



Clinical Supervisor Syrie Fried sits in the smoking lounge enjoying one more cigarette before Langdell Renovations force the closing of the only indoor smoking facility on campus.

RECORD Photo / Cheryl Hudson

Legal Center Fights For Survival

By Hope Yen

Thirty years after the Cambridge and Somerville Legal Services (CASLS) began as a pilot clinical project of Harvard Law School, the center is finding itself gripped by budget problems that threaten its viability.

With an expected 57 percent cut in funding from the Legal Services Corporation and a decline in state support, CASLS — home of the Harvard Immigration and Refugee Clinic — has laid off one-third of its previously 23-member staff, cut hours for several others and tightened guidelines for accepting cases. The center is also considering a consolidation with Greater Boston Legal Services to help keep afloat.

"We've had to recognize that we're going to do less work so we

have stricter guidelines [for accepting cases]," said John Boesen, CASLS executive director. "These are very serious cases we would have taken a year ago, but now only provide brief advice."

"Nonetheless, we have tried to not withdraw from the community, but to use this catastrophe as a basis for strengthening ties with the community," he said, explaining that CASLS was exploring partnerships with neighborhood groups to help teach and clarify the law.

Long-term federal funding for legal aid bureaus through the Legal Services Corporation has been in limbo because of the budget impasse in Washington. In December, President Clinton vetoed an appropriations bill passed by Congress that would have cut LSC's funding from \$400 million to \$278 million.

But this year, CASLS has been promised about \$170,000 from LSC, compared to 1995's \$394,000 — or 30 percent of the agency's \$1.3 million budget. That level of funding is expected to remain around the same even after the impasse is resolved.

Officials at CASLS say the cutbacks mean the next months will be critical in deciding whether aggressive fundraising can prevent further staff lay-offs. A merger with Greater Boston Legal Services is becoming increasingly appealing, though a final decision won't be made for several more weeks, Boesen said.

"The amount of funding cuts imposed by both the state and federal government simply threaten our viability," he said. "We hope to make an arrangement with (GBLS) that has our

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Smokers: Another Casualty of Langdell Renovations

By Katrina C. Randolph

In addition to the HLS community generally, a special group of faculty, students and staff will be hit by the Langdell Library renovation project — smokers.

The smoking lounge, located in the tunnel near Langdell North Middle, will close by the end of the school year. Law School administrators say the lounge will be supplanted by an elevator in the new library. No new smoking lounge will be provided, says Administrative Dean Sandy Coleman.

"This is, sort of, the last piece of the on-campus smoking [allowance]," said Coleman. "Literally, there have been fewer and fewer places, and this is the last one."

Smokers at HLS oppose the administration's decision not to replace the lounge. Some of them are circulating a petition to present to the administration. The petition asks HLS for a replacement lounge.

"It's a reasonable suggestion," said Doug Kysar '98, who signed the petition.

"In the bad weather and in the cold weather, there are a lot of staff members — not a great number, but a lot — who rely upon that room," said ILS library assistant Stephen Helfer. Most people who use the lounge are staff members; students tend to smoke outside Harkness Commons or at other outdoor spots.

"It is very reasonable for us to ask for one small room. We don't bother anybody else. I

think it's simply a matter of reasonable consideration," he said.

Coleman said the closing is part of the move by the city of Cambridge and Harvard University to create a non-smoking environment in all public access buildings. The initial changes occurred in the mid-1980s, when faculty members were prohibited from smoking in their offices. Eight faculty smokers at the time were allowed to remain smoking in their offices, said Coleman, but she said all but one have quit smoking since then.

"It just seems shocking that 50 years ago there were ashtrays everywhere," said Kysar. "If you take a step back from the social and political times, it doesn't seem like a big request."

Coleman acknowledged that such a policy might not be highly supported in other geographical areas, where smoking is more widely accepted.

"It's usually our international students that are most surprised by the policy," she said, adding that the Graduate Program emphasizes in its literature that HLS is a restricted-smoking environment.

The Law School also intends for the closing to further its policy goal of promoting smoking cessation among employees and students, said Coleman. But one smoker said the lounge closing will not make her quit.

"I'll go outside," said Kathy McPherson, a secretary for Profs. Lucian Bebchuk '84 and Lewis Sargentich '70.



RECORD Photo / Cheryl Hudson

BLSA Candidates Gear Up For Election

Joseph Clark '97 and April Savoy-Lewis '97 participated in a candidates' forum on Tuesday night in preparation for their face-off in the election for president of BLSA. Voting will be on Thursday and Friday, and the results will be known Friday.

Harvard and Its Employees: Divide and Conquer

By Rob Friedman

This is the first in a four-part series on employee relations, student services and internal decision-making at HLS.

Thursday night, 260 Harvard electricians, carpenters, operating engineers and plumbers voted on a "second final offer" by the Harvard Corporation that would drastically cut employee health benefits.

The vote comes after 14 weeks of negotiations, and after all other Harvard employees, including faculty members and the 3,600-strong Harvard Union of Clerical & Technical Workers (HUCTW), have agreed to the Corporation's demands.

Although Harvard employees have rarely used strikes during negotiations, operating engineer Rich Hilley, who works at HLS Building Operations, said that workers

are becoming "increasingly unhappy" with the failure of cooperation.

The Corporation — the governing body for all schools, including HLS, at the university — would change how health care benefits are calculated. Its cheapest plan restricts access and care levels, reduces the

The Corporation

Inside Harvard's Administration

amount of care for workers with families, and forces workers to travel to care centers in Harvard Square.

Harvard has contended that the change is necessary to combat rising health care costs, and last year raised the costs of health care for professors by \$100 to \$200 a month.

But although faculty and HUCTW have accepted Harvard's terms, the coalition of four local unions were determined not to "cave in," said

Hilley, noting that the recent tension reflects Harvard's longstanding "divide and conquer" approach to labor negotiations.

"People are seriously fed up," Hilley said.

So fed up, in fact, that coalition employees voted down Harvard's first offer by a 2-1 margin. Then the coalition took its first strike vote in twenty years — and passed it by one vote.

Few workers, said Hilley, want to strike, but many feel they have no choice. "If we don't go out on this contract," he said, "we will go out on the next one."

With employees receiving five percent raises despite a 10-percent rate of inflation in New England, "we're losing ground steadily," Hilley said, noting that other employees were "so scared" by Harvard's demands that they became convinced

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Cut Through Political Rhetoric to Understand "Flat Tax," Says Warren

By Hope Yen

As U.S. presidential candidate and publisher magnate Steve Forbes storms the country bolstered by popular support for his "flat tax," about 200 HLS students gathered within the academic walls of Austin North to hear specifically what such a plan would mean.

The students attended a talk last Thursday by Prof. Alvin Warren, director of HLS's Fund for Tax and Fiscal Research, in which he legally analyzed Forbes' flat tax plan and cut through the political ambiguities and rhetoric dominating the presidential campaign.

"If you actually read Steve Forbes' speeches, if you look at his home page on the World Wide Web to find out what he thinks about taxes or if you call up his campaign and say, 'Send me the most detailed fact sheet you got on the flat tax,' it turns out there's not a whole lot of detail," he said.

Warren, whose talk was sponsored by the Harvard Society for Tax Law and Policy, explained proposals to replace the current graduated income tax with either a "flat tax" or "U.S.A. tax" and urged students to explore their hidden realities. Both plans, Warren said, are styled in a way to obscure the fact that they tax consumption, not income.

"The question that each of you will have to make up your own mind about is, 'Do you want to substitute for an income tax a tax that is essentially a tax on retail sales with a carve-out for low incomes — as in the case of the flat tax — or do you want to substitute for an income tax a tax that is essentially a tax on retail sales plus a graduated personal tax on consumption (the U.S.A. tax)?" he asked.

For example, Forbes' flat tax proposal, which seems to follow ideas originated in "The Flat Tax," a book



Prof. Alvin Warren

written by Stanford's Robert Hall and Alvin Rabushka, is actually a subtraction-method value-added tax "with a wrinkle" to address criticisms of its regressive nature,

Warren said. U.S. Sen. Richard Shelby (R-Ala.) and Rep. Dick Armey (R-Texas) are congressional proponents of this proposal.

The response, he said, is to divide the value-added tax base into two — a business tax and an individual tax, each at a flat rate such as 17 percent. Wages are subtracted from the business tax and included at the individual tax with an exemption for a certain amount of income.

The U.S.A. tax, meanwhile, which is supported by Sen. Pete Domenici (R-N.M.) and retiring Sen. Sam Nunn (D-Ga.), also has two tax bases.

The business tax is a subtraction-method value-added tax "without the wrinkle." Personal consumption is then taxed on a graduated basis at rates up to 40 percent, Warren said.

"The reason these proposals are written this way ... is mainly political — every time a value-added tax is talked about explicitly in the United States, there has been negative public reaction," he said. "So the idea was to transform it into something that seems less onerous, such as a 'flat tax,' or transformed to something that sounds patriotic, like the 'U.S.A. tax.' But analytically it is clear — the business-level taxes under both proposals are taxes on sales minus business purchases, so the net tax base each year is simply retail sales."

There also are major differences between the flat tax and U.S.A. tax in other areas, Warren said. The

flat tax, for example, does not give any deductions for mortgage interest, charitable contributions or alimony, while the U.S.A. tax does. The flat tax also would tax a person again when she spent money already taxed under the income tax, while the U.S.A. tax would allow a deduction for income tax basis.

In addition, retail purchases under flat tax proposals are taxed on an "origin" basis while a U.S.A. tax charges according to "destination," the more-common practice. "What that means is that under a flat tax, if you buy a \$50,000 Cadillac in Detroit, you pay 17 percent, but if you buy a \$50,000 Mercedes, you pay zero," he said. The proponents of the flat tax would expect exchange rates to adjust to eliminate this difference, but the business community is skeptical, Warren explained.

But deciding the better tax proposal is in many ways a political choice that each student must make on his or her own after conducting a careful analysis, Warren said.

"When you think about the difference in rates, you have to understand the dilemma of the drafters," he said. "On the one hand, they want low rates, but they've also got all these other considerations. What the flat tax does is put the emphasis on low rates, even though that means double taxing where you've already been taxed."

"The USA tax makes the opposite choice," Warren

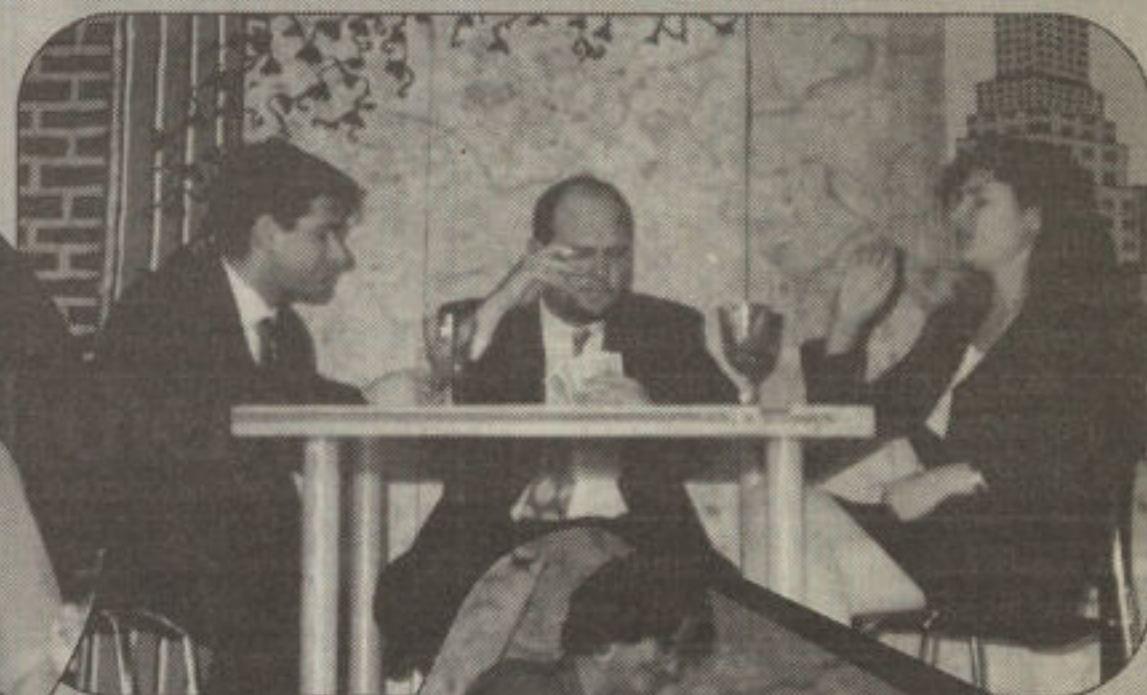
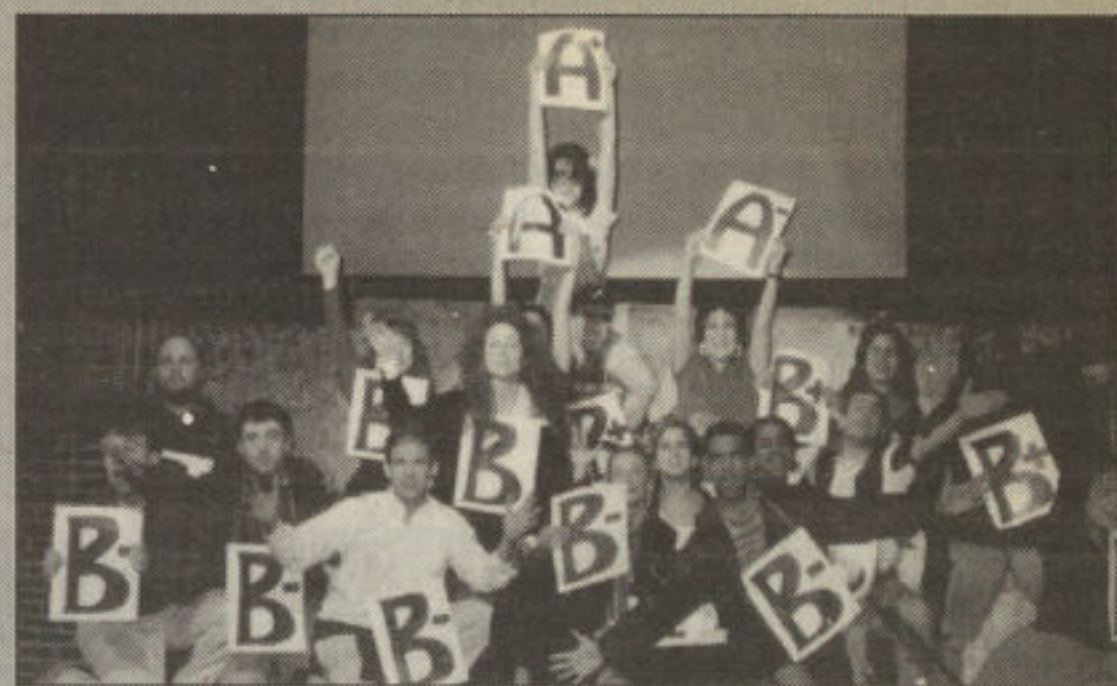
said. "It says, 'We don't want to double tax you, we do want to tax that Mercedes, we want to preserve tax benefits for housing, charitable contributions and alimony.' And when we take all that into account, that means we're stuck with higher rates."

"What the flat tax does is put the emphasis on low rates, even though that means double taxing where you've already been taxed," said Warren.

RAIDERS of the Lost Hark

"The Raiders of the Lost Hark," the Drama Society's annual spring parody, finishes its four-day run this Saturday. A musical comedy about the adventures of four law students in a search for the Outline of the Covenant, the play also features surprise appearances from HLS faculty and staff.

The play is produced by Dino Wu '97 and Brandon Baer '97 and is directed by Jamie Feldman '96. "Raiders," which began Wednesday, can be seen each night in the Ropes-Gray Room at 8 p.m. Tickets are \$7.



Photos Courtesy of John Basinger and David Markese.

SPEAK OUT!

What Do Harvard Law Students Think About Bob Dole as the Republican Nominee?

This Tuesday, Senator Robert Dole won all eight primary elections held in Massachusetts, Vermont, Maine, Connecticut, Rhode Island, Maryland, Georgia and Colorado. We asked people what they thought about Dole's Junior Tuesday sweep.

David Quigley '98

"It is about time. This is a race Dole should have been winning a long time ago. Unfortunately, his latest streak may not be enough to overcome the damage the party has already suffered by Buchanan's success (such as it was). Buchanan's voice is deeply imbedded in those undecided middle-of-the roaders, and if they hold it against Dole, look out. With these results, Dole



David Quigley '98

should really start distancing himself ... fast! The only other problem I can see is that Dole, at 72 years old, should be the president of condominium in Miami Beach."

Nancy Wong '96

"I think that of the various candidates, he is very capable of the position, given his experience in the Senate. I think you really have to give him credit for what he has overcome. He came back as a World War II veteran having lost the use of his hand. That's pretty significant. Sometimes people forget that he was nobody — he was a poor boy. To start out and become a Senate leader for so long and a Majority Leader, I think those are accomplishments that, with all the negative ads that have been flying around, we forget.



Nancy Wong '96

"I think he presents much more of a balanced view than Buchanan. We do need someone who represents a more balanced view than someone who has made some very racist and sexist remarks in his career that I think are indicative of his policies. As a country, we are already so racially and sexually divided in some issues that we don't need someone to aggravate those divisions."

Andrew Byrnes '97

"Winning big against the weakest Republican field in decades will probably get Dole to San Diego in August, but probably not to the White House next January. Dole has failed to offer a plausible, let alone compelling, rationale for his candidacy other than that he's been around longest and this is his third try for the presidency. After



Andrew Byrnes '97

bedding down with the radical right over the past few months, Dole's going to find the middle out of reach come November. His best hope may be that he won't be Senate minority leader."

Mark Yzaguirre '97

"I'm glad Bob Dole won. The GOP needed to finally get unified behind a particular candidate, and I'd certainly rather that candidate be Senator Dole rather than a divisive, and in my view unacceptable and extremist, candidate like Patrick Buchanan. Bob Dole can unify social and economic conservatives behind one banner, and has the maturity and experience necessary to govern wisely. What Republicans should now focus on is the real issue in this election, and that is the record of President Clinton, and that's an issue we can win on."



Mark Yzaguirre '97

Three-Day Conference to Bring Asian Pacific American Leaders to HLS Campus

By Jaclyn Liu

A three-day conference taking place at the Law School next week will provide a unique forum for prominent Asian Pacific American (APA) leaders to debate issues affecting the APA community.

The Second Annual Asian Pacific American Conference on Law and Public Policy, scheduled for March 15-17, will highlight the theme "Representational Issues Affecting the Asian Pacific American Community" and is being co-sponsored by student groups at the Law School and Kennedy School of Government.

Panelists from various professions will address topics ranging from advocating an APA agenda in electoral politics and corporate accountability in labor, to representation in the judiciary.

"Much of the dialogue until recent years presupposes that we have a black and white society," said Viet Dinh '93, associate special counsel to the Whitewater committee, a former clerk to Justice Sandra Day O'Connor and one of the conference speakers.

"However recent events illustrate that this is not true — we have a multicultural society," he said. "From this vantage point, the conference is useful because it contributes to the debate."

Also attending the conference is Judge A. Wallace Tashima '61, the Law School's first APA graduate appointed to the 9th Circuit Court of Appeals, who said that "the main benefit of the conference is to have Asian Americans get together.

"We have common problems — the

conference facilitates discussion about these problems with different points of view coming together," he said. "It will also make the larger community aware that the APA community is concerned with these issues and are working together on them."

Tashima, who will speak on APA representation in the judiciary, expressed hopes that sharing his own professional experiences will make students realize that it is possible for Asian Pacific Americans to become federal judges.

"Once you see that possibility," he said, "the next step is to ask what are the limitations — why shouldn't there be more Asian judges?"

Other conference speakers will include Dennis Hayashi, director of Office of Civil Rights at the U.S. Department of Health and Human Services; Tsugumichi Watanabe '81, a partner at New York's Milbank, Tweed, Hadley & McCloy; Judge Robert Takasugi of the Central District of California; Judge Denny Chin of the Southern District of New York; and Julie Su '94 of the Asian American Legal Center in Los Angeles.

Several of the speakers attending the conference said they planned to discuss the lack of an Asian Pacific American voice in government.

David Chiu '94, Democratic counsel to the Senate Judiciary Committee, noted that the APA community currently lacks the cohesion necessary to become an effective force on Capitol Hill. Because of this, said Chiu, politicians like Sen. Alfonso D'Amato (R-N.Y.) and presidential candidate Pat Buchanan can make racist remarks and yet "escape with impunity."

"This should push our concern about

legal representation in the 1996 election," he said. "The Asian Pacific American community has generally voted for both parties because there is no sense of what issues are motivating the community."

"This is the result of a lack of discussion between Asian Americans who vote for Republicans and Asian Americans who vote for the Democrats. Their votes cancel each other out," said Chiu.

Organizers said they are hoping that the conference will provide an opportunity for professional leaders, alums and students to learn from each other and network.

Doug Sugimoto '96, co-chair of the HLS Asian Pacific American Law Students Association (APALSA), noted that the conference was "an expression of Asian Pacific American unity and political progress."

"The conference was founded last year as part of an effort both to unite Asian Pacific American alumni of Harvard Law School and to facilitate a high-level interdisciplinary dialogue on APA issues," said Sugimoto.

"Another benefit of the conference is the chance for leaders from other fields to meet each other," he said.

Julie Song, of the Kennedy School of Government's Asian Student Caucus, agreed and added that the conference "allows the younger generation to meet mentors." She said, "Anyone who goes to the conference will feel that when they walk away, they've learned something."

This year's conference also coincides with the first anniversary of Harvard Law School's Asian Pacific American Alumni Committee, which was estab-

lished at last year's conference and operates under the auspices of the HLS Alumni Association. According to Jackie Park '95, a former APALSA co-chair and member of the Los Angeles alumni chapter, the conference reflects the momentum gathering among Asian Pacific American students at HLS.

"Ten years ago, we couldn't have held a conference like this — there were not enough people to help run it, and it would have been difficult to have a conference of this magnitude," she said. "Last year, the conference had a panel consisting of partners from big law firms; 10 years ago, we would not have been able to fill that panel."

Joseph Kim '86, a partner at O'Melveny & Myers and another Los Angeles chapter member, said, "The fact that we are able to pull in such a high caliber group of people [to the conference] is a sign of tremendous progress."

Watanabe added, "The conference is a symbol that we have reached a core number — that a group like this is proving to be useful and helpful to each other."

Expressing the sentiments of most participants at the conference, Dinh said, "There is an increase in presence of Asian Pacific Americans in legal, business and political professions. This creates a demand for conference of this nature so people of like interests can meet."

"The discussion that ensues must be inclusive rather than exclusive because the Asian Pacific American community is not monolithic — it's a collection of voices and all must be heard. The conference is a great way to do so," he said.

The conference is also co-sponsored by the Korean Association and the South Asian Association at HLS.

Tsugumichi Watanabe '81 added, "The conference is a symbol that we have reached a core number — that a group like this is proving to be useful and helpful to each other."

Across the Wire ...

Justice Dept. Sues Virginia Over Conditions at Mental Facilities

ALEXANDRIA, Va. (AP) — The U.S. Justice Department sued the state of Virginia Monday over alleged substandard conditions at two state-run facilities for the mentally disabled.

The agency is seeking a court order that would require the state to fix conditions that "led to dangerous and sometimes life-threatening situations" at Northern Virginia Training Center in Fairfax and Eastern State Hospital in Williamsburg.

The Justice Department filed suits against each facility in U.S. District Court in Alexandria.

Timothy A. Kelly, commissioner of the state Department of Mental Health, Mental Retardation and Substance Abuse Services, denounced the lawsuits and defended the state's operation of the two facilities.

State officials invited federal authorities to inspect the hospital and the training center in January but they declined, Kelly said. In addition, representatives of the Justice Department have not visited either institution since 1993, he said.

"Given their failure to check the facts with on-site visits, their arbitrary decision to file suit is all the more disturbing," Kelly said.

Justice Department investigators responded to a number of complaints

about medical care, supervision and treatment at the training center and hospital.

The agency began investigating the Northern Virginia Training Center in May 1990. The center houses individuals with developmental disabilities.

The department opened its investigation of Eastern State Hospital, which houses individuals with psychiatric disorders, in September 1992. The state was informed of the department's most recent findings in both cases on Feb. 8, 1995.

"We have given Virginia every chance to comply with the law, but these residents can't wait any longer for conditions to improve. The time for talk has ended," said Deval L. Patrick, assistant attorney general for civil rights.

The suits ask that the state provide adequate psychological, psychiatric and medical care for residents, ensuring residents' safety, staffing levels and resident evaluations.

The lawsuits say a boy at the

Fairfax center died of asphyxiation when a plastic glove lodged in his throat. At Eastern State Hospital, a patient died of cardiac arrest after being given eight different prescription drugs, the Justice Department said.

The federal agency said conditions at the facilities continue to pose a danger to residents.

State officials have worked hard to improve the quality of care at both institutions because of the Justice Department investigations, Kelly said. Both are fully accredited according to the standards of the federal Medicaid program and the Joint Commission on Accreditation of Health Care Organizations, he noted.

Justice Department lawyers declared an impasse and filed suit when Virginia refused to accept their "more extreme demands," Kelly said.

Mark Miner, a spokesman for Attorney General James Gilmore, said: "We'll respond to [the

lawsuits] in due course and take it from there."

The lawsuits say a boy at the Fairfax center died of asphyxiation when a plastic glove lodged in his throat.

Supreme Court Upholds Railway Award

WASHINGTON (AP) — A former Granite City, Ill., railroad worker who injured his back on the job eight years ago won a victory Monday before the U.S. Supreme Court.

The justices let stand a \$1.5 million award that lower courts had ordered Norfolk and Western Railway Co. to pay John D. Luther.

Luther said he hurt his back while working as a laborer on a crew repairing Norfolk and Western rail lines in Jennings, Mo., in 1988.

His attorney, Lance Callis of Granite City, said Luther has been unable to work since the injury. He recalled Luther's reaction when he told him of the high court's ruling.

"It took a couple minutes for it to register, and then he just started saying, 'Is it over? Is it over? Is it over? It's been a long time,'" Callis said.

Luther said the injury occurred while he was loading a heavy saw onto a truck. He walked through debris on the truck bed, and when he bent to put the saw down, he fell to his knees and felt a sharp pain in his back.

His doctor said the incident aggravated a degenerative back disc disease.

The rail company said Luther contributed to the injury by failing to clear the truck bed before loading the saw.

But the crew's foreman testified that Luther performed his work as the foreman had directed.

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Across the Country

Students Lose "Indecent" Sex Ed Appeal

WASHINGTON (AP) — Two former Massachusetts high school students and their parents who objected to an "indecent" program on sex education and AIDS lost a U.S. Supreme Court appeal.

The court left intact a ruling that said the 90-minute program held at a school assembly did not violate religious freedom or parents' right to rear their children as they see fit.

Today's action, taken without comment, ends the two families' federal court attempt to collect \$3.5 million from Chelmsford, Mass., school officials and Suzi Landolphi, owner of the Hot, Sexy and Safer production company.

A state court lawsuit still is pending.

Landolphi, then based in the Boston area, was a guest speaker at Chelmsford High School in the spring of 1992. Her presentation combined coarse humor, audience participation and explicit references to warn students about the danger of contracting AIDS through sexual intercourse.

Jason Mesti and Shannon Silva, then both 15 years old, attended the assembly.

Lawyers for the two students and their parents said the performance contained "simulations and explicit references to masturbation, ejaculation, breast size, penis size, sexual intercourse, nudity, urination, oral-genital contact, erections, sodomy and testicles, the homosexual lifestyle and premarital heterosexual conduct by minors."

In answering the lawsuit, Hot, Sexy and Safer said Landolphi had made more than 5,000 such presentations and never had been sued.

School officials in Chelmsford acknowledged that a policy of notifying parents and allowing them to remove their children

**The appeals court
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from such programs had not been followed before Landolphi's appearance.

A federal judge threw out the lawsuit, and the 1st U.S. Circuit Court of Appeals upheld the dismissal.

The appeals court acknowledged that parents do have considerable freedom to direct the upbringing of their children, but added, "We do not think ... this freedom encompasses a fundamental constitutional right to dictate the curriculum at the public school to which they have chosen to send their children."

The lower courts also rejected the claim that Landolphi's program violated the two students' right to be free from "exposure to vulgar and offensive language and obnoxiously debasing portrayals of human sexuality."

The appeals court said it could find no previous decisions "indicating that such a fundamental privacy right exists."

The freedom of religion claims were rejected after the appeals court noted that the families "do not allege that the one-time compulsory attendance at the program threatened their entire way of life."

The case is *Brown v. Hot, Sexy and Safer Productions*, 95-1158.



This Week, Reports From the East Coast

Policy Allows Dormitory Searches

BOONE, N.C. (AP) — A new policy at Appalachian State University allows campus police and other school officials to search dorm rooms without a warrant or a student's permission.

Students and some lawyers have questioned whether the policy — one of the toughest in the University of North Carolina system — violates students' constitutional rights against unreasonable searches.

Rick Geis, the director of residence life, said the new policy is a necessary tool to fight drug use, particularly marijuana, which campus police say is the most prevalent illegal drug on campus.

"We'd be in the halls, and we could smell it [marijuana], and students would come up and tell us who was doing it, but by the time we'd get a search warrant and come back, the stuff was either flushed, tossed or swallowed," he told the Winston-Salem Journal.

With this new policy, officials can go into any dormitory room and seize any drugs.

Diana Pioch, 18, a freshman who lives in a dorm, said she does not like the policy.

"You mean that they come in whenever they want? Even when you're not there? That's not fair," she said.

About 5,000 of Appalachian's 12,000 students, or about 42 percent, live in the dorms.

Geis and Nathan Simms, the vice president of student services for the UNC system, said Appalachian's policy

is the strictest on the books. But they say officials at all 16 of the state universities have the authority to search a dorm room without a warrant because it is university property.

According to a report from the UNC system, there were 19 cases of students being found with drugs on campus at Appalachian in the 1993-94 school year and 34 cases in 1994-95.

Appalachian has had 18 drug cases since the new policy took effect Jan. 17, and 16 involved dorm-room searches,

said Roy Tugman, director of the campus police department. Tugman declined to discuss details of the cases, but he said most of the

16 searches were voluntary and that either marijuana or drug paraphernalia was found in each.

Finding drugs in a search will not result in criminal charges against students, said Gregory Blimling, vice chancellor for student development. The university decided to handle most drug cases itself instead of going through the court system, he said.

Under the university's new policy, most first-time offenders will be placed on probation by the university and ordered to attend drug counseling. After a second offense, the student will be

expelled. People caught with narcotics or crack cocaine on a first offense also will be expelled.

Searches will be conducted only if campus police or members of the staff have a reasonable suspicion of drug use or other illegal activity, Blimling said.

What constitutes reasonable suspicion is not spelled out in the policy, but it would have to be more than just a telephone call naming a student as a pot smoker, he said.

Lawyers versed in constitutional law have their doubts about whether the policy could stand up to a court challenge.

"This is blatant," said Winston-Salem lawyer David Freedman. "People still

**With this new
policy, officials
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dormitory room
and seize any
drugs.**

have Fourth Amendment rights. If I'm leasing a room, even a dorm room, I have an expectation of privacy.

"And the highest expectation of a person's privacy is where he resides. The Supreme Court recently upheld a homeless person's right to privacy for the place in the woods where he was living."

Freedman also doubts that the university can say that no evidence seized in any searches will be used in court.

"Suppose they went in and found a kilo of cocaine? They can't stop the feds from coming in on the case," he said.

Yale Union Urges Connecticut Assembly to Oversee Virus Labs

HARTFORD, Conn. (AP) — Workers from Yale University on Monday told lawmakers they fear that without strict state oversight of the school's virus laboratories, they "could set off an epidemic of unspeakable proportions."

"We can't afford to wait until the next accidental release of virus or the next lab worker gets sick," said Larry Kilburn, chief safety steward for the Federation of University Employees Local 35.

A proposal debated during a public hearing of the General Assembly's Education Committee would require increasing state oversight of laboratories that handle deadly viruses. Regulations in the measure require a licensing procedure, surprise inspections and that any mishaps involving the viruses be reported to the state regulators.

The measure was introduced in the wake of recent reports that a Yale researcher improperly removed deadly

viruses from a special laboratory last year and placed himself and other workers at risk of infection.

Yale officials who testified said they are not opposed to state oversight, although they questioned whether the proposal would truly increase safety.

They said the laboratories already are regulated by the Centers for Disease Control and Prevention and the federal government.

Health officials have said there are no provisions for the labs to report mishandlings of viruses to the state.

"When workers leave their laboratories, they sometimes use public transportation.... If, God forbid, one of us were to contract one of these rare diseases, we could set off an epidemic of unspeakable proportion," said Kilburn, who works as a carpenter at Yale Medical School.

University officials said in safety meetings the researcher last year

improperly used three encephalitis strains from the Yale arbovirus lab's stocks, according to The Hartford Courant.

One of those strains, Murray Valley Encephalitis, is so deadly it has killed up to half of those who became infected in outbreaks in Australia.

Yale halted the work of the researcher in October after also finding that the scientist experimented on viruses without informing university officials.

The researcher has not engaged in any laboratory research since the committee ruling and has been told his appointment at the Laboratories of Epidemiology and Public Health will not be renewed when it expires in June, the university has said.

In 1994, another Yale researcher became infected by the rare Sabia virus that he was studying. Subsequent inspections by the national Centers for Disease Control and Prevention and a university panel found faulty equipment and other problems.

BRIEFS



Law Students to Protest Communications Decency Act

Students from more than a dozen of the nation's leading law schools are planning a "silent protest" day against the recently enacted Communications Decency Act, which allows the government to regulate expression on the Internet.

Next Thursday, students will distribute blue ribbons and remain silent from 10:05 a.m. to 2:05 p.m. to bring home the effects of government censorship that they say the act promotes. Students at several schools will augment the "silent protest" with discussion groups and teach-ins.

More than a dozen of the nation's leading law schools will be represented in the protest, including HLS, New York University, Columbia and Boston University. A group of students at NYU is spearheading the protest.

Former journalist and protest organizer Charles Glasser, a third-year law student specializing in First Amendment and Media Defense at NYU, said the response from law students has been significant.

"This generation of law students is meeting the moral challenge which law school could — and should — present us with," he said. "We are obligated to examine and defend our commitment to constitutional principles. Many of us feel that free speech is the freedom from which all of our other freedoms flow."

Law students are particularly upset at what they consider to be the facially unconstitutional overbreadth of the act, Glasser said.

"While restricting the text and images that children are exposed to may be a compelling interest, this law hopelessly fails the 'narrowly tailored' prong of strict scrutiny," he said. "Any attempt to carve exceptions from the First Amendment must be done with a scalpel. This law tries to do it with a lawnmower."

Law and Technology Journal to Hold Symposium

The Harvard Journal of Law & Technology will be hosting a symposium Saturday that focuses on high technology, antitrust and the regulation of competition.

The symposium, which will be held in the Ames Courtroom from 10 a.m. to 2 p.m., will feature speakers from HLS, the U.S. Department of Justice, the Federal Trade Commission and the D.C. firm of Foley & Lardner.

Four papers will also be presented by scholars from around the country. They include, among others: Prof. Timothy Brennan of the University of Maryland; Prof. Dennis Carlton of the University of Chicago; Prof. Robert Lande of the University of Baltimore Law School; and Prof. Stan Liebowitz of the University of Texas at Dallas.

Cambridge Residents Seek Fair Rent From Harvard

More than 70 students and members of the Cambridge community gathered on the Harvard campus this week to discuss how Harvard should manage its formerly rent-controlled property.

Speakers at the event, entitled "The Harvard Empire and Cambridge: Economic Violence in our Own Backyard," included City Councillors Francis Duehay and Michael Sullivan as well as leaders of Cambridge neighborhood and tenant organizations.

The speakers agreed that the University, which owns five percent of Cambridge's formerly rent-controlled property, is in a special position to aid the city's mission to preserve affordable housing.

Students at the meeting said they wanted to work with community leaders to keep housing affordable after rent control.

"As students of Harvard, we didn't want Harvard invoking our name while evicting people from their homes," said Shoshana Weiner '97. "We don't want our needs arbitrarily pitted against the citizens of Cambridge."

—From the *Crimson*

Harvard Ethnic Studies Dept. Urged

Students at Harvard College have been mobilizing to push the creation of an ethnic studies department.

Members of the Ethnic Studies Action Committee (ESAC) organized a demonstration last week in front of the Science Center to advocate cultural diversity by passing out fliers on race and ethnic studies, a minority student center and diversity in Harvard's Core curriculum.

"We want the administration to express an official commitment to developing a coherent program in the ethnic studies," said Veronica Jung '97. "And Harvard is lagging behind."

Students said a formal ethnic studies program would demonstrate the administration's commitment to diversity.

"[Those professors] are all visiting, and they're here for no more than a semester," said ESAC member Alex Cho '96. "There is zero stability as far as education in race and ethnic studies are concerned, aside from Afro-American studies."

—From the *Crimson*

Science Center Restrooms to be Overhauled

The Science Center's two main basement bathrooms, located next to the computer labs, will be closed for renovations for six weeks beginning March 18, officials said.

"It's something that needs to be done," said Building Superintendent Paul Kelly. "They haven't been worked on for 20 years." The renovations include making the bathrooms wheelchair-accessible.

To accommodate the temporary closings, bathrooms on the second, third, fourth and fifth floors will be accessible 24 hours a day. In addition, the Cabot Science Library's bathrooms, two of which are wheelchair accessible, are also available.

—From the *Crimson*

Union Workers Vote on Harvard Contract Offer

continued from HARVARD, page 1

they would "have to bite the bullet" and accept unilateral installation of the health plan on January 1.

Unlike professors, Harvard's unionized employees are protected by the National Labor Relations Act from unilateral contract changes. So when the old collective bargaining contract expired at the end of last year, Harvard took a tough stance at the negotiating table to get its unions to agree to concessions.

Chuck Monahan, business agent for the International Brotherhood of Electrical Workers which represents 42 coalition members, said people are both excited and fearful of entering "new ground" with their recent strike vote.

Monahan said the health care cuts Harvard wants are "simply unacceptable." The change in the levels of payment will force most employees into the cheapest plan, he said, "and that's not a legitimate health care plan."

If workers do decide to strike, it will likely come only after the union files an unfair labor practice with the National Labor Relations Board. Because Harvard instituted unilateral changes to the collective bargaining agreement, the Corporation is in violation of federal labor law. The union has yet to file a petition, however, and it could take months for the NLRB to settle the issue.

If the NLRB finds for the union, Monahan said, striking workers would be protected if the Corporation attempted to bring in replacements. A decision from the NLRB would therefore give the union an "open ticket" to demonstrate without fear of retaliation, he said.

Rehashing the history of unions at Harvard, however, Monahan is anxious about the possibility of conflict. His coalition remains isolated as the only group of workers in defiance of the Corporation. And, while HUACW leadership has pledged to support the coalition, stating it would "not cross the line," it is unclear how much solidarity exists between unions.

HUACW, for instance, set up a Joint Benefits Committee after negotiations stalled. The committee finally authorized Harvard to implement health care

cuts — pending changes that the committee might suggest — and then ratified the agreement by 82 percent.

President Doreen Williams said that her union wanted to avoid conflict with Harvard management during negotiations. "We were seeking a peaceful way to solve [the health care] problem," she said.

But other HUACW members believe that the union has sold its membership short. Tom Potter, a Law School secretary and leader of a rank-and-file pro-democracy group within the union, had urged his fellow workers to vote down the contract.

"This union is tending towards business unionism," Potter said, criticizing the union for being too conciliatory and warning that employees were authorizing a "blank check" to management by relying on the Joint Benefits Committee. Potter said that, without deadlines, the committee can stall and allow Harvard's cuts.

Damon Silvers '96, who worked for HUACW on its first contract nine years ago, said the union has traditionally tried to cooperate with Harvard management. Under the last contract, workers received large raises and improved benefits. Now, he said, Harvard is "looking to take it all back."

"Essentially, the university is putting the squeeze on the people who do the work," Silvers said, noting that professors make "plenty of money" and students "go on to high-paying jobs."

"It's not as though there's not enough money to pay people decently," he said.

Unions at Yale have been working in concert since February 7 to pressure the university to accept their contract offer. Nearly 1,450 clinical and technical workers at Yale have alternated striking the university, while sharing their wages to lessen the impact. Although it is conceivable Harvard's unions would stage a similar work action, it is unlikely, said Monahan.

"I feel that the law is on our side, but I know how these things tend to play out at Harvard," he said.

And he knows the fear that will pack the room, when the union takes its second vote. "I'm really not sure what's going to happen," he said.

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GYM RAT

Tobacco Road Leads to Hemenway

By Todd Stillerman '97

Guest Columnist



I was raised in Buie's Creek, North Carolina, an afterthought on most road maps where the population of 1,500 Southern Baptists finds security in two unassailable truths: Jesus always forgives and true basketball fans never forget. Situated in the eastern part of the state just where the sandy grit of the coastal plain begins to mix with the fertile loam of the piedmont crescent, Harnett County's soil kindly accommodates the bright leaf that dominated North Carolina's economy for two centuries: Buie's Creek lies at the foot of Tobacco Road. Nostalgia nearly cripples me on this weekend every year, for tonight begins the four-day festival that still captivates every soul in that tiny hamlet, a grand event known simply as The Tournament.

As the nine members of the Atlantic Coast Conference gather this weekend in Greensboro to decide the league's champion, Buie's Creek will be abuzz with memories. Parents who sometimes forget the names of their own children will recall in vivid detail the exploits of Lennie Rosenbluth, who scored 107 points in three games as his North Carolina Tarheels charged through the 1957 tournament on their way to a triple-overtime national championship win over Wilt Chamberlain and Kansas. Schoolchildren who cannot remember their multiplication tables will recite to perfection the tales of David Thompson and the N.C. State team that beat Maryland in the 1974 final, a game acknowledged by Harnett County cognoscenti as The Greatest Game Ever Played (Duke-Kentucky, be damned). The Wolfpack and Terrapins, who entered the Tournament ranked #1 and #2 nationally, played flawless basketball for two overtimes before Tom Burleson's last minute heroics put the 'Pack over the top. Recent medical studies show that the one thing Alzheimer's patients in Buie's Creek will never forget is Randolph Childress slicing through the lane to bury the game-winner and lead Wake Forest to victory over the Tarheels in 1995.

Forget James Naismith and all that peach basket hooey. Forget Hoosiers and all that malarkey about Indiana high school basketball. Eastern North Carolina is the capital of basketball for four days every second weekend in March. Seemingly indifferent citizens will gaze with rapt attention at broadcast coverage of The Tournament. Elementary schools suspend class at noon on Friday and roll televisions into the classrooms for the noon quarterfinal. High schools cancel basketball games so the players and fans can see the Friday night action. Stores close at 11:30 on Saturday morning so shopkeepers can rush home for the semifinals. Pastors hold Sunday services an hour early so their congregations can finish lunch before the championship final tip-off. Ronald Reagan made the mistake in 1987 of attempting an urgent presidential message during The Tournament; the local affiliate ran the president's speech on tape delay. No one in Buie's Creek remembers what the urgency was, but they will tell you that Georgia Tech won that game on a steal by Duane Ferrell with three seconds to play.

When I came to Harvard Law School, I never expected to see again the ardor and awe that surrounds The Tournament. I was wrong.

Every weekend brings a magical aura to Hemenway Gymnasium that radiates from the ever-growing army of intramural basketball denizens. Enigmatic, career-driven future litigators transform into noble cage-warriors as they step onto the hallowed hardwood; methodical, introverted soon-to-be policy wonks scrap and battle with the fury of competition; neutral, composed one-day mediators dispute calls with the selective eyes of partisanship.

The all-consuming rivalry has attracted legions of Crimson students as obsessed as the Tobacco Road crazies. "I had the honor of watching Chris Webber and the great Fab Five teams at Michigan. I thought the Big Ten was the pinnacle of basketball excellence, but these games are mesmerizing," says Rachel Blum '97, who frequently attends B-League games. Shannon Toolis '97 concurs: "They don't charge admission, and the players don't get paid. It's purely basketball for basketball's sake. It's really an art form." Regular fans are amazed themselves at the addictive nature of the league. "I started attending the games sometime last winter," says intramural insider Suzie Grosso '97. "Now you couldn't drag me away!"

To experience the splendor of Harvard Law School intramural basketball, wander up to the third floor of Hemenway Gymnasium. For those readers who have yet to catch the fever, here are a few highlights from the season to date:

Last season, Gooch's Two-Headed Johnson ran through the B-League regular season undefeated. This year's incarnation was nearly half-way to another regular season sweep, this time through the B-League's Western Conference. Gooch's Last Stand won its first three games, punctuated by a 20-point win over Flagante Delicto. At press time, the Gooch was headed for a collision with another undefeated squad, General Gao. Gao's Craig Gibbian '96 reports that the General carved up its first three opponents like so much kung pao chicken.

At the other end of the standings, Just For Laughs: Intentional Foul Part Deux! captain assessed his team's future with all the confidence of a Bob Dornan campaign worker. "We're on a two-year plan that began last year. Our goal is to win a game." Although Just For Laughs was 0-2 entering a weekend showdown with the Grizzers (a.k.a. "The Law Review Team"), Gates said the elusive win could be at hand. "There's a lot of bad blood. We nearly beat them last year, but they brought in a bunch of ringers. If their real team comes to play, we'll have a good shot."

The regular season has ended in college hockey, and the Harvard men's team finished in sixth place. Last weekend, the Crimson lost another pair of games, increasing the school's record-long losing streak to nine games. Dartmouth outplayed Harvard and won by a 5-1 margin. Harvard played much better against ECAC regular season champion Vermont, but the Catamounts won 3-1.

The ECAC playoffs began this week, with RPI and Brown winning preliminary round games on Tuesday. In this week's quarterfinal series, RPI plays at Vermont, Brown travels to Clarkson, Cornell hosts Colgate, and Harvard skates against St. Lawrence in Canton, New York. This season, the Saints beat the Crimson twice: 7-3 at Appleton Arena and 5-4 at the Bright Hockey Center. Harvard outplayed St. Lawrence two weeks ago, but it was to no avail.

Although the Harvard hockey team has had a disappointing season, another varsity team has had much more success. The women's basketball team won the Ivy League championship and will make its first-ever appearance at the NCAA tournament this month.

Regular Gym Rat Dave Koontz '96 returns next week.

THE VERDICT

Despots And Dopers



By Michael Bennett '98

Movie Reviewer

"RICHARD III"

Richard Loncraine's "Richard III" revisualizes Shakespeare's tale in modern context, removing it from its original setting at the last moments of England's Lancaster period and planting it anew in a fantastic pre-WWII London. The film trades horses for tanks, platemail for storm-trooper uniforms, and swords for automatic weapons. What remains of the original work are the characters and their dialogue (more or less).

As does the play, the film tells the story of Richard's ascent to and plummet from the royal throne. It's a devious and bloody voyage orchestrated by Richard and fueled by his greed and belligerence. Originally, Shakey Bill created his comic drama under the Tudor monarchs, so naturally the title character, who is a Lancaster, is portrayed as a heinous villain. It seems that even historical fiction is written by the victorious.

Richard's villainy is astounding and shocking to anyone who is familiar with the play. But put into the hands of Ian McKellen and magnified on screen, the effect is almost overwhelming. Luckily, the characters' comical nature and humorous exchanges with the audience serve as a chaser and relax the arm hairs. Maggie Smith as Richard's mother, the Duchess of York, is quite good but lacks screen time (this is one area where the project could have used a little tweaking). Her biting condemnations of son Richard are virulent. Unfortunately, the American actors are clearly out of their element as well as their league. Annette Bening's attempt at Queen Elizabeth is admirable but lacking. Without McKellen's presence, Bening's performance would probably have been a bit more palatable, but then this movie wouldn't be taking up half of this column. The same "knife to a gun fight" feel is applicable to Robert Downey Jr. who acts as Earl Rivers, the queen's brother. He just cannot compete on the same screen as McKellen.

Fortunately, the title actor and visuals are practically enough to allow a gradual overlooking of the side characters' portrayals. Shuna Harwood's costumes are noteworthy; shifting from the suaveness of F. Scott Fitzgerald-like elite to dark military garb reminiscent of Third Reich decor. As well, Loncraine's directorial ability is clear and pulls everything together nicely. This one's well worth the price of admission.

Rating:



Now playing at the Kendall Square Theater.

"GEORGIA"

If you can get past the idea that a country music star can be born in a region that spawned the likes of Pearl Jam and Nirvana and, as well, survive repeated sonic torture sessions passed off as singing by Jennifer Jason Leigh, you'll probably enjoy "Georgia." It's a story of addiction: drugs, alcohol, sex, music, people, glory and, most of all, self.

Directed by Ulu Grosbard, this film at times feels somewhat stalled and incongruent. In the end it finds its pace and develops nicely as Sadie, played by Leigh, spirals — eventually plummets — into self-destruction. The film flows more like the documentary of a warped family than a "life gets better" movie, so don't come with hopes of finding a happy ending or an answer to the problems you have with your little brother or sister.

The plot is essentially a probing look into a classic sibling rivalry scenario. Georgia, played by Mare Winningham, is the older sister who has all the talent and fame. Sadie, on the other hand, is a pathetic loser who fancies herself a singer. It's clear from the beginning that the sisters have always been competing with one another and that Sadie has always lost miserably. But, it's also clear that Georgia is not satisfied with her clear victory and needs more. Ultimately she wants Sadie to need her big sister. Eventually, she gets just what she asked for, but instead of a sweet little sister full of admiration, Sadie is instead a doped-out, weasel-like, dysfunctional sister who acts as a mirror and reminder of times gone by.

The co-starring performances are good but Leigh shines the brightest. She continues to offer renditions full of depth. Her performance is similar in intensity to her work in "Single White Female" (1992). She has mastered the psychotic anti-heroine and, if not careful, will probably have trouble evading the confines of a type-cast role. Her co-starring effort in "The Hudsucker Proxy" (1994) as Amy Archer was good, despite the lack of psychosis, but was a bit dry and lacking in breadth. Additionally, the film was an economic failure. Not many people outside of the Cohen Brothers' fans will remember her effort there. Winningham's performance as Georgia is solid and her voice is angelic. This would normally be a positive aspect, but, towards the end of the film, when compared side by side with Leigh's dragon shrieks, Winningham's voice simply serves to further accentuate the horror of Leigh's. It's still worth seeing, though.

Rating:



Now playing at Kendall Square Theater.

Harvard Law RECORD

Founded in 1946

Hope Yen
Editor-In-Chief

No Smoking, No Go

Large tubs of metal, like hubcaps rescued from the local junkyard, perch tiredly on tabletops stained with cigarette ash. They catch the crushed butts of Marlboros and Virginia Slims, sending up a nicotine miasma that envelops those who enter the smoker's lounge in the basement of Langdell.

The shutters are drawn, too, a murky veil across the windows to the lounge, as though the Law School wants to hide its dirty secret that in the '90s, some administrators, students, and faculty still smoke.

But while there are those who may recoil from a cancer-causing habit and applaud the Law School's determination to become an almost completely smoke-free environment, the imminent abolishment of the smoker's lounge in Langdell is the latest in the administration's disregard for the welfare of its employees and students. An implicit morality statement, the move may match anti-smoking ordinances at the municipal and state levels, but at the same time it translates into a heavy-handed move which will disproportionately affect those Law School employees who do not have the luxury and freedom of choosing where and how long they take their smoking breaks. These employees, in addition, are not those high in the administrative pecking order such as administrators — rather, they are most likely to be the staff who are already burdened by the onus of low pay and demanding supervisors.

Ironically, while the administration makes noise about ensuring the atmospheric purity of the Law School's environment, when it comes to actually enforcing its stated policy, HLS falls quite short of its stated goal. Innocuous plasticine signs with "No Smoking" stenciled in black do nothing to stop some students and visitors from smoking in hallways; the first floor of Harkness Commons, used by all members of the HLS community, often plays host to the exhalations of smokers despite the sensibilities of others. No one, however, polices these flagrant violations of the Law School's smoking restrictions, even though the administration purportedly stands by its anti-smoking word.

What then becomes of the Law School's tough act of closing the smoking lounge? Foreseeable is an increase in the number of people sneaking smokes in supposedly restricted locations, which does nothing either to meet local ordinances or to help non-smokers attain an environment they want in public areas. Keeping the smoking lounge is the most appropriate way to achieve the Law School's overall goal of reducing smoking in campus buildings while also maintaining the dignity of employees who happen to smoke.

— Kuohung

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

—First Amendment, U.S. Constitution

• Letters •

Keep State Out of Morality Enforcement

Scott Wiener's recent column ("Gay Youth and 'Parental Control,'" RECORD March 1, 1996) argues that the government should step in to protect homosexual children from the control of their parents. Mr. Wiener has suggested, then, that government should actively intervene to control the private family lives of its citizens. But if the government were to undertake such a questionable enterprise, why does he think it would exert its power on behalf of homosexuals?

Homosexuality is the preference or practice of same-sex sexual relations. The cold hard fact is that many citizens, including some who are parents, have moral objections to same-sex sexual relations. This stand does not denigrate the dignity and worth of every individual; it simply posits that some sexual acts are immoral. (Mr. Wiener's char-

acterization of opposition to homosexuality as "prejudice and bigotry" simply insults without informing). Parents have the right to attempt to inculcate their own moral beliefs in their children. Faced with a child who expresses a preference for or practice of sexual acts which they think are immoral, parents should be able to take reasonable steps to dissuade their children from this course of action. (While it may be difficult to change a preference, it is certainly possible to abstain from a practice). Such steps may well include a reduction of the child's access to negative influences, i.e., homosexual role models. I would personally hope that parents undertake this task with sensitivity to the child's feelings, but I would shrink from regulating parents' behavior simply because it lacks sensitivity.

If the laws that Mr. Wiener supports were

passed, the state would be enforcing the moral stand that homosexual acts are acceptable. If the state were going to get into the business of regulating the family in this manner at all, it is more likely that it would require parents to teach that homosexuality is something to be avoided. Indeed, those states in which sodomy is criminal could force parents to report the child's potentially criminal proclivities to the state.

As a result, an active state interference in the family control structure could be much more damaging to homosexuals than helpful. Thus, I am surprised that Mr. Wiener believes the state has a role to play at all. It would be far safer for homosexuals, and all other citizens, to keep the state out of such sensitive areas all together.

Patrick Lannon '96
March 5, 1996



2 weeks old, 1989



1 year old, 1991



2 years old, 1992

Stevie Ace Flores.

Killed by a drunk driver on March 23, 1993,
on Pacific Coast Highway in Wilmington, Calif.

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River Phoenix?

By Samantha Power '98

The stone desert of western Herzegovina boasts more tinted-windowed 1995 Mercedes and fewer indoor toilets per capita than any other region in the new, triethnic Bosnia-Herzegovina. Mladen Naletilic Tuta, the local "godfather," probably owns an equal number of both. Tuta admits to carrying out more than 90 terrorist acts across Europe for the "Croat cause;" he prides himself on his links to Carlos the Jackal, to the IRA and to Croatian Defense Minister Gojko Susak. His resume includes casino manager, Croat "convicts' brigade" leader and Bosnian federation saboteur. Though he suffers from migraines caused by the shrapnel lodged in his head, Tuta is flourishing. Winked at by Croat police and politicians and unmoved by the laments of Mostar's European Union administration, he and his militant allies have caroused freely for four years — allegedly hijacking humanitarian relief convoys, running drug and prostitution rings and doing their utmost to stuff their foreign bank accounts and divide Bosnia.

Nearly two years after Washington forged a federation between Bosnian Muslims and Croats, and 18 months after the E.U. arrived in Mostar with bottomless pockets and bountiful reunification schemes, pontoon bridges link the two sides of the city. Yet, fundamentally, Mostar remains split along Muslim and Croat lines. Western diplomats who once hoped a united Mostar would inspire the rest of the Muslim-Croat federation now struggle to keep the city's animosities from infecting the emerging state and spoiling the early promise of the Dayton agreement. To succeed, they will have to confront the Bosnian war's only winners: Croats and crooks.

Like the NATO peace implementation force (IFOR) deployed in December, the multinational E.U. administration arrived in Mostar in 1994 brandishing a historic document. The Memorandum of Understanding "committed" besieged Muslims in East Mostar and besieging Croats in West Mostar to a joint police force, full freedom

Power covered the war in the former Yugoslavia from 1993-95. Reprinted with permission from the New Republic.

of movement and unity in what was once the most ethnically mixed city in all of Bosnia (34 percent Muslim, 33 percent Croat, 19 percent Serb, 12 percent "Yugoslav"). Thanks to the rapaciousness of criminal gangs, the intransigence of local Croat politicians and the (at best) indifference of Zagreb, the E.U. administration has struck out. The only thriving cross-river industry in Mostar is crime. "Our first mistake was believing their signatures meant anything," explains Klaus Metscher, the weary German deputy chief of mission.

Ironically, the United States' latest round of diplomatic handiwork has exacerbated tensions in Mostar.

Ironically, the United States' latest round of diplomatic handiwork has exacerbated tensions in Mostar. Under the terms of the Dayton agreement, more than 60,000 IFOR troops swooped into Bosnia to separate what used to be known as rebel Serbs from the "federation" of Muslims and Croats. But none were charged with protecting the federation from itself. Peacekeepers who patrolled the old Muslim-Croat front lines were hastily relocated. The Spanish soldiers in the once-maligned but now sorely missed "mañana battalion" used to wear blue helmets and monitor the town's demilitarization; now they

don camouflage and man an area 10 times the size. "The IFOR has just arrived, and they think everything is OK between the Muslims and Croats," says an incredulous Spanish colonel. "We have been here three years, and we know better." Paralyzed by their fears of mission creep, the American IFOR commanders crow about their (real) achievements elsewhere in Bosnia but refuse to adjust troop deployment to the grim ground realities in Mostar.

Vocal Croats in the local police, military and municipal government who make no secret of their opposition to unification now flaunt their new-found immunity. During a recent military parade, the Herzegovina Croats showcased a daunting arsenal of heavy hardware in the same stadium where they tortured and starved Muslim prisoners in 1993. Dressed in Darth Vader black, Bosnian Croat local commander Mladen Mistic appeared on West Mostar television, unrepentant about violating the E.U.

rules. "Here we are dealing with a handful of lepers, and we will not succumb," Mistic vowed, adding, "If we had only received high-level orders from our leaders long ago, these people not only would not have approached [Mostar] but would not be here at all." He said Muslims have no place governing Bosnia: "[Croatian President Franjo] Tudjman was given Bosnia, [Serbian President Slobodan] Milosevic Kosovo and the Sandzak province, and everything has been signed." Across the front line in the internationally recognized "entity" of Republika Srpska a Serb soldier agrees, spelling out the regional allotment of contempt: "We Serbs hate the Muslims, but the Croats ... wow!! ... do they hate the Muslims!!"

Before Dayton, the exasperated European administrators could take solace in the fact that their mere presence in Mostar had helped stop the killing there. But just a few days after the agreement accorded the city's Muslim women, children and elderly unlimited freedom of movement, the case of 17-year-old Alen Mustovic changed even that. Mustovic, the son of a west bank Croat mother and an east bank Muslim father, decided to usher in the New Year with a foolhardy 5 a.m. jaunt past Croat checkpoints into the forbidden west. In a gesture of New Year's ill will, Croat policemen in front of the Hotel Ero, the European administration's plush home, welcomed their uninvited guest by peppering his Volkswagen with gunfire. One bullet pierced Mustovic's headrest and lodged between his shoulder blades. Unaware it had also grazed his aorta, the teenager drove his white Golf and three friends back to safety in East Mostar, then slumped over his steering wheel and died.

One bullet pierced Mustovic's headrest and lodged between his shoulder blades.

In 1993, Croat nationalists proclaimed Mostar the "capital" of their breakaway "Republic of Herzeg-Bosna," herded Muslims into an east bank ghetto and shelled them relentlessly for nearly a year. Having prospered both politically and financially from a divided Bosnia (charging a \$10 customs toll for any commercial vehicle traversing Herzeg-Bosna) and fearing retribution for their sins, many Croats (and not a few profiteering Muslims) are in no hurry to see the ethnically cleansed Croat para-state absorbed into the new Bosnia. The New Year's drama afforded the notoriously unlawful Croat police chief with a golden opportunity to subvert the federation, and he began ranting about the young Bosnian's "terrorist

please see BOSNIA, page 12

Terror on Dizengoff Street

by Aeyal M. Gross, S.J.D. '96

Dizengoff Center: How many times have I been there? Hanging out, shopping for books, clothes, CDs, computer accessories, going to the movies, having ice cream and yes, taking money out of the ATM. The very same ATM next to which a bomb exploded on Monday morning, just a few hours before I am writing this, killing at least 13 people and wounding about 100.

After a bomb exploded in a bus on Dizengoff Street in 1994, just a few blocks away from "the Center" (as we fondly call the urban shopping mall which was the site of Monday's bombing), the New York Times described Dizengoff Street as Tel Aviv's equivalent of Broadway. I guess that's a rather fair comparison. "Real" Tel Avivians (myself included...) often prefer to hang out on the "cooler" Sheinkin Street. But we also keep coming back to Dizengoff, which with its cinemas, theaters, cafes and stores, is still as center as you can get in Tel Aviv, which means it's as center as you can get in Israel.

And that's what Dizengoff Center — with its branches of Benetton, McDonald's and with its numerous stores — is perhaps all about: Normality. Normality is what Israelis are looking for. Normality is what Israelis used to believe existed in Tel Aviv. Israelis are sometimes critical of the seeming indifference of Tel Avivians to whatever goes on. Dizengoff Street has before been the victim of this kind of criticism. But more often, Israelis rather seem to be attracted by Tel Aviv's genuine attempt to be a haven of normality. A place that wants to be detached from the problems of war and peace, religion and state, and all the rest. Sure, just like all Israelis, Tel Avivians are very opinionated when it comes to Israeli politics, but for them, when they are not in their military service, it's often problems other people have to deal with when it comes down to daily life. If it seemed that the Iraqi Scud missiles that fell on Tel Aviv during

the Gulf War might have made "holes" while penetrating the bubble Tel Avivians are often accused of living in, it was clear very soon after the war that they didn't. But the explosion on bus no. 5 in 1994 and Monday's bomb in Dizengoff Center probably did.

Normality. These days are a tough testing period for those of us who have faith in the quest for normality. For in the light of the recent suicide bombings in Jerusalem, Ashkelon and Tel Aviv, how can a progressive Israeli who strongly supports the peace process actually defend it to the many Israelis who are wondering if it is still viable? In a small country, with one, not six, "degrees of separation," it all becomes very personal. At this stage, it seems that reasoned argument for why the peace process is still the only alternative for Israel may no longer work.

Clearly Hamas' purpose is to undermine the peace process. So it's maybe against my better judgment to have any doubts about it. But it will be very difficult today to find an Israeli with no such doubts. Is peace really possible with Hamas continuing to blow up bombs in Israel? What can prevent the Hamas suicide missions from continuing? What Israelis are foremost looking for from the peace process is their personal security. If that's not going to improve, but rather deteriorate, not too many of them will continue to support it. Even my most peace-loving friends are today saying that it is for the end of bloodshed that we entered the peace process and agreed to concessions. If this does not happen, why shall we continue? The answer that

These days are a tough testing period for those of us who have faith in the quest for normality.

there will probably be even more bloodshed without the peace process is quickly losing its credibility. The sad outcome may very well be that Likud will win the May

elections, and good-bye to the peace process. I am still trying to understand how any Palestinian, including Hamas supporters, fail to see how bad that will be for the Palestinians. And today, even someone like myself, who strongly holds to the belief that the peace process will prevail, has his doubts about the possibility of continuing to sustain this belief.

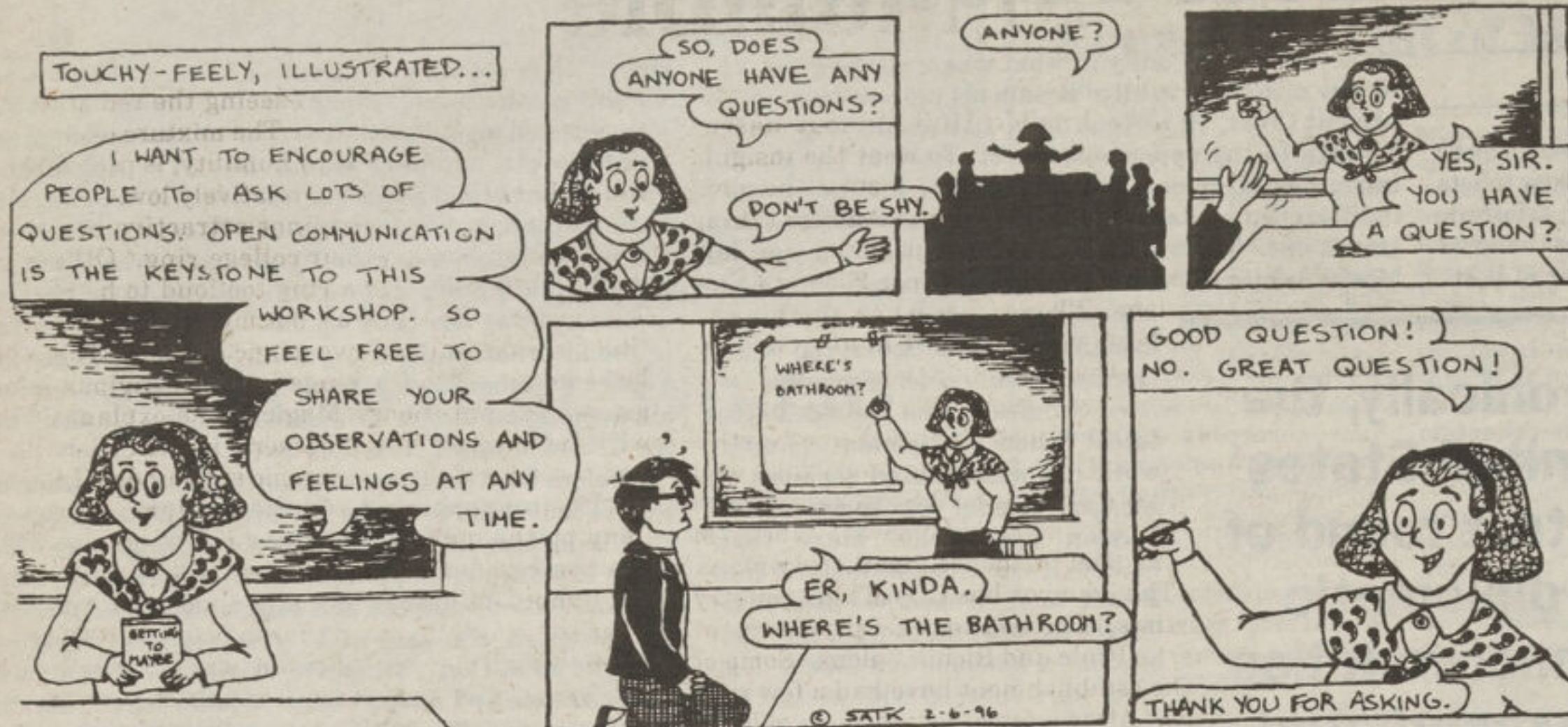
And there are other kinds of dilemmas this line of events brings up: I know Israel (and the Palestinian Authority) have to really crack down on Hamas. But where will the lines be drawn? Is it really possible to handle this kind of terror within the traditional due process requirements? In the light of recent events, will I be able again to condemn administrative detentions, deportations etc.? It definitely will be more difficult than ever.

The frustration is big, because it seemed that we have done everything that we could. We elected a leftist government; we entered negotiations with the PLO; we started getting out of the Territories. All of this was so hard to achieve and to win support for. Can a relatively small group of militants destroy it all?

From my parochial Tel Avivian perspective, this week's bombing is one that really hit home. It could have been me. It could have been any of my family members or friends. It has been hard to get a phone connection to, and from, Israel over the last few hours. My sister finally managed to get through. Like the rest of the family, she could actually hear the blast. They are all OK, but who knows about the rest of the people I know? This is Dizengoff Center, on Purim's eve, a school holiday when so many people, including kids, are hanging out in the Center, as I did, and will, and will, so many times. In the meantime, I am trying to firmly hold to my strongest beliefs and convictions. In the background I hear an old Smiths song: "Love, peace and harmony? Oh, very nice ... but maybe in the next world." I turn the CD off. I hope the Smiths were wrong.

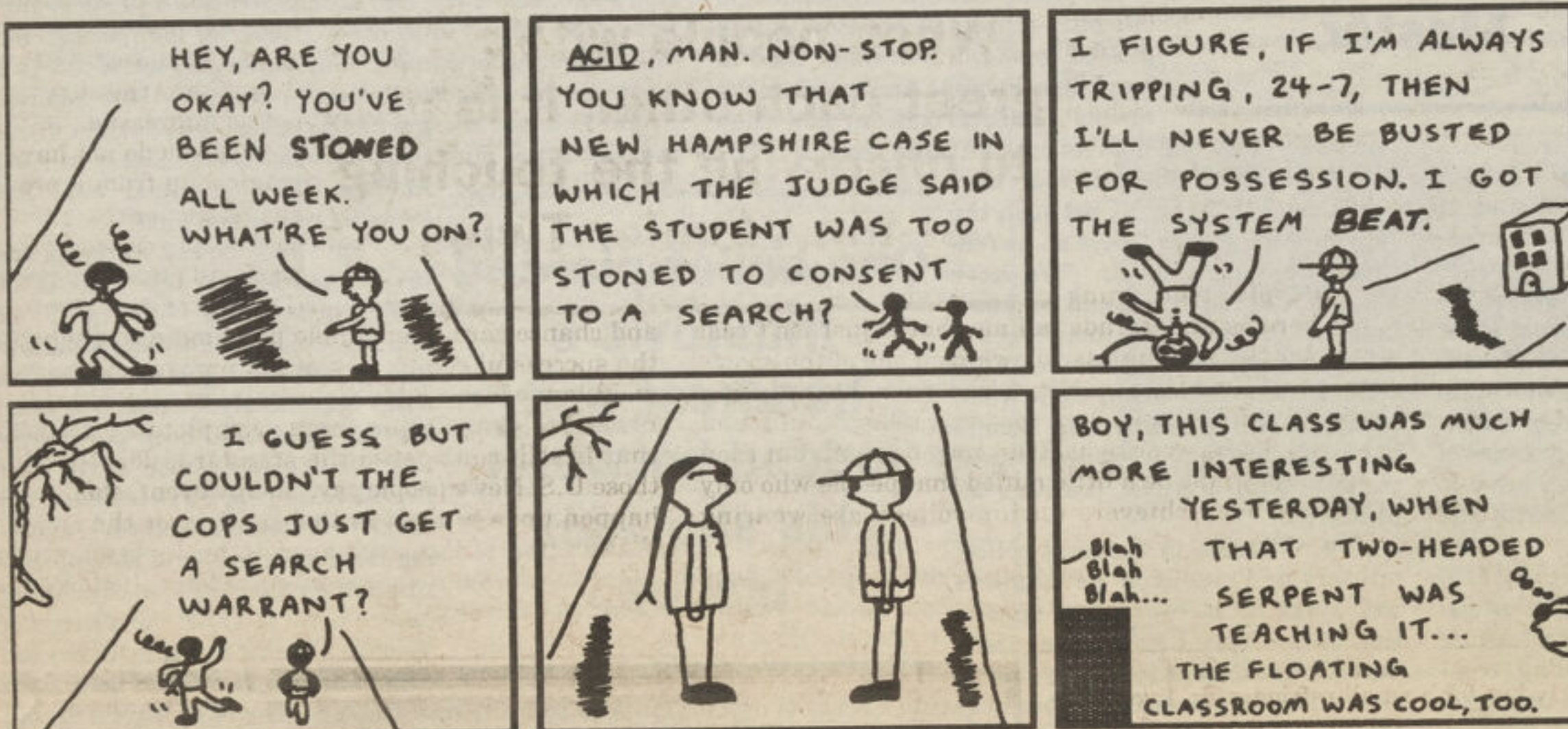
Temporary Insanity

By Sheila Tuller



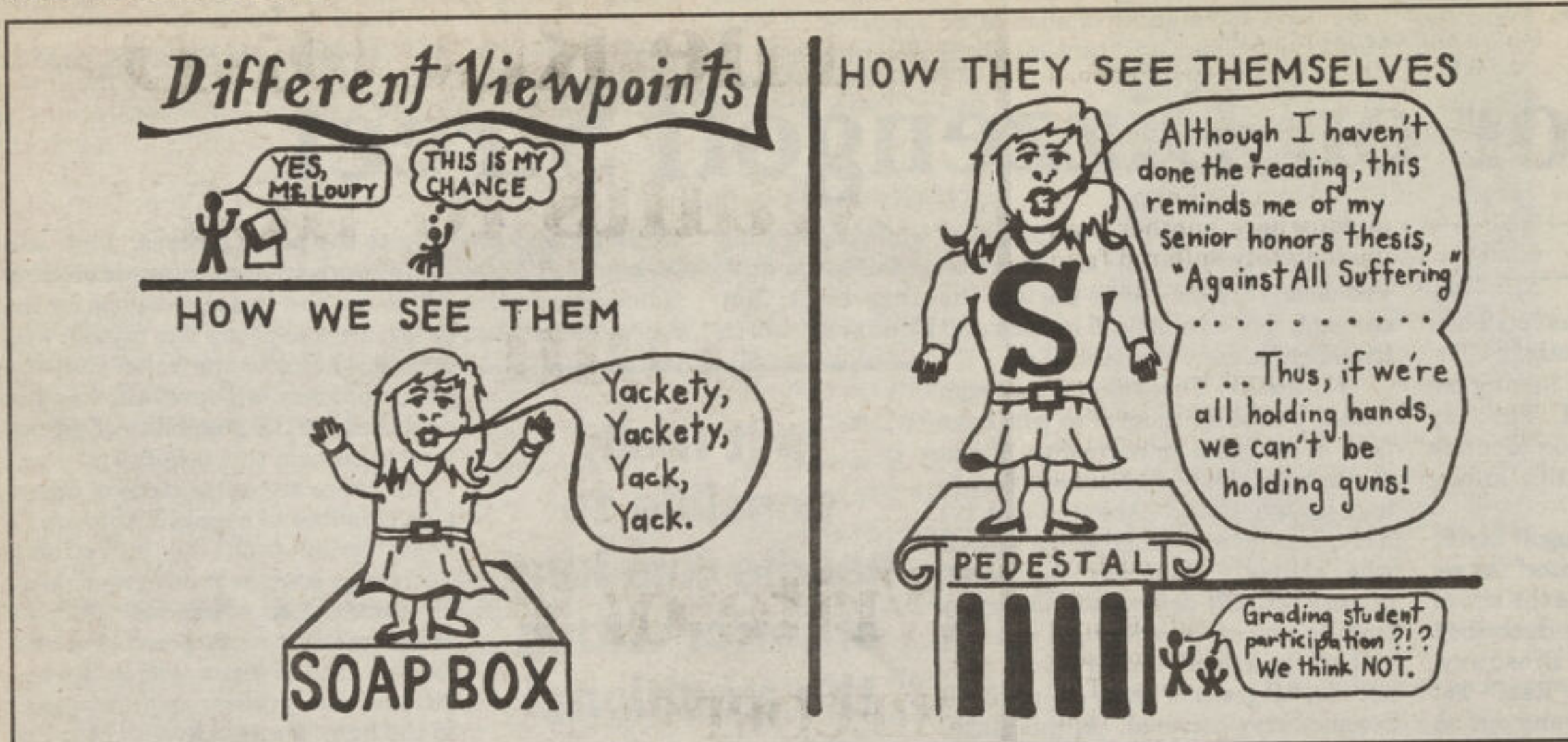
Backbench

By Brian Cheng



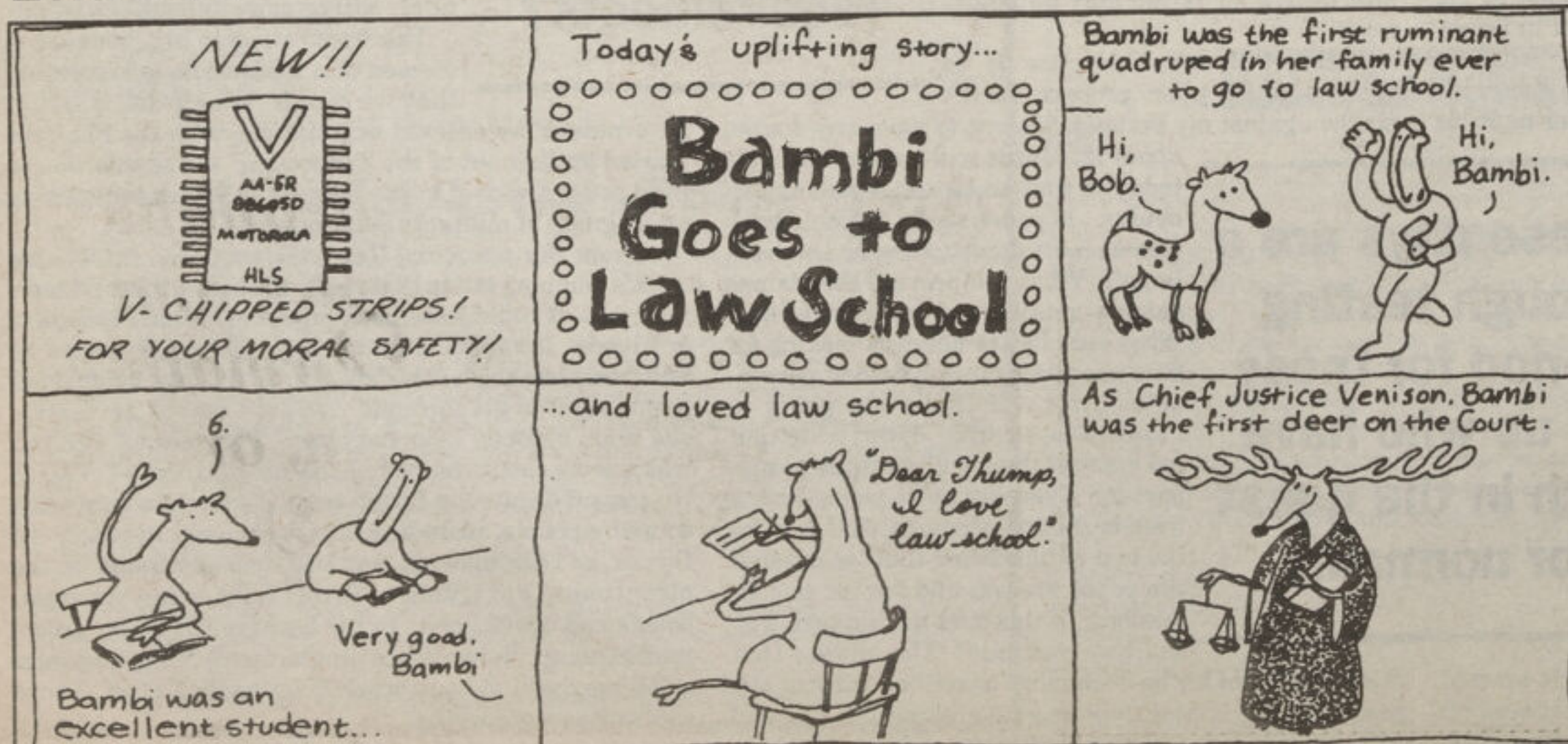
Ad Hominem

By Stuart Rees and Bill Zimmerman



Evidence

By M.J. Kelly



CALENDAR

By Colin Meeder

The weather. I can't get over the damn weather. Why, just last night, as I whipped along the Major Deegan Parkway in what was sure to be a record Baltimore-to-Cambridge run (my quickest run before this one was 7 hours exactly, and I was on track for an astonishing 6 and a half hours — and I've never gotten a speeding ticket!), I was thanking the Goddess for the end of perhaps the ugliest winter in all of human history. Then, I missed my exit and ended up going over the Tappan Zee Bridge twice. This in itself was not so bad, as it only set me back about 15 minutes and still had me on a record pace, but as I crossed the Hudson River for the second time, horrible bits of watery ice began to descend from the sky, visibility decreased to nothing and my average speed to — alas — 55, and my travel time increased to almost nine my-mother-would-be-so-proud-of-me hours.

But I made it back just in time to whip out my bass and get playing for the dress rehearsal of *Raiders of the Lost Hark*, the Drama Society's annual parody which you will all be attending tonight (3/7), Friday, or Saturday. Whichever night you choose, be sure check out Betty Carter and her trio on one of the nights you don't go. She'll bring her astonishing vocal virtuosity and crack team of young musicians to the Regattabar (876-7777) from the 7th through the 9th.

If you don't go to the parody tonight, you'll likely want to experience the legendary Johnny Cash. Hip yet again, the Man in Black brings his inimitable style and eternally imitable voice to the Avalon (262-2424). If you prefer your redneck songwriters on the slightly rowdier side, check out former Georgia Satellite Dan Baird at Mama Kin (232-CITY, ext. 6262).

The eternally popular Man with the Golden Flute, James Galway, will be doing his thing at Symphony all (266-1200) on Friday night (3/8).

Saturday night (3/9), you should all hang around the Ropes-Gray Room after the parody is over so that you can fight over who gets the privilege of buying Your Humble Narrator his birthday beverage. Or, you could go down to the Middle East's Bakery (497-0576) and watch progressive rock guitarist turned sensitive singer-songwriter Francis Dunnery and not spend a dime, you cheapeakes.

There have been lots of former E Street Band members through town lately, the shortest of whom, Nils Lofgren, comes to Mama Kin on Sunday (3/10). To be fair, Nils had already established a respectable solo career when Bruce called, and his trampoline somersaults while soloing are always good for a chuckle.

Those of us who have been yearning for a high-octane dose of extreme noise terror will be toddling over to the Middle East on Monday (3/11), to enjoy the soothing psychotic sounds of Buzzov-en, Michael Mancini, Pontius Pilate (I assume that those are band names, and not the guys themselves), and Sour Vein open.

Pity the poor fool who booked Black 47 into the Harp for two nights, Monday and Tuesday (3/11 & 12). Does he really think he'll sell any tickets at all? A band of expatriate Irishmen, known for their fantastic marathon live shows, booked into a club in Boston that serves a fine pint of Guinness? It'll be quiet as the grave. Oh yeah — I also think Alan Keyes really has a shot at the nomination.

Waiting to Mumble

By Markus Hartmann '96

H-A-R; H-A-R; H-A-R—V. V-A-R; V-A-R; V-A-R—D. NOT SO LOUD TO BE VULGAR, BUT LOUD ENOUGH TO BE HEARD, HARVARD, HARVARD HARVARD. I'm not sure how it happened, but some Marine Corps friends of mine are under the impression that the previous passage is the University's approved cheer. I haven't heard it at any of the games, but it seems likely. In contrast, the following cheer is rumored to be chanted at the end of what is often a loss for one of the sports teams. THAT'S ALL RIGHT, THAT'S OKAY, YOU'LL ALL BE WORKING FOR US SOMEDAY.

Most of the law students here make a place for the first cheer. Of course, the fact that we attend HLS is not the first thing to come up in casual conversation, but it can safely be assumed that our attendance is duly noted near the top of our resumes. But, as is often the case, in each of us there exist a dark side, a side that occasionally subvocalizes the second incantation. Thoughts of merit replace thankfulness and appreciation of good fortune, as we justify our place in the sun. You can catch occasional glimpses of someone's dark side when he or she begins to postulate who "deserves" to be here. Fortunately, the vast majority of the students here keep the dark side safely hidden.

One small indicator of the propensity to keep things hidden is the sale of law school paraphernalia at the Coop. Insiders at the Law Coop have noted that sales of clothing and other items with HLS insignia are flat during the semester. Sales go up around the holidays and at graduation. It is the rare student who wears the three tied-off sheaves around the campus. This trend indicates that HLS paraphernalia is either given away as a gift or worn only in the privacy of one's own home.

What motivates HLS students to keep their sweatshirts in the closet? It probably can be chalked up to a little bit of humility, a healthy sense of self-preservation, and some left-over mixed emotions



about being here.

The humble HLS student has no need to advertise. To wear the insignia around these parts is to state the obvious. If you're sitting in Austin, taking notes or playing video poker on your laptop, chances are you're a Harvard Law student. When you go home, there is certainly no need to rub it in all your normal well-adjusted friends' faces. They know, and you know they know, that you are here.

It probably is also a good thing not to advertise when you find yourself in places that don't take well to lawyers. I often look at the HLS stickers for the back window of my car and think: no way. When I'm home, I like to hang out at the local gathering-place, in the country. The juke-box has CDs of both country and western artists. The nod to diversity comes in the form of Charlie Pride and Richie Valens. Some of the patrons of the establishment have had a few run-ins with the law. After a few Coors, some would be just too tempted to comment on the current status of the profession by smashing in the back window of a Japanese-American hybrid Ford Probe with a red Harvard Law School sticker in the back window. I know I could sue for damages, but that misses the point entirely.

People who hung out here as undergrads tell me that it just isn't cool to wear the stuff unless you were on one of the sports teams. Those folks have a keen eye for the authentic paraphernalia and can sort out who should and should not be wearing it. They may be right, but then again they may be a little miffed that people who only became overachievers during college are wearing their stuff.

Most of us have mixed emotions about the gear. My sweatshirts are collecting a lot of dust, but I must

admit that it was pleasant seeing the red sticker on the back of my parents' car. The mixture of emotions, especially the concern with humility, is probably why the sales of HLS rings are relatively low.

For some, the ring is not attractive because of their attachment to their college ring. Others just don't like jewelry. Is a ring too loud to be humble? The answer may elude us, but my experience tells me that the rings might have magic in them. There may be some magic in the rings from prestigious undergraduate institutions. Magic is one explanation for what happens to "Ring-knockers" in the U.S. military, and I wonder if the same magic surrounds HLS rings.

If you happen to be in the military, there is no denying the magic of having a ring from one of the academies. Assignments that are kept secret from the lumpen-military magically appear for those who wear the ring. If your performance is sub-standard, not to worry, you will be taken care of. When people with rings greet each other, it is akin to observing the touching of the Wonder Twins (cartoon characters from the late '70s). Not having attended one of the academies, I found it interesting to watch the magic as part of the audience. Perhaps if one is backstage, the magic is not as impressive.

If you do not have a magic ring from a previous experience, should one be purchased now? HLS will already be near the top of the resume,

and chances are, the humble parchment testifying to the successful completion of the program will adorn your law office wall. You may buy the ring as a reward to yourself for having completed a program that is still considered the standard, despite what those U.S. News people say. In any event, should you happen upon a place in the country, or the city for that matter, that doesn't appreciate the legal profession and your place in it, you can always slip it off and put it in your pocket.

When people with rings greet each other, it is akin to observing the touching of the Wonder Twins.



As we left him, Fenno was being yanked into Gannett House by a fawn-like Review Editor, saving his bean from being bonked by a black-robed baddie.

"What the hell was that? That malicious monk tried to crack my cranium! And for what," cried Fenno, "for what offense have I earned the wrath of these mysterious figures? Does this have anything to do with my refusing to humiliate myself with those damn name cards in Rakoff's class?"

"Shhh, Fenno, calm down," whispered the Editor, "all will be made clear tonight."

"What in the name of the Bacardi Family are you talking about?" asked Fenno. "Who are these dark forces that want to give my noggin a floggin'? And since when has the Law Review been a force for good?"

The Editor said nothing, but went to a bookshelf nearby and reached for a copy of "Sexy Dressing, Etc."

"You're not going to read to me from that crap, are you?" asked Fenno. "Don't you think I've suffered enough tonight?"

The Editor merely smiled, and pulled the book from the shelf. As he did so, the book shelf slid into the wall, revealing a dark descending staircase. He gestured for Fenno to follow. Fenno was hesitant, having learned from the *res ipsa loquitur* section of someone else's Torts outline he'd once borrowed that dark staircases were bad news, and from a steady diet of Scooby Doo cartoons that staircases that appeared from behind bookshelves were even worse. Sensing his apprehension, the Editor produced a miniature of Absolut vodka from his pocket, tossed it to Fenno, and said, "There's some more of that down here." Down went the Absolut, and down went Fenno.

The stairs led to a small room lit only by a single naked 40-watt bulb, and emp-

ty but for a small refrigerator, two plain wooden chairs and a small conference table. The Editor opened the refrigerator and brought out a dusty black bottle and two shot glasses, pouring one for Fenno and one for himself.

"What is that stuff?" asked Fenno, a bit too eagerly.

"It's a Hungarian medicinal liquor, made from fermented beef jerky and bay leaves. Drink," ordered the Editor.

Fenno did so; where another man might have immediately suffered from projectile vomiting, followed by profound and disturbing visions, Fenno felt only a pleasant buzz. "Smooth," he declared.

"Good. If you can drink that, you can handle what I have to say next," said the editor, downing his shot. "Does the name of the Choate Club mean anything to you?"

"Nope," said Fenno, reaching for the bottle, "is it something else you Law Review types have made up?"

"Take it easy on that stuff, Fenno. Even an experienced lush like yourself could suffer from hallucinations. The Choate Club is a secret society that thrived here at the Law School throughout most of the twentieth century. It was thought to have gone out of existence sometime in the early 80's — but they still survive, Fenno, and they've infiltrated the Ad Board. Do you know what this means, Fenno? Fenno?"

But Fenno was oblivious, having taken a third shot from the evil black bottle. Next week: Fenno sees God.

Quote of the Week

"The reason I'm not writing on the board is that I have no chalk, and I'm running low on blood." —Prof. Jon Hanson

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Baby Lips

The Envy That Dare Not Speak Its Name

By Akhil Sharma '98

Guest Columnist



I can't bear to read this column when it's published because I think I look so much handsomer in reality than in the accompanying photograph. I know that everyone is disappointed with photos, but really, I do look very different from when the photo was taken. I've shaved my mustache. I've lost 17 pounds. Even before these changes, however, I looked quite dashing, not at all like the dazed man at the top of the column. I often described myself as a young Omar Sharif.

If you don't believe me about my beauty, stare into Pound 102 between 10 and 11 on Thursday and Friday morning. I sit right near Prof. Glendon. If you want, come in and wave hello.

* * *

I have queen envy. I am a heterosexual male, but I admire not just the Oscar Wildean flash which most straight people associate with homosexuality, but the entire subgroup where gay men play women playing men. These people, it seems to me, are

Staring acquisitively at their Jaguars and their svelte blonde children returning from piano and tennis lessons, I am their worst nightmare.

an extravagant version of the American dream of inventing oneself from wholecloth. For me, queens are like movie stars, bigger than life.

In reality my fascination has never gone beyond eating at Stingy Lulu's in New York where the waiters are primarily transvestites or post-ops. When I have met queens at parties, I have felt too bashful to probe with my usual nosiness. But I have always wished to possess some of their, what I consider, gallantry. (I see myself in mauve gloves and a frilly scarf.)

I think this fascination comes from having grown up Indian in America and so having the outsider's sense that we are the stories we tell or the roles we play. My girlfriend (who took me to Stingy Lulu's) is blond and blue-eyed and says that she has queen envy because she grew up looking like a typical Nebraskan.

I've been thinking about queen envy because a friend who teaches in the high school I attended says that many of her Indian students have begun tattooing and scarring the back of their hands with Hindu religious symbols. When I was in high school there were maybe a dozen Indians in a class of 500, and we Indian children tended to see ourselves as whites in most senses. (In my head, I thought I looked like the Marlboro Man.) Now a quarter of my high school is Indian, and children mark themselves for religion and nationalism's sake.

I feel that there are real benefits to seeing yourself as an outsider (along with losses) and I hope that these high school children are not depriving themselves. Even at HLS where I am easily accepted (with my beauty, how could I not be), I attempt to retain some of that outsiderishness (that rebellious mysterious look). Basically, I maintain this by being a bit odd. However, I am unable to be as odd around HLS as I would want, because I hate bad manners and making people I know uncomfortable (my middle-class decencies asserting themselves through my mysteriousness).

I have taken therefore to foisting my oddness onto the residents of the wealthy neighborhoods of Cambridge and Boston. Dressed in an enormous dirty old coat, unshaven, and with my hair ruffled, I meander with seemingly illicit purpose past their homes. Staring acquisitively at their Jaguars and their svelte blonde children returning from piano and tennis lessons, I am their worst nightmare.

I find myself wandering furtively down long driveways or cussing myself against a bush or a fence as if urinating. I go into private clubs and ask if there are special rates for the unemployed or those recently released from jail.

Oh, the joy of the fear I arouse! The number of times those shrill, plummy, brittle voices have been hurled like straw spears at my amorphous and tenebrific form: Hey there — yes you; can I help you? You do know this is private property? Are you a member? Do you live around here? Go to a gas station. Don't look at him Melissa....

All this is because my mother wouldn't let me wear gloves in the summer.

* * *

If anybody wants to read a truly delicious case, look up *Mayo v. Satan and His Staff*. The case is about service of process on Mephistopholes. Enough said.

Winners in Bosnia are Croats and Crooks

continued from PHOENIX, page 9

attack." Croat police then picked off two of their Muslim counterparts on patrol, badly injuring them. When the Muslims succumbed to tit-for-tat, shooting and killing a Croat policeman, the Croat army targeted a Bosnian military base with rocket-propelled grenades.

A week of rainstorms, the ad hoc dispatch of a Spanish armored patrol and a fusillade of warnings from Klaus Kinkel and Bill Clinton temporarily quieted tensions. But on Feb. 7, when the E.U. administrator, Hans Koschnik, announced the creation of a multi-ethnic voting district in Mostar, Croat police watched as an angry, nationalist mob stormed the Hotel Ero. Between Croat anthems, the crowd burned the E.U. flag and threatened to hang Koschnik, who promptly went into hiding. The 180-person, 12-nation West European police team, which is not permitted to make arrests, is powerless to tackle Mostar's trademark mobs and thugs. Only Zagreb can do that. "In the end, someone made Milosevic responsible for all Serbs," says Metscher, the E.U. deputy. "In the end, someone must make Tudjman responsible for all Croats."

There is still a sliver of hope. On Feb. 10, Tudjman is scheduled to send 100 police from Croatia to Mostar to help rein in well-armed opponents of law and peace like the gang leader Tuta. But many fear that this kind of intervention will in the end only fortify "Greater Croatia." Even now it's tough to tell where Croatia ends and Croat-controlled Bosnia begins. Towns held by Bosnian Croats use neighboring Croatia's kuna as their currency. Though Bosnia-

Herzegovina and Croatia are separate states, a call from West Mostar to Zagreb is considered a local phone call and requires no country prefix. And on virtually every jagged Herzegovinian bend, a billboard depicts a bow-tied President Tudjman looking self-satisfied and vacant beside the campaign slogan, "THE RIGHT MAN AND THE RIGHT PARTY AT THE RIGHT TIME." Never mind that it is, theoretically, the wrong country.

After the signing of the Dayton accord, Tuta permitted a Croatian journalist unusual access to his palm-treed villa in western Herzegovina. He said he wasn't sorry for the role his soldiers played in the destruction of Mostar's 16th century bridge, Stari Most, exclaiming, "I would have destroyed it to get even for a damaged nail on a child's little finger." Tuta has no faith in Dayton: "I never gave the survival of Yugoslavia any chance.... But I give even less of a chance to the survival of Bosnia-Herzegovina. I do not know why they want to create another powder keg."

Down the road from Tuta's villa, the E.U.-funded and soon-to-be-completed Carinski bridge rises from the ashes of Mostar's east bank and the forbidding barricades of the west, arching elegantly over the rushing waters below. It is the most visible fruit of \$200 million worth of E.U. attempts to reunite the city's two tormented halves. As they rebuild the bridge, ordinary Muslims and Croats are cooperating more closely than they have since they fended off Serb attacks together in 1992. But for now, to the delight of the war's winners, the Muslim laborers stick to their half of the bridge and the Croats to theirs.

GIVE ANOTHER CHANCE. GIVE BLOOD.



American Red Cross



The Los Angeles office of Gibson, Dunn & Crutcher is seeking very qualified 1Ls for its 1996 summer program and will be interviewing in Cambridge on Monday, March 11. Contact the Office of Career Services to schedule an interview.

The Kannonical View

Ride on Time

By Kannon Shanmugam '98
RECORD Columnist

WARNING: this is going to be a boring column. No, I'm not going to rail against the faculty, or bemoan the lack of a social life at HLS (my *fatwa* for that one not having expired yet). Instead, this is going to be a column all about... scheduling.

The idea for this column struck me as I was sitting in the Hark peacefully having a cup of coffee last Wednesday at 9:44 in the morning, whiling away the half an hour before Criminal Law at 10:10.

Then, my synapses gradually came to life. 9:44... on a Wednesday... Crim starts at a different time on Wednesdays... 9:45, to be exact... oh pooh! I raced out of the Hark, dodging construction workers in their continuing search for Al Capone's vault, just in time to take my seat in the first circle of the hell also known as Langdell North Middle.

Well, unless you have the mind of a mathematician, doubtless you have had a similar experience. The hardest part of the first year at HLS isn't surviving exams; it's remembering the class schedule. On Mondays and Tuesdays, Crim starts at 9:45 in our section. On Wednesdays and Thursdays, it starts at 10:10. On Wednesdays, we have an hour and 20 minutes between Crim and Property. On Thursdays, we have just 20 minutes. On Fridays, Property starts at 11:10. On Thursdays and Fridays, Property is 20 minutes longer than it is on Wednesdays. On Tuesdays, Wednesdays, and Thursdays, Corporations always starts at 4:10 and ends when Professor Brudney finishes. (Quiz to follow.)

Between trying to remember a class schedule that looks like the first 100 digits of pi and trying to remember seat numbers and rooms to boot, I find myself yearning for my high-school days, when First Hour was First Hour and always started at 8:14.

All of which raises the obvious question: wherefore chaos? To some extent, it's professorial convenience: some professors prefer to teach early in the week to leave themselves a four-day weekend, and other professors prefer to teach late in the week to leave themselves... a four-day weekend.

But to a greater extent, I suspect it's just the registrar's computer attempting to outwit us — rather like Deep Blue against Garry Kasparov.

The solution to the problem? Elementary. All first-year classes should meet for one hour and 20 minutes each on Mondays, Wednesdays and Fridays at 9:00, 10:30 and 12:00. There would be no class on Tuesdays and Thursdays, which would be reserved in the fall for IITL and reserved in the spring for gambling in the snow.

Now I can see the Registrar's computer already formulating its objections. First, there simply isn't enough space to have all the first-year classes going on simultaneously. My rejoinder is simple enough: allocate the four big rooms in Austin (the three lecture halls and the Ames Courtroom) for the first-year classes. A plurality of first-year classes meet in Austin as it is anyway, and there are already times in the week that all four sections have class simultaneously.

The registrar's computer might reply that this proposal would raise the risk that if the IRA or PLO decided to plant a bomb in the building, they could kill off the entire first-year class. (Some might say this would not be such a bad thing.) But I suppose the

The hardest part of the first year at HLS isn't surviving exams; it's remembering the class schedule.

registrar could do much like the president does with the Cabinet on the night of the State of the Union speech, and hold one first-year student out of class just in case.

Second, the computer might object that professors might actually have good reasons for preferring a M-T-W or W-T-F schedule... like going down to New York to film their television program, to take a purely hypothetical example. But a M-W-F schedule actually makes better sense from an academic perspective.

Under a M-T-W schedule, students have five days to prepare for Monday's class, and only a day to prepare for Tuesday's and Wednesday's. Admittedly, under the current schedule, students could use the weekend to read ahead, but this is a custom more honored in the breach than in the observance, and many professors assign reading only one class in advance, since they are, fairly enough, unsure how much material they are going to cover in any given class.

My proposal would allow students to have their afternoons off every day and all day Tuesday and Thursday to catch up on reading, work for clinical programs like PLAP or the Defenders, go shopping, do their laundry, whatever. (It would have the added benefit of thwarting Prof. Rosenberg — bless his soul — and his 8:30 Monday mornings.) Students and professors alike would benefit from a more convenient — not to mention mnemonically congenial — structure.

Admittedly, my proposal has one obvious flaw: it's just far too simple. Even for the Law School's equivalent of Deep Blue.



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Just Cause

Better Dead Than Dyke?

By Carla A. Halpern '97
RECORD Columnist

Last week, columnist Scott Wiener wrote about the heartache of gay children with straight parents and the tension between so-called "parental rights" and the rights of the gay children themselves. Equally important, I think, are the issues that arise regarding gay parents and their own children.

THERE'S a theory floating around in the self-proclaimed "family values" crowd that homosexuals are presumptively unfit to be parents. In support of this view they put forth, well, nothing. They do claim that children who grow up with gay or lesbian parents are more likely to have the same "tendencies" themselves. While there is no support for the conclusion that such children are more likely to be gay, there might be some truth in the theory that children of gay parents grow up to be more tolerant and less homophobic. One can certainly see how such a result would be a problem for those who count bigotry as a crucial family value.

But, as Wiener pointed out, even a strict religious upbringing is no guarantee of straight children. All kinds of parents produce all kinds of children, at least where sexual orientation is concerned. Denying custody to same-sex couples leads their children to heartache, not heterosexuality.

The only argument that really holds any weight is that children who grow up with two mommies or two daddies will get teased about it by their peers. This is probably true. It's also true that all except the very toughest children get teased at some point in their lives. Children of interracial and inter-ethnic couples still have to deal with nasty remarks about one or both of their parents. Nonetheless, I hope that no one is

The logic seems to be that a child will be better off seeing a man hit a woman than seeing two women kiss.

suggesting the return of anti-miscegenation laws to protect children against cruel comments. Or that we should outlaw adoption because many children feel stigmatized by not being biologically related to their parents. Let's face it: growing up is hard; children are often mean to each other for all kinds of reasons. I was teased for being gangly and having frizzy hair. Would the family values crowd suggest that my parents never should have been allowed to reproduce, knowing that a child of their genetic combination might look a bit awkward? Or maybe they would suggest that I should have been put up for adoption to a "decent" couple who would have known to straighten my hair and train me to be more ladylike in my movements. Thank goodness there's no such law and that I was allowed to stay with the loving couple who wanted me, frizzy hair or no.

Not all children are so lucky. By now, most people have heard about the Virginia case, in which a lesbian, Sharon Bottoms, has lost custody of her son, Tyler. Her own mother, Kay, contested Sharon's fitness to be a parent solely because Sharon has a female partner. So far, the Virginia Supreme Court has agreed with Kay, assuming that Sharon's lesbianism is far more dangerous to the little boy than anything that could happen to him in Kay's home. Never mind that Kay has an abusive boyfriend. The logic seems to be that a child will be better off seeing a man hit a woman than seeing two women kiss.

And little Tyler might be one of the lucky ones. In Florida, another lesbian, Mary Ward, lost custody of her daughter. The judge found no evidence that the girl was anything but happy and well-cared for with her mother, but nonetheless thought that she should have a chance to grow up with a "full opportunity to live another lifestyle if she wants to." It seems obvious that this girl would experience no barriers to heterosexuality by growing up with her mother. Unless the child never left her room, she would

Do we even care that our children are happy, so long as they aren't gay?

no doubt see plenty of straight couples, in person, on television, in the books she reads. She certainly has some straight friends, relatives, teachers and neighbors. It's almost impossible to imagine any way that heterosexuality could be invisible in this world.

But this particular judge was still worried about a lack of straight influence on the child and sent her to live with her father. Mr. Ward, to be sure, is not gay. All he did was murder his first wife in an uncontrolled rage, so clearly he's a better role model than some dyke. He also abused his older child, the daughter of the woman he killed, but this didn't concern the judge either. Much better that a girl should live with a man who could kill a woman and rape a child than to not have a heterosexual role model in her home. She might be abused and even killed by this man, but at least she won't grow up to be a lesbian. If she grows up at all.

Let's ask ourselves again which family values we hold dear. Are we so concerned about producing straight children that we are willing to put their other interests aside in order to do so? Do we even care that our children are happy, so long as they aren't gay? Are we willing to sacrifice their lives?

Let's focus our values back on children's best interests. Sexual orientation is primarily the product of God and genetics, not environment. We can't make children straight by raising them with heterosexual parents, any more than same-sex couples can turn children gay. What we can do is raise children to be healthy and happy. In the long run, it doesn't matter whether children grow up with two mommies, a granddaddy, aunts, a single parent, adoptive family, step-parents or biological mom and dad. What does matter is that they know they are loved.

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Representational Issues Affecting the Asian Pacific American Community

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FRIDAY, March 15

Institute of Politics Kennedy School Forum

6-7:30 pm: "Representational Politics?"

SATURDAY, March 16

All events in Austin Hall, Harvard Law School, unless otherwise noted.

**9:00 am Opening Comments: Dale Minami, Founder,
Asian Law Caucus**

9:45-11:15am First Round Panels

• Campaign 1996 and APA Exposure

Francey Lim Youngberg '88, Congressional Asian Pacific American Caucus
Doris Matsui, Deputy Assistant to the President
Tritia Toyota, Newscaster, KCBS TV, Los Angeles
Diane Yen Mei Wong, Asian American Journalist Association

• Corporate Accountability to the Asian Pacific American Labor Movement

Julie A. Su '94, Asian Pacific American Legal Center of Southern California
Danyun Feng, UNITE, Garment and Textile Union
Karen Narasaki, National Asian Pacific American Legal Consortium
Chung Wha Hong, National Korean American Service and Education Consortium

• Issues in Affirmative Action

Anders Yang '94, HLS Albert Sacks Clinical Fellow
Prof. Sumi Cho, DePaul University College of Law
Prof. Jerry Kang '93, UCLA School of Law
Prof. Frank Wu, Howard University School of Law

11:30-1:00pm Second Round Panels

• The Business/Legal Nexus: Executive Perspectives

Tsugumichi Watanabe '81, Partner, Milbank Tweed Hadley & McCloy
John Bu '91, Vice President, Principal Investment Area, Goldman, Sachs & Co.
Terry Denton, General Attorney, ABC Inc.
Paul Lee, Partner, Goodwin, Procter and Hoar
Vijay Tata, Partner, Arnold & Porter
Jay Wadekar, Chairman and Executive Vice President, Dynagen, Inc.

• Lonely Coalitions: Pushing an APA Agenda in D.C.

David Chiu '94, Senate Minority Judiciary Committee
Preeta Bansal '89, Department of Justice, Antitrust Division
Dennis Hayashi, Director, Office of Civil Rights, HHS
Cheryl Lau, General Counsel, US House of Representatives
Chantale Wong, Special Assistant to OMB Director Alice Rivlin

• Translating Grassroots Efforts into a National Movement

Lucy Koh '93, Office of Legislative Affairs, Department of Justice
Peter Kiang, Institute for Asian American Studies, University of Massachusetts
David Kim, Lobbyist, City of Los Angeles in D.C.
Prof. Paul Ong, UCLA Urban Planning
David Osborne, Office for Victims of Crime, Department of Justice
Liz Ouyang, Asian American Legal Defense Fund

1:15-2:30 pm Lunch

Meet in small-group settings.

2:45-4:15 pm Workshops

Michael Wang '94, "Clerking on the Supreme Court"
HLS Negotiation Program, "Negotiation"
Judge Ronald Lew, "The Path to the Bench"
Viet Dinh, "Landing a Boat Person: Refugee 'Law' from a Personal Perspective"
Dale Minami and Dennis Hayashi, "Korematsu Overturned"
Cheryl Lau, "Experiences on the Campaign Trail"
Terry Denton, "Legal Developments in Mass Media"

4:30-6:00 pm Representational Issues in the Judiciary

Viet D. Dinh '93, Associate Special Counsel, Senate Banking Committee, United States Senate (moderator)
Judge Denny Chin (SDNY)
Judge Richard Chin, Fall River Superior Courthouse
Judge Marilyn Dolan Go '77 (Magistrate, EDNY)
Judge Ronald S. W. Lew (CDCA)
Judge Lillian Lim, San Diego Municipal Courthouse
Judge Robert A. Takasugi (CDCA)
Judge A. Wallace Tashima '61 (9th Cir.)

7:00 pm Cocktails and Banquet, Charles Hotel

Keynote: A. Wallace Tashima '61
Ninth Circuit Court of Appeals

10:00 pm Dance, Dakota's, Boston

The Conference would like to acknowledge the following firms and individuals for their support and generosity:

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Questions? Please contact Victoria Kuohung at (617) 493-9378.

CASLS Seeks Funding

continued from CENTER, page 1

identity preserved, and we're also hopeful that we can keep a separate office here located within our service areas. Those decisions are going to depend on the fundraising we're going to do in the next 1 to 2 months."

"Things are manageable and the clinic will remain the same," he added, "but aggressive fundraising will help make that a reality."

Special connection to HLS

CASLS started as a pilot project of HLS in 1966, one of the first community-based legal services offices created under the federal War on Poverty program. Heavily staffed by students, the office stayed open from 9 a.m. to 8 p.m. Monday to Friday, and 9 a.m. to noon on Saturday, with emergency calls taken personally by the director 24 hours a day, according to CASLS.

"Our law office was created in an era of tremendous dissatisfaction and student unrest, and when lots of students were disaffected with the traditional legal curriculum and the avenues open to them," said Rosalind Pollan, development coordinator for CASLS.

"Legal services work got them through law school because it gave meaning to the curriculum, which to them seemed irrelevant," she said. "Many HLS students at the time felt respite in being able to do direct community service with individuals and families in that community who had no ability to pay."

Today, CASLS is community-run but maintains an HLS link through the 11-year-old Harvard Immigration and Refugee Clinic. The Law School provides funding for CASLS to supervise students, most of whom concurrently take classes on immigration or asylum and refugee law.

In 1994-95, CASLS received \$52,000 to help support the clinic; that figure dropped to \$42,000 this year.

Negotiations are currently underway to decide funding for next year.

"Because of Harvard's clinical support, we actually reduced in other fields other than immigration and human rights" to address CASLS's financial difficulties, said Boesen. "So clinical support is important in that regard."

About 15 HLS students usually work in the clinic each semester, handling refugee and asylum cases. Many students said the work offered a unique view of the legal profession.

"You really learn how to talk to clients who may have difficulty relating their story, because their stories are ones of persecution," said Paolo Morante '96, who worked in the clinic last semester. "From a human point of view, it's a valuable experience."

Rita Roca '96 agreed. She said her work with Salvadorans seeking asylum gave her critical experience in interviewing clients, writing up affidavits and "basically getting their stories and framing it in a way that it would make sense according to the statute."

She said that while working at CASLS, the budget problems were noticeable. "There was always enough supplies, but there's definitely a shortage of space, and attorneys are stretched to the limit because they have to do so much work — such as administrative — for people who have been fired."

"The clinic also has to turn away clients all the time because it is so under-resourced and understaffed," Roca said.

Lecturer Deborah Anker, who supervises students at CASLS, said the clinic provides a crucial, "real-life international law experience."

"I know we've really enjoyed working with the students, and it's been an important experience for them," she said.

"We hope to keep our clinic alive at CASLS and with continued support from the Law School, hopefully we will be able to do that," Anker said.

Of friends and Pharoahs

By William Hall '98

Guest Columnist

A Random Walk



THINK of this column as Jack Handey on acid.

One thing I don't understand is the popularity of those Fresh Samantha juices. Let's use a little logic here. They cost \$2.29 for 16 ounces. That's 14.3 cents per fluid ounce. For comparison's sake, milk costs 1.5 cents per ounce, gasoline costs 0.92 cents per ounce, and the Tropicana pure premium stuff you buy at the Star Market is 2.8 cents per ounce. Is Samantha worth five times as much as Tropicana?

I'm a hypocrite, though, because I drink the stuff sometimes. The raspberry juice is real good.

What happened to Beck? One hit and he's poof ... gone. It must be depressing to

Ouch. Some McDonald's Hot Apple Pie™ filling fell in my lap and burned me. I'm gonna sue.

be a has-been at the age of 23. I should know the feeling soon.

"The key to faking out the parents is the clammy hands. It's a good non-specific symptom. A lot of people'll tell you that a phony fever is a dead lock, but that can land you in a doctor's office, and that's worse than school. What you do is, you fake a stomach cramp, and when you're bent over moaning and wailing, you lick your palms. It's a little childish and stupid, but then, so is high school." — Ferris Bueller

Remember those "Encyclopedia Brown" books? I think I read every single one when I was a kid. Pat Buchanan is the political equivalent of Bugs Meany.

The Schrafft's building kicks a**.

The only good thing about the new Hark is the pasta bar. It's actually pretty good. As for everything else, it's all the same, even if the Hark people today proudly claim, "We're now Sodexho!"

And ... sushi at the Hark? WHAT ARE THEY THINKING?

Sweeps Week on the TV networks is getting to be a bit much. I've come to this conclusion after hearing a promo that said, "See a special appearance by the Q Continuum on this week's episode of 'Friends.'"

Why does McDonald's put the warning "CAUTION: Filling is hot" on all their Hot Apple Pie™ boxes? Insult my intelligence, please. I guess everyone doesn't get the tip-off about the pie's temperature from the inclusion of the word "hot" in the dessert's name.

Ouch. Some McDonald's Hot Apple Pie™ filling fell in my lap and burned me. I'm gonna sue.

It seems that the advertising-happy "ER" ticket in the LSC election was the Harvard equivalent of the Steve Forbes campaign. The difference: "ER" actually won.

Critics have been unfairly attacking Forbes' 17 percent flat tax by calling it a "nutty new idea." Actually, the idea has been around for about 6,000 years; it turns out the first mention of the flat tax comes in the Good Book. In Genesis 47:24 it is written, "And it shall come to pass in the increase, that ye shall give the fifth part unto Pharaoh, and four parts shall be your own, for seed of the field, and for your food, and for them of your households, and for food for your little ones." Forbes' flat tax is slightly better than the Pharaoh's, though, because it's 3 percent lower and has an exemption for savings and investment income.

Buy yourself a little freedom. Buy yourself a great little car. See how it feels to have your own set of wheels. Buy a little freedom — buy a Yugo!

What the heck happened to Ron Kasner, anyway?

I have a lot of respect for Nine Inch Nails. True, their music sucks. But they have a really cool logo. Any band with such a corporatist mentality is going places.

Love stinks. Yeah, yeah. Love stinks.

Why does it seem like the flags in Cambridge are always at half-staff? They must honor every two-bit world dictator that dies or something. However, when Ronald Reagan passes away, I bet they won't fly the flag at half-mast. In fact, that's when they'll get out the flagpole extension.

Well, enough randomness for this week. Just remember to shake your groove thing, shake your groove thing, yeah yeah. Everybody dance now.

Editor's Note: Every other week Bill will answer your mail as a part of his regular column. He's lonely. Please write to him.

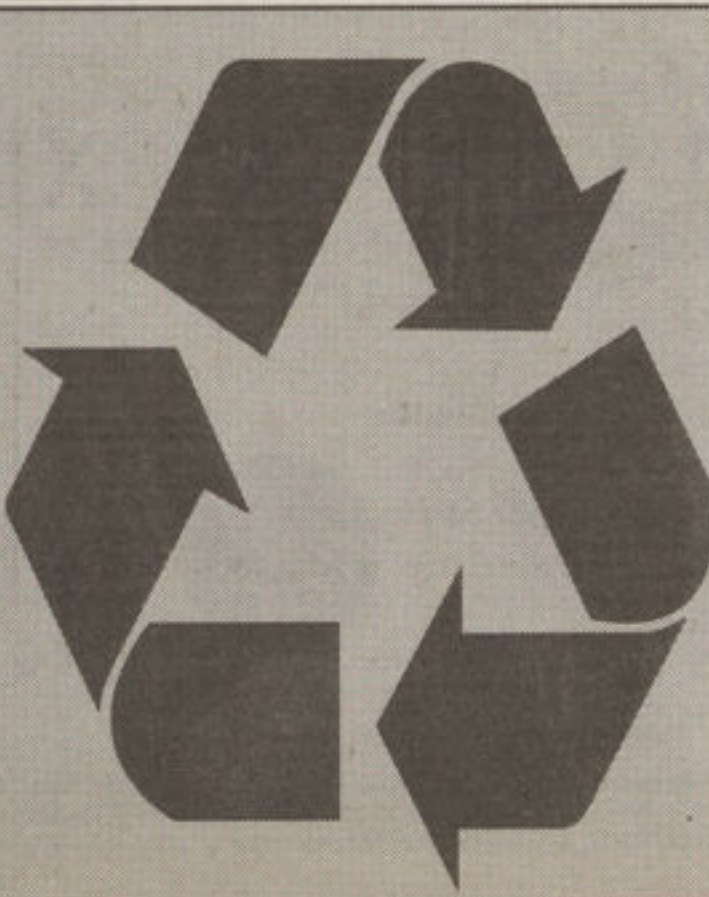
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