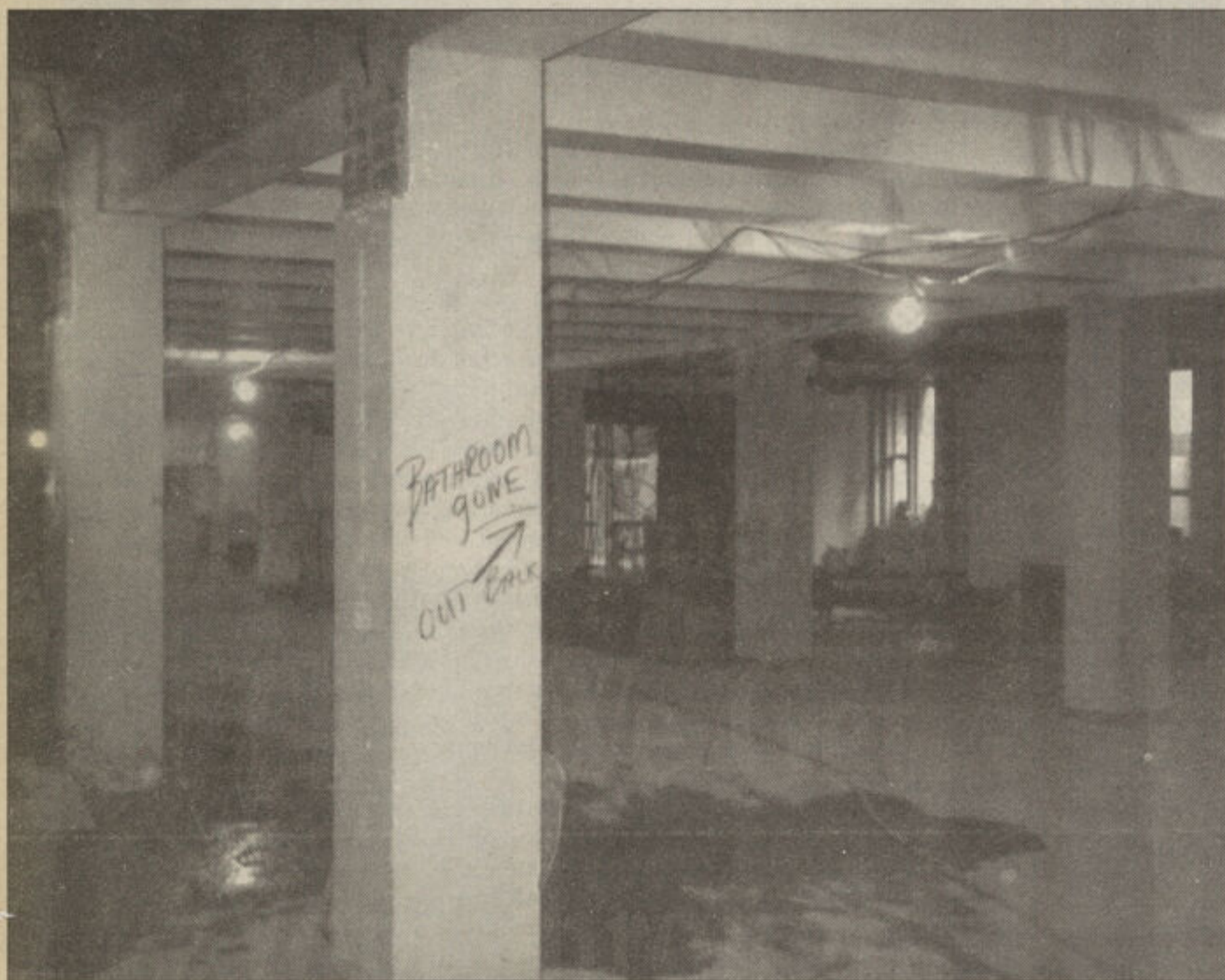




The only bathroom in the old Langdell Library falls victim to renovations. The newly constructed library will accommodate many more facilities.

Students Cope With Library Renovations

By David Liu

Stepping onto campus after summer break, students found former classrooms, lounges and study areas in Langdell Hall replaced by heavy machinery, building materials and scaffolding. For \$33 million, the renovated Langdell Library will feature modern air conditioning and heating systems, improved lighting and workspace, and greater integration of electronic tools when it opens next fall.

In the meantime, students must deal with obstacles to research, limited study space and the hassles that accompany construction as Langdell sits closed this year. The major concern that students have with regard to the renovations involves the suitability of the temporary library in Pound Hall for research.

"I finished my third year paper last year because I knew [the renovations] would happen," said Anthony Tu '97.

Most 3Ls, however, are not so fortunate, and — along with some graduate students and 2Ls — will be conducting extensive research projects this year. Administrators have taken steps to facilitate the completion of these projects. A review of registered third year research topics two years ago encountered only a few topics that presented potential problems, which, said associate librarian Paul George, were "entirely manageable upon further examination."

The books that were in Langdell have been moved to Pound, the International Legal Studies library, dormitory storage spaces, the Harvard Depository Library and the Athenaeum House in East Cambridge. All of the Langdell collection is available to students except for the portion of the rare book and legal history collection that has not been microfilmed, and, said George, this portion "has an absolutely minimal effect on students. Third year projects will not be affected."

Librarians are working hard

to retrieve documents for students by the afternoon of the next weekday. "We've assigned a tremendous number of staff to document retrieval," said George. "If a student can't find it in Pound or ILS, we will find where it is."

Marc Keeper, the circulation manager at Pound, counted 222 requests on Monday. When asked how well he thought the library staff was meeting the challenge of document retrieval, Keeper answered, "We're doing okay but not everyone's researching yet."

Some students, however, are not satisfied with merely requesting documents. "My preferred way to find books is to search the stacks," said Brian Dorini '97. "But that possibility would be foreclosed. You really have to know what you're looking for."

George suggested that these students express their concerns to the reference desk. "The reference desk is ready to go to whatever extreme necessary to identify resources. We can show students how to browse on-line on HOLLIS." He noted that students could themselves initiate retrieval requests for documents in the Depository with the 'get' command of HOLLIS.

"And if the students want to browse a section, we'll bring all books back," he said.

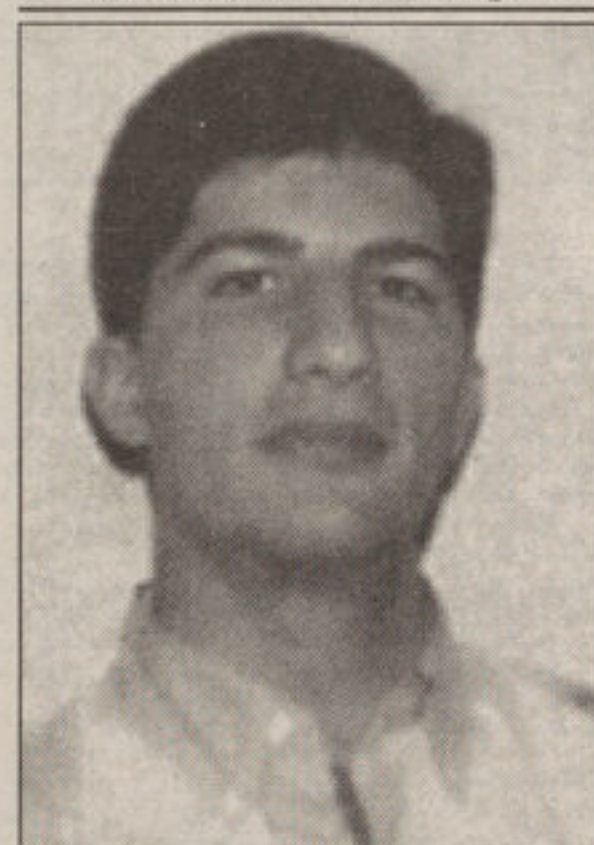
Mike Martin '97 seemed unworried by the construction and pleased by the librarians' efforts.

"Library renovation affects [my research] negligibly, if at all. Online resources are so great now that a significant number of primary sources are available through Westlaw or the World Wide Web," he said. "And the librarians are terrific — accommodating, polite, pleasant, all around good folks. Their main focus is on helping us."

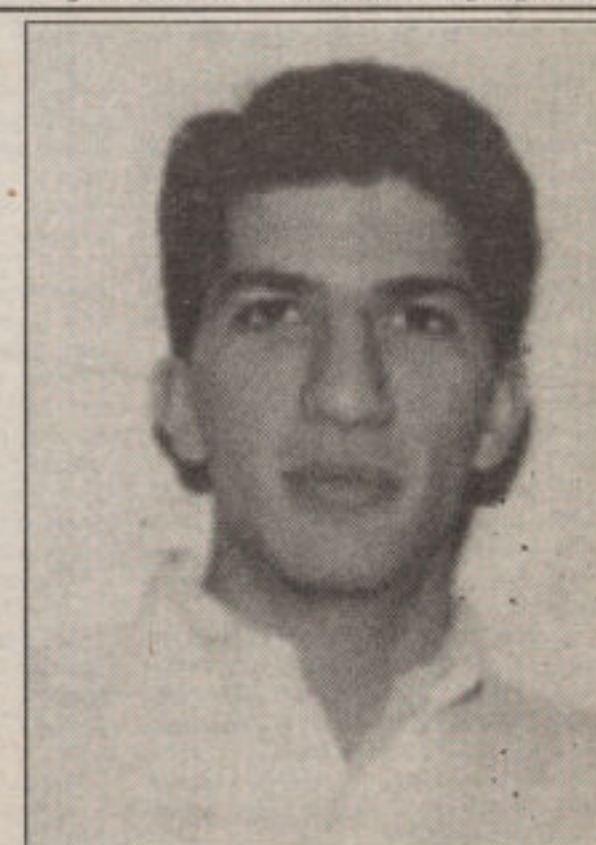
Students may also soon be able to visit the 175,000 volumes housed at the Athenaeum.

"If people feel they have the need to go there, they should first come to the reference desk and talk with the librarians about

please see **LIBRARY**, page 12



Bahram Seydin-Noor is a twin in the class of 1999.



Shahram Seydin-Noor, is a twin in the class of 1999.

Tougher Graduation Standards Greet 1Ls

By Jaclyn Liu

Just one week into the start of school, 1Ls seemed generally unconcerned that they will be working harder than previous classes to graduate with cum laude honors.

Under a new, tougher system taking effect this year with the Class of 1999, students will be awarded cum laude or magna cum laude graduation honors according to their class rank, rather than grade point average. The change, approved last spring by faculty members, effectively cuts down the number of stu-

dents graduating with cum laude honors by half.

"I think this is a good idea," said Ben Lehrer '99. "Law school is supposed to challenge us — to give us a good education — not just to make us look good."

With the new system, the top 10 percent of the graduating class will earn a magna cum laude and the next 30 percent will be awarded cum laude. The percentages exclude the number of students graduating with a summa cum laude, which will still be determined by a 7.2 GPA.

Under the old system, which remains in effect until the Class of '98 graduates, cum laude hon-

ors are given to students with a minimum 4.85 GPA and magna cum laude are given to students with a minimum of 5.80 GPA.

Prof. Richard Parker '70, acting chair of the Legal Education Committee which proposed the changes, has said the new system is designed to make graduation honors more meaningful as well as remove the stigma on the small minority who do not graduate with honors.

Despite the dramatic new change, many 1L students seemed unaware of the tougher requirements. A few students

please see **1Ls**, page 13

A Profile of the Class of 1999

By Aaron Maurer

After months of packing and moving, the Harvard Law School Class of '99 is finally here. The last class of this millennia, like all of the previous ones, brings with it the credentials of people who have been successful in academic pursuits in the past, and who have overcome a variety of challenges and trials. This class is special, not due to any group statistic that can generally be applied to its 555 members, but by virtue of the diversity of the individuals that compose it.

The class includes students straight from undergraduate careers, teachers, waiters and waitresses, entrepreneurs, doctors, and even rocket scientists. Carole Boelitz (Air Force Academy '89, MIT '91) developed research satellite systems and orbit dynamics for several satellites that are currently circling the earth.

There are two sets of twins and one set of sisters in the class of 1999. The twins are Shahram and Bahram Seydin-Noor (Pomona College '96) and Levi and Leon Liu (both Stanford graduates). Sisters Courtney and Shauna Fitzgibbons attended Dartmouth together.

Molly Hammerberg (Harvard '95) can ride a unicycle and put her leg behind her head but, unfortu-

nately, "not at the same time," she said.

The class has seven Truman scholars, and numerous Watson, Fulbright, NSF, and various other fellows. There are several former student body presidents and college newspaper editors-in-chief.

Look around at the class of 1999 and try to guess who has played in a rock band for ten years (hint: ask Matt Freedman, Columbia '91), or served as a human rights worker, or volunteered in the Peace Corps.

Members of the class of '99 come from homes in 46 states, and from 20 countries around the globe including Zambia, Ireland, Saudi Arabia, China, Iceland, and Poland. Canada has the most representatives with 14 students from four different provinces.

The wide range of geographical roots in the class helps add to its racial and ethnic diversity. "This is probably the most diverse class in the country due to [the] students' backgrounds as well as where they are from," said Joyce Curll, Assistant Dean of Admissions and Financial Aid. "It will make classes very interesting," she said.

Asian-Americans represent 12 percent of the class; African-Americans make up 11 percent; Latino-Americans comprise 6 percent; and 1 percent

please see **1999**, page 3

On September 16, 1946,

Charles Sweet '47 and Charles Porter '47 incorporated the Harvard Law RECORD. Over the past 50 years, the RECORD has served as the School's weekly diary, chronicling every event significant to the School and the nation.

Every week this year we will reprint an article that appeared in the corresponding week over the last 50 years. We chose some articles for their historical significance. Others we chose for their unique attachment to HLS. Some we chose to prove the old adage that the more things change the more they stay the same. (We have omitted the September 1971 picture of winding registration lines that bore the headline, "Computers Take Over Course Scheduling.")

We hope you enjoy this week's interview with a 3L author named Turow. And we hope you will enjoy our visit to HLS' past as we dust off our archives to make room for the next 50 years.

HARVARD LAW RECORD

America's Oldest Law School Newspaper

VOL. 65, NO. 1

SEPTEMBER 23, 1997

TWENTY CENTS

Enrollment's Up By 2.2 Per Cent For 1L Women

By Barbara Kritchevsky

It's up to 27.4 per cent. There are 154 women in this year's entering Harvard Law School class of 561. The number of women enrolled is 16 higher than last year, and the percentage of women in the class has increased from last year's figure of 25.2.

This increase in the number of enrolled women occurred because more women admitted to Harvard have chosen to attend. 208 women were admitted both this year and last.

More women applied to Harvard this year, also. Although the number of total applicants decreased by 47, from 6,559 to 6,512, the number of women applying increased from 1,774 to 1,842.

The admissions officers appear pleased with these results. N. June Thompson, Assistant Director of Admissions, said the office is concerned primarily with getting more women to apply to Harvard. Once they apply, she said, one finds that the women are as qualified as the men. Their applications reflect as many well and poorly qualified candidates as one finds among the men.

Patricia Lydon, Assistant Dean and Director of Admissions, said the admissions system is as sex-blind as possible. Thompson also emphasized that there was no spe-

(Continued on Page 5)

Author Turow Chronicles First-Year Life at HLS

By Tammy Jacobs

A strange thing has happened to Scott Turow's book. When people read it, he says, it becomes a "chameleon."

Within what Turow intended to be a fairly straightforward account of his first year at Harvard Law School, faculty members see criticisms of the faculty, and students see criticisms of the student body.

Of course, *One L* has things to say — though not necessarily the things people read into it. The recently-published book is a narrative of actual events, using disguised composites of the professors and students that peopled Turow's first year.

"People in the community come to the book with such strong emotions," says Turow, now 28 and a 3L. "But it's not a chameleon. Properly read, all of my conflicting, ambivalent feelings about Harvard Law School can be deduced."

For the first 100 pages of the 300-page book, Turow says, "I decided I wouldn't have anything to say." Further on, opinions and judgments creep in.

And the last pages make some pretty blunt points about how Turow feels about legal education.

There are "the certainty rap and the brutality rap," Turow says, in a kind of verbal shorthand. The former is a criticism of enforced stratification. (Continued on Page 4)



Scott Turow, author of *One L*

Turow: Fright 'A Moral Abomination'

(Continued from Page 1)

tion into caste-like categories — professor, law review member, straight-B student. The latter is Turow's view that the Socratic method can be a brutal way to learn.

"The kind of fright that I felt, that my classmates felt, is a moral abomination," says Turow of some of his experiences with the Socratic method. "You're taking some risks in training people who will wield significant amounts of power that way."

"If people come to the law in terror," he says, it will affect their conduct as lawyers for the rest of their lives.

For Turow, who came here in 1975 after teaching creative writing at Stanford, the experience of the first few weeks was perhaps atypical.

"The role reversal was particularly difficult," he said. "I started out identifying with the professors."

He came with a contract to write the book, he says, although he wanted to study law and intends to practice. He doesn't regret doing the book, he adds, although the up-to-15 hours a week he spent keeping a journal added to the pressures of being a 1L and cut into time spent with his wife.

The journal makes up part of the book, with narration he wrote over the summer of 1976 providing the rest.

"I thought about asking the publisher to hold it for a year," he says, "but I decided it was better to be here, to look people in the eye," when it came out.

"I said it, and I meant it," he adds, noting that there are relatively few things he'd change, now that he's had an additional year at the Law School.

Moreover, he says, response from both faculty and students has been "very generous."

His closest friends knew he was writing the book and have taken it well.

"The people who were closest

to me were the people who were most exposed," he says. "And they've said 'this is a significant achievement, we're proud of you.' I'm proud they are my friends."

Faculty members, too, have been generous, he adds. Members have sent notes and messages, and have come to talk to him about the book.

He tried, he says, not to expose individual faculty members as he wrote the book. The speculation as to which *One L* professor matches which true-life HLS prof. is a sore point with him.

"My publisher's attorneys were under the impression that those persons [professors] are public figures," he says. Still, he switched incidents around.

"If people come to the law in terror," he says, "it will affect their conduct for the rest of their lives."

made professors teach different courses than did their models, and otherwise mixed-and-matched "to protect those people."

He did the same for his classmates, disguising descriptions and backgrounds so as not to invade their privacy.

"Any one-to-one matches are incorrect," he says emphatically. He adds that he sat in on every 1L class in every section that year and that professors in his book are composites, rather than correlations with real people.

"Everything that happened [in the book] happened [in reality]," Turow says, "and yes, professors are public figures, but they're just not the same people" as the book's characters.

Turow feels so strongly about the composite nature of his characters that he refused to reveal the names of his first-year professors, and asked that they not be printed. Using names, he says, is "only going to add to the confusion" and

to the attempts to make correlations where they don't exist.

However, those 3Ls who shared Turow's Section III experiences and the present-day 1Ls who have read the book are hard-put not to ascribe certain traits of *One L*'s stars to Turow's first-year professors. The names, which are a matter of public record, are: Civil Procedure Prof. Arthur R. Miller, Contracts Prof. Duncan M. Kennedy, Torts Prof. Lewis D. Sargentich, Criminal Law Prof. James Vorenberg and Property Prof. Charles M. Haar.

Turow demurs. "The more critical I was of characters' actions, the more obscure I tried to make [those characters]," he says.

"If I were czar of the universe,"

he says, using a phrase perhaps familiar to some students, "I would make people stop gossiping and read the book."

It's on sale at bookstores throughout Cambridge and the country. Nationwide, it is selling well, and is in its second printing, says Turow.

In Cambridge the book is doing "very, very well," according to one bookstore buyer, and "has nearly sold out" the first shipment of 100 copies at another store.

Judging by sales, the experiences described in *One L* are common to more than Harvard students. But Turow "wouldn't venture a guess" as to how universal his story is, even at HLS.

Students here and elsewhere have told him they identify with the book, he says.

"But again, I'm sure there's a certain corps of people that think I'm crazy."

It's not the inside account, it's an inside account. It's what happened to me."

Cyber Barons of the World, Unite!

By William Hall '98

RECORD Columnist



Dear Master,

I hope things have been going well for you recently. I know you have been busy with the latest US-Iraq military skirmish. It must have been neat watching it, considering the huge amount of influence you have had over the years on the two world leaders at the center of the crisis. Congrats, too, on pulling off that Dick Morris thing.

I'm writing to you to complain about two things. First, the heat down here is unbearable. Granted, I knew what I was getting into when I wrote the "Manifesto," but even I didn't expect it would be so damn hot down here. It never got this hot in Germany. Even Engels, who used to summer in the 90-degree weather down by the Black Sea (Friedrich was always before his time), thinks it's too hot. I know eternal damnation is not supposed to be a picnic, but a fan would be nice. After all, I've done so much for you over the years. At the very least, you could let me shave off this damn beard. Not only is it hot, it's out of style these days. I'm thinking of going for one of those cool goatees. It'll go real well with this "Up With People" shirt I picked up at the Third Level's branch of Urban Outfitters.

Second, I'm honestly a bit disappointed about how much time you've been putting into forwarding the Movement recently. Granted, you put up a good effort with the Zupanov campaign, but that was all for naught. I don't want to get into the foibles and setbacks of the past few years (though I must bring up that Berlin Wall fiasco one more time), but things have gotten downright depressing lately. Nothing, though, can compare with what has been going on at your favorite educational institution, Harvard Law School.

I have always thought that your work at Harvard was brilliant. Using the American legal system as a mechanism for spreading our ideology and forwarding the Movement was a stroke of genius. I have always agreed with your strategy for spreading the message in America: sneak it in the back door and teach it to the nation's future leaders. What a great idea. Granted, the professors who were teaching Critical Legal Studies and other assorted redistributive theories of "justice" never really believed much in our ideology. And you also never really had that much influence over them; after all, how can you explain that Rosenberg fellow? But we have always considered the faculty at Harvard helpful, at least for the most part.

But it seems that many of our friends at Harvard have fallen victim to the ultimate imperialist capitalist ruse: technology. Just when we were making some progress in American legal education, the damn personal computer had to come along. It was bad enough when everyone had those video games and Commodore VIC-20s. Heck, even I got caught in it at the beginning. I remember those halcyon days when Stalin and I played Atari football. Ah, the memories.

But when some clown decided to put legal information of all sorts on the computer, that was the end. Everyone at Harvard went cyber-crazy. Westlaw, Westlaw, Westlaw! LEXIS, LEXIS, LEXIS! I heard that these companies have been coming to HLS and handing out free t-shirts, candy, lollipops, mugs, even free dinners. All so people would use their "free" service.

Worst of all, the professors we once found helpful have turned their backs on us. Sure, some of them still teach "redistributive justice." But nobody seems to much notice anymore, with all of those Law and Economics people (another great imperialist capitalist ruse, by the way) around. However, they are now the greatest proselytizers of the "Cyber Revolution." They give out computer assignments in class. They hold chats over e-mail. They pass out Folio Views like they're passing out Tootsie Rolls.

It angers me that they have no clue what they are doing: getting their students addicted to the products of huge oligopolistic companies that rack up obscenely huge levels of profit. It's quite sad. These professors will attack mercilessly tobacco companies that hand out free cigarettes to get people addicted, which they then charge an arm and a leg for. But with regards to Westlaw and LEXIS... it's okay! There's no problem getting people addicted to services that, while free today, will cost \$20,000/minute or something like that after law school. And when students graduate from HLS they often don't know how to do research using books. They only know how to do it using the products of two oligopolists who, essentially, rip off consumers with sickening aplomb and arrogance. But hey... they give away free lollipops!

We are going to have a generation of lawyers addicted to another kind of opiate: electronic forms of gathering information that are controlled by two—and only two—companies. These companies can pretty much charge whatever they want. The legal information industry is one of the least competitive markets in America. It is going to be sweet irony that the professors who made the lawyers of tomorrow (and, consequently, the American public, who will get the Westlaw and LEXIS charges passed on to them) addicted to overpriced online information technologies are going to be the same ones who championed "redistributive justice." And we used to think they were friendly to our way of thinking.

And, to make it all worse, I predicted long ago where this will lead. As I wrote in "Capital" (your favorite, if memory serves): "Along with the constantly diminishing number of the magnates of capital, who usurp and monopolize all advantages of this process of transformation, grows the mass of misery, oppression, slavery, degradation, exploitation.... The monopoly of capital becomes a fetter upon the mode of production, which has sprung up and flourished along with, and under it." As if Harvard Law wasn't bad enough.

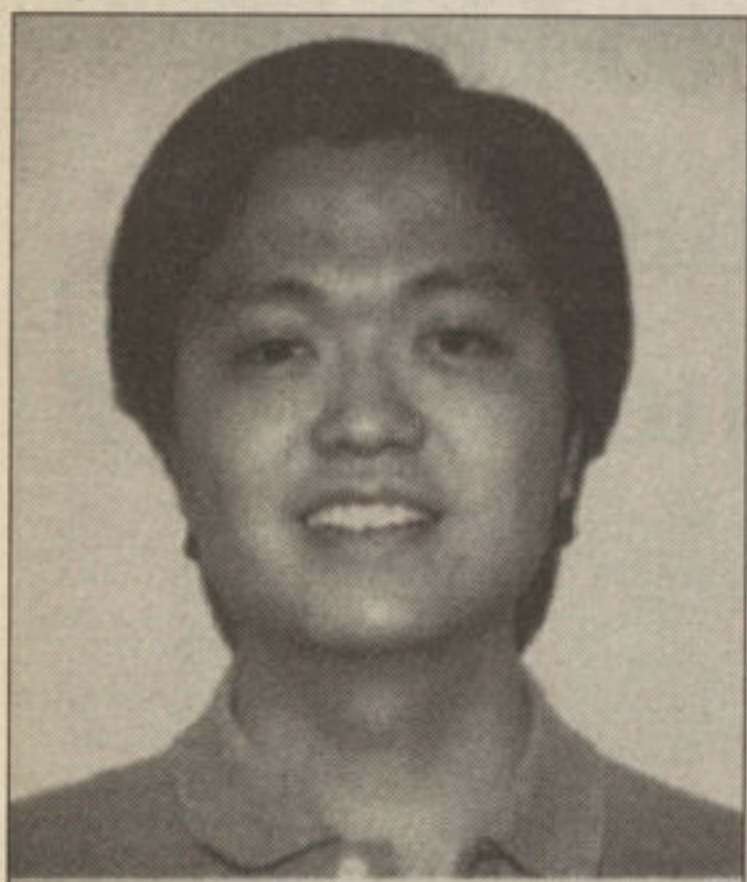
Ah... I just thought of yet one more reason why this phenomenon is so troubling. What will happen to public interest law when the new generation of Westlaw and LEXIS addicts hits the legal streets? They will only be properly equipped to work at firms that can afford to spend (and pass on) the \$20,000/minute Westlaw and LEXIS charges. Public interest firms that can't afford these services will hurt. The legal profession will become a world of "haves" and "have-nots," where the "haves" are the huge corporate law firms and the "have-nots" are in the public interest. The environment will suffer. Civil rights protections will increasingly go down the drain. Consumers will be left out in the cold.

Wow. Congratulations. You're even smarter than I thought you were; I take back everything I said. Good job, you clever devil you.

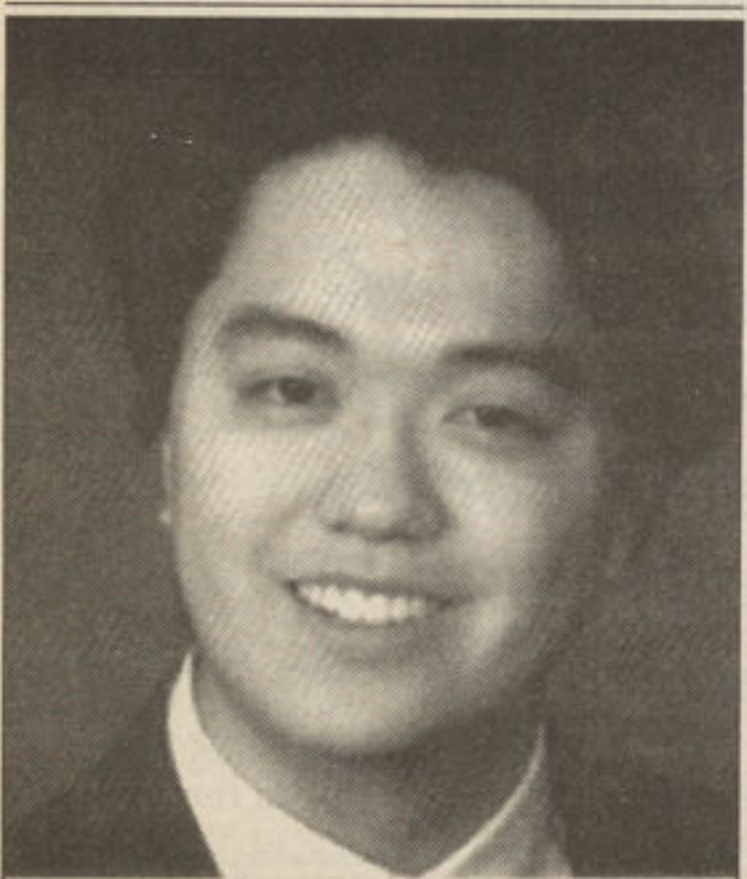
Sincerely,
Karl

P.S. Good luck with the Perot campaign.

A New Crop of Students Comes to HLS



Leon Liu (above) and his brother Levi Liu are one of the two sets of twins in the class of 1999.



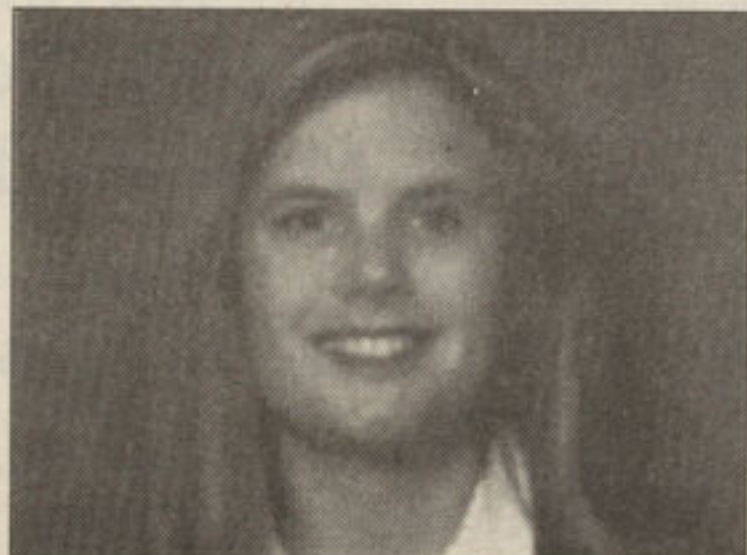
continued from 1999, page 1

of the class is Native American. In addition, 8% of the students in the class are citizens of a foreign country. That is a significant jump up from last year's 4% according to Curll.

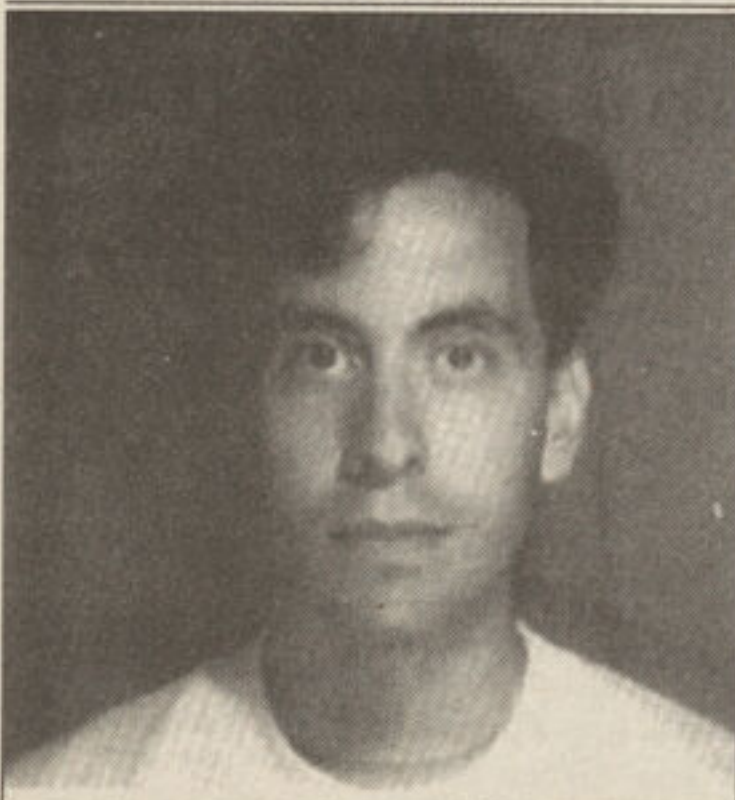
For those keeping track, this year's class is 60% male and 40% female. The class of '98 was 42% female, and the current 3L class is 41% female. Students' ages range from 20 to over 46, with the average age of a 1L settling around 24 years old.

The class has a strong representation of students interested in a career in the public interest. "I want to do something that will allow me to earn an income and travel at the same time," said Shahram Seyedin-Noor. "If I just wanted to make money I would have gone into banking or consulting."

David Freedman would like to work in conjunction with a public interest or advocacy group. "I feel pretty focused... I'm willing to accept the possibility [of doing] something else, but for right now I want to go ahead and do this kind of work because this is what makes me happy and gets me excited."



Carole Boleitz (above) is a Rocket Scientist from the Air Force. Molly Hammerberg (below left) is an acrobat. Matthew Freedman (below) is a Rock Musician.



Harvard Law School

Class of 1999:

555 students

40% women
30% minority
12% Asian-American
11% African-American
6% Latino-American
1% Native American

160 Undergraduate Colleges and Universities represented

Harvard 68

Yale 39

Stanford 31

Berkeley 22

Princeton 21

Dartmouth 20

Cornell 18

Duke 18

Brown 17

Michigan 14

UCLA 14

Penn 14

46 States

missing: North and South Dakota, South Carolina, and Nebraska

20 Foreign Countries

8% of class foreign citizens

Age range: 20 - 46

average age: 24

median age: 24

2 sets of twins / 1 set of siblings (sisters)

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NINTH ANNUAL 2L/3L JOB FAIR

Monday, September 16, 1996
4:00 - 6:00 p.m.

Taubman Conference Center, 5th floor
Eliot Street, Harvard Square
at the Kennedy School of Government
(directly to the left of the Charles Hotel)

Casual Dress
Refreshments served

Sponsored by Harvard BLSA for all Harvard 2Ls & 3Ls

NEW YORK, NEW YORK • WASHINGTON, D.C. • BOSTON, MASSACHUSETTS • LOS ANGELES, CALIFORNIA • SAN FRANCISCO, CALIFORNIA • HOUSTON, TEXAS • CHICAGO, ILLINOIS • ATLANTA, GEORGIA • DALLAS, TEXAS • TORONTO, CANADA • LONDON, ENGLAND • PHILADELPHIA, PENNSYLVANIA • MILWAUKEE, WISCONSIN • SAN DIEGO, CALIFORNIA • ORANGE COUNTY, CALIFORNIA • NEWARK, NEW JERSEY • PITTSBURGH, PENNSYLVANIA • MANY OTHERS

Across the Wire ...

Capital Gains Tax Break Challenged in MA High Court

BOSTON (AP) — Activists battled this week in the state's highest court to roll back a multimillion-dollar capital gains tax cut that went into effect at the beginning of this year.

"We certainly are not going to stand by while higher income people get to pay lower rates than working families," said Jim St. George, executive director of the Tax Equity Alliance of Massachusetts.

"If you make money on capital income, you should pay tax on that income, just like a working family pays tax on their income," he said after a Supreme Judicial Court hearing on Monday.

The legal battle focused on a provision in Article 44 of the state Constitution that says all income derived from a particular class of property must be taxed at the same rate.

TEAM, a liberal, union-backed advocacy group, has sued the state, saying the way the tax cut is structured is unconstitutional. Once fully phased in, the cut would cost the state \$100 million per year.

People who have sold stocks, bonds or other property would begin to get the benefit of the cuts when they fill out their 1996 tax returns. Residences are not affected.

The attorney general's office defended the constitutionality of the 1994 law. The lawyers representing the state also questioned whether TEAM and 24 taxpayers who joined the suit should have been allowed to sue at all because they hadn't met a fundamental requirement to go to court — they hadn't been personally hurt by the law.

"Our position is that TEAM is a mere onlooker," Tom Green, the first assistant attorney general, said after the hearing. "If anyone is to challenge this statute, it

should be challenged by someone who suffered some alleged harm."

The Supreme Judicial Court probed the arguments of attorneys for both sides, then took the matter under advisement. The court doesn't tell when it will issue its rulings, said court spokeswoman Elizabeth Fearnley.

Chief Justice Herbert Wilkins left open the possibility that the court might issue an opinion, even if TEAM didn't have standing in the case to sue.

"Is this not such a matter of importance that even though there were not standing we should say something about it?" he asked during the hearing.

The new law sets up a sliding scale in which different capital gains tax rates apply, depending on how long the person has owned the asset. The rates decline the longer the person has owned the asset, with no tax at all owed when the asset being sold has been owned for more than six years.

TEAM said the law was unconstitutional because it sets up different rates for income "derived from the same class of property."

But the attorney general argued "this isn't income derived from that property. It's derived from what you did in the marketplace," Green said.

"Each capital gain or loss is unique in that it flows from individual investors' decisionmaking as to when to buy, when to sell," Green said.

The capital gains tax cut was controversial when it was passed in 1994. It was slipped through just hours after Gov. William F. Weld signed a 55 percent pay raise for lawmakers, provoking suspicions that Weld had struck a deal with Democratic legislative leaders.

Same Judge to Hear Civil, Criminal Trials Involving Unabomber

SACRAMENTO (AP) — The federal judge assigned to the trial of Unabomber suspect Theodore Kaczynski also will hear the wrongful death lawsuit filed by the family of slain timber lobbyist Gilbert Murray, believed to be the Unabomber's last victim.

U.S. District Judge Garland Burrell Jr., the jurist presiding over Kaczynski's criminal case, will handle the civil suit filed by Murray's widow, Connie, and their son, Wilson.

Burrell's assignment was contained in court documents released this week. A pretrial conference in the civil suit was scheduled for Nov. 12.

Murray was killed April 24, 1995, when a package bomb exploded in his Sacramento office five blocks from the state Capitol. His family filed their lawsuit on the first anniversary of his death.

The lawsuit contends Kaczynski "secretly located and set off a bomb" that killed Murray, and as a result, has

left the Murray family to suffer "extreme and severe mental anguish."

Kaczynski, 54, is the only named defendant in the lawsuit, which also includes an unspecified number of other defendants listed only as "Does."

It seeks general damages in excess of \$50,000. The family also claims funeral, burial, legal expenses and the loss of Murray's earnings.

The family's civil suit was filed before federal prosecutors formally accused Kaczynski of Unabomber-related crimes.

Gilbert Murray is believed to be the final victim of the Unabomber, who is linked to bombings that have killed three people

and injured 23 others over the past 18 years. Kaczynski is charged in seven of the 16 explosions connected to the Unabomber, and could face the death penalty if found guilty.

A pretrial conference on Kaczynski's criminal case is scheduled next Friday before Burrell.

Kaczynski, 54, is the only named defendant in the lawsuit, which also includes an unspecified number of other defendants listed only as "Does."

New Student Group Examines Progress of African Americans in Different Industries

By David Liu

Most students hope their careers will give them enough time to pursue their hobbies. Members of the Harvard Consultation Project may be pursuing their passions to their careers.

The Project, which was started last year by William Griffin '98, arose out of Griffin's interest in "urban music" — rap and R&B — and his concern for the African American community. With five other Harvard students with similar interests, Griffin consulted with over a dozen CEOs and senior executives at major record companies.

The Project last May released the Harvard Report on Urban Music, which made a number of recommendations for the long-term development of the urban music industry. Since then, its study has been reported in Billboard, Vibe, and the Boston Globe.

The HCP intends to focus on the progress of African Americans in a different industry each year.

"This year," said Griffin, "the HCP will produce a report entitled 'Entrepreneurship in the Digital Age.'" Griffin said that the HCP hopes to conduct case studies of entrepreneurial process in high-tech areas, produce a handbook for prospective entrepreneurs, and draft model legislation which will aid in the development of entrepreneurship.

Harvard students interested in joining the HCP should put their resumes in William Griffin's (2L) Hark box or e-mail them to wlgrieffi@law.harvard.edu by October 1.



William Griffin '98 with Dean Robert Clark '72 (HCP Advisor) and Ron Gregory (CEO of Music Forecasting, Inc. and HCP Corporate Sponsor) attended a press conference where they released the HCP's Report on Urban Music.

Photo Courtesy of William Griffin

Across the Country

Judge Orders AOL to Stop Blocking "Junk Mail"

PHILADELPHIA, Pennsylvania (AP) — A company accused of flooding computers with unsolicited e-mail advertisements hailed a judge's order that America Online stop blocking its transmissions.

"America Online has violated the civil rights of their members and has violated our rights to send e-mail through the Internet, which AOL does not own," said Sanford Wallace, president of Cyber Promotions. "In the post office, this would be considered a federal offense."

Wallace sued in federal court last week, shortly after America Online, the

"In the post office, this would be considered a federal offense," said Wallace.

largest provider of online services, announced it had blocked five sites serving as clearinghouses for unsolicited, commercial mailings.

The sites were sending 1.8 million e-mails a day to America Online subscribers, causing a flood of complaints.

Cyber Promotions, which sends promotions on behalf of businesses, controls three of the five sites.

District Judge Charles R. Weiner immediately rescinded the block on Cyber Promotions until Wallace's arguments can be decided at a trial — scheduled for Nov. 12.

Weld Defends SJC Appointee Against Attack

BOSTON (AP) — Despite an angry letter from a black judge, Gov. William F. Weld said this week that minorities should support his choice for the Supreme Judicial Court because she fought for civil rights in her native South Africa.

The governor also said that while a different black judge was among his seven finalists for the job, he decided to nominate Margaret Marshall, a white woman who is Harvard University's general counsel, because "she is the heaviest candidate in terms of being able to lift the court."

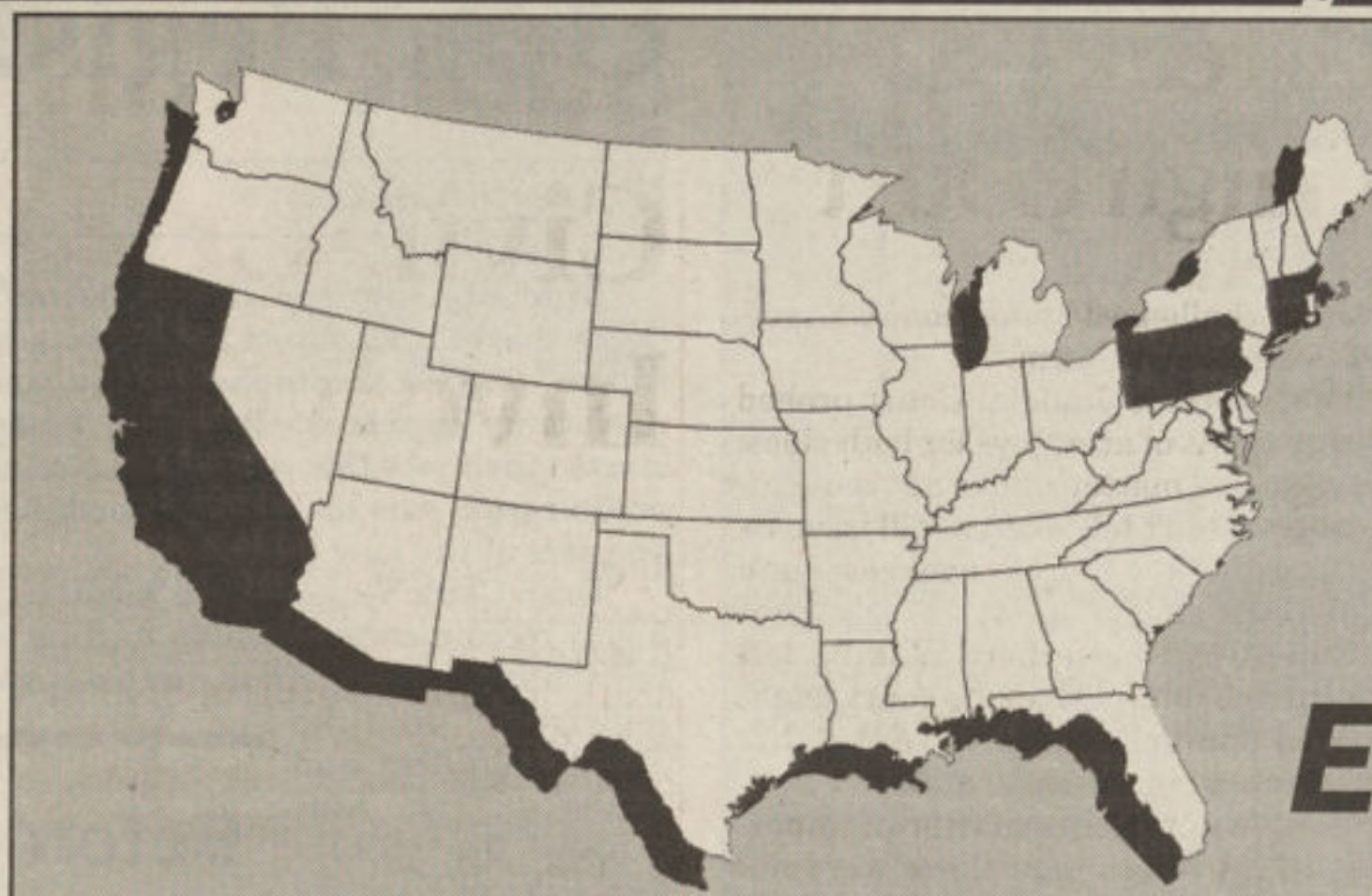
Some analysts have speculated on another benefit: Weld's pick may be popular with women voters, whom he needs in his bid for the U.S. Senate this fall.

Weld, speaking to reporters after receiving an endorsement for his Senate candidacy, reacted to criticism over the weekend from Appeals Court Judge Frederick L. Brown.

Brown also applied for the associate justice's job, but he was not among the five finalists recommended to Weld by a judicial screening committee. Weld later interviewed two others for the post.

Last week Brown sent a two-page letter to Weld and urged him to compare their resumes.

"Place my resume next to Margaret Marshall's, redact the names, and if you can say in good conscience that her's is even close to mine, I will apologize," Brown wrote to the Judicial Nominating Council.



This Week, Reports From the East & West

Yale Tops Harvard in National Poll

WASHINGTON (AP) — Yale topped Harvard for the first time in six years as the No. 1 national university in U.S. News and World Report's annual survey.

A researcher explained that Harvard's relatively larger classes pushed it from No. 1 to No. 3, but executive editor Mel Elfin said there isn't much difference among several of the top schools.

"Schools that have totals very close to one another are really not that far apart," he said last week.

Critics go farther, saying the survey, now in its 10th year, relies too heavily on statistical measures and fails to sort out important differences among schools' curriculum and character.

"The fact that Harvard is in the middle of a heavily populated urban area and Stanford is kind of a bucolic campus that has lots of space is not quantifiable," said David Merkwitz, spokesman for the American Council on Education, which represents the nation's colleges and universities. "These are not football teams or basketball teams where you have head-to-head competition."

Managing editor of the survey, Al

Sanoff, responded, "We use many of the criteria that schools use to judge their own success. However we say in the guidebook that in choosing a school, students need to look at a host of factors, and ranking is just one of them."

The magazine is one of many publications that offer guidance to high school students trying to choose among hundreds of colleges and universities.

U.S. News uses several statistical measures to rank the nation's universities and liberal arts colleges.

Their reputations, based on a survey of college presidents, deans and admissions officers, count for 25 percent of the score. Other factors are selectivity, 15 percent; faculty resources, 20 percent; financial resources, 10 percent; retention, 20 percent; and alumni giving, 5 percent.

A new category called "value added" and worth 5 percent, compares the number of students expected to graduate with those who actually did. The goal is to assess how well colleges succeed in educating the students who choose to attend.

This year, U.S. News dropped rankings of schools for outstanding teaching and

added rankings for how much debt students had upon graduation.

Merkowitz is particularly critical of the reputation score — which gets more weight than any other.

"It becomes a case of institutions that are well known for being well known," Merkwitz said.

That may be true, Sanoff said, but it's useful information for students to have.

"The harsh reality is that we live in a world where credentials matter," Sanoff said, "and if someone goes to a school that has a good reputation, then it's going to help them in the job market."

The top national universities were: Yale, Princeton, Harvard, Duke, Massachusetts Institute of Technology, Stanford, Dartmouth and Brown. California Institute of Technology and Northwestern tied for No. 9.

The top liberal arts colleges were: Swarthmore, Amherst, Williams, Wellesley, Pomona, Haverford, Middlebury, Bowdoin, Carleton and Bryn Mawr.

The Sept. 16 issue went on sale at newsstands this week.

Breyer Urges Public Service, "Plain Talk" in Legal Profession

HARTFORD, Conn. (AP) — Helping dedicate a new law library only miles from the nation's first, Supreme Court Justice Stephen Breyer '64 this week hailed the freedom provided by the U.S. Constitution and appealed to the legal profession to talk more plainly.

"My present job leads me again and again, personally, to marvel at the way that document has created a government that works — not perfectly, but well, for people. How that document has protected our basic credence — not perfectly, but well, for more than two centuries," Breyer said. "This is a kind of miracle among nations."

Breyer, a 1994 appointee to the Supreme Court, stressed that although the Constitution does not in itself provide solutions, it allows the legal profession the framework and vehicle to pursue them.

"It gives us freedom as citizens to discuss our problems, to search for solutions, and to choose them democratically," Breyer said.

"That freedom can be unsettling. There is no one to tell us what to do," he said. "But that is the freedom that the Constitution forces upon us ... We maintain and strength-

en the Constitution by the way in which we practice law."

Breyer cited the Supreme Court decision that ordered Arkansas' governor to stay out of the school system's desegregation efforts. President Eisenhower had to send in paratroopers to enforce the decision. "Enforcement by the executive reflects our nation's commitment to the rule of

law, to the Constitution. And that commitment arises not out of words, written on paper, whatever they may be called, even a Constitution, but arises out of 200 years of practice, experience and expectations," he said.

Breyer spoke during dedication ceremonies for a \$23 million library at the University of Connecticut Law School, where he was presented with an honorary law degree.

His audience — seated under a lawn tent in front of the new granite building — included state Supreme Court

justices, Gov. John G. Rowland and U.S. Attorney Christopher Droney, the state's top federal prosecutor.

In a speech filled with humorous anecdotes from his career as a teacher and judge, the Harvard Law School graduate also offered two other challenges to those fulfilling or pursuing legal careers.

One of their goals should be to simplify legal jargon and laws in a profession that has become increasingly specialized — with the goal of helping citizens better understand the process, he said.

"We have to make sense, in human terms, of this inevitably vast, intricate web of Constitution, facts sheets, cases, rules, regulations, customs, procedures and practices This is essential, if our laws are to work for ordinary people," he said.

Breyer also pitched public service, citing Dickens in

emphasizing the importance of complementing "wisdom of the head" with "wisdom of the heart."

"The legal profession presents us with a host of opportunities to do small as well as large things that can bring an unusual sense of satisfaction, pride and achievement," he said.

UConn's law campus sits a few communities east of Litchfield, which is where the country's first law school — the Litchfield Law School — was founded in 1782.

Breyer pointed out the history of the school, which no longer exists, saying it seemed appropriate to be dedicating a new law library so close to where the nation's first law library once stood.

The new library, finished during the school's 75th year, is believed to be the third largest in size in the country. The 120,000-square-foot building will house 400,000 volumes.

"Today, what I think has happened, is that great law library, the first in the United States, has reappeared in spirit. And maybe perhaps in body, too: There may be some books here," Breyer joked, drawing a burst of laughter.

"[The Constitution] is a kind of miracle among nations," said Breyer.

BRIEFS



LSC Elections to be Held Wednesday, Thursday

Law School Council elections will be held Wednesday and Thursday from 10 a.m. to 2 p.m. in the Hark.

For the first time, elections for all positions will be held at once. Previously, 2L and 3L representatives were elected in the spring.

"We felt that people might not be as interested in the Council with elections in the spring," said Jol Silversmith '98, the chair of the Independent Elections Committee.

This year's fall elections are also earlier than they have been in the past. "We want to get to work immediately," Silversmith said.

A total of 28 positions will be open: two per section for 1Ls, eight for 2Ls, eight for 3Ls, two for LL.M.s, one for S.J.D.s and one for students in the International Tax Program.

The deadline for filing is 4:30 p.m. today at the Dean of Students Office (Pound 310). The list of candidates will be posted this evening in the Hark.

Silversmith reminded students to bring their IDs to vote. He also encouraged students to get involved with the election commission.

"We do need non-candidates and non-officers of the Law School to help staff the ballot boxes," he said. "Be a part of the democratic process."

Interested students can contact Silversmith at 493-9284.

Entrepreneur Gives Harvard University \$22 Million

CAMBRIDGE, Mass. (AP) — The president of a Boston-based investment firm has given Harvard University \$22 million, the university announced this week.

Thomas H. Lee, president of the firm of the same name, said Harvard could use \$19 million of the money any way it liked. The rest was earmarked for the American Repertory Theater, Fogg Art Museum, two Harvard-affiliated hospitals and two programs at the School of Education.

Lee's gift "gives us the opportunity to direct funds to parts of the university where they can make the greatest difference," Harvard President Neil Rudenstine said Monday.

Lee previously established an undergraduate scholarship fund at Harvard and gave money to help recruit new faculty.

A 1965 graduate of Harvard, Lee, 52, of Lincoln, began his career as a securities analyst at L.F. Rothschild in New York and later directed the technology lending group at Bank of Boston.

He founded the Thomas H. Lee Company in 1974. The firm specializes in friendly leveraged buyouts.

Kennedy School Announces Media Fellows

CAMBRIDGE, Mass. (AP) — Five journalists and scholars have been chosen to spend the fall semester at Harvard University to share their experiences in the field of media and politics, university officials said this week.

The resident fellowships also are designed for participants to contribute to the intellectual life and research activities at the Joan Shorenstein Center on the Press, Politics and Public Policy at the Kennedy School of Government.

"I am pleased and proud that such distinguished people can join us for a semester and share their special insights with students and scholars," said Marvin Kalb, director of the Shorenstein Center. "Each fellow will research and write a paper in the field. We couldn't be happier that they have chosen to spend some time with us."

The five fellows are:

John Dancy, former Moscow correspondent for NBC News, who is doing a case study on the question of television network news as an instrument of public policy; Nachman Shai, director general of the Second Television and Radio Authority in Jerusalem, who is researching national security and the press in a time of peace in Israel; Richard Sobel, faculty associate at the Center of International Studies, Princeton University, who is examining how the media and political debates portray public attitude about U.S. involvement in Bosnia; Bartholomew Sparrow, assistant professor of government at the University of Texas, who is studying the news media as a political institution; and Fred Wertheimer, former president and chief executive officer of Common Cause, who is investigating the impact of the communications revolution on American democracy.

The fellows and visiting faculty are to introduce themselves and discuss their research at a roundtable discussion Wednesday at the Kennedy School.

RECORD Wins First Place in Competition

Once again, Harvard Law School had the best law school student newspaper in the country, according to the American Bar Association.

For the 16th year in a row, the Harvard Law RECORD won first place in the ABA Law Student Division's Newspaper Contest for best overall newspaper in 1995-96.

In addition, the RECORD took the top prize in the best feature and humor articles categories. Victoria Kuohung '96 won first place for her feature on the conservative student movement at HLS. A humor column by Matthew Huggins '96, which poked fun at how Law School classes influence our everyday life, also earned first place.

The ABA journalism competition is held annually and judges law school newspapers from across the nation.

New Leadership Takes Over Registrar's Office

By David Lenter

Students who use the Registrar's Office this fall can expect to see two new faces. Registrar Stephen Kane and Assistant Registrar Christina Lewis started their jobs this summer, replacing predecessors who had spent a combined 46 years at the Law School.

Dean Clark '72 said Kane "came very highly recommended." Before starting as law school registrar, Kane was associate registrar of the Faculty of Arts and Sciences. He thus "knows the culture and ways of Harvard and how to deal with students and professors," Clark said. Kane replaces Sue Robinson, who took early retirement after serving as registrar for 15 years.

On-line

Registration

One asset Kane brings to the Registrar's Office, according to Clark, is his skill with computers. Clark said he has talked with Kane about establishing on-line or phone registration, and he expects that as the new registrar settles into his job, he will start looking into a move toward a computer registration system. Kane himself was unavailable for comment.

Along with Lewis and the Registrar's staff, Kane also "ha[s] been working hard to make the Registrar's Office increas-

ingly user friendly and responsive to student concerns," Clark wrote in a letter this week to 2Ls. When asked whether he had received complaints about Robinson, Clark said that at the Law School there are always complaints; complaints concerning Robinson, Clark suspected, came from students who were shut out of courses.

A "Whole New Curriculum"

Lewis comes to the Law School from the Tufts University School of Medicine, where she worked for seventeen years. There she served first as information services coordinator and most recently as registrar. In her new position, Lewis will handle cross-registration, credit evaluation — the monitoring of students' progress toward fulfilling graduation requirements — and the recording of grades.

Lewis said she came to Harvard Law School because it "presented an opportunity

to learn a whole new curriculum," and to get involved in a graduate school program different from medicine. She replaces former Associate Registrar Annie Bombard. Bombard retired this summer after thirty-one years in the Registrar's Office.

When asked whether she foresees changes in how the Registrar's Office operates, Lewis said she and Kane first are working together to understand fully the strengths of the present system.

FOLEY & LARDNER

ATTORNEYS AT LAW

We will be interviewing at the

Harvard Faculty Club

Wednesday, October 2

from 1:00 p.m. to

8:00 p.m. for the

offices listed

■ CHICAGO

■ JACKSONVILLE

■ LOS ANGELES

■ MADISON

■ MILWAUKEE

■ ORLANDO

■ TAMPA

■ WASHINGTON

We encourage you to sign up for an interview through the Placement Office.

SPORTSGUY

Pigskin Potpourri



By Todd Stillerman '97

FATE inexorably links the gridiron to the modest turf that lies beneath its heroes' cleats: Tennessee football means Neyland Stadium, where rabid Volunteer faithful sing "Rocky Top" in the shadow of over one hundred thousand seats; no symbol represents Clemson football more than Death Valley, a bowl of orange tiger paws anxiously awaiting the home team's mad descent onto the field to touch "the rock"; and what better eternalizes the Green Bay Packers than the "frozen tundra" of Lambeau Field? The smell of freshly-cut grass and the blazing white glow of new limestone boundaries combine to lift helmeted mortals to feats of god-like athleticism. Just south of the law school campus, legendary Webster Field acts as a muse for football poesy of Harvard's attorney-quarterbacks and lawyer-nose tackles. Nestled snugly beside the ivy-covered walls of Harvard Stadium, this hallowed sod looks anxiously toward North Harvard Street for the return of its children.

"We've had groundskeepers working around the clock to prepare Webster for the start of the season," boasts Harvard Law School Football League (HLSFL) Commissioner Chris Manning '98. "The grass is an aged Bermuda flown in specially from overseas. We hired the finest mathematicians at M.I.T. to study the contour of the field and ensure that all the yard lines form perfect right angles. The HLSFL has spared no expense to provide the finest intramural football facility in the world." Manning also lauded the purchase of a new first aid kit, two new balls, and additional flags to augment the league's dwindling supply.

For the first time in three years, the league boasts no defending champion. Graduation claimed three-time league champion, The Learned Hands, who ripped through the league in 1995 with a spotless 14-0 record. The gaping hole left by the Hands promises increased parity in the chase for the 1996 title. Although no rosters were available at press time, the SPORTSGUY anticipates strong competition among at least three returning squads: upstart The Freshies, last year's semi-finalist, The Chicano Bears, and 1995 runner-up The Great Danes.

The Freshies, which was a predominantly 1-L squad last year, turned heads last season with tie-dyed jerseys that resembled hand-me-downs from the Lithuanian National basketball team. After overcoming the traditional adjustment of former undergraduates to the punishing pace of law school football, the men in swirling pastels rallied for a play-off berth. If team captain David Rothenberg '98 can recapture last season's magic, more than one dejected team will complain about losing to "a bunch of guys dressed like Fruitopia bottles."

Expected to contend again are the Bears, who fell to the Danes in a nail-biting semifinal battle. Quips Danes coach Roberto Hernández '97, "We're still sore from the physical intensity of that semifinal. Those guys got in more good hits than a K-Tel record offer." The Bears will have to replace quarterback James Kostohryz '96 (another graduation casualty), but expect them to contend.

Prospects for a Great Danes title run hit a serious snag Friday when starting quarterback, Chris Niewoehner '97, refused to report to pre-season camp. The Danes finished last season 12-2, with both losses coming at the hands of the champion Hands. Niewoehner, the scrambling field general from Minnesota whose post-game jersey often looks dirtier than a John Calipari basketball program, cited salary-cap concerns. Great Danes spokeswoman, Suzanne Grosso '97, had harsh words for the holdout: "Who does this guy think he is, Brett Favre? Geriatrics with kidney stones have an easier time passing than Chris." Niewoehner, reached at the Hong Kong restaurant, had no comment.

The 1996 HLSFL season kicks off Sunday morning at 9:00am at Webster Field. Spectators are welcome.

•••

As usual, off-season preparation is a good barometer for predicting who will shine in the upcoming season. While physically and mentally prepared footballers will likely find the success of a Phil Simms, summer slackers will probably experience the futility of a Phil Gramm. What might HLSFL-ers do to stoke the competitive fires during the dog days of summer? The SPORTSGUY sought the advice of the most fierce intramural athletes in Cambridge — the Ames Moot Court competition semi-finalists.

Tony Falzone '97 oversees physical training and diet for his yet-to-be-named team ("Stephanie Agli '97 is partial to Moot As a Button, but we're still discussing the matter," explains Falzone). Falzone recommends intense weight-lifting, coupled with periodic cardiovascular workouts and a diet high in carbohydrates and low in saturated fats. He also encourages nutritional supplements like vitamins and minerals. "Whether it's football or moot court, there's no substitute for proper physical conditioning. Our oralists will have to stand for up to twenty minutes, and strong muscles mean great posture. A fit body also contributes to a sharp mental attitude. You want to be a quick thinker, ready to pounce on a tough question, much like a defensive back attacking a wide receiver." Falzone's teammates reportedly spent the summer whipping their bodies into peak condition.

Joel Hammerman '97, whose team could face Falzone's in the finals next spring, ran his team through quite different paces. "Let's get real, OK? Moot court means late nights and a feverish work schedule. You've got to be as productive as possible for long hours with very little sleep. Exercise only saps your energy. My teammates spent the summer learning to live with sleep deprivation. They expended as little physical effort as possible." Diet? "Coffee, chocolate, maybe the occasional Chinese takeout." Nutritional supplements? "Nicotine. David Markus '97 started the summer a non-smoker, and I've got him up to three packs of Merits per day." Hammerman is reportedly in negotiations with R.J. Reynolds Tobacco to sponsor what would be called Team Joe Camel.

Stay with the SPORTSGUY for Ames training updates throughout the year.

•••

Finally, the SPORTSGUY takes a moment to salute his alma mater, Wake Forest, in the wake of its stunning 28-27 upset of 13th-ranked Northwestern. After many long seasons of misery, the Demon Deacon boosters had begun to doubt their faith in coach Jim Caldwell's rebuilding program. In fact, the one thing Caldwell and the Reverend Billy Graham had in common was the ability to make a stadium full of people stand up and shout, "Oh, Jesus!" After last weekend's revival, Wake is a dormat no more. Congratulations to the mighty Deacons!

THE VERDICT

Welcome to the Dollhouse

By Michael Bennett '98

Movie Reviewer



I hope that everyone braced themselves for the onslaught of summer film fodder and proceeded accordingly. It can be a dangerous affair. Few escape unscathed; crap is abundant.

From geopolitically inclined aliens to another bunch of Bradys and their braces, the vast majority of them were unnotable and well worth missing. Luckily, the Hollywood machine took pity on us and allowed the release of two very interesting films: *Trainspotting* (despite all the attendant hype) and *Welcome to the Dollhouse*, directed by Todd Solondz. Both films were imaginative and fresh, unlikely adjectives to attach to summer movies but, nonetheless, appropriate. And both are highly recommended — however, by a neck's length, the best film of the summer was *Welcome to the Dollhouse*.

Made on a guerrilla budget of around one million dollars, *Dollhouse* is delightfully evil little film centering around the experiences of Dawn Wiener (H. Matarazzo). The film is excruciating true to the experiences of many junior high school children. Unlike her older brother, Mark (M. Faber), Dawn lacks the mental fire power to get high scores in school. She also lacks the beauty of her younger sister, Missy (D. Kalinina) so she can't be a cheerleader. She is generally despised by everyone she comes into contact with. Administrators, neighbors, peers — everyone seems to hate Dawn, a.k.a. "Wiener-Dog", a.k.a. "Lesbo."

Ralph (D. Iervolino), Dawn's only true confidant is a bit on the effeminate side but is tolerated because — well, because there's no one else. In one of her best lines about him, Dawn defends their "friendship" by saying, "just because he's a faggot doesn't mean he's an asshole". Unfortunately for Ralph, Dawn discards him as she spirals deeper into her hellish nightmare of a life. Her attitude towards Ralph was the main reason that I did not ultimately come away from this film feeling sorry for Dawn. The character is just as evil and shallow as any of her relatives, teachers, or any of the other children in the film. The story just happens to be told from her perspective.

Brandon (B. Sexton Jr.) is one of Dawn's two romantic interests and simultaneously one of her most vicious enemies. Their quasi-romance begins after

Solondz has done a masterful job in creating this work.

Brandon threatens to rape her after school (precisely at 3 o'clock). The beau that she really wants is the ultra-cool Steve (E. Mabus), a handsome young high school rebel without a clue. In reality, his interest in Dawn is nil.

Perhaps the best supporting role is offered by the character Mark who is so single-mindedly interested in "getting into a good school" that he's oblivious to all else. The plight of his younger sister, the wickedness of his family, his mucked up hair cut — nothing gets through to this kid.

Dawn's mother (A. Pietropinto) rounds out the "enemies-of-Dawn" lineup and conducts one of the most dastardly scenes in the film. When Dawn refuses to tell Missy that she loves her, mother, at the behest of Missy, splits a piece of chocolate cake meant for Dawn between the other two siblings. As the viewer watches the family gobbling their dessert, Dawn in attendance sans dessert, a feeling of viciousness creeps over the mind. The father (B. Buell), a weak and feeble blob of a man who tries half-heartedly to defend Dawn on a couple of occasions, is the only person to show any remorse about what is going on. Even more so than the planned rape preparation scene, this portion of the film expresses just how horrible things are for Dawn.

Solondz has done a masterful job in creating this work. Unlike its older cousins, *Heathers* and *Ferris Bueller's Day Off*, *Dollhouse* steps back several years into the junior high arena, a time, I am convinced, when children really learn how to be horrible and destroy each other. By waddling around in this primal birthing ground and focusing on the experiences of one person instead of offering a panoramic view of the period, Solondz distills the basics elements: cowardice, apathy, evil, and selfishness.

Lovely. Humanity at its best.

If that's not enough, the director's handling of the appearances and attitudes of the characters almost comical produces humor in the most awkward places. A trademark of all tragedies.

On first viewing, I left the theater sympathizing with Dawn. Her world was in shambles and there was nothing she could do about it, no one she could turn to. But after seeing the film a second time I think it's statement about the reality of primary education — that it is a very, very stylized documentary about a period of life that many find excruciatingly painful. Try not to miss it.

Rating: 3/5

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"This is one of the best Chinese
restaurants around."

Harvard Law RECORD

"Chinese food with originality."

Boston Globe

"Easily the best Chinese
restaurant..."

The Gotta Eat! Guide

**GROUP RATES
NEGOTIABLE**

Harvard Law RECORD

Founded in 1946

Rob Friedman
Editor-In-Chief

Hope Yen
Publisher

CyberSchool Revisited

Exactly one year ago the RECORD reported, "HLS Plugs into LAN." Unfortunately, at Harvard Law School, "HLS" often does not include students.

This year we can report that all of HLS now has access to the new Local Area Network, including students. Students in the dorms can access e-mail, the internet, Usenet, Westlaw and Lexis-Nexis via ethernet connections. Accessing on-line services through the LAN, instead of through a remote connection, is significantly faster, avoids connection problems, and allows students' phone lines to remain open.

The LAN provides HLS students with a huge technological advantage over students at other law schools and makes it difficult to comprehend that this is the same institution that only began giving out e-mail addresses two years ago.

New computer terminals at Pound Hall's temporary library now provide student access to on-line research, e-mail and the internet. Students can request library books on-line by using the "Get" command on HOLLIS. When the new library is finished, it will have laptop terminals at every work station.

In an editorial last year, we criticized the administration for being slow to connect students. At that time, the School had finished construction of the LAN "backbone" and seemed unprepared to make systematic use of the new network.

Today, with new leadership at the Information Services Department, HLS is steadily moving towards utilizing the network's capabilities. While a year ago the LAN was little more than a toy for technology-loving professors, it now is forming the basis of a new information delivery system that will eliminate much of the need for students to fill out forms and wait in lines.

New Registrar Stephen Kane is already considering changes to the registration process that should eliminate the long registration lines and improve the add/drop process. While the new technology cannot save us from an embarrassing student/faculty ratio that the School admits has created overcrowding problems, it will speed the process by which students settle into classes, and reduce the numbers of 2Ls and 3Ls who remain in wait-list limbo.

Last year we urged the administration to abandon the "trickle-down theory" to the implementation of change — that is, the idea that changes are best made by top administrators and that students will adjust accordingly. The new class is more prepared than ever to create new uses for the technology to solve their own problems, if administrators care enough to listen.

If the School makes changes designed to include students in technology decisions, the first class to graduate in the next millennia will leave a School that, much like the Harvard Law School entering the twentieth century, stands out among its peers as a model of innovation.

— Friedman

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—First Amendment, US Constitution

• Letters •

Article Omits Key Information

I am writing in response to the article entitled "Students Block Bulletin Photo" in the May 3, 1996 RECORD.

I am concerned about inaccuracies in the reporting.

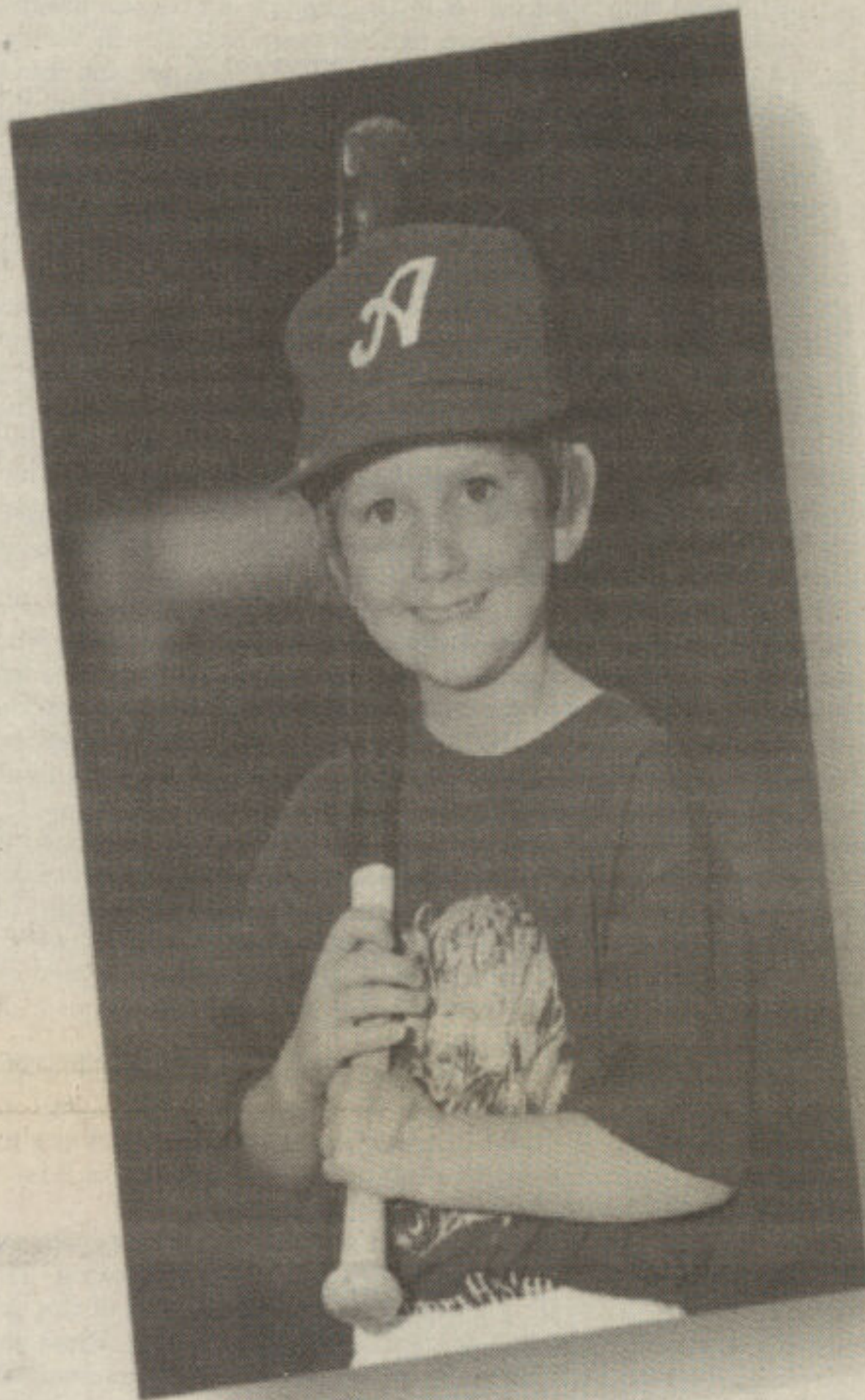
Before your Wednesday, May 1 deadline, plans were in place for a rescheduled photo shoot, which student leaders helped the Bulletin to orga-

nize. That shoot took place on Thursday, May 2. Your article leads readers to believe that no photo shoot occurred.

Our plan all along was to include student interviews in the forthcoming issue of the magazine. I have emphasized that repeatedly, both to the students and to your reporter, but your story did not report that fact.

It is especially regrettable that the article appeared in the last RECORD issue of the year, leaving no opportunity to correct the wrong impressions left with your readers.

Nancy Waring
Editor, Harvard Law
Bulletin
May 9, 1996



Bethany Cartledge
In-line skater
T-ball slugger
Drunk driving victim.
January 18, 1994
Cheraw, SC

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Clinton's Legal Troubles and the Rewards of Testimony

By Prof. Alan M. Dershowitz

The conservative think tank Judicial Watch has accused President Bill Clinton of committing a crime when he "brazenly announced [last week] that he would either pay or raise the legal fees necessary to compensate" witnesses who have incurred substantial expenses as a result of Whitewater-related investigations. Larry Klayman, general counsel of Judicial Watch, cites the following provision of federal law in support of his serious accusation: "Whoever directly or indirectly, corruptly gives, offers, or promises anything of value to any person ... with intent to influence the testimony [of that] person" is subject to a fine, imprisonment and disqualification from "holding any office ... under the United States." Mr. Klayman has called for an investigation of what he says is a "prima facie violation of the witness tampering and bribery laws of the United States."



Prof. Alan Dershowitz

There will be no such investigation, and for an important reason that raises broad policy questions regarding the widespread practice of both prosecutors and potential defendants making promises to witnesses. Prosecutors throughout the country make promises every day to potential witnesses intending to influence their testimony. They promise them reduced sentences, get-out-jail free cards — even cash payments — in exchange for their testimony incriminating other, more "important" suspects. Honest prosecutors will acknowledge that the promises and deals they make are often calculated to influence testimony, but they will also tell you that their only goal is to influence the witness "to tell the truth." Without such inducements, reluctant or fearful witnesses will lie or slant the truth in favor of their friends or accomplices. With such inducements, they will simply tell the truth.

It is interesting that this is precisely what the White House counsel's office is saying about President Clinton's controversial "promise." The president offered his assistance in the context of expressing his concern that some innocent people may "plead guilty in the face of the special prosecutor because they can't afford to defend themselves." He said he feels "terrible about the completely innocent middle-class people who have been wrecked financially" by

repeated subpoenas from the House and Senate Whitewater committees and the independent counsel's grand jury, and that he was "going to help them pay for their legal bills if it's the last thing I ever do." When I asked the White House Counsel's office to explain this apparent promise, its spokesperson replied, "Our position all along has been firm and clear: People should tell the truth. If they do, we have nothing to worry about."

That, of course, is what prosecutors always say when they make promises to witnesses in exchange for their testimony: "All we are interested in is the truth."

The problem, as all experienced lawyers know, is that the truth is not always black and white. It often comes in muted shades of gray, especially in cases like Whitewater, in which slight enhancements of recollection about subjective states of mind could change an innocent transaction into a culpable one. Contrast the inducements that are now almost certainly being offered James McDougal by Whitewater prosecutors with the "promise" made by Mr. Clinton. Mr. McDougal is facing years of imprisonment after his recent Arkansas conviction. His former wife, Susan McDougal, who was mostly peripheral to the scheme, is scheduled to begin a two-year sentence later this month, and has acknowledged feeling pressure to cooperate with prosecutors.

Mr. McDougal can expect an even harsher sentence, unless he now changes what he has already said publicly — namely, that he knows nothing incriminating about the president or the first lady. Prosecutors have postponed his sentencing explicitly "to influence" his testimony. Of course, they only want him to tell "the truth," but they want him to tell the prosecution's version of "the truth" rather than President Clinton's.

President Clinton does not want that "truth" to be influenced by threats of prosecution that cannot be defended against because of lack of resources. In that respect, Mr. Clinton's promise can be viewed as an inadequate effort at trying to level a playing field that will always be tilted heavily in favor of prosecutors.

President Clinton did not violate any laws when he

made his promise to try to help his friends pay their legal bills. Laws are interpreted not only by reference to their literal language but also against the background of existing practices. And — for better or worse — the practice of paying the legal bills of witnesses is widespread among corporate as well as political defendants. In any event, President Clinton's promise was made openly, not "corruptly." It was no more nor less intended to influence witnesses to tell the truth than are the daily promises made by prosecutors, including the Whitewater independent counsel.

Indeed, the federal courts have approved far more specific promises by prosecutors, so long as they are later disclosed to the jury.

In the Supreme Court's 1985 *U.S. v. Bagley* case, the defendant learned — after he was convicted — that the U.S. government has a standard form entitled "Contract for purchase of information and payment of lump sum therefore" that promises monetary payment for the witness to "testify against the violator in federal court." The court concluded in that case that the prospect of "a reward" had been held out to the witnesses if their information and testimony led to the conviction of the defendant. The court found that a reward dangled in front of the witnesses gave them "a personal stake" in the defendant's conviction. It also found

that the contingent nature of the government's contract to pay them "served only to strengthen any incentive to testify falsely in order to secure a conviction."

Despite this incentive, however, none of the justices criticized the government for making this deal. Their criticism was limited to the government's failure to disclose it to the jury. If prosecutors can properly promise large cash payments to witnesses who testify in a manner helpful to securing convictions, then surely it cannot be a crime for a potential subject of an investigation — even the president — to promise to pay witnesses' legal fees.

The publicity surrounding President Clinton's promise to help pay his friends' legal bills should focus attention on the broader issue of both sides offering witnesses inducements "to tell the truth." But to accuse the president of witness tampering, without saying a word about the far more pervasive problem of prosecutorial promises, is to engage in nothing more than Clinton bashing.

The problem, as all experienced lawyers know, is that the truth is not always black and white. It often comes in muted shades of gray...

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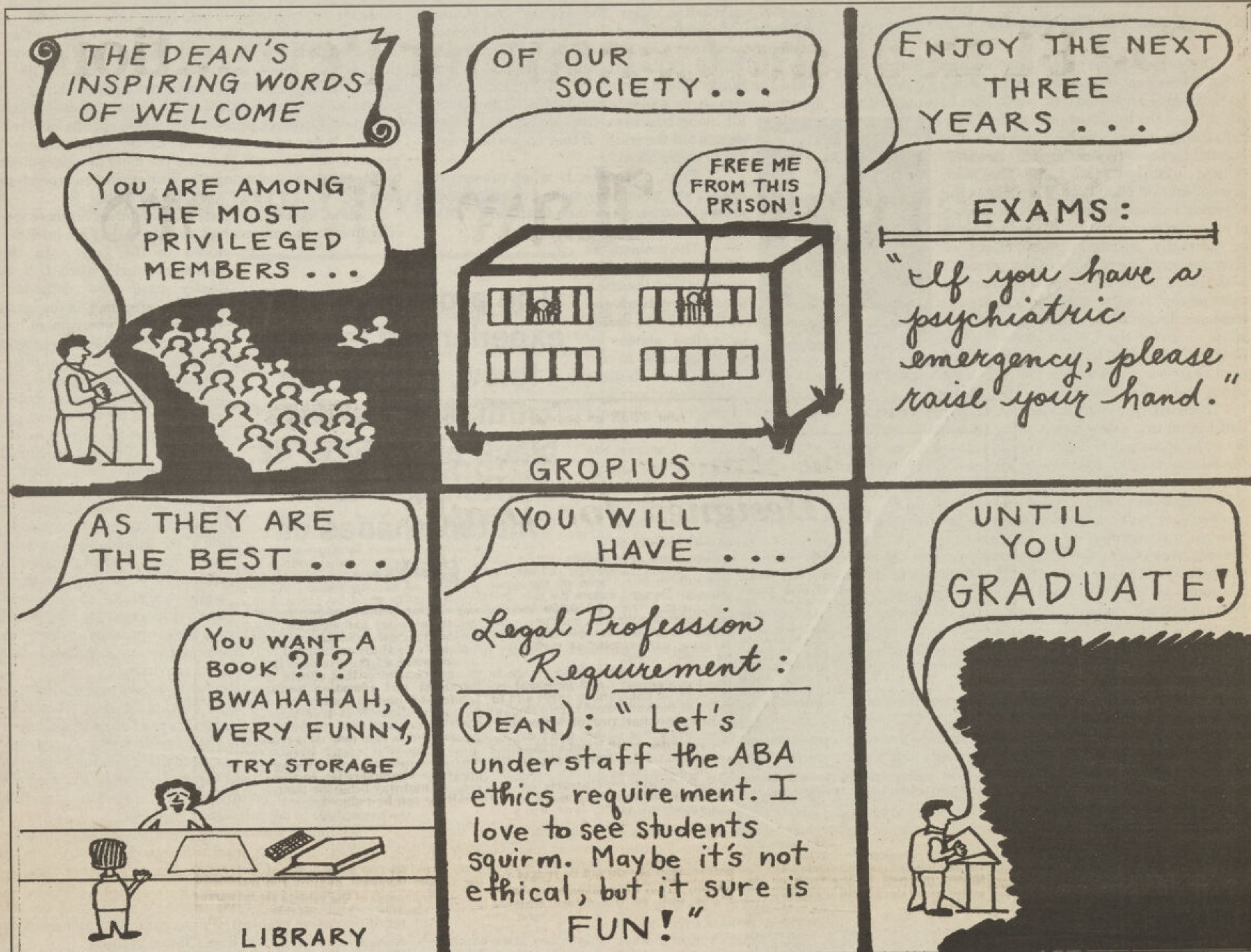
HONG KONG

LONDON

Alan M. Dershowitz is a professor at Harvard Law School. Reprinted with permission from the Wall Street Journal. Copyright 1996 Dow Jones & Co., Inc., All Rights Reserved.

Ad Hominem

By Stuart Rees and Bill Zimmerman



CARTOONISTS NEEDED TO FILL THIS PAGE!

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Fenno was jazzed, psyched, pumped, and hyped. Not to mention at least three sheets to the wind, but you new readers shall learn that that last bit usually doesn't need to be mentioned. At any rate, he was excited, as a new year had begun, and with it had arrived a whole new audience and fresh opportunity to at last begin his magnum opus — a six-part expose in the RECORD of the egregious table manners of the Laplanders. He had the RECORD office to himself, the margarita blender humming, an El Producto blazing, and an old Yma Sumac record blasting.

Fenno was feeling good.

Then trouble, as was its wont, reared its ugly head. Which is not to say that the head of the RECORD publisher, the form in which trouble had chosen to manifest itself this time, was particularly ugly. Her voice, on the other hand...

"FENNO!" she hollered, "I'm in deep pudding because of your lovin' columns, you fine fellow!"

Long time readers of this column, and visitors to the RECORD office, will realize that the publisher did not, in fact, say pudding, lovin', or fine fellow. But the people who bring you the RECORD realize that after hearing all day about greed, murder, robbery, and rape all day — and that's just in the Securities classes — you poor law students don't need to read any bad language in Your Law School Newspaper.

"Is it a problem that I crashed here this summer?" asked Fenno, innocently. "If you

want, I'll clean up the bottles — but I'm not taking down the Jennifer Aniston poster, damn it."

"No, you farming iceberg. I'm still hearing it about certain columns you wrote last year."

"Oh, that," said Fenno, smugly. "I wouldn't worry about that. Most of the people I really pissed off are gone now, and Jancu's too busy writing letters to the Administration about the invisible hypnotist robots who read his thoughts and control his actions to worry about kissing up to the LL.M.'s anymore."

"Oh yeah, Fenno? Did you know that all the new LL.M.'s got copies of *this* when they arrived?"

This lay on the desk between them. *This* was a copy of one of last year's columns that contained a phrase about stinky graduate students around exam time.

"Oh, *that*. Well, that might give folks the wrong impression of me," mused Fenno. "I mean, I'm no bigot. I think everyone here at the Law School, with the possible exception of the cleaning staff, is self-righteous, overly ambitious, impossibly uptight and insecure. I don't hate anyone — *au contraire!* I am the collective Harvard Law School id, and my lackadaisical, devil-may-care mannerisms, charming irreverence, and sloppy drunkenness represent the desires and fears of Everystudent. I do what you would, if only the dream of working eighty hours a week in a hermetically sealed building for scads of money you haven't time to spend on a family you haven't time to see would release their souls. Harvard Law School, *c'est moi!*"

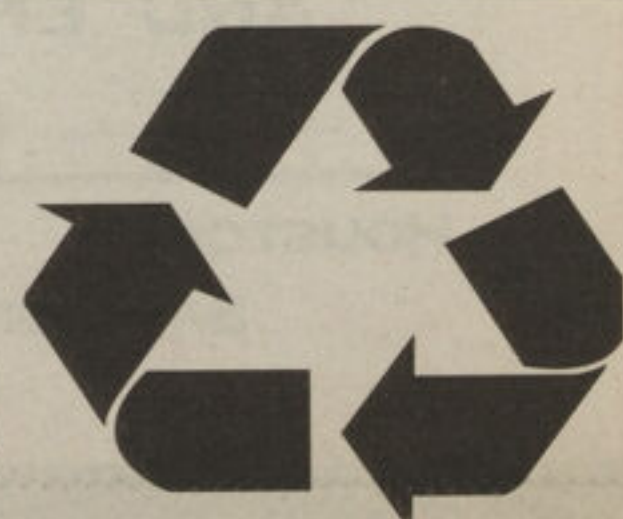
"Whatever, Fenno," said the publisher, "just don't put that doodie in your column this week."

Quote of the Week

"Now I don't hold grudges. But this Scott Turow sits in my class and takes down every word I say. The next year a book comes out and I can't copyright that."

—Prof. Arthur Miller, explaining copyright to his class

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the
RECORD!



The Birth of the Consumer Revolution.



(See SEA LAW on page 6) (See VOSS on page 6) Lyman M. Tondel, Jr., LL.B. '36. The decision has not yet been announced.

The American Automobile Designed for Death?

by RALPH NADER

It was a bright summer day when Robert Burelson was driving home with his wife and three small children from a vacation trip. He had just entered Mint Canyon near Los Angeles when suddenly an automobile veered across the road into his path. A split second later, Burelson, his family and the two occupants of the other car became statistics for the annual national motor-vehicle fatality count of some 40,000 victims. Other statistics will record at least 110,000 permanent disability cases, 1,500,000 injuries and \$5 billion of direct monetary cost. They will not record the toll of pain, anguish, wasted talent and devastated hopes suffered by the dead, the maimed, their kin and American society in general.

The tragedy of the highway bloodbath extends to the callousness and apathy of the public's reaction to this vast accident-injury problem. The fatalism inherent in the common description of the fatalities and injuries as products of "accidents," thereby implying the inevitable working of the law of averages, has paralyzed our sensibilities and deprived most of us of our normal sense of shock at the sight or even thought of mutilation and violent death. It also appears to have hindered action geared to cope realistically with a perennial crisis of such magnitude.

The programs of our public authorities and interested private organizations have been of minimum efficacy. To try to stem the tide that has claimed over 1,150,000 victims and injured countless millions since 1899, more driver education and stronger enforcement of traffic laws have been urged.

Education consists, by and large, in the unimaginative and incessant repetition ad nauseam by press and by radio of the hackneyed safety slogans with their hollow ring of "drive slowly," "when you drink, don't drive," "take a coffee break," and all the other advice that John Doe thinks applies to the other fellow.

Enforcement concentrates on impartiality, on requiring more literal observance of traffic laws many of which are obsolete, inadequate and actually contribute to the accident-injury toll.

These programs of education and enforcement should not be judged too harshly. They have taken enlightened forms such as the driver training courses and state motor vehicle inspections. Though difficult to measure, approaches such as these have contributed to some reduction of the accident rate by concentrating on conditions that cause accidents.

But the problem of causation of motor vehicle accident-injuries is only the beginning, not the end of understanding. Causal factors and conditions can be enumerated indefinitely from our birth rate to the fatal side glance at an alluring female. A more fertile inquiry could be phrased this way: "Our primary objective is to reduce fatalities and injuries; what are the principal avoidable causes that contribute to these casualties?"

Conception of the problem in this manner recognizes that efforts at enforcement and education center on accident-prevention rather than injury-prevention. It is true that preventing the accident prevents the injury. But is such emphasis realistic in its exclusive concern? Erratic and mistaken judgment in driving will always be characteristic, to some degree, of highway behavior though its incidence can be reduced.

Two Collisions

Most vehicular accidents can be considered as two separate collisions. First, the striking of the vehicle with another object and second, the striking by the occupant against the interior components of the vehicle (such as the steering wheel, dashboard, knobs, rear view mirror) or ejection through the door opened by the impact.

It is this second impact of the occupant against the inside of his car that does the killing and injuring, and there is nothing accidental about this.

(See DESIGN on page 2)

Ralph Nader started here. So can You.

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Administration Addresses Langdell Problems

continued from LIBRARY, page 1

their research," George said. "[Retrieving the documents] might be something we can do for them and save them time. However, we are working to get [the Athenaeum] staffed if someone does have to go."

George stressed that 3Ls and other students conducting intensive research should schedule meetings with librarians to discuss their research. "We encourage 3Ls to come to us with paper topics so that we can talk with them early about what they need to do," he said.

The administration is also working with faculty members to make sure resources are accessible for particular class assignments. "We want the faculty to warn us if all of a sudden people will be using particular materials," he said.

A second concern raised by students involves the decrease in the amount of study space caused by the renovations. Langdell contained 707 seats, of which 74 were terminals. Pound, on the other hand, only holds 170 seats, of which merely 50 are terminals.

Many students, however, were satisfied with the arrangement in Pound. "I think they did as good a job as they possibly could," said Joanne Hwang '98.

Tim Wu '98 agreed. "I like it," he said. "I like the large windows, and you don't have to go tromping up and down stairs to get books. People will miss it when it's gone."

Returning students "seemed pleasantly surprised," said Keeper. "The library looks like it's been here for a while. It's smaller, which makes it easier to get around and easier to know what's here," he said.

Eric Solovy '99 had a unique perspective on the temporary library. "The library looks like my junior high library. It makes this place less intimidating for 1Ls," he said.

Not all students, however, had positive comments about Pound. "I've never studied inside, but it seems hectic," said Tae Kim '99, who was studying in ILS.

T. Yi '99, who was also studying in ILS, agreed. "There's no place to study inside Pound."

To compensate for the decreased study space, administrators have adopted the policy of keeping all classrooms open in the evening until midnight. Special pains were also taken to keep 10 of the smaller classrooms in Hauser, Lewis, and Pound free for studying from 6:30 to midnight on Sunday, Monday, and Tuesday and from 8:30 to midnight on Wednesday and Thursday. Additional evening study space has also been made available in the Hark.

Many students have also chosen to venture off the Law School campus to study. HLS students are already welcome at Harvard's other libraries, of which the most popular are Cabot Library, located in the Science Center, and Hilles Library, found in the Radcliffe Quad. Students seeking a less academic setting have chosen the Science Center's Greenhouse and Loker Commons as alternate study sites.

Off campus, Boston College's law library — which is the most difficult law library in the Boston area to reach by public transportation — has offered its resources to HLS students. Boston University and Suffolk law libraries, which are more accessible, have also opened their doors to HLS students who bring with them a note from the HLS librarian. In a memo from George and law librarian Terry Martin to the Law School Council, George and Martin stated that the reference staff "will provide such letters in cases where our own collections are not easily accessible."

However, they also remarked that the volumes in Pound and the Athenaeum alone were enough to give us the second largest collection in Boston, and that a survey conducted last semester indicated that few HLS students had ever been to any of the other area law schools.

Librarians also claim that the temporary library improves the computer situa-

tion on campus.

"We brought up a local area network for the [temporary] library," said George. "Whereas in Langdell some computers gave you access to some services and other computers gave you access to other services, all of the computers in Pound will access all your computer work. Soon you'll be able to do the same thing in ILS," he said.

A third issue brought up by students concerned the noise surrounding the construction. Chip Nierlich '97, president of the LSC, noted that construction noise had awakened some residents of Hastings Hall early in the morning and had interrupted some Wednesday and Thursday afternoon LRA workshops in the Lewis Center.

"We're working very hard to make sure the contractors have class schedules," said George. "We work very closely with them on that. They give us an ongoing schedule of what they're doing in next two weeks — which we post in the Sidewalk Superintendent newsletter — and we let them know what they can do at what time. We try to accommodate traffic patterns and classes," he said.

Most people seemed no more than mildly annoyed by the noise. "Sometimes in the morning I hear some noise, but it doesn't really bother me," said Hong Lee '99, a resident of Story.

According to Mark Berg, the evening/weekends supervisor at ILS, "You can hear it, but it's not a really problem within the library."

Whatever noise problem currently exists may soon disappear. "Construction of the Lewis/Areeda bridge ... which is responsible for the Lewis Center interruptions and is probably the source of the Hastings problem ... should be finished in the next couple of weeks," said Nierlich.

Though Nierlich suspects it will be a noisy late September as the contractors excavate for four new elevator shafts, the loud work is almost done.

"Everything's on schedule," said George. "The demolition is almost done. After that we won't notice [the construction crews] as much."

And, though inconvenienced, most students appear satisfied with the state of the renovations. "I spent the summer here as a research assistant so I know that air conditioning is definitely something that was needed," said Tu. "I'm not happy that it's going to be done during my time, but it had to be done sometime."

James Lin '98 concurred. "The temporary library is totally fine given that next year the new library will be great. Most people are willing to put up with the inconvenience."

Brian Crist '99 chose to come to HLS in part because of library renovations. "I was deciding between here and Stanford and was impressed by how HLS was working towards networking and making everything accessible. I'm really not too upset about renovations. They had to do it sometime, and here they finally took the initiative."

Dorini remembered that his first impression of the library was "This is it?" "I'm glad that they're spending money on what is considered the heart of the Law School," he said. "It's a great idea whose time has come."

Students who want more information about Langdell renovations can contact the Construction Year Task Force by e-mail at cytf@law.harvard.edu or 496-6054.

Library hours:

Mon - Thurs: 8:30 am - midnight
Fri & Sat: 8:30 am - 9 pm
Sun: Noon - midnight

The following classrooms have also been reserved for studying from 6:30 pm to midnight Sun-Tue and from 8:30 pm to midnight Wed & Thur.

Hauser 101, 103, 105
Lewis 1, 2, 3, 4
Pound 106, 108, 202

Halperin and Viscusi Join HLS Faculty

By Craig Buckser

Harvard Law School begins the 1996-97 school year with two new faculty members. Prof. Daniel Halperin '61 left Georgetown Law School, where he had taught since 1981, to educate HLS students in the law of taxation. Prof. W. Kip Viscusi comes to HLS after an eight-year stint as an economics professor at Duke University.

"I think they are spectacular additions to the faculty," Dean Clark '72 said. "They are wonderful. I am delighted we got them both."

"The appointment of Halperin means that we now have, hands down, the best tax group in the country. He has written law review articles that have shaped the field. He is also interested in pension law. He has wonderful real world experience, too."

Halperin worked in the Treasury Department from 1967 through 1970 and again from 1977 to 1981. He served as Deputy Assistant Secretary from 1978 through 1981.

Halperin believes that his government background provides a unique perspective on the tax faculty. "It gives me an insight which is useful to have," he said.

Halperin also hopes to mentor students who intend to work on tax policy for the government. "For people who want to do it, I can teach them something," he said. "There is nobody else on the tax faculty with government experience. I think it would be useful to tell people what the opportunities and challenges are."

Mentoring HLS students was one reason why Halperin decided to teach at HLS. "I felt that I wanted to teach more people that are likely to go into academia and government," he said. "History shows that Harvard Law School sends the most."

Halperin, who was a visiting professor at HLS three years ago, had many other reasons for coming here. "You always want to try something new," added Halperin, who graduated magna cum laude from HLS in 1961. "Everybody wants to come back to the place they went to school. Cambridge is an exciting place to live."

"Harvard has clearly the nest tax group of any law school in the country. Here, I will talk to the other tax professors."

Halperin is the first Surrey Professor of Law. "The Surrey Professorship means a lot to me," said Halperin, who has a Surrey Professorship director's chair in his Hauser Hall office. "Stanley Surrey ['32] was one of my teachers, and then I worked for him when he was Assistant Secretary for Tax Policy from 1961 through 1968. If anyone was a role model for me, he would be it."

Viscusi is the latest addition to the HLS faculty. "Viscusi is a unique and wonderful appointment," Clark said of the law and economics professor.

"He has done a lot of analysis of actual data," Clark continued. "Someone said he is part of the law and reality school."

"He will be the nucleus of a lot of other work in empirical studies. He can help out other professors with their empirical research."

"Touching data was not present in Harvard's law and economics program," Viscusi said. "I want to make Harvard Law School a center for law-related empirical work. I do many large-scale empirical studies. These are fairly ambitious efforts."

Viscusi is no stranger to Harvard University. He graduated summa cum

laude from Harvard College in 1971. Two years later, he earned a masters in public policy from the Kennedy School of Government. In addition, he received an M.A. and a Ph.D. in economics from Harvard in 1974 and 1976, respectively.

"It's great to be back," Viscusi said. "It's still a familiar place. I felt comfortable settling in here."

"Two of my three thesis advisors are still here. I am teaching Risk and Environmental Regulation with Richard Zeckhauser, with whom I have done research since I was a senior in college."

Viscusi relinquished his economics professorship at Duke. "At Duke I taught law and economics to undergraduates," said Viscusi, who was a visiting professor at HLS fall. "It made a lot more sense to do it at law school."

"I think the classes here are much more active. When trying to elicit student participation, there is more response among law students. They are quicker and have more to say."

Viscusi is the inaugural John F. Cogan, Jr. Professor of Law and Economics. John Cogan '52, a senior partner and former chairman of Boston law firm Hale and Dorr, endowed the chair.

Besides teaching Risk and Environmental Regulation, Viscusi is teaching Law and Economics: Empirical Issues this year.

He will teach different courses in the future. "Viscusi teaches an overview course in mainstream economic regulation," Clark said. "For some years, I have been worried that we haven't offered that course."

This year Halperin will teach pension law, an introductory taxation class, and a seminar entitled Issues in Taxation of Income from Property. "Next year I'll probably teach a course on tax exempt organizations, which has not been given here before, at least recently," he said.

Halperin's appointment has allowed HLS to expand its diverse taxation law course offerings. This year, HLS offers 14 tax classes, including 11 upper-level courses.

In contrast, HLS offers only one advanced criminal procedure course this year. Visiting professors have taught the three advanced criminal procedure courses during the last two years. Moreover, this year HLS offers only three upper-level courses that focus exclusively on constitutional law.

The appointments committee is working to fill some of these gaps. "We have ambitious plans on the appointment front," Clark said. "We would like to add a number of people. We are looking hard to get people in constitutional law, corporations, and commercial law. We have been trying to get someone permanent in women and the law."

"Criminal law isn't something that pops in my head as a top priority. From a curricular point of view, 1L criminal law is the easiest of the required courses to fill. It would be nice to have more upper-level offerings and have someone, such as an expert in criminology, who adds a different approach."

The appointments of Halperin and Viscusi do not add to the demographic diversity of the HLS faculty. The number of women in tenured or tenure-track positions remains at 11, a number that has nearly doubled since the spring of 1994. There are only five professors of color, all of whom are black men. But, Lani Guinier, an African-American female professor at the University of Pennsylvania Law School, has an outstanding offer for a tenured position on the HLS faculty.

"The appointment of Halperin means that we now have, hands down, the best tax group in the country."

1Ls Face New Standards

continued from 1Ls, page 1

heard rumors of it through friends. Only one student, Justine Boisseau '99, "read up on it."

While unable to predict the new system's effect on their academic lives, most 1Ls remained optimistic, although others expressed concerns about their job prospects if employers are not notified of the new tougher standards.

"The changes do not make me more stressed," said Greg Marchand '99. "If I get honors, great. If I do not, it is not something I am stressed out about. You can only do the best you can."

Indeed, upon learning that 71.3 percent of the Class of '95 received some sort of honors, several 1Ls welcomed the changes, echoing Parker's sentiments that the new system will make graduating with honors a greater achievement.

"The purpose of the honor system is to reward people who do exceptionally well," said David Paxter '99. "When you grant honors to about 70 percent of the class, it is almost an empty honor — a mere resume-builder."

Lauren Goodman '99 agreed. "What is the point of giving honors to 70 percent of the students? There is no distinction to it."

A few, however, expressed concerns about their job prospects as a result of the changes.

"I hope that the employers know about the new system," said Carolyn Hoecker

'99. "Since a smaller percentage of students will get honors, the connotation of not getting honors last year will be different from not getting honors in my year."

"I hope there will be some publicity," said Marchand. "Prospective hirers should know what is going on. Otherwise this will put us in a disadvantaged position."

"I wish the system is more inclusive," said Boisseau. "Most employers do not know that only 30 percent of the students do not graduate with honors. They only see honors and are impressed."

Similarly, a few 1L students feared that the changes will make the Law School atmosphere more competitive.

"It seems to me that law school is already competitive; now it will be even more competitive," said Renee Kaplan '99.

Lehrer expressed similar concerns. "Law school is not as competitive as people have led me to believe. But if the atmosphere goes down, the policy needs to be reviewed. They should solicit feedback in a few years," said Lehrer.

Expressing a stronger reservation about the new system, Peter Alderman '99 said, "Honors should be the result of what you do and not how well you do compared to others. We can have a tougher system by raising the GPA standards."

Although there were some misgivings about the new system, Lehrer expressed the view shared by most 1L students: "To those for whom graduating with honors is important, they will be that 30 percent."

Guinier Offer Still Open

By Craig Buckser

After months of rumor and speculation, Dean Clark '72 this week confirmed that Lani Guinier, a professor at University of Pennsylvania Law School, has been offered tenure at HLS. Guinier, who taught Law and the Political Process at HLS last winter, has not yet accepted her offer.

If Guinier accepts the offer, she will become the first tenured woman of color to join the HLS faculty.

Guinier is best known for her controversial nomination in 1993 to direct the Civil Rights Division of the Justice Department. Her innovative views on using cumulative voting in political elections doomed the nomination, which President Bill Clinton withdrew in the face of overwhelming opposition from conservatives.

Cumulative voting is a system commonly used in corporations. Each voter gets multiple votes, which may be apportioned among different candidates or given all to a single candidate. Cumulative voting is designed to guarantee all types of minorities representation in elected office. The Wall Street Journal dubbed Guinier "quota queen" for her advocacy of employing cumulative voting in political elections.

Guinier's most widely read academic work is her book entitled *The Tyranny of the Majority*. She joined the faculty at Penn Law School in 1988. Prior to becoming a professor, she headed the NAACP Legal Defense Fund Inc. Voting Rights Project for seven years.

Guinier attended Yale Law School with Bill and Hillary Rodham Clinton. After graduating from Yale, she clerked for Judge Damon Keith, now a senior judge on the United States Court of Appeals for the Sixth Circuit.



Prof. Dan Halperin (upper left) and Prof. Kip Viscusi '71 (above) are new tenured professors at HLS. Halperin will teach pension law, an introductory tax class and a seminar entitled *Issues in Taxation of Income from Property*. Viscusi will teach *Risk and Environmental Regulation and Law and Economics: Empirical Issues*.

Prof. Lani Guinier (left) has been offered tenure at HLS. Guinier taught Law and the Political Process at HLS last semester, but she has not yet accepted the offer. If she were to accept, Guinier would be the first woman of color at HLS.



The Secret to Success

By Emilie Kao '99

Guest Columnist



A few weeks before I came to school, a partner in the law firm I worked at during the summer asked me if I wanted to know the secret to succeeding in law school. As an HLS alum, he seemed to take a special interest in giving me advice. Leaning across his massive desk he said in a low, hushed voice, "Just remember one thing: There is no black and white. Everything is gray. Remember that one thing and you'll do fine."

"Uh-oh," I thought as I exited his office, this is what everyone warned me about, the insidious process of learning to think like a lawyer. As the only 1L in the office, I had been the sole recipient of advice from the office's various and sundry 3L summer associates. Out of it all, I had distilled this: law school changes people. It changes the way you think, by taking your untested assumptions and scrutinizing them with a ferocity unknown to even the most analytical undergraduate. In the process something very dangerous happens: When you are constantly forced to see what you believed was true, from angles that reveal it to be less than true, you may stop believing in the quality of truth itself.

So it was with a certain degree of resistance and foreboding that I entered Pound Hall last Monday for my first class. Sure enough on the first day, the word came up in class, truth. The class had reached a seeming dilemma. Put in the shoes of a plaintiff's attorney, we were discussing ways to help our client win his case. If we pursued the case in court, the criminal activities of the defendant would be exposed. However, a court battle might also produce a financially unfavorable ruling for our client. A settlement on the other hand might produce the desired economic arrangement between our client and the defendant. However,

When [truth] is self-evident there will be no need for us. We will be called upon when it is hardest to find and then we are to pursue it in the most honest way possible.

the court would remain ignorant of the defendant's heinous criminal activity. It seemed obvious that, as lawyers, our first responsibility was to serve the interests of the client and get him the best possible economic arrangement we could manage, even if that meant keeping quiet about the crimes of the defendant. As silence settled over the room, I felt an entire summer's full of dread seeping down into my internal organs. Then a hand on the other side of the room slowly went up. "What about the truth?" the student asked. Our professor, who had been patiently waiting for the very question, smiled. Then turning to the class, clearly amused, he asked, "And what of the truth?"

Clearly, it was an issue we were supposed to muddle over on our own. I left the classroom wondering if the ambivalence I felt in class would just get worse and worse. Was this what they meant when they promised that I too, would start thinking like a lawyer? Then today I went to my first LRA section. Truth, Professor Nesson told us, is something we can't always get at. The heart of the legal profession lies in resolving conflicts where the truth is in dispute. Rather than questioning whether truth exists, he confirmed its existence in describing its inaccessibility. This, I thought, I can handle. The lawyer's task, he then explained, is to uncover the available facts and to present them to judge and jury in the most persuasive way possible. Lawyers are not called upon to simply state the truth. When it is self-evident there will be no need for us. We will be called upon when it is hardest to find and then we are to pursue it in the most honest way possible.

I suspect that in the next three years, I will be shown again and again that what I thought was concrete was in fact full of holes, that what I was sure was infallible was nothing but. However, I'm beginning to realize that in both the study of law and someday the practice of it, truth will not be so much a quantity I seek as a quality I must seek to be.

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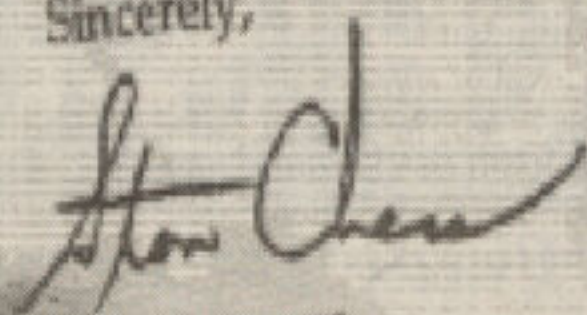
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OF BULLDOZERS AND BUTTERFLIES

Survival Guide; But

By Alexander Boldizar '98

RECORD Columnist



Welcome (back) to the school that Faust built.

A fresh batch of 1L's is having its eyes opened to the relative advantages of strict liability over a negligence standard during the day, and going to "Hi, my name is K, I come from L, I did my undergrad at M," parties at night. Nobody starts off with "Hi, your nose is crooked." How come?

It is a song. I didn't realize that last year, when I sung it. It is the song of goats (tragoidia), sacrificed not to Dionysus but to Apollo.

A conversation with a professor last year rang in discord to this song. He asked me what I thought of HLS, and without thinking (therein lies the key) I answered "I think it's interfering with my progression towards enlightenment." Instead of the laugh I expected, he answered seriously: "It did that to me too, and it has taken me 25 years to get over it."

Harvard is not evil. It is full of people who have sold themselves to their gods, but it strives for diversity, and with only one exception, it allows you to chose your own gods. That exception is Reason. In law school thou shalt study, discuss, understand, analyze and abstract reality, and law as a manifestation of that reality. Even as causality is deconstructed, non-legal, non-rational, and non-analytical factors are excluded, their complementarity forgotten, and the law becomes distanced and objectified, while the student concentrates on the means of attaining the Law, which becomes more remote, more elaborate and complex, with the end forgotten.

To quote Carl Jung, "The more the critical reason dominates, the more impoverished life becomes...Over-valued reason has this in common with political absolutism: under its dominion the individual is pauperized." Harvard is not evil, but it does pauperize a man's soul.

Law students suffer from a version of the Heisenberg Uncertainty Principle: we cannot know both our vector and location. We are so focused on where we're going that we must forget who we are. During the first week of law school there is a strong impulse to leave all the bad things we've done behind and start fresh, to meet the right people, say the right things, to apply critical reason to every

Harvard is not evil.

aspect of our lives in exchange for an abstract future "success". The methodology is the same whether it is done through Cravath or OPIA.

But let's get back to the goats. I like goats. The Czech word for "goat" also has the meaning of "penis," and in this Czech meaning lies one way out of the "traffic jam of discursive thought," as described by Chogyam Trungpa, a way out of the tube that Harvard Law School can become, a way to stop singing the goat song.

Doubt: "Is this seriousness really appropriate?" We are too easily persuaded to take life seriously.

The poet, Wes Nisker, describes four characters — the clown, the jester, the trickster and the fool — who are able to walk in and out of the tube at will, rather than follow the rear end of the yak before it. They are also four ways to immunize one's flesh, bacteria, and dirt from the antiseptic medicine of HLS; they are an "insecurity blanket." Unless, of course, you want to be cured.

The clown gets through the way Charlie Chaplin would survive the machinery in which he was caught. He is "living proof of the second law of thermodynamics," that everything tends to chaos. Not taking the machinery seriously is often enough.

A Jester does it by thrusting with the word at people's sacred cows. He offends people, but as George Orwell said, "The aim of a joke is not to degrade the human being, but to remind him that he is already degraded." This is not without cost, for HLS is a bastion of conformity and sensitivity, and a living example of Nietzsche's claim that "Again and again the human race will decree from time to time: there is something at which it is absolutely forbidden to laugh." Sometimes the only safe way to thrust, an inherently insensitive act, is from behind a shield of quotes, or by incorporating the lyrics "First Amendment" into your goat-song.

So hiding momentarily behind Sigmund Freud, I repeat that "No matter how much restriction civilization imposes on the individual, he nevertheless finds some way to circumvent it. Wit is the best safety valve modern man has evolved; the more civilization, the more repression, the more need there is for wit." It is also good medicine for the soul, especially in a civilized place like Harvard, where the repression is often self-imposed.

The trickster, or the Czech "goat" has no manners, no social conventions — he even laughs through his anus. He is the combination of beast and god whom the Hopi call the "cunt-craving coyote." Others call him Reynard the Fox, the spider Ananse, B'r'er Rabbit, Lord Krishna, Edshu, etc... Even Jesus tried to add flesh to an abstract god whose name was not to be uttered. The coyote is censored by both the establishment and the anti-establishment, for he doesn't just take a different side, he is immune and insensitive to the entire structure, and thus not controllable. The coyote blesses sex, intoxication and madness — those things that Christians disapprovingly called our "animal nature" and which are unwelcome at HLS for the same reason they were unwelcome in Christianity, namely that they lift the veils of illusion and respectability and pull down the pants of society. Once your reputation is destroyed, once you have no pants and no illusions, you are free.

Finally, "Either fly as far as you can from men, or else, laughing at the world and the men who are in it, make yourself a fool in many things," (Thomas Merton). A Fool's soul cannot be harmed by HLS, but becoming a Fool is not a way out of the tube one enters upon enrolling here, because it is not "a way," but rather a kind of getting lost. It is the un-symbolization of the world. It is the wisdom of Milarepa, Sir Francis of Assisi, Coldmountain, Basho, Gandhi, Krishnamurti, Kerouac, the Baal Shem Tov, Djawal-od-Din Rumi, Jesus, Symeon of Emesa, Lao Tzu, Chuang Tzu and Gautama the Buddha. It is Dada going fishing. It is Louis Armstrong talking about Jazz, "Man, if you gotta ask, you'll never know." The Fool is immune to the contagion of analytic reason and hip intellectualism in the same way that the foot is forgotten when the shoe fits. Because he is out of his mind he does not need to figure out what to do with an organ he doesn't know how to use.

Lao Tzu once said, "Others are sharp and clever, but I alone am dull and stupid." Here's his condensed outline of the survival guide to Harvard Law School: "make doubt your guide and each moment your god."

The Defense Rests

By Tony Wang '99

RECORD Columnist



THE human body is often an independent actor separate from our conscious self. Without our consent, strangely enough, it develops and employs tools under certain circumstances which seek to maximize its ability to suffer hardship in an attempt to prolong its existence. For example, if you should have one of your limbs severed in a freak accident, some Scottie in the control room will shut down some systems and concentrate on others to bring about a state of shock which supposedly mitigates the pain associated with the injury. On a less extreme note, runners also experience a state of bodily defense called "runners' high" during which the body releases a carousing band of endorphins which numb the body from the pain caused by lactic acid build-up.

Not all of the defense mechanisms are purely physical, as our minds must surely have an arsenal of coping mechanisms to deal with all that emotional trauma we suffered in our adolescent years (just a note: as future experts in the law, we are not so concerned with this emotional realm which is why I feel free in this forum to espouse what my friend calls my version of "pop psychology"). Furthermore, not all of these techniques are beneficial to the rest of the individual who inhabits this mass of flesh and nerves, and in fact, emotional coping mechanisms have received a notorious rap for wreaking irreparable damage to one's psyche. An especially effective and severely detrimental mechanism used to combat emotional trauma is the complete shutdown of one's emotional faculties. By doing so one's body prevents not only emotional suffering from exacting its toll but also precludes any benefit from emotional thrill or excitement.

Such was my condition when coming to Harvard Law School: assuming a defensive posture in light of recent emotional difficulty. As such, I also felt robbed of the thrills associated with attending one of the most powerful institutions of the West.

I didn't even get to fully enjoy Dean Clark's reading of Dr. Suess over our garden surprise box lunch (no, I don't like shredded lettuce and carrot rolls, Sam I am).

I arrived on campus, unable to fully appreciate the renovation of the world's most famous law library. With waning anticipation, I walked the dungeons halls of Ames to find what would be my luxurious cell for the next nine months. I sat uninspired in the Ames Moot Court room as the financial aid woman told me that my parents were not actually expected to pay the amount indicated "parental contribution" and in the same breath failed to indicate exactly who would be. I didn't even get to fully enjoy Dean Clark's reading of Dr. Suess over our garden surprise box lunch (no, I don't like shredded lettuce and carrot rolls, Sam I am).

Come to think of it, maybe I didn't miss so much after all, and maybe that's my point. For many of us (my apologies to those for whom the words "success" and "second nature" go hand in hand), coming to law school marks an end of a rat race to which our society - which defines success in six-figures - has subjected us. "Oh, you're going to Harvard Law School," my bank representative realized, "so why are you even worried about how you'll pay off this atrocious debt you're incurring?" I guess she didn't realize the six figures associated with law school are in the debit column. I guess it's better than the alternative: "You got into Harvard Law School? I guess affirmative action does work." But in any case, as students at HLS, we are the source of envy of many, but to what end? Will being in law school improve human rights? Will it provide services to the poor? Will it bring separated parents back together?

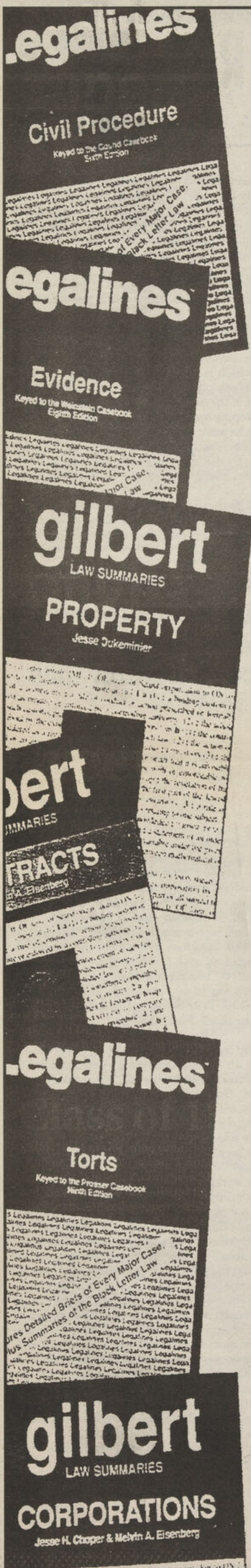
To be fair, I don't mean to say that being here amounts to nothing—that would be unrealistic. Going through law school is an accomplishment we shouldn't fail to recognize. Barring that, it sure isn't the pinnacle it is to the rest of the world, and it surely isn't worth stopping our world for. One of the world's most talented and capable mountaineers made a successful ascent of Mt. Everest, and upon reaching the roof of the world, decided that there was nothing worthwhile left at 29,028 feet below and refused to leave the summit. He was not the only casualty of his delirium brought about by oxygen depletion, as he perished with his loyal Sherpa who stayed behind to urge him back to his senses.

Having attained a level of success in the world's eyes, we, as law school students, are in the best position to know that this worldly success won't amount to much if being here is an end in itself (a 2L pointed out how all the cool things people do are usually done before coming to law school, and afterwards resumes routinely bear the names of old, dead white men). Even King Solomon in all the abundance of his kingdom grieved: "Vanity of vanities! All is vanities!" We too are fortunate to have the benefit of attaining a "peak" because it is from the point of perseverance and accomplishment that hopefully we gain a rare perspective on where we've come from.

For some of us, remembering where we came from was affirmed at the public interest orientation meeting by Brian Stevenson, who urged us to keep our eyes on the prize. Others may even seek other higher aspirations unrelated to public interest. At this point, my comparatively modest contribution to where I came from was simply to acknowledge the pain of my parents' recent separation. Maybe it was the fact that I had to reach my parents last weekend at two separate numbers for the first time in my life, or the simple fact that I had to pass on a message from my father to my mother. In any case, there was something about being here and knowing there isn't anything magic about this place that allowed me to let down the aforementioned emotional defenses and be more in touch with who I am.

For centuries humankind has dreamed, philosophized, and even deified the moon, but one of the most striking accomplishments of finally landing on the moon was the ability from there to see Earth.

Hopefully, the rare perspective we gain here will further crystallize things that really matter: who we are and where we want to go. Let us not suffer from any delirium that may accompany this "peak" and distract us from our focus, but the rare perspective we gain here at Harvard Law School inspire us to aspire more.



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