventing glam metal back in the 70s. Considering that this genre spawned Poison, Winger, and Warrant, it's inexplicable why some people are really into them. Maybe it was Tia Carrere's cover of "Ballroom Blitz" in Wayne's World that made the Sweet cool; it's safe to say it wasn't Krokus's version.

— Jeff Bucholtz

* * *

Readings. Shows. and Stuff

Diamonds Are Forever

Now that Nancy's big mouth and mechanical skating have consigned her to oblivion — a.k.a. Disney World — does not mean that sports must once again retreat behind its all-male redoubt. Shawana Robinson is one of the best young drivers in the world of auto racing. And this coming Wednesday at 7 P.M., Waterstone's book store (26 Exeter St., Boston) is hosting a reading from "Diamonds Are a Girl's Best Friend: Women Writers on Baseball" (Faber).

A collection of essays, poems, short stories, and excerpts from novels and memoirs by 66 contributors, including Annie Dillard, Anna Quindlen, and Marianne Moore, "Diamonds" underscores the extent to which the National Pastime belongs to more than half the population. Readings will be by Gail Mazur, Elinor Nauen, and Bill Littlefield (NPR sports commentator).

— Mike Fischer

No Honor Among Kids

By Debra Dickerson '95

RECORD Columnist

PARENTS beamed proudly from the back of the room while poking their expensive progeny under the desktop to keep them awake. The last of the students schlepped in and left again when they found no empty seats on the back bench because of said parent invasion. The buzz from 65 Walkmen (all playing Barry Manilow's Greatest Hits) drowned out the rustle of 65 copies of the New York Times. As usual, a Law Review wonk finished the crossword puzzle first, carefully replaced her pen in her pocket protector, and returned to Gannett House for further instructions.

A final young man bopped in, baseball cap on backwards, 7-11 Big Gulp in one hand, and a notebook marked 'Prof. Kraakman's Personal, Exclusive, Copyrighted Notes' in the other. He headed for the front of the room, sat at the desk, and put his Air Jordans up on the table.

"Yo. Today we finish Agency."

A woman in the middle of the room raised her hand.

"Professor Hanson, I was wondering —"

"Oh wait! Wait!" He maxed the volume on his Walkman. "Yes! Stairway to Heaven!" His high tops waved in the air while he played air guitar with his eyes squeezed shut. "Excellent!" he said when it was over. "That didn't suck."

The woman tried again. "Professor Hanson?"

"Hey! We talked about this, Wendy."

"Oh, I'm sorry, I forgot. Professor Dude, I was wondering if you were going to amend the syllabus."

"That's sounds uncool. Why should I?"

"Well, its March and we're only on page 12 of the materials you sto — that Professor Kraakman gave you. My roommate's in his class and they're on page 225."

"Well, Wendy. That's a most felicitous and well summarized point. Your colleagues could learn much from you on the subjects of efficient time management and overall goal setting. NOT." Momentarily overcome with laughter, he high-fived the front row of students.

"Professor Dude, I'm serious."

"What am I supposed to amend it with, Wendy?"

"Well, with your actual projections of what we'll —"



"Look, you'll get an amended syllabus when Kraakman gets off his butt and amends it, OK? I just can't be held responsible for his poor planning."

"But Professor Dude, he doesn't need — never mind."

"Cool. OK, Agency. This is most excellent — Apparent Authority. I can't help myself, I think of this stuff and I just go 'schwing'." The front row ducked.

"Psst! Psst!"

Professor Dude turned his Walkman off in alarm and squinted at the back of the room. "Oh no. Is that...?"

"Jon-Jon, stand up straight."

"The parents! Dad, you promised."

"Take that hat off Jon-Jon. Let everyone see how handsome you are. Isn't he handsome girls?"

"Mom? This is so bogus! You promised!"

Papa Hanson turned to the dad next to him smugly.

"So young and already a professor." The dad turned red while the kid next to him dribbled Hark Box Cafe yogurt down his chin. "This your boy? You must be so proud," he sneered. "My son graduated first in classes he wasn't even in. We had to tape most of his award ceremonies because he couldn't stay up late enough to attend them. I had to give him an advance on his allowance for his wife's engagement ring."

"You better go home! I mean it, I'll — I'll call Grammy!"

"She's on her way in from the car, sweetheart."

Mama Hanson fanned out her wallet photo gallery in front of the Mom next to her. "This is him with his little

choo-choos! Wasn't he precious? And here he is as a little drum major at Halloween. Oh, no. That's his graduation from Yale."

"Dad, Mom. If you don't stop, I'll have to sue you."

"Not again, dear. Now that you're a professor, I don't think you can get any more extra credit points."

"I mean it, don't make me do it. All right, moving on to Agency."

"Professor Dude?"

"Hey, are you in this class? I've never seen you before."

"Well, I've been going to Prof. Kraakman's class, but it got so crowded he started carding. Anyway, I wanted to know if you could explain what a fiduciary relationship is."

"Hehn, hehn. He said 'fiduciary'. Hehn, hehn."

"Professor Dude, as between a Swedish Bikini Team convent school on a tropical island whose only consumer good is rum and which does not have a police force and the US Navy on shore leave after 18 months at sea, which is the least cost avoider for purposes of potential tort damages?"

"Well, duh, Mr. Einstein. I may not have much experience, but obviously it's the babes at the convent school. I'm sure if they just ask the nice sailors to mind their manners, nothing will suck."

"But really Professor, don't you think the US Navy is in the best position to control its sailors?"

"Stop picking on my Jon-boy! Say, are you the wise guy who keeps taking his lunch money?"

"Dad! Stop! This sucks! It double sucks!"

"Now, dear, don't get overexcited. You'll throw up."

"Mom!"

"Don't take that tone with me young man. I'll send you to your office without a Gameboy. And you can just stay there until you're tenured."

A final young man bopped in, baseball cap on backwards, 7-11 Big Gulp in one hand, and a notebook marked 'Prof. Kraakman's Personal, Exclusive, Copyrighted Notes' in the other.



Fenno tingled. He was aboard a large jet hurtling towards the nation's capital with shapely stewardesses bending over him and offering free drinks. His entry in the annual Robert C. Clark Corporate Theory essay contest — "Doing it on the Boardroom Table: A Study of Friendly Corporate Mergers in the 1980s" — had garnered Fenno an all-expenses-paid trip to Washington that included an exclusive, back-stage tour of the Supreme Court and dinner with the First Lady.

The limo met him at the airport. As Fenno stooped to get in, he smelled Chloë and knew it would be a bumpy ride to the hotel. That Clark sure knew how to reward a good writer.

After resting for a few hours at the hotel following the climactic trip from the airport, Fenno prepared for the Court. He donned his favorite slate gray Armani, slapped more of that stinging stuff onto his cheeks — just in case Sean Young was waiting in the limo to keep Fenno entertained on his way across town — and went downstairs.

Instead, Fenno saw the rumpled head of Byron White peering out the limo window. Apparently, being ex-justice of the Supreme Court and author of the dissent in Chadha doesn't get one very far in today's tight job market. Poor old Byron explained that he was now stuck giving tours of the Court at \$20 a pop (\$50 extra for a half-hour peek at Justice Thomas' private collection of materials failing the SLAPS test). Dean Bob, of course, had signed Fenno up for the De-Luxe tour.

Once inside, Fenno went straight for the men's room; nature had been ringing his line for some time. As he sidled up to a urinal, who should burst in but Antonin Scalia, who was apparently on the same line. Fenno's reflex-

ive glance down and to the left — how could he pass up a look at a member of the Supreme Court? — cleared up once and for all why Scalia is (1) known among friends as Little Nino and (2) feels a need to be so damn condescending in his judicial opinions. Feeling supremely confident, Fenno zipped and left.

With the tour out of the way — Clarence T's library had been a dud; Justice Souter hogged the viewing booth the whole time — Fenno was back in the limo en route to a candlelight dinner for two with the First Lady. She looked radiant in hairdo #739: frosted bangs, curls on top, and straight in the back.

Wine, moussaka and tartoufe made for a fine meal, but conversation was dull: policy this, policy that. Like all good constituents, Fenno wanted action, not words. After dinner, however, Ms. Rodham obliged, as, in the back of that amazing limo (no Astroturf here), she personally demonstrated her conception of "comprehensive services." It was then that Fenno understood why this was the most powerful woman in the western world.

NEXT WEEK: Fenno gets a job.

Quote of the Week

"You might want to sleep in this room."

- Prof. Charles Fried, concerned that students might have trouble getting to school after this week's snowstorm

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Without a Car in the World

By Christopher Stroebel

Record Columnist



On September 13, 1899, Henry Bliss stepped from a New York trolley at the corner of Central Park West and 74th Street and was summarily mowed down and killed by a car driven by Arthur Smith. This was the first recorded traffic fatality in America. Today, almost 100 years after Bliss ignominiously expired on the pavement, the Arthur Smiths of the world firmly control our public space. We live in a world dominated by 3000-pound battering rams.

In 1992, automobiles caused 40,000 deaths, and 20 million traffic accidents. 5,500 of those killed were pedestrians. These numbers signify only deaths, and not the huge numbers of paraplegics and people injured in car accidents. The cost of the car, just in terms of human lives, is staggering. The deaths of Mr. Bliss and the millions like him beg a question that has been almost unthinkable for nearly a century: Why do we drive?

Our vast country is criss-crossed by concrete superhighways and clover exchanges, allowing the swiftly flowing currents of commerce as well as the leisurely freedom, joy and discovery of traveling described in Jack Kerouac's "On the Road." Man can conquer nature in his automobile, a common visual theme in many car advertisements. Our cities are mapped by the latitude and longitude of an asphalt grid, allowing convenient travel and protection from the hostile urban environment.

When automobiles became a necessary fixture of the modern family, new mobility was given to women ("Thelma and Louise"), and children — teenagers — found a new space for play ("American Graffiti"). Men who might otherwise have had doubts affirmed their masculinity ("Rebel Without a Cause"). Who would deny that driving is fun? Getting behind the wheel is a pleasurable power trip. But too much fun can paradoxically become no fun at all.

We have all had the experience of being stuck in traffic, waiting at stoplights and going nowhere fast in our high horsepower chariots. Many of us know the mind-numbing drudgery of daily rush-hour commutes. Every time a highway is widened, traffic flow increases, and the congestion becomes even worse than it was before. Each person covets the entire road, but the dream of greater freedom and space clashes with the reality of competition for limited space: People in cars find themselves continually hurrying in a frustrating race to get to the front of a line with no beginning or end. An automobile stuck in rush-hour traffic embodies the false promise of "progress" that we have bought. Meanwhile, the pedestrian strolls past all of those poor suckers trapped in their autos, wondering, "Won't someone let these people out of their little metal boxes?"

"I'd rather die on my feet than live on my butt."

The modern metropolis has been constructed according to the assumptions of the automobile. Suburban living arose because of automobility. New superhighways circle our cities, allowing commercial areas to spring up along the fringes of decaying urban centers. Most people now commute between suburbs rather than between the suburbs and the inner city.

In many places, a car is simply a necessity for urban survival. We have become dependent on our machines; and we live in a thoroughly entrenched car culture. Autos outnumber people in almost all outdoor urban public spaces. As a result, pedestrians are displaced, relegated to the sides of the road and marked areas on the street. There is no such thing as a carefree and unselfconscious walk in the city: Walkers must be ever-vigilant for traffic. Today's man on the street is liable to be run over.

Driving has changed the way that people perceive and interact with their environment, including the social behavior between fellow drivers and pedestrians. When a person gets into a car, he is no longer simply a person, nor is the car simply a car. Rather, human and car act as a unit: A car-person is no longer quite human and is somewhat more of a machine.

Communication between car-people consists of crude gestures: blinking lights, hand signals, and the omnipresent honk-grunt. The territoriality and aggression associated with increasingly common highway confrontations and shootings typify a brutal neo-neanderthal culture. Rather than acting as a liberating democratic technology, cars have increasingly divided and fragmented our society.

As a rule, car-people dread what they perceive to be the unbearable slowness of walking, and often exaggerate the difficulty of moving on foot. When they do walk, car-people can be seen nervously scampering across the street, suddenly feeling naked in the traffic because they aren't wearing their metal exoskeletons. Worst of all, car-people often view human pedestrians merely as annoyances, standing in the way of the next destination-of-the-moment. All of these behaviors undermine the simple dignity of a man standing on his own God-given feet.

The environmental costs of automobiles are also well-documented. Car exhaust fills the sky with fossil fuel emissions of carbon dioxide and toxic carbon monoxide, ozone-producing hydrocarbons, and nitrogen oxide, which causes acid rain. Tremendous natural resources are spent building and fueling our cars, and landfills across the country are crammed full of tires and PCB-laden "car fluff" from plastics used in automobiles. Those who proclaim love for their cars should begin taking real responsibility for their property and become more intimate with their machines: The exhaust that farts from a car-person's tailpipe should first flow into the passenger compartment before coming outside where the rest of us can enjoy it. In the future, a person dying in a car accident might be buried in his or her beloved auto, or perhaps crushed along with the car into a compact metal block and then recycled. As for those who stubbornly prefer to walk, the pedestrian's creed should offer encouragement: "I'd rather die on my feet than live on my butt."

Place Your Bets!



RECORD Photos/ Jeff Bucholtz

After three years of trying to read professors' minds, 3Ls got an opportunity to show off their own poker faces at "Vegas Night with the Profs" last week. The event was one in a series of class unity events being sponsored by the 1994 Class Committee and class marshals. An estimated 200 students and another ten or so professors attended the event.

"I thought it was a great success," Class Marshal Hunter Bates '94 said. "We were excited so many people came," he said.

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Law and Poetry: A Rhyming Couplet

By Becca Topol '94

Guest Columnist



I had to defend my decision to come to law school. Granted, my parents were thrilled, for they feared I would graduate from college, go up to Maine, plant myself in a cabin in the woods with a pad of paper and join the ranks of "struggling writers." My friends, however, were severely disappointed in me. One of my friends wrote me a letter, saying:

"And I had such great faith, that you of all people, Becca, would not sell out."

My first response: I like to eat. I like to pay my rent and my utility bills. My second response: Law and poetry can mix.

For me, law and poetry complement one another. Although I originally viewed law school as a means to very practical ends, my developing law career has taken on a life of its own. My legal interests have intrinsic value to me, and because of that they can keep me sane. If I were not pursuing law, I would be at some graduate writing program, surrounding myself with people who were struggling to write and anxious about publishing. There's a reason writers become alcoholics. Try spending day in and day out staring at a computer screen. Aside from a job and a degree, pursuing law provides me with daily interactions with people on a very down to earth level. This, in turn, invigorates my writing.

Writing is also a source of sanity in my dealings with the law. It allows me an escape from clerkships, firms, casebooks, and the not-always-so-humble law professors. The moments of doubt — when I say to myself, "Do I really care

Basically, you can do as much or as little as you want with your life. It's a question of the choices you make along the way and the sacrifices that come along with it.

about this law stuff anyway?" — are filtered into productive writing time.

My point about poetry and law applies to other things. Basically, you can do as much or as little as you want with your life. It's a question of the choices you make along the way and the sacrifices that come along with it. Deciding to pursue a hobby or an interest outside of the law may be time-consuming, but it can also be extremely rewarding. Why? Because it makes you a fuller and richer person, a human being who practices law as a profession, not just as a lawyer.

I am convinced that a good number of HLS students will understand what I'm talking about. The students at HLS are multi-faceted, multi-talented individuals. Among us, there are athletes, journalists, and musicians. I learned this about my own classmates on the 1L boat cruise. There are some who have gotten caught up in the law school world, entangled in it for reasons that escape even themselves. When I've talked to them about this idea, they say to me:

"I'd like to pursue such and such, if only I had more time."

My response: Time is a purely subjective concept. It expands and contracts depending on how you view it.

When I went around visiting law firms during the fall interview season, I received a variety of responses to my resume. Some associates and partners looked at "HLS Poetry Society" printed at the top of my list of activities and rolled their eyes or said in a very polite tone:

"My! How interesting!"

Others started opening up to me about their own interests: playing the piano, reading literature. I learned that you can't possibly group all lawyers into one category, even at firms. A pleasant and surprising realization, to say the least.

Civil Rights Coalition Pushes for Diversity

continued from CCR, page 1

gender — the fact that they are from those diverse backgrounds will add to the diversity of views they hold," he added.

CCR Co-chair Robin Lenhardt '95 said the group designed Lobby Days to engage faculty members in a productive discussion about diversity issues and set appointments in order not to be intrusive.

"We're offering a voluntary engagement in a discussion about faculty diversity," Lenhardt said. "That's positive at a law school where there's not always been a lot of positive discussion around this issue."

Lenhardt added the goal of Lobby Days was not to promote special-interests groups.

"Whether we're going to value diver-

sity is not a special position," she said. "It's an issue that's important to the entire law school. It's not making an argument for special rights to say that there should be diversity at the law school."

"[We are] doing [Lobby Days] because we think increasing the diversity of the faculty will improve our education and better prepare us for experience outside the law school."

Diversity also includes differences in ideology, said Erica George '96, another organizer for the event.

"We'd hope to have a faculty that represents a range of viewpoints and individuals that reflect the reality of communities existing outside of the law school," she said.

"The idea is to increase awareness that communities and interests exist with

which we're not familiar and with which we'd never get acquainted in the normal course of our legal education as it presently stands."

Melissa Bristol '96 was unsure about the effect Lobby Days would have on changing people's minds.

"It'll work well with professors who are already inclined toward [supporting] diversity, but it really won't change the minds of those who disagree with CCR's methods and goals," Bristol said.

"[Those people] will see it either as an annoyance or it could even cause a backlash. I just don't think a 15-minute appointment will change a firmly-held view."

But CCR Co-chair Inga Bernstein '94 believes what students say makes a difference.

"The faculty can be moved by people's

experience," Bernstein said. "Too frequently the diversity discussion takes place on a very abstract level. It's important for people to hear and express the very real impact that [diversity] has on our lives."

Kiya Kato '96, who is working as a CCR lobbyist, said that pursuing racial diversity must be balanced with pursuing a diversity of ideas.

"Because we haven't seen people of color in positions of power and prestige, when we do see them I think there's a tendency for us to take what they say as doctrine rather than analyzing it," Kato said.

"When you have conservative policies being spouted off by a person of color, it legitimizes [those policies] in a way that a white professor could never do."

The Shortest Distance Between Two Points

By Terri Gerstein '95
RECORD Columnist



I'm about to apply for clerkships, and I'm wondering: Why did I wait so long if I really want to do this? There's something going on here. Slightly stunned, I am realizing that it's almost time to decide what I'll do after I graduate.

Before senior year of college, I already knew I had won a fellowship to spend a year halfway around the world. So I was all set, right? I didn't have to worry about jobs or graduate schools, right?

Hell, no. Back then I worried about going away for a year without knowing exactly what I was going to do when I got back, or at least having some definite option.

So I applied to law school for an even dumber reason than most people do: I needed a plan, in order to go on my adventure without waking up each morning neurotically worried about what I would do when I returned to the United States. (Pretty adventurous, huh?)

So away I flew, halfway around the world, and found a war-torn, fascinating country, with interesting people and so much work to be done. I fell in love, too. And then I had to figure out what to do next.

I weighed my options. On the one hand, there was a space at Harvard Law School waiting for me. On the other hand, there was uncertainty. Harvard Law School. Uncertainty. Harvard Law School. Uncertainty.

Y'all know which box I checked.

I'm painting this pretty simply, since I did have other, quite legitimate reasons for choosing law school.

But my stomach ached on the plane ride home. For the first time, I felt I had

If I make my daily choices based on some goal 30 years hence, I'm statistically likely to be damn disappointed some day.

made a truly bad decision — not so much going to law school, but rather leaving my work, my friends, my love, and my life halfway around the world.

Two years later, I'm happy and excited about becoming a lawyer. Was coming here a mistake? I don't think so.

But I still wonder: What if I had made my decision with my heart and not with my brain? There's a parallel life I would have been living right now, halfway around the world. Maybe I'd be teaching in a high school, or helping start a women's center. Maybe I'd be married, and have a child. Maybe I'd be dead. Who knows?

Instead I'm a 2L year resisting the need to plan my life in advance. I discovered my newly found rebelliousness last year, when a career advisor said, "Decide where you want to be when you graduate. If you get a job there this summer, it will be easier to get a job there next summer, and that will make it easier to get a job there after you finish..."

And that will make it easier to reserve a spot for my still-hypothetical children in the top nursery school, and to reserve a spot for myself in the best old-folks home and cemetery. 'Cause you know, it's real competitive to get the most prestigious plots. You have to get started now.

What amazed me about HLS last year was not meeting 22-year olds who wanted to be Supreme Court justices or president. What amazed me was being among 22-year-olds who actually plan their day-to-day activities bearing this goal in mind, with the utter faith that if we do everything right, we'll get exactly what we want.

Probably some of us will.

But do the math. How many people of our generation will actually be president? (Three, or four at most) How many will be Supreme Court justices? (A maximum of 18, if we assume bad health and lots of premature deaths) Senator's more likely. But how many of us bright ambitious kids are pouring out of this place and places like it each year?

I consulted with my personal statistician before writing this column. Her prognosis? If I make my daily choices based on some goal 30 years hence, I'm statistically likely to be damn disappointed some day.

This summer, a Chilean friend summarized the difference between our cultures by characterizing their respective literary traditions. Anglo literature has a linear story, involving personal growth, with everything neatly and logically (although not necessarily happily) resolved at the end. Latin American novels are more circular: Things repeat themselves, there is chaos, and then, abruptly, the end. With no resolution.

As US elites, we can plan our lives according to a linear and internally logical narrative. Our world seems dependable and so we have faith. We don't have to worry about famines, coups, or about the ravages of a capricious dictatorship. We sense that if we're at point A now and we want to get to point Z in ten years, probably nothing will interfere, as long as we plan ahead and work hard. (But what is the cost of going in a straight line from A to Z? What might we be missing?)

Right now, my personal narrative is both linear and circular and it's hard to reconcile these different world views. I'm searching for a balance between living for the future and for the moment. There's got to be a way to have a longer-term, ambitious vision and yet also enjoy life, taking advantage of spontaneous opportunities for meaningful work, friendship, and love. The danger of planning ahead too much is not just that we discount the things that might go wrong, but also that we may miss out on beautiful things that could have gone right.

I sit with a list of judges. My personal statistician promises that taking a clerkship halfway across the country does not make it more probable that in the meantime, something unexpected will make me want to stay here, or go abroad again.

I just don't know how much I trust statistical predictions.

Fraud Concerns HLS

continued from FRAUD, page 1

"Once or twice, we may get a letter back," she said.

Fraud Detection on the Rise

Although Curll said she had not noticed any significant increase in fraudulent HLS applications, detection of fraud in law school applications nationally has risen dramatically in the past few years. In 1990, only 19 cases were referred to LSAC for misconduct investigation. That number increased to 31 in 1991, 70 in 1992, and 142 in 1993. The number of hearings held has increased from two in 1990 to 41 last year.

"I'm not sure whether we are seeing an actual increase in misconduct or whether people are doing a better job reporting it," LSAC spokesman Jim Vaseleck said. He added that the referrals had come from only a handful of law schools; a large number of institutions did not report any cases of misconduct last year.

"We suspect a lot is going on that we don't hear about," Vaseleck said.

Curll says she thinks "it's a very rare occasion that anything would get past the admissions process," but at least in the case of last month's expulsion, the student apparently had been admitted. Even after enrollment, however, a student guilty of misrepresentation is not necessarily in the clear, particularly if, as officials say often happens, one fraud tends to beget another.

Robinson says the Law School might find discrepancies in a variety of ways after enrollment. For every student in the Law School, the Registrar's Office keeps a file, which contains the student's application, LSAT scores, and undergraduate and Law School transcripts. Robinson says she might review a student's file for any of a number of reasons. If a student is experiencing academic problems or even if a student is simply meeting with her, Robinson says, she might inspect the student's record. A copy of a RECORD reporter's file sat on her desk during an interview for this article.

On occasion, Robinson or another official might notice something that just appears a little unusual, such as a stellar undergraduate record that seems out of place when contrasted with academic difficulties experienced at the Law School. If the problem seems serious, the school might send a formal letter of inquiry to the student.

"That's happened on any number of occasions," Robinson said.

Students have also been caught misrepresenting their qualifications to potential employers, says Career Services Director June Thompson, although she suggested that the problem occurred very infrequently. She said that misrepresentation to employers usually takes the form of tampering with transcripts. On occasion, she said, students have given themselves away by sending an employer one version of a transcript one year and another version the next year.

Both Thompson and Robinson said they thought employers were becoming

more active in combating of the problem of fraud. At a minimum most firms request official transcripts sent directly from the Registrar's Office before extending permanent job offers.

"Firms are wising up," Robinson said.

In the absence of extenuating circumstances, the punishment for academic fraud is likely to be severe, said Prof. David Shapiro '57, chairman of the HLS Administrative Board. The student has the right to appear before the board for a full disciplinary hearing at which counsel may be present.

After the hearing, the Ad Board has a number of disciplinary options, including reprimand, suspension, dismissal (where a student is allowed to reapply), and expulsion. The board also has authority to rescind a degree from a graduate.

The student disciplined last month was expelled, as was a student last year in the wake of charges that she submitted fraudulent LSAT scores with her application. In another recent case, in which a graduate tampered with an HLS transcript, the Ad Board decided to impose a lesser sanction, rather than rescind the individual's degree.

"We are always open to considerations of extenuating circumstances," Shapiro said.

Fake HLS Grads

The biggest area of fraud surrounding HLS, though, apparently involves people who never even attended the Law School. Robinson can cite a long list of instances where individuals falsely claimed to have earned a degree from HLS. In one case, a man working in a clerical capacity at a Wisconsin law firm obtained information on an HLS alumnus from the firm files and assumed the lawyer's identity. The alumnus learned of the fraud only when applying for a car loan.

In another instance, a copying store called the Law School when it suspected that a man was trying to create his own HLS transcript. Upon investigation, Robinson learned that the man was practicing law for a Washington, DC firm. He apparently had lied both about graduating from the Law School and about passing the Maryland bar. Robinson called a HLS alumnus who was a partner at the firm and told him what she had learned.

"He was absolutely horrified," Robinson said. "They had to reimburse clients."

Even those who actually have HLS degrees have been known to fraudulently pad their resumes. Just last week, Robinson learned of an HLS alumnus, now a partner at a law firm, who had apparently had claimed for years that he graduated magna cum laude. Law School records show that the man did not graduate with honors.

Exacerbating the problem, Robinson said, is that people are often reluctant to question the credentials of individuals with impressive resumes. But the better the resume, the higher the stakes.

"The higher up you go, the less likely people are to question," she said. "But you have to question."



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Prime Time Slope Opera

By Marc Channick '94

RECORD Columnist



IT's a good thing the survival of the human species doesn't rest on my shoulders, since I have come to the conclusion that I was born with a strong self-destructive streak. Not only did I voluntarily buy a copy of "The Simpsons Sing The Blues," but recently I have taken up skiing.

In my own defense, I must point out that this decision was not completely my fault. My own view is that if the good Lord had truly wanted us to ski, at some point in our evolutionary journey we would have developed natural Gore-Tex linings. However, several months ago I was invited to go to Vermont by a young woman to whom I was at that point extremely attracted, sometimes to the point of forgetting my own name when she was around. The fact that I did not, in the technical sense, actually know how to ski did nothing to dampen my enthusiasm. As far as my hormones were concerned, I was Jean-Claude Killy.

Those people who operate ski facilities clearly know that many people, including myself, would be more than happy to use a lack of equipment as an excuse to avoid any actual contact with snow. They thus take this option away by allowing you to rent everything you might need right at the site. The rental process itself was fairly painless, but as I was carrying my equipment back to the hotel, a frightening thought hit me — before me, my skis had been worn by a hundred other beginners, all of whom had no doubt done all sorts of terrible things to them. By this point, the skis had no doubt given up any hopes of greatness, and in fact were probably programmed to crash spectacularly.

Once actually on the mountain, I was taught the basic skiing position, or "snowplow," so-called because if one were to be honest and call it the "moron technique," it would most likely discourage people from taking up the sport. I am convinced that the snowplow does not actually teach you how to ski, but rather simply marks you as a beginner so that more advanced skiers can spray snow on you as they hurtle towards their destination, hopefully somewhere in the vicinity of Hell.

When you first start skiing, they put you on the "bunny slope," which is the mountain's equivalent of kindergarten. As such, it is primarily inhabited by hundreds of toddlers, interspersed with a few adult beginners like myself, moving so slowly that friends are able to take home movies of the occasion with a Polaroid. Having all those children around me wouldn't have been so bad if it weren't for the fact that each and every one of them was 10 times better than me. I would have knocked over some of the little snots with my poles, but they were all moving too quickly for me to draw a bead on them.

Over the next three hours, I became an expert at falling. I fell so many times that the kids began using me as a jump in an obstacle course they had created. Needless to say, I was more than glad to break for lunch. Honestly, at that point I would have been more than glad to break for a root canal.

Restaurants at ski resorts run on what I like to call the Airport Dining Theorem, to wit, "the quality of food shall vary inversely with its price." They wanted seven dollars for a hot dog which looked like it had been prepared during the Truman Administration. Not that you have much choice — after all, you're halfway up a mountain. It's either pay or pass out from hunger, and I had some serious falling to do in the afternoon. God forbid I should faint before I was able to knock myself unconscious.

After lunch, my friend suggested that I was ready to ski on the main portion of the mountain. Having been voted "most likely to suffer brain damage" by my classmates on the bunny slope, I didn't know if this was such a good idea, but nevertheless, off we went.

By the time we got to the start of the advanced trail, I knew I had made a major mistake. Not only was this slope much steeper than my beloved bunny hill, but the entire face of the run was covered with moguls (from the Swedish moguli, meaning "mounds of snow which others ski around but which you trip over, causing strangers to laugh and point fingers at you as you desperately shake snow out of your undergarments"). I couldn't simply run away, either, since some joker had gone and covered both sides of the run with trees designed to kick you back into play if you strayed too far out of bounds.

To make a long story short, I might still be on that mountain to this day if a miracle hadn't occurred: After my ninth fall, both my skis popped off simultaneously and ran down the hill of their own accord, as if trying to distance themselves from the whole sordid affair. After that, I was able to walk down the rest of the way in a semi-dignified manner, which is to say that I only fell two or three more times.

I think my friends in kindergarten would have been very proud of me.

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