



Margaret Ng speaks on impending Chinese takeover of Hong Kong
RECORD Photo / David Liu

Rule of Law Must Continue in Hong Kong, Says Legislator

By David Liu

When most politicians visit a foreign country, they look for flashbulbs and microphones. But when Margaret Ng — Chair of the Hong Kong Legislative Council's Panel on the Administration of Justice and Legal Services — visited Boston last week, she was "keen on talking to lawyers instead of the press." As China's assumption of administrative control over Hong Kong in 1997 fast approaches, "lawyers have to make sure that the rule of law continues in Hong Kong," Ng said.

"The system of law in China

is absolutely different from the system in Hong Kong," said Ng, who spoke last Thursday at an informal roundtable sponsored by East Asian Legal Studies. "When the two systems come together, it's difficult to see how the Hong Kong system can continue without safeguards," she said.

Ng said that two documents currently safeguard individual rights in Hong Kong after 1997 — the 1984 Sino-British Joint Declaration, which lays out a blueprint for the transfer of power in Hong Kong from Great Britain to China, and the 1990 Basic Law, which sets forth the

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Administrators Mum on E-Mail Forgery Investigation

Ad Board Refuses to Charge One Student Involved

by RECORD Staff

Two weeks after a series of fraudulent e-mail messages were sent to HLS students, administrators continue to refuse to comment on their success in finding the person or persons responsible for the violation of HLS policy. Not a single administrator commented on the matter, including Dean of Students Suzanne Richardson, Administrative Dean Sandra Coleman, Information Technology Services (ITS) Director Susan Vik, and ITS User Services Director Jane Sulkin.

However, the RECORD has learned that the Administrative Board has refused to bring charges against Tymothy MacLeod '97. MacLeod was the victim of the e-mail forger, and then posted a series of forged messages of his own in an attempt to clear his name.

MacLeod declined to comment on the situation, saying, "I'd rather not comment on it until everything is absolutely, one hundred percent cleared up."

Law School Council (LSC) Vice-President Rob Jancu '98 said that "tracing the person who did the forgery should not be much of a technical difficulty since Information Technology Service maintains all general user-related data."

LSC President Chip Nierlich agreed, and said he believed that it would be wise for administrators to communicate with students.

"It is my understanding that it shouldn't be that difficult for ITS to figure out who is responsible for the fraudulent e-mails," Nierlich said.

"ITS should point it out if they are able [to catch the forger] because it would stem the tide of fraudulent e-mailing," he said.

Students Dissatisfied with HLS Diversity, According to Controversial Study

Deeper Problems Also Emerge Over Administrative Detachment From Student Concerns

By Jacob M. Appel

The results of last year's controversial "Survey on Diversity at Harvard Law School" are finally available, and they indicate strong student dissatisfaction with the current make-up of the Law School faculty.

Eighty-three percent of the students responding to the survey disagreed with the statement that "the number of women of color on the HLS faculty is adequate" and a majority of the respondents felt that the number of women and minorities teaching at HLS was inadequate. The results, appearing exactly five years after the 1991 protest against university hiring practices, are an indication that the role of women and minorities on the HLS faculty has improved little over the last few years.

The survey was conducted by the Coalition for Civil Rights (CCR) last May and produced nearly 450 responses. Although all students and faculty were invited to participate, CCR's methods drew fire from several conservative student groups.

"The survey indicated that many students feel that the area of faculty diversity is a glaring problem that needs to be addressed," explain Sonia Banerji '98, CCR co-chair.

"We obtained a wide range of opinions ... but the surveys reflected a substantive consensus on the lack of faculty diversity," she said.

Banerji noted that five years ago, Professor Derrick Bell took a leave of absence to protest the dearth of African-American women on the tenured faculty; at that time, nine students conducted a sit-down protest in Griswold Hall in an effort to pressure the administration into hiring more diverse faculty. Five years after the "Griswold Nine" protest, there are still no tenured African-American women on the faculty.

CCR co-chair Rudy Reyes '98 attempted to explain why in his opinion matters haven't improved. "My experience here has been that most students are unintentionally apathetic; they're very busy with their own personal things ... or they're resigned to the belief that nothing will move this administration."

Reyes was even more direct in his assessment of administrative efforts to rectify the problem. "Frankly, I don't think Dean Clark cares at all ... he cares only to the extent that there's pressure, that alumni contributions will increase or decrease."

Prof. Robert Mnookin '68, the new chair of the Laterals Appointment Committee, said he believes diversity is an important issue and said he would withhold comment until the committee has its first meeting on Monday.

Reyes said he has become frustrated with the committee's inability to act. Reyes said he met with Mnookin last year when the professor was a member of the committee and Mnookin "pushed all the right buttons and said he supported diversity" but nothing ever came of it. Reyes and Banerji promised "direct action" in the future that could include panel discussions and going directly to members of the hiring committee to voice their concerns.

The survey generated con-

troversy last year when it drew criticism from The Federalist Society, the HLS Republicans and several other conservative campus groups who claimed that the survey questions were biased. A letter to the RECORD signed by A. Louise Oliver '97 and eight others argued that the survey "contained ambiguously worded questions so that respondents could not be sure of the significance of their answers."

According to the letter, "One of the questions asks for a statement of agreement or disagreement with the proposition: 'The HLS faculty is ideologically diverse.' We're sure CCR and its supporters think that the faculty is not ideologically diverse enough, and we happened to agree with them on this point. The only difference is that they believe liberal viewpoints are not well represented, while we believe that conservative viewpoints are under-represented."

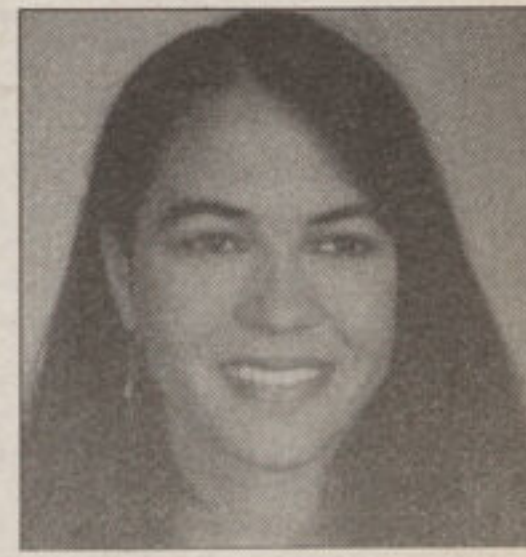
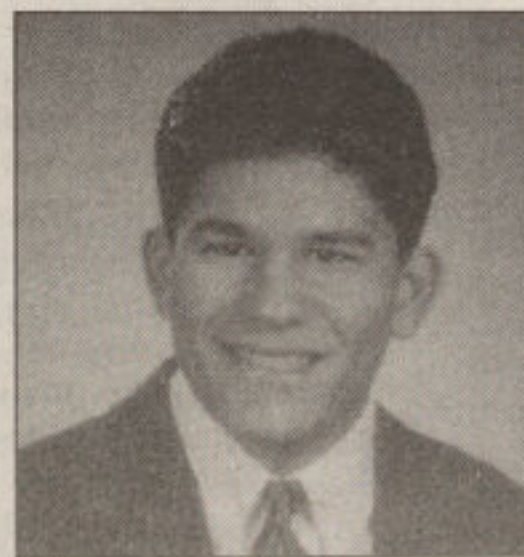
"The way the questions were framed produced a bias in terms of who returned the survey," said Dan Schorr '98, president of the HLS Republicans. "The survey was clearly biased toward supporters of affirmative action and other forms of racial discrimination."

Schorr argued that scholarly abilities, rather than skin color, gender or sexual orientation, should play a decisive role in the hiring process. "The Law School has not hired an openly Republican professor in twenty years," he explained. "We really need to focus on obtaining an ideologically diverse faculty."

Although Schorr believes that a predominant portion of the faculty is ideologically left-winged, he conceded that many manage to teach their courses impartially. "Our concern is not with the results of the survey, but with the questions asked," he said. "We believe that these categories [of race, gender, and sexual orientation] should be irrelevant to hiring."

In response to last year's letter and recent criticism, Reyes

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Rudy Reyes '98 and Sonia Banerji '98, co-chairs of the Coalition for Civil Rights

HARVARD LAW RECORD

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TWENTY CENTS

Students Give \$12,000

McGovern Sweeps Poll With 83%

By Bob Brown

Senator George McGovern scored a stunning landslide victory over President Richard Nixon in a RECORD straw ballot of students and faculty conducted earlier this week.

With more than half of the Law School students voting, McGovern outpolled the incumbent by more than five to one, 698 to 131. Of 38 faculty members responding to a direct mail poll, 34—just under 90 per cent—

voted for McGovern. (Table IV.)

Perhaps even more significant than the overwhelming vote for the South Dakotan were the figures on campaign contributions. While only 11 per cent of the students voting for the President reported donations to his campaign, 57 per cent of those supporting the man who calls himself the candidate of the "People's Party"

gave a total of more than \$12,000.

Thirty of the 34 McGovern voters on the faculty reported that they had donated to his campaign. The contributions of the 24 who revealed the amounts of their gifts totaled \$4055. There was one contribution of \$1,000 and 13 others of \$100 or more.

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Computer's Misfiring Disrupts Firm Hiring

By Paul Weiner

The interviewing season, always an exhilarating time of year for the Law School's 2Ls and 3Ls, has this year taken on a new degree of excitement as students try to second-guess a misfiring computer program to figure out which appointments will be lost, transferred, assigned to two different people, or forgotten until after they were supposed to occur.

Meanwhile a tightening job market has failed to produce jobs for most of the 106 2Ls who tried to avoid the interview jungle by

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Nader Raider Mark Green Unveils Profiles of Bay State Congressmen

By Daniel M. Taubman

The lives of virtually every Congressman and Senator—some 480 altogether—will be exposed to public scrutiny starting Sunday as Phase II of consumer advocate Ralph Nader's two-year study of Congress gets under way.

Profiles of 24 to 32 pages of every Senator and every Congressman except those retiring or not running for re-election this year will be distributed nationally as part of Nader's most ambitious effort to date.

Mark Green '70 described the Congress Project and released copies of profiles of Massachusetts Congressmen at a press conference yesterday in the Pound building sponsored by the Harvard Law RECORD.

The first phase of the Congress Project was a paperback, *Who Runs Congress?*, issued three weeks ago, and written by

Green, David Zwick, 3L, and James Fallows, a former President of the *Harvard Crimson*.

In addition to Green and Zwick, other graduates of Harvard Law School played an im-

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Charles Soberman
"Paper Chase" director confers with student extra. Read all about it on Page 16.

McGovern Overwhelms Nixon in Poll

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One professor listed his contribution as "\$150 and going up."

The tabulated vote showed McGovern with 82.7 per cent of the total vote compared with Nixon's 15.5 per cent. (Table I.) Other vote-getters included Curtis LeMay; one W. Wood, who was thought by veteran RECORD political observers to be either Wilbur or Willie; and a Bok-Cox ticket.

A 1968 RECORD straw ballot taken at a point in time about a week later in the campaign than the current poll showed then Vice President Hubert Humphrey leading candidate Nixon by 76.5 per cent to 20.7 per cent.

Table I.				
Student Vote Totals				
	McGovern		Nixon	
Votes ¹	698	82.7%	131	15.5%
Worked for				
Candidate	250	36% ²	32	24% ²
Donated				
Money	400	57% ²	15	11% ²
Amount				
Donated	\$12,508		\$214	

¹Other candidates: 15 votes (1.8%).

²Percentage of those voting for particular candidate.

Most of the student contributions to the McGovern campaign were in the \$25 range, although one student reported giving \$3,000. Nixon's campaign contributions were \$214. While acknowledging that they had given, many students of both parties refused to disclose the amount of their contributions. Thus, the

actual amount of the total contributions may be greater than that shown in Table I.

Table II. Students Voting by Party		
	McGovern	Nixon
Democrats (468) ²	441	27
Independents (278) ²	233	45
Republicans (83) ²	24	59

Table III. Voting by Class		
	McGovern	Nixon
1L (298) ²	254	42
2L (310) ²	267	39
3L (238) ²	177	50

²Numbers in parentheses represent total voting in each category.

McGovern reversed the apparent pattern on the national level of Democratic defections, picking up votes from 94 per cent of those students who identified themselves as Democrats. (Table II.) In addition he made significant inroads into the Republican electorate, garnering 29 per cent of the vote from a group previously thought to be solid for the President.

Both faculty and students showed a marked preference for giving their dollars in lieu of their time to the candidate of their choice. Among the faculty, 31 gave money, but only 15 found time to work on behalf of their candidate. Of 844 student voters, 415 were financial contributors, 282 were workers.

The number of voters was considerably greater than the 500

who turned out for the RECORD poll in 1968, when many students felt that the two candidates offered them no choice. Only a tiny handful of voters in the current election opted for splinter candidates or indicated on their ballots that they found no candidate acceptable.

Table IV. Faculty Vote Total		
	McGovern	Nixon
Votes	34	4
Worked for		
Candidate	14	1
Donated		
Money	30	1
Amount		
Donated	\$4055	—

The Law School community is heavily Democratic. Of the student voters, 55 per cent consider themselves Democrats, while ten per cent claim G.O.P. affiliation. Thirty-one responding faculty members identified themselves as Democrats, four as Republicans, and three as independents.

The voter turn-out was considerably lower in the third-year class than in the other two. (Table III.) The 3Ls gave Nixon 21 per cent of their vote, his highest percentage among the three classes.

Table V. Faculty Voting by Party		
	McGovern	Nixon
Democrats	30	1
Independents	2	1
Republicans	2	2

24 Years Ago in the RECORD...

Diversity Study Finds Widespread Dissatisfaction

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stated the he "commend[s] the Federalists and Republicans for expressing their concerns in a legitimate forum," but believes that it would be impossible to design a survey entirely free of bias. He said the entire Coalition met for several hours last year to try to produce as impartial a survey as possible.

Written responses indicated that at least a sizable portion of those individuals who did choose to respond to the survey sympathized with the CCR's positions. One student observed that "it's an absolute disgrace that we do not have a permanent faculty member teaching feminist jurisprudence." Another wrote, "This campus would benefit greatly from openly homosexual and bisexual faculty. It would change the whole climate of the school."

On the other side of the debate, responses included the observations that "affirmative action is for cry-babies," and "please stop admitting sub-par students solely on the basis of color." Some students also expressed a desire for more conservative faculty members.

Beyond the issue of faculty diversity, the survey revealed that many respondents felt that students have too little of an impact on the Administration's decision-making process. Sixty-seven percent of the respondents felt that "students should have a voice" in faculty hiring, forty-one percent felt students should play a role in admissions decisions and eighty-six percent believed that students should have influence in the development of the curriculum.

Thirty-seven percent of the respondents agreed with the statement, "In class, women are treated differently from men" and forty-eight percent of the students disagreed with the claim that "The HLS student body is supportive of lesbian, gay, and bisexual students."

According to Reyes, CCR has no intention of mounting a planned civil disobedience campaign to draw attention to the issue of faculty diversity.

"I celebrate the 'Griswold Nine,'" Reyes said. "But I believe that their action was spontaneous. We have no plans for [disobedience]. All of our planned efforts are perfectly legal."

In Their Own Words

Student Comments on the Diversity Study

HLS Faculty

"It's an absolute disgrace that we do not have a permanent faculty member teaching feminist jurisprudence."

"The faculty is dismally white, straight, male."

"We don't need any of these people — they're no better teachers. Affirmative action is for crybabies!"

"The faculty is not ideologically diverse — there is a liberal orthodoxy so that even the few 'conservatives' here must always be watching their tongue."

The Curriculum

"We pay an awful lot for not having a say in the course selection."

"I am angry and disappointed that I spend \$35,000 a year on a school which cannot guarantee me the courses I want."

"HLS is a scam. It attracts some of the best students in the nation with its prestigious name and then gives us a second-rate education and little voice on how to improve it."

Administrative Responsiveness

"I think the administration is unresponsive towards students and out-of-touch with students."

"This place is too bureaucratic and non-responsive to the substantive needs of students."

"The inmates should run the asylum."

WEST BAR REVIEW

FREE LIVE M.P.R.E. REVIEW

for the Nov. 8, 1996 exam

Tues., Oct. 22, 1996

6:30-10 pm, Hauser 104

Video replay Mon., Nov. 4, 6:30-10pm, Pound 100

The lecture will be presented by Jon Strauss '84 of West Bar Review.

Remember you must register for the exam itself separately. Please stop by the West Bar Review table for the appropriate forms which must be postmarked no later than October 11 or late fees apply.

I wish to attend _____ LIVE Oct. 22, 6:30-10pm _____ VIDEO Nov. 5, 6:30-10pm

_____ Please enroll me in the MPRE review. I am enrolled in West Bar Review and have \$75 on account.

_____ Please enroll me in the MPRE review AND the West Bar Review course for the state of _____. Enclosed is my \$75 registration deposit.

_____ Please enroll me in the MPRE review ONLY. Enclosed is my \$75 tuition which may later be applied to my West Bar Review account should I later decide to enroll.

_____ Please bill my law firm. FIRM NAME _____

ADDRESS _____

NAME _____ PHONE _____

ADDRESS _____

SCHOOL _____

Payment Method _____ Check _____ MC/VISA# _____ Exp. _____ Amt. _____

Human Rights in Jeopardy in Hong Kong

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law of Hong Kong as a Special Administrative Region of China. However, she noted that the people of Hong Kong had no say in the drafting of either document and that numerous problems exist with the interpretation of the documents.

"Article 158 [of the Basic Law] puts the power of interpreting the Basic Law in the [National People's Congress] Standing Committee," she said. "Instead of courts having that power, the ultimate power of interpretation is in the Committee ... which has no [legal] expertise."

Ng also criticized the absence of checks and balances in the wake of China's decision to abolish the Legislative Council and to replace it with a provisional legislature whose 60 members will be elected by a mere 400 people.

"The money and manpower are in the hands of the [appointed] executive. China got rid of the [Legislative Council] which had some extremely critical members. The intention is so that you have a compliant legislature so the executive can do whatever it likes," she said.

Another one of Ng's concerns is Article 23 of the Basic Law, which requires the Hong Kong legislature to enact laws prohibiting treason and "subversion against the Central People's Government."

"The law is understandable," said Ng, "but it's very important how you frame it."

In response to critics of increased democracy in Hong Kong who have argued that it is unthinkable that China would harm Hong Kong's economy, from which China benefits, Ng responded with two points. First, she noted that although the economy is very important, China is most concerned with political control of Hong Kong. Second, she commented that "the moment you tighten political control of the press and the courts, you will have corruption which will hurt the economy."

"Without a balanced government, it's difficult for Hong Kong to maintain its autonomy. The system of the Mainland will come to Hong Kong, change [the Hong Kong] system and hurt the economy," she said.

BRIEFS



New California Bar President Blasts Lawyers' Ethics

The public won't regain respect for the legal profession until lawyers clean up their ethics and dedicate themselves to justice, the new president of the California Bar said last week.

In unusually pointed remarks, Long Beach attorney Thomas Stolpman told delegates to the Bar's annual convention that many lawyers have abandoned ethical standards during the last two decades.

"When the public looks at our profession, they are not seeing lawyers who are committed to true justice," Stolpman said. "They are seeing lawyers who are committed to winning at any cost. ... Is it any wonder that we have lost the respect of our fellow Americans?"

"Some lawyers use lawsuits as bludgeons, rather than a means to resolve disputes, then explain that, as they say, the ends justify the means. Lawyers behave uncivilly, and gloat about how they intimidated others."

Public respect, Stolpman said, requires "commitment to true justice, not compliance with minimum standards. Only when we make that commitment can we hope to be seen as guardians of the law, not simply as technicians and mechanics."

— from the Associated Press

Student Coalitions Protest U.S. News Ranking System

Nick E.S. Thompson, vice president of Stanford's student government, leads a coalition of students from universities across the country attempting to force U.S. News and World Report to abandon or fundamentally alter its annual ranking of colleges.

According to Thompson, the protest resulted from the belief that the U.S. News rankings exert immense influence over prospective students and employers even though the ranking's methods are unduly subjective. Moreover, Thompson claimed that universities often make administrative decisions with the rankings in mind rather than how much the changes will improve the schools.

Jedediah S. Purdy, a Harvard undergraduate contacted by Thompson, has urged the Harvard Undergraduate Council to introduce measures that would withhold information from U.S. News until the magazine reforms its ranking system. Purdy said the key demand is for U.S. News to list its top schools alphabetically rather than by the aggregate scores reached by the survey.

Students groups at Yale and Princeton, two universities that were ranked first and second respectively in this year's U.S. News rankings, expressed interest in joining the coalition.

New York Mayor Giuliani Announces Lawsuit Over Anti-Immigration Bill During K-School Speech

An audience of more than 600 gathered at the Kennedy School's ARCO Forum last week to hear New York Mayor Rudolph Giuliani defend immigrants and criticize proposals to limit benefits to legal immigrants.

The mayor of America's largest "melting-pot" cities, Giuliani said, "The threat posed to immigration by the federal government is really a threat to the future of the country."

"Immigrants come in with a desire to succeed and promote a spirit of prosperity," he said. "The poor ignite the fire of progress in America."

Giuliani used the forum to announce a lawsuit filed by the city of New York aimed at striking a provision of the recently-signed federal welfare bill that orders local governments to block illegal immigrants' access to social services such as public education and health care.

Giuliani said that provisions of the welfare bill were unconstitutional because they directly conflict with the mayor's Executive Order 124, which gives rights to illegal immigrants and their children and excludes the involvement of the Immigration and Naturalization Service.

"The mayor is exercising constitutional police power by signing this order, because he is providing for the health and safety of the community," Giuliani said.

"It is unconstitutional for the federal government to overturn this," he said.

— from the Harvard Crimson

Harvard to Begin Anonymous HIV Testing

Harvard University Health Services (UHS) announced last week that it has reversed a long-standing policy against offering anonymous HIV testing.

Beginning Nov. 11, students can call UHS to make appointments for anonymous testing and counseling. UHS currently offers confidential testing, but students had expressed concern that such testing does not protect students from discrimination by employers and health insurance companies.

The change in policy follows a decision by the Massachusetts Department of Public Health (MDPH) to limit publicly-funded anonymous antibody testing to high-risk individuals, an estimated 34 percent of those utilizing MDPH's testing service. Harvard administrators, fearing students' access to off-campus testing would be limited by MDPH's decision, decided to make the option available on-campus.

"Students have to know that these services are out there," said Rachel E. Silverman '96-'97, co-president of AIDS Education and Outreach. "We are going to work to publicize the testing so that students use it."

— from the Harvard Crimson

Edwin Meese, III Speaks at HLS about Federalism

Former U.S. Attorney General Edwin Meese, III spoke at the Law School last week to a crowd of about 60. Meese, a former professor, spoke at length about the importance of federalism to our legal system, and about the importance of judicial restraint. He argued that the Supreme Court has abandoned its role as the protector of the framers' Constitutional design but instead has given in to the temptation to improperly interfere with purely political matters such as abortion. The result, Meese said, was that too many citizens seek change through frivolous lawsuits rather than through the democratic process.

Student questions focused on whether Meese's calls for judicial restraint and increased attention to federalism were inconsistent. "If courts should let democracy function without judicial interference," one student asked, "why shouldn't they let the people elect representatives who don't appreciate the framers' design?"

The speech was sponsored by the Harvard Federalist Society.

THIS WEEK IN LEGAL NEWS

Supreme Court To Reconsider First Amendment Rights For Abortion Protesters

By Hal Poret

Following a controversial injunction issued by the Western District of New York limiting certain conduct outside abortion clinics, the Supreme Court will hear oral arguments this week regarding the free speech rights of abortion protesters.

The petitioners in *Schenck v. Pro-Choice Network of Western New York* are challenging three provisions of an order enjoining abortion protesters from "harassing" and "intimidating" clinic patients. The preliminary injunction (1) created a "fixed buffer zone," forbidding petitioners from "demonstrating" within 15 feet of any entrance or driveway of any abortion facility; (2) created a "floating bubble zone," which prohibits "demonstrating" within 15 feet of "any person or vehicle" coming to or going from any abortion facility; and (3) allows no more than two people to enter these various zones in order to engage in "sidewalk counseling consisting of a conversation of a nonthreatening nature."

The challenged injunction also states that, if anyone being counseled "indicates, either verbally or non-verbally, that they do not wish to be counseled," the counselors must "cease and desist from such counseling" and thereafter abide by the 15-foot zones.

This case will provide the Court an important opportunity to clarify its 1994 abortion protest ruling in *Madsen v. Women's Health Center*, which has been inconsistently interpreted by the lower federal courts. In *Madsen*, the Court upheld a 36-foot buffer zone around a single abortion facility.

The Court rejected the argument that injunctions on speech-related conduct in the abortion context should be judged under a "reasonable time, place and manner" analysis, instead opting to use the more strict standard of whether the injunction burdens "no more speech than necessary to serve a significant government interest."

In *Schenck*, the Second Circuit Court of Appeals upheld the challenged provisions, because they were content-neutral, and burdened no more speech than necessary to further the government's interests.

Petitioners, who represent various "right to life" organizations, argue that the "fixed buffer zone" provision is not narrowly tailored enough to justify such a serious limitation on freedom of speech in what they characterize as a "public forum." Respondent, an organization dedicated to maintaining access to abortion, argue that the egregious pattern of conduct of the abortion protesters demonstrates the necessity of the contested buffer zone.

The idea of a floating bubble zone, which moves with pedestrians and vehicles, creates an interesting and novel question for the Court, which has never considered the constitutionality of such a provision. The floating zone creates the danger of a total ban on speech, leafleting and picketing in the vicinity of an abortion clinic because it requires protesters to clear the area when pedestrians move closer to them. Petitioners insist that this provision fails the *Madsen* test by restraining more speech than is necessary to support the governmental interest in providing access to abortion.

Respondents contend that a floating zone of personal privacy is medically necessary to avoid placing stress upon those who are about to undergo a medical procedure. This argument, advanced by respondents and various amici, suggests the necessity of a "health" exception to the First Amendment, whereby freedom of speech could be limited in situations where a person's physical health could be negatively affected by certain messages or expressive conduct.

The "cease and desist" provision also implicates several important First Amendment doctrines. By allowing anti-abortion speech to be made only by consenting individuals, the injunction arguably imposes an unconstitutional "audience-consent" condition upon the exercise of constitutionally protected speech. Respondents counter this view by stressing the "captive audience" doctrine, under which the Supreme Court has approved limitations on speech where the audience's hostility to the speaker and/or his message creates a serious threat of a breach of the peace. Respondents suggest that abortion patients' "medical need" to have access to the abortion facility makes them a captive audience.

The pro-choice groups also raise an additional interesting constitutional issue by asking the Court for the first time in the modern era of First Amendment law to place the right to be free from unwanted speech on equal footing with the right to speak in public fora. Though the Court has never recognized such a right of a constitutional nature, it has allowed the government to provide statutory rights to be free from some types of speech in certain situations, such as obscene or sexually harassing speech.

Numerous other arguments and issues are also raised by the 17 amicus briefs that have been filed by various organizations in this case. Among the most prominent is the AFL-CIO, which is arguing for the First Amendment right to make emotional appeals designed to cause the listener to feel shame and social ostracism.

Almost never in the history of American jurisprudence has the Court upheld such a broad injunction that could go as far as prohibiting peaceful, non-threatening speech outside a business facility in the absence of a showing that access to the facility is being obstructed. In addition, since *Roe v. Wade* established abortion as a constitutional "fundamental right," pro-life advocates have little room to effect change through the political process, and are therefore dependent on their ability to effect social change through public speech. The fact that an injunction limiting protest outside of abortion clinics could deprive pro-life advocates of their only significant forum for speech should therefore be an important factor in the Court's consideration.

However, the Court must also take into account the need to protect the government interest in maintaining safe and private conditions for those attempting to exercise a constitutional right. Sometimes the line between peaceful protest and physical intimidation is difficult to draw and an injunction may need to be somewhat overbroad to adequately protect those seeking access to abortion facilities. Considering the powerful historical protection for politically charged areas of speech, there is a strong possibility that the Court will find the injunction is not narrowly tailored enough to avoid the dangerous blow to First Amendment doctrine. Regardless of the result, the Court's decision will rest on the difficult challenge of balancing the free speech rights with constitutionally-safeguarded rights of access to abortion.

Across the Wire ...



This Week, Reports From California

White Jurors Favored in Simpson Case

SANTA MONICA, Calif. (AP) — White jury prospects in the O.J. Simpson wrongful death trial had more success than blacks in convincing the judge they could set aside their biases, an analysis of the jury pool shows.

Superior Court Judge Hiroshi Fujisaki allowed into the pool 69 percent of the questioned jury candidates who declared Simpson was "probably guilty," but only 21 percent of those who considered Simpson "probably not guilty."

In so doing, the judge favored white jurors: Those who chose the "probably guilty" position were overwhelmingly white, along with the few Asian jurors questioned. The jurors who said Simpson was "probably not guilty" were nearly all blacks.

Most of these positions reflected the jury prospects' initial, gut reactions placed on a questionnaire, and the judge didn't decide whether to dismiss them until after they were questioned by lawyers and, in some cases, the judge himself.

"On the face of it, it seems like there's some percentage of unexplainable eliminations along racial lines,"

said Southwestern University law professor Robert Pugsley. "But it also seems (as if) the judge put a premium on people who could express things in terms that this particular judge finds satisfactory, and that may favor more formalistically educated individuals or people more familiar with court jargon."

Indeed, the judge himself often would explain his acceptance of a juror with strong feelings, pointing out that person's intelligence, articulate speech and ability to separate an opinion based on spotty news reports and office gossip versus one based on evidence and testimony in a court of law.

Fujisaki has let in some black jurors who appeared to him to have met this test, including a man who said he believed that white society is unable to accept a black man's acquittal and a woman who said she believed "in my heart" Simpson was innocent.

Still, the 102-person pool created last week after a round of questioning about publicity contains considerably more "probably guilty" leaning jurors — 38 percent — than "probably not guilty" prospects at just 6 percent.

The biggest category of jurors are

those who indicated they weren't sure what their opinions were or who had virtually no opinions at all — a group that makes up 48 percent of the pool. This block is split about evenly between blacks and non-blacks.

Racially, the jury pool is 48 percent white, 35 percent black and 17 percent other, including Asian and Hispanic.

It's from this group that lawyers will start selecting jurors, following a final round of questioning about the candidates' views on such issues as domestic violence and racism. The next phase of jury selection will begin Tuesday.

Simpson, 49, is being sued by the relatives of his ex-wife Nicole Brown Simpson and her friend Ronald Goldman. He was acquitted of murder charges a year ago.

The verdict in his criminal trial exposed a rift between whites and blacks on the issue of Simpson's guilt or innocence, with whites tending to consider him guilty and blacks inclined to see him as innocent or at least entitled to reasonable doubt.

That racial divide has been evident throughout jury selection in the wrongful death case.

The statistics about the jury pool come from an Associated Press analysis of the 164 jurors questioned by attorneys over 12 days.

Jurors who were dismissed merely on the basis of their questionnaires — and who weren't questioned by lawyers in court — were not included in the analysis, nor were jurors dismissed for hardship reasons.

Of the 42 jurors challenged for legal cause, 35 were white and seven were other non-blacks. The defense didn't challenge a single black juror.

Of the 45 challenges made by the plaintiffs' lawyers, 41 were directed at black jurors, two at white and two at other non-blacks.

The plaintiffs were more successful in their challenges, winning 71 percent, compared to the defense's 38 percent success rate.

In court, defense attorneys accused the plaintiffs of targeting black prospects. The plaintiffs responded by saying that the challenges were based merely on the jurors' expressions of bias.

Neither side could comment outside of court because of a gag order.

Law Students Win Deportation Case

LOS ANGELES (AP) — Two Orange County law students won a deportation case — the first case of their legal careers — and earned commendations from the 9th U.S. Circuit Court of Appeals.

"In law school, you usually don't get the chance to stand before federal judges and argue a case of this magnitude," said student Sherri Honer. "It was a chance to apply everything we learned in school."

Honer and Nicole Hampton won the case for Francisco Rodriguez, whom they said faced a lengthy prison term and possibly even death if he was forced to return to his native Cuba.

The 9th Circuit not only agreed that Rodriguez shouldn't be deported but denounced the Immigration and Naturalization Service's denial of political asylum, the Orange County Register reported Saturday.

Rodriguez, a merchant mariner, jumped overboard on a trip to the United States in 1982.

The judges described the INS denial of asylum for Rodriguez as "appalling," "chilling" and "Kafka-esque."

In a rare footnote, the judges described the students' oral argument and written brief as excellent, and said their work was a tribute to a 4-year-old program that allows law students to argue cases in federal court for people who can't afford

lawyers.

"This is certainly the most overwhelming decision we've had," said Stuart Miller, the students' professor at Western State University College of Law in Fullerton. "No one expects a decision in terms this strong. This case captured the attention of the court like few do."

The strength of the judges' opinions partially stemmed from their disapproval of new legislation limiting federal review of immigration cases.

"Agencies are run by people and people make mistakes," wrote Judge Alex Kozinski. "Review by a tribunal outside the agency helps correct these rare but tragic errors. In the case of Rodriguez, this may mean the difference between life and death."

Class valedictorian Honer, who graduated in May, and Hampton, who will graduate in December, spent hours between classes, at night and on weekends researching the case since last October.

Honer is waiting for the results of her bar exam and hopes to continue doing appellate work and providing free legal help. Hampton, a legal consultant at an insurance company, said she'll probably also do family pro bono work on the side.

Rodriguez is living in Las Vegas where he works as a valet and hopes to go to law school someday.

Defense Lawyer Seeks All-Deaf Jury in Rape Trial of Deaf Suspect

RIVERSIDE, Calif. (AP) — The lawyer for an accused rapist says justice requires that the jury be deaf, or at least to understand sign language.

But the prosecutor says it doesn't matter that the defendants, the alleged victim and the key witnesses all are deaf — choosing such a special jury would be legally unprecedented.

A Riverside County judge was expected to rule on the defense motion Tuesday.

The dispute involves Jesse Manual Macias, 19, of San Diego, who is accused of raping a 17-year-old girl on June 3 at the California School for the Deaf.

At a preliminary hearing, the girl testified through a sign-language interpreter that Macias, whom she has known for five years, raped her after the two became separated from a group on campus.

The girl said she cried out for help but the other deaf students could not hear her. She reported the assault to a counselor, who called authorities.

Mara Feiger, Macias' lawyer, said the only way he can obtain a fair trial is if the jurors are deaf or at least understand American Sign Language.

The deputy public defender argues that the case rests on the girl's credibility, and jurors will find that difficult to judge unless they are familiar with deaf communication, which relies largely on facial expressions and body language.

"I don't think if we pull 12 people off the street we're going to have due process served here," Feiger told Superior Court Judge Gordon Burkhart on Thursday.

Prosecutor Cynthia Brewer said she would not object to jurors being briefed about sign language. But there is no legal basis to tailor jurors to meet the special requirements of a trial, she said. For example, Brewer said, even if all the parties in a trial speak Spanish, translators are used rather than a Spanish-speaking jury.

Norman M. Garland, a professor at the Southwestern University School of Law in Los Angeles, agreed that the call for a special jury is unprecedented.

"It's contrary to the method in which a jury pool is chosen at random," he said. "You're entitled to a jury of your peers and that has never been interpreted to mean a jury of people just like you."

Harvard Law RECORD

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Rational Student Apathy

With 70 percent of HLS students reporting dissatisfaction with the School's course offerings and 78 percent reporting that administrators do not adequately consider their concerns, the results of a survey conducted by the Coalition for Civil Rights should not come as surprise to students.

HLS administrators have historically resisted student input in the faculty-selection process. It may have taken the disturbances of Prof. Derrick Bell and the Griswold Nine to draw administrators' attention in the past, but the atmosphere that led to such protests a decade ago no longer exists on campus.

Administrators are so detached from students that there hardly even seems to be an office to sit in or a person with which to plead. The faculty's reticence, largely a result of Dean Clark's stifling management style, has left students without the type of legitimizing leadership Bell provided.

And so the administrative indifference beats on. Students are still waiting to squeeze into a spring constitutional law class, with nearly 200 on wait-lists for Profs. Tribe's and Fried's second-year basic. HLS' "picky" faculty, as Dean Clark put it, has yet to add anyone to its deficient ranks, let alone more women or minorities, like Lani Guinier.

Administrators are so detached and non-communicative that, this week, Dean of Students Suzanne Richardson, in a flurry of "no comments" in response to the RECORD's follow-up on fraudulent e-mailing, actually denied the existence of an ad-hoc committee she formed.

Dean Clark, in his brilliant treatise on corporate law, explained the "Rational Apathy Problem" which causes shareholders to make a rational choice to remain uninformed when faced with a shareholder vote that brings them little individual benefit. According to Clark, shareholders remain rationally apathetic to the vote because the benefit of an informed vote is so small as to make diligence irrational.

The stakes here are great. They remain great for students who care about the future of HLS, whether the future consists of their ability to be able to enroll in a constitutional law course as a 2L, or the ability of the School to regain its leadership as a provider of legal education.

And students remain rationally apathetic despite the stakes, because the opportunities to contribute are so small and the benefits to be gained are so distant — with so many door-slamming acts of administrative indifference — that one ceases raising one's voice when the only response is a hollow echo.

— Friedman

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

—First Amendment, US Constitution

• Letters •

Professors, Not HLS, Have "Bridge" Contract With Lexis-Nexis

Your lead story of October 11 - "Hi-Tech Experiment to 'Bridge' 1L Section Next Year" - suggests:

(1) One 1L section next year will be taught by means of intensive use of computers, including the use of electronic casebooks and on-line connections in class, with the goal of fully integrating computers into the HLS curriculum.

(2) This effort represents a pilot program conducted by the Law School which, if successful, will rapidly be implemented throughout the first-year curriculum.

(3) This program is being conducted pursuant to a joint venture between Harvard Law School and Lexis-Nexis.

For better or worse, the truth is considerably less dramatic:

(1) A group of teachers interested in curricular development (including one of the undersigned) have been discussing teaching in collaboration one 1L section next year. The ideas they want to implement are partly based on new technology (e.g., some use of electronic materials and of electronic discussion groups) and partly based on rethinking the traditional subject-matters (some use of materials that integrate various subjects or that

illustrate parallels between the subjects). The goal, as regards new technology, is to use it where it furthers understanding, not to insert it into the curriculum for its own sake.

(2) This proposal represents nothing more nor less than an experimental effort on the part of the group of teachers involved. In due course, it will be considered by the decanal group that is putting together next year's teaching program and if approved would become part of the program proposed to the faculty in January. The School has in the past allowed teachers to experiment in various ways; the results have sometimes become standard features of the curriculum, sometimes not. Approval of the project would not commit the faculty in any way, individually or as a corporate entity, to implementing a similar curriculum throughout the first year.

(3) The professors involved in this experiment have been developing some teaching materials which are to be electronically published by Lexis-Nexis. They have a contract with Lexis-Nexis which includes money to help pay for the efforts involved in producing the materials. This contract, of course, does not infringe in any way on the freedom

of the professors to do what they think best in their own classrooms. There is no contract at all between Harvard Law School and Lexis-Nexis for the development of materials. Restated in terms of an older technology, what we have are a group of professors being given advances on casebook materials - not a joint-venture that implicates the School.

Speaking more broadly, your article states that your reporters made "[v]isits to the offices of several deans" which "revealed puzzlement that such a program was in the works." We, in our turn, are puzzled to know which "deans" you visited, since neither of us was contacted, and Dean Clark has been abroad; it is hard to believe that you thought the Dean of Students, or of Admissions, or similar officials the best source on a curricular question. But, passing that point, we wish your reporters had gone further to find those deans who did know about the program, so that the article could have been more accurate, albeit perhaps less exciting.

Todd D. Rakoff,
Associate Dean

Frank E.A.
Sander, Associate Dean
October 15, 1996

Law Review Claims Task Force is Not Stalled

Contrary to the assertions of your October 11 article, the Law Review Gender Task Force is not stalled. In the weeks since the school year has begun, the Task Force has moved toward an evaluation of the selection policy changes implemented by the previous Volume, accumulating data and beginning to discuss concerns raised by our experiences over the past two years. As a result, we were puzzled to read in the Record that "the committee has yet to convene," and surprised at your implication that political forces or "internal dynamics" were somehow halting our progress. The "internal dynamics" to which we referred involved the

process of actually publishing a law journal, which we will always view as our primary, if not often enough our sole, task.

We were also dismayed at some of the inaccuracies of your article. For example, opinion is not fact. You asserted that "[l]ast year, the task force determined that the grade differential among male and female participants explained the significant gender disparity that appeared after the selection process." The source of your assertion is absent. Moreover, the tie between grade performance and gender disparity was much debated last year and never resolved. Indeed, were the issue so clear cut, we would fail to

see the point of our Task Force.

The Task Force is examining and discussing all relevant issues surrounding gender on the Law Review, including the source of the gender disparity in the selection process. As its Co-Chairs, we are personally committed to this process, and we remain confident that all Law Review editors share our commitment. As a result, we are certain that the Task Force will complete its work in a timely, yet thorough and thoughtful, manner.

Laura Rosenbury
Matthew Mark
Co-Chairs,
Harvard Law Review
Gender Task Force

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How Do Clinton and Dole Compare on Women's Issues?

By Kristina Hoy '98
Guest Columnist



In a recent speech, Gloria Steinem called the difference between Dole and Clinton on women's issues "the biggest distinction between two presidential candidates in my lifetime." In the 1992 election, women comprised slightly over 50 percent of the vote. Women's concerns should not only be important to the next president, they may be decisive. Here is how they compare:

Appointments. Both candidates have admirable appointment records. Dole has several top female staffers with significant authority, including Sheila Burke, the former Senate chief of staff; Jill Hansen, political director; and Joanne Coe, Dole's top fund-raiser. Clinton's record is positive, including appointment of the first female attorney general, filling five cabinet level posts with women, and a record 31 percent of federal judges. However, Clinton has also been faulted for failing to give women real influence, like former White House press secretary Dee Myers.

Record. Dole's record on women's issues may pose a challenge to the presidential contender. Although in a recent speech he claimed that he supports full funding of the Violence Against Women Act and proposals to convict repeat rapists, he actually voted against both measures. Dole also voted against the Freedom of Access to Clinic Entrances Act, which would have criminalized the threat or the use of force to block people from entering abortion clinics. In addition, Dole is still a sponsor of the Dole-Candy Bill, which could reinstate the legality of employers to discriminate against women applicants for traditionally gender-specific jobs.

In contrast, Clinton's record on traditionally female concerns deserves praise. Clinton fought for and helped pass the Family and Medical Leave Act. He issued an executive order to force cooperation between federal and state governments in tracking down deadbeat dads, and as a result there has been a 25 percent increase in child support collection in the last two years.

Affirmative Action. Dole is against affirmative action. In a recent speech he stated, "I'm beginning to believe that [affirmative action] may not be the way it should be in America... We did discriminate. We did suppress people. It was wrong. Slavery was wrong. But should future generations have to pay for that?" Dole does not seem to recognize that instances of disparate treatment of women and minorities continue.

Clinton's view on affirmative action is "Mend it, don't end it." Clinton proposes improving affirmative action by strengthening protection against and pun-

Clinton's record on traditionally female concerns deserves praise.

ishment for fraud in affirmative action. Clinton also proposes a time limit on affirmative action proposals.

Abortion. Abortion is an important issue in this election because the next president may have the ability to appoint two Supreme Court justices with the power to overturn *Roe v. Wade*. Dole stated "at one time" he supported a constitutional amendment to ban all abortions, but now says that he would make exceptions for rape, incest, and when the mother's life is endangered.

In contrast, Clinton stated, "I think there are too many abortions in America. But I think that leaving the decision to the woman and her doctor, and whoever else she wishes to consult, I think on balance is still the right decision in our country." One of Clinton's first acts as president was to reverse the Bush administration's "gag order," which prevented federally funded clinics from discussing abortion. Clinton recently vetoed a ban on one type of late-term abortion, stating that although late term abortions are problematic, when a restriction is passed it should be motivated by concern for the woman and the child, not political reasons.

Welfare Reform. The majority of welfare recipients are recently single women with dependent children. The two candidates agree that welfare reform is appropriate, and share a common goal of a welfare system with time limitations. However, Dole and Clinton differ in their proposals to move people from welfare to work.

Dole wants to transfer money from current welfare and job-training programs to block grants to the states. He also suggests forcing teenage mothers to live with their parents, instead of on their own, where they can "have more children to cost us additional money."

Clinton proposes federal initiatives to aid people in moving from welfare to work. He has called for National Campaign Against Teen Pregnancy, and advocates stern child support enforcement measures. Clinton supports giving employers who hire welfare recipients welfare money. In addition, Clinton wants to consolidate 70 job-training programs into one voucher for college tuition or job training.

The First Lady. Both contenders are intelligent women with successful careers. Elizabeth Hanford Dole is a two-time cabinet secretary and the president of the American Red Cross. Hillary Rodham Clinton is a partner at a top law firm, and a member of numerous corporate boards. Elizabeth Hanford Dole is a proponent of increasing charitable contributions; Hillary Rodham Clinton is an advocate for children. Both women have been involved in controversy. Elizabeth Hanford Dole has been accused of profiting financially from her husband's political clout, and making false claims of donations to the Red Cross. Hillary Rodham Clinton has been embroiled in the Whitewater and Travelgate scandals. The main difference in the next first lady will be the role she plays in the administration. Dole has promised to return to her position as president of the Red Cross if her husband wins, while Clinton will undoubtedly continue to play an influential role in her husband's decisions.

The percentage of women voters dropped several points in the last election. Whichever candidate you choose, going to the polls and registering your opinion, and your vote as a woman, will ensure that politicians continue to recognize the importance of women's issues.

A Mandate for Faculty Diversity

By Rudy Reyes '98 and Sonia Banerji '98
Guest Columnists

Last spring, the Coalition for Civil Rights ("CCR") sponsored a survey on diversity at Harvard Law School. The purpose of the survey was to give the HLS community an opportunity to express its opinions on a broad range of issues pertaining to curricular diversity, faculty diversity, student diversity, and administrative responsiveness. As co-chairs of CCR, we first want to thank the nearly 450 students who took the time to respond to the survey. The results reflected a substantial interest in and concern for the substance of the HLS legal education, voiced from across a full spectrum of differences on politics, race, ethnicity, gender, and sexual orientation. In conducting the survey, we strived to include as many viewpoints as possible. We tried to ensure that no opinion was excluded by placing a survey in each Harkbox and by tabling in the Hark to encourage students to respond. We also provided ample space on the survey itself for respondents to express opinions not directly queried in the survey, or even to comment on the survey questions themselves.

The Results

To say that HLS has quite a long way to go in diversifying the ranks of its faculty is to state the obvious. The survey numbers confirm that students feel that faculty diversity is inadequate. Nearly 83 percent of the respondents felt that the number of women of color on the HLS faculty was inadequate (There are no women of color on the HLS faculty). Seventy-six percent of the respondents felt that racial minorities were wanting on the faculty. Seventy percent felt that white women were under-represented on the faculty, and nearly 57 percent believed that representation of openly gay, lesbian, or bisexual faculty members was lacking (There are no openly gay, lesbian, or bisexual faculty members).

Although the aggregation of these responses would seem to indicate a consensus for faculty diversity, the opinion based nature of the survey did not address two larger, more difficult questions: Why should it be a priority for the faculty to be diverse? How should HLS go about diversifying the faculty? Some respondents felt that faculty hiring should be blind to considerations of race, ethnicity, gender, or sexual orientation. Their concern seemed to center on the belief that such factors are largely irrelevant to being a quality HLS professor.

To address this argument, we must start from the fact that the existence of a free, open and vigorous exchange of ideas is nowhere more necessary than in an academic environment. Apathy is guaranteed in an academic environment where there is a dearth of diverse views, or where people of contrasting viewpoints do not communicate. As HLS students, we deserve such a robust academic environment.

Achieving faculty diversity along the lines of race, ethnicity, class, gender and sexual orientation must be a priority in the hiring process because such diversity will bring an infusion of ideas and ideologies that will enrich our study of the law. Would such faculty diversity really increase ideological and curricular diversity? Such a position assumes, we think reasonably, that one's race, ethnicity, class, gender and sexual orientation ("cultural identity" or "background") provide the context for one's approach to the law. This is not to say that one's cultural identity is absolutely and necessarily determinate of one's politics — that there is one "Latino viewpoint" or one "female viewpoint." However, we believe that it is reasonable to say that one's background informs core assumptions about society, which in turn provides a jumping-off point for approaching policy, politics, and ultimately, the law. For example, the differential treatment of individuals by police along race and class lines is a well documented fact of life in the United States. It is reasonable to say that a poor or lower middle class black male often has different assumptions about and attitudes toward the police than an upper middle-class white male. A professor with the former background will approach the study of constitutional or criminal law with the invigorating context of his cultural background. Both professors may ultimately reach the same conclusions, but each would have fashioned his own analytical path, and the ideas and arguments that informed those conclusions would be different. This difference is the breeding ground for more ideas and arguments, and as the diversification of ideas increases, the substance and depth of the curriculum also increase.

Survey responses tended to support this line of reasoning. While respondents were roughly split when asked whether the faculty was ideologically diverse — 50 percent saying yes and 45 percent saying no; 51 percent of the respondents felt that the HLS curriculum did not reflect their interests of the legal issues surrounding race, ethnicity, gender, class, and sexual orientation. Respondents also overwhelmingly felt (75 percent) that the cultural background of a professor could constructively contribute to the substance of a course, or how it is taught.

Summing these responses suggests that HLS could be well served by the amplification of ideas, arguments, issues, and approaches which would result from a diverse faculty. Such diversity would promote the vigorous exchange of various viewpoints, broaden the substance and depth of the traditional curriculum, and possibly provide students with new curricular options. To this end, CCR intends to continue to actively promote faculty diversity at every opportunity.



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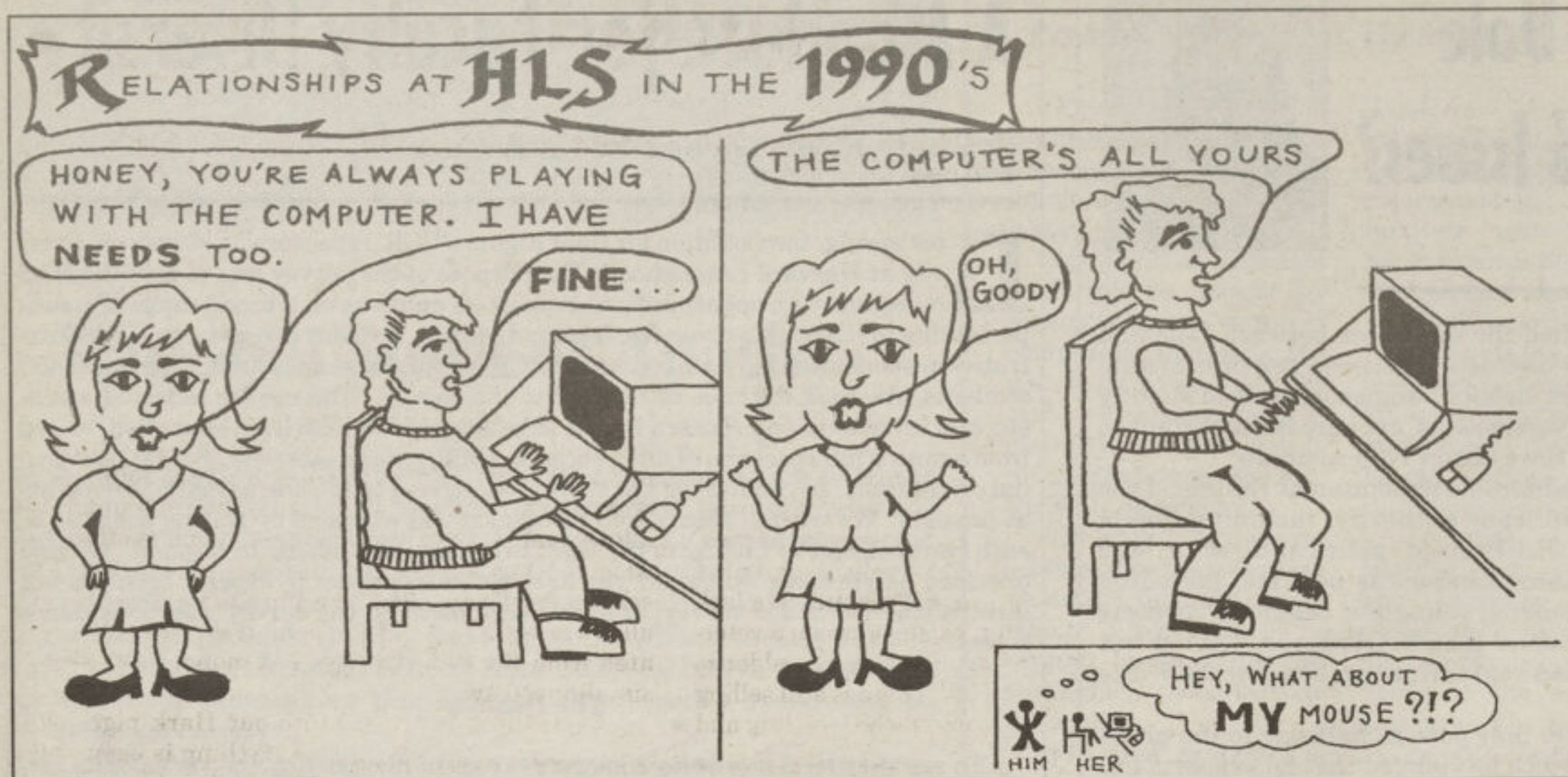


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By Stuart Rees and Bill Zimmerman



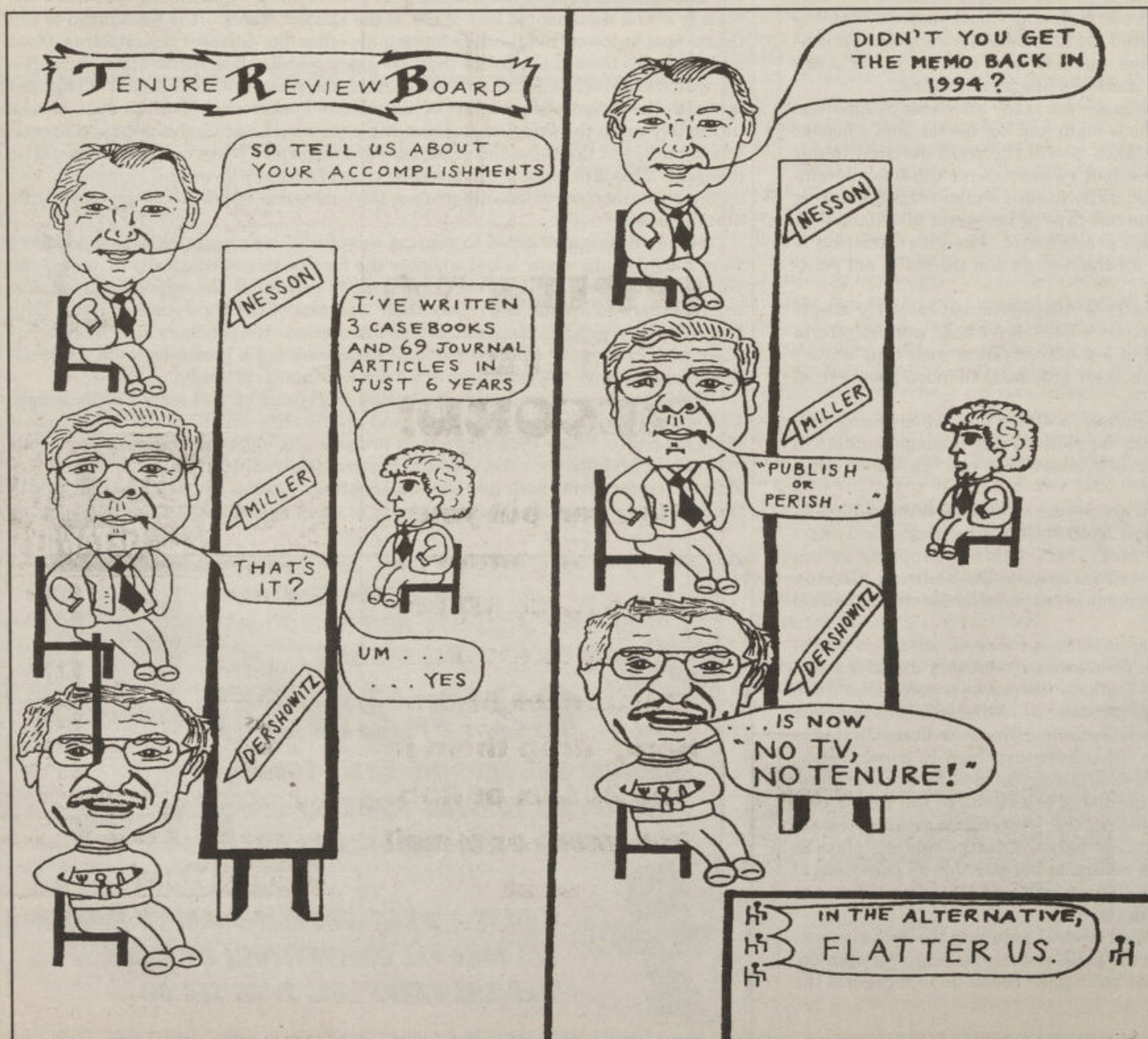
Reasonable Man Smokes Crack

By Dave Steiner & Scott Selby



Ad Hominem

By Stuart Rees and Bill Zimmerman



CALENDAR

By Colin Meeder

Well, it's mid verging on late October, and I'm willing to wager that none of you have yet gone out on one of my suggestions. That's just fine. I'm not doing this for the fame or the glory. Nor for the free food and fabulous camaraderie of those brilliant young journalists who make up the RECORD's staff. No, I'm not doing this for personal aggrandizement or for a chance to wield power over my readers, in order to, for a moment at least, escape the sense of futility that pervades my daily existence. No, I'm doing it all so that you folks can some day know the thrill of previously-unheard music executed brilliantly in a darkened, smoke-filled room, can touch the eternal outside the confines of the Law School. You don't want that? That's OK with me. Go read about intra-mural sports.

Those of you who are still with me are just the type of people who might enjoy the classic reggae of **Black Uhuru** on Thursday night (10/17). They'll be playing at Mama Kin (536-2100) with **Dub Station**.

Fridays are proving to be the night for variety around here, and this one (10/18) is no exception. There's the largely indescribable (indie chamber pop? neo-classical slowcore?) of **Rachel's**, at the Middle East (864-EAST) along with **Rex and Victory at Sea**. The evergreen comedic stylings of **Jimmy "J.J." Walker** will be on display at the Comedy Palace in Andover (888-TO-LAUGH). Somebody say "Dyn-o-mite!" For those of you who think interview season hasn't brought enough squeaky lean wholesomeness to the Charles Hotel, there's the **Four Freshman** at the Regattabar (661-5000). J.J. and the Freshmen will both be at the same places the following night.

They were among the fathers of country punk, then sank without a trace along with the rest of that pseudo-movement. See what's become of **Jason & the Scorchers** on Saturday night (10/19). They're at Mama Kin with the **Health & Happiness Show** and **Mark Cutler**.

Plenty of quality on Sunday (10/20). The high, lonesome sound of the Baron of Brood, **Chris Isaak**, along with the unbelievably overrated adolescent whinings of **Fiona Apple** (if she weren't photogenic, we'd never have heard of her) come to the Orpheum Theatre (423-NEXT). Harvard College Class of '92 grad **Joshua Redman** brings his Quintet and their almost-up-to-the-hype jazz to Sanders Theatre (876-7777). Oh, sure, he's the best of the young lions, but isn't it time jazz started moving forward again?

Monday (10/21) brings the big band rockabilly of the **Brian Setzer Orchestra** to the Paradise (562-8800). I would promise you a rockin' good time, but I really hate the word "rockin'".

Nancy Wilson brings her exquisite vocal artistry to Scullers (562-4111) for a week; Tuesday (10/22) is the first night.

Brilliant guitarist, genius songwriter, and crappy husband **Richard Thompson** brings his band to the Somerville Theatre (call Ticketbastard) on Wednesday (10/23). And, for those of you who've read this far in hopes of something completely different, there's this called **Laughter and Reflection** with **Carol Burnett** down at Symphony Hall (482-6661) the same night, and I haven't the heart to speculate on what that might be.

Coming up: **Rush**, **Counting Crows**, **Dave Brubeck**. Sensitive frat boys rejoice!

Interviewing Chicken

By Alexander Boldizar '98

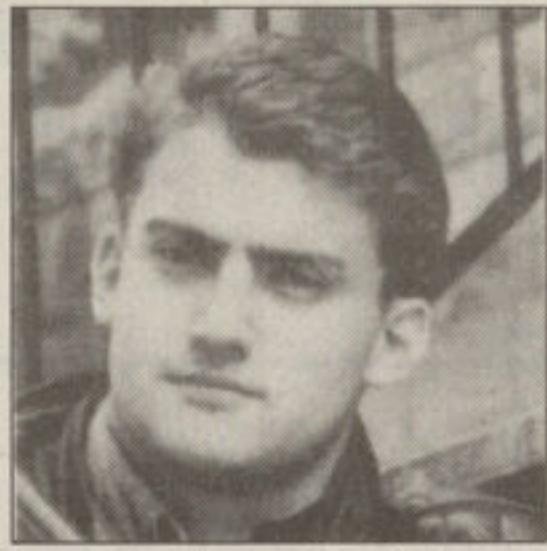
There is a line in the movie *Batman*, where Jack Nicholson asks, "Have you ever danced with the devil by the pale moon light?" I guess the answer would have to be "yes." While walking the streets of Bangkok, selling my body. Don't forget that "three Harvard lawyers are a match for the very devil himself." In Bangkok it was clear who was the prostitute and who was the John, but walking the hallways of Charles motel I get confused sometimes. Despite the confusion, however, it is an event worth witnessing. Where else can you see two whores dancing, with no third party in sight.

In my trusty dictionary, under "prostitution," at the very end, it says, "see also lawyers, politicians." Funny guy, whoever wrote my dictionary...

This month is our exam; the December and May versions are only complementary to this one. This is the test where we dress up in our flashiest outfits and try to seduce the unseduceable. Don't the firms, who know that we normally dress in jeans and real clothes, find the October parade of penguins absurd? Of course, since this is our exam, the Johns demand more than a simple in and out. They want a complicated role play where we act out their fantasies of "Oh yes, yes, yes I wanna be a tax lawyer. Oh." If you can bring yourself to tell them that you're also into secured transactions they'll be all over you like...uhnm. Please excuse the unfinished sentences, but I too am applying for jobs. Am I a hypocrite as well as a prostitute? It's hard to say when the John requires the prostitute to play the role of a hypocrite...

One friend of mine got so confused by all these layers of roles and rationalizations that when she walked into an interview (hotel) room which had no bed, she innocently and accidentally asked, "What, no bed?" The poor little interviewer got all red and flustered and confused. The role play was shattered.

There is a saying, which originally comes from HLS, that "it doesn't take brains to be a lawyer, only a cast iron bottom." That saying is not complete, however. A cast iron bottom is sufficient for mediocre prostitutes and



mediocre lawyers, but for greatness both need more. Both need to be able to pretend well. Based on last week's column, perhaps prostitutes and lawyers are the very basis of civilized society. There are, after all, over 600 thousand different kinds of insects of which we know, and there exist lizards that bark like dogs.

When I decided to come to law school, I responded to my friends cries that "Eating people is wrong," with the statement that at least lawyers are honest about being scumbags. That's why I chose the legal profession, why I held it in almost as high an esteem as prostitution. During the last couple of weeks, however, I have seen a much more complicated dynamic. We lack the straightforward honesty that exists between a veteran streetwalker and a new chicken whom the elder is thinking of taking under her wings. There is still selling and buying going on, but little sense of who is selling and who is buying. And what?

Perhaps a lawyer is more sophisticated than a prostitute, and thus has deconstructed the line between Pimp and John. Perhaps his/her experience simply gives birth to a greater paranoia.

Why do we go into strange people's hotel rooms begging for jobs? Echoing the question of Gerald Barzan, "What's the good of being a genius if you can't use it as an excuse for being unemployed?" Don't forget that working 120 hours per week for Cravath will interfere with your golf game...and just about everything else. Although that is in the nature of the work, the "curse of the drinking classes" in Oscar Wilde's words, it is particularly true of a profession which can't distinguish between the client and the boss, between work and not-work. A prostitute, lacking volumes on ethics, knows better than to kiss the John on the lips. But a

lawyer can't draw that line, because he has been taught to apply a balancing test instead, and the things that are balanceable always weigh in the direction of playing the role the John wants to fantasize, each time, until the role becomes the person. Eventually you end up in Pocattello, Idaho, where it is illegal to look gloomy.

Prostitution itself is one of the most valuable, honest, and thus honourable directions a person can take in his/her life, so I wish to be careful not sound like I'm knocking it. Here, however, we are on a production line of prostitution. A prostitute and a real John can still engage in a dialogue, a Buberian I-Thou encounter which allows real persons to participate in one another's lives without ideas and categories shutting off each into himself or herself. The interview process, on the other hand, allows no such intimate contact. It is prostitution alienated from the self, it is two I-It monologues going on simultaneously.

Everything is stuffed into our Hark pigeonholes, everything is easy. All we need to do is fill out the bubble forms and then show up at the appointed time to sell ourselves for twenty minutes. What can an interviewer learn in such a twenty minutes? Aside from the grade fetishism resembling sacrofricosis, there is not much difference from a cattle sale, which could be held much more efficiently, not in hotel rooms but in Jarvis Field.

Would it be too radical to suggest that Harvard not stuff its bits in our mouths, that we could find our jobs without it pimping for us, though at the expense of comfort and security? If so, if we are already too alienated, then maybe we could at least adopt a centuries-old English tradition: We could all scratch the names of all the firms where we would like to work on onions, then we put the onions in a warm place and the firm whose onion sprouts first would be where we work.

In my trusty dictionary, under "prostitution," at the very end, it says, "see also lawyers, politicians."



Fenno stood back from his work, considering a job well done. He was back in his old room (thanks to his considerable charm, his reasonable defense of his actions, and his threat to go public with his knowledge of certain faculty members' web-surfing habits), and had just spent the better part of a half hour repairing his beloved Farrah Fawcett poster and remounting it upon the wall of his room. Not bad, except that the rip through the poster had served to make Farrah's grin ever so slightly more ghastly. The erotic power of this did not fail to reach Fenno.

Suddenly, Fenno's phone rang. Fenno nonchalantly reached for the receiver, and in a most polite manner, asked the caller if he could be of any assistance. OK, not really — he slapped the speakerphone button and barked, "What the hell do you want?"

"Oh, dear, Mr. Fenno, I'm ever so sorry to disturb you," said the meek, inexperienced, and generally sexless voice on the other end. Needless to say, it was Skippy. "I was wondering if you've seen the results of the diversity survey, and if you think I should be at all concerned for the happiness and emotional well-being of my fellow students?"

Fenno was nonplused. Actually, Your Humble Narrator has no idea what nonplused actually means, but is simply at a loss for words, in much the same way Fenno was upon hearing Skippy's request. "Look, babe," he said, "if you were genuinely concerned about the well-being of this pack of losers, you'd have them all killed. Harvard Law Students are about as diverse as the Mormon Tabernacle Choir, and not nearly as much fun to go drinking with."

"Well, gosh, Mr. Fenno, that might be true," said Skippy, "but the CCR says that that's part of the problem, and that people of certain genders, orientations, and races don't feel comfortable here."

"What makes me uncomfortable, kid,"

said Fenno, "is the existence of a pseudo-radical student group who's too damn respectful to do anything but talk quietly in the appropriate forum. By God, if those CCR people were worthy of their forefathers, they'd have set fire to Gannett House weeks ago."

"But I thought that civil disobedience was an ineffective form of social protest," reasoned Skippy. "Otherwise, wouldn't we have gotten a woman of color on the faculty a long time ago?"

"I don't know about that, child," said Fenno, "but I do know that beatings and extortion have worked well for me in the past, and that Lani Guinier would be here now if the CCR had sent my Uncle Tony around to persuade her to accept the Law School's offer. My God, how do these people ever expect to succeed at a large law firm if they can't understand the simple value of a threat of physical violence?"

"Now, Mr. Fenno," scolded Skippy, "no one here wants that. We just want to get along in a spirited intellectual atmosphere."

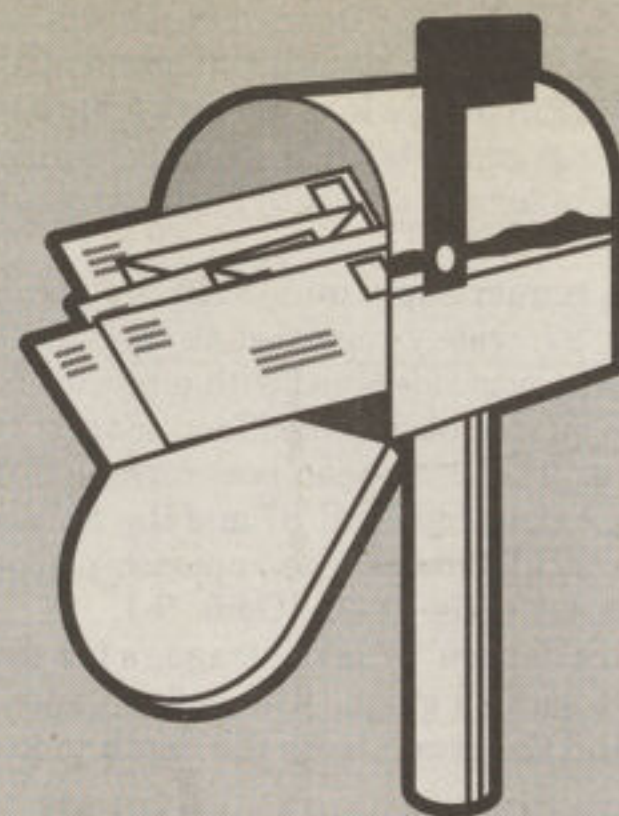
"Nonsense," said Fenno. "This place is a boiling whirlpool of barely repressed hostility. Every one of your classmates would kick your head in if he weren't afraid of getting blood on his interview suit. Now, leave me alone."

"But..." protested Skippy, as Fenno whacked the speakerphone button again. He reached under the bed for a bottle of Tuvan Malt Liquor, and gazed up at Farrah. With a sigh, he pictured her dressed in mercenary gear, her arm in his, as the burned-out wreckage of the Hark smoldered behind him.

Quote of the Week

"The inmates should run the asylum."

—Anonymous student response to diversity survey



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SPORTSGUY

SPORTSGUY Handicaps
the Play-Offs

By Todd Stillerman '97

Sports Editor

After five weeks of bruising play, the HLS Football League completed its regular season Sunday under sunny skies. In a match-up of division leaders, Posse Comitatus claimed the regular season title with a win over previously undefeated Freshies. The Great Danes and the Sons of Jor-El finished the year with two wins a piece, and the Happy Gilmores scored the upset of the day by knocking off Sensitive 90s Men. Looking ahead to next weekend's playoffs, the SPORTSGUY rates the league and assesses each team's chances of bringing home championship glory:

POSSE COMITATUS (9-1) The regular season champs are SPORTSGUY's odds-on favorite to grab the post-season crown thanks to the fearless leadership of quarterback Juan "In a Million" Zarate '97 and his talented receiving corps. Although not much of a threat to run, Zarate throws out of the pocket better than anyone in the league. The defense is equally superb, as Posse is the only squad to hold Freshies' air attack to two scores. Only two teams provided a true challenge to the italicized wonders: the Happy Gilmores (who managed four touchdowns in a 41-26 loss) and the Great Danes (who defeated Posse in Week One). Posse should face the Gilmores in the second round and could get a second crack at the Danes in the semifinals. Odds to win championship: 3-1.

FRESHIES (7-1) "You can't stop us, you can only hope to contain us," notes Freshies captain Dave Rotenberg '98, and the SPORTSGUY concurs. The only way to beat Freshies is to outscore them. Freshies averaged a league high of 36 points per game with a West Coast passing attack that ravaged defenses. Posse proved last Sunday that Freshies can be stopped, but not without Herculean effort. The team's athletic defenders usually grab an interception or two, but lacks the size to stop the run. Defensive weaknesses will not matter, however, as Freshies will score a minimum of four TDs per contest on their way to a grudge match final with Posse. Odds: 4-1.

SONS OF JOR-EL (8-2) The biggest team in the league, Jor-El placed second in the powerful Rockne Division. Zach Stern '97 and William Anderson '97 provide a brutal pass rush, and quarterback John Lammers '97 simply overpowers most defensive lines on running plays. The only weakness is the secondary, where quick receivers can usually beat their bulkier defensive counterparts. Look for the Sons to trample all comers until a semifinal match-up with Freshies, setting up the ultimate clash of power versus finesse. The SPORTSGUY takes finesse and Freshies, 35-28. Odds: 5-1.

SENSITIVE 90S MEN (6-3) The Lombardi Division runners-up grabbed the fourth seed thanks to a better intra-division record than the fifth-place Danes, but the 90s Men are the better team anyway. Steve Mudder '98 runs almost as well as Lammers and throws almost as well as Zarate, and that combination makes him the best all-around QB in the league. Like Jor-El, the 90s Men win most games with brute force, utilizing a fierce pass rush and a string offensive line. They match up well with Posse, so a semifinal upset is not out of the question. Odds: 8-1.

GREAT DANES (7-3) The defending league runners-up stumbled in the regular season, due largely to the absence of Rory Stark '97, widely-regarded as the league's best offensive lineman in 1996. Without Stark, who was side-lined with a rotator-cuff tear, the Danes were unable to provide adequate quarterback protection. Expect the Danes to score three TDs per game, but no more. The Danes can beat anyone if the defense holds, but a recent finger injury to strong safety Josh Toll '97 and the mysterious disappearance of free linebacker Kevin Vosen '97 all but doom championship hopes. Look for the 90s Men to clip the Danes in the quarterfinals, 28-21. Odds: 9-1.

WHO'S YOUR DADDY? (5-5) The good: Mark Jensen '97 is the league's top wide receiver, and lineman Jake Schwartz '97 get two sacks a game. The bad: an anemic passing game leads to too many interceptions, and the bench lacks the depth to keep up with the contenders. Odds: 20-1.

BLUR (3-5) Despite a total lack of size at every position, Blur runs the option better than anyone since the Learned Hands. Chalk up three of the losses to inexperience, as the team is almost entirely composed of 1Ls. Nonetheless, this league belongs to the upperclassmen. The first round match against WYD will be exciting, but neither team can make the semifinals. Odds: 20-1.

STORMIN' MORMONS (3-3), HAPPY GILMORES (4-6), and CHUPACABRAS (4-6) Each team features a break-out star: Mormons quarterback Richard Nelson '97 leads his team with steely efficiency; Gilmores field general Jim Walsh '99, the SPORTSGUY's Rookie-of-the-Year, runs with wild abandon; and Chupacabra receiver Art Carrillo '97, the league's most exciting player, catches uncatchable passes. None of the three will make the semifinals: the Mormons lack stopping power on defense; the Gilmores lack experience, and the Chupacabras lack size. Look for a Gilmores-Blur championship final in 1998. Odds for each: 50-1.

ILLEGAL MOTION (1-8) and FORREST KRUMP (1-9) Not much reason to believe these teams will find more success in the play-offs than the regular season. Illegal Motion has a dynamic offense, but an average player weight of about 120 pounds. Forrest Krump has good players, but little team chemistry. A year of seasoning should make Krump a contender next season. Odds for each: 100-1.

BLITZED & BOMBED (1-9) After a league record six consecutive forfeits, SPORTSGUY wonders if captain Darren Mungerson '98 really has a team. Odds: 1000-1.

Exciting championship action starts at 9:00 a.m. Saturday on Webster Field. Don't miss a minute of the bonecrunching excitement!

Final HLS Football League
Regular Season Standings

ROCKNE DIVISION

Posse Comitatus	9-1
Sons of Jor-El	8-2
Great Danes	7-3
Chupacabras	4-6
Happy Gilmores	4-6
Illegal Motion	1-8
Blitzed & Bombed	1-9

LOMBARDI DIVISION

Freshies	7-1
Sensitive 90s Men	7-2
Stormin' Mormons	3-3
Who's Your Daddy?	5-5
Blur	3-5
Forrest Krump	1-8

LOX POPULI

Nice Room... Shame
About the Food, Though

By Jamie Metzl '97

Restaurant Reviewer

From the moment I entered the Blue Room at Kendall Square, I wanted it to be great. The restaurant sits comfortably in a jazzy basement. Subdued lights accentuate the naked brick walls, the exposed pipes, and the massive wooden pillars of the ceiling. There is the excited hubbub of a speakeasy. On top of that, the host had held our reservation for forty minutes on their busiest weekend night as we rushed back from apple picking. The lovely waitress patiently described the menu and answered our many questions despite the crowd.

The menu itself was intriguing. Appetizers included grilled chicken livers with dandelion greens and a warm sautéed bacon vinaigrette; peppered tuna sashimi with chili oil, wasabe, and sea vegetable salad; and grilled baby squid with black beans and chipotle sauce. After a serious consultation with our waitress, we went for the Blue Room cured foie gras with quince marmalade, and the banana leaf wrapper. We waited anxiously for our first course to arrive.

The appetizers were merely good, not great. The duck's liver of the foie gras had been cured (instead of cooked) for three days with salt, coriander, cloves, and pepper. Its buttery texture and subtle taste contrasted nicely with the tangy and sweet quince (a cousin of the apple) marmalade, which almost had the consistency of chutney. The watercress and bread accompanying the combination were drizzled a bit too heavily in oil. All in all, the dish was solid, but it did not inspire the sublime groan that comes with tasting art.

Our second choice seemed to work better as an idea than as an appetizer. The chef had placed jasmine rice, coconut milk, shrimp, and herbs inside a rolled wet banana leaf tied at both ends. Placed on the grill, the rice had steamed from the heat on the water. It was a great idea, and I could imagine how the perfect blend of herbs might have transformed it into something miraculous. What arrived, however, was much less interesting. The herbs were not distinct enough to transform the

Every detail of the Blue Room seems to have been carefully determined ... Unfortunately, the reality of the cuisine did not live up to the promise of the concept.

rice into something greater than itself. The parsley flakes were the most distinct taste, but they clashed with the subtle sweetness of the coconut milk. The shrimp was nicely cooked, but without extra flavoring, it tasted like simple steamed shrimp on rice. Not incredibly exciting.

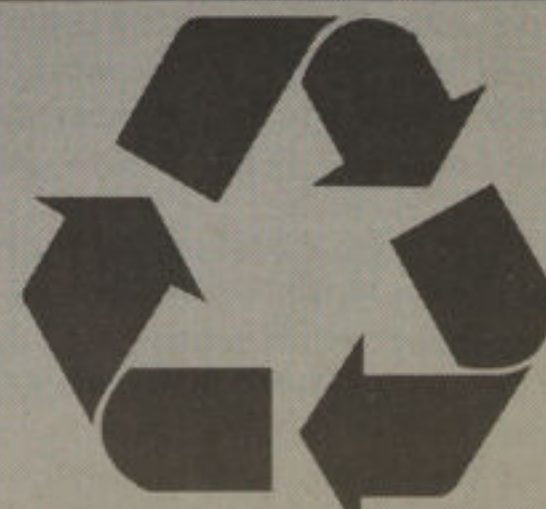
Maybe, we thought, the entrees would be more titillating. We chose the lightly smoked pork loin with fire-roasted sweet onions and Aleppo pepper, and the North African-style fish stew with saffron rice and harissa. Neither was quite as good as it sounded on the menu. The pork loin had been flavorfully smoked and then finished on the grill. It was presented beautifully on a plate of grilled onions, peppers, eggplant, and potatoes. Rather than allowing the subtle flavors of the smoking process define the dish, however, the chef had chosen to drown everything in the Aleppo-flavored oil. The oil was not sapid enough to carry the dish, and even detracted from the original flavor of the pork. We fished the pork from the oil and placed in on another plate in our partially successful attempt to rescue it. It was a flavorful smoked pork loin. Perfectly good, hardly Maksi.

The fish stew was our last chance to find what we were looking for. The stew contained cod, shelled shrimp, and red peppers over saffron rice in a spicy lobster stock with an ancho harissa sauce of pepper, soy, coriander, and other spices. The broth was definitely a disappointment. The spices had not been blended well enough, creating a bitter flavor. The cod was nicely textured and seemed to absorb the flavors better than the broth. The shrimps were fine, although their long tentacles seemed omnipresent in the stew. It was decent enough. We left it half eaten before moving on to coffee.

Every detail of the Blue Room seems to have been carefully determined. The atmosphere is artfully casual, giving a more comfortable spin on a restaurant and a menu which reach down from a more formal milieu. The kitchen jaunts into a corner of the dining area in a flurry of activity which invites diners to consider their meals as works of art by chefs working away with a steady determination. The tables are without cloths to further confuse the boundary between formal and informal, perhaps to let the food define what type of place the Blue Room really is. All of this places a heavy burden on the food to bring the experience home.

Unfortunately, the reality of the cuisine did not live up to the promise of the concept. We gave it a six and a half out of ten and headed across the river for the greatest frozen yogurt in the universe at J.P. Licks on Newbury Street — I mention this in case you have gotten to the end of the article and are disappointed at not discovering the rathskeller of your dreams.

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Harvard Consolidates Plastic with "Crimson Cash" Increased Use Expected at Loker

By Christopher Edwards

It's midnight on a Monday night, and you have a craving for cheesecake. But the only money you have is on your library copy card. Where can you go to eat? Loker Commons.

Located in the basement of Memorial Hall, between Harvard Yard, the Science Center, and the Graduate School of Design, Loker Commons is sporting a new look this year, and hopes to lure more students with the convenience of "Crimson Cash".

The Harvard food court and student center contains Italian and Southwestern food stalls, a sweet shop, and a coffee house. In addition, there are e-mail terminals, a photo processing center, a stamp machine, telephones, and a photocopier.

Loker's format has slightly changed since last year. First, the newsstand closed and was replaced with vending machines.

"We wanted to provide students with snacks and drinks when the eating areas are closed," said Loker official Erik Engel.

Second, Loker's dining hours have changed.

While the Loker space is open from 8 a.m. until 1:30 a.m. during the week, 8 a.m. until 12:30 a.m. on Friday, and 10 a.m. until 12:30 a.m. on Saturday and Sunday, the food stalls open at 11 a.m. during the week and stay open until midnight on weekdays and 11 PM on Fridays. On the weekend, however, only the coffeehouse and Italian food stall are open, from 11 AM until 11 PM.

Loker expects more students to take advantage of the convenience of using

"Crimson Cash", a payment method that has substantially expanded this year. While HLS students have always been able to deposit "Crimson Cash" on their Harvard ID cards and thus pay at Loker with their cards instead of with cash, few students did so in the past.

This year Dining Services officials hope to increase that number with easier methods of establishing Crimson Cash accounts, as well as an increased number of locations that accept Crimson Cash.

There are two ways to establish Crimson Cash accounts.

HLS students can go to the Dining Services Director's Office at 65-67 Winthrop Street and deposit Crimson Cash onto their ID cards by check, credit card, or cash. (Students may also call the office at 496-8600.)

Students may use the several Value Transfer Stations (VTS) Harvard Dining Services has placed around campus, including in the Science Center and on the second floor of Pound Hall. Students may deposit money in these machines much as they would in an ATMs.

"It's definitely an improvement over the way it was last year. Anything the Law School can do to connect on a university-wide scale helps," said Charles Hokanson '98.

Loker and library Xerox machines are not the only places where students can use Crimson Cash. The Greenhouse in the Science Center and a variety of restaurants and coffee shops around campus also accept Crimson Cash.

"It's nice not to have to rifle through five different cards, depending on where you use the cards. It's pretty handy. I can't complain about consolidation," said Charles Coble '98.

Sex, Lies and Suits

By Renée Kaplan '99

RECORD Columnist



On an apparently-not-really-related-to-law-school note, has anyone noticed the recent emergence of a very gritty and unabashed sort of female sexuality? Perhaps not. Admittedly, I don't think women are vavoom-ing through the Hark with any kind of new verve, or raising their hands in class with any kind of especially wanton energy. In fact, I might venture to say that most of the women at the Law School, very recently, have projected an image quite divorced from any allusion to sensuality, trotting about, clothed as they necessarily must be, in that ultimate prophylactic to sexiness: the navy-blue suit.

Sure, skirts are sometimes shorter than they used to be, heels are occasionally chunkier and funkier, and I have spotted the occasional button-down blouse in lieu of the silk "shell" (how that name does speak symbolic worlds for the nature of the garment). But it seems to me that, unlike the young men in suits who tend to metamorphose into dashing, often sexy young things, young women in those loose-ish and darkish suits — in the kind of suits we wear around here, to go on the kind of interviews we necessarily have at law school, with the kind of people that necessarily recruit at HLS — look a little unnatural and a little phony.

These women — these interview-bound, mostly twenty-something 2Ls and 3Ls — look especially unlike themselves in light of contemporary images of women and their (non-interview) clothes. The most recent Calvin Klein Jeans ads feature Kate Moss sticking her hand down her pants; perhaps tucking in her shirt, perhaps not, and in any case, clearly a great deal has changed since the early 80s days when nothing came between Brooke and her Calvins. Adolescent Brooke Shields was sexy, but this

American mores seem to have come full circle, returning to an (even more explicit) 70s-style sensuality: gritty and unabashed.

is erotic — and this is also Calvin Klein: fashionable, trend-setting, and very mainstream. The allusion appears to be, well, masturbatory; and not in the self-referential sense, but in a purely, graphically sexual sense.

Gucci ads frame semi-clad androgynous men and women "lounging" together, and Guess? ads depict some Lolita with her legs spread open wide. There emerges a peculiar androgyny — a supercharged androgyny that seems oddly to sexualize everything: girls who dig boys who like girls who dig girls who do it themselves. The particular trend of bi-sexuality is actually old news by now; Newsweek been there, done that, and put it on its cover over a year ago. But these most recent images go beyond blurring sexual indeterminacy into pretty carnal sexiness. American mores seem to have come full circle, returning to an (even more explicit) 70s-style sensuality: gritty and unabashed.

And recently, our very own Law School environment — the very one peppered with suit pants and suit skirts and suit jackets — has fostered its own kind of androgyny: the dressed-up gender, the young-persons-in-suits sex. But it is an androgyny of the antithetical extreme that, quite unlike the mainstream version, does its utmost to suppress any kind of sexuality — or at least any kind of female sexuality.

Men's suits (especially those nicely tailored, pin-striped, three-button jobs) actually highlight what are stereotypically male, and stereotypically sexy, qualities: confident bearing, authority, prominence — in brief, a conventional stud. And if, for the besuited women interviewing for firm jobs, the colors are somber, and the cut is loose, and the skirt is knee-length, and the shirt is shapeless — and the (probably male) hiring partner's initial handshake is equally neutral — then all is going according to plan. For the plan is to pretend like there is no gender difference; that if we're not all besuited studs, we're all besuited colleagues, and that there simply is no significance in this purported gender difference. And even if the skirt is fitted and the blouse has an open neck — and the suit (yikes!) is sexy — the point is that no one is supposed to notice.

Perhaps in an ideal world, perfectly uncharged interaction between humans of different genders could occur. Some might question whether this kind of virtual sexlessness were actually ideal, but no one can deny that, in any case, it does not exist. Any assumption of asexuality, especially today, is necessarily a pretense — and this has been the longstanding corporate pretense.

There is no sexual difference — hence sexual tension — between men and women; if there is a difference, it doesn't count; and even if it does count, we're going to pretend, for the sake of convenience and efficiency, like it doesn't. It is a very deliberate puritanical parentheses that the corporate world draws between itself and (an increasingly sexualized) mainstream reality. But since men in suits are already studs, it is women in suits who have been expected to comply and to camouflage and to conceal: keep it loose, keep it long, keep it as inconspicuous and unsexual as possible.

Corporate androgyny comes about as a kind of theatrical suspension of disbelief, and our tacitly assigned role, as young men and women, as we interview and enter onto the corporate stage, is to play along: me a suit, you a suit, we just two suits in a conference room.

Of course, corporate affectation, like the corporate suit, has been around — and denounced — for a while. But the divergence between presumption and reality, between the assumption of corporate asexuality and the external social conception of sexuality, has perhaps never been so pronounced. The average woman may not go in for the gritty and the unabashed, and I would speculate that the average HLS woman definitely does not, but her choice is probably more personal than social.

A woman's sexual identity today is mostly her own to create in a strikingly broad social spectrum of what is now licit (gritty and unabashed included) — making the corporate game of asexual make-believe all the more contrived. Many women also thought that to ignore gender, was to overcome gender — and gender discrimination — and that the safest way for them to venture into the corporate world was clad in strangely unfitting and unfeminine attire: avoiding their sexuality. But it seems now that to ignore gender, and the sexuality implicit in gender difference — me man, you woman, feel free to dress like it — only continues to perpetuate that stilted corporate theater of the asexual absurd.

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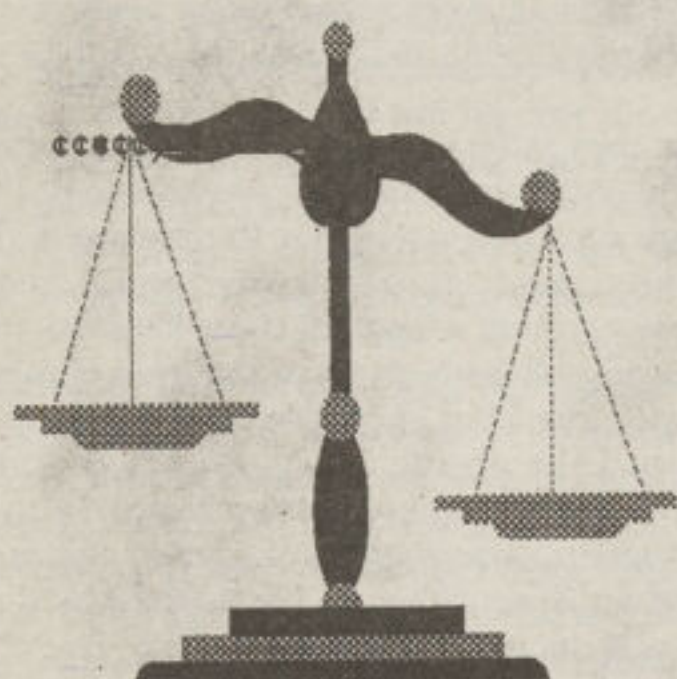
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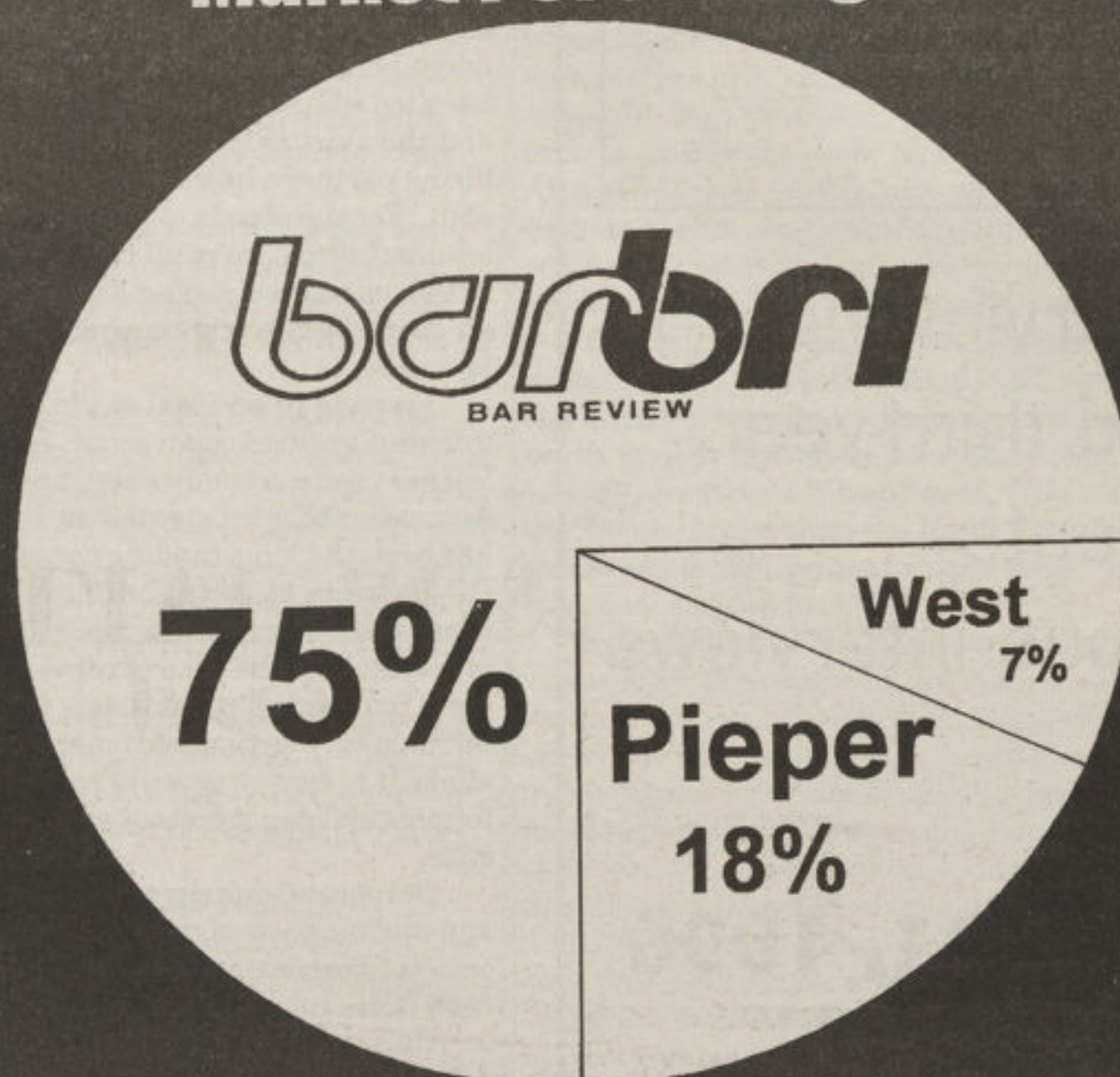
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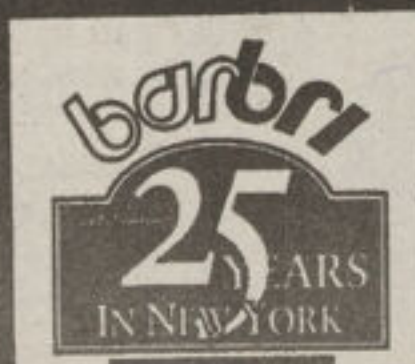
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