



Student Leaders Debate National Political Issues

by Rob Friedman

Although lightly attended on a sunny Saturday afternoon, the HLS Political Society's student forum brought together leaders of some of HLS' most active groups for a lively discussion on hot political topics.

The HLS Political Society is a new, non-partisan student organization seeking to "fight political apathy at Harvard Law School," according to Jonathan Perry '98, the group's founder.

Forum panelists were: Dan Schorr '98 representing the HLS Republicans; Andrew Byrnes '97 representing the HLS Democrats; Jol Silversmith '98 representing the Civil Liberties Union (CLU);

Jonathan Baker '97 representing the Libertarians; April Savoy-Lewis '97 representing the Black Law Students Association (BLSA); and Seth Persily '99 representing Lambda.

The panel discussed national issues such as education reform and affirmative action.

On education policy, panelists agreed on the need for reform, but disagreed on who should be given the power to enact reform.

"The real question is: who's going to determine what the appropriate balance is, parents or the government?" said Baker.

Baker argued for an educational policy which "allow[s] each

please see **DEBATE**, page 3



Andrew Byrnes '97 speaks at HLS Political Society debate.

Kennedy and Lindgren Measure Diversity

By Jacob Appel

Self-described "affirmative action warrior" James Lindgren of Northwestern University Law School and Harvard Prof. Randall Kennedy agreed wholeheartedly on one point at their recent discussion of diversity — they do not want law school faculties that mirror America's population.

"America is full of people with mediocre intellects," Kennedy declared. "I do not want them on my law school faculty."

That statement reflected one of the few points the two professors could agree upon as Prof. Lindgren presented the results of his recent survey on diversity in law school teaching on Monday.

The complex results of Lindgren's survey of 710 law professors on the subjects of race, gender, religion and political affiliation revealed some startling results and much data that can be interpreted in many ways.

Lindgren found that in relation to the United States non-institutionalized population (all U.S. civilians excluding those in

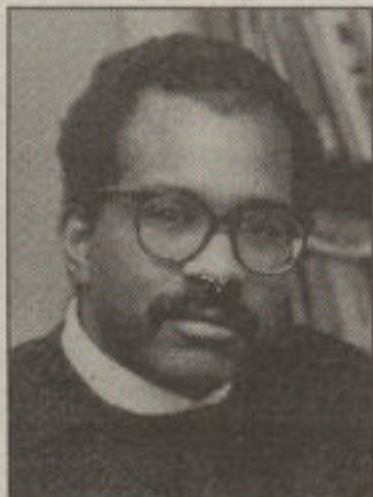
the military, prison and college), law school faculties contain a substantially smaller percentage of Christians and Republicans than would be needed to mirror the U.S. population. He also revealed that women and traditionally excluded minorities continue to be under-represented. In contrast, substantially over-represented groups included Democrats, Jews and those with no religious affiliation.

The primary difference between Lindgren's findings and other similar studies is that he does not believe that the under-representation of Republicans and Christians represents a problem for law schools.

"Many people pay lip service to diversity, but they don't really want it," Lindgren explained. "Ask yourself what a faculty that looks like America would look like. That's not where I want to go — that's not where I think you want to go."

Lindgren went on to explain that while he firmly supports affirmative action for minorities and women, he opposes efforts to diversify faculties along political and religious lines with an equal

please see **KENNEDY**, p. 3



Prof. Randall Kennedy

LL.M.s Outraged by Career Services Memo

Thompson Sharply Critical of "Sudden Surge of Unreasonable Behavior"

By Lesley Peng

LL.M.s were outraged by a memo sent by Office of Career Services (OCS) Director June Thompson to the entire LL.M. class last Friday. The memo — which, according to OCS official

Patricia Favreau, addressed problems OCS had when "students took it upon themselves to change the [on-campus interviewing] process" — depicted LL.M. actions as a "sudden surge of unreasonable behavior" and chastised LL.M.s for "refus[ing] to listen" to OCS's advice that interviewing "is NOT an efficient use of your or the employers time ... [because] 99 percent of the time, [employers] have no interest in hiring [LL.M.s]."

The memo was a response to unauthorized signs anonymously posted by one LL.M. alerting LL.M.s to the new interviewing lottery system, which randomly assigned LL.M.s interested in on-campus interviews to firms with

unwanted J.D. slots without regard to their expertise or backgrounds.

Thompson warned in the memo that "no notices may be posted ... without the name of the individual or organization on that poster."



N. June Thompson

The lottery system was imposed in part to remedy the problem of LL.M.s arriving hours before OCS opened in order to sign up for Red Book slots during their one allotted hour. At least one LL.M. was reported to have spent the night in front of OCS.

The memo warned LL.M.s that "the Security people ... [had been instructed] not to allow ANY students to sleep in our lobby or otherwise occupy it until 7 a.m."

Currently, 2Ls and 3Ls rank employers with whom they want to interview from a list of about 600 employers, and a computer matches students to employers based on student choices. J.D.

candidates that don't get scheduled with the firms they want also have the option of signing up for empty interview slots the day before the interview in a schedule known as the Red Book.

LL.M.s, on the other hand, are mostly excluded from the on-campus interviewing process. OCS's aid to them consists of helping them directly contact firms, both individually and through a resume book. Until recently, OCS allowed LL.M.s one hour's access to leftover spaces in the Red Book. This policy, however, was replaced last week by the lottery system.

Though Thompson "made no apology for the tone of the letter," Favreau acknowledged that "the letter was strong." She added, however, that "the behavior was extreme and unique to this class."

This class of LL.M.s, like those before it, is upset by the disparity between the J.D. and LL.M. interviewing processes.

Thompson justified the school's policy. "Most firms don't want to see LL.M.s because they

please see **LL.M.**, page 3

Dershowitz Proclaims Judaism, Anti-Semitism Dead

By Jacob Appel

With characteristic flair, Prof. Alan Dershowitz opened Tuesday's talk sponsored by the Jewish Law Students Association with the observation that, by the 300th Anniversary of America, "there won't be any Jews left."

The Felix Frankfurter Professor of Law went on to explain that "The great Jewish presence in America over the last hundred years will simply disappear What's happening is the end of ethnicity."

At the core of Dershowitz theory, which he will propound in a forthcoming and yet untitled book, is what he terms the *tseuris* theory. *Tseuris* is a Yiddish word that can loosely be translated as trouble. Dershowitz believes that "Jewish survival is based on collective *tseuris*."

Dershowitz noted that he is not alone in claiming that the perseverance of the Jewish religion and culture over the past 3500 years is the product of the struggle against anti-Semitism. He quoted Albert Einstein's statement that "it is thanks to anti-Semitism that we can continue as a race" and cited Jean Paul Sartre's claim that "the anti-Semite makes the Jew."

According to Dershowitz, even pioneer Zionist Theodor Hershli believed that Judaism is

the product of anti-Semitism. In this context, Dershowitz declared that "anti-Semitism is dead."

"I make speeches around the country telling people that anti-Semitism is dead and old people scream at me," he explained. "They need that anti-Semitism ... Yet even in the last ten years what we've seen is the end of state-sponsored, church sponsored anti-Semitism ... When I graduated from law school in 1962, I asked myself which were the Jewish firms. You couldn't get a job at Cravath, Swaine & Moore or Sullivan & Cromwell. How many of you even consider that today?"

Dershowitz said that at a recent dinner with President Clinton, he thanked the President for appointing two Jews to the Supreme Court [Steven Breyer and Ruth Bader Ginsburg]. Dershowitz suggested that Clinton's response indicated that he did not realize that Breyer was Jewish.

"The Catholic Church — the greatest purveyor of anti-Semitism for 2000 years — is making anti-Semitism a sin ... When a priest recently made an anti-Semitic speech in Poland, he

was officially reprimanded," Dershowitz said.

Dershowitz argued that the death of anti-Semitism threatens the survival of Judaism.

"Fifty years ago, we looked up to the anti-Semites. They told you where you could live, where you could go to school. Today, we look down at anti-Semites, the Nation of Islam, the militias, as the dregs of society."

According to Dershowitz, when the Anti-Defamation League reports that anti-Semitism is sweeping America, "they are crying wolf." As a result, Jews no longer need to live in Jewish neighborhoods, attend Jewish schools and summer camps, and work at Jewish law firms.

"We no longer have a common geography, a common destiny or a common language," Dershowitz said. "Yiddish is what kept the Jews together for 200 years. Not only religious works were written in Yiddish, but also communist manifestos, sex manuals, pornography and comic books ... that culture is dead — that culture was murdered."

Today, Dershowitz argues

please see **DERSHOWITZ**, p. 3



Prof. Alan Dershowitz

28 Years Ago at the RECORD...

Nader Slams Harvard Law School

Corporate Law Firms Heavily Criticized

By Jack Tate

Ralph Nader, '58, the consumer crusader, decided to take on large corporate law firms, law schools, and Harvard Law in particular last Friday night in a speech entitled "Law Schools and Law Firms: The Mordant Malaise or the Crumbling of the Old Order."

Speaking to nearly 400 people in the Ames Courtroom, Nader called on students to join him in helping to build public interest law firms that would counterbalance the "power brokers" of the large corporate firms.

"Official Washington would never be the same again," Nader predicted, "if you had several hundred lawyers working the other side of the fence—working to force disclosure, ripping aside the curtains of secrecy to instill a professional quality of representation of the public in the administrative process..."

Public Interest Firms

"Some of the greatest controversies of all times can result from this and perhaps public interest law firms would become the place to practice law."

Not satisfied with the impact such a statement is likely to have on the major corporate law firms, Nader made what sounded half like a joke and half like a threat: "When all 500 law school graduates in the class of 1975 from Harvard go into these public interest law firms, when Dewey, Ballantine has to go to Cumberland Law School, when the brain drain becomes so great... that finally we can say that we have arrived at a relatively sane deployment of legal manpower where the best legal minds are put on the greatest and most challenging problems of society... then it would be very interesting to see the withering away of these corporate law firms and the assumption of their residual duties by house counsel."

Harvard's Failures

Nader attacked the failure of



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Mike Lurey

THE CONSUMER CRUSADER EXAMINES ALMA MATER.

Harvard and other law schools to fulfill five of their basic functions, including definition of problems, developing and teaching techniques of analysis, teach-

ing the proper approaches to problem solving, cultivating a sense of injustice, and developing full roles for the legal profession.

(Continued on Page 4)

(Continued from Page 1)

"There is a certain intellectual style or cosmetics to the choice of problems at the Law School," Nader stated. "The question to ask is: why in the pecking order is the analysis of a tax regulation so high and the analysis of the legal inspection of our meat supply so low? On what possible criteria can that allocation of priorities... be made? The amount of people affected? The level of intensity of impact on people? Money? What?"

"It is quite clear," Nader said, "that if you don't at least give a student some exposure to the important problems of the law, his probability of uncovering these problems and building a career around them... is minimized." Some of the problems that Nader said the Law School failed to define (at least in his day) were (1) Environmental pollution and environmental control (2) Food and Drugs, (3) Mental Hospitals and Prisons, (4) Occupational Health and Safety and (5) The collapse of law enforcement in our slums.

He attacked the Law School's pride over the job it is doing in teaching the technique of legal analysis by questioning the validity of any analysis which excludes from the basis of analysis a "huge slice of the empirical phenomena related to the subject..."

An example given was the failure of professors in the tort classes to focus on vehicular design as one of the legal causes of the personal injury.

"Mr. Dean Griswold," Nader said, "is fond of saying that if you are a good corporate lawyer, you can be a good civil rights lawyer, implying that there is a kind of transfer effect here of skills, techniques, analysis, stamina, etc. Well, there is only one assumption here that has to be made—that the corporate lawyer appreciates that there is such

a thing as a civil rights problem demanding his professional contribution... the Law School should try to develop that kind of commitment."

One of the most hallowed features of Harvard Law came under the heaviest attack. "Years ago," Nader pointed out, "the reformers of the Law School curriculum thought they had really hit the nail on the head when they developed the case method. But of course the case method certainly has outlived much of its usefulness, particularly because the case method relies very heavily on appellate decisions."

"If you want to ask yourself what problems should law students try to solve you will more likely have to look at their extracurricular activities than at their curriculum."

Nader was particularly concerned about the failure of the Law School to cultivate a "sense of injustice" among its students. "This sense of injustice or justice was one of the most unelaborated precepts at the Law School that I ever came across." Combined with this must be a certain level of sacrifice, Nader indicated.

"The level of sacrifice here," he said, "tends to start with questions as to whether there are going to be two cars in the garage... Now I think we have to really look at the situation because I get this reply very frequently when I talk about the need for lawyers to work in the public interest. The first question is: 'from where are we going to be paid.'"

"Can you imagine Daniel Boone heading out for Kentucky and somebody saying: 'Where are you going to get your food from Daniel?' 'Who is going to support you?' 'What's your wife going to say?'"

"The point is that you don't break new ground without some sense of discomfort—of sacrifice."

However, during the questions following the speech, Nader suggested two alternative means of financing a career in a public interest law firm. He pointed out that he would be willing to accept the risk of a government subsidy and he also noted that a good many law students are independently wealthy and could absorb the costs themselves.

In a conversation earlier in the day Nader said that he is investigating the possibility of financing by private foundations. Students wanting to work for him in the summer, could seek remuneration via either law school grants or "tithes" from law firms. Some of the prospective workers for Nader indicated that they would ask major corporate firms, particularly those in Washington, to hire them for the summer and then donate their services to Nader.

The consumer crusader is totally unsatisfied with the present role of the lawyer. "If we assume that the conventional law firm structure," he said, "defines the parameter of legal challenges and the problems that lawyers work with, then we are in very severe straits."

"I don't think the problems of the corporate law firm will be ameliorated by internal reform. I know about all the agitation by young lawyers who are becoming dissatisfied and the trend by law firms to enter a new 'era.' Where formerly they bought law students without paying the price, now they are buying them and paying the price. And this price will go up to \$18,000 and \$20,000 and so forth and it will divide the men from the boys."

"And more law firms are saying now. 'Well, give the boys a few hours off to go down into the slums.' A little noblesse oblige, you know."

Nader's current law suit against General Motors brought this comment: A good third year paper could be done on this question: "Can an individual ever prevail in court against a determined corporation no matter what the justice of his case, no matter what evidence he has? ... I think the answer is 'no.' He can't prevail. In fact, I am trying to test it out myself."

"I sued General Motors two years ago. It took something like 90 days to get an answer to a com-

(Continued on Page 16)

(Continued from Page 4)
plaint. They thought up such creative delays that I would have never imagined. One was a motion to purge repugnant vocabulary in my complaint.

"Two years have passed and we are now at the following stage: the first level of appeal from the denial of their motion to dismiss. Now I stand ready to persist in this litigation until 1984 at least, but it is quite clear that General Motors can persist forever because a corporation among some of its attributes is immortal."

"My estimate of their legal expenses, excluding house counsel thus far, is close to \$300,000 without a whimper from the stockholders..."

Nader assailed the lack of criminal penalties in consumer-oriented legislation which he felt would force corporations to start obeying the law more often than they do at present. He was particularly bothered by the great

disparity between penalties designed for the poor who commit acts defined by our society as crimes and those penalties prescribed for corporations and their executives for much more serious violations.

"Three months ago a sixty year old man... stole \$6.30 (from a coin box). They sentenced him to 18 months in jail. The longest sentence under the Sherman/Clayton Anti-Trust acts, as I recall, is six weeks. Now let us compare the two. Let's take the GE-Allis Chalmers-Westinghouse price fixing conspiracy. The impact on the big buyer was about one billion dollars over a decade. And of course in terms of inflated prices to the final customer it was undoubtedly more."

"Now this was not a nolo contendere plea. They were guilty. They admitted it... They sentenced a few executives to two weeks, four weeks, six weeks in jail."

EXETER STREET THEATRE

Exeter and Newbury Streets
Boston

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7:50, 9:30

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Thompson Offers No Apology for LL.M. Memo

cont. from LL.M., p. 1

don't have foreign operations," she said.

Favreau, who handles LL.M. employment searches for OCS, added that because "employers come here primarily to see J.D. students, [OCS] needs to address their needs by allowing J.D.s to sign up first while also trying to get them to see LL.M.s."

Thompson maintained that LL.M.s, as "experienced lawyers," should "seek employment ... by sending resumes and cover letters directly to firms, not through on-campus hiring."

Some LL.M.s scheduled interviews through the Red Book. However, students often were brushed off by prospective employers who treated them as interruptions to interviews with J.D. candidates. Though OCS views this attitude as indicative of lack of interest on the part of firms, Law School Council (LSC) Vice President Rob Jancu '98 offered a different explanation.

Jancu suggested that "the system makes [LL.M.s] annoyances" by not preparing interviewers with student information or resumes.

One LL.M. — who chose to remain anonymous for fear of angering OCS officials — agreed with Jancu's assessment, and said that OCS "should help and not hinder" the LL.M. employment search.

Though OCS implied that LL.M. interviews place an unproductive burden on the system, several LL.M.s thought it was strange that the 30-odd LL.M.s that did participate in OCS scheduling overbur-

dened a system that accommodates over 700 J.D.s with full, regular, interview loads. In response to student suggestions, OCS has tried to better prepare employers by implementing a policy to provide interviewers with a list of newly-added LL.M.s and their resumes.

Even among the firms that do wish to see LL.M.s on-campus, however, students are upset that their preferences are not considered. Either the firms have screening requirements, which are not allowed for J.D. interviews, or the students are assigned to the firms by the lottery.

"It is quite possible that an experienced tax lawyer from Korea can end up interviewing for a small domestic firm in North Dakota," said Kinh-Luan Tran LL.M. '97.

LSC addressed the LL.M. situation at their most recent Tuesday night meeting. Jancu said that "LSC should ask the J.D.s to be supportive in solving the problem."

LSC President Chip Nierlich '97 said, "[T]here isn't enough interaction between the LL.M.s and the J.D.s. This is an issue we're all concerned about. Even though we knew a problem existed, we didn't know the extent to which it pervaded the [interviewing] process."

Unfortunately, with fall on-campus interviews at an end, there is not much that can be done to benefit this year's LL.M. class. LL.M.s generally feel that improved communication between OCS and LL.M.s will at best illuminate room for negotiation.

As LSC member Leonardo Raznovich LL.M. '97 said, "We're doing this for next year's class."

Debate Focuses on Affirmative Action

cont. from DEBATE, p. 1

parent the freedom to educate their children as they like."

Schorr agreed, arguing that the "answer is letting communities decide what is good for them" and then allowing people the freedom to choose the community with which they wish to associate. Schorr also warned against giving the federal government too much power in determining a national curriculum.

Schorr argued that it is "very scary" to allow a small group of federal bureaucrats to determine a national history curriculum, noting that proposals from a group appointed by the Clinton administration has left out such events as Paul Revere's ride and the writing of the Federalist Papers.

Other panel members worried about the "Balkanization of America's schools," as Byrnes put it. While Byrnes agreed with the majority of the panel that "education is a local enterprise," he disagreed with the proposition allowing "ideologically-based, or ethnically-based, or gender-based" local schools on the ground that it sheltered children from America's rich

diversity.

Persily noted that Mississippi recently passed a referendum to ban gay education in elementary and secondary schools. "There must be minimum levels of tolerance" established by the federal government, Persily argued.

Savoy-Lewis argued that true diversity means learning about all types of societal norms. Isolating certain norms in local schools would "create conflict once [children] go out into society," she said.

Affirmative action was the hot issue of the day, with panelists clearly divided on the scope and method of anti-discrimination and race-preference policies.

While all panelists agreed that racial discrimination is a continuing evil in America, Schorr argued that the solution was to "enforce the Civil Rights Act," rather than giving racial preferences.

"Martin Luther King was right when he said that we should judge people, not by the color of their skin, but by the content of their character," said Schorr.

Baker argued that affirmative action "makes [its] beneficiaries feel inferior [and] demoraliz[ed]."

Professors Debate Faculty Diversity

cont. from KENNEDY, p. 1

fervor.

"If you mean affirmative action," he stated, "say affirmative action; don't say diversity ... Too often people conflate the two, and they're not the same."

In response, Professor Kennedy attempted to explain the rationale for hiding the wolf of affirmative action in the sheep's clothing of diversity. He explained that in *Bakke v. Board of Regents*, a seminal Supreme Court case limiting the extent of affirmative action, Justice Lewis Powell specifically wrote that, while the Court would not accept race as a decisive criterion in hiring, it might accept the preferential hiring of minorities if they brought different viewpoints to the faculty. Justice Kennedy noted that this decision spurred supporters of affirmative action to hide behind the guise of diversity.

Among the statistics brought to the fore by Lindgren's survey was that the shortage of women on law school faculties could as easily be attributed to political biases as it could be to gender biases. He noted that although white, Protestant, Republican women are the largest demographic plurality in the national population, none of the 710 professors surveyed fit that mold.

"Virtually all the under-representation of women can be accounted for by the lack of Republican women," explained Lindgren.

He similarly noted that Hispanics account for 7.6 percent of the general population but only 2.3 percent of law faculties, and that Republicans account for 41 percent of the United States population but only 12.9 percent of law school faculties. He also observed that Harvard Law School has not hired an openly Republican assistant professor since 1974.

Lindgren and Kennedy also discussed discrimination in the hiring process. For example, Kennedy pointed out that President Derrick Bok of Harvard had vetoed the hiring of Prof. David Trubeck of the University of Wisconsin for his left-wing political views. Lindgren noted that students had attempted to prevent the hiring of relative conservatives Jim Chen and Julien Hatfield at Berkley. However, according to Lindgren, the strongest discrimination occurs against minorities and women who do not have the left-leaning political views expected of them.

"They are expected to toe the line," he explained.

Lindgren offered several explanations for his data and several caveats as well. First, he explained that there are "cultural reasons why Republicans are not teaching law."

"If you're not into making money or you're opposed to it, you go into academics ... The lack of Republicans is almost too big to be the result of discrimination; it has to be the result of cultural factors," he said.

Lindgren also suggested that affirmative action in the law school admissions process may in itself be responsible for the dearth of women and minorities on law school faculties. According to Lindgren, if top institutions like Harvard accept under-qualified women, these women will not be in the top of their classes and will not make law review; however, if these women had gone to slightly less prestigious schools, they would have been at the top of their classes and would have garnered positions on the law review — creating opportunities for writing that would have enhanced their careers.

"You have to approach affirmative action critically," he said.

For his part, Kennedy expounded the belief that only the truly naive believe that advocates of diversity theory really desire law school faculties that mirror America.

"We want distribution of wealth, power, opportunity along the lines of race and to a lesser extent along the lines of gender," Kennedy said, pointing out the links between gender, race, and economic inequality.

"In this country, if you can't afford to fly on the airplane ... we make you take the bus ... If you can't afford to sit in the front of the plane ... you sit in the back," Kennedy said.

Jewish Culture in Danger, Says Dershowitz

cont. from DERSHOWITZ, p. 1

that secularization has undermined the traditional definitions and bounds of the Jewish community. Inter-marriage exceeds 50 percent, for example.

"Jews are the most affluent, most educated group in America ... but they are the most ignorant when it comes to their own culture. More Jews know the name of the mother of Jesus than the name of the father of Moses," he said.

Dershowitz blames this lack of knowledge on "mediocre rabbis" whose sole aim is to Bar Mitzvah people. Bar Mitzvahs, ritual coming of age ceremonies that Jews undertake at the age of thirteen, are in Dershowitz's words "the biggest turn-off to Jewish life today."

The scholar and critic suggests that there is only one hope for the survival of his heritage.

"We need to develop a positive Judaism that can exist without *tseuris*," he urged. "I'm advocating a secular revival."

He explained that the new Judaism he is propounding is not "God-dependent" but instead depends upon Jewish culture and tradition. He compared this new breed of Judaism to Harvard University, which began as a Congregationalist Seminary and is now thoroughly secularized. Among the controversial theories Dershowitz offered as part of his new Judaism are a rejection of the traditional Jewish belief in matrilineal descent and an acceptance of intermarriage as inevitable.

Alternatively, Dershowitz offered a facetious seven-step plan for assuring that Jewish parents produce Jewish children: 1) move to Munsey; 2) don't teach your children English; 3) only let your children associate with Jews; 4) make sure they only work with Jews; 5) don't send them to col-

lege; and 6) make sure the women stay at home all of the time. Step seven, which came to replace the other six, is the imperative, "Move to Israel." The only alternative is to embrace as Jews all individuals who wish to identify themselves as part of the Jewish community.

Dershowitz also suggested that Jews can follow one of two historical examples: they can either follow in the footsteps of the Shakers or the Quakers.

"The chasidim [like the Shakers] have no input in secular life, in literature, in culture ... I advocate adopting an approach just like the Quakers. Jewish Schools should be open to everybody, like Quaker Schools ... A Quaker does not demand conversion ... A Quaker is not tribal ... I'm pushing for a much more open Judaism, a Judaism that demands that a continuum be recognized from the orthodox to the secular."

Dershowitz contrasted this desire with

the efforts of figures like David Ben Gurion and Golda Meier, who were in the "tradition of sacred survival" and advocated a Judaism that defined itself against its gentile enemies.

The audience of fifty spectators was often at odds with the speaker, challenging his contention that anti-Semitism no longer exists. Students responded that while anti-Semitism may be dead in Cambridge, their experiences in small-town Tennessee and Kansas belied a different pulse in the heartland of America.

But Dershowitz had the last word: "You can continue to fight for all or nothing ... but it's better to have a son-in-law or daughter-in-law who loves the Jewish part of their spouse, the Jewish component of their heritage ... Even Orthodox Jews know that the Messiah isn't going to come ... The temple isn't going to be rebuilt ..."

THIS WEEK IN LEGAL NEWS

District Court Allows Title VII Same-Sex Harassment Claim

By Hal Poret

A United States District Court in Colorado took a significant step in keeping sexual harassment out of the workplace last month, in holding that a cognizable claim of same-sex harassment exists under Title VII.

The plaintiff in this case, Michael Gerd, filed suit under Title VII against his employer, United Parcel Service, after repeatedly being sexually harassed by other male employees of UPS. UPS moved under Rule 12(b)(6) of the Federal Rules of Civil Procedure to dismiss Gerd's action for failure to state a claim upon which relief can be granted, arguing that Title VII's ban on sexual harassment did not apply to same-sex harassment.

Gerd's complaint in this matter stated that "[b]eginning in October of 1993, [Gerd] was subjected to a series of unwelcome sexual or otherwise abusive conduct which was directed at [him] as a man. [Gerd] was subjected to and offended by this harassment because of his gender."

The first incident occurred when Gerd was asked for his phone number in connection with work. After overhearing the request, a managerial employee of UPS stated "what's with all the phone numbers

Gerd ... are these all your boyfriends' numbers...?" When Gerd offered an appropriate explanation for the change of phone numbers, his manager replied, "Are you sure you just don't shack up with a different guy each night?"

Later in October of that year, another managerial employee approached Gerd from behind, began rubbing his own hands up and down Gerd's thighs, and thrust forward towards Gerd with his pelvis in a fornicating gesture.

Gerd's complaint also asserted that this same UPS employee stated "hey wouldn't you love to see [Gerd] get down on the floor and roll around and get dirty?" After expressing his disgust with this conduct and comments, a third employee replied "you didn't know that [the second employee] was a member of the Village People ... he was the one that wore the tool belt."

In February of 1994, Gerd filed sex discrimination charges with the Equal Employment Opportunity Commission (EEOC), but, after his employer threatened to reassign him to an unpleasant job, Gerd decided to terminate his employment with UPS.

In federal court, UPS argued that, as a matter of law, Gerd could not state a claim under Title VII because the provision of the

Civil Rights Act of 1964 does not proscribe same-sex harassment. On the contrary, UPS argued that the conduct alleged was mere "locker room" activity not subject to Title VII protection.

Title VII mandates that an employer not "discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex or national origin."

EEOC guidelines define sexual harassment to include "[u]nwelcoming sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature ... [where] such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."

In the 1986 case of *Meritor Savings Bank v. Vinson*, the Supreme Court held that the determinative inquiry under Title VII is solely whether the conduct is sexual in nature, and whether the sexual harassment occurred because of the gender of the victim.

"Just as courts do not inquire into the sexual preferences of the victim in cases of opposite sex harassment, the sexual preference of the victim should be a non-issue in a same-sex sexual harassment case," the

Court held.

The *Meritor* opinion seemed to make clear that the type of "locker room activity" that went on in Gerd's workplace at UPS was not excusable under Title VII merely because Gerd's employers were also male.

However, as recently as this year, circuit courts have insisted that same-sex harassment claims are not cognizable under Title VII. In 1994, in *Garcia v. Elf Atochem North America*, the Fifth Circuit Court of Appeals held that "harassment by a male supervisor against a male subordinate does not state a claim under Title VII even though the harassment has sexual overtones."

Earlier this year, the Fourth Circuit Court of Appeals made a similar decision in *McWilliams v. Fairfax County*, asserting that, because Title VII requires that discrimination occur because of a person's sex, the causation requirement could not be met where the conduct occurred between heterosexual males.

By interpreting Title VII to require the harasser to be sexually oriented towards the sex of the employee, the Fourth and Fifth Circuits have left the workplace unprotected from the thuggish and intimidating behavior that Gerd was subjected to by UPS. Such inappropriate conduct is evident in the comment of the UPS supervisor who suggested that Gerd had no need to complain since he is bigger than the other employees. However, Gerd did not feel he should have to physically defend himself to secure the work environment guaranteed by Title VII.

In light of these recent cases, the Colorado District Court's decision may be an important step in halting the trend towards "letting boys be boys" and providing an equal opportunity for all employees to avoid a hostile work environment, regardless of their gender or sexual orientation.

As the court stated, "if such conduct were directed at a female in Gerd's position there would be a clear inference that the conduct was motivated because of her sex." Therefore, although the motivation for harassment may be less obvious in a same-sex situation, the court held that such actions state a claim under Title VII and should be resolved by a trial on the facts of each case, not by Rule 12(b)(6).

As this was a case of first impression in the Tenth Circuit, it remains to be seen how the Tenth Circuit Court of Appeals will respond to the District Court's opinion. However, as for the present, the Court has struck a strong blow for preserving a better work environment and Gerd will be given a chance to obtain relief under Title VII at trial.

HERE ARE 49 REASONS WHY THOUSANDS OF LAW SCHOOL GRADUATES ARE TAKING WEST BAR REVIEW

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"The Illinois writing lectures were phenomenal."

Graduate, DePaul College of Law

"Moye is a god."

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Jaimie Shapiro was exceptionally responsive and professional."

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Graduate, Widener School of Law

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"Gerry Beyer was excellent. I thought the outline really let me listen and understand."

Graduate, Boston U. School of Law

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"West is clearly a far better course, particularly with WESTWeek."

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Graduate, Univ. of Minnesota Law School

Prof. Byron Warnken was "animated, funny, well-organized."

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"Mary Cheh is an excellent lecturer! Clear, concise - made a year of hell seem very simple."

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"Where were you when I was a first-year student?!"

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"Moye and Guzman were phenomenal."

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"Mark Ricca on Real Property was excellent. An engaging speaker who helped clarify the concepts. His handout was fantastic."

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"Arthur Miller made me feel like I was at home, sitting in my chair, and watching Court TV."

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Across the Wire ...



This Week, News From Texas and the Northeast

Jurors to Resume Deliberations In Fetus Case

CORPUS CHRISTI, Texas (AP) — Jurors are slated to resume deliberations Monday on the punishment for a drunken driver who crashed into a pregnant woman's car, causing the premature birth and death of her child.

The case, one of the first in Texas to test whether a person can be held criminally liable for harming a fetus, faces the possibility of a mistrial after jurors went home for the weekend deadlocked on a sentence.

The same seven-woman, five-man jury took just one hour to convict Frank Flores Cuellar of intoxication manslaughter. But after deliberating 4 1/2 hours Friday on punishment, the panel said it could not reach a decision and was sent home.

Cuellar, 50, faces anywhere from probation to 20 years in prison for the death of Krystal Zuniga, who was delivered shortly after the June 15 accident.

According to testimony, Cuellar was intoxicated at more than twice the legal limit when he collided with a car driven by Jeannie Coronado as she returned from a late-night trip to the grocery store.

Ms. Coronado, 7 1/2 months pregnant, gave birth to Krystal by emergency Caesarean section. Weighing just 4 pounds and having suffered extensive brain damage, the infant died 44 hours later.

Cuellar's attorney, Anne Marshall, argued during trial that her client could not be held responsible for the child's death because Krystal was not alive when the accident occurred.

Ms. Marshall repeatedly cited the state's legal meaning of person, defined as an individual "who has been born and is alive."

While quickly rejecting that argument, jurors are stuck on the issue of punishment.

District Attorney Carlos Valdez has asked for the maximum sentence, citing three previous convictions Cuellar received for driving while intoxicated.

"You think Mr. Cuellar has learned his lesson? He hasn't," Valdez told jurors. "The only sure way to stop him from driving is to put him away."

However, Ms. Marshall asked the jury to consider probation after Cuellar's brother-in-law and step-daughter-in-law testified that he had a drinking problem and wanted help.

A recovery program, Ms. Marshall said, "does not let him escape punishment."

Cuellar also is charged with felony DWI and intoxication assault in connection with the accident. He will be tried on those charges later, and faces a maximum of 10 years in prison for each.

Amy Fisher's Suit Focuses Attention on Credibility, Prisoner Safety

BUFFALO, N.Y. (AP) — The "Long Island Lolita" of tabloid fame is at the center of another sex-tinged and sensational court case, this one raising questions about her treatment in state prison.

Amy Fisher and her mother, Roseann, claim in a lawsuit that Amy has been repeatedly raped, sodomized and sexually abused during the nearly four years she has spent behind bars for shooting the wife of then-boyfriend Joey Buttafuoco.

The incidents at Albion Correctional Facility range from an alleged 1993 affair with a guard, Sgt. Robert Schwartz, to being assaulted and raped in separate incidents by officers in the prison library, a stairwell and a guards' bathroom. Albion is a medium-security prison 35 miles east of Buffalo.

An important hearing in the case resumes Monday in federal court here following a three-week break.

Fisher said she often did not physically resist guards' advances because she was afraid her life would be made even worse if she fought back.

"Did I punch and kick? No. Did I want it? No, I did not want it," Fisher, 22, testified last month as she described three occasions when the same guard woke her in the middle of the night and had sex with her.

Prison personnel deny the allegations. Lawyers for the 21 prison officials will start presenting their witnesses on Monday before U.S. District Judge Richard Arcara.

Once they're finished, at the end of this week, Arcara will have to decide if Fisher should be transferred while her case is litigated.

The lawsuit asks that Fisher be moved permanently to a federal prison in Connecticut and for \$20 million in dam-

ages from each of the defendants. Fisher, serving a five- to 15-year sentence, won't be eligible for parole until next August.

Two portraits of Fisher have emerged in the case so far.

Fisher's attorneys paint her as a courageous whistleblower whose notoriety has made her a target for abuse in prison.

"She's a trophy," said Fisher attorney Thomas McVann.

To the defendants, she is a liar who wants to be transferred closer to her Long Island home and perhaps gain another moment in the national spotlight. "Absolute lies," one guard accused of raping Fisher in a prison stairwell said of the charges in court papers. "No such thing ever happened."

Some of the 12 state-hired attorneys representing the prison authorities have expressed concern that if Fisher wins, it could spark a flurry of inmate transfer lawsuits.

Schwartz has admitted to secretly calling Roseann Fisher 22 times to check on Amy when she was transferred briefly to Bedford Hills state prison in Westchester County. He also wrote a note in which he called the inmate a "gorgeous gerbil." But he denied having sex with Amy Fisher.

Defense attorneys countered by asking Fisher about her sexual history, getting her to admit that she answered "unlimited" on a form which asked how many sex partners she had before going to prison.

While declining comment on the specifics of the case, a spokesman for the state Department of Correctional Services noted that Amy Fisher is the only female inmate out of roughly 5,000 in New York making such claims in federal court.

"I think the numbers speak for them-

selves," prisons spokesman James Flateau said.

However, the head of a prisons watchdog group said Fisher is raising a legitimate issue.

"I don't know if there's any truth to her claims, but female inmates are harassed and raped in prison," said Robert Gangi, executive director of the Correctional Association of New York State.

Gangi said he visited Albion last November and heard numerous complaints from female inmates about sexual harassment, including fondling during strip searches and male guards pulling prisoners' shower curtains back without warning.

New York state passed a law backed by the prisons department earlier this year that makes it illegal for guards to have sex with inmates. Twenty-four corrections employees had been disciplined in the previous two years for having sexual contact with inmates.

State Sen. Michael Nozzolio, a sponsor of the measure, said he thinks inappropriate sexual behavior between guards and inmates occurs only rarely. "Nonetheless, our laws need to be zero tolerance for any type of harassment," he said. "The higher our standards and the more we adhere to them, the prouder we'll be of the system."

Back in court, it may be months or even years before all the evidence in the Fisher lawsuit is heard.

Testimony about semen-stained underwear which Fisher claims to have smuggled out of prison after one attack was not allowed at the current hearing. And nothing has been heard so far from Fisher's fellow inmate, Lillian Nieves, who said in court papers that Fisher told her she planned to make false claims against several guards.

Justice Department Questions Worcester's Use of Grant to Buy Additional Police Cruisers

WORCESTER, Mass. (AP) — The Justice Department is investigating the city's decision to redirect a federal grant from a fund for hiring police officers to a fund for buying more police cruisers.

The city received a \$1.35 million grant from the federal Community Oriented Policing Services effort, also known as COPS. The grants are part of the federal effort to put 100,000 new police officers on the nation's streets.

City Manager Thomas Hoover said the city's first budget proposal for Fiscal Year 1997 contained tax levy funds for police salaries. But during the budget review process, Hoover was notified that Worcester would receive the COPS grant.

So Hoover, with the city council's approval, used the grant to fund 18 of the more than 40 police recruits in the proposed budget. That freed \$540,000 in tax levy funds to purchase 20 more cruisers.

Hoover said officials checked with

those overseeing the funding in the Justice Department and were assured that the plan to buy the police cruisers complied with COPS guidelines.

"I do not see any discrepancy in the use of these grant funds," he said. "The city in no way supplanted tax levy funds with grant funds."

But Justice Department officials are questioning the switch.

"We need full clarification on this from the city," said Charles Miller, spokesman for the COPS program. "Needless to say, we will be in contact with them."

Hoover said a June 12 letter from the Justice Department to city councilors implied that the switch was proper. But Miller said judging from the letter by L. Anthony Sutin, COPS deputy director and general counsel, "it does not seem as though they were given the thumbs up."

The letter to Stephen F. O'Neil, director of the city Office of Planning and

Community Development, said, "The only allowable costs covered by the Universal Hiring grants are salaries and approved benefits for newly hired officers and (they) may not be used to fund vehicles or other equipment."

In addition, COPS guidelines say, "COPS grant funds must not be used to replace funds that eligible agencies otherwise would have devoted to future officer hiring. In other words, any hiring under UHP (Universal Hiring Program) must be in addition to, and not in lieu of, officers that otherwise would have been hired."

Mayor Raymond Mariano said he was among the councilors who raised concerns about the way the grant was being used.

"If what we were told (by Hoover) is inaccurate, then I would have grave concerns," Mariano said.

In the meantime, the Ford Crown Victorias bought with money freed up by the COPS grant are on patrol in the city.

Harvard Law RECORD

Founded in 1946

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Editor-In-Chief

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Publisher

Problems at OCS

It was a tough week for the Office of Career Services (OCS). While OCS is generally regarded as HLS' most efficient and error-free operation, the crunch of the interviewing season has finally begun to take its toll. And, although the RECORD praised OCS' response when a computer glitch left some students without an interview schedule three weeks ago, recent events have shown huge weaknesses in OCS processes.

June Thompson's handling of the LL.M. interviewing problem was abrupt and disrespectful. LL.M.s generally receive worse treatment than J.D.s in the delivery of HLS services. But Thompson's response to LL.M.s' concerns was unique in its utter dismissal of the entire LL.M. class and the commanding, uncompromising tone.

Adding to OSC's woes is the lack of a formal complaint system. This weakness was evident two weeks ago, when students complained to Thompson about the firm of Troy & Gould.

Thompson failed to take action against the firm, even though the firm insisted that students accept their "offer" by October 7, a clear violation of NALP and HLS policy, which requires offers to remain open until at least December 15.

While Troy & Gould has offered an explanation for their behavior in this week's Letters, the issues in dispute must be examined closely by OCS. Although Troy & Gould has chosen to opt-out of NALP guidelines, HLS must let firms know that they cannot continue to interview at the School if they do not act honestly and ethically.

Other students have complained about Latham & Watkins violating the School's rules by discriminating against white, male, heterosexual applicants. Yet other students have complained about the famous Gibson & Dunn "yellow-streak," a piece of paper with yellow highlights on the names of students who meet their grade cut-off. HLS rules forbid strict grade cut-offs as a selection criterion.

In the case of the complaint against Latham & Watkins, Thompson refused to comment to the RECORD, stating that the issue would be dealt with by the Placement Committee. However, the Placement Committee has not yet met, nor has the Dean even appointed its members.

So students are left with little recourse against unethical firms except to speak with one another and hope the next class remembers.

— Friedman

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—First Amendment, US Constitution

• Letters •

Serotta Misrepresents Rosenberg's Credo

A couple of weeks ago, Judd Serotta made a significant and much-needed point in his column, "Not a 24-Hour-a-Day Job!" (RECORD, Oct. 11, 1996). His concern — that as we progress as law students and begin our careers beyond this campus, we will forget to rescue our original interests and passions that were integral to ourselves before arriving as 1Ls — is well-founded and real. However, Judd's attempt to portray this concern as consistent with Prof. David Rosenberg's "Twenty-four-hour-a-day" credo is not only misplaced, but it undermines an idea which, in its essence, upholds the belief that we should keep our original interests and passions at the core of our existence.

Rosenberg zealously wants students to keep their own values and dreams as they experience law school and move on to other endeavors. That is why he uses the term "Twenty-four hours a day" — not to implore us to bill twenty-four hours a day,

but instead to show students that legal thought is not, should not, be something that you leave at the office, at the courtroom, or at the schoolhouse gate. It's a way of thinking about things that we develop as students and that becomes part of ourselves, intertwined with our other interests and passions, as we step out into the larger world.

It's a way of seeing ideas, viewpoints, opinions — everything that we encounter each day — from all sides and dimensions. We're lucky; we can use this larger perspective and combine it with our personal values as we experience or do anything, from watching movies to building sandcastles to coaching Little League teams.

Surely, Rosenberg is the epitome of well-roundedness, and not the enemy, as Judd contends. As Rosenberg travels in an ad-hoc manner through small European villas this fall, you can be certain that he is anything but a "law robot," but is instead appreci-

ating his journeys from a perspective that includes both legal thought and personal values — and he's probably keeping tabs on NY Yankee statistics as well.

In showing us that we can, we must, break out of the tunnel vision that law school can impose, Rosenberg emphatically denounces esteemed legal treatises and courtroom litigators and vigorously plays devil's advocate to students' rote ideas taken from first-year casebooks. By using everything short of a stick of dynamite to revitalize student thought and dispute, Rosenberg shows us that this school is merely a stepping stone — one from which we can carry our original ideals, our greater perspectives, and our confidence to achieve those goals and aspirations that made us tick from the beginning, to go forward, breaking free if we dare at long last, into the next dimension.

Janet Fisher '98
October 20, 1996

Choosing How UHS Spends Its Money

While I am not morally opposed to UHS using \$3 of my mandatory fee to fund elective abortions, I appreciate the Harvard Law School Society for Law, Life, and Religion alerting me to the possibility of getting a refund

when I am opposed to a particular use of my money. In light of this, I am going to ask UHS to not spend one red cent of mine on medical care for people who are opposed to having their money used to fund abortions.

Also, I don't really like the name Randy, so I don't think UHS should use any of my money to treat anyone named Randy.

Micah Burch '99
October 16, 1996

Firm Defends "Frankness" With HLS Employment Applicants

We have read with interest your recent editorial in the Harvard Law RECORD. A copy was sent to us anonymously under cover of a Harvard Law RECORD facsimile cover sheet, which inaccurately stated that "students have filed formal complaints with June Thompson." We immediately called June Thompson, and she told us that no one has filed a complaint with her. We also called [the RECORD], but we were told that you did not want to talk to us. (Perhaps you were too busy changing into a gray suit, or rushing like a "drone" to an interview, or otherwise consorting with the "enemy.")

While we are pleased that we have contributed to the Harvard Law School's sense of community, we take issue with your characterization that first year summer associates to whom we gave offers of employment for their second year and an honest review of their work and prospects for success at Troy & Gould who have the opportunity to return for a second summer at Troy & Gould but who also may tell other prospective employers that they received an offer have somehow been dealt with "inappropriately." Would you have thought our behavior more "appropriate" if we had simply made offers without offering comments or an evaluation? Or if we had not made offers at all?

Perhaps before you had written your editorial, you might have called us and considered the following

facts: Troy & Gould is a thirty something attorney firm in Los Angeles, specializing in corporate and real estate finance. Approximately one fourth of our attorneys come from Harvard Law School. This past summer, we hired eleven first year law students for short summer clerkships with us, ranging from three to eight weeks duration. Those students came from Harvard, Stanford and other national law schools.

Since these students had only completed one year of law school, there was great variance in their legal abilities, worldly experience, maturity and knowledge of the business world. Our assessment of the summer clerks was that one's work was unacceptable; several performed so well that they uniformly impressed every attorney that they dealt with; and several others performed well, but had readily identifiable shortcomings.

One of the aspects of our firm's culture that we most treasure is our openness and frankness when we deal with each other. Based upon our assessment of our summer clerks, we took the following actions: We did not extend an offer to the person whose work was unacceptable. We extended offers to all of the other law clerks to return to us for a second summer at the firm. When we extended these offers, we did what we always do during associate reviews (and during partner reviews, too). We discussed each summer clerk's

strengths and weaknesses and gave each one what we considered a fair appraisal of his or her chances for advancement at the firm. In some instances, we explicitly pointed out that if the summer associate's work did not improve during his or her second summer, the chances of receiving an offer for permanent employment would be slim. While this may appear "cold" to you, we think a more accurate description is honest.

As a final note, we stand behind our offers to each of the summer clerks. For many of them, it may have been the first time in their academic or intellectual life that their performance was judged as anything other than superlative. If they enjoyed their experience at our firm and they think that they can have a successful summer and career with us, we encourage them to accept our offer. At the firm, we have several attorneys who at some point in their careers had poor performance reviews, but nonetheless turned their fortunes around and become successful partners at Troy & Gould. Overcoming such adversity is actually one of the hallmarks of a good lawyer.

We ask that you either print this letter in a place of equal prominence as your editorial or sign an editorial retracting your prior statements.

Alan M. Dettelbach
Attorney, Troy & Gould
October 22, 1996

Technology Working Group Has Been Established

I would like to clarify a point in the October 18 [story entitled,] "Administrators Mum on E-Mail Forgery Investigation." At the time of the story, details regarding the proposed working group still needed to be resolved. These details have now been worked out.

At the request of the Construction Year Task Force, a working group consisting of administrators, faculty and students will be created to look at the question of and potential rules pertaining to student access to e-mail lists and, when technically feasible, a bulletin board. The working group will

be advisory to Administrative Dean Sandra Coleman and Information Technology Services and will, hopefully, provide a comprehensive community viewpoint on the matter.

Suzanne L. Richardson
Dean of Students
October 22, 1996

The First Election of the 21st Century

By Judd Serotta '97
RECORD Columnist



Well, barring a major miracle (not even a minor one) Bill Clinton will be re-elected on Nov. 5. Chalk the victory up to: 1) the lack of a viable Republican alternative; 2) the favorability of various economic figures; 3) Bill Clinton's outstanding ability as a campaigner, honed by 20 years of continuous campaigning; and 4) the Democrats' ability to scare people.

As an aside, I find the fourth to be the most unfortunate: the Democrats have stopped at nothing in their quest to frighten people over the last two years. I can think of no other campaign in the 20th century that so incessantly emphasized fear: children will go hungry and die in the streets, old people will go without medical care and also die in the streets, our water will look like mud, and our air will turn four shades of brown if you elect the Republicans, especially Dole/Gingrich.

It has been said that while FDR's motto was "We have nothing to fear but fear itself," the theme of the 1996 Democratic convention was "We have nothing to offer but fear itself." At any rate, this election has become boring for political junkies like me. The only question is whether Dole will do as well as Mondale or as well as Dukakis. The Republicans will keep the Senate, and pretty likely keep the House. So the 1994 results will be locked in. How boring!

As a relief to my boredom, then, I have begun thinking about the race in 2000. Both parties will have active primaries. In all likelihood, there will be a recession between now and then (the business cycle says so). The fear factor will be worn out, so the Democrats will actually have to propose new ideas (because a \$1,500 tax credit to go to a community college is an even worse excuse for a great new idea than was the Family and Medical Leave Act). Thus, the political landscape will be radically different.

On the Democratic side, I expect three key players: Al Gore, Christopher Dodd, and Richard Gephardt. These three men are of such high stature in the party that it is likely everyone else will be scared off. In addition, they are seen (correctly or incorrectly) to represent different constituent interests within the party.

Of these three figures, Al Gore probably has the best odds. He has enormous support within the Democratic mainstream, in spite of criticism that he is wooden and patronizing. He is seen (in my opinion undeservedly) as a moderate who can appeal to southern Democrats and other "Reagan Democrats." He will be the obvious bearer of the Clinton legacy, so the President's popularity by the end of his term will have an enormous impact on Gore's chances. In addition, Gore has run a primary campaign before, which usually works to a candidate's advantage.

Sen. Christopher Dodd has developed great national name recognition by being the public chair of the Democratic National Committee. He has shown himself to be an excellent political strategist and an articulate spokesman. Some have complained that he can come across as "mean," but the media usually does not like to apply that label to people who favor the redistribution of wealth and oppose throwing poor people out into the cold. Dodd is probably right in the center of the Democratic Party, someone liberals and moderates could be happy with. His chances would be boosted if the Democrats take back the House in 1996.

Finally, Richard Gephardt will run. Of the three major players, he has received the most criticism. He was not seen as an effective majority leader from 1992-1994, and he ran an abysmal campaign in 1988. Of the three candidates, he is probably the one who will receive the most liberal support because he has strong union credentials — having opposed NAFTA and ran in 1988 as a protectionist. His stature is already high enough for him to be nominated but his performance over the next four years in the House will be critical, especially if he ever becomes Speaker.

Today, I would give Gore a 50 percent chance of getting the nomination, Dodd 30 percent and Gephardt 20 percent. Other possible entrants include Tom Daschle, Conrad Burns, Diane Feinstein, and Kweisi Mfume.

The Republican race could easily be a two-man one. Given Republican primary voters' demonstrated unwillingness to nominate a dark horse, even one as flawed as Bob Dole, the nominee in 2000 will probably be someone who is a key figure in the party in 1996. That leaves two obvious names: Jack Kemp and Dan Quayle. Surely others will enter the race, and they may have a chance, but these two candidates are the front-runners.

One can see from his effect on the 1996 Republican convention that Jack Kemp has great appeal to Republican insiders. He is the one who most obviously reminds Republicans of Ronald Reagan, the party's patron saint. He is optimistic and an outstanding speaker (though he was somewhat unprepared for the recent debate). Given that the economy in 2000 will probably not be as good as it is now, his economic themes will be more salient. However, he is an undisciplined campaigner who hates to be handled and often comes across as frenetic and over-enthusiastic. Nonetheless, his selection for the 1996 ticket makes him an obvious candidate in 2000.

Dan Quayle is already well on his way to political rejuvenation. Increasingly, Republicans are arguing that he got a bum rap: many of Bill Clinton's family value speeches sound like Quayle wrote them. He is a social conservative of the type that would generate extraordinary fervor in many Republican circles. To the extent that the lesson of 1994 was that social conservatives turn out in droves when they feel threatened or emboldened, Dan Quayle will generate incredible energy. He also is a very good speaker and probably a better debater than Jack Kemp (watching reruns of the 1992 Vice Presidential debate, it is clear that Quayle outpointed Gore where Kemp could not). Nonetheless, he remains the butt of many Leno jokes and is seen by many Americans as a lightweight. But many observers of the Bush White House assert that, unlike Kemp, Quayle has outstanding political instincts.

These are the two favorites. Another intriguing possibility is George W. Bush, who can capitalize on his father's good will, is more articulate and more conservative. He also has the advantage of coming from Texas, a critical state. Also, either Bill Weld or Christine Todd Whitman will run, though they are out of the Republican mainstream on numerous issues like affirmative action, and their abortion positions will hurt them in the primary. Other possibilities include John Engler, Tommy Thompson, Lamar Alexander, Connie Mack, Trent Lott, Colin Powell, and Newt Gingrich.

Handicapping this race, I would give Kemp a 40 percent chance, Quayle 40 percent, Bush 10 percent, and others 10 percent.

AIDS Action and Compassion

By Carla A. Halpern '97
RECORD Columnist



Hi, I'm here with the AIDS Action Committee — Have you heard about the AIDS Dance-A-Thon? AIDS Action raises money for care and treatment of people with AIDS ...

I'm trying out a few lines before putting on my best fund-raising face and trekking through the Harvard halls to raise money for the AIDS Action Committee. I do this not only to help out people with AIDS and their families, but also to reassure myself that the people at Harvard do have the capacity to be compassionate.

The past two years I have canvassed for AIDS Action have been my best introduction to the actual depth of kindness among my fellow students. How wonderful to find out that not every fish in this school is a piranha! In fact, it is through fund-raising that, despite my cynicism, despite the self-righteous, holier-than-thou attitude which I am prone to exude, I truly get a chance to see the good in people.

By now, most of us are aware that AIDS is not a "gay disease," that AIDS does not discriminate on the basis of sexual orientation. But as I knock on doors and make my pitch, I am reminded of my own prejudices. I still do perceive that political conservatives, as a group, have been less willing than others to endorse the idea of funding for AIDS victims and research. But when AIDS becomes an individual issue instead of a political one, that stereotype melts away.

The first year I fund-raised for AIDS Action, I tried to head for the "limousine liberals" — those oddball types who manage to make a lot of money without turning Republican. And certainly, they donate. But they are far from alone: twenty bucks from the whitebread guy with a Gingrich poster on his door; a generous donation from a usually frugal student who scurried about his tiny Gropius room, pulling dollars out from between his law books and counting out quarters from his laundry money.

Unfortunately, there are still some folks who believe that AIDS is beyond their concern, that they have a special immunity. As a door slammed in my face last year,

As a door slammed in my face last year, a young man informed me that he did not have AIDS and would never get it.

a young man informed me that he did not have AIDS and would never get it. While I am happy for him, and indeed pray that all people who have not contracted AIDS continue to maintain their HIV-negative status, my heart sank to hear those words. Unfortunately, AIDS is a disease which will touch almost all of our lives.

To some who have not yet suffered the loss of a loved one to AIDS, the tempting image still persists of the "innocent" and "guilty" victims. Inevitably, upon hearing that someone has AIDS, the question arises as to how the virus was contracted. Certain people are presumed to have gotten what they deserved. AIDS is still seen by some as a disease that does not happen to good people; that AIDS is a tragedy when it strikes innocent babies and hemophiliacs, while it is an appropriate and just reward for drug users and homosexual men. We need to face the fact that AIDS is a devastating illness, a tragedy no matter who is the victim.

Two of my old friends lost fathers to AIDS. Sherri's father became infected during a hospital stay, at a time when blood was not screened for HIV. Dean's father caught the virus through sex with another man. Two mourning children, two friends aged before their time through the loss of a parent. Sherri's father died, surrounded by his loved ones, treated with dignity and compassion. Dean's father was ostracized by his relatives, to the point where almost none of them even attended his funeral. As a community, we were there for Sherri in her time of need, and we sympathized with her grief and outrage. Dean's heart was just as broken and I am afraid that we let him down.

So far, I am one of the lucky ones. People close to me have lost friends, lovers, and family members while I escape relatively untouched by AIDS. I do my best to educate, to prevent, to raise money, and most of all, to dispel the stereotypes that left Dean alone in his time of need. So when this year's AIDS Action canvasser comes to your door, thank you in advance for not thinking in terms of the guilty and the innocent. Thank you for thinking with your hearts.



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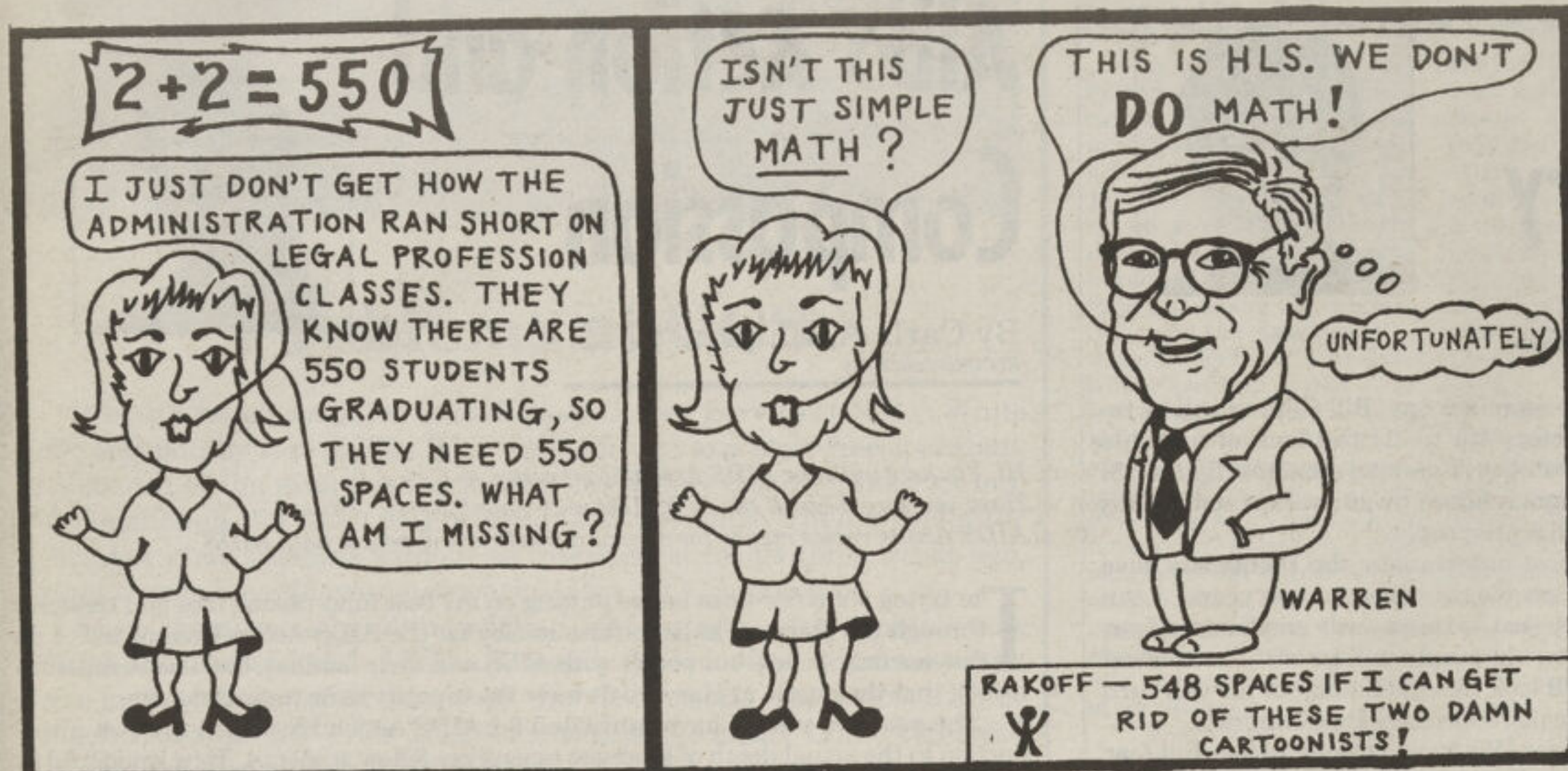
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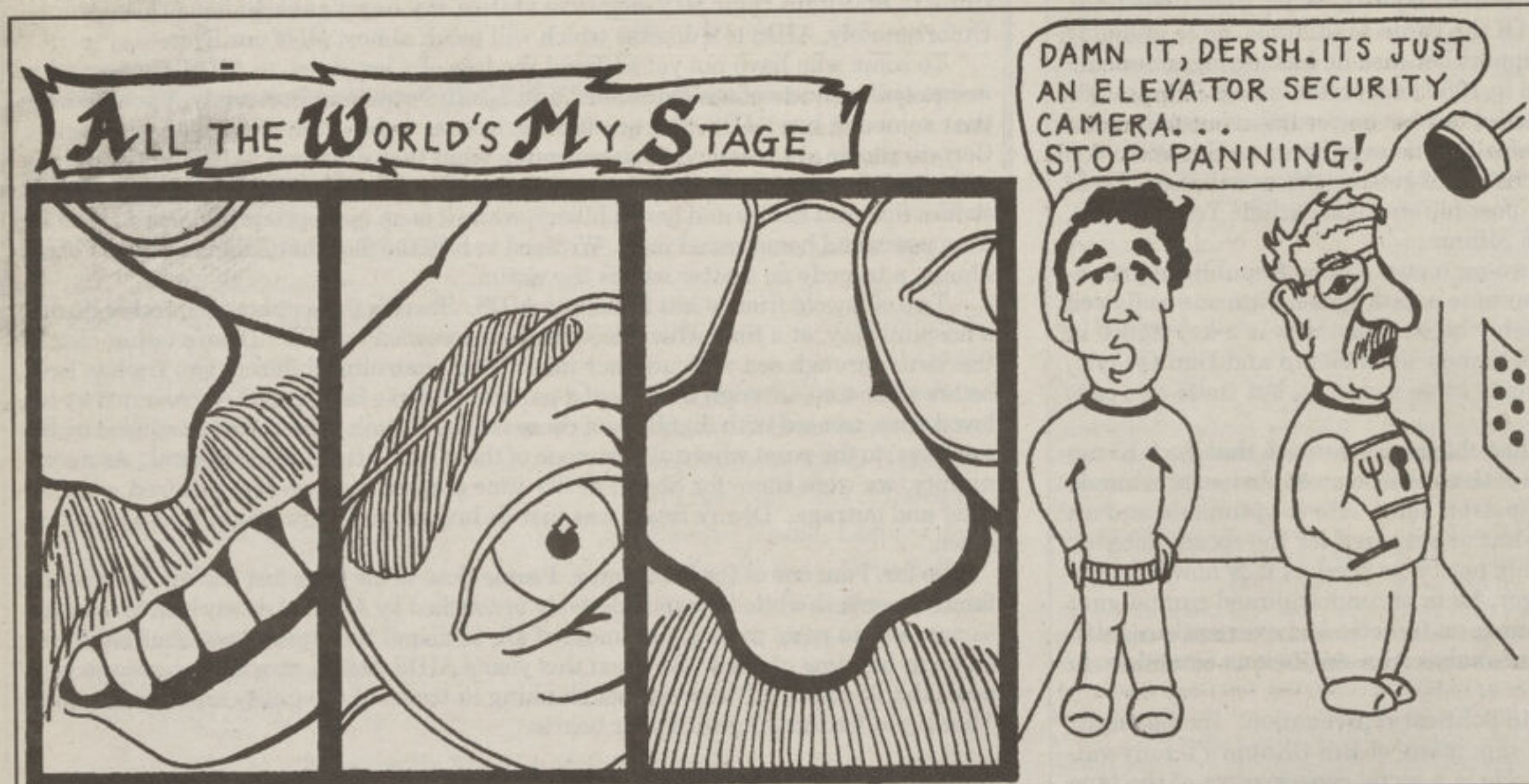
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CALENDAR

By Colin Meeder

Well, gang, I knew it was coming one day, but just not so soon. This is my last calendar column for the RECORD. I was kind of hoping to hang around, mumbling concert suggestions like that 40-ish guy at the end of the bar mumbles career advice, but I just can't do it no more. It's not the writing, 'cause I enjoy that; nor the time, 'cause I can just about squeeze that in, even now; nor your lack of feedback (at least I've never gotten any hate mail); it's the RECORD and the way this place is run these days. The fish stinks from the head, as the old Roman poet once said.

But I ain't going out like a chump, 'cause this is a good week of shows, darn it all. Starts off with a bang on Thursday night (10/24) with a ferociously fonkee evening featuring **Fishbone**, **De La Soul**, and **Goodie Mob**. It's a sad testament to the state of the music industry that that these bands, who once looked like the future of popular music, are only playing the Avalon (262-2424). Only ever so slightly more low-key, but still entirely get-downable, is the classic zydeco of **C.J. Chenier and His Red Hot Band** at Johnny D's (776-2004).

I suppose if the Eddie Vedder had made a record with Falco, we'd be experiencing an outrageous amount of hype associated with Austrian pop music. Thank God the flavor of the month is Pakistani music, which actually lives up to the hype a good bit of the time. Friday night (10/25), some fine practitioners of the craft known as the **Sabri Brothers** come to Sanders Theatre (6-2222). Far less mystical experiences are available at the Middle East (496-0576) on the same night: a good old fashioned all-ages punk rock matinee at 5:30 featuring the **Queers** with the **New Bomb Turks** and **Showcase Showdown**; later that evening, it's the stoner satire of **Ween** with **Doo Rag** opening.

Hey, ILs: need some more piercings? Then come on down to Axis (262-2437) on Saturday (10/26) and experience the **Genitorturors**, whose music is secondary to its intimidating body-manipulation imagery. Ho-hum. Self-mutilation is perhaps the dumbest fad in human history, and Marilyn Manson and his ilk are about as scary as a Disney cartoon. Miss me yet? **Skoll** and **Drill**, two monosyllabic and therefore very likely godawful bands, will open.

She's not singing about Luka anymore: **Suzanne Vega**, to whom marital bliss has brought new found artistic intensity, comes to Berklee (Ticketmaster - sorry!) on Sunday (10/27) along with an extremely able band, including Pete Thomas (ex-Attractions) and her producer/husband Mitch Froom. Show of the week, guys.

That vaguely countryish, dreamily falsetto California band called **Grant Lee Buffalo** wafts gently into the Paradise (562-8800) on Monday (10/28) night. **Sixteen Horsepower** are the openers. Also from that dread state is the unpleasant screeching of **Linda Perry**, the former chanteuse of 4 Non-Blondes and therefore someone whom we can blame in part for Alanis Morissette, comes to the Middle East on the same night.

Speaking of Luka, photogenic junkie Evan Dando brings his on-again, off-again **Lemonheads** to the Avalon on Tuesday (10/29) along with **Imperial Teen** and **You Am I**. And if, like my fiancée, you don't mind being surrounded by a panting bass player or two, you'll want to see **Bela Fleck & the Flecktones** weird banjo fusion at the Somerville Theatre (628-3390).

Bye, now. I'll miss y'all.

The RECORD will
not print during
Fly-Out Week.
Sorry!!

Hide Away, Cover Up

By Alexander Boldizar '98



The Head of the Charles was canceled last weekend because of the gusting winds, so I decided to take a drive up the coast. In the cool blowing rain I arrived at one of the stormier points of the rocky coast. I rented a room with common bath and opened a bottle of Taylor Fladgate port, matured 20 years in wood, which I'd bought on the way through New Hampshire. I sipped it in an exotically hot bed thinking what should I do next week with Harvard — interviews, columns, assignments, duties ... but soon I realized that I wanted to be a port distiller. How to proceed?

A good start was to finish the bottle I already had in the room. I also had a bottle of Glenfiddich with me, but decided that it probably wouldn't mix well. The girl I was with started to pull on my nose so I looked out the window at the battering wind and rain. The old lady in the basement meanwhile banged on the walls and yelled to herself. Anything to get a weekend away from HLS. I thought it would let me get back in touch with reality, but I had been so long away, I no longer recognized it.

No wonder Stephen King was fixated on Maine. The proximity of peril, ship wreck, the power of the cold mass of infinite waters, the warm Sunday bottle of chocolate port and the quaint bedroom made an odd combination. I suspected that Stephen King was a lawyer. Or even better, a law professor: Someone who believes in humanity without trusting it a bit.

How else could he have come up with stories of people chewing their own legs off, eating not just others but themselves. The pouring rain reminded me of the rioting Belgians and their firemen dousing off the Palais de Justice "to clean up justice," and of Yeltsin kicking out Lebed. When will politicians realize that it is the colonels that control the army, not the generals, and that Lebed with the support of the colonels has lost nothing. Same story with the lawyers.

Last Friday, having learnt the fine art of imposing myself on people in the course of the interview period, I snuck in to the graduate forum talk on "law and eco-

nomics," only to realize how exciting child abuse really is. Even the most objective of theories, law and economics had to bow in its face. Yes, everyone has their preferences, and yes law is their market place. But no, even this most predictive legal theory could not have designed a BPL-analysis to foresee the bursting of the Belgian bubble. Protecting the width and depth of the police and political corruption from revelation is still productive, but at the same time

the public has a new demand — less corruption. This was not expected to happen with Melissa and Sandra (or, whatever were the names of the cute smiling second graders on the tabloids of Europe), but the BPL flipped! As the graduate forum was told, however, there is still no better predictive theory, so let us have law and economics. Perhaps the rain was not enough. Sympathizing with the Belgian firemen, I started to feel like taking a dive in the crashing waves. Yet, the bed was more comfortable.

Appropriately, at that moment the power went out in my little inn on the stormy coast, and my alarm clock started blinking 12:01. Blink, blink, blink ... It is the usual way for such things. It allows the awkward questions to not be asked. Transaction costs. Or perhaps the cause, were cause not to have been proven long ago to be an invalid concept, was the preference curves themselves. Perhaps they are not curves at all, but squares which make people rape and kill little kids while others turn them into curves and the curves into covers while drinking port wine and playing with the earlobes of their partners. At some point, we are all risk averse, after all. We even have a respectable theory saying why it is within our nature to avoid pelting politicians with eggs, why we should not break their legs.

I can't avoid thinking that it is the very same fetish: Writing about crimes, explaining them through law and economics, watching *Seven*, or spreading tabloids around the world with Melissa and Sandra's face on the cover and horrifying details on the inside. As a study reported by Ballard shows, "The sexual behaviour of spectators at major automobile accidents (= minimum one death) has

also been examined. In all cases there was a conspicuous improvement in both marital and extra-marital relationships, combined with a more tolerant attitude towards perverse behaviour..."

Maybe we fetishize odd mixes: garlic beer and Belgian style french fries with mayonnaise. I pause to open my Glenfiddich. I guess I've always been a dreamer; something has to remain pure. I also have a plan to save it for a professor who will visit one day.

"French" fries were actually invented in Belgium and egging politicians in America. On the way to Maine, I came through "live free or die" New Hampshire. At least a thirteen year old doesn't have to wear a seat belt there, so all is not lost yet in the land of the brave and the home of the free. Maine's motto is "the way life should be." What is it about America that turns eggs into guns and then assigns them to the lunatic fringe and to state mottoes?

So, let us rephrase: Live free, or die by Sunday boozing column writers ejecting over-13-year-old passengers out of their vehicles. Yet, of course, it is the principle that counts, as in law and economics: even if we can't predict much at least we try — objectively. The graduate forum guest insisted that there is nothing better offered by the dreamers, and the pub where I'd eaten my dinner had a sign stating "This Ordinary will not serve habitual tipplers, tavern hunters and idlers at the barr — nor any savages." Have you ever seen the rain?

Stephen King was not objective but very subjective about Maine. He only objectified it to tourists like myself. The untamed presence of the ocean, the threatening warmth of the old inn jammed in between the 10-foot waves and a calm protected harbor was a perfect place to write an intelligent column about law and economics and child abuse in Belgium. Listening to our Harvard professors I've often been soothed by law and economics, its calm reasonableness and its comforting justice. Yet bringing it to bear on real life makes me wish for rain and Belgian firemen. A strange mix — Melissa and Sandra's faces in BPL form, "live free or die" as Sunday booze and seatbelt laws — as I balance my port cup and the Glenfiddich in my arms, I wonder, what is still pure?



Fenno sat at the bar in the Back Bench Pub and winced. It wasn't simply the taste of bad beer, nor the sting of the corn chips on the roof of his sensitive mouth, but the combined effect of those two with the poorly amplified singing going on behind him. It was another TGIF, and some clean cut young child of God was singing a soulful folk song in a manner neither soulful nor folksy, nor even very tolerable. Fenno might have noted the irony inherent in songs of oppressed performed on expensive guitars by a spoiled young man who had just days before received a callback from a large New York firm interested in the purchase of his soul for what was really a very reasonable price considering the very lack of soul which Fenno had heard in the boy's singing; might have noted it, that is, if he weren't preoccupied with figuring out a way to disable the sound system and electrocute the offending singer without getting much physical effort on Fenno's part.

Fenno had chased the idea to the point of calculating the possibility of his being detected as perpetrator when Skippy walked up, looking smug. Smugness is not an uncommon expression on certain LLs, it must be admitted; however, Skippy was usually far too Pollyannish to be one of those. For this very reason, Fenno's curiosity was piqued enough that he asked Skippy what accounted for its coprophagous grin.

"Well, Mr. Fenno," Skippy beamed, "I discovered that you're wrong about this place. Harvard does care about us."

"Good Lord, child," said an exasperated Fenno, "if you're talking about all the free booze and food lately, don't thank Harvard, thank the firms. And think of the fable of Hansel and Gretel while you're at it."

"Good golly, Fenno," said Skippy, "I'm certainly not *that* naive. No, I'm talking about these!"

With that, Skippy unfurled a rather enormous golf umbrella bedecked with the Harvard logo. The umbrella opened with great force, nearly carrying Skippy off its feet, and knocking over the drinks of several bystanders, innocent but for their association with the Law School.

"Isn't this nice?" asked Skippy. "The administration set these out for our use during the recent Nor'easter, and asked only that we keep them around campus. How selfless! How kind!"

Fenno looked horrified. "Put that away, you little fool!" he shrieked. "Do you want to get us all killed?"

"Whatever do you mean?" asked Skippy, not for the first time, and almost certainly not for the last. It did, in fact, close the umbrella as ordered.

"Look, you," said Fenno, "did you read who placed those umbrellas out there for our use?"

"Why, sure, Mr. Fenno," replied Skippy, "the library did."

"And why wouldn't the library, those people who claim that our books are somewhere in East Cambridge, and only a day, maybe two, possibly three, at most a week away from our use, those people who have no building of their own, those people most threatened by the replacement of the printed word with electronic media feel the need to lie to us?" reasoned Fenno.

Skippy was silent.

"And think about this, dear heart," said Fenno, gestured with a chip full of clam dip, "have you ever seen umbrellas of this hue before? Don't they glow unnaturally? Haven't they left you with an unaccustomed sense of well-being about this place? Ask a Gulf War vet about the existence of chemical warfare, you."

Skippy, stunned, flung the umbrella away from itself. It flew in a neat parabola, lodging itself neatly into the throat of the warbling boy near the window. Fenno looked pleased, and ordered Skippy a beer.

America's Children: Who Cares?

By Warren Binford

Roles were reversed last week when America's children had a chance to lecture 450 members of Harvard's faculty, staff and students via video at the Kennedy School.

The forum, "America's Children: Who Cares?" brought children's voices to the national discourse on the well-being of America's youth. A panel of public leaders ranging from radio journalist, Chris Lydon, to Boston Police Commissioner, Paul Evans, responded to the children's concerns in a discussion moderated by HLS professor Martha Minow.

"We live in a culture where we are afraid of our children," said Lydon. "The images in that video are scary. We fear that one of those kids will pull a knife."

But even with their backwards hats and baggy pants, the substance of what the children were saying was reminiscent of Rockwell's America. When asked how they spend their time outside of school, the children described themselves climbing trees, riding bikes, playing basketball, and spending time with friends. In fact, several youth described their community service, a generational trend witnessed by many social observers in recent years.

Several children spoke of their faith in God when asked who they talk to when they are sad. Others turn to their parents,

siblings, and friends and spoke of the significance of these relationships in their lives.

Despite such down-home, American-pie answers, a number of the children's frank responses sent a disconcerting message of hostility. One youth described adults as "stupid" and "hard-headed" and another believed that, "There is no one in this world you can really trust."

It was these discouraging observations that prompted the strongest response from the panelists. Educator Paul O'Brien reminded the audience that, "We must prepare our children spiritually and intellectually to enter society or we will have a permanent underclass," and lamented the breakdown in America's nuclear and extended families.

Lydon reminded the audience of the shame that 49 out of 50 minority students who start in Boston Public Schools never graduate from college.

Pediatrician and community activist, Gloria White-Hammond, deplored the "fast-paced, microwave society" in which we've become too busy to care for our children. "We need to realize that it really does take a whole village to raise a child. We have to make a commitment to put pressure on Beacon Hill and Capitol Hill, but even if nothing happens politically, each of us needs to create a sense of community and take responsibility for these children."

Quote of the Week

"Please do not tell me how degrading it is to have to sleep in the lobby of the Office of Career Services or stand in line in OCS. You are doing this to get your name on the list of employers who, 99% of the time, have no interest in hiring you."

—N. June Thompson in memo to LL.M. candidates last week.

Countdown to Election

Rachel Brand '98 for Bob Dole

The current presidential race presents a study of contrasts. On the one hand is Bob Dole, known by colleagues from both parties as a man of his word and a man of character, a person with experience as a legislative craftsman and renowned as a consensus-builder. He is a statesman with a deep respect for the wisdom of the individual, who believes that citizens are capable of managing their money and their affairs more effectively and efficiently than the government, and whose vision is of an America in which each person has access to a broad range of opportunities, without the unnecessary hindrance of governmental regulations.

On the other hand is Bill Clinton, a man who has failed to keep his campaign promises, has been unable to rally support for his legislative proposals, has proven incapable of leadership in foreign affairs, and whose personal character has been frequently and seriously questioned.

On Nov. 5, voters will be choosing one of these two men to lead America into the 21st century. Before making this decision, they should ask themselves which candidate has a clear vision for America, which candidate can be trusted to keep his campaign promises, and which candidate has the character and credibility to be an effective leader.

During the campaign, both candidates have promised to introduce a variety of legislative initiatives. However, such promises are only as good as their chances for becoming reality. The President can propose budgets and legislative bills, but his ability to pass these proposals depends on his skill in persuading Congress that his positions merit support. Bill Clinton has proven unsuccessful in doing so.

One of Clinton's more notable failures was the protracted demise of his health care initiative. Despite his 1992 campaign promise to overhaul the health care system, Bill Clinton was unable to devise a workable alternative. His best effort was a proposal so badly flawed that he could not persuade legislators to support it, despite Democratic control of both houses of Congress.

Bob Dole, by contrast, has an extraordinary record of successful legislating. During his time in the U.S. Senate, Mr. Dole acquired a reputation for being a consensus-builder. When difficult issues arose, he was able to bring members of both parties together to craft workable solutions. This kind of respect and political acumen are essential to effective presidential leadership.

Bob Dole also has gained a reputation for keeping his word. His former Senate colleagues on both sides of the aisle have attested that when Bob Dole promised to do something, he did his utmost to accomplish it. The same cannot be said for Bill Clinton. Besides failing to carry out his 1992 promises regarding health care, he waffled on gays in the military, reversed himself on his promise to end the arms embargo in Bosnia, and on several occasions broke his vow to not raise taxes.

Americans should be concerned with the present lack of leadership in the White House. Bill Clinton has no clear plan for America's future. Instead, he takes whatever action seems most politically popular at the time. Evidence of this is the remarkable absence of major legislative accomplishments by the Clinton administration in the last four years.

On a variety of issues, Bill Clinton has come out in favor of the Republican position after testing the political waters and then attempted to claim credit for improvements resulting from Republican leadership in these areas. For example, he has recently boasted reductions in crime rates. However, over 60 percent of the reduction in crime in 1995 was attributable to decreased crime in New York City, under the leadership of a Republican mayor and a Republican governor.

Bill Clinton has shown a similar lack of leadership in economic matters. He touts his success in "growing" the economy, but seems ready to rest on his laurels rather than forging ahead with a plan for increased growth. The truth is that America's economic picture is not as rosy as Clinton claims. Economic growth during his presidency has proceeded at an annual average of only 2.4 percent.

In contrast, the economy increased by 3.7 percent in 1992, by an average of 3.2 percent during the 1980's, and by an average of 3.3 percent for the entire post-World War II period. America can do better than it has done in the last four years, but not under an administration as complacent as the current one.

Lack of leadership will not be a risk with Bob Dole in the oval office. He has a plan for turning America around and has provided a clear picture of how he will accomplish it. He proposes to curb wasteful government spending in order to preserve such fundamental programs as Medicaid, Medicare and Social Security, to give economic growth a boost by cutting personal income taxes, capital gains taxes, and Social Security taxes (recently increased by Bill Clinton), to promote education for all Americans by allowing low- and middle-class families a tax deduction for interest on student loans, allowing workers to receive tax-free tuition assistance from their employers, and providing "opportunity scholarships" for disadvantaged children, to ease the financial strain on businesses caused by excessive federal regulation, to lighten the tax load of working class families with a five hundred dollar per child tax deduction, and to balance the federal budget by 2002. Bold initiatives such as these are needed to get America back on track.

Bob Dole is also the better choice for leadership in foreign policy. To effectively further American interests abroad, the President must maintain credibility in the eyes of the global community. Bill Clinton has experienced a notable dearth of foreign policy successes and is eroding the respect due a U.S. President.

The Administration lauds U.S. intervention in Haiti and the situation in the former Yugoslavia as two of its greatest accomplishments. In truth, the viability of the regimes that U.S. forces helped to install in both of these regions is questionable at best. If these are Bill Clinton's brightest successes, it is telling of the Administration's lack of foreign policy acumen. U.S. foreign policy has also been hampered by Bill Clinton's political waverings.

The Helms Burton Act is just one example — when handed a bill authorizing the U.S. to impose sanctions on foreign corporations investing in Cuba — Clinton found himself in a quandary. If he signed it, he would risk angering our European allies and other nations who viewed the bill as an affront to their sovereignty. If he vetoed it, he might alienate the politically influential Cuban-American community.

Such tough decisions are routine for world leaders, but Bill Clinton was not up to the job; unable to determine which move would be more politically damaging in an election year, he chose to take neither. Instead, he delayed implementation of the law for six months. Such gutlessness is intolerable for an American president.

In short, it should not be difficult to decide whom to choose on Nov. 5; Bob Dole is the only candidate with a clear plan for America's future, the personal conviction and political ability to implement it, and the respect and credibility needed to lead America into the 21st century.



HLS Democrats Executive Board for Bill Clinton

Sen. Dole has been saying recently that President Clinton is trying to scare young people into voting for him. We are worried, but not by President Clinton. Instead, we fear living in the 21st century without a protected environment, without a healthy economy, and without educational opportunities for all. We are not being scared by President Clinton, but are excited about another Clinton-Gore Administration that will allow most Americans to succeed in the 21st century.

As law students, we know the value of a good education — many of us now have professional opportunities we never dreamed we would have. However, as much as an education is invaluable, like millions of other Americans, we are concerned about the cost of getting a higher education. The cost of higher education is rising much faster than the rate of inflation and for most of us, this means we could not get our education without financial help from the government. While Senator Dole is attacking teachers and the

While Senator Dole was working against increasing the minimum wage and recently proposing an indefensible tax scheme that will make our deficit larger, President Clinton has been working to make the economy stronger and the deficit lower.

Department of Education, President Clinton has been supporting students and has a comprehensive plan for improving our country's education system and access to that system.

President Clinton demonstrated his commitment to improving educational opportunities by reforming the student loan program and by making college more affordable this year for 2.8 million students through flexible loan repayment options. In his next term, President Clinton will continue such improvements by passing a tax deduction of up to \$10,000 per year for the cost of college tuition and training and by implementing a \$1,500 tax credit for the first two years of community college education.

And, it is not only higher education the President is serious about. President Clinton is concerned about all younger Americans. Clinton signed the Goals 2000 Act which develops standards of excellence for students and encourages local reforms to improve our schools. He also increased Head Start funding to provide early education to tens of thousands of additional children.

However, we are not only concerned about our education system, but also about living in the 21st century without a clean environment. While Senator Dole was voting to cut environmental enforcement resources by 25 percent, President Clinton was working to enforce the laws that help keep toxic chemicals from our water, pesticides from our food, and smog from our air.

President Clinton and Vice President Gore have already taken steps to ensure a clean environment and will continue to do so in their next term. To name a few achievements, the President and the Vice President reformed the Superfund program, cleaning up nearly as many toxic dumps in each of the last two years as were cleaned in the previous decade, and they announced a partnership with the Big Three American automakers to develop technology to make cleaner and more fuel efficient cars. Such programs that protect the environment and expand the economy will continue in President Clinton's next administration.

In addition to making these educational and environmental improvements, President Clinton has also contributed to the growth and strength of our economy. While Sen. Dole was working against increasing the minimum wage and recently proposing an indefensible tax scheme that will make our deficit larger, President Clinton has been working to make the economy stronger and the deficit lower.

Under President Clinton's leadership in the last four years, 10.5 million new jobs have been created; the minimum wage was increased over the protests of Sen. Dole and Speaker Newt Gingrich; unemployment dropped to its lowest level in seven and one-half years; family income has risen, while the income inequality between our richest and poorest Americans has declined; the deficit is down 60 percent. This improved economic trend will continue into the 21st century under the leadership of President Clinton.

Bob Dole has had 35 years in Congress to come up with a vision for America. Not only has he failed to articulate such a vision during this presidential campaign, but instead has only used his campaign to attack President Clinton's ideas and accomplishments. Contrary to what Sen. Dole may think, a vision is not a 15 percent tax cut and a threat to abolish the Department of Education. A presidential vision must entail a more encompassing plan.

Shouldn't we be led by a President who has a vision that gives all young people an opportunity to succeed in the twenty-first century, promotes a healthy environment, and maintains a stable, growing economy? We feel President Clinton has articulated such a vision and should be given the opportunity to continue to lead our country into the 21st century.

SPORTSGUY

Top Seeds Advance, But Rain Mars Championship Weekend

By Todd Stillerman '97

Sports Editor



The top seeds all advanced to the semi-finals in Saturday's championship tournament for the Harvard Law School Football League, but not without stubborn resistance in the first round. The day's most spectacular game featured a great escape by the second-seeded Freshies. Trailing 19-13 with no time on the clock, Stormin' Mormons quarterback Richard Nelson '98 found an open man in the end zone to tie the score at 19-19. Needing only a PAT to advance (or an incomplete pass to send the game to overtime), Nelson lobbed a meatball that was picked off by Ezra Jennings '98. Jennings evaded four Mormon defenders on his way to a 99-yard run for two points and a Freshies victory. Despite Jennings' winning run, the Mormons had managed the game to perfection, electing to give Freshies the ball at the beginning of both halves. Forced to play the entire game into the wind, the normally high-scoring Freshies offense stalled, opening the door for a Mormons upset. Nelson was stoic in defeat, noting that "we got our chance to win, but it just wasn't in the cards."

The Great Danes (8-4) ended a three-year run through the league with a 21-14 loss to the Sensitive 90s Men. Quarterback Steve Mudder '98 connected on touchdown passes to Brent Schlotthauer '98 and Chris Manning '98 and ran one in himself. The Danes had taken advantage of a Pat O'Reilly '97 interception on the Danes' one-yard line to tie the game at 14 on a TD pass from Chris Niewoehner '97 to Steve Kelly '97, but the 90s Men drove the length of the field to score the winning TD with ten seconds to play. While Mudder supplied the offense, the real hero for the 90s Men was safety James Rhee '98, who broke up numerous deep passing plays to preserve the victory.

The Sons of Jor-El advanced to the semifinals despite stubborn opposition from Blur (4-6). Holding Jor-El scoreless through the first half, Blur relied exclusively on an option game ideally suited for the windy conditions. "It looked like we were playing Army out there," noted substitute quarterback Bob McCarter '97, who slipped into the end zone for a second half touchdown that sealed the win.

The fight of the day erupted in a tense match between the Chupacabras and *Posse Comitatus*. Chupacabras receiver Art Carrillo '97 solidified his reputation as the league's most electrifying player in a second half takedown of *Posse* receiver Chuck Coxwell '97. The two exchanged blows as both benches cleared, but the bout was stopped before either fighter could inflict much damage. Carrillo is currently ranked the #7 contender by the W.B.C., while Coxwell will next meet Michael Carbajal for the I.B.F. lightweight title next January at Caesar's Palace. On a side note, *Posse* advanced with a 28-20 victory.

...

Torrential rains on Sunday morning turned Webster Field into a reservoir, causing a postponement of the semi-finals and final to Nov. 10. The SPORTSGUY's analysis of the match-ups:

SEMI-FINAL 1: SENSITIVE NINETIES MEN (7-3) vs. POSSE COMITATUS (10-1)

The first semifinal matches regular season champ *Posse Comitatus* against #4 seed Sensitive 90s Men. The 90s Men splintered the Great Danes' defense for two possessions with brutal sweeps, then inexplicably abandoned the running game, allowing the Danes back into the contest. Quarterback Mudder forced his team into the end zone with a series of short dumps over the middle, but most of the 90s Men's passing yards came from missed tackles.

To compete with *Posse*, Mudder must better utilize the run, and his receivers — Rhee and Schlotthauer, in particular — must find a way to get open on the deep routes. *Posse* quarterback Juan Zarate '97 managed a rushing TD last week on a busted play, but he leads the offense best from the pocket. The 90s Men will apply more pressure on Zarate than the Chupacabras could muster, but Lance Lewis '97 blocks as well as anyone in the league. Zarate should have time to find favorite targets Chris Handy '97 and Coxwell in the end zone.

THE SPORTSGUY'S FEARLESS PREDICTION: the 90s Men will fight to the death, but *Posse* is too good. *Posse*, 28-21.

SEMI-FINAL 2: SONS OF JOR-EL (9-2) vs. FRESHIES (10-1)

Freshies missed on fourth down conversions only twice during the regular season, but turned the ball over on downs to the Mormons three times. Quarterback Dave Rothenberg '98 loves to throw, but suffers when the weather is poor. Freshies have no discernible running game and usually have no need for one, but cold temperatures and/or wind are likely to zap the passing game's potency. An athletic, razzle-dazzle secondary masks a lack of the true size so vital for protecting the QB and stopping the run. If Rothenberg releases the ball quickly, his receivers can beat the Sons of Jor-El secondary; if nobody's open, expect more than a few sacks.

Jor-El's big defenders are outmatched by Freshies' quick receivers, but expect Zach Stern '97 and Pat Rodriguez '97 to dog Rothenberg all afternoon in the backfield. Quarterback John Lammers '97 loves to run, and Jor-El will give him the opportunity. The weather will determine the winner, which bodes well for Jor-El.

FEARLESS PREDICTION: A Cambridge November means a field covered in frost and ravaged by wind. Jor-El in a walk, 21-6.

FINAL: *Posse Comitatus* will provide more than token resistance to Jor-El's run, with Lewis capable of breaking through the line for a few key sacks. Jor-El has no one to match up with Handy, who is probably four inches taller than any of the Sons. If Zarate has time to get off a pass, Handy will score early and often. The highly anticipated match-up of brawling "bad boys" — the rowdy Coxwell against brooding Les "Bruiser" Yontz '97 — might be cause to break out the body bags.

FEARLESS PREDICTION: Expect a well-played, traditional game of blood and guts football. When the smoke clears *Posse* will take home the trophy, 28-27.

The SPORTSGUY has no sympathy, however, for three teams that ditched their first round matches without the courtesy of a phone call on Saturday. Illegal Motion, a rag-tag collection of 98-pound weaklings, coughed up their opener to the Stormin' Mormons. Forrest Krump, a gaggle of quiche-eaters, skipped out on their first round match with the Great Danes in an unparalleled display of cowardice. The Happy Gilmores, reportedly attending a group showing of *The Little Mermaid*, were unavailable for their contest with the Chupacabras. The SPORTSGUY suggests that these no-shows take a lesson from Blitzed & Bombed, which celebrated its seventh consecutive forfeit on Saturday. Team captain Darren Mungerson '98 has turned avoiding opponents into an art form, but at least he knows how to use the telephone.

THE VERDICT

Big Bores and Loud Roars

By Michael Bennett '98

Movie Reviewer



Giant

I am taxed to recall a movie which bore a more appropriate title than George Stevens' *Giant*. It contains a giant Texas, a giant Rock Hudson, a giant Liz Taylor, and a giant running time — three hours and change and, if you rent it, it runs over onto a second tape or a fourth disc side. It also comes equipped with a giant reputation. But, as the ancient cliché goes, "the bigger they come . . ."

The story is in two parts. Initially, Bick Benedict, played by Hudson, is a lowbrow Texas millionaire who owns more than a half million acres of land. Most of the time he's content to dance at hoe-downs and munch on open-pit barbecued calves' brains. However, during a trip to Maryland to purchase a wild stallion, Bick Benedict meets Leslie, played by Liz. He immediately falls head over heels, and after negotiating with her parents, arranges to marry Leslie. He envisions himself taking two beasties for the price of one.

Bick's mistake is that he underestimates Leslie. She is by far the more uncontrollable of Bick's two westerly bound companions. Bick can subdue the horse with his iron spurs, but Leslie has her own pair.

Despite all indications to the contrary, Bick is not the master of his kingdom. His sister, Luz, played by Carrol Baker, really runs the show. And she is less than a fan of the new lady of the house. In her mind, Leslie is a weak woman who requires high maintenance. And Luz despises her east coast sensibilities. Fortunately for Mrs. Benedict, she doesn't have to deal with this spinster sister. The horse takes care of her.

Alongside all this melodrama, James Dean jerks out quirky body motions and his patented and dementedly juvenile-like style of acting. He blows life into the character of Jett Rink. He is, of course, as cool as ever. But at times his coolness finds itself on the verge of comical. His actions seem buffoonish. The character is disliked by everyone except Luz, who wills him a small parcel of land. Jett becomes Bick's nemesis when he strikes oil and becomes ultra-rich. This is the second half of the film.

Despite some quippy words from Liz and Dean, the dialogue is at best par. The same can be said of the acting. Dennis Hopper makes an appearance halfway through the movie that feels and reads like a cameo and then turns into a co-starring position. This gives you a measure of just how long this film is. His visual is more stunning than anything he says or does. The young Hopper is a porcelain statuette of a middle-aged Elvis. Smoothed out a bit, of course.

In retrospect, this film is a forbear of the contemporary multi-million dollar summer would-be blockbuster.

Hollow.

Watch the first half over the upcoming Thanksgiving break . . .

Rating:



The Ghost and the Darkness

The days of true horror seem to be gone. As dead as . . . I'll spare you a bad pun. At any rate, my guess is that the American moviegoer has become so desensitized to violent acts and so jaded towards the idea of mysticism that things that once scared us now just make us giggle.

Granted, every once in a while a movie comes along with the power to seize a packed theater and melt all those individual viewers into one mesmerized organism, screaming and holding their breath in unison. If you've seen "Aliens" (1986), the remake of "Cape Fear" (1991), or "Silence of the Lambs" (1991), then you know what I'm talking about. I'm sure we agree that this type of thing is a rarity today.

The best we can hope for today seems to be brief micro-moments of terror. And Stephen Hopkins' *The Ghost and the Darkness* offers more of those precious moments than any other movie I've seen in a long time.

The tale is set in late 19th century Africa. The Irishman, John Patterson, played by Val Kilmer, has been hired to build a bridge over the river Tsavo. He leaves in Ireland a wife who is due to deliver their first child before the project will be completed. He's never been late on one of his projects.

As soon as Patterson arrives, workers assigned to the construction job start being devoured by lions and the project is almost immediately slowed to a pathetic crawl. Patterson kills one lion only to have the killings increase in number. Ultimately, Remington (Michael Douglas), a expert hunter, is brought onto the scene to slay the beast. Of course the duo finds itself wrapped in a tangle with more than just plain lions. Some think that the devil him/herself is involved. But this is the type of movie that is very susceptible to ruin if too much of the story is told so I'll stop the summary there.

Essentially, "The Ghost" is a solid effort. There will be no awards tacked to it and I doubt if Val Kilmer will make the cover of any major mag for this effort. But if you're looking for horror, I'm afraid this is the closest approximation you'll find for a while to come. See it with someone who doesn't mind being grabbed.

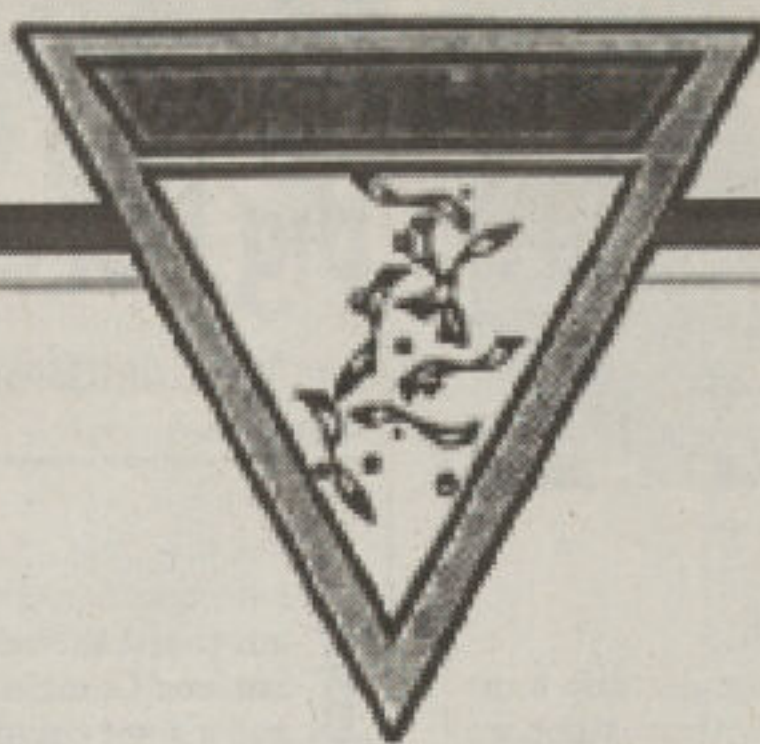
Rating:



The films are playing at the Harvard Sony and Copley Square, respectively.



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RECORD



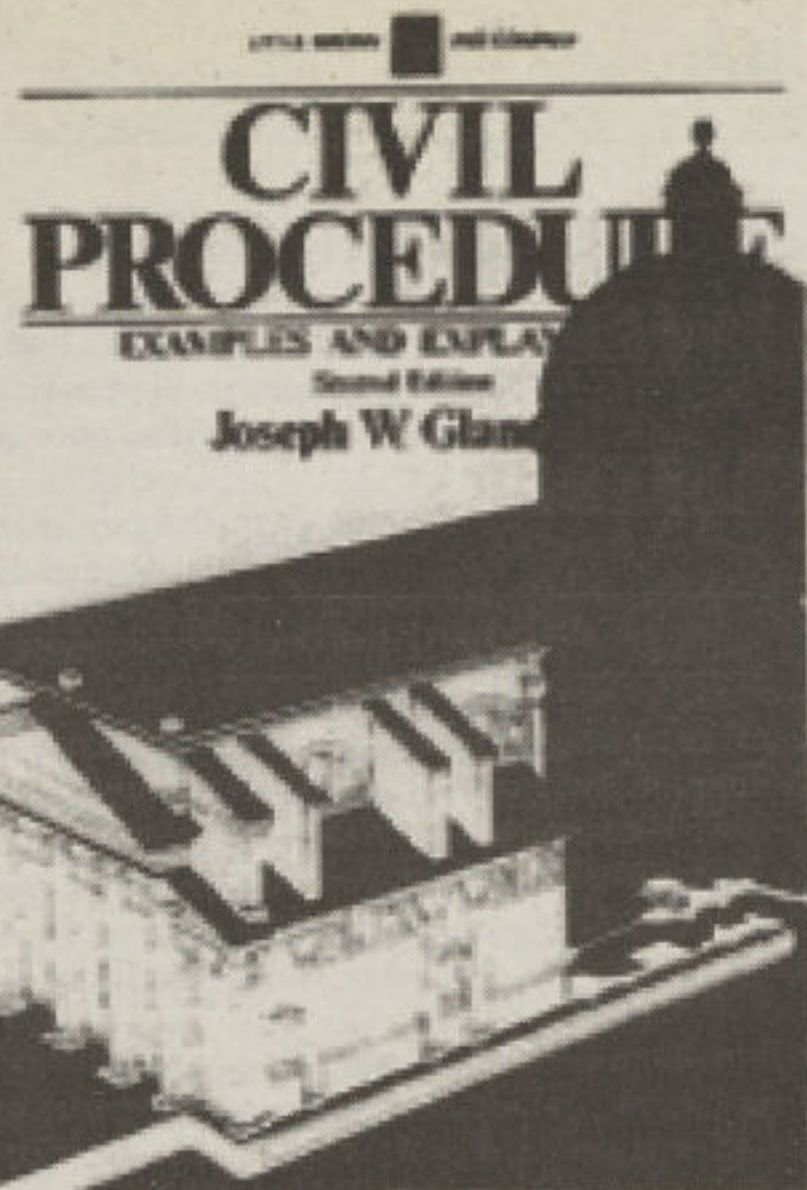
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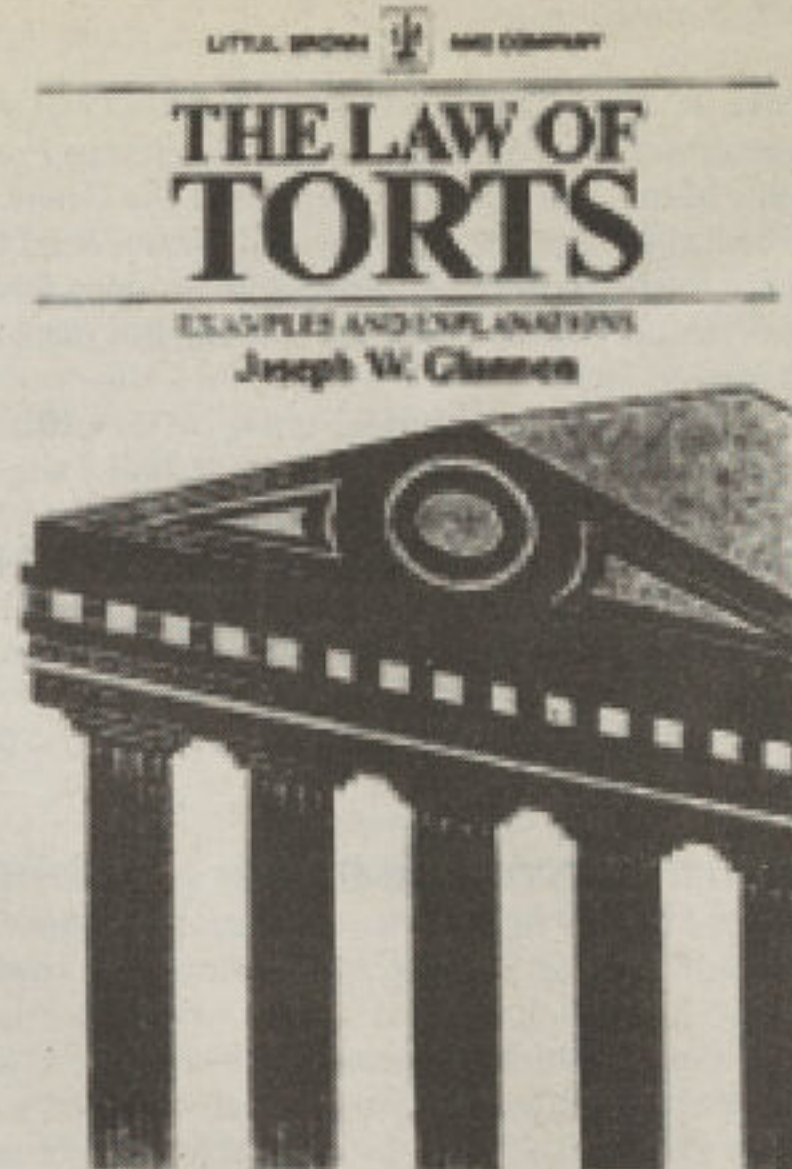
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