



Harvard Law RECORD

America's Oldest
Law School
Newspaper

35 CENTS

Volume 100, No. 7

Cambridge 02138

RECEIVED

Friday, March 17, 1995

MAR 17 1995

HARVARD LAW SCHOOL LIBRARY

Changes in Store for 1L Lawyering Program

By Greg Stohr

First-year Ames moot court will occur at the end of the fall semester, and all 1Ls will take a non-litigation lawyering course in the spring, under a new plan likely to be implemented over the next two years.

The shift is an attempt to inject more practical training into the HLS curriculum and, at least in part, is a response to student concerns, according to Associate Dean Todd Rakoff '75.

"A lot of students say the same thing: 'There wasn't enough training in research and writing and problem-solving, and when I got to my summer job I didn't know what I was doing,'" Rakoff said this week. "This is partially a faculty judgment, and it's also a response to students' own perceptions."

Rakoff currently co-teaches a 1L spring elective that focuses on negotiation, contract drafting, alternative dispute resolution and client counseling. That course, which includes workshops, would likely serve as a basis for the new spring course.

Although the new spring course would not become mandatory until at least 1997, the Ames shift is planned for next year, Rakoff said. Profs. Charles Nesson '63, Charles Murray '67, Diane Ring '90, and Arthur Miller '58 are scheduled to teach the classroom component of the fall course.

"That is the plan at the moment," Rakoff said.

please see BSA, page 11

Hot topics, Cold Food Students Talk with Dean at Breakfast

By Katrina Campbell
and Josh Strathman

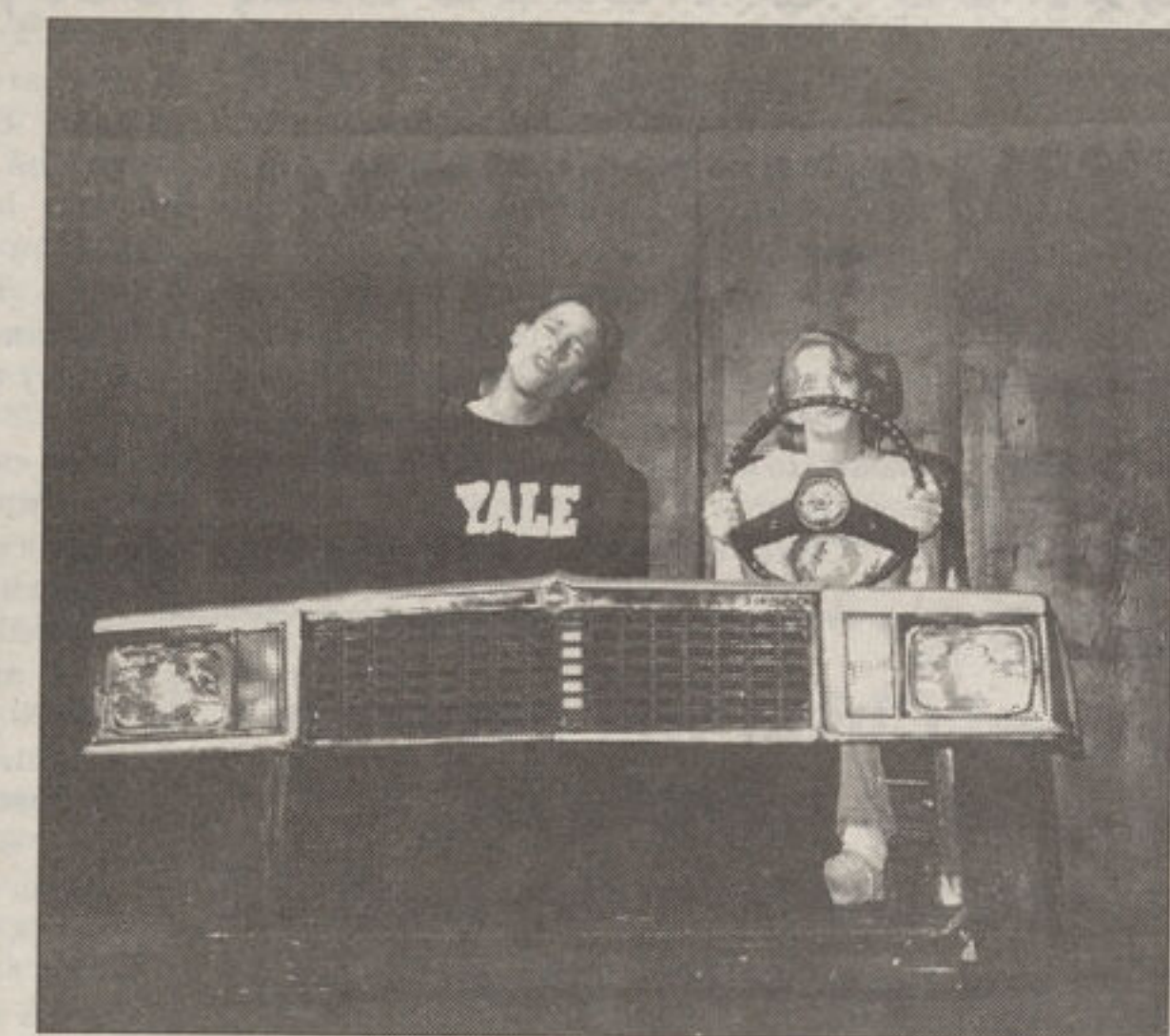
Have you had your Wheaties this semester?

With Dean Clark '72, that is. "Breakfast with the Dean" these days is more than just cold bagels and coffee — it's a chance for students to serve up their views and visions for the Law School.

When the RECORD sat in on a breakfast rap session this week, we found students hashing over a few primary issues: student life, financial aid and HLS's academic structure.

Money

Some students felt loans have drawn them into an abyss



Erik Lindseth '95 and Laura Putney '95 starred as two lost Yale students in the Drama Society's Cocky Lawyer Picture Show last weekend. For more photo highlights, see page 10.

Financial Aid May Face Congress' Ax

By David Weiss

HLS students may find it more difficult to finance their education in the future if current proposals regarding federal education financial aid programs are enacted, according to members of the Financial Aid Committee.

Although Republicans have not yet introduced a specific measure before Congress, various proposals regarding eliminating different aid programs have been discussed as a way of shrinking the federal deficit. One potential target is the in-school subsidy for Stafford Loans, which is projected to save over \$9 billion by the year 2002.

The Stafford Loan Program is an entitlement program, available to all qualifying students. In academic year 1993-94, 1,155 HLS students borrowed money through this program, according to Sally Donohue, Director of

Financial Aid at the Law School.

Also being discussed is the elimination of Title IV programs, including the Perkins Loan Program and the Federal Work Study Program, which is expected to save the federal government \$2.9 billion by the year 2002.

"[These changes] would have substantially less impact for law school students than for undergraduates, but it would have a substantial impact on HLS because many people borrow throughout law school," said Alex Tselos '95, one of the student representatives on the Financial Aid Committee.

Other suggestions include cutting only financial aid for graduate-level education, which would provide a total estimated savings of \$1.7 billion, according to Tselos. There has also been discussion of using half of the savings from the elimination of Title

please see AID, page 3

Is Prof. Lani Guinier Coming to HLS? Officials Remain Tight-Lipped About Rumored Hiring

By Hope Yen

As rumors fly that controversial civil rights advocate Lani Guinier is set to join the HLS faculty, officials close to the selection process are keeping their mouths tightly shut.

Guinier, a professor at the University of Pennsylvania Law School, was President Clinton's first choice for assistant attorney general for civil rights in 1993 but was forced to withdraw her nomination after her articles on minority voting power drew heavy criticism.

The Boston Globe quoted unnamed sources last week as saying Guinier was on the verge of accepting an offer to be a visiting professor here next fall. Invitations to be a visiting professor are often made with the intent to consider the candidate for a permanent, tenured position on the faculty.

An assistant to Guinier said the professor was referring all inquiries to Barbara Beck, spokeswoman for the University of Pennsylvania Law School. Beck said Guinier planned to teach at Penn next fall.

Dean Clark '72 this week would say only that he has been "negotiating" with Guinier about the visiting professorship offer.

"Let's just say I'm very hopeful," he said. "I'm hoping to have something definite to report in the near future."

Clark added that "I personally have read a lot of her scholarship, and I like it."

Michael Chmura, spokesman for the Law School, said, "She has not accepted an offer, but on whether there has been move-

ment on it, I can't comment."

Prof. Charles Ogletree '78, a friend of Guinier's who told the Globe Guinier was "extremely interested in coming," did not return several calls to his office.

Other HLS professors involved in the appointments process also refused to comment.

HLS has long sought to woo Guinier to the Law School, issuing an offer to her about three years ago to become a visiting professor. Derrick Bell, the former HLS professor who led the charge in the early 1990s to hire women professors of color, said in his recent book "Confronting Authority" that the Law School continuously passed up qualified candidates in the hopes of acquiring Guinier, an African American.

Bell recounted an Appointments Committee member's appraisal of a black visiting professor in 1991: "She's okay, but I gather the Appointments Committee may be thinking of extending a visit to Lani Guinier, a University of Pennsylvania Law professor with more practice experience."

Bell said this week that he had no comment on rumors of Guinier's appointment here.

Beck said Guinier has had several offers of visiting professorships — including those from Yale and Michigan — but that she has continually declined them.

"She really loves Penn," Beck said. "It's not surprising that all these people are interested. This is a woman who is a wonderful teacher and a great academic. The combination is something that any law school in the coun-

please see GUINIER, page 11

Law School Council Gets Off to a Running Start

By Victoria Kuohung

After an exhortation to "try to get things done quickly and efficiently, with as little delay as possible," LSC President Rob Simmelkjaer '97 and the new Law School Council got down to business Wednesday evening, deciding two motions about whether to fund student activities within the first hour of its meeting and closing with elections for committee chairs.

The first motion, concerning a proposed \$300 donation to the public interest auction to purchase alcohol, passed with little controversy. But the second, about donating \$200 to fund trips for two separate softball teams to an annual law school tourney, failed after debate over the LSC's financial relationship with other

student organizations.

Both issues, and the committee elections that followed, helped the 23 returning and new members test out the new Council.

"For a first meeting, this is pretty good," said returning

Representative Joe Ditzkoff '96. "Although there wouldn't be much of this stuff here if there had been quorum at the last two council meetings." The two motions were old business

which had been left over from the last administration.

Agreeing that the first meeting was "going well," Simmelkjaer said he "liked the atmosphere in here."

"People have been reasonable

about the appropriate and inappropriate roles for the Council," he said. "I've been impressed with how people who haven't been here before have caught onto what LSC is about."

A main point of discussion for the Council concerned its role in funding non-LSC student activities, a question highlighted by the motion — proposed by outgoing Representative Spencer Levy '95 and current

2L Representative Tim Elliot '96 — to fund HLS softball teams.

Ditzkoff, saying that the motion was "the silliest we've heard this term," said he dis-

please see LSC, page 3



Rob Simmelkjaer '97



SPRING BREAK!

NASSAU from \$419

JAMAICA from \$449

CANCUN from \$419



Includes: RT. airfare from Boston, 7 Night Hotel accommodations based on quad occupancy, hotel transfers. Taxes and surcharges are not included.

1384 Mass. Ave., Harvard Sq., Cambridge

617-497-1497

China's Growing Presence Too Important to Overlook, Says Panel

By Hope Yen

China must strengthen its legal institutions if the Communist Party hopes to survive the death of ailing leader Deng Xiaoping, experts said at the 1995 Harvard Asia Pacific Business Conference this past weekend.

But fears of a Soviet-style breakup of China are unfounded, they said.

The two-day conference, sponsored by both the Business School's Asia Business Society and the HLS Asia Law Society, convened more than 600 students from 40 universities around the country to hear leading scholars and professionals discuss Asia's rapidly growing influence in business and law.

Huang Yasheng, an assistant professor at the University of Michigan, said legal reform that stresses the enforcement of existing Chinese laws is urgently needed to help bring stability to the country after Deng dies.

Deng, 90, is widely rumored to be on the brink of death.

"Today's political picture is vastly more complex than 1976, when Mao Zedong died," said Huang, who is studying this year at Harvard's Center for International Affairs. "If the death of Mao Zedong ushered in an era of unprecedented economic growth, it is only logical that the post-Deng regime should lead to institutional reforms that deal with the aftermath of economic growth.

"It is simply unrealistic to hope that economic growth would automatically take care of problems such as corruption, bribery and socio-economic inequities."

Stanley Lubman, a partner at London-based Allen & Overy who advises clients on trade investment in China, also said stronger legal institutions are needed to combat widespread corruption and discontent in the country.

"China is in the midst of a serious

"China will become the world's largest economy in the next 15 years, with or without you and me," Yan said. "But it's up to you to make it better."

crisis of values," he said. "I am very concerned about large-scale corruption and bribery, which I think is going to get worse."

But though the Chinese government will find enforcing policies more difficult, China will not likely experience a Soviet-style breakup of the country, Lubman said, explaining that so far the country has made enormous progress in legal reform.

Richard Yan, managing director of Richina Capital Partners Limited, urged the audience to maintain perspective before passing moral judgments on perceived corruption and human rights abuses in China. He said U.S. businesses will be the ones to suffer if they refrain from trade opportunities.

"You can't put the same perspective in the United States onto China — corruption is getting less," he said, reminding the audience that China has turned itself around from the political and economic chaos of the 1960s and 1970s, during its Cultural Revolution, to become the fastest growing economy today.

"China will become the world's largest economy in the next 15 years, with or without you and me," Yan said. "But it's up to you to make it better."

The conference also featured speakers who addressed the growing economic clout of India, intra-Asian trade and investment, and the crucial role of arbitration and negotiation in Asian dispute resolution.

Michael Feder '96, president of the HLS Asia Society, said his organization decided to co-sponsor the Business School conference — now in its second year — because of Asia's growing legal role.

"The future potential of the Asian legal market is too significant to be overlooked," he said. "We believe that Harvard can lead the way in counting down to the beginning of the Pacific century."

Seeking Solutions to Asian Organized Crime

By Angelica M. Mooney

Secret societies, initiation ceremonies, violence, murder, drugs. Just another movie description about the Sicilian Mafia? Guess again.

The newest gangsters speak Chinese, Vietnamese, Fukianese, and other dialects so rare that it can take up to two weeks to translate a wiretap. But for the 1,000 law enforcement officers from more than 30 countries who attended the 17th Annual International Asian Organized Crime Conference last week in Boston, overcoming the language barrier is just one hurdle they face in combatting Asian organized crime.

Ranked second only to La Cosa Nostra on the Department of Justice's priority list, Asian crime enterprises have escalated into an international problem. For instance, more than 70 percent of the opium and heroin produced globally comes from Thailand, Laos, and Burma, collectively called the "Golden Triangle." Each year, about \$150 billion of heroin is sold in five continents by Asian criminal groups.

Other topics addressed at the conference were money laundering, commodity policing, witness protection, identification of firearms, counterfeit credit cards, homicides, new technologies, Vietnamese gangs, Chinese gangs, Asian gambling, and organized Filipino groups. The discussion also centered around the top three Asian criminal groups which, according to former F.B.I. Director William S. Sessions, are Vietnamese street gangs, the Japanese Yakuza, and Chinese criminal groups such as triads and tongs.

Asian Street Gangs: The Latest Problem

Street gangs are the latest manifestation of Asian organized crime. Emerging in 1965, after immigration enabled more Chinese refugees to

enter the United States, the Wah Ching became the first Chinese-American gang, with its base in San Francisco. Active gangs, with names like the Joe Fong Boys, the Asian Invasion, and the Hop Sing Boys, now permeate almost all major cities from Boston to Los Angeles, and are quickly spreading to smaller communities such as Paradise Valley, Arizona.

Particularly distressing to law enforcement agents is the degree of violence associated with these youth gangs. In July 1992, for example, the Fu Qing gang viciously beat a Chinese N.Y.U. student in Chinatown whom they mistakenly identified as a rival gang member. Over 20 gang members, armed with bats and knives, surrounded the student while one person smashed a lead pipe over the student's head and another sliced his leg in half with a machete. No one was arrested, however, because no one was willing to identify the perpetrators.

Chauncey Parker, an assistant U.S. Attorney in New York, characterized such "wanton, gratuitous, random violence" as typical of Asian gang violence. Especially among Chinese-Vietnamese street gangs, recent years have seen a significant increase in the number of violent predatory crimes. During one home robbery in Rosemead, California, Southeast Asian gang members pistol-whipped a 12-year-old Chinese boy because they believed the family had not handed over enough cash. In other cases, gang members have raped women in front of their husbands as their friends ransacked the house.

Asian gangs target Asian victims because many of their victims are reluc-

tant to report the crime and testify in court, either because of a culturally-based distrust of law enforcement agencies or because they have been threatened with reprisal if they turn to the authorities. Montreal Detective Mario Lamothe noted that gang members often take a family photo with them or other type of victim identification as they leave the crime scene.

Overcoming Barriers to Policing

Another difficulty faced by authorities is conducting surveillance and undercover operations. Although law enforcement agencies can count Asian Pacific Americans among their ranks, there are few police officers who speak Asian languages and who can infiltrate Asian gangs as informants.

Other methods exist, however, for combatting Asian organized crime. Patrick McCarthy, a specialist on the

Asian Crime Task Force in the Chicago Police Department, recommended finding out as much information as possible about the social and personal lives of suspected gang members. After suspects realize both what is known about them and

that they may be soon indicted under an ongoing investigation, they will often agree to become confidential informants in exchange for stalling the indictment as long as possible. This method frequently "creates an informant out of nothing," said McCarthy.

Law enforcement officers also advise treating everyone in the investigation as a potential informant. Despite oaths to never reveal gang secrets, gang members will often "flip" once they are faced with substantial jail sentences. For example, assistant U.S.

attorneys are beginning to prosecute Asian gangs as continuing criminal enterprises that violate 21 U.S.C. 841(b), which mandates a life sentence without parole.

Similarly, if gang members cooperate, prosecutors can file a substantial assistance motion which allows courts to lighten sentences dictated by the Federal Sentencing Guidelines, thus creating a powerful inducement for criminals to avoid life imprisonment by becoming informants.

Another important federal law which assists prosecutors in dismantling Asian criminal organizations is RICO, the Racketeer Influenced and Corrupt Organizations Act. RICO's main benefit is its ability to bring several defendants and criminal incidents into the courtroom simultaneously. According to Parker, this can mean bringing down a whole gang "in one fell swoop."

Partnerships Against Asian Organized Crime

In the end, the most efficient way to fight Asian organized crime may be through a partnership between local, state, and federal authorities. While local D.A.s and police provide the latest information about gangs in their cities as well as establish rapport with the Asian community, federal agencies can supply money, personnel, contacts, and expertise. This approach permits 24-hour surveillance and access to intelligence.

Developing a nationally coordinated effort and an international exchange of information helps streamline investigations and reduce duplicative research. As Sergeant Robert Montague of the Organized Crime Unit in the Philadelphia Police Department noted, networking between agencies may not stop Asian criminals but it will at least "make their life a little miserable." Keeping on top of the problem may be what it takes to eventually stop Asian organized crime altogether.

Asian crime enterprises have escalated into an international problem.

LSC Starts

continued from LSC, page 1

agreed with the proposal, noting that the funds would only be used by "about 10 people out of 1500."

"How do we then justify not funding the Federalist Society?" he said.

1L Representative Shahzad Bhatti '97 agreed, saying, "Where do we draw the line between this organization and other organizations?"

Speaking with the approval of the new board, outgoing Representative John Bates '95 said the LSC is an inappropriate forum for funding requests from other student organizations.

"You have to ask two questions: First, has [the organization] done that? And second, is the student organization sending all its members or just a few?" said Bates. In the three years I've been on Council, and to the best of my knowledge, we've never funded a student organization chartered under the Student Funding Board."

Elections for committee chairs were conducted at the end of the meeting, with three three-way races and every position contested—a sharp contrast to last year's elections when only one position was contested.

Scott Goodreau '96 will chair the Facilities and Student Services Committee, Tavan Pechet '96 will head the Academic Affairs Committee, Bhatti will chair the Programming and Public Service Committee, Chip Nierlich '97 will chair the Rules and Procedures Committee, and Dawn Robertson '97 will serve as secretary.

Author Urges Women Lawyers to Lead New Equality Movement

By April Rockstead

Women lawyers are uniquely equipped to lead a revamped women's movement, according to an HLS graduate who spoke recently in Cambridge and at the Law School.

Author Mona Harrington '60 said at a Cambridge Forum lecture last week that because women lawyers share a "common language," learn how to use debate and negotiation skills, and deal with people from many walks of life, they could provide the pivotal link across class lines to galvanize a new vision of women's equality.

Harrington, who also spoke at the Law School this week, said her vision of the renewed movement would focus on getting society to take responsibility for family commitments that have prevented women from advancing at work.

"Women have to operate as individuals at work, and race home and do the social work of the country," Harrington said at her Forum speech. "Women have a vested interest in changing this system. We have to think about working together to challenge the structure that's in place."

Harrington's talk at the Cambridge Forum tracked subjects discussed in her book, "Women Lawyers: Rewriting the Rules."

Women lawyers are particularly affected by tensions between "work rules" that require large time commitments for promotions and "family rules" that also impose substantial and unpredictable

demands on women's time, Harrington said.

Although the influx of women into the job force in the early '70s indicates women have made professional gains, the family responsibilities shouldered by women have prevented them from reaching the top echelons in professions such as law, Harrington said.

"We still have somewhere powerfully operating in this society the idea that women should be taking care of their fam-

"We still have ... in this society the idea that women should be taking care of their families, and should be at home," Mona Harrington '60 said.

ilies and should be at home," she said.

After-school programs, on-site child care, tax-credits for home care for children and the elderly, and other programs that spread the costs of caring for these groups could be implemented to ease the burdens on women, Harrington said.

Congress' recent drive to eliminate such social programs provides the potential impetus for a movement to counter the Republican attacks, Harrington said.

"The narrowing of public responsibility is the wrong direction for women," she

said, "which means that it's exactly the time for a concerted response."

Pressuring employers individually is unlikely to work, because women as individuals do not view themselves as in a position to make demands at work, Harrington said.

"The culture of a firm discourages this kind of thinking, this kind of talking, and this kind of organizing," she said.

Another obstacle to single employer reform is economic competition between firms, Harrington said.

"An individual law firm would have trouble with my proposals because it's in economic competition with other law firms," Harrington said. "This is not to say that individual law firms couldn't do this. But it would mean a lower rate of profit and compensation for partners."

Once a movement like the one Harrington suggests took effect, so that men and women shared social responsibility for care taking, men might be included in the coalition. However, in the meantime, women should take the lead, she said.

"It is important for women to do the defining and organizing because it's women who are caught in the problem and deal with the consequences of inequality," Harrington said. "I would hope, after those stages, that it could become a general movement."

Harrington noted that some women's bar associations are already starting to organize projects based on similar ideas, and that women lawyers who are interested in becoming involved might work through those channels.

Congress May Consider Financial Aid Cuts

continued from AID, page 1

IV programs to broaden the Pell Grant Program, which is currently only available to undergraduates.

The effects of eliminating the Stafford in-school subsidy would vary, depending on how students chose to handle the added interest payments. If students chose to repay the loans over the same period as they would under the current regime, the American Council on Education has projected that student indebtedness would increase between 15 to 50 percent per borrower, depending on the number and size of the loans accumulated and the length of time the student attends school.

For example, if a undergraduate were to borrow \$17,125 through the Stafford Program over a four-year period, that student's standard monthly payment would increase from \$210 to \$251, a 19.4 percent increase. If that same student went to law school directly after college and borrowed an additional \$25,500 in Stafford loans over a three year period, that student's standard monthly payment would increase from \$523 to \$672, a 28.4 percent increase.

If the same student chose to maintain the same standard monthly payment level as under the current regime, the undergraduate loan repayment period would increase by 3.4 years. In order to repay the combined law school and undergraduate loans in this fashion, the student would increase the repayment period by 5.5 years.

The third option available to that same student borrowing under the revised Stafford program would be to repay the interest while still in school. According to the A.C.E., this would decrease the funds available to the student in college by \$3,320, while the law school student's available funds would decrease by \$12,102.

"It's pretty stark in terms of your choices — stretch out your payment 5.5 years, or increase your payment 28 percent, or decrease the amount of loans taken out in school," said Yellow Breen '96, one of the student representatives on the Financial Aid Committee. "In any case,

you're facing a steep penalty relative to the present policy."

The Perkins Loan Program and the Summer Work Study Program are both block grant programs, where the federal government gives each institution a set amount of money to be distributed to the neediest students as determined by the school in accordance with federal guidelines. In academic year 1993-94, 365 students received Perkins loans while 34 received money through the Work Study Program.

"Both [Stafford and Perkins] are in jeopardy," said Donohue. "I don't think work study will be eliminated, but it certainly is on the table."

"I'm very upset about this stuff," she added. "You sit back and think there is this huge budget deficit and every program needs to give a little bit. And I certainly agree that's true. But education has already given a fair bit, and there has to be a continuing commitment to educate the public."

Impact of the Proposals

While such cuts would not affect HLS as severely as colleges or law schools with smaller endowments, they might have a significant effect on the financial aid system at the Law School. Based on statistics from fiscal year 1994, elimination of the in-school subsidy would mean that HLS would have to provide an additional \$1.4 million in order to prevent the students' financial aid pictures from changing. In addition, loss of the Perkins and Work Study Programs would mean that HLS would lose \$228,000 in direct federal contributions.

"It would be up to the faculty to decide if they wanted to restructure the financial aid system," said Breen. "Any restructuring would have to include LIPP [the Low Income Protection Plan], since the average loans of students going into LIPP would be higher."

Such cuts may prevent people from poorer backgrounds from attending HLS or getting a college education at all, according to Donohue. "People come out of poor socioeconomic backgrounds and may be

sophisticated in economics, but when it comes to getting a [smaller] award letter from the Law School Financial Aid Office, there is a shock factor," she said.

In addition, with the loss of aid programs at the undergraduate level, students entering HLS may already have large debts, leading to even higher debts upon graduation, said Breen.

"The issue here overall is one of access," he said. "If programs like this are eliminated, you could see your elite institutions become elite in a different sense, with graduate education only for the wealthy."

Even with these effects, Donohue and Tselos both indicated that they are more concerned about the impact of these proposals on undergraduate education.

"My particular concern is people trying to get into a two or four year college as an undergraduate," said Tselos. "Though any substantial cuts would be bad for the country."

Future of the Proposals

Similar recommendations to cut financial aid programs were advanced in 1981, 1987, and 1988, but were defeated by the then Democrat-controlled Congress.

"President Clinton has gone on record saying he's not going to cut student aid," said Donohue, although she indicated that this promise may not be fulfilled depending on the situation when the budget is passed by Congress.

The Alliance to Save Student Aid has been established by more than 30 education organizations in order to educate lawmakers on the impact of the current proposals. The organization has not only established a hotline for students to call congresspeople, but also has provided sample letters to send to Washington, D.C.

At HLS, the Financial Aid Office has published summaries of what the withdrawal of financial aid programs may mean for student borrowing. In addition, the Financial Aid Committee has discussed tabling in the Hark, although nothing has been finalized yet, according to Breen.

STUDENT FARES

LONDON	\$125
AMSTERDAM	\$215
PARIS	\$219
FRANKFURT	\$229
MADRID	\$249
BRUSSELS	\$199
MOSCOW	\$259
ZURICH	\$235
PRAGUE	\$229
EURAIL FROM	\$198

1/2 round trips from Boston. Taxes not included. Int'l Student ID may be required. Mix & match options available. Fares subject to change.



HARVARD SQUARE
1384 MASS AVE.,
CAMBRIDGE

617-497-1497

BRIEFS



Griswold's Legend Recounted at Memorial Service

The late law school dean Erwin Griswold, L.L.B. '28, S.J.D. '29, was remembered by colleagues as a legendary figure in Harvard University history.

At a memorial service for Griswold on March 10, speakers remembered him as a stern but caring dean committed to recruiting women and people of color. Under his leadership as dean of the law school from 1946 to 1967, HLS admitted its first group of women and initiated a nationwide movement among law schools to admit blacks and other students of color.

"In a world with so much passion and so little true conviction, Ernest will always remind us of what it means to be a truly principled human being," said former Harvard President Derek Bok.

Griswold was 90 years old when he died on Nov. 19, 1994. A former U.S. solicitor general, Griswold was one of only three lawyers this century to argue more than 100 cases before the Supreme Court.

Bok, Dean Clark '72 and Archibald Cox '34 were among the 200 people attending the service.

Steiker Testifies Before Congress

Criminal law Prof. Carol Steiker was in Washington recently urging Congress not to eliminate the "Miranda rules."

"The Miranda warnings serve the critical function of informing individuals of their rights when the government has put them in an inherently coercive situation," Steiker said in a Senate Judiciary Committee hearing on March 7. She was speaking in response to a Wisconsin judge who said the only factor regulating whether confessions are admissible are the voluntary nature of them.

The committee is considering a bill to get rid of the requirements of *Miranda v. Arizona* that a suspect being held must be notified of his rights. The bill, offered by committee chairman Sen. Orrin Hatch (R-Utah), also would kill the exclusionary rule, which disallows material illegally obtained by the government to be used against an accused person.

Hatch favors admitting all voluntary confession, and would allow victims of illegal searches to sue police for damages.

Peso's Fall Hurts Mexican HLS Students

The Mexican peso's fall translates into an uncertain future for Mexican students at HLS.

"My expectations of getting a good job and a good wage when I get back have been high for the past four years," said Alfonso Galindo, L.L.M. '95. "Now, suddenly, I don't know if I can afford to go back to Mexico, because I am in debt [from student loans] in dollars."

Galindo said although he remains committed to returning to his country, he knows his standard of living would be lower if he entered Mexico's present job market.

Bill Candelaria '95 echoed Galindo's concerns about returning home. Although his parents were planning to attend his graduation, he said "the cost of the flight, and the hotels, and just being in Boston during that week is expensive."

"The probability of them coming now is pretty low," Candelaria said.

The peso's value has been falling for weeks, in part because of political conflict and a loss of investor backing in the country.

—from the Harvard Crimson

Hauser Hall Wins Design Award

HLS's newest building is "the most beautiful building" in the Boston metropolitan area, according to the Boston Society of Architects and the City of Boston.

Hauser Hall will officially receive the 1994 Harleston Parker Medal today (March 17), when Dean Clark '72 joins the building's designers, BSA representatives and Gustave and Rita Hauser, for whom the building is named. Hauser, which opened last year, has been featured in *Architecture Magazine's* February issue and *March's Architectural Record*.

Other buildings that have received the award in past years include Shad Hall at the Harvard Business School, Boston City Hall and the Hynes Convention Center.

Former Oregon Gov. to Teach at K-School

The former governor of Oregon is heading east to Harvard's Kennedy School of Government.

Barbara Roberts, 58, was named director of the school's state and local executive program, Harvard University officials announced Monday. Her appointment ends a year-long search to fill that position.

"We thought it was improbable to attract someone of Governor Roberts' stature," said Peter Zimmerman, associate dean for teaching programs.

Roberts, a past participant in the program, was governor for one term which ended this year. She did not seek re-election. Roberts also is a former Oregon secretary of state and lieutenant governor, and majority leader of the Oregon House of Representatives.

Loeb Family Donates \$70.5 Million

Harvard University announced on Wednesday that the Loeb family has made a \$70.5 million gift to the school. The donation is the largest ever from a living benefactor and the ninth largest in the history of higher education.

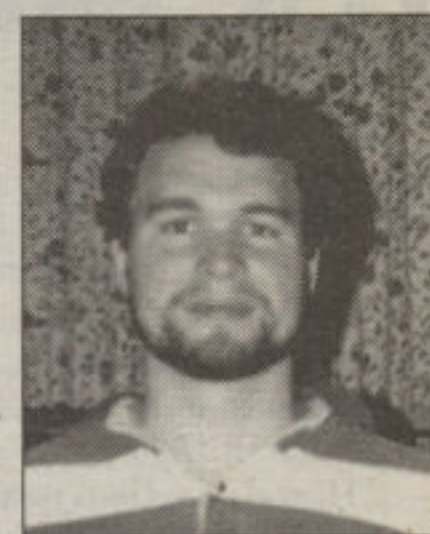
—from the Harvard Crimson

GYM RAT

Dave Levitt Speaks Out

By David Koontz '96

Sports Editor



LAST week, the Gym Rat witnessed the Grudge Match of the Century: Dave Levitt '96's team, Gooch's Two-Headed Johnson, collided head-on with (Squiggly Unpronounceable Symbol) The Team Formerly Known As Levitt. Todd Johnson '96 (brother Sean '97 is the other head, while older brother Kevin plays for the Phoenix Suns) downplayed the Levitt controversy by stating, "He's got no ill feelings against his former team — he just wants to win a championship." And win they did, despite strong inside play from the opposition. As TFKAL's John Basinger '96 put it, "It was tough to win this one because the refereeing was so tight. I mean, they called a foul every time we tackled someone." The Gym Rat was granted an exclusive interview with Levitt himself to get the final word.

Gym Rat: Why did you leave last year's No Swiss Cheese & Mushrooms juggernaut to play with the Gooch team?

Dave Levitt: Too many egos. They couldn't fit me under the salary cap.

GR: Do you like swiss cheese and mushrooms?

DL: Yeah, but not together. Unless the swiss cheese is melted, but that's another story.

GR: Sean "Let's Blow Those S.O.B.'s Out of the Sky" Kanuck '96 wore a T-shirt during the game that said "Kill Levitt" on the front and "R.I.P. Levitt 3/9/95" on the back. How did that make you feel?

DL: I'm just flattered he thought of me — and spelled my name right.

GR: Kanuck justified his shirt by saying, "Loyalty is a virtue."

DL: Yeah, well, so is winning. No, you're not going to print that, are you? Hey, quit writing.

GR: Tim "What the" Elliott '96 of TFKAL was called for an intentional foul on your breakaway layup. Was he out for blood?

DL: I was kind of surprised he caught up with me. He's deceptively quick. He said he was sorry — then he apologized for the foul, too.

GR: At the end of the game, with a comfortable lead, you hoisted a three-point shot at the buzzer and missed. Why did you take that shot?

DL: I was making a statement. I wanted to say I outscored them in the second half.

GR: Let's do a knock-knock joke, okay? You start.

DL: Knock-knock.

GR: Who's there?

DL: Uh Aw, I can't believe I fell for that one.

GR: In the Gooch team's press guide, it says your dislikes include "fruit with pits" and your favorite TV show is *Laverne and Shirley*.

DL: They're spunky. Just like Dave "Aughhh!" Aronberg '96.

Levitt went on to praise his teammates past and present, especially Rob "Hustle" Musselwhite '96 for his suicidal willingness to go inside on TFKAL. Slowly emerging from the shadow of the Levitt controversy is the fact that Gooch's 2-Headed Johnson, Death Squad, and the Great Danes are the sole remaining undefeated teams in the **B League**. Death Squad — its continuing mission: to explore strange new worlds, to boldly go ... well, you get the picture. Death Squad's Ken "Doggs" Brandes '95 got a little carried away last week, saying that "this could be the game where I take shots." Well, there's always after the game at the Kong. The Sweat Hogs and Rich Cundiff: Go-to Guy certainly had a little celebrating to do after knocking off two previously undefeated teams: the Cunning Litigants and the Stone Cutters, respectively. Hogs captain Mark "Crash" Jensen '97 ignored pain and all common sense, returning from an early ankle sprain to lead his team to victory. Todd "Money" Zubler '96 calmly sank the game-winning shot for RC Go-to Guy, prompting none other than Rich Cundiff '96 himself to call the shot "a fitting tribute to the announcement of Michael Jordan's return to the NBA."

The **A League** also saw En Fuego fall for the first time this year, although they remain comfortably in first place. The Ballhandlers beat En Fuego Friday night, but ran into the Eulas "Don't Call Me Oil Can" Boyd '96-led Black Plague Saturday morning. All Guards also had a tough schedule, playing two games in a row Wednesday night. Unfortunately, the second one was against the red-hot First Time Offenders. "We had some problems early in the season, but we're jelling now, and we're ready to make our move," said FTO's Damon Jones '97. FTO will get their chance to make a big move this week when they take on En Fuego.

And the final burning issue in college basketball? The Gym Rat's Final Four picks: Arkansas, Kentucky, Wake Forest, and Maryland. You can take the boy out of the South, but....

Intramural Basketball Standings as of Sunday, March 12

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

Compiled by Doug Cooperberg

Crossing the Divide



The Unredeemed Captive: A Family Story from Early America

By John Demos

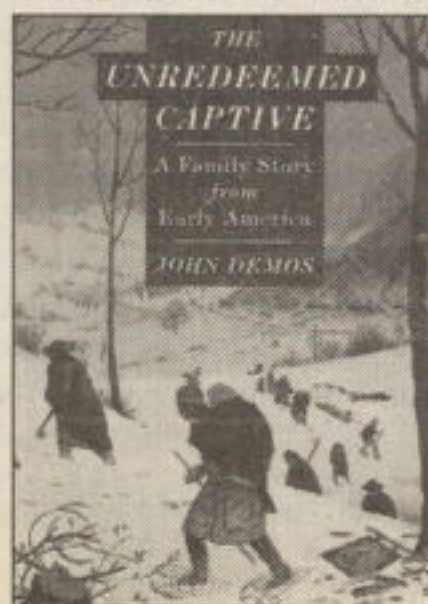
New York: Alfred A. Knopf
317 pp. / \$25.00 hardcover

By Mike Fischer '95

Book Review Editor

On the last day of February 1704, in the early days of a war between the French and the English that would last 10 bloody years, a French and Indian raiding party descended upon the frontier outpost of Deerfield, Mass. When they left a few hours later, Deerfield had been destroyed, 40 of its colonists were dead, and more than 100 more were bound for Canada with their captors. Among them were the town's minister, John Williams, as well as his wife and their five children. Williams' wife would die along the way. One of Williams' children, 7-year-old Eunice, would not return.

Even after Minister Williams had been released and had arranged similar releases for his other children, Eunice remained beyond reach, living within an Indian village from which even the French could not seem to pry her loose. As the war drew to a close, the reasons for these difficulties — long suspected and fiercely repressed by her father — became clear. Eunice had abandoned her Protestant faith and become Catholic. She had abandoned her people and married an Indian. And she had abandoned a home she no longer recognized as her own for a village of Canadian Mohawks living under French protection on the banks of the St. Lawrence River.



Captivity narratives — stories penned by and about the hundreds of colonists who, in the century of almost unrelenting frontier warfare preceding the American Revolution, made similar involuntary journeys to Canada — have fascinated Americans for a long time. Even today, those narratives powerfully convey the tension which has haunted Americans' relations with peoples they were taught to hate — and feared they would become. Peoples seen as different — and yet uncomfortably familiar. Peoples living on the forbidden side of a supposedly insurmountable cultural divide which was paradoxically easy — and tempting — to cross.

In most of those narratives, and in the vast bulk of the still-growing body of scholarship written about them, the trip to the other side is temporary, holding forth the prospect of broadening one's horizons without really leaving home. Of experiencing something different while remaining the same. Of taking a guided tour into the heart of darkness, where other peoples and places, cultures and histories become foils in a drama starring the American self and its triumph over diversity.

But Eunice Williams refused to stick to the script, and Demos honors and doubles her apostasy by refusing his own prescribed role as a colonial historian. Instead, his book liberates the Indians from their own lengthy captivity within the cramped narrative of orthodox American history. Engaging the Indians as a people with a culture rather than reducing them to stick figures in a cartoon, Demos serves up an unforgettable tour de force which crosses a boundary or two of its own.

Offering a paradigm of what history can accomplish when its practitioners actually exercise some imagination, "The Unredeemed Captive" takes risks that yield tremendous rewards. Demos steps boldly where his sources fear to tread, using their terse records of meetings and negotiations, marriages and treaties as stage directions authorizing him to fill out the scene with dialogue and props of his own invention.

While Demos' (re)creations are responsible and restrained — they are anchored, for example, by 60 pages of footnotes — they give his account the shape, feel, and pace of a good novel, an impression reinforced by a crisp, almost terse style and a strategic use of the present tense to convey the past. "The Unredeemed Captive" crackles with life, a tribute to Demos' insistence that we view prior events less as part of a hoary concept called the past than as "the succession of present moments it was (and is)."

Many of those moments are spent with Eunice in her Indian village of Kahnawake. Squeezing what he can from the few documentary vestiges of Eunice's life in Canada, Demos adds his own imagination and empathy as well as meticulous and extensive research of Canadian Mohawk culture to produce a plausible recreation of what her life must have been like, and of the reasons why she stayed on with the people who had adopted her rather than returning to New England. With Demos leading the way, we trace the changes in Iroquoian religion as it encounters the Jesuits, watch the matrilineal and matrilineal contours of Iroquoian society shape gender relations, travel the illicit conduits used by smugglers in the fur trade, and don the clothing worn by Kahnawake squaws.

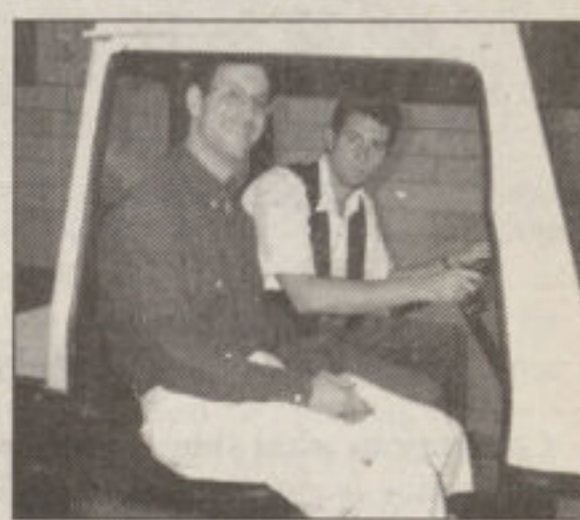
But even as he humanizes the Indians, Demos refuses to demonize the Puritans. Reading the sermons and letters, diary entries and, of course, captivity narratives written by Eunice's minister father and, later, by her brother Stephen, he recounts with empathy and compassion their poignant, undaunted efforts to convince Eunice to return, even as evidence mounted that she never would. Although she had been born as a member of God's chosen people, she would choose, quite emphatically, to die elsewhere.

As is invariably the case with history, the meaning one gleans from this saga depends on how one chooses to read, and like the good historian that he is, Demos presents us with multiple options while refusing to divulge answers. But his tale does provide some clues, suggesting that not all answers and readings are created equal.

What do those clues suggest? That cultural divides nurture autonomy while encouraging isolation. That those who cross them might never return. Most of all, Demos' clues remind us of the extent to which all Americans are held hostage by a history which has alternately tried to ignore or obliterate difference rather than learn to live with it. For the unredeemed captive is not Eunice Williams after all, but us — held captive because we have neither the courage nor the imagination to surmount the great divide thwarting a collective redemption long overdue.

FOOD - O - RAMA

A New Star In East Cambridge



By Ted Cohen '95 and Jonathan Goldstein '95

RECORD Restaurant Guys

It's almost frightening to think how many people go through life never having tried Afghan cuisine. In our nation of geographic illiterates, we are hard-pressed to find Afghanistan on a map, let alone distinguish a kourma challow from a koufta challow. But this sorry state of affairs has a remedy: **The Helmand** (143 First St., across from the Cambridgeside Galleria; 492-4646) is a very welcome addition to Boston's growing number of ethnic restaurants whose names don't end with a vowel.

Even a glance through the window alerts you that The Helmand is special. Despite its somewhat bleak surroundings on industrial First Street, the interior is beautiful. With its white-washed Southwestern adobe, rich yellow and azure tones and — what else? — Afghan rugs, the room is as comfortable as it is attractive. A wood-burning fire crackles in the chest-high adobe oven while a staff of formal but cordial waiters bustle about, refilling nearly full water glasses. You settle into your seat, already pretty confident that you're in for a treat.

And the first treat comes with a look at the prices. Though The Helmand looks like it should be expensive, it simply isn't. In fact, the priciest item on the menu rings in at an unimpeachable \$13.95. Most entrees are in the \$9.95 range, with appetizers all \$3.95. Even with the dollar in a depression, this is amazingly cheap. (Feels classy, costs little: could it be the perfect date place?)

In general, Afghan cooking almost precisely reflects its position on the map: halfway between the Middle East and India. You'll find the kebabs and lamb dishes associated with the former, but served up with such traditionally Indian aromatics as cilantro, cardamom, and curry. As it turns out, it's a marriage made in heaven. The appetizers are a fine example: Aushak is an Afghan ravioli filled with leeks, topped with a bit of ground beef and mint and served on a yogurt-mint-garlic sauce. It is a rich and complex combination of flavors that come together brilliantly. Mantwo is a sort of dumpling filled with onions and beef and topped with carrots, yellow split peas, and beef sauce. If my grandmother had been Afghan, this would have been her stuffed cabbage. And then there's the kaddo borawni: a hunk of baby pumpkin that's been pan-fried and baked, lightly seasoned with brown sugar and cinnamon, and served in a yogurt garlic sauce spiked with what tastes like olive oil. The sugar and the garlic play off one another in an unexpected — and truly delectable — way. (For you carnivores, each of the appetizers, with the exception of Mantwo, can be made without that scary flesh-stuff.)

The momentum only builds with the entrees. Most center on lamb or beef, and the kitchen, whether sautéing, char-broiling, or grilling, really knows how to do this

It's almost frightening to think how many people go through life never having tried Afghan cuisine.

stuff. We especially recommend anything char-broiled or grilled; the taste of smoke and fire is what the fantastic Afghan sauces are meant for. Seekh Kebab (\$11.95) is a generous portion of perfectly medium-rare broiled lamb, cut from the tenderloin; it is melt-in-your-mouth tender. Though served without a sauce, it really doesn't need one: the marinade of pureed onion, sun-dried baby grapes (that's raisins to you), and herbs perseveres. A side of sautéed eggplant makes a hearty foil, and the beautiful, saffron-colored "challow" (a basmati-like rice), with its powerful dose of cardamom, brings the whole thing together. (You can get the same dish prepared with either chicken or beef.) The Chapendaz (\$13.95) is also marvelous: this time a tenderloin of beef, grilled to perfection, arrives over a pool of yogurt garlic sauce spiked with cilantro. On the side are a hearty purée of yellow lentils, a delicious warm salad of wheat barley flecked with sautéed onions, and another challow, this one boldly seasoned with anise. Other promising-sounding entrees are the Kabuli (\$9.95), a baked dish of rice, lamb shanks, raisins, and glazed carrots; the Chowpan (\$13.95), a grilled half-rack of lamb served over Afghan bread; and the Deygee Kebab (\$11.95), lamb shanks that are steamed and then sautéed with more of those yellow lentils, onions, red bell peppers and vinegar.

Even the accompaniments at The Helmand are impressive. Afghan bread, cooked before your eyes, is the best we've ever had; it comes to the table warm, and in taste and texture it is like pizza dough baked over a wood fire. The alcohol-free daiquiris — the night we were there the choice was strawberry, mango, or kiwi — are intense with fresh fruit, and we can't recommend them enough; and the trio of sauces served with the entrees — one is cool yogurt, another a lemony, pesto-textured purée of cilantro, and the third a pure explosion of red pepper — are both pleasant to look at and addictive.

By these standards, dessert is kind of a letdown. Bakhlawia is baklava: sweet, dense, and rich, this is a fine version. The Fareeny, a cream pudding smothered with fresh blackberries, raspberries, kiwi, pineapple, and strawberries, is more interesting and refreshing. The Helmand also serves Turkish coffee and either black or green tea; take the latter with a dash of cardamom, and we think you'll agree that a new star rises in the East Cambridge sky.

RATING: ★★☆☆

What the stars mean:

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

Harvard Law RECORD

Founded in 1946

Victoria Kuohung
Editor-In-Chief

David Weiss
Publisher

False Spring

Contrary to what they teach us here, the truth is not always in the middle; at times one side is right and the other side is wrong. Rarely has this been clearer or less readily acknowledged than in the current baseball strike, which has moved rapidly from tragedy to farce for one reason: the owners. As George Will wrote last year, "the safest way to gauge baseball disputes is to assume the owners are wrong. You usually will be right."

Few baseball fans or writers have heeded Will's advice. Instead they have transformed this strike into a morality play which pits impoverished owners against players too greedy to care about the game and too stupid to recognize that they are Don Fehr's dupes. But the real idiots are owner apologists masking as columnists like Dan Shaughnessy, and the real dupes are their believing readers. Baseball, its fans, and its players deserve better, as a look at issues rather than ideology makes clear.

Take, for example, player salaries. While the owners remind us daily that the average salary last year was \$1.2 million, the median salary was \$400,000 — and had declined both of the prior two years. Factoring in the minor leagues, the median salary for professional baseball players is less than \$10,000.

Nobody complains about the salaries of other entertainment stars such as Bill Cosby (\$100 million), Sly Stallone (\$63 million), or Madonna (\$62 million). Top lawyers and accountants earn far more than the best baseball players, although their trades are more easily mastered and their talents emphatically less unique. Lawyers are arguably paid far too much. For baseball players, conversely, salary increases reflect less than one-quarter of the marginal revenue product they generate.

The owners get the rest, and despite their lurid tales of financial meltdown, they're making piles of money. The books tell a different story, but the books can be cooked. And in baseball, where owners and management are often indistinguishable, the temptation to juggle the numbers is overwhelming; while there are no stockholders to impress with profits, there are plenty of fans to cajole and threaten with stories of impending bankruptcy and inevitable relocation.

1984 was typical: The owners reported book losses of \$56.8 million and operating losses of \$41 million, but economists estimate that they actually made \$20 million. How do the owners do it? Players are amortized, although they usually improve in the years when they're depreciated. Hefty interest payments are deducted, although the lender is frequently an owner-controlled entity. Transfer pricing schemes abound, especially when the owner also happens to own a cable station or a stadium. Monies made in parking and concessions are credited to shells. Economic goodwill accruing to owners' other businesses isn't credited at all. And when owners eventually sell, they regularly make whopping profits.

This strike isn't about greedy players and struggling owners. It is about rapacious owners and players underpaid for what they produce. It is about owners who are stonewalling at the bargaining table while players make major concessions on both revenue sharing and luxury taxes. It is about owners' cynical deployment of replacements for whom we are told to feel compassion while players absorb financial losses they will never recoup so that they might protect the earnings of future generations.

It is, in other words, about owners who would rather destroy this country's greatest game than share their profits with each other or their players. Don't buy their hype, and don't patronize their scabs. Boycott this false spring, so that we might once more revel in the exploits of our boys of summer.

— Fischer

Staff

EXECUTIVE EDITOR.....	Katrina Campbell
SENIOR EDITORS.....	Jim Lank, Maria Politis, April Rockstead
COPY EDITOR.....	Colin Meeder
EDITORS.....	Debra Dickerson, Hope Yen
BOOK REVIEW EDITOR.....	Mike Fischer
INTERNATIONAL EDITOR.....	Debbie Solomon
MUSIC EDITOR.....	Jeff Bucholtz
RESTAURANT GUYS.....	Ted Cohen, Jonathan Goldstein
SPORTS EDITOR.....	David Koontz
CONTRIBUTORS.....	Scott Frey, Markus Hartmann, Angelica M. Mooney, Josh Strathman
CARTOONISTS.....	Brian Cheng, Brad Hoylman, Matt Kelly, Sheila Tuller, Bill Zimmerman
GENERAL MANAGER.....	David Clark
ADVERTISING MANAGER.....	David Patton
EDITOR EMERITUS.....	Greg Stohr

Printing By The Harvard Crimson

Editorial/Letters Policy

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

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

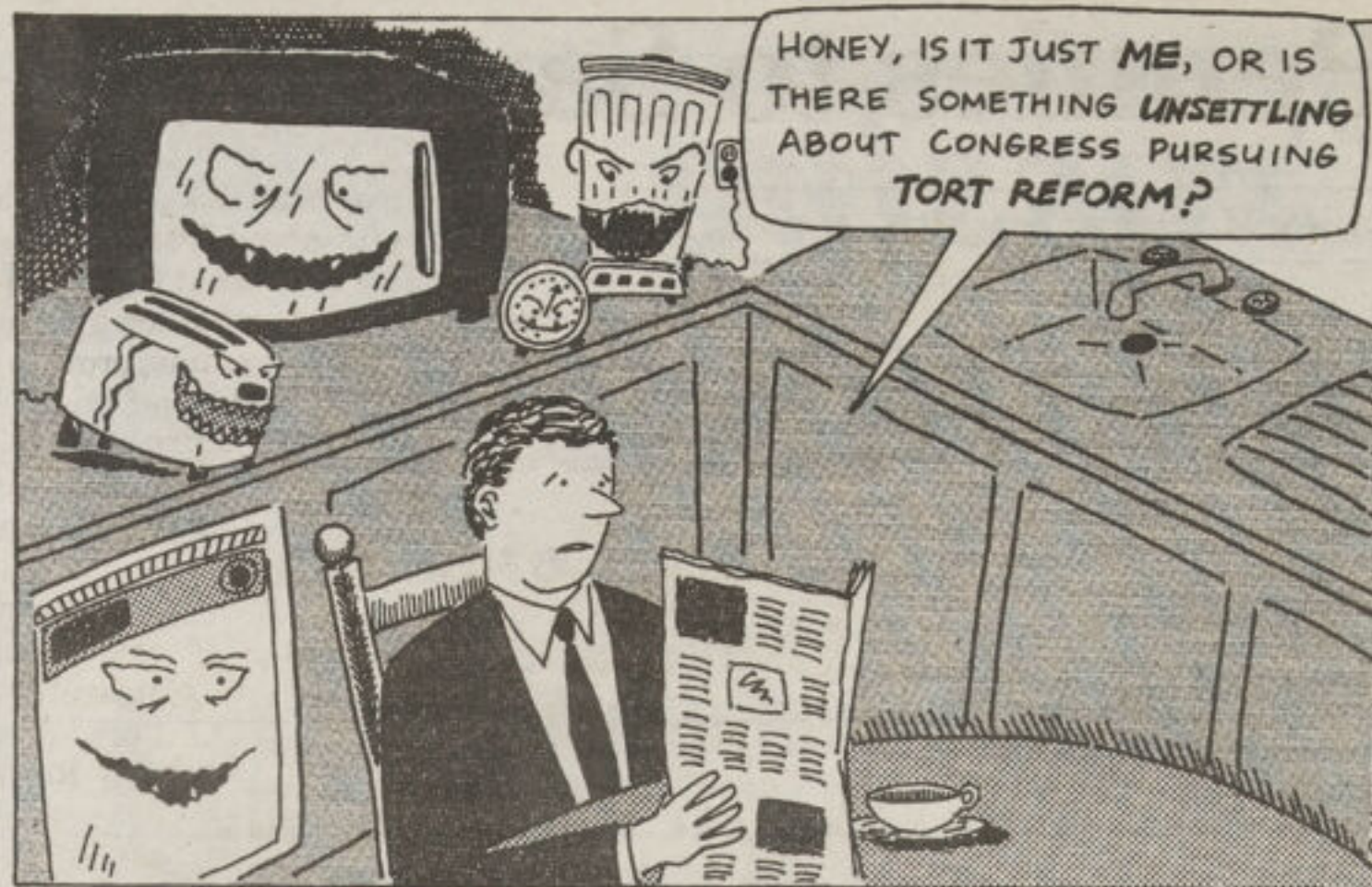
Submissions may be sent to The RECORD at the above noted address, dropped in the RECORD box located in Harkness Commons, or left in the 2L Hark box of Victoria Kuohung. All copy must be typed, double-spaced, and submitted on paper and on a computer disk (Macintosh or IBM). The RECORD reads and appreciates every letter we receive; we reserve the right to edit letters for space as necessary. We will return your disks. Off-campus subscriptions are available. Subscription price: \$30.00 year mailed; \$35.00 year mailed outside U.S. Individual copies: 35 cents at newsstands, 50 cents at the Law School, \$1.00 mailed, \$2.50 for back issues and reprints. Second-class postage paid at Boston, MA and additional mailing offices.

© 1995 by the Harvard Law RECORD Corporation and by the contributors.

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

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

—First Amendment, US Constitution



• Letters •

Criticism of Lannon's Letter Unwarranted

While I usually read Ms. Dickerson's columns with a mixture of amusement and pity, her March 10 column successfully provoked me to outrage. Her vicious stereotyping of Patrick Lannon as "just another apologist for entrenched privilege," or, in the alternative, a racist, is unconscionable. If she knew Patrick at all, she would realize just how ridiculous her allegations are. While I enjoy clever and creative personal vilification as much as anyone, Ms. Dickerson consistently fails to meet either qualification. Her only remarkable trait is her level of arrogance and paranoia. When she finally

realizes that the world (even the subset of the world containing white male conservatives) does not care enough about her to justify such bitterness, she will be a happier person. Although a "former conservative before she saw the light," I assure Ms. Dickerson that she has no insights into how our minds work beyond crude stereotypes surprising from such a "sophisticated" person with such "vast real world experience." Most of us just try to get along as best we can. Certainly columns like Ms. Dickerson's do nothing to improve race relations.

In closing, I suggest some rebuttals for Ms.

Dickerson. Hmm. She could call me a "white, male conservative." That would hurt. Perhaps I am an "apologist for entrenched privilege." Maybe I am "ilk." Possibly I "just don't know how the world works" like Ms. Dickerson apparently believes she does. But I have read enough of Ms. Dickerson's writing to conclude that the only person around here "doused in denial, smug with self-pity, and versed in victimhood, but not a racist" looks back at her in the mirror. She owes Patrick an apology.

Kerry Hastings '96
March 13, 1995

Racism is Alive and Well

I am an African-American male third-year student at the Law School. Last Friday evening, March 10, around 11 p.m., I was walking home up Massachusetts Avenue away from Hemenway Gymnasium following an intramural basketball game. I was accompanied by Kathleen, a Caucasian woman whom I have been dating.

Just as we were walking past the Harvard Law School sign located next to Pound Hall, a white male, approximately 35 years old, drove past us in his car, hit his brakes abruptly to stop, then exited his vehicle approaching us. Standing less than three feet away from us, he pointed at Kathleen, looked directly into her eyes and said, "I just want to tell you that you're a fucking Nigger lover. Wow! I've always wanted to say that!" He then ran back to his car and sped off.

This was not an isolated incident for us. Last summer during the first weekend in July, Kathleen and I were shopping and sightseeing in New York City's South Street Seaport area. As we strolled hand in hand, enjoying the warm weather and carnival-like atmosphere, a small group of African-American teenaged women walked past us with one member of the group discretely whispering to me to "remember what

happened to O.J." Harmful and incredibly hurtful racial slurs have not been hurled at me in just the interracial context. I can vividly recall two instances in the last three years during which an African-American female date and I have been victims of a verbal racial assault.

The racism inherent in these verbal attacks has affected my life in so many situations. During the spring of my first year at the Law School, two African-American male classmates and I attempted to find suitable housing in the Boston metropolitan area so that we could live together for our second and third years at HLS. On one occasion, we sat in our realtor's office as she explained by telephone to a would-be landlord that three male Harvard Law students were very interested in renting. Hearing that we were in graduate school at Harvard, the landlord was extremely enthusiastic and ordered us to come right over to see the property. His eagerness dissipated quickly, however, when we arrived. Even prior to an official introduction or courteous small talk, the landlord said: "Look guys, I live in the building on the first floor. The apartment for rent is on the second floor. You all will probably be too noisy for me. I think I want to rent to a married couple." We wished him well in find-

ing a married couple willing to rent a three bedroom apartment. Two weeks later, the three of us encountered yet another landlord who had a change of heart once he saw the color of our skin.

I could continue with examples of my receiving poor service at area restaurants and clothing stores, but I understand that space in this newspaper is limited. The bottom line? I am writing this letter for two simple reasons:

(1) To remind all members of this Law School community that verbal racial assaults, like the ones described above, are not unusual anywhere in America. They occur everyday, affecting so many innocent people and taking a toll on well-meaning individuals who are attempting to contribute to an integrated society. It is unfortunate that so many racial and ethnic minority students at the Law School have experienced events much more traumatic than the ones to which I allude.

(2) To encourage us all to do something each day to help eliminate racial hostility in our communities. For if we privileged law students do not make a concerted effort to improve the racial climate, who do we expect will?

Willie J. Epps, Jr. '95
March 13, 1995

POSTMASTER: Send address changes to Harvard Law School Association, Harvard Law School, Cambridge, MA 02138.

ALUMNI/AE ADDRESS CHANGES: Alumni/ae who receive the RECORD as a result of membership in the Harvard Law School Association should mail change-of-address information to the Harvard Law School Association, Harvard Law School, Cambridge, MA 02138.

Each alumnus/a receiving a RECORD subscription through the Harvard Law School Association should be on notice that \$5.00 of H.L.S.A. annual dues are used to purchase the RECORD subscription that he or she receives. Dues paid at any time during the H.L.S.A. fiscal year that began on July 1, 1994 and ends on June 30, 1995 purchase a subscription that begins in January 1995 and expires in December 1995.

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

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

Pennies to Save Lives from the Trash Bin

By Sydney H. Schanberg

I realize that Newt Gingrich has a right to speak any words he wishes — after all, he's Speaker of the House. But why is he so opposed to thinking before he speaks?

For instance, he said the National Service Program, the one called the Domestic Peace Corps, should be abolished completely because, in his opinion, "It is coerced volunteerism . . . It's gimmickry." Well, a lot of people have seen this "gimmickry," and almost unanimously they are impressed. They say it works. They include me.

I've become familiar with City Year, one of the groups that inspired President Bill Clinton to create the federal service umbrella, known as AmeriCorps. Campaigning in Boston in 1992, he visited City Year and came away saying he wanted to use it as a model for a national program. A year later, after shepherding that model through Congress, he signed into law the National Service Trust Act of 1993.

Here's what it does. It puts 20,000 young volunteers to work all across the country in 350 nonprofit organizations, helping themselves and others. The three-year goal is to expand the volunteer force to 100,000. The age group is 17 to 23. They come from every background — Ivy League graduates, inner-city youths seeking their General Equivalency Diploma so they can make it to college, high school graduates taking a year off to do some good and learn community leadership skills, former gang members, single mothers, whites, blacks, Latinos, Asians.

Does every young corps member turn into a winner? No, not every single one. But the success rate is very, very high.

City Year, the group I've seen, was founded in Boston about six years ago by two Harvard Law School

graduates, Alan Khazei and Michael Brown. They began with about 50 young people. Now they have more than 300. What they do is renovate old buildings, serve as teachers' aides and tutors in schools, fix up parks and playgrounds, provide assistance to the elderly, build food banks and soup kitchens in church basements, work with the homeless and conduct school workshops on violence prevention and on drug and AIDS awareness.

For the first three years of its existence, City Year existed entirely on private funds. Corporations like Timberland and Reebok and many others became sponsors. The first federal funding became available in the Bush administration. Clinton's AmeriCorps added measurably to that and has made expansion possible.

City Year alone, by dispatching youths already trained, has opened programs in five other cities. Other groups, like

Habitat and YouthBuild, are doing the same.

An aide to Speaker Gingrich, explaining his boss' opposition, said "it is a program that spends a lot of money for few benefits. This is an employment program, not national service where work is voluntary." I wish the speaker would go look at these young people and see what they do. If he'll agree, I'll personally take him to Boston and have him meet them. I don't know if the experience will change his mind about funding the national program, but I'm willing to bet his spirits will be raised.

The federal spending now on AmeriCorps is about \$500 million a year — hardly a burp in the national budget. Thousands of lives are being saved from the trash bin, thousands of young people are getting on-the-job training in coping with serious social prob-

lems. The volunteers are getting a lot out of it — and so are we as a nation.

Since Gingrich objects to the spending, let us look at what the volunteers are paid. At City Year originally, they got about \$100 a week. If they stayed the full year, they received an additional \$5,000 for college or job training. Those who had already finished college received a smaller bonus. Now under the AmeriCorps program, volunteers are expected to commit for two years, receiving \$7,500 as an annual living stipend and \$4,725 a year toward further education. Like every other taxpayer, I'm aware that a fair amount of government money gets wasted. But I've seen how this national service money is used. It's anything but a waste; it's a pure investment in the United States of America.

The reason I've seen how City Year works is that one of my daughters, Rebecca, is part of it. She graduated from Stanford in 1993 and is in her second year in the Boston program. The first year, she was a team member. Now she's a leader of a team.

Her team is as diverse as our nation has always been — Brooks Emanuel from Atlanta and Jenny Evert from Minnesota and Jose Cermenio from Dorchester out of Puerto Rico and Robert Hannaford from North Quincy and Sherwin McCollon from Lynn and Darrell Greene from Mattapan and Natalie Pierre of Trinidad and now Dorchester and Yessenia Alvarado from Chelsea via El Salvador and Jen Swartz from Hull.

You'll find them most days at a school in Chelsea, one of those struggling communities that ring Boston. The school, housed in the tired Chelsea High School, is called Early Childhood Program, which runs from prekindergarten through the second grade. If you sit for just a few hours and observe the City Year team members working with these 3 to 8-year-old black and Latino and Vietnamese and Cambodian kids, you will learn many things, not least of which is how much these volunteers are needed.

I sincerely hope the House speaker will visit them.

Sydney H. Schanberg writes for *Newsday*. Reprinted with permission from *Newsday*.

• Letters (cont.) •

Some Historical Arguments Are More Dangerous Than Others

When I first read Markus Hartmann's column entitled "On Not Being a Butcher" in last week's *RECORD*, I was confused. Mr. Hartmann rambled on in the column about a variety of issues, some of which were related to one another, some of which were not.

After reading the column several more times, however, I began to discern a broad argument. This argument was that gays and lesbians (and other groups as well) should not rely on the African American civil rights movement to advance their own goals. He illustrated this with the controversy over gays in the military and with an assertion that sexuality, unlike race, is a question of religious morality. The column was truly unfortunate.

The argument that other groups — gays and lesbians in particular — should not compare their civil rights struggles to the African American civil rights movement is, superficially, extremely powerful. No other group has a history like that of African Americans, who have been the victims of unforgivable evil at the hands of white people in this country.

Yet it makes no sense to draw from this premise the conclusions that civil rights begin and end with African Americans and that the experience of African Americans in gaining their full citizenship is entirely irrelevant to other groups' attempts to gain their full citizenship. While gays and lesbians are not necessarily African Americans and should not blindly piggyback on the gains of the African American civil rights move-

ment, gays and lesbians (and other groups) have much to learn from that movement.

The African American civil rights movement is a national treasure. It represents the first time a group that had previously been subjugated by society decided it would no longer accept second-class status and would instead emphatically throw off its chains. Many events of the 1940s, '50s and '60s were examples of this massive resistance; they were symbols of the power of a stigmatized group to say "No more!" and to back up that statement with action.

Other stigmatized groups have much to gain by observing the struggles and experiences of the African American civil rights movement. By drawing from its power and symbolism, they can help to make the United States into a truly democratic and free society, one in which everyone enjoys the benefits of citizenship.

Many conservatives understand that the symbolic power of the African American civil rights movement threatens to liberate other oppressed groups as well. They therefore argue that because of the uniqueness of the African American experience, civil rights protections that African Americans enjoy must not be extended to other groups. They disguise this argument by asserting that other

groups are "diluting" and "threatening" the message of that movement.

When members of the right wing make this argument, I am able to comprehend it because I understand their motives. Many of them are still smarting that African Americans have at least superficially gained full citizenship and that interaction between blacks and whites is now a part of life. They regret that African Americans have begun to take their place at the table.

be a reason.

Perhaps those who make the argument do so as a defense mechanism. Mr. Hartmann states that "[a]s a result of this piling on, the arguments that once persuaded white males, particularly congressmen and senators, have lost their moral force." Talk about blaming the victim. If straight white men have punished African Americans because other stigmatized groups have demanded full citizenship, this is not the fault of those

stand what African Americans have experienced, Mr. Hartmann is trapped in his own world, blind to the realities that surround him. Gays and lesbians have experienced unique forms of discrimination and persecution throughout this country's history. As late as the early 1900's, gays and lesbians were given shock treatment and/or lobotomies to "cure" them of their "disease." Gay and lesbian youth are frequently rejected, taunted, beaten, and even killed by family members, "friends," and other members of society. Gay and lesbian teenagers constitute almost a third of teen suicides. Gay and lesbian parents often lose custody of their children for being who they are. The list goes on.

One might think the federal government, as protector of civil rights, would step in to bring some sanity to this situation. But instead, the government encourages this stigmatization by officially sanctioning discrimination in the military. In contrast to Harry Truman (desegregation of the armed forces) and Lyndon Johnson (Civil Rights Act), who had the courage to do the right thing, we are blessed with cowards and traitors like Bill Clinton and Colin Powell, who are either too blind or too naive to see what official discrimination in the military really means. Fortunately,

Harvard has the good sense to adhere to its anti-discrimination policy by refusing to allow this bigoted institution to recruit on campus.

Mr. Hartmann argues that the military policy (and implicitly other forms of discrimination and violence against gays and lesbians) is justified because of the "traditional Judeo-Christian notion of morality" that one's sexuality is a moral choice. Setting aside the fact that being gay is no more a choice than being straight, Mr. Hartmann seems to forget the "slippery slope" of his argument. It was not too long ago that the "traditional Judeo-Christian notion of morality" was used as an excuse for anti-miscegenation laws. Before that, it was used to justify slavery. It was also used to burn adulterous women at the stake and to commit genocide against Jews, gypsies, and other "undesirables." Perhaps Mr. Hartmann should think twice before making such broad, logically limitless arguments. Perhaps he should hesitate before he aligns himself with some of the lowest forms of existence in our society.

Stigmatized groups must work together if they are to achieve true liberation. While it is correct that gays and lesbians, Africans Americans, Latinos, Asian Pacific Americans, Native Americans, etc. are very different in very many ways, their goals overlap in that they want to be full citizens, not just nominal citizens, of this country. We fail to recognize this at our own peril.

Scott Wiener '96
March 12, 1995

In so readily dismissing the importance of civil rights movements other than the African American (and Native American) civil rights movement, Mr. Hartmann reveals his inability to see beyond his own experience.

Realizing that they have at least partially lost that battle, they attempt to prevent more groups from joining the party.

When people who are not members of the right wing make this argument, however, I am much more disturbed. I will not descend by arguing that they have been duped by the right wing. I do not believe that people like Mr. Hartmann are so easily tricked by the likes of Pat Buchanan and Phil Gramm. Yet there must

groups. Rather it is the fault of the straight white men who are scared to death that African Americans may not be the only groups with which they will have to coexist as equals.

In so readily dismissing the importance of civil rights movements other than the African American (and Native American) civil rights movement, Mr. Hartmann reveals his inability to see beyond his own experience. Just as most white people are unable or unwilling to under-

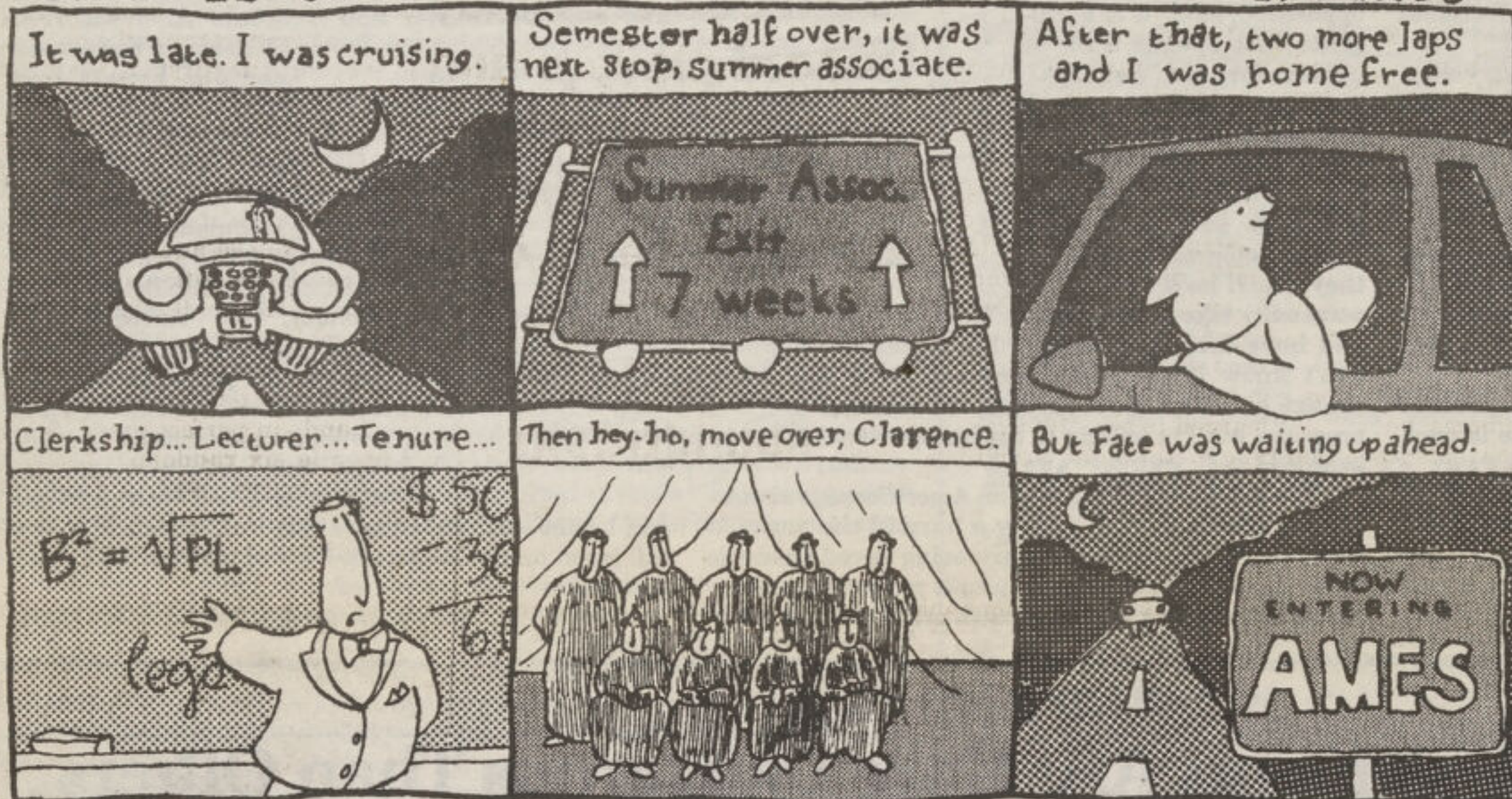
Temporary Insanity

By Sheila Tuller



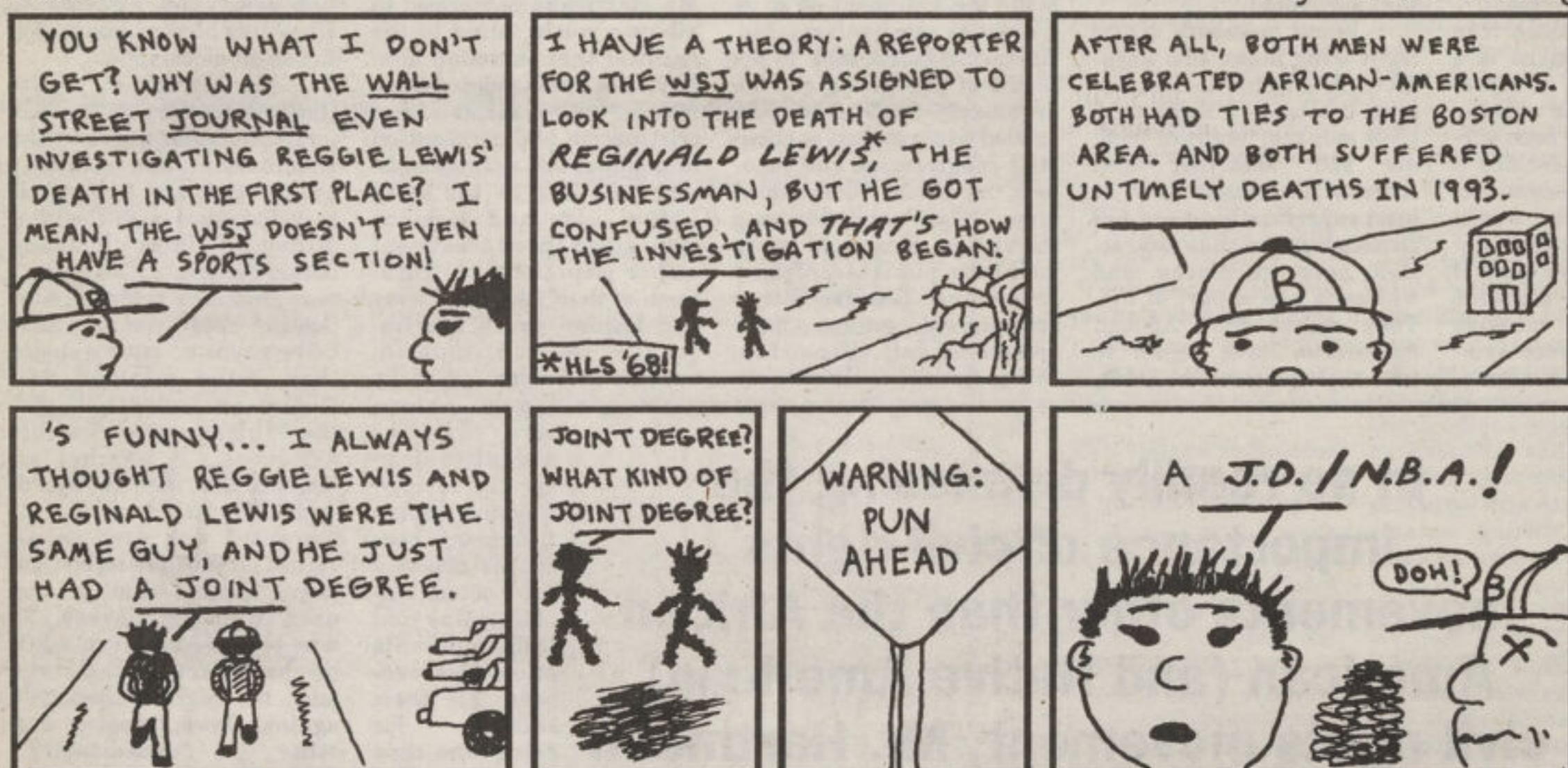
Civil Procedure

M.J. Kelly



Backbench

By Brian Cheng



Koby Antupit

PHOTOGRAPHERS
Job Photographs
Résumé & Publicity
Instant Color Passports
Creative Portraits

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

Chef Lee's

GOURMET CHINESE FOOD

296-298 Beacon Street
Somerville, MA 02143

WE DELIVER

\$1.50 delivery charge in
Cambridge and Somerville

876-7666

5% OFF

with student ID.
Dining room and take-out only.

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

"Chinese food with originality."
Boston Globe

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

NO MSG!

CALENDAR

All I Wanna Do Is
Make Piles 'O Cash

by Jeff Bucholtz

In case the "Cocky Lawyer Picture Show" didn't quite satisfy your craving to see law students dissed, Boston College Law School has scheduled its spring parody for this Friday and Saturday (3/17-18). Hopefully, "Centre Street Fever" won't stick any closer to "Saturday Night Fever" than "Cocky" did to "Rocky," but if it's half as funny, it'll be worth the trip. The individual student targets may not be familiar, but the themes are universal (except for Nesson, who's unique). For info, call 964-0384.

Digable Planets bring their mellow rap to Avalon (931-2000) on Friday (3/17), with Spearhead, Michael Franti's new band, opening. Before forming the more soul-oriented Spearhead, Franti and his Disposable Heroes of Hiphoprisy recorded the brilliant "Television (the Drug of the Nation)," a retooled rap version of the Beatnigs' (Franti's first band) industrialized tune.

Anyone who's heard Extreme's impossibly sappy ballad "More Than Words" knows there ain't a damn thing extreme about them, and even if their brand of pop-metal went out of style when Kip Winger joined the hair club for men and Tawny Kitaen dumped David Coverdale, these hometown boys remain popular in Beantown. They unveil their new disc at the Orpheum (931-2000) on Saturday.

Local 186 (351-2680) offers a different sort of cheese on Saturday: following in the hallowed footsteps of Bjorn Again's Abba tribute, the Kiss Army salute that other 70s band. Tongue extensions are (I think) optional.

Also on Saturday, Veruca Salt's sub-Breeders trendoid pop descends upon Avalon. As a friend astutely pointed out, "the only reason MTV plays that video is because it's got two chicks kissing." Not that there's anything wrong with that, but what the hell's the seether anyway, and why would anyone fear it?

Tonight (3/16), TT the Bear's (492-BEAR) hosts ex-MC5 guitarist Wayne Kramer, an old punk who has actually survived to put out a new album that's getting rave reviews.

If this year's Grammys didn't produce anything as stunningly ignorant as a best heavy metal award for Jethro Tull, they did result in Sheryl Crow taking home a fistful of awards for "All I Wanna Do," a lightweight piece of throwaway pop pap that she probably wrote in five minutes, with a beer-buzz in the morning. Not that there's anything wrong with that, either. She plays the Orpheum on Wednesday (3/22).

He might not sing, but he's as offensive to a lot of people as most of the bands I like: Charles Murray. Since the guy's a sociologist, I guess you can't really blame him for his profound misunderstandings of biology, psychology, and genetics. But you can still blame him for his ugly, pessimistic, condescendingly deterministic predictions and policy prescriptions.

Until "The Bell Curve," Murray was a libertarian (check out "In Pursuit") who believed that free people could improve themselves and basically control their own destinies — I wonder what happened. Murray speaks at the Ford Hall Forum (373-5800) at Northeastern at 7 p.m. on Thursday (3/23).

Gone But not Forgotten

By Debra Dickerson '95

RECORD Columnist

SOON, I'll be 36. As always, each birthday leaves me a little more obsessed with my own mortality, a little more dissatisfied with my progress. However, watching some '70s blaxploitation movies with a friend recently has me seeing things from a different perspective. In a short period of time, this has become a very different world from the one in which I grew up. Never at a loss for a new neurosis, it occurs to me that I have learned a great many things that are now obsolete and completely useless.

In "Super Fly," Priest, the polyester leisure-suit-ed, Three Musketeers-hat wearing, block-long car driving "hero" tries to talk his partner, Earl, into one last, big cocaine score so they can retire from "the life." In a coke-induced haze, Earl of the gold chains and shirt open to the waist gestures around their tiger-skin strewn, mirrored-ceiling bachelor pad with its hot-and-cold-running Stepford white girls and tries to dissuade Priest.

"Man, why you wanna go? We got it all here. Women, respect, 8-track stereo." We replayed that bit several times so we could keep laughing at them.

I had no business laughing 'cause I well remember when those brick-sized monstrosities were cooler than cool. I was always a purist, though, and eschewed 8-tracks personally. Even now, I still miss the pile of albums or 45's you could stack on those old-timey record players and concentrate on dancing or making out or whatever it was that required an uninterrupted soundtrack. (Remember those adapters you had to put in the 45s to load them on the turntables?) Nowadays, I can load 6 CDs and program the machine to randomize the play, but it's just not the same. I swore I'd never turn my back on albums, but in 1989 I gave in; the sound quality and convenience of CDs is just too seductive. I don't suppose I'll ever have to reperfect the method I once mastered of balancing that coin just right on the needle to keep it from skipping on scratched records.

Anybody besides me remember the advent of



VCRs and the Beta-VHS wars? Lord, the body count. I still remember guys in the office arguing the primacy of one technology over the other. Now, it's like finding a Nixon voter or desegregation opponent — no Beta-ites will 'fess up.

I remember when there were no VCRs, no microwaves, no cable, no readily accessible computers. I remember when all those were infant technologies and exorbitantly priced. Television programming actually ended in those days. And before it did, you had to choose not only which program to watch (and therefore accept missing any other one simultaneously shown) but also whether or not to see any programs at all (by leaving home).

Imagine, kiddies — there was actually once such a thing as missing programs altogether. Gather 'round and Granny'll tell you about those long ago days when folks actually had to rise to change the channel and people were so deprived there was only one TV in the whole house.

We had frozen (TV) dinners back then, but they were gross, pedestrian, and took an hour to cook. There were only the three major network channels, then one or two local channels, all of which featured amateurish shows with the boom mike dangling in every shot. Computers were room-sized and not for laymen. Aerobics had yet to be invented.

I learned to type 100 wpm and take dictation at close to 200. How useless is that now? Remember those mondo ditto machines with the huge rollers and the purple ink that permeated every pore of your body and marked your hands like an escaping bank robber? I became

quite proficient at keeping the pages from rumpling and learned to like the smell of that narcotic fluid (though I never inhaled). Then, there was that messy black carbon paper for making typed copies and learning how to correct mistakes manually page-by-page. I was unbelievably good at all this stuff. (Typing, I have always believed to be the bedrock of all my success. I couldn't have done my first military job without it, and I got to skip that part of the training and therefore get ahead of my peers; I never let them catch up. Now, I spend easily 40 percent of my waking hours at the keyboard. I even use my laptop in class now that I've loaded Video Poker and Solitaire.)

In those pre-Pam days, my mother taught me how to shape waxed paper to line the buttered baking pans so cakes wouldn't stick. Every Sunday for a

decade, I dismembered and fried at least two chickens for the big Sabbath meal. Next to Mama, I was hands-down the fried chicken queen of North St. Louis. As near as I can figure it now, even the smallest piece of that chicken would cost you enough calories and fat to zoom you to the head of the heart transplant line.

For the first time in 15 years and by popular demand, I dissected and fried four chickens last Christmas because Mama'd had to cook 12 turkeys at work and didn't want to see another one. At first, I was stiff, awkward and disgusted by all that meat and bubbling grease. Then the rhythm came back. Flour, salt, and pepper flew from my hands in perfect proportions, while six randomized gospel CDs blared. Before long, I was belting out "What a Friend we

Have in Jesus" and slapping my neices' and nephews' thieving hands away from the platter.

Maybe "obsolete" is in the eye of the beholder.

Even now, I still miss the pile of albums or 45's you could stack on those old-timey record players and concentrate on dancing or making out or whatever it was that required an uninterrupted soundtrack.



Fenno, like his colleague-in-print Ann Landers (or is it Dear Abby?), runs out of ideas occasionally and recycles old columns. Musing over the recent LSC elections, and the usual attendant promises to do something about the pathetic state of Hemenway Gym, he remembered doing a piece on the topic a while back. After digging through the RECORD's musty archives, he found what he was looking for. See if you can tell when it was written:

"Others may concern themselves with the New Hampshire primary or the balance of payments, but to several hundred law students the burning issue of the day is the lack of adequate gym facilities at the Law School.

"Hemenway Gym, which is the center of the controversy as well as of Law School sports and games, is comprised of 10 squash courts, a basketball court, and a small room euphemistically called 'the weight room.' Since the last mentioned contains no weights, I can only assume it got its name from people standing around in it waiting for the Harvard Freshmen to get off the basketball court.

"The problem seems to be that between the freshmen gym classes and the college squash team, the legal athletes have too little time and too little space in which to play. Each sportsman pays \$40 a year to get in on the aggravation.

"Since the administration does not seem disposed to furthering the cause of physical fitness, (the Ivy League, having once been frightened by an athletic scholarship, seems determined to put bigger and stronger minds on smaller and weaker bodies), the obvious solution is the Fenno modest proposal.

"I propose that all of those interested throw away their flannel suits and attache cases and get black leather jackets with 'Gym Rat Gang' in gold letters on

the back.

"A few stone-centered snowballs tossed at the right windows and a well-organized rumble or two would come next. This would be followed by mild molesting of passing females and a few feigned knifings.

"No doubt some social workers would then start working on the problem, the new menace to the Cambridge community. And as everyone knows, the only cure for a gang is a Boys' Club, and you can't have a Boys' Club without a gym in which hostilities can be worked off. Who knows, the plan might be so successful that next year we'll get a summer camp."

Now if Fenno were writing this today, he'd be promoting an equal-opportunity gang: He'd advocate molesting everyone, and he'd be hoping for a gender-neutralized "Young Persons' Club." Still, you have to make allowances for the times. The piece originally appeared in the RECORD 31 years ago, in February, 1964.

Gives you a lot of hope that Hemenway will be improved this year, doesn't it?

Quote of the Week

"The first year is seen for J.D.'s as something you just have to get through. If you can change that, it will be better."

—Mark Robilotti '97,
during a conversation
with Dean Clark.

**Due to Spring Break,
the RECORD will not
be published until
April 7. Keep your
eyes open for our
next exciting issue!**

How to Survive Preregistration at HLS

By Scott Frey '95

RECORD Guest Columnist

[Warning: I make no claims to comprehensiveness or even to complete accuracy about the preregistration system. I just want to be helpful, to get your brain cells working.]



EVERY April, ordinary Americans whine about taxes. We at HLS whine about preregistration.

We all passed the LSAT: So once in our lives, we were aces at logic games. Still, some of us just fill out HLS course selection forms in order of preference and hope. (I have a friend who filled out the following schedule: 1. Warren, Tax; 2. Warren, Tax; 3. Warren, Tax; 4. Murray, Evidence. That was it.) Others are more methodical, but fear that the registrar's computer will foil them anyway.

Preregistration is not rocket science. Still, doing it right takes preparation and organization. The following tips should make preregistration more intelligible.

Here's the most important word of advice: Read. Read the instructional material in the Preliminary Registration Adviser, Preliminary Registration Bulletin, and Clinical Courses & Programs guide. Read about all of the courses that even remotely interest you. Read Adviser announcements. Don't read cursorily. And don't wait until the last minute.

Clinicals

The first step of preregistration is registering for courses offered through the Clinical Office, which include courses that may be taken without the clinical component. A day or two before general preregistration, you find out which ones you received.

But before you preregister for clinicals, you must decide whether you prefer (1) the clinical course, or (2) any non-clinical courses meeting at the same time. If you get (1), you can't preregister for (2).

Also, realize that a big clinical will eat up your credits in a semester. This may be fine, if you believe clinicals will save your life. In any event, be aware that you cannot squish, for instance, an eight-credit clinical, Corps, and Con Law into one semester.

Unfortunately, only one clinical course per semester is allowed. Also, certain students have priority for certain clinicals. Finally, some clinicals have prerequisites.

All the Rest

On to the regular schedule. Look care-

fully through preregistration materials and the Course Evaluation Guide. Put a star next to each interesting course as soon as you find it, or else you may forget it. Then look again. Courses that look unattractive at first glance may look better the second time; courses you like the first time you may not like the second.

Gather all potential non-clinical courses onto one sheet of paper. Include semester, professor, credits, and time block. This will be your master course list.

Update this list as you get new ideas or read announcements. The Adviser will announce new courses, and courses that will not be offered. Announcements also broadcast changes in blocks, credits, and course descriptions.

Sorry, you're not done yet. You must determine when one course conflicts with, and thus keeps you out of, another course. Courses in the same block conflict with each other. (For some cruel reason, six great courses this year were in Spring Block C, and I had to choose one.)

Courses with the same title — e.g., Corporations A1 and B2 — often conflict. In addition, you can only take a maximum of one seminar each year.

Also, remember that some courses have prerequisites (often one of the "2L Basics," or Evidence). The computer will let you register for the course, but what's the use if you can't take it? Either have the prerequisite already in hand, or try to take the prerequisite in the prior semester. If you don't have the prerequisite, but really want the course, ask the professor before preregistration whether you can take it anyway.

Now ask yourself these questions: Can you accept an 8 a.m. class? Can you accept five courses that meet on the same day? (I got four courses for Mondays, and had to scramble in September to switch out of two.) Can you accept three, or even two, classes in a row? (Can you eat lunch on the run?)

Also: What kind of final do you prefer? (Me, I'd take the final paper over the three-

hour exam.) Can you handle two three-hour exams on the same day? How about two papers, due on consecutive days? The Registrar's Office will post a tentative list of the type of final for each course, and a tentative exam schedule. You should take your master course list to the Registrar's Office at this time, and note the information next to each course.

When you feel ready to design your schedule, first rewrite the master list, but make sure you indicate potential problems, such as that two courses have finals on the same day, or that a course meets at 8 AM.

Then, on another sheet of paper, in pencil, make a plan for your course selection form. Separate courses according to the term in which they're offered, and include the number of credits and time block for each course. Looking at this sheet, you'll get a sense of whether you will get enough credits in all semesters, or too many in one semester. List several backup courses for each semester, just in case your higher choices are unexpectedly full.

Next to each course, in pencil, write the number where the course will go on the course selection form. Do not make this numbering

final until you know about clinicals.

Put the most popular courses closest to number one, even if you think you won't get them — you can still get a

good priority number. (3Ls who haven't taken professional responsibility must list four such courses somewhere in the first six slots.) Remember that 2Ls have dibs in each round for 2L basics and Evidence and 3Ls for other courses. If two courses seem equal in popularity and desirability, put the course first for which you do not have a 2L/3L priority. If the course has a size limit, it might go faster, so put it earlier.

List conflicting courses consecutively, or at least close to each other, if you definitely want one of them. Suppose you list four Con Law courses in spots 1 to 4, and a Corps course in 5. In round 1 of computer registration, if the Con Law course in spot 1 is full, you get a priority number for that course, and the computer moves to spot 2. Suppose then the computer admits you to the Con Law course in spot 2.

Then, in round 2, the computer skips the Con Law courses in spots 3 and 4, and looks to the Corps course in spot 5.

If you plan, you can get at least a few traditionally oversubscribed or otherwise popular courses. Think of which courses are more likely to fill up by, say, round 3, and which are more likely to go in round 15, and make your choices accordingly.

Filling in the Dots

At preregistration, don't rush in and out — take your time. First, look over posted information, to see if you want, or need, any changes. Then, check your draft course selection form, to be sure it still makes sense. When you decide all is well, carefully fill out your actual course selection form, and the computer form. Don't just ask your friend, "What's the course number for...?"; use the registrar's information.

The key thing is to fill out the correct dots on the computer form. Believe it or not, students each year fill out dots with course numbers that don't exist. (You were more careful on the LSAT.) If you accidentally fill out dots corresponding to another course, the computer will assume that that's the course you wanted. Don't expect the Registrar's Office to check the dots against the numbers above the dots, or against your course selection form.

When May rolls around, you get a schedule. It may not look exactly like the schedule you envisioned, but it should be close. If something seems wrong with your schedule, tell the Registrar's Office immediately.

Fall Term Rush

If you are not satisfied, there's always the fall. Even if you are happy in May, it couldn't hurt in September to review available courses and to reconsider your choices. Be aware that September is a time to wait-list and add courses for the whole year, not just for the fall. There will be open courses, new courses, and courses at other schools.

In September, keep all your options open: Wait-list all courses you are considering; add open courses that you like (even if you doubt you will take them); and hope to add wait-listed courses. You can sit in on courses you think you might take, and once you are registered in all the courses you want, drop from the other courses. (Dropping is preferable to withdrawing past the drop deadline, since too many "WDs" on your transcript may cause a potential employer to conclude that you have trouble meeting deadlines.)

All in all, scheduling courses isn't as difficult as the small print in registration materials makes it seem. Armed with patience and a No. 2 pencil, you can overcome your worries about preregistration and get yourself a good schedule.

Top Ten Pieces of Advice For Preregistration

1. Read all official instructions and announcements.
2. Always trust the Clinical and Registrar's Offices.
3. Do not always trust the advice of fellow students.
4. Make a list of every course you might want.
5. Check for conflicts between course times.
6. Some courses have prerequisites.
7. You can only take one seminar per year.
8. You can only take one clinical per semester.
9. Fill out the correct dots on the computer forms.
10. You can make a bad schedule better in the fall.

The Cocky Lawyer Picture Show



Cocky lawyers-to-be were in abundance at the Drama Society's annual parody. From left, David Law Review (Todd Kim '97) admires Rugerman (Mark Fleming '97); Tobias Barrington (Dino Wu '97) leads his fellow students in a dance number; Prof. Charles Nesson '63 shows Prof. Charles Neckercube (Brandon Baer '97) how to Cyberdance; and Rob Tark-the-Shark (David Bresenham '96) give Gwen Please-Be-Quieter (Erin McPherson '95) and Snoby Dominguez (Pamela Meekins '97) a BSA headache.

Photos courtesy of Jeff Litvack and Christopher Shen

Guinier May Come to HLS

continued from *GUINIER*, page 1

try would want."

Guinier, a graduate of Harvard University and Yale Law School, has roots in Cambridge.

She entered the national limelight when President Clinton nominated her to be the first African American woman to head the Justice Department's civil rights division. But Guinier was forced to withdraw her nomination after critics blasted her writings, which they said argued for racial quotas and disproportionate minority voting power.

More recently, Guinier stirred controversy when she co-authored an article in which she contended that institutional sexism pervades law schools. Her article found that men at Penn were three times as likely as women to be in the top 10 percent of the class following the first year.

The article caused an uproar at Penn, where many law professors were reported to be furious at Guinier.

"Some people think I'm trying to incite a riot, but that's not what I'm

doing," Guinier told the Washington Post. "I'm trying to speak truth to power and to use the fact that I have a voice to speak on behalf of those who may not, or may feel their voice is silenced."

Asked about the controversy, Penn Law School Dean Colin Diver told the Post: "Lani is very good at pushing people's hot buttons."

Clark, who in the past has been embroiled in disputes over the need for greater faculty diversity at Harvard, has said he had a "very favorable reaction to [Guinier's] scholarship."

"I think she's a great scholar," he told the Globe.

HLS so far has scheduled 12 visiting professors and lecturers to teach courses next school year, although Registrar Sue Robinson said the list is continuously subject to changes and is never considered finalized until classes begin. Registration for fall courses starts in April.

At Penn, Guinier has taught courses on voting rights as well as gender and the law,

Changes Ahead for ITL, Ames

continued from *BSA*, page 1

BSA members had mixed reactions to the new structure. Although BSA member Scott McMillin '96 said the organization's role in the new structure is not yet clear, at a minimum it will mean that organization has little, if any, teaching duties in the spring.

McMillin, who served on a BSA committee that discussed the proposal with faculty members, said he thought most BSA members would accept the changes.

"Whether individual BSA members would have chosen as a substantive matter to move Ames to the fall is one thing," he said. "[That] is a different question from, once it's in the fall, whether they will still want to be a teacher."

Privately, however, some present and former BSA members expressed reservations about the changes. Several students have also suggested that disagreement with the use of the O.J. Simpson case last fall has strained the student group's relationship with the faculty, particularly with Nesson.

Currently, 1Ls complete their first-semester lawyering course shortly before Thanksgiving and then participate in Ames in the first half of the spring semester, with BSA members instructing both programs.

Although the new structure would mean that 1Ls would still be working

after Thanksgiving, McMillin said he thought 1Ls would have sufficient time to prepare for exams.

"Looking back, you see that you had two weeks of Christmas break and then two weeks after that," McMillin said. "Yes, maybe they'll be stressed, but I don't think in reality, it'll be much more difficult."

Rakoff described the program as an "experiment" that could change if students find the fall workload to be unreasonably burdensome. He also said that many years ago, the Law School operated first-year Ames in the fall.

"It's not like this is something that's never been done before," he said.

The new 1L structure could spark other changes for BSA. The Law School and BSA are considering adjusting the schedule for upper-class Ames so that more of the competition would occur in the spring, McMillin said.

Currently, qualifying round occurs during the spring of second year, with the semifinals the following spring and the finals in fall of the third year. The Law School could shift the qualifying round to the spring of second year, the semifinals to third-year fall, and the finals to third-year spring, McMillin said.

The Law School is also seeking to hire an HLS graduate as a fellow to oversee the administration of the moot court competition.

Students Talk with Dean

continued from *DEAN*, page 1

programs, Dean Clark said.

Academics

Students complained about the high student-faculty ratio and its attendant problems, such as large class sizes and minimal feedback. Professors are unable to devote enough time to give students ongoing assignments, and rely instead on an all-too-final exam, they said. Student dissatisfaction is reflected in their criticism of the grading system, said one 1L.

Dean Clark said seminars, which traditionally have fewer than 25 students, are his favorite type of class. "The seminar method is wonderful for the students. But the other side of it is, it is a tremendous amount of work for the professors," he said.

Dean Clark discredited national law school ratings which typically rank HLS second or third. The main criteria that pull HLS down, he said, are starting salaries for graduates and the student-faculty ratio.

"We could make ourselves look better according to U.S. News, whose methods are imbecilic," Dean Clark said. Increasing the faculty size is a "main thrust" of HLS's formal plans for the future, he said, but not because of rating programs.

Faculty build-up has improved ratios

for 2L and 3L courses, but not for 1L courses, he said. It is difficult, Dean Clark added, "to get enough bodies each year to teach core classes," since most professors have narrower areas of expertise than basic 1L courses.

Student Life

L.L.M. students at the breakfast were particularly dissatisfied with campus life.

"We need a stronger relationship with J.D. students. There's no time to share our experiences," said a Nigerian woman.

Conditions are so bad, it seems, that the Gropius Complex was cited by students as a positive force in student relations.

1Ls were disappointed that they seem to be segregated from 2Ls and 3Ls. One student asked why first year electives are kept separate from upper-level courses.

"I for one have argued that we should unify all three years," Dean Clark responded. "But we would have to change the calendar and there would be fierce struggles — which we might do."

Incoming students will have the chance to see just what Dean Clark and the faculty will do, but present students still have the chance to tell him their vision for — or gripe about — Harvard Law School. Coming soon are "Snacks with the Dean" at John Harvard's Brew House.

Stay tuned.

FORUM CONVENIENS

Heaven and Hell

By Markus Hartmann '96

RECORD Columnist

IN "Fear and Loathing at Harvard Law School," published in this month's Harvard Magazine, Michael H. Levin compares Harvard Law School in the sixties to a boot camp or prison. He goes on to claim that contemporary HLS is a virtual paradise thanks to the redemptive powers of civil rights, feminism, consumerism, environmentalism and "their resulting cascades of revolution and reform."

On the back wall of Austin North there is a list of HLS World War II veterans killed in action, including names of notables like Joseph Patrick Kennedy, Jr. JPK had the benefit of the Kennedy name and a degree from HLS before he died over the skies of Germany in WWII. Had he lived, JPK would have been president.

If there is a similar list for Vietnam veterans, it is not as visible. So perhaps it is not surprising that Mr. Levin uses words like "boot camp" and "prison" in his article. While Mr. Levin's generation of genuinely privileged white males was going through the "boot camp" of HLS, many of that generation's less-than-privileged counterparts were being drafted to fight in an unpopular war.

That phenomenon has significance today. That generation's sons and daughters are in charge of our national agenda. The moral abdication of the privileged class of that era cuts across party lines. Both President Clinton and Senator Gramm found reasons to be elsewhere during the conflict in Vietnam. Today one of them is the Commander-in-Chief and the other is doing his best to take over the job.

Levin notes that there were very few women at the Law School. I am relatively certain that there was not a plethora of people of color either. So we are left with the author lamenting how tough it was to be part of one of the most exclusive white male clubs in the world. Levin speaks for a very privileged class when he proclaims: I too am a victim.

So is HLS like boot camp? Informed opinion tells me that it is not. Law School goes on for three years, boot camp is usually about 12 weeks long. The non-boot camp haircuts of the time were significantly different from the recruit haircuts. At the end of boot camp in '69 many men went off to die in the jungles of Vietnam. The HLS class of '69 has gone on to prosper in other areas of the globe. HLS was never like boot camp.

Levin provides a typical example of his generation's belief that the sixties were a golden era in American history. The sixties were not all that special — the boomers were just very vocal about their mediocrity. Their comparisons are no different from those of the grandparent who tells the children about walking to school, through the snow, uphill both ways, with no shoes, only to return home to a dinner of dirt. If you wait around the Hark long enough, you'll catch a 3L doing the same thing: "Back when I was in ITL, Westlaw didn't have natural language searches; it was like boot camp."

What has come along to save us from the bad old days and brought us heaven on earth at HLS? Levin again is typical of his generation. The sum of all the -isms that he mentions is politics. The argument is that politics has saved the law school from its harsh, dysfunctional self. It is warmed over realism at its worst. If the triumph of politics over law has brought us heaven, then perhaps our assumptions about the afterlife are wrong.

The politics that have been brought down from the mountain have failed to deliver the heavenly promises of the messengers. Levin lists three of the political movements that have supposedly saved the law school. In fact, many of the professors here at HLS have their own individual -ism that is the sum of their individual preferences and prejudices. Thanks to the triumph of politics, policy is king and the law is its subject. As a result, rather than learning the law, we endeavor to learn the

Today, it is the student with a background in hermeneutics, deconstructionism, utilitarianism, nihilism, and moral philosophy who thrives.

policy preferences of our professors.

An understanding of American political history was once very useful for a 1L at HLS. Today, it is the student with a background in hermeneutics, deconstructionism, utilitarianism, nihilism, and moral philosophy who thrives. Derrida, Habermas, Rawls, Nozick, Mary Daly, and Marx have a greater influence here than Locke, Madison or Jefferson.

As an academic matter, the infusion of all these different political sources has provided diverse material for tenure pieces. As a practical matter, the political influence on the curriculum has led to the abandonment of one-half of our professional training. ITL is not taken seriously. Upper level Ames Moot Court is an extracurricular activity. The Legal Research course with Ms. Wise is always oversubscribed and does not give the "credit" that the students who are enrolled in it deserve. BAR/BRI and PMBR set up camp at the Hark everyday knowing that we are going to have to learn the law somewhere.

So the inescapable conclusion is that paradise is where you get to listen to the policy preferences of the professorial class. Need we remind Mr. Levin, or anyone else for that matter, of the demographics of that class? Unfortunately that paradise is of little to no practical significance to the future working lawyers of HLS.

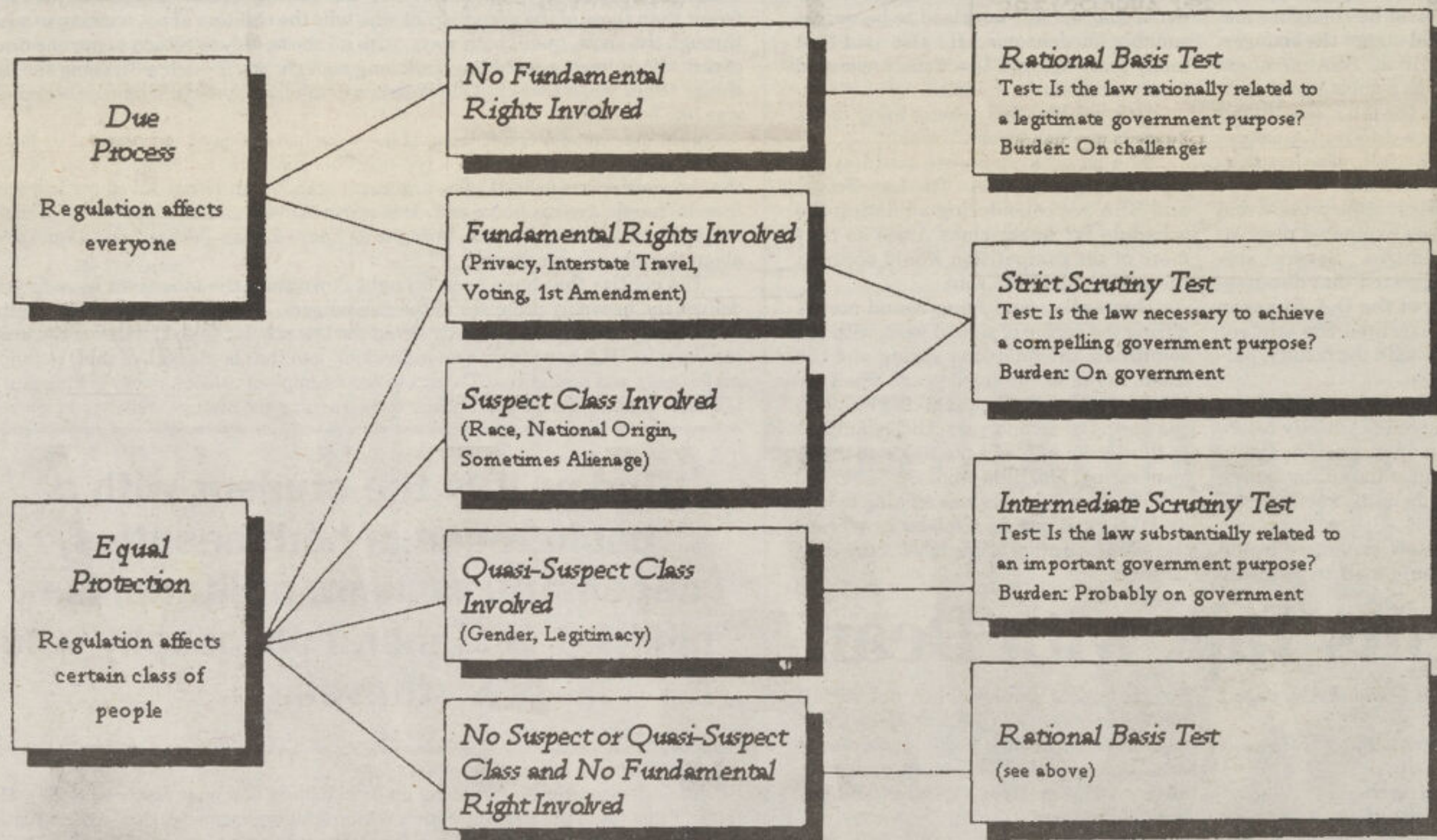
Levin highlights that law as taught at Harvard has been replaced by various -ism that are in fact political. Unfortunately, today the students are taught that there are no objective truths; only the policy preferences of the person at the front of the class are important.

Teaching that to America's best privileged young men and women is philosophically dishonest and is an abandonment of the Law School's mission. The revolution that Levin extols merely replaced one set of elites with another. He just prefers the politics of these elites to the politics of the old guard. His generation makes the mistake of believing that redemption is a political phenomenon. It is the unfortunate legacy of a generation that seeks to be generals yet never deigned to be foot-soldiers.

GO WITH THE FLOW.

CMR Approach Chart

Substantive Due Process or Equal Protection Questions



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

barbri
The Flow Chart Course