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Friday, February 10, 1995

Friedman Elected to Review's Top Post

By Maria Politis

Adding his name to a list which includes former Dean Erwin Griswold '28, Professor Abram Chayes '49, "Quiz Show" hall-of-famer Richard Goodwin '58, and former HLS Professor Susan Estrich '77, David Friedman '96 was elected president of the Law Review, widely considered the most prestigious legal journal in the nation.

Based on his performance in a candidates' forum and a written statement, Friedman was elected from an average-sized pool of 13 candidates. Among those also elected to positions earlier this week are Treasurer Kandance Weems, '96 Managing Editor Manual Garcidiaz '96, Articles Chairs Gia Lee '96 and John Wood '96, and Student Note Chairs Michael Blume '96 and Harry Chernoff '96. While current 3Ls vote for president, only 2Ls vote for the rest of the positions.

"David was universally respected, universally thought to have a strong combination of intellectual ability as well as sense of integrity and respect by peers," said outgoing President Ted Ruger '95. "I am looking forward to working with him."

Friedman likened his successful bid for president to a birthday. "I'm excited...it's sort of a special feeling, but you're still the same person," he said.

As president, he will serve as a type of editor-in-chief, editing articles and setting a managerial style for the organization.

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HLS students joined the rest of the country in watching the first day of opening statements in the O. J. Simpson trial on television. See story on Prof. Dershowitz's use of the television coverage to monitor the trial on page 3.

No Pomp, No Circumstance, Just Prof. Breyer

By Greg Stohr

Nobody proclaimed "God Save This Honorable Class" as Stephen Breyer '64 walked into the small seminar room in Pound Hall last Friday. Absent was the solemn grandeur that accompanies Breyer and his fellow justices when they sit on the bench of the U.S. Supreme Court. For two hours, Stephen Breyer, the newest Supreme Court justice, was just Stephen Breyer, the shirt-sleeved Harvard law professor teaching the same class he has taught for the last decade.

For two hours, he was back in a role he relishes.

"I like teaching," Breyer said. "I've always loved teaching. I've taught for 27 years, and it's something I've always enjoyed."

Dean Clark '72 said he was "a little bit surprised" when Breyer told him he wanted to continue teaching after President Clinton nominated Breyer to become the 108th justice of the U.S. Supreme Court last summer. Breyer had taught courses at HLS while he served as an appellate judge on the First Circuit in Boston after his appointment by President Carter in 1980, but the Supreme Court position would require a greater time commitment and, of course, a move to Washington, D.C.

"On the other hand, I was not totally surprised," Clark said. "I've talked to him many times about how important it always has been for him to keep one hand in teaching."

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Prof. Warren Accepts Tenured Position at HLS

By Victoria Kuohung

Former visiting professor Elizabeth Warren has accepted a tenured position at HLS and will teach courses in bankruptcy and commercial law beginning next fall.

Warren, currently a tenured professor at the University of Pennsylvania, taught bankruptcy law, secured transactions, and commercial law at HLS in the spring of 1993 and received a tenure offer during her stay.

Although Warren had thought it was "neat" that HLS extended her a professorship, she had originally declined the offer because "it was just too personally disruptive at that point."

"I really hadn't known that I was being considered [at the time of the offer]," said Warren.

"I wasn't involved with the appointment process. I had heard maybe one or two things from people, and a couple of people had been in to ask about my work. But I was out of the gossip chain."

Students, trying to persuade her to stay, produced a short video with a cameo appearance by Dean Clark '72, who danced in his office and lip-synched to "Please Don't Go" by Double You.

Warren finally accepted last Tuesday and said she looks forward to arriving on campus. "It's time for another adventure," she said. "I can't think of a better place to have an adventure than at Harvard, and I

can't think of better people to have it with than Harvard students and faculty."

Warren brings an expertise in domestic commercial law, which is "the most serious area of need at the Law School" according to Clark, who noted that HLS is "barely meeting its curricular requirements" in that area. He said her appointment represents a "four-square full-time professorship in commercial law and bankruptcy" for the faculty, which currently has no specialist in those areas.

"We've been trying for several years to hire someone who is an expert both in commercial law and in teaching. [Warren] generated a lot of student enthusiasm. Group after group of students came to our office to say that we needed to hire her," said Clark.

"I'm really excited. She doesn't just teach the subject — she lives it and is clearly a leading scholar."

Warren's appointment furthers the Law School's long-term goal of increasing the size of the permanent faculty to 78 by the end of the century.

Noting that he wanted "to increase diversity on all fronts," Clark said HLS needed to remedy its lack of women professors. Warren will become the tenth woman on the 69-person faculty.

"No matter how you count it, we're short, and I've been trying to address that," said Clark. "It's hard to assess what we're

please see **WARREN** page 10



Elizabeth Warren

Wyeth Theft a Lesson in Safety

By Katrina Campbell

Wyeth Hall residents got a lesson in dorm safety that literally hit home.

On Feb. 3, Gwen Prothro '96 was in her room — her door closed but unlocked — when a man walked in and grabbed a watch and ring off her night stand. Prothro chased the man out of her dorm and up the



Gwen Prothro '96

block, where she caught up to him as he bumped into a pedestrian. When she demanded he give back her jewelry, the man returned it and apologized. He then ran away.

No arrests have been made, but Harvard University police continue to investigate, said Chief Paul Johnson.

"I definitely look back on it and realize I was lucky,"

Prothro said. "I don't at all think what I did was the right thing."

Prothro escaped injury, but the incident left Wyeth residents and others in the HLS community concerned about dorm safety. Stu-

dents believe the thief accessed the building by following a student inside.

Resident assistants held a

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Long Dormant, Harassment Policy May Be Considered Soon

By Greg Stohr

Dean Clark '72 this week said he hoped to schedule a faculty vote on a proposed sexual harassment policy in the next month. But after five years of deep division within the faculty and a ten-month delay in bringing the most recent proposal to a vote, prospects for passage of a policy remain far from certain.

The proposed policy, which would define and ban sexual harassment throughout the HLS community and establish procedures for violations, has been on the back burner since May, when a faculty meeting revealed sharp disagreements over the policy, particularly over the section dealing with hate speech.

Clark said he had hoped to mediate the dispute personally

this fall but has been "swamped" by other work, including the HLS capital campaign and the school's plans to renovate Langdell Library.

"I had hoped to [mediate] and too many other things came up," Clark said. "I got caught up in one big thing after another."

The delay means that the policy will be considered even though two of the key players in the debate — Prof. David Shapiro '57 and Elizabeth Bartholet '65 — are on sabbatical this semester. Shapiro had proposed a compromise policy last spring, while Bartholet, a member of the committee that drafted the proposal, has been a staunch advocate of prohibiting hate speech.

In the spite of the lack of progress, Prof. Richard Fallon, who chaired the drafting com-

mittee, declined to criticize Clark for failing to put the policy on the faculty's agenda during the fall.

"Scheduling meetings for the faculty is the dean's job," Fallon said.

A Women's Law Association representative who met with Clark on Wednesday said she was pleased with the dean's assurance that he would attempt to bring the policy to a vote in either the Feb. 24 or Mar. 10 faculty meeting.

"We're encouraged that Dean Clark has decided to make this a priority," said Lisa Westfall '96.

WLA recently papered the campus with flyers asking, "Where's the sexual harassment policy?" and comparing HLS to

please see **POLICY**, page 4



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New Journal will Focus on Negotiation, Dispute Resolution

By Hope Yen

Student and faculty organizers this week kicked off a new journal that will analyze the relationship between law and negotiation and attempt to help meet the growing scholarly interest in dispute resolution.

The Harvard Negotiation Law Review will provide a forum in which leading scholars, practitioners, and students will share their perspectives on "legal negotiation," including litigation settlement, plea bargaining, the legislative process, multi-party bargaining and mediation.

Chris Thorne '95, founding editor-in-chief of the Negotiation Law Review, said the time was ripe for a journal — the first of its kind — to address the critical role negotiation plays in the legal process.

"In traditional legal education, we learn a lot about the law, but not about how laws are made, which is the negotiation process," he said. "For example, we learn about contracts, but not about the different processes by which they are negotiated. We learn about criminal law, but not about plea bargaining. The Negotiation Law Review is looking to fill a niche for scholarly articles on how law relates to negotiation and issues of negotiation relate to law."

The journal, which will be co-sponsored by the Law School's Program on Negotiation and affiliated institutions, plans to publish its first issue of 200 pages in fall 1995. Editors hope to include pieces from leading negotiators like Jimmy Carter, Henry Kissinger, and Supreme Court Justice Stephen Breyer '64, who has

expertise in negotiated rule-making. Other key topics will include how negotiation dynamics relates to game theory and to law and economics, two areas receiving growing attention in law.

Thorne said the ideal place to launch the journal was HLS, which is home to leading academics in the field of dispute resolution including, among others, Prof. Robert Mnookin, who chairs the Program on Negotiation Steering Committee; Prof. Frank Sander, associate dean of the Law School; Prof. Roger Fisher, director of the Harvard Negotiation Project; and Lecturer Bruce Patton, deputy director of the Harvard Negotiation Project.

Marjorie Corman Aaron, executive director of the Program on Negotiation, will join Mnookin, Sander and Patton on a peer review board which will evaluate article submissions. Fisher will serve as student advisor.

Mnookin said he was looking forward to being a part of the journal, where students will play an active role in the writing and editing. As many as half of the article submissions may be written by students, helping to satisfy a growing student interest in the area.

"For many years, many students have been exposed to classes on negotiation and dispute resolution," Mnookin said. "Some have become very interested and have gone on to become TAs, but there has never been an intellectual outlet in an accessible way for students to pursue their interests in negotiation and dispute resolution. What I'm most excited about this journal is the opportunity students have to make intellectual contributions to the field."

The journal's first public organization-

al meeting this week drew 31 students, each of whom has taken the Negotiation Workshop, the Harvard Mediation Program or has actual mediation experience. Thorne said a specialized group of this size was sufficient to assemble a journal that is "eclectic and wide-ranging in form," including short, provocative commentaries and Socratic dialogues, as well as the more traditional law review articles.

"The goal also is to create a community of people who share an interest in this topic," he said. "We want to get students involved and to get students not only on the editing side, but also on the writing side."

David Seibel '97, who completed the Harvard Mediation Program and mediated in a small claims district court, said he attended the journal's organizational meeting to learn more about the field.

"I'm encouraged by the possibility of getting involved in alternative dispute resolution as a career," he said. "So, I'm hoping to interact with a lot of other people who are interested in alternative dispute resolution and hope to learn more about it by participating on this journal."

Thorne agreed that negotiation is an essential part of a professional career and everyday life.

"We negotiate every day from the day we're born, with our parents, brothers and sisters, and roommates," he said. "Unfortunately, however, we don't always improve our skills much from the time we're in kindergarten. There is a systematic way of approaching negotiation problems. And so there's probably something we can learn from each other's experiences and research."

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HLS
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BLSA Celebrates Black History Month

By Katrina Campbell

Members of the Black Law Students Association are blending entertainment and reflection this month as they lead the Black History Month celebration on campus.

"Black history is a part of us every day, but this is a special month," said BLSA President Robert James '95. "Everyone should take advantage of the educational and social opportunities this month."

The late historian Carter G. Woodson initiated Black History Week in 1926. It was later expanded and today is recognized in February by millions of Americans.

Among the activities BLSA has scheduled are films that chronicle various aspects of black life in the 1940s and 1960s. Gerald Halfhide '96, who organized this month's events, said the films will allow the community to con-

trast and compare life then and now for blacks and whites.

On Feb. 22, Prof. Dorothy Roberts '80 of Rutgers Law School will deliver the month's keynote address. Roberts will speak about genetics and the law.

Other events include community service projects at senior citizens' homes, a talent show and party next Friday, and an end-of-the-month gospel concert with choirs from the Boston area.

Events are open to the entire law school community. But BLSA Treasurer Kenyatta Green '96 said students shouldn't come looking for a history lesson.

"They're not going to get a Martin Luther King inspirational speech," said Green. "But they will learn about why black people are up in arms about things others think are trivial."

"Just like the Jews say, 'Never again,' about the Holocaust, black people are saying, 'It could happen again.'"

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Dershowitz Leads 'Virtual' Defense for Simpson Team

By April Rockstead

Prof. Alan Dershowitz says being the O.J. Simpson defense team's sentinel-from-afar is actually good for his health.

Monitoring the trial on television, rather than in person, not only allows Dershowitz to fax key memos to attorneys in the L.A. courtroom — it also means he can spend more time exercising on his treadmill, he says.

"It's much more relaxing," said Dershowitz of his "virtual" presence at the Simpson trial. "I can do a lot of things at the same time."

But the efficiency gains from Dershowitz's in-office viewing inure to his client's benefit as well, he said, adding that having an out-of-court observer is also "less expensive" and "more effective" than the totting the traditional cadre of attorneys to the courtroom.

"Being outside of the courtroom gives you a sense of distance," he said. "It's the virtue of having two different perspectives."

Courts should allow more closed-circuit television access for law firms, Dershowitz said, because eventually many large firms will want to follow his lead.

"I think this is the wave of the future in many respects," Dershowitz said. "This is the first trial of the 21st century. I'm 'virtually' there."

The information superhighway approach to defense is especially appropriate in this case, Dershowitz said. "This judge is high tech," he said.

After the trial, Dershowitz said, he may write an article about the benefits of what might be viewed as global lawyering. For now, he and his assistant have "come up with a whole new language" that combines jargon from the legal and information technology worlds.

"We make 'virtual' objections," he joked, adding in mimic: "We want to 'cyberstrike' that argument."

But for all its high-tech aura, 21st century lawyering apparently requires little in the way of extraordinary hardware. Dershowitz noted he has two televisions — one tuned in to Court T.V., one to C-Span — and a portable fax.

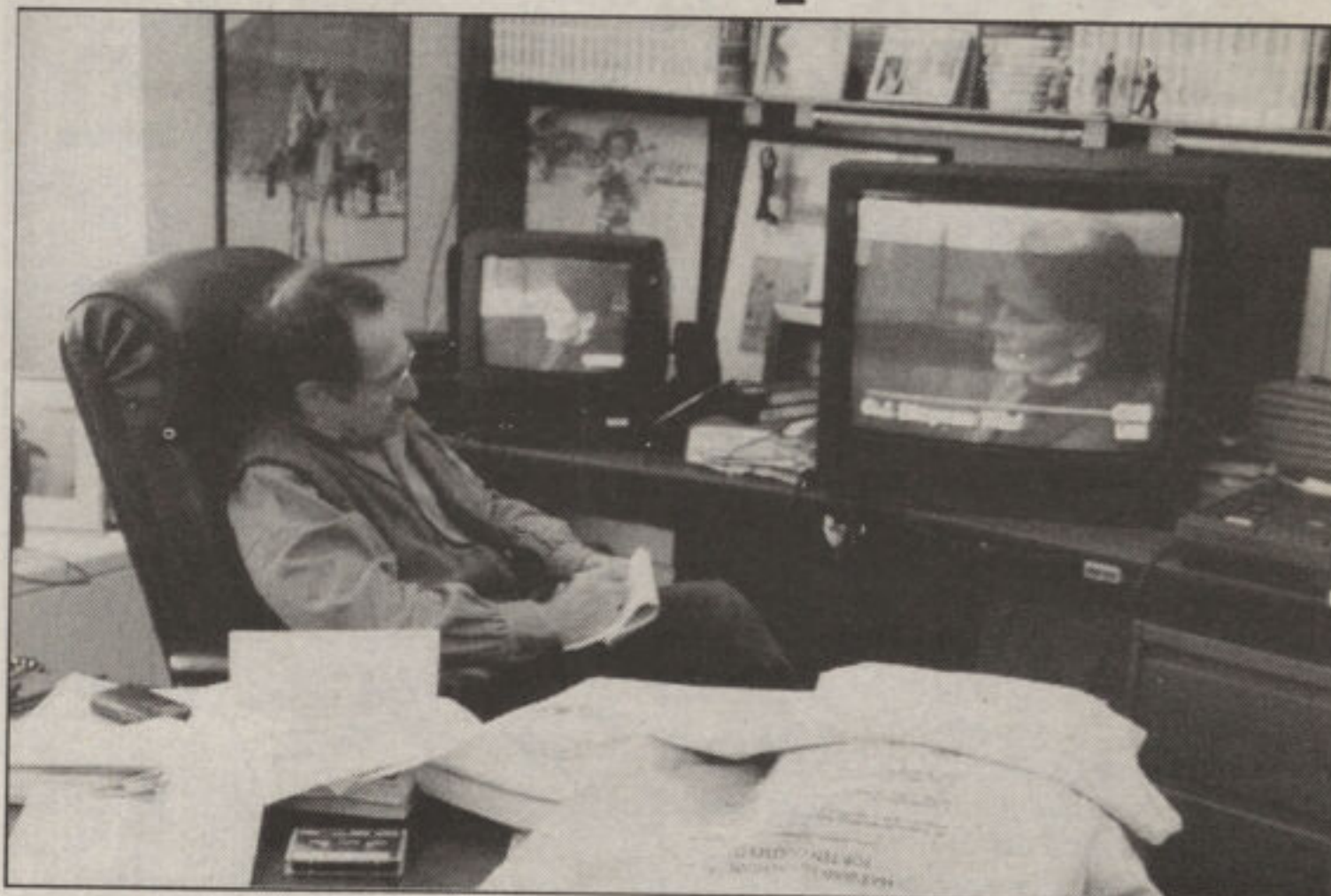
"The 'highest-tech' thing is my treadmill," he said.

An additional advantage to litigating from without the courtroom confines is the freedom to make observations that otherwise might have to be stifled.

As a prosecution attorney argued the state had not been "hiding" a June 1994 video tape that may be relevant to the case, Dershowitz smiled and nodded.

"Yes, you were," he said softly.

When the prosecutor argued that the state had made an "innocent mistake" with the tape, Dershowitz shot back, "Yeah, but how



Between classes, Prof. Alan Dershowitz keeps tabs on the progress of the O.J. Simpson trial through two television hook-ups on his office at the Law School.

come it wasn't 'innocent' when we did it?"

And as defense attorneys presented an argument to Judge Lance A. Ito, Dershowitz announced, "We gave them this material."

The convivial atmosphere isn't just reserved for defense team members, however.

"It's nice also to sit around with students and watch the case," Dershowitz said.

That students may drop in is only appropriate, since Dershowitz attributes the real reason he refused to attend the trial in person to his commitment to teaching.

"I told Shapiro that I never miss classes, and this case is no exception,"

Dershowitz said.

"Everything I do is part of being a teacher," Dershowitz added, describing his recent novel as an attempt "to educate a broader public about ethics." Similarly, his television appearances and lectures are part of his mission to educate people about law, Dershowitz said.

"I litigate because I'm a teacher," Dershowitz said.

Students should not assume that Dershowitz's dedication to teaching is only for their welfare, however.

"I don't do it for their benefit," Dershowitz said. "I do it because it is part of my job."

"My job is not to make students feel good. It's to make them better lawyers."

"I think this is the wave of the future in many respects," Dershowitz said.

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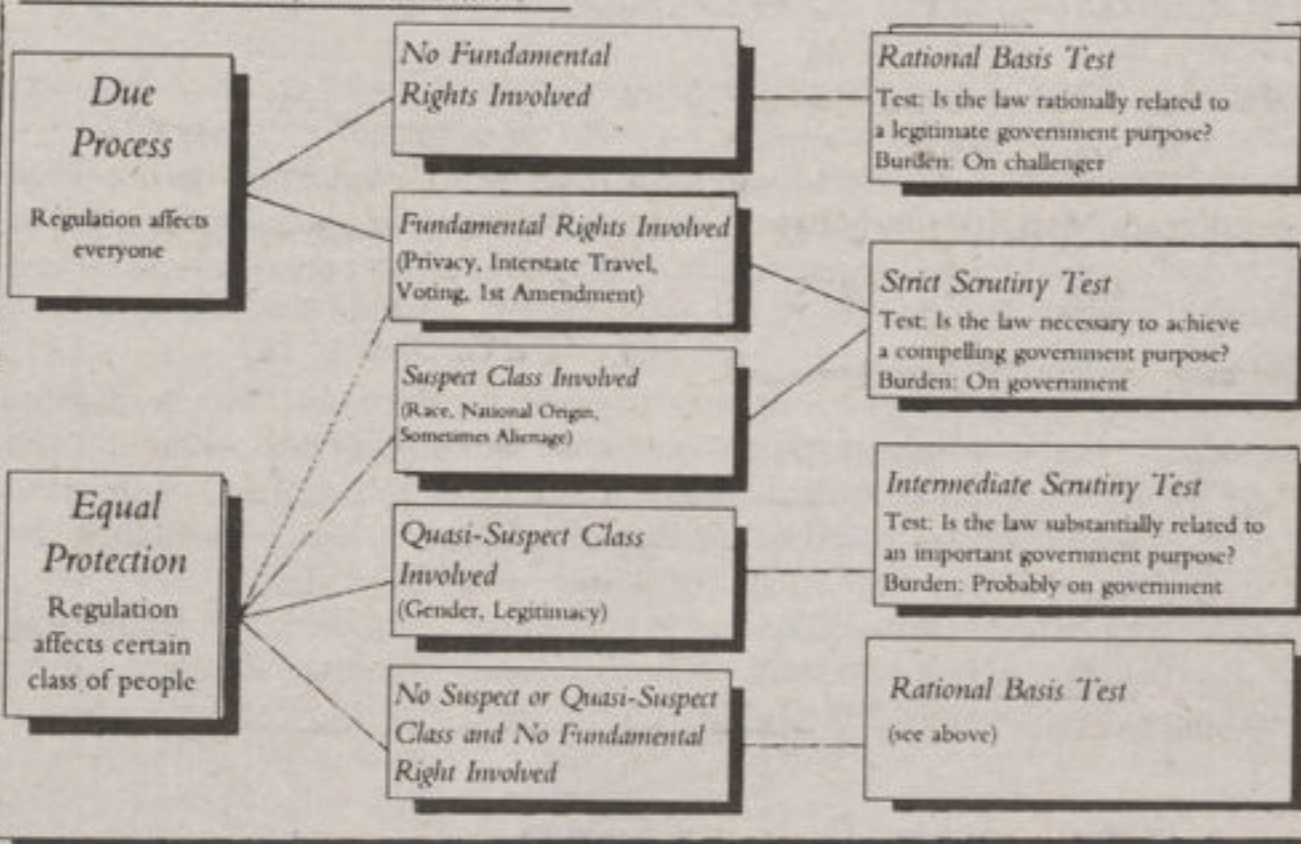
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1L Collects on Ito Invitation

Judge Lance A. Ito made good on his offer of hospitality for HLS 1Ls this January. Curt Levey '97 visited the trial and "chatted with" the judge in his chambers while in California over the 1L break, collecting on an invitation Ito offered Introduction to Lawyering students through Prof. Peter Murray '67.

Levey said the judge was "very friendly, relaxed and down-to-earth," far from Ito's "stern" courtroom demeanor. The judge and his clerks informally discussed the propriety of admitting evidence of prior bad acts, Levey said.

"[Ito] seemed very impressed by a statistic that said that 99 percent of people killed by their spouses were previously abused by them," Levey said, foreshadowing Ito's subsequent ruling on the subject.

In addition, an amicus brief filed on behalf of the Brown family arrived while Levey was in the judge's chambers.

"All the clerks and Judge Ito just groaned," Levey said.

Levey also accepted Ito's offer to come back and view the proceedings while in session the following day.

While the cameras may bring the trial to America's living room, there are still aspects that are more evident from a live view, Levey said. For instance, he said, the "defense team looked bigger" than just the few attorneys pictured in the front row on television.

Also, Simpson attorney Johnnie Cochran is "very friendly" with the prosecution attorneys when the cameras are off, Levey said.

Although the courtroom was full when Levey attended, he said it wasn't clear how many seats were occupied by viewers rather than interested parties. And, since it can sometimes be difficult to get in to see the trial, connections — such as, in Levey's case, Ito's invitation — are still important.

"Obviously, the best way to get in is to know somebody," Levey said.

Funny Girl Attends Law School Class, Speaks Out at K-School

Celebrity spottings are commonplace at Harvard, but a visit from international star Barbra Streisand still managed to turn heads.

Streisand visited the Biomedical Choices Seminar taught by Prof. Lawrence Tribe '66 and reportedly had read the class assignment. However, Streisand did not exactly take over the role of class "gunner," students said.

"She didn't say anything," said Yih-Hsien Shen '95. "We were told that if she had said anything, it would have been confidential."

But one class member "briefly interacted" with Streisand, who even scanned his notes.

When contacted by the RECORD, Brian Saliman '95 downplayed his encounter with the famous singer as "nothing to really talk about," but added: "I'm glad the story is getting around that she and I are tight."

Streisand later spoke at the Kennedy School of Government on Feb. 3. She defended the art world from what she called a "resurgent reactionary mood" sweeping America.

"Art does not exist only to entertain," Streisand said. "To force us to conform to some rigid notion of mainstream American values is to weaken the very foundation of American democracy."

Kaufman Lauded for Ethics Work

HLS Prof. Andrew Kaufman '54 recently was commended by the Massachusetts Bar Association for his work as chairman of the MBA Committee on Professional Ethics.

The MBA's Board of Delegates called Kaufman one of the foremost teachers of legal ethics. The board commented on Kaufman's modesty, noting that when praised he often replies, "Oh, that's what I do," meaning that the work ties in with his normal teaching and writing.

Judge Edith Fine '57 Dead at 64

Judge Edith W. Fine '57, associate justice of the Commonwealth of Massachusetts Appeals Court, died of cancer in her Brookline home on Saturday, January 28.

One of the first five women to graduate from HLS in 1957, Fine was born in New York City and graduated from Barnard College. After receiving her law degree, she worked at the Office of Economic Opportunity in Washington and later clerked for the Massachusetts Supreme Judicial Court. She also taught at Yale Law School and the University of Puerto Rico Law School.

Fine served as a Peace Corps administrator in Lima, Peru, for two years, after which she worked as an assistant corporation counsel for the City of Boston.

In 1973, Fine accepted an appointment to the Brookline Municipal Court as presiding justice and was later promoted to the Superior Court in 1982. She joined the appeals court in 1984.

Fine leaves her husband, Robert Baram; a son, Grant W. of Berkeley, California; two daughters, Dr. Anne D. of Oakland, California, and Elizabeth R. Waldman of Washington; a brother, Leonard Witty of Boynton Beach, Florida; and a grandson.

College Appoints New Dean

Harvard College appointed Harry R. Lewis, McKay professor of computer science, as dean of the College last Wednesday, breaking an almost half-century tradition of appointing a career administrator to the post.

Lewis, a 1968 graduate of the College, will replace current Dean L. Fred Jewett, who had occupied the position for 10 years.

In addition to teaching and conducting research, Lewis serves on several College committees, including the Administrative Board, which handles student disciplinary matters. He has a master's degree and Ph.D. from Harvard, both in applied mathematics.

—from the Harvard Crimson

Policy May Be Reviewed

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other Harvard graduate schools that have a policy against sexual harassment. Westfall, co-chair of WLA's Political Action Committee, said the organization would be working over the next several weeks to ensure that a sufficient number of faculty members are on hand at the meetings to vote on the proposal.

Efforts to enact a harassment policy at the Law School have encountered a long history of difficulties. Clark first appointed a committee to draft guidelines in 1990. That committee worked for two years to produce a proposal but the faculty voted down those guidelines in December, 1992. The following fall, Clark appointed a new committee, chaired by Fallon, to restart the process.

While most members of the faculty and administration seem to agree that the Law School needs a policy for the sake of clarity — currently, a complaint of sexual harassment must allege a violation of the broadly worded University Statement of Rights and Responsibilities — they have split over how such a policy should read.

The hate speech, or "personal vilification," section has caused the most controversy. Originally, the committee draft banned speech or expression intended to stigmatize or insult an individual or small group in the HLS community on the basis of gender, sexual orientation, race, color, religion disability, age or national origin. After a period of public comment, the committee narrowed the proposal to prohibit only hate speech on the basis of gender and sexual orientation.

In spite of the narrowing, the hate speech proposal has continued to draw fire from First Amendment advocates, including Clark, who say the guidelines will stifle speech around the Law School.

Those differences, along with disagreements over whether the proposed procedures are too rigid, surfaced in meetings last spring when the faculty first considered the proposal. Fallon described the debate as a "thoughtful, interesting, wide-ranging discussion," but Clark was more blunt in his assessment.

"Basically people were all over the

lot," he said. "It was fairly clear we would have a radically split vote."

The faculty instead decided to postpone the vote, and the debate has largely remained dormant ever since.

For his part, Clark says that establishing a harassment policy "is a very important thing to do." Nonetheless, he said that in his five and one-half years as dean, "I haven't felt the lack of formal guidelines to be any problem at all."

"In the cases I've known about, in none of them was the problem what the standards were," Clark said. "The problem was whose version to believe."

Fallon, though, said the current system for complaints needs refinement and clarification.

"We have no effective mechanism within the institution for a student who believes he or she has been a victim of sexual harassment," he said. "We don't have clear determinative guidelines of what would constitute a violation of the University's Statement of Rights and Responsibilities."

Westfall said the issue was in part one of appearances.

"It's very symbolic that there is no policy and that all the other Harvard grad schools do have a policy," she said. "It shows a lack of concern about women."

Clark said that during his tenure as dean he had learned of only three sexual

harassment complaints — one by a student against another student, one by a student against a lawyer in her summer law firm and one involving two staff members.

"I think we've been lucky — and maybe our luck is going to run out — compared to other educational institutions," Clark said. "We haven't had so many claims of either personal vilification or sexual harassment."

Westfall disputed that contention, suggesting that many victims of sexual harassment at HLS were reluctant to come forward because of the lack of a clear, publicized policy.

In spite of the disagreements, Fallon predicted the guidelines would eventually be enacted in some form.

"I expect that we'll get a policy," he said.

"I expect that we'll get a policy," said Professor Fallon.

Theft Raises Safety Issues

continued from *THEFT*, page 1

dorm meeting Monday to discuss dorm safety with students. Tina Hua '96, Prothro's R.A., said precautionary measures like locking doors apply at all times. Many students do not think to lock their doors to protect themselves and their property when they are inside their rooms, she said.

"There is really no difference [in safety] between being in your room and being somewhere else," Hua said.

She stressed that students should not allow strangers to follow them into the dorm, and should verbally refuse to let

them in if necessary.

"There are nice ways of doing it. You can say 'Sorry, I can't let you in, it's dorm policy.' Or introduce yourself to the person and let them know you don't know them very well or haven't seen them around," she said.

Several residents said they had spotted the man previously around the dorm. "I know I used to let people in," Prothro said. "People say 'Oh you know, we feel guilty leaving people outside in the cold. But I would feel so much more guilty if any resident were harmed by this.'"

"It might be a small inconvenience, but it's worth it."

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THE BIG SCREEN

Bacon Sizzles in Hammy "Murder"



By Paul Weinberger '97

"MURDER in the First" is the story of an unjustly-imprisoned inmate, a vicious warden, and a courageous young attorney. Right away, then, we know what to expect. The prisoner (Kevin Bacon) will fight to maintain his human dignity, the warden (Gary Oldman, who seems to enjoy these roles a little too much) will savagely abuse him, and the lawyer (Christian Slater) will battle the system to see that justice is done. Yet, fortunately, "Murder" has a few saving graces which elevate it above the level of movie-of-the-week, and make it more compelling and insightful than one might have expected.

The first is simply the timeliness of the subject. Given the current political debate over violent crime and how to prevent it — more prisons and longer jail terms seems to be the consensus — it's worthwhile to see a movie that takes these issues seriously, if at times a little hyperbolically. The script is based on a true story — that alone would seem to qualify it for movie-of-the-week status — and while liberties have been taken with the truth, the story has a genuine ring to it.

Bacon's character, Henri Young, spent more than three years in solitary confinement for trying to escape from Alcatraz. Upon his release from solitary into the general prison population, he promptly murdered the inmate responsible for the failure of his escape effort. Young was no angel — the movie would have us believe that he was sent to jail for stealing \$5 to help his young sister when in

After being hobbled by Oldman, Bacon limps around the Alcatraz courtyard during his annual half-hour — that's right, 30 minutes a year — of "exercise time" with an air of truly feral bewilderment and anguish.

fact he robbed a bank — but the film's harrowing depiction of the conditions he endured while in solitary apparently are fairly accurate. As for Slater's character, another Hollywood version of the dashing, moralistic HLS grad — where do these guys hang out on campus? Starbuck's? — he is based loosely on the two attorneys who defended Young against the charge of murder. A public defender, Slater decides to defend his client by exposing the inhumane and brutal conditions at Alcatraz, attracting national attention in the process.

Politics and history aside, the real question is how does "Murder" fare artistically (assuming we can speak of movies as art)? Here again, the answer is mixed. Visually, the film is a mess. Director Marc Rocco is clearly talented, but he treats the camera with the exuberance of a five-year-old with a new Christmas toy. Rocco has an eye for striking angles and sweeping shots, but he too often sacrifices plot exposition to the arrangement of stunning but meaningless and distracting tableaux. There are some exceptions to these incongruities, such as the perfect gray-hued period setting and the recreation of old newsreels à la "Citizen Kane," but too often the cinematography is overblown, baroque. A terrific shot in which the camera circles Young's cell, only to slide between the prison bars as Slater enters, echoing the latter's movement from the outside world to prison life, is dragged on far too long, obscuring a crucial encounter between the two. Similarly, the impact of many of "Murder's" later court scenes is blunted by obtrusive and unnecessarily showy camerawork.

This is a greater pity because the script provides a fairly subtle and intelligent treatment of difficult issues. Chief among these is the friendship that grows between Young and his lawyer, whose shared intelligence and youth make up in part for the more obvious disparities of wealth, education, and power between them. I'd almost given up on Slater, who showed so much charismatic potential long ago in "Heathers," only to waste his time doing shoddy work in duds like "Robin Hood." Here, his acting is more focused, and he brings to the role the effortless, nonchalant charm that seems to be his forte.

Bacon is a real find, though, and he is the picture's true star. In the past, Bacon's roles in films like "Diner" and "JFK" have suggested some untapped talent. Here he finally delivers on that promise. We first see him in scenes of unbearable pain and humiliation which recall the starkness and tone of Goya's etchings of wartime suffering and the emotional intensity of Grünewald's crucifixions. If the film at first appears to overemphasize the Christ-like imagery of Bacon's suffering, he gives this metaphorical surfeit a plausible and sympathetic grounding. After being hobbled by Oldman, Bacon limps around the Alcatraz courtyard during his annual half-hour — that's right, 30 minutes a year — of "exercise time" with an air of truly feral bewilderment and anguish. As Young gradually emerges from this psychological and physical trauma, Bacon shows every facet of his confusion, anger, distrust, and loneliness. If at first we pity him, we soon actually grow to like him.

Unfortunately, "Murder" grafts an unnecessary and gratingly uplifting ending onto the story. Young's life is a tragic one, and it needs no saccharine artifice to make it more palatable. Nor does it matter that Bacon's Young is no more historically accurate than, say, George C. Scott's Patton; artistic license excuses any inconsistencies. Somewhere inside this movie of quiet drama and visual excess is a great story that didn't quite make it to the screen.

FOOD - O - RAMA

Fraser's: Hit or Miss on Mass. Ave.



By Ted Cohen '95 and Jonathan Goldstein '95

WELL here it is. Another free-wheeling year of law school. Just had my first class in Law and Lounge Music, which looks to be an excellent seminar. (I just hope I can learn how to tie a cravat in time for the exam!) Now it's time for some lunch. Hmmm. There are so many great restaurants near the Law School that it's hard to choose: I could have a lard patty at Rosie's, or a trough of melted cheese at the Three Aces, or I could get some of those desiccated Honey Buns from the vending machine in the basement of Pound.

But wait. What about that new place on Mass. Ave., just up from the law school...Fraser's...?

Located in the same spot as the hardly-missed Acropolis, Fraser's calls itself a bistro, but the food comes from all over the place (heavily weighted toward Italy, Spain and Portugal), and much of it is served in tapas-sized portions. This is the recipe followed by such new Boston eateries as 8 Holyoke and the Mercury Bar. By comparison, Fraser's ambitions are more modest: with its spanking new bar and eclectic CD jukebox, it clearly wants to be a neighborhood joint above all else. But even at this scale the kitchen is extremely uneven. While some dishes are just the kind of warm, cozy food a place like this should be serving, others are misconceived, and in some cases, poorly executed.

Take, for example, the Aracine (\$8.00), which are an Italian fast-food specialty. Cheese or meat is coated with rice, and the resulting balls are then quick-fried. Fraser's version is slightly more exotic: The filling is a stew-like mixture of tender top round, currants and pine nuts, and the coating is risotto. While the meat is delicious, the risotto, when fried, becomes simply a hard, greasy shell. And the four small meatballs are served on a bed of penne in a tasteless marinara sauce that is strictly cafeteria-style. At \$8, it's just not worth it.

Which leads us to a major flaw with Fraser's: with certain exceptions (such as the pizzas and some of the pastas, discussed below), prices are simply too high for what you get. It takes two plates to make a reasonable dinner, and at roughly \$6-9 a plate, you'd be hard pressed to get out of here for less than \$20. That would be fine if you felt like you were getting your money's worth — but unfortunately that's often not the case.

Take, for instance, Fraser's Grilled Bread Basket. Now we personally belong to the "bread-should-be-free" school of restauranting. Fraser's grilled bread is nothing more than five or six hearty wedges of grilled and olive-oiled pita bread. Adding insult to injury are a couple of completely unexceptional store-bought rolls that have been nowhere near the grill. While the grilled pita is good, is it really worth \$3.50? Especially when, for that price, you can go to any Indian restaurant in Central Square and get three or four nan — which are much larger and far superior — for the same price? Ditto the salad of bibb lettuce with shaved fennel and pear (\$4). Though reasonably flavorful, the little plate looks more like garnish for another dish.

Granted, not all the tapas leave you feeling bitter. A plate of ravioli filled with acorn squash and a mascarpone nutmeg cream sauce (\$7.00) was sweet and rich, although the squash was lost in the sauce. (Butternut would work better here.) Roasted Wellfleet littleneck clams with chorizo sausage (\$9.50) suffered from an absence of any strong taste of the grill. Indeed, the shellfish seemed to have come out worse for the wear in that they were overly dry.

Probably the best tapas we sampled was the risotto prepared with wild mushrooms, caramelized onions and a whole lot of sage (\$7.00). Though a tad overcooked (risotto is at its best when it's slightly al dente), the mix of red wine and mushrooms and onions really worked here, resulting in a dish that was as good as any you'll find in walking distance of school.

Another reason to stop in are Fraser's pizzas. These are of the grilled variety, with toppings piled on a crispy Middle Eastern flatbread (the same bread you find in the infamous Grilled Bread Basket). You choose from plum tomato, herbs and fresh mozzarella; home-made Italian sausage and fennel; or roasted garlic, portabella mushrooms and fontina cheese. We tried the latter and found it delicious: With fresh ingredients and a slathering of yummy roasted red peppers, it was a good deal at \$6.50.

Dinner entrees change with some regularity, and range from fish to a variety of game-oriented meat dishes. One example, the grilled monkfish, was served with sweet date turnovers and a blob of red pepper aioli. The fish was well-prepared, but the date turnovers were almost too dessert-like to serve as an accompaniment, and the aioli needed a stronger punch to stand up to the other tastes on the plate. And as with the Aracine, this otherwise creative dish was coupled with completely institutional-tasting yellow rice.

We heard from enough people that Fraser's was better for lunch than dinner, so we checked it out. Yeah. Prices are better and the sandwiches are pretty innovative. And it makes for a comfortable escape from the chill of the latest Nor'easter. There's a brunch menu with offerings like wild mushroom frittata (\$7), grilled cilantro chicken (\$7.50), New England cod cakes (\$7), and those pizzas. So maybe it's worth a look.

For a new restaurant, Fraser's service was more or less impeccable and always friendly. Given time and perhaps a rethinking of their prices, Fraser's has the potential to be a bright spot on a block currently overrun by greasy spoons. See for yourself.

What the stars mean:

(no stars)	poor-satisfactory
★	good
★★	very good
★★★	excellent
★★★★	extraordinary

RATING: ★

Harvard Law RECORD

Founded in 1946

Greg Stohr
Editor-In-Chief

Substantively Incomparable

For a South Carolinian who wants to attend the college that will provide the contacts, credibility and institutional backing to climb the ladder of success in that state, no school is quite like The Citadel. For 153 years, this all-male state-supported military college has sent men after men into the top ranks of South Carolina business and government. Its graduates include South Carolina Sen. Ernest Hollings, Gen. William Westmoreland, former Knight-Ridder Publishing CEO Alvah Chapman, University of South Carolina President John Palm, U.S. Olympic Committee Executive Director Harvey Schiller, and countless powerful politicians, businessmen, doctors and lawyers. Citadel alums proudly help one another to achieve success in the working world. In South Carolina, no school, not even the University of South Carolina, can match the power and prestige of The Citadel.

So late last month when a federal appeals court held that a similar school, the Virginia Military Institute, could remain all-male if the state established a "substantively comparable" female military program at a nearby women's college, it was engaging in a bit of wishful thinking. Like The Citadel, VMI is an elite, rigorous military school with established alumni and fierce institutional loyalty. While VMI might not have quite the local monopoly on power that The Citadel has, the similarities between the two schools are obvious. Both schools provide their graduates with a host of intangible benefits that extend beyond the direct effects of the military training and classroom education. In both cases a state is offering this opportunity to men only.

The 2-1 decision of the Fourth Circuit panel was eerily reminiscent of the separate-but-equal principle used to justify Jim Crow laws. The court gave its approval to a Virginia plan to establish a women's military program at the otherwise privately funded Mary Baldwin College, a women's liberal arts college 35 miles from VMI. The court, applying a version of intermediate scrutiny under the Equal Protection Clause, said it was "satisfied that the programs to be offered at both institutions can be substantively comparable."

The differences in the two programs are significant. The Mary Baldwin program would include merely leadership and physical education courses, ROTC training and courses, and participation (with VMI cadets) in a largely ceremonial uniformed military corps — a far different program from VMI's intensive military training. Much of the program would be taught by Mary Baldwin faculty, although VMI faculty would conduct some of the ROTC training and courses. The women's program would not be nearly as regimented as VMI, nor would first-year women have to endure the daily hazing of the VMI "rat lines" — demeaning experiences that, for all their downsides, are a bonding rituals that engender VMI loyalty and pride.

But even if the women's program were academically and methodologically identical to VMI, it will not be VMI. It will not have an active, established fraternal network. It will not be a school laced with tradition. It will not give its graduates the instant credibility that VMI alums possess. It will be, in the words of dissenting Judge Dickson Phillips, "but a pale shadow of VMI." As with the drinking fountains and restaurants of the segregated South, with these two state-sponsored military schools, separate cannot be equal, nor can it even be "comparable."

— Stohr

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

—First Amendment, US Constitution



• Letters •

Readers Shouldn't Ignore Provocative Words

In your article about the union election speech case in which I represent the defendant David Heller (Greg Stohr, "Dershowitz Case Tests Limits of Workplace Speech," January 20, 1995), the lawyer for the plaintiff Sylvia Bowman asserts that the trial judge credited Bowman's account, discredited Heller's, and that, accordingly "[w]e are all bound by the judge's findings."

The judge, however, made absolutely no finding of fact which in any way rejected Heller's claim that his childish conduct was a response to Bowman's use of coarse language and her own verbal assaults on Heller and his candidate. Nor could the

judge have made such a finding. Not only did Heller claim that Bowman had called him a "communist," had accused a previous president of "fornicating in the union office," and had used terms such as "limp dick," but Bowman, herself, admitted that she had previously attacked Heller for his "totalitarian thinking" and may have used vulgar epithets such as "prick" — an epithet which she conceded to be sexually "demeaning" to men.

While I certainly agree that we would all be better off if election discourse in this country were conducted on a higher level of civility, Heller's graphic expression of opinion can only be understood in the context of the

give-and-take of a hotly contested union election campaign. Bowman's lawyer's apparent suggestion that your readers are somehow "bound" to ignore Bowman's own provocative words in forming their own conclusions about this case is fundamentally misguided. Your readers, as citizens and participants in our democracy, should evaluate all of the facts before deciding for themselves whether women and men would really be better off — as Bowman's lawyers claim — with less, rather than more, free speech in the American workplace.

Alan M. Dershowitz
January 24, 1995

"Mother in Law" Expects Logistical Support

Matthew Huggins asks me, quite appropriately, about going to HLS while raising two pre-schoolers, "What did [I] expect?" [RECORD, Jan. 20] Let me get one thing straight right away — I didn't expect "a tender, nurturing place, happy to embrace [me] in all my maternal individuality" (and do you take that tone with your own mother, Mr. Huggins?). You see, unlike Mr. Huggins, I already have a Harvard degree, so I know how things are here, and "tender" and "nurturing" is not exactly my law school persona.

What did I expect? I expected, for instance, that the Harvard Law School Child Care Center would operate on the Harvard Law School schedule, rather than being closed on different holidays and not covering all class hours. As for "lifestyle," I'm not sure how Mr. Huggins

knows what "blends easily with parenthood" (hint: nothing), but the fact is, it is much easier to be in law school with children than in graduate school (I've done that too; my Ph.D. dissertation in philosophy is in its final draft form), because law school work, though time-consuming, is so much less intellectually demanding. All I "expected" was a little more logistical support — e.g., that I might find out when my Ames group meets in time to set up babysitting, rather than, as it looks like will happen, less than one week in advance so I'll be left scrambling.

There's obviously no use discussing the concept of discrimination or second-class citizenship with Mr. Huggins — his bizarre "immutable characteristic" theory not only is problematic with respect to certain disabilities, but breaks down completely

should we attempt any analysis of, for instance, historical discrimination against American communists or illegitimate children (their parents could have gotten married). And if being a mother is not an "immutable characteristic," what is? How does one go about un-becoming one? A person could have a baby, then a sex change, and no longer be a woman but still be a mother! Does the possibility of transsexuality imply there is no gender discrimination?

Finally, as to whether Mr. Huggins does or doesn't "want to hear" my complaints, I wrote my piece in the spirit of being simply another party heard from, another kind of HLS student. If he doesn't want to hear about it, that is certainly his prerogative.

Diane Klein Mahaffey '97
February 1, 1995

WRITE TO THE RECORD!



In China, Respect for Law Must Come First

By William P. Alford



PRESIDENT Clinton may revel in his image as a policy wonk, but when it comes to China, he displays an unfortunate ignorance of recent history and a lack of sophistication about how that nation works. This is evident yet again in threats the Administration is making to impose more than \$1-billion worth of punitive trade sanctions against China unless Beijing essentially stops all infringement of American copyrights, trademarks and patents before Saturday.

American producers and consumers are certainly within their rights to be riled. Obligations that China has accepted by joining the major international intellectual-property treaties or by entering into bilateral agreements with the United States are being routinely violated.

That this problem is serious and our grievance legitimate does not, however, validate the Administration's chosen way of coping with it—which has been to demand that the Chinese government stop all infringing activity by a date certain or face severe trade sanc-

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tions. The Bush Administration tried that very approach and failed miserably.

The Clinton Administration must come to appreciate the folly of viewing our intellectual-property problems with China in isolation either from China's larger problems of legal and political development or from the plight of Chinese (and other foreigners) also experiencing infringement. The lack of respect for American intellectual property in China is deeply interwoven with, and ultimately inseparable from, the lack of respect found throughout China these days for law and legal institutions, which are widely viewed all too often as corrupt and subservient to the Communist Party and the personal pecuniary interests of individual leaders.

Viewed in this light, we are not well-advised to follow a policy that presumes that bringing pressure to bear on a select number of individuals at the pinnacle of China's government will transform the attitudes of 1.2 billion Chinese. Prominent figures in China's leadership have a vested interest in the very behavior in question (as evidenced by Deng Xiaoping's highly publicized ceremonial visit to the most notorious counterfeiting factory in his last trip to Guangdong) and may well not be inclined genuinely to abandon it even if the costs to the nation are considerable.

But even if the central leadership were to choose to halt infringement, there is serious doubt whether it still has the capacity to bring a sudden and meaningful halt to this or any other major type of illicit behavior. And, Washington might well ask itself whether we should be

encouraging Beijing to reassert centralized control over the most economically and politically vibrant and autonomous parts of the country.

Our government should be directing the limited leverage we do have to help develop the type of legal institutions and legal consciousness that might in time generate a serious respect for law.

Only then will Chinese inventors and entrepreneurs, many of whom ache far more than we for intellectual-property protection, have a way to vindicate their interests and, in the process, help strengthen the legitimate interests of us all. Only then will ordinary Chinese citizens begin to understand how they cannot expect to enjoy their own property rights if their society fails to accord meaningful respect for other rights and the rights of others.

There are no magic formulas for developing a stronger commitment to legality in China. Both the Bush and Clinton administrations missed important opportunities when, in conjunction with the most-favored-nation debate, they so readily and transparently jettisoned human-rights concerns for the chimera of more commercial access. We must signal to Beijing our understanding that respect for property and political rights is, ultimately, indivisible and do what we can materially to buttress legal development there.

If our goal is to inculcate a greater respect for our property rights in China, it is incumbent upon Washington to show a greater concern for the fundamental rights of Chinese today even if it means eschewing headline-grabbing threats of trade sanctions.

Student Task Force Working for Faculty Diversity

At the urging of Dean of Students Suzanne Richardson last fall, I assembled the Student Task Force on Faculty Diversity to help revive a constructive dialogue on the issue of faculty diversity between students and the faculty/administration. Members of the Student Task Force include Nina Coleman '95, Erica Fox '95, Rafael Gomez '95, Ted Ruger '95, and me. Our goals are three-fold: (1) to meet with Dean Clark and members of the HLS appointments committees on a regular basis to discuss the Law School's appointment process; (2) to re-educate the student body on the appointment process through newspaper articles and student forums; and (3) to solicit faculty diversity concerns from students and relay those sentiments to Dean Clark and the faculty members of the appointments committees.

On December 7, 1994, the Student Task Force for the first time met with Dean Clark, Prof. William Fisher (chair, Appointments Committee for Laterals and Promotions), Prof. Martha Minow (member, Appointments Committee for Entry Level, i.e. assistant professors), Mrs. Sue Robinson (secretary of both appointments committees), and Dean Richardson.

The following is a combination of my notes from the initial meeting, Dean Clark's typed notes prepared for the meeting, and information ascertained from documents prepared by the Office of Academic Affairs, with substantive and editorial input from the dean and the chairs of the appointments committees:

As many of you know, the appointment process is a complex mixture of formality and informality that continuously evolves. The faculty is primarily responsible for appointment matters in the appointments committees. Committee members of the 1994-95 Appointments Committee for Laterals and Promotion are Profs. William Fisher (chair), Clark, Scott, and Tribe. Committee members of the 1994-95 Appointments Committee for Entry Level are Profs. Fried (chair), Charny, Clark, Meltzer, Minow, and Joseph Weiler.

The dean also has a parallel and independent role in this process. According to the Office of Academic Affairs, the dean, in addition "to being a member of the Appointments Committees and working closely with the Chairs, independently initiates a variety of contacts aimed at identifying and following up on prospective minority and women candidates... Once these contacts are made, the dean coordinates his activities with the relevant chair. The Appointments Committees and the dean have the frequent benefit of the advice and suggestions of other members of the faculty."

The committees are responsible for making recommendations with respect to assistant professors, visiting professors, and professors.

Assistant Professors

The Entry Level Appointments Committee looks to hire assistant professors who have earned the J.D., had several years of practical experience in addition to a clerkship, and/or Ph.D. training in a relevant related field of study such as philosophy, history or economics. The Office of Academic Affairs notes that in "an earlier period of the School's history, the subject-matter interests of prospects were of minor importance, but in recent years curricular imperatives have led to much more weight being given to this factor."

Candidates for assistant professorships are HLS graduates and graduates of other law schools who show promise as teachers; law clerks on the Supreme Court, on U.S. Courts of Appeals for the District of Columbia and Second Circuit, and with other leading judges; lawyers working at law firms or public interest organizations who have indicated an interest in teaching; and those who submit unsolicited applications for initial appointment at Harvard.

Once a person has been identified by one or two sources as a candidate for an assistant professorship, further information will be compiled: the candidate's academic record and resume, correspondence and conversation with employers, and reviews by committee and other faculty members of the candidates published scholarship and/or work-in-progress. As the committee compiles information, it first decides whether to compile full information about the candidate. If full information is gathered, it decides whether to invite the candidate to interview with the committee or simply follow the candidate's career. The committee may also decide whether to invite the candidate to be interviewed by faculty members generally and to give a paper or talk to the faculty. If the candidate makes a presentation to the faculty or interviews with the committee or other faculty members, the committee gathers and evaluates feedback. After completing the steps outlined, the committee votes on whether to recommend an assistant professorship offer.

The full faculty, chaired by the dean, votes by secret ballot on the recommendation. If two-thirds of the faculty members present and voting approve, the dean will forward relevant information about the candidate to the University president. The president, in turn, decides whether to recommend the appointment to the governing boards. The actual appointment is made by the president and the fellows of Harvard

College acting in concert with members of the Board of Overseers.

Visiting Professors

When there is a need to appoint a visiting professor, committee members review a list from the Association of American Law Schools of teachers in the field. The members consult with Harvard and non-Harvard faculty about established teachers in the field. The members ask about prospects' reputation as teachers and seek preliminary views about their scholarship. The committee reads and evaluates a prospect's scholarship, and votes whether to recommend to the dean that the prospect be invited to visit. Ordinarily, if the committee recommends a visitorship, the dean issues a memo to the faculty announcing his intention to invite

the person. The memo gives faculty members an opportunity, before the invitation is extended, to make comments, raise objections, or request that the recommendation be discussed at a faculty meeting. Some professors are invited to visit with a view toward considering them for permanent appointment. Others are not.

Professors

Some appointments are made to the position of professor of law with tenure. The committee's tenure recommendations usually concern an assistant professor or a current or recent visiting professor, although on rare occasions the committee recommends tenure for a person who has never taught at the Law School.

When reviewing an assistant professor, the committee evaluates the candidate's teaching ability, scholarly accomplishment and potential, and service to the Law School. Procedures for tenure offers to visitors are similar to those for assistant professors, though there are some differences. The visitor's teaching ability, scholarly achievement and potential, and collegiality are subjected to full evaluation. Since visitors are established academics, however, the committee looks more for accomplishment than potential. It insists on comparative judgments about how the candidate compares with other established academics in the candidate's field.

Affirmative Action

According to the Office of Academic Affairs, affirmative action considerations are taken into account in all activities relating to the search for prospects and the development of applicant pools. The Law School and the University have a strong

affirmative action program for women. No affirmative action plan currently exists for racial minorities.

Last year was a busy year for the Appointments Committees. There was one death on the faculty (Trautman), but no retirements or other departures. Three new faculty members were hired, all women, Profs. Slaughter, Jolls and Ring, who started on July 1, 1994. Three formal offers were generated and are still alive to Profs. White, Elhauge and Hills. The committees read 1165 applications for employment.

This year's formal action, so far, is one offer generated and approved to Prof. Halperin. Recently Prof. Elizabeth Warren accepted her offer that had been open since 92-93. This year's prospects, according to Dean Clark: no planned retirements or other departures are known, may get acceptances from 1, 2, or 3 offerees.

The core faculty (professors and assistant professors) is now at 68, the highest in Law School history. Percentage of women faculty members (9/68 = 13%) is also highest, but well below national average. The percentage of African-American professors (5/68 = 7.4%) is above the national average. No woman of color, no Asian-American, no Hispanic, and no openly gay person currently sit on the faculty at HLS.

The Law School's long range plan calls for 78 core faculty by June 30, 2000. In order to reach the target of 78 core faculty by the year 2000, Dean Clark wants to make an average of five appointments per year. According to the dean, the need for more faculty for the next few years is not that great, but he hopes that five appointments will be made this year anyway. The appointments should be split between laterals and juniors.

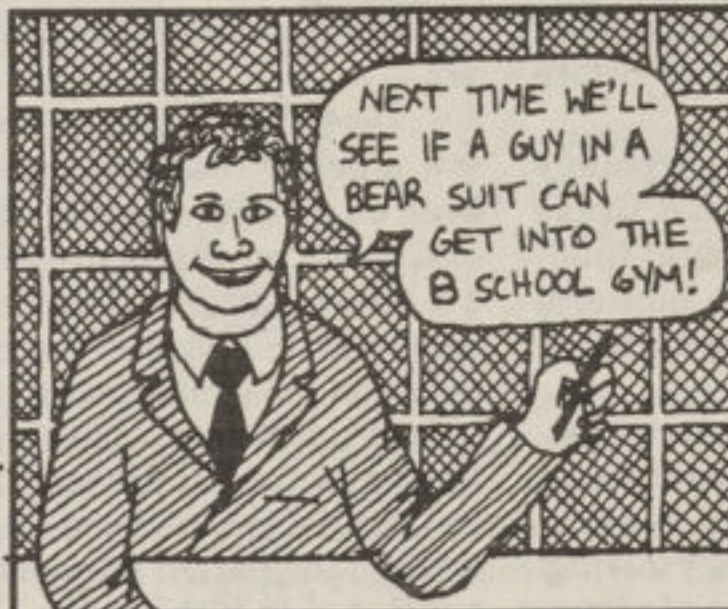
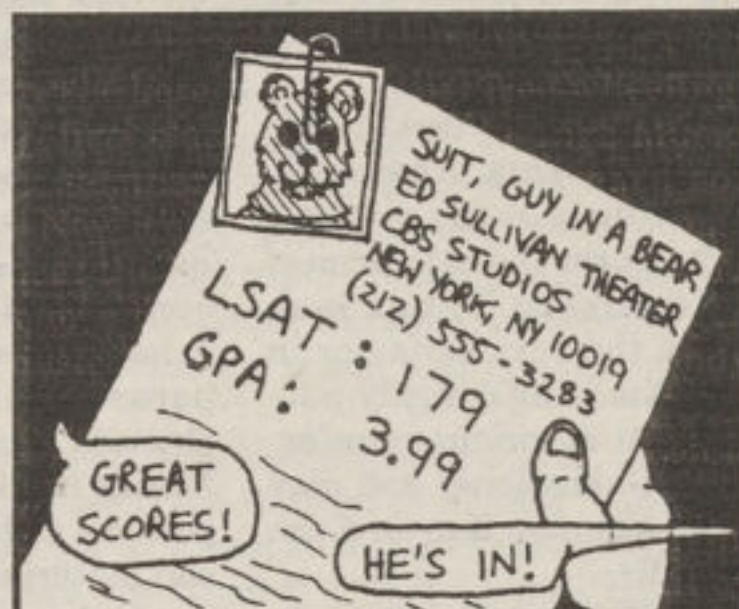
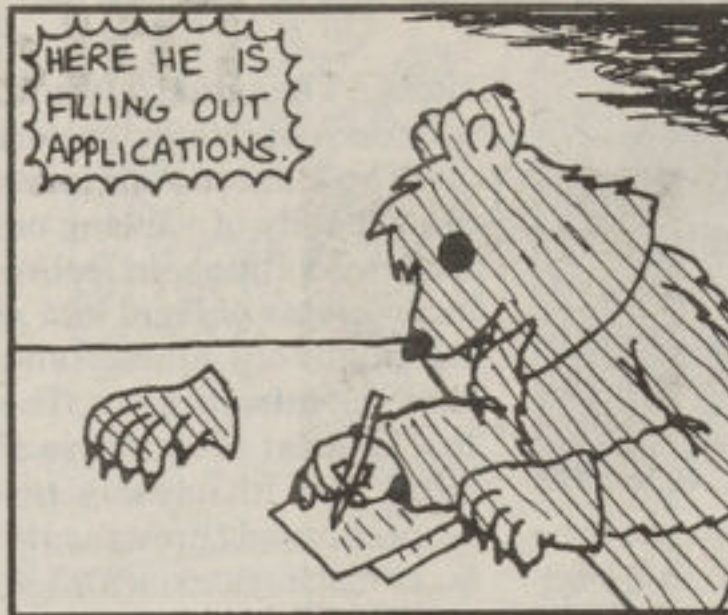
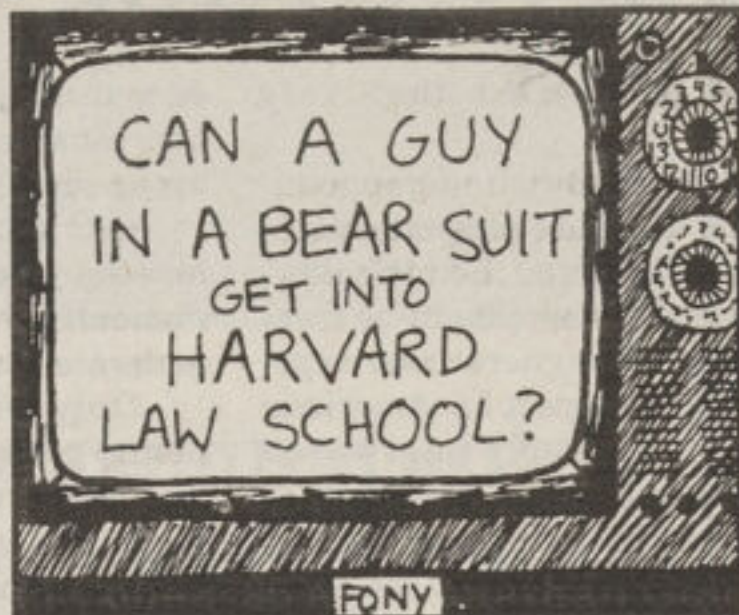
According to members of the Curriculum Group, Appointments Committees, and faculty, curricular needs in the near-term (i.e., for next year) seem to be met. Areas in which there is a "clear need" for appointments in the longer term include Commercial Law/Bankruptcy (2), Administrative Law (1 or 2), Property (1), Corporations, Corp Fin, etc. (2 or 1), Gender Discrimination (1), Environmental Law (1), and International Business/Trade (1). Areas in which there is a "moderate need" (partial list) for additional appointments of one person each include Evidence, Health Law & Policy, Women and the Law, Accounting, Economic Regulation, Legal Profession/Ethics, Japanese Legal Studies, and first-year subjects (to allow for smaller sect. ns).

We on the Student Task Force look forward to both continuing the dialogue on faculty diversity and gathering students' thoughts and suggestions on the issue.

Willie Epps '95
February 6, 1995

Temporary Insanity

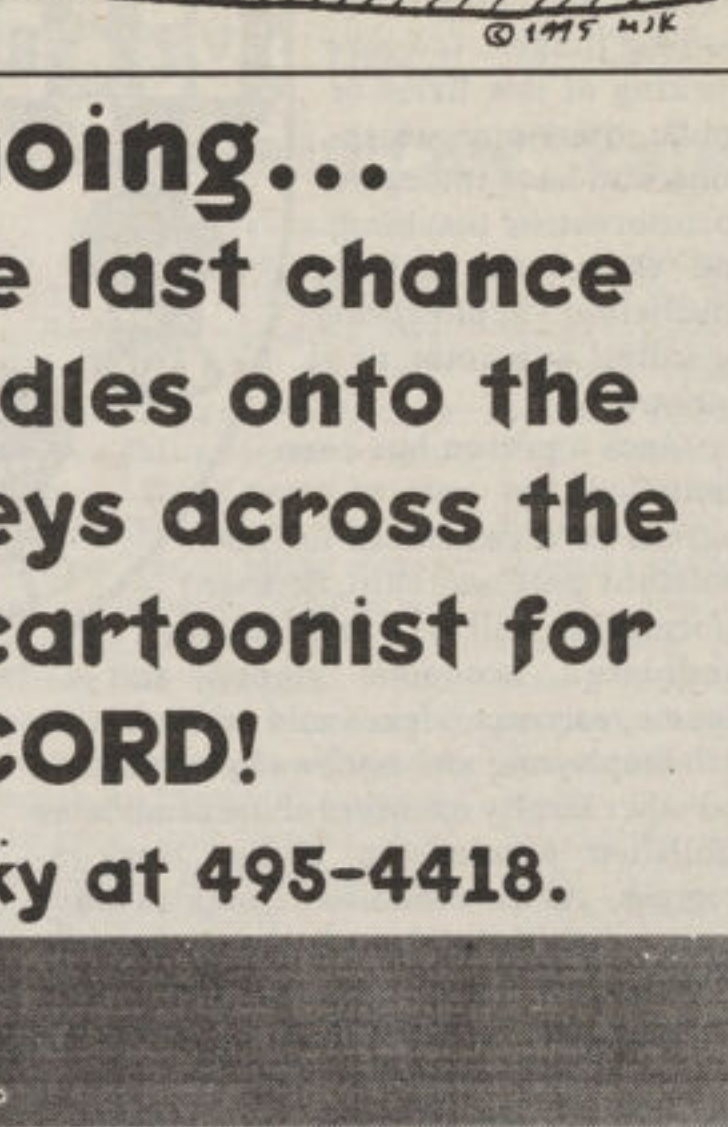
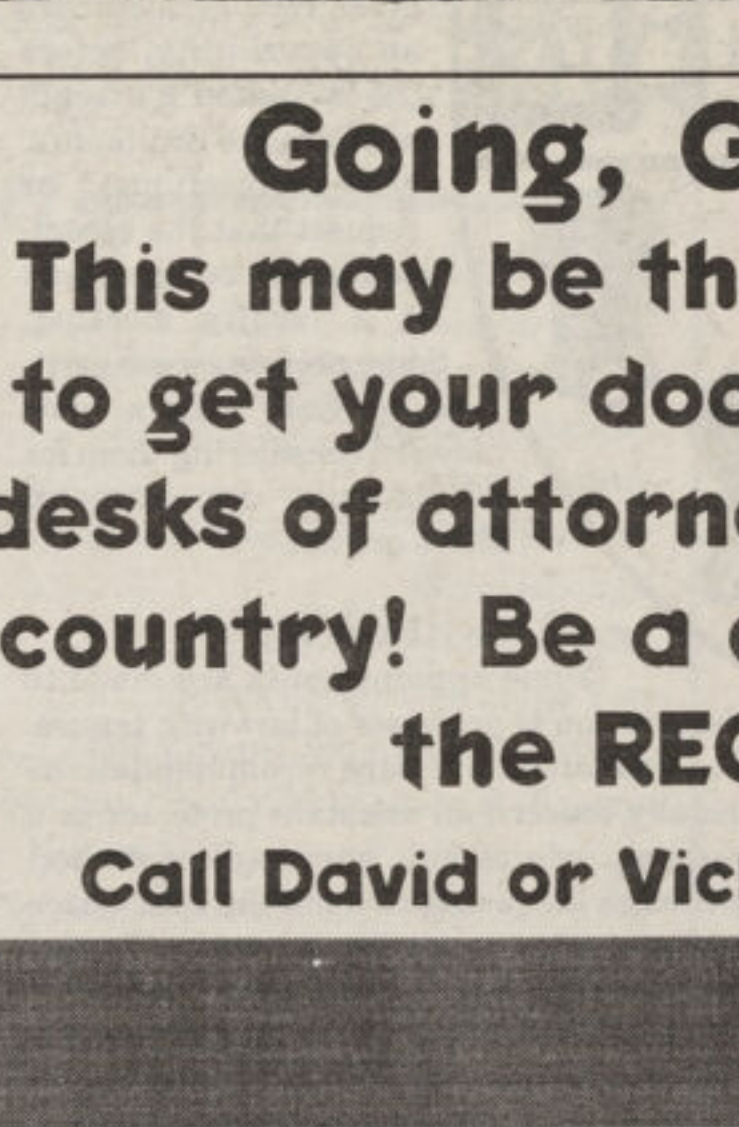
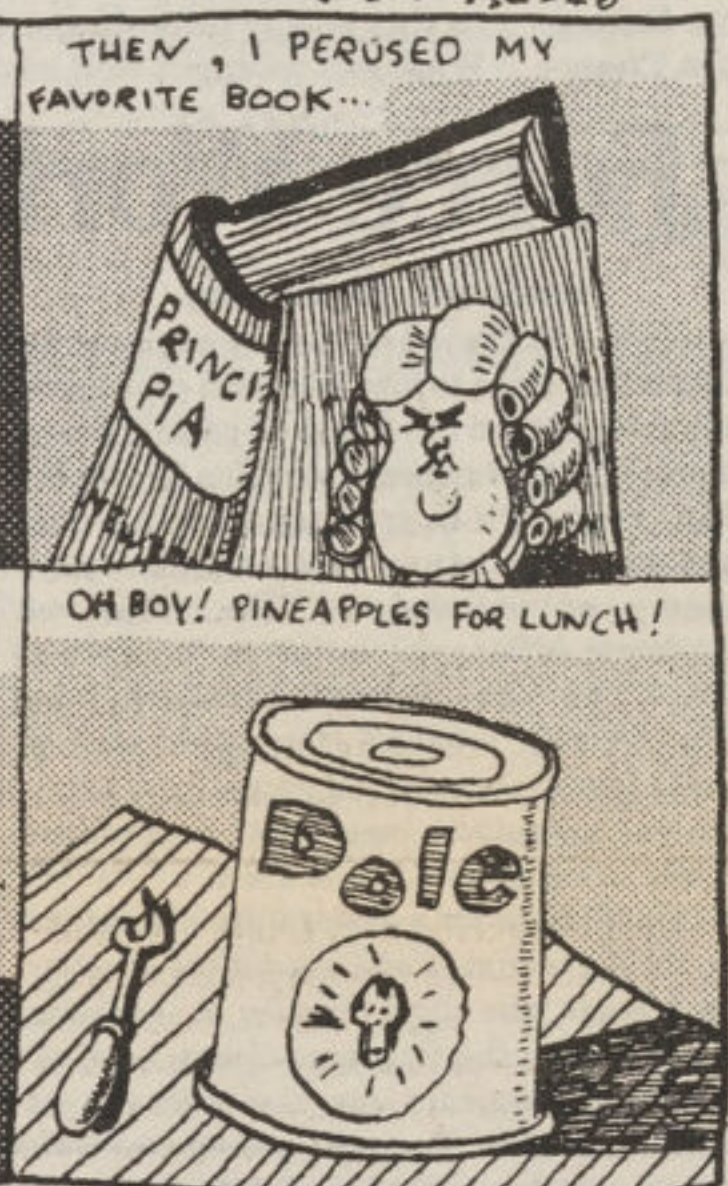
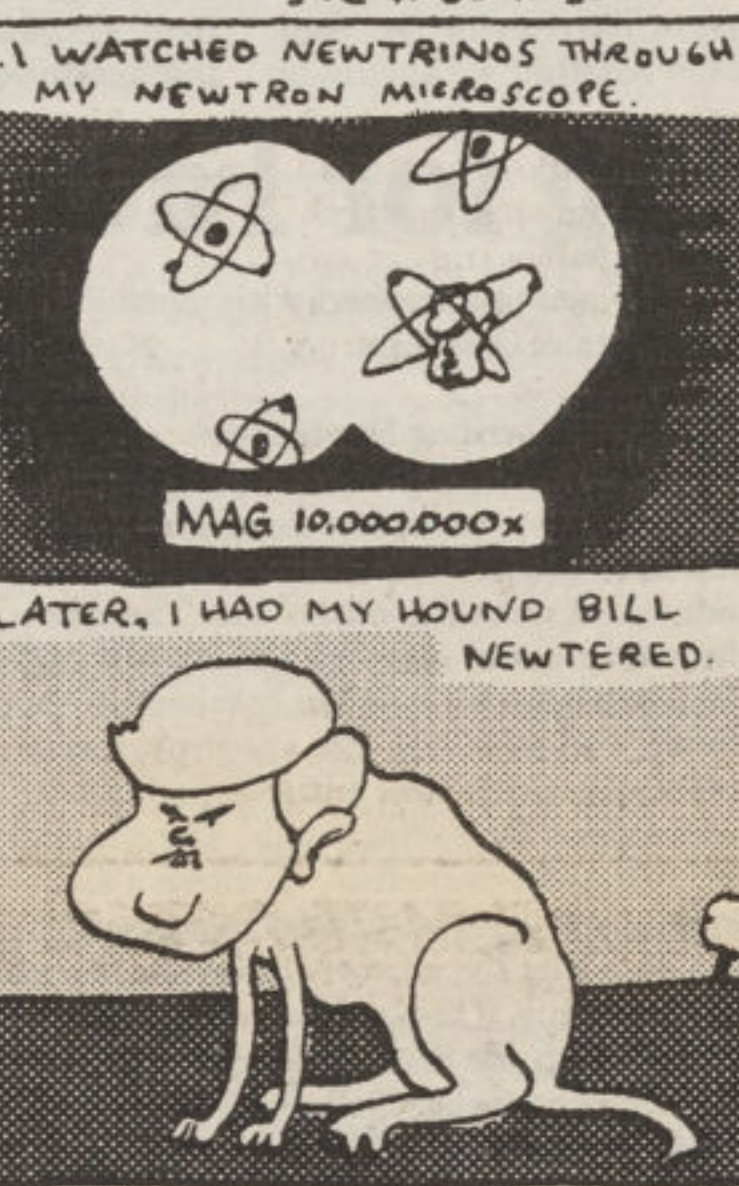
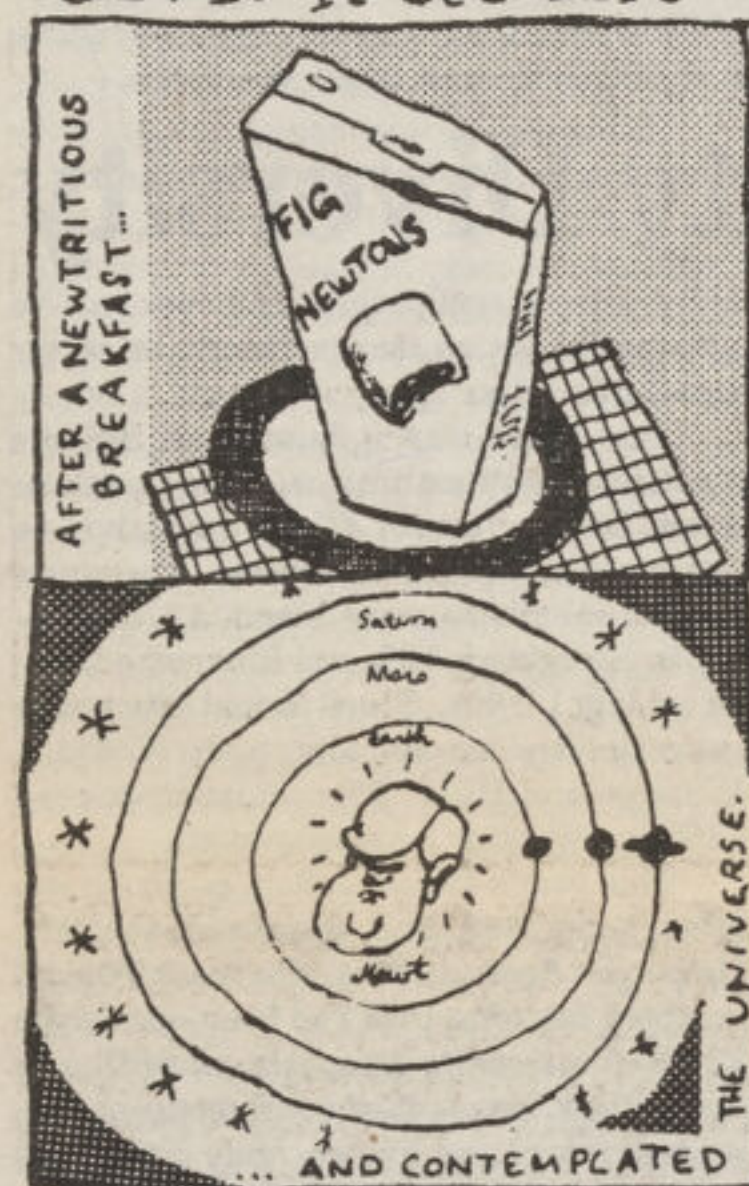
By Sheila Tuller



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CALENDAR

They Might Be Nannies

By Jeff Bucholtz

Tonight (2/9) the Middle East offers the notorious Marilyn Manson, the first band Nine-Inch Nails' Trent Reznor signed to his new label, along with the electronically enhanced Ministry-style metal of Monster Voodoo Machine and local industrialists Zia.

This may be your only chance to see Marilyn Manson, since their lyrics and stage show have gotten them roundly condemned and occasionally banned. I don't know about anyone else, but I give thanks every day that there are god-fearing grandmothers out there working tirelessly to protect me.

Boston's music scene is usually associated with alternative rock bands like Dinosaur Jr., the Pixies, and the Lemonheads, but many metal bands have also called Beantown home. The scene will be poorer next week, though, since Wargasm are calling it quits.

None of the modifiers that have made loud rock trendy apply to Wargasm; they're not grunge-metal or punk-metal or industrial-metal or rap-metal, but simply heavy metal. Maybe it was the cheesy name, maybe they should have moved to LA or New York, or maybe they should have bought off Beavis and Butt-head, but whatever the reason, Wargasm never climbed from local stardom to national success.

Wargasm bid farewell with two shows booked appropriately enough at the Rat (536-2750), Kenmore Square's legendary metal club. Saturday night (2/11) the doors open at 9:00 for what's sure to be an intense last hurrah, and Sunday at 3:00, Wargasm add an exclamation point with an all-ages show that the Rat warned "could be a mad scene with all those kids." Get there early, or Kit Ekman"owar" '95 will find you and kick your ass.

They Might Be Giants have been dissed enough in this space, so I'll restrain myself for now from making fun of them for being such incredible dorks. Make the pilgrimage to Lupo's (401-272-5876) Friday (2/10).

Local funk rockers Chuck take the stage at Mama Kin (536-2100) Saturday (2/11), and J Mascis, the perpetually depressed misanthrope behind Dinosaur Jr., plays a solo set at the Middle East (497-0576) on Sunday (2/12).

Stompbox, one of the brightest lights on the local scene, play at Bill's on Tuesday (2/14). Aggressive, loud, and fun, Stompbox sometimes bring to mind Seattle's grunge pioneers Tad and LA's disturbed and powerful Tool. On Wednesday (2/15), it's an inexplicable double bill at Axis (262-2437), with the 100 percent British glam-pop of the London Suede and the mellow moodiness of American Music Club.

Thursday, the Wallace Civic Center (931-2000) in Fitchburg attempts to survive Slayer, Biohazard, and Machine Head. Biohazard blend the lyrical intensity of rap with the visceral attack of metal, creating their own in-your-face brand of hardcore, while Machine Head's ultra-heavy attack veers closer to Pantera. Slayer, of course, need no introduction.

Ditches

By Debra Dickerson '95

RECORD Columnist

MY brother got in trouble at work again. For the same reasons that most of you would, management finds him very unsettling: he's large, easily angered, and black. But also because even though he's poorly educated (I suspect functional illiteracy) he has a startling ability to home in on the truth and reduce "educated" people to a resentful silence.

My little brother will be 32 soon. I never thought he'd live to see 18 and I used to tell him so. Once, I came home carrying a newly cleaned dress. As usual, he'd made a mess and eaten most of the food I'd cooked for the family's dinner. He called me a bitch again so I thrust the black dress at him and said, "I think I'll wear this one to your funeral. I may be a bitch but you're no good."

For about 5 years I would not speak to my brother beyond that necessary to convey my vast disdain for him. Only our mother treated him like a relative. The rest of us, his five older sisters, hated him. You could say he deserved it. I don't know anymore.

He spent those years getting expelled and arrested. Hanging with gold-toothed, gutter-mouthed, crotch-clutchers named like Spike Lee characters; Doo-man, Cool Rob, Packy. Disappearing for days at a time to reappear bruised and bloody-faced. Just in time to ruin holiday dinners and make everyone miserable with his self-absorbed animality. He disgusted me.

Then, when he was 21, I invited him to live with me. He'd calmed down but was still living off Mama and not letting sporadic, dead-end employment keep him from his true calling as a professional dope-smoker. Less a pig but still, I had no respect for him. So I invited him to Maryland, my treat. But I had a plan. I took him in to prove to our mother that no amount of support and investment in him would pay off. I did it to keep her away from him, bail bondsmen and emergency rooms. I was undertaking an unpleasant duty; throwing myself on the grenade. I had no intention



of learning to love him. But it happened.

When I was a kid back at Emmanuel Missionary Baptist Church, the old folks would cackle when we sang:

*Dig one ditch
you better dig two
Cause the trap you set
just might be for you.*

So my brother came to Maryland and I greeted him with a long list of rules and "things I would not tolerate," basically the same spiel I used when children visited. He just nodded and looked away. He'd driven in at about 4:30 a.m. By 8 he was out job-hunting and by the end of the day had not one but two.

It wouldn't last.

So I waited for him to fail. I waited for him to steal from my purse or pawn my TV set so I could pass him on to the next sister in line. I waited for him to get arrested so I could pointedly not bail him out as efficiently specified in my recitation of the house rules. But somehow he never acknowledged or reacted to my disapproving scrutiny. He wouldn't play the Self-Fulfilling Prophecy Game with me. He just took it.

Magically, we ended up at my kitchen table drinking beer into the small hours. We might have been two strangers chatting for all we'd known of each other. Two strangers who suddenly realize they're siblings, separated by tragedy long past, miraculously reunited by a twist of fate. So I listened while my long-lost brother told me the story of his life.

Having assiduously avoided the streets, this was a window onto a whole new world for me. While I was bused to white St. Louis, he was bused from our stable working class area to a much tougher one. That much we knew. But we hadn't known that as he stepped off the bus on his first day his classmates beat him up, took his watch, took his lunch. So the curly-haired, pretty little boy with five older sisters and no father began a nightmarish initiation into

street life. We really didn't know.

For the next couple of years, Bobby took his punishment in silence (unless you count facial tics and a stutter). Then puberty kicked in and, tired of being pushed around, he started fighting back. He started fighting for no reason at all. The next five years were a blur of violence and self-destruction.

So why did he stop fighting, give up street life? Bobby shrugs the question off but my guess is he stopped because he was again tired. Of being a teen-aged failure, of being an able-bodied burden. Tired of self-elimination from his family. I think he wanted to come home. To the mother who never lost faith in him and to the five sisters who did.

Recently, Bobby was bragging about me to a management gonk at his restaurant. They had the following conversation:

Gonk: Law school?

Bro: Yeah.

Gonk: To-be-a-lawyer law school?

Bro: Yeah, man.

(Gonk looks unconvinced.)

Gonk: So where does she go?

Bro: Harvard.

Gonk: You mean Howard.

Bro: No, man, Harvard.

Gonk: Howard in DC., right?

Bro: No, Harvard in Boston.

Gonk: Howard?

Bro: Harvard.

Nothing Bobby could say could convince him that the big, black waiter on the night shift could have a sister at Harvard Law School. Angry at first, Bobby suddenly found himself laughing in the gonk's face and asking him off and on all day, "Why my sister can't go to Harvard, man?" Completely unassisted, my "poorly educated" brother has learned to channel his anger so that nobody gets hurt or arrested.

And that's how he got in trouble at work: attitude problem. He was officially counseled.



Fenno's List #17

Eight Reasons Why Emigration to Canada is Picking Up

1. Hockey season runs year-round.
2. Canadians do not view Barbra "Singer as Bad Actress" Streisand as someone with a particularly acute sense of what needs to be done to "improve" the western democratic political paradigm. She is, however, routinely invited north to give talks on such topics as "Asset Allocation for the Obscenely Wealthy" and "How Yentl the Character Differs from Lentil the Bean."
3. "Ottawa" is more fun to say than "Washington, D.C.," and "Saskatchewan" is a name like no other.
4. Most Americans, not being ones to put much stock in the arcane science of geography, still believe that Canada is somewhere near Tahiti, just short of where the Earth ends and you fall off.
5. Canadians, not being blessed with the received wisdom of the N.R.A. 2nd Amendment, have this strange way of viewing assault weapons as more dangerous than books about Heather having two mommies (not that there's anything wrong with that).
6. Americans are beginning to appreciate the tonic effect of increased exposure to moose.
- 7A. Alex Trebek is Canadian, and, boy, is he smart. Maybe it's the water up there.
- 7B. In Canada, O.J. is a drink — best served cold — and not another Dershowitz self-promotion frenzy (also

known in America as a trial). In addition, the Canadian orange juice industry (what little of it there is) has selected neither Anita Bryant nor Rush Limbaugh as a spokesperson. The closest the human O.J. ever got to Canada was when he was playing at home in the Buffalo Bills' backfield.

7C. Who wouldn't want to be a part of the Commonwealth?

7D. Several "grunge" icons from Seattle who dropped out of high school still haven't learned that the Vietnam War ended a few decades back. To them and their grubby X-Generation followers, Canada is still a "cool" place to dodge the draft.

7E. Canada makes a good draft; look under "Molson" in your local liquor store.

7F. The name Royal Mounted Police sounds much more impressive than "cops". Many Americans assume it's probably safer up there (plus see item 5).

8. Canada, being a parliamentary democracy, has no speaker of the House.

NEXT WEEK: Fenno and Calvin Klein make fashion news — together.

Quote of the Week

"I am the instantaneous research arm..."

—Prof. Alan Dershowitz, as quoted in the Boston Globe regarding his role in the Simpson trial.

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A Contract for HLS

By John R. Kroger '96

Guest Columnist

IN the spirit of the times, I offer a contract for HLS, proposals which might make the law school a kinder, gentler, more pleasant place to study. My suggestions are, I admit, frivolous. They will not fix the more significant and seemingly intractable problems like the lack of faculty diversity or the Stalinist classroom atmosphere. They might, however, make HLS less of an emotional and spiritual obstacle course.

1. Reform Class Registration

Although HLS is the size of a small liberal arts college, our class registration system is abstruse and frustrating, with too many deadlines, forms, lists, and rules. We are required to register for classes months ahead of time; the add-drop system is complex and unwieldy; there is no "shopping period." Dean Clark should go over to Harvard College, where a more sensible and user-friendly system is in place, and copy its approach. If John Rawls can submit to the "indignity" of undergraduates "shopping" his class, the Law School faculty can as well.

2. Double the Number of First-Year Small Sections

Adding a second 1L small section would make the first year more rewarding and humane. This would require eight additional faculty members to teach a first-year course, but that doesn't seem too much to ask, since most of the education that takes place in law school occurs during the first year anyway. I, for one, am willing to sacrifice the "Law and Religion in India" seminar in exchange for better teaching for 1Ls.

3. Eliminate the Faculty Library

As an undergraduate at Yale, I worked in the law school library, and was always heartened to see the law school faculty drop by the reading room to chat with students, pick up books, and conduct their research. The presence of the faculty signaled that Yale Law was a community of scholars.

At Harvard, in contrast, only Randall Kennedy and Archibald Cox '37 use Langdell with any frequency. The rest of the professors prefer to hide in their own private faculty library. The last time I checked, the notion of "separate but equal facilities" was in some disfavor in America. It undercuts community, fosters a "scholars versus practitioners" mentality, and denies students the important inspiration which the sight of faculty members hard at work might provide. If Archibald Cox feels comfortable sharing the "Federal Supplement," the rest of the faculty could probably survive it as well.

4. Reinstate the Root Room

In the old days, the so-called "Special Collections Room" at the end of the Langdell reading room — that quiet, elegant, and largely unused space with cavernous ceilings, beautiful floors, soft chairs, and oriental rugs — was the Root Room, the law students' common room, a place to chat, read, and meet friends. I have no idea why the Root Room was eliminated (contrary, I am sure, to the intent of the donors who wanted to honor Elihu Root in the first place), but it ought to be reinstated. The Hark, with its food-encrusted tables, ugly floors, rickety furniture, blaring television, and constant foot traffic is not an adequate substitution. It does not seem too outrageous to suppose that we should have our own common room, like students in any Ivy League house or college.

5. Guarantee Public Interest Grants

Every entering student should be guaranteed a summer public interest fellowship if they want one. Making such a promise would attract more public-spirited students to the Law School, provide more students with an opportunity to explore public interest or government careers, and give Harvard Law a little decent press coverage for a change.

6. Eliminate the Winter Semester

I have yet to find one student who thinks the winter semester is a great idea. As far as I can tell, its main purpose is to give faculty members who are not teaching during the three-week period an additional stint of holiday vacation. The course offerings are poor, the learning pace abrupt, the experience trying. At very least, let the students vote on whether to keep it.

7. Buy a Piano and a Pool Table

Maybe I was spoiled in my college days, but I do think it is a little cheap of the Law School to force me to cough up a dollar in quarters each time I want to shoot a game of pool. Moreover, the lack of a piano is depressing. No wonder Cole Porter dropped out of HLS.

8. Hold a Winter Dinner for First Year Students

Ceremony, it is said, lends meaning to an otherwise barren existence. A winter dinner for each section of the 1L class, to celebrate the end of the first semester of law school, would add a little elegance and community spirit to an otherwise ghastly experience. I am sure the parsimonious Dean Clark '72 can scrape up the money — if he found someone to pay for the architectural monstrosity sitting in Holmes Field (even now I refuse to call it "Hauser Hall"), certainly he can find corporate sponsorship for a meal.

9. Eliminate Hypocritical Catalogue References

A niggling point, perhaps, but the Law School catalogue is condescending and hypocritical, and ought to be rewritten. My favorite section is the discussion of "course selection" in the appendix, where we are informed that a class in accounting is "of special importance to the lawyer engaged in counseling new businesses in economically underdeveloped urban areas." Who are we trying to kid?

10. Increase Credit for Written Work

The faculty discourages serious student scholarship by granting only two credits for serious research papers, despite the fact that writing such a paper takes (in my experience) about 15 times more work than getting an "A" in a four or five-credit lecture class. The faculty should double the amount of credits given for year-long optional written work, so that the credits are commensurate with the effort.

Warren Accepts Offer

continued from WARREN, page 1

doing because compared to the average law school, we have little [faculty] turnover. Because of this lag problem, we're not changing as fast as we'd like and as fast as other schools."

Perhaps Warren's greatest contribution to the Law School will come in the classroom. Michael Sullivan '93, a former student in Warren's bankruptcy class, said she was "by far the best professor that I had at HLS."

"She was the only one who really knew how to use the Socratic method and made people come to class prepared," Sullivan said. "Warren has a very engaging teaching style and was

able to inject practical aspects into the class. It wasn't all theory. Every once in a while there were numbers to be crunched, which of course scared a lot of students to death, but that is the real world."

Warren's research currently includes the largest-ever empirical study of business bankruptcy, a project commissioned by the National Conference of Bankruptcy Judges, the Small Business Administration, and the National Bankruptcy Conference. She also is completing a study comparing 1981 and 1991 statistics on consumer bankruptcy.

She received her B.A. from the University of Houston in 1970 and her J.D. from Rutgers University in 1976.

Breyer to Teach at HLS

continued from BREYER, page 1

Many Supreme Court justices regularly teach courses or give lectures. On the current court, Chief Justice William Rehnquist and Associate Justice Antonin Scalia '60 are among the most active teachers.

Some 35 students attended the first day of Breyer's writing seminar, Government and the Regulation of Industry, which Breyer will co-teach with Kennedy School Prof. Richard Zeckhauser. For the most part, the students who attended seemed at least as interested in the subject matter as the professor. Roughly half the attendees were Kennedy School students.

"There were fewer fame-seekers than I expected," said Charlie Lubinsky '96, who is hoping to take the course. "There didn't seem to be all that many who were just there because they wanted to take a course from a Supreme Court justice."

Still, no course with such a high-powered professor would be complete without at least a few students seeking to ride a robotail. According to Eric Kramer '95, who attended the first class but said scheduling conflicts will prevent him from taking the course, one student told him he was in the class in the hope of making a valuable contact in Breyer.

"I can't imagine he'd get anything out of it," Kramer said.

For other students, Breyer's presence is an added bonus to a class they already found appealing. Elisa Macia

'95 said Breyer's status as a justice was "one of the considerations" that led her to sign up for the class.

"It's pretty exciting to talk to him on a one-on-one basis," she said. But she added that she was also attracted by the class' broad focus on issues of government and public policy.

Heidi Messer '95 said she was attracted to the course by Breyer as a teacher rather than Breyer as a justice. "I generally tend to choose my classes because of the professor," she said. "He's very articulate. He's a very good teacher."

Those students interviewed said they did not mind the course's unusual schedule. The two-credit class will meet sometimes on Fridays and sometimes on Mondays to accommodate Breyer's court schedule. Breyer, a longtime Cambridge resident, plans to schedule his teaching around those weekends when he returns to New England.

Although Breyer now has what many would consider a dream job, he still considers the continued exposure to students interested in government regulation — one of his pet legal topics — as a treat.

"They write papers on topics that interest me," Breyer said. "They write, and then I learn. It's exciting."

Still, for a least one student, all the excitement carries at least a small cost.

"It's a little daunting to think about setting up an appointment and talking with him," Lubinsky said. "To an extent, it would be easier if he were not a Supreme Court justice."

Review Elects Masthead

continued from REVIEW, page 1

Friedman said he hopes to employ a "participatory style," and "plan[s] to have people involved in the decision-making process, and in implementing those decisions."

Succeeding Ruger, whose performance as president has earned him wide respect around the Law Review, will be extremely hard to do, said Friedman. "[Ted] was extremely impartial. He took his responsibility very seriously, but he didn't use it for political ends, to push his own agenda." But, he added, "[I]t is per-

versely easier to be president because Ted was. The ship is in good shape."

Friedman said he hopes also to mimic Ruger's "balanced" approach to work and play, though he may find it difficult: Along with Treasurer Weems and Student Note Chair Chernoff, Friedman is also a member of The Lone Dissenters, one of the four Ames teams which will compete in the semi-final rounds this spring.

Despite this belief that Law Review "should not be a suffocating activity," Friedman acknowledged, "I expect for the next month or so I'll be sacrificing my social life in a big way."



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The Gotta Eat! Guide

NO MSG!

It's Always Something

By Paula Isola '97

Guest Columnist



At the end of last semester, a classmate who knew I had a young son approached me and said, "Hey, Paula, get out your poison pen! Rumor hath it there will be a column in the RECORD about motherhood and law school." So I eagerly searched the RECORD for the column. And read it. And dashed to Hauser and a computer terminal to pound out my response.

And then I got caught up in the hysteria of studying for exams. Then the holidays came, and I had to entertain two mothers (that is, two mothers-in-law) who descended upon our cramped two-bedroom condo for a Christmas visit. And then my son came down with a very bad virus which looked like (but fortunately was not) pneumonia. In brief, I was overtaken by those very kinds of demands on the time of a mother about which Diane Klein Mahaffey '97 complained [RECORD, Dec. 2]. I capped my poison inkwell and hung up my quill to dry while I attended to the business of living my life.

Now the grandmothers are gone, exams are finished, and the holidays are over. I have just finished reading a letter to the editor written by "a straight WASP male" with "no standing to complain about the disadvantages of attending HLS as the mother of small children." [Matthew Huggins, RECORD, Jan. 20] So I've sharpened my quill and blown the dust off my bottle of poison ink. Here is the "venom."

I wonder what it is in the minds or backgrounds of people that cause them to

When I tell someone I have a one-year old, the standard response is a jaw that hits the floor and the question: "How do you do it?" And my standard reply is, "Well, I just keep doing until it's done."

believe either that they do or do not have fundamental power over the course of their lives.

I, like Ms. Klein Mahaffey, am a "mother in law." I have a son, Jack, just one year old. I suffer a significant — though not incapacitating — amount of time from anxiety over not being able to participate in extra-curricular activities. I am often jealous or resentful that I have no time to go to a bar review, or that fellow students know not to invite me out to dinner or a party because I will decline. Like Ms. Klein Mahaffey, my hard choices are not between indulging in a non-essential leisure activity or studying, but between spending time with my son or studying. And I, too, have a husband who works more than full-time and staggering day-care expenses.

What I don't have, in the final analysis, is any particular bone to pick about my situation. However anyone else may choose to define me, I emphatically refuse to regard myself as having "second-class status." For better or worse, and perhaps because I am fairly neurotic (read: "I often assume too much responsibility"), it is of vital and determinative importance to me that I have chosen to attend HLS while the mother of a young child.

When I tell someone I have a one-year-old, the standard response is a jaw that hits the floor and the question: "How do you do it?" And my standard reply is, "Well, I just keep doing until it's done. And of course, it's never done. On the other hand, my motto is 'it's always something.'" One's perceptions of how much one is put upon by circumstances is relative. Either my circumstances are comparable to those of others' (for example, Ms. Klein Mahaffey's), or they are in some respects worse than others' (I can't take advantage of many activities HLS has to offer), or they are in some respects better than others' (THEY DON'T HAVE JACK). And if you really want to go all out, I am neither starving in Somalia nor the heir to the Onassis billions. These kinds of comparisons are useless. My life is no more and no less than what it is, and it is what it is regardless of the kinds of lives other people are leading.

I reject being pigeon-holed as somehow inherently disadvantaged. (Yes, and all that implies for me as the black daughter of a single parent who spent some time on welfare.) It is basic to my self-esteem that I believe my choices have a very real power to effect change in my life. If I truly believed that nothing I did mattered, that somehow my circumstances, chosen or not, could keep me from achieving a fulfilling existence, I could not act. And I must act. I chose to have Jack precisely when I did, with the intent of attending law school while he was still very young. I was fully aware this choice closed off some future choices, like being very active in extra-curriculars. I also felt this decision had some advantages — if my child-bearing is over before I present myself to a firm as a potential associate, perhaps this fact will alleviate any concerns, justified or not, that my career will be interrupted to the firm's detriment in order to have children.

Further, though HLS makes significant demands on my time, the schedule of a student affords much more flexibility than would that of an associate, so on those occasions Jack is sick or otherwise needs me, cutting class is a decision I can make without feeling I'm imposing on colleagues. And, as Mr. Huggins observed, starting a family now rather than later means I'll be relatively young while my children are young.

Mr. Huggins, standing or no standing, hit the nail on the head when he suggested Ms. Klein Mahaffey might benefit from a reality check. I know Ms. Klein Mahaffey has (or will soon have) a Ph.D. in philosophy, and is therefore amply capable of checking her premises. She appears to operate on the assumption that everyone has the right to do anything, regardless of the choices one has made. But surely she must realize that a choice is not between every conceivable alternative, but between those available to you. Maybe we must often choose between what we perceive to be two evils, but there is always a choice. Make the best choice you can, be grateful for the quality of the choices presented to you, and face your future with your eyes open and your shoulders fully squared to meet the merciless onslaught of reality. And take heart; though you seem not to know it, Ms. Klein Mahaffey, we "mothers in law" have it made.

Fertilized Ivy

By Markus U. Hartmann

RECORD Columnist

STOP by the admissions office when you get the chance. The poor folks who work there are likely to become the Maytag Repair-people of law school admissions once "Poisoned Ivy: How Egos, Ideology, and Power Politics Almost Ruined Harvard Law School" gets the attention it so richly deserves. Just when I thought Mr. Kahlenberg had out-whined every predecessor, along comes Ms. Kerlow to do him one better.

Rumor has it HLS was almost ruined a few years back. The evidence? Sit-ins, news coverage, hirings, firings and political differences over very important matters. And let us not forget our fall to second place in the U.S. News & World Report survey. Fortunately for the Clinton Administration, Kerlow is not a White House correspondent.

Since many of us have come to the conclusion that HLS is a great thing to put at the top of our resumes, now is the time to act. "Poisoned Ivy" highlights how some students balanced out protests with academics, while a few of the more courageous students almost paid too high a price. What is needed is protest with civility. Last year's model provides a useful alternative to earlier risky behavior: Protest by apparel. Unfortunately, last year's protest was not adequately publicized. Given the issue, that may have been intentional; so I guess it succeeded. In any event, the following apparel days are submitted for your approval:

Feb. 10, Corporate Solidarity Day

Blue and Gray suits will be issued to all 1Ls. Second and third year students celebrated Corporate Solidarity during interview season. Now is the time to show our support for our captive sisters and brothers in corporate America. Bring your resumes; it's sure to be a grand time.

Feb. 14, Condom Day

Additional condoms will not be issued. Remember when you got your complimentary condom in your Hark-box? You were expected to wait until you were told it was the appropriate time for use. With both male and female condoms on the market, everyone will be able to participate. Public displays of condoms will not be tolerated. If you choose to participate in Condom Day, consider it the visual equivalent of a silent protest. Only you and your intimate friends need to know.

March 1, Republican Day

By the time we go to print, the school will have missed the opening of the new Republican Congress, so this day will have to do. Appropriate apparel will be clothing from The Great Gatsby era. On this day, conspicuous consumption will be a requirement. At noon we will all march down to the square and demand that all the disenfranchised people return the spare change that we have handed over for the last couple of years. The Child-Catcher from Chitty-Chitty Bang-Bang will be available to round up the children.

April 1, Clinton-Democrat Day

Be sure to stop by Star Market because the only clothing that you will need is a paper bag with a few holes in it so you can see where you're not going. The folks who supported the health-care plan can wear surgical masks and people with real estate in Arkansas can wear diving masks and snorkels.

April 15, Clinton-Democrat Day II

On this day we will all wear our Clinton-Gore buttons to show our solidarity with the great guy who suggested that tuition here at HLS should be tax deductible up to \$10,000. Some of our "insiders" here can call up the White House and let them know that if the President raises the deduction to 20K, he can call this place campaign headquarters in '96. Go Bill!

May 1, Bell Curve Day

Students will be issued T-shirts with their Iowa scores, PSAT, ACT, SAT, Class standing from kindergarten to college, IQ, G.P.A., and LSAT scores printed on the back of the shirt. The front of the shirt will have a cumulative score with a diagram of a bell curve on it. A red mark with an arrow and the words "You are here" will inform everyone of their new status. Seating charts will correspond to your place on the curve. Those of us who belong to Murray's inferior groups will be able to take some comfort on May 2.

May 2, Physical Bell Curve Day

Using Murray's methodology, I have seriously studied professional sports over the holidays. Given the "objective" numbers, the only reasonable conclusion that can be drawn is that the favored groups in "The Bell Curve" are seriously underrepresented in professional sports. This of course leads us to the conclusion that Murray's kids are egg-heads who are physically inferior. As a result, Murray's kids will not be allowed to participate in Condom Day; if one of those suckers was to break, there might be even more of them. No special clothing is needed for Physical Bell Curve Day for obvious reasons.

Date TBD, Cyber-Law Day

Black turtle-necks, green pants and hiking boots. Trendy students will bring in their laptops and there will be no talking or reading of books. Students who are known "Gunners" will be given virtual reality helmets and everyone else will be on-line for a fun game of legal DOOM. The challenge for the "Gunners" will be to remain silent in the face of some of the most outrageous comments by Cyber-Pros. If the "Gunners" speak out or raise their hands, there will be unlimited ammo for everyone else to use as they see fit.

This list is by no means complete. We need more days of peaceful protest to prevent the school's ruination. Students of the law unite! Of course it is possible that HLS was never close to the state that Ms. Kerlow described. Here in Boston, more revolutions have been planned and executed by people in bars than by people studying for one. To state that "Poisoned Ivy" is a little overstated is to commit criminal understatement. I do not begrudge Kerlow her success, but she certainly helps one to appreciate the shortcomings of a perspective untouched by said ivy.

The Harvard Law RECORD
invites all students
to apply for positions on the newspaper:

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- features writers
- editors
- photographers
- sports writers
- book, theatre and restaurant reviewers
- business and advertising managers
- production assistants

Please submit your name, phone number, and short description of your journalism experience, as well as a sample of your writing if available, to the RECORD's drop box in Harkness Commons by Friday, February 17.

We will hold a very brief informational meeting at 4:30 pm on Tuesday, February 14 at the Backbench Pub in Harkness Commons.

Contact Vicky Kuohung '96 at 354-2124, David Weiss '96 at 493-9573, or Katrina Campbell '96 at 493-9077 with questions.