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CONGRATULATIONS 1L LSC REPS



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Clark's Response to Anonymous Posters Draws Student Fire

Dean Sends Out Two Letters in Thick of Debate

By Chris Bauman

After posters advertising an event sponsored by the HLS Society for Law, Life and Religion were torn down, defaced, and replaced by an anonymous parody, Dean Clark '72 sent a letter to all HLS students condemning the anonymous flyers for their "derogatory message."

"The tearing down and defacing of posters and the substitution of posters is subject to serious disciplinary action," read Clark's letter.

The original poster, which advertised "The National Coming Out of Homosexuality Day," stated that "those struggling with homosexuality ... can walk away." The anonymous poster stated that "those struggling

with Judaism [sic] ... can walk away. (To the gas chambers.)"

The HLS Civil Liberties Union quickly expressed its dissatisfaction with Clark's response.

"The basic problem was that response seemed to prohibit types of speech that are acceptable," said Jol Silversmith '98, president of the HLSCLU.

The CLU posted several flyers on Sept. 25th stating that "... we can only conclude that parodies are no longer permitted at Harvard Law School."

On Sept. 26, Clark responded to the CLU's posters with a second letter to HLS students. The letter read, "[CLU's] conclusion is not correct. Parodies are an acceptable form of commentary ... This includes parodies that others may find offensive. What

is not acceptable ... is the removal or defacement of other posters."

"It is Law School policy ... that anonymous posters are not permitted," Clark's second letter stated.

Brian Burt '98, president of SLLR, also criticized the CLU.

"Like many groups out there that began with the intention of defending civil liberties, it has become an arm of the liberal movement and protects the right to free speech only so long as a minority viewpoint or a politically correct viewpoint is being expressed," said Burt.

"The Dean's first letter seemed to say that the parody is not permitted because it is uncivilized mimicry, while the

Please see POSTERS, p. 3

Faculty Debate Long Term HLS Strategy

By Janie Kim

Dean Clark '72 convened an open faculty meeting Friday, Sept. 26, "to put the strategic planning process into higher gear both by getting down to more specific planning and by enlisting much wider engagement."

However, Clark's call for greater faculty engagement was lost on one evidently disengaged professor, who fell asleep in the first row. His snores elicited giggles from the audience.

Clark introduced a draft committee structure that would continue the dialogue in focused, smaller groups.

"Groups will think more specifically ... having debates and arguments. We ought to ratch

it up and have a planning process that's more engaged and meaningful," said Clark.

Over 40 faculty members and administrative staff attended as did three members of the Law School Council and a RECORD reporter.

"Maximizing the value added by HLS to society," said Clark was the objective of the strategies to be developed.

Clark spelled out certain constant assumptions: the Law School would continue to focus on the law; key activities of HLS would remain teaching and research, and graduates and scholarship the main products.

Clark forwarded an analysis of the larger forces working within and without the Law

Please see FACULTY, p. 5

West, Kennedy Debate Role of Race in Society

By Glenn Otis Brown

Students spilled into the aisles of the Ames Courtroom Monday night to hear two of the nation's leading African-American scholars informally but spiritedly debate the significance of race in American society. Randall Kennedy and Cornel West, both Harvard professors, addressed the topic "Our Race Problem, Yours and Mine" in a forum sponsored by the Harvard Black Students' As-



Prof. Randall
Kennedy

sociation (BSA) and mediated by Professor Anthony Appiah of African-American Studies.

"In a way, Professor Kennedy and I are wrestling over the legacy of Martin Luther King, Jr.," said West, who teaches philosophy of religion at the Divinity School and African-American studies at the Faculty of Arts and Sciences. Kennedy, a professor at HLS,

agreed that "we both come from the same basic starting

Please see DEBATE, p. 3

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Have in mind "celebrating the diversity of human life."

You Can
Walk Away.

(To the gas
chambers.)

The SLLR poster (left) and the anonymous parody (right)

Johnson '98 Fights to Keep West Bar to Its Promises

Class Action Suit Likely Absent Settlement

By Glenn Otis Brown

In response to HLS students' threats of a class action suit, the West Group this week issued letters to its former student representatives and student clients offering a possible settlement and clarifying its policy on the now-defunct West Bar Review.

Jenny Johnson '98, who was hired to be a head student representative before West Bar folded this summer, launched an effort last week to force the company to follow through on its contractual obligations to provide its student employees with free, live classroom bar review courses in exchange for work as salespeople for the

company.

"With no warning, we were suddenly told that we were out of a job and that we'd get mail-order versions of the bar review course instead of the live ones promised in our contracts," said Johnson.

In a recent letter, Johnson rejected West's offer to provide its former employees and clients with take-home versions of the course, asserting that it "simply does not meet the obligations of West Bar Review under [the] Agreement."

Johnson urged the company "to consider contracting with BAR/BRI [West's former competitor and the leading service] to provide each of the students who represented West Bar Review with a free course." If not,

she hinted, "a class action seems to be the most popular choice" among a group of HLS students organized to determine what action to take against West.

Johnson said that she'd begin interviewing lawyers next week if West failed to respond to her letter.

"I've been told we can get one [lawyer] on contingency fee and we'll invite HLS students to be on the team," Johnson said.

According to Jennifer Moire, a spokesperson for the West Group, two types of letters were sent out in response to Johnson's complaint and others from law students across the

Please see WEST BAR, p. 9

BAR/BRI BAR REVIEW

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BAR REVIEW

Lambda Denies Responsibility for Parody Poster

Continued from POSTERS, p. 1

second letter said that offensive parody is protected speech," said Silversmith.

"It is unclear what the distinctions between the two of them are," he said.

Silversmith also noted that the rule against anonymous postering is listed in the Handbook for Student Organizations, a publication not distributed to individual students.

He questioned whether an average HLS student would know about the rule or if the rule would apply to average law school students.

Rudy Reyes '98, president of the Coalition for Civil Rights, agreed with the CLU. Said Reyes, "I support what the CLU did. They forced Dean Clark to hone his position, which was unclear in the first memo and clearer if not different in the second letter."

"Dean Clark, I think, is in the wrong here. It seems to me that as dean of the Law School, he is required to be neutral as to the content of messages on campus. In his first memo, while remaining content neutral vis-à-vis [SLLR's] poster, he was not neutral concerning the parody posters."

Reyes doubted that the Dean's letters solely intended to communicate administrative rules concerning anonymous posters. "If he was simply reminding everyone that there was a simple administrative rule against anonymous posters, then he should have said that at the beginning. His statements were clearly against the content of the parody poster," said Reyes.

Silversmith echoed this sentiment. "The issue of anonymity was not raised at all in the first letter and seems to be a retroactive attempt to justify his first letter," he said.

Mike Chmura, director of the HLS News Office refrained from elaborating on the administration's stance. "The let-

ters speak for the administration. I'm not going to interpret them," he said.

Lambda posters also defaced

Several campus organizations are confused as to why Clark chose to respond at all to the flyering incidents.

"Last year some Lambda posters were ripped down and some were defaced," said Ross LaJeunesse '98, former co-chair of Lambda. "I talked to Dean Richardson, and she seemed concerned, but that was pretty much the end of it. I don't know why Dean Clark chose now to make such a strong public statement when he hasn't in the past."

Similarly, Reyes said, "I can't imagine why the Dean would stoop to the level of debating a student about this issue by sending letters to the students."

Burt blames Lambda

It is not known who removed or defaced SLLR's initial posters nor who posted the anonymous flyers.

Burt points possible blame at Lambda.

"In three-fourths of the places where our posters had been torn down, Lambda posters later occupied exactly the same space. We can't be certain, but it's unlikely that it's just coincidental." Margie McWilliams '99, chair of Lambda, objected to the implication that Lambda was involved in the removal or defacement of the Society's posters.

"We started putting our posters up the week before the student activities fair [held on Sept. 24]. I'm responsible for putting up all of our posters, and I didn't put any posters where [SLLR's] were," said McWilliams.

SLLR did not begin posting flyers advertising National Coming Out of Homosexuality Day until Monday, Sept. 22.

The administration has not contacted Lambda concerning the removal and de-

facement of SLLR's posters and refused to comment on whether the incidents would be investigated.

Burt defends SLLR event

McWilliams said she is concerned that the controversy surrounding the flyering incidents will detract from the substantive issues raised by National Coming Out of Homosexuality Day.

"It's upsetting and offensive to us on a couple of levels," she said. "The whole idea that there is something wrong with us and that we should change is insulting on a personal level."

Burt defended SLLR's platform as a "message of compassion and hope."

"For those who want a chance to leave the lifestyle, thousands have already walked away," said Burt. "We just want to let people know that there is an option."

Burt characterized homosexuality as "a self-destructive behavior."

"It is like a drug addiction. A number of problems can attach themselves to participation in homosexuality completely apart from the moral question," he said. "If people have questions about the moral side of homosexuality, they can come to the event and ask them."

"The message is not one of hate or intolerance," said Burt. "It's not saying that homosexuality is wrong."

McWilliams disagreed.

"It's a lot of brainwashing and telling people you are not who you are," said McWilliams. "It makes them feel unnecessarily guilty."

APA doubts conversion efforts

The American Psychological Association does not recognize therapy approaches promising conversion from homosexuality as either effective or necessary.

"It can do more harm than good," a press release from the APA stated. "Close

scrutiny of reports ... [of therapy claiming] ... to have changed a client's sexual orientation (from homosexual to heterosexual) ... indicates several factors that cast doubt."

The APA depathologized homosexuality as a mental illness in 1973.

In an August 1997 resolution on appropriate therapeutic responses to sexual orientation, the APA reiterated its position that "homosexuality is not a mental disorder" and resolved to "counteract bias ... whereas societal ignorance and prejudice about same-gender sexual orientation put ... individuals at risk for presenting for 'conversion' treatment due to family or social coercion and/or lack of information."

"These so-called conversion therapies ... are simply an extension of society's prejudices against gay men and lesbians," said Dr. Gregory M. Herek in a comment to the APA's resolution.

Burt discounted the APA's findings, charging they lacked objectivity.

"The truth is that the APA has become a partisan organization, where certain members of the homosexual community have gotten them to remove homosexuality as a disease," said Burt.

"The diagnosis of homosexuality was removed at an event filled with tactics of intimidation by homosexuals to remove it from the manual," he said. "This has been well documented."

Burt stated, however, that he did not want to get into a debate with the medical community.

"Our event's purpose is not to challenge the APA or AMA or any organization and I don't want it portrayed that way."

Burt said that the event would focus on religious faith rather than on psychology.

"The path to recovery is a faith-based message. It's a spiritual message. It's not a psychological message," he said.

West, Kennedy Agree That Race Matters

Continued from DEBATE, p. 1

point—that, despite the progress of recent decades, we've got a long way to go in this country in terms of race."

Covering in a few minutes what little ideological ground they share, the two set about expressing their respective approaches to race and society. "Clearly race matters in America today," began Kennedy, "But *should* race matter in the way it currently does? I don't think so." A self-described "pluralist," Kennedy eschews identity politics, race-based public policy decisions, and ethnic solidarity, and embraces a notion of freedom of choice in self-identification. "I want a society in which individuals are able to interact with other individuals without the barrier of race in front of them," he explained. "The idea of 'belonging' to a race makes me want to explode. I want people to choose their associations freely."

West dismissed Kennedy's approach as "ahistorical," "acontextual," and overly idealistic. "It's not just about free choice," he argued, "as if we're all in some kind of rational choice theory situation, but about history and pain and suffering." West asserted that the African-American situation could not possibly be analyzed in a vacuum, without considering the shared historical and societal experiences which affect all facets of Black life. "It's so easy to fetishize choice [of self-identification] that we lose sight of the circumstances people have had to deal with and continue to deal with on a day-to-day basis," said West. "We have to keep the discussion in context of history and all its blood and sweat and tears."

Skeptical of the possibility of true pluralism, West warned that "it is dangerously easy to allow the idea of color-blindness to hide, to conceal what we're up against." He said that any efforts to minimize race as a social factor, no matter how well-intentioned, are doomed to fail given that African Americans "cannot escape from their past or their collective problems." Inevitably,

argued West, race to a large extent pre-defines a Black's role in society.

Kennedy also rejected the concept of "color-blindness," preferring instead "a kind of rainbow approach, one that acknowledges differences without insisting that people cling to them." Yet he argued that only a complete departure from race-based thought can begin to correct ills caused by past racist practices. "My people" for me means Americans," explained Kennedy. "I don't buy these notions of 'blood kinship' and 'blood is thicker than water.'"

Kennedy's and West's differences over what it means to be an African-American seem to stem from a fundamental disagreement over what it means to be an American. "I think we have made errors by retreating from the American ideals, with people wanting to groove on their tribal identity," said Kennedy. West conceded that "the goal of democracy is indeed to pull you out of your more provincial, parochial self," but argued that "it shouldn't ever ask you to negate that former self, that original identity."

The debate moved through these conceptual topics into a wide range of current events, including interracial marriage and adoption, police brutality, and affirmative action. Discussion of this last issue, though less thorough than one might have expected, sparked strong reactions from the audience. West sharply criticized the White House for not "taking a chance on coming out against Prop. 209 in California" and other movements to end race-based entrance standards at public universities. Kennedy expressed his ambivalence over the issue. "I'm very, very anxious about race-lines being drawn by public authorities," he explained, "Yet the one thing that has prevented me from being wholly against affirmative action is the great fear that it will be done with and yet we'll still have a society in which race-lines will be unofficially drawn against people of color."

Initially, the two scholars' rhetorical

styles seemed as distinct as their beliefs. Kennedy's introductory remarks were calm, deliberate, and rational, while West gesticulated and intoned, pausing only to pat his brow dramatically with a folded handkerchief, allowing his colorful metaphors and folksy aphorisms to sink in.

Yet, only a few minutes into the discussion, it became plain that both debaters' mannerisms defied facile classification. West, though generally more free-wheeling in his speech and body language, sported a neat, gray three-piece suit and tie; Kennedy, on the other hand, delivered his nasal monotone jacketless, his collar undone and his sleeves rolled up. As the debate intensified, West became increasingly cool and occasionally almost whispered into his microphone, punctuating only certain points with histrionic flourishes. Kennedy, however, spoke more and more loudly and became visibly agitated. During several particular impassioned (though good-natured) exchanges, Professor Appiah, seated in the middle, seemed to dodge emphatic index fingers and sweeping arm swings coming from both sides.

Throughout, the standing-room-only

audience was engrossed. Gauging from applause and occasional laughter, West's sense of drama and humor seemed to win a majority of the crowd's approval. After the debate, Ajume Wingo, a fellow at the DuBois Institute, opined, "Clearly West was more convincing. He was dealing with the concrete, the practical. Kennedy's approach was too theoretical, too ethereal for me."

Yet other student reactions were mixed. "There wasn't really any 'winner,'" said Darlene Martin, a doctoral student at the School of Education. "I personally find truth in elements of both their arguments." Femi Richards, a Kennedy School student, agreed: "Both of them are progressive thinkers with very cogent, persuasive arguments. Neither is really better than the other, and it's good to see both sides of the issues well-presented."

Ben Glassman, a 1L, reacted with awe and appreciation for the event as a whole. "One of the greatest things about being at school here is being able to see the top minds at work," he said. "I think it's phenomenal that we've got the resources, and the interest, to host this kind of discussion."

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Briefs

Fried Recovers From Heart Valve Replacement Surgery

After undergoing an eight-hour operation on Wednesday, Sept. 24, to replace a damaged heart valve, Prof. Charles Fried will be coming home from the hospital either Sept. 30 or Oct. 1 according to Dean Clark '72.

"[Fried's] recovery is going very well. The latest is that he's doing beautifully," said Clark.

"He'll be out of commission for a few weeks yet. But he's on the good side of the curve as far as these sorts of procedures go."

Clark characterized Fried's mood before the surgery as "very chipper — typical Charles."

Dershowitz's "The Advocate's Devil" to Air as Sunday Night Movie on ABC

An adaptation of Prof. Alan Dershowitz's "The Advocate's Devil" will be the ABC Sunday Night Movie on Oct. 5.

A drama about a down-on-his-luck attorney given the opportunity to represent a star basketball player against rape charges, "The Advocate's Devil" stars Ken Olin as attorney Abe Ringel. Olin's character faces the moral dilemma of proceeding, despite nagging suspicions that his client is guilty.

Set to air from 9:00-11:00 p.m., Sunday, Oct. 5, the movie also stars Mariska Hargitay, Holt McCallany, Gina Philips, Wendell Pierce, and Elizabeth Mitchell.

Defense Makes Closing Arguments in Federal Trial of Abbell '64 in Miami

Michael Abbell '64 was just doing his job as an attorney when he represented the reputed head of the Cali drug cartel, Abbell's defense attorney said in his closing argument Sept. 26.

Abbell is on trial in Miami federal court on cocaine conspiracy and related charges. He faces life in prison if convicted.

Abbell did legal work for Miguel Rodriguez Orejuela, the reputed boss of the Colombian drug ring. The government charges that Abbell's work crossed the line from acting as a defense attorney to participating in a drug conspiracy.

Howard Srebnick, Abbell's defense attorney, argued that Abbell was obliged to "protect the rights of his client."

"That is what lawyers are expected to do," Srebnick said. "If he had done anything less, he would have been guilty of malpractice."

Abbell is also being represented by Scott Srebnick '90. The judge presiding over the jury trial is William M. Hoever '50.

Abbell, 56, is one of the nation's foremost experts on extradition. Prior to working as a defense attorney, he was an attorney for the U.S. Department of Justice, where he focused on international drug smuggling issues.

Abbell and another attorney, William Moran, are charged with preparing false affidavits that exonerated the drug lord, spreading hush money and relaying threats to jailed smugglers not to cooperate with prosecutors.

Abbell is one of about 70 defendants in the case. Most of the other defendants have pleaded guilty or are fugitives. The case is the federal government's biggest drug case in the last five years.

The case against Abbell has drawn national attention because he was charged with the same crime as his former clients. Some lawyers have complained that the prosecution's aggressive strategy was intended to intimidate defense lawyers.

Dole '65 Recalls HLS Sexism in Ohio Speech

In a Sept. 22 speech at an Ohio conference, Elizabeth Dole '65 spoke about the sexism she encountered on her first day as an HLS student.

"A man walked up to me and asked what I was doing there. Today, he is a partner in a prominent law firm in Washington, D.C.," Dole said. "He said, 'Don't you know there are men who would give their right arm to be here? Men who want to do something with their degree?'"

Dole was the keynote speaker at a conference on women's activism and citizenship held in Columbus. She spoke before a mostly-female audience of about 1,000.

Dole told a humorous story about John Adams, the first Harvard graduate to serve as president of the United States. Dole said that Adams refused to talk politics with his wife, Abigail, because she was a woman.

"No wonder he was a one-termer," Dole said.

Dole is the president of the American Red Cross. When her husband, former U.S. Senator Bob Dole, ran for president last year, Dole took a one-year leave of absence from the Red Cross to help his campaign.

— The Columbus Dispatch

Ross '56 Named Chair of Social Security Advisory Board

President Clinton announced on Sept. 24 his intent to nominate Stanford Ross '56 as a member of the Social Security Advisory Board. Upon his confirmation by the Senate, the President intends to designate Ross as chair of the board.

Ross is a senior partner in the law firm of Arnold and Porter in Washington, D.C. He is an expert on social security and taxation issues and served as Commissioner of Social Security during the Carter administration.

The Social Security Advisory Board was created in 1994. The board is responsible for advising the president and Congress on issues relating to Social Security.

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Proposed Committee Structure Discarded at Meeting's End

Continued from *FACULTY*, p. 1

School: a process he deemed crucial in formulating a base strategy.

He listed long-term external trends (the explosion and differentiation of law into new fields, the increasing internationalization of law) and long-term internal trends (more courses, programs, clinicals, internationalization, and technology use).

Clark advanced the comparative advantages of HLS versus other law schools and other graduate schools, respectively, as well as the disadvantages HLS holds in comparison to schools of business and government.

HLS provides a relative lack of training in tools of leadership and policy analysis, said Clark. Business and government schools may offer curricula stronger in accounting, finance, statistics, game theory, and organizational behavior.

Against this backdrop, Clark proposed a structure for the committees which would involve "virtually all faculty" and include select student and staff members.

In addition to a steering committee that would oversee and coordinate the whole process, Clark named seven "generative" committees that would hold narrower functions exploring: the core curriculum, internationalization, interdisciplinary studies, leadership training, information technology, facilities planning, and student services.

In an eight-page draft memo to the faculty, Clark listed the specific function, rationale, and linkage relationships for each committee. He stressed, however, the draft nature of his proposed committee structure.

"The whole memo is open and welcomes input," said Clark.

The faculty obliged with much feedback to Clark's proposal.

Via e-mail, Prof. Hal Scott requested that he be placed on the internationalization committee and stressed the increasing importance of globalization in the law.

"I think we should buy Lesley College," read Scott's e-mail. In its stead, he suggested that a separate division of HLS specializing in internationalization be installed, complete with separate faculty and course offerings.

Scott's suggestion drew hearty laughter from the audience.

Prof. Morton Horwitz '67 asked Clark to clarify the numbers illustrating the results of the HLS capital campaign that eventually raised \$150 million.

"When I see the LIPP figure at \$2.3 million dollars, it presses ancient buttons," said Horwitz. He pushed for details about funds currently allocated to LIPP.

"Whatever happened to the committee that was supposed to come to some determination about LIPP: the public interest committee headed by Edley?" asked Horwitz.

"Which committee?" said Prof. Christopher Edley '78 in response. Edley wondered if Horwitz was referring to the committee he headed in 1991 or the one he headed last year.

"We originally strived to raise \$20 million," said Clark. "The interest from that fund would pay out \$1 million to LIPP every year. Right now, we actually pay \$1.33 million to LIPP. This comes from the excess we raised for current use and other categories."

One professor questioned the wisdom of engaging in an analysis of HLS's comparative advantages and disadvantages with other institutions.

"It's dangerously misleading," he said. "Having a premier reputation means we don't have to struggle this way ... The key question is: what does the world need in

terms of legal education? And then fill that."

Several professors felt that establishing a committee structure was premature.

"We need to talk as a body, as a whole group much more before, during, and after this process, before we fragment off into little cocoons."

"Before we get to subdividing, we should talk about how we're going to cut this in the first place."

Prof. Lucie White '81 echoed this. She felt that the question of a law school's role in its local community, one among many emerging issues, would find no avenues of discourse in the proposed committee structure.

In the end, the faculty concluded that the draft committee structure would be scrapped and redesigned, incorporating the "specific planning and ... wider engagement" Clark called for much earlier in the process.

After the meeting, Clark expressed enthusiasm over the faculty's response to the task at hand.

"I'm excited. It's clear that people want to get their hands on it," he said.

Clark suggested that the next step was breaking down the faculty into "mini general committees" to "look at the whole ball of wax."

"One of the ideas being mulled over is a set of relatively structured discussion groups who would talk to one another over the next couple of months," said Clark. "It's important to not jump in and force anything through in a matter such as this."

Clark expressed concern about how to involve students besides committee membership. He offered one idea he attributed to a member of LSC.

"Student groups could propose alternative solutions and debate them," he said.

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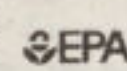
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Introduction by Dean Robert C. Clark

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Across the Country



News From the East and Mid-West

Judge Strikes Down PA Megan's Law

PITTSBURGH (AP) — A judge says Megan's Law wrongly forces a convict to prove he is not a "violent sexual predator" because prosecutors should have to establish that the person fits that definition.

The ruling by Criminal Court Judge Ernest DiSantis of Erie is the first in Pennsylvania to say the state's 1 1/2-year-old law violates state and federal constitutional requirements that someone is innocent until proven guilty.

DiSantis' decision affects only the convict he ruled about, but the appeal in the case will go next to the state Supreme Court, where a ruling could have statewide impact. The high court gets the case next because DiSantis' ruling addressed a constitutional question.

Pennsylvania's Megan's Law was inspired by a similar law in New Jersey, where a repeat sexual offender raped and killed 7-year-old Megan Kanka.

DiSantis ruled Tuesday on a request by Donald Francis Williams, convicted in July of having oral sex with a 9-year-

old boy.

Pennsylvania's version of Megan's Law requires that a panel of psychological experts evaluate a defendant's tendencies and report to the judge.

If a convict is classified as a "sexually violent predator," he receives a minimum sentence of life in prison but can be released to a life of parole. Police will report the convict's whereabouts to schools, neighbors, day-care centers, and youth agencies for at least 10 years after his release.

Keith Clelland, Williams's attorney, said the law violates fundamental protections in the state and U.S. constitutions.

"It flies in the face of everything our constitution is about. The burden is on the state to prove a defendant guilty beyond a reasonable doubt," Clelland said Wednesday.

The judge said the convict is first entitled to a hearing in which prosecutors must prove he is a sexually violent predator, rather than putting the suspect on the defensive.

DiSantis left standing the part of the law that requires police to notify a convict's neighbors and others once the designation is made.

Separately, the 2nd, 3rd and 9th U.S. Circuit Courts of Appeal have upheld the notification portions of Megan's Law in New York, New Jersey and nine western states, respectively.

DiSantis said he cannot impose a life sentence on Williams because the procedure for assessing his mental state is flawed.

State legislators who pushed for Megan's Law and prosecutors believe that DiSantis's decision will be reversed.

State Sen. Stewart Greenleaf, a Republican from suburban Philadelphia and a supporter of Megan's Law, said he disagreed with the judge's suggestion that convicts enjoy the same protections applied to people accused of crimes.

"I think we're on firm ground. We've discussed that before putting it in. I think it's something that will ultimately pass the test," Greenleaf said.

Mom Charged for Tattooing Daughter

DES MOINES, Iowa (AP) — Ramona Cox doesn't understand why she wound up in court for tattooing her daughter.

"It was a little, tiny, tiny, tiny cross on her ankle," Cox said. "I can give her parental consent to get her ears — and any other part of her body — pierced, but I can't give her a tattoo?"

No matter. A seldom-used Iowa law forbids a person younger than 18 from getting a tattoo, with or without a parent's permission, and the father of the 14-year-old girl refused to look the other way.

"To me, it's just like child abuse," Merlin Herold said last Friday. "Tattooing like that is a permanent thing. You need to be an adult."

Cox, 32, said her daughter Danielle Herold repeatedly asked for the tattoo. She let her ponder the decision for a week before drawing the cross using a sewing needle and black ink.

When Danielle showed it to her father, he reported it to authorities.

Cox claimed her ex-husband used the tattoo against her in divorce proceedings. He reported the tattoo in May; their divorce became final in August.

Cox's lawyer said the case, scheduled for trial in October, is about more than a family squabble.

"It's the youth's right to rebel," lawyer Bob Rigg said. "Does the government want to control that? And to what extent?"

Rigg plans to ask a judge to dismiss the misdemeanor charge, which carries up to a year in jail.

KKK Visit Brings Celebration of Diversity

HUNTINGTON, W.Va. (AP) — It perhaps wasn't what the Ku Klux Klan had in mind when it came to this otherwise quiet Ohio River city: Swarms of people of different color, ethnicity, sexual orientation and religion not just tolerating, but celebrating their diversity.

"Around May we saw we had to do something about the Klan," said NAACP chapter president Phil Carter. "Then we thought we needed to be larger, broader, and deeper than (worrying about) the Klan for one day."

Community leaders responded with the UNITE rally Saturday, a day of festivities and entertainment meant to draw attention away from the Klan and show, rather than, tell Klan members that white supremacy was not a popular ideology here.

David Muskera saw the UNITE rally as an opportunity for gays and lesbians to work on community relations.

"One of the things the gay and lesbian community has been struggling for is recognition," Muskera said. "The atmosphere in Huntington has improved in the last five or six years, but we still have a long way to go."

Michael Thomas, community liaison for the city of Huntington and coordinator for the UNITE rally, estimated that 15,000 people attended the rally that began before noon and ended after 8 p.m.

No official estimates on attendance were available.

"It's been a very satisfying day for the city of Huntington," Thomas said. "We gave folks a significant alternative to going downtown" to the riverside park where the Ku Klux Klan gathered.

"There has been some controversy about unity ... unity has spoken," he said.

The rally attracted some participants from far beyond outlying areas, the most conspicuous of whom was the singing group Khanyisa of South Africa. Their routine of native dances and stories of improved race relations in their country enlivened the crowd, many of whom danced and cheered.

The Klan rally, by contrast, was rather uneventful, said Cabell County Sheriff Dallan Fields.

Fields was relieved the 175 police patrolling in riot gear had to make but one arrest after Jessica Greene, 17, of Asheville, N.C., who was dressed in a Klan robe, brawled with a 20-year-old

Huntington woman.

"There were no real problems," Fields said.

About 30 Klan members took part in the rally while about 150 protesters and onlookers stood behind a protective 12-foot-high fence set up by police.

Among the protesters were Jack Bronson of Columbus.

"We believe when organized fascists come out and do rallies, they need to be confronted," he said. "Or else their supporters will feel it's safe to believe these things. They say they want publicity, but what they really want to do is recruit young people."

Harvard Endowment Hits \$11 Billion

CAMBRIDGE, Mass. (AP) — Harvard University's endowment, already the highest in the nation, ballooned \$4 billion in the last fiscal year to \$11 billion on the strength of record-breaking contributions and a bull market.

Yale's endowment jumped \$1 billion, to \$5.8 billion, pushing it past the University of Texas, which had the second-highest endowment last year.

Texas's endowment still grew, to \$5.3 billion, in the fiscal year ending June 30, thanks to rent payments and oil royalties from 2.1 million acres of college-owned property.

Harvard's endowment, at a mere \$7 billion last year, received a huge boost from the boom in stock market prices, racking up nearly 26 percent on its investments.

Harvard's donors have also been in a giving mood. The university said it raised \$427 million, its most ever in one year, as part of an ongoing fund-raising cam-

paign.

Endowment income provides 21 percent of Harvard's \$1.5 billion-a-year budget, or about \$315 million last year. Tuition pays 32 percent, sponsored research 24 percent, gifts 7 percent and licensing fees and other revenues 16 percent.

Trustees will decide this fall how to take advantage of the boon, but some students, whose tuition rose 4.1 percent this year, said Harvard should consider sharing the wealth.

"They could make improvements, make it more affordable for the students, instead of making us pay a \$30,000 tuition," said 19-year-old freshman Nick Grossman. "On the other hand, they're just looking out for their future. If they can accumulate it, why not?"

Money from the endowment, however, cannot be used to directly lower tuition or raise faculty salaries, vice president Elizabeth Huidekoper said

September 24.

"These are restricted funds for restricted purposes," she said. "I can't move a scholarship fund over to a faculty salary. We can't spend income from a book fund on a facility. Harvard's endowment has been given over 300-and-some years by donors who have specified the purpose of each individual fund."

Princeton has the nation's fourth-highest endowment at \$4.8 billion, while Stanford is fifth at \$3 billion. The figures came from the respective University's on Thursday.

New England's private colleges and universities control 21 percent of all U.S. higher education endowment funds, according to the New England Board of Higher Education.

Harvard, Yale, Dartmouth and the Massachusetts Institute of Technology, which have 7 percent of New England's students, account for more than two-thirds of its endowment money.

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Freedom of Idiocy

It's encouraging to see that it took less than a month for the Law School to become embroiled in controversy. After all, what is higher education without diversity of viewpoints, open debate, and some good old-fashioned shopping in the marketplace of ideas?

What makes the current controversy between the HLS Society for Law, Life & Religion and the anonymous poster and his/her defenders so irksome is that there isn't a sympathetic party in the lot. SLLR's heavy-handed poster, with its footsteps leading out of the darkness into the light and some titillating truth (underlined and with a capital T) which SLLR is offering to share with us in order to help in our personal struggles against homosexuality, reeks of the kind of intolerance that, in its more primitive form, underlies queer-bashing.

The parodic response, while making a valid point about intolerance, was in extremely poor taste, and — unlike the original — did not leave a name and phone number of the perpetrator who could always be contacted in order to express (dis)approval. Debate isn't free and open when you're afraid to show your face.

Even more ridiculous is the assumption, based on a reading of his letters, that Dean Clark has taken sides. Please, give me a break. By not criticizing the SLLR poster — an advertisement for an event posted by a legitimate student organization — Clark simply recognized that the Society followed the rules, unlike the anonymous poster. In Clark's world, offensive and derogatory posters are fine as long as they are posted in accordance with Law School procedures.

Nobody who takes freedom of expression seriously would question SLLR's right to invite a bunch of questionable psychologists to campus to propagate the idea that the right combination of fear and love of God might let people change their sexual orientation the way they change their hairstyle. No one will force you to listen to what they have to say, and you may always fight their speech with more speech, provided it meets the standards laid down on page 5 of the Student Organizations Handbook.

Of course, the same principles would lead us to acknowledge the right of a student organization to invite the Ku Klux Klan to speak on current racial issues in America. The reason this right is not exercised is that to do so would be divisive, offensive, and hardly conducive to civil debate. It would undermine the sense of community that we as a student body are supposed to share. It would be a blatant show of disrespect to the people of color in our community, given the insult to their identity that the Klan represents.

It is entirely conceivable that SLLR is unaware that sexual orientation is not something that you get right or wrong, any more than you can get skin color right or wrong. It is even more likely that its members will not be convinced otherwise. It is unlikely, however, that SLLR will find much of an audience for its perspective here.

SLLR may be heartened by the fact that the postering has made it the focus of attention, and may capitalize on the publicity just like Two Live Crew did. SLLR's detractors may rest assured that most of the people showing up to "National Coming Out of Homosexuality Day" will probably be protesters (remember Ralph Reed's visit last year?), and that most people at Harvard with half a brain will find it hard to take seriously anyone who claims they know *The Truth*.

In the meantime, keep up the verbal sparring. We all might learn a thing or two about where each of us is coming from, and it may be edifying — if not entertaining — to the bystanders.

— Ben Lehrer

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"Congress shall make no law...abridging the freedom of speech, or of the press..."

—First Amendment, US Constitution

• Letters •

Office of Student Life Counseling Urges Openness on Sexual Preference Issues

I noticed recently that the Society for Life, Law and Religion is sponsoring a program which presents the case for gays and lesbians altering their sexual preference, and which will include some personal testimonies. Undoubtedly, this program will gener-

ate strong reactions and opinions. A fair discussion of the subject is not easily concluded in an evening, therefore I hope that people truly interested in the issues will take the trouble to become informed about current social science research on

sexual preference. The Office of Student Life Counseling is happy to provide references and resources in the field.

Mark L. Byers, Ph.D.
Director, Office of Student Life Counseling
September 30, 1997

CLU Misguided in Defending Anonymous Posters

In writing this letter, I wish to respond to certain "ads" posted by the Harvard Law School Civil Liberties Union. The posters in question are headlined "Dean Clark Just Doesn't Get It." I'm sure that everyone has noticed these signs around campus, and have taken note of them. I'm also sure that the HLS Civil Liberties Union (HLSCLU) would defend the message on these posters as a defense of the right to free speech and the civil liberties of homosexuals.

Far be it from me to argue against the right to free speech, or the civil rights of any group. Far be it from me to bang the drum for the tired theme of political correctness, an idea whose time, hopefully, has ended. But before we choose to back the HLSCLU's interpretation of this situation, maybe we should examine their claims and the controversy which preceded them.

First of all, I am shocked and dismayed by the HLS CLU's lack of response after the original posters put up by the Society of Law, Life and Religion (SLLR) were torn down and defaced soon after they were posted. Apparently the free speech rights of the members of the SLLR are a trivial matter; these rights certainly must pale when com-

pared to the rights of the cowards who tore down those posters in an effort to "express" their beliefs.

In fact, the HLSCLU has chosen to defend the rights of an anonymous group of individuals who posted signs that apparently were intended to "parody" the original posters. Putting aside for the moment the effort to equate homophobia with the Holocaust, I wonder why such a brilliant group of satirists would not attach their names to this document. I certainly didn't see the humor or parody which the HLSCLU discovered in these documents, but I would enjoy an opportunity to ask the individuals who came up with this response to explain themselves. After all, anyone who's upset with the original poster can vent their disagreement with SLLR, since their names appear clearly on their poster. I would hope that anyone who decides to respond to such a poster in this manner would at least provide others with the same opportunity to criticize their point of view. It's certainly within their rights not to include their names, but it's also quite cowardly and ultimately undermines the purpose this

so-called parody serves.

One final point needs to be made to the HLSCLU. I'm sure that a number of gays and lesbians were offended by SLLR's original poster. I also believe that reasonable people would differ in their interpretation of SLLR's message and its purpose, as well as whether this message was hostile to homosexuals. The message in the poster that responded, whether or not a parody, is undoubtedly offensive to many individuals. To compare the original poster's purported homophobia with the Holocaust (which the reference to "gas chambers" undeniably does) breaks past the bounds of parody and well into the realm of bad taste.

I'm neither Jewish nor a member of SLLR (although I am an Asian male, so maybe I should feel personally insulted), but I am offended by those who have taken these actions and am disappointed by HLSCLU's stand. If you want to express your views, fine, but at least stand up and take credit for them. If not, then maybe your views deserve the same treatment your posters received — to be thrown away with the rest of the trash.

Raj Pai '99
September 26, 1997

CLU Actions Typical of Liberal Groups

Just beautiful. I couldn't have imagined a better way to introduce the class of 2000 to the illiberal mind set of some "liberal" groups at HLS. Sooner or later the 1Ls had to learn the proper views to hold on certain subjects here in the People's Republic—particularly on religion, abortion, and homosexuality. Actually, right-thinking HLS students need only realize that religiously-inspired views on any of these subjects are not to be tolerated. This seems to be the message intended by the HLS Civil Liberties Union and those brave souls who anonymously attacked the Society for Law, Life, and Religion.

Let me first address those guardians of freedom over at the HLS-CLU. Way to go guys! Screw the rules, right? Those HLS students who would like to know about events and lectures sponsored by SLLR shouldn't have the right to know about those events, should they? Boy, in the abstract, the freedom to receive that information probably should be protected by some student watch-dog group. But again I'm forgetting that most of the views likely to be expressed at such events would be deemed "incorrect" by our self-appointed guardians of liberty.

Any assertion by the HLS-CLU that it isn't biased in this way is simply absurd. Their own flyers (kudos for at least owning up to them) describe the original SLLR posters as "hostile" to homosexuals. Many passers-by might well have taken the HLS-CLU at its word as the original posters were nowhere to be found at that point. In actuality, the

SLLR poster simply expressed the view (albeit an unpopular view on most campuses) that perhaps homosexuality is not an innate and immutable characteristic. This is the crux of today's major debates about homosexuality in our society. Not even every member of SLLR is sold one way or the other on this question—including me. But apparently the HLS-CLU and those they're defending don't want to allow such a debate to continue. What it believes to be the "wrong" view is labeled as "hostile to gays and lesbians": end of discussion.

Just as an aside, many of the members of SLLR didn't even know the group was sponsoring the event advertised in the posters. Some of us might even disagree with the wisdom of what is purportedly a religious liberty/pro-life student group sponsoring an event discussing this subject matter. Charles Hokanson (who, by the way, is not the current president of SLLR) is one of those who questioned the wisdom of the group sponsoring this particular event. It would have been appropriate for the HLS-CLU to have asked Charles about his involvement or lack thereof before intimating that he was a censor and homophobe in their latest poster. But I suppose that's the price one pays for placing your name on what you write (see Charles's letter in last week's RECORD) and insisting that those who disagree with you play by the same rules you do. (My name is printed below if you would like to demonize me as well.)

Now for the truly courageous ones—our anonymous humorists/censors. First, Holocaust jokes are in poor taste. They insult the memory of those who perished and diminish the significance of one of history's most horrendous tragedies. But, hey, I don't want to censor anybody, and I doubt Mr. Hokanson or Dean Clark want to either.

Second, and most important, your acts were cowardly. If you have a legitimate point to make, stand up and make it. That's how we do things in the adult world. No matter what one thinks of the views expressed in SLLR's poster or in Mr. Hokanson's letter, they at least owned up to what they believe. And just by way of advice, you will never win over those of us sympathetic to your views by anonymously comparing our organizations to those of fascists and murderers. We are neither, and we don't use their tactics—like defacing the property of others and silencing opposing views, for example.

On the brighter side, this whole debacle should serve as an excellent introduction for the 1L class to the illiberal traditions still alive at HLS. We, the law school community, are ensuring that what they've read about political divisiveness and incivility on campus is right on. This also provides those HLS students who are politically right-of-center with a good taste of the tactics of the far-left. Thank you for your time and enjoy the life lessons here at Harvard Law School.

Doug Roberson '99
SLLR member
September 30, 1997

E-Mail us at: RECORD@law.harvard.edu

• Letters •

An Open Letter to Dean Clark

We are writing today to express our concern about the controversy surrounding the parody of a poster by the Society for Law, Life, and Religion, both of which were put up last week. What especially concerns us is the reaction this parody elicited from Dean Clark last week.

The Harvard Law School Civil Liberties Union (HLSCLU) believes that all members of the HLS community should have the right to express themselves freely, regardless of the content of their message. Thus, the HLSCLU equally supports the right of the parody's author(s) to disagree with the SLLR.

At this time, we think some confusion still surrounds the content of the parody, as illustrated by the response from Charles R. Hokanson, Jr. in last week's RECORD, as well as Dean Clark's first letter to the HLS community.

While the HLSCLU was not involved with the parody, our understanding of it is that it in no way advocates anti-Semitism, or any form of hatred. It is especially ironic to us that, while the first year class here at HLS has spent the past several weeks learning about the value of characterization and analogy in LRA, so much of the HLS community has misunderstood the parody.

If the line at the bottom of the parody, "Hate is not 'defending the sanctity of human life,'" did not make it clear, the purpose of the parody was to point out the similarity between the homophobia the author(s) perceived in the original SLLR poster, and both historical cases of anti-Semitism and the contemporary views of some of the sponsors of "National Coming Out Against Homosexuality Day," such as Rev. Donald Wildmon of the American Family Association who condemned "The Last Temptation of Christ" as being made with "Jewish money." The point was *not* to promote such hate.

Although the SLLR maintains that its event is not about hatred of homosexuals, the implications of their event bring this into question. SLLR's posters, and the event

that they promote, assert that homosexuality is not a genetic trait but a choice for which homosexuals can be blamed, and that gays and lesbians can (and probably should) stop being who they are.

The hostility and threats to the rights of gays and lesbians behind such a claim becomes clear when a few words are changed — and anti-homosexuality becomes anti-Semitism. It becomes even clearer when you consider that the directors of many treatment programs designed to "cure" homosexuality share the feelings of Jim Smid, Director of Love in Action.

"I would rather you commit suicide than have you leave Love in Action wanting to return to the gay lifestyle," Smid told Tom Ottosen, a former member of the group.

The first response to the parody from Dean Clark especially concerns us. First, the extent to which SLLR's originals posters "were either taken down or defaced" seems to be greatly exaggerated, and conflated with the issue of the parody.

Last Thursday, a survey of SLLR's posters about campus found a minimal number defaced, and few taken down. In fact, it appears that the majority of SLLR's posters which were taken down were originally posted on the Harkboxes, where *no* posters are supposed to be allowed. Everywhere else on campus, the parodies appeared beside, not in place of, the original posters.

Our second concern with Dean Clark's first letter was the ambiguity of his position regarding parodies at HLS. Claiming "the mimicry of the posters gives the impression that the author of the original poster is the author of the mimicking poster," Clark appears to condemn all forms of parody that imitate their targets.

Parodies, even those that purposefully attempt to resemble the object they are responding to, are a longstanding and protected form of communication under the First Amendment. Justice Holmes long ago noted that

"it would be a dangerous undertaking for persons trained only in the law to constitute themselves final judges of the worth [of a work]," a maxim that the Supreme Court recently extended to parody in *Luther R. Campbell v. Acuff-Rose Music, Inc.*

Dean Clark's second letter further clouds the issue, raising for the first time concerns about the anonymity of the parody. To support this, Clark cites the Student Organizations Handbook, a document to which most students do not have access. Dean Clark also fails to state that the punishment for violating the rule against anonymous posters is merely that they will be taken down.

Further, the HLS restriction on anonymous speech is particularly disconcerting. It leaves one to wonder what the response of HLS would be to another Thomas Paine, anonymous author of "Common Sense"; another James Madison, one of the anonymous authors of "The Federalist Papers"; or even the anonymous author of "Primary Colors," or Fenno.

In addition, the second letter's claim that offensive parodies are acceptable appears to conflict with Dean Clark's earlier condemnation of uncivilized mimicry, leaving us to question where Dean Clark would draw a line and how his statement is compatible with the HLS Statement on Rights and Responsibilities. Why is hostility towards one group of students acceptable, but the use of similar words to criticize that hostility not acceptable?

In the wake of these recent events, we think the HLS community should be involved in a dialogue to clarify how HLS rules protect offensive speech, and to reevaluate the restrictions on anonymous speech. We call on Dean Clark and the administration to clarify their opinions and to involve the students in drafting clearer policies for the HLS community, possibly under the guidance of Dr. Mark Byers of the Office of Student Life Counseling.

Kimberley Isbell '00
Jol Silversmith '98
On behalf of the HLSCLU
September 30, 1997

West Bar May Face Suit

Continued from WEST BAR, p. 1

country.

In the first letter, addressed to students scheduled to take the bar in 1998, the company expressed its "commitment to provide the student representatives and student clients associated with West Bar Review with a free, live classroom course, or the option of take-home materials."

The second letter, said Moire, informs "all other student representatives and student clients associated with West Bar" that the company "is aware of the situation and is looking into a number of different options."

Johnson said she had yet to receive either of the letters, and has not decided how to respond to such an offer.

"I had heard through the West grapevine that they would be sending out letters, but that they might be so vague and noncommittal as to be useless," Johnson said.

If filed, the suit's principal cause of action will likely be breach of contract, Johnson said. The student-representative agreement reads that selling and promoting West Bar Review courses for a specified period of time "entitles enrollee to attendance and testing privileges at the selected location."

Head representatives, who coordinate the entire student rep team at HLS, were offered the further inducement of a base salary and a commission on sales.

The potential suit may also encompass a tort claim, according to Johnson, who said that West's actions damaged the reputations of bar review student representatives. Former West Bar Review employees who have already taken and passed the bar exam have consid-

ered joining this part of the potential action.

Mike Martin '97, one of last year's head West Bar representatives and an associate at Krendel, Horowitz, and Krendel in Denver, said, "I'm done with the course but the people I recruited are not. We put our reputations on the line, convinced that West was the best, in order to attract other representatives."

Martin expressed concern "that you've got a lot of 3Ls who've done a lot of work and won't get what they bargained for," but has not definitively decided whether to join the potential action.

Angie Ortega '97, the other head representative at HLS last year and a lawyer at the Dade County Attorney's Office in Miami, shared Martin's interest in the matter.

"I'm not sure if I'll join quite yet," said Ortega, "but the reputational factor does trouble me."

Johnson explained that different levels and types of damages would be requested for the different plaintiff parties — representatives, head reps, past employees like Martin and Ortega — in the potential suit.

Prof. Martha Minow, who teaches first-year civil procedure at HLS, said that using such categories is commonplace in class actions.

"Subclasses in a class action can be defined in terms of remedy sought," explained Minow, "or in terms of the classes' relationships with the defendant."

The dispute began when the Thompson Co., a large Canadian publishing conglomerate, acquired the West Group, West Bar's parent company, this summer. During the transition, new management decided to eliminate West Bar Review from West's corporate structure.

McCUTCHEN

McCUTCHEN, DOYLE, BROWN & ENERSEN, LLP

SAVE THE BEST FOR LAST!

McCutchen looks forward to
meeting HLS students when

we interview on campus

October 20, 21 and 22.

<http://www.mccutchen.com>

Coming Out of Intolerance

The Society for Law, Life, and Religion would like you to believe that they are merely presenting an alternative to the "homosexual lifestyle" by hosting National Coming Out of Homosexuality Day. However, anything that intentionally denigrates an inherent element of our identities cannot be considered benign. To use Mr. Hokanson's words, SLLR's conference "cultivates a climate of fear and hatred." Why should we try to change who we are? Throughout history people have tried to "cure" us,

using a variety of methods ranging from the horrific (electric shock treatment and lobotomy) to the mundane (hypnosis and "beauty" therapy). None of these methods have been successful because sexual orientation cannot be changed.

I encourage everyone to educate themselves so that we can have a meaningful discussion about this issue. Some resources on "cures" and the "ex-gay" movement can be found on Lambda's web page (<http://www.law.harvard.edu/>

Studorgs/lambda.) I also encourage SLLR to present its own resources. Let the evidence speak for itself.

Harvard Coming Out Day is Thursday, October 9. Please support your classmates on that day wearing a "coming out day" sticker, visiting Lambda's table in the Hark, and attending some of our events. All we want is liberty and justice for all. And a little respect.

Margie McWilliams '99
Co-chair, Lambda
September 29, 1997

CLU President Makes Clarification

I am writing because I would like to make a clarification in regard to the article "Bone Marrow Drive Stirs Controversy" which appeared in the September 26 issue of the Record.

Although I am the President of the Harvard Law School Civil Liberties Union (HLSCLU), the concerns I expressed about the drive are personal, and were not intended to represent the

opinions of HLSCLU. I thought this distinction was clear when I spoke with the Record, but apparently it was lost in translation.

Jol Silversmith '98
September 29, 1997



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see page 10



THESE HALLOWED HALLS

By Kate Arms '98

Guest Columnist

STUDENTS AND ARTISTS

On Thursday, September 25, 1997, Oliver Stone spoke to a full house at the Harvard Film Archive on the role of personal vision in contemporary film-making. The audience was a mix of undergraduate and graduate students, faculty members, and the general public.

Stone is currently promoting both his latest film, "U-Turn," and his new book, "A Child's Night Dream." He spoke of the words of wisdom he received from Martin Scorsese, who pushed him to make films from something inside himself that

demand expression. He spoke of his doubts while forging his personal vision in the high-stakes world of today's commercial cinema, where personal cinema is often deemed too risky. Stone suggested that television might be a place open to personal vision since the monetary stakes are not as high. After speaking briefly, he opened the floor to questions.

Unfortunately, too many of the questions asked about the truth or falsehood of media rumors surrounding projects Stone might be undertaking. Too few

people pressed him to address issues of personal vision in any more depth. Hidden in the responses to even the most mundane questions, however, was an exhortation to the film makers in the audience to respond to their inner vision and make movies from that space.

This event was unusual in that no film of Stone's was screened that night. Most of the directors who appear at the Film Archive speak when one of their



films is being shown. For example, on Thursday, October 9, at 7:00 p.m., director Ellie Lee will present the world premiere of her animated film, "Repetition Compulsion." This is part of a night of four films to benefit the homeless. The \$10

entrance fee will benefit On The Rise and Safe Haven, two local social service programs. The documentary, fiction, and animated films have been selected to avoid stereotypes and reveal the issues of homelessness in our society and the causes of individual cases of homelessness. A reception and silent auction of artwork from "Repetition Compulsion" will follow the film screenings.

Another way that students in the various art departments interact with individual artists is through seminars focused on the work of one artist. The exhibit "In/Tuition: A Seminar's Engagement with Joseph Beuys" at the Busch-Reisinger Museum was curated by students. Joseph Beuys was one of the foremost post-war German artists, and Harvard has acquired an almost complete collection of his multiples. The exhibit is in four sections, each curated by a pair of students focused on a theme. The exhibit continues until December 7.

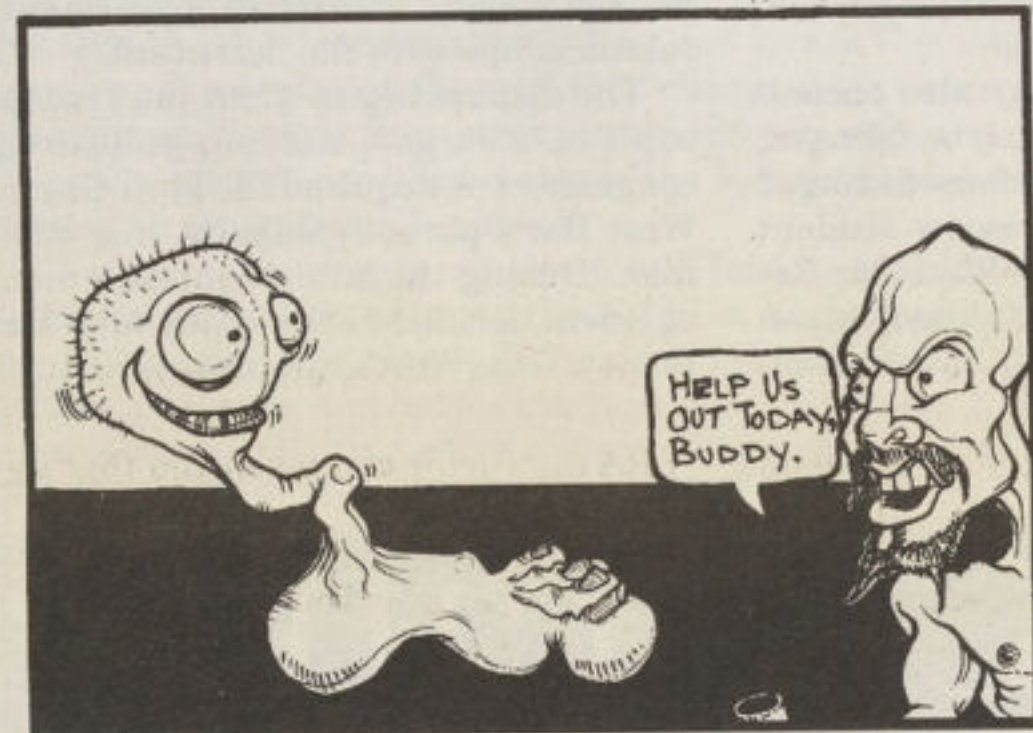
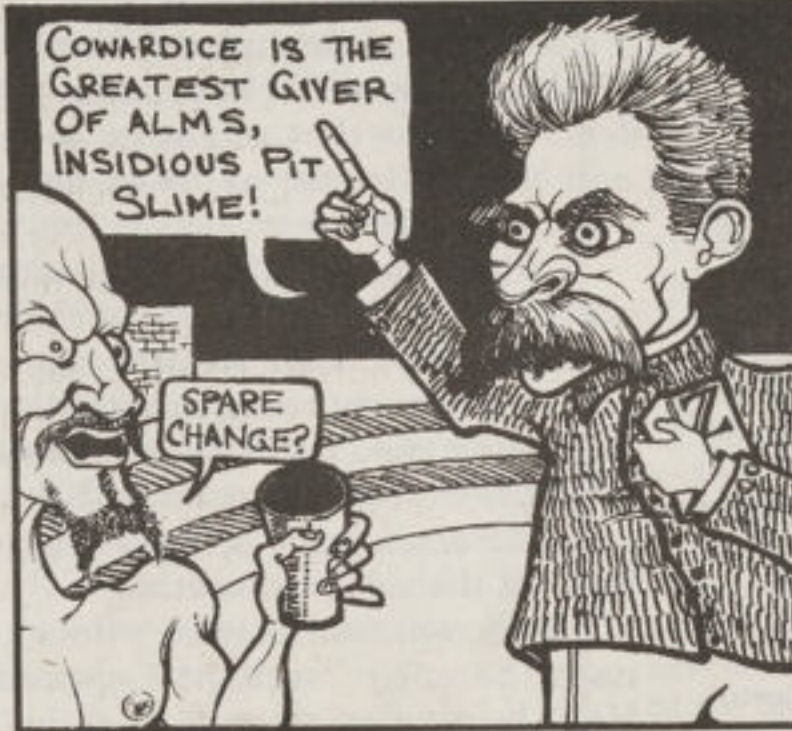
One strength of the exhibit is the presentation of information accompanying the objects. The use of text is important in Beuys's work. As much of the text is German, the invitation to read the accompanying plaque is also an invitation to more fully understand the work through the medium of translation. These plaques avoid revealing biographical information, leaving the viewer to interact with the object qua object and the mystery of its origin.

Many of Beuys's sculptures raise questions of communication. For instance, "The Silence" consists of the five galvanized reels of Ingmar Bergman's film of the same name in German translation. Translating a film and then treating it in such a way that it can never be viewed again reinforces both the need for and the difficulties inherent in communication. Other objects, especially those incorporating text, are more hopeful.

The exhibit succeeds in following Beuys's aim to make art which provokes thought. It's heavy and requires some time, but is worth the investment despite some flaws due to the inexperience of the student curators.

Reasonable Man Begs for Change

By Alfred Steiner



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By Margie McWilliams



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Musings and Vagaries

WORSE COMES TO WORST

By Renée Kaplan '99
Guest Columnist

I always wondered, back in the days when I watched a huge amount of crappy day-time TV on the sly before my parents came home, why it was that in moments of great tension on soaps and after-school specials, when something bad—or even very, very bad, like sudden death, an ugly break-up, an unexpected pregnancy, a bad grade—happened to one character, there was always another character there to give the old TV-squeeze of compassion on the shoulder and say that everything was going to be okay. How did they know? How did they know everything was going to be okay? Jeez, somebody just died, you know, and those things don't just go away over the commercial break. What if she couldn't get an abortion, or what if he actually had betrayed her—plenty of still worse things could very well ensue, and in any case something terrible to tragic just happened, so doesn't it seem a bit disingenuous to say, with TV-squeeze conviction, that everything is going to be okay?

As with most after-school specials — and soaps — there is probably something to be learned; if not about art or life, then about the functions of basic human nature and, quite incidentally, about the tremendous persuasion of legal reasoning and argument. It goes something like this: perhaps there is something to be said for artificial conviction; it's all about framing really (don't they teach us that in the very first week of LRA?), so frame it like it's all gonna be okay, like things aren't really so bad. Pretend like there's hope and maybe the scriptwriter will actually have written some in.

That's the TV theory, and, presum-

ably, the applicable lesson is that it's the same for real life, real people, and real melodrama: think positive, think bright, ignore the overwhelming weight of the evidence and just argue the contrary with a confident smile and a compassionate TV-squeeze; it always worked on Dallas (not to mention for O.J.), so who's to say it won't work for you? There exists the possibility—remote possibility—that you can't do that, that you can't tell yourself a blatant cloying lie in the face of unbearable adversity (say, for example, that you didn't do quite as well on the Brunet-Tuttle assignment as you would

worst-case scenario, next to which reality—simple, coarse, inexorable reality—can only seem better; it's a much safer bet. The only caveat is that once you turn away from the it's-going-to-be-okay mentality, there is no going back, sort of like an exit on the turnpike: there's no doing a U-ee, because you can't pretend one second that things are really going to suck worse than you ever could have imagined, only to figure that everything is going to be okay the next second—there is a limit to the powers of self-delusion. So you must try, at all costs, to imagine the really, truly worst worst-case scenario, the kind of scenario you would usually never get close to, not even in your head. For if

you should optimistically, recklessly, foolishly, underestimate just how bad things really could turn out, then you are left completely defenseless in the face of the unimaginably yucky, unpleasant, and bad, with nothing to do but marvel nauseously at your ill-luck and the perversity of things, should you find the perverse strength to do so.

Let's say, for example, that you get a bad grade. The it's-going-to-be-okay outlook says that it's not so bad, you have plenty of other credentials to speak for your merit, that you can easily explain one unfortunate exception away, that it really is trivial in the bigger picture. Sure, that might make you feel better for a while. Alternatively, you could imagine that that particular class was actually crucial in defining your academic profile, that you could not have picked a more unfortunate display of ineptitude, and that not only is law school clearly



not for you, but nor are those employers going to think that you are in any way for them: what are you but an aimless college graduate with a bad grade, no job, and no future—bleak. Of course, on TV that would never happen, and probably not even in real life either: you can only be happily surprised in the end. Or say, for example, that you and your significant other break up. In the midst of tear-filled differences and regrets you could hope that it might all work out and that you'll get back together or reconcile: risky hope. Alternatively, you could try to imagine your significant other cringing in revulsion at the pathetic scene, unmoved by the tears, and disgusted by the whole pitiful display of weakness and pathos. Unpleasant and yucky, to be sure, but keeping that remote possibility in mind, the rupture might actually seem less regretful if not an altogether salutary twist of fate. Whether it's true or not, of course, the point is to frame it that way.

Worse comes to worst, of course, there is always absolute retreat, where, for a bit, you step outside of your mind and your emotions and rely exclusively on the earthly and fleshly basics. These are sort of like the GAP clothes of existence: the ultra-reliable brute pleasures of life that you can count on finding anywhere, and that unfailingly, unthinkingly, do you right. These include food, magazines, hot sunshine, candy (mushy, chewy, creamy candy—no hard candy crap, no comfort there), sleep, and frequently chocolate. Withdrawal may seem like a bit of a capitulation, of course, but screw'em, because when there ain't no framing, no how, that no LRA instructor can teach you that's going to make it better—when you do reach that worse case scenario—you just gotta look out for you.

“Pretend like there's hope and maybe the scriptwriter will actually have written some in.”

have liked, or that you didn't get a call back from Wachtell). In such cases, at least try to remember every once in a while, and with increasing frequency as things begin to seem especially bleak, imposing, burdensome, crushing, and overwhelming and all, that there still exists the possibility that things might be okay, or not so bad — that, most likely, there is somebody, somewhere out there in the world (perhaps at another law school, or in a mass grave in Bosnia), who is worse off. Probably.

Alternatively, in dealing with unpleasantness, bad things, and other tragedy, you could try something a bit less bright, a bit less convinced, a tad more unpleasant, but ultimately for the best most likely, and entirely free of that awful, starchy TV-squeeze of compassion. Rather than framing a best-case scenario—where everything is going to be okay—you might try conjuring up the

bulging biceps. No — that's Rob Jancu. Dammit, girl, you've got to get over that heart-breaking Israeli commando, Fenno thought to herself.

Actually, Fenno's love affair with the CLU and Silversmith went back to the infamous Billion Dollar Charlie episode, when Silversmith told the New York Times he would take a bullet for Fenno — assuming that doing so would get him quoted in the Times, or at least the front page of the RECORD.

Fenno had the utmost respect for CLU. Fenno had respect for any organization whose sole purpose is to be as unpopular as possible. Defend the terrorists! Defend the murders and dregs of society! Don a skirt and take down the man!

And Fenno was totally down with the emotional distress and second-hand smoke lawsuit filed against WestBar. Anything that gives us a chance to get Fast Artie Miller up on the stand to air his dirty laundry is worth the statutory attorneys' fees, Fenno thought.

Fenno figured Silversmith need only write a few self-aggrandizing books about his nasty clients and disappearing religion and he could land a cushy job on the faculty.

But then Fenno liked Bobbie Clark, too. The iron hand. Give them gruel and tell them they like it.

Reaganites like Clark may be just as unpopular as the CLU pinkos, but at least they manage to pull in the moolah in the process, Fenno thought. That's much better than being unpopular and hanging around with people with multiple body piercings and nose-bleed Celtics tickets.

And Fenno had an affinity for the Society for Law, Life, and Religion. Fenno wasn't a deeply religious person herself, but she did have the legs for those short, plaid skirts. And Fenno was still struggling to free herself from homosexuality, alcoholism, and genital herpes.

I just can't decide, Fenno thought. They both just have such compelling arguments for their positions, kind of like Hal Scott arguing for the hostile takeover of Lesley College and Peter Murray recommending HLS establish closer relations with its sister institution, and even volunteering to take on several research assistants.

At least we all agree that there is no place for anonymous parodies at the Law School, Fenno thought, holding her copy of the Student Organizations Handbook to her chest and declaring: “Hallelujah.”

Editor's note: This column was not meant to mock either the Society for Law, Life and Religion, Dean Robert C. Clark's sudden conversion to capitalism, Jol Silversmith's penchant for self-worship, or Peter Murray's moral rebirth.

Quote of the Week

“Women don't like nice guys. Like, I bet you've never fantasized about unzipping Mr. Rogers' cardigan.”

— Anonymous 3L in post-midnight Gropius conversation



“Here we go again,” Fenno thought to herself as she read over the letter from the Dean rescued from the bowels of her Hark box.

Fenno had just returned from a remarkably relaxing five-day weekend in Tijuana sponsored by the Harvard Society for Law and Sangria. Fenno was pleased to read the flyer stating that she was automatically elected to LSC, despite strong write-in campaigns for Rutherford B. Hayes and Lionel Hutz.

The last thing she needed now was to liberate her box from the droppings of Comrade Clark's Big Red Publicity Machine. They would be downright scary without the soft, round “Bob” signature at the bottom, Fenno thought. But who could be frightened by a stern memo quoting subsections of the “Rules and Responsibilities” when it was signed by that soft, boyish script?

But Bobbie's notices were beginning to grate on Fenno. First there was the “no student shall accuse professors of having drug habits in an anonymous column” letter. Then the “students must sign up for interviews by name before throwing up on the senior partner at the firm reception” letter. And now this.

General Clark doesn't know who he's going up against in Jol Silversmith, Fenno thought. This wasn't going to be a lopsided affair like the Falkland Islands or the '86 Super Bowl. No, this one was going to be a real war, like the War on Drugs, Star Wars, or those really cool black-and-white jet-fighter videos from the Gulf War.

Fenno pictured Silversmith in camouflage, his shirt pulled tight over those

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The Family Forum

By Brian J. Burt '98
Guest Columnist

THE POLITICS OF HYPOCRISY

Tolerance - "a fair and permissive attitude toward those whose opinions, beliefs, and practices differ from one's own." (Webster's)

Some folks at Harvard have failed to practice what they incessantly preach. Last week a Society for Law, Life & Religion (SLLR) poster, advertising a National Coming Out of Homosexuality Day (NCOHD) event, was greeted with phenomenal hostility by homosexual activists and their sympathizers. Within 24 hours of their posting, at least 75 percent of the flyers had been either torn down or maliciously defaced. While I shall refrain from pointing the finger of accusation, it gives one pause to note that, in a vast majority of cases, Lambda "Stop the Hate" posters were found the next morning in the very space once occupied by SLLR's advertisements.

Seeking to elevate the anti-SLLR response to a whole new level of cowardice and incivility, the infamous "Society for Law, Loathing & Hate" treated us to a perverse lesson in trademark infringement. When Dean Clark '72 stepped forth simply to request that everyone play by the HLS rules governing public debate, Jol Silversmith '98 and his Harvard Civil Liberties Union twice indicted the Dean with violating the Orwellian Mind Control Act of 1984.

Approached by numerous persons bearing a shared message of confusion, I concluded that my bewilderment was not self-induced. Through its poster, SLLR announced that on October 10th it was bringing to Harvard a compassionate message of hope for those individuals who are uncertain about their embrace of or continued participation in the homosexual lifestyle. "The Truth" is simply that if one wants to walk away from the lifestyle, that choice and the resources necessary to exercise it do exist, despite the misleading rhetoric of many activists.

Nowhere on the poster does SLLR condemn, attack, or harass homosexuals. Nowhere does SLLR quote the Bible, Pat Buchanan, or Jerry Falwell. Nowhere does SLLR advocate a coercive mass con-

version. Nowhere does SLLR demonize Harvard's homosexual groups or leaders by labeling them anti-Semitic, racist Nazis. Nowhere does SLLR thoughtlessly invoke images of the Holocaust and KKK lynchings to cultivate an environment of fear. So, did some "behind-the-scenes" activity engender these venomous responses? Prior to posting the first flyer, I made several courtesy calls to Lambda's office, explaining my desire to discuss the NCOHD event. Not one call was returned. Still confused?

Welcome to the homosexual movement of the 1990s and its politics of hypocrisy — politics driven by the twin tactics of intimidation and victimization. In the last Family Forum, I explained how modern liberalism has moved the battle from the private to the public, and has consequently recast its ambition from one of "tolerance" to one of societal "sanction" and "affirmation." Nowhere is that shift more evident than within the homosexual movement itself. The day after that column appeared in the RECORD, the National Gay & Lesbian Task Force (NGLTF) (the nation's oldest homosexual advocacy group) announced its adoption of new mission and vision statements. They read in part: "we are creating a world that respects and celebrates the diversity of human expression and identity . . ." (emphasis added). With that phrase, the movement boldly laid its true agenda before the nation.

Any rational individual realizes that to "tolerate" is not necessarily to "sanction" or "affirm," and that "toleration" does in no way imply "celebration." These differences form the very core of our Constitution's concept of ordered liberty. In the beginning, the movement fought for equality in the private sphere, for the right to be left alone in the bedroom. This battle was conducted under the banner of tolerance, and in this context the theme of victimization had genuine appeal. After all, no one wants his home invaded and his intimate behavior exposed to public scrutiny. Victory brought only momentary contentment, however, for that campaign was but a

small part of a much larger war.

For whatever reason, the movement's transition from the private sphere to the public arena has been attended by confusion and incoherence regarding the theoretical construct that is to govern the new struggle. Many activists fail to realize, for example, that although an individual may advocate against enforcement of state sodomy laws, he should not be assumed to have embraced homosexuality as a healthy, normal sexual alternative worthy of state endorsement, let alone "celebration." The movement fails to realize that our constitutional paradigm establishes a marketplace of ideas, in which beliefs are accorded only equal access, not equal approval. In this market, failed ideas are common. Assuming one's idea achieves dissemination in that market, its subsequent inability to gain public endorsement does not entitle the distraught owner to victim status.

The nation's continued refusal to move beyond toleration of homosexuality into the realm of celebration has infuriated the movement. Its response? Hijack the marketplace utilizing tactics of intimidation. Repress all competition and competitors so that the movement's vision becomes the only product left on the shelf, a public favorite by default.

Evidence of this approach is everywhere. Raise a questioning hand, and you are branded a bigot, hate-monger, and/or homophobe before your first word can be uttered. Attend a church that loves the individual, but not his or her homosexual behavior, and you are forced to worship in fear, afraid that militants will storm the building and trample on the Holy Communion, hurl condoms at your spiritual leader, or otherwise stage some form of blasphemous protest. Present an opposing viewpoint at work, and you have bought yourself a ticket to a so-called diversity indoctrination program (if you are not summarily fired). Host a speaker that has ever discussed homosexuality in less than celebratory



terms, and your guest becomes a potential target of lewd and sexually graphic visual protests, your building one of vandalism. Express disagreement with the movement's vision, and you will suddenly find yourself in the company of Hitler and David Duke. Exercise free-

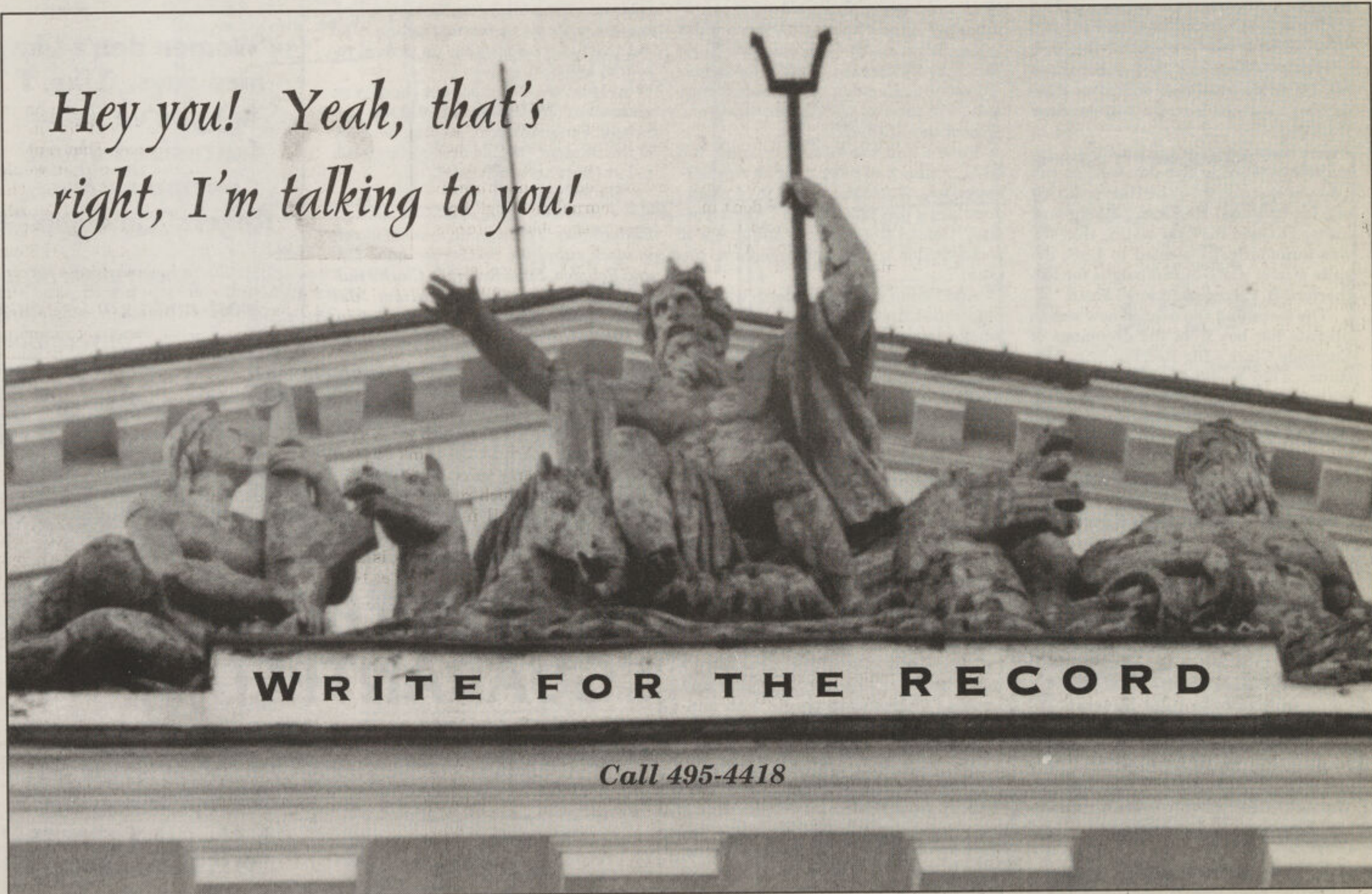
dom of association, and begin preparing your legal defense. Refuse to extend domestic partnership benefits to homosexuals, and forget about doing business with San Francisco, and soon New York City.

When called to account for these shameless tactics, to rein their leaders back into the First Amendment marketplace, the movement panics, and instinctively returns (often with the help of self-proclaimed defenders of "liberty" like the ACLU) to the cult of victimization upon which it was originally weaned. Yet, having witnessed those displays of incivility, the old rhetoric now rings hollow. The obvious question presents itself: if homosexuality is actually the viable alternate lifestyle of the movement's vision, why not let the marketplace confirm that reality? Why not place that vision on the shelf next to other belief systems, confident that informed comparisons will ultimately sell the average American. Why not focus on the superior elements of the vision, instead of defaming fellow competitors? Why not replace rhetoric with reason, insults with intellectual debate? For a movement that prides itself on freedom of sexual choice, what is to be feared in having SLLR add to the pool of options?

I have no answer, only a challenge. Can those who would oppose or question NCOHD's message come to the table with facts instead of fighting words? Should Lambda and other supporters of the movement take this challenge to heart, I have a nagging suspicion that two weeks of silence will befall the Harvard community.

PQ: Welcome to the homosexual movement of the 1990s and its . . . twin tactics of intimidation and victimization.

Hey you! Yeah, that's right, I'm talking to you!



WRITE FOR THE RECORD

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CARPE POLO

BEATING THE GREEK SYSTEM

By Jake Zimmerman '00
Guest Columnist

I remember the time I accidentally wandered into a meeting of the "Future Farmers of America." Everyone stared at me as though I was a serial killer. At the time, I thought it was just country prejudice. But after looking at the picture that the RECORD ran under my first column, the truth is now clear: I really *do* look like a psychotic mass murderer. Well, maybe that photo will help convince HLS to get its priorities in order: I think this school should spend more time promoting its criminally insane graduates. Any fancy-shmancy school can cough up a future Senator or fat-cat corporate raider. But come on: how many elite higher education institutions can consistently produce deranged criminal masterminds? Let's learn to take credit where it's due. For starters, I propose a new slogan for Harvard College: "The People Who Brought You the Unabomber."

Oh, wait, I'm in law school now. I guess that should be "the alleged Unabomber." Or maybe "the alleged people who brought you the suspect Unabomber." Nah, let's be safe: "The beings who may or may not be human who are suspected to have allegedly had some role in the claimed production of the artist formerly known as the Unabomber but now more often referred to as the nutty guy with the big-ass beard." That's why I'll make the big bucks some day.

All of this, of course, has absolutely nothing to do with the subject of this week's column. But you didn't know that when you started reading, did you? Yep, now you're pretty much screwed. Like it or not, you're now going to have the Unabomber running around in your head

for the rest of the evening. Try not to let it bother you, but if you start feeling even more hatred for your professors than normal, consider calling the health services. (They'll probably just give you a cough drop, but at least it will satisfy any oral cravings you may have.)

Ah, yes. The column. I believe the original plan was to discuss the curious law school phenomenon known as the "Socratic method." (What, you thought the headline referred to fraternities?

best left to the historians, leaving us free to deal with more important questions, such as how to avoid being personally subjected to Socrates' special brand of torture. The Athenians, of course, knew exactly how to avoid this nuisance. They tried for years to ignore the old bird, but he refused to go away, probably because someone was feeding him. So, eventually Athens had no choice but to employ the Ancient Greek version of tough love. (Perhaps our soon-to-may-be-formed-if-anyone-actually-cares Criminal Law Journal could focus on hemlock as a method of alter-



All students over six feet tall receive A's automatically.

3. *The Leninist Method* — The professor tells you that you are a lackey of the imperialist oppressor's capitalistic running dogs. Then he shoots you.

You may find, however, that some professors are absolutely unwilling to enter the 20th century and insist on doing things the Greek way. In these classes, your best bet is to employ proactive strategies to escape the Socratic treatment. Here are a few suggestions:

1. Bring a microwave oven to class with you. When the professor calls on you, stick your head in the oven and repeatedly attempt to slam the door shut and/or push the cooking buttons. Curse loudly that the damn thing doesn't work properly.

2. When called upon, feign demonic possession. Usage: "Mr. Zimmerman, please state the facts." "Well, professor, the plaintiff was... ARRGLEMURM murglebuggies SATAN! SATAN! He's in my Wheaties, and mringlehoodle flibblediebibbles Alex Kozinski will suck your children's blood when the MASTER COMES!"

3. Bring several live white laboratory mice to class. When called upon, immediately swallow one of the mice and hold up a sign which reads "Sorry, I can't answer — my mouth is full."

4. Come to class accompanied by at least two bodyguards in Italian suits and sunglasses. When asked a difficult question, wait at least five seconds. Then say, very deliberately, in your best Brooklyn accent: "Dat's a nice law school you got. Be a real shame if it was to have an ... accident."

I encourage all HLS students to adopt at least one of the above strategies. Working together, we *can* make a change. Well, maybe you can make a change. I may just stick with the tried-and-true method: not getting up in time for class.

"... this school should spend more time promoting its criminally insane graduates. Any fancy-shmancy school can cough up a future Senator or fat-cat corporate raider."

Gotcha! This form of sadism has a longer and much more venerable history. The Socratic method began with Socrates himself, an annoying old man who hung out on Athenian street corners and barged passersby with rude questions. (He probably looked a lot like the Unabomber, come to think of it.) Anyway, if a citizen was foolish enough to actually answer the questions, Socrates would then follow him around and pester him with still more questions (and probably an occasional request for free liquor). This eventually earned Socrates a reputation as "The Father of Philosophy," but to the average Athenian he was mostly just a royal pain in the patookus.

There is some question as to why Western Civilization decided to base its guiding logical structures on the actions of a man who was roughly the equivalent of the weirdos who hang out in Harvard Square. This vexing issue is

native punishment. I bet Scalia would be willing to write about it.)

Sadly, the hemlock strategy is probably not available to modern-day law students dealing with Socratic professors. (Note, however, that if you can afford Dershowitz's fees, this option may not be foreclosed to you.) One alternative approach is to advocate a more modern teaching style. Consider urging your teachers to adopt a method that takes advantage of developments in the discipline of philosophy. There are a plethora of options to choose from, but a few examples should suffice:

1. *The Sartrean Method* — The professor asks you a question. Whatever your answer, she proceeds to explain that your life is meaningless and hollow. Then she offers you a cigarette and goes off to spend several hours at the local coffeehouse.

2. *The Nietzschean Method* — The professor barks orders at you in German.

FOOD FOR THOUGHT

LESS CLUELESS, MORE SCARY

By Paul Gowder '00
Guest Columnist

Scott Turow was a wuss. I asked a couple fellow Gropius inmates what they were going to do this Friday night, turns out they're going to participate in "satanic rituals." That's just too much ... I mean, I want to get on the Review too, but devil worship? Isn't normal prayer enough for you guys? There's some serious cutthroats here — the pocket part was missing from an important West's digest for the LRA groups, a fellow sufferer says "it was there in the afternoon" — and now we've got people calling on Satan! Personally, I hope to have God on my side come finals, but hey, that's different! It's that old (and apparently rather hackneyed) good, evil distinction. Hey... maybe the demons will punish the person who took out the pocket part!

See what Walter Gropius has done? They've indoctrinated us to love Gropius and all his work, and you know where he is right now. Some of those logical law student minds seem to have made the leap: Gropius put a roof over our heads. Gropius is in the bad place. Conclusion: It can't be all that bad. Well, I have news for you guys: Gropius is not a good role model! The Gropius complex is to Hastings Hall as "my first paintbrush" is to the Mona Lisa. Gropius is to Ritz as "Cop Killer" is to Handel's Messiah.

Are those Gropius cells actually smaller than federal solitary confinement? If anybody wants to let me know, the first prisoner in solitary in

Leavenworth who can give me the accurate dimensions of one of those cells, I'll represent you pro bono in your first violent felony after I get my degree! (I do so hope that particular promise is NOT enforceable. Note to prisoners: I don't intend to honor that promise, and if you can afford a lawyer to sue me in three years, well, let him defend you. Further note: felonies against my person are not included in this offer.)

Why is it that Gropius gets a whole complex, while Oliver Wendell Holmes

Gropius is to Ritz as "Cop Killer" is to Handel's Messiah.

merely gets one building within? Holmes was arguably the greatest jurist in American history, and Gropius never did anything for anybody. This, I think, exposes a hidden philosophy here at HLS, namely, "we value human suffering." Take the code, for example. There's a 2L and 3L code. "Not so bad" means you can live with it, "great" means not so bad, and "well, it's tough, but you can live with it" is what a 2L said when I asked about subciting.

Well, the pizza situation is as rosy as ever. I thought the pizza, and lesser free foods (Oreos seem popular), would peter off after the "introductory meetings" and

the sub-cite slave recruitment ended, but it's still going strong. They care, they really care! They even remembered at the human rights journal meeting! I remember vegetables. I ate one once. The problem there is that the Hark, while offering vegetables on the menu, puts them in its own strange concoctions. For those of us who like only three kinds of food (American, Italian, and English), and only eat mainstream eats, it's a bit rough. How's the med school in scurvy research? Mainstream food, by the way, is food for which you need not hear "What's this pink stuff? Oh, raspberry tuna, is it? Yum." Or "From which rodent, exactly, did that small intestine originate?"

Unfortunately, Gropius is as far behind in the food area as he is in the housing area. This morning, I couldn't help noticing the sole candy vending machine for Dane and Ames now has cardboard strapped over its face. The only accessible portion, naturally, is the slot where you put the money. Starving us into submission too, Walter?

Well, the politics on campus have been interesting, unlike the room and board. On a serious note, I do agree generally with Dean Clark about the wrongdoing of the people tearing down posters, though not with the ad board threat. As of today, there have been two Dean Clark memos stuffed into hark boxes about poster-gate. For about five minutes, I



thought he had made an error in the use of "id" in his second memo. That could've been the thing that would make LRA, and all the subciting I'll be doing, worthwhile. Wouldn't you just love to catch the dean of HLS out on a bluebook format error?

Sadly, however, when I checked the bluebook a second time, he was right, and I was wrong. LRA hasn't gotten me to open up my bluebook yet, two journals haven't gotten me to open up my bluebook, Dean Clark, you are truly the best teacher on campus. :-)

There's still hope though. Maybe, if we're lucky, if we're really, really, reeeeeeally lucky, Dean Clark will put out a memo about this very column! That would make me sooo proud! Come on, I know right now one of the readers is a secretary to Dean Clark. Ask him to put out a memo. It'll really make us (the students) happy! "In Friday's RECORD, a student claimed that some of our students use unholy rituals to avoid study and class attendance. This conclusion is not correct. While we do support free worship, the divinity school has a team of trained exorcists to ensure that such people never make it into the Cambridge city limits." Please? I deserve it, I opened up the bluebook today! Or at least increase the pizza budget.

Next column: I play Dante, and visit the late and great of HLS. Yes, Gropius will be making another appearance.

MOLTO BENE

By Luigi Malferrari LL.M. '98
Guest Columnist

HOW MANY REASONS FOR AN LL.M.?

Many people wonder why some 150 foreign lawyers have come all the way from their home countries to Harvard to pursue an additional law degree. In particular, I remember a J.D. who asked me this question. I stuttered some kind of answer. But he persisted asking: "Why would you come from Italy — where the sun shines, the food is excellent, the cities are quaint, women have a special flair — to cold Boston — where food stinks, there is no style and ..." (He stopped at that point because there were a few American women around).

I tried to reply that all in all in the U.S. it is not too bad. But that didn't work. Then, I added that I was actually living in Germany before coming here. Having said that, my "inquisitor" became quiet and seemed to be almost satisfied with my answer. He must have thought: "Oh, well, if you have to eat sausages in Frankfurt, you can do it here as well."

The question about the reasons for an LL.M. at Harvard Law School is a very good one. It is so good that I am not sure I have the right answers.

On the one hand, for many foreigners it is obvious that doing the LL.M. at HLS is a fabulous thing. These are the "Wow, Harvard! Really?"-people. They consider the LL.M. at Harvard as a sort of lottery win. In front of them, you don't quite know how to react: either saying in a self-confident voice "Yes" (letting the "s" vibrate for a second) or stay still for a moment thinking whether the word "really" implies that in their opinion you are too stupid to go to such a reputed university like Harvard ... And there might be a

grain of truth in that.

On the other hand, some other people in our home countries find great difficulty in understanding why one should go to the U.S. to do a Master's. Most of all, they are appalled by the tuition fees. On top of that, like many Americans, they don't know what the whole LL.M. program is about. Once I was asked: "What does LL.M. stand for? Master in lasagne and linguine?"

Later, I was advised: "What the heck are you going to Harvard for? If you want to become a professor, you'd better stay in Italy to work hard and build up connections." I guess I will never become a professor in Italy, then.

Some LL.M.s have already decided what specific career they want to pursue. Some already know that they want to practice corporate law working for a large international law firm. In this case, the LL.M. at Harvard Law School is probably the best investment they could possibly make (as long as they are sure that they will be able to stand corporate law without having a nervous breakdown).

But I think that most LL.M.s do not have one particular reason for being here. My hunch is that many LL.M.s are here because they don't know exactly what they ultimately want to do with their lives. Therefore, a master at a prestigious American university looks terrific on the résumé and — perhaps more importantly — allows them to put off the big decision for one more year.

Fair enough. However, this explanation is just partial and certainly not satisfactory. One could argue that there are other things that look good on the résumé

(for example, fluency in French), but people prefer to do the LL.M. rather than a French course in Paris. Additionally, there are many ways to postpone the ultimate decision about career, family, etc. that are less expensive and more fun than HLS. One year on a nice beach in Mexico would be a very attractive alternative. And it would not even be detrimental to your résumé, you just need to mention that you were kidnapped by some kind of mafiosi.

So, the question remains: why should one go to Harvard Law School for an LL.M.?

There are of course some specific reasons by which the LL.M.s were haunted when they decided to come here. If you want to practice international law, an LL.M. from Harvard is the key that opens many doors. If you want to teach, the LL.M. from Harvard means prestige. If you want to work for an international organization or the diplomatic corps, an LL.M. from Harvard might be the cosmopolitan touch that will get you in. If you want to do international business, the LL.M. at Harvard means an illustrious title, as well as tons of precious connections. If you want to become a journalist, an LL.M. at HLS will be a proof of your outstanding culture and skills (it is too bad for me that I don't want to do journalism!). On top of that, it is always useful to improve your English (even the Brits might find the American language interesting).



Besides these official reasons, some others did play a role. Some LL.M.s are here because they wanted to escape from the tedium of the everyday legal practice. For some people on the program an important reason was that their partner wanted to pursue a Master's at Harvard as well. Others, instead, decided to come here due to the fact that they had a partner ... at home.

What I have said before is true on the whole. But all the reasons mentioned above would not suffice. I think there is another, more profound reason for doing the LL.M. at HLS. It is something that all LL.M.s share: intellectual curiosity. We wanted to do the LL.M. at Harvard because we wanted to learn something new and challenging, explore a different culture and a different academic system.

The famous (sometimes notorious) Socratic method is very unusual to many lawyers. It is fundamental, though, because, if applied properly, it helps you to think in a critical and creative way. The law journals which are run by students give you an insight of the legal publishing in the U.S. The many extracurricular activities are not just a good moral excuse for not doing the homework. They are also a way to grow personally and professionally. The constant contact with people from different backgrounds, cultures and experiences broaden our horizons.

Although all this can sound like the usual academic rhetoric, it is nonetheless true in its central meaning.

SPORTSGUY

GAMES PEOPLE PLAY

By Chris Manning '98
Sports Editor

One thing most people don't realize here at HLS is that there's a plethora of athletic pursuits from which to choose. Besides the jockeyed-out sports, like flag football and basketball, there's soccer, volleyball, crew, softball, squash, tennis, and running, just to name a few.

The benefits of athletics should be well known to all of us. Besides the opportunity to escape the stresses of everyday life, athletics also provide the opportunity to stay (or get) in shape and to meet new people.

You don't need lots of time or money to play. A good thirty-minute workout, three or four times a week, does wonders. And all you need to play most of these sports is a T-shirt, shorts, and sneakers.

You don't need an incredible athletic facility to be athletic, either. This is a good thing, as anyone who has seen Hemenway Gymnasium or the Malkin Athletic Center will attest to. It may be hard (at Hemenway, nearly impossible), but one can still find a way to get in a decent workout.

Don't just stand on the sidelines. Get in the game!

The HLS softball contingent storms across town to take on all comers at the BU Law School Tournament this weekend. HLS is fielding two teams, each of which will play two games on Saturday for seeding purposes, then play a double-elimination tournament on Sunday.

The A-Team, led by captain Dan "Da Man" Glazer '98, sports an impressive, athletic lineup. Playing at first base, Dan hit .667 in last year's tournament. To compliment Glazer's consistency, left fielder Greg "Harry" Belinfanti '00 brings the power, being one of only two players to hit a home run ball from Cambridge Common Field onto the adjacent street. The infield is led by shortstop Damon "Deacon" Jones '98 and second baseman John "Ponce" Delionado '00, each possessing impressive athletic potential and excellent fielding skills.

The B-Team, led by Darren "Charlie Hustle" Fried '99, also has an impressive compliment of players. With Fried covering ground in left center, pitcher Jeff Manghillis '00 has less to worry about.

Best of luck to both our teams! Results will be posted in the next issue.

In HLSFL action, the Game of the Week lived up to its billing, as Delta House edged Happy Gilmores, 14-12, in an intense defensive struggle. The Delt offense repeatedly found itself in the red zone, but failed to convert because of the stellar efforts of the Gilmores' defense. Under the onslaught of a pass rush led by Raj "Boston Cream" Pai '99, Delt quarterback Steve "I Want My" Mudder '98 forced several passes, including two thrown into the waiting arms of Gilmore Derek "Country" Squire '99.

The Delt defense was up to the challenge as well, however, denying the Gilmores at every turn. The difference on this day was Delt receiver Richard "Stealth" Moberly '98, who caught the tying touchdown pass, as well as the go-ahead two-point conversion.

"I saw Rich open, but I knew it was going to be close, so I put a little extra mustard on the throw," Mudder said.

"I'm going over to Holyoke Center to have this ball removed," replied Moberly.

Who's Your Daddy was waiting in the wings for the victorious Deltas, however,

and it took an incredible defensive effort for the Deltas to win the day, 30-14. Again, the Deltas' overpowering offensive skills were stymied by the Daddies' defense, led by Rob "Ultimate" Frisbee '98. Jerry "Elvis Lives" Thoen '98 proved to be a big target in the end zone for the Daddies, going up over two defenders to catch an early strike. Mudder was limited to three offensive touchdowns, including the go-ahead score, an 80-yard strike to John "Cha-Cha" Ciorciari '98. Moberly added two insurance touchdowns, both interception returns, one from his own two-yard line.

Despite the wins, however, the Deltas have some serious questions to answer about their short-yardage offense. Most importantly, can the Deltas convert in the absence of perennial crowd favorite Shelly "Next One to Call Me Skippy Dies" Hirschtritt '98? Only time will tell.

In other action, The Penal Battalion defeated The Inn Zone, 20-6. The Battalion raced to an early lead, then coasted for the win. Some would say that they were a little too lackadaisical, however, in the final minutes. Mike "The Man Who Would Be" King '98 took a turn at quarterback, doing his best impression of the pitching Jose Canseco. Ladies and gentlemen, this throw was bad! I mean,



really bad. Hunters from miles around circled Webster Field just to get a shot at this wounded duck.

The Inn Zone ended its winless streak against The Rookies, 15-6, led by the receiving of Doug "Chief" Clayton '98. Clayton used his height to snag a touchdown and two-point conversion. In other action, Cruel & Unusual Punishment dropped Law & Order, 40-0.

Indeed, it was a great day for football. Unfortunately, some teams never found out. Yes, sports fans, it's time to raise that dreaded word: *forfeit*. By failing to show up, L.C. United (which, in fairness, had two players ready), Lovers Not Fighters, and Whiplash ensured that only five of a possible ten games could be played. Thanks.

CORRECTION: Last week, I reported that Cruel & Unusual Punishment whipped up on Whiplash by playing six-on-five the entire time. I have since been approached by Josh Wolson's legal team at Dewey, Cheatum, & Howe and informed that Cruel & Unusual Punishment stopped playing with six players after they established a reasonable lead. A smart person knows when to admit their mistakes (especially in the face of a defamation lawsuit). Sorry, guys!

Game of the Week: Stormin' Mormons vs. Freshies, TBA. The top-ranked teams in the Eastern Division meet in what promises to be an aerial extravaganza. Coming off of a physical, controversial loss to Capital Punishment, the Mormons know that their hopes rest on the arm of Richard "Full" Nelson '98 and the hands of Josh "Not So" Little '98. The Freshies, however, remain confident in their offensive balance and their newly-acquired defensive punch. Not to mention those super-fresh uniforms!

SPORTSGUY wonders whether working out at Hemenway Gymnasium constitutes assumption of risk.

STANDINGS (AS OF 9/29/97)

Eastern Division							Western Division						
	W	L	T	PF	PA	Div.		W	L	T	PF	PA	Div.
Freshies	4	0	0	110	49	3-0-0	Delta House	6	0	0	193	82	5-0-0
Stormin' Mormons	3	1	0	97	58	3-1-0	Cruel & Unusual	4	0	1	137	38	4-0-1
Penal Battalion	4	2	0	139	107	4-1-0	Punishment						
Capital Punishment	2	1	0	76	42	2-1-0	Happy Gilmores	4	1	1	95	39	4-1-1
Rookies	2	4	0	75	141	1-4-0	Who's Your Daddy?	2	3	0	50	57	2-3-0
Lovers Not Fighters	2	5	0	69	97	1-5-0	Law & Order	1	5	0	33	157	1-4-0
Inn Zone	1	3	0	27	87	1-3-0	Whiplash	1	6	0	60	168	1-4-0
							L.C. United	0	5	0	43	103	0-5-0



LIVING TO EAT

By Judson O. Berkey '98

Guest Columnist

THE POWER OF PORTUGAL: MUCH MORE THAN JUST PORT

It all started with a craving for grilled salt cod. This Portuguese specialty, a chunk of delicate white fish soaked overnight in salt water and cooked slowly over a low flame, is moist and succulent with only a slight briny taste when prepared properly. A recent visit to Atasca, located at 279 Broadway and one of three small Portuguese restaurants in or near Inman Square, was intended to satiate the craving for this distinctive dish.

While the salt cod in the quaint one-room restaurant was not up to par (it was noticeably salty and smothered in entirely too much garlic), the wine made the visit more than worthwhile. Just one glass of the house red, an intriguing mixture of tomato fruit and tabasco spice, created an irresistible desire to explore the world of Portuguese wine further. And as anyone undertaking such a voyage will discover, there is much more to Portugal, and its wines, than just Port.

That being said, any discussion of Portuguese wines, and probably any Portuguese meal, should begin and end with Port. Port, or Porto if one wants to use its native name, is a wine with an illustrious history. It is no accident that David Ricardo illustrated the principle of comparative advantage with the trade of cloth and wine between England and Portugal for Port first achieved popularity in the 1660s when political trouble with France prevented the importation of Bordeaux into England.

In order to meet the demand for red wine in England, the British merchants shipping wool to the town of Porto began to bring back the local Portuguese red

wine. It quickly became the favorite of the Whig party and was even used as a toast at the coronation of William and Mary in 1689. Port was so identified with the ruling class that Dr. Samuel Johnson authoritatively declared "claret is the liquor for boys and Port for men." Thus, it is no historical accident that many of the most famous brands of Port — e.g. Warre, Taylor-Fladgate, Cockburn, and Graham — have English names.

In order to understand Port, and its many uses, one must learn a few points about its classification. The first distinction to grasp is that between vintage and non-vintage Port. Vintage Port is produced from a single harvest of grapes and is aged in the bottle at least ten years. Because it is aged in the bottle, vintage Port must be decanted before serving in order to remove the sediment that forms during the aging process. Each Port house, as the producers are known, has the freedom to declare any year a vintage year but only does so approximately every three or four years. This accounts for the rarity and expensiveness of vintage Port.

Non-vintage Port is a blend of wine produced from different years of grapes. The youngest Ports, known as ruby Port, are aged no more than three years in wood barrels and are known for their spicy, fresh vibrancy. Tawny Ports are produced from blends of wine with average ages of ten, 20, 30, or 40 years and display a maturity not found in ruby Ports. Each house has its own distinctive style which is maintained consistently each year. For example, Taylor is known for its power and muscularity

while Fonseca is distinguished by its plummy fruit. Warre tends to have a fresh vibrancy while Dow is typically smooth and understated. Thus, one should try Port from the different houses to find which one suits one's palate.

Port is classically thought of as a digestif to be drunk after a meal in the accompaniment of cheese or nuts. While the combination of a tawny Port and Stilton, Gorgonzola, or the Portuguese cheeses St. Jorge and Serpa is indeed heavenly, Port really does have many more uses. For example, white Port is a dry wine which makes a wonderful aperitif. Vintage Port is a great match for Steak au Poivre and any Port can be used, as it is at Atasca, as the base for a sauce accompanying chicken, pork, or veal.

If Portuguese wine began and ended with Port, the world would be enriched enough. Amazingly, however, Portugal also produces white and red table wines that are truly unique and well worth trying. Among these is a category of wines known as vinho verde, or "green" wine. This is wine, in both red and white versions, made from grapes which are slightly underripe.

As a result of using these young grapes, the wine has a low alcohol content and a noticeably tart taste. Both the reds and whites also have a slight burliness which makes them wonderfully refreshing. These wines are perfect with tapas and are often served in Portugal with grilled shrimp and the local prawns known as langoustines.



Portugal is blessed with a number of indigenous grape varieties which aren't really found anywhere else. Thankfully, the Portuguese wine industry has avoided the cabernization and chardonization that seems to have overtaken the rest of the

world and continues to use these varieties almost exclusively. For example, the red baga grape produces a deeply fruity wine which can age quite well and is great with any classic lamb dish. Periquita is a spicy raspberry scented red wine produced near Lisbon which pairs nicely with beef bourguignon. Among notable white varieties is the Roupeiro which produces a wine which must be drunk young.

As long as one is exploring Portuguese wine, one should also begin to sample Portuguese cuisine. Unfortunately, Atasca provided a very disappointing treatment of the cuisine. It did, however, have an extensive and reasonably priced wine list with all wines available by the glass. Thus, it would be useful for sampling a number of Portuguese wines in the company of some tapas.

Two other Portuguese restaurants nearby, Casa Portugal at 1200 Cambridge Street (between Prospect and Tremont streets in Inman Square), and Portugalia at 723 Cambridge Street (just past Inman), have been heard to serve more authentic and tastier Portuguese food. Give them a try, but if the waiter tells you the salt cod is "medium salty" as at Atasca, please head for the door.

The Listening Room

By Darren "Huggy Bear" Fried '99

Guest Columnist

HUGGY BEAR'S GOOD ADVICE

Björk
Homogenic

The first thing that hits you about the new Björk album is the lush wall of sound that she, along with coproducer Mark Bell, have created. More like a movie score than a typical pop album, *Homogenic* has everything from glass harmonicas and accordions to drum loops by Howie B. (U2). While the various programmers and keyboardists are crucial to creating the aural stories that mesh so well with the lyrics of love, spiritual enlightenment, and unbearable anger, it is Björk's soaring, at times operatic, voice that makes this such a stunning CD. If you still remember Björk as the cute, quirky member of the Sugarcubes, you're in for a surprise. Shedding her warm and cuddly image (remember the video with the big, funny bear?), Björk appears as a futuristic ice-queen on the album cover, and she's even bolder where it really counts, letting loose a flood of naked emotions in her lyrics, couched in her usual syncopated phrasings and off-beat images. On "Bachelorette," over a rising crescendo of timpani, strings and a fugue-like synth riff, Björk sings: *I'm a fountain of blood / In the shape of a girl / You're a bird on the brim / Hypnotized by the whirl...* Or in "Joga," named for her real-life lover: *...All that no-one sees / You see / What's inside of me / Every nerve that hurts / You heal deep inside of me ...* Spice Girls this isn't.

At first it might seem curious that Björk chooses to open up *Homogenic* with "Hunter," a song which appears to sound a familiar theme of rock 'n' roll, handed down through the years from Muddy to Janis to Wu-Tang: *"I'm leaving, it's time to ramble, see ya."* When she sings *If travel is searching / and home has been*

found / I'm not stopping / I'm going hunting / I'm the hunter, it's easy to take it as a warning to the previously mentioned Joga that all bets are off; Björk's going on the road and don't bother waiting up. But given the spiritual thread that runs through much of *Homogenic* and which is most apparent in "Alarm Call" ... *I want to go on a mountain-top / with a radio and good batteries / play a joyous tune / and free the human race from suffering ...* and "Pluto" ... *Excuse me / But I just have to explode / Explode this body off me / wake up tomorrow / brand new ...* it is more likely another expression of her existential searching. More important is the fact that it has a very cool marching band-on-crystal meth drumloop and also features a trippy appearance by the Icelandic String Octet.

Björk manages to be wildly experimental while still retaining enough of the pop sensibilities that have always made her so entertaining. By refusing to sacrifice one for the other, she's made an album that succeeds on both levels. Four stars.

Ziggy Marley & the Melody Makers
Fallen is Babylon

OK, let's just admit there's no way to listen to Ziggy without comparing him to his father, and get it out of the way. Ziggy Marley is not Bob Marley and will never be. No one will, and that's fine. When you listen to Ziggy, the soulful ache and worldly wisdom that was branded on his father's voice is missing, as is the explosive feel that the music might actually be able to change something. What is there is the warm energy that was the trademark of the albums the elder Marley recorded at his own Tuff Gong studios. This isn't a big shock, since this is the second album the Melody Makers

have recorded at the reconstructed Tuff Gong. Although that could have made for a too-long trip down memory lane, with Ziggy duplicating his father's greatest hits, instead we get an original, inventive album of well crafted reggae/pop songs that is solid from top to bottom.

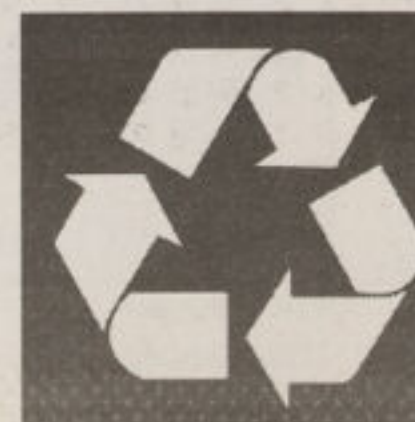
You might have already heard the Melody Makers cover of the Curtis Mayfield classic "People Get Ready" (also redone by Rod Stewart and Jeff Beck a few years back) on the radio. It fits in nicely with Ziggy's message of '90s revolution, and has the pop sheen to prove it. It's nice to listen to, but A-ha could have covered it and it still would've sounded soulful. A lot more interesting is "Everyone Wants To Be," on which Ziggy warns of the kind of outlaw mentality that has taken the lives of his contemporaries, Notorious B.I.G. and Tupac Shakur: *Everyone wants to be the cowboy / Living life the wild wild west style ... / Well everyone tough no one is gonna back down. "Everyone..."* benefits from the spaghetti western sample which gives the song its melancholic and foreboding feel, as well as the guest rap by Wyclef from the Fugees, a nice way of juxtaposing the ancient theme of vengeance and the disastrous way it still resonates today.

Other standouts include "Diamond City," a condemnation of the atrocities



that still occur in the diamond mines of Sierra Leone, and "Long Winter," a traditional reggae blues song of heart-break. *Fallen is Babylon* ends with a rootsier version of "People Get Ready," with Ziggy giving it the full reggae treatment, and his sisters providing the Wailers-like counterpart. Perfect music to have on your Walkman on a sunny day at the beach, or at least to remind you of what you're missing when you're stuck here in Cambridge. Three and a half stars.

Notes ... If Fred Schneider, the wacky lead singer of the B-52's, made a solo album with a country version of the Velvet Underground as his backing band, it would sound like Luna's *Pup Tent*. If that floats your boat, go for it, otherwise it's novelty mood music at the most ... Coward (self titled) are like Elvis Costello on steroids with a jones for big arena rock. Perfect heavy pop from L.I. Look for their new single "Wish" in October ... If Belly forgot how to write good songs, and hired Nico to sing, the result would be Ugly Beauty's *The Sweetness*. Dissonant nonsense ... Heard the new Metallica single "Fuel" (off the forthcoming *Reload*) on KSJO-San José. It's the same bad crap they've been putting out for the whole decade. Please stop guys, I'm asking nicely...



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