

'Strike Day' Questions Diversity of HLS Faculty

By Victoria Kuohung

The speaker's message was in no uncertain terms as he addressed a crowd of about 100 people gathered at the Holmes Field Building Wednesday afternoon for a Coalition for Civil Rights rally to protest the lack of faculty diversity at HLS.

"Harvard Law School, you are standing in the doorway of justice," said John Bonifaz '92, a former CCR co-chair who also helped plan the 1992 sit-in of Dean Clark's office. "Move out of the way."

The rally was part of a day-long protest called "Strike Day" that also included a morning video presentation about HLS in the 1980s, a panel discussion about community organizing, and an evening mixer open to both students and faculty.

CCR Co-chair Robin Lenhardt '95 said similar efforts have been held at the Kennedy School of Government and the Graduate School of Arts and Science.

"In past years, Strike Day has been used on campuses to address issues of diversity," said Lenhardt. "People typically strike their classes."

This year, however, CCR did not ask students to boycott classes, said Lenhardt. "There are ways to focus on diversity without [striking] class. Going to class is what we're here to do, and it shouldn't conflict with your commitment to diversity," she said.

Lenhardt was optimistic about the effect Strike Day would have on increasing awareness

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All HLS was a stage last weekend as the Drama Society performed Shakespeare's "As You Like It."

Hate Speech Ban Narrowed in New Harassment Draft Faculty to Consider Policy Next Week

By Katrina Campbell

The final draft of the Harvard Law School sexual harassment guidelines, which is expected to be distributed today, is likely to include in its "hate speech" provisions only rules that restrict speech targeted at people because of their gender or sexual orientation.

"The committee is going to back off," said Prof. Richard Fallon '80, chair of the Committee on Sexual Harassment, which wrote the guidelines. "Part 2 [the section of the draft that deals with harassment by discriminatory conduct and personal vilification] is almost certain to be restricted to harassment on the

basis of gender and sexual orientation."

Harassment by personal vilification as addressed by that section previously included speech or other expression that is intended to insult or stigmatize another member or small group in the Law School community on the basis of race, color, religion, disability, age or national origin. It covered speech and expression by anyone within the Law School community, as well as by potential employers who use the Career Services Office or the Office of Public Interest Advising.

The committee's final recommendations are to be submitted to the faculty at its May 6 meet-

please see **CODE**, page 2

Non-Discrimination Policy Raises Issues For BLSA, WLA

By Greg Stohr

Concerns that the membership policies of several student organizations might violate the Law School's non-discrimination policy have unleashed a flurry of activity on the HLS campus.

At least one organization, the Black Law Students

Association, restricts membership on the basis of race, and BLSA leaders indicated that the organization was not inclined to change its membership policy. But after meeting with Dean of Students Suzanne Richardson and Prof. Charles Ogletree '78 on Wednesday, BLSA President-elect Robert James, II '95 said he was "optimistic" that the organization and the Law School would reach a solution to the issue.

"We're going to explore the issue with our general body membership and continue to work with Dean Richardson to find a solution," he said. He declined to comment on whether he thought BLSA was in compliance with the Law School's policy.

Earlier in the week, BLSA released a statement saying that "[t]o the extent that Harvard Law School continues to be a hostile environment for black students, BLSA should remain as currently constituted."

"BLSA is a large, vibrant student organization which has contributed a great deal to the black students on this campus and to the HLS community," added the statement, which was signed by James and outgoing

President Linda Dunn '94.

Richardson said she is also attempting to arrange a meeting with representatives of the Women's Law Association.

WLA spokeswoman Noelle Dalrymple '96 this week said the organization's policy was not discriminatory. She said she did not believe the organization had a constitution.

"It's never been WLA's policy to exclude anyone, including men," Dalrymple said. "This is no change for us."

John Bates '95 initially raised the issue

with Richardson in early March. Bates said he told her he was concerned about organizations that were maintaining exclusionary policies while receiving funding from the Law School.

"I just feel like there is a fundamental problem with the University supporting any organization that discriminates in its membership," Bates said. "I have a problem with discrimination at any level, whether it be an all-white organization or an all-black organization or an all-men organization or an all-women organization. At a fundamental level, discrimination is wrong."

The Law School's policy states that the school "does not discriminate against any person on the basis of race, color, creed, national or ethnic origin, age, sex, sexual orientation, marital or parental status, handicap, source of income, or status as a Vietnam-era or disabled veteran in admission to, access to, treat-

please see **BLSA**, page 2



Robert James, II '95

Slaughter-Burley Accepts Offer

By Greg Stohr

University of Chicago Law Prof. Anne-Marie Slaughter-Burley '85 has accepted an offer of tenure at the Law School and will join the Law School faculty July 1.

As a visiting professor here last spring, Slaughter-Burley taught the European Court of Justice a Foreign Affairs and the Constitution. She likely also would teach Civil Procedure, a course she taught at Chicago. Slaughter-Burley informed



Slaughter-Burley

Dean Clark '72 of her decision late Wednesday afternoon.

"I'm delighted," Clark said. "It means that we'll have a true rejuvenation, both intellectually and literally, of our public international group. She's a fabulous teacher. I know students will love her."

A 1980 graduate of Princeton University, Slaughter-Burley earned her masters in philosophy in international relations at Oxford in 1982 and a doctorate in the same subject in 1992.

Speakers Laud Increasing Diversity in Federal Bench

By April Rockstead

Supreme Court hopeful Jose A. Cabranes broached a touchy subject — political appointments — during brief remarks at a Saturday night 3L recognition dinner that concluded day two of the Harvard Latino Law Review Committee's weekend symposium.

"We should not be embarrassed in the least by an appointment system that is democratic, an appointment system that has served [this country] for 200 years," Cabranes said, introducing Ruben Castillo, a recent nominee to the federal bench in Chicago. "It is certainly right and constitutional that our bench be totally representative of our people."

Cabranes, who is currently chief judge of the District of



Members of a panel sponsored by the Latino Law Review Committee discuss increasing diversity among federal judges.

Connecticut, is considered by many to be one of the front-runners to fill the Supreme Court vacancy left by departing Justice Harry A. Blackmun '32.

About 120 people attended the dinner, which followed panel

discussions Friday and Saturday on topics relating to the symposium theme, "Latinos and the Criminal Justice System: A View From Both Sides of the Bar."

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Panel: Clinton's AIDS Policy is Evolving, Slowly

By Brian Ellner

Sluggish public policy responses to AIDS continue to be related to the low cultural value attached to populations AIDS primarily affects — people of color, women, substance abusers and gay men — according to an AIDS activist who spoke at a Tuesday panel about the disease.

"We choose who dies in this country, routinely," said panelist Rodger McFarlane, executive director of Broadway Cares/Equity Fights AIDS, a fundraising organization based in the entertainment industry. He added that "social change does not occur until the alternatives are unacceptable to the majority."

The models of prevention and education that are being elaborated now will not be implemented until more "mainstream" Americans get sick, he predicted.

Approximately 80 students and community members attended the panel discussion on public policy responses to the changing dynamics of the AIDS epidemic, co-sponsored by the Harvard Law School Forum, Harvard AIDS Institute, and Harvard Legal Aid Bureau - AIDS Practice Group.

Other panelists included Kristine Gebbie, National AIDS Policy Coordinator, better known as President Clinton's "AIDS Czar;" Dr. Mindy Fullilove, professor of public health at Columbia University, and recently named to President Clinton's AIDS Drug Development Task Force; and Dr. Nicolas Carballeira, executive director of Boston's Latino Health Institute. The panel was moderated by Jean McGuire, former executive director of the AIDS Action Council, one of the nation's foremost AIDS lobbying groups.

During the question-and-answer session following the presentations, Gebbie was confronted twice by audience members who demanded to know why there was not yet a comprehensive national strategy to fight AIDS. She said that a strategy is currently being developed, and it will be presented to the public within the next two months.

Gebbie's remarks during the panel tracked a series

of recent changes relevant to policy making. New community groups, including minorities and women, are demanding to be consulted and included in formation of policy, Gebbie said.

The Clinton Administration is "HIV friendly," Gebbie said, and Clinton has placed people familiar with HIV issues at all levels throughout his administration. Accordingly, confrontational advocacy tactics necessary under previous administrations could be counterproductive now, she said.

One particularly effective Clinton Administration innovation was the implementation of community-based prevention programs to replace nationally planned pro-

grams that were insufficiently flexible to respond to the specialized needs of individual communities, she said. McGuire highlighted the importance of the changing demographics of HIV infection. She noted that the highest rates of increase among cases diagnosed last year were among African-Americans, Hispanics, women, and young people, and that more than 25 percent of the women diagnosed with HIV reported that their source of transmission was heterosexual intercourse.

Carballeira spoke on the limitations of the current U.S. approach to AIDS prevention, an individualist model focusing on personal behavior. There is a need for more population-based services, he said, arguing that such policies would reduce infighting among different groups forced to compete for funding.

Carballeira also advocated that policies be more responsive to cultural differences. As an example, he

noted policies that remove AIDS-orphaned grandchildren from the homes of grandparent caretakers when grandparents refuse to adopt, despite the fact that adoption by grandparents runs counter to Hispanic culture. Also, Medicaid caps on Puerto Rico strain local Hispanic communities by forcing Puerto Ricans to move to cities like Boston with more favorable policies, he said.

Fullilove also emphasized the need to study communities, focusing on the geography of HIV. Using slides, she posited a link between the destruction of urban infrastructure — in her example, Central Harlem — and the concentration of HIV in these "hollowed out" cores. She tracked how, over time, the HIV rates in surrounding suburban communities gradually increased.

"These hollowed-out cores of the urban cities act as pumps," she said, "spreading disease into the surrounding areas."

A potential solution would be to increase funding to rebuild inner cities, Fullilove said.

McFarlane said community-based organizations (CBOs) are important because of the innovation they permit. However, he added that CBOs are currently strained almost to their limits financially. He predicted that the communities funding CBOs

nationally can be expected to provide another \$100 million total before they are financially exhausted. Accordingly, he advocated that the government take over the jobs of these CBOs before they vanish.

"We tried to bring together a group of people representing a wide range of view points and experiences," said Colleen Brennan '95, an organizer of the event.

"The issue of AIDS receives very little attention on this campus, and this panel discussion was a way to raise the level of awareness of the HLS community," added Andy Ward '94, another organizer.

"Already, the course on AIDS and the Law has been canceled for next year. There does not seem to be a commitment to the study of legal issues surrounding AIDS among the HLS administration," added Ward. "It makes you wonder about McFarlane's comments about the social value of certain groups."

"We choose who dies in this country, routinely.... Social change does not occur until the alternatives are unacceptable to the majority," said panelist Rodger McFarlane, executive director of Broadway Cares/Equity Fights AIDS.

BLSA Policy Under Scrutiny

continued from BLSA, page 1

source of income, or status as a Vietnam-era or disabled veteran in admission to, access to, treatment in, or employment in its programs and activities." The University and other Harvard schools have similar policies.

Richardson described her meeting with BLSA leaders this week as "very, very constructive."

"I think there is progress, and we're moving forward to some sort of resolution," she added.

Richardson said she was "still in the process of gathering information" about how the Law School's policy might apply to organizations like BLSA. She added that she had spoken with the deans of students at three other schools within the University, and none had said they were aware of any student organizations that restricted their membership on the basis of one of the factors listed in the non-discrimination policy.

"To the extent I have talked to other deans of students, I have not come across other student organizations that have exclusive memberships, which is

not to say that one doesn't exist," she said.

Although James declined to discuss Bates' involvement directly, the BLSA statement was more critical.

"We find the manner in which this issue has been raised problematic," said the statement, which did not mention Bates by name. "Moreover, we are suspicious of the motives of the individuals who approached Dean Richardson."

The statement added that no non-black students had approached BLSA to express interest in joining the organization or in furthering its goals. The statement also said BLSA events are "publicized and open to the HLS community as a whole, yet very few, if any, non-black students attend these events."

The entire BLSA statement is printed as a letter to the editor on page seven of this issue of the RECORD.

"The continuing viability of organizations such as the Black Law Students Association is evidenced by the manner with which this issue has been raised," James added. "Harvard can still be a hostile place for a black student."

BLSA is a chapter of the National

Black Law Students Association. James said the national organization has several categories of membership, but he declined to speculate on how any changes in BLSA might affect its status.

Bates said he thought his views were similar to those of a "substantial number" of people at the Law School. He said that enforcing a non-discrimination policy would likely have little practical impact on the membership of organizations like BLSA but that the issue was a "matter of principle."

"It's not anti-black or an anti-woman thing," he said. "It's an equality issue. We all came here to be treated equally. We all desire to be treated equally, not to be discounted on account of our race or gender."

"Students shouldn't be funding organizations that they are not allowed to participate in," Bates added.

Bates also said he was disturbed that the issue was having a divisive effect.

"I am concerned that an idea that started out with the intent to bring more integration to the Law School campus may result in actually a more divided campus," he said.

Proposed Harassment Code Altered

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ing. The faculty may amend any sections of the guidelines, and it may then vote on them by section.

In its original proposal, the committee had specifically opposed limiting the personal vilification proposal to the areas of gender and sexual orientation. In its March 11 memorandum to the HLS community, the committee wrote that it had "tentatively concluded that it would be anomalous to forbid discriminatory harassment based on gender or sexual orientation but not to forbid comparable harassment based on race and religion, for example."

But the committee apparently

encountered concern both within the committee and by individuals not serving on the panel with regard to the inclusion of other types of harassment. In a footnote to the original draft, former committee member Noeleen Walder '95 said the issue should be considered outside the context of sexual harassment. Walder resigned for reasons unrelated to that point.

Fallon said there was also concern in the administration that the broader hate speech provisions were "outside [the committee's] jurisdiction."

"The draft dealt with harassment on some other bases because in principle, they looked the same, but we weren't given the charge to deal with other issues,"

said Fallon.

Fallon said he is confident the committee will make slight changes and then vote unanimously on Parts 1 and 3, which set sexual harassment guidelines and enforcement procedures.

Fallon said the committee took the HLS community's involvement very seriously, meeting at least 24 times during the school year to formulate the guidelines. The committee considered the sexual harassment policies of dozens of colleges and universities and more than 10 law schools, he added.

Copies of the final draft, which Fallon said were almost certain to be available today, will be placed around the Law School campus.

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Starr: Clinton Likely to Appoint a Judicial Moderate

By Ray Kahler

"Someone who writes as Justice Blackmun has chosen to write as a Supreme Court justice doesn't have a chance [at being nominated to the Court]," predicted Kenneth Starr '67, former U.S. solicitor general, speaking to a crowd of about 45 people Tuesday at a Federalist Society program in Griswold Hall.

While Starr said that Harry Blackmun '32 is the most conscientious member of the court and "a person of considerable grace, decency, and humanity," Starr criticized him for allowing his heart to carry him away and for engaging in the "jurisprudence of sentimentality." Starr said Blackmun seemed to believe that the poor and downtrodden members of society should always win.

By choosing Ruth Bader Ginsburg '56-'58 to replace Justice Byron White, Starr said President Bill Clinton opted for a "new traditional" judge, someone whose methodology is judge-like and whose judicial decisions are within the mainstream of American law. He contrasted "judicial persons" like Ginsburg, Justice David Souter '66, and Justice Sandra Day O'Connor with "political persons" like Blackmun and Senator George Mitchell.

Starr predicted that Clinton will follow the Ginsburg model in choosing a replacement for Blackmun, probably opting for a federal judge within the judicial mainstream and acceptable to "the Right." "Ginsburg wrote as someone who believes in the rule of law," Starr said,

adding that lower court judges should follow Supreme Court decisions rather than try to get around them.

Starr criticized the Ninth Circuit for "falling for any sob story that comes before it" and "voting with hearts rather than heads," which is why Starr said Ninth Circuit decisions are so consistently overturned by the court. The Supreme Court looks to sources of law, not sob stories, Starr said.

Starr characterized the current court as being a "powerfully textualist" one and said that the justices engage in judicial creativity only in a constrained way. "The court is becoming a 'let's don't rock the boat' court," Starr said. "It is almost as if since the fireworks of the late '80s ... the court has been saying ... we really would prefer to enjoy our anonymity."

However, Starr predicted the court would continue to be aggressive in maintaining the economic union by striking down parochial economic restraints. The court has refused to allow states to engage in even de minimis assaults on economic union, he said, citing recent cases involving landfills and garbage.

Starr also predicted the court would continue to be active in First Amendment jurisprudence. "This court really does have a love affair with the First Amendment and First Amendment issues," he said.

Starr criticized the court for ignoring divisions in the circuits on commercial law issues and for giving insufficient attention to cases before deciding to grant or deny certiorari. The "cert pool" is not working well and should be reformed, he said.

Speakers Laud Diversity

continued from PANEL, page 1

including papers that are to be published this summer by the Harvard Latino Law Review Committee. Organizers estimated that about 175 attended the event altogether.

Speaking at the dinner, Castillo also opined on the politics of judicial appointments.

"There is no doubt in my mind that every single Latino and Latina judge will be [appointed] in the first instance on their merits, and in the second instance, to bring some diversity," he said.

Comparing the federal judiciary to an aquarium, Castillo said, "When we can look at our court system, and see the diversity of color, and say, 'Isn't that fantastic,' that's when I know that we will have succeeded."

Although the discretionary power wielded by federal judges makes it especially imperative that Latinos receive appointments to those positions, Castillo also encouraged those present to "become included as prosecutors, defense attorneys, and agents."

Recounting a time when he was a prosecutor faced with a police arrest of Latino agents who "happened to live in the same house as someone who had drugs," Castillo said, "There was no greater satisfaction than when I could tell an agent who was as old as my father, 'Release them immediately,' and it was done."

"That's prosecutorial discretion," he added.

Latinos' judicial appointments are directly correlated with representation in particular communities, Castillo said.

"It's no coincidence that our political power in California and Texas is growing, and the appointments in those two states are growing," he said.

Overall, Castillo said, the "news is good" for Latino judicial appointments.

"I can predict the appointment in my crystal ball of more Latino and Latina local attorneys," he said.

"I can predict the appointment in my crystal ball of more Latino and Latina local attorneys," said Ruben Castillo.

However, the appointments still lag behind those due Latinos, Castillo said, pointing to the numerous Spanish surnames inscribed on the Vietnam Memorial as evidence of their largely unrecognized contributions in the United States.

"It's the one place where we are so, so overrepresented," he said of the memorial.

"Why can't we have a similar amount of names on the Supreme Court [and other federal and state courts]?"

Events such as the symposium help by providing "much-needed scholarship and dialogue," Castillo said.

The symposium panels were attended by practitioners, academics, alumni, and those involved in the criminal justice system in such roles as language interpreters, said Committee Treasurer Jessica Herrera '95.

"The symposium represented a diversity of views in within the Latino community," added Herrera. "Prof. [Todd] Rakoff '75] said it best when said of the organized crime panel — which he moderated — that we had present 'the prosecutor, the professor, and the priest.'"

Students Take Advantage of Computer Networks

By Kevin Werbach

Full realization of the much-hyped "information superhighway" may be years away, but many students at HLS are already taking advantage of electronic mail and other online services available through the Law School.

"A year ago people would say 'Internet — it's something you use to keep your hair in place,'" said Ruth Block, director of Microcomputer Support Services. But in the past year, she said, there has been an "explosion" of student Internet usage at the Law School. Approximately 400 law students currently have accounts with access to the Internet, a global network which links some twenty million users and virtu-

ally all of the world's universities.

Signup Fee to be Eliminated

One limitation on student Internet access has been the \$50 annual fee the Law School currently charges for an account. Block explained that student access to the Internet had originally been provided as a courtesy to people who wanted to stay in touch with friends and significant others via E-Mail, not as a general service for all students. Students, however, criticized the fee, which Harvard undergraduates and students at all Harvard graduate schools except the Divinity School are not required to pay.

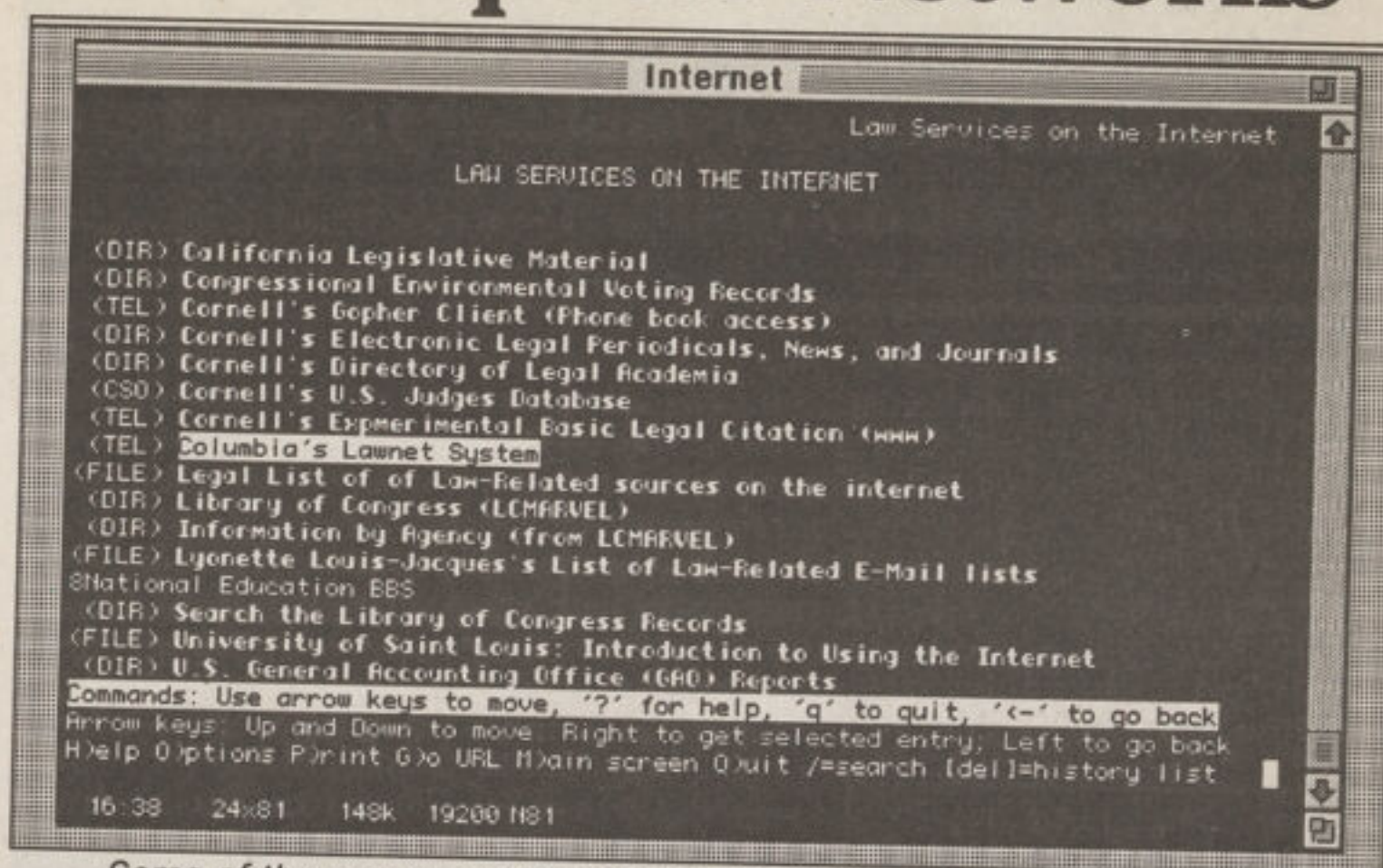
"I felt like I was being nickled and dimed once again," said Doug Driemeier '94.

In response to such complaints, Law School Council representatives Jon Kissane '96 and David Aronberg '96 began lobbying to eliminate the fee. "This is the one issue in my section that I heard from the most people about," explained Kissane. "Personally I was disappointed that it would cost \$50 to use E-Mail at the law school. I think a lot of other students were taken aback at that."

The two organized a petition drive that garnered more than 450 signatures, which were sent to Dean Clark '72. Administrative Dean Sandra Coleman stated that the input from the Law School Council was "very helpful" in identifying student priorities.

Although a formal announcement has not yet been made, the dean on Wednesday confirmed that the fee in its current form will not exist next fall. A source in the dean's office said that details on the entire fee package for next year would be made public soon.

Kissane said he views the campaign to eliminate the E-Mail fee as "just the first hurdle." He plans to lobby the Law School to set up bulletin board through which students and faculty could engage in discussions and share information, and also sug-



Some of the many sources of law-related information on the Internet.

gested that journals published at the Law School could be made available in electronic form.

Law Students Get Connected

Even with the fee, hundreds of students are already taking advantage of the opportunities available online. E-Mail, which allows students to send messages to any of the millions of people with Internet access — is the most commonly used service. According to Josh Gillette '94, who signed up for an account in order to send E-Mail to Professor Charles Nesson '63 for Nesson's winter Evidence class, "for the price of a local call you can speak at length to people far away."

E-Mail is especially helpful for students who need to communicate with people in other countries. Driemeier used E-Mail extensively last year to stay in touch with his girlfriend, who was studying in England at the time. "I used it to keep in touch with all my friends in England and overseas," he said.

Aronberg, who describes himself as a "recovering technological idiot," didn't use

E-Mail at all when he was an undergraduate at Harvard. However, once he began using the service at the Law School, he became hooked. "I used to look askance at the computer geeks — now I'm one of them," he admitted.

Students have also taken advantage of commercial online services outside of the Law School, such as Compuserve. Jonathan Zittrain '94 serves as the system operator or "sysop" of two forums on Compuserve, including the Crime Forum. Zittrain is responsible for moderating discussions on the forum, which covers crime policy, safety and protection issues. Zittrain has recruited three other HLS students — Tracy Williams '94, Josh Gillette '94, and Aronberg — to help moderate the forum.

Plans for the Future

E-Mail and discussion groups are only the beginning. Several students mentioned that the Adviser could be made available online, increasing ease of use and saving

Courses Go Online

Efforts to integrate computer networking into the curriculum have already begun. This year, Visiting Prof. Peter Strauss and Prof. Howell Jackson used E-Mail and interactive meetings to conduct classes and office hours online, and Nesson experimented with a variety of multimedia tools.

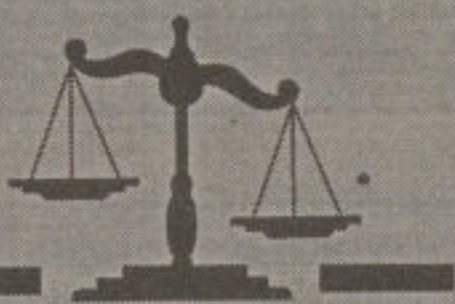
Strauss, who has conducted "electronic seminars" for five years at Columbia, stated that the approach takes pressure off of students by eliminating the requirement that students show up at a particular place and time, and also facilitates collaborative learning. At Nesson's request, Strauss will be conducting a workshop for the faculty on pedagogical uses of computers.

For next year, efforts are being made to set up electronic discussion groups for first year Lawyering sections, and to convince the administration to encourage new students to bring computers with modems to Law School.

"We're scared, we're learning, we're open, and we're challenged," said Nesson of the faculty's attitude.

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BRIEFS



Spring Riot is Today

Forget brown-bagging it — this is your chance to partake in goodies including six-foot subs from Subway courtesy of the Law School Council's "Spring Riot" outdoor picnic from 12:30 p.m. to 3:30 p.m. outside the Harkness Commons.

"I have no idea if they have a six-foot oven, but I know the subs are huge," Erik Lindseth '95 said, indicating the focus of the party will be on food and frivolity, rather than an examination of the workings of oven physics.

Also available to attendees will be five kegs of beer, soda, Westlaw collectors cups, volleyball, frisbee, and various forms of dance music, including hip-hop, reggae, and rock. Ben Bornstein '96 will serve as disc jockey.

Early weather forecasts indicated that Friday was likely to be partly sunny, with a high around 70. In case of rain, the activities will be moved inside the Hark.

"I cannot predict the weather, but if I could, it would be 85 degrees, sunny with a slight breeze," Lindseth said.

All Dressed in White

The bride wore white — a white chiffon blouse and pants, that is — in Jarvis Field last Saturday as Maryann Gatto '94 wed Chris Billias under a pine tree between Dane and Holmes Halls.

About 100 people attended the ceremony and reception, including three HLS bridesmaids — Lynn Ciuci '94, Kelly Marsh-Gronbeck '94, and Amy Silliman '94 — who flanked the groom as he walked down the "aisle."

"It was just sort of a fun, frivolous, spur-of-the-moment thing," said Gatto, adding the couple had been planning to get married sometime this year but did not actually decide to do it on that date until about a week in advance.

A justice of the peace presided over the ceremony, at which the bride, groom, and bridesmaids read poems, including a Native American wedding prayer.

"A few of the Harvard Law guests were kind of misty-eyed," Gatto said. "It was really cute."

A mariachi band played during the reception.

"They were the greatest," Gatto said, noting the band members were kind enough to help guests with the copious quantities of tequila that wetted throats during the reception and dinner. Guests brought dishes to the dinner in addition to the provided barbeque, Gatto said.

Although Gatto said the wedding was intended to be non-traditional, she was pleased the bridesmaids surprised her and Billias with little touches like matching dresses and balloons.

"Anything weddingy, the bridesmaids did," she said. "Anything unweddingy — the poetry, the tequila, the barbeque — we did."

Although the couple plans an official honeymoon bicycling trip to Ireland after Gatto takes the bar exam in New York, where they will reside together after her graduation, they managed to celebrate on the Law School campus on their wedding night.

"We had a lovely honeymoon night in the 'Suite de Gropius Complex,'" Gatto said.

Reception guest Rob Rader '94 said the ceremony touched him emotionally. "I think it's what Harvard Law School is all about: meeting people, falling in love, and marrying them," he said, muttering as an afterthought, "Of course, [Gatto's] husband was from New York, and not the Law School."

He added, "It's not bad when you can attend a wedding for the price of a bag of chips."

Gatto noted although the couple's wedding was somewhat spontaneous, they have been dating for 13 years. "This is just the icing on the cake," she said.

Open House To Be Held in New Building

A Monday open house celebrating the completion of the Holmes Field Building will be "primarily a party," said Administrative Dean Sandra Coleman.

Self-guided tours and refreshments will be available during the event, which will be held from 4 to 6 p.m., as will a continuous showing of Dean Clark's personal videotape collage of the construction period, Coleman said.

Speakers who are slated to make brief remarks include Clark; Prof. Andrew Kaufman '54, former chair of the Faculty Space Planning Committee; and Profs. Terry Fisher '82 and Charles Nesson '63, who have both served as chair or co-chair of the Holmes Field Building Committee at various times.

Coleman said the celebration is not the formal dedication of the structure, which awaits a gift contribution so that the building can be named after the donor. However, the Law School has already received gifts to name some of the classrooms, Coleman noted.

The first classes actually held in the new building are scheduled for this June, when the "Program of Instruction for Lawyers" marks its 26th year of providing continuing legal education classes at the Law School, Coleman said.

"I really do hope people will come," said Coleman of Monday's open house. "For people who haven't stuck their noses in yet, it really is a chance to see offices that won't normally be open and the new classrooms."

Memorial Service Planned for Thorne

A service in honor of Samuel Edmund Thorne '30, Charles Stebbins Fairchild professor of legal history, will be held on Wednesday, May 18 at 2 p.m. in Appleton Chapel, Memorial Church, located in Harvard Yard. Prof. Thorne died on April 7.

Professors Recovering from Injury, Illness

Prof. Alan Stone, M.D., is reportedly "alive and well" despite the somewhat alarming news that he recently broke his neck. According to administration officials, a bicycle accident is to blame for the injury.

In other health news, Prof. Emeritus Clark Byse has returned to the Law School after recovering from an illness that required a brief hospital stay.

Stalin's Lingering Shadow

"Judge on Trial"

By Ivan Klima

New York: Knopf

549 pp. / \$25.00 hardcover



By Mike Fischer '95

Book Review Editor

NOTWITHSTANDING the occasional Milan Kundera, Eastern European literature has never done well in the United States, and it is not hard to see why. Like most victors, Americans have ignored history's contradictions; Eastern Europeans have lived those contradictions, watching powers from outside and above recast and rewrite a history continually subject to erasure.

Americans have basked in a freedom taken for granted, while Eastern Europe's peoples have yearned for a freedom they've continually been denied. Americans have wallowed in a giddy consumerism of images and objects masking a spiritual poverty and an inner loneliness. Eastern Europeans have experienced a different, undisguised emptiness, yearning for a truth and meaning from which neither objects nor images — least of all the Big Lie of the last half century — could offer refuge.

The classic American novel leaves history behind and lights out for the frontier, ready to take on the natural forces — whales, wilds, and women — which alone still obstruct its unbounded freedom and unchallenged mastery. Eastern European novels are soaked in history, stopped at the frontier by barbed wire, and forced to confront the human forces — the Party, the State and the Lie — which challenge the very possibility of experiencing nature or living naturally.

Ivan Klima's epic novel takes on all of these forces with a vengeance. "Judge on Trial" has been compared to "Crime and Punishment" and dubbed a "War and Peace for the Nineties." The analogies are overdrawn; Klima displays neither the plot nor character development one finds in any of the great Russian novels — a reflection, perhaps, on the stunted characters produced by the Stalinist Czech regime under which Klima has lived for most of his life. Still, "Judge on Trial" demonstrates a similar range and intensity; it is a book about everything, and everything is felt deeply.

Set in the early 1970s, with the bitter memories of the Prague Spring and its subsequent repression still fresh, the novel opens with Adam, the judge on trial, hanging onto his post as a judge — but only by a thread. He has just been assigned a case involving a ghastly murder of an old woman and her young grandchild. On record as opposing capital punishment — despite its official sanction as a necessary protection against the "enemies of the people" — Adam himself is tacitly being put on trial by a regime which brooks no opposition.

Adam's ensuing moral dilemma underscores the extent to which he has shirked similar choices and dilemmas in the past. Now, however — having believed all his life that the Communist Party offered an antidote to the injustices that had punctuated Czech history and convinced that the law could serve justice in a land where rule had always been arbitrary — Adam finally has no choice but to confront his absence of choice.

As the novel unfolds, Adam's difficulties at court spawn a series of moving, introspective flashbacks through which his entire past is subjected to the harsh light of his newly critical spirit. Spanning the period from immediately before Hitler's invasion of Prague to a hot August night almost 30 years later when Soviet tanks rolled into Czechoslovakia, these flashbacks offer a sweeping view of modern Czech history.

We watch the young Adam emerge, barely alive, from the concentration camp where he spent World War II. We share his youthful idealism for a Communist Party which had helped save Czechoslovakia from the Nazis and which promised a new tomorrow. And we watch that idealism slowly evaporate beneath the pressures of an increasing-

ly intolerant and constricting regime in which, Adam admits, "we can never live normally again" because "we are all implicated."

Klima's use of these flashbacks is, without question, what is most stunning in this tremendous — and tremendously uneven — novel. They evoke, powerfully, the triumph of memory over a state that demands amnesia. They move effortlessly between the individual whose life they recall and the nation which, on some level, Adam represents. They present an impressively broad panorama in a manner reminiscent of some of Dickens' great novels: The flashbacks are stuffed with countless scenes and people, all sketched in a manner designed to heighten and exaggerate certain typical features rather than risking a depth in any one scene which might compromise the fabric of the whole.

Nevertheless, that fabric is irretrievably torn by those parts of the novel set in the present. Here Klima's failure to develop even the semblance of a plot — a consequence of his failure to imagine genuine human interaction or depict convincing human relations — seriously scars the novel. In part, the problem is one Klima shares with a Czech literary tradition notorious for its misogyny: None of the women who people these pages are ever, really, people. Adam's wife Alena is a nag; his mistress Alexandra is a tantalizing seductress. They are made of cardboard, cut in a size and shape we've seen before, in the novels of Kundera and Pavel Kohout.

The larger reason the novel fails to jell, however, is because it chokes on all of its anger. Having lived for so long under Moscow's thumb, many of Eastern Europe's best novelists demonstrate an absolutism, intransigence, and self-righteousness more reminiscent of the system they attack than of the freedom for which they yearn. And as politics and letters in the East since 1989 have made ominously clear, toleration comes hard to a region that has rarely known it.

To the extent that Klima's novel is at war with itself, it reflects these tensions. Nurturing individuality is difficult in a region that has rarely cherished it. Relationships are almost inconceivable in a region taught to mistrust. And yet there is nevertheless reason for hope: Remembering the past as well as Klima's flashbacks do is the best guarantee that the political and literary actors of Eastern Europe's impoverished present will eventually learn from the past — rather than repeating its mistakes beneath Stalin's lingering shadow.

JUDGE ON TRIAL



IVAN KLÍMA

Law School Wins Grudge Match

By Bill O'Dowd '94
Sports Editor



WELL, sports fans, the Grudge Match of the Century turned into the Game of the Century. Last Saturday afternoon, our beloved HLS All-Stars defeated the B-School All-Stars in double overtime, 130-122. What a Game! It reminded some of the Duke-Kentucky classic in the 1991 NCAA Championships, when Christian Laettner hit the shot heard round the world (or at least in Lexington). Others recalled similarities with the Seton Hall-Michigan game in 1989, the only NCAA championship game to go to overtime.

balls from the left corner (he later claimed that the sun was in his eyes) which were tipped in by his center, William "Stud" Henry (which just goes to prove you can never underestimate the importance of a quality big man). Never having witnessed such a display of altruism, his classmates voted John their "Student Humanitarian of the Year."

The moral to the story: Most of the time people assume good acts by lawyers, or law students, to be accidents. Perhaps last Saturday served as a gentle reminder that we can all make a positive difference through good deeds and have fun doing it. With more than 100 fans in attendance, the Grudge Match of the Century raised \$200 for the Choir School in Harvard Square.

One final human interest aspect of the game was the introduction of Jon "Walk For" Unger in the second overtime. Known on campus as the greatest bench player in the history of the Law School, Jon responded to the crowd's chanting for him to enter the game midway through the final period. After the game, Coach Andrew "I'm As Pretty as Lynda, But I Smile Like Jimmy" Carter expressed confidence in his newest player: "What can I say about the basketball skills of Jon Unger? He's a great kid with a nice personality."

With five seconds left in the game, Jon received a pass directly underneath the basket. As the crowd rose to its feet, Jon shot the ball ... four seconds left ... Despite good form, the ball hit the underside of the rim ... three seconds left ... The crowd groaned ... two seconds left ... Jon retrieved his own rebound by removing the ball which had firmly wedged itself between his nose and his glasses ... one second left ... With the word Spaulding clearly printed on his forehead, Jon shot a second time ... the buzzer sounded ... the ball went in ... the crowd went bananas. It was a Kodak moment. With his teammates mobbing him, Jon shouted "I'm going to Disney World."

Asked for an explanation of his two shots, Jon replied: "I think the difference was that for the second one I closed my eyes. I just thought of all the kids who look up to me as a role model. I couldn't let them down. I love them all." (And believe me, Jon, both your baby sisters love you too!)

Thanks again to Lang, Matt, Jon, and all the HLS All-Stars for bringing home a victory and fans to the seats.

Mr. sports guy

The majority of fans, however, felt that all comparisons with any basketball games other than the greatest ever played would be unfair to those who competed in the Grudge Match of the Century. That's right. HLS v. HBS was on par with the Creighton-Notre Dame double overtime game in 1990 (won by Creighton, of course!).

Last Saturday had all the elements of a great game. There were 25 ties and 42 lead changes. As would be expected when two proud teams walk onto the same court, there were great individual efforts. Lang "Three" Wiseman scored an estimated 55 points (our official scorekeeper, Rachel "The Rache" Wunderli, gets fuzzy when she runs out of fingers and toes to count on), including one amazing shot from the corner over a defender's outstretched hands that arched over the backboard. Stated an exhausted Wiseman after the game: "Golly gosh, I'm just glad we won. Did I really score that much? Once I got hot midway through the first minute, I thought I would just keep shooting until I cooled down."

Matt "Mr. Princeton" Henshon shattered the 50-year-old HLS assists record. Matt finished with 38 assists, a full 35 more than the previous high. When notified of his accomplishment after the game, an embarrassed Henshon gushed, "Boy, I knew nobody passes the ball in the intramural league, but this is ridiculous." After a diligent look through the Hemenway Archives, this reporter learned the following scoop: The previous assist leader, John "Bricklayer" Smith, accomplished the unprecedented feat of dishing out three assists in an intramural game by shooting three air-



Every shot was important in the "Grudge Match of the Century," as it took two overtime periods for the HLS All-Stars to beat the B-School All-Stars 130-122.

FOOD - O - RAMA

Another (Graduation) Season



By Ted Cohen '95 and Jonathan Goldstein '95

ANOTHER Season (97 Mt. Vernon Street, Boston; 367-0880; T-Stop: Charles/MGH) is in a tiny, seductive space, tucked into an apartment building on a side street of Beacon Hill. When you enter, you instinctively duck your head. As your eyes adjust to the dim light, you notice the warm, gold-toned murals of old Boston life on the walls. The muted conversations of well-heeled patrons fill the room. Within moments, the room has seduced and relaxed you.

This seems to be chef and owner Odette Bery's mission: A veteran Boston chef and consultant, Bery has created a restaurant where the well-heeled can feel like they're eating at home, among friends. And within the scope of her ambitions, she is extremely successful; Another Season is an eminently likeable restaurant. You wish only that, occasionally, this talented chef would "let 'er rip" a little bit more than she does.

The appetizers that we sampled suffered from different, but equal, influences of culinary conservatism. A Curry Soup, enriched with chicken stock and cream (\$4.50), was a smoothed-out version of what should have been fiery and exciting; the zucchini salsa that came with it was similarly weak. And a dish of Pan-seared Scallops on spinach with a pancetta balsamic vinaigrette and asparagus (\$7.00) was a too-cautious attempt to jazz up that old finger-food standard of bacon-wrapped scallops. The balsamic could have been more assertive, and though we saw the pancetta on the plate, its smoky flavor did not much influence the scallops. (The whole-grain rolls that came to the table, however, were yeasty, chewy, and excellent.) We suspect that an antipasto of grilled eggplant, red peppers, and fresh mozzarella in a parsley pesto would have been a more satisfying starter.

Thus, it was with some trepidation that we ventured into the second course; fortunately, however, the entrées easily outpaced the starters. A special of Halibut arrived covered in a rich cream, ginger and tomato sauce, surrounded by

Another Season is an excellent choice for a graduation dinner. If you're looking for a quiet, refined place to take your family, this may be it.

a ring of lightly stir-fried carrots, bok choy, shitake mushrooms and asparagus slivers. The fish was flaky and cooked just right; the subtle sauce was a well-conceived backdrop to the fish and the vegetables. Only slightly less engaging than this Italian-influenced dish were the boneless breasts of chicken stuffed with mozzarella and chevre cheeses, and topped with a red pepper, rosemary and red wine reduction (\$14.00). Although there might have been more filling, the presentation was lovely, with two wedges of delicious grilled polenta set at angles to the chicken and fresh sugarsnap peas on the side.

Other menu selections are likely just as well-executed, if not necessarily startling for their ingenuity. Cannelloni Florentine is stuffed with shitake mushroom, parsley and ricotta in a Béchamel sauce (\$12.00). A Tenderloin of Beef comes in a port, ginger sauce with grilled yams and asparagus (\$23.00). There are surprises, though. Ms. Bery admits to a strong Indian influence in her cooking, an influence that shows in such dishes as the shrimp braised with cucumber, dill, yogurt and lemon zest sauce served on Basmati rice (\$15.00).

But Indian is not the only regional taste to be found at Another Season. Along with the regular menu, which changes monthly (more often even than the name implies) to take advantage of seasonal ingredients, there is a series of \$17.00 prix fixe Asian menus ranging from Burma (Beef Tenderloin with pumpkin, onion, garlic, ginger in a sesame seed sauce), to Vietnam (Chicken Shrimp Rolls stuffed with black pepper, mint and scallions), and beyond. Plus, if that isn't enough reason to pay a visit, there's Sunday brunch. For \$7.00, Corn Crepes stuffed with scrambled eggs and fresh herbs sound pretty good.

Desserts, as one would expect, are rich, simple and delicious. The Reve du Chocolat (\$6.00) is one of the best flourless chocolate cakes we've ever had (and certainly the best we've had in Boston); more mousse- than fudge-like, served at exactly the right temperature, it is about as refined as this no-holds-barred dessert can get. Our only complaint is that, in this age of baroque desserts, nothing else comes on the plate but a squiggle of decent whipped cream. We wish this "reve" came floating in a pool of fruit coulis, if nothing else.

And a pear ginger tart (\$5.50), while certainly respectable, could stand a little more ginger: as it is, the flavor of the pear alone, while fresh and clean, is lost in a general impression of butteriness.

Another Season has an impressive wine list which is well-suited to the simple food, with a strong emphasis on whites and light reds. (Bottles range from \$17 to \$45, with a large concentration around \$25.) And service was attentive and unobtrusive. Everything we needed — from utensils, to water, to advice about the menu — was provided with quiet professionalism.

All of which makes Another Season an excellent choice for a graduation dinner. If you're looking for a quiet, refined place to take your family, this may be it. (If nothing else, your folks will be duly impressed that your knowledge of Boston extends to such a relatively hidden, neighborhood spot.) Don't expect anything trendy or shocking. But the attention to simple details and love of fresh ingredients that Odette Bery brings to Another Season are refreshing and, ultimately, very good.

RATING: ★★1/2

Harvard Law RECORD

Founded in 1946

Greg Stohr
Editor-In-Chief

A Sporting Professor

This time last year, the RECORD staff instituted an annual award for the Law School professor whose positive attitude, concern for students, and willingness to laugh at himself or herself serves as an example to the HLS community. Dubbed the RECORD Good Sport Award, the prize went last year unanimously to the unorthodox but visionary Prof. Charles Nesson '63, whose now-legendary Evidence apology tape and witty response to the RECORD parody issue showed his character and sense of humor.

By equally loud acclamation, the winner of the 1994 RECORD Good Sport Award is Prof. Jon Hanson. One of the nicest people on campus, Hanson has shown a Nesson-esque willingness to put the interests of the Law School community and his students above his own ego. He earned his nomination for the award by serving as a good-natured punching bag for the friendly jabs of RECORD columnist Debra Dickerson. Debra's March 4 column caused a few rumblings around campus, including a critical letter to the editor, but Prof. Hanson was the model of class and good humor as he joked about it with her in his Corporations class. (At one point, he regaled the class with a story about how the column sparked a series of events that eventually culminated with his toddling daughter Emily learning the words, "Oh, shit.") Hanson was equally stoic when a less-than-complimentary photo of him playing volleyball at a faculty-student volleyball game appeared in this year's RECORD parody issue.



But if thick skin in the wake of needling were the only qualification, Prof. Hanson would be facing stiff competition from the likes of Prof. Alan Dershowitz and Dean Clark '72. What makes Prof. Hanson special is his classroom demeanor. We refer not just to Prof. Hanson's self-deprecating style nor to his shameless use of jugglers and other random entertainment in class (though none of us in his Corporations section will soon forget the word "punctilio"). What makes him special is his demeanor in another Corporations class — Prof. Kraakman's Corporations section, which Prof. Hanson attends religiously in an effort to learn and make himself a better teacher and scholar. Unlike so many of us at HLS, he is willing to sacrifice a little of his own pride — and admit he does not have all the answers — to improve his ability to contribute to the HLS community. Prof. Hanson's good humor and humility ensure he will be a popular and effective HLS professor for years to come.

So, Prof. Hanson, we honor you as best we can with our annual award. We regret that it comes with no cash prize or formal ceremony, but perhaps we can type up a semi-formal certificate, if we're not too busy studying proxy rules. In the meantime, we hope you'll be satisfied with the publication of this photo, which somehow we did not publish in the parody issue.

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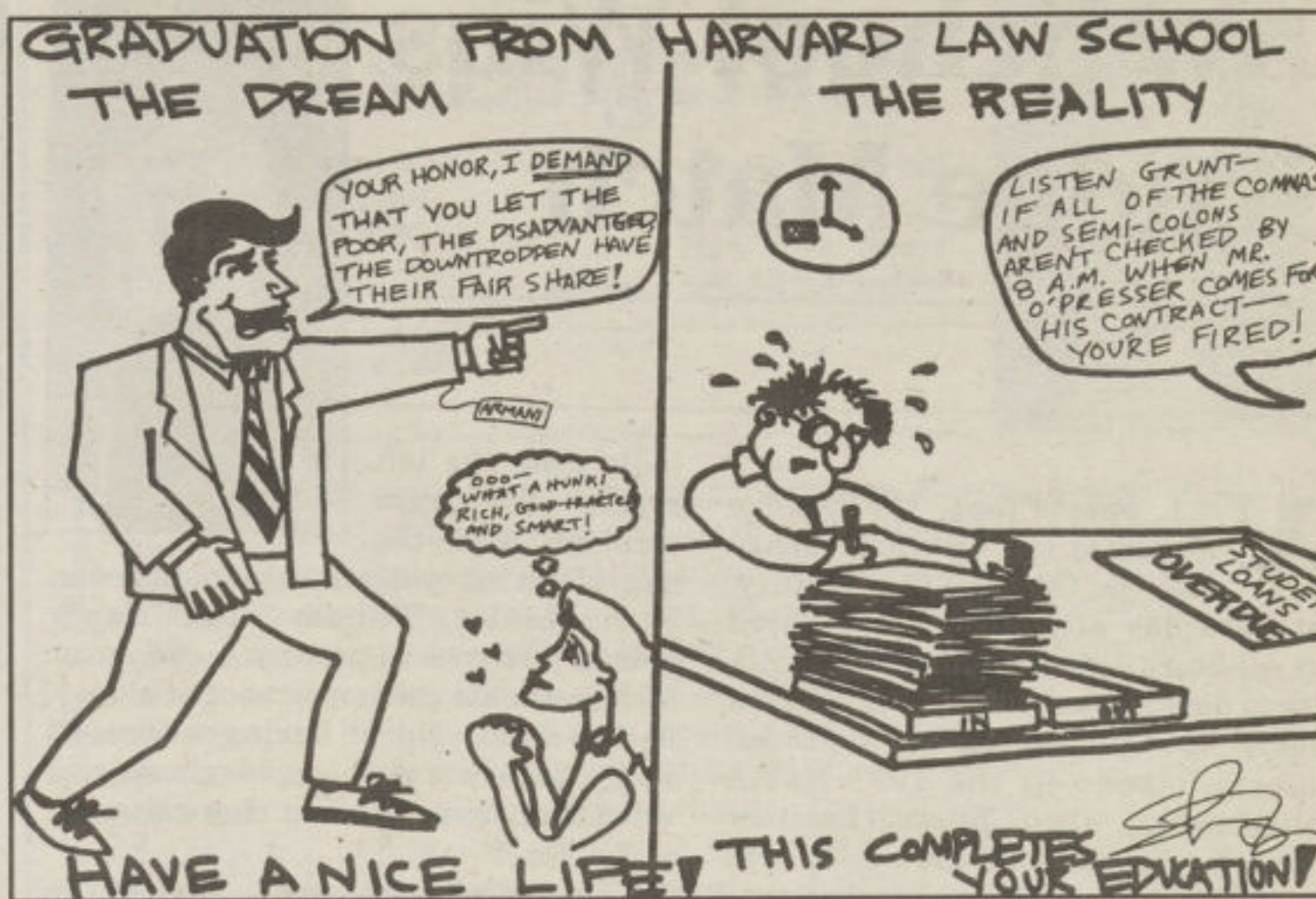
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"Congress shall make no law...abridging the freedom of speech, or of the press;..."

—First Amendment, U.S. Constitution



• Letters •

Lambda Protesters Should Apologize

Last Tuesday, Prof. John Finniss of Oxford University gave a lecture focusing on natural law and moral absolutes. This lecture, sponsored by the Catholic Law Students Association, was protested by Lambda. (The RECORD, April 22, rather than reporting on the lecture, showed unacceptable bias by reporting the protest as the main event). While I acknowledge that Lambda has the right to protest, I am disconcerted by their decision to do so.

Lambda Co-chair Scott Wiener '96 asserted that CLSA should not have brought Finniss to campus at

all. Yet Finniss has done nothing more than apply the moral teaching of the Catholic Church to the public debate on laws concerning homosexuality. Wiener went on to call Finniss "hateful," again for expressing his religious beliefs. While Finniss opened his views to public debate (by testifying on behalf of Colorado's Amendment 2), I do not think that a Catholic-sponsored event on an unrelated topic is an appropriate forum for protest. Lambda's intrusion into this forum has exposed its religious bigotry. Lambda's real motive for its protest seems to be to silence

the sincere religious beliefs of a large portion of students by accusing those who dare speak of being homophobic.

The attack on the opinions of this prominent Catholic comes across as an attack on the Catholic Church and all those who in good faith believe that homosexual acts (and all extramarital sex) are morally wrong. If Lambda honestly did not intend to deny the right of Catholics to express their religious beliefs in public, then I think they owe CLSA a public apology.

Patrick J. Lannon '96
April 25, 1994

Protest Against Finniss Was Misguided

As a member of the Catholic Law Students Association, I was in attendance at the presentation by John Finniss last Tuesday. Prof. Finniss' prior statements supporting the Colorado anti-gay rights statute attracted a protest at least putatively representing HLS Lambda, consisting of flyers posted about campus and handed out at the door, a prepared statement delivered verbally, and a sign attached to the projector screen and lowered in the middle of Prof. Finniss' talk, bearing the label "homophobia."

I recognized in the protests aimed at Prof. Finniss something which seems to be a deeply disturbing trend in public discourse. I refer to the decline both in civility and in intellectual content of protests waged by even the most educated and sophisticated elements of the American political Left. Most alarming, of course, was the large sign, which was put in place by the crudest methods of adolescent vandalism and generally resounded with the tone of name-calling on a schoolyard. The entire effect, intended to humiliate the speaker, served instead to produce the same impression that would have been accomplished by placing a thumbtack on Prof. Finniss' chair.

The prepared statement was, by contrast, polite and in reasonably good taste, and I would in no way argue that it should not have been presented as a legitimate expression of differing opinion. But the statement objected not to the opinions expressed by Prof. Finniss' talk, nor even solely to the content of his previous statements, but to his very presence. It is this attitude, common among the denizens of American universities and evincing a deeply anti-intellectual animus, which I find to be a cause for real concern.

The philosophical basis

of Prof. Finniss' contentions regarding the primacy of moral absolutes was a distinction between what he calls "conscience," meaning an exterior (from the religious perspective, divine) standard of moral judgment, and "self-regard," an exclusively internal compass which identifies morality with self. The essential fault of discourse rooted in the self is that it views dissent from the internally derived standard as a personal affront and hence a threat to identity. Proceeding upon such a world view, it is inconceivable that a legitimate difference of opinion could ever exist, and thus all disagreeable points of view are to be shouted down, banned, or otherwise stifled.

The American academic Left has ostensibly abandoned the search for guiding values and fixed absolutes in favor of total openness of mind, subject only to the restraint that all ideas expressed must be "tolerant." It should be unsurprising to anyone who possesses even a passing familiarity with human nature that, under this rubric, virtually any point of view that does not comport with the value systems preferred by the purveyors of this ideal can be and is, in truly Orwellian terms, branded "intolerant." Whoever is so benighted as to hold such an opinion is clearly too dangerous to speak at a university and run the risk of infecting others with such heresies. All opinions are equal, but some are more equal than others. There is something troublesome about burning heretics for the offense of disagreeing with the proposition that heretics should not be burned.

This is not to say that the standard of "conscience" proposed by Prof. Finniss is not also capable of harassing opposing viewpoints and their proponents. In fact, it was the supposed right of the state to do just that which he was

defending in Colorado. However, the concept of a fixed morality does not imply, as does a self-defined value system, the persecution of opponents. It leads in that direction only if one is certain, as Prof. Finniss seems to be, that one has correctly discovered its contours. Otherwise, the inquiry is necessarily an open one into the proper mode of discovering truth.

Clearly, as the protesters suggested, the problem of how to accommodate the lifestyles and the rights of homosexual Americans into the mainstream of a society in which many find such lifestyles repugnant is a real challenge for our nation. No one deserves to have basic rights denied. As with any challenge, I would argue that the solution can only be found by publicly asking any relevant questions, which the protesters seemed to find intolerable. I could not sensibly untangle the problems presented by this sort of conflict in a single letter. It is enough to conclude, however, that I speak for many at this university when I say that I have refrained from offering derogatory or disruptive protest at the presence here of many of those whose ideas or actions my religious convictions would command me to denounce — Harry Blackmun, for one — in the hopes that I can learn from an open, unencumbered exchange consisting of the whole world of ideas, good and evil alike.

Once upon a time, they called this concept a "university." It is a deep and abiding fear of defeat in the contest of ideas that drives the movement to suppress any which make people uncomfortable, and it would be an abandonment of our struggle for a higher education to accede.

Dan McLaughlin '96
April 25, 1994

For other views on the protest against Professor John Finniss' speech at HLS, please see the columns on page 11 of this issue of the RECORD.

A Different View of Greatness

Over the past several months, Prof. Charles Nesson '63 has been conducting interviews with individuals in the HLS community. The following is a portion of a transcript of an interview he conducted with Brandeis Professor of Law Gary Bellow '60 late last year. Prof. Bellow teaches *Introduction to Advocacy: Civil, Lawyering for Poor People, and Legal Services for Poor People*, and he practices at the Legal Services Center.

Nesson: What is the mission of a teacher at Harvard Law School? What are we doing? What is it that you think you're doing? What are you trying to accomplish?

Bellow: You have to start with what we teach because we are all trying to get our students to understand some subject matter. For most of us, of course, our subject matter is law, since all of us are teaching about the nature of legal ordering, as well as a particular subset of ideas and insights about law.

This is true of myself as well. I'm interested in students understanding law practice — seeing its complexity, its nuances, its contradictions, not in the way one understands practice by filtering it through the rules of professional responsibility, but in the way lawyers come to feel comfortable in legal culture and the complex relationships and human interactions which nullify and alter legal doctrine and legal procedures in the day-to-day handling of legal problems.

Nesson: Do you work with students at the level of emotion?

Bellow: Oh, yes. If you are teaching and studying practice, and studying learning about practice, then feeling and ideas are inevitably connected. Students have emotional reactions to every test they're given, every problem they're presented. How they feel about something becomes part of the subject that we're trying to study.

Nesson: Do you aspire to turn out students at the end of your teaching who are, in some sense, better people than they were when they started?

Bellow: That's really an interesting question. It causes me to hesitate. There is a simplistic way of viewing the question. Do I develop character, or am I trying to inculcate good values? I don't think of myself as acting that way. But there's no doubt that I have a vision of how a good person lives, and how a good person lives as a lawyer, and I try to make that a very real and plausible option for my students. In that sense, I think I do have an impact on them as people.

But I don't have a strategy for changing their values. Rather, I have a way of pointing out — of making them cognizant of the denials that allow lawyers to so easily become

less sensitive to the losses and costs they impose. At every point, we talk about the consequences of their actions. We look at the worlds we are creating by the kind of activities we

engage in. The thrust is so consequential and so attuned to the realities we are creating and responsibilities we are undertaking that, I think, the process does have an effect on making students better people. Does that make sense?

Nesson: I think it makes a lot of sense. Let me see if I understand. You work with students to put

them in touch with their feelings as they explore a new problem, so they actually learn something about how they themselves learn and deal. And you offer them your own example of commitment and value, without preaching it, as such, but with the choices exposed, and the example in front of them.

Bellow: Right. And the consequences, of course, are real. Don't forget, I'm working with students who are making decisions that have effects on people's lives. One of the great advantages of the method I'm using — clinical method — is I am not talking to my students about "what would you do if?" I am talking about "what did you do when?" We are con-

doesn't mean dissatisfaction of the client isn't relevant. But I wouldn't use how the client feels about their lawyer, any more than I would measure teaching by whether the students really like the teacher. We will grade, not only whether the student has met that standard, but also to what degree they've grown. A student can get a good grade in the course on the clinical side by showing large improvement or by consistently, over the entire semester, doing a better job than other people do on a variety of tasks and activities. This is all done in consultation with supervisors, as a joint enterprise. The evaluation of student clinical work is complicated and still the subject of a good deal of discussion.

Nesson: Would you subscribe to a notion of mission that says what we're about is training our students to be great lawyers? Or is that too grand, too ambitious, too goal-oriented?

Bellow: It's too loaded with the dominant images at Harvard Law School of what's great. I wouldn't use the term "great" in this environment because "great" to our students means important and famous.

Nesson: How about redefining "great," rather than not using the word? How about urging students to aspire to greatness, but leaving it up to them to say what greatness is?

Bellow: All right. But I still don't think we're trying to create great lawyers. Well, I'm not sure. "Great" doesn't capture my own ambitions.

Nesson: You don't want our students aspiring to greatness as they see it?

Bellow: I don't want our students aspiring to the very other directed, recognition-oriented models of greatness that we put out.

Nesson: But that's a hollow form of greatness. You wouldn't teach them that that was great?

Bellow: No. But one of the things Harvard Law School clearly teaches them is that, good or bad, it's important to be important. That's

not the message I want to communicate. I want them to be learners, thoughtful analyzers of the world, intelligent changers of their own behavior, respectful of the complexity of the world that they're going to live in, fascinated with what a life of learning in law will involve over an entire life. The few lawyers I know who have done that all their lives are, by my lights, great lawyers.

So you really have me on the word. If "great" meant that, then I would say, "Yes, I want them to be great lawyers." I want them to be growing, changing, and value-oriented in the roles and professional world which they are entering. The best of those sorts of people rarely think and act in ways that they would characterize as great. But great it might certainly be.

Nesson: Thanks, Gary. Sounds great to me.

"One of the things HLS clearly teaches them is that, good or bad, it's important to be important. That's not the message I want to communicate."

stantly exploring the interplay of choice, action, and consequence on a level that makes value discussion a daily part of understanding and development.

Nesson: You grade your students?

Bellow: Yes.

Nesson: What are your criteria for grading?

Bellow: They get graded in a lot of different ways, on a lot of different activities. They're graded for their clinical performance.

Nesson: Do you measure that in terms of the satisfaction to the client?

Bellow: No, though it's been argued that we should.

Nesson: Why not? Why isn't that the measure?

Bellow: Because too often the client's satisfaction is capable of being manipulated. Too often it is not a true measure. That

• Letters (cont.) •

BLSA Should Remain All Black

The Constitution of the Harvard Black Law Students Association states *inter alia* that:

We, the Black students of Harvard Law School, recognizing the need to act positively in the development of the Black community, promote the academic well being of Black students, encourage cooperation and closer ties between members of the Law School's Black community, and establish a vehicle through which our concerns are brought to bear on Harvard Law School policy and on the community at large, do hereby establish this Constitution of the Harvard Black Law Students Association.

As defined in Article One, our membership policy is as follows:

1.2: The chapter membership shall consist of Black law students of Harvard University.

1.3: Dues-paying mem-

bers shall have the privileges of voting, holding office, nominating someone to elected office, removing a member of the Executive Board, and amending this Constitution.

1.4: Ex Officio membership shall be extended to other Black graduate students of the Harvard University by a majority vote of a General Body meeting of the Association. Ex Officio members shall have all of the privileges of dues-paying members with the exception of holding office.

It has come to our attention that a few anonymous non-black students have approached the dean of students and questioned our membership policy. We find the manner in which this issue has been raised problematic. Moreover, we are suspicious of the motives of the individuals who approached Dean Richardson for the following reasons: (1) No non-black stu-

dents have approached us this year to express an interest in furthering the goals of our organization; (2) We are aware of no non-black students who have approached BLSA this year to express a desire to become members; (3) BLSA events are publicized and open to the HLS community-at-large, yet very few, if any, non-black students attend these events.

BLSA is a large, vibrant student organization which has contributed a great deal to the black students on this campus and to the HLS community. To the extent that Harvard Law School continues to be a hostile environment for black students, BLSA should remain as currently constituted.

Linda Dunn '94
President, 1993-94
Robert James, II '95
President-elect, 1994-95
April 27, 1994

Nesson's A's a One-Shot Deal

To the HLS Community:

At Dean Clark's suggestion, I am writing to inform you — I hope to reassure you — about my intentions with respect to grading in the future. Will I give almost all A's again?

I would like everyone to understand the context in which I made my choices this winter. I built the class around group projects which would have failed unless I found a means to relieve the atomizing pressure of individualized exams. I did not see this problem coming. (See Interview, RECORD 3/18/94.) Had I stopped in mid-course to start checking out various options

with the school's bureaucracy, I would immediately have been sidetracked from main mission by a huge administrative hassle.

Next fall, I intend to start my Evidence course with three weeks of black letter law and test students on it at that point in the course with a multiple choice exam. Students will then form working groups and do a group project as the focus of the remainder of the course. I also want each student to synthesize what he or she has learned in some individual expression. My intention is to ask students to do post-course one-credit papers.

I was under the impression this winter that I could not grade group projects because they are not anonymous and because my course was more than 50 students in size. I now understand that I am free to grade group projects.

I do not consider myself bound to grade according to any pre-ordained curve. Will I give almost all A's again? Given flexibility to develop a richer and more varied assessment system than I was able to use this winter, I doubt it.

Prof. Charles R. Nesson '63
April 17, 1994

Macedonia by Any Other Name

I read with interest Mr. John S. Gardner's letter (RECORD, March 18) titled "Macedonia is not a threat to Greece." I believe that there are some points that Mr. Gardner, who declares himself a friend of Greece, should consider:

1) The name is important. If tomorrow I start using the name John S. Gardner instead of my own, with all that this may imply (genealogy, name history, credit references, etc.), I'm sure that Mr. Gardner will go to court and try to prevent me from doing so. He says that Luxembourg does not object to the name Luxembourg of a Belgian province (to make the analogy to FYROM-Greece he should have said that Belgium does not object to the name Luxembourg used by the Grand Duchy of Luxembourg.) Of course, this does not prove anything. Each country has its own sensibilities, history, and policies. Consider Germany. Before the unification, then-West Germany did not recognize then-East Germany on the grounds that the word Germany was included in the name of (the People's) German Democratic Republic. They refused to accept the existence of two Germanies. Ironically, Germany now strongly objects

to the non-recognition of the name "Macedonia" for the Scopje state by Greece.

2) The official use by FYROM of long-established and recognized historical Greek symbols, like the star of Vergina, the picture of Alexander the Great, the picture of the White Tower of Thessaloniki, as well as the spirit and the letter of their constitution, indicates clearly the ambitions of the new state to expand its territory to include the province of the Greek Aegean Macedonia. In fact, there is a justified suspicion in Greece that there is a scheme among Albania, Bulgaria, and Turkey towards the creation of a Great Macedonian state that would include FYROM, the Greek Aegean Macedonia, and the Bulgarian province of the Macedonia of Pirin. Albania, Bulgaria and Turkey would benefit greatly from the creation of such a state. The big loser would be Greece. This is not an improbable scenario. Such a scheme has been tried repeatedly in various forms since the beginning of this century. This is what Greece fears, not a limited conflict with a small, backward country. And if Turkey, a NATO country like Greece, takes the side of FYROM, Albania, and Bulgaria, NATO will do nothing, contrary to what Mr. Gardner says — look at Cyprus, if you don't believe it.

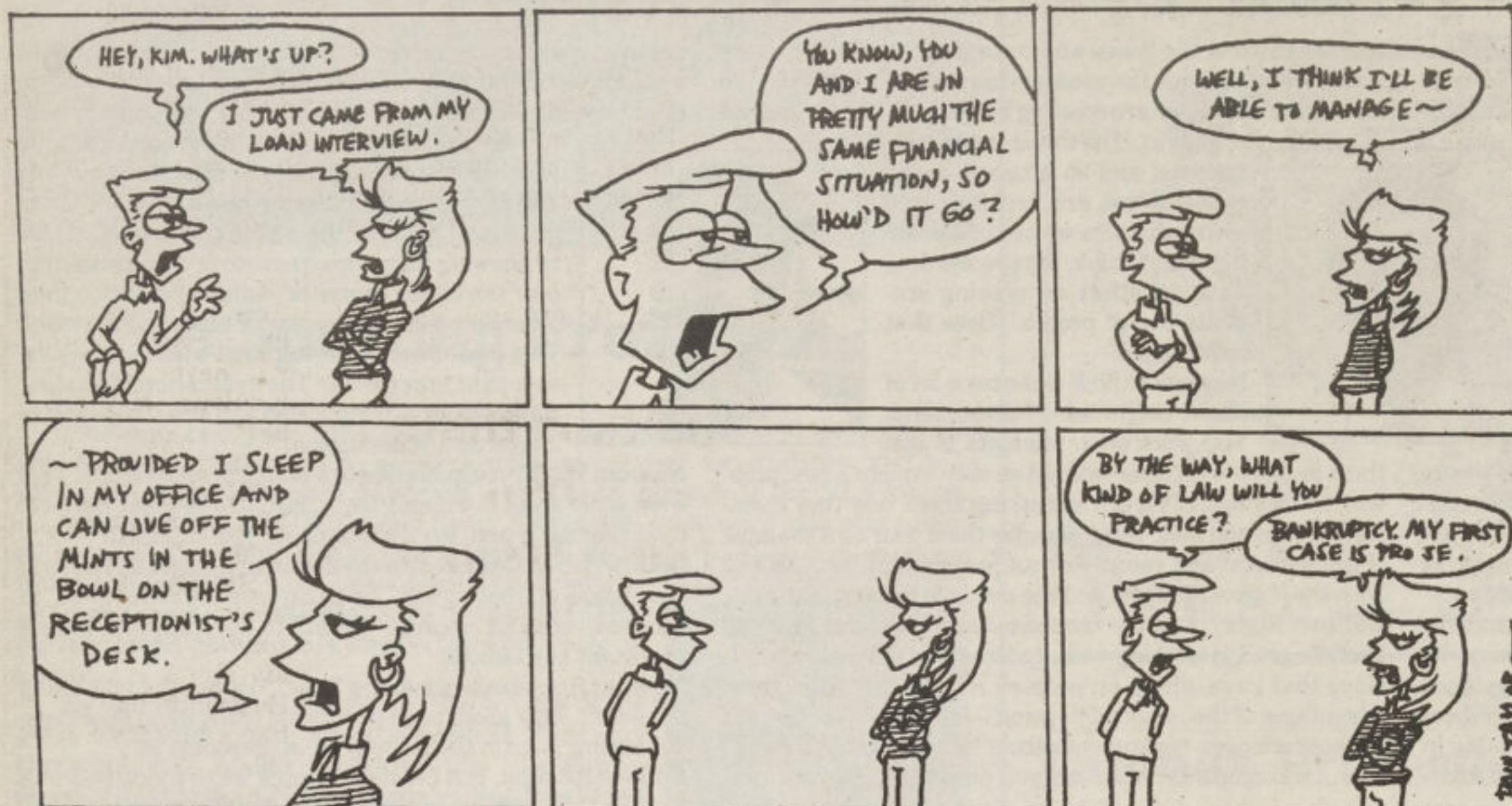
3) Greece is right on the Macedonian issue, but the politicians handled it wrongly. There was no action taken by Greece when Tito, in the mid 1940s formed his "Macedonian Army" with the explicit purpose to use it to conquer and incorporate the Greek Aegean Macedonia into his dreamed Balkan empire. Greece also initially did nothing and then made a number of wrong movements when the new state came out of the Yugoslav breakage as "Republic of Macedonia." Partisan politics and political personal ambitions guided the actions or inactions of responsible Greek political leaders, and this turned much of the world opinion against Greece. Had the matter been handled differently there would be no Macedonian issue today: Vardar Macedonia (the present FYROM) would be in unison with Greece, with which it shares much ancient and recent history, and would benefit from its association with the most prosperous and civilized country in the Balkan Peninsula.

Nikolaos G. Kondylis
April 12, 1994

**WRITE
TO THE RECORD!**

Liabilities

By Paul Taylor



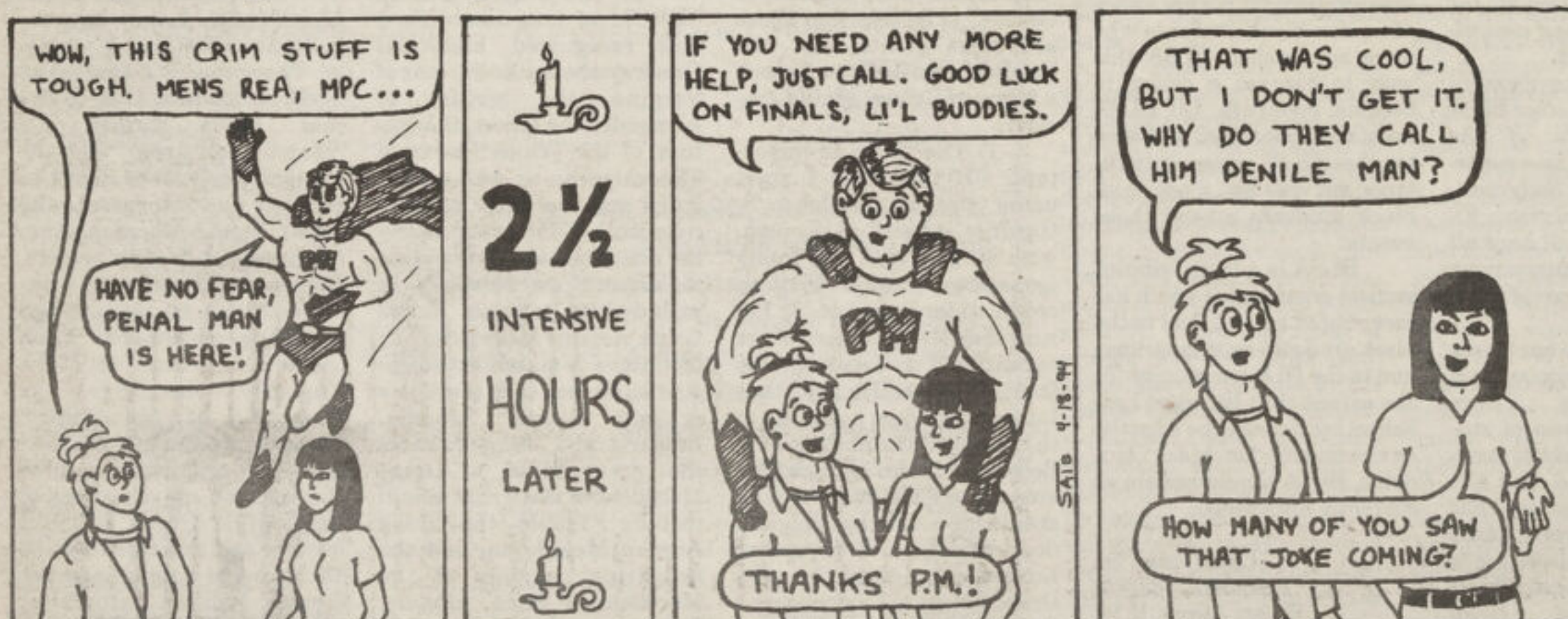
GROMM: Barbarian cum laude

By Chris Spagnoli



Temporary Insanity

By Sheila Tuller

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CALENDAR

Music This Week

We're HLS, and You Suck

This time of year, with its cruel combination of beautiful weather and imminent exams, can be enough to drive you crazy. If the stress of it all gets to be too much, head over to Local 186 (351-2680) tonight (Friday, 4/29) to scream and slam with the notorious Meatmen.

Now that GG Allin's dead, this depraved bunch might well be the most offensive band left. Maybe they'll rededicate their classic "One Down, Three to Go" (a tender ode to John Lennon) to Nirvana. Insensitive, yes, but after all, they did tell us six years ago that they're the Meatmen and we, well, we just suck.

If you're looking for something a bit more accessible, the ex-trendy organ-playing, baggy-pants-wearing, Madchester pretty boys the **Charlatans UK** play Axis (262-2437) on Friday, April 29 on their pseudo-comeback tour. Opening are **Queen Sarah Saturday**, whose electrified guitar pop evokes a beefed-up REM.

Wednesday, May 4 brings **Paw** to the Paradise (351-2526). If you make your decisions based on the Beavis and Butt-head seal of approval, Paw's loud 'n' twangy brand of hick grunge could fly your flannel.

Finally, on Thursday, May 5, the Paradise will shake to the idiotic lyrics and Ramones-lite rhythms of Japanese pop icons **Shonen Knife**.

— Jeff Bucholtz

Readings. Shows. and Stuff

If enough of your hearing has survived Jeff's groups to know the difference between good music and his music, you can skip the Meatmen and feast instead at this weekend's awesome **Arts First** celebration of the incredible musical talent at Harvard-Radcliffe. Literally scores of events will take place, offering the listener everything from full-scale orchestras and choirs to rock and roll musicals, from Gabrieli to Motown, and from dozens of concerts by Harvard's famous a cappella groups to an equally dizzying array of recitals featuring some of world's greatest chamber music.

The celebration kicks off Friday, April 29, with the Harvard University Choir's performance of Mendelssohn's "Elijah." (Memorial Church, Harvard Yard, 7:30 p.m.) But it really moves into full swing with the performance of Orff's "Carmina Burana," a mad, loud, decadent late Romantic monstrosity that will feature over 400 members (including some HLS players and singers) from the Harvard-Radcliffe Orchestra, the Harvard Glee Club, the Radcliffe Choral Society, and the Harvard-Radcliffe Collegium Musicum. It gets under way in the appropriately spooky Sanders Theatre at 10:00 p.m.; discount tickets for students are a steal at \$6, \$8, and \$10.

I would regale you with more (from Bach to Brahms and from Telemann to Thrash), but you can't fit four pages of great events into my few remaining lines. So pick up a schedule from the Music Department, or attend one of these Friday night blow-outs and grab one there. There's something for everyone — even diehard Bucholtz fans.

— Mike Fischer

Taking the A Train

By Debra Dickerson '95

The first thing I did in New York last summer was go to Harlem. Mostly, this is Ella Fitzgerald's fault. If you've never heard her sing "Take the A Train," you must. Her insouciant joie de vivre clearly evokes for me the glory days of the Harlem Renaissance complete with conks, honkies (white men who 'honked' for their black mistresses), zoot suits, and the Cotton Club. En route, I jammed it continuously on my walkman and jitterbugged on the subway. People kept moving away, so I had lots of room for my fancy footwork and Cab Calloway spins.

The second reason was because every white person I knew told me not to. No, I'm not calling them racists. I'm calling them myopic. I refuse to accept that just because a neighborhood is all-black it's all-dangerous. Having come from the inner city and lived with those same exaggerated fears about our criminality, I felt safe in mingling with my sisters and brothers in New York, just as I do here in Dorchester and Mattapan. In fact, I looked forward to doing so because of Harlem's history, especially its artistic history. Besides, Harlem is far from being all ghetto. Many artists, students, and middle/upper-class blacks live there. Boogeying now to Ella's "Stomping at the Savoy," I wandered the same streets that Langston Hughes, Zora Neale Hurston, Claude McKay, and Countee Cullen had and prayed for their spirit to rub off on me. As always, I used my head and had no problems on any of my trips to Harlem.

The first thing I noticed when I got off the A train at 135th and Lennox was a huge billboard offering \$10,000 for info leading to the arrest of anyone shooting at a cop. This sign is massive and clearly calculated to frighten, hunkering as it does ominously over the crowded sidewalks below like a surveillance camera. I found it eerie and wondered how many Harlem blacks are brutalized by cops every year. Sans reward. Again I wondered how long cops and young black men will remain locked in this mistrustful death dance.

Once I left the unsettling, watchful glare of that



sign, I next noticed the large crowds of innocuous-looking people on the street. Groups of grandmothers, overloaded shoppers, preening teens, gaggles of playing kids — perfectly normal people acting perfectly normal. The street was crowded with prosperous-looking businesses, bustling street vendors, and crowded restaurants. I was also surprised by how

many white people I saw there. Determined as I'd been not to reject my own, subconsciously I must have been expecting to dodge gold-chained homeboys laying that AK spray-down on every street corner. Or maybe 12-year-olds copulating and giving birth right in front of McDonald's while simultaneously signing up for welfare. I know Harlem has a lot of pathology. Now, I know that it's also a vibrant neighborhood filled with a majority of plain old boring people who schlepp off to work everyday.

After a few trips to Harlem just to soak up the atmosphere, I got down to my real business — finding somebody who could handle this hair. Soon enough, I found the "The Fabulous" Todd.

Todd had waist-length dreads and was gloriously gay. He told me his life story and cut me off disdainfully when I tried to talk. ("You couldn't possibly be as interesting as me.") Everything that happened before he accepted his homosexuality happened "before I was fabulous." He matter-of-factly insulted everyone who came in hearing distance and, amazingly, no one answered back. He told one pear-shaped customer he was going to call 911 if he ever saw her in horizontal stripes again. He took my earrings right out of my ears then said, "that's all I want, because everything else you got on is too tacky, Miss Thing." You had to laugh. Given his fees, I think the outrageousness was a canny businessman's ploy to keep the client's mind off the price tag.

Todd could dog me out to the point of speechlessness. The only other person on the planet who can do that is my brother. The more I was around Todd, the more he reminded me of Bobby. Amazing, really, because they're nothing alike. Bobby's a linebacker-sized baritone. Todd's short, scrawny, and talks like a girl. Todd's gay and proud of it. Bobby's an insensitive homophobe. But eerily, being with Todd was like being with Bobby. Todd snorted derisively. "Hmmp! Your

li'l raggedy brother has never been this fabulous. How old is he?"

"30."

"Hm. I'm 30. When was he born?"

"June."

He threw his comb to the floor dramatically. "Stop! Stop! My skin's crawling!" He grabbed my hands like a heroine from a '30s melodrama. "Think carefully, what day?"

From this distance, I could see that the little, horned devils dancing around on his T-shirt were all in graphic X-rated poses.

The first thing I noticed when I got off the A train at 135th and Lennox as a huge billboard offering \$10,000 for info leading to the arrest of anyone shooting at a cop.

"The seventh."

Todd let out a high-pitched shriek and ran knock-kneed into the back wall of the salon. He spun on his toes and let himself ping-pong onto the adjacent wall and drop to the floor. He fanned himself like an over-exerted church lady. "That's my exact birthday. June 7, 1963. Lord Jesus!"

Of course, Todd was into astrology and made me get up, hair dripping, and call Bobby to tell him to be careful with electrical appliances and not to take any trips with men named Juan after August 15th.

My brother thought I had discovered drugs in New York, but it was only the magic of Harlem.



Fenno burst into the room, waving a piece of paper above his head and startling Del, his bearded friend. "Hey, Del, you gotta help me on this one."

"Another communicable disease?"

"No, dil-hole. Not at this place. No, no, I need to know what the 'scope' of a law review article is?"

"Huh?"

Fenno thrust the paper in Del's face. "It says here that my third-year paper is supposed to be 'comparable in scope to that of writing a law review article.' How the hell am I supposed to know what that is? I'm not on the Law Review; my head wasn't misshapen enough to get on board that racket."

"I dunno, man. Ask your adviser."

It was then that Fenno decided he had better get an adviser. But whom? Thinking big, Fenno went to visit his friend, Professor Tribe.

"Sure, Fenno, I'd be happy to help, but I have to tell you that my contract with Harvard permits me to charge my normal billing rates outside of the classroom, so a semester's worth of my advice might set you back a bit."

"Oh, no problem, Professor Tribe. I have a part-time job, so I can probably take care of that. How much would you estimate?"

"\$6.2 million."

Fenno moved on. Dershowitz would only agree to it if Fenno wrote about Dershowitz. Fenno couldn't understand exactly what Professor Unger said, but it sounded negative, so he tried Jon Hanson, who said flat out, "No way, dude." And Professor Shavell feared that his efficiency wouldn't be maximized if he worked with Fenno, so he said no, too.

A united front of rejection. Fenno couldn't figure it out. This wasn't the dating game; he only wanted some help writing his @*%#! paper. That left Fenno with one last great white hope.

Fenno knocked on Professor Nesson's door. A voice called out, "Enter the Eon zone, if you dare. My face is in the window but my mind is on the astral plane. What mask are you wearing today?"

Fenno was getting desperate, so he went in anyway. "Uhh, h-hello, Professor Nesson. I need y—"

"Please, call me Skander. That is my name for now. It has a certain Arabesque ring to it, doesn't it?"

"Uh, yeah, whatever. Anyway, I was wondering if you could help me with my third-year paper. I'm considering writing about the problem of inter-justice sex on the Supreme Court and—"

"I'm sorry, but this year I'm insisting that all my students express themselves outside of the written medium. If you care to put your thoughts to music or perhaps develop a dance routine, Skander's your man."

And so it was that Fenno was the first student to get written work credit for producing a pornographic video of life on the Supreme Court....

NEXT WEEK: Fenno tries to form a study group.

Quote of the Week

"I felt something flowing through my loins."

—John Bates '95, commenting on Erik Lindseth '95, after seeing the latter in a skirt and heels in "As You Like It."



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They Still Dance Alone

By Terri Gerstein '95

RECORD Columnist



As I write, the NPR announcer is describing the recent car bombings in South Africa, and I am praying that the widespread bloodshed which many have predicted will not materialize. If all goes well, by the weekend, Mandela and the ANC will have won the elections, and history will have been made.

And as South Africans begin the process of building and healing, we in the United States will begin the process of forgetting. Or at least, losing interest. After all, to our U.S. minds election = democracy (a questionable assumption in many cases); democracy means everything is as it should be — situation resolved, time to move on.

Our short attention span may be inevitable, and even desirable. The international community (domestic and international governmental and nongovernmental organizations, as well as the press) has a crucial role to play in responding to extreme crises. And so activists, politicians, journalists, and concerned citizens in countries like the United States change our focus from Chile and Argentina to South Africa to Central America to China to Haiti/Bosnia/Somalia.

Given the gravity of these respective situations, such abrupt and continual shifting of attention has probably been appropriate. Widespread human rights abuses urgently cry out for attention in a way that intractable poverty and deprivation do not. Besides, our role in addressing root problems is much more ambiguous, especially considering the importance of respecting other countries' autonomy.

The U.S. poet Carolyn Forché, who spent years in El Salvador, aptly illustrates our focus on extreme abuses, as well as our unseemly voyeurism, in her poem "Return": "Men and women of good will read / torture reports with fascination. / Such things as water pumps / and co-op farms are of little importance / and take years... Go try on / Americans your long, dull story / of corruption, but better to give / them what they want: Lil Milagro Ramirez, / who after years of confinement ... walked / with help and was forced to shit in public."

True, there are many development-oriented international agencies and NGOs that do important work on the water pumps and co-op farms of the developing world, and there are people whose commitment to a given country continues past the moment of crisis. But this focus is rarely reflected in the mainstream public discourse on international affairs, at least not in the United States.

Our tendency to respond only to the gravest of crises reflects partly a prioritization of political and civil rights over economic and social rights, a recurring tension in the human rights movement. But it also reflects limitations on our personal and institutional resources. We only have so much time, so much mental and emotional energy, only so much money. We can't care about every place and everything and everyone. So, we give attention only to the most egregious horrors.

This may be inevitable and desirable, but it is troubling nonetheless. From a strategic standpoint, a preventative approach might be more effective over the long run (fortunately, the U.N. is increasingly attempting this approach).

Our single-minded focus on only the very worst excesses is also troubling because it suggests a disembodied commitment to principles: There is a transient, fill-in-the-

There is something dehumanizing about the way we express our humanitarian concern.

blank nature to our activism; the problem never seems quite real and the victims remain nameless and faceless. Bosnia today, Burundi or Bolivia or Bangladesh tomorrow. Most of us will lose all interest in the people of Bosnia the moment the genocide ends. If they never seem real to us, we're more likely to let horrors happen again.

There is something dehumanizing about the way we express our humanitarian concern. In order for us to care, people must be in the most extreme crisis. We define them by their suffering alone, not by their culture, history, or other strengths. In addition, they must be virtuous victims. The press and NGOs often assume the public is incapable of comprehending complexity, so they serve us only the purest of martyrs. Undoubtedly, some Bosnians and black South Africans are scumbags and have done terrible things in their lives. This does not mean they should be summarily executed or systematically oppressed. Why should we have to think that they're saints in order to give a damn or a dollar?

Last summer in Chile I felt — quite viscerally — the transience of our commitment. I was talking to a woman my grandma's age, whose law-student daughter had been disappeared during the 1973 coup. We commented on the weather, the smog, and especially politics; extremely politically aware (like most Chileans), my grandma-friend was herself a human rights activist.

Walking through Santiago, we passed the Ministry of Justice. She stopped for a moment, pointed and said quietly, "that's where my daughter would have been working now."

This grandma passes by the building every day — not intentionally or masochistically — it's simply on her way to work. And she passes the law school where her daughter studied, the elementary school, the playground. The swings and the slide. The past is ever present.

Pain that will last her entire lifetime was only our fleeting concern, lasting a bit longer than Sting's song about the desaparecidos' mothers, wives, and daughters who dance alone.

We in the U.S. have the luxury of forgetting. She cannot.

Maybe my prediction won't come true in South Africa's case. Maybe we will continue to take interest, and to ask South Africans what role we can play in helping them give birth to a new country. After all, South Africa resonates for many Americans because (accurately or not) many people here see in South Africa elements of our own society and history. As to the broader issue — our short-lived concern for any one place or people — I can give no pithy conclusion, no plan of action. Should we continue to mobilize around South Africa when such terror is occurring in Bosnia and Haiti?

I offer no easy answer. I simply pose the question, because I think we must at least recognize and struggle with the troubling implications of our inevitably short national attention span.

E-Mail Use Popular

continued from ONLINE, page 3

paper. "If you look at the amount of paper that is wasted by the Adviser... you see that access to E-Mail would cut the waste measurably," said Aronberg. The Environmental Law Society suggested distributing the Adviser electronically to Dean Clark two weeks ago, but the dean's response was lukewarm. According to Justin Smith '94, the dean claimed that "nothing is free" and expressed concern about the cost of an electronic Adviser.

An online network could be used to advertise student activities and parties, and make outlines available to students. Students could turn in papers on line, a service currently available at Dartmouth. Electronic communications could replace many of the interactions that currently must take place face-to-face.

"Tina Wolfson [94] would have had no suit, because she could have gotten an E-Mail notice with return receipt," said Gillette, referring to Wolfson's successful suit against the Law School Council.

All these new services will require improved computer hardware, and will confront the Law School with a variety of new policy concerns. According to Block, the university is upgrading its computer network "as we speak" to increase speed and disk storage space. Other issues are more difficult.

"It's not just our network, but you are also citizens of this bigger universe. It's a privilege and it has some rights and responsibilities," she said. Block added that if the Law School does make a formal announcement about the elimination of the \$50 fee, she would be "absolutely thrilled" to have students volunteer to advise her these issues, beginning over the summer.

Although many issues remain unresolved, one thing is clear: E-Mail and the Internet are here to stay, and they have the potential to transform HLS.

"The law school model of learning as I've known it to be is very moribund," said Zittrain. "I think this computer stuff is seismic enough in some of its elements that it could shake things up."

Strike Day Observed

continued from STRIKE, page 1

about the issue of faculty diversity.

"There are people who say [administrators] aren't interested in student input about specific [faculty] appointment issues, but [faculty members] still respond to student activity," she said.

Speaking at the rally, Sarah Vonderlippe '94 compared the national debate on welfare with issues of faculty diversity on campus.

"The words [the welfare debate] uses are words like 'lazy,' 'dependency,' and 'taking responsibility for our mistakes,'" said Vonderlippe. "If these words poll so well, there must be some use for them."

"The use for them is to talk about white people and racism. We need to think carefully whether or not we are dependent on racism as an excuse for what we haven't done, for what we've done wrong. I begin to wonder if we are lazy, if we have abdicated our own responsibility."

Vonderlippe also encouraged listeners to consider questions of diversity regardless of their own race. "When a professor or classmate says something hateful, [we should not] look across the room at the dark faces and wonder when they are going to respond," she said.

Vonderlippe added: "You should demand of your school that you be taught by scholars of all colors and backgrounds," she said. "We are getting a second-class education at this law school today because we don't have access to [diverse] professors."

Speaking after Vonderlippe, Bonifaz said the Law School's hiring procedures were "unlawful" and "illegal."

"Harvard Law School today still violates the Civil Rights Act, the Massachusetts Equal Rights Act, and anti-discrimination laws," said Bonifaz. "We have got to stand up, fight back, and agitate for change, and never let them tell us we're wrong."

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(Of course, we all do.)

If you have any tickets to the general Harvard graduation which you might be willing to "lend" (wink wink, nudge nudge, say no more!) to a fellow graduating law student, please call Johanna at 576-6809. My family and I will be eternally grateful. Thanks!



COMMENTARY

On the Grounds of Free Speech

By Christa Foster '94

RECORD Columnist

Yale has a free speech wall. It's a place where students can write their ideas, and other students can read and respond. I've always thought we should have one ourselves. (Well, we did, kind of — remember when the Sojourner Truth Squad spray-painted its ideas in the tunnels? And we do now, kind of — did any of you see the notices chalked on the grounds of our newly formed "Blacktop Peak"? But when I mentioned the idea to a friend of mine, he matter-of-factly replied, "That would never work here.")

On the grounds of free speech, intellectual stimulation and academic debate, John Finnis, eminent scholar, Oxford professor and intellectual heavyweight (try to find one person in the audience who could grasp more than two-thirds of every sentence he spoke), came to HLS last week. One of the benefits of being at an academic institution as prestigious as Harvard is that we are privileged to have equally prestigious speakers actually accept our invitations. This truth was evidenced by the richly diverse and distinctively prominent speakers who also spoke before full audiences on three nights last week in Austin East, such as celebrated defense lawyer William Kunstler and United States Attorney Donald K. Stern. On three nights, I sat in the audience and listened to educated men — all possessing long lists of credentials and holding positions in government and non-government public service that many in the audience would give \$53,250 in tuition and suffer grueling financial aid exit interviews to acquire — discuss controversial topics, but on only one night was there a protest, and on only one night was a speaker told he wasn't welcome among us.

Why did this speaker not deserve to speak at HLS? What had this speaker done not to deserve to scrawl his thoughts on the blacktop of our minds or to spray-paint his ideas on the walls of our debate? What had he done that his theories, rooted in an intellectual history beginning well before Plato and enduring long after our present, were not welcome in the HLS community? What is the HLS community if not a place which welcomes and is built upon discourse such as this?

Perhaps it is because his ideas were based upon a religion. But that can't be true. If we were to whittle away every concept that has its roots in religious principles, we would not be left with the law we have come here to study.

Or maybe it is merely because the HLS community is a place where religious organizations such as the Catholic Law Students Association, the Jewish Law Students Association, and the Christian Fellowship cannot invite speakers who espouse religious beliefs. But, thanks to Hans Bader, I know First Amendment law now, and doesn't it provide that the content of speech in the setting in which Finnis spoke cannot be restricted (and aren't there are some free exercise problems lurking in there as well)? Or maybe it's a good thing if the HLS community generally disallows speakers whose beliefs offend a majority (or minority) of its members.

Or maybe not.

"It is a terrible, an inexorable, law that one cannot deny the humanity of another without diminishing one's own," said James Baldwin in his book "Nobody Knows My Name." What is more essential to humanity besides one's deeply held beliefs and the expression of those ideas? What protection does Lambda have for expressing its ideas if it is to condemn another group for expressing its own?

HLS Reacts to Protest Against Finnis Speech

COMMENTARY

Homophobia Cannot Be Tolerated

By Scott Wiener '96

Guest Columnist

On April 19, John Finnis spoke at Harvard Law School. Professor Finnis is a prominent natural law theorist at Oxford. He is also a hate-monger. Earlier this year, Professor Finnis gave a deposition during the trial on the constitutionality of Amendment 2, the amendment to the Colorado constitution which in effect strips gay and lesbian Coloradans of their citizenship by prohibiting them from petitioning their government for redress.

Mr. Finnis testified strongly in favor of Amendment 2. He stated, among other things, that "... [a] political community ... has a compelling interest in denying that homosexual conduct is a valid, humanly acceptable choice and form of life. ..." After the trial, complete with the homophobic testimony of John Finnis and others, the number of hate crimes committed against gays and lesbians in Colorado tripled. Soon after, the Catholic Law Students Association invited Mr. Finnis to speak at HLS.

The speech was quite eventful. Earlier, several concerned students hung posters advertising Finnis' views and encouraging people to attend to ask questions. During the speech, one proud individual hit a switch that lowered the movie screen behind Mr. Finnis. Across the screen were enormous, green letters spelling "HOMOPHOBIC." Afterward, during the question period, I read a prepared statement on behalf of Lambda, condemning Mr. Finnis and equally condemning the Catholic Law Students Association for granting this awful human being the honor of addressing Harvard Law School.

Professor Finnis' response to the Lambda statement was telling. He described homosexuality as "immoral and irrational," he restated his belief that society had good reason to suppress homosexuality, and he joked that it was ironic that homosexuals called themselves "gay," since homosexuality was such an inherently sad existence.

What bothered me at least as much as Professor Finnis' blatant homophobia was the attitude evinced by CLSA and by an overwhelming segment of the audience. Even after having learned what this man represented and having experienced his hatred first-hand, the audience applauded him. After I read Lambda's statement, the only applause came from Lambda members and a very few straight people. I later learned that a number of straight "supporters" either criticized the actions that we took or said that although they supported us, they did not show that support by applauding the Lambda statement. When asked about the whole episode, CLSA President Tom Fallati '95 stated that it was all right to invite Finnis since he addressed issues not directly relating to his position on homosexuality. So would it also be all right to invite the Grand Wizard of the KKK to discuss tax policy?

But most disturbing is that the action of CLSA and the reaction of straight members of the audience are indicative of a belief shared by an incredibly large portion of "gay-friendly" straight people, both at the Law

School and in society at large. That belief is that one can be pro-gay while at the same time viewing homophobia as an acceptable point of view.

This is hypocrisy.

Being pro-gay and in any way legitimizing homophobia are completely incompatible, just as one cannot reasonably be pro-Jewish while tolerating Holocaust revisionism or pro-African-American while failing to condemn phrenology.

All three of these positions are hypocritical, yet an overwhelming number of "pro-gay" straight people fail to see this inconsistency. They passively allow homophobia to have a legitimate forum in which to spread its hateful, violent message that homosexuals are moral perverts whom society must suppress. But homophobia's message is not simply an alternative point of view; it is every bit as repugnant and dangerous as the view that all blacks are dumb and lazy or that the Holocaust is the creation of a Jewish conspiracy. Indeed, like anti-Semitism and racism, homophobia has a body count.

I would bet that if the Grand Wizard of the KKK or a neo-Nazi came to speak, large numbers of white people or non-Jews would protest, and rightly so. So where were all of the straight protesters at the John Finnis speech? They were in the audience that was applauding him, while failing to applaud, and even having the temerity to criticize the gays and lesbians (and a very few straight people) who stood up to this man who would strip us of our citizenship.

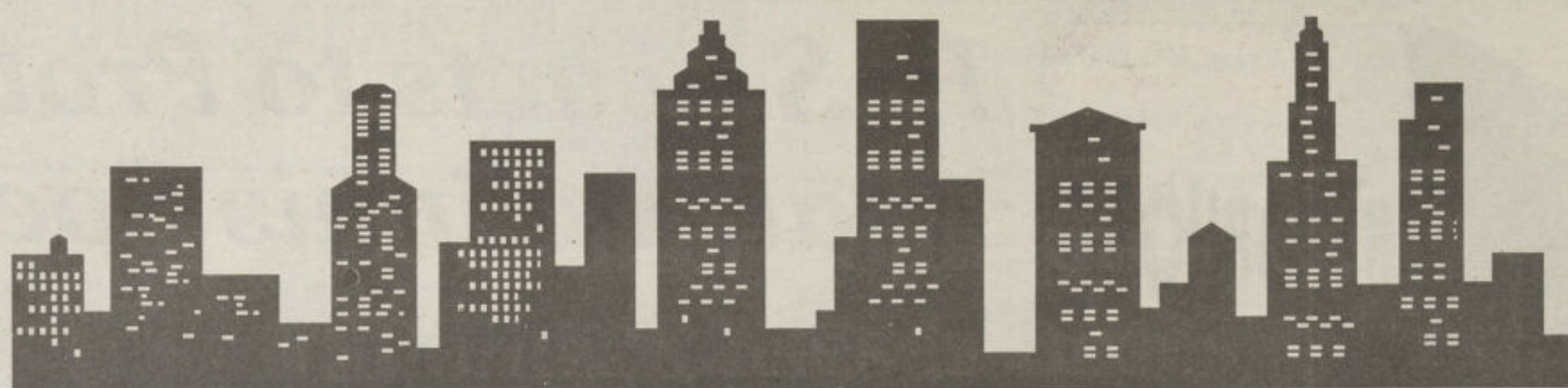
Tolerance, and even acceptance, of gay people is simply not enough. Straight people who truly believe in gay civil rights have a duty to take affirmative steps to stamp out homophobia. This is no different from insisting that whites who truly believed in racial equality join in the freedom rides and that they march on Washington. It is also no different from our condemnation of the rest of the world for doing nothing while the Germans butchered six million Jews. "Tolerance" and "acceptance" do not make up for straight America's failure to take action on behalf of gay and lesbian rights.

Straight America's failure to act affirmatively to further gay liberation has haunting consequences. Over 30 percent of teenagers who commit suicide are gay or lesbian. Gays and lesbians all over the country are victims of gay-bashing. So much as holding hands in public, let alone kissing, almost guarantees that a gay couple will be verbally harassed, if not physically assaulted or killed. Gay men who are raped or battered are frequently told by the police that they should "be a man and fight back." Battered lesbians are often refused admission to battered women's shelters. These are just a few of the facts of life for gays and lesbians in a society where straight people are simply unwilling to go to bat for them.

Since the speech, I have been asking myself some tough questions: Why did my law school legitimate a man who wants to strip me of my citizenship and who thinks that I am a pervert? Why did Professor Donahue, who introduced Finnis, participate in the event, thus further legitimizing it? And, most disturbingly, why did so many members of the audience applaud?

I just don't have the answers.

For more student reactions to the protest to Professor John Finnis' speech, please see letters on page 6.



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