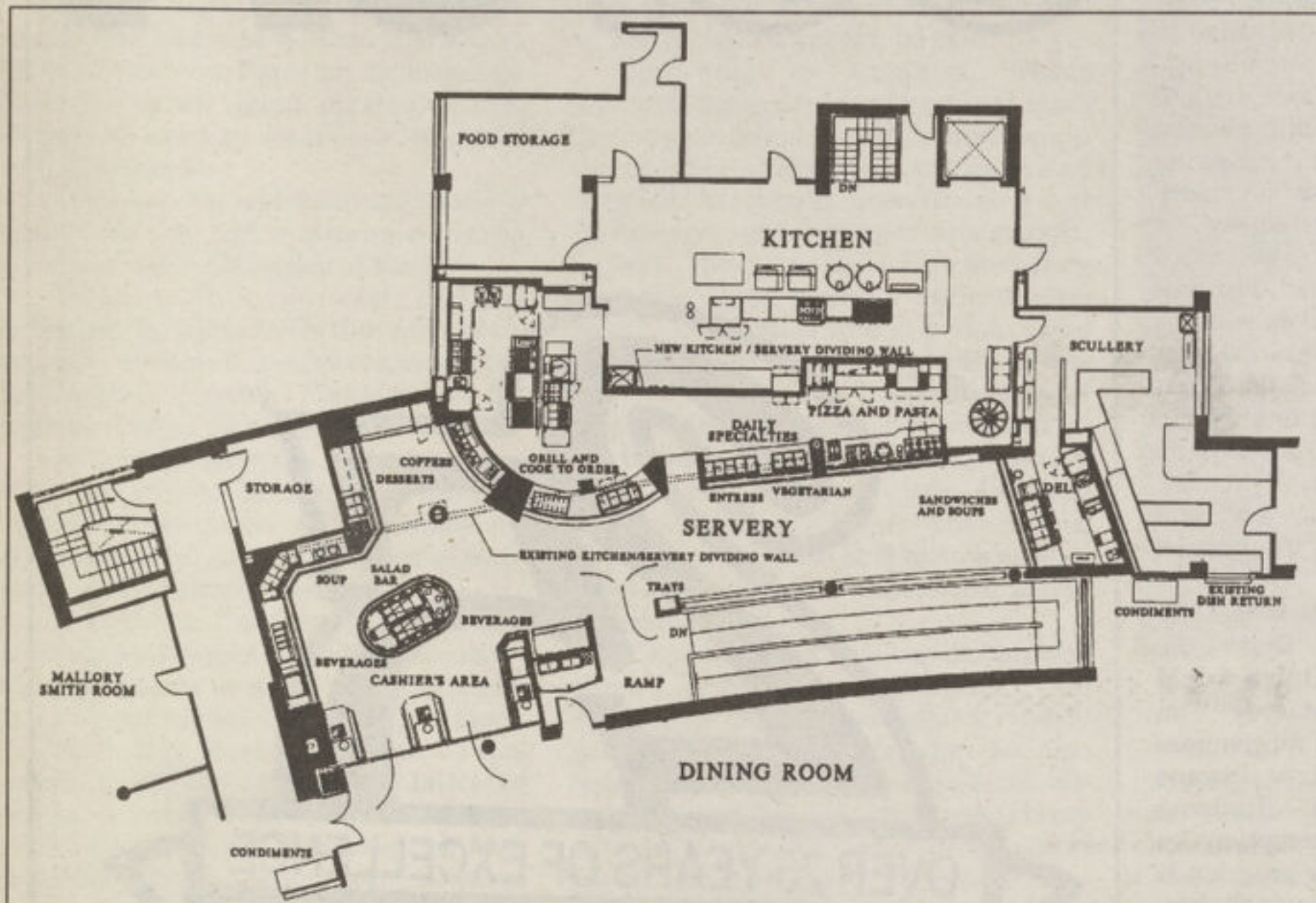




The remodeled Harkness Commons Cafeteria will feature cook to order food stations, additional cash registers and an expanded soup and salad bar.

\$1 Million Renovation of Harkness Cafeteria Planned

Students Will Eat in Ropes-Gray During Winter Term

By Paul Sinclair

A \$1 million renovation of the cafeteria in Harkness Commons is scheduled for the winter term.

The redevelopment, which has been planned for over a year, was finally approved by Dean Clark '72 in August. Demolition work will begin on Dec. 16, and work will continue through January.

The new cafeteria will be "a real showpiece," according to Food Service Director Beth Davidson. The existing set-up was originally designed for a mandatory pre-paid food plan, in which students had no choice of

entree. However, increased choice of food options, and the need for charging students individually, has led to severe inefficiencies in food service.

The new design incorporates a number of different food stations. "Students will be able to walk around and see what's available — it will be more like a food court," said Davidson.

"The goal was to open up the whole area. The priority is the students — give them more room."

Different food stations will feature stir-fry cooked to order, pasta with different sauces, a new pizza oven with a greater variety, and, according to

Davidson, "a really cool oval salad bar." The idea, she said, is to allow students to browse more easily, to include more variety in the food offered, and to improve the flow of traffic.

The Boston architects, Bergmeyer Associates Inc., were determined to integrate the new design into the context of the existing Law School buildings. They therefore spent a considerable time researching the "Gropius Concept." The decor for the new cafeteria will therefore include lots of stainless steel, reddish wood and black granite. The tiling will be a grayish-green

please see **HARK**, page 13

Council Continues Pass/Fail Study

Research Shows Opposition to Eliminating Grades

By Tara Dawood

As the Law School Council rides the wave of its recent successful projects, it is continuing to study and foster discussion about the HLS grading system.

Since the officers took office, several requests spearheaded by the LSC have been granted by the administration. The Council was an active force in the decisions to renovate the Hark and update equipment in Hemenway Gym (see **RECORD** articles, this issue).

Now, the primary issue on the Council's agenda is the possible implementation of a pass/fail grading system for at least the first semester of the

1L year. The issue brings with it a history of controversy and indecision. The Council plans to finalize its research and reach a decision soon.

In his preliminary investigation, Tavan Pechet, chairman of LSC's academic affairs committee, has spoken to members of the HLS administration, practicing lawyers, hiring committees, alumni, professors and students about their thoughts on such a grading policy.

Although he still is conducting research, Pechet said that he has yet to run across an employer who favored the pass/fail system.

When discussing the issue

please see **PASS-FAIL**, page 15

Faculty Meeting to Offer Glimpse of Future HLS

By Hope Yen

This is the first in an occasional series on the development of Dean Clark's administration.

After heavy storms, the sun broke free on Graduation Day last June and radiated on Dean Clark '72 as he said goodbye to the Class of 1995, the last students to witness the bitter campus protests that overshadowed his early years as dean.

Bidding farewell to the class, Clark talked of new beginnings and explained why U.S. society needs more lawyers in a speech recycled from previous graduation ceremonies. "You would think that he might consider having something new to say after three years of sounding the same themes at commencement," one student

Electrical Short Causes Austin Hall Fire

By Katrina C. Randolph

Several classes were re-routed to alternative sites Wednesday morning after a small fire erupted in Austin Hall the night before.

The fire occurred in the attic just over the Ames Courtroom shortly after 7 p.m. It was caused by an electrical short in the wires on a lighting control panel. The short caused the wires, which control the Ames Courtroom lights, to smolder.

The Cambridge Fire Department put out the fire. At about 8:15 p.m., building occupants who were standing outside were allowed to retrieve their belongings, but could not return to continue their activities.

To ensure safety, the fire department and Harvard engineers closed the building Tuesday night. Classes which meet in Austin on Wednesday mornings were moved to other buildings.

There was "nothing environmentally dangerous" about the damage to the building, said John Sabbio of the HLS Heat, Ventilation and Air Conditioning Department. Sabbio and other workers inspected the damage Wednesday.

Austin Hall was filled with people when the alarm sounded. In Austin East, the Tenant Advocacy Project was 15 minutes into a training session for

its recruits. Criminal Justice Institute (CJI) staff members were busy working. Other students and staff were also in the building.

For TAP workers, the show had to go on. "We were standing under the tree, in the rain" having the training, said TAP administrative coordinator Kay Lawless. She said the group finally moved to Pound Hall to finish the training session.

Wednesday morning, Lawless said, she could detect a "very strong smell" around the second-floor TAP office.

Mo Griffin, administrative director of CJI, said she was at work in CJI's third-floor office when she heard the alarm. "I thought it was a false alarm," she said, but then she smelled something.

Most of Austin Hall was reopened about 10 a.m. Wednesday, after being declared safe for re-occupancy by the Cambridge Board of Health and Harvard Environmental Health and Safety.

The Ames Courtroom remained closed until Thursday so the room could be ventilated and the carpets could be cleaned.

Austin Hall, built in 1883, is one of the oldest law teaching buildings in the country. It currently houses the Ames Courtroom, the smaller Morgan Courtroom, three classrooms, CJI and a host of student organizations.



Austin Hall

said.

As Clark wrestles free from old political turmoils and prepares Harvard Law School for the 21st century, some say opportunity awaits the corporate law professor who now has held the deanship for six years. That chance likely will come when he proposes several new initiatives for the Law School at the next faculty meeting on Oct. 13.

"There is no doubt, Dean Clark is at his strongest politically right now," said one HLS professor.

For instance, campus activism has waned considerably since 1992, when former HLS Prof. Derrick Bell, a galvanizing force in protests for faculty diversity, resigned. Last year, several student groups

acknowledged that their push for diversity had sagged somewhat.

Although campus protests more than three years ago typically involved sit-ins, boisterous forums, personal attacks and even lawsuits, disputes today are typically hashed out quietly

behind closed doors. Faculty hiring, for example, is no longer fought out openly in faculty meetings but debated in internal memoranda and in closed offices. Students don't picket the halls anymore; instead, they submit petitions and meet privately with the dean.

Meanwhile, Clark's skillful but time-consuming fundraising also has allowed him to

please see **CLARK**, page 12

Students Continue Push for Public Interest Funds

By Hope Yen

Student leaders said they plan to continue pressing Dean Clark '72 for more public interest funding after he acknowledged to them that there is some "elbow room" in deciding how portions of the \$175 million Capital Campaign Fund should be spent.

In a meeting this week, four students presented Clark with hundreds of notes and letters from the student body and some faculty members asking that the \$25 million raised in excess of the \$150 million Campaign goal be dedicated to public interest.

Clark previously had indicated that all the money had been earmarked; however, in a meeting that Vice Dean David Smith, Assistant Director of the Office of Public Interest Advising Alexa Shabecoff, Financial Aid Director Sally Donahue, and Assistant Dean for Admissions Joyce Curll also attended, Clark said there were some funds not yet allocated, said Shannon Liss '96.

"It's not over. Our conversation is still continuing," said Liss, who heads an ad hoc coalition of students concerned about public interest funding. "We're going to keep pushing to convince Dean Clark to go as far as he can to allocate money to public interest and persuade him that this is a worthwhile cause."

Student leaders said they are currently soliciting faculty signatures for a letter to Clark asking for more public interest support. Already students have promises to back student efforts from Professors Elizabeth Bartholet '65, Christopher Edley '78, Charles Ogletree '78 and Lecturer Deborah Anker, Liss said.

Clark said that about \$6 million of the Capital Campaign Fund is dedicated to public interest, including a commitment from the family of Morris Wasserstein to establish a faculty chair in public interest law. He also told students at the meeting that he hoped to embark on more fundraising efforts for public interest.

Clark refused to say exactly how much money has yet to be allocated, but students are hopeful that he will do what he can to support the public interest program, said Carol Pier '98, who added that the only reason she decided to enroll in

law school was to pursue public interest work. Pier, Liss, Amy McManus '98, and Shelly Friedland '97 attended the meeting.

Students and school officials agreed that the Financial Aid Office would conduct a survey on Harvard's loan forgiveness program, the Low Income Protection Plan. Students

will be asked to give their perceptions on how generous they think the program is and how it may affect their career choices, Liss said.

Student leaders have argued that financial constraints are deterring students from pursuing careers in public interest law. They have warned that New York University Law School's program, which provides virtually free educations to students who practice public interest law for 10 years after they graduate, threatens to lure talented law school applicants away from HLS. Although half of HLS students say upon admission that they intend to pursue public interest, only 10 percent end up doing so after graduation.

"We hope Dean Clark is getting the message on how important public interest is to students, faculty, and alumni," said Liss. "It's not over."



Shannon Liss '96

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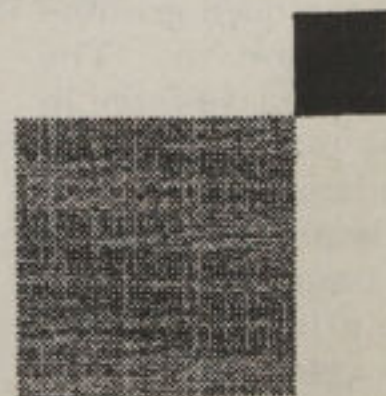
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Coleman Educates HLS on Litigating Race Cases

By Craig Buckser

NAACP Legal Defense and Education Fund Chairman William T. Coleman II '46 advised the Saturday School audience last week about strategies that should be used by attorneys litigating civil rights cases.

Coleman said last Saturday that it is crucial for civil rights attorneys to master the general principles of the law.

"If you have a race case, and you articulate it in principles that have nothing to do with race, you have a much better chance of winning. Please master the fundamentals," Coleman said.

As a young attorney, Coleman won a civil rights case by invoking the rule against perpetuities. He won many similar cases by relying on nuances of common law trespass doctrine.

In addition, Coleman expressed that civil rights lawyers should use constitutional law cases in which race was not an issue as precedents for civil rights cases.

William H. Hastie '30, S.J.D. '33 successfully argued that a sophisticated white primary was unconstitutional racial discrimination by analogizing from a primary election fraud case. Coleman employed commerce clause precedents to get state bus segregation statutes declared unconstitutional as applied to interstate bus routes.

Coleman offered specific strategic recommendations for *Bush v. Vera*, a voting rights case pending before the Supreme Court. Coleman suggested that Solicitor General Drew Days argue that race was not the predominant factor in

the drawing of Texas's congressional district lines. If that argument is successfully maintained, then the redistricting plan would not be subject to strict scrutiny and would be upheld, he said.

According to Coleman, Texas acquired three new congressional seats due to population growth. Increases in the number of African Americans and Mexican Americans near Houston and Dallas account for most of this growth, he said. The Texas legislature then drew a total of three majority-minority districts near Dallas and Houston. The motivation behind the line-drawing was politics — including the protection of incumbents — not race, Coleman said.

Coleman voiced his disagreement with the opinion in *Adarand Construction v. Peña*, the recent Supreme Court case that struck down a federal government affirmative action program.

"The Supreme Court has bastardized three important principles," he exclaimed. Coleman said that a remedy can be broader than a wrong. He also asserted that the Constitution is not color blind, and that the due process clause of the Fifth Amendment does not incorporate the equal protection clause.

Coleman contended that Days "argued the case wrong." According to Coleman, the Solicitor General should have argued that Congress derives the power to promulgate affirmative action programs from the commerce clause and that the equal protection clause does not pertain to the federal government.

Coleman maintained that *Bolling v. Sharpe*, which struck down school



William T. Coleman (right) answers students' questions following a Saturday School address as Prof. Charles Ogletree '78 (left) looks on.

desegregation in Washington, D.C., did not incorporate the equal protection clause into the Fifth Amendment. Coleman said the due process clause of the Fifth Amendment protects African Americans adequately from discrimination by the federal government.

Coleman, who helped the NAACP orchestrate the abolition of segregation, declared that the NAACP's strategy in *Brown* was correct. He said, "A group of people without much money or arms was successful in getting the majority to change its fundamental principles."

On Thursday, President Clinton awarded Coleman, who was the Secretary of Transportation for the Ford administration, the Presidential Medal of Freedom, the highest honor that can be bestowed on a civilian.

Coleman, who graduated magna cum laude and was an editor of the Harvard Law Review, spoke glowingly of his alma mater. He said, "Most of *Brown* and what happened started in this law school. This law school has as much to do with the revolution as anyone else."

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Professor Emeritus Milton Katz Remembered Today

A memorial service for Milton Katz, Henry L. Stimson Professor of Law Emeritus at Harvard Law School and Professor of Law at Suffolk University Law School, will be held today at 2 p.m. in Appleton Chapel, Memorial Church, located near Harvard Yard.

Katz was a noted international law scholar and teacher, an accomplished public servant, and a dedicated worker in civic and educational affairs. He is perhaps best known for his work as head of the Marshall Plan in overseeing the rebuilding of Europe following World War II.

Katz died Aug. 9.

LSC Elections Next Week

The Law School Council will hold elections for 1L class representatives on Monday and Tuesday, Oct. 2 and 3 from 11 a.m. to 3 p.m. in the Harkness Commons.

Students will vote for two representatives for each 1L section, two LL.M. representatives, and six at large representatives. Due to a dearth of candidates in their sections, Mark Weber '98 of Section 4 and Jeremy Bash '98 and Ronald S. Kasmer '98 of Section 2 have won by default.

School of Public Health Establishes Center for HIV/AIDS Study

The Harvard School of Public Health has established the Center for Biostatistics in AIDS Research to analyze clinical trials, propose innovative strategies for medical interventions, and study design in HIV disease research.

The new center will draw resources from Harvard's Statistical and Data Analysis Center (SDAC), which currently analyzes data from more than 35,000 HIV-positive Americans, the largest such effort known to date.

"We are especially interested in new research initiatives," said Stephen W. Lagakos, professor of biostatistics and the Center's new scientific director. "We have recently been able to incorporate new projects associated with the Neurologic AIDS Research Consortium, as one example," he said.

Researchers Gather at Conference Exploring Genetic Link to Crime

The University of Maryland has organized a conference to explore whether some people are genetically inclined toward criminal activity, the Associated Press reports. The conference, which starts today, will draw researchers from such disciplines as sociology, neuroscience, psychology, genetics, law, and history.

Black leaders and scholars have criticized the subject matter of the conference, charging that genetic information may be manipulated to lend support to the theory that African-Americans are inferior to other races.

"There's a history going way back to slavery of white Americans and Europeans saying that blacks are in some way inferior genetically," Harvard Professor of Psychiatry Alvin F. Poussaint said. "There's such a strong chance of misuse that we have to be extremely cautious."

Conference organizer David Wasserman, a legal scholar at the University of Maryland, emphasized that the research attempts to link criminal tendencies to individual, not group, genetics.

The University of Maryland originally planned the conference for 1992, but the National Institutes of Health froze the \$78,000 in funding it had promised for the conference because a brochure publicizing the conference implied that the NIH endorses the link between genetics and crime. After the NIH appeals board found the agency didn't have the power to freeze approved funds, it restored the conference's support.

Participants at the conference will discuss whether tendencies toward violent behavior are inheritable and, if so, how this can be measured. Testing for genetic markers and other social and ethical issues will also be discussed.

Harvard Magazine Financial Officer Sentenced for Embezzlement

Former Harvard Magazine Comptroller Michelle Surette, 49, pled guilty to embezzling \$190,000 from the magazine between 1988 and 1994. Surette, of Medford, received a suspended sentence of 2 1/2 years in prison and 500 hours of community service and will be required to make partial restitution.

Laura Freid, the magazine's publisher, said she fired Surette immediately after she learned Surette had been misusing corporate credit cards. Freid said the magazine's insurance policy had repaid most of the missing funds.

Freid said Surette's crime is an example of the dangers of giving a single employee too much financial control. To remedy this problem, the magazine has reorganized by replacing the position of comptroller with that of chief financial officer and distributing check signing privileges.

Harvard Magazine receives approximately 20 percent of its operating budget from Harvard University and one-third of its revenues from voluntary alumni donations. The magazine is distributed every other month to 220,000 University alumni.

Speak Out!

The Record is featuring Speak Out! for the first time this week. We want to hear your opinion on this new forum for students' opinions.

Question of the Week: Do you think Gen. Colin Powell will run for President of the United States?



Jeff Weiss '98

"I think if he's going to run, he's going to run in the Republican Party. Each candidate gets \$60 million. There's no way he can raise that kind of money. He's not Ross Perot.

Newt Gingrich is telling him [and] everyone thinks if he runs, he should run Republican because if he runs as an independent, the race will be thrown to the Democrats.

I'd love to see him run."



Stephanie Barnes Taylor '97

"I really don't know, because it would depend on why he would want to run. There is a lot of power involved, even in him just running, because what he does will have a lot of effect on the Democrats and Republicans and how many votes they get.

"I don't know enough about his political ability. And then there's always the question about race. The thing that concerns me is, will African-Americans vote for Powell because he is black, or because of his political abilities?

"Regardless of race, why would people vote for him [since] he's not a Democrat or a Republican? And if he runs Republican, will they not vote for him because he's not Dole?"



Chris Manning '98

"I think it would be hard for him not to run, given the massive public attention and media he's gotten. I would caution him to weigh the political realities of waging a long campaign and working in Washington, with the wave of public sentiment that seems to be behind him now."

1Ls



Henry Ellenbogen
Politics

Undergraduate School: Harvard '94
Major: History and Science
Background: Ellenbogen has always been involved in the south Florida community. When he was younger, he worked as a dishwasher in an industrial kitchen, as a maintenance man in a nursing home, and loading and unloading boxes at an airport.
Point of Interest: Ellenbogen was chief of staff for U.S. Rep. Peter Deutsch (D-Fla.) and served as Deutsch's campaign manager for his congressional races in 1992 and 1994. At age 19, Ellenbogen became his chief of staff — the youngest in U.S. history. Ellenbogen has been involved with substantial legislation, including the hurricane recovery legislation and the crime bill.



Deborah Pearlstein
Political Writer

Undergraduate School: Cornell '93
Major: English and Government
Background: During her childhood, Pearlstein listened to her parents' old records of former Pres. John Kennedy and Dr. Martin Luther King, Jr. speeches. She was fascinated by the rhetoric as well as the cadence of their voices. She deferred her admittance to Harvard Law to accept a job in the White House correspondence department.
Point of Interest: Pearlstein recently worked at the White House as a writer and editor for President Clinton. "Working at the White House is exhausting and draining and frustrating in ways which few other jobs are," she said. "She said it can leave a person burned out, and when it stops feeling like a privilege and honor, it's time to go."

The Class of 1998 at a Glance

By Tara Dawood

Where can one find Rhodes Scholars, NASA flight controllers and rock stars all in one place? Probably at a book store, possibly on the Late Show with David Letterman, but definitely in this year's Harvard Law School 1L class. In fact, the Class of 1998 is extraordinary in many ways.

Joyce Curll, dean of admissions, said many students have had exciting positions prior to coming here. The facts certainly surpass any expectations her words could conjure. As future lawyers, HLS students strive to learn to see cases from a variety of angles and viewpoints. The exciting composition of the Class of 1998 lends itself well to this quest.

The statistics still reveal some problems, though. For example, only 42 percent of this year's class is female. This figure is a slight increase from last year's 41 percent and the previous year's 40 percent. The students' age range is wide.

Students hail from 44 states and D.C. The missing states are Alaska, Mississippi, Montana, North and South Dakota and West Virginia. The number of students who are citizens of foreign countries is also impressive. This year's class has citizens of Nepal, Mexico, Pakistan, Uganda, Russia, and People's Republic of China, among other countries.

People of color make up 27 percent of the class. Asian Americans and South Asian Americans make up 11 percent of the class, and African Americans comprise 11 percent. Latino Americans are 4 percent of the class, and Native Americans are 1 percent.

Curll emphasized that many students were immigrants to North America, and said she finds their presence here particularly noteworthy. She stated that their home countries included Laos, Taiwan, various parts of the Czech Republic, Iran, Ethiopia and Israel.

According to Curll, even

please see 1Ls, page 14



Liz Wilcox
Aid Worker

Undergraduate School: Yale '90
Major: History
Background: Wilcox has lived and worked in five countries outside the United States: Israel, Pakistan, Czechoslovakia, Croatia and Bosnia.
Point of Interest: Wilcox worked for International Rescue Committee in Pakistan and in the former Yugoslavia. In both places, she worked in an assistance program for refugees and displaced people. In Pakistan, she worked with Afghan women refugees in the IRC's program for Afghans. In Bosnia, Wilcox was a grant officer, field officer and program officer.



James Nickelson
Flight Controller

Undergraduate School: Univ. of Texas at Austin '92
Major: Aerospace Engineering
Background: Has worked at NASA in the Mission Control Center. Co-workers in Nickelson's department mocked him for being the first to have been born after the first moon landing.
Point of Interest: Nickelson worked in Mission Control on nine space shuttle missions. He started working at NASA as an undergraduate, through their co-op program. This competitive program provided students the opportunity to alternate work semesters with school semesters.



Paul Oostburg Sanz
International Development

Undergraduate School: Georgetown '91
Major: International Relations
Background: Oostburg Sanz is in a joint degree program with HLS and the Woodrow Wilson School of International Relations and Public Affairs at Tufts.
Point of Interest: With a Spanish mother and a Caribbean father, Oostburg Sanz traveled extensively as a child, cultivating a love and appreciation of other cultures and peoples. As a Peace Corps volunteer, Oostburg Sanz taught secondary school English in Guinea-Bissau, West Africa, for 2.5 years. Then, he led the Joint Centers for Political and Economic Studies' South African office, conducting political party training.

Upperclassmen Gear Up for Firm Rush Season

By Justin Weiss

Listening to Jon Wilan '97 analyze this suit, one might conclude he didn't pay attention in civil procedure last year.

Wilan ignores issues of jurisdiction, standing, and preclusion, turning instead to a more narrowly tailored question: "Hmm, I think my understanding is that we're supposed to be wearing single-breasted. That's just the way it is."

It's interview season, and 2Ls en masse are forsaking their Powerbooks for power ties, their case briefs for briefcases. For the vast majority of law students set on private practice, these second-year interviews are crucially important — firms typically cull full-time associates from the previous summer's interns.

A female 2L pointed out that sartorially, at least, it is more difficult for women to break into the legal profession. "It's harder for us to figure out what to wear," said the student, who asked not to be identified. "Guys switch between conservative and individualistic with a necktie. For women, it's the whole suit — pants or skirt, the cut."

Picking an outfit may well be the

toughest challenge she faces. While at some law schools job seekers wonder whether they'll be hired, at HLS the question is where — this fall, over 600 firms will feed into the Law School's well-oiled on-campus interview machine, offering more positions than there are students.

Sign-ups are computerized; 2Ls (and some 3Ls) fill out color-coded bubble

Successful interviewees get "call backs" to the firms' offices during Flyout Week, Oct. 30 through Nov. 3. The skies will fill with pinstriped three-pieces and sensible shoes as 2Ls journey everywhere from Baltimore to Beijing.

Firms usually pick up the tab for these junkets, but OCS literature warns students not to "interview a selected number of employers from carefully cho-

usually grades."

The system has its flaws. Every year some students end up on the wait lists for interviews with popular firms. But shut-out students can take consolation in the fact that they were rejected randomly and not on merit — like pre-registration, the sign-up process is nothing if not even-handed. A Harvard Law Review editor commented that she had received no benefits thus far as a result of her Gannett House labors.

"No one's done anything special for me so far," she said.

Still, some wonder whether careers should be rationed as facilely as courses.

"I think it's on par with the way they do things around here," said Kerry Kennedy '97, taking a last drag on her cigarette. "That's a criticism," she added, crushing the butt underfoot.

Others students' assessments were more charitable, if not quite glowing.

"I think it's important to do it the way it is to equalize opportunity for the entire class," said Wilan, settling on a conservative single-breasted suit. "But at the same time, it seems crazy to choose what may be our permanent jobs by lottery."

Spoken like a true scholar of procedure.

"I think it's important to do it the way it is to equalize opportunity for the entire class," said Jon Wilan '97, settling on a conservative single-breasted suit. "But at the same time, it seems crazy to choose what may be our permanent jobs by lottery."

sheets and get back weekly printouts listing the firms with which they have interviews. Outside the Office of Career Services (OCS), students carefully slip resumes labeled by firm into slots labeled by date. Inside, "things are going pretty well," according to Career Services Director June Thompson. The interview process lasts through October.

sen cities, often on the West Coast ... with the sole intention of obtaining an expense-paid trip."

Thompson said 99 percent of all HLS students seeking private-sector employment find jobs before graduation. The remaining 1 percent, she said, are "people looking for something so specific they're continuing their search. It's not

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are invited to join us
in
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for a reception
on
Sunday, October 8
from
5:30 p.m. to 7:30 p.m.

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GYM RAT

HLS Action –
It's Flagtastic

By David Koontz '96

Sports Editor



MIRACULOUSLY, the rains let up just long enough this past weekend for the Gym Rat, er, Field Mouse (acting as flag football commish) to observe a tremendous weekend of flag football action. If you were there, you know what I mean. If you weren't, then I suppose it's up to me to describe it to you.

First, there was the breathtaking sight of 1L referees whistling fouls on 3Ls, who for the most part failed to complain about the calls. Perhaps it was the stark realization that the 1Ls weren't here last year, and consequently were forced to read the rules before coming out to play. "We did it this way last year" just wasn't going to cut it with these zebras.

Several veterans made some show-stopping and opposition-deflating plays. Both James "El Matador" Kostohryz '96 and Ijay "I play hockey yet still have all of my teeth" Polansky '96 opened games for the Chicano Bears and Well Hung Jury, respectively, by returning the opening kickoff for a touchdown. Locus Poenitentiae's quarterback, Juan "Papa" Zarate '97, did a nifty Steve Young impersonation, except for the fact that Joe Montana was not on the sideline harrumphing.

The Wolverines had an interesting moment in the sun. A Wolverine (who shall remain nameless; he doesn't need this) lateraled the ball straight up in the air, where Illegal Motion intercepted and ran deep into Wolverine territory. This play was not so remarkable in itself, but when you take into account the fact that the Wolverines were leading 6-0 late in the game at the time and were better advised to eat the football with a nice chianti rather than lateral it...well, You Make the Call. The game ended with a heavy dose of poetic justice. The same Wolverine who fumbled happened to make the game-ending, goal-line defensive stop. This time he swatted the ball straight to the ground, where it fell harmlessly (and unfumbled).

Learned Hands started strongly, to no one's surprise. After an opening 34-6 victory, however, the Hands began their second game down by a touchdown. With a collective look of surprise akin to that of Mike Tyson when Peter McNeely answered the opening bell, the Hands went on to score 38 unanswered points. More biographies of the defending champs: Len "You Can't Spell Learned without Len" Simonian '96 is faster than you, quicker than you, and he's going to beat you. Get used to it.

The Freshies received a scare towards the end of their first game when Ezra "I

Is it just me, or is anyone else hearing Jerry Jones in his or her sleep, drawling "Grow the pie, grow the pie?"

said I GOT IT!" Jennings, an MIT student, collided with a teammate while attempting to intercept a deep pass by the Chicano Bears. The game was postponed while the medics took Jennings to the hospital as a precautionary measure. Fortunately, only five stitches were needed to close a cut above his eye and Jennings was otherwise completely okay. He kept his sense of humor intact the whole time; when I asked him how he was feeling, he said he was going to sue me for everything I've got. Really, he was just kidding.

The Dissenters cast a long and foreboding shadow over the rest of the league. "I can't wait to play Learned Hands," Mike "Bones" Bennett '96 said. "Actually, I can't wait to play at all." (In the interests of journalistic integrity, Mike didn't really say either of those things, but if we put an infinite number of Mike Bennetts in a room full of typewriters, eventually we would come out with that quote.) Defensive stalwart Jeff "Mad Dog" Thomas '97 was unavailable for comment, because I really had to leave and he didn't get his mouthpiece out of his mouth in time.

The Dissenters happen to lie at the middle of this year's player defection controversy. Somehow, Johnathan Robertson '97 ended up on the Dissenters' roster as co-captain, prompting Bring Out the Danes (formerly Bring Out the Chains, formerly basketball champs Great Danes) to request yet another name change which is all but unprintable. For the moment, these two teams are scheduled to keep away from each other. Perhaps a grudge match for charity? Perhaps a commingling of bad blood in the playoffs?

In a similar vein (no pun intended), there is more controversy concerning Dave Levitt '96, who last year chose to play basketball with Gooch's Two-Headed Johnson instead of his former team (which happens to be captained by Sean Kanuck '96, who went on to call his basketball squad, The Team Formerly Known as Levitt). Dave has not changed teams this year in football. Instead, he has disappeared entirely. To memorialize this, Sean Kanuck (who didn't really like my suggestion of "Kanuck!" for his team) has decided to call his team "Levitt's Too Sexy for This League." If you see Dave on the catwalk, ask him for me why he's not playing.

Finally, I have to take a minute to thank my team, Death Judicata, for the glory of being undefeated for at least an hour. Nick "Old Country" Terris '96 and Stuart "Top 10" Rankin each threw a TD pass, but the Two-Headed Johnson Defense (developed by Buddy Ryan via fax) showed promise. Matt "the Hoople" Queler '96 provides another ref, I mean another coach, on the field.

Random musings: It takes a whole continent to defeat the American Ryder's Cup team in golf.... Drew Bledsoe wants to play with a third-degree separation of his shoulder. I think Parcells believes you're a tough guy, Drew; please pick up your clipboard and baseball cap and don't wave to anybody for at least another week.... Is it just me, or is anyone else hearing Jerry Jones in his or her sleep, drawling "Grow the pie, grow the pie?"... Hockey started again after a layoff of about eight minutes. Why is it so difficult to remember that the New Jersey Devils won the Stanley Cup? Maybe New York Rangers fans are putting something in the water.... If anyone needs a place to stay during the Olympics next year, my parents are charging me only \$500 a night – bring a sleeping bag.

HOUSE O' STYLE

Take a
Good Look

By Vik Arora '98 and Christina Ho '98

Guest Columnists

THE September afternoon was achingly gorgeous, but for Vik and Christina, it was no time to rest. As HLS's cheerfully unqualified trend-spotters, they were hot on the trail of a would-be trend. Straight through the Yard to Out of Town News they raced to nab a fresh copy of the newest bombshell in the political mag world, George. Breathlessly, they flipped glossy page after glossy page, but alas, they could find nothing of substance spare a naked Kate Moss. Disheartened by JFK Jr.'s latest failure (the man couldn't even do Darryl Hannah right), they sought solace in the requisite cappuccino at Au Bon Pain.

As members of a generation yet to be named (the letter between "W" and "Y" is simply unacceptable), they rued the inadequacies of their "thirty-something mentors."

"Christina, this second-rate slacker attitude pervading youth today is – is – well, it just bums me out."

"Vik, don't be so pseudo-intellectual. Your Harvard education is weighing you down. Be free." Christina glanced across the street at milling punks and aging hep-cats. Just then an idea hatched in her well-coiffed head. "Vik, what you need is a good mohawk. When the chemicals seep through your scalp, your worries will be the first to go. Ooh, that one is so ultra."

"You mean the one in orange? As if."

"You're right; it's more my color."

Silence fell. They mused.

That was the beginning. Vik and Christina began dreaming of multi-colored half-shaven "hairstyles," Henry Rollins-esque body art, and ooh-la-la, those foxy navel pierces. In contracts, Christina imagined herself hackey-sacking with a ciggy-butt in one paw and studded rings bedecking the other. For his part, Vik made a clandestine visit to Allston Beat in order to purchase the latest in leather-wear. Christina and Vik suspected that most HLS students viewed these Cantabridgian fixtures, the so-called "pit rats," as backdrop, something adding "local color" to America's summit of higher education (that's Harvard, in case you don't follow). But for the two of them, the Pit began to loom large as the foreground to which they were mere transient intruders.

Why? What was so alluring about the gulf between Langdell and Out of Town News? The question demanded a critical eye. Just how far was the descent from the heady precipice of legal doctrine to the cultural wellsprings of the Pit?

Pit People dress to shock; law students just dress.

Pit People have a style unto themselves, and the principle is simple: the dirtier, the better. Grunge meets punk in an all-out war (and believe us, there are definitely some fashion casualties).

To be sure, the word "casualty" can be applied equally well to HLS students, but here it is less a case of war, more a case of slow, withering neglect. Look just inside the mouth of the T-stop; one is likely to find people guilty of overdoing it. Look around one's Law and Ec seminar, and the guilt is, well, guilt by omission. Vik and Christina are loathe to say it, but there are some who could stand to learn from the more subaltern. V&C restrict themselves to just one example; the omni-present docksider. Hello, when was the last time you saw BOATS near the Hark? (Mull it over – get back to us.)

Pit People speak slang; law students speak legalese.

Vik and Christina tried to crack the Pit code, but, even with their well-honed analytic skills, they were stumped. (Perhaps it involves Fibonacci numbers?) So whatever it means to "shred" with a band, or to "nacho-cheese it" V&C established that Pit code was linguistically unrelated to legal terms couched in Latin bombast.

Pit rats chill; law students angst.

Pit People seem to do a lot of "hangin'." They seem to suffer from a chronic inability to sustain activity, perhaps due to iron deficiency. They chill. They wait. Vik has just one question: What the hell are they waiting for? Godot? The Second Coming?

On the other hand, anyone watching HLS students from the outside looking in (wait, there is an outside?) would see frenzied activity. Subciting, furious typing, students running to that odious morning class. V&C burn pounds just watching the swirl of motion to no apparent end.

But does that mean the issue is settled? Had Vik and Xina, our intrepid style-watch duo, concluded that law students were law students and pit rats were alien? Mais non! Uncovering these minor differences scarcely brushed the lint off the issue's surface, which, to John Jr.'s misfortune, is more than can be said for George.

Vik and Christina decided that it was time to look beyond petty distinctions (granted, it was a stretch for us) because there were, as much as they hated to admit it, bigger issues (and bigger is always better, naturellement).

Pit rats ask for change; law students beg for loans.

Living off largesse doesn't make for a bad existence from either point of view, whether that of law student or black-clad chain-smoker. Regrettably, Vik and Xina's public handout is served with an interest rate on the side. Meanwhile, the pit rats Xina knows can apply their charitable pittance to a new 7", or maybe just toward getting high, no strings attached. Quite frankly, Vik and Christina are rather envious, and would consequently like to take this opportunity to make a shameless plug on behalf of LIPP funding.

Pit Rats get jobs, law students get professions.

Some of the more-jaded-than-thou Pit denizens will become poets in their old age. Some will join the petit-bourgeois. Some will become wards of the state. The possibilities are dizzying.

By contrast, V&C expect that they will both become lawyers. They expect that their classmates will become lawyers. Those who don't will become attorneys. Strange but true.

For those of their readers who like a moral at the end of every tale, V&C are happy to supply: law students are free, but pit rats are a little more free. Chew that one till it chews you back.

Ah, to be a pit rat. Vik and Xina dream on.

Harvard Law RECORD

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David Weiss
Publisher

Still Fear and Loathing at Harvard Law School

A Harvard Magazine article titled "Fear and Loathing at Harvard Law School" hit the newsstands last year and provoked squawks of concern among many alumni. The article, written by an HLS grad, detailed the overwhelming zeitgeist of grade obsession on campus and was another rendition of Scott Turow's familiar "One L" theme. But this time alumni — perhaps bothered with memories of their own experiences in Cambridge — were quick to convene a panel of students to update them about life here at HLS. With the softening of the Socratic method, the growing variety of electives, and the increased diversity on campus, hasn't life at the Law School improved?, they asked.

Certainly many facets of student experience at the Law School are better than even a decade ago. Where once there was only one law journal, now there are close to a dozen. The Dean meets with students at bagel breakfasts and John Harvard's Brewery. Watching popular TV shows such as "Friends" and "Seinfeld" together in the Hark offer fun study breaks and a chance to meet classmates. Renovations in the student commons provide a much-needed facelift.

Yet at the same time, dissatisfaction with the Law School is at a raging high, with so many 2Ls inquiring about management consulting that the Office of Career Services scheduled a special session on interviewing tips for those types of jobs. 3Ls wonder about opportunities in investment banking, real estate, entrepreneurial business ventures — anything to get them out of the law.

Why are so many students disaffected with the law and their three years at HLS? One does not necessarily see it in the faces of 1Ls during the very first days of orientation. As new students we talked about how we wanted to teach law, help society — ideals that we had not yet given up. But the tiredness and the stress gradually set in, and we fell silent.

Perhaps part of our silence came from struggling with the new language of the "reasonable person" — law has its own quirks, and it takes time to become familiar with them. Yet perhaps a larger part came from the strain of competition, produced by the threat of letter grades and compounded by nerves. We worried as people spoke articulately in class. We eyed each others' outlines. And our reactions were not new: I spoke to an alumnus at last April's reunion, during which he recalled the fun he had at the Law School. His wife, whom he had been married to as a law student, retorted, "You! You were running scared the whole time you were here. You were afraid of failing."

It is that reign of grades, especially in the first semester of the 1L year, that erects a tyranny of fear at Harvard. As new students we do not learn to love the law for its wisdom or its intricacies; instead, for many of us, we plunge through the first semester with the lash of grades beating us onward. And if we do not perform as well as we had hoped, we abandon the dreams of joining legal academia, of achieving in the law. We become the walking wounded, the disengaged.

The fear and alienation bred by the pressure of first semester 1L grades yield true tales of stress that have become legendary, passed down between generations of whispering students. That of the 1L who demanded applications to his study group, requiring classmates to produce an Ivy League diploma and at least a magna cum laude degree. That of another 1L who hid his stress until his midnight act of smearing feces all over a Dane Hall men's bathroom exposed the nervous breakdown he had been suffering.

Perhaps these are isolated incidents, with the worst accounts attributable only to the singular difficulties experienced by individual minds. Yet the undeniable fear generated by 1L grades, which a pass-fail system could mitigate, ultimately destroys the community of sharing that the best law schools should embody. Those who scoff at this hope for a more supportive atmosphere are blind to the fact that law is not an isolated endeavor. Whether in the private sector or the public interest, the best expressions of our profession are found when we work cooperatively. Our Law School should be training us in this habit of cooperation rather than competition.

— Kuohung

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

—First Amendment, US Constitution

• Letters •

Alford Misquoted in Panel Article

Thank you for your recent coverage of the panel on "Regulating the Transnational Economy" in which I was a participant. I would have been even more appreciative had your account not dropped out one key

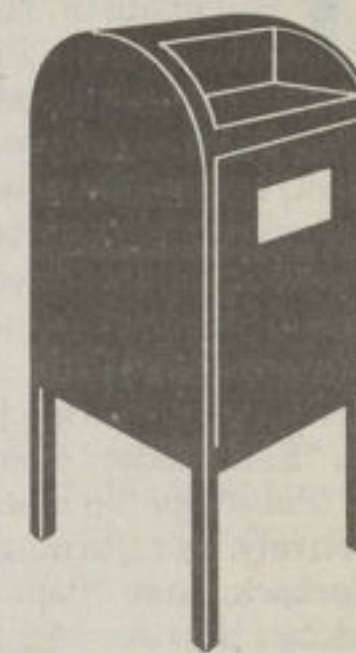
word, the omission of which altered the thrust of my remarks. The sentence in question, as I recollect uttering it, was "To be effective, lawyers need to know not only how to use the law, but when to use it, when not

to use it, and when to combine it with other social forces."

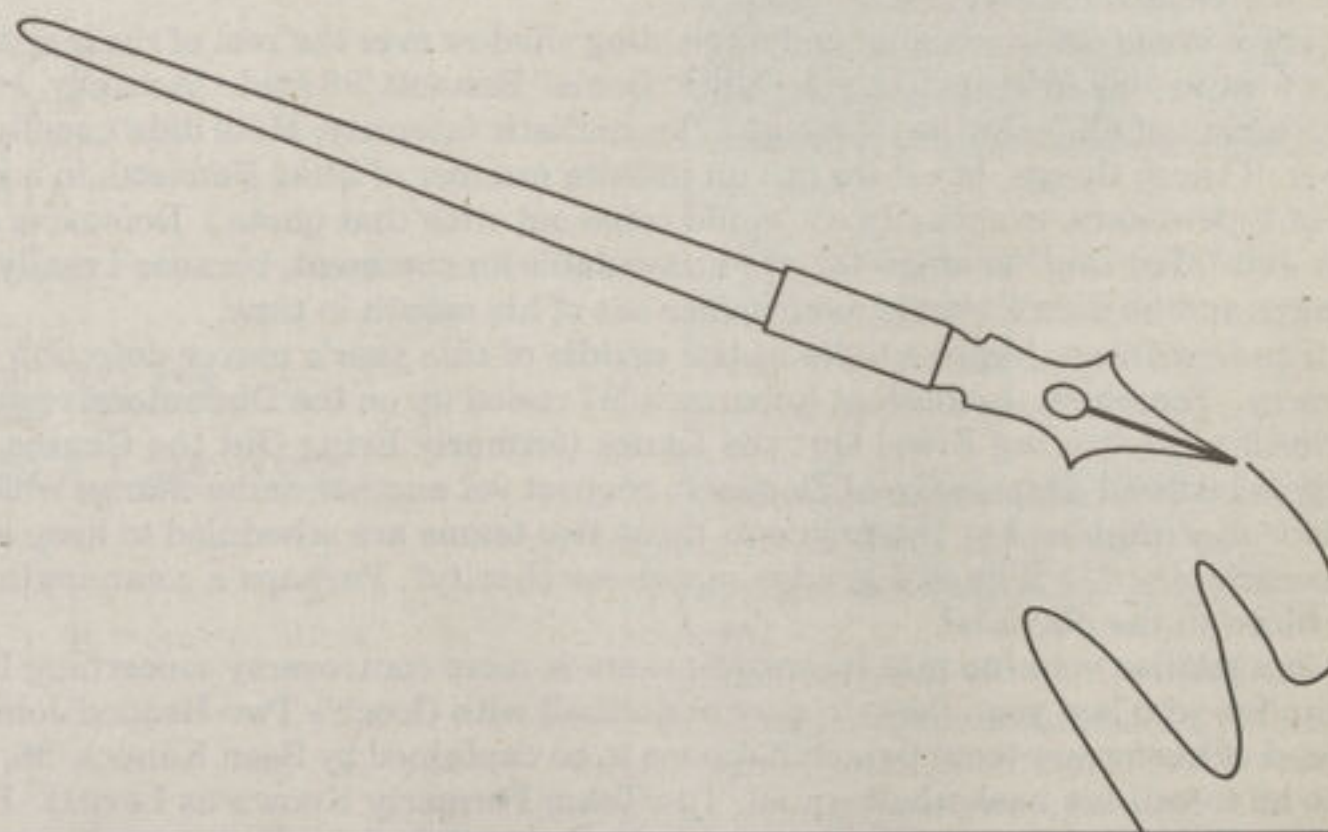
William P. Alford '77
Henry L. Stimson
Professor of Law
September 17, 1995



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The Bitter Fruit of the Beijing Conference

By Mary Ann Glendon

THE voluminous Program of Action that emerged from the Beijing conference on women is a field sown by many planters, a place where nutritious grains are competing with ornamental flowers and opportunistic weeds. Unfortunately, many crucial provisions – on women's education, poverty, the environment, and peace – are likely to wither unless supported by major financial commitments. Some of the weeds, on the other hand, threaten universal human rights, as well as the well-being of women.

While public attention was riveted on antics and personalities, a drama with far-reaching implications was unfolding behind the closed doors of negotiating rooms. At stake was nothing less than whether the final documents would be flatly at odds with several core principles of universal human rights: the recognition that human rights are grounded in the equal, inherent dignity of all men and women; that the family is entitled to protection by society and the state; that men and women have the right to religious freedom, either alone or in community with others; that parents have rights and responsibilities; and that motherhood and childhood are entitled to special care and assistance.

Vigorously opposing efforts to bring the draft into conformity with this settled international language was a minority coalition led by the European Union. But their strange negotiating stance put them at odds with the constitutions and family protection legislation of most of their own countries – a remarkable fact that the Holy See delegation pointed out in a press release. That led to formal requests for explanation in a couple of European parliaments. A shift in the negotiating climate soon followed, with grudging agreements to affirm human dignity, the special claims of families and mothers for protection, the central role of religion in the lives of many women, and parental rights and duties.

Still, the selective use of rights language is a troubling trend, exemplified by the Beijing documents' emphasis on formal equality at the expense of mother-

Mary Ann Glendon, an HLS professor, led the Holy See's delegation to the Beijing women's conference.



hood's claim to special protection, and by the elimination of references at pertinent points to religious freedom and parental rights. Then, too, there was the attempt to create new rights, though that was in no way part of the mandate of the women's conference. The European-led coalition successfully battled for inclusion of a concept of women's unqualified right to control their sexuality. There was no consensus on what that ambiguous language means, however, most delegations having agreed that it did not apply to sexual orientation. All this is evidence of the continuing colonization of the broad, rich universal rights tradition by an impoverished, U.S.-style libertarian rights dialect whose features are: rights envisioned without corresponding individual or social responsibilities; one's

virtually unreported. As far as most of the press was concerned, the human rights "story" was the failed effort of a few Islamic countries to authorize opting out on cultural and religious grounds. Clearly, universal rights must not be relativized through a "cultural" exception. But neither must the catalog of core rights be redefined and expanded to universalize the highly individualistic ideologies of modernizing elites. Nor must human rights be altered without the customary care and solemn gravity that has attended the U.N.'s conferences devoted to that subject. As memories fade about why it was necessary after World War II to affirm the existence of certain inalienable rights, we must be vigilant to prevent trivialization and dilution of those rights.

Why European negotiators, with no mandate to alter the human rights corpus, were attempting to abandon or revise their birthrights remains a mystery.

Part of the answer may lie in the sexism that led some governments to treat the women's conference as unimportant and thus a handy sop to throw to old-line feminists. The hard women of 1970s feminism were out in force in Beijing – and like other radicals, they became fiercer as the public at large rejected their more controversial aims. Significantly, after the Holy See's press release, one European negotiator complained: "Why did you have to drag all this out in the open?"

In the end, one may hope that the healthy grains in the nonbinding Beijing documents will survive and flourish – especially since, as any good feminist would say, they must be seen in context. The context in this case is the framework of the over-arching universal human rights tradition. Fortunately, the authority of the more problematic provisions is weakened by the fact that an exceptionally large

number of nations, 43 in all, filed formal reservations.

As Pope John Paul II stressed in his pre-conference message to Gertrude Mongella, the secretary-general of the women's conference, the success of the gathering will depend on "whether ... it will offer a ... vision capable of inspiring and sustaining objective and realistic responses to the struggle and frustration that continue to be a part of all too many women's lives." It is now up to concerned citizens, women and men, to determine whether the Beijing garden will yield "equality, development, and peace" as promised in the title of the conference, or whether (as Shakespeare had it) "things rank and gross in nature [will] possess it merely."

Unfortunately, many crucial provisions – on women's education, poverty, the environment, and peace – are likely to wither unless supported by major financial commitments. Some of the weeds, on the other hand, threaten universal human rights, as well as the well-being of women.

favorite rights (speech, property, whatever) touted as absolute with others ignored; the rights-bearer imagined as radically autonomous and self-sufficient; and the creation of new rights that are often in tension with one another (e.g., the right to smoke vs. the right to a clean environment). What a contrast with the balanced U.N. Universal Declaration of Human Rights, where families are protected and core individual rights are situated in social context (e.g., "Everyone has duties to the community in which alone the free and full development of his personality is possible.")

Not least alarming is the fact that this assault on the human rights tradition by powerful actors went

Burned By Waco

By Alan Stone

ON July 26 I sat for almost 14 hours in a hearing room waiting to testify before Congress on the tragedy at Waco, and watched a dismal performance. The full story of Waco is complicated, and its details have never been fully grasped by most Americans. Yet none of the representatives seemed committed to a searching inquiry into what went wrong, and the committee's working rules seemed designed to achieve gridlock. Each of the 30 members was allocated five minutes on every round of questioning, but rather than use their time to ask probing questions or confront evasive answers, most of them postured for the TV cameras and read statements prepared by their staffs. As the day progressed, I had the sinking feeling that Waco would end the way it had begun: with government officials grandstanding before the American people but demonstrating only their ineptitude.

As a member of the Justice Department's 1993 panel appointed to make recommendations in the aftermath of Waco, I had become convinced that the Branch Davidian disaster was caused largely by law-enforcement bungling. The military-style raid by agents of the Bureau of Alcohol, Tobacco and Firearms, which set off the disaster, has never been justified. Sexual abuse of children is a crime that does not come under the jurisdiction of the ATF; that issue had already been investigated by the proper Texas authorities. Even if the ATF had probable cause to serve warrants for illegal firearms, there was never any reason to do so in the form of an assault on a compound filled with women and children, risking an all-out firefight.

Of course the Branch Davidians had no legal or



Alan Stone, an HLS professor of law and psychiatry, was a member of the Justice Department's behavior science panel evaluating government action at Waco.

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the other side had bigger guns and shot first. He praised the gallantry of his fellow agents and said nothing about the recklessness and over-reaching of the law-enforcement operation. None of the representatives challenged his version of what happened.

The FBI agents who later took over at Waco and who planned the final tank and C.S. gas (as tear gas is known) attack on the Branch Davidian compound also testified that day. Like the ATF agent, they came with lawyers and handlers. But they had no need to consult them; they

were easily able to evade the occasional sticky question. I had spoken with these agents when I was preparing my report in 1993 and now I watched as they closed ranks and put the best face on everything. None of the representatives noticed when the serious disagreements between tactical forces and negotiators, previously acknowledged, were papered over. The crucial question of whether the FBI's aggressive siege tactics had pushed

the Branch Davidians to mass suicide was never really addressed.

My own panel finally testified late in the day and long into the evening. It included experts addressing Janet Reno's decision to use C.S. gas for 48 hours despite the presence of babies, who cannot be protected by gas masks. The Attorney General maintained that she had been assured that C.S. gas would not cause permanent harm to babies, but the available medical literature contained convincing evidence of life-threatening risk. The experts on both sides made statements that could and should have been challenged, but the committee never got to the bottom of this or any other difficult question.

I was not present when Attorney General Reno tes-

tified, taking full responsibility for the tragedy. Unfortunately, the vexing questions about Waco have little to do with such political accountability. We still need to know what went wrong so that we can make sure it will not happen again. For example, does law enforcement need special rules of engagement for dealing with unconventional groups like the Branch Davidians? Does it make sense to treat religious zealots like regular criminals? Will law enforcement

If right-wing extremists find it difficult to believe that Waco was the result of ineptitude, incompetence and grandstanding by government officials, they need only study the tapes of the Waco hearings.

continue to use C.S. gas in enclosed spaces where children are present? The hearing process, instead of being a careful inquiry into such questions, was political theater of the absurd. If right-wing extremists find it difficult to believe that Waco was the result of ineptitude, incompetence and grandstanding by government officials, they need only study the tapes of the Waco hearings.

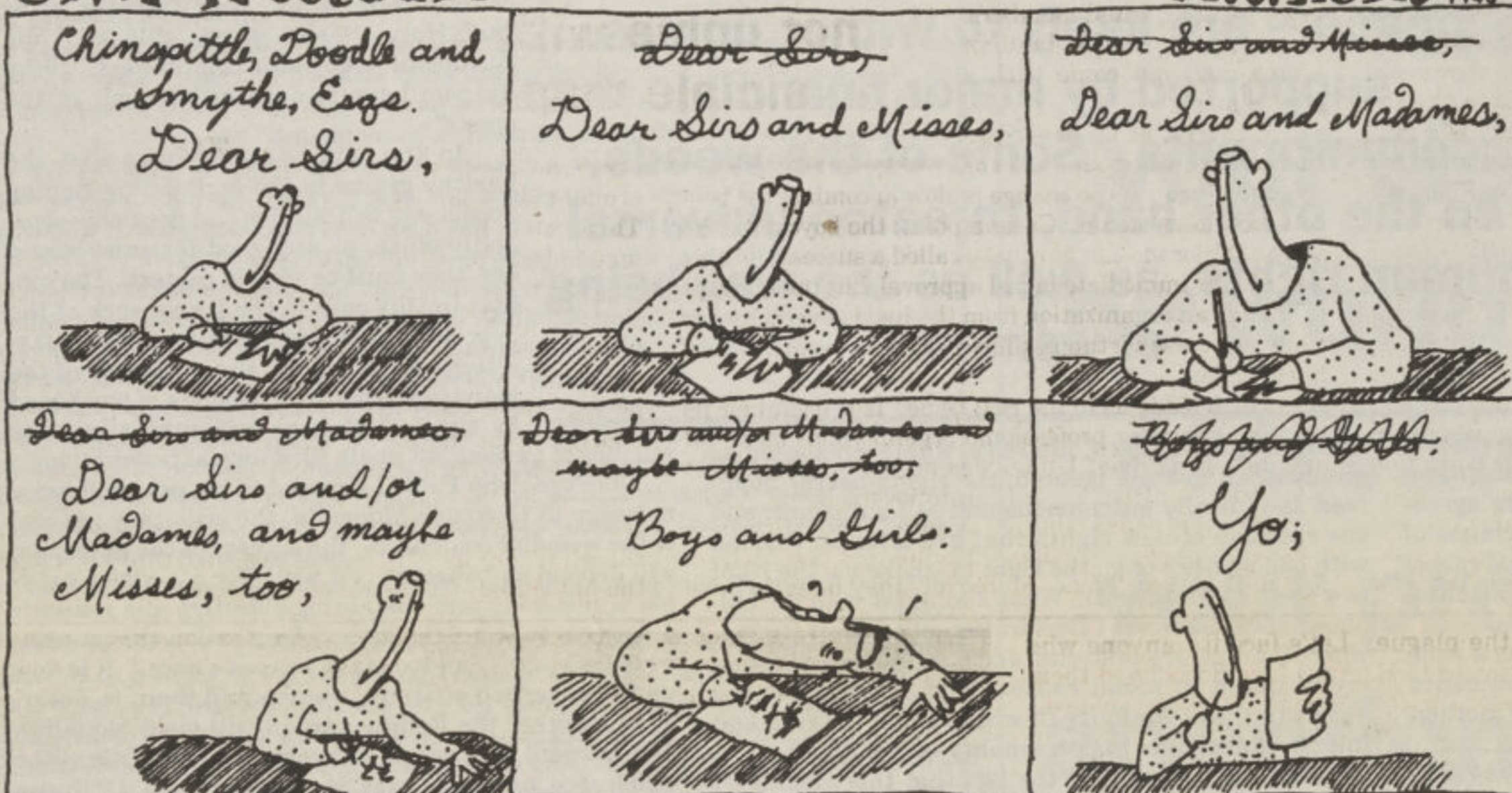
Temporary Insanity

By Sheila Tuller



Civil Procedure

M.J. Kelly, Esq.



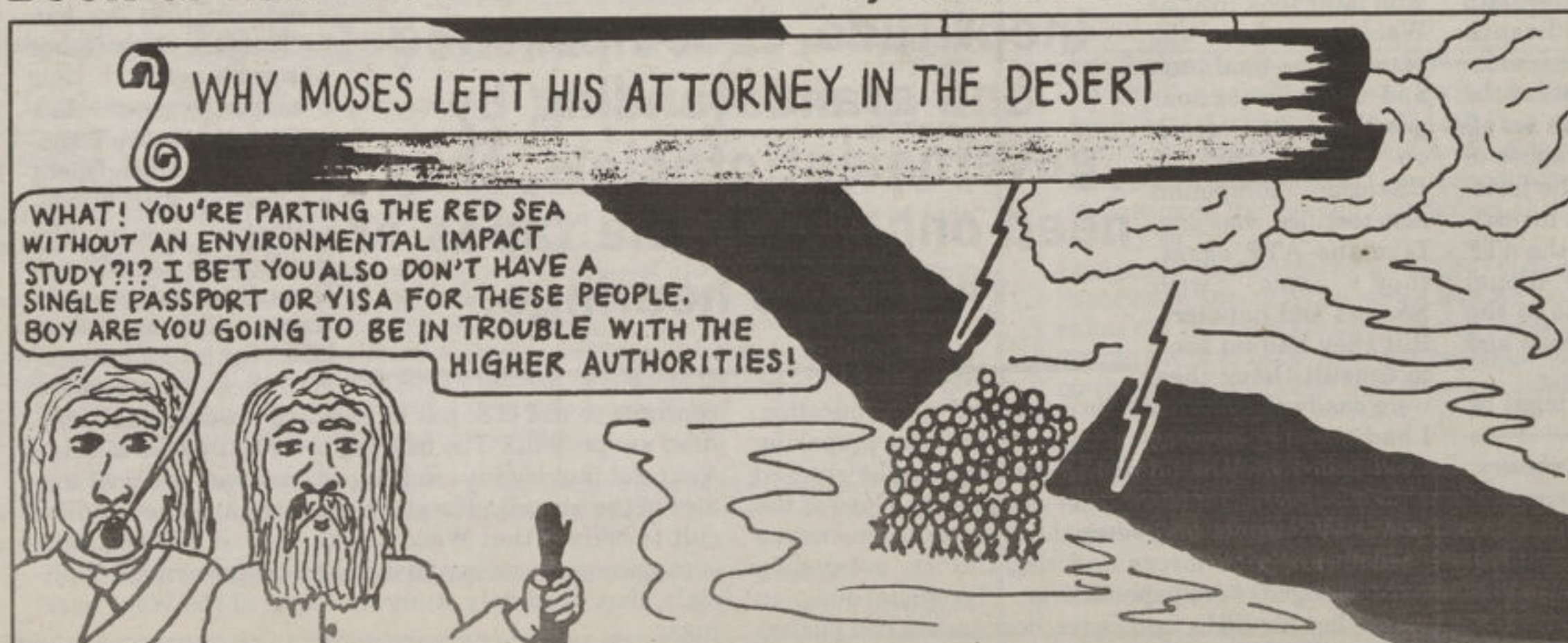
Backbench

By Brian Cheng



Book of Law 21:4

By Stuart Rees and Bill Zimmerman



CALENDAR

Lies.
Lies.
Lies

By Colin Meeder

You know what my biggest beef with my predecessor was? It bugged the hell out of me how often he started this column with, "There's really not a whole lot going on this week...." How could this be, I protested, given Boston's status as a too-hip town, given the tremendous cultural and pop cultural resources available here? It should be nigh unto impossible, I ranted, to have a slow week in this town. Why, if I wrote the column, I declared, you'd never read the aforementioned offensive phrase in the RECORD again.

Well, I lied. There's really not a whole lot going on this week. But, dammit, I tried to dredge up all I could.

I'd recommend the **Blur** and **Whale** show tonight at Axis (262-2437) based on the strength of their recorded work — Whale's single "Hobo Humpin' Slobo Babe" was incomprehensible and cool, and Blur's recent work has been very well-written, hard glam stuff — but the Blur show I saw a few years back was far and away the single most boring, awful concert I have ever paid to see. Caveat emptor.

Definitely not boring is **Gastr del Sol**, who appear Friday (9/29) at TT the Bear's Place (492-BEAR). These guys are really out there, to the point of not being entirely recognizable as a rock band. Wonderful avant-garde stuff with a bitchin' guitarist. Check it out.

The man who brought "Badda-boom, badda-bing" to far too many people's vocabularies, **Dom Irrera**, will be at the Comedy Connection (248-9700) this weekend (9/29 & 9/30). That particular catch phrase besides, he's pretty damn funny. His bit about male bonding — "Spin me, you son of a bitch!" — always leaves me cackling like an idiot.

They're the **Meatmen**, and you suck. See 'em Saturday (9/30) at Local 186 (351-2680). Or, for a slightly more melodious, subtle, and cerebral evening, see Somerville's gift to the national folk scene, **Jonathan Brook & the Story**, at the Paradise (562-8800).

Alternative Tentacles' flagship band, **Alice Donut**, bring their impressive live show to Mama Kin (351-2525) on Tuesday (10/3). You know, I think it's pretty niftily perverse the way someone keeps booking all these hip indie bands into a club owned by Aerosmith, but you gotta wonder — does Steven Tyler ever actually go there?

Oh yeah, almost forgot — some obscure little Georgia band called **R.E.M.** are in the area this week. Since you have a better chance of getting into Lani Guinier's Winter Term class than any of the Boston shows, load up the Bronco with all your buds and make the long, slow trip to the Providence Civic Center on Wednesday (10/4). **Grant Lee Buffalo** opens. For tickets, call the DOJ-approved Ticketmaster (931-2000).

Fortunately, the concert future looks bright: **Henry Rollins** (spoken word), **Sonic Youth**, **Page/Plant**, **Maceo Parker** and **Bettie Serveert**. Keep reading.

No Easy Answers

By Markus U. Hartmann '96



JOHNN Stinneford '96 and Scott Wiener '96 eloquently outlined the problems and merits of the boycott of Sidley & Austin last week (RECORD 9/22/95). In this, as in other discrimination based on sexual orientation issues, much of the argument turns on one's beliefs concerning the immutability of sexual orientation. The boycott also provides this community with broader moral questions.

As interview season arrives and career choices approach like a Patriots lineman, we are faced with some interesting questions: Is Sidley & Austin a bad firm? Would working for them be a bad thing to do? Is working for any firm a good thing? Is public interest work or civil rights work morally superior to greasing the wheels of commerce?

In the absence of religiously informed morality our secular world view often mistakes a career choice for virtue. Sitting in Starbucks last spring, I postponed studying for Fisher's Legal History exam by allowing myself to be drawn into an argument about the morality of public interest work.

My fellow HLS friend told me about one of her friends who was going into public interest work. She told me how much she admired her friend's choice and how that but for the large debt, she would make the same choice. Her friend was the beneficiary of a substantial trust. When pressed for a justification of her admiration, she replied, "Working for the poor is just a better thing to do than making rich people richer."

First, the debt does matter. A choice that factors debt in is not necessarily a less virtuous one. This education of ours is an investment. In much of America it is the financial equivalent of buying a house. Choosing a career that allows us to pay back the loans with hard work and honest effort is certainly as virtuous as any career choice untroubled with the \$60,000 gorilla in the corner. If one can find a way to procure this education without incurring debt, that person (or her parents) should be congratulated. Debt-free status does not make one virtuous.

Second, "the poor" is a large group that cannot be

easily categorized. People who consider being poor a virtue in and of itself rarely have contacts with many poor people. The poor, like the rich, are capable of virtuous acts as well as various forms of skullduggery. Representing the poor, like representing the rich, cuts both ways.

Moreover, the concept of "Public Interest" is far too restrictive in its current form. Plaintiffs' lawyers are not traditionally considered public interest lawyers, yet their compensation is meager (at first) and they serve an important public interest function. My friend, Willie Epps '95, is taking his law degree to the U.S. Air Force. He, without a doubt, is working in the public interest, but his choice does not have the same moral cache around these parts.

This does not mean that my friend at Starbucks was wrong. My issue with her was that her assumption about career choices was far too simplistic. If those of us going to the corporate bar are truly just helping the rich get richer, wouldn't the corporate bar as a whole benefit from more public spirited members. The journey to the land of virtue does not come with a simple map.

A boycott of an organization can express disapproval or coerce change. If the change is slow in coming, the boycott soon loses steam. Case in point: the boycott of the state of Colorado can hardly be called a success. It may not provide immediate moral approval, but the attempt to change an organization from the inside over a longer time is no less virtuous than a public boycott, it just takes longer.

Which leads us to the real issue. Is it useful for us to look at firms or professional organizations as moral agents? The Soviet Union was an organization that claimed more than 20 million innocent lives; it was appropriately called "the evil empire." Most firms are partnerships of individuals with different perspectives and different agendas. Moreover, they usually have

many different clients. It is much more problematic to ascribe any moral characteristics to a law firm. It is as naive as believing that political parties possess virtuous traits. Firms, like political parties, are made up of individuals who are capable of good and evil. They are as moral as the individuals who make them up.

If one member of an organization can make it "bad," what is Prof. Dershowitz doing to HLS? Does HLS support a rapist? Are we morally tainted by Klaus and O.J.? Perhaps to the rest of America we are. If that is the case it is unfortunate.

Harvard, like most large organizations we are affiliated with, is morally neutral. Most of our career choices when we leave here are morally neutral. The attempt to give moral characteristics to firms or any other secular institution is merely an attempt to avoid our own individual responsibility for our own choices.

Unfortunately, there are no easy answers for the complex questions surrounding our career choices, of

which Sidley & Austin is certainly one among many. The best that we can do is allow our reason to aid us in pursuing the good and avoiding evil. This is no easy task. For the partisans in the Sidley & Austin debate it seems to be a black and white issue. For the rest of the community, it is shades of gray.

That being said, as far as student activism goes, Lambda is to be commended. This protest has been conducted with civility and with an emphasis on moral persuasion.

The term "boycott" takes its name from Charles Boycott, an English estate manager whose rent-collection tactics in the 1880s were so unfair to his Irish tenants that they refused to harvest crops for him. The boycott of Sidley & Austin is certainly the law school equivalent for those who believe that Amendment 2 is evil. Unlike much student activism, this is a relevant issue where the message is being sent to the people who matter: students. We can all support the boycott or we can all ignore it. The moral responsibility rests with the individual. There are no easy answers.

The journey to the land of virtue does not come with a simple map.



It is a ritual of fall. Every year Fenno watches lost and pathetic looking 1Ls wandering around without a clue, making the same mistakes as last year's bunch. This week Fenno has decided to do his good deed for the year and throw a life preserver to our floundering friends by answering some commonly asked 1L questions.

1. Which study guides should I buy?

Buy them all. Each one has that one tidbit that will impress your professor come exam time, and failing to have even one will drastically damage your chances of joining the straight-A geek club at the Law Review. Fenno buys them every year, but has yet to get high enough marks to join the Law Review. Maybe it would help if he read them instead of cutting them up to send obscene letters to Marie Osmond.

2. Should I take notes on paper, or buy a computer?

Faulty premise here: Fenno has demonstrated by repeated experimentation that taking notes makes no discernible difference in your final grade. In fact, Fenno has demonstrated that actually going to class affects final grades only marginally. Most 1Ls are way too anal retentive to skip a class, though, so if you must go, then at least dump the high school note taking habit. And if you must take notes, then do it on paper. Nothing irritates Fenno more than trying to plug in a blender and finding the classroom outlets filled with computer cords. (Though Fenno does get some delight in the expressions on the faces of those Mac-worshipping cyberdorks when they abruptly lose power. Heh heh heh.)

3. Which extracurricular activities should I get involved in?

Fenno suggests extracurricular grammar classes, to help you stop ending sentences with prepositions. Seriously, though, Fenno avoids such activities like

the plague. Let's face it: anyone who comes to Harvard Law School and then, say, runs for student council (or whatever we call it here) is a little too Type-A to live past 30. In his spare time, Fenno likes to hang around with the junior high students in the Pit at Harvard Square. At least there's always someone there to bum a cigarette from.

4. Should I join a study group?

Absolutely. But choose your group carefully. Don't join any group that expects you to contribute notes or outlines. Make sure at least one person there is smarter than you (not hard in Fenno's case, but many 1Ls may find this part difficult to accomplish), and get that person's course outlines — ideally without that person's knowledge. (Fenno has discovered that stealing outlines has the triple benefit of helping his grades, hurting his classmates' grades, and giving him more cut-and-paste material for those raunchy missives to Marie Osmond.)

5. Should I do corporate law, litigation, or public interest work?

Do you like screwing other people? Be a litigator. Do you like working for companies that screw other people? Be a corporate lawyer. Do you wonder why everyone but you is screwing? Public interest work.

Good luck, 1Ls!

Quote of the Week

"I don't want to talk about this case. Do I have to talk about it?"

—Prof. Christopher Edley '78 to his Administrative Law class on Tuesday.

Sorry, folks, but the RECORD will not be coming out next week. Look for our next exciting issue on October 13.

Clark to Announce New Initiatives for HLS

continued from CLARK, page 1

begin fulfilling long-standing obligations to renovate Langdell Library and pay off the luxurious Hauser Hall. The five-year Capital Campaign fundraising drive is now complete, with the \$150 million goal surpassed earlier this year.

In speeches and interviews, Clark seems to be aware of the current political landscape he faces. At a victory celebration for the Capital Campaign with alumni earlier this month, he talked — although abstractly — about future challenges facing the Law School. Clark also has indicated in interviews that he has several initiatives planned for HLS but has declined to announce what they are until he first presents them to the faculty next month.

"The Campaign has made all the difference for the school," he said during the celebration's alumni luncheon. "The Campaign has boost morale and cohesiveness of the faculty and student body. It's hard to prove, but it's true."

"So the Campaign is successful. But there are still major new initiatives to carry out. There is still much to do," Clark said.

It remains unclear whether these initiatives will be bold moves designed to meet challenges presented by the rapidly changing legal profession, or will instead reflect Clark's more cautious and conservative approach that seeks to maintain HLS's tradition and reputation. Clark said the completion of the Capital Campaign means he now will spend only about 20 percent of his time — instead of one-third — on the road fundraising. That additional time will be used to focus on faculty appointments, student relations, and Langdell renovations, he said.

"I don't know about bolder moves, but I think he'll have an opportunity to focus more on the program of the school," said Prof. James Vorenberg '51, former HLS dean. "He's always been very interested in research, and so I would expect him to consider initiatives in that area."

"He's a good administrator who looks ahead," he said. "I think he will be able to spend less time on the road, so that will open up new possibilities."

As to future challenges, Vorenberg said the HLS deanship regularly encounters pressures both from inside and out-

cut the budget for legal aid programs by 24 percent this year. One program affected is Greater Boston Legal Services, which provides clinical programming for the Law School.

Visiting Prof. Dan Coquillette, who is teaching a seminar next spring called the History of American Legal Education, said a big key to improving law schools is boosting the faculty-student ratio, which will bring more individualized attention. More is needed instead of "just big classes and exams," he said.

"At Harvard, where we have a grow-

occasional vote on new faculty appointments. In contrast to the 1980s, when the faculty was restless and divided by issues such as the Critical Legal Studies movement, faculty diversity and curriculum reform, professors today have been quiet politically.

One reason for this, professors and observers have said, is that far fewer faculty meetings are held each year. Under Vorenberg's deanship, faculty regularly hashed out issues in bimonthly meetings. Clark, however, schedules only monthly meetings, many of which are canceled if he happens to be fundraising out of town.

The remaining meetings tend to be politically neutralized, some professors have said. For instance, at the first faculty meeting of the year on Sept. 15, the "business section" of the agenda was withdrawn. Clark instead presented professors with a more celebratory introduction to new faculty members and guests.

"I think he has had fewer internal problems than I had," said Vorenberg. "There's less a sense of agitation. I think that for many of the things that people were concerned about, there has been some real progress, such as in the whole public interest area. And there has been some progress in faculty diversity."

Professors said the next faculty meeting should be interesting, given that Clark may reveal the direction he will take at this juncture in his deanship.

"The conclusion of the major Capital Campaign drive, from the perspective of another law school, really provides an opportunity to achieve a high-quality educational experience for each student," said Coquillette. "And that should be the test: how satisfying is it for each individual student as they come out of law school?"

"The Campaign has made all the difference for the school," Clark said during the celebration's alumni luncheon. "The Campaign has boost morale and cohesiveness of the faculty and student body. It's hard to prove, but it's true."

side the Law School.

"It's very much of a full-time job," he said. "Almost every year brings new challenges, some generated by the faculty and the dean, some by students, and some by events in the world. To give an example, what's happening to the Legal Services Corporation is going to present the dean and the clinical faculty with some serious problems."

Vorenberg was referring to the federal agency that funds legal aid clinics representing poor people. Congress has

ing endowment, it may be possible to keep tuition down and improve the quality of personal contact with faculty," said Coquillette, who is a former dean of Boston College Law School. "But at other law schools, it becomes more necessary to be innovative, including use of adjunct professors and better use of clinics."

The Oct. 13 faculty meeting promises to be livelier than most because often, the meetings tend to avoid topics that might stir faculty dissent, except for the

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Harkness Cafeteria to Get Winter Facelift

continued from HARK, page 1

color. It is, according to Davidson, "an elegant concept — very clean, very simple."

While the work is being carried out, a temporary food service will be offered to students in the Ropes-Gray room. Although services will inevitably be limited, students will still be offered a deli, a range of hot entrees and a variety of soups. This will be supplemented by a temporarily expanded service in the Harkbox Café.

Although plans for the renovation of the cafeteria have been mooted for some time, the scheme only received Clark's go-ahead in August. According to Law School Council President Rob Simmelkjaer '97, a number of factors combined to make the scheme possible.

"The campaign for capital funds raised more than anyone expected and so an opportunity came up. It came at a good time to do something to benefit the student body," said Simmelkjaer.

"After the uproar in spring last year over the plans for the renovation of the library, the administration wanted to benefit the students immediately. They wanted something to give right back to the stu-

Dormitory and Student Affairs Council, also linked the renovation to the plans for the library.

"The crucial time was the meeting Rob [Simmelkjaer] hosted of the student

They were looking to do something to help the students. I hope it will," said Nierlich.

The reaction of faculty members to the renovation is inevitably more prosaic. According to Paul Upson, Assistant Dean for Finance and Operations, the renovation is considered an investment by the Law School.

"It will pay for itself," he said. "Sales will go up, although we won't know until February exactly how many people will be enticed," she said.

Bids are currently being collected from contractors for the renovation work. Upson estimated that the final cost would "probably be more than \$1 million." Financing for the project is coming from two sources — half from Gardner Merchant, the Law School food service contractor, on an interest-free loan, and half from the Law School.

A large blueprint showing the design of the project will be posted in the Harkbox Café sometime next week.

"The campaign for capital funds raised more than anyone expected and so an opportunity came up. It came at a good time to do something to benefit the student body," said Rob Simmelkjaer '97.

dents. There is no better way to improve the quality of student life than to improve the student center," he said.

Chip Nierlich '97, president of the

forum on the library. The Dean became more amenable to doing something for the students when he realized how the library renovations would disadvantage them.

Hemenway Gym Equipment Supplemented

The Law School Council has addressed another perennial source of student discontent — the Law School gym.

Improvements at the Hemenway Gym are more modest than the cafeteria renovation. About \$10,000 worth of exercise equipment has been added, including two stair climbers, two hi-tech exercise bikes, a bench-press set and a variety of attachments to the existing weight machines.

Students have complained for years about the gym's dungeon-like quality

and the dearth of adequate equipment and facilities. Over the years they have demanded more aerobic exercise machines and updated weight equipment, as well as a total renovation of the building.

The improvements, which were made in time for the fall semester, came about largely as a result of Law School Council efforts. LSC President Rob Simmelkjaer '97 said the funding was readily made available.

"All it took was a few phone calls," he said. "It was a lot easier than I

thought," he said.

Eric Muller '98 said the facilities are "alright." He said that the Harvard facilities in general are far better than those at Boston University, his alma mater.

"But look at Shad," said Muller, referring to the Harvard Business School gym. "There's no reason that ours can't be that nice."

Muller noted how old the weight machines are. "You could even get last year's equipment at a good price," he suggested.

He proposed that instead of giving \$25 million to public interest programs, that the administration instead "give them, like, \$20 million and put \$5 million into the gym."

Harvard Peabody Museum staff member Cynthia Wilkerson was working out on one of the older stair climbing machines Wednesday afternoon.

"I think it's great," Wilkerson said of the new additions. "You can always get on now [without waiting], at least in the early afternoon."

October

Monday

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JUST CAUSE

Human Responsibility

By Carla A. Halpern '97

RECORD Columnist



AN Indian-American friend of mine recently called me on my own subtle racism. In a conversation on grammar, I had conveniently divided us into "real" and "hyphenated" Americans on the basis of race. She made an excellent point; I apologized and learned from my mistake.

My apology was not the result of some nebulous feeling of white, privileged guilt. It was the result of listening to constructive criticism and realizing that I had made a mistake. My friend doesn't resent me for making that mistake. Nor would she hesitate to speak up in the future if I ever were to say something racist again.

Everyone has a responsibility to speak up upon hearing bigoted comments or observing actions that harm others, even if it means calling someone a racist. And equally important is the need for all of us to follow-up, either by explaining and proving our assertions, or admitting that we were mistaken. Sometimes a tough calling, yes, but a human one.

We could easily distinguish "bad" and "good" people from one another if oppression were always blatant. But we all know life doesn't work that way. Bigotry does not always take the form of demons in pointy hats and bedsheets, burning crosses on your lawn. Oppression is not always a gas chamber or "ethnic cleansing." Most forms of bigotry are quite subtle, often institutionalized. They may stem more from

Oppression is not always a gas chamber or "ethnic cleansing." Most forms of bigotry are quite subtle, often institutionalized. They may stem more from ignorance than from hatred.

ignorance than from hatred.

"Good" people sometimes hurt others through their words and deeds. The important thing to remember is that oppression is a continuum. My racist comment was not genocide, but unchecked, unquestioned, it could have led there. Therefore I consider it the job of a human being to actively question assumptions that feed into subtle and institutionalized forms of oppression. In other words, sometimes you have to call people bad names to make them answer to their actions.

Ever been called a bad name — politically correct — for doing exactly this? Interesting how that works, isn't it? For some reason, people who criticize the status quo and promote certain kinds of change are condemned as promoting "thought control." If you suggest that a historically silenced voice should be heard, you are accused of silencing voices that have been loud and clear for centuries.

Imagine the following scenario: an individual drives into Amherst, Mass., possibly the most left-leaning town in the country. On this individual's car is a bumper sticker that says: Nuke the gay whales for Christ. What do you suppose is the worst thing that could happen to that person? Well, in Amherst, this particular individual might have trouble making friends. And it is possible that some angry gay people (or whale-lovers or anti-nuclear activists or Christians who resent being represented this way) might deface the bumper sticker. Now, contrast that result with what could happen to me if I drove through an equally conservative town with a bumper sticker proclaiming: Another pro-choice vegetarian Jew for gay rights. You bet I'd get shot. So who's exerting thought control on whom? Whose freedom of expression is being limited?

Defacing a bumper sticker certainly is a subtle form of oppression. And as I said before, subtle oppression is very important to recognize and name. But it is completely disingenuous to recognize one form of oppression and ignore the fact that you yourself are a perpetrator. I worry that this is exactly what is happening at HLS.

I've heard the cry that people with certain ideologies are being "silenced" by the "politically correct" atmosphere here at HLS; that our student body and faculty are overwhelmingly left-leaning. Hmm, last time I checked, there was at least one Charles Fried here for every Gerry Frug. Does the name "Bob Clark" ring any bells? Harvard has a reputation as one of the most conservative law schools in the country; we certainly churn out more than anybody's fair share of brilliant corporate robots.

I've heard no dearth of right-wing views in class and on campus. Occasionally, when a conservative point of view is expressed in class, the individual who expressed it is labeled as bigoted (Of course, this happens to people everywhere on the political spectrum, but the big stink lately has been about the plight of conservative students). I feel two ways about this kind of labeling: On the one hand, name-calling doesn't change people's minds. Having been called bitch, ball-cutting bitch, pushy Jew-bitch, Christ-killer, baby-killer, murderer, cunt, slut, Ice Queen, fag-hag, dyke, and feminazi has never made me sympathetic to the name-caller's point of view. I have felt pity, yes, but never sympathy. Empty insults do little to foster honest discussion.

On the other hand, all of us have a responsibility to point out false assumptions and name (even subtle) bigotry when we see it. This should not end the discussion; it's simply a way of holding people accountable for what they say. If someone calls you on your own bigotry, try not to automatically dismiss the "insult." You might actually learn from the experience, as I did from my friend who called me racist. Of course there's bound to be disagreement as to what constitutes bigotry. If I hear someone say, "I don't mind homosexuals personally; I just don't want them teaching my children," then yes, I think that that person is being homophobic and I will say so. If you disagree, then for goodness sake, talk back to me. I'll do my best to listen. Please don't scream and cry that "conservatives are oppressed" simply because not everyone agrees with you. And if you do choose to refer to me as feminazi, take responsibility for what you say and be prepared to back it up. In return, you can take me to task for the expression corporate robot. Yes, good old fashioned personal responsibility. And you heard it from a leftie.

So, whatever your point of view, I'm listening. And I'm holding you accountable.

Statistics Reveal Diverse Group of 1Ls

continued from 1Ls, page 5

those students who have lived their entire lives in America come from backgrounds ranging from farms and ranches to big cities.

Additionally, over 150 undergraduate schools are represented in this year's class, although just over half the class graduated from the 12 most-represented schools: Harvard, 77 students; Duke, 28; Stanford, 24; Penn, 21; Cornell, 20; Yale, 20; Princeton, 17; Berkeley, 15; Brown, 15; Georgetown, 15; Dartmouth, 14; and Michigan, 14.

In addition to varying cultural backgrounds, this year's 1Ls possess a mélange of talents. The class boasts of jugglers, synchronized swimmers, journalists, CIA analysts and navy cryptologists. There are speechwriters for both Bill and Hillary Clinton, as well as relief workers, international develop-

ers and peace-makers. There are more than a dozen undergraduate student body presidents, numerous editors in chief of newspapers and yearbooks, as well as debate team presidents.

Students have had influential internships in a gamut of areas, such as in the government sector: the U.S. District Court, the Senate, House of Representatives and Parliament; the financial sector: the Federal Reserve, management consulting firms and small businesses; and the legal world: the U.S. Supreme Court and the Constitutional Court of Korea.

The Class of 1998 has seen much of the world, and many students have given up or postponed exciting careers and opportunities to continue the tradition of this Law School. So, why check your local bookstore or the Late Show for interesting and exciting people to meet, when you can see Diversity come to life right here?

The Class of 1998 by the Numbers

Total number of students: 557

Male: 58%

Female: 42%

Average age: 24

Median age: 23

Age Range: 20-44

Minorities:

Asian-Americans and South-Asian Americans: 11%

African Americans: 11%

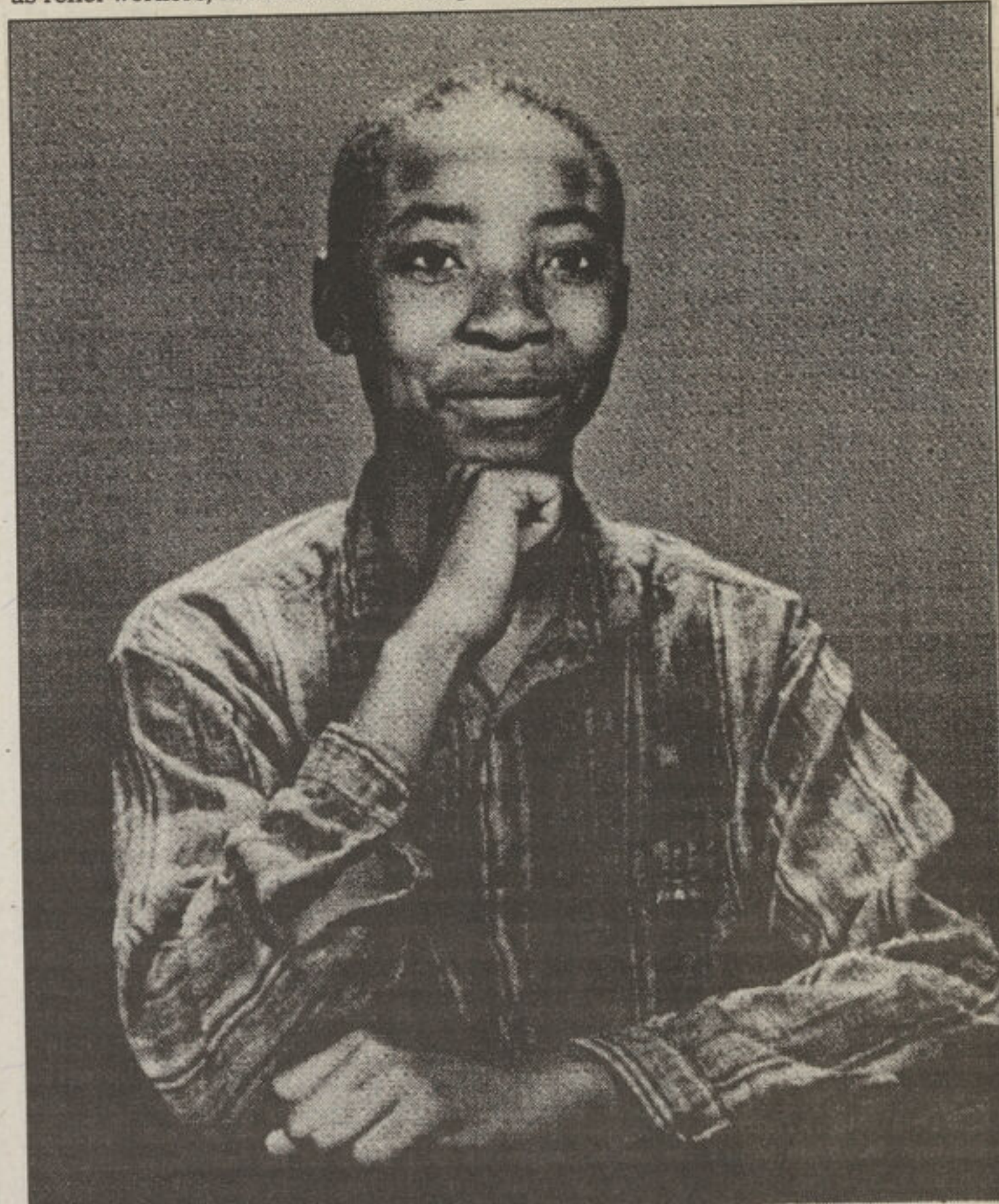
Latino Americans: 4%

Native Americans: 1%

Undergraduate schools: Over 150 schools are represented.

States: The only states not represented are Alaska, Mississippi, Montana, North Dakota, South Dakota, and West Virginia.

Foreign countries: 20 students come from 10 different foreign countries: Canada, Cuba, England, Korea, Mexico, Nepal, Pakistan, People's Republic of China, Uganda, and Russia.



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LSC Considers Pass-Fail

continued from *PASS-FAIL*, page 1

with June Thompson, Director of Career Services, Pechet learned that the Career Services Office had surveyed employers about hiring. According to Pechet, Thompson informed him that the results of the survey suggest that although Harvard Law students will get jobs regardless, the implementation of a pass/fail system will do a disservice to them. Employers seem to prefer schools with traditional grading systems, Pechet said.

Pechet also has unofficially spoken to alumni, who seem to echo the sentiments of the Career Services' survey results.

Prof. Randall Kennedy, a Yale Law School graduate who experienced a pass/fail system, said "it might be a good experiment for Harvard Law School," but only if the administration's independent research shows that implementing such a system would be in the best interests of the HLS community. Kennedy's alma mater has for years employed a pass/fail system during the first semester of the first year, and in the succeeding semester has used an honors/pass/low pass/fail system.

However, Kennedy stressed the importance of soliciting faculty opinion on the matter, pointing out that much research on the matter is often student-oriented and does not take into account the effect of such a system on the faculty.

Pechet said he spoke with Asst. Prof. Scott Brewer, who also attended Yale Law School. According to Pechet, Brewer is very interested in the issue. Pechet said Brewer told him that pass/fail systems tend to shift student competition from grades to researchships and professor recommendations.

Brewer declined comment to the RECORD, saying he had not decided

what his opinion would be on the matter.

While the Law School Council plans on coming down on one side of this pass/fail issue, Pechet states, "If nothing else, I hope to provide students with all the facts essential to understanding and resolving this issue."

Recalling his initial impression that the pass-fail system would be an idyllic one, Pechet said that the situation is much more complicated than a cursory glance may suggest.

LSC President Rob Simmelkjaer '97 shares Pechet's opinion on the matter, stating that he thinks "the pass/fail system has natural 'first glance' appeal to people, especially first year students. But, upon closer reflection and a more thorough analysis of the long-term consequences that would result from such a system, I believe that as time goes on, and the information is more widely understood, we might see an ebb in the tidal surge of outcry for pass/fail."

Outline Bank Update Planned

Law School Council future plans include the creation of a course outline bank for students, which Simmelkjaer said will be his personal project. Since many student-made course outlines currently available at the HU Copy center are, according to Simmelkjaer, "10 years old or older and thus of little value to students," he plans to solicit outlines from 2Ls and 3Ls and put them on file at HU Copy.

Simmelkjaer said his goal is to provide between one and three outlines from each 1L course and make them available to students for the price of the copies. He said his main goal is to ensure that "all HLS students have equal access to outlines," as opposed to now, when many students obtain outlines from friends and student organizations. He plans to ask students and groups to donate outlines to the outline bank.

Choosing Our Battles

By Michelle Lerner '97

Guest Columnist



THIS column is in response to comments that have been made about Lambda's boycott of Sidley & Austin. The most common criticisms reflect what seems to be a pervasive feeling at HLS: that lawyers should not be held accountable for the choices that they make or for the social consequences of their actions; that they are neutral representatives of non-neutral clients; that their loyalties should lie only with their clients; and that it should be unimportant which clients they represent or how they decide to represent them.

At HLS, we learn the legal art of "argument" is something that is worthwhile even in the abstract, an art performed for art's sake (or for money's sake), which we try symbolically to separate from its ramifications in people's lives. We learn in our classes that law has something to do with justice and the shaping of social policy, but we learn that the important decisions to be made in this regard are those faced by judges and legislators. Almost never do we discuss the impact that we make on the world as lawyers, how our decisions to represent particular clients and our choice of arguments to make on their behalf might affect the justice of a situation or a person's well-being. We are trained to see ourselves as mouthpieces, scholars, advocates — but almost never as actors in any real social sense.

Many students here work on the assumption articulated by Orin Kerr '97, quoted in a RECORD article last week: that everyone has a right to zealous advocacy, no matter what his or her claim or desire happens to be, and that it therefore does not matter whom we, as individual lawyers or firms, decide to represent or whose actions and desires we choose to justify. According to Kerr, holding lawyers accountable for these decisions inappropriately "punish[es] lawyers for the sins of their clients."

However, in reality not everyone enjoys zealous legal advocacy. Even with the supposed "glut" of lawyers in this country, millions of potential claims go unargued every year. When a lawyer decides to take a particular case or client, or to work for a firm or organization with a particular client base, she is therefore always choosing, in effect, to work on behalf of some claims over others. These choices have effects in the world. The fact that some lawyers pick their firms, their clients, and their positions for monetary or other reasons, and could not care less who their clients really are or what they are trying to do, does not erase the political impact of these lawyers' choices or the social consequences of their actions. We cannot escape our impact on the world simply by claiming neutrality; in lawyering we cannot step outside of the social framework in which we and our clients live simply by stating our desire to do so. There are no easy ways out; our actions always have consequences. Why shouldn't lawyers be held ethically responsible, like members of every other profession, for the practical consequences of the choices they make?

So in answer to the incredulous question posed by a letter writer criticizing Lambda's boycott in last week's RECORD "Must we then check the client base of every firm we apply to?" — I would respond that this does not pose an unreasonable or unrealistic burden for us as professionals or as people. It simply imposes upon us the responsibility of knowing the consequences of our actions and our work, and taking responsibility for them in whatever way we see fit. The alternative is a life lived as mercenaries. Is it really inappropriate to ask questions? Is it really inappropriate to take a side on what is just, on what is or is not acceptable for people to do to one another? Must we blindly justify any proposed action or social policy that we are asked to justify, regardless of the harm it may bring, simply because we are asked to do it?

Some people also say that boycotts and voicings of disapproval inappropriately intimidate lawyers working on "unpopular" positions and undermine the "free market" of ideas. But boycotters and disapprovers are not preventing other lawyers from taking particular positions; we are simply stating that we are personally not interested in working with them if they adopt these positions. In the "free market" we are supposed to do this; we are supposed to choose whom we do and do not want to support, what we do and do not want to make or buy. If we do not want to work for states' rights to allow persecution of gay, lesbian, and bisexual people, we can show that we are unwilling to do so.

Moreover, not everyone has access to this supposedly "free market" of ideas dis-

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cussed in the courts. With millions of people in this country unable to get legal representation for recognizable claims, it is ironic to say that people voicing their opinions as to which claims should and should not be represented are somehow "injuring" a market. Even if there were no private lawyers willing to work for Colorado on the Amendment 2 issue, Colorado would still have its day in court as long as its Attorney General felt that the issue was worth pressing. Colorado is not and never was in danger of being muted. By contrast, the gay and bisexual people who called the office where I worked this summer often could not find any lawyers to help them retain their jobs, their homes, or their children, especially if they were poor or came from states without relevant anti-discrimination law.

However, their contribution to the "free market" of ideas is one which none of the boycott critics seem to miss. No one suggests that lawyers who regularly decline to represent such persons are undermining a "free market." It's time for us to recognize that as lawyers in this country we necessarily make choices about whom to represent, and it's time that we evaluate what these choices really mean.

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All members of the Law School community are invited to participate in Black Law Students Association's upcoming events

- **8th Annual Job Fair** – Monday, October 2, 4:00-6:00 p.m. in the Ropes-Gray Room. Employers from New York, Washington, D.C., Boston, Milwaukee, Houston, Philadelphia, Chicago, and other cities will be present. Refreshments will be served. Business attire and résumés recommended.
- **Résumé Workshop** – Friday, September 29, 3:00-4:00 p.m. in Pound 106. Representatives from Hale and Dorr; Ropes & Gray; Mintz, Levin; and Brown, Rudnick explain what makes a résumé stand out and how much grades matter for Harvard Law students.
- **Interview Workshop** – Monday, October 2, 2:00-3:00 p.m. in Pound 106. Representatives from Arnold & Porter; Shearman & Sterling; Goulston & Storrs; Kirkpatrick & Lockhart; and Fulbright & Jaworski address students' interviewing concerns.
- **New York, D.C., and Chicago Firm Practice** – Friday, October 6, 2:00, 3:00, and 4:00 p.m. in Pound 102. Attorneys from the following firms will address all aspects of firm practice in their respective cities:
 - New York: Wachtell; Weil, Gotshal; Fried, Frank; and Latham & Watkins.
 - Chicago: Jenner & Block; Rudnick & Wolfe; and others.
 - D.C.: Covington & Burling; Miller & Chevalier; and others.