



Harvard Flunks in National Jurist Survey

By Jeff Bucholtz

Despite the calm that has reigned over HLS this year, the Law School evidently remains an irresistible target for the media. First Princeton Review trumpeted HLS' last-place "quality of life" score, in cruel contrast to archrival Yale's number-one showing. And now, the National Jurist has slapped the Law School with an ignominious 154th-place ranking in "overall student satisfaction."

In its April/May issue, the Arlington, Va.-based publication features an article titled "The Best Law Schools," accompanied by extensive statistical rankings of 165 law schools in various categories. The National Jurist compiled its rankings on the basis of the data collected by the Princeton Review for its "Student Access Guide to the Best Law Schools" (RECORD, January 21).

The Princeton Review surveyed 18,000 law students nationwide last year and published its findings in late 1993 in the guide. In addition to the guide's much-discussed quality of life rankings, it scored law schools on more mundane criteria, such as admissions selectivity and job placement.

For its overall student satisfaction ranking, the National Jurist compiled responses to 11 survey questions in the categories of faculty, facilities, and quality of life. Each question,

please see POLL, page 12

Course List Causes Much Grumbling

By Greg Stohr and Jeff Bucholtz

Students looking to take traditional upper-level courses like Bankruptcy, Secured Transactions, or Advanced Criminal Procedure next year got a bit of a surprise last week when they opened their pre-registration packets and discovered that none of those courses were listed for the 1994-95 school year.

But not to worry, says Registrar Sue Robinson, all three courses will be offered next year.

The three courses were added to the schedule after the Registrar's Office published the original schedule of courses on April 4. Two of the courses — Secured Transactions and Advanced Criminal Procedure —



Haiti President Jean-Bertrand Aristide addresses a diverse audience from greater Boston in the Ames Courtroom.

BSA Set for Change

By Katrina Campbell

The results are in at the Board of Student Advisers, and the new leaders are hard at work setting up a revised, and possibly expanded, BSA program next year.

New President Greg Duhl '95 and Vice President Rupa Bhattacharyya '95 are putting in extra hours, preparing for next year.

"We want to try to bring greater focus and commitment to teaching on the board," said Duhl. "We want to project to students and faculty that our greatest priority will be teaching." Duhl said he ran for president so he could "give something back" to the organization he has

gotten a lot out of.

Officials announced Tuesday that workshops in all four sections of Introduction to Lawyering will be combined under one curriculum next year. Profs. Charles Nesson '63 and Peter Murray will lecture and BSA members will instruct the workshops.

BSA leaders hailed the changes. "We're incredibly excited because it gives us an opportunity to help revise the curriculum and make it better," Bhattacharyya said. "We can play a big role in that."

The changes will not necessarily mean expansion in the membership of the BSA, Bhattacharyya added. The new

please see BSA, page 4

Aristide: Haiti a 'House on Fire'

By Victoria Kuohung

Surrounded by heavy security and greeted with multiple standing ovations, Haitian President Jean-Bertrand Aristide spoke to an HLS audience of more than 700 in Austin Hall last Friday afternoon. The Law School was one of several stops Aristide made on his recent tour of the Northeast.

Aristide's visit came only days after his recent letter to the Clinton Administration which stated his withdrawal from the bilateral accord allowing the United States to seize and repatriate Haitian boat-people. The open letter follows failed U.S.-mediated diplomatic attempts to restore Aristide after he was deposed by military leaders on September 30, 1991. An agreement that aimed to bring Aristide back to Haiti in July 1993 was broken in October when Haitian Army commander Raoul Cedras refused to step down.

Aristide criticized both the United States and the international community for lacking the "political will" to address the present situation in Haiti and called for better enforcement of the current embargo in order to force coup leaders out of power.

"We need to see a clear political will from the international community while we're still committed to fight for democracy," said Aristide. "We know how the military has a program for death."

"Time is not only against us, it is also against them. We have stopped making concessions. It's up to [the coup leaders] to make concessions."

In light of the political impasse, Aristide outlined several requirements that would have to be met before his

return. In addition to demanding that Cedras and police commander Joseph Michel Francois give up all power, Aristide also requested the reconstitution of the parliament, the deployment of a United Nations technical mission to Haiti, the appointment and ratification of a new prime minister, the lifting of economic sanctions, and a resumption of aid to Haiti.

Likening Haiti to "a house on fire," Aristide also criticized American interdiction policy — first designed by the Bush Administration and continued under Clinton — as ignoring stepped-up political killings in Haiti: "When those inside find a way to escape, the U.S. government throws them back into the burning house."

More than 5000 people have been killed in the aftermath of the coup, with 300,000 internally displaced. In recent weeks, more than 70 people have been executed by military command in each of several countryside towns.

Aristide rejected the use of violence to achieve his goals, but said that the "strategy of the gun" adopted by coup leaders has not in reality been denounced by other countries.

"We cannot save Haiti without the strategy of the pen," said Aristide. "We say 'no' to vengeance, 'no' to retaliation. ... Officially, the international community says to choose the strategy of the pen, but practically we do not see evidence that they have not chosen the strategy of the gun."

At times Aristide spoke in Haitian Creole, with his comments eliciting bursts of applause from the Haitians in the audience. During the question-and-answer period, Haitian audience members

please see ARISTIDE, page 15

Stonewall Panelists Call for Re-examining Goals, Strategy

By April Rockstead

Community organizer Urvashi Vaid drew a standing ovation from a crowd of about 150 in Ames Courtroom Saturday evening for her remarks challenging gays and lesbians to move "beyond middle-class acceptance" at the concluding panel of "Stonewall at 25 and Beyond," a conference sponsored by Harvard Civil Rights-Civil Liberties Law Review and HLS Lambda.

About 300 people attended the one-day conference, according to CR-CL Symposium Editor Pam Coukos '94. Topics featured in the morning panel discussions included papers to be published in the June issue of CR-CL.

Vaid, speaking at the panel titled, "...And Beyond," said that in addition to critically examining the depth and desirability of what



Prof. Jane S. Schacter '84 discusses her upcoming CR-CL article as part of a panel at "Stonewall at 25 and Beyond."

appear to be recent, hard-won gains in middle-class tolerance of homosexuality, gays and lesbians need to eradicate sexism and racism within the gay rights

movement and actively take up the fight for other causes.

"It's a matter of principle,"

please see PANEL, page 14

please see COURSES, page 15

From \$ **199** Each Way
LONDON
 Eurail Passes Issued
 on the Spot!
 All other Rail Passes
 also available

PARIS	\$269
COPENHAGEN	\$308
ATHENS	\$329
SAN JOSE, C.R.	\$225
HONG KONG	\$385
SYDNEY	\$588

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.

Council Travel

Harvard Square, 1384 Massachusetts Ave
 Cambridge, MA 02138

617-497-1497

Shakespeare Cometh to HLS

By Ray Kahler

The HLS Drama Society brings Shakespeare's comedy "As You Like It" to Ames Courtroom next week. The show runs April 21 and 22 at 8:00 p.m. and April 23 at 2:00 p.m.

"As You Like It" is a comedy about mistaken identities and gender issues. "People aren't what they seem. They're hiding behind masks," said Scott Emery '95, who plays the lead male character, Orlando.

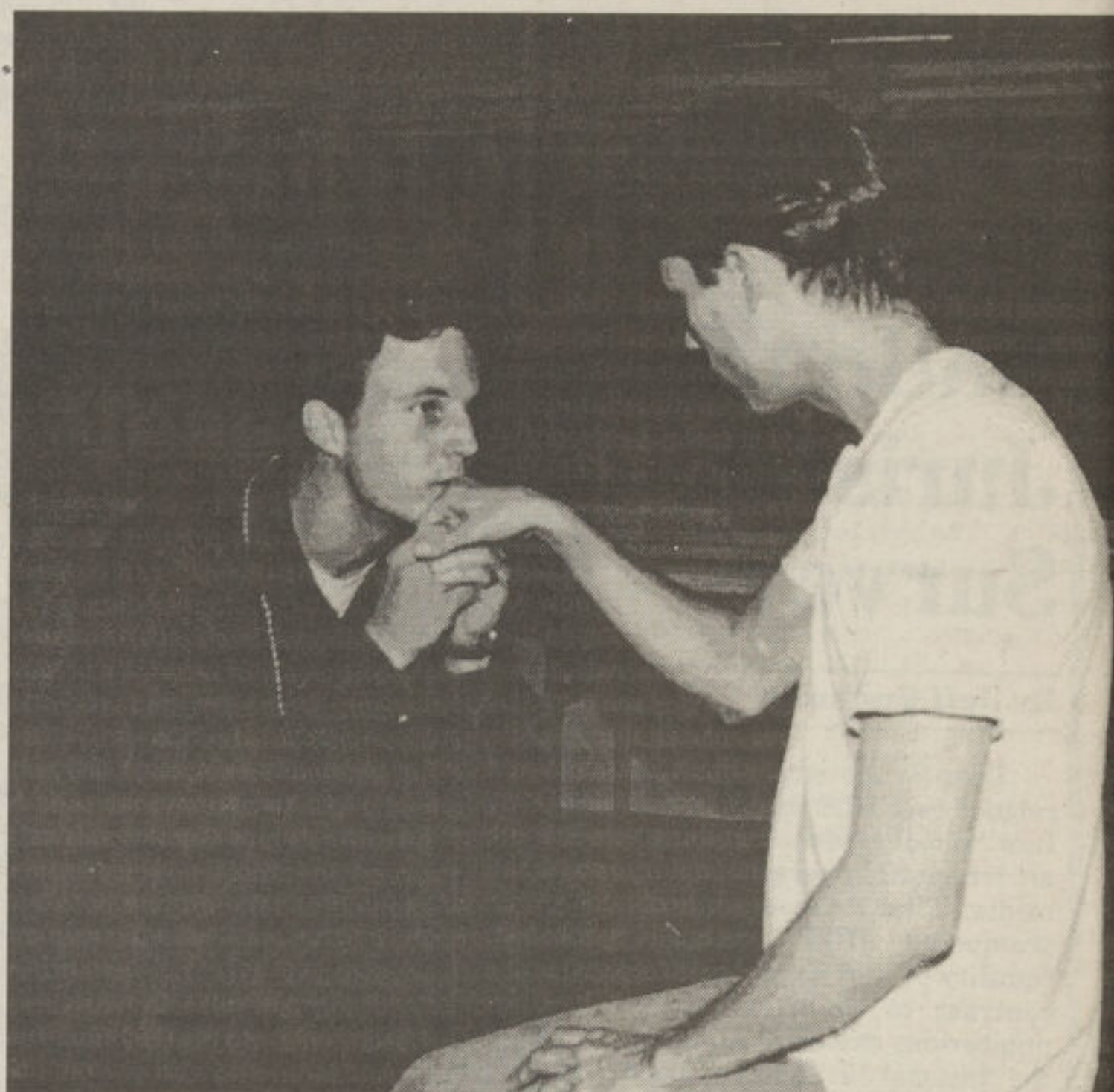
The Drama Society will do the play as written, but director Kate Arms '96 has done some non-traditional gender casting.

The lead female character, Rosalind, is played by Erik Lindseth '95, and the lead male character, Orlando — Rosalind's lover — is played by Emery. Lindseth convincingly portrays a coy, infatuated, and clever young woman, while Emery is effective as a bold, headstrong youth set on winning Rosalind's heart.

Arms said that homosexual issues are not raised by the text but that there are "some implications of homosexuality because of the casting." Although in a sense non-traditional, the decision to cast the leading characters with male actors actually conforms with tradition — in Shakespeare's time, both parts would have been played by men, Arms said.

Because of a power struggle with his older brother, Orlando runs away. All the characters eventually wind up in a forest, where Rosalind, who also runs away, is dressed as a boy for safety. While dressed as a boy, Rosalind tests Orlando's love for her.

The play also follows the comic romances of three other couples, all played by women — Audrey Henninger



Scott Emery '95 (Orlando) practices wooing Erik Lindseth '95 (Rosalind) during a rehearsal for the Drama Society's production of "As You Like It."

'95, Gretchen Morales '95, Jennifer Lightman '95, Erin Magley '95, Aimee Silver of the library staff, and Stacey Linden.

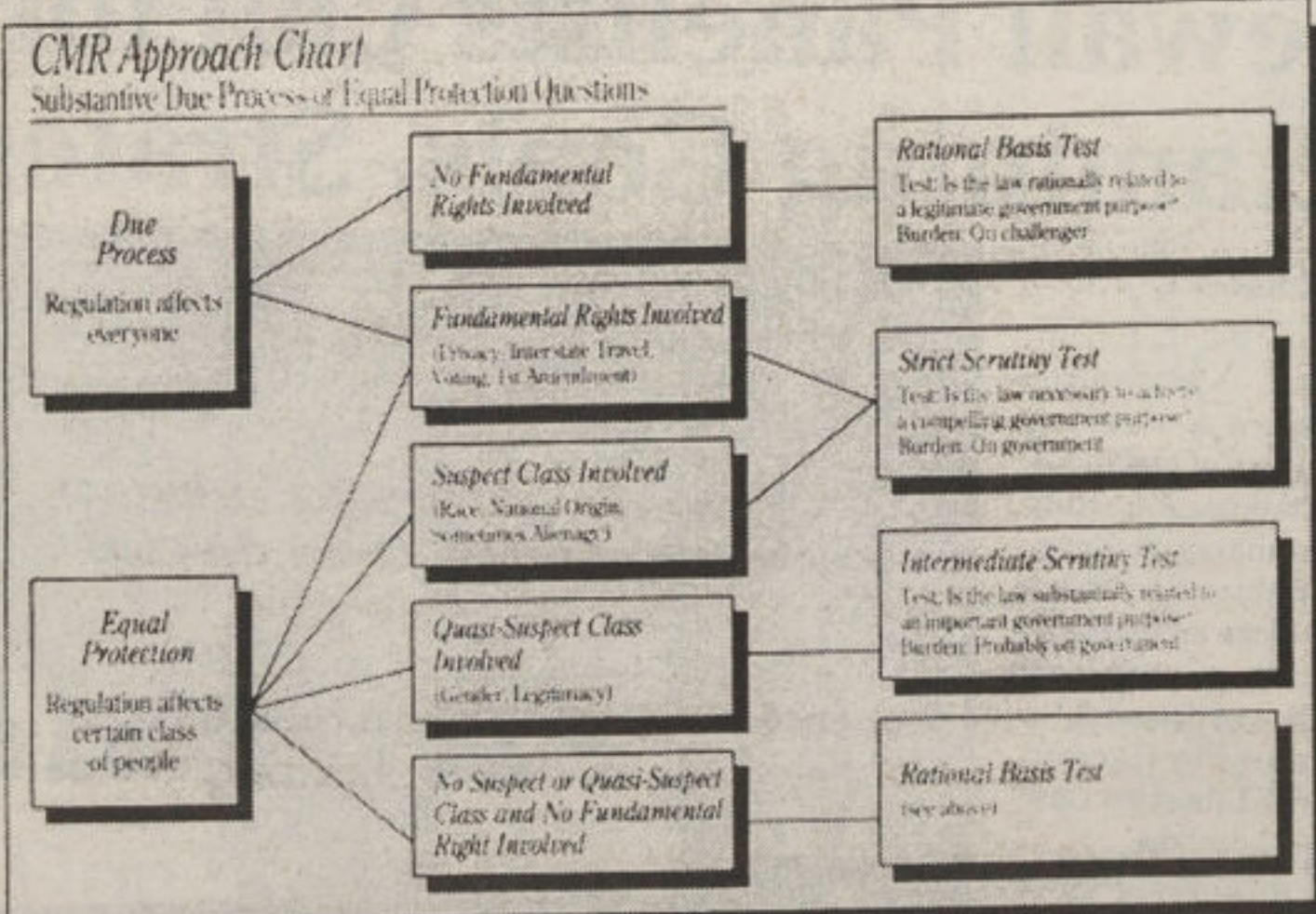
"We're having a blast with it," said Henninger, who is also producing the show. "We're just hamming it up — a wink here, a nod there. It's a lot of fun."

A humorous subplot to watch for is

the interplay between the court jester, played by Silver, and Jacques, a cynical philosopher jocularly played by Ed Ducayet of the library staff, who wields the play's most memorable line, "All the world's a stage."

Tickets cost \$5 and are available in the Hark daily from 10:00 a.m. to 2:00 p.m.

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

Auction Generates Rare Enthusiasm

By Robert Weissman

The energy in the Ames Courtroom was palpable as Prof. Charles Ogletree '78 launched the bidding for the first item sold at the live auction portion of the First Annual Harvard Law School Student Public Interest Auction: a card worth \$50 at the Hark cafeteria.

When the card sold for \$100, the auction's more than 60 1L organizers knew they had an overwhelming success on their hands. The March 18 event raked in more than \$25,000 — enough to provide summer public interest grants to 12 students on the Wasserstein and Andres waiting lists. The auction was sponsored by the Alliance for Public Interest Alternatives.

With more than 500 people packing the overflowing Ames Courtroom and with Ogletree and fellow auction co-host Abbe Smith of the Criminal Justice Institute drawing laughs and applause from the crowd, the room was rollicking and the bidding was intense.

A copy of the *Roe v. Wade* decision signed by Justice Harry Blackmun '32 sold for \$1,300. A week at a house with a cook in Jamaica went for \$1,400. A group of eight students anted up \$620 for a dinner prepared by Profs. David Wilkins '80 and Todd Rakoff '75. One student paid \$260 for a poster signed by feminist activist and writer Gloria Steinem, and another kicked in a couple hundred dollars for a copy of the National and Community Service Trust Act of 1993 signed by Senator Edward Kennedy.

Faculty and alumni joined the act, too. Judge Kimba Wood '69 paid \$260 for a basketball signed by New Jersey Senator and former basketball great Bill Bradley, and \$480 for Alianza-provided salsa dance lessons and an authentic Latino dinner for six. Dean Clark '72 and Prof.

Charles Nesson '63 entered into a dramatic bidding war for a serenade by the Scales of Justice; in an Smith-brokered compromise, they each agreed to pay \$300 for a joint serenade. And Profs. Rakoff and Robert Mnookin '68 were drawn into a similar bidding war for 100 pints of Ben & Jerry's ice cream; they too ultimately agreed on a compromise.

Auction attendees were also entertained by an array of brief live performances. Scales of Justice sang, and law student Julia Harrington '95 played the Celtic harp. Alianza members showcased salsa dancing and a pair from the Texas Club did a two-steppin' demonstration. To loud approval, Nesson displayed his unique eon dance, a quaking and shaking dance to techno music.

As people finally filtered out of the courtroom, many spoke of their excitement at seeing the Law School community come together.

Organizers were ecstatic with the display of support for the auction. Gia Lee '96, an auction organizer, said, "It was wonderful to see the Harvard Law School community's support for the auction and for public interest work."

"It was great to see so many people there, to see the support, to see people having a good time and giving lots of money to help students work in the public interest," added Shannon Liss '96, another auction organizer.

But the APIA members coupled their enthusiasm for the success of the event with words of caution. "On the one hand, it is great to see a dozen students, who otherwise wouldn't be able, get funding to do public interest work," said Liss. "On the other hand," she added, "funding a dozen students is a pittance," given the large number of students who are interested in public interest work but have

please see AUCTION, page 15

Council Faces Battles In and Out of Court

Stewart Fan 'Antsy' about LSC Picnic Idea

By April Rockstead

A Law School Council rep who was disappointed when the council voted to hold a schoolwide outdoor party this month instead of sponsoring an on-campus performance by comedian Jon Stewart says attending the party will be no picnic.

"It will be just like all the other lousy picnics, like at orientation," said Dave Aronberg '96. "They're nice — and forgettable. The potato salad always spoils after 30 minutes in the sun, and that's if it's sunny."

Aronberg, who says he knows Stewart, said the 10-6 council vote to hold the picnic foreclosed a rare opportunity to bring the MTV comedian to campus for \$3500, \$2000 less than Stewart's original asking price.

"We had a chance to bring America's top comedian to campus, and instead they chose pickled herring," Aronberg said, noting Stewart was recently featured in People Magazine.

But Erik Lindseth '95, who proposed holding the picnic, tentatively-scheduled for April 29, rather than hosting Stewart, said he thought most people at the law school were only vaguely familiar with Stewart. On the other hand, he said, if Stewart is as popular as Aronberg says, it would have been difficult to fit all his fans into Ames Courtroom — apparently the biggest room available for the performance.

Even Stewart's reduced fee would have been difficult for the council to manage, Lindseth said.

If costs for the planned picnic can be controlled, Lindseth said, the council will only have to spend money it received

from the Law School Student Funding Board — which will automatically revert back to the administration if not spent by the end of the academic year. The council won't have to dip into book-sale proceeds that can carry over into next year's budget, he added.

"We would not be precluded from bringing someone like Jon Stewart to campus next year, perhaps if he acquires more fame, or if more students know of him or someone like him," Lindseth said.

LSC Treasurer Tania Dominguez '95 estimated that the council currently has about \$1100 available from its funding board allotment and about \$1800 in an account containing money raised from the book sales.

Lindseth said the picnic will allow 1Ls, 2Ls and 3Ls to mingle, in contrast with other Law School events.

"It seems there are various parties that are divided among smaller sections, but it would be worthwhile to have one for the whole Law School," Lindseth said.

Aronberg disagreed, predicting poor turn-out.

"Judging from past campuswide events, I don't think more than 300 will be attending the picnic," he said, adding, "It's not just how many people attend, however — it's also how much they enjoy it. I'd rather have 350 people having the time of their lives watching Jon Stewart than have 500 people get botulism."

LSC Vice President Clarke Camper '95, who voted for the picnic, said Aronberg's estimate of the number of people that could be packed into Ames was high, and noted that those who were able to attend would be charged about \$2 per ticket.

please see STEWART, page 13

Wolfson Takes Council to Small Claims Court

By Greg Stohr

A conflict over the Law School Council's used-book sale has landed three HLS students in small claims court.

Tina Wolfson '94 filed suit against the LSC for allegedly wrongfully failing to return her books after she submitted them for the LSC's used-book sale last year.

Wolfson, seeking \$500 in damages, was scheduled to plead her case in Cambridge District Court yesterday morning, after the RECORD had gone to press. Former LSC President Enu Mainigi '94 and book-sale organizer Tracy Williams '94 were planning to represent the council. None of the parties was sure whether the court would issue an immediate decision.

Wolfson claims she dropped off 21 books prior to the book sale for the 1993 spring semester but only received payment for "two or three" of them. She says she decided to sue only after the council refused to compensate her for any of the books.

"I've just been cheated and I want my money," she said.

Williams and Mainigi say Wolfson's books became Law School Council property after she failed to pick them up last spring. They said council members gave a flyer explaining the policy to every student who dropped off books. Williams also says the council published at least three notices in the Adviser instructing students to pick up their books if they wanted to retain ownership of them.

"Students are responsible for what's in the Adviser," Williams said, adding that no other student had complained to

her about the council's policy.

Wolfson, however, called the placement of the notice in the Adviser "irrelevant," calling the dispute a question of "fairness."

"Just because you put something in the Adviser doesn't make it right or legal," she said. "I didn't see the notice. Nobody told me about it."

Wolfson said it was still "possible" she would file charges with the Administrative Board over the incident. Mainigi, however, suggested that Wolfson had backed off her threat to bring Ad Board charges after Mainigi caught her defacing a book-sale sign earlier this year.

"I told her that for defacing signs, she could face an Ad Board charge herself," Mainigi said.

Wolfson would not comment on Mainigi's allegation that she defaced the sign.

Both Mainigi and Williams said they were frustrated by the dispute.

"We're trying to provide a service for students," Mainigi said. "We don't really get anything out of it. A lot of people put a lot of hard work into this. By and large, we've received nothing but compliments. It's too bad something like this came up."

Williams suggested the dispute might spell the end of the council book sale, which began in 1993.

"Who needs this?" she said. "It's a lot of hard work and when you have hassles like this, why bother?"

Current LSC President Willie Epps '95 said the council has not yet made a decision whether to hold the book sale again next year. He said the outcome of Wolfson's suit might be a factor in the council's decision.

Welcome to New York,
John Harvard.
Have You Considered Joining
The Harvard Club
of New York City?



On Friday, April 22, 1994, members of the Admissions Committee of the Harvard Club of New York City will be in Cambridge at (1) Faculty Club at 20 Quincy Street, 2nd Floor; and (2) Dillon Field House, 2nd Floor, Soldiers Field between 10:00 a.m. and 5:00 p.m. to make it easy and convenient for Faculty, University Officers and Graduates to become a member of the Club.

Graduates of the Class of 1994 will be proposed, seconded and interviewed in one step for membership in the Club. Requirements for supporting letters, etc., are waived for this event for 1994 graduates. Information about the Club will be available and Committee Members will try to answer any questions you may have concerning membership.

The Harvard Club of New York City can be a most comfortable and convenient amenity that will make New York more enjoyable. It offers a central location in the Grand Central area, with spacious dining rooms, bedrooms, bar, lounge library, and extensive sports facilities.

DATE: FRIDAY, APRIL 22, 1994, 10:00 a.m. to 5:00 p.m. (no appointment necessary)
PLACES: Harvard Faculty Club, 20 Quincy Street
Dillon Field House, 2nd Floor Lounge, Soldiers Field

Harvard Club of New York

27 West 44th Street, New York, New York 10036 (212) 840-6600

BRIEFS



Daughters of Brown Plaintiff to Attend BLSA Conference Today

The daughters of the late Rev. Oliver Brown, plaintiff in the landmark case of *Brown v. Board of Education*, will attend the BLSA Spring Conference, whose theme is "Touching the Future: Reordering the Issues 40 Years After Brown."

Giving the opening address today will be guest speaker Lani Guinier, University of Pennsylvania law professor and former Clinton nominee for assistant attorney general. Also today, the conference will also feature legal seminars and an employer's forum for its "Career Day." Tomorrow, Assistant Attorney General Deval Patrick '82, the Honorable Judge Lindsey '70, and Keith Boykin '92 will receive Clyde Ferguson Awards, and tomorrow evening, Dr. Joseph Lowery, president of the Southern Christian Leadership Conference will deliver the keynote speech.

Gore and Guinier to Speak at Commencement

Vice President Albert Gore, who graduated from Harvard College in 1969, will return to his alma mater to deliver the keynote address at Commencement. Gore's press office confirmed his selection to speak on June 9, but the University will not make the official announcement until later this month.

While at Harvard, Gore lived in Dunster House, where he roomed with Academy Award-winning actor Tommy Lee Jones. Gore's political career began 29 years ago when he served on Harvard's Freshman Council and was a member of the school's Young Democrats Club.

Ironically, Harvard College has also named University of Pennsylvania Law Prof. Lani Guinier to be its class day speaker. The Clinton Administration withdrew Guinier's nomination to be assistant attorney general for civil rights in the wake of criticism of her legal writings.

—From the Harvard Crimson

Conference Draws Speakers with Big-name Show Biz Clients

Panelists representing such clients as Fox, Inc. and Time Warner converged on the Law School campus last weekend for the Committee on Sports & Entertainment Law Spring Conference.

George Vradenburg, a senior VP at Fox, Inc., gave the keynote address and spoke in a Saturday morning panel on "Violence in the Media: Public Health v. the 1st Amendment."

"The government should focus on the real issues of violence in society — guns, drugs, unemployment, social discontent," Vradenburg said. "The issue of TV violence is a problem for industry self-regulation."

A "Music and Media" panel featured, among others, Donald Wilson from the Law Offices of Johnnie Cochran and Raymond "Ray Dogg" Scott from The Almighty RSO.

Committee Co-president Reggie Williams '95 said about 80 people attended the two-day conference.

"People seemed generally interested in the issues, and were surprised at how many areas of the law entertainment law touched," Williams said.

Retired HLS Professor Thorne Dies

Samuel E. Thorne '30, who taught at the Law School from 1956 to 1978, died of a stroke Thurs., Apr. 7 at the age of 87 in the Brookhaven Nursing Center in Lexington.

An authority on English legal history and common law, Thorne authored "Bracton on the Laws and Customs of England (De Legibus et Consuetudinibus Angliae)." Thorne graduated from City College of New York in 1927 and received an L.L.B. from HLS. He also held honorary degrees from Yale, Wesleyan, and Cambridge universities.

Thorne's academic career included teaching at Northwestern University and Yale University as well as HLS, and was interrupted by a stint in the Navy during World War II. He was a member of the American Society of Legal Historians, the American Historical Society and the Guggenheim Foundation.

Thorne is survived by his wife Margaret, two sons, and five granddaughters.

—From the Boston Globe

JLSA Conference Brings Understanding, But Not Answers

Prof. Joseph Weiler "best summarized" the spirit of the March 20 JLSA conference, "Israel and the Future of the Peace Process," when he said, "I'm not sure we will get a solution today, but we will certainly understand the variables much better," according to conference organizers.

The organizers estimated more than 200 people attended the conference, which featured among other panelists Prof. Augustus Richard Norton of Boston University; Dr. Sara Roy of the Center for Middle Eastern Studies; Dr. Shouko Barghouti of the World Bank; and Prof. Sami Smooha of Haifa University, currently visiting at Brown University.

Sponsors besides JLSA included the International Law Society, Jewish Student Projects of Greater Boston, New Israel Fund - New Generations, and the Dean of Students Office.

False Fire Alarm Interrupts Faculty Meeting in Holmes

By Greg Stohr

HLS faculty meetings have been known to be a bit heated, but last Friday's meeting probably marked a first — things got so hot the fire alarm sounded.

Everyone in the Holmes Field Building — including about 50 faculty members in the midst of their first meeting in the new setting and an estimated 100 other people — had to evacuate when the alarm sounded Friday afternoon. Firefighters arrived and quickly discovered the source of the problem — not a fire but rather dust escaping from an air conditioner that had been turned on for the first time in the middle of the faculty meeting.

"It was one of those setting-in problems," Building Operations Director Frank Lamentea said. "Obviously, it should have been cleaned out by the contractor."

Apparently comfortable the newest HLS building was not going to burn

down, the faculty immediately moved to its old meeting site in Pound, which "in light of the hour we'd spent in the new room, seemed really uncomfortable," Prof. Jon Hanson quipped.

The building remained evacuated for about 30 minutes before firefighters gave the OK to return inside.

The alarm incident was the only glitch in what otherwise was a very smooth move-in, Lamentea said.

Indeed, the RECORD obtained a list of work orders for new Holmes Field offices, apparently compiled shortly after move-in. Among the worst of the faculty complaints listed were such trifles as "2 Charles Webb chairs are noticeably different in color" (Mansfield, 510); "Marked height difference in 2 adjacent work surfaces" (Rosenberg, 500); "coat bar installed front to back" (Field, 408); "extra shelving in office" (Nesson, 404); "desk is locked and no key is there" (Dershowitz, 520); and, last but not least, "inside edge of desk is rough" (Clark, 516).

BSA Changes in Works

continued from BSA, page 1

BSA officers told a meeting of 1Ls Tuesday that the board would accept 20 to 26 1Ls for next year, about the same number as were accepted a year ago. The seven students currently teaching as part of Murray's section will remain in their positions.

Bhattacharyya also said that Nesson is proposing that his section of Introduction to Lawyering be more of a colloquium, with different professors presiding over each class. In previous years, Nesson has taught most classes, and brought in occasional visitors.

"One of the things we're discussing quite seriously is incorporating more

research into the first-year program," Bhattacharyya said. "This was probably the biggest complaint this year and last year."

Both Bhattacharyya and Duhl said they are excited about the interest expressed by 1Ls, which Duhl said is an improvement over last year.

Other new BSA committee chairs, all of whom were appointed to their positions, are: selection, Amy Weaver; ITL, Rowan Gaither; first-year Ames, Jennifer Hooper; cases, Elizabeth Matthews; semi-final and final rounds, Cristina Espinosa; qualifying round, Amy Kreiger; Williston Competition, Amy Weaver; and Orientation and course evaluation, Tania Dominguez.

LCL

Lawyers
Concerned
For
Lawyers

Lawyers helping lawyers with
alcohol and drug addiction.

If you or a law student or
professor you care about has
an alcohol or drug abuse
problem, LCL can help.

For confidential assistance, call:

Boston: (617) 227-7070

Statewide: (800) LCL-0210

Chief 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!

Gays Still Face Discrimination in Classroom, Job Hunt

By Victoria Kuohung

Second in a two-part series.

1993 brought to filmgoers a stark picture of gay life in the law: A closeted gay lawyer loses his job because his firm discovers he has AIDS. Though the picture is painted only on celluloid, the exclusion and discrimination are real-life — and still confront homosexual HLS students in both the classroom and the job market.

A growing tolerance toward homosexuals on campus belies the vacuum of communication about gay issues in academia. The subjects of hypothetical legal problems, for example, are frequently presumed to be straight.

"We're all so used to a world structured around our absence that sometimes it feels perfectly natural for issues [of homosexuality] not to come up, and I think that is buying into structural subordination," said Steven Homer '94, who chairs Lambda along with Brad Sears '95 and Carlos Vasquez '94.

"It did always feel that the onus was on me to bring up gay issues to make them seem like they were relevant to the issue at hand — which I don't mind doing," Homer added. "But when it's a student bringing it up instead of a professor, the center of gravity is different. If a professor initiates that discussion, it has its own legitimacy."

The fact that even some gay students feel comfortable about being out and talking about gay issues in class is a radical change from the past, when HLS students often feared revealing their sexual orientation. Arthur Leonard '77, a professor at New York Law School, remembers when he joined the undergraduate Harvard-Radcliffe Gay and Lesbian Association as a 3L because no similar organization existed at the Law School.

"It was very lonely and difficult," he said. "I didn't know any people at the Law School that I could talk to about [being gay]. There was much less of an organized community in the mid-70s. . . [but] in a sense you could inch out of the closet and be reasonably safe."

Students found it difficult to raise gay issues in the classroom even just a few years ago, recalls Dan

Danielsen '89, an associate at Foley, Hoag & Eliot and a lecturer on law, teaching "Law, Sex, and Identity" this term. "When you did bring them up, nobody commented on it," he said. "People who were sympathetic wanted to [talk about gay issues] sensitively but didn't know how."

Danielsen sees a greater willingness to debate gay and lesbian concerns in class. "People have been more comfortably dealing with women's and race issues and that has helped them to deal with sexual orientation to an extent," he said. "It's not that they are the same. It's that when one is being self-conscious about these issues in relation to a class, then it helps pave the way for people to include sexuality."

"Outside of a few firms and safe haven cities, the fear is that the partnership would find out that you're queer and exact some sort of retribution,"

Craig Fong said.

Although being out is becoming easier on campus, openness about one's sexual orientation in law firms can still be problematic.

"Broadly speaking, the big struggle for lesbians and gay men in the law is acceptance by law firms," said J. Craig Fong, director of the Los Angeles office of Lambda Legal Defense and Education Fund, a prominent gay civil rights organization. "By acceptance I mean being able to come out with the confidence that your career will not be in jeopardy if you do so."

"Outside of a few firms and safe haven cities, the fear is that the partnership would find out that you're queer and exact some sort of retribution."

Fong added: "The hardest part for a young associate is being out in an established law firm. We're talking about your livelihood here. . . It does not empower one to be glib about making [this choice]."

Students have taken different approaches in making this decision. Dorothy Fernandez '96 included gay-focused activities on her resume, a choice she made as

matter of "integrity. I didn't want to work for a place that would discriminate against gays." Scott Wiener '94 ended all his law firm interviews with the same question: "Are there any gays and lesbians at your firm and do you think a tolerant atmosphere exists for them?"

Sears said his decision to be out on his resume and in his interviews "isn't based on a utilitarian calculus. The political principle to be ourselves is to be out. There may be a negative consequence to that but I don't make that decision before going into an interview." During callbacks, Sears was often interviewed by gay associates who would lecture him to be careful about his being out, and who said that being out meant not being professional.

Vasquez last year interviewed with a firm in Texas, his home state. After the interview, which Vasquez felt had gone well, the partner told him to expect a letter in two weeks. At that point, Vasquez mentioned that gay rights advocates preferred the phrase "sexual orientation" to "sexual preference," a term used in the firm's nondiscrimination policy. He received a rejection letter two days later.

"Because none of us is 100 percent secure, when merit is the currency of advancement and you don't advance, it's hard not to think, 'I don't have what it takes,'" said Homer. "[None of us] knows if we have what it takes. We're all learning this as we go along," He said Lambda does not encourage members to be out on their resumes.

In some cases, however, students are pressured to reveal their sexual orientation during job interviews — it is the interviewer who "outs" the student, at times with disturbing effects.

This past fall, a 2L (who wishes to remain unnamed) interviewed with a large New York law firm. During his first callback interview, an associate spoke frequently about her husband and children, after which she alluded to the student's marital status.

"I don't have a wife or children," the student said he told the associate. "Just to be clear, I happen to be gay."

The associate "stumbled all over herself," the student said. "Some of my best friends are gay," he recalled her as saying, "and we have had gays working in this

please see GAYS, page 14

Clerking Next Year?



Register with SMH before May 15, 1994
and receive the SMH Bar Review Course for

\$895.00

Offer is valid for Harvard Law School students taking
the July 1994 Bar Exam who are participating in a judicial clerkship.
Students must provide documentation of a clerkship.

Contact a Campus Rep or
call us at 1-800-BAR-EXAM

SMH
BAR REVIEW

Charge of the Light Brigade

"The Birthday Boys"
By Beryl Bainbridge
New York: Carroll and Graf
189 pp. / \$18.95 hardcover



By Mike Fischer '95

Book Review Editor

IN the summer of 1910, British navy Captain Robert Scott left England for Antarctica, hoping to lead the first successful expedition to the South Pole. He and four of his men reached their destination in the waning days of the short Antarctic summer of 1913. Having planted the Union Jack and taken a few pictures, they began their 600-mile race back to base camp against the looming Antarctic winter. They never made it.

Beryl Bainbridge's outstanding novel "The Birthday Boys" — first published in her native England two years ago but not released stateside until this month — tells their story. Or, rather, it allows Scott and his men to tell the story themselves. Each of the five men who will die narrates a chapter of the novel; it rapidly becomes apparent that none of those narrations are wholly reliable. Instead, the explorers' contradictory and at times mutually exclusive perceptions of their expedition, their harsh Antarctic environment, and each other underscore the extent to which each of them was not only out of touch with his fellows, but radically and dangerously out of touch with himself.

Disaster, under such circumstances, was inevitable; the wonder is that it did not strike sooner, and that its warning signs were so resolutely and blithely ignored. Stalwarts from another era, Scott and his men recall a time when valor consistently got the better of discretion — a time when tried and true virtues such as manly courage and honor counted for much more than technology and when a determined and steadfast will could overcome unexpected adversity.

In other words, their polar expedition was in trouble from the very start. The boat that takes them to Antarctica, admits Taff Evans, the first narrator, is "little short of a wreck." Loaded to the gills with cigars and fancy chocolates, crystallized fruits and Christmas puddings, the explorers are simultaneously short on oil, medicine, and the dogs which are essential to polar travel. Few of them know how to ski, figuring they can and will learn when the time comes. As they set off for the South, they are already pumping water for four hours each day to overcome serious leakage.

Incredibly, they nevertheless make it not only to Antarctica, but to the Pole itself, replacing the provisions and preparation they desperately need with the sheer grit and stubborn determination they possess in abundance. "I felt there was

something splendid, sublime even, in pitting oneself against the odds," confesses one of the five, Birdie Bowers. "Bravery is a conscious act of discipline," adds Scott himself. "Men from our background," adds a third, the naturalist Bill Wilson, are "schooled to accept things, not to argue the toss once the umpire has made a decision."

Bowers' narration, perhaps the best of the five, brings forth most powerfully what is attractive about these qualities. In the middle of the pitch black Antarctic winter, as the expedition waits for the spring that will allow them to leave camp and make their final assault on the Pole, Bowers, Wilson and a third explorer set off on a foolhardy 70-mile voyage to the nesting grounds of the Empire penguin, hoping to gather specimens.

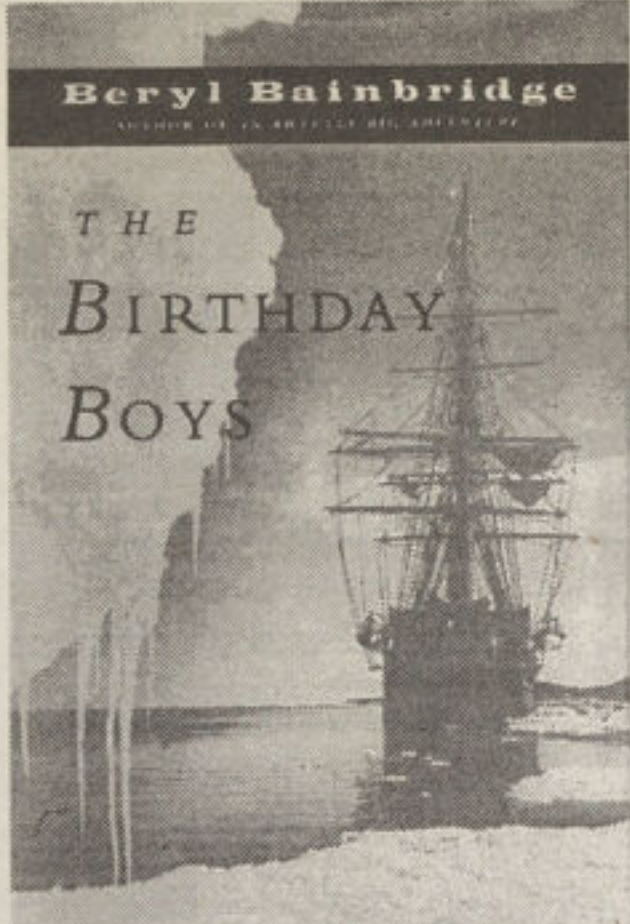
Bainbridge's evocative descriptions of the fierce Antarctic landscape, where the temperatures dip so low that one's breath crackles and solidifies as soon as it is

exhaled, highlight the almost fantastic courage that propels the three men forward and, against impossible odds, brings them safely back to the base camp, specimens intact. Having searched for what they hoped would prove the missing link between reptile and bird, Bowers discovers instead that "we'd unraveled a far greater mystery on the way — the missing link between God and man is brotherly love."

But such camaraderie can do little to salvage the polar expedition itself — whose doom Bowers' narrative ominously foreshadows. As it becomes increasingly clear that the men might not survive the trek back from the Pole, doubt overcomes conviction, bold questions replace blind obedience, and heroic, almost superhuman courage yields to a poignant, bittersweet regret. Yet even as the doubts grow and the food supplies dwindle, the men remain true to the only convictions that they have ever known. We are, Wilson ruefully admits, "misfits, victims of a changing world. It's difficult for a man to know where he fits in any more. All the things we were taught to believe in, love of country, of Empire, of devotion to duty, are being held up to ridicule." In a world that has left them behind, all that they have is each other, and hence it is all too appropriate that they die, encased in ice, in each other's arms. For they are also frozen in another era, without a compass in the dawn of an alien and desolate world called modernity.

Viewed from the vantage point of places like Verdun and Ypres, of the Somme and Gallipoli — from the World War I battlefields, that is, which ushered in modernity with such apocalyptic vengeance — it is easy to dismiss Scott and his men as a pack of overgrown boys who don't seem to realize that the rules of the game have changed, irrevocably. Certainly the disasters that destroyed Scott's expedition were a dress rehearsal for the enormous stupidities and consequent carnage that would engulf Europe one year later, and Bainbridge is masterful at drawing the connections without a word of didactic cant.

Ultimately, however, what makes "The Birthday Boys" perhaps Bainbridge's best novel is her ability to capture what is appealing in these men's virtues as well. Yes, they are foolish and stubborn, almost touchingly naive and willfully blind to their tremendous shortcomings. But, Bainbridge reminds us, Scott and his men draw their courage to live and dream recklessly from a boundless faith in human possibility and an abiding reverence for human originality which we, heirs to a world of mechanical reproduction and statistical probability, neither comprehend nor recognize as our own history.



Grudge Match of the Century Comes to Harvard

By Bill O'Dowd '94

Sports Editor



WELL, sports fans, rally the troops. There is a war coming! In yet another exclusive scoop by this humble reporter, the RECORD has learned of the Grudge Match of the Century. Harvard Business School vs. Harvard Law School in a winner-take-all basketball game Saturday, April 23 at 2:00 p.m. at the MAC.

The game was originally scheduled to raise money for a children's charity operating out of Harvard Square. The Choir School, affiliated with St. Paul's Catholic Church, has approximately 60 students from all over the greater Boston area. The school offers full

HLS star Mark "Hot" Rodriguez '95 took exception to Hendricks' comments. "Money can't buy you a winning team. Just look at the Mets!" Good point, Mark. (Editor's note: Watch out for the Yankees, though!). Andrew "East Meets" Westergren '94 went one step further. In his mother's native tongue, ancient Romanian, Westy shouted: "Zorach ich hatt romeno! Bah humbugger — juch heimliccer ban dunkero!" (And he wonders why he never gets quoted in this column).

School pride notwithstanding, the Business School will pose a significant challenge to HLS' collection of all-stars. Our team could use your support. As an

School pride notwithstanding, the Business School will pose a significant challenge to HLS' collection of all-stars.

scholarships to each of its students. The children attend an extra hour of school every day to practice singing, and they perform as a group at functions across Boston.

Unfortunately, the school is bursting at the seams of its budget. Minimum donations of \$2 at the door should help. However, the experience of seeing this great game may be of greater importance to the kids. There will be a basketball clinic offered for the children beforehand. (A mystery member of the Boston Celtics is rumored to be attending.) We anticipate the kids in attendance will sing the national anthem. Big Brother/Big Sister has also been invited. Finally, we hope to have food and refreshments available for all.

Yet, what started as a "friendly" game between graduate schools has turned into a war of words. HBS captain Joe Hendricks has virtually "guaranteed" victory, a la Joe Namath prior to Super Bowl III. "We are too good for those law boys," Hendricks was overheard saying last week. He added: "We are a first-rate team from a first-rate facility. Heck, those guys play at Hemenway!"

added incentive to attend, a prize will be awarded to the student organization which brings the most fans to the game. Also, there will be awards for best sign, best cheer (Duke fans, this is your chance to win something this year!) and best impersonation of an intoxicated fan (Scott Frederick is a heavy pre-game favorite!). Please don't miss this once-in-a-lifetime opportunity (not the game, not the opportunity to network — the chance to help prove that lawyers do indeed have hearts). Also, any assistance in organizing this event would be greatly appreciated.

There is no doubt that this will be a huge event. The MAC will be closed beginning at 11:00 a.m. next Saturday in anticipation of the game. The bleachers will be rolled out. A portable PA system will be in place. Local media should be in attendance. Look for tickets being sold all next week in the Hark. (Also next week, a list of the all-stars who will be asked to lace up their high-tops to defend the home of Holmes, Langdell, Pound and Austin.) Don't make any other plans. This "war" is going to be too big to miss!

Intramural Basketball Standings as of Tuesday, April 12

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

Compiled by Bill O'Dowd

MUSIC REVIEW

HLS 4,
Pearl Jam 2

By Jeff Bucholtz '95



THE mainstream and commercial music event of the week was, of course, Pearl Jam's completely sold-out, you-have-no-chance-in-hell-of-getting-a-ticket-you-peon shows that this reviewer couldn't go to. Not that I'm bitter about that. Actually, despite bringing the dreaded g-word into common parlance in such decidedly unhipe circles as Time Magazine and Harvard Law School, Pearl Jam are pretty cool.

Still, Tuesday night's Bill's Bar/Venus de Milo double bill of the Obsessed and the Melvins more than made up for missing Pearl Jam. The Obsessed's new disc, "The Church Within," harks back to the early '70s with its ultra-heavy guitar sound. No trendy bass slapping or electronic doodling here — just vintage riffs and rhythms. The Obsessed may borrow liberally from Black Sabbath, but who cares? Next to the power and soul of "The Church Within," the new Sabbath album could be Meat Loaf.

Obsessed singer and guitarist Scott "Wino" Weinrich's illustrious career includes a lengthy stint fronting St. Vitus, an absurdly overlooked outfit that mined a similar Sabbathian vein, as well as an earlier incarnation of the Obsessed during the halcyon days of the D.C. punk scene in the '80s. After a decade of piling up rave reviews from contemporaries like White Zombie, Pantera, and Henry Rollins (Black Flag, Rollins Band), Wino finally has an album out in the United States, and if Tuesday's show was any indication, the Obsessed's cult-favorite status is in jeopardy of yielding to wider success.

Song after song revealed expert musicianship and sheer sonic force. The Obsessed may not be doing anything innovative or fancy, but they're doing it right.

Headlining Tuesday's show were the Melvins, the legendary forefathers of the Pacific Northwest grunge scene. As bands like Pearl Jam, Soundgarden, and Nirvana have exploded out of Seattle, they have uniformly spoken reverentially of a local curiosity called the Melvins, who apparently got the whole thing started. Now, after years of languishing in obscurity and watching their progeny make it big, the Melvins finally have an album out on a major label and a video on MTV.

While songs like "Hooch" and "Honey Bucket" impressed with their relentless bass-heavy riffs and crashing percussion, the Melvins' live show revealed why they have remained cult heroes. Their set featured about 20 minutes of furious, pummeling punk-metal, and about 40 minutes of painfully slow, aimless, minimalist passages. Time and again, the band launched into a promising song, only to kill it prematurely in favor of a drawn-out noise collage. It's fine to keep your audience on its toes, but the Melvins showed that they simply don't want to be accessible.

Persistent rumors of a surprise Pearl Jam performance with their old friends, the Melvins, added a bit of excitement to the night but turned out to be but a cruel hope. Pearl Jam's Mike McCready and Stone Gossard did at least show up and bestow their imprimatur of cool on the concert, though. And since the HLS contingent numbered at least four to Pearl Jam's two, the Law School must be twice as cool as they are.

Another band with the status of cult favorites (in New York City) is Die Monster Die, and their debut release, "Withdrawal Method," should position them to leave the Melvins in the dust. Monster present that most welcome of all reviewing problems: a good band that's impossible to classify.

Producer Steven Haigler is known for his work with the Pixies, and at times the band's churning rhythms recall that seminal Boston group. But at other times, vocalist and bassist Alice Cohen's raw, impassioned tones evoke the late, lamented Caterwaul. Cohen can be tender, too, and her band's music veers from pounding hard rock ("Teeth" even appropriates the guitar riff from Sabbath's "Symptom of the Universe" — there is just no escape from that band's ubiquitous influence) to understated alternative-styled pop ("Swallowed").

Cohen's evocative, striking lyrics camp firmly in the darker half of human experience. In many places on "Withdrawal Method," energetic melodies mask images of betrayal, solitude, pain, and disappointment, but upon casual listening the catchiness of Monster's music overshadows the occasional gloom of her lyrics.

"Withdrawal Method" is an exceptional debut from an extremely interesting band. One can only hope that the media find a niche for Cohen, since, inconveniently, she is neither riot grrrl nor sex symbol, just the talented leader of a highly talented band.

In a totally different musical vein is "Burn, Baby, Burn!," the pause-giving debut of Wisconsin's Electric Hellfire Club. Leader Thomas Thorn apprenticed in the infamous industrial-dance-gone-disco Thrill Kill Kult, and where the Kult impishly played the devil card to humorous advantage, Electric Hellfire Club seem, uh, deadly serious about this Satan thing.

Even a contemptible poseur like Danzig managed to attract the ire of religious and parents' groups for his kiddie-kultish rantings, so it will be interesting to see whether Thorn and Co. find themselves political targets. That would be a shame, not only because it would be cosmically stupid, but also because "Burn, Baby, Burn!" is a great album whether or not you think the Hellfire Club are serious about the invocation printed in the CD booklet.

If the original text bothers you, try substituting the name of a less-than-adored professor and casebook: "We renounce God's/Miller's word. We renounce the Holy Bible/the Federal Rules, the Laws of Cowardice, supreme Book of Lies."

Thorn's LaVeyan Satanism doesn't bother me, but the fact that "Burn, Baby, Burn!" is replete with well-crafted and memorable industrial dance tracks counts for more in my mind. "The Electric Hellfire Acid Test" and "Where Violence is Golden" in particular combine hilarious samples with driving beats to great effect. Most of the lyrics are indecipherable, anyway, and the sinister flavor of the entire disc enhances the effectiveness of its music.

Despite the current trends toward industrial metal and hardcore techno that have constricted the genre of industrial dance, the Electric Hellfire Club have accomplished an impressive integration of guitars and synthesizers, vocals and samples. Whether you're into killing babies, or just like aggressive electronics-based groups like Nine-Inch Nails or Front 242, the Electric Hellfire Club might be for you.

Quick quiz: what is "pearl jam?" If only people knew what "America's Band" meant. . .

FOOD - O - RAMA

Anago Bistro:
A Home Away
From Home

By Ted Cohen '95 and Jonathan Goldstein '95

ANAGO Bistro (798 Main Street, Cambridge, 876-8444) calls you on the morning of your reservation to make sure you're coming. And when you walk into the little storefront room, with its 15 or so tables, you know why: This is a restaurant that does its best to make you feel like you're at an intimate dinner party. If you reserve a table at Anago and don't show up, you'll be letting down a friend who set the night aside to cook just for you.

It's a spare-but-homey little place, with its indirect lighting, and studenty paintings of vegetables on the paint-sponged walls: We sat between a bunch of scallions and (if we remember correctly) one of carrots. And the room invites comparison with the food: Even when the chef tries to get fancy, his food comes across as simple, hearty, and eminently likable in an "Aw, shucks" kind of way.

But by "home-style" we're not quite talking "like Mom used to make": The Anago has, hands down, some of the loveliest presentations we've seen. Big, white plates come adorned with an array of colors and textures so attractive that you feel guilty for disturbing them. These are dishes to be framed. Whether it's an artful drizzling of red pepper sauce, a ring of braised winter vegetables, or a sprinkling of fresh parsley and oregano, the kitchen acknowledges that the eye has as much to do with a meal as does the palate.

Fortunately, the chef's skill does not stop there. The constantly revised menu features a variety of dishes in which ingredients are made to stand on their own, never lost in sauces or seasonings. In fact, in all the dishes we sampled, no more than some five basic spices were used. (Fresh oregano seems to be a favorite.) Case in point is an appetizer of Grilled Portobello Mushrooms and Asparagus with sweet red pepper oil (\$8.25). The sauce is drizzled onto the plate, so as not to mask the full flavor of the asparagus and the meaty portobellos. And the light cream sauce on the Sea Scallop and Crab Ravioli with Tomato, Saffron, and Parsley (\$9.50) did not in any way diminish the fresh sea flavors of the pasta filling. If any-

This is a restaurant that does its best to make you feel like you're at an intimate dinner party. If you reserve a table at Anago and don't show up, you'll be letting down a friend who set the night aside to cook just for you.

thing, this was the one dish which erred a trifle too far on the simplicity side; it could have stood a bit more salt and pepper. (In what seems more a statement of purpose than an oversight, none is provided on the tables.)

Entrees follow in a similar vein, though the less-is-more aesthetic does not extend to portions here, which are huge. A fist-sized hunk of grilled beef tenderloin (\$19.00) is buttery, tender, and cooked exactly as you asked for it. The meat is served over garlicky rosti potatoes with an amazing wild mushroom gravy, and ringed by tiny brussels sprouts, pearl onions, and baby tomatoes. It is an inspired move: The bitterness of the brussels sprouts cuts through the rich, slightly sweet gravy. This is a beautiful and just-about-perfect plate of food.

Just as lovely — but slightly less satisfying — is the fillet of salmon served over a stew of tiny French lentils and surrounded by a wreath of chopped tomatoes, Chinese broccoli, and plump, juicy mussels (\$18.50). Although each element was executed beautifully, each was clearly prepared separately and then combined at the last minute. Without time to interact, the flavors on the plate remained a little one-dimensional. A better option might be the Roasted Monkfish and Clams with Savoy Cabbage, Chorizo, and White Bean Stew (\$17.50).

Vegetarians should note that Anago offers a Goat Cheese and Baked Vegetable Casserole with Grilled Flatbread, Poached Garlic and Thyme (\$7.25 as an appetizer; \$14.50 as an entree).

The bulk of the wine list lies in the \$17-25 range, and seems to carry a few bargains. There are also six selections by the glass (from \$3.75 to \$5.25) which have been carefully matched with the food: A 1992 Vidal Blanc from Sakonett Vineyards went nicely with the ravioli and the salmon; a Cabernet-Merlot blend from Hedges was the right choice for the tenderloin. For you hop(s)heads, the usual complement of microbrewery product is available.

Desserts are necessarily less rudimentary than the other menu items, but no less adroit. For around \$5.00 you have a choice of some inspired combinations of sweet and tart ingredients which do more for the taste buds than any Chocolate Decadence cake could ever hope to do. The Rhubarb Walnut Crisp with Cinnamon Ice Cream comes sizzling in a mini-casserole. If you've always wondered just what the mysterious rhubarb tastes like, this tart, cobbler-like concoction is your chance. An Orange-Almond Chocolate Torte is placed atop an orange sauce and covered in slivers of orange peel. Here again, the sweet cake with its fudge frosting is nicely complemented by the bitter orange zest. For the slightly less adventurous, there's a Lemon Cheesecake and a Maple Pot de Creme with Pecans. Anago's Espresso was steaming, but needed a jolt more richness (perhaps the choice of beans?).

In sum, Anago Bistro is a fine place for a fine meal. Service is professional; the waitstaff, dressed discreetly in black, seem to be everywhere at once, while somehow remaining totally unobtrusive. Prices are a little high, but the comfortable atmosphere, and a menu that skillfully blends simplicity with rich flavors, make Anago well worth a visit.

RATING: ★★☆☆

Sticks and Stones

By Kiya Kato '96, Shilpa Satoskar '96,
and Rich Schragger '96

THE completion of the draft sexual harassment guidelines has sparked debate about First Amendment freedom. The Law School has heard from those who denounce the guidelines as dangerous and antithetical to free speech. In the spirit of free inquiry, this comment responds to some commonly made arguments and assumptions, and raises some questions about the terms of the debate.

"The guidelines violate the First Amendment, and are just another example of PC' zealots coming up with new ways to control what we all say and think."

The free speech absolutist takes a position that has never existed and could never exist. It is an elitist position, concerned with easy answers to hard questions, concerned with abstract ideas instead of concrete pains. No one enjoys absolute rights to free speech, especially when someone else has to pay for it. We regulate speech such as libel, defamation, "fighting words," and we do not protect harassing telephone calls or blackmail, though they may all only involve speech. This is not to say that any regulation of speech is permissible, but rather that if an interest is strong enough, some regulation of speech, as long as it is narrowly tailored and accomplished by the least restrictive means, is allowed within the framework of the First Amendment.

The proposed harassment policy takes established federal civil rights guidelines and makes them more specific. The Law School's harassment guidelines do nothing more than reflect the hostile environment standard that already exists under Title VII. Speech alone can constitute sexual harassment under both the hostile environment standard of Title VII and under EEOC guidelines. Further support for such a policy stems from such cases as *Brown v. Board of Education* and *McLaurin v. Oklahoma State Regents* which have held that the message of inferiority is not constitutionally protected. Thus, the harassment policy is not an attempt to take away students' constitutional rights, but rather an effort to make more meaningful the protections that students already enjoy and apply these protections to the educational setting of HLS.

It is dangerous to assume that the court of public opinion is always beneficent. However, even assuming public opinion did marginalize the harasser, it could not adequately compensate the victim and redress the harm she or he has suffered.

"Maybe we need a policy for sexual harassment, but not for personal vilification and discriminatory conduct."

It is not possible to draw a logical distinction between speech which constitutes sexual harassment and speech which constitutes racial or other harassment. This is the inconsistency the draft committee has rectified with the section of the code concerning personal vilification and discriminatory conduct. Since it is clear that some speech, if defined narrowly enough, is tantamount to harassment based on gender, it is only logical that the same would be true of harassment based on race, color, national origin, sexual orientation, religion, disability, or age. The "speech code" which has engendered such heated attacks is no more of a speech code than the standards for regulating sexual harassment established by the Supreme Court.

"This will create a massive chilling effect on beneficial speech."

Only harassment will be chilled by this policy. The speech which will be

affected by this policy is speech that in no way furthers the goals of the First Amendment or the free exchange of ideas. "Death Nigger," "Asian Americans Die Now," and "Faggot, I hope you die of AIDS" are all examples of words which were used to harass students on college campuses. When words like these are used, the intention is to degrade, harm and stigmatize, not to initiate a dialogue in the pursuit of knowledge or truth. There is a line between the expression of an idea, such as, "I think anti-Semitism is good," which we agree should be protected even if it is "offensive" or "insulting," and harassment that has serious effects on its victim. These effects include both immediate emotional and physical trauma, and the resulting effects of stigmatization, isolation and internalization.

No one is seeking to stifle the expression of ideas; what the committee is trying to do is delegitimize harassment. Despite protests to the contrary, this can be done

by casting a narrow net. The harassment code narrowly prohibits speech which is intended to stigmatize, which is addressed or targeted directly at an individual or group of individuals, which makes use of words that are commonly understood to be hateful, and which has the effect of creating an intimidating environment which interferes with the work of students, staff, or faculty. Additionally, any speech intended to contribute to education, academic inquiry or reasoned debate on issues of public concern is explicitly protected.

"The court of public opinion will take care of hateful speech."

It is dangerous to assume that the court of public opinion is always beneficent. However, even assuming public opinion did marginalize the harasser, it could not adequately compensate the victim and redress the harm she or he has suffered. Knowing that the University does not offer protection to victims only deepens the harm felt. On the other hand, seeing the University take an affirmative stand against harassment would be helpful on both a real and symbolic level. Victims would have recourse and would know that the University is supporting them and that their dignity is worthy of protection.

Finally, it is assumed that individuals who are harassed can "get out there and fight back with their own words." This appeal for counter-speech is based on the assumption that the truth will be revealed through the marketplace of ideas if given enough time. It is also based on the assumption that power never confers truth, that the university is a neutral place which will always privilege the truth over falsity, and that individuals have equal access to the marketplace of ideas. The truth is that not all participants in a university feel like they are able to engage in free inquiry because they exist in an institution and in a society which is often unwelcoming and hostile.



It is of course the case that we should be wary of giving to the institutions which have for years practiced oppression the tools with which to invalidate speech. There is no assurance such rules will not be used against those they are trying to protect. This means that we may have to be vigilant and monitor how the policy is being applied, but it does not mean that we should refrain from having such a policy. It is important to take seriously the well-being and dignity of all members of the Law

School community and to provide an environment in which all members feel free to participate in the academic enterprise. By failing to do so, "we paint the harassing bigot as the martyred defender of democracy."

• Letters (continued) •

The Bluebook Makes Much Sense

David Goldstone and David Weinstein's critique of The Bluebook ("Tyranny of the Text: The Bluebook's Unhappy Reign," RECORD, February 11, 1994) echoes frequent complaints about that publication and recites common benefits attributed to The Maroonbook. I have a couple of comments I hope will cast these complaints and tributes in a different light.

First, The Bluebook really isn't all that hard to master, a point highlighted by Allan Dworsky in his book, *User's Guide to a Uniform System of Citation: The Cure for the Bluebook Blues*, and by Bryan Garner in his book review, "An Uninformed System of Citation: The Maroonbook Blues," in the 1990 edition of *The Scribes Journal of Legal Writing*. My experience as an appellate lawyer for seven-and-a-half years at the Wisconsin Department of Justice confirmed for me Dworsky's and Garner's observations. At the Department, legal secretaries had the task of ensuring that the citations in the attorneys' briefs conformed to standards specified in The Bluebook. (A Wisconsin rule of appellate procedure specifies that cita-

tions in appellate briefs conform to The Bluebook's standards.) None of the secretaries who worked for me or for the other attorneys in my unit had any problem dealing with the demands of The Bluebook.

Second, and more important, The Bluebook's detailed approach to citation form serves a valuable function in an age of computerized information storage and retrieval. A casual *laissez faire* citation style, as offered by The Maroonbook, poses a significant risk for someone relying on a citation to retrieve information from a computer. Consider a large law firm that maintains its bank of briefs, research memoranda, and other potentially useful documents on a computer network server, so everyone on the network can search through the data bank. If the authors stored documents followed The Maroonbook, anyone searching for documents citing a specific case, statute, or other authority would, in fashioning a search, have to consider all the possible ways the authors of all the documents might have written the citation. But if the authors of the documents followed The

Bluebook, someone searching for those same documents would not have to think about those variations when fashioning a search and would not have to worry so much about inadvertently bypassing a document containing the desired information. In short, the detailed—even rigid—citation standards found in The Bluebook (or in any similarly specific citation system) offer a substantial benefit, not afforded by The Maroonbook, in simplifying a common type of computerized search and making those searches effective.

And, in the for-what-it's-worth category, Mead Data Central and Lawyers Cooperative Publishing helped sponsor the publication of The Maroonbook. Within the last couple of years or so, Lawyers Cooperative and LEXIS switched the format of citations in the outline version of Auto-Cite reports from a Maroonbook style to a Bluebook style, a change LEXIS prominently announced at the time in, as I recall, a press release and on-line announcements.

Christopher G. Wren '99
March 24, 1994

Jeff Bucholtz Likes a Mean Guitar

I feel compelled to respond to Fenno's unconscionable bastardization of Jeff Bucholtz's brilliant Calendar column in [the March 18] RECORD. Let's get one thing straight, Fenno: Jeff Bucholtz rocks. Granted, Bucholtz is not perfect. He's a little too enthusiastic about mind-numbing industrial garbage, he made a mockery of Ace "God" Frehley in a recent column, he once characterized Living Colour as a "heavy metal" band, and he has been conspicuously absent from killer shows by Black Sabbath, Motorhead, Tool, The Organization, Strip Mind, and Wargasm in recent weeks. Despite these shortcomings, however, Bucholtz is

one of the few people at HLS who appreciates a loud guitar, a mean riff, and a bludgeoning groove. Hence, Bucholtz is worthy of much more respect than that accorded him in Fenno's slanderous parody.

More to the point, I am convinced that Fenno was simply projecting his own taste for boring commercial drivel onto Jeff Bucholtz. It would certainly explain a lot about Fenno. For almost two years, I have read Fenno's whining columns concerning his failures in such areas as school, women, grades, women, job interviews, and women. As the immortal Suicidal Tendencies track "Captain Stupid" (or is it

"Captain Fenno?") reminds us, "If your life sucks, you suck!" So, my dear friend Fenno, why don't you quit your complaining, turn off your damned Bee Gees 8-track tape, and head down to Fitchburg, MA on April 8, where Pantera (the mighty cowboys from hell) and Crowbar will blow the roof off the Wallace Civic Center? If you do, there may be hope for you yet.

Kit Ekman '95
March 19, 1994

(Editor's note: The RECORD regrets that, due to its publication schedule, Mr. Ekman's letter could not be printed until after the Pantera concert.)

Cruise Award Casts Shadow on HLS

The February 25, 1994 front page picture of actor Tom Cruise displaying his "trademark grin" and Dean Robert Clark, his countenance shrouded in an imbecilic widening of the lips to simulate a smile, displays him as suffering from an advanced case of idolatrous juvenility.

To Harvard Law

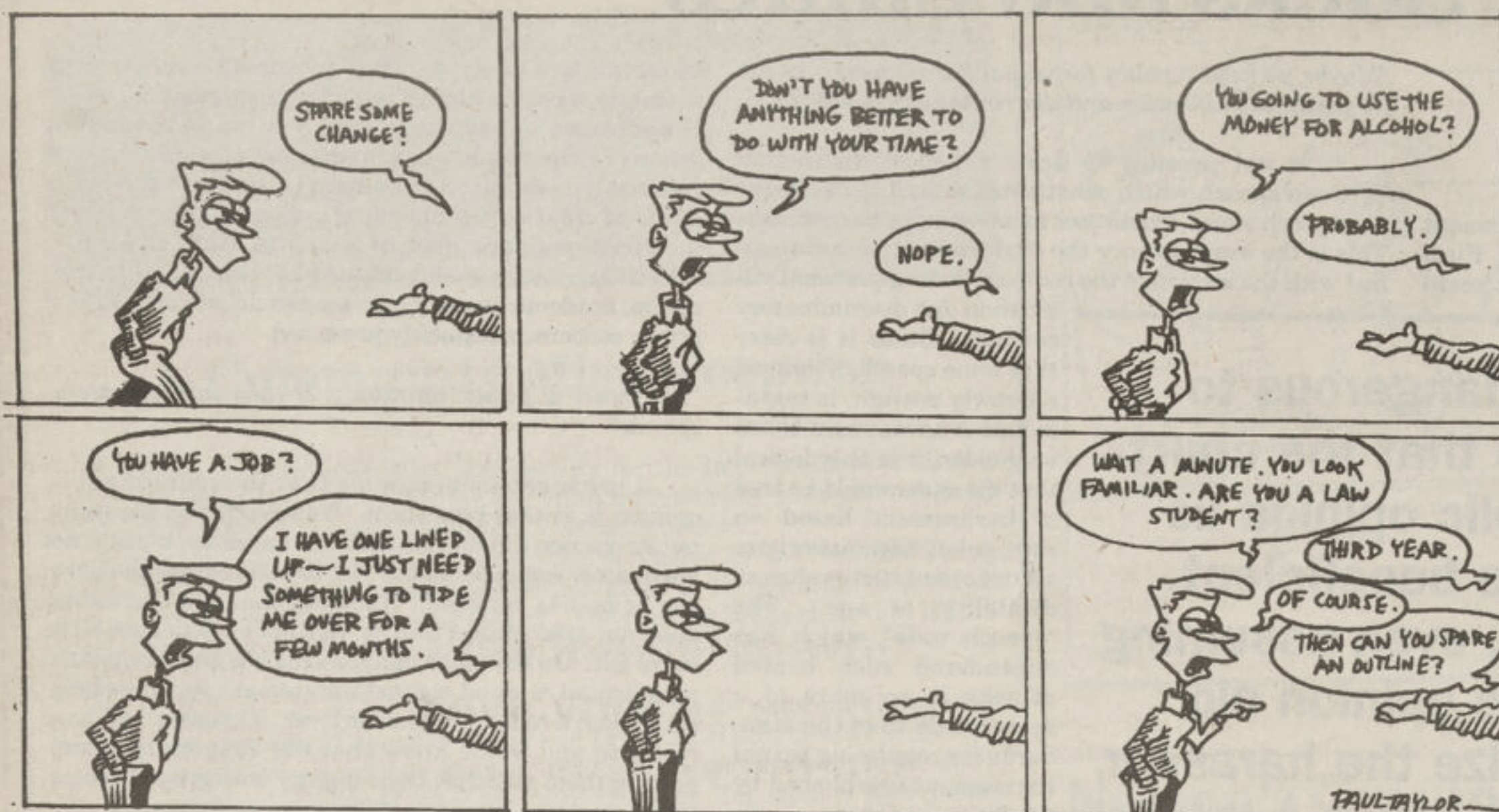
School's misfortune, Clark's certification of Cruise in the name of HLS for his "outstanding contributions to the reputation of Harvard Law School" takes the rag right off the bush. To let the Hollywood flack merchants kidnap him and HLS for a marketing promotion is, I think many will think, an egregious failure of faith.

Dean Clark has been entrusted with Harvard Law School's good name. To allow himself to be duped into being a prop for Cruise's "trademark grin" and movies which cast a shadow on the dark side of HLS's reputation is an astonishing breach of trust.

Carl Shipley '48
March 26, 1994

Liabilities

By Paul Taylor



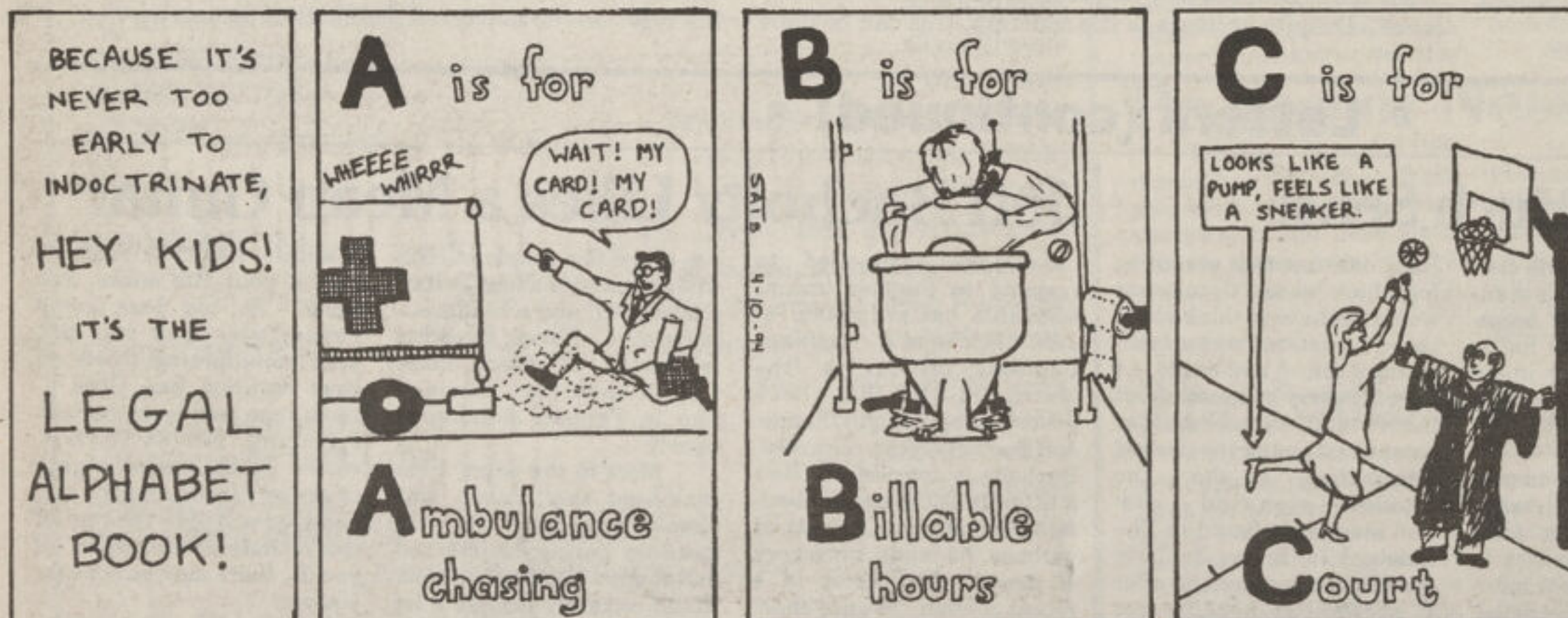
GROMM: Barbarian at Law

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

Mean Guitars and Cool Shows

The clerkship tour was fun — what could top Neil Diamond — but now it's back to the grind of the Boston club scene. Topping this week's list of shows is the ear-splitting double bill of **Stabbing Westward** and **Pitch Shifter** at Axis (262-2437) on Wednesday, April 20. Axis may have discontinued its Wednesday Night Metal series, but unless you're Kit Ekman '95, after you experience the electronically-enhanced brutality of these groups, you won't care.

Stabbing Westward emerged from the Chicago industrial scene that spawned Ministry, and they have ably emulated their elders' guitar-dominated sound. Unlike many so-called industrial outfits, **Stabbing Westward** feature a live drummer, and as a result, their live show is actually live and definitely does not suck.

Pitch Shifter adhere to the sparse, rhythmic noise of the British Earache camp, epitomized by the mighty Godflesh, and promise to do their best to permanently damage your eardrums.

Tonight (Friday, 4/15) at Local 186 (351-2680), WFNX Best Music Poll winners **Cliffs of Dooneen** perform their Irish-tinged alternative rock. At times the U2 influence threatens to overwhelm the Cliffs, but they're a good bet for fairly straightforward pub rock.

— Jeff Bucholtz

Readings. Shows. and Stuff

Fields of Dreams

The baseball season is now ten days old, which means that everyone in Red Sox Nation has managed to repress the curse of the Bambino long enough to delude themselves into believing that the Old Towne Team might actually win a pennant. Notwithstanding the fact that their defense has more holes than my umbrella and their manager is all wet as well.

Still, baseball is baseball — even when it is played by the hapless Sox. So if your umbrella doesn't have any holes in it — or if you want to celebrate the return of the world's greatest game in the warm spring rain — you can trek off to Fenway Friday night or either weekend afternoon and watch the (Red) Sox play the (White) Sox in a rematch of last weekend's series. Look for me in the bleachers, wearing my Tigers cap, my hot-dog, and the mustard.

Baseball is so appealing, even to nerdy non-jocks like myself, because it offers a respite from the clock (the only major sport, incidentally, without this barbarism). One could, of course, say the same for poetry generally, and for Irish poetry in particular, which has always exhibited an uncanny ability to both acknowledge and transcend the politics that have torn Ireland itself apart.

Eavan Boland, Ireland's best known woman poet, has been particularly adept at exploring this tension between aesthetics and history, the personal and the political. She makes one of her rare visits to the United States to read this Wednesday, April 20, at Waterstone's Bookstore (26 Exeter Street, Back Bay, Boston). The reading will get underway at 7 p.m.

— Mike D. Scher

My World and Welcome To It

By Debra Dickerson '95

RECORD Columnist

10 p.m. Sunday night. Column time. Damn. Don't feel like it. Check the schedule — cool. Only four more issues. 3600 more words. Titles are always the hardest part.

No ideas. Haven't had one all week. It was so easy first year. One surreal thing after another — tuition more than my mother makes in a year, study groups you need a resume and interview to get into, famous profs whose names are laugh lines on TV cop shows, classmates who've never held a job passing stern judgment on the desperate people in our casebooks. Can it be I've gotten used to the madness? What will I do for material next year? (Mental note: be sure to sign up for one of Prof. Rosenberg's courses.)

Jam the walkman for inspiration.

Dup do dup dup dup do do

Dup do dup dup dup do do

Hey Abe, talk a walk on the wild side

Surely there's an Abe on the faculty. Chayes, right? I don't even know him. Is there anything to work with there? Is he quiet? Tall? Short? No, no, hopefully not short. With the geekometer readings around here, I'll be tarred and feathered for sure. Too much work to cross the room for my copy of the faculty directory, too much work to call a friend who had him, whoever he is. Nah, skip it. Sounds like it would violate my "no research for the RECORD" rule.

Change the station, try a little rap.

Let's talk about tax, baby

Let's talk about the UCC

Let's talk about all the—

Bor-ing. Gotta be beneath even me. Stupid song parodies been done to death anyway. Even the RECORD has to draw a line. A million and one times has to be one too many.

This is crap. Worse, it's only 296 words of crap. This could get ugly. How long's it been since I pulled the "No way. I thought the deadline was Tuesday, not Monday" routine? Even Greg Stohr'll break the code



on that one eventually. Better not antagonize him.

Lemme see. There's always Prof. Dan "The Human Abacus" Halperin '61 No, that won't work. My only chance of passing Tax lies in serious suck-up-age. I'm so lost, I'm gonna need a Vulcan mind-meld with Chirelstein. I wonder if that hurts. How come nobody told me Tax involved numbers? Classes should come with warning labels: "Self-esteem alert — numbers in use in this classroom." Last

class was typical. He spent the first five minutes pointing out all the math errors he'd found in the casebook.

"So change \$313,437 in the third column of the 45th line from the bottom of the present value chart on page 345 to \$313,435.789. I was having a couple of beers and flipping through the book during half-time Saturday night, and it was so obvious, it just jumped right out at me. By the way, remember two months ago, I told you'd I'd come back to accelerated depreciation as it relates to those aircraft leasing deals all your parents told you to ask me about? OK, look over on page 486, last full paragraph and then the clause in the fifth paragraph that reads 'unless the Commissioner deems otherwise' on page 109. If you remember last month's discussion on amortizing mortgages within a half-hour of the taxpayer's death and adding his remains to basis, it should be obvious to even a liberal arts major that the taxpayer owes another \$142. \$142.78 if you count the change in the bottom of her purse when she died."

I knew I had to give this class my all. I woke the person next to me. "Excuse me, can I bum a pen? I should probably be writing this down." No way am I pissing him off. (Mental note: write glowing piece

about tax law as an agent of positive global change in post-cold war restructuring.)

I'm getting desperate. Time to review my list of off-limits targets: JLSA, BLSA, AALSA, La Alianza, Lambda, third-world LL.M.s, profs under 30 and over 50, alums older than 80 who question my sanity, and usually WLA (but they're the first ones out of the lifeboat). Profs whom it would be redundant to parody: Duncan Kennedy, Dershi, Miller. OK, OK Rosenberg, but how can one resist? So what does that leave? Right-wing, heterosexist, privileged white males. Oh, well. If I must.

Oh wait, there was that sign that caught my eye. Oh yeah, some event announcement on a blackboard — "Get your tix in the Hark." I remember now — Boyz in the Hark.

How come nobody told me Tax involved numbers? Classes should come with warning labels: "Self-esteem alert — numbers in use in this classroom."

What would be the HLS equivalent of two friends struggling to survive South Central with lives, attitude, and morals intact? The guy who makes it has a father who is both present and strong. The other had a triflin' mother, a baby by his teenaged girlfriend, was dumb as a rock, but loveable, and wins a football scholarship just before dying pointlessly in an alley over a Boyz II Men capella jam. So here at HLS the equivalent would be... Nothing, I guess.

What was the other silly thing, yeah, The Wizard of Ames. Wizard of Ames, Wizard of Ames. Think,

Debra. Follow the yellow brick road = Follow the well-trodden path. I kinda like that. It's just bitchy enough. OK, now let's see. People in need of: a brain, a heart, courage, a home.

This sucks. Too easy, only marginally funny, and oh so meaningless. I could try slipping in another serious column, but I may have already pushed that to the limit. Better hold off.



Fenno was ecstatic. His clerkship ambitions had been realized. He would now be able to spend an entire year logged onto Westlaw, researching such pressing and interesting questions as the appropriate standard of appellate review for derivative class action joinder appeals as governed by *International Shoe* and its progeny, limited of course by Federal Rule of Procedure 19(d).

The story was not a pretty one, but then again, this is Harvard Law School, a place where Griswold is considered an attractive building (or at least better-looking than Gropius). Like all good, red-blooded, grasping law students, Fenno had sent out a good half-million resumes. Even Dave Justice received a cover letter, on the off chance that he was somehow affiliated with the legal system.

After the requisite waiting period, Fenno began to get news back from the Front. The letters were running five to one in favor of Fenno looking for a new profession, but occasionally there was the promise of an interview. Louisiana judges in particular seemed interested — perhaps because Fenno had included a picture of his favorite handgun with his resume.

Then it happened. One night, as Fenno was drifting off to sleep in the midst of a particularly exciting Advanced Property reading ("A Fee Tail for the '90s"), the phone rang. It was Judge Lomax's secretary, calling from Juneau, Alaska, to inform Fenno that the judge would be interviewing him the next morning at 11 a.m.

Fenno raced to Logan airport, bought a round-tripper for \$1340, and was on his way. Needless to say, he was a bit disappointed to learn upon his arrival at the Juneau Federal Courthouse that Judge Lomax had decided to accept some clown from Yale earlier that morning.

Fortunately, Fenno had the good

sense to check his answering machine while at the Juneau airport, whereupon he learned that another judge had decided to take the plunge, this one in Miami. Rerouting his return flight through Miami only cost an additional \$760, so Fenno proceeded to Florida.

Once there, he was relieved to learn that he would in fact have an interview. Judge Fermin seemed nice enough, but the first question did not bode well for Fenno: "I see you got a C in Criminal Procedure. We tend to deal with a fair number of criminals in this line of business. Could you explain this grade?"

"Yeah, well, uh... I discovered this tumor just before the exam and..."

"Wait a minute. It says here you had Dershowitz. Is that correct?"

"Well, there was some loud, self-aggrandizing guy wearing tacky sweaters at the front of the class each day, and we did learn how men are the true victims of every rape..."

"I think you're the one I'm looking for, Fenno, my boy. You see, we judges long ago discovered the Inversion Principle: the better your grade in Dershi's Criminal Law class, the lower your performance as a legal scholar and vice-versa. When can you start?"

Next Week: Fenno registers for classes and hurts himself with a Number 2 pencil.

Quote of the Week

"I'd rather have 350 people ... watching Jon Stewart than have 500 people get botulism."

—Dave Aronberg '96 on the Law School picnic

Want free pizza?
Want to write for the
RECORD next year?
Come and see
us any Tuesday night
in Ames and all this
can be yours.

Time for a Tune Up

By Stephen Weinstein '94
RECORD Columnist



FASTER than a speeding wire transfer; able to leap over primitive accounting standards in a single bound; more silent than a Swiss banker! Is it: BCCI? A trading account in Little Rock, Arkansas? No! It's the blissfully underregulated derivatives market!

This is an opportune moment to reconsider adding some safety features to a market that is, indeed, chugging away faster than a speeding locomotive. "Derivative" is the catch-all term for a financial obligation whose value is derived from the price of another, underlying asset, such as cash, commodities, stocks, or bonds. Today, \$14 trillion (yes, trillion) or more of the things may be kicking around the globe in a computer-driven cyclone. Nevertheless, the derivatives business is largely unregulated. Public disclosure remains almost nonexistent.

Happily, change is in the air. The Securities and Exchange Commission, the Federal Reserve Board, and (gasp) the industry itself have all publicly proposed various reforms within the last month. More ominously, derivatives have received much of the blame for the astonishing stock market plummet in early April; deserved or not, this blame may provide policymakers that much-needed final kick in the pants. The reformist table seems set for change of some sort; let's peruse the choicest proposals on the menu.

More Disclosure. Most of the realistic proposals focus around the problem of transparency. Most derivatives are not traded on public exchanges; they are bought and sold "over the counter." Furthermore, generally derivatives are designed explicitly to meet the needs of sophisticated investors and thus, under current U.S. law, ipso facto need not be publicly disclosed.

Well and good, you might say. The folks trading derivatives are big girls and boys and can look out for themselves. The fallout from the recent market correction is a case in point. Sophisticated hedge funds had used derivatives to make complicated bets predicated on stable or falling interest rates. When interest rates spiked up sharply, these gambles lost. Many firms were forced to unwind huge derivative contracts, and several, most prominently Askin Asset Management, were forced into liquidation. Although fortunes were lost (Askin's investors alone lost \$600 million), the losers, sophisticated investors all, knew what they were getting into. No public good, some argue, would be served by enhanced, costly ex ante disclosure or oversight.

Well, maybe not. What if even liquidation failed to wind up Askin's positions? Would more market institutions have failed? And what would their failures have led to? This scenario is the dreaded "ripple effect," where, it is feared, a handful of small fires inexorably ignites a systemic meltdown. The idea is that one firm's self-immolation could bring down a host of others and damage the financial system as a whole.

Alternatively, what if Askin had run a bank, and not a hedge fund? And what if the bank was — eek — federally insured? It turns out that the biggest players in the derivatives market are federally insured banks. Even scarier, the banks carry derivatives "off balance sheet," which means that regulators aren't sure how many derivatives banks own and how risky their positions are.

Some analysts believe the derivative portfolios of U.S. banks may exceed their balance sheet by a factor of 28. Absent more information, though, depositors and regulators have no way of telling how risky these huge trading positions may be. In fairness, note that most derivative trading strategies are designed to lessen, not increase, risk. Still, it is impossible to prepare for every unknown contingency. Even if it were, the public would have the right to know the wagers being made with publicly-insured funds. To this end, while new legislation funnels through Congress, the Fed has signaled its desire for more informative "voluntary" disclosure.

More International Coordination. In ways that are gradually becoming more clear, market participants have used derivatives, particularly the over-the-counter international market, to avoid or lessen pesky nuisances like taxes and regulation. For example, derivative contracts with off-shore parties have been used magically to transform a bank's net capital position — mostly through so-called "swaps." Despite the nomenclature, these deals aren't even-up trades (why bother otherwise?). Thus a bank which, on paper, has miraculously made capital appear from the void, may in fact be no better off — it may even be worse off. Such shenanigans could threaten both the domestic and the international financial system.

The United States and Britain recently took a good first step toward getting a hard look at this and other cross-border regulatory gaps. An agreement between the SEC and Britain's Securities and Investments Board will promote more international information sharing, closer examination of risks taken by multinational financial institutions, and more accurate public disclosure of those risks. In addition, the Basle Committee, an international panel which promulgates rules designed to reduce risk in the international financial markets, is helpfully expected to focus on derivatives soon.

Safe and Efficient Clearing. The helpful, and nonregulatory, proposal to establish a single derivatives "clearing houses" is especially welcome. Clearing corporations function in part as giant bookkeepers, tracking net trades for market participants. This service cuts the costs of parties who trade over associated exchanges. More importantly, clearing houses sever the relationship between buyer and seller, and act themselves as buyer to every seller and seller to every buyer.

Thus, a derivatives clearing house would significantly lessen the market's "counter party" risk; i.e., the risk that your trading partner will fail to deliver what it has promised. This, in turn lessens systemic risk. Not coincidentally, the establishment of a derivatives clearing house should draw business away from the over-the-counter market in favor of the public exchanges, enhancing the scope of public disclosure and regulatory oversight. Here, then, is a step the industry can take on its own.

Derivatives have the potential truly to be the Superpeople of the markets, lowering risks for those who desire safety and increasing pay-offs for those who like to gamble. Nevertheless, a modicum of evenhanded regulation, a spate of sensible steps by the industry, and all the dry, arcane disclosure wonky public watchdogs could hope for can only improve matters. Otherwise, it will be just a matter of time before overconfidence, unforeseen circumstances, or a simple goof-up emerges as the Kryptonite that killed the securities of steel.

Harvard Panned in Poll

continued from POLL, page 1

originally worth four points, was then weighted according to its perceived importance and the answers were tallied on a 100-point scale. Washington & Lee claimed the top spot with a score of 78.37.

Jack Crittenden, the National Jurist's publisher, explained that to determine the relative weights, the magazine's staff "interviewed current students and recent grads and asked them how important they thought each factor was to their overall happiness." As a result, student evaluations of quality of teaching, for example, counted for 14 percent of the total score, while quality of library staff comprised only 4 percent.

The other questions weighted equally with quality of teaching were research resources, on which HLS scored near the top, and "the existence of a strong sense of community," on which the Law School rated barely one point out of four, good enough for a one-half-point lock on last place.

The Law School also found itself mired in dead last in the categories of faculty-student relations and faculty diversity.

Crittenden reported that HLS scored above average only in the intellectual challenge of the work, the quality of teaching, and the library facilities and staff.

Conspicuously absent from the 11 questions which the National Jurist selected as defining overall student satisfaction is any reference to either the quality of the education or the value of the degree offered by a school. "We wanted to focus on what students felt about their schools," said Crittenden, "not about what the schools could do for them after graduation."

Students Criticize Survey

Many students took issue with both the results and the survey's focus.

"This place isn't that evil," said Reg Goeke '94. "Besides," he added, "those Washington & Lee students aren't going to be too satisfied with their school next year when they're waiting tables."

Crittenden conceded that, even though the article technically labels Seton Hall the second "best" law school, 152 rungs above HLS, "no one is going to look at this and go to Seton Hall over Harvard." He nevertheless defended the survey as valuable for comparing schools with similar reputations that promise comparable job prospects.

"For someone choosing between Seton Hall and, say, Rutgers, this survey could help by showing which one might be more enjoyable," said

Crittenden.

Two HLS students have called the National Jurist to voice their displeasure with the survey, according to Crittenden. "One guy was very upset and thought the survey couldn't be valid because Harvard was too low," recalled Crittenden. "I told him it wasn't about where you could get the best education or the best job, but that it was just what his own fellow students had voted." Crittenden added that "I haven't received any calls like that [complaining about the article] from students at any other schools."

Richardson Cites Improvements

Dean of Students Suzanne Richardson cautioned against placing too much credence in the National Jurist study, but emphasized that the administration has been making a serious effort to improve life at HLS. "It is extremely important for the administration to know what students are thinking," Richardson said.

Richardson cited the recently-planned schedule of meetings at John Harvard's Brew House as a "good way for us to find out what's on students' minds and then work to make everybody's experience here better." At each of the five sessions, Dean Clark, Vice Dean Smith, and Richardson intend to discuss all aspects of life at the Law School, with students in the informal Brew

House setting.

An example of a program designed to facilitate student-faculty interaction is the faculty speaker series inaugurated by Prof. Archibald Cox '37 on March 9, according to Richardson. "We have a lot of world-famous professors here, and this is a way of exposing more students to more of them," she said. "We're planning at least two more speakers before the end of the school year."

Richardson also mentioned this year's additions to Orientation as devices to enable students to "make more and different connections with the faculty and to make them more accessible." She cited the all-Law School reception and the question-and-answer sessions for 1Ls and their professors as positive changes.

Whatever the motivation for the recent onslaught of data about law school life, the trend does not look likely to disappear. The Princeton Review rankings have made their way into the national media, and Crittenden says the National Jurist has received "more calls on this one article than on any other entire issue. Many more people are reading this issue than normally pick up the magazine."

But What Did They Think of the BUTTAFUOCO?

The National Jurist has named the RECORD as one of four law-student newspapers "among the best at reporting news, fostering debate, and encouraging students to get involved."

"A few years ago, [the RECORD] was considered by many to be a leftist rag with an anti-administration bias," the magazine reported in its April/May issue. "Today, the RECORD has regained its image as an objective and well-written publication."

The magazine notes that the RECORD ran a high-profile piece on Princeton Review's quality-of-life bombshell — somewhat ironic considering that, 20 pages earlier in the issue, the same Princeton Review data are recompiled into a new ranking that similarly disparages HLS.

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!

LSC Schedules Picnic

continued from STEWART, page 3

"Jon Stewart was obviously an attractive option, but I couldn't justify spending \$2300 for the benefit of at most 200 law students," Camper said. "A picnic is an idea that can include the entire HLS community," he said.

Naysayers notwithstanding, Lindseth organized a committee to plan the picnic.

"I think the basic elements will be free beer and free food," he said.

Another element — music — may be

more difficult to arrange, Lindseth said, since the administration has "cold feet" after dorm residents last year called to complain that their finals preparation was disturbed by loud music emanating from a similar Friday-afternoon party held by DSAC, also in the courtyard outside Gropius.

The committee is exploring compromise solutions such as having music inside the Hark or limiting the decibel level, Lindseth said.

"I don't think the party would fail if we didn't have music," he added.

**GIVE
ANOTHER CHANCE.
GIVE BLOOD.**



American Red Cross



LAW STUDY AID PUBLISHER

Seeks author for part-time 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

SUBLET WANTED

BY WHARTON MBA

JUNE THROUGH AUGUST
STUDIO/1 BEDROOM
CALL 215-573-4197

Third-Year Paper Mache

By Rob Rader '94

RECORD Columnist



No one really knows why Charles Manson directed the grisly murders for which he is justly imprisoned. Some maintain he was gaining revenge for an imagined slight to his pre-Axl Rose songwriting career, while others claim he just picked the wrong house. Perhaps Manson merely didn't like Roman Polanski's movies. God knows "Pirates" was awful. Everyone agrees, however, that the gruesome murders of the pregnant Sharon Tate and Manson's other victims were the product of a twisted and sick mind, second only to Jon Hanson.

Personally, I have a different theory: I think Manson was having problems finishing his third-year paper — which at this moment sounds like a legal excuse to me, if not a justification.

Putting my somewhat disturbing identification with Charles Manson to the side, why would the inability to finish off some drivel about your thoughts on an unbelievably obscure legal topic drive anyone to homicidal mayhem? When you put it that way, I suppose most people probably wouldn't go on a killing spree just because of writer's block. On the other hand, Charles and I aren't "most people." We're "special." Almost "family," you might say.

Besides, what if your adviser came back to you with your first 40-page draft and told you that you'd gone in the completely wrong direction? Even a sane man might be tempted to go after an innocent group of people in the Hollywood Hills. I think my point is made.

During Passover, I couldn't help but see the parallel and anticipate that soon, I too would be free from the clutches of Pharaoh, as I fondly refer to my adviser. Once she drowns in the Red Sea, I can enter the land of Israel. (Or maybe I'll go on a nature hike.)

Because of my own foolishness and procrastination, I gave up my spring break — my last one, after 8 years of higher education — to work on my third-year paper. And, boy, do I feel stupid! You might as well tattoo "SCHMUCK" on my forehead now — just like the swastika on Manson's head — because that's what I must be to have to work my ass off during my last months before the "Real World," as MTV so chillingly puts it.

Instead of piña coladas and sun, I stayed here and trudged through law review articles. Shoot me now.

My only pathetic consolation was the sight of so many of my stupid colleagues stuck here as well. They say, "Misery loves company" and I guess that's true. "Stupidity hates solitude," I would add.

Actually, I can't imagine a better way to celebrate Easter — which commemorates Jesus' triumphant rise from the dead ("He's back and more Godlike than ever!"), than by reenacting Jesus' death figuratively by going into Langdell to check your citations.

Now, if I were convinced I had written anything particularly worthwhile on my third-year paper, I'd feel somewhat better. "Maybe, just maybe, it was worth it," I would tell myself.

I'd be lying, of course, but some lies I want to believe more than others.

Unfortunately, I'm not convinced the effort was worth it. Ay, there's the rub.

Normally, I write something and immediately can tell that it's a work of genius. This column, of course, is an obvious exception. And with my third-year paper, I'm uncertain. Could I, moi, have written crap?

Then, I realize I've completely missed the point. Most people are writing crap! It's the whole point!

Some boring textual analysis of an obscure code or regulation or tedious cost-benefit analysis of a legal rule. Smells awful bad to me, like someone swallowed a bottle of Ex-Lax. Even a "good" third-year paper puts anyone who even hears the title to sleep. Let's face it, most third-year papers bore the pants off everybody. And, why shouldn't they? Think about what they're about and who's writing them.

After all that it occurs to me, "Why am I killing myself doing this?" A friend of mine (who heard this from a friend of his) told me they only reserve B- for those students who turn in ten pages of handwritten shopping lists on June 6. Hell, I can beat that now. Besides, I also need to do some shopping.

So, why am I doing this?

Pride? That goeth before a fall. Stupidity? Warmer, but even I'm not that dumb. Desire to contribute to the stock of human knowledge? Come on!

An anal compulsion to jump through the hoops any authority figure sets before me? Hmmm. Maybe. Kind of pathetic I'm doing all this for some ephemeral approval in the form of a grade or graduation with honors or congratulations from a faculty member. But, I can't resist, can I?

I've gotten all wrapped up in my paper. (Sometimes physically when I'm particularly lonely.) I now, beyond all probability, actually *care* about how it comes out. Isn't that always the case, though? I've learned to accept the fact that I can't accept anything. So, I can't be too mad at myself, just somewhat astonished at the extent I'm willing to go to achieve my "goals."

During Passover, I couldn't help but see the parallel and anticipate that soon, I too would be free from the clutches of Pharaoh, as I fondly refer to my adviser. Once she drowns in the Red Sea, I can enter the land of Israel. (Or maybe I'll go on a nature hike.)

And, like Jesus, after finishing my third-year paper, I will rise again.

On the other hand, I may be denied parole again, just like Manson.

When Bad News is Good News

By Terri Gerstein '95

RECORD Columnist



"I finally received a letter from home. There's still no word from my husband." My client, a refugee seeking asylum in this country, looked at me with troubled eyes while the interpreter translated her painful words.

My client's husband was "disappeared" shortly before she left her country. "Disappeared" most likely meaning killed, although "disappeared" is often worse, since family members never even get to see or mourn the corpse of their loved one. They often spend years nursing the hope that someday he'll return. Still no word from my client's husband. What was my immediate thought?

That's great!

In order to be granted asylum, my client has to show a well-founded fear of persecution in her country. Her husband's continuing disappearance strengthens her claim.

So, great! No word from your husband. Let's get that letter translated right away.

Fortunately my human side replaced my lawyer side before anything inappropriate slipped out of my mouth. "I'm sorry," I finally said.

Something deeply disturbing is going on as I'm becoming a lawyer, and I fear that it may be inevitable. Thinking like a lawyer means thinking strategically, filtering information from clients into legal categories while keeping in mind the client's goals and likelihood of success.

In the asylum context, that means basically that the more my client has been persecuted, the better — or rather, the better her chances for gaining asylum. And so I must ask, were you arrested and detained without being charged? Beaten or raped by police? Tortured in any other way? Did anyone threaten to kill you? Was anyone in your family killed? With each question, there's an upward, hopeful lilt in my voice.

What kind of person am I becoming? What is happening to me when I ask someone if she was raped by the police and I quietly hope that her answer is yes?

Maybe I shouldn't be so hard on myself; after all, my ultimate goal is helping the client. She is afraid to return to her country, and I don't want her to be sent back, where I genuinely believe she may be killed. My job is to represent her within the system, and I have to be professional. Just as a doctor can't have a nervous prostration every time her patient has cancer, I can't have an emotional crisis every time I learn of a client's suffering.

But I wonder, what piece of my humanity might I be losing in the name of this so highly valued "professionalism"?

Classmates who have done similar work, often in clinical courses, share similar stories. One friend jokingly imitated a conversation with a housing client facing eviction.

"Are there cockroaches in your apartment? Rodents? No? Damn."

Brief pause, as eager law student ponders possibilities.

"Is there lead paint in the apartment? Yes? Oh, that's excelle — ah — terrible, really. Do you have young children? How old? Two and four? Do they ever eat the lead paint?" Please say yes please say yes please say yes.

"You had to take them to the doctor?" Rush of excitement. "Oh, that's just...ah...tragic, really...." Then, after this perfunctory yet necessary offering of sympathy, "Could you get a note from that doctor?"

I suspect this distortion of the basic human impulse toward compassion occurs in many legal settings. Often, the more egregious, and bordering-on-truly-evil the other side's conduct, the stronger our case. So we need to know in excruciating detail (in order to be zealous advocates, mind you) just how baaad it was, everything they did to our client. This phenomenon may be exacerbated with clients who are particularly vulnerable because of poverty or other reasons.

The truth is that often when you're working with poor clients, the more utterly, totally, thoroughly screwed over they are, the better their chances of winning in court. After all, victims are supposed to be Victims, dammit, with a capital V.

So we go to court and parade the victim, in her two-dimensional glory.

It's all in the name of serving the client, and it may be unavoidable, but I worry that we may be inflicting further indignity. And I sometimes see a more sinister side to our questions eliciting all the gruesome details. We've all heard stories of lawyers focusing so much on winning (in a competitive, athletic competition kind of way) that they lose sight of their clients' needs.

And maybe it's not always just to win the case in court. For those of us in the various helping professions (I include law here), how much might our identity and livelihood depend upon other people desperately needing our "help"? And isn't there a voyeuristic element, too, as we tease out the full story of "what did they do to you?"

I want to help my clients get whatever they want. But how do I guard against losing my own humanity in the process?

There's a sea of need and pain in the world, and caring about everyone would simply be too exhausting. But working with a client, suddenly it becomes very concrete — not just suffering or oppression that's out there, but rather someone with a name and a family and a life. If I can't maintain my humanity in the face of a person, then I really may be doomed.

My supervisor at the Legal Services Center last semester has worked as a family lawyer for years, dealing with people in terribly difficult situations. She has a box of tissues placed unobtrusively on her desk. When the tears start to flow, she hands the client the box of tissues and quietly asks, "Do you want a drink of water?" She gets them a cup of ice-cold water from the cooler down the hall. Once her client is a little better, she continues the meeting. She is simply so good, both as a lawyer and as a person.

I hope I'll get there some day.

Editor's note: Some of the facts in this column were changed slightly to preserve lawyer-client privilege.

Anti-Gay Biases Persist

continued from GAYS, page 5

office." She then asked if the student knew the two gay HLS students who had interned the previous summer.

"I went to the second interview. The phone kept ringing, and he wouldn't answer it," said the student. "My third interviewer immediately began asking questions about gay purges in fraternities."

"How did he know to ask a question about that? Obviously, she had called ahead and told him [that I was gay]. Someone doesn't just come into an interview and ask about gay purges."

After his third interview, the student visited one of the firm's partners whom he had met earlier at an HLS lecture.

"I stopped by to say hello, and he totally ignored me. He was doing everything but looking at me... It was 6:00 p.m. so it wasn't a busy part of the day," related the student. "Then he asked, 'Has anything awkward happened to you since you've been here today?'"

Later, the student met two associates for dinner, during which "they just had to know about my lover and my personal life," he said.

"The whole thing was so disorienting," said the student. "I didn't know what to do or think. You don't know where you should cut your losses."

"It's against New York law to ask about personal life, [but] they get away with what they feel they can get away with."

A few days after the interviews, the student was told that the firm had not extended him an offer, a decision it said was based on grades (although a married classmate with the same grades received

an offer) and what the firm felt was a lack of commitment to living in New York. The student has lived in the city for the past ten years.

The 2L subsequently received other offers from "more prestigious firms" where the issue of sexual orientation was not mentioned.

"It's very hard to guess how people are going to react," he said. "I interviewed with one New York firm that's known to be very conservative and...they were totally cool about the issue."

The same student has also filed suit with the New York City Commission on Human Rights against a public interest organization involved with municipal construction.

In that case, said the student, the interviewer "literally handed my resume back and told me to see myself to the door." While claiming he misunderstood its intent, the organization has admitted all the alleged facts, the student said. The case is pending with the commission.

Danielsen, who was not openly gay during his job search and who came out gradually at his firm, said that being publicly homosexual

involves more than simply considerations of job security. "For some people, being gay or lesbian may not be related to their work or their understanding of their particular role [at their job]," he said.

"Sexuality issues are still up for grabs and everyone is struggling with them. [For gays and lesbians] it's a personal, political, institutional, and social struggle all at once. There are contradictory feelings, a lot of urges, including urges for self-preservation. How that calculus comes out is different for every person."

"Sexuality issues are still up for grabs and everyone is struggling with them," Dan Danielsen '89 said.

Panelists Push Change

continued from PANEL, page 1

said Vaid, a former executive director of the National Gay and Lesbian Task Force.

She added, "The same rights are at stake. As those laws go, so go we."

The theme of challenging the movement — and the conference — continued throughout the panel as Janice H. Platner, executive director of the Gay and Lesbian Advocates and Defenders, called conference participants on the lack of discussion of the alienation and oppression of gay and lesbian youth.

"I'm sure many of the people in this room knew they were 'different' from a very early age," she said.

If gays and lesbians addressed sexual orientation harassment directed at children and young adults, the gay and lesbian community could be strengthened overall, Platner said.

"It has hurt us enormously," she said of the harassment gays and lesbians experience as youths. "For many of us, it's simply too painful — it's something we want to move on from, and not revisit — and that's a shame."

In the sphere of politics, panelist Mark D. Agrast, senior legislative assistant to Congressman Gerry E. Studds, said the strategy most likely to pave the way for initiatives such as a proposed federal gay and lesbian civil rights bill is one that combines building local bases of support with providing guidance to politicians at the federal level.

"It is only local effort that will produce federal reform," Agrast said, pointing to the Clinton administration's abandonment of the battle over allowing gays in the military when the political support for the issue seemed too weak.

"I frankly think we were all utterly overwhelmed," he said. "It was certainly a siege, and it is also equally certain that the

cavalry never arrived."

The "fundamental question" upon which favorable federal legislation depends is therefore whether gay and lesbian activists can marshal their communities to go out and fight for it, so that politicians get "the message they need to receive" from their constituencies.

"Most [members of Congress] aren't stupid, and they know what the right thing to do is," Agrast said, "so the issue is not teaching them what to do, but how to do it. It is our job to let them know that they can have the courage of their convictions."

Panelist Torie Osborn, a former executive director of the National Gay and Lesbian Task Force, echoed Agrast's call to involve more gays and lesbians at the local level in the movement as a way to build national support.

"The failure has been on the political arm of the movement to continue to talk to the same people," she said.

Osborn exhorted the audience to "remember some of the lessons of the '60s and '70s" and avoid the "purist, self-righteous, and moralistic" politics that led to the marginalization of the progressive movement then.

She added that with that said, the movement may be on the eve of unheralded opportunity.

"I do believe in 30-year cycles of history," Osborn said, "and I think the '90s are going to make the '60s seem like the '50s."

The most "heated" panel of the day was moderated by Prof. Martha Minow and centered around family issues, including whether gays and lesbians should fight for legal recognition of same-sex marriages or eschew straight institutions altogether, said Coukos.

The conference commemorated the 25th anniversary of a wave of riots in New York City set off by a police raid on the Stonewall Inn, a gay bar.

Auction a Big Success

continued from AUCTION, page 2

been unable to obtain funding, she added. APIA members said that while they were happy Dean Clark came to the auction and actively participated in it, they hoped he would work harder to increase the Law School's institutional commitment to public interest work. "The auction should not be seen as a replacement for the Law School administration's oblig-

ation and need to vigorously pursue" new summer public interest funding sources, with an eye toward creating an endowment for public interest work, said Lee.

The auction sent a clear message, Lee said. "Our mission was not to raise money for individuals so much as it was to show the administration that public interest work is an important priority for students and ought to be for them as well," he said.

Course Pickings Meager

continued from COURSES, page 1

she said.

For Spencer Levy '95 the absence of Trusts and Estates might drive him to cross-register at Boston University Law School.

"I spoke to Vice Dean Smith about it last week, and I might end up doing it," Levy said. "The offerings stink. I came to this school to take the basic business courses, and even they're not being offered."

"This year I was happy with the course selection," he added. "I don't know where all the good courses went."

Christine Talarides '95 was concerned about the absence of an introductory International Law course.

"When they don't offer a lot of basic things, it makes it really difficult for students," she said. "HLS is the one school that's supposed to have all the professors and classes, so it's surprising that this is happening here."

Even for those courses announced in today's Adviser, some students suggested the late notice would cause scheduling difficulties. Beth Kissinger '95 noted that many students do not get a copy of the Adviser on Thursday.

"For people who have other activities — be it a clinical or a job or a kid — they're not automatically on campus on

Thursday," she said. "I think they're going to be in for a big surprise on Friday. They're going to have to rethink [their schedules] at registration."

Robinson said the Law School was still working to schedule more courses, and she encouraged students to be patient. She noted that in Secured Transactions the Law School originally had hoped that University of Chicago Prof. Douglas Baird would join the faculty and teach the course. Baird, however, recently accepted an offer to be dean of Chicago Law School.

"Tell people to wait five minutes," Robinson said, "just like the weather."

At least one HLS student, Lee Wolosky '95, says, while he empathizes with students who had hoped to take basic courses next year, he has little sympathy for those who say they cannot find enough interesting courses to fill their schedules.

"I think there is more than enough here for a solid meat and potatoes legal education," he said. "People that are complaining about course selection should suck it up and go somewhere else because this is law school, and we learn law here."

"My heart really does not bleed for people who say we need more Law and Literature classes."

Aristide Speaks at HLS

continued from ARISTIDE, page 1

debated whether Aristide should complete his remaining term in office, or assume a five-year tenure. Commenting on the debate, Aristide joked, "It's a good way to practice democracy."

Aristide is the first democratically-elected president of Haiti since its independence in 1804. From a field of ten candidates, he received 67 percent of the vote in a U.N.-supervised election in December 1990, which had a 75-percent voter turnout.

Mental Illness Exists at HLS

By Kathy Flaherty '94

Guest Columnist

I don't know how many of you have seen the recent public service announcement for NAMI, the National Association for the Mentally Ill. It begins with a cautionary warning that the message contains graphic scenes of the everyday life of mentally ill people. That probably would be enough for most of you, especially those in Professor Rosenberg's Federal Litigation class who actually watched "Titicut Follies," to change the channel. All you missed was a woman painting, a man playing basketball in his driveway, and a second woman playing the piano. All have been diagnosed with a major mental illness.

Every day at HLS, you walk around people with a major mental illness, and you don't have to go to the Square to find them. They are your classmates, and maybe your professors. I am one of them.

In the fall of 1990, I was in the grip of my first manic episode. I couldn't sit still in class — when, given all my extra-curricular activities, I managed to go at all. My mind was racing, and I couldn't concentrate on the reading. I ended up in a psychiatric hospital. Here's the story of how it happened.

On October 11, Dr. Sheldon, then-director of Law School Health Services, told me she was sending me to a psychiatric hospital. My response was to walk out her office to the outside stairs.

At the top of the stairs, there was an HUPD car and four officers. They proceeded to grab me and forcibly take me back to Dr. Sheldon's office. Imagine being a first-year law student at HLS and being taken into custody by Harvard's finest.

Being in the hospital was disorienting, frightening, everything else you could possibly imagine, and then some. From my first moment in, however, I was talking to the other patients, learning how they ended up there, and advocating for all of us. In short, I was an obnoxious patient. I devoured the pamphlet on legal rights that all patients are required to receive upon admission, and tested every single one of them. I was placed in seclusion, under lock and key, having everything taken away from me, and forcibly injected with medication.

I also had my first experience in a courtroom, with my very own court-appointed attorney. Since I was the subject of a civil commitment hearing, I now get to answer "yes" to the question on bar applications regarding whether I've ever been a party to a court action. I don't like that very much. Although I recognize that in the midst of mania my judgment can be distorted to the point that I might not

Every day at HLS, you walk around people with a major mental illness, and you don't have to go to the Square to find them. They are your classmates, and maybe your professors. I am one of them.

be a responsible attorney, I do not believe the fact that I was sick in the fall of 1990 should have to follow me and haunt me for the rest of my legal career.

I ended up spending two months in the hospital. Conveniently, I was discharged the day my insurance coverage ran out. I had to go on medical leave, and I returned home to Connecticut and waited another year to start HLS again.

If you've ever tried to return to HLS from a medical leave, you know it is an extremely bureaucratic and annoying process. You have to get a letter from your own doctor and contact Law School Health Services. You have to write a letter to the Administrative Board, accompanied by a supporting letter from Health Services. Then you get to wait to see if everyone thinks you're well enough to come back to school. Obviously, someone did.

I have had two subsequent hospitalizations — one in the spring of my second first year, and one just in March of this year. Actually, I had an extra week of spring break. The only bad thing about it was that I spent it on a locked unit at a psychiatric hospital in Belmont, and had to cancel my real spring break trip to Arizona.

People often ask me if I think the stress of life at Harvard is what makes me sick. I honestly don't know the answer to that question. The fact that I've been hospitalized three times since starting here could be considered strong evidence of a connection. But other things I've thought were personal idiosyncrasies are probably due to my illness.

I didn't write this piece to have people feel sorry for me. I really wrote it to ask for sensitivity and to tell people that help is available if you take the time to ask for it. There was a problem in the Gropius dorms last year when someone was really ill and making a mess (literally) of the dorm. I remember reading a quote in the RECORD where students said they hoped to get some kind of refund on their dorm room charges for having to put up with the situation. In my opinion, if a person is doing something like that, usually it's because he or she cannot control his or her actions, desperately needs help and is afraid to ask for it, wants to get caught, and probably feels as bad, if not worse, about it as everybody else does.

So if you need help, PLEASE go get it. Talk to someone in the Student Life Counseling Office or the Law School Health Services. If you're an alum reading this, just look up the number of your local mental health center. If you don't already know it, we are not that different from some of the mentally ill people who are homeless in Harvard Square. I have met people from all walks of life in hospitals. The first time I was there, at least two other HLS students were also hospitalized. It says something about this school that I've had more fun being at the hospital than I usually do here. The important thing to remember is that serious mental health problems exist on the Harvard Law School campus. Help is available, but you have to take the first step and ask for it.

**FOR 26 WAYS
to help SAVE the
EARTH CALL
1-800-488-8887.**

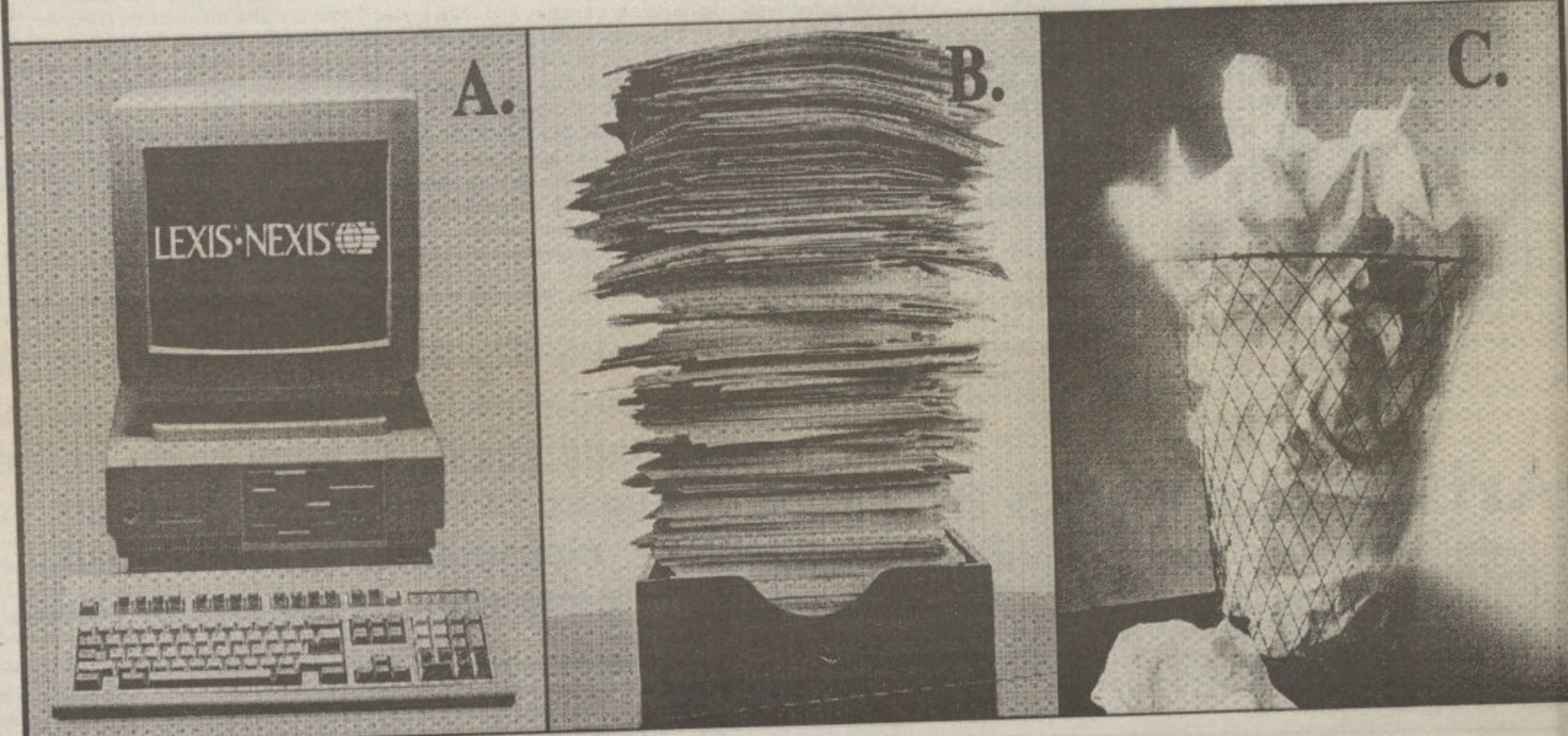


A Public Service of
This Publication



Earth ShareSM

Where Do You Want Your Resumé?



Don't play multiple choice with your future!

The Martindale-Hubbell® & LEXIS® Student Directory
Put your resumé where it can be seen by thousands of prospective employers . . .

- It's **FREE**
- Input your own listing in about 15 minutes
- Update on a **DAILY** basis from school or home
- View only your listing yet provide access to prospective employers

The RESUME file of the LEXIS® Career library.

LEXIS-NEXIS®

LEXIS is a registered trademark of Mead Data Central, Inc. The WORLD IN YOUR HAND logo is a trademark of Mead Data Central, Inc. Martindale-Hubbell is a registered trademark of Reed Properties, Inc., used under license. ©1994, Mead Data Central, Inc. All Rights Reserved. MDC-37011193