



Professor Ogletree stands with Justice Blackmun before Blackmun's address.

Justice Blackmun Brings Overflow Crowd to Its Feet

By Jeff Bucholtz

Hundreds of students waited for more than an hour to hear Justice Harry A. Blackmun '32 of the U.S. Supreme Court deliver a special Saturday School address in a packed Ames Courtroom Tuesday afternoon and gave the esteemed justice an extended standing ovation.

Prof. Charles Ogletree '78 introduced Blackmun's speech, "Values and the Community," and mentioned Blackmun's famous opinion in *Roe v. Wade*, occasioning the first of several loud bursts of applause from the audience. Moments later, when Ogletree highlighted Blackmun's recent announcement that he now believed the death penalty to be unconstitutional, the intense applause spread into a second standing ovation from more than half of those present.

Blackmun appeared somewhat taken aback by the enthusiastic greeting, saying that he "wasn't sure whether [his new death penalty stand] would be popular here." The justice read some of the mail he has received since last week's much-publicized announcement and noted wryly that his reversal has not been as warmly welcomed by others.

Among the insults he has sustained are "Thank God Americans are getting rid of you," and "You are nothing but a low-down scum." Blackmun also read two other letters blasting him as a "fool" and an "idiot," before comparing the often-visceral negative reaction with one concise favorable letter: "Bravo!"

Addressing especially the many 1Ls present, Blackmun described the difficulties of law

school. "One of the things that can haunt you," he said, "is the realization that the outstanding quality of your classmates is your competition." Perhaps turning his attention to the 2Ls in attendance, Blackmun cited Justice William Douglas' remark that "law clerks are the lowest form of animal life."

Despite the stress of law school, Blackmun urged students not to let themselves become afflicted with self-doubt. "After I was sworn in on June 9, 1970," Blackmun recalled, "it really hit me hard. I thought, 'What am I doing here?'" The justice then reminded students, "The reason you're here is because you belong here."

Joking that his "advice isn't worth much, and you wouldn't want it anyway," Blackmun counseled students "to relax a little bit. The law is a jealous mistress, so be sure to do something to escape once in a while."

Blackmun also emphasized that the most important thing for students to keep in their mind is the question, "What do you want to make of your life?" Evoking the "chewing out" William L. Prosser gave him when he turned down a teaching job at the University of Minnesota Law School, Blackmun repeated Prosser's admonition: "Compare how many clients you can handle with how many bright, young minds you can reach."

Although most of his speech dealt with law school and law students, Blackmun did provide some Supreme Court anecdotes. Advising students to "avoid cynicism" and always to treat the

please see **BLACKMUN**, page 3

Dersh Loses Harassment Case

By David S. Clancy

Prof. Alan Dershowitz lost an unusual and controversial sexual harassment case recently — a case argued outside of U.S. jurisdiction.

Dershowitz appeared in December before a United Nations tribunal presided over by Irish Supreme Court Justice

Mella Carroll to defend a top-ranking U.N. official against charges of sexual harassment.

Luis Maria Gomez, under-secretary general of the United Nations Development Program, was charged by former employee Catherine Claxton with making sexually explicit comments and "aggressive" physical advances in 1988, according to New York Newsday. Claxton also claimed that her resistance to Gomez cost her a deserved promotion a year later.

The charges appear to have cost Gomez his job. Although a "gag order" was imposed by the judge and the decision is officially confidential, the New York Times reported on March 7 that Claxton's charges were upheld. Gomez recently resigned his position after 25 years at the United Nations — officially because he had "completed his mission," according to a U.N. staff memo.

Dershowitz refused to comment on any aspect of the case, but sources sympathetic to Gomez complained that the tribunal's rules of procedure and standards of proof were confused and ad hoc. U.N.

Secretary General Boutros Boutros Ghali instituted a sexual harassment policy only one year ago, apparently in response to Claxton's initial charges.

However, apparently in refutation of charges that the tribunal itself was flawed, Claxton's lawyer, Ellen Yaroscheksky, said that Justice Carroll conducted a "balanced proceeding and established a very high standard of proof."

But it seems that nobody is happy with the tribunal's decision. Yaroscheksky also said that Claxton's victory was a hollow one. Noting that Claxton still has not been promoted and that she is not allowed to speak about the case because of the gag order, Yaroscheksky said the U.N. is a "Byzantine place, in which they don't understand the essence of sexual harassment."

The case is the subject of controversy within the United Nations, whose members are divided on the matter, according to the New York Times. Many of the highest ranking women

please see **DERSH**, page 11

Supreme Court KO's Tyson Appeal

By RECORD staff

In a decision that Prof. Alan Dershowitz said was not surprising, the Supreme Court refused to grant certiorari in an appeal by his client, former heavyweight champion Mike Tyson.

Tyson was appealing for direct review of his 1992 conviction for raping Desiree Washington in an Indianapolis hotel room. As is its custom

please see **TYSON**, page 11

Cox Talks Shop with Students

Bakke Case is Hot Topic at Brown-bagger

By Katrina Campbell

You could hear the 1Ls in the Ames Courtroom Tuesday, whispering to each other about the tall, stately man sitting in the front row waiting for Supreme Court Justice Harry Blackmun to speak.

"Is that Archibald Cox?"

"That's Cox?"

"Is it Archie Cox for real?"

Archibald Cox '37 it was, in the flesh. The almost mythical man, Watergate prosecutor, solicitor general, and professor emeritus of Harvard Law School.

1Ls and other students got a more intimate view of Cox Wednesday, as he talked with students during a brown-bag

luncheon about his role as defense attorney in the 1978 case of *University of California Regents v. Bakke*, in which a white medical school student challenged the medical school's system of reserving 16 out of 100 slots for disadvantaged minority students. The Supreme Court ruled that the particular form of affirmative action used in California was unconstitutional, but not that affirmative action in higher education altogether was unconstitutional.

"Alan Bakke [the plaintiff] was able to make it personal, and that's the way his argument presented an issue," Cox said.

Cox said he tried to counter

please see **COX**, page 2

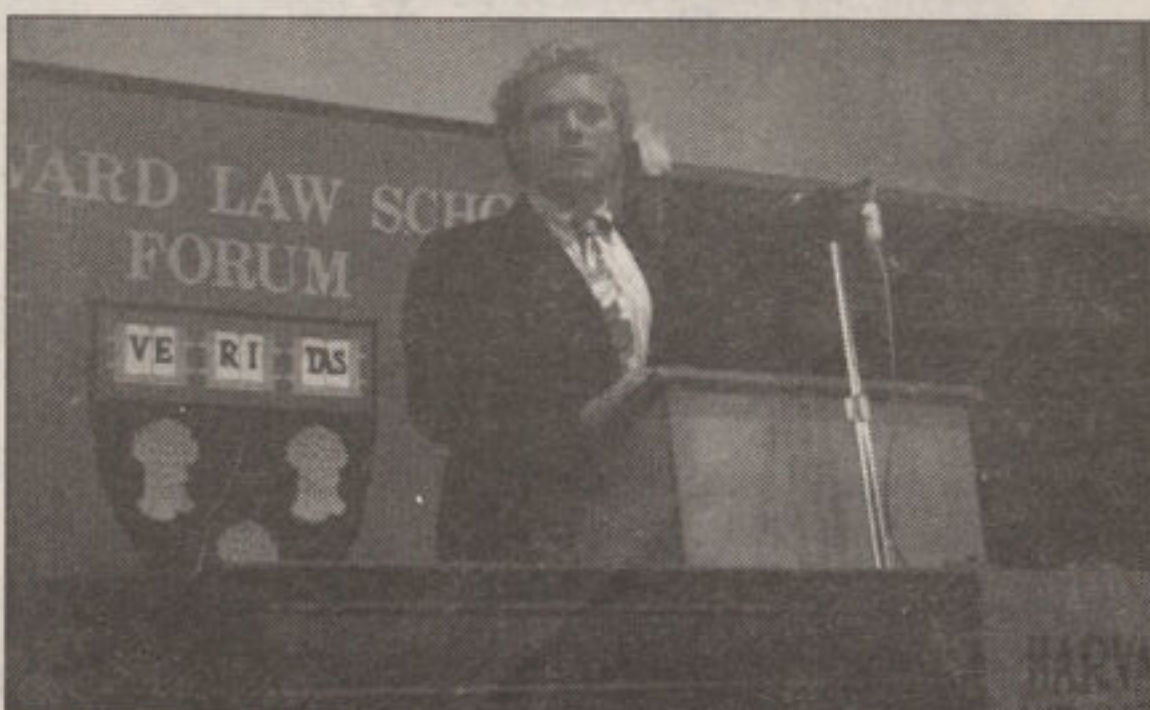
Kennedy Echoes Call for Public Service

By Robert Weissman

Imploring young people to get involved in the political process, U.S. Rep. Joseph P. Kennedy II spoke to a crowd of about 100 in Austin North Monday afternoon.

"This nation of yours desperately needs you," he told the audience at the event, sponsored by the HLS Forum, the HLS Democrats and the Harvard College Democrats. "We need people who have no agenda other than doing what is in the best interest of the country."

Kennedy warned that decisions made now will dramatically limit policy options and opportunities in the decades to come. Kennedy "People are taking terrible advantage of the fact that you are not at the table" and are not involved in the decision-making process,



Rep. Joe Kennedy speaks to a large crowd in Austin North.

he said.

Kennedy pointed to under-investment in education and especially the growing federal budget deficit as examples of how the young and future generations are being exploited by those now in power.

"We're spending your dollars — when you get to the point where you can determine

how money is spent in America, you'll have little choice," he said. "You will hardly be able to spend a nickel on the social programs we need to compete."

In his brief remarks, Kennedy said the two major problems facing the country

please see **KENNEDY**, page 10

From \$ **139** Each Way
LONDON
 Eurail Passes Issued
 on the Spot!
 All other Rail Passes
 also available

COPENHAGEN	\$239
ATHENS	\$259
SAN JOSE	\$225
BUENOS AIRES	\$415
HONG KONG	\$375
AUCKLAND	\$604

Student or Faculty I.D. may be required. Fares are 1/2 round trips from Boston. Taxes and surcharges not included. Fares subject to change.



1384 Massachusetts Avenue
 Cambridge

617-497-1497

Call Now

Harvard Beats Harvard in Moot Court

By Greg Stohr

The Harvard team stormed through the northeast regional of the Jessup International Law Moot Court competition until the semifinals, when it encountered a top-notch opponent — Harvard.

No, HLS did not have two entries at the competition, at least not officially. But unofficially, the team from Tufts University's Fletcher School that defeated HLS in the regional semifinals in Washington, D.C. on February 27 was almost as much a representative of the Law School as the official team.

Three HLS joint-degree candidates — David Schwimmer '96, Sheba Crocker '96 and Debbie Isser '96 — were members of the five-student Fletcher squad that won the two-day competition and advanced to the international competition next

month.

Schwimmer said the semifinal victory was a highlight of the competition. "Even when you go to Harvard," he said, "it's still kind of fun to beat Harvard."

The Fletcher team, believed to be the first non-law school entry ever to win the regionals, defeated Brooklyn Law School in the finals.

The official Harvard entry also fared well, as Alec Haydon, LL.M., and Lei-Theng Lim, LL.M., were honored as best oralists during the four preliminary rounds. Emmy Korodima, LL.M., and Bradley Gordon '95 assisted in brief and argument preparation.

On Wednesday, the HLS team learned that it had been issued a special invitation to compete in the international competition, as a result of its strong performance in the regionals.

Haydon said the team was "extreme-

ly flattered" to have received the special invitation. Whether the team is able to compete, however, is likely to depend on whether the LL.M.s on the squad are able to obtain extensions on their LL.M. papers, he said.

Haydon said he was pleased with the HLS team's performance, particularly since he and Lim argued both sides of the case and thus needed to be careful not to forget which side they were representing in a given argument.

"I was very pleased we managed to pull it off," he said.

The case concerned human rights and refugee law, with the arguments centered around both substantive legal issues and the jurisdiction of the International Court of Justice.

The international finals will be held in Washington, D.C. the week of April 4.

Cox Discusses *Bakke* with Students

continued from COX, page 1

Bakke's approach by portraying the physical reality of the people touched by the issue.

"I would go to [the school's campus] and talk to the people there," he said. Cox said he recognized the benefit of admitting previously disadvantaged minority students through the affirmative action program because "the faculty talked about the enormous success of minority students when they reached their second year of school," and because of the "tremendous value in breaking down old discrimination barriers for younger people."

Reflecting on the case ruling, Cox, a former solicitor general, said he would have sided with Justice William Brennan's concurrence and allowed the

University of California's system in order to combat "societal discrimination."

Cox said he supports the continuation of policies like affirmative action. But he said the method a college uses to accomplish affirmative action — whether it decides to set aside a certain number of slots for minorities or to bring in a specified percentage of minority applicants, for example — is only a minor detail.

He said affirmative action policies have allowed college recruiters to tell potential students that the school does not discriminate against minority applicants.

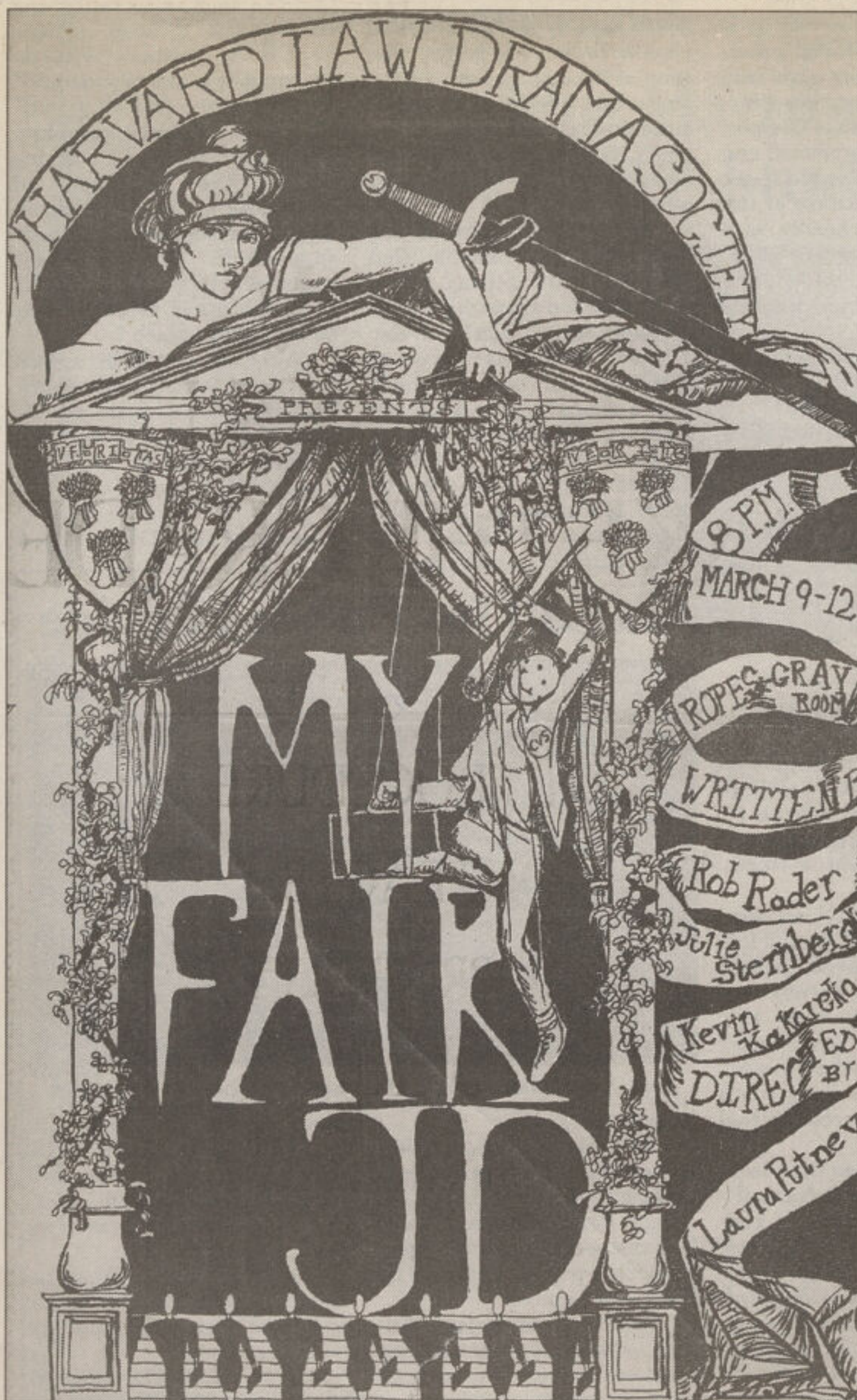
"I hope some young [junior and senior high school] students get the message that there are some opportunities out there," he said. "Of course now, there are two forces at work — discrimination, and decay and violence in inner cities.

But let's work in the opposite way."

Part of the event's stated focus was to increase dialogue between students and faculty at the Law School. Cox said he took pleasure as a faculty member in personally getting to know students, and is sorry to see the decline of that practice.

Cox has been on the HLS faculty for 49 years, holding the title of Charles M. Loeb Professor Emeritus since 1984. He has taught Constitutional Law and Labor Law at HLS, and currently he is a visiting professor at the Boston University School of Law.

Wednesday's talk was the first of a series designed to get students more involved in the Law School's history. It was sponsored by the Law School Council, Saturday School, the Project on Community, and the Dean of Students Office.



Graduates Find Clerkship Success

One hundred thirty-seven Law School graduates currently hold judicial clerkships, including seven with the U.S. Supreme Court. Graduates are clerking at state and federal levels in 33 states, the District of Columbia, and Puerto Rico. Alumni are also working with the Supreme Court of Israel and the High Court of American Samoa.

Location of Clerkship	Number of Alumni
U.S. Supreme Court	7
U.S. Court of Appeals	47
U.S. District Court	59
Other Federal Courts	2
State Supreme Courts	11
Other State Courts	9
Foreign Courts	2

Most Popular Locations	Number of Alumni
District of Columbia	18
New York	13
California	13
Massachusetts	10
Illinois	8

SFF Contributions Suffer Drop-off

By Greg Stohr

Twenty-three HLS students will receive a total of \$30,000 in public interest funding this summer through the student-run Student Funded Fellowships program.

Most of the money was raised in last month's "Phone-a-thon," during which HLS students were asked to contribute a portion of their summer earnings to help fund their classmates who take low-paying or non-paying public interest jobs. In addition, SFF has raised about \$1700 through faculty and staff donations and has received several specifically-earmarked contributions from alumni.

The total figure was about \$10,000 less than last year's total, a drop-off SFF Chair Kathy Flaherty '94 described as "disappointing."

"I don't know if people don't have jobs

this year or if people were just a little hesitant," she said. "I've been trying to figure it out. I don't have an explanation for it."

The drop-off made the decisions about which of the 110 applicants would receive funding even more difficult than in past years, Flaherty said. The tight budget forced SFF to focus even more strongly than in previous years on financial need, she said, so many worthwhile projects went unfunded.

Students who received funding were full of praise for the SFF program. Scott Cummings '96 is grateful for the SFF grant that will help support his summer with the Lawyers' Committee for Civil Rights.

"This work is something I really want to do, but it would have been very difficult without the grant," he said.

Among this year's other SFF recipients were students who plan to work at the Conservation Law Foundation, the

Southern Center for Human Rights, the Asian Law Caucus, the New York City Legal Aid Society, Central Kentucky Legal Services, the Securities and Exchange Commission, Farmworkers Legal Services, the AIDS Law Project of Pennsylvania, U.S. and district attorneys' offices, and public interest positions in foreign countries.

Flaherty stressed that, although the Phone-a-thon has ended, students can still pledge to SFF by contacting her. Over the next few months, SFF will also be working to secure matching contributions from law firms whose summer employees donated to SFF. She also expressed her thanks to individuals and the one law firm that has already contributed to SFF.

SFF was established in 1974 as one of the first organizations of its kind and remains one of the most successful of the 80 such organizations nationwide.

Winter Grades Ready Today

By RECORD Staff

Winter Term grades for 2Ls, 3Ls and graduate students are expected to be available as of 10:00 a.m. today at the take-home window, according to Assistant Registrar Annie Bombard.

Students will also receive some of their "missing grades" from the fall, Bombard said. Although grades for some cross-registered courses and independent papers for fall and winter may not be available yet, Bombard said she had not gone through to see what was in and what was not.

The deadline for professors to turn in Winter Term grades was originally set for February 24, but some weren't delivered to her until yesterday, Bombard said.

The registrars don't talk too tough with professors who are late with grades, she said.

"I just call them and say, 'When should I expect them?'" Bombard said, adding, "Sometimes, I might have to call again and say, 'Did you forget?'"

Students Applaud Blackmun

continued from BLACKMUN, page 1

system with respect, the justice told how even Chief Justice William Rehnquist was held in contempt of court once when he was a practicing attorney. "Whenever I bring that up," Blackmun related, "he won't talk to me for three days."

Blackmun also passed on a piece of advice given to him by Justice Hugo Black when Blackmun joined the high court: "Don't ask too many questions, and that way, you won't ask too many foolish questions." Blackmun said that he, in turn, passed this nugget on to Justice Ruth Bader Ginsburg '56-'58 last year, but "it was like a ship passing in the night. In

a recent argument, there were 99 questions asked in two hours by [Justices Antonin] Scalia '60, Ginsburg, and

that followed Blackmun's presentation, the justice described sitting on the Supreme Court with Justice Thurgood Marshall. "He sat to my left and had a great capacity for stories," Blackmun recalled. "Marshall's presence made a difference."

Characterizing today's Supreme Court as "conservative," Blackmun nevertheless said that "the conservatives have not yet used their muscle." Blackmun predicted that he would remain on the court, quipping, "I want to hang around and prevent those jokers from overruling *Roe*."

[David] Souter '66, running a distant third."

In the question-and-answer period

"I want to hang around and prevent those jokers from overruling *Roe*," Blackmun quipped.

Recycle the RECORD!

New from bar/bri

**ATTENTION
FIRST-YEAR
STUDENTS**

**REGISTER FOR BAR/BRI WITH
NO \$ DOWN**

AND RECEIVE:

- THE "LOCKED IN" CURRENT DISCOUNTED TUITION
- + ACCESS TO ALL FIRST-YEAR REVIEW LECTURES, INCLUDING ARTHUR MILLER'S CIVIL PROCEDURE LECTURE
- + THE BAR/BRI FIRST-YEAR CIVIL PROCEDURE OUTLINE FOR THOSE WHO ATTEND THE CIVIL PROCEDURE LECTURE
- + THE SECURITY OF KNOWING YOU HAVE ENROLLED IN THE NATION'S LARGEST AND MOST PERSONALIZED BAR REVIEW COURSE

PLEASE NOTE:

TO PRESERVE THE "LOCKED IN" DISCOUNTED TUITION, YOU MUST PAY A \$75 REGISTRATION FEE TOWARD YOUR BAR REVIEW COURSE BY SEPTEMBER OF YOUR SECOND YEAR OF LAW SCHOOL.

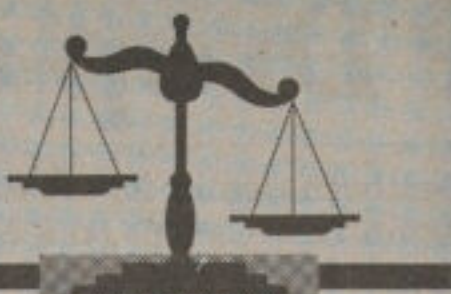
OR

YOU MAY PAY YOUR \$75 REGISTRATION FEE NOW AND ALSO RECEIVE YOUR BAR/BRI FIRST YEAR REVIEW BOOK!

**BAR/BRI
FIRST YEAR
REVIEW
HELPS YOU
MAKE THE GRADE**

**CIVIL PROCEDURE
CONTRACTS
REAL PROPERTY
TORTS
CRIMINAL LAW
CONSTITUTIONAL
LAW**

BRIEFS



HLS Last Again by Princeton Review Calculations

The Princeton Review has ranked the Law School dead last in another category — its percentage of female faculty members. According to the organization's guidebook "The Best Law Schools," the HLS faculty is comprised of only seven percent women, the lowest of the 170 schools listed. The Princeton Review earlier this year ranked HLS dead last — and Yale Law School first — on quality of life.

A quick survey of the HLS faculty roster, however, shows that the Princeton Review may have miscalculated. At the beginning of the school year, six of the 66 permanent, active faculty members — or nine percent — were women. That figure would allow HLS to escape the cellar and move into a tie with the University of Illinois for 168th place on the list. As the Princeton Review correctly notes, 22 percent of the visiting faculty at the Law School this year are women.

One thing that is for certain: This ranking at least won't give the legal community in New Haven any reason to gloat. Yale ranked 169th on the Princeton Review list.

New LSC Representatives Elected

Twelve 1Ls and eight 2Ls will join President Willie Epps '95, Vice President Clarke Camper '95 and Treasurer Tania Dominguez '95 on the next Law School Council.

The new student representatives include 2L section reps Catherine Caporusso '95, Jessica Herrera '95, John Bates '95, Bill Growney '95, Josh Frieman '95, and Erik Lindseth '95. Two seats — for Sections 3 and 4 — remain vacant. First-year section reps are: Firoz Dattu '96, Adriana Reyes '96, Jon Kissane '96, Dan Vail '96, Damon Watson '96, Joseph Dittkoff '96, Dave Aronberg '96 and Angela Payne '96.

The six at-large representatives are: Yellow Light Breen '96, Kit Ekman '95, Kimberly Jenkins '96, Spencer Levy '95, Joe Martinez '96, and Saurabh Shah '96.

The new representatives were elected in a vote held last week.

HLS Application Rate Bucks National Trend

Law school application numbers have dropped for the third straight year, according to the latest statistics from the Law School Admissions Service. As of February 11, law schools nationwide have received six percent fewer applications than they did the year before. Administrators predict the trend will continue for the foreseeable future due to the rising cost of legal education and the difficult job market for lawyers. Schools must also grapple with the danger of lowering standards; as fewer students apply to law school, admission standards tend to drop, to keep enrollment up.

Harvard Law School, in contrast to the national trend, has experienced an eight percent increase in applications this year. Law School spokesman Mike Chmura said that this year's figures for HLS were atypical; usually Harvard's application rate tracks the national trend. However, last year's HLS applications also defied the national trend for that year at 16 percent higher than the year previous.

Court To Decide If Rent Control Measure Will Reach Ballot

Advocates and opponents of rent control are waging a pitched battle over the possibility of a statewide referendum to abolish rent control. The Massachusetts Homeowners Coalition claims it has gathered sufficient signatures on a petition to place a referendum on the ballot this November. The Campaign for Affordable Housing has countered by arguing that many of the signatures are invalid. A court is now hearing testimony from town and city clerks around Massachusetts about their respective signature collection procedures. If the court determines that enough signatures have been legally obtained, the question of abolishing rent control will appear on the November ballot.

That will not be the end of the matter, though. The Campaign for Affordable Housing is planning to file suit on the Secretary of State, alleging any such measure unconstitutional. They claim that rent control is essentially a local ordinance, which voters outside of Cambridge should not be allowed to rescind.

— from *The Cambridge Tab*

Senator Raises Specter of Marbury

Senator Arlen Specter (R-Pa) became the first U.S. Senator in more than 20 years to argue before the Supreme Court when he appeared in court last week to argue against the closing of the Philadelphia Naval Shipyard. Specter has spearheaded opposition to the closing since 1991, when the Defense Base Closure Commission recommended that it be shut down.

Specter and some Delaware, New Jersey and Pennsylvania lawmakers and labor leaders are trying to obtain a Supreme Court decision that would allow judicial review of the facility's closing by a lower court. They argue the base closing process set up by Congress and the executive branch was manipulated by the Navy to preclude the President and legislators an opportunity to determine whether closing the Philadelphia shipyard would be fair.

"We are asking that we have a fair day in court," Specter said. He cited *Marbury v. Madison* as support for a prospective Supreme Court ruling allowing a lower court to review the constitutionality of the base closure.

Although Specter argued before the Supreme Court as a Philadelphia district attorney in the late 1960s, his situation in this case was unusual, because he faced questioning from several justices whom he had voted to confirm as a member of the Senate Judiciary Committee. When asked what it was like to be back in front of the court, Specter said, "It felt good. Thirty fastest minutes in town." He added, "I thoroughly enjoyed the whole process, I have not prepared as much for any single case since I was in a moot court in law school."

— from *Roll Call*

Castaways in Limbo

"Paddy Clarke, Ha Ha Ha"
By Roddy Doyle
New York: Viking
282 pp. / \$20.95 hardcover



By Mike Fischer '95

Book Review Editor

I left you last week, reader, with the shell-shocked image of an 11-year old girl trying to make sense of the carnage engulfing Sarajevo. This week, I present her twin and complete the diptych with a portrait of the equally embattled boy who is the narrator and protagonist of Roddy Doyle's stunning novel — 1993 winner of Britain's prestigious Booker Prize — "Paddy Clarke, Ha Ha Ha."

Set on the outskirts of 1968 Dublin (Barrytown), Doyle's tour de force traces the effects of a different but equally devastating war — a rapidly disintegrating marriage — through the eyes of its chief victim: 10-year-old Patrick Clarke, oldest of four children but still far too young to grasp fully what is happening around him. While Zlata Filipovic dodges the screaming shells and whizzing sniper bullets raining down on Sarajevo, Patrick tries desperately to halt the escalating hostilities between his parents, played out behind closed doors "where," in Doyle's chilling words, the Clarks "whispered their screams and roaring."

As life falls apart at home, Patrick also must go about the difficult business of being a boy, with its byzantine rituals and tangled codes, changing alliances and mindless pecking orders. Replete with its obligatory sadistic teacher and a full ration of crazy pranks, this boy's world showcases Doyle's renowned humor — which, in novels such as "The Commitments" and "The Snapper," launched him into the literary limelight. One seizes on these incidents with all the zest that Patrick himself demonstrates: They offer a necessary catharsis from the intense drama unfolding in the Clarke household.

But the relief is short-lived. As the novel progresses, the claustrophobia that is choking the Clarke hearth begins to strangle Patrick's life outside it as well. The open fields around Barrytown begin to shrink before the onslaught of new housing construction. "Our territory," Patrick observes ruefully, "was getting smaller. The fields . . . [had] become dumps for all the waste stuff, bits of wood and brick and solidified bags of cement and milk bottles. They were," he concludes, "good for exploring but bad for running in."

Even friendships come to seem as fleeting and unpredictable as his parents' own marriage. Kevin, Patrick's best friend in the neighborhood gang, is also that gang's biggest tyrant; as Kevin's bullying tactics increasingly come to assume "Lord of the Flies" dimensions, Patrick smotheres his own personality in an effort to preserve their friendship. "If you were going to be best friends with anyone," he reflects, "you had to hate a lot of other people, the two of you, together. It made you better friends." But it doesn't, and by novel's end this consolation, too, is gone.

Meanwhile, Patrick is desperately trying to preserve the semblance of normalcy at home, but it's getting harder: "The fights didn't end now," he admits. "There were breaks, long ones sometimes, but I didn't believe in them anymore. They were only gaps."

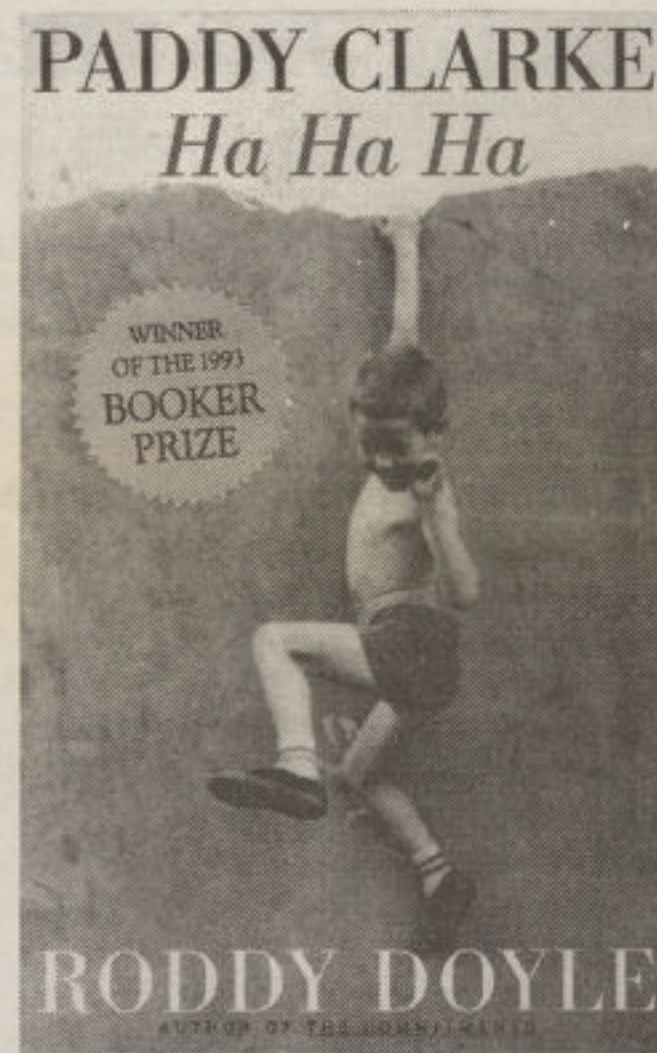
When the fighting starts again, it is Patrick who, against odds he is too young to know are categorically impossible, tries to stop it and make things right, all by himself. By rocking back and forth on the stairs, whispering "stop." By turning on the television, thereby diverting another tempest in the making. By planning, with painstaking care, to run away, "to frighten them and make them feel guilty, to push them into each other." And, in one of the most wrenching scenes in a novel full of them, by struggling to stay awake so that his Da wouldn't, once again, hit his Ma.

All, of course, to no avail, as Patrick himself comes to realize: "I couldn't do anything. Because I didn't know how to stop it from starting. I could pray and cry and stay up all night, and that way make sure that it ended, but I couldn't stop it from starting." It is a crushing revelation, one which signals the beginning of the end of childhood: The world will not respond to every command. Dreams take more than wishing and wanting to come true.

No longer able to preserve the past, Patrick stumbles hesitantly toward the construction of a different future. Breaking with Kevin and the gang Kevin controls, he reaches tentatively and furtively toward new friendships with some of the outcasts. In some of the finest passages in Doyle's entire corpus, he struggles toward the recognition of how much he loves and needs his little brother, complementing the unquestionable gospel mandating that "big brothers hated their little brothers" with the acknowledgment that "they could like them as well."

But while these brief moments of hope save the novel from grim determinism, there is little to lighten its dark mood or to salvage the dream of a common language. Patrick is on his own, and Doyle resolutely refuses to inject voices and perspectives that might make sense of the chaos unfolding around him. We never really learn why his parents' marriage fell apart, or even who his parents are — any more than we come to grasp what motivates and propels any of the other characters. Like Patrick himself, we must guess, and it is to Doyle's credit that he can so powerfully evoke in his readers the sense of frustration and incomprehension — of something always missing or missed — that is intrinsic to childhood.

Frustrating — and exhausting as well. Fiction written from a child's point of view is both painful and suffocating. Painful because it is always hard to watch the idea of hope yield to quotidian reality. Suffocating because a child is still too young and constricted to grasp the potential range of what is possible — to see that at least some of childhood's dreams and hopes might still be salvaged. Robbed of their innocence and still too young for experience, children are castaways in the limbo between — lost souls denied entry into the kingdom of the elect, caught in a world they did not ask for, heirs to a world they never made.



Hemenway Heating Up

By Bill O'Dowd '94
Sports Editor



LET'S get right down to it, sports fans. What is going on in the B-League? Favorites are losing, underdogs are winning, and, more amazingly, fans are showing up to the games! It reminds me of March Madness. Now that the dust has settled on this early-season craziness, there are four teams left undefeated. Let's take a closer look at "The Fab Four."

"Mo Knows," the JLSA entry, is a frequent contender for the B-League title. Captain Donny "I Don't Get Mad, I Get" Ebenstein '95 likes his team's chances: "We've been here before. We've got experience in big games. It can only help us." So true, Donny. Vegas agrees, posting odds to win the championship at 8-5.

Michael "Honey-Nut Cheeri" O'Connor '94 disagrees. The big red-head (even bigger after his recent pilgrimage to his faith's holy ground, the Shamrock Brewing Company of Ireland) thinks his team, "The Runs," is the team to beat in the B-League this year. "Our best player is Willie 'I've Got The Hicc' Epps '95, recently elected as Law School Council president. How can you vote against us?" I don't know if that is your best argument, Mike. Anyway, with this team full of politicians (their talk is always better than their action), Vegas is nervous. Early line, 4-1.

The upstart of the year has to be "AALSA's Year of the Dragon." This reporter was fortunate enough to catch a game involving this team last week. They are exciting! This collection of vertically challenged players plays a loose version of fast-break basketball. Captain Ekwan "Sittin' In the Back" Rhow '94 refuses to take credit for his team's success. In an exclusive interview with this reporter, the Ek-ster stated: "I don't know if we can win the championship, but I am proud of the leadership we have displayed by integrating our team. One of our best players is Terence Boga "Constrictor" '94, an African-American. Yes, indeed. We are the B-League fore-runner in improving African-Asian relations!" Thanks for the quote, Ekwan. Vegas was impressed, improving your team's odds from 50-1 before the season to 5-2 to win it all.

Finally, we have come to a team that has aptly understated its name, "We're Not Role Models." Boasting the tallest front-line in the B-League, led by 6-foot-4 Scott "Drop Dead" Frederick '94 (aliases include "Mr. Party," "Mr. Budweiser" and "The Human Spuds McKenzie") and 6-foot-2 Jack "Hammer" Smith '94, this team has been unstoppable thus far. Captain Paul "Coming To A" Marazita '94

will take credit for crafting this contender: "It's all my doing. Don't fool yourself. I'm the glue. If it weren't for me, we wouldn't be where we are today. I am the greatest coach in the history of intramural basketball. I'm so good that ..." Thanks, Paul. Not to put any pressure on this talented team, but Vegas has made "We're Not Role Models" the mid-season favorite to win the B-League Championship by posting 6-5 odds.

Of course, there are still several other teams in the running for the B-League title. The defending champion "Chicano Bulls" seem to have gotten past their early-season jitters, having won three in a row. Andrew "Welcome Back" Carter's "Black Panthers II" may have the most athletic ability of any team in the B-League. The "J-Men," led by Mark "Mine" Sheft '95, looked impressive in their win over Kelly "Short" Cummings' "Ballbusters" last week. And the surprising 1L team "Break Like the Wind," captained by Blake "Dollar" Bilstad '96, is fighting for the respect all first-years feel they deserve, posting an excellent 3-1 record going into weekend action.

With parity at an all-time high in both intramural leagues, it is refreshing to hear universal praise of the referees this year. Players are more confident than ever that the games will be decided on the court rather than by the officiating. Commissioner Kirby Lewis '94 has done a superb job assembling this year's staff. The early frontrunner for the Darrell Garretson Award for best referee (commemorated by a box of kleenex and a tiny violin) is our very own Ed "Mr." Robinson, high-ranking officer in the Development Office (in other words, he's a fundraiser). We asked Ed what his secret was: "I just see the court as my own neighborhood. I try to keep it clean, yet fun. It's important to me that we can all just get along." Amen. (Ed, remember, you're up for the Darrell Garretson Award, not the Nobel Peace Prize. Scoop of the Week: Ed has accepted a job as head of development at the University of Virginia's Business School beginning April 1. While no one is sure if we will miss Ed, his resignation may affect his eligibility for the Garretson Award.)

Games of the Week: A-League — "The Fun Bunch" (formerly the "No Three-Peeters") vs. "Emite Romeno" (the team trying to three-peat), Friday, March 18 at 10:45; B-League — Tie between "Mo Knows" v. "Chicano Bulls," Thursday, March 17 at 9:45 and "Black Panthers II" v. "Reruns," Friday, March 18 at 9:45.

Intramural Basketball Standings as of Sunday, March 6

TEAM NAME

WON-LOST

"A" LEAGUE

7. Black Plague I	6-1	6. Funky Bandits	3-4
9. Emite Romeno	6-1	8. The Fun Bunch	2-4
3. House of Style	5-2	4. Lawless	2-6
1. Two-L	4-3	5. The Seventh Seal	0-7
2. Well Hung Jury II	4-3		

"B" LEAGUE

23. AALSA's Year of the Dragon	4-0	19. No Swiss Cheese ...	1-2
11. Mo Knows	4-0	14. Full Tort Press	1-3
17. The Runs	4-0	31. Giant Steps	1-3
26. We're Not Role Models	4-0	22. The Grizzers	1-3
12. Black Panthers II	4-1	13. Joker and the J's	1-3
15. Break Like the Wind	3-1	28. Team Gooch	1-3
27. Death Squad	3-1	18. Two Wright ...	1-3
10. The J Men	3-1	21. The Slesaks	0-3
20. Rare Air	3-1	16. Below the Rim	0-4
25. Chicano Bulls	3-2	24. Black Flag	0-4
30. Ballbusters II	2-2	29. The Rest of the World	0-4

Compiled by Bill O'Dowd

FOOD - O - RAMA

The ABCs of BBQs



By Ted Cohen '95 and Jonathan Goldstein '95

We were recently put in mind of the old Peruvian proverb, "You can't get enough of a good thing." It was during that tantalizing spell of good weather a couple weeks ago. Beyond dreams of the beach, swimming, and being able to walk outside without falling down, there was one summer craving we couldn't put on hold any longer...the dream of barbecue.

You know, the red-and-white checked picnic blanket, the wicker hamper, the whole pigs turning on spits, the sunken pit belching smoke, the marriage-breaking backyard spats....

So we decided to indulge. We set off for **Redbones** (55 Chester Street, Somerville; T-Stop: Davis Square). Right away we knew we were in for some serious eating. Some eat-till-your-eyes-roll-back-in-your-head-eatin'. We mean eatin'. E-A-T-I-N'. Redbones feels like a real roadside joint: nothing special, just some funky old formica-topped tables, steaming open kitchen, dirty walls with photos of slaughterhouses, and a whole mess of napkins. But in this era of the pre-fab chain, the simple room is a Versailles of versimilitude.

The menu's nothing to snort at, either. Redbones has the biggest selection of regional barbecue around. You can take an awe-inspiring tour of the entire South just by ordering The Barbecue Belt (\$12.95) — the kind of plate that inspires the question: I wonder how much more this weighs than my head?

There are several slices of delicious smoked beef brisket, some Memphis pork ribs (a little over-smoked), a couple of terrific, Flintstone-sized Arkansas ribs, and a couple more Texas beef ribs, meatier and a tad less succulent than the pork. All this is served over decent — if bland and soupy — beans, some fair cole slaw, and a hunk of very good cornbread (of the dry, crumbly variety). As for sauces, there's a haunting Vinegar — which is sweet, salty, and a little hot — an excellent Sweet, and a Hot that creeps up from behind and clubs you on the tongue.

For those who thought you might get away with something "light," the wood grilled chicken (\$8.95) only sounds that way: Here's a plucky half-bird, skin on, and juicy as all get-out. While you're loosening that belt, order a side of Hushpuppies (\$1.95), which are hot and addictive when dipped in the Vinegar sauce. Other than slipping blissfully into a coma, there's no better way to end a meal here than with a White Trash Sundae.

RATING: ★★

But as we rolled out of Redbones we exchanged sheepish glances and knew we were thinking the same thing: I'm still hungry, darnit, and I want more barbecue!

So, with the help of some axle grease and a tire iron, we wedged ourselves in the car and headed for the **East Coast Grill** (1271 Cambridge Street, at Inman Square), which, looks-wise, is in another world. In place of bare metal lamps and linoleum floors, the East Coast is awash in new-wavey color and comic-book style. Small, yet comfortable, it's one of the nicest storefront restaurant spaces in Boston. And the food is every bit as interesting as it is at the East Coast's sister, The Blue Room.

But first, you'll need a beer. Highlighted are some lesser-known, yet fantastic, micro-brews from around the country, such as Rhino Chaser's Amber Ale from Utica, N.Y., and the rich Blackwell Stout from exotic New Haven.

It's tempting to go into tantalizing descriptions of the multifarious non-BBQ items here: the lightly fried plantains with their banana-guava ketchup and pickled red onions (\$3.00), the buttermilk-marinated fried chicken served with tartar sauce (\$5.95). But, our theme is BBQ. And they got that here too.

And how. BBQ platters (\$11.75 to \$13.95) come with a mammoth chunk of slightly sweet cornbread, a slice of watermelon, chunky, maybe too sugary baked beans, and disappointingly ordinary cole slaw. Texas-style beef brisket is smoked in sweet BBQ sauce and comes away pink and tender, not mulched up, but intact like a sliced steak. The pork ribs, while lacking the let-it-all-hang-out quality of Redbones', are meaty and subtly smoked.

In general, this is fine food. And darn good, though not for those who want simply to stuff their faces and hit the club scene. This is a thinking man's — ahem, person's — BBQ.

RATING: ★★

It was close to 10:00 as we stumbled into the street. Something wasn't right. Hmmm. Hunger pangs, dog-gone it. Need more BBQ. We hailed a passing cattle-truck and told the driver to drop us at **Porterhouse Cafe** (2046 Mass. Ave., 354-9793). The Porterhouse is a bridge between two worlds: that of the self-important Harvard food "critic" and that of the big guys at the bar watching "Wheel of Fortune." (Incidentally, "emains of the _a_" is not, as one viewer shouted, "Remains of the Car!") It's also halfway between Redbones and East Coast in ambience: part roadhouse, part storefront bar-and-grill, the Porterhouse has an easy, neighborhood charm.

The folks here are right obligin' about putting together combo plates to block even the cleanest arteries (\$10.95-13.95). The Down & Dirty pork spare ribs are closer to the Chinese variety than the others we tasted, but they're darn tootin' good, packed with brittle-skinned, dry rubbed meat. The chopped beef brisket is respectable, though we prefer it sliced the Texas way (it keeps the meat from getting dry). The chicken is a generous, juicy half, a little fatty.

Where the Porterhouse falters is on the fixins: The cornbread and slaw are institutional, and the fries should have been taken out of the fryer a couple of minutes earlier. It's not much to complain about (who eats the sides anyway?), but after this much great BBQ you come to expect even the bit players to turn out a good performance.

RATING: ★1/2

After the waitress had called a contractor to widen the front door, we squeezed out and caught the last commuter train to Hingham. There's a little barbecue shack on the beach, open late....

Harvard Law RECORD

Founded in 1946

Greg Stohr
Editor-In-Chief

A Dangerous Misnomer

Much has been said denouncing Greece's reaction to widespread recognition of the Former Yugoslav Republic of Macedonia (F.Y.R.M.). Greece's border blockade has been criticized as having severe economic consequences for the new nation. Of course it does. That is Greece's point.

The last two sentences may seem unnecessarily harsh, just as the sanctions may seem unnecessary and unwise. That they are extreme signals just how important Greece judges its concerns to be. And they are important. Now that the United States has joined most of the European Community in recognizing F.Y.R.M., Greece feels abandoned by its allies and forced to defend its rights to its history, heritage, and current borders.

Greece has good reason to be concerned that it will be the victim of expansionism. About a third of F.Y.R.M.'s parliament are members of the National Unity Party, which has said it would like to vindicate the rights of the people of "greater Macedonia." Unsurprisingly, that region includes Greece's most northern province, Macedonia — a region whose people have been calling themselves both "Greek" and "Macedonian" for thousands of years without contradiction. F.Y.R.M.'s president Kiro Gligorov denies this, recently asserting that Macedonian history is not necessarily Greek history. Further, the new nation's constitution makes references to protecting the rights of Macedonians outside the country's current borders. In addition, F.Y.R.M.'s flag carries an ancient Macedonian symbol, the star of Vergina, which has prompted the U.N., despite recognizing the country, to ban it from raising its flag at any U.N. site. Such a restriction is unprecedented in U.N. history, suggesting that recognition was rushed at the expense of Greece and its fears.

Some argue that Greece's actions are destabilizing the area through infusion of its own nationalism. These arguments fail to recognize that Greece is defending itself against the nationalistic, expansionist tendencies of the National Unity Party. Greece's fears and its reaction — and its actions are completely reactive — are nothing but logical.

If nothing else, the name "Macedonia" as applied to F.Y.R.M. causes confusion. It is ironic that the New York Times, which last May advocated U.S. recognition of F.Y.R.M., last December incorrectly labeled the new nation on a map. This made it necessary to run a correction explaining that F.Y.R.M. "is a former Yugoslav republic bordering Serbia; the region that is also called Macedonia is part of Greece."

A simple mistake? Yes. The better question is whether the mistake is too easy to make. The answer most Greeks fear is "yes." They fear that Greece's unique history and contributions will be lost, forgotten. Adopting Macedonia's name is the first step. Gligorov's attempt to distance Greece from Macedonian history is the second step. To Greeks, the final step, expansion into Greece's borders, is unthinkable. Greece's fears are rational and clear. In response, Greece is practicing pure prevention.

To the above, the average person in the United States responds, "What's the big deal? It's just a name." That may be easy to say when living in a prosperous nation just over two centuries old. But Greece, as a small, relatively poor country, has neither the resources nor power other nations do as a sign of national identity and legitimacy. In the end, all Greece has is its history, with all the names that are a part of it. To dilute those is to threaten Greece's crucial sense of identity.

In Contracts class, we spend hours debating the use of one word rather than another, as well as the connotations a single word can carry. We law students understand the significance of a word, a name. It is time the rest of the world learned the same lesson.

-Politis

Staff

MANAGING EDITOR	April Rockstead
PRODUCTION EDITORS	Maria Politis, David Weiss
COPY EDITORS	James Lank, Jeff Patton
BOOK REVIEW EDITOR	Mike Fischer
PHOTO EDITOR	Gene Rhough
SPORTS EDITOR	Bill O'Dowd
EDITORS	Jeff Bucholtz, Katrina Campbell, Billy Choslovsky, Ray Kahler, Victoria Kuohung, Rob Rader, David Weinstein
CONTRIBUTORS	David Clancy, Ted Cohen, Debra Dickerson, Jonathan Goldstein, Matthew Huggins, Robert McBurney, Stephen Weinstein, Robert Weissman
CARTOONISTS	Shawn Fagan, Chris Spagnoli, Paul Taylor, Sheila Tuller
GENERAL MANAGER	Nina Coleman
ADVERTISING MANAGER	Johanna Davis
EDITOR EMERITA	Lisa Zornberg
PUBLISHER EMERITUS	Kevin D. Werbach

Printing By The Harvard Crimson

Editorial/Letters Policy

The Harvard Law RECORD (ISSN 0017-8101) is a publication of the Harvard Law RECORD Corporation, a non-profit, independent, student-owned and run corporation of the Commonwealth of Massachusetts. Harvard Law RECORD, Harvard Law School, Cambridge, MA 02138-9984. Telephone (617) 495-4418. Fax (617) 495-8457.

The RECORD is published weekly on Fridays throughout the academic year and is distributed free of charge to Harvard Law School Students and at a minimal charge to Harvard Law School Alumni. Copy and photo deadlines are 5:00 p.m. on the Monday preceding publication. Advertising deadlines are 12:00 p.m. on the Wednesday preceding publication.

Submissions may be sent to The RECORD at the above noted address, dropped in the RECORD box located in Harkness Commons, or left in the 3L Hark box of Lisa Zornberg. All copy must be typed, double-spaced, and submitted on paper and on a computer disk (Macintosh or IBM). The RECORD reads and appreciates every letter we receive; we reserve the right to edit letters for space as necessary. We will return your disks. Off-campus subscriptions are available. Subscription price: \$30.00 year mailed; \$35.00 year mailed outside U.S. Individual copies: 35 cents at newsstands, 50 cents at the Law School, \$1.00 mailed, \$2.50 for back issues and reprints. Second-class postage paid at Boston, MA and additional mailing offices.

© 1994 by the Harvard Law RECORD Corporation and by the contributors.

THE RECORD IS COMMITTED TO EQUALITY AND DIVERSITY. WE STRIVE TO PROVIDE A FORUM FOR THE FREE EXCHANGE OF IDEAS. AS A RESULT, THE OPINIONS REFLECTED IN ARTICLES, EDITORIALS, AND CARTOONS ARE THOSE OF THE AUTHORS AND DO NOT NECESSARILY REFLECT THE OPINIONS OF THE RECORD.

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

—First Amendment, US Constitution

IN A BIZARRE COUP D'ETAT, PROFESSORS TRIBE AND DERSHOWITZ SEIZE CONTROL OF THE FACULTY COMMITTEE. DEMANDING HIGHER PROFILE TEACHERS, THEY ANNOUNCE THE GUEST LECTURERS FOR '94-95:



• Letters •

Congestion Pricing Will Alleviate Traffic

Last week's column "Without a Car in the World" [RECORD, March 4] discussed the problems of traffic congestion but not the solutions to those problems. In the last three years, Congress has finally taken some tentative steps to address the immense economic costs of traffic congestion in the United States. Congestion pricing is the best (and cheapest) available method of alleviating traffic congestion. Congress has shown an interest in allowing states and municipalities to experiment with congestion pricing.

In 1991 Congress had to reauthorize the federal Highway Trust Fund. The Intermodal Surface Transportation Efficiency Act of 1991 (P.L. 102-240), passed in November 1991, provides for "congestion pricing pilot programs." §1012(b). As I had predicted in my 1990 under-

graduate thesis, the I.S.T.E.A. amended 23 U.S.C. § 301, thus finally allowing states and municipalities to charge tolls on highways built with federal money. Although electronic road pricing ("automatic vehicle identification") by the states was technically permissible under previous law, the new law gives the states the political cover to implement congestion pricing reforms.

During this window of opportunity provided by Congress, the states and municipalities should apply for the federal funds and thus begin to address the stranglehold of traffic congestion on American competitiveness. State and local politicians should realize that economic incentives are usually better than traditional command-and-control environmental regulation for alleviating both pollution and congestion.

Congestion pricing itself is not unproven, as other nations have successfully implemented it. In addition, for the past 20 years, we have had the technology to apply variable congestion pricing without the need for unsightly and expensive toll plazas.

States can use revenues from congestion pricing to reduce unfair gasoline taxes, which burden those who drive in uncongested areas. With the typical gasoline tax, levied "equally" state-wide, drivers on rural and uncongested roads are in effect subsidizing drivers on heavily congested urban and suburban roads. Furthermore, the latter drivers are usually far more affluent than the former drivers. This creates a regressive redistribution of resources.

Daniel L. Pollard '94
March 4, 1994

Pan-ethnic Women's Group Sorely Needed

Does feminism exist at the Law School? While many groups focus on women's experiences outside the class, there is virtually no sign that women students have their own concerns here at HLS. The Women's Law Journal allows students who have a strong interest in feminism to focus on the legal world outside of Harvard. CCR does an excellent job of lobbying the faculty to hire more women. Some 3Ls write their third-year paper on what historically have been regarded as women's issues. But there is no visible sign of a pan-ethnic women's group. WLA should serve this function but it hasn't. Many hopeful 1Ls and I went to a WLA meeting last September but I haven't heard from them since.

Women who feel "conflicted" about their law school

experiences have no regular forum in which to discuss and organize around their experiences. A feminist perspective on legal issues is not generally incorporated into classroom discussions, and this does not seem to bother anybody. Has Catharine MacKinnon given feminist legal scholars a bad name or something?

A more gender-balanced approach to legal studies would not just be a nice gesture, but is important as a practical matter as women gain a greater say in how business and law are practiced.

Why the apathy and shyness? Maybe women here already feel so empowered that they do not need any extra support. They may not feel the need for gender consciousness if they do not perceive a gender barrier. If so,

why is the Women of Color Collective so successful? Another explanation, and a more plausible one, is that it is just not cool to have feminism on your resume. I doubt it. An employer would react no less favorably to a female law students' association than to BWAP.

The crowds of students who attended Celebration 40 last fall attest to the fact that gender still affects our academic as well as our professional lives. Students concerned with women's experience at HLS should not have to feel alone or passe. In addition to its off-campus feminism, the HLS community should examine the female experience here at home.

Elizabeth Brown '96
March 7, 1994

Fenno Humor of Questionable Taste

I've just learned something AMAZING! Fenno is not a real person — it's a collaborative effort of different RECORD writers. I tingled. The implications of this realization were whirling about me when suddenly the visage of Greg Stohr materialized. "Counselor Stohr," I cried, "Your editorials — they're so incisive and sophisticated, but bathroom jokes, Lorena Bobbitt gags, Little Nino??? Surely your imprimatur can't..." Before I could finish, his talking head spewed boilerplate, "I realize that Fenno may evoke images of junior-high, pimply-faced boys standing in lunch line, but art is meant to shock the sensibilities. As newswriters, it is our

duty to mock the HLS PC patrol." His voice was growing fainter and I could barely make out the last clause of his argument heading: "Even at the expense of good taste."

I sat contemplating Stohr's words when the figure of Lisa Zornberg, editor emerita, came spiraling toward me. I tried a different approach. "Honorable Zornberg," I yelped, "You're an HLS female — what about Fenno's 'shapely stewardess,' and Hillary Clintons in back seats of Limos?" Surely you take offense..." My protestations, however, were cut off as Zornberg, looking eerily like Camille Paglia, brushed her HLS-monogrammed porcupine spine (\$9.95 at the Coop) against me and rejoined, "Get

with the program, 1L, you'll earn scorn, not respect, for reacting like a female at this law school. You either join 'em or leave 'em. Anyway, I believe we try to be equal opportunity insulters at the law school..." Her voice was growing dimmer, but I was able to catch the last notes of her coda: "Even if, when at a loss, Fenno's women are characterized by either their looks or their sexual activity."

I sat desolate and alone, contemplating the function of humor — is it to humanize or to degrade? Hmm...perhaps next year's Fenno will answer that question.

Judith Rosenberg '96
March 9, 1994

Correction

In last week's issue of the RECORD, several photos of Casino Night were incorrectly attributed to Jeff Bucholtz. The pictures were,

in fact, taken by Steve Weinstein. The RECORD apologizes for any confusion this may have caused.

Good May Flow from Attention on Farrakhan

By Prof. Randall

Kennedy



CONSIDERABLE good is likely to flow from the outpouring of attention on the Nation of Islam and its relationship to the black political establishment. First, Khalid Abdul Muhammad's notorious, hateful speech at Kean College and Louis Farrakhan's affirmation of its substance (though not its style) demonstrated anew that racism resides at the core of the Nation of Islam. Bigotry is not one of its peripheral features but is instead a central element of its identity and appeal. Second, an issue of fundamental importance has been raised: Should racism expressed by African-Americans be openly repudiated by other African-Americans?

Some argue that at least with respect to whites, African-Americans cannot be racist because, as a group, they lack the power to subordinate whites. Among other failings, this theory ignores nitty-gritty realities. Regardless of the relative strength of the African-American and Jewish communities in New York City, the African-Americans who beat Jews in Crown Heights for racially motivated reasons were, at that moment, sufficiently powerful to subordinate their victims. This theory, moreover, wrongly ignores the plain fact that African-Americans—as judges, teachers, mayors, police officers, members of Congress and army officers—increas-

ingly occupy positions of power and influence from which they could, if so minded, tremendously damage clients, co-workers, dependents and, beyond, the society as a whole.

Others deny the need for African-Americans to repudiate openly other African-Americans who express anti-white or anti-Semitic sentiments. They maintain that public repudiations of this sort undermine African-American unity, sap the group's morale and consequently weaken it before a hostile society. They are mistaken. At the moment, an excess of conformity is far more dangerous than an excess of dissension to

fer enough without compounding the difficulties they face by besmirching—as some seem intent upon doing—one of their diminishing but still-important assets: a widespread sense that they continue to occupy the moral high ground as custodians of the civil rights revolution.

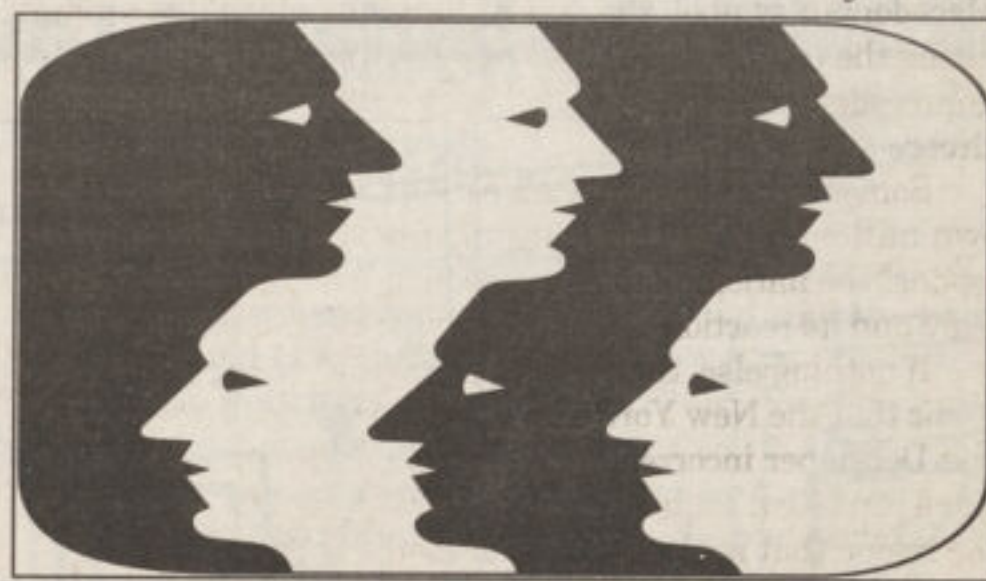
Many have noted that while writers and political leaders resolutely denounced Muhammad's ravings, few initially paid any serious attention to Senator Ernest F. Hollings' demeaning slur against African diplomats in December when he alluded to them as cannibals. The Senate unanimously condemned Muhammad, who is highly unlikely ever to exercise any appreciable amount of governmental power. Yet, when called upon to react to the nasty aspersions of one of their colleagues, many Senators sought refuge in all manner of evasion. The exposure of this double standard will, unfortunately, be used by some as an excuse to avoid confronting Farrakhanian bigotry. But for others, the exposure will spur them to be more demanding and evenhanded in their response to unjustified prejudices of all sorts.

—Reprinted by permission of Los Angeles Times Syndicate

An issue of fundamental importance has been raised: Should racism expressed by African-Americans be openly repudiated by other African-Americans?

the well-being of the African-American community. A paucity of searching, highly public scrutiny of African-American leadership has had a disastrous effect on the tone of African-American political culture, rendering it vulnerable to the moral slackness that often develops when people feel free of accountability.

At the same time, there are others for whom the latest controversy has provided an opportunity for distancing themselves from Farrakhan and reaffirming publicly their allegiance to humane values. Reaching this is not only morally correct; it also makes good, practical political sense. African-American leaders suf-



Professor Randall Kennedy is the publisher of *Reconstruction*, a magazine about race relations.

• Letters (continued) •

Anger at Holocaust Revisionism Impressive

I was quite impressed by the cogency, emotion and anger contained in Bill Choslovsky's recent article, entitled "Confessions of an Angry Young Jew" [RECORD, February 11], con-

cerning one of the greatest areas of intellectual dishonesty and anti-Semitism of our times — to wit, Holocaust revisionism.

I am proud of this young man's anger and honesty. He

reflects quite well on Harvard Law School.

Marcia Beth Stairman
Wagner '87
March 1, 1994

Should Teaching and Lawyering Be Mixed?

The article in the February 11 issue of the RECORD ["Tribe, HLS Facing \$5 Million Lawsuit"] about the \$2.75 million fee of Professor Laurence Tribe raises a serious question for this retired alumnus. It is the same question I have asked for years about Professor Alan Dershowitz and his involvement in the many cases we read about.

Do these able professors capably fulfill their workloads as full HLS professors while they carry on their extensive extra-curricular activities? Do they comply with the regulations limiting the time they can

properly devote to off-campus activities during school terms?

I fear that they are trading on their status as respected HLS professors to make pots of gold, quite possibly at the expense of their students paying dearly for their education.

There also may be other professors busily engaged in similar off-campus activities that make it difficult, if not impossible, to perform their academic duties satisfactorily.

I hope that my fears are unjustified, and would appreciate students reacting to this letter with letters to the RECORD about this problem,

if one exists. My hunch is that the situation deserves much more of an investigation than the writing of this letter.

John H. Downs '47
March 8, 1994

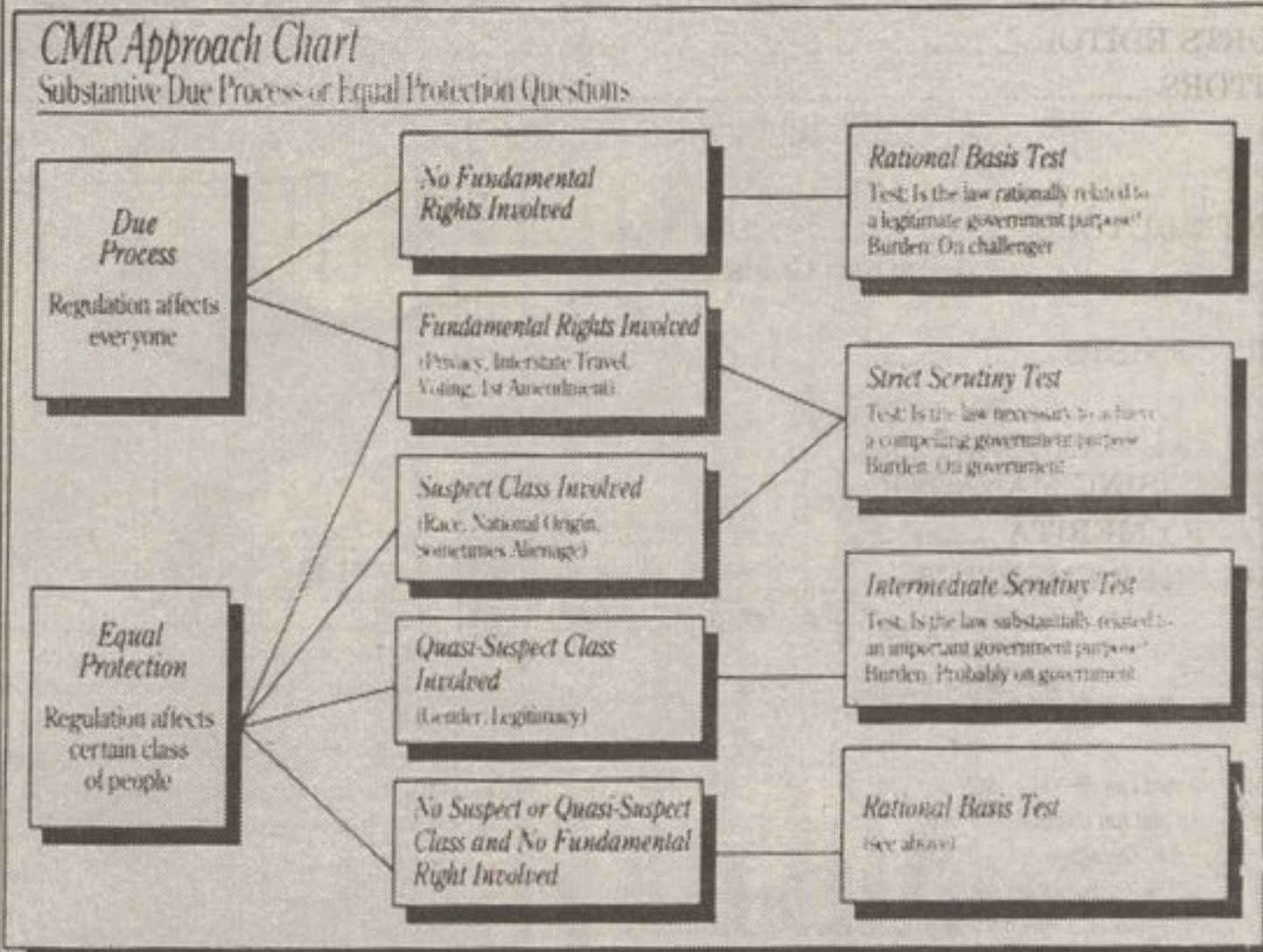
P.S. Why don't HLS men and women stop complaining about their unsatisfactory relations, and be thankful for the togetherness they have? When I graduated in June of 1947, there was nary a woman to be found among the 2300 L.L.B. candidates, and that was a sad situation worth complaining about.

LAW STUDY AID PUBLISHER

Seeks author for parttime work preparing casebook outlines. You can select your subject and work independently. Draw upon completion, plus royalty. Send resume and sample writing to:

CAMBRIDGE LAW STUDY AIDS
560 NORTH WASHINGTON STREET
HINSDALE, ILLINOIS 60521

GO WITH THE FLOW.



Bar/Bri gives you flow charts, mnemonics and other learning devices. One more reason why more people take Bar/Bri than any other course.

barbri
The Flow Chart Course

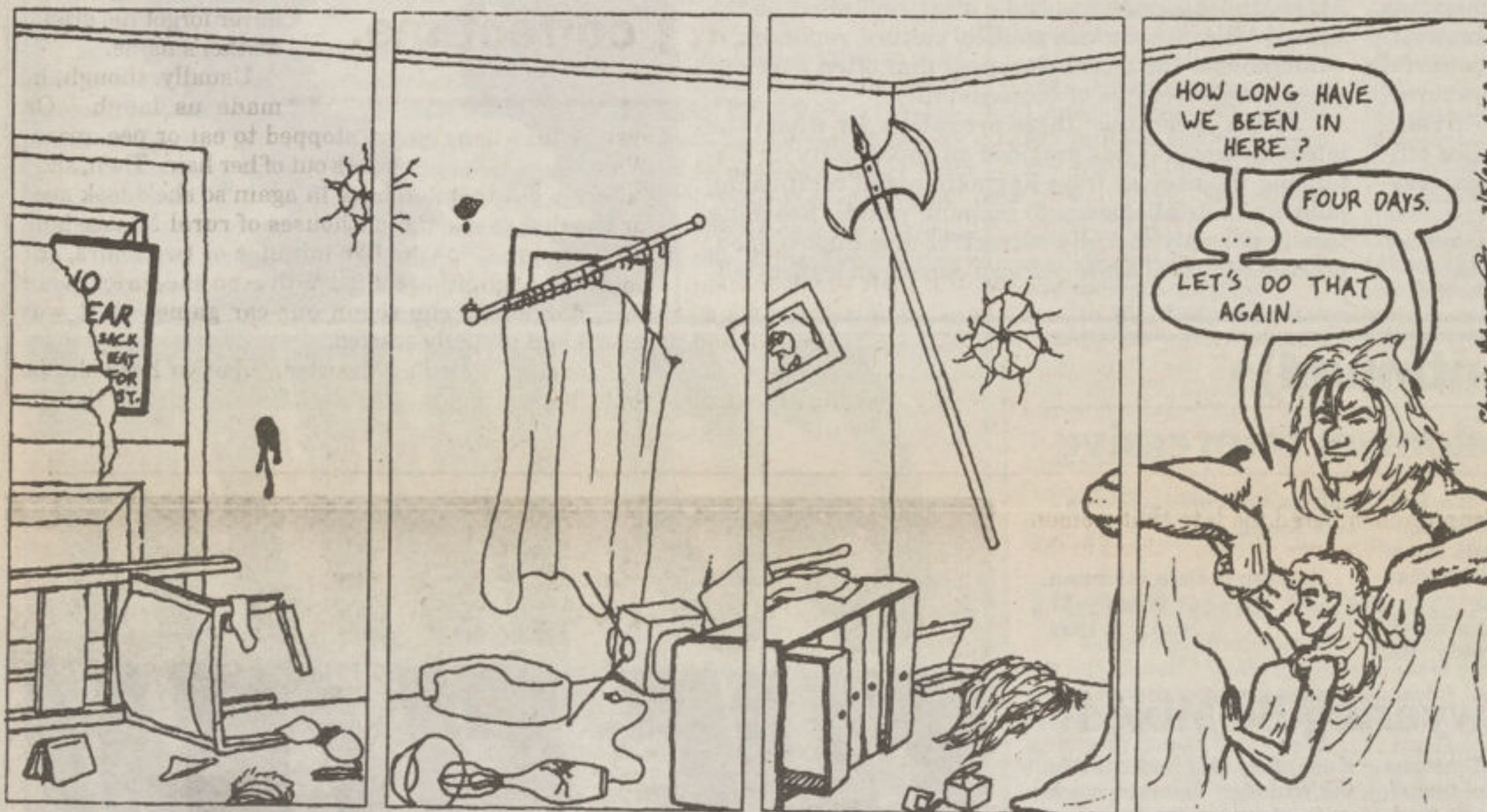
Liabilities

By Paul Taylor



GROMM: Barbarian at Law

By Chris Spagnoli



Temporary Insanity

By Sheila Tuller

Koby Antupit
PHOTOGRAPHERS

Creative Portraits
Instant Color Passports
Résumé & Publicity
Job Photographs

Harvard Square
8 John F. Kennedy St.,
Cambridge
547-7552

POSTMASTER: Send address changes to Harvard Law School Association, Harvard Law School, Cambridge, MA 02138.
ALUMNI/AE ADDRESS CHANGES: Alumni/ae who receive the RECORD as a result of membership in the Harvard Law School Association should mail change-of-address information to the Harvard Law School Association, Harvard Law School, Cambridge, MA 02138.
Each alumnus/a receiving a RECORD subscription through the Harvard Law School Association should be on notice that \$5.00 of H.L.S.A. annual dues are used to purchase the RECORD subscription that he or she receives. Dues paid at any time during the H.L.S.A. fiscal year that began on July 1, 1993 and ends on June 30, 1994 purchase a subscription that begins in January 1994 and expires in December 1994.

Return Address:
Harvard Law School Assn.
Harvard Law School
Cambridge, MA 02138

SECOND CLASS POSTAGE PAID AT BOSTON, MA AND ADDITIONAL OFFICES.

CALENDAR

Music This Week

The Great Shining Path of the Monster Trucks

The show of the week, at least if you're sick and perverted like me, is at Axis (262-2437) on Friday, March 11: Clutch, Fudge Tunnel, and Fear Factory. Spawned by DC, Clutch are "new-world samurai, and rednecks nonetheless," and their irreverent major-label debut, "Transnational Speedway League: Anthems, Anecdotes, and Undeniable Truths," is lean, mean, and heavy. Fudge Tunnel have risen from their undistinguished death metal origins to establish themselves as a force to be reckoned with, as powerful as Pantera and increasingly melodic. On last year's "Fear is the Mindkiller," Fear Factory enlisted industrial/electro big shots Front Line Assembly to twist, mutate, and deform their already-twisted hardcore metal. Your eardrums and sanity shouldn't survive all three under one roof—see you there!

Also on Friday 3/11, Local 186 (351-2680) hosts the **Nine-Inch Nails-lite Machines of Loving Grace** and Austin's impressive genre-blenders, **Course of Empire**. Empire's new "Infested" merges loud guitars and electronic beats to great effect, improving even on their outstanding eponymous debut. Machines may not be especially graceful or original, but at least they made fun of Jackie Kennedy on their last disc.

They might not be as lame as the past few weeks' geezers, but Rush are just as old, and just as far past their prime. With Candlebox, the first signing on Madonna's Maverick label, Rush set up their rocking chairs at the Centrum Friday and Saturday, March 11 and 12 (931-2000).

- Jeff Bucholtz

* * *

Readings. Shows. and Stuff

Michigan's Finest

Marge Piercy's epic about World War II, "Gone to Soldiers," remains one of the best (and only!) feminist novels about World War II, even if it never got the attention of tripe like Herman "Play it again, and yet again" Wouk's "Winds of War" and "War and Remembrance." With novels such as "Vida," "Woman on the Edge of Time" and "Summer People" as well as poetry collections with titles like "The Moon is Always Female" to her credit, Piercy is also an established talent. Most important, she hails from the greatest state in the union, Michigan (Yes, Dave Rosenberg: Michigan is indeed west — mid-west — of the Hudson).

Hence I have no trouble recommending that you head down to Waterstone's (26 Exeter St., Boston) next Wednesday, March 16, at 7:00 p.m. to hear her read from her new novel, "The Longings of Women" (Ball), the story of three women who have the courage to accept what they don't have: Decent relationships, decent jobs, and the prospect of finding either for the long haul.

- Mike Fischer

Remembering Their Names

By Debra Dickerson '95

WE used to drive down south to visit family in the 1960s. We never flew, we never took the train; it was always by car. Un-air-conditioned and driving straight through because everybody was due back on the assembly line Monday morning.

For us kids, those trips were a time of adventure because as many relatives as possible would tag along. Often, there was an actual caravan headed for Webb, Mississippi or Covington, Tennessee. With so much tumult and so many people milling around, my strict Mama couldn't keep track of us for once. And boy did we have fun.

Most of the time. For on one of those trips I saw the only "Whites Only" sign I remember distinctly. My prissy sister Wina had gotten car-sick and thrown up on the rest of us and we were looking for a laundromat. I spotted one, but it had that perplexing sign in the window and my parents kept driving. I concluded that we didn't stop because our clothes were colored, not white, and they didn't correct me. I could tell they were hiding something, but I couldn't tell what.

The trips were good overall, though, and the best part was getting to study Paw Paw, my mother's father, up close.

Paw Paw's father, Papa (Henry Bishop Gooch), was half-Cherokee. He figured his age at somewhere between 106 and 110, and family legend has it that his mother, whose name we've inexcusably forgotten, came over on a slave ship. I'm not sure that's historically possible, but that's our story and we stick to it. What is verifiably true is that she was sold away and lost to her family forever.

We kids were afraid of Papa. He was so old and wizened and enigmatic. He had a big, raised bump in the middle of his forehead, surely, we concluded, from some ancient, gory, tribal manhood ritual and signifying great mystical power. Now, of course, I'm sure it was from some ancient, gory, untreated infection. But then, we were sure he could hoo-doo us, maybe cause great whoopin's to be inflicted upon us.

Papa'd sit, immobile, in his wheelchair for hours,



then suddenly, without otherwise moving, raise his head and SP—ZING!! spit tobacco juice waaaaay across the room into a Folger's coffee can. He never missed. We hid in the doorway, afraid to speak, afraid to come in, afraid to move away, waiting forever for him to spit. Even though spitting was all we ever saw him do, we thought him magical. We thought spitting, therefore, was magical. So we did it, too, practicing first with empty tin cans in the backyard

to the back of each other's heads. Of course, Mama caught us and the whole whoopin' theory was borne out. Papa had the hoo-doo. The exotic Afro-Indian lineage was the final piece of our "magic powers" theory. We were as insultingly superstitious and fearful of that as any ignorant redneck.

Papa's son, Paw Paw (John Bishop Gooch), however, was a different story. Hip, urbane, and slick as a whistle, here was a man we could relate to. He had a smart-ass answer for everything. Before immigrating north in the 1940s, he'd repeatedly stood up to whites, even shooting through his front door once when a mob surrounded their cabin. One man lost an arm and the rest went away. Everyone, white folks and relatives alike, thought him crazy.

In old age, Paw Paw never lacked female company and was the kind of salty old dog who would flirt with my teenaged girlfriends and then cackle gleefully at everyone's shocked expressions. He bragged about having been too young for WWI and too old for WWII. Once a car full of relatives and I waited an hour for him to say his goodbyes so we could take him home. The backseat was full; I left the door open and slid next to the driver so he could have the window. Finally, he came outside, slammed the car door shut and went back inside, laughing himself into a coughing fit. He did that twice more before finally allowing us to take him home.

Paw Paw cut no one, down to his great-great grandkids, any slack whatsoever. To hear some of his stories once, I tried to prime him with, "Paw Paw, why did you go north?"

He looked at me as if IQ points were dripping from my ears and drawled maddeningly, "Cause Ah's black, dau'ter."

While defiantly flippant (and probably bitter as well, I think now), he was neither immune nor oblivious to the realities of his race. Once, when I spoke contemptuously of how I'd have refused to be a slave, how I'd

have fought back and been killed rather than submit, he grew suddenly serious, suddenly cruel. He grabbed my arm and shook me. "You'da got e'rbody killed! Whipped! Sold! Slaves wudda killed you theyselves, fool! E'rbody'd a been dead cuz a you." He dropped my arm as if I'd dirtied him and sneered, "You wudn't a done nuthin." I was too shaken to even cry. He never apologized, never explained. I guess he never forgot his grandmother's name.

Usually, though, he made us laugh. On

every trip, whenever we stopped to eat or pee, prissy Wina would take the curlers out of her hair. Then, she'd patiently put them all back in again so she'd look good for the dirt roads and outhouses of rural Mississippi. Whether the stop was five minutes or two hours, she would not alight from the car with even one curler in her hair, nor would she rejoin our car games til it was redone and properly scarfed.

"Dau'ter," Paw Paw drawled, "I bet yo' head sho' be glad when yo' hands go to sleep."

On one of those trips I saw the only "Whites Only" sign I remember distinctly...I concluded that we didn't stop because our clothes were colored, not white, and my parents didn't correct me.



Fenno couldn't believe his ears. The senior editor of Spy magazine was on the phone, offering him some real money to do a little investigative reporting on the dating scene at HLS. Apparently, Fenno's winning entry in the Robert C. Clark essay contest was earning him more than just lip service from the First Lady.

Having accepted the assignment only after being promised hazardous duty pay, Fenno set out on his mission. It was late Friday afternoon and he figured his best bet was to begin his research at the weekly DSAC beer and pizza party in the Hark.

No luck. There certainly was an air of arousal hovering over what is rather loosely termed the Hark "bar," but the excitement wasn't coming from any student unions. Instead, a handful of gawky 1L "men" quivered with glee over the concept of free beer. These Monster Truck Coalition wannabees couldn't tear their mouths away from the tap long enough to acknowledge the three first-year women who had wandered into the room.

Seeing no material for his article at this sorry scene, Fenno corralled the three ladies and headed off for the luau party in Hastings sponsored by the HLS Polynesian Society. Upon entering, Fenno was greeted by a Tahitian knockout dressed in a grass skirt and not much else. She leaned forward and gently put a wreath of flowers around his neck — not the kind of lei he was hoping for.

Shedding his three escorts, Fenno wandered towards the punch bowl where he had spied a shapely rear-end wrapped in a lava lava gently swaying to the throbbing native music. Figuring he had better start making the moves, Fenno came from behind and subtly, yet suggestively, pressed up against the gyrating hips, whispering something sensuous about his big bamboo.

As he struggled to dislodge his head from the snow bank outside Hastings,

Fenno remembered too late that women aren't the only ones who wear skirts in the South Pacific. Shaking the snow from his ears, he regretfully abandoned his three-pack of 1L squeezes and hurried off to the next social event.

Edging tentatively into the brightly decorated room, Fenno sunk down into a comfortable, frayed sofa. Next to him a couple was nuzzled together, half-asleep in each other's arms. Oddly enough, they were fully clothed. At a table in the center of the room some people were playing cards: "Any fours?" "Go fish, Buster!" In the corner a television was on: Stuart Smalley was letting everyone know that, gosh darn it, people like him. Over the stereo, Barry Manilow was singing about Mandy who, Fenno noted appreciatively, always came when he called her. Everyone seemed happy and relaxed. Fenno felt horribly out of place.

Fleeing the Law School Couples' party, Fenno began to panic. Damn this school and its structural sexism! Alysse MacIntyre — bless her soul — was never this short of subject matter: She had her steamy encounters with all the male professors who hit on her. As he walked dejectedly home, Fenno kicked himself for not having supported more vigorously the Griswold Whine's lonely vigil for more lady professors. Now they would give him something to pursue...

NEXT WEEK: Fenno crashes a WLA meeting and lives to tell...

Quote of the Week

"I'll turn mine off if you turn off yours!"

—Justice Blackmun, recounting what he whispered to benchmate Justice Marshall about their hearing aids during oral arguments.

Make \$2000 in one semester-or more!!

Sell ads for the

RECORD!

Invisible Hands and the Options Cookie Jar

By Stephen Weinstein '94

RECORD Columnist



STAMFORD, Connecticut's office-park placidity is being disrupted this week by howls of protest inspired by the conclave of gray-suited accountants who conduct public hearings for the Financial Accounting Standards Review Board. Our professional brethren have hitherto contented themselves with enraptured — if publically ignored — discussions of debits and credits, inclusions and exclusions, and other indescribable arcana. Why all the hubbub this year?

Because the FASB has proposed what would appear a minor, common-sensical change to its canon of accounting principles. The proposed rule would require companies to report the value of stock options granted to employees and charge them against earnings. Hmm. Seems simple enough. Stock options must have value, or no one would want them. Value given away by the company should be taken off its books. Piece of cake, right?

Wrong. This little change has brought the wrath of corporate America down upon the FASB. The end of capitalism as we know it, they say. A threat to American entrepreneurial values, we are told. Did we win the Cold War to self-destruct like this?

Anything generating this much angst must be important. Compensatory stock options have grown steadily, currently representing one-third of total CEO pay. Cynics might suspect that the rats are sneaking away with the cheese. Also, the current accounting rule interferes with the mechanics of market capitalism by effectively shielding the question of executive pay from shareholder review and by obscuring the real numbers of corporate performance.

Briefly, stock options represent rights given by a company to employees to buy its shares at a given price. The employee profits from the options if the market price of the shares is higher than the price at which she can "exercise" her options and purchase shares from the firm. Say Goodies Corp. stock trades at \$100. The board grants Eager Employee one stock option with an exercise price of \$50. Ms. Employee can, in one fell swoop, buy a share from the company at \$50 and sell it simultaneously for \$100.

It gets better. Under current accounting rules Goodies Corp. need not inform its shareholders nor subtract 50 bucks from its earnings. It can, however, charge \$50 against its taxable income. No wonder the FASB, the SEC and numerous congressfolk believe the corporation has pulled a fast one on its shareholders, transferring their money to their employees without telling them. Said employees — mostly CEO types — put a more wholesome spin on the matter. Let's look at their arguments.

We don't know what options are worth. The primary good faith argument against disclosing and valuing stock option grants is that the precise worth of the option is unknown. Notwithstanding the above example, few options may be exercised immediately upon receipt. Generally, the employee must remain with the company for a specified period of time. This delay indeed creates a valuation problem, since it can't be said with certainty what the stock will sell for when the option may be exercised.

Does this mean that options can't be given any value? Not at all. It's not easy, but it can be done. Indeed, thousands of Wall Streeters make their living applying values to instruments far more complicated than these basic stock options. Moreover, even as Goodies claims it can't figure out the value of its stock options, it does just that, claiming the options as a tax-deductible expense.

Our employees won't work hard without them. Opponents of stock options disclosure sometimes argue they are an indispensable incentive tool. Bestow options on employees, it is said, and they will move heaven and earth to increase shareholder value.

This makes some sense. Forgetting for the moment the possibility that many Americans will toil away for mere currency, it does seem plausible that executives will work harder if they can share in any stockholder bonanza. Nevertheless, this argument does not require that options be kept secret from shareholders.

Interestingly, so-called "performance-based" options, designed to encourage good behavior, already must be disclosed and charged against earnings. Performance-based options, a small minority, typically do not vest until the company achieves some empirical goal, such as a specified return on equity.

In contrast, most options are contingent only on the employee's remaining with the company until the exercise date (easy enough to arrange if you are the CEO). It's hard to believe that such options do much to prod superior performance, despite the claims of those who clandestinely pocket them. These options are the pots of gold CEOs want to keep secret, behind the glare of the book-keeping rainbow.

Capitalism will falter. Besides transferring shareholder wealth to management insiders, these shenanigans seriously skew the accuracy of public balance sheets. Many firms have admitted that the FASB's proposed rule would have a tremendous effect on reported corporate earnings. MCI, for one, has volunteered that its 1993 profits would have plummeted by 12 percent. Other companies have said their earnings would fall by one-third to one-half.

Supporters of the current rule argue that maintaining these illusory numbers props up U.S. capitalism because it maintains shareholder confidence and capital stability. Moreover, stock options may induce talented executives to join promising start-up firms they would otherwise shun; these executives temporarily forego cash pay in hopes of a future bonanza, letting the company reinvest more earnings and grow quicker.

But fooling the public is ultimately not a persuasive argument for keeping stock options secret. Rather, we should favor accounting procedures that will reflect the actual health of our companies. Stock options that are on the books will retain the beneficial effects (providing incentives, helping infant companies marshal capital) of options that are kept secret. Mike Eisner, CEO of Disney, may well deserve performance-based pay in the ballpark of \$187 million, his take from options alone in 1992. Kudos to him if the shareholders want to shower him with such loot. Let's just ensure they know the water is running.

Plea for Service Made

continued from KENNEDY, page 1

are unemployment and a breakdown of the nation's social fabric.

He noted the wave of recent mass layoffs from big corporations, and he worried that "the very same companies that seem to lay off workers seem to have their stock go up on Wall Street."

At the same time, he said, "people can be shot down for absolutely nothing." Statistics that indicate social decay, Kennedy said, include: 26 percent of children under the age of 6 live in poverty; gunshots are the leading cause of death among high school teens; and half of inner-city children do not graduate from high school.

The problems seem connected by an "abandonment of a certain sense of responsibility," he added. As a result, he said, "People are asking, 'What the hell is going on in America?' and 'How can this happen in this country?'"

A question-and-answer period after Kennedy's remarks was marked by strident criticism from one man over Kennedy's refusal to publicly debate the issue of how his uncle, former President John F. Kennedy, was killed.

Kennedy, who appeared upset by the verbal attack, responded, "On this issue, I am not going to have a public debate." He and his family have chosen to deal with the assassinations of John Kennedy and of his father, Robert Kennedy, by moving on with their lives, he said, and not by "pursuing every allegation out there."

When the man persisted with his complaint, the crowd hissed. To applause from the crowd, Kennedy said, "I am sick to death of you harassing me on this issue," and the exchange ended.

Kennedy also addressed a wide variety of other issues during the question-and-answer period:

- He defended his vote in favor of the North American Free Trade Agreement.

- He advocated a balanced-budget amendment to the Constitution as the only way to force Congress to make tough budget-cutting decisions.

- He said that the Clinton health care plan is in trouble. As active citizen support for the plan has waned, he said, "the balance of power has shifted to the titans of the health care industry — the doctors, hospitals and health insurers." The health insurance industry has already contributed more than \$50 million to members of Congress this year, and will have a controlling influence over the outcome of the Clinton plan unless citizens are energized.

- He voiced strong support for federal regulation of the insurance industry and condemned insurance company practices for their effect on poor people and people of color. "The two biggest buildings in my district are the Prudential and Hancock buildings, but within the shadow of those buildings, you can't buy insurance if you are black, brown or yellow," he said. But he added that his reform efforts have virtually no chance of success in the near term.

- He offered general support for the Clinton welfare reform program, the core elements of which he described as a guarantee of a job paying \$23,000 a year, full health care coverage and child care. However, he said that some people will simply need government support no matter what sort of guarantees are made, and that "we should just take care of them."

- He pleaded for middle- and upper-class people to take a compassionate view of crime and other severe social problems present in many poor communities. Some HLS students might have ended up as street criminals had opportunities been foreclosed to them in the same way they are to many poor young people, he said, adding, "We can't deal with this issue by talking about 'those people,' because those people are all of us."

Stonewall at 25 and Beyond

A one-day conferece sponsored by the Civil Rights-Civil Liberties Law Review and Harvard Law School Lambda

April 9, 1994

Conference Panels: •

Stonewall at 25



Harvard
Law
School

"Stonewall at 25" • "Family Law"

"State Level Strategies" • "Federal and National Initiatives"

"Issues of Community" • "... And Beyond"

These panels bring together the lawyers, academics and community activists engaged in securing legal and social justice for lesbians, gay men and bisexuals.

For conference registration information, contact the Civil Rights-Civil Liberties Law Review office at (617) 495-4500.

The pre-registration deadline is March 24.

Chef Lee's

GOURMET CHINESE FOOD

296-298 Beacon Street
Somerville, MA 02143

WE DELIVER
\$1.50 delivery charge in
Cambridge and Somerville

876-7666

5% OFF
with student ID.
Dining room and take-out only.

"This is one of the best Chinese restaurants around."
Harvard Law RECORD

"Chinese food with originality."
Boston Globe

"Easily the best Chinese restaurant..."
The Gotta Eat! Guide

NO MSG!

Dersh Defends Gomez

continued from *DERSH*, page 1

at the United Nations felt that Gomez had been "unfairly smeared," the Times reported.

There is disagreement as to Gomez's innocence even among those who feel that the harassment proceeding was shoddy and ad hoc. Some thought this was a sign that the United Nations doesn't take sexual harassment seriously, while others took it as a sign that the United Nations doesn't take due process seriously.

While the details of the holding

against Gomez are unknown, it seems clear that damages were not awarded. Claxton will seek compensatory and punitive damages before the United Nations or, if the United Nations agrees to drop Mr. Gomez's diplomatic immunity, before the New York Supreme Court. Whether Dershowitz will defend Gomez in any further actions is unknown at this time.

The case is also notable because it marks an unusual departure for Dershowitz, who has generally specialized in criminal law.

Supreme Court Denies Cert. for Tyson Appeal

with denials of certiorari petitions, the Supreme Court issued no statement when it released its decision Monday.

"Since the Supreme Court grants review in less than 1 [percent] of the criminal cases brought to it by defendants, we were not surprised by [the Supreme Court's] decision not to review the case at this time," Dershowitz said in a prepared statement. "In fact, the Supreme Court's denial of review now clears the way for us to commence the federal habeas corpus petition."

In the petition to the high court, Dershowitz had argued Tyson's constitutional rights were violated because defense witnesses were precluded from testifying at trial and because the court had disallowed evidence about Washington's past sexual conduct and that she purportedly had a motive to lie.

The way the case was handled reflects "dangerous trends" that protect women who allege they have been raped at the

expense of the rights of those accused, Dershowitz stated in the appeal.

Dershowitz also argued Tyson was deprived of "his rights to call witnesses in his own defense, to confront the witnesses against him, and to have the jury consider his defense," by former sex crimes prosecutor and Tyson trial Judge Patricia Gifford's rulings. The prosecutors should not have been allowed to determine which judge heard the case, Dershowitz wrote.

In his statement this week about the denial of certiorari, Dershowitz added he is "looking forward to the new trial hearings recently granted to us by the Indiana Court of Appeals." At the hearing, which was granted Tyson by the state court in December, Dershowitz will argue prose-

cutors wrongly withheld information during the trial regarding a potential civil suit by Washington.

Washington subsequently filed suit against Tyson in federal court for an unspecified amount of damages.



Prof. Alan Dershowitz

Dear Dean Clark,

By Billy Choslovsky '94

RECORD Columnist



Hey Bob: we need a new flag.

Sincerely,
Bill

Though bigger, more worthwhile battles certainly exist, this week I am waging a small one. Instead of merely absolving my conscience by rhetorically attacking some esoteric problem, I opt instead for tangible, concrete change. My fellow Don Quixotes can slay the windmills and debate the epic ills of diversity, astroturf, poverty, the designated hitter, and that tiresome question of cream-filled versus jelly-filled.

My aspirations, though, are more humble. I just want a new flag. Perhaps that's one of the tragic realities of HLS: Unless you set your goals real low, you're just spinning your wheels. If you don't believe me, just ask Don and his loyal sidekick Sancho what happens when you "fight the power." Well, enough of my windmill fetishes...at least for now.

In case you Einsteins have been hibernating in Langdell all winter, a most probable presumption, Harvard Law School actually owns a flag. It's displayed, or more accurately, disgraced, atop a pole next to the Hark. Strangely enough, it's even an American flag. Given Dean Clark's "orientation," I would have guessed we'd fly a Delaware or even Saudi Arabian flag instead of our old red, white, and blue. By the by, most interestingly, several linguists have noted that the words "Bobby Clark" loosely translate to "lap dog" in Arabic. But hey, as long as their riyal is green, who cares?

Now, back to our flag. More worn and tethered than some of my ex-girlfriends, the flag, my flag, your flag, our flag, THE FLAG is actually ripped in half. Yep, you heard right, ripped in half. And that's not all. Just as disrespectful, its ends are completely frayed. As for its colors, they're as faded as my memory one night after an exam — trust me, that's pretty faded. Even worse, our flag has suffered as such for months. Go ahead, walk your cottage cheese thighs outside and take a look for yourself. I'll wait. See what I mean? After peeking at that flag you're only left wondering what those ex-girlfriends of mine currently look like. Suffice it to say, our flag, not to mention my ex-es, are hurting big time.

Between you and me, I bet the darn thing only has 48 stars. Come on Bob, what are we waiting for, Puerto Rico? Actually, truth be told, Sir Bob is not to blame. The real villain is Law and Econ Professor Steven Shavell. In the ear-

Don't forget, as fashionable as it may be to bad-mouth the shortcomings of our homeland, as you read this some brave Haitian is over-stuffing a makeshift dinghy and risking his life for OUR FLAG.

ly '80s, Synergy Boy conducted a "double super secret" study concluding that the marginal utility of replacing the flag was less than the expected value of Puerto Rico gaining statehood. As these stories invariably go, the rest is history: Stevie received tenure, and we're left with a papier-maché flag. Way to go, Professor Shavell.

Most insulting, our flag is forced to stare down at, and share ground space with, that pathetic metal something called the "World Tree." Heck, if that's the "World Tree," then I finally understand why war, poverty, and famine afflict our planet. Simply stated, it must tumble. In some weird way I am certain that acid rain, the Bermuda triangle, and static cling are all inexplicably linked to that sorry scaffolding. I am now mad enough that I amend my earlier demand. It has now become a package deal. Up with the flag, down with the "World Tree." No room for compromise. Do you realize that some folks actually call that laundry-hanging jungle-gym a form of art?! The only art that pseudo-sculpture resembles is Art Garfunkel, and he's butt ugly. Need I say more?

Don't get me wrong. I am not some "Star Spangled Banner"-humming, tractor-pulling, tree-hugging, AC/DC-loving, red-blooded American. Not that there's anything wrong with that. But come on, forced symbolism aside, we are talking about OUR FLAG here. Don't forget, as fashionable as it may be to bad-mouth the shortcomings of our homeland, as you read this some brave Haitian is over-stuffing a makeshift dinghy and risking his life for our flag. I would like to think we are not so jaded or cynical that OUR FLAG means nothing.

I can only assume and hope that mere oversight is responsible for our flag's ill fate. Otherwise, only one explanation exists: we simply do not care. Cost cannot be the impediment. After all, we just built the Holmes Field building, and we are in the midst of the largest fund-raising campaign in world history — 150 million buckeroos.

Even frugal Dean Clark busted out last week and showered Tom Cruise with sweatshirts and other knick-knacks just so he could feel hip. Besides, I went flag shopping last week and discovered that a heavy duty 2-foot-by-4-foot beauty runs a mere \$29. But hey, if Dean Clark can splurge on Tom Cruise, we deserve the Betsy Ross 3-by-5. Granted, it's a bit pricey at \$42, but this is Harvard. Only the best will do.

Whatever the reason for our flag's sad state, the irony is inescapable. I'll let you choose the punch-line here. In the meantime, Bob and I will be out flag shopping...

**Reading the RECORD
not good enough
for you?
Then write for the
RECORD!**

Memorial Ceremony

Frank Gonzalez '84

*Yale Club of New York City
50 Vanderbilt Avenue
New York, NY 10017*

*Thursday, March 17, 1994
6:15 p.m.*

LAW SCHOOL IS A BIG INVESTMENT IN TIME...

26,280+ *hours*

What's another 15 minutes?!

Invest In Yourself. Take 15 Minutes and Input
Your *Free* Personal Listing In

**The Martindale-Hubbell* &
LEXIS* Student Directory...**



- *It's FREE*
- *Input your own listing*
- *Update on a DAILY basis from school or home*
- *View only your listing yet provide access to prospective employers*

LEXIS[®]·NEXIS[®] 