

U.S. Attorney General Janet Reno, shown here talking with Dean Clark after her address, spoke to attendees of the Tribal Courts Symposium about the Department of Justice's policies on tribal governments and tribal justice systems. See story on page 3.

Student Ad Board Members Granted Full Voting Power in All Cases

By RECORD Staff

Students who go before the Administrative Board no longer will have the choice of excluding student members of the board from voting in their cases.

The faculty approved the proposal to make the change at its Dec. 1 meeting. Now, student Administrative Board members will vote in every case brought before the Board.

The debate among faculty members this semester has been spirited at times, with Administrative Board Chairman Prof. Lloyd Weinreb '62 at one point saying he would consider resigning his chairmanship if the proposal were not approved.

Weinreb refused to comment on the vote. Student members on the board also refused to com-

ment in order to maintain their impartiality on Administrative Board matters.

Last year, an apparently divided faculty decided not to change the policy. Weinreb proposed the change a second time.

Those who support the change say students bring a perspective to the board and the vote which is necessary to decide a student's intent behind committing a punishable act.

Critics, however, argued that allowing peers to judge other peers would render the process too political and could possibly stigmatize the student for life.

But Weinreb had argued that such critics misunderstood the nature of the board's activity. Usually the board conducts informal proceedings and resolves cases without disciplinary action, he has said. Only a fraction of

the cases, he said, require formal hearings which may result in discipline, he has said.

Prof. Morton Horwitz '67 warned at the Oct. 13 faculty meeting that a greater student role on the board would be a precedent which would be cited by students seeking increased authority over other aspects of Law School administration.

The student members of the board this year are Noelle Dalrymple '96, Vivian Hamilton '97 and Joseph T. Price '98. Registrar and Faculty Secretary Sue Robinson and Financial Aid Director Sally Donahue are the two voting administrators on the board; Dean of Students Suzanne Richardson is a member but exercises no voting power. The faculty members of the board are Weinreb, Prof. Arthur Miller '58 and Prof. James Vorenberg '51.

1L Section Rep Accused of Defrauding Students

By Katrina C. Randolph

A 1L-Section II representative has been forced to resign from the Law School Council and may face further discipline, pending a hearing before the Administrative Board.

Ron Kasner '98 has been accused by 1Ls in three sections of keeping money which they thought was to pay for tickets to a Boston nightclub. Kasner denies the allegations, saying that he intended to put most of the money into separate funds for each section and that for two sections' parties had planned to extract a \$1 fee for his party-planning services.

"[Kasner's] depiction of what happened made it clear that at least some of the money collected was going to Ron. And it was my position that any personal profit attached to one's position as a section rep or achieved through one's position as a section rep is completely inappropriate," said LSC President Rob Simmelkjaer '97.

Simmelkjaer asked Kasner for his resignation on Dec. 1. Kasner, an active student leader whom some had predicted would be the next LSC president, resigned on Monday.

The incidents that gave rise to the accusations of theft include parties at the Avalon

nightclub for Sections II and III and a planned party for Section IV there. While the Avalon gave Kasner free tickets to pass out to students, Kasner instead charged students \$5 per ticket. Each ticket would admit two people. Kasner said that as an event planner, he charged Section III a \$1-per-ticket fee and had planned to charge the same amount to Section IV students, for his party-planning services. This admission led Simmelkjaer to request Kasner's resignation.

The Administrative Board — the committee that administers discipline to students —

will have to decide whether Kasner actually had established section funds or had instead intended to keep the money he collected from students.

Kasner does not dispute most of the events that gave rise to the allegations. It is

primarily Kasner's stated intentions and the inferences to be drawn from his actions that have given rise to the controversy.

On Sept. 30, Kasner met an Avalon party promoter at a party. There, he told the promoter he was interested in arranging parties at Avalon for HLS students. The promoter agreed with Kasner that he

please see **KASNER**, page 2



Ron Kasner '98

"Phony" Student Suspected in Bizarre Thefts

By Rob Friedman

A man suspected of posing as a law student and stealing mail from several HLS offices was arrested in New Jersey recently after fleeing the Brookline home in which he was boarding.

Although the Harvard University Police Department has not confirmed the identity of the man in custody, it is believed he is responsible for a series of thefts from HLS and the family with whom he was staying.

The strange chain of events appears to have begun

in August, when a man took residence with a family in Brookline. The man represented himself as a Harvard Law School student. Last week, five months after he appeared, the man abruptly left in the middle of the night. The family alerted police the next morning when they discovered the man had stolen several objects from the house. What he left, however, were several bags of mail, much of which addressed to HLS offices.

Members of the Harvard community have been puzzled

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BLSA Successfully Protests Harvard Civil War Memorial

By Tara Dawood

Following a protest by the Black Law Students Association, the Harvard Board of Overseers

has voted to send back to the Harvard Alumni Association (HAA) a proposal for a Civil War memorial which would recognize Confederate soldiers.

The proposal, which was formalized by an ad hoc committee made up of former presidents of the HAA, was to commemorate Harvard alumni who were both Union and Confederate soldiers and who were killed during the war.

Plans included placing the names of all Civil War dead on

the walls of Memorial Church. The Memorial walls already honor Harvard students who died in the Vietnam, Korean, and the two world wars.

"Our letter made the difference," said BLSA member Reg Brown '96, who was instrumental in the protest. "The committee was sending the proposal to the Board suggesting there wasn't much opposition to the memorial, and our letter, which was

endorsed by black students at the business school and the undergraduate college, blew the lid on that."

John Reardon, chairman of the Board of Overseers, said, "I think that the [BLSA letter] say-

ing that they felt they didn't have input and, to say the least, that they didn't like the idea, was influential."

The proposal, said Reardon, "has been sent back to the HAA, and I am convinced that the HAA isn't going to go anywhere with this unless it makes sense to everybody to do something."

HAA Chairman Robert N. Shapiro '78 would not say whether he thought the letter was of particular influence.

"The Harvard African American community, including BLSA, expressed opposition in a concentrated and focused view last week and we took this as seriously as we have all other views, which were primarily those of individuals. We look forward to having discussions with

please see **PROTEST**, page 4



Reg Brown '96

Redstone Speaks on Dangers of Mergers

By RECORD Staff

Corporate mergers in the entertainment industry affect the core values of our daily lives, says VIACOM International Chairman Summer Redstone '47.

In a speech to law students and professors on Dec. 4, Redstone discussed the potential and the hazards of mergers in the American marketplace. He focused on the antitrust and First Amendment issues surrounding mergers in the entertainment industry.

The pros and cons of consolidation "are not simply about economics. They affect the core values of our life," he said. One of the major threats posed by media mergers, said Redstone, is the potential emergence of "media gatekeepers" controlling access to the media.

"What the main purpose of antitrust laws should be is to ensure the widest possible access on equal terms to all providers of broadcasting so that the [consumer] will have real freedom of choice," said Redstone.

Careful scrutiny of proposed media mergers, Redstone said, is necessary to avoid both free speech and antitrust problems. "There has to be competi-

tion, and I mean ferocious competition," he said.

"Concentration in the media can undermine the very principles on which the First Amendment was built," Redstone observed.

"Big alone is not better," he said. "In Time Warner what you have is a vast distributional power which converges with programmers," he said, commenting on VIACOM's media rival.

"Concentration in the media can undermine the very principles on which the First Amendment was built," said Redstone.

Redstone also talked about the Internet, saying he did not know how companies will make money with on-line services. The current revenue-producing methods of advertising and subscriber fees have not yet shown that they will bring in enough money, he said.

Dean Clark '72 presented Redstone with an oversized wooden gavel, which Clark jokingly said should come in handy "in dealing with the [Rupert] Murdochs of the world." The wood for the gavel came from trees taken down to allow for library renovation.

Several professors and about 75 students attended the discussion, which was hosted in part by the Committee on Sports and Entertainment Law.

Some information for this article was taken from the Harvard Crimson.

"Student" Suspected In HLS Mail Theft

continued from THEFT, page 1

by the events. "It's just a bizarre story," said Dormitory Officer Dan Murphy. While HLS officials in Buildings Operations knew of the mail theft incidents, no one could comment on the details.

Those whose mail was stolen were bewildered. Gerry Azzata, administrative director of the Human Rights Program, one of the offices from which mail was stolen, said she found out what happened from a member of the Brookline family.

"It's a strange thing to get a call the morning right after Thanksgiving from a person claiming to have your mail," she said.

Azzata said she believed that the mail, both in-coming and out-going, was taken from the mail chute on the outside of the office door. She was made aware of the mail's disappearance after receiving a call from the family. The family member who found the mail called the Human Rights Program because Azzata's name appeared on some of the mail.

Letters addressed to the Asian-Pacific American Law Students Association (APALSA) and the Graduate Student Program Office were also among the stolen mail. Doug Sugimoto '96, co-chair of APALSA, said that he recently learned about the missing mail. He said most of the mail was "not essential" and mainly consisted of personal correspondence and out-going information to members about firm interviews. Sugimoto said the mail was returned to the Human Rights Program office.

The Graduate Student Program Office, which reportedly had the most mail stolen, refused to comment "until the investigation is over." They did confirm, however, that a representative of the office reported the incident to Harvard Police.

Harvard Police Lt. John Rooney said the police are conducting "an active and on-going investigation."

"A suspect was arrested by New Jersey authorities on unrelated charges to the [mail theft], but whether there is a connection or not, we're not sure," he said.

Rooney did not disclose how the suspect was found in New Jersey, or on what charges he was arrested. "We haven't been able to officially touch base with authorities in New Jersey," he said.

The investigation will be a complicated one. Because of the nature and variety of the stolen items, several law enforcement offices may become involved. Along with Harvard and New Jersey police, local law enforcement offices may be called in. Thus far, police offices in Somerville, Cambridge, and Brookline say they have no knowledge of a report or an investigation.

Further, because of the inter-state nature of mail delivery, the mail theft may be investigated by the U.S. postal inspector. Boston Postal Inspector Jay Abernathy said he had not heard of the incident. He said, however, that if the mail was stolen after it was distributed by Harvard Mail Services, then it would not be covered by federal law.

"If it's an internal matter, then it's not classified as being in the mail stream," Abernathy said.

1L to Appear Before Ad Board for Alleged Theft

continued from KASNER, page 1

would arrange student parties at the club and told him that everyone who came to the club would need an invitation. The invitations, however, would be free, the promoter said.

The two talked several times about the upcoming first party. "During one of these conversations, he mentioned something about selling them, he said, to raise money for the section. I said I can't know that you are doing that," said the promoter, who asked to not be identified by name. The promoter's impression, said the promoter, was that students would know the tickets were free and that their money was going into a fund.

In early October, Kasner went before the Law School Council, the Dormitory and Student Affairs Council and the Asian Pacific American Law Students Association and said that he was an event planner. He invited organizations to plan their parties through him. At no time did he mention that he planned to deduct a "service charge" from the price of the tickets he would sell. Nor did he mention that he would be getting tickets free, at least, from Avalon.

About the same time, after he and Jeremy Bash '98 were elected to be Section II representatives to the Law School Council, Kasner and Bash went before their section and said that Kasner had arranged with Avalon nightclub to sell tickets to HLS students for \$5 per ticket for two people and that this was 75 percent off the normal charge of \$10 per person.

"We sold the tickets for \$5 each because he told me that's how much they cost. I had no reason not to trust him," said Bash.

"We had batted around the idea of a section fund but he never told me that the money from the Avalon ticket sales was going to go to that fund," he added.

In a RECORD interview, Kasner

admitted that, while he and Bash had discussed coordinating a section fund to pay for class gifts to professors, the discussion never culminated in any concrete plans. "Jeremy and I left it at that. He didn't know what my plans were," said Kasner.

Kasner said he got tickets from Avalon for free because he had "contacts." However, he said, he still charged students \$5 because he wanted to make the party "attractive enough" that he could raise enough money for the section fund.

"The reason why I chose the \$5 is that it is my experience that when you tell somebody the party is for free, nobody shows up. But when people

throw a party the same way you do yours," said Kasner. But he never told Chen or any other student official that he had gotten the tickets for free, or that he planned to take a fee, or that he was putting the rest of the money in a section fund.

"I was strictly concerned with making the arrangements for the party. It did not dawn on me to tell them where the money was going," said Kasner.

"It took time and energy and everything else to [plan the party]. I was planning on taking \$1 out of the five — 20 percent — to cover for my services. The rest of the money was going to the section fund for their activities," said Kasner.

"I was planning on taking \$1 out of the five — 20 percent — to cover for my services. The rest of the money was going to the section fund for their activities," said Ron Kasner '98.

have to make a commitment to something, they're going to go," he said.

At least 50 Section II students attended the party, which was held in October. Kasner then agreed with Section III representative Rich Chen '98 to arrange a similar party for Section III.

"He told me he was a party planner hired by Avalon to do parties," said Chen. "I was under the assumption that Avalon had authorized him to go ahead and throw their parties."

"He told me, 'Avalon normally charges \$10 per customer, but I can get you a special rate where you can get two members of your section in for \$5 together,'" said Chen.

"Rich Chen told me to go ahead and

The Section III party at the club occurred on Nov. 4. Kasner soon began planning a party for Section IV, but tickets were not selling well, some say because students did not want to pay the \$5 fee. A Section IV student who met the Avalon promoter at another event told the promoter that tickets were not selling well. The promoter told the student that the tickets were free and that Kasner had said any charge was going into a section fund.

The student informed Rob Jancu '98, a Section IV representative. Jancu announced to his section that the tickets were free. He confronted Kasner, who then told Jancu and other section representatives that he had established a section fund, had extracted a fee for the

Section III party and planned to charge the same amount for the Section IV party.

Jancu and two other 1L representatives filed a complaint with the Administrative Board through the Dean of Students' office in mid-November. Kasner's hearing is expected to occur before mid-January.

If sanctioned, Kasner could receive discipline ranging from a warning to expulsion. Last year, third-year student John Bates was suspended for one year after a Harvard police investigation revealed he may have been involved in credit card and mail fraud against students living at Terry Terrace.

Kasner maintains his innocence. He says he never intended to defraud anyone, and has apologized to students for his actions.

"People have been claiming that what I did was fraudulent," he said. "The whole point is that I didn't take the whole \$5; I did take the \$1, which was a reasonable value for my services. I wasn't about to spend my time and effort to provide my services for free," he said.

But Bash said, "The people in the section feel like they got duped by Ron. And that troubles me."

"Think the logic through," said Jancu. "If it were 'our' own sectional funds money, then how could he forget to tell us section reps? Why did we need to fork over 'our' money at all? Why did he neglect to provide us 'our' money until we confronted him?"

"And worst of all, why did he make the repeated and explicit representation that the money was the dance club's admission fee, which is a statement utterly incompatible with any explanation of section fund monies?" asked Jancu.

One student, who asked not to be named, said, "If Ron would only come clean, some members of the section might forgive him. But since he's coming with the story about a section fund, nobody is going to forgive him."

Reno Addresses Tribal Justice Conference

By Josh Strathman

U.S. Attorney General Janet Reno LL.B. '63 visited HLS last week to emphasize the necessity of maintaining tribal justice systems.

Reno, speaking about the Department of Justice's policies concerning tribal governments at Saturday's Tribal Courts Symposium, said the department is "firmly committed to increasing self-determination for American Indian tribal governments by strengthening tribal justice systems."

"The department is committed to strengthening and assisting Indian Tribal governments in their development and to promoting Indian self-governance," continued Reno, quoting from the department's Policy on Indian Sovereignty and Government-to-Government Relations with Indian Tribes.

Emphasizing the importance of tribal justice systems to this end, Reno noted congressional recognition that "tribal justice systems are 'important forums for ensuring ... the political integrity of tribal governments [and are] essential to the maintenance of the culture and identity of the Indian tribes.'"

Reno characterized the department's position on this issue as a "necessary corollary" to its broad law enforcement duties in Indian territory. Despite this federal enforcement responsibility, Reno said that tribal justice systems, with their local presence and their close relation to the people they serve, "are ultimately the most appropriate institutions for maintaining order in tribal communities."

Reno also talked about the role of

tribal courts in the preservation of Native American values and customs. "Tribal values are affirmed not only in the end result of decisions..., but also in the process by which the decisions are made, the way disputes are resolved and the manner in which justice is done," she said.

Reno noted, however, that several difficulties threaten to block the complete realization of these goals. Remarking that the federal government is too often reluctant to "listen [to], absorb and learn" about the different cultural traditions under its jurisdiction, Reno lauded the National American Indian Listening Conference, held in

Albuquerque, N.M. in May 1994, as a commendable departure from this pattern.

Tribal Justice Problems

Tribal leaders at the conference described the things which tribal justice systems lack, including: funding for salaries, facilities and equipment; training for personnel; recognition and enforcement of tribal court orders; and jurisdiction over important criminal issues arising in Indian country," Reno said.

The Justice Department responses that emerged from the knowledge gained at the conference were the establishment of the Office of Tribal Justice and the initiation of the Tribal Courts Project, Reno said. The Office of Tribal Justice, according to Reno, acts to coordinate departmental policy toward Indian tribes with the policies of other federal agencies. This facilitates access to information on legal matters related to the tribes, she said.

The Tribal Courts Project, on the

other hand, works to develop and strengthen tribal justice systems mainly by "increas[ing] general public awareness about tribal justice systems," and developing "innovative training and technical assistance for tribal justice personnel," said Reno.

Deputy Assistant Attorney General Mary Morgan, who directs the Tribal Courts Project, spoke after Reno about the more specific targets of the Project's activities.

One significant problem facing tribal courts, Morgan said, was a general lack of resources which frequently resulted in the neglect of tribal justice systems and their support services. Though the Justice Department lacks the funds to allocate money to running tribal courts, the project does work to channel funds through discretionary grants and to facilitate access to other forms of aid such as training and technical assistance, according to Morgan.

The Justice Department, for example, is working to develop a "model curriculum to be used in training" both tribal and federal court personnel for dealing with child sexual abuse cases arising on reservations, said Morgan.

Another major and recurring problem confronting tribal courts is that of misdemeanor crimes committed on reservations by non-Indians, said Morgan.

Morgan said that though state or federal courts are supposed to have jurisdiction over such crimes, this has not been fully exercised. These courts, according to

Morgan, "often lack the resources to fully prosecute these and choose to focus on more serious problems."

Because of this situation, many people view misdemeanor crime by non-Indians on reservations as "committed with impunity," a perception that only "encourages the spread of such crime," said Morgan.

Morgan described some of the solutions the Tribal Courts Project is pursuing to remedy this situation. She said that one partial solution would be "moving the forum closer to Indian country" — physically convening federal court near or on reservations where they already have jurisdiction.

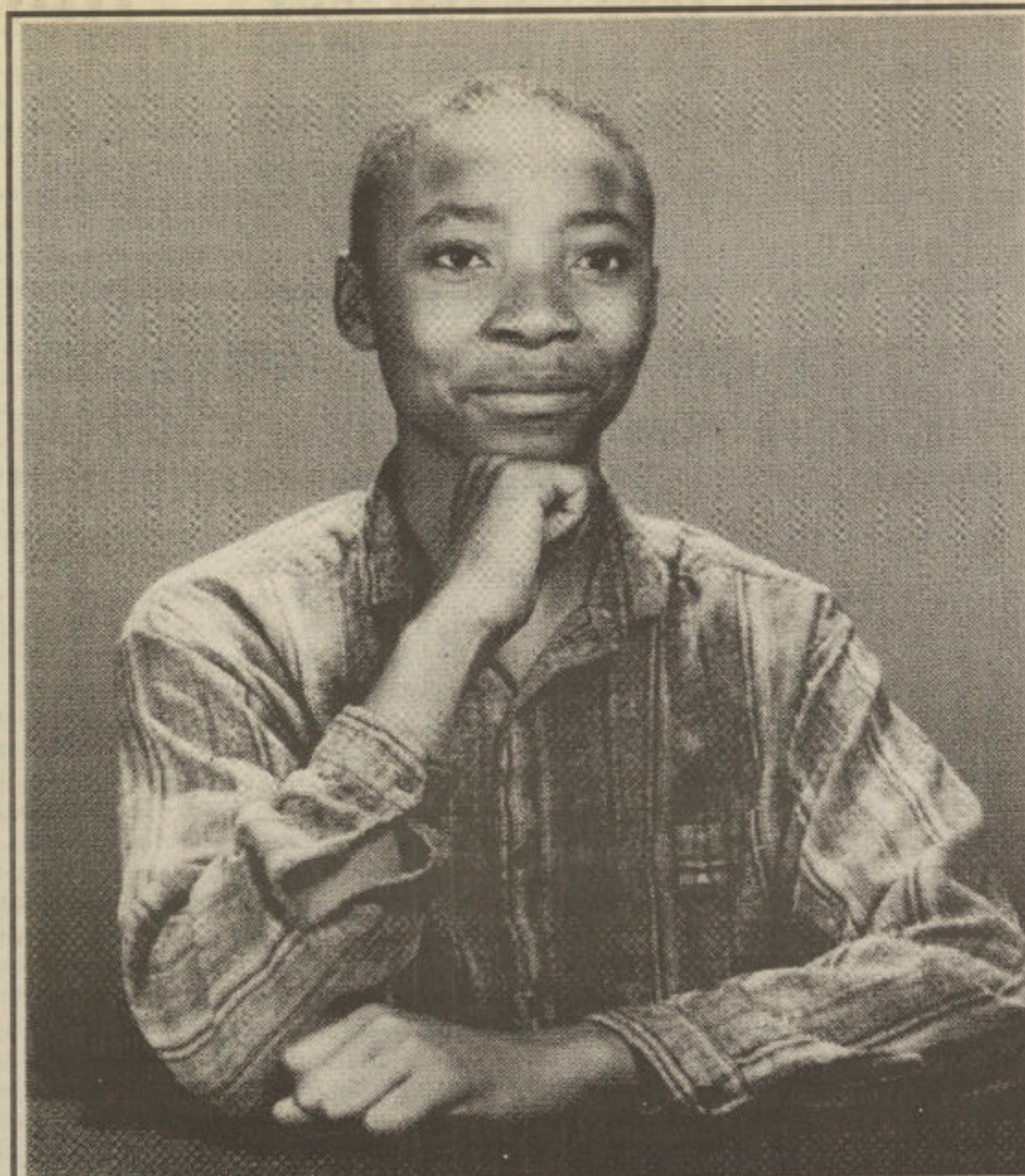
One way to facilitate this, said Morgan, is through greater "cooperation with tribal courts in the use of tribal facilities to enforce federal law." Morgan anticipated "that the presence of federal courts [near reservations] will increase reporting of domestic violence on reservations [which is committed] by non-Indians."

Reno emphasized the need for effective enforcement backing within the tribal justice system itself and for support from the federal justice system if tribal courts were to be made truly effective.

In this way the Justice Department's participation can help "ensure that tribal justice systems can

take their rightful place as partners with state and federal courts in the nation-wide administration of justice," said Reno.

... but also in the process by which the decisions are made, the way disputes are resolved and the manner in which justice is done," said Reno.



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BRIEFS



Harvard University Tops List of Scholastic Fundraisers

A report released by The Chronicle of Philanthropy ranked Harvard University as the highest fundraising academic institution in the nation. Of the University's total income of more than \$1.7 billion, \$289 million in support was drawn from private sector donors.

"The College puts a lot of effort into fundraising and this year's goal was the highest ever," according to a development office staffer, who declined to give her name. The University is currently pursuing a five-year capital campaign goal of \$2.1 billion, the largest fundraising drive in the history of academia.

Of the top 400 charities noted in the list, 151 were colleges and universities. Other colleges highly ranked for their private support were the University of Pennsylvania with \$260 million, Stanford with \$226 million, the University of Southern California with \$223 million and Yale with \$184 million.

Harvard placed eighth among all not-for-profit corporations nationwide. The Salvation Army topped this list with \$725 million received in private support.

— from the Harvard Crimson

New UHS Chief of Medicine Takes Office

Christopher M. Coley took over as chief of medicine at University Health Services this Monday, ending a year-long search to fill the position. Among the duties assumed by Coley are "overseeing the actual clinical care, making sure physicians deliver quality care and developing a quantitative way to measure the quality of care," he said.

Coley expressed a hope that UHS would play a greater role in teaching medical studies. Pursuant to this, Coley said he plans to implement a number of innovative ideas, including "integrating the health ed[ucation] department, being more strongly linked with physicians and primary care givers and [starting] a preventative care program."

Other issues Coley said he hoped to advance in his new capacity were the need for increased student awareness and instructive preventative measures on such topics as smoking, alcohol and sexually transmitted diseases and the implementation of connections between the medical school and area hospitals.

— from the Harvard Crimson

Supporters of PBHA Public Service Programs Protest Harvard Administration

On Dec. 7, students, community members, faculty, government officials, and alumni rallied in Harvard Yard to support Phillips Brooks House Association. PBHA is a non-profit, student-run public service corporation that, with its 1,700 volunteers, serves 10,000 people in the Boston and Cambridge area.

PBHA relies on a professional staff paid by Harvard University to assist in planning safe and effective programs. Harvard recently decided to fire two experienced public service workers and follow replacement procedures, which conflicted with the suggestions of the public service community. In reaction to this PBHA passed a resolution to move towards gaining control over the hiring of its own staff.

The demonstrators protested what they saw as a threat to the quality and integrity of PBHA's public service program resulting from recent administrative action. The rally urged Harvard's administration to be attentive to the desires of the providers and recipients of public services in securing greater autonomy in PBHA's structure.

Speakers at the rally included Prof. Charles Ogletree '78, Cambridge Mayor Kenneth Reeves and Pulitzer Prize Winner Robert Cole.

Thefts at U.Va. Law School Are a Growing Concern

It seems that theft is not just a Harvard Law School concern. At the University of Virginia School of Law, a series of thefts has left students and administrators concerned about their belongings.

The U.Va. law school newspaper reported that thefts have increased gradually since the fall semester began. Most of the thefts have been of money and wallets. However, an external disk drive, a laptop computer and a jacket have also been reported stolen, the paper reported.

The school's associate dean attributes much of the theft to the fact that the law school is public. "We're a public building that is open 24 hours a day, seven days a week. Anyone truly can come in," said Elaine Hadden, associate dean of U.Va. Law School Administration.

6-Foot Snake Escapes at Med School

A 6-foot pet boa constrictor escaped from a student's cage at a Harvard Medical School dorm Monday.

The snake slipped past the owner while he was cleaning its cage. It then slid into a heating duct and stayed there until Harvard University officials lured it out with chicken meat. They had to cut a 6-inch by 6-inch hole in the student's wall to get the snake out.

University officials removed the snake from the student's room and took it to an area science museum. The University does not allow students to keep pets in their dorm rooms.

— from the Harvard Crimson

BLSA Protests Civil War Memorial

continued from PROTEST, page 1

BLSA," said Shapiro.

The BLSA protest was in the form of a letter dated Dec. 1 and addressed to the Board of Overseers.

"The process by which the University had brought the issue to the board, the legal permissibility of memorializing the Confederate war dead and the moral objection to such a memorial were the three issues we addressed in our letter," said Brown. "The ad hoc committee advertised their proposal over the summer to minimize opposition, but once the school year started, members made no effort to contact minority organizations with an interest in the memorial. They issued a secret report and to this day have not revealed the contents."

But Shapiro said the proposal was widely publicized. "That form of the proposal went under an [Associated Press] byline and showed up in newspapers all over the country over the summer," he said.

The question of whether to establish a memorial has been around for decades. Last year, the HAA formed the ad hoc committee to revisit the idea of a memorial proposal because of the ongoing renovations of Memorial Hall.

"Since the time when alumni after the Civil War first donated money for Memorial Hall to honor the Union war dead, there has been controversy over whether the names of all of Harvard civil war dead should be recognized," said Shapiro. "Most of the results, even 90 percent, have been overwhelmingly positive."

"We did hear from the Harvard Associated African American alumni that they were opposed. However, there was not unanimous opposition from the black alumni we heard," said Shapiro.

The BLSA protest took form after the organization was contacted by Karole Dill, head of the Harvard African American Alumni Association.

"We voted to oppose this proposed memorial and referred the matter to the BLSA Political Action committee," said Brown. "We then talked to Jack Reardon, who told us that if we wrote a letter, he would ensure that it was read by the Board of Overseers."

Shapiro said that the committee was open to hearing all sides on the matter and that the memorial is not meant to offend members of the Harvard community.

"No one is saying that it is inappropriate to have Memorial Hall, and no one is saying there should be a monument for the Confederacy, only that Harvard had people fight and die on both sides and when the war ended, there was still one country and one University," Shapiro said, advocating a memorial that honored both confederate and union dead.

Many BLSA members are disturbed by this joint recognition. "In our view, the HAA ad hoc committee's report is the product of a fundamentally flawed deliberative process, makes a recommendation that is of questionable legality and, at the

very least, is an affront to African-Americans as well as the brave sons of Harvard who gave their lives to preserve the Union," the BLSA letter stated.

Shapiro called the memorial a "recognition and a remembrance" that Harvard alumni fought on both sides of the Civil War.

"Harvard has a history, a present and a future. It's part of Harvard's history that a significant fraction of graduates who fought and died in the war fought for the Union, and some people are interested in this deeply from a historical perspective."

Harvard black alumni, as well black students from the college, law and business schools, disagree with Shapiro's assessment of the memorial, denouncing it as immoral.

"Now we're left with the moral question of whether the Confederate soldiers' sacrifice was the same as the Union soldiers' sacrifice. The Union soldiers fought to preserve the Union and against slavery, and the Southern soldiers fought to ultimately preserve a system of slavery that

was rooted in racism," said Brown.

Reardon said the Board would look for some consensus on the issue before going ahead. "It is something that I feel strongly and the board feels strongly about, that if this isn't something we can agree on, then we shouldn't do it," he said.

The BLSA letter likened the proposed memorial to one that could be made honoring soldiers fighting for the Nazis.

"If the issue were whether the University should put up a memorial to 64 Harvard students who were Nazi soldiers during World War II, would there be a need for further study, more deliberation, or greater dialogue?" asks the letter.

"The names on the Wall do not include those who died fighting against the Allies, despite what recent media reports say," said Brown. "For example, Admiral Isoroku Yamamoto, a Harvard graduate student from Japan, who engineered the attack on Pearl Harbor and was shot down in 1943, was not included on the University memorial," he said.

Shapiro said, "Harvard has memorials to its students who have died in other wars, including those who died fighting on the German side. However, I have heard there may be names of Harvard graduates who were not included on the Wall, and perhaps that will require further review."

Reardon said the Germans who are memorialized died during World War I.

"We're eager to hear views from any interested party. BLSA expressed views right before overseers' meeting; the timing is such that we will be talking with them," said Shapiro. "We didn't know at the start of summer where this would lead, and we don't know now."

This is BLSA's second major protest in recent history. The other protest was about the absence of women of color on the faculty. It ended with former Prof. Derek Bell leaving HLS.

"Our goal is to get the University to abandon this issue all together, and we're going to win," said Brown.

"No one is saying that it is inappropriate to have Memorial Hall, and no one is saying there should be a monument for the Confederacy, only that Harvard had people fight and die on both sides and when the war ended, there was still one country and one University," Shapiro said.

GYM RAT

The Year In Sports



By David Koontz '96
Sports Columnist

THIS is the last time the Gym Rat will ever get to write about sports.

In 1995, that is.

Yes, it's time for the Year in Sports Spectacular, a rehash of sports news nearly as shameless as "The Simpsons" 138th episode celebration this past Sunday. The difference between me and Matt Groening, however, is that Matt Groening is funny. At any rate, the Simpsons thing was good for me because I'd never gotten to see those early episodes.

In fact, I only began watching television again about two years ago. I had been on strike ever since they canceled the "White Shadow," the only television show in history about basketball. Sure, every now and then I would turn on the tube to see if TBS was showing "The Fish That Saved Pittsburgh" or maybe even "Teen Wolf," but usually it was Andy Griffith or something, so I stopped even trying.

But since I've been in law school, I've had plenty of time to do nothing but watch television, so I'm eminently qualified to run through the highest highs and the lowest lows in sports for 1995. I've taped every ESPN SportsCenter, and I've spent the last week reviewing all the tapes, sometimes up to 18 hours a day. By the way, if any of my professors are reading this, I'm just kidding. And thanks for that extension....

College Football Team Most Royally Screwed by the System: Penn State. (This is barely 1995, but I can't let this one go.) The Nittany Lions (you should see those cats make a quilt) went undefeated but apparently failed to run up the score enough to jump past Nebraska in the polls late in 1994. The college bowl system, which had become so screwed up that one game was allowed to call itself the Weedeater Bowl, had created the Bowl Alliance. Penn State had the misfortune to win the Big 10 (which, with the addition of Penn State, is actually the Big 11), whose only "allies" remained the PAC 10, whose champion met and got stomped by Penn State in the Rose Bowl.

College Sport Luckiest to Avoid Getting Burned a Second Time: College football. The Bowl Alliance still has not cracked the tough nut that is the Rose Bowl, but it turned out not to matter. Three teams were undefeated toward the end of the regular season: Nebraska, Ohio State, and Florida. Ohio State belongs to the Big 10, which was bad for its national championship hopes because it wasn't ranked first (see above). Michigan took care of everything by stomping Ohio State in its last regular season game after Ohio State receiver Terry Glenn said, "Michigan's nothing." I wonder what that makes Ohio State in crunch time.

Biggest Comeback after Retirement: No, Michael Jordan was last year. This time, Ryne Sandberg made a few small headlines in these parts when he decided he wanted to resume his Hall of Fame career with the Chicago Cubs, partly because Larry Himes, the general manager whom some players privately referred to as "Satan," is now gone. Now Sandberg feels that playing is fun again, and he's got a chance to win.

Biggest Clutch Performance: This will surprise no one, but Braves pitcher Tommy Glavine's Game 6 performance in the World Series was one for the ages. He went eight innings and gave up only one hit to the best-hitting baseball team in the last 50 years. It was merely the biggest baseball game in the franchise's 30-year history and for a city that Sports Illustrated once mocked as "Losersville." I suppose SI's commemorative issue will have to pass as a retraction.

Longest Football Winning Streak: Nebraska? No. Penn State? No. It's the HLS two-time champion Learned Hands, who deserve some recognition for their consistent winning on blustery Webster Field. In all, the streak stands at 24 victories in a row. They won by a little, they won by a lot. They won in a house, and they won with a mouse. They won here and there; they won everywhere.

The Where the Hell Did Those ILs Come From Award: The Great Danes, last spring's B-League basketball champs, first arrived at Hemenway Gym as a modest bunch last fall. They then proceeded to beat and frustrate older teams who were more experienced with the slip 'n' slide at Hemenway and probably thought they ought to beat those IL punks. Now the Danes can't sneak up on anyone, but it won't matter. They're just plain good.

The No Respect for Your Elders Award: Obviously, it could have been the Great Danes, but the A-League champion, Well-Hung Jury, knocked off an all-3L team last year by one point in the championship game. Not only did they deny the graduating veterans, but they made it agonizingly close.

The Prince and the Pauper Award: Not that anyone could call Deion Sanders a pauper, but the reigning prince of football free agency doesn't get the same treatment in baseball. Sanders has played for three different baseball teams and three different football teams in the past three years. In football, he leaves of his own accord, seeking greener pastures. In baseball, he's been traded twice. While he's won the Super Bowl with the 49ers and is seeking another with Dallas, both baseball teams that traded him (the Braves and the Reds) made the playoffs this year, while the San Francisco Giants increased their ticket sales somewhat.

Best Expansion Team: Although the jury's still out on the NBA's Toronto Raptors, the Vancouver Grizzlies have lost (at last count) 13 in a row. The NFL Jacksonville Jaguars have not made much of an impression (can you think of three Jaguar players?). The hands-down winner has to be the Carolina Panthers, who at 6-7 have already won twice as many games as any previous NFL expansion team. The reason? Defense (all veterans except for one spectacular rookie, Tyrone Poole) and coaching.

Best Team That Gets No Respect: The Houston Rockets won two NBA championships in a row, but you still don't hear them mentioned in the same breath with Orlando, New York, and San Antonio. In fact, I almost forgot to mention them. Just don't tell Hakeem Olajuwon where I live if you see him, and also let him know I think the new uniforms look great.

Happy New Year. See you in 1996....

THE VERDICT

Mafia Rehash v. A Fresh Color



By Michael Bennett '98
Movie Reviewer

"Casino"

"CASINO," the latest addition to the Scorsese war chest of films, has finally arrived. Unfortunately, compared to his more recent work, it's not terribly exceptional. It's neither as cinematically dynamic as his remake of "Cape Fear" (1991), nor as thematically engaging as "Goodfellas" (1990). Despite its lackluster nature and near three-hour running time, it is nonetheless a decent movie.

The film is essentially about small-time hustlers and criminals rising from obscurity to Las Vegas-style royalty and then falling back into obscurity. The old rags-to-riches-to-rags story with a gangster twist. Ace Rothstein (Robert De Niro) is appointed by East Coast dons to run one of their best casinos out in Las Vegas. He reluctantly accepts and is joined by his best friend Nicky Santoro (Joe Pesci) for protection and then by his less-than-loving wife Ginger McKenna (Sharon Stone). From the very beginning the trio spiral downward around the typically Scorsesian "great man gone bad" theme. Unfortunately, the downward component of the spiral progresses very slowly, and the viewer is left exhausted, literally praying for death and/or serious film rippage as the movie approaches its three-hour mark.

With a cast of all-stars like De Niro, Stone, and Pesci, it would take more than a helpless idiot to actually make a bad film. Surprisingly, Stone is perhaps the most

Scorsese has somehow not realized that the old form of Mafia film is a very dead horse, and he refuses to cease beating it.

interesting element of the film, offering some of her most convincing work to date, although, with a past littered by poorly acted roles in flops like "Action Jackson" (1988) and "Police Academy 4" (1987), that's not saying a whole lot. Pesci's character is, frankly, an uninteresting, two-dimensional dead weight that should have been jettisoned. His primary roles (as violent thug and recipient of much fellatio) add very little to the movie. However, he does offer several very funny insights into other characters and sprinkles hilarious thought dialogue about dealing with "degenerates" he's forced to beat down. His performance overall lacks the sincerity of his work in "With Honors" (1994) or the sting of his delectably demented Mafioso role in "Goodfellas" (1990). De Niro fails to impress with his acting as well. His character's quiriness and odd sense of fashion are interesting, but, unfortunately, their effect is practically negated by his performance, which is nominally above average.

One bright spot is that the movie radiates an aura of reality, and for good reason: Scorsese used more than 7,000 extras as common folk and backgrounders in the film. But in the end, despite a huge budget, some of the best camera techniques in the business, and a collection of formidable artists, the film does little more than fizzle. Scorsese has somehow not realized that the old form of Mafia film is a very dead horse and he refuses to cease beating it. For vintage Scorsese, see "After Hours" (1985) — it's fresh, innovative and runs under two hours.

Rating:



"Red"

For a more complex view of the world, the viewer might sample Polish director Krzysztof Kieslowski's "Red," the final film in his trilogy based on the three colors of the French flag: blue, white, and red.

The film co-stars the radiant Irene Jacob as the model Valentine and Jean-Louis Trintignant as a retired judge. The paths of the two characters cross when Valentine accidentally hits a dog owned by the retiree and seeks out its owner. As Valentine and the judge interact, the filmgoer is given access to another sub-plot centered on a young judge-to-be named Auguste, played by Jean-Pierre Lorit. Unbeknownst to any of the characters, Auguste lives less than a block away from Valentine.

Immediately, parallels between the lives of Auguste and the judge appear and strongly suggest an intimate link between the two, perhaps even that they are one and the same. The judge's recollection of his tragic past mirrors the real time events in Auguste's life as they play out tragically before the viewer. The film begins to feel very mystical as the retired judge foreshadows the events that will soon occur in Valentine's life, a foreshadowing which indirectly poses questions about coincidence and seemingly mundane decisions. Kieslowski plays the dual role of philosopher and filmmaker, both successfully.

Kieslowski's technique is impeccable. His use of the color red throughout the movie is ubiquitous yet is not burdensome. Watch closely as the larger-than-life poster of Valentine is removed from its billboard, its blood-red background and her red lipstick melting into the flooded streets below. Even the camera's obsession with a pack of cigarettes is beautiful. It's been reported that "Red" is Kieslowski's final direction, and if this is true, he has done what few directors have ever done: End with a swan song.

Rating:



Harvard Law RECORD

Founded in 1946

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Publisher

Of Mumbles and Ethics

At the beginning of the semester, Marcus Hartmann wrote a column about the "Harvard mumble," that is, the tendency for Harvard Law students to mumble "Harvard" when asked which law school they attend. This phenomenon has taken on a new meaning in light of recent events. In this week's RECORD, there is one story about a thief who was pretending to be an HLS student and another story about an HLS student who has been accused by his peers of being a thief.

Such occurrences elicit concern at any school but are of particular news at a law school. The law is about ethics and justice, something many of us forget in the heat of firm interviews and dreams of Wall Street. Today, lawyers are more often associated with self-acquisition than corrective justice, and Harvard Law School in particular conjures up images of ruthless competition and a "Paper Chase"-like self-absorption. This need not be our image.

These recent theft stories could more easily be dismissed if they were isolated incidents. Unfortunately, they are part of a chain of unethical behavior that exists at HLS. Last year, John Bates, then class of '95, was suspended for one year and not allowed to take his third year exams after being accused of credit card and mail fraud against his fellow Terry Terrace residents. Other students have been found to have lied on their admission applications in the past few years.

In a school with 550 students in any class, one would expect there to be incidents like these; certainly Harvard's numbers are not particularly high. But incidents like those chronicled in this week's RECORD should not only inform readers about events; they should make readers—in particular, students—examine what they expect of their classmates. We are all part of a larger Harvard community that does not begin or end with any particular student or class, and what we do here as well as what we do in the future reaches beyond the students in our official year.

Students need to be informed of what kinds of procedures HLS has for students accused of committing offenses. Many students are unaware of the procedures of the Administrative Board, or of the disciplinary actions, which range from a warning to expulsion.

In addition, applicants to their state's bar are subject to the strict ethical questioning of the bar examiners. Even if a student gets a warning, that is not reported to the bar, he or she is required to tell the bar on the application. If a student chooses to not disclose that information, he or she can be disbarred if the charge is later discovered. The nature of our profession is such that we cannot escape ethics; it is what we are about.

In Dean Clark's welcoming speech this year, he stated that what he particularly liked about the two movies in which Tom Cruise played an HLS graduate was that the protagonist lawyer always did the right thing in the end. In order to ensure that students here follow suit, they need to be informed about the ethics of our profession.

There are actions aside from disciplinary sanctions that Harvard can take to address ethical concerns. Perhaps part of the "A" group orientation at the beginning of the 1L year should include mandatory attendance at a lecture on ethics, similar to the mandatory library lectures that were part of this year's orientation. This lecture could include a discussion of the procedures of any disciplinary action. Or perhaps the ethics class that students usually take in their third year should be a 1L requirement.

A law school such as ours, which teaches us how to make a difference in this world, should above all teach us to make that difference a positive one. Or perhaps this is idealistic, but then idealism was once a dominant characteristic of this profession. If we can regain that sense of justice and idealism, perhaps we will no longer have the "Harvard mumble."

— Dawood

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

—First Amendment, US Constitution

• Letters •

Survey Answers Do Not Affect Public Interest Funding

Apparently, some students were disturbed by the questionnaire that was part of the summer public interest funding application. The Financial Aid Office, in consultation with the Public Interest Funding Survey Work Group, had prepared this questionnaire to help evaluate the effectiveness of the summer funding program. Along with a survey we are designing to assess the perceptions of and effectiveness of LIPP, which will be sent to graduates who have received either LIPP or summer funding assistance, this questionnaire will help evaluate the impact that HLS assistance has on students' careers. In other words, we are hoping to learn whether structuring the programs differently would encourage more students to pursue public interest careers.

Some students may have been under the mistaken impression that the answers provided on the questionnaire would affect their chances of

receiving funding or that the information would be distributed inappropriately. As a student member of the Working Group, I want to assure the HLS community that neither of these situations has occurred. Student eligibility for funding is determined by lottery, and the questionnaires had already been separated from the applications before the drawing was held. In addition, students should not fear that any information they provided will be used inappropriately or disseminated to parties who should not have access to it. The Financial Aid Office is accustomed to handling confidential information, and the results of this survey will be treated as such. Although we thought that these points were properly explained on the questionnaire, we do apologize for any misunderstandings that may have arisen.

Finally, all the students at HLS should be aware that both surveys are being undertaken with student input and

with the goal of improving public interest funding at the Law School. Although we already know that more funds are needed, there are other issues worth exploring, such as whether the lottery system is the best way to allocate summer funding resources. To that end, we hope that these surveys will indicate how well the current policies serve the HLS population. If we discover that changes are needed, we expect the information gathered will assist us in determining how the summer funding program and LIPP could be restructured to maximize the effectiveness of whatever pool of resources is available.

If there are students who remain concerned about the questionnaire or who would like to join the Survey Working Group, they should feel free to contact Sally Donohue in the Financial Aid Office or me.

Shelly Friedland '97
December 4, 1995

National Jurist Poll Ignores HLS's Record

The November 17 issue of the RECORD reported on a survey conducted by the National Jurist on the "best law schools for women." In that survey, most of the "national law schools" were ranked in the bottom quintile. I thought that it would be useful to point out a few facts.

• First, the National Jurist takes its data from 1994 for some purposes and 1995 for others, and the Princeton Review survey, which was used as a basis for reporting student views, was conducted in the early 1990s. To have incorporated the results of such a dated survey and applied them in toto to this "study" without acknowledging the date of the survey or how the survey was conducted seems irresponsible.

• In calculating an overall "score," the National Jurist gave Harvard Law School women a "leadership" score of only 65.17 out of a possible 100 (or more—the #1 school listed had a leadership score of 159.5), based on the premise that women should occupy 50 percent of all leadership positions. In calculating this score for schools, the National Jurist referred only to Law Review editorial boards and staff and the percentage of women in "student bar associations." The Harvard Law School has 75

student organizations, including 11 journals in addition to the Law Review. Of these organizations, 51 (68 percent) are led by women. This includes four journals (which have six women editors-in-chief in total, including co-editors). Because we have so many journals, as well as a large number of important student organizations, it seems grossly inadequate and misleading to look only at membership in the Law Review and the student chapter of the ABA. By reducing the evaluation of schools to a lowest common denominator (law review and student bar association), the article ignores the value to women of the wide range of opportunities to be found at a large, national school.

• This year, the percentage of women at the Law School is 41 percent (up from 39.7 percent in 1994 and 39.6 percent in 1993). The National Jurist states a figure of 39 percent. This year's entering class has 42 percent women, as did the applicant pool.

• Eleven (15 percent) of the permanent full-time faculty are women. We have been making great strides in the last three years in bringing more women to the faculty, including the recent appointments of Elizabeth Warren and Lucie White (1995); Anne-

Marie Slaughter, Diane Ring and Christine Jolls (1994); and Carol Steiker and Chris Desan (1992). I should note that if one includes visiting professors, lecturers, and clinical instructors, the number of women teaching here full-time in 1995-96 is 33. Including part-time teachers, the number of women is 51. Of the 15 appointments made over the last four years, seven have been women.

It is my goal to offer women students the best possible environment for the study of law and to increase the number of women students and the number of women on the faculty. I think we have made substantial progress in this direction.

Although many women have access to more valid and accurate pre-law information than presented in the National Jurist article, there may be some potential applicants who, for one reason or another, may come across the article (or even a report on the article) and be influenced by it. It would be unfortunate if, as a result of misinformation resulting from such a survey, outstanding women students are discouraged from applying to the national law schools.

Dean Robert C. Clark '72
December 5, 1995

Clinicals Allow Mixture of Theory and Practice

(Addressed to Dean Clark)

We, the members of the Legal Aid Bureau, are writing to you to express our strong support for clinical education at the Law School and our deep conviction that a robust clinical program is a vital part of our legal education.

Each of us has had the opportunity to work with the real legal problems of real clients. We research, we negotiate, and we litigate. This work has been demanding and rigorous; with the help of our clinical instructors, we have achieved a record of success of which we are proud. This success cannot be measured solely in terms of favorable settlements or decisions on behalf of our clients, though our record in this regard speaks for itself. Our work at the Bureau is also a success every time we

gain new insight into the actual workings of the legal system.

It has been said that taking a civil procedure class is like trying to learn chess without the board or pieces. We certainly value our professors and our classroom experiences; we believe that our clinical experience adds an important dimension to our education and the opportunity to weave theory and practice as we learn our craft. We are moving the pieces of civil procedure and of substantive law, learning quickly and learning well. This is a benefit of clinical education which cannot be underestimated.

We also appreciate the opportunity to contribute to the community on behalf of Harvard and ourselves. Harvard has a special respon-

sibility to give back to the neighborhoods and cities around it. It does this in many ways, one of which is legal aid for the needy through clinical programs. We feel strongly that this must be factored into any cost-benefit analysis of clinical education.

Harvard Law School can be proud of its commitment to clinical education. More students than ever before have an opportunity to learn by doing. We appreciate the support you have given to the Bureau and to clinical education in recent years, and we urge you to continue your support.

Leticia Saucedo '96
The members of the
Harvard Legal Aid Bureau
December 5, 1995

Recycle the RECORD!



Juggling Nuclear Terror is Not A Formula for Survival

Charles O. Porter '47

It's been fifty years since the United States exploded nuclear bombs over Hiroshima and Nagasaki. None have been exploded in anger since. We human beings must be pretty smart? No.

This does not signify, as libertarian columnist Stephen Chapman recently wrote, that nuclear weapons are "a powerful force for Peace" and that the 1994 Nobel Peace Prize winner Joseph Rotblat is "well-intentioned" but "fundamentally wrong" in advocating nuclear disarmament.

An earlier Nobel Peace Prize winner, Philip Noel-Baker, M.P. and author, told me 38 years ago in Washington, D.C., that unless there was a general disarmament treaty "the earth will be an incinerated relic in 10 years."

He turned out to be wrong about the 10 years, but that doesn't mean that complacent people like Chapman are right. The earth's inhabitants have been more lucky than deserving.

In 1959, Nation magazine published an article I wrote to warn about the imminent apocalyptic peril of accidents or the acts of fanatics.

As a member of Congress, I inspected the precautionary measures at the Strategic Air Command Headquarters, Omaha, Neb. They were elaborate, ingenious, and far from adequate. In England, I was shocked by the casual procedures at a Minuteman missile base where a too-cool British Wing Commander controlled the countdown that was by treaty a U.S. prerogative.

In 1958, I spent two days on Eniwetok Island in the South Pacific as a guest of the Atomic Energy Commission observing a "secret" hydrogen bomb test and consulting with U.S. military and scientific experts, all of whom agreed no more U.S. nuclear tests were needed because the Soviets were so far behind.

Ralph Lapp, Manhattan Project scientist and author, helped me understand the sobering second thoughts of many of the elite scientists who regretted their midwifery contribution to the birth of The Bomb.

No true believer on either side of the Cold War, positioned to do something about it, has yet sought to wipe out the enemy in the Dr. Strangelove style. No subma-

rine commander, armed with atomic missiles, has misread a signal and loosed a salvo or took it upon himself to launch a "preventative strike" and touch off the dreaded nuclear missile exchange. To date, my prediction has been wrong.

No psychotic or enterprising terrorist or warped patriot or true believer seeking martyrdom, security, power or personal enrichment, has tried to blackmail a U.S. president or any tycoon so far as we know.

But it could be done by secreting radio-controlled nuclear devices in Silicon Valley or in or near Boeing field, or in a rented truck parked six blocks from the White House. One such blast could set off split second reprisals flattening all the dominos and leaving the world,

his colleagues founded the Pugwash Conferences that led to the SALT treaties. They realize that total nuclear disarmament is neither desirable or achievable. "Disarmament with safeguards" is the goal.

Chapman's thesis that nuclear weapons are in reality "a formidable friend of peace" is a resurrection of the misleading bromide, "the balance of terror." The reality is "the juggle of terror" which has paralyzed world progress for improved living standards, democratic freedom and a stable, productive peace.

This scary juggle almost brought world disaster when the Soviet Union and the U.S. went eyeball-to-eyeball, too close to fireballs and mushroom clouds in 1961 and 1962. Soviet leader Khrushchev, at least, retained his common

sense and made certain, I have always believed, that the Soviet warheads so ostentatiously delivered to Cuba had ineffective triggering devices.

Khrushchev knew that the Cubans could and might overpower the Soviet soldiers escorting the missiles and that once those missiles were detected heading for U.S. targets, U.S. nuclear-armed missiles would streak towards the Kremlin and hundreds of other Soviet targets but not before at least part of their counterattack headed our way.

No thoughtful person can overlook the fact that the likelihood of multiple nuclear explosions in anger increases in direct proportion to the number of such devices in existence and the lack of effective safeguards to prevent their use. There is no balancing, just frantic juggling.

Time is short. Just how short, who knows? In a cage of monkeys with a basket of live hand grenades, it would just be a matter of a few minutes before a firing pin would be pulled. Genus homo sapiens, so much more intelligent, may have a little more time with his fearful toys.

Nuclear weapons and weapons-grade fissionable materials as they exist today cannot be considered a "formidable friend of peace," as Chapman contends. Quick, deliberate action is required, not self-congratulation.

The juggling of terror by more and more players edges the world closer and closer to Doomsday. This all too real prospect should arouse us to revive and reform the United Nations as the only institution capable of doing what is necessary.

No thoughtful person can overlook the fact that the likelihood of multiple nuclear explosions in anger increases in direct proportion to the number of such devices in existence and the lack of effective safeguards to prevent their use.

finally, an incinerated relic and of possible eventual interest to visitors from outer space to speculate about the level of our intelligence.

Manhattan Project Director Robert Oppenheimer, when asked at a congressional hearing whether there was an instrument to detect attempts to smuggle atomic bombs through border custom stations, replied, "Yes." What was it? "A crowbar," he said.

Nonproliferation experts William C. Potter and Leonard S. Spector, writing in the New York Times, Dec. 19, 1994, pointed out that the most serious threat was "the danger of potential diversion of weapons-grade nuclear materials that are inadequately protected and badly accounted for." Five pounds of plutonium or weapons-grade uranium could destroy Tokyo or New York City.

Principled pacifists like British scientist Rotblat and

• Letters (cont.) •

Attack on Subsidies for Higher Education Represents Move Toward Aristocratic System

Judd Serotta's argument against federal subsidy of educational loans (see "The Greed of the '90s," RECORD, Dec. 1, 1995) is objectionable for two reasons: 1) it is circular, and 2) it seems to advocate a movement away from meritocracy and toward aristocracy in this country.

I assume that he considers students at Ivy League universities/colleges to be an "elite" class by virtue of the schools which they attend. One's ability to be a member of the educational "elite" in this country is determined by one's ability to attend such schools. His argument is thus circular in that many students could not afford to be members of the "elite" without subsidized loans. Therefore, the very loans of which he complains create the elite to which he claims the subsidized students belong.

The existence of the subsidy reveals a preference in this country (albeit to a much lower degree than in most other western industrialized nations) to have membership in its educational elite determined by merit, rather than by economic class. To give an economic argument, allowing intelligent but currently poor people to remain uneducated and thereby restricting their ability to contribute productively to society, would constitute huge economic waste of one of our greatest assets — brain power. Most would probably agree that the cost of such waste would exceed that of the federal subsidy of education.

At the risk of mixing the teachings of a certain seemingly conservative professor with those of Karl Marx, one might argue that it is good for America to have the more

intelligent people in society educated and used according to their abilities.

To correct a blatant misconception in Mr. Serotta's column: the greatest amount of tax revenue comes from the middle class in this country. Contrary to what he seems to imply, the majority of the middle class is college-educated, and they are the ones who contribute most heavily to the federal subsidy of education.

A second misconception appears in his assertion that this subsidy is a "pure and simple" transfer of wealth to the student. This assertion ignores the graduated income tax which ensures that those made wealthier by the subsidy in turn will contribute a greater portion of their income to that subsidy. In addition, increased productivity from education may offset the national cost of the subsidy.

As for his comments that students could pay their tuition "through work study, etc.," I can only assume that he has no idea of the amount of time it would take for a high school graduate's salary to pay the cost of tuition. Such a policy would entail only more wasted years in a potentially productive individual's lifetime. To refer so lightly to this "sacrifice" is to illuminate a lack of understanding of its nature and the extent of the hardship it would impose on the student.

Similarly objectionable is his idea that poor and middle class students, without any valuable collateral, could take out private loans for their education. First, the number of willing lenders would be quite low; second, the risk premium on such loans would be astronomical. Education would thus become the most expen-

sive for those who can least afford it. I would argue that this is not a desirable policy; perhaps he would differ.

Finally, as for the question of whether such subsidies should go toward educating students in the arguably non-productive professions such as lawyering or business, his argument has some merit if the proposed system would still subsidize education in the more productive fields. However, given that the "non-productive" positions are more highly paid than others, limiting subsidies of such education would only force poorer students to remain in the less well-paid professions, ensuring stability in the economic status quo. In addition, the current system allots more scholarship funds — i.e., funds which do not have to be repaid — to education in the more productive fields of science and technology

than it does to that in business and law. The societal preference for the former type of education is therefore already reflected in the current system. The distributional consequences of a restriction of subsidies for education in business and law also militate in favor of retaining the current policy.

Basically, the country is subsidizing a meritocracy to prevent (to a certain extent) a return to aristocracy. In particular, when Mr. Serotta suggests that perhaps those who cannot afford it should not be educated at all, he seems to be arguing for a return to an aristocratic system. I therefore find his stance disappointing, objectionable and frightening insofar as the rest of conservative America may echo his viewpoint.

Portia J. Poindexter '97
December 4, 1995

Jancu Took Comments About Israel Out of Context

I must take issue with Rob Jancu's irresponsible characterization of my position on Israeli political discourse ("Assassination and Discourse in Israel," RECORD, Nov. 17).

Mr. Jancu read Katrina C. Randolph's article on the assassination of Prime Minister Yitzhak Rabin and assumed that my criticism of the political discourse in Israel was aimed only at the right. That could not be further from the truth. When I told the RECORD reporter that today "people are much more willing to shock their audience through rhetoric," my statement did not refer to the right or the left, but included all sides of the political spectrum. In fact, I specifically declined to reveal to Ms. Randolph my personal political

opinions. They are irrelevant to this discussion.

Israeli political discourse has always been heated. Cries of "murderer," "traitor," and "anti-democrat" have been heard at the peace rallies of the left and at the mass demonstrations of the right, and they have been aimed at leaders of both political parties. Comments such as these are irresponsible. Such cries may have been thought to be a way to express the extreme passion with which Israelis approach politics. After all, Israeli politics deals with basic issues of security and survival. However, such rhetoric leads only to an atmosphere of intolerance for those with differing points of view.

Disagreement is a sign of a

healthy democracy. But disagreement does not make one a "traitor" and the other an "anti-democrat." Comments such as those should be reserved for people who take arms against the government or advocate its overthrow. I only hope that Israeli politicians and activists on all sides will heed this message.

Regretfully, Mr. Jancu accused me of contributing to the demonization of the right by taking the quotes attributed to me out of context. I can only ask that in the future, Mr. Jancu heed his own message.

"Finger-pointing in only one direction does nothing to promote the healing process."

Michael Leib '96
December 4, 1995

The RECORD wants to wish everyone a happy holiday and good luck on finals!

Temporary Insanity

By Sheila Tuller



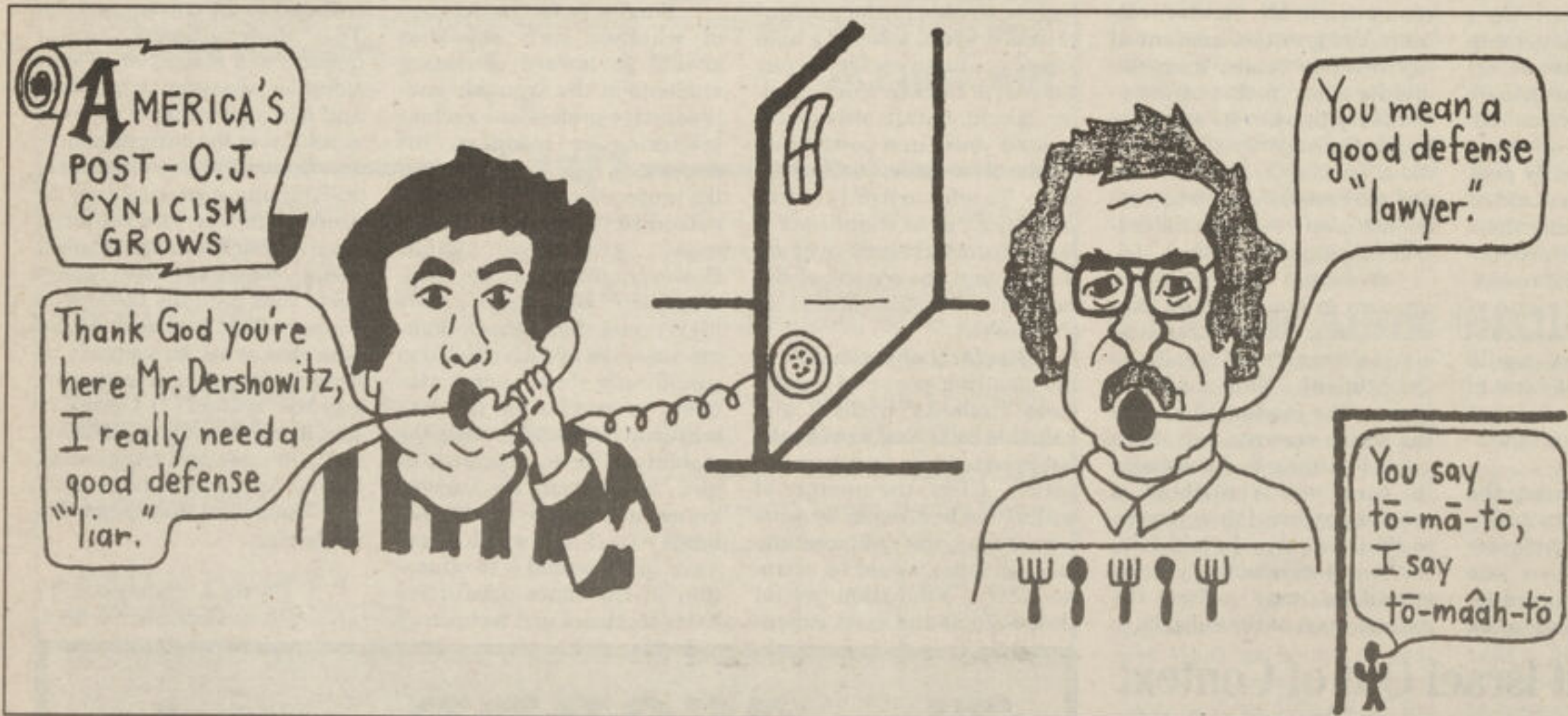
Backbench

By Brian Cheng



Ad Hominem

By Stuart Rees and Bill Zimmerman

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CALENDAR

By Colin Meeder

In the immortal words of Pere Ubu, and in memory of Matthew Kelly's late great strip, "Merdre!"

Since I cannot for the life of me think of a transition from that sentence to this, let me commend to you **Super Jam '95**, one of those supergargantuan R&B spectacles that roars through towns like a cab-over Peterbilt every now and again. This one's coming to the Fleet Center tonight (12/7), and features, inter alia, **Salt-N-Peppa**, **Coolio**, **Shai**, **Montell Jordan**, **Xscape**, and—in perhaps the most inconceivable non-sequitur since Jimi Hendrix opened up for the Monkees, "special guest appearance by **Mo Vaughn!**" I have far too much respect for my reader and myself to pun on the words "big hits" at this point. Call 396-JAMN, ext. SHOW for information, although I'd bet this one's so sold out it's silly.

Perhaps less histrionic, if no less astonishing, will be Friday's (12/8) performance by **John Hiatt and the Nashville Queens** at the Orpheum Theatre (661-1252). Although perhaps best known for writing "Thing Called Love" which made him and Bonnie Raitt rich beyond their wildest imaginings, he's also been churning out powerful, dramatic performances for years. While we're on the high-class redneck tip, check out **Wanda Jackson** and **Rosie Flores** at the Middle East (497-0576). Old and new school rockabilly revolution grrrl style now!

Very, very old school stuff will be emanating from Newbury Street's Emmanuel Church on Friday and Saturday nights (12/8 & 9) courtesy of the **Tallis Scholars**. Sure, I'm a grizzled old punk rocker, but there's just something about 15th Century polyphony that makes me believe that true musical transcendence is perhaps not best achieved with a Telecaster through a Marshall stack, and that the human voice speaks most loudly when it's not screaming. Call 661-1812 for tickets.

Speaking of the old and beautiful, **Bob Dylan** and **Patti Smith** come to the Orpheum Theatre on Sunday (12/10). Although Dylan more and more resembles a toad, both aurally and visually, he's still capable of a compelling performance, while the recently widowed Smith these days is singing as if her life depended on it—and she'd tell you it does. If there are tickets left, go. **Eric Burden**, the shortest and most soulful man to come out of the British Invasion, is at the House of Blues (491-BLUE) the same night. And since my column is a little short on brilliant, bizarre post-punk bands this week, I can't forget **Mercury Rev** at Mama Kin (536-2100).

Sterling Morrison is gone, but **John Cale** and **Moe Tucker**, the other members of the Velvet Underground that you'd actually enjoy meeting, are at Mama Kin Tuesday night (12/12).

Did you ever wake up one morning with the unsettling feeling that there wasn't enough surgical steel in your pudenda? Well, then, get thee down to Axis (262-2437) on Wednesday (12/13) and check out the **Genitorturers**. What can you say about a band that sound like a third rate Avengers retread and perform piercings live on stage? Very little, if you're a person of taste, except to mention that **Electric Hellfire Club** and **Drill** open. If, like me, you'd rather spend quality time with some Austrians, check out the **Wiener Sängerknaben** at Symphony Hall (482-6661) on the same evening. There's a greatly diminished chance of infection.

Coming up: **Phish**, **GWAR**, **El Vez** (the Mexican Elvis), **The Amps** (The Breeders without the annoying heroin thing). See you next year!

His Truth is Marching On

By Markus Hartmann

On April 12, 1861, rebel soldiers fired the first shots of the Civil War on Fort Sumter, South Carolina. Last week, here at Harvard University, a sneak historical attack by the Confederacy was thwarted by Patience Singleton '96 and Reginald J. Brown '96. Representing Harvard's Black Law Student Association (BLSA), Patience and Reg repelled Johnnie-Reb with the pen and thereby preserved an important symbolic distinction. Unlike most of Harvard's veterans, those misguided souls who fought for the Confederacy are not the moral equivalent of the soldiers who fought to preserve the Union.

Like Fort Sumter, the Confederate Memorial issue is of greater symbolic significance than tactical value. Despite that fact, the importance of our symbols should not be underestimated. Our symbols represent our values.

One local symbol that embodies our finer values is the Shaw Memorial at the Boston Common. Erected in 1897, it honors the men of the Massachusetts 54th Regiment. As author Clinton Cox points out in *Undying Glory*, "The valor of the men of the 54th swept aside opposition to the use of black men as soldiers." The story of the 54th was also told in the Academy Award winning movie *Glory*.

The early version of the proposal considered by the Board was for a memorial exclusively dedicated to Confederate soldiers. The author of that recommendation must have been perplexed by the absence of Confederate War dead in places of honor around campus. That absence can be explained by the Confederate tactic of treating captured black soldiers with less than tender loving care.

Unlike other Union troops who were captured, black soldiers were not allowed to surrender. They were shot. The most brutal of these massacres occurred at Ft. Pillow, Tennessee in 1864. The General responsible was Nathan Bedford Forest, a wealthy businessman from Tennessee who joined the Confederate Army in 1861. After the War, he became the leader of the Ku Klux Klan. He serves as a historical reminder that many, if not



most, Confederate soldiers did not accept the Jeffersonian equality imposed on the South after the war. We can only hope that the Forest family doesn't donate too much money to the University.

When Harvard's Board of Overseers discussed a proposal to commemorate both Union and Confederate Soldiers, they were contemplating blurring the difference between the Union and the Confederacy. Jack Reardon, executive director of the Harvard Alumni Association said that he "thought it was worth taking a look at the issue. We were trying to look at it as a memorial to alumni who died, not as a black and white issue." Mr. Reardon was mistaken.

The most alarming aspect of the Board's discussion is its moral relativism. To plan a Union and Confederate memorial is to hold that the two groups were morally equivalent. They weren't. The alumni who fought for the Union deserve a place of honor next to all the other Harvard veterans who fought for the United States. The Confederate alumni deserve a place next to the other alumni who fought against the United States. Those alumni are appropriately called the enemy.

Most of us have been exposed to the following question since grade school: What caused the war? What follows is a tour of all the economic, political and foreign policy reasons for the conflict. Given this perspective, slavery seems like just another factor used in the essay you write for the final exam. Whatever the analysis, states' rights or economics, the war was about slavery. It was the Confederate states' "right" to continue slavery that drove them to treason. It was the economics of slavery that endangered the Union.

The Civil War was about settling a debate given to us by Jefferson in 1789. Do "we hold these truths to be self-evident, that all men are created equal?" If we do, then the proposition that the Union and the Confederacy are morally equivalent cannot follow. The Union won, not because of logistics, but because they were fighting

for what was right and just. The Confederacy lost, despite the brilliance of General Lee, because they were fighting to preserve a historical evil abandoned by most of our European counterparts. Julia Ward Howe makes the same point musically by ending all four verses of the "Battle Hymn of the Republic" with "His truth is marching on."

When this issue was first presented to the BLSA general body, an impassioned discussion ensued. Cooler heads recommended that we gather more information and that if the Political Action Committee (here Patience and Reg) were to take any action on the organization's behalf, they would first advise the entire membership of the proposed action and wait for approval. It seems that legal training can sometimes immobilize the soul. Fortunately, cooler heads did not prevail. When the board met, a letter of opposition signed by Patience (BLSA President) was submitted for consideration.

Thanks to the general body's faith in its leadership and the work of Patience and Reg, the Board of

Overseers did what any committee does when faced with such a controversy. They tabled the issue. As a result of this action, it could possibly come up again during a less enlightened time. Therefore, I propose two modest requirements that should serve as prerequisites to placing the names of Confederate alumni in a place of honor here at Harvard.

First, when the city of Atlanta builds a memorial to General Sherman, Harvard will reconsider the issue of a Confederate war memorial. Equity demands that we give the same level of respect to Confederate soldiers as the former states of the Confederacy give to Union soldiers. I suspect that the memorial to Sherman will follow closely upon the heels of Georgia's repudiation of the Confederate Battle Flag.

Second, when the sons and daughters of the Confederacy make reparations to the descendants of slaves, Harvard should reconsider the memorial issue. If we were to calculate damages, you would have to start with those famous 40 acres and a mule, multiplied at 12 percent over 130 years ... you get the idea.

The most alarming aspect of the Board's discussion is its moral relativism.



Fenno handed in his weekly column to his editor at the RECORD.

"Sorry, Fenno, we can't print this," said the editor. "It has an offensive word in it. Actually, several."

"Oops. Sorry about that, Boss. I didn't know we couldn't be offensive here. Wow, I wish I'd known that before I called Mary Ann Glendon a demon trollp from Hades."

"Well, er..., that's actually okay, Fenno. We don't mind if you call her that. You just can't say 'sh*t.'"

"I can't say shi*?" exclaimed Fenno in surprise.

"Watch your mouth around me, buster! That's 'sh*t,' not 'shi*.' Modesty requires we delete the vowel."

"Well, I'll be a m*therfu—"

"Stop right there!" interrupted the RECORD editor.

"What's wrong?" Fenno asked.

"You put the asterisk over the wrong vowel."

"D*mn," groused Fenno. "When did this rule go into effect?"

"The word just came down. We're strictly enforcing it from now on. And don't think you can sneak any naughty words past us by burying them in other words."

"Huh?" Fenno didn't understand.

"Like here, you use the word 'p*ssy-footing' — that has to be censored."

"G*sh!" Fenno was alarmed at the trend.

"No, that's okay. We'll let 'gosh' slide through. Don't try getting fancy with 'Aw sh*cks!,' though. That has already been disapproved."

"Sh*cks' is bad?"

"Yep, it's got the suspect 'sh' consonant cluster."

"I thought vowels were the problem."

"Normally, yes, but 'sh' is a repeat offender so we've had to crack down whenever it starts a word," the editor explained.

"What else is wrong with my column?"

"What is this word — 'masticate'? I

don't like the way that sounds. Make it 'm*sticate.'"

"But no one will know what it means!"

"Good. And this will have to go, too: 'carp.'"

"That's a fish!" Fenno exclaimed.

"What could possibly be wrong with that?"

"It's an anagram of a bad word, and with the slipshod editing we have around here, who knows how it might end?"

"Don't you think you're being a little hard on me?"

"You can't say that, either!" the editor said, as his face got red. "And what's this: 'Kraakman'? Is that some sort of dirty joke?"

"Um, actually, he teaches here."

"Well, from now on he's Kr**kman. Understood?"

"Underst*d." Fenno grumped.

"Look," said the editor, "we're not sh*lling out good money to pay you to t*tillate our readers with naughty words. You've got to stay abreast of the regulations!"

"I've got to stay 'abreast' of them?" Fenno snickered.

"Er, I mean abre*st," the editor hastily corrected himself.

"Are you sure it isn't 'abr*ast'?"

"Very funny! Now rewrite this and get it into me by this afternoon." The editor stormed off.

Fenno shook his head. His typewriter was broken. He'd have to do the job by hand. And it looked like it would be a long, slow, hard, hand job. He would be bound by cruel restraints and turgid rules.

And he would have to do it all without making anyone think of anything dirty.

Quote of the Week

"You almost slipped into a real bad category there."

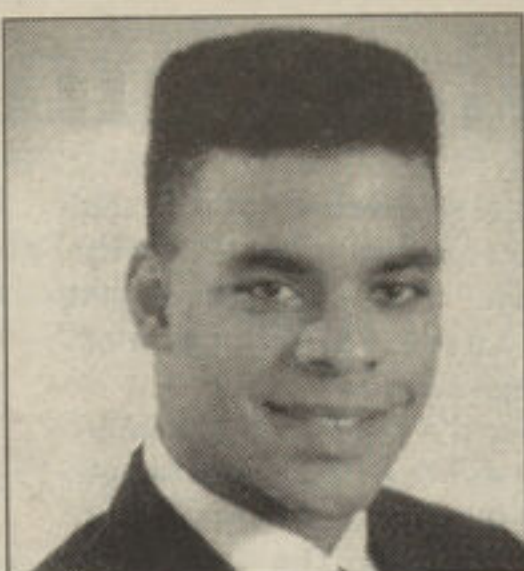
— Prof. Morton Horwitz '67 to a student who looked up one of his articles on-line.

Sorry folks, but this
is the last RECORD
for the semester.
Have a great break,
and we'll see you on
January 12, 1996!

Breaking Down The OPECs

By Rob Simmelkjaer '97

Guest Columnist



THE deals are made in poorly lit tunnels and during late night phone calls. Step into one of any number of student organizations' offices on campus, and you'll see the heart of the operation. As a 1L, you work all of your connections from high school, college and last week's 2L party for a shot at gaining access to... the OPECs: Outline Production and Exchange Communities.

OPECs have clearly become a major part of academic life at the Law School. People want outlines badly. They use them for a variety of purposes. Some may glance at them occasionally while putting together their own outlines, seeking ideas about structure and content. Others may forgo the outline-writing process and simply study and summarize whatever recycled outline they can get. A few jaded 2Ls and 3Ls may show up on campus once during the semester just to get a copy of the previous year's best work, or so I've heard.

It's a reality we should all accept: Outlines are a hot commodity. What we should not accept, however, is that only the well-connected and members of certain organizations have access to them. Some people obviously thought of this about 10 years ago when they created an outline bank at the HLS copy center. Student-made outlines, available to all, have been on file there since before any of us showed up here. What a concept! The only problem, as I learned last year, is that the outline on file for Prof. Dershowitz's Criminal Law class is almost as old as some of his sweaters.

Clearly, the current outline bank is a dinosaur. It has been replaced by a system in which extracurricular organizations provide this most curricular of services. Today's system is right out of Harvard Law School mythology: balkanized groups huddling into corners to help themselves and only themselves. It's this kind of ill-spirited competition that consistently lands HLS one place from the bottom in the annual law school "quality of life" survey, ahead of San Quentin's law library. The OPECs are out of control.

As president of the Law School Council, I have begun an effort to update the current collection of outlines on file at the copy center. I knew it wouldn't be easy, but thought I was getting some help when I began to read Markus Hartmann '96's column "Don CorleOutline" in the November 17 issue of the RECORD. In response to my recent request for outline donations, Mr. Hartmann gives a terrific description of the outline syndicate in action. Unfortunately, he completely misses the point. Mr. Hartmann somehow concludes that an updated outline bank is "a bad idea" by reasoning that "the search for a good outline encourages people to learn networking skills and a type of outline capitalism."

Black market capitalism, to be exact. The lack of a centralized source of current class outlines has resulted in the creation of several clandestine OPECs run by student organizations. APALSA, BLSA, the Law Review, and several other journals and organizations provide previous years' outlines as an exclusive service to their members. These outlines are not to leave the ranks — attempts to give them to outsiders are frowned upon. As Mr. Hartmann correctly points out, "[T]he art of getting a good outline is the art of being in a discreet and insular HLS minority."

Is this a system we want to keep? Is this type of exclusive "networking" something that we wish to promote, especially in the context of academia? I believe

The lack of a centralized source of current class outlines has resulted in the creation of several clandestine OPECs run by student organizations.

that the current outline underworld serves as an illustrative microcosm of HLS's greatest problem: lack of a greater community. It leads to feelings of suspicion, resentment and division. We can do better.

So what's the answer? What is the LSC trying to accomplish, and how will it work? The idea is a simple one, but it depends on good will and a bit of effort from students and organizations. We are requesting that students, once they have completed a course (for now, 1L and 2L basic courses), donate a copy of their completed outline to the HLS copy center. Similar donations would be welcomed from student organizations. Outlines will be screened by students who have actually taken each class, and originals will be put on file. Copies will then be provided to students, on request, for nothing more than the price of photocopying.

I realize that not everyone will be willing to make such donations. I ask however, that everyone who has even once been helped by a previous year's outline ask himself or herself, "Why shouldn't others have access to this resource?"

In his column, Mr. Hartmann bases much of his argument against this program on a belief that an outline bank goes against the competitive nature of the HLS experience. I agree that competitiveness is and probably should be a part of the culture here. However, I fail to see how an individual's donation of outlines for last year's classes is anticompetitive behavior. The last time I checked, 2Ls were not competing with 1Ls for summer jobs, clerkships or Law Review positions. Furthermore, everyone should realize when thinking of donating an old outline that each class' grading curve will guarantee a rough distribution of good and not-so-good grades. Your outline, no matter how good, isn't going to change anything. Finally, it should be clear that an outline bank doesn't eliminate competition at all between members of a given class. It simply helps to level the playing field.

I hear almost every day from people who want to improve the quality of life here at HLS. This has been the theme of this year's Law School Council. When it comes right down to it, only we students can achieve this goal. While we spend much of our time looking to the administration for improvements, real solutions can only be found by looking inward. Let's all put our outlines where our mouths are.

By the way, does anyone have a good one for Hanson's Corporations? We'll talk.

HOUSE O' STYLE

Langdell's New Clothes

By Vik Arora '98 and Christina Ho '98

Guest Columnists

LAST week, when the Cambridge winter began in earnest to smear its dull grime over the 1Ls and Dean Clark alike, Vik and Christina found themselves hard-pressed to find a decorative subject of discussion. The cold and drear got so bad, in fact, that Vik and Christina were driven into the library, a concession of which they were less than proud. There, perched atop an appallingly blue sofa, they discarded one potential column idea after another. Christina blamed her creative funk on the Reading Room's decor. Latin inscriptions running alongside the ceiling mortars simply fail to spark the mind, not even when supplemented by an occasional marble bust. Whose cognitive vigor would not be unnerved when the motto overhead reads "OF LAW WE CAN NO LESSE ACKNOWLEDGE THAN THAT HER SEATE IS THE BOSOME OF GOD"? (That's verbatim, honest. Why would we lie to you? We like you.)

Last week's library visit gave Vik and Christina a brilliant new idea for the administration to mull over: renovate Langdell. "The timing couldn't be better," urged Vik and Christina. "The money's been earmarked, a committee convened, and by a sheer stroke of fortune, a construction crew is even on site, ready to begin." In fact, so many ingredients were already in place that one might have concluded that Vik and Christina's suggestion had been adopted long ago. So it was small surprise when the administration's response to the suggestion was, "Been there, done that." Could it be that for the first time in their lives, Vik and Christina were passé?

Vik and Christina resolved never again to waste their brilliance thinking thoughts already thought, so before they embellished their renovation proposal with interior design recommendations for Langdell, they decided to check in with the administration's plans. And just what have the powers-that-be chosen for Langdell's new clothes? Rest assured, Langdell fares better than Hans Christian Anderson's scantily clad emperor. Here's what's in store for your return to HLS, Labor Day, 1997....

Langdell without its stately tradition is no Langdell at all, while a Langdell without the comforts of modernity is the drafty, backward wreck you see today.

To begin with, "The most important element of the furnishing will be the chairs," said Administrative Dean Sandra Coleman. What type of chair is a more complex issue. Second only in history to the papal schism (quick review — Avignon, Rome. Look it up.) is the divide over whether the seats should sport a sled-base or rest upon four traditional legs. To illustrate the significance, Vik and Christina need only point out that your future mobility hinges on this matter. Sled-based chairs slide over carpet; legs don't. It's a toss-up, but movement allows for self-expression, and, in the post-Stalin era, that's a beautiful thing.

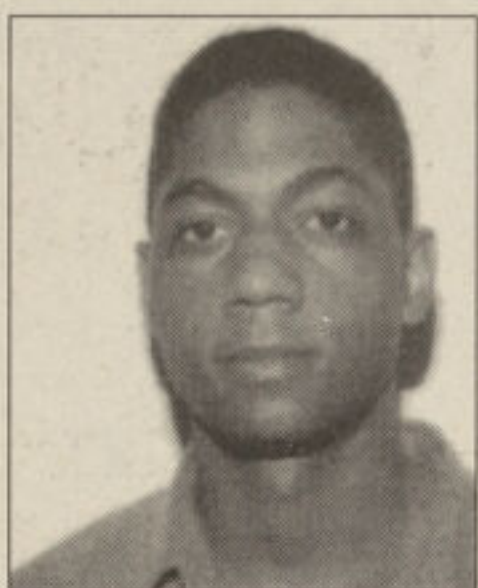
The tension between newer and older designs crops up in lighting renovations as well. The stately floor-to-ceiling windows currently obscured by unsightly stacks will be once more revealed in their tradition-steeped glory. Hyperion's rays may not at first glance appear to be the most modern lighting source, but they will be supplemented by new energy-efficient ceiling lights to replace the Law School's largest electricity consumer, the existing Reading Room panel lights. There'll be new desk lamps, too. After Langdell succumbs to the "illumination revolution," you will no longer be able to fault the lighting for ushering you into deep slumber; everyone will know that the casebook on which you drool is a potential cure for insomnia.

Stuart Rees '97, student representative on the Langdell Renovation Committee, assured Vik and Christina that improvements would extend to the computer-user too. When he remarked that every carrel in the library would have a plug-in device for a computer, Vik and Christina confirmed that the sofas would too. Langdell is not only modernizing to reflect technological change, but also to reflect the use patterns of students now, and the use patterns dictate more lounge furniture. Is this a sign that one day, when asked to approach the bench, the freshly graduated lawyer can sidle up to the judicial Laz-E-Boy recliner instead? Not entirely, indicated Rees. The sofa exponents are balanced by a heavy counterweight faction favoring carrels, he observed. And the new Langdell can accommodate them, with roomier carrels sprinkled throughout the library, some equipped with computer terminals carrying HOLLIS, e-mail and word processing software.

Vik and Christina applaud the modernizations and have just a few more for your consideration. Because HLS is by definition a breeding ground for future lawyers, it should cultivate those characteristics demanded by today's legal profession. Vik and Christina's following list of amenities is by no means exhaustive: tanning beds (ashen faces have been shown to turn off juries), a full-time masseuse (paper-pushing is hard work), a putting green (although dull, golf is the sport of the "socio-economically advantaged"), a full bar (a tolerance helps in drinking games against alcoholic partners), communal Jacuzzis (in contrast to many law students, lawyers know how to have fun) and a petting zoo (just because animals are people, too). Next time the administration decides to renovate Langdell and include some of the above, just remember, you heard it here first.

A library putting green is good fuel for future reverie, but focusing on the renovations at hand, Vik and Christina have one modest pronouncement (that is, if anything Vik does can be characterized as "modest"). Langdell may be heading into the 21st century, but its identity stretches back into grand history as well. Vik and Christina fully sympathize. They like the new, but they like the old, too. Langdell without its stately tradition is no Langdell at all, while a Langdell without the comforts of modernity is the drafty, backward wreck you see today. Not to angst, though; Vik and Christina have the perfect solution (per usual). They suggest, with all due respect, attention to cornices. Cranking up technology is incontestably good, but in the back of her overburdened mind, what 1L doesn't thrill at the thought that perhaps Holmes himself pulled a similar book off a similar shelf. Back then, bookshelves were corniced. Passé? Not a chance. If Vik and Christina have an overriding stylistic principle to propound, it is this: Oliver Wendell Holmes is eternally hip. Seate that one on your bosome.

The Illusion of Equal Protection At HLS



By Ronald W. Douglas '98

Guest Columnist

LAST week, it was announced in my criminal law class that the following Friday we would be watching a film regarding the plea bargaining process. Considering my professor's "hide the ball" technique coupled with his congenial sense of humor, I made that assumption that the film would be somewhat, for lack of a more appropriate term - eclectic. Consequently, I waited in anxiety, pregnant with conjecture. Questions darted through my psyche: "I bet it's some N.Y.P.D. Blue rerun" or, "I wonder if he's in this film somewhere." Nonetheless, at minimum, I thought that this would be an opportunity for me again to sidestep having to read what is for the most part lively and useful, but nonetheless time-consuming material.

Friday arrives. Sitting in class, as the lights dimmed and the clamorous sound of the projector started, I was overcome with a illusory sense of euphoria by the prospect that I, despite having grudgingly awakened at 5:00 a.m. to peruse the day's reading, would for once get a fine opportunity to relax and perhaps recoup some of the sleep that, because of the Ames competition, had become particularly elusive. Deep in reverie at this point, I mused that perchance this would be an intellectually balmy exercise considering film is a passive medium, I wouldn't be expected to answer questions that I, for all practical purposes, had no appetite to respond to. I

For Harvard to adopt a policy that protects students from sexually related harassment but not racially related harassment, similar to what I feel I was subjected to in class, is tragic and ultimately short-sighted.

sighed as I unwound in my seat, primed for what I thought would be an otherwise pleasant experience.

I was wrong, absolutely wrong. Right before my somnolent eyes and ears, I was nothing less than affronted by an obnoxious and covertly racist interchange between a New York district attorney and a defense attorney. The conversation started with debating the veracity of a young black male N.Y.U. student's account of being falsely accused of an innocuous crime, and finished with his depiction of being called a "God damned nigger" as well as being "roughed-up" by white police officers. Particularly sensitive to this issue due to, among other things, having a conscience compounded with a heavy level of skin pigmentation, I became miffed, confused, and ultimately offended as the film progressed. I was offended equally by the particularly invidious racially insensitive remarks made by students in class as by the indiscretion of the professor in choosing such a film and failing to even attempt to perceive its effect on some students - particularly students of color.

I am not saying that racism as an issue shouldn't be addressed in the classroom or that racism as depicted in this film does not exist in the criminal justice system; most will rightfully argue that it does. Rather, I believe that these issues should be addressed in their proper context, and that does not include submitting unsuspecting students to offensive issues without so much as proper warning. Weighing the issue further, I coupled it with a bit a research and discovered that Harvard University, while adopting a "Code of Conduct" as well as an "Anti-Discrimination Policy," has failed to subscribe to a policy that would protect students from harassment on the basis of race. What seems ironic is that Harvard Law School has chosen to adopt the "Sexual Harassment Policy," which seeks to protect students from offensive behavior or dialogue on the basis of sex, yet fails to adopt a comparable policy on the basis of race. What ultimately is saddening is that this is the same school that purports to be honored in its rich civil rights legacy, including such alumni such as Charles Hamilton Houston and Judge William Hastie. For Harvard to adopt a policy that protects students from sexually related harassment but not racially related harassment, similar to what I feel I was subjected to in class, is tragic and ultimately short-sighted.

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JUST CAUSE

In God We Lust

By Carla Halpern '96

Guest Columnist



MAYBE it's just the joy of the season, but lately I've been approached by a surprising number of people who want to save my soul. And they all want to save it by warning me about sexual evils. Before I get into the litany of some of my favorite religious arguments about sexual morality, I should point out that this column is slightly more risqué than what generally appears in the RECORD. So, if you're feeling a bit sexually squeamish today, it might be a good idea to stop reading now.

Okay, on with the show. My apologies to God, whose name has necessarily been taken in vain by people who claim to understand divine reasoning and by me, as I call these individuals the "God Squad."

People differ in their opinions of what constitutes the most heinous sexual evil. For me, that dubious distinction clearly goes to rape; for the God Squad, however, homosexuality seems to be of paramount importance. "God created Adam and Eve," they tell me, "not Adam and Steve." My response is that God also put a serpent in the Garden of Eden; does this mean we ought to have sex with snakes? And the answer is: "No, of course not - you can't propagate the species by doing it with a snake." With the possible exception of corporate defense lawyers, I'd have to agree. But the argument that sex is strictly for procreation mandates celibacy not only for gay people, but for anyone who can't or doesn't produce children, including straight couples who use contraception, some adoptive parents and menopausal women. Sometimes the Squad fudges on this point: "It's really the lifestyle that counts, and a lifestyle that is not designed to produce children (i.e., homosexual coupling) is immoral." Oh, you mean like the lifestyle of certain members of the clergy?

There's another argument that homosexuality is wrong because God didn't intend us to have sex involving "organs of elimination." I love this one. It makes three wrong assumptions right off the bat: one, that anal intercourse is some defining form of sex between gay men; two, that only gay men engage in anal intercourse; and three, that all homosexuals are men. Lesbian invisibility strikes again. If God wants to come down on anal intercourse for some reason, that's one thing. But there's no logical reason for using anal sex to exclusively define one group of people. Furthermore, what's this business about organs of elimination? There happens to be another organ that fits into (pun intended, I guess) the same category. That's right, it's a penis! Is there any group of people who think that penises have no place in sex? The answer, of course, is yes ... but we can't all be lesbians.

Again, I should emphasize that religious rants against homosexuality tend to ignore lesbians. For example, there's the old saw that AIDS is God's punishment for immorality: "For the wages of sin is death." (Ask your friendly neighborhood God Squad for the Biblical cite.) Well, if God's way of handling evildoers is to strike them with their own sins, I expect to see the CEOs of Cargill, R.J.R. Nabisco, and DuPont die of starvation, emphysema, and air pollution. And I guess lesbians, being one of the lowest risk groups for AIDS, must be God's chosen people. Hey, it pays to be invisible sometimes.

But then these God Squads use what homosexuals don't do in bed to justify calling them sinners: "Homosexuals can't have true love because they can't consummate a marriage." I guess this means that anyone who is paralyzed from the waist down loses not only the ability to walk, but also the capacity for true love, let

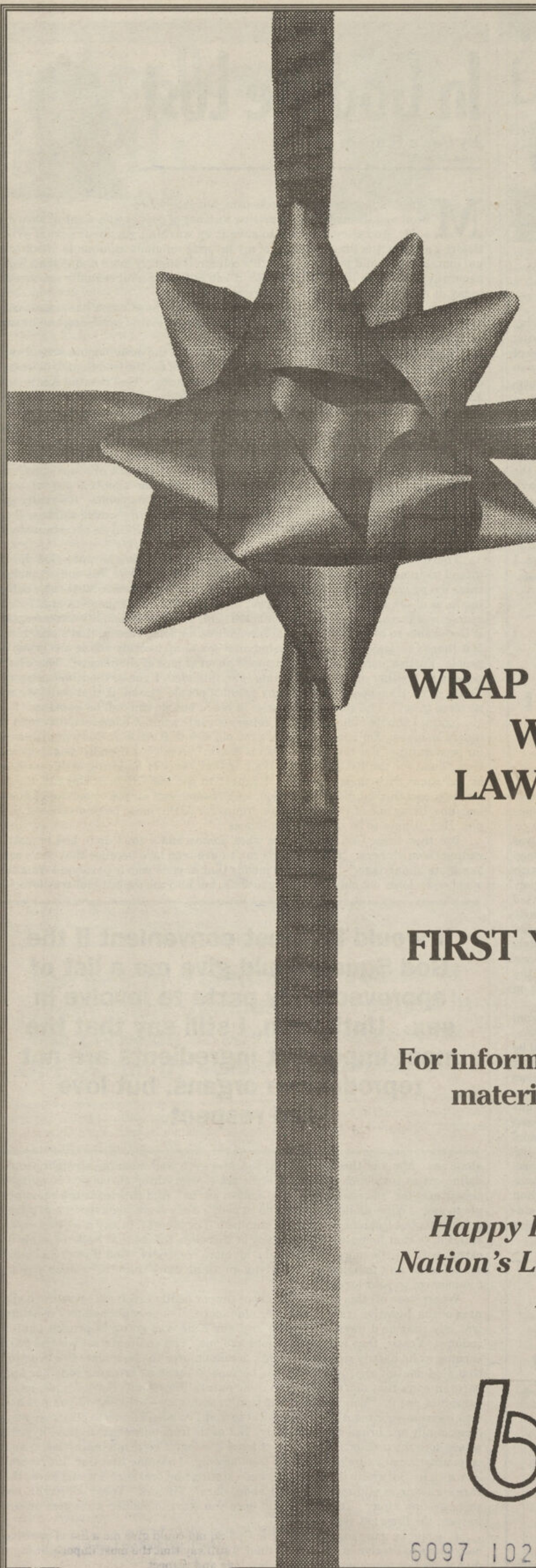
It would be most convenient if the God Squad could give me a list of approved body parts to involve in sex. Until then, I still say that the most important ingredients are not reproductive organs, but love and respect.

alone sex. Many of these preachy types, and even well-meaning straight people, define sex as involving only one specific act - everything else is just foreplay or substitutes for "the real thing," also known as "it." And this leads the same people to ask: "What do homosexuals do in bed?" They seem to envision a gay male substitute, but lesbians leave them stumped. The answer, in any case, as I understand it, is that homosexuals do many of the same things that heterosexuals do, except with a little more insight and a lot more creativity. And if you're a heterosexual who can't imagine sex involving anything more than "it," please give my condolences to your lover.

Where does all this moralizing about proper bodily functions leave the beginning of the digestive tract - the poor old mouth? I once explained to a crusading frat boy that he'd have to give up oral sex if he was going to preach against sodomy. Yessir, that means blow jobs are out. You could almost see the gears turning as he hastily reassessed God's dominion over the bedroom. I've been told that God doesn't approve of oral sex because it involves bringing together body parts in ways that don't conform to their natural functions. For example, as one pamphlet put it, "You wouldn't put food in your ear - why would you put non-food items in your mouth?" One answer is that I've been known to play saxophone occasionally and brush my teeth daily. But aside from music-making and hygiene, where does the prohibition on oral sex leave kissing? Poetic inferences aside, there is no nutritional value to be gained from kissing. I assume that God has no problem with it. So, where is the line between kissing and oral sex? I would guess that cheek-kissing is allowed, but what about ears? Fingers? Toes? Oh right, now we're getting kinky. The fact is that once you start to ponder what goes on during sex, the lines get very blurry.

It would be most convenient if the God Squad could give me a list of approved body parts to involve in sex. Until then, I still say that the most important ingredients are not reproductive organs, but love and respect.

Have a fun break.



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