

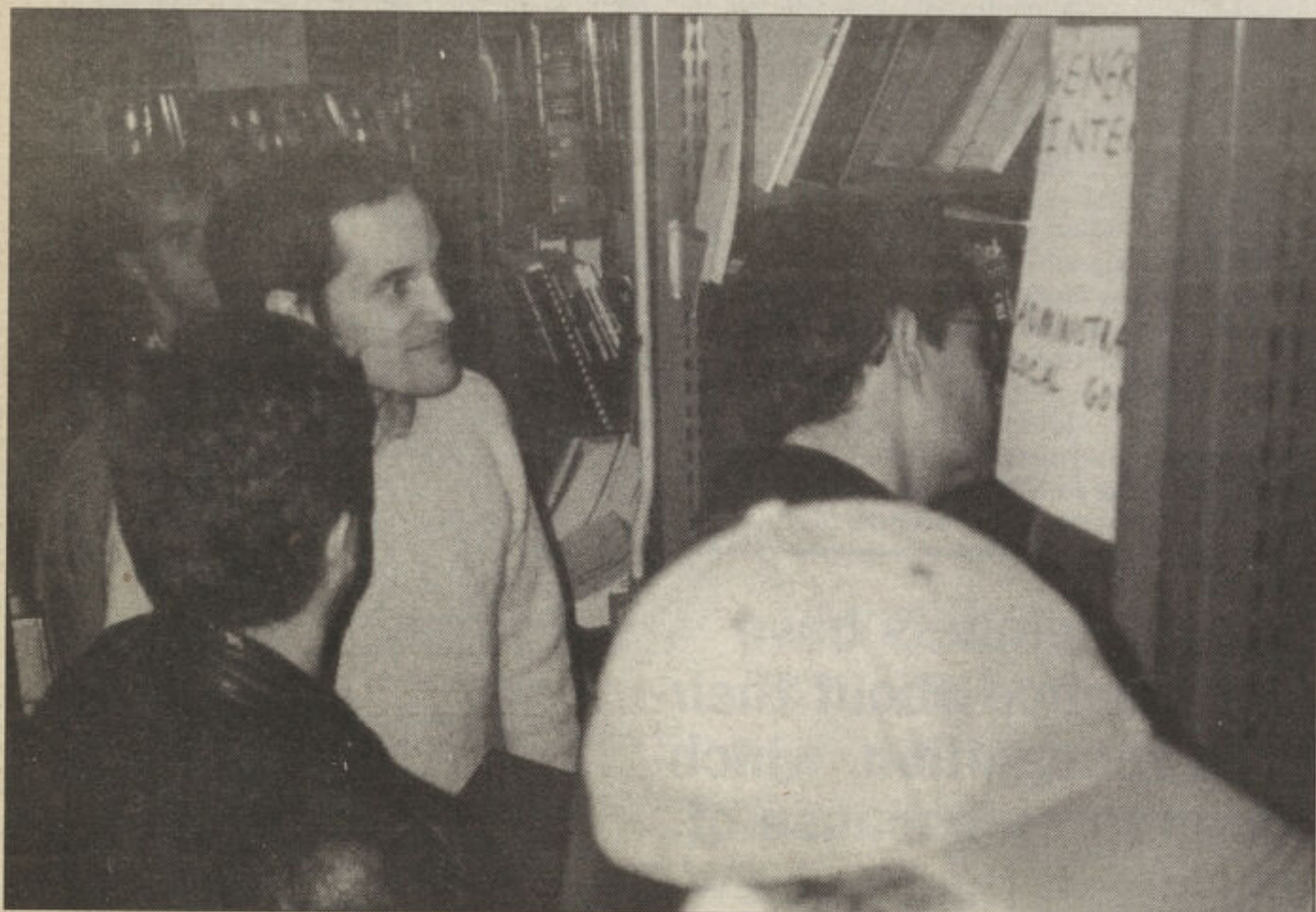
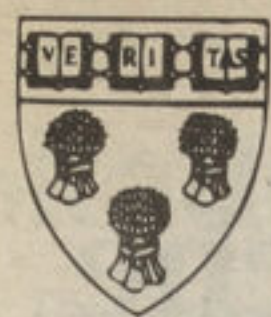


Photo courtesy of Law School Council

Students browse for casebooks and outlines at the LSC Book Sale, held on February 9 and 10. The sale, the first held this academic year, raised \$520 for charity.

Student Concerns Prompt Changes in Registration

By Rob Friedman

In the wake of mounting student pressure from the Law School Council (LSC), the Registrar's Office has agreed to change the fall registration schedule to accommodate students returning after the Labor Day weekend.

The new schedule allows students to register for classes either on the Friday before Labor Day or on the Tuesday afterward.

The Registrar's Office initially refused to hold registration after the Labor Day weekend but made a sudden about-face last week after Dean Clark '72 intervened.

LSC repeatedly had asked the Registrar's Office to make the change after the registration

schedule was announced in December. Rob Simmelkjaer '97, president of LSC, sought Clark's help on the issue after receiving complaints from students. After weeks of talking to administrators, Simmelkjaer said Registrar Sue Robinson told him the policy was "set in stone."

"The Registrar's Office says students would rather have the inconvenience of coming back early than the inconvenience of walking [to a registration site away from the Law School]. I think they're plain wrong," Simmelkjaer told the RECORD last week.

Progress came unexpectedly last week. During a scheduled breakfast with Dean Clark, LSC member Chip Nierlich '97 spoke with the dean about his concerns about registration. Later that day, Nierlich said Clark

told him he had spoken to the registrar and they had decided to schedule the extra day for registration.

"I was thrilled," Nierlich said. "Rob [Simmelkjaer] has been working on this for months, and to get it worked out in 48 hours is incredible," he said. "Of course, this was the result of months of work and student input, and I'm just happy to be the one to relate the good news."

Clark said the problem arose because of the difficulty of finding a suitable location for on-campus registration on Sept. 3, the Tuesday after Labor Day and the first day of class. With classes underway and Langdell Library under renovation, all of the large rooms on campus will

please see REGISTER, page 2

Class of '99 May Find Honors Harder to Earn

Participation Requirement Also Discussed

By Victoria Kuohung

The Legal Education Committee has unanimously proposed to limit by about half the number of students graduating with honors, and has begun deliberations to determine whether faculty guidelines for encouraging class participation should be changed.

The faculty is expected to vote on the honors proposal this Friday afternoon at the faculty meeting.

Chaired by Prof. James Vorenberg '51, the committee consists of Profs. Reuven Aviyonah '89, Elizabeth Bartholet '65, Jon Hanson, John Mansfield '56, and Richard Parker '70, as well as Registrar Sue Robinson, Leslie Yonce '97 and Rob Edmund '98. With Vorenberg abroad on sabbatical, Parker is serving as acting chair.

In a Feb. 8 memo to the faculty, the committee suggested decreasing the number of both magna cum laude and cum laude honors awarded to graduating 3Ls. Under the new system, the top 10 percent of students would receive magna cum laude while the next 30 percent would receive cum laude. The percentages exclude the number of summas, which would still be determined by a 7.2 GPA.

The system would first take effect for the graduating class of 1999, next year's 1L class.

The memo listed two reasons for its proposal: "First, the upward movement in grades has resulted in an increase in the number of students graduating with honors ... [which] deprive[s] the cum laude degree of any real status as an honor and ... deprive[s] the magna degree of

the respect to which it is entitled.

"The second reason is that a system under which less than one-third of the class receives degrees without honors is likely to be embarrassing — and even stigmatizing — to those students at graduation. It is a gratuitous sour note on which to end their time at the school," the memo stated.

Currently, students graduating with a minimum 4.85 GPA earn cum laude. Those graduating with at least 5.80 GPA earn magna cum laude. The GPA is an average of a student's three separate annual averages, excluding cross-registered courses.

The committee did not specify whether the minimum GPAs would be changed under its proposal, proposing instead to leave "issues of implementation" to the Registrar's Office.

Last spring, 71.3 percent of the student body received honors, with 15.8 percent graduating magna and 55.5 percent graduating cum. This reflects an almost exact doubling of the number of students graduating with honors in 1972, where 34.8 percent received honors. Of that, 5.7 percent received magna and 29.2 percent received cum laude.

"A lot of students are coming from institutions where the honors and grades have been inflated, so they assume it will happen here," said Robinson, noting that 87 percent of Harvard College graduates receive honors. "You begin to wonder if it means anything anymore."

Robinson noted a "steady growth" in the number of honors awarded since the mid 1980s:

please see HONORS, page 4

Kasner Decision In Official Announcement Pending

By RECORD Staff

The RECORD has learned from several sources that the HLS Administrative Board has taken disciplinary action against former 1L Section Representative Ron Kasner. It was unclear at press time exactly what action was taken.

Dean of Students Suzanne Richardson refused to comment on the situation.

Classmates report that Kasner has been absent since the hearing last Monday. Kasner's hallmates said that he departed Tuesday night with his father after receiving word

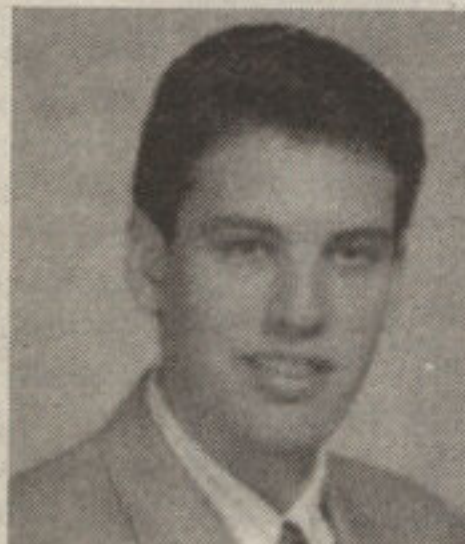
of the decision but left personal belongings behind.

Kasner was reached at his home in Morganville, N.J., but would not answer questions.

Law School policy is to publish in the Adviser official information regarding disciplinary action taken against students.

Kasner was accused in November of defrauding 1Ls who thought they were reimbursing him for tickets to a party at the Avalon. The tickets were, in fact, free.

In a December RECORD interview, Kasner denied any wrongdoing, saying he had planned to establish funds for three sections' future activities.



Ron Kasner '96

Conservative, Libertarian Students an Active, Tight-Knit Community

They Grow in Numbers Despite Weak Administrative Support

By Victoria Kuohung

Jim Sonne's [97] extracurricular activity may be what others would consider a full-time job.

Sonne has been the Massachusetts director of the Alan Keyes campaign since last August. This week, he picked up the Republican candidate at Logan Airport, drove to New Hampshire where Keyes spoke to local audiences and then helped Keyes at a public television taping afterward — all in a Tuesday's work.

That same night, members of the Journal of Law and Public Policy, the Federalist Society and the HLS Republicans met at John Harvard's Brewery to induct JLPP's newly-elected Editor-in-

Chief Louisa Oliver '97. But Oliver does triple duty: Besides running the journal, with a circulation second only to the Harvard Law Review, Oliver also serves as a vice president of the Federalist Society and the president of the pro-life Society for Law, Life and Religion.

Sonne and Oliver are just two examples of conservative and libertarian students at HLS who have been increasing in numbers, strength and activity at the Law School, despite what some consider a lack of faculty and administrative support as well as open student hostility at times, and despite differences within the community itself.

"The elections of 1994 gave conservative students credibility

on campus," said Orin Kerr '97, treasurer of the Federalists and secretary for the Republicans. "I don't know whether that is because gunning HLS students know that Senate Judiciary positions will now go to Republicans or just that you have to take a national majority more seriously."

"Conservative points of view aren't dismissed as readily as they used to be," he said.

HLS Republicans President Jennifer Bonar '96 agrees, saying that "the conservative community is still very close-knit largely because it is a campus minority, and the student body is still dominated by liberals, but conservative students have gotten more

please see STUDENTS, page 15

Latino Law Review Still Searching for Niche

By Josh Strathman

Although the Harvard Latino Law Review made great strides last summer by gaining official recognition, it is still looking to a successful issue this spring to consolidate its position as a viable student journal.

Editor-in-Chief Joe Martinez '96 said he considered a successful issue critical to strengthen alumni support for the journal and demonstrate HLLR's long-term commitment to pursue Latino issues.

HLLR has been "recognized in name alone," said Martinez, meaning that while the journal can use the Harvard name, it still garners "no support and no supplies of any kind from the Law School or the Publications Office."

Reflecting upon this situation, board members have expressed ambivalence about their journal's official recognition, which was a significant step because of HLS's current moratorium on new student journals.

But while the official status marks a major achievement after considerable effort and brings much hope for the journal's future, Martinez said, the fact that the HLLR is still lacking Law School support presents significant difficulties. Considering these obstacles, its board views the future with not inconsiderable trepidation.

The origin of the movement to establish a Latino journal is difficult to trace precisely, members of the HLLR board said. Martinez indicated that there long had been an interest within HLS's Latino community in founding a law journal or news letter.

"Every time a Latino issue has arisen, Latino students have wanted a forum," he said.

According to former managing editor Leticia Saucedo '96, although "support has always been there," the Publication Center's imposition in 1987 of a moratorium on new student journals stymied efforts to establish a Latino law review.

The Publications Center primarily initiated the moratorium in response to its own resource limitations, said Michael Cicone of that office.

"The Publications Center was operating at capacity," Cicone said. "There was no staff or space here for producing additional journals."

Cicone noted that due to a hiring freeze, these resource limitations have not changed.

Cicone also maintained that the large number of journals presently published at HLS justified the moratorium because existing publications offer ample opportunity for students to participate in journal work.

Characterizing the moratorium as "foolish" and "outdated," Martinez said it forced the Latino Law Review to com-

fundraising and work and typesetting. We just wanted recognition and basic minimal cost funding," said Martinez.

Martinez said supporters of the journal "hoped that these [efforts] would establish [them] as a journal" and demonstrate to the administration their dedication to a serious publication.

After the symposium issue, the journal's board set a goal of one volume per year, said Martinez. He noted, however, that due to non-academic problems, such as fundraising, negotiating with publishers and dealing with publication issues first-hand, the journal was unable to meet that goal last spring.

It was also last spring that the Negotiations Law Journal (NLJ) emerged as an officially recognized journal. "That helped put us over the top," Saucedo said.

HLLR board members have expressed ambivalence about their journal's official recognition, which was a significant step because of HLS's current moratorium on new student journals.

mence operations without Law School support or funding. Nonetheless, Proposition 187 galvanized the drive for a journal and generated interest sufficient to support an independent publication, Martinez said.

"Prior to 1994, many classes showed an interest, but they had no rallying point like 187," he said.

In the spring of that year, the Latino Law Review independently issued its first volume in conjunction with a symposium featuring the contributing writers, said Saucedo.

"We were willing to do the bulk of the

"After that there was no reason to say 'no' to us."

Cicone said the faster pace at which the Negotiations Law Journal was able to cleave through problems caused by the moratorium was a result of its relation to an established program and having faculty support.

"The Negotiations Law Journal was considered a completely different animal," Cicone said, noting that the NLJ, like the HLLR, is an independent journal from a funding standpoint.

Although lacking similar faculty support, the HLLR is committed to forging

ahead, Martinez said. On the immediate horizon are plans to publish HLLR's second volume at the end of the current academic year and to wrap up negotiations with a publisher to cover production costs. He said the journal "is very close now to striking a deal with a publication company where they'll cover the costs [of publication] and share the money from sales."

Such a contract would enable the staff to stop sinking valuable time and effort into fundraising and other ministerial tasks, as well as concentrate on "the academic work" of publication, Martinez said.

In the meantime, HLLR hopes to generate interest in its volumes through exposure at the Alianza spring conference, to be held April 13. He said the authors of this year's publication — which will include four pieces — would be invited to speak on their pieces at the conference.

Martinez said a successful spring conference would "generate increased contact between Latino alumni and current Latino students" and greater awareness of the journal's existence and vision. This vision, said HLLR Executive Editor Rick Perez '97, the journal's executive editor, recognizes "that the Latino community is more than just a single issue community" and emphasizes the continuing need for and viability of the HLLR.

Martinez indicated that, given the current lack of official Law School backing and the role of alumni action in securing official recognition for the journal, the continuing financial and moral support of Latino alumni is vital. To address this need, Martinez said one of the panels at the Alianza conference will both focus on how alumni can assist the HLLR now that it is an official HLS journal and would commemorate their role in its founding and development.

Martinez emphasized that current HLLR efforts are to lay the foundation for the journal's long-term stability. The current composition of the journal includes a "young board [of predominantly 2Ls] and a good core of 1Ls who will continue on with the effort," he said.

Dates to Register for '96-'97 Classes Changed

continued from REGISTER, page 1

be unavailable. The Ropes-Gray Room, for example, will house a temporary library, and the Ames Courtroom will be used as a classroom.

Clark said he had been swamped with work of late but, after his conversation with Nierlich, decided to speak with the registrar again.

"I thought we should spend a little extra money and find a place somewhere," he said. "I remember when I was in law school, wanting to get in that extra week [of work]."

Tuesday registration probably will be held in either the Science Center or Memorial Hall, but it remains undecided, Nierlich said. Nierlich volunteered his time and the time of another LSC member to help find a location and to assist with Tuesday's registration.

Nierlich's efforts brought praise from Clark, who stressed the positive relationship that his office has developed with LSC. Simmelkjaer affirmed that LSC has a productive working relationship with the dean.

"It just shows what LSC is capable of with student support," Simmelkjaer said. "This is the way Law School Council should work."

HLS to Host Women of Color Conference

By Hope Yen

A conference planned on the Law School campus Feb. 24 and 25 promises to bring diverse voices to the ongoing dialogue on legal and socioeconomic issues facing women of color today.

From Denver to New York and New Haven, calls have been coming in to HLS's Women of Color Collective, which is organizing "Forging Forward: Women of Color & the Law." C-SPAN also has called to inquire about the possibility of televising portions of the conference.

"There's such a big void for an opportunity for women of color to come together, which means when something like this happens, we can get large numbers to come," said Hannah Kilson '97, co-chair of the Women of Color Collective.

The conference has been in the works since Oct. 1994, when Kilson was chatting with HLS Prof. Charles Ogletree. The two were discussing issues affecting women of color in the legal profession when the idea came up to hold a conference, she said.

"I think at some basic level the goal of the conference is to provide some space on campus for hearing perspectives on women of color in the law," she said. "The idea came completely out of looking at Harvard and realizing that there was no place on campus to hear the intellectual perspectives on various

legal issues.

"We had been mulling over it for a while, and everything kicked into gear over summer," Kilson said.

Guest panelists will address topics ranging from community development and environmental justice, to welfare reform, refugee/asylum issues and women in academia. The panelists include Barbara Arnwine, executive director of the National Lawyers Committee for Civil Rights under Law; Maria Jimenez, president of American Friends Service Committee; Margaret Fung, executive director of the Asian American Legal Education Defense Fund; and Ada Deer, assistant secretary for Indian Affairs at the U.S. Dept. of Interior.



"One goal of the conference is to address the fact that there are no women of color faculty at Harvard Law School, while another more practical concern is to nurture women of color law students to affirm our presence here at law school and to help each other attain our individual goals," said Diana Suber '97, another co-chair of the collective.

Organizers are not sure how many people may show up at the conference, although calls from across the nation have been coming in. In addition, Columbia Law School is planning a similar event in March.

"It's not an isolated event; there is a real need to address issues facing women of color," said Suber.

Nor is the conference geared toward only women of color, she said. "Anyone attending would see another aspect of looking at the law and how law affects different people," said Suber. "By facing some of these issues, everyone can help better the whole experience of going to law school and going into the legal field."

Ava Hong, an organizer for the March 29-30 conference at Columbia Law School, said Columbia students wanted to capitalize on the insights of their two prominent women of color professors, Kimberle Crenshaw and Patricia Williams to help stir discussions on legal issues.

The conference, entitled "Women of Color and the Law: Confronting the Myths of Neutrality and Seeking Visibility," will highlight the achievements of women of color attorneys and discuss issues that involve the intersection of race, gender and law, she said.

The timing is purely coincidental, but we're absolutely thrilled that Harvard is pursuing these same issues and that women of color are making noise at different law schools," Hong said. "We plan to attend their conference and hopefully some will come to ours to share and learn from each other."

Skadden Names Three HLS Students as Fellows

By Tara Dawood

The Skadden Fellowship Foundation has selected Sameer Ashar '96, Mark Pearce '96 and Jessica Rosenbaum '96 to be 1996 Skadden Fellows. The fellows will be awarded \$32,500 to spend the next two years on various civil legal assistance projects for non-profit organizations.

"The funding is for two years; it's a good start," said Ashar. "Hopefully it will be the foundation of a career in civil rights lawyering."

Skadden Fellowship Foundation, created and run by the international law firm Skadden, Arps, Slate, Meagher & Flom, has awarded 200 such fellowships since 1989 to academically outstanding law school graduates and judicial clerks. The grants provide salaries, health benefits, and loan repayments and offer recipients the opportunity to initiate innovative projects at organizations that otherwise may not be able to afford new programs.

"We are extremely impressed with our eighth group of Fellows," said Executive Partner and Trustee Robert C. Sheehan, "and feel confident that they will continue the legacy of making important contributions to a wide variety of legal and social advocacy groups."

Every year hundreds of interested students apply for the fellowships. Selection criteria include academic excellence, creativity of the applicant's proposed project, and the quality of the sponsoring organization. In addition, the applicant's essays, recommendations, and interviews with the Foundation Advisory Committee play a role in the process.

The advisory committee consists of partners representing all of the firm's domestic offices, and it oversees the selection process. Along with the Foundation's director, the committee meets with the Board of Trustees to discuss the candidacies of the 50 finalists.

"As in prior years, we have worked hard with our students to put together an incredibly strong group of applicants," said Stacy DeBroff, director of the HLS Office of Public Interest Advising, "and

this year's group reflects the exceptional caliber of the students who have put in the hard work involved in applying for the fellowship."

Twelve students applied from Harvard this year, said DeBroff, and out of the 60 initial interviews, 10 were slotted to HLS students in this semi-final stage.

"This year's selection is unusual," said DeBroff, "because all three winners are 3Ls, whereas in past

years, they have mainly been judicial clerks."

DeBroff credited much of HLS's repeated success to Fellowship Adviser Judith Marciano, who was often up until 2 a.m. helping people refine their proposals.

"I feel that it's a tremendous privilege to work with such talented people — those who win and those who propose Skadden fellowships," Marciano said. "These students and graduates are on the front line, helping the working poor and indigent children in this country."

Ashar in particular praised Marciano's commitment to the fellowship

process. His project, designed with the Lawyer's Committee for Civil Rights of the San Francisco Bay Area, focuses on helping the "working poor" Marciano refers to.

"I hope to represent community groups in the economic development process, with a particular focus on affordable housing and military base closures," said Ashar. "Poor communities in the bay area are facing lack of jobs and economic opportunity, and with the Lawyer's Committee, we'll be working to take care of some of the federal funding that was coming down for base closure conversion."

Ashar spent last summer working with the Lawyer's Committee and said he intends to pursue a career in civil rights.

"I'm pretty excited about having a chance to learn to be a civil rights lawyer, which is what I have always wanted to do," he said.

Pearce's project involves working to expand home ownership opportunities for low income people by

using market forces to increase capital availability in neighborhoods with high concentrations of poverty.

"I'm actually helping develop a secondary market for loans banks make to satisfy their Community Reinvestment Act responsibilities," said Pearce. "There's a tremendous need for expanding home ownership among low-income people."

Pearce spent last summer working for the Lawyer's Committee for Civil Rights in Washington D.C.,

where he worked on housing discrimination litigation and community development projects. He said he views the fellowship as an opportunity to pursue his skills in both business and public interest.

"I racked up \$20 in long distance calls when I found out I won," said Pearce. "I think in some ways I feel certainly like I won a lottery. Because so many people apply for the fellowship who have great projects, I feel very lucky to be chosen."

Rosenbaum's proposal takes advantage of the Foundation's recent extension of funding to projects focusing on advocating for the rights of indigent children.

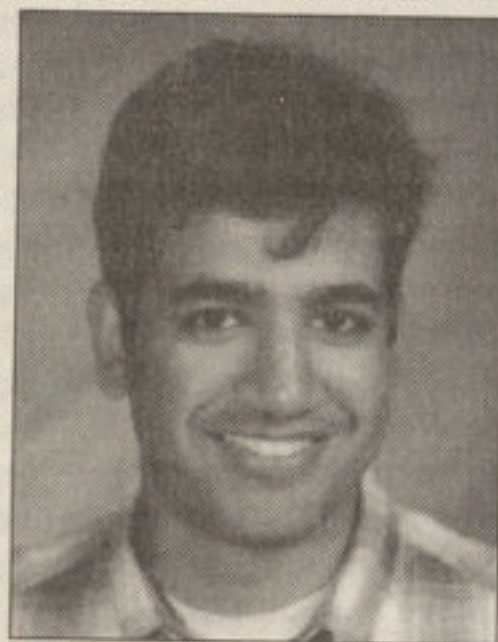
"Where it is safe for a child to return home — I want to facilitate that process," said Rosenbaum. She said she came to HLS intending to work with abused and neglected children and applied for a Skadden Fellowship after

meeting with and talking to past winners.

"I'm going to be working with families who have children in danger of being put in foster care," said Rosenbaum. "The Department of Social Services decides when it is safe for children to go home, and often the families lack the legal representation necessary to get the services that would make the home safe for the child."

Although these fellowships allow law school graduates to pursue public interest careers, Ashar pointed out that the Skadden awards are the exception rather than the rule.

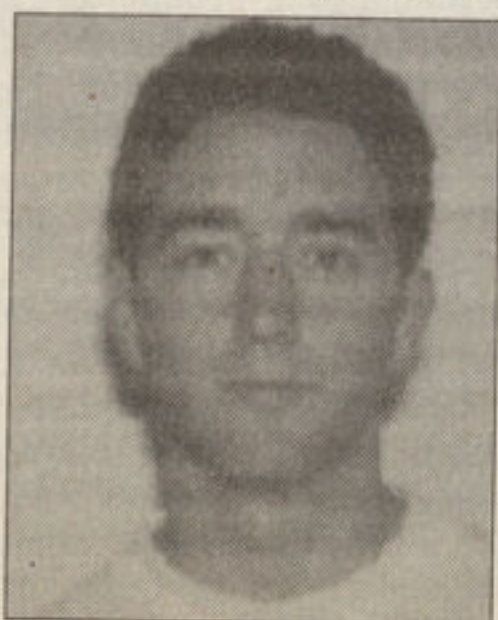
"This means that a lot of people who want to do public interest work do not have the financial support," Ashar said.



Sameer Ashar '96



Jessica Rosenbaum '96



Mark Pearce '96

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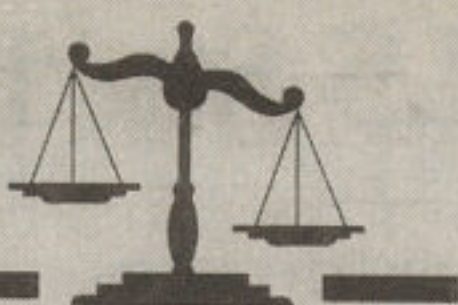
The RECORD Presents Law School Council Candidates Debate

Tuesday, February 20 at 7pm

Vice-		
President:	President:	Treasurer:
Blythe Holden '97	Jeremy Bash '98	Craig Greenberg '98
Chip Nierlich '97	Rob Jancu '98	Dina DeFalco '98
Bob Melson '97	Darren Mungerson '98	Jonathan Lynn '98

Join the debate (student questions are
encouraged) or just come and listen to fellow
students yell at each other
(that is, outside of class)

BRIEFS



Memorial Service to Honor Prof. Areeda

Faculty and students are invited to attend a memorial service for former HLS Langdell Professor of Law Phillip Areeda '54 on Friday, Feb. 23 at 3 p.m. in the Memorial Church, located in Harvard Yard.

Areeda, renowned for his expertise in antitrust law, died Dec. 24, 1995. He joined the HLS faculty as assistant professor of law in 1961 and became Langdell professor of law in 1981.

Areeda was widely respected by students as a master of the Socratic method. The HLS Class of 1994 recognized Areeda's commitment to legal education by bestowing on him the Albert M. Sacks-Paul A. Freund Award for Teaching Excellence.

Leading Authority on Poverty, Race Joins Kennedy School Faculty

The Kennedy School of Government has named William Julius Wilson, one of the nation's leading sociologists, as the Malcolm Wiener Professor of Public Policy. Wilson, currently a professor at the University of Chicago, will join the K-School faculty in Fall 1996.

"We are honored to welcome to our faculty one of the most remarkable scholars of our time," said K-School Dean Joseph Nye.

Wilson also will serve as a voting member of the Department of Afro-American Studies and as a member of the W.E.B. DuBois Institute for Afro-American Research. He also will hold an affiliation with Harvard's Department of Sociology.

"For Afro-American Studies, Wilson will be the pivotal person in our social sciences component," said Prof. Henry Louis Gates Jr., chairman of the Department of Afro-American Studies. "This is a great day for Harvard and a great day for Afro-American Studies."

Wilson's works on race relations and the American underclass include "The Truly Disadvantaged: The Inner City, The Underclass, and Public Policy," named by The New York Times Book Review as one of the 16 best books published in 1987. In addition, "The Declining Significance of Race: Blacks and Changing American Institutions" received the Sydney S. Spivack Award in intergroup relations from the American Sociological Association. "When Work Disappears: The World of the New Urban Poor" also will be published later this year.

"I am excited about joining the Harvard faculty because of the critical mass of outstanding scholars who are engaged in national debates and whose scholarly work addresses issues that are on the national public agenda," Wilson said.

—from the Gazette

Rudenstine Report Explores Diversity in Higher Education

Harvard President Neil L. Rudenstine writes that Harvard historically has been committed to diversity and that it should continue this dedication.

In his recent 60-page report "Diversity and Learning" to the Board of Overseers, he traces the history of diversity at Harvard from the mid-19th century to the present. Rudenstine catalogs the contributions of several Harvard presidents to increasing diversity in higher education and maintains that success in obtaining a diverse environment must be measured with a historical view in mind.

"Without such a long-term view, as well as an informed awareness of what can be achieved in a heterogeneous society (and at what speed), we will almost certainly undervalue all that has been accomplished so far," Rudenstine writes, "and we will be tempted to overdramatize the shock effect of periodic incidents."

Rudenstine points to *Regents of the Univ. of Calif. v. Bakke*, a 1978 Supreme Court decision, as an example that Harvard is doing something right in the area of diversity. He states that Justice Powell's opinion, although disapproving of a system of set-asides used by the University of California (Davis) Medical School, cited Harvard College's admissions process as a leading example of how race or ethnicity properly may be taken into account as a "plus" factor.

Rudenstine describes diversity as "the substance from which much human learning, understanding and wisdom derive" and emphasizes that diversity in education must not be neglected no matter how difficult its achievement may appear.

For a copy of the report, write to the President's Office, Massachusetts Hall, Harvard University, Cambridge, 02138. The report is also available on the World Wide Web at http://www.harvard.edu/presidents_office.

—from the Gazette

Union Protests Harvard's Contracting Practices

Workers from Carpenters' Local 40 picketed outside the construction site at 60 Garden St. this week in protest of labor practices employed by Harvard's general contractor in charge of the renovation of the Harvard-affiliated Smithsonian Center for Astrophysics.

The union distributed flyers alleging that C.E. Floyd, general contractor on the Smithsonian project, pays inadequate wages, provides few or no benefits and regularly violates tax, insurance and legal obligations.

The union's business manager Mark Erlich stated that Harvard's common practice of hiring contractors who fail to abide by labor laws is "subsidizing an underground economy" by allowing these firms to avoid paying Social Security and Medicare taxes, state and federal unemployment taxes and workers' compensation insurance.

University officials denied any knowledge of illegal practices.

"We expect the contractors to be in compliance with federal and state regulations," said Merry Touborg, spokesperson for the University's Office of Human Resources.

—from the Crimson

Fewer Class of '99 Students May Be Eligible For Honors

continued from HONORS, page 1

"[The rate of growth] has been accelerating very rapidly in the last 10 years, where in 1985, 55.6 percent received honors and in 1995, 71.3 percent did — that is quite a jump.

"In degree meetings in June for the last several years, people have been commenting on the fact that there are more people graduating with honors," she said. "This [proposal] is not something off the top of people's heads — it has been brewing for some time."

Asked about the continuing scarcity of summa degrees awarded, Robinson said that "there are mixed feelings [among the faculty] about that.

"People feel that we have been silly at the bottom but not at the top, although some people are offended that we don't give more summas," she said. "I'm not sure why there haven't been more summas. The A+ is still something they think of as very special."

Acting Chair Parker noted that the honors issue had been considered at three committee meetings in the fall and most recently this past Monday. No effort had been made by the committee to canvass students regarding the proposal, Parker said.

"I support the honors issue and how it was handled," he said. "It was handled expeditiously and for a Law School committee, that is quite an achievement. The issue was a simple matter that could and should be resolved.

"The honors issue is something that I have cared and worried about for a number of years," Parker said. "This concern is felt throughout most of the faculty and has been for some time.

"If we are going to honor and celebrate our students who do especially well, we ought to be serious about it and we ought to be sure that our celebration has some meaning," he said.

"The evaluation of students is a relatively small part of what we do here, among our teaching, scholarship and public advocacy. But it is a part," Parker said. "Honors is then a very small part, especially compared to three other ways we evaluate students — grades, one-on-one feedback through the third-year paper and projects, and the admissions process.

"Yet honors is worth celebrating, and self-respect and respect for students requires that we be serious about it. When you are singling out less than 30 percent of the people on graduation day and publishing the fact that they did not get honors, it is a gratuitous blow for them," said Parker.

The Law School Council passed a motion on Feb. 7 opposing the change in the current system of determining honors, basing much of its debate on the results of an e-mail plebiscite of Section IV taken by LSC Representative Rob Jancu '98 and summarized in a Feb. 7 memo to the Council. More than 50 students responded in that poll.

Seventy-seven percent of the respondents opposed decreasing the percentage of honors awarded, with students disagreeing that the current system stigmatizes the bottom 30 percent. Some stated that "landing in the bottom third of the class is something to which stigma perhaps rightly attaches," reported the memo.

In addition, respondents also noted that the proposed regime may additionally stigmatize those in higher percentiles who would be deprived of cum laude status, while not necessarily removing any stigma perceived to be attached to the bottom third.

Students in favor of the change noted that "stiffening the standard of achieving cum laude makes it more meaningful, both to [graduates] and employers," reported the memo.

However, upon discovering that the honors proposal would be grandfathered, at least one 1L student said that he "really didn't care what the faculty did.

"As long as it doesn't affect me, I don't care," he said.

But Jancu noted that "anything that happens after we are gone affects the way in which our degree is looked at by peers and employers, so whether the change is good or bad, it will have an impact on us after we leave."

Yet Parker emphasized the importance of looking at the honors issue as a matter of self-respect within the HLS community rather than of future jobs.

"Honors are known about for the most part only by students, faculty and families," he said. "Employers rarely even see and very rarely take into account whether someone received honors — they focus primarily on the grades themselves."

Dean Clark '72 would not comment officially to the RECORD about the proposal, saying that "there may be a fuller discussion of the proposal this Friday's faculty meeting, although I doubt we will get to it.

"This is not something off the top of people's heads," Robinson said.

"Student input in this issue is extremely important especially because when faculty get on in their careers, they can begin to forget which issues students would be most concerned with," he said.

Class Participation

The Legal Education Committee is also reevaluating faculty guidelines to see how class participation can be improved. The LSC officially opposes any such changes which would factor participation into grading.

The number of professors complaining about people not participating in and attending class this past fall and winter terms has exceeded all previous years, said Robinson.

"I've had more students brought to my attention this year than I've ever had before and it's been almost 15 years that I've been here," she said.

Parker said that "there is no question that both students and faculty believe that in 2L and 3L larger classes, widespread participation and even attendance aren't what they should be to make the classes a good as they ought to be.

"But it's important that no one jump to any conclusion that the committee will propose something," he said. "We might propose nothing, or we might reword the Catalog."

The issue of class participation is also a self-respect issue, said Parker. "If an atmosphere of sour alienation takes hold, it undercuts the potential academic experience and makes a mockery of the three-year commitment. That is selling ourselves short," he said.

Regarding possible proposals, "we've begun right off the bat soliciting opinion," Parker said.

Yonce noted that the LSC's reaction may have been based on a mischaracterization of the committee's actions on the issue thus far.

"We haven't gotten to any point at which we would ask whether participation should be a factor in grading, and a spectrum of solutions exist," said Yonce.

To ensure maximum disclosure to the student body about committee actions, both Edmund and Jancu said they have formed an informal alliance to channel information between the committee and the LSC.

No formal liaison exists between any Law School committee and the LSC so that students can monitor committee proceedings, and Parker noted that student participation on committees did not "for the most part depend on seeing themselves as bellweathers of student opinion."

Across the Wire ... Across the Country

6th Circuit Rejects Concept of Cyberspace Community in Porn Conviction

(AP) — The 6th Circuit Court of Appeals, refusing to recognize a special "Internet community," has ruled for the United States in the real-life case after which the HLS 1995 Ames Moot Court case was modeled.

Ruling in *U.S. v. Thomas*, an obscenity case from Memphis, the 6th Circuit said such communities, and the laws that govern them, still reside in more earthly realms.

And that opinion, unless overturned by the U.S. Supreme Court, could have far reaching effects on computer bulletin boards with sexually explicit pictures and words.

Cyberspace is filled with thousands of bulletin boards carrying information and opinions on a dizzying array of topics, from fly fishing to modern English literature. Some less high-minded boards also offer sexually explicit materials.

Bulletin board users can use a phone to connect their computer to a bulletin board located anywhere in the world and then call in, or download, words or images to their own computers. There is generally a membership requirement and often a fee.

The 6th Circuit upheld the convictions of Robert and Carleen Thomas, who were taken to trial in Memphis in 1994 because of sexually explicit images and words on their Amateur Action Bulletin Board Service of Milpitas, Calif.

Words and images from their for-profit bulletin board, often involving bestiality and other fetishes, were called in to a computer in Memphis by an undercover postal inspector. The bulletin board billed itself as the "Nastiest Place on Earth."

The facts in the Ames Moot Court case were similar to those in *Thomas*, except that the bulletin board was in New York and the postal inspector downloaded images into his computer in the State of Ames. The record for that case was written by Ames Fellow David Becker '95 and Prof. Charles Nesson '63.

A 1973 Supreme Court ruling, *Miller v. California*, allowed for the regulation of obscenity based on the notion of "community standards."

But until the Memphis trial, that rule had not been applied specifically to

material on a computer bulletin board in the local where it was received, rather than where it originated.

Suddenly, a bulletin board which might have been at the far edge of acceptable in California was being judged by the perhaps less liberal community standards of Tennessee.

In its Jan. 29 ruling, the 6th Circuit rejected the notion that the "intangible" nature of electronic impulses gives computer transmissions some special exemption from obscenity laws.

"What happens is the most conservative jurisdictions in the country can now dictate standards for the rest of the country," said Mike Godwin of the San Francisco-based Electronic Frontier Foundation, a public interest group for computer users.

Bulletin board operators throughout the country must now pay closer attention to the kinds of material they offer their members, Godwin said.

"I tell people nothing can guarantee you freedom from prosecution," he said.

The Thomases and their supporters argued unsuccessfully that computer technology has wiped out traditional ideas of community. The "community" of computer users should decide what is acceptable in cyberspace, so that argument goes.

Stephen Bates of the Annenberg Washington Project, a communications think tank, said he was not surprised the court rejected that idea.

"You might as well say that pornography should be judged by the worldwide community of pornographers," Bates said. "The law is geographic in how it looks at jurisdictions and boundaries and everything else. That's not going to change just because a new technology comes along."

But defense lawyer Thomas Nolan, who is handling Thomas' appeal, said he will ask the Supreme Court to review the Memphis conviction and reconsider its community standards rule.

In a world where millions of people communicate via computer networks, that rule gives local prosecutors too much power over what everyone else can look at or read, Nolan said.

"It may well be that they bring these cases because the community wants them to or it could be they bring these cases because they have a personal belief in the impropriety of these materials," he said.

The 6th Circuit decision marks the first time a federal appeals court has been asked if the traditional idea of community standards applies in cyberspace.

"There is no need for this court to adopt a new definition of 'community' for use in obscenity prosecutions involving electronic bulletin boards," the 6th Circuit said.

The decision rested largely on the Thomases' knowledge that they had a bulletin board member in Tennessee and he likely would download their materials in Memphis.

For people who put sexually explicit images or words on the Internet, which is largely free and

open to people all over the world, such a ruling would not be as assured, Bates said.

"If it were the Internet where they had no idea who might download their stuff, I think it's a harder case," he said.

Dan Newsom, the assistant U.S. attorney who directed the Thomases prosecution, would not say if he expects other such trials in Memphis.

"If any violation of federal law is brought to my attention, obviously I'm obligated to look at it. That's my job," Newsom said.

A telecommunications bill recently passed by Congress includes a general ban on indecent computer transmissions to children but makes no mention of adult bulletin boards like the Thomases'.

Editor Emerita Katrina C. Randolph contributed to this report.

"There is no need for this court to adopt a new definition of 'community' ..., the 6th Circuit said."

U.Va. to Require B-School Students to Have Computers

CHARLOTTESVILLE, Va. (AP) — Business school students at the University of Virginia will soon have to add the price of a personal computer to the cost of their education.

U.Va.'s Darden Graduate School of Business Administration will require students to purchase computers beginning this fall. The undergraduate McIntire School of Commerce is considering a similar pilot program to test the idea, the board of visitors was told last week.

"Personally, I think the most com-

elling reason is educational value," said Polley McClure, U.Va.'s vice president for technology, following a presentation to the board. "I really think that students use computers as educational tools to a much greater extent when they own them, as opposed to having to go to a computer lab."

With 17,000 students and 800 computers in labs throughout the university, McClure told the board that space never seems to meet the increasing computer demand.

Sixty-one percent of undergraduates there already own computers, and the number is increasing, she said.

McClure said requiring computers would enable the university to standardize the computers and software that students purchase. It also would mean the university would not have to continually buy new and improved computers for labs.

But it also would mean an unspecified increase in educational costs for students and their parents.

She had no figures about potential

savings for U.Va. by requiring students to buy their own computers — or cost increases for undergraduates.

At Wake Forest University in Winston Salem, N.C., which recently began requiring undergraduates to buy computers, costs increased \$3,000 per year, McClure said.

"So many of our students already have them," said Darden spokeswoman Elaine Ruggieri. "They need them and our classrooms will be all hooked up so they will be able to use them in class."

This Week, Reports From Memphis and the Mid-Atlantic

Clinton Missed Chance to Appoint Liberal Judges, Lawyers Say

BALTIMORE (AP) — President Clinton missed his chance to put liberals like HLS Prof. Laurence Tribe '66 on federal courts when Democrats dominated the Senate, a federal appeals court judge told an American Bar Association audience recently.

"In the first two years Clinton had a real opportunity, which he blew," said Judge Stephen Reinhardt of the 9th U.S. Circuit Court of Appeals on Feb. 4.

"The Republicans weren't afraid to have bloody battles" over confirmations when former presidents Reagan and Bush were in office, Reinhardt said. During those years, Senate Democrats "confirmed right-wing judge after right-wing judge."

"When they [Democrats] won the presidency they were too meek to appoint the people that they believed in," the judge said. Reinhardt said Clinton chose "able, excellent, moderate, fine judges," but added that he regretted the president did not nominate people like Tribe.

Abner Mikva, former White House counsel to President Clinton, noted that the president's nominations of appellate judges Rosemary Barkett of Florida and Lee Sarokin of New Jersey stirred controversy.

But Mikva said, "There's no question that this president and other presidents decide where to use up their political chips."

Mikva and C. Boyden Gray, counsel to President Bush, tangled briefly over Gray's assertion that Clinton has an abortion-rights litmus test for judicial nominees. Mikva said Clinton has named at least two district court judges who oppose abortion.

"I thought the Reagan administration employed a litmus test," added Nicholas Katzenbach, attorney general for former President Johnson.

Most members of the ABA panel agreed that occasional bruising Supreme Court nomination battles, such as those over Robert Bork and Clarence Thomas, are the inevitable result of a judicial nominating process played out in the political arena.

"Because we have no division between law and politics, we can't be surprised that all of the tools of a mass political democracy are used," said John McGinnis, a professor at Benjamin

Cardozo Law School.

"It's messy; it always will be messy," added Nan Aron of the liberal Alliance for Justice.

Presidents have every right to nominate judicial candidates who support their views about how the Constitution should be interpreted, most panelists agreed.

But Katzenbach said a nominee's ideology should not make a difference. "It suggests that the courts are really political institutions," he said.

Antonia Hernandez, president of the Mexican American Legal Defense and Educational Fund, said the judicial nominating process "is still an old boys' crony system." Those who choose judicial nominees tend to look to large law firms and federal prosecutors' offices instead of the smaller firms where Hispanic attorneys tend to work, she said.

University of Virginia government Prof. David O'Brien suggested ending the practice of calling Supreme Court nominees to testify before the Senate Judiciary Committee.

"The process has become such that every participant ... plays to his or her constituency," he said.

"There is a great deal of lying going on on all sides," O'Brien said, adding that it might be better to rely on the candidates' record and the testimony of other witnesses.

No other panelists endorsed that idea, though, and Aron suggested instead that judicial nominees should "state their views and then be proud that they hold those views."

Nominees can answer questions about their overall judicial philosophies without saying how they would rule in a particular case, panelists said.

Justice David Souter '66 "was willing to talk up to a point about his philosophy in a way that set people's minds at ease," said Christopher Schroeder, a law professor at Duke University.

Arthur Culvahouse Jr., a Washington lawyer who was White House counsel to Reagan, said he would tell any judicial nominee to watch videotapes of past confirmation hearings to find out which questions to answer and which ones to dodge.

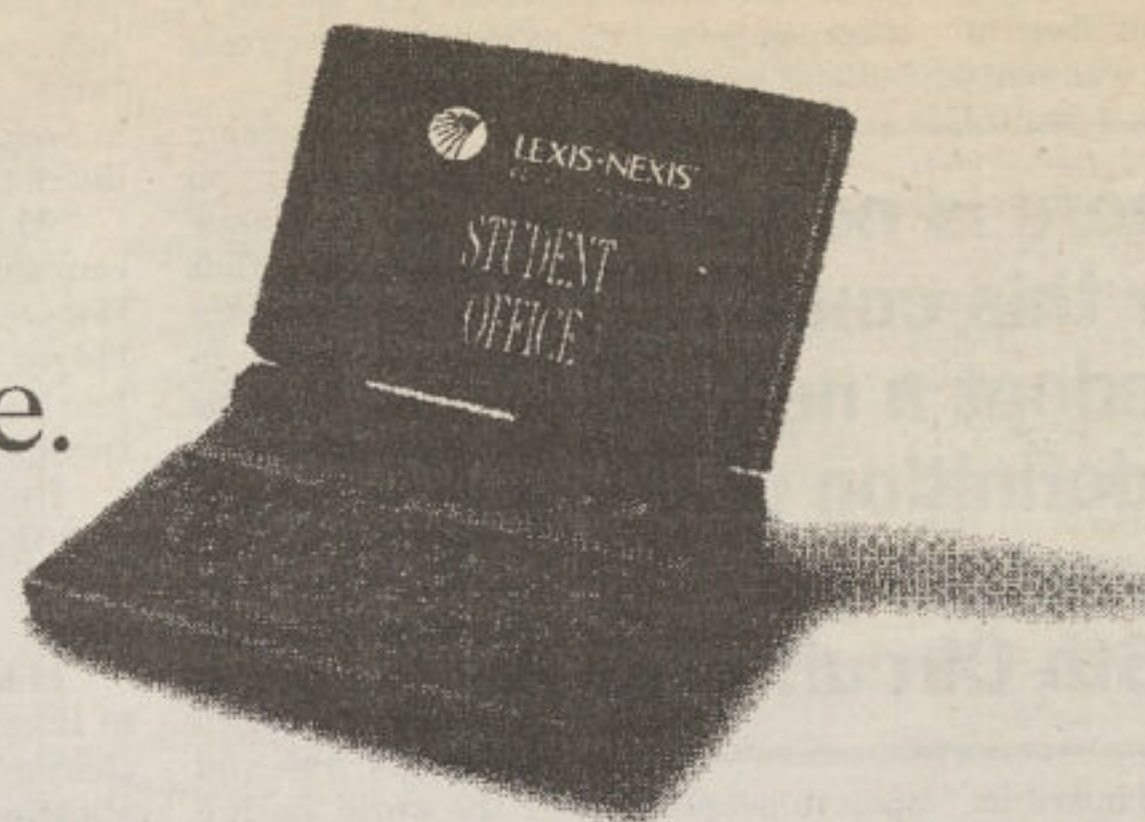
"If you're enough of a cynic and you're good enough you'll get through the process," Culvahouse said.

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GYM RAT

Here We Go Again

By David Koontz '96

Sports Columnist



HLS intramural basketball is back, and it is back with a vengeance. The A-League has the usual half-dozen teams this year, but the B-League is buckling from a population explosion. There were 20 B-League teams last year, which was quite a few. There are 26 of them this year, which is quite a few more. The B-League is once again divided up into the Eastern and Western conferences, each with 13 teams.

There really is no rhyme or reason for choosing East and West rather than North and South, or Black and Blue or Green Eggs and Ham. This year's commissioner, Lang "Three" Wiseman '96, is just following the example of last year's head honcho, Doug "The Mighty Quaker" Cooperberg '96. I'd like to pause here to thank Cooperberg for taking on a thankless job and doing it so well. He worked tirelessly behind the scenes and even put up with the indignity of being mistaken for me a few times. This year, I shaved my head so nobody could get us confused.

Wiseman now capably takes the torch, and the new season is off to a scorching start. Wiseman's team, Well Hung Jury, began its defense of last year's A-League title with a barnburner of a game, escaping with a four-point win over One and Gun. Keeping with the theme of fire here (as if your head isn't hurting already), last year one of the A-League standouts was En Fuego. This year, the Spanish-speaking contingent has graduated, so captain Jake "May the Schwarz be with You" Schwarz '97 has changed the name to Caution: Flammable. C:F had a decent start, winning by 73 points. In the final A-League game, the Black Plague, co-captained by Class of '96 Marshal Eulas "If You Don't Know You Better Ask Somebody" Boyd '96, came roaring out of the gate to win by a comfortable margin over The Associates.

The B-League East is the home of the defending B-League champion Great Danes, captained once again by Todd "Inspire and In-" Stillerman '97, the Phil Jackson of intramural basketball. The Danes had a bye week, but the rest of the conference was busy. Unfortunately, this week I can't give you much detail about all the games themselves, but it wouldn't be proper to do that anyway. First, we have to get to know the hugely ridiculous and bizarre B-League team names that law school minds invent.

Beginning with the Eastern conference, the Short Guys (formerly Mo Knows) began their season with a win over Double Trouble, a team composed of JD-MBA students. TCB in a Flash, which is one letter away from being named after frozen yogurt, survived the smothering defense of Asphyxiation to win by eight points. Sweathogs 2: Sweattier Hogs proved to be, uh, world-beaters, defeating United Nations, whose motto was going to be "This is My Planet" before a shoe company stole it. The Gym Rat's own team, the Sleestaks, is named after those sneaky dinosaurs on the old "Land of the Lost" television show. (One of our players is Dave Clark '96, but I was outvoted when I wanted to name the team "Dave Clark Five.") We tried unsuccessfully to sneak back in the second half against the Stormin' Mormons, who were extremely polite in kicking our butts. Port Isabel Homes, led in part by Zach "To the Other Grad Schools I'm Commissioner David" Stern '97, defeated Reversed and Remanded, who fittingly get a fresh start next week. Finally, LLMagic showed that guys with JD's can beat guys without JD's by defeating the Dissenters.

The B-League Western conference provides some of the most bizarre team names HLS has seen recently. Gooch's Last Stand, named because this is Tim "Gooch" Eckstein '96's and the other 3L members' last chance to win a title, debuted with a win against Flagrant Delicto, which, like Penny Hardaway at the NBA All-Star game, was caught with its pants down. My favorite name in the history of HLS intramurals belongs to the inexplicably named Soulbucket, which had a bye this week. Ironically, the team named Bye did not have a bye, beating the Quick Shooters, who came away feeling unsatisfied, if you know what I mean. The award for best team name inspired by a military leader and a tasty chicken dish goes to General Gao, who defeated Just For Laughs: Intentional Foul Part Deux! Free Exercise debuted with a victory over the Real Killers, who spent much of the game hiding in fear of O.J.'s investigative prowess. Finally, Last Call, another team named in obvious anticipation of graduation, began with a mighty win over the Off-White Slammers, whom I thought were really more of a beige.

So there you have it: the 1996 HLS intramural basketball league in a nutshell. Even if you are not playing, you can see great hoops action every week at Hemenway Gym beginning at 6:45 p.m. Thursday and Friday nights, and beginning at 9 a.m. Saturday mornings. See you next week when we all find out what the hell Soulbucket means.

* * *

BU thrashed Northeastern 11-4 to win the Beanpot Tournament. BU's Chris Drury netted a hat trick and won the tournament MVP award.

The game was a laugher, and the funniest moment came at 9:53 of the second period. Northeastern's goalie Todd Reynolds pulled himself from the game after allowing the Terriers' 10th goal of the game and fifth goal of the period. He had entered the game at the start of the period and allowed five goals on 10 shots. After that dismal performance, I could not blame him for seeking refuge on the bench.

BC beat Harvard 6-2 in the consolation game. David Hymovitz had a hat trick. Fabulous freshman Marty Reasoner assisted on all three Hymovitz goals.

The Eagles had a 2-1 lead after two periods before their offense exploded. Only 24 seconds into the third period, Hymovitz roofed a 20-foot one-timer past Harvard goaltender Tripp Tracy.

Harvard's fate was sealed when Ethan Philpott was given a questionable hitting from behind major penalty at 5:03. On the ensuing power play, Reasoner brilliantly split the Crimson defense and scored at 7:48.

Harvard played the game without Brad Konik, Tommy Holmes, and Kirk Nielsen, the team's top three scorers who form the first line. Like Konik, defenseman Peter McLaughlin was still recovering from injuries suffered in last week's car accident. The four seniors will likely return for this weekend's crucial home games against Cornell and Colgate.

FOOD - O - RAMA

Campaign '97: Where Pork Barreling is OK

By Heather Friedman '97 and Betsey Nevins '97

Restaurant Reviewers

SUPPOSE the first presidential primary were in Harvard Square. Where would the candidates dine? John Harvard's? Named for a real all-American hero, but the choice might offend those Yalie-voters. Pinnocchio's? Good pizza and popular with the collegiate set, but the literary allusion might tarnish a candidate's reputation for honesty. The Border Cafe? It would never pass Pat and Phil's American purity litmus-test, and where would they fit the thousand new border agents brought along to patrol the area for "illegals?"

Obviously, choosing the right restaurant would be a difficult political choice meriting in-depth research (perfect job for those new campaign recruits). But if the incumbent had his way, he might take his campaign team to **Henrietta's Table** in the Charles Hotel.

Henrietta's Table is named for a pig — an animal which has inspired love and plummeting pork sales in the post-"Babe" American heartland (and, politicians hope, no longer brings to mind male chauvinists and pork-filled budgets). Moreover, Henrietta belongs to Charles Hotel owner Richard Friedman (no relation to Heather), the Friend of Bill who provided lodging for the First Family at his Vineyard retreat.

The motto for Henrietta's Table, is "Fresh and Honest" (this refers to the food but also describes virtues a Whitewater-embattled Clinton would like ascribed to himself). Inspiration for the restaurant's "fresh is best" cooking is said to come from the kitchen of Friedman's island home, where a chef picks the best offerings from the garden and the market in order to determine the day's menu. Whether Henrietta's was also influenced by the recent "back-to-basics" trend among restaurateurs (a culinary reflection of the political obsession with "traditional family values" and downsizing?), Henrietta's Table clearly marks a departure from the 1980's Charles Hotel fixture, The Bennett Street Cafe — where the diner had no illusions of being elsewhere than in a hotel restaurant.

In this impersonal, urban era everyone relishes a little rural charm, but we found the faux country market at the restaurant entrance a bit hokey. Still, if you're searching for a good tomato during the restaurant's hours — or fresh herbs, or pepper-infused cooking oils or maple candy — you might satisfy your yen here. The adjacent bar offers a wide range of beers, all from New England micro-breweries, as well as freshly squeezed juices and rootbeer floats made with homemade vanilla ice cream and Mill City root beer on tap.

The restaurant itself is a cheerful-looking open space with informal, bright decor: oversized bouquets of dried flowers, photographs of ripe produce, a view of the patois

The motto for Henrietta's Table is "Fresh and Honest"

illuminated trees, and a bustling open grill. At peak hours on a Saturday night, the noise level is high. With parties of five or more at many of the surrounding tables, conversation at our table for two was hard to follow — even for the participants.

Glancing at the menu, we learned that "Fresh and Honest" also means down-home New England cooking. Menu choices included Yankee standards such as cod cakes, chowder, pot roast and baked scrod. There are also a number of twists on the traditional, with starters like smoked duck breast, house-smoked salmon, grilled portabella with brie and a butternut squash tart; as well as a vegetarian entree of stuffed cabbage, wilted greens, spaghetti squash, and succotash. The menu also helpfully suggested wines by the glass to match each entree. Although menus printed daily with specials highlighted in boldface type admittedly make it easier for diners and waiters to keep track of what's new, we felt this innovation was an ecological no-no, violative of the restaurant's "less is more" ethic.

We both enjoyed the meal, but, perhaps because one of us is not much of a New England culinary fan, our opinions diverged somewhat. Understanding that the restaurant strives for simplicity, one reviewer still found some of the flavors too unadorned. This same reviewer found the kitchen's foray into European cuisine disappointing, as evidenced by the first course of "Grilled Portabella with Brie and Walnut Vinaigrette" (\$5.50). This attractive dish was overwhelmed by balsamic dressing, and its lukewarm temperature meant that the cheese was not deliciously melted, as anticipated. The "Fresh Main Rock Crab and Corn Chowder" (\$4.50) was a thick stew-like concoction with a smoky bacon accent, pleasantly different from the traditional white chowder found throughout the region.

Entrees (from \$10 to \$13.50) are served à la carte but can be supplemented by family-style servings of potatoes or other fresh vegetables (\$3.25 each). The Rotisserie Chicken (\$11) was a moist, free-range bird, with crisp, herb-flavored skin. A dollop of intense apple sauce and a light but savory gravy dressed up the "Grilled Smoked Pork Chop" (\$10.50), which was otherwise a nice, large piece of meat (though with no discernible smoked flavor).

One glitch we encountered was that there was no room on our plates for a helping of the family-style sides we had ordered, unless we wanted our Mashed Potatoes and Wilted Greens smothered in gravy. Not being vegetables-and-gravy types, we had to make do with bread plates which still bore the last crumbs of the delectable bread basket we had devoured early in the meal. We both agreed that the mashed potatoes were delicious when enhanced by generous pats of butter (So what if the Surgeon General tries to have us fired for inciting bad cholesterol habits?), but our opinions differed on the greens which one of us found too bitter and the other thought perfect.

For dessert, our waiter steered us away from the Apple Pie with Cheddar Cheese and Ice Cream, recommending instead the Fresh Fruit Cobbler (\$4.95). The dictionary definition of cobbler means "to make or put together roughly or hastily," and this dessert was a deconstructionist's dream: lightly stewed peaches shared a plate with two tasty mounds of pastry and berries and a scoop of homemade vanilla ice-cream. The Chocolate Bread Pudding (\$4.95) was the definite star of the evening, surprising even avowed bread-pudding haters. This warm, gooey mass of chocolate, fried bananas and ice cream actually caused a stir at neighboring tables eager to get in on our secret. We told them what to order; now we've told you. Don't say we never did anything for you.

Henrietta's Table is located on the second floor of the Charles Hotel, One Bennett Street, Cambridge. Open seven days a week for breakfast, lunch, dinner and Sunday brunch. Call for hours and reservations. Telephone: 661-5005.

Harvard Law RECORD

Founded in 1946

Hope Yen
Editor-In-Chief

Confronting HLS

Many of us were accepted to Harvard Law School because of our excellent grades and LSAT scores. But many of us also were admitted to HLS because of the impact we made on our undergraduate campuses, or on our jobs, or in particular fields. The admission application's essay questions and recommendation requirements revealed that the Admissions Committee wanted more than just the average good student. They placed value — perhaps as much value as on our legacy status — on our ability to improve and effect change in our communities. Perhaps one of us started a campus literary journal, or took a company in a new direction and helped create jobs or even headed an organization that mentored at-risk youth.

Our accomplishments were good enough that we were deemed worthy of admission to HLS. In a sense, we were admitted as student members into a private club. As members, we may learn from the club's faculty members, work and play on club grounds, and make use of the club's material resources. However, our student status translates into minimal informal contact with faculty members, and we certainly may not have voting, governing, or even advisory privileges on the issues that matter.

And we are dues-paying members!

Former HLS Prof. Derrick Bell analogizes HLS to the fictional "Citadel," a closed community of super-elites who do all they can to keep out those whom they feel are unlike them, namely, the masses. In "Confronting Authority," Bell's memoir about his two-year protest against the Law School's refusal to hire any women of color, he writes of the Citadel and its rulers:

"Perhaps more clearly than the challengers, the guardians of the Citadel's power understand that any real reform would forever change the mountaintop kingdom. This of course, they are determined to resist. Those in power understand the need for eternal vigilance, and to this task, involving endless intrigue and deception, they willingly devote their lives. They seem not to recognize the larger burden of their power: a gnawing insecurity—precisely that disquieting unease the acquisition of power was supposed to vanquish."

Whether new admits or graduating 3Ls or LL.M.s, conservatives or liberals, HLS students owe it to themselves and to their educational experiences to read "Confronting Authority" and to determine where they stand on the issues Bell presents. These issues include, but certainly are not limited to, the following: the conspicuous and deliberate absence of women of color on the tenured faculty, the lack of student influence regarding faculty tenure, and the methods of addressing these problems. The old excuses (there are no qualified women of color, students don't understand how we handle faculty tenure decisions, etc.) do not work anymore, for they have been proven wrong.

Law students, professors, lawyers, and other commentators disagree over whether Bell's chosen method of protest — taking a two-year leave of absence and refusing to return as required at the end of that absence — was either justifiable or successful. One professor argued that Bell had no moral authority to make the black female professors visiting at various times the foci of his protest. Even Bell acknowledges the possible shortcomings associated with his actions.

But no action at all is not a proper alternative. We — individual students, student organizations, and student journals — must continue to monitor the issue and hold the faculty and their leaders accountable for their decision to maintain the Citadel at nearly any cost.

We must, as Frederick Douglass said, "agitate, agitate, agitate." To do any less would be detrimental to us, to our communities and to the future of this institution.

—Randolph

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

—First Amendment, US Constitution

• Letters •

Students, Faculty Cooperate on Public Interest

I'm writing to clarify a couple of issues raised in last week's RECORD article on the formation of the law school's new public interest committee. Yes, some students are a little concerned about the fact that even though in 1989 the Long-Range Planning Committee recommended, and received approval from the faculty, that the Capital Campaign secure a \$15-\$20 million endowment for LIPP, this goal must go through a committee process again. But as I explained in my interview with the RECORD, if all we need is a little more process, then process is fine.

We are glad that the need for increased public interest funding has received so much attention and welcome Dean Clark's appointment of the committee. We are merely concerned that the last committee's recommendation was not honored

— we are skeptical that the Capital Campaign fundraisers made a good faith effort to steer donors toward public interest programs, as they did for the other campaign goals. Yet, we are hopeful and optimistic that the new committee will be a good forum for resolving the ongoing public interest funding controversy.

We also recognize the critical importance of students working together with faculty, staff, administrators, and alumni on public interest goals. I did not mean in any way to suggest that students alone are responsible for the current public interest committee's existence. We recognize that we are part of an ongoing effort, which many faculty members and others have worked hard for and have been committed to for years. In response to the RECORD's question, I mentioned a few things students

did in particular to get the ball rolling last fall, but I emphasized that we see ourselves working in partnership with concerned faculty. Prof. Edley, who was interviewed before I was and so was responding to a reporter's question and not my statement, affirmed that both faculty and students have been working in tandem toward public interest funding goals.

The reason we have made so much noise about public interest funding this year is not just to benefit current and future public interest students and their clients. It is also because we believe Harvard Law School, with its resources and reputation, is in a perfect position to set an example for other law schools across the country to make funding public interest opportunities a top priority.

Shannon Liss '96
February 13, 1996

Screening for Social Skills "Ridiculous"

I "pity" Kannon Shanmugam, who recently recommended that the Admissions Committee interview every prospective applicant and weed out the most socially inept.

Had Harvard Law School actually followed such a ridiculous policy, I fear that alumni, professors, and students alike would be unable to enjoy the pointless blather that has become the trademark of his column.

If Mr. Shanmugam spent more time meeting his fellow classmates, instead of stereotyping them as "spods," "nerds," "failed frat boys," and "failed sorority girls" (cate-

gories which all sound inferior to whatever class he represents), then he might find the pints and the peace that he so desperately craves.

Nevertheless, I congratulate Mr. Shanmugam for making full use of his public speaking skills at Oxford. But I wonder at his need to be so ostentatious about studying in England. I have an M.Sc. from the University of Bristol, and I know others in our class with graduate and postgraduate degrees from Cambridge and the London School of Economics. We add to the amazing amount of diversity that makes the Law School such a dynamic and inspira-

tional institution. We don't somehow trump it.

Finally, I am grateful to Mr. Shanmugam for highlighting the importance of the First Amendment and the freedom of the press. We should all feel fortunate that we live in a tolerant society where opinions can be so brilliant to the author and such bollocks to the reader. I hope that members of the community will remember to recycle this column, so that Mr. Shanmugam's words will have at least some lasting value to the environment.

William H. Baxter II '98
February 14, 1996

Columnist's Attitude Reveals Shortcomings

Kannon Shanmugam's February 9 column, "Free Agency," in which he divides HLS students into categories of nerds and failed frat boys / failed sorority girls, continues his stream of weekly contributions that for his many loyal readers are fast becoming the highlight of Fridays at the law school. A true testament to Mr. Shanmugam's journalistic abilities is the tremendous amount of information he can convey about himself in such a short space. In but a few column inches, we learn that Kannon:

- spent a two-year "vacation" at Oxford,
- hung out a lot in British pubs,
- is set to "jet off on vacation" next weekend,
- is above worrying about grades,
- is disappointed to find most of his classmates to be "socially inept,"
- and, most impressive, has connections in the Registrar's Office.

Yet while we applaud Mr. Shanmugam's excellent columns for revealing information of great interest and rele-

vance to the Law School community and can't help but be impressed by his many accomplishments, we feel compelled to register one complaint about his otherwise incisive analysis:

His bi-modal classification of HLS students into nerds and failed frat boys fails to account for a diminutive but highly vocal segment of the Law School population: the self-important twit.

Nick Gertler '98, failed nerd
Jenny Johnson '98, successful sorority girl
February 14, 1996

Interview Survey Results Weak, Inconclusive

As the author of the study covered in Justin Weiss' story, "B+ or Higher GPA is Key to Job Interview Success, Survey Shows," I would like to correct misperceptions, as well as allay fears, which his characterization of my results may have caused. First, I want to direct attention to a critical omission regarding the possible effect of ethnicity on interview success. My results showed no evidence that the race of the interviewee had any effect at the callback interview stage. This stage is clearly the critical one, since it determines who actually gets hired.

Moreover, my results indicating that minority group membership may have a positive effect at the on-campus interview stage were by no means conclusive. In reporting this result, Mr. Weiss failed to point out that I myself

labelled them "weak" in my paper. Since there were only four non-Asian minority group members in my sample, it is possible that one "outlier" in this subgroup caused an apparent "race effect" to show up. Indeed, when I recently redid some of my regressions using a less sensitive statistical method, the "race effect" became even less statistically significant than before. The upshot of all this is that, at best, weak evidence of a "race effect" has paved the way for more and better research. At worst, these particular results are meaningless.

Next, I would like to give some encouragement to 1Ls who may have falsely inferred from Mr. Weiss' story that the failure to have a B+ or better GPA spells disaster for their on-campus interviewing prospects. Though my results clearly show that B+ is a "sig-

nificant cutoff point," it is not a dividing line between success and failure — it merely separates those who do well from those who do extremely well. For example, my most precise model of interview success predicts that a 2L with a B average who interviews 20 times will, on average, receive five callbacks. If this student had a B+ instead, she would receive about nine callbacks. Conclusion: relax.

Two lessons should be drawn from all of the confusion and red herrings. First, the interpretations of numbers are always more important than the numbers themselves. Second, in reporting numbers, the press may not always rise to the challenge of properly drawing the line between controversy and content.

David Kaplan '97
February 12, 1996

Write to the RECORD



Reflections on Approaching My 50th Reunion

By John H. Downs '47

I never planned to be a lawyer. After graduating from Yale in 1941, I became a traveling salesman, was drafted into the army and received a medical discharge in 1944.

Hoping to improve my career prospects, and living in Winchester, Mass. at the time, I applied for admission to Harvard Business School. But it was not accepting civilian students, so I was told to apply when the war was over. After further thought, I concluded that a legal education would be a broadening experience, so I applied to and was accepted by Harvard.

When I entered the law school in November 1944, there were 20 students. Despite my average record at Yale, I was welcomed with open arms by the admissions committee, along with 89 classmates. We had the best of the faculty all to ourselves that first year.

For those who know me well, it will come as a surprise that I was almost elected to the Law Review. It was so short-handed in 1945 that my class was informed that anyone receiving at least a 75 in Criminal Law at mid-term would qualify. I just missed with a 74, but it was just as well for the Law Review and me. I was not in that league, as my subsequent marks confirmed.

Much of my law school years is a blur. I lived at home in Winchester, and it seemed as if the Law School was in turmoil much of the time as more and more veterans returned. There were 2300 students on campus when I graduated in 1947.

I had the rare experience of infuriating Dean Roscoe Pound in Property I. He asked me for a definition of adverse possession, one of his pet interests, expecting to hear its five indicia. Not having read the case for the day, the contrived answer I hastily threw out was clearly wrong. Pound was virtually blind and could not recognize students in the front row. Incensed with my abuse of his revered Law of Property, he huffed and puffed and kept asking, "Who said that? Who said that?" Silence seemed preferable to enduring his censure, and in time he went on to other subjects and students. Austin Scott in Trusts, Warren Seavey in Torts, and Dean Griswold in Taxation interested me enough so at least I did my reading for their courses.

In the 40s, students never saw the inside of a courtroom, and the case method was over-emphasized. We were discouraged from reading texts for fear that it would diminish the benefit to be gained from the case study method. I don't recall that there were organizations in which to be active, except for the RECORD which was founded by my classmate Charles Porter.

The appellate moot court process was the closest we came to something akin to practicing law. My classmate Richard Furlaud and I won our first round argument and hoped to do well in the second. But President Roosevelt died on the day it was scheduled, and the faculty judges — probably good Republicans — refused to postpone it. Our hearts weren't in it, and it didn't really matter when we lost.

It was after law school that I fully appreciated the value of a legal education, particularly one obtained at

Harvard. After four years in New Haven, and otherwise living in greater Boston except for summers spent on an old farm in Maine, I knew I wanted to practice in a small town, and I was fortunate to be offered a job in St. Johnsbury, Vermont, a town then and now of about 8,000 people.

I had expected to take over the local legal community by storm, so to speak. After all, I was a Harvard graduate and had passed the Massachusetts bar exam with flying colors — so it should be easy. But it was immediately sobering to find six Harvard graduates already practicing there. So I quickly learned that Vermont lawyers did not need a callow law student to educate them about the practice of law. I eventually became a partner of Sterry R. Waterman who was appointed to the Second Circuit Court of Appeals in 1955.

One evening, Judge and Mrs. Waterman entertained Judge and Mrs. Learned Hand at dinner, with my wife Virginia and me as guests. After dinner I went to my car, and on returning found Judge Hand sprawled on his back on the living room floor. Visibly upset, I relaxed when he raised his hand, and said, "Don't worry, John, don't worry. I always have to give my back a rest after eating."

I filled the usual roles available in a small state for

I had the rare experience of infuriating Dean Roscoe Pound in Property I.

energetic lawyers with political inclinations. In chronological order, I was State Chairman of Vermont Forums and the March of Dimes, a Village Trustee, County Prosecutor, State Legislator, Chairman of the State Colleges Board of Trustees and the Governor's Commission on the Administration of Justice, President of the Vermont Bar Association, President of the Vermont Diabetes Association, and currently a hospital trustee and director of a non-profit investment corporation.

Impossible as it might seem, especially today, I was a delegate to Republican and Democratic national conventions. Barry Goldwater was more than this good Rockefeller Republican could take, and after four years as an Independent, I joined the Democrats the morning after President Nixon was first elected.

And along the way, my 1960 one-lawyer, one-secretary practice expanded so that, as this is written, Downs Rachlin & Martin has 50 lawyers, with four offices in Vermont, one in New Hampshire, and one in Montreal. It has been somewhat overwhelming for a general practitioner who was comfortable with the ambience of a really small firm. To describe the changes in the firm's practice over 40 years would require another article.

I am particularly indebted to my Harvard education for providing me with the background and connections to

serve as a delegate from 1983 to 1991 to annual conferences with Soviet professionals to negotiate about nuclear arms problems. It was the most rewarding experience of my professional life.

When Ronald Reagan was doing his best in the early 1980s to heat up the Cold War by substantially increasing our already bloated nuclear arsenal, the Lawyers Alliance for Nuclear Arms Control provided an opportunity for lawyers to speak out in opposition to the administration's policies.

Imagine, if you will, that you were a Vermont country lawyer in 1983 and suddenly found yourself in close company with Harvard faculty stalwarts Dean Erwin Griswold, Roger Fisher and Abram Chayes, and prominent Harvard Law graduates such as former Iowa Senator John Culver; Ralph Earle, now Deputy Director of the Arms Control and Disarmament Agency; Adrian DeWind, Chairman of the Trustees of the Natural Resources Defense Fund; and Hans Loeser, managing partner of Boston's Foley, Hoag & Eliot. Harvard students and graduates can be proud of the contribution of its faculty and graduates to the success of those conferences.

As I was approaching retirement age, I had more time than many of the delegates, and prepared transcripts of the proceedings of each annual conference. In time I obtained a MacArthur Foundation grant for expenses to write the book entitled "NEGOTIATING WITH THE RUSSIANS ON NUCLEAR ARMS: Lawyers Making a Difference," which will be co-published in 1996 by University Press of America and the Lawyers Alliance for World Security.

Dean Griswold, named "best enemy" by the Soviet chairman, was profoundly effective in explaining to the Soviets the America jurisprudential traditions and the importance of the rule of law in a civil society. He turned 80 during the first conference in 1983, and continued to be active through 1991. For the most part we delegates were Democrats, and Griswold was one of two moderate Republicans. I told him that we were indebted to him for enhancing the group's credibility in its claim to be non-partisan. He agreed, but with a slight smile remarked that in the process, "I have lost mine."

Abram Chayes brought to the conference table not only his outstanding legal expertise and ability to communicate effectively, but also a considerable knowledge of nuclear arms problems and the complicated technology involved.

Roger Fisher opened the eyes of the Soviets to the benefits of good-faith negotiations, and convinced them of the necessity for compromise, without giving away the store.

I will be 76 when this is published, so two final thoughts: having attended the celebration of the successful \$150 million fund drive, it is reassuring to know that Harvard Law School today is much more of a factor in the national and world communities than it was in the immediate post-war years and before. Personally, my education at Harvard opened the door to a career that has brought satisfactions that would be unimaginable had I continued in my pre-war job as a sparkplug salesman, or been accepted at Harvard Business School.

Profs. Continue Harassment Policy Debate

Academic Stalwarts Turn to Jelly

By Prof. David Rosenberg

To defuse pressures by political correctors for greater censorship, we must censor ourselves a little. Sure, that means sacrificing strict principles of academic freedom, but that's a lesser evil. That is how Harvard Law Dean Robert Clark and Prof. Alan Dershowitz defend the school's speech code. In their paroxysm of prudence, they adopt a censorship strategy that undermines academic freedom more than the censors dreamed possible.

What forces could reduce these stalwarts of academic freedom to jelly? According to Prof. Dershowitz, it was the assertion several years ago by some faculty members of unfettered "common law" power to punish student authors of a parody mocking an article by feminist legal scholar Mary Joe Frug. But those claims lacked credence even then. Hyperbole reigned over the Frug matter, as illustrated by Prof. Lawrence Tribe's comparison of the parody to the "Holocaust" [Mary Joe Frug was murdered in 1991]. Even if the Frug case was not the first occasion of claimed cen-

sorship power, surely the school's venerable commitment to academic freedom supplied Messrs. Clark and Dershowitz with ample precedent and models of courage to stand by principle.

The supposed virtue of their censorship strategy is its precision. But this also is an illusion. Under their scheme, speakers charged with "hostile environ-

types of "sexist" and "obnoxious" speech is not reassuring. Despite repeated faculty requests, the speech code committee conspicuously withheld such assurances during more than two years of deliberation (and in its voluminous report).

Moreover, the new purity test will have wider repercussions. Few — including faculty interested in government or judicial appointments — will depart from the "mainstream" to risk a sexual harassment charge questioning the reasonableness of their speech, let alone investigation and trial by a faculty prone to political correctness.

The strategy of controlled self-censorship to ward off something worse from outside is depressingly familiar. In the 1950s it took the form of "red-baiting" by unions, organizations such as the ACLU, and many universities. Counted among those leading the resistance to McCarthyism in academia were Harvard Law School's Dean Erwin Griswold and former professor, then Justice Felix Frankfurter.

The strategy of controlled self-censorship to ward off something worse from outside is depressingly familiar.

ment sexual harassment" may defend themselves by showing that the speech was "reasonably designed or intended to contribute to legal or public education, academic inquiry, or reasoned debate on issues of public concern." This test affords scant protection for unorthodox, disruptive speech — speech deliberately aimed at creating unease, or even offense, to true believers of various stripes.

Prof. Dershowitz's assertion that the test permits the Frug parody and other

Ideological Fog At HLS

By Richard H. Fallon Jr.

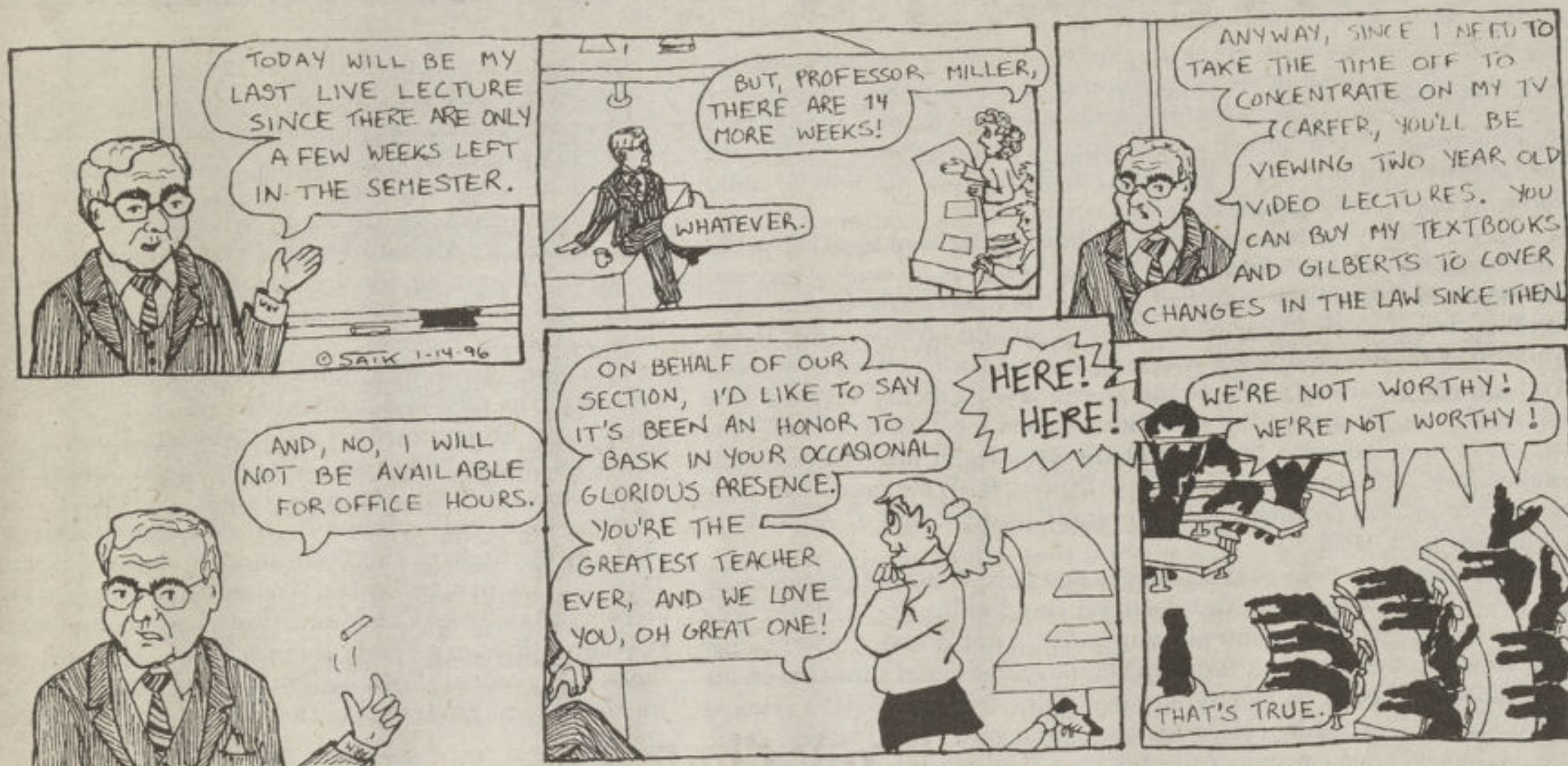
Criticisms of Harvard Law School's sexual harassment guidelines, including those in the Journal's Jan. 31 Letters column, continue to evade the central issues. First, are sexual harassment guidelines necessary at all? In fact, Harvard Law School is required by law to protect its students and employees against sexual harassment. Indeed, no critic of the law school's guidelines has credibly denied that extreme forms of sexual harassment — including verbal harassment — should be prohibited. Second, do Harvard Law School's guidelines violate academic freedom or free speech rights? When the smoke clears, no one — including the authors of critical letters — has yet advanced a single, credible example of speech that ought to be protected, but would be subject to punishment under the Harvard Law School guidelines. For reasons that are perhaps understandable, this is a case in which ideology appears to obstruct analysis.

Prof. Fallon chaired the faculty committee that drafted Harvard Law School's sexual harassment guidelines.

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Temporary Insanity

By Sheila Tuller



Backbench

By Brian Cheng



Ad Hominem

By Stuart Rees and Bill Zimmerman



STU
for Grand Pooh Baah



BILL
for First Artist

WHAT WE PROMISE:

1. Oppose Dean on all issues
2. Act irrationally -- See #1
3. New mandatory course with limited enrollment (like Legal Profession)
4. Boycott everything
5. Continue Miller cartoons

WRITE IN LAW SCHOOL COUNCIL CANDIDATES

WHY WE'RE RUNNING:

1. We heard HLS has a \$25 million slush fund
2. Two words: resume builder
3. Chance to claim credit for others' work
4. Chicks dig men in office
5. Raise awareness that this election is NOT a joke



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CALENDAR

By Colin Meeder

I don't know if you have any inkling of the trouble I go through each week in writing this column. No, I'm not talking about the painstaking research I undertake both to supply my readers' insatiable appetite for concert listing and show-biz gossip; I'm talking about the weekly struggle over who controls the radio in the RECORD newsroom. I normally try to get here before anybody else, so I can throw on one of my many beloved obscure college stations; even then, though, I have to put up with the protestations and curious looks of my co-workers — I shall never, never forget the publisher and editor-in-chief's reactions to hearing Ann Magnusson's "Miss Pussy Pants" over lunch one day — and sometimes, when I get up to get a drink of water or something, I return to find that someone has switched to one of those ubiquitous classic rock stations, and I must hear Jackson Browne singing "Doctor My Eyes" for only the 97th time this month.

Right now, though, I'm in charge, so as the sweet sounds of Sebadoh's "Soul and Fire" fill the room, I'll tell you to go out tonight (2/15) to the Regattabar (661-5000) and check out the Dave Holland Quartet. His lyrical, challenging bass playing has supported the likes of Miles Davis, and his own group creates consistently powerful, surprising jazz. They'll be here through Saturday (2/17). Friday (2/16) brings former Blues Brothers Band member (he was Aretha's husband in the movie) Matt "Guitar" Murphy to Harper's Ferry (254-9743).

Option paralysis may set in on Saturday (2/17). Start at the Rat (536-2750) for an early (4 p.m.) all-ages show featuring the reunion of the booze-and-dope soaked punk rockers Gang Green with Honkeyball, Badmotherseed, and Howie and the Sour Vagrants. There's also a later 21+ show with different opening bands, but by this time you'll have moved on to Central Square, where you'll be making the difficult choice of entering TT the Bear's (492-BEAR) to dig the sounds of solo Sonic Youth Thurston Moore with Tom Surgal (my spellchecker just suggested "Thrusting More and Tom Surreal," which may be more to the point) and other noisemakers, or going downstairs at the Middle East (497-0576) to experience true slack at the hands of The Church of the Sub Genius. I trust you to make the right decision, pink boy.

Folkies old and new appear at the Sanders Theater (6-2222) on Sunday (2/18): Joan Baez, whose frequent attempts at a comeback to musical relevance and consistently rebuffed, and Dar Williams, who lately has the critics practically wetting themselves with delight.

Then, nihilists old and new arrive in Boston on Tuesday (2/20). Warren Zevon, whose novelty hit "Werewolves of London" has unfortunately overshadowed his more serious, more disturbing (not to mention more seriously disturbing) work, will be at the Paradise (351-2526) with Phil Cody, and the world's most challenging death metal band, Napalm Death, whose members' side projects have included both extreme jazz and trance dub, will play another of those cool early all-ages shows at the Rat with old school hardcore heroes Sheer Terror and Anamones.

Upcoming: GABE KAPLAN!!!
There is a God....

What It Takes

By Markus U. Hartmann '96

Last Friday night, after another grueling week here at HLS, I decided to stop by Lincoln's Inn. Unlike Mr. Shanmugam '98, I have a positive assessment of the social life here at HLS. Having had the pleasure of dancing to the Village People at Katie and Liza's, boogie-ing to James Brown at Matt, Jamie and Halie's place, and demonstrating why it was easier for me to gain admission to HLS than it would have been to the set of Soul Train at Eulas', I have found no deficit of fun people or fun things to do. Of course I do not see my classmates as "nerds and failed frat boys," but that's just me. Like all the aforementioned social events, jazz night at the Inn was great fun.

If you haven't heard them yet, take time to be exposed to the cool jazz licks of the Ned Flanders Quintet. The spirit of Bleeding Gums Murphy is alive and well in the saxophone player, and the group's drummer is just too cool for school. I don't mean to steal Mr. Meeder's '97 thunder, but these guys were quite good. They were so good in fact, that as I sipped my Hurricane, I found myself asking: Are these guys law students who are part-time musicians or musicians who happen to be hanging out at the law school? Either way, they were the central ingredient in a good-time stew.

In "How to Thrive in Law School," two Fordham professors, John Calamari and Joseph Perillo, point out that if you participate in a law school's social life, you will likely describe your school as a warm, friendly and caring place where you spent some of the finest years of your life. John and Joe are right. The alternative is to concern yourself with grades and job prospects, which does not engender similar positive feelings. Thanks to the fine work of David Kaplan '96, most of us can dispense with the silliness of being overly concerned with grades and jobs and get on with some much needed fun before we go on to professionally develop and pay off our loans.

Kaplan's report, "The 2L interview process at Harvard Law School," is an interesting study about what it takes to succeed in the second-year interview



process. Success is measured by the number of offers for summer employment. It is so well written that I will borrow his headings to sum up the article.

- 1) Grades do matter
- 2) College name matters
- 3) Firm research does not help
- 4) Sex does not matter; race may matter
- 5) Other relevant factors do not seem to matter

6) There are diminishing returns in interviewing more

7) Not much matters at the callback interview.

Implicit in Mr. Kaplan's findings is this: By the time you get here, you have little control over most of the critical variables that will determine the number of jobs offers you will receive. The exception to this axiom is the finding that students with grades of B+ or higher get the greatest number of callbacks. The additional A-, A, and A+ do not convert into a lot of additional offers.

Kaplan's conclusions seem correct because they are buttressed by plenty of anecdotal evidence and HLS myths. With this research in mind, it would not be surprising to find that David Panton '97, the new president of the Law Review, had decided to start his own firm. There

may be some problems with starting your own firm as a 2L, but his standing in three of the seven variables would seem to indicate that if anyone can do it, he can.

The study found that gender had no statistically significant effect on interview success. If Mr. Kaplan is right, than Prof. Lani Guinier's study, published in the University of Pennsylvania Law Review, may have a different slant heretofore unexamined. Guinier's study, "Becoming Gentlemen," found that women who started out with roughly the same LSATs and GPAs as males at U. Penn. Law School, were less likely to finish in the top 10 percent after the first year. Women

should be encouraged by Kaplan's study. Gender has a statistical impact on grades in law school; gender does not have a statistical impact on women's standing in the legal marketplace. If women suffer with a few less offers, they have no one to blame except the people who grade their performance on three hour issue-spotter/professorial-policy exams. Perhaps the academy is not so progressive after all.

Most of us do not have control over our gender. By the time we get here, our undergraduate school has become a permanent part of the resume. Research does not matter, and additional degrees without work experience, according to Kaplan, doesn't get a person extra callbacks. So unless you are a second semester 1L, there is little to worry about because there is not much that you can do.

If you are here, there probably is not much you need to do anyway. You will get a job if you want one. If you did not have the good fortune of attending an Ivy League institution or being African American, too bad.

With the number of people who leave here employed within six months of graduation and the average starting salary of an HLS grad, it is very difficult to feel sorry for anyone who is here but doesn't benefit from any of Kaplan's variables.

Last May, at the Valparaiso School of Law, Chief Justice Rehnquist cautioned the next generation

of lawyers to avoid scheduling their lives away. Portions of his speech are published in this month's ABA Journal. He points out that "time is a commodity, the supply of which is not inexhaustible." He goes on to state that "[i]t takes time to make friends and to keep old friends." Now, for some of our more liberal classmates this may be difficult to concede, but in these matters the Chief Justice speaks the truth. After the 1L year is through, what it takes to thrive at HLS is a little bit of time to socialize with your fellow classmates. See you at the next Ned Flanders Quintet concert.

If you did not have the good fortune of attending an Ivy League institution or being African American, too bad.



FENNO was pensive, a state with which he had little familiarity. It felt not unlike a Jägermeister drunk in its sensation of isolation from the outside world, only without that pleasant feeling of warmth radiating from within. Fenno's recent brush with the demonic hell-goddess of expulsion had left him thinking that he might one day be — perish the thought — graduated from this place. And so, as the whine of Fenno's favorite in-class margarita blender shattered the calm in Austin North, bringing a noticeable wince to the face of the professor (although he should have been glad to be able to hear *anything* in that Houston Astrodome of a classroom), the merest germ of an inkling of an embryonic idea began nervously to creep across Fenno's besotted Okefenokee of a mind — Fenno would apply for a clerkship, thereby prolonging his sojourn in the enchanted fairy world of legal education for at least another year, only this time with set hours, increased prestige, and an opportunity to feed at the public trough.

He couldn't wait to leave class and get right on his mission. As it turned out, he didn't have long to wait, as yet another of HLS' tenured toddlers soon decided that the deafening silence of unread, unresponsive students combined with the whirl of appliances was beneath him, leading to yet another Huffy Professorial Early Exit that Fenno had learned to cherish as he did a beautiful spring day, although the former are far more plentiful around here.

Thus given an early reprieve from the tombal atmosphere of student apathy (about which Fenno couldn't care much less), Fenno smartly hop-skipped himself down to the computer lab in the basement of Self-Aggrandizing Alum Hall, where, through some miraculous working of the Gods, he spotted an empty terminal. After a quick search of the World Wide Web for

that nude picture of MTV's Kennedy (which, horribly, only revealed naked photos of the Senator from Massachusetts), Fenno whipped out his disk (Oooh!) and set about padding his resume. Not difficult — he'd been doing this for years. The brief stints in the Tiajuana and Atlantic City jails became "undertook comparative international analysis of penal conditions;" under Personal Attributes, he typed "obsequious toadyism."

That done, he printed out his document and ran laughing from the lab *without paying his nickel*. Then, off to Langdell, where the nasty man at the library entrance tried, unsuccessfully, to take away Fenno's bag of pork rinds ("you can pry them out of my cold, dead fingers, you fascist!"). Fenno disappeared into the quaint little deathtrap of an elevator and went down, down, deep into the Langdell subbasement, to the room that houses The Computer Lab No One Knows About, hidden amid the Sanskrit language treatises on tort of cattle conversation among the Masai peoples. Fenno was just about to maneuver himself behind a Westlaw terminal (as he'd been told that the Lexis database contained only the names of Judges Dredd and Wapner) to search for a judge with the necessary attributes of merciless Machiavellianism, self-destructive generosity, and complete obliviousness, when suddenly, he heard whimpering from beneath a pile of those missing copies of the Phoenix that contained the Silvergate article. His curiosity picked, he lifted up one of the newspapers to reveal the face of the missing Ron Kasner.

To be continued...

Quote of the Week

"Conservative points of view aren't dismissed as readily as they used to be."

—Orin Kerr '97

**Feel like shooting
some professors?
TAKE PICTURES
FOR THE RECORD!**

(No Experience Necessary)

Dear Dean Clark,

WE SUPPORT PUBLIC INTEREST AT HARVARD LAW SCHOOL! We would like all students to be encouraged and enabled to choose whatever career path they most desire. In these times of tremendous budgetary cutbacks for legal services in this country, we believe law schools have an obligation to continue training public interest lawyers and financially assisting those students who want to pursue careers in public interest law.

AS ALUMNAE/1 OF HARVARD LAW SCHOOL, we ask that you make every possible effort toward strengthening Harvard Law School's public interest programs, including expanding and securing endowments for the program which provides loan repayment assistance for students who accept low-paying public interest jobs (the Low Income Protection Plan) and for the fund which provides grants for students working in summer public interest jobs.

WE CONGRATULATE YOU on the completion of the law school's recent \$175 million capital campaign. In light of the tremendous success of that campaign, we believe Harvard should take this opportunity to establish itself as a leader in public interest legal education.

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If you would like to include your name in a future edition of this ad in another publication, please send your name and class year to the above address.

Zen and Potatoes

By Alexander Boldizar '98

Guest Columnist



I was reading an e-mail message of excerpts allegedly from the Salt Lake Tribune of official court records. They were similar to statements heard in class and left a suspicious vision of what we are learning to become. These are true, real life quotes from real life people who went through law school and became ... lawyers:

1. "Now, doctor, isn't it true that when a person dies in his sleep, in most cases he just passes quietly away and doesn't know anything about it until the next morning?"
2. "Q: What happened then?
A: He told me, 'I have to kill you because you can identify me.'
Q: Did he kill you?"
3. "Was it you or your brother that was killed in the war?"
4. "So you were gone until you returned?"
5. "Q: She had three children, right?
A: Yes.
Q: How many were boys?
A: None.
Q: Were there girls?"
6. "Q: You say that the stairs went down to the basement?
A: Yes.
Q: And these stairs, did they go up too?"
7. "Was that the same nose you broke as a child?"
8. "Were you present in court this morning when you were sworn in?"

But the one that rang in my mind most was the following:

- Q: Do you know how far pregnant you are now?
A: I'll be three months on November 8.
Q: Apparently, then, the date of conception was August 8?
A: Yes.
Q: What were you doing at that time?

I usually don't allow myself to question why I'm here. Nevertheless, the instinct for survival has been rooted in our genes for millions of years, and sometimes, with the help of conversations like the one mentioned here, it is even strong enough to break through the accumulating swamp of Gilbert, Emmanuel and Glannon. The 'swamp' must be distinguished and disanalogized, however, because it implies that what we are injecting into our brains only covers up what lies underneath.

Visions, however, increasingly tell me that there is no coming down from the legal high. Unlike some other temporarily induced realities, we will be tripping through the law forever. We cannot understand what goes on on days like Aug. 8 if we are to know that it is Aug. 8, that it came three months before Nov. 8 and that things we do on days like August 8th will become liabilities on days like Nov. 8. We can no longer revel in the random meeting of an umbrella and a chesterfield on an operating table; we must say umbrellas and chesterfields do not meet on operating room tables, or we must correct my misquote of Kundera. (If you just tried to analyze that last sentence, go directly to graduation, do not pass Go, do not collect \$200.)

The vision may not have been of a brave and happy future, but it did make me appreciate and enumerate what I had learned in this institution of higher reasoning. I used to live by the motto: "Thrice is he armed that hath his quarrel just; And four times he who gets his fist in fust." I have learned that not only is this motto barbaric, but that in bypassing the entire litigation process it is harmful to the economy and offends the Great Social Engineer in the sky. Oh well, at least the second half is still valid.

I have learned that having 40 million laws to enforce ten commandments is distributionally fair: "a law in every pot and a statute in every driveway." I have learned that there are three types of fee simple. I have been informed by the guys on my residence floor that *order*, *rules*, and *the law* shall not be limited by the scope of the lawbook, but that if I wish to get a date I shall obey the *two day rule* and call the desired party exactly two days after having obtained her phone number. Crazy me, there I was calling women upon the spur of the moment, totally ignorant of the penalty for violating the rule: that without waiting, my potentially significant other would think I'm too eager, or that if I wait more than two days she/he/it will lose interest.

"Your Honor, I'd like to strike the next question."

I used to think the Socratic method meant that all you had to do was say, "Yes, of course," until you were proven an idiot. Now I know that you have to memorize what color the plaintiff's hat is and say "yes" in a drawn out, complicated way before being proven an idiot. I have learned that although I can make my highlighter do my studying for me, I cannot make it write my exam for me. I have learned to call a chicken coop home-sweet-home, thus preparing me for a life on both sides of the law. More recently, I learned that Gropius does not have a monopoly on chicken coops; as you waste your time reading this article, others are in the process of establishing our little pecking order, choosing our coop, our slot our pigeonhole. I have learned that you cannot, after all, solve everything with a potato.

Oscar Wilde once said, "The well-bred contradict other people. The wise contradict themselves." If this is so then the LAW truly is wise, and if nothing else, it gives us an excuse for being a little neurotic. But Wilde also said that "Dullness is the coming of age of seriousness." It may be useful to remember this one when we're about to ask a witness what she was doing on Aug. 8. Maybe we could even interrupt ourselves at that point and say, "Your Honor, I'd like to strike the next question."

A dear friend, concerned for my failing sanity, gave me a life vest — a hook onto which I could hang the tatters of my mind. I hereby share it with those who still have a toe or two sticking above the swamp:

Stop, stop, don't talk; the final Truth, don't even think.

Fasting in the Month Of Ramadhan

By Fatima Iliasu LL.M. '96

Guest Columnist



It is the month of Ramadhan, and Muslims all over the world are fasting between the hours of dawn and sunset in compliance with the third pillar of Islam. The Muslim community at Harvard started fasting at dawn on Sunday, Jan. 21.

Islam means submission or surrender to Allah (God). It is built upon five pillars, (1) the belief in the Oneness of Allah, who is Omnipotent and has no partner, (2) daily obligatory prayers at set times five times a day (zakat), (3) fasting during the month of Ramadhan, (4) paying charity to the poor and needy, (5) and performing pilgrimage to Mecca if financially able.

The Islamic calendar consists of 12 lunar months. Ramadhan is the ninth month. It is the holiest month of the Islamic calendar, because it is the month in which the Muslim Holy Book, the Qur'an, was revealed to the Prophet Muhammad (peace and blessings of Allah be upon him). The Qur'an says, "The month of Ramadhan is the month in which the Qur'an was revealed, a book of guidance to man, and a self-evident proof of that guidance, with proofs of guidance, and as the standard by which to discern the true from the false" (Qur'an Chapter 2, Verse 185).

During this month, there is one night which is more special than any other night in the year: the Night of Power. This night, the Qur'an says is "better than a thousand months, on that night descend a host of angels bearing Divine inspiration, by their Lord's leave, that night is peace and secure from all evil until the break of dawn" (Qur'an Chapter 97).

The teachings and tradition of Prophet Muhammad (peace and blessings of Allah be upon him), say that the night of power falls between the 21st and the 30th

Doing good for the sake of Allah alone and not for worldly gain is most rewarding for a Muslim.

day of the month of Ramadhan and that Muslims should intensify prayers, acts of kindness and religious devotion throughout the month, especially between these times. They should increase their devotion to Allah, seeking his mercy and forgiveness, for Allah is ever ready to show mercy. If one encounters the Night of Power and seeks Allah's forgiveness of one's sins, they are forgiven.

The prayer taught to Muslims to recite on that night according to the tradition of the Prophet Muhammad (peace and blessings of Allah be upon him) is, "O Allah, You are forgiving, You love forgiveness, so do forgive me." The essence of the fast for Muslims, the Qur'an says, is "fasting is prescribed for you as it was prescribed to those before you, so that you might remain conscious of Allah, fast during a certain number of days. But whoever of you is ill, or on a journey, shall fast a similar number of days later on, and in such cases, it is incumbent upon those who can afford it to make sacrifice by feeding a needy person. He that does good of his own account shall be well rewarded; but to fast is better for you, if you but knew." (Qur'an Chapter 2, Verse 183-4).

Fasting the month of Ramadhan involves abstinence between dawn and sunset from eating, drinking, smoking, vain talk, and all acts which would inhibit one's spiritual purification. It is only obligatory on sane, adult Muslims, men or women who are healthy and fit to fast. For the sick or infirm, it is not obligatory. Allah is forgiving and merciful. For non-Muslims, it may seem hard to abstain from food and drink between dawn and sunset, but the hardship is alleviated for Muslims by Allah enjoining us to wake up just before dawn to eat some food and fluids in moderation.

Allah does not intend hardship for Muslims. The Qur'an says, "Allah wills that you shall have ease, and does not will you to suffer hardship" (Qur'an Chapter 2, Verse 185). It is a time of spiritual renewal for Muslims, who fast for the sake of Allah to please Him, attain spiritual upliftment and reward in this world and the hereafter.

The health benefits also are enormous, as one feels healthier and fitter during Ramadhan. Part of the wisdom of fasting for Muslims is to enable them to experience hunger and thirst, which is a part of life for the poor and the needy, so that in giving alms and charity, which is a duty incumbent on every Muslim of means, they appreciate the needs of the poor and needy.

The Qur'an says, "Give for the cause of Allah and do not with your own hands cast yourselves into destruction, be charitable, Allah loves the charitable" (Qur'an Chapter 2, Verse 195). The traditions of Prophet Muhammad (peace and blessings of Allah be upon him) say that, for Muslims, in the first 10 days of Ramadhan is Allah's Rahmah (mercy), in the next ten days is Allah's Maghfirah (forgiveness), and in the last 10 days, Allah rewards with paradise. To attain Allah's mercy, forgiveness and paradise, Muslims are enjoined to fast for Allah's sake, devote time during Ramadhan to reading from the Qur'an, supplicate asking for Allah's forgiveness and mercy, and become more conscious of Allah in whatever they do, be it work, pleasure or interactions with other people.

Doing good for the sake of Allah alone and not for worldly gain is most rewarding for a Muslim. When Muslims break their fast at sunset, the tradition of the prophet teaches that they begin with eating dates. If there are no dates, they can begin with water and then eat proper food in moderation. This act of moderation means in feeding oneself, one should leave equal room in one's stomach, as follows: a third for food, a third for water, and a third for digestion. At the end of Ramadhan, all Muslims of means are enjoined to be charitable in kind by providing three handfuls of the staple food of the locality they live in, or the cash equivalent, which in the USA is \$5 (five dollars). The kind or cash contribution is collected and is given to the poor and needy of the community to enable them to celebrate the feast which concludes the end of Ramadhan.

As Ramadhan draws to a close, Muslims feel a sense of sadness and nostalgia, reminiscing that it ended too soon. They thank Allah for His blessings and mercy, praying that Allah accepts their fasts, worship, devotion and prayers and to enable them to live to see and fast another month of Ramadhan.

1L-only Hearts ♣

By Rob Jancu '98

Guest Columnist



At a disco, a lovesick friend of mine once asked each and every woman to dance, only to be rejected by each in turn. Now, in the midst of our 1L summer job search, I think many of us know how he must have felt. For all our preening and pleading, propositions are in short supply. Like my hapless friend, some of us are thoroughly chastened in a mating ritual of impossible proportions.

To be sure, a few of us have landed the coveted \$1,600-a-week New York firm jobs or positions with our favorite public interest organizations. Some 1Ls found themselves courted by firms to which they had not even applied. Some found themselves distracted on the eve of mid-year exams by firms, jockeying for their affections, calling to wish them luck. Scott Turow personally called a 1L to persuade him to work at his firm this summer. Such anecdotes of passionate pursuit prompt the rest of us to run the self-diagnostic of the unrequited: What's that other guy/gal got that I haven't got?

Some firms flirt, then play hard-to-get. A 1L was asked to come to New York for an interview. He flew at his own expense. Upon arrival, he found that the opening had been filled. Another 1L landed the public interest job of her dreams. Shortly thereafter, the organization dissolved. Jon Lovitz and Tom Hanks intone in the background: "Life...is...baaad."

As many of us are painfully aware, the well-intentioned efforts of matchmakers often result in the worst debacles. A Lexis database provided a 1L the name of the hiring partner at a Boston firm specializing in Sports and Entertainment Law. He sent his résumé and cover letter to the partner, whose wife responded irately in his stead, for he had passed away three years prior.

Some firms spurn their suitors more cruelly and unusually than others. A 1L received three rejection letters from the same firm in the same day. One firm rejected a 1L's application to its Summer Associate program, but encouraged her to apply to its Legal Assistant Department, which subsequently rejected her, too. Some firms mail original resumes and cover letters back, stapled to rejection letters, dispensing with even the pretense of keeping our records on file for later consideration.

A 1L who graduated first in his class at Rensselaer Polytechnic received a rejection letter from an Intellectual Property firm which noted that it only hires applicants possessing a strong background in science. Another firm instructed two 1Ls to send in their mid-year grades once available. Both students called the same day to confirm that positions would be held open. The Director of Legal Recruitment asked each his name in order to retrieve his file before replying. She informed one that positions were indeed held in reserve, the other that all positions had been filled.

If the apple of your eye can't keep your name straight, romantic prospects are dim. Many 1Ls received each others' rejection letters. In the envelope of a firm's reply to me came, instead, a letter to Pat Robertson, 700 Club host and erstwhile presidential candidate. (Presumably, he received the letter intended for me, and now knows the sting of 1L rejection.) At the time of this writing, my [guy] pal Ezra has inexplicably received rejection letters from five separate firms addressed to "Miss Ezra Reinstein."

Naturally, like a first date, the interview has an elaborate semiotic protocol all its own which, if breached, will wreck your chances of being asked out again, let alone of going steady. A 1L's joke about industrial accidents, in the presence of several partners, was greeted with stony silence. He belatedly realized that the humor might be lost on a firm that specializes in litigating such matters. Another 1L rushed out of an interview, overcome by sudden nausea. The firm, in rejecting him, seems to have taken it personally.

One interview proceeded smoothly until the partner parenthetically mentioned the name of one of the firm's major clients. The 1L had not been aware of the firm's relationship with that corporation. Honest to a fault, he confessed that while he wished to work for the firm, he would decline assignment to cases for that client. This prompted a defensive lecture by the partner on the Constitutional right to representation, whatever the allegations against a defendant. Needless to say, that 1L is still job-hunting.

An interview seemed to be going extraordinarily well for one 1L, as he and the hiring partner discovered a striking coincidence in their biographies: both had been chased by Swedish Interpol in Southeast Asia for the identical indiscretion. Subsequently nonplussed as to why he did not get an offer, the 1L inquired. The firm cited his misdeed.

Some 1Ls swear that they have notifications of rejection from firms which they did not even approach. At least my friend at the dance was spared such an indignity. This Valentine's Day, as so many 1L hearts bleed impaled on the slings and arrows of outrageous misfortune, let's hope that Cupid's arrows are kinder.

Ten Random Things

By Matthew Huggins '96

Guest Columnist



USUALLY, I get an idea for a column, and I roll that idea around in my head until it somehow becomes ripe, and then I just sit down and write it out in about a half-hour. This week, however, the usual modus operandi failed me. I just couldn't think of anything. I think this is because of Winter Term. I took a little vacation at the end of Winter Term, and I just haven't quite gotten back into the law school swing of things yet. Can't concentrate. Too distracted. But not so distracted I couldn't think of ten random things to write about.

1. One Million Lawyers

I recently had a birthday, and my mother wanted to give me a gift to celebrate my coming graduation and to help put the HLS experience in some perspective. She sent me a CD entitled "One Million Lawyers and Other Disasters." Thanks Mom.

2. The Age of Aquarius

I happen to know a lot of people who have had birthdays recently, all born under the sign of Aquarius. I sat and wondered why so many babies were born in freezing February weather. I pondered over this for about 23 seconds, long enough for me to count backwards nine months to early May. Early May, birds chirping, sun shining, sap rising, Rachel and Ross on Friends in love, our parents making eyes at each other. Suddenly all these Aquarius birthdays made perfect sense.

3. Doctors

The last television show I watched with any regularity (that is, that I remembered the time it was on, and made plans around the show) was Happy Days (the original, not the re-runs). But now, I am watching TV again. Thursday nights,

I'll choose metaphoric vomit over real vomit any day of the week.

ten o'clock. Manic emergency room physicians. Yes, I am an ER-addict. So, having seen approximately what goes on in a hospital, I can say with complete confidence, one million lawyers notwithstanding, that I made the right choice by going to law school and not medical school. Let's face it, doctors do icky things. They have to stick needles in people's eyes. They put tubes in noses and veins and ureters and places better left un-tubed. Doctors get vomitted on. Now, as my mom's CD shows, lawyers get vomitted on too. *Metaphorically*. I'll choose metaphoric vomit over real vomit any day of the week.

4. The Flat Tax

The Flat Tax, as proposed by Steve Forbes, but also by Dick Armey, and Arlen Specter, and a bunch of others, is a consumption tax with the same tax base, more or less, as a retail sales tax. It doesn't tax the return on capital. It will thus fall less heavily on the rich and more heavily on the middle class than the income tax. Also, all the flat tax proposals currently under consideration set out to raise somewhere between \$150 and \$250 billion dollars less than the present income tax. Shouldn't maybe someone, like, say, the candidates for President, be talking about some of these issues?

5. 29,028 Feet

I was hiking this past weekend in the White Mountains and I met a guy who had climbed Mount Everest. Wow. That's even more impressive than making Law Review.

6. Professional Responsibility

I took the MPRE last fall, before taking any Professional Responsibility course. I had vague notions that it had something to do with ethics. What a crock. It is about "conflict of interest" law. Why is this a requirement? There's nothing ethical about knowing whether the fact that the wife of a senior partner once represented the former husband of your client in an unrelated tax matter represents a conflict of interest. If Con Law and Evidence are not mandatory at Harvard Law School, can we please get rid of this ridiculous requirement?

7. Carter

Carter, the fourth year med student on ER, was struggling with the fact that his patients were stupid, were hurting themselves, and would end up right back in the emergency room, and all his care would be for naught. Maybe med school isn't so different from law school. During both my summer law jobs, I realized that, as lawyers, we spend an awful lot of time cleaning up after stupid clients. If the clients can pay well, it is less frustrating. If the clients cannot pay, if you are a legal services lawyer or public defender, it can be more frustrating. You can end up feeling like you are trying to save a world that doesn't want to be saved. In medicine, as in the law, there doesn't seem to be any simple answers. Clients making dumb decisions keep us all employed. This can be very frustrating. If it becomes too much, maybe we can leave the law altogether and become clients ourselves, so we can make the dumb decisions.

8. Computers

There are not enough computer terminals in the basement of Hauser. Perhaps this is because it is assumed that in a few years, we will all have our own laptops anyways, so why bother investing in computers for the school. This sounds like the same reasoning that led this country to abandon public transportation because pretty soon everyone would have their own car anyway. Why don't we head this one off at the pass while we still can?

9. Class at 2:00.

Pedagogically, there are a lot of areas where the Law School hasn't yet realized that it is the twentieth, soon to be twenty-first, century: huge classes, evaluation based on one three-hour final. And, if one consulted physicians, psychologists, and neurologists, one could perhaps not find a worse time slot to schedule a class, in terms of the alertness of the human mind and body, than from two to four in the afternoon. The Coma Slot. I guess the idea is that if we can make it through a class during that slot, we can last through any boring trial or meeting or research session. Yikes.

10. D'oh! (sound Homer Simpson makes while slapping his forehead)

Graduation is on a Thursday. I'm a little disappointed. I was hoping the Law School could have come up with a time which was even a little more inconvenient for hundreds and hundreds of students and their families. D'oh!

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Conservatives Stronger, Still Face Problems

continued from STUDENTS, page 1

vocal since my 1L year.

"It may be because there has been a change in the atmosphere of the whole country, and that makes people more comfortable even at a place like Harvard," she said.

Paralleling what students sense as a growing acceptance of these ideologies has been an increase in attendance at conservative functions over the years, said Federalist Society President John Frantz '96. While "the level of activism from a core group of involved people has remained pretty consistent, the periphery has increased a lot," he said, although he pointed out that the change might be attributed to the draw of particular events.

The increase in interest may be related to the sustained activities of existing conservative groups, and Oliver noted that even though "conservatives are certainly a minority on campus, the size of Harvard Law School means that there are a fair number of us around, and there are a number of conservatively-oriented student groups of various stripes."

Indeed, Sonne said he found "a lot more conservatives than I expected before I came and a fair amount of social conservatives, although that's what we primarily lack on campus."

Although conservatives are finding more strength and visibility on campus like they are in the national arena, some students still consider the HLS atmosphere to be less than inviting, said Curt Levy '97.

"There are a lot more conservative students on campus than people realize," Levy said. "But they don't want to speak out because they either don't want to be socially ostracized or they don't want to alienate their professors."

"Often if I'm vocal in class, people will come up to me later and say they agree with me," he said. "I really get the sense that at least 20 percent of the students are conservative although it feels more like five percent because so many people are afraid to speak out."

Conservative Faculty Absent

Feelings of isolation have been aggravated, some say, with Prof. Charles Fried's ascension to the Massachusetts Supreme Judicial Court. An outspoken conservative constitutional theorist, Fried was faculty advisor for both the HLS Republicans and the Federalist Society. Prof. Hal Scott now advises the Federalist Society, while the Republicans have not yet found a substitute for Fried.

Without more open support from the faculty for conservative ideologies, "a lot of conservative students do feel stifled," said Bonar. "Others feel

forced to talk more than they would like to, because if they don't, their point of view won't get out there."

Although Bonar herself has "never felt silenced in class," and sees most professors as "quite receptive to and even interested by hearing the conservative viewpoint," she noted that "the difficulty with professors is not them shutting down students, but their unconscious biases in ordering and presenting material in the cases they choose to read."

"If they [the faculty] acknowledged their viewpoints, that is a lot less disturbing than when they leave it unstated," Bonar said. "I'd rather have professors go to bat so that everyone knows up front."

"I'm not saying that they [professors] are doing it on purpose, but naturally their point of view will come through. It's analogous to comments [by men] that women find offensive — it's not necessarily that men mean to be offensive, but that they look at things differently."

"[Liberal] professors need to be brought out and sensitized," she said.

In the wake of Fried's absence, much of

the recent efforts of campus conservatives have focused on recruiting faculty, student leaders said.

Last spring, with Fried's successful nomination imminent, Oliver and others spoke to Dean Clark '72 to express their concerns about Fried's departure.

"Our hope was that Dean Clark would consider our desire for a conservative constitutional theorist to replace Justice Fried," she said. "He was most cordial but he has made no affirmative steps that we can see to address our concerns."

"Fried was a wonderful leader for us," Oliver said. "We are very happy to see him on the court, but we suffer from the loss of some of his support. It's incomprehensible that Dean Clark doesn't seem to be moving to address this situation. There have been rumors that he refused to offer visiting professorships to conservative scholars."

"This lack of diversity among the faculty hurts all Harvard students, whatever their political ideology," Oliver said. "It's very important to have professors from all sides of the spectrum. People cannot know what they think unless they have been exposed to all views in a rigorous, academic manner."

"It's not a lack of student companionship that we suffer. It's a lack of institutional support," she said.

Both Frantz and Oliver admit that the law and economics viewpoint is well-represented by professors focused on business issues. Harvard's weakness, they say, lies in conservative theory.

"If constitutional law, administrative law, and environmental law from a conservative perspective is your interest, there really is not much for you," said Frantz. "You are trapped into law and econ subjects."

The Law School's weakness translates directly into a decreased ability to attract top conservative students, Frantz noted, a failing that other students have also pointed out in areas such as public interest.

"If Harvard wants to compete effectively for conservative students and ultimately maintain an academic atmosphere that is respectful and conducive to all views being shared," said Frantz, "then they need to be serious about appointing more conservative faculty members."

"People in the diversity movement frequently talk about the need to have representation and role models on the faculty," he said. "They see an identity of interests between people of similar races and gender. To the extent that the logic applies to them, the logic applies to us also."

"Conservatives are as underrepresented on the faculty as any other group can claim to be," Frantz said.

The perception of administrative indifference in faculty hiring also tinges students' views toward the Law School's public interest services which are "politicized," in Sonne's words.

That perceived politicization turned Levy away from seeking help from OPIA.

"I didn't try to enlist the school administration or OPIA [to find my Winter Term clinical placement]," said Levy, who spent January at the libertarian Center for Individual Rights in Washington, D.C. Levy found his job through personal contacts.

"Most people, including OPIA staff themselves, think of public interest as liberal causes," said Levy. "I would be surprised if they were very knowledgeable about libertarian or conservative groups. Unless someone goes out of their way to inform OPIA, I don't think they would go be sympathetic to conservative causes."

(In response to these concerns, the HLS Republicans and OPIA began working together last fall on a specialty guide on conservative public interest, said Bonar. "We're trying to expand the conservative job information in OPIA by contributing the resources that we have," she said.)



Louisa Oliver '97 (center) celebrates her election as editor-in-chief of the *Journal of Law and Public Policy*, a publication featuring conservative and libertarian viewpoints.

Although improving the administration's receptivity to both conservative causes and faculty has become the favorite mantra of some, others disagree that the emphasis should be so narrow.

Dan Schorr '98, an active member of both the Republicans and the Federalists who also volunteered on the Gramm campaign, disagrees with focusing solely on recruiting like-minded professors.

Instead, he suggests fostering "real and substantive debate in and out of the classroom" with or without professors who share the conservative ideology.

"A lot of conservatives focus on getting conservative professors, but more important is creating a climate where there can be a grand clash of ideas from all different viewpoints," Schorr said, noting that the Law School does not host speakers on the scale that the Kennedy School of Government does through its Institute of Politics Forum.

"We do not necessarily need conservative professors, but rather professors who are open-minded and willing to challenge all viewpoints raised in class," said Schorr. "I wouldn't be happy here if the professors just ratified conservative viewpoints. That wouldn't be a good education."

"A liberal professor can very competently carry on this open debate — and since I've been here I've had more liberal professors who have been open minded toward all views," he said.

Sonne also noted, "A large portion of the class doesn't air their views because they fear derision from their classmates."

"I've faced ridicule, but you have to realize that if we don't say something, then people are just going to walk away with only half the picture," Sonne said. "The burden is more on the students to raise these issues than the faculty."

The disagreement over where conservatives should focus their energy may reflect other issues about the methods of organizing the campus community.

"It's hard for conservatives to mobilize around victimization sentiment," said Schorr. "Most of the grassroots organizations center around either real or perceived victimization, while conservatism appeals to a more general interest — it doesn't divide people."

"Without that divisiveness it's harder to make a certain group of people feel that they must act because they are threatened. It's the job of conservatism to make everyone recognize common interests, such as less government, lower taxes, and color blindness," he said.

Conservative Diversity and Activism

Common interests, however, may not be so common, as Sonne and Levy both point out the diversity within the conservative movement.

"A lot of students view conservatives on campus as monolithic because they don't know much about us and they don't know how much diversity there is," said Levy. "There is a tremendous amount of diversity, ranging from people who support Pat Buchanan to people like myself who consider themselves libertarian."

Sonne also sets himself apart from other groups within the conservative community: "I'm tired of basically conservatism consisting of country club values. Every conservative talks about the free market, and I'm disappointed in what I hear from people in class who take a conservative viewpoint. They tend to be mostly white men who talk about money."

"It's fine — I'm a white man — but after a while people walk away from that image thinking that conservatism is all about money. We need a compassionate conservatism that has a little more heart," he said.

Whatever the specifics of their beliefs, conservative students at HLS have a special duty to be active, said Schorr.

"The administration tends toward the road of least resistance in reforming policy — that's why it is necessary to become active on campus in support of your viewpoints," he said, referring to his college experience, where conservative students mobilized to oppose what they considered political correctness at the University of Pennsylvania.

The Federalists have energetically discussed faculty recruiting this year, Frantz said, and "although we have not yet implemented strategies to lobby the dean, we have modeled our effort along the lines of the push for more diversity among the faculty in the early '90s."

But activism by conservatives, said Oliver, is not "sit-ins or picketing — conservatives traditionally have not gone in for that stuff."

Echoing Oliver's sentiment, Kerr said that conservative groups such as the Federalists and the Republicans were not "guerrilla warriors trying to turn Harvard into a right-wing bastion."

"It would be out of character to take over Duncan Kennedy's office or Roberto Unger's office, because a large part of the conservative credo is a respect for process," he said. "So to claim that we are oppressed conservative students with no representation on the faculty would only be displaying the approach that we reject from other groups."

Instead, Kerr said that conservative efforts have focused on "better explaining conservative points of view as the rational alternatives they are, not as Neanderthal, right-wing extremes."

"Our role is to make clear that there is an alternative and to voice that alternative as eloquently as possible," he said. Kerr noted that more than 200 people attended last fall's debate between Richard Epstein of the University of Chicago Law School and HLS's Frank Michelman '60.

Even this mission, however, often seems daunting, said Levy.

"Frankly it's somewhat of a losing cause trying to win over the rest of campus," he said. "The vast majority already have very strong liberal ideologies, and we're not going to change their minds."

"The good we can do is to provide support for each other and let the world know that there are conservatives at Harvard Law School," Levy said.

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