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Bar/Bri representatives may have to make room for a new face at the bar review table in the Hark. See story, right.

The Battle of the Bar Begins West to Challenge Bar/Bri with New Prep Courses

By Greg Stohr

The established king of the bar review courses is about to face a battle for its crown, and the real victors may be students at HLS and around the nation.

For years, Bar/Bri has dominated the bar review industry with an estimated 70 percent of the national market and an even higher share of the HLS student body. But with a recent announcement that publishing giant West Publishing plans to start its own bar review course, an already tense industry is about to see a new wave of competition.

"I think it's ultimately going to be good for students," said Stan Hamrick, executive vice president of Massachusetts-based SMH Bar Review. "Competition is always good. It keeps prices down and quality up."

West, the billion-dollar-plus corporation responsible for everything from casebooks to Westlaw to Nutshells, already has taken several high-profile names away from Bar/Bri, including Bar/Bri President Stanley Chess and course instructor and HLS Prof. Arthur Miller '58.

Chess, on campus this week to tout his new program and recruit campus representatives, said West will compete with "better lecturers, better materials and better testing programs" than Bar/Bri. He also said West Bar Review will take advantage of the resources of West Publishing.

While the company plans to withhold many of the details

about the program until next fall — the course will not begin full-scale operations until the summer of 1996 — Chess said West Bar Review would operate in all 50 states.

"I know we can put on a better program, and I know how," said Chess, a longtime Bar/Bri instructor as well as administrator.

Chess was coy about how aggressively West will attempt to compete against Bar/Bri on the price of courses, which can run as high as \$1750. "Price will be one of the factors," he said.

The National Law Journal has estimated that Bar/Bri claims 70 percent of the \$50 billion bar review business.

Although the company's CEO and founder Richard Conviser said he could not confirm the figure, he estimated that 30,000 people take a Bar/Bri course every year. Bar/Bri operates in 45 states plus the District of Columbia.

Bar/Bri has been particularly successful at HLS. Over the past several years, Bar/Bri has captured the business of more than 80 percent of the Law School's graduates, said Linda Farina, who recently joined West Bar Review after serving as Bar/Bri's main representative at HLS for seven years.

In spite of the potential for West to make a large dent in Bar/Bri's business, Conviser said Bar/Bri was not planning any fundamental changes in its operations.

"We are not doing anything in response to West," Conviser said. "West right now has not

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Murray Sparks Dissent

"The Bell Curve" Co-Author Addresses K-School

By Katrina Campbell

On the day set aside for love, students gathered to protest a man they believe perpetuates feelings of hate.

The man who drew such ire was Charles

Murray, co-author of the controversial book, "The Bell Curve: Intelligence and Class Structure in American Life," which in part argues that blacks are genetically less intelligent than whites and that whites are genetically less intelligent than Asians. Murray spoke to a packed audience at the Kennedy School of Government Tuesday about what he called the "cognitive elite."

He refused to discuss race for much of the evening. "I'd

rather talk about 'The Bell Curve,' which is not about race," he said.

Retired judge and Lecturer on Law A. Leon Higginbotham, Jr. opened the forum by reminding the audience that historically, "the primary cruelty to [blacks] has been imposed by a system that has been sanctioned and controlled by educated men."

"Remember, it was nine men on the Supreme Court who declared in *Plessy v. Ferguson* in 1896" that blacks were inferior, Higginbotham said.

As Murray began, about 20 students representing the Kennedy School's Coalition for Diversity stood, arms linked. Five minutes into the speech, they walked out of the auditorium, to applause from the audience. It ended the

group's three-hour protest that had begun outside.

"We feel Charles Murray is a fraud," said Anthony Fuentes, Co-chairman of the student group. "His study can't pass the test of minimal academic rigor."

Fuentes said the group also was protesting against "the insensitivities of Harvard for putting this on in the middle of Black History Month."

"It's like having a Holocaust revisionist speak on Holocaust Remembrance Day," Fuentes said.

Murray continued his speech after the students walked out. Through the 1950s, he said, Harvard University was a school for the socio-economic elite. In the 1960s, said Murray, a "cognitive elite" began to form and soon came to be the dominant group at Harvard.

In the next few decades, these two groups will converge

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Mikva to Speak at Class Day

By Greg Stohr

White House Counsel Abner Mikva, who has filled high posts in all three branches of the federal government, will speak to HLS graduates at this year's Class Day.

"The thing that attracted us mostly was that he served in all three branches of government," said Class Marshal Matt Henshon '95.

Mikva served as an Illinois congressman for five terms and then as a judge on the D.C. Circuit for 15 years. A graduate of the University of Chicago Law School, he also has practiced in the private sector, taught courses at several law schools, and written a textbook

on Congress.

Since his appointment as White House Counsel last fall, Mikva has been most visible aiding the Clinton Administration in its efforts to contain the Whitewater controversy.

Class Marshal Joe Hurd '95, a member of an informal committee, said he expected Mikva would provide "a lot of insight."

"Having served in three branches of government, he will bring a unique perspective on the practice of law in the public sphere," Hurd said. "He should have a lot of good advice to share with members of the graduating class."

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Clark Still Seeking Third Prof. to Study Pass-Fail

By Maria Politis

Almost a year after the LSC presented Dean Clark '72 with a proposal to change the Law School's grading system to include an Honors/Pass/Fail option, the dean is still looking to add one more person to a three-member committee to study faculty opinions on the issue.

The committee will be comprised entirely of faculty members, and includes Profs. Martha Field and Scott Brewer, chosen because of their interest in the issue and their willingness to participate. Clark said that meager faculty response has prevented him from appointing a chair for the committee.

The committee's goal will be to assess current opinions.

"It is not so much a decision-making group as a systematic way of determining faculty opinion," said Clark. "It is not just doing a survey but also gathering arguments pro and con...and presenting them to the faculty as a whole."

The committee is scheduled to present its findings to the faculty late in March or early April. Changing the current grading system requires faculty approval.

While LSC President Willie Epps, Jr. '95 and LSC Representative Erik Lindseth

'95 say they are pleased the dean is taking action, Lindseth believes it amounts to rather little, done rather late.

"Taking a year to fill a simple ad-hoc committee seems to me like foot-dragging," said Lindseth, former chair of the LSC's Academic Affairs Committee, and the student who spearheaded the LSC's examination of the issue last year. As to the lack of faculty interest, Lindseth

said he understood the dean's desire to appoint members who were interested in the issue, but

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Dean Clark



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Legal Services Advocates Take Heat at Housing Policy Panel

By April Rockstead

A discussion of American housing policy had some legal services advocates on the defensive during a recent roundtable discussion in Ames Courtroom.

Saturday's panel, titled "Rethinking Housing in America: Policy at a Crossroads," featured prominent housing activists and attorneys as part of an ongoing symposium hosted by the Harvard Civil Rights-Civil Liberties Law Review.

Vincent Lane, chairman of the Chicago Housing Authority, engaged fellow panelists in the debate early by attributing the failures of housing reform to "isolationist" strategies advanced by poverty law leaders.

"Poor people get the short end of the stick because they are isolated and they are easy targets," Lane said. "As long as we continue down this isolationist policy, we're going to fail — and legal aid and the ACLU have played a major part in leading people down that road."

Lane exhorted an approach to public housing reform that would integrate poor families who are dependent on public assistance into communities that include working people.

"If you're ever going to have poor people have a shot at making it, it's going to be because [they] are part of a broader neighborhood," he said.

But legal services advocates on the panel challenged Lane's vision as unrealistic and said it is unlikely the government would provide the support services Lane acknowledged are necessary to help lift people out of poverty.

"It's a great idea, but who's going to pay for it?" asked Liz Solar, clinical

instructor and coordinator of the corporate law project at the Legal Services Center in Jamaica Plain.

Another panelist took issue with Lane's portrayal of legal services advocates.

"I think Mr. Lane needs to realize that legal services is not responsible for the fact that large numbers of American employers have laid people off in the last 20 years," said John Wilshire Carrera, head of the asylum and refugee unit at Cambridge and Somerville Legal Services.

Turning to Lane, he added, "You're trying to scapegoat us."

After Lane left the panel for another commitment, Lecturer on Law Jeanne Charn '70 spoke from the audience to interrupt a brief period of comfortable agreement that followed Lane's absence. Although Charn is the director of the Legal Services Center in Jamaica Plain, she said she found herself agreeing less than one might expect with the legal services advocates on the panel.

"When Vince left, some of the sharpness of focus left with him," Charn said.

As a result, Charn said, panelists failed to address his "big point" and confront the possibility that by helping individuals escape poverty, legal services advocates might be perpetuating a crisis in poor neighborhoods.

"We could be peeling off the upwardly mobile, able families and further impoverishing the community group that is left," Charn said. "I would criticize the legal services community in the past for not having a sophisticated enough view on that, and for maybe protecting resources in areas where they have created more problems, in the long run, than

solutions," said Charn.

Rather, advocates for the poor should support subsidies to attract middle- and working-class home ownership and investment in central cities, she said.

"In the real world, we're not going to subsidize all poor people. This would subsidize fewer in the name of building communities that were stronger and might have some self-sustaining quality," she said. "I think that poses a sharp disagreement about the use of funds with poverty advocates who want every dollar to start at the low end of the scale and work up."

But Barbara Sard '74, of Greater Boston Legal Services' housing unit, said Charn's proposal could be only part of the strategy to reform housing policy, because direct assistance to the poor must continue to be a priority.

"The destruction that happens to families when they become homeless, and the destruction that happens to their kids, is a huge reality," Sard said. "We don't get to fix it 10 years from now, because that's going to be a lost generation."

Other panelists included Geraldine M. David, chair of the Whittier Street Tenants Association; Andrew Leong, assistant professor at the Law Center within the College of Public and Community Service at the University of Massachusetts in Boston; moderator William C. Apgar, a lecturer at the Kennedy School and executive director of the Joint Center for Housing Studies at Harvard; John McIlwain, president of the National Housing Conference; Philip Tegeler, an attorney with the Connecticut Civil Liberties Union; and Hattie McKinnis, executive director of the Citywide Parents Council.

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If you don't stop your friend from driving drunk, who will? Do whatever it takes.

FRIENDS DON'T LET FRIENDS DRIVE DRUNK.



U.S. Department of Transportation

Skadden Foundation Awards Six from HLS

By Victoria Kuohung

Each of three 3Ls and three 1994 graduates of Harvard Law School have won \$32,500 grants from the Skadden Foundation to work on various public interest projects for the coming year.

Administered by the law firm of Skadden, Arps, Slate, Meagher & Flom, the one-year renewable grants provide salaries, health benefits, and loan repayment, and allow awardees to found start-up projects at organizations that otherwise might not be able to afford new programs.

Selection is based on the creativity of the applicant's proposed project and the quality of the sponsoring organization, as well as the applicant's essays, recommendations, and interviews with the Skadden selection committee.

Compared to other law schools, HLS garners a high number of awards annually, said Stacy DeBroff, director of the HLS Office of Public Interest Advising.

Because of OPIA's organized approach to public interest fellowships like the Skadden, over the past five years "[HLS] has been able to develop an expertise in fellowship applications," said DeBroff.

One winner, Ingrid Eagley '95, designed her proposal with the Women's Law Project of The Legal Assistance Foundation of Chicago, the city's largest provider of legal aid to the poor. Eagley will represent poor women on issues of sex discrimination, sexual harassment,

nonpayment of wages and unsafe working conditions, while also initiating an outreach and education program for poor Latinas in the workplace.

Her work through the Skadden award will be an extension of her public interest experience in law school. As a 1L, Eagley worked at Ayuda, an organization which helps the Latino community, in Washington, D.C., and helped Latinas with problems of domestic violence and immigration. In her second summer, Eagley worked at the domestic violence prosecution unit of the San Francisco District Attorney's office.



Ingrid Eagley '95

Eagley said her work at The Legal Assistance Foundation achieves the goal she had since she entered law school.

"I came to law school to practice women's rights law, and [when choosing the sponsoring organization] I knew I wanted to work on gender issues," she said, adding that she found the application process to be "very straightforward."

Debra Dickerson '95, another awardee, will be working with the NAACP Legal Defense Fund in Washington, D.C., to monitor state compliance with the National Voter Registration Act. The fellowship will allow her to realize her "dream to work at the organization that Thurgood Marshall found-



Debra Dickerson '95

ed," said Dickerson.

"My project is nonpartisan," she added. "It's aimed at increasing voter turnout and reforming the onerous personal registration system which keeps voter turnout rates artificially low."

Although winning the grant was gratifying, the application process itself was "extremely traumatic," Dickerson said.

"You have to know very early in the year whether you want it," she said. "And you also have to get a sponsoring organization before you can apply. That's very political and time-consuming. It's a real beauty contest, and actually a two-application process — you have to apply to the sponsoring organization and you have to apply to the Skadden [Foundation]."

The rewards of applying, however, can be great, especially for the prospects of permanent employment following the fellowship, said Kevin S. Reed '89, who won a 1990 Skadden grant and who still works at the NAACP Legal Defense Fund where he first served as a fellow.

"I have no doubt that I would not have gotten this job had it not been for the fact that I was able to get funding through the Skadden program to pay my way for the first two years," said Reed, who

added that since its establishment in 1988, the program has helped expand

the total number of public interest jobs. For Reed, the grant itself stands somewhat apart from the sponsoring firm.

"I've never had any grand illusions that simply by virtue of establishing the fellowship, the law firm suddenly became a shining light in the legal community when it comes to saving the world," said Reed. "Skadden is still a large corporate firm that represents interests which are often antithetical to the public interest."

"But that in no way diminishes the remarkable thing that Skadden did by putting aside significant money to allow people like myself to get public interest jobs after graduation."

Although the prospect of future employment often is a major consideration for applying, Terri Gerstein '95, who will be working at Greater Miami Legal Services with immigrant and homeless workers, sees the grant as only one way of entering the public interest field.

"I would have found a way to do public interest work directly with the community whether I got this fellowship or not," said Gerstein. "I didn't apply for a firm, I didn't have a backup job — I was absolutely determined to do this work."

"There is so much injustice in the world that the notion of living my life day to day without trying to be a part of the struggle to helping make people's lives better, is unthinkable."

West to Start Own Prep Course

continued from WEST, page 1

put on a bar review course.

"Our course remains intact. We're going to continue doing what we've always done."

But Hamrick said Bar/Bri will suffer the most from West's appearance on the bar review scene. He pointed to the defections to West of Chess and Stephen Levine, another former high-ranking official at Bar/Bri, as especially serious losses for Bar/Bri.

"They were the driving force on the East Coast [for Bar/Bri]," Hamrick said. "They essentially built the business. That's one reason I believe if West gains students, it's going to gain them at the expense of Bar/Bri."

SMH, which Hamrick touts as "the only bar review besides Bar/Bri that has a national presence," has programs for 23 states plus the District of Columbia. Although the company has been growing rapidly — Hamrick says its revenues have "tripled or quadrupled" since he joined SMH in 1985 — Hamrick said the company currently has no expansion plans that West's arrival might frustrate.

SMH boasts more than 10,000 customers a year, with a concentration in the Northeast. Hamrick said SMH has a market share of "one-third to two-thirds"

in those states in which it offers courses.

Barpassers, another bar review company active on the HLS campus, focuses exclusively on preparing students for the California bar exam. A Barpassers spokesperson could not be reached for comment.

The battle for the bar review business

"I think it's about time students had some competition in bar review courses," Chess said.

at HLS is about more than just the tuition dollars Law School students pay, Farina said. Dominating the Harvard market can help a company dominate the national market.

"Let's say that West in three years was the biggest course on the Harvard campus," Farina said. "That is something

that would help us sell the course at another law school."

Initially, West will have to contend with the inroads Bar/Bri has already made with HLS 1Ls and 2Ls. Nearly half the Class of '97 has already signed up for Bar/Bri, according to Farina. Like many other bar review companies, Bar/Bri provides 1L study guides for students in their first year, although it does not require a down payment, or a final commitment, from those students until later.

Bar/Bri, with Chess at its helm, has been the focus of two major lawsuits in the last four years. In June, 1994, a jury awarded Barpassers nearly \$4 million in damages after finding that Bar/Bri had violated antitrust laws and engaged in deceptive advertising. In a counterclaim the jury also found Barpassers liable for about \$750,000 for its own deceptive advertising.

In 1991, SMH settled another antitrust suit against Bar/Bri for an undisclosed sum.

That fiery battle for the business of law school graduates may only get hotter in the wake of West's announcement.

"I think it's about time students had some competition in bar review courses," Chess said. "I think it's going to make Bar/Bri into a better bar review course. It's going to be very healthy."

1L Bids for Council Presidency

No Word from Other Potential Candidates

By Greg Stohr

With the filing deadline approaching, potential candidates were circumspect this week about whether they planned to run for top Law School Council positions.

As of press time Wednesday, only Rob Simmelkjaer '97 had told the RECORD that he planned to seek the council presidency. Simmelkjaer said he will run on a ticket with Bob McCarter '97, a candidate for vice president, and Joe Miller '97, who will seek

the office of treasurer.

Simmelkjaer said the three 1Ls, all of whom currently serve on the LSC, were stressing "your basic quality of life issues," including seeking a student lounge and improving the exercise equipment at Hemenway. He also said he hoped to improve the social climate at the Law School.

"There just isn't adequate opportunity to get to know people here outside the classroom," Simmelkjaer said. "They just don't have enough inclusive events."

A number of other rumored candidates indicated this week they either

had not decided — or would not reveal — whether they would seek the presidency.

Jon Kissane '96, who unsuccessfully ran for vice president last year, said he had "no comment" about his plans. Joseph Dittkoff '96 and Adriana Reyes '96 both said they were leaning against seeking the presidency, although Dittkoff said he would be more likely to run if Kissane did not.

Candidate statements must be filed by today for the three positions. Elections will be held next Thursday and Friday.

STUDENT FARES

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BRIEFS



Griswold to be Honored

Two memorial services in honor of former HLS Dean Erwin Nathaniel Griswold '28 will be held in early March.

The first service will be held at 3 p.m. on March 2 in The Great Hall of the U.S. Department of Justice in Washington, D.C. For more information, call Jones, Day, Reavis & Pogue at (202) 879-3899.

On March 10, Harvard will hold its own ceremony at 2 p.m. at the Memorial Church in Harvard Yard. There will be parking at the Soldiers Field Park Garage, Western Avenue, with busing provided. For more information, call (617) 495-3118.

Speakers at the services will include Dean Clark '72; Archibald Cox '37, HLS professor emeritus; Judith Richards Hope '64, a member of the Board of Overseers at Harvard College who is from the law firm Paul, Hastings, Janofsky & Walker; and Derek Bok '54, president emeritus of Harvard University and current Harvard professor.

Also speaking will be Roswell Perkins '49, a president emeritus of the American Law Institute who is from the law firm of Debevoise & Plimpton, and Robert Drinan, a professor of law at Georgetown University Law Center and dean emeritus of Boston College Law School.

In addition to his tenure as HLS dean from 1946 to 1967, Griswold served as a U.S. solicitor general and a member of the U.S. Civil Rights Commission. He died Nov. 19, 1994 at the age of 90.

Pfeiffer Named Hasty Woman of the Year

Actress Michelle Pfeiffer was honored this week as the 44th annual Hasty Pudding Theatrical's Woman of the Year.

The actress — who has starred in movies including "Dangerous Liaisons" and "Married to the Mob," and who recently made her theater debut in "Twelfth Night" — participated in a parade near Harvard Square Monday.

Pfeiffer sat in a red Saab convertible and waved to hundreds of Harvard students and Cambridge residents who lined the streets to see her. The parade proceeded from the Inn at Harvard to Dunster Street and then up to the Pudding's theater, where she received the traditional Pudding Pot and was "roasted" in true Pudding style.

Pfeiffer was teased about her less successful movie efforts, reminded of flops such as "Wolf," "Scarface," and "Callie and Son," and prompted to recall her first speaking part as an extra on "Fantasy Island."

Afterward, she told a news conference that she envied Harvard students. "God, I wish I could come here," she said. "I missed out on that part of my life, on the whole college experience."

Pfeiffer also said that Harvard men, at least the few she'd met, were "as smart as she'd heard."

- from *The Harvard Crimson*

Accused Rapist Arrested in Harvard Square

A 19-year-old Belmont man was apprehended by police in Harvard Square last week and charged with four counts of rape, including one that allegedly occurred in the area about a year ago.

Walter S. Nilhan, a former Belmont High School student, was arrested by Harvard Police in Holyoke Center at the corner of Massachusetts Avenue and Dunster Street last Friday night. Police identified Nilhan because of a statewide warrant for his arrest.

He was later transferred into the custody of the State Police, said Harvard Chief of Police Paul E. Johnson.

The police warrant listed Nilhan with four counts of rape, including one allegedly committed near the Charles River a year ago, police sources said. Sources said the woman involved in that incident was not a Harvard student but someone visiting Harvard Square.

- from *The Harvard Crimson*

Ogletree to Preside Over Kids' Court

Prof. Charles Ogletree '78 will judge the final mock trial for the "Kids in the Court" program of the HLS Children and Family Rights Project. The trial will be held in Ames Courtroom on April 12 as the culmination of six weeks of project volunteers' efforts to teach legal concepts to eighth-grade students at area middle schools.

"Being our judge seems to be a career steppingstone," said Dave Aronberg '96, chairman of Kids in the Court. He noted that former Clinical Programs Director Danny Greenberg, the "Kids" program's judge for the last two years, recently left HLS to become head of the New York Legal Aid Society.

Sports & Entertainment Law Committee to Host Conferences

This year's annual Sports Law Conference, hosted by the Committee on Sports and Entertainment Law, will begin at 4:00 p.m. on Friday, Feb. 24 in Pound Hall, Room 107. Participants scheduled to attend include Charles Grantham, head of the NBA Players' Association; Howard Ganz, a partner at Proskauer, Rose, Goetz & Mendelsohn, counsel to the NBA; and Terdema Usery, president of marketing at Nike. The panelists are to address topics including athlete representation and labor relations in professional team sports. Seating at the panel is limited; for more information, call the committee's sports chair, Andrew Gutterman '95, at (617) 492-1807.

In addition, the committee will host the ABA Symposium on Entertainment Law 1995, which will be held Saturday, Feb. 25, beginning at 9:00 a.m. in Austin North. The program includes panels on negotiating motion picture contracts, controversies in the music industry, and structuring multi-media deals.

The entertainment law symposium panel discussions will be open to the public, but a luncheon featuring an as-yet-unannounced keynote speaker will be available to a limited number of people and will require purchase of a \$15 ticket.

Novel a Thrill for 2L Author

By Victoria Kuohung

Some 2Ls usually don't try to write anything longer than a cover letter.

Overachieving 2Ls might begin their third-year papers.

But really ambitious 2Ls like James Berman '96 write books.

Berman sold his first novel "Uninvited" as a 1L last October to Warner, and after the book's publication this March, he will travel through the U.S. and Europe on a reading tour early this summer. At the same time he will be making plans to sell the movie rights.

Although Berman, an undergraduate English major, did not write creatively until after graduating from Harvard College, he had "always been interested in writing," and law school has not deterred him from pursuing his goal.

"I try to work on the weekends," said Berman of his writing. "I find it very hard to work during the week. But on vacations, I'll work five or six hours in the morning, every morning, seven days a week."

"Some days I can write five chapters while other days I can't write one word. But I try to make it as much of a job as possible."

Before coming to HLS, Berman wrote a profile on a New Mexico author for the Baltimore Jewish Times, a project that was funded through the Briggs Fellowship administered by the Harvard English Department, and then taught English at a Long Island private school for one year.

A year spent living in a Berkshires artists' colony, however, was what

helped Berman locate an agent who eventually sold "Uninvited" at a Frankfurt, Germany book fair.

Signing the book deal last year created "a lot of doubts" about his future career in law, Berman said. "Every 1L has doubts of some variety, so mine were probably not so different from other people's. But I thought [publishing the book] would mean trying to sustain two careers. It's turned out to be, pretty nice trying to keep that going."

A psychological thriller, "Uninvited" focuses on a lonely man's love for his childhood sweetheart and his later attempt to defend himself against accusations that he murdered her. Berman is also now working on a new novel about a woman's obsession with her artificial sperm donor.

Since being acclaimed as the newest talent in legal thrillers, Berman has found himself being compared to John Grisham and Scott Turow, but finds it "funny that people don't ask, 'Are you the next Kafka or the next Washington Irving?'" Both Kafka and Irving were lawyers and writers.

"Maybe it's just a reflection of my talent if that's what they think," Berman said. "It's interesting that the idea of the lawyer-author in the public consciousness today are Grisham and Turow, when a few centuries ago they were Kafka and Irving."

Berman plans to continue in law, and will be working at the New York firm of Rosenman & Colin this summer.

"I'd like to eventually have my own practice," said Berman. "Hopefully that'll give me some freedom, but if writing really takes off in a big way, maybe I'll just do that."



James Berman '96

Mikva Class Day Speaker

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Henshon and Hurd said the committee sent invitations to about 10 potential speakers, including former President Jimmy Carter, Massachusetts Gov. William Weld '70, Supreme Court Justice Sandra Day O'Connor, former Texas Gov. Ann Richards, and California Sen. Dianne Feinstein.

"Among those people it was sort of a question of who was available," Henshon said. He said Mikva was the first to

respond favorably.

Class Day ceremonies will take place June 7, the day before the University-wide commencement exercise. Admittance is not restricted at Class Day events, although students are allotted a limited number of tickets for portions of the University program.

Recent Class Day speakers have included Supreme Court Justice Harry Blackmun '32 and Attorney General Janet Reno '63.

Is Anybody Hungry?



RECORD Photo/Gene Rough

You know it's cold outside when only two people are in line at the Chinese Kitchen food truck. After two months of remarkably warm temperatures, New England winter has returned with a vengeance, with below-zero wind chill factors. But students say the Szechuan chicken is still hot enough to ward off any winter chill.

GYM RAT

The Carnage Continues

By David Koontz '96

Sports Editor



THE HLS hoops season is in full swing, and the Gym Rat is here to bring it to you. Seven "A" League teams and a mere 20 "B" League teams are gunning for the championships, which will be played on top of the Supreme Court, as the B-school gym is unavailable. Until then, catch the regular season action at the House of Pain, historic Hemenway Gym. Kudos to Commissioner Doug "The Mighty Quaker" Cooperberg '96 for doing his thing. Due to space, the focus this time around is primarily on the "B" League East; I promise I'll give more coverage of the "B" League West and "A" League in future columns.

"B" League East: In their win over Rich Cundiff: Go-to Guy, the IL-laden Great Danes showed defense, smart shot selection, and a cliché machine for a captain. "We've played well together in the past," said Todd "Inspire and In-" Stillerman '97. "We're pleased. We'll take it one game at a time, and the good Lord willing..." Danes gunner Pat O'Reilly waxed analytical: "We converted half our lay-ups. That's what counts." RC's Mark Pierce relaxed later with a soda, a smile, and a sound bite: "The tradition continues."

The fiercely talented Dave Genrich '95 led the Law Review team, the Grizzers, scoring nine of their first 12 points. Dave's wizardry, however, could not overcome the Cunning Litigants (winced). Captain Dave Aronberg '96 called his Litigants a "well-tooled machine" and did his best to make the "Auugh!" defense his trademark. This game belonged to sharpshooting "Shakin'" Blake Bilestead '96 and Hal "The Stormin' Mormon" LaPray.

The Stone Cutters' impressive win over Intentional Foul fueled protest. IF's Joe Martinez '96 requested point spreads to give his team "moral victories" (reluctantly, I hereby give them a Super Bowl-like 20 points for next week). One observer told me, "These guys shouldn't be in (expletive) B League." Stone Cutters captain Dave "Coach C" Caputo '96 was flattered, but responded, "We're one player short of A League. Ira Powell '96 is the player." Ira already plays for the Stone Cutters. IF's Dave Kaplan '95 accepted underdog status: "We were going to call ourselves the Pipsqueaks, but we've got this tall guy," he said with mock contempt.

The Sweat Hogs won a battle of 1L teams against Hanson's Heroes. Both sides showed the typical enthusiasm of students who have been here less than a year. Matt "King" Hong '97 struck for four threes in a five-minute span and the Hogs pulled away.

The Sleestaks prevailed over the HLAB Hoopers in a close one. Sleestak Rabi "The Butcher" Nerula is an All-Star. The Hoopers' Dean "Bust Machine" Sussman '96 suggested that considering "the way Harvard's team is playing, maybe they can find a few subs here."

"B" League West: Stocked with 3Ls, Death Squad is playing like it's on a mission. Not a "Shawn Bradley" kind of mission, either. Spence-Air won a tight one over Mo Knows, as did Gooch's 2-Headed Johnson over the J-Men. Full Tort Press, led by the legendary Jon "Up and" Unger '95, is another hungry 3L team; these guys let their fundamentals do the talking. In Living Color provides the league's only all-female team and a louder cheering section than the Garden most nights. The story of this conference may be the blood feud between (Squiggly Unpronounceable Symbol) The Team Formerly Known as Levitt and David Levitt '96 himself, who now plays for Gooch. Said TFKAL's Tim "Official Press Agent" Elliott '96, "We don't care about wins and losses. They're irrelevant. We just want to hurt Levitt." All in the spirit of good fun.

"A" League: Both games Saturday morning were nail-biters. The Ball Handlers played a strong first half and held on to beat 3L, despite five points from Oleg Vyadro ('95) in the final minute. "They're a taller team and we managed to out-rebound them," said Pete "The Fighting Badger" Underwood '96. Oleg was thinking about more than the game: "If they add the salary cap, we're going on strike."

En Fuego took a close one over the mostly 1L First Time Offenders. Reportedly, there was no love lost between these teams from pickup games, but things seem to have been smoothed over. Jake "Skills" Schwarz '97 of En Fuego battled inside with the impressive Chris Handy '97. FTO captain Calvin Gladney '97 noted, "the A League is going to be tough. There's no clear favorite." Teammate Brian Murphy '95 reported that Jake left the gym screaming, "Who's next?"

Intramural Basketball Standings as of Sunday, February 12

TEAM NAME	WON-LOST	TEAM NAME	WON-LOST
"A" LEAGUE			
6. Ball Handlers	1-0	7. All Guards	0-0
4. En Fuego	1-0	1. Black Plague	0-0
3. First Time Offenders	0-1	2. Well Hung Jury	0-0
5. 3L	0-1		
"B" LEAGUE EAST			
9. The Cunning Litigants	1-0	19. Spence-Air	1-0
10. Great Danes	1-0	21. Death Squad	1-0
12. The Sleestaks	1-0	22. Gooch's 2-Headed Johnson	1-0
16. Stone Cutters	1-0	23. Full Tort Press	1-0
14. Sweat Hogs	1-0	27. & The Team FKA Levitt	1-0
8. Grizzers	0-1	18. Mo Knows	0-1
17. Hanson's Heroes	0-1	20. Holmes Boys	0-1
15. HLAB Hoopers	0-1	24. In Living Color	0-1
13. Intentional Foul	0-1	25. J-Men	0-1
11. Rich Cundiff: Go-to Guy	0-1	26. TEAM	0-1

Compiled by Doug Cooperberg

FOOD - O - RAMA

Big Food, South End Style



By Ted Cohen '95 and Jonathan Goldstein '95

Restaurant Guys

BOSTON's South End is rapidly becoming the Soho of Beantown. With its neon-lit bars, its trendy bistros, and its countless up-market coffee joints, the area around Tremont and Columbus offers some of the hippest food and drink this side of Houston Street.

Case in point — **Geoffrey's Cafe/Bar** (578 Tremont; 266-1122). Here is a bistro that successfully combines solid, well-executed dishes, mammoth portions, and stunningly friendly prices, all in a setting that is cool yet comfortable. We stumbled on the place more or less by accident. But we keep going back.

A quick glance at the menu explains why. To begin with, nothing costs more than \$12.95, and most items are priced around \$9.95. It all sounds pretty good, too: fettuccine with shrimp and smoked salmon, chicken and dumplings, shrimp and calamari salad, grilled flank steak — this is comfort food with panache. And, if you're expecting dainty servings, a look at your neighbor's table should dispel any worries. Those plates are huge.

Start out by digging into some of Geoffrey's home-baked bread. When we've visited, it's been crusty white, still steaming from the oven. A nice companion to any of the saucier entrees.

You should probably ignore the starters for the most part (the exception being

In short, Geoffrey's really has got the science of eating nailed. Two starving people could share a large salad, move on to separate entrees, and meet again over the broad expanse of dessert, for under 40 dollars and — I guarantee it — have enough left over for lunch the next day.

the spicy grilled shrimp (\$6.95) — six tender shrimp, seasoned with hot pepper oil and served with black bean salsa, and jump right into the so-called "bistro fare." This is where the real bargains are to be found. An oven-roasted half chicken (\$9.95), though not as crispy-skinned as we might have liked, was tender, and the heap of roasted garlic mashed potatoes that accompany it was sinfully delicious (lots o' butter and cream). And at that price, it's hard to complain. Beef Bourguignon (\$9.95) comes in a vessel the size of a punch bowl and is filled with steaming hunks of tender, juicy meat piled over more of those garlic mashed potatoes. It'll warm your soul while it clogs your arteries. A little less exciting, but no less big, is the hearty seafood gumbo (the only dish to reach the "outrageous" price of \$12.95): a mound of whitefish, calamari, shrimp, and scallops cooked with carrots, tomatoes, celery, leeks, and herbs. The white rice that it's served on is a bit soupy, and the spices are a tad weak given the New Orleans roots of the dish. Mo' cayenne peppa, that's our motto.

Another of Geoffrey's signatures is the Grilled Brazilian Steak Salad (\$8.95); a good choice if you decide to stray from the bistro fare. Over a mound of fresh mesclun that would throw Martha Stewart into orgasmic paroxysms (Dear God, no. — Ed.), the chef serves sweet, near-caramelized grilled onions, sharp and fragrant goat cheese, and an extremely generous portion of spice-and-vinegar rubbed grilled steak; with its wonderfully balanced balsamic vinaigrette, this is a dish worth twice the price. We can also recommend the "Classic Caesar" (\$5.95), which indeed tastes more classic than most of the watery, institutional Caesars you get these days: the dressing has the punch of anchovies and parmesan. No gussied-up ranch dressing here.

Geoffrey's also serves sandwiches; one is made with more of that excellent Brazilian-style steak; another inspired idea is the warm roasted chicken sandwich served with pecan cornbread stuffing and cranberry relish. All sandwiches are \$6.95.

But if there's one thing you should take away from Geoffrey's, it's a memory of dessert. On top of the 10 or 15 homemade desserts listed on the menu — everything from Lemon Ice Box Pie to several lethal chocolate contraptions — there are also a number of daily specials. The specials are \$5.75; prices vary for others. We had Vic's Chocolate cake; it was — honestly — the largest piece of cake we've ever had set down in front of us. (Geoffrey's would be a great place for a birthday.) Ted passed out just looking at it. But when he came to, the classic chocolate cake was still warm (it arrived at the table fresh out of the oven), its veins of melted dark chocolate oozing onto the plate. The fresh, homemade whipped cream and sprinkling of fresh blackberries were unnecessary but welcome additions.

In short, Geoffrey's really has got the science of eating nailed. Two starving people could share a large salad, move on to separate entrees, and meet again over the broad expanse of dessert, for under 40 dollars and — I guarantee it — have enough left over for lunch the next day. The pleasant service, funky surroundings, and proximity to some cool bars (Anchovies, the Delux, Wally's) make Geoffrey's a great launching pad for an evening of excess.

RATING: ☆☆1/2

Harvard Law RECORD

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The Bell Curve: Part II

"The Bell Curve" is a very sober, very thorough, and very honest book — on a subject where sobriety, thoroughness, and honesty are only likely to provoke cries of outrage." It might come as no surprise that those words were written by economist Thomas Sowell in the February issue of the conservative American Spectator.

It might surprise you to know, however, that Sowell does not let his admiration for most of the controversial work by Charles Murray and the late Richard Herrnstein get in the way of a thorough and piercing critique of some of their analysis. While those who have actually read the book know it is not primarily a book about race, race is what has generated the tremendous controversy that surrounds it. It is precisely those racial conclusions with which Sowell takes issue in his article.

Drawing on his own research, and that of others in the field, Sowell revisits the mysterious "Flynn Effect," which results in an across-the-board raising of the raw scores of all test takers in a given category, over time. Since each group's scores are normed to a median of 100 for comparison purposes, the Flynn Effect is invisible to anyone not looking at raw scores. The fact is, though, that while raw scores of white test takers are higher than raw scores of black test takers today, they are also higher than scores of white test takers 20 years ago.

As Sowell sagely notes, "One of the first things taught in introductory statistics is that correlation is not causation. It is also one of the first things forgotten, and one of the most widely ignored facts in public policy research." If the scores of blacks and whites today differ by no more than scores of whites today and whites in the past, then it is more than hasty to conclude that race plays a role in explaining that difference. Sowell also points to the experience of other immigrant groups who initially scored poorly on IQ tests, but whose scores rose dramatically within a few generations, to suggest that any race-based explanations of IQ differences between testing groups are inconclusive at best, and misleading at worst.

But perhaps the most interesting aspect of Sowell's article has nothing at all to do with IQ tests: The telling point is that it took a conservative to make this response. Sowell's calm but vigorous counter to the racial conclusions of "The Bell Curve" demonstrates the extent to which the political left has abandoned its role in public debate. While pundits and pols on the left scream, "Racism!", the right has managed to begin a genuine inquiry into the truth of the matter. If the left can only protest and hurl accusations while the right conducts an open and vigorous discussion, then the left will quickly forfeit whatever remaining credibility it has to speak on the subject.

— Lank

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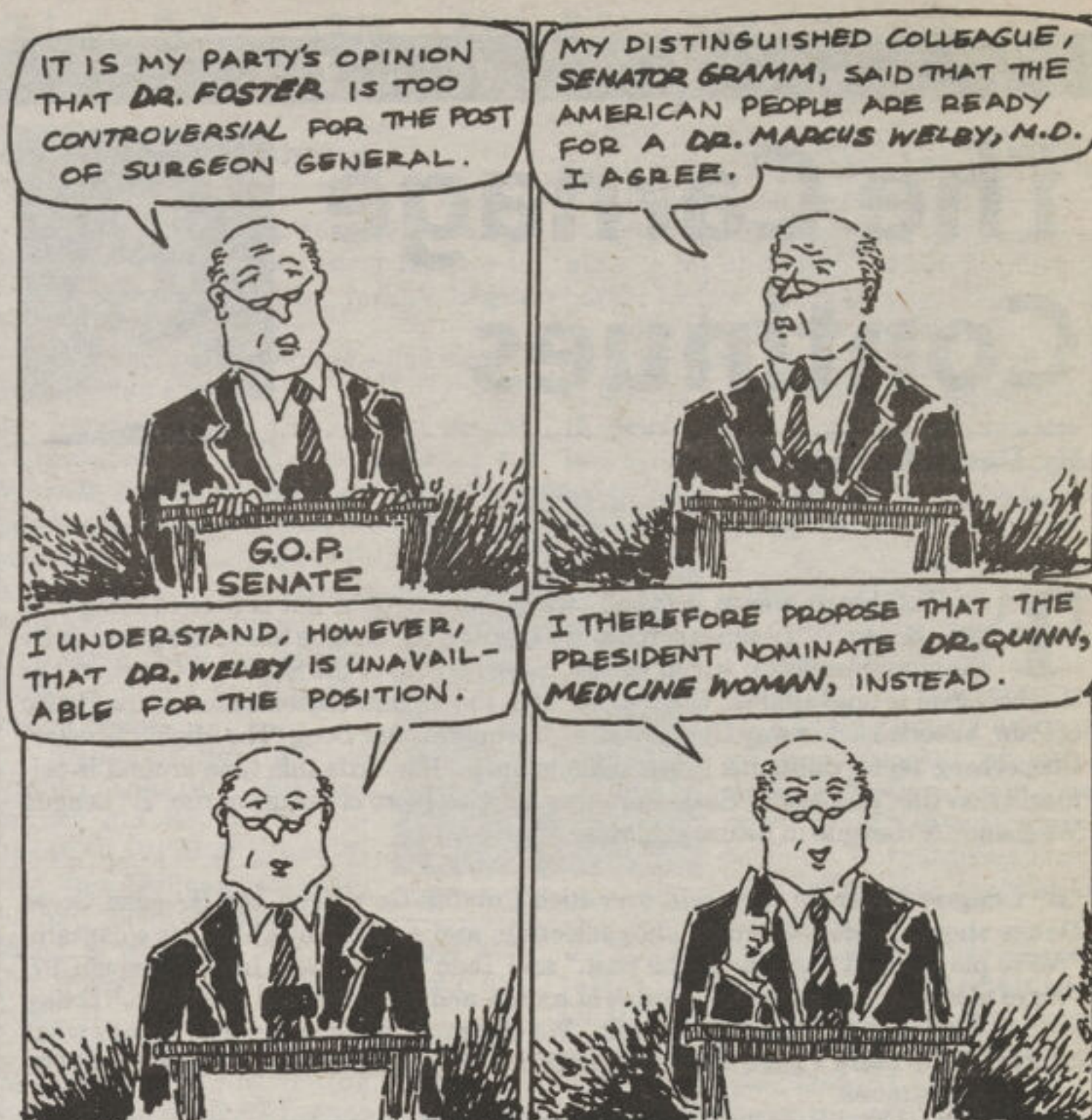
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Think

"The Bell Curve"

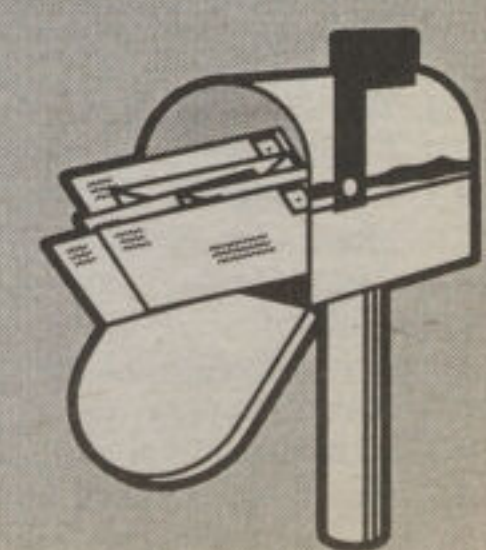
doesn't ring true?

Tired of cynics busting on Valentine's Day?

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Write to the RECORD!





Life in a Big Law Firm

By Hillary Mann '94

HE jumped off an 18-story building, and I felt kicked in the stomach. He was Charles Ford McKenzie, Yale Law School, Big Law Firm, fighting off life. I didn't know him, but I knew this: it could have been me, Hillary Prudence Mann, Harvard Law School, Big Law Firm, fighting off death. I think it could have been any one of the 500 or so Harvard Law students I graduated with this past June. I also think it could have been any one of the hundred or so young associates in the law firm I joined two months ago.

Just before graduation, I remember joking that I wouldn't attend to hear the keynote speaker, Justice Blackmun, deliver our eulogy. Some of my classmates laughed, others turned an ugly shade of green as the notion set in: graduating Harvard Law School was not the end of mean, twisted men in tight suits berating us into oblivion, it was just the beginning of life under the cudgel. A lot of us couldn't tell whether the light we saw at the end of this tunnel was the paradise of high salaries, expensive food and flashy cars or the front of a mega-ton train speeding toward us.

But after two months with a Big Law Firm, I no

longer see that light — whatever it was — and I hope I never will. I just enjoy my job for what it is, and I love the people. But it's a constant struggle in which I repeatedly tell myself, this is not a sprint, it's a marathon that requires self-discipline, rest, and an understanding of what works for me. When the job is



slow, I tell myself, go home, don't stay in the office just to be seen. I try hard to stay involved in the activities I enjoy, and I take pride in my individuality.

Still, I have felt what Charles McKenzie is said to

have felt. I think about what Stephen Vincent Benet once said, "All of these you are / And each is partly you / And none of them is false / And none is wholly true." I have felt the isolation and the inferiority, so much so that it hurts to think about it.

Some of Charles McKenzie's colleagues pointed out with vindication, "He had a choice, he could have left." Others proudly declared that it just goes to show that this is a tough profession, and only the toughest make it. Their sentiment reminds me of a case I read in my first year at Harvard Law: a man who worked in a factory that kept its sharp cutting tools, for lack of space, hanging on the wall above where he worked, complained that he was afraid the tools would fall on him and cut his head open; his employer and colleagues simply replied that he had assumed the risk of injury when he took the job, and he was always free to leave.

Yeah, right. My law school experience taught me to be detached, objective, and impersonal in analyzing this type of argument. But I learned just the opposite: I am a human being with real-life experiences that shape the way I see things. Now, in the Big Law Firm, I try to use the strength I have from my experiences, my individuality and my humanity to get me through the day, because what happened to Charles McKenzie — Yale Law School, Big Law Firm, dead — was not an aberration.

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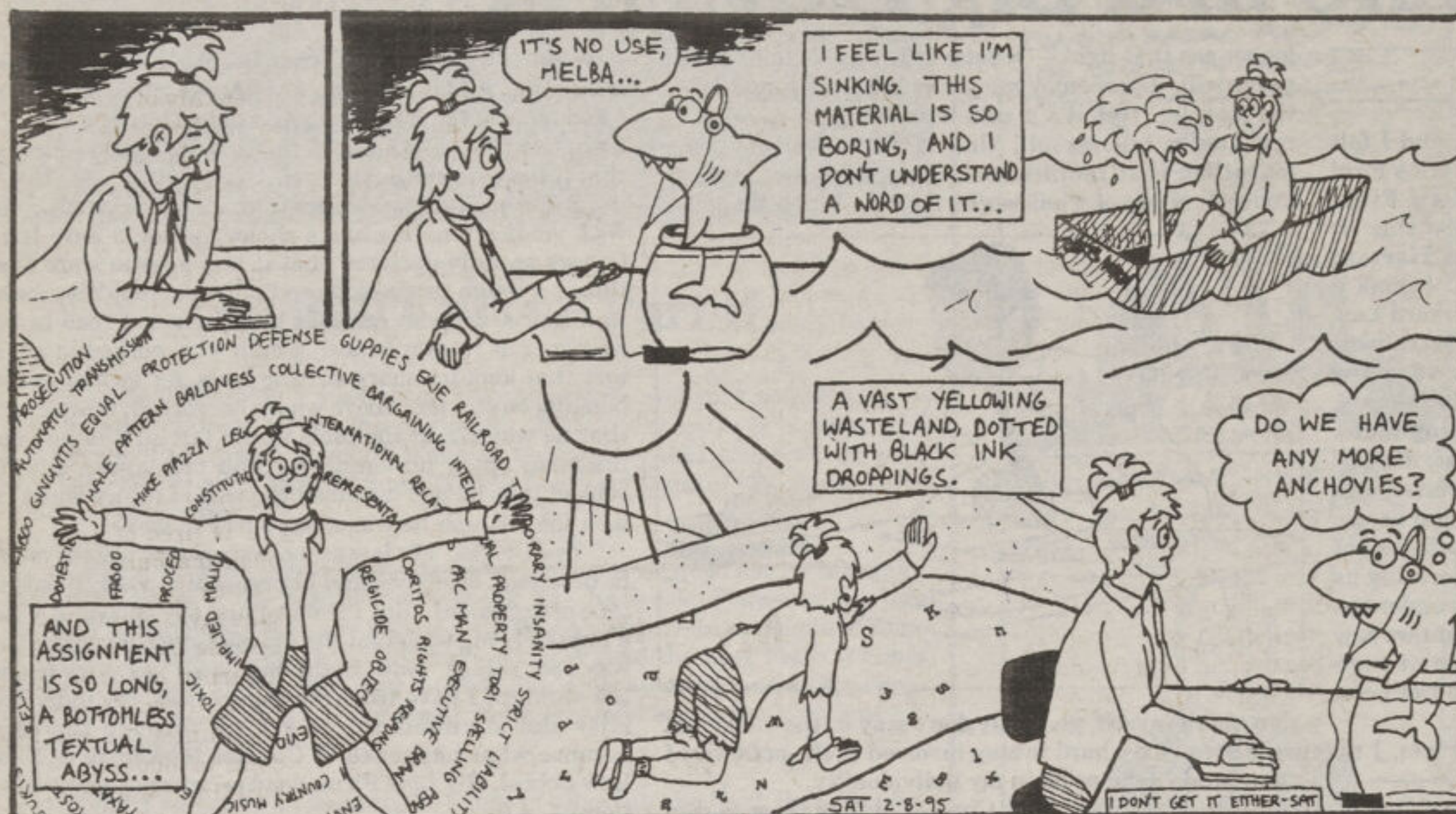
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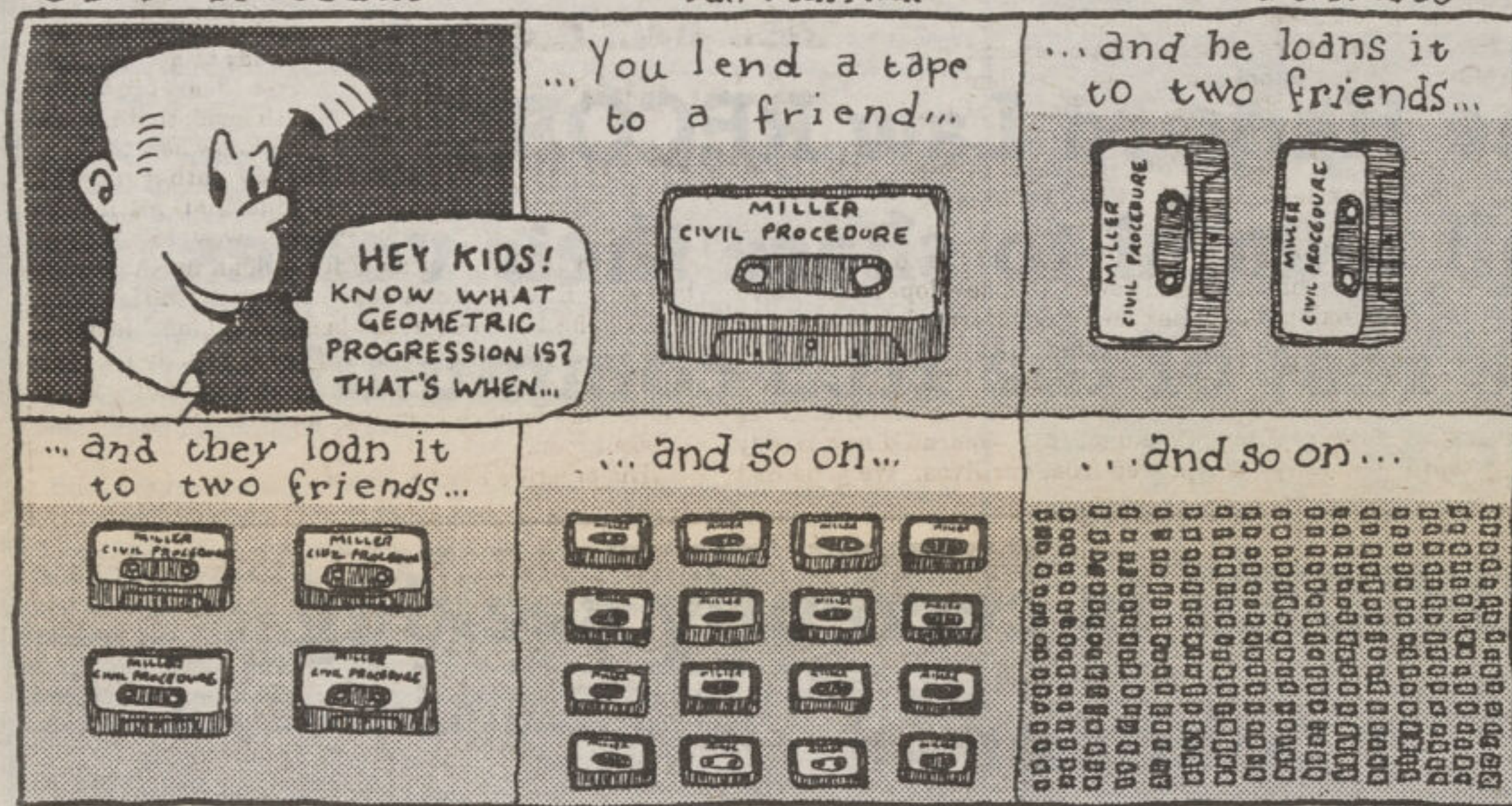
By Sheila Tuller



Civil Procedure

"Fun with Math"

M.J. Kelly



Lien On Me

By Justin Weiss

1L Out-Forecasts Famous Groundhog

Renowned Pennsylvania groundhog Punxatawney Phil did not see his shadow this February 2, which means we should have experienced balmy spring weather thereafter. Instead, we got teeth-chattering cold and the season's first blizzard. Evidently, Phil isn't cut out for the forecasting business.

Fortunately, a 1L is. California native Denise Dossen held off buying her first-ever

heavy down jacket for the entire first semester—until just before the recent cold snap. As soon as Denise donned her new parka, snow fell and mercury plunged.

On Groundhog Days to come, ignore the little furball. For accurate weather predictions, your only question should be: What's Denise wearing? As the accompanying chart shows, she's even got the right credentials for the job.



Punxatawney Phil



Denise Dossen '97

Alliterative name	Ditto
Tunnels underground	Uses the tunnels
Eats wood and bark	Eats Hark food
Sleeps through winter	Naps a lot

Koby Antupit

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CALENDAR

Lawyers. Guns. and Rocking Chairs

by Jeff Bucholtz

First Hell froze over, and now this: in any ordinary week, Warren Zevon would be a no-brainer for dinosaur-of-the-week honors. But this is no ordinary week, as Zevon's miraculous resurrection out of cryogenic suspension is eclipsed by the truly appalling spectacle of the Jefferson Starship Acoustic Voyager.

Close your eyes, and visualize a bunch of drugged-out, hairy, unwashed, incontinent, peace-and-love spewing hippie leftovers crooning "we built this city on drool, 'cause we're senile, and we suck" — aargh! Someone bring me a bucket!

The Starship alights for the Great Nursing Home in the Sky at Lupo's (401-272-5876) in Providence on Sunday (2/19), and Zevon rises from the dead at Spotlights (331-2200) in Weymouth on Saturday (2/18).

In brighter news, ex-Spacemen 3 frontman Sonic Boom will create one as his new band Spectrum brings its free-form, arch-mellow guitar dronings to the Middle East (497-0576) on Friday, with Air Miami, who feature members of the late and lamented DC art-punk outfit Unrest.

At Mama Kin (536-2100) on Thursday (2/23), it's the German band HP Zinker, with Fuzzy opening. Zinker get a lot of noise out of their simple guitar-bass-drums format, and operate in the netherworld between psychedelic rock, grunge, and hard rock; I guess you could just call them "rock."

Despite not doing anything especially non-traditional, Zinker elude classification. The closest referent I can think of is the Fall, whose trademark ironic, deliberate vocal phrasing sometimes creeps into Zinker singer Hans' delivery. HP Zinker put on a great show at the Middle East last spring and are sure to repeat the performance this week as they debut their brand-new album.

On Friday (2/17), Mama Kin hosts the veteran punk band Pegboy, and local goths sirensong play at TT the Bear's (492-BEAR) with fellow Bostonians Orbit, a promising power pop band.

Fear aren't quite as old as Warren Zevon, but the seminal and utterly offensive LA hardcore band aren't exactly the bratty kids who released *More Beer* in the late 80s anymore, either. Fear test the comeback waters at Axis (262-2437) on Saturday (2/18), with Butt Trumpet. Who comes up with these names, anyway?

MTV's comedy troupe the State play their only area show at Brandeis (738-4750) on Sunday, and Beausoleil fete Mardi Gras at the Roxy (876-4275) the same night.

Even if you're not the charitable sort, Pit Report magazine's birthday benefit shows for the homeless newspaper Spare Change offer some cool bands from the local hard and fast scene. Saturday afternoon's all-ages bash features Shootyz Groove and 6L6, and that night's concert includes Zia, Holy Cow, and Grind. Both shows take place at the Middle East.

Fathers and Sons

by Debra Dickerson '95

RECORD Columnist



I came to know my brother through the stories he told me of his street life. His stories made me laugh near to hyperventilation, but what I most remember are the heartbreaking ones he told completely devoid of self-pity or rationalization. He always made himself the villain, no excuses. Listening, I laughed and cried at the same time. He is a natural storyteller. How can you grow up in the same house with someone and not know that?

He told me innumerable stories of the violence and degradation he both witnessed and endured at Stowe Elementary School. You would be shocked. But the one that encapsulates it for me is this:

In a rare moment of triumph, he'd hit a home run. The little girls cheered him; they loved the curly hair and pretty features he'd inherited from our mother. He flew around the bases feeling "like Babe Ruth, Deb." But this was not allowed. One of the boys who had developed a seething hatred for him, his neat clothes, and his neatly packed lunches waited for him at home plate. Bobby slowed down praying to be thrown out and avoid having to face the boy who hated him, who wasn't even in the game. But no one dared throw my brother out and draw this hateful boy's fire. The outfielders froze, the line drive dropped to the dirt, the little girls stopped cheering. Bobby ended up walking slowly, already defeated, to claim the home run he no longer wanted. When he shuffled on to home plate, this boy who hated him so much punched him in the stomach. Which wasn't so bad. But then he made him go all the way back to first base. Not directly from home plate. No. He was made to completely retrace his steps and undo, one base at a time, the one good thing that he had accomplished at Stowe.

He gave the story his best comedic spin, but that time, I couldn't laugh. Sitting in a Maryland kitchen 12 years later, I learned to hate that school where girls were gang raped in the boys' bathroom. Where a school board directive required teachers to travel in

groups so someone could run for help.

He told no one. He can't say why now.

Our father was a big, burly truck-driving former (never "ex") Marine. He fought on Okinawa in W.W.II. He rolled his own cigarettes for 40 years because filters were weak, and he died of lung cancer three days before my senior prom. He had a violent temper that built upon some small rule infraction and just kept growing until he was white hot with righteous fury. He sang beautiful baritone solos at church, and when he laughed his whole body shook. He would laugh and laugh, shaking uncontrollably, tears streaming down his face. He laughed with his whole body — when he laughed. Then, my parents separated when Bobby was nine and like many men, my father reinvented himself as a bachelor. Which was better, really, because he used to do that "Be a man" nonsense with Bobby, as if beatings would increase his testosterone production.

I suppose he was merely a product of his time: Depression-era sharecropping Jim Crow southern Baptist Tennessee. Life was hard. But it must be said that our father began the process of teaching his son that to be a man is to pound everyone around you into submission and to demand acknowledgment of your place at the center of, well, everything.

My brother did not take to his man-lessons well. First he became withdrawn and afraid of noises. If you reached toward him at dinner for the cornbread, he'd cover his head and cower. He developed this weird blinking thing. He committed bizarre, destructive acts like setting small fires and cutting holes in the curtains. We thought him strange. "What's the matter with that boy?" we'd ask each other. He infuriated our father. Then, of course, they separated and Daddy basically disappeared from our lives. We girls had

each other and our wonderful mother. My brother had six women, the gangsters at school, and rejection from the father he feared but still wanted to be with.

So my brother finished his man-training on the streets. My father and those hoodlums laid the foundation. Puberty did the rest. He got bigger and madder and stopped cowering. Sitting at our Maryland kitchen table, he remembered clearly the first time he fought back and the feeling of satisfaction entailed even though he was soundly beaten. I asked him why he decided to fight and he gave me the weariest, most dust-covered look I have ever seen outside the Third World. He spoke as if feeling again the weight of all that angry frustration and self-hatred. Inspecting his beer intently, he said, "You know Deb, you just get tired. All I knew for sure was, I was tired of gettin' pushed around."

Once I planned to take my brother to an upscale DC bar. But, it turned out that he didn't own a tie. Undaunted, I went door to door in my building and borrowed one. Then he annoyed me by walking around with it around his neck untied when I was ready to go. Finally he told me, brusquely ashamed, that he didn't know how to tie it.

My father taught him that hitting is the way to express

My father taught him that hitting is the way to express disapproval, that real men don't clean up their own messes. But he didn't teach him how to tie a tie.

disapproval, that real men don't clean up their own messes. But he didn't teach him how to tie a tie. Everything I learned about being a woman I learned from my mother, my hero, and I consciously pattern my life after hers. In contrast, my brother had to unlearn my father's teachings and train himself to be a decent man.

His progress has been rapid.



top where it says, 'Not To Be Used For Any Harvard Schools Whose Names Contain Vowels'? Use this form," she said, handing him a used phone message slip from the trash can at her side. "And be sure to get the signature in the right spot!"

By the time Fenno returned to the Divinity School, his class had been filled by cross-registering Business School students, so he had to sign up for a two credit seminar, "Santeria for Animal Lovers." He returned to the registrar with the instructor's name scribbled in blood on the "Urgent Message" blank of the form.

Annie Bombard signed disgustedly. "This class meets every Monday. What does the rest of your schedule look like?"

Since Fenno was taking a light semester, he only had one other course, meeting on Fridays.

Ms. Bombard's mood improved immediately. "What? You have an overlap? Both classes meet in the same week? I'll have to dock you three credits for that."

Fenno protested that he had fewer credits now than when he started.

"Well, you can always cross-register at the Education School . . ."

Quote of the Week

"I feel it is best for me to shut up and listen until I have everybody's take."

—Dean Clark, declining to comment on the LSC's pass/fail proposal.

Fenno needed to cross-register somewhere for another credit. He had been ejected from his Law & Literature seminar, having had the temerity to suggest to the CLS professor that instead of importing post-modern literary techniques of deconstructive analysis into the law, we should export Nino Scalia's "plain meaning" doctrine into literature. Then, argued Fenno, we'd all know that the white whale was just a white whale, after all. The professor was not amused.

So, Fenno knocked gingerly on Annie Bombard's door in the Registrar's office. He'd heard that Ms. Bombard did not like cross-registering students: That required her to turn her chair six inches to the right and file a piece of paper in her desk drawer — something she did not like to do.

"WHAT?" screamed Ms. Bombard, startled awake from her nap. "GO AWAY! I'M FILING!"

Fenno mumbled something about wanting to take a class at the Business School.

"NO!" she said through clenched teeth, darting a furtive glance towards her filing cabinet drawer. "The deadline has passed."

Fenno pointed out that the deadline for cross-registering at the Business School seemed to have passed before the Business School returned from winter vacation.

"That's your problem, not mine," she said. "It's not too late to get into the Divinity School, though," she snickered. "The forms are on the table."

So Fenno trudged over to the D-School, and got permission to take "Divine Law: the Case for Contingency Fee Ministers."

Annie Bombard had an evil glint in her eye when Fenno returned. "That's the wrong form! Can't you see at the

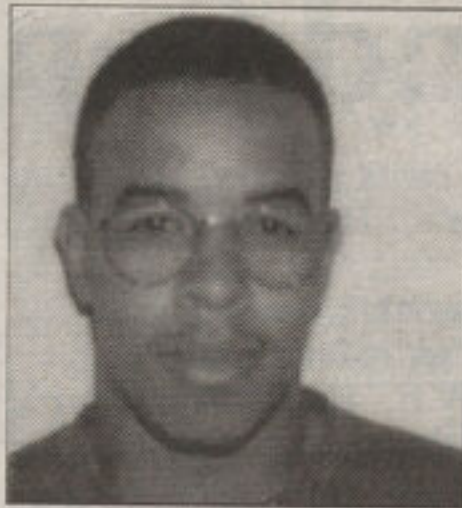
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A Lesson in Higher Learning

By K. Morrell Clay '97

Guest Columnist



THE "Winter of Our Discontent," a review of the movie "Higher Learning" written by Kendra Lee and Jeff Simes '96 (RECORD Jan. 20), expresses discontent with the one-dimensional complexity given to the characters in Singleton's film. The article asserts that the characters themselves, as well as the acts they performed, were unbelievable. The ultimate instruction provided is that "... John Singleton should ... relearn how to make great movies about realistic people facing realistic problems like 'Boyz'n The Hood.'"

Lee and Simes are correct about the existence of stereotypical characters throughout the film. However, it is a gross oversight to believe that John Singleton intended the characters in his film to be complex beings. They are purposefully monolithic — just as were the characters in another expose on stereotypes, "Do The Right Thing." Spike Lee's movie included the "Old Drunk," the "Sassy Puerto Rican," the "Italian Pizzeria Family" (that drove Cadillacs), the "Big Black Man with Radio," and the "Dirty Little Boys" who — if they were lucky — could live to be "Dirty Old Men" with names like "Sweet Dick Willie."

Singleton's movie had the "Black Boy on Athletic Scholarship," "White Racist Skinhead," "Black Quasi-Revolutionary," "Sensitive White Guy," "Liberal White Girl Afflicted with Guilt," and much more.

Singleton used these one-dimensional personalities in both films to destroy the notion of stereotypical analysis. Spike Lee piled stereotype upon stereotype to eradicate the notion of stereotypical classification. Most viewers realize that individually the characters are merely a one-dimensional array of personalities — offering, at best, prototypical responses to their social orders.

Yet a real human being would be far more complex, far less predictable. The tension in both films created by conflicting personalities — white vs. black racial pride in "Higher Learning" and Italian vs. black ethnic centrality in "Do The Right Thing" — led to explosive and climactic scenes that resulted in murder. Whether characters were burning down pizzerias or shooting rifles from a bell tower, the scenes were intentionally surreal. By condemning the acts of violence, one should condemn the formation of racial hate which sparked such acts.

It is true, however, that much of the film was contrived. It is equally true that the entire effort cannot be explained as an intentional mounting of stereotypes to destroy the notion of stereotypical classification. But to compare this film to "Boyz'n the Hood" and call the latter a movie about "realistic people facing realistic problems" is offensive. By saying this, one suggests that the problems and people in "Higher Learning" were not worthy or conceivable. "Boyz'n the Hood" was indeed a realistic movie with important topic matter. However, this film was about a black urban underclass that lived in the midst of nihilism, performing genocidal acts which perpetuated a self-fulfilling prophecy.

The point of this portrayal of the underclass was that these individuals' plight was so far below the norm that they had no chance of escape. The glimmer of hope that flickered in the character of Ricky — a hope of escaping to college — was extinguished, as was presumably inevitable. Realistic, believable, wrenching. But not many students in the law school, for example, can identify with drive-by shootings, Crips, Bloods, and "crack." The "Boyz'n the Hood" more often than not were different than the boys in your hood, to be distinguished even further from the boys in this proverbial hood (Harvard Law School), it would seem.

However, "Higher Learning" dealt with problems that were more student-oriented, more institutionalized. While most black students have never been the target of a drive-by, for example, black students are routinely harassed by campus security, similarly to the scenes in which Ice Cube and Busta Rhymes were asked for identification and their white colleagues were not. While I've never had a cop put a gun to my head and wish me to be a "dead nigger," I have experienced less overt racist acts in academic settings. Furthermore, I have had friends exploring their sexuality, others who were the victims of date rapes, and others — both white and black — who were leaning toward hating the ethnic other. To suggest that these problems are "unrealistic" is a denial of their very existence.

A better argument might have been that these complex problems were not given a complex analysis in the movie. To call them unrealistic, however, is an unacceptable act of mainstream imposition. Not only does this imposition of a mainstream standard of what is realistic deny human vitality to the characters and problems they faced, but it also hierarchically imposes an order of significance to the acts. This imposition devalues the covert and systematic abuse portrayed in "Higher Learning" in light of the murders which occurred in "Boyz'n the Hood." I'm not sure who is qualified to determine the extent to which one act is more or less pervasive, more or less deserving of portrayal.

This response does not say that "Higher Learning" was a great movie, or even a good movie. It does say that the shortcomings about which Lee and Simes wrote are shortsighted. It does assert the possibility that the one-dimensional characters were intentionally placed — suggesting that they could have been simply the vehicle for the account, or the means by which the audience was to "unlearn" what years of acculturation had taught them. In any event, the result of the placement of stereotypical characters was highly functional. Furthermore, this response asserts the extent to which the characters and problems they faced were quite lifelike, even if the unfolding of certain situations was either forced and unreal, or overdone and hence surreal.

Finally, this response regards the value judgment placed on the topic matter of one film over another as typically mainstream. Why would a Harvard Law student give credence to the war in the street but not the one in the classroom? Why would one type of social genocide be more comfortable, more real? "Boyz'n the Hood" was about a segregated community. Boys in the classroom, a.k.a. "Higher Learning," is about all of us (not to suggest that "Boyz'n the Hood" shouldn't speak to all of us as well). Which class — underclass or member of the classroom — kills itself (or so is the argument), and which class do you personally assist in its destruction through the "denihl" (denial) of its vitality?

Murray Discusses New "Elite"

continued from MURRAY, page 1

and become 10 to 15 percent of the population, he said. That coalition's characteristically high levels of political activism and wealth will make it very powerful, he said.

Murray said the new coalition would not be a problem, but for its fear of those in "the low element of the curve."

"The cognitive elite is getting real scared of the underclass," he said. "The fact is we are increasingly organizing our cities so that you can go to work ... and go home without ever going through 'that' part of town."

Saying nearly half the people below the poverty line are in the lower 20 percent on the IQ scale, Murray drew the conclusion that "life has become much more difficult if you are not [intelligent]."

He said he is afraid the United States will become a "custodial state," where the

elite will banish the underclass to areas similar to Indian reservations.

In response, Harvard University Professor of Geology Stephen J. Gould attacked Murray's view of intelligence and IQ as entities and criticized him for trying to downplay race.

"You can't say, 'Well I didn't mean it to be about race,'" Gould said.

He said that although the studies Murray used have merit, his conclusions are based on weak predicting factors. IQ is not the root cause of differences, Gould said.

"You simply can't construe intelligence that way," he said.

"The Bell

Curve' is an old argument. It's based on the premise that true equality of opportunity would stratify all of us," said Gould.

But, he said, "by a limit imposed from without, the falsely identified is within."

"The cognitive elite is getting real scared of the underclass," he said.

Progress Slow on Pass/Fail

continued from GRADES, page 1

wondered whether the dean should not have the power just to appoint someone to expedite the process.

The delay is also a matter of priority-setting, said Clark. "It was hard to staff the committees we had to have at the beginning of the year," he said.

Those committees include the faculty Introduction to Lawyering committee and committees to restructure the first-year curriculum.

Lindseth says he is not surprised that student concerns get low priority.

"Personally, I think this is an important issue," he said. "I'm not sure that the dean does."

Lindseth said he is particularly worried the committee's exclusive faculty composition might limit its perspective. He said he prefers the formation of a joint student/faculty committee, which could survey a broad cross-section of the community as well as employers' reaction and attitudes at other law schools. Given that the faculty which must approve a grading system change, said Lindseth, "maybe all that matters to the dean is faculty opinion."

While "starting with the faculty makes sense," said Lindseth, "I'd be sad if that's where it stopped."

Although the three-person committee

will be the first to focus exclusively on the grades issue, the faculty's Legal Education Committee did a "quick and dirty faculty survey" by sending out questionnaires to the faculty last spring, Clark said. Its findings, however, were incomplete, and the committee did not make any formal recommendations, according to Clark. Because of the partial response, Clark said he decided to form the three-person committee to study the issue more in depth.

Epps said he hoped the administration would seriously consider the findings of last year's LSC proposal, based in large part on a survey of HLS students on their preferences for a grading system, as well on as employer reactions.

"It is a first-class job," said Epps, referring to the proposal, which was completed before he joined the council. "All the work done is incredible. The effort students made, including the contact with the other law schools and employers, is impressive."

According to the LSC survey, students preferred a three-tiered honors/pass/fail system as opposed to a straight pass/fail system or a high honors/honors/pass/fail system.

"Students felt that a pass/fail system did not allow for enough differentiation between students while a four-tiered system was too much like having A's, B's, C's, and D's," said Lindseth.

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NO MSG!

Law and Motherhood Can Mix

By Debbie Sughrue '95, Beth Kissinger '95
and Debbie Dickenson '95

Guest Columnists

ALTHOUGH our lives are busy, we felt we had to respond to Diane Klein Mahaffey's recent comments regarding motherhood at HLS (RECORD Dec. 2, 1994, and Feb. 10, 1995). As three 3Ls with four daughters (17 months to 10 years old) between us, we read the column with equal measures of interest and concern. While we would never want to claim that there is one view of motherhood at HLS, we found that our experiences over the past three years have varied significantly from those of Ms. Klein Mahaffey.

Ms. Klein Mahaffey calls herself a "pioneer," comparing herself to the first woman, first openly gay student, and the first Jew at HLS. While she may feel isolated, she is by no means the first mother to attend HLS. We are just a few of many mothers who have attended HLS, a tradition that hails back at least to 1956 when Ruth Bader Ginsburg was here with her infant daughter.

Ms. Klein Mahaffey describes herself as a "second-class citizen at Harvard Law School," with experiences comparable to racial or ethnic minority groups. While we unfortunately do still live in a society with pre-set notions of gender roles, as mothers we have not faced the types of prejudices at HLS historically experienced by the groups she lists. Nor have we experienced disrespectful treatment by the administration, and many professors and classmates have been helpful, interested, and accommodating to our perspectives and needs. While there are no changing tables in the bathrooms, the Office of Career Services does offer baby-sitting during interview season, and Harvard provides the Harvard Law School Child Care Center with rent-free space on Everett Street. We also are appreciative of the efforts Sally Donahue in Financial Aid has made to ensure sufficient supplemental support for our families.

Is there room for improvement? Of course. We hope, for example, that well before our daughters come to HLS there will be an emergency child care facility, and subsidized daycare for students' children. But these are concerns of many working parents, regardless of race, ethnicity, or gender.

Ms. Klein Mahaffey complains that there are no "facilities which would make it possible for [her] to participate fully in the HLS experience." She asks for more "logistical support." She is right, there is no on-demand daycare, nor is it appropriate to bring children to many student activities. But all parents have to pay the "kid tax" to attend events in which they are interested. She bemoans the fact that she may have less than one week's notice of her Ames group meeting time. However, it is part and parcel of being a parent that your schedule must be rearranged at a moment's notice. In fact, we view a few days' notice of a meeting as a luxury. Student schedules are flexible, and we have found that by letting our classmates know of the demands of our family ahead of time, we have been able to work out meeting times convenient for all. We hardly feel like we are being treated as "second-class citizens" for having to arrange child care to attend cultural events, restaurants, a quiet night out with our husbands, or any HLS activity we wish to attend. Even given our limited student resources, the "kid tax" is not a significant disincentive to enjoying our lives.

Ms. Klein Mahaffey misapprehends that most HLS student parents enjoy the benefit of a stay-at-home spouses, who are supported by student loans. We do

Legal studies are not and should not be all-encompassing. Having children has forced us to balance our lives and to make time for activities purely for personal enjoyment.

not know how she collected her data, but most of the husbands and wives of student parents we know work full time, and then some. Our husbands include a special education teacher, a prosecutor, and an Harvard Business/Kennedy School student. And even when a spouse does work full time, the costs of HLS and children combine to make loans and even part-time jobs of our own a necessity for many of us.

We also were distressed by the tone of Ms. Klein Mahaffey's article and letter. She seemed to believe her status as a mother can work only to her disadvantage, and blends with "nothing." In fact, despite the demand on our time, we have found that being mothers at HLS has been a distinct advantage. Legal studies are not and should not be all-encompassing. Having children has forced us to balance our lives and to make time for activities purely for personal enjoyment. We will probably graduate with more joyful memories of our time at HLS than many of our colleagues. As Ruth Bader Ginsburg noted last year, having a daughter while in law school reminded her daily of the importance of having fun.

Of particular interest to us was Ms. Klein Mahaffey's lament that there were "no 'role models' in the 2L and 3L classes." Our status as mothers may go unnoticed on a daily basis, since for most of us, HLS is not our life — it is merely training for our future careers. Our lives outside of the law go on, providing each of us with a balance and unique perspective that enhances the time we do spend here. For example, it is difficult to be unnerved by the Socratic method, because even the most demanding professor is no match for a persistent toddler. Issues of faculty diversity, student integrity, and of course exams concern us, but the needs of our children come first. So, we may not be the ones sitting in at the dean's office, breaking the latest scandal, or leading study groups. But we feel our presence has been felt nonetheless. Our comments relating to our family experiences are well-received and appreciated during class discussions by professors and classmates. We all received numerous summer and permanent job offers from prestigious law firms of our choice, despite being "openly fertile." So as for "role models," many have gone before us and several are here today. Collectively, we all are accomplished women, with successful careers behind and ahead of us. And we are here for her if she wants us.

"Hunk of Burnin' Love"

By David Law '96

Guest Columnist



WELL, Valentine's Day has come again. Always a special day. Last year, I was lying face down on my floor listening to Nirvana. This year, I thought I'd take a nap instead. A nap is good, because I can minimize the sheer number of hours during which I am conscious. And there's always the chance that I'll die in my sleep.

I really can't say enough bad things about Valentine's Day. Complete strangers who ordinarily provide me with generic goods and services in an efficient and impersonal manner are suddenly entitled to harass and oppress me, just because I'm single. If I want lunch at the Hark, I can't just have "macaroni and cheese, with corn." No, it has to be called the "Hunk of Burnin' Love." Is this really necessary? As if I needed another reason not to get out of bed in the morning. Once, in college, I challenged an infuriatingly happy neighbor of mine to give me just three good reasons to get out of bed in the morning on any given day. This is what he came up with:

- 1) "Seeing a piece of art that moves you." (It's conceivable, but I rarely visit museums.)
- 2) "Hearing a song that moves you." (That would be "Loser," by Beck. *Soy un perdidor*.)
- 3) "Meeting the person of your dreams."

I'm sorry, but no. Speaking from personal experience, I'm more likely to be involved in an automobile accident. How about you? Tragically, Valentine's Day is a pernicious opportunity for precisely such sorry, deluded thinking to bootstrap itself into the collective unconscious, where it attracts the carrion of our weakness and

... now that we have become grown-ups, Christmas has simply moved back one and one-half months, and we call it Valentine's Day; but unlike Christmas, we're never going to get what we want.

longing, growing ever larger, breeding misery, spawning misbegotten hope. It was hard enough learning not to look forward to Christmas anymore. And we were so easy to please back then, too. Remember? For me, it was the G.I. Joe Mobile Missile System with the Colonel Hawk action figure. (Ah, to be a young and impressionable child in the 1980s again. To sleep soundly in the knowledge that Ronald Reagan loved each and every one of us and would defend us with laser beams, if necessary.) I got it. I was happy. Meanwhile, the grown-ups would say things like, "All right, an answering machine! Just what I wanted." But we knew they were pretending. I mean, as if anyone would ever want something as lame as an answering machine, or a microwave, or a halogen lamp. How wildly implausible.

But now that we have become grown-ups, Christmas has simply moved back one and one-half months, and we call it Valentine's Day; but unlike Christmas, we're never going to get what we want. That large emotional void in our lives that we try so hard to ignore from day to day — oh, say, by working hard, going to law school, doing the assigned reading, watching Melrose, spending money, drinking excessively, smoking crack — the void, it speaks to you. And it says: "Today is supposed to be special. But for you, it's not." Even those of you with the good fortune to be half of a perfect couple must ask yourselves: is it better to disappoint, or to be disappointed?

Granted, Valentine's Day may be valuable as one of the too few occasions we set aside for expressing our feelings. Again, however, "feelings," "emotions" and "self-expression" are potentially disruptive of the smooth and efficient exchange of goods and services on which a capitalist economy depends, and therefore are not to be encouraged. But I also would propose more egalitarian holidays in which the romantically challenged can participate, such as "Look Out, I'm Going To Behave Emotionally and Irrationally" Day, or "Listen Carefully, Because I'm Going To Tell You Exactly What I Think Of You" Day. I think these would be especially therapeutic for law students.

But why wait until some designated day to confront your inner demons? Begin now, with the help of the following reader participation quiz:

Reader Participation Quiz

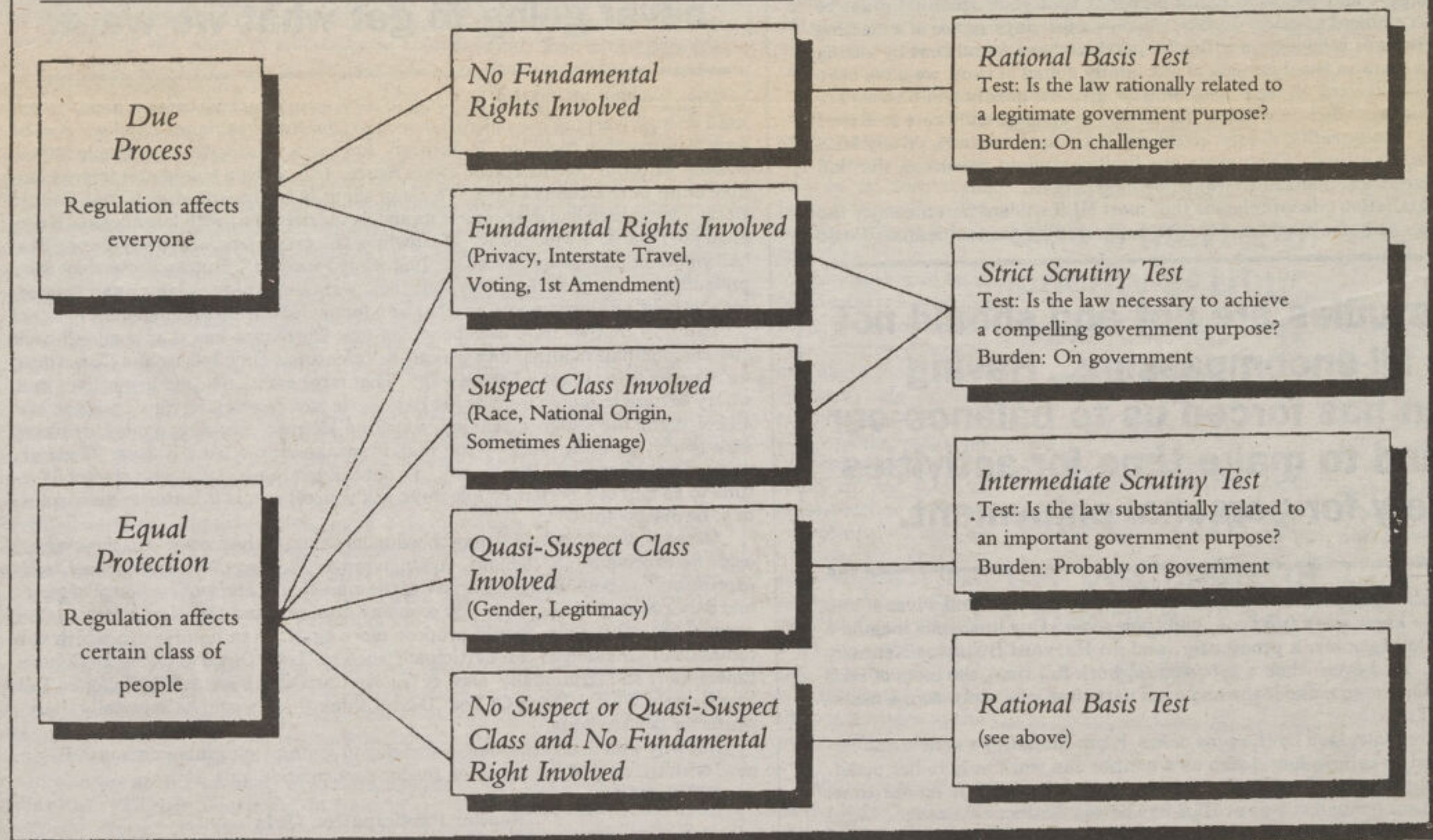
Dear Reader, which of the following best sums up your feelings about love?

- (a) The song by Jackson Browne that goes: "My heart must be getting smaller/ Am I the only who hears the screams/ And the strangled cries/ Of lawyers in love?"
- (b) The character of Benjamin Braddock as played by Dustin Hoffman in *The Graduate*: "You're the first thing I really like, all these other things just happened to me..."
- (c) "If it is true that there are as many minds as there are heads, then there are as many kinds of love as there are hearts." — Anna Karenina
- (d) The immolation scene in the film classic *Harold and Maude*.
- (e) From Douglas Coupland's *Shampoo Planet*, this advice, from mother to son: "[Y]ou will see your friends begin to die, to lose their memories, to see their skins turn wrinkled and sick. You will see the effects of dark secrets making themselves known — via their minds and bodies and via the stories your friends will begin telling you at three-thirty in the morning as you put iodine on their bruises, arrange for tetanus shots, dial 911, and listen to them cry. The only payoff for all of this — for the conversion of their once-young hearts into tar — will be that you will love your friends more, even though they have made you see the universe as an emptier and scarier place — and they will love you more, too."
- (f) "Our achievements may make us interesting, Tyler, but our darkness makes us lovable."
- (g) "Very fine is my valentine/ very fine and very mine." — Gertrude Stein

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