



Peace Is Worth Sacrifice, Says Arafat

By Debbie Solomon

Students handed out protest flyers and chanted "Arafat is a murderer!" Tuesday night as Yasser Arafat, president of the Palestinian National Authority, prepared to speak to a packed audience at the Kennedy School.

Smiling and waving at the crowd in his army uniform, Arafat greeted the crowd with "Salaam" and "Shalom," traditional Arabic and Israeli greetings.

"First of all, I refuse to read what they have prepared for me," he said. "I want to speak from my heart. But please not to squeeze me too much with your questions."

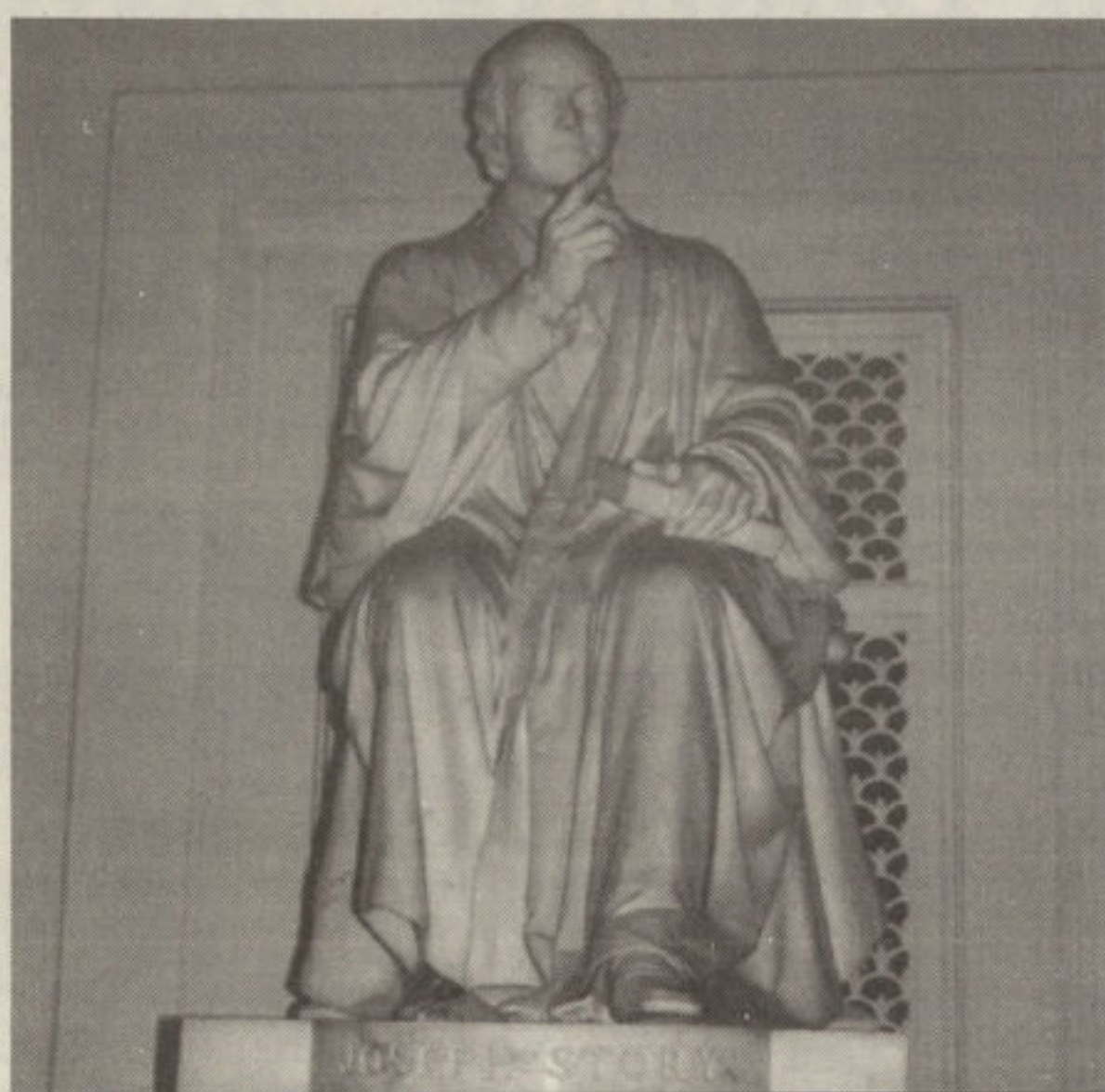
"You can squeeze me," Arafat later said, indicating that he would answer all questions.

Tickets were in such short supply that press passes for the RECORD and a Harvard Business School newspaper were revoked. But five overflow rooms provided access for those who were not chosen through the lottery for seats in the main auditorium.

"Arafat emerged on the international scene in 1969 when he was chosen to lead the Palestine Liberation Organization," University President Neil Rudenstine said, introducing Arafat.

After years as the leader of what was widely considered an international terrorist organiza-

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Joseph Story's statue will not be around to oversee the Langdell renovations; the statute was moved to secure storage Friday for the duration of the construction project.

Preparations for Library Renovation Becoming Visible

By David Weiss

The removal of the Joseph Story statue from the lobby of Langdell Hall to a secure Cambridge storage site today marks the beginning of the patently visible — and audible — stage of the renovation of Langdell.

Beginning in early November, the HLS community can expect to see trucks, backhoes and other equipment digging an underground vault on the east side of Langdell in preparation for the large-scale renovations in the building, which are scheduled to begin on June 10.

"The installation of the fence

[around the vault site] will be a little noisy because they will be pre-drilling holes to sink the poles for the chain-link fence," said Prof. Terry Martin, chair of the Langdell Renovation Committee. "Compared with what is going to be going on in Langdell next year, this will be relatively quiet work."

According to Martin, the contractor knows that if the noise becomes too intrusive for classes, they will have to stop work while classes are in session. He added that the contractor has a list of specific dates of when they will be asked to stop work and that by the time winter exams are held, most of the noisy parts of the pro-

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Final Harassment Policy Approved

By Justin Weiss

After extensive faculty debate, the Law School finally has a sexual harassment policy of its own.

The Harvard Law School Sexual Harassment Guidelines may serve as a partial response to what students and professors alike say is an ongoing problem here.

The guidelines claim to "both express institutional values and carry out the mandates of state and federal law." They cover instances of "quid-pro-quo" harassment, harassment by employers using the Career Services office and discriminatory conduct. They also ban "romantic or sexual" relationships between students and their professors.

The guidelines and their appendices run to 40 single-spaced pages. Prof. Richard Fallon, who headed the committee which devised the guidelines, said he expected Clark to disseminate them to the HLS community soon.

Fallon said he knew of instances of sexual harassment at HLS, but said he was "squeamish" about discussing them.

Women's Law Journal member Lisa Westfall said she knew of several students who had suffered sexual harassment, but would not identify them or describe their experiences.

Prof. Martha Minow said she knew of many instances of both student-student and faculty-student harassment, but declined to give examples. And while Dean of Students Suzanne Richardson said she has no "hard statistics" on the frequency of sexual harassment at the Law School, she said she has had complaints brought to her attention.

Debate first began on a sexual harassment policy for the Law School more than five years ago, under a committee chaired by former Harvard Law Prof. Kathleen Sullivan '81. The latest committee, headed by Fallon, submitted a draft to the faculty in April 1994. One year later, the faculty adopted an altered and amended version of the draft.

Professors interviewed said an important issue the committee considered was whether the policy would violate free speech rights.

But Prof. Joseph Singer '81, who worked on the committee, said the guidelines were narrowly tailored so that they would not violate anyone's free speech rights. "Freedom of speech is not absolute," said Singer.

Reactions to the guidelines were mixed. Fallon said he is "pleased the Law School has a [sexual harassment] policy. It's highly desirable to have clear notice of Law School values and rules."

Westfall, whose Women's Law Journal lobbied hard for a sexual harassment policy, said she was "very happy" with the administration's response. She called the guidelines "a victory for the Women's Law Journal and for women."

However, committee member Prof. Elizabeth Bartholet '65 said, "I'm disappointed the faculty carved out of the traditional definition of sexual harassment a lot of 'verbal conduct.'" Bartholet said that the faculty decided to consider such verbal conduct a form of hate speech, and recommended that the dean create a committee to consider it in the larger context of remarks about race or religion.

"I wonder if that committee will ever be formed," Bartholet said.

TAP Funding Cut By 40 Percent

By Paul Sinclair

Reacting to the elimination of rent control in the Boston area, the dean's office has cut funding for the Tenant Advocacy Project by 40 percent this year.

Dean Clark '72 had considered eliminating the program, which assists clients in housing disputes. Rent control in Boston, Brookline and Cambridge ended in November 1994.

In concrete terms, the cut has meant that two supervisors, each of whom last year provided 15 hours of supervision every week, are now able only to provide around eight hours. Consequently, the number of 1Ls who can be involved in the program has been reduced — 22 1Ls are working with TAP this year, compared to more than 40

in previous years.

Rachel Blum '97, one of the co-chairs of TAP, said she is worried about the effects of the cuts on TAP's clients. "Decreased hours of supervision could limit thoroughness," she said. "We have told the Dean that there is a legitimate concern that clients' interests will be affected."

Despite Clark's vocal skepticism of the value of clinical programs, Steve Weatherhead '97, TAP co-chair, said TAP still has a future.

"This is not necessarily the end of TAP," he said. "I'm pretty confident, based on what we've done so far, that we can show that there is still a need for the program. If we can show we have a viable organization, our funding will continue."

Since rent control ended last

please see TAP, page 2

Nader Escalates Efforts for Public Interest Funds

By Hope Yen

Amid growing calls for public interest funding, consumer crusader Ralph Nader '58 swept through the Harvard campus last weekend, warning students to resist corporate influences and devising strategies to get student concerns heard.

"The Law School has raised \$175 million [and] students are increasingly in numbers saying, 'How about giving \$25 million for public interest law and loan forgiveness programs?'" Nader told a crowd of 200 in a lecture last Saturday on "Money in Politics, Money at Harvard."

"This tension relates to the allocation of money at the Law School, plus who shares in the decision-making — how centralized should it be," he said.

"If you really think the world of your students and your facul-



Ralph Nader '58 (far right) addresses HLS community Saturday regarding public interest work and student activism.

ty, give them a piece of the world," said Nader, who was speaking of Dean Clark '72. "They're not going to dominate the whole thing. There's not going to be an eclipse. This is going to be a building process."

In a flurry of activity spanning two days, Nader brainstormed with some HLS faculty and students on ways to pressure Clark for more funding.

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TAP Funds Decreased

continued from TAP, page 1

year, TAP has devoted its efforts to public housing. Blum said she is convinced of the importance of TAP's work in this area.

"There is a great need in the public services community right now for our work, especially after the Contract With America. There is no question that there is need—otherwise, you would have people going into an administrative meeting without any representation. Who will be there for them?" she said.

Blum said experience with a slimmed-down TAP still provides a valuable experience for students. "Students are still getting litigation experience," she said. "In fact, compared to rent-control boards, they are now involved in a more interesting subject matter, with more varied regulations. Housing authorities are governed by both state and federal law. It's a more interesting realm." Currently there are 11 cases assigned, and more than half of the ILs involved have worked on a call this year.

The ultimate decision as to TAP's future will be made some time at the beginning of next year. "We're very grateful we've been given more time," said Weatherhead. "In the new year we will have to evaluate where we are, where we've gone to date and where we're heading."

Students Campaign Against "Union Busting" Law Firms

By Rob Friedman

As interviewers descended on Cambridge for the annual recruiting season, members of the Labor Law Project took aim at several of the firms for engaging in activities the group calls "union-busting."

The Labor Law Project (LLP), a student group that works to promote employee rights, conducted the campaign to create awareness of labor issues and to protest the arrival of several firms whom they say are union busters. LLP literature identifies union busters as those firms who advise clients on how to "use coercion and intimidation to effectively deny their employees the right to represent themselves." This year marks the 10th anniversary of the protest.

More than 100 students signed petitions declaring that they would not work for union-busting law firms.

Mark Hickernell '97, president of LLP, said the protest was especially important this year because of what he sees as a resurgence of the American labor movement. Recent merger activity, increased emphasis on organizing, and positive dialogue at the AFL-CIO convention in New York City point to signs of the movement's rebirth.

"We chose the recruiting season to inform students about the unethical practices of a few firms out there, but this week is also important because of the change in national union leadership," Hickernell said.

The modern labor movement has never been weaker. In 1945, union density was 35.5 percent of the workforce. Today, it is 15.8 percent. Prof. Paul Weiler LL.M. '65, in a study of union activity, predicted that if the current trend continues, less than 10 percent of the U.S. workforce will be unionized by the end of the century.

Although leaders of the protest admit that unions have major internal problems, they point to a legal system that encourages unethical strategies. "The only sanction for illegally firing a worker for union activity is reinstatement and back pay. Basically, firing activists pays," said Joe Stuligross '97, a leader of the protest.

Indeed, a study by Weiler found that one out of 20 employees who vote for a union in representation elections is discharged.

Other students involved in the

protest saw the issue in broader terms.

"Employee rights are civil rights," said Kent Anker '98. "Workers have a right to representation. When firms interfere with that right, they violate one of the basic principles of a free society."

Reaction from students and professors has been mixed.

"[The protest] is good to heighten critical awareness of the choices lawyers

make about who to represent," said Prof. Richard Parker '70.

Some students praised the group for its efforts but worried about restricting the right of firms to interview. Other students feared that signing the petition would "blacklist" them from future employment.

Hickernell said the protest does not implicate all management firms. "This

[protest] has been aimed at specific firms targeted because of documented unethical practices," he said.

Several of the firms on the boycott list have commented on LLP's campaign. They deny engaging in unethical practices and have said the protest has not deterred them from interviewing and hiring HLS students.



Mark Hickernell '97

Nader, Students, Faculty Strategize for Public Interest

continued from NADER, page 1

spoke in Saturday's lecture at the Kennedy School of Government and discussed strategies with student representatives on coalition-building. He then joined a panel discussion on the changing role of lawyers in the public interest arena as a part of HLS alumni reunion events that weekend.

"[Clark] needs to develop a better balance between a curriculum that trains students for commercial practice and a curriculum that trains for the public interest," Nader said after his speech. "Civic involvement and skills linking classroom to community problems are sorely lacking. Clinical programs help clients, but that's only a first step. Law schools simply reflect the existing job market when they should be a leader in defining what are the needed career roles in the legal profession, such as those necessary to handle corporate crime, big bureaucracy and growing technology."

Nader's visit comes amid escalating efforts by law students in "Campaign 25," which seeks to have \$25 million of the Capital Campaign Fund dedicated toward public interest law. Thirty-seven professors and clinical instructors also have shown their support for student efforts in an Oct. 12 letter to Clark.

As hundreds of HLS alumni gathered on campus for reunion events last weekend, students and Clark seemed engaged in a subtle fight to provide their own spin on the status of public interest programming at the Law School.

While students passed out literature and solicited alumni signatures for a letter to Clark, the dean released his own letter to the Law School community last Friday on funding use, and later touted to some alums how HLS does the most pro bono work in the state; students then responded with their own letter this week.

Nader urged student representatives to get outside support for their demands by building coalitions with faculty and alumni. Only then can students effectively battle the corporate influences that permeate Harvard, he said.

"The pressures of conformity at this law school are associated with status—you get places when you do something well in a conforming manner. So it's very seductive that way," Nader said at a meeting with students. "The lack of challenge to secular and corporate power in

all that you're doing is a striking example of the controlling process. There should be more attention, for example, to questions of the more vicious fights between the lower white middle class and blacks, that corporation law doesn't address."

Several students, meanwhile, said they would not sit still, and in a brainstorming session with faculty, agreed to embark on a student-faculty project to draft a legal brief that ties together their arguments for public interest funding. Several ILs said they planned to meet next week with Prof. Alan Dershowitz, who has agreed to help.

Profs. Dershowitz, Elizabeth Bartholet '65, Gary Bellow '60 and Christopher Edley '78 attended the strategy session with Nader and student representatives.

"Dean Clark posed the question at the last general faculty meeting of what the

interest work.

"The recommendation approved by the faculty acknowledged that full funding [for LIPP] would require \$20 million, but that in light of the expected limitations of the proposed Campaign, \$15 million would have to do," the students' letter stated. "The Campaign overshot its goal by \$25 million, yet LIPP has not been endowed with even the original \$15 million." According to the students, only \$2 million has been earmarked for the program.

In addition, Bernie Koteen '40 of the Harvard Law School Alumni Association said during alumni events last weekend that Clark had agreed, in the presence of late HLS dean Erwin Griswold '28 and retired Supreme Court Justice Lewis Powell '32, to commit at least 10 percent of the \$150 million Campaign for LIPP.

"Our [alumni] class is very conscious

do for them," Liss said.

At his speech at the Kennedy School, meanwhile, Nader urged students to continually challenge the fundamental assumptions underlying the corporate emphasis in the Law School curriculum.

"When we were taking criminal law at Harvard, none of us questioned, 'How come it's all street crime? Even in the 1950s, the corporate criminals were alive and well,'" said Nader. "We took tort law—the law of personal injury—and it was largely automobile crashes dealing with driver-driver combat analysis. Very little attention was given to the role of legal standards in highway design and motor vehicle design, and there was hardly anything on product liability. Then there was a course on landlord-tenant law, but we never got to the tenant!"

Nader later joined a panel discussion that also featured ACLU President Nadine Strossen '75, a professor at New York University Law School; former New York District Attorney Elizabeth Holtzman '65; Hugo Morales '75, founder and president of Radio Bilingue; and Bartholet.

"There are some tensions at Harvard Law School," said Nader, referring to the student push for public interest funding, "and it's partly because it's difficult for a law school that has led in developing the vocational and commercial practices of law, subject matter research and curriculum, to move into the civic dimension of the law. It's uncharted territory beyond the clinical programs."

"But there always has been tension: when women were excluded from the Law School, there was tension," he said. "When minorities were excluded, there was tension. Tension is a sign of growth, a sign of creativity, a sign of raising our horizons, and it shouldn't be avoided."

Nader became a nationally known figure after publishing his 1965 book, "Unsafe at Any Speed," which blasted the auto industry. Since then, he has been responsible for the recall of millions of defective motor vehicles. He also has founded many advocacy groups, including Public Citizen.

He was originally scheduled to be in town for the Kennedy School lecture to promote the Appleseed Center for Electoral Reform, a newly established center headed by Baiju Shah '97 to involve students in election reform projects and internships around the nation.

"[Clark] needs to develop a better balance between a curriculum that trains students for commercial practice and a curriculum that trains for the public interest," said Nader.

Law School's role should be in the coming years," said Shannon Liss '96, who is leading the student efforts for greater public interest funding. "We feel very strongly that public interest programming is exactly what the Law School should develop to address society's needs in the coming century."

Clark responded in an Oct. 20 letter to the Law School community that most of the money in the Campaign Fund was already earmarked for other areas. But he said that the Law School was committed to maintaining and augmenting public interest funding.

"I plan to work hard to encourage more and larger gifts for our public interest activities and program," he stated.

In their own open letter to Clark, however, students said the dean had broken promises to the faculty and alumni to commit more funding for the Low Income Protection Plan (LIPP), a loan forgiveness program for students pursuing public

of the need and support for public interest law," said Koteen, who attended Saturday's panel discussion on public interest law.

Liss said the ad hoc coalition of students, faculty and alumni concerned about public interest funding is currently soliciting alumni signatures for an open letter to Clark urging more funds. That letter will be published in late November or early December as a paid advertisement in the RECORD, she said.

Students are also planning an open forum on public interest that is tentatively scheduled for Nov. 30 in the Ames Courtroom. Invited guests will be Clark, faculty members, and clients of public interest lawyers to listen and/or speak about the need for more public interest support.

"We're going to invite students to speak out about their experiences, hopes and aspirations in the public interest area and what the Law School can and should

Faulkner/Citadel Case Lawyer Speaks at HLS

By Josh Strathman

Calling the Citadel case a "holy war," Valerie Vojdik, lead counsel to Shannon Faulkner, spoke Tuesday about the ideological divide between the institution and opponents of its all-male admissions policy.

The Supreme Court on Oct. 10 dismissed Faulkner's case as moot because she dropped out of the South Carolina military academy in August. But Vojdik said the Citadel's pending appeal challenging the court order for South Carolina to develop a comparable military education program for women embodies the same central issue of whether a state can preserve a publicly funded male-only college "by creating a separate program [for women] that differs in type and quality."

Vojdik said she was impressed by the "scrappiness" of the case. It was "a holy war — I think both sides view it that way," she said, explaining the stark ideological polarization present in the dispute.

Whereas Faulkner sought to establish "the right of women to attend public single-sex schools," defenders of the Citadel's existing policies justified their preservation of segregation by insisting that "men and women are essentially different" in nature, interests and abilities, said Vojdik.

This broad gap between the opposing claims had a significant impact upon the character and development of the case, Vojdik said.

Vojdik said she was motivated to take the case in part because of this ideological polarization. She said she first learned about the stark divide over the propriety of gender-segregated schools after 4th U.S. Circuit Court of Appeals

rendered a decision in the parallel Virginia Military Institute case. That opinion, focusing on what it said were inherent differences between men and women, allowed separate education for the sexes if the programs were sufficiently comparable.

The opinion was "a blast from the past; I really couldn't believe that it was written in 1991," Vojdik remarked. "To hear that from the mouth and the pen of a federal court judge was very disturbing," she said.

One manifestation of this polarization in the Citadel case, Vojdik said, was the institution's "no holds barred"

The Citadel was determined to resist and was willing to turn to any available ploy to bar Faulkner's entry, she said.

When faced with the choice of either admitting women or developing a remedial plan whereby women could get a military education at a separate institution, the Citadel "mustered enormous alumni support, political support" to lobby for state funding of an alternative women's program, noted Vojdik. She said that the result of this was the contribution by the Citadel's supporters of \$5 million to Converse College for the creation of a women's leadership program.

The [VMI] opinion was "a blast from the past; I really couldn't believe that it was written in 1991," Vojdik remarked.

approach and its resort to tactics she characterized as "not ethical or appropriate."

As an example, Vojdik said the Citadel attempted to make an issue of Faulkner's physical condition, claiming she was overweight and had a bad knee. According to Vojdik, when counsel for the Citadel sought access to Faulkner's medical records, they faxed the subpoena to her doctors but mailed the notice of subpoena to Faulkner's counsel. In this way, she said, the Citadel ensured that it would have the records before her team had even received the notice.

Another effect of the ideological divide was the drawn-out nature of the proceedings and the Citadel's recurring "foot-dragging" in response to court orders for various remedies, Vojdik said.

However, according to Vojdik, the differences between the Citadel and the Converse program merely highlight the need for curtailing the former's male-only policy.

The designers of the Converse alternative had "abstracted out from military education to leadership training," she said. The result, she said, was a poor reflection of the Citadel, "a weird mix between some feminist vision of leadership training and the military."

In many respects, Vojdik said, the program was a mere patching together of existing elements and courses at Converse and, in the worst light, state sponsorship of a program which patronizes women as "needing more nurturing and support" than men. In this regard, the two programs were not only different

in quality, but deliberately different in kind, reflecting the state's conception of men's and women's differing educational needs, she said.

The crux of the problem, Vojdik said, is the impossibility of recreating in an alternative program the Citadel's status as "one of the most fundamental institutions in South Carolina." She explained that this position derived from more than 100 years of tradition and prestige which has established the Citadel as a "stepping stone to power and wealth in South Carolina."

Vojdik characterized the case as an effort to gain for women the opportunities currently enjoyed exclusively by men by reason of their "access to the unique military style education and the network" that is the Citadel.

Vojdik said that despite Faulkner's withdrawal, progress had been made. She said Faulkner's efforts had brought the issue into the public eye and sparked the interest of other female applicants. The rise in young women applying to the Citadel in the wake of Faulkner's challenge, Vojdik said, was "a tribute to the doors she's opened."

"This case is not just about one woman. The Citadel can't solve its problem by picking off women one at a time," Vojdik commented with an eye to future applicants and her "hope that women are soon admitted to the Citadel en masse."

Furthermore, Vojdik said, the implications of the case were broader than women's access to traditionally male-dominated opportunities. It represented, she said, a challenge to gender stereotypes. The failure to undercut South Carolina's reinforcement of "society's expectations on gender roles was one of the most dangerous things about the case," she said.

HLS DRAMA SOCIETY PRESENTS

The Fantasticks

Producer: Allana Yoelson ('96)

Director: Julie Cromer ('96), assisted by Michael Lebowitz ('97)

Starring: Joanna Buck ('96), Patty Chang Anker, Dina DeFalco ('98), Ed Ducayet ('93), Gerald Halfhide ('96), Steve Lee ('97), Darren Mungerson ('98), Anthony Pearl ('96)

The Fantasticks, the world's longest running musical, is a simple musical fable about a boy, a girl, and the pains of growing up. It is told through the interactions of eight characters who create an imaginary world in order to exchange their illusions for a few precious grains of truth.

Performances will be November 9, 10, and 11 in Ames Courtroom, Austin Hall, at 8:00 p.m.

Tickets are \$5 per person, and are available weekdays 11:00-2:00 in Harkness Commons or at the door.

Contact Allana Yoelson, 493-9222, with any questions.

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BRIEFS



Harvard Union Garners Support from University Community

The Harvard Union of Clerical and Technical Workers has collected about 5,000 signatures from members of the Harvard community who support them.

The union, which represents clerical and technical employees throughout the university, held a rally to unveil a poster featuring the signatures. About 200 people attended the rally on Harvard Yard.

Rally leaders spoke about ongoing discussions between the union and the university concerning benefit programs for union members. University and union representatives last summer formed a Joint Committee on Benefits to recommend changes to present programs and design new benefits packages. Union leaders say the committee is making positive progress by focusing on the integrity of the process.

B-School Dean Focuses on Technology

The new dean of the Harvard Business School has begun to pursue technology initiatives which he says will allow the school to catch up to other institutions.

The business school has been criticized in the past by those who say it is no longer on the cutting edge of educational advancements. Dean Kim Clark acknowledged that HBS has been lagging behind but said he hopes to speed things up.

Clark said that since he became dean, he has initiated several technological programs. In January, the school will provide Internet-based services to its community, with permanent accounts for students and permanent addresses for alumni. Previously, the school provided students with e-mail and Internet access only.

Other efforts include installing computer terminals in Kresge and Shad halls.

Clark attributed the lag in technology to former Dean John McArthur's hesitancy; McArthur wanted to wait for his successor to be named before he committed to future initiatives, Clark said.

Student Sues Over Test Score Reporting

A New York student's case against the Educational Testing Service concerning their refusal to report his SAT scores has reached the state's highest court.

In 1991, ETS refused to report Brian Dalton's test scores to colleges after his score jumped 410 points — from 620 to 1030 — in only six months. Dalton's court papers say Dalton had mononucleosis when he took the test in May as a junior, which would account for his low score. That summer, he took a preparatory course, and scored much better than November.

However, ETS claimed that there was substantial evidence that someone else completed the test for Dalton. Using two handwriting experts, the ETS determined that two different people took the May and November tests, court documents said.

Dalton also produced a handwriting expert who said the May and November answer sheets were signed by the same person.

ETS argued in court Thursday that it should be able to disallow test results in order to protect the integrity of the SAT. Dalton and his parents claimed that the student was kept from attending colleges he had been considering.

Wasserstein Fellows Named

Ten lawyers have been named 1995-96 Morris Wasserstein Public Interest Fellows.

The fellows each spend one or two days at the Law School talking with students about practicing public interest law.

The fellows are: Victor Bolden '89, assistant counsel for the NAACP Legal Defense Fund and adjunct professor at New York Law School; Deborah Ellis, legal director of the NOW Legal Defense Fund and adjunct assistant professor at New York University Law School; Judith Fabricant, Massachusetts assistant attorney general for the government bureau; James Farmer '75, chief of the Organized Crime Strike Force at the U.S. Attorney's Boston office; Todd Howland, field officer for the U.N. Human Rights Center in Rwanda; Neal Kravitz, principal deputy democratic special counsel to the Senate Whitewater investigation; Neil McBride, director of Rural Legal Services of Tennessee; John O'Toole, director of the National Center for Youth Law; Michael Russell, senior public safety advisor to the Corporation for National Service; and James Vigil Jr. '89, U.S. assistant associate attorney general.

The Wasserstein Public Interest Fellows Program was established in 1990 through a \$500,000 gift from the family of Morris Wasserstein.

ACLU President Says Women Under Siege

Lack of constitutional protections and a widespread attack on feminism is putting women's rights in danger, said the president of the American Civil Liberties Union recently at Harvard University.

Nadine Strossen '75 said women are and have been receiving a "watered-down version" of the constitutional protection against discrimination. Such a weak guarantee allows for public institutions like the Virginia Military Institute and the Citadel in South Carolina to practice gender exclusion, Strossen said.

Strossen said congressional attempts to reduce affirmative action add to the attack on women. Cuts in affirmative action programs, welfare reform and anti-abortion policies will negatively affect women, she said.

Renovations Coming

continued from LANGDELL, page 1

ject will be completed. "We're very sensitive about the noise," said Martin.

The vault is being constructed to house electrical generators and other equipment necessary to maintain electricity for Langdell West, Lewis and other buildings when the rest of the Langdell renovations begin.

Ironically, this segment of the construction project may require shutting off the chilled water lines, which are used to run the air conditioning in Pound Hall and Hauser Hall, for four months over the winter. Faculty and administrators have objected to this, citing the need for air conditioning for the computer lab and for climate control in Hauser to prevent excess humidity from damaging the wood used in that building.

Although the air conditioning has been turned off in Pound in past winters without too many complaints, it was turned back on in Hauser last February when people complained that the building was too warm.

"The feedback from the faculty was

that having the air conditioning off for four months was unacceptable," said Administrative Dean Sandra Coleman, who serves on the renovation committee. She added that while the committee has asked the architects to develop a way to minimize or avoid this concern, the final decision will be based on whether there is an alternative and how feasible it is.

The Next Steps

The next noticeable change at HLS related to the Langdell renovation will be the increased number of spaces on the shelves of the library, as the librarians have already begun speeding up the process of sending rarely used books to off-site storage locations. The parts of the collection expected to be affected most during the spring semester include Australian State Reports, Canadian Provincial

Reports, the historical bibliographical collection, some early state documents, early 20th century American monographs and extra copies of older periodicals. Although there will be some "weeding" of the Reading Room texts and core stacks, most of those texts will remain in the library until the last minute, according to Martin.

All of the items sent to storage have been bar coded and will be available through a 24-hour retrieval system. According to Martin, the library expects to turn on a recall feature on HOLLIS soon which will enable users to order a book in storage through their computer terminals rather than by going to a library staff member for the necessary forms.

The committee is looking into obtaining storage space in the Cambridge area for parts of the core collection. If sufficient space is obtained and there is community interest, students and faculty may be able to go over to the storage site to browse and conduct research there, according to Coleman. "Realistically, the question is whether students will want to travel there rather than have books brought back here and is it worth the additional expense," she said.

During spring break, paintings will be removed from the library and sent to storage. "The disappearance of the art work is when it will really hit people [that the renovations are coming]," said Martin.

Demolition and structural work on

Langdell will begin on the Monday after Commencement and are expected to continue through October 1996. The renovation committee is considering running double or triple shifts during this phase of the project in order to minimize the noise caused during the fall semester. During this period, new elevators and stairs will be installed in Langdell, and Langdell North Middle will be interfloored and turned into additional shelving and study space for the library. In addition, a third level will be added to the bridge between Lewis and Langdell West.

Once the structural work is completed, interior work, including the relocation of the library entrance and circulation desk to the first floor, will continue until the entire project is completed, which is expected to occur by Labor Day 1997.

"It's pretty tight timing right now," said Stuart Rees '97, who serves on the renovation committee. "The goal is to have it done, and there are incentives for the contractors to finish on time."

Space Problems

Once construction begins in earnest

this summer, the classrooms and library in Langdell Hall will not be available until the project is completed.

A Library Committee, composed of four faculty members and three yet-to-be-appointed student representatives, will oversee the conversion of the meeting space on the second and third floors of Pound Hall into a temporary library for the 1996-'97 academic year. These changes will mean the temporary loss of a significant portion of the large classroom and meeting space, a problem that student groups and administrators are already trying to address.

"There is no doubt there is no function space," said Donna Chiozzi, director of reunions and special events. "But we can get quite creative when we need to be." Among

the possibilities her office is currently considering are setting up tents on Jarvis field for special events, holding reunion events earlier in the fall or later in the spring, using the Sheraton Commander ballroom and using space at other locations in the University.

"We are all going to be inconvenienced," Chiozzi said, "but it [the renovated library] will make a huge difference."

Groups like the HLS Drama Society will also face a problem finding alternate sites to hold their events. "We have held performances in the Agassi Theatre in Radcliffe Yard, and we are looking into that," said Robin Mathison '96, president of the Drama Society, which has traditionally held its annual parody show and other productions in the Ropes-Gray Room. "We are looking into all possible sources of alternative space."

The Registrar's Office is also considering ways to get around the loss of some of the largest classrooms on campus, according to Assistant Registrar Mark Slawson, although he was not sure what specific plans have been discussed. Coleman said that she did not expect that there will be a major effect on course offerings next year, though there has been some discussion of holding classes in the evenings or in different blocks in order to accommodate more, smaller sections of classes. Registrar Sue Robinson was unavailable to comment on the situation.

Griswold's Top Floor to be Renovated

Construction will begin this spring to build six new faculty offices in Griswold Hall where half of the faculty library now stands, said Dean Clark '72.

Clark said at the Oct. 13 faculty meeting that half of Griswold's fifth floor will be redone to accommodate faculty growth and preserve proximity among professors. The faculty library currently occupies the entire floor.

Most of the offices for the 72 HLS professors and assistant professors are in Griswold, Hauser and Langdell halls. Clark has said he hopes to have a core faculty of 78 by the year 2000.

The faculty library will be shrunk to make it more user-friendly and high-tech, Clark said.

He added that the Griswold makeover will be more cost-effective since few professors use the faculty library. Several spot-checks at the library found that only one or two professors ever seemed to use the facilities, Clark said.

The Law School will soon select architects and hire a contractor. Construction is expected to last from March 15 until May 15, 1996.

GYM RAT

Beginning
Of the End

By David Koontz '96

Sports Editor



NEXT week will be a very special one for 1L students. By and large, they will have the house to themselves, while many 2Ls and 3Ls gorge themselves on wine, dance and song. The Gym Rat will be in Atlanta during this time set aside for the weird mating ritual between law firms and law students; however, as of this writing, I have no idea whether it will be a happy week or a sad week. The Atlanta Braves could be world champions by the time you read this, or they could be facing elimination. As of this writing, after watching the first two games over and over and over again on my television and VCR, I am willing to put it in print that the Braves will do no worse than lose by two games.

Clearly, this Series has shown that the key to any Braves victory is good pitching, timely hitting and finding a good strong rope that will keep Kenny Lofton tied to the dugout bench. Lofton is liable to steal third base from the on-deck circle if the Braves are not careful. As for the Braves' pitching, no longer can the press use the words "play-off," "struggle" and "Greg Maddux" in the same sentence. Sure, the guy gave up 1,384 runs in about 2 and one-third innings back in 1989. That was six years ago. Six years ago, I was a business major.

Admittedly, the prime-time feature of the Series this year has to be Braves pitching against Indian hitting. The Cleveland Indians are stacked with hitters who have glowing averages and scary power numbers. From the top of the order nearly to the bottom, Cleveland boasts mostly .300 hitters, and Albert Belle deserves kudos for becoming the first major leaguer to hit 50 homers and 50 doubles in the same season.

Belle, as you may recall, was caught playing with a corked bat last year, and the Indians fell under a cloud of suspicion and intrigue when one of the players allegedly broke into the umpires' locker room overnight and replaced the confiscated bat with one of Paul Sorrento's. Apparently, the person who pulled the switcheroo made two mistakes. First, he or she left a flashlight behind. Second, Paul Sorrento's bat apparently looked nothing like the bat that the umpires took from Belle. Oops. Reportedly, the reason Belle's bat was not replaced with another of Belle's bats is that, well, Belle failed to bring any non-corked bats with him on the trip.

Absent evidence to the contrary, however, such as Belle bunting for a home run or the opposing team actually finding Belle's bat corked now, Belle deserves nothing but congratulations and a big "Wow." Kevin Kennedy of the Red Sox tried to make a point in the playoffs this year and found nothing inside Belle's bat but egg, which promptly splattered all over Kennedy's face. In the end, the frightening strength of the Indians is that they could leave Belle out of the lineup and surprise no one by scoring 10 runs a game. After the first two games, however, they had only the feet of Kenny Lofton and one swing from Eddie Murray to show for it.

Another historic sports season is coming to a close as well, and like the World Series, it is impossible to write all the details at the time of this writing. For the most part, the HLS flag football regular season is over, and six of the eight playoff spots are settled. All that remains are four makeup games, three with significant playoff ramifications. The Freshies and Levitt's Too Sexy for This League face each other with the simplest of possible outcomes at stake. The winner is ranked fourth for the playoffs; the other team drops out of the picture completely. The caliber of these two teams shows the unprecedented depth of the league this year and again proves why the cliché "Neither team deserves to lose" has been around long enough to become a cliché.

In the other makeup games, the Tortfeasors face both the Wolverines and Kenny the Greek this Sunday in the Battle of the Guys Who Don't Get Flyout Week Off But At Least They Got Off on Columbus Day. Again, the Tortfeasors' playoff destiny is straight and narrow. If they win both games, they're in the playoffs. If they lose either of their games, they fall out of the picture while Six Feet Under makes it as the eighth seed.

Congratulations to the six teams who have already secured spots in the playoffs: Learned Hands, the Great Danes, Chicano Bears, the Dissenters, the Grad Guys, and Locus Poenitentiae. Last year, the Gym Rat's job was a little easier, as half a game separated the eighth and ninth place teams. This year, however, the specter of tiebreakers reared its ugly head, and through a complicated method of total margin of victory, regular season head-to-head match-ups, and the rejection of numerous bribes, the playoff picture emerged, albeit a little fuzzy.

I'll wait until the next issue or two to really reflect on the regular season and give some teams who have been underrated and underreported their fair share of gratuitous publicity. For now, thanks to everyone who participated, and I think everyone managed to keep the whole thing in perspective — that is, just have fun and leave the pressure of winning and losing squarely where it belongs: on our careers.

Intramural Football Standings
as of Sunday, October 22

TEAM NAME	WON-LOST-TIE
2. Learned Hands	10-0-0
13. Great Danes	9-1-0
7. Chicano Bears	7-2-1
5. Freshies	5-3-1
10. Dissenters	6-4-0
16. Grad Guys	6-4-0
4. Locus Poenitentiae	6-4-0
14. Six Feet Under	6-4-0
11. Levitt's Too Sexy ...	5-4-0
1. Tortfeasors	4-4-0
12. Death Judicata	5-5-0
9. JJ's Golden Rotunda	5-5-0
17. Well Hung Jury	5-5-0
8. Rush to Judgment	2-8-0
15. Kenny the Greek	1-7-0
3. Wolverines	1-7-0
18. Black Plague	1-9-0
6. Illegal Motion	1-9-0

Compiled by David Koontz

THE VERDICT

Pick Cartoons
Over Soft Porn

By Michael Bennett '98

Movie Reviewer

"Akira"

MANY movie goers have the misconstrued idea that animation has nothing to offer to adults and is simply a tool that the film industry uses to hypnotize children and extort money from their parents. If your only contacts with animation have been along the lines of Friz Freleng's gravity defying characters or, more recently, Disney's "The Lion King," then you might be inclined to agree. But the real connoisseurs of animation know where to look for the good stuff: Japan.

For about a decade now, animation has been heavily influenced by the Japanese. By using many more cells of drawings and incorporating much greater detail, Japanese animation, or janimation, as it is commonly referred to, has raised the curve.

"Akira," released in the United States in 1987, is considered to be one of the greatest achievements of janimation, at least of those works available in the West. The story revolves around a gang of young, delinquent bikers living in Neo-Tokyo in the year 2019. The gang accidentally encounters a child who has escaped a government-backed scientific experiment. The child possesses telekinetic powers and seriously injures Tetsuo, one of the bikers, when they have a head-on collision. Government agents whisk in and carry off both the escapee and Tetsuo. Of course, this necessitates an attempted rescue by the gang's leader, Kanada, who also happens to be Tetsuo's best friend.

The film delves deeply into some very profound themes which are much better suited for adult audiences than for adolescents. One interesting concept that is repeatedly explored is the idea of human essence as being unique and irreproducible. The government's attempts at simulating the life force that is intrinsic to humans results in Tokyo being destroyed twice. When the life force is tapped and tampered with, it cannot be controlled by the government's technology or its scientists.

Interesting ideas concerning religion and the class structure in Japan, both very timely issues in modern-day Japan, are also touched on, albeit less so.

As the plot unwinds, viewers who have not seen this movie before will probably find themselves having trouble following the story. The rapid pace of the main plot, combined with the unfolding of several mini-plots and the sub-titling are at times very confusing. It takes a couple of viewings for most people to grasp the total power of this work.

Even if you're seeing "Akira" for the very first time, you'll probably appreciate the masterful animation and fluidity of film. At times the animated characters seem hyperreal, as if they are truly organic. It comes highly recommended.

Rating:



"JADE"

ANOTHER option is Richard Friedkin's "Jade." It's the latest addition to the growing soft porn portfolio of producer Joe Eszterhas, who we have to thank for "Sliver" (1993) and "Basic Instinct" (1992).

This work is actually a lot like "Basic Instinct": it's filmed in San Francisco, some of the characters are sexually deviant, and it's not very entertaining. Strike that — there are a few very well-thought out chase scenes across the well-worn streets of S.F.

Throw in about two seconds of humorous dialogue, a score that's way over the top and lots of sex and violence, and you could probably figure out the ending of this one without even seeing it.

One would hope that with access to such a great arsenal of actors and the phenomenal actress Linda Fiorentino almost anyone could make a decent film. Just roll the cameras and let the thespians improvise. Apparently, Friedkin wanted to make this interesting by taxing the cast with a very poorly written script.

We enter "Jade" just as the murder of a very rich man is being completed. The assistant district attorney (David Caruso) finds rolls of film at the scene of the crime that portray the governor of California (Richard Crenna) participating in some extramarital affairs.

As the investigation continues, the A.D.A. finds out that Katrina Gavin (Linda Fiorentino), the wife of a high-powered lawyer (Chazz Palminteri) who also happens to be his best friend, might have been involved in the crime. Throw in about two seconds of humorous dialogue, a score that's way over the top and lots of sex and violence, and you could probably figure out the ending of this one without even seeing it. Except one thing — you'll never know if your ending is the correct one because the film has no coherent ending. When the dust settles, the audience is left hanging in the air with many unanswered questions and a strong desire for a refund.

What's really upsetting is the fact that all the main actors are coming directly from some very good projects. Fiorentino was incredible in John Dahl's "The Last Seduction" and Martin Scorsese's "After Hours." Palminteri was sublime in Robert De Niro's "A Bronx Tale" and quite funny in Woody Allen's "Bullets Over Broadway." And David Caruso has done great work on the television serial "NYPD Blue" and also fared well in his return to the big screen with the rehashing of the 1947 Richard Widmark thriller "Kiss of Death." It's a shame that their talent was wasted on this effort. Don't waste your hard-earned (read: borrowed) cash on this one.

Rating:



Harvard Law RECORD

Founded in 1946

Katrina Randolph
Editor-In-Chief

David Weiss
Publisher

Mere LIPP Service

Dean Clark '72 last Friday issued a letter to the Law School community, with the purpose of showing us "how much the School has done to promote and encourage students who want to do public interest work." In so doing, he did little to further the discussion about improving public interest funding; instead, his letter was an inadequate cheerleader for the status quo.

The letter begins with an implicit assertion that no changes to the plans will be made, despite the open support by 25 percent of the core faculty and more than 200 students for increased public interest funding.

Clark conveniently points out that the bulk of the \$37 million of current-use, unrestricted money already has been spent. He goes on to inform us that the Law School has provided \$5 million in Low Income Protection Plan assistance to hundreds of graduates since 1990, noting that "[i]t is not unreasonable to see the Campaign as having made possible all of our LIPP and [Office of Public Interest Advising] spending over the past five years."

Presumably, the 37 faculty members, lecturers and clinical instructors were not somehow misinformed about the present status of public interest funding. Neither would it seem that the Student Public Interest Network had not done its homework. And the alumni, considering some of their comments during last weekend's alumni functions, are learning.

What is there to learn? It isn't the present status of public interest programs and budgets. The important information is that there are many students who want to pursue public interest work but cannot because there is not enough grant money to accommodate them. It is important to know that the recommendation by a 1989 HLS planning committee to establish a minimum-\$15 million financial aid endowment — primarily to fund the LIPP program — has yet to be implemented, and Clark has made no mention of plans to do so (Although \$790,000 was spent on LIPP, the endowment would be necessary to ensure the program's continued operations).

It is also important to know that Clark skirts around the faculty suggestion to urge present donors to broaden the uses for their gifts. Instead of committing to something as little as exploring the option, Clark says only that he invites students to help him identify and pursue additional sources of support.

Also important is the message Clark sends to the community. He refused to allow more than five minutes of discussion of public interest funding at the 2 1/2-hour faculty meeting on Oct. 13. The letter seems to be an attempt to quiet the voices of dissent crying out from among the faculty and students. Even at his "Breakfast With the Dean" sessions, Clark does not invite true dialogue.

Perhaps his disposition will change if alumni let him know that they too care about increased public interest funding and that they are willing to let their wallets show how much they care.

But perhaps he will rebuff them, too.

— Randolph

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

—First Amendment, US Constitution

• Letters •

Firms Should Pre-screen Interviewees

As the 1995 on-campus interview season winds down, it becomes our duty to rethink our current system so that current 1Ls might avoid some of the less necessary unpleasantnesses this year's interviewees faced. Specifically, I propose the following: save our time and the firms' time by allowing firms to screen candidates before the on-campus interview.

Like most interviewees, I had wonderful interviews and terrible interviews. The latter included one instance in which the interviewer looked at his watch as I answered his first question and continued to do so for the remainder of our talk. This firm obviously knew before I walked into the door that I was not to be among their summer crop. Like many firms, this one (I have since learned) adheres to a strict grade cut-off. Because I and many others did not know this, we diligently dry-cleaned our outfits, left classes a few minutes early, ran to the local hotel de jour, and put on our best smiles, for no apparent reason. We never had a chance.

The costs of our current system are not confined to those of us who will interview in vain. Firms and qualified students also suffer. The firms suffer because they

must expend resources interviewing candidates who will not get the offer, no matter how gregarious and articulate they are during the on-campus interview. The "qualified" (in the sense of meeting whatever cut-off, grade-based or otherwise, the firm adheres to) candidates

Some might object that the on-campus interview gives us a chance to display the personality behind the transcript and resume, and that my proposal would further subjugate the candidate's individuality. Remember, though, that the firms which would change their behavior under my proposal are only those which aren't considering your personality as a possible trump. Given a choice, firms which allow for our personalities to overcome the numbers will simply interview more "marginal" candidates. Conversely, firms which would never allow such influence from our personalities would inform us before we put on the song and dance, and would keep slots open for those they consider likely candidates.

If you are a 2L (or an interviewing 3L) who thoroughly enjoyed the last four weeks, please do nothing. If you think that your October might have been better if you could have avoided interviews at firms which never intended to give you a chance, think about changing the system. Next year's interviewers deserve our help.

Russ Hanser '97
October 25, 1995

The costs of our current system are not confined to those of us who will interview in vain.

suffer because (in the case of the firm I describe above) the scarce interview slots are littered with the likes of me, possibly preventing potential hires from even interviewing (I interviewed everywhere I wanted to, so I promise I don't fancy myself a member of this class).

RECORD Editorial Misunderstood Facts

In your Oct. 20 editorial, I was criticized for my role in the taping episode at the faculty meeting on Friday, Oct. 13. I would like to clarify some misunderstandings in that editorial.

Contrary to your suggestion, the faculty meeting was not a "major" public event. It was a business meeting to which a select number of observers had been invited. In such a circumstance, common journalistic practice, as well as common courtesy, dictates that a member of the press notify those at the meeting of her intent to tape them. This is consistent with the rule prohibiting taping of classes without permission (published at the beginning of every year in the registration Adviser; this year in the Aug. 31 registration Adviser on page 3.) I understand that some faculty approached the

reporter at the beginning of the meeting and inquired about the taping. That would have been the appropriate time for the RECORD reporter to tell the dean, and he could have let the faculty know that the meeting was being taped.

Unfortunately, I was not informed about the taping until near the end of the meeting when I talked to the reporter. I had no intention of having the RECORD "forfeit" the tape. Rather, I wanted to hold the tape until all the issues were sorted out in a balanced manner. I spent my time trying to find a solution that would be acceptable to all.

More generally, the role of the dean of students is to be a facilitator of good and open communication among all members of the law school community, which will benefit students in the long run.

In this particular case, I was trying to protect the interests of the RECORD while accommodating the expectations of the faculty. To achieve this in a timely manner, so that the reporter's ability to write the story was not further burdened, required an enormous amount of discussion and running around. I am aware that the RECORD was not cognizant of what it took to achieve the resolution and could have, on the surface, assumed other intentions. I take seriously my responsibility to represent student interests. In most cases, including this one, that responsibility is best served by communicating openly with all parties and crafting a solution which balances everyone's interests.

Suzanne Richardson,
Dean of Students
October 25, 1995

Support March, Denounce Farrakhan

At the end of her recent column ("Why I support the Million Man March," the RECORD, Oct. 20), Kimberly Jenkins wrote that "many people opposed the march because of the participation of [Louis] Farrakhan. He has been accused of harboring hostility and enmity for various groups. I have not followed the teachings of Farrakhan; therefore, I can only comment on the remarks he made yesterday. Farrakhan did not 'preach hatred' of other groups at the march; in fact, he expressed his desire for reconcilia-

tion...."

While I do not purport to be an expert on the "teachings" of Mr. Farrakhan, his penchant for making anti-Semitic, sexist, homophobic and other hateful remarks is well-documented. Mr. Farrakhan has described Hitler as a "very great man," called Judaism as a "gutter religion," and in an interview broadcast three days before the march, referred to Jews, Palestinian Arabs, Koreans and Vietnamese as "blood-suckers." It's hard to imagine why anyone might "accuse" Mr. Farrakhan of harboring

hostility.

I could understand if Ms. Jenkins had decided to endorse the march in spite of the views of its chief organizer. But I find it disturbing that Ms. Jenkins made no effort to renounce Mr. Farrakhan other than to describe herself as unfamiliar with his teachings. If one conciliatory speech entitles Mr. Farrakhan to be treated with such deference, perhaps David Duke should consider another run for the presidency.

Larry Schoen '96
October 20, 1995

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The Next Move is Ours: How Can Black Men Transfer March Momentum into Meaningful Action?

By Charles J. Ogletree Jr.

The Million Man March in Washington two weeks ago was the most significant gathering of African-American men in the history of the nation, and it was a time of unprecedented solidarity.

It gave marchers a sense of hope and confidence. While the media focused on the presence of Louis Farrakhan, the hundreds of thousands of African-American men there had broader and more ambitious agendas. We talked about what we were going to do when we returned home, and how important it was for all of us — professionals, factory workers, the unemployed, Christians and Muslims — to spread the message.

Now we are home, and it is time to transform the momentum created by the march into action. The question is how. Where do we go from here?

The answer to that question echoes from the conversations that took place the day of the march as a million African-American men stood shoulder to shoulder on Capitol Hill and in the Mall. It echoes, too, from the words of the speakers who addressed them.

We all agreed that the misery index in the black community is at an unprecedented level — with 1 out of 3 African-American men between the ages of 20 and 29 involved in the criminal justice system — and that it is time to act. And we all agree that there is much to be done.

We must register African-Americans to vote. Indeed, hundreds of African-American men did register to vote during the march. Moreover, many filled out applications to participate in local or national organizations, such as the NAACP, the National Urban League, the Congress of Racial Equality and other local groups.

There was a uniform sense that this march would be a failure if it did not result in active collaboration with others. While many felt it was necessary that African-American men take the first step in getting themselves together, there was wide support for working closely with women — a notion further inspired by such speakers as Maya Angelou and Rosa Parks. We must develop structures that will help build our families and our communities, broadly defined. Part of that can come by being active citizens.

We must use our votes wisely, judiciously and in our own clear interest. If we were able to bring a million men to Washington to atone for our past transgressions, we should also be able to develop a positive affirmative agenda — an agenda that politicians should and will heed.

One of the common themes among the participants was that African Americans would not necessarily commit their votes to either of the existing parties

Charles J. Ogletree Jr. is a professor of law at Harvard Law School and is the director of the Criminal Justice Institute.



without greater evidence of a commitment to issues of importance to the community. For the first time there were serious discussions about the need to represent an independent force in the political process to ensure that those who ask for our votes are willing to meet the concerns of our communities. We agreed to go back home and get involved in the political process to ensure that our voices are heard and that legitimate support is offered where it is necessary.

We must take a greater role in our communities. Many marchers talked about going back and working with young men who are in jail or about to be released from jail, and creating opportunities for their education, employment and housing. Others talked about the need to work with young people in the public school system, and serve as tutors in after-school, evening and weekend programs.

Still others talked about increasing the responsibility of churches in caring for the unsupported members of our community. The churches would serve as a focal point for raising money, providing support to the needy and sharing information about programs and projects.

We must not let the world see this simply as a one-day march, but rather as a long-lasting and deep political transformation in the African-American community. In that regard, we must be vigilant that our grass-roots movement is not co-opted by special-interest groups and sent in the wrong direction.

We must organize at the local level. At the march, we strategized about how those of us with training and experience in business help others to obtain small-business loans, or make investments in the community. Still others talked about the need to volunteer time to work in substance abuse programs, assist in battered women's shelters, or provide homes for the homeless. Virtually everyone left with some concrete ideas and proposals to address these issues.

We must take responsibility, be self-reliant and independent. Virtually every speaker talked about the need for African-American men to not make excuses, but to make changes. We could no longer use the labels of government or racism to justify our failure to act.

But there was a clear sense that government could and should play a role in addressing some of the painful experiences that our communities encounter.

There were also some worries, some things not to do.

We must not let the world see this simply as a one-day march, but rather as a long-lasting and deep political transformation in the African-American community. In that regard, we must be vigilant that our grass-roots movement is not co-opted by special-interest groups and sent in the wrong direction.

There was, for example, very little interest in the creation of a national commission on race if it would only mean the development of a report and findings, and no action. I hope we will be able to use the momentum of the march to start the process of transforming our society into one free of prejudice. The Million Man March was the first step on a long road of exciting and challenging opportunities. What we witnessed on Oct. 16 was an opportunity and a sense of hope. We left there with enthusiasm, confidence and encouragement.

On a personal note: Marching in the Million Man March was one of the exhilarating events of my life.

Although much has been said about the role of Nation of Islam leader Louis Farrakhan and the vile and hateful remarks he has made about many groups, there were many important reasons to participate in this event. For me, the most significant ones were personal.

First, this march was a watershed event for African Americans. I recall with envy the 1963 March on Washington. It was a significant event for my father, although he could not attend. He grew up in segregated Alabama, and left that state in the early 1940s. He never had the opportunity to vote, nor receive formal education beyond the fifth grade. He had a difficult time finding jobs, and he lived in an environment where "whites only" or "colored only" signs were fixtures.

As he reflected on the March on Washington, he had mixed opinions. He saw Rev. Martin Luther King's powerful address as important words, but there was little evidence that they would be followed by deed. And even though African Americans would have opportunities to travel freely, to vote, to seek jobs, to own businesses and to receive equal education, it seemed much too late for him to reap the benefits of all this change. My father died in 1982, never having returned to Alabama or lived in a society free of the great social divide.

I attended the Million Man March in my father's honor, to let him know that African-American men — his son included — would be willing, long after his death, to stand up and fight for the issues of justice and equality. I also attended the march for my son, to bridge the gap between his generation and mine. My son drove up from Florida with his college friends. Never before had the two of us had the chance to share such a significant event when he could appreciate it as an adult.

The opportunity for both of us to march with other African American men, and other fathers and sons, and to celebrate our common bond, was reassuring; all the years of struggle were worthwhile if my 19-year-old son could appreciate the significance of a Million Man March in Washington in 1995.

I hope that there will be another march, in the not too distant future, that will focus on family. I hope it will be a time not only to march with my son, daughter and wife, but also to join other husbands and wives, mothers and sons, fathers and daughters, of all races who want to address these pressing problems.

• Letters (cont.) •

Attack on Labor Law Project Unsubstantiated

We at the Labor Law Project anticipated, indeed, hoped for a response to our annual campaign against union-busting law firms. We must admit surprise, however, at the vitriol directed at us by Kerry Hastings in his letter in the Oct. 20 RECORD. Though Mr. Hastings denounces our leaflet as "utterly false and reprehensible," he failed to refute a single specific charge we made against the named firms. Instead, he resorted to ad hominem attacks and name-calling. Who's really using "emotionally loaded word games?"

We do not doubt that Mr. Hastings had a pleasant experience at his firm last summer. That is what being a summer associate is all about. Our leaflet quoted some associates who had become dissatisfied and even disgusted with a career spent crushing organizing workers in the name of the bottom line. However, we

do not mean to imply that everyone at Littler, Mendelson or Seyfarth, Shaw (for example) is unhappy or participates in union-busting activities.

Mr. Hastings' tirade reveals his ignorance of labor's past and present. Whether or not today's workplace is one of the most heavily regulated areas in existence (and it is being deregulated by Congress at an alarming rate), regulations by themselves are meaningless. Who does Mr. Hastings think enforces workplace rules? The OSHA police? Individual workers must report violations, and without a union, they have little protection against retaliation.

Anyone who cares to look around will see that there is no shortage of unscrupulous employers exploiting their workers. Were the women killed in a 1991 fire in a North Carolina chicken processing

plant because their employer locked the emergency exits living in a "fantasy world?" Are the hundreds of immigrants held as slave labor in sweatshops in New York and Los Angeles the products of an "extremist ideologized agenda?" Perhaps, but it's not our agenda.

It is true that organized labor has suffered through its slow responses to the export of its traditional industries and internal corruption. As long as there are still jobs to be had, though, many workers will find that the generosity of their employers leaves much to be desired, and that together they have bargaining strength which they do not have individually. And that means unions.

Mark Hickernell '97
President, Labor Law Project
Joe Stulgross '97
Treasurer, Labor Law Project
October 24, 1995

Let's Ban the Feds from Campus Recruiting!

Rumor has it that Justice Department officials from the Solicitor General's Office will soon be visiting the Harvard campus to recruit HLS students. They must be stopped — by any means necessary.

The Justice Department is a part of the United States Government which has a policy of discriminating against gays, lesbians and bisexuals in the U.S. military. Justice Department officials have also failed to take a position in the controversy surrounding Colorado's Amendment 2, despite the fact that the case is of vital interest to all those concerned with issues related to sexual orientation. Allowing the Justice Department to come to HLS on an official recruiting visit — or to use any of the University's

resources — will, therefore, violate the letter and spirit of the Law School's anti-discrimination policy.

Although openly gay individuals are allowed to work for the Justice Department, this fact is of no great consequence. The Justice Department has implicitly allied itself with those agencies who do discriminate by refusing to actively and consistently challenge those agencies' policies. The Justice Department's silent support for the forces of bigotry and hate is especially pernicious because it is not immediately evident and thus some students might unwittingly sign up to interview with this co-conspirator in the plot to deny equal justice to all. Like Sidley & Austin and the Marine Judge

Advocate General's Office, the Justice Department should be banned from campus, or at least boycotted by all decent students. Consistency demands no less.

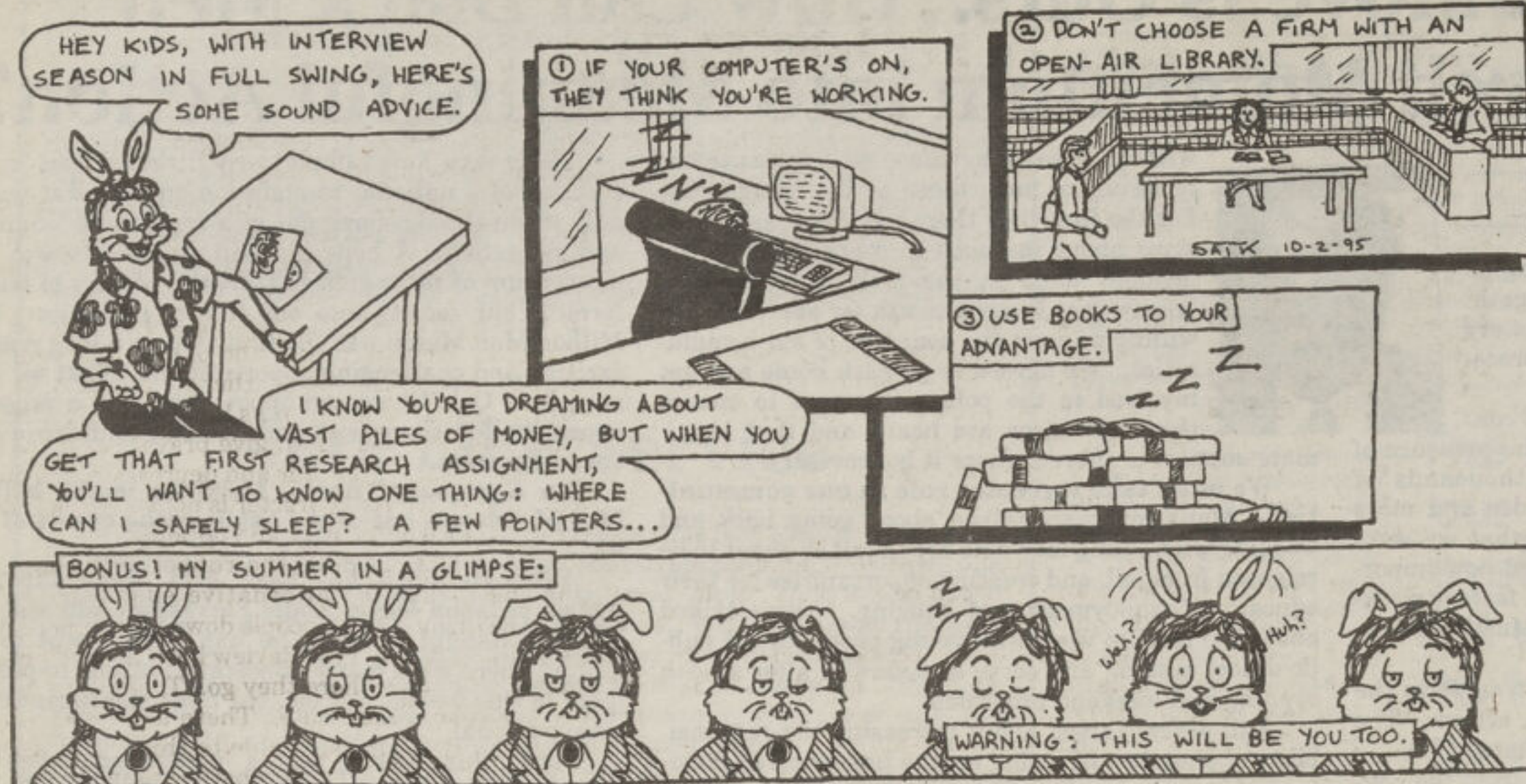
Shockingly, Scott Wiener and his colleagues have not yet brought this matter to the attention of Dean Clark. Hopefully this letter will motivate them to do so.

Reg Brown '96
Chairperson,
The People's Revolutionary
Ad Hoc Vanguard
Established To Protect
HLS Students From Mean
and Nasty Lawyers Who
Even Occasionally
Represent Causes And
People I Don't Like
October 23, 1995

Write to the RECORD!

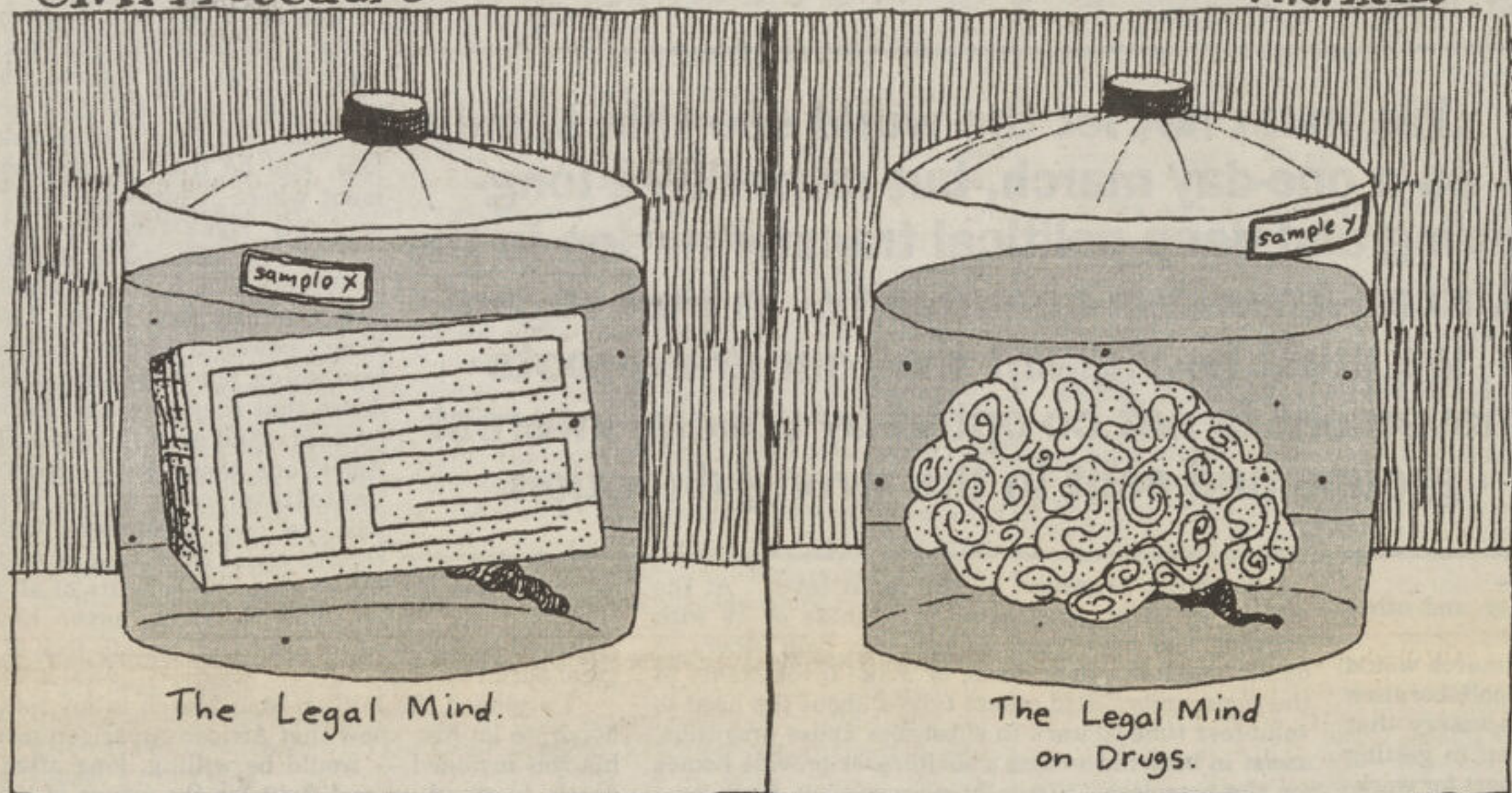
Temporary Insanity

By Sheila Tuller



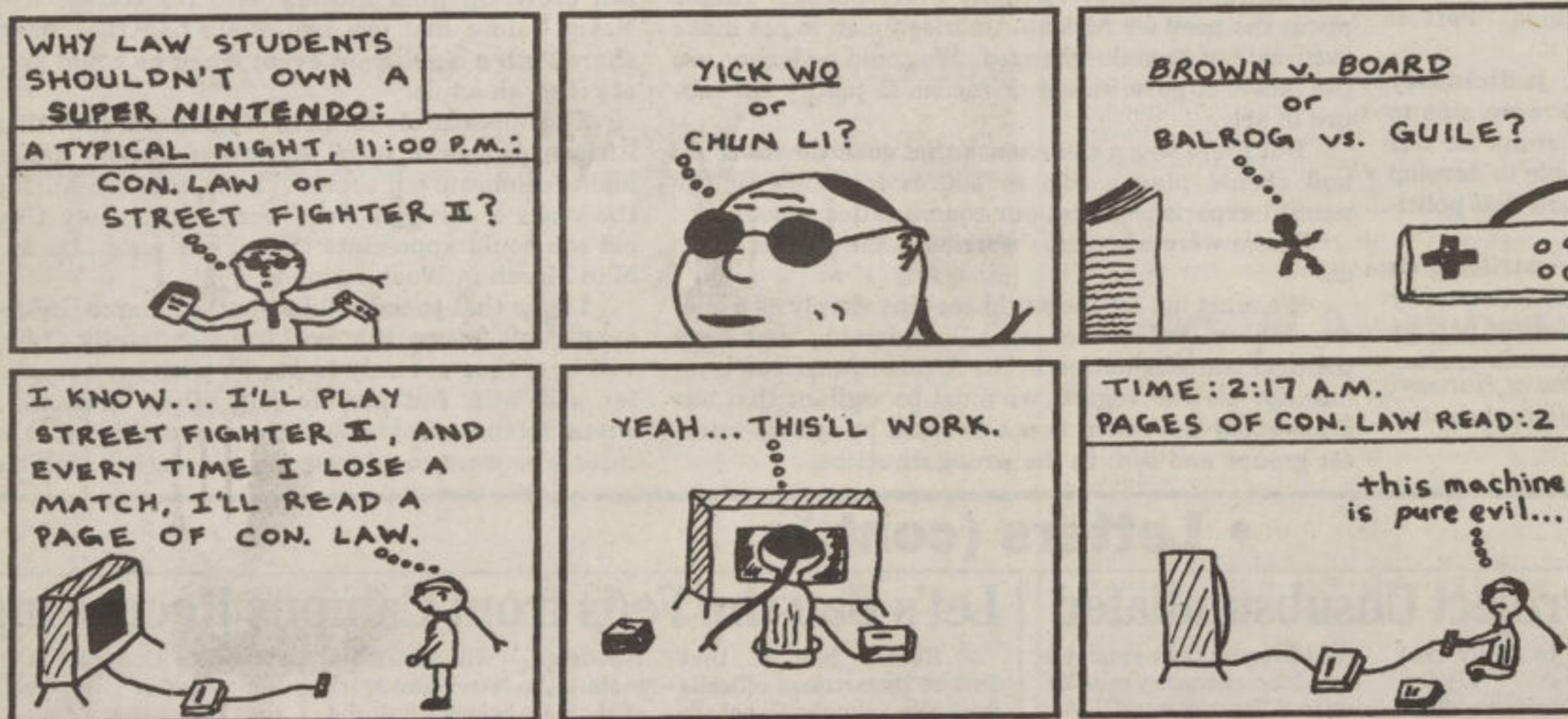
Civil Procedure

M.J. Kelly



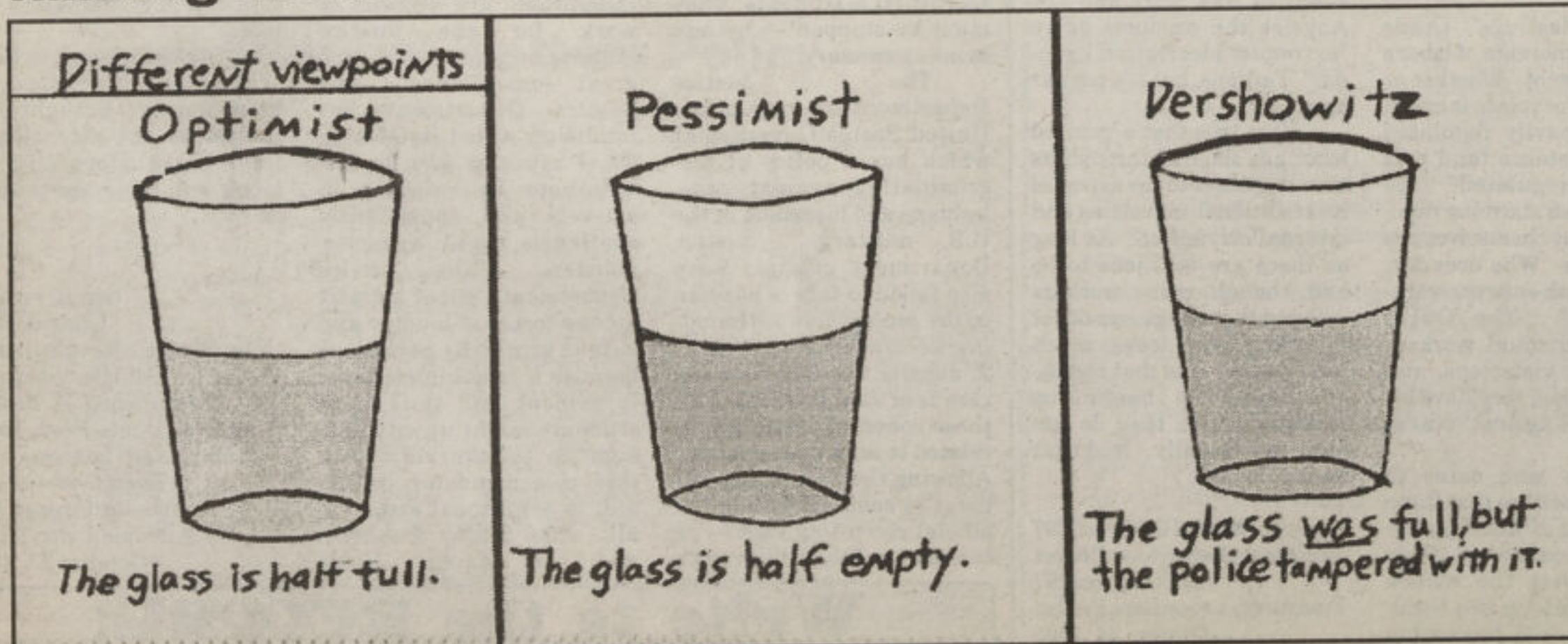
Backbench

By Brian Cheng



Thinking About Dershowitz

By Stuart Rees



CALENDAR

By Colin Meeder

I'm jealous of all you first-year types. Oh, sure, you gripe about all the terror of law school, about the fact that you'll never know the deadly beauty of the Hark's old asbestos ceiling tiles. But you guys will get yours this coming week when all us scary-looking blue-suited upperclasspersons are gone ordering soft-core pay-per-view in fancy hotel rooms paid for by factory-like firms made rich and powerful by the defilers of the earth and the enemies of the working class. 'Cause some great shows will be in town, and we won't.

For instance, tonight (Thursday, 10/26) **Vic Chesnutt** comes to TT the Bear's (492-0082). If you can find another bipolar wheelchair-bound singer-songwriter with R.E.M.'s stamp of approval and songs to make your heart burst with loneliness and triumph, I cordially invite you to take over this column. **Two Foot Flame** and others open.

Eating glass, hanging cement blocks from yer nipples, juggling chainsaws — Clarence Thomas' Halloween party? No, it's the **Jim Rose Circus Sideshow**, who have been bringing horror to the faces of more and more folks since appearing at Lollapalooza a while back. They'll be bringing their Manson family entertainment to the Avalon (262-2424) on Friday night.

Peter Steele, the 6' 7" barbarian bassist with a voice like Lurch's brings his band **Type O Negative** to the Axis (262-2424 — somebody call Prof. Areeda!) on Sunday (10/29). This band is bombastic, offensive, ridiculous — but, dammit, I like 'em! **Electric Hellfire Club** and **Lycia** open. Far more cerebral and politically relevant, but just as slammin', is **Spearhead**, who appears at the House of Blues (491-BLUE) on Monday (10/30). Michael Franti, who worked with the Beatnigs and the Disposable Heroes of HipHoprosy, has finally found the appropriate ratio of leftist/anarchist rantings to funky beats with this band.

What are going to do Halloween night? Well, why not trick-or-treat with the fabulous **Urge Overkill**, who have turned an obscure Neil Diamond cover into big money success, at the Avalon? Perhaps you could masquerade as a member of **Guided by Voices** or **Papas Fritas**, who open.

Something tells me that the **Blind Melon** show scheduled for Wednesday (11/1) has been canceled. But you weren't going to see those idiots anyway, were you? No, my brave and brilliant readers, you were going to see the sublime **Jane Siberry** at the Somerville Theatre (931-2000). I cannot talk about Siberry's music without sounding goofy, and I think that's the point — her songs inhabit the areas between dreaming and unconsciousness, and, when they work, come damn close to conveying the inexpressible. **David Massengill** opens.

We're not publishing next week, but the world of entertainment rolls on. Therefore, accept this brief listing of shows, sans comment. I understand that you often feel lost without my musical advice, but be brave, and remember Meeder's First Rule of Rock: the more obscure the band, the more likely they are to be Really Cool.

Thursday, 11/2: **Ace Frehley & Peter Criss** at Mama Kin (351-2525). Saturday, 11/4: **Joan Armatrading** with **Susan Werner** at the Orpheum (931-2000); **Terence Trent D'Arby** at the Paradise (351-2526). Sunday, 11/5: **Patti LaBelle** at the Fleet Center (931-2000). Tuesday, 11/7: **Emmylou Harris and the Daniel Lanois Band** at the Orpheum. Wednesday, 11/8: **Shane MacGowan & the Popes** with **The John Doe Thing** at the Roxy (338-7699).

Into the Wilderness

By Markus Hartmann '96

Record Columnist

ARE you one of the HLS people thinking about doing something other than the law? Does a prestigious consulting firm sound like a good deal? Have you suddenly come to realize that ever since you were a little kid, you have secretly wanted to be an investment banker?

It seems that many of us are disenchanted with the law. Many students find that their initial experience with the law is not intellectually stimulating. They go on to complain that the work is often repetitive. Additionally, in a country that seems to blame lawyers for many of today's problems, it's only natural that HLS students would have second thoughts about the all too obvious career choice here: law.

Now you may be thinking that this is the point where I launch into a vitriolic attack on the whining that goes on here. Wrong. Like many 3Ls, I have just accepted a job at my favorite firm. The whining that goes on here is no longer my chief concern; it is working with people who aren't sure that they want to be lawyers that concerns me. That factor should concern all folks who are going into the practice of law.

If your post-HLS job will be the first full-time position that you have ever held, you are more likely to be disenchanted with the law. For those students who are on the second career track, things look a little differently. First of all, they know that things could be worse and that work is appropriately named. As a result of this experience, their expectations of the workplace are more realistic. Secondly, second career types are more likely to appreciate the concept of teamwork.

The working team has a long and illustrious history. In prehistoric times, groups of cavemen (those cavemen were such Neanderthals; henceforth, they shall be named cavepeople) would go out into the wilderness, which was just about everywhere, and bludgeon anything that looked edible. Sometimes, the intended morsels would fight back. Because of the dangers in the wilderness, the early cavepeople began to



appreciate the importance of being able to rely on their buddies.

You may be thinking that being an associate at a law firm is not like being a caveperson, but you would be wrong. It just takes a few years before you get your club (partner status) for hunting prey (paying clients). Along the way, your fellow caveperson (HLS-trained associate) can either warn you about dangers that

you do not see or let you be eaten by the lions.

Those of us happy to go into the law want to have our fellow HLS alums watching our backs for lions. But if some of you don't want to go hunting, let the rest of us know as soon as possible. Spending around 60 hours a week doing anything can be a serious hassle. Spending it with someone who is constantly talking about not wanting to be there is sheer hell. Before you know it, you feel like clubbing the whiner who is supposed to be your buddy.

The disproportionate interest in alternative careers at HLS is part of a nationwide malaise. Many of our grandparents grew up at a time when you had to get a job so that you could eat. The World War II generation went to war and then went to college on the GI Bill. They proceeded to spoil their offspring. The spoiled offspring, boomers, went to graduate school and have shown the rest of us that you can get all the degrees in the world and still not be self-fulfilled. Unfortunately America in general, and HLS in particular, seems to be gripped by the belief that self-fulfillment is an entitlement.

At the end of the day, our caveperson also knew that you don't define who you are by pure self-fulfillment. Instead you come home, grunt at your spouse and spend time with the little cavekids. If you are lucky, cavegrandma and cavegrandpa are still around to babysit when you want to go hang out with the caveyuppies who continually brag about their wheel.

Once in a while you pray to the sun-god. It sounds simplistic, but the wilderness is still out there and two things that are better than continual self-fulfillment are a sense of family and a sense of community. It is a point upon which Dan Quayle and Louis Farrakhan agree.

As a generation we are pushing every major life decision back. We marry later and put off many adult choices that were forced upon earlier generations. It is not surprising that so many of us have a serious Peter Pan syndrome. We should all give prayers of thanksgiving for the respite from war and depression, but one wonders if our collective character is not suffering from an overabundance of security and options.

If you are at HLS now, the rubber will soon be meeting the road. The alternative employers will inevitably be turning some people down and rumor has it a few brilliant 3Ls on Law Review have not been met with open arms everywhere they go. Those of us who are average should take note. There is no reason to panic yet, but it is unreasonable to think that a job

market that is unkind to many of our peers at other law schools will always be overly gracious to us.

If you are unsure about the law as a career option, think long and hard about doing something else. If you do not feel challenged, please do yourself, and everybody who could be working with you, a favor and weed yourself out now. Sooner or later you will find yourself working with

people who have come to rely on you. Moreover they will begin to trust you. If you are not happy you will not be able to "be all you can be."

There is no shame in choosing an alternative career path. The future lawyers of HLS hope that many of their classmates will go on to great success and become future clients. In the meantime, we can only hope that those folks who will be entering the legal profession will all be good buddies and look out for each other. The wilderness awaits.

The disproportionate interest in alternative careers at HLS is part of a nationwide malaise.



Fenno awoke, as per usual, at the crack of noon. As he was debating between his breakfast options (frozen or on-the-rocks) the phone rang.

"Fenno here."

"Aaargh."

Fenno's pulse quickened — it was Deep Throat. "What's new, DT?" he asked. "Dean Clark caught wearing ladies' undergarments again?"

"No, nothing so mundane, Fen-Baby. The administration is quietly mounting a full-scale manhunt for a missing person."

"Wow, why all the secrecy?" Fenno asked.

"The 'missing' person is a bigwig — it's Arthur Miller!"

Fenno had heard rumors that Miller's classes had been canceled of late. "How long has he been missing?"

"No one is sure. The last unverified sighting was last week on 'Good Morning America,' but my sources report that he may have disappeared much earlier," Deep Throat said, in a conspiratorial whisper.

"How did they discover he was missing?"

"Apparently, his assistant Steve Wagner has been covering for him. He's rescheduled eight classes now, and is at the point where he has to re-reschedule them. 1Ls got suspicious when Steve tried to fool them by wearing a gray wig and drinking coffee in Civ Pro — they spotted the Bar-Bris mug and knew he was an impostor."

"So where do they think he is?" Fenno probed.

"One theory is that the megabucks deal he signed with West Bar Review has gone to his head and he's skipped out to Vegas with the advance. Another has him on a secret diplomatic mission for the Clinton administration. Nobody really knows, though."

"What are they doing to find him?"

"Well, they've already put out an all-points bulletin through the campus police. Unfortunately, they're too busy passing out parking tickets in front of ILS to look for one lost law professor."

Fenno was incensed at the injustice. "They're giving out tickets now? Those bastards!"

Deep Throat ignored Fenno's perverted priorities. "If they can't make any progress on the QT, they're going to go public and put up posters around school: Have you seen this professor?"

"Thanks for the update, DT. I'll look into this," Fenno ended the conversation.

After moving his car, Fenno called Professor Miller's office. A machine answered the call.

"Howdy, this is Arthur Miller. If you are calling to purchase a West Bar Review course, press 1. If you are calling to request an updated list of class cancellations, press 2. If you are the Harvard Law Record calling to do a story on my classes being canceled, press 3 and leave your name with an address where you can be served with a prior restraining order. If you are a major network calling for a post-O.J. interview, press 4."

Fenno pressed 4.

"Thank you for calling the Arthur Miller O.J. hotline. This call costs \$3.99 per minute, and you must be 18 years old or have your parents' permission to continue this call. Billing begins in five seconds."

Fenno hung up. Obviously this would require further investigation....

Quote of the Week

"Don't worry, you can squeeze me."

— Yasser Arafat, telling a student that he could ask him any question he wanted.

Since many of you
won't be here next
week, neither will
we. Look for our
next exciting issue
on November 10.

JUST CAUSE

Making the Sleazeballs Squirm

By Carla A. Halpern '97
RECORD Columnist



PERHAPS like many others here, I came to law school determined not to be a "sleazy" lawyer. For me, that meant a commitment to public interest work.

During my first year, I panicked as 2Ls in suits rushed off to endless firm interviews and 3Ls awaited their permanent offers. I waited with some alarm as I listened to public interest 3Ls agonize over how to pursue their career dreams without starving. I walked on nails after Nov. 1, as my classmates sent out hundreds of resumes and plastered their dorm doors with the inevitable rejection letters, an apparent rite of passage in law student life. I waited, anxiously, for public interest season.

I breathed a sigh of relief when I received a \$2,000 Wasserstein grant. True, \$2000 is not a huge amount of money for a person to live on for a summer; it might not even cover a month's rent in New York City. There are other sources of funding, of course — some public interest jobs do pay, and there are also scholarships and student-funded fellowships (have you volunteered yet for the Public Interest Auction?) — but I was determined to have a \$2,000 public interest adventure.

I also found out that public interest season, unlike firm season, is whenever you want it to be. So, with another sigh of relief, I waited until after fall exams were over. Then, I listed my summer job criteria: public interest, rural, a place I had never been to, work I had never done — something new and exciting. Using OPIA's job search guide and a rural fellowship listing, I mailed out about 40 resumes with individualized cover letters.

Almost immediately, the phone rang.

"We like to make the sleazeballs squirm."

Those were the words of Mark Trechock, director of the Dakota Resource Council in Dickinson, N.D. He had been somewhat surprised to receive my letter and called to find out why an eggheaded Harvard law student would want to trek out to the heart of the high plains and stay there for 10 weeks. I explained my summer job criteria and then asked Mark to describe DRC's mission. He wanted to make the sleazeballs squirm. I wanted an adventure. It was a perfect match. As soon as he said those words, I knew where I was working for the summer.

Dakota Resource Council is a network of community organizers based in southwestern North Dakota. DRC is actually run not by the staff, but by the members: farmers and townspeople whose lives depend on their personal involvement in agricultural and environmental issues, such as fair prices for their crops, cessation of strip mines on their land, drinking water that doesn't reek of industrial waste. All across the state, farmers meet for coffee in local diners to discuss how to stop "takings" legislation before heading off to tend to their wheat fields and livestock.

So there I was, with \$2,000, ready to make some sleazeballs squirm. North Dakota blew my mind. Not just the fierce wind, either. I was absolutely bowled over by the scenery: flat, green, and almost completely treeless. For someone who has grown up with the thickly wooded hills and winding roads of rural New England, North Dakota was exotic. No, North Dakota was like another planet. Oh, did I say flat? Yes, except for the Badlands in the west, where tufts of rock suddenly burst through the earth and the Little Missouri River carves out a surprisingly lush valley for wildflowers, buffalo and even a few trees. I had driven through the plains before — Texas through South Dakota — but this summer was the first time I actually got out of the car and stood in oceans of wheat and sunflowers to watch a prairie sunset.

The work itself was eye-opening. I researched legal issues relating to alternative energy and wheat pricing. I drove through six states to attend conferences, meet with lawyers and rifle through law school libraries. I met activists who worked on everything from renewable resources to human rights, always organizing people in their communities to band together over local issues. And I met the Religious Left: a former Lutheran pastor (my boss), a Benedictine monk who chaired DRC's board, a Jewish activist who founded the Billings Coalition for Human Rights after her family had been the target of anti-Jewish attacks, a minister who worked for environmental preservation, a feminist who fundraised for her church and for the local battered women's shelter. I began to rethink my own attitude towards religion after realizing that Rush Limbaugh and Jesse Helms did not have a monopoly on God.

Speaking of which, I did indeed meet some of the sleazeballs to whom Mark had alluded: not Rush and Jesse, not this time, but rather grain brokers, the fossil fuel lobby, public relations chairs at utility companies and the U.S.D.A. Some of my naiveté chipped away as I learned just how far people would go to make money or even to cheat other people out of it. So I learned how to counter them. I researched the sleazeballs' claims and found enough holes to put Swiss cheese to shame. I issued press releases on the feasibility of renewable energy. I laid the groundwork for an open records lawsuit to reveal what utility companies were doing with public funds. I wrote a bill to amend the Federal Grain Standards Act. And I reached out, shared my information, asking more questions. I began to learn what community organizing is all about.

North Dakota is not a hot spot for the social activism that is dearest to my heart; I did miss working on civil rights issues over the summer. But — absolutely no regrets. I became a lot more "green" as the result of having done environmental work. I learned about the economic structure of this country and how the "bread basket" plays a huge part. I learned terrifying things about the world food trade, how pricing and distribution is designed to make a few people rich and a lot of people starve.

1Ls, please don't believe all the myths about public interest work. Working for a firm is not the only option. Public interest can take you to the rural areas, as well as to the big cities. No, public interest won't ruin your option of going to a firm later. No, it is not necessary to write 40 letters; a dozen would have given me a range of options. Yes, public interest work is exciting and fulfilling. Yes, you will get hired. Yes, there are sources of funding. Please don't panic. YOU WILL GET HIRED. Take advantage of this coming summer: have a new experience — you may never have the chance to take chances again.

This summer in North Dakota convinced me to stay in public interest. When I was almost through with my work, I received a flattering recruitment letter from a large firm in New York. They proudly listed their former partners, including a gentleman who had gone on to become the head of an enormous grain trading company that I had fought all summer. No thanks. When I get out of law school, it will be my pleasure to make that same corporate monster squirm.

The Search for Common Ground

By Joseph W. Clark '97
Guest Columnist



AFTER nearly one million African American men converged on the Mall behind the U.S. Capitol over two weeks ago, the media, academicians, politicians and many others have been consumed with reporting and analyzing the event's broader implications. Most articles have emphasized the themes of the "Million Man March" — family responsibility, community involvement, economic empowerment and political activism. Carefully chosen sound bites assert that for many march participants, these values have eclipsed the involvement of two controversial march organizers, Ben Chavis and Louis Farrakhan. In short, as march organizers had planned, the theme of atonement became the publicly recognized message for the event. However, there are two shortcomings in discussing this event as merely a day of atonement and responsibility. Few accounts captured the actual process by which young and old men accepted the call to atone and assume family and community responsibility. Second, many have adopted a "wait and see" attitude toward assessing the fruits of the march as opposed to appreciating the value of this initial step.

The process of atoning began long before any of the speakers mounted the lectern and continued while some of them were speaking. En route to the march, some men shared with strangers the keys to overcoming obstacles and accepting responsibility. Older men who did not accept responsibility for their children recounted stories of shame and guilt with young fathers who were traveling the same perilous path. Men who had been incarcerated counseled others on avoiding the lures of the drug culture and crime. Young boys who attended with their fathers or grandfathers were encouraged by complete strangers to do well in school and seize opportunities that they had disregarded. Men who had longstanding conflicts with other men reasoned with each other. The dialogue between the men created an unparalleled spirit of trust, respect and brotherly love.

While quite a few men were present to "atone" and direct others from making the same errors that they had made, many participated in the process of atoning in a different manner. Despite common perceptions of black men, we are not a gang of uneducated, drug-dealing thieves who kill without mercy and rape without remorse. Black men remain the recipients of a separate and unequal education. We are frustrated by the scarcity of jobs in America and determined to influence any national agenda to reflect our concerns. Men who have transcended these barriers and have accepted family and community responsibility were present to facilitate the process of atoning in others by sharing tales of their personal satisfaction and joy. Men who had academically excelled or prospered in their careers advised other men on ways to do the same. For many of these men, the process of atoning began with the question of why they had not done more. It was disappointing that a number of black scholars and professionals allowed their preoccupation with the perceptions of their white colleagues to preclude their participation in this aspect of the march.

Those who have failed to appreciate the beauty of this process await further developments to assess the fruits of the march. However, the "miracle" has already occurred. The march planted seeds which could grow in a matter of weeks but could take a number of years. For example, Farrakhan encouraged march participants to join a national or community-based organization. While an increase in membership may be calculated immediately, it may take a number

The march was a symbolic beginning. Few problems as complex as those affecting African American men can be solved in one day. While progress is imminent, it may take more time than those who have adopted a "wait and see" attitude anticipate.

of years to determine the results of his admonition to adopt an African American child.

Preoccupation with measuring the long-term effects of the march creates a level of expectation not supported by the problems which precipitated the march. While nearly one million African American men atoned for their transgressions and committed themselves to family and community responsibility, more must be done to address the problems necessitating the march before the results of the march can be evaluated. For example, Farrakhan's call for a "third force" in the political process indicates his awareness that a day of atonement would be less effective without utilizing the democratic process to address these problems. The march was a symbolic beginning. Few problems as complex as those affecting African American men can be solved in one day. While progress is imminent, it may take more time than those who have adopted a "wait and see" attitude anticipate.

A million men were called to Washington to atone and accept responsibility. Each man was asked to begin an inner search for his commitment to family and community. As this search led to dialogue among strangers, the men found common ground from which to begin the process of atoning. Therein lies the beauty and the fruits of this march. If this same process can engulf those who are concerned with the apparent polarization of race relations, Americans may also find the common ground to begin reconciling their differences.

The Cost of Rights

By Matthew Huggins '95

RECORD Columnist



SINCE the publication by the Women's Law Association of Presumed Equal: What America's Top Women Lawyers Really Think About Their Firms, there has been much discussion of the problems that come from juggling parenthood and attorneyhood (see Linn Brady's "Who Should Make the Sacrifice?" in the RECORD, Oct. 20, 1995). After much reflection, I have come to the conclusion that making parenthood and partnership mesh more easily cannot be justified on the basis of individual rights, but can only come from a societal consensus on the value of raising children.

Costs

Consider a hypothetical situation, advocated perhaps by some feminists, where attorneys at a law firm who worked part-time in order to parent made the same income and had the same partnership opportunities as full-time attorneys. Because the part-timers are not making as much money for the firm as the full-timers, the full-timers will be subsidizing the parenting of the part-timers' children, if everyone earns the same salary. Now, if in this hypothetical world, all attorneys are married and having children, there is no problem: the subsidies cancel each other out, and everyone shares an equal benefit and burden.

Problems arise, however, in the real world. First, many full-timers will be other women who have made other parenting choices — maybe they have decided not to have children, maybe they are raising children and working full-time, at great personal sacrifice. Or maybe they already had their children, who are now teenagers and relatively self-sufficient, and the law is a second career for them. These women might resent being forced to subsidize other women's child-rearing. The part-timers'

Well-raised children are a societal good, and society has a right to encourage the production of that good. But the answer to the question has nothing to do with individual rights.

rights are no more important than these full-timers' rights. Also, some of these full-timers will be gay and lesbian couples who, for whatever reason, are not raising children. These people, too, might resent being forced to subsidize, in the form of their lower salaries, other women's child-rearing.

And let's not forget about the men. Some men working full-time will have wives who work full-time, and they will raise their children on a lower salary, because they are subsidizing part-timers. (This scenario may be unlikely, if part-time work at full-time salary is an option). Some men will have wives who have decided not to work outside the home, but instead to stay home to be with the children (at a great personal and financial sacrifice). These households will be earning less because they will have to subsidize the choice of the part-timers to work and raise kids. And remember that the single worker of either sex is subsidizing the child-rearing of not only other women, but other men too. (And just to get this argument out of the way now, I do realize that child-rearing is subsidized in several ways by the Internal Revenue Code, and that as it stands now, we all do subsidize child-rearing to some extent. But the type of subsidy proposed here is much more direct and personal to the subsidy-givers than tax-expenditure subsidies).

Benefits

It should be clear that such a system of forced opportunity has costs that are borne unequally. But there are also benefits. Raising children well carries with it positive externalities. The entire society benefits from well-raised kids, who will turn out to be productive members of society. To the extent that we all benefit from well-raised kids, we should all pay. Of course, first we have to agree on what the best way to raise kids is. Is it the stay-at-home parent, is it the parent who works part time? Is it collective child-rearing, kibbutz-style? Even if we agree that well-raised kids are a collective societal good, it is difficult to come to one conclusion about the best way to raise them.

Another complicating matter is that the benefits from well-raised kids fall only indirectly on all of us as members of a society, but very directly on the kids themselves and on their families. So while we all benefit, some benefit more equally than others, and a hypothetical situation of forced opportunity will result in a forced transfer from the pocket-book of full-timers to part-timers, in return for a real, but inchoate and not-quite-yet-monetary benefit.

Consensus

So there it is. Diverging cost and benefit streams, borne and distributed unequally. Raising kids is expensive, and comes at a great personal and professional cost to whomever does it correctly. Parenting often comes at a great professional cost to women. Men often pay a heavy emotional price if they have to work long hours to support a growing family which they rarely see. Parenting also brings incredible personal benefits, only a small part of which are shared by society. So the question is, if you agree with my economic analysis, should there be forced subsidization of child-rearing? I don't say yes or no. I say the answer must come from a societal consensus on how important we deem it to raise children in a manner which we deem to be the correct one. Well-raised children are a societal good, and society has a right to encourage the production of that good. But the answer to the question has nothing to do with individual rights. We all have the right to choose to be parents, but we do not, individually, have a right to make others pay for us to raise those children. Pregnancy and child-rearing come at a greater professional cost to women than to men. But there is no right that this situation be otherwise. If we someday deem child-rearing to be so important that we will agree to subsidize it with one another's salaries, that would be fine. But let us be clear on the costs involved.

We all have the right to choose to be parents, but we do not, individually, have a right to make others pay for us to raise those children.

A Victory for the Rule of Law

By Payam Akhavan, LL.M. '90

Guest Columnist

THE confluence of moral outrage and the political circumstances of post-Cold War Europe created a unique opportunity to establish, for the first time in the history of the United Nations, an ad hoc international criminal jurisdiction for punishment of serious violations of international humanitarian law in the former Yugoslavia. As with other mechanisms established for the implementation of international human rights standards, this random institutional measure (which was politically inconceivable only a few years ago) was the product of a particular situation too tragic to ignore. As with other ad hoc responses, it has established an important precedent which has the potential to assume universal dimensions; it has already prepared the path for a second tribunal in response to the tragic genocide in Rwanda.

The Tribunal has had more than its share of detractors and skeptics who have questioned whether it would ever become established, whether it would ever become operational, and whether it would restrict itself to punishment of low-level perpetrators as part of a broader international policy perceived as appeasement of "ethnic cleansing" and other such massive violations of human rights. Although the Tribunal was established in May 1993 and its judges appointed in November of the same year, it did not have a Prosecutor until August 1994 and, as of late 1995, it is still not fully staffed. With its limited resources, it has been entrusted with the task of investigating crimes which, in scale and complexity, dwarf anything experienced by a national investigative or prosecutorial body. Unlike most national authorities, it does not enjoy access to most of the crime scenes; nor does it have a police force with powers of search and seizure. Unlike a human rights monitoring mission, it must collect evidence which is admissible in a court of law and which establishes the guilt of the individual beyond a reasonable doubt. Its main source of evidence is the testimony of refugees who are scattered across the world (as far as Malaysia and Australia) and which have to be traced with the assistance of national authorities and non-governmental organizations. Once located, many are too traumatized to testify and others are afraid for the lives of their loved ones who have not managed to escape to safety. Despite such overwhelming circumstances, public opinion called upon the Tribunal to realize "swift justice."

When in its formative months in late 1994 the Prosecutor commenced its first criminal proceedings against "low-level" perpetrators, it was suggested by some that because of political considerations, the Prosecutor would not indict the war-mongering political and military leaders who profited most from "ethnic cleansing" and who were ultimately responsible for the atrocities. Yet others suggested that if the Tribunal did issue such indictments, they would be politically inspired and not based on credible evidence.

On July 25, 1995, the Prosecutor of the Tribunal charged, inter alia, Radovan Karadzic (president of the self-proclaimed Bosnian Serb Republic) and Ratko Mladic (commander of the Bosnian Serb Army) with genocide, crimes against humanity, and serious violations of humanitarian law. The Tribunal confirmed the indictment upon being satisfied that the supporting evidence was strong and persuasive. Through this historic act, powerful "leaders" who had become a permanent feature of international negotiations were transformed into fugitives from justice. In many respects, this was a significant moral triumph for the rule of law; it affirms that nobody is above the law. Yet, the detractors maintain that far from being an act of justice, issuing such an indictment as the war rages, atrocities continue, and the perpetrators roam about in open defiance, is nothing but an illusion intended to appease the conscience of the international community for its moral failures elsewhere.

Clearly, the Tribunal is operating in less than ideal circumstances. Despite the analogies made with the war crimes trials of World War II, this is not Nuremberg revisited; there is no military conquest, no army of occupation, and no "victor's justice." Most of the suspects and accused are presently inaccessible and the prospects of their immediate apprehension appears remote. However, this does not mean that there is no "second-best" in the interim, until such time as they can be captured.

Firstly, the accused are imprisoned in their respective countries; if they travel abroad, they face arrest and extradition to the Tribunal. This was underscored by U.S. negotiator Richard Holbrooke on the eve of his shuttle diplomacy to end the war in the former Yugoslavia (Messrs. Karadzic and Mladic were notably absent at the negotiations). In addition to their binding legal obligations to cooperate with the Tribunal, governments would find it politically damaging to shield such accused from prosecution. As such, indicted leaders would find it difficult to act as political representatives on the international stage and, therefore, their political future would be seriously impaired.

Secondly, their stigmatization as potential "war criminals," even if it is initially dismissed by their followers as a discriminatory and hostile act against a "victim" nation, is a prospectively powerful weapon in the hands of political forces committed to democratic reform. Many assume that leaders who have gained ascendancy through hate-mongering and war are somehow invincible, as if their political fortunes cannot change. Nobody knows when and how the winds of change may dethrone those who appear at present to be beyond the reach of law; there is a great lesson to be learned in the capture in recent times of elderly Nazi war criminals who in the last years of their life imagined that they had evaded justice. Certainly, the documentation of war crimes by experienced investigators will ensure that the deeds of those who have committed atrocities in the former Yugoslavia will not fall into oblivion.

Thirdly, justice is not simply a matter of punishing perpetrators; it is before all the pursuit of truth which liberates minds from deceit and falsehood. This is where perhaps the most important peace-building function of the Tribunal rests. While the Tribunal cannot possibly investigate each and every crime that has been committed in this war of civilian atrocities, it can provide an authoritative and impartial account of the most serious crimes which have been committed and those who bear primary responsibility. Thereby, it will absolve nations of collective blame and the consequent bequeathal of hatred to future generations who would seek to avenge the injustices inflicted upon their forebears.

Despite the value of such "interim" justice, however, it is clear that the arrest of Karadzic and Mladic (or of others who have been or may be indicted in the future) cannot be realized without international political will. If the international community and world public opinion does not attach importance to the punishment of war crimes, there is little reason to believe that those in positions of leadership will be extradited anytime soon. The Tribunal must have indirect political leverage through, for example, a linkage between extradition and the lifting (or imposition) of economic sanctions. Such a policy of linkage would make international criminal justice an inherent element of the political process and force compliance through exacting a high price for defiance. The international community would do well to put its weight behind the Tribunal in order to ensure the extradition of Karadzic and Mladic.

Akhavan is a legal adviser to the Office of the Prosecutor at the International Criminal Tribunal for the former Yugoslavia in The Hague.

Arafat Stresses Peace Between Israel and Palestine

continued from ARAFAT, page 1

tion, Arafat entered secret peace negotiations with Israel. However, Arafat said, his first attempts at addressing the U.N. General Assembly in New York were hindered by the United States' refusal to grant him a visa. The General Assembly meeting was moved to Geneva.

Monday night, New York City Mayor Rudolph Giuliani ejected Arafat from a concert by the New York Philharmonic, saying Arafat was still not welcome in New York.

"I would not invite Yasser Arafat to anything, anywhere, anytime, anyplace," Giuliani said, calling Arafat a murderer.

A Clinton administration official called the incident "an embarrassment to everyone associated with diplomacy," according to the New York Times.

The man once called a terrorist is now celebrated as a peace-maker and was awarded the Nobel Peace Prize in 1994. However, Arafat is still attacked on all sides. After decades of Arab-Israeli conflict, many Israelis are suspicious of Arafat's professed change of heart from inciter of violence to promoter of peace.

Likewise, many Palestinians and members of other Arab nations who refuse to recognize Israel's existence feel betrayed by Arafat's willingness to recognize and negotiate with Israel.

The Palestinian group "Hamas," for example, has tried to disrupt the peace process by bombing buses full of Israeli citizens and performing other terrorist acts. Violent extremism is not limited to the Palestinian side — there have been acts of terrorism by Israelis, as in the case of Baruch Goldstein, who stormed into a mosque in Hebron and massacred Palestinians as they prayed. Israeli leaders quickly denounced the shooting as the isolated act of a lunatic.

Arafat called Hamas a group of "fanatics," saying, "It is not easy, what we are facing from the fanatic groups. When I speak of fanatic groups, I mean from the two



University President Neil Rudenstine (right) and PLO President Yasser Arafat (left) greet each other Tuesday.

sides. One from our side — well, some from our side, and the other from the other side."

Despite those who wish to derail the peace process, Arafat said, "We have no other choice than to continue in [the] peace process," he said. "There is no other alternative."

"Peace is not only something to sign in the White House. Peace is more difficult," Arafat said. "Peace is not only Palestinian, not only Israeli, it is international."

"All of us are in need of your help," he added.

"Mr. Rabin is lucky because he is facing only one opposition," said Arafat. "Me, I am facing four oppositions," Arafat said. "But I am sure that Mr. Rabin and I will continue in the face of all opposition because we are sure that this is the only way. Not only for us as human beings, no, for our next generations, for our children to live peacefully, freely in the land of peace," he said.

"We are willing to sacrifice ourselves for the sake of this peace," he said.

When asked whether Palestinian elections scheduled for January would be inclusive and democratic, Arafat said, "We are looking to have democratic states."

"It is not easy," he said, adding, "What I can do, I promise you, all of you, that we will do all our best to have democracy, pluralism, and justice."

Miriam Goldstein, a student at Harvard College who distributed flyers asking, "Is the Armed Struggle Really Over?" said the PLO Charter calls for Israel's destruction. Goldstein's flyer quotes Article 15 of the Charter, which "aims at the elimination of Zionism in Palestine" and Article 21, which "reject[s] all solutions which are substitutes for the total liberation of Palestine."

David Abrams, a sophomore at Harvard College, asked why the segment of the PLO Charter which calls for the

destruction of Israel had not been repealed.

Comparing the PLO Charter to the U.S. Constitution, Arafat responded that, while the Charter could not be repealed, amendments had been made. In a speech earlier this week, Arafat told a Jewish audience that those segments of the Charter were "null and void," according to the New York Times.

Peter Wyman, a Kennedy School student, asked Arafat, "Why do you still call for jihad sacrifice and death?"

Arafat seemed frustrated, "You have to understand our terminologies," he said. "Especially you here at Harvard. I am trying to educate myself with other terminologies."

He explained that he had used the term "jihad" to explain to a group protesting against the peace process and calling for a jihad that "their use of 'jihad' is wrong."

"I have to teach them with their terminology that what they said is wrong," he said. In an earlier speech Arafat said that his usage of the word was to mean "effort, attempt or struggle," rather than "holy war," according to the New York Times.

Arafat acknowledged that deciding the future of Jerusalem was one of the peace process's most intractable disputes. Jerusalem is claimed by Jews, Muslims and others as their own holy city; consequently, proposed divisions of territory or power in Jerusalem are often violently protested by various religious groups.

"I am sure we will find a solution for [Jerusalem]," Arafat said. "We have found many solutions for many difficult issues. Rome is the capital of two states — the Vatican and Italian governments. Why not? Why shouldn't Jerusalem be the capital of two states? United. Open. Living together."

"If there's a will, there's a way," he said.

Arafat's speech was the first appearance of a central figure in the Middle East peace process at an American university, Rudenstine said.

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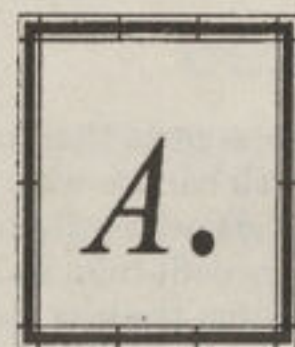
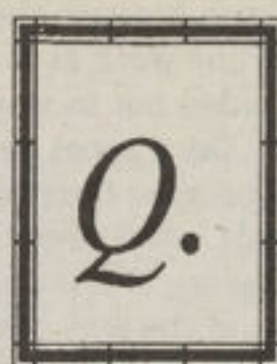
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