



RECORD Photo / Karin Kysilka

Members of the Harvard community gather at the steps of Widener Library for a memorial service in honor of slain Israeli Prime Minister Yitzhak Rabin. The service was sponsored by the Harvard University Hillel.

Harvard Mourns Rabin

By Katrina C. Randolph

Harvard Law School mourned the assassination of Israeli Prime Minister Yitzhak Rabin with candlelight memorials and expressions of shock, sadness and caution about the future.

"I thought he was one of the greatest leaders of the century and certainly one of the greatest Israeli leaders," said Prof. Reuven Avi-Yonah '89.

"He was the quintessential Israeli," said Bruce Goldberger '96, president of the Middle East Law Students Association (MELSA). "He was a pioneer before the state was founded, and with a lot of difficulty he finally came to realize that peace was the only way to fulfill the Zionist dream of having a

state where Jews could be self-governing and the society would be fully democratic."

Rabin, 73, was pronounced dead at 11:10 p.m. Saturday, just over an hour after he was shot three times during a peace rally in Tel Aviv. He is the first Israeli head of state to be assassinated in the country's stormy, 48-year history. A 27-year-old law student, Yigal Amir, is charged with the killing.

Monday, members of the University community gathered outside Widener Library for a memorial service in Rabin's honor. There, University President Neil L. Rudenstine compared Rabin to other assassinated leaders, including Mahatma Gandhi, Abraham Lincoln, Anwar Sadat and Martin Luther King.

Also on Monday, MELSA

and the Jewish Law Students Association set up candlelight memorials inside and outside Harkness Commons. And as the HLS community mourned, some saw the assassination as a warning of the dangers of extremist rhetoric and infighting.

"One wishes [right-wing groups] had thought about their words before," said Avi-Yonah. He said the right-wing opposition party in Israel should have denounced extremist rhetoric. Their silence, he said, "encourages" this sort of attitude.

Today, "people are much more willing to shock their audience through rhetoric," said Michael Leib '96. He compared Rabin's assassination and the impetus behind it to the

please see **RABIN**, page 4

Students Troubled By Prof. Miller's Absenteeism

By Rob Friedman

Students in Prof. Arthur Miller's Civil Procedure class are finding that their star professor is often not there when they show up for class.

Tuesday, for the second time this semester, students were met with a hastily scrawled chalkboard message when they arrived in Langdell North at 8:30 a.m. — "Civ Pro will not meet today until 9:00."

Over an unexpected cup of coffee at the Hark, many students were left wondering why they woke up in the first place. "It's annoying to have to get up this early. I could have slept for another half hour," said Rudy Reyes '98. Other students saw the delay as an opportunity. "At least the extra time gave me a chance to do the reading," said Larissa Shamraj '98.

Indeed, Miller '58 has given students plenty of opportunity to reflect. This semester, he has rescheduled six of the first 18 classes. So far, he has made up two classes on Friday afternoons. A two-year-old videotaped lecture substituted for a third canceled class.

Miller also missed class on Oct. 3 — the day of the O.J. Simpson verdict — when he appeared on "Good Morning America." Students were met by Miller's secretary, Steve Wagner, who informed them that the professor had been unexpectedly summoned to New York for the show.

Early in the semester, Miller prepared a list of six

rescheduled classes. "It's really a shame," said Deborah DosSantos '98. "He's such a great professor, yet the guessing-game [as to when class is canceled] is really a detriment to the learning process."

Section IV Representative Rob Jancu '98 has begun e-mailing students on the morning of every class to let them know whether class will be held.

Section IV Representative Mark Weber '98 said he is concerned about the irregularities in the class schedule. "Professor Miller is an excellent teacher, but he needs to show more respect towards his students' time. People are upset about not knowing whether or not they have class and what time it will be."

In class, Miller has apologized to his students and has blamed scheduling problems on the Registrar's office for refusing his request to start the class later in the day.

"In all fairness, he did tell the administration not to schedule [the class] at 8:30. I think most students wish they'd listened," said Bill Stellmach '98. Next semester, the class will begin at 10:30 a.m.

But many students see the problem as a reflection of Miller's priorities. In the beginning of the semester, students were shown a videotape of a class from a prior year as a review. A few weeks later, students had to go to Holmes Hall to view the other videotape.

please see **MILLER**, page 11

Six Years Later, Public Interest Debate Still Needles Dean Clark

By Hope Yen

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

Weeks after taking the reins of leadership in 1989, Dean Clark '72 became embroiled in a campus controversy that a RECORD editorial at the time predicted the HLS community will always remember as "Clark's first move as dean."

That decision was the elimination of Harvard's public interest counselor, a move which galvanized hundreds of students and faculty in opposition, and led to months of protest that finally forced Harvard Law School's newest dean to back down.

Six years later, as Clark seeks to embark on a new phase of his

deanship, questions about his commitment to the public interest are once again emerging at a time when the Law School is asking itself what its mission should be.

Indeed, some students emphasized that whether in a "new phase" or not, Clark remains unchanged as a dean unsympathetic to public interest and clinical programming.

Clark's Deanship

A new phase of his leadership?

For example, he recently cut the the Tenant Advocacy Project budget by 40 percent, and in an interview warned that the current level of funding for clinical programs won't last long.

That unaltered philosophy, students have said, takes on added significance today amid the changing legal profession that is witnessing a government attack on services for the poor.

please see **DEAN**, page 2

It's Fantasticks!



RECORD Photos / Karin Kysilka

The Harvard Law School Drama Society's fall musical production, "The Fantasticks," opened Thursday. The world's longest running musical, "The Fantasticks" tells a timeless tale of romance between a teen-age girl, here played by Dina Falco '98 (top, second from right), and the boy next door, played by Anthony Pearl '96 (top, second from left).

Joanna Buck '96 (top far left) and Darren Mungerson '98 (top far right) as the matchmaking mother and father, Ed Ducayet '93 and Steve Lee '97 as the comic, thrill-seeking players, Patty Chang Anker as the Mute and Gerald Halfhide '96 (bottom) as the narrator round out the small ensemble cast. Allana Yoelson '96 is the producer and music director, Julie Cromer '96 is the director and Michael Lebowich '96 is the assistant director.

The show will run through Saturday, Nov. 11 in the Ames Courtroom. Performances begin at 8 p.m. Tickets are \$5 in advance.

HLS Grads Quickly Start Human Rights Groups

By Maria Green

Carrie Cuthbert '95 and Kim Slote '95 graduated from HLS last June.

And in September they co-founded the Women's Rights Network, a human rights organization in Boston for which they both now work full time.

Slote and Cuthbert are only the latest of a number of recent HLS graduates to form their own human rights organizations soon after leaving the Law School. With a wide range of resources and agendas, HLS grads have been setting out to remedy human rights problems through organizations that they themselves design.

Advocating Women's Rights

Using international perspectives and techniques, the Women's Rights Network addresses domestic violence at the local level. "What we do is to combine international networking and investigations with local Boston advocacy and education groups to find new

solutions to domestic violence," said Cuthbert. Veterans of the Battered Women's Advocacy Project (BWAP) and other HLS clinicals focusing on family and refugee law, Cuthbert and Slote are researching projects that have been used in Canada, Australia and Brazil to combat domestic violence.

law firm of Foley, Hoag and Eliot, the organization is "in early stages, refining program areas and researching with other countries are doing. We are in the process of meeting with a wide variety of people at the local and national level to give us a better sense of what services exist for battered women and what gaps"

tremendously difficult [to do something like this] and it is, but there's a lot more help than you think," she said.

Providing Educational Needs

One year earlier, and on the other side of the globe, Paul O'Brien '93 and two Kenyan lawyers were starting a human rights education organization in Kenya.

He had gone to Kenya in part to join his wife-to-be, Kathleen Campbell '92, who was doing relief work there.

"I already had an offer from the law firm and asked if I could take a year off," said O'Brien, now an associate at Cravath, Swaine and Moore in New York. While volunteering at a legal center in Nairobi, he and two co-workers started the Rights Awareness Project.

"We started to come up with ideas on how to educate people to educate themselves. We called it 'participatory pedagogy,'" said O'Brien, distinguishing between approaches that simply trans-

please see GRADS, page 4

"We see ourselves as a resource to bring people together across national boundaries and get better solutions," said Carrie Cuthbert '95.

"We see ourselves as a resource to bring people together across national boundaries and get better solutions," said Cuthbert.

With support from an Echoing Green fellowship, Kaufman fellowships, and office space donated by the Boston

there are, Cuthbert said.

As the co-founder of a brand new organization, she had encouraging words about funding and logistics. "People have been incredibly forthcoming, which is inspiring. It's generally been thought of at the Law School as

History Guides Public Interest Efforts

continued from DEAN, page 1

"His changes since becoming dean are only on the surface," said Shannon Liss '96, who kept up with the 1989-90 protests as a Harvard College student and is now leading efforts for more public interest funding.

"I get a sense that his change since 1989 was that at that time, he didn't really speak to students and wasn't very open," she said. "Now he has undergone a dramatic public relations makeover in which he will meet with people and say things that he thinks people will want to hear, but they still don't see the substance behind what he's saying. His strategy is requiring a different strategy on our parts as well."

As a part of what he considers a new phase of his deanship, Clark has launched a "critical and self-reflective" examination of the Law School's future direction, now that the five-year, \$175 million Capital Campaign is complete. Students have said that they want \$25 million of it to go toward public interest programming.

But while emphasizing that he wants a collective brainstorming of "where the Law School should go" in the next century, Clark already has limited the scope of the debate.

"As a law school we cannot try to be good in every respect that a great law school is good," he said after the Oct. 13 faculty meeting announcing the creation of the eight-professor Strategic Planning Group. "I think we have to choose what's special to Harvard Law School compared to other law schools. We need to ask where do we have a comparative advantage and can add most to the world."

In particular, Clark has said he would like to capitalize on the Law School's strength in international law to build its reputation as a global institution. At the Oct. 13 meeting and in an interview later, he seemed particularly taken by that notion, tossing out ideas of opening satellite Harvard Law Schools abroad or educating more LL.M. students to influence foreign legal systems.

In contrast, a restless Clark glanced at the clock and avoided eye contact during the meeting as Prof. Elizabeth Bartholet '65 urged more public interest funding as a first step for HLS's long-range goals.

After the meeting, Clark refused to answer questions about the priority of public interest programming, explaining that it would be detailed in a letter that was released Oct. 20. That letter emphasized that most of the Capital Campaign Fund had been earmarked for other areas.

He did, however, comment on clinical programming, reaffirming his long-held skepticism of its economic worth. Clark has argued that the Law School's limited funds should be channeled toward making HLS a bastion of legal education and cut-

ting-edge research.

"I am skeptical of clinical programs," Clark said. "I've supported it and tried to make it better, but I still wonder sometimes about the cost-benefit ratio, and whether the educational value justifies its intensive use of human resources. And that's a question of simply being reflective of what is the evidence that it's important and good."

He also warned that the current funding level for clinics won't last for too long.

"We've had more rapid growth in the clinical program than any other part of the curriculum in the last half-dozen years," Clark said. "And that has to even out. It can't go on forever."

That attitude worries some students and professors who believe public interest and clinical programs may play a critical role in furthering the educational process, in addition to fulfilling a societal need.

"On the level of poor people who don't have access to the law through private means, then there's a real necessity," said Christy Ochoa '98, who has been active in the public interest lobbying efforts. "They really need more people coming out of law

said. "I think a lot of work needs to be done to transform the curriculum to be responsive to challenges of social justice today and tomorrow."

Added ACLU President Nadine Strossen '75 at a recent panel discussion, "Our role as lawyers in public interest is more critical now than ever, as we are in an era of dramatic government abandonment of the role we've taken since the New Deal as protectors of the poor, of the powerless, of the vulnerable, and of the helpless."

Keenly aware of Clark's skepticism toward public interest, student leaders say they have looked to history as a guide for effective lobbying. Similar to 1989-90 protest efforts, students are building coalitions with faculty members to get their concerns voiced in faculty meetings, letters to the dean, and, later this month, an open forum on public interest.

But the movement this year also has a few novelties: a concerted effort to get alumni support, and a student-faculty project to compile a legal brief tying together the arguments for public interest funding.

"Establish a tighter student-alumni alliance, which the Law School administration has never had to face," consumer advocate Ralph Nader '58 urged student representatives in a recent meeting.

Liss said students have sought to adapt lobbying strategies of the past to circumstances of today.

"We definitely thought about what happened back in 1989 and 1990, and because of that, we've known about what we've been up against," she said. "We've talked to people involved with organizing back then, and thought about the strategies that would be most effective today. We've tried so far to create as much dialogue as possible about the issue."

"But I'm not sure where it will go if Dean Clark does not meet our attempts at constructive solutions," Liss said.

Students leaders said they remain hopeful that their efforts will yield a similar success to 1989-90, when after months of protest, Clark backed off his decision to eliminate the sole public interest counselor. He later created the Office of Public Interest Advising (OPIA), which turned out to be the first of its kind in the nation.

"What happened back in 1989-90 worked," Liss said. "What I'm hoping will happen this time is that the movement will convince him that students, faculty and alumni are concerned about the future of public interest funding and that because of this, he will realize that he needs to do a similar thing he did back then."

"And that was to go beyond the demand of students," she said. "Hopefully he will see that more funding is something the Law School should commit itself to, and perhaps go even beyond what we're asking for now."

"[Dean Clark] has undergone a dramatic public relations makeover in which he will meet with people and say things that he thinks people will want to hear..." said Shannon Liss '96.

school to make themselves available to them as legal services are cut back.

"The Law School, by committing to public interest, also helps students to be more sure about what they're committed to at a time when the government is saying that that work is not important enough to fund."

Prof. Lucie White '81, a poverty law expert who sits on the clinical committee, said an assessment of clinical programming should not rely on a simplistic cost-benefit analysis, but rather should focus on how well it engages and challenges students academically.

"We should be talking about what students need educationally to do work in the public interest," she said. "That should be the starting question, and then we should work backwards to say what that says about the curriculum and educational setting students need to be in."

"I think there's a real opportunity, challenge and need for the school to continue to develop the curriculum to provide the education students need to do public interest work in the world today," White



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Attorneys Tied to Simpson Trial Speak at HLS

Cochran Draws Hundreds

By Tara Dawood

The rain poured and Flyout Week had begun, but attorney Johnnie Cochran still drew hundreds of people out of bed and into Austin Hall to hear him speak about the omnipresent O.J. Simpson trial.

"As soon as I found out Johnnie was coming, I asked him to come to my class and to engage in a dialogue between Jews and blacks," said Prof. Alan Dershowitz, describing Cochran as "unflappable" and "long-range."

Cochran spoke in Ames Courtroom Saturday, Oct. 28 as part of Saturday School. His speech was broadcast live in Austin North. Friday morning, Cochran dropped in on Dershowitz's criminal law class.

During his Saturday School speech, Cochran addressed issues ranging from detailed facts of the Simpson trial to the future of black lawyers in America, and refuted the proposition that the justice system should change as a result of the Simpson verdict.

Using humor to challenge many people's opinions about the evidence in the trial, Cochran said, "Perhaps a defining moment of the case was the glove incident. [Simpson] is not that good an actor; you've seen his movies."

Throughout his speech, Cochran repeated such noteworthy phrases as "keep your eyes on the prize," alluding to the eminent civil rights documentary. Cochran also joked about press coverage of the trial, saying, "You know you're in trouble when the New York Times quotes the National Enquirer."

Responding to criticism that he had improperly presented race as a factor in the investigation of Simpson, Cochran said of the prosecution, "They had the deck, how in the world could we introduce the race card?"

The racially and academically mixed audience, which included professionals, students and others from the Boston area, gave Cochran a standing ovation at the beginning and end of the speech.

"Johnnie Cochran is a really convincing speaker, and if I had been a juror in the jury box while he was speaking, there was no way I could have convicted O.J.," said Deborah Greenwood '98, who attended Cochran's visit to Dershowitz's class. "After hearing him, there is definitely reasonable doubt."



Johnnie Cochran

Los Angeles District Attorney Gil Garcetti, during his recent visit to HLS, said, "When we [the prosecution] heard that the defense team was going to be Robert Shapiro, F. Lee Bailey and Alan Dershowitz, we were excited, but we always feared that Johnnie Cochran would become part of the team."

When we heard that he had joined the defense team, we knew that it was a whole new ballgame."

Cochran, who has also defended Michael Jackson and rap artist Snoop Doggy Dogg, is seen as a role model for African Americans, said Prof. Charles Ogletree '78.

Cochran said he hopes that his success will inspire more African American youths to consider professional careers.

Some students expressed concern over Cochran's emergence as a role model for African American men because he has been accused of beating his wife and has just successfully defended another African American man who allegedly beat his former wife.

"Domestic violence is swept under the carpet, but so is murdering black men," said Kenyatta Green '96 in response.

Mark Paulding '98 said, "I was happy to hear Johnnie Cochran speak today because I think he's a great lawyer, but the Simpson case is over and I think people are a little too obsessed about it."

"It's over, go home," he said.

L.A. DA Gil Garcetti Discusses Job

By Victoria Kuohung

Los Angeles District Attorney Gil Garcetti says he wouldn't trade his job for partnership at any Los Angeles firm — not even under the annual load of 70,000 felonies, nearly 30,000 juvenile cases and almost 300,000 misdemeanors.

Garcetti visited the Law School and spoke at the World of Law panel on criminal prosecution and defense on Oct. 25. More than 100 people welcomed the Los Angeles district attorney even though the campus was subdued due to Flyout Week.

Explaining his job dedication, Garcetti said that at the district attorney's office, "it's the emotional satisfaction you get that can't be replicated."

"You're involved in the decision-making process," he said. "It's our responsibility to make the decision whether or not to prosecute. Judges can't do it and the police can't."

"First-year assistant district attorneys dramatically affect people's lives either by prosecuting them or deciding not to prosecute," said Garcetti. "Our deputy DAs have awesome responsibility."

Garcetti said he joined the district attorney's office not expecting to stay long. "I didn't join the office intending to be District Attorney or a career prosecutor," he said. "I wanted to test myself as a trial lawyer. I didn't want corporate clients. My first four years I tried cases back-to-back, but it did become a little repetitious at times."

Garcetti quickly assumed increased responsibility at the office, establishing its first consumer protection unit to handle cases of false advertising, unfair competition, and antitrust. Later, he set up the first public corruption unit to investigate elected officials and police officers.

In the district attorney's office, Garcetti said, "our luxury as public prosecutors is that we get to try to do the right thing in

every case, which doesn't necessarily mean that we do. But we get to try."

"Our role is to see justice, to make sure the innocent are protected and the guilty are held accountable."

In 1988, Garcetti was removed for political reasons from his position as the second highest-ranking official in the office. "It was an embarrassment to me and my family to read in the papers that I had been demoted," said Garcetti. "So I told myself that I'm going to go out there and be a partner at a major law firm."

Although he received offers for partnership, Garcetti said he needed the "emotional satisfaction" that he thought law firms could not provide. He then decided to run for district attorney.

"I ran because I had a vision of what a DA should and shouldn't be," said Garcetti. "A DA shouldn't be someone who abuses the office for political or personal gain. The DA should be the one trying to gauge the community reaction."

Keeping in touch with the community, however, has its own difficulties, said Garcetti, especially in the aftermath of the O.J. Simpson trial which "was difficult for the office and the nation."

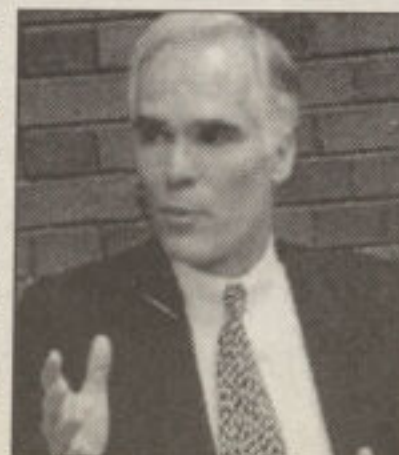
"In any high profile or controversial case, you are always going to be criticized," said Garcetti. "[For instance] the Fuhrman case — either way I'll be crucified."

"So what do I tell our lawyers? Do the very best job you know how, because you're going to be scrutinized. Forget about political consequences."

Despite pressures to the contrary, the district attorney can still influence public debate on social issues, said Garcetti.

"The reason that I'm willing to continue as DA is because of the challenges that my office has," he said. "They

are real opportunities to focus on [issues like] juvenile justice, domestic violence because no one else is paying attention. That's what the DA does — push the agenda," he said.



Gil Garcetti

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BRIEFS



U.N. Secretary General Surprises 2L with Phone Call

Jamie Metzl '97 recently got a welcome surprise when he received an unexpected call Oct. 30 from U.N. Secretary General Boutros Boutros Ghali.

Boutros Ghali called Metzl to commend him on an article he had published in *Contemporary Southeast Asia*, an academic journal published in Singapore. The article, "The Many Faces of UNTAC," discussed the successes and failures of the United Nations Transitional Authority in Cambodia, the project dedicated to assisting Cambodia in its transition from a 13-year period of civil war to popular elections in 1993.

"The funny thing is that it's not every day that you're sitting home minding your own business and the secretary general calls you just to talk," said Metzl, who has a Ph.D. in southeast Asian history.

Metzl worked as a human rights officer for UNTAC during the two-year transition period, which was negotiated as part of Cambodia's peace treaty. Metzl investigated and reported human rights violations and worked on a nationwide human rights information and education campaign.

"It was good for me to speak with him because I had a lot of issues I wanted to push," Metzl said. "For example, I wanted to urge them to keep the U.N. human rights field office open in Cambodia. The Cambodian government is trying to shut it down. Boutros Ghali was encouraging with this because he had supported it in the past."

Students Rally for Financial Aid

Approximately 700 students from Massachusetts colleges and universities, including 40 from Harvard, rallied in Boston last Tuesday to protest Congress' proposals to cut student aid by up to \$10.2 billion.

Students began the march outside Government Center with a series of speeches from student leaders. The rally participants then marched to the Republican National Committee's state headquarters and signed a giant scroll letter to Senate Republican leaders demanding restoration of cuts passed in the House.

The House of Representatives approved a federal budget that would cut \$10.2 billion in student aid; the Senate's plan would eliminate \$5 billion.

Dan Rivera, a junior at the University of Massachusetts at Amherst who spent 3.5 years in the military, said he now holds three jobs while attending classes and still has difficulty "making ends meet."

Rivera criticized students for failing to rally around social controversies in the past and urged them to reverse this passivity by encouraging students on their campuses to get involved in the fight against student aid cuts.

Harvard University President Neil L. Rudenstine said last Tuesday's rally was a useful approach but is not as effective as personally confronting senators and representatives.

Rudenstine and Harvard College student leaders, including rally participant and Undergraduate Council Treasurer Edward Smith III, agreed that students are lobbying less than they did when student financial aid was threatened in the 1980s.

"The most effective thing is for knowledgeable students to try to get appointments with people from their districts or areas," Rudenstine said.

— from the *Harvard Crimson*

Cambridge Proposes to Buy Harvard Housing Units

The Cambridge City Council last week unanimously approved a committee report proposing that Cambridge buy approximately 700 apartment units from Harvard Planning and Real Estate.

Harvard is considering converting the apartments, where private tenants presently reside, into University-affiliated housing and raising rents over the next several years.

Council members said Harvard's proposal would destabilize neighborhoods by forcing out long-time residents, who would not be able to afford the rent increases. The Council members said they hoped Harvard instead would sell the 24 buildings to the city, which would convert the units to low- and moderate-income housing by subsidizing rents.

"If Harvard is successful, the real flavor of Cambridge will change," said Councilor Kathleen Born. "The city will become polarized between rich, poor and transient."

HPRE General Manager Edward Dahlstedt said in an Oct. 13 letter that Harvard does not intend to displace existing tenants but instead plans to fill vacancies with affiliated tenants.

Kathy A. Spiegelman, director of physical planning at HPRE, said that Harvard has to balance its graduate housing needs and community interests.

— from the *Harvard Crimson*

City Council Candidates Collect Record Amounts in Contributions

Campaign spending by several Cambridge City Council candidates reached an all-time high this year, according to the campaign finance reports filed with the Cambridge Election Commission.

Incumbents Francis Duehay, Anthony Galluccio, Michael Sullivan and Mayor Kenneth Reeves lead the group of 18 candidates in fundraising and expenses for the Nov. 7 election. Duehay reported raising \$40,497 and spending \$34,477 this year, topping the list.

Some residents and opposing candidates are critical of such levels of spending in a city with approximately 40,000 registered voters. Some say it pollutes the process, while others say too much of it comes from sources outside of Cambridge.

— from the *Harvard Crimson*

Alumni Establish Human Rights Groups Around the World

continued from *GRADS*, page 2

fer information and others that try to change how people treat each other.

A primary method involves presenting human rights questions in the form of plays meant to raise discussion of central issues. "One play — we took it from the [John Wayne] Bobbit Story — [involved] a woman who is beaten by her husband constantly by the same left hand." In the end the woman cuts off her husband's hand, is arrested and tried, and the audience is asked to be the jury.

The playwrights tried to make the play balanced, so that both points of view were possible.

"We wanted to get a group of men and split them evenly down the middle," said O'Brien, so that there would be a lively debate. After the play the group is often asked to organize meetings for further discussion.

The group also trains people to give legal assistance concerning issues important to their community. Other services include workshops and seminars, publications and audio productions, including one which was played on national radio.

The organization has received funds from the Ford Foundation, the U.S. government and local donors. And, O'Brien said, "LIPP supported me through all of this. They were great."

The group has now grown considerably. "There are now about 10 full-time employees, probably the same part-time and the same again in volunteers," he said.

Working for Economic and Social Rights

Chris af Jochnick '93 and Roger Normand '93 joined Sarah Zaidi (Sc.D. '93, Harvard School of Public Health) to found the Center for Economic and

Social Rights in New York.

"We try to put the moral and legal clout of rights language in the hands of communities struggling with economic and social issues," said Jochnick.

When it began, the Center relied on research grants and donated services. Now three years old, it has its own offices in New York, a growing staff and is working on a number of international human rights projects.

"We struggled in the first two years and got funding project by project; just now we are starting to get core funding and to get general support because of our track record," said Jochnick, adding

that because they are breaking ground in a new field they have also had to demonstrate that the field itself was a viable one.

One of the Center's most recent projects involves human rights concerns on the U.S.-Mexican border.

"We're working at the U.S.-Mexican border to address the devastating environmental and health impacts of the unregulated Maquiladora [American assembly plants south of the border] industry, using Mexican, U.S. and international law as well as the side agreements to NAFTA. The real key to that project is framing a lot of issues that have received a lot of attention in the language of human rights."

These are only three of a number of human rights organizations that have been founded by HLS graduates in recent years. Others range from a health care organization in Nepal, to a women's rights group in Zagreb, to an organization focusing on Latin America. All the founders have been associated with the HLS Human Rights Program.

"I think that HLS people are already making a mark in the human rights world," said Program Director Prof. Henry Steiner '55.

"We try to put the moral and legal clout of rights language in the hands of communities struggling with economic and social issues" said Chris af Jochnick '93.

Rabin Remembered

continued from *RABIN*, page 1

Oklahoma City federal building bombing, in that the people charged with both crimes seem to have been motivated by radical speech.

On a trip in September to Israel, Avi-Yonah said, he was surprised to see so many vehicle bumper stickers with such phrases like "Rabin the Traitor."

Avi-Yonah, however, stressed that more individual responsibility for one's speech is needed, rather than a curtailment of free speech rights.

JLSA Co-President Josh Konvisser '97 said he also experienced the divisiveness among Israelis, when he spent last summer living in Israel. "In some sense it shocked me, but it didn't surprise me that [the divisiveness] could come to this," he said.

The Future of the Peace Process

Around the world, political leaders, commentators and citizens are questioning the future of the Middle East peace process without Rabin. Former Deputy Prime Minister Shimon Peres has for now been appointed Interim Prime Minister, and vows to continue the fight for peace. But at HLS, some say only time will reveal how much the assassination will affect the peace process.

"The big question coming out of this is who will be the new leader," since Peres is only the interim leader, said Konvisser. He said the peace process may face big problems if, in the democratic elections next year, someone is elected who does not support the peace process as energetically as Rabin did.

"At the moment, people are rallying to the cause of peace," said Avi-Yonah. But as for the future, he said, "It's very hard to predict." He did say, however, that had the assassin been an Arab, the implications would have been much worse.

"I don't necessarily think that this [assassination] will change anything," said Leib. It may make it harder, it will definitely make it harder on the Syrian front to make peace," he said, but added that an Israel-Syria peace agreement has been slow in the making anyway.

The upcoming elections, said Leib, will be "very, very important as to which way people want to go. [The right-wing party,] Likud won't even consider a Palestinian state."

"No single person living in Israel has the same stature that he had," said Goldberger of Rabin. But, he said, "Israel has a well-defined, responsible [political] apparatus. People will probably rally behind Shimon Peres."

GYM RAT

Champs at Last

By David Koontz '96

Sports Columnist



If the sky fell, the oceans dried up, Three Aces closed down, and Dean Clark booted me out of Harvard Law School with his own foot, I would not care. The Atlanta Braves have won a world championship, and the winningest baseball team of the 1990s can now officially crown its dynasty. While you, gentle reader, scrunch up your face and go "Hmmm" at the term "dynasty," not to mention "crown," let's begin by talking a little HLS flag football and leave the Braves for last.

This weekend is the true Fall Classic around these parts for many people. The flag football One-Day Playoff Spectacular begins this coming Sunday morn on the frozen tundra of Webster Field behind the Harvard football stadium, and it ends mere hours later that same day. The champs will undoubtedly be too tired to do anything more than grunt loudly, pretty much like the Learned Hands did last year. I'm not sure if being tired really had anything to do with it in their case, but let's give them the benefit of the doubt.

The first team with a chance to knock off the defending champion Hands is the eighth-seeded Locus Poenitentiae. A source told me that Locus captain Juan "A Make Something of It" Zarate '97 has a secret play. "Can you keep a secret?" the source asked me. "Yes," I said. "So can I," the said. Some source.

The second-seeded Great Danes, who are not moving to Baltimore at the end of the year because they are still tired from the move to St. Louis, face the seventh-seeded Tortfeasors, who nearly beat the Hands (there's a pun in there somewhere, but I just can't find it) a couple of weeks ago. The third-seeded Chicano Bears seek to avenge their regular-season loss to the sixth-seeded Grad Guys, so look for Los Osos Grandes to be En Fuego.

To round out the playoff picture, the fifth-seeded Dissenters will face... who? We don't know yet. In their laid-back style, the Freshies and Levitt's Too Sexy for This League have not played their game to determine the fourth seed. When they do, the winner is the fourth seed, and the loser gets to sleep late this Sunday. Maybe these teams are apprehensive about facing the Dissenters' Michael "You

This year, the Braves' price for being so consistently good for the last five years was the awaiting public's label of champion or choker. Either win it all or make fun of yourself in Snickers commercials for all of eternity.

Can't Spell My Name without a T, E, A, and M" Bennett '96, who has been practicing his game face ever since he saw the movie "Little Giants" on cable last week.

One last NFL note, and a pretty serious one, should be addressed. Cleveland fans, my heart is with you. You are among the best and most loyal fans in the world, except for the fact that nobody went to see the Indians when they were really horrible. The sale of dog biscuits will plummet in Cleveland as the Dawg Pound falls silent, deprived of its right to woof and support its Browns, who are moving to Baltimore. Art Modell made a shrewd business decision for himself and his heirs, but in so doing he stabbed Cleveland fans straight through the heart via the back. Cleveland can still cheer its Indians, who fell short in their first World Series just as the Braves did five years ago. As a Braves fan, I was excited to see the enthusiasm of the long-suffering Indians fans, and I did not want to dislike the Indians players themselves. After all, in years past, there had been mutual respect between the Braves and the teams that had denied them. In 1991, the Twins had the good citizen Kirby Puckett to outweigh any ill will created by Kent Hrbek wrestling the Braves' Ron Gant off first base. In 1992, the Blue Jays were simply an awesome team, and the gutsy Jimmy Key won a crucial Game Four to win every Braves fan's respect. Even in the 1993 NLCS, the Phillies spit all over the place and had a collective face only a mother could love, but they hustled and pitched their hearts out while the stunned Braves basically stood still.

This year, I was ready for another sportsmanlike Series where the players let their play do the talking. I was dismayed to see Eddie Murray's reaction to Greg Maddux's high and tight pitch in Game 5. Murray has been in the game long enough to know that brushback pitches are a fact of life. The situation was only made sillier by Orel Hershiser, who confronted Maddux on the mound during the near-brawl and scolded him. Meanwhile, Albert Belle angrily snapped at reporters, camera operators, and screamed at Hannah Storm, who was attempting to conduct a pre-arranged interview in the dugout with Kenny Lofton.

If you think this behavior is at all comparable to David Justice saying that the Braves fans were more rabid in 1991 and 1992, you should make a good lawyer. At any rate, Justice was right. Atlanta fans responded to the challenge and actually made some noise in Game 6. What should have grabbed a few more headlines was Indians shortstop Omar Vizquel making a statement that I still cannot believe he made: "The Braves know they can't win a World Series."

Oh, Omar, but they can, and they did. I'm sure beating Maddux with their backs against the wall felt good, but the Indians were still down 3-2 with two games in Atlanta remaining. Somewhere along the line, Vizquel and many others forgot that former Cy Young Award winner Tom Glavine, not Greg Maddux, is the winningest pitcher in baseball over the past five years, and historically, Glavine has been a better playoff pitcher than Maddux. In the end, the Indians ran into a pitching staff that had no weak link. The Indians could not handle the Braves' simple yet effective plan to throw change-ups, change-ups, and more change-ups, and the team with the best regular-season batting average in 50 years batted a collective .179 for the Series.

This year, the Braves' price for being so consistently good for the last five years was the awaiting public's label of champion or choker. Either win it all or make fun of yourself in Snickers commercials for all of eternity. Fittingly, the Game 6 heroes were Glavine and David Justice, two Braves who had been there when nobody expected them to win anything.

FOOD - O - RAMA

Ode to Ha Long

Heather Friedman '97 and Betsey Nevins '97

Restaurant Reviewers

At the new restaurant called **Ha Long**,
We ate Vietnamese food for a song.
The food we commended,
The service was splendid.
To Ha Long readers should throng.

We welcome most its originality;
Not to mention heartfelt hospitality.
To find Hanoi fare
In old Harvard Square!
Ha Long makes the dream a reality.

In ordering, as a for instance,
Our waiter sure went the distance.
He offered advice
About what was nice
And met special requests sans resistance.

For appetizers we chose to try
Spring rolls — both healthy and fried.
Inside one, tofu
The other, who knew?
But we'd gone to heaven and died.

Next Sour Soup we did savor;
Tamarinds and mint made the flavor.
More exotic than sour,
But with spice at full power,
We found pineapple's sweetness a savior.

The lemongrass chicken our taste buds found pleasing.
Here's an option that's really worth seizing.
Ginger, chili, cilantro —
To make your chest hair grow.
A delicious dish — we're not teasing.

The half-moon crepe was the most unusual dish,
The inside was stuffed with veggies and fish — (okay, shrimp).
An egg-like envelope,
Not as tasty as you'd hope.
Most flavor came from the mint garnish.

The tofu with cashews was Kung Pao gone awry,
You'd do best not to bother giving this one a try.
Cornstarched to excess
Spongy cubes made a mess.
You could order Chinese here, but why?

And a word or two now on decor;
You know with this space you'd do more.
The flowers aren't plastic,
But the Mekong delta's gone spastic
In the mural that's just an eyesore.

Dessert here is really bizarre.
Beans in coconut milk won't go far.
Tapioca with soft candy gel
Looks like larvae — on this we won't dwell.
But the aesthetics are really a bar.

To some Vietnamese is exotic
Others might find it quixotic.
But we think it's swell,
And you will as well.
Let us know if you think it's erotic.

(Ha Long Restaurant is located at 35 Dunster Street, in the Garage — Harvard Square. Call 354-3353 for information and reservations.)

Harvard Law RECORD

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Katrina Randolph
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Publisher

The Absent Professor

Most HLS students only have the opportunity to get to know Prof. Arthur Miller '58 through his television appearances on "Good Morning America" or local news stations. Or, on any given day, students walking by his office stand a good chance of catching a glimpse of him posed in his chair or perched on his desk, his coiffed hair lying neatly in the glare of camera spotlights. Miller's voice resonates from the tape recorders of innumerable students both here and elsewhere; mentioning that you go to Harvard Law School may very well elicit the question, "Did you have Miller for Civ Pro?"

Ironically, Section IV 1Ls may be asking themselves that same question this year. Miller's rampant absences, at least those stemming from additional professional commitments, bring to the fore the classic problem which afflicts famous professors here at the Law School: To teach or not to teach? Professors such as Miller who spend hours on outside cases force students to question their teachers' priorities and to wonder not only where the classroom stands on that list but also why they pay such hefty tuitions for absenteeism.

Admittedly, Miller has attempted to reschedule his classes, although often at an imposition to his students. By the end of the term, Section IV may still have spent the same number of hours in the classroom as other 1Ls. And undoubtedly, Miller is one of the best civil procedure professors in the nation. His presentation of the material is excruciatingly thorough, and his insistence on teaching the subject over the course of a year rather than compressing it into a harried four months is admirable and serves the best interests of his students. (Indeed, students from other sections often drop by Miller's lecture hall just to experience at least one class taught by him.)

Yet despite his best efforts to catch up and the generous forgiveness of his students, Miller's behavior — from the last-minute cancellations to the videotape substitutes shown in class — undermines Harvard Law School's tradition of excellence in teaching. First and foremost, an HLS professor is a law teacher. That is the legacy left by late Dean Erwin Griswold '28, who painstakingly built up his faculty in the post-World War II years with an emphasis on what each member could contribute to his colleagues and his students. And that is the tradition that Dean Clark '72 seeks to continue with his vision of HLS in the 21st century, one that is focused on contributing to legal academics in the global arena.

Certainly, missing class because of personal reasons is understandable. But at the same time, would Miller himself accept that as an excuse for why a student may be less adept at fielding his Socratic questions on a particular day? Famed for his autocratic classroom demeanor, Miller has stormed out of his auditorium countless times over the years at the slightest indication that students are not fully prepared, sometimes bringing them to tears without being sensitive to the reasons why they may not be ready for class. Especially after this semester, perhaps Miller should show his students the same understanding that they have granted him.

— Kuohung

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—First Amendment, US Constitution

• Letters •

Strive for Peace, Not Hate, in Middle East

We, the members of the Middle East Law Students Association, write to express our profound sense of loss at the unconscionable murder of Israeli Prime Minister Yitzhak Rabin. This Nobel Peace Prize recipient was, as Shimon Peres remarked at the funeral, one of the very few whose leadership could "move mountains." The guardianship of those mountains must now be carried out without Mr. Rabin, and we fervently hope that all the peoples and governments of the Middle East will unite to realize his vision.

We unconditionally condemn the use of violence to

further political or religious ends, and are reminded tragically that words as well as swords can kill. When people in positions of responsibility preach hate, sooner or later someone will step forward and act in hate. To the great loss of Israel and the world, we did not act fast enough to stop one such law student, and he brought to a screeching halt the outsized life of Israel's leader.

As a fellow student wrote of the assassination, it is as if we all were standing around a glass bowl, holding onto it. Then it fell and shattered into thousands of pieces.

In the eerie silence that

follows, we all quietly ask ourselves, what was our contribution to the destruction of that bowl? Only minutes before the Prime Minister was gunned down, he joined over 100,000 Israelis in Tel Aviv's main square in singing the Song of Peace. That popular song, written by Israelis yearning for peace in the 1970s, ends with a charge to us: "Don't say the day will come/ bring the day because it is not a dream/ and within all the city squares/ cheer only peace."

Bruce Goldberger '96
The Middle East Law
Students Association
November 6, 1995

Employees Need Workplace Representation

I am writing in response to Kerry Hastings' letter regarding unions and union-busting law firms (the RECORD, Oct. 20, 1995). I do not have a large base of knowledge about the practices of union-busting firms, but I do have some knowledge of workplace conditions in factories and other areas of low- and mid-income employment. I feel that I should share a story with Kerry and any other students who think that all is well in working-class America just because some regulations are currently in existence. This is the story of one of my best friends, whom I have known since I was nine years old, and her mother. Their story is representative of those of millions of workers across the country, and if it is unique in any way it is in the minimal extent to which my friend has actually been able to fight back.

My friend works in the chemistry lab of a company which makes synthetic construction and art materials. Her mother works in the packaging department of the same company and has done so for over 20 years. Almost all of the workers in this factory are women, and all of the administrative positions are filled by men. This company has in the past not provided the legally-required safety protection for its workers, and it still does not provide adequate protection. When women have occasionally pointed out that the warning labels on many of the chemicals explicitly suggest protective wear, they have been intimidated by their bosses and told that they needlessly worry about things which are not truly dangerous. The company recently tried to fire one pregnant woman in the packaging plant when she refused to work with a chemical which

came with explicit instructions for pregnant women to stay away from it. My friend in the chemistry lab found out about this woman's predicament and was able, through her gumption, anger, and savvy, to convince the company's in-house attorney that such a move might eventually come back to haunt the company.

My friend is something of a one-woman union at this

**[Mr. Hastings']
words about
the sufficiency
of workplace
regulations
collide with the
reality of my
friend's life,
and with the
realities of
millions of other
lives across
the country.**

company, and she has spent a tremendous amount of time fighting for the lives and rights of her mother and the other women in the factory. Her battles have often been less than victorious, and they have often come too late. Her mother, who had been packaging the chemical materials for years without adequate protection, began to have intense pains in her stomach a few years ago. The one doctor

whom her company's insurance plan allowed her to see repeatedly told her that her pain was "in her head" and was probably caused by stress. When she eventually started losing a lot of weight, my friend fought for permission for her to see another doctor. After much hassling on my friend's part, her mother finally was able to see another internist, who immediately diagnosed her as having a tumor the size of a grapefruit in her stomach. Emergency surgery was performed, chemotherapy was prescribed, and her mother lived. As soon as she was strong enough to return to work, she did. She then developed carpal tunnel syndrome in one hand from repetitive motion and had to undergo surgery. She asked for a brace for the other wrist and was denied. A year later she required surgery on her other hand. As a result of losing most of the muscles in her hands to surgery, she is now unable to function on her job without constant pain. Yet she is required to do the same work as before. When she recently tried to get a lawyer, she was threatened with being fired, and she is now afraid that her company will try to deny her benefits if she leaves her job.

Thus, I cannot understand how someone like Mr. Hastings can claim that workers do not need representation before their employers. The only explanation that I can think of is that Mr. Hastings has never been inside real working-class environments. His words about the sufficiency of workplace regulations collide with the reality of my friend's life, and with the realities of millions of other lives across the country.

Michelle Lerner '97
November 7, 1995

Dershowitz's Mouth Runs Away With Him

Alan Dershowitz can always be counted upon to be both brilliant and disappointing. The mind is extraordinary, but he uses the mouth to distort, exaggerate and confuse. In his interview in

the RECORD of October 13, the professor, humble as ever, states that, "... I don't think I've ever lost a case that I've been involved in from day one." Well, if the person's innocent if

Dershowitz takes the case, then we can disband the system and just have him mete out justice.

Jerome H. Grossman '64
October 30, 1995

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Why Israel Weeps

By Aeyal Gross, S.J.D. '96

In my Tel-Aviv University years, those early Intifada days, we demonstrated on campus and chanted, "Rabin, Rabin, 'yallah, yallah,' get out of Gaza and Ramallah." We held then-Defense Minister Rabin responsible for Israeli army practices in the Occupied Territories, and, viewing the practices as violating human rights, we demonstrated in front of his office.

But when Yitzhak Rabin got elected as prime minister in June 1992, ending many years of conservative governments, it was one of the happiest days of my life and I told myself that if he were to surprise me with a peace agreement, I would forgive him for everything. And boy, was Oslo a surprise. So on Sept. 13, 1993, I had to fulfill my commitment and forgive.

Since that day, Rabin became my leader, and this time not only by default. He did get out of Gaza and committed Israel to getting out of Ramallah. As prime minister he led Israel through the best times in its history. For the first time Israel was at peace with most of its immediate neighbors. The economy was doing great too, and many other areas, such as education, were seeing great improvement.

So this is why when the news came of Rabin's assassination last Saturday, I reacted by crying and feeling anxiety and hysteria. Not only are we Israelis not used to political assassinations, but also much of the great transformation Israel is going through was personified in Rabin. He was the right person at the right time and the right place. He was committed to the peace process, and yet enjoyed enough credibility in the center and the moderate right to solidify the support necessary for the process. In the last three years I learned to like him. The transformation he went

through was admirable. Suddenly he was speaking "our" language; to hear Rabin saying that we must end the occupation over another people was startling. He adopted all the left discourse.

* * *

Last Saturday, upon hearing the news, all I felt was that I just wanted to take the next plane home. My parents were talking me out of it, but could not hide their own anxiety. By Sunday morning the hysteria transformed into depression. Deep depression, and concern about my country's future and the route it will take now.

Rabin's death is a personal, national and interna-

a moving memorial service. Seeing American flags at half-staff at Harvard Square, and listening to President Clinton's genuine words of grief moves my heart as I feel that although I wish I were home now, at the very least I am in a country which, thanks to its special and deep relationship with Israel, shares its mourning.

* * *

The hard reality of Rabin's death is still incomprehensible for me. I am still shocked anew every time I see the slide on CNN saying "Yitzhak Rabin, 1922-1995." In his last moments he was in the big plaza near City Hall in Tel-Aviv, a place where I have been in so many peace rallies and demonstrations over the last 18 years. He was singing "Shir La-Shalom" — A Song for Peace, the unofficial anthem of the Israeli peace movement. Yaakov Rotblit wrote these moving words which we have been singing for so many years, and to which my translation probably does not do full justice:

Let the sun rise, the morning bring its light.

The purest prayer will not bring us back.

The one whose candle was extinguished and who was buried in dust,

A bitter weep will not wake him up, will not bring him back here.

No one will bring us back, from the dark bottom pit, Here neither the happiness of victory nor songs of praise will help!

So sing a song of peace, do not whisper a prayer!

You better sing a song for peace, sing it out loud!

Let the sun come in through the flowers.

Do not look back, let the ones who are gone.

Lift your eyes in hope, not through rifle sights,

Sing a song for love, and not for wars.

Do not say a day will come — bring the day!

And in all the squares, cry for peace!

Yitzhak Rabin, may you rest in peace. May your legacy of peace prevail.

Not only are we Israelis not used to political assassinations, but also much of the great transformation Israel is going through was personified in Rabin. He was the right person at the right time and the right place.

tional tragedy. It is a personal tragedy, for as a man who devoted his entire life for his country, he was murdered in the most outrageous manner. It is a national tragedy for Israel, which lost a great leader who was taking it in the direction of peace. And it is an international tragedy as the world has lost one of the single most important actors in the Middle East peace process.

I am on the phone all the time with my friends and family in Israel, and they tell me the country is in a state of shock. People are crying in the streets and gathering at candlelight vigils. This is a national trauma that will be very hard to heal. Here in Boston last Sunday I joined thousands of Israelis and Americans for

• Letters (cont.) •

Prof.'s Comments Show Incompetence

(Addressed to Dean Clark '72)

I am still dissatisfied with the Alan Dershowitz matter, despite your assurances. Those of the alumni who feel as I do believe we should continue to pursue his dismissal.

This is not a matter of academic freedom. Alan Dershowitz is not a Harvard professor of the fifties battling Joseph McCarthy; and you are not Nathan Pusey fending off barbarism. This is a matter of competence. In order to keep his job, Alan Dershowitz must comply with his terms of employment. One of those terms is that he must perform at an acceptable level of competence. We submit that Alan Dershowitz is incompetent as evidenced by his public statements; and therefore, should be dismissed on that ground alone.

The following statements of Alan Dershowitz reveal his incompetent mind. They were made on CNBC on

Oct. 10 on "Rivera Live":

1) "When they explained that Vannatter was more the key to this thing than Fuhrman, it made it clear to me that race was not as large a factor in the verdict as people... RIVERA: Do you really believe that, Alan...? DER-SHOWITZ: I do."

2) "Is there anybody out there listening today who will dispute the fact that there was a police conspiracy..."

3) "I am convinced that because of what the police and the prosecutors did in the first two weeks, no one can ever know for certain what happened and who the real killers were. I am absolutely convinced of that. Therefore, in law, there was a reasonable doubt."

4) "Well, all I know is that NOW [National Organization of Women] does not trust the marketplace of ideas."

5) "NOW is now in the great tradition of the religious

right, red channels and McCarthy..."

We find a reading of that CNBC transcript, which is just one small example of Dershowitz' rantings, a chilling experience. I would not want a child of mine in a classroom dominated by his wacky opinions. This is why we say that the man is incompetent. He should be quickly dispatched to a practice in Scollay Square away from the atmosphere of Harvard Square.

A copy of this letter is being sent to President Rudenstine and the members of the Harvard Corporation. We call for the convening of a special session of the Law School's Tenure Committee to review whether Prof. Dershowitz should be dismissed forthwith.

Thank you for your time and consideration. We look forward to your response.

Jerome E. Weinstein '60
October 30, 1995

Weinstein's Biases, Claims Unfounded

While I appreciate Dean Clark's defense of my academic freedom (the RECORD, Oct. 20), I am also capable of defending myself against the ill-informed biases of Jerome Weinstein. I challenge Mr. Weinstein to come up with any evidence that I have ever said that "police academies routinely teach police officers to lie and manufacture evidence." What I did say is that various commissions — most recently the Mollen Commission — and various police officers have said that police perjury is widespread, especially in search and seizure cases, and that it is tolerated far too much by too many prosecutors and judges. I paraphrased one police officer who was used extensively as a witness by the U.S. Attorney's Office, who said: "Cops are almost taught how to commit perjury when they are in the Police Academy." Virtually every academic study of this important sub-

ject confirms what I have said and written for nearly two decades. On Nov. 14, the Criminal Justice Institute at Harvard Law School will be sponsoring a symposium on this important issue.

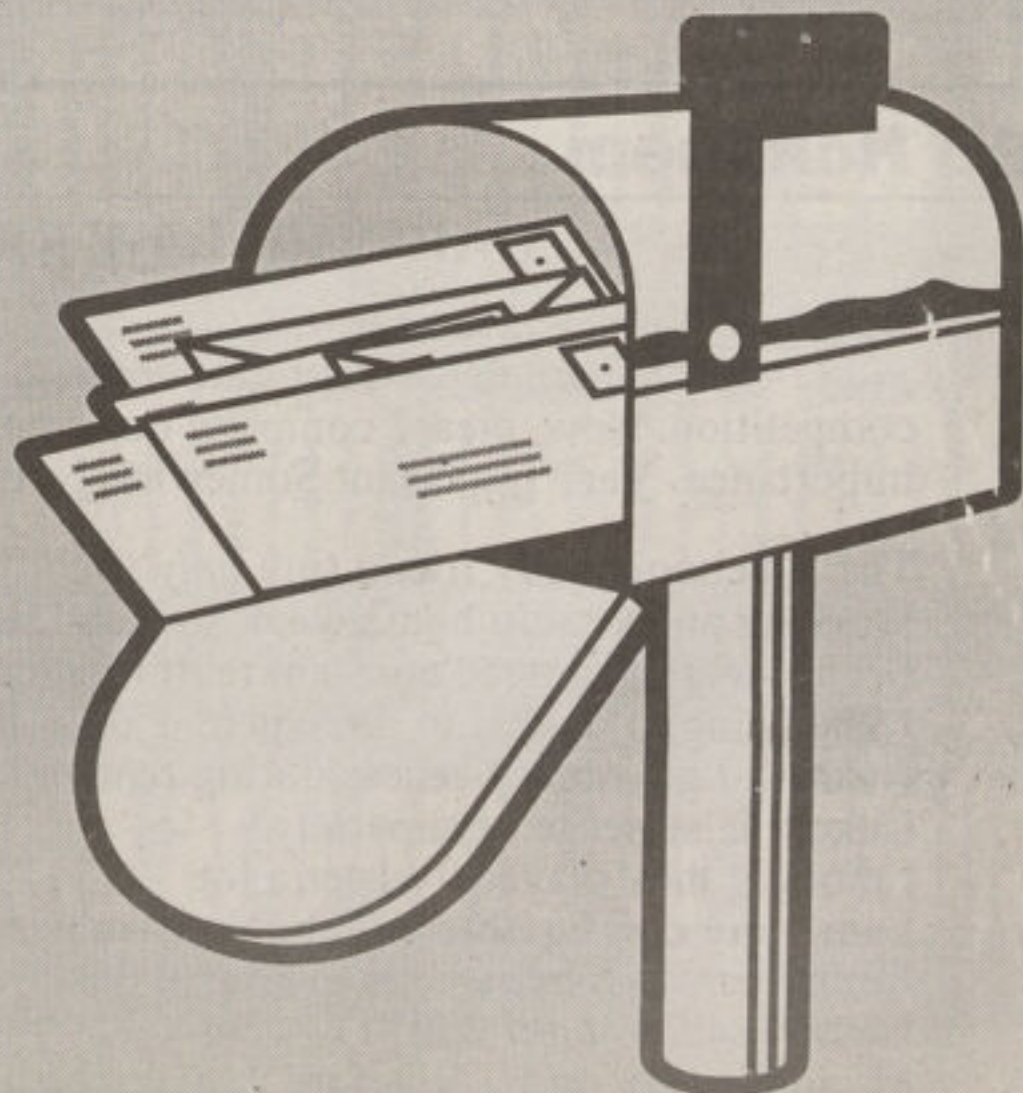
Jerome Weinstein freely throws around the names of Erwin Griswold and other previous deans and claims they are "turning over in their graves." I can only tell you that Erwin called me quite often to commend me on my defense of civil liberties, sometimes agreeing and sometimes disagreeing with the contents. I am sure that the distinguished classmates that Mr. Weinstein cites also have a better appreciation for freedom of speech and academic freedom than he does. Weinstein's real gripe is that he disagrees with what I have to say and does not like my clients. That is his right. I invite him to respond to me on the merits, instead of threatening to commence an orga-

nized effort. That of course is his right too, but I will not be cowed by such crass posturing. As for his payment of \$1,000 to the law school in exchange for the dean doing him a favor by reading his letter, I (and I hope the dean) have better things to do than listen to his rantings.

I am really sorry that Mr. Weinstein did not learn more at Harvard than is reflected in his letter. I can only assume that he uses his Harvard affiliation in his professional life, though I would be appalled to be associated with anyone expressing the views he did in his letter. That is what academic freedom and freedom of association are all about. I am confident that most Harvard alumni appreciate the diversity of views reflected by the thousands of people associated with Harvard.

Alan M. Dershowitz
October 24, 1995

Bored in class? Feel like you can't get anyone to listen to you? Just want to see your name in print? Write to the RECORD!

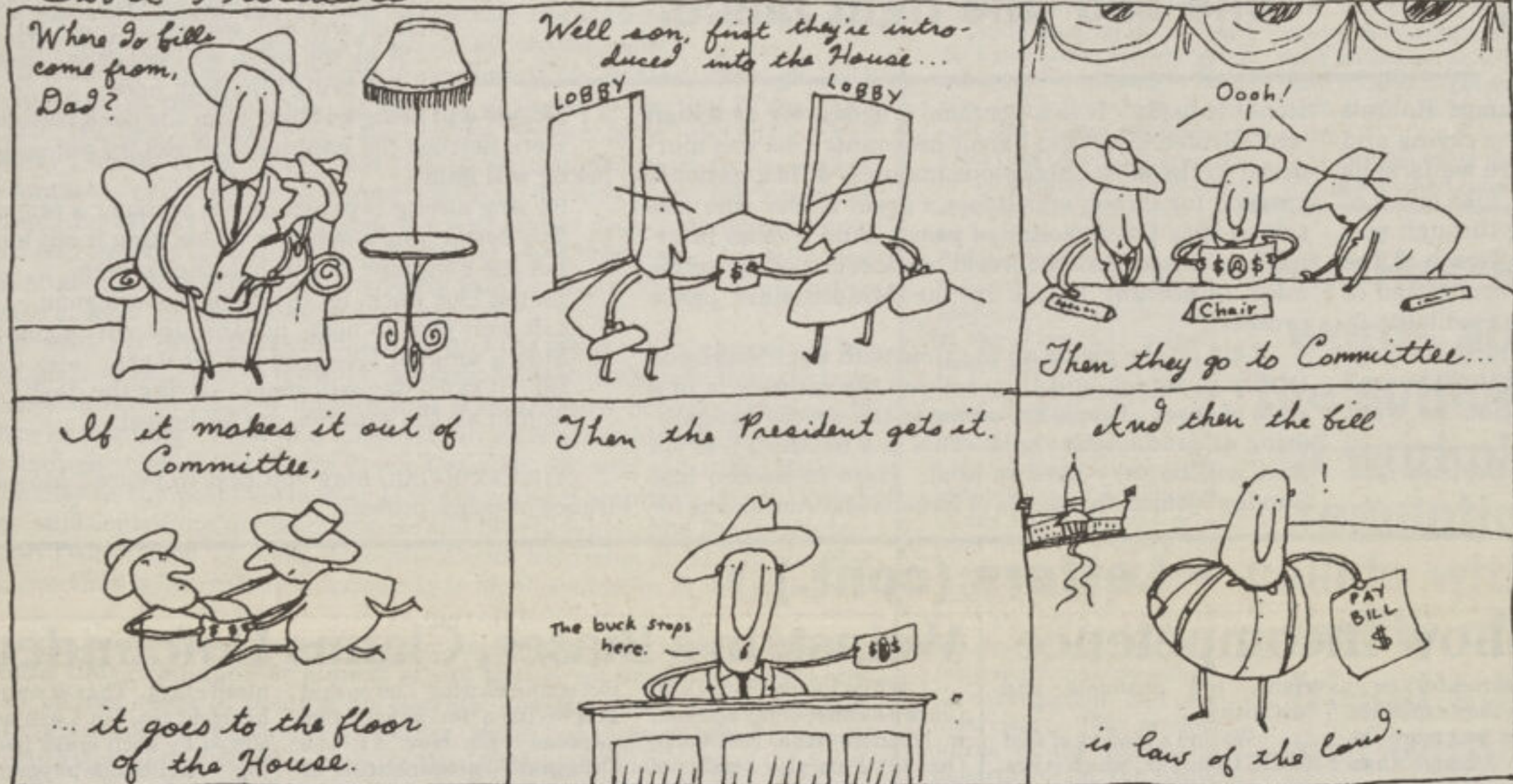


Temporary Insanity

By Sheila Tuller

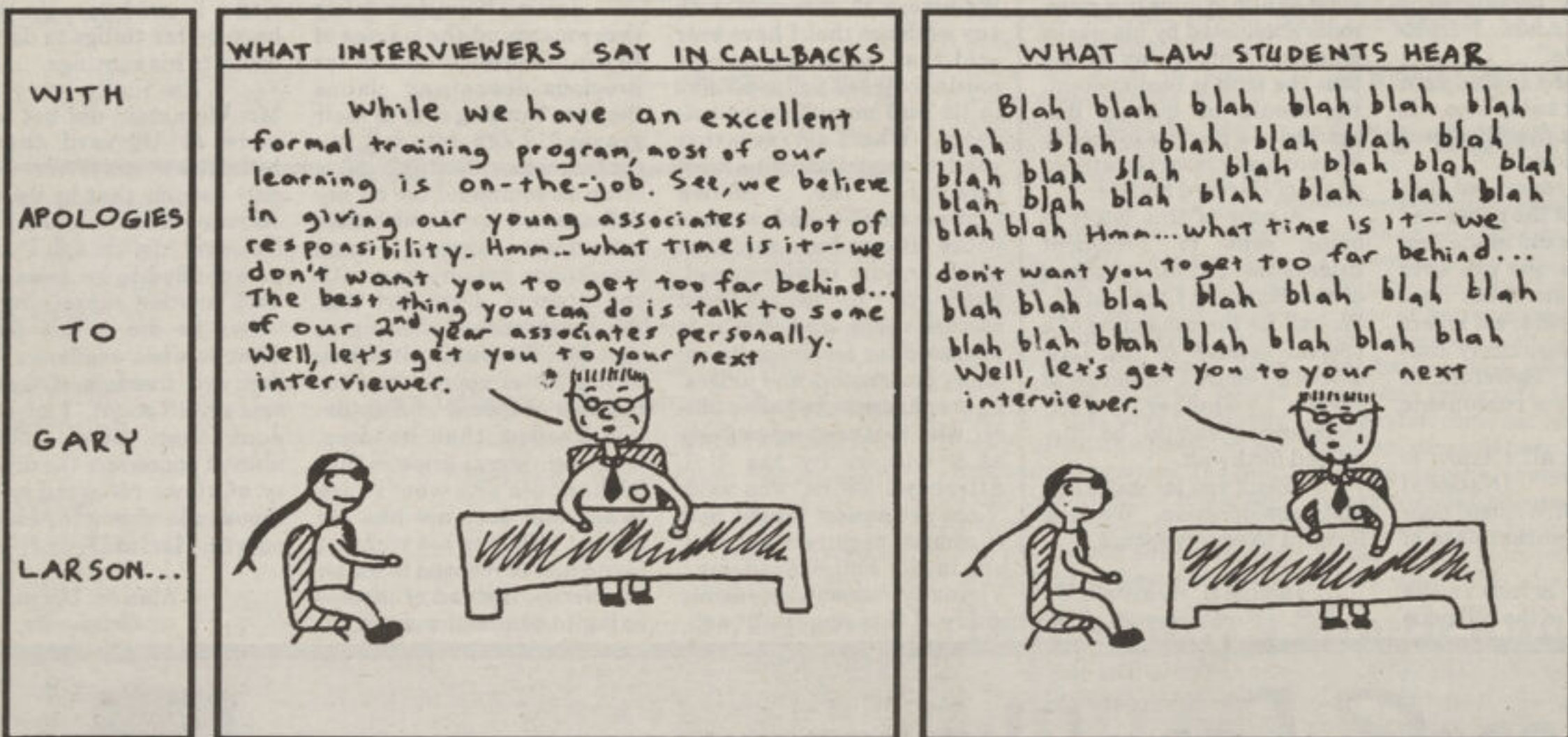


Civil Procedure



Backbench

By Brian Cheng



Ad Hominem

By Stuart Rees and Bill Zimmerman

HARVARD LAW REVIEW: Counter-Survey

Dear Law Review Member,

We've completed your questionnaire asking why we did not participate in the writing competition. Now, please complete our counter-survey probing why you did. Please rank by importance. Very Important Somewhat Not

The Bluebook is my friend (my <i>only</i> friend)	V	I	S	N
Working an extra 50 hours/week sounded fun	V	I	S	N
I'm insecure and need constant reaffirmation	V	I	S	N
I like being told what to do, when, and for how long	V	I	S	N
Heard I'd get library access during renovations	V	I	S	N
I like a false sense of superiority	V	I	S	N
I thought they played Twister a lot	V	I	S	N
I am more comfortable with books than people	V	I	S	N
I think personal hygiene is overrated	V	I	S	N
Nesson said I could find "IT" here	V	I	S	N
My idols were on HLR before they got on TV	V	I	S	N

CALENDAR

By Colin Meeder

I have a pretty bad cold.

I doubt, however, that even if my sinuses were in better condition, I'd be singing the praises of **Letters to Cleo**. No, they're just all too ubiquitous in the Boston scene for that, and, what's worse, they've appeared on the soundtrack to *Melrose Place*. Eeeeargh. Check 'em out, if you wish, at the Avalon (262-2424) tonight (11/9). **Fuzzy** and **The Sterlings** open.

More likely to break me out of my virally inspired funk is the virally inspired funk of **Big Audio Dynamite**. They appear to have dropped the "BAD II" moniker, but who the hell knows? **Ranking Roger** of General Public will be singing with 'em when they play the *Paradise* (562-8800) Friday (11/10). **Lotion** open. Of course, if aging punkers are not your style, you have your choice of Goddesses to worship that same night — the divinely cruel **Judy Tenuda** at the Comedy Connection (248-9700) or the divinely sophisticated **Angela Bofill** at Scullers (562-4111). Better yet, don't choose, and see Angela on Saturday (11/11).

Also starting a two-night stand on Friday are dinosaurs **Jethro Tull**. Frankly, I think that the appeal of seeing these folks play at the Orpheum (931-2000) will be astonishment that Ian Anderson's not on a respirator.

Better to take a chance on a young musician with some fire left in his belly. **Ben Harper**'s a fine example — a wicked slide guitarist with a voice like Cat Stevens and some of the most incendiary lyrics this side of Chuck D. Don't miss him at *Mama Kin* (351-2525) on Saturday. **Moe** either open or opens, depending on whether it's a band or just one guy.

Hey, 2L's: since we all enjoyed the Law Review competition so much, why not go see the woman whose videos caused all the problems? **Traci Lords** is in town! See her sing — and that's all — at the *Axis* (262-2437) on Monday (11/13). **My Life with the Thrill Kill Cult** are the nominal headliners, and **Eve's Plum** and **Big Stick** will be there, too. Speaking of sex symbols, that studly Mac guy brings **Superchunk** to the *Paradise* the same night. **Seaweed** (who are quite good in their own right) and **Cornershop** lead off the evening.

Astonishing amounts of factory fresh alterna-pop are available to you on Tuesday night (11/14). **Collective Soul**, whose differences from 38 Special are completely lost on me, show up at the *Avalon* with **Wanderlust**, while **Lisa Loeb** brings her *Nine Stories* (eight of which we've already heard) to the *Paradise*. **Once Blue** will open. This might be a case where the dinosaur band is the better bet: **Jefferson Starship** will be at the *House of Blues* (491-BLUE). The name's really misleading: this band is actually closer in membership to the original *Airplane* than to the horrific monstrosity called *Starship*.

A tip from a reader: Diane Rosenfeld LL.M. '96 instructs us all to forgo all of the preceding Tuesday night and go check out **Garbage** at *Axis*. Why? Because she finds the music full of "strength, anger, and hope," because drummer Butch Vig has produced Nirvana, Smashing Pumpkins, Sonic Youth, and the Laughing Hyenas; and, perhaps most importantly, because another member is the husband of a friend of hers. Hell, that's good enough for me. **Acetone** open.

Upcoming: **Red Hot Chili Peppers**, **Wayne Shorter**, **The Tallis Scholars**. Remember: if it ain't ugly, it ain't pretty.

The Choice is Yours

By Markus Hartmann '96

Record Columnist

THE Campaign for Harvard Law School has raised \$175,043,675. The target was \$150 million, and like a good over-achieving institution, HLS exceeded it by about \$25 million. It's like we won the Publisher's Clearing House Sweepstakes; not because Ed McMahon will soon be here, but because everyone has a suggestion about how to spend the money. We can all think of great things to do with that extra \$25 million. I would suggest that we get Christo to shrink-wrap the Hark and then have a gigantic crane take the whole structure to the recycling bin.

The success of the campaign will supposedly allow the school to expand and diversify the faculty, modernize the library facilities, make the school more international and improve our student-teacher ratio. Additionally, HLS will be able to fortify the clinical programs, improve financial aid and increase the money that goes to loan forgiveness programs.

Prof. Elizabeth Bartholet '65 and several faculty members want to see at least \$15 million go to the Low Income Protection Plan (LIPP). The LIPP program makes partial loan payments for HLS grads who accept low-paying, public interest jobs. Ralph Nader '58 has chimed in by suggesting that Dean Clark '72 create a more balanced curriculum that trains students in both commercial practice and a public interest practice. Dean Clark has informed us that most of the money from the Campaign Fund has already been spoken for.

The LIPP program is this institution's way of recognizing the tremendous sacrifice that public interest work entails. With students graduating with up to \$90,000 worth of debt, it seems like a reasonable program. If it were not for the LIPP program, even fewer of the daughters and sons of HLS would go into public interest work. The argument proffered is that but for the debt, many more of us would be heading down the public interest highway.

Without additional LIPP funding, where will the public interest types who yearn to breathe corporate-free air go for relief? Where can they turn when they are



forced to pay back the debt after graduation? Fear not, there is an alternative source of funds that can be accessed by most of us immediately following the last set of 1L finals. In fact, many students at HLS are already tapping into this magical source of funds. In a deft move worthy of Gilbert's "Accounting for Lawyers," these students access the funds before they graduate and thereby free themselves of the corporate yoke.

The magical source of funds? Work. A job. Labor. Something that brings in the dineros.

In military aviation, there is a great procedure used by pilots as they return to the airfield; it is called the Kiss-off. You fly into the airfield in a diagonal formation of two or more planes. The planes are close enough so that the pilots can see each other. When the lead plane is over the threshold of the runway, he or she looks over to the next plane, salutes smartly and breaks out of the formation and circles around for a landing. When the next plane has flown the appropriate distance, the pilot performs the same maneuver. When all is said and done, the planes all land in an orderly and safe manner.

As 1Ls, we are all in formation. After the last set of finals, the Kiss-off begins. The first to break off are the Law Review types. They are followed by the BSA folks. When you add in all the other journals and academic extracurricular activities, by the time we get to be 3Ls, many of us are safely on deck with our futures reasonably secure and making the occasional obligatory panel appearance in class.

During these maneuvers, many of our classmates have been busy making ends meet. These non-whining hard-working folks can be found working at the Hark, in the library and in the dorms of the undergraduates. Some of them can be found out in town at firms. If you are very

fortunate, you will see one of the most diligent of them selling used cars.

Now unless you are exporting avocados to Europe, it is unlikely that you will become rich off your part-time job while you are attending HLS. Despite this fact, there are many students who are busy funding their own LIPP program while they are still in law school. Rumor has it that the part-time work thing is fairly common at other law schools around the country.

How one chooses to spend his non-class time is a matter of personal choice. Extracurricular activity can either pad the resume, provide an economic cushion, or both. The choice rests with the student. What we choose to do with our free time has an impact on our resumes and our personal balance sheets.

If more money is to be devoted to the LIPP program, the participants should be means-tested; lifestyle choices

should be taken into account. As it stands now, a student who spent three years keeping up with Melrose Place, 90210 and the Simpsons can rack up his or her debt and receive an HLS imprimatur at the start of their public interest career. Should the student who spends Spring Break in exotic foreign lands be allowed to dip into the LIPP jar and thereby be remunerated for their frolic?

In fact, a student who maximizes her debt and minimizes her public inter-

est salary gains the highest reward in the current system. Meanwhile, those hardworking folks we see around campus and around town get a smaller amount of the LIPP pie as a result of their diligence and saving.

The LIPP program is HLS' way of saying that we want to encourage the public interest career choice. LIPP proponents should ensure that it is parceled out to those that deserve it and not allow the money to become a mere entitlement for those folks who find it inconvenient to pay the corporate piper.

Should the student who spends Spring Break in exotic foreign lands be allowed to dip into the LIPP jar and thereby be remunerated for their frolic?

Fenno

(The Search For Arthur Miller Continues. When last we left our amateur P.I., Fenno was sitting in his rundown RECORD office, pondering the whereabouts of one missing Civil Procedure professor.)

The door opened, and trouble came in. Trouble was wearing a Law School sweat-shirt over a skirt short enough to make any 1L think about reviving the doctrine of fee tail. Fenno had never seen the woman before.

"I understand you're looking for Arthur Miller," the mystery dame said.

"Maybe I am, maybe I'm not; who wants to know?"

"Let's just say I'm a friend of Arty's, and I want him found, too. I'll pay you to find him — but you've got to locate him before the others do."

"What others?" Fenno asked.

"You're the detective; you can find that out, too. I'll be in touch." The skirt tossed a wad of bills on Fenno's desk and disappeared as quickly as she'd arrived.

Not knowing where to start, Fenno began making the rounds in Griswold. The Dean's Office had no idea where Miller was. Ditto for the assistant dean. The registrar pretended not to have heard of an "Arty" Miller but did remind Fenno that he was not enrolled in enough credits this semester.

Stymied by the administration, Fenno began working the neighborhood bars, pumping the regulars for information. Finally he hit paydirt.

"Yeah, I know 'Fast Arty' Miller," the bartender at the Bow & Arrow said. "He comes in on Fridays and grabs a booth in the back. He usually meets with some goons carrying briefcases. I think they're making a payoff, but I don't look too close. Might not be good for my health, ya know?"

"When was the last time you saw him?" Fenno asked, sliding a fin across the bar.

"Three weeks ago. But I think some-

thing went wrong. The jakes he was waiting for never showed up, and he left through the kitchen exit looking worried."

"Thanks, pal." Fenno left the bar and headed back to his office. On an off chance, he dialed Professor Miller's phone number again. Voice mail answered again.

"Thanks for calling the Arthur Miller virtual classroom. To hear my lecture for last week's class, press one. To hear my lecture for this week's class, press two. To hear my lecture for next week's class, press three. To speak with an operator, press zero."

Fenno pressed zero. After a minute of muzak, a tough voice came on the line. "Yeah, waddya want?"

"I'm looking for Professor Miller."

Fenno said brightly.

"Perfessor? I dunno no perfessor," the voice said.

"Fast Arty, I mean. Let me talk to 'Fast Arty' Miller." Fenno said in his deepest voice.

"Fast Arty ain't here. You wanna place a bet, or what?" The voice was starting to sound edgy.

"No, no bet." Fenno said.

"You wanna order West's Bar Review Course?" The voice was definitely sounding impatient.

"No, no bar review."

"Then you gots the wrong numbah, pally. Ain't no perfessors here — just us research assistants. Heh, heh, dat's right, research assistants." The voice was cackling with glee as the line clicked dead.

Fenno put the phone down. This was obviously turning out to be more than your run-of-the-mill missing academic case. It looked like Fenno would have to go undercover....

Quote of the Week

"It's going to be civil procedure 'boot camp' for the rest of the semester."

—Sean Becker '98

Think of "layout" as more than just a nifty skiing stunt? Join the RECORD as a production assistant!

Call David at 5-4418 for details

REASONABLE WOMAN

A Call for Comparable Worth at HLS

By Shannon Liss '96

Guest Columnist



AFTER a return this year to a significant gender disparity in its incoming class, the Harvard Law Review is conducting a study to figure out why more of its new members are not women. Editors say the study may lead them to reconsider the Law Review's policy of not including women in its affirmative action program.

It's great that the Law Review is devoting attention to this issue and is giving some long overdue thought to how to ensure a gender-balanced staff. Yet, I question how the survey recently distributed to all 2Ls and 3Ls will resolve the problem. The questionnaire, which asks about students' perceptions of the Law Review and its writing competition, their time commitments and 1L grade averages, will most likely reveal one of three results:

First, the survey might find that women are not on the Law Review in proportion to their representation at the Law School because they are not as interested as men in competing for the spots. This conclusion would not justify, however, staying with the current system. Studies seem to show that fewer young women than men want to study math and science, but, even so, schools today are recognizing the need to encourage women to pursue these fields. Perhaps, as is likely the case with women and science, more women would want to try out for the Law Review if they knew they had more chance of succeeding in the competition or if the Law Review were already composed of more women.

Second, the study might conclude that women are very interested in making the Law Review but are, on the whole, simply less successful than men in their grades and writing competition entries. If this result were announced, it might increase the chance that an affirmative action policy for women would stigmatize future women editors as not as qualified as their male colleagues. Or this result might just indicate that women at HLS, though as competent as men, do not perform as well on the types of test (anonymous and time-pressured) used to judge Law Review applicants.

On this note, I'd like to point out and, on behalf of the Women's Law Association, congratulate the two women, Lisa Anne Grow '97 and Jennifer S. Martinez '97, who won both of last year's Sears Prizes for highest 1L grade point average.

The third possibility, of course, is that the survey will show mixed results or be otherwise inconclusive. In that case, or no matter which result emerges, the question remains simply whether it is important to have women proportionally or equally represented on the Law Review. If it is, then the Review should begin an affirmative action policy for women next year. End of question.

But there's another road to consider. Why, we could ask, should all the esteem, prestige, and accolades go to members of the Law Review? Why not endow the Legal Aid Bureau, for example, with the status of the organization upstairs from it? The Bureau provides an interesting comparison, since members of both groups make a two-year commitment, work night and day, neglect classes and are essentially chosen randomly (though the Law Review does this not so explicitly as the Bureau). (This last observation has been corroborated for me by friends on and off the Law Review. I include it here as advance warning for 1Ls.) Incidentally, the Bureau is made up predominantly of women.

The analogy between these two Law School organizations is similar to the workplace debate over comparable worth. While laws require that women be paid the same amount as men when they perform the same work, the more common problem is that women are overwhelmingly segregated into different and lower-paying jobs from men. In response to this situation, many women's advocates have worked toward policies that would ensure women equal pay to men in jobs of comparable difficulty and intrinsic worth.

Why not begin an attempt at Harvard Law School to implement comparable worth by equalizing the rewards bestowed upon the more traditionally female and male student activities? Rather than costing cold hard cash as in the outside world, this process would require instead a shift in attitudes.

This change would recognize that students come to law school with different interests and goals. For those who wish to pursue a career in legal academics, the Law Review may be the appropriate extracurricular aim. And for those who want to get hands-on experience practicing law while in school, the Legal Aid Bureau (and other clinical offerings) might be the pinnacle achievement on their résumés. There seems to be little reason, other than tradition, that so many students with scant interest in pursuing an academic career should strive, and be expected by some employers to strive, for a place on the Law Review. Yes, law firms and judges contribute to the aura surrounding the Law Review, but a shift in attitudes on campus could trigger a shift on the outside as well.

Some women's advocates argue that comparable worth is not the right solution, reasoning that women will receive less pay and less respect as long as they stay in positions that are predominantly female. But supporters acknowledge that there might be understandable reasons why more women are attracted to certain areas and that women should not be penalized for these preferences if they are doing work that is comparable to that done in more male-centered fields. In our Law Review analogy, both concerns could be addressed if the Review were to institute affirmative action for women and at the same time the law school community were to begin to treat other comparably difficult and time-consuming activities with similar respect. In addition, it wouldn't hurt if more men were to join the Legal Aid Bureau.

In a similar vein, I have heard many students speculate on why far more women than men are active in public interest at the Law School. This year and last year, most of the public interest auction organizers and 1L public interest section reps have been women. I wonder if there is any connection between this fact and the observation that the Law School did not make public interest a priority in its recent Capital Campaign.

Causation could work either way, of course. Perhaps if more men pursued public interest, it would be more of a budgetary priority for the Law School. Perhaps if the financial rewards were more closely balanced between private firms and public interest opportunities, more men would be interested. Either way, Harvard could do its part in alleviating the disparity by encouraging more students of both sexes to pursue public interest. And the best way to do that might just be to recognize that public interest and private firm jobs merit comparable worth.

Local Loser

By Kannon Shanmugam '98

Guest Columnist



SOME random thoughts from a tired and stressed 1L — with apologies for the redundancy....

Well, the O.J. Simpson case is quickly receding into history, and the end couldn't have come too soon for me. In part; that's because I was more than a little skeptical about all of the hullabaloo here surrounding the announcement of the verdict and the subsequent campus visits of Johnnie Cochran and Gil Garcetti.

To refresh your memory, and in case you were in the Career Office at the time: just a few weeks ago, television crews were crawling all over the campus in search of the Holy Grail (also known as Prof. Dershowitz's office). In between recording nuggets of Dershowitzian wisdom, they were filming student reactions to the Simpson verdict and soliciting our opinions as if we were experts.

But the fact of the matter is, as flattering as all of the attention was (as if any of us needed an ego boost), the vast majority of us had no reason to be any more interested in the Simpson trial than the average person on the street. After all, a first-degree murder trial is about as far removed from the kind of law most of us are going to be practicing as open-heart surgery.

I think we're just afraid to admit that the real reason we were so interested in the Simpson case is our fascination with all things prurient. It's the same reason that a disproportionate number of us watch "Melrose Place," "Beverly Hills 90210" and other equally high-brow television. After all, it makes a change from the singularly boring life most of us lead, buried in our torts and contracts books.

I'm in Section I, which might perhaps better be known as the Schizophrenic Section — politically speaking, anyway. In the right corner, we have Prof. Rosenberg; in the left, Prof. Frug (with most of our Civ. Pro. professors falling somewhere in the middle).

Perhaps the most humorous consequence of the wide political spectrum of the professors with whom we have been endowed is the way in which aspiring politicians of all persuasions kowtow to our professors' views — even when they profess to dis-

"Lonely male 1L seeks female 1L for companionship, romance and frequent study breaks.... Most important, must be willing to discuss subjects other than the law."

agree with them violently in private.

Thus, the most avowed of socialists extol the virtues of cost-benefit analysis in Prof. Rosenberg's class, while the most Gingrichian of conservatives brush up on their use of "she" as the indefinite personal pronoun in Professor Frug's. The member of either group who has the guts to stand up and demur is a rare breed indeed.

Sadder than either of these groups, however, are those who are already beginning to ask our professors how to prepare for exams — even though they're still fully two months away. Listening to these overeager beavers, one might be forgiven for thinking that grades are the only thing that matters. They aren't — are they?

While I'm on the subject of Prof. Rosenberg, the top three witticisms from the Great Quotable One after the first half of the semester:

3. "Don't believe what they tell you about class action. I invented class action."
2. "Your other professors will tell you differently. Don't believe them. Follow me."
1. "I don't believe in the Constitution. It's just words."

Some of the more earnest members of the Law School community have advocated spending the \$25 million surplus from the recent fundraising campaign on public-service programs.

Although I have no reason to doubt that public-service programs are underfunded, \$25 million seems to me a rather large sum to devote to just one program, of any sort.

Last weekend, I went down to the Business School to meet an old friend of mine. While I was there, I couldn't help but be impressed by the high quality of the facilities. Heck, the gymnasium down there even has marble floors. The Law School seems positively spartan by comparison.

No, the Law School would be better served by devoting just a few million of that surplus to improving the facilities around here — getting some modern computers to replace the Byzantine ones in Hauser, or building a proper gym to succeed Hemenway, the Law School's answer to the old Boston Garden. They might also do something about the horrendous condition of the lawns, while they're at it. (Like shoot some of the squirrels, for a start.)

Having suffered a few weeks ago through the final throes of a needlessly prolonged breakup, I find myself back on the market, only to discover that in the few months I've been off it, seemingly everyone has gotten involved in a serious relationship, engagement or even (horrors!) the M-word.

I don't know if it's something to do with the fact that many 1Ls are a little older, having returned to school after a long time out of it, but it seems as if virtually every 1L is happily committed to a long-term relationship.

With that observation in mind, I've been toying with the idea of taking out a personal in the RECORD. Something along these lines:

"Lonely male 1L seeks female 1L for companionship, romance and frequent study breaks. Needless to say, must be witty, intelligent and ravishing. Most important, must be willing to discuss subjects other than the law."

My phone number's in the book. Given the last requirement, I'm not holding my breath.

Students Concerned About Prof. Miller Missing Classes

continued from MILLER, page 1

Many students say they think the tapes will someday replace the class experience altogether.

Wednesday, Miller said he regrets the scheduling problems, and attributed his frequent absences to a variety of causes. "It's been a terrible year on the personal side," Miller said.

He also noted that professional responsibilities, especially two on-going class action lawsuits, have exasperated the situation. Miller explained that the one class which was unexpectedly canceled was due to the "bizarre" O.J. Simpson verdict.

Miller said he is committed to his obligations at HLS and to his students. "I care a great deal about my teaching," he said. And, pausing, he added, "I try like hell [to concentrate on teaching]."

Right now, students are concerned that the lack of a regular dose of civil procedure hurts their comprehension of other first-year classes. A torts professor recently remarked during class that students should have been familiar with the procedure of the case being discussed. To that, one student joked, "We don't have civil procedure."

But perhaps the strongest sentiment students feel is disappointment that their favorite professor is often not there for them.

"Arthur Miller is civil procedure," said Dan Glazer '98. "I just love his teaching style, his incredible knowledge. He's the best there is."

"I guess that's the price you pay for being at Harvard," said Steve Foley '98. "That's the price you pay for having

Arthur Miller," said Sean Becker '98. "He's a unique talent and we just don't want to share him."

Associate Dean Frank Sander '52 said he had been unaware of Miller's schedule-juggling. He noted that it was unusual for a faculty member to reschedule so many classes. Sander also added that professors are required to make up all class hours before the end of the semester.

Associate Dean Todd Rakoff '75 said that while professors are expected to attend class regularly, no professor can make every class.

"I would think in general students learn better if their class is not helter-skelter," Rakoff said.

Rakoff said there is a "general understanding" that professors do Law School-related work at least four days out of the work week. "My view, which I don't think Miller would disagree with, is that teaching students is our foremost responsibility," he said.

"The other side of this is that it's no secret that Arthur Miller is thought to be a really good teacher and that students at the end of the year think that they have gotten a really good course," said Rakoff.

While that thought may be comforting, students are not happy about the prospect of making up the classes, especially on Friday afternoons. "It's going to be civil procedure 'boot camp' for the rest of the semester," said Becker.

Yet, through it all, students remain overwhelmingly pleased with the professor they pray never calls on them. "We love the guy, really," said Mark Paulding '98. "We just want him back."

Who Was That Masked Man?



RECORD Photo / Karin Kyslik

"International Shoe Man," the super hero of civil procedure professors, made a surprise visit to Prof. Martha Minow's Section III class on Halloween Day, Oct. 31. Refusing to reveal the identity behind his mask, this caped hero presented the 1Ls with the "Top 10 Pick-Up Lines of International Shoe Man." With a hat bearing a sneaker, flags from around the world and a string of shoes hanging from his neck, he read his Top 10 list:

- 10) Want to be under my personal jurisdiction?
- 9) Let's go back to my place and play "tag service."
- 8) I can introduce you to A.E. "Dick" Howard.
- 7) I've read Rule 11, and I know how to use it.
- 6) Hey, comity, between you and me!
- 5) If I tell you you have a nice body of law, would you hold it against me?
- 4) Who needs a reason? C'mon, we're both legal realists.
- 3) Hey, babe, let's go beyond minimum contacts.
- 2) Mind if I habeus your corpus?
- 1) At least I'm cuter than Penoyer Man.

Rumor has it that the masked man lives under the daily guise of an innocent first-year law student. Minow seemed quite flattered to meet the much-discussed avenger of personal jurisdiction and posed for photographs after class.

HOUSE O' STYLE

Court TV or Fashion Television?

By Vik Arora '98 and Christina Ho '98

Guest Columnists

AFTER three years of psycho-briefing, monopolizing Socratic fora, and playing squash with the Arthur Miller set at HLS, Quigley had finally become a lawyer. His first case was up for trial, but Quigley wasn't nervous; he was primed. All quashable motions had been duly quashed, all expert witnesses had been generously "compensated." Quigley was all confidence as he rose and approached the bench, ready to scintillate the courtroom with an opening statement that would rival the Gettysburg Address in speechmaking history. After all, Mother Harvard had prepared him well.

When the final echo of his voice had settled deep into the souls of his listeners, Quigley paused to bask in the afterglow of his brilliance. Indeed the jury was awestruck, but not at Quigley's stirring words and rousing intonations. Their dropped jaws and glazed stares all converged upon Quigley's neck. There lay the apex of the bolo tie which Quigley had intended to "enhance" his batik-print shirt. Suddenly Quigley felt very uneasy....

Quigley's Harvard education had not performed its stated task. To be sure, upon leaving (escaping?) he commanded an arsenal of case law, a keen analytic mind and the golden-throated eloquence of Clarence Darrow. But these things alone a lawyer do not make. Three years of Harvard was supposed to have indoctrinated Quigley in legal culture, not just in the common law, and thereby nudge him from dreds-n-Birks to Cole Haan wing-tips.

But Quigley couldn't seem to penetrate the unstated rules that rigidly bind the courtroom drama. If he had only spoken with his former professors prior to his big day in court, Quigley would have been educated as to the fashion norms of the courtroom. Here's what some of the HLS faculty had to say, upon hearing of Quigley's quandary. Let their words of wisdom guide those of you with aspirations of becoming trial lawyers, lest you end up in Quigley's quagmire.

"No yellow ties," advised Prof. Charles Nesson '63. "Yellow is seen as cowardly," he said, himself sport. a cravat in an elegant dark-blue stripe. Prof. Martha Minow affirmed Nesson's color choice, adding further, "People say you should wear blue because it suggests sincerity."

In the courtroom, as in art, the symbolic connotations of color matter. Indeed, suggested Nesson (whose black-turtleneck-with-blazer ensembles indicate that he's in with the artsy crowd), the courtroom can be thought of as a theater, and the problem of costuming can be solved by analyzing the advocate's role in the legal drama.

For one thing, said Visiting Prof. Peter Murray '67, lawyers must play to the jury as figures of "order, reliability, and accuracy." To translate for the Quigleys of the world, this means no sequins or feather boas, but instead a heavy emphasis on neatness.

If the courtroom is theater and the dress code is costuming, Minow questions whether the story-line is being told from a male perspective. The role of advocate limits an attorney, by making "what other people are going to think" a factor in every decision. Often, said Minow, this boils down to "dressing in a way that won't distract the judge." For women in a profession that still hearkens to its old-school, white male past, judges' values can prove cramping. "Some judges still believe that women should not wear slacks in a courtroom," said Minow. The suit is still the dominant paradigm. How does Minow negotiate these constraints so as not to compromise her own impeccable sense of style? "When I litigate, I try to wear a dress with a jacket." Very chic.

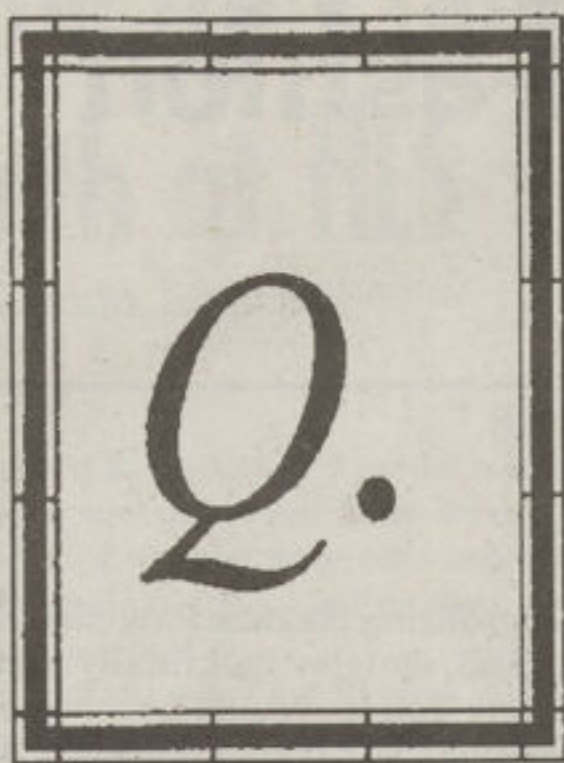
Other groups have had to battle the predominantly conservative disposition of courtroom as well. Prof. Todd Rakoff '75, proudly bewhiskered himself, recalled when beards were once deemed anti-authoritarian in wider society and were viewed as affronts to judges in the courtroom. Nevertheless, many a lawyer in the '60s displayed both beards and long tresses to identify with their clients and to call attention to the political undertones of the rules of courtroom decorum. William Kunstler and his clients, the Black Panthers, even went so far as to don judicial robes in the courtroom, embracing the notion that appearance can express disrespect for the forum.

The Legal Realists exploded the myth of the court's exemption from political raptures in society. The examples from the '60s show that *la couture* is a crack through which society's politics leak into the courtroom (vindicating the Realists on this front at least). Despite the continuity between culture and courtroom, the court still manages to drag its fashion leg half a pace behind the outside world. As the fashion-laggard bar and bench try to adjust to women in pantsuits, the rest of America has moved on in the revolution toward corporate casual.

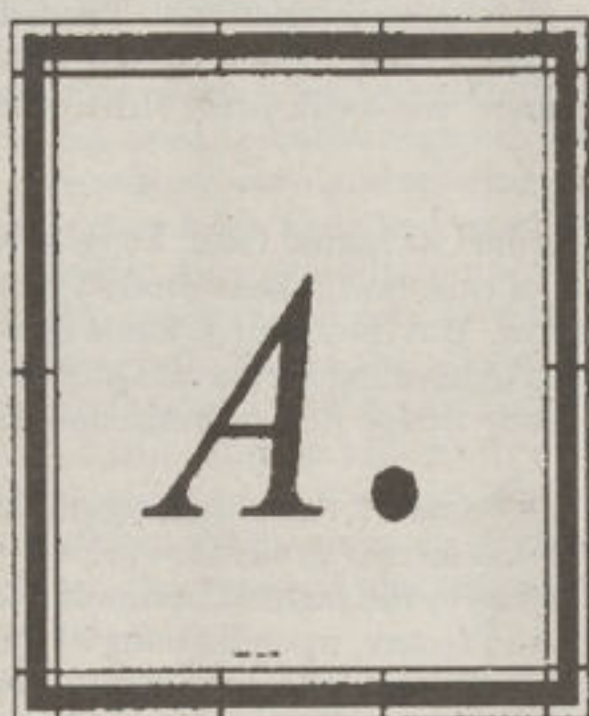
The inertia of fashion attitudes may be endemic to the courtroom. Murray pointed to the limited amount of time that a lawyer has to present her point to the jury. In such a condensed presentation, said Murray, the jury has no time "to separate the message from the clothes." Prof. Elizabeth Bartholet '65 stressed the duty a lawyer has to his client. Thus the lawyer will use his clothing in an instrumental way. "Just as I might be inclined to craft my arguments conservatively, I would be likely to dress more conservatively too," said Bartholet about cases in which the lawyer wants to decrease risk of failure.

On the other hand, some progress has been made on the courtroom attire front. Once upon a time, Minow recounted, "there was a big dispute over whether women should wear hats in the courtroom. After all, respectable women wore hats when they went out, but hats were not allowed in the courtroom." How could one be both an attorney and a respectable woman? At least in the '90s, the urgency of that question has abated. Nesson even speculates that judges now care less about what lawyers wear and that the rules of attire remain only because lawyers continue to mistakenly ascribe them to the judges. Murray after all, has found room in the courtroom to express his individuality through his ties. Murray own 31 lobster ties and wears one every day he is in trial.

What do the progressives of courtroom fashion predict for the years ahead? Whom should Quigley consult before his next courtroom appearance? Nesson offered some models and anti-models. The snappy dressers of the HLS faculty include Prof. David Wilkins '80, Prof. Charles Fried, and Prof. Einer Elhauge '86. As for the future, Nesson said, "Look to California — whatever's happening there is the future of courtroom dressing." As a natural afterthought, Nesson suggested Prof. Alan Dershowitz, who frequently litigates in California, as a potential harbinger of new trends. But Nesson reconsidered. "Well, Dershowitz is not exactly a fashion-plate." No, not exactly.



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