



Buckley Says Ignorant Should Not Be Encouraged to Vote

By Warren Binford

During his first visit to Harvard Law School since 1954, William F. Buckley, Jr., argued last week that the ignorant and illiterate should not be encouraged to vote.

Buckley derided the recent "motor-voter" and other voter registration drives that have enabled tens of thousands of Americans to vote in this week's national election.

"Voting is a civic sacrament," explained Buckley, "and unless one prepares for it, one defaces it."

A Harvard Law School audience of 250 listened earnestly to the political commentator's litany of the social and political woes facing the nation on the eve of this week's elections.

America's schools, social welfare programs, political leadership, corporations and the U.S. Supreme Court were all targets of Buckley's ruthless wit delivered in his characteristic drawl.

According to Buckley, America "yearns for a touch of Napoleon in our head of state," and yet neither the Democrats nor the Republicans have delivered.

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William F. Buckley speaking on education, welfare, politics and the judiciary at HLS last week

America, HLS Re-Elect Clinton

Law School Survey Shows Gender Gap, Increasing Number of Conservatives

By Rob Friedman

While Americans overwhelmingly chose President Bill Clinton for a second term, an HLS Political Society/RECORD poll showed that the HLS student body voted for Clinton in even greater proportions. While that result may not come as a surprise, the survey did show an enormous gender gap and marked the first time in the history of Harvard Law School that Republicans can claim more than 30 percent support.

Sixty-two percent of HLS students who filled out the survey chose Bill Clinton. Nearly 27 percent supported Bob Dole. Two-hundred ninety-two students, or about 16 percent of the student body, participated in the survey, which took place during the period of Oct. 21 to Nov. 4.

Third-party candidates made a strong showing in the poll, with HLS alumnus and former RECORD editor Ralph

Nader '58 pulling in seven percent support and Libertarian Harry Browne receiving two percent. Billionaire H. Ross Perot, who received eight per-

ceived 16 percent support. That year, only 10 percent of HLS students considered themselves Republicans.

More recently, in 1988, 73 percent of HLS students supported Michael Dukakis. Twenty-three percent supported President Bush and 17 percent considered themselves Republicans. Moreover, 60 percent of students in 1988 described themselves as liberal.

Despite recent gains, HLS Republican President Dan Schorr '98 said he is not pleased with the political composition of the HLS student body.

"I'm glad the student body of Harvard Law School isn't running the country," Schorr said.

"The results [of the student survey] show that there



White House Photo

is still an elitism among certain members of the Harvard Law School student body that leads them to view themselves as the best qualified to micro-manage the lives of other citizens through restrictive government programs and burdensome taxation," Schorr said.

Schorr added that "a re-elected Bill Clinton may continue to be an obstacle to lower taxes, less spending, and a balanced budget."

The HLS student body is more conservative than the Harvard undergraduate student body. According to an Oct. 22 Crimson poll, 68 percent of undergraduates supported Clinton, compared to 15 percent for Dole.

Students at the Business School are much more conservative. According to an Oct. 30-31 Harbus poll, 44 percent of Business School students prefer Clinton. Twenty-eight percent supported Dole, with nearly a quarter of students reporting they would not participate in the election.

Results Show Increased Conservative Presence

While HLS students generally have a reputation for falling on the left side of the political spectrum, more students supported the Republican Party this year than in any previous RECORD poll. Thirty-one percent of students prefer a Republican House of Representatives, and 34 percent prefer the Republican Senate majority.

A comparison of past RECORD polls shows that the HLS student body has been steadily, albeit slowly, moving towards the Republican Party.

In 1964, President Johnson received the support of 86 percent of HLS students. Republican Barry Goldwater received 13 percent support.

In 1968, Hubert Humphrey received 77 percent of the HLS vote. President Nixon received 21 percent.

In 1972, George McGovern received 83 percent, while Nixon

The Gender Gap

HLS women chose Bill Clinton by an overwhelming 80 percent. With more than eight percent of HLS women voting for Ralph Nader, Bob Dole's 12 percent support among women put him in danger of finishing in third place.

While the nation's women showed strong support for Clinton, the President's overwhelming support among women at the Law School — and Bob Dole's complete lack of support — came as a surprise to some observers.

"The most surprising result [of the survey] is that women

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Semi-final Round of Ames Moot Court Competition Approaching

By Michelle A. Jones

As 1Ls prepare for oral argument in LRA's Ames Moot Court Program, some anxious 3Ls are gearing up for the semi-final round of the Law School's historic Ames Moot Court Competition.

"It's very different from the 1L moot court competition — you deal with more complicated issues, you're on a team of four as opposed to two, and you do two oral arguments," explained Stephanie Agli '97, one of the semi-finalists. "There is more work, but also more responsibility."

Presently, four teams of six students are preparing for the semi-final round. Oral arguments are tentatively planned for Nov. 12 and 13. This coming spring, the final round will be played out in front of interested students and faculty packed into two rooms in Austin Hall.

The semi-finalists have already endured an earlier qualifying round (the "Q-round") in March.

"We only had 19 teams enter the Q-round this past March," said Michelle Gasaway '97, a member of the Board of Student Advisers and the chair of the semi-final and final moot court rounds.

"We really would like to get more people to participate in the Q-rounds this year — that way we'd get more participation in the process and a better selection for the semi-final round," Gasaway said.

Agli expressed enthusiasm for the competition. "I'm definitely glad I did it — in the sense that it has been a good learning experience. I also really enjoyed working with a team, which is not something you normally get to do in law school."

"It's an opportunity to do research and write a brief, which you don't get to do much after your 1L year," Agli said.

Registration for the Q-round occurred last spring on Feb. 1. Entering teams are composed of four students, two advocating the appellee's side and two advocating the appellant's side. These pairs argue against other

teams, but are reunited if they make it to the semifinal round. After the Q-round, qualifying teams add two more students to prepare for the semi-final arguments and the final round.

Comparable to the first-year moot court experience, the teams prepare written briefs and subsequently argue before a panel of judges.

There were three cases in last spring's Q-round. When registering, the teams were able to rank their preferences. Case 1 of the Q-round involved search and seizure and double jeopardy issues. According to the Q-round registration form, "this case involve[d] high-tech searches by the government without a warrant and explore[d] the relationship between civil asset forfeiture and criminal prosecution."

The basic issues in Case 2 were double jeopardy and younger abstention. "This case involve[d] federal court review of a state court's grant of mistrial and tests the limits of federal intervention in ongoing state trials."

Case 3 dealt with substantive due process and equal protection. "This case involve[d]

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Michelle Gasaway '97

21 Years Ago in the RECORD...



Harvard Law Record

America's Oldest Law School Newspaper

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25 CENTS

Tapped Phone Bugs Tribe

By David Snouffer
and Jeff Gershowitz

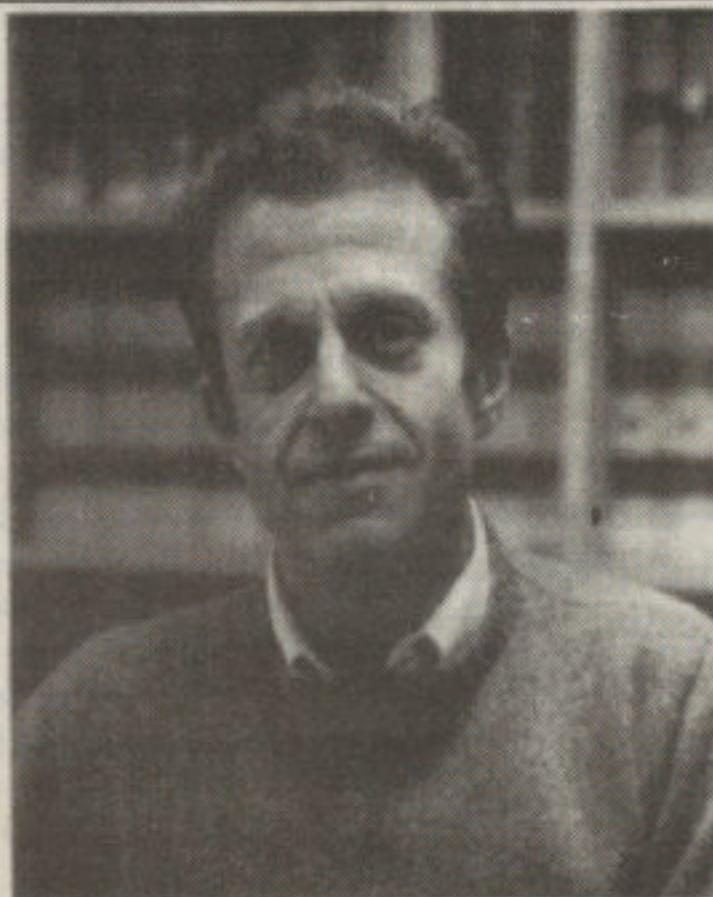
The discovery of a possible wiretap on the law school office telephone of HLS Professor Laurence Tribe '66 has led to investigations by the FBI, the Massachusetts Attorney General's Office and private investigators and counsel retained by Tribe.

The existence of the tap, which experts have since estimated to be between two and eight months old, was first uncovered when a surveillance expert brought in by Tribe discovered a suspicious five-foot jumper wire attached to a phone line from Tribe's office on Griswold Hall's third floor, according to a report in the November 7 *Boston Globe*.

Tribe called the apparent bug-ging "reprehensible and somewhat frightening." Tribe has since declined to talk further to the press about the matter.

Tribe was prompted to call in the experts after his two secretaries, Pamela Massey and Leslie Sterling, each heard what sounded like someone picking up a telephone receiver while they were using the phone on October 30 and 31. The secretaries had heard unusual sounds previously, the *Globe* said.

According to Boston attorney Harvey A. Silvergate '67, who, along with Philip A. Lacovara of Washington, D.C., has been retained by Tribe in this matter, he was originally contacted by Tribe late in the afternoon of Saturday, October 31. At that time, he ex-



Prof. Laurence Tribe '66 seeks phone bug culprit.

pressed concern over the two incidents, and they decided to contact the telephone company and have the phone inspected on Monday.

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Phone Tap Villains Sought

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Later that day, however, Tribe called Silvergate again and told him that confidential information discussed by Tribe in previous phone calls had "suddenly gotten back to him," according to Silvergate. They decided "at that point to call in a private investigator," he explained.

Silvergate said that on that Sunday, November 1, the first of two experts checked the phones for bugs and found nothing. The second investigator arrived the next day to inspect the phone lines, and it was he who discovered the tap.

This second expert, according to Silvergate, found the jumper wire in a telephone closet outside the office of Professor David Shapiro '57, which is around the corner from Tribe's. The wire, which had been connected to a terminal on the building's second floor, could have allowed someone to hook into Tribe's phone line from a properly equipped telephone if a transmitting or listening device were attached, the expert said, but he found no such device. He also suggested that

someone could have removed a device after learning through the telephone tap that Tribe and his secretaries had become suspicious. Finally, there also exists the more mundane possibility that none may have been attached at all.

Tribe has participated in a number of major legal controversies in recent months. He advised Sens. Joseph Biden (D-Del.) and Edward Kennedy (D-Mass.) on President Reagan's unsuccessful nomination of U.S. Appeals Court Judge Robert Bork to the Supreme Court. The two politicians helped spearhead opposition to Bork, who sits on the D.C. Circuit. In addition, Tribe helped Pennzoil in its effort to preserve a \$10.5 billion judgment it won in a Texas state court against Texaco for interfering with Pennzoil's attempt to acquire Getty Oil.

"It seems clear that conversations may have been intercepted," Harvard Vice President and General Counsel Daniel Steiner '54 said in an official statement issued last week after learning of the discovery. "We take this matter very seriously. Any effort to monitor Professor

Tribe's conversations violates not only his privacy but also the sanctity of the academic community."

Although Harvard has reported what was found to the FBI and other law enforcement agencies, Steiner said it is "unlikely that we will discover who was responsible for this apparent felony." But, he added, "maybe we'll be lucky." Outside agencies, rather than Harvard police, are investigating the incident, he said. The University has agreed to pay the fees of the experts called in by Tribe.

"We do not know who it is [that tapped the phone]," said Silvergate. "We are trying to narrow down the subject matter right now, rather than [discovering] who did it," he said, noting that "we're pursuing a lot of leads." Silvergate, a criminal defense attorney for twenty years with experience with wiretap cases, noted that "any day can turn up the information we're looking for."

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Silvergate said that the tap was certainly not installed legally, a status which can only result from a court order. "It is not the m.o. [modus operandi] of any legitimate federal investigatory agency," Silvergate said, adding that nothing in Tribe's background "by any stretch of the imagination" could have authorized a judge to grant such a request.

"It's an illegal act by someone. If it's governmental, it's certainly not legitimate governmental action," said Silvergate, who suggested that any action by the government would have had to have been done by a "rogue" group within an agency.

Silvergate and Lacovara will be assisting the ongoing investigations as well as conducting their own efforts regarding the matter. The FBI investigation is likely to last about a week, with the results being forwarded to the U.S. Attorney's office. John Pappalardo, chief of the criminal bureau, is heading up the Massachusetts investigation.

"I will be liaison with the Massachusetts Attorney General's investigation, and I will be conducting the private investigation up here, the precise nature of which I am not willing to talk about," said Silvergate, while Lacovara, a former counsel to the Watergate Special Prosecutor, "will be doing Freedom of Information Act requests as well as [acting as] liaison with the regulatory agencies," Silvergate said.

According to an article in the November 10 *Globe*, Lacovara stated that he will be pursuing official and unofficial channels of information, filing Freedom of Information Act and Privacy Act requests "to find out what we can from a variety of sources as to who may be responsible for this fairly outrageous kind of intrusion."

Tribe told the *Globe* last week that he knew of only one private phone conversation that he suspected may have been disclosed by someone using the wiretap. That was when Tribe expressed reservations about former HLS Professor and U.S. Appeals Court Judge Douglas Ginsburg's qualifications to serve on the U.S. Supreme Court in a conversation with two persons in Washington last month, the day before President Reagan nominated Ginsburg. Tribe said that the next day, he learned of a false rumor among political observers in Washington that he had decided to oppose Senate confirmation of Ginsburg. Ginsburg withdrew his own nomination last week. (See accompanying story.)

Clinton Scores with HLS Women Voters

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voted for Nader's ticket within three points of the Dole/Kemp ticket," said Kathryn Comerford '99 of the HLS Political Society.

"These results don't come even close to reflecting the opinions of the broader American public," she said.

Jonathan Perry '98, president of the HLS Political Society said, "[C]onsistent support for Democrats for President and both Houses shows a significant tilt to the left, particularly among female students."

HLS Democrats Secretary Andrew Byrnes '97 said that he believes women played a key role in re-electing Clinton.

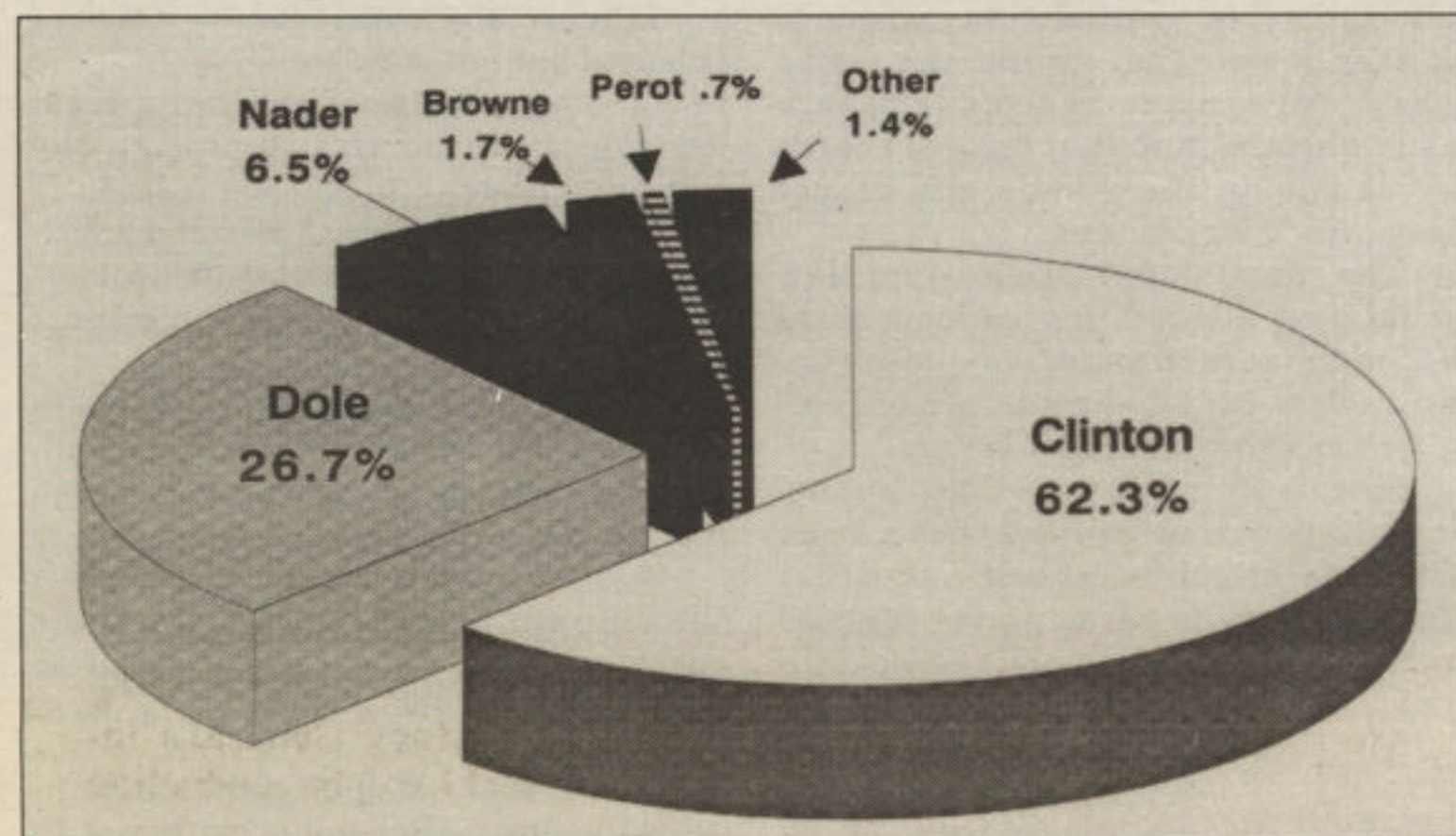
"The results [of the student survey] are a rousing endorsement of the last four years and show in particular how successfully Bill Clinton and Al Gore have addressed issues important to women, particularly working women," Byrnes said.

During his first four years, Clinton signed the Violence Against Women Act increasing penalties for stalkers, turned up the heat on "dead-beat dads," increased funding for breast cancer research, and signed a bill to end what he termed "drive-by deliveries."

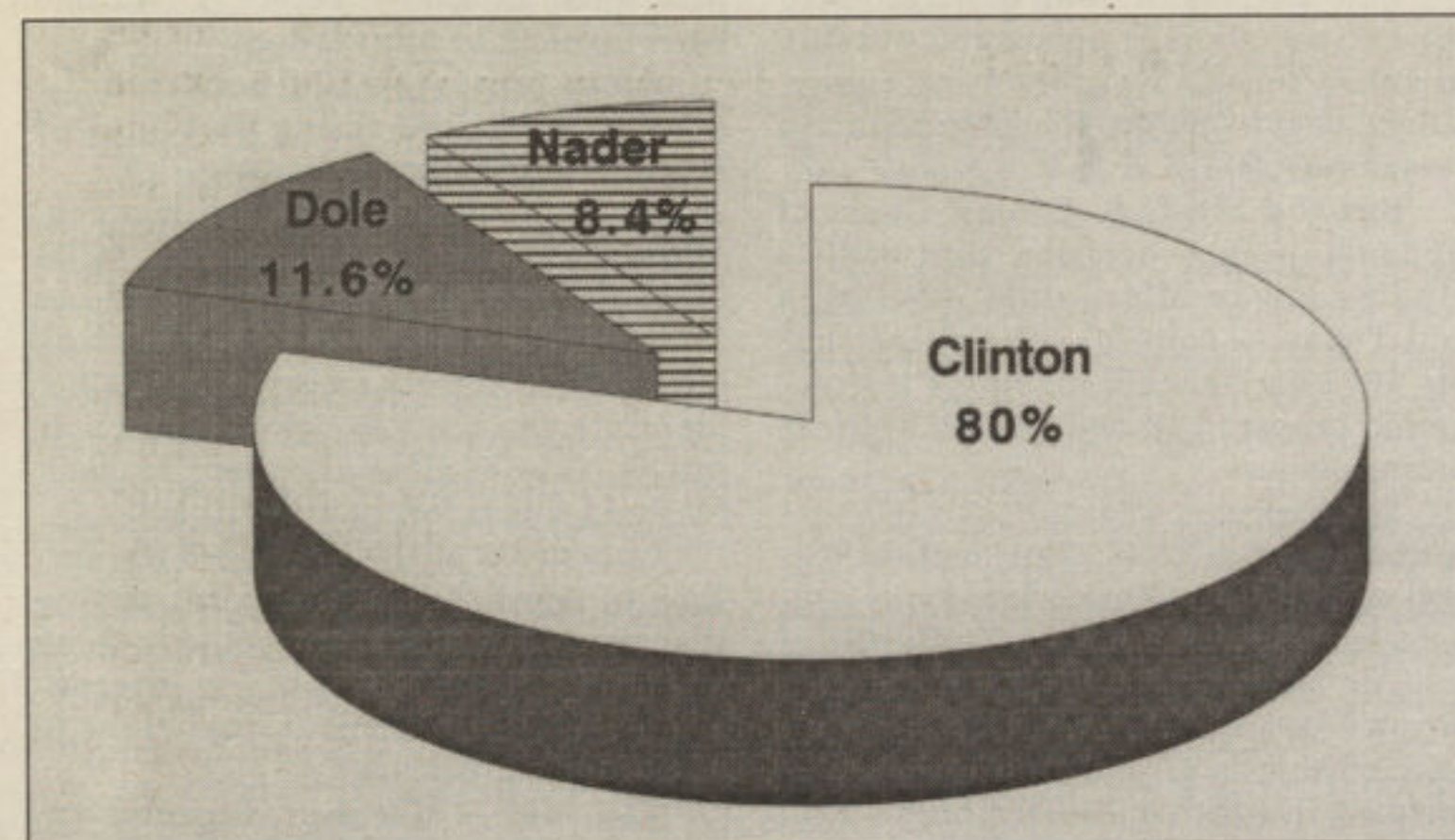
Locally, exit polls showed that six out of 10 women supported Sen. John Kerry's successful re-election bid. Kerry won by a margin of 52 percent to 45 percent over HLS alumnus William Weld '70.

The closest Congressional race occurred in Massachusetts' Sixth District, where Democrat John Tierney defeated incumbent Peter Torkildsen by 192 votes. More than a quarter of a million votes were cast in the election. Tierney must wait for the outcome of a recount, however, which will include the absentee ballots of overseas military personnel.

Tierney's victory makes the Massachusetts' congressional delegation 100 percent Democratic for the first time since 1992.



HLS Presidential Poll Results



How HLS Women Voted in the Poll

Ames Semi-Finalists



Laura Rosenbury '97

The Myra Bradwell Team

Syrena Case
Bethany Matz
Julie Rikelman
Paige Scott
Amanda Frost (oralist)
Laura Rosenbury (oralist)



Stephanie Agli '97

The John Minor Wisdom Team

Tony Falzone
Adam Paris
Josh Toll
Michelle Woollen
Stephanie Agli (oralist)
Jon New (oralist)

The Wild Horses Team

Chris Fortunato
Amy Kroe
Hartley Kuhn
Neil Steiner
Mike Francis (oralist)
Nerissa McGinn (oralist)



Mike Francis '97

The Langdell Memorial Team

Rachel Blum
Jon Cantor
David Markus
Travis Pearson
Gary Bornstein (oralist)
Joel Hammerman (oralist)



Joel Hammerman '97

3Ls Prepare for Ames Semifinals

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the intersection of the United States Constitution and personal choices about dying."

"The Ames Fellow in coordination with the Ames Committee are ultimately responsible for selecting the records, issues and judges for the Competition," stated a memorandum that was written to the RECORD regarding the Ames competition. This year's Ames Fellow is Leslie Sandor, an LL.M. '96.

"Leslie is also responsible for resolving any disputes during the Q-round, Semi-Final and Final Round competitions," stated the memorandum.

Vice Dean David Smith, Associate Dean Todd Rakoff '75, Dean of Students Suzanne Richardson, Prof. Peter Murray '67, and Prof. Charles Nesson '63 are on the Ames Committee.

For the semi-final round, each team argues either the appellant or respondent side on one of two cases. One case, *United States v. Clark*, involves sexual abuse. The basic issues in this case are the defendant's right to self-representation and the admission of character evi-

dence against the defendant.

The second case, *Nelson v. The Ames Times, et al.*, involves copyright law. The issues in that case are the transmittal of information to an electronic database and another party downloading and copying information from the database.

These two semi-final round cases were used, in simplified form, in the first year LRA workshops.

"[W]e want practitioners and professors to judge the proceedings," said Gasaway. "Ideally we try to get as many practitioners as possible. If there is a vacancy we try to fill it with professors," she added.

"For the semi-final round the judges tend to be federal and high state court judges," Gasaway said. This year's semi-final round judges will be Leonard I. Garth, chief justice of the United States Court of Appeals for the Third Circuit, Sandra Lea Lynch, chief justice of the United States Court of Appeals for the First Circuit, Albert M. Rosenblatt of the New York Supreme Court, Mark L. Wolf of the Federal District Court (MA), John

please see AMES page 10

U.N. Chief Concedes Ignorance of International Arms Embargo Policy in Former Yugoslavia

By Warren Binford

U.N. Secretary General Boutros Boutros-Ghali stunned an audience of more than 1,000 Harvard faculty, staff and students at the Kennedy School of Government last week when he conceded that he did not know why land mine detectors were included in the international arms embargo against the former Yugoslavia during its brutal four and one-half year war.

Estimates place the number of land mines planted by the end of the war as high as 5.5 million. The prevalence of land mines in farm fields, roads, bridges, factories, waterways and homes is often cited as a fundamental hindrance to economic recovery in that region.

Boutros-Ghali said he assumed that

the land mine detectors which would have enabled local powers to clear mines in their communities were banned by the international arms embargo because the U.N. peacekeeping troops were assigned responsibility for clearing land mines.

Unfortunately, with mine-clearing costs running as high as \$200-\$1,000 per mine and a limited number of personnel trained to carry out the life-threatening mine-clearing missions, the U.N.'s efforts

fell far short of matching the local armies' extensive mine-laying missions, Boutros-Ghali said.



U.N. Secretary General Boutros-Ghali

military forces who were certain to replant the mines as soon as the U.N. peacekeep-

ers left.

The issue of the U.N.'s role in exacerbating the war in the former Yugoslavia through ill-devised policies was raised during a question and answer session following a speech by the Secretary General on "Measures to Eliminate International Terrorism."

During his speech, the U.N. chief applauded Clinton's leadership in asking the U.N.'s General Assembly at its opening session in September to commit to "zero tolerance" for terrorism and to ratify all eleven international conventions against terrorism. Boutros-Ghali's praise came despite President Clinton's uncompromising opposition to reappoint Boutros-Ghali as Secretary General of the U.N. when his

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BRIEFS



Vorenberg Classroom Named in Honor of Former Dean

Langdell North has been renamed the Vorenberg Classroom in honor of former HLS dean James Vorenberg '51.

Vorenberg, currently the Roscoe Pound Professor of Law, was the ninth HLS dean, serving from 1981 to 1989.

Funds for the renovation of the classroom were gifts from several members of Vorenberg's Harvard Law School Class of '51, who celebrated their 45th reunion last month. The special fund-raising event was organized by Howard Heffron, Jerome Facher, and Melvin Dow, all of whom are classmates and longtime friends of Vorenberg.

"Jim Vorenberg is one of the most admired and respected teachers at the Harvard Law School — the object of much affection among his students," said Dean Clark '72. "Harvard Law School is grateful to Jim for his leadership and dedication and to his classmates and friends for their great generosity."

The Vorenberg Classroom is currently undergoing major repairs as a part of the \$33 million renovation of Langdell Hall and will be available for use when the building reopens in fall 1997.

"I've had some of my best and worst moments there," said Vorenberg, in commenting on the room where he has worked both as a student and as a professor. "I am very grateful to my classmates for what they have done for the School and for me."

"Of course, when I really needed a classroom of my own was when students were occupying my office," Vorenberg added, referring to the student sit-ins during the 1980s.

Harvard Gets \$25M From Microsoft Founder Bill Gates

Harvard University's computer science and electrical engineering programs will receive a \$25 million boost from Microsoft founder Bill Gates and Microsoft executive vice president Steven Ballmer.

The two leaders of Microsoft have given the money to Harvard to "promote an interdisciplinary approach that will encourage great ideas from a diverse group of smart people working closely together," said Gates, who is a dropout of the class of 1977. Ballmer is a 1977 Harvard College graduate.

Twenty million dollars of the gift will be used to construct a state-of-the-art research and teaching facility. The remaining \$5 million will support research and endow a faculty chair, said Dean of the College Harry Lewis.

"For more than five years we have planned a stronger presence in electrical engineering and computer science at Harvard; dramatically, now, this plan becomes a reality," said Dean of the Faculty Jeremy Knowles in a press release.

Although Gates has donated \$34 million to the University of Washington and \$6 million to Stanford University, the contribution is his first major gift to Harvard.

— from the *Harvard Crimson*

Gambling Charges Levelled Against BC Football Team

NEWTON, Mass. (AP) — Boston College officials met all day with prosecutors investigating gambling charges involving the school's football team, while one team member insisted he's innocent.

"I want them to get down to the bottom of it," defensive back Kiernan Speight said after a team meeting Sunday. "I want my name cleared."

The school announced Saturday it would investigate rumors of illegal gambling, two days after the football team was upset 20-13 by Pittsburgh, an 11-point underdog. Athletic Director Chet Gladchuk did not name any suspects or specify how the athletes may have gambled. No athlete has been suspended.

Speight and team members Jermaine Monk, Jamall Anderson and Brandon King had a confrontation with head coach Dan Henning and four team captains Saturday night immediately before the school announced its investigation, according to several media reports.

When asked about any problems with the football team, Speight responded: "I'm not going to have any comment about that. When it all shakes down, Kiernan Speight will be innocent."

Other players did not speak to reporters.

Two New Babies at HLS

Prof. Anne-Marie Slaughter '85 has given birth to a baby boy, Michael Edward Hoke Moravcsik, weighing 9 lbs. 9 oz. The two, as well as husband Andrew Moravcsik, were reportedly doing fine.

HLS News Director Michael Chmura and wife Susan also are doing well after the birth of their son, Evan Mitchell Chmura, last week. Evan weighed 7 lbs. 4 oz.

Ralph Reed Heckled by Protesters

Amid a spectacle of hisses, boos, and occasional applause, Director of the Christian Coalition Ralph Reed urged Americans to support the growing role morality and spirituality play in politics.

Speaking before a packed house of 700 to 800 people last week at the ARCO Forum, Reed was calm and unfazed by protesters in his discourse on the upcoming election, drugs, abortion, civil rights, and slipping social values.

"We [the Christian Coalition] believe that [the presidential] election is a referendum on the moral fiber of our country and on the integrity of our leaders," he said.

His speech was disrupted, however, as police dragged away 12 members of the Queer Action Group (QUAG) after they each refused to stop engaging in lengthy homosexual kisses.

Later, an angry graduate student criticized Reed for invoking the legacy of Martin Luther King Jr., calling it a trick "to disguise the fact that you're nothing but a geeky post-modern Christian racist in a fancy suit." The crowd roared with approval.

Several students also silently held signs reading "No Rights for Sodomites," "Dykes will Burn in Hell" and "No Free Speech for Faggots."

The students, clad in religious habits, black suits and glittering white gowns, were not arrested, said Harvard University Police officers.

— from the *Harvard Crimson*

Across the Wire ... Supreme Court Doesn't Revive Student-Led Group Prayer Law

WASHINGTON (AP) — The Supreme Court this week refused to revive a Mississippi law that would have allowed student-led group prayers in public schools — at assemblies and sports events and even in classrooms.

The justices, without comment, left intact rulings that declared the 1994 state law a violation of the constitutionally required separation of church and state.

The court action was not a ruling on the merits of the Mississippi law and set no national precedent. Confusion still reigns over just what the Constitution allows.

The National School Boards Association last year told the justices in another dispute that the nation's public schools "are currently the site of religious warfare" and that "school boards are caught in the middle and do not know which way to turn."

The invalidated Mississippi law would have allowed "invocations, benedictions or nonsectarian, non-proselytizing student-initiated voluntary prayer" at "school-related student events."

Since a 1962 Supreme Court ruling, organized school prayers have been barred from public schools. But that landmark case involved prayer sessions sponsored and led by public school officials, not students.

The court, of course, never has banned individual prayer from public schools. Students remain free to pray before lunch, before tests or even during class if they do so in an unobtrusive way.

The justices in 1992 strengthened the ban on officially sponsored worship in public schools by prohibiting clergy-led prayers at public school graduation ceremonies.

But the 5th U.S. Circuit Court of Appeals — in a decision that still is binding law in Mississippi, Louisiana and Texas — subsequently ruled that the 1992 decision did not apply to graduation prayers planned and led by graduating seniors.

The Supreme Court silently left that ruling intact in 1993. But another federal appeals court has declared such student-led graduation prayers unlawful.

The Mississippi law, designed to go beyond graduation ceremonies, was enacted shortly after a widely publicized incident in which a Jackson high school principal was disciplined for allowing

students to recite prayers over the school public address system while students were required to be in their classrooms.

The Mississippi Senate passed a resolution commending the principal for being a "catalyst for a renewed effort all over this state and nation to return prayer to our public schools."

Several days later, the state Senate and House of Representatives passed the school-prayer law.

David Ingebretsen, executive director of the state American Civil Liberties Union, and his daughter were among 14 individuals who sued to block the law from taking effect.

Ingebretsen said today he was "pleased but not surprised."

"It was a political and not a legal decision to make this appeal to the Supreme Court," Ingebretsen said. "I hope it puts this issue to rest and politicians, parents and school officials understand that students do have religious rights."

U.S. District Judge Henry Wingate ruled that the law was unconstitutional, except when applied to graduation ceremonies.

A three-judge panel of the 5th Circuit court upheld his ruling, and the entire appeals court voted 9-6 not to reconsider that ruling.

Leading the dissenters, Judge Edith Jones said the trial judge went too far in "striking down Mississippi's attempt to accommodate students' desire — and constitutional right — voluntarily to pray aloud at school" before it ever had been invoked by any student.

Jones previously had authored the 5th Circuit court's ruling that allowed student-led graduation prayers.

In the appeal acted on this week, Mississippi Attorney General Mike Moore argued that the law should not have been invalidated before it ever took effect. "The statute on its face does not mandate that any religious speech or prayer occur at all at any time," he said. "Instead this is left to private choice."

Opponents of the law urged the justices to reject the state's appeal, saying that the lower court rulings did nothing "to deprive any students of any independently existing constitutional right to pray in public schools."

The case is *Moore vs. Ingebretsen*, 96-331.

Judge Serves As Juror, Finds It Eye-Opening Experience

FINDLAY, Ohio (AP) — Trials have too much legal mumbo jumbo for most juries. Take it from a judge who served on one.

Municipal Judge Reg Routson spent two days last week serving on a jury in another court. He plans to write about his experience for a legal journal and can't wait to start making trials more "user friendly" for jurors.

"We (judges and lawyers) live in this world, but it isn't a world that most people are used to," Routson said. "I would like to see us take the language that is often used in courtrooms and simplify it to try to bridge the gap between juries and lawyers."

Routson, a judge since 1989 and a prosecutor and defense attorney before that, said his colleagues could learn a lot about "jury management" from serving as a juror.

He said he knew just about everyone in the courtroom, even the officers who made the arrest, and was surprised that attorneys didn't try to strike him from the panel. But lawyers from both sides said they thought he could be fair.

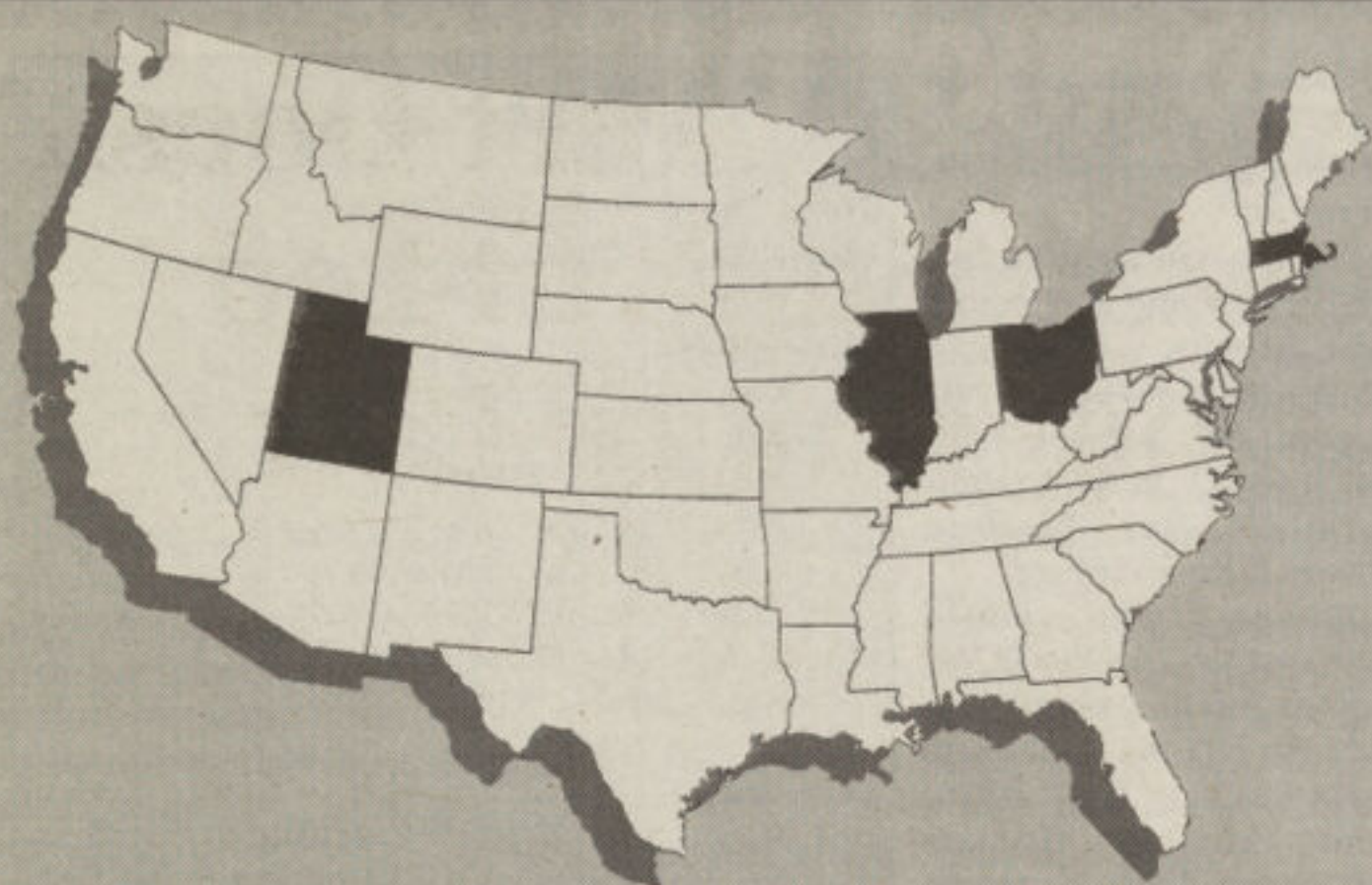
Judge Joseph Niemeyer, who presided over the trial, said Routson received no special treatment, though "it did seem a little odd" seeing him in the jury box.

The panel wound up acquitting the defendant, who had been charged with receiving stolen property. During deliberations, Routson said, jurors went about their work in an orderly, thoughtful manner.

"There wasn't a person who didn't take their job seriously ...," he said. "It renews my faith in the quality of the people we have serving on juries in this county."

Across the Country

This Week, Reports From the East, West, and Mid-West



AIDS-Machine Promoter Is Given Probation

SALT LAKE CITY (AP) — A federal judge has ordered 50 hours of community service and six months' probation for a man who marketed his purported AIDS-treatment machine in violation of court orders.

Tim Themy-Kotronakis had been found in criminal contempt of court last summer by U.S. District Judge J. Thomas Greene. Themy-Kotronakis violated earlier court orders to refrain from promoting his device, the judge ruled.

In the weeks before his sentencing, the West Valley City man filed several vague, rambling legal arguments in which he criticized the U.S. Food and Drug Administration.

For example, Themy-Kotronakis argued in one document that, "The issue before the court becomes one of what government entity has exclusive legislative and judicial jurisdiction over the land on which defendants live and earn a living...."

"If defendants are liable to FDA, defendants, simply, just live on land under the exclusive legislative jurisdiction of the United States Congress...."

Themy-Kotronakis claims to have invented an AIDS treatment device. It supposedly is based on the premise that chlorinated water in swimming pools is bacteria-free and, thus, cured individuals with wounds and cuts.

The machine discharges a liquid that, he says, increases the blood-cell count to fight infection and kills the AIDS virus.

In 1994, Greene first restricted Themy-Kotronakis from marketing the AIDS machine after the FDA opposed it.

In January, the judge heard testimony from FDA agents, private freight-shipping authorities and others pointing to Themy-Kotronakis' violation of the court order.

Greene sentenced the man during a hearing Friday.

Some Would-Be City Workers Upset Discrimination Lawsuit Ignores Them

BELLEVILLE, Ill. (AP) — Plenty of would-be city workers are unhappy with the Justice Department because they believe they've been unfairly disqualified for compensation under a federal discrimination lawsuit.

The Justice Department contends the city denied some people jobs because of their race or gender. So far, it has determined 247 people deserve a share of a \$450,000 back pay fund set up by the city to compensate the would-be workers. The proposed payments range from \$23 to \$6,376.

But by January, 353 people has filed claims. Of them, 106 were disqualified because they are either white men, white women who did not apply for police or firefighter jobs, or blacks who applied for city jobs before March 1985.

Of those disqualified, 42 have objected to the settlement process in U.S. District Court in East St. Louis. Twenty-three people said they were unfairly dis-

counted. Eleven said their proposed awards are too small. The remaining eight did not list a reason or said they were notified of their eligibility but not of any compensation.

Darlene Cox of Belleville was not mentioned on the eligibility list even though her complaints to a federal investigator in 1989 helped launch the lawsuit.

Cox, who is black, said she repeatedly applied for city jobs but never was granted an interview even though she has two separate four-year degrees from Southern Illinois University. She has appealed the settlement process.

"They didn't talk to me about it. They just sent me a denial letter," she said.

Cox said the appeals process is unfair because the agency that left her off the eligibility list — the Justice Department — will decide appeals. A federal judge in East St. Louis will rule on the final settlement amounts within the next three weeks, but Cox said she fears the judge

will base compensation on the department's recommendations.

A department spokesman said all objections would be examined fairly.

Ben Chukukere wonders why he was left off the department's eligibility list. According to the department, he did not have a high school diploma and could not have been hired when he applied as a firefighter last year and policeman in 1993. But Chukukere has a master's degree in public administration from the University of Nebraska at Omaha.

"I knew I was qualified for the job," he said. "I just want to get in the door and work my way up."

Two other objectors are Belleville police officers: Kelly Paul, hired in 1994 as the city's first female police officer, and William Clay III, the city's first and only black policeman. They seek the differences between their current salaries and the salaries they would have made had they been hired earlier.

Candidate Sues Over Barrier Plan

BOSTON (AP) — A candidate for the state Legislature has sued a Boston police captain, saying plans to place wooden police barriers outside two polling places Tuesday will hurt her chances in the election.

Rosemary Powers, who filed the suit in Suffolk Superior Court, is one of at least eight write-in candidates who have prepared stickers with their names and addresses to hand to voters to make it easier for them to vote for them.

Her lawyer, William McDermott, said the barriers will limit campaign workers' access to voters to hand out the stickers.

He said police plan to put up the barriers to hurt Powers because her group, Save Our City, supports residency laws.

Employees of the police and fire departments had been exempted from the regulation, but now newly hired

employees of both departments must live in the city.

"In the 20 years I have been involved in politics, I have never seen the Police Department involve itself so heavily in an election," McDermott said. "And while we certainly recognize the need to maintain order, this is going over the line."

Police Capt. Robert Dunford, who told candidates of the plan last week, said the barriers are to prevent voters from being intimidated by overzealous campaigners.

"We've had problems before, especially at Savin Hill, where people complained about these campaigners," he said. "People shouldn't have to feel like they're running a gauntlet when they go to vote."

Campaigners, by state law, must stay 150 feet away from the entrances of polling places.

"We have to get stickers into people's hands. If they put up these barriers, we have no way to get to voters," Powers said.

"This in no way impedes stickers from being handed out, and they can still hand out literature," said Dunford.

The sticker candidates are trying to succeed Rep. James T. Brett, D-Boston, who announced in September he will leave the Legislature at the end of his term to become head of the New England Council, a lobbying group.

However Brett's name already was on September primary ballots, and he was unopposed.

His name will be the only one on ballots for the House seat Tuesday because there is no Republican candidate.

If he is elected, a special election will be held next year to fill the seat. If he had withdrawn, Democratic Party officials would have chosen a candidate.

Almond Growers Turned Back by High Court

WASHINGTON (AP) — California almond growers and marketers who object to the scope of federal regulation of their industry lost a Supreme Court appeal today.

The court, without comment, rejected their arguments that certain market controls imposed by federal regulators amount to a taking of property for which compensation is required.

A federal law, the Agricultural Marketing Agreement Act of 1937, authorizes the secretary of agriculture to maintain market stability for some commodities, including almonds.

The law has been applied to the California almond industry since 1949.

The secretary on occasion orders almond growers and handlers to withhold marketing of a certain percentage of the annual almond crop. Those almonds are held in reserve for sale, at far lower prices, to non-competitive outlets.

For the years 1982-85, 1988 and 1990, the state's almond industry members were told to hold from 2 to 10 percent of their crop in reserve.

Industry members said those orders cost them \$4 million and sued over their asserted right to be compensated.

The Court of Federal Claims ruled against the almond handlers, saying they "cannot reasonably assert a property interest in their almond crops free of govern-

ment control."

A federal appeals court upheld that ruling last year. The appeals court said those almond handlers who sued should have expected some federal regulation when they entered the industry well after such regulation had been established.

"This is not to say that in a highly regulated industry, the government may regulate away all property interests," the appeals court said. "As with any regulatory scheme, one which goes too far can effectuate a taking. This is not the case here."

The lower court also said such regulation of the almond industry has aided handlers and consumers for decades.

In the appeal acted on today, lawyers for the almond handlers argued that entering a regulated field does not strip someone of all property rights in a product.

Government lawyers urged the justices to reject the appeal. "The reserve requirement substantially advances legitimate governmental interests and does not deny an owner economically viable use of his property," they said.

The appeal was filed in behalf of Cal-Almond Inc., Saulsbury Orchards and Almond Processing, Gold Hills Nut Co., Browns Lake Ranch, Mac Enterprises, Van Kay Inc. and Derk Van Konyenburg.

The case is *Cal-Almond vs. U.S.*, 96-11.

Harvard Hockey Team Must Rely on Youth This Season

By Craig Buckser

The Harvard men's hockey team takes to the ice this season under tremendous uncertainty. Four of last season's top five scorers and last year's starting goaltender and top defenseman have graduated. With only three seniors on the roster, the Crimson must depend on their young players — including a highly-touted freshman class — to improve on last year's disappointing sixth-place ECAC finish.

For the first time in four years, Coach Ronn Tomassoni cannot put an experienced goaltender between the pipes. Sophomore Peter Zakowich and freshman J.R. Prestifilippo will vie to replace Tripp Tracy in net.

Zakowich played in only six games last year. Despite finishing with a 3-2-0 record, which included a shutout against Union, he did not show that he could be one of the top netminders in the ECAC.

In contrast, the expectations for Prestifilippo are great. Prestifilippo, a seventh round draft choice of the New York Islanders, started and won the season opener against Brown. He is expected to become the number one goaltender as the season progresses.

Harvard's strength will lie on the blue line. Although they no longer have Peter McLaughlin to anchor the defense, the Crimson return seven defensemen from last year's squad.

Senior Ashlin Halfnight is the team's captain. Halfnight, who was drafted by the Hartford Whalers in 1994, rarely passes up opportunities to pinch into the offensive zone. He had 12 points (two goals, 10 assists) last year and 42 (nine goals, 33 assists) over his first three seasons.

Junior Jeremiah McCarthy is the other standout on the Harvard defense. McCarthy played for the United States in last year's World Junior Championships. Last year, he led all Harvard defensemen in scoring with 16 points (four goals, 12 assists).

Sophomore Ben Storey earned a spot on last season's ECAC All-Rookie squad. The fourth-round Colorado Avalanche draft choice tallied 13 points (two goals,

11 assists) in his freshman year.

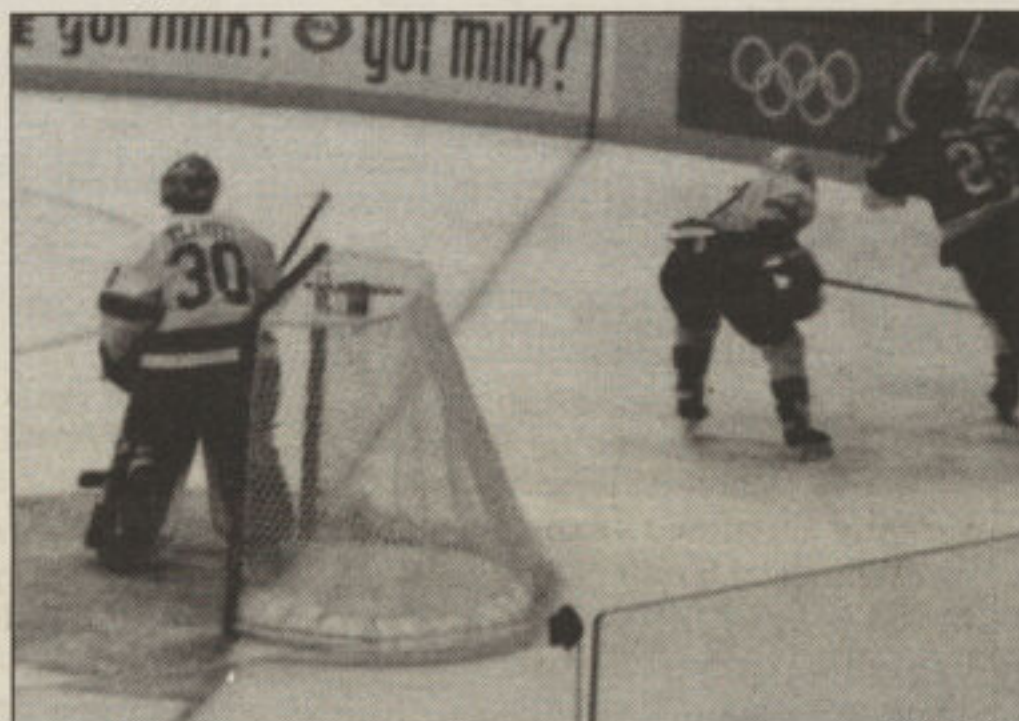
Senior Marco Ferrari, juniors Brian Famigletti and Gordie Hyland, and sophomore Ethan Oberman are the other returning lettermen on the defense. Due to the glut on the blue line, Hyland and Oberman begin the season playing for-



Harvard faces off against Cornell in a rematch of March's ECAC final.

ward, the position Hyland played for 10 games last year. Ferrari is also capable of moving to the front line.

Freshmen Matt Scorsone, this year's eighth round draft of the Avalanche, and Brice Conklin are also expected to contribute to the Crimson defense.



Right Winger Ethin Philpott (26) chases the puck.

Freshman Mark Moore will fight for playing time on the crowded defense corps.

Scoring is probably the biggest question mark for Harvard. In order to have a chance at returning to the finals of the ECAC Tournament, the Crimson must overcome the loss of Brad Konik, Kirk Nielsen, and Tommy Holmes — the entire first line — as well as Jason Karmanos to graduation.

Harvard will count on junior Henry Higdon to put the puck in the net. Last year, Higdon's 17 goals led the team. He added ten assists. After netting only four goals in his first 43 college hockey games, Higdon exploded for 16 goals in last season's final 17 games. A pair of two-goal,

one-assist games in the ECAC quarterfinal led Harvard in its upset of St. Lawrence.

Higdon will center a line for Oberman and sophomore Craig Adams. Freshman Matt Macleod, an offensively talented left winger with good speed, may replace Oberman after Macleod recovers from an injury.

Adams, who joined Storey last year on the ECAC All-Rookie team, teamed up well with Higdon at the end of last season. The ninth-round Hartford Whalers draft choice loves to throw his body around the rink. His speed and scoring touch netted him eight goals and nine assists in his freshman year.

Like Adams, sophomore Craig MacDonald had 17 points (seven goals, 10 assists) in his freshman year and was drafted by the Whalers last summer (fourth round). Expect MacDonald, who scored five power play goals last year, to play more physically this season. He gained 20 pounds over the offseason and now weighs 205.

The sophomore will anchor a line with freshmen wingers Jamin Kerner and Brett Chodorow. Kerner is a small player with terrific speed. Right winger Chodorow notched his first collegiate goal last Saturday in Harvard's 5-3 victory over Brown.

Joseph Craigen is the Crimson's only senior forward. The center's offensive production has dipped from 15 points (five goals, 10 assists) in his freshman year to only five points (four goals, one assist) last season.

Junior Doug Sproule and sophomore Rob Millar join Craigen on the checking line. Like Craigen, Sproule, a 210-pound left wing, is a grinder. The Ottawa Senators' draft choice scored only one goal in 12 games last year.

Millar brings offensive talent to the line. Last season, he exploded for a hat trick against Union, an effort he followed with two goals and three assists the following week against Yale. He finished the season with 11 points (six goals, five assists). Millar tallied two goals, including one spectacular goal he scored after beating three Brown defensemen, last Saturday.

MEN'S HOCKEY SCHEDULE

Head Coach: Ronn Tomassoni
Home Games: Bright Hockey Center

November

Sat. 2	at Brown	W (5-3)
Fri. 8	COLGATE	7:30 p.m.
Sat. 9	CORNELL	7:00 p.m.
Fri. 15	at Yale	7:30 p.m.
Sat. 16	at Princeton	7:00 p.m.
Tues. 19	BROWN	7:00 p.m.
Tues. 26	at Boston Univ.	7:00 p.m.
Sat. 30	PRINCETON	7:00 p.m.

December

Sun. 1	NORTHEASTERN	7:00 p.m.
Fri. 6	ST. LAWRENCE	7:30 p.m.
Sat. 7	CLARKSON	7:00 p.m.
Wed. 11	at Union	7:30 p.m.
Fri. 20	at MN-Duluth	8:05 p.m.
Sat. 21	at MN-Duluth	8:05 p.m.

January

Fri. 3	at Vermont	7:30 p.m.
Sat. 4	at Dartmouth	7:30 p.m.
Fri. 10	UNION	7:30 p.m.
Sat. 11	RENSSELAER	7:00 p.m.
Tues. 28	NEW HAMPSHIRE	7:00 p.m.
Fri. 31	at Rensselaer	7:30 p.m.

February

Mon. 3	Boston Univ. (Beanpot)	9 p.m.
Fri. 7	YALE	7:30 p.m.
Mon. 10	Beanpot Consolation	5:00 p.m.
	Beanpot Championship	8:00 p.m.
Fri. 14	at Cornell	7:30 p.m.
Sat. 15	at Colgate	7:00 p.m.
Fri. 21	at Clarkson	7:30 p.m.
Sat. 22	at St. Lawrence	7:00 p.m.
Fri. 28	DARTMOUTH	7:30 p.m.

March

Sat. 1	VERMONT	7:00 p.m.
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Freshman Trevor Allman centers Harvard's most eclectic line. Allman, who weighs only 176 pounds, scored his first goal last Saturday. One hundred seventy pound sophomore Clayton Rodgers will play left wing. He had three points (two goals, one assist) in 12 games last year.

Right wing Ethan Philpott brings his 6'4", 233-pound body to this line. He loves to hit and create traffic in front of the net, especially on the power play. Philpott, who was drafted by the Buffalo Sabres in the third round of the 1993 NHL Entry Draft, had 10 points (six goals, four assists) last year.

Freshman Scott Turco begins the season injured, but he will add depth to Harvard's front line.

If Prestifilippo is as good as advertised in goal and if Harvard's young forwards can hit the back of the twine, the Crimson will find itself in the upper echelon of the ECAC.

Vermont Heavily Favored to Win Hockey ECAC

By Craig Buckser

After ascending to number one in the national polls, the University of Vermont hockey team is a heavy favorite to repeat as ECAC regular season champions. No team in the conference has the talent to match the Catamounts who, despite losing to the Crimson in the ECAC tournament semifinals last year, went to the NCAA semifinals.

Vermont is led by the French Connection line, the best line in college hockey. Center Eric Perrin and right wing Martin St. Louis grew up playing hockey together in Laval, Quebec. They each had 85 points (29 goals, 56 assists) last year. Perrin was last season's ECAC Player of the Year. Left wing J.C. Ruid, who also scored 29 goals last year, is a finisher and a physical presence.

The Catamount's solid, albeit unspectacular, defense is led by Jon Sorg (4-4-8) and Jan Klouboucek (7-11-18). Goaltender Tim Thomas (2.34 GAA) winner of the 1995-96 Dryden Award (ECAC Best Goalie), may be the best netminder in the nation.

Vermont's biggest weakness is its lack of depth at forward. The Catamounts are hardly an offensive juggernaut when the French Connection line is not on the ice.

Nevertheless, the Cats should have dispelled doubts about their prowess two weeks ago when they travelled to Walter Brown Arena and defeated Boston University, ranked third in the nation, by a 4-2 score. In a matchup of last season's NCAA quarterfinal, Vermont beat Lake Superior State 5-2 last weekend.

The Clarkson Golden Knights are expected to provide Vermont with the conference's stiffest competition. Center Todd White (29-43-72) leads Clarkson's offensive attack. Jean-Francois Houle (14-15-29) is a skilled two-way forward.

The other Golden Knight standout

plays between the pipes. Dan Murphy (2.70 GAA) has started every Clarkson game since he arrived on campus two years ago.

Nicholas Windsor (4-16-20) and Mikko Ollila (0-21-21) lead a formidable defense corps.

Clarkson

slipped out of the top 10 in national polls after losing a pair of home games to University of Denver last weekend.

St. Lawrence University must overcome the semester-long suspension of goaltender Clint Owen (3.81 GAA) in order to earn home-ice advantage in the ECAC quarterfinal. Backup goalie

Jon Bracco (3.61 GAA) must fill the void in net until Owen serves his suspension for violating unspecified team rules.

The Skating Saints will count on Paul DiFrancesco (16-39-55) to provide the bulk

of the scoring. Joel Prpic (3-10-13) is probably the best defensive forward in the ECAC. Derek Ladouceur (7-33-40) is a proven playmaker.

After losing Jeff Kungle, last season's ECAC Best Defensive Defenseman, the Skating Saints' defense is a question mark.

St. Lawrence has started the season by losing four non-conference games.

Colgate will also be vying for home-ice in the ECAC quarterfinal. Their offensive hopes rest on Mike Harder (23-32-55) the Red Raiders' captain. Dave DeBusschere (15-15-30) was last week's ECAC Player of the Week. He scored four goals and four assists in two games last weekend.

Jack McIntosh (7-10-17) headlines Colgate's young defense.

If Colgate will improve on last season's fifth place finish and quick ECAC tournament exit, goaltender Dan Brenzavich (3.11 GAA) must learn how to win the big game.

Cornell seeks to repeat last year's ECAC tournament championship. The Big Red have perhaps the most underrated netminder in the conference in Australian

please see ECAC, page 7

The 1996-97 ECAC Pre-season Coaches' Poll

(first-place votes in parentheses)

1. Vermont (11)	143
2. Clarkson	128
3. Harvard (1)	116
4. St. Lawrence	107
5. Colgate	96
6. Cornell	85
7. Rensselaer	67
8. Brown	62
9. Princeton	51
10. Dartmouth	37
11. Union	28
12. Yale	16

Catamounts Threaten Cornell's ECAC Reign

continued from ECAC, page 1

native Jason Elliott (2.35 GAA). Elliott played spectacularly at the end of last season, earning the ECAC Tournament MVP award.

Steve Wilson (4-25-29), a two-way defenseman, is the best blueliner in the ECAC. This is the fourth season he has been paired with his defense partner, Chad Wilson (6-8-14).

Cornell's biggest question mark is its scoring ability. Captain Matt Cooney (13-21-34) is the Big Red's top returning scor-

er. Vinnie Auger (5-15-20) hopes to play a full season after missing all of the 1994-95 season and most of last year's postseason with a back injury. Kyle Knopp (11-19-30) was last season's ECAC Rookie of the Year. Ryan Smart (8-19-27) must improve his offensive output for Cornell to return to the NCAA tournament.

Rensselaer Polytechnic Institute, Brown, Princeton, Dartmouth, Union, and Yale round out the rest of the ECAC. It will be a major surprise if any of these teams make a trip to Lake Placid for the ECAC semifinals and finals.



Cornell hopes to celebrate again in Lake Placid. RECORD Photo

Boutros-Ghali Warns of International Terrorism

continued from U.N., page 3

term expires next year.

Boutros-Ghali warned the audience, "Terrorism in our time has grown from a national to an international to a global threat." In an age of increasing globalization and simultaneous fragmentation, social conditions are ripe for terrorists, he said.

"The communications revolution, the private global economy and the increasingly borderless world we live in" make it difficult for governments to maintain order, according to Boutros-Ghali. At the same time, "fragmentation disrupts social solidarity and drives groups into ever-deeper opposition to civilization."

Noting that terrorism has increased because it has successfully adapted to globalization while anti-terrorism remains provincial and national, the U.N. leader emphasized that international cooperation and coordination is crucial.

In recent decades, a number of international legal instruments have been implemented by the U.N. including 11 international conventions that specifically address crimes associated with terrorism such as hijacking, hostage-taking, and the possession of nuclear materials and plastic explosives.

According to Boutros-Ghali, these international instruments must be used as a "platform for immediate global action to counter terrorism" at the same time that an international political will is rallied to overcome the difficulties of international cooperation and coordination.

Finally, the international community must develop additional international conventions to address terrorist activities not covered by already existing instruments including bombings, traffic in arms, and preventing the use of weapons of mass destruction, Boutros-Ghali said.

Even with these changes, however, international efforts are doomed without a comprehensive legal framework. This framework can be established through "a general, international, anti-terrorist instrument" said Boutros-Ghali.

Citing the U.N.'s success in mobilizing consensus against chemical and biological weapons and its role promoting and protecting human rights, the U.N. chief argued that the U.N. is unique in its position to "provide the forum for all participants in the global community to come together and devise the global approach necessary to defeat international terrorism" while ensuring that the "antiterrorist struggle is not pursued at the expense of human rights."

Ames Ready to Roll

continued from AMES, page 3

M. Ferren of the District of Columbia Court of Appeals, and John C. Liffand of the United States District Court for New Jersey.

For the final round, the judges usually include two federal judges and one Supreme Court Justice. Last year, Justice Breyer '64 presided over the final round.

"Many judges want to keep participating," said Gasaway, explaining how practitioner judges are found. "We have a database of judges from which we pick." The names of the judges for the final

round are confidential at this point, as are the case and issues, "because someone could tailor their views and arguments to match those of the judges," explained Gasaway.

To date, everything has been proceeding smoothly. "Everything is on schedule. We started the first week of school — holding informational meetings and getting everyone ready — and have been on a pretty tight schedule since then," said Gasaway.

One reason for the tight schedule is that the semifinal round is now being conducted in the fall, as opposed to the spring.

SPORTSGUY

Bring Me the Head of Dan Shaughnessy



By Todd Stillerman '97

Sports Editor

The mood is that of most Sam Peckinpah films; a group of sinister Mexican bandito-types surround the prominent godfather-rancher, whose bubbling anger threatens to erupt. Faced with a family scandal pulled straight from a Greek tragedy, the malevolent patron utters the immortal line that condemns his transgressor: "Bring me the head of Alfredo Garcia!"

As always, Peckinpah satisfies the movie-goer's primal craving for violent revenge. The deceitful Garcia is indeed decapitated, and his rotting, maggot-infested head is dragged through a series of adventures in a burlap sack by Warren Oates and Isela Vega. The severed member eventually makes its way back to the rancher's villa for the filmmaker's trademark whirlwinds of brutality, but not before Alfredo Garcia's posthumous punishment reaches epic proportions.

The SPORTSGUY had always figured that he would never wish such a punishment on anyone. Sadly, the earthly triumph of Evil over Good executed by the New York Yankees in last week's World Series spawned a villain worthy of sadistic retribution — Boston Globe sports columnist Dan Shaughnessy.

Shaughnessy contributes regularly to the Globe's sports pages, often musing over the colorful sports history of the city's storied professional teams and the legendary zeal of Boston sports fans. But last week, Shaughnessy got ugly. After the Braves walloped the Yankees 12-1 in the opener, Shaughnessy claimed that the Braves were the worst thing that could possibly happen to Major League Baseball, reasoning that Atlanta's dominant pitching staff was boring fans to death. He belittled the city's sports facilities, mocked Atlanta's lack of tradition, questioned the entire population's right to call itself a "sports city," and (worst of all) questioned the heart of Braves fans everywhere. The rest of the week's columns continued a frontal assault on Braves baseball and characterized the Yankees stirring comeback as a breakdown of Atlanta's spirit. Continually, Shaughnessy and his fellow Globe columnists insisted that Boston and its Red Sox fans were more deserving of Atlanta's good fortune.

The SPORTSGUY finds Shaughnessy's haughty contempt for Atlanta blasphemy of the highest degree. To call Atlanta baseball boring is not only vindictive, it shows a lack of insight. In 1991, a young Braves squad battled roared back from a nine-game deficit at the All-Star break, beat Pittsburgh in seven games for the National League title, and then narrowly lost to Minnesota in a World Series universally acclaimed as the most exciting ever played.

What real baseball fan can forget when the 1992 Braves rallied from a 3-1 deficit in the N.L.C.S. off Francisco Cabrera's ninth inning heroics? The Braves season-long quest to overtake eventual 100-game winner San Francisco in the 1993 Bobby Thompson-caliber pennant race. This year's team faced elimination three times against the Cardinals, and somehow found the will to win.

Since 1988, the most significant games played by the Red Sox comprised a three-and-out sweep by the Cleveland Indians in which Jose Canseco and Mo Vaughn took a collective series oh-fer at the plate.

Atlanta's pitching is boring? This year's Red Sox effort looked more like a slow-pitch softball team. The SPORTSGUY will take the artistic majesty of Greg Maddux over a Canseco strike-out any day.

Shaughnessy quipped that when Atlanta-Fulton County Stadium is demolished in May, no one will care. He is sadly mistaken. Prior to the Braves championship in 1995, no city in the True South had ever claimed a professional sports championship.

For Yankee fans, the True South includes the eleven members of the Old Confederacy, excluding the entire screwy state of Texas, and lopping off Florida just south of Jacksonville and Virginia somewhere north of Richmond (if you've ever met anyone from Miami or Alexandria, you'll concur with the SPORTSGUY's analysis).

Fans from Tennessee to Louisiana have followed the Braves since their move to Atlanta in the 1960s. We follow the games on TBS and travel thousands of miles to attend their games. This is our team. We cheered when Henry Aaron knocked his 715th homer out of the Launching Pad, remained faithful during the rotten years, and cheered with wild abandon when Dale Murphy strode onto the outfield grass to honor the aging stadium before its last game. Braves supporters everywhere know something about tradition.

By the close of the 1990s, the city will have hosted two Superbowls, two Final Fours, at least four World Series, the All-Star Game, the annual Peach Bowl, six Southeastern Conference Football Championships, and a little thing called the Olympic Games. The people of Georgia surrendered countless man-hours and endured unprecedented levels of maddening construction to transform their state into the Sports Capital of the World. A city full of supposedly-complacent sports fans volunteered by the thousands to staff the Games, and still managed to boost the Braves' attendance to their third highest total ever. Boston is a city whose most revered sporting contests are a boring foot race and a prissy regatta. Hardly a Mecca for the traditional sports, Dan.

The SPORTSGUY spent last week below the Mason-Dixon Line mourning the season's end in Braves Nation. But unlike in Boston, where the official city fruit is sour grapes, the loyal Tomahawk Choppers understand the virtues of humility and class. Instead of seeking to find a scapegoat like the Sox did with Bill Buckner in 1986, fans respectfully acknowledged the superior bench and middle relief of the Yankees. Rather than whining about a silly Bambino's Curse, the Peach State welcomed home its defeated warriors with warmth and compassion. Atlanta will not spend twenty years turning some clown like Jim Leyritz into the next Bucky Dent; instead, Atlantans will look forward to another run at the title in 1997.

It is as if Dianne Wiest's character from "Bullets over Broadway" has placed her hand over the collective mouth of the South and whispered, "Don't speak!" The SPORTSGUY's brother Harry, now a student at the University of Richmond, reports that Braves fans kept their tempers in check even as carpetbagger co-eds from random Jersey Turnpike exits programmed the campus bell tower to play "New York, New York."

The SPORTSGUY still considers the Yankees win a prelude to Armageddon, but his ire has found a new target — the purveyor of malevolent un-truths regarding the very spirit of all that is the Atlanta Braves. Braves fans of the world unite! And bring me the head of Dan Shaughnessy.

Harvard Law RECORD

Founded in 1946

Rob Friedman
Editor-In-Chief

Hope Yen
Publisher

Second Thoughts

The Election

A few weeks ago, we considered endorsing former RECORD editor Ralph Nader for president, not because of his unique tie to the School, but because he represents a small, but important place in American politics.

The 1996 election campaign highlighted the lack of innovative ideas within the mainstream political spectrum. The creative vacuum became apparent during the debates, when Dole and Clinton attempted to distinguish themselves by haggling over the amount of government spending they would cut.

The "race to the middle" strategy of politics that Clinton has perfected may be an effective way to run a campaign, but it squeezes the life out of political discourse. It tends to narrow the scope of legitimate ideas and expand the category of thought and political players the media tags as "extremists."

Never before have so many political leaders — from Nader to Ross Perot to Newt Gingrich and Jesse Jackson — been referred to as "extremists" by the national media.

Whatever one thinks of Nader's idealistic stands against corporate America, or Gingrich's idealistic stands against intrusive government, we need more idealism — more ideas — and a larger, more inclusive sphere of public discourse. And we need leaders who, like Gingrich, have the courage to stick by their ideas in the face of clear public disagreement. Otherwise, we end up with a narrow public sphere that moves in circles, following its tail because its head is trained to do so.

The "Mad-E-mailer"

Now that we are aware of the punishment handed down to Tymothy Macleod for his part in defending himself against the so-called "Mad E-mailer" (see Quote of the Week, p. 11), it is time for the administration to come clean on the matter. Administrators turned the fiasco into a farce this week by forcing Macleod to make what has become a public apology for something for which he understandably has no remorse. The letter has been posted all over Gropius — a highly confidential way for the Ad Board to operate.

Now all that remains is for the Ad Board to announce how it intends the "Mad E-mailer" to atone for his/her attack on Macleod.

The RECORD cannot wait to see how the Ad Board deals with the student who posted the "highly inflammatory anonymous message" (Adviser, Oct. 24) that began the e-mail fiasco, or how the administration responds to Macleod's claim that the "Mad E-mailer" is an advanced computer user who skillfully hacked his/her way into Macleod's HLS account through a private "ghost" account.

"Problems at OCS"

Perhaps the RECORD was a bit harsh on June Thompson and OCS. But the fact remains that Thompson scolded LL.M.s in the strongest terms for aggressively pursuing employers and has scolded the RECORD in the strongest terms for "misstatements of fact" regarding student complaints of employers (see Letters). At the same time, Thompson has held her tongue on unethical firm practices.

Why can't Thompson put her toughness to work for students? June, "yellow streaks" are just wrong, you know that. Your rhetoric about there being no "rule prohibiting yellow lines" is the worst example of eyes-closed governance since President Clinton announced the military "don't ask, don't tell" policy. That kind of purposeful blindness leaves rules against grade-cut-offs meaningless and students vulnerable to any type of unethical firm behavior that fails to violate the very letter of the law.

OCS does not have a complaint vehicle just because some administrator states that one exists. We need someone to actually do something, to use the type of fire Thompson has shown in her letter to the editor and scolding letter to LL.M.s. We need that kind of effort to protect students, not just employers.

Don't worry, June. The firms will keep coming.

— Friedman

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—First Amendment, US Constitution

• Letters •

Courting Guinier Away from Penn

Over the last several years I have been reading in the Harvard Law RECORD about the efforts to lure Prof. Lani Guinier to Harvard Law School. In [Kristina Hoy's] column of Sept. 20, 1996 [Hoy] reiterated [her] hope that Prof. Guinier "will join the prestigious group of women professors at Harvard Law School."

I have always wondered what the impact at the University of Pennsylvania would be if Prof. Guinier resigned from its faculty. Clearly, all of the benefits which the Harvard students would gain would be lost to the Pennsylvania students. How this benefits legal education from an overall point of

view is hard to see, unless the idea is that if Harvard gets a good woman professor that, on balance, is much better than if some other school had the benefit of that professor ...

Arthur J. Greenbaum '55
New York, NY
October 28, 1996

Sensational Headline Misrepresented Talk

Congratulations on hiring the headline writers from *The New York Post*. Your headline about my talk to the Jewish Law Students Association — "Dershowitz Proclaims Judaism, Anti-Semitism Dead" — totally missed the point of my talk. The thesis of my talk as well as my upcoming book is that the survival of Judaism has depended far too long on our enemies, and now that institutional anti-Semitism has virtually ended, we must develop more positive forms of Jewish identity.

In the Introduction to my upcoming book, I summarize its thesis as follows:

"The thesis of this book is that the long epoch of Jewish persecution is finally coming to an end and that a new age of internal dangers to the Jewish people is on the horizon. Institutional anti-Semitism is on its last legs as governments, churches, universities and businesses embrace Jews. No Jew today needs to convert in order to become a professor, a banker

or a corporate CEO. Although anti-Semitism persists in many quarters, today's anti-Semites — the skinheads, militias, Holocaust deniers and Farrakhan followers — have become marginalized. They continue to constitute a nuisance and pose a potential threat, but they do not have a significant day-to-day impact on the lives of most Jews, as anti-Semites in previous generations did. Today's marginalized anti-Semites do not decide which jobs we can hold, which universities we can attend, which neighborhoods we can live in, which clubs we can join, or even whom we can date and marry. We no longer look up at anti-Semites as the elites in our society who determine our fate. We look down at anti-Semites as the dregs of our society who make lots of noise but little difference."

I believe that Jewish life can thrive in the next century, not despite the end of institutional anti-Semitism,

the end of Jewish persecution and the end of Jewish victimization — but because of these positive developments. The ultimate good news may be that the denouement of negative Judaism — Jewish identification based largely on circling the wagons to find off our enemies — compels us to refocus on a more positive and enduring Jewish identification, which will be more suitable to our current situation and the one we will likely be facing in the 21st century in which Jews will have the unconstrained choice whether to remain Jewish or to assimilate.

We may be entering a true Jewish golden age, during which we will prove, once and for all, that Jews do not need enemies to survive. To the contrary, we can thrive best in an open society where we freely choose to be Jews because of the positive virtues of our 3,500-year old civilization.

Alan M. Dershowitz
November 4, 1996

Recent RECORD Issues Deserve Praise

I am an alumnus, Class of '49, and I would like to say at the outset that the [RECORD] issues I have received so far this year are a good step above previous

years in subject matters covered and the sophistication shown in their analysis.

Now, kindly accept compliments from a retired

attorney to the current classes at HLS!!

David S. Carton '49
San Diego, CA
October 22, 1996

On Boldizar's Weekly "Piffle"

I wish to express how much I enjoy Alexander Boldizar's column. His weekly parody of the sort of self-absorbed, adolescent, pseudo-

intellectual piffle which so often finds its way into university newspapers is excellent. The fact that he never breaks character from week

to week only adds to the wonder. I love it!

Mark R. Yzaguirre '97
November 3, 1996

Alum Responds to Ad Hominem

SAST '63
By Stuart Rees and Bill Zimmerman

Ad Hominem

HLS GAVE YOU THE OPPORTUNITY TO EARN MORE MONEY AND LIVE A BETTER LIFE THAN YOU EVER IMAGINED.

I ALSO WILL RECEIVE THOSE ADMIRING GLANCES FOR THE NEXT 60 YEARS WHEN I AM ASKED WHERE I WENT TO LAW SCHOOL.

I'M GLAD I STARTED THE FIRST YEAR I GRADUATED.

10% OF YOUR INCOME A YEAR SEEMS ABOUT RIGHT. YOU NEVER WOULD HAVE THAT MUCH WITHOUT THE HLS EDUCATION.

WE HOPE THAT CLEARS THINGS UP.

Steven A. Stepanian II '63
Pittsburgh, Pennsylvania
October 23, 1996

Thompson Responds to Criticism

As a rule, I do not respond to articles or editorials about the Office of Career Services, favorable or unfavorable. However, there are so many mis-statements of fact in Mr. Friedman's editorial of Oct. 25, "Problems at OCS," I must set the record straight:

1) "...the lack of a formal complaint system." Mr. Friedman called me the week before the editorial was written and asked if we had a formal complaint procedure. I told him "Yes" we did and that all students receive a copy of the procedures when they register with OCS and it is repeated in the handbook given to all students. To paraphrase a country-western hit, "What part of YES don't you understand?"

2) No formal or informal complaint has been lodged with the Office of Career Services against Troy & Gould. Troy & Gould has violated NO NALP or HLS rules regarding making offers to

1Ls to return the next summer. The letter from Troy & Gould, which appeared in the Oct. 25 issue of the RECORD, speaks eloquently for itself.

3) At the request of Troy & Gould, I spoke with several returning 2Ls who had worked there this past summer. While some were unhappy with the response date they were given and the "honest review" approach, no one wanted to press any form of complaint.

4) If Gibson, Dunn & Crutcher (not Gibson & Dunn) uses a yellow streak to denote those students who meet their grade cutoff, this is the first I've heard of it. Not one student even mentioned it to me, let alone filed a complaint. (NOTE: There is no NALP or HLS rule prohibiting yellow lines.)

5) HLS rules do not "forbid strict grade cutoffs as a selection criterion" when deciding on callback interviews or making offers of

employment. It is true that we do not allow employers to pre-select students based on any criteria for on-campus interviews.

Mr. Friedman was correct in stating I would not comment on a pending complaint as I have always thought it would not be prudent nor proper to do so. Since I was not asked to act immediately on this matter and any action would not take effect until next fall, I felt that gathering information in a deliberate manner was a more important and useful task at this time than providing a quote for Mr. Friedman.

If Mr. Friedman would care to drop by my office (Pound 323), I would be happy to provide him with copies of the NALP Guidelines, the HLS Rules and the Complaint Procedure memo.

N. June Thompson
Director, Career Services
November 4, 1996

An Alternative to a Career in Law

I received the September 20, 1996 RECORD last night and read the Career Guide special insert with much interest. I'm compelled to write because I want law students to know that there are many other options which were not presented. In particular, I can write about a career in product marketing because I pursued this field directly upon graduation from HLS three years ago...

Right now, there are several major trends that are changing the way we work, communicate, and entertain, including the Web, biotechnology, 3-D gaming, and educational software.

Companies that make products in these industries are leading the charge; not law firms, consulting firms, or investment banks...

I thought about the end product from lawyers, consultants, and bankers and decided that I preferred working directly on products... There are no formal ladders: no partnership considerations after 7 years. You could be an entry level product manager for your entire career or you could be running a company or a huge division before you are 25: I've seen all these cases...

It's not for everyone but it could be for you. You can do it in large companies

(Microsoft, Netscape, America Online, Proctor and Gamble), medium (Visio, PhotoDisc, Amazon.com) or small (Daily Rocket, Amplitude, Cognisoft). I'm glad to be a resource; just send me e-mail: evenlu@microsoft.com.

Steven Lurie '93
Redmond, WA
October 17, 1996

[Due to space constraints, elements of the job description were edited. The full letter is available at the RECORD office, Ames basement. —Ed.]

Halpern Welcome Anytime in Maine

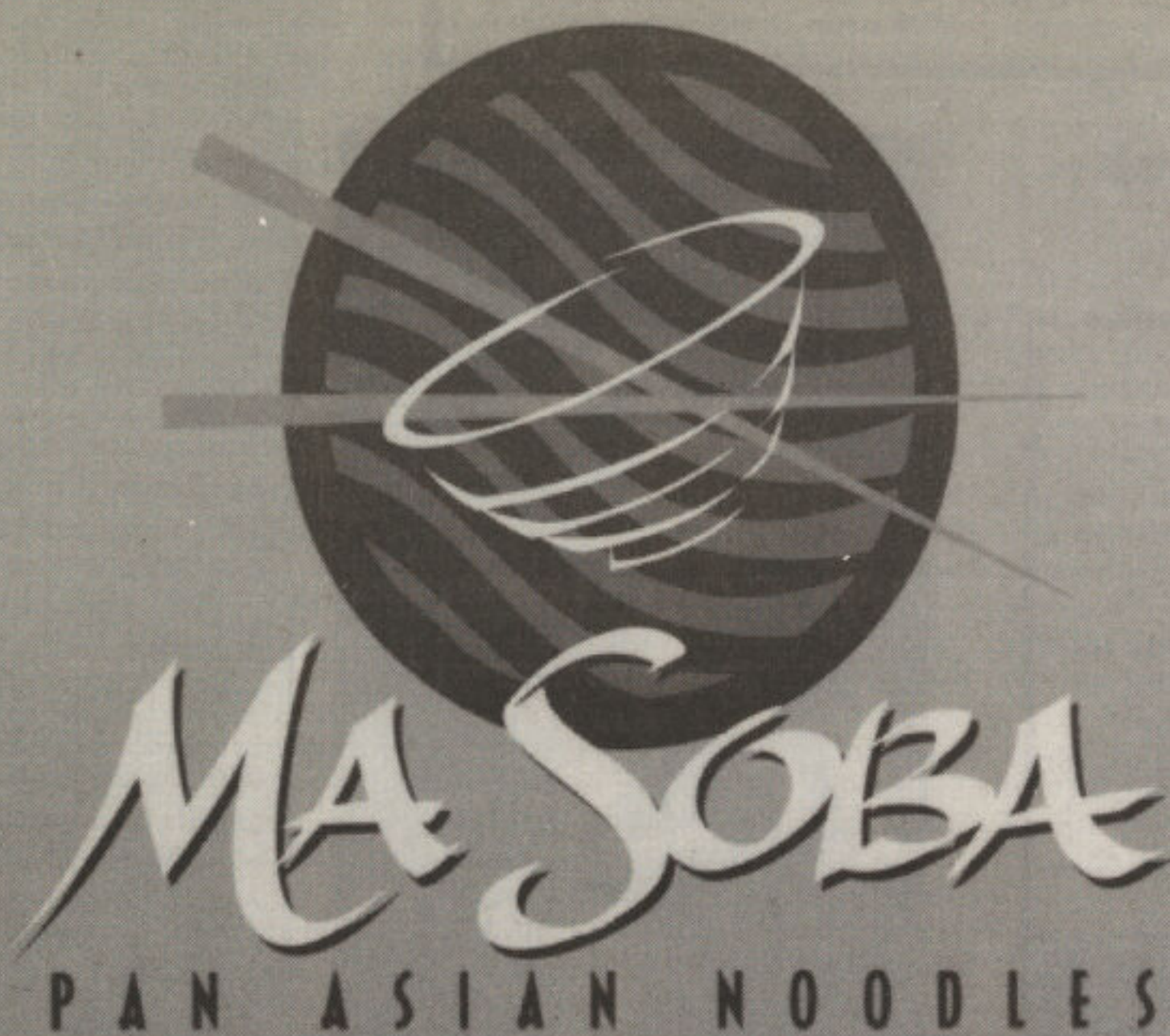
I want to write to let you know how much I enjoyed [Carla Halpern's] article... based on [her] summer experience working in Presque

Isle. The Bar of the State of Maine could use several hundred more "twits" of your caliber.

Barbara T. Schneider '90
Portland, Maine
October 23, 1996

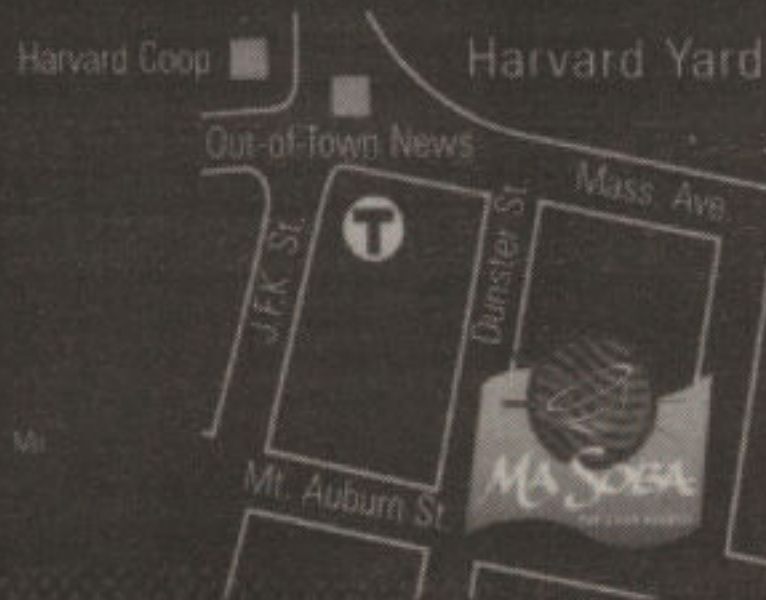
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Buckley Bashes Big Government Programs

continued from BUCKLEY, page 1

ered "a thoroughly convincing leader" in recent years. "Neither Bob Dole nor Bill Clinton strikes us as a true leader," said Buckley.

Consequently, the nation's problems continue to worsen: education is weak, crime runs rampant, the deficit continues to rise, unemployment persists, and the underclass is being transformed into a permanent fixture of America's class structure, bemoaned Buckley.

Noting that 25 percent of U.S. teenagers identify Franklin D. Roosevelt as the President during the Vietnam War and that two-thirds cannot place the Civil War within 50 years of its occurrence, Buckley dismissed the findings of a blue ribbon education reform committee headed by George Hunt which recommended an increase in educational funding.

There is a higher correlation between a state's proximity to Canada and its SAT scores than to the amount of money it spends on its education program, according to Buckley.

Instead of increased government funding, school choice, which would result in improved academic performance, should be widely implemented, Buckley argued.

Reminding his audience of the "hazards of centralized state power," Buckley went on to attack the welfare system and Clinton's social policies. The welfare system has led to an increase in crime, divorce and children born into single-parent families and must be reformed, said Buckley.

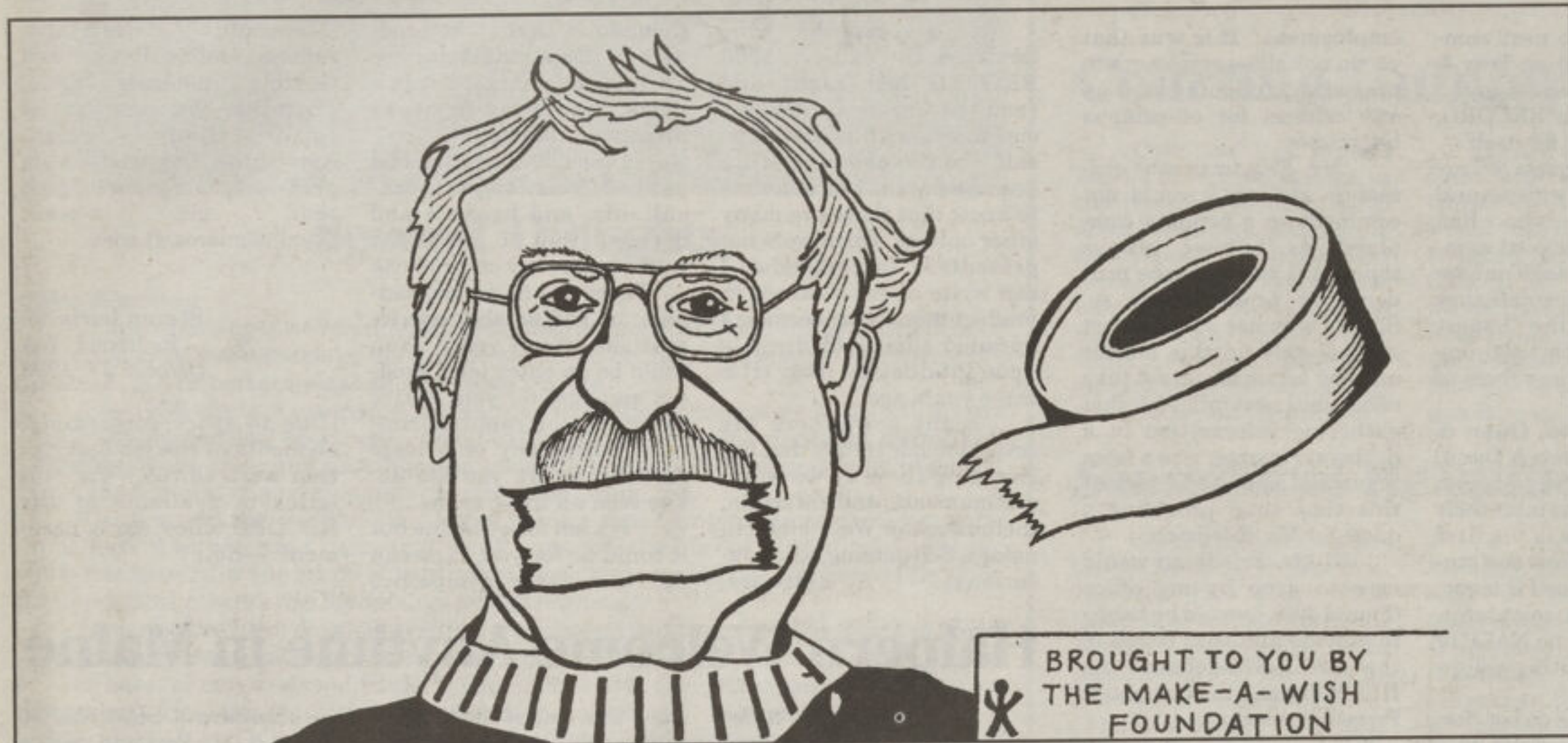
The basic reality in all social programs including Medicare is that "someone else is paying my bills. Is this the best way to effect redistribution?" Buckley asked. "Urban centers don't need the patronage of Mississippi."

Both Clinton and Dole have become so entrenched in protecting Social Security and Medicare in Buckley's view that today even "Death itself is seen primarily as an assault on Medicare."

Analysis and empirical evidence have lost their roles in determining national policies, Buckley said. "I don't know if the Republican party could have found a candidate who could win the election, but someone has to touch Social Security and Medicare."

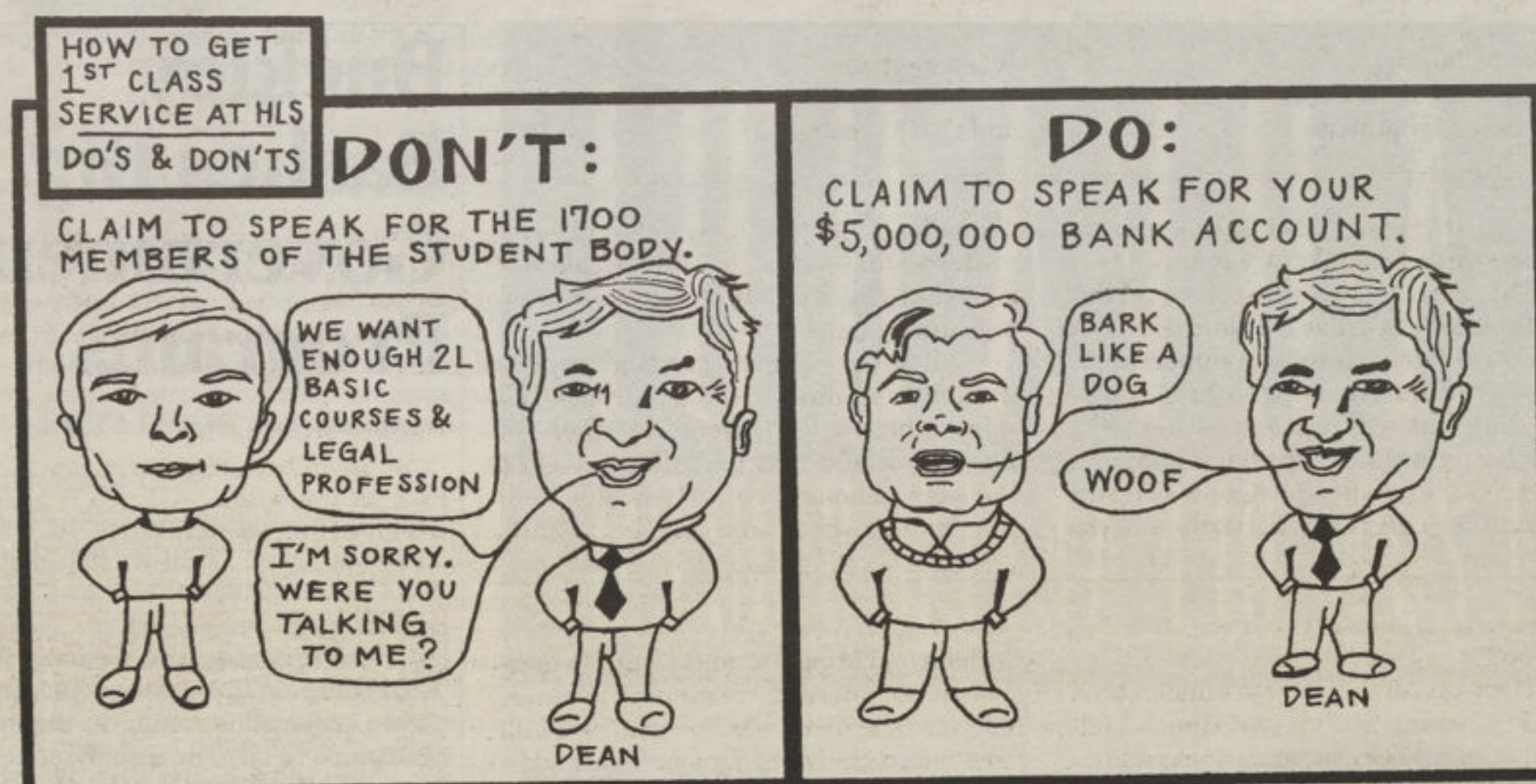
Thinking About Dershowitz

By Stuart Rees and Bill Zimmerman



Ad Hominem

By Stuart Rees & Bill Zimmerman



Reasonable Man Returns Next Week

By David Steiner and Scott Selby



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CALENDAR

BREAK-OUT

(NOV 8-10)

by Janie Kim '99

Dare to roam beyond your Hark mailboxes, my pretties. A jambalaya of social delights awaits you in the world outside.

The fashion mavens and super-model-obsessed among us will surely appreciate **Herb Ritts Work**, an exhibit at the Museum of Fine Arts (267-9300), 465 Huntington Ave. Boston; Hrs: 10-5 exc. Wed. 10-9:45; \$8 stud. adm. Imagemaker for the anorexic set, Ritts' photos serve up the popular-gym-aesthetic in all its dishy wonder.

Get an edge up on making those final exam outlines. Rock hard at the **Laser Metallica** show at the Museum of Science (723-2500), Science Park, Boston; Th.-Sat. 9:15pm; \$7.50 adm. Supposedly, if you rotate to the light show backwards, secretly encrypted Torts messages will reveal themselves.

The Middle East (497-0576) 480 Mass. Ave., Cambridge, is hosting a Rape Crisis Center Benefit Fri. 11/9. Groove to the edgy sounds of **Fuzzy, Quivver, Black Rose Garden, & Yuk**: bands I have never heard of in my entire life. Still, at \$8 adm., that's only a two buck per group investment for a mighty worthy cause.

Prof. Christopher Edley discusses his book *Not All Black and White* at 3 p.m. at the Harvard Book Store (661-1515), 1256 Mass. Ave., Cambridge. Operative word is free.

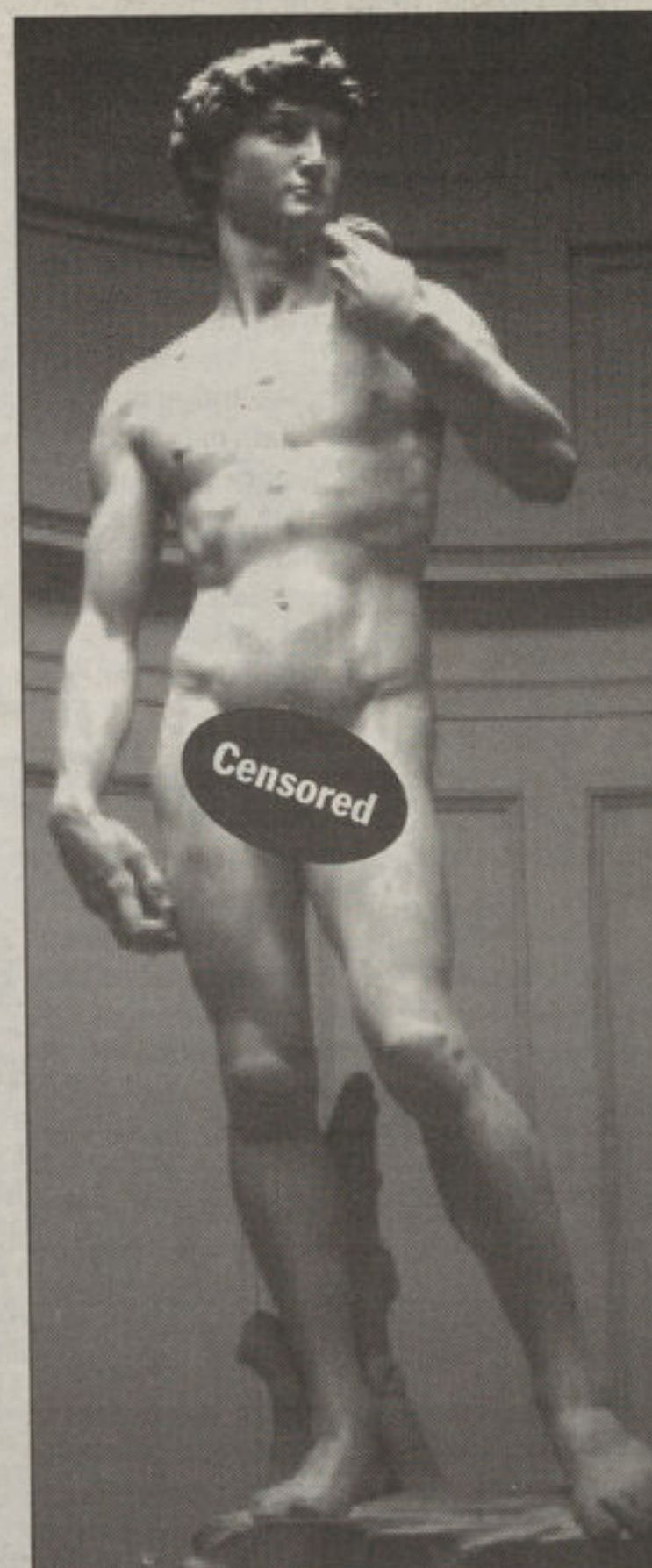
Your addiction to 'toons got you glued to the tube every Sat. morning? Relief from the big screen is at hand. The Brattle Theatre (876-6837), 40 Brattle St., Cambridge presents **Wallace and Gromit: The Best of Aardman Animation**. Fri. 11/8 5:30, 10:00; Sat 11/9 2:45, 4:30, 6:15, 8:00, 9:45.

This anthology of nine animated shorts brims with invention, wit, and wicked hijinks. A treat! \$7 adm.

Would some post-modern vaudeville hit the spot? The most famous pre-Muppet puppets are now fully embodied by human actors in the American Repertory Theater's presentation of **Punch and Judy Get Divorced**. Fri., Sat. 8 p.m.; Sun 2 p.m. Playing now at the C. Walsh Theater at Suffolk University (547-8300), 55 Temple St., Boston. \$35 adm.

For those that don't appreciate the mixing of slapstick and social commentary, find yourself in rock. Two especially promising gigs: Sat. 11/9 **Buffalo Tom** @ T.T. the Bear's Place (492-BEAR) and Mon. 11/11 **Better Than Ezra** @ Avalon (931-2000). The draw should be large and lively.

If you're not intimidated by the cold, check out the hype and report back to the rest of us. Day-of-tix for **Rent** (the uber-musical taking over the world) avail. 2 hrs before each performance: \$20 for prime orchestra seats. At the Shubert Theater, 265 Tremont St., Boston. Call 800-447-7400 for more info.



Exercise Free Speech!



Write
to the
RECORD

Banana Leaves

By Alexander Boldizar '98

Harvard Law Student enters the interview room —
The sound of lawyers.

Basho spoke of it:
"If I'd the knack, I'd sing like
cherry flakes falling."

Is it high enough,
your conformity quotient?
Free airplane ticket.

"[Fall's] exodus —
birds shriek
fish eyes blink tears."

I fly to cities
hoping firms will buy my wares,
Law Student, my name.

Cambridge vomited
us all over the country;
traveling salesmen.

I go to grind words
and forget to view the moon —
Basho called me poor.



I sit on the plane —
they charge for their friendly skies;
will firms pay for booze?

We land in San Fran;
the stewardess rouses me;
calls me "old sluggard."

Evening, I walk in
Castro, passing, a big man
calls me "hey Baby!"

Shuttle to New York —
everyone reads the stock page,
balding at twenty.

I find the law firm
and meet a frozen shadow —
lips chilled for prattle.

It asks me for a
writing sample, I present
seventeen syllables.

Lawyerly haiku:
Can I sneak in an extra
syllable or two?

The beauty of Rules
appears when they are broken —
beige suits and red ties.

Behind the lawyers
I could hear the screams of some
young blooming plum.

Awaiting an offer
I look in the partner's nose,
and see lightning flash.

Will the message cross
without verbal trickery?
Like in a haiku.

It is a moment
crystallized, snatched from time's flow —
and that is enough.

No seasonal word
in a haiku about law;
Therefore and because.

Basho's hut was light —
after a rain the moss grows
greener than ever.

If you wish to learn
about bamboo stalks, why not
ask a bamboo stalk?

A partner told me
the medical term for it:
"The Lemming syndrome."

All those briefs we write
shredded by the summer's end
untouched by woodpeckers.

But don't forget Dogan's poem:
"Scarecrow in the hillock
Paddy-field —
How unaware! How useful!"

* * *

My apologies to Basho. I composed the above poem during fly out week at airports, in airplanes and while waiting for my interviews to start (or finish). It's incredible how stimulating some people's discussion of the big case they just finished can be for a poem about woodpeckers or moss, as the brain tries to find some place to hide. Although the poems are separate 17 syllable (five, seven, five)

units, their arising is not independent of the story in which they are found.

Therefore and nonsense, I would like to announce the great Harvard Horrible Haiku contest. Here's an opportunity for all you out there who are sick of excelling but who miss creating, who miss being able to "snatch a moment away from time's flow" before we all successfully run off the cliff: write a horri-

ble haiku (or several, but preferably separate) about anything at all and place it in either the RECORD box, or my 2L pigeonhole.

When I get together enough replies (hopefully within two or three issues), I'll select a bunch of the worst and then get Ross Perot and Arthur Miller to choose the worst among them. The winner will get fame, a beer and my roommate.

Entries from Professors, Anonymous and First Times are also welcome. Cleanliness and discretion is assured, but not required. Remember, it must not only be bad, it must be horrible!

Hi-fibre brain food:
Law student eats his casebook,
Prof gets royalties.
(Not horrible enough.)



In the first episode of a new series, Fenno begins his search for Dean Clark's conscience. This task may prove formidable.

Fenno closed his copy of "For Whom the Bell Tolls" and lit up a cigarette. He enjoyed reading Hemingway. Hemingway was simple, straightforward, a man's man — like Carl Sandburg or George Eliot.

Dean Clark was another man's man, albeit a graduate of Maryknoll College with a chip on his shoulder. Fenno's dream was that someday Dean Clark would enter politics and put the "undesirables" in their place. Yes, Robert Clark of Maryknoll serving as a Che Guevara of the right and unleashing his mighty intellect against the forces of evil, the homosexual-jewish-peacenik-socialist-feminazi-treehugging crowd that had helped unravel America.

It had all been downhill since Agnew resigned, but in Clark resided America's great white hope. He's fired a Kennedy, hadn't he, and he'd kept those colored women off the faculty.

Tamping out his cigarette, Fenno consoled himself in the thought that while Clark was only the dean of a law school, Himmler had begun his career as a chicken farmer.

Fenno did not have much time to dream of the counterrevolution this morning, however, as he was late for his meeting with his analyst. Dr. Goldberg was a stooped balding man with a Semitic nose who bore striking resemblance to a law professor; he spoke in a heavy European accent with overtones of Brooklyn and made Fenno feel comfortable.

Fenno often dreamed of marrying Goldberg's 15-year-old daughter, becoming a Unitarian and burning question marks on people's lawns. But today, Goldberg appeared less interested in his client's sexual fantasies than he did in his general dislike of the Harvard Law School.

"So, Fenno, you aren't happy at HLS,

are you?"

"Honestly, doc, I just don't understand why I'm having such a bad time. I followed all the rules ever since I was a little kid. I stayed in line. I raised my hand. I never spoke to strangers. When I got to law school, I checked my passion at the door, went to all the 'how to do well on law school exams' sessions, and promised not to speak about sex or speak to LL.M.s. I determined to be the model J.D., but ..."

"But what, Fenno. At \$250 an hour, you better speak fast!"

"Well, the truth is that I want to do something more fulfilling. Possibly corporate tax law or mergers and acquisitions. I had this romantic dream of what lawyers do when I first came here ... I thought of my dad, Ol' Papa Fenno, sitting behind his desk, telling stories about how he foreclosed on mortgages and raided worker pension funds. I guess I thought being a lawyer was all about writing wills and contracts and forcing the receptionist to perform oral sex on me in the elevator — the sort of stuff I imagine still goes on at Cravath or Sullivan & Cromwell ..."

"And you don't find that you're learning how to do that in law school?"

"I hate to say it, doc, but all this stuff I'm learning is useless. Who in God's name wants to study constitutional law or the rules of evidence? There just aren't enough classes on corporations or the tax system, and they make us enter this mock-court competition in which we write briefs. I don't need to know how to do that for at least 20 years. To top it all off, there are these commie professors — with names like Michelman and Horwitz, if you know what I mean — who actually want me to believe that the law is a product of social policy."

"So what are your dreams, Fenno?"

"Well I have this really kinky one that involves Sandra Day O'Connor and a meat hook —"

"— No, Fenno, I mean where do you want to end up in life?"

"Hmm ... I never really thought about that. I guess I want to be extremely rich and extremely powerful and I want to have a house in Scarsdale and I want to sit on the boards of the companies that make this nation great, like Union

Carbide and Manville, and I want to marry a sexy, ignorant woman who spends half her time bent over the oven and half her time on her back. I guess I want to be the next Jack Kemp."

"Well, I think I know what your problem is, Fenno," Dr. Goldberg concluded as he hit the stop timer on his desk. "You don't seem to have a conscience."

Five hundred dollars later, driving the 1996 BMW his father had bought him, Fenno worried that not having a conscience might hurt him on his callbacks. He needed to find a conscience somewhere, somehow. Then the idea finally struck him, a tribute to his self-acknowledged brilliance. Dean Clark was the sort of man who probably had enough conscience to go around. After all, that guy with the horns on Massachusetts Avenue said the dean had sold him a conscience for only \$2,000,000 and tenure.

It was just possible that Clark had enough conscience left over to get Fenno a firm job and still run the Law School from Saigon. It was time to have breakfast with the dean ...

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EURAILPASSES ISSUED ON-THE-SPOT!

Quote of the Week

"In the future I shall
try to refrain from
getting so upset
about people
accessing my
e-mail account,
forging messages in
my name, or
misrepresenting the
size of my penis."

—"Apology" letter written by e-mail victim Tymothy Macleod '97 at the behest of the Ad Board. The letter was posted on several Gropius doors.

Musings and Vagaries

Ivory Tower? What Tower?

By Renée Kaplan '99

RECORD Columnist



The HLS webpage provides the first clue to the aesthetic sham. Symbolic image of Harvard Law School to the electronic community at large: Hauser Hall. Winner of design awards, striking structure of rich wood, white walls, large windows and exalting clarity, Hauser Hall was built in 1994; Harvard Law School, shall we recall, was established in 1817.

Hauser remains, unfortunately, very much the exception to the aesthetic rule on campus — though the notion of any unifying aesthetic anything related to the HLS campus seems rather generous. There exists hardly an institution more purportedly hallowed than this one, and yet we find few of what one might imagine to be those above-implied hallowed halls.

The buildings here make up a bizarre mixture of fifties and sixties functionalism and a kind of 19th century dysfunctionalism (think of the rather pronounced climatic extremes of Austin North and West). Perhaps Langdell Library once made all the difference, unifying campus with a necessary institutional grandeur, boasting the requisite vaulted ceilings of all places reputedly exalting. But few of the current Law School buildings really boast any conspicuous or distinctive characteristic (although Pound is kinda big, and I guess I'd have to say that the Hark is not too small), and there doesn't seem to be any unifying structural image of the Law School at all (how about t-shirts featuring, say, the lay-out of the tunnels in lieu of the HLS crest?).

Perhaps most representative and, if nothing else, most heavily frequented, is Pound Hall. Objectively speaking, Pound Hall is ugly. It is ugly, and yet everything happens there. Huge and multi-functional, the place is all dark brick and dark floors and dark doors. Dozens of classrooms hide away behind staircases, and down hallways, not to mention all the offices, and of course the library. There are more stories in that building than you'd ever imagine, more Offices (Reunions, Dean of Students, Financial Aid, Research, Public Interest, Scheduling), more Services (Audio-visual, Career, Health), more Programs (East Asian, European Law, Islamic Law, Human Rights, International Financial Systems, Program on Negotiation, Program Affiliated to the Institution We All Attend But With Some Scope Wholly Unrelated to Anything You Could Ever Imagine Yourself Doing), and more diverse pockets of Harvard Law School's scattered funding than you'll ever discover in your three years here.

How can everything be in Pound? How can most of the functional and symbolic organs of this school be located in that sprawling brick monosyllabic synonym for "pummel"? That is a direct reflection, of course, of the regnant atmosphere in the building; sort of murky, insipid, depressing and overbearingly, single-mindedly utilitarian.

Perhaps intended as a jaunty counterpoint to the prevailing tone are the waffle ceilings in Pound. If nothing else, they vary: some are empty, some are not. In the not-empty ones, each surface of the waffle concavity (the place where the maple syrup might gather in a real waffle) holds a sort of plaster panel, one of those dotted white cardboard-like squares that cheap ceilings are made of (much like the ones in the Hôtel de Gropius complex). Check it out some time, wander into room 332 of the Ropes-Gray library with your head cocked, as you might wander — neck craned back — into the Sistine chapel, and ask yourself, why? What are those white cardboard squares doing in those concrete waffles? Are they decorative? Are they a joke?

Not surprisingly, the admissions office is also found in Pound, where smiling, Janus-faced deans sit beneath said concrete waffles, and between stacks of applications, leering complacently out from this dingy sanctum of dated functionalism. Because, after all, what do they care? This, they may gesture to the just-visiting or the recently-arrived, is Harvard Law School. This is Harvard Law School, so welcome to Chateau Ames and Story Castle; to your right stands Fort Pound and to your left enter Palazzo Harkness. This is Harvard Law School, never mind the rest.

Griswold, as a close cousin of Pound's (built just one year later by the same architect), doesn't come off as a much friendlier place: another dark Pound-style mass, hunkered-down, menacing, in a dip in the landscape, glaring at you in a tone appropriate to its name: guttural, brick and aggressive. The relatively bright and spacious faculty offices on the top floors of Griswold do offer a pleasant, and unexpected, contrast to the exterior. But how often do most students go anywhere but to the registrar's or to the first floor classrooms (without windows), accessible only via a narrow, dark-brick maze of a hallway?

Across the way, Austin Hall does boast some of the Romanesque notability and Harvardishness that Griswold and Pummel Hall lack, but it also boasts those climatic issues: with well over one hundred too-propinquous classmates, temperature matters. The Lewis Center, down the landscaped (this is a good thing) way, is oddly reminiscent of some tasteful Italian Fascist architecture. Simple white facade, geometric shape, and mechanized doors: with one efficient military gesture you're in. Like many authoritarian sanctums, it's actually rather pleasant looking out, once you're in, with some prime people-watching perspective from the huge library window. Of course, Lewis lacks the soaring proportions of its Fascist counterparts (this is a good thing too), and becomes a plain white building, rather dwarfed by Fort Pound.

And the Gropius complex is, to be sure, functional, useful, utilitarian, serviceable, and practical; but those are really the only words to describe the structure, and they all mean the same thing. Some (perhaps residents?) might venture to call the place ugly; but mostly, the Gropius buildings, which include the Hark, simply display absolutely nothing conspicuous.

All this is Harvard? There is no reason, of course, that this shouldn't be Harvard; one certainly doesn't come to law school for aesthetic reasons, and aesthetic disappointments remain, relatively speaking, trivial. But this remains *Harvard* Law School, a conceptual distinction that comes loaded (whether justifiably or not) with implicit images of grandeur and uncommonality. The image of Harvard Law School, conceptually, evokes notions of prominence and notability; but the structural image — the actual place — seems to reflect few of those ideas. There is very little sense of a physical place at the Law School, no coherent structural identity or tone to call forth. There emerges a definite disjunction between lore and setting, between reputation and physical place, with one as conspicuous and thrilling (whether justifiably or not), as the other is heterogeneous and non-descript.

Perhaps the campus is actually more cutting-edge than we can conceive, the epitome of postmodern disjunction and atomization where signifier (waffle ceilings) and signified (grand old Harvard Law) no longer relate predictably, where butt-ugly means distinctive, and purely functional actually means grand. But somehow I think not. In fact, I mostly think that Langdell, when it's finally finished, had better be pretty darn good.

LOX POPULI

La Tour de Bagel

By Jamie Metzl '97

Restaurant Reviewer



The mission was daunting. The stakes were high. My resolve was great. I would bike to every bagel bakery in Boston to conduct the mother of all evaluations. It was head to head, bagel to bagel for the crown. Which would be the greatest bagel in Boston?

I had done my homework. Letters had gone out five days before. I had done the research. Yes, I had read Wallerstonthenburg's classic *Bagel Manifesto* (Ninjo Press, Vienna, 1904), Buergendorf's little gem on bagel evaluation (23 Bagel Studies 344), and Novertov's ground-breaking treatise "A Feminist Interpretation of Bagels and Bread Sticks" (16 Feminist Baking 441). A bagel, I knew, needed to be just the right combination of chewy and firm; flavor needed to match texture. It needed to announce its presence but not scream it.

My first stop was **Bagels by US** (789 Mass. Ave) in Arlington. I was greeted at the door by Rich Khourie, the ebullient proprietor. It appeared that he had not been shy about tasting the product to assure its quality. From the first taste I knew that his efforts had not been lost. Baked with pre-boiled H&H dough imported weekly from New York, the bagels were wonderful — huge and full of character. The sesame was the highlight, a light and fluffy delight whose hint of sweetness perfectly accented its seeds. This place was a gem, and not far from the law school. I reminded myself that I had seven more stops but couldn't help eating more than I should have. I was already feeling full, and it was only 7:00 in the morning. I hopped back on my bike and headed down Mass Ave. to **Bagels etc.** (369 Mass. Ave).

Legend has it that the bagel originated in Austria, where in 1683 a grateful Jewish baker cooked the King of Poland a roll in the shape of a riding stirrup to thank him for defeating the Turks. Jewish immigrants brought the bagel through Ellis Island to America. The rest is bagel history. Tasting the insipid, lifeless, bland, elastic, and ultimately boring offerings of Bagels, etc. and then the similarly disappointing merchandise of **Bruegger's** (1876 Mass. Ave.), I wondered if it had all been worth it. Forty years wandering the Sinai, the long passage to America, and for this? I stopped by my house to gargle out the chemical after-taste of the Bruegger's sun-dried tomato bagel.

My next stop at **Ultimate Bagel** in Back Bay (335 Newbury) did little to raise my spirits. The sesame were too dense and doughy, giving them a heavy feel. The cinnamon-raisin were rather bland and uninspired. The poppy seed was the best, but that only justified about two years in the desert, that would have left 38 years of divine AFDC.

Luckily, my prospects began to improve dramatically from there. **Finagle a Bagel** (535 Boylston) is a newcomer on the Boston bagel scene, but already a favorite. It is clear why. The bagels are huge and fluffy. The oven just behind the counter spews out

The Winner: Kupel's Milwaukee Seeded

steaming hot bagels throughout the day. The piece de la résistance was the honey whole wheat bagel. The texture is perfectly smooth and the taste contains just the right hint of sweetness from the ingredients. The sesame seed was also great. The pumpkin-raisin, a seasonal specialty was solid enough to give it a distinct personality, yet airy enough to be light. I was starting to feel rather full, but headed on. Thousands of my readers were counting on me. What choice did I have?

The ride to **Kupel's** (421 Harvard) in Brookline allowed some digestion to take place. It didn't matter how full I was when I got there. The atmosphere was so cozy, the smell of hot bagels so inviting, the staff so kind, that I was in bagel heaven. The passed me a *menu goutant* of highlights from their collection. Now these were bagels! The Milwaukee seeded bagel neared the Platonic form of the bagel. Inside its crisp outer shell, the fluffy center rose to greet my palette. The mix of poppy and sesame seeds, garlic, onion, and oats was perfectly blended, not dominated by the garlic and onion. Every inch of the poppy bagel was covered with seeds. Delicious. I was on a roll.

The longest leg of the journey was onward to Newton. I passed **Dunkin Donuts** on the way, but declined to stop in for their newly offered bagels. I sensed that had my forebear presented a Dunkin bagel to the Polish king, the pogroms might have started two centuries earlier. I continued on **Rosenfeld's** (1280 Centre) in Newton Centre, the oldest bagelry in town and another titan of the local bagel scene. I was greeted by Peter DeRosa, the general manager, and he told me, a master baker with the license to prove it. Mr. DeRosa explained his bagel-making process and philosophy. "Everything we do is related to bagels." He ordered his assistant to put one of each of his 22 varieties into a travel bag for me. On the steps outside the small shop, I tasted them all. Though some were a little tough, the best were sublime. Two wonderful surprises were the potato bagel, which had the flavor and texture of a knish, and the sunflower seed bagel, whose delightful sweetness was accented by its crunchy seeds. It was a mark of excellence that after having already tasted 60 bagels, I ate an entire sunflower bagel. My backpack, however, was now overflowing. It was time for bagel triage to make room for my bounty. Bagels, etc. and Bruegger's were destined for the garbage bin. They made a loud thump as they hit the bottom.

The final stop was **Lenderman's** (34 Centre). The kind proprietor had prepared a large bag in anticipation of my visit. This guy knew how to speak bagels to power. I was nearing bagel overdose, and so only the spectacular would have passed the cut at this point. Lucky for me, the bagels were sticky and had little character. They clung to the back of my teeth. I gave the bag to the grateful Clinton/Kerry campaigners holding banners on the corner nearby. To be fair, however, Lenderman's is a different and more traditional concept of the bagel. It's the kind of bagel you might find at a Jewish Community center men's club social, the kind of bagel you eat with herring.

But now the moment of truth was at hand. I had tasted almost 90 bagels in all. Who would wear the crown, would receive the endorsements, be attacked by throngs of enamored fans? Here is the list: 1) Kupel's Milwaukee's Best bagel; 2) Finagle a Bagel honey whole wheat; 3) Bagels by US sesame; 4) Rosenfeld's sunflower; 5) Rosenfeld's poppy; 6) Kupel's poppy. Ranking the shops is a tough call, but I would say: 1) Kupel's; 2) Finagle; 3) Bagels by US; and 4) Rosenfeld's. Bagels, etc. probably edges out Bruegger's for the most disgusting bagel I tasted, but the Brueggers sun-dried tomato gave them a run for their money.

I crossed the finish line with my hands in the air. It was a great ride, but I do not recommend its emulation as part of a weight loss program.

The Socratic Lottery Does Strike



By Tony Wang '99

RECORD Columnist

I often wonder whether spoken language at its inception was an adversarial tool. Non-oral forms of communication could very well have satisfied the needs of an early primitive society, until one day Nikiti 1 inadvertently broke Sethi Nagri's favorite spear. Frustrated by the complete inadequacy of communicating his anger by conventional drums or pictographs, Mr. Nagri let out a primal scream, the first attempt at oral communication. Sensing retribution and imminent bodily harm, Nikiti 1 resorts to the most efficient response available: a defensive utterance. From that point, the phrase "oral argument" became redundant, at least according to the law school big bang theory.

The maxim that law school will indoctrinate us to "think like lawyers" has inundated us *ad nauseam*, but somehow I missed the boilerplate "speak like lawyers" clause when we signed away our next three years of life and next 10 years of income. It didn't take too long though to learn that one of the many insidious goals of law school is speech therapy.

I attended a World of Law panel discussion where I heard Alan Jenkins, assistant to the Solicitor General of the United States, explain to us that law is an exercise in "orality." Immediately, I sensed the collusion for it wasn't the first time I heard the threat of training for oral combat.

On the first day of civil procedure, Prof. Miller warned us that being a lawyer is largely an oral profession, and that he would accordingly press and confront us. Great, I thought. I've seen this guy on the public television press and confront Justice Scalia, who in turn I've heard verbally crush his colleagues or law students on a number of occasions. Now, in civil procedure, I guess it would be my turn to stare down the barrel of law school's verbal assault rifle.

To meet the challenge, we've amassed a few terms for our conventional arsenal. Without ceremony, we've incorporated into our vocabulary innocuous words like "reasonable," "foreseeable," and "substantially." With frightful ease, we throw around more involved phrases invoking specific legal standards such as "good faith effort," "detrimental reliance," and "compelling state interest." And finally, in what could only be compared to the military doctrine of nuclear deterrence, some of us speak in *italicized Latin* in a flex of verbal muscle: Don't mess with me, or I'll crack a *res ipsa loquitur* over your weak skull.

Being equipped with a common vernacular, however, is where our similarities end. There are those among us who have been speaking articulately for longer than they've been alive. In fact, they were probably the ones to give a prenatal commencement address to all the organisms in the womb before delivery. Then there are those of us who suffer from inopportune lapses of the spoken language and cannot formulate a complete sentence for the life of them.

The symptoms are roughly as follows: a great idea usually deteriorates into sputtering um's and uh's, followed by a crash of the mental microprocessor and a complete lapse of short term memory. I fall in the second category, an increasingly lonely category in law school.

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In consolation, I've convinced myself that I could wax eloquent in some language, but it just happens not to be English. I've often entertained thoughts of finding out exactly what language and among what people group I'd be considered articulate and moving there and becoming their king.

As it is, though, I've never been particularly good with words and a good amount of the time have regretted ever opening my mouth. As a child, I remember seeing one of my teachers at the supermarket, and in trying to make conversation I asked if the seemingly younger woman who accompanied her were her daughters. She looked at me puzzled, and then a bit embarrassed. "No," she responded, "they're my friends." I immediately realized the gravity of offending her age with my mindless question. In a burst of adrenaline conceived through embarrassment, I ran away.

Words did flow rather naturally out of my mouth as I ran, but by no means would I characterize those particular words as articulate.

As we come upon first year Ames oral arguments in just a few short weeks, I must try to uncover the reasons as to why I'm such an awful orator. Maybe it's because of the fact that English is my second language, but I'd hate to suggest that Chinese is my first language — especially to anyone who's heard my Chinese. Maybe it's due to a background in music, in which notes, rhythm and inflection express meaning without uttering a single word.

My jazz seminar teacher once said that the development of the blues is an oral tradition. Somehow, though, I doubt it would help me much to pull out a horn while being questioned by a hot judges bench and start playing a riff or two.

So there I was, listening to Alan Jenkins talk about his job as Assistant Solicitor General and curiously attentive to ways that he prepared to argue before the high court. I waited to ask him if he had any suggestions for those not as orally talented. I wanted to explain that I was not satisfied with my ability to communicate and wanted to improve my oral skills. I waited and waited, and finally posed my well-thought out question as clearly as I could. He responded: "What?"

I'm sure there's some very fitting adage that perfectly describes my ironic fate, but I just can't think of it right now.

Union-Busting Law Firms? Explore Other Options

By Nick Akers '99 and Mike Kalt '99

Guest Columnists

Friday was a day of lore for us 1Ls. Like thousands of our brethren across the country, we rushed to career services with joy in our hearts and dollar signs in our heads. Harvard Law School did not fail to live up to its reputation.

It seems that to be included in the Employer Directory, a firm must pay its summer associates large sums of money and, more importantly, service large corporations. All others need apply to the employer directory's impoverished cousin, the Public Interest Job Search Guide.

Not that there is anything inherently wrong with Harvard delineating between for-profit firms that pay their summer associates large sums and public interest organizations that do not. The problem arises when these lines become blurred. Union-side labor law is one area that Harvard has confined to the realm of "public interest," despite the fact that firms that do this work pay their associates (albeit not as much as the big corporate firms) and are for-profit.

All this is not to preach or criticize the career services office, but to make a larger point. That is, that there is more out there than what is contained within the 1000 or so pages of that sacred maroon tome.

More importantly, there are crucial distinctions to be made within those 1000 pages. If you do choose to take a corporate job — money is a consideration and most of us have loans that we'd like to pay off before the tricentennial — realize that all corporate firms are not alike. Take some time to investigate the firm for which you will be devoting 12 weeks of your valuable time. Ask more than what you will be getting paid, but what the work you will be doing really means. Most firms pay the same within a given market anyway. Do you really need to work for one that specializes in union-busting?

Organized labor has been one of the most progressive forces for social change in the history of the United States. Pensions, disability insurance, health care

**Would you ever even consider working
for a firm that exists for the purpose of
denying people the right to free speech
or freedom of association?**

attached to a job, the five-day work week — all these are attributable in large part to the activities of organized labor. And whatever you think of unions, the fact remains that the average organized worker makes more money, works under safer conditions, and enjoys a higher standard of living than his or her unorganized counterpart.

For a moment, though, ignore all of these facts. Ask yourself whether people should have a right to meet with other employees and form voluntary organizations. Would you ever even consider working for a firm that exists for the purpose of denying people the right to free speech or freedom of association? If not, then think for a moment whether you want to take a job with a firm that works to deny people the right to voluntarily belong to a labor union.

Again, everyone has the right to their opinion about organized labor — or anything else, for that matter. And that is entirely the point. The decision to join a labor union is a choice that should be left to individual workers exercising this freedom without fear of harassment, coercion, or termination. If employees choose not to organize, so be it.

However, union-busting law firms complicate this process. Their existence is predicated upon holding up the organizing process long enough for it to die a slow death that often includes the firing of those employees who are most pro-union. But it goes even further. Other common tactics include video surveillance of workers both on and off the job and "captive-audience" meetings in which employees are forced to watch anti-union videos, courtesy of their employer's law firm.

The purposes of these activities are clear: avoid unionization at all costs. This is probably best expressed by one attorney who advises management that the consequences of illegal labor practices "must be kept in perspective. They must be subordinated to the prime objective, which is to remain union-free."

No one is asking you to be an idealist for the rest of your life, but did you really come to Harvard Law School so that this guy could be your colleague?

There are many firms out there. Most do not engage in this sort of behavior. It does not take much to steer clear of those that do.

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THE REASONABLE WOMAN

The Political Gender Gap and the "Soccer Mom" Phenomenon



By Susan Cook '98

RECORD Columnist

Several weeks ago, the Law School's favorite five-foot tall Mid-westerner provided her loyal readers with a summary of the major issues in the recently concluded presidential campaign, encouraging you to make your voices heard on election day. I am sorry to inform you that Miss Hoy will not be offering her words of wisdom this week, but you will be heartened to note that she has asked me to follow up on her column with a look at why the sexes vote the way they do. I promise that your well-spoken hero will return in two weeks to offer you yet another glimpse of her perspective on law, politics, and life in general. Until then, I'll do my best to take her place by exploring the marked differences in voting practices between men and women.

Popular wisdom dictates that women are significantly more Democratic than their male counterparts. A recent article in the Chicago Tribune attempted to explain the disparity in voting habits between men and women by stressing that women are more likely than men to think government should play a more active role in helping people, while men would prefer the self-sufficiency and autonomy provided by a leaner government and a smaller budget.

The article goes on to suggest that men were particularly seduced by the macho conservatism espoused by Ronald Reagan and his tough, "lonesome cowboy" approach

[M]en were particularly seduced by the macho conservatism espoused by Ronald Reagan and his tough, "lonesome cowboy" approach to government.

to government. In contrast, women tend to look to government for support and comfort. At its core, the argument assumes that "while men feel they can take care of their families if they can just earn more money and pay less taxes, women have no such confidence."

The article is correct in highlighting an important concern — nobody will deny that a gender gap does exist. In fact, the disparity in political allegiances between male and female voters has increased over the past two decades rather than decreasing over time. However, the tendency of women to support a more active government does not necessarily derive from some inner lack of confidence or a helpless view of their own role in society.

The perspective that cooperation is good and that government should serve as a safety net does not necessarily correlate with innate weakness or a personal lack of confidence in one's own ability to succeed. Rather, the difference in political outlook between men and women might speak to a deeper distinction between each gender's perception of competition and cooperation.

If you believe the popular stereotype, women are generally more cooperative (and thus less competitive) than men. We are taught to work together, to compromise, to play fair. If this is indeed true, it would seem only natural that this supportive mentality would carry over into our view of politics.

The increased focus upon the political power of female voters in recent decades has culminated in the current media fascination with "soccer moms" — a hot new group of voters who were wooed by both leading presidential candidates. The term

Despite popular perceptions to the contrary, there is no monolithic women's faction.

itself refers to a newly defined class of female voters who carry with them to the polls a specific set of concerns that are focused upon the well-being of their families: education, health care and the environment. To some extent, these concerns seem to fall in step with the previously mentioned vision of women as "team players." However, the term also calls to mind suburban mothers who are so busy carting around kids that they don't have time to read the newspapers or watch the news, a group of women who are so focused on the immediate needs of their own individual families that they disregard broader issues like foreign policy or campaign finance reform.

Rather than visionaries of public policy or champions of altruism, soccer moms appear to look to government only for an immediate response to their own problems.

The media love to play upon the gender gap as a quirk of modern politics — painting women as a tight faction of allied voters, almost like a special interest group that must be wooed and placated. In reality, no single group of women can be seen as representative of female voters. In fact, no definable group can be seen as indicative of a "typical" woman's political stance.

Despite popular perceptions to the contrary, there is no monolithic women's faction. Quite the contrary, our political views are as diverse as we are. Perhaps the politician who best captures the "woman's vote" will be the one who is intelligent enough to recognize this fact.

Why To Miss Manners

By Jacob Appel '99

RECORD Columnist



Emily Post would have made an excellent lawyer. Do you remember Miss Post, the etiquette guru of *society*, who lays down the regulations for proper conduct when wealthy white Protestants meet? Her tomes cover every subject from handling the silverware to handling "the help" and she takes painstaking efforts to explain exactly *why* young women shouldn't accept rides from strangers and *why* chianti should never be served with haddock. Yet, underlying all of Miss Post's carefully enumerated explanations is a firm faith in the power of established tradition.

We do things this way because our fathers did things this way because their ancestors spent their three months on the Mayflower deciding the proper form of address for an ambassador and the appropriate location of the butter knife at the tea table. For Miss Post and her more diverse progeny — "The Jewish Book of Why," "The Irish Answer Book," etc. — the carefully disguised answer is always rooted in the established norms of the past.

If ever I choose to pen "The Law Student's Book of Why," my cleverly masked answers will also always have the same underlying principle: "because it teaches you to think like a lawyer!" Never content with the claim that I was doomed to waste four years in college learning how to think, the thought of spending three more years in the academy "learning how to think like a lawyer" looms even less appealing.

First and foremost, this proposition rests upon the premise that lawyers think differently from the legally-challenged. Is this trait unique to the legal profession? Or do some people think like barbers, distinguishing the hirsute from the bald, and others think like sanitation workers, constantly conjuring up the future fate of common household objects?

I am not sure if "thinking like a lawyer" simply means thinking analytically, in which case I could just spend three years practicing LSAT game-sets, or whether it means that I have to start dividing my days into billable hours, take extra care when I salt my sidewalk and dream in black and white. For if thinking like a lawyer only means doing my Atticus Finch impersonation and walking around in the other fellow's shoes for a while, I believe most of us became capable of that during grade school recesses; however, if thinking like a lawyer means transforming one's self into a protean mercenary or a worker bee, they ought to screen out prospective applicants for creativity, initiative, and compassion.

Far be it from me to challenge rules laid down in the time of Henry IV, but it appears that the five "disciplines" taught to first year students do little to teach these lucky souls to think like lawyers and much to test their ability to ingest and regurgitate minutia. Let us ignore the fact that most lawyers never step foot in a courtroom; let us forget that few HLS graduates will ever deal with a jurisdiction problem or an equitable servitude; in fact, let us act like economists and assume that every tidbit of arachnida instilled in us during torts and contracts is essential to our future careers. Even if that were the case, we could still retrieve virtually all of this information from encyclopedias, on-line services, and back issues of the Saturday Evening Post — learning what we needed to know, when we needed to know it.

At least, ILs could take courses entitled "Legal Realism" and "Law and Economics" — classes overtly disseminating the theory rather than the substance. Ideally, these Orwellian declamations could be eliminated entirely. For as Oliver Wendell Holmes observed, "We learn how to behave as lawyers, soldiers, merchants, or whatnot by being them. Life, not the parson, teaches conduct."

When Faulkner spoke of the human capacity for endurance, I am certain that he did not intend for HLS to put his proposition to the test.

The Harvard Law School hosts lectures that teach people how to take exams; it sponsors a series of performances aimed at imparting appropriate study methods to its students; it makes a multi-million dollar enterprise out of setting up an obstacle course and then leading its student body through to the finish line. The process is so overt that I keep waiting to hear Dean Clark greet next year's incoming class with the observation, "Take warning — this is a social construct."

Has it never occurred to the Great White Hopes and Has-beens who make Law School policy that some of us are a bit too old to jump through hoops? My knees just don't bend that way any more; my arthritis has the best of me. The great minds of the previous generation squander their time weeding out the great minds of my generation in a tragicomic rendition of original oratory. It seems the Curriculum Committee could use a healthy dose of darvan and a bed-time reading of "Bleak House."

For, despite its lofty claims, the Law School does not teach anyone to think like a lawyer. In the best of all possible worlds, that training would encompass lessons in compassion, empathy, and a understanding that mankind is one's business. And if you've reached your mid-20s and feel no pity for the poor and no desire to aid the disenfranchised, no megadose of Felix Cohen will ever set you right.

But the Law School excels at the process of teaching the trappings of the law: how to function at a cocktail party, how to mask policy decisions with legal writing, how to sit in your assigned seat and answer when called upon and say, "Yes sir" and "No, m'am" and "If it's efficient, it has to be good."

Last week, I purchased a neck-tie; this week, I am re-reading "The Remains of the Day" to perfect my bantering abilities; pretty soon I will possess a harried look of efficiency and a Thorazine smile and I will be able to quote Rudolf Hess in casual conversation. Good God, soon we'll all be "cooking with Bobby!" Because while most professional schools teach one how to play within the system, lucky graduates of The Harvard Law School are the system.

The only alternative lies in resisting the HLS socialization process — or risk a life full of gripings in the Mid-Level Associate Survey, and retirement sitting on a screen porch in Sun City wondering how it is possible to follow all of the rules and still end up thoroughly insignificant.

I'm quite confident that Miss Post, the last great Victorian spinster, spent many a night crying into her pillow.



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