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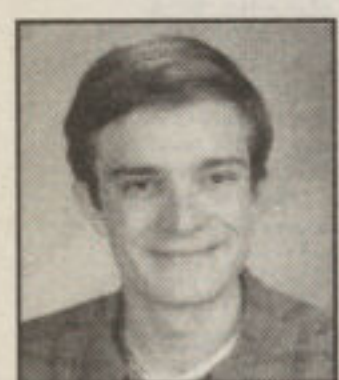
Cambridge 02138

Friday, February 21, 1997

Nierlich Completes Tenure at LSC Helm

By Jacob M. Appel

A year ago this month, then-incoming Law School Council President Chip Nierlich '97 outlined to the RECORD his major goals for the coming academic



Chip Nierlich '97

year. In hindsight, Nierlich believes that the LSC made "a little progress on many fronts."

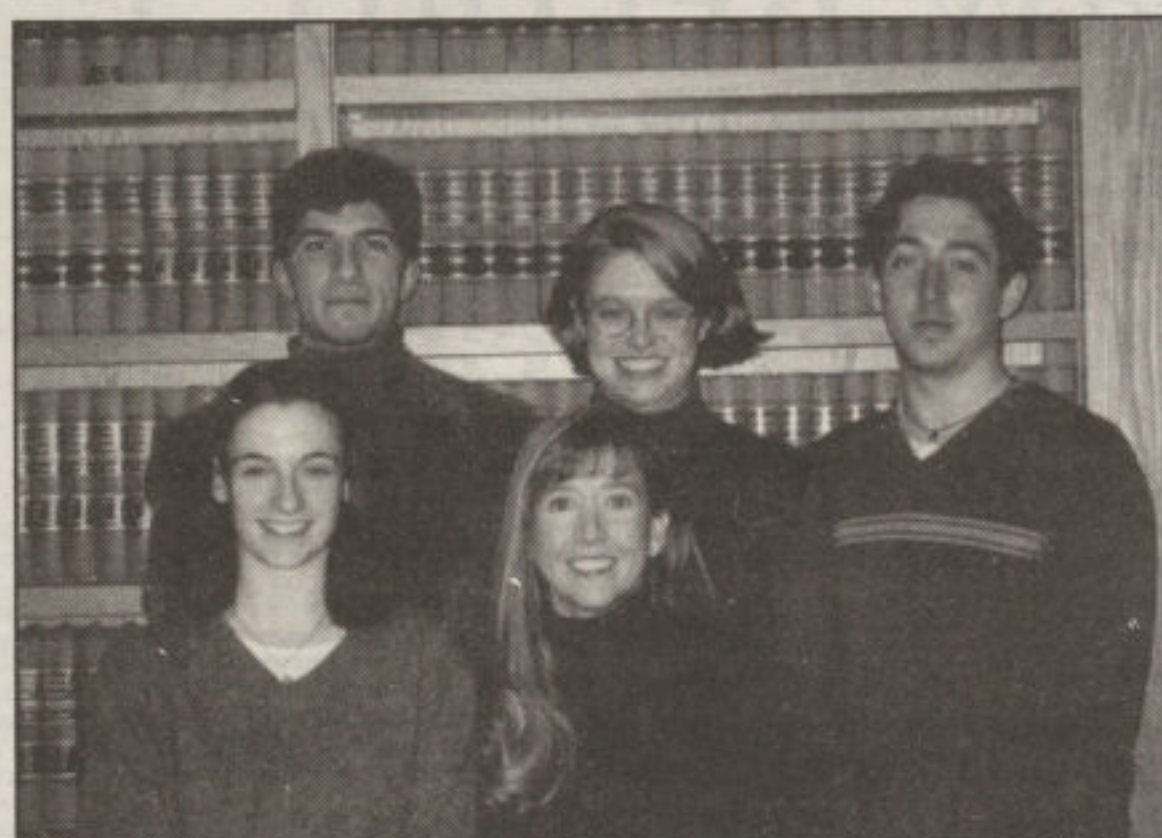
"It's very difficult to push for major changes on just one front," Nierlich explained. "Every time we pushed in one area, we found out about other areas. ... And progress comes slowly."

Nierlich indicated in last year's RECORD that his top priority would be involvement in the Langdell renovations and that he also hoped to "get the [LSC standing] committees back up and running."

All four traditional committees and the newly-formed Graduate Student Affairs Committee performed well this year, according to Nierlich. "The committee system did its job," he elaborated. "It enabled us to address a large number of student concerns."

The outgoing President also took pride in the on-going in-

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Harvard Law School's 1997 Jessup Moot Court Team

Jessup Team Heads to Regional Competition

By Christopher Edwards

While most students' moot court experiences are confined to the state of Ames, one group of students have taken on the world. After several arduous months of research, writing, and rehearsing oral arguments, the Harvard Jessup International Moot Court team will travel to Syracuse University in New York this weekend to participate in the northeastern regional moot court competition, in hopes of winning a spot in the international competition in April.

Team members Warren Binford '98, Rebecca Irwin LL.M. '97, Chris Hare LL.M. '97, Kate Comerford '99, and Bahram Seyedin-Noor '99 have been working since Thanksgiving in preparation for the competition.

"I'm hoping to have a

happy hour for the team once they return from Syracuse, but they may be too exhausted after working so hard for so long; we'll let them decide," said Tanya Jaeger '98, President of the International Law Society.

The Jessup Moot Court Competition is regarded by many as the most prestigious moot court competition in the world. It is also the largest, attracting nearly 300 teams this year from more than 50 countries. Sponsored by the American Society of International Law and the International Law Students Association, the competition involves arguing cases written by prominent international law scholars.

This year "the issues are three very diverse international topics: international children's rights, trade is-

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Clark Will Match Public Interest Auction Proceeds

Concerns Linger Over Uncertainties in Summer Funding Process

By Eddie Grauman

In a move certain to comfort many students still awaiting

summer public interest funding, Dean Clark '72 has pledged to match the proceeds of this year's Public Interest Auction. However, the ad hoc nature of the pledge raises broader questions about whether a more systematic and permanent solution to the summer funding process is necessary.

According to Auction Co-Chair Erin Murphy '99, Clark has promised to match up to \$55,000 of revenues raised at the April 3 Auction. Now in its fourth year, the Auction represents a grass-roots effort by students, mostly 1Ls, seeking funding for summer public interest jobs.

Clark's pledge represents a \$5,000 increase from last year's match. Last year's Auction raised \$50,000.

The additional funding will be added to the \$215,000 in HLS summer grants administered by

the Financial Aid Office, bringing the total to \$270,000, Murphy said.

Stacy DeBroff, director of the Office of the Public Interest Ad-

vising, expressed strong support for the Dean's pledge and for the Auction. "Way to go Bob Clark," she said. "Dean Clark has stepped forward to help the students, and that is tremendous."

Clark was unavailable for comment.

As of last week, there are 95 students guaranteed summer funding through the Financial Aid Office. An additional 192 students remain on the waiting list.

"All the people on the waiting list [for summer funding] should be more optimistic now about their chances to receive funding," said Auction Co-Chair Kate Jones '99. "This will come as a great relief to those who are relying on the Auction to help them plan for their summer jobs."

please see **AUCTION**, p. 4

Kaufman Fellows Remain Committed to Public Service

By Puja Batra

Seventy of the 75 Kaufman fellows selected since 1989 have chosen to remain in public interest jobs, revealed a survey recently conducted by the Office of Public Interest Advising.

Of the five students who have left public interest work, two teach in law schools, one is a judicial clerk, and two work at firms while continuing to perform significant public interest work.

"I was surprised at how good the results have been. It shows the commitment of the people selected," said Prof. Todd Rakoff '75, a member of the selection committee.

The Kaufman fellowships began when philanthropist Walter Annenberg donated \$1 million in honor of his friend Judge Irving R. Kaufman's distinguished career in public service. At the inauguration of the Kaufman fellowships in 1990, the late Judge Kaufman described the purpose of the fellowship as a way to "guard against the swell-

ing of the head or the greedy itching of the palm. [The fellows] will have a tremendous opportunity to realize that serving the public is the best use of their talents and the greatest contribution to our country."

Approximately 18 fellowships are awarded each year and about half of each year's applicants are chosen to receive fellowships. The number of fellowships awarded per year has increased from eight to 18 to reflect the steadily increasing number of applicants. As a result, the committee currently awards a total of \$100,000 per year. At this rate, the fellowship will eventually spend down the principle, but the committee wants to honor as many people as possible, said Stacy DeBroff, Director of OPIA.

The Kaufman fellows are chosen by a committee appointed by Dean Clark. Currently, Profs. Rakoff and Chris Desan, Dean of Students Suzanne Richardson, and DeBroff are on the selection

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HLS Alums See Criminal Law From the Other Side of the Fence

By Timothy Kiefer

Alger Hiss '29 had a good excuse for not attending his twenty-fifth anniversary reunion: he was in federal prison. Hiss is the most famous of a handful of HLS alumni whose criminal law experience has included being charged as a defendant.

Others in this unhappy fraternity include Kevin Watkins '87-'89, who was convicted of raping a Harvard College student, and former Justice Department official Michael Abbell '64, who is awaiting trial in federal court and faces a possible life sentence if convicted.

Alger Hiss '29: Perjury

Alger Hiss '29 built up a golden resume during his years at HLS and the following two decades: Law Review

editor, U.S. Supreme Court clerk for U.S. Supreme Court Justice Oliver Wendell Holmes Jr. '66, New Deal whiz kid, State Department diplomat, foundation president.

Then in 1948 he was accused of having spied for the Soviet Union. After a series of highly publicized hearings and trials, Hiss was convicted of perjury and served forty-four months in a maximum-security prison.

The Hiss case helped launch the political career of Richard Nixon and set the stage for the McCarthy red scare of the 1950s. Although Hiss himself died last November, Hiss' guilt or innocence is argued even today.

A Baltimore native, Hiss earned his bachelor's degree at Johns Hopkins. At HLS he

joined Lincoln's Inn and was elected to the Law Review.

According to "Laughing Last: Alger Hiss by Tony Hiss," a book written by Hiss' son Tony, some editors



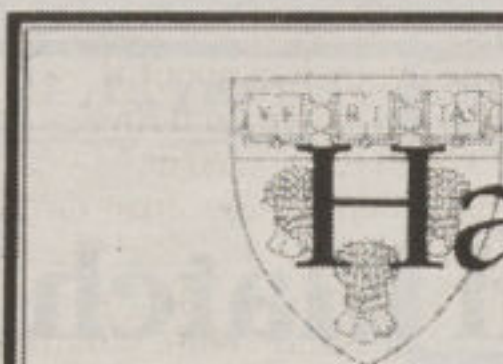
Alger Hiss '29

wanted to elect Hiss president of the Law Review. However, Hiss learned that his backers were using him to block the candidacy of Tommy Austern '29, who was Jewish.

Tony writes that Hiss "addressed the membership meeting and told them he thought he was being put up just to keep Austern out of it and that Austern had worked hard, slaved, and deserved it. The two candidates left the room and Austern won."

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Eight Years Ago in the RECORD...



Volume 88, No. 2

America's Oldest Law School Newspaper

February 24, 1989

Harvard Law Record

Bok Taps Clark As New Dean

Students Wary Of Choice

By Dan Kroll
Managing Editor

Following the announcement of the appointment of Robert Clark '72 to the dean'ship, the general reaction from students appears to be a mixture of surprise and concern with the choice. At an impromptu meeting in Pound Hall on Feb. 17, "concerned students" — both supporters and critics of the decision — gathered to discuss their reaction to the news.

Many of those who attended the meeting, as well as some other outspoken students, were interviewed afterwards. While some expressed support, the most common sentiments were a disappointment with the secrecy of the decision process and a sense that the choice was made apparently without the consideration of student input.

"I'm shocked," said Sung-Hue Suh, 2L, president of the Asian American Law Students Association (AALSA) and a member of the Student Coalition for a Diverse Faculty, who described the decision as coming from "out of the blue." Suh said that in spite of the efforts of students to provide input into the decision and to make their concerns known to Harvard University President Derek Bok '54, Bok and the Faculty Dean Search Committee (FDSC) continually "downplayed the value of student input." According to Suh, many students are frustrated that "working within the system seems to mean keeping us in the dark."

Suh said the decision, which she described as "autocratic," also worries her because it seems to reflect a "pattern" that Bok exercises "unilateral control" over faculty decisions. "I'm more disturbed by Bok's apparent disregard for faculty input than his disregard of student input," she said.

Lisa Ferrell, 2L, a member of the Student Dean Search Committee (SDSC), echoed these concerns, saying she thought the secrecy of the decision process "would make any candidate who emerged

look suspicious." While Ferrell praised Clark for being "open" and "honest" in his relations with SDSC during the search, she said that the secrecy of the process worries her. "If Clark does want to 'squash the Crits' or whatever else, the only way we'll find out is to wait for it to happen," she said.

Ferrell and the other members of the SDSC issued a statement on Friday in which they said they "hope that students and faculty will view [Clark's] selection with qualified optimism." The statement said that while the SDSC and Clark "have had differences of opinion [during the selection process], Professor Clark listened carefully to our concerns and tried to incorporate students' views

into the dean search process."

Ferrell said she thought that at the dean search panel discussion held on Nov. 16, Clark "seemed genuinely concerned and interested in students' concerns about diversity. I'm optimistic about his future attempts to bring women and minorities to the faculty," she said.

Other students are not quite as optimistic about Clark's concern for an increased number of women and minority scholars on the faculty. Rob Wilkins, 3L, president of the Black Law Students Association (BLSA), said that while Clark has "pretended to listen to student concerns [about minorities and women], the rhetoric doesn't

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Faculty Split Along Ideological Lines

By Chris Crain
and Greg Herbert
Staff Writers

President Derek Bok's '54 decision to appoint Prof. Robert Clark '72 as the new dean of Harvard Law School has alarmed a number of professors and students, who claim his outspoken conservatism will exacerbate factionalism within the faculty. A number of moderate and conservative faculty members praised the appointment, and expressed optimism that Clark's visionary approach will heal the faculty's deep-seated differences.

Bok announced the appointment Feb. 17 after his decision

to name Clark to replace resigning Dean James Vorenberg '51 was leaked to several media organizations. Clark accepted the position in a Tuesday, Feb. 14 meeting with Bok, four to five days after being offered the position.

"It was a bad and divisive appointment," said Prof. Lewis Sargentich '70, a member of the controversial Critical Legal Studies movement. "I'm terribly worried that candidates for teaching positions associated with any left-of-center view will find it impossible to be hired here."

Echoing that concern, Prof. Richard Parker '60 said, "I was shocked by [the Clark appointment]. I was shocked that Bok would have picked a leader of an extreme faction within the faculty."

In an extended interview with the RECORD (see transcript, p. 8), Clark said "the job of the dean is not to heal the divisions or make them go away ... but simply to manage the tensions in a way that helps everyone to be creative and to contribute to scholarship within the school."

"So we'll still have intellectual disagreements and some political ones, but as long as they don't get out of control, and as long as they reflect energy and diversity, and lead to something useful, I'll be very happy," Clark said.

A number of professors praised what they saw as Clark's leadership ability and broad-based aims for the law school.

"I think it was an excellent choice," said Prof. Bernard Wolfman, a member of the Faculty Dean Search Committee (FDSC) which assisted Bok in making the appointment. "In the end, it came down to a difficult choice, but [Bok] picked somebody with real vision for the school."

"He is a person with empathy. He is very fair and very open to disparate views. Scholarship will achieve new heights with his leadership," Wolfman added.

(continued on back page)



Harvard President Derek Bok congratulates Prof. Robert Clark, his choice to replace James Vorenberg as dean of the law school.

Clark: Merit Based Approach To Minority Hiring

(continued from page 1)

open to disparate views. Scholarship will achieve new heights with his leadership," Wolfman added.

Prof. Hal Scott said "I think it's terrific.... He was selected on the merits of his scholarship and teaching ability, and among the possible candidates, he was, if not the best, one of the very best."

"I think Clark will listen to all points of view and be the dean of the entire law school. I can't think of anyone who is more widely read in and knowledgeable of diverse intellectual traditions," Scott added.

Prof. Laurence Tribe '66, who

have an insufficient commitment to attracting women and minorities to the faculty.

"Is he going to be sufficiently inclusive and pluralistic?" asked Asst. Prof. William (Terry) Fisher '82, also a CLS adherent. "Is he willing to hire women and minorities to teach, and how broad a spectrum of opportunity to teach is he going to be willing to tolerate?"

Fisher did say, however, that "beyond that [concern], I am nowhere near as pessimistic," adding that he thought the Clark appointment would "do a great deal to get us out of the doldrums," especially concerning the law school's traditional

as products of people's imaginations. I think some of the concerns are understandable in light of the school's history."

Clark claimed that he was committed to "increasing the number of women and minority faculty members," but added, "I also want to make sure all of our appointments are the very best people we can get in all subject matter and status categories."

"If someone is not very good at [scholarship], but you say, 'Well, they're connected with some program somebody wants, or they're a minority or a woman, even though they're not good teachers, but [we]

uses of scholarship and legal education."

Although he acknowledged Clark's past role as an outspoken critic of the CLS movement, Stewart said, "I don't think you can assume just because he held one set of opinions as a faculty member, that he can't build a consensus in the dean's office."

"Clark has been the most intent, adversarial and unyielding [in the faculty] in his attachment to right-wing positions," said Prof. Frank Michelman '70.

Clark was outspoken in the controversy over the 1987 tenure denial of Asst. Prof. Clare Dalton LL.M. '73, according to Sargentich, who claimed Clark was the "point man and primary voice" for opposition to her tenure appointment.

Prof. Charles Fried, who returned to the law school this semester after serving as Solicitor General under former President Reagan, added that "where you stand is a function of where you sit. The office will make the man."

Fried praised Clark's appointment, saying he is "a remarkable person [who has] a clarity of intelligence and will that are very important for the job."

Clark has been highly critical of CLS attacks on traditional legal scholarship. In a freewheeling 1985 speech published by the Harvard Journal of Law and Public Policy, Clark said the two basic "CLS dogmas ... are deeply pernicious, and have to be combated in legal education. It is very bad to indoctrinate students with these attitudes."

He added later, however, that "one obvious starting point is that there ought to be more serious and more sustained methodological debates between people in various camps in the law school world. That clearly should happen; the CLS people deserve credit for making it more likely to happen."

In another context that same

year, Clark said that CLS advocates "prolonged intense, bitter conflict" and engaged in a "ritual slaying of the elders." Fisher, who does not yet have a tenured faculty position, said his primary concern about Clark's appointment was the signal sent by Bok by selecting someone "so clearly associated with a particular faction of the law school."

Sargentich expressed similar concerns about Bok's tolerance toward the CLS and other forms of radical scholarship. "Bok's decisions over the last two years reveal a pattern of not being open to an entire wing of scholarship."

Clark countered that argument, claiming, "I think that's a wrong interpretation of what Bok did. He thinks of it more in terms of a bold attempt to favor excellence over complacency."

Bok said in an interview with the Harvard Crimson that he chose Clark because he "felt that he had certain qualities that were very important for a dean — high intellectual standards and a strong commitment to building the ablest faculty possible."

"I think he's very interested in legal education and the reform of legal education, and I think he has a remarkably strong character."

In a Feb. 24 faculty meeting, Bok officially announced Clark's selection and, according to Michelman, asked the faculty not to jump to conclusions about the possible exclusion of left-wing scholars in the future.

Michelman said later of Bok's statement that, "Actions speak louder than words."

Tribe said Bok's choice "sends a great many signals.... Obviously, President Bok was aware that his selection would be a controversial one and divisive 'to a greater or lesser degree.'"

He added that the resulting divisiveness was at least partially dependent "on how divisive people make it."

Clark's Public Interest Stance Questioned

(continued from page 1)

do anything for me," Wilkins said that he is not encouraged by Clark's record on the issue, citing as an example Clark's criticism of the "sit-in" organized by Professor Derrick Bell in 1987.

"Clark said Bell should have been engaged in 'rational debate' before staging the sit-in. The whole point was that rational debate and 'special attention' often don't get us anywhere," Wilkins said.

Another student, Leigh McAfee, 2L, said she was unimpressed with Clark's responses at the panel discussion on Nov. 16. Clark "did not seem sold on the idea of wanting more women and people of color" on the faculty, she said. McAfee said she is concerned that Clark's position on women and minority faculty members will be short-sighted. While Clark's traditional notions may be attractive to many alumni, she said, "in twenty years the concerns might be different — the alumni then will be those of us who are screaming for diversity."

Supporters of the choice think concerns that Clark will not respond to the interests of minorities and women are not justified. "In the long run, everyone will benefit," said Sam Levy, 3L, president of the HLS Federalist Society.

Levy said that Clark's championship of traditional legal scholarship and his previous experience and contact with alumni will garner alumni support and increased funding for HLS.

"With more money available, lots of different constituencies can get what they want. Instead of fighting over two faculty slots, there can be five slots," he said, indicating that minorities and women would then have a better chance to earn positions on the faculty. Levy said the extra funding would also lead to a better faculty-student ratio.

Other students expressed reservations about Clark's commitment to public interest law. "The Vorenberg administration has been very sympathetic to students in public interest law," said Luke Cole, 3L. "Bob Clark has spent his entire professional life studying and practicing corporate law. I'm concerned that he will set back the public interest movement," he said. Cole added that Clark "has already set his sights on the clinical programs, saying that he's going to look at their funding."

Wilkins also expressed reservations about Clark's commitment to clinical programs. "Most students think clinical programs are very valuable," said Wilkins. "I'm worried that we won't be progressing beyond an 'older, out-of-date vision of the importance of the programs,' he added.

Other students, however, have noted that Clark supports the role of clinical programs. While praising Clark for his commitment to legal scholarship and to developing the business aspect of the curriculum, Rod Rosenstein, 3L, said he thinks Clark is also committed to clinical legal education. "I've spoken with [Clark] about the clinical program and he seemed to be very positive about it. I think he's committed to it," he said.

Levy reiterated his view that Clark's effectiveness as a fundraiser will generate additional support for other programs. "With more support from the alumni, there will be more money for LIPP [Low Income Protection Program], and more money for clinical legal education. Everyone will get a larger share of an expanding pie," he said.

Bonnie Savage, 3L, president of the Women's Law Association, viewed the added "fundraising" potential of Clark's appointment with some skepticism. Seeing the appointment as a "move to appease alumni" who are worried about the Critical Legal Studies controversy, Savage said she would not doubt that Bok just decided to "appoint a critic-killer."

Other students also expressed the concern that Clark's appointment will expand the rift among the faculty. "The fighting, the push for change will not go away because Clark has been appointed dean. It's going to get worse," said Wilkins.

Students noted Clark's prominent role in the fight against the appointment of Clare Dalton LL.M. '73, and his noted identification with the advancement of "traditional legal scholarship," as indications that Clark will discourage differing perspectives. "The potential increased divisiveness [together with Harvard's already low record on diversity] may overwhelmingly chill the attractiveness of HLS to young minorities and women," said Suh.

"From what I've seen of his past actions and statements, Clark doesn't seem to be the type of person who will be able to work well with others from a variety of viewpoints," said Wilkins.

Clark's supporters, however, noted his ability to work well with people as one of the primary advantages of his appointment. "I think he'll make an excellent dean," said Rosenstein, adding that Clark is "very open to differing viewpoints."

Levy said the appointment actually "may have an influence making the law school environment more congenial. He works well with people."

Perhaps the most definitive statement on the issue was offered by McAfee. When asked whether she thought the appointment would further divide the faculty, she replied, "I have no idea. I think the faculty is divisive enough on its own."

"I want to increase the number of women and minority faculty members, but I also want to make sure all of our appointments are the very best people."

served as chair of the FDSC, said of the Clark appointment, "Obviously there would have been choices that would have represented a more conciliatory emphasis, but this choice represents the view that conciliation is less important than progress."

Tribe said that while he was unwilling to characterize his recommendation to Bok, "Bob Clark was fully aware, having served on the committee, that there were other candidates of whom I had a more favorable impression," adding he felt that fact was "irrelevant" to his future relationship with the dean-designate.

Vorenberg, who plans to step down from his position in June, said he thought it was "a good appointment. [Clark] is devoted to the school. He understands legal education and how it works at the school."

"I am very optimistic he will be a fine dean, and obviously that includes good working relations with the faculty," Vorenberg added.

Some professors also expressed concern that Clark will

curriculum. Although no one directly challenged Clark's attitude toward women and minority faculty members, some questioned whether his adoption of "traditional" standards of legal scholarship would exclude women and minority candidates denied those opportunities to excel in the past.

"I fear there will be a ... tilt toward a narrower point of view about what law teaching is — a view that is exclusive toward women, minorities and progressives," said Sargentich. "This is the primary concern surrounding Clark's appointment," he added.

Tribe said Clark was "obviously a distinguished and creative scholar, and he is capable of being pluralistic and open-minded if he makes a genuine effort. I very much hope and expect he will."

Commenting on news reports that Clark felt concerns about his commitment to diversity were "neurotic" or "fanatical," Tribe said, "I don't think it is fair to dismiss all the concerns that have been expressed

should appoint them." I have trouble with that. If that's traditionalist, I am."

Clark previously served as chair of the Appointments Committee's Subcommittee on Women, and Vorenberg said he did "an impressive job as chairman. He set out to identify the strongest women candidates anywhere in the country."

Responding to criticism of Clark's commitment to faculty diversity, Wolfman said Clark has "done a lot to increase the pool of women on the faculty. We should have and will have more minorities and women without deviating from high standards of scholarship."

"The notion that he's an adversary of people in the CLS group is not accurate," Wolfman added. "It's not a political thing with him [Clark]. He believes one can do distinguished work, whether as he does or as they do."

Prof. Richard Stewart '66, a conservative whom many believed to be the most likely choice for dean, said he supported Clark's appointment because "he's got the right val-

Repentance, Forgiveness Necessary for Racial Reconciliation, Say Conference Speakers

By David Liu

When Spencer Perkins was 16, he saw his father, an African-American civil rights activist, in jail after having been beaten by the local authorities. "The worst thing was seeing the humiliation on his face," Perkins remembered. "What I wanted to know was how was he going to deal with it?"

When his father spoke about the incident to a group of students, Perkins had the chance to find out. "I remember listening with tears in my eyes as he talked about forgiveness," he said. "I didn't want to hear it."

As a white volunteer in the black community in Jackson, Mississippi, Chris Rice thought he "was the solution to racism." He was surprised when, six months after his arrival, a black member of his church asked, "What are all you white people doing here?" He was shocked when, a year and a half later, a "racial explosion" hit the church, prompting many members to leave.

"What does racism have to do with me," Rice remembered asking. "I'm the solution."

In the decade since the incident, Perkins and Rice have worked together to develop a true solution to the continuing problem of racism in America. Today they live as part of a multiracial residential community called Antioch, involved in community development among the poor in Jackson. Speaking to a crowd of 150 Harvard students last Friday, the two men discussed the path to racial reconciliation.

"As Christians, we're supposed to love

our neighbor," Perkins said. "Who is my neighbor? ... Your neighbors are people you don't love, you don't want to deal with. It takes something deeper, more profound, to love across barriers," he said.

Rice added, "Jesus — not education, not politics — has torn down the wall of hostility [between the races]. But we have to step over the rubble. Whenever whites and blacks are in a room, there is a big pile of poop — stuff that everybody knows, but nobody wants to talk about. We should be poop-scoopers for Jesus."

After the conflict at the church, the remaining members stepped over the rubble and aired the poop by meeting in small groups to "[tell] our life stories to each other," said Rice. "[The black members'] stories were different from mine," he said. "There was stuff they had to deal with that I didn't have to deal with. I don't have to think about race unless I choose to. Minorities have to deal with it whether they want to or not," he said.

However, said Rice, "I could repent and confess and there still wouldn't be reconciliation. Our black brothers and sisters had to change to. They had bitterness eating away at them. We were all damaged. We needed each other."

Perkins agreed. "[Blacks] have to do some self-examination; there are some things to admit. We don't want reconciliation any more than whites do. Give us a level playing field and get out of our faces. But that's not a Christian principle. Speaking as a black person, I have to learn forgiveness."

Perkins related a couple of the experiences that scarred him. In addition to

his father's beating, he spoke of the racism, active and passive, he faced as the lone black student in a Mississippi school. "White people have got to deal with passive racism, when people don't do anything when they see injustice happen. I was the only black student in a Mississippi school for a year. Maybe only 10-15 percent of the kids made my life miserable, but the rest didn't speak up. Power was in the hands of the few."

Perkins also warned the audience about the transgenerational effect of racism. "Kids will pick up on racism," he said. He described what happened when he asked to exchange the white Barbie doll his daughter found in her McDonald's Happy Meal for a black one.

"The black woman behind the counter told me nobody had asked her to do that before. Lots of white parents, though, would come up to her to change a black Barbie for a white one. Their kids would be crying because they got a black Barbie doll."

Rice concluded by pointing out the fallacy of the standard definition of racial reconciliation. "What do we mean by racial reconciliation?" he asked. "Togetherness? Adding color? That isn't reconciliation. ... Reconciliation is togetherness and empowerment."

Rice continued, "[To reconcile], you have to go beyond your comfort zone and be intentional. The Good Samaritan had to go out of his way. If you're trying to reconcile and not everyone is uncomfortable than you're not really reconciling."

In the question and answer session that followed, students asked about the children of the Antioch community, the time span required for reconciliation, and

the speakers' vision for America. Several students asked about the speakers' conception of racism and Rice's comment that he "still [has] racism."

"I have benefits because I'm white," said Rice. "Many black children have asked their parents, 'Why can't I be white?' Not many white children have asked their parents why they can't be black."

Perkins offered a specific definition of racism. "Racism is when a group thinks it's better and acts on that belief. Most black people don't think they're better. What we do is react. 'Racism' — the idea that being black is more important than seeking the truth — is almost as bad a racism, however."

Rice added, "Are we all sinners? That's the question. If we can accept that, then it doesn't matter if we call the sin racism or racialism or whatever."

Another student compared religious superiority to racial superiority. In response, Perkins pointed out that "when you subscribe to a religious belief, you think it's the better one — or else you wouldn't believe it." He noted, "I know if we weren't Christian we wouldn't be doing this."

"This is a remarkable time in American history and the history of American churches," said Andy Varcoe '99, one of the conference coordinators. "I believe that people of our generation have a special responsibility to try to do the best we can to work for justice."

Perkins and Rice led a two-day conference entitled "More than Equals: Racial Healing for the Sake of the Gospel." The conference was co-sponsored by the Law School Christian Fellowship.

Nierlich Reflects on Term

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involvement of students in the renovations process. "If students are unhappy with their library access," he said, "they haven't been complaining to me."

Moreover, Nierlich assessed that the Council made major gains in matters related to the quality of life on campus. The capstone of this year's efforts was the establishment of a Student Service Center in the Harkness Commons. The Service Center is manned by LSC members and provides an opportunity to disseminate information to the student body and to survey students on major issues.

The Council hopes to arrange for postal service at the SSC sometime in the future and is currently polling the student body on Sunday dining opportunities. Another success was this year's Halloween party which attracted a much larger crowd than in years past. Nierlich noted that the Council is additionally hoping for the placement of a laser printer in each dormitory to alleviate the pressure on the Computer Center in Hauser Hall.

On the academic front, Nierlich pointed out several successes but conceded that several setbacks also occurred. On a positive note, upperclassmen and graduate students will be guaranteed a two day reading period as of next year, although this year's calendar is already set. The Council worked with the new registrar, Stephen Kane, to ensure that students will have at least two days between their last day of any particular class and their examination in that class. Nierlich further noted that Kane seemed very interested in addressing other student concerns, particularly those relating to the registration process.

"He's new here and he wanted to see how the old system worked at least once before making any changes," Nierlich observed. "But we've laid the ground work for changes in the future."

Unfortunately, Nierlich conceded that

there are three areas of continued controversy in which little progress has been made: the availability of basic second year courses, the status and repair of Hemenway Gym, and the dearth of public interest funding.

The Law School Council will be sponsoring a public forum to address the first issue. Associate Dean Todd Rakoff '75 in conjunction with Prof. Richard Parker's '70 Legal Education Committee has developed a proposal to group second year basic courses into sections and will be soliciting student feedback on Thursday.

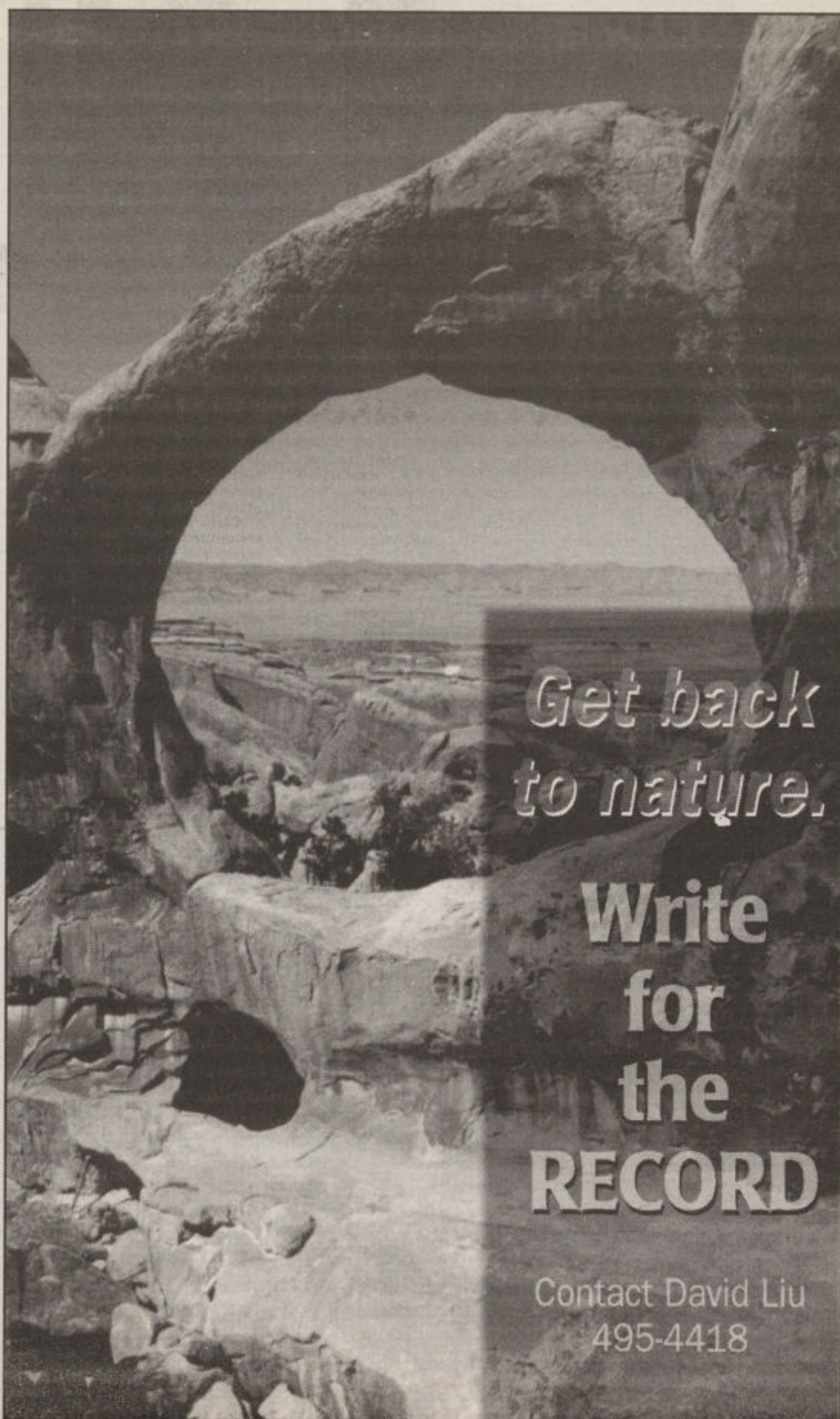
However, the status of Hemenway Gym continues to be a problem. Harvard College owns the property, but it primarily serves the Law School community — thus creating very little incentive for the College to maintain the facility properly. The Facilities Committee and Rep. Brian Salsburg '98 are currently working on the issue in the hope of finding a way for the Law School to purchase the property in the future.

Moreover, the continued shortage of public interest funding has prompted Nierlich to write to Dean Clark '72 demanding a copy of the Law School budget.

"I'm not interested in finding out how much money particular professors are earning," Nierlich explained. "But I do want to have a basic idea where the money goes."

A final matter that may draw more attention in the future is Nierlich's effort to open up the faculty meetings to the student body. He explained that he and a group of students had been turned away from the last faculty meeting because "issues of tenure[ship] were being discussed." However, Nierlich was assured that "he would be invited back for future meetings."

One of Nierlich's challengers in last year's election, Bob Melson '97, observed that "Chip is a great guy and I'm sure he did a good job." Melson conceded, however, that he had not been following campus politics.



Get back to nature.

Write for the RECORD

Contact David Liu
495-4418



B r i e f s

Homans '48, Boston Civil Rights Lawyer, dies at 75

William P. Homans '48, a Boston civil rights attorney who defended the "Widener Library slasher," died Feb. 7 in Phoenix. He was 75.

Homans is perhaps best remembered in the Harvard community for his representation of Stephen Womack, who admitted to mutilating millions of dollars worth of books in Widener Library. Womack was convicted last February in Middlesex Superior Court.

Homans also played a pivotal role in convincing the Massachusetts Supreme Judicial Court to abolish the death penalty in 1975.

"Bill represented the best the legal profession had to offer," said University attorney Allan A. Ryan Jr.

— from the *Harvard Crimson*

JOL, ILJ Elect Officers

The Journal on Legislation (JOL) elected officers this week. President of the 140-member journal is Rob Jancu '98. The managing editor is Aisha Christian '98. New articles editors are Janet Fisher '98 and Beth Hirschfelder '98.

The International Law Journal (ILJ) elected new officers Feb. 5. The new editor-in-chief of the 160-member journal is Michelle Jones '98. The deputy editor-in-chief is Wena Poon '98. Appointed editors are: Managing Editor Kelly Walton '98, Assistant Managing Editor Mukang Cho '99, Executive Editor John Ciorciari '98, and Assistant Executive Editor Eric Solovy '99.

Harvard Crew Racer Sets World Record

On Sunday, freshman undergraduate Angus R. MacLaurin set a world record in the two-kilometer junior lightweight race at the World Indoor Rowing Championships, only to beat his own record setting time later that day.

MacLaurin's winning time of 6:19:30 in the junior lightweight championships gave him an unexpected slot in the men's open, where he finished sixth overall. His time of 6:17:90 was competitive with that of more experienced, world-tested rowers, including runner-up Eskild Ebbesen, a gold medalist at the Atlanta Olympics.

A member of the Harvard Freshmen Heavyweight crew team, MacLaurin lost three pounds to meet the 165 lb. weight limit for Sunday's lightweight division.

He downplayed the day's individual honor, remembering the 1995 national rowing title that his high school won as a team.

— from the *Harvard Crimson*

Graduate Student Expelled

In a private meeting last week, The Faculty of Arts and Sciences (FAS) passed a motion to dismiss a graduate student. Secretary of the Faculty John B. Fox reported the decision. Other faculty members declined to comment on the case, but Dean of the College Archie C. Epps III said that dismissal usually results from the falsification of transcripts or a misdeed of similar gravity.

— from the *Harvard Crimson*

Julia Roberts Wins Pudding Prize

Actress Julia Roberts was awarded the Hasty Pudding Theatricals' 1997 Woman of the Year on Feb. 13. Roberts was honored by a parade down Massachusetts Ave., where she was accompanied by a group of men in drag, a team of Siberian huskies, and a bagpiper playing the theme from "Star Wars."

At a ceremony inside the Pudding building, Roberts drew an enthusiastic response when she read dialogue from her movie "Mystic Pizza."

"I'm not going to Yale, thank God," Roberts said.

The Hasty Pudding Theatricals, a Harvard College club, is the third oldest running theater organization in the world. This week, they honored Mel Gibson as their Man of the Year.

— from the *Harvard Crimson*

Epstein Urges Intellectual Independence

Academics who pursue careers in public policy risk compromising their intellectual integrity, University of Chicago Law Professor Richard Epstein argued in a speech to the Harvard community.

"Often, academics sell out without knowing it and give up their intellectual independence," said Epstein, who spoke on Feb. 11 at the Kennedy School of Government.

Epstein said that the academic world encourages a spirit of intellectual independence, but that government work demands an ability to compromise.

— from the *Harvard Crimson*

Law School to Act As "Employer Match" for Work Study Students

continued from *AUCTION*, p. 1

"This money should really help alleviate some of the pressure on the waiting list. It's a great first step," said Murphy.

Despite the Auction coordinators' optimism, many students, faculty, and administrators agree that the current maze of uncoordinated summer funding programs is in need of drastic reform, and that the long term solution may involve some system of guaranteed funding.

The Current Funding System

The Public Interest Auction is one of seven different sources of aid for summer public interest work. Students may receive similar funding through HLS grants, federal work-study, Student Funded Fellowships (SFF), the Human Rights Program, Lewis International Fellowships, and HLS Alumni/ae Fellowships.

"It's very confusing because there are all these different pockets of money," said Lisa Dealy, the new Director of Summer Funding Programs at the Financial Aid Office.

The majority of funding is administered by the Financial Aid Office in forms of HLS grants and federal work-study. Students apply for these funds in the fall, and their eligibility for this limited pool of resources is determined by a lottery.

Students who are not selected remain on the waiting list in hopes that enough people ahead of them will accept paying jobs in the private sector. Alternatively, many turn to other sources of funding such as SFF or the Auction. Others undoubtedly simply abandon their search for public interest employment, Dealy said.

Last year, students remaining on the waiting list in May all received some funding, "but it's possible and probable that some people went into the private sector because of the uncertainty of the process," said Dealy.

The impossibility of determining exactly how many students the Financial Aid Office can fund under the current system exacerbates the uncertainty of funding for interested students, Dealy said.

As a case in point, students selected through the Financial Aid Office lottery are automatically eligible for a \$2,500 HLS grant, but about half of these students are also eligible for federal work-study. Under this program, a student can earn up to \$4,000 if she obtains a match from a work-study eligible employer who pays either 25 or 50 percent of the salary. The additional funding comes from the school's federal work-study allotment, which is a separate pool from the HLS grants, Dealy explained.

In previous years, many students found work-study eligible employment, but the employers were unable to pay their share of the salary. In such cases, the students would only receive a \$2,500 grant, because the School cannot appropriate federal funds unless there is a match.

This year, Dealy instituted a new system in which the Law School will act as the 'employer match' for work-study eligible students without an employer match. Although this match, in the form of either \$1,000 or \$2,000 grants, will come from the HLS grant pool, it is still less than the \$2,500 the school would otherwise have to pay. Moreover, the added advantage is that students can get federal money and make \$4,000.

While this is a more efficient use of funds, it also makes it more difficult to predict how many people will receive funding, Dealy said. The Financial Aid Office is unsure of how many students will have employers who are eligible for

— and who will be able to match — federal work-study funds.

Last year, of the 330 students who originally applied for funding through the Financial Aid Office, 128 of them received it — 89 through HLS grants and 39 through work-study. This year, 335 students applied, and Dealy expects more to be funded than last year. The higher expectations are attributable to the restructuring of the funding process as well as a larger pool of HLS grant funds — both as a result of Clark's Auction match and a higher level of budgeted funding.

HLS Summer Grants Increase Slightly

Last year, the Financial Aid Office had \$211,000 in budgeted grant money, \$120,000 of which came from donations by the Montgomery and Wasserstein families. According to Debroff, the Wasserstein grant was renewed for this year. Based on its projections of student demand and wavering alumni support, the faculty Public Interest Committee recommended a funding level of \$265,000 for this year, according to committee Chairman Prof. Christopher Edley '78.

Clark approved a level of \$215,000 — \$4,000 more than last year, but significantly less than the faculty's recommendation.

This \$4,000 increase, along with the \$5,000 increase in Auction matching funds, should fund about four more students this summer. However, with almost 200 students on the waiting list, students, faculty, and administrators are wondering whether this is the proper way to go about funding summer public interest work.

The Future of Public Interest Funding

Dealy believes that guaranteed funding for summer employment is the best way for the School to demonstrate its commitment to public interest work.

"What I would like to see is a system in which people who want to do public interest get funding. This process actually creates unnecessary anxiety," Dealy said.

Edley agreed, envisioning a system where students are guaranteed public interest funding for at least one summer. According to Edley, whose committee is currently undergoing a comprehensive review of public interest at HLS, the current state of public interest at the school is "a very mixed picture."

"The clinical budget has grown impressively, and the LIPP [Low Income Protection Program] is reasonably strong, but the summer fellowship program and OPIA [Office of the Public Interest Advising] require additional investments," he said.

Edley believes that HLS has the wherewithal to fully fund summer public interest work, but that it must refocus its fundraising efforts. The school's recent capital campaign raised \$175 million, far surpassing its goal of \$150 million.

However, the campaign "fell short with regard to public interest funding," said Edley.

"Our general sense is that public interest activities should be an attractive area for fundraising, provided it's given proper priority by the Dean," he said.

Murphy, a vigorous public interest advocate, welcomes the Dean's Auction match as a step in the right direction. Still, she concedes her ultimate goal is to "eventually get public interest funding guaranteed for all students."

"We hope that the Dean will continue to work with us in helping to achieve our goal of full funding," said Murphy. "This is really about the future of public interest at HLS."

PUBLIC FORUM

What Does the Harvard Law School Community Think About the Concept of Bundling 2L Basic Courses?

If you have to take all of your 2L basic courses with certain professors without having a choice as to what professor teaches what course, then I think it's a bad idea. It just seems like the utility of being assured you're going to get those courses is outweighed by your inability to choose which professor is teaching each course.



Sonny Pak '97

It is a good idea if people can't get into the classes they want right now but not if you have the take all of them together.



Dovie A. Holland '99

I think first of all I had no problem getting into all the classes in some point, you just have to be strategic and you will get all the classes. Of course, I had to take Con Law in my third year. But I rather have the opportunity to pick my own professors. The popular ones are not always the best. In general if you are given less choice it ends up being worse. At the same time I understand the arguments on the other side...like you don't have to be strategic about choosing classes, you'll be guaranteed one good professor and that you'll get into the basic courses. After 3 years, I have a fundamental distrust of the administration. Student choice should be maximized. In general I don't have a strong opinion, both sides have merit, but my main point is that I'd rather have choice than no choice.



Jason Mogel '97

I think the real problem is that we need to hire more faculty. If Harvard is to remain a so-called top law school, it has to compete with Yale and Stanford where they don't have a reputation of being understaffed.



Sergio Garza '99

I think it would be a good idea as long as there's careful consideration that the professors are evenly spread throughout the sections. Assuming they would give you the option to opt-in to the section or opt-out, [2L sections] really sound like a good idea; you could choose which professor is most important to you out of the three main classes. I would definitely support the proposal.



Jennifer M. Boll '99

I am opposed to it. I don't like anything that limits one's ability to shape one's own agenda — how one wants to shape their legal career. By packaging, [the Law School] limits the [number of students] in other classes, reduces the availability of classes for those people that don't take the packages. I don't think more regulation will fix the problem of not getting your basic classes; if they offered more basic classes, that would be a better solution. Their solution creates new problems. For me, the solution brings up more problems because I don't want to take the packages. If they don't severely limit the class availability for people who opt-out of packaging, I wouldn't mind that, but I don't think that's possible. This is a good, secure route for people who don't know what they want; it's great for people who want to be spoon-fed. I'm not really opposed to it because it will not effect me. But it may effect me because I didn't get into Con Law this year. If the packaging system makes it harder for me to get into [Con Law], that would really upset me. If the system doesn't hurt the people who opt-out of it, then I see a lot of benefits.



Michael S. Brophy '98

I like having a section, anything that would create more community here. People seem to be more comfortable speaking with people they know. But to me the real issue is that [the Law School] just have more classes that people want to take. No one complains about Ad Law because there're three good sections of it, three good professors teaching it.



Brent Mitchell '98

I think to a certain extent [2L basic sections] would be a helpful thing to ensure that students are able to take all their basic courses. And I would be interested in having 2L sections if only to meet more people in my class that I would otherwise not meet. But my main purpose for being here is to take classes that I am interested in from professors that I want to take classes from. Although it would be nice to meet other people, I think that the main effect of having 2L sections would be to force students to take classes they otherwise wouldn't have. But, personally, I would take the most boring Taxation class if that meant I could take Tribe.



Michelle Hong '99

[2L sections] would be a matter of do you want to recreate the 1L experience... I'm not sure I want to re-experience that. I look forward to being a 2L and having the freedom to pick and choose my courses without choosing a package.



Jennifer Smith '99

I'm interested in what's going on. I know just from hearing from a lot of people that things were probably badly handled at the time. I'll be going to the talk tomorrow. Only after listening to all sides will I be able to really give an informed opinion on whether sectioning will be a plus or a minus.



Simone Z. Boayue '99

As a 1L, I'm not fully, personally informed about the disastrous situation last year, but I know that there was a lot of discontent.

From what I heard at the last Legal Education Committee meeting and from the way I understand it, the proposal sounds like a terrific idea. In practice, though, it might be more difficult to implement.

I'm probably someone who will take the basic courses. And I think sectioning will work for people, like me, who will more likely than not take these traditional courses.

In theory, it sounds great to be guaranteed at least one professor that we want.

At the same time, I have some 2L friends who are not taking any of the basic courses like Corporations, Tax, and Con Law. I don't know how representative they are. But there are probably a chunk of students who will be more interested in environment, international issues, or clinicals... I don't know how bundling will work for someone who's only minimally interested in the basic offerings.

I think some flexibility has been worked into the proposal. My understanding is that other alternative courses will not coincide time-wise with the basic bundle. At the same time, I think you'd be able to drop out of one course in the bundle.

Frankly, I think it's outrageous that we're here at HLS, paying out exorbitant amounts of money... for people not to be able to get the classes they want is a travesty.

So far I have not been disappointed by the schedule given to me by the Registrar's Office. I was able to get into the classes I requested. But I prefer a market system where we get a certain number of points which I can allocate in any proportion to any of my classes. For example, every student gets 200 points. If I want to take Tribe for Con Law, I would allocate 195 points to Tribe, and one point to each of the other classes I want. With the point system, your schedule might better reflect the value of the courses you requested. My criticism about the packaging solution is that our options will be limited — it's too constricting. I say we free up the scheduling system, and let capitalism do its duty!



J.D. Fay '98

I guess that would also ensure that the professors with oversubscribed courses were fairly distributed among 2Ls. It's truly a sad thing that at a great school like this people can graduate without having had basic courses. I'm not sure 2L sections are the answer. But that might be one way to force the situation."



Jenifer Robbins '98

If you have a big lecture it isn't much of a burden to let more people in. The only extra burden is grading more exams.

To take Tribe for Con Law I would have watched on closed circuit TV. Once you have 150 people in the class there's no limit except the size of the room.



Daniel Pariser '98

My fear is that if you want to take only one or two of the basics that you will have a lot of problems getting into these classes. I think it is just bad policy to assume that all the students will be interested in taking all the basics; as someone who is not taking all the basics, I feel it would be an alienating experience if two-thirds of my classmates will be taking the packages.



Jacquelyn D. Steadman '98

I am not sure that it addresses the fundamental question of what the university thinks are the basic courses. I am a person that opted out of corporations and tax mostly because I was trying to get into other classes. For me it's a big thing of what professors I have. Plus with the packaging system there is a problem of scheduling for the other classes you want — it might become a big mess. I was frustrated by the fact that if these are the basic courses, why doesn't the university have a commitment to allow everyone into the basic courses they want — I had friends who couldn't get into some of the basic course... The law school is responsible if they think we need them for our legal education and yet we can't get them. I had a personal struggle this year of deciding whether I should take [the basic courses]. The way we had to rank them all at the top, that hurt chances of getting into seminar classes. But on the plus side, [class packaging] fosters community feeling...of going through the classes with a group. I liked my 1L section, I liked the community feeling. I really got to know the people; by the end, it got really comfortable, I liked the continuity. I liked it but I am not sure if it will serve the same purpose for basic courses. As a 1L it's nice to get through it together, but I am not sure if it's the same for 2Ls.



Michelle A. Morgan '98

Across the Wire...

Anti-Gay Group Denied Official Status at Penn State

PHILADELPHIA (AP) — Pennsylvania State University student Darin Loccarini says he only wanted to create a campus group where students could "come right out and say homosexuality is wrong."

But the Penn State student Supreme Court denied Loccarini's request for official recognition of his anti-gay rights group, STRAIGHT, Students Reinforcing Adherence in General Heterosexual Tradition.

The group sought a charter that would have given it a slice of \$1.1 million divided annually among 400 campus groups. The group also could have used the Penn State name and requested use of campus meeting rooms.

About 75 students attended Sunday night's hearing in which STRAIGHT members outlined the group's mission and plans and student leaders expressed concerns. Two police officers also attended the meeting.

"It was a difficult decision, because either way it sets a precedent not only for our university but for other universities," said Associate Justice Jit Chatterjee, a junior from suburban Philadelphia. "It divides the community either way you look at it."

The court deliberated for one hour before issuing its decision, which may be appealed.

Chatterjee will write the majority opinion detailing the reasons for the decision in the next few days, he said.

The student justices asked the group's members how it would better Penn State and the community as a whole, said acting Supreme Court Chief Justice Dawn Brown. She said the majority of the deliberation time was spent on detailing the reasons for its unanimous decision.

Supporters say the group has a First Amendment right to free speech, and should be able to counter the influence of recognized pro-gay and lesbian campus organizations.

"This is America. We don't have to

think it's OK," Loccarini, a junior, told the Pittsburgh Post-Gazette. "We want to make it so that it's not considered bad to come right out and say homosexuality is wrong."

Loccarini said STRAIGHT is a political organization that wants to prevent gays and lesbians from winning any university-sanctioned privileges.

He is critical of the university's decision to allow same-sex partners of students to buy student-rate tickets to university basketball and football games. And the group would fight against granting health benefits to same-sex domestic partners of university employees.

But opponents say the group is anti-gay and point to the group's mission statement, which says the group would give members a forum to "express their views regarding the refusal to accept or support homosexuality."

"In my mind, allowing this group to have student organizational status, even provisionally, is opening the door to other hate groups," Duane Gildea, political co-director of Penn State's Lesbian Gay and Bisexual Student Alliance, told the Post-Gazette.

The campus chapter of the American Civil Liberties Union couldn't choose a side.

"We ended up arguing about it for an hour and a half, and ended up calling it quits and going home," co-coordinator Jon Feinberg told the newspaper. "On the one hand we're very much supportive of gay and lesbian rights. On the other hand, there is the free speech issue."

The administration had no comment on the decision, Penn State spokeswoman Christy Rambeau said.

Until this week, the debate on the 40,000-student campus had been waged primarily in the pages of the student newspaper. On Wednesday, about 90 students and faculty held a candlelight vigil for tolerance outside the student union, where Sunday's meeting was held.

Two Congressmen Face Redistricting Nightmare

JACKSON, Miss. (AP) — Redrawing Mississippi's congressional boundaries seven years ago was a simple matter of making two Mikes and a Sonny, a Jamie and a Gene happy.

Three years from now, the work will turn on which two congressmen to anger — and it appears they are Mike and Chip.

As the next decennial census nears, many in the Legislature are convinced Mississippi will lose a congressman.

U.S. House posts are allotted after each census. The posts are distributed on a ratio of the state's population to the total number of people in the country and by the U.S. Constitution's limit of 435 seats in the House.

Basically, when a growing state gains a seat, some other state must lose one.

In 1990, the state successfully challenged the census results, found a few more warm bodies and retained five seats.

Mississippi leaders would rather not go through another such scramble. They would prefer to have a near accurate count the first time and let other states sweat out the results.

Lawmakers insist, however, there are some things census takers in Mississippi can do to pad the count.

One, says Sen. Hob Bryan, D-Amory, who was involved in the 1990 redrawing of districts, is counting the inmates in the prisons and jails across the state.

"They are residents. They have an address. The rules of the census don't disqualify them," Bryan said.

Some others want those who run the census to think strategically in the neighbor canvassing.

"We don't need to be sending a white man into the black projects to count people. What black woman is going to open her door to a white man and tell him honestly how many people are living there?"

"The answer is to get members of that community together, tell them why a accurate count is important and set them to work," said one lawmaker.

Mississippi expects to gain population — normal growth and the influx of people working for casinos has seen to that.

The question is will the growth be

enough to offset that in other states?

The answer? Unlikely.

Growth in Mississippi has occurred on the Gulf Coast, DeSoto County, Tupelo, Hattiesburg and the Golden Triangle (West Point-Columbus-Starkville). Any growth Jackson expects has flown to the suburbs.

The most discussed scenario has the Delta — for historic and political considerations — retaining a congressman and a black majority. The 2nd District probably will pick up the remaining counties along the Mississippi River and may push into the western portion of the 4th District.

The 5th District, dominated by the three coastal counties, may shrink because of growth. Wayne County might drop out of the 5th District, where Gene Taylor is congressman.

DeSoto County, although a river county and expanding in population, will stay in Roger Wicker's 1st District. Second District Congressman Bennie Thompson doesn't want all those white voters in his district.

Wicker's district will likely take in the Golden Triangle.

Everything else collapses on the central section of the state, steering the 4th District's Mike Parker and the 3rd's Chip Pickering into the same district.

The population centers in such a new district would be Jackson, Rankin County and the reservoir area of Madison County, Meridian, Laurel and Brookhaven.

Coffee shop talk at the capitol paints some other possibilities. All of them involve pitting either Pickering or Parker against Taylor.

One has Hancock, Pearl River and Lamar counties moving out of the 5th and into a Parker-Taylor district, with Pickering's 3rd District dipping down to grab what remains of the coast.

Another has Forrest and Lamar counties combining with Parker's 4th. Then, Kemper, Lauderdale, Newton, Jasper, Clarke, Jones and Wayne would join the coastal region to put Pickering with Taylor.

However, both destroy longstanding historic and political kinships that local residents won't want disturbed.

Government Witness May Have Long Criminal Record

DENVER (AP) — A government witness who says suspect Timothy McVeigh rented the truck used in the Oklahoma City bombing has a criminal record dating back to his teens, a newspaper reports.

The Denver Post reported Sunday that court records it obtained indicate Thomas Kessinger, 46, has been charged in theft, violence and drug cases.

Kessinger has been in and out of trouble since age 17, when he was charged with beating two men "with intent to kill or maim," The Post reported, citing court documents obtained in Kansas.

The auto mechanic is "not one of our best citizens," said Geary County, Kan., Sheriff William Deppish. Kessinger apparently lives in Junction City, Kan., but could not be reached for comment.

Kessinger is the man who described to authorities the now-infamous John Doe No. 2, touching off one of the largest manhunts in U.S. history. He also was among the first to describe bombing suspect Timothy McVeigh.

The description led to McVeigh's arrest in connection with the April 19, 1995, bombing that killed 168 and injured more than 500. McVeigh and co-defendant Terry Nichols await trials in federal court in Denver.

Kessinger was a mechanic at Elliott's Body Shop in Junction City when the bombing occurred. Investigators traced a Ryder truck axle found

in the rubble to the shop. Kessinger and shop owner Eldon Elliott later described for an FBI artist a man who rented the truck.

Late last year, Kessinger told prosecutors his identification of John Doe No. 2 was a mistake. The government late last month acknowledged in court documents the identification was wrong.

Kessinger is one of only two people who can testify that McVeigh rented the Ryder truck that blew up the Alfred P. Murrah Federal Building.

The government will try to convince a jury that McVeigh rented the truck, drove it to Oklahoma City and detonated it in front of the building.

Federal officials have not commented on Kessinger, citing a judge's gag order. Prosecutors have said his incorrect identification of John Doe No. 2 would not damage their case.

McVeigh's attorney, Stephen Jones, has not commented on Kessinger either, but he could cite his checkered past to discredit him on the stand. U.S. District Judge Richard Matsch could instruct the jury to consider any felony convictions when evaluating Kessinger's credibility.

Kessinger and five other government witnesses are expected to appear at a hearing this week to determine if their testimony can be used at McVeigh's trial, scheduled to begin March 31 in U.S. District Court in Denver.

Newsweek: Simpson Will Leave L.A., Possibly for South Florida

NEW YORK (AP) — O.J. Simpson is planning to leave Los Angeles, possibly for South Florida, Newsweek magazine reported.

Simpson is heeding friends' advice that he move, although he probably will wait until the school year ends, the magazine said, citing sources it did not identify.

The report is in the Feb. 24 issue, due on newsstands today.

The magazine also said lead lawyer Robert Baker and his son, Philip, are leaving Simpson's legal team. It said another Simpson lawyer, Dan Leonard, will handle the appeal of a \$33.5 million damage award from a wrongful death lawsuit.

Telephone calls to the Bakers' law office were not returned.

"This is the first I've heard of it, but it wouldn't surprise me," Simpson attorney Robert Blasier said of Baker's reported departure. "The trial's over and it was understood that the appeal would be handled by someone else."

Earlier this month, a jury found Simpson liable for the June 12, 1994, killings of Nicole Brown Simpson and Ronald Goldman. Simpson was acquitted of the killings in 1995.

Baker has long said that he would not handle the appeals process, although he was expected to seek a new trial and ask a judge to reduce the damage award.

Meanwhile, Simpson has until mid-week to post \$50 million in collateral — 10 percent in cash — if he wants to stay the liability judgment pending an appeal.

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Across the Country



This Week, News From Around the Country

Four Mock Juries Acquit Clintons in Whitewater

LITTLE ROCK, Ark. (AP) — Independent prosecutors are reworking their Whitewater investigation after jurors in four mock trials acquitted the president and first lady, according to a report in the Arkansas Democrat-Gazette.

Two of the mock trials were held in Little Rock and two in Washington, the newspaper reported last week, citing two anonymous sources close to the investigation.

One of the sources said two counts each of perjury and obstruction of justice were presented in Washington, but did not know details about Little Rock.

The Clintons were acquitted in each trial. The closest vote was 8-4.

The president and first lady have not been charged with anything.

The results from the mock trials showed the prosecution team that they need to tinker with their inquiry into the former Whitewater real-estate partnership the Clintons had with James and Susan McDougal.

The efforts began last week when federal investigators re-interviewed several Arkansas State Police troopers assigned to the security staff of then-Gov. Clinton, the newspaper reported. Investigators plan to interview about 30 troopers.

The McDougals were convicted in a trial related to the Whitewater investigation last spring. Along with them, then-Gov. Jim Guy Tucker was convicted of business violations. He later resigned from office and faces another trial on other charges in the investigation.

Susan McDougal is serving time for a civil contempt citation for refusing to answer questions from a Whitewater grand jury. James McDougal's sentencing has been postponed while he cooperates with Starr's investigators.

The Democrat-Gazette reported a year ago that two mock juries were used as independent counsel Kenneth Starr prepared to prosecute the McDougals and Tucker for fraud and conspiracy growing out of Whitewater.

Critics: Louisiana Court Decision Could Spur More Death Sentences

NEW ORLEANS (AP) — More convicted killers will face death sentences because the Louisiana Supreme Court has ruled that juries may be told the governor has the power to free prisoners, critics say.

"It is going to very much encourage people to vote for the death penalty," said Nicholas Trenticosta, an attorney with the Loyola Death Penalty Resource Center.

In a ruling closely watched by death penalty opponents, the high court ruled last week that juries can be informed that the governor can pardon convicted killers and commute their life sentences.

The ruling came in the case of Alvin Scott Loyd, convicted of raping and drowning a 3-year-old Houma girl.

Loyd has been sentenced to death

twice. Both times, the sentence was thrown out on appeal. A third sentence hearing is pending to determine whether he will get life in prison or death.

His appeal on the issue of whether the jury instruction is constitutional has also put other Louisiana death penalty cases on hold.

"Once the court granted review of that case, it basically issued orders in the other trials to proceed without having the instruction or stay the trial," Trenticosta said.

The unanimous ruling rejected Loyd's argument that he was convicted 10 years before passage of the law calling for the jury to be told about the governor's commutation powers.

It is unclear how many death penalty cases were delayed while waiting for the ruling. Most probably went to trial without giving the jury the instruction, Trenticosta said.

Louisiana usually has 200 first-degree murder indictments — those which could bring a death sentence — pending at any time, he said.

The ruling comes on the heels of a decision last December in which a divided Supreme Court upheld a new Louisiana law prescribing the death penalty in aggravated rape cases where the victim is younger than 12. Louisiana is the only state with such a law.

Louisiana has between 40 and 50 aggravated rape cases where prosecutors are asking for the death sentence, Trenticosta said. None has gone to trial since the ruling.

Death penalty opponents fear those two rulings will mean Louisiana juries will return more death sentences.

Louisiana now has 63 people on death row. The last execution was March 1, 1996, when Antonio James died for a robbery-slaying during a crime spree in New Orleans in 1979.

The state's next scheduled execution is March 21 for Feltus Taylor Jr., convicted of killing Donna Ponsanna, 31, during a robbery at a fried chicken outlet in Baton Rouge in 1991. Taylor, who was trying to get his job back, also shot and wounded the restaurant's manager.

Louisiana, one of 38 states with a death penalty, has executed 23 inmates since the U.S. Supreme Court allowed reinstatement of the death penalty in 1976.

Louisiana once led the nation in executions per capita, but has executed only a handful of people in the past 10 years. Trenticosta said the major reason is that lawyers have been able to argue on appeal that the trials were unfair.

In Louisiana almost half of death penalty trials are ruled to be illegal, Trenticosta said.

"That is an enormous amount of cases reversed," he said. "No other area of law has such lawlessness at the trial level."

House Panel Issues New Subpoenas; Chairman Promises Extensive Probe

WASHINGTON (AP) — The chairman of the House committee investigating campaign fund raising said he has issued nearly two dozen new subpoenas and is looking into reports that the Chinese government wanted to contribute to the Democratic Party.

"The bottom line is, it's going to be a much more broad investigation than we thought it would be," Rep. Dan Burton, R-Ind., chairman of the Government Reform and Oversight Committee, said Sunday on NBC's "Meet the Press."

Burton said he had previously issued five subpoenas and Saturday night sent out 20 more for documents his committee wants to see. He declined to provide details of the new subpoenas, saying he had yet to inform committee Democrats.

Democrats on both the House panel and the Senate Governmental Affairs Committee, which has launched a parallel probe, have complained that the Republicans are out to attack the Democratic Party rather than expose the fund-raising excesses of both parties.

A report released today showed that Democratic and Republican parties raised an unprecedented \$263.5 million in largely unregulated "soft money" campaign donations during the two-years leading to the 1996 election — almost three times the amount in the 1991-92 campaign.

There are no limits to so-called "soft money" contributions which cannot legally be spent directly on a candidate's behalf. The money may be used for generic advertising, get-out-the-vote efforts and other party-building activities.

The Center for Responsive Politics said Republicans got \$141.2 million

and Democrats \$122.3 million in such contributions during the 24-month period prior to last year's election.

The Republican-led Congress is unwilling to initiate campaign finance legislation when Republican fund raisers are bringing in twice as much as Democrats, complained Sen. Bob Torricelli, D-N.J., on ABC's "This Week" program.

Burton said the first priority must be investigating past wrongdoing, including a Washington Post report last week that the Chinese embassy in Washington had considered making campaign contributions to the Democrats.

One key Democratic figure involved in raising money from the Asian community, John Huang, "may very well have given information that he shouldn't have to the Chinese and others" as part of the fund-raising efforts, said Burton.

"If the White House, or anybody connected with the White House was selling or giving information to the Chinese in exchange for political contributions then we have to look into it because that's a felony and you're selling this country's security, economic security — whatever — to a communist power," Burton said on CNN's "Late Edition."

White House counsel Lanny Davis, also appearing on NBC, said President Clinton was "very seriously monitoring" the China issue, but stressed that "there's no policy affected by contributions to this president."

He said Clinton sought support from the people attending 103 informal coffees he had at the White House, some of whom were or became major contributors to the party, but that there was nothing new or wrong with that.

Davis recalled former Commerce Sec-

retary Robert Mosbacher's "Team 100" — a group of top Republican contributors who had given more than \$100,000 each to the Bush campaign in 1988.

"Did Mosbacher, under the Bush administration, in his \$100,000 club not invite people to the White House for the same purpose? What is so shocking?" Davis asked on "Fox News Sunday."

Burton said his committee now had 500 people it wanted to talk to, including Huang, the former Democratic National Committee fund-raiser and Commerce official. He said his hearings would begin in April or May and there was "no way to know how long it's going to go."

"I don't think anybody wants to see a president maimed by this kind of an investigation," said Burton. "However, we're a nation of laws and not of men, and whoever breaks the law should be held accountable."

On the Senate side, Sen. John McCain, R-Ariz., repeated on ABC's "This Week" his demand that Attorney General Janet Reno appoint an independent counsel to investigate possible Democratic fund raising improprieties.

With the new report on possible Chinese activities, he said, "the implication is that at least there was an attempt to suborn the foreign policy of the United States."

But Torricelli warned that congressional hearings would be disrupted by the appointment of an independent counsel, further delaying legislative action on campaign finance reform.

"You would be moving any possibility of legislation to clean up this system way, way back."

Harvard Law RECORD

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Rob Friedman



EDITORS-IN-CHIEF
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FOUNDED IN 1946

2L Sections a Welcome Reform

HLS needs more professors, more basic courses, and smaller classes. The Legal Education Committee's 2L "bundling" proposal is not a solution to these problems, but it is urgently needed and has the potential to push broader reforms forward.

The proposal is based on a simple supposition: if the School explicitly encourages students to take "basic courses" (Constitutional Law, Corporations, and Tax), then it should provide the resources necessary to guarantee student access to these courses.

The proposal in its current form would allow the three basic courses to be packaged in five sections, with a conscious effort to bundle popular professors with less popular ones. Students may opt out of any class in the bundle. Students may add individual courses within another section only through limited spots made available in drop/add. Classes will be capped at 150 students, but professors would have the option to admit more students.

The proposal improves the current system, which rewards students who know how to play the complicated lottery game, and provides too much uncertainty even for those well-versed in the procedure.

Most importantly, the proposal is better than the current system because it guarantees students seats in basic courses, avoiding the lock-out many 2Ls faced this year.

The proposal is only a first step. With five sections, it will put pressure on Dean Clark to hire more professors, especially professors who will commit to teaching basic courses.

The proposal also does nothing to force professors to teach their required minimum number of credits. Nor does it address the problem of chronically-unpopular professors. Instead, it seems to say, "If you want Tribe, you'd better be prepared to take the professors perpetually scorned."

Two minor changes would improve the proposal. First, Evidence should be included as part of the basic package. Second, the classes within the package should be staggered such that the same students are not in the same classes within each section. Students generally wish to socialize with a broader group in their second year.

Students should select their basic professors not from lists of three, but from a menu with three categories. In category one would be the "superstar" professors like Tribe, Warren, Kraakman, and Fried. Category two would contain "star" professors like Fallon, Hanson, and Charny. Category three would contain the lesser-known or less-popular professors.

If the committee has dismissed the idea that "bundling" will hurt professors' feelings, then there is no reason why the committee should not go one step further and create an optimal level of choice for students across the basic courses.

Aside from its drawbacks, Legal Education Committee Chair Richard Parker has put together a carefully-developed, pragmatic stopgap to a long-term problem. Registrar Stephen Kane should be commended for his work on this proposal, and for reforming grade distribution and registration. And Parker and Associate Dean Rakoff are doing the right thing by soliciting student opinion.

There is much more work to be done. But this proposal, and the effort by the administration to reach out to students, are positive steps in the right direction.

— Friedman

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—First Amendment, US Constitution

• Letters •

Prof. Nesson "Stung and Offended" by Fenno

Lamponing others — particularly professors, and particularly when it causes an exciting fuss — may seem fun and even harmless as the writer gets used to it. The writer and publishers may even convince themselves that it is necessary or healthy in some sort of let's-let-off-some-steam-and-not-take-ourselves-too-seriously sort of way. But any such convictions about the recent Fenno columns are misplaced. These screeds aren't merely failed attempts at humor or student catharsis: the damage they do is quite substantial, both to the individuals targeted and to the entire Law School community, including the vast majority of readers who had previously learned Fenno wasn't worth reading — at least until word of its extraordinary level of vitriol aroused curiosity.

I am currently the target of Fenno's flow of defamatory innuendo, which, even if its author intended its associations to appear wholly random, falsely suggest that I am a drug addict and a sexual harasser. First, let me assure you that the words sting me and my family. It's been made clear from earlier responses to the column that Fenno's other targets have been similarly stung and offended. Are professors thought of as so powerful that they couldn't possibly be bothered by their institution's student newspaper, or so public that they are

expected to bear the burden of absolutely anything the newspaper cares to claim about their personal lives for some elusive — here, nonexistent — greater good?

Second, the faculty-student relationship is harmed for both. Since the column is written from behind the shield of a pseudonym, faculty members are forced to ask, or wonder without asking, of each student they meet, "Are you the poisonous viper who hides behind the Fenno mask?" And, since readers figure satire must have some basis in reality — in every joke a grain of truth — students may indeed credit your innuendo. Your slanders hurt me, my family, my relationship with women students, my relationship with all students. I do not use cocaine. I have never used cocaine. I do not smoke marijuana. I have not smoked a J in two years. I do not sleep with students. I have never slept with anyone who was then presently my student. I have not, during your lifetimes, slept with any student at all. I have slept with one person who had been my student. She is my marriage partner of twenty-four years and the mother of my children. Your slanders hurt them.

Third, I use "defamatory" and "slander" as terms of art. Despite your apparently low views of some faculty, I trust you know the le-

gal meaning of these terms or could take efforts — as any publisher should — to find out. I ask you to apply them to the recent columns, and reflect on the results before freely penning and publishing the promised "part two" of "Down and Out with Charlie Nesson in Boston and Cambridge."

We are a law school, and our collective handling of issues like these should reflect it. The RECORD should not be allowed to repudiate its responsibilities while touting, and abusing, its rights and privileges.

I am, therefore, filing a complaint with the HLS Administrative Board against Fenno, whoever he or she may be, and the members of the RECORD's Editorial Board: Rob Friedman, David Liu, and Jaclyn Liu. You have editorial responsibility for publishing the series and should be held accountable. I want you to be forced to defend your judgment before the HLS community and in job and clerkship interviews. I will ask the Administrative Board to reprimand you for publishing the defamatory Fenno series. Through the process of the Administrative Board all sides of this issue, such as they are, can be aired and, I hope, resolved.

Prof. Charles Nesson '63
Weld Professor of Law
February 18, 1997

Election Coverage Misrepresents Legal Aid Bureau Officer Statements

In last week's RECORD, David Hyung-tek Lee's coverage of the Harvard Legal Aid Bureau's elections mischaracterized the nature of our conversations with the author. As the oldest student-run legal services organization in the country, the Harvard Legal Aid Bureau provides students a unique and rewarding learning experience. Our vision for the coming year entails preserving the existing quality of our legal representation of needy clients in housing, domestic relations, benefits, and employment cases. We also seek to strengthen the links between the education we receive in our law school classes and the real world experience we gain from representing our

clients. As we begin to recruit for next year, we want to make clear to the Law School community, particularly first year students, that the Harvard Legal Aid Bureau provides students an excellent opportunity to develop practical legal skills while also gaining the benefit of helping others in the neighboring community.

We were perplexed by Mr. Lee's emphasis on prestige in the article's title and need to negatively compare our organization with other valuable student organizations. As the rest of the article accurately reflects, we are proud of the Legal Aid Bureau's tradition, its members, and the important role it serves in our community. The cur-

rent 53 student-attorneys were selected by lottery and volunteer at least 20 hours each week during the academic year, including vacations. It is quite disturbing to think that a discussion about the professional and personal rewards that this experience provides its members could be misconstrued as an issue of prestige and later repackaged into a nonexistent competition with other student organizations. Thank you for the opportunity to set the RECORD straight.

Andrew O'Toole '98,
President
Belinda Lee '98,
Vice President
Tiffany Lucas '98,
Executive Director
February 16, 1997

Student Receives Grades in Mail — But Not His Own

The Registrar's unilateral decision to mail grades out this year instead of allowing us to pick them up on campus certainly made last week a fun one for this particular 3L. In the last issue of the RECORD, Registrar Stephen Kane noted that this new system would eliminate the problem of subjecting students to "finding out their grades in a public forum." Unfortunately this did not turn out to be the case.

One-Ls and 2Ls nervously followed the campus mail personnel all around their delivery routes and clustered in the lobbies of all the dorms this past Saturday watching as each box got stuffed. As a 3L with a job, I decided to take some time out of the day and watch the paranoid masses. OK, I wasn't doing it just to

appease my sadistic side, I was also waiting for my grades to arrive. This new system turned out to be more demeaning than waiting in line in Austin Hall for a few minutes.

On top of being just as "inhumane," mailing the grades out is also INANE! It doesn't take a genius to figure out that the "screw-up factor" is magnified by an order of ten when the Registrar's Office has to put grades into envelopes and send them through the U.S. Postal Service which in turn gives the mail to Harvard's Campus Mail Service which in turn has to get the mail in the correct boxes. Three people in my dorm received other students' grades in their boxes. In fact, my

grades were actually received by a 1L living on the second floor of Ames Hall (I live on the first floor of Story Hall). This would have been an egregious violation of my privacy if it weren't for the fact that 3 of my 4 grades have yet to be turned in to the Registrar by my professors. In short, this new system stinks.

Bob Melson '97
February 18, 1997

P.S. So as not to have people believe that Harvard's Campus Mail caused all of the delivery problems, I must point out that the Registrar's Office put the wrong address on the envelope that contained my grades. See, "Screw-up factor," *supra*.

Why Verdicts Vary

By Scott Brister '80

So which is it? Eighteen months ago a criminal court jury determined that O.J. Simpson did not murder Nicole Brown Simpson or Ronald Goldman. Now a civil court jury has decided that he did. Four years ago, a federal jury sent to prison the Los Angeles police officers who beat Rodney King, a year or so after a state court jury found them not guilty. They can't both have been right.

Same people, same events, but different verdicts. In a system that is supposed to find the truth, how can these things happen? Can someone be guilty and not guilty? Can people be entitled to millions and nothing?

The reason verdicts vary is because jurors do. Different people see things differently, and vote accordingly. That's why we have elections, proxy fights and all-star ballots.

This problem is inherent in trial by jury. The entire nation cannot vote on each case, and it's impossible to get 12 people who exactly mirror a community, much less a nation.

The legal system addresses this "sampling" problem in two ways. The first is by random selection — if jury panels are a random sample of a community, over time the verdicts they render will trend toward the norm of that community. The second is by requiring consensus, not just a majority vote. In most states, 83 percent of the jurors in a civil case (10 out of 12) must agree on a verdict, and verdicts in a criminal case must be unanimous.

But these safeguards are being defeated. Consider for example the O.J. cases. In the criminal trial, 1,000 jurors were called to select a jury of 12. In the civil case, 400 were called down

to the same number. In other words, only one percent and three percent of those called were chosen.

This creates a problem. If you flip a coin 10 times, the odds of getting 10 heads in a row are quite remote. But if you flip a coin 1,000 times, and then can pick any 10 in a row you want, your odds improve a great deal. By hand-picking a very small sample from a very large array, you can get a very "unusual" result.

That is why verdicts in America today vary. The problem is not that the communities where these cases were tried were unrepresentative of America. The problem is that when litigants can discard 99 percent of any community, those left over are unlikely to be very representative.

This problem appears even in routine cases. In Harris County, Texas, there are more than 3,000 jury trials every year. All are important, but compared to O.J. most would have to be considered routine. Yet 75 percent of the jurors who are qualified to serve and actually go through jury selection are eliminated by current selection procedures. Why is there such a high mortality rate for jurors?

The problem is that the rules for jury selection were developed in an earlier era. As late as the 1960s, jury commissioners drew up lists of "responsible" members of the community to serve in most American courts. This tended to mean their friends from the church, lodge and country club. Given a jury panel hand-picked by government officials, a ponderous and extensive procedure for questioning and weeding out large numbers of potentially biased jurors made some sense.

But we live in a different age. Today, most jurisdictions spend a lot of money getting a broad, randomly se-

lected cross section of the community into the courtroom. Unfortunately, the same intensive and intrusive jury selection procedures then proceed to throw most of them away. As a result, rather than keeping the government from hand-picking a jury, the procedures have become a tool for the litigants to try to do exactly the same thing.

The problem isn't juries, it's jury selection. And that can be changed. There is nothing inevitable about the way we select juries. The laws of statistics and randomness, if allowed to operate, can make verdicts more representative, more predictable and more consistent. But in order to do so, certain other laws must be changed:

Make trials shorter: The Ten Commandments are engraved over the bench of the U.S. Supreme Court, but another object suspended overhead probably receives more attention from attorneys — a large clock. Litigants arguing the most important cases in the country get 30 minutes. Why then should even the simplest trials last for days and weeks? Time is precious to jurors no less than Supreme Court justices. Many people who ignore their jury summons probably do so because they fear being held captive by a system that doesn't care about their time. Unlike most other businesses in the world, trials in the United States now take much longer and cost much more than they did 30 years ago. Especially in the most important cases, to get a broad cross-section of the community as jurors we must be jealous of their time.

Redefine "bias": Currently, a third or more of qualified jurors are routinely cut during jury selection because of bias or prejudice. Are that

many American citizens no longer capable of impartial judgment?

Impartial doesn't mean indifferent — jurors who despise bad behavior are public-spirited, not prejudiced. Nor does it mean ignorant. Especially in the most important cases, educated and well-informed citizens know about the issues, have given them some thought, and often have reached some initial conclusions. This doesn't mean they are biased. Impartiality is not the absence of initial impressions but the willingness to keep an open mind until all the evidence is in. Judges and attorneys routinely assume they can separate their personal opinions from their legal duties. Why not jurors?

Reduce peremptory strikes: After removing all jurors who are exempt, disqualified, biased or otherwise unable to serve, the law still grants litigants enough discretionary or "peremptory" strikes to cut most of those left, just for good measure. Often, they are made based on stereotypes, voodoo psychology or mere whim. Justice Thurgood Marshall and many others have proposed eliminating peremptory strikes. The American Bar Association has adopted a less dramatic proposal — reducing the number of peremptory strikes per side in civil cases to three, in felony cases to five, and in capital cases to 10.

There is no excuse for regularly cutting vast segments of the community by allowing cases to run too long, striking jurors for attitudes that don't constitute bias, or allowing too many peremptory strikes. Plugging this leak will save money, but more importantly it might save a system that too often seems at odds with itself.

Scott Brister '80 is a state district court judge in Houston, Texas.

BOOK REVIEW

Don't Pee on My Leg and Tell Me It's Raining

By Warren Binford

Let me start with a confession: I had no idea who "Judge Judy" — America's Toughest Family Court Judge — was when her very classy, eye-catching title jumped out at me from the Harvard Law School bookstore shelves.

Nonetheless, I tossed my Coop card on the counter and nonchalantly — nay, *enthusiastically* — signed the \$23.00 charge slip for three reasons: 1) it was the week before final exams and reading Judy's guide to life seemed a much more tempting way to spend the weekend than studying the Q'ing code for my Law in China exam; 2) the print was the largest I had seen since the third grade (although no pictures—DANG!); and 3) Judge Judy explained on the jacket that she wanted "first-time offenders to think of their first appearance in [her] courtroom as the second-worst experience of their lives. Circumcision being the worst." Ouch! Even as a woman, I winced, but curiosity piqued, quickly tucked the book under my arm.

Okay... I admit that on a more substantive level I *really did* hope that the book would provide some insights and answers to the plethora of problems burdening our juvenile justice and family court systems. A quick fix in large print is always attractive — especially when it promises "eye-opening exposés of government stupidities and legal chicanery."

Given Judge Judy's 24 years of experience serving in New York's family court system, one would expect her assessment of the problems and the answers she offers to be right on target. And many are.

How can one deny that we've developed a culture of victimization, dysfunctional families, and second-rate schools? Hhhhhmmmm... Judge Judy is right.

And she tells stories about cracking the whip from the bench in a cavalier style so rich in colorful language that reading her book feels like an amusement park ride through the crumbling halls of juvenile justice. Nothing so tragic should be this much fun to read about. Or so the super-ego keeps reminding the id.

Right from the outset, she promises "to strip away the veil of secrecy that has protected a social system run by reality-impaired ideologues." And throughout "Don't Pee on My Leg," Judge Judy spares no one.

She indicts "a judiciary whose vision of reality dates back to Spanky and Our Gang," social activists "who stay up nights, conjuring up in their insomnia ever more wasteful ways to spend our money," and "executives and legislators whose eye on the next election causes gridlock and impotence."

According to Judge Judy, juvenile court is no "kiddie court." It's "criminal college." And as she describes in painful detail the "daily pageant of dys-

function" she witnesses as a family court judge, the reader is convinced: Judge Judy is right.

The stories of the lost violent souls

tries to cop a plea bargain by refusing to take an HIV test unless the charges are reduced. The nightmare goes on *ad nauseam*.

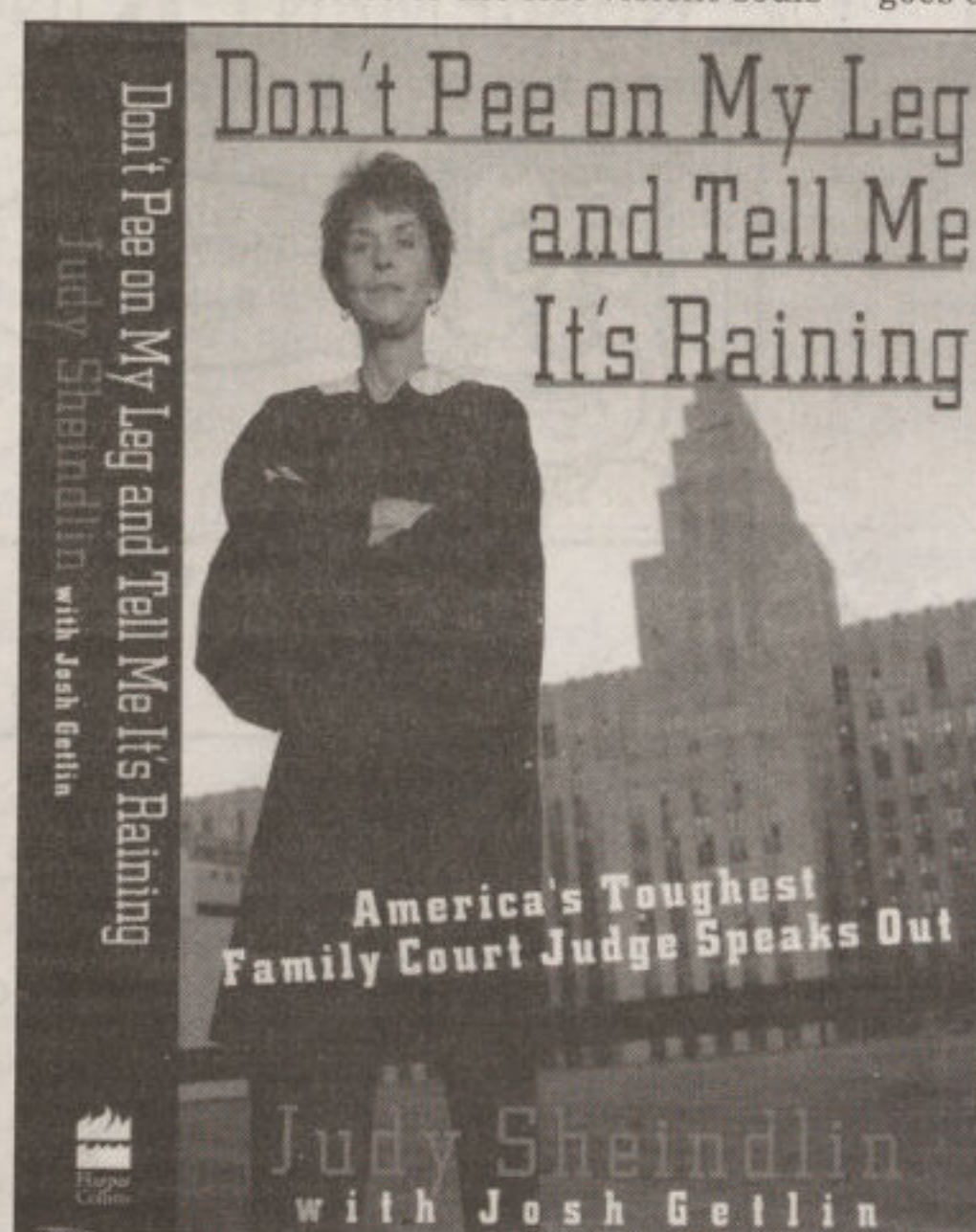
And so do Judge Judy's answers. Stop making excuses. Take responsibility. Stopping throwing money at the problem. Get back to reality. Don't just sit there — do something. Of course, in almost every instance, Judge Judy is right!

And yet somehow, when the exhilarating read is through, one is left with the alienated morning-after feeling of empty-handed disenchantment following a Friday night Baptist revival. For all the "Amens!" shouted under the tent, one wakes up mortal in the same world that led one to seek simple answers from above in the first place.

There is no great transformation.

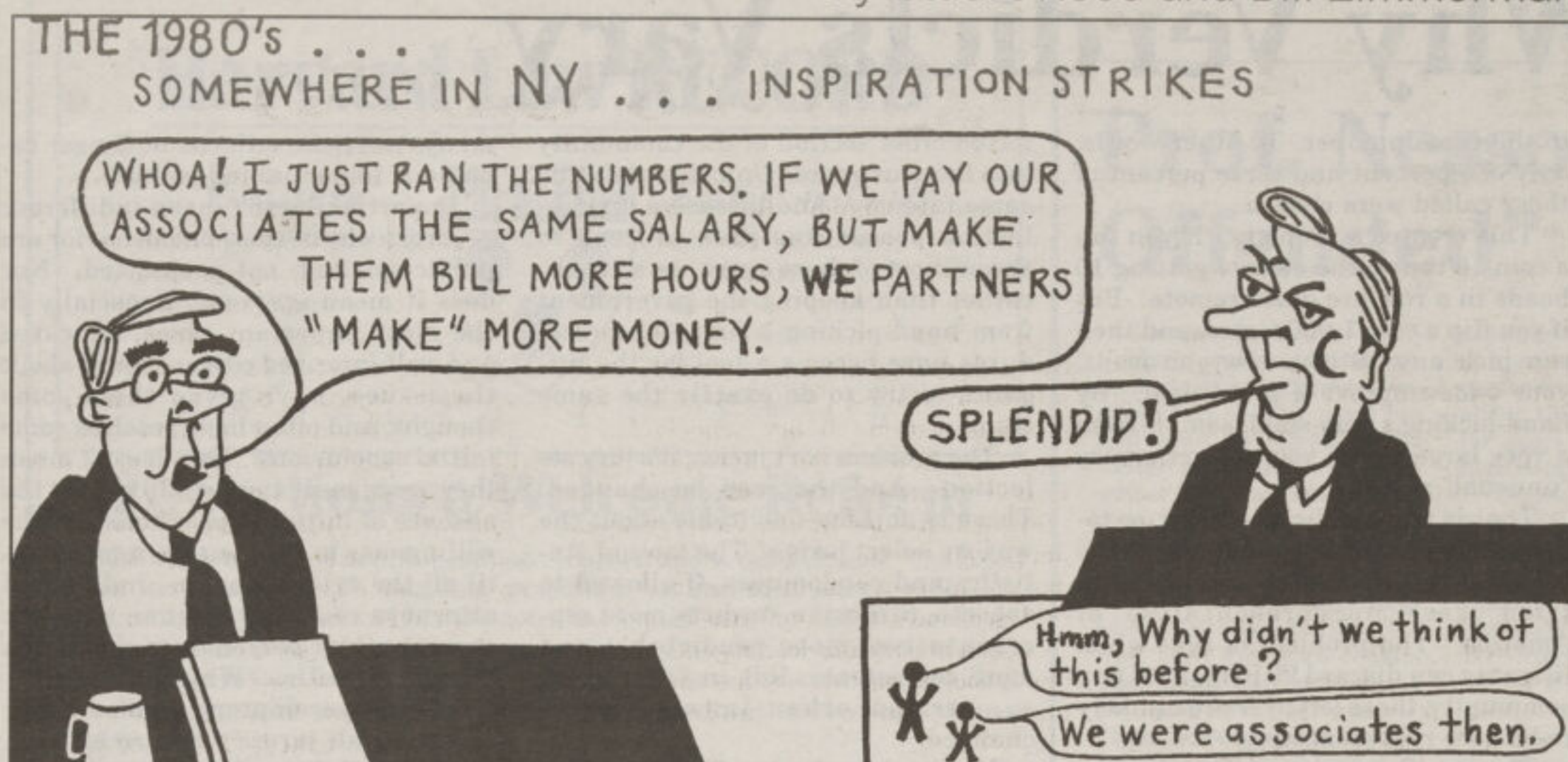
Instead, the telephone rings at 7:15 a.m. in a Hastings dorm room, and I hear my roommate field a telephone call from her juvenile client who for the third time this week, is being dragged into court. Without hesitation, an idealistic 3L forgoes her morning run, throws on a suit and runs out the door to be with him.

And even in my bleary-eyed, caffeine-less state, I realize as she goes that there lies the answer.



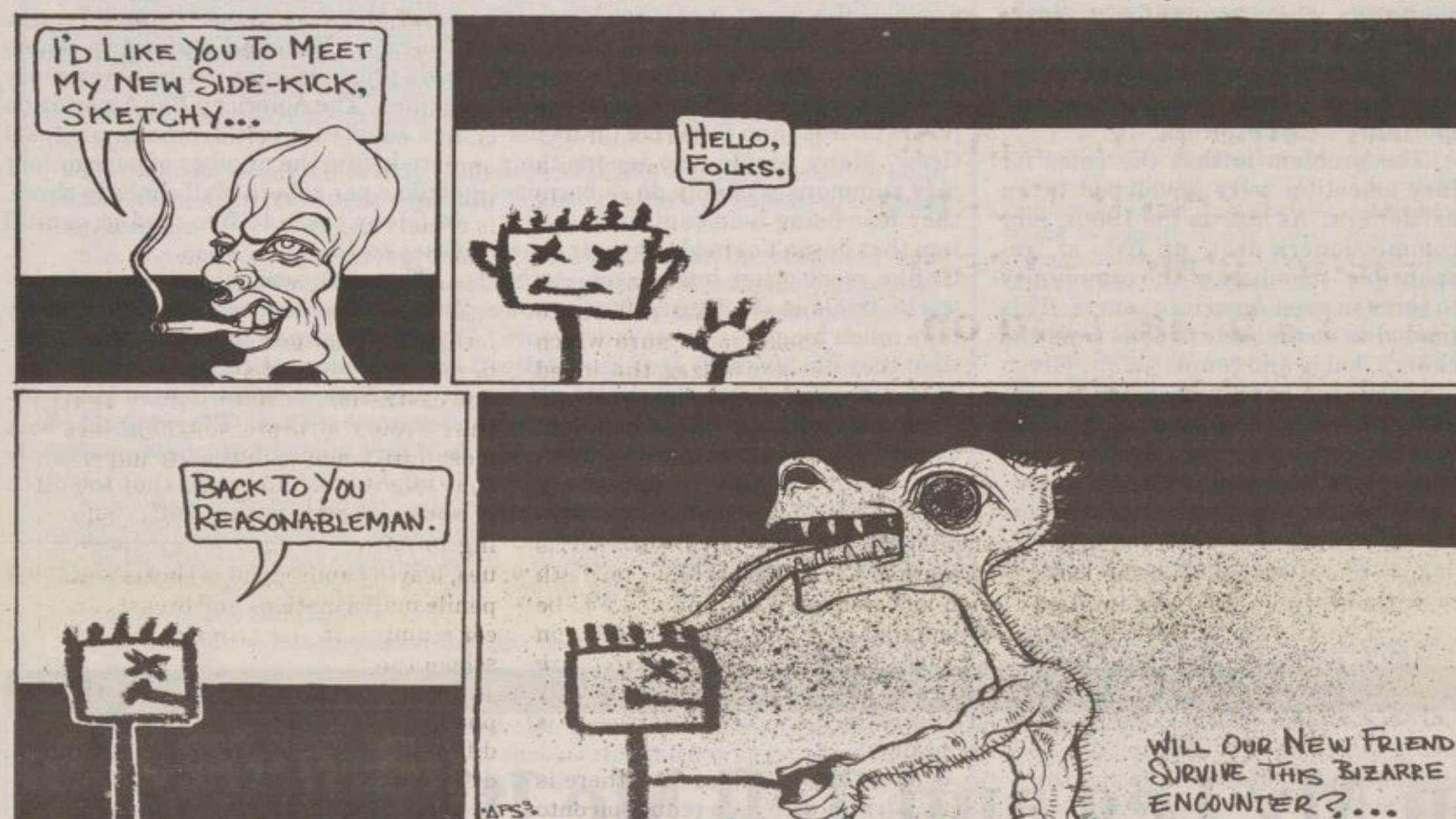
Ad Hominem

By Stuart Rees and Bill Zimmerman



Reasonable Man Introduces a New Side-Kick Named Sketchy

By Alfred Steiner



Investigative Cartooning

By Stuart Rees and Bill Zimmerman



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CALENDAR

By Janie Kim '99

FEB. 20 - 26

Kitsch is cool. Just ask the quirky, unpretentious lot at the **Museum of Bad Art**. Marie Jackson, Director of Esthetic Interpretation, believes firmly in "the right of the artist to fail gloriously." The current exhibit, "More Bad Art," is emblematic of the space's unconventional spirit. What other art gallery sponsors its own bowling team and features the Dedham High Cheerleaders as gala entertainment? Make it a day trip: take the Orange line to Forest Hills, then the East Walpole Bus to 580 High St., Dedham. 325-8225. Mon. - Fri. 6:30 - 10p.m. Sat. & Sun. 1 - 10p.m.

The **Orpheum Theatre** can thank its longevity to great acoustics and a bold willingness to do whatever it takes to pack 'em in. So, over the century, it's pulled many dresses out of its closet, alternating between a house of high culture, a juke joint, and everything in between. Once upon a time, it hosted the world premiere of Tchaikovsky's "First Piano Concerto." Today, it's comfy showcasing brand-name musical acts with popular appeal — a godsend for the proudly unhip. No need to be overwhelmed by the obscure, local action jamming in every converted storage room in town. Teenage songstress **Jewel** takes the stage Fri. 2/21 at 7:30, \$19.50. **Live with Fun Lovin' Criminals** does their stuff Sun. 2/23 at 7:30, \$21. Find the Orpheum at Hamilton Place, 1 block east of the Park St. T Station.

Take a break with Mel Brooks' **The Producers**. This classic laugh-out-loud flick is the month's final offering by the Dudley House Film Series. Graduate Student Lounge, Lehman Hall, Harvard Yard. Admission is free. 6:00 on Wed., 2/26.

Another free film screening, conveniently on campus, is **Mi Vida Loca**, a docudrama of L.A. Chicanas immersed in gang culture. At the Media Room of the Gutman Library. Mon. 2/24, 4 p.m.

Craig Shoemaker is the main draw at Fanueil Hall's Comedy Connection, Fri. 2/21 & Sat. 2/22. Billed as "The Lovemaster," the funny gushes from the fact that he's everything but. 75 State St., Boston, 248-9700

Following in the hallowed footsteps of Farm Aid and the Red-Hot CDs, musicians, once again, wrap their angst around a cause. Local musicians perform in support of the Cambridge Eviction Free Zone. Boo and hiss rent hikes in low-income housing at the **Concert for Housing Justice**. **Ramona Silver** headlines. Thu., 2/20. 9:30p.m. At the Middle East, 472 Mass. Ave., Cambridge. 492-9181 Tix \$10

Speakeasy Stage Company's **Schoolhouse Rock Live** is the stage adaptation of those funky educational cartoon shorts that once spiced our Saturday morning Cheerios. Visit with Interplanet Janet, Verb, the adverb-hustling Lolly's, and the gang at Conjunction Function before they jump town next week. Fri., 2/21, 8 p.m. and Sat., 2/22, 2 & 10:30 p.m. At the Boston Center for the Arts, 539 Tremont St. 426-0320. \$13 student tix.

The Boston Modern Orchestra Project tries to marry seemingly musically incompatible forms. On Fri., Feb. 21., they embark on a concert exploration of **The Clash: the Convergence of Classical and Rock 'n' Roll**. 8 p.m. Jordan Hall, 30 Gainsborough St, Boston. \$8-16 273-9494.

A Pissoir of Androgynous Ghosts

By Alexander Boldizar '98

Valentine's Day evokes images of chocolate hearts, red roses, port wine, leather boots and whips, and ...what did I forget? Oh yeah, grades. Getting grades in a single-file line of 500 sweating 1Ls last year was liberating. It was a sign of HLS having taken one step too far, revealing the absurdist sentence behind the cold, objective system. The single file was an institutional pissoir on the wall. Having discovered the liberating effect of its pissoirs, however, Harvard has moved to sending grades out on Valentine's Day.

I found this, somehow, *degoutant*. So I took the case. I'd heard some rumors from Big Andy that the library might have the goods on Valentine's Day, on grades, and maybe even on Brillo pads. I applied a bit of pressure and it all spilled out, the whole story: in Victorian era England, St. Valentine's Day was an occasion for women to exchange insults and messages of hatred. After the turn of the century, however, these messages were often brought by UPS delivery boys. These boys wore their uniforms, looked all neat and prim, and delivered the messages to lonely housewives and secretaries. Over time, the boys started to bring their own deliveries and Valentine's Day as we know it was born.

But what has happened to those bold, brave, hairy UPS men of the past, willing to risk their careers for a babe? And why are their sperm counts down? I was missing something. I poured myself a drink from a bottle I keep for pouring myself drinks from, and opened the Journal of the American Medical Association. There was the answer: PCB's, DDT, nonylphenol, pesticides and other in-



dustrial pollutants — they all contain xenoestrogens. Female sex hormones in disguise. Since 1982 many studies have shown that male sperm counts have dropped by an average of 40 to 50 percent. The most comprehensive study, by Danish scientists, analyzed 61 sperm-count studies from around the industrialized world over a 50 year period and found a 42 percent decline. Wildlife research has shown other bizarre effects: in the Everglades, alligators are undergoing an epidemic of penile malformations, in the Great Lakes and the Mississippi river, "fish populations have

woman to succeed here, after all, she often must act "male." Being sexy and feminine is almost a regressive step, inappropriate for the corporate world. There are few things as ungendered as an American woman (except perhaps a Swedish man). On an empirical level, numerous studies have shown that the grading systems at law schools favor men. Yet how few men here have any trouble maintaining perfect control over their testosterone levels. How few men here even try to get lucky on the first date. The compulsion to conform and coalesce emanates from both sides. But what is it about America, in general, and law school, in particular, that turns both men and women into androgynous ghosts?

I was close, real close. I lit a cigarette and remembered what Warhol had said about the registrar. I went into action. Running down to Griswold, I kicked down the door and pointed the business end of my finger at the registrar. He spilled the beans on this androgynous ghost thing like a drunken Border Cafe waiter. He said: Grades. Sensuality involves an element of fetishizing the Other. The difference soaks up an aura which essentializes the loved one and creates a certain non-intellectual faith. Yet with the American

notion of gender equality, confused as it is with *sameness*, this qualitative difference disappears, and Calvin Klein starts to market CK1, the perfume for both men and women. Qualities come to be articulated as quantities — results on some "objective" test, which can compare and rank people on one spectrum only so long as the illusion of one category is maintained.

As Marx long ago observed, there is no comparison without a reduction onto one axis of similarity. Reduction is Harvard Law School. Like Prof. Brewer's analogies, such a reduction is only possible through a radical abstrac-

tion of otherwise irreducible differences. "Abstraction is the erasure of difference in the service of likeness or equality." Through this abstraction, a part comes to stand in for the whole. A sexy, intelligent woman with a sharp mind and full breasts thus becomes a synecdochic B+. The woman, the person, is emptied out and what she was is gone, leaving only a "ghostly objectivity, a mere jelly of undifferentiated human labor," which makes possible a relation between us through this phantomatic abstracted reality called grades. That is not the kind of relation I seek on Valentine's Day unless I have been playing with DDT. But where do you go when, as Robert Hunter asked, "Eagles stuck by the wing tips to flypaper coils, remind you that clocks tell time in the abstract?"

For grades thus to possess a reality for me, I must fetishize them the way I used to fetishize women, and their difference, before I came to America and to the law school. But where did grades get this power to turn me into a ghost? I do not especially worship/worry about them, nor am I terrified daily of suddenly waking up without my testes, yet there is something, some kind of brooding omnipresence of similitude, of commonality through synecdoche in both the estrogen bath and in the fetishization of grades which I fear because I cannot control. (No, it is not castration anxiety). Why is it that even the professors who are most anti-grade still believe that the Emperor is wearing new clothes, however ugly they may be, thus helping to flatten us into exchange-values, leaving androgynous ghosts with penile malformations and breast cancer slumped in the grime of the law school tub.

The estrogen bath and the phantomization are bombardments on different levels, but they both destroy difference. I need that difference, however, in order to live the Big Bang. *The Devil in Miss Jones* notwithstanding, ghosts don't get horny. Nor do they love. How, after all, do you send a Valentine to jelly?

[A]t Harvard Law School, a man can no longer tell a woman that she looks sexy without violating both implied norms and an explicit "hostile environment" policy, except perhaps in a banal card on Valentine's Day.

become hermaphroditic, with males developing female genitalia" in mid-life, and at Harvard Law School, a man can no longer tell a woman that she looks sexy without violating both implied norms and an explicit "hostile environment" policy, except perhaps in a banal card on Valentine's Day. "The world is rapidly becoming an estrogen bath, and as living things soak in it, they fall victim to estrogenic effects," creating the sperm crisis, wildlife feminization, Michael Bolton, and the breast cancer epidemic.

The estrogen bath is one culprit, but it is far from the whole story. For a

Fenno had not a single friend.

He walked across Mass Ave. to the Square, passing the bum who sat in front of the Church St. cemetery. Usually Fenno threw quarters at the bum and offered him a dollar to clean his room. Today, Fenno looked at the wet, ragged man and his wet, ragged cardboard sign and gave him whatever he had in his pocket. Fenno didn't even turn around to see the bum smile as he clutched the bills between his grimy hands.

Fenno walked down to the Charles River and sat down on the wet grass beneath a bare tree. He watched the ice float in thin patches at the water's edge.

Fenno checked his jacket pocket for another cigarette. He pulled out an empty carton. Cold, he lifted his body and prepared to head home.

"Feeling low, Fenno?" a voice asked from beyond the tree.

On the other side of the tree, looking around at him, Fenno saw Prof. Richard Parker.

"Oh, hi professor," Fenno said, trying to be as respectful as possible. "What are you doing out here?" he asked.

"Shhh! You may as well sit down," Parker said. I saw you there and I wasn't going to say anything if no one else saw you."

"Saw me?" Fenno asked as he looked around.

"Yes. Students aren't allowed at faculty meetings, you know."

"But we're outside and no one's here. And, besides, it's a Thursday."

"Nonsense, Fenno," Parker said. "I'm holding faculty meetings here now, by the river where I can imagine a room full of

bustling professors with open debate. It's easy to do if you just close your eyes and imagine."

"I just imagine that they're all here," Parker said, pointing at the river. "I announce the motions. I call the roll. While you were sitting there, I was pretending that Alan Dershowitz had just proposed a motion to canonize himself and Mort Horwitz had challenged him to define canonize."

"Don't you see the beauty of it?"

Quote of the Week

"This [proposal] is a good, secure route for people who don't know what they want; it's great for people who want to be spoon-fed."

— Michael S. Brophy '98
on the concept of bundling 2L basic courses



Fenno stared at Nesson's letter and then at the thick, black clerkship binder at OCS. "How am I ever going to get a federal clerkship now?" Fenno thought. He reached for the thin, red binder stamped "STATE COURTS" on the spine.

It all seemed in good fun in the beginning: the cracks about Dean Clark being a Nazi; Wilkens a poor speller; Jolls the absent professor. "Sure, it had some truth," Fenno thought. "But it was just a joke. Fiction. The truth part came from someone else."

Fenno lit a cigarette and walked outside of Pound. It was raining. He sauntered across the muddied Jarvis Field and through the Hark. Shriveled carnations hung limp in Hark boxes.

"Now who am I going to find to write my third clerkship letter?" Fenno thought. He had his summer supervising attorney at the Federalist Society write him one letter. He had tricked Archibald Cox into writing a second letter by telling Cox he was Charlie Nesson. But it was Nesson himself that gave Fenno his only A of his law school career during the winter Evidence course.

Fenno looked down at his muddied jeans. He grabbed the soggy cigarette from his mouth and tossed it in the mud outside of the Langdell construction site.

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Three HLS Alums in Trouble With the Law

continued from *ALUMS*, p. 1

Among his HLS professors was Felix Frankfurter '06. With Frankfurter's help he won a clerkship with Justice Holmes.

In 1933, Hiss joined President Franklin Delano Roosevelt's administration. He worked in the Agricultural Adjustment Administration, as counsel to a Congressional committee, and in the Justice Department.

In 1936, Hiss moved to the State Department, where he remained for the next ten years. He served as an adviser at the 1945 Yalta Conference, where President Roosevelt, Winston Churchill and Joseph Stalin negotiated the fate of postwar Europe.

Hiss helped organize the conferences leading up to the writing of the United Nations Charter. He served as the chief adviser to the United States delegation at the UN General Assembly's first meeting in 1946.

Soon thereafter Hiss left the government for yet another prestigious job: president of the Carnegie Endowment for International Peace.

Hiss' distinguished career abruptly ended in 1948, when Whittaker Chambers testified before the House Un-American Activities Committee.

One of the committee members was an obscure California congressman named Richard M. Nixon. Nixon later said that if it were not for the Hiss case he never would have been named vice president or been nominated for president in 1960.

Chambers said that Hiss was a Communist spy during the 1930s. According to Chambers, Hiss stole State Department documents and gave them to the Soviets. Hiss denied the charges.

"Alger Hiss was a Communist and may be now," Chambers said on "Meet the Press."

In the most famous incident in the case, Chambers produced microfilmed government documents concealed in a hollowed-out pumpkin. Chambers claimed that Hiss had stolen the documents.

In December 1948, Hiss was indicted for perjury. The charge was based on Hiss' denials made under oath. He could not be charged with espionage because the statute of limitations had expired.

Hiss' first trial ended in a hung jury.

He was convicted in a second trial and was sentenced to federal prison, where he served forty-four months.

Hiss spent his time at the Lewisburg federal prison, a maximum-security facility near Lewisburg, Pennsylvania. There the former lawyer and diplomat was assigned prison number 19137.

According to his son's accounts, Hiss found prison to be much like Harvard.

"I suppose I learned as much in my forty-four months there as I learned in three years at Harvard," Hiss told his son. "In college you're supposed to learn book learning, social relationships, maturity. Jail was the same kind of educational experience, the only difference was we didn't get summer vacations."

Indeed, Hiss soon learned the unwritten rules of prison life.

"The first day I was there I was told never speak at breakfast," Hiss later told his son. "Everyone's got his own problems, and the guy next to you may be in a rage... I also learned, never pass bread with your fingers because the other guy can't be sure you haven't just been removing clinkers from your a—."

According to his son's account, Hiss was generally well-liked by his fellow inmates and the guards, all of whom had heard about the famous case. The other prisoners frequently asked the former attorney for help on their legal appeals.

Hiss was released from Lewisburg in November 1954. He worked as a salesman for a printing company and wrote a book arguing his innocence. In 1975 he was readmitted to the bar in Massachusetts.

Hiss insisted he was innocent for the rest of his life. He died of emphysema in November 1996, at the age of 92.

Kevin Watkins '87-'89: Rape

Kevin Watkins '87-'89 was convicted in May 1990 of raping a Harvard College student in December 1988, when he was a 2L. Watkins was sentenced to five years in Concord State Prison.

According to evidence presented by Middlesex County Assistant District Attorney George Fisher '86, Watkins had videotaped himself and the victim having sexual intercourse at a time when the two were in a romantic relationship. The videotape also showed the victim and a Harvard Divinity School student posing naked.

At the time that the videotape was produced, Watkins was the president of the Law School's Society of Black Professional Entrepreneurs. According to the prosecution's case, Watkins had convinced the two students that a videotape showing them naked was needed for the security of the organization.

The victim, a sophomore from Washington, D.C., testified that her romantic relationship with Watkins ended and she decided to quit the society. During a telephone conversation, she asked Watkins to return the tape. According to her testimony, Watkins replied that she would have to have sexual intercourse with him in exchange for the tape. The victim testified that Watkins then said that he had only been joking and that he merely wanted \$10 for the tape.

According to the prosecution's case, the victim went to Watkins' Peabody Terrace apartment on December 11, 1988 to retrieve the tape. The victim testified that Watkins raped her in the apartment.

Watkins, a Brooklyn native and St. John's alumnus, was active in a wide variety of organizations during his years at HLS, including, ironically, the Prison Legal Assistance Project and the Harvard Defenders.

According to Willie Davis, Watkins' defense attorney, Watkins' appeal of his conviction proved unsuccessful and he went to prison. Watkins has since been released from prison, Davis said.

Watkins could not be reached for comment.

Watkins was acquitted of a second rape charge arising from the same incident. He was also acquitted of assault with a dangerous weapon for having allegedly kicked the victim.

Michael Abbell '64: On Trial

Michael Abbell '64 is awaiting trial in Miami federal court on conspiracy charges relating to narcotics and money

laundering. Abbell, who is currently out on bail, faces up to life in prison if he is convicted.

The charges stem from Abbell's work as a defense attorney for alleged members of the Cali drug cartel based in Colombia. According to the indictment, Abbell crossed the line between defense attorney and member of the conspiracy.

According to the indictment, Abbell was paid by the Colombian drug traffickers to represent Cali cartel employees who had been arrested in the United States. The indictment alleges that Abbell's legal work furthered the aims of the conspiracy.

Before switching to the defense side, Abbell worked as a high-ranking U.S. Department of Justice official. His work focused on international drug smuggling operations. For several years he was the head of the Office of International Affairs, where he coordinated law-enforcement operations with other governments.

Abbell left the Department of Justice in 1984. His switch from prosecuting alleged drug smugglers to defending them created animosity among his former colleagues.

"It disgusts me that a former Justice Department official could serve one of the



Michael Abbell '64

worst criminal organizations in history," former Drug Enforcement Administration official Joe Toft was quoted as saying in "Newsweek."

The son of a hotel owner, Abbell grew up in Chicago and graduated from Harvard College in 1961. While at HLS, Abbell was a member of the Chancery Club, a now-defunct dining and social club similar to Lincoln's Inn.

The trial, which is expected to begin in April, will be a somber HLS reunion of sorts. The Honorable William M. Hoever '50 has been assigned as the judge in the case, and Scott Srebnick '90 is one of Abbell's defense attorneys.

Speaking through one of his defense attorneys, Abbell declined comment.

HLS Moot Court Team Syracuse Bound

continued from *JESSUP*, p. 1

sues, and the enforcement of foreign judgments," according to Comerford.

There are two competitions in which the HLS team will compete. The northeastern regional tournament, held this weekend, will lead to the selection of one of the several U.S. teams. Those teams will participate in the international and world championship rounds in April. "The finals are always held in Washington in April, in conjunction with the ASIL conference," said Irwin. "Usually Columbia does extremely well, but they've already been knocked out by Cornell," said Comerford.

For team members, the last few months of preparation have been a major learning experience. "It's been a great way to become familiar with a particular area of international law," said Irwin. "I studied international law before coming here and am interested in exploring it further," she added.

In addition, Irwin participated in the 1995 Jessup competition as a member of a team from her native Australia. She progressed as far as the final round of the competition.

One of the main reasons that Binford decided to participate in the

competition was the issue of international children's rights in this year's case. Binford, who has worked with the International Red Cross, has devoted considerable effort to studying and writing on the subject. "I enrolled in Law School to specialize in international children's rights, but unfortunately, there are not a lot of classes offered in this field. The Jessup competition provided a perfect opportunity to gain knowledge and experience that simply is not otherwise available at Harvard," she said.

Although not all team members have had such rich backgrounds in international law, other members have used the competition as a strong learning experience. "As a 1L, I hadn't taken international law classes before. I've learned the basics of international law while preparing for the competition. I've learned a tremendous amount of law," said Comerford. "The subjects are vague and aren't blackletter law. No cases involving GATT, a major aspect of my research, have yet reached the International Court of Justice," she stated.

Team members have bonded together due to the long hours and stress of preparing for the competition. "One of our teammates was stuck in France and England due to an emergency three days before the briefs were due," said Binford. "Although he made it back in time, his

computer caught a virus, and our 50-page brief was erased," she recounted.

The support of the Law School helped team members finish the brief in time. The computer lab stayed open 24 hours a day for three days straight so that the team could rewrite the briefs. "We lived on Pop Tarts, cookies, and caffeine for three days and nights. When it was all done we crashed into bed immediately, exhausted," said Binford. "It was definitely a bonding experience. We were put into a crisis and we devoted ourselves to solving the crisis as professionally as possible."

In preparation for the competition, team members have been practicing oral arguments in front of volunteers, including LL.M. and S.J.D. students who are experts in international law, according to Irwin.

Some team members try other methods of preparation. "I'm embarrassed to admit, I've actually fallen asleep listening to Supreme Court arguments to learn how master litigators argue," said Binford. "It's taught me to slow down and be more natural."

Although the Ames moot court competition has helped train team members for similar competitions, "Jessup is different due to the international setting. There is much less precise law, and you have to learn the methodology of inter-

national law and how to make amorphous stuff into a legal system," said Comerford.

The International Law Society sponsors the HLS Jessup team every year. Usually about half of the ILS budget is devoted to the competition, because of the high costs of travel and preparation for the competition.

This year, ILS, running short of funds for the competition, asked Dean of Students Suzanne Richardson for additional discretionary funding. "It'd be a bad move to make students pay hundreds of dollars to participate in a learning experience such as this one," said Jaeger. Richardson immediately granted the ILS the requested funds, "demonstrating how important the Jessup competition is to HLS," added Jaeger.

In addition to the Jessup competition's prestige, "it's important for HLS to be supportive of the tournament because Harvard needs prepare its students to compete in a global forum. The legal community is becoming increasingly globalized," observed Binford, "but many law students aren't aware of issues in international law. The Jessup Competition creates a prime opportunity for them to prepare to participate in international legal fora."

China's Leader Deng Xiaoping Dead at 92

BEIJING (AP) - Deng Xiaoping, the Communist revolutionary who guided China from political chaos and economic ruin toward prosperity in the post-Mao Zedong era, died today at the age of 92. Confirmation of Deng's death came after days of rumors that his health had worsened swept the capital.

Deng suffered from the advanced stage of Parkinson's disease, complicated by lung infections, and died from respiratory and circulatory failure after emergency treatment, the Xinhua News Agency said. It said Deng died at 9:08 p.m. (8:08 a.m. EST) and an announcement was issued to all Communist Party, government, and military offices.

Deng's death was expected to sharpen political maneuvering among top party leaders that has been going on behind the scenes for several years. Although there were no signs of troop movements in Beijing early Thursday, four armed guards with AK-47s stood outside the alley to Deng's home, near the palace China's emperors have used for 500 years.

China's Central Committee proclaimed "with profound grief to the whole party, the whole army, and the people of all ethnic groups throughout the country that our beloved Comrade Deng ... passed away."

No one is immediately expected to supplant Jiang Zemin — China's president and Communist Party general secretary — and the other younger, technocratic leaders Deng put in place who in effect govern China. Neither Jiang, Premier Li Peng, or the others, however, have Deng's stature with the all important military and remaining

party elders. His successors will have to continue to rule by building consensus among the powerful constituencies.

"In the short term it will be a difficult period as people jockey for power," said Prof. William Alford '77. "It's coming at a particularly unfortunate time with the transition of Hong Kong looming a few months ahead and the tension evoked by the recent defection of a North Korean official to the South Korean embassy in Beijing."

He continued. "There are a lot of challenges confronting the Chinese leadership. Deng wasn't making decisions himself before his death, but symbolically being alive he represented at least the idea of a unifying force. With him gone it is a much more difficult and fluid situation."

President Clinton called Deng "an extraordinary figure on the world stage" for the past two decades and credited him with being "the driving force" behind China's decision to normalize relations with the United States.

"China today plays an important role in world affairs in no small part because of Mr. Deng's decision to open his country to the outside world," Clinton said.

According to Alford, "the historical ledger will show some positive features, particularly in terms of [Deng's] role in opening up China... [It will also] hold him responsible for some major tragedies such as the Anti-Rightist Movement of the late 1950s and his role in the suppression of the Beijing Spring Movement in 1989."

Deng, who weathered three political purges during his seven decades as a

Communist Party member, rose to the pinnacle of power in 1978, two years after the death of Mao, his revolutionary mentor. He inherited a country paralyzed by fear and poverty after the decade-long Cultural Revolution, one of the ugliest periods in modern Chinese history in which millions were persecuted or killed for political reasons. Deng immediately set about putting China on the road to a market economy, opening the nation to "the outside world" and encouraging the world's most populated country to set about making money.

His most famous saying was, "It doesn't matter if a cat is black or white, as long as it catches mice."

He abolished farming communes, allowed some private enterprises, and opened China to foreign investment by establishing special economic zones to produce goods for export. Under his economic reforms in the 1980s, peasants and workers for the first time could afford such luxuries as televisions, refrigerators, and washing machines. But he chastised Westerners who hoped China was turning capitalist, and said his aim was to prove that socialism can achieve prosperity. He called his mix of market economics and state ownership "socialism with Chinese characteristics."

Deng, a barrel-chested man who stood 4-foot-11, married three times and had five children. He was born to a landowner in the southwest province of Sichuan. At age 16, he went to France on a work-study program and joined the Communist Party. He worked in a

Renault car plant and churned out a communist journal, Red Light, earning the nickname, "doctor of mimeography."

Back in China, he became a guerrilla leader and party officer. Purged briefly in the 1930s for backing Mao's unorthodox guerrilla tactics, he joined the revolutionary leader on the 1934-35 "Long March" flight from Chiang Kai-shek's Nationalists. Noted for his sharp intellect and superior organizational skills, Deng became a political commissar of the 129th division of the Communist 8th Route Army, fighting the Japanese in 1937-45 and the Nationalists in the 1945-49 civil war.

Three years after the 1949 founding of the People's Republic of China, Deng became vice premier. By 1956, he was on the Politburo Standing Committee, China's most powerful ruling body. But Deng's pragmatic economic philosophy and his ties to Mao's rivals within the Communist leadership twice put him in political disfavor during the Cultural Revolution. Sent to work at a tractor factory, Deng returned to the leadership in 1973, only to be purged once again in 1976. In 1977, he was rehabilitated and once again named vice premier.

Deng is believed to have given final orders for the military suppression of the 1989 Tiananmen Square pro-democracy protests which claimed hundreds, perhaps thousands of lives. Despite that ugly finale to a remarkable career, Deng is credited more than any other leader with the modernization of China.

"I wish I could live until the year 2000 to see what China will be like," he once said.

Kaufman "Instrumental" Says Former Recipient

continued from *FELLOWS*, p.1

committee. The fellowships provide up to \$5000 a year for one to two years, depending on the recipient's salary. Moreover, fellowship funds are not counted as income for purposes of Harvard Law School's Low Income Protection Plan (LIPP).

However, noted DeBroff, the fellowship is most importantly an "external honor for the depth of [the recipients'] commitment to public service work." OPIA sponsors an end-of-the-year faculty club luncheon honoring the fellows, and they are recognized at the graduation ceremony. "The School is reaching out and saying job well done," said DeBroff.

Criteria for the fellowship are a demonstrated commitment to the public interest and the potential to become leaders in public service. Unlike other fellowships like the Wasserstein, the Kaufman fellowship targets recent graduates and clerks who are just "launching into public interest careers," said DeBroff. The committee seeks applicants with a broad range of public-interest goals. "Short of going to Wall Street," Rakoff said, the committee will consider the applicants' own definitions of public interest goals or careers.

DeBroff did caution potential applicants who did not have a clear idea of where they wanted to go with their careers. "You want to give money to everyone, but there are times when people apply when their plans are uncertain," she said. "You don't have to have a job, but sometimes the committee will want to wait and see."

In the past, many recipients have used the funds from the fellowship to "bridge" the financial gap between graduation and their first public interest job. Several recipients of last year's Kaufman fellowships were still seeking public interest work at the time of the

survey. Fellows have found work at organizations like the Asian Pacific American Legal Center, the Senate Budget Committee, the Office of the U.S. Trade Representative, and the Ford Foundation.

Cynthia Chandler '95 was able to found the Women's Positive Legal Action Network, a start-up legal services center in Oakland, California, providing assistance for HIV-positive women who are "caught in the criminal justice system."

Chandler said that the Kaufman fellowship was "instrumental in providing seed money," which then enabled her to secure funding from additional sources. She believes that her office is the only one doing such work in the country, and said that it would have been nearly impossible to get funding without the Kaufman fellowship.

Jeffrey Selbin '89, supervising attorney at the Berkeley Community Law Center, received an honorary scholarship of \$1000 which supplemented his Skadden fellowship. "The Kaufman fellowship... didn't change my plans. ... [But] I did appreciate the money."

Scott Somerville '92, staff attorney at the Home School Legal Defense Association, said that in the liberal Harvard culture of the early 90s his conservative friends were shocked when he got the fellowship. The fellowship, however, "made possible the transition with my entire family from Cambridge to Virginia," he said. Though Somerville also remarked that he would have accepted his present job even if he hadn't received the fellowship, he noted that "It was very difficult for a family of eight to go from the financial freefall of law school to a public interest job. The Kaufman scholarship made that a little more possible, and I really appreciated that."

The deadline for this year's Kaufman fellowships is March 21. Applications are available at OPIA.

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The Road to Oz

By Jacob M. Appel '99
RECORD Columnist



*A lawyer asks a farmer, "Do you believe in Baptism?"
The farmer responds, "Believe in it? I've seen it!"*

The People's Army for the Liberation of West Kansas has invaded my mail box. I have no doubt that many aspiring leftist semiots, the only individuals likely to take any interest in such an event, may question my use of the term invasion. In the first place, most organizations with the words "People" and "Army" in their titles are relatively harmless: the people are usually three elderly men in their shirt sleeves sitting around a card table pouring over their notes from the Second International and the army comprises twenty Ivy League college kids on spring break attempting to make the world safe for hypocrisy. Yet even if the People's Army were truly a formidable force, I must concede that they did not arrive in panzer divisions, their pitchforks sparkling in the open sun, singing the score from "The Wizard of Oz!" All I received was a brief letter soliciting funds for a ballot initiative to sever the "oppressed" West Kansans from their more affluent and authoritarian neighbors to the east. Yet considering that the last personal letter I received bore a three cent stamp and was delivered by omnibus, I feel safe in terming this solicitation an invasion.

My initial reaction, admittedly, was one of open contempt bordering on hostility. I wandered around my apartment muttering "What is Hecuba to me or me to Hecuba!" All I had done was donate a measly ten dollars to the National Wildlife Fund — and now my name had been distributed to every left wing lobbying organization with enough funds to purchase letterhead. Soon I would be saving whales, feeding the children of unemployed whalers, clothing the widows of harpoon manufacturers ... and all because I enjoyed reading about Ranger Rick. Moreover, I'm not even sure I believe in the division of the Kansan Commonwealth. Hadn't Steven Douglas proposed popular sovereignty for these people one hundred and fifty years ago only to provoke Civil War, the destruction of the Plains Indians, and the expansion of consumer capitalism? In addition, two Kansases would inevitably mean two more Senators with Bob Dole's looks and Alf Landon's charisma, another star on the flag, and a grave threat to the tune of that song that helps school kids remember the names of the fifty states. And they expected my support! From me, a man who still forgets that Kansas City is in Missouri!

My old friend Mel Snivvens, free-lance obituary writer and former vendor of used hearses, set me straight on the subject. Now Mel is not what one would term a bleary-eyed optimist — he makes his living scooping deaths from the tabloids. The wonders of modern medicine foreshadow an empty dinner table for the little

The collapse of all political discourse on this campus in part stems from the failure of most people here to hold to their convictions and to strive to question the convictions of others.

Snivvens. His heroes are James Earl Ray and Arthur Bremer, he scours the garbage dumpsters behind nursing homes, and you have never heard a man curse the Queen Mother with such vehemence. Yet Mel, despite his seeming indifference to the misfortunes of others, is a card-carrying member of the People's Army for the Liberation of West Kansas. The head of the Snivvens clan, in an act of both courage and cognitive dissonance, expounded to me his belief that while one cannot believe in everything and wander the Apennines in sack-cloth and ashes, one is equally remiss if one believes in nothing.

Law school, for its part, has much to learn from the West Kansans and Mel Snivvens. For the central principle behind American Legal Education, veiled behind the phrase "teach you how to think like a lawyer," is that law students should be taught to believe in nothing. For example, two men are drowning in a lake, a quintessential Hobson's choice. The student must explain whether an observer is obligated to save either, whether he can drown one to save the other, whether his estate can collect damages from both if he rescues them and is drowned in the process. Lines like *Danger invites rescue* dance through our blank slates like sugar plums only to be torn asunder by the even more compelling ideas of devil's advocates. In truth, the whole process is reminiscent of former New York Mets pitcher Jay Hook, an expert on the physics of motion, who knew everything about a curve ball except how to throw one. Two men drowning in a lake should not be an intellectual dilemma, it should be a call to arms!

Law school teaches students to see the other side, to evaluate different points of view, to play Atticus Finch and flounder about in a sea of moral relativism. For some reason, institutional or personal, many students adopt the specious corollary view that they should not pass judgments on their classmates or question the morality of accepting certain jobs, taking certain classes, or holding certain opinions. Foucault has triumphed: all ideas are created equal. Contrast this position with the less analytic, more meaningful knowledge of small children: don't lie, don't steal, don't urinate on your brother. The collapse of all political discourse on this campus in part stems from the failure of most people here to hold to their convictions and to strive to question the convictions of others. There is a difference between refusing to condemn a person for enjoying John Steinbeck or rooting for the St. Louis Browns and refusing to pass moral judgment on the Khmer Rouge. In some instances, one is better off erring on the side of moralism.

As a result of Mel Snivvens' advice, I have become a soldier in the People's Army for the Liberation of West Kansas. And while I may be as corny as Kansas in August, at least I believe whole-heartedly in the cause — much as others believe in Jesus or the American Beef Council. Part of the nature of belief entails challenging those who disagree, be they heathens or vegetarians. So beware, East Kansans, wherever you are! Mel Snivvens needs all the piece-work he can get.

MUSINGS AND VAGARIES

Sticks and Stones

By Renée Kaplan '99
RECORD Columnist



Among the infinitude of categories and subsets that divide humans into their wondrous plurality of sparring groups of different identities, genders, orientations, and preferences, there is a very fundamental, categorical division of persons that often remains overlooked — or sheepishly obscured: those persons who talk about other people, and those persons who don't talk about other people. Our own particular small universe is an admirably dichotomized world of defendants and plaintiffs, appellants and appellees, promisors and promisees. But we also separate, much like the rest of the more contemptible-real world, into categories of gossipers and gossipees. Those persons who don't talk about other people are not necessarily the ones talked about — everyone is talked about, no one is not a gossipee. Those persons who don't talk about others are simply those who don't enjoy the finer petty pleasures of pared-down social commentary, who don't appreciate the succulence of information for its own savory gratuitous sake, who are indifferent to that rather base thrill of indiscretion and that perfectly mean brush with indecency afforded by the acquisition of "undisclosed" knowledge about others. Each school — those who gossip, those who don't — perfectly misunderstands the other; and this article, I fear, addresses only the former.

Our law school, unlike smaller law schools or graduate schools, is free of the limitations of small numbers and forced intimacy. Graduate programs tend to be small and somewhat insular. Graduate students generally come to know the other students in their programs, and are often forced into some departmental-function-fostered, graduate-seminar-driven kind of sociability. Graduate students are necessarily dependent on one another — for feedback, as fellow advisees of the same professors, as fellow members of the same politicking program. They need one another; these students may very well be future colleagues, and they'll certainly be vying for the same jobs and the same publishers, the same fellowships and the same chairs. They must necessarily maintain a pretense of civility if not friendship

[W]e also separate, much like the rest of the more contemptible real world, into categories of gossipers and gossipees.

with one another — not to mention with their professors, those critics of their doctoral opus, the launchpads of their career, the makers or breakers of their academic future. Political strictures and social imperatives deprive graduate students of the privilege to gossip freely, forcing them into a cautious restraint of their opinions and suspicions.

We, however, are bound by no such strictures at all. We really don't need — in any professionally or academically dependent way — our fellow students, not to mention our professors. No strong bonds of amity or enmity necessarily bind students in sections or between sections: we're spared intimacy by the large numbers; we're spared competition by the blind grading; and from the professor we need neither guidance, criticism nor recommendations. There is none of that forced sociability, none of that invasion of privacy, little of that promiscuous intermingling of academic life and social life. We often talk about law school friends and non-law school friends, law school parties and non-law school parties, where the former assumes a hint of the second rate and marginal, a better-than-nothing option, the default social rule. The non-law school options sparkle and shine, with real fun tempting from beyond the confines of our over-1500 strong populace: non-law school somehow just means better, truer sociability, unsullied by any incestuous crossover between work and play, between professional and personal.

In this sense, we're perfectly free to light in on absolutely anyone. We're bound by neither duty nor dependence, and for the most part quite unfamiliar to one another — all this the natural consequence of the institutional structure of the place. With the journals, you meet a line editor, finish your sub-cite, and there you are; with the clinics, you pick a cause, get a court schedule, and off you go; in class, you sit down, answer when called on, take the exam, and get your grade. With big sections, big classes, and generally routinized activities, there is ample opportunity, if one so desires, to get to know very few people particularly well, and lots of people superficially: the perfect architecture for gossip, for gratuitous speculation, for passive, thoughtful contemplation and criticism. We tend to know each other by name, by apparent penchants, by the occasional manifestation of life in class or the spied manifestation of life out of class (say, in the Hark), and slowly, very slowly, by reputation — by the product of gossip, then enriched by more speculation and retransmitted as more gossip.

In class, the school of those persons who don't talk about others sees just a group of analogous students and themselves, one among a relatively anonymous many. The other school sees more than just an anonymous many, for these aren't just any anonymous many. These are a rather disjointed and — so goes the first year, no? — rather bored many, happy to speculate absently, eager to add color and fill in the blanks, to make a nugget of a morsel, a scoop of a snippet. Where you know little and care little, speculation abounds and curiosity impels, and as the voice drones, the mind wanders, the eyes scrutinize. And if sections are too large and the general institutional structure too segmented to allow gossipers to garner even the crucial minimal impression of others — name, reputation, apparent penchants — there are always, of course, professors.

Indeed, professors shouldn't think for an instant that they're immune, that they're spared the scrutiny, or somehow not susceptible to speculation and commentary — quite the opposite. The professor is the one person that everyone observes, but that no one knows, to whom everyone listens, but to whom few people speak. Professors are distant and safe, their relation to students, for the most part — and with certain notable exceptions — relatively impersonal. They are, the poor things, quite prone: forced to impart their knowledge, to open themselves up and share, to be truer to their expertise than anyone else, and yet of nothing more than professional significance to most of the anonymous many listening. They are, undoubtedly, the greatest victims of this law school's very particular social structure: the favorite free-floating targets, the most frequent objects of needless speculation and critique, of thorough, perfectly indifferent and perfectly merciless curiosity.

SPORTSGUY

Godfathers, Scholars Have Big Week



By Todd Stillerman '97
Sports Editor

Bouquets and brickbats from your friendly neighborhood SPORTSGUY.

An Offer They Can't Refuse: After a 51-44 victory over the Happy Couples (0-2) of the Law School Couples Association, the surprising Godfathers of Dunk find themselves tied for first place of the B-Gropius Division at 2-0. Captain Mario Fallone '99, speaking on behalf of his brothers Sonny and Fredo, praised his team's efforts: "Our stifling defense left the Couples sleeping with the fishes." Attempts to interview Fallone's teammates were thwarted, however, when the Godfathers closed the locker room. Reports of team disunity were confirmed by an unnamed source who quoted Fallone as mumbling, "Tattaglia's a pimp. He never could have outfought Santino. But I didn't know until this day that it was Barzini all along." The SPORTSGUY will keep close tabs on this ongoing story.

Box Steppers: Tied with the Godfathers atop the Gropius is Box-and-One (2-0), who dispatched the B-Sharps 49-26 Saturday afternoon. Utilizing a strong inside game, the Boxers were led by the offensive versatility of captain T.J. Hall '98. B-Sharps forward Barney Gumble appeared disinterested during the game, reportedly due to the meddlesome intervention of girlfriend Yoko Ono. Apu Nahasapeemapetilon, captain of the 1-1 Sharps, had no comment.

Slaking Their Thirst: Racing to the top of the B-Langdell Division, the Thirsty Scholars (2-0) drank pink champagne on ice at the Hotel Gropius (0-2) this week. Running the offense designed by team captain Chad "Every Time You" Ho '97, the Scholars blasted HoGro 66-21. Relying on the inside-outside combination of Eric "Woman" Groothius '97 and Miami of Ohio product Geoff "Call Me Devon Davis" Wilcox '97, Ho's cagers tied the Killing Zone for first place in B-Langdell. The Zone (2-0 in Langdell as well) humiliated Ice Weasel 77-27, registering the highest scoring total in intramurals this year. In a third Langdell game, The Short Guys (1-1) slipped past winless Bye 51-41.

Four is Better Than Five: Continuing its battle with 3-L Disease, undermanned Lil' Penny's Nightmare (2-0) started its game against The Dark Side with just four players. When fifth man Brian Murphy '95 arrived midway through the first half, the Nightmare held a surprising 13-5 lead. Remarkably, the Dark Side (0-2) then made a run to nearly tie the game, before succumbing 52-23. "I can't explain it," said Nightmare captain Jake Schwartz '97. "I guess Murph was the fifth wheel. We really played better as a team with just four men."

No Dane, No Gain: In the week's premiere match-up, two-time defending B-champion the Great Danes (1-0) dropped the previously undefeated Stormin' Mormons 66-38 before a capacity crowd of almost twenty fans. Powered by the three-point shooting of Pat "Spaghetti" O'Reilly '97 and the fierce defense of Chris "Of the Spider Woman" Niewoehner, the Danes built a fifteen point lead at the half. Spurred by their raucous fans (known school-wide as the Brigham Youngsters), the Mormons cut the lead to single digits before the Danes pulled away late in the game. Danes assistant coach Amy Satin '96 praised the overall team effort: "We got three assists from Selene 'On Me' Ko '97 and numerous rebounds from Mike 'Love Me Thrill Me Kiss Me Kill Me' Castellano '97, and Tommy Butler '97 is the smoothest swingman since Benny Goodman. If that O'Reilly kid would learn to share, we'd be unstoppable." The Mormons (1-1) will try to rebound this week against the Arthritic Dogs (0-2), while the Danes face the enigmatic Soulbucket (0-0).

Adventures Under "C": In a league that provides all the flavor but half the fat and calories, C Is For Competition evened its record at 1-1 after a thrilling win by forfeit against Fooling Ourselves. Playing without one starter who apparently had a "Pluto call-back," Swingers (2-0) still managed a 54-25 win against We Need Jordan (0-1). Apparently, they could use Pippen and Rodman, too.

On a More Serious Note: One of the biggest improvements in league play brought about by new Commissioner Naim "Of The Rose" Bulbulia '98 is the addition of a small cadre of smart, efficient referees. Under the guidance of lead official Josh "You've Got To Live A" Little '98, this year's games are cleaner, kinder, and gentler than ever before. Poor officiating clearly changes the outcome of games — just this week blown calls by A.C.C. officials robbed Virginia of a win against Duke and handed struggling N.C. State a questionable victory over juggernaut national power Wake Forest. The SPORTSGUY would like to take a moment to commend the HLS intramural officials on their handling of a difficult situation this week.

Thursday night's A-League action featured a match-up of the Rainmakers (a predominantly 2-L team) and the Nets (composed of 1-Ls). Throughout the game, Little and his partner endured an unreasonable level of abuse from several Nets players, the names of whom have been withheld to protect the ignorant. After a deadlock at the end of regulation time, the Rainmakers grabbed a four point lead with :30 to play in overtime. The officials called a foul on a Nets player, who promptly engaged in what onlookers described as a "prolonged con-niption fit." Another Nets player then began a verbal assault on Little, who declared a forfeit on the spot. In the face of such outrageous, unenlightened behavior, Little and his crew behaved with composure and the utmost decorum.

Basketball is a competition, and in the heat of battle tempers often have occasion to flare. But let's all take a deep breath, people. Hold it, now exhale. Ripping the officials, who really are the best we've ever had, is not the answer.

THE VERDICT

Sling Blade

By Michael Bennett '98
Movie Reviewer



Dwight Yoakam has written only one song that speaks to me. It's called "A Thousand Miles from Nowhere." As you may surmise from the title, the song is a story about being away from home, work, family, etc. during which Dwight waxes on and on about physical detachment. There is as well a sense of spiritual removal and an intellectual "missing of the bull's eye" in his words. Based on his popularity, he's probably singing about something he knows personally (how else could he sound so sincere?). Hopefully he'll soon realize that his ode applies to his choice of profession — he should've been an actor from the get-go.

In Billy Bob Thornton's "Sling Blade," Yoakam plays a raggedy drunkard (Doyle Hargraves) who spends days working a construction gig and nights tormenting a small family he's managed to co-op. His sociopathic nature is both particle and wave as it radiates from the screen at a constant and hateful frequency yet simultaneously pushes the viewer down into the seat. His character is so compelling because it is real. His evil is not that of some comic book arch villain bent on destroying the world. It's evil that's a mix of pride, hard liquor, and innate brutality — that flavor of inhumanity that is seldom captured on celluloid these days. The film is the best I've seen in years but without Yoakam it would be less. He is despicably indispensable.

The other aspects of "Sling Blade" are superbly constructed as well. The story is a mildly chaotic war of interests. Each of the prime characters struggles for time on that emotional soapbox that is the viewer's in order to tell his tale. Karl (Thornton) is a mentally retarded man who has spent roughly the last twenty years in the state asylum. He is guilty of a grisly crime that follows him all through the film. Betrayed by his parents and the state, Karl is friendless in a world that is "too big." When he is released from the state pen, a young woman inquires whether he will be supervised or not. The warden's response: "I guess he'll be as supervised as anybody else."

Like all the other characters, save one, Karl is Southern through and through. His speech pattern is rhythmic, capped with phrase endings that grunt affirmatively. If you've heard any real blues performed live or a sermon preached by a Black Baptist reverend then this is nothing new. For those without these experiences, not to fear — Karl's deliberate style of delivery is musical and not at all taxing.

Robert Duvall makes a cameo appearance as Karl's father and works his magic. In his few moments on screen and with less than two handfuls of words, he manages to captivate. He is seen in his last moments, reduced. Similar to a fire that's living on its cinders he is helpless and dying but still warrants a watchful eye.

Another great character pops up in the form of, believe it or not, John Ritter. When I heard that he was appearing in this film I had flashbacks to "Three's Company." Luckily Ritter has moved on to more complex roles. Here he plays the exception to the Southern rule, a gay store manager from St. Louis who is tormented by Doyle and banned from a local church by the townspeople. He's gone from a straight 80's character who pretends he's gay to a gay 90's character who pretends he's straight. Interesting.

The work is written and directed by Thornton, the animator of the main protagonist. It's a gem based on the one-man work he devised which was subsequently born in a small film format that went to video in 1993, and then reincarnated in the film whose laurels lie before you. Without reserve, I claim the work an immaculate creation. It should not be missed. Unfortunately, with an advertising campaign that is as quiet as dawn, "Sling Blade" is not getting the media coverage it deserves. For now, word of mouth and a sprinkling of reviews will have to be enough to carry it into the realm of mainstream consumption. Touching some very complex and disturbing issues the film is heavy, but it's not so frothy as to turn away an average viewer. It would be a shame if it died on the vine without ever being seen on the big screen by a majority of these 520 million American eyes. But I'm willing to settle for the 3000 or so at the Law School.

FYI: for anybody that wants another dose of Yoakam, check out "Red Rock West" (directed by John Dahl, 1992).

Rating:

SPORTSGUY
INTRAMURAL TOP TEN

- | | | |
|-----|---------------------------------|-----|
| 1. | Black Plague | 2-0 |
| 2. | Rainmakers | 2-0 |
| 3. | Lil' Penny's Nightmare | 2-0 |
| 4. | Flagrante Delicto | 1-0 |
| 5. | Sweathogs 3: Ladies Last Chance | 1-0 |
| 6. | Alphabet Soup | 0-2 |
| 7. | Great Danes | 1-0 |
| 8. | Box-and-One | 2-0 |
| 9. | Thirsty Scholars | 2-0 |
| 10. | The Killing Zone | 2-0 |

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