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35 CENTS

Volume 102, No. 1

Cambridge 02138

Friday, January 12, 1996

Areeda Succumbs to Leukemia, Dead at 65

By Craig Buckser

While many students were wrapping gifts at home with their families on Christmas Eve, HLS suffered an enormous loss. Prof. Phillip Areeda '54 died of leukemia early in the morning on Dec. 24 at Stillman Infirmary.

"Phil Areeda was a very devoted member of the Law School," Prof. Clark Byse said. Areeda, who began teaching at HLS in 1961, was the nation's foremost expert on antitrust law. He wrote a case book and a treatise on the subject. He was also a well-respected professor.

A memorial service will be held this winter, but the exact date has not been scheduled.

"I am profoundly saddened about his passing," Dean Clark '72 said. "He was a truly great teacher and a great friend."

"It's very painful," said Prof. Andrew Kaufman '54, who was Areeda's colleague, law school classmate and former roommate. "I really don't know what to say. He was a close friend who died. It leaves a hole in my life."

"He will be sorely missed," Lisa Choi '96 said. "He was a

true asset to the Law School."

Suffered from Leukemia

Areeda learned that he was suffering from leukemia three years ago. The original prognosis was that Areeda would have five to 10 years to live.

"Phil was so optimistic, he expected to live for 10," said Herb Hovenkamp, the University of Iowa Law School professor who has co-authored part of the antitrust law treatise. "Sadly, each time he went to the doctor, things got worse. The prognosis became shorter."

"I don't think anybody could have lived the last three years as bravely as he did," Kaufman said. "He was absolutely splendid in the way he lived his life when he knew that he was dying. He didn't make anybody feel sorry for him."

Areeda informed the public about his terminal illness last April, when he expected to live for an additional two years.

"His death came very sud-



Phillip Areeda '54 (1930-1995)

denly and was a surprise to all of us," Choi said. "We never thought it would be so quick. You could see the light on in his office through last semester. It didn't occur to me that his illness had progressed that far and that he was so sick. It was just a shock."

"I saw him a few times this semester," said Karen Johnson Shimp '96. "I could tell that he had lost a lot of weight, but I was still surprised. I thought

he still had several more years."

A Wonderful Teacher

"The greatest loss [to HLS] is that he was an experienced and wonderful teacher," Clark said. "He taught thousands of Harvard Law School students and changed them for the better. I know — I had him." Areeda taught Clark contracts and antitrust law.

"Professor Areeda's dedication to Harvard Law School and to giving students the best possible education were unsurpassed," Clark added. "The school and generations of students have benefited enormously

ly from his wisdom and devotion."

In 1994, Areeda won the Albert M. Sacks-Paul A. Freund Award for Teaching Excellence.

"He was one of the best professors I have had in my whole life," said Linn Brady '96. "He was a master of the Socratic method. He used it not to humiliate, but to encourage and provoke you to think. He wanted you to get the right answer, and he would lead you there."

"I thought he was actually less harsh [than other professors] on his students," Gary Porter '96 said. "There was a certain twinkle in his eye, which I much appreciated."

"I have not had a professor who could do what he did with the Socratic method," Choi said. "He had an amazing memory. He knew everything there was to know."

"Within days, he knew the name of everyone in the class," Michael Oblon '96 said. "He was actually able to recall comments made by students toward the beginning of the fall and compare them to remarks at the end of the spring to prove the students' progress."

Brady, Porter, Choi, Oblon, and Shimp took contracts from Areeda two years ago. "He had a huge impact on the section," Shimp said. "He was our most inspiring professor."

"He changed my life in the way that any great teacher did," Brady said. "He made my first year experience rewarding. He was the best thing about it."

Areeda last taught contracts two years ago. "I'm very fortunate I was in his last contracts class," Shimp said.

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Assoc. Registrar Retires

Bombard Ends 33 Years at HLS

By Josh Strathman

Annie Bombard, long a pillar in the Registrar's Office, has retired from service as assistant registrar at HLS.

Although her resignation became effective on Dec. 31, 1995, Bombard said she will be staying on as a casual employee through spring to help smooth the transition and to "make sure this class graduates all right."

Discussing her reasons for retirement, Bombard simply noted, "It's time," understating her 33 years at HLS. Registrar Sue Robinson said Bombard was eligible for retirement "some years ago but was nice enough to stay."

Robinson was quick to add that Bombard's retirement should not be a cause of worry for 3Ls. Bombard, she said, is committed to seeing the Class of '96 depart without incident and is watching its records "like a hawk."

Mary Cronin, head of the Personnel Department, said that, pursuant to standard hiring procedures, the opening had been posted in the Harvard Gazette for two weeks starting Dec. 21. Cronin indicated that the department was still accepting resumes.

Cronin said that it was a general University policy to give weight to qualified staff currently employed by Harvard but that this did not amount to an absolute preference.

Bombard has agreed to stay on through the spring, giving the Personnel Department time to select a successor and aiding the transition, said Cronin. "Those little shoes are going to be hard to fill," said Cronin.

Once she does leave, Bombard said she plans to become more involved in church work and to visit the elderly in nursing homes — activities she presently pursues but to which she would like to devote more time. She said she also wants to spend time with her grandchildren.

Bombard indicated that the prospect of leaving the Registrar's Office was not without its downside. "I'll miss the people. [HLS] is a great place to work; everybody is very helpful."

Judging from the remarks of others within the Registrar's Office, the feeling is mutual.

"We're all going to miss her terribly," said Staff Assistant Kuen Yu. Yu described Bombard as "truly professional." "She always knows what she is doing. I don't think anybody can replace her," Yu continued.

Yu described how Bombard would frequently work from 8:30 in the morning straight through lunch to 5:30 — most of that time dealing directly with students — and "never lose her cool." With regard to this ability to work under pressure and Bombard's commitment to her work, Yu said the Registrar's Office would

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Tribe Takes on Tobacco Industry

By Katrina C. Randolph

Massachusetts is the latest state to take on the tobacco industry, with Prof. Laurence Tribe '66 leading the way in court.

"I felt committed to do what I could to combat the rather deep pockets and dangerous activities of this industry," said Tribe on Monday. He was appointed a special assistant attorney general for Massachusetts by state Attorney General Scott Harshbarger '68 in December, and is providing his services for free.

In the Dec. 19, 1995 lawsuit filed in state court, *Massachusetts v. Philip Morris, Inc., et al.*, Massachusetts alleges that "cigarette manufacturers and their trade associations have engaged in a conspiracy to mislead, deceive and confuse [Massachusetts citizens] regarding the overwhelming evidence that cigarette smoking causes fatal disease — and that the nicotine in cigarettes is a powerfully addictive substance."

The state charges that certain defendants "have developed sophisticated techniques to manipulate the nicotine delivery of cigarettes so as to create and sustain addiction in smokers."

It also maintains that Massachusetts "must spend millions of dollars to purchase or provide medical and related services for Massachusetts citizens suffering from diseases caused by cigarette smoking."

The state is requesting that the companies pay past and future health care costs resulting from tobacco use. It also wants the court to require defendants to disclose their research on smoking, addiction and health, to fund a remedial public education campaign about smoking and to fund smoking cessation programs.

In November, five tobacco companies filed a preemptive lawsuit in federal district court in Massachusetts, seeking to prevent the state from filing its lawsuit in state court. It charged that the then-planned lawsuit "sing[les] out a category of exclu-

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Just Another Day in Paradise



Students attempt to make their way to class through Monday's snowstorm. Harvard may have been the only school in the area to remain open through the storm. See story on page 3 about how 1Ls dealt with making it to their first law school exams.

BRIEFS



\$1.2M Gift Creates Visiting Professorship

Robert [72] and Candice Haas have given the Law School a \$1.2 million gift that will be used to establish a visiting professorship in corporate finance law.

Dean Clark '72 said the Robert B. and Candice J. Haas Visiting Professorship will be a tremendous asset to Harvard's legal curriculum.

"Generations of students to come will benefit from this addition to the school's academic program, which will support visits by many great teachers and practitioners," Clark said in a press release.

Robert Haas is board chairman and chief executive officer of Haas Wheat & Partners Inc., a Dallas-based private investment firm. His wife, Candice, is a founder and co-owner of a publishing firm, Directories On The Go, Inc.

"It is a pleasure to acknowledge the contribution that Harvard Law School has made to my personal life and to my business career," Robert Haas said. "The great blessings which Candice and I have been privileged to enjoy over the past quarter century are deeply rooted at Harvard Law," he said.

Harvard Researcher Finds Pizza Is Good For Men

Hey men, put down that salad and head to Three Aces! A recent Harvard medical study has found that eating pizza and spaghetti sauce actually can be good for you.

The study by Dr. Edward Giovannucci of the Harvard School of Public Health found that eating lots of tomato sauce can protect against prostate cancer.

"We found that more was better," he said. The study examined the eating habits of 47,000 men over six years and found that those who had at least 10 servings a week of tomato-based foods were up to 45 percent less likely to develop prostate cancer.

A 10-page report on the study is published in the *Journal of the National Cancer Institute*.

— from the *Crimson*

Record Number of Early Acceptances to Harvard College

The number of candidates admitted early to Harvard College has jumped by one-third this year to a record 978, according to the school's Office of Admissions and Financial Aid.

Admissions officials said they believe the increase is due in part to a restructuring of the early application processes at many of the nation's top colleges and universities.

Stanford, Yale and Princeton, for example, changed their early action programs this year so that students accepted early must attend that school and cannot apply to any others.

Brown and Harvard are the only Ivy League schools that do not institute such binding early action programs.

Harvard's early acceptances corresponded to a 30 percent increase in the number of early applications this year. Admissions criteria remained unchanged from previous years.

The Law School does not offer an early action program but accepts students on a rolling basis, beginning this month.

— from the *Crimson*

Shuttle Makes Changes to End Delays

Harvard's Shuttle Bus and Evening Van Service said it is making a number of changes to alleviate long delays and erratic scheduling.

Peter Witt, general manager of transportation services, said he decided to make changes after hearing student complaints about long delays that often caused students to be at risk late at night.

"These are things that I think have been in the process for a while," Witt said of the changes.

Among the changes made to the shuttle program are the addition of a daily log and the replacement of the current voice mail system with a telephone system answered by a real person. Dispatchers will also check to make sure that drivers' watches are synchronized.

Witt also said that a group of representatives from each of the schools at the University will consider making additional schedule changes, hiring more drivers and placing phones by shuttle stops.

— from the *Crimson*

Radcliffe Alumnae Continue Boycott of University Capital Campaign

A group of Radcliffe alumnae are continuing their boycott of the school's \$2.1 billion capital campaign to protest what they consider to be a dismally low number of tenured women on the faculty.

"I'd like to see them do something now — not 10 years from now, not at the millennium, now — to improve the rate of women being tenured to the rate of women earning Ph.D.'s," Radcliffe alum Joan Bolker told the *Crimson* last semester.

At Harvard, women comprise 11 percent of the full professors, a figure which is comparable to the numbers at other Ivy League schools. Thirty-four percent of associate professors and 30 percent of assistant professors, meanwhile, are women.

Harvard officials acknowledge that the number of women faculty remains low but contend that it is aggressively working to recruit more. Of the 20 professors to receive tenure in the college during the last academic year, a record six were women.

"Are we where we want to be? No. Are we moving in the right direction? Yes," said Joseph McCarthy, assistant dean for academic planning.

— from the *Crimson*

Areeda Remembered by Colleagues, Friends

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In the fall of 1994, Areeda taught his final course. Fittingly, the subject was antitrust. Porter attended both courses. "I thoroughly enjoyed having him for both contracts and antitrust," Porter said.

Prof. Louis Kaplow '81, who co-authored the fourth edition of the antitrust casebook with Areeda, took Areeda for antitrust fifteen years ago. According to Kaplow, Areeda's lectures were always clear even though antitrust is a difficult, chaotic field.

Areeda regularly taught antitrust to more than 200 people in Langdell North Middle. "Students took his antitrust class in droves, even though it wasn't required and they knew it wouldn't be easy," said Kaplow.

Dean Clark summed up Areeda's teaching ability by referring to "The Paper Chase." "You take Kingsfield and make him into a saint, you get Areeda," said Clark.

"An Unmatched Scholar"

"He is simply an unmatched scholar of antitrust," Hovenkamp said. "He is easily the most prominent antitrust scholar of his generation and perhaps of this century."

"It is exceedingly rare in this day and age for someone to have had his influence in a field on judges, practitioners, and academics," Kaplow said.

"The number of people who have had this much influence on all three audiences is quite small."

Justice Stephen Breyer '64 once said that most attorneys would prefer to have in support of their position "two paragraphs of Areeda on antitrust than four courts of appeals and three Supreme Court justices."

Last year, the Justice Department gave Areeda the John Sherman Award in recognition of his contribution to antitrust law.

Areeda's crowning achievement is "Antitrust Law," the 10-volume treatise with annual supplements. The treatise covers two feet of Kaplow's shelf. "The fact that he has produced two feet while writing concisely is quite amazing," Kaplow said.

"He was very dedicated to his treatise," Byse said.

"He was always writing and rewriting," Hovenkamp said. "He was a perfectionist. That's why the treatise is so good."

The 10th volume, co-authored by Areeda and Hovenkamp, was published last month. "He was difficult to work with," Hovenkamp continued. "He was very demanding and very focused on antitrust. He was a stickler for deadlines. He would revise my work two or three times."

Areeda had not completed the treatise when he died. "The greatest disappointment in Phil's life was the gradual recognition that he was not going to be able to live to see the completion of the treatise," Hovenkamp said.

Areeda also wrote an antitrust casebook, of which Kaplow co-authored the fourth edition. Kaplow most remembers "the experience of constructively channeling differences in perspective to produce a final product that exceeded both of our expectations."

Kaplow and Hovenkamp will continue the projects. Kaplow is currently writing the fifth edition of the casebook. Hovenkamp is simultaneously revising the first and third volumes and writing the eleventh volume of the treatise.

"Going ahead with the treatise is going to be possible," Hovenkamp said, but added that "it will be difficult without his advice and counsel."

\$5 Million Donation to HLS

Last year, HLS announced that Areeda would donate approximately \$5 million to the Law School — a gift which will include virtually his entire estate. The gift is the second largest HLS has ever received.

"I love the place," Areeda said last year. "It's been my intellectual home since I first arrived at the college nearly 50 years ago."

"I have learned to teach and have learned from my students, enjoying virtually every minute of it," he added.

Areeda's frugality permitted him to make such a large donation. "I've spent so much time working that I don't have time to spend it," Areeda continued.

Nevertheless, Areeda did enjoy some of the finer things of life. He loved the opera, ate caviar, collected wine, and was a gourmet. "He and like-minded people would go to renowned restaurants, and all the chefs got to know him," Byse said.

"He enjoyed life," Kaufman said. "He knew how he wanted to live his life, and he did it."

"He was a rather reserved person," said Byse, whose office was across the hall from Areeda's office for many years.

"In recent years, he grew more open."

"The one thing I will remember is his powerful, rational, analytic and orderly mind," Byse added. "It was always a joy to talk to this man."

Advisor to Deans and Presidents

"He was one of the people I most relied on at the school," Clark said. "Dean Clark and [then] Dean [James]

Vorenberg [51] would often call on Phil for advice," Byse said. For example, Areeda devised the formula for allocating the highly desired offices in Hauser Hall. No faculty member complained about Areeda's solution.

Areeda served on the turbulent and highly politicized appointments committee. "He was always concerned with the institution," Byse said. "He wasn't concerned with politics."

At the urging of then-Dean Erwin Griswold '28, S.J.D. '29, Areeda joined the HLS faculty in 1961. Two years later, he was promoted to a full professorship. In 1981, Areeda was appointed Langdell Professor of Law, an endowed chair previously held by Robert Keeton S.J.D. '56, Griswold, and Zechariah Chafee Jr. '13.

When he was not at Harvard, Areeda worked at the White House for three administrations. He was special counsel to President Dwight Eisenhower for four years and counsel to President Gerald Ford for four months. In addition, Areeda was executive director of the Cabinet Task Force on Oil Import Control under President Richard Nixon.

Areeda was born in Detroit on Jan. 28, 1930. He graduated summa cum laude from Harvard College in 1951. Three years later, he became a summa cum laude graduate of HLS.

He never married. He is survived by his sister-in-law Anna Areeda, two nieces and a nephew.

"I think there was a huge number of people who have been greatly affected by his death," Kaufman said. "The fact that there are so many people affected by the loss says more than any one person can."

1 Lousy Week to Take Exams

By Katrina C. Randolph

Pobre, pobre 1Ls. First they couldn't get a flight home for the holidays because of a snowstorm. But the worst came on Monday, when all of them had to trudge to campus in the middle of one of the worst snowstorms of the century to take their very first law school exam.

Grin (or gripe) and bear it, says HLS. "The students that are here — there's no problem," said Allana Pollard, who does data entry for the Registrar's office but who on Monday sat at the receptionist's desk answering calls from worried students and professors. "It's the ones that have to come in, especially those that have exams. But they have to cope," she said.

"All of us here on the staff don't necessarily live near the school, but we're here, and not even that late," said Pollard.

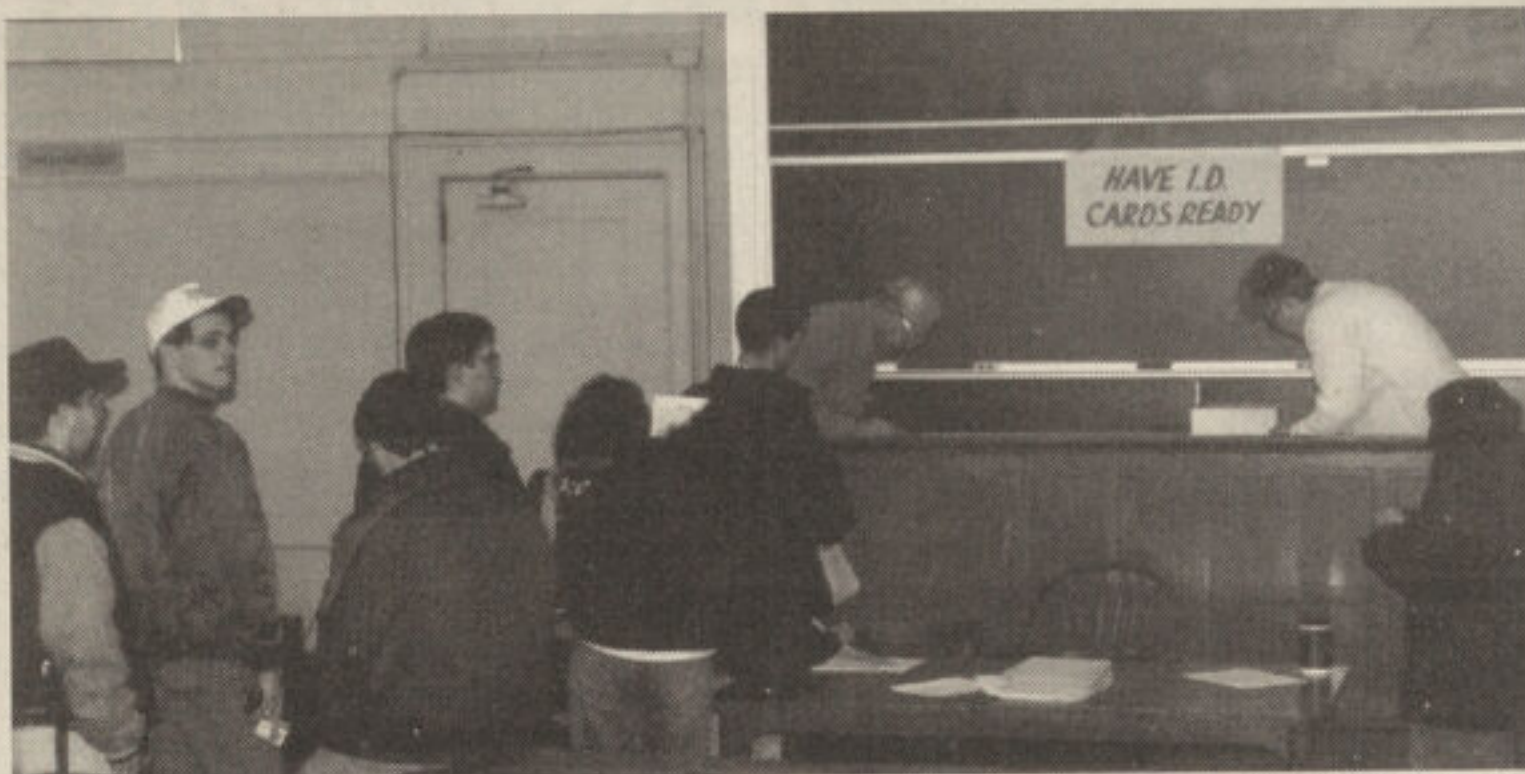
This winter, HLS students have had to bundle up and head to campus for exams, classes and study sessions on days when students at other schools could stay at home. Monday was no different, when the Law School opened despite the fact that 400 other schools in eastern Massachusetts and southern New Hampshire were closed.

Wednesday's exams were a little easier to take. Although it snowed all day, the storm lacked the intensity of Monday's.

The University was officially open on both days, but class for undergraduates was not in session since they are preparing for exams.

1L: The New Horror Story

Precious Anderson '98 had a civil procedure take-home on Monday. Anderson, originally from Florida, left her Porter Square apartment with plenty of time to spare. She didn't see a bus, so she started walking toward school along Massachusetts Ave. — on the street, since



1Ls wait in line to pick up their take-home contracts exams on Wednesday.

the sidewalks had not been shoveled. "So I'm walking on the street, and cars are just sliding," said Anderson. And when she finally got to the take-home window, "they were really slow. I didn't even get my exam until about 9:10," she said.

Since no extra provisions had been made for off-campus students to take their exams on campus, Anderson had to take a similar trip home. Since cabs were booked Monday afternoon, Anderson had to run halfway and take a bus the other half of the trip to return her exam. Luckily, she was on time.

Anderson said she wishes HLS had postponed the Monday exams. She said at least she would have preferred a little more time, considering the circumstances. "I would have preferred at least an extra hour, being that I live off campus and there were other rooms on campus," she said.

Registrar Sue Robinson said that despite the snow, all 1Ls with take-home exams returned their answers on time.

No Complaints at Headquarters

"Nobody has really complained," said

Pollard of the 1Ls. "They were really psyched. The snow didn't seem to bother them at all."

Pollard attributed 1Ls' minimal reaction to the fact that they were excited and anxious about taking the notorious first-year exam.

The Registrar's Office did receive several phone calls from students hoping that their classes or exams had been postponed. But according to Pollard, none of them said they couldn't make it in. Robinson said some students even called Dean Clar '72 at home on Sunday to ask if there would be class.

The school could have had a problem with a lack of exam proctors, but Pollard said there were "enough to get by." Many of the proctors are older and may not have been able to venture into the harsh weather to get to HLS.

"It's crazy that all this happened during exams," said Pollard of the snowstorms. "I'm predicting that the next one will be around the 25th or 26th [of January]," she said. That's when upper-class students take their winter term exams.

Bombard Retires

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probably "not come across another like her."

Yu said these views were widely held among those who work with Bombard.

In a memo circulated Dec. 20 announcing Bombard's retirement, Robinson lauded Bombard's "dedication and commitment to student service" and expressed, on behalf of colleagues throughout the University "enthusiasm and gratitude for her wisdom in untangling rules and policies across faculties."

Robinson's memo said that the appreciation for Bombard's guidance and expertise was also to be found among students and alumni. Yu confirmed this, producing a T-shirt made by the Class of '90 on which "Annie Bombard" appeared as number 4 on a "Top 10" list of reasons to come to HLS.

The memo also noted the deep connections between Bombard and HLS. "It is fair to say that Mrs. Bombard knows more about this institution than almost anyone else," the memo read.

Bombard reflected that there have been "a lot of changes since I [have been] here." She recalled the grading switch from numerical to letter grades and the move away from a ranked to a non-ranked class system. She recalled the institution of the short winter term as a device to secure for second and third year students a winter break unclouded by the prospect of exams.

One aspect of life in the Registrar's Office which has apparently not changed enough over the years has been a difficulty of particular relevance to students. "It would be very helpful if the faculty got grades in on time," Bombard said.

Tribe Helping Mass. Sue Tobacco Companies

continued from *TRIBE*, page 1

sively out-of-state manufacturers and impos[es] upon them a retroactive, unprecedented and enormous financial burden in an effort to significantly impede the channels of interstate commerce in ... cigarettes ... at the expense of plaintiffs' federal constitutional and statutory rights."

The state filed a motion to dismiss the preemptive lawsuit. That case was still pending at press time.

As a litigator for Massachusetts, Tribe brings not only constitutional expertise, but also experience and skill in arguing cases against tobacco manufacturers.

Between 1991 and 1992, for example, Tribe argued before the Supreme Court in *Cipollone v. Liggett Group* that three tobacco companies were responsible for one woman's lung cancer and ultimate death.

A lower court had granted the husband of the woman, Rose Cipollone, \$400,000 — the country's first money damage award against the tobacco industry — but Antonio Cipollone never saw the money because the case was appealed. Months after the Supreme Court argument, the Cipollone family dropped the suit and agreed to a sealed settlement. It was seen as a major victory for the tobacco industry.

"A number of cigarette manufacturers had asked me to represent them against the Cipollone family case" when it was before the 3rd Circuit, said Tribe.

"I got more satisfaction from defeating the industry pro bono in the very same case in which they had offered me the sky and the moon," he said, noting that the cigarette companies had offered him an attractive, seven-figure fee. "But my wife

and daughter regarded it as blood money."

Tribe's involvement with the Cipollone case led him to represent Mississippi and Florida in their lawsuits against the industry. West Virginia and Minnesota have also sued members of the industry, he said.

Tribe explained that state suits avoid the "two primary obstacles to winning substantial damages" — issues of personal responsibility, as well as proof and causation.

Juries are reluctant to award significant damages to individual plaintiffs because they think the plaintiff made a "choice" to smoke and therefore must assume some or all of the responsibility for the consequences.

"That obstacle is not present in this case because the state is not a willing participant," he said. Here, he said, "the state is arguing that taxpayers suffer" from increased health care costs which are passed on to them.

Proving what causes the alleged harm also is not a major obstacle in the state's case, because it is an aggregate question which can be answered with precision, using epidemiological data, said Tribe.

"You don't really need any terribly fancy explanation. These are products which, when used as intended, kill and maim," he said.

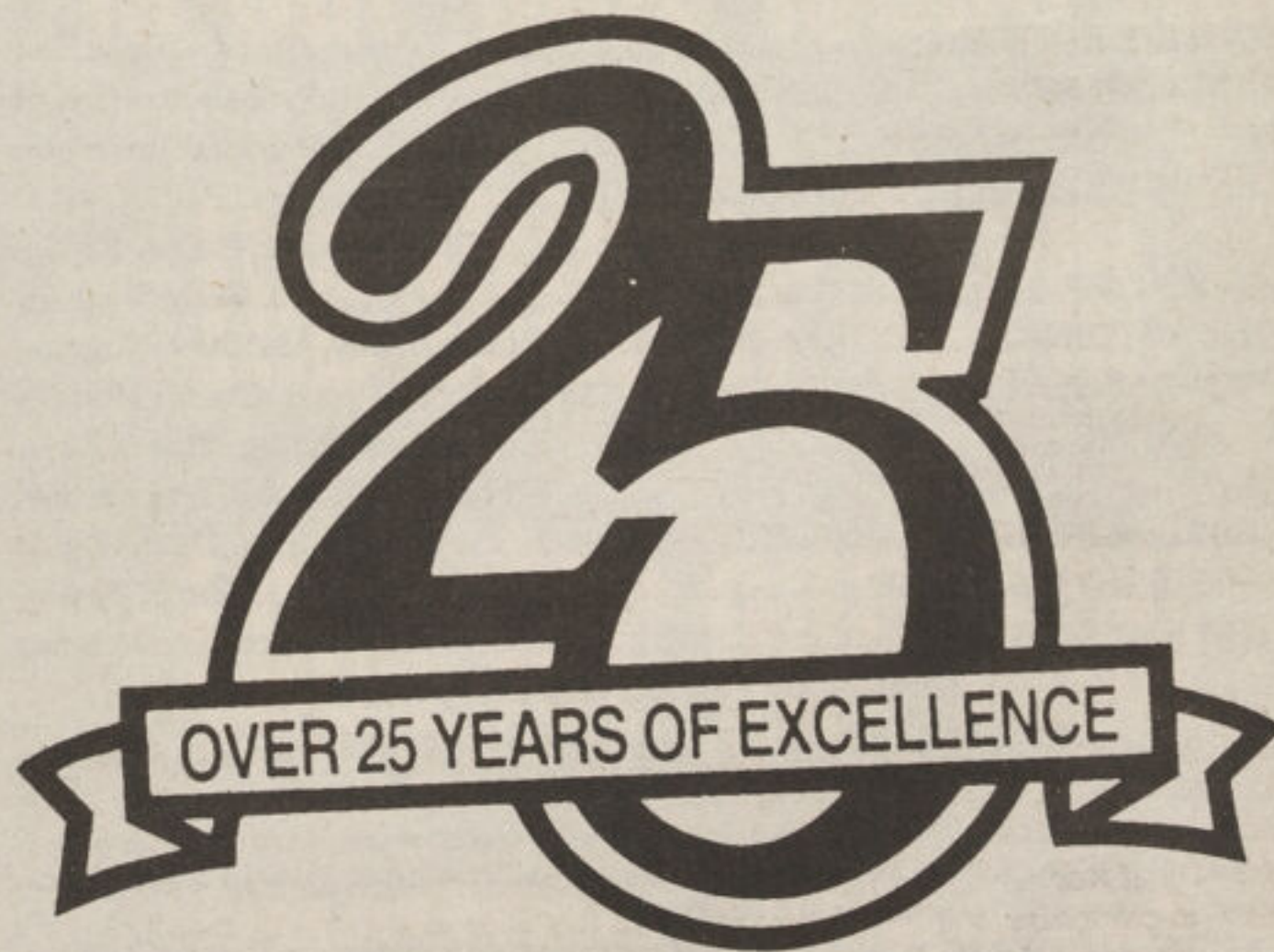
Defendant Philip Morris vowed a strong fight against the state.

Other tobacco company defendants in the case are: R.J. Reynolds Tobacco Co., Brown & Williamson Tobacco Corp., B.A.T. Industries, Lorillard Tobacco Co., The American Tobacco Co. and the Liggett Group. Tobacco distributor Albert H. Notini & Sons and two trade associations were also named.



Larry Tribe '66

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THE POWER OF EXPERIENCE™

Harvard Law RECORD

Founded in 1946

Katrina Randolph
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Tradition-bound

Looking back on a half century of service to HLS, the RECORD is still inspired by the vision of co-founder Charles Porter '47, who inaugurated the first issue in 1946 with an editorial, excerpted below.

—Yen

Abandon all else ye who enter here, the incoming law student is told. Eat law, drink law, sleep law, breathe law.... It is fitting that professional training should require a man's best efforts, but this obsessive compulsion may result in his adopting a narrow version of the law in terms of the task....

Discussion outside of class ... plays a notable role in the acquiring of perspective, the ability to adapt principle and decisions to concrete cases and to isolate competing interests to weigh in the balance. These discussions are unquestionably an essential in the task of the law student.

The Review, the Legal Aid Society and the Board of Student Advisers are all *legal* in the old strict sense of the word. Although their activities are not related directly to examinations, their members have proved themselves sufficiently to allow diversion from the narrow goal for short periods of time. The services of these established extracurricular activities are indispensable, and their histories distinguished. Does the RECORD merit a place beside them? Are labors in its behalf within the proper task of the law student?

The RECORD is ... a vehicle for the news of the School, the students, professors, and alumni. It will strive to become a forum for the Law School, its topics ranging the gamut of public interests — sociological, governmental, economic, philosophical, political, moral, international, constitutional and so on, as well as discourses more directly legal in the old cramped sense of the word....

To include the RECORD, then, the traditional task of the law student needs re-appraisal. The matter is less one of re-definition and more one of recognition that legal problems today do not exist apart from the rest of societal life....

Professor Pound, although the leading exponent of the sociological school of jurisprudence, deprecates the establishment of the RECORD. He holds that its publication is outside of the task which a student comes here to accomplish. He cites the case of the student who tried to be drum major in the Harvard band and so failed to pass his examinations.... With real deference to his immense wisdom and kindness, we dissent. We believe that the task of the law student today embraces an interest in current affairs and an attempt to hold opinions, however tentatively, about the issues facing our society and civilization. We cannot agree with his assertion that before a man expresses an opinion on a subject, he must first fully understand that subject. For who knows when that understanding comes? "If we would guide by the light of reason," Brandeis once wrote, "we must let our minds be bold."

... Abandon novels, eschew long weekends and postpone fervent courtships; make every minute count, the law student should be counselled. But he should not abandon reflecting on the problems of his world. This does not mean that he has to dissipate his energies at the very time he needs them unimpaired and concentrated on the formidable task of a law student. It does mean becoming aware that the law he seeks is as much in his own head and in the heads of his fellows, if he will but look, as it is in the heads of his professors and in the books.

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Printing By The Harvard Crimson

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The Harvard Law RECORD (ISSN 0017-8101) is a publication of the Harvard Law RECORD Corporation, a non-profit, independent, student-owned and run corporation of the Commonwealth of Massachusetts. Harvard Law RECORD, Harvard Law School, Cambridge, MA 02138-9984. Telephone (617) 495-4418. Fax (617) 495-8457.

The RECORD is published weekly on Fridays throughout the academic year and is distributed free of charge to Harvard Law School Students and at a minimal charge to Harvard Law School Alumni. Copy and photo deadlines are 5:00p.m. on the Monday preceding publication. Advertising deadlines are 5:00p.m. on the Tuesday preceding publication.

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—First Amendment, US Constitution

• Letters •

Cease Demeaning Bag Searches at HLS Library

Recently I visited the Ohio State Law School library, and I felt an incredible sense of freedom as I left it without submitting to a demeaning bookbag search. Upon reflection, I remembered that I had also never been searched at my undergraduate institution, and I realized that the ritualistic glancing search policy of the Harvard Law School libraries had resulted in my background lack of trust of my colleagues and myself. I had forgotten what it felt like to be treated like a responsible professional.

We all came to Harvard Law School because of its reputation for academic excellence. Many of us came despite other reputations — the Crit vs. non-Crit "civil war" reputation and the "Paper Chase"/"One-L" succeed-at-all-costs reputation. Luckily, most of us found that the latter two reputations do not accurately reflect the state of HLS.

All present students arrived after the serious "civil war" battles were over, and we also have been fortunate to see a decline in PC-inspired silencing. Although the atmosphere remains tense, we are now able to

have honest discussions about controversial issues like affirmative action, gender discrimination and rape. One professor recently told a group of students that he senses that students really want to learn from each other, and the current academic openness is vastly different from the atmosphere a mere five years ago.

Although we found our classmates very competitive, I suspect most of us were also pleasantly surprised at the lack of a cutthroat mentality. In fact, we have made close friends, and we have found that we like many of our classmates and respect most of them. In short, we have found HLS to be a rather collegial place.

To make HLS a more collegial place, the libraries should abandon the demeaning bookbag search policy. The benefits of the outdated policy are minimal. While it may succeed in catching the student who is bright enough to stick a regional reporter in his bookbag, the current search technique stands no chance against a student who really wants to smuggle a magazine or pages of an article out of the library. The despicable few students

who want to succeed by denying their fellow students access to materials (the "Paper Chase" stereotype) will succeed no matter what methods are used to try to stop them.

The costs of the policy far outweigh its benefits. First, it is embarrassing to have guests observe this juvenile treatment. Second, the policy reinforces stereotypical assumptions about the trustworthiness of law students. Most significant, however, the current search policy is demeaning because it is imposed on hundreds of students who will soon be charged with the responsibility of living with a high code of professional responsibility.

Abandoning the policy will remove a demeaning policy based on old assumptions about HLS students, and it will be consistent with what we should expect of ourselves and our colleagues. Most importantly, however, its removal will increase our trust and respect for each other, further improving the academic atmosphere at our nation's greatest law school.

Scott J. Ziance '97
January 9, 1996

Hartmann's Depiction of Civil War Inaccurate

Mr. Hartmann's column, "His Truth is Marching On" (RECORD, Dec. 8, 1995) demonstrates a willingness to sacrifice historical accuracy for the sake of ideology. The causes and results of the Civil War were numerous and complex. Mr. Lincoln invaded the South to prevent its leaving the Union, not to liberate the slaves. The ambivalence many northerners felt about slavery is indicated by Ulysses S. Grant's statement, "If this war was over slavery, I'd be fighting on the other side." The existence of Black Codes in Illinois stands as ample testimony to that region's dedication to the principle of equality.

The men who fought for the Confederacy were defending their families and homes

from invading aggressors. They continued the valiant tradition of our revolutionary forefathers in seeking to escape oppressive taxation from a powerful central government. The tragedy that they inherited an economy based on slavery no more impugns their valor than it did that of the founding fathers.

In casting stones for past sins, Mr. Hartmann should look beyond the South. In seeking reparations, he should turn first to the descendants of the West African tribesmen who sold their neighbors into slavery. It's interesting how unpopular historical facts complicate one's moral calculus.

Mr. Hartmann suggests that Atlanta erect a memorial

to Sherman. If drunken confederates had burned Harvard to the ground, his point might have some relevance. As is, it suggests an interesting contrast between Nathan Bedford Forrest's cruel treatment of black soldiers, roundly condemned by Confederate leaders, and Sherman's war against a civilian population, glorified by the North.

A portrayal of blue-clad angels combating gray devils to overthrow the historical evil that was slavery is the stuff of fairy tales and suitable for children, not law students. We must study the past so that we may move into the future.

Eric S. Black '98
December 10, 1995

"Racism" Film Valuable as Picture of Reality

I am writing in response to Ronald W. Douglas' column, "The Illusion of Equal Protection at HLS" (RECORD, Dec. 8, 1995). Last year, I saw the same film depicting a plea bargain session that Douglas viewed in his criminal law class. However, unlike Douglas, I had the opposite reaction. In my opinion, the film did exactly what my professor said it would. That is, it presented a realistic, no-holds-barred example of the type of exchanges that occur between prosecutors and criminal defense attorneys.

Douglas' outrage at this film manifests a distinct lack of appreciation for the film's instructive utility and knee-jerk political correctness at its worst. Perhaps I am in a better position than Douglas to gauge the pedagogical value of such films because I have one more year of legal training under my belt, but Douglas should be aware of the fact that, too often, law professors (not to mention jurists) try to pretend race is not an issue. They construct sanitized hypotheticals in

which the race of the litigants is immaterial when, in reality, race would likely play a role. In criminal law especially, one cannot underestimate the added dimension brought to any interaction between citizens and police (and prosecutors) when those citizens are black. I find it hard to believe Douglas' professor endorsed the racist remarks mentioned in the film. Most likely, the professor meant to drive home the reality that racism plays a very significant role in the administration of criminal justice in this country. I know this was the case in my criminal law class.

Here in the ivory tower, it is all too easy to project our delicate, PC sensibilities onto the real world. I fear Douglas has fallen into this conceptual trap. He argues that students in his class should have gotten "proper warning" of the film's content. What would be the point of a warning? Should those who feel uncomfortable discussing racism be encouraged to skip class when they can see its ugliness firsthand? In real

life, do we get such warnings? Obviously, Douglas' proposed warning would only have deterred those people who needed to see the film most, i.e. those who believe racism does not exist anymore.

Law school should be considered a chance to familiarize oneself with the everyday realities of the legal profession, not with some idealized (i.e., race-neutral) version of a world we wish existed. Since Douglas feels he has been "racially harassed," I refer him to Justice Blackmun's dissenting opinion in *Regents of University of California v. Bakke*. In explaining the need for affirmative action, Blackmun wrote, "In order to get beyond racism, we must first take account of race." I advise Douglas to take these words to heart. As a future black professional, he will be an important soldier in the war against racism. Now is not the time to be easily offended. Now is the time to meet the enemy.

Jon-Peter Kelly '97
December 8, 1995

Write to the RECORD!

The Pride of Harvard Law School

By Markus Hartmann

The only freedom which deserves the name, is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it. Each is the proper guardian of his own health, whether bodily, or mental and spiritual. Mankind are greater gainers by suffering each other to live as seems good to themselves, than by compelling each to live as seems good to the rest.

— John Stuart Mill, "On Liberty"

ON Dec. 20, 1995, the Boston Herald reported that Prof. Laurence H. Tribe will be spearheading Massachusetts' massive assault on the tobacco industry. Prof. Tribe will be working for free and so will the students assisting him. I have no doubt that Prof. Tribe and the students that will be helping him have the best of intentions. But their intentions pave the way to a hellish nanny state.

In the upcoming litigation, Massachusetts seeks to recover public Medicaid money spent to treat the tobacco-related illnesses of the poor and the elderly. Health care costs in the state and the nation have skyrocketed because of our unwise behavior associated with eating, drinking, sex, alcohol, drugs, violence and, especially, smoking. For now, the state has contented itself with attempting to curb the vice of smoking through a novel cost recovery scheme. If this strategy succeeds, is there any reason to believe our other costly habits will not be treated similarly?

Massachusetts' Puritan past is hard to shake. The Puritans were concerned with moral costs to the community. Their policy was to teach citizens to avoid the Seven Deadly Sins: pride, avarice, lust, envy, gluttony, anger, and sloth. Pride is regarded as the sin that most surely separates a sinner from the grace of God. The abundance of pride here at HLS will be enlisted to aid the state's new anti-smoking puritanism.

That pride is evidenced by the underlying assumption of the state's case against the tobacco industry. The warning labels on tobacco products are not good enough. The anti-smoking campaigns just aren't working. In the minds of the new puritans, people are just too stupid, and it is



costing the state too much money. Since efforts to appeal to individuals have failed, the state will attempt to bankrupt the industry that supports the latest vice to fall out of favor with the nation's overclass.

Individuals occasionally engage in unhealthy behavior. At one time, these individuals paid the cost of their own choices. Today, our interdependent society sees fit to fund a safety net for those unfortunate souls who are unable to pay their own way.

The current assault on the tobacco industry seeks to distort the true cost of the safety net through an accounting maneuver that isolates the cost of smoking as if it were the only indulgence in need of moral condemnation. Unfortunately, Harvard Law School will be associated with efforts to shift society's emphasis from the individual to an emphasis on the paternalistic collective.

Why must we fight the war with the demon weed? Because, as Attorney General Scott Harshbarger '68 puts it, "It is time to snuff out this deadly and deceptive conspiracy." What conspiracy? Is there anyone on the planet who is unaware of the dangers of tobacco? Is all this litigation aimed at the illiterates who can't read warning labels? Does Joe Camel have such tremendous hypnotic ability? If Joe Camel is as persuasive as the tobacco-phobes claim, perhaps we should enlist him in the crusade to ensure every child in America has a steady supply of condoms.

Opening scene: Jazz music plays in the background as Joe Camel sits on the edge of a bed in a seedy hotel in New York City. As Joe takes out a Camel cigarette he says, "Kids, after having safe sex with my fully consenting camel-partner, there is nothing I like more than a drag on a fine filterless nicotine delivery device."

Sound ridiculous? Then why is it that we assume that if Joe Camel is used for animal research, teenagers will magically refrain from smoking. Smoking, like sex, will take place with or without the presence of animals egging us on. Joe Camel is no more deceptive than any other commercial that adults or children are exposed to on a

daily basis, including condom ads.

What Attorney General Harshbarger and Prof. Tribe are suggesting is the ultimate abandonment of contributory negligence in tort law: the advertiser-made-me-do-it principles. The possibilities for the "progressive" use of this tactic are endless. Any time the overclass finds a legal activity it no longer approves of, it can penalize those who make a profit from those habits. This blurs the distinction between what is legal and illegal in the republic.

In a few years, we can imagine Governor Harshbarger making the following announcement: "Ladies and Gentlemen, the Massachusetts Turnpike Authority has determined that fat people are costing the turnpike authority an extra \$2 million a year. Additionally, we have determined that overeating is costing the state \$4 billion a year in extra health care costs. Therefore, I am announcing the seizure of all McDonald's, Burger King and Little Caesar's franchises in the state. Now I know that this will be unpopular with many of you, but the Hamburgler and his kind have continued this campaign of deception for far too long."

The inability to distinguish the legal from the illicit underscores Prof. Tribe's participation in this offensive. In "American Constitutional Law," he suggests that the use of "such psychoactive substances as marijuana" is a privacy issue. Why should smoking be given any less protection than the use of an illegal

drug? If the costs to the state are truly motivating this campaign, then Prof. Tribe's assertion that illegal drug use is a private matter but smoking is a public concern doesn't pass the giggle test.

There is a considerable body of evidence linking induced abortions to breast cancer. As a provider of abortions, Planned Parenthood stands in the same position as R.J. Reynolds. Both derive their revenues from a product that has been linked to cancer. When a state sues Planned Parenthood to recover the Medicaid money spent to treat the abortion-related illnesses of poor and elderly women, whose side will Prof. Tribe be on? More importantly, what side will tomorrow's HLS students be working for?

Smoking, like sex, will take place with or without the presence of animals egging us on.



Fenno was upset. He'd heard that some visiting professor had refused to grant the RECORD an interview, and that had him madder than Markus Hartmann at an ACLU hug-in. He paced angrily in circles under his beloved-but-yellowing Farrah poster until a plan began to coalesce. Or maybe it was the cornflakes and tequila he'd quaffed for breakfast congealing; it was hard to tell.

Nevertheless, he set out determined to take action. He'd heard that this Prof. "Veneer" or something was teaching a class in Blended Discrimination, so he headed to the classroom for a confrontation.

A hush fell over the class as he strode through the door and walked to the front. The silence was palpable as he dramatically pointed his finger at the person behind the lectern and shouted, "J'accuse!"

"Excuse me?" asked the short grey man. "What do you mean by this?"

"Hmm, actually you got me there," Fenno had to admit. "I don't know what that means. I heard it on 'Columbo' once."

"Well, this is neither 'Columbo' nor 'French Accusations 101,' so I suggest you leave immediately," the man said icily.

"Is this Blended Discrimination?" Fenno asked.

"It is not. It is Accounting for Lawyers."

"So you're not Professor Veneer?"

"Doubtless you are looking for Professor Guinier. I, on the other hand, am Professor Herwitz. You can tell us apart by the way we part our hair. Now leave immediately before I subject you to more of my witheringly dry New England sarcasm!"

Faced with that prospect, Fenno beat a hasty retreat. So it was Guinier, was it? Well, Fenno would have words with her!

Upon finding the right room, Fenno stopped to compose himself. From what he'd heard this woman was royalty — a queen of some sort, in fact — so perhaps a

more circumspect approach was in order. Besides, anyone who taught a class about blenders couldn't be all bad, right? Fenno considered himself a connoisseur of blenders, having used them to make his in-class margaritas for years now. Perhaps they could talk privately about the relative merits of crushed and cubed ice.

So it was a somewhat calmer Fenno who walked briskly to the front of Prof. Guinier's class and asked, "May I have a word, your Highness? I'd like to talk to you about an interview with the RECORD."

"No. Now leave."

"Perhaps we could just discuss blenders, then? I understand you have a discriminating taste in them."

"Whoever you are, leave now, or I will eject you myself!" the professor said through gritted teeth.

"But..."

Seeing that Fenno was not going to leave on his own, Professor Guinier grabbed his hand, stepped behind him, and placed him in an immobilizing choke hold. The class applauded as she dragged him to the Dean's office.

An hour later, the Dean was oddly cheerful when he finished talking with Prof. Guinier and called Fenno into his office. "Fenno, you have been a thorn in the side of this great institution for years. It is with great pleasure that I am finally going to put an end to your alleged academic career: You are expelled!"

"Expelled?" Fenno was incredulous.

"Expelled. Pack your things. You're outta here!"

"But I never even finished my..."

To be continued...

Quote of the Week

"Blizzard and test, or nothing."

— Precious Anderson '98, describing the options facing 1Ls on Monday.

Sorry, folks, but this is our only issue for the Winter Term. Look for our next exciting issue on February 9!

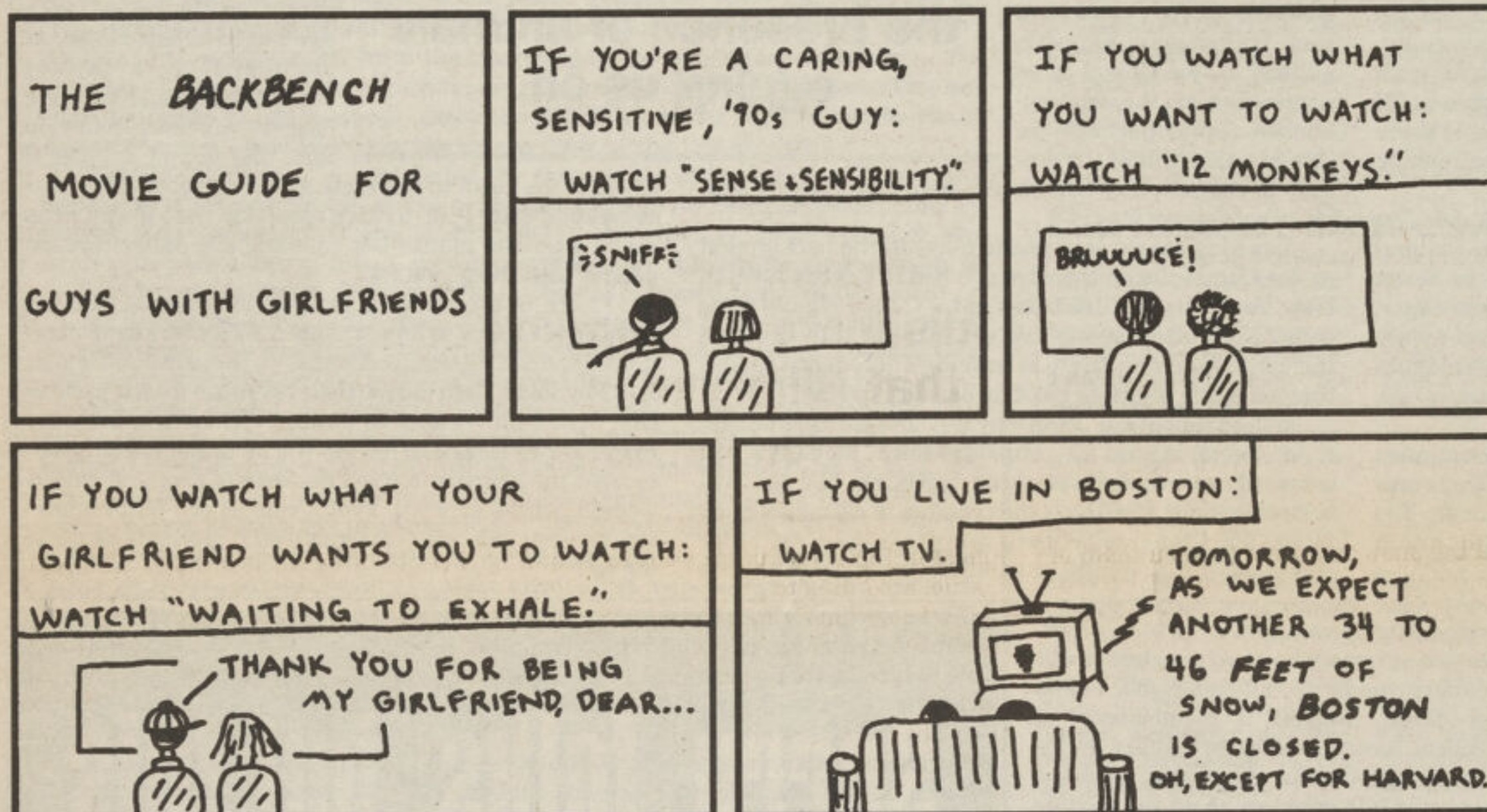
Temporary Insanity

By Sheila Tuller



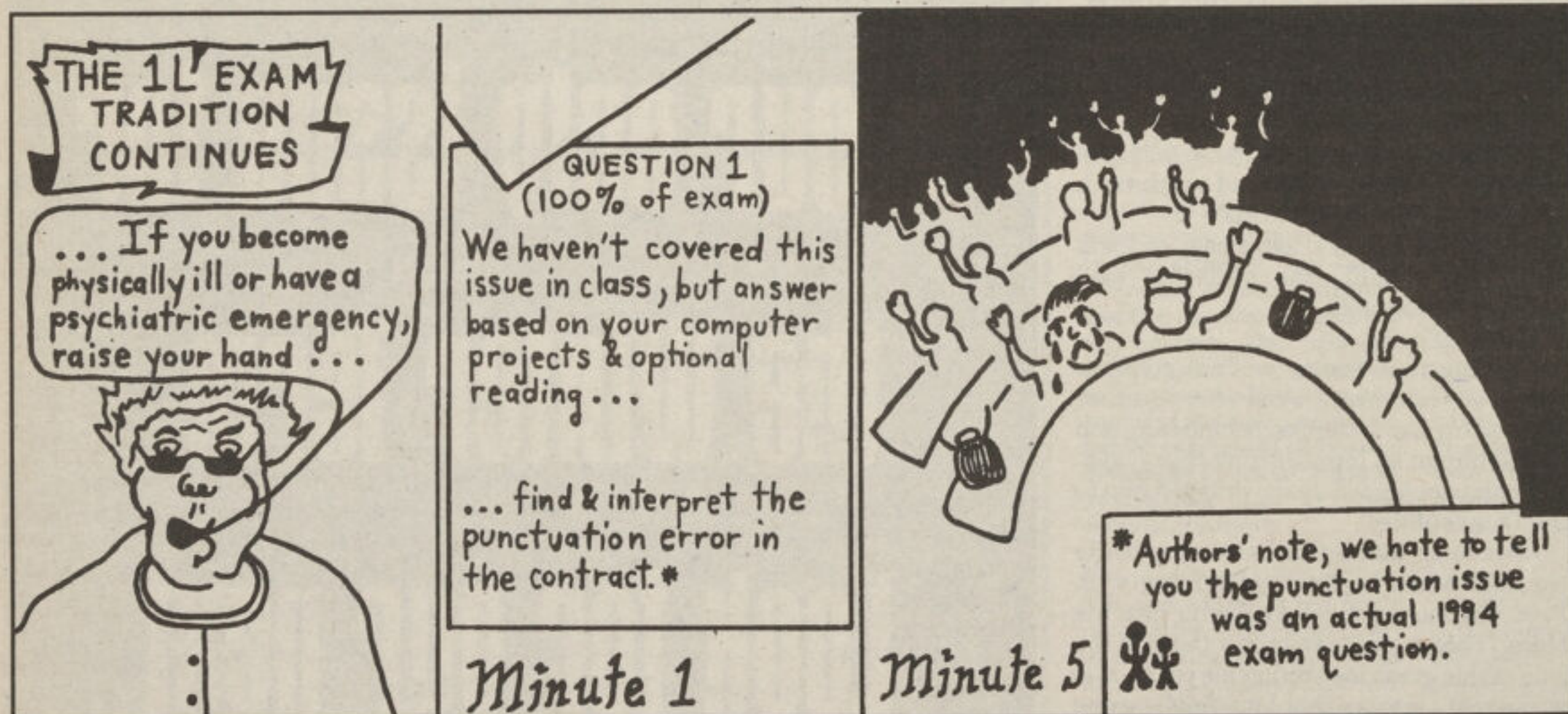
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CALENDAR

NUTHIN'S HAPPENIN'

By Colin Meeder

One of my loving colleagues here at the RECORD recently attempted to dismiss the absurd amount of effort I put into each and every Calendar column. "What could be so damn hard," he asked rhetorically, "about looking up the concert listings in one scarcely read newspaper and reproducing them in another?"

Well, it's plenty hard, you wacky supply-sider, you. Especially in the month of January, or, as we too-hip-to-move music critic types call it, the Dead Zone. Nothing is going on in the world of entertainment, and I'm quite sure that, even as you read this, more concerts are being canceled by the Snowstorm of the Century. Most music writers would take this opportunity to bombard you with their Top Ten of '95 lists, but I have no such pretensions as to think you'd actually be interested in my choices (Like hell I don't: Album of the Year was "Execution Ground" by Painkiller, Concert of the Year was Yo La Tengo at the Middle East, Single of the Year was "Down by the Water" by PJ Harvey). Instead, I'll dig deep into my concert resources, and give you the scant entertainment listings for the next two weeks. How lucky can you get?

Plenty lucky, as it turns out, because Friday (11/12) brings Velvet Crush to TT the Bear's (492-BEAR). What other band could possibly release an album called "Teenage Symphonies to God" with a sound that roughly approximated its title? Other than the Beach Boys, I mean? Quivver, Fidel, and Casper Hauser open.

Nothing terribly exciting happening this weekend, unless you actually like Boston's numberless Arty Post-Metal Bands with Stupid Names (hell, I just joined one, myself). Then, an embarrassment of riches on Tuesday night (1/16): Sebadoh and Deluxx Folk Implosion leader Lou Barlow is at the Middle East (497-0576) along with underage rock god Ben Lee and his band Noise Addict; on the jazz tip, former Joshua Redman pianist Brad Mehldau is at Scullers (563-4111).

If there's one thing young Bostonians love more than Arty Post-Metal Bands with Stupid Names, it's ska. Yes, kids, the music of 1977 (which was once the music of 1965) is back in full effect, and you can check out several fine practitioners of the craft — Toasters, Skavooie, and the Epitones — next Friday (1/19) at Mama Kin (351-2525).

Every year they come, and every year y'all go. It's They Might Be Giants, with Candy Butcher this time, at the Paradise (562-8800) next Saturday (1/20). Their last album was a big ol' flop, but inasmuch as this band's fans can quite accurately be described as a cult, I'd get tickets soon.

Katrina, my boss, calls their newest recording "fantastic." Since she has the power to make this column disappear at any time, I'll go along with her, and recommend the Boy Choir of Harlem performance at Symphony Hall (482-6661) next Sunday (1/21).

Upcoming: Lenny Kravitz, Aimee Mann, kd lang, Alanis Morissette. The snow's gotta stop sometime....

The Politics of Snow

By Matthew Huggins '96

Guest Columnist



I love snow. Anybody who knows me will attest to that. When I was a little boy, my mom used to dress me up in early December in a snow suit, and I would go out and play in snow drifts until the spring. One year, it was early April before they found me and took me inside to thaw out. So I'm sure you can imagine how happy I am with the recent weather we've been having. Like a pig in mud. Well, something like mud that rhymes with "knit" that the RECORD won't print. Of course, I'm a little disappointed that sub-tropical Washington D.C. is getting more snow as I write this than we are here in frozen New England. But I'll get over it.

Loving snow and cold weather as much as I do, I am a little offended at the way most Harvard Law School students go out of their way to malign my favorite weather. So I'm here to set them straight.

Snow is Democracy

Snow does not only fall on the poor and oppressed, it also falls on the rich and powerful. It does not only strand poor people in their homes, it prevents rich people from flying places to go skiing. Snow does not discriminate. Snow is not racist. It falls on everyone. The tunnels notwithstanding, we all have to engage in some form of trudging to get to the Law School every morning, regardless of whether the spoon in our mouths when we were born was silver or plastic.

Snow is Scalia's Bright Line Rule

There is no five-part facts-and-circumstances balancing test about whether it should snow in one part of the world and not another, on this street and not on that one. It just snows, or it doesn't. Bright, clear, easy to administer lines. When it's snowing, it's snowing. There are no cries of "equity!" regarding too much snowfall. They had snow in 1791, and there's nothing in the Constitution prohibiting it. That's why snow is Nino's and my favorite bright (white) line.

Snow is a Thousand Points of Light

George Bush's little heart (two sizes too small?) is all a-glow during a big Boston snow storm. That's because right afterwards, you see people helping each other. People stop and help each other push cars out of snowed-in parking places, people help neighbors shovel sidewalks. Without government subsidies! It almost makes you feel like we live in a community. Yikes.

Snow is Communism

When the State says "Snow Emergency — No Parking on Snow Emergency Routes," there is no due process, there is no appeal, there is no, "But you don't understand, you started towing at 11:00 and the snow emergency wasn't even declared until midnight." It's tow now, ask questions later. The State knows best. Your ill-parked car is an enemy of the People. The People will tow your car as They see fit.

Snow is Capitalism

In my neighborhood, the morning after a big snow invariably sees a team of three or four teenage boys with snow-shovels and strong backs offering, for a reasonable fee, to shovel your walk, your driveway, uncover your car, help you get to work. They had a little capital which they invested in snow shovels. They have a little human capital invested in backs and arms. The market does the rest.

Snow is Darwin's Crucible

Snow has no time for the weak or the easily chilled. Only the strong survive a Boston winter. Snow means it's time to fish or cut bait, to take a stand, to laugh at the driving wind and proclaim, "That which does not kill me (or freeze me) makes me stronger!" Let the weak worry about the snow. If they are silly enough to wear wingtips or high heels and a thin dressy overcoat in a snow-storm, let them freeze. It's better that their genes don't survive.

Snow is Feminism

Snow means that women no longer have to suffer under the yoke of patriarchal oppression by sadistic clothing designers. Snow demands functionalism and comfort. In the snow, women no longer have to suffer the ogling of their figures by unlightened males. They have too many layers on for ogling. Layers that serve the needs of intelligent women in the cold weather, as opposed to layers that serve the needs of misogynist fashion designers.

Snow is Macho

Snow is plaid flannels and snow shovels and power tools and snow blowers and big four-wheel drive trucks and hunting caps and helping young women get their cars out of drifts and shoveling the steps for old ladies and playing with big dogs (not little yappy drop-kick dogs) in the snow and chopping wood for a fire and growing beards or at least not shaving. Snow is testosterone and adrenaline.

Snow is Sanity

When everyone can be reached by phone, fax, or e-mail and anything you need to know is on-line anyways, it is sometimes hard to imagine something that can come between us and our work. Something like a massive snowstorm paralyzing the entire East Coast. Snow lets us pause, breathe deeply, and look around at the world and our lives and feel like human beings instead of worker bees. Snow can provide that moment of clarity in the frenzied fog of the everyday. And best of all ...

Snow is NOT LAW

Did I tell you how much I love snow?

The Changing Face of Hillary

By Linn Brady '96

Guest Columnist



REASONABLE WOMAN

In recent months, the nation has been witness to the studied transformation of Hillary Clinton. The new model is a much more subdued, controlled Hillary. No longer the President's trusted choice to shepherd the passage of health care reform, Hillary was forced into retreat, taking on a much less active role. She began performing more restrained, traditional tasks — such as touring Third World countries, writing a weekly column in the model of Eleanor Roosevelt, and promoting her new book with its proper focus on children and families. Indeed, it seemed that Hillary had been reborn in the mold of Barbara Bush, effectively clothing herself in the ample folds of that matronly image.

New allegations regarding Hillary's role in the White House travel office firings threaten to destroy months of careful effort at image doctoring, however. A recently released White House memo by David Watkins claims he fired the travel office staff at Mrs. Clinton's "insistence" and that he knew there would be "hell to pay" if he "failed to take swift and decisive action in conformity with the first lady's wishes." Prior to this memo, Mrs. Clinton has insisted that she played no role in the firings.

When one asks what the scandal is, what all the fuss is about, the matter seems to be only mildly serious, important only because the firings were so mishandled. It seems clear that when a new administration takes over, perks get handed out, and the Clinton Administration could probably have quietly replaced

The "new" softer Hillary created by the image molders seems to somehow dishonor all women because it appears that Hillary must "apologize" for being an obviously vibrant, intelligent woman.

most of the travel office staff by shuffling them to different positions. The real issue, according to press reports, is that President Clinton's chances at re-election may be seriously harmed by this memo, not necessarily because of the firings themselves but because the White House attempted to "cover up" Mrs. Clinton's role. Once again, it is said, this issue raises questions about Bill Clinton's "character."

The true issue is just why there had to be any "cover up" in the first place. The reported criticism of Hillary's role in the travel office firings has an edge to it, a bit of nastiness tossed in with all the posturing about a cover-up and the comparisons to the Watergate "cover-up." Implicit in all this criticism is that Mrs. Clinton is one aggressive, forceful woman. And the underlying "character" issue regarding Bill Clinton is more or less a critique of his choice of spouse rather than an attack on his integrity.

Quite obviously, Mrs. Clinton is not the President. But as the wife of the President, she can be seen as a sort of implicit aide to him. It does not seem to me so outrageous if she fired staff members with the President's approval or knowledge. Yet it seems that if the allegations in this new memo are correct, the Administration was so fearful of political sniping that they went to tremendous lengths to downplay Hillary's role. This same motivation is clearly behind the "new" Hillary trotted out in recent months.

As a person, Hillary seems to be possibly many things: her character seems to be full of contradictions. She is said to be an advocate of the poor, yet she engaged in some get-rich schemes of a doubtful nature. She is supposed to be an ardent feminist, but is blamed for not furthering the careers of women in the Clinton administration. But it hardly seems fair to call her what many of her attackers explicitly or implicitly do: the dreaded B-word.

The notion that Hillary Clinton has been demonized by an all-too-willing press is an argument that has been made repeatedly in the last few years. Perhaps, as often seems to be case when change occurs, the first person to take on a new role must bear the brunt of the criticisms and difficulties created by people's apprehensions regarding change. Things will surely be easier for the next First Lady or First Man who has had a career, or any education or experience that establishes him or her as individual in his or her own right. The real issue may be that the office of the Presidency, at the end of the 20th century, is finally catching up to the changes that have been occurring since the century's inception.

The public's ambivalence about Hillary's role, her attitudes and actions reflect our own uncertainty about the role of women in today's society. The press vilification and public dissatisfaction with her actions clearly demonstrate that our notions about the role of women as equals in society may not extend to our most public office. The "new" softer Hillary created by the image molders seems to somehow dishonor all women because it appears that Hillary must "apologize" for being an obviously vibrant, intelligent woman. The new Hillary does not take stands on issues; she writes in her column about the joys of decorating the White House for Christmas. And sadly, it seems, that of all the images of Hillary Clinton — Matronly Hillary vs. Lawyer-Hillary, vs. Feminist-Hillary, vs. B-word-Hillary, the last is the one that is eagerly accepted and cherished.

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The Gotta Eat! Guide

**GROUP RATES
NEGOTIABLE**

GYM RAT

Cowboys Have
The Horses

By David Koontz '96

Sports Columnist



HAPPY New Year to all, especially to those of you who bought fireworks in one state and then smuggled them over the state line to one of those stuffy no-fun states where the politicians salivate every time Beavis yells, "Fire! Fire!"

You know who you are.

Fireworks barely belong in this column, but where else would we mention them? If something as violent as football can be considered a sport, then merely watching blinding fizzy things go "POP!" should qualify. (For all of you armchair quarterbacks who are instantly reminded of tummy ache effervescent commercials — that's PLOP, not POP.) Besides, the sports world became forever linked with fireworks when Vince Coleman stole more than bases, in fact stole our hearts, with a dazzling display of child-like innocence and let a few kilotons of TNT go boom in the middle of a crowd of adoring fans.

Sigh. With the New Year comes so many new possibilities.

The Colts could win the Super Bowl. The Yankees could win the pennant. Deion Sanders could be declared a free agent again and find another up-and-coming team that needs his talents even more desperately than the Dallas Cowboys do, like the Nebraska Cornhuskers. They could invent a camera that even more closely studies Charles Barkley's pores in his hamburger commercials.

Instead, I think that none of the above will happen. Instead, I think things will stay much the same as they are. The Colts will not win the Super Bowl; Dallas will. The Yankees will not win a pennant unless it comes in a Cracker Jack box. Deion will stay put. Charles will retire and run for governor of Alabama.

Whoa — back up. Did I just say Dallas will win the Super Bowl?

Sure. Why not? But before we get too deeply into it, let's look at the past weekend's NFL action game by game.

Pittsburgh Steelers defeat the Buffalo Bills: Here was a classic bandwagon game. The greatest danger in predicting the NFL playoffs is overrating a team based on the previous week's performance. Buffalo ran for more than 300 yards the week before against the Miami Dolphins. Thurman Thomas ran for his life against the Pittsburgh defense.

Indianapolis Colts defeat the Kansas City Chiefs: All year long, the Chiefs got no respect, and now we know why. Colts Quentin Coryatt and Trev Alberts are two of the best young linebackers in the league, and former Bills assistant Ted Marchibroda

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found a way to run his team's offense without injured starting running back Marshall Faulk and fullback Roosevelt Potts. Colts offensive line, stand up and take a bow. K.C.'s Steve Bono no doubt will be back next year, having learned something from his first-ever playoff start (something like, don't throw into triple coverage in the fourth quarter). Poor Chiefs kicker Lin Elliott, who missed three moderately difficult field goals, will only be wearing a red uniform next year if he is an usher or a valet. Like Steve Young says, "Nasty game."

Green Bay Packers defeat the San Francisco 49ers: The Pack strutted into 3Com Park and beat the Niners as soundly as I have ever seen a team beaten. Steve Young was mauled over and over again. San Francisco could not establish any running game. Brett Favre picked apart the Niners' top-ranked defense in the face of countless heavy blitzes. That said, they will not be able to beat the Cowboys this weekend.

Dallas Cowboys defeat the Philadelphia Eagles: When wide receiver Alvin Harper left Dallas last year, it had the same effect on the Cowboys as running back Ricky Watters' departure from San Francisco had on the 49ers. A vital part of a championship team was gone, with no real replacement in sight. The Niners planned to use fullback William Floyd more as a runner, but Floyd suffered a career-threatening injury and was lost for the season, sealing the Niners' fate — no other player was able to carry the rushing load. (One NFL footnote for this week: Do not, under any circumstances, if you value your life and your family's safety at all, I repeat, do not suggest to Jerry Rice that the one element missing from the Niners this year was Deion Sanders.)

For the moment, the Cowboys appear to have found Harper's replacement. Kevin Williams stepped up as the big-play complement to Michael Irvin, the man who had to make the defense pay for doubling Irvin. Even Deion appears ready to pitch in on offense, catching one ball and running a reverse for a touchdown.

So, after all this exhaustive and painstaking analysis, why pick the Cowboys?

In a word: Emmitt.

A team has to run the ball to be successful. So far, Green Bay has run the ball effectively, but that will change this weekend. The quarterback battle between Favre and Troy Aikman will be a wash, as the battle between Favre and Steve Young should have been. Aikman, however, has one weapon that Young lacked. Young was not able to hand the ball off to Emmitt Smith behind the best offensive line in football.

In the end, the simple fact of the Cowboys' running game will be the deciding factor in the Super Bowl as well, whether it is against Pittsburgh or Indianapolis. Both the Colts and the Steelers have imposing defenses, and this will make Super Bowl XXX (for consenting adults only) the most intense and competitive NFL championship in recent years. When the dust settles, however, Commissioner Paul Tagliabue will once again stand next to Jerry Jones, holding his nose while handing over the championship trophy — a trophy that is being engraved with a swoosh as we speak.

Next week: The Gym Rat eats crow or crows, "I told you so," and a few words about the Nebraska Cornhuskers' annihilation of Florida in the Beat-the-Viewers-over-the-Heid-with-Baked-Tortilla-Chips Fiasco Bowl, er, Fiesta Bowl (ignored this week as a form of silent protest over CBS's entire awful production of the event, with apologies to the greatest college football team in history for the delay).

FOOD - O - RAMA

Tour de Force

By Betsey Nevins '97 and Paul Kraske '96

Restaurant Reviewers

FEELING at a loss for food options now that the Hark is closed? Just footsteps away — in the basement of Memorial Hall — lies Loker (rhymes with "poker") Commons, the newest child in the Harvard University Dining Services family. A cornucopia of culinary delights awaits to keep you happy until the new-and-improved-even-got-a-sushi-bar cafeteria re-opens.

But be warned: You may never go back.

Yes, the aesthetic eyesore of the construction on Memorial Hall has redeemed itself by providing this brand spanking new food court. Though the opening day festivities were somewhat disappointing (too many people and too few samples), the personal tour offered by manager Kimberly Brugger more than made up for it. We were so thrilled by the service, the food, and the amenities that we offer a version of the tour for our readers. Just follow the red umbrella....

Entering Loker Commons from the staircase by the Science Center, you might just bypass the communications center (with fax, mail, phone and instant photo services) and the newsstand (with its small but building collection of periodicals) and head first for the candy counter. All manner of gourmet and more conventional treats are available — from jelly beans to truffles — either by the pound or in specially wrapped boxes. The ice cream counter which follows demonstrates an important principle about Loker: Contract out in all the right places. They feature Freshens frozen desserts, including "outrageous ice cream" and lowfat frozen yogurt. This was also the site of our favorite item in the whole place: the fresh fruit smoothie. Ours was a thick and creamy blend of raspberries, bananas and yogurt that felt more fattening than it was.

If you'd prefer a "regular" beverage, there's no shortage of options. For just \$1, you can serve yourself a bottomless cup of soda, iced tea or lemonade. Again, the emphasis is in the details: the tea is freshly brewed Taza tea, both plain and raspberry (both refreshing and without the cloying taste of most commercial teas), and the lemonade is either Crystal Light or their own blend (which we vastly preferred). What's more, the bottomless policy invites you to stick around. Unlike the Greenhouse, where it seems the Stasi is after you to vacate your seat as soon as you take your last bite, Loker wants to be a place where people hang out. They even offer a special "Night Owls" club where \$2.99 gets you endless espresso drinks from 11 p.m. to closing at 2:30 a.m. The plethora of tables and comfortable chairs, including several more isolated booths, clinched its title as "Best place to study for exams" among many in-the-know HLS students.

Moving down the counters, we reach the pizza counter where we sampled a delicious slice of the daily special pizza: fontina cheese, pesto and plum tomato (\$1.95; plain slices are \$1.25). We agreed that the pizza was comparable with that of the Science Center Greenhouse, which we also like for its lightly crispy, thin crust and interesting, fresh toppings. There are always a variety available by the slice or the pie (\$8.25 for a cheese pizza, \$14.25 for the special) — just watch that you don't get something that's been sitting out long enough for the cheese to get rubbery. The stromboli was good, not great: greasy enough to drip oil on my notes, but less so than Three Aces, and it packed lots of pepperoni (\$1.65). Reports say the calzones are also good (a choice of four, \$3.45 each). And don't miss the bargain of the century, also available at the pizza counter: for 75 cents, the mesclun mix salad is the healthiest, tastiest option around. (For a bit more, Caesar and antipasto salads are also available, but less promising.)

Perhaps the biggest hit of Loker is the Mexican food. Almost anything you get will be enough to fill you up, and it's hard to spend more than \$5. Basically all the dishes contain the same ingredients but are served in different containers (tostadas, tortillas — corn or flour — or tacos) and in different sizes. We tried the tostada and found that while the "shell" was both greasy and so flaky that it got stuck in our molars, the fillings were great. While you might steer clear of steak at some similarly cheap places, their marinated meat was lean and tasty and didn't leave us wondering where it came from. The meat may even outshine the chicken or vegetable (an unusual bonus for vegetarians — among several featured at Loker) options, which are of similar quality and, less fortunately, similar greasiness. Be sure to ask for a serving from the top of any of these dishes to drain out some of the excess liquid. Look again to the finishing touches: The guacamole is creamy and rich with chunks of tomatoes but can't even hold a candle to the homemade salsas. We liked the mild and medium, both of which boasted chunks of fresh and canned tomatoes, plus cilantro, scallion (mild) or red onion, chili and green pepper (medium). None are terribly spicy, but you could supplement them all with the fresh springs of cilantro or a few drops from the bottles of obscure commercial hot sauces with names like "Endorphin Rush" or "Tongues of Fire." All of the Mexican main dishes are served with rice and black beans. At \$1.95 for all this and two tacos, the taco plate might be your best bet. But if you're really hungry, go for the grande burrito: it's a 15" tortilla filled with everything — a fair challenge to Be-Bop's version.

Last stop on the tour is the coffeehouse. Separate both in structure and in feel, the café offers an endless array of delightful surprises. Again looking to experienced crowd pleasers, Loker gets coffee from Seattle's Best, scones and focaccia from Panini's, muffins from Carberry's, biscotti from Montone's and brownies from Rosie's. Rather than unfriendly styrofoam cups, this is the one part of Loker where you can sit with real dishes, including an eight-cup pot of French press coffee for just \$2.25. For something a little different, why not try a frothy tea shake (\$1.75) or a granita? We got the cool and deliciously mochaesque Swiss chocolate almond and the sweeter, more refreshing kiwi-passion fruit (\$1.95, flavors rotate daily).

The café might also offer the best, if slightly more expensive food options. Every soup we tasted was nearly as good as homemade, with a particularly noteworthy lobster bisque and fish stew loaded with whole shrimp and vegetables. Here, too, are vegetarian choices, including chili. All of the above are available in nifty bread containers so that you can have your bowl and eat it too (\$2.95 to \$3.25). And while some of the gourmet sandwiches vary in freshness, especially towards the end of the day, most are made to order, and all are served with a welcome alternative to potato chips, Taro vegetable chips. We were most satisfied with their "panini's," sandwiches made on focaccia and made better with a press through a sandwich grill. The added olive oil and crunch do wonders for the texture without too much added fat.

Like everyone at the eatery, the café employees, dressed in vests made of burlap coffee sacks, act as if they've got a personal stake in your enjoyment of the place. The whole experience is like buying a Saturn. On one of their first nights in business, an overdone calzone merited a special visit from the manager and a complimentary meal.

Is there anything wrong with Loker? Some might argue that for its size there ought to be a greater variety of food offerings. And you could say that it's just too shiny, that it can't escape the institutional feel. But most people would point to the moving electronic billboard and it's stream of consciousness words from undergrad poetry or Alice in Wonderland and say that something different is happening here. And it's pretty good.

Loker Commons is open 8 a.m. to 2:30 a.m. through the undergraduate exam period and until 1 a.m. thereafter.