



The Competition law/antitrust panel of the European Law Research Center Workshop at HLS met on Feb. 17 to discuss recent developments in the law of the European Union. Panel members are from left to right: Mario Sirogusa LL.M. '72, Prof. Aldo Frignani of the University of Torino, Professor David Gerber, Chicago-Kent College of Law (back), and Joel Klein '71.

Faculty Approves Proposal to Toughen Graduation Honors

Action on Guinier's Tenure Bid Unclear

By Hope Yen

The Class of '99 will find it more difficult to graduate with cum laude honors after professors overwhelmingly approved to toughen the requirements at its faculty meeting last Friday.

Professors also discussed faculty hirings but no one would comment after the meeting whether a formal vote was taken to offer tenured positions. That portion of the meeting was closed off to student representatives.

Under the toughened requirements for graduation, the new system will award honors according to class rank rather than grade point average. The move effectively cuts the number of students graduating with cum laude honors by half.

"It's a good, modest step," said Prof. Richard Parker '70 after the meeting. Parker is acting chair of the Legal Education Committee, which unanimously supported the proposal.

"We'll see if we can make

other progress on other issues this year," he said. "We were hoping to undertake a long-term inquiry into grading practices as part of a more general consideration of issues of education equality."

The committee is currently examining ways to help boost student discussion in classrooms by linking grades to attendance and participation, especially in large classes. This proposal still remains in consideration and was not raised

please see **HONORS**, page 14

LSC Changes Election Rules

By Rob Friedman

The Law School Council (LSC) approved in its meeting this week rule changes that will affect Monday and Tuesday's LSC elections.

Wednesday night, representatives agreed to designate a winner of the upcoming elections for LSC president, vice president and treasurer by plurality, rather than majority, vote.

However, a proposal that would have forced students to choose candidates in tickets rather than individually was voted down after representatives argued that the change might be too confusing. The proposal would have invalidated a student's ballot if he or she

split the ticket.

The proposal by LSC President Rob Simmelkjaer '97 to change the percentage of votes a candidate needed to win was passed after lengthy debate.

In past years, a candidate who received less than a 50 percent majority would have to face a run-off election against the second-place finisher. A candidate this year can now win with a plurality.

In the meeting, Simmelkjaer argued that the change was necessary to avoid administrative problems of a run-off election. "Anyway, if it's good enough for presidential elections in the United States, it's good enough for us," he said.

please see **LSC**, page 14

LSC Candidates Address Issues, Positions at Debate

By Josh Strathman

While stressing common themes of promoting student activism, the candidates for Law School Council clashed on what LSC could change on campus in a Tuesday night debate attended by an audience of about 50.

The debate presented questions on LSC's role in bringing physical improvements at the Law School, such as Hemenway Gym; what place, if any, students had in deciding academic affairs; and what approach student leaders would take in working with Dean Clark's administration.

Questions were then taken from the audience and candidates were allowed to ask questions of each other.

The candidate tickets are: Presidential candidate Blythe Holden '97, who is running with vice presidential candidate Jeremy Bash '98 and treasurer candidate Craig Greenberg '98; presidential candidate Bob Melson '97, who is running with VP candidate Darren Mungerson '98 and treasurer candidate Jon Lynn '98; and presidential candidate Chip Nierlich '97, who is running with VP candidate Rob Jancu '98 and treasurer candidate Dina DeFalco '98. Lynn was absent from the debate.

Desirability of Changes in Grading, Weighting Participation, and Award of Honors

On academic affairs, Holden, Melson and Nierlich debated the implications of the administration moving ahead with proposals such as changing honors and class participation requirements without student

input.

Melson said he felt that deadlock on proposals for a pass-fail grading system had partially arisen from "a push for an all-or-nothing type of system." He suggested as an alternative "experiment[ing] with it in a 1L section or ... allow[ing] people to be able to take one pass-fail course in their careers here at the Law School." Such compromise measures, Melson said, would pose no threat to the Law School's reputation of academic integrity.

Nierlich said although he sees some merit in a pass-fail system, he cautioned that such a system would not alleviate competition among classmates.

"We have to be careful in what we do," he said. "If we go to a 'high pass/pass/low pass/fail' kind of system, you might as well call that 'A B C F.'"

Nierlich said he thought Melson's idea of allowing one class to be taken pass/fail would likely "make transcripts more difficult to read," although he did not rule this out as an option.

Holden, meanwhile, said she opposed "as presently presented" the proposals for all three changes. She also criticized any changes to the honors system, explaining that students had not had adequate input in the process.

"We need to get students' opinions before we legitimize any of these positions," she said. "We need to get into the decision-making process before [the decisions are made]."

Nierlich underscored the importance of Jancu's polling efforts to determine the LSC's stance on academic issues, not-

please see **ELECTIONS**, page 15

HLSA President Challenges Sexism in Legal Profession

By Craig Buckser

This is the second in an occasional series.

As a law student, Charlotte Armstrong '53 was told that women were fortunate to be allowed to attend Harvard Law School.

A member of the first HLS class to admit women, Armstrong broke the barriers of sexism in 1971 and went to work for Cravath, Swain & Moore in New York City. Now she serves as an expert on executive compensation for the consulting firm of Moyer & Ross and rarely practices law. Armstrong currently serves as president of the HLS Alumni Association (HLSA).

Class of 1953

When she was an undergraduate at Radcliffe College,

Armstrong saw an advertisement that would change her life plans. Harvard Law School announced that it would, at long last, consider women's applications for admission to the class of 1953.

In September 1950, Armstrong was one of 13 female 1Ls attending HLS.

Alumni in Action

A look at the legal profession

"We didn't realize we were making a social statement," Armstrong said. "Getting in seemed natural. We had no frame of reference."

"Our consciousness wasn't raised as women," she added. "We needed the benefit of the experiences that came later."

Armstrong said she enjoyed her HLS experience.

"In retrospect it was more difficult than it seemed at the time," she said. "We were essentially pariahs in many ways, but I most remember the positive experiences."

Only 11 women graduated in 1953. One student graduated in 1954 after taking a year off to give birth. Another student, who had earned a doctorate at Harvard University, failed before reaching graduation. A third student transferred to George Washington University, but a female transfer student took her place in Armstrong's pioneer class.

Unequal Opportunity Employers

Upon graduation, Armstrong did not have employment oppor-

please see **ALUMNA**, page 2

Armstrong '53 Challenges "Glass Ceiling"

continued from ALUMNA, page 1

tunities in the private sector.

"I went through the same thing that Ruth Bader Ginsburg ['56-'58] experienced," Armstrong said. "Law firms really weren't hiring female associates that much at that time. A woman might have gotten into a job, but she would not get the client exposure."

"Employers wanted to know about women's typing speeds," she continued. "Otherwise, I would have wanted to work for a firm. There is no substitute for the discipline and training."

After facing the reality of the firm market, Armstrong decided to go after a job with the Department of Justice.

"The reason I went to the federal government is that I knew they were friendlier to women than private firms," she said.

The federal government did not prove to be a bastion of gender equality, either.

"I answered all the politically incorrect questions," Armstrong added. "I had to sign a statement promising that I would not marry in the next five years. No man at the Department of Justice was being asked to do that."

Nonetheless, the Department of Justice was a relatively good employer for women at that time, according to Armstrong.

"Men and women start at the same grade," Armstrong stated. "At least women start off on a level playing field."

Armstrong accepted an offer to work for the DOJ's Tax Division in Washington, D.C. She worked there as a litigator for more than 12 years.

"It took a little while to find the right thing," she said. "It's a premier division and very highly regarded professionally. It was a group of excellent lawyers and very good litigators. It was challenging and rewarding."

"I probably would still be there,"

"I answered all the politically incorrect questions," Armstrong added.

Armstrong said. "What happened was that I was in a prior marriage and my ex-husband moved to New York. Women in those days moved with their husbands."

After a brief stint at the Internal Revenue Service, Armstrong moved into the private sector. She worked as both corporate counsel and law-firm associate, including five years at Cravath, Swain & Moore.

Armstrong changed course in 1978 and began working as a consultant for Peat Marwick (now KPMG), one of the big six accounting firms. Although she subsequently re-established herself in full-time law practice for 18 months, Armstrong eventually returned to consulting and wound up in her current position at Moyer & Ross.

"I have had such varied experience, and consulting has enabled me to pull it together," said Armstrong, who spends most of her professional time solving problems in compensation, human resources and insurance. "Lawyers get weary of giving advice and not making decisions. I wanted to make organizational and hiring decisions. I headed my own unit within a consulting firm."

Armstrong also has a part-time solo practice. Most of her legal work involves drafting contracts and negotiating settlements for breaches of employment contracts.

Armstrong said she does not believe she works in a labor market free from gender discrimination. She notes that many men in her generation with whom she interacts are sexist.

"It is not a question of overt sexism," Armstrong said. "There has been no harassment. Nothing has been directed especially at me. It has been in the form of subtle discrimination, the limitation of opportunity and the feeling of being excluded from the inner circle. Executive compensation is largely a man's world. I have bumped up against the proverbial glass



Charlotte Armstrong '53, president of the HLSA, sits with the former president.

ceiling, and I have taken that baggage with me."

Alumni Association President

Members of HLSA elected Armstrong president in 1994. She is the second woman to hold the position. Armstrong's presidency has been defined by carrying on and advancing the initiatives already underway.

"We hope to do more with the international side because there are a lot of foreign alumni and alumni working overseas," Armstrong said, adding that "HLSA has a momentum of its own. Activities go on in local associations."

For example, local HLSA chapters host receptions for HLS students working in nearby summer jobs.

"Some [chapters] try to help with bonding and mentoring," Armstrong said. "HLSA is quite significant in locating and creating public interest jobs and in raising money for students to fill those jobs."

HLSA is increasing its presence on the Law School campus. In fall 1996, HLSA will begin co-sponsoring World of Law panels, which are designed to give students information about various legal fields. Armstrong said she hopes to give students more opportunities to speak to alumni.

Armstrong's two-year term will end in June. She said she is not concerned about HLSA's presidential prospects because she notes that the "school has a lot of qualified

alumni."

Views on the Current State of HLS

Armstrong is optimistic about HLS's advancement toward gender equality. "The school has come a long way," she said. "At least now, women aren't sex objects or a curiosity to the extent that they were."

"It would be good to have a critical mass on faculty," she continued. "Dean Clark acts with good faith and diligence on adding female faculty. The number of female faculty members has virtually doubled. I am very enthusiastic about the dean's efforts. Everybody would agree that Dean Clark has hired some absolutely wonderful scholars who happen to be women, and that's great."

Armstrong declined to express an opinion on whether HLS should devote an additional \$25 million to funding students who pursue public interest work. She said there may not be much money left over from the recent capital campaign due to a shortfall in library renovation funding.

"The Law School has a superb public interest program," Armstrong said. "I don't know how much [money] the student body can expect to be devoted to it."

Although Armstrong said she respects students who fulfill society's needs by performing public interest work, she added that "the school is there to train people for private practice."

Human Rights Projects Offer Students a Taste of Real Lawyering

By Maria Green

At 4 p.m. on a recent Tuesday, Tim Wu '98 and Jonathan Kang '98 got a message from the prosecutor's office of the U.N. War Crimes Tribunal in the Hague. The legal advisor needed research on two complicated questions on international law, complete with case citations. And he needed it by Thursday.

By 5 p.m. Wu and Kang, who had been working on a separate issue for the Tribunal since November, gathered armloads of books from the ILS library for their research. They were up most of that night, and all of the next, but the memo got in on time.

Wu and Kang are among some 35 students who are working on human rights projects at the Law School this year. Five students receive credit through the Human Rights Clinical, and the rest are members of a fledgling student organization called the Harvard International Human Rights Project.

The Project, founded by Janie Chuang '98 last fall and modeled after a similar program at Yale Law School, is applying for official status with the administration. Mostly 1Ls, its mem-

bers work on human rights projects organized by the Clinical Program and overseen by their advisor, Lecturer Deborah Anker LL.M. '84. Among the projects are a U.N. proposal to regulate transnational corporations on environmental issues, litigation on human rights issues in Latin America and Asia and the War Crimes Tribunal.

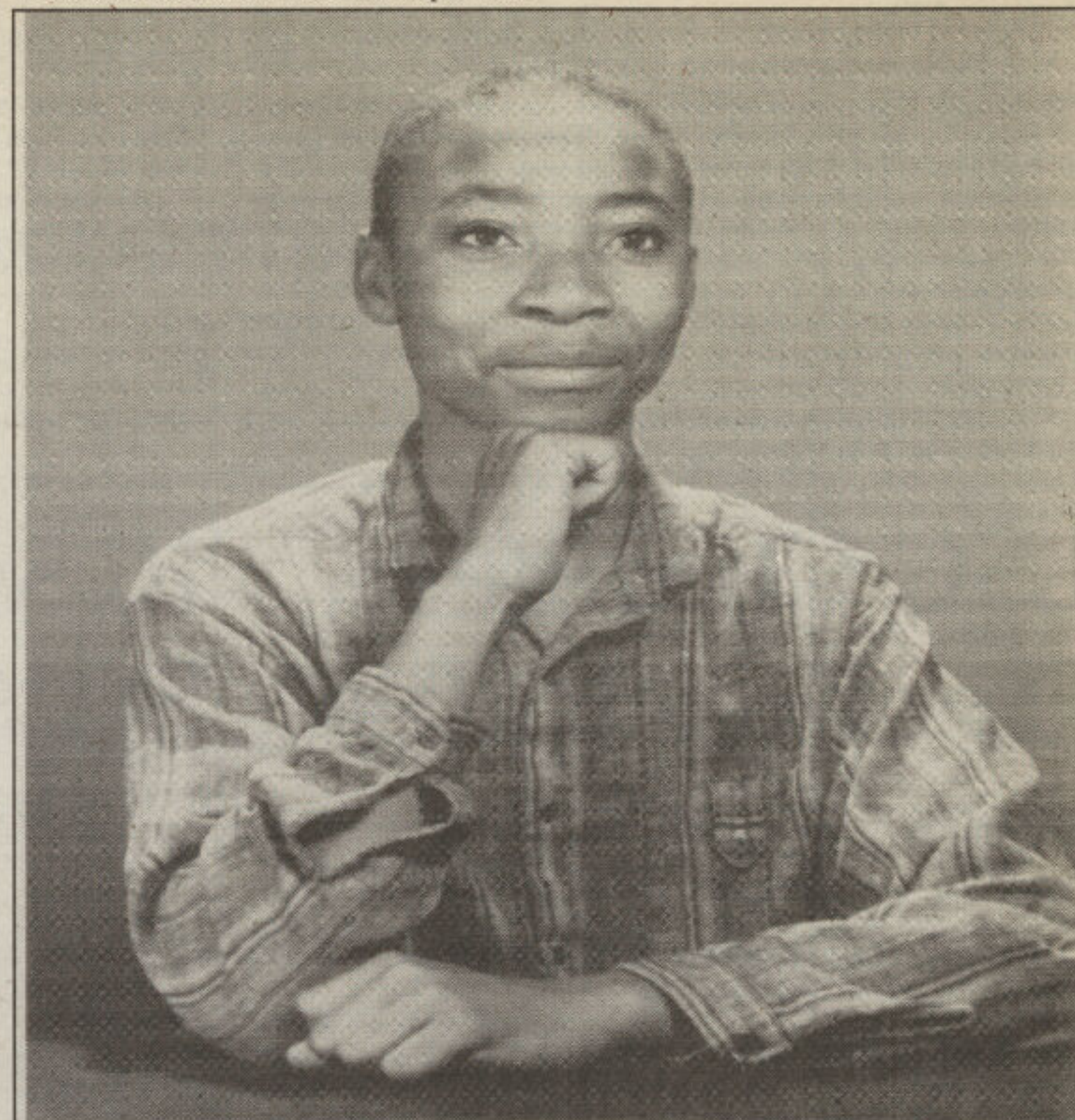
Such work takes the students far from the normal classroom fare.

"This, for me, is what Harvard is like at its best — a chance to work for the U.N. on something big, that's happening right now, that's academically interesting, and that involves collaboration with LL.M.s, professors and people working in different fields," said Wu.

Together with Timothy Lynch '98, Wu and Kang recently submitted to the Tribunal an extensive-

ly researched memo on civilian liability in war crimes. The three students consulted with HLS LL.M.s, law professors from HLS and other universities, as well as academia-based practitioners such as Harvard Counsel Allan Ryan, a war crimes specialist who also teaches at Boston College Law School. A second major memo requested by the Tribunal

"This, for me, is what Harvard is like at its best....," said Tim Wu '98.



DRUNK DRIVING DOESN'T JUST KILL DRUNK DRIVERS.

Alonzo Drake, killed 3/17/91 at 10:53pm on Robbins Rd., Harvest, AL. Next time your friend insists on driving drunk, do whatever it takes to stop him.

Because if he kills innocent people, how will you live with yourself?

FRIENDS DON'T LET FRIENDS DRIVE DRUNK.

Ad
Cond

U.S. Department of Transportation

please see **PROJECTS**, page 14

Attorney Urges Asian Americans to Fight Complacency

By Jaclyn Liu

Los Angeles Asian American community leader and attorney Angela Oh urged a younger generation to confront America's racism in addressing an audience of about 150 at the Kennedy School.

"It is troubling when people keep the issue of race relations at a level of promoting minorities to senior management. It is more basic than that — it's about survival," she said at a lecture titled "Revitalizing Asian American Activism" last weekend.

Oh chaired a committee aimed at mending race relations between the Korean American and the African American communities after the 1992 Los Angeles riots, which cost Asian American businesses more than \$750 million in damages. She was appointed to the post by then-California State Assembly speaker Willie Brown.

"Race issues all trace back to the reality that this country has a bloody history," Oh said. "Today, non-Europeans are enjoying the privileges and access because of the blood that was shed. We have all benefited from the blood of African Americans."

Pointing to a typical week in Los Angeles as illustrative of what Oh characterized as the continuing schism dividing America, she described a 27-year-old Asian man shot by the police on Valentine's Day. "Why did the police fire 16 rounds at an unarmed man after boxing him in?" she asked.

Oh then described an incident in which an 80-year-old Asian man jailed for drunkenness was released after incarceration into a "seedy" neighborhood where



LA activist and lawyer Angela Oh speaks about race relations to an audience at the Kennedy School.

he was subsequently robbed and beaten up. "The police blamed the incident on the fact that they had no information on him because he did not speak English," she said.

But the most troubling issue for Oh was what she considered a "crisis" among Asian American youth.

She alluded to the growing popularity of "home invasions," a high-profile crime associated with Asian American youth. Typically, robbers break into homes while residents are in, terrorize them by tying them up, pistol-whipping them and stealing their valuables.

According to Oh, the juvenile justice system has witnessed a 180 percent increase in young Asian American defen-

dants accused of home invasions. "The kids involved with these crimes are not your typical bad kids — they go to church on Sunday, come from two-parent families, and have no problems with their social profile," she said.

"There is something very dark happening to our youth," Oh added. "There is no literature on them to give judges any insight. A lot of 14 year-olds face 12-15 years in prison."

In face of heightened racial tensions, the backlash against Asian American immigrants and the crisis among youth, Oh appealed to the audience to take responsibility and play more critical roles in their communities.

"Are race relations getting better?"

she asked. "According to my barometer, no, not really."

Oh also argued that although there are more discussions about diversity and multiculturalism, society's complacency about race relations is misguided.

"The glass ceiling is still a reality in America where white men fill 95 percent of top positions in Fortune 500 companies," she said. "Do we still need affirmative action? From the facts, it is clear that we do."

Oh admitted that she rarely speaks to first-generation Asian Americans because she characterized them as having the "F&O" (First and Only) syndrome: "The first generation will not help us — they want to hold onto their economic power and privilege."

Instead, she chose to speak at the Kennedy School because, "This is the generation that matters."

Yet Oh acknowledged that the problems confronting America today are complex.

"To deal with the problems we must look at our own prejudices," she said. "The humanity in ourselves must take over. I see everyday how people are being screwed by the system. But it does not make me cynical — I'd rather be disappointed time and time again than to lose my values."

When asked why her tactics are so aggressive, she said, "Our job as lawyers is to push the limits. Never accept never."

Oh's speech was part of the Seventh Annual Asian American Intercollegiate Conference, co-sponsored by the Harvard Asian Pacific American Law Students Association and the Korean Association of Harvard Law School.

Berkeley Exchange Offers HLS Students More Courses

By Tara Dawood

Students who want to expand their course options offerings and escape the Massachusetts winters can apply to the Law School's Berkeley exchange program, the only such program offered at HLS.

This year, four University of California Boalt Hall students and five HLS students participated in the Berkeley exchange, which was founded in 1976 as an experimental program.

"It's a wonderful opportunity for our students to expand their horizons," said Dean of Students Sue Richardson.

Participants continue to pay tuition to and apply for financial aid from the home school; pay medical fees to the host school; receive their degrees from their home school; and have access to both home and host placement offices.

Although application rates vary yearly, typically about 12 or 13 students apply in any given year from Harvard.

"Last year, we had 12 applicants, while this year, we had 13," said Sally Donahue, director of financial aid and chair of this year's Berkeley Exchange Committee, a sub-committee of the Administrative Board.

Five applicants are accepted, and the remaining applicants are placed on a wait-list.

The committee sends out a one-page notice to 2Ls every year with details about the application process and advice for interested students on how best to complete an HLS writing and professional responsibility requirements.

"For those HLS students who haven't completed their third year paper, they have to address that in their proposal because it has to be under the

supervision of HLS professor," said Donahue.

"The proposed third-year program must be approved by the dean of students and the registrar of HLS," he said. "Students are also required to fulfill HLS's professional responsibility requirement and should plan to take a course in professional responsibility here in their second year, if at all possible."

"Since the purpose of the program is to enhance educational opportunities, and to give students at each school exposure to a different faculty — and student body — special attention is given to academic reasons for wishing to go to Berkeley, such as a desire to work with a particular faculty member there, or to take courses not available here," said Donahue.

The Boalt selection process places a similar emphasis on educational opportunities.

Some Berkeley students, such as Lisa Hawkins, Boalt '96, were attracted to HLS because of the opportunity to work with professors such as Chris Edley '78, as well as other opportunities unavailable at Berkeley.

"My career focus is legislative law, and Berkeley doesn't have sufficient offerings for me, but here, there is a Journal on Legislation on which I am a supervising editor," said Hawkins.

"Additionally, a big draw was the opportunity to take electives at the Kennedy School where courses are offered with a specific focus on Congress, government, and public policy," she said.

Nicholas Eisenberger '96, Kiya Kato '96, Sheila Tuller '96, Erin Rothfuss '96 and Randall Lake '96 are HLS students currently studying at Boalt Hall.

"I am so happy here," said Kato. "Basically, I was miserable at Harvard. Being from California, I don't think that

I was used to the East Coast atmosphere, and Harvard is so elitist."

Lake enjoys Boalt because it is "a much smaller, friendlier school."

"Being such a small school, students know that you're not from Boalt, and yet people are really outgoing and come out to you and introduce themselves," said Lake. "I couldn't expect a student from Boalt going to Harvard and having a similar experience in that respect, at least."

Agreeing, Kato said she "just felt that at Harvard it was just a constant struggle, very frustrating, and at some point you become physically and emotionally tired."

"[I] think of Harvard as 'doing time,'" she said.

But Hawkins had no trouble adjusting to Harvard.

"Harvard is far from the cold place I expected it to be," she said.

The exchange program, however, is not ideal for everyone.

"I have a lot of friends in the area and if I didn't, it would be more difficult to have a social life," said Lake, who suggested that prospective students have some connection or other reason to be in the Bay area.

"I wouldn't want to paint it as a paradise for people who don't have ties to California," he said. "The one thing that I haven't found to be as strong as at Harvard is the quality of professors. I haven't found many professors here who have blown me away, whereas at Harvard, I could say there were many."

Kato said she saw no comparison between the two schools and said she could not even understand why a Berkeley student would even consider applying to Harvard.

"You walk around Harvard, and there's these big imposing structures and portraits of past Supreme Court justices and other old, white men," she said. "It is an alienating experience, and at Boalt, it's just

completely different."

Hawkins disagrees.

"I've really enjoyed my experience here," she said. "There's a lot of energy here that is being tapped into, perhaps due to Harvard's substantial resources."

But HLS students do apply to Boalt because of their interests in areas where the Law School lacks resources.

"Students have articulated a desire to pursue academic programs focusing on such things as federal criminal law and civil rights with a focus on Asian Americans," said Donahue.

"There was one student who had been researching California public education issues, with a specific focus on a particular case, and in that situation the proximity to primary sources was a compelling factor," he said.

Lake agrees, saying that at Boalt, "There's some different educational opportunities here, specifically in environmental law and law and technology."

Donahue noted, "In the past, environmental law was a big interest, but since we have an increasing number of such courses offered here, this is no

longer as prominently the area of interest expressed in the applications."

There may be weather drawbacks, but no financial ones, for Berkeley students studying at Harvard. Berkeley students at HLS who pay in-state tuition at their "home" school, continue to pay that same tuition fee of \$4,800 annually while here.

Donahue said, "I think that it is a tremendous program. In the applications the committee reviews we get a strong sense of there being many students who have a wide range of varying interests in the field of law and their enthusiasm for pursuing it."

"I haven't found many professors here who have blown me away, whereas at Harvard, I could say there were many," said Randall Lake '96.

Across the Wire ... Across the Country

Supreme Court to Decide Poultry Farm Labor Issue

WASHINGTON (AP) — Corporate chicken farming has made it hard to tell farmers from farm workers, and even to define what constitutes a farm. Wednesday, the U.S. Supreme Court heard arguments on the issue, which could open the door for unions to represent many more agricultural workers.

The case, which began with a drive to unionize poultry workers in the North Carolina cities of Wilkesboro and Roaring River, requires the court to decide whether the crews that round up chickens for processors and haul them to slaughterhouses are farm workers.

"It's significant, and it's a bellwether on how the Supreme Court feels about collective bargaining," Daniel Pollitt, a retired law professor at the University of North Carolina at Chapel Hill, told the Winston-Salem (N.C.) Journal.

The dispute has drawn the attention of labor officials in California, farm bureaus across the nation, and the National Broiler Council, which represents about 50 poultry producer-processors. Worried about the consequences, all of them filed briefs with the court.

The case stems from the long-running battle between Teamsters Local No. 391, based in Kernersville, N.C., and Holly Farms Corp. Since that battle began, Tyson Foods Inc. has purchased Holly Farms, which now operates as a Tyson division. Tyson, based in Springdale, is the nation's largest chicken processor.

"They're so opposed to unions that they want to use anything they can to keep them out," said J. David James, an attorney who has represented the Kernersville Teamsters local for two decades.

The Supreme Court last year let stand a lower court ruling that Tyson must negotiate new pay and working conditions with the Teamsters union, which was elected in 1989 to represent the Holly Farms drivers who distribute processed chickens. But the court agreed to decide whether the National Labor Relations Board erred when it decided that the Teamsters had a right to represent the Holly Farms employees who cart chickens from the farmers contracted to raise them, the so-called live-haul teams.

Charles Roberts III, Tyson's attorney, said the board twisted the law to reach its decision.

The 1935 National Labor Relations Act requires employers to recognize unions if their employees vote to join. But it specifically exempts "any individual employed as an agricultural laborer."

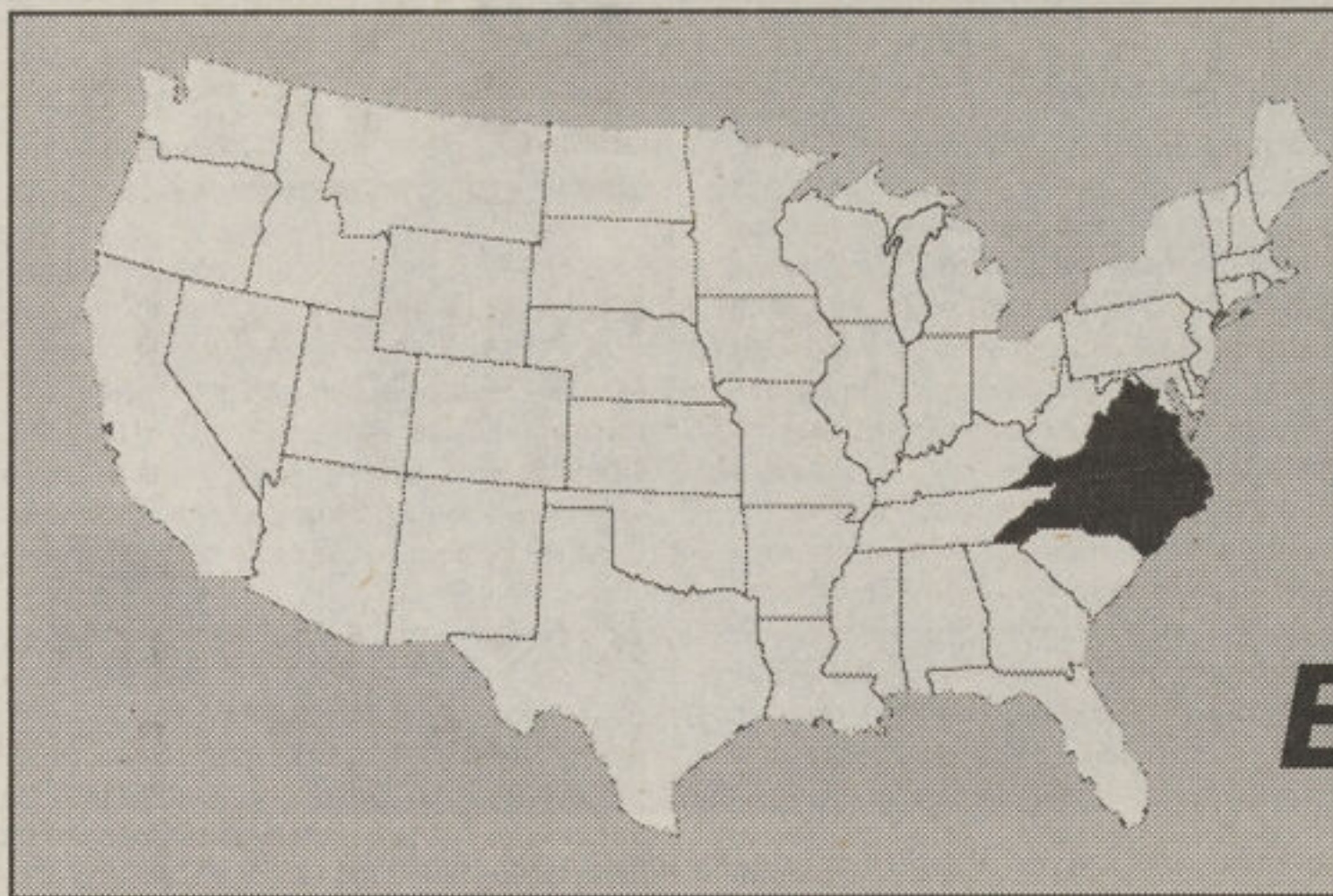
Since 1946, in response to decisions by the National Labor Relations Board that extended collective bargaining protections to more farm workers, Congress has required the board to use the definition of farm worker contained in the Fair Labor Standards Act. Under that definition, a worker is a farm laborer if he is doing work related to farming on a farm for a farmer.

Before the rise of corporate agriculture, that definition was clear enough. The laborer driving chickens to market was clearly a farm worker.

Now, however, it is much murkier.

The Teamsters maintain that the live-haul teams, which include nine chicken catchers, a forklift operator and a driver, are not farm workers. The teams capture chickens, tuck them in cages, load them on a truck and drive them to the processing plant. The Teamsters argue that, although much of the work is done on a farm, the teams work for Tyson, not the farmer.

Tyson, however, argues that it is acting as the farmer when it sends the crews to reclaim the chickens because Tyson hatches the chicks from eggs.



This Week, Reports From the East Coast

VMI Alternative Honors First Cadets

STAUNTON, Va. (AP) — The Virginia Women's Institute for Leadership, the state's alternative to admitting women to VMI, conferred ranks on its first class of cadets.

"You are the ones who have given sustenance to the program," VWIL Director Brenda Bryant said at last Friday's ceremony. "You have with your achievement confirmed the value of the creation of VWIL."

The program was established at Mary Baldwin College, a private all-women's college, as an alternative to Virginia Military Institute, one of two state-supported, all-

male military colleges in the nation. The other is The Citadel in South Carolina.

VMI's all-male admittance policy is being challenged by the U.S. Justice Department. The U.S. Supreme Court heard arguments on the case in January but has yet to render an opinion.

In the meantime, the state is following an appeals court ruling that allows the state to establish a parallel program for women. The institute accepted its first class last fall.

Col. Michael Bissell, the VMI director for VWIL, and Bryant presented the ranks to the cadets.

Kimberly Bond, a mathematics major from Roanoke, earned the top rank of VWIL commanding officer. As commanding officer, she will be responsible for establishing communications among the cadets and keeping them informed of upcoming events, she said after the ceremony.

Rank was based on academic performance, physical fitness scores, drills and ceremonies and leadership activities, such as the wilderness and leadership challenge programs, Bryant said. Overall commitment to the VWIL program and its standards also was considered, she said.

Support for Campaign Finance Reform Builds

From the Congressional Quarterly

WASHINGTON — Linda Smith and Bill Bradley seem as different as two members of Congress could be. Smith is a freshman Republican who won her House seat from Washington state with support from religious conservatives and anti-tax groups. Bradley is a liberal Democrat who is retiring at the end of his third term as a senator from New Jersey.

But Bradley and Smith agree on one issue in Congress — both lawmakers say money has too much influence in Washington and that sweeping changes are needed to reform the system.

"Money not only determines who is elected, it determines who runs for office and it determines what government accomplishes — or fails to accomplish," Bradley said in a speech last month at the John F. Kennedy School of Government.

For her part, Smith has angered her own party's leadership by pressing for action on legislation to set new limits on fundraising and provide for voluntary spending limits in congressional campaigns. She complains that House Speaker Newt Gingrich, R-Ga., has been too slow to act on the issue.

"What we need is not more study of the problem of money and politics in Washington," Smith wrote in *The New York Times* in November. "What we need is to end the problem."

Lobbying groups pushing for tougher laws on campaign finance echo the refrain.

"The American people are deeply concerned about this issue," said Ann McBride, president of the citizens' group Common Cause. "They understand that their voices can't compete with the increasing influence of money on Capitol Hill."

The concern about the impact of money on politics has increased in recent years with the rising cost of campaigns, the growing fundraising burdens on incumbents and challengers alike and the increasing proportion of funds contributed by special-interest groups through political action committees (PACs). Despite widespread dissatisfaction with the current system, however, lawmakers, advocates and experts differ sharply on how to change it.

The traditional reform groups — including Common Cause, the League of Women Voters and Ralph Nader's organization Public Citizen — continue to call for tighter limits on contributions by individu-

als or PACs and so-called voluntary spending limits tied to some form of public support for the costs of campaigns.

But some groups, including the American Civil Liberties Union on the left and the Cato Institute on the right, as well as business and labor-oriented PACs, oppose spending limits. Many of the groups that help finance campaigns, along with some academic experts, argue that current laws actually have hurt the political process.

Bradley Smith, a professor at Capital University Law Center in Columbus, Ohio, said campaign laws have "stifled third-party activity, helped entrench incumbents, limited the number of candidates and the type of candidates we've gotten and in

traditional reform groups continue to favor despite strong political opposition to direct taxpayer funding for candidates.

The current federal campaign finance law, enacted in 1974, grew out of the 20th century's greatest political scandal — Watergate. It sought to limit contributions and spending for all federal elections and, in particular, to insulate presidential politics from the effects of campaign fundraising by providing for full public funding of general election campaigns as well as partial public funding for primary races.

Supporters say the presidential campaign financing scheme has controlled spending, reduced the influence of special interests and increased competitiveness. But critics say public financing would not work for other races.

"At the presidential level, the funding levels are substantial and the issues are well known," said Smith. "At lower levels, I think it's agreed that public financing would tend to help incumbents."

A Supreme Court ruling blunted the effects of the 1974 law two years later. Citing the First Amendment, the Court struck down spending limits for congressional campaigns or presidential candidates who decline public funding — as Ross Perot did in 1992 and Malcolm "Steve" Forbes, Jr. is doing this year.

Congressional campaign costs have continued to rise since then. Supporters of campaign finance reform have been pushing ever since to tighten contribution limits and re-impose spending limits, but Democrats and Republicans have fought to a stalemate in Congress. Hope for breaking that deadlock rose last summer when President Clinton and Gingrich said they would create a bipartisan commission on campaign and lobbying reform. But the two leaders never agreed on the details, and the plan is now dead.

The issue is alive on Capitol Hill, however, with dozens of bills introduced by members of both parties in both the House and the Senate. Reform groups are pushing companion bills introduced with bipartisan support in both chambers. The measures would either ban PACs altogether — a constitutionally dubious proposition — or substantially lower the contribution limits for PACs and individuals in congressional races. They also provide for spending limits in congressional races tied to reduced-cost broadcast advertising and mailings.

"The American people are deeply concerned about this issue," said Ann McBride.

many ways driven out the candidates we'd most like to have."

Traditional reform groups insist that campaigns cost too much and that better financed candidates have an inordinate advantage over their opponents.

"Right now, money is what drives the system," said Becky Cain, national president of the League of Women Voters. "The more you have, the better chance you have of winning."

But opponents of more restrictive campaign finance laws say that reform groups exaggerate the power of money to determine election outcomes.

"Money can only get a candidate's message out," Edward Crane III, president of the Cato Institute, told the House Oversight Committee last November. "There is no guarantee that people will like what they hear."

Rather than tighten existing laws, these groups and experts want to raise or eliminate contribution limits. Some, but not all, of the groups and experts also oppose public campaign financing, which

Tobacco Cos. Enjoy Strong Track Record in Court

WINSTON-SALEM (AP) — Tobacco companies enjoy an unblemished record defending themselves against lawsuits, but that apparent invulnerability could be tested by recent developments in courts and halls of government.

Since 1954, 821 lawsuits have been filed against tobacco companies. Eighteen have made it to trial. So far, the companies have not lost one.

Now, courts are brimming with lawsuits, including a class-action suit representing all addicted smokers and a series of suits seeking to recoup Medicaid dollars spent on smokers. Behind some of the new cases are prominent lawyers who have won massive judgments against companies that made such dangerous products as asbestos. HLS Prof. Laurence Tribe '66 is representing the state of Massachusetts in its lawsuit against the tobacco industry.

While continuing to try to fend off legal attacks, the tobacco industry also has been buffeted outside the courtroom.

The Food and Drug Administration, with the blessing of President Clinton, has proposed extensive restrictions on tobacco sales and marketing to prevent cigarettes from getting into the hands of children.

And last month, the Department of Health and Human Services issued new regulations that require states to enforce their laws barring cigarette sales to minors or risk losing millions of dollars in federal aid.

In addition, the Department of Justice is continuing three investigations into the issues of whether nicotine is an addictive drug and whether the tobacco companies manipulated it.

The latest round of attacks on the tobacco industry has been fueled by damaging revelations about tobacco manufacturing practices. The most recent leaks came from Jeffrey Wigand, a former Brown & Williamson executive who said the company's chief executive lied under oath to Congress. Wigand made his charges first in an interview that CBS delayed airing until last weekend, and later in court depositions.

B&W has tried to discredit Wigand, and a federal grand jury is now investigating whether that constitutes witness intimidation.

"The wall of silence, which has for so long protected the tobacco industry, came tumbling down," said Matthew Myers, counsel for the nation's main

anti-smoking organization, the Coalition on Smoking or Health. "Each new disclosure further undermines the tobacco industry's credibility and clout and makes it more likely that at least one or more of these avenues of attack is likely to bring about major change," he said.

Despite the threats to the industry, some tobacco supporters say the newest wave of anti-smoking sentiment is more like business as usual. "Our adversaries are always looking for new theories," Walker Merryman, who has worked for The Tobacco Institute for 20 years, told the Winston-Salem Journal. "The companies are more profitable now than they have ever been."

But R.J. Reynolds Tobacco Co. of Winston-Salem and other tobacco companies may have to spend increasing amounts of money to defend their products.

Five states — Mississippi, Minnesota, Massachusetts, Florida and West Virginia — have sued the cigarette companies to recover Medicaid dollars spent on tobacco-related illnesses.

Several other states, including Texas, and some foreign countries also are considering lawsuits.

"Why should the companies be allowed to profit from the miseries they create at the expense of the taxpayers?" asked Ronald Motley, a lawyer who is working on almost all of the major cases.

A second Mississippi case seeks damages on behalf of a barber who died from a tobacco-linked illness after years of inhaling secondhand smoke. The tobacco

companies are fighting the Environmental Protection Agency's decision to label secondhand smoke a carcinogen.

In another case, known as the *Castano* case after one of the plaintiffs, the smokers are not seeking damages for disease but for addiction. Motley and his colleagues hope to represent all current and past smokers who were addicted to cigarettes, which would be tens of millions of smokers.

The tobacco companies have appealed a federal district court's decision that allowed the *Castano* case to proceed as a class action.

"It's so potentially gargantuan that it's hard to wrap your mind around," said Reynolds spokesman Peggy Carter. "There's no one set of circumstances that fits all plaintiffs," she said.

"The wall of silence, which has for so long protected the tobacco industry, came tumbling down," said Matthew Myers.

**GIVE
ANOTHER CHANCE.
GIVE BLOOD.**



American Red Cross



BRIEFS



Prof. Chayes Receives Peace Award

The Massachusetts chapter of the Lawyers Alliance for World Security presented its annual Peace Advocacy Award Feb. 9 to Felix Frankfurter Professor of Law Abram Chayes. Prof. Chayes shares this award with Antonia Handler Chayes, senior adviser at the Conflict Management Group in Cambridge, where she runs the Carnegie Conflict Prevention Project.

Russian Research Center Benefits from \$10 Million Gift

Kathryn W. Davis and the Shelby Cullom Davis Foundation donated \$10 million to Harvard's Russian Research Center, Dean of Faculty Jeremy R. Knowles announced last week.

"This very generous gift will add to the strength of one of Harvard's most distinguished and dynamic centers for international and area studies," Harvard President Neil L. Rudenstine said.

The gift will support several Russian graduate students in their research at the center and programs such as an undergraduate conference next year and sponsorship of visiting dignitaries.

"It's the difference between struggling and thriving," said Marshall Goldman, associate director of the research center. "Every other Russian center in the United States is having fiscal problems. Now we can demand the best faculty as well as stability."

The university will rename the institute the Kathryn W. and Shelby Cullom Davis Center for Russian Studies in recognition of the gift.

— from the *Crimson*

K-School Appoints Three "All-Stars" to Weiner Center

The Kennedy School of Government added sociologist Christopher Jencks, anthropologist Katherine Newman and labor economist George Borjas to the faculty of the Malcolm Weiner Center for Social Policy.

K-School Dean Joseph S. Nye called the three appointees "academic all-stars," noting that the school now has "one of the finest groups of people ever assembled to tackle the extraordinary challenges of poverty, crime, poor health and economic and social deprivation." The appointees join a faculty that had recently added prominent sociologist William Julius Wilson.

Currently at Northwestern University, Jencks has published "Inequality," which was awarded a prize as the best book in sociology for 1974 and "The Homeless," published by the Harvard University Press in 1994.

Newman, who will leave Columbia University to join the K-School faculty, writes about the urban working poor and recently has studied black and Latino youth struggling in the low-wage labor market in Harlem.

Borjas has served as an adviser to California Gov. Pete Wilson and wrote a textbook on labor economics. Borjas, who will leave the University of California at San Diego, is an expert on the impact of immigration on labor markets.

— from the *Crimson*

Researchers Find No Link Between Caffeine and Heart Disease

Researchers at the Harvard School of Public Health (SPH) and Brigham and Women's Hospital found no association between coffee intake and the risk of heart disease, according to a study published in last week's *Journal of the American Medical Association*.

Researchers also found no correlation between the overall effects of caffeine and heart disease.

"We calculated caffeine consumption from all sources — from tea and Coca Cola and chocolate — and with all these combined, we saw no relation to heart disease," said Walter Willett, professor of epidemiology and nutrition at SPH and lead author of the study.

Willett cautioned students that coffee drinkers still may face increased risks of osteoporosis and fractures.

"Even though coffee consumption seems to be remarkably safe, it is probably a good idea to get a good night's sleep and not depend on straight java to pass exams," Willett said.

The study, sponsored by the National Institute of Health, was based at Brigham and Women's Hospital, one of Harvard Medical School's teaching hospitals. The findings are based on 10 years of follow-up of an examination of the diet, lifestyle and health of 121,700 nurses who participate in the Harvard Nurses' Health Study.

— from the *Crimson*

Former B-School Dean Discusses Diversity in Admissions

The goal of diversity can work against applicants to the Harvard Business School, former Dean John H. McArthur told an audience of Harvard Extension School students last week.

"If we get 1,000 applicants from Harvard College, they can walk on water, and we still can't take them all," McArthur said.

McArthur said that during his tenure as dean, he took a keen interest in the 30 or 40 applicants each year who had never attended college.

"Our kind of school ought to be willing to take risks with people, because it doesn't affect us," said McArthur. "We can redefine standards. It's not like law school, where it's much more like a formula."

McArthur also told students that undergraduate courses do not matter in the B-School admissions process.

"Take what's fun, what turns you on.... You can't find any correlation between what courses people take and how they do in business," he said.

— from the *Crimson*

Law School Council Candidate Forum



EXPERIENCE:

- **Blythe Holden '97** has served on LSC for two years.
- As chair of Facilities Committee, she helped obtain additional equipment for Hemenway.
- **Jeremy Bash '98** is a 1L Section Representative for Section II.
- Jeremy has served on the Facilities Committee.
- **Craig Greenberg '98** is a 1L Section Representative for Section I.
- Craig has served on the Facilities Committee.



PRIORITIES:

1. "We will work to ensure that students' voices are heard in all important decisions that affect our legal education, including faculty appointments, the honors system, whether class participation should count in grading, pass-fail and grade distribution."
2. "We support funding, up to \$4,000, for every student who wants to work in public interest for a summer."
3. "Shaping up Hemenway gym." This includes short-term improvements such as temperature control, safer equipment and an on-site first aid kit. Long-term goal is to push for reconstruction of the facility.
4. "Sponsoring new school-wide social functions." This includes a fall welcome concert, spring carnival and sports events.



EXPERIENCE:

- **Bob Melson '97** is Vice-President of DSAC.
- Last year, Bob organized a petition drive that achieved more space for the dislocated library and student study area.
- **Darren Mungerson '98** is a Law School Council Representative.
- **John Lynn '98** is a DSAC Representative.



PRIORITIES:

1. A universal student ID card that can be used at the Hark, Coop and as a form of identification.
2. A pass/fail course option, whether as an option for all classes, or as an experiment available in a limited number of classes.
3. Make sure library officials guarantee retrieval times for books from off-site storage.
4. A revised LL.M./J.D. "buddy system" in which law students would be more active in helping L.L.M.s with practical tasks, such as opening bank accounts.
5. In lieu of using capital campaign money for school improvements, using the money to lower tuition ("\$25 million extra could just go to student savings.")



EXPERIENCE:

- **Chip Nierlich '97** has served on LSC for two years, now as Chair of the Rules Committee
- Last year, Chip worked with Council members to assure renovations to the Hark Cafeteria and to have the Harkbox Cafe opened for evening hours.
- **Rob Jancu '98** is a 1L Section Representative for Section IV.
- Rob organized a book sale that raised \$500 for charity and has gotten a commitment from administrators to activate the dorm ethernet system on March 1.
- **Dina DeFalco '98** is a 1L Section Representative for Section III.



PRIORITIES:

1. To ensure the "availability of research materials" during the library renovation and make sure that the renovation ends on time.
2. "Secure funding for public interest summer work out of the \$175 million Capital Fund."
3. A shopping period before students commit to specific classes.
4. Increase credits for 3rd year paper to reduce workload and properly reflect the amount of work.
5. Improve campus safety via improved lighting, emergency phones, and use of escort services.



GYM RAT

"The Greatness of the Danes"

By David Koontz '96

Sports Editor



THOSE of you not familiar with this column might have read past the headline hoping for that long-awaited tribute to Copenhagen or some other sort of educational nourishment. Alas, the only Copenhagen I am familiar with is the crap that the kids on the bus used to spit on the floor and then try to cover up by rubbing their shoes in it. I don't know what magic powers people expect rubber soles to possess that would enable them to mop up tobacco spit, but this column is not about baseball, so that's all I'm going to say on the subject.

For those of you eating lunch while reading the above paragraph, I am truly sorry. Just don't get your dip cup confused with ... well, never mind.

Getting back to the point, the Great Danes B-League basketball team is what I had in mind. I promised a tribute to the B-League champs and the A-League champs from last year's intramural basketball league, and you're getting exactly half of it today. The season is early yet, and I can say without hyperbole that each individual player in the intramural basketball league will eventually get roughly three columns worth of space dedicated especially to him or her. So don't worry; I haven't forgotten my bread and butter.

The tribute to the A-League champion Well Hung Jury will appear in a few weeks, after I have flown to and from Atlanta to take the Georgia bar exam. This is the last year that 3Ls going to Georgia will be allowed to take the bar early, and this year's February offering is especially welcome because the exam would otherwise conflict directly with the Olympics. The Olympics is interesting, but the more important news is that after a long and exhaustive search, the replacement for the Gym Rat has been found. I can't tell you who it is yet, but you will find out soon enough, because he or she will be guest writing the next two columns while I'm gone taking the bar exam. The only clue I can give you is that he or she did not run for any office of the Law School Council executive board, and he or she is not a member of B-League juggernauts Soulbucket or the Real Killers (as much as names like that show a sufficiently confused mind to take the post).

So, without further ado, here follows the Great Dane tribute:

The towering office complex in Porter Square is imposing to behold as one approaches what Cantabridgians endearingly refer to as the "Great Dane Compound." It is quickly apparent that these basketball newcomers are here to stay.

"We got a real sweetheart deal on the new facility," says Great Danes General Manager Todd Stillerman '97. "Our lease for those seven rooms in the Gropius Complex expired at the end of the year, and the city and the league came forward with this opportunity for better digs."

Better digs, indeed. A state of the art practice facility with full weight-training equipment and Olympic-length pool complements resplendent administrative offices. Team captain and three-point wizard Andy Kincheloe '97 can be found in the training room rehabbing a separated shoulder.

"It feels good, but I'm not 100% yet," Kincheloe, the feisty guard who hit the trifecta that beat the Stonecutters in last year's tournament final, was not expected back this season. Team trainer and back-up point guard Selene Ko '97 now says he'll be back for this year's tournament.

A trip through coach Roberto Hernandez's '97 office suite features a look at the championship trophy, now bathed in a pink spotlight and towering atop the mantle of a grand stone fireplace.

"It was an amazing year," says Hernandez. "None of the guys had played together before, but they just instinctively settled into a top-notch unit. With Kinch and [shooting guard] Pat [O'Reilly '97] lighting it up from the perimeter, nobody could afford to pack into a zone. That opened up the middle for [small forward Chris] Niewoehner '97 and [power forward Steve] Kelly '97, and they punished most of our opponents. Johnathan Robertson '97 and Todd Stillerman '97 filled the gaps nicely off the bench, and nobody provided physical defense like Mike [Castellano '98]. Add a solid center like Rubin Sinins '97, and teams had to play pretty well to beat us."

Danes director of player personnel O'Reilly reminisces about last year's tournament final while sipping coffee in the team dining room: "We came from seven points down with less than a minute to play to win. It was satisfying, but we're looking squarely at this season. We've added Joel Hammerman '97 on the perimeter, and Tommy Butler '97 in the middle. We should be solid."

Only time will tell, but the Great Danes appear poised and ready for the challenges of a title defense.

* * *

The Harvard men's varsity hockey team lost home games to Cornell and Colgate last weekend. The Crimson remains in sixth place in the ECAC, but the team lost an opportunity to move up in the standings against fourth-place Cornell and fifth-place Colgate.

Each night Harvard, despite being outplayed, was tied after the first and second periods. And each night Harvard gave up the lone third period goal and managed only four shots on net in the final 20 minutes.

Special teams were the difference in the Cornell game. The Crimson was 0 for 6 on the power play. The Big Red was 4 for 8. Cornell's success was no surprise, since the Big Red have the top power play in the conference.

Fittingly, Cornell had a man advantage when Mike Sancimino scored the winning goal for the Big Red on a wrap-around at 1:01 of the third period. It was Sancimino's second power play goal of the game. In the second period, he had tied the game at four by tapping home Ryan Smart's centering pass.

Colgate outshot Harvard 35-17 in the Red Raiders' 2-1 victory. Rob Mara scored Colgate's winning goal at 9:32 of the third period. It came on the power play. Colgate defenseman Jack McIntosh intercepted Tripp Tracy's clearing pass at left point and sent an innocuous shot on net. Tracy stopped that shot and Earl Cronan's rebound attempt. But Mara bounced on the ensuing rebound and scored.

Harvard plays its last two home games of the regular season against third-place Clarkson and second-place St. Lawrence on Friday and Saturday nights, respectively.

THE VERDICT

Looking at the Darker Side of Life



By Michael Bennett '98

Movie Reviewer

"TAXI DRIVER" (1976)

Martin Scorsese has always had an uncanny ability to delve into the body and soul of his subject matter. At times, he becomes obsessed with the intricacies of the Italian Mafia and, by narrowing his focus, loses a bit of the mass appeal he has held in the past. Most Americans love a good Mafia movie but can stand only so much detail.

Scorsese fares much better when he dissects topics that the larger populace can digest. The examination of near psychosis combined with an unwavering sense of purpose has been successful for him. His films "Cape Fear" (1990), "After Hours" (1985), and "Taxi Driver" (1976) deal with men who envision themselves as having been wronged and who subsequently pour every ounce of energy into righting that wrong. "Cape Fear" revolves around a man who feels that he was betrayed by his attorney. His madness transforms him into a messenger of God bent on vengeance. In "After Hours," the main character simply wants to go home after a long week of work, but he is denied at each turn by his every action. His psychosis is tempered by a lack of courage which prevents him from acting violently.

Scorsese's ultimate triumph with madness and unlimited determination appears in his earliest masterpiece, "Taxi Driver." The film explores the dementia of the modern metropolis in its myriad forms and uses as its probe an ex-Marine turned cabby.

The viewer is taken on a tour of the worst parts of 1970s New York. The guide, Travis Bickle (Robert De Niro), takes the taxi driving job to kill time and earn a little extra money. He accepts the night shift because he can't sleep anymore. Immediately, he is disgusted with every person he encounters during his nightly rounds. He knows that "all the animals come out at night — whores, faggots, queens, fairies, dopers, junkies," and all he wishes for is a rain to wash them all away.

Despite his inability to connect with other people, Travis attempts relationships with two very different women: a yuppie campaign worker (Cybill Shepherd) and a 12 year-old prostitute (Jodie Foster). Both encounters convince Travis that he can wait no longer — he must be the rain and wash the scum out of the city.

Scorsese's visual wizardry shines throughout the work as he chronicles the city with brilliant sweeping shots. The camera at times seems to wander away from what should be the main focus until the viewer realizes that the camera is always where Travis' mind is, not necessarily his eyes. Bernard Herrmann's score has an appropriately demented quality of its own. It fluctuates between a jazzy melody played by a mellow alto saxophone and a gradually intensifying march-like fugue composed of a biting snare drum and brass section screeching at the top of its lungs.

With this film, Scorsese opened the door for several giants: De Niro, Shepard, Foster, and Harvey Keitel. All actors offer their own flavor of madness and do so impeccably. Keitel is especially impressive as Sport, the pimp.

If you can stand a few moments of pure ultra-violence, catch a screening. For its 20th anniversary, the film has been re-released in new 35mm form and in stereo.

Now playing at the Kendall Square Theatre.

Rating:



"THE CITY OF LOST CHILDREN" (1995)

In the dark and mystically beautiful, yet futuristic world created by the directing duo Jean-Pierre Juenet and Marc Caro, the scientist known as Krank (Daniel Emilfork) has a serious problem. His rate of aging has been accelerated by his inability to dream. In order to cure himself, Krank uses his laboratory to perform horrible experiments on children freshly kidnapped each night by his henchmen. He tries to enter the children's dreams and, thereby, acquire the power to dream himself, but fails each time.

When he kidnaps Denree (Joseph Lucien), the evil scientist earns the wrath of the child's muscle-bound adopted brother, One (Ron Perlman), a sideshow muscleman. In the course of searching for Denree, One is captured by Miette (Judith Vittet), the leader of a gang of young thieves. The gang members are, in turn, agents of the Octopus (Genevieve Brunet and Odile Mallet), sinister Siamese twins who share a third leg.

During the search for Denree, Miette and One travel throughout their dark and dreamlike world until they find themselves in the company of a forgetful deep sea diver (Dominique Pinon), who bears a great resemblance to the clones employed by Krank.

Despite its title and surface plot, "City of Lost Children" has very little to do with things childish. The work is in a sense an inverted project in which the children are infinitely more sophisticated than the adult characters and their clones. The pre-teen Miette is a perfect example. She is by far the most intelligent character in the film and ultimately saves the day. It is also very clear that Miette is in love with the beefy One. Juenet and Caro use this concept to create some very powerful scenes that the more prudish of the viewing audience might find a bit uncomfortable. It's not porn, but neither is it little mermaids nor talking pigs (does everyone realize that a film about a talking pig is nominated for Best Picture??).

The directors have created an intricate world that combines the old with the new. Old circus-style side shows and Parisian cafes stand toe-to-toe with mechanically augmented humans and scientific techniques allowing the sharing of dreams. This old/new combo is carried over into the actual construction of the work as well. The directors used painted backdrops and, in the very next scenes, complicated camera movements and computer animation to create images from the view of a flea. For more visually opulent work from Juenet and Caro, look for their earlier film, "Delicatessen" (1991). Both films are guaranteed good viewing.

Now Playing at the Kendall Square and Coolidge Corner Theatres.

Rating:



Harvard Law RECORD

Founded in 1946

Hope Yen
Editor-In-Chief

For A New LSC

The next executive board of the Law School Council needs the personal drive and perseverance to both continue the revival of the organization and return some much-needed credibility.

We therefore endorse **Chip Nierlich '97** for LSC president. We make our endorsement on this basis: The best indicators of a ticket's future performance are its past accomplishments, experience and well-developed proposals for future change, as well as the candidates' character and their ability to build trust and consensus. In evaluating candidates, we asked each slate to submit written platforms; conducted interviews totalling one hour per ticket; hosted Tuesday's candidate forum; and held a three-hour, in-house, post-forum discussion.

Nierlich has proven to be both a committed, hands-on leader, as well as an innovator who helps initiate ideas rather than react to student complaints. He has outlined a thoughtful list of achievable goals. Proving that he can accomplish these goals are Nierlich's various past accomplishments, most strikingly his successful lobbying for evening hours at the Harkbox Cafe. He has also played a role in the Council's most important achievements, from helping monitor the \$1 million Hark renovations to helping reschedule fall registration.

On Nierlich's ticket are **Rob Jancu '98** and **Dina DeFalco '98**, both dedicated and hard-working. Like Nierlich, Jancu has enormous energy and has fought unfailingly for students, to the point of salting icy Law School walkways himself when Building Operations had not done so. When Jancu was told the ethernet system was ready to go but could not be turned on without a technical support staff, Jancu found 20 students with high-tech backgrounds, including Nierlich, who were willing to donate their time and knowledge to make the project work. DeFalco anchors the team with her steady disposition and meticulous, behind-the-scenes efforts, like her investigation of possible cafeteria overpricing.

While Holden's ticket emanates an enthusiastic tenacity in dealing with administrative labrynth such as Harvard's athletics department, it falls short of articulating definite proposals for tackling complex issues such as public interest funding and increasing student input in faculty decisions. Simply voicing generalized support for serious problems is insufficient without more than just a shadowy outline of how to approach them. Addressing the apathy of students alienated by the administration's insensitivity requires hard-hitting, concrete tactics for structural change. The failure of Holden's ticket to propose a blueprint for action foreshadows their possible difficulty in mobilizing the LSC.

Although we would not endorse Melson's ticket to lead the student body, its criticism has helped deflate its opponents' promises and remind people of the Council's historical and recent ineptness. And they have added humor to a strongly political, often overly-serious campaign.

But with Nierlich, too, we have reservations: That he may overzealously attempt too much on his own, that he may be too quick to take credit for group accomplishments, and that he will be too conciliatory with Dean Clark's administration. In endorsing Nierlich's ticket, we call on them to unify students behind common interests.

Vote next Monday and Tuesday. Take the lead in mandating change at HLS.

— Kuohung and Yen

Staff

MANAGING EDITOR	Victoria Kuohung
EXECUTIVE EDITOR	Tara Dawood
PRODUCTION MANAGER	Karin Kysilka
SENIOR WRITER	Josh Strathman
ENTERTAINMENT EDITOR	Colin Meeder
COPY EDITOR	Stacey H. Dore
STAFF COLUMNIST	Markus Hartmann
COLUMNISTS	Michael Bennett, David Koontz
STAFF WRITER	Rob Friedman
CONTRIBUTORS	Vik Arora, Carla Halpern, Christina Ho, Jaclyn Liu, Kannon Shanmugam, Akhil Sharma
PHOTOGRAPHER	Cheryl Hudson
CARTOONISTS	Brian Cheng, Stuart Rees, Sheila Tuller, Bill Zimmerman
GENERAL MANAGER	Craig Buckser
ADVERTISING MANAGER	David Patton
EDITOR EMERITA	Katrina Randolph
PUBLISHER EMERITUS	David Weiss

Printing By The Harvard Crimson

Editorial/Letters Policy

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

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

Submissions may be sent to The RECORD at the above noted address, dropped in the RECORD box located in Harkness Commons, or left in the 2L Hark box of Hope Yen. All copy must be typed, double-spaced, and submitted on paper and on a computer disk (Macintosh or IBM). The RECORD reads and appreciates every letter we receive; we reserve the right to edit letters for space as necessary. We will return your disks. Off-campus subscriptions are available. Subscription price: \$30.00 year mailed; \$35.00 year mailed outside U.S. Individual copies: 35 cents at newsstands, 50 cents at the Law School, \$1.00 mailed, \$2.50 for back issues and reprints. Second-class postage paid at Boston, MA and additional mailing offices.

© 1996 by the Harvard Law RECORD Corporation and by the contributors.

THE RECORD is COMMITTED TO EQUALITY AND DIVERSITY. WE STRIVE TO PROVIDE A FORUM FOR THE FREE EXCHANGE OF IDEAS. AS A RESULT, THE OPINIONS REFLECTED IN ARTICLES, EDITORIALS, AND CARTOONS ARE THOSE OF THE AUTHORS AND DO NOT NECESSARILY REFLECT THE OPINIONS OF THE RECORD.

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

—First Amendment, US Constitution

• Letters •

RECORD Endorsement Inappropriate

Today, the Harvard Law RECORD has transformed itself from an objective source of information to a political player with an agenda all its own. Its decision to endorse a slate of candidates for the Law School Council officer positions was inappropriate and ill-informed. The RECORD's role in this year's LSC elections, while it has provided welcome publicity and credibility to the council, has overstepped the boundaries of journalistic integrity. That is regrettable. While it is true that commercial and even some college newspapers routinely endorse candidates in elections, the RECORD is different for several reasons. First, the RECORD has a virtual monopoly on coverage of events and issues at Harvard Law School. With that monopoly comes added responsibility. When a newspaper takes positions on the events which it covers, the objectivity of its regular news coverage must be questioned. While this may be acceptable in the world at large in which there are several competing media outlets with varying political viewpoints, the RECORD should cover the news and stay out of the opinion business.

Second, in a community as small as Harvard Law School, personal relationships

and other irrelevant factors are bound to play a role in many people's decisions in an election, including those of RECORD writers and editors. What is presented as a reasoned opinion on the merits of each candidate cannot help but be shaded by personal friendships or familiarity between candidates and RECORD staffers. In a community this size, objectivity simply can't be assumed.

Third, while commercial newspapers have a distinct line of demarcation between those covering the news and those commenting on it, the RECORD has blurred this line to an unacceptable degree. Rob Friedman, who has done an incredible job in his two-week old assignment as LSC beat reporter, needs to discover the difference between a journalist and a commentator. As a journalist, for example, Dan Rather does not take part in endorsing candidates. CNN commentator Michael Kinsley doesn't cover White House press conferences. Mr. Friedman has played a pivotal role in the RECORD's endorsement process, and in doing so has compromised his standing as a reporter.

As outgoing LSC president, I recently faced the decision of whether to endorse a candidate in this year's elec-

tion. Having worked with both of them, I realized that Blythe Holden and Chip Nierlich would both make outstanding presidents and that I could not endorse either one of them based on relevant grounds. The RECORD, which had far less information than I did on which to make their decision, should have followed my lead and stayed out of the fray.

Ms. Holden, whose leadership abilities and excellent relationships with students and administrators would serve her well as LSC president, has been treated unfairly by this paper. She agreed to take part in the RECORD-sponsored and moderated debate despite the fact that another candidate's endorsement was a foregone conclusion. Bob Melson, who spoke against the planned endorsement while his running mate Jon Lynn boycotted the debate, also has a legitimate gripe. Ms. Holden, Mr. Melson, and the entire LSC electoral process deserved better.

Rob Simmelkjaer '97
President, LSC
February 21, 1996

Editor's Note: We stand behind our endorsement. The candidates endorsed were not selected until after the debate.

Candidate Debate Disappointing

The LSC "Candidate Debate" on Feb. 20 was disappointing. Two factors were especially disturbing: (1) poor attendance by the student

body; (2) the negative campaigning of one group of candidates, who blithely dismissed the past service of other candidates as irrelevant,

and unabashedly hurled mud in an otherwise cordial forum.

Michael Baur '98
February 21, 1996

Jancu Shows Concern for Students

As friends of Rob Jancu and students who believe Law School Council doesn't have to be a joke, we are bothered by Blythe Holden's attempts to insult our intelligence with trite promises and self-serving platitudes. Since it's clear who the best candidates are, Blythe is only doing a disservice to students who want more than

a do-nothing Council.

For what it's worth: the night after 1L finals, Rob Jancu was out with friends. It had snowed all day, and the night rain made the sidewalk icy. People were slipping around campus all night, including Jancu. Realizing that no one was going to do anything, Jancu was out the

next morning with a bag of rock salt under his arm. Few students were up early enough to even see him before he finished.

That's honest concern, and it's the truth. You think anyone else would do that?

Pete Guy '98
John Booher '98
February 21, 1996

Vote to Ensure Meaningful LSC

Many of us will recall the mockery called "student government" or "class council" from our grade school, high school and even college years. Every school had them: organizations (really disorganizations) of overachievers who spent their time organizing bake sales and car washes and debating the merits of where to hold the junior prom. The elections of such representatives and officers were equally absurd: the naive honor students making speeches about changing the composition of the school board and offering Japanese as a class elective, the jocks and delinquents promising a day off from school every other week and beer on tap in the cafeteria, the latter winning the election by a landslide, and then resigning or being told to resign a month or so later, only to be replaced by the sorry scholar still wallowing in his misery.

As a 1L at-large representative, I continue to be both surprised and impressed by the importance and clout of

the Harvard Law School Council. LSC maintains close ties with both the students it represents and the administration. The current officers and their council were instrumental in the renovation of the Hark, as well as in upgrading some of the exercise equipment in Hemenway Gym. LSC was also the major force behind changing the fall 1996 registration date until after Labor Day, a move which will benefit (1) those who wish to work the extra week; (2) those who have Sept. 1 leases; and (3) those who wish to vacation somewhere besides the Boston area. Most importantly, they have helped to assure that the administration provides this student body with more than mere bread and circuses.

The above list is far from exhaustive. The point is, the activities of the LSC have an impact in the social and academic lives of each and every HLS student. Thus, it's imperative that each and every student make an effort not only to vote, but to pay attention to the candidates themselves.

There are many outstanding candidates running in the upcoming elections, each of whom has something special to offer. As a member of the LSC, I have worked beside many of the candidates, and as individuals, each is qualified for the position of which he or she is competing.

Though the choice is difficult, I would like to publicly endorse the following ticket: Blythe Holden for President, Jeremy Bash for Vice President, and Craig Greenberg for Treasurer. I am confident that the so-called "Party of 3" will represent the best interests of the HLS student body. As everyone knows, progress and politics in general requires cooperation, and these three candidates possess the requisite team ethic to get things done.

Whomever you choose to vote for, please exercise your privilege in the upcoming Law School Council election.

Brian Salsberg '98
LSC At-Large Representative
February 19, 1996

Credit Where Credit Isn't Due

In your last issue, you reported on the Dean's decision to give 2Ls and 3Ls an opportunity to register after Labor Day, thus saving students a week's pay. Rob Simmelkjaer, the Law School Council President, had been pushing this issue with the Registrar and the Dean for months.

But amazingly, your paper gave the ultimate credit to Chip Nierlich, who happens

to be running for Simmelkjaer's old job. Then came the Nierlich-Jancu-DeFalco campaign material in which Nierlich was gleefully taking credit for "convincing the dean to move registration" and "saving students a week's pay." Give me a break! It's one thing to pat yourself on the back; it's another thing to mislead students just to get elected.

I guess I am not sur-

prised. In their candidate statement, they also took credit for renovating the Hark Cafeteria. I'm just waiting for Nierlich, Jancu and DeFalco to claim credit for construction of Langdell Hall in 1905 and the acquittal of O.J. Simpson. They probably think they deserve it.

Ryan Goldstein '98
February 19, 1996

Candidates Respond to RECORD Endorsement

Real Leaders. Realistic Promises

Before we began this campaign, we spoke to hundreds of students to find out what they wanted from Law School Council officers. Over and over, we heard the same refrain: "Real leaders make realistic promises."

Our ticket couldn't agree more. We believe you want to see concrete, specific, realistic proposals and real leaders who can accomplish what they set out to do.

We are real leaders because we are team players and motivators — two skills we believe are essential for good LSC officers. Real leaders don't take credit for things others have done and don't pat themselves on the back everytime they fix a squeaky door. Rather, real leaders motivate others to accomplish common goals.

We are also the only ticket making realistic promises. We have limited our campaign to four key issues. We didn't pull these issues out of a hat. They came from you, the students.

One: Strengthening student input in academic decisions.

We will work to ensure that students' voices are heard in all decisions that affect our legal education, including: the grade distribution disaster; faculty appointments; the honors system; whether class participation should count; and pass-fail.

Specifically, we want at least one non-voting student member placed on the faculty appointments committee.

Two: Lobbying for public interest funding.

Harvard is the richest law school in the world. There's no reason Harvard shouldn't lead the country in its support for public interest funding.

We support funding, up to \$4,000, for every student who wants to work in public interest for a summer. The entire wait list for public interest funding could be wiped out with 1 percent of the excess \$25

million raised in the capital campaign.

Three: Shaping up Hemenway gym. The school has Blythe Holden to thank for the stairmasters and the other new equipment that appeared this year. When no one wanted to tackle the gym last year, Blythe did. But the gym is still a nightmare, which is why we support making both short-term improvements — such as temperature and air control, safer equipment, installation of a treadmill, purchase of first aid, and extending the gym's hours — and a long-term plan for an improved facility.

Four: Sponsoring new school-wide social functions.

This school needs some spirit and we should involve a greater number of students — including off-campus and LL.M. students — in social life here at HLS.

We'll start right away with monthly events like a Sunday Hark brunch and special events like Red Sox outings, a fall/welcome concert and BBQ, and much more.

We want to keep the Law School Council moving forward. Right now, we have a lot of activists, but little coordination. Working together, the entire Council can accomplish more than any one of us on our own.

The RECORD'S editorial criticizes us for honing in on a narrow cluster of issues — a criticism we welcome with open arms. We believe that our focused approach is our strength and that our concentration on realistic, solvable problems is in fact a reason to support us.

Real leaders make realistic promises. When you go to the polls next week, vote for the ticket that can get things done. Vote for Party of Three.

Blythe Holden '97,
Jeremy Bash '98
Craig Greenberg '98

Message From the Ticket to Ride

My name is Bob Melson, and I am running for President of the Law School Council. My ticket includes Darren Mungerson for Vice-President and Jon Lynn for Treasurer. Since we haven't yet plastered the Law School with classy posters, we thought we should let you in on our campaign platform right here and now. Our main points are as follows:

1. Universal student ID cards that make use of the magnetic strip on the back so HLS students would be able to charge books and food to their term bill. We believe this would eliminate the problem of the slow/red-tape cash advances. Instead of having to put everything on credit cards until the advances come through, students could charge them to their term bill with a swipe of their ID cards and their signatures. Furthermore, we propose that the ID be valid at both Loker Commons and the Greenhouse Cafe (in the Science Center). This would introduce competition into the Law School food services and most likely reduce prices charged at the Hark Cafeteria and the Harkbox Cafe.

2. Expanded support for law school publications. There is a serious lack of room and funding for new student publications (just ask anyone in the Publications Office). With the mission of the Law School being primarily an academic one, the Law School should encourage and accommodate students who wish to write/publish/edit law journals.

3. A pass/fail course option. In the past, the administration has resisted this idea. However, we would request a more modest option of just one pass/fail course per year. This certainly would not ruin HLS's reputation given that Yale gives only pass/fail grades for 1Ls during the

first semester.

4. LL.M. assistance. We would improve the LL.M./J.D. "buddy system" so that 2Ls and 3Ls would volunteer to help LL.M.s in setting up bank accounts at good banks and getting the best phone rates available. Furthermore, we would insist upon better career service assistance for LL.M. students so that they would be able to compete for jobs in the U.S.

5. A "New Release" movie night. We would rent a new release video and show it on the big screen in the Hark one night a week.

6. Lower/constant tuitions. 175 - 150 = no need to raise tuition anytime in the near future.

7. Fast retrieval of books that will be located off-site next year due to library renovations.

8. Law School Council officers that you would want to hang out with. Basically, we think you would play kickball with us.

On a different note, we have faith that law students are intelligent enough to make up their own minds about which candidates to vote for. Law students are too smart to blindly heed the RECORD's editorial call to drink the cherry cool-aid, especially given the media bias in the previous issue of the RECORD. We hope you will support us based on our agenda and not on our skills at manipulating the media.

Bob Melson '97
Darren Mungerson '98
Jon Lynn '98

Sell More than Just Your Ideas!

Be the Advertising Manager for the Harvard Law RECORD!

Positions are also available in photography and layout and design.

Call Hope, Vicky or Karin at 5-4418 for more information about how you, too, can join the RECORD.

Temporary Insanity

By Sheila Tuller



Backbench

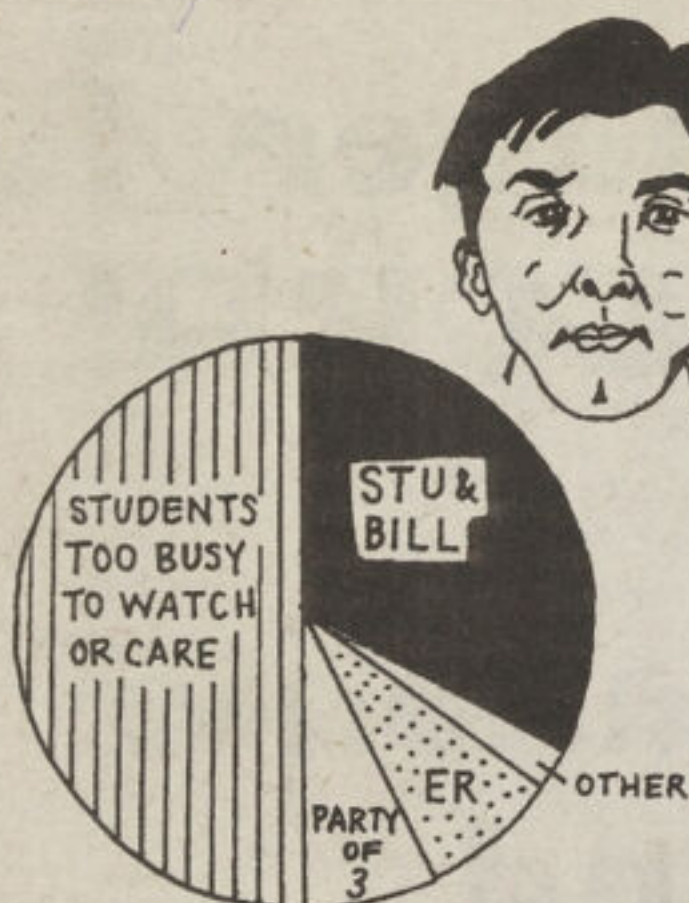
By Brian Cheng



Ad Hominem

By Stuart Rees and Bill Zimmerman

WRITE-IN LAW SCHOOL COUNCIL CANDIDATES



LSC Nielsen Ratings

STU & BILL'S TOP 10 LSC SLOGANS:

1. Making the LSC work... for us.
2. Enhance (our) resumes -- the other "E.R." ticket
3. Stu, Bill & the Dean with \$25 million -- Now there's a "Party of 3"
4. When we smile and pretend to like you, you *KNOW* we're lying
5. We out promise all other candidates
6. We guarantee a 50% tuition reduction (see #5)
7. Vote early, Vote often, Vote for us
8. We beat Phil Gramm in the Iowa caucus
9. We don't need a slogan -- read the other candidates' material
10. Doing nothing and doing it well



Stu & Bill -- We're Integrity.
Think of all the mean things
we could have written.

Koby Antupit
PHOTOGRAPHERS

- Law Firm Photographs
- Instant Color/B&W Passports
- Commencement Portraits
- Portraits for All Occasions

Harvard Square
8 John F. Kennedy St.,
Cambridge
547-7552

POSTMASTER: Send address changes to Harvard Law School Association, Harvard Law School, Cambridge, MA 02138.
ALUMNI/AE ADDRESS CHANGES: Alumni/ae who receive the RECORD as a result of membership in the Harvard Law School Association should mail change-of-address information to the Harvard Law School Association, Harvard Law School, Cambridge, MA 02138.

Each alumnus/a receiving a RECORD subscription through the Harvard Law School Association should be on notice that \$5.00 of H.L.S.A. annual dues are used to purchase the RECORD subscription that he or she receives. Dues paid at any time during the H.L.S.A. fiscal year that began on July 1, 1995 and ends on June 30, 1996 purchase a subscription that begins in January 1996 and expires in December 1996.

Return Address:
Harvard Law School Assn.
Harvard Law School
Cambridge, MA 02138

SECOND CLASS POSTAGE PAID AT BOSTON, MA AND ADDITIONAL OFFICES.

CALENDAR

By Colin Meeder

I'm crushed. A dejected reader just confronted me in the Hark, taking me to task for failing to announce Dub Syndicate's concert at Mama Kin last week. Although I have bribed the reader to keep silent, my conscience is killing me, and I figured that a public self-flagellation was in order.

For a variety of reasons, I guess including the fact that I don't criticize the Confederacy, call public interest people "weenies" or obsequiously brag about my previous education (St. John's College '93; I'm so well read it's embarrassing), I don't get as many letters as the rest of the RECORD columnists. Not that I'm complaining, mind you, because RECORD readers are a vicious bunch when aroused; however, I do sometimes wonder if I am meeting the entertainment needs of my vast reading audience. When I fail to tell you guys about concerts, especially those that I myself might have liked to attend, a little part of me dies inside.

So, please, if I fail to mention the fact that your younger brother's polka band is playing in Providence, if I describe your favorite musician as a hopeless degenerate moron or list only Tibetan throat singers one week, let me know. I won't necessarily do anything about it, of course, but I figure if I give y'all an outlet, I'm less likely to be attacked late one night outside the RECORD office.

One of the things my tortured soul has wracked itself with is the thought that I list too many alternative rock bands and not enough music in other genres. Well, not to worry this week: although, in general, nothing's going on, proportionally even less is going on in alternaworld -- not that that's necessarily a bad thing.

Not that you could tell that this is going to be a slow week from what's happening tonight (2/22). Roots rock addicts face another of those tough choices that only occur in hip towns like this one: the **Fabulous Thunderbirds** at the House of Blues (491-BLUE), or **Bo Diddley** at Harper's Ferry (254-9743)? The T-birds recent album shows their playing, especially Kim Wilson's harp, to be as sharp as ever -- but who could refuse the genius with the rectangular guitar?

Also tonight, comedian and political satirist **Jackie Mason** begins a run at the Comedy Connection (248-9700). Mason nearly ended his career by giving Ed Sullivan the finger way back when, and since his comeback a few years ago, he's continued to piss people off while making them laugh. He's here through March 6.

Mardi Gras might be over, but some of the best music New Orleans has to offer is coming to town on Friday (2/23), the **Dirty Dozen Brass Band**, featuring some of the funkier sousa-phone playing you're ever likely to hear, are at Harper's Ferry.

More of that dance-'til-you-drop bore-me-to-tears Boston ska for you guys at TT the Bear's (492-BEAR) on Saturday (2/24). Who's playing doesn't matter unless you're deeply into that scene, but the wonderfully named **Allstonians** headline. A better local band, the hard rocking **Upper Crust**, bring their elitist jams to the Rat (536-2750). Your best bet: the **Mingus Big Band**, who'll be playing the Master's unbelievably challenging charts at the Regattabar through Sunday (2/25).

If, like me, you were too depressed by the freezing rain to see **Velvet Crush** last month, they return to TT the Bear's on Wednesday (2/28).

Upcoming: **Ziggy Marley**, **Radiohead**, **Rancid**. The alternadweeps always come back.

Lincoln at Harvard Law School

By Markus Hartmann '96

LAST Monday, while we all were given a rest in honor of two presidents, two of our classmates were seen on the CBS Evening News with Dan Rather. The Kennedy School was sponsoring some sort of expedition to New Hampshire where Sharon Simpson '98 and Michael Summersgill '96 took part in examining the wild Republican primary candidates. Marlin Perkins was safely in the bus while the brave students attempted to shoot pictures of the candidates. Mr. Rather said something about the "best and the brightest" traveling to watch and learn and, with Sharon and Michael along, his assessment was surely a correct one. Those government types were lucky to have some law types around.

Mr. Summersgill's exposure did not involve any pithy sound bites. There was a camera shot of him sitting and listening to some candidate blather on. There was also a shot of Michael walking, and a shot of him standing and listening to yet another candidate. It was as if the cameraperson had taken a break from following around JFK Jr. and found Mike to be a reasonable substitute. We can only hope that Mr. Summersgill doesn't put his name on the masthead of some quasi-political magazine that finds it necessary to profile Madonna or Cindy Crawford.

Ms. Simpson, on the other hand, had a speaking part. When asked whether this was the best system for choosing presidents, she replied that this was *our* best system, or words to that effect. Suffice it to say that she came across as very intelligent and extremely telegenic. I have no doubt that she could go on to be one of the future primary contestants in New Hampshire. The only thing that could keep her from the White House is the fact that she went to Harvard Law School.

Lest you think my assessment too harsh, it has been a long time since HLS has had a hand in training the occupant of the big chair in the White House. The last guy to sit in the chair was Rutherford B. Hayes, HLS 1845. Three months before he was born, Hayes' father died, leaving a large estate from which his wid-



ow ensured that the future president would get a good education. Hayes graduated from Kenyon College at the age of 20. He spent three years studying law at Harvard and began the practice of law in Ohio at the age of 23. One hundred fifty years later, the profile of the average HLS student is not very different.

Hayes did not go on to have a federal holiday in his honor. One of the two presidents who did was Abraham Lincoln (no

letters after his name; none required). Lincoln was largely self-educated in the law. Many of the nation's greatest leaders — Patrick Henry, John Marshall, Daniel Webster, Lincoln, and Stephen Douglas — became members of the bar with only minimal formal preparation. Lincoln had held various jobs before being admitted to the bar. Unlike the current occupant of the White House, he served as a volunteer in the military (in the Black Hawk War). He was elected to the Illinois legislature two years before he was licensed to practice law.

The greatest contrast between HLS and the Lincoln method is evidenced when we look at Lincoln's early law practice. Upon receiving his license to practice law, Lincoln immediately went about representing the railroads, fugitive slaves, criminals and just about anybody else who walked up to him as he rode into town. There wasn't much time for preparation; Lincoln had a general understanding of the law and represented clients as best as he could. Mr. Lincoln had to think on his feet, a quality uncultivated in the halls of HLS today.

The faculty seems to sense this shortcoming in our education. They are expressing an interest in making class participation part of our overall evaluation. The faculty is more than likely discouraged by 2L and 3L non-participation in classroom discussion, which makes for some very dull classes.

Additionally, the only time oral advocacy is prac-

ticed here is as an extracurricular activity. This makes for HLS grads who can write a helluva brief but who stutter and stammer when exposed to the aggressive arguments found in many trials. Surveys of America's top litigators are bereft of HLS grads; perhaps a greater emphasis on oral advocacy, not just class participation, would stop this unfortunate trend. The ability to think and respond on one's feet not only will make for better advocates in the courtroom, it could also lead to better advocates in the court of public opinion.

Perhaps the reason so many of us run off to firms is because we know that we will have an additional couple of years as legal apprentices before we actually have to get up and represent someone in court. The library is a great place to avoid argument and confrontation. It is a poor place to find clients.

Lincoln's self-education and early law practice were critical aspects of his development as a leader. The ability to persuade juries and judges can grow into an ability to persuade a nation. If HLS does not accept responsibility for training legal minds that can express themselves orally, it will ensure that its pesky little sibling, Yale Law School, will have cornered the mar-

ket on recent alumni-presidents. Rumor has it that U.S. News will be adding an "Alumni in the White House" category for its next survey of the law schools.

If you have been watching the Republican primary, you can see how

someone with great rhetorical skills can have an impact on political debate. My sneaking suspicion is that most folks around these parts aren't looking forward to the Buchanan administration. With that in mind, this institution can learn a valuable lesson from the greatest Republican ever and one of the three greatest presidents (Washington and Jefferson being the other two): If we round out this education with a greater emphasis on oral advocacy, we might get an HLS butt in the big chair in the White House. Then maybe we can all get jobs in the Simpson administration.

Surveys of America's top litigators are bereft of HLS grads....



As we left Fenno last week, he had just uncovered the mysteriously missing 1L Rob Kasner in a pile of Boston Phoenix newspapers deep in the basement of Langdell.

"Mr. Kasner? Are you all right?" asked Fenno. "If it makes any difference, I apologize for calling you stupid two columns ago."

"Column?" asked Kasner, sniffing a little.

"Yeah, you know - in the RECORD," responded Fenno.

"Aw, hell, nobody reads that thing anymore," said Kasner. "Here, help me up."

Fenno reached down and clasped Kasner's ink-encrusted mitt. He wasn't smiling. Kasner's comment about the RECORD had hit him hard, deep down in a place his bathing suit covered. He was not unaware of the hard times the RECORD had faced in its slide from militantly liberal rag to nonconfrontational incoherent rag. It was not the quality of the writing that disturbed him, as his eyes were generally too blurred from 3 o'clock Thursday afternoons until some time on Monday for him to even read the thing. No, it was the current editorial staff's complete inability to keep the refrigerator stocked with exotic liquors and beef-based snack products that raked him so deeply.

Kasner brushed the dust of old newspapers off of his inoffensively stylish clothing. "Thanks, Fenno. I was starting to suffocate down there."

"Not a problem," responded Fenno. "What are you doing down here anyway? I thought you were in New Jersey."

"I was, actually. After the therapy didn't take, The Ad Board banished me there. I was not to leave the state again unless I was ready to apologize and donate the money I emb — earned, rather," stuttered Kasner, "to any part of

the Law School but public interest."

"My God, that's inhuman, even for this place! How can they do that," gasped Fenno, "and why didn't they announce this in the Advisor?"

Kasner looked around nervously, suddenly appearing uncomfortable. "I can't tell you. I've said too much already. You must go now, and ask me no more questions."

"Aw, come on, Kasner. You couldn't possibly get yourself into any more trouble unless you're planning to sell me one of those copies of the Phoenix. Have a margarita and calm down," said Fenno, extending his blender.

"You don't understand, man. It's bigger than you and me. It's bigger than Dershowitz' ego. This goes deep. There are people involved who — oh, dear God, they're here!" screamed Kasner, staring horrified at a spot just behind Fenno.

Fenno wasn't so drunk that he wasn't curious. However, just as the neural message, "Turn the head," was beginning to bitch and moan about having to travel along a nervous system in worse shape than Massachusetts Avenue in February, everything went black. Someone with a lower blood alcohol level might have noticed a sharp pain in the back of his head just before unconsciousness arrived, but Fenno was not that someone.

Fenno was somewhere far away, a tropical island. In his left hand was a margarita. He sipped it. It was really good. He felt a hand on his shoulder. He turned to face the hand's owner. It was Farrah Fawcett. She looked really good. "Hello, Farrah," said Fenno.

"Hello, Fenno," said Farrah. "Go to Gannett House. Someone there knows the answer to what you seek. Beware of false friends. Wake up!"

"Wake up!" cried the janitor, "You can't sleep here!"

Fenno, an old pro at waking up in unfamiliar surroundings, soon realized where he was: under the podium in Pound 101. He extricated himself and headed for Gannett.

Next week: Fenno meets a really smart guy.



Give Us Five Local Minutes to Tell You about WestBar,
Get Ten Long Distance Minutes to Tell Someone Else

Make The Right Call!

1-800-6-WestBar



Printed on Recycled Paper

NEW!
LEXIS Windows and
Mac Software now available.

Where do you find the time to...

run to the prof's office,
dash to study group,
dig through the library,
assemble quotes,
annotate class material,
search & research,
get that note to prof,
brief cases, find cites,
see if Susan knows,
outline it, write it,
print it, cut and paste,
copy, collate, assemble...

Here.



With LEXIS-NEXIS Student Office.

The LEXIS-NEXIS services, Folio VIEWS®, The LEXIS Online Connection, Law Schools Online Global E-mail Network, the Jurisort Legal Toolbox products & much, much more, all integrated into an easy-to-use suite that takes a lot of the work out of your work. Just the kind of technology you'd expect from the online leader.

Call 1-800-45LEXIS for more information.



LEXIS-NEXIS

A member of the Reed Elsevier plc group

LEXIS and NEXIS are registered trademarks of Reed Elsevier Properties Inc., used under license. The INFORMATION ARRAY logo is a trademark of Reed Elsevier Properties Inc., used under license. Folio VIEWS is a registered trademark of Folio Corporation. Windows® is a registered trademark of Microsoft Corporation. Mac® and Macintosh® are registered trademarks of Apple Computer, Inc. ©1996 LEXIS-NEXIS, a division of Reed Elsevier Inc. All rights reserved.

Second Semester Blues

By Akhil Sharma '98
Guest Columnist



It's second semester: the season of interviews and boredom.

In the middle of my all-time favorite interview, the guy who was interviewing me got a call. I asked, "Do you want me to step out?" He said no and then slid under his desk. For 20 minutes, he sat crouched under his desk and conversed. This was in Hollywood, which is a world unto itself, but my law firm interviews were pretty odd as well.

I love interviewing because it is a chance to talk about myself. I don't mind it when the interviewers don't have questions to ask. I don't mind it when they ask stupid questions such as, "Are you a thinker or a doer?" which always makes me want to respond, "Are you an idiot or a moron?" As long as I can talk about myself or make them talk about me, I'm happy.

Perhaps because I have a background in writing, my few interviews were mostly in litigation firms. These were not posh firms, mind you. Nearly all had nicotine yellow walls and carpets. To get coffee, you had to go down the hall and pump quarters into a machine. But I love oddballs, and the litigation field is full of them, so my pleasure at being the center of attention was enhanced.

The men who interviewed me, and they were uniformly men, were not afraid of pink. Pink shirts, pink ties. They wore heavy gold watches that hung loose like bracelets. The ugly scrawled drawings of their children were taped up on the walls, perhaps covering holes.

My favorite interviewer had incense burning in his office. I came in, sat down, and began the usual chatting. This guy was huge: 400 pounds, if not more. The kind of fleshiness which makes you wonder if he puts deodorant under every major roll of fat.

He had lived in San Francisco, where I used to live, and it turned out that we both used to eat at King Knish. He told me how much he loved the city. "I used to go biking around the hills. In two hours, I could be on the slopes." As he spoke, I thought, "Your image of yourself and your body became frozen some time in the '60s, didn't it?"

Then, he told me about how much he has to travel. He took out his calendar and related where he would be over the next two weeks: Seattle, Phoenix, and D.C. I had earlier told him that I loved restaurants in New York, and so he described the different places he was planning to eat in. As he spoke, the corners of his lips became shiny from spit.

Next month, he was going through Asia: Japan, Singapore, Hong Kong, Burma. We chatted about how much more employer-friendly Singapore is than the U.S. or even Mexico. Craven, I laughed along with his descriptions of calling in the police when some workers tried to unionize. I told him that condemning Singapore's human rights record is just cultural imperialism.

"I'll have three days off," he said. I thought, please don't tell me you're going to Bangkok. I have an image of a little girl being kidnapped from some village. He added, "And I'm going to Bangkok."

We laughed and chatted some more. They didn't even let me know I had been rejected.

* * *

More and more public school systems are beginning to consider the pros and cons of corporal punishment. I wonder if we should not think about whether corporal punishment is suitable even in post-secondary educational institutions such as HLS.

I am a 1L, and having finished 16 percent of my law school experience, the journey ahead looks like crawling from Boston to New York on my knees. This, I hear, is a common feeling. Corporal punishment might cut the tedium.

The above idea came to me when I read of a superintendent of schools who was recently arrested for beating his son with a six-foot long rubber snake, the

I am a 1L, and having finished 16 percent of my law school experience, the journey ahead looks like crawling from Boston to New York on my knees.

kind you win in carnivals. I immediately conjured up Prof. Arthur Miller, my civil procedure teacher, swinging a rubber snake over his head as he watched yet another student bumble his way through stating a case.

Whereas corporal punishment is used primarily to maintain discipline through fear, I think at HLS it could have a different purpose: entertainment. Imagine going to class knowing that there is a chance that somebody will not have done the reading and that he or she will be forced to walk to the front of the room, perhaps laughing in an embarrassed way, perhaps a bit teary. The professor will remove his jacket. The rubber snake will be examined by neutral parties and maybe even the lashee. Then, the whacking will begin.

Corporal punishment need not be instituted system-wide; it isn't necessary first semester. But, as a test, we might have certain courses offered with and without corporal punishment, like spicy or not-spicy dishes. There are some courses which students might be more likely to take if there is the possibility of witnessing lashings; Trusts and Estates comes to mind.

Of course, we have to make sure that professors desperate for attendance do not begin over-using corporal punishment. Otherwise, its excitement value will diminish for everyone.

There is one last important concern about instituting corporal punishment at HLS. Once the lashings have become established, should courses on transcripts be marked to show if they included corporal punishment? Whether or not you are willing or interested in watching public beatings, or whether you just plain need the threat to do your work, reveals important (not necessarily negative) personality traits. But right now, it is still too early to decide definitely.

Dean, Dersh, & Decency

By Carla A. Halpern '97
RECORD Columnist

JUST CAUSE



As the debate over sexual harassment guidelines rages back and forth, I find myself in the unusual position of agreeing with both Dean Clark '72 and Prof. Alan Dershowitz. I'm not certain that I've ever felt moved by either of them before, so to find myself aligned with both of them now is quite a startling experience. It's like reading a compassionate, coherent Supreme Court opinion and then noticing that the name attached to it is *Scalia*. But education is about listening and realizing that the so-called "other side" might be closer to home than we think. Anyhow, if there's an issue on which I can agree with the Dean and Dersh, let alone on which the two of them agree with each other, it's definitely time for a column on the subject.

Why are some people so frightened of sexual harassment guidelines? Three reasons spring to mind. One, clearly, is that any kind of guidelines involving speech can give the impression of censorship. Related is the fear that no one will know how to act if sexual harassment is forbidden; men will worry that every time they open a door for a woman, she will sue them for sexist treatment (and win!). Fear of censorship and worries about how to act are by all means issues to be addressed seriously. But there is a third fear lurking in the underbelly of opposition to sexual harassment guidelines: once guidelines are in place and enforced, the long-accepted "right-to-harass" will no longer exist.

Censorship is always a difficult issue in a country that claims to embody "liberty and justice for all." Both liberty and justice are noble goals, but I have never found a way to completely reconcile the two. Apparent liberty for all will mean the infliction of serious injustice on some. Likewise, justice for all will necessarily mean some restraints on liberty. Sexual harassment guidelines do tend to err on the side of justice. But before getting too nervous about censorship, consider what kind of behavior is actually prohibited by sexual harassment guidelines. For example, here at HLS,

Why are some people so frightened of sexual harassment guidelines?

will sexual harassment guidelines limit the expression of intellectual opinions? It is true that such guidelines will limit quid pro quo sex-for-grades and catcalls in the tunnels. They will put somewhat of a crimp on the ability of students, staff, and faculty to put one another down for being a particular sex or sexual orientation. So ask yourself, are these restrictions the death knell for academia? Will our learning be stunted because we can't be mean to each other in certain ways?

I am inclined not to worry too much about any reduction in academic freedom of expression. Disagreeing with someone's point of view, or even offending someone with your own point of view, is not restricted by sexual harassment guidelines. As a writer whose column raises more than the occasional eyebrow, I'd be up in arms if I thought that sexual harassment guidelines were restrictions on anyone's point of view or on the freedom to articulate it. Goodness knows, I've offended a fair number of people, not always on purpose, with opinions that I've expressed. And I have also had the pleasure of hearing and reading a broad range of ridiculous, hostile and flat-out clueless points of view. None of this enlightening exchange of ideas will be stunted by sexual harassment guidelines.

What will be stunted are the truly dangerous situations in which one person tries to exert control over another by threats or insults. The right-to-harass is gone. Specifically, you cannot insist that at meetings women must make coffee while men make policy; you can't grope someone without her consent; you can't pressure anyone into having sex; and you can't humiliate someone by forcing him to answer personal sexual questions. You can't insist that someone look at pornography. You have to respect other people's boundaries.

Respect. It's a key issue that too often gets left out of discussions about sexual harassment. It is true that with sexual harassment guidelines in place, you can no longer take for granted any convention of calling a woman "honey," commenting on her figure or telling her the details of your sex life. Notice that you can still do all of these things, but only with consent. That's right. If everyone engaged in a sexual conversation or encounter is comfortable with it, then there's no harassment; no boundaries violated. But, what is all in good fun for one person may feel like harassment to another. Don't be confused or worried about lawsuits when individuals react differently to what you do. Sexual jokes or tension can fall anywhere on the continuum from funny and inspiring to terrifying; rarely will someone draw the line at the exact same point as you. Simply use a basic rule of respect: when someone tells you that she is uncomfortable, stop what you are doing and refrain from doing or saying it to her again. A tiny sacrifice of your liberty for another person's peace of mind is just basic human decency.

There can be no "liberty for all" in a system that is unjust. And in a profession where one of the highest-ranking officials is a known sexual harasser, we cannot be too careful in promoting justice.

Chef Lee's



GOURMET CHINESE FOOD

296-298 Beacon Street
Somerville, MA 02143

WE DELIVER

\$1.50 delivery charge in
Cambridge and Somerville

876-7666

10% OFF

with student ID and
purchase of \$20 or more.

5% OFF

with student ID and
purchase of under \$20.

"This is one of the best Chinese
restaurants around."
Harvard Law RECORD

"Chinese food with originality."
Boston Globe

"Easily the best Chinese
restaurant..."
The Gotta Eat! Guide

**GROUP RATES
NEGOTIABLE**

Professorial Personae

By Vik Arora '98 and Christina Ho '98

Guest Columnists

NOT all professors are alike. As HLS students, you may consider this a blander truism than "All bachelors are unmarried men," but when have you ever known Vik and Christina to shy away from idle conjecture upon a well-worn observation of no general interest? Thus the subject of professorial difference falls well within the ken of Vik and Christina's column and has the additional perk of being true. Vik and Christina have both, on occasion, used a professor's classroom quirks to get a handle on just what kind of person held the privilege of invading their minds for four hours a week. Progressive professors give take-homes; conceited ones cram the syllabi with their own books; jealous profs pepper lectures with sideways snipes at their colleagues; and those who are young at heart banter fluently with students in pop-culturese.

Do you, studio audience, recognize this process of jumping to utterly unfounded conclusions from negligible evidence? (You should; what else did you come to law school to learn?) But if not, Vik and Christina are happy to walk you through the process, employing high pedagogical style: by considering a hypo, of course. Take Hypothetical Professor X. He lectures seated in quasi-lotus position on a Langdell South table. He addresses students exclusively by first name, and from him, the adjective "zippy" qualifies as high praise. Got that? Now compare Hypothetical Professor Y. He can be counted on to tell goof ball jokes at a rate of three per minute; he distributes candy to the masses on holidays; in sum, his Southern courtesy stands out from the otherwise narrow geographic roots of HLS faculty. By extrapolating from these classroom idiosyncrasies, any law student well-trained in over-generalization (and all are), should have a fairly good idea of what X and Y are like with their heels off and ties loosened. Those with no clue, read on.

Just for kicks, Christina imagined herself living a morning in a day in the life of Professor X. Meanwhile Vik fabricated his version of what it would be like to do the same as Professor Y.

7:00 a.m. The morning drill

As Professor X, Christina would wake to find her sheets littered with pages of Georg Lukacs, scraps of Derrida, and perhaps a cigarette ash or two. As the black jeans slipped on, the equally black coffee would slip down. Then, with a quick muss of the professorial coif, our own Professor X would saunter out the door, mumbling about the ideological superstructure of late industrial capitalism.

Meanwhile, as Professor Y, Vik would prepare to face the world with a morning slogan: "I'm cute enough, I'm funny enough, and dog-gone it, my students like me." Boxer shorts; mature, yet hip. Corduroys; classic, yet trendy. V-neck sweater; professional, yet casual. Pondering how best to bridge the gulf between student and professor, Professor Y would eat his Mueslix surrounded by the warmth and love of his lovely wife and beautiful daughter.

He lectures seated in quasi-lotus position on a Langdell South table.

9:00 a.m. The Law School Habitat

But this day, as all others, wouldn't end there. One would think that a law professor would have a standard office with all the boilerplate items: leather-bound treatises accenting a bookshelf, framed diplomas from prestigious institutions and a small plant to provide oxygen. However, as Professor X, Christina would probably stop off in Griswold to find agitprop art dripping from X's office walls, functional, cheerless furniture and everywhere, a film of cigarette ash. (At this point those of you who live in Gropius must be thinking, substitute bat guano for the art and, hey, sounds just like home).

Cut to Professor Y. In his walk in Professor Y's Florsheim loafers, Vik would sit at his desk, adorned by the framed faces he had just left at the breakfast table. Courtesy of Professor Y, the walls of a certain Griswold office would be graced by the drawings of the artistic heir of Jackson Pollack (Y's daughter, of course). Vik would find himself amid a clutter of paperwork, a testament to both his sheer passion for legal scholarship and his charming absent-mindedness.

10:00 a.m. Oops. Time to teach class.

Teaching class? Easy-peasy. This is the part of the day Vik and Christina already know. (Now, simply to manage it from the other side of the curtain.) Shored up by one last suck off a half-finished cigarette, Christina *qua* Professor X would breeze into the lecture hall and begin class casually, hands in black-denim pockets, to underline the absence of lecture notes in any form. Why worry about lecture content or structure when, as any good student of the postmodern knows, one need only wrap a level of meta-analysis around every other level of meta-analysis, and suddenly, one has solved both questions of form and content instantaneously. Thus Professor X would proceed, only to be met by student resistance, of which a typical example is, "But Professor X, isn't that, like, against capitalism?"

Staring somewhat cluelessly out at his eager devotees, Vik would break the ice by flipping the tab on his can of Sprite and relaying a family anecdote which would perfectly demonstrate the Coase theorem in its Nashiest of equilibria. In the consciously nervous voice of an auxiliary *Friend*, Vik would call on a member of that day's panel, goading him/her along the difficult path to Law & Economics nirvana with stress-reducing words of encouragement.

With Christina identifying with Professor X (clearly) and Vik aspiring to be Professor Y, the two squabbled more than they did over the issue of next season's hemlines. Not to worry, there was no permanent rift. After all, Vik and Christina have one important thing in common, not only with each other, but with all the other X-types, Y-types, and African-American woman-types, and the gay man-types in their class. All, no matter what "type," entrust their minds to the people at the front of the room. But, it is less certain that everyone can identify with at least one of those people at the front of the room. What, then, is the excuse for this state of things?

Students Learn Through Human Rights Work

continued from *PROJECTS*, page 2

is currently being written by David McIntosh '98 and Reni Chang '97.

"It has a practical dimension you don't get at all" through the normal curriculum, said Kang. "We just sent something to the U.N. — it's a great feeling."

In another project, just beginning this term, students work with the U.N. Sub-Commission on the Prevention of Discrimination and Protection of Minorities to prepare an eventual U.N. proposal on international mechanisms to regulate transnational companies.

LSC Monies Distributed

continued from *LSC*, page 1

In other business, LSC allocated all of its funds in its dean of students' account. The \$1900 of excess funds were given to a variety of groups, including the Drama Society, a group of 2Ls, and LL.M.'s.

The motion to give \$700 to the Drama Society to subsidize its parody show was met with concern from mem-

"Ultimately the project is for the Special Rapporteur on Human Rights and the environment," said Chuang. The first leg of the project will involve surveying national laws for legislation concerning toxic torts and civil claims against transnational corporations, she said.

"It's an extremely important and timely issue," said Vice Dean David Smith '61, a specialist in international law. "As the Shell case in Nigeria suggests, corporations have not thought seriously enough about the relationships between the transnationals, the political [authorities] and the local communities."

bers who said the motion was not formally made and was sent to the floor without the usual 24-hour notice required by the by-laws.

Simmelkjaer, who made the motions to allocate funding, responded that he was given 80 hours of notice. He then made a motion to waive the constitutional requirement, which was passed by a Council majority.

Faculty Changes Honors Requirements, May Have Considered Guinier Tenure

continued from *HONORS*, page 1

at Friday's faculty meeting.

At the meeting, the faculty voted 25-3 with one abstention to tighten honors requirements so that the top 10 percent of students in each class will receive a magna cum laude. The next 30 percent will then receive cum laude. The percentages exclude the number of students graduating with a summa cum laude, which will still be determined by a 7.2 GPA.

Under the present system — which remains effect until this year's 1L class graduate — students graduate with cum laude honors if they have a minimum 4.85 GPA. Those graduating with at least a 5.80 GPA earn magna cum laude.

Parker said at the meeting that the new system was designed to make graduation honors more meaningful, as well as remove the stigma on the small minority which do not graduate with any kind of distinction.

Since 1972, when only 34.8 percent of the class graduated with honors, the number of students who earn a magna or cum laude has steadily increased to double the number today. Last spring, 71.3 percent of the student body received such honors.

Voting against the proposal were Profs. Charles Donahue, Morton Horwitz '67 and Christine Desan, with Prof. David Kennedy '80 abstaining. Horwitz and Kennedy had argued at the meeting that the tougher requirements would make HLS graduates less attractive in the teaching market, because employers often use the magna cum laude distinction as a gauge of determining qualified candidates.

Dean Clark '72 emphasized the limited, actual effect the new honors system would have on prospective law school teachers.

"With 10 percent of the class as magnas, that translates to about 55 students per class," he said. "Only 8-10 students go into teaching. But it does

squeeze it down."

Parker also emphasized the student involvement in developing the honors proposal. Sitting on the nine-member committee are two students, Leslie Yonce '97 and Rob Edmund '98, both of whom are appointed by the Law School Council. The LSC had taken a stand against toughening requirements for honors graduation.

"We should keep in mind this matter of honors is not a big deal," Parker said.

Also discussed at the meeting was faculty hirings, but several professors contacted afterward refused to confirm or deny whether a vote was taken. They said any information on confidential faculty hirings would be announced by Clark.

University of Pennsylvania Law Prof. Lani Guinier, an African American well-known for her controversial views

on voting representation, reportedly is being considered for a tenured position here, but she has refused to comment on whether she would accept.

Clark, who was stranded in New York Wednesday night, relayed the message that he could not announce any hirings until they are approved by Harvard University's Governing Board.

a process which could take several weeks. The board typically is a rubber-stamp for any hiring decisions voted on by the HLS faculty.

Prof. Charles Ogletree '78 refused to comment on what happened at Friday's faculty meeting but emphasized that he is hopeful that Guinier would join the HLS faculty. Ogletree, a friend of Guinier's, reportedly has been working hard to convince her to accept a tenured post.

"I am a very strong supporter of Lani Guinier, and I truly do hope that she will decide under the appropriate circumstances that Harvard Law School is a place she would want to teach," he said. "She's a great scholar, teacher and good citizen of the legal community."

"I hope she comes," Ogletree said.

"We should keep in mind this matter of honors is not a big deal," Parker said.

Candidates Present Positions at Forum

continued from ELECTIONS, page 1

ing for instance that 95 percent of respondents opposed mandatory class participation.

Need for Improvements to Campus Facilities

The candidates also delineated which campus facilities they believe need improvement and what methods they propose for achieving them.

Holden suggested "a two-tiered approach" to improving Hemenway Gym. She said the first tier would center on short-term changes, such as the purchase of new equipment and improvements in safety and hygiene. The next level would concentrate on long-term planning, possibly including Law School ownership of the gym but certainly securing Law School involvement in plans for the gym's future.

Although Nierlich conceded the desirability of "trying to build up the gym, trying to do little piecemeal additions where we can," he focused more attention on the "need to start putting together some sort of a long term plan." He said this plan should capture the potential for more significant renovation of Hemenway, even to the extent of reconstruction.

Holden responded that given the gym's status as an historic building, total reconstruction is not a realistic option.

Focusing on a different aspect of facility improvement, Melson emphasized the need to expedite book retrieval during Langdell Library's renovation and suggested that the "library situation needs to be taken up directly with the dean like we did last year" in pressuring the administration by student petition.

Approach to Leadership

Responding to a question regarding the candidates' preferred tactical approaches, the candidates emphasized their own qualifications and enumerated their relevant leadership experiences.

Melson mentioned organizing student petitions as a tactical approach he considers effective. He said he employed this approach in the wake of the Langdell renovation announcement, adding that it is occasionally necessary to "take a hard tack with some of these administrators."

Nierlich mentioned his experience in lobbying for evening hours at the Harkbox Cafe and his involvement in the Harkness renovations as examples of his own tactical methods.

"This is really what Law School Council needs to do — to look around campus and figure out where there are problems and to try to deal with them," Nierlich said. "I think that [the authorities behind an issue are] flexible if we can present something to them that will work, present it to them in a way that they can do it."

Nierlich's response elicited a negative response from the other candidates.

"I think the first tactic is to not take credit for things you haven't done," said Bash, who is Holden's running mate. "I think one thing that the Law School Council needs to realize is that our effort is part of a larger effort by other students not acting as Law School Council and [by] administrators."

Melson also criticized Nierlich's involvement with expanding evening hours at the Harkbox Cafe, accusing Nierlich of using DSAC funds to issue coupons for the Cafe to assist it in its fledgling stages.

"I'm not saying that this was necessarily misappropriation of funds," Melson said. "Maybe I misunderstood what went on at the executive meeting at DSAC

[where the coupons were approved], but we were underwriting the coupons and that was not expressed at the meeting."

Nierlich used his rebuttal to "try to straighten out some misconceptions." He first emphasized that he never claimed sole responsibility for input and lobbying surrounding the Hark renovations but only pointed to his involvement.

"I'm not saying that I was the contractor," Nierlich said. "I'm not saying that I built the place myself."

Nierlich said the notion that the DSAC coupons for the Harkbox Cafe were somehow responsible for higher prices at the Cafe was "remarkable." He maintained that the coupons were aimed at increasing attendance at DSAC's "Friends" and "Seinfeld" nights and suggested that Melson had not paid attention carefully at DSAC's executive board meetings.

Student Questions and Candidate Interaction

The candidates were then asked by an audience member whether they were aware of the issues facing LL.M.s at the Law School and how they would propose to address the problems.

All three candidates remarked upon the need for greater interaction between J.D.s and LL.M.s. Holden suggested remedying the problems LL.M.s face in using the Office of Career Services, while Nierlich favored increasing LL.M. representation on the LSC. Melson proposed a revamped J.D.-LL.M. "buddy system" aimed at guiding LL.M.s through some of the more mundane aspects of relocating to a new country, such as selecting banks or long distance phone companies.

Melson resumed his attack on Nierlich during the phase of the debate allowing each ticket to pose one question to its opponents.

Melson asked Nierlich why he favored action against whom Melson called "the 'nowhere man' of the Harvard Law School, otherwise lovingly known as Kasner," only after the Administrative Board handed down its disciplinary ruling.

Melson said he and Nierlich differed in their opinions about Kasner's continuing membership in DSAC after allegations of his improprieties surfaced. Melson said he favored expulsion from DSAC prior to any action by the Administrative Board to get Kasner "away from DSAC receipts" as soon as possible.

Nierlich said he favored delay because Kasner had not actually done anything wrong in DSAC, and added that once the improprieties surfaced, he did not accept any reimbursement receipts from Kasner.

In the time allotted for the candidates to question each other, DeFalco, Nierlich's candidate for treasurer, returned to that ticket's repeated theme of experience and asked the other candidates what in their activities at the Law School would most suit them as officers in LSC.

Holden said her running mates were hard workers but noted that what really would serve them in good stead was their ability "to motivate other people, to work well with other people." Holden underscored a pre-law school experience as valuable in this respect: As a former NBA mascot, "I know how to generate enthusiasm," she said.

Melson noted, "I generally know a lot of people on the campus — I talk to them all the time — and I think that is an important thing," and also cited his experience in mobilizing student support on the Langdell renovation issue as relevant to his leadership potential.

THE KANNONICAL VIEW

Impaired faculty?

By Kannon Shanmugam '98

RECORD Columnist



As it's now February, and at roughly the halfway point of the academic year, it seems a good time to reflect on the first-year experience.

First, the good. After a semester at HLS, I find myself incredibly impressed with the quality of teaching. Lest anyone accuse me of sycophancy, I hasten to add that despite my very high expectations, I have actually been surprised by just how outstanding the teaching has been. Harvard, perhaps even more than other "elite" universities, has a reputation for having faculty members who are brilliant researchers but mediocre teachers. In my experience, at least, the latter half of that statement has been proven to be totally false.

Now, then, for the "bad." I do applaud the quality of the teaching here. It's just a pity there isn't more of it. For one thing, the size of the first-year classes is simply daunting. Perhaps I am slightly jaundiced — as a student in a relatively small department in college, I rarely ever had a class in my major with more than 15 students in it, and never one with more than 30. But it stretches credulity that in one of America's most prestigious academic institutions, students are taught in classes of 140. It is all the more amazing that this should be in the case in a law school where the list of faculty members stretches to five pages.

Admittedly, it's not solely the faculty's fault that classes are so large; it is also the Law School's. After all, the more students HLS can shoehorn into the Victorian train station also known as Austin Hall, the more money it can raise from us when

I do applaud the quality of the teaching here. It's just a pity there isn't more of it.

we get old and gray and decide that one of the richest institutions in America needs our contributions. Perhaps that helps to explain the fact that while Harvard is considered arguably the top law school in America, it is also indisputably the largest.

The Law School does concede the problem of its class sizes by offering first-years smaller sections of "only" 50 students or so each. But this is true for just one class in the fall semester, and none at all in the spring semester. The practical upshot of this is that this semester, only about 15 professors are teaching first-year students. By my admittedly rusty math, that's only about half a page worth of names. What are the other four-and-a-half pages of people doing with their time?

The traditional (if somewhat cynical) answer is that some of them are appearing on television, or defending big-name celebrities or spending hours involved in petty internal faculty squabbles. The Law School officially limits its professors to 20 hours of consulting work per week (half the official work week, itself a pretty large amount). But some have wondered whether that limit is more honored in the breach than the observance; it would be easy enough for a professor to circumvent the limit by billing their clients only 20 hours per week at outrageous rates (one professor on the faculty is reportedly the highest paid lawyer in America per hour), and then working more than 20 hours per week *sub rosa* on their projects. Has an HLS professor ever been disciplined for doing too much consulting?

Another traditional complaint is that some faculty members here are notoriously inaccessible — though, again at the risk of being accused of pandering, I should point out that all of my professors this term are exceptional in this regard, even making themselves available outside office hours. In the past, I have more than once been to see a professor, only to find that his office hours are already completely booked up. This, of course, is understandable in view of the original problem: namely, the large size of first-year courses.

So, what can the Law School do to address these concerns? It could increase the number of first-year sections from four to six. It could implement mid-term examinations and papers for first-year courses, just like every junior high, high school and college in America. It could require its faculty members to teach at least one class per semester or face dismissal. It could ban consulting work during term. And it could hire people who are great teachers, as well as great scholars. Or, it could just continue to rest on its laurels and attract students by its name.

I have been impressed by the quality of teaching here. But I'm not sure I've gotten \$25,000 worth of it. And that's a pity.

Palatial Summer Sublet NYC

West End Ave 70's

Elegantly Furnished - Art
Antiques and Trees - Three
Bedrooms, Dining Room, Den,
Eat in kitchen - 24hr Doorman

Available June 1 - August 31

\$3600/month : (212) 873-9576

**Recycle the
RECORD!**



BAR/BRI & HARVARD

A PROVEN TRACK RECORD

Come find out why
BAR/BRI
is Harvard's **#1** choice
for Bar Review.

DATE: Tues., Feb. 27th

TIME: 6:30PM

PLACE: Hark Pub

**PIZZA will
be served!**

Presented by
Steve Rubin

**PIZZA will
be served!**

Director, BAR/BRI Bar Review

BAR/BRI
BAR REVIEW

Trust the POWER OF EXPERIENCE™ to work for you