



Harvard Law RECORD

America's Oldest
Law School
Newspaper

35 CENTS

Volume 100, No. 9

APR 14 1995

Cambridge 02138

Friday, April 14, 1995

Elhauge To be Newest HLS Prof.

By Hope Yen

Former visiting professor Einer Elhauge '86 has accepted a tenured position on the Law School faculty, bringing what faculty called solid expertise and talent in antitrust, corporations, and health care law.

Elhauge's recent acceptance of the job brings the number of HLS faculty up to 70. It comes at a time when Dean Clark '72 said the Law School will be "cranking up the machinery and making a lot of appointments" as it nears its goal of reaching a core faculty of 78 by the year 2000.

Elhauge, a law professor at the University of California at Berkeley (Boalt) who is currently teaching at the University of Chicago, will teach corporations, health care law, and a seminar on public choice theory and the law next fall.

HLS faculty voted to approve his appointment last May. Elhauge, a graduate of Harvard College and the Law School, said he accepted the position in late March because he felt it appropriate to return to the institution that had given him so much intellectually.

"In many ways it's the place of my intellectual birth," said Elhauge, who won the Sears Prize in both his first and second years, graduated first in his HLS class, and was articles co-chair of the Harvard Law Review. "It has great faculty and terrific students and a really fantastic department with all the interdisciplinary fields."

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Dr. Moshe Waldoks, Gail Twersky Reimer, Rabbi Steven Greenberg, and Prof. Reuven Avi-Yonah discuss the state of the American Jewish Community at the Jewish Law Students Association's Spring Conference on Saturday. For a description of this and other conferences held at HLS this past weekend, please see stories on page 2.

Areeda to Donate \$5 Million to HLS

Longtime Prof. Reveals He Has Leukemia

By Greg Stohr

Prof. Phillip Areeda '54 intends to donate approximately \$5 million to HLS, the second-largest gift by an individual in the school's history.

Shortly after the Law School announced the gift last week, Areeda also made public something many of his colleagues have known for some time — that he has leukemia.

Areeda, who learned of his condition more than two years ago, said his doctors now estimate he has about two years to live.

Areeda, who is not married and has no immediate relatives, will leave the gift to HLS in his will. The Law School, he said, will receive virtually his entire estate.

"I love the place," said Areeda of the school at which he has taught almost continuously since 1961. "It's been my intellectual home since I first arrived here at the college nearly 50

years ago.

"I think [the Law School] makes a great contribution to society, and I'm confident it will continue to do so."

Areeda said he amassed the fortune through his salary (estimated by the New York Times to be less than \$150,000) royalties on books, and consulting fees. He is the co-author of a nine-volume treatise on antitrust law.

"It all came the old fashioned way," Areeda said. "I earned it."

Areeda said he managed to save much of his income through a frugal lifestyle.

"What I have earned I tend, after giving the tax collector his share, to spend relatively little of," he said. "I've spent so much time working that I don't have time to spend it."

"Now, I know I overstate my frugality. I do have a fondness for caviar foie gras and fine wine. But with those things

please see **AREEDA**, page 3

Weld Supports Fried's Application Groups Mobilize Against Fried's Candidacy to SJC

By Victoria Kuohung

Prof. Charles Fried has emerged as Governor William Weld's '70 favorite to fill a recently-vacated position on the Massachusetts Supreme Judicial Court.

But his application to the 22-member Judicial Nominating Council, which will recommend SJC candidates to the governor's office by the end of April, has encountered much opposition from pro-choice groups and civil rights advocates.

Fried is considered the frontrunner in the field of 15 applicants to the state's highest court. He served as solicitor general under President Reagan, during which he filed several controversial briefs before the Supreme Court not only advocating the overturn of *Roe v. Wade* but also promoting the gag rule in *Rust v. Sullivan*.

These and other aspects of his work at the Justice Department have once again come under fire as several Massachusetts organizations and individuals prepare to actively oppose his potential nomination.

John Bonifaz '92, Laura Hankins '92, and Linda Singer '91, who were among the named plaintiffs in a 1990 student lawsuit against HLS for failing to follow Massachusetts anti-discrimination law, called upon Weld to "examin[e] closely Fried's role ... in Harvard Law's faculty hiring decisions" in a letter published in the April 4 edition of the Boston Globe.

Fried's past positions on issues such as abortion, worker's rights, and civil rights generally

are also being scrutinized.

Acting director Melissa Kogut of Mass Choice, a pro-choice organization, said her group has "some concerns about his record as solicitor general and wants to be sure that he is asked specific questions about his position about restrictions on reproductive health care."

Fried stated in the March 18 issue of the Boston Globe that he is pro-choice. He declined to comment to the RECORD about his candidacy.

"We're glad to hear that he describes himself as pro-choice," said Kogut. "But given his record, we really have concerns about what his position would be about these areas on any number of cases, such as Medicaid funding for poor women [upheld in a 1970s Massachusetts decision], that may come before the SJC. Preserving access to services is key."

Groups such as the Small Property Owners' Association strongly support Fried's application.

SPOA co-chair John Maddox, who also authored last November's Question 9 to eliminate rent control, said his membership was "really excited about the potential nomination and think Fried's a brilliant man."

Fried represented property owners and the real estate industry on a pro bono basis during the fall initiative.

Saying that Fried's anti-abortion record simply reflected the position of the Reagan Administration, Maddox — who worked with Fried on a brief arguing the constitutionality of Question 9 — said the judicial

please see **FRIED**, page 12

Police Have Suspect in Fraud Case at Terry Terrace

By Greg Stohr

Harvard police say they have a suspect in a recent spate of fraudulent activities centered around Terry Terrace.

Since last fall, as many as a dozen HLS students living in the west wing of Terry Terrace have received unsolicited bills and products from book clubs, music clubs and magazines. Students say they suspect another resident has been affixing their names to enrollment forms and then stealing many of the items when they arrive.

Students have also com-

plained of thefts of newspapers and packages in the building, and sources say police are also investigating allegations of credit card fraud.

Harvard Police Detective Richard DeCruz confirmed this week that police had used camera surveillance and had identified the person they believe is responsible.

"We do have a suspect," he said.

Although student speculation has focused on a 3L living in the west wing, DeCruz refused to identify the suspect or confirm that the person was

please see **FRAUD**, page 15

LL.M.s Find Mixed Bag at HLS

By Marc J. Goldstein

Matteo Bay LL.M. '95 spent his first night at Harvard Law School scrubbing the floor, walls, shelves and bed frame of his Ames Hall room. He still refers to that day as "Black Friday."

When Bay arrived that afternoon, dust covered the furniture, small shards of broken glass were scattered on the floor, and there were no sheets or towels — not even a desk lamp.

"It was like the room had not been used in the last 10 years," said Bay, a native of Italy. "I had to call for someone to clean it, and they said there was no one to clean it."

In between sweeping the glass off the floor and washing down the walls, Bay had to confer with the other new LL.M.s in his building about where to buy sheets and a pillow with which to sleep that night.

"I came to Harvard Law School, the leading institution in the world by reputation, and they gave me this room," Bay said, "and I wasn't the only one who was disappointed with the welcoming procedures."

Just three days later, the LL.M.s met for what a number of them affectionately describe as "disorientation."

Quiet discontent exists among the LL.M. students this year — a group of 144 highly diverse, mostly foreign law students from about 50 different countries pursuing an advanced degree in law. While some LL.M.s com-

plain about their lack of integration into the law school community, the poor services provided by the Office of Career Services, the uselessness of their orientation program, and the lack of support

from the graduate office, the administration maintains it is fulfilling the needs of the LL.M. community.

Career Services

A majority of students have complained about the lack of support from the Office of Career Services, said Barbara Schuck, LL.M. '95, one of the LL.M. class representatives to the Law Student Council.

Jean Kemsley is designated to work with the LL.M. students in the office, said June Thompson, director of career services. But Schuck said most of the people she has talked with have blasted the office's help in finding employment in the United States.

"She is allegedly supposed to

please see **LL.M.s**, page 6



Barbara Schuck

Harvard Hosts Slate of Student-Organized Conferences

Fight for Environmental Justice Begins with Community, Say Panelists

By Jack D'Couer

While Clinton's Executive Order 12898 has forced federal agencies to consider environmental justice, the driving force behind the fight on this issue will have to come from the affected communities, according to a panel on federal environmental initiatives held at the Law School on Saturday, April 8.

"The feds are doing some things on the national level, and we're doing some things on the regional level, but most things will be done when everyone sits around the table [to negotiate]," said Deborah Brown, who works in the EPA's Office of General Counsel.

The panel was one of five conducted as part of a conference organized by the Harvard Environmental Law Society. Titled "Environmental Justice: The New Wave," the conference examined environmental justice, including the origins of the concept, the role of the market, and the importance of community empowerment.

"The environmental justice movement emerged from a growing recognition that [people of color and poor people] are more adversely affected by environmental and economic crises than the affluent," said panelist Deeohn Ferris, director of the Washington Office for Environmental



Deeohn Ferris, the director of the Washington Office for Environmental Justice, discusses the development of the environmental justice movement as other panelists look on.

Justice.

"This corps of people has set forth a startling redefinition of environment," she said. "Traditionally, it meant birds, bees and trees. They redefined 'environment' to be where we work, play and live."

This redefinition yielded a grass roots movement on an international scale, with attention focused on occupational and ambient environment hazards, according to Ferris.

She pointed to efforts of these grass

roots organizations, including the development at an international conference of 17 principles of environmental justice, serve as the impetus for the Executive Order. "We are appreciative that the Clinton administration picked up the banner," Ferris said.

Under the order, federal agencies are required to identify the reasons low-income and minority communities predominantly face higher levels of environmental degradation and to ensure

nondiscrimination in federal programs affecting human health and the environment. The order also provided for the creation of an interagency working group to assist federal agencies in achieving these goals.

Implementation of this order created new problems for federal agencies, however, according to panelist Nadira Clarke, special assistant to the assistant attorney general for the Environment and Natural Resources Division of the U.S. Justice Department.

"We had to come up with a strategy that recognized that divisions [within the Department of Justice] worked differently," she said.

The department has since been dividing its time between carrying out the order and educating its agents on the principles of environmental justice.

Under the order, central agencies should begin taking more pro-active steps in order to obtain compliance information from branch offices, according to Brown.

"We need to do compliance assessments. We don't do that, and it is an institutional culture that needs to change," she said.

Brown also stated the agency needs guidelines on how to best achieve environmental justice. "If we don't have

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Fein Offers Continuity Through Cooperation

By Joshua Strathman

Dr. Leonard Fein, the keynote speaker at the Harvard Jewish Law Students Association's Spring Conference last Sunday, addressed a crowd of 100 about the difficulties presently facing Jewish Americans and commented on the need for continuity of tradition within the community.

Fein asserted that, to cease being a "community casting about for some sense of connectedness," Jewish Americans must realize this continuity in the context of some broader purpose.

Fein began by discussing the "connections that used to bind Jews together [which] have atrophied rather significantly" in the past few decades, namely language, religion, and a pervasive sense of the diaspora's powerlessness.

One hundred years ago, Fein noted,

"religion these days does not provide the kind of potent connection that once it did," said Fein.

Yiddish was spoken by some 70 percent of Jews worldwide. English now is the most widely spoken language among Jews but lacks the ties to Jewish identity of Yiddish and therefore fails to serve a unifying function, said Fein.

Fein also described how "religion these days does not provide the kind of potent connection that once it did." He pointed out that, in the past, even those Jews distant from the religious orthodoxy were versed in religious vocabulary and familiar with the basic tenets.

Fein contrasted this with the present state of affairs in the United States as the "difference between ignorance and heresy." It is not, he commented, that religious divisions among Jews are more divisive or heated as in the past, but rather that more Jews are simply less aware of basic religious doctrine.

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Alianza Speaker Asks 3Ls To Help Next Generation

By April Rockstead

A 10-year HLS alum asked departing 3Ls to remember to "keep the door open" for Latinos who wish to enter the law after them during her Saturday keynote speech for the sixth annual Alianza conference.

Juanita Hernández '85, counsel to the assistant attorney general in the U.S. Justice Department's Civil Rights Division, said those leaving to clerk and work as attorneys should savor their successes, but not forget larger goals.

"Post-Harvard Law School six-figure salaries are nice," she said, speaking to about 70 students. "But the sixth sense of responsibility to community is even greater."

Hernández, who worked for a large law firm prior to joining the justice department, said one of the attorneys who had recruited her told her he had waited to make sure another Latino was hired before leaving the firm.

Likewise, graduating students should "hold the door open for those behind them" by supporting opportunities for

minority children for college, law school, jobs, and clerkships, Hernández said.

Since only 2.6 percent of all U.S. attorneys and judges are Latinos, young lawyers have special opportunities to encourage others to enter the legal profession, she said.

"By definition, you are recognized as role models and leaders," Hernández said.

Pointing to the high percentage of minority children who live in poverty in the United States today, Hernández also urged graduating students to make time to get involved in civic activities benefiting children and others in need.

"Do it for them, and do it for you," she said.

Hernández said she expected this year's 3Ls to go far.

"I see many of you teaching or becoming judges," she said.

But, she added, "To those to whom much is given, much should be required. Your Latino community needs you now more than ever before."

The conference also featured two panels, both of which considered immigration policy issues.

Panel Looks to Past, Present in Discussing the Future of Child Care

By David Weiss

In the face of potential cuts in federal programs by Congress, advocates for improving child care services for low-income families will have to build on the lessons of the past and the present to shape a better future in this area, according to a panel at a day-long conference entitled "Getting to Work: Creating Affordable, Quality Child Care for Low-Income Families," held at the Kennedy School of Government on Saturday, April 8.

"The [existing] regulations are focused on work-enabling rather than on necessary care," said Abby J. Cohen, managing attorney for the San Francisco-based Child Care Law Center. "There is no focus on the needs of the children."

The panel, entitled "Visions of the Future," was the final segment of the conference, which focused on various aspects of child care, including government funding, measuring the quality of care, and provider-side perspectives on the subject.

Also on the panel were J. Lawrence Aber,

president of the National Center for Children in Poverty, and Felton J. Earls, professor of Human Behavior and Development at the Harvard School of Public Health. The panel was moderated by HLS Visiting Prof. Lucie White.

Cohen attacked some of the "ironies" she saw in the existing system, saying, "Nowadays, low-income women are recommended to take jobs in child care, but the wages are too low to support their families. And these are the same women who are then told in other contexts that they don't have anything to offer their own children."

She added that while the United States has compiled the most information on the importance of pre-school care, this country has the fewest policies and acts related to this subject.

"Children need the first call on our resources," said Cohen, "but that is less likely to occur with the graying of America."

Like Cohen, Aber focused on the recent developments in this area of social policy, reminding the 150-person audience, "We have to understand the pro-



Visiting Prof. Lucie White (far left) moderated a panel discussing visions of child care at the "Getting Back to Work" Conference. The panel was composed of (left to right) J. Lawrence Aber, Abby J. Cohen, and Felton J. Earls.

gram and policy environment."

Although the problem of access to quality child care services is a problem faced by people of all economic classes, it is especially problematic for low-income families, according to Aber. "We can now

stand up and say, 'Dollars translate into quality.'"

The problem, in turn, varies greatly depending on race and geographic loca-

please see *CHILD CARE*, page 13

Elhauge to Teach Health Law, Corps.

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"I do health care law and they have terrific people in health care policy, including those from the Medical School, economics and the Business School," he said.

Clark said Elhauge brings strong talent to the HLS faculty.

"Clearly he is one of the outstanding young scholars in a number of fields for which we have a strong curricular need," Clark said. "He has written and is writing on antitrust law. He has tremendous interest in health law with a focus on access, financing and cost control — and not just the traditional law and medicine issues. He's writing a major book on this, and it promises to be terrific."

"It's also helpful that he teaches corporations and does a good job because we could use more people in that area. He's very smart, energetic, productive and a great teacher," Clark said.

Elhauge, who clerked for Supreme

Court Justice William Brennan in 1987-88, described his teaching approach as "theoretical-Socratic," a style that he believes to be more thought-provoking.

"The focus of the class is question and answer, but it isn't so much focused on doctrinal parcelling of the cases," he said. "It's more focused on the theoretical underpinnings of the doctrine."

Prof. Phillip Areeda '54, who is a specialist on antitrust law, praised Elhauge's abilities, calling him a promising legal scholar. "He's a brilliant analyst with wide ranging intellectual interest," Areeda said.

Clark said he will be reassessing faculty needs in the next few weeks to determine the areas of greatest urgency in hiring. Guiding his analysis will be curriculum demand, but decisions will also be made with an eye toward a vision of what Harvard Law School should be in the next century, Clark said.

"I can say we are looking to add another person who really concentrates on the area of corporations and corpo-

rate finance," he said. "Another one is private international law, meaning international business and trade. We also would like to make an appointment of someone who focuses on women and the law."

"And then there are many things of a second order, where we will be adding strengths here and there in looking at what kind of law school we want to be in the next century," Clark said.

For example, a professor specializing in Japanese studies is being highly sought, not necessarily because of curriculum demand, but in recognition of the position's critical role in building the Law School's strong reputation in international law, Clark said.

Who won't be hired in the next few months, however, are new faculty to assistant professorships, he said.

"Entry level has closed shop," Clark said, explaining that the Law School will be focusing on prospects at the more senior level through visiting professorships.

Prof. Areeda Donates Money to HLS

continued from **AREEDA**, page 1

aside, I live a fairly simple life."

Areeda's gift likely will be about the same size as the \$5 million donation made by King Fahd of Saudi Arabia in 1993. Only last fall's \$13 million cash donation from Gustave Hauser '53 and Rita Hauser '56-'57 ranks higher.

Areeda said he is placing no restrictions on the gift.

"I've seen enough of universities and their troubles in dealing with restricted gifts that I thought I would make things easier on the Law School by not imposing any restrictions," he said.

Dean Clark '72 called Areeda's contribution "uplifting." He said the example of Areeda's gift has sparked an additional \$450,000 in contributions in the past few weeks.

"It's absolutely wonderful," said Clark. "Here's somebody who has been giving to the Law School all of his adult life. For somebody like that to also be a

major financial contributor, is quite inspiring."

Clark was among the speakers at a dinner honoring Areeda last Friday.

Clark hinted that the Law School likely will honor Areeda, perhaps by naming a building or some other structure after him, but Clark declined to discuss his plans.

"It'll be good," he promised.

Areeda said he plans on teaching and writing "until the end." He is currently working on volume ten of his treatise and is already planning for volume 11.

"It's not a wasting disease until the last few months," he said. "So I do not plan to retire."

The median survival rate for those with leukemia is about three years after diagnosis, Areeda said.

"It may be much longer in my case," he said. "I certainly hope so. But I'm resigned to it."

Areeda joined the HLS faculty in 1961 at the urging of then-Dean Erwin

Griswold. At first, he taught both administrative law and antitrust courses but gradually began to specialize in antitrust law. In 1969 he began teaching contracts. He has left HLS only for short stints in the Nixon and Ford administrations.

Among the changes he has seen in HLS over that time is an increase in the selectivity of the admissions process.

"The student body in general is stronger," Areeda said. "The top has always been terrific. But the rest of the class is somewhat stronger than it used to be."

But Areeda also suggested that many have perceived a "decline in craftsmanship" over the past several decades.

"I sometimes have the impression that less is demanded of students at the high school and college levels in terms of clear and careful writing and getting things exactly right than might have once been the case," he said.

"But that may be nostalgia on my part."

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BRIEFS



LSC to Let Organizations Decide Funding Issue, Forms Committee on Langdell Renovations

Following up on the calls for disclosure of the funding levels of student organizations started last semester by John Bates '95, the LSC voted Tuesday to have the organizations vote on the matter later this semester.

Under the council-approved motion, a letter and ballot will be sent to the heads of each student organization. The letter encourages discussion of the issue within each organization, although no requirement of internal consensus is required. Each organization will have one vote, with each organization's vote weighed equally.

According to LSC Treasurer Joe Miller '97, this was probably the way in which the decision was made to make the funding awards confidential in the first place.

The outcome, which will be determined by a simple majority vote, is not technically binding, according to LSC President Rob Simmelkjaer '97. However, he added, "Dean Richardson said that if there is a majority [in favor of disclosure], the numbers will be made available upon request at the dean's office."

A failure to obtain a majority vote for disclosure will not put an end to the issue, however. Simmelkjaer indicated at the LSC meeting that a student body referendum may be considered as a possible option if this vote fails to pass. However, he <None> "I'll cross that bridge when we come to it."

Later in the meeting, the LSC agreed to form a committee to meet with those in charge of the Langdell renovations and to formulate a plan of action for the council. "This was an issue tailor-made for the Council to work on," said Simmelkjaer. During discussion of the plans for the committee, Council members disagreed on whether and how the LSC should take direct action before their next meeting, which is scheduled for April 25.

The committee will consist of Melanie Bowen '97, Gerber, Erika Rubin '97, LSC Vice-President Bob McCarter '97, and Maeghen Maloney '97. In a RECORD interview, Simmelkjaer said he was not concerned that the committee was comprised entirely of 1Ls. "I think the committee is made up of a good cross-section of viewpoints on this issue among the Class of '97. It is a Class of '97 issue, so I am not concerned."

Teams Selected for 84th Annual Ames Moot Court Finals

With the Ames Court semi-finals over, the Lone Dissenters are set to meet the Theodore Geisel Team in the finals on November 17, 1995. The Lone Dissenters also took away honors as Best Team Overall. Other honors went to John Stinesford '96 and Bathsheeba Crocker '96 for Best Oralists in the *Baker* and *Peterson* semi-final round cases, respectively, while the Lone Dissenters and the Geisel Teams were each awarded Best Brief honors.

The Lone Dissenters is composed of oralist Harry Chernoff '96, David Friedman '96, Sam Liccardo '96, oralist Jay Prabhu '96, Kandance Weems '96, and Mark Yablonovich '96. The Theodore Geisel Memorial Team is comprised of Crocker, Kimberly Parker '96, Mark Quarterman '96, oralist David Schwimmer '96, Jeffrey Simes '96, and Colin Stretch '96.

Edley to Lead Clinton's Affirmative Action Review

HLS Prof. Christopher Edley '78 has agreed to head up President Clinton's review of federal affirmative action programs. On previous issues, Edley — who has considerable experience with the subjects of economics, politics and affirmative action — has taken a position favoring diversity while opposing quotas.

Bosnia Teach-In Planned

The student group "Never Again: Students for a Just Peace in Bosnia" has organized a teach-in for next week about the war in the former Yugoslavia. The week begins on Monday, April 17 with the films "Sarajevo: Ground Zero" and "Eyes on Bosnia" to be shown in Harkness Commons. On Tuesday, Eric Stover of Physicians for Human Rights will present a slide show. Bernard-Henri Levy's new film, "Bosnal", will be shown in the Hark on Wednesday.

On Thursday, April 20 a panel composed of Stephen Walker, executive director of the American Committee to Save Bosnia; Kemal Kurspahic, former editor-in-chief of the Sarajevo newspaper *Oslobodjenje*; Sashi Tharoor, special assistant to the Under-Secretary General, U.N. Department of Peacekeeping Operations; and Muhamed Sacirbey, Bosnian ambassador to the United Nations will discuss the international community's role in stopping the war. Friday, speaker Michael Scharf, author of "An Insider's Guide to the International Criminal Tribunal for the Former Yugoslavia," will discuss the future of the war crimes tribunal.

The week ends on April 23 with a Walk for the Children of Bosnia, organized by the New England Bosnian Relief Committee.

Pakistani P. M. Gives Endowment to Support HLS Islamic Studies

On behalf of the government of Pakistan, Prime Minister Benazir Bhutto LL.D.'89 recently presented a gift of \$100,000 to the Center for Islamic Studies at Harvard Law School. The gift will fund activities at the center directly related to Pakistan, such as adding to HLS's resources on Pakistani and Islamic studies, visits from Pakistani professors and scholars, and fellowships for Pakistani students of Islamic law at Harvard. It is hoped that the gift will encourage additional financial support from the Pakistani private sector to raise a total fund of \$1 million.

Merchant Discusses Movie-Making at HLS

By Joshua Strathman

"This is the philosophy of Merchant-Ivory — we are proud of our roots. This is why. Merchant-Ivory is famous, well known, and respected everywhere."

So said producer and director Ismail Merchant last Thursday before an audience of 200 at a speech sponsored by the Committee on Sports and Entertainment Law. The roots he referred to were the diverse cultural and literary luminaries from whom Merchant-Ivory has drawn in the crafting of its films.

On a more individual level, Merchant noted that his interest in films had deep roots. Merchant recalled his childhood days as an avid movie-goer: he was so impressed by Indian and Hollywood films that came through Bombay that he made an early decision to one day make films of such scope and grandeur.

Merchant pursued this interest in college through organizing student productions and campus shows. Merchant recounted one incident from his college days when he accompanied an actress friend to a premier. In a show of their customary adoration of film stars, the Indian fans showered the motorcade with petals.

The incident only confirmed his desire to work in the film industry. "Flowers they have not thrown at me, but money they have thrown," said Merchant.

Going to New York ostensibly to follow his parents' wishes to finish his studies in a "serious profession," Merchant again found himself devoting much time to his passion for the movies.

Merchant related two important developments that occurred during his New York stay. First, Merchant found himself

drawn towards more artistic and meaningful pictures. Second, he turned his promotional and organizational skills to the task of raising money for film production.

In discussing the art of lining up investors, Merchant described the film industry as a game of "roulette where you can lose everything or win a lot — you must be straightforward about this."

Noting that "Hollywood is the most unlikely place for subtlety," Merchant described how he heralded his move to the west coast with a press release but arrived unnoticed all the same.

Merchant ensured, however, that this oversight would not often be repeated by actively promoting his films, continuing to raise funds for the nascent Merchant-Ivory studios, and following his own artistic desires in film.

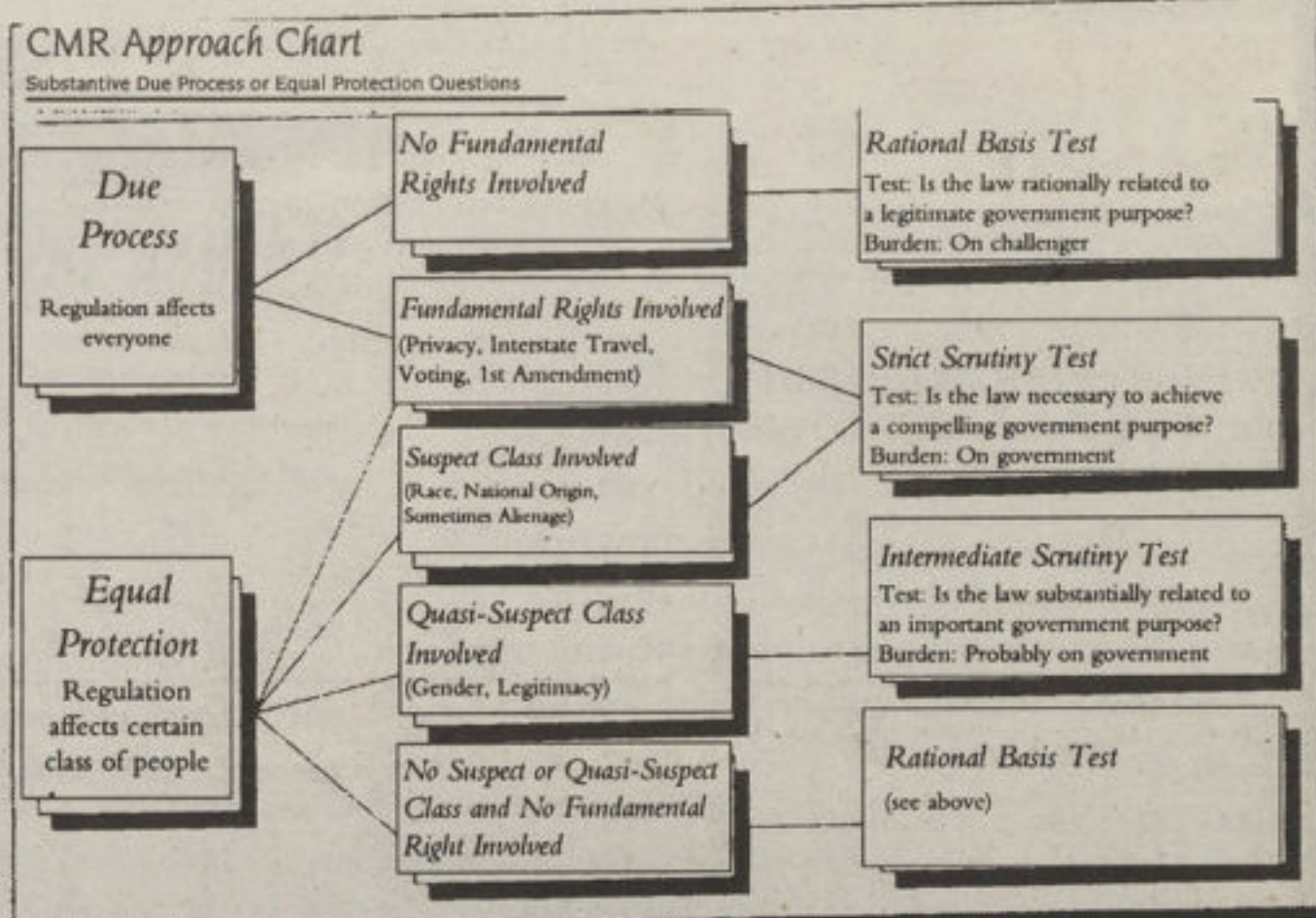
He observed that early on Merchant-Ivory made the "decision to go the rough road, if needs be, to make quality films," and that "no matter how gilded the other road is, we'll stick to our direction." This decision has made Merchant-Ivory a studio renowned for its artistic integrity.

In accounting for his studio's success, Merchant explained that Merchant-Ivory films are "not for brainless people but for people with intelligence. They are films with soul, with mind, with intelligence."

Merchant expressed satisfaction in the growing number of actors and directors eager to participate in serious films.

Merchant's combination of craftsmanship and entrepreneurial skill was cited by Committee President Thomas Smuts '96 as a motivating factor behind inviting him to speak. Merchant represents a "nice compromise between serious, artistic filming and a model of independent film making with commercial savvy," Smuts said.

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War in the Former Yugoslavia Comes Home to HLS

1L Describes His Year in Bosnia

By Debbie Solomon

This is the first in a series of articles regarding the experiences and views of HLS students connected with the region.

To most HLS students, the war in the former Yugoslavia remains a collection of TV images. But for others - for those who have lived or worked in the region - the far away European conflict strikes very close to home. Dan Smith '97 is one of those people.

After spending seven months in Somalia dodging machine gun fire as he delivered humanitarian aid to rural villages, Dan Smith '97 thought he was ready for Harvard Law School. But when he arrived in Cambridge in September 1993, Smith instead decided to defer his legal studies for a year and flew to Croatia to aid the humanitarian effort in Bosnia.

Smith spent the year working with the International Rescue Committee (IRC) in Metkavic, a border town between Croatia and Bosnia. IRC, the largest non-governmental organization (NGO) in Bosnia, is an American organization founded by Albert Einstein to aid Holocaust refugees during World War II. Today, IRC transports tons of humanitarian aid into Bosnia and runs innovative agricultural, medical, and mental health programs.

In charge of convoy operations, Smith negotiated passage through hostile checkpoints, helping IRC deliver seeds for 200,000 Bosnian families, install a huge water filtering system in Sarajevo, and construct and maintain refugee centers.

The convoy route from Croatia to Bosnia was long and dangerous, despite being only 150 miles - a three hour drive in peacetime. In winter, the journey could take up to five days.

"They used to shoot at our trucks all the time," Smith said, "and they hijacked vehicles at gunpoint, but we always figured we were about even because each side had stolen about the same number of vehicles from us. We figured we were still a neutral organization."

"I felt a really strong obligation to work in there," Smith said. "But I was scared."

Smith worked in several Bosnian towns including Sarajevo, Zenica, Tuzla, and Mostar. The divided city of Mostar was "a particularly bad area," Smith said, because the 50,000 Bosnian Muslims in East Mostar were surrounded on one side by Bosnian Croats in West Mostar (who had forced the Muslims into East Mostar) and on the other by Serbian snipers in the hills above the city.

"It was extraordinarily dangerous," Smith said. "The shell damage was even worse than Sarajevo, because it was so concentrated."

The people of East Mostar were totally dependent on outside aid. But few organizations had the necessary equipment - armored cars and bullet-proof vests - to venture into the city.

This desperate situation made Smith and the other men and women working at IRC determined to bring aid. "I felt a really strong obligation to work in there," Smith said. "But I was

scared."

Smith had previously worked in Somalia, where he said there was a lot of random shooting. However, he thought his experience in Bosnia was more frightening.

"You kind of get used to the gunfire, but the shelling was a new thing," he said. "I hated it. With the gunfire, you know where snipers are, and you always keep a building in front of you so they can't find you. But with the shelling,

Bosnia, also called Herzegovina, which is the self-proclaimed government of the Bosnian Croats) was not an easy task.

"There was a lot of black marketeering, war profiteering, and blatant obstructionism," Smith said.

When he was working for IRC, relations between Croatian and Muslim Bosnians were at their lowest point. Croats and Bosnians of Croatian ethnicity "ethnically cleansed" Muslims from Bosnian towns. However, Croatia

send the whole convoy back with 15 tons of desperately-needed food."

Sometimes, Smith said, the bureaucratic hassle was just an excuse for stealing the aid that IRC brought.

"They would confiscate anything they could use and as an excuse say that it was not humanitarian aid," he said. "Some of the soldiers weren't very bright and would accuse us of smuggling communications devices when they saw the medical equipment. When we transported pipes to set up plumbing in refugee centers, the soldiers accused us of planning to build mortars."

"It was patently absurd," he said.

Smith's convoy was held up once in Ljubuski, just across the Croatian border.

"We had gone through all the paper-

... some allege that humanitarian aid actually makes the situation worse.

work - it had taken weeks just to get permission to transport a convoy through there," he said. "But they set us up. As soon as we crossed the border, they insisted on inspecting the trucks. They wouldn't let us pass or even return."

"The soldiers were trying to escort us to a warehouse where we would offload the aid for 'safekeeping' - they clearly just wanted the stuff. Things escalated, and they called in reinforcements who surrounded us with guns. They carted us off to the police station and held us in lockup." Fortunately Smith had radioed to his headquarters in Split, and UN officials finally arranged for their release.

Not only was it difficult to cross checkpoints to get into Bosnia, but once the convoys arrived, distribution became another problem. Local humanitarian and government organizations controlled the distribution of aid. However, Smith is not confident that all of the aid got through to the people.

"You do as much monitoring as you can so that you curb the worst excesses, but it's a very poor system," he said.

"Unless you do the distribution yourself, you really can't do much about it. I mean, you can't accuse the local authorities of stealing the food to give to the army or sell on the black market. You can't push it too far. But it's frustrating."

"No matter how you distribute the food and medicine, a lot of it is going to go to the army. Every family has someone who's in the army, and they will take care of them," he added.

Another frustration Smith experienced was being blamed for situations beyond IRC's control. "Bosnia was political in a way I'd never seen before," he said. "And it never ceased to amaze me how all the different sides would manipulate the UN. Even the people wouldn't blame their own government. There's no public accountability - it gets twisted around to 'the UN isn't doing its job, the humanitarian organizations aren't doing their job, it's your fault.' It's absurd - it really is. I had a real problem with that."

The Bigger Picture: Side Effects of Humanitarian Aid

Smith noted that even humanitarian aid is not a black and white issue. In fact, some allege that humanitarian aid actually makes the situation worse.

please see SMITH, page 14

The Birth and Death of Yugoslavia: A Brief History Leading up to the Bosnian War

1918 End of WWI. Kingdom of the Serbs, Croats & Slovenes is created (Renamed the Kingdom of Yugoslavia in 1929).

1939 Yugoslavia is a centralized, unitary state between the two World Wars. However, Croatia gains significant autonomous legal, administrative and financial jurisdiction over a region called "Banovina" in 1939.

1941 Hitler invades Yugoslavia. "Banovina" becomes the Independent State of Croatia (ISC), under the patronage of occupying German and Italian forces. ISC launches campaigns of terror against Serbs, Jews, Romanians, and other "disloyal inhabitants;" hundreds of thousands are killed in concentration camps, expelled, or converted to Catholicism.

During World War II, the war in Yugoslavia is conducted both internally, as a civil war, and externally, against occupying forces. Throughout the war, factions, like the Croatian "Ustaasi," Serbian "Chetniks," Albanian "Balists," Communist "Partisans," etc., fight each other. Except for the Partisans, these factions are mainly ethnically homogenous and exclusive. Led by Josip Tito, the Partisans are the largest liberation movement and the only group with multi-ethnic leanings. The Partisans gain Allied support against the Nazis and emerge as rulers of Yugoslavia when WWII ends.

Post-WWII Tito's dictatorship rules Socialist Federal Republic of Yugoslavia for 35 years. Tito bans nationalism and limits the practice of all religions, but he rules by balancing power between ethnic groups in the country's six republics (Serbia, Croatia, Macedonia, B-H, Montenegro, and Slovenia) and two autonomous provinces (Kosovo and Vojvodina).

1948 Yugoslavia rejects Soviet control and receives diplomatic and financial backing from the West.

1967 Muslims are recognized as an official nation within Yugoslavia.

1974 The Constitution is rewritten to give greater autonomy to the republics and autonomous provinces.

1980 Tito dies. Yugoslavia is ruled for 10 years by an 8-member Presidential body (one representative from each region; each has veto power). Government is effectively at a stalemate.

1986 An influential memo by Serbian intellectuals states: Serbia is a victim of "economic subjugation" by Slovenia and Croatia, Serbian culture is being "usurped and divided," and "Serbs have always won in war and lost in peace."

1988-89 Rising Communist party leader, Slobodan Milosevic, installs friendly governments in Montenegro and Vojvodina. He later abolishes Kosovo's autonomy and suspends basic human rights for Albanians (90% of Kosovo's population). This gives Milosevic four of eight votes on the Presidential Body, enough to block proposals by other republics.

1988-90 Serbia announces economic war against Slovenia. Milosevic is elected president of the Serbian Republic.

1990 Milosevic rejects reforms of League of Communists suggested by Slovenes and Croats, who then leave the League. Calls by Slovenia, Croatia, B-H, and Macedonia for looser confederation are also blocked by Milosevic.

1990 Franjo Tudjman is elected president of the Croatian republic. His anti-Semitism and discrimination against the Serbian minority in Croatia recall Croatian fascism during WWII. Propaganda floods Serbian and Croatian media.

Kiro Gligorov is elected president of Macedonia; Alija Izetbegovic is elected President of B-H. Both advocate for a non-nationalistic, multi-ethnic state. Ultra-nationalist Radovan Karadzic becomes president of the self-declared Serbian Republic in Bosnia.

1991 Belgrade demonstrations against Milosevic are met with police force.

1991-2 Croatia and Slovenia secede from Yugoslavia. Yugoslav National Army (JNA) tries to prevent Slovenian secession. (The JNA is the fourth most powerful army in Europe; the majority of its officers are Serbian. Formerly controlled by Yugoslavia, it is now controlled by Serbia alone. Arms embargo imposed on all parties freezes Serbian military advantage.) After brief fighting, Slovenes achieve independence.

The JNA moves to Croatia (which, unlike Slovenia, contains a significant Serbian minority population). After many civilian casualties, a UN-brokered cease-fire leaves 1/3 of Croatia (mainly Krajina region) under Serbian control. Croatia and Slovenia are internationally recognized as independent states.

Feb. 1992 Referendum on independence held in B-H. Serbian Nationalist Party calls for boycott, but some Bosnian Serbs vote nonetheless. The result: a 64% vote for independence from what is left of Yugoslavia.

Apr. 1992 B-H parliament declares independence. At a Sarajevo peace demonstration, Bosnian Serb snipers open fire on unarmed Muslims, Croats, and Serbs. The next day, JNA units begin to shell Sarajevo.

April 1992 The U.S. and most European countries recognize B-H's independence.

May 1992 B-H is recognized as a full member of the U.N.

Since B-H's declaration of independence, Bosnian Serbs have taken 70% of B-H's territory; over 200,000 Bosnians have been killed; tens of thousands of women and girls have been raped; and more than two million Bosnians are refugees or are in internal exile.

you just hear the little whistle, and you don't know where it's going to land.

"It's like playing the lottery, except you don't want to win."

Unfortunately, other foreign travelers did win.

"A couple days after I went in once," Smith said, "three Italian journalists got out of their car and, boom, they were killed. They were just in the wrong place at the wrong time."

Negotiating passage from Croatia through Herceg-Bosna (a rural part of

and Bosnia have since joined together in a federation. This uneasy alliance greatly reduced Muslim-Croat fighting.

"We were stuck in Croatian towns where the people hate Muslims and had to cross an international border and 18 hostile checkpoints," Smith said. "There was obstruction at every point. First, the Croatian government required an enormous amount of paperwork, and they would hold you to the letter. If there was one tiny mistake - say in a driver's ID number - then they would

LL.M.s Have Mixed Views on Life at HLS

continued from LL.M.s, page 1

work for the LL.M.s," Schuck said. "The students felt there was very little response from her. They thought on average she could have done a better job."

But the complaints of the LL.M.s were countered by Thompson who said the LL.M. students often arrive with misdirected beliefs about the job market here that are only made worse by the job frenzy of 2L and 3Ls.

"It is the structure of the employment market," Thompson said, rather than a lack of work on the part of her office.

"They are sent a letter about what to expect — that the market is not good here and that they shouldn't expect to get a job here," Thompson said. "The opportunities for them are very limited."

Thompson said only a few firms indicate they want to interview LL.M.s, and those are the firms with which the students are allowed to interview. The flurry of activity surrounding 2L and 3L interviewing often skews the views of the LL.M.s, she said.

"They see the second- and third-year students go for interviews and get flown around," Thompson said. "It is different for them."

In an additional effort to further realign expectations with reality, the Office of Career Services has an orientation meeting with LL.M. students during which, Thompson said, she tells the students about the hard realities of getting a job in the United States.

Despite this fact, she estimated about 20 to 25 LL.M.s in a class of about 140 get jobs in the United States each year.

But the LL.M.s remain unhappy about the procedure from which many feel excluded, Schuck said.

Both Thompson and Jorge L. Esquirol '93, director of academic affairs for the graduate program, pointed to the Law School's promotion of a New York University program which convenes LL.M.s and the firms that want to hire them.

Also, Thompson said, her office encourages LL.M. students do research on their own through the Employment Directory and subsidizes the cost of mailing resumes to firms in which LL.M.s are interested.

"Disorientation"

Another source of LL.M. discontent is the orientation program they receive when they arrive on campus, about two weeks before J.D. students. Their complaints run the spectrum, from a lack of social activities and inadequate advising to simply not providing the information necessary to acclimate foreign students.

The orientation includes instruction in American law and the technique of legal education in the United States, as well as social activities, familiarizing them to the campus environs, and language programs, Esquirol said.

"The philosophy behind orientation is that once the school year begins, everyone gets involved in classes and we like to have them here early," Esquirol said. "It is an

important thing just to figure out what the law school is like without the crush of classes and reading assignments.

"We try to give individualized attention during that time," he said. After meeting with an upper-level student, each LL.M. meets individually with a member of the graduate staff to discuss classes and scheduling, Esquirol said.

While some LL.M.s agreed that orientation was useful, Radhika Dudhat, LL.M. '95, an LL.M. representative to the Student Council, said most of the feed-

back she has received was extremely critical.

"We didn't find enough social events," Dudhat said. "We had to organize ourselves. It was very alienating, and we felt quite lost. What really surprised me was that a college or university should usually have a lot of events to welcome and make people feel comfortable."

According to the LL.M. orientation schedule, the first non-tour-oriented social activity was not until one week after the LL.M.s first arrived.

Dudhat said LL.M.s were unhappy about the lack of information they received when first choosing classes and the insufficiency of the help when they finally arrived. Others were disappointed about the difficulty of getting into certain classes or contacting professors.

Part of the problem, both Dudhat

and Esquirol pointed out, is the one-year nature of the LL.M. program, which forces each LL.M. class to begin at the bottom of the learning curve each year with respect to how the law school itself works. Without more experienced students to provide information about classes and professors, Dudhat said many LL.M.s felt unable to make informed decisions about classes.

The J.D. students, on the other hand, are in a much better situation because their first-year classes are already selected, and by the time they must select classes on their own, they can call on the more experienced 2Ls and 3Ls, she said.

Esquirol said there is an effort to connect students through the use of the S.J.D. students (LL.M. graduates who are pursuing a doctorate) or teaching assistants. The LL.M. class is broken down into four or five smaller sections in which they write their theses. These smaller sections continue to meet for most of the year, Esquirol said.

However, none of the LL.M. students interviewed for this story mentioned this program, while some said that an equivalent of the J.D.s' orientation groups would be an improvement to the orientation program.

Divergent Expectations

Problems with the Office of Career Services and fall orientation illustrate how perceptions of the administration and the LL.M.s are radically different.

While the high expectations are understandable, Esquirol said, the administration does everything it can to present an honest view of the Law School to LL.M. students even before they decide to attend.

In a memo sent to all accepted LL.M. students, Director of Financial Aid and Admissions for the graduate program

Problems with the Office of Career Services and fall orientation illustrate how perceptions of the administration and the LL.M.s are radically different.

Athena D. Mutua writes: "[I]f your interest in a year of study at Harvard Law School is premised on enrollment in a separate 'graduate' curriculum, or pursuit of a particular fall or spring course, or working with a particular faculty member, you may be disappointed. And if it is premised on your optimism in finding a job in an American law firm for a summer or a year upon graduation, or gaining admission into the doctorate degree program, you could also be disappointed."

While the office tries to discourage unreasonable expectations, perceptions of students and administrators seem divergent.

For example, Esquirol said, one of the criticisms he has received about the LL.M. orientation is that it is too packed with activities.

The LL.M.s also had mixed reviews about the graduate office itself. Giovanni Comande, LL.M. '95, said, "Some people say the LL.M. staff is helpful, and for others they weren't so helpful."

Thomas Newman, LL.M. '95, however, said he and others were quite pleased with the graduate office.

"A lot of the students were extremely happy, the door was almost always open, and there was always someone there with a smile," Newman said.

Whatever the issues, however, the one-year structure of the program appears to hamper the progress of the program and does not give students an incentive to rally for change, Schuck said.

"The reason the LL.M.s have a problem with communicating their needs with the graduate program," she said, "is because they are only here for one year and, by the time you starting saying that things are wrong, you are ready to leave."

In an effort to remedy the learning curve problem of LL.M.s leaving without being able to pass along their year-long knowledge, the names, addresses, and phone numbers of outgoing LL.M. students will be included in a mailing to next year's LL.M. class. In this way, new LL.M.s may be able to benefit from the knowledge of the outgoing class.

Working Among Themselves

The LL.M.s make up for any structural problems in the program by forming tight bonds among the class. Most, like Comande, who is Italian, praised the experience of being with so many talented people and having the opportunity to interact extensively among the LL.M. class.

"To be here and meet people of such different cultures and share experiences, that is the best part of the program," Comande said.

But Comande stressed that the LL.M. program also has much to offer J.D.s and the broader Law School community. "The J.D.s are missing something," he said, by not interacting with the LL.M.s, but he was careful not to blame either group of students. Comande said he made an effort and has met a number of J.D.s, but also realized how insular the two groups quickly become.

"It is a pity for us and the J.D.s," Comande said.

Bay agreed about the difficulty in meeting J.D. students, saying he was surprised that the LL.M.s were the most accessible and open to the LL.M.s.

"I found much more enthusiasm about meeting people among the first-year students, even though they are supposed to be the most busy," Bay said. Bay estimated that more than 50 percent of his J.D. friends are LL.M.s.

One outlet for LL.M.s has been the development of the "LL.M. Gazette," a weekly newsletter containing an editorial, profiles of LL.M.s, and other regular features. The "LL.M." in the title stands for "Law, Lies and Money" and the motto of the newsletter is "The easiest paper in the world for the LL.M.s to get published in!"

While the Gazette is one way of venting frustration, said Newman, who is a member of the communications committee that publishes the Gazette, the broader goal is to keep people informed and foster a sense of community.

The "half-tongue-in-cheek" Gazette is not meant as a serious critique of the reason LL.M. students are here, Newman said — to learn the law and experience the cultures of other countries.

This theme of hard work, scholarship, and good friends was one that most LL.M.s echoed.

Despite the inconveniences of dirty rooms as well as misplaced expectations about bed linens and jobs in the United States, no LL.M. interviewed for this story said he or she would leave with a poor impression of either the law school or the program. But most agreed that changing some details would improve the program.

Dudhat, a native of India, said the administration needs to examine the program's goals in order to determine how better to serve LL.M.s.

"They need to think about what they want to get out of the LL.M. program," she said. "Do they want people merely to come and get good grades and leave, or to come and have a great experience?"

Thomas Newman, LL.M. '95, said he and others were quite pleased with the graduate office.

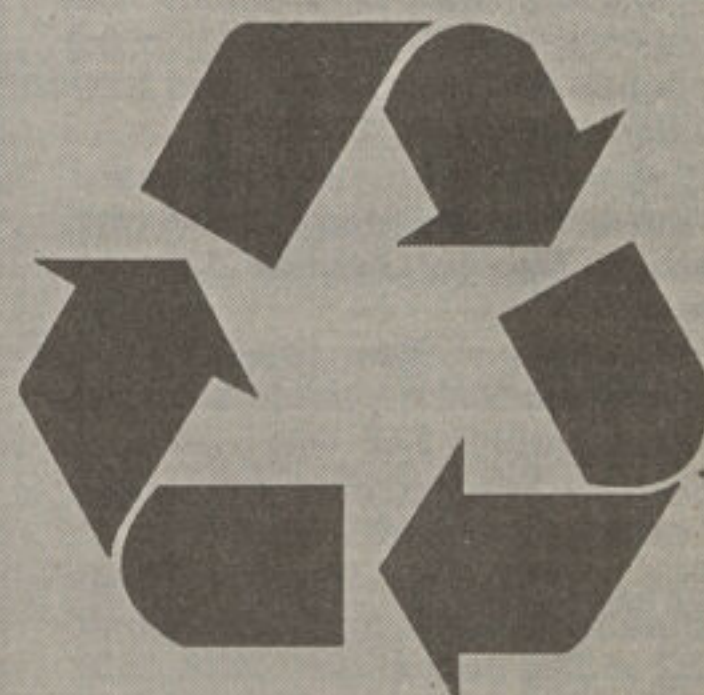
The theme of hard work, scholarship, and good friends was one that most LL.M.s echoed.

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**RECYCLE
THE RECORD!**



GYM RAT

The Comeback Kids

By David Koontz '96
Sports Editor



BASEBALL'S back. Michael Jordan's back. And once again, all is right in America, especially because the two items have nothing to do with each other, except possibly saving the sports world.

Let's take the easy one first. Michael Jordan had to go away for us to appreciate fully how great and awesome and neat he is (when I'm this inspired, the adjectives just flow like butter). He dulled our senses with his kajillion scoring titles, three straight NBA championships, and seeming quest to make every player pose unwillingly for a poster. There's Michael dunking again. There's Michael shooting threes again. Oh yes, there's Michael getting his cape caught in the net again.

Then, when our eyes glazed over after the third championship, Michael rudely ripped through the fabric of American sports history. The bald head became hidden under a baseball cap, one of his magnificent hands was covered with a clunky baseball glove, and suddenly you couldn't see his knees anymore. All across the country you could hear this whooshing sound, but it wasn't Michael hacking away at curveballs; it was the enormous vacuum he left in the NBA. Shaquille O'Neal, at 7-foot-something and 300 pounds, wasn't big enough to fill the void. Hakeem Olajuwon, as versatile as a Swiss Army knife, lacked that certain I-don't-know-what (the Gym Rat does not speak much French). Just let me ask you this: If Michael were playing in the finals last year, do you think the powers that be would have cut in for the O.J. Low-Speed Debacle? Well, the sad truth is they might have, but you can be sure they would have thought about it a little longer.

Now that Michael's back, he is The Man once again, and with a vengeance. If you don't believe me, ask one of the other seven guys that were crammed into a Type II Gropius room on a beautiful New England spring afternoon watching the Indiana Pacers. My favorite player is Steve Smith of the Hawks (yes, I said that with a straight

If Michael were playing in the finals last year, do you think the powers that be would have cut in for the O. J. Low-Speed Debacle?

face), but when Michael stuck a game-winning jumper in Steve's face a few games into The Comeback, I had to sit in awe and press the rewind button a few times. You can't hate Michael, unless of course you're a Knicks fan, in which case I can't blame you. Michael's 55-point work of art in Madison Square Garden was a nightmarish reminder that last year was the Knicks' big chance. (If you ever want to rattle the stone-faced Pat Riley in an interview, your best bet is to mention Michael.) By the way, the 55 points were a game high in the NBA this year, the previous high being held by, uh, Willie Burton. See why the NBA needs Michael?

These days you may be asking yourself if *anyone* needs baseball. Major League Baseball, that is. You remember Major League Baseball, don't you? Truth is, something cataclysmic had to happen last year, because Cleveland was in danger of winning a pennant and the baseball gods did not see fit to end their suffering. Now that the strike's over, Cleveland is free once again to try and end its misery, but for many small-market teams the pain continues. Montreal and Kansas City swallowed hard and let go their best players, getting either prospects or nothing in return. Now their fans can watch the prospects blossom until they're bona fide quality stars, only to watch them leave all over again. Well, they can always watch them on WGN, WOR, or WTBS.

You may think by now that I'm leaning towards a salary cap, revenue sharing, and a chicken in every clubhouse's pot. Nothing could be further from the truth. I would sooner practice tax law in Shawshank Prison than bother with the business side of baseball. I am a baseball fan, pure and simple. I wouldn't call my excitement a victory for the players or the owners, and don't let anyone tell you — as someone did to my face — that anyone happy about baseball being back is a fool. For those who prefer the sheep analogy, I wonder how long I was *supposed* to let the players strike before I was *supposed* to get mad. When a fan began heckling players at the Braves' spring training, the fan next to him turned and said, "Why are you here?" Exactly. My door is always open if someone wants to come by and gripe about the strike. Just don't do it while Greg Maddux is about to bust a 3-2 cut fastball on the inside corner.

Intramural Basketball Standings as of Sunday, April 9

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

FOOD - O - RAMA

Escape from The Square!



By Ted Cohen '95 and Jonathan Goldstein '95
RECORD Restaurant Guys

So you say you're sick and tired of \$18 burritos? Had it up to here with that artsy Harvard Square crowd? Well, rev up your jalopy and head on out to Fusilli (773 Concord Ave., Cambridge; 547-0200). Just follow that traffic circle around toward Belmont — don't worry, you have the right of way — keep going past the IHOP across from that cemetery, and there it is! Well, okay, maybe it doesn't look like much: sort of a modest suburban house set on a rather busy stretch of Concord Avenue. Indeed, from the outside you would hardly suspect the perpetual commotion that goes on within.

Make no mistake, Fusilli packs 'em in. In the time it took us to leisurely devour our meal, the table behind us turned over no less than three times. The happy voices of children and retirees and after-work socializers bounce off the fresco-painted walls, making for a lively, if occasionally deafening, atmosphere. So what's all the hub-bub? Fusilli ain't bad. And for those of us accustomed to menu prices that reflect Harvard Square overhead, it is surprisingly reasonable. Service is friendly and informal, and if you're in a hurry to catch "Jury Duty" over at the Fresh Pond multiplex, fear not. The food arrives fast.

The menu breaks down in the standard Italian categories: insalate, antipasti, pastas, and secondi. In Italy, they'll sneer at you if you fail to order a secondi; Fusilli lets you get away with just having pasta. We began, where one must, with a big platter of the antipasto Mediterraneo del giorno (\$7.95), the traditional plate of various marinated vegetables, sliced meats, and relishes. Though in terms of meats and cheeses it covers all the bases admirably (peppery salami, good assertive prosciutto, mortadella, provolone, and fresh bocconcini of mozzarella), the vinegary pile of marinated artichoke hearts, red pepper, and zucchini is hard to differentiate. The corn relish, on the other hand, is quite good. At any rate, the ample portion will certainly get you in the mood for what's to come.

You can choose from an array of brick-oven pizzas that you design yourself: \$6.50 for the basic dough with sauce and cheese, and then upwards for any additional toppings. How about crabmeat, goat cheese, pine nuts, and anchovies? Mmmm. Or maybe not.

In short, if you feel like some good, honest Italian food in a warm suburban setting, head to Fusilli.

Pastas are divided into the "tradizional" and the "specialissimi," which means ... oh, you know. Several dishes are handily identified as "no cream" or "very little oil" for those guests minding their figures or arteries. We opted for a mammoth portion of angel hair pasta with lobster, braised leeks, fresh tomato, basil, olive oil, and no cream (\$12.95). With a dusting of fresh black pepper and some grated mozzarella, this was a respectable dish. The garlic is strong, the lobster comes straight out of the shell (a healthy six or seven claws-worth), and the sauce is light, fresh, and tasty, redolent of basil and good olive oil. More exciting was the Mixed Seafood Stew (\$11.95), a mammoth portion of shrimp, mussels, salmon, calamari, and clams served over linguini in an excellent saffron- and red pepper-spiked marinara sauce. The shellfish are fresh and not overcooked and the broth is enriched with a very good fish stock. The only complaint here is that the grilled vegetables — peppers, zucchini, and a cottony eggplant — don't add anything to the dish. On the "tradizional" pasta side, you might opt for fusilli with a hearty ragu, linguine with clam sauce, cheese ravioli, or fettucine alfredo (all \$7.95-9.95). There is always a special risotto, cooked vegetarian-style with cream instead of stock. The ingredients, however, will run the gamut; the night we were at Fusilli, the risotto was served with scallops.

As for "secondi," the traditional chicken piccata (\$9.95) — a flattened breast in a light sauce of lemon, garlic, and capers — was slightly tough; the sauce, however, was quite good. The roasted rosemary potatoes on the side were a little overcooked, and a little under-rosemaried. The oven-roasted half chicken, served with basil mashed potatoes and grilled vegetables, is a great deal at \$10.95. So is the huge portion of sausage and peppers: Here the sausage is flavored with fennel and the polenta is served under melted fontina (\$8.95). This is a hearty dish that you might want to get in you before the weather gets too warm. There is also a roasted loin of pork stuffed with gorgonzola and spinach (\$10.95); grilled salmon in a lobster cream sauce (\$12.95); and those old favorites, veal marsala and eggplant parmesan.

The wine list has a selection of five or 10 wines by the glass; they run between \$4 and \$5.

As for dessert, Fusilli turns out a good, rummy version of Tiramisu, as well as several crowd-pleaser desserts, such as chocolate peanut butter cake.

In short, if you feel like some good, honest Italian food in a warm suburban setting, head to Fusilli.

RATING: ☆☆

What the stars mean:

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

Double Jeopardy for Gina Grant

By Charles Ogletree, Jr. '78

The recent news stories concerning Gina Grant are a sad and tragic commentary on societal values. It is sad and tragic in that it reveals how society operates to prevent a young person from turning her life around through hard work, superior achievement and tireless community service. It is sad and tragic that a consistent record of accomplishments can be permanently tarnished when an individual, in a cowardly fashion, sends anonymous clippings to Harvard University, Cambridge Rindge and Latin High School and The Boston Globe about a juvenile case that was sealed years ago. It is sad and tragic that the person responsible for sending these articles did so because of apparent disappointment that Gina had become an independent, successful and highly admired student. It is sad and tragic that Gina Grant, following the advice of several adults she trusted, decided to enter a plea in the death of her mother, thereby forfeiting any opportunity to reveal the tragic circumstances of her life.

I served as one of Gina Grant's legal advisers after Harvard rescinded its offer of admission, and am not surprised that many are outraged at the way she has been treated and have rallied to her support. Gina, who paid her dues in the legal system and then made continual efforts to selflessly give back to her community, has been forced to face renewed scrutiny. She is on trial again for matters that were resolved to the satisfaction of the South Carolina courts more than five years ago. Since that time, she has spent her summers teaching children, seeking to empower students with limited educational opportunities to reach their potential. Gina was a leader among her peers and associates, spreading a "contagious enthusiasm" for studying science to her students.

Gina put her faith in the judicial system, and we let her down by explicitly breaching the confidentiality requirements of both Massachusetts and South Carolina law regarding juvenile cases. In South

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Carolina, the press placed her name and photograph in the newspaper, eliminating any chance of privacy. These confidentiality protections restricting the release of juvenile records are designed precisely to avoid the negative publicity and distortion of information that occurred in this case. These laws are also designed to ensure that young people are not placed in future jeopardy after they satisfy their obligations in the juvenile justice system. In South Carolina, a tough law-and-order justice system, Gina met every demand placed upon her and was allowed to move to Massachusetts to rebuild her life. No one could dispute that she has made amazing progress, and under extremely trying circumstances. She has lived alone on modest sources of income that barely cover her basic living expenses. Those who have been in contact with Gina over the past five years have nothing but praise for her accomplishments.

As a reward for her hard work, diligence and perseverance under extreme adversity, Gina has been imprisoned in a state of perpetual jeopardy. Despite the strict prohibitions against the release of juvenile records under both Massachusetts and South Carolina state law, Gina's records have, in effect, been permanently unsealed. Our juvenile system based this concern for confidentiality on the fear of stigmatizing juveniles and damaging the process of rehabilitation. In Gina's case, a tortured

history of physical and emotional abuse led to the tragic circumstances that brought her before the juvenile justice system. In deciding the punishment due as a result of the tragic death of her mother, the South Carolina judge fashioned a range of sanctions that fit the offender rather than being blinded by the offense. Regardless of the circumstances, Gina, according to both Massachusetts and South Carolina law, had the

right to have her juvenile record sealed, and with it, much of her painful past. Only under strict guidelines should any aspect of her record have been released, and even then under guidelines that aim to confine the dissemination of such records to the specific individuals in need of the information. There are many good reasons for this protection. In our system, juveniles are given few rights when compared with their adult counterparts. They lack the right to vote, to obtain various licenses and, with some exceptions, the right to a jury trial. Although procedural protections have been increasingly afforded to juvenile offenders, they are still a long way from adult criminal courts. It is for this reason that we seek to protect juvenile proceedings from the exposure by the media that accompanies so many of our current criminal trials. Juvenile proceedings are considered "delinquency hearings" and not "criminal trials" for a reason - juveniles are considered amendable to the rehabilitative ideals that underlie our belief in a separate juvenile justice process.

Unfortunately, Gina's straight "A" grade average and her innumerable extracurricular activities are now completely overshadowed by this tragic yet isolated event. Letters of personal recommendation that were prepared for Gina by members of Cambridge Rindge and Latin faculty, including assessments that Gina will "flourish in her next academic environment and continue to contribute positively to its community," will be replaced callous remarks by an assistant state prosecutor that violate the principles of juvenile

confidentiality. The hallmark of the juvenile justice system is our admonition to young people that if they accept responsibility for their acts, we will protect their privacy. The irony for Gina Grant is that she kept her part of the bargain, but we failed to keep ours. At best this is an unfortunate example of the juvenile justice system's failure. At worst it is a cruel hoax on a child who diligently followed the advice of adults.

As a reward for her hard work, diligence and perseverance under extreme adversity, Gina has been imprisoned in a state of perpetual jeopardy.

Questions on America's Role in Using Force Abroad

By Kenneth Anderson

THE Republican Congress' Contract With America, by seeking to limit U.S. participation in United Nations peacekeeping operations, has ignited arguments among policy makers, think tank types, media pundits, academics - and not a few law professors among them - about the "proper" role of American force abroad. You can read all about these fights just by opening the op-ed pages, as the unilateralists and isolationists and multilateralists and internationalists do battle among themselves for what they say is the soul of American foreign policy.

Lurking behind these debates, however, is a question that is not often asked, despite - or perhaps because of - the fact that it is a question common to all views of how America should use force abroad, whether one is a unilateralist committed to the United States deciding how and when to use force and inviting others to join it, or a multilateralist committed to building genuine coalitions of forces. This is the question of how outside forces view themselves and their role, regardless of their own national composition or international mandate. Are the intervening forces *soldiers* going into a situation to make, or (credibly) threaten to make war, in the strong sense of identifying and destroying forces that could forcibly oppose the imposition of one's political will? Or are they really *police officers*, who have arrived on the scene to enforce the law, whether international or some other, apprehend and arrest criminals, and restore public order and the rule of law amidst chaos?

The answers to these questions matter, and they matter at least as much as some of the other questions being loudly aired today. The deterioration of the U.S. military mission in Somalia, for example, had a lot to do with the U.S. government's belief that it should act as a police force in Mogadishu and treat the clans and their leaders as something like warring Mafia families who had no legitimacy because, after all, they were, we said, criminals. (At other times, however, the United States treated the clan leaders as incipient Founding Fathers in a place assumed to have no history because Americans didn't happen to know it. The resulting schizophrenia was likewise not good for policy.)

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The U.S. Ranger debacle in October 1993 in Somalia was the direct result of the United States having pushed the Security Council into issuing what amounted to an arrest warrant for clan leader General Aideed; it was abetted by the U.S. military's hubris in thinking that being the world's only superpower meant that it could project force house to house in Mogadishu and capture a single individual. U.S. soldiers were told to go catch a crook; they tried and were surprised to find out, first, that not all inhabitants of Mogadishu - including many who despised Aideed - thought they were the right people to decide who was a good guy and a bad guy in Mogadishu. Second, they were surprised when the Somali militias discovered that, yes, a combat helicopter could be downed with small arms fire if it abandoned its established combat role and tried to operate like something out of an Arnold Schwarzenegger movie.

But this was not especially the fault of the United Nations, as many American conservatives wailed at the time. It was the Clinton administration, and particularly the zeal of Ambassador Madeleine Albright to bring the rule of law to a benighted world, that forced through a resolution decreeing that the world was henceforth not a lot of sovereigns and semi-sovereigns with armies, but instead, New York City writ large across the planet, and that American soldiers were its cops. Other members of the Security Council - I recall conversations I had with several bemused British and French military officers at the time - shook their heads over American folly and left us to it.

But just as it is not fair to blame all this on the United Nations, it is also not fair to blame the police officer mentality on the Clinton administration. After all, the atmosphere in Somalia drew directly on the Bush adventure in Panama in which American soldiers careened around various neighborhoods in Panama for a few days, shooting up some houses in search of the nefarious wanted man Manuel Antonio Noriega, and eventually capturing him with rock 'n roll at the Papal Nuncio's residence. True, the Panama invasion was in defense of American long-arm statutes, rather than the Clinton administration's preference for international law. But the posse mentality is exactly the same - bi-partisan and all-American.

It will have been noticed by now that I am not enthusiastic about the police officer approach to the use of force

abroad, whether by the United States alone or by a multinational force. The metaphor of police work is attractive to those who think that their actions are fundamentally justified by either morality or law. It shields one from the ugly truth that whether or not one's action really is justified by morality or law, troops arriving in a foreign place are unable in most circumstances - I do not say in all, but most, and perhaps Haiti will turn out to be an exception - to function except by making or war or threatening to do so. Their fundamental mission is that of a combatant or an occupier. This may make it no less worthy a mission, but it is not that of a police officer and never can be, regardless of how comforting it may be to bureaucrats in New York or Washington to think that the forces of world order and the rule of law are "really" police and not troops.

The reason why soldiers are not police is, first, a matter of firepower and collateral damage. You cannot be a police officer and wield mortars; mortars are consistent with the role of destroying an enemy but inconsistent with the role of maintaining public order. Mortars create disorder; that is part of their function. They, and all serious weapons of combat, also cause collateral damage of a kind that is omnipresent in warfare, but which is always inconsistent with police work. Police have to operate in a way that soldiers cannot; police can never treat collateral damage as merely collateral in the way that soldiers must.

Finally, you cannot be a police officer in a situation where you do not carry some minimal legitimacy as a public authority. The White House or the United Nations may think they have the power to grant such legitimacy from the remote fastholds of Washington or New York, but it is legitimacy among the population of Mogadishu that counts. Wrapping oneself in U.N. blue may be enough to occupy a place, but it is not enough to establish oneself as legitimate public order, regard-

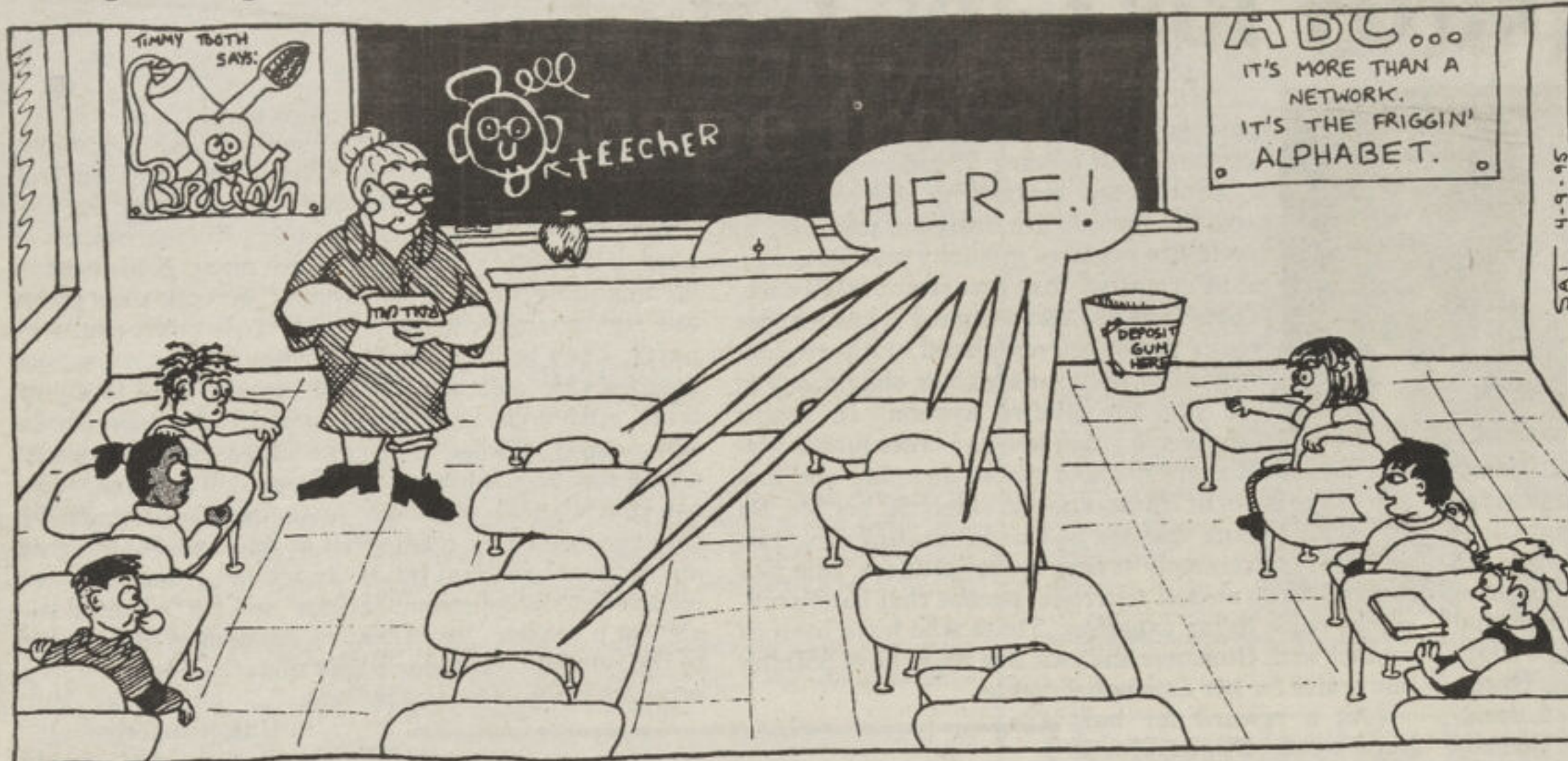
less of how many resolutions the Security Council passes. The legitimacy needed to engage in policing can never come from the top down, and the measure of that legitimacy is whether local people think that those who shoot back at outside forces are merely criminals who are never entitled to do so, or combatants who are always so entitled.

And so, in debates over the use of force, it is necessary, I think, to give up a superficially appealing, but ultimately false, metaphor of what soldiers do when they go abroad. They fight, and they occupy. It might be comforting to think that they do something like what is done in Chapel Hill, N.C. or Newton, Mass. or New York, N.Y. - but it's not and they don't.

You cannot be a police officer and wield mortars

Temporary Insanity

By Sheila Tuller



SMURFS IN SCHOOL.

Civil Procedure

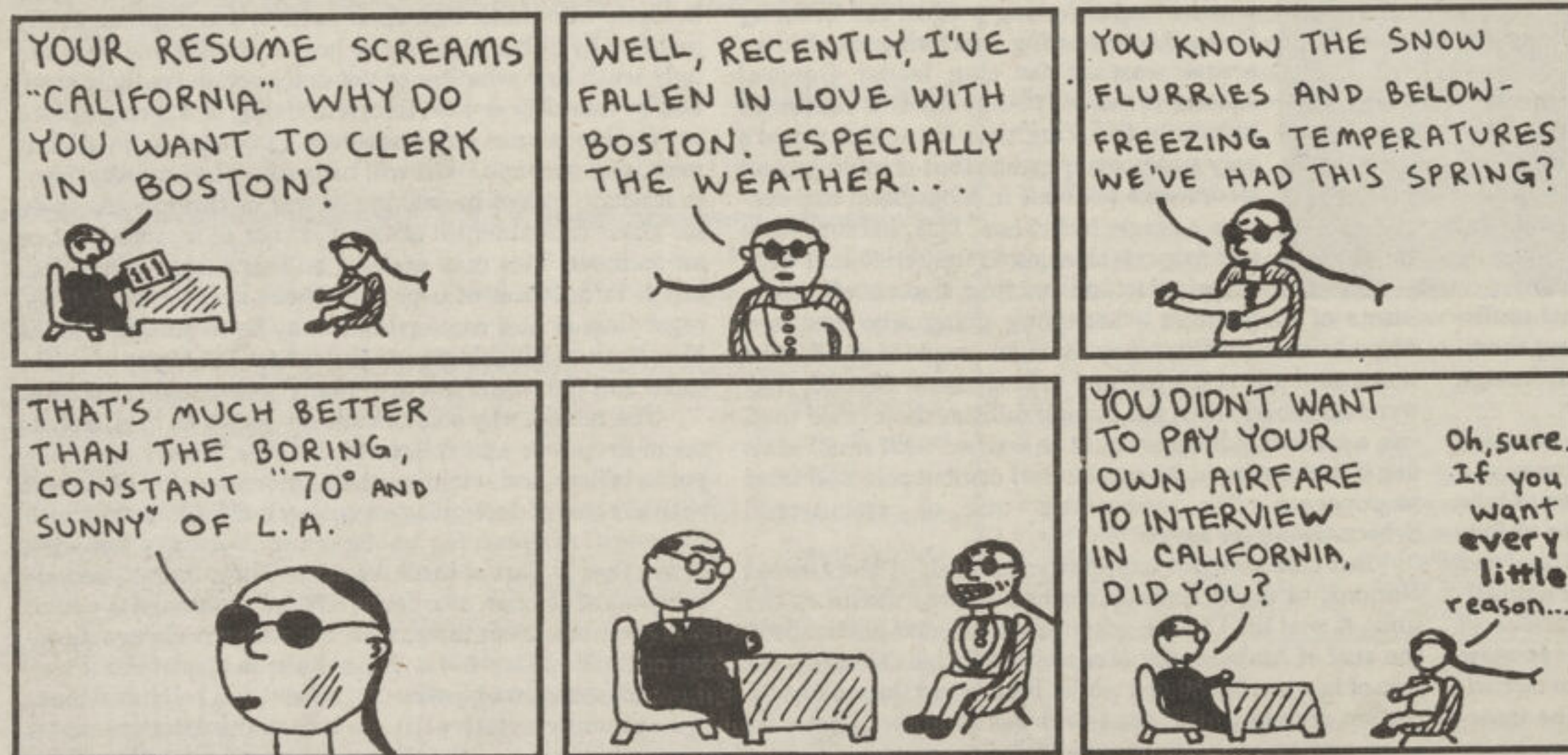
Note: Due to incisive legal training, there will no longer be grey areas in this comic.

M.J. Kelly '95



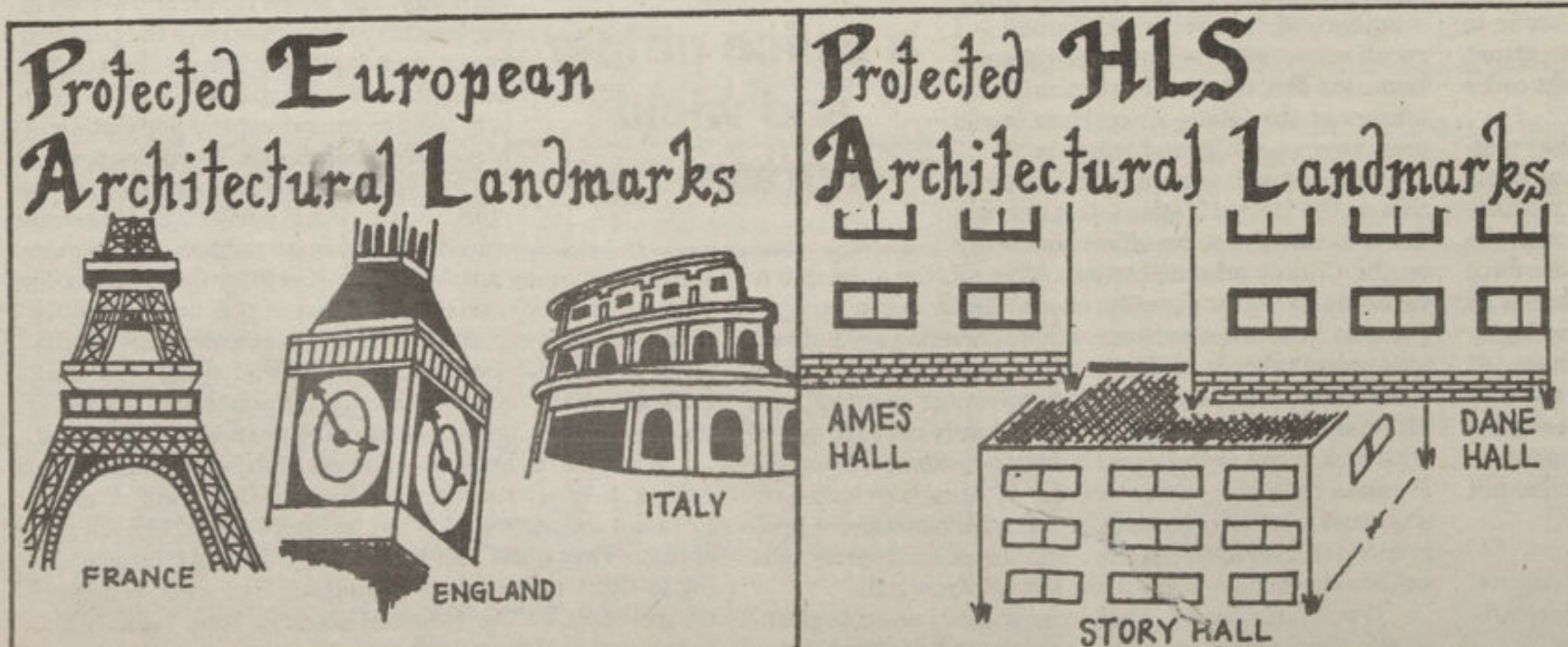
Backbench

By Brian Cheng



The Comic Strip fka Prince

By Stuart Rees and Bill Zimmerman



CALENDAR

Peace, Love, and Third-Year Papers

By Jeff Bucholtz

It's another slow week for shows in Boston, but here to pick up the slack is none other than **Sri Sri Ravi Shankar**. Yep, kids, Friday's all ya'll's lucky day: "a rare opportunity to be in the presence of this beloved saint from India." Sri Sri himself will give a talk (free, of all things) at the Charles Hotel (a big switch from law firm spiels, to be sure) at 7:30 p.m. tonight (4/14).

The saintly publicists explain that "Sri Sri Ravi Shankar lives in unconditional love and unrestrained joy. His presence brings deep peace, worries fall away, each moment becomes a celebration."

That's pretty cool, I guess, but I'd be really impressed if St. Shankar could make a third-year paper magically appear.

On a more earthly level, on Thursday (4/13), Avalon boasts a solo performance by **Bob Mould**. At this acoustic show, the former Hüsker Dü singer/guitarist and current Sugar leader will show off his singing and songwriting skills instead of the punkish energy of his albums, but just because it's acoustic, don't expect it to be wimpy.

Local darlings-gone-national **Letters to Cleo** play the Paradise (351-2526) both Thursday and Friday (4/13-14) nights. The jazz-blues combo **Morphine** perform at the Somerville Theatre (931-2000) on Friday.

Also on Friday, Elvis fetishist **Mojo Nixon** brings his zany redneck rockabilly to Mama Kin (536-2100). I don't know what Mojo could ever do to top "Debbie Gibson is Pregnant with my Two-Headed Love Child," but anything's possible (except a Debbie Gibson comeback).

Still on Friday, Boston's answer to Nine-Inch Nails unveil their new disc at Local 186 (351-2680). **Big Catholic Guilt**'s last album featured all the cyberfury of the Nails, with a touch less catchy songwriting and a lot less emotion (or melodrama, depending on your opinion of Trent Reznor).

Saturday night (4/15), Guns 'n Poses guitarist **Slash** plays an early show at Axis (262-2437) with his **Snakepit**. If Slash matches the quality of his handmates' solo projects, we can expect a quick release of a new Guns 'n Roses disc to try to stem the tide of apathy from G'n'R's ex-fans.

In case Slash is thinking about making his solo stint permanent, I've got a friendly little reminder for him: David Lee Roth and Vince Neil.

Luna, a mellow alternapop band that evolved out of Galaxie 500, promote their latest album at Mama Kin on Saturday, and **Powerman 5000**, Boston's answer to Rage Against the Machine, play at the Rat (536-2750).

At various times, Anton Fier's **Golden Palominos** have welcomed such illustrious guests as Michael Stipe, Matthew Sweet, and P-Funk's Bootsy Collins and Bernie Worrell through their revolving door. Their first tour in eight years touches down at TT the Bear's Place (492-BEAR) on Sunday (4/16).

Soul Coughing's unique amalgam of hip-hop, jazz, and art-rock is even weirder and more impossible to classify than MC 900 Ft Jesus. See for yourself at the Paradise on Wednesday (4/19).

Guilt by Association

By Debra Dickerson '95

I subscribe to lots of periodicals. The Atlantic Monthly, Harper's, The New Yorker, The New Republic, The Nation, Vogue, Knitting, Essence, Black Enterprise. I don't suppose any of the above, though, are responsible for the recent spate of materials I have been receiving. It must be my National Review subscription.

The comic relief these materials provide almost make the Nazi Review worth reading. Almost. First came the "Send us lots and lots of moolah or Bill Clinton will come to your house and make you eat Hillary's cooking" letter. Bob "Chuckles" Dole himself wrote it. The cool thing about this letter (aside from learning that Clinton is an ultraliberal who has given us punishing tax hikes) is that it came with my very own gen-yoo-whine Republican National Committee membership card. It's real pretty. There's a big blue bald eagle on it. It's probably the one that the largest contributor gets to club at the convention and force the kitchen staff to cook and serve.

My favorite part of this stuff is the words they force into your mouth on the donation form. Here, with what I assure you are only minor alterations, is the one from Chuckles and the RNC:

Dear Senator Dole,

I want to help defeat Bill Clinton and the kooky Democrats in Congress who would like nothing better than to see their Bolshevik buddies overrun this great Christian land of ours with their condoms and their secularism and their loudmouthed women. If I did not feel this way, I would be stupid, right? As would any thinking citizen who wasn't secretly trying to destroy America, I proudly accept my 1995 Republican National Committee membership card. I applaud its nonbiodegradability, seeing as how that creates employment for honest sanitation workers and the struggling veterinarians who will treat the animals once they ingest it. Democrats, of course, are against jobs.

I know you really consider us working Joes your equal and have our best interest at heart. Every time



I'm fired from another low-wage, dead-end job, I thank my lucky stars I'm a Republican and therefore smart enough to understand that blacks and yapping women are the real problem.

You can count on me to stand with you in this critical battle for our nation's future, especially now that I have so much free time since the plant moved overseas. Damn that affirmative action. Enclosed is my membership contribution of ()\$15 ()\$25 ()\$50 ()\$100 ()\$_____

As a special bonus, I realize that donations larger than \$1000 come with a complementary license to own and operate a guillotine, a surface-to-air missile system, and a booby-trapped minefield in my front lawn within my particular city limits. My kids don't really need all that food; thank the Christian God my contribution will help to dismantle the Surgeon General's office and all that liberal whining about children's nutritional standards. God bless America and me and you. May He bring a pestilence upon the scourge that is the Democratic Party.

The stuff from the Cato Institute wasn't nearly as much fun. They actually appealed to an at least partially literate audience. Few others imposed such limitations on themselves.

My favorite would have to be the appeal from former LAPD Sgt. Stacey Koon. All he wants from me is a note of support to his wife Mary, a "fine, Christian lady." But, well, what the heck! While I got you here, how about some bucks?

Who could resist the traditional conservative "false choice" opener: "Let me be blunt. If you are absolutely, positively convinced that I am guilty" as charged in the so-called Rodney King affair, then throw this letter away right now. But if you have the courage to hear the truth and you care about justice being done, read on." Duh-huh.

While it may be marginally deceitful to have Dole sign a letter he probably never read, it's a lot more understandable after reading Koon's. I have no doubt he wrote it himself.

Did you know that he is the "scapegoat of radicals and self-serving liberal politicians who know that [he] is innocent" and that he was "sold out by weak politicians and a deceitful news media?"

The writer in me gets a headache trying to decide what to make fun of first — what he says or how he says it. Is it just me, or does describing King in the same sentence as a "tough, ex-con who had previously committed armed robbery, ... and had previously spent some time in prison ..." say the same thing twice? How could Koon know he was "tough?" Even if I agreed that Koon got a raw deal, this letter, obviously written by a simpleton and intended for his inbred cousins, would piss me off.

"King has been lionized by the media." "I wouldn't be so concerned if it were just me even though it's doubtful I will survive my prison sentence." "But there are two things more important than that — one is justice and the other is my family." "It's not enough that I was convicted for crimes that I did not commit. Now to further appease the radical leaders, I must fight yet another battle [appeal of his 30-month sentence]."

Awwww. Poor Stacey. But never fear, there's a solution. "Your \$20 will help us battle the powerful forces which seek to deny justice." But then, inexplicably, Stacey turns ugly

and threatening: "...if you will send just \$30, I'll see that you receive a hard bound copy of my book, Presumed Guilty."

I read the excerpt included in the materials. I still don't know whether to laugh, cry or poke my eyes out with a sharp stick.

Next week: the Koon excerpt, the Heritage Foundation, and Kemp's flat tax proposal.

The writer in me gets a headache trying to decide what to make fun of first — what he says or how he says it.

Fenno

The editors at the RECORD would never stoop to responding directly in print to the many letters of criticism that are sent to them. Such abuse of editorial power is far beneath any journalist or editor with an ounce of integrity or professionalism. Fortunately, Fenno's integrity and professionalism do not equal one ounce even when added together, so he feels free to answer the latest bombastic broadside barrage from our regular correspondent Carl Shipley '48 [see page 8], which demands a serious response from someone at the paper.

First, Fenno objects to the description of RECORD content as the "moral equivalent of an intellectual emetic." Fenno has been on the RECORD staff practically since Mr. Shipley graduated, and he has always prided himself on producing the intellectual equivalent of a moral emetic. For anyone to suggest otherwise is a wound to Fenno's pride and a slap-dash in the face.

Second, Fenno disputes Mr. Shipley's use of the term, "flatulent vacuities." While it is true that Vicky Kuohung '96 insists on ordering broccoli and cauliflower pizza for dinner on production nights, the resulting atmospheric disturbances could hardly translate into print. James Lank's '96 gaseous burps are far more bothersome, but while they are indisputably rude, no one in his right mind could consider them vacuous.

Mr. Shipley also complains of "subjective fatuities." Now Fenno is himself occasionally held in thrall by the muse of bad poetry, so he must doff his chapeau to anyone who can rhyme "vacuities" with "fatuities," but one must wonder whether Mr. Shipley has something particular in mind, or

whether he merely offers these phrases as, well, gratuities.

Fenno feels Mr. Shipley's citation to the U.S. Supreme Court is well taken, though. Lawyers must remember they are "officers of the court" (95 S. Ct. at 2016). However, editors of a student periodical — especially Fenno himself — must also remember they are "silly little monkeys in lacy underwear, who ought to be spanked." (21 U.S.A. at 987) (Scalia, J., speaking for a deeply disturbed Court).

Perhaps most curious is the accusation that the RECORD staff has been "infected" by the "foggy obsession" of Dean Clark '72. First of all, Dean Clark's obsessions are not foggy at all. His collection of ladies' left-foot shoes, for instance, is well defined in scope and quite neatly organized, by color and heel height. The idea that Dean Clark could have infected the RECORD staff is unlikely, too. Most of us will not even shake his hand, unless wearing a rubber glove.

Finally, on the issue of training adolescent pamphleteers, Fenno can only paraphrase another great pamphleteer of the past: If not in adolescence, then when? If not at HLS, then where?

Quote of the Week

"It's got to fit like Calvin Klein jeans, not like a an Armani suit ... narrowly tailored."

—Prof. Charles Fried

Sorry, folks, but the RECORD will not be published next week. But look for our news coverage and columns in our next issue on April 28.

Speaking Out

By Michelle Lerner '97

Guest Columnist



ARRIVING on campus the Monday morning after spring break, I was startled to find that my locker had become a community bulletin board while I was away. On the Friday before vacation, I had placed a sticker on my locker which read, "Was your oven cleaner force-fed to an animal? There are alternatives." By the time I returned, a few students had defaced the sticker, and five people had actually taken the time to write me notes on paper and tape them to the locker. Although two notes were supportive, others expressed such thoughts as a wish that someday my small children might swallow oven cleaner or spray Windex in their eyes so that I might see the "necessity" of animal tests for saving human lives and thereby learn to "deal with piss-ass stupid bunnies getting their eyes yanked out of their sockets with barbed fish-hooks." I was amazed that people could feel so threatened by the first sentence of the sticker, which calls attention to the cruelty of product animal testing and questions its legitimacy, but completely ignore the second sentence, which notes that there are alternatives to such tests and to supporting the companies which perform them.

Although more than 500 companies have either stopped testing their household cleaners and personal body care products on animals or never did so, millions of rabbits, cats, dogs, hamsters, guinea pigs, ferrets, mice, rats, and primates are still used each year by other companies which have not gone "cruelty-free." Product animal tests are not required by law, and some localities have passed ordinances prohibiting the most brutal tests from being conducted within their jurisdictions. Most animal tests currently used were invented in the '20s and '30s and have become scientifically outdated. Many doctors, poison control personnel, and scientists have accordingly come out against product animal tests, claiming that they have never and can never make products safe for humans. These scientists explain that the bodies of rabbits, dogs, and monkeys do not react identically to each other, much less to humans, when subjected to particular chemicals. The Physicians Committee for Responsible Medicine unconditionally opposes all animal testing. The National Society for Medical Research issued a statement as early as 1982 saying that "the LD50 test (a commonly used oral poisoning test) is not now scientifically justified." Even Drug and Cosmetic Industry Magazine recently stated, "No animal has skin which closely resembles human skin, either anatomically or physiologically."

Human skin patch tests, tissue cultures, and computer models are methods of testing chemical toxicity which many scientists feel are more reliable for predicting human reactions to specific substances. Product companies which choose to go cruelty-free can use these test methods and can consult prior human experience with particular chemicals. Perhaps more importantly, companies can use ingredients already recognized as safe. Many organic materials are non-toxic by nature, and the FDA has released lengthy lists of substances already approved for manufacturing.

The companies which test their products on animals put the animals through brutal physical ordeals. The most common types of product testing involve blinding and poisoning. In eye irritancy tests, chemicals such as detergents, shampoos, and nail polish are dripped into animals' eyes so that tissue damage can be observed. Rabbits are usually used for these tests because their eyes do not have tear ducts and the chemicals therefore can not be "diluted" or washed away. In order to prevent them from struggling or rubbing their eyes, the rabbits are strapped into stocks which immobilize their heads and bodies. Experimenters pull the rabbits' lower eyelids back to form small cups, pour the chemicals in, and then hold their eyes closed for a period of time. In some experiments, metal clips are used to hold the rabbits' eyes open after the initial absorption. Their eyes are observed over days, weeks, and sometimes months for bleeding, ulcerated corneas, and blindness.

Lethal dose poisoning tests involve the force-feeding of products such as shampoos, bleaches, and oven cleaners to rabbits, dogs, monkeys, and/or other animals until a certain percentage of the test population dies. The products are either poured down the animals' throats or pumped into their stomachs through tubes. In the LD50 (lethal dose 50 percent) test, products are force-fed to a group of animals until 50 percent of them die. Symptoms recorded before or instead of death include convulsions, vomiting, paralysis, and bleeding from the eyes, nose, and mouth.

For skin tests, animals are shaved and abraded, after which chemicals are poured onto their skin and wounds to observe burning and other irritation. In inhalation tests, animals are forced to inhale heavy concentrations of aerosols such as hairsprays, antiperspirants, and disinfectants—sometimes until they literally drown in aerosol spray.

New rounds of tests are conducted every time a company which tests on animals introduces a new product or an "improved formula" onto the market. The survivors of each test are either killed immediately after the tests or "recycled" into other tests.

Why do some companies still do all this when there are alternatives? Product tests on animals are neither intended nor used to find cures for product injuries, as the animals are not rehabilitated from their forced exposures to the chemicals. Companies which test their products on animals do so because they want to show that they have conducted "extensive" tests in attempts to pinpoint and warn against the specific dangers of their products, in order to protect themselves in the lawsuits which inevitably result from the effects of the poisons that they market. They also want consumers to believe that their most toxic products are actually safe enough for human use just because the products were tested on animals.

The truth, of course, is that many products are still not safe and are marketed without change after they are found to kill, blind, and otherwise injure animals. It is still unsafe to drink bleach, even though animals have had it forced down their throats until they have died. Windex will still injure your eyes, and your child can still die from swallowing the oven cleaner in your cabinet. The warnings that exist on toxic products which advise against swallowing them, inhaling them, and pouring them in your eyes, could easily be placed on the products without demonstrating resultant injuries on thousands of animals.

What can you do to make sure that you do not support cruel and unnecessary animal testing? You can 1) read the labels of your favorite brands to see if they say "not tested on animals;" 2) check PETA's Caring Consumer Guide for a list of cruelty-free companies; 3) boycott the following "worst" abusers: Gillette (products include Liquid Paper and PaperMate pens), Procter and Gamble, and Johnson and Johnson; 5) buy products from stores that carry exclusively non-tested products, like the Body Shop and Harnett's, or 6) look for non-tested brands carried by your local store.

Fried's Merits Debated

continued from FRIED, page 1

candidate's impact may be most strongly felt in the area of property rights.

"Fried's a very nice, warm, and cordial person," said Maddox. "he could be a real presence on the court. There have been some great jurists on the SJC and I think he'd be right up there."

While SPOA supports Fried's application, other groups have come out strongly against a potential Fried nomination to the SJC.

"He's very hostile to civil rights, human rights, and democratic rights," said Lester Lee, chairman of Save Our Communities Committee, which advocated unsuccessfully last November to continue rent control.

"A Fried nomination would mean that he would continue his attack on tenants and their rights in our society to decent housing. And we are working very strenuously to defeat his nomination if it comes forward," said Lee.

"His appointment would be a direct assault on the common rights of the citizens in the Commonwealth, and he will tamper with our democracy. He seems to have forgotten what human suffering is about."

Sarah Wunsch, a member of the Massachusetts Chapter of the National Lawyers' Guild, said a Fried appointment would whittle away at rights currently protected by the state constitution.

"The state constitution has been interpreted as providing broader protections for constitutional rights, such as the Fourth Amendment, freedom of expression, privacy and abortion rights, than have federal courts or the Supreme Court," said Wunsch.

"It's imperative that we don't lose these rights at the state level."

Wunsch also said Fried, who has never practiced on the state level, lacks experience in Massachusetts trial courts, experience which she asserted is "crucial" for an SJC candidate.

"His temperament is also questionable for a judge," said Wunsch, pointing to incidents related in Lincoln Caplan's [76] book titled "The Tenth Justice," which documents Fried's term as solicitor general.

Pam Thomure, an attorney in private practice in Boston who serves as the vice chair of the Cambridge Democratic City Committee, said the "overriding concern about the potential Fried nomination is that through his writings and action, he has demonstrated a particular ideological agenda, so that the usual fairness and impartiality criteria for a judge does not apply to him. He doesn't even seem to have the appearance of fairness."

"He appears to be an elitist academic with little trial experience except with the U.S. Supreme Court, but we want to have someone who has experience with the Massachusetts court system in a practical way," said Thomure.

Thomure, who has worked for the SJC in caseload management, also said Fried may not have "any sympathy or understanding of the needs and the severe working conditions which court

personnel face on a daily basis."

The Committee approved a resolution Wednesday night to oppose a Fried nomination.

In making their case against Fried, organizations have also pointed to the SJC's Commission on Gender Bias in the Courts, released in 1989, and the Commission on Racial and Ethnic Bias in the Courts, issued in September 1994, both of which state that all Massachusetts courts needs to diversify along the lines of race and gender.

"One woman and six white men make up the SJC," said Thomure. "It would seem there are many highly qualified people of color and women who would be appropriate to appoint to our state's highest court."

Director of the Massachusetts Chapter of the National Lawyers' Guild Jennifer Wofford echoed Thomure's sentiment, saying "it really is time for Weld and the Governor's Council to push for greater diversification of the judges on the SJC."

"Appointing another white male conservative judge is not the right move at this time," said Wofford.

Weld's support of Fried fits into national conservative agendas, said Bob Hernandez, who is president of the New England region of the Hispanic National Bar Association. "It is part of a very disturbing trend in national politics to reverse policies which have been evolving over the last 20 to 30 years to actively fight discrimination against minority groups," said Hernandez.

"The ease with which the Governor nominated Prof. Fried suggests a considerable disregard for the position of minority communities on major social issues, including affirmative action and immigration."

Fried's association with Weld extends back to Weld's student years at HLS, when Fried was his professor. Later, in the 1980s, Weld and Fried were colleagues in the Justice Department. Fried supported Weld's resignation from his department post to protest former Attorney General Edwin Meese's ethical problems.

Geraldine Hines, who works with the civil rights firm of Burnham and Hines and who serves as a boardmember of the Massachusetts chapter of the National Conference of Black Lawyers, said she believed Weld's decision to endorse Fried is "a purely political decision that is designed to effect the goals of those who are opposed to the law as a progressive force."

Said Hines about the implications of Fried's nomination for the abortion issue: "Obviously, Weld [who is pro-choice] has decided even if Fried is anti-choice, it won't make a difference on the court because there are enough people on the court that will vote the other way."

"Either that, or Weld's expression of support for [abortion rights] is extremely cynical and purely political if there is any chance that Fried could upset the balance on the court's favoring pro-choice."

The governor's office could not be reached for comment.

"His appointment would be a direct assault on the common rights of the citizens in the Commonwealth, and he will tamper with our democracy," said Lester Lee.

Write for the RECORD!

Child Care Discussed

continued from CHILD CARE, page 2

tion, said Aber, because the number of children living below the poverty level correlate strongly to these variables. While between 48 to 50 percent of African American and Latino children live below the poverty level, only 6 percent of white children are in the same position. But even with these statistics, according to Aber, the United States has a higher proportion of white children living in poverty than any other Western developed nation.

Aber also contended that at the federal level, the caps and cuts being proposed were likely to increase the inequities that exist.

"The vision of the future [for child care services] has to face these facts coldly and soberly," he said. "The facts have to be faced in

a way that doesn't increase the distance, but decreases the distance between middle income and low income [people] in this country."

Earls approached the issue from a more global perspective, saying, "The way a country treats its children says a lot about a society." Comparing the United

States to other countries, Earls said the United States is "not off the pack," although he blamed the exclusive focus on autonomy and privacy for impeding further improvements in this area.

Earls also called for greater recognition of children's rights, which he called the "next frontier" after civil rights and women's rights. "As long as the rights of children are expressed solely by adults, we are on the wrong path," he said.

In sharing their visions for where child care should move to in the future, all of the panelists called upon advocates to "get active" despite potential changes in federal funding for social services. "The tendency is that people get depressed or into denial, and right now we can't afford that," said Cohen.

"I think our work is cut out for us," she added. "Don't agonize, - mobilize."

The Conference was hosted by the Women's Law Journal, the Radcliffe Union of Students, and the Health, Education, Labor and Poverty Professional Interest Council of the Kennedy School of Government.

"I think our work is cut out for us," Cohen added. "Don't agonize - mobilize."

Fein Urges Jewish Unity

continued from FEIN, page 2

As for the unifying perception within the Jewish community of its impotence, Fein remarked that this traditional link was no longer effective since it was "no longer true ... certainly in America."

The loosening of these traditional bonds and the current deemphasis on common descent has led to Judaism's being "in the last stages of its transition from a condition to an option," said Fein.

This has created, according to Fein, a "virtual obsession throughout the quarters of the organized Jewish community with continuity." He argued that if any efforts toward this goal were to be effective, they need to involve not just reversing the trends of dissolution but reversing them in the context of some broader purpose.

To this effect, Fein commented that although the revival of a common vocabulary, particularly a religious vocabulary, would be a significant move towards unity, "language is necessary but not suffi-

cient for a rich sense of connectedness."

The broader context that Fein suggested was greater community participation. He pointed to a need for Jews "to attend to the ligaments of reciprocity within the Jewish community." This would "provide Jews with a much richer opportunity ... to share important transcendent experiences," said Fein.

This sharing, Fein continued, should not be confined within the Jewish community alone. Extrapolating from his experiences in founding Mazon, which is a hunger relief organization founded from contributions from Jewish Americans, Fein emphasized the importance of working with different religious groups in order to help others, regardless of denomination.

Fein concluded that this sense of "responsibility of serious religious people to know where and who their brother is," must be developed within the Jewish community as it tries to "rediscover its religious language."

Fight for Environmental Justice Begins at Home

continued from JUSTICE, page 2

guidelines," she said, "it is quite conceivable that the people looking at the compliance reports won't know what they are looking for."

One approach taken to help shape agency action has been the establishment of the Environmental Justice Council, according to Ann Kelly, director of the Environmental Strike Force in the Massachusetts Department of Environmental Protection. The council has been analyzing existing statutes and regulation in order to make specific recommendations to improve its track record on environmental justice.

Even as this study continues, the Strike Force is continuing to move forward with prosecutions and enforcement under the existing laws.

"The environmental movement is threatened, and we have to face it head-on," she said.

"The environmental movement is threatened...," Kelly said.

Even with all of the actions taken by the federal government, however, the panelists agreed the communities themselves must stay active in the fight against environmental injustice. "We must bring more people to the [negotiating] table and give a voice to those previously silenced," said Kelly.

"There can be a number of fairly positive developments as a result of professional and community people working together in a way that is responsible to those communities," said Ferris.

In addition to the panels, several papers on different aspects of this field were presented at the conference. The conference was co-sponsored by Foley, Hoag and Eliot, the Harvard Asian Pacific American Law Students Association, the Harvard Civil Rights-Civil Liberties Law Review, the Harvard Environmental Law Review, the Law Office of Antonio Rossman, the National Lawyers Guild, and Straw & Gilmartin, P.C.

Public Interest Facts and Fictions

By Shannon Liss '96

RECORD Columnist



DEAN Clark, in the March 17 issue of The RECORD, comments on HLS's Low Income Protection Plan: "The question is when you have limited funds, like we do here, do you spread it around ... or use it as a prize, where only few get it?" As the Law School nears the end of its \$150 million capital campaign, shouldn't the "question" be why must low-income earning public interest graduates make use of "limited funds?" NYU's recent announcement that it will provide \$10 million to expand its loan forgiveness programs challenges Harvard's ability to attract top public interest-minded law students. Last week brought news of Professor Phillip Areeda's extremely generous unrestricted \$5 million gift. Why not use this money toward improving Harvard's public interest program?

Specifically, here are five improvements that are needed:

Improvement #1: Summer grants should be available for any student who works 10 or more weeks in a non- or low-paying public interest job. As usual, this year, more than 100 students remain on the Wasserstein wait list. Even with a Wasserstein grant, without additional funding, a student earns only \$5 an hour for full-time summer work.

Improvement #2: LIPP should not just make possible low-paying work for students committed to public interest; it should encourage that route for those who have not made up their minds. LIPP could encourage more students to pursue public interest by being more generous. Currently, an NYU student in her first year out of law school will not have to pay back any loans if she makes under \$32,000; at Harvard, that figure is \$25,000. She will receive some assistance from the NYU program as long as her salary stays under \$52,000; Harvard's limit is \$44,000. LIPP must also eliminate the "borderline problem" in which graduates earning salaries just above its ceiling experience drops in net income.

Improvement #3: LIPP and the summer public interest fund need endowments. The Law School should not have to make a push every few years just to replenish money, and students should be guaranteed that funding will continue.

Improvement #4: Harvard should join Pro Bono Students of America, a consortium of law schools around the country which is creating a computer database of up-to-date information about summer, term-time, and permanent public interest jobs. This database will be far more comprehensive and current than the print notebooks OPIA maintains. Dean Clark's refusal, so far, to spend the \$4,000 required for Harvard students to have access to this information adds further fuel to the perception that encouraging public interest work is not a Harvard Law School priority.

Improvement #5: The Office of Public Interest Advising (OPIA) needs more funding, office space, and staff.

According to Joyce Curll, Assistant Dean for Admissions and Financial Aid, well over half the students admitted to Harvard Law School say in their applications that they are interested in public interest work. Yet, typically only about 10 percent of each graduating class actually go into public interest jobs. The Law School could do far more to reduce this drop-off rate, but some misperceptions on the students' side also contribute to this situation. Rumors abound, and many students seem to assume categorically that LIPP will not help them.

Here are some myths that need to be dispelled:

Myth #1: There is no way I can survive on a public interest salary. Granted, working in public interest will not make you rich, but neither will you be below the poverty line, even if you have full loans to pay back. Ask yourself if the difference between your net monthly income (after taxes and debt payments) working in public interest — \$1,522 (if you're making \$30,000 and using LIPP) — and working for a law firm — \$2,340 (if you're making \$65,000 and a debt of \$70,000) — is important enough to you to forgo the job you most want.

Myth #2: LIPP will not help me with my loans because most public interest jobs pay more than the salary ceiling for LIPP eligibility. LIPP currently helps repay educational debt for graduates making \$44,000 or less, which is well above practically all public interest starting salaries. Most are in the mid \$20,000 to the mid \$30,000 range. If you continue to work in public interest, your salary will probably rise over the years, but so will the LIPP ceiling. The ceiling was recently raised to \$44,000 from \$35,000; in 1988, it was \$29,000. The Financial Aid Office expects the ceiling to continue rising to reflect the growing salaries of students in the program and the growing debt each new class must incur to meet the rising cost of tuition.

Myth #3: If I work in public interest and depend on LIPP, I can't get married. In determining how much loan repayment you are responsible for, LIPP looks at either your salary or the average of your and your spouse's salaries, whichever is greater. Your spouse's educational loan repayments are subtracted from your spouse's income, and allowances are made for children. You are unlikely to ever be worse off by marrying than you would be with just your own income.

Myth #4: I need to work in a firm first to "get experience" before I can pursue a public interest job. Public interest employers look for demonstrated commitment to public interest in their job applicants. Though they generally do not have the funds to pay for formal training programs, their on-the-job training is at least as substantial as what you would find at private firms and, importantly, more relevant to what you will be doing if you continue in public interest. People do make the move from private firms to public interest, but working for a firm is by no means a mandatory stage in a lawyer's career. If you work in a law firm first and plan to return later to public interest, chances are you simply will never take the salary cut.

Myth #5: The only students who can afford to do public interest work are "limousine liberals" who don't need to worry about paying back loans. For the record, I will graduate from law school with what the Financial Aid Office calls the average amount of debt. I will depend on LIPP in paying back my loans. I am not expecting my partner, a fiction writer, to push me over the LIPP ceiling anytime before he publishes his first bestseller. Nor do I expect any contribution from my parents. So I'm not planning on nightly dinners at four-star restaurants or a vacation house by the shore.

No one ever said that working for something you believe in at a job that you love doesn't involve some sacrifice.

A Complicated Coke

By Terri Gerstein '95

RECORD Columnist



Q ¿QUIERES una Coca?"

It seemed like a pretty simple question: Did I want a Coke? But it was not so simple, and too much deliberation would only make things worse.

It wasn't my client's "indigence" which gave me pause. At one point in my life, I did feel discomfort, sitting in a tiny inner-city apartment in an even tinier kitchen, noticing the nearly empty refrigerator while being served a guest-sized portion of beans and rice. "How can I take from them when they have so little?" I thought to myself, gnawing more on my middle-class sensibilities than on the very spicy food.

In the nearly 10 years since then, it has happened so many times: thin, poorly-clad people have welcomed me into their homes with a hug, and then surreptitiously handed a small son a crumpled small bill, or maybe just a few coins, saying, "We have a guest from far away. Go buy some soda, fast. Run."

And I have learned that my initial teen-age question was misguided. The real question is: How can I not accept what these people have so generously offered me? How could I take part in yet another battering of their dignity by refusing their kindness? The message sent would be all too clear: "I'm the one who'll be doing the giving around here. You don't have anything to give me, not even a Coke/coffee/small gift/piece of pie."

So why was I standing there alongside my client, on a street corner outside of a little Spanish store in Roxbury, taking far too long to decide whether or not I wanted a simple can of Coke?

If my client had been a woman, I would have accepted the offer with something approaching abandon, since I was pretty thirsty. But my client was a he, and seemed to be a lonely he at that.

We hear a lot about the struggles of women lawyers: the glass ceiling, work/family conflict, sexual harassment by partners and co-workers. But in the line of work I and many of my women HLS classmates will enter, there's a fairly nuanced problem which is rarely discussed: What should you do when the low-income male client you represent, who throughout his life has been disrespected, kicked around, and generally stepped on, starts gazing into your eyes while you're trying to prepare him for a cross-examination?

Most of the female public interest lawyers I know have their own stories along these lines. In my own nascent legal career (clinical courses and summer jobs), it's happened to me more than once, and each time I am aware of the complex set of overlapping power relations at play. There I am — professional, middle-class, educated, white, U.S. citizen, purportedly "helping" this poor and probably oppressed client. The client is in trouble — he may be on the verge of losing his home, being deported, or being sent to jail — and some portion of his life is in my plump Harvard Law School hands. But he's also a man, and that can shift the power relations tremendously. Just ask any high profile (Harvard-educated?) woman executive how quickly her feeling of power dissipates when she walks alone at night, passing by "powerless" men on city streets.

Would-be Romeo clients are few and far between; most of my clients so far, both male and female, have been great fun to work with.

And I don't want to suggest that poor clients are "only so much refuse," (a phrase my current supervisor often uses to describe the way poor people are usually treated) or that I (and other women professionals) would and should not ever date out of our socioeconomic or educational niche.

It goes without saying that dating a client is unacceptable and unprofessional behavior. But how should we respond to those sometimes tentative and

It goes without saying that dating a client is unacceptable and unprofessional behavior. But how should we respond to those sometimes tentative and sometimes anything-but-tentative overtures?

sometimes anything-but-tentative overtures? Most HLS professors have little counsel to offer in this arena, since they are almost all men, and few have worked extensively with poor clients.

"I don't date clients" is a simple and correct answer. However, it has a different ring when working with poor people. My desire to do legal services work stems from deeply-held beliefs about equality and human dignity. "I don't date clients" sounds a lot like "you're not good enough for me." I feel uncomfortable with this simple and correct answer, but what's the alternative in this delicate situation? A fictional boyfriend or even fiancé? Or do I need to go all the way and get a real or fictional husband in order to do the trick?

Coke or no Coke? Thoughts raced through my mind. I recalled a former client who had been in the hospital. By coincidence, I always visited her when her dinner was served; she always offered me her coffee which I always declined (there was so little on that tray of hospital food!). When I finally ate one of her hospital cookies one day, she smiled and said, "I like to see people eat. It makes me feel bad if I can't offer them something."

Coke or no Coke? "If my would-be-Coke-purchaser were a woman client offering me coffee and cake in her kitchen, I wouldn't think twice," I thought to myself. "This street corner is essentially this client's kitchen — and a Coke is all he can offer me. Besides, I'm thirsty and I could use the caffeine."

My answer to his simple question? "Si." It tasted the same as any old soda, but in reality it was one of the more complicated Cokes I've had.

Bosnia War Hits Home

continued from SMITH, page 5

"It was hard to maintain a clear perspective of what you were doing and focus on why you were there because it was just so complicated," he said.

Smith added, "You can make a very strong argument for the fact that UN and NGO presence there is prolonging the war. It relieves the government of the responsibility of taking care of the population, so they can put all their resources into fighting the war."

"So they're one step removed from that accountability, from what's happening to the people. There's always someone else to blame and someone else to clean up the mess."

In addition, he said, humanitarian aid is being used by the international community to justify not doing anything to stop the war.

"We're the bone they throw," he said.

But despite the unintended side effects of humanitarian aid, overall it is indispensable.

"I'm glad I did it," Smith said. "You can make a lot of arguments about how problematic it is to give aid, you can try to do some kind of utilitarian analysis. But when push comes to shove, you can't sit on the sidelines and ignore the immediate suffering and not respond to it. I'm glad I went."

Looking for Solutions

Smith doesn't know if there are any solutions to the conflict. "A lot of people ask me 'What should we do?' and I just don't know the answer," he says.

When asked about the effect of lifting the arms embargo he said, "There is no doubt that the arms embargo is limiting the capabilities of the Bosnian Government and that the Serbs have many more weapons. And despite dirty fighting on all sides, this is definitely a war of aggression by the Serbs."

In retrospect, Smith said, "The international community should have reacted more strongly early on and shouldn't have let it escalate."

Many experts on the former Yugoslavia agree that international force should have been used earlier in the conflict. Warren Zimmerman, the last U.S. Ambassador to Yugoslavia, recently wrote in Foreign Affairs that one of his greatest mistakes was not pressing for military intervention in 1991.

Smith said he does not know whether the use of international force is an appropriate solution; however, at this point he believes the fighting has gone on so long that international mediation without a credible threat of force will have little effect.

"Everybody there knows someone

who's been killed," he said. "It's beyond the stage where it's rational anymore. It's beyond the stage where you can sit down and talk about it."

"But I'm not advocating use of force," he added.

Smith is also critical of local leaders profiting from the war at the expense of their constituents.

"They're having their heyday now. They have more money and more power than is imaginable, and they'll have it for as long as the war lasts," he said. "The leaders have bankrolled a fortune. So there's an interest in keeping the war going — there's a lot of money to be made."

Smith's work was so intense that it demanded all of his focus. "I started off being interested in the big picture," he said. "But by the time I left, I couldn't see a foot in front of my face. My world was so small, you just don't have the time or energy to second-guess the politics."

Not surprisingly, the intensity of his job led to burnout. "There's only so long you can do it," he said. "After a while, you lose the capacity to care about anyone else."

His return to the United States was challenging, especially with the demands of his first year at HLS.

"The whole first semester, I was exhausted," he said. "It was hard to get motivated to work because all I wanted to do was relax. On the other hand, it might have been therapeutic because it forced me to completely focus on something else."

Now that he has had time to reflect, Smith says he is concerned that fighting will soon spread to neighboring areas. Krajina — a part of Croatia which has been occupied by Serbia since 1991, when Croatia and Serbia were officially at war and before fighting had begun in Bosnia — is an especially volatile region. After the internationally-brokered ceasefire between Croatia and Serbia, the United Nations stationed soldiers along the borders of the captured region. The Croatian government ordered the United Nations to leave last month, apparently intending to recapture the area. After intensive negotiations, the international community persuaded the Croatian government to allow some U.N. personnel to remain, however the region is still potentially explosive.

"Croatia's still on the sidelines, ready to jump in," Smith said. "You've still got Krajina, and that's just waiting to blow up. And that's potentially even worse, because when the United Nations gets booted out, Croatia and Serbia proper could officially be drawn into the war."

"Everybody there knows someone who's been killed," Smith said. "It's beyond the stage where it's rational anymore. It's beyond the stage where you can sit down and talk about it."

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NO MSG!

Mail Fraud at Terry Terrace

continued from FRAUD, page 1

a law student. Most of the approximately 40 residents of the west wing are HLS students.

DeCruz said Wednesday that no arrest has been made and that the investigation is "ongoing."

The 3L rumored to be involved refused to comment to the RECORD about the allegations.

Dean of Students Suzanne Richardson, a member of the Administrative Board, refused to comment on the matter. The Administrative Board traditionally maintains a policy of confidentiality on student disciplinary proceedings.

Students in the west wing say that since November, many of them have been receiving unsolicited compact discs, books, and magazines. They have also received bills for products they have never received.

"I kept getting invoices from these companies," said one student, who asked not to be identified.

Another student said that over the past six months, she has seen at least 30 boxes of CD's on the shelf where mail carriers

place packages and magazines sent to residents of Terry Terrace. The shelf is located inside the locked door to the west wing.

Tim Murphy '95 said last fall he suddenly started receiving Sports Illustrated.

"I'm like, 'What's this?'" he said.

Murphy said he received a total of about six unsolicited items, including materials from a book club, a music club, and an audio book club. He has also received several bills. In each case, Murphy said, he was able to return the items to the sender and cancel the enrollment.

Another student said that earlier

this year a delivery company phoned him to say the company was attempting to deliver a package to him. Although the student said he was not expecting a package, he left a note with instructions for the delivery person.

The next day, the student said, he found the note ripped apart. He called the delivery company and was told that someone else had signed for the package.

That same student said someone enrolled him in two music clubs.

Sheila Tuller '96 said a package addressed to her disappeared last month. She said she noticed the package when she arrived home one day but did not immediately take it to her room. When she returned later to retrieve the package, she said, it was gone.

Other students complain that their newspapers are often stolen.

Tania Dominguez '95 said her New York Times, which has her name on it, has periodically disappeared throughout the school year, although not recently.

Three notes complaining of newspaper thefts remain hung in the entrance-way to the building this week.

"All year long I've seen people put notes up," Dominguez said.

Although students said one Terry Terrace resident was also the victim of credit card fraud, DeCruz said that "at this time, we do not know" whether the suspect used stolen credit card numbers.

Each of the interviewed students lives in 15 Terry Terrace, the west wing of the Harvard-affiliated apartment building on Everett Street. The wing contains approximately 35 apartments, all of which share a common entrance.

As late as this week, packages of CDs continued to arrive.

"There's one down there now," one student said.

"I kept getting invoices from these companies," said one student, who asked not to be identified.

Rehearsing for the New Production



Beginning on Wednesday, April 19, the play "for colored girls who have considered suicide when in rainbow is enuf" will rise and shine. Sponsored by the Harvard Law School Drama Society, the play is produced by Gerald Halfhide '96, directed by Zola Mashariki '97, and features an ensemble of black women, including Sephanie Barnes '97, Valerie Beck '96, Alexandra Bernadotte, Frances Cudjoe '96, Tracy Douglas '97, Asia Goodwin, and Cheryl Hudson '97.

The play, written in 1975 by Ntozake Shange, confronts issues of beauty, femininity, pain, powerlessness, and silence among black women. Written as a choreopoem, "for colored girls ..." has no plot in the traditional sense, instead incorporating a series of dramatic and poetic monologues. "The play invokes a series of emotional reactions," said Halfhide. "The themes of the pieces run the gamut from comedy and sarcasm to horror and tragedy."

The play will be performed daily from April 19 through April 21 at 8 p.m. The Friday night performance will include an audience and cast discussion of issues presented in the production.

UVA Softball Tourney a Success for HLS

By Spencer Levy '95

RECORD Columnist



APRIL 8, 1995, 7:30 a.m. Harvard vs. Yale: Game 1 of the University of Virginia's inter-collegiate law school slow-pitch softball tournament.

Harvard and Yale have been facing each other on athletic fields for over 100 years. The mere mention of the Harvard-Yale game conjures up ideas of tradition, honor and sportsmanship. Here, in Charlottesville on a new athletic field at the University of Virginia, Harvard and Yale met again to rekindle the oldest of athletic and intellectual rivalries in America.

Ten uniformed men trotted out onto the red clay infield in the crisp morning air, the sun barely creeping out from over the horizon. One of the Harvard 10 captured the significance of the moment perfectly as he stepped into the batters box and nodded at the Yale catcher in a sign of respect for a noble foe and stated, "I hope you guys suck because we're still drunk."

And so began another great sports tradition.

The University of Virginia has been holding inter-collegiate law school tournaments for 12 years and attracts teams from all over the country. In total, 40 law schools and over 70 teams participated, including Texas, Missouri, Miami, Columbia, and Fordham. The University of Virginia, which hosted the tournament, fielded six teams in the competition (the maximum allowed), which was broken into a men's and co-ed bracket.

This was the first year that Harvard Law School sent a squad to the UVA softball tournament. The Harvard 10 — included Ken Brandes '95 (Captain), Stewart

Reflecting on the weekend, second baseman Stewart Goldstein stated, "We did everything on this trip," to which Rob Malkani responded, "Yeah, except win softball games."

Goldstein '95, Jad Greifer '95, Jason Cahilly '95, Spencer Levy '95, Robert Malkani '95, Doug McWilliams '95, Jason Pollock '95, Leigh Randall '95 and Jacques Yousiefmir '95 — departed from Cambridge at 8:00 a.m. on the morning of Friday, April 7, along with their nifty new uniforms (provided by Bar/Bri), softball equipment, and 7 Dunkin Donuts (four jelly, three honey glazed). Arriving at the University of Virginia at 9:00 p.m., the squad faced numerous adventures along the way including being stuck in traffic while sitting on train tracks with an oncoming freight train (escaping by driving into a nearby Wendy's for a snack), and resolved two controversial issues in the OJ trial (the lack of a murder weapon and the mysterious half-melted cup of chocolate chip cookie dough ice cream) by determining that OJ killed Nicole Brown Simpson and Ron Goldman with the tip of a Baskin Robbins sugar cone and then ate the evidence.

Upon arriving at the University of Virginia, the squad was informed that the opponent would be Yale and that the starting time was 7:30 a.m.. Given the substantial amount of pre-tournament practice that the Harvard 10 put in, the significance that they were playing Yale, and the ridiculously early starting time, the squad determined that the best course of action was to get a good night's sleep...after going over our strategy in a local drinking establishment until 2:00 in the morning. The squad's motto for the weekend was "We're not good, so let's have a good time."

Six a.m. arrived like a fat forehead zit on prom night, and the Harvard 10 marched out to the field to face Yale. In a hard fought battle between the two noble foes, Yale won in a 15-4 squeaker, though, to be truthful, the game wasn't as close as the score might reflect. According to Yosefmir reflecting on the loss, "I think we were demoralized by the lack of funding from the Law School." Indeed, the lack of funding issue became particularly harsh when they discovered that the "official" Harvard Law School squad which was given partial funding by the Law School to finance the trip to the UVA softball tournament, wimped out and decided not to show up for the tournament. Perhaps the cruelest fact was that YALE LAW SCHOOL PAID FOR TICKETS SO THEIR THREE TEAMS COULD FLY DOWN TO THE TOURNAMENT!

The Harvard 10 then discussed the defeat over breakfast at Ruth Martin's Pancake House (Ken recommends the Belgium waffles with fresh strawberries), and they faced Dickinson Law School at noon. In the middle of the game, pitcher Levy lost his focus for a moment and yelled at the outfield to move in because balls kept dropping in front of them. Centerfielder Malkani yelled back, "Why don't you strike somebody out," causing the team to regain its good humor, and the Harvard squad went down to a most enjoyable 8-1 defeat.

Following the loss, the squad became spectators and watched tight battles, including a great game between New York Law School and a ridiculously competitive North Carolina squad (Carolina won in extra innings). They then went to a UVA-sponsored barbecue with all the other softball teams, partied at a fraternity house until 1:30 a.m., and capped off the evening with cheese steaks and turkey sandwiches at a local hang-out.

The drive back on Sunday was as interesting as the drive down, as the Harvard 10 discussed political topics including the merits of fetal tissue testing. The squad couldn't come to consensus on the merits of fetal tissue testing, but they unanimously voted to ban facial tissue testing. While driving up the New Jersey Turnpike, short stop Greifer came up with the idea that the squad should forgo their fourth trip to Roy Rogers and drive to Manhattan for a fat meal at Carmine's on the Upper West Side. The squad consented and went to New York for an Italian feast (four pasta platter, chicken parm, Caesar salad), and then, not to be undaunted, stopped to see Don Juan De Marco in New Haven (the squad gave it a unanimous thumbs down).

The Harvard 10 arrived back in Cambridge at 2:30 a.m. Reflecting on the weekend, second baseman Goldstein stated, "We did everything on this trip," to which Malkani responded, "Yeah, except win softball games."

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