



Record Year for Public Interest

By Eddie Grauman

Public interest gained significant ground this year at HLS. More students than ever applied for and received summer public interest funding. A record number of alumni switched from private sector jobs to jobs covered by the Low Income Protection Plan (LIPP).

Still, public interest advocates stress the need for a reexamination of the summer funding process and the future of LIPP if HLS is to remain at the forefront of public interest.

Summer Funding Peaks

A record number of 354 students applied for summer funding through the financial aid office in 1996-97, according to Lisa Dealy, director of summer funding programs and LIPP. Approximately 200 students will receive some form of summer funding through a variety of sources.

Of those who applied, the financial aid office "got to everybody on the waiting list, with the possible exception of one person who just came in last week," said Dealy.

The financial aid office will fund 132 students for the summer, a dramatic increase over last year's total of 89, said Dealy. This includes \$265,000 in HLS funds — up from \$215,000 last year — and a minimum of \$180,000 in federal work study

funds — up at least \$40,000 from last year, she said.

The marked growth is primarily due to Dealy's new system of distributing summer funds.

The old system was inefficient in that the Law School never spent its entire work study allotment, which is funded by the government and administered separately from the HLS grants, said Dealy.

In past years, these excess work study funds sat unused even as several students — who were both denied HLS grant money and ineligible for work

Please see **FUNDING**, p. 4

Clark Releases HLS Operating Budget

Plans to Renovate Four Classrooms Announced

By Jacob M. Appel

Dean Clark '72 released this week informal income and expense statements for the 1996-97 Law School year and some preliminary figures for next year's budget.

According to next year's projections, tuition will rise 5.1 percent, the lowest increase since fiscal year 1974, and a substantial number of new hires will join the information and tech-

nology staff. The dean also announced the development of a new capital expenditure project to renovate four of the largest Law School classrooms.

The overall budgetary income and expenditures for the 1996-97 academic year were \$74.8 million, a 5.8 percent increase over last year's income and expenditures



Dean Clark '72

of 70.8 million.

The leading income generators for HLS during 1996-97 were tuition and student fees (\$40.4 million), the endowment (\$17.6 million), auxiliary enterprises including dormitory and dining fees (\$7.0 million), and current use gifts (\$2.9 million).

Of this revenue, the largest shares went to the instruction budget and faculty salaries (\$13.8 million), the maintenance of facilities (\$12.7 million), the library (\$8.3 million), and research (\$6.9 million). The Low Income Protection Plan will cost the Law School \$1.2 million this year, and clinical programs will consume \$3.0 million.

"Over the last 10 years, the endowment has grown enormously," Clark explained. The Capital Campaign, which ended two years ago, was successful enough for HLS to increase expenditures without having to resort to larger tuition hikes.

Clark noted that this year's tuition increased at a lower rate than that of competitors Yale, the University of Chicago, and

Please see **BUDGET**, p. 7

Dorm Telephone Rates Should Decline Next Year

Students Upset Over Price, Lack of Choice

By Rob Friedman

Students who live in the dormitories next year will likely see an improvement in their monthly phone bill, said Robert Grenier, manager of Harvard Student Telephone (HST).

Grenier said HST is in the process of negotiating a rate reduction with MCI. Grenier said HST was asking for

"lower international rates and ... a flat rate [for domestic calls] ... potentially a dime or less per minute."

Currently, the cheapest long-distance rate available to students is 14 cents a minute when students call domestically on weekdays after 11 p.m. and all day during the weekend. A typical domestic call made during evening hours (5 p.m. to 11 p.m.) costs 16 cents a minute. Daytime calls cost about 28 cents a

minute.

Long-distance rates are based on MCI rates "minus seven percent," Grenier said. Grenier said HST uses MCI because "right now, they are willing to give us the best overall rate." Grenier said, however, that because HST purchases long distance service from MCI does not mean students are customers of

Please see **PHONES**, p. 4

June to Retire in December

Replacement to Be Announced by September

By Timothy Kiefer

Director of Career Services N. June Thompson will retire on December 31 of this year. Her replacement is expected to be selected by the start of the 1997-98 school year.

Thompson said that the overlap period is designed to help the new director learn how to manage the fall interviewing season.

"It will give the new person some time to lead in before they are thrown into the fall interviewing ... it would be hard to step into that," Thompson said.

Thompson said that the new director probably will not be selected from the current OCS staff. She said that the new director is likely to be someone with OCS experience at another law school, a law firm recruiting coordinator, or a member of a law firm hiring committee.

Thompson said that the final hiring decision will be made by Dean Clark '72 and that she will

not participate in the hiring process. Thompson said that she would probably know many of the applicants and that she would feel uncomfortable judging them.



N. June Thompson

Thompson currently manages five employees at the OCS. OCS is responsible for helping students get jobs in all types of private-sector employment as well as judicial clerkships. The Office of Public

Interest Advising is run separately from OCS.

Thompson started her HLS career in 1959, at the HLS alumni fundraising office. Later she moved to a job working for both the admissions office and the placement office.

During the 1981-82 school year, Thompson was named Director of Placement and Assistant Director of Admissions, replacing Eleanor Roberts Appel, who had been Placement Director since the late 1950s.

During the early 1990s, the Placement Office was renamed

the Office of Career Services. At about the same time Thompson left her duties at the admissions office to manage OCS full time.

Thompson said that Harvard's reputation in the legal community made her job enjoyable since HLS JDs have never had significant difficulty finding jobs.

"I have often told people I wouldn't be a placement director anywhere else," Thompson said.

Thompson said that the favorite part of her job was helping HLS students select from multiple job offers.

"That's the fun part of being a placement director," she said.

In "Broken Contract," a law student memoir otherwise bitterly critical of HLS, Richard Kahlenberg '89 praised Thompson's placement office.

"The tremendous employment success rate is partially because Harvard Law students have a name to sell, but it's also because of the legendary Harvard placement office ... A law student from New York's

Please see **THOMPSON**, p. 14

Rosenbaum Tops 2L Marshal Vote

By Jaclyn Liu

Two men and two women emerged as 1998 class marshals after polls closed on Wednesday. A total of 360 votes were cast, a dramatic increase from the previous year's 201 votes.

With 190 votes, Michael Rosenbaum '98 won with an overwhelming lead over Obi Okwumabua '98 and Steve Mudder '98, who both received 112 votes. Belinda Lee '98 received 97 votes.

"I am really excited about helping to develop activities for our class next year and after graduation," said Rosenbaum. "Not only can we make our 3L year way too much fun, but we can also be inclusive of the wide diversity of interests that our class may have."

"I think class marshals not

only represent their class, they also serve as the class' unifying force," said Okwumabua. "I want to get to know more people in the class and focus on the fun elements and try to make our 3L year less stressful and a memorable exit."

Responsibilities of the marshals include picking the class wine, selling class T-shirts, and organizing year-long social functions to help energize the class before graduation.

Rosenbaum predicts his ideas for social events will include evenings at bars and clubs, outings to sporting and cultural events. He would also like to organize a pro-bono public interest day. Beyond graduation, Rosenbaum's ideas include class gatherings in different cities, e-mail lists, a class

Please see **MARSHAL**, p. 5

27 Years Ago in the RECORD

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TEN CENTS

Law Students Vote to Join Strike

By Michael Lurey

The aftermath of the tragic killing of four students at Kent State and President Nixon's announcement of expanded American involvement in the "Indochina War" was felt at Harvard University as elsewhere in the nation.

Initial reaction following the Kent State shootings, Monday May 4, led to a call for student boycott of classes. Some 2500 to 3000 students—primarily from the College and the Graduate School of Arts & Sciences—participated in a mass meeting held jointly in Memorial Hall, Sanders Theatre and Lowell Lecture Hall.

First organized Law School response came Tuesday afternoon with an open meeting in Ames Courtroom attended by 700 students and faculty which considered Harvard Strike Demands adopted by the University meeting the night before. But even before this meeting, many students stayed out of classes and spent their time instead discussing the issues and arguing over what to do.

The Law School meeting passed a resolution calling for the faculty to show its support for the anti-war protest by cancelling exams, scheduled to begin the following week for 3L's. The resolution which originally "demanded" faculty support was changed to "ask for support" by voice vote.

(Continued on Page 3)



M. Stul Oppenheimer

Dean Bok listens to student views.

Faculty Alters Final Exams

By Bob Hernandez

In a major departure from tradition, the Law School faculty has voted to administer all examinations on the honor system, allowing each student the option of taking any or all of his exams away from Cambridge, while requiring that exams be completed.

The move came in response to a strike vote by students, which had included a request to the faculty to cancel exams for all students participating in the strike.

At the College, students were

granted options of taking regularly-scheduled exams, or making arrangements with individual instructors to receive grades or "passes" for work thus far completed in the year.

The Law School faculty had previously rejected the no-exam proposal in a meeting on May 5, immediately following the strike vote. At that time they unanimously adopted a resolution to allow students on an individual basis to petition the Administra-

(Continued on Page 6)

Students Support National Strike

(Continued from Page 1)

The meeting, however, narrowly rejected—308 to 263—the further proposal that students be permitted to take exams if they wished.

It endorsed the demand overwhelmingly adopted by the mass meeting the night before, that the U. S. government immediately withdraw all forces from Southeast Asia, and stop its oppression of political dissidents. However, the group refused to endorse the demand for an end to University-conducted defense research and for the release of Black Panthers.

The Law School faculty convened in the Pound Room at 4:30 Tuesday afternoon but adjourned about 6:00 for dinner because a

bomb-scare forced the building to be cleared. A number of students attended the meeting and were permitted to voice their views. But an angry group of 15 to 20 students was barred entry because the room was "full."

Tuesday evening the faculty met in the New Classroom Building and voted to allow students the option of taking exams during the first week of September, rather than following the original schedule. 3L's were given the further choice of delaying exams one week.

The purpose of this mini-delay was to free students to attend the Washington rally and lobbying of Congressmen being organized for the following weekend.

Students rejected the faculty proposal. Classes were picketed and attendance ran as low as 10 per cent later in the week. Section and class meetings, as well as another mass meeting, were held on Wednesday.

The third year class meeting came up with the flexible exam schedule ultimately adopted by the faculty. Professor A. James Casner and several other professors with third-year courses attended the meeting. They told the class they would accept a system which accommodated students desiring to spend the coming weeks lobbying in Washington for the peace amendments. But the professors stressed that exams in some form had to be given.

Exams...

(Continued from Page 1)

tive Board to be able to take all exams in September instead of during the normally-scheduled time.

Following student meetings which reiterated the strike demand, including a third-year meeting which proposed optional take-homes, the faculty reconsidered its decision.

While declining to cancel classes or examinations, the new faculty resolution sought "to offer students the maximum flexibility in making their own plans consistent with the educational aims of the Law School."

Third year students and graduate students were granted the option of taking their exams at the regularly-scheduled times, picking up their examinations early, or having them mailed to them, "to be taken on a self-administered basis, pursuant to any terms set forth on the examination, and on the honor system." At the instructor's option, take-home exams might differ from the regularly scheduled examination. Students desiring to receive their degrees in June were to return them by May 27.

Examinations will also be mailed to any first- and second-year students who do not appear for one or more of their regularly-scheduled exams. These examinations are due by September 1.

Student reactions were mixed to the faculty resolution. Many complained that the system offered no real choice for many students, whose summer commitments would prevent them from making use of the take-home option. Many immediately left campus to begin political work in their home towns or in the Boston area. A few made their way to the beaches of California or summer jobs.

Meanwhile, several faculty members marked their distaste for the take-home option by requiring monumental works, some of Law Review length and quality.

One first year section was expected to spend 48 hours of writing time on each of four take-home examinations. Working eight hours a day, each student who chose the take-home option would have spent 24 days on these exams. Several professors finally agreed to lower the time requirements.

Conference Probes Issues in Law, Policy and Medicine

By Stephen C. Chen

More than 145 people attended the Law and Health Care Society's health law, business, and policy conference last Saturday in Ames Courtroom. The all-day conference, titled "Beyond Market Integration: The Health Care Industry in the 21st Century," brought together health care lawyers, professors, policymakers, advocates, physicians, health care executives, investment bankers and management consultants to discuss the future of health care in the United States.

According to Edwin Park '97, co-president of the Law and Health Care Society, "The goals of the conference were to make aware to students ... the many career opportunities in health care and also to provide a substantive forum that would be really interesting to people already familiar with the field."

Among the conference participants were Michael Astrue, general counsel of Biogen, Inc. and former general counsel of the U.S. Dept. of Health and Human Services; Dr. James Houghton, Medical Director for Public Health for Los Angeles County, and Dr. Peter Slavin, Medical Director of Massachusetts General Hospital.

The highlight of the event was the keynote address by Prof. Kenneth E. Thorpe of Tulane University's School of Public Health and Tropical Medicine. Abi Raval '97 thought the presentation was "clear, authoritative, and without bias. It was impressive how he covered a lot of issues important to people at large,

especially the point that universal access is as important as cost and quality."

A health care economist and one of the architects of the Clinton health care reform plan, Thorpe provided a summary of the entire U.S. health care system, grading the nation's health care system on two issues: cost-containment and access. The overall marks were mediocre.

Thorpe noted that while the rise of managed care and the integration/consolidation of health plans have contained

talents to cease providing free care to the uninsured, Thorpe wondered, "Who's going to provide care to these populations?"

Thorpe's gloomy predictions for the future included: continued growth in health care costs, continued rise in the number of uninsured, and little if any legislative activity to deal with the structural problems facing the U.S.

He did have some hope, noting there was an opportunity to cover uninsured children as seen in an initiative sponsored by Senators Ted Kennedy (D-MA) and Orrin Hatch (R-UT). However, the cost, about \$15-20 billion over five years, may prove prohibitive.

Four plenary panels followed. The first panel, "Emerging Legal Issues in Health Care," brought together health care lawyers from several prominent corporate law firms. Harvey Freishtat '72, managing partner of McDermott Will & Emery-Boston, noted the unique opportunities available for lawyers in health care.

According to Freishtat, not only can lawyers develop "specialty and subspecialty expertise because of the complex ins and outs of health care," but lawyers often provide what's "not technically legal advice, but more like consulting and business advice," and will actually "help shape things" as the health care system continues to develop.

The second panel, "Protecting Vulnerable Populations," discussed how current market forces in health care would affect uninsured and low-income populations. The panel was a volatile mix of advocates, policymakers, and professors.

Dan Hawkins of the National Association of Community Health Centers stated that as "dollars disappear from [the public health system] and effectively go to corporate profit lines and stakeholder dividends on Wall St. ... the question is where will [the uninsured] go for care and who will be responsible for their care. And if it's no one, we'd better be prepared for chaos."

The third panel, "Competing and Thriving in the Health Care Marketplace," addressed how health care organizations (HMOs, providers, and biotech companies) respond to market forces. The panelists expressed that health care organizations' attempts to vertically integrate often fail. For example, pharmaceutical or biotechnology companies cannot acquire health care providers because they simply do not know the health services field.

The last panel, "Strategic Planning for the Next Century," seated consultants and investment bankers who expounded on future growth areas in the health care industry. The panelists discussed telemedicine, targeted services for particular lifestyles, and pharmacy benefits management.

The conference's audience was a diverse group of students and professionals. A few local attorneys, consultants, and physicians also attended.

Law and Health Care Society co-president Kevin Vosen '97 stated, "We were thrilled to get such an accomplished group of health care professionals and that so many people from across Harvard University and other schools could attend." Sylvia Yu '99, an organizer of the event, concluded, "We believe that the conference set a strong precedent for the Society and we hope to build upon this year's success next year."



Panelists share their expertise on health care issues

costs over the last few years, the success appears to be short-lived. Premiums are rising, providers are resisting further price controls, and science will continue to develop new but expensive medical innovations.

Thorpe gave the U.S. an unequivocal F for its lack of progress on the uninsured. He explained that the ranks of the uninsured continue to rise despite steady economic growth and that middle class Americans saw their personal spending on health care premiums rise 8.5 percent from 1993-1995.

As cost-containment pressures hospi-

his contacts, which give us more and more direct lines to NGOs [non-governmental organizations], and his experience.

"Peter is able to help provide suggestions," said Culhane. "If, for example, someone walked in and said they were very interested in children's rights and said they wanted to go to Africa, he could recommend some well established NGOs and give some idea of the type of work involved."

Culhane also noted that this year, for the first time, several NGOs approached the Program for help in finding summer interns. Normally, the Program solicits information from the NGOs. As a result, "four of our interns this summer are going on internships that we were asked to try and provide an applicant pool for," she said. Although Culhane attributed the increased attention in part to the Program's reputation and the caliber of students that apply, she said that Rosenbloom's arrival also contributed.

Rosenbloom, who came to the Law School after stints with the U.N. Center for Human Rights and as program director for the International Human Rights Law Group, characterized the internship program as "intrusive."

"As a program, we like to be involved with the interns and with the organizations that offer internships," he said. "Many of the groups that offer these internships around the world have sent fellows to the Human Rights Program, or else have members who graduated from the Law School."

Rosenbloom said that the Program encourages students to get involved at the grass-roots level with a different kind of lawyering.

"[Grass-roots work] provides an immediate and dramatic contrast to the 'men-in-suits' version of law that most [students] will be forced to confront during their careers."

"What is important is that interns not

expect to have a lawyerly experience on an American model. In many of the organizations, everybody does the grunt work. In fact, when I was in the NGO world, we left many of the most interesting assignments to interns because they involved research for which we never had time," he said.

Although Rosenbloom said that he would like to see students use their experiences to strengthen human rights activities at Harvard, he stressed the importance of an internship in a student's professional development.

"These internships can be life-altering experiences ... a way to launch students on what could be their career path. At least personally, I would be pleased to think that one or two interns each year become functionally unable to work in for-profit law."

"But Human Rights is a hard field to break into. A student needs to distinguish him or herself from the usual vanilla-flavored variety of law student," he said.

Rosenbloom continued, "The internships offer one opportunity. Students come back with knowledge about the field and, in many cases, exposure to issues that lead into interesting areas of research. Eventually, that creates the kind of distinction that makes it easier to forego the firms and get one of those prized nearly-non-paying jobs in the sector."

For Peter Alderman '99, who will be splitting the summer between the International Law Commission in Switzerland and the Preparatory Committee for the International Criminal Court in New York City, the internship is an opportunity to make history.

"[The U.N.] moved a few years to make what's happening in the Hague [the International War Crimes Tribunal for the Former Yugoslavia] permanent. The Preparatory Committee meets twice a year to review the draft convention which will

be ready in 1998. Making a permanent court is very exciting," he said.

Alderman is not yet sure how his summer in international human rights will fit into his long-range career plans. Cait Clarke, a former law professor and American S.J.D. candidate, however, has very concrete plans. The internship will allow her to complete her dissertation and hopefully bring some useful lessons home to the U.S.

"I'll be working with the Center for the Study of Violence and Reconciliation, a NGO in Johannesburg, South Africa. They basically do not just research but also training programs for police, lawyers, law-makers, and community members throughout South Africa. They deal with anything from truth commissions to community policing methods. They're a very wide-ranging and important organization with a lot of scholars and practitioners involved," she said.

Clarke continued, "They're trying to help the healing process along in a very thoughtful and deliberate way. ... I'm looking at South Africa and seeing if it can help reform our system. I think we have a lot to learn from South Africa."

Culhane said that students interested in participating in the internship program next year should come by the Human Rights Program as early in the school year as possible. Students are selected for the internship based primarily on the seriousness of the proposal, the quality of the host organization, and the dedication of the student to the field and the internship, said Culhane.

Culhane added, "We really don't place a lot of weight on previous experience, since a lot of students will be 1Ls and they don't have a lot of experience. Priority is given to 1Ls and 2Ls first, since we want someone who will give back to the Law School."

"But we don't discourage anyone from applying," she said.

Human Rights Work Lures Students Abroad

Summer Internships Provide Reprieve from "Men-in-Suits" Experience

By David Liu

While most of her colleagues are closeted away in their law firm offices this summer, Lesley Stone '99 will be monitoring human rights in the Gaza Strip with the Palestinian Centre for Human Rights.

The Centre has a number of different units and is involved in observing municipal elections, reuniting families assigned to different regions, obtaining permanent travel permits for the sick, and interviewing people who have been detained by the Israelis, said Stone. "I'll be spending a day or so with each unit, although I'll primarily be with the International Legal Unit," she said.

Stone is one of 20 Human Rights Program summer interns, who this year will cover six continents and 17 countries in a variety of human rights areas, including women's education in Thailand, aboriginal rights in Australia, and civil liberties in Northern Ireland.

Thirteen interns received grants of \$2500 to \$3500, depending on geographical location, from the Program. Three interns, who had public interest funding from OPIA, received supplemental funding from the Program. The remaining four interns, who are "sponsored" by the Program and involved in the internship program's activities, did not meet the Program's minimum 10-week work requirement and obtained funding from other sources.

As in years past, 1Ls received the lion's share of the internships. This year's interns included 17 1Ls, two 2Ls, and one S.J.D. candidate.

Unlike past years, however, this year's internship program was overseen by Peter Rosenbloom, who took over as director of the Human Rights Program last August. According to Human Rights Program Administrator Susan Culhane, "Peter's been a godsend for us because of

Students Angered Over Phone "Monopoly"

Continued from PHONES, p. 1

MCI, nor does it mean students can take advantage of MCI residential rates.

"Students assume that, [because] MCI is our carrier, they can get rates from MCI, [but] MCI merely agrees to carry our calls for a certain rate," Grenier said.

Indeed, MCI markets a plan to residential customers called MCI One, in which calls made at any time are subject to a flat rate of 12 cents per minute.

"As a huge organization, Harvard should be able to bargain for much better long distance rates for the students," said Craig Buckser '97.

Grenier said Harvard compares well to other universities, stating Harvard is "by far one of the least expensive universities around" because of the purchasing power HST wields.

David Steiner '99 said his rates were much lower at Rutgers, where he went to college. Steiner said he remembers being annoyed by AT&T and MCI telemarketers in college.

"Now I am stuck with Harvard's telephone service and have no other option. I yearn for those tempting phone calls. Where's my 10 cents a minute rate?"

Sprint offers a residential plan called Sprintcents, which charges 10 cents a minute on domestic calls made between 7 p.m. and 7 a.m.

AT&T also offers a plan which offers a 10 cents a minute rate for calls between 7 p.m. and 7 a.m. on the weekdays and all day on the weekend.

"It's a total ripoff," said Mike Kalt '99, comparing HST's rates to the major long distance carriers.

"Fourteen cents a minute for calls after 11 p.m.? Someone's getting rich off this scam — and it ain't me."

Why Rates Differ

"Ten cents a minute sounds great, but you have to investigate what that means to you as an individual user," said Grenier on Sprint's and AT&T's long-distance service plans. "Ten cents to California is a great rate. Ten cents to western Mass. is a lousy rate."

Grenier said that, because HST must purchase a package with the best rates

Grenier also said that students pay state tax on their phone bills but not federal tax.

Grenier said HST offers students better service than NYNEX. He said HST leaves the lines on during the summer, allowing for fast reconnection.

"When NYNEX provided the service it was a mess," Grenier said. "NYNEX certainly isn't going to leave the lines on

NYNEX charges students \$37.07 as an initial switching fee. NYNEX charges students \$3.99 for a new jack and \$3.99 for new wiring. A technician who comes to install the wiring is billed to students at \$75.00 an hour. In addition, HST charges students \$5.00 per month for use of the phone line.

Grenier said that students switching their phone service to NYNEX create service problems for future students.

"The next student may want a CENTREX (HST) line. Why should they be penalized because person before them signed up to a NYNEX line?"

Grenier defended HST's policy of charging students \$5.00 a month use of the line. "The University spent a lot of dollars for the wiring system ... Why should they allow another student to use another carrier and use [the lines] for free?"

But students said switching plans was cost-prohibitive.

"Students have no real options for phone service," said Neal Kaplan '98. "[There is] no opportunity to switch plans, get better rates, or compare deals and special offers, as far as I know."

"If there is any way to reduce the exorbitant phone bills, Harvard has made no effort to inform the students," Kaplan said.

"I would think if it were going to have a local monopoly, it would have to comply with the same public utility rates that the phone companies are bound by," said Peter Guy '98. Guy said he lived in the dorms last year, and was happy to escape the HST monopoly by moving off campus this year.

"I now pay \$10 less per month — and I share the bill with another person."

"They ought to turn the whole thing back over to NYNEX to get better service and rates for the students," Guy said.

How Harvard's Domestic Phone Service Compares

	Daytime (9-5)	Evening (5-7)	Night (7-11)	Overnight (after 11)	Weekend
AT&T Simple Rate	25¢	25¢	10¢	10¢	10¢
Sprintcents	25¢	25¢	10¢	10¢	10¢
MCI One	12¢	12¢	12¢	12¢	12¢
Harvard*	28¢	16¢	16¢	14¢	14¢

* Estimate based on aggregate mileage bands.

for all students, inefficiencies for individual users are inevitable. "People come from all over the planet, so we try to give them the best possible rates to their different countries," he said.

"Ten cents a minute may be a great rate for people who live in California, but is that really good for [everyone]?"

Grenier said that students should also compare local service rates when analyzing their rates. Grenier said HST loses money on local service. "We're giving away the local service to [students]," he said.

"The only place where we have any profit margin is long distance [and] that goes to offset the local service."

Grenier said HST does not charge students for Caller ID and touch tone service. Additionally, Grenier said HST offers a lower rate for call waiting. HST charges \$2.50 a month; NYNEX charges \$2.61.

as a convenience to students moving into rooms."

"We try to minimize people's down time as much as possible," Grenier said.

But Erik Gerding '98 said he is dissatisfied with HST's service. Gerding said his phone service was lost for four days, and that repeated attempts to coax HST into fixing the problem went unheeded. When he asked what the problem was, Gerding said, "I was told, simply, that NYNEX would work on it."

The HST Monopoly

Grenier said that students who wish to get the lower rates offered by long-distance companies could do so only after switching their local service to NYNEX. "You can ask to be switched to NYNEX," said Grenier, who added that the charges for the switch are "between you and NYNEX."

Concerns Remain Over Summer Funding and LIPP

Continued from FUNDING, p. 1

study — went completely unfunded, explained Dealy.

Students who were eligible for work study last year but whose employers were unable to match those funds were also restricted from receiving any work study money. They may have still received an HLS grant of \$2,500.

This year, the financial aid office donned the role of 'employer match' for several students who were eligible for work-study but without conventional employer matches.

Instead of receiving \$2,500 from the grant pool, work-study eligible students received the entire \$4,000 from the work study pool. Because the entire work study pool was utilized more students received funding.

"However, there are still up to 25 people who applied for and are eligible for work study funding who may not receive it," Dealy said.

Dealy is currently soliciting the Harvard University work study office for an allotment sufficiently large to cover these last 25.

The Public Interest Auction was also a great success, according to auction co-chair Erin Murphy '99. This year's auction raised \$53,274, enough to fund 21 students for the summer, she said. In addition, Dean Clark's match of the auction funds allowed the financial aid office to assist 21 more students than it otherwise would have.

Student Funded Fellowships (SFF) collected \$40,000 through its yearly fundraising effort, according to SFF chairman Dan Phelan '97. This money will assist 20 students pursuing public interest this summer, he said. In addition, Alumni/ae Fellowships will fund approximately 15 students, the Human Rights Program will fund another 13, and the Lewis International Fellowships will fund a small number of students.

Insecurities in Obtaining Summer Funding Raise Concern

Despite the record funding levels, there is still concern among advocates about the summer funding process, which often leaves students in a state of uncertainty until late in the spring.

"What I'd like to see is a commitment from the school to fund everyone at least \$2,500," said Dealy. "We would still need SFF and the auction to supplement that money."

"I think it wouldn't be that costly, and people would know early on about funding for purposes of getting a job," she said.

Under the current system, students who do not get selected by the financial aid lottery must often wait until the auc-

tion in April to see if they will have funding for the summer.

Dealy has fielded a number of calls this year by anxious employers inquiring as to whether their summer interns will be funded. "Guaranteed funding would relieve anxiety about the process," she said.

"I wish summer funding was done at the beginning of each year, but at least the Dean has increased the amount of funding overall," said Alexa Shabecoff, assistant director of the Office of Public Interest Advising (OPIA).

According to an informal survey conducted by OPIA, HLS compares favorably with most "elite" schools in terms of summer funding. However, Shabecoff pointed to the example of Yale, which last year

spent more money than Harvard, even though its student body is about one-third the size.

Murphy was more blunt. "I think Harvard has started on the road to becoming a great place for public interest resources; I just wish they wouldn't make it so hard to be a public interest student," she said.

Many students refuse a public interest summer job because of the uncertainty of the process, said Murphy, especially after "languishing on the wait-list" for a number of months.

"Making people do so much hoop jumping perhaps has, in the eyes of the admin-

Please see PROPOSAL, p. 6

Marshall Silverman Describes Legal Issues in Movie Production

By Gary Culliss

As vice president and associate general counsel at Warner Bros. Pictures, Marshall Silverman spends his time overseeing the legal issues that arise during production of such hit movies as "Eraser" with Arnold Schwarzenegger and the forthcoming "Batman and Robin" with Chris O'Donnell and George Clooney.

Silverman described his work during a visit last week to HLS under the auspices of the Committee on Sports and Entertainment Law.

Silverman said that his duties include securing and overseeing the legal rights to scripts, copyrights, and any other intellectual property in a movie. "Lawyers perform legal due diligence on the script before shooting the movie because mistakes can cost a lot of

money," he said.

Other duties include checking company names used in the script to make sure that they don't really exist. "Because we're so thorough, we pay one of the lowest errors and omissions insurance premiums in the business," he boasted.

Nevertheless, some problems can find their way into a movie, according to Silverman. In "Eraser," for example, the movie unintentionally included the name of an actual company, necessitating expensive last minute changes in dialogue and digital alteration of the completed film.

More recently during the filming of "Batman and Robin," Silverman was shocked to see unauthorized film footage of behind-the-scenes action on the tabloid television program Inside Edition. This filming violated Warner Bros.' policy of keeping the details of the movie secret until the release date's approach. An

elaborate sting operation was assembled on the set and the undercover videographers were eventually caught.

Film production also entails hiring a large number of people to work on the set and act in the movie. "We hired over three thousand people during the making of 'Batman and Robin,'" he said.

Each employee must have a signed contract defining their rights to their performance. Most employees and actors simply fill out a standard union form, but some actors demand more specific rights in a negotiated contract, he said.

Keeping up with all the complexities and the fast pace of production can be exhausting. "I work seven days a week during production," Silverman said, "but when I sit in the screening room and see the movie for the first time, it's worth it."

Scholars Debate Issue of Tibetan Autonomy

By Janie Kim

Shiping Zeng, an assistant professor of political science at the University of Vermont, and HLS Visiting Scholar Lobsang Sangay LL.M. '96 debated the Tibetan conflict last Friday. "Beyond the Rhetoric: Debating Future Options for China and Tibet" attracted over 75 attendees to Austin West.

Zeng spoke mainly from the perspective of the Chinese government, but also offered some opinions diverging from Beijing's official stance.

Zeng used humor to tacitly acknowledge the widespread sympathy for Tibet at the Law School and beyond.

"I'm afraid I'm entering enemy territory," he said. "I'm a political scientist, not a lawyer. And I attended Yale, not Harvard."

Zeng argued that Tibet's lack of independence is in accordance with international law.

"No country recognizes Tibet as a sovereign state. The U.S. State Department considers Tibet a territory of the People's Republic of China," he said.

"The rules of the game must be clear," he said. "If everyone else disregards the rules, then how can anyone expect China to follow them?"

Sangay disagreed with Zeng's characterization of international law. "It's not true that there are no countries who believe that Tibet should be granted autonomy," he said.

"The U.S. Congress has just passed a resolution saying that Tibet is an occupied territory," Sangay said. In 1962, the U.N. said Tibet has the right

to self-determination.

"The Chinese government has just signed the International Covenant on Social and Political Rights. The First Article says all people have the right to self-determination," Sangay said, "China has now obligated itself."

Zeng called for more equitable treatment of China from the international community.

"Is it fair to assume China guilty until proven innocent?" Zeng asked. "If we're so concerned about Timothy McVeigh receiving a fair trial, should we be less concerned about China?"

Zeng highlighted other territorial sovereignty disputes which receive less international censure. "What about the British in Northern Ireland, or India and Kashmir, or even Russia and Chechnya?" he said.

Sangay criticized Zeng's move to defend China's record on a "legal technicality."

"I suppose it's fine to say 'innocent until proven guilty' ... but remember, when General Qi came to Washington D.C., he said no one died at Tiananmen Square. China is obviously a terrorist in terms of human rights abuses."

Zeng described China's goals as "a stable, secure situation in Tibet and a prosperous, modernized Tibet — perhaps through the integration of the two economies."

"Right now, we are at the stage of 'homework' in reaching those goals, improving infrastructure," said Zeng.

Zeng listed China's strategies for dealing with Tibet. "Beijing will resist out-

side pressures. China will strike a counteroffensive against these," he said.

Zeng also stated that Beijing officially "ignores the Dalai Lama ... time is on the side of the Chinese government."

He scoffed at the Tibetan exiles' strategy of "wait and hope." Zeng explained, "They're waiting for the Chinese govern-



Lobsang Sangay
LL.M. '96

ment to collapse ... Deng Xiaoping's death happened several weeks ago and now China is still not falling apart."

Zeng stated that negotiations with Tibet were an option for China but an admittedly low priority.

Zeng personally recommended that China negotiate with Tibet. However, he warned that both sides had

to be extremely clear about their objectives.

"If the Tibetan exiles do not want to give up independence then they should not even bother showing up [to the negotiations]," said Zeng. He continued, "China must resolve questions like: Do we limit the entry of Han Chinese into Tibet? Do we allow the Dalai Lama to live in Tibet or only in Beijing? Is he a spiritual or political leader?"

Sangay called for China to work with the Dalai Lama and construct a "one China, two system" scenario, similar to the economic duality of a reunited Hong Kong and China.

"If Hong Kong, which shares the same culture and language as China, can receive such treatment, then doesn't Tibet with a totally different language and cultural identity deserve at least the same?" posed Sangay.

Zeng agreed with Sangay to the extent that China should reverse its current policy and officially deal with the Dalai Lama.

Admitted Zeng, "He is steadfastly nonviolent and has previously stated that Tibet would give up independence for a lower level of autonomy. China should not let this opportunity pass."

"There are dangers in refusing to talk [to the Dalai Lama]," continued Zeng. He pointed to the prestige and celebrity carried by the Dalai Lama and the esteem in which he is held by the international community.

Sangay invoked the "suffering" of the 11th Panchen Lama, who turned eight years old on the date of the debate.

The Panchen Lama is the second most important religious figure in Tibet's Buddhist society. In 1995, a Tibetan boy, Gendun Choekyi Nyima, was recognized by the Dalai Lama as the reincarnation of the Panchen Lama.

A few days later, Nyima and his family disappeared from their home and have not been heard from since. Several months later, Chinese officials admitted that they were in custody but would not disclose their location.

Later that year, the Chinese government installed their own Panchen Lama, rejecting the choice of the Dalai Lama.

"Tibet, today, is a virtual prison," declared Sangay, "Tibet is under undeclared martial law."

The event was co-sponsored by the Human Rights Program, East Asian Legal Studies Program, Project on Law & Ethnic Conflict, and Asia Law Society. Prof. William Alford '77 moderated.

Marshal Election Results Will Not Be Posted in the Hark

Continued from MARSHAL, p. 1

webpage, and a newsletter for continuing class ties.

Each class marshal stressed the importance of organizing events that appeal to all segments of the class.

"I like to bring to 3L activities a different background experience and a variety of viewpoints that are often overlooked at this law school," said Lee.

Rosenbaum agreed. "This school is very large and it has a tendency to fragment but I don't think there should be a reason for that. If the class marshals organize activities that are of interest to the whole class, we can work to develop a sense of the class as a whole."

The class marshals' duties also include coordinating the graduation events. They organize the Class Day ceremony: choosing the class speaker, soliciting donations for the class gift, and representing the class in alumni functions.

"I would like to see a Class Day speaker that represents interests that appeal to everyone," said Lee. She believed inviting a female speaker would be desirable since no woman has spoken in recent years.

Mudder ruminated on a few possibilities for class day speaker. Mudder said that Colin Powell would be a great speaker with his new organization to talk about greater responsibilities to the community.

His second choice is Robin Williams. Mudder believes he would be an entertaining and funny speaker whom everyone would enjoy.

Independent Election Commission Chair Jane Bardin '99 was pleased with the election's turnout and the commission's joint efforts with the candidates to publicize the election.

"We started early with publicity of the election," said Bardin. "We put flyers in

everyone's Hark boxes with a list of candidates' names. We also told candidates that it was their responsibility to get the vote out."

The Commission also sent e-mails to every student organization to encourage its members to run.

In a departure from earlier elections, Bardin announced that the Commission will not post the number of votes each candidate receives in the Hark or rank the four marshals, although the information will continue to be available to anyone who is interested.

"We didn't do anything crazy or radical," said Bardin. "This is not a change to the rules but rather a different interpretation of the election guidelines. We interpreted them as not to demand that we post the votes in the Hark."

Article III of the Election Guidelines states, "The Commission shall notify in writing all candidates of their certified results, and shall post such certified results in a public place in Harkness Commons."

Bardin said that the three-person Commission and all the candidates discussed the issue and unanimously decided on this course of action. She explained that the procedural changes resulted from individuals complaining about the public posting of the votes, especially the losers' votes.

"At least one person officially and formally complained to Jol [Silversmith], but I know several persons were offended and spoke to me about it this year," said Bardin.

She continued, "We want to avoid discontent."

Jol Silversmith, Commission Chair for last year's election, said that he received only one complaint from 1996 Class Marshall Timothy Elliott who complained in an e-mail message that "posting the results of the voting ... including

the losers' vote totals was unnecessary, unprecedented and completely insensitive."

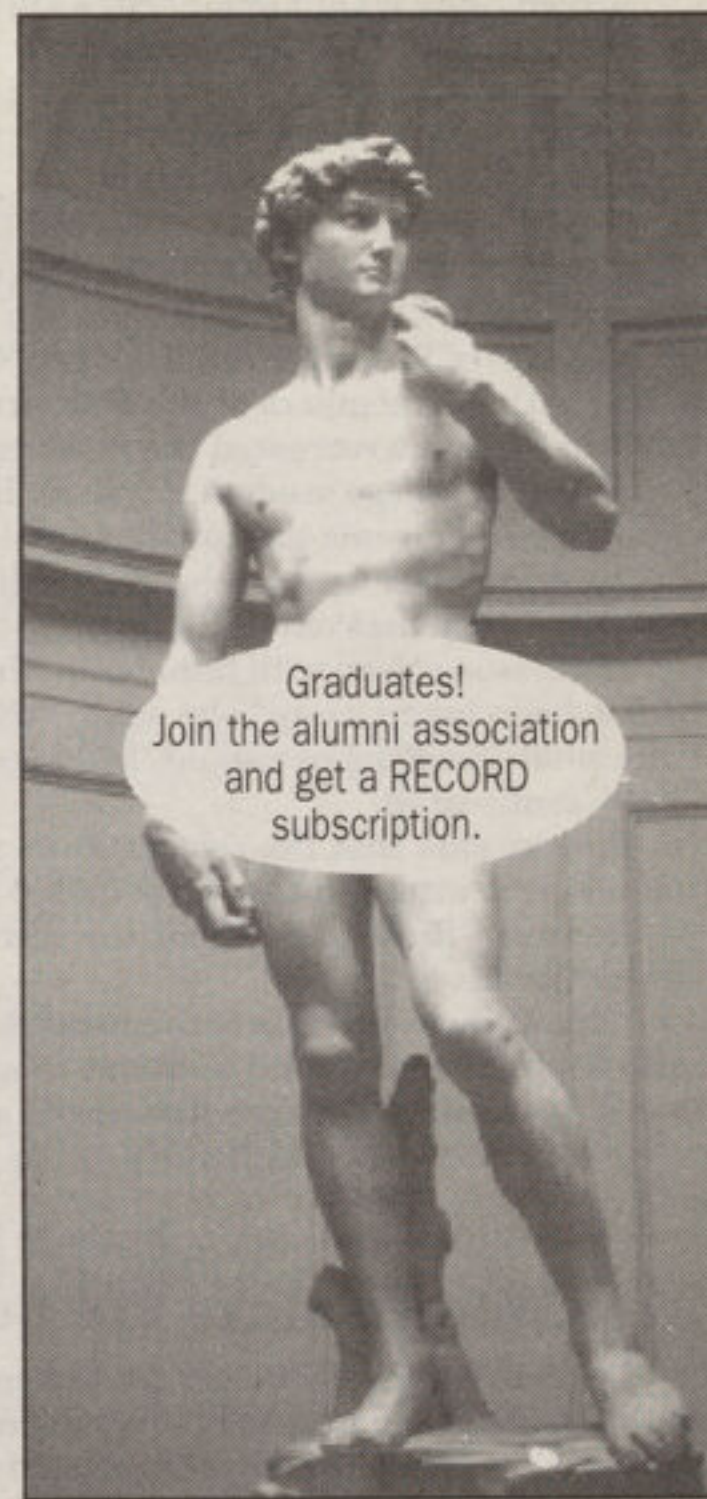
Although deferring to the present Commission's discretion, Silversmith believed that an open election should publish the votes.

"The reason that the Independent Commission exists is to insure that elections at the law school are conducted fairly and with every appearance of fairness," said Silversmith. "In the real world, the public is entitled to the results of the election."

"Harvard is such a small class that we didn't think it was appropriate," said Bardin in defense.

1998 CLASS MARSHAL ELECTION RESULTS

Mike Rosenbaum	190
Steve Mudder	112
Obi Okwumabua	112
Belinda Lee	97
Billy Baxter	87
Richard L. Chen	84
Jeffery Karish	83
Craig Greenberg	78
Mike Lewis	77
Ellen Rapoport	63
Kay Bakshi	62
Karin Kysilka	60
Nathan Meisgeier	59
Katherine Dowling	57



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Briefs

Parker Testifies Before House Committee

Prof. Richard Parker '70 testified in favor of a constitutional amendment to protect the American flag before a U.S. House of Representatives committee on Wednesday.

"I am a civil libertarian," Parker testified. "I believe that, in a democracy, freedom of speech must be 'robust and wide-open' ... It's because of that belief that I support a new constitutional amendment, one that would permit the Congress — if it so chooses — to protect the flag of the United States against physical desecration."

The Flag Protection Act was introduced in February by Rep. Gerald Solomon (R-NY), and Rep. William Lipinski (R-IL). The proposed amendment has more than 270 House co-sponsors and 300 House supporters.

Parker testified before the Judiciary Committee's Subcommittee on the Constitution.

Harvard Asia Quarterly Begins Publication

Next week the Harvard Asia Quarterly will publish its first issue. The HAQ will be an interdisciplinary journal published by members of the Law School, Business School, and Graduate School of Design.

The journals' editors said they do not want the HAQ to be a traditional academic journal.

"Although we have academic material, we are taking more of an applied academic approach, aiming at digestibility," said Editor-in-Chief Perla Ni '98.

The first issue of the HAQ will include work by Harvard graduate and professional students as well as pieces by Hong Kong Solicitor General Daniel Fung and prominent Hong Kong independent legislator Christine Loh. Also featured will be interviews conducted over spring break by members of the Harvard Asia Law Society's 1997 delegation to Asia.

Clark, Tribe Make Top 100 List

Dean Clark '72 and Prof. Laurence Tribe '66 have been listed as two of The National Law Journal's "100 Most Influential Lawyers in America."

Some of the other HLS alumni on the list are: Stanford Law School Dean Paul Brest '65, consumer advocate and 1996 Green Party presidential candidate Ralph Nader '58, U.S. Attorney General Janet Reno '63, American Bar Association President-Elect Jerome Shestack '49, and death penalty defense attorney Bryan Stevenson '85.

According to HLS News Service Director Mike Chmura, 25 of the attorneys on the list are HLS alumni.

The Top 100 list, which is published once every three years, appeared in the National Law Journal's April 28 issue. The list did not rank lawyers within the top 100.

Inmates Celebrate Passover with Jailhouse Seder

Inmates in Boston's Suffolk County House of Corrections celebrated a model seder with six members of the Harvard Hillel on April 20. Rabbi Ari Shapiro and the students recreated the Passover event for about 10 inmates.

Harvard College student Sarah E. Rimsky, who organized the event, said it was especially ironic that prison inmates lacked freedom to be with loved ones because Passover is a celebration of liberty. The holiday commemorates the exodus of Israelites out of Egypt.

"The issue raised with inmates is what freedom they celebrate when much of it has been taken away," she said. "What we were stressing with the inmates was what freedoms one could hold onto when a lot of them have been superficially confiscated."

Rimsky said that the celebration was true to the inmates' heritage as each inmate who attended the Seder had at least one parent of Jewish heritage.

However, Rimsky said that the correctional setting forced some changes to the celebration.

"One of the traditions of the Seder is that the father hides a piece of matzoh and the kids run around and find it, and when they find it, they ask for a reward," she said. "Because we were in a prison, we weren't able to do that."

— from the Harvard Crimson

Few Women Make Phi Beta Kappa

Only seven of the 24 Harvard College juniors elected to Phi Beta Kappa are women, according to selection results announced last week.

Of the 72 students thus far elected to the academic honor society from the Class of 1997, 26 are female. In 1996, 11 of the 48 inductees were women.

Yet most students said that they do not believe the gender imbalance is a result of bias in the Phi Beta Kappa selection process.

"I think the system is very fair because it is done by GPA and looking at the rest of your curriculum. It is purely academic — extra-curriculars, race, and gender are not involved," said Luba A. Kobrinsky, a member of Phi Beta Kappa who helped select this year's first 24 inductees.

According to Robin Goldstein, a junior who was recently elected to the honor society, the gender imbalance may be a reflection of male dominance in the classroom.

"The higher end of the GPA scale tends to be more male-dominated," she said. "One factor is that in small seminars, professors give very high grades in general to anyone who participates, and that's one of the areas that has traditionally been male-dominated."

There are three rounds of elections to Phi Beta Kappa for each class. Twenty-four members are elected in April, followed by 48 in November and 48 just before Commencement.

At the end of the three elections, approximately 10 percent of a given class will have been elected.

— from the Harvard Crimson

Committee Proposal in Works

Continued from PROPOSAL, p. 4

istration, the beneficial effect of carving down the [wait-]list, but it leaves students with a very alienated and unsavory feeling toward the school," she said.

LIPP Reaches Record Levels

The Law School's largest public interest program, LIPP, also had a record year. Currently, 231 alumni are enrolled in the program, up from 202 last year, according to Dealy.

She expects another 30 to 35 members of the Class of 1997 to enter the program upon graduation. LIPP is a loan-forgiveness program for graduates in low paying, law-related jobs, most of which tend to be in public interest, she said.

"In my mind, LIPP is the most important thing we do for public interest," Dealy said. "I think LIPP is a reason people come to HLS."

In addition, more people than ever before entered LIPP from the private sector this year. Eight students entered LIPP from the private sector.

"I get a lot of calls from people who are very unhappy in the private sector. It turns out that LIPP works really well for them," she said.

Although alumni are "really satisfied" with the program, Dealy cautioned that LIPP faces an upcoming crisis if it does not become self-financing. The current program, which cost \$1.3 million last year, is funded primarily by tuition, she said.

"The main priority for LIPP is to get an endowment," said Dealy. "LIPP is growing faster than the core budget. We need to make a concentrated effort to find donors."

Public Interest Committee Report to be Published Soon

LIPP restructuring is but one of a number of recommendations to be made by the faculty Public Interest Committee, according to Shabecoff. The committee, chaired by Prof. Christopher Edley '78, is due to

issue a report in the near future, but is still debating a number of issues, she said.

The committee will most likely recommend that HLS increase summer funding, and possibly guarantee it, she said. The question of whether a second summer of funding will be guaranteed is still unresolved.

The report will also call for a preservation of the funding level for OPIA, said Shabecoff. OPIA's budget was increased \$25,000 from the previous year, and the committee will recommend that its current funding be renewed.

The committee has also discussed starting a public interest fellows program, similar to the Root-Tilden program at NYU. This program would provide two-thirds of tuition to those accepted, provided they spend ten years after law school in public interest, with a legal obligation to repay should they accept high paying jobs. This proposal has not been finalized, as there are worries over whether it would take money away from LIPP.

"I don't want to see that program affect LIPP in any way," said Dealy. "LIPP allows much more flexibility for alumni," she said.

The committee has also talked about proposing a new clinical course involving impact litigation and lobbying, as well as a public interest mentoring program which would match public interest alumni with current students for career guidance, said Shabecoff.

To some, the committee's report is evidence that while HLS has made progress in promoting public interest, it still has a long way to go.

Murphy said, "I find it frustrating when people view public interest funding as a sort of welfare program. Either public interest students deserve the support to help us meet our goals, and not in second-class status to firm-oriented students, or else Harvard should make clear that it is not in the business of educating public interest lawyers."

Robinson Silverman Pearce Aronson & Berman LLP
New York, New York

*Congratulates
the
Class of 1997*

and Welcomes to the Firm

<i>Colette Goodkin</i>	<i>Class of 1997</i>
<i>Matthew Kelly</i>	<i>Class of 1997</i>
<i>Esti Smith</i>	<i>Class of 1998</i>

Cap on Administrative Spending Lifted

Continued from *BUDGET*, p. 1

the University of Pennsylvania. An inquiry into these schools' 1997-98 figures would amount to "an anti-trust violation," quipped Clark. He further noted that "things look pretty good" next year for HLS as well.

One of the major changes in next year's budget will be the hiring of six new staff members in the rapidly growing information and technology office. Four additional staffers will be hired for the central office, one for the library, and one for the clinical office.

The new staff increase is a departure from Clark's past philosophy on hiring.

"In the early days of my deanship," Clark said, "I developed a 'no growth in staff' policy ... This helped to keep us in the black."

Approximately 20 positions have been lost through attrition since Clark's appointment, and he noted that he viewed keeping down administrative costs as an important part of his duty.

Another major aspect of next year's budget will be the development of plans for another capital expenditure project to improve the Law School's physical plant. The projects, which will not begin until the completion of Langdell renovations this summer, will see the overhaul of four of the Law School's largest classrooms: Landgell North, Langdell South, Austin West, and the Ames Courtroom. Clark noted that one major aspect of this planned renovation would be to equip the classrooms for audio-visual

presentations.

Clark touted the establishment of six new professorships this year as one of the most significant benefits of the Capital Campaign and increased endowment support. "The increase in the endowment enabled us to grow professors ... and to reduce the student-faculty ratio," he noted. "Much of that money is now being used for professors' salaries."

Dormitory and dining operations will remain stable next year with only modest inflationary increases, Clark said.

"They pay for themselves ... taking in as much as they spend. We don't try to make a profit on them," he said.

Isolating public interest funding in the public budgetary prospective proved difficult, but Assistant Dean for Finance and Operations Paul Upson noted that summer public interest grant money is grouped under the amorphous category of Student Services. The Student Services budget as a whole, of which summer funding is just a small fraction, increased 9.61 percent from last year to this year.

Expenditures on the LIPP program increased 10.69 percent and financial aid scholarships increased 12.80 percent. Though these increases make these two items among the most rapidly growing areas in the Law School budget, they still account for only 1.57 and 7.52 percent, respectively, of the expense budget.

The Law School is still in the process of writing up next year's preliminary budget. Clark said that the completed prospectus should be available next week.

• Farewells and Congratulations •

Graduating Student Thanks Faculty, Staff

In a year that has been characterized by great criticism of particular faculty members — and HLS in general — I believe it would be unjust to leave Cambridge without expressing appreciation for those who have made Harvard Law School such an important part of our lives.

First, thanks to those professors who have risen above the call of duty to make this place a bit more humane — and indeed, *enjoyable*. You have challenged us, you have inspired us, you have encouraged us to pursue particular fields of interest, you have even fed us. (Clearly the way to a man's heart is through his stomach.)

Inside class you are affable and engaging. Outside class you are available for questions or to have lunch. In short — you are here primarily because you love to *teach*. Because of this, it is difficult to obtain a place in your classes, seats are filled consistently (and students are awake), your BSA ratings are consistently high, and applause for you on the last day of class is thunderous. Lest there be any doubt, please know that you have garnered the admiration, and love, of your students.

Appreciation is also due to those staff members that have helped expedite seem-

ingly endless administrative matters at HLS. Professors' assistants have helped with student recommendations, the Office of Career Services helped us all get jobs, the Registrar's Office has handled (too much) paperwork on our behalf, etc. That you do all this with a smile amidst our often dour demeanor is even more admirable.

It is because of you and friendships made over the past three years with fellow students that leaving Cambridge on June 5 will bring mixed emotions.

Jonathan A. Taub '97
April 29, 1997

A Letter to the Class of '97 From the Dean

Dear Graduating Students:

Congratulations on your forthcoming graduation. I am very pleased that you made the decision — which must now seem a very long time ago — to pursue your law studies here.

I hope that you have found your time here rewarding. You have displayed extraordinary talent and energy in your work in public service and other organizations, in writing for and editing journals, in the clinical programs, in summer placements around the world, in your third year and LL.M. papers, and in the classroom. I am certain that you will use this talent and energy to continue to make major contributions to society and the world community. We will all be looking to you — as Harvard Law School graduates — to set the standard for the profession.

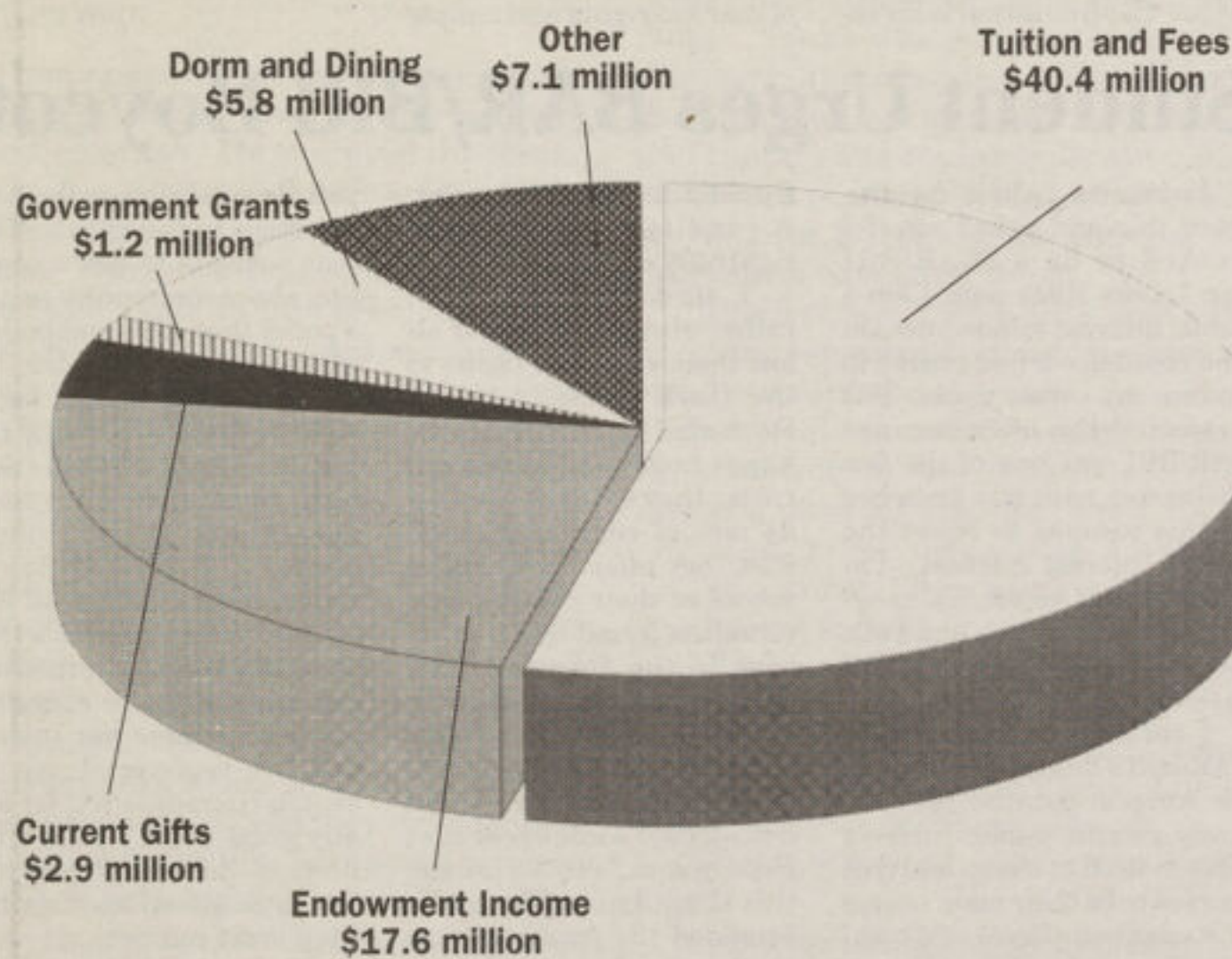
Sincerely,

Bob Clark

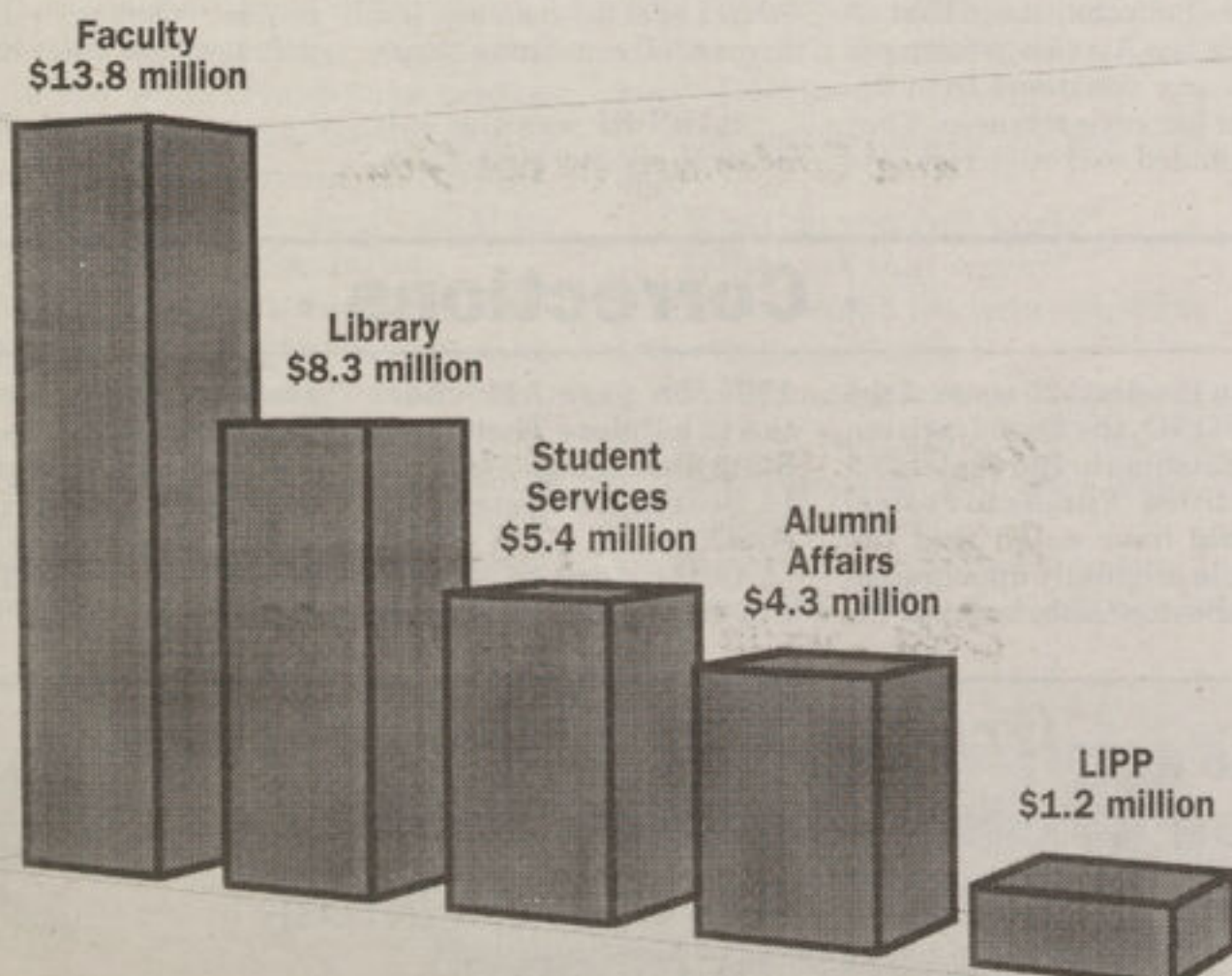
Robert Clark
April 28, 1997

1996-1997 HLS BUDGET FIGURES

REVENUES



SELECTED EXPENDITURES BY CATEGORY*



*total expense budget \$74.8 million

THE HARVARD LAW SCHOOL ASSOCIATION OF NEW YORK CITY

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Jaclyn Liu

FOUNDED IN 1946

Spring Report Card

Dean Clark: C+ Bob's still too fixated on hiring more corporate law professors and fundraising in Hong Kong to focus on lack of public interest funding. Solution: the Dean teaches corporations; Mansfield goes to Hong Kong.

Prof. John Mansfield: 2.133 Evidence guru caught in vicious BSA-induced circle. But things are looking up: Jolls arrives next spring.

Prof. Christine Jolls: C+ Attacked mercilessly by RECORD publisher. Gets plus for naming her seminar.

Prof. Arthur Miller: C U.S. News photographer snaps Fast Artie at \$10,000 Clinton fund-raiser. Hope he brought back some pillow mints for students upset over Friday make-ups.

Prof. Philip Heymann: A- Former U.S. deputy attorney general shows moxie in criticizing Clinton's fund-raising tactics and Reno's lax investigation. Maybe attack on soft money will put starch back in Artie's vest, too.

Prof. Peter Murray: A- Perennial visiting professor wins Fulbright Grant to teach in Germany. Will HLS have Murray to kick around anymore?

Prof. Charles J. Nesson: C It'll take more than lame parody appearance to restore Charlie's laid-back image. Gives illicit drug use a bad name.

Prof. Lani Guinier: Incomplete Still thinking about it. HLS hasn't been teased this much since Clark couldn't decide whether to shave his beard.

Prof. Jon Hanson: A Rookie sensation wins over students AND tenure committee. Students like him better than Kraakman. Who says cloning is immoral?

Library staff: A Who would have thought the largest law library in the world could be moved to an East Cambridge warehouse without major hassles?

Dean Suzanne Richardson: C- Like Al Haig, Suzanne's got everything under control. Don't panic. It's just a little snow. Aiiieeeeeeee!

Stacy DeBroff: A+ Nationally recognized by The American Lawyer for pioneering public interest advising.

Registrar Stephen Kane: A Registration's still a painful experience, but things are looking up. Hardest working HLS administrator will need some help to get faculty in line. Big dilemma: who to bundle Jolls with?

Congratulations to graduating RECORD staffers, especially publisher-emerita Hope Yen, who taught us everything we know. Outgoing editors Jackie Liu and David Liu did a great job getting the paper out every week, and only were Ad Boarded once.

Two of our favorite people are escaping early. Haiku king Alex Boldizar will be digging bones in Niger next year, and Warren Binford will be hugging trees at Berkeley.

Next year, Editor-in-Chief Janie Kim and Managing Editor Timothy Kiefer take over, starting the next 50 years in RECORD history.

— Friedman

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"Congress shall make no law...abridging the freedom of speech, or of the press..."
—First Amendment, US Constitution

• Letters •

Mansfield's Evidence Is One of HLS's Best Courses

It makes sense to investigate the quality of teaching at HLS, and the story by Jacob Appel ["Persistently Bad Reviews Dog Profs," April 25] makes a good start. The link between good teaching and high BSA evaluations should be approached with more salt. Although I, like most of my colleagues, care quite a bit about teaching, I don't treat the BSA

evaluations as decisive in thinking about my own or my colleagues' teaching. For example, your story makes a great deal of John Mansfield's evidence evaluations. I was a student in John's class twenty years ago and went on to teach evidence here for ten years. In my view, John is the victim of an apparently unshakable

and mistaken reputation which the BSA evaluation process simply reinforces. If you are interested in thinking deeply about rules, Mansfield's evidence course is among the very best HLS has to offer.

Prof. David Kennedy '80
Henry Shattuck Prof. of Law
April 28, 1997

Criticism of Mansfield Reflects "Spoon-Feeding" Mentality

I challenge the criticism made of Prof. Mansfield '56 by both the BSA Course Evaluation survey and the RECORD itself. Both criticize Prof. Mansfield for his lack of popularity among the student body and conclude that this fact renders him a "professor who (is) not a teacher." I would respond that it is not Prof. Mansfield who is not a teacher, but rather it is the "tuition-payers who are not students."

The survey refers to Prof. Mansfield as "confrontational, ineffective and often unclear." Although I recognize that this survey is subjective by its very nature, these criticisms seem to be more informative of student body attitudes than the professor. They demonstrate a "spoon-feeding" mentality of class consumers.

Assuming that Prof. Mansfield is "confrontational," would these students be willing to appeal a court ruling based on the fact that the judge challenged them to meet the appropriate burden of proof? Confrontation is an es-

sential part of an effective adversary system which is lost with the "can't we all just get along" Turrow-esque assault on the Socratic method.

With respect to "ineffective" and "unclear," these criticisms are more reflective of the casenote and outline mentality than the professor himself. I was speaking with another HLS professor last week who mentioned that Prof. Mansfield's classes were among the most popular in the entire school twenty years ago. Obviously something has changed and I would posit that, knowing Mr. Mansfield, it is the students not the teacher.

In contrast to Prof. Mansfield, I recently met with my family law professor to discuss my final exam. The exam question asked what "changes in the law" would result from domestic partnerships having the same legal rights as marriages. His model A+ answer simply ran through a litany of marital rights and simply

included domestic partners for each one. I argued that none of these is a change in the "law," but rather simply an expansion of "facts" and "definitions." Real "changes," I asserted, would come from court interpretation and legislative modification in efforts to align both past and present public policy. The professor rejected my notions and would not consider any alternatives to the recital of what I would refer to as "memorized drivel."

I cite this incident to highlight the "spoon-feeding" mentality which is currently sought by students and fostered by particular professors. It is clear that Mr. Mansfield does not fit into this mold, and perhaps that makes him "not a teacher." Maybe I don't fit this mold and that makes me not an "A+" student. But I would rather have a professor who makes me get out of my high-chair than one who wipes my chin.

James A. Sonne '97
April 28, 1997

Student Urges BAR/BRI Boycott

Someone called me the other day and asked me if I wanted to be a "BAR/BRI Rep." Like other reps, I am a public interest minded person who could use a free course to finance my career goals. But I rejected the offer because BAR/BRI was one of the few businesses with any presence on this campus to reject the Public Interest Auction. I'm opposed, you might say, to being fed treats by one hand of a corporation that slaps me with the other.

I take special offense at BAR/BRI's failure to donate to the Auction because they actively recruit public interest folks in need of cheap and free courses to be their main source of student employees on campus. In politics this is known as "screwing your base."

To be fair, BAR/BRI did offer the Auction money and prizes but conditioned that offer on the Auction refusing to take any donations from another bar review course. They demanded exclusive rights to

a public interest fund raiser. A condition the Auction rightfully rejected.

I find this condition rather absurd. We don't allow them exclusive rights to the Hark tables, Advisor, Hark mail boxes, or all those happy hours and basketball teams they sponsor. And we do not, of course, demand that they offer us exclusive access to their courses as a condition for all this free access to the Harvard Law School market. BAR/BRI's explanation for their policy was that it is standard business practice — "Coke would not sponsor some event that Pepsi was at," etc. Of course, this is not true. Those who attended the Auction know that it was sponsored by Coke AND Pepsi, Samuel Adams AND Pete's Wicked Ale, Critical Legal Scholars AND Legal Economists, law firms AND consulting shops, etc.

BAR/BRI was the only donor to put any kind of com-

petitive condition on their contribution to the event. Their real policy is to put competition above community service, a policy that other competitors (see above) do not share.

They do, of course, have a right to make any policy they please. And students here have the simple right to not give them their time or money. BAR/BRI makes thousands of dollars off each course, there are over a thousand 1Ls and 2Ls here who do not have to make a decision on their course yet (even if you pre-registered you can switch courses, often for a really good deal). That's millions of dollars of potential bar review courses for which they must compete.

If you don't like the way they compete — don't give them your money. Wait.

Sign up with another course. Quit your BAR/BRI job. Let's see what happens.

Sean Flynn '99
April 29, 1997

• Corrections •

In the April 25 issue of the RECORD, the Op-ed written by Elizabeth Bartholet '65 and titled "Fitness to Foster" should have noted that the article originally appeared in The Boston Globe on April 14,

1997, on page A11 under the title "More Than Ever, State Should Cast Wide Net In Search Of Foster Parents."

In the April 25 issue of the RECORD, an article

about Lani Guinier incorrectly reported the name of the class she taught during the winter 1996 term. She taught Law and the Political Process, not Gender Discrimination.

Graduating? Upgrading?

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Campaign Law was Bent Big Time

By Philip B. Heymann '60

What Sense can someone make of the heated and partisan dispute between the Republican leadership in Congress and the attorney general over the appointment of an independent counsel to investigate campaign abuses? Attorney General Janet Reno is accepting the recommendations of entirely honorable career prosecutors. But her advisers are flatly wrong in saying that there is no evidence of massive violations of the Federal Election Campaign Act by both the Clinton and Dole campaigns.

The Justice Department's interpretation of the Campaign Act is not only legally wrong but also disastrous as a matter of policy. It means that there are no limits on how much influence and access private parties, corporations, labor unions and foreign nationals can buy with campaign contributions.

The whole structure of campaign-giving limitations that we have so carefully created can be bypassed by simply having contribution checks written to the Democratic or Republican National Committees — an obvious form of money laundering to soften hard money.

Money was solicited for the presidential campaigns from sources and in amounts that were illegal if the purpose

was to further President Bill Clinton's or Bob Dole's election. Although checks were written to the party committees, the money clearly was intended to influence the presidential election.



As Bob Woodward explains in "The Choice," "the distinction between Clinton/Gore money and Democratic money existed only in the minds of the bookkeepers and legal fine-print readers."

The use of the money was fully controlled by the presidential campaign. Dick Morris, Clinton's chief political adviser early in the campaign, explains in "Behind the Oval Office" that Clinton was the "day-to-day operational director of our TV ad campaign," run through the Democratic National Committee. "Every ad was his ad." Much the same was true of the Republican campaign. The Justice Department says all this was legal, denying that it involved wholesale and flagrant violations of the campaign finance laws. That the department is wrong can be made clear in three short steps.

First, money spent by a candidate's committee for his or her election is a campaign expenditure — and money raised for that purpose is a campaign contribution — even if another purpose is to promote a position on some public issue. This has been the rule that federal candidates have understood and complied with for many years. Many of their ads

do not use such "magic words" as vote for Candidate X or vote against Candidate Y. Many, if not most, candidate ads take positions on issues. The entire system would be a farce if the restrictions on federal candidates did not apply when they left out such words or took a position on an issue.

The Supreme Court has made clear its concern that discussion of issues by noncandidates and noncampaign organizations be unrestrained — uninhibited by a fear that expressions of a position on an issue will be mistaken for support of a candidate and fall under campaign-contribution and spending restrictions. But this is not a concern when the ads are produced by a campaign committee and intended to bring about a candidate's election.

Second, receipts and expenditures are presidential campaign contributions and expenditures if the candidate and his aides raise the money expressly for his campaign, decide how it will be used, target it in terms of his campaign needs, design the ads and control the payments. The fact that the Democratic National Committee or the Republican National Committee serves as a bank to which contributions can be made for the presidential campaign and out of which expenditures will be made at the campaign's request makes no difference. It is a universal legal principle, hundreds of years old, that what a person causes others to do for him is always treated as his action, just as if he had done it himself.

If the rule were otherwise, candidates could ignore all restrictions on campaign expenditures on the ground that the deposits were made to, and the checks written by, the national party committee.

Third, the Clinton and Dole campaigns were forbidden by the clearest statutory prohibitions from accepting contributions in the amounts they did (far in excess of the limits set forth in the statute) and from accepting contributions from unions, corporations and foreign nationals. Since each campaign accepted federal funding, each was obliged to follow the statutory ceiling on how much could be spent during the campaign. These rules are longstanding and entirely clear.

The talk about the legitimate uses of "soft money" in no way affects any of these conclusions. The statute says that a donation is not "soft money" if it is given or used "for the purpose of influencing" a federal election. "Soft money" describes funds raised and spent by political parties for general party-building purposes or to influence nonfederal elections. No one believes that money given to the two campaigns' national committees was not intended to influence a federal election.

To deal with these issues honestly, the first step for the Department of Justice and for Congress is to be frank about what happened in 1996. Both candidates flagrantly violated the federal law.

Philip B. Heymann '60 was U.S. deputy attorney general, 1993-1994.

LITERARY SELECTION

Mark Twain on the Law Review Competition

By Mark Twain

Tom appeared on the sidewalk with a bucket of whitewash and a long-handled brush. He surveyed the fence, and all gladness left him and a deep melancholy settled down upon his spirit. Thirty yards of board fence nine feet high. Life to him seemed hollow, and existence but a burden. Sighing he dipped his brush and passed it along the topmost plank; repeated the operation; did it again; compared the insignificant whitewashed streak with the far-reaching continent of unwhitewashed fence, and sat down on a tree-box discouraged.

He began to think of the fun he had planned for this day, and his sorrows multiplied. Soon the free boys would come tripping along on all sorts of delicious expeditions, and they would make a world of fun of him for having to work — the very thought of it burnt him like fire. He got out his worldly wealth and examined it — bits of toys, marbles and trash; enough to buy an exchange of work, maybe, but not half enough to buy so much as half an hour of pure freedom. So he returned his straitened means to his pocket, and gave up the idea of trying to buy the boys. At this dark and hopeless moment an inspiration burst upon him! Nothing less than a great, magnificent inspiration.

He took up his brush and went tranquilly to work. Ben Rogers hove in sight presently — the very boy, of all boys, whose ridicule he had been dreading. Ben's gait was the hop-skip-and-jump — proof enough that his heart was light and his anticipations high. He was eating an apple, and giving a long, melodi-

ous whoop, at intervals, followed by a deep-toned ding-dong-dong, ding-dong-dong ... for he was personating the *Big Missouri*, and considered himself to be drawing nine feet of water. He was boat and captain and engine-bells combined, so he had to imagine himself standing on his own hurricane-deck giving the orders and executing them:

"Stop her, sir! Ting-a-ling-ling!" The headway ran almost out and he drew up slowly toward the sidewalk.

Tom went on whitewashing — paid no attention to the steamboat. Ben stared a moment and then said:

"Hi-yi! You're up a stump, ain't you!"

"No answer. Tom surveyed his last touch with the eye of an artist, then he gave his brush another gentle sweep and surveyed the result, as before. Ben ranged up alongside of him. Tom's mouth watered for the apple, but he stuck to his work. Ben said:

"Hello, old chap, you got to work, hey?"

Tom wheeled suddenly and said: "Why, it's you, Ben! I warn't noticing."

"Say — I'm going in a-swimming, I am. Don't you wish you could? But of course you'd druther work — wouldn't you? Course you would!"

Tom contemplated the boy a bit, and said:

"What do you call work?"

"Why, ain't that work?"

Tom resumed his whitewashing, and answered carelessly:

"Well, maybe it is, and maybe it ain't. All I know, is, it suits Tom Sawyer."

"Oh come, now, you don't mean to let on that you like it?"

The brush continued to move.

"Like it? Well, I don't see why I

oughtn't to like it. Does a boy get a chance to whitewash a fence every day?"

That put the thing in a new light. Ben stopped nibbling his apple. Tom swept his brush daintily back and forth — stepped back to note the effect — added a touch here and there — criticized the effect again — Ben watching every move and getting more and more interested, more and more absorbed. Presently he said:

"Say, Tom, let me whitewash a little."

Tom considered, was about to consent; but he altered his mind:

"No — no — I reckon it wouldn't hardly do, Ben. You see, Aunt Polly's awful particular about this fence — right here on the street, you know — but if it was the back fence I wouldn't mind and she wouldn't. Yes, she's awful particular about this fence; it's got to be done very careful; I reckon there ain't one boy in a thousand, maybe two thousand, that can do it the way it's got to be done."

"No — is that so? Oh, come now — lemme just try. Only just a little — I'd let you, if you was me, Tom."

"Ben, I'd like to, honest injun; but Aunt Polly — well, Jim wanted to do it, but she wouldn't let him; Sid wanted to do it, and she wouldn't let Sid. Now don't you see how I'm fixed? If you was to tackle this fence and anything was to happen to it —"

"Oh, shucks, I'll be just as careful. Now lemme try. Say — I'll give you the core of my apple."

"Well, here — No, Ben, now don't. I'm afeard —"

"I'll give you all of it!"

Tom gave up the brush with reluctance in his face, but alacrity in his heart. And while the late steamer *Big*

Missouri worked and sweated in the sun, the retired artist sat on a barrel in the shade close by, dangled his legs, munched his apple, and planned the slaughter of more innocents. There was no lack of material; boys happened along every little while; they came to jeer, but remained to whitewash. By the time Ben was fagged out, Tom had traded the next chance to Billy Fisher for a kite in good repair; and when he played out, Johnny Miller bought in for a dead rat and a string to swing it with — and so on, and so on, hour after hour. And when the middle of the afternoon came, from being a poor poverty-stricken boy in the morning, Tom was literally rolling in wealth. He had beside the things before mentioned, twelve marbles, part of a jews'-harp, a piece of blue bottle-glass to look through, a spool cannon, a key that wouldn't unlock anything, a fragment of chalk, a glass stopper of a decanter, a tin soldier, a couple of tadpoles, six firecrackers, a kitten with only one eye, a brass door-knob, a dog-collar — but no dog — the handle of a knife, four pieces of orange-peel, and a dilapidated old window-sash.

He had a nice, good, idle time all the while — plenty of company — and the fence had three coats of whitewash on it! If he hadn't run out of whitewash, he would have bankrupted every boy in the village.

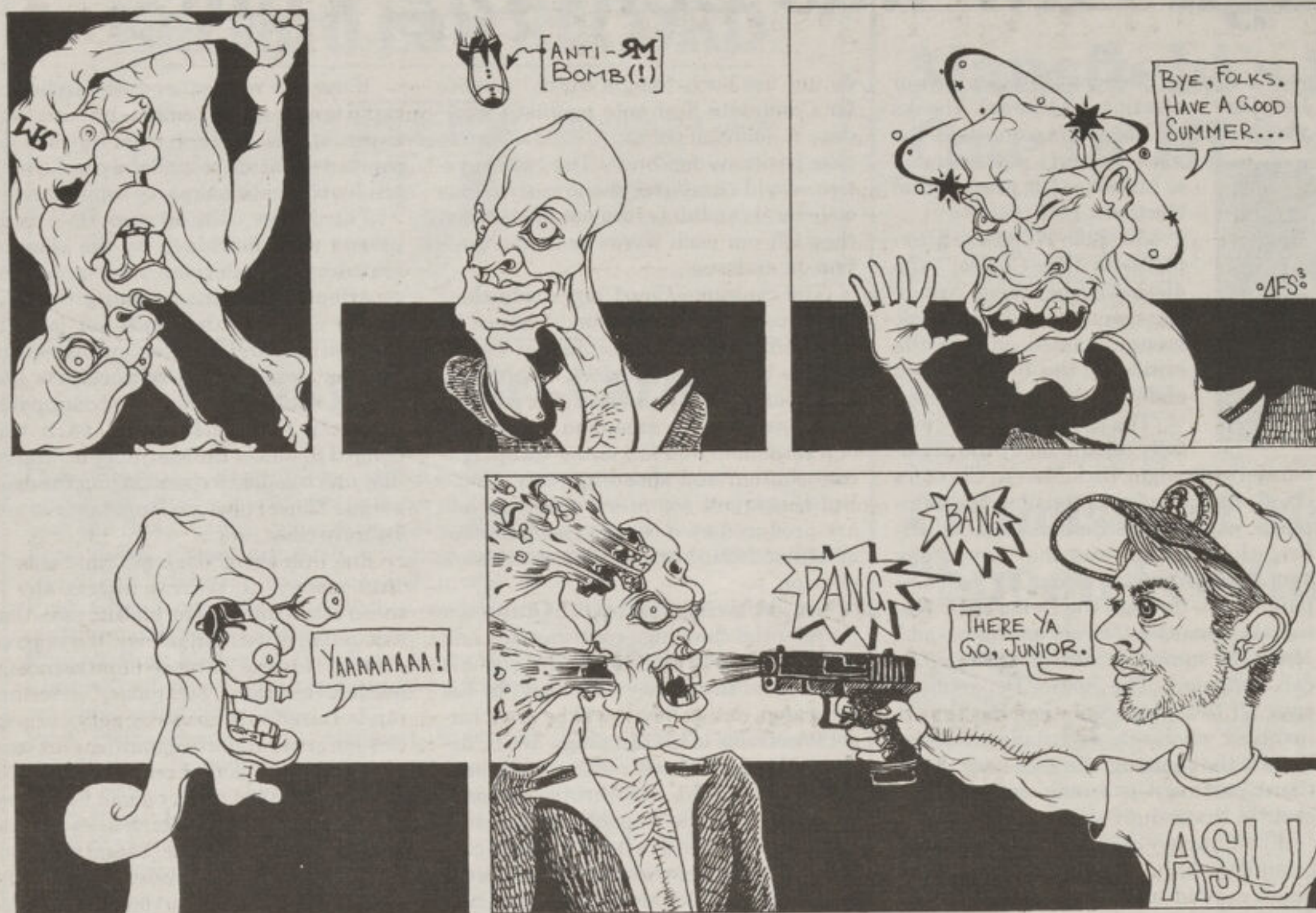
Tom said to himself that it was not such a hollow world, after all. He had discovered a great law of human action, without knowing it — namely, that in order to make a man or a boy covet a thing, it is only necessary to make the thing difficult to attain.

Edited excerpt from "The Adventures of Tom Sawyer" (1876)

This is the last issue of the RECORD this school year.
The RECORD wishes all members of the HLS community a fulfilling summer.
Returning students: See you next fall.
Graduates: Good luck with all & subscribe or face RECORD withdrawal.

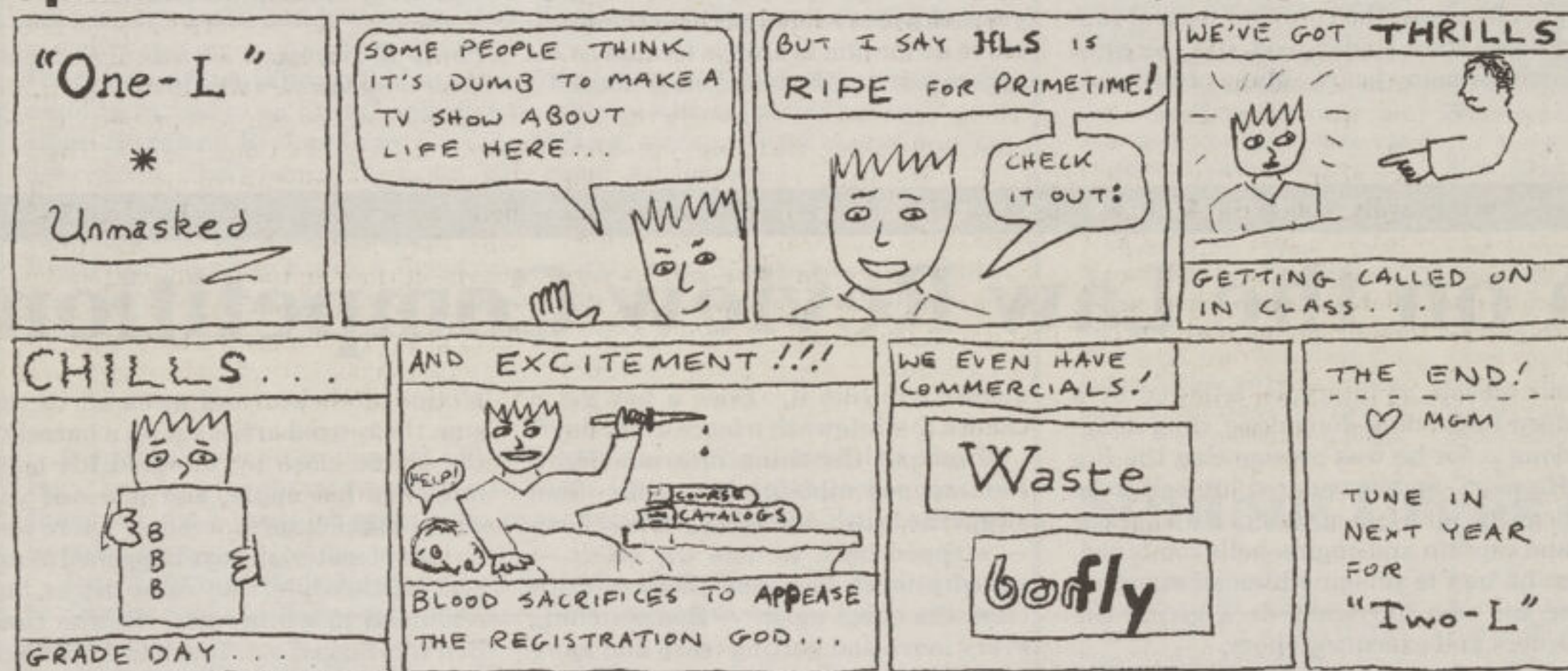
Reasonable Man Is Murdered

By Alfred Steiner



Spike

By Margie McWilliams



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CALENDAR

By Janie Kim '99

So pretend that final exams aren't poised for ambush, licking at your heels — that free time is oozing all over the place and there's forever to indulge. Then read on and dream a little.

It's ARTS FIRST week in the Harvard-Radcliffe Universe. The Harvard Film Archives kicks it all off with a free screening of **The Perfect Candidate**. The feature-length documentary chronicles the 1994 Virginia Senate race between incumbent Charles Robb and gap-toothed patriot Oliver North. Oily political wife is the subject here. Watch issues crash and burn as spin doctors coat their respective man in shiny, telegenic greasepaint. Thurs. 5/1 at 8 p.m. Carpenter Center for the Visual Arts, 24 Quincy St., Cambridge.

Also in conjunction with ARTS FIRST, the **Harvard University Choir** performs **Bach's Mass in B minor**. Heavenly oratorio! Fri. 5/2 at Memorial Church, Harvard Yard, 8 p.m. \$6 student tix available at Holyoke Center Ticket Office.

Another notable at the HFA: **Paris is Burning**. Paris documents a three year span in the world of Harlem and Brooklyn Drag Balls. The film showcases competitors battling for the title "Real Woman" with enthusiasm, irony, and style. The treatment of its protagonists is open and respectful; no exploitative agenda slapped on here. In 1990, it readied the pop tableau for "voguing" and Ru Paul. Sun. 5/4 at 3 p.m. And again on Tue. 5/6 at 8:30.

On Sat. 5/3, Harvard's **Native American Program** holds its annual **Powwow** from noon to 5 p.m. Native dancers from across the country move to the host drumming of Young Blood Singers. At Sever Quad, Harvard Yard. Free to the public.

Live music is sweet sustenance for the hyper-stressed overachiever. A two-hour gig, preferably in a smoky, purple-lit space, provides the perfect pocket of room for your temporary psychotic fugue. Line your eyes with black kohl and play at being the carefree ne'er-do-well you always longed to be.

The **Bee Charmers** blend deft lyrics with rich harmony. Their tuneful, brainy songs feature vocal gymnastics and subtle instrumentation. Sat. 5/3, the quintet comes to the Hard Rock Cafe, 131 Clarendon St., Boston, 353-1400. They play at John Harvard's Brew House, 33 Dunster St., Cambridge, 868-3585, Tue. 5/27.

Baduizm springs from the Avalon, 15 Lansdowne St., Boston. **Erykah Badu** produces a melange of rap, Billie Holiday, and 70's soul. The high road in contemporary R & B, her backbeat clips with a line of brass horns and a stand-up bass. It's music to make-out to as well as blast on a road trip. Thu. 5/8 at 7 p.m. \$16

Also at the Avalon, **Collective Soul**. The band deflates pop to a less saccharine zone with mammoth grooves in steady, rumbling gear. Sat. 5/10, 7 p.m. \$15

If hip-hop went world, **Me'Shell N'Degeochello** would emerge. The bald one that's not Sinead, she invents slow, moody, talk-sing funk, sitting on riffs from fusion and rock. Fri. 5/9, she headlines at the Paradise, 967 Commonwealth Ave., 562-8800.

Hallucinating Arkansas at T.T. the Bear's Place, 10 Brookline St., Central Sq. The band specializes in well-crafted, high-energy alternative rock. Their tunes are hummably infectious. Wed. 5/14, 10 p.m. 492-BEAR

Come fall '97, CALENDAR needs a new voice. Those interested should call 495-4418. The job's as easy as it looks. Have a safe, stimulating summer. Best congrats to the grads.

Anomic Lawyers and Nomological Dog Food

Alexander Boldizar '98

"So what are we?" I asked the two faces who looked at each other in my mirror. Their chanting was pulling me out of my head as I tried to focus on the distance between us. Perhaps that is what the exams really measure: how close you are to the reasonable lawyer, how much measurable distance, inches, meters, leagues, between the abstract lawyer and you.

But there are lawyers who see infinity in a comma and eternity in a semicolon, chanted the chant of the faces. There are lawyers who believe the Constitutionality of a law can be determined by whether it is phrased as a positive or as a negative, and the Constitution thereby defined. And yet they believe that it is an organic ideal. How do you measure those?

There are lawyers who believe that there really are right answers in the law and the closer you come to putting them on the exam the better your grade. My best grade was grade three. I spent it throwing snowballs at Polish people in the refugee camp. Once we covered a mattress, these Polish people and I, in transparent plastic and slid on it down the mountains into a lawyer who believed that proper legal argument was defined by the width of the margins and on whether you concisely stated your core issue.

There are lawyers who believe policy is a deep thing and that it can be referred to as the pick of the gods' cherry tree.

There are lawyers who are overcooked on the outside but raw on the inside, lawyers who have learned to skillfully manipulate the environment, the people around them, even themselves, but who remain full of little red raw worms, forgetting all ethics, customs, God, dignity and good manners. They often call on Sundays. Sometimes they closet a weak hope that that which is truly important will emerge as a by-product of their manipulations, not daring to ask what it por-

tends to secretly suck your importance out of by-products and exhaust pipes.

There are lawyers who have come to rely on hydrostatic pressure to retain shape (much like worms and other sluggy things) but using only longitudinal and circumferential elastic fibers and not the standard helical fiber winding found in all wormy things (much like Darren's plant). These lawyers are often smiling.

There are other lawyers who sit meekly beside tripled chin partners looking at their feet and practicing a shivering silence. And there are these tripled chin partners

at whom the slightly swaying associate is singularly not looking; they don't like it when you stare at their chins overly long, watching them wobble in the wind of their speech.

There are lawyers who think they represent blind justice, neutral, objective, and if only sloppy legal argument and the dissipation of legal concentration could be disciplined then we could go back to the good old days when words were words and they meant something goddamn it. These lawyers walked six miles to school in the snow barefoot because they didn't have shoes back then. And they liked it.

There are lawyers who really don't give a flying falafel whether the law is somehow a transcendental entity or just a bunch of upwardly mobile Black's Law Dictionary definitions, just so long as when someone asks them they can present a quantifiable answer. There are lawyers who screw commas with pleasure in the back seat of their Mercedes. They still respect it in the morning.

There are lawyers who justify first-strike nuclear attacks but who say that if I punch you in the nose I'm a menace to society. Some of these have the singu-

lar ability to discuss the killing of two million people in the same language as their overdue phone bill. There are lawyers who chase vegetables all their lives, and lawyers who vulgarize what they once knew by virtue of being human by backing it up with legal reasoning.

There are lawyers who honestly insist that just another couple of years and they'll get out of the law, lawyers who believe that 'determination is negation' and lawyers who believe that it's all just a bunch of *ipse dixit* and so what.

There are lawyers who snort coke from the grotesquely bloated bosom of blind Justice, but some of them don't inhale, and others just don't breathe very deeply.

"There are lawyers who snort coke from the grotesquely bloated bosom of blind Justice ..."

There are lawyers who see that the law is really the eviction notice to a welfare mother, and those that get a tantric totalizing thrill out of channelling abstract power into the concrete of human life. There are lawyers that believe that cuddly animals should have human rights too.

There are lawyers for whom the law is a constant poking, a Chinese water torture, like the little barbs the matador uses on the bull to induce abandonment of hope and a tired death. There are lawyers who were born lawyers, and lawyers who instantly became lawyers on the first day of law school.

There are lawyers who are narrators in a cardboard packing plant, squeezing lives into a formula in the pursuit of a grand plan of creating commensurable narratives, thereby providing roles and identities while increasing the efficiency of narration. With age, these lawyers be-

come great repetitors, and having acquired a great stack of cardboard narratives into which they can fit every cardboard dude and dudette they can just pick the appropriate package and confidently repeat its well memorized contents until we doubt any experience which insecurely hints otherwise.

There are lawyers who scream, ill from the law mapping out all their little hidden taboos into a social reality, become outlaws and determine to live without society. They give up their citizen rights and eat dog food in a dirty alley. Sated, they look at the bag of Alpo for some after dinner reading and see that the dog food too is FDA approved. The realization of law.

There are lawyers drowning in paper, scarred all over their bodies by thousands of little paper cuts. War wounds of the Samurai of the modern world. They serve the society by serving the law. They get prestige, but they are owned and own a lawyer who told me this was okay because the Law itself has a slave morality. It is meant to serve. Like fire, Law makes a good servant, but a bad master. There are lawyers who have signed up to serve, who used to meet in the Hark to discuss the pros and cons of strict liability, and there are other lawyers who signed up to be masters, to use it, to have it serve them even as they use it to serve clients. But Law is not modest, though it pretends to be; it mutinies, becomes our master. And we become the servants of a Law that has no Self, and is incapable — of ethics.

There are lawyers who disparage the transcendental nonsense of property, corporations, and the Constitution. These lawyers use words like "conflict" and "indeterminacy" even as they hand out B+'s with Herculean confidence. Sometimes, maybe at three in the morning, they are woken up by the midnight of the soul. They go to brush away the taste with abstract toothpaste, look at the mirror and think that all they are asking for is a certain level of pretense, an ability to make the reasonable face of Hercules without sticking your tongue out. But in pretending, they make it so.

I'll miss you most of all scarecrow.



Skippy lay in its bed, staring at the ceiling. It had been a rough year, and the end, although in sight, was too distant to be any comfort for the poor one-L.

Harvard Law School had not left Skippy unchanged. It was a little less chipper, a little more grumpy, and its genderlessness had become a little less cuddly Monchichi and a little more Marshall Applewhite. Lately, it had even started to doubt the Dean's interest in Skippy's personal welfare.

The phone rang, shattering Skippy's ennui. Skippy hoped against hope that it would be the Financial Aid Office, telling Skippy that it had been freed from the insufferable limbo of the Summer Public Interest Funding wait list. It wasn't. It was Fenno, and he didn't sound very good.

"Skippy," said Fenno, "get your ass down into the Langdell tunnels. Fast."

"Oh, Mr. Fenno," squealed Skippy, "This isn't about the column, is it? I learned my lesson. You won't hurt me any more, will you?"

"No. I'm dying, Skippy. I can't hurt anyone any more. Just get here, OK?" said Fenno, and the line went dead.

Skippy, not stopping to think, left its room in Gropius immediately, and took the most direct possible route to the tunnel under Langdell. Twenty minutes later, it arrived, pushing its way through the crowd that had gathered around

Fenno's fallen form, partially crushed beneath a pile of rubble from the Langdell reconstruction above. Skippy looked up. The ceiling of the tunnel had collapsed, revealing the vast chasm of Langdell and the sheepish faces of a few of Daniel O'Connell's Sons looking back down at Skippy.

"Oh, Mr. Fenno," said Skippy, choking back tears, "what happened?"

"Drinking," gasped Fenno. "Not looking. Bumped into garbage can. Knocked it over. Slipped on rainwater. Fell into 2x4 supporting ceiling. Boom."

"Oh, that's terrible," said Skippy, as the tears began to fall. "But how did you manage to call me?"

"There's no time for that now," wheezed Fenno. "I need you to . . . to help me."

Skippy looked at the rubble. "I can't, Fenno," it sobbed. "Not even Justice Thomas could lift this mess. Even if there were a copy of 'Barely Legal' underneath it."

"No, no, honey," said Fenno, tenderly, "I need you to . . ."

"Avenge you?" said Skippy, suddenly brightening. "As God is my witness, Mr. Fenno, I shall . . ."

Fenno wrestled one arm free from the rubble. Showing surprising strength for one so near death, he whacked the hell out of the back of Skippy's head for one last time.

"Will you shut up?" hollered Fenno. "This is my dying soliloquy, fer Chrissakes!" Fenno began coughing pathetically, in a manner befitting a dying man. "I haven't much time, Skippy. Listen."

"I'm dying, but I need you to complete my work. The Law School needs an id. You need an id. For three years, we sell our hearts and minds to an institution

that doesn't want them, so that we can earn the privilege of selling them again for a lot of money. And by the time we've got the money, we've forgotten what we wanted it for, and lost the capacity to enjoy anything we can buy with it. I've tried to remind people what their livers and genitalia are for, damn it!"

Fenno paused, gasping for breath. "And that's just for starters. There are also evil doers among us. Folks so bent up with self-importance, hatred, or greed, that they can't help but hurt you, and do it over and over again 'till you think you deserve it. These are the poisonous vipers, Skippy, not me, and I'm just trying to rip their masks off." Fenno paused again, looking a little puzzled. "Although how the hell a reptile with no ears or arms is going to attach a mask to himself is way beyond me."

"I need you to finish this work for me. Remember two things, Skippy. First, there is power in the blind item. Second, the ritual slaying of the elders isn't necessary anymore. What's necessary is prying the corpses out of the arms of the sycophants before they stink the place up too badly. Kiss me, Skippy."

Skippy leaned forward to kiss Fenno. The crowd moved in, fascinated and appalled. What happened next is not clear, although it might be that more of the ceiling collapsed. At any rate, there was much noise and a lot of dust. The crowd ran away in fear.

Alone again, Fenno reached into his hip pocket for his flask. He unscrewed it, took a drink for himself, and poured the rest on the body of Skippy at his feet, partially buried beneath a pile of rubble. He'd miss the kid, he thought, but he certainly wouldn't need it anymore.

Quote of the Week

"With incest, you have gene pool problems ... the kind of thing you get in small islands off the coast of Maine."

— Prof. Charles Fried to his Con Law class

SPORTSGUY

The final Buzzer

By Todd Stillerman '97
Sports Editor



Nobody did it better than Bob Newhart. Countless thousands have tried to end things with emotion and wit, but nobody made closure as stirring as the comedian with the button-down mind. Sure, we all cried when Hawkeye said good-bye to BJ and when Mary, Murray, Lou, and Ted sang *It's a Long Way to Tipperary*. A bunch of sports heroes made a fine effort at memorable farewells: Ted Williams hit a home run in his final at-bat; Tim Duncan of juggernaut national basketball power Wake Forest had a double-double in his final college game; and Mario Lemieux did manage a goal in his final game last Saturday. All gracious good-byes, to say the least, but for the SPORTSGUY's money, he'll take the final episode of *Newhart* every time. In that spirit, the SPORTSGUY offers his best of three years of sports at Harvard Law School, in the hopes that at least some of his readers will awake to their own Suzanne Pleshette babbling incomprehensibly about the Stratford Inn in Vermont:

Best Football Team: Led by their supremely athletic wide receiver/captain Whitey Berardinelli '96, the Learned Hands utterly dominated the IM league in 1994 and 1995, winning every game they played in both years. **Runners-up:** Strutting fearlessly under the rays of the Earth's yellow sun, the Sons of Jor-El ate through the league. Zach "To the Future" Stern '97, glistening black forearm pads in tow, was a legend in his own mind. **Honorable Mention:** The Great Danes (runners-up in 1995).

Best Football Player: Quarterback John "The Nebraskan Assassin" Lammers '97 of the Sons of Jor-El. With slashing runs from the line of scrimmage, he evaded blockers like a crooked tax attorney evades the capital gains tax. **Honorable Mention:** The SPORTSGUY saw Art "Appreciation" Carillo '97 of the Chicano Bears/Chupacabras do more with a hung-over body than Jim Morrison.

Best Basketball Team: A law-school legend (Professor Charles Ogletree '78 once played on the team), Black Plague easily out-distances the pack. From Eulas "Free As A" Boyd '96 and Dave Morgan '96 to Damon "Love" Jones '97 and Derek "Action" Jackson '99, Black Plague has won more big games than anybody else. **Honorable Mention:** The Great Danes, 33-2 since 1994.

Best Basketball Player (A-League): After three years of watching Chris "With the Girls Be" Handy '97, the SPORTSGUY offers this observation: a supremely talented individual scorer and defender, the Black Plague captain always wills his teammates to perform at his own high level. **(B-League):** Early in 1994, the SPORTSGUY began a journalist's love affair with the enigma that is Pat O'Reilly '97. Quick with his first step and his wit, O'Reilly may well lead the Great Danes to three straight championships spewing out three-pointers and quotes along the way. **Honorable Mention:** For perseverance and spirit, Lil' Penny's Nightmare captain Jake "May The" Schwartz "Be With You" '97.

Best Individual Sports Play: Mike "A Man's Home is His" Castellano '97 of the Great Danes throws the lead block for quarterback Chris "Of The Spider Woman" Neiwoehner '97 at the 20 yard line in the 1995 semifinals against the Chicano Bears. Stumbling to the ground, Castellano rose to his feet, beat his slow-footed quarterback to the end zone, and threw the final block on Bears' safety James Kostohryz '96 for a Danes' touchdown.

Best Game: In the 1996 football playoffs, the Stormin' Mormons tie the score on a last second touchdown, needing only a one-point conversion for the win over #2-seed Freshies. Quarterback Richard "Half" Nelson '98 throws an interception that Ezra Jennings '98 returned for a two-point conversion and a narrow victory. **Honorable Mention:** Trailing the Stonecutters 51-45 with :54 to play, the Great Danes string together four free throws and an Andy Kincheloe '97 three-pointer to win the 1995 basketball tournament final.

Best Lines #1: From Danes guard O'Reilly to referee (and mortal enemy) Mike "Daytona" Beach '97 after a dippy-doo conversion: "See that Beach? It's called a left hand. Work really hard, and maybe you can have one in about five years!" #2 Forrest Krump slotback/mascot Austin Krumpfes '98, after a blow-out loss to the Sons of Jor-El: "I'm not a smart man, but I know what an ass-huppin' is." #3 Head referee Juan "Life to Live" Zarate '97, on the league's new Fox40 pea-less whistles: "I feel empowered!" #4 Langdell Memorial team oralist Joel Hammerman, on the upcoming Ames Moot Court semifinal with the Wild Horses team: "I want Chris Fortunado '97, then I want Hagler!"

Most Indispensable Sports Fans For their support and antics: "Gym Rat" Dave Koontz '96; commissioners supreme Naim "That Tune" Bulbulia '98 and Chris "Who Was That Masked" Manning '98; football enthusiasts Stern, Zarate, Steve "Osceola" Mudder '98, Dave Rothenberg '98, Bob McCarter '97, Les "Is More" Yontz, plus Pat Rodriguez '97, who truly loves the game; and basketball denizens Schwartz, Little, Bobby Chesney '97, Doug "Babbling" Brooks '97; Doug "Feet Of" Clayton '98, Ira "Ka—" Powell '96, Dave "Salary" Caputo '96, "Dig" Doug Sugimoto '96, Rob Flachs "Your Muscles" '96, Stephen "Cannery" Rowe '97, Travis "the Hit-Man" Pearson '97, Eric "Krush" Groothuis '97, Mark "Cotton" Jensen '97, Chad "To The Bone" Ho '97, Craig "Unabomber" Briskin '98, Brent "The Idaho Avenger" Schlotthauer '98, Richard "Married to The" Moberly '98, Jeff "Pulling Your" Legath '97, Mike "Billy Madison" Sandler '98, Mike "Frank and" Steinig '98, Darren "Early Morning Forfeit" Mungerson '98, and Josh "Bermuda" Swartz '99, without whom there would be no after-noon pick-up pandemonium.

A Final Ovation For the SPORTSGUY's family (and occasionally the only folks who read the column), the Great Danes: Neiwoehner, Castellano, Kincheloe, Stark, Hammerman, Beach, Markus, Steve "It To Beaver" Kelly '97, Tommy "Gun" Butler '97, Rubin Sinins "And Outs" '94, Rob "If I Only Had A" Brainan '96, Tony "Toni, Tone" Falzone '96, Kevin "Vosensitive Guy" Vosen '97, Jonathan Robertson '97, Matt "King" Hong '97, Kieron "Fifth" Beal L.L.M. '95, "Wake Up, Little" Suzie Grosso '97, Shannon "Tippecanoe and Tyler" Toolis '97, Meredith "Quincy" Adams '97, Ari Zweiman "—cing the Stone" '00, Mona "Mona, Ride Your Pona" Mitrani '98, Heather Cameron '97, Stacey "What Would You" Sayetta '97, Amy "Knights in White" Satin '96, Roberto "Liquor, I Hardly Know" Hernandez '97, Rachel Blum "And Blumber" '97, Selene "Wake Me Up Before You Go" Ko '97, and, of course, the "indefatigable" Pat O'Reilly.

Want to know how the basketball season ends? An on-line SPORTSGUY column is available for the remainder of the year. Send a mail request to: STILLERM@hulaw1.harvard.edu.

LIVING TO EAT

Cozy Bistro Tells Tale of Two Cuisines



By Judson O. Berkey '98
RECORD Columnist

Sandrine's Bistro introduces a much too rarely explored and appreciated cuisine to the ever changing Harvard Square dining scene. Drawing on a dual and conflicted heritage, Alsatian cuisine attempts to blend the heartiness of German ingredients with the sophistication of French cooking. At its best, Alsatian meals offer comfortably satisfying dishes of straightforward flavors which provide a nice change of pace in these days of fusion and spice. Chef Raymond Ost, not an Alsatian himself but a venerable master of the Boston restaurant scene, achieves this most pleasing combination in a very unpretentious bistro setting.

Upon entering Sandrine's, one is immediately enveloped by the pleasing smell of caramelized onions emanating from the wood-fired oven set behind the copper topped bar. This oven turns out the special *Flammekeuche* (\$8) that should start every meal at Sandrine's. The menu always offers three versions of these thin but crisp oval flatbreads holding wholesome toppings. The traditional *Flammekeuche* contained a sea of creamy Emmental cheese in which hickory smoked bacon and those sensuous caramelized onions floated. The other versions available one night were Portobello mushroom and artichoke. Sandrine's brushes aside any attempt at glitziness by delivering the *flammekeuche* to the table on the wooden paddle with which it is taken out of the oven.

The other appetizers obviously draw from the French side of Alsace. Like any good French bistro, Sandrine's offers the traditional frog legs sautéed in fresh herbs and garlic butter (\$12) and a thick and hearty cheese-topped onion soup (\$6). If one desires something lighter (a good choice if one starts with the *Flammekeuche*), the frisée salad (\$9) offers a delicately sculptured stack of greens bounded all around by crisp latticed-sliced pears. Bright red cherry tomato halves lie face down in a circle around the edge of the plate echoing the dome-shaped frisée. Chunks of wonderfully pungent Roquefort cheese, which appeared throughout the menu, are mixed throughout the greens. A light but very tasty port wine vinaigrette dresses the salad.

A beggar's purse consisted of a delicate crepe filled with warm sautéed passion fruit.

A pleasing mixture of French and German influences permeates Sandrine's. The table setting, including a bottle of Perrier, and the wait staff attire, consisting of crisp white shirts and black and white check aprons, lends an air of a Parisian cafe. The bread basket, on the other hand, containing chewy and dense, mild sourdough bread, brings back memories of German backerei. The dining space is an open room that manages to be comfortably subdued. Cream walls with red and teal accents produce a calming influence in the face of the wood-fired oven and an open kitchen. Red seat cushions and multicolored salt and pepper shakers provide a dash of style while the wall prints of Alsatian village scenes help transport one across the Atlantic. The only uneven atmospheric element is the sharp light thrown out by the open kitchen which produces disturbing glares from certain seat locations.

Sandrine's compact and orderly entree list (another German influence perhaps?) ranges broadly enough to satisfy most any desire. The trout Napoleon (\$18) consists of three layers of pan seared trout fillets held together by a mortar of home-made garlic mashed potatoes. The Napoleon stack is topped with a mixture of brown almonds and diced red tomatoes that mimic the colorful tile roofs found in Alsatian towns. Unfortunately, however, the trout that was sampled had been seared a bit too much and came out dry. The thick Sirloin Tournedos (\$22), on the other hand, was done a perfect medium rare and contained the perfect amount of natural red juice to melt a slab of accompanying Roquefort butter. Sautéed green beans and potato slices mixed with more of those wonderful caramelized onions rested in a thin brown sauce and balanced the steak on the plate.

A few general words must be said about the entrees. True to German tradition, the sauces, and the dishes themselves, are strongly salted. The salting isn't strong enough to distort the taste of the dishes and is actually quite appropriate to enhance their flavors. However, it is strong enough to produce a dry mouth several hours after a meal. On the less traditional side, however, the entrees are accompanied by more vegetables than one might find in a traditional German meal. One could say this is another French influence, but a more interesting explanation was offered by Chef Ost himself who was overheard to explain, "This is Cambridge after all." Readers are left to draw their own conclusions from that comment.

Sandrine's offers an expensive but well selected wine list. The Alsatian wines, which are produced from German grape varieties such as Riesling and Gewurztraminer but are made in a dry style, really should be tried. A very good Lorentz Pinot Blanc (\$5.50 a glass; \$21 a bottle) is a nice example of a typical fruity dry Alsatian wine. An unusual but expensive selection of Alsatian and French ales is also offered.

After the filling appetizers and entrees, one should be careful when it comes to dessert. While Sandrine's does offer an eye-catching triple mousse terrine consisting of a cylindrical stack of white, dark, and milk chocolate mousses, most of the desserts (\$6) thankfully focus on fruit. A beggar's purse consisted of a delicate crepe filled with warm sautéed passion fruit. Maple cream with which to top the purse was separated from the crepe by a stylish yellow mango sauce drizzled in the shape of an S. The star of the dessert menu though has to be the branded parfait. This silky smooth custard containing fresh red cherries topped by a crisp layer of burnt brandy caramel produced a delightful contrast of crisp and cream and warm and cool.

All in all, Sandrine's Bistro is a smart yet relaxed mixture of the best of the French and German influences found in Alsace. By managing to achieve that rare combination of offering an elegant meal in a comfortable bistro, it marks itself as a restaurant worthy of note. Bon Appetit and Gutes Essen!



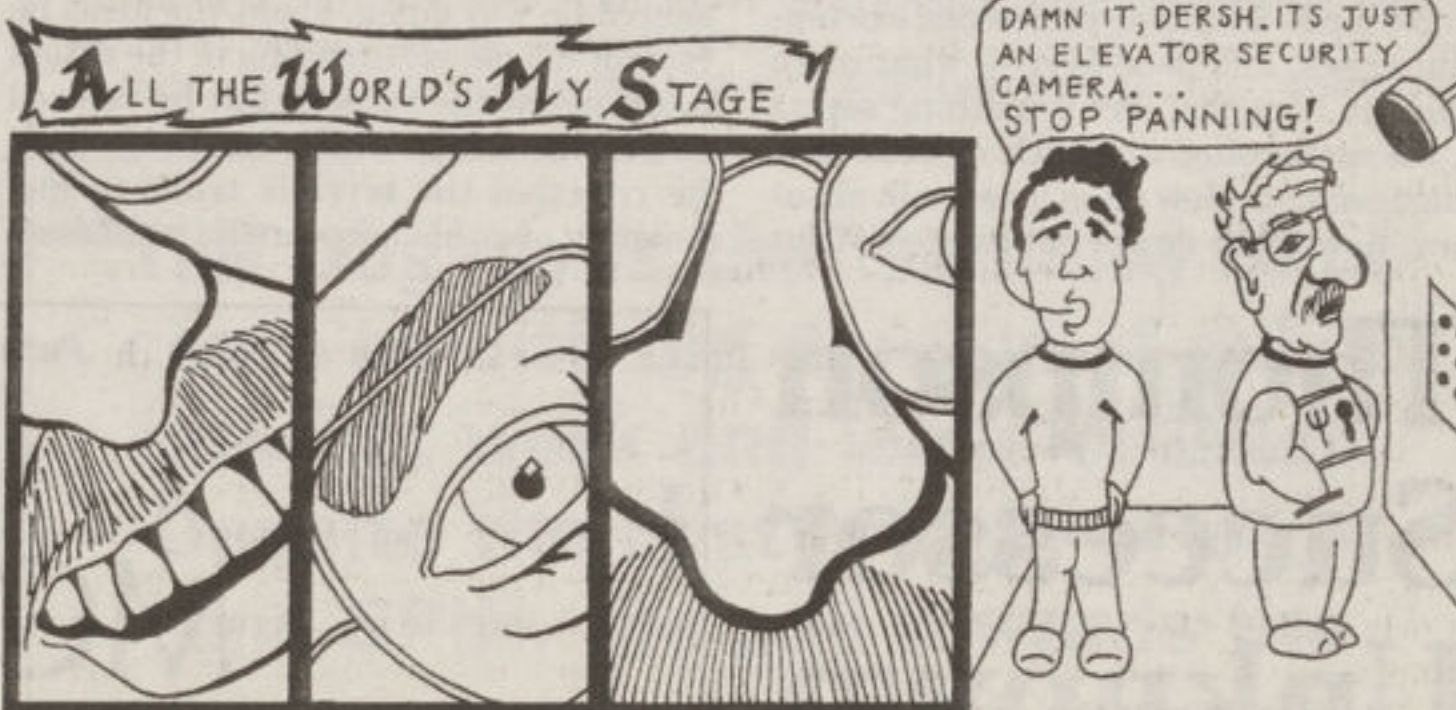
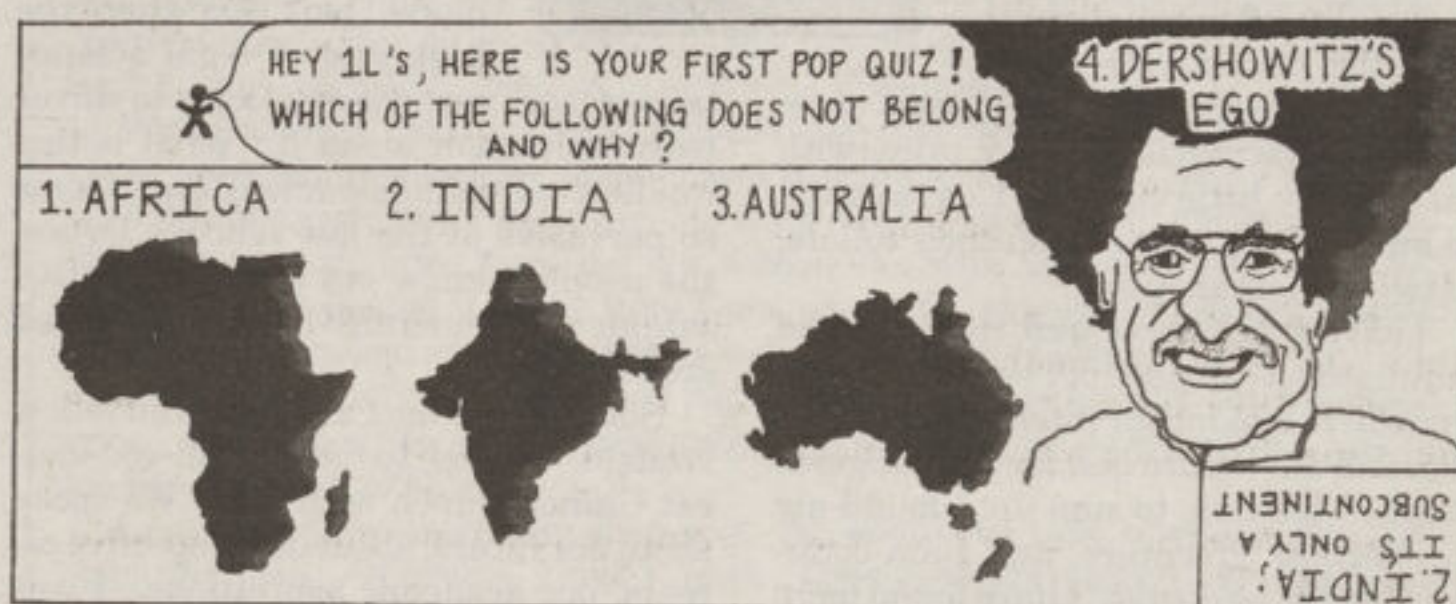
Ad Hominem Retrospective

By Stuart Rees & Bill Zimmerman



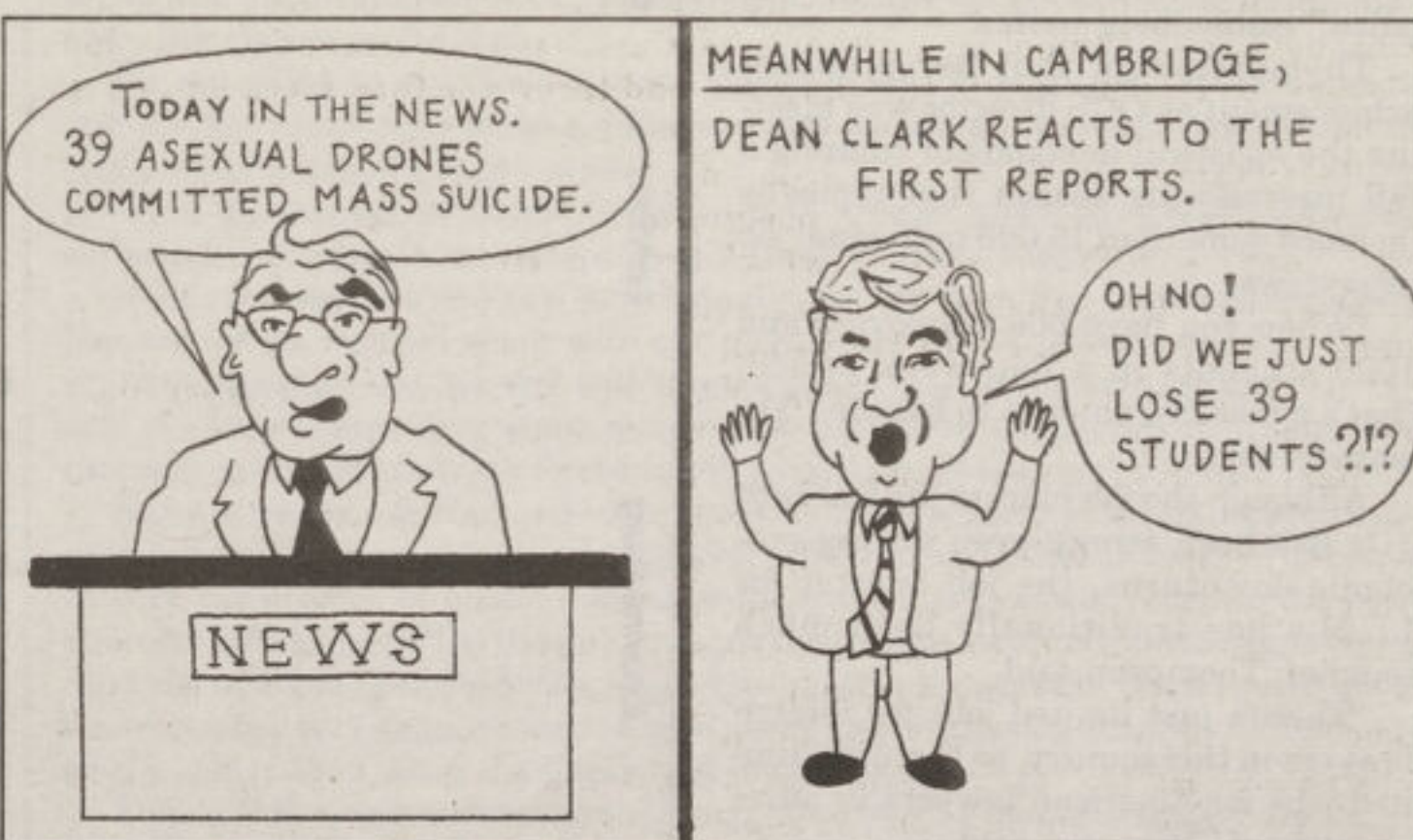
For those of you who have so often inquired, here's how the creative process works. Stu writes the jokes and draws stick-figure sketches. Bill vetoes some jokes and draws the final art. Why does Bill do the art? The following cartoon took Stu four hours and two copyright violations (The Far Side & Bloom County) to do by himself.

Dersh was our main "influence" 2L year. In fairness, I suppose we should admit that we respect his high commitment to teaching (storytelling?) and his writing ability. Also, despite the error of his ways, at least he has passion for what he does. Finally, we thank him for putting up with our dozen or more cartoons.

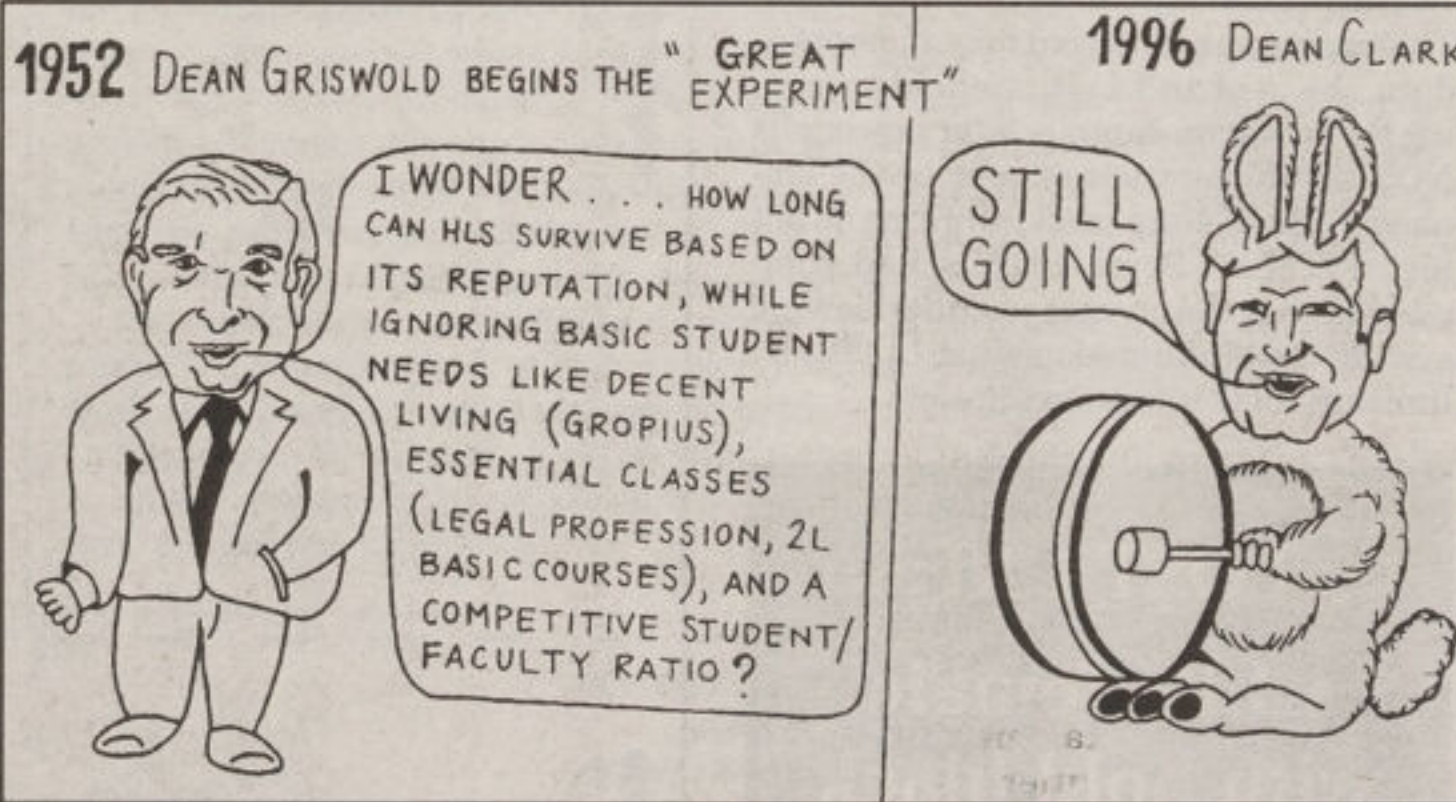


We ran three Miller strips last year about his absenteeism. He got off lucky: we had four more good ideas (such as a Miller version of "Where's Waldo?").

Jokes featuring the Dean are like potato chips: you can't stop at just one, (and we didn't even try. The count was twelve this year.)



The water glass cartoons were popular. We don't know why.



DIFFERENT VIEWPOINTS

PEOPLE IN CHARGE OF LEGAL PROFESSION AND SECOND YEAR BASIC COURSES

OPTIMIST

PESSIMIST



THE GLASS IS HALF FULL.

THE GLASS IS HALF EMPTY.

THE GLASS IS TOTALLY FULL. THERE IS PLENTY TO GO AROUND FOR EVERYONE.

A few parting remarks:
 Bill: I would like to thank Stu for putting up with me and The RECORD for making these cartoons possible. I would also like to thank Neil and James for helping me to determine what was funny (and what wasn't).
 Stu: I'd like to thank Bill for bringing my jokes to life.
 We both express our appreciation to those of you who laughed and occasionally told us that you did. We want to chastise those of you who didn't and let you know that you should have. We will both miss this to some degree. The RECORD has urged us to solicit future cartoonists. The administration has urged us not to. So sign up!
 Comments? Write to stu@stus.com (and visit www.stus.com for the largest site on the Web devoted to cartoons).

GUEST COLUMNIST

The Thrill: Intellectual Adventure Still?

By Harald Halbhauer LL.M. '97

Wandering through the hallways of Ames the other night I thought: under my feet, over my head, left and right, I am surrounded by hundreds of brilliant minds. Gropius is an arrangement of little boxes, stuffed with America's first-rate brain power. I tried to feel it physically, this concentration of intellect. Here they are, the leaders of tomorrow. How privileged am I, to live with them in my little cubicle. I am allowed to inhale their odors, flush their toilets, listen to their shouting.

Leaving the roots and routines and familiar faces of good old home behind, I came here looking for intellectual liberation and adventure and for a prestigious degree. It's time to sum up: I found my intellectual adventure, and I am confident about the degree. I have found more than that: I have found wonderful people and friends, inspiring professors, existential crises, and good food — what more can you hope for? Yet something seems a bit disturbing: the lack of academic engagement. How often do we talk about law, how often do we get excited about



understanding or deconstructing doctrines, how much time have we spent working our heads to the bone over books and how much time filling our stomachs at breakfast, lunch, and dinner, with beer and wine, breathing the sunshine in the Square or inhaling the smoke of tobacco?

Should I be worried about being in the wrong place? Isn't this where the high end of legal science takes place? But nobody seems to shiver with excitement about it. What is this intellectual disillusionment that seems so pervasive at the law school? Or are the people I know not a representative sample of a generally highly motivated student body?

Some weeks ago, a friend (and fellow student) took me to have an all-you-can-eat Chinese lunch with him. We spoke about our future, about our respective careers, our academic aspirations. I was trying to get him to talk about the research he was doing, about the ideas he had for his paper, throwing in the little I knew about the subject, but he refused to get into that. I kept insisting, until he revealed the terrible truth to me. Leaning over his leftovers he confessed,

"ideas don't thrill me any more."

Should I have been shocked at this revelation? I tried to convince myself that I was different, that ideas actually meant something to me, that I was thrilled by thinking. After all, that was the way I had defined myself: as an intellectual, aspiring to be an active player in the game of legal ideas, devising clever moves and winning passes. But his words kept nagging at me, "ideas don't thrill me any more." How far had I actually gotten in my academic endeavor? Had I betrayed myself about the amount of work it would take to achieve what I had hoped for? I, myself, seemed to lack the commitment I had tried to elicit from my friend. How much more I enjoyed basking in the sun of an early spring day than delving into all those books I had bought and articles I had photocopied!

Are we all intellectual failures then? Shouldn't we be really excited about what we are studying? Have we chosen a profession which is famous for its impressive tomes, whose task is the juggling of concepts and ideas, just to discover that life's thrill is somewhere else? What is the likely cause of our discontent? The law might just not be our calling, the wrong field to which we have devoted our mental energies. Our intellectual self-realization might lie somewhere else: in

history, philosophy, the arts, science: in all those dreams we did not dare to live.

However, it's unlikely that it would be much better there. The issue is, how absorbed can you get by any purely intellectual occupation anyway? How much work are we willing to put into understanding abstractions, how much pain are we ready to bear, in order to master concepts and theories? Maybe "ideas don't thrill me anymore" is not limited to legal doctrines and lengthy cases. Rather it might show that even the most breathtaking ideas can only be so exciting and that the thrill is to be found somewhere else.

"Ideas don't thrill me anymore," but then, have they ever? Was there a time when we could get passionate about intellectual life in a way now lost to us? It seems there was a happy childhood once when we would spend nights discussing ideas and concepts with a vigor that was genuine and deeply felt. A rude awakening into a disenchanted reality has taken place, the spell is broken and we have irreversibly grown up. The true passion of yesterday would feel like lukewarm autoeroticism today.

The defiant question: do we need intellectual mediation any more, or will the daily conscious experience of life itself provide the thrill we are looking for?

Thompson Successor Unknown

Continued from THOMPSON, p. 1

Cardozo Law School once told me she salivated when she saw our placement office," Kahlenberg writes.

Thompson said that her proudest achievement as OCS director was meeting the logistical demands of running a fall interviewing season that typically includes more than 15,000 individual job interviews.

"When you have 600 employers and 1000 students in a four-week period, that's a massive amount to handle," Thompson said.

Although the job market for Harvard JDs has been strong even during economic downturns, the job market for LL.M.s has traditionally been much tougher, Thompson said.

"There's just limited jobs for foreign lawyers in this country, as there are limited jobs for American lawyers in other countries," Thompson said.

During last fall's interviewing season, Thompson was criticized for a memorandum she sent to LL.M. students warning them that on-campus interviewing "is NOT an efficient use of your or the employers' time" since most law firms do not hire LL.M.s. Some LL.M.s had complained that the on-campus interviewing system discriminated against LL.M.s by limiting their interviewing slots.

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Farewell Fair Harvard



By Judd Serotta '97

RECORD Columnist

Like most major changes in life, leaving law school is bittersweet. I will be donning the robe and accepting the diploma (assuming I make it through one more finals season) on June 5. The words of the Beatles' "In My Life" always come to mind on occasions like this. But rather than quoting a song, I'd like to just make a few parting thoughts.

First of all, I'd like to thank the RECORD for allowing me to contribute my rantings over the past year and a half. It's been a privilege, and I hope some readers have benefited, whether persuaded or dissuaded. And the RECORD has honored my contributions with a great parody, though it bizarrely painted me — a practicing Jew — as a fundamentalist Christian. It was an honor to be parodied, though; at least you know someone (even if only the RECORD editors) is reading what you write.

Anyway, not to disappoint, I'd like to sign off on a somewhat ideological note. And it's a note of optimism. It's a thought about modern political and legal discourse, and the direction in which we are heading. It's also a thought about Harvard Law School and its relevance to the 1990's.

We, the conservative movement, are winning. Yes, there are fits and starts (like the first months of the 105th Congress). But we are winning the debate over the size and scope of government. And we are winning the legal debate. As for the first point, it's so obvious one need hardly demonstrate. When both Republicans and Democrats have agreed to balance the budget, conservatives are winning. When both Republicans and Democrats have agreed to cut taxes, conservatives are winning. When both Republicans and Democrats have agreed that the cornerstone of American social stability is the American family, conservatives are winning. When both Republicans and Democrats have agreed that capital punishment is warranted for those who commit the most heinous crimes, conservatives are winning. When a Democratic president runs on a platform that is a cross between the platforms of Gerald Ford and Ronald Reagan, conservatives are winning. When George Bush's "1000 points of light," once ridiculed by the left, provides the building blocks for a presidential "summit" on volunteerism, in lieu of government involvement, conservatives are winning.

If I sound like I am gloating, I am. In 1984, Walter Mondale ran against Ronald Reagan as an unabashed liberal. In 1988, George Bush tarred and feathered Michael Dukakis (whose campaign was chaired by a then-Harvard Law School professor) for being a liberal, and won by a landslide. Great Society liberalism is on the run, because the American people have recognized its failure.

Also consider the legal world. Thirty years ago, judicial activism was an accepted way of life. Statutes were only rough guidelines which judges like Skelly Wright and Brennan could routinely ignore to make their own statutes. The Constitution had no intrinsic meaning; it meant whatever Brennan, Douglas, and Marshall said. Now, the Steven Reinhardt of the world are virtual pariahs. Even the Democratic appointees to the Supreme Court accept the importance of federalism, textualism, and originalism. And, I am confident, even the Democratic appointees are finished with the notion that new rights can be "discovered" in our Fourteenth Amendment. Essentially, the rule of law has won out; judicial activism is no longer seen as consistent with democracy. And that is not only because Republican appointees still make up a majority of the federal bench; it is because Republican appointees have won the argument. Robert Bork may not be sitting on the Supreme Court, but he should be proud of the strides we have made. And surely there are more to come, because 1990's conservatism is still a rising tide.

So why do I flatter the conservative movement thusly in my last column for the Harvard Law RECORD? Because the contrast is so sharp. Some commentators have, half-jokingly, noted that there are three real bastions of Marxism left in the world: North Korea, Cuba, and American universities. Harvard Law School certainly is no exception. As the nation has moved to the right, as Justice Scalia's biting calls for judicial restraint have been increasingly heeded, HLS has moved to the left. According to Judge Douglas Ginsburg, no partisan Republican has been granted tenure at Harvard Law School since the mid-1970's. While HLS is not an exception in legal academia, we are perhaps an extreme example of an institution that is becoming less and less relevant.

Of what practical import has brilliant exposition of neo-Marxist, or even run-of-the-mill far left ideas? We specialize in a product that was useful in the 1960's, when Prof. Frank Michelman tried to convince the Supreme Court that there is a Constitutional right to the "basic necessities of life." But that is like selling an Apple II Plus in 1997; no one will buy it. They might find it a curiosity, but it will not even provide useful guidance for the future. And if you keep trying to sell the Apple II Plus, you will eventually be ignored altogether. So, good luck to Harvard Law School in winning Lani Guinier. Her ideas were so out of the mainstream that she was rejected by a Democratic administration with an overwhelmingly Democratic Congress. Translation: she propounds ideas that may have convinced someone when Lyndon Johnson or Richard Nixon were in the White House. Now, she is irrelevant to everyone but other legal academics.

Now, as to us law students. I will truly miss the dialogue I have had in classes with those whose views differ dramatically from mine. And, law students being what they are, few minds were changed; but at least we better understand each other. I don't mean to be smug, but now we head into the real world where my ideas are in the mainstream and theirs are not. America in the 1990's does not believe corporations are evil capitalist tools, except for Ralph Nader, who is at least as insignificant as Lani Guinier. For those who shout from the left that Harvard Law School is too conservative, or argue that we need to find the most efficient way to redistribute wealth, I hope you enjoyed your three years here. Because in the real world these 1960-ish ideas don't amount to much. The American Bar Association is filled with people of this mentality, but as much as they may insist that affirmative action is a good thing, it is on its way out: Proposition 209 was only a harbinger. To be sure, there are still pockets of society who agree with these leftist ideas, but they are getting smaller. And while they might win Bernie Sanders a Congressional seat, they will not elect a President. So, graduates of the class of 1997, we have two choices: eternal frustration, or joining the mainstream. Our alma mater has chosen the former; we must choose the latter.

Cakewalk

By Carla Halpern '97

RECORD Columnist



It was the early nineties. On a whim, I questioned my brother-in-law. No, not a fellow lawyer — my sister's husband. But he did happen to be an attorney and I was pondering what it would be like to be a sister-in-law in more than one sense. In other words, I was thinking about law school. "What's law school like?" I innocently asked. He looked at me as though I were serious. "For you, cakewalk." He paused, and I pondered his Northern New England-ese for "piece of cake." Was he really saying I was cut out for law school? Then he continued: "... but you'll have to learn to lose some of your idealism."

Well, I decided to give it a shot. Friends teased me about making a pact with the Devil. But as I gripped my number two pencil and bubbled in LSAT answers, I whispered to myself over and over: *I will not sell my soul ... I will not sell my soul...* Nearly two years later, I started law school, idealistic as ever. I kept the LSAT mantra and repeated it every time I put on a suit, passed the Office of Career Services, or received another ominous letter from a loan agency.

Well, graduation is upon us and it's time to assess the legal education experience. Has law school been a cakewalk? Have I sold my soul? Have I lost my idealism? Drum roll please...

Law school has been easy, in a way. An enormous time pressure, but not a daunting task. Of course, I had it easy. Time pressure means something completely different to a person like me than to someone with family responsibilities or a full-time job. Kudos to all of you in the latter category who emerged from these past three years with your sanity intact.

Now ... this is the part of the column where I am supposed to toss my literary cap

The tragedy is that so many of us come in with big dreams of public interest work and leave crushed. Despite the best efforts of OPIA and SPIN, the pull towards the private sector is almost magnetic.

into the air and cheer for the HLS class of 1997. I am supposed to congratulate all my classmates and say who cares what type of work we're going into — that private sector and public interest work are equally dandy and we should all just go out and enjoy our chosen profession.

I'm not going to say those things. Harvard, love it or hate it, has given us a crimson key and it does make a difference how we use it. If I didn't believe that, I could never have gone to law school.

After all, consider what lawyers actually do. We all make a living off of human suffering. Let's face it: in an ideal world, no one needs a lawyer.

Public interest lawyers are not magically exempt from this unpleasant reality. Nor are we guaranteed peace with our consciences. Most public defenders, prosecutors, and legal aid lawyers will at some point find themselves on the "wrong" side of a case or providing assistance to someone whose actions are offensive. But this only means that we are forced to recognize how we use our legal skills.

Some of us came to Harvard with money as the only goal. I can't agree with this goal, but at least it is an honest statement. The tragedy is that so many of us come in with big dreams of public interest work and leave crushed. Despite the best efforts of OPIA and SPIN, the pull towards the private sector is almost magnetic. I can't say whether the situation is any better at other law schools, but if I had a dime for every time that firms were presented as the only employment option, I could pay off my loans. Well, okay, the interest on my loans.

Earlier this year, a guest columnist suggested that we should stop bitching about a lack of encouragement towards public interest work because otherwise there would not be enough public interest jobs for everyone who wanted them. Here's the real story: public interest jobs are scarce. But public interest work is plentiful. For many legal service providers, public interest organizations, and even government agencies, it comes down to a matter of funding. We can't blame Harvard for all the moral failures of our system, but, to paraphrase the old saying, wouldn't it be nice if legal aid providers had all the money they needed and corporate America had to hold a bake sale to raise funds for their in-house counsel ...?

Of course, if that kind of radical redistribution miraculously enacted itself, we might see a serious lack of poverty and a corresponding drop in public interest work. But I wouldn't mind losing a job to those circumstances.

So, let that be my goal. I will accept the trade-off: no poverty; no legal aid jobs.

Guess I haven't completely lost my idealism. Now all I have to do is get out there and be a lawyer. Cakewalk.

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Here's what 1996 Harvard Law Graduates had to say about Bar/Bri's Bar Review course last summer...

I thought that BAR/BRI did an excellent job, well-run, sensitive to student concerns, and manageable. I had a friend who took another course and she had 1,400 pages of notes. She was sorry she hadn't taken Bar/Bri.

I was very glad I took BAR/BRI! Great job - BAR/BRI made this as pleasant an experience as possible.

The BAR/BRI course was excellent. My roommate took another course and asked to borrow my BAR/BRI books because her's were too voluminous.

On a scale of 1-5 I give Prof. Schechter a 10+. I remember everything he said.

Prof. Paula Franzese for was excellent! She made Real Property clear and manageable. I would definately recommend this course to other HLS grads.

The Conviser Mini Review is the bible! Great flowcharts and outlines.

The lectures were overall excellent and very helpful as well as the materials.

I Loved the Gilbert Multistate Workshop and the essay grading. I also liked the abundance of self-testing materials.

Prof. Charles Whitebread gave an amazing lecture on Criminal Procedure. I found him to be very entertaining.

The study schedule was very good; well paced and well planned.

Prof. Roger Schechter was hilarious. Reminds me of Conan O'Brien.

Prof. Stanley Johanson makes a difficult subject interesting. Extremely clear even for those who have never studied it before.

Having the simulated bar exam at the real test site was great. I really liked the score breakdown on the computer graded sheets!

