



Gary Bornstein '97 flanks a smiling Don King shortly before King's speech last Thursday.

Help the Poor, Make Money Too, Says Don King

By Janie Kim

Spectators filled the seats and pressed against the walls last Thursday night, as they packed Austin North for the Harvard Law School Forum's presentation of Don King. In a speech saturated with historical quotations and personal anecdotes, the celebrated boxing promoter played humorist, motivational speaker and American patriot.

King urged the audience of "the best and the brightest" to "go out and change this place for the better," extolling those aspects of American society which enable "progress."

"This is a great country despite its injustices and iniquities. I'm optimistic about it fulfill-

ing its promise." His own personal transformation from "a numbers man on the street to the man on top" testified to that potential, he said.

King recognized America's legacy of slavery, noting that "From the start, this country legitimized, institutionalized, and constitutionalized racism."

He, however, urged the audience to focus on "right[ing] the wrongs," and affirmed his love for America.

"You got to take the bitter with the sweet. There is no such thing as a selective, inconvenient America. You got to work with the whole with love. God bless America," he said.

King expressed his support for social change "with benevolence" and disdain for tradition.

"Tradition and custom are arch-enemies of progress. The politicians call on them a lot. But they have hidden interests — something invested in keeping the status quo. I have a Ph. D. in Caucasianism; it's time I enlightened them about Blackology."

Confessing a childhood ambition to be a lawyer, King characterized the law as an agent of social change.

"The constitution is a profound, organic document. It's beautiful language. But you must be practical. If a man has no job... all that [language] is meaningless — it's still profound, but meaningless. The contradictions must be brought into connection. Lots of people say you can't legislate

please see Boxing, page 3

Ogletree Replaces Bellow As Clinical Director

By Jacob Appel

After twenty-five years as director of the Law School's clinical programs, Prof. Gary Bellow '60 has passed oversight of the department he founded to Prof. Charles Ogletree '78.

Bellow said the decision was his own, and reflected his desire to allocate time to other endeavors.

"This is a very happy story," Bellow said. "I've been doing this for twenty-five years and I was ready for a change."

When Bellow came to HLS as a visiting professor in 1971, the institution offered no clinical legal programs for academic credit. Twenty-five years later, the program that he founded and directed until this year is among the most expansive and prestigious in the country.

Students in the program help fill otherwise unmet legal needs, provide legal assistance for low and moderate income people, and are prepared for future public interest and pro-bono work. The program boasts more than twenty courses for credit and employees thirty-five clinical instructors. More than five-hundred 2Ls and 3Ls participated last year.

"People really respect Gary," said Cheryl Burg Rusk, the Administrative Director of the Clinical Programs. "He worked really hard to make practical legal education at Harvard what it is. . . But I

can't emphasize enough how excited we are to have Charles [Ogletree] with us. We're excited to have his new energy." Rusk and her staff of three will continue to run the day-to-day operations of the program.

Professor Bellow's decision

to retire as clinical director came primarily as a result of his desire to have more time for his own research and writing. His current research interest deals with "how legal systems work in practice." He avows his commitment to

the program and plans to remain on its steering committee and do some work with the civil side of the program.

Looking back on his quarter-century of service, Bellow noted that he was "very moved by the number of students who learnt a great deal [through the program] and the number of clients who we've helped." He also said that he does not view his work "as a single accomplishment, but as a cumulative accomplishment which over time combined service and education."

Several years ago, Bellow explained one of the key philosophies behind the program: "I think all lawyers have an obligation to make the legal system accessible to those who cannot afford a lawyer. We also have the responsibility to communicate this to our students, along with the obvious message that the legal system does not

please see Ogletree page 3

HLS Expands International Focus

Direction Uncertain After Kennedy Removal

By Alex Boldizar

Some LL.M.s and S.J.D.s are wondering what lies ahead for the Law School's graduate program as a five-year initiative designed to improve the program — and the tenure of the director who successfully implemented it — draws to a close.

A Visiting Committee report has found that many of the initiatives implemented by Graduate Program Director Prof. David Kennedy '80 improved the admissions process and expanded academic programs and faculty involvement.

But with Dean Clark's sudden decision last spring to remove Kennedy — a move that surprised many because of strong faculty and student support for Kennedy's administration of the program — students are worried about whether the program's reforms can continue forward after his departure.

"There is definitely an increased attention to the international profile than when I was here in 1990," said Payam Akhavan, LL.M. '90, S.J.D. '99, who earned his LL.M. a year before Kennedy became program director and initiated his five-year reform plan.

"It is reflected both in the curriculum and in the

increased size of the graduate program, its increased profile within the law school and the efforts to integrate international students with American students," he said.

Kennedy is stepping down from his position on July 1, 1997 after Clark asked for his resignation in a surprise move last spring. After several faculty and graduate students voiced their displeasure over how Clark handled the situation, the dean allowed Kennedy to serve one more year. Originally, Clark had requested Kennedy step down by July 1, 1996.

Despite repeated calls by students for Clark to explain Kennedy's sudden removal, the dean has not offered an explanation. Kennedy will be replaced by Profs. Anne-Marie Slaughter '85 and Paul Weiler '65.

Outi Korhonen LL.M. '96, S.J.D. '99 said the current prestige of Harvard Law School's graduate program depends on continuing the initiatives Kennedy started.

"In the future, it is very important — for both the image and the intellectual atmosphere of the program — that its interests remain as deeply diversified as they are now," he said.



Prof. David Kennedy

please see International, page 13

Nine Years Ago in the RECORD ...



Harvard Law Record

America's Oldest Law School Newspaper

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25 CENTS

Attack Stops Contra's Speech

By Rick Genow

The Harvard Law School Republicans (HLSR) co-hosted an ill-fated speaking engagement with Nicaraguan *contra* leader Dr. Adolfo Calero Portocarrero October 2. Calero, who was to speak on "The Struggle for Freedom in Central America: A Nicaraguan Perspective," endured public protest, a bomb threat and last minute scheduling changes, only to be violently attacked by a member of the audience before commencing his address. An unharmed Calero was swiftly ushered away from the scene, bringing the event to an immediate and premature end.

The event was plagued by controversy from its inception. The problems began when it became apparent that of 350 available tickets only 50 were sold to the general law school public, the rest having been reserved for various conservative groups. The limited number of tickets remaining for the general student body sold in half an hour on September 29.

The restriction of ticket sales was promptly condemned by students in a petition to Dean James Vorenberg '51 and by a press release issued by 36 HLS students. The students voiced concern over the "audience



Tufts senior Joshua Laub is led away by Harvard Security after attacking Dr. Adolfo Calero.

3Ls Charged With Collaborating

By Andy Schapiro

Two students who collaborated on a take-home examination were not graduated with their class last May after the Administrative Board denied them credit for the course involved.

Cases of outright cheating are extremely rare, Board Chairman David Herwitz said. This episode was not treated as an instance of cheating, but was, he claimed, "no more than a misadventure."

The misadventure in question came to the attention of the Ad Board after an instructor noticed that two exams shared "a similarity

of analysis of a particular type in a portion of an answer," recalled Herwitz.

When called before the board, the students admitted that they had collaborated to some extent on the test, but according to Herwitz, the two did not go so far as to write a joint exam. There was, however, "sharing of thought about the issues in advance of writing the answers," he added.

Take-home examinations commonly bear a warning against working with others, but in this instance there was no such instruc-

(Continued on Page 2)

Inside the RECORD:
Feature:
S. African Discussion
Page 3

News:
Vorenberg Looks Ahead
Page 4

Off the Record:
Sexist Texts
Page 11

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Bomb Threat Forces Speech To Move

(Continued from Page 1)

stacking" of the Calero speech, which they believed would result in "ideological screening of the event in order to ensure the appearance of a 'friendly' reception for the *contra* representative."

Safety vs. Access

HLSR defended their actions by appealing to the need to provide for Calero's safety. President Joe Anderson, 2L, asserted that "no controversial conservative speaker has spoken at Harvard without being run out on a rail. Our concerns are real."

In an October 1 memorandum Vorenberg responded to the petition with a promise to form a commission composed of Professor Alan Der-showitz, Dean of Students Sarah Wald, Assistant Dean David Smith and several students "to seek to develop written guidelines on issues relating to security and free speech at student-sponsored events."

The afternoon of the speech began

with the Harvard Law Students Against the *contras*, a loose coalition of students protesting Calero's appearance, organizing outside Austin Hall where Calero was to speak. These protestors, carrying signs and shouting "Financial aid yes, *contra* aid no," were initially refused entrance by the Harvard University Police Department (HUPD). After brief shoving matches, heated words and inflamed tempers, the protestors were eventually let in so that they could protest silently during the speech.

Before the room had filled, however, Assistant Dean of International and Comparative Legal Studies Frederick E. Snyder announced that the speech would be moved to Langdell North Middle due to "audio-visual difficulties." He later admitted that the last-minute change had actually been the result of a bomb threat.

The audience was then herded through the law school tunnels to Langdell, where a large group of protestors had amassed on the west side of the building. The protestors,

including ticketless law students, members of the Spartacus Youth League, and the Committee on Central America, chanted "USA, CIA out of Nicaragua" while banging on the windows in an effort to disrupt the speech.

The event, which by this point, was almost an hour late, got under way with Snyder, in a brief address, making some remarks regarding freedom of speech and the necessity of a forum for every viewpoint. Snyder warned that if Calero's constitutionally protected right of free speech was interfered with, the event would have to end. He then handed the microphone over to Anderson in order to introduce Calero.

Anderson commented on the difficulty of attracting conservative speakers to HLS and praised Calero for his willingness to appear in such a hostile environment. He assured any skeptics that, "Yes, there are Republicans at HLS." Anderson then yielded the podium to the speaker to the disparate din of applause, endorsements of the *contra* cause - "Viva los Contras," and a combination of jeers and hisses.

At that point, a member of the audience, later identified as Joshua Laub, a senior at Tufts University, bolted from his seat, ran to the floor, leaped onto a desk and lunged over the podium at Calero. Laub was subdued by HUPD officers and event security. He was dragged down into the tunnels screaming "Death to the *contras*! We will beat them down!" and claimed to be from a Marxist group known as the International Committee for Anti-Racism (INCAR).

Calero was immediately escorted from the scene by his bodyguards, while a visibly shaken Snyder returned to the podium to announce "That's it. Adolfo Calero has left," and that the event was over.

The student outcry was immediate, from both Calero's supporters and opponents who had come to hear the *contra* leader speak. Both Calero and the HLSR sponsors wanted the

(Continued on Page 12)

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1
9
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Ogletree Carries on Boxing Promoter Shares Bellow's Legacy

continued from *Bellow*, page 1

serve all people equally."

According to Rusk, one of the unique aspects of the HLS clinical program is that, rather than hiring a handful of full-time clinical faculty, the institution hires a larger number of clinical instructors to provide more immediate access to students. This policy enables a much larger number of students to participate at Harvard than at other law schools.

HLS students also generally have more interaction with clients than students at other schools. "Law school is really the only professional school that doesn't require an internship; teachers student teach and doctors do internships," Rusk explained. "We provide the

"This was entirely my decision," Bellow said.

In a statement released Wednesday, Dean Clark '72 said he was "grateful for Gary Bellow's contributions during his immensely productive term" and said he "look[s] forward to Charles Ogletree's continuing leadership in clinical legal education at Harvard Law School."

Prof. Ogletree, who has directed the Criminal Justice Institute since he founded the clinical in 1990, praised Bellow's work and the strength of the program Bellow has conferred.

"I am thrilled to have the opportunity to build upon the excellent clinical program that Gary Bellow has developed over the last two decades. He is the preeminent authority on clinical legal education and has laid a ground-

"This was entirely my decision," Bellow said.

equivalent... an opportunity for supervised work [in ways] that won't hurt clients. It's a safe first step and I really think all students should take advantage of it."

Although it appears that students are very pleased with the selection of Ogletree, speculation had arisen in recent days that Prof. Bellow had been pressured to leave his position in order to bring new blood into the program. Both the office of Clinical Programs and Prof. Bellow vigorously denied these speculations.

work that will allow me to place Harvard's program among the best in the nation," Ogletree said.

Ogletree also outlined his vision of the challenges and opportunities the program faces. "The challenge is to ensure that Harvard students and clinical instructors and faculty appreciate the interrelationship between theory and practice and how critical they are to the legal profession. The opportunity is to involve students in the representation of needy clients in a wide range of legal services."

continued from *Don King*, page 1

attitude but you can legislate behavior."

While praising an active social conscience, King affirmed the importance of entrepreneurship. Pointing to Patrick Henry and John Brown as men of principle, King stated, "We too must be sympathetic with the plight of the underprivileged, downtrodden, and poor... and still make some money. Go get that money!"

Indeed, King traced his origin in boxing promotion to an interest in philanthropy. While raising money for "the only black hospital in Ohio," King "called on [his] friend Muhammad Ali." In promoting Ali, King "raised a whole lot of money" and discovered that he "had a knack [for boxing promotion]."

King attributed his subsequent extra-

ordinary success to "stick-to-itiveness, perseverance, and tenacity." King said, "It couldn't happen anywhere else except here (in America)."

King persuaded Foreman to fight only by begging Foreman to give him, a fellow black man, "a chance" and by playing off Foreman's dislike of Ali. "I hustled to make it happen," said King. At the end of the presentation, King fielded questions from the audience. He defended the choice of Peter McNeely as Mike Tyson's first opponent after Tyson's release from prison, remarking that "Peter McNeely was the best one-round fight Mike Tyson ever had."

Asked who was the greatest fighter he has ever seen, King responded, "Muhammad Ali historically. [But] the verdict is still out on... Mike Tyson."

Regarding the future of females in boxing, King stated, "My hero Frederick Douglass spoke up for women. Women

"We too must be sympathetic with the plight of the underprivileged, downtrodden, and poor... and still make some money. . ."

should be able to do anything men can do." King seemed especially taken by the boxer Christy Martin. "There's a franchise here, and I hope to capitalize," he said.

King had no comment when asked about the future of HIV-positive boxer Tommy Morrison.

When challenged about the conflict of interest arising from his handling of competing fighters, King asserted, "You have to be a politician to play different personalities. When I come to a town, and everyone gets upset about how I'm exploiting them all, I say — to paraphrase John F. Kennedy — 'Ask not what your city can do for me but what I can do for your city.'"

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Information Technology a Top Goal for Harvard, says Rudenstine

Harvard University's planning efforts this year will focus on academic computing and a program to manage not-for-profit organizations, President Neil L. Rudenstine told the Harvard Crimson in an interview recently.

Although Rudenstine said he is "pushing hard" in several areas, he acknowledged that the agenda for the University's central administration is largely a continuation of last year's trends.

The emphasis on academic information technology follows on the heels of Project ADAPT, which is designed to overhaul the administrative computing system and centralize some functions.

But Rudenstine said the academic computing initiative will be individually tailored to each school's needs and will not likely have the same centralized character as Project ADAPT.

"It has been the forefront of discussions with deans," he said. "The information technology agenda will bring about a profound change, and we're putting a lot of emphasis on that."

Rudenstine also said that several schools — notably the Law, Business and Kennedy schools — are considering a new "sub-track" in management of not-for-profit organizations.

The University will consider the creation of such a program during the upcoming year, Rudenstine said.

"It's a set of problems whose time has come," he said.

— from the *Crimson*

Harvard College Students Say Coop Prices Too High

Robert Stonehill, a senior at the College, says he is constantly amazed at how much textbooks can cost. A required, 192-page math text, for example is priced at \$70.

In addition, books required for Moral Reasoning 22: "Justice," and Historical Study B-61: "The Warren Court and the Pursuit of Justice, 1953-1969" can all be found for less money at WordsWorth Books and all for equal or lesser amounts at the Harvard Bookstore.

According to Evan Mooney, textbook department manager of the Coop, the price for textbooks has continued its steady rise this year due not so much to inflation but to new policies on the part of publishers that pass increased costs on to the consumer.

"Publishers have become much more punitive to bookstores in passing along costs," he said.

The major difference that has caused book prices at the Coop to soar, Mooney said, is that many publishers now charge bookstores a fixed percentage of the cost of books they return. These restocking fees, he said, can add up based on the number of books the Coop returns every semester.

Other school's bookstores, however, do not seem to have the same problem the Coop does. According to Boston College Bookstore Textbook Manager Carol Gertz, the BC bookstore rarely has to pay publishers such fees.

— from the *Crimson*

Former Anchor Chung to be Media Fellow

Former CBS News co-anchor Connie Chung will join the Harvard community as a fellow this spring at the Kennedy School's Shorenstein Center on Press, Politics and Public Policy.

"I was thrilled at the idea. You had to scrape me off the ceiling," Chung said, in describing her reaction when she was offered the fellowship from former CBS colleague and now-director of the Shorenstein Center Marvin Kalb.

Chung will spend much of her time at the Shorenstein Center writing and researching an untitled paper.

"I'm sure whatever I write my paper about will reflect my experiences [in network news and journalism], but I don't know what specifically yet," said Chung. "I hope to speak to Marvin and hash out what might be a good subject area."

Chung was selected for the fellowship partly because of how she attained her journalistic success, according to Edith Holway, administrator for programs fellows.

Chung, who most recently was co-anchor of "CBS Evening News with Dan Rather and Connie Chung," will also spend time with her husband, talk show host Maury Povich, developing a new half-hour news program for next fall. She describes the program still being planned as similar to the ABC news program "Nightline."

It is likely that Chung will also participate in seminars open to Harvard students. Kennedy School spokesperson Steven Singer said Chung's appointment is a real plus for students.

"Fellows add a lot of practical experience to the academic community here," he said. "They bridge the gap between the world of practice and the world of University."

— from the *Crimson*

LSC Student Service Center to Open Next Week

A new student service center sponsored by the Law School Council (LSC), in cooperation with the Dean of Students Office, will open next week to provide a variety of informational services to HLS students.

The center, to be located across from 1L Hark boxes, will produce a flyer with a weekly calendar of events, lists of used books, furniture, and computers students offer for sale, information on cultural events in Cambridge and Boston, discount vouchers to theater and film events, course information that is now found outside the copy center in Pound, and a station for LSC officers to hold office hours and hear student concerns, said Rob Jancu '98, Vice President of LSC and the student behind the new center.

"Basically anything students need to know — things that they now run around to find out — we are going to have at the service center. We hope it becomes the nerve center of the campus," Jancu said.

The service will start small and slowly add services, said Jancu. Long-term plans include an outgoing post office and travel services.

This Week In Legal News ... Pepsi Sued For Breach Over Spoof Advertisement of Military Jet

By Hal Poret

PEPSI executives never imagined that their attempt to add humor to an advertisement by jokingly "offering" a military fighter jet as part of its latest promotional campaign, could leave the company open to a multi-million dollar lawsuit. Yet when 21-year old John Leonard saw Pepsi's spoof on television, he began a crusade to force Pepsi to provide him with the Harrier jet displayed in the advertisement that has quickly moved from the negotiating table to the courtroom.

The case arises out of a Pepsi promotion that encourages consumers to collect "Pepsi Points", by purchasing various Pepsi products,

and redeem them for merchandise. The advertisement in question shows a teenager modeling a selection of items available as part of the "Pepsi Stuff" promotion. After displaying the "Pepsi Points" price for these items (80 points for a t-shirt, 60 for a hat), the commercial closes with the young boy landing a Harrier jet outside a school. The boy emerges from the cockpit in front of an awestruck group of schoolmates to declare: "It sure beats taking the bus to school." The words "7,000,000 points" are humorously displayed on the bottom of the screen.

But John Leonard of Lynwood, Washington did not appreciate the humor of the ad and decided to attempt to obtain a Harrier from Pepsi. Rather than drinking the 16.8 million cans of Pepsi necessary to collect the 7 million Pepsi points, Leonard called Pepsi and learned that points could be purchased for 10¢ each. Subsequently, Leonard found a group of investors willing to provide the \$700,000 necessary and sent Pepsi a check, requesting the jet. When Pepsi executives returned the check, explaining that the Harrier portion of the ad was a gag and that the jet does not appear in the "Pepsi Stuff" catalogue or order form, Leonard hired Miami attorney Larry Schantz to threaten legal action.

Bewildered by Leonard's insistence that Pepsi is contractually obligated to provide a Harrier fighter, Pepsi has filed a pre-emptive suit in federal court in New York, seeking to have Leonard's claim declared frivolous and without merit. In the suit, Pepsi argues that the ad was a spoof and that the idea of a civilian owning a warplane is ridiculous. "Everyone in the country saw this commercial and laughed," said Pepsi spokesman Brad Shaw to the AP. "This guy hired a lawyer." The Pentagon has supported Pepsi's position by asserting that Mr. Leonard would not be allowed to operate the jet, which is used by the Marine Corps as part of their amphibious military operations.

Nevertheless, on August 6th, Mr. Leonard sued Pepsi in state court in Florida, claiming that he is entitled to the plane and plans to hire pilots and sell "joy rides". Pepsi hopes to obtain a declaratory judgment from its federal suit in New York to avoid having to defend what it considers a meritless claim.

Pepsi's advertisement and the pending litigation raises an important question for the overburdened court system: is Mr. Leonard an enterprising victim of a powerful corporation or is this the type of frivolous claim that is clogging the courts and making a mockery of the civil justice system?

Leonard's attorney certainly argues the former. "We're talking integrity in advertising. They advertised the promotion and our client complied, and he should get his Harrier," said Mr. Schantz to the AP. Leonard also asserts that the advertisement and his tendering of payment for the jet satisfy every requirement to form a contract.

The Eighth Circuit Court of Appeals

agreed with a similar argument last month, upholding a jury verdict ordering Nationwide Mutual Insurance Co. to pay \$60,000 to David Mears, a former employee, who sued for breach of contract after the company refused to award his-and-hers Mercedes for winning a 1993 slogan-writing contest. Mears' attorney, Chris Lisle believes that the precedent set by the Eighth Circuit may apply to Leonard's case against Pepsi. "A contract is enforceable as long as the person who received the offer was reasonable in believing it" said Lisle.

However, this may be just the factor that distinguishes Leonard's situation from Mears' and undermines Leonard's claim. Under the objective theory of contracts, a contract could be formed only if a reasonable person would believe that Pepsi's conduct constituted a serious offer, inviting binding acceptance from the public. Therefore, if Leonard were able to produce evidence that the majority of television viewers missed the humor in Pepsi's advertisement, a jury could find that Pepsi is contractually bound to deliver the jet or pay damages. However, in contrast to the Nationwide case in which a significant number of employees believed the offer of a Mercedes to be for real, it is difficult to imagine that more than a handful of Americans could fail to realize that the Harrier offer was a joke.

In addition, even if the ad were to be taken seriously, the general legal rule is that an advertisement is not an offer but rather an invitation to make an offer. The rationale behind this rule is to prevent a seller from being in breach of contract with multiple customers every time it ran out of an item. Thus, Mr. Leonard's attempt to obtain the jet would be construed to be an offer, which Pepsi would have every right to refuse.

Considering these principles of contract law and the good-natured humor of the ad, it seems likely that the federal court will dismiss Mr. Leonard's claim as meritless. A look at Pepsi's ad and a visit to Mr. Leonard's self-promoting home page (<http://www.k-i-s.com/johnsjet/>) should be enough to convince the reasonable person that Leonard is abusing the judicial system for profit and publicity. However, if Leonard succeeds in extracting a significant amount of money from Pepsi, expect to see high school basketball players suing Gatorade when they still aren't able to "be like Mike".

[I]s Mr. Leonard an enterprising victim of a powerful corporation or is this the type of frivolous claim that is clogging the courts and making a mockery of the civil justice system?

Across the Wire...Across the Country

Royce-Hutchison Stalking Bill Signed Into Law

WASHINGTON (AP) — Stalkers who cross state lines in pursuit of their victims now face federal penalties for their harassment under a measure signed into law Monday by President Clinton.

Several stalking victims, including Sen. Kay Bailey Hutchison of Texas, looked on as Clinton signed the 1997 defense authorization bill that includes the stalking measure.

"Today we say loud and clear if you stalk and harass, the law will follow you wherever you go," Clinton said during the Oval Office ceremony. "And if you are the victim of stalking and want to build a new life somewhere else, you will have the full protection of federal law."

The new law makes it a federal crime for anyone to cross state lines to injure or harass another person — closing a loophole in the 1994 crime law, which addressed interstate stalking only by present or former spouses or intimate partners. The measure also makes restraining orders valid from state to state. And, it gives federal law enforcement authority to investigate and prosecute stalkers.

Stalkers convicted under the federal law face five years imprisonment for harassment and life imprisonment if they kill their victim.

"There is a very real deterrent effect here for the first time for those who cross across state lines and stalk their victims," said the bill's author, Rep. Ed Royce, R-Calif.

Ricardo Wiggs, a Clinton, Md., man whose wife was killed four years ago by a stalker, applauded the new law.

"Today provides closure in the long battle that I've had to endure with my daughters," Wiggs told reporters after the signing ceremony, which he attended with his two young daughters.

Actress Theresa Saldana, who was seriously injured by a knife-wielding stalker in 1982, said the new law should help ease victims' minds.

"Simply being pursued is horrendous," she said in a telephone interview. "And to wait until there's a physical assault or a death or a tragedy before you can appropriately punish ... the person has always been extremely painful for the people who are being stalked."

The federal law "gives us the tools to not have to wait until someone is injured or attacked," said the actress, who appeared in the movie "Raging Bull" and ABC's "The Commish."

Mrs. Hutchison has had her own unpleasant brushes with stalking, being intermittently targeted by one man since the 1970s.

She teamed with Royce last spring, using some legislative sleight-of-hand to slip his measure into the defense authorization bill last month after it hit roadblocks in the Senate as a stand-alone bill.

"It's going to be a big help. As you know, in the old days we didn't have laws against stalking, and it was very difficult to stop the harassment of victims in this country," she said. "Now almost every state has a stalking law, and with this law, we can put it all together. The FBI can trace these people, and if they cross state lines, it becomes a federal offense."

Mrs. Hutchison, who was one of Clinton's harshest critics during last month's Republican National Convention in San Diego, was singled out by the president during his comments.

"I want to say a special word of thanks to Senator Kay Bailey Hutchison, the bill's sponsor, a victim of stalking who fought back," Clinton said. He gave the Texas Republican one of the ceremonial pens he used to sign the bill.

Said Mrs. Hutchison: "He was very gracious, very gracious."



This Week, Reports From the East

Appeals Court Reinstates Suit by Widow of Man Who Died with Kevorkian

LANSING, Mich. (AP) — Unprofessional conduct by Dr. Jack Kevorkian's attorneys is not enough reason to dismiss a slander lawsuit brought by a woman whose husband died in Kevorkian's presence, an appellate court says.

The Michigan Court of Appeals, in a 3-0 ruling released Monday, said the suit brought by Cheryl Gale should not have been dismissed despite alleged misconduct by her attorneys, Geoffrey Fieger and Michael Schwartz, who also represent Kevorkian.

"Fieger and Schwartz's actions were dilatory, unprofessional and in complete disregard of their position as officers of the court," the ruling said.

"However, since the offending conduct was that of plaintiff's counsel, we nonetheless conclude that the trial court abused its discretion in dismissing the plaintiff's lawsuit without first considering lesser sanctions."

The appeals court said it recognized Wayne County Circuit Judge Marvin Stempien's frustration with the attorneys, but said Gale should not be penalized because of her attorneys' actions.

The ruling said there is no indication Gale knew of or condoned their conduct.

Gale's husband, Hugh Gale, 70, of Roseville, Mich., inhaled carbon monoxide through a mask in the presence of Kevorkian on Feb. 15, 1993. He suffered from emphysema and congestive heart

disease.

Afterward, a group of Kevorkian critics said materials found in the trash of a Kevorkian supporter indicated Hugh Gale had asked to have the mask removed twice before he died, but the second time it was not removed and he was allowed to die.

The death report was changed to show he requested it removed only once, the Kevorkian critics contended.

Gale sued Advocates for Life, Operation Rescue, the Joshua Project, Christian Defense Coalition, Oakland County, activist Lynn Mills of Livonia and other individuals over the implication that she had committed a crime in connection with her husband's death.

Fieger said he does not expect to be sanctioned. He rejected the appeals court's characterization of his actions as unprofessional.

"They have as much right to comment on my conduct as they have the right to say Hitler represented the Jews, which is zero," he said.

"It's predictable. The Court of Appeals has been attempting to get me and Dr. Kevorkian for a long time. This is just in keeping with that. They don't miss a beat."

The ruling says when their attorney tried to take a deposition from Kevorkian, Fieger said, "Ha, you'll never get Kevorkian." Fieger has denied saying that.

On other occasions, the ruling said,

Fieger's secretary misrepresented Kevorkian's whereabouts and Schwartz threatened to report the opposing attorney to the Attorney Grievance Commission if she did not stop trying to depose Kevorkian.

The attorney, Constance Cumbe, also tried to take a deposition from Kevorkian when he was waging a hunger strike while in jail but was unsuccessful.

Fieger argued it would be unethical to call Kevorkian as a witness because he faced possible charges, the ruling said.

Cumbe said she believes Fieger's motives in the suit really are to protect Kevorkian, not Gale, and she said Fieger said as much in a magazine interview.

"I think for that reason, dismissal may still be upheld," she said.

Fieger said that was not true and the suit was aimed at protecting Gale from innuendo that she had committed a crime in connection with her husband's death.

"It's against these Right to Life fanatics who accuse people of murder when it's not true," he said.

"That's outrageous. These people don't get to say that without being sued."

The appeals court sent the case back to the lower court for consideration of other sanctions against Fieger and Schwartz, without ruling out the possibility of dismissing the suit later.

Judges in the case were Mark J. Cavanagh, J. Richardson Johnson and Marilyn Kelly, who concurred in the result only.

Galvin Warns Against Shifting Securities Oversight to Feds

BOSTON (AP) — Secretary of State William F. Galvin warned Monday that a state law requiring investment advisers to register with his office may be undercut by a proposed federal law that would shift that oversight to the Securities and Exchange Commission.

If that happens, Galvin warned, state investors would face greater risk of being victimized by scam artists, since the law won't give the SEC any extra money for investigators.

"This is not a turf war," the normally placid Galvin said. "It's ludicrous to think there will be adequate protection, particularly when this is a growth industry."

He said he had already contacted members of the state's congressional delegation to urge them to oppose the registration provision of the Securities Amendments of 1996. He urged the public to do the same.

The bill is slated for discussion Tuesday in a House-Senate conference committee.

The 1994 Massachusetts Investment

Advisers Act required all people acting as financial investment advisers to reg-

[S]tate investors would face greater risk of being victimized by scam artists, since the law won't give the SEC any extra money for investigators.

ister with the secretary of state's Securities Division. That allows investors to check to see if there have been any complaints against a specific

adviser.

In checking for compliance with the law, the secretary of state's office has found several alleged lawbreakers.

For example, the office filed a lawsuit last fall against Algie Urbonas of Peabody, accusing him of stealing more than \$330,000 from tax clients, many of them elderly, and then using it himself instead of investing it. He said the fraud continued over six years. The case is still pending.

At the time, Galvin said the problem was a developing one. While people formerly invested in CDs or made bank deposits, dropping interest rates and a growing interest in higher returns have prompted many to look elsewhere for income-producing investments.

Right now there are over 150,000 investment advisers registered in states with laws similar to Massachusetts. Galvin said that without expanded resources, the SEC could not review the advisers as frequently as his office.

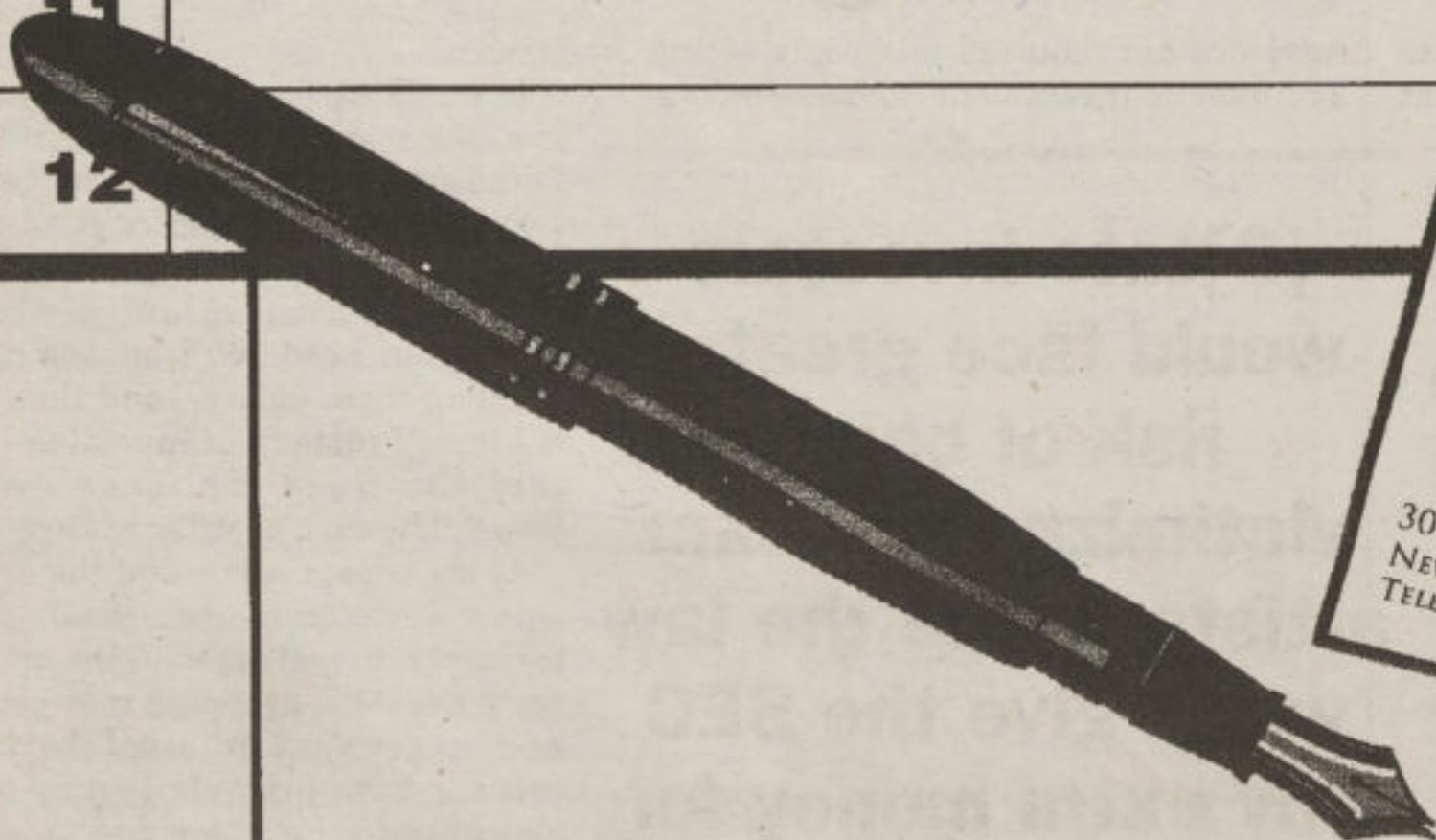
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2	On-Campus Interviews	☐
3	w/ Chadbourn & Parke	☒
4		☐
5	on Tuesday, October 15	☐
6	Charles Hotel	☐
7		☐
8		☐
9	(Deadline Monday, September 30	☐
10	Office of Career Services)	☐
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SPORTSGUY

Only In Ames

By Todd Stillerman '97

Sports Editor



BOUQUETS and brickbats from your friendly neighborhood SPORTSGUY ... Hope everyone took advantage of the opportunity to hear boxing promoter Don King in Austin Hall last Thursday night. King came to campus courtesy of the Harvard Law Forum, an organization that, until recently, was thought devoid of an agenda. However, inside sources have brought several strange coincidences to the attention of the SPORTSGUY.

The Forum's executive board includes president Joel "Can't Touch This" Hammerman '97 and vice-president for programming Gary "My Heart at Wounded Knee" Bornstein '97, both members of an Ames moot court semi-finalist team. Hammerman, who last week spurned an offer from R.J. Reynolds Tobacco to sponsor a "Team Joe Camel," reportedly brought King to campus to discuss a deal with Showtime and Don King Productions. King's organization would move the moot court competition to Caesar's Palace in Las Vegas and offer a live feed of the semi-finals via pay-per-view. Hammerman and Bornstein's team would add heavyweight champ Mike Tyson as lead oralist.

The same sources confirm that Hammerman, Bornstein, and fellow team member David Markus '97 dined with King at the House of Blues Thursday night. The four later met Forum member Chris Niewoehner at the Hong Kong restaurant for scorpion bowls and techno-dancing. Hammerman, visibly energized by the prospect of a nationally televised match-up, taunted his upcoming opponents, led by Chris Fortunato '97, "I want Fortunato, then I want Hagler!" Bornstein, asked how the team had managed such a coup, answered, "Only in Ames, baby, only in Ames!"

The SPORTSGUY promises to follow these shady activities as they develop.

...

From the hardwood at Hemenway, the ABGR (Association of Basketball Gym Rats) released its pre-season All No-Conscience Team based on this week's pick-up games. ABGR president Jake "My Wife, Please" Schwartz '97, reminded reporters that his organization will award the Boyd Trophy at season's end to the HLS cager with the loosest trigger finger. ABGR historian Mike Beach '97 explained that the Boyd Trophy "is named to honor the memory of Eulas Boyd '96, a man who never met a shot he didn't like."

The team consists of Steven Rowe '97, a small-forward from Alabama who recorded his first Hemenway assist this September; Pat O'Reilly '97, a Duke grad who once heard about defense in a military strategy class; Naim Bulbulia '96, described by Beach as "un-shy"; and Mike Hemment, a grad school student who, notes Schwartz, "would rather pass a tape-worm than the basketball." Schwartz noted that the fifth spot on the team "will belong to Eulas always and forever."

...

Play resumed Monday night at Webster Field for the HLS Football League with forfeits galore. The Sons of Jor-El became the league's first 4-0 team when both its opponents failed to show for the games. Sons captain Zach Stern '97, visibly disappointed at the lost opportunity to bash some heads, taunted his missing-in-action foes: "Who's Your Daddy? I'm your daddy now. And Forrest Krump? I'm not a smart man, but I know what an ass-whuppin' is." The Rockne division leaders face their toughest competition to date next Sunday, when the Men of Steel meet Posse Comitatus, now 3-1.

Bolstered by perhaps the league's best arm in quarterback Juan Zarate '97, Posse rolled over previously unbeaten the Happy Gilmores 41-26 in an offensive blitzkrieg. Gilmores quarterback Jim Walsh '99, who accounted for eleven touchdowns in his first two games, couldn't muster his team past a strong Posse line on a crucial fourth down conversion. Asked if his teammates might have performed better, Gilmores captain Raj Pai '99 replied, "Did Grizzly Adams have a beard?"

Pre-season favorite Chupacabras, after stumbling to a 0-2 first weekend, evened their record with strong victories over the Great Danes and Illegal Motion. In the first game, quarterback Matthew Sant '97 hit receiver Art Carrillo '97 in the end zone to stake his Chupacabras to a 27-21 lead over the Danes. Despite good clock management, the Danes missed on three opportunities to score from the twenty. Carrillo sank Illegal Motion with two diving touchdown grabs and an acrobatic interception as Chupacabras claimed a 24-12 victory. Chupacabras meet still-unbeaten Sensitive 90s Men (2-0) Sunday.

The Danes managed to salvage the weekend with three wins over Stormin' Mormons, Illegal Motion, and Blitzed & Bombed. Already blessed with a mobile quarterback in Chris Niewoehner, the Danes also sport the league's best back-up signal-caller, Matt "King" Hong '97. Using a medley of backfield pitches and flanker passes, the defending league runners-up rarely tip the defense as to where the next pass will originate. The Danes meet the Gilmores and Who's Your Daddy next Sunday.

Sparkling in their league debut, Freshies quickly disposed of Blitzed & Bombed and the Stormin' Mormons on a sunny Saturday morning. Still sporting their tie-dyed jerseys, captain Dave Rothenberg '96 executed the West Coast offense to perfection. Despite stellar passing from quarterback Richard Nelson '97, the Mormons were unable to solve Freshies' defensive schemes. After a pair of losses Saturday, Blitzed & Bombed was true to its name on Sunday morning, managing only three players for the morning's games. Captain Darren Mungerson '98 explained, "A bunch of the guys threw a big party last night, and I suppose football wasn't their top priority."

HLSFL action resumes Saturday morning at Webster Field.

Rockne Division	
Sons of Jor-El	4-0
Great Danes	4-2
Happy Gilmores	3-1
Posse Comitatus	3-1
Stormin' Mormons	1-3
Chupacabras	2-2
Blitzed & Bombed	1-5
Illegal Motion	0-3
Lombardi Division	
Sensitive 90s Men	2-0
Freshies	2-0
Forrest Krump	1-2
Who's Your Daddy	1-3
Blur	0-2

H.L.S. Standings



THE VERDICT

High Life and Low Life

By Michael Bennett '98

Movie Reviewer



Basquiat

Growing up in the eighties was a bitch. Reganism, the space shuttle tragedy, the birth of the personal computer — at times everything seemed larger than life. Or at least in retrospect. This included the New York art scene as well.

The conflux of charismatic artists and big money produced the likes of an 80's incarnation of Miles Davis (as opposed to a 50's or 60's version) and Andy Warhol, essentially the king (queen?) of the New York artistes. Both enjoyed the admiration of a devoted following that made sure that their work was documented in every medium that existed at the time, thus assuring the legends exposure to generations of listeners and viewers that haven't even been born yet and a fame that lasts a bit longer than just fifteen minutes.

But one of the unfortunate things about gods is that they often grossly overshadow giants. Luckily someone has rediscovered one of these giants and burned a stylized, one and three quarter hours version of his life into film. The individual was a contemporary of Warhol. His name and that of the film is Basquiat (directed by Julian Schnabel).

From the very beginning, the film pulls no punches. The acting line-up reads like "Who's Who in Hollywood": Dennis Hopper, Christopher Walken, Benicio Del Toro, William Dafoe, Courtney Love, David Bowie (as Andy Warhol, of course). The only actor without instant name recognition is the star, Jeffrey Wright. But even against Bowie's lovingly quirky and limp portrayal of Warhol, Wright steals the show by several necks. Not only does he bring great method acting to the screen but he is as well a wonderful physical actor. He hardly needed sound to express himself. If you think this sounds remotely like a little tramp that we all know, you're right. And the parallels don't end there — Wright has a million hilarious stances and gestures which invoke the style of Chaplin.

The camera work is solid and effective but is almost transparent due to the screen presence of the actors. Make sure to watch for the juxtaposed surfing footage that Basquiat sees on several occasions. They remind the viewer of abstract subtitles (perhaps supertitles) that foreshadow the end of the story.

If you're student — or a product — of the eighties, the film is well worth seeing.

Rating:



Sweet Nothing

Sweet Nothing is the type of film that will further convince Dole that Hollywood is leading this country to hell. Don't be surprised if he goes flying off the edge of another podium after his aides tell the story.

Directed by Gary Winnick, the film has a slimy residue to it. It has the several elements of a classic noir: ambivalent characters, desperate situations, and a lone male lead who is down and out largely due to a stupid decision he has made.

Michael Imperioli plays the role of Angel, an ex-Marine, low-level corporate serf who decides to try crack cocaine with some friends to celebrate the birth of his second child. Angels keeps a diary of his disintegration and shares it with the audience throughout the film. During his plummet, he lands on a few ledges but otherwise his fall is swift. Thirty minutes into the film, Angel is smoking crack like weed, stealing from his wife, and trying to not be killed by his best friend. And, believe it or not, the film even has a noirish ending. There's no reprieve for Angel in the end when he finds himself face down in the sidewalk almost choking in his own fluids. Truly not a Disney film.

The best acting here comes from Angel's buddy at work, Jack (Richard Green) who does the best relapsing addict act I've yet to see. A close second is Mira Sorvino as Monika, Angel's wife. She's subtle when most would be over-done — as, for example, when she tells Angel that his children know that he's a crack monster and when Angel accuses her of cheating with her boss.

The only work approaching outstanding in the film comes from Paul Calderon as Raymond, Angel's best friend turned worst enemy. You might remember him from his bit part as Marsalis's bartender in Pulp Fiction or his appearance on New York Under Cover. The infinitely regurgitated stereotypical black drug dealer role requires real finesse to bring to life. Most of the time it's done half heartedly because so many actors despise it, but on occasion someone shines it up a bit. Calderon adds new layers to the dealer role. His is at moments viciously removing digits and seconds later compassionately hugging children.

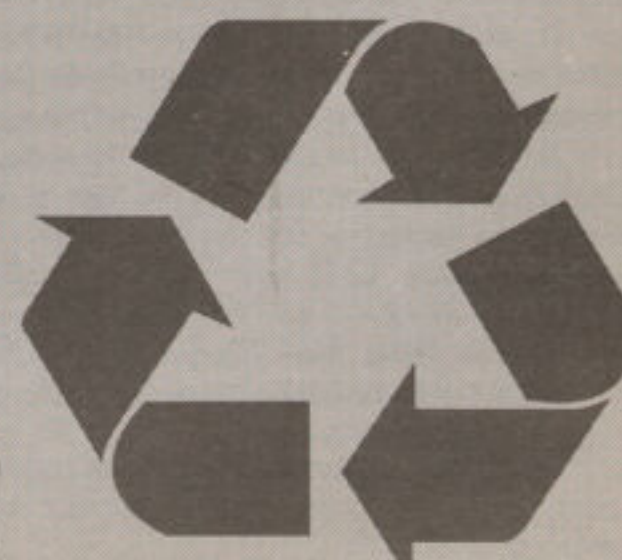
Ultimately the film registers fairly high on the movie-meter and is worth a viewing.

Rating:



Both films are showing at the Sony Theatre in Harvard Square.

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26 to 1

The student-faculty ratio at HLS has been an embarrassment for years and continues to be an embarrassment. And, although we all know the flaws in the U.S. News & World Report survey of colleges and graduate schools, Dean Clark would be wise to take heed of the magazine researcher who told the AP that Harvard College dropped from first to third in this year's rankings because of "relatively larger classes."

With 26 professors to every student, HLS ranks last among a group commonly considered as top 25 law schools in the country according to all national law school guides. Yale, Stanford and the University of Chicago all have roughly twice as many professors per student as does HLS, and they have comparatively minuscule endowments.

According to the administrators responsible for this embarrassment, Dean Clark and Associate Dean Todd Rakoff, HLS' size gives it advantages over smaller schools like Yale. But the numbers are clear. We have the size, but we simply have not received the benefits of economies of scale.

Class diversity is a problem, as evidenced by the lack of elective criminal procedure and constitutional law courses. Even the basic courses are too few to accommodate all students. With classes regularly squeezing 175 students into a single room, many 2Ls were still locked out of such basics as constitutional law and evidence.

One problem, aside from a faculty that is simply too small to handle the number of students the School continually admits, is the fact that members of the faculty routinely teach fewer than the required number of credits. According to a RECORD story last April, only 24 of 70 professors taught the required 10 credits last year. Only one, Prof. David Rosenberg, taught as many as 12 credits.

The poster-child for under-teaching is Prof. Christine Jolls. Jolls has been on the faculty for three years and has taught one three-credit class during her entire three year stay, "Microeconomics and Legal Policy." She was on full leave last year and is on full leave again this year to clerk for Justice Antonin Scalia.

With absent professors like Jolls, second-year classes that are larger than 1L sections, and a faculty that is twice as small as it should be, it is no mystery why student grumblings have grown louder, and why HLS must get its house in order and recapture, not a cozy environment, but an institution that balances the supply of its resources with the enormous demand for them.

— Friedman

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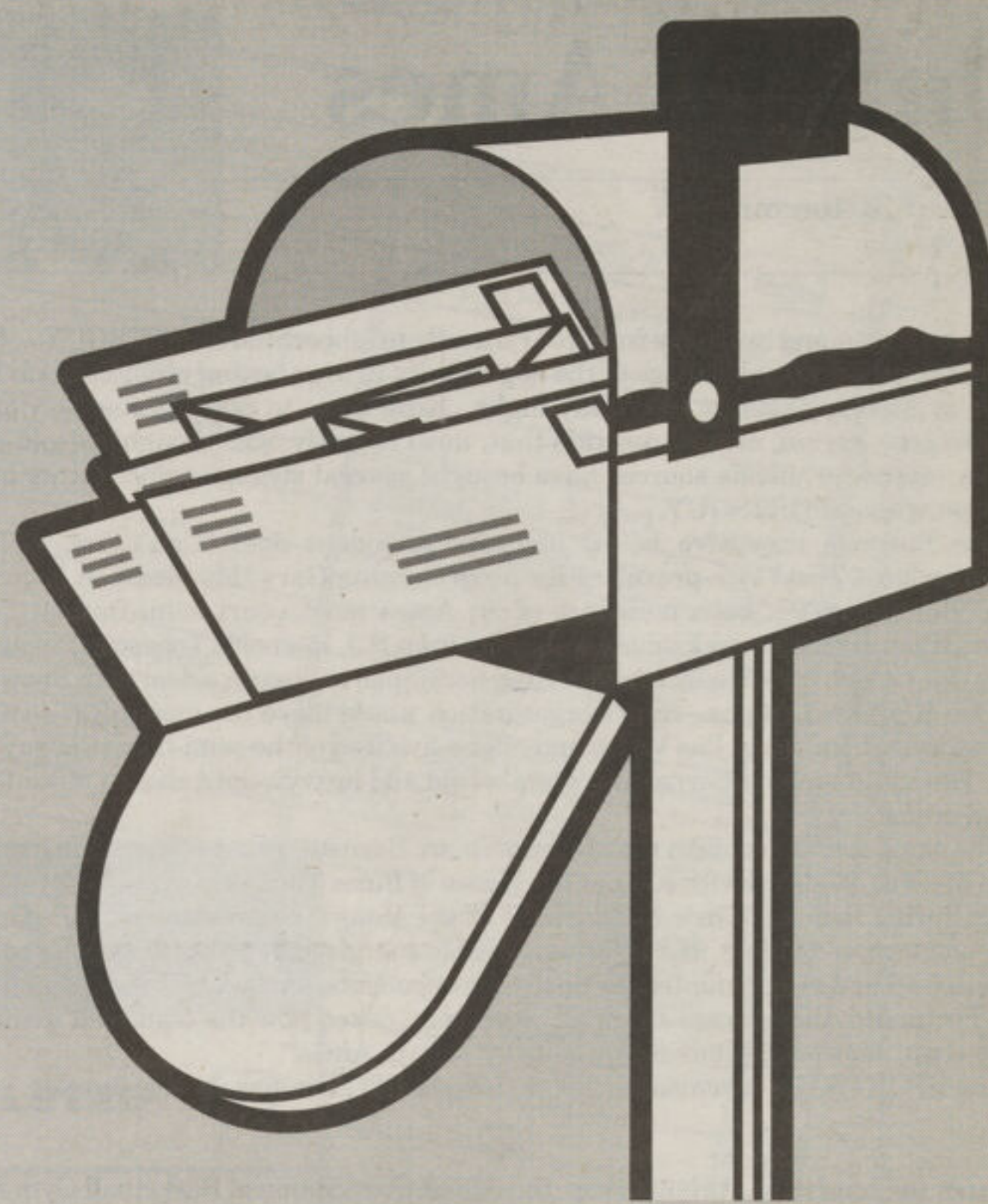
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Of Election Monitors and Ink Applicators

By Matthew Kelly

Official election observers in Bosnia worked under the auspices of the Organization of Security and Cooperation in Europe (OSCE), the international organization with responsibility for organizing and undertaking the general elections in Bosnia and Herzegovina. All monitors received information kits as well as official ID tags indicating that the bearer was a staff member of the OSCE mission to Bosnia performing diplomatic duties. The identifications permitted access to all areas of any polling station a monitor chooses to visit.

The monitor's kit came in a small valise and contained a white observer's T-shirt and cap to be worn on election day, a handbook for observers, the Polling Station Committee Member's Manual Training Edition, and a booklet of survey forms to be completed at each polling station visited.

The Polling Station Manual had been used to train the members of the Polling Station Committees (PSCs) in establishing and running a polling station. They were also used by election monitors as guides to where to look for irregularities. The Manual contained diagrams and instructions on where to place the ballot boxes, the voting booths, the registration tables, etc., and how to open and close the polling station. The roles of the members of the PSC, whose only qualifications were that they be qualified voters, impartial, and non-candidates, were also spelled out, and ranged from the Queue Controller/Ink Checker to the ID Officer to the Ink Applicator to the Ballot Issuer to the Ballot Box Controller.

Though the bureaucratic legalize of the polling manual seemed far removed from the vicissitudes of this beautiful war-ravaged city, poignant reminders could be found in its pages. The Ink Checker stood at the door with an ultra-violet lamp to check the fingers of entering voters while the Ink Applicator sprayed the right index finger of each voter with invisible ink before voting. The rules for the Ink Applicator contained the following contingency procedures: "If the voter has no right index finger, the next available finger should be inked following this sequence: thumb, finger 3, 4, 5. If the voter has no right hand, use the same sequence on the left hand. If the voter has no fingers the ink requirement is waived."

The Handbook for Observers, a more general informational guide for the monitor, was more explicit in its recognition of the reality of the situation. It opened with a chapter on Security Do's and Don'ts, with

subheadings such as "Mine Awareness" (Where are mines found? What do mines look like? How to avoid mines. If someone is wounded by a mine), "Personal Security" and "Route Planning and Road Safety." Chapter 3 spelled out what IFOR, the multi-national implementation force whose units were stationed around Bosnia, could and could not be relied on for assistance.

Unlike the Polling Manual, where the war crept in obliquely, here it emerged in clear, if occasionally absurd, detail. For example, "The Difficulty of Communications" in Chapter 4 pointed out that there are few telephones in Bosnia and Herzegovina, and that, where phones could be found, connections, even for local calls, may not be easy. It nonetheless suggested that each monitor know, in addition to its location, the telephone number of their local IFOR base. That one could order the army by phone, a sort of

I asked myself whether I should even be [in Bosnia] doing what I was doing. Not only is it a dangerous place: It's not my place.

infantry-to-go, didn't seem quite so strange as the thought of finding a working pay-phone in war-ravaged, rural Bosnia.

The Handbook also contained lists of the political parties running and their initials; polling procedures to be followed; a list of badges likely to be encountered at polling stations; a description of uniforms of all the armed persons one was likely to encounter, from IFOR's khaki to the UN International Police Task Force's blue shoulder pads, and from the Bosnian police force's dark green to the Serbian police force's dark blue. There were rules for dealing with the press ("Explain the legitimacy, composition and purpose of the observation mission...Please do not suggest that the specific observation that you have made represent the view of the Observer Mission...Please do not make statements that suggest support for, or opposition to, any party to the conflict..."); local IFOR numbers; and a brief history of political events in Bosnia (from its emergence as an independent state in 1180 to the postponement of municipal elections in 1996). Additional xeroxed sheets contained reminders as to what may be con-

sidered as irregularities and brief check-lists to be used for inspecting stations.

Election morning began at six the day after our arrival in Sarajevo. We began at a polling station in the hills above the city. It was in a small, hard to find building at the end of a narrow rutted lane which lead off of a back road that ran beside small farms. The local polling committee members looked at us with suspicion and, from its president, contempt when we arrived.

For a brief moment as we entered, with our white monitors' caps and shirts on, our official OSCE ID cards hanging from our shirts, our survey forms and manuals in hand, with seven local officials with long experience of bloody political battles looking at us impatiently, anxiously, derisively, waiting for us to certify that, yes, the ballot boxes were indeed empty and, yes, they could now seal them up and set them out for the voters (who were beginning to line up outside, wondering who the foreigners in the T-shirts were this time, and when could they vote so they could get to work), I asked myself whether I should even be here doing what I was doing. Not only is it a dangerous place: It's not my place.

While PSC members went about ignoring us as they put the finishing touches to the polling station, I looked at the table set up for the Ink Applicator. In looking through my manual to see how it was to be set up, I once again came across the contingency instructions for spraying voter's index fingers when the voter had no index fingers. While much of the bureaucratic side of the election process had seemed to me at times absurd, it was not as absurdly disturbing as the image of an electorate maimed and mangled.

Without further hesitation I ignored the grudging committee members and walked as imperiously about the polling station as the PSC chairman, my checklist in hand, inspecting the arrangements of the booths and the placement of the tables (check), making sure the pencils were sharp (check), reminding them that their ballot box seals were improperly fixed (check), seeing there were no campaign posters inside the station (check), taking special care to be sure the invisible ink was applied properly (check). In the end, they were glad to see us go.

The remainder of the day was uneventful, the other polling stations uniformly well run. The elections were declared a success for their relative lack of event. Yet even success in this war-scarred country brings its own brand of absurdity. The OSCE officially released the voter turnout figures. It seems that more than 114% of registered voters took to the polls. Rather than question the results, the OSCE has decided to revise their electoral lists upward. Clearly there were neither Ink Applicators nor Ink Checkers working at the OSCE.

Ending Parole Isn't the Issue

Crime: Even Violent Offenders Have to be Released Someday; They Should be Supervised

By Prof. Phillip

Heymann '60

Bob Dole says that, if president, he would end parole for those convicted of violent crimes. He did not mention how little responsibility for handling violent criminals the federal government—including the president—has. But even as a recommendation to the states, his suggestion is foolish. The issue should be how long dangerous people must be locked up for the public's safety. That determination can be made regardless of whether it is followed by a period of

supervised release—a period which should provide additional protection.

Crimes would not be reduced by eliminating parole. That only sounds reasonable if you assume parole time is subtracted from the length of incarceration the judge or legislature wanted. It is a sounder use of parole to add it on to a prison sentence that is already considered long enough to protect the public.

That is what our states are doing. There is very little variance in the average length of time served in prison for violent offenses. The states average

about 45 months. The states differ greatly, however, in the length of the parole assigned. Here, the most cautious one-third of our states add, on average, more than 80 months, while the one-third of the states most indifferent to monitoring prisoners after their release added, on average, only 28 months of parole.

Even Congress will eventually figure out that serving 85 percent of a 10-year sentence (this qualifies a state for additional federal funding for prisons) provides less security to the public than serving 50 percent of a 20-year sentence and having 10 years of poor supervision thereafter (which does not qualify a

state for federal support). It also makes little sense to argue from figures as to the number of crimes that are committed by people on parole or probation. The longer a person is subjected to some form of supervision, the less danger, so long as the period of supervision is not subtracted from a period of incarceration.

We cannot hold people in prison until it is 100 percent certain they will never commit another crime. We should err on the side of protecting innocent people against the chance of future harm at the hands of someone who has committed a violent crime. That's a reasonable price to impose for being violent. But at some point, that chance of future harm becomes small enough that it is not worth holding the person any longer and supervised release becomes desirable. No one knows any armed robbers over age 50. The point is that we have to make judgments about individuals or categories of people. It is ridiculous to argue for some sweeping shift on a nationwide basis to end parole.

We cannot hold people in prison until it is 100 percent certain they will never commit another crime.



Prof. Phillip Heymann

Phillip Heymann is a professor of law at Harvard Law School and was deputy attorney general from 1993 to 1994. Reprinted with permission from the L.A. Times.

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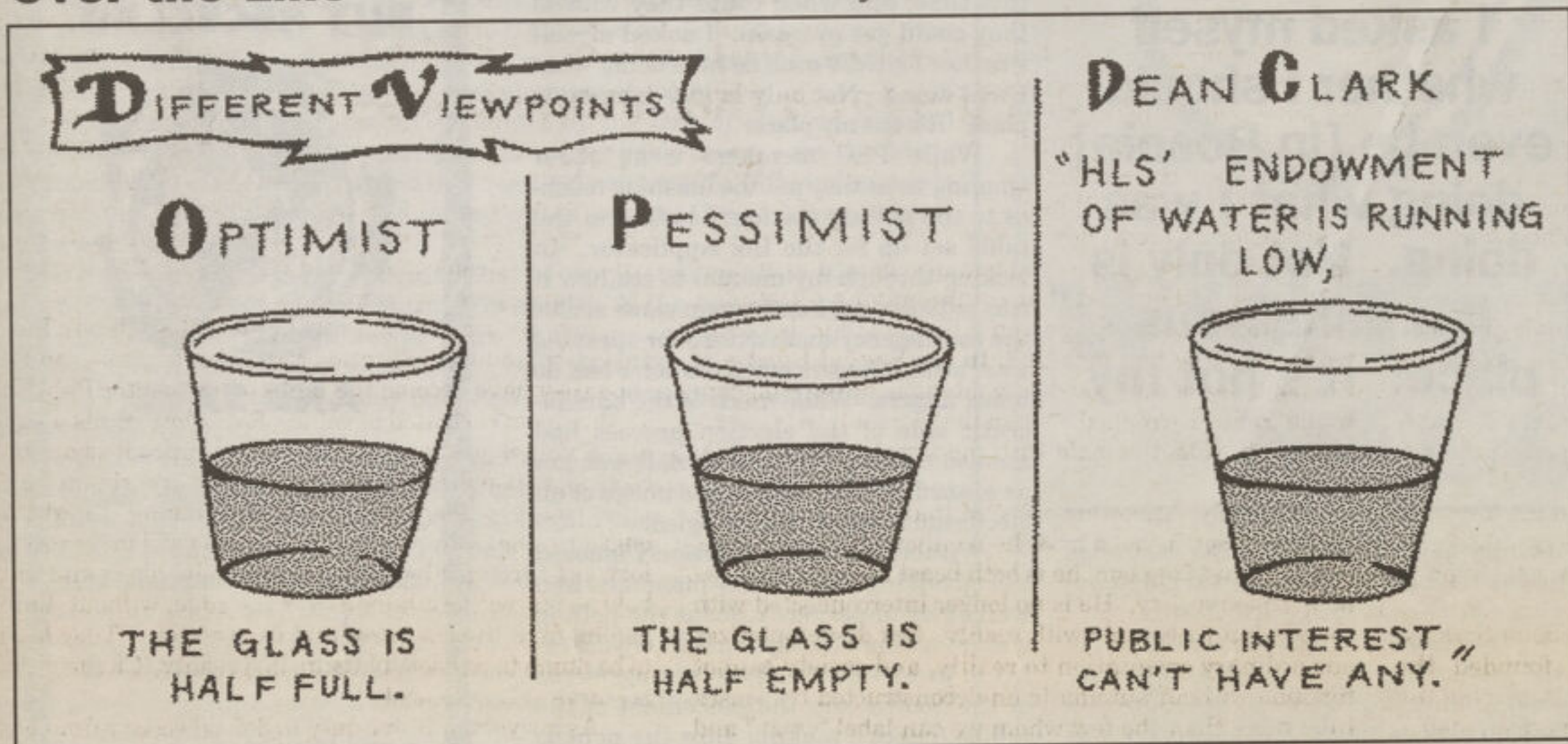
Reasonable Man

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CALENDAR

By Colin Meeder

If you're anything at all like me (and I know you're not, so just relax already), you share my concern that, as the days grow shorter and colder, the tunnels under the burned-out husk that was once Langdell Hall will become increasingly unable to bear the increased numbers of students who daily burrow through it. I'm not even talking about the inhalation of toxic fumes and carcinogenic dusts that surely must fill the air down there; no, I'm referring to the ever increasing possibility that the whole damn thing will collapse one day, trapping the future hopes of America's largest law firms under tons of twist-steel and concrete.

This blessed disaster might be more likely if we were able to weaken the foundation further through some sort of loud rhythmic vibration — like the one that will be no doubt be produced by Clarence Clemons' band at the House of Blues (491-BLUE) tonight (9/26).

Am I a bad ass with the segues, or what?

Also tonight, Lisa Germano plays downstairs at the Middle East (864-EAST). Lisa used to play in John Cougar Boy Scoutcamp's band, but you shouldn't hold that against her — her solo work is eerily beautiful, filled with a disturbing self-loathing that Morrissey might envy. Chainsuck and Star 69 open.

Although these days he's better known for being that fat diabetic junkie's favorite musician, David Grisman had been astounding audiences with his stellar mandolin work for close to three decades now. See his Quintet at Sanders Theatre (6-2222) on Friday (9/27). Or, experience the last gasps of the dying lounge scene with Combustible Edison at the Middle East.

Whether you're a fabulously wealthy Democrat or just want to be perceived as one, you'll want to zip on down to the FleetCenter on Saturday (9/28) for the Victory '96 Concert, a fund raiser for Sen. John Kerry with Crosby, Stills & Nash; Don Henley; Peter, Paul and Mary; Carly Simon; and Whoopi Goldberg. Meet the new boss; same as the old boss. Call 931-2000 for tickets.

Wanna get sexed up? By a quartet of one-hit wonders from Texas? Then get yourself down to the Paradise (562-8800) on Sunday night (9/29) to experience the joy of Color Me Badd.

Monday night (9/30) brings that wacky Calvin and his whole K Records crew down to the Middle East with Dub Narcotic Sound System. Can archness and feyness co-exist with musical transcendence? Probably not, but you can't blame a guy for trying.

Three terribly different singer-songwriters come through the area on the first of the month. To begin with, there's the legendary Ray Davies of the Kinks, who starts a sold-out week at Mama Kin (351-2525) on Tuesday. Or, try the even more legendary John Cale, who shows what's still good about art rock, along with the Red House Painters, who show what still sucks about it, at the Paradise. My suggestion is the most legendary of all — certified rock god Jad Fair, who will do that Jad Fair thing at the Middle East. DQE open.

But to hell with all that. What we need is some punk rockabilly. It arrives Wednesday, courtesy of the Rev. Horton Heat, along with the luscious Lunachicks and Reacharound.

Upcoming: The Who, Ferron, Rent. Talk to the hand.

NEBUCHADNEZZAR

By Alexander Boldizar '98

WHAT does circumcision have to do with Harvard Law School? That was the question I asked myself this summer while researching some question or other on Czech corporate law. Every day while working in Prague I drank thick black beer, ate red meat, and breathed in the rich pollution of a few remaining Trabants. Yet as the days passed, my body started to regain the consciousness that Harvard had K.O.'d, and my interest in the duty to report a 5% increase in shareholder participation petered away. Through this revitalized body consciousness, I began to search for the reasons behind the attitudinal change, and I found them in my foreskin.

There is more than one kind of circumcision. Or as Juha Varto puts it: "Circumcision can be approached constructively in two different ways: as a question of cultural commitment, which has a mystical and magical depth, or else as a question of a perennial compulsion to mutilate, mark, torture oneself...Piercing, cutting, permanently fastening of ornaments, tattooing, and mutilation have always been exclusive rites...The further it is carried and the more sensitive the organs which the mutilation and marking involves, the smaller it renders the group of 'us.'" As an uncircumcised son of a Jewish mother, my search could have hung its horns on the exclusion/inclusion aspect of circumcision, but that would not have answered the question of my increased body consciousness and changed attitude towards unfulfilling work.

So I researched the particularly western brand of circumcision, which seems to mix the approaches mentioned by Juha Varto. The historical origins of male circumcision in the English speaking world are rooted in England's India operations as a symbol of belonging to "our troops." It was favoured by mothers and wives as a way of preventing their far away men from masturbating and getting sexual diseases, since circumcised men did not enjoy sex as much as uncircumcised. In the "modern, civilized world," the decreased pleasure and ritual aspects of circumcision are downplayed, and the operation is explained in terms of medical prudence.

But medically, circumcision is absurd. Bud Berkely, who wrote *Foreskin, A Closer Look*, founded the Uncircumcised Society of America after discovering the damage done by circumcision to many American males. Since its founding, the Society has been contacted by tens of thousands of men detailing the harm to their lives, and especially their sex lives, brought about by circumcision.

So why then, do we circumcise? The answer is tied to



the great industrialized, interconnected society, which we hear about every day of law school. Every day, every minute of every day, we are "connected" to society, we are part of the social. The alternative, we are told, is a Hobbesian state of nature, not unlike a power blackout in New York, where everyone uncontrollably loots, rapes and pillages. Nobody seems to think that looting, raping and pillaging are the social responses of socialized people, to an uncontrolled, but still social, situation. Perhaps an "uncivilized" person, without the sudden shock from the absence of control, would not even think of looting, raping and pillaging in such a situation. Either way, however, society needs to maintain a constant (inter)connection among its social elements to function. "It" must thus maintain certain categories of good/bad, legal/illegal, male/female and most of all body/mind. The Greeks created this last split, but understood the need that the body and mind had for each other. The Christians (e.g. Rene Descartes circum-

scribing the body into a mere tool for the soul) understood that the body would always be a rival to the church/society and thus mechanized it.

A person can only be "connected" to society so long as s/he maintains certain categories through which s/he can share certain inclusive characteristics. When the categories break down, as they do at the point of orgasm, the person is neither within nor without. At that point neither a stick nor a carrot works, and as the person is liberated s/he is uncontrollable. S/he becomes God. In the Second Epistle of Clement, Jesus was asked at what moment the Kingdom would come. He replied: "When the two shall be one, outside and inside, the male with the female, neither male nor female."

Inversely, Aristotle once said that "He who can live without society is not a man, he is either a beast or a god." At the point of orgasm, he is both beast and god, and has no need for society. He is no longer interconnected with society, but rather one with reality. Sex de-automatizes our ordinary orientation to reality, and society cannot function without automatic un-deconstructed responses from more than the few whom we can label "crazy" and move on. Society, like a jealous lover, cannot stand to be excluded from the union of two people.

Through circumcision, Society brands the man as one of "its" own, symbolically enters every sexual act so that

"it" becomes harder to forget, and lowers the man's pleasure so that he does not become a God-who-lives-in-the-Now. ("It" uses other, more psychological, tactics on women. In reading the September issue of *New Woman* magazine, for example, I came across a statistic that over 50% of American women claim they prefer chocolate over sex.) Marx disliked religion because it was an "opiate of the people" which prevented societal control over the individual, but when one becomes God oneself, S/He becomes uncontrollable by either religion or society.

While sex is the last refuge of the non-social, Harvard is the citadel of the social. Thus, if by nothing more than their opposition, the two create a fascinating dance. Whereas we learn to deconstruct almost every other dichotomy, the mind/body division is one we dare not touch. It would do much more "damage" to Law than CLS ever did or could. Without the interconnectedness of society, without categories, without analysis, Law cannot exist. For example, even radical feminists like Katherine MacKinnon, who are normally very flexible as far as mental gender goes, must always fall back on a biological

male/female duality when they want to apply their analysis to the law as a manifestation of society. Without dualities, in a state of existence wherein one is One with reality, such as an orgasm, the concept of society breaks down. "Saying, I am Alpha and Omega, the first and the last," The

Kingdom of Jesus comes and renders absurd the laws that man imposes upon man.

Lawyers are the American version of England's India troops, spreading civilization to the "uncivilized," and as such they have become the limbs of our neuter Babylon. They are not castrated of values, for society needs a variety of values just as it needs sexual reproduction, but cleaned, antiseptized and marked. They are trimmed and made more presentable, more convincing, taught to engage in the discourse in such a way as will move society forward through the production of new ideas and new babies, but without falling over the edge, without disengaging from the discourse and from society. They learn to be numb to passion, pleasure and reality. Circumcision is Harvard Law School.

As lawyers, it is our duty to defend society from barbarism. Society has spread so wide and so deep that, as Aristotle said, it would take a God to live without it — and through circumcision, we have invented a way to prevent His second coming.

The Kingdom of Jesus comes and renders absurd the laws that man imposes upon man.



"Fenno? Fenno!"

Fenno's gentle morning respite — or was it Fenno's post-debauchery coma? It's so often hard to tell the difference — was rudely interrupted by the insistent chirping of Fenno's little 1L friend, whom you met last week. For brevity's sake, we shall everafter refer to the 1L as "Skippy," although that is by no means the 1L's real name, which is in actuality much less engendered-sounding.

"Jesus, Skippy, is that you?" Fenno asked, his hostility at such an awakening tempered by his fondness for the naive, young creature, and by a blood alcohol level in excess of .23. "What the hell time is it?"

"Oh, Mr. Fenno, it's ten minutes after eight, and I've overslept," cried Skippy, its little cheeks reddening in apprehension and shame, "and now I shall be ever so late for my first class. Whatever shall I do?"

"First of all, my dear," said Fenno sagely, "you'll calm the hell down while I get my wits about me."

Skippy fretted silently while Fenno got his bearings. He'd awakened on the bare mud on the field outside of the Hark. Fenno was dimly aware that he'd passed out — or, as he preferred to call it, taken his leave of the mundane realms — underneath a tent, from which he'd smelled the unmistakable aroma of Gussied-Up Hark Food. To his left lay a gallon jug which smelled a little like nail polish remover, and upon which was written something in an alphabet he'd never seen before, but which looked like a cross between Sanskrit and Shorthand. To his right lay the Dean of Students of a small Midwestern Law School. She was still breathing, so Fenno

figured she was best left alone.

"OK, look, Skippy," sighed Fenno, "I think it's time I clued you in on another of Fenno's Big Law School Secrets."

Skippy brightened perceptibly. "Oh, Mr. Fenno, please do!" it cried. "Turn my frown upside down!"

"Well, I can do that, too," sleazed Fenno, revoltingly, "but first things first, cute thing. The thing is, Skippy, that you don't really ever have to go to class."

Skippy looked as if it had just found a particularly nasty surprise in the Sodexo special of the day. "Oh, Fenno, you can't mean that!"

"The hell I don't," Fenno grunted, "look here — who are your professors?"

"Well, I have Miller for Civ Pro."

"Simple. Buy the cassettes," suggested Fenno. "Better yet, dupe a copy off a 2L. Artie won't mind. Who else?"

"Well, I have Dersh for Crim."

"Dersh for Crim." How revoltingly adorable, sneered Fenno. "You have Prof. Dershowitz for Criminal Law. Which is to say you have nothing. Watch 'Law and Order' re-runs. Next?"

"I have this 'Lawyering Process' class," said Skippy. "I'm not sure what that is."

"No one is, kid," said Fenno. "Anyway, it's pass - fail, so screw it."

"I have these two Kennedy guys for Contracts and Property. What are they like?"

"Well, in Randy's class, your guess is as good as his," said Fenno. "For Dunc's class, just remember the three magic words: Property Is Theft."

"Gosh, Mr. Fenno," gushed Skippy, "I guess you're right! Class isn't that important! But what should I do for Prof. Nesson's Torts class?"

Fenno just smiled, and reached for the foul-smelling jug. It wasn't quite empty; there were at least two good swallows left. "Open up, Skippy," he said, "it's time to get reasonable."

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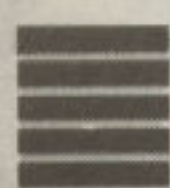
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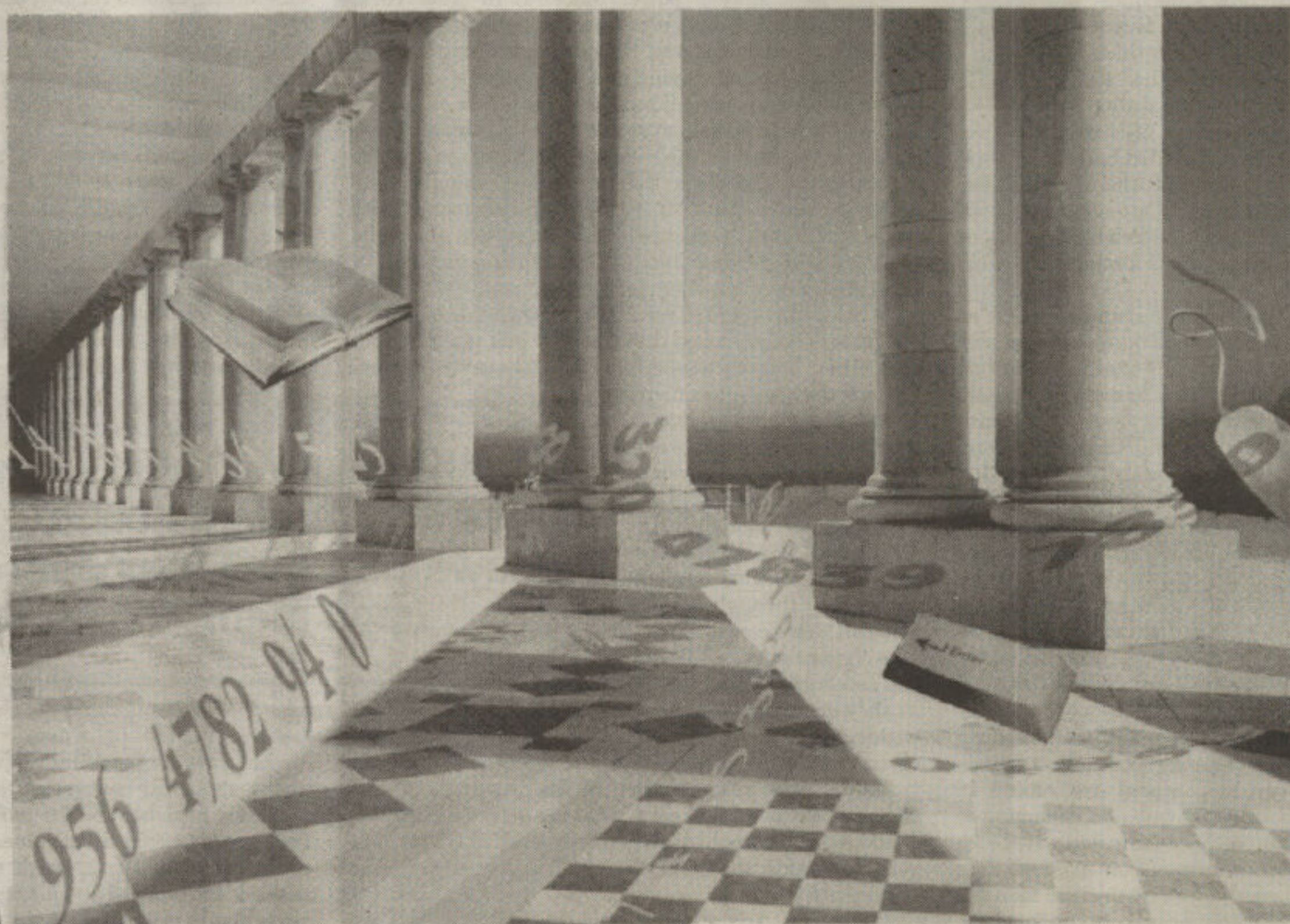
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Graduate Program Expands

continued from *International*, page 1

general atmosphere, the success of the reforms can be hard to measure. Yet there is evidence that the reforms have moved the graduate program towards the "culture of ideas" envisioned by Kennedy.

Empirically, the number of faculty members involved in the admissions of graduate students has increased from four to 28, the profile of the students has changed and diversified, academic counseling and teaching opportunities have increased and the graduate program has moved more into the mainstream of the

noticeably improved as compared to six years ago. He pointed to the increased importance placed on the Human Rights program, which "irrespective of nationality allows people to transcend limitations in the pursuit of common ideals," as a symptom of an intellectual climate with decreased barriers between cultures and between academic programs.

Although graduate students seemed to strongly favor the reforms and improved intellectual atmosphere of the graduate program, few wished to go on the record about what they thought the removal of Kennedy as the director would mean for them and for the program.

"[I]rrespective of nationality, [Human Rights Program] allows people to transcend limitations in the pursuit of common ideals. . ."

school as compared to six years ago.

Students in the program also seem to consider the changes as having been positive.

"The law school has obviously taken this matter seriously and has clearly initiated efforts to internationalize, much to their benefit," said Akhavan. "This is not the kind of thing which can be forced, but it is clear that barriers [between J.D.s, LL.M.s, S.J.D.s and faculty] are more broken down [than they were six years ago]."

"The graduate program has increased efforts to integrate, professors are more sensitive to the input which can be made by graduate students and the J.D. body is also more diverse, which also increases interaction," he said.

In Akhavan's view, this attitude was

When asked informally, however, graduate students affirmed that Kennedy treats students as intellectual colleagues and that he acts to break down the barriers within the law school and within the approaches to law.

"David Kennedy's personality is directly reflected in how the graduate program runs," said Korhonen. "You rarely meet a professor who is so diversified, so non-specialized. He's an internationally renowned authority on new approaches [to international law] but at the same time he's also on a first-name basis with his students."

"Under his leadership the graduate program has combined the best sides of American and European styles of post-graduate research: the discipline and the freedom," he said.

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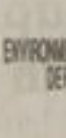


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JUST CAUSE

Almost An Island

By Carla A. Halpern '97

Record Columnist



OPPOSING counsel and I standing out in the hallway, arguing. He thinks my client should just drop the restraining order and trust in his client's good faith that he won't bother her anymore. His client wants to move back into the trailer park that he owns, which my client has possession of while the temporary order is in effect. He thinks his client has been generous in offering to pack up all her stuff and move it back to her parents' house. I tell him that I'll take that "offer" back to my client, but that I don't think she'll go for it. We snarl a bit more and then turn away from each other in a huff, back to the separate rooms where our respective clients are waiting.

I was right. She won't go for it. She doesn't trust her abusive boyfriend to pack up her belongings without breaking or ruining them out of spite. I'm trying to figure out how to explain this to the other attorney, when he stomps into our room. He proceeds to yell at my client. I instruct him to talk to me out in the hallway. I'm just a law student; he ignores me and continues to yell at my client. Ignoring every legitimate negotiating tactic, I play my only reliable ace: I stand up — 6' tall in high heels, a full head taller than he is. I am more than capable of physically moving him into the hallway if I have to. He gets the message and steps back into the hallway. I follow, closing the door pointedly. I manage to explain to him that he has no business yelling at my client and that she is perfectly reasonable in her fear of his client. He counters that his client is being kept out of his own trailer. That's the risk of being an abuser, I retort.

Later, he tells a social worker about "that little twit from Harvard who's trying to tell me how to run things." It's a small town. Word gets back to me and I rationalize that he's partly right: I am from Harvard and I am telling him how to run

I'm just a law student; he ignores me and continues to yell at my client. Ignoring every legitimate negotiating tactic, I play my only reliable ace: I stand up — 6' tall in high heels, a full head taller than he is. I am more than capable of physically moving him into the hallway if I have to.

things. Whether or not I am truly a "twit" is a matter of opinion. But then I think, "Wait a minute...where the heck does he get off calling me little?"

Presque Isle, Maine. No, despite the name, it's not on the coast. And it's not the type of place that comes springing to mind when one usually thinks of New England. Presque Isle is in central Aroostook county, a region so vast, so isolated, so full of personality and potato fields, that it is simply referred to as "The County" among Maine residents. Bumper stickers proudly proclaim that The County is "the way Maine used to be." In slightly less nostalgic terms, Aroostook County is about as rural and regressive as it gets in New England.

Rural means that Presque Isle, population 10,000, is one of the biggest cities in The County. Rural means five to seven hours north of Portland. Rural means Bangor is a major metropolitan area—a Southern city. When it comes to The County, rural means far enough north for truly crazy weather. Anyone who thinks a Boston winter is tough would probably not survive a summer in Presque Isle. June 21, 1996: I wore a wool suit to work in honor of the first day of summer. Another twenty degrees cooler and I might have needed a snow shovel.

Rural is also beautiful and will continue to draw me away from the cities. Regressive, however, is always a tragedy. Regressive means that every man has the presumptive right to beat his wife for any reason. Regressive means that, despite Maine's proactive domestic relations laws, a battered woman must prove near sainthood in order to obtain judicial protection.

In these small towns, everyone knows each other. And chances are that everyone is related. The same twenty surnames recycle themselves over and over. This makes it difficult for people to get help with "embarrassing" problems; and it makes it particularly difficult for women to escape abusive husbands and boyfriends. The arresting officer might be her husband's best friend. The town clerk who denies emergency assistance to a woman and her children might be her ex-mother-in-law. And, in a bizarre series of real-life scenarios, the judge who hears her plea for protection turns out to be the old hunting buddy of her husband's attorney.

Domestic violence — wife-battering and child abuse — are widely prevalent and rarely discussed. In rural settings, women and their children who live in these dangerous family situations are easily isolated from support systems, if they even know of the existence of support systems.

But there is a flip-side to the regressive world in which these women live: a woman's strength, whether physical, intellectual, or emotional, provides an element of surprise. In the form of a tall law student, it throws defense attorneys off balance. But the strength of the battered woman herself is the central story. She might dismiss the restraining order. She might go back to him again and again, believing his promises. And she might buckle under his threats, legitimately afraid for her life. The miracle is that sometimes she does not. In the form of a keen survival instinct, her strength is the connecting link of support systems; it is what keeps her from becoming an island.

And so I take my cue from these women. I'm not afraid of being perceived as an upstart troublemaker. And I'm never afraid to stand tall.

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Harvard Law School 2Ls and 3Ls

Resume and cover letter due by Friday, October 4, 1996

Interviews are scheduled for Monday, October 21, 1996 at the Charles Hotel, Cambridge, MA.

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Surprise!

By Rob Jancu '98
RECORD Columnist



This year's incoming 1Ls, like their 2L and 3L predecessors, received notification of Langdell Library's closure only once they had accepted Harvard's offer of admission. It is unlikely that many HLS applicants would be deterred from attending by the library's year-long shut-down, but it would seem that the administration must have fretted over it. Otherwise, it would have disclosed the news up front, when we still had offers in hand from other schools.

The surprise didn't irk me at the time, over a year ago. Now, however, it does, for as it turns out, it augured things to come.

This summer, as late as mid-August, 2Ls and 3Ls on financial aid received notification of the amount of support they would receive for this academic year. While returning students understand that their aid level will be adjusted to reflect their summer earnings, few anticipated the extent to which their grants would be reduced. At the same time, students were surprised to see that they were now recipients of an augustly titled "Harvard Loan." At eight percent interest, some feel that "The Harvard Loan" is as inflated as its name is bombastic. The federal government, in considerably worse financial shape than HLS, provides the Perkins loan at five percent interest; the Massachusetts Educational Financing Authority (M.E.F.A.) gives loans to students at 7.65 percent interest.

Students wishing not to add to their loan burden politely declined "The Harvard Loan." Moreover, sentiment is fairly uniform that precise notification of projected grant reduction is necessary in spring or early summer so that students may budget summer expenses accordingly. As one student remarked, "I would have preferred being consulted to being blindsided."

Another aspect of HLS life that confounds expectations is the trend toward even larger lecture classes in the cavernous halls of Austin and Pound. Dean Clark mentioned during my 1L orientation that reducing class size is a priority of his administration. His ambition is shared by the Legal Education Committee, chaired by Professor Parker. Students are all in favor, as surely are alumnae, since bloated class size, as

The administration needs to stop springing surprises.

much as any other factor, leaves HLS ranked second behind Yale in the annual U.S. News and World Report beauty pageant. More importantly, mammoth class size deters many of the brightest applicants from attending HLS, as Stanford and Yale have twice the faculty per student as Harvard. HLS has just completed a wildly successful fundraising drive, and presumably the money is there to act on the administration-student consensus. Yet the size of 2L Basic Courses actually rose this year to unprecedented levels of tumescence. Surprised?

Why is class size out of control, despite the presence of the will and the wherewithal to reduce it? Dean Clark plans to push the number of tenured faculty from 71 to 75 (these figures include full, associate, and assistant professors, and exclude professors emeritus and clinical instructors). That hiring will help, but if we want our student-faculty ratio to be competitive with those of the other top-tier schools, we should be thinking in terms of increasing faculty from 71 to, say, 130!

In addition, there is an acute lack of classrooms at HLS. Associate Dean Rakoff, Registrar Kane, and Registrar's Assistant Kimberly Hughes perform miracles getting everything to fit. But as we work toward achieving smaller class size, the physical plant will have to be expanded. Unfortunately, the current dismantling of Langdell North Middle and the annexation of its square footage to the renovated Langdell Library significantly reduces classroom space. As classes get larger and class space gets scarcer, class offerings get leaner. Two years ago, HLS students had 197 classes to choose from; this year, 176.

Another contributing factor in this decline is the phenomenon of professors not teaching 10 credits worth of classes per year as they must. In fact, tracking the units taught by each HLS professor over the last three years reveals that while 26 professors either teach 10 or more units every year or on balance per annum over three years, 35 professors teach less than 10 units on balance per year over three years. (Eight professors were on leave for all or parts of two of those three years and thus their hours could not be tallied; one professor who just joined the faculty is teaching 10 units.) These figures are generous, since many classes are taught by two or more professors in rotation, yet I have attributed the full number of class credits to each participating professor. Surprised? Shocked?

HLS has the endowment and the scholars to be peerless as an institution of legal education. We have the world's largest law library (Columbia Law ranks a distant second with a library half the size of ours; Yale weighs in a pale fourth). The size of our faculty in absolute terms means an array of course offerings and clinical programs unrivaled by the other top schools (the HLS catalogue contains descriptions of 268 courses offered in each or alternate years; Stanford's catalogue contains 152 course descriptions, and Yale contains 141). Our LL.M., S.J.D., and ITP graduate programs are by far the most developed anywhere, and have earned Harvard a reputation as the best international law school. For these reasons and others, I feel extraordinarily privileged to be here, and unreservedly recommend HLS to prospective 1Ls over all other law schools.

Yet to achieve unequivocally pre-eminent status, HLS needs to do more than reduce the 26:1 student-faculty ratio to Stanford and Yale's 13:1 ratio. The administration needs to stop springing surprises. One aspect of law school life which often figures as a criterion in national rankings is "student satisfaction." More demoralizing than large class size is being told that class sizes will shrink yet they expand; more frustrating than a poor student-faculty ratio is finding out how it is exacerbated by hushed-up faculty non-compliance with teaching load requirements; more galling than a precipitous cut in one's financial aid is learning about it too late to budget around it. The tardy notification we received, when matriculating, about the library situation, prompts student wariness of the administration's dealings with us before we even arrive.

While improving the student-faculty ratio will take years, the administration can rapidly assuage the widespread feeling that it is often trying to put one over on us. The method is surprisingly easy: a little more consultation, a little less blindsiding.

Character and the Presidency

By Judd Serotta '97
RECORD Columnist



As long as American political figures have been fallible, there has been a debate over whether a president's personal character is relevant to evaluating his suitability for office. And if you poll the American people, asking them, "Does the President set a moral tone for the nation?" most will answer in the affirmative. And if you ask them "Is the President's personal character important?" they will also answer in the affirmative. Indeed, they will often list character as the most important attribute in a president.

So, then, the hackneyed question follows, "If the election is held today, who would you vote for?" and the answer is overwhelmingly "Bill Clinton." Then, if you ask, "Which candidate has the stronger character?" the answer is "Bob Dole." How can we reconcile these views? And, as a side note, how can we reconcile supporters of Jimmy Carter — who agree that his presidency was extremely flawed. But say he was a "good man" — as the same supporters of Bill Clinton, who is usually not described in the same respectful terms?

By all indications, Bill Clinton will win re-election in a landslide, or at least by some significant amount. And since, the cliché goes, presidential elections are a referendum on the incumbent, it is fair to ask what that support for Bill Clinton will say about the American people, and their view of politics. In the past, we have elected presidents whom we felt represented the best aspects of America; the president was our link to the outside world. For many foreign people, "America" is literally defined by the person of the presidency. This truth is not a newly-fashioned Republican "attack." But a quick examination of our history shows unequivocally that our greatest political figures were far different from Bill Clinton (or at least they appeared so to their contemporaries).

Every child knows the apocryphal tale of George Washington who, upon chopping down his father's favorite cherry tree, "could not tell a lie." Abraham Lincoln was recognized even by his fiercest detractors in both law and politics as "Honest Abe." Franklin Roosevelt, who surely had character flaws, was regarded in his time as a person of the "ruling class" of America: his was one of the wealthiest, blue blood families of America, and as such he was presumed honorable by the outmoded ethics of his day. Ronald Reagan was revered, or at least respected, by Americans in his age because he was true to his word, he was determined, and he was fiercely optimistic. All of these beloved political figures are examples of men whom America was proud to have represent us to ourselves and to the world as "America." We did not mind that Roosevelt was part of the dreaded top 1% of income earners, and we did not mind that Reagan was an "old" President. They were men of perceived character.

Bill Clinton is not widely regarded as a figure of great character. It is well known that his reign in Arkansas was characterized by a great deal of official and unofficial "sleaze," whether it was illegal or not. He has admitted to multiple cases of adultery. He has admitted to smoking marijuana, not inhaling, but wishing he had (his answer, I assert, is more reflective of his character than his experimentation with marijuana in the 1960s). It has been established that he (probably illegally) evaded the draft in a country where law, not one's view of American foreign policy, is purported to be king. He is well-reputed to be a figure with a severe temper who incessantly blames others (especially his wife) for his own failures. He has been accused of sexual harassment (though of course he is innocent until proven guilty), invasions of privacy, countenancing significant drug use among his closest associates all the way up to Inauguration Day, and obstructions of justice.

Now, I do not assert that each of these allegations are true or that individually they disqualify him from serving as our president. Nonetheless, the remarkable thing is that Americans' response to these facts is in large part, "We know he's not trustworthy, that he is dishonest, and that many of those allegations probably are true, but we will vote for him anyway." In addition, we are told, it is unfair for Bob Dole to raise questions about the President's character, even though character is important in a president. Apparently, Americans have come to believe that they do not deserve better. Faced with a genuine alternative — a hero of World War II who nearly died and is permanently and seriously maimed because of service to his country, a person who served as leader of his party for longer than any figure in the twentieth century and commanded the respect of nearly all with whom he came in contact, who spent his life in public service with nary a shroud of ethical questions — we will re-elect this President.

Sadly, President Clinton has performed the ultimate act of, in the words of now-Senator Daniel Patrick Moynihan, "defining deviancy down." He has spent four years implicitly attempting to convince us that it is not just he, but all politicians, who are corrupt. All politicians are unfaithful to their word, and merely do what is pragmatic for re-election, we are told. Well, the history books say that is not so. And our recent memory tells us that is not so. Truth be told, we are falling for the candidate who has the better telegenic personality. It has nothing to do with vision, because no President has been so visionless in recent history. We are falling for the President who has told us not to trust in the leaders of our body politic. And that is a sad commentary on the state of the American moral compass.

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