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Carolyn Deneen King, Anthony M. Kennedy, Mary M. Schroeder from left to right

Langdellians Sweep Ames Competition

Anthony Kennedy '61 Presides as Chief Justice

By Timothy Kiefer

The Langdell Memorial Team swept the Ames Competition on Monday night, winning in all three categories to defeat the John Minor Wisdom Team.

The judges for the final round were U.S. Supreme Court Justice Anthony Kennedy '61, Fifth Circuit Court of Appeals Judge Carolyn Dineen King, and Ninth Circuit Court of Appeals Judge Mary M. Schroeder.

The Langdellians won the overall award and the best brief award. Team member David O. Markus '97 won the best oralist award.

"I was totally nervous all day. I couldn't eat dinner at the reception," Markus said. "But right when I got up there to start speaking my mind cleared."

The fictional case, *League of*

Women Voters v. Phillip Murphy and David Mellon, presented issues relating to the First Amendment. The voters of the mythical State of Ames passed a referendum which created a state statute directing Ames' federal legislators to work for the passage of a congressional term limits amendment and state legislators to apply to Congress for a constitutional convention to consider the issue.

The statute presented a variety of specific instructions for the state and federal legislators regarding the support of term limits. If any state or federal legislator failed to comply with the statutory instructions, the words "Disregarded Voter Instructions on Term Limits" would be printed next to the legislator's name on election ballots.

Please see *AMES*, p. 7

2L Bundling to be Instituted for the Fall

Course Offerings To Increase 19 Percent Next Year

By Jacob Appel

Associate Dean Todd Rakoff '75 announced at last Friday's faculty meeting that the bundling of basic 2L courses — Constitutional Law, Corporations, and Taxation — would be implemented during the upcoming Fall registration.

Rakoff envisioned two lotteries for registering for the basic courses. In the first lottery, 2Ls — including those who only want to take one or two courses in the package — will rank the bundles. Those 2Ls who wish

to will be able to drop the unwanted courses in the package during the second round. Also in the second round, 3Ls who wish to take basic courses may sign up for spaces left by 2Ls who opt-out of courses in their bundles. Moreover, in this second round, 2Ls and 3Ls will register for their electives — for which 3Ls will continue to have priority — and 2Ls who have opted out of certain courses in their package may wait-list for remaining spots in these courses in other packages. In this second round, 3Ls registering for basics will have prior-

ity.

In response to 3Ls who are afraid that they may not be able to get into any of the basic courses, Rakoff pointed out that many 1Ls are taking their Constitutional Law and Corporations class this semester.

"It is important for us to recognize that this [proposal] is not perfect. There are many details we're going to learn about. I would hope that students will be involved," Rakoff said.

Legal Education Committee Chair Richard Parker '70, whose committee submitted the original "bundling" proposal, noted that his committee's proposal reflected the concerns and criticism raised by students at a Feb. 27 forum in which a majority of students present seemed to favor the basic principle of "bundling" but had concerns relating to the specific workings of the registration process.

Registrar Stephen Kane, whom Parker praised as "one of the best administrators this school has had in many years," will administer the procedure. The specifics are still to be worked out by Kane.

The bundling program in its current form will have only four sections of 2L basic courses. The original proposal submitted by the Legal Education Committee consisted of two parts — not only did the Committee approve of the "bundling" concept, it unanimously

HLS Students Travel to Yale for "Rebellious Lawyering"

By Warren Binford

Nearly two dozen HLS students traveled to Yale Law School last weekend to learn how to use their lawyering skills to effect social change. The students participated in three days of lectures, workshops, and discussion groups as part of the 1997 Rebellious Lawyering: Innovative Advocacy for Social Change Conference.

The conference was organized by Yale Law School students and was attended by law students, practitioners, and social and political activists from all over the world.

"It was refreshing to sur-

round myself with people going into public interest," said Mark Hickernell '97. "I was inspired listening to the speakers talk about the cases they've handled. Their work is valuable to society, and all of the panelists and speakers were incredibly distinguished by what they had accomplished."

Gerald Lopez, professor of law at UCLA and author of "Rebellious Lawyering: One Chicano's Vision of Progressive Law Practice" served as keynote speaker.

HLS alumnus Julie Su '94 attended as a guest speaker. After graduating from law

Please see *REBELS*, p. 7

Faculty Approves Yoshino for Assistant Professorship

By Hope Yen

A law clerk to Judge Guido Calabresi who reportedly is being wooed by several top law schools has been approved by the HLS faculty for an assistant professorship here, sources say.

Kenji Yoshino, a 1996 graduate of Yale Law School, is now awaiting final approval by the Harvard Corp., he confirmed this week. The Corporation, which governs each of the Harvard schools, rarely rejects a hiring recommendation from the school's faculty.

Yoshino's candidacy was approved at the faculty's February meeting in what has been a recent flurry of professor hirings. This year, J. Mark Ramseyer '82, an expert in Japanese law from the University of Chicago Law School, is among three to four visiting professors ap-

proved for hiring. In addition, action is expected in the coming weeks on several of the Law School's assistant professors who are up for full tenure this year.

Prof. Martha Minow, who chairs the appointments committee for entry-level positions, declined comment. Dean Clark '72 also said he could not comment on Yoshino's candidacy at this time, but added that he hoped to make an announcement "very soon."

Yoshino is viewed by many to be a rising legal scholar and is being considered for tenure-track positions at Yale and Columbia law schools, among others, sources say. A Rhodes and Marshall scholar, Yoshino would bring to the HLS faculty promising skill in the areas of civil procedure and constitutional law.

Candidates who are hired for

the entry-level positions of assistant professor are placed on the tenure track, and generally are awarded a permanent, tenured position after about five years. Visiting professors, also known as lateral hires, are granted full tenure once they accept a position on the faculty.

Yoshino's published works include a 1994 note in the Yale Law Journal on "What's Past is Prologue: Precedent in Literature and Law," and a November 1996 article in the Columbia Law Review, entitled, "Suspect Symbols: The Literary Argument for Heightened Scrutiny for Gays."

If he were to accept, Yoshino would become Harvard Law School's first Asian American professor. He would also add faculty diversity through his emphasis on law and literature.

Please see *YOSHINO*, p. 7

"Backbench to the Future"



RECORD Photo/Janie Kim



RECORD Photo/Janie Kim

The Drama Society's annual spring parody finishes its four-day run Saturday. The play is directed by Brandon Baer '97 and produced by Michael Lebowich '97 and Ron Meyers '98

37 Years Ago in the RECORD



*"America's Oldest
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CAMBRIDGE, MASS. MARCH 24, 1960

NO. 8

Pickets Protest Segregation

At least 10 law students are marching on a picket line in Harvard Square, demonstrating their support for Southern Negro college students who are participating in sit-down strikes protesting lunch counter segregation. For a few afternoons a week, these students, along with others from the Harvard community, are attempting to convince the Woolworth chain to eliminate segregation at its southern lunch counters. The target of the Harvard Square demonstrators is the Woolworth store on Brattle Street.

The activities by the law students are merely a small part of a militant movement which has recently swept northern campuses. Picket lines are being formed, pamphlets are being distributed, petitions are being signed, and money is being raised for scholarships in New York, Philadelphia, Boston and Denver, as well as in numerous small college towns. Organizations have sprung up overnight and spontaneous demonstrations have been planned and executed in even less time.

Sight Evokes Response

One Law School picketer, Bernard Nussbaum, 2L, in attempting to explain the deep feeling which has been evoked, said, "Once you see the newspaper photos of the courageous faces of those southern kids who are risking getting their heads torn off or being thrown in jail because they wish to be treated as any other human being, with dignity, then how can you do less than find a way to show them that we stand together."

In many areas the northern student activity has been confined to single campuses under the direction of individual campus

leaders. In Boston, however, an Emergency Public Integration Committee (E.P.I.C.) has been formed with representatives from Harvard, M. I. T., Brandeis, and Boston Univer-

On the march in protest

sity. Under the leadership of Harvey Pressman, a Harvard graduate student, this organization is presently deploying approximately 500 students among 10 Woolworth stores in

the greater Boston area. Initially the picketing and pamphlet distribution were done only on Saturday afternoons. Due to the steadily increasing participation in this movement, groups have been assigned to picket on each day of the week. The contingent covering Harvard square consists of about 50 students.

Picketing's Effects

Bart Bernstein, another Harvard graduate student, who is captain of the Harvard Square picket line, surmised that there is a



Photo by Gottlieb

significant drop in business when the pickets are in front of the Brattle Woolworth store. "We've seen numerous people read our signs, pick up a pamphlet, sign a petition and then walk right past the store," he noted. When asked why a particular store which did not segregate at its lunch counter was being picketed, he replied, "The national office, which can set the policy for all its branches, feels that it is profitable to segregate lunch counters in the South. We are trying to show them in the only way we can, and in the only way they will feel it, that their moral cowardice does not pay."

In response to a question why the Woolworth chain was selected from among those which have lunch counter segregation, Bernstein said, "We have only a limited amount of resources and we are trying to use them to the greatest effect. Woolworth is a leader and it sets community mores as much as it follows them. When we convince it to change, the others will soon fall in line."

(Continued on page 6)

MARCH 24, 1960

Winter Evidence Class to Be Offered

Continued from **BASICS**, p. 1

voted to urge the Dean's office to add an extra section of 2L basic courses for the future. At the faculty meeting, Rakoff concluded that the second part of the Committee's proposal cannot be feasibly implemented for next year.

Moreover, a majority of the approximately 30 professors in attendance appeared to oppose the idea.

"My intuition is that the feel of a class of 140 is not that different from the feel of a class of 180," said Prof. Terry Fisher '82. "Why do we keep the ceiling at 140? ... Only because the faculty don't want to grade more than 140 exams." Fisher suggested that the faculty reconsider hiring non-faculty members to grade student examinations.

Clark argued that increasing the number of basic courses without increasing the size of the faculty would inevitably lead to a decrease in the number

of elective courses available.

"The second part of the proposal is up in the air," said Parker. He urged that more student input is needed on the issue.

No faculty vote was taken for approval of the proposal.

"Putting together the teaching program is the prerogative of the dean," said Parker.

Course Offerings

Dean Clark '72 and Rakoff also announced that the number of course offerings next year will increase by 18.7 percent from 214 to 254. The total number of credits offered will rise 25.6 percent to 791.

Clark said the increase is "obviously unsustainable," and attributed the sharp rise to a decline in the number of professors opting to go on sabbatical.

"Next year we will have an incred-

ibly rich curriculum with a great diversity of offerings," Rakoff said. "We've fixed some problems ... and addressed the concerns of students."

Rakoff explained that during the 1997-98 year, the School will offer three different sections of Advanced Constitutional Law and will offer in the fall for the first time a one-credit class on Evidence for students involved in clinical courses who can't get into the Fall Evidence class. A course in Trust and Estates will be taught by Visiting Prof. Greg Alexander of Cornell University.

Other new courses include offerings on the Value Added Tax, Concepts of Justice in the Bible, Federalism and the Poor, and the Legal History of the Civil Rights Movement. Entertainment Law will be offered as a regular course next year rather than as a seminar. There will also be two Law and Literature seminars.

As a result of a "special request from

the Law Student Council," Rakoff also announced that HLS will offer a winter-term Evidence class next year.

In addition, Rakoff announced the names of several individuals who will be visiting the Law School next year, including Profs. Dan Ferber of the University of Minnesota, Elizabeth Garrett of the University of Chicago, Nan Hunter from Brooklyn Law School, and Anne Woolhandler '78 of Tulane Law School. Judge Laurence Silberman '61 of the District of Columbia Court of Appeals will also visit next semester.

Rakoff noted the concern of the administration that several fields of law are continually taught by visiting instructors, such as Women and the Law and Environmental Law. Clark said that Corporate Law is another area in which the School is understaffed. All three fields remain at the top of the appointment priority list.

Conference Confronts Changing Face of Asian Pacific America

By Steven Chen

More than 150 students, lawyers, academics, and activists made their way through the falling snow to Austin Hall this past weekend for the third annual National Asian Pacific American Conference on Law and Public Policy. The theme of this year's conference was "The Changing Face of Asian Pacific America: Strategies for the Future."

At the three-day conference, panelists from various backgrounds addressed issues such as language rights, campaign finance reform, welfare and poverty, youth violence, and Asian Americans in the legal profession.

"One of the purposes of this year's conference was to create a forum for proactive strategizing to deal with many of the challenges facing Asian Americans," said Emily Ryo '98, one of the conference coordinators.

Francey Lim Youngberg '88, executive director of the Congressional Asian Pacific American Caucus Institute, Karen Narasaki, executive director of the National Asian Pacific American Legal Consortium, and Angelo Ancheta, executive director of the Asian Law Caucus, gave the keynote addresses. Though they focused on different aspects of the evolution of the Asian American community, all three agreed that Asian Americans face a difficult time ahead.

After outlining the changing demographics of Asian Pacific Americans, the speakers moved to describe some of the problems facing Asian America, including the Democratic National Committee's harassment of Asian Americans for making legal campaign contributions and the continued increase of hate crimes against Asian Americans.

In the final keynote address, Ancheta highlighted the growing anti-immigration sentiment, the negative effect of welfare reform on poorer Asian Americans, and the inaccurate group-

ing of political donors from Asian nations with Asian American citizens. He went so far as to say that the current woes afflicting Asian Pacific America

reminded him of the attack of the Evil Empire in the Star Wars trilogy.

Although there were differing opinions about solutions for the problems raised, the conference organizers described the event as one that brought together diverse facets of the Asian American community for a weekend of positive exchange.

"The conference panels ... generated not only discussions, but at times intense debates and disagreements about what we should do and how we should get there," said Ryo.

"It was to be expected that no consensus of solutions could be arrived at ... but I think at least it helped us to identify where difference of opinions mattered and why," she said.

APALSA Co-Chair

David Kung '97 stressed the fact that the conference represented a joint venture between the Asian Pacific American Law Students Association and the Asian Student Caucus at the JFK School of Government.

"The most unique aspect of this conference is its cross-disciplinary, cross-professional nature," said Kung. "It recognizes the many levels at which change can be effected, the many angles from which these problems can be attacked."

Traci Endo, a conference coordinator from the Kennedy School, agreed. "[I]t is important that, through the conference, we build coalitions of Asian Pacific American leaders across the different graduate school programs at Harvard."

Looking back on the conference, Coordinator Belinda Lee '98 summed everything up. "This conference always comes at just the right time of year, right in the dead of winter. ... [I]t does a phenomenal job of reinspiring and reinvigorating everyone's sense of the Asian Pacific American community and our place in the law."



Francey Lim Youngberg '88



Angelo Ancheta

Hark to Participate in Great American Meatout

Cafeteria Will Highlight Vegetarian Options

By Eddie Grauman

The Harkness cafeteria will participate in the Great American Meatout next Thursday by placing greater emphasis on its vegetarian and vegan options, according to Sodexho Food Service Director Beth Davidson.

Although the Hark will not eliminate meat from its menu that day, the cafeteria will "focus on the non-meat options," said Davidson. "We will be offering free samples of vegetarian food to the Law School community," she said.

Sodexho, the Law School's food service contractor, decided to participate in the Meatout in response to a request from the Student Animal Legal Defense Fund (SALDF).

"SALDF is interested in supporting vegetarians and vegans at the Law School, and we're pleased that Sodexho is working with us on this," said SALDF Co-Chair Alike Moncrief '99. "Participating in the Meatout is a great show of support on their part," she said.

Along with the extra options in the cafeteria, SALDF is planning on having an informational table about the Meatout downstairs at the Hark. The group may also ask some local restaurants to offer free samples for lunch, said Moncrief.

While dietary concerns are cited by many who choose to refrain from consuming meat, SALDF is concerned primarily with the animal rights implications of the meat industry, according to Moncrief.

"We hope to inform any and all interested students about the meat industry, and discuss with them our position on the animal rights issues involved," she said. As an example, Moncrief cited the federal Animal Welfare Act, which protects domestic pets from abuse but does not cover farm animals.

The Meatout, modeled on the Great American Smokeout, is an annual effort sponsored by the Farm Animal Reform Movement (FARM). Now in its 13th year, the Meatout seeks "to alert Americans to the health, environmental, and ethical benefits of meatless diets and to promote more judicious food choices," according to a FARM pamphlet. It is traditionally held on the first day of spring, which falls on March 20 this year.

In addition to convincing Sodexho to participate in the Meatout, SALDF is working on getting the cafeteria to offer more vegetarian and vegan options year-round.

"We'd like to see a greater variety of meatless options at the Hark," said Moncrief.

Sodexho maintains that its current vegetarian offerings are ample. "We have a tremendous number of vegetarian options here," said Davidson. She cited the salad bar, sushi, weekly Middle Eastern specials, and the vegetarian and pasta stations as examples of the cafeteria's efforts.

"Since the Hark was remodeled, we've been able to offer a great deal more vegetarian options," said Davidson.

Davidson said she was open to student feedback and willing to accommodate those with alternative dietary requirements.

"If people have good suggestions, of course we're going to listen," she said.



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B r i e f s

Wilson Pile, retired HLS alumni secretary, dies at 77

Wilson H. Pile, 77, of Milton, a retired alumni secretary at HLS, died March 3 at Youville Hospital at Cambridge.

Pile, who worked as alumni secretary for more than 20 years, retired in 1986. Pile was a World War II Army veteran, serving in Greenland. He was born in Philadelphia and graduated from Haverford College in 1941.

— from *The Patriot Ledger*

Construction Workers Locked in at Langdell

Two construction workers were accidentally locked in at the Langdell construction site during the early morning of Friday, March 7.

According to a Harvard police department report, at about 1:41 a.m. a caller reported seeing two people working on a lock at the site. Officers arrived and questioned the workers, who said that they had been accidentally locked in. The workers explained that their supervisor had given them permission to break the lock. The police called the supervisor to confirm the story and the employees were subsequently released.

Hemenway Gym Will Get New Equipment

One additional StairMaster and one additional Lifecycle will be added to the Hemenway Gym exercise room, according to a memorandum written by Administrative Dean Sandra Coleman.

"This equipment is now on order and should be installed within a few weeks," Coleman wrote.

The report stated that the Law School had received approval to install the equipment from the Athletic Department of the Faculty of Arts and Sciences (FAS). Although most of Hemenway's users are law school students, the facility is owned and operated by FAS.

Alex Hanafi '97 Wins Luce Fellowship to Work in Asia

For Alex Hanafi '97, this Monday morning was better than most — he learned that he had won a Luce Fellowship to spend a year working in Southeast Asia.

Hanafi went through several rounds of competition to win the fellowship, culminating in a final round held in San Francisco. He is not yet sure where he will spend his year, although Indonesia is his most likely destination.

The Luce Fellowship is specifically designed for individuals who are not Asian specialists. Applicants are selected on the basis of their potential for leadership in their chosen profession — environmental law and policy in Hanafi's case.

The fellowship organizers arrange employment for the Luce Fellows. They are paid a salary equivalent to that of university faculty in their host country.

The Luce Fellowship program was established by Henry Luce, the founder of Time magazine and the son of missionaries to Asia.

Carnesale Appointed UCLA Chancellor

Harvard Provost Albert Carnesale was appointed chancellor of the University of California at Los Angeles (UCLA) on March 6. Carnesale, 60, has served since 1995 as the University's provost.

"I'm honored and excited by the prospect of leading UCLA, one of the nation's great public universities, at a time of particular challenge for higher education," Carnesale said in a statement.

Carnesale will replace outgoing Chancellor Charles E. Young on July 1.

"It's wonderful for UCLA, terrible for Harvard and a real plum for Al Carnesale," said Kennedy School of Government Professor Richard J. Zeckhauser.

— from *the Harvard Crimson*

Widener Books Crumbling to Dust

The Widener Library stacks, one of Harvard's most valuable resources and one of the largest academic libraries in the world, are "decaying, turning to dust," according to Harvard College Librarian Nancy Cline.

Although the University has made plans to install a climate-control system to stop the decay, none of the \$28 million needed to renovate Widener has yet been raised.

Chemically, the decay is due to the "acid paper" the books were printed on from the 1800s through the 1950s. The lack of climate control in the stacks exacerbates the acid paper problem, which causes books literally to bake.

For the long term, Harvard has made plans to preserve its collections through scanning and micro-filming decaying books. However, such a project may take longer than the quickly expiring lives of the books will allow.

— from *The Harvard Crimson*

L E G A L N E W S

High Court Rules Police Can Order Passengers Out Of Car

By Hal Poret

A police officer making a traffic stop may order passengers to get out of the car without any particularized suspicion that the passenger poses a safety threat to the officer, the Supreme Court announced in a 7-2 opinion on February 19.

The Court's decision in *Maryland v. Wilson* concerns a June 1994 traffic stop in Baltimore County, Maryland, which led to the conviction of passenger Jerry Wilson for possession of cocaine with intent to distribute. After observing a car driving at a speed of 64 miles per hour in a 55 mile per hour zone, with no regular license tag and a torn piece of paper reading "Enterprise Rent-A-Car" dangling from its rear, Officer Hughes activated his lights and sirens, signaling the car to pull over. However, the driver failed to pull over and, as Hughes pursued the car for another mile and a half until it finally stopped, he noticed that the two passengers turned to look at him several times, repeatedly ducking below sight level and then reappearing. When the car finally stopped, Hughes approached the car on foot and the driver, who was trembling and appeared extremely nervous, exited the car and met him half-way.

While the driver retrieved the car's rental documents as requested, Officer Hughes noticed that the front-seat passenger was sweating and appeared nervous. While the driver was sitting in the driver's seat looking for the rental papers, Hughes ordered passenger Jerry Wilson out of the car. When Wilson exited the car, a quantity of crack cocaine fell to the ground. Wilson was arrested and charged with possession of cocaine with intent to distribute.

However, the Baltimore County Circuit Court granted a defense motion to suppress the cocaine, deciding that the trooper's ordering of him to out of the car constituted an unreasonable seizure under the Fourth Amendment. The Maryland Court of Special Appeals affirmed, holding that the Supreme Court's ruling in *Pennsylvania v. Mimms*, that an officer may as a matter of course order the driver of a lawfully stopped car to exit his vehicle, does not apply to passengers.

In an opinion authored by Chief Justice William Rehnquist, and joined by Justices Scalia '60, Souter '66, Breyer '64, Ginsburg '56-58, O'Connor, and Thomas, the Court held that the *Mimms* rule applies to passengers as well as to drivers. The Court explained that the touchstone of Fourth Amendment analysis is the reasonableness of the particular governmental invasion of a citizen's personal security, which requires a balancing between the public interest and the individual's right to be free from arbitrary interference by the police.

On the public interest side, the Court ruled that the same weighty interest in officer safety is present regardless of whether the person ordered out of a car is a driver, as in *Mimms*, or a passenger. In fact, the court reasoned, the probability of danger to an officer from a traffic stop is likely to be even greater when there are passengers in addition to the driver in the stopped car. In stressing the need to protect officers, Rehnquist cited statistics showing that over 5,700 officers were assaulted during traffic stops in 1994 and 11 officers were killed.

Regarding the detained individual's interest, the Court acknowledged the problem with forcing a passenger to exit a vehicle without individualized suspicion, but explained that "as a practical matter, passengers are already stopped by virtue of the stop of the vehicle," so that the additional intrusion upon them is minimal.

The Court concluded that by letting police remove passengers from the car, officers can deny the passenger access to any possible weapon that might be concealed in the interior of the passenger compartment.

"It would seem that the possibility of a violent encounter stems not from the ordinary reaction of a motorist stopped for a speeding violation, but from the fact that evidence of a more serious crime might be uncovered during the stop. And the motivation of a passenger to employ violence to prevent apprehension of such a crime is every bit as great as that of the driver," Rehnquist wrote.

As a result, the majority laid down a bright-line rule that officers can always order a passenger out of a car pending the completion of a traffic stop.

The ruling was a considerable victory for law enforcement officials and the United States government, which supported Maryland as *amicus curiae*, as well as a personal triumph for Attorney General Janet Reno '63 who argued the case before the nation's highest court.

However, as dissenting Justices Stevens and Kennedy '61 argued, the Court could have fashioned a rule that would adequately ensure the safety of officers by allowing passengers to be ordered out of a car in cases such as the present one where there is reason to be concerned about a passenger, without sanctioning such treatment in "the literally millions of other cases ... in which there is not even a scintilla of evidence of any potential risk to the police officer." In such cases, Stevens wrote that "the Fourth Amendment prohibits routine and arbitrary seizures of obviously innocent citizens."

In an opinion joined by Justice Kennedy, Stevens also stressed his belief that "the aggregation of thousands upon thousands of petty indignities has an impact on freedom that I would characterize as substantial, and which in my view clearly outweighs the evanescent safety concerns pressed by the majority."

Justice Kennedy also authored his own dissenting opinion to highlight the fact that the majority's rule seems to be contrary to the principle of accountable decision-making based on objective standards in individual cases, which is "the distinguishing feature of our criminal justice system." Kennedy argued that traffic stops, even for minor violations, can take upwards of 30 minutes and can be a serious invasion that should not be imposed without reasonable suspicion by the officer. In addition, "it does no disservice to police officers ... to insist upon exercise of reasoned judgment," Kennedy wrote.

Both Justices Kennedy and Stevens agreed that the police officer in the case at bar would be justified in ordering the defendant out of the car under their proposed rule.

Critics of the Court's opinion claim that this ruling is another step in the erosion of Fourth Amendment protection allowed by the conservative Rehnquist court, and that by allowing police to seize innocent people, the Court is moving in a direction that affords police officers too much opportunity to use abusive tactics.

However, this holding and "pro-police" trend could also be seen as a reasonable decision to protect law enforcement interests that only appear controversial in light of earlier decisions that have unnecessarily extended Fourth, Fifth and Sixth Amendment protections well beyond their original intent.

In addition, such a broad, "bright-line rule" is partially justified by the interest of insulating officers from the constant scrutiny that accompanies most police decisions and avoiding the unlimited number of meritless defense motions and appeals that would threaten prosecutions under the dissent's proposed rule that would require a showing of reasonable suspicion.

Across the Wire...



This Week, News From the Far East and West

First Trial in AIDS Scandal Gets Under Way in Japan

TOKYO (AP) — Testifying in the first of several trials in a widespread AIDS scandal, a doctor denied charges this week that his negligence caused the death of a hemophiliac who got AIDS from untreated blood products.

Takeshi Abe, a professor and former vice president of Teikyo University, told the Tokyo District Court that he did not know at the time that using untreated blood products was dangerous.

Abe was head of a Health and Welfare Ministry panel on AIDS in 1983 and 1984 and persistently opposed quick approval for safe heat-treated blood products being used in the United States and other nations.

Prosecutors suspect that Abe may have refused to approve imported treated blood products because of his close relations with Japanese pharmaceutical companies, which were working on their own versions of the products.

The heat treatments weren't approved until 1985. About 2,000 Japanese, mostly hemophiliacs, contracted

the AIDS virus from the untreated products. About 400 have died.

Later this month, separate trials will begin for former Health and Welfare Ministry official Akihito Matsumura and three former presidents of Green Cross Corp., the top supplier of the blood products.

The scandal has appalled a nation where malpractice suits are rare and has led to more calls for bureaucratic reform.

The government and five pharmaceutical firms have reached an out-of-court settlement with the patients and their families who had sued for damages.

Although suspicions against Abe are wide-ranging, the formal charges involve only a single case in the summer of 1985 when a hemophiliac treated at Teikyo University became infected with the AIDS virus. He developed AIDS and died in 1991.

If convicted on the charges of causing death by professional negligence, Abe could be sentenced to up to five years in prison.

Battle Over Obscene T-Shirts Resumes

MYRTLE BEACH, S.C. (AP) — Before tourist season returns, lawmakers here are taking on what they think are tasteless T-shirts.

Battles over what Ocean Boulevard, the main beachfront concourse, should offer are not new to Myrtle Beach. One battle outlawed thong bikinis. Another resulted in rules about who could have their body parts pierced. There have been battles about cruising the Boulevard and walking with exotic animals.

This year promises to continue the trend. And the battle lines are being drawn not just in Myrtle Beach, but in Columbia.

The state House Criminal Laws Subcommittee this week will hold a public hearing on a bill that would limit the display of clothes with slogans or pictures considered obscene.

City council members on Wednesday will join forces in Columbia with ministers and community members to push for legislation that would provide criminal punishments for displaying or wearing "offensive" T-shirts or other items and for distributing drug paraphernalia, such as water pipes commonly used for smoking marijuana.

The American Civil Liberties Union has voiced concerns over the proposed law, saying it would infringe on First Amendment rights.

"There is obscene speech and then there is offensive speech," said Steven

Bates, executive director of the ACLU. "Myrtle Beach wants to ban more speech than the state law and the U.S. Constitution permit them to ban."

Council members said they hope a law with criminal penalties for displaying obscene materials or distributing drug paraphernalia would help revive the strip's lost family image.

But that law will not be enough to do it, Councilman Mark McBride said. He is worried that plans for a gay bar in the area will detract from the family image the city is trying to build.

Signs in the old Rivoli Theater advertise the opening of Metropolis By The Sea, which McBride said is a bar for homosexuals.

A manager from the Metropolis bar in Columbia would not comment on the status of the Myrtle Beach bar, but said the bar in Columbia caters to gay clientele.

Doug Wendel, president and chief executive officer of Burroughs & Chapin Co. Inc., agreed that there is a long way to go before the Boulevard is a real family environment.

"For every step we take forward we take two steps back," Wendel said. "I'm pleased with the city's interest in trying to improve the area, but at the same time we have some property owners who are willing to allow businesses into the area that do not provide wholesome, family-oriented activities."

Assisted Suicide Tops Lawmakers' Agenda

SALEM, Ore. (AP) — Lawmakers will wade into the politically and emotionally charged debate over assisted suicide this week when they begin looking at measures to repeal, delay or revise Oregon's voter-passed suicide law.

Also on tap in the Oregon Legislature's coming week: a tax-writing panel hopes to finish work on a rewrite of the Measure 47 property tax limit while another panel opens hearings on a bill to make it easier to fire teachers.

Oregon voters made news around the world in 1994 when they approved a first-in-the-nation law allowing physicians to prescribe life-ending drugs to terminally ill patients who request it.

The law has been stalled by a court challenge, but recently was put back on track by a federal appeals court ruling that could result in the law taking effect as early as next month.

That has brought opponents such as the Oregon Catholic Conference into the legislative arena with various proposals aimed at keeping the measure from taking effect.

Repealing something the voters have adopted carries the potential of a voter backlash, and even lawmakers who personally oppose assisted suicide are reluctant to pursue that course.

"Before you start overturning things, you have to be sensitive to what voters told you they wanted," said House Minority Leader Peter Courtney, D-Salem.

Other lawmakers, sensing "buyer remorse" on the part of some voters who favored Measure 16 two years ago, are suggesting other approaches such as a

further two-year delay of the law while a task force studies the issue, or sending the measure back to voters, possibly this fall.

"There's a lot of interest in pursuing the subject," says Rep. Ron Sunseri, R-Gresham, whose Family Law Subcommittee of the House Judiciary Committee begins three days of hearings Tuesday on possible changes to the suicide law.

Oregon Right to Die and other proponents of the 1994 law say voters knew what they were doing when they approved the change and would take a dim view of any legislative efforts to modify or delay the law.

The bill to make it easier to dismiss teachers receives its first public hearing Monday in the Senate Business, Law and Government Committee.

Backers of the measure say school districts need more flexibility to dismiss teachers who don't perform up to standards.

But opponents say the bill is an anti-teacher measure that stems mainly from Republican anger over efforts by the statewide teachers union to help Democratic legislative candidates in the 1996 elections.

The House Revenue Committee continues work Monday on a rewrite of the Measure 47 property tax limit.

Lawmakers say Measure 47 contains legal and technical flaws and that a legislative retooling is needed to guarantee that Oregon taxpayers get the property tax relief they voted for last November.

Lawmakers are hoping to submit the Measure 47 rewrite to voters this spring.

University of Washington Law School Reaffirms Commitment to Diversity

SEATTLE (AP) — The University of Washington Law School, responding to a lawsuit that claims a woman wasn't admitted as a student because she is white, says it is proud of its diverse student body.

Nearly half the students are women, and about 30 percent are racial minorities, said the school's dean, Roland Hjorth.

"We are proud of that diversity," Hjorth told a news conference last Friday. "We think it makes for a better law school. Students learn in community with each other, and students who are members of a diverse group are better students."

In the lawsuit, filed last week in U.S. District Court, Katuria E. Smith claims she was denied admission in 1994 because of racial discrimination that denied her constitutional rights to equal

protection under the law. She is seeking financial damages.

Hjorth refused to answer questions about the lawsuit. But he said the law school's admissions policy is based on a 1978 U.S. Supreme Court decision that struck down separate admissions tracks for whites and minorities, but said race could be considered as one of many factors.

"We will defend this case vigorously," Hjorth said.

Henry McGee, who teaches at Seattle University's law school, said the UW law school's admissions are sympathetic to minorities but do not call for legal scrutiny.

"The educational needs of white students demand that they have exposure to contact with students of color, and that's what the University of Washington is attempting to achieve," he said.

Harvard Law RECORD

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FOUNDED IN 1946

Offering 3Ls to the Bundling Gods

The 2L bundling proposal — recently given its blessing by Deans Clark, Rakoff, and Sander — has emerged as a disappointment in its final form. Most striking is the decision to create four sections instead of the five recommended by the Legal Education Committee. This change emasculates the proposal, and may force many 3Ls to graduate next year without the basics under their belts.

The slim scattering of professors who attended last Friday's faculty meeting agreed that four sections would be sufficient. This is not surprising, given that the burden of teaching the extra section would fall squarely on their shoulders. The purpose of the fifth section, as described by members of the Committee, would have been to accommodate 3Ls who were locked out of basic courses this year.

While some 2Ls will opt-out of courses in their bundle due to 1L electives in Constitutional Law and Corporations this year, it is unlikely they will vacate enough spots for 3Ls. And while administrators hope they covered the bases by offering Taxation as a 1L elective last Spring, they had better do the math to make sure the number of spots left over by 2Ls will be sufficient.

If the administration cannot guarantee enough basic slots for rising 3Ls, then one of three things must happen:

1. Give rising 3Ls priority over rising 2Ls for basic courses.

While this may seem inequitable given that 2Ls received priority under the old system, it would avoid the inequity of forcing 3Ls to utilize their top elective choices on the basic courses they were previously locked out of. If we believe that these 3Ls were simply unlucky last year, and were forced to disproportionately bear the brunt of the School's inadequacies that created the need for 2L bundling in the first place, then we shouldn't punish them again. If we believe that these students were not locked-out, but simply have no interest in the basics, then there is no harm in giving them priority because they will drop out voluntarily.

2. Include rising 3Ls in the initial lottery for basic bundles.

This would put 3Ls on equal footing with the 2Ls and allow 3Ls to use their top elective choices on their special areas of interest.

3. Add a fifth section.

This is the best choice, but will be difficult to squeeze out of the faculty. Five sections, at least as a temporary measure, would smooth the transition. If option one were selected, and 3Ls were given priority, the likely result would be that the 3L problem would be pushed back to the 2L class. With only four sections, we would simply pass the problem from one year to the next.

A 19 percent increase in course offerings and the implementation of basic bundling means that current 1Ls face a relatively bountiful course selection this upcoming year. But for rising 3Ls facing their final lock-out, the future is not as bright.

— Friedman

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—First Amendment, US Constitution

Letters

Lack of Diversity Cause of Dissatisfaction at HLS, Not College

In last week's edition of the RECORD, I was interviewed for an article on student satisfaction with the quality of life at HLS. In both the text of this article and in the RECORD's Quote of the Week, I was quoted as saying "It seems that this university is running on its reputation and doesn't care about student concerns. ... [H]ow long can they do that and still remain competitive?" I am writing to state that my comment was both misquoted and taken out of context.

First, I never said that the University was running on its reputation. The focus of the article was the quality of life at the Law School, not the University as a whole, and my comments were therefore specifically directed to HLS. I have no idea how the other Harvard graduate schools respond to student concerns. And as a proctor at Harvard College, I feel the opinions and interests of undergraduates are taken quite seriously by the College administration.

Second, in no way was my comment intended to malign the hard work of the HLS administrative offices with which I have come in contact. The staff at OCS and at the Dean of Students office, for example, have never given me

reason to doubt their commitment to student concerns. I want to clarify that my statement was instead specifically addressed to student dissatisfaction with the lack of diversity among the Law School faculty.

By correcting these misrepresentations, I do not mean to imply that the basic sentiment behind my statement was inaccurately reported. Serious issues are raised not only by the student satisfaction survey, but also by the administration's response to the survey results. The results clearly indicate the existence of important student concerns which should not be dismissed with the facile explanation that HLS students have higher expectations than those of other law students. Nor should claims that the survey is specifically biased against HLS in some way deter us from an examination of why the law school consistently ranks 170 out of 170 in student satisfaction.

Rather than formulating external excuses for our poor performance in the survey, we should be addressing the questions which have been raised by student after student, year after year: Why

are there so few women faculty members, so few faculty members of color, and not one openly gay or lesbian faculty member? Why, at a law school with extraordinary financial resources, is there not more funding available for summer public interest grants? Why are there so few courses oriented toward public interest law and civil rights law? Why are so many students wait-listed for basic 2L courses?

Either the individuals in the administration who have the power to do something about these issues don't know about them, don't feel these concerns are valid, or don't care. Whatever the reason that these problems remain unaddressed, the ultimate questions remain: How long will HLS let the most qualified applicants flock to Yale and Stanford because these schools boast high student satisfaction scores and because these schools recognize the importance of a diverse faculty? How long can HLS continue losing admitted applicants to other institutions and retain its position as one of the pre-eminent law schools in the country?

Ross LaJeunesse '98
March 8, 1997

Dean Pound Sexist But Not Anti-Semitic, Says Former Student

I read with interest in the Feb. 7 issue a letter of my classmate Leon Barker in reaction to an article accusing Dean Roscoe Pound of anti-Semitism. Like Lee Baker, I am not sure of the truth of or the basis for statements in an article in the Dec. 6, 1996 issue to the effect that Dean Pound was anti-Semitic, but also like Lee Baker I have some personal knowledge of one fact that seems to be to the contrary.

My father, Sol Phillips Perlman, who was unmistakably a Semite, graduated from the Law School in 1920 and set up practice as an individual practitioner in Trenton, New Jersey. Dean Pound had been dean throughout my father's student years. In his practice my father became something of an expert in equity practice in the days when the Court of Chancery of New Jersey was an independent and important court. When I once asked my

father how he came to specialize in equity practice, he related to me that when he first went into practice a client came to him with a case that involved proceedings in the Chancery Court. The client had chosen my father upon recommendation of Dean Pound, whom the client had consulted. Dean Pound had recalled a former student practicing in New Jersey who would be well qualified to handle this matter and had referred the client to my father.

Perhaps by way of counter-weight to the foregoing, I feel called on to relate that when I was a student in the 1945-46 academic year Dean Pound was the professor in one of the sections of Property I, of which I was a member. I was present in class when Dean Pound (who was then no longer Dean) stopped the class and required a woman who was in

the room as a guest of one of the students to leave the room before he would resume. This, notwithstanding the indignant protests of the student whose guest she was. Pound's position was that women did not belong in Harvard Law School classrooms.

The incident was especially striking to me because, wholly apart from the Dean's antediluvian sentiments and his rudeness, it happened that the offending couple had carefully seated themselves in the rear of one of the large classrooms in Langdell. Dean Pound had previously given the class to understand that, owing to his failing eyesight, he could not see beyond the first two or three rows of the classroom. He was, however, able to spy a fearsome feminine figure wherever she sat.

T.S.L. Perlman '49
Washington D.C.
March 6, 1997

Religion Part of Life at HLS

I am writing in response to two letters published in the Feb. 28 edition of the RECORD criticizing the RECORD for publishing an op-ed by Sharon Cohn '97, in which she described the origins and satisfactions of her Christian faith. One letter, by Michael Dulberg '78, argued that "Ms. Cohn's religious journey has nothing to do with law or the law school.... At the end of the day, the Harvard Law

RECORD should focus on Harvard Law School and not on one individual's private religious conversion." While I have major differences with Ms. Cohn theologically, I share her belief that religion is an appropriate and indeed an unexplored area of the Harvard Law School community. Surely students' heartfelt religious devotion is as much a part of the HLS community as playing bas-

ketball and enjoying restaurants, two common topics of RECORD editorials. The irony of Mr. Dulberg's criticism is that it comes at a time that many HLS students wallow in the depths of a vicious malaise regarding the looming big-law-firm career paths and are searching for existential meaning outside of the law.

Gordon Lederman '97
March 10, 1997

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Harvard Rebels Go to Yale

Continued from **REBELS**, p. 1

school, Su began working for the Asian American Legal Center in Los Angeles as a Skadden Fellow.

Su recently received the Reebok Human Rights Award for her role as lead counsel in the highly publicized case of Thai garment workers who were enslaved behind barbed wire with armed guards in El Monte, California. The workers were forced to work 10-hour days for 60 cents an hour. The garments made were then sold to major department stores across the country.

The professional stories conveyed by Su and other speakers generated both ideas and enthusiasm for non-traditional legal careers among the audience members. "You really got the sense that what these speakers do matters. They aren't simply toiling away billing hours for some faceless corporate firm or a monolithic transnational, but are devoting their lives to advocating for real people and making a positive impact on society," said Hickernell.

Panel discussions included "Labor Struggles in the Changing Economy," "The Merging of International and Domestic Rights Strategies," "Environmental Justice," "Native American Law," and "Community Economic Development," among others.

Other speakers included HLS alumni Carrie Cuthbert '95 and Kim Slote '95 who decided to forgo traditional legal careers upon graduation to found the Women's Rights Network, a human rights organization in Boston devoted to promoting international dialogue, resource sharing, and collaboration in the battle to end domestic violence around the world.

Cuthbert and Slote were largely inspired to begin the organization by their experiences with the Battered Women's Advocacy Project and the Children and Family Rights Project at the Law School.

Other law students found insights and ideas from speakers with no formal legal training but who work with lawyers to protect groups vulnerable to exploitation. Armstrong Wiggins, a Miskito Indian from the village of Karata, Nicaragua, is currently the director of the Indian Law Resource Center in Washington, D.C. and has been instrumental in bringing a lawsuit on behalf of the Maya in Belize whose existence is threatened by foreign and transnational logging companies.

Wiggins supplied conference participants with copies of a complaint that recently was filed with the Organization

of American States so other suits can be brought on behalf of indigenous peoples in similar situations.

Tammy Jezic '98, who recently returned from Ecuador where she worked on environmental and human rights issues, was grateful for the opportunity to learn how other organizations were using international law and human rights strategies to halt destructive development projects through indigenous territory.

"Wiggins' years of experience generate many ideas for legal and political strategies that can be engaged by idealistic lawyers who want to learn how to use their skills to represent people who lack the strength and resources of the corporate and industrial interests driving these culturally and environmentally destructive projects. And his own record of success demonstrates that these strategies can work," said Jezic.

The belief that lawyers can play a formidable role in creating a better society was echoed by Su as well. "Through the education I have been fortunate to receive in our country's most elite institutions," she recently observed at the White House, "I have been given access to levels of power that many in our society do not have. That power can be used to exclude, divide, and preserve privilege or employed as a tool to strengthen and build communities and to combat inequality."

Without a doubt, last weekend's conference demonstrated the plethora of paths open to idealistic young lawyers yearning to bypass the traditional law firm route and devote their skills and training to public interest. Whether representing exploited workers, indigenous peoples, political refugees, children and youth, or any other disenfranchised segment of society, the conference speakers reminded the audience through both their words and professional experience of the radical and innovative ways that lawyers can use their positions of influence to successfully combat injustice through impact litigation, grassroots activism, and non-profit advocacy organizations.

Sitting in his Legal Aid Bureau office in the basement of Gannett House after returning from the Rebellious Lawyering conference, Hickernell observed, "It's so easy to lose sight of why we came to law school in the first place. Being in New Haven this weekend and hearing so many success stories from people who have stayed the public interest course and made a difference with their degrees is encouraging. It reminds you what this daily grind is all about."

Students Party While Contestants Debate

By Timothy Kiefer

One floor directly below the Ames Courtroom, in Austin North, dozens of law students watched the Ames arguments on closed-circuit television Monday night.

The atmosphere in Austin North resembled a cross between a Supreme Court argument and a raucous Superbowl party, as students in the darkened auditorium cheered their classmates' complicated legal arguments while partaking in the simpler pleasures of cold beer and wine.

"It's way more fun to be in the overflow room," said Josh Groban '98, who celebrated the occasion with Newcastle beer.

Groban said that the students identified with their student colleagues upstairs.

"You're so empathetic. You relate to the students," Groban said. "It takes on an us-against-them feel."

For Todd Anderson '97 and his friends in the overflow room, the challenge was not choosing the best brief but rather choosing the best beer. They brought Bass, Sam Adams and Pete's Wicked Ale to Austin North.

"The first to go was the Pete's Wicked Ale," Anderson said.

However, Anderson's selection couldn't match up to that provided by Tim Lynch '98 and a group of 2L friends. They brought cider jack, several varieties of beer, a bottle of Chateau Julien Merlot, and even blue cheese to accompany the wine.

"Every time they said 'Your Honor' we would drink," Lynch said.

The Law School administration had set up the overflow room to accommodate students who wanted to watch the competition but lost out in the lottery for tickets to the Ames Courtroom itself. Only about 90 seats were available in the Ames Courtroom for the general student population.

Markus Wins Best Oralist

Continued from **AMES**, p. 1

The Road to the Ames Final

In addition, candidates for office were required to state whether or not they supported the Congressional Term Limits Amendment. Election ballots would be marked "Supports Term Limits" or "Rejects Term Limits" next to each candidate's name.

The John Minor Wisdom team, representing the petitioner, argued that the statute violated the First Amendment.

According to the petitioner's brief, compelling candidates to state a position on the term limits amendment violated their First Amendment right to choose whether or not to speak. Moreover, the petitioner argued, the ballot information was misleading because it simplified a complex issue into a yes-or-no question.

Kennedy challenged this assertion during the oral argument.

"Voters are misled by having more information. That's the crux of your case, isn't it?" Kennedy asked.

The petitioner's brief further argued that the labeling of ballots with a notice that the candidate had "Disregarded Voter Instructions" also violated the First Amendment.

"This official censure imposes a 'scarlet letter' on these incumbents as it is designed to put them at a disadvantage on the ballot," the petitioner's brief stated.

The Langdell Memorial Team, representing the respondents, defended the statute's constitutionality. The respondents' brief compared the ballot labels to party affiliations printed on ballots.

The respondents defended the right of the state to require a candidate to speak about the term limits issue.

"[The statute] merely requires individuals voluntarily entering the public realm of candidacy to answer a yes-or-no question on an issue germane to the position they seek," the respondents' brief stated.

The case also presented procedural issues and an issue relating to Article V of the Constitution, which governs the passage of constitutional amendments.



David O. Markus '97

Monday night marked the end of a process of elimination that began more than one calendar year ago and involved three separate cases. The teams argued one case last spring, when they were 2Ls. The competition continued in the fall of their 3L year, when they argued a second case.

Markus said that he spent several hours every day working on the competition.

"You have to totally submerge yourself in it," he said.

Not only did the competition impact the participants' social lives, but it impacted their relationships with each other.

Joel Hammerman '97 said that several of the Ames opponents are his close friends. Hammerman, a member of the Langdell team, is a roommate of Tony Falzone '97 of the Minor Wisdom team.

"You couldn't really discuss how your day went since your day was basically Ames," Hammerman said.

Last summer, Michelle Woollen '97 of the Minor Wisdom team roomed with Rachel Blum '97 of the Langdell team. Woollen, Blum, and Hammerman all worked at the same Chicago law firm, Sidley & Austin, last summer.

Hammerman said that the competitive pressures did not impede on their friendships, although he admitted that after the briefs were submitted "we teased each other to a certain extent" about lines in the briefs.

The Ames competition is one of HLS' oldest traditions. The HLS archives contain records of "moots" or mock trials argued as early as February 1820, just three years after the Law School's founding in 1817. The competition is now named after James Barr Ames '72, who served as dean of the Law School at the turn of the century.

The members of the Langdell Memorial Team were: Markus, Blum, Gary Bornstein '97, Jonathan Cantor '97, Hammerman, and Travis Pearson '97.

The members of the John Minor Wisdom Team were: Woollen, Stephanie Agli '97, Falzone, Jonathan New '97, Adam Paris '97, and Joshua Toll '97.

Yoshino May Be First Asian American HLS Professor

Continued from **YOSHINO**, p. 1

Recent assistant professorships to Diane Ring '90 and Christine Jolls '93 have focused on the areas of tax and law and economics.

Yoshino, speaking briefly in a telephone interview from Calebs's Second Circuit chambers in New Haven, Conn., declined comment on his candidacy, stressing that a formal offer had not yet been extended. But when pressed, Yoshino acknowledged positively that it would be "certainly one of [his] considerations" that accepting a position here would make him the Law School's first Asian American professor.

Yale Law School, Yoshino's alma mater, already has its first Asian American law professor, Harold Koh. Yoshino also has ties to the Harvard community — in addition to being a graduate of the College, his sister, Kaye, is currently a 3L at HLS, and his father, Prof. Michael

Yoshino, teaches at Harvard Business School.

Since 1991-92, when five assistant professors were appointed, the Law School has been sparse in approving candidates for tenure-track positions. One likely reason is Clark, who upon taking the deanship in 1992 said he preferred to focus on older, visiting professors with proven expertise, rather than seeking younger scholars who might have a less practical bent.

This view drew the ire of some students and faculty, who pointed out that discriminatory law school admissions policies in the 1950s through the 1960s had shrunk significantly the available hiring pool of minority and women candidates who could be invited to HLS as visiting professors.

Since then, Clark has acknowledged a particular need for women professors and has pledged to improve "diversity on all fronts" in faculty hiring.

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The
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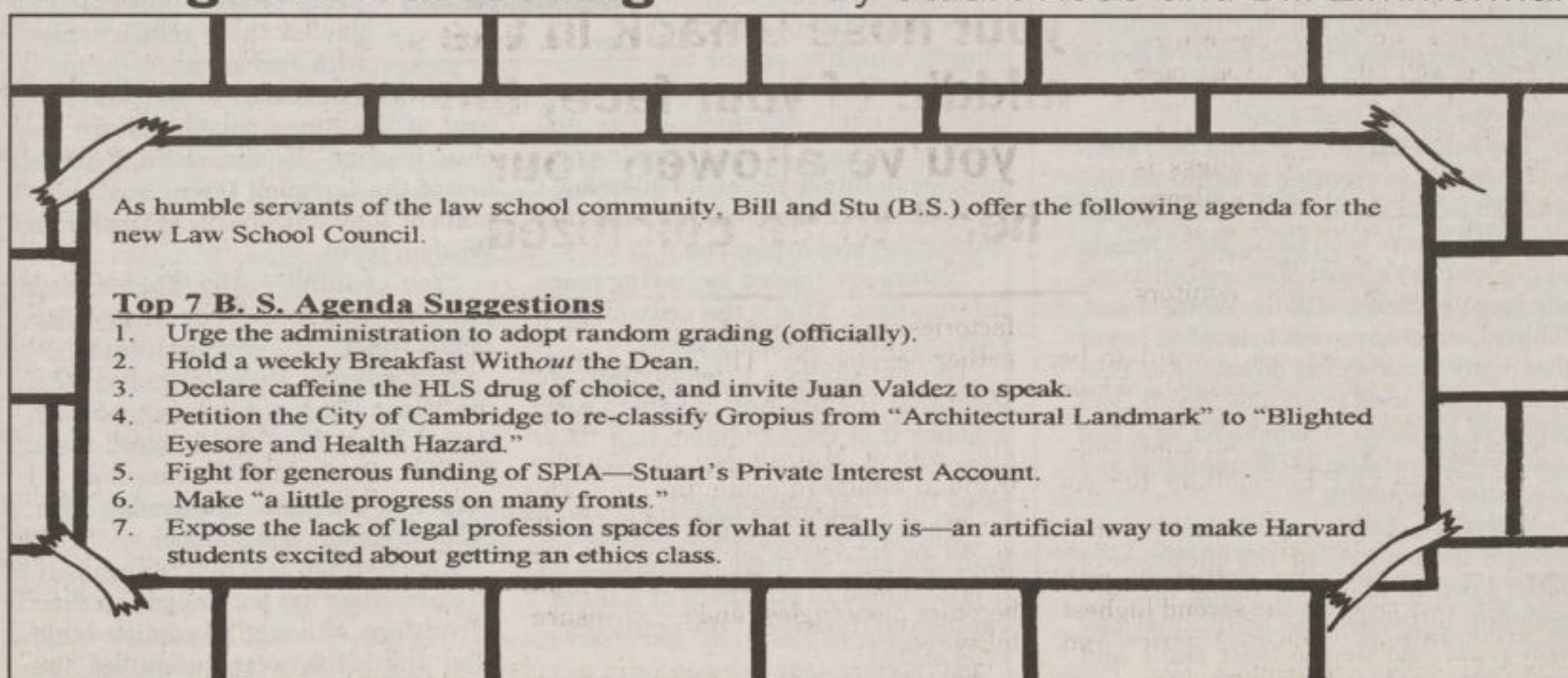
Ad Hominem

By Stuart Rees and Bill Zimmerman



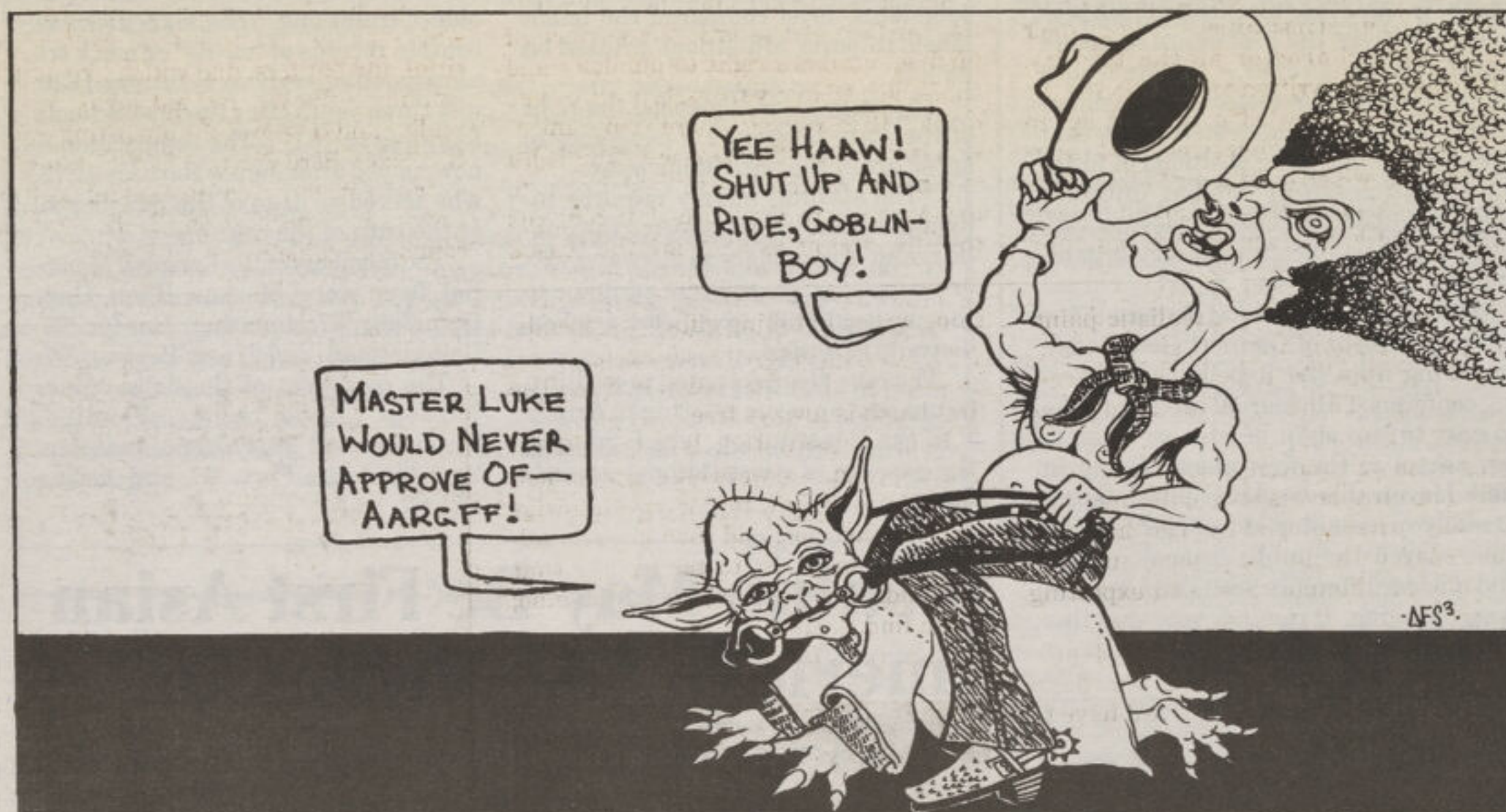
Investigative Cartooning

By Stuart Rees and Bill Zimmerman



Reasonable Man Rides Yoda

By Alfred Steiner



Spike

By Margie McWilliams



CALENDAR

By Janie Kim '99

March 14 - 20

Inhale deep with a purposeful sniff. Smell that? Stinks good like spring, doughnut? Being part groundhog and part low-grade tree pulp, Calendar can sense the return of warm, balmy days — even weeks away. After all, nature is in its "ink."

For those of you needing to be eased out of winter, let the weaning begin. The Massachusetts Horticultural Society's annual floral display is in full bloom. **The New England Spring Flower Show** offers over five mammoth acres of flowers, trees, waterfalls, mini-environments, and 40 fully landscaped gardens. Paradise indoors. The exhibit runs until 3/16 at the Bayside Expo Center, 200 Mt. Vernon St., Dorchester. Fri. & Sat. 10 a.m. - 9:30 p.m. Sun. 10 a.m. - 6 p.m. Call 536-9280 for more info.

Graceful ager **Marianne Faithfull** sings for her supper on Tue. 3/18, 7:30 p.m. The British rock-n-roll icon harks back to the stylings of cabaret, as she seeks to create a new, more intimate tone at the Avalon. 15 Lansdowne St., Boston. Call Ticketmaster 931-2000.

Have mouth harp; will travel. An invite stands at the Good Time Emporium to participate in its **Open Blues Jam** Thu. 3/20. Genuine professionals **The Gerry Stafford Band** leads the show. Free eats at the buffet from 8-9 p.m. No cover. 30 Sturtevant St., Somerville. 628-5559

Still baffled by the dance hall butterfly? It's all in the swerve of your thigh and the rock of your hip. Pick it up at **Haitian Night** at Club 3. Nothing's quite as liberating as a bout of sweaty writhing to old-style reggae. Sun. 3/16. 608 Somerville Ave., Porter Sq. 623-6957.

Kate Clinton is better known as the "lesbian you want to take home to meet your parents." This writer for the Rosie O'Donnell show brings her one-woman show to the Sanders Theatre, Harvard University, Cambridge. Hear the story of her joys and travails — it's more than standard stand-up schtick — Fri. 3/14, 8 p.m. Tix are \$16.50 - 19.50 Call 661-1252 for more info.

Perpetually adorned with freshly cut flowers and boasting a fanciful courtyard, the **Isabella Stewart Gardner Museum** is a jewel box of delights. Built in the style of a 15th century Venetian palazzo, this former residence of the late Mrs. Jack Gardner houses over 2,500 pieces of art, including masterworks by Rembrandt, Raphael, Titian, and Whistler. The current main exhibit, Botticelli's Witness: Changing Style in a Changing Florence, is on display through March. Open Tue.-Sun., 11-5 p.m. 280 The Fenway, Boston 566-1401

Robyn Hitchcock returns to Boston, headlining a show including **Dear Janes** and **Big Monster Fish Hook**. Mr. Hitchcock, a quirky English popster, first played with the Soft Boys in the 70s and 80s. Fri. & Sat. 3/21-22, it's just the man and his guitar, unplugged as usual, at T.T. the Bear, 10 Brookline St., Cambridge. Supposedly, his fans are justifiably legion.

Bill T. Jones, AIDS activist and choreographer extraordinaire, brings his company to the Emerson Majestic Theatre for two performances. Dance, celebrated for its redemptive powers, assumes especially glyphic forms as exercised by Jones' body. 219 Tremont St., Boston. Tue. & Wed. 3/18-19. Call 578-8727 for more info.

Planted among this issue's pages, a photo-preview of HLS' Drama Society's Annual Spring Parody.

Symbols of Cheez Whiz

By Alexander Boldizar '98

Two things in last week's RECORD frightened me. One was that I couldn't find myself. I have been losing myself since I came to law school, sure. My mind colonized and my body disintegrating. Bye bye, no problem. But after hearing rumours that scientists in Indonesia had successfully cloned George Bush ... well, you never know. Besides, nobody likes opening the paper and seeing that they are fungible. But it turned out I had just taken a wrong turn in the tunnels and soon found myself, or a reasonable facsimile thereof. Dolly Parton's mammary genes, the namesake for the now famous sheep, were there too. Or close enough.

The second thing that frightened me was a quote by J. Sinclair Armstrong, in the Briefs section of the RECORD, asserting that "We think the United States Bill of Rights should be just as much an article of export to the rest of the world as the products of our farms, factories, and financial services." Time to peddle: a clone of Rob Jancu on every icy driveway, Dolly Parton's breasts and human dignity American style — package deal, special price just for you. Sugar-free, caffeine-free, free of saturated polyhydrocarbonates and containing less than 2 percent cheese culture.

Thus, suddenly voiceless and 98 percent cheese-free, I soon found myself at a conference, in the company of Third World scholars who didn't want to host the cloning of America. Scientists in Idaho have discovered that if you take an Amendment, package, defrost, and microwave it for a few years, then insert it into a host country from which you remove the nucleus, you can replicate the American social structure and morphs, thereby creating a demand for packaged, defrosted, and microwaved human rights with less than 2 percent cheese culture. Aside from an aversion to fat free yogurt

and decaffeinated Coke, however, these last holdouts against Weight Watchers Double Fudge Brownie Parfaits have little in common. When I entered the



room, like Ionesco's Jack, they were debating the minimum number of noses necessary to be considered "Third World."

Prof. A: ...three noses would do? Of course there is a possible determination by the location of the noses but that would leave out Balti-

more.

Prof. B: Gandhi once said that if God wants a good reception among the poor folk in India, He'd better come as a loaf of bread.

Prof. C: The crucial determination is not production of noses, but which one can leap to the centre. You can sell out, place your nose smack in the middle of your face, but you've allowed your head to be colonized. Third Worldness is peripherality, subalternity, silence.

Prof. A: What about Baltimore? Is that the Fourth World? North Carolina needs election monitors with feet.

Prof. D: Do we really want to be counting elbows? It frames the whole issue in a narrative of progress, of one direction being superior in some way. Soon enough we'll be smelling diet yogurt everywhere.

Prof. A: Microlending is the key of course. It would join Baltimore with Kenya. America has the second highest murder rate after Latin America and needs U.N. election monitors. If you have to borrow ears from the U.S. then you're the third world.

Prof. B: The U.S. would export its legal and political institutions, holding their epistemic character as the totality, fetishizing the written constitution as the repository of knowledge, while it lies in the tekhné of the Supreme Court interpretations, which must pretend that nothing in the Constitution is changing. Some systems of knowledge are incommensu-

rable. The Bill of Rights cannot mean the same thing for someone without bread as it does for someone with buttocks.

Prof. E: Women's eyes always get marginalized in a general discussion of knees.

Prof. A: They don't have bread in Baltimore, but with microlending they will. And plumbing and electricity, and bricks...

...and so it went.

Yet there is a reason why the Third World conference seemed an orgy of non-sequiturs while the American Bill of Rights, and the products of its farms,

why the Third World can never truly oppose liberal society, why it inevitably becomes another American symbol, and why it matters whether I say "girl" or "woman" to a pretty female with silicone breasts.

Baudrillard points out the "murderous capacity of images: murderers of the real; murderers of their own model as the Byzantine icons could murder the divine identity." Liberal society, like God before it, has been reduced to the signs which attest to its existence. When these signs have murdered their reference, they become light, fluffy, exportable — like God and the American Bill of Rights.

The Deans wonder why HLS has been ranked #170 out of 170 in terms of quality of life for four years in a row: well, I can think of no symbol of the centre, of the very creation of symbols, than HLS. And symbols destroy depth, the third dimension, which life needs to flourish.

Liberal society has learned from Ionesco's *The Lesson*: "If you utter several sounds at an accelerated speed, they will au-

tomatically cling to each other, constituting thus syllables, words, even sentences, that is to say groupings of various importance, purely irrational assemblages of sounds, denuded of all sense, but for that very reason the more capable of maintaining themselves without danger at a high altitude in the air. By themselves, words charged with significance will fall, weighed down by their meaning, and in the end, they always collapse, fall ... On deaf ears." As did those at the conference.

America's single greatest imperial success has been in exporting symbols which can fly at high altitude across identities and borders, and which like a fifth column suffocate and eat away at the reality and truths of the importing country. Soon there will be a Dolly Parton on every driveway and an Amendment in every pot. And best of all, they will be commensurable.

You can sell out, place your nose smack in the middle of your face, but you've allowed your head to be colonized.

factories, and financial services, fit together seamlessly. The centre, liberal society, has found a non-reflecting surface, perfectly smooth and as flat as the pickle in a McDonalds hamburger, through which to communicate. This surface is as wide as the world itself and perfectly thin, with no volume, no density, no weight. A surface on which depth becomes meaningless and commensurability total.

This is the realm of symbols. Perhaps America's radical past has led to too many clashes of Self with Other, so America has moved out, relocated on the flat surface of the 3rd, the surface of Michael Jordan's right to publicity and the Yellow #6 in my fruit-style juice-type drink. It is a place where communication is possible. Symbols and simulacra can mean whatever you wish them to mean; they are the truth that conceals that there is none; they are the reason



Fenno stood outside the Office of Student Life Counseling, trying to decide whether or not to go in. He was a lost soul, his reputation ruined by Skippy's columns, and he no longer knew who was the real Fenno. He had to face the dark night of his soul, had to uncover his identity again. He opened his thermos of margaritas, drank deep, and strolled in.

A smiling receptionist sat underneath a poster proclaiming "the Folks at Dista Pharmaceuticals Welcome You to Student Life Counseling. Have a Carefree Day!" On her desk, nearest Fenno, sat two jars, one full of lollipops, the other of samples of Prozac. The receptionist spoke: "Why, hello there, young man! How can we make you feel better today?"

"I'm a lost soul, an empty husk of a man," said Fenno. "I've been betrayed by someone I trusted, portrayed as someone I am not. Everyone despises me, and I know not who I am. The booze hardly helps at all any more. I seek spiritual guidance, so that I may once more become a full human being."

"Oh, is that all?" said the receptionist. "Just take a fistful from each jar, and come back when you need more."

But Fenno pleaded with the receptionist, offered her his thermos, and finally pushed her out of the way and headed into the inner office. It wasn't that hard a push, actually, but the Prozac running through her veins had long ago sapped all her will to resist. Fenno soon found himself facing yet another desk with yet another smiling person, underneath an-

other poster, this one a realistic painting of a smiling Kurt Cobain jamming with a goateed John Tesh. The caption read "Just Think of What He'd Have Done on Prozac!"

Fenno was starting to become afraid. The smiling counselor, noticing this, picked up her notepad and pen, both emblazoned with the Dista logo, and said "Hello, Mr. Fenno! I've been expecting you!"

"You have?" Fenno asked, silently cursing himself for leaving his nanchaku in his room in North Hall. He'd have to be very careful, indeed.

"Of course, of course," said the counselor. "You've been naughty, and now you're unhappy. All those crazy thoughts going through your head have kept you from concentrating on your studies. We can make those thoughts go away, Mr. Fenno."

"We?" asked Fenno, smelling trouble.

"I mean us — the Office of Student Life Counseling — and our little round helper, the wonder drug Prozac. There's no feeling that's so bad that we can't make it disappear together," said the counselor, grinning beautifully. "Bad grades, interview woes, relationship troubles, substance abuse, the occasional headache or bad mood: you name it, Prozac's the answer!"

"I see," said Fenno, noticing the counselor's tasteful tote bag, which read "Prozac's the One!" in peaceful, non-threatening letters. "and you wouldn't happen to receive any benefit for prescribing this little friend of yours, do you?"

The counselor would have gotten very angry if he'd not been pumped full of Prozac; as it was, he merely smiled less lovingly for a moment. "I told you, Mr. Fenno," said the counselor, "Prozac and its parent company are our friends. You're not insinuating that there's any-

thing wrong in taking gifts from friends, are you? Just take some of this from me, as a friend. The first batch is free. The first batch is always free."

Fenno, disgusted, left the office. There were no answers here. He walked out of Pound Hall, taking liberal swigs from his thermos, and then a poster advertising an event to take place that weekend. "Maybe there," thought Fenno, "I can find clarity."

Next week: Fenno goes to the Parody.



Mmmm ...

WRITE FOR THE
RECORD

Quote of the Week

"My intuition is that the feel of a class of 140 is not that different from the feel of a class of 180. Why do we keep the ceiling at 140?"

— Prof. Terry Fisher '82

Double Standard of Stupidity

By Judd Serotta '97

RECORD Columnist



Over the past weekend I had the opportunity to see a televised speech by Justice Clarence Thomas. The speech was for the most part non-ideological; its theme was that America generally, and its political discourse specifically, is losing a much needed feeling of civility. While he never cited his own situation, it was clear what America's lack of civility hits close to. Such groups as the NAACP, rather than being proud that a black man is serving on the nation's highest court, have publicly ridiculed him. Part of that criticism is ideological: the fact that minorities in this country are expected to hold certain views would be an ideal subject for another column.

Another element of the criticism is that Justice Thomas is merely not very smart. That is a criticism that has come from the mainstream press as well as the disappointed groupthinkers who deride "Uncle Thomas," one who has the audacity to be black and oppose affirmative action *at the same time!* The white mainstream media has chosen to focus on the man's supposed lack of intelligence as a way to deride him. And the common public conception, I dare say, has followed suit: though the general public has had very little exposure to him (they generally don't see much of Supreme Court justices), you always hear cries that Clarence Thomas is stupid.

What is their evidence? In fact, if you asked the average left-of-center Harvard Law School student, she would probably blithely assert the same point. Sure, she will admit, he has written a few opinions that are well argued, but that must have been his clerks, not him. I offer the counter-assertion that Clarence Thomas is derided as stupid because he is simply politically incorrect. In fact, he has made a unique impact on the Court, and he has a truly unique view on many issues; that is a sign of original thinking, not stupidity. Judge Stephen Williams '61 of the Court of Appeals for the D.C. Circuit recently pointed out that, during his tenure on the court, he served with two Supreme Court justices — Clarence Thomas and Ruth Bader Ginsburg '56-'58. His opinion was that they both possess extremely bright jurisprudential minds. He also expressed incredulity at the notion that somehow Ginsburg is a sort of genius while Thomas is a blithering idiot. It simply is not so, he argues.

But Ginsburg is a woman who has taken the "proper" ideological positions (especially regarding feminism), so she must be smart. And Thomas has taken the improper positions (especially regarding racial issues), so he must be stupid. That is a clear-as-day double standard. And far worse, it is motivated by racism. No sensible person can argue that Clarence Thomas is the least competent member of the Court over the past 20 years; in fact, it can be argued that he is one of the most competent because of his capacity for original thinking. But if you're a black conservative, watch out.

This sort of double standard as applied to conservatives is not unusual. In a recent visit to Monticello, Vice President Gore seemed unable to identify a bust of Thomas Jefferson, the founder of Monticello (among other things). Earlier, in a speech Gore argued that "a leopard doesn't change his stripes." Maybe that's because they never had stripes to begin with. But has the mainstream media ever accused Gore of being "stupid?" Not that I can recall, in spite of his robotic, brainless recitations of the same lines over and over again. "We want to protect Medicare, Medicaid, education, and the environment." "There's no controlling legal authority" that says I did anything improper. You can train a monkey to say these things seven times in a 20 minute time period, but rumors of his stupidity have not spread.

Contrast Gore with Dan Quayle. Dan Quayle is, to a large extent, the founder of the modern political debate on family values. He was ridiculed for his "low I.Q." when he used Murphy Brown as a demonstration of his point that television had lost its moral center of gravity. Since then, President Clinton has delivered dozens of speeches that may as well have been written by the former vice president on this very topic! Clearly though, Quayle was prone to gaffes. And since a vice president does not get that much media exposure, the simple act of spelling "potato" wrong does not wipe away quickly. But the difference is that Gore can get away with doing stupid things, and Quayle cannot. Even though Dan Quayle, as vice president, had an enormous role in setting the national agenda, while Gore has been happy with photo opportunities and trotting out misleading numbers about shrinking federal workforces, Quayle is the one whose intellect is questioned. Why? Because his views are so disturbing to the liberal elite. It is far easier to deride the man *ad hominem* than to engage ideas. In fact, when they figured out he was right, they took his ideas without giving him credit for them. Now we have a television rating system, albeit an unsatisfactory one. Credit Dan Quayle, because Bill Clinton, the savvy politician, would not have addressed the issue if Quayle hadn't touched a nerve.

One final example is Ronald Reagan. I have made numerous odes to the Gipper in past columns. But suffice it to say that the intellectual elite and the news media have waged war against him since he arrived on the national scene. We hear that he slept in meetings, that he was incompetent except for his speaking ability, that he was unable to grasp difficult concepts, etc. Well, Reagan was smart enough to remark at least once (and I paraphrase) that one of the greatest political weapons any politician can have is to be underestimated by his enemies. And that is why he was able to pass such a large portion of his program. No one who knew Ronald Reagan would suggest that the man was stupid, lazy, or incompetent; and he was an inspirational figure for those with whom he worked. But he was a conservative, and if you're a conservative, you just can't be very smart, we are told.

So I'm waiting for the columns about how dumb Barbara Boxer is, and how Harry Blackmun '32 created more judicial disasters through sheer lack of intellect than any justice I can think of. I'm waiting for the columns that talk about how Barbara Streisand feels compelled to speak on political, cultural, and social issues when she is incapable of understanding the counterarguments. They will not be forthcoming, because, in constitutional law terms, conservatives are subject to "heightened scrutiny" for they have dared to challenge the liberal elite.

ACTS OF DESPERATION

Applying the Uncertainty Principle

By Jacob M. Appel '99

RECORD Columnist



At the age of seven, I was the best America had to offer — precocious, endearing and indoctrinated. You would never have discovered me scribbling outside the lines, accepting candy from trench-coated motorists, or questioning the generosity of the Pilgrims toward the Indians. In fact, I often begged my mother to take me to the nearest Indian reservation so that I could castigate the inhabitants for their ingratitude: had they not been strangers, I would have gone on my own.

At that age, the tooth fairy had already educated me in the basic principles of capitalism; I would spend my weekends buying teeth off the neighborhood kids for 17 cents and would then loan out my eight cent profit at prime plus 10 in front of the local confectionery. As a suburbanite, I had a visceral appreciation for Washington's endeavors in the cherry orchard and Lincoln's freeing of the slaves, although in my sheltered life I had never seen a fruit tree of an African American. I was an integral part of the Revolution of Rising Expectations, confident that the world was my oyster and that I would someday employ Horatio Alger at minimum wage. So when my mother inquired what I wanted for Christmas, my response floated off my tongue with the confident expectation of Napoleon making snow angels in the Russian steppe. All I wanted for Christmas was for Jesus Christ, our Lord and Savior, to return to Earth with an offering of eternal life and salvation. Instead, my gift involved a visit to a world-famous child psychologist who possessed a passion for stick drawings of my family and kept promising to turn me into the next Tom Eagleton. From that point forward, reality has not met my expectations.

A romantic encounter in a local convenience store recently reminded me of the dashed hopes of toddlerhood. I was in a violently hostile mood, irate that this national chain charged \$1.15 for a bottle of soda, and they did not even carry Dr. Brown's Root Beer (between this tragedy, the Civil War in Albania and the hostage crisis in Peru, I've hardly obtained any sleep in weeks). As I approached the counter, I noticed that the salesgirl did not resemble the pictures on the covers of the magazines that surrounded her. Yet here she stood, every day, as hurried shoppers compared her to her rivals at Glamour and Modern Maturity — and I have a hunch that she, even with her heavy make-up and corrected hare-lip, had allowed her self-esteem to descend below Schopenhauer's. Of course, she probably dreamed at night of the next Rudolf Valentino riding into her establishment on four white horses, taking her up in his arms, and carrying her off into the sunset while he explained his life-long hatred for Dr. Brown's Root Beer. Instead, she was blessed with me — slightly taller than Napoleon, slightly shorter than Hitler — possessed of all the virility of Oscar Wilde and almost enough charm to play the title role in "Death of a Salesman." And she thought, well he's almost as tall as Hitler. And I thought, she can look like Betty Grable with the lights out. And she thought, but I'm only 35. And I thought, I can always buy a magazine. And we stared at each other, for a brief second, the victims of unrealistic expectations in a world where small children are taught that they can be all that they want to be in life and wealthy capitalists monopolize the root beer market. Another Kodak moment.

Maybe this American dream thing isn't all that it's cracked up to be. Give us your tired, your poor, your huddled masses, and we'll let them take Saturdays off to wait in line at the Statue of Liberty. Tevye, the immortal Zero Mostel creation who delivers milk in the Pale while imagining he is in a Goya painting, had no such expectations — life was simple, straightforward, even static. Like so many of his contemporaries, he married the woman on the village green who was closest to him in height, earned his living in the same way his father had earned his, and expected small things like spring rain and the possibility that he wouldn't be raped by Cossacks. You couldn't ask Tevye questions like, "Hey ol' boy, how do you like delivering the milk?" or "You ever think of dropping that Golda chick and taking up with a younger woman?" Life was hard, I'm sure, and smallpox was probably not as enjoyable as cable television, but no hopes were dashed, no dreams shattered, no streets of gold ever left unpaved.

In contrast, this great land of ours teaches our children that no matter how ignorant, unattractive, uncoordinated, and generally dysfunctional you are in life, you can rise to the Presidency. Gerald Ford notwithstanding, the psychological advantage of teaching the school children of Bedford-Stuyvesant and Paducah, Kentucky that they should have high hopes seems as questionable to me as the benefit of leaving out wine and wafers on the mantle in case Jesus should accompany Santa Claus next year. You can't have it both ways: I've been meek all of my life, and I ain't inherited nothing.

The alternative, of course, is putting my hare-lipped dream girl on the cover of a magazine, drafting pygmies for the NBA, assigning law degrees with the precision of the selective service lottery, and redistributing property on the basis of astrological signs. The absurdity of this idea is readily apparent, of course, unless you're a hare-lipped pygmy and a Capricorn or you're part of the CLS movement. In either case, you probably didn't start out with very high expectations.

SPORTSGUY'S INTRAMURAL TOP TEN

(last week's ranking in parentheses)

- | | | |
|-----|--|-----|
| 1. | Black Plague (1) | 5-0 |
| 2. | Rainmakers (2) | 4-1 |
| 3. | Sweathogs III: Ladies' Last Chance (5) | 3-0 |
| 4. | Great Danes (3) | 4-0 |
| 5. | Unabomers (6) | 4-0 |
| 6. | The Killing Zone (7) | 4-0 |
| 7. | Godfathers of Dunk (6) | 5-0 |
| 8. | The Nets (9) | 2-3 |
| 9. | Alphabet Soup (NR) | 2-3 |
| 10. | Swingers (10) | 4-0 |

SPORTSGUY

The Most Wonderful Day of the Year

By Todd Stillerman '97

Sports Editor



Call it Big Friday or DirecTV Presents Quarterfinal Madness or what ever ESPN/CNN-SI/NCAA-sanctioned name you choose, but the first Friday in March is the SPORTSGUY's favorite day of the year. Better than Christmas (which features only a meaningless NBA regular season game) or the Fourth of July (consigned to tired baseball games with chintzy fireworks displays), the first Friday in March is the only day a true sportsfan can witness four Atlantic Coast basketball games in less than eleven hours.

Last Friday, the SPORTSGUY journeyed down Tobacco Road to the revamped Greensboro Coliseum, also known as the place where the magic happens. Start with tradition: the hardwood within this revered gymnasium has witnessed many of the greatest basketball performances in history, from Randolph Childress' 107 points in three days to lead Wake Forest to the 1995 ACC title to David Thompson and N.C. State's mindbending upset of Bill Walton's UCLA Bruins en route to the 1974 national title. Add a crazed horde of real basketball fanatics: crammed into this parqueted Mecca's seats are 25,000 pilgrims who have traveled from exotic locations like Tallahassee and Charlottesville to pay homage to the basketball gods. Assemble eight of the best fifteen teams in the nation for a slate of four games played back-to-back, and even the Superbowl pales by comparison.

And so the SPORTSGUY sat in his vaunted pew above the floor, wondering how life could ever improve on this particular day. At 4:00, as N.C. State was thrashing some insignificant private school from Durham, the SPORTSGUY considered never returning to law school. Once juggernaut national power Wake Forest had sealed its quarterfinal win over Florida State, the SPORTSGUY was already planning his new life as a vagabond basketball dead-head, wandering the earth like Cain from Kung Fu looking only for two hoops and a bouncing ball. But little did the SPORTSGUY realize that true fulfillment was waiting back in Cambridge at Hemenway Gymnasium, where the bold cage-warriors of the HLS Intramural Leagues were playing outstanding hoops. Here's a look at this week's action:

Game of the Year? In a battle of undefeated teams, top-ranked Black Plague (5-0) rallied to defeat the #2 Rainmakers, 62-61. Trailing by five late in the second half, the Plague grabbed a one-point lead on a clutch three-pointer from guard Derek "Action" Jackson '99 and a lay-up and free throw by Calvin "Hobbes" Gladney '97, then held the Rainmakers with tough defense to preserve the final margin. The Rainmakers (4-1) controlled the game from the start behind the shooting of "What's In A" Naim Bulbulia '98, who hit six shots from behind the arc. "I felt good," noted Bulbulia, "but none of my individual triumphs matter when the team loses. [Plague forward] Damon Jones '97 did a great defensive job on Brent [Schlotthauer '98, the Rainmakers' top inside threat], and we had to let Rich Moberly '98 bring the ball up the court to keep the ball away from Calvin, who shutting down ["Next Of"] Ken [Kloner '98, the regular point guard]. Black Plague really took us out of our offensive rhythm. Did I mention I had six threes?"

Other A-League Action Two of the newer entries into the A-League continued to prove they deserved to compete with the veterans this week, as the Nets and Alphabet Soup both scored impressive wins. The Nets, a team of mostly One- and Two-Ls, ran past The Dark Side (0-5) behind lightning quick point guard Jim Walsh '99. Alphabet Soup, perhaps finding the team chemistry they so dearly lacked in previous games, overcame established A-League power Lil' Penny's Nightmare (2-3). The Soup, comprised entirely of members of the class of 1999, now stand tied with the Nets and Lil' Penny for third place.

For Real? Two teams the SPORTSGUY regarded lightly in the preseason took giant leaps toward legitimacy this week. The Killing Zone, led by the offensive prowess "Safe" Haven Morgan-Hubbard '97, thumped the wily Chupacabras 40-30 in a Langdell Division game. The Zone (4-0) moves to #6 in this week's poll and looks like a lock for the play-offs. The Sacrificial Lambs, who had not played a game until this week, swept a double-header Saturday, dumping the Bob Melsons by a 34-24 score, then dispatching Soulbucket, 47-35. The Lambs backcourt features two Furman University grads, Johnathan McCants '97 and Laurance "Crimean" Warco '97. Team captain Warco notes that his team is "Paladin proud. We're 2-0 and ready to contend." The rest of the league will know for sure after an April 4 game against the Unabomers.

Rankings Jumble Returning to action after a two-week hiatus, Sweathogs III: Ladies' Last Chance For Some Hog (3-0) smacked a talented Short Guys team, 69-40. "Short Guys are a play-off team in any other division," quipped Sweathogs monster center Doug "Dreidl, Dreidl, Dreidl, I Made It Out Of" Clayton '98. "It's a crime that so many good teams were placed into the Langdell Division." The Hogs leapt to #3 on the strength of their big win against quality opposition. Slipping a notch to #7 were the Godfathers of Dunk (5-0), who eked out a six point win over the B Sharps (2-2). The Unabomers (4-0) crept to #6 on the strength of a 47-35 win over the Tarnished Rotunda (1-3). Incidentally, the SPORTSGUY made a mistake last week by erroneously referring to "Life Of" Bryan Kurtz '97 as a star forward for the Chupacabras. Kurtz is in fact a fair-to-middling forward for the Rotunda.

Trash Talk in the C-League? Just a week after the Godfathers of Dunk begged for liberation from the B-League, another intramural squad is lobbying for reclassification. The Swingers (4-0), those hipster dudes from the C-League, suggested they deserve a berth in the B-League play-offs after whipping Fooling Ourselves, 57-26. League commissioner Naim Bulbulia scoffed at such a notion: "Those guys are a mediocre B-League team at best." Bulbulia promised to reconsider if the Swingers could beat C Is For Competitive next week.

LIVING TO EAT

Comfortable North End Proves Good Value for Authentic Italian Fare



By Judson Berkey '98

RECORD Columnist

Artu is the kind of restaurant you would love to have at the end of your block. Located just off the North End's main drag at 8 Prince Street, the casual restaurant provides a wide enough variety of generally high quality Italian cuisine to make each visit a unique culinary experience.

Billed as a cross between a roosteria and trattoria, the menu offers an array of pleasing antipasta and salads along with a mixture of generously portioned pasta and roast meat main courses. The reasonable prices — one extravagant feast for two consisting of a bottle of wine, antipasta, main courses, dessert and coffee ran just under \$60 while another very satisfying meal for two consisting just of wine and main courses came in at around \$30 — make Artu a perfect place for that casual meal intended to provide a break from the weekly routine.

Artu's combination of fresh tasting and reasonably priced food attracts both a local and dining out crowd. On a recent Saturday night, the line stretched into the street resulting in a half-hour wait (a midweek visit, however, required no wait). If the time spent waiting wasn't enough to build up a healthy appetite, then the spectacular view of the kitchen through the large storefront window certainly was.

As one cook prepared the popular antipasta in the foreground, others scurried over main dishes on the stove in the background. At one end of a counter just inside the window, stately chickens turned on vertical roasting spits and provided a wonderful homey smell whenever the front door opened. The counter's other end contained a strikingly colorful arrangement of vegetables comprising that day's signature Chef's Choice Antipasto (5.50 small; 9.50 large). On this night, the wide white bowls overflowed with wonderful roasted carrots, zucchini rounds fried in a refreshingly light batter, mushrooms sauteed in olive oil and rosemary, and smoky grilled yellow squash.

The inside dining space reflects the attitude taken towards the food at Artu. Sparsely decorated without the bric-a-brac of many North End eateries, the decor suggests an earnest attempt not to overwhelm the diner. Soft wood floors, bench seating along the walls, simple tables with a good degree of spacing in between, and a friendly wait staff produce a pleasing air of simplicity and authenticity that filters down to the menu.

Baskets of bread come without butter as one is supposed to use the jar of olive oil residing at the center of the table. The crostini misti antipasta (\$2.75) consisted of nearly a dozen pieces of toasted Italian bread plainly topped with red tomatoes that still contained a surprising amount of zest in the later stages of winter. The crostini had a wonderful lightness about it due to the fact that the bread was not too heavily oiled. A neighboring table's antipasta of smoked mozzarella, roasted peppers, and mixed greens was plated in a simple and attractive manner that also stressed the quality and freshness of each of the individual ingredients.

The main courses at Artu are fairly evenly split between pasta and meat dishes. In a departure from most of the southern Italian fare in the North End, the pastas contain a roughly equal number of red and white sauces. The red sauce had a nice consistency which was neither too thick nor too watery with heavy oregano accents. The white sauces also appeared to be fairly moderate in their use of cream.

The penne alle puttanesca (\$8.50) was a delicious and spicy mix of bitter capers, strong olives, and anchovies while the maccheroni artu all'Amatriciana (\$9.75) provided a classic and well-made mixture of salty pancetta, onions, and fresh tomatoes. Unfortunately, on the aforementioned busy Saturday night the freshly made maccheroni pasta was a bit overcooked, thus turning out chewy and clumped. The midweek penne was perfectly done, however, containing enough residual starch to result in a clinging sauce.

The meat-based main courses revolve heavily around chicken with a few roast pork, roast veal, and seafood dishes thrown in the mix. The pollo con melanzane parmigiana (\$8.95) was a standard layering of breaded chicken cutlet, eggplant, mozzarella cheese, and red sauce. The chicken was still tender and moist but the eggplant had turned out a little soggy probably due to being overcooked while waiting for the chicken to finish. Again, this occurred on the busy Saturday night. During the midweek visit, a melanzane parmigiana (\$6.95) of just eggplant topped with mozzarella and tomato sauce had a perfect texture and vibrant taste. Several veal dishes in lemon and sage sauces received favorable comments from neighboring diners.

The wine list was obviously well thought out and carefully selected. The offerings by the glass, although a bit expensive (\$6.50), consisted of an impressive mixture of southern and northern Italian wines in the form of a Pinot Grigio, Chardonnay, Barbera, and Nebbiolo. The wines by the bottle were undoubtedly the better deal though. Both a spicy Montepulciano d'Abruzzo (\$13.75) and a smooth cherry-fruit Valpolicella (\$18.75) were excellent and great bargains considering the by-the-glass price. There were several more expensive offerings which, if they matched the two sampled bottles in quality, would be well worth the price.

Artu does offer two classic Italian desserts — a very good looking tiramisu (\$3.75) and an excellent cannoli (\$3.50) consisting of plain ricotta inside crisp pastry shells. Both are made in house; the owners were disappointed by the tourist-oriented fare which they used to purchase from Mike's Pastry Shop. The cappuccino (\$2.75), more like a bowl of espresso soup than a cup of coffee, equals the desserts in quality.

The only warning that comes with a visit to Artu is the fact that they don't take credit cards or reservations. Thus, make sure you show up with enough cash (which shouldn't be too tough given the prices) and patience on a week-end night. Better yet, go during the week to avoid the crowds and to ensure that you receive the high quality food which Artu is quite capable of providing.

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