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HLS Takes Lead in Move to Non-Union Security

By Suzanne Carter

The Law School's switch to a non-unionized provider of security personnel has been followed by other Harvard schools, drawing criticism from some who see the trend as evidence of union-busting at Harvard.

When the Law School's long-term contract with the Harvard University Police Department (HUPD) ended in 1994, the administration replaced HUPD, a unionized organization, with Security Systems Inc. (SSI), the non-unionized outside agency which currently provides security personnel to the Law School.

The move to non-unionized security was carefully watched by other schools within Harvard University, who were waiting to see how the experiment at HLS worked out before switching as well.

The Law School "was the first Cambridge site to switch to private security from their unionized in-house security," according to an HLS security guard who asked to remain anonymous. This in turn provided the impetus for the remainder of the University to use non-unionized security personnel, the guard said.

"HLS knew they were breaking the union," he said.

Gund Hall, the Medical School, the Divinity School, and the University science labs have all switched over to non-unionized security following HLS's successful lead. "Right now we [SSI] are in negotiations to take over a few other sites as well. HLS was the first to start this trend and provided a wedge to enable other non-union security firms to take contracts from the unionized in-house security," the guard said.

"It's no surprise that Dean Clark '72 would serve as the first," said Peter Keith '99, co-chair of the Harvard Labor Law

Project.

"By its very nature, a university's responsibility to the community should be viewed a little differently than the responsibility of a business to the community. Workers at a university should have more of a voice," said Keith.

Frank Lamentea, Director of Building Operations at HLS, enumerated a number of reasons for the change.

"The Law School itself could have more control over the guards; going through univer-

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Registrar Addresses Student Concerns on Laptop Exams

Torts Class Dropped from 'Examinator' Experiment

By Suzanne Carter

HLS will permit the use of computers in two in-class final examinations this semester, despite the cancellation of the anticipated trial run in Torts with Profs. Charles Nesson '63 and Jonathan Zittrain '94.

Students using computers on finals in Commercial Law with Prof. Andrew Kaufman '54 and

Copyright with Prof. Lloyd Weinreb '62 will be required to install the Examinator, a secured floppy disk which temporarily disables a computer's hard drive and allows only the most basic word processing functions to be used.

Registrar Stephen Kane said that the Examinator was not used for the Nesson/Zittrain midterm exam because he wanted to address student

Prof. Bellow Awaits Heart Transplant

By Seth Persily

Prof. Gary Bellow '60, who has suffered from heart problems for the past several years, is being evaluated for a possible heart transplant.

Four years ago this November, Bellow started feeling chronically tired and out of breath. At first, doctors thought he might have asthma or allergies, but tests



Prof. Gary Bellow '60

soon revealed that Bellow's heart had been permanently damaged from a viral attack —

a condition known as an idiopathic cardiomyopathy.

Although there was never any doubt that Bellow would need an operation in the future, until recently he was able to function quite well with medication.

"He's basically been able to do all

the central things in his life. ... If you [weren't told], you probably wouldn't even know he was sick," said Prof. Jeanne Charn '70, his wife and co-teacher for The Lawyering Process.

"He has a high energy level and really loves his work," Charn said.

Recently, however, Bellow had to take a leave of absence from work, as his heart condition continued to decline. He is now at the point where he needs a heart transplant, said Charn.

Bellow is currently being evaluated for a transplant at Massachusetts General Hospital, a determination based both on overall health and on age. The rules prohibit transplants for anyone 65 or over; Bellow is

concerns regarding the software.

"We wanted to provide a laptop for students who don't have a laptop," Kane said. "That was the main issue we needed to address before anyone went ahead and used the software here."

"Now students can use the computer lab in Areeda 140 if

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Former Governor "Chub" Peabody '48 Dead at 77

By Rob Friedman

Former Massachusetts Governor Endicott "Chub" Peabody '48, a liberal Democrat and direct descendant of the state's first colonial governor, died Tuesday at the age of 77 after a year-long battle with leukemia.

"Endicott Peabody was a distinguished lawyer and public servant and a good friend of Harvard Law School," said Dean Clark '72.

Peabody graduated from Harvard College in 1942 where he was an All-American football player. After college, he served in World War II and was awarded the Silver Star for gallantry in action as a lieutenant aboard a submarine stationed the Pacific Theater.

After graduating from HLS, Peabody worked at the law firm of Goodwin, Procter & Hoar in Boston. He was

elected Massachusetts governor in 1962 and served a two-year term. In 1964, Peabody's bid for re-election was ended in the Democratic primary when he was defeated by his lieutenant governor, Francis X. Bellotti.

In 1969, Peabody established the lobbying firm of Peabody, Rivlin, Lambert & Meyers in Washington, D.C. He returned to politics in 1972 as an unsuccessful "candidate" for the Democratic nomination for vice president.

Peabody ran for the U.S. Senate in New Hampshire in 1986 and was defeated by Warren Rudman. He ended his political career in 1992 after an unsuccessful campaign to become a state representative on the New Hampshire General Court.

A funeral service will be held Saturday at 11 a.m. in St. John's Chapel at the Groton School in Groton, Mass.



Peabody '48
from the 1947
HLS yearbook

Fried Returns to SJC, Says He Feels 'Better Than Ever'

By Timothy Kiefer

Prof. Emeritus Charles Fried, who underwent heart valve replacement and bypass surgery Sept. 24, said on Monday that he feels "better than ever." Fried, a justice of the Massachusetts Supreme Judicial Court, has returned to work at the court. He will refrain, however, from teaching his Constitutional Law class on a regular basis.

Prof. Richard Parker '70 has been substitute teaching Fried's class since he was hospitalized on Sept. 19. Although Parker will continue to teach the course for the rest of the semester, Fried — apparently in violation of his doctor's orders — did return to teach one class session since his surgery.

"The doctors said standing on my feet for an hour and forty minutes and talking was not permitted," Fried said.

Fried, 62, said that his duties as a justice are less physically taxing than teaching. Fried said that he has returned to a full

schedule of hearing cases from the bench, although he has cut back the hours he spends working in chambers.

"I come late, go home early, and rest a lot," Fried said.

Fried underwent eight hours of surgery to replace an infected heart valve. He had known for some time that the heart valve would eventually need surgery, and an operation was originally

scheduled for mid-November. The surgery was performed two months early after he complained of chest pain.

Fried left the hospital on Oct. 13, approximately three weeks after his surgery.

"It was all very successful," Fried said.

Parker also said that Fried had recovered well.

"He seems to be OK now," Parker said. "At least that's my impression."

Fried was appointed to the Supreme Judicial Court, Massachusetts' highest state court, in 1995. Since his appointment, Fried has continued to teach at



Prof. Charles Fried

least one Constitutional Law section each year. According to a course schedule published prior to Fried's surgery, Fried is not scheduled to teach any classes at HLS next semester.

Fried, a Columbia Law School graduate who also holds degrees from Princeton and Oxford, joined the HLS faculty in 1961. From 1985 to 1989, Fried served in the Reagan Administration as U.S. solicitor general.

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34 Years Ago in the RECORD



Harvard Law Record

America's Oldest Law School Newspaper

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The Firms -- What Do They Want?

By Bruce Abel

Appearance at the interview, college activities, and drive rank as the three most important factors a hiring firm considers after examining a job candidate's grades, according to answers given to a RECORD questionnaire.

The questionnaire, sent to 430 private law firms on the Placement Office mailing list, sought numerical responses for 72 factors falling into eleven categories (see chart, pp. 9-11) and asked the question: What are you looking for in a job candidate?

THE BEST AND THE WORST

Law Rev. (6.8)	Lower 1/3 (-6.7)
Honorary (5.4)	Badly Groomed (-5.5)
Top 1/5 (5.2)	Female (-4.9)
Summa-Col. (3.8)	Lower 1/2 (-4.5)
At Ease (3.8)	Negro (-3.5)
Stud. Pres. (3.4)	Military Ahead (-2.9)
Magna-Col. (3.2)	No Activity (-2.6)
Good Talker (3.0)	Nervous (-1.9)
Editor-Col. (2.9)	Not Sure of Area (-1.5)
Cum Laude (2.5)	No Summer Job (-1.5)

Students Off Mark

Law students attempting to guess how law firms evaluate candidates over-emphasize grades and under-estimate the importance of demeanor at interviews, according to a special RECORD survey.

To see if students could predict what factors law firms consider to be important in hiring, the same questionnaire sent to firms was also distributed to a sample of 17 third-year students. Each was asked to put himself into the shoes of an interviewer, first from a large Eastern firm and then from a medium-size Middle Western firm. Student responses differed repeatedly from those of the

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Job Survey

(Continued from page 1)

Due to our clerical error, questionnaires were not sent to firms in the South which interview at Harvard. This omission, of course, means that the "Overall Averages" category is not representative of all firms which recruit at Harvard.

The category of academic achievement, or grades, dominated the hiring picture unchallenged. However, the firms indicated skepticism upon too heavy a reliance on this factor. (See story on grades, p. 16).

Drive, integrity and ability to handle responsibility were three qualities heavily sought, according to responses to the question asking the firms to "Describe the candidate you want to hire." Only a few responses listed individuality as a desired characteristic. Some of the answers (with the location

and size of firm given in parentheses) included:

"... No money and plenty of drive." (Illinois, 5-15).

"... Knows how to play and mix well." (Wisconsin, 15-25).

"... Not too personable." (Boston, 5-15).

"Bright, well-integrated personality, intellectual depth and breadth, concern for his political or cultural environment, independent personal tone which sets him apart from others." (Boston, 15-25).

"A personable, hard-working, articulate and intelligent white man." (California, 1-5).

"... Blue-blood and hungry and Law Review." (California, 15-25).

"... I try to smell a 'peer group-er' (cf. Riesman's *Lonely Crowd*)." (Pennsylvania, 1-5).

"Byron White." (New York City, 50 and over).

The numerical questions called for a rating of each factor on a scale of plus ten (definitely does get job) to minus ten (definitely does not get job), with zero indicating that the quality is "not a factor" in evaluating the candidate.

A second section of the questionnaire requested short-answer elaborations. Some 120 firms responded to the poll. About 15 devised numerical systems of their own for the sliding-scale questions, and these responses were considered for their general comments only.

(Continued on page 8)

Women Unwanted

By Daniel J. Kucera

Do law firms discriminate against women? Most hiring partners admit that they do, and the girls agree.

According to the RECORD's survey of the job-interviewing process, firms throughout the country chalk up an average negative 4.9 against a female interviewee. That is, they consider belonging to the "weaker" sex to be a highly relevant, though not all-controlling, factor against giving an applicant a job.

(Continued on page 14)

Responses to the numerical questions on grades revealed a very bright line separating those in the top half of the class from those in the bottom half. Firms of from 15 to 25 appeared to be most demanding on this score, giving a -1.3 to a man in the upper half, (but not in the upper two-fifths), and giving very high negative weight to a man in the lower one-third (-8). Similarly, Washington, D. C., appeared the most selective among the cities and areas, giving a candidate in the second fifth of the class a -2.

The second most important of the eleven sliding-scale categories was that of appearance at the interview. Being at ease brought an overall rating of 3.8. A good conversationalist drew a 3.0. A candidate who is handsome, however, scored only .9, and a number of firms commented that they were wary of a man who is "too handsome."

Discrimination is lowest in the largest firms (-3.3) and highest in the smallest firms (-7.8). Geographically, the Middle West (-7.3), excluding Chicago, and Philadelphia (-6.8) are the least receptive to girls; while Boston and New England (-2.1) love sweet young things the most. No region, however, gave girls a positive value.

To test these figures, we asked several third-year girls at the Law School about their interviewing experiences this fall.

They all agreed that there is discrimination against their sex. "In any firm, a man of comparable grades could get a job more readily than a woman," one girl explained. "In one interview," another related, "the lawyer said after a couple of minutes, 'We're not prejudiced against women, but we have three positions to fill and we think we can find three men to fill them.'"

"It is often hard to tell whether you are being discriminated against in an interview," commented one gal. "Unless a girl has top grades, the firm may find a safe excuse based on academic record."

Existence of discrimination, however, is not universal—it depends on the firm. "Last summer, I worked with a marvelous firm. I was treated as an equal," said one female classmate. Moreover, another added, "some firms especially want women and take pride in hiring them—it shows that they are trying new things. One seeks them for divorce matters and estate problems involving widows."

Even if discrimination cannot be objectively proved, the girls have had experiences suggesting a strong inference of it.

"One firm said that they would like to have me, but the idea of hiring a woman had never been presented before to the feared senior partner—who has been heard to utter: 'I wish they still had male secretaries like in the good old days.'"

"I walked into the interview room

and his jaw dropped. 'You're a girl!' he exclaimed. So what else is new, I thought."

"One interviewer just did not know what to say about hiring me. He seemed to feel that his partners would laugh at him and never let him on the road again if he came back with a girl. The firm had never done it before, he told me."

Many firms simply are not serious when confronted with a female. "They look upon the interview as a pleasant change of pace, a coffee break, and enjoy talking with a girl," complained one gal. "Some are not frank," said another. "They merely look with curiosity upon a woman law student."

The actual excuses that firms give the girls vary.

(1) "Most say that a woman is likely to work for a few years and get married. Then she will either leave the firm to join her husband

or get pregnant in a few months, quit, and not return for several years or completely retire forever. A firm has to recognize that there is a substantial risk that a girl will not become a permanent employee."

(2) "For some firms, the expense and time to train women is not worthwhile, in view of their turnover."

(3) "Some firms say they have found that women are not willing to work as hard as men."

(4) "Many firms say that clients would be afraid to talk to women."

(5) "Others say that they have nothing against women—except for that certain senior partner."

(6) "Some firms say that women just would not fit into the routine of the office. What do you do with a girl at lunch, they ask."

Most of the third-year females feel that some of the excuses are logical, realistic concerns, but that

At the negative end of the appearance scale, one who is "not well groomed" at the interview received a -5.5. Nervousness, however, counted much less against the candidate (-1.9). A few firms replied that they expected the candidate to be nervous, and considered nervousness to be a healthy sign.

The religion-race-sex category ranked next in relevance and drew significantly high negative figures. (See story on discrimination, p. 13 and the accompanying chart.) Women are at great disadvantage in seeking a job, the poll indicates, being given a -4.9 score average. Negroes were given -3.5.

The questionnaire, drawn up to assure anonymity, called for no information which would reveal the identity of the responding firm. In spite of this, many firms sent the questionnaires back to the RECORD in firm envelopes. And on the whole, these replies showed no less candor than did the replies arriving in plain envelopes.

South African Justice Sachs Will Teach at HLS

Survivor of Assassination Attempt, Apartheid Named Visiting Professor

By Sarah G. Vincent '00

Albert "Albie" Sachs, a Justice of the Constitutional Court of South Africa, will arrive at HLS this winter term to teach a human rights course: "South Africa: From Racist State to Modern Non-Racial Democracy." Sachs will use his experience as an activist against the South African apartheid regime and his extensive legal work composing and ratifying the current South African constitution to give students a first hand account of the development of a democracy.

Born in Johannesburg, Sachs graduated from the South African College School in Cape Town and the University of Cape Town where he received B.A. and LL.B. degrees. In 1957, Sachs started his practice as a civil rights lawyer, agitating against the institutionalized racist government. As a result of his activities, he was detained twice without trial by the Security Police.

Sachs was forced to go into exile in the United Kingdom where he taught at

several universities. During the seventies, he actively continued his human rights work in Mozambique. While continuing to protest against the apartheid government in South Africa, he taught at Eduardo Mondlane University and worked as Director of Research in the Ministry of Justice.

In 1988, Sachs's activities ended in Mozambique after he was nearly killed by a car bomb planted by South African Secret Police. Because his security was compromised, he returned to the United Kingdom to recover.

One of Sachs's former students, Peter Rosenblum, now serves as Projects Director of the HLS Human Rights Program. Rosenblum recalled his first class on the Mozambique legal system with Sachs at Columbia University in 1989. "There was a real feeling of excitement because we knew this man had survived and had no idea what shape he was in [after the bombing]," said Rosenblum. "He sat there and he was missing an arm and one of his eyes was replaced and he couldn't see through it."

Rosenblum was soon impressed by Sachs's humor and unconventional teaching style. "You could see what this man had lost just looking at him," said Rosenblum, "So he starts the class and he speaks very slowly. He says, 'I'm so pleased to be here. When I got this offer, I was lying on a hospital bed. I really didn't know what I would do next. I had lost so much ... I didn't have a car anymore.'"

Rosenblum was amazed at Sachs's courage and candor. Sachs was known as a challenging professor who was willing to confront his students' ideas.

During the same year, Sachs was appointed Director of the South Africa Constitution Studies Centre, originally based at the University of London but eventually moved to the University of the Western Cape in 1992.

After South Africans began to reform the apartheid system, Sachs was able to return and play a pivotal role in shaping constitutional negotiations as a member of the Constitutional Committee and the National Executive of the African National Congress (ANC). Unlike other radical activists in neighboring countries who completely expelled members of the former government, Sachs and fellow ANC members actively worked and compromised with former supporters of apartheid to create a fully representative constitution for South Africans.

At first, there was resistance to Sachs's appointment as Justice of the Constitutional Courts because he was feared for constantly seeming reasonable. According to Rosenblum, a former college classmate of Sachs's stated, "Oh yes, Albie back in the fifties sounded so reasonable, but you always knew he was a communist."

Sachs encouraged participation from any South African willing to write a brief attacking any contested provision of the constitution before revision. The Con-

stitutional Court even allowed oral arguments from a certain number of representatives to debate constitutional issues such as distribution of powers.

Besides being a human rights activist, Sachs is a prolific writer on culture, gender rights, and environmental reform. He has also written several memoirs, including "The Jail Diary of Albie Sachs," which was dramatized by the Royal Shakespeare Company and broadcast on the BBC, and "The Soft Vengeance of a Freedom Fighter," which focuses on his recovery from the bombing incident. It is currently being produced for television by the BBC.

Every year, Prof. Henry Steiner '55, Director of the Human Rights Program, suggests two distinguished figures selected from the international legal world to teach at Harvard Law School. Steiner originally invited Sachs to an interdisciplinary discussion group several years ago on Economic and Social Rights with a special focus on medical care.

Steiner was struck by Sachs's practical grass roots perspective as opposed to an elite legal view. Rosenblum remembers Sachs as a "great adversary of footnotes." Sachs's outspoken manner is evident in his writing. Rosenblum states, "He thinks people should be clear and not go hiding in the bottom of the page."

Sachs's course should provide a first-hand view of South Africa's democratic history. "The course focuses on the construction and formation of the Constitution," says Steiner. "He will review a lot of the landmark decisions ... Every decision is a landmark in South Africa."

Steiner notes, "So many decisions are like *Marbury v. Madison* in the sense that they gather a lot of attention and immediately reach to fundamental issues such as abolishing capital punishment and deep constitutional character issues such as separating powers and dealing with the structure of the new South African state."

Shalala Denies Kennedy Rumors at HLS Talk

Congressman May Move to Cabinet

By Timothy Kiefer

U.S. Secretary of Health and Human Services Donna Shalala, in a recent talk at HLS, denied media reports that she is planning to resign from the Cabinet and that U.S. Rep. Joe Kennedy (D-Mass) will be appointed to replace her.

"There's absolutely no truth to any of it," Shalala said.

According to reports published Nov. 19 and Nov. 20 in the Boston Herald, Democratic sources say that Kennedy may become HHS secretary if Shalala resigns.

Kennedy represents a district including Cambridge, Somerville, and parts of Boston. He has served in Congress since 1987.

Kennedy withdrew from the 1998 Massachusetts governor's race after a series of embarrassing revelations about family problems. According to the Herald, Kennedy is restless in Congress and eager to take a high-profile job.

The Herald reported that both the White House and a Kennedy spokesman denied that any offers have been made.

White House spokesman Barry Toiv said that to his knowledge Kennedy "hasn't been under consideration for any position."

Kennedy spokesman Brian O'Connor said that the reports are "flattering" but "without foundation." O'Connor, however, acknowledged that it is "possible" that "Joe's name has been floated at the White House for a job."

The Herald reported that Shalala is considering leaving the Cabinet to run for governor of Wisconsin in the 1998 election.

Shalala suggested the rumor was a product of a the press looking for news on a slow week.

"It was the same week that Janet Reno [63] was on the cover of the National Enquirer in a bathing suit," Shalala joked.

Shalala said that as HHS secretary, she is sued 11,000 times a year. At that rate — approximately 30 lawsuits a day — Shalala picked up at least one additional lawsuit during her hour-long talk.

Among the approximately 40 students in attendance in Pound Hall was Alex Rabb '00, the son of department general



RECORD Photo/Leslie Stone

Shalala defends Clinton policies.

counsel Harriet Rabb.

"I've got a very good lawyer. That's why I've never gotten in trouble," Shalala joked in reference to Rabb.

During her talk, Shalala defended the welfare reforms passed by the Republican Congress and signed by President Clinton.

The HHS secretary said that because of welfare reform, the politics of welfare "is now the politics of supporting working families."

"I think we've built up and will be building up a whole set of supports for working families that we wouldn't have done if we hadn't done welfare reform," Shalala said.

Although media attention has focused on recent drops in welfare caseloads, Shalala said that was the wrong means of judging the success of welfare reform.

"My measure whether welfare is working or not is not whether people get off [welfare] ... The key for me is whether the kids are better off."

Shalala's Cabinet post is the second job she has held in a Democratic administration. During the Carter Administration, she worked as an assistant for the Department of Housing and Urban Development.

Shalala's speech was sponsored by the HLS Saturday School program, which is directed by Prof. Charles Ogletree '78.

Constitutional Amendments Debated at HLS Forum

CNN's Van Susteren Moderates Event

By Alyssa Caples

On Thursday, November 20, the HLS Forum presented a debate on the use of constitutional amendments. Arguing that more restraint was needed in the proposal of amendments were Prof. Louis Seidman '71 of Georgetown Law Center, Virginia Sloan, Executive Director of Citizens for the Constitution (a constitutional watchdog group), and Alan Morrison '66, a prominent Supreme Court litigator. On the opposing side were HLS Prof. Richard Parker '70, KSG Academic Dean Frederick Schauer, and Roger Pilon, Director of the Cato Institute's Center for Constitutional Studies.

The debate was moderated by CNN's Greta Van Susteren and will air on C-SPAN in late December.

Each of the six debaters had approximately four minutes to state their positions, with speakers from each side alternating in turn. This was followed with an informally structured rebuttal session that lasted for about 20 minutes. The microphones set up in the aisles were then opened up to students, who proceeded to ask the speakers questions for the remainder of the time.

The premise of those proposing restraint was a "deep concern about the rash of constitutional amendments that have moved further through Congress than at any other time in history," said Sloan. According to literature from Citizens for the Constitution, over 100 amendments have been proposed to Congress in 1997 alone.

In response, Pilon said, "We're on track ... only 27 amendments have made it to ratification...most of these go nowhere."

The debate became heated and some of the speakers bordered on shouting at times. The consensus that was reached seemed to be that there should not be a ban on amendments to the constitution. Still, the two sides disagreed about whether or not the popularity of proposed amendments hurts the political process in any way.

Other issues raised ranged from discussions on the difference between constitutional amendments and judicial interpretation of the constitution by the Supreme Court, to the efficacy of creating federal statutes in lieu of amending the constitution. The Citizens for the Constitution's set of suggested standards for constitutional amendments, which included provisions such as "constitutional amendments should not be adopted when they would damage the cohesiveness of constitutional doctrine as a whole" and "Proponents of constitutional amendments should attempt to think through and articulate the consequences of their proposals," were hotly debated.

While students seemed less interested in the opening remarks of each of the speakers, many were actively participating by the end of the question period. "I was very happy with the student turnout ... they were active students in a debate that went on that long and was very theoretical,"

Please see **FORUM**, p. 4



Briefs

Undefeated in the Ivy League, Harvard Beats Yale, Wins Title

With a 9-1 record overall, and a perfect 7-0 showing in the Ivy League, the Harvard Crimson finished the season with a 17-7 win over the Yale Bulldogs in New Haven, Conn. on Nov. 22. The victory officially conferred Harvard's title as Ivy League Champions.

Harvard students jumped the walls to flood the field at Yale, where the Crimson completed its first nine-win season since 1919. The Elis, 1-9 overall and 0-7 in the Ivy League, couldn't overcome Harvard's defensive line, which registered seven sacks on the day.

—Harvard Crimson

National Security Advisor Berger '71 Hires Rudman '90 at White House

National Security Advisor Samuel Berger '71 announced Nov. 26 that Mara Rudman '90 has been hired as Special Assistant to the President and Senior Director for Legislative Affairs at the National Security Council.

Rudman had been minority legal counsel to the House Committee on International Relations since 1995. Her experience also includes clerking for a federal judge who was a member of Berger's HLS class: the Hon. Stanley Marcus '71 of the Southern District of Florida.

Born in San Antonio and raised in Massachusetts, Rudman earned her B.A. at Dartmouth College.

Jury Deadlocks on Abbell '64; Prosecutors Will Re-Try Case

Federal prosecutors said they would retry drug conspiracy and racketeering charges against Michael Abbell '64, a former lawyer for the Cali cocaine cartel. On Oct. 29, a Miami jury deadlocked on those charges, while acquitting Abbell and fellow lawyer William Moran of another, more serious racketeering charge.

Prosecutors alleged that Abbell and Moran crossed the line from defending cartel members to participating in the drug trade. If convicted of the remaining charges, both lawyers could face 10 years to life in prison.

Moran said he might have to defend himself because he no longer has money to pay for a defense team. Abbell, a former Justice Department official from Bethesda, Md., said he will persevere because he is innocent.

The case was closely followed in legal circles because it signaled a bold new government strategy of charging lawyers with the same crimes as their clients, raising fears that federal prosecutors might use such tactics to intimidate their legal advisories.

—Associated Press

Teenagers Gang Up on Sherman '79

U.S. Rep. Brad Sherman '79 learned that not all CPAs carry calculators and briefcases during a recent visit to a high school in his Los Angeles-area legislative district.

According to a report in the Los Angeles Times, Sherman was making a speech to students at Canoga Park High School about what it is like to be a freshman congressman. In an attempt at levity, he said that before being elected to Congress he worked in one of the most exciting jobs possible: he was a CPA.

The joke drew an inordinate amount of raucous laughter, and so Sherman continued with his talk, apparently pleased with his successful attempt at humor.

However, after the speech, one of Sherman's aides informed him that in Canoga Park, "CPA" doesn't mean "certified public accountant." Rather, the initials signify "Canoga Park Alabama," the name of a local gang.

Sherman greeted each of the students as they left the assembly, and sheepishly told several about the lesson in local linguistics that he had just learned.

Coop Accepting Applications for Student-Run Board of Directors

The Harvard-MIT Coop, the corporation that runs the bookstores for the two universities as well as the Law School, will be accepting applications from students until Dec. 12 for its board of directors.

The Coop stockholders, a group that holds the corporation's stock in trust for Coop members, will review the applications and select 11 names for a ballot to be distributed to Coop members in March. Student-applicants may also bypass the stockholder review by securing the signatures of 100 Coop members.

—Harvard Crimson

Two Thefts Reported at Hemenway

Two thefts occurred recently at Hemenway Gymnasium, according to Harvard University Police Department reports. On Nov. 17, at approximately 11:15 a.m., a man reported to the Harvard police that someone had stolen his watch from Hemenway. On Nov. 2, at approximately 7:00 p.m., a man reported to the police that someone had gone into his locker at Hemenway and taken his money. No suspects were apprehended in either case, according to the police reports.

Ebony Honors Robinson Sullivan '94, Smith '96

By RECORD Staff

Ebony Magazine named Stephanie Robinson Sullivan '94 and Alfred E.



Stephanie Robinson Sullivan '94

Smith II '96 as two of its "30 Young Leaders for the Future" in its December issue.

Robinson Sullivan is chief counsel for low-income policy and children's affairs for the U.S. Senate Committee on Labor and Human Resources. She also a visiting attorney for the Law Society of Kenya, where she was a member of Committee for Constitutional Reform and assisted

in drafting and editing Kenya's Model Constitution. While at HLS she served as media spokesperson for the Harvard Coalition for Civil Rights.

Smith is an attorney with Nossaman, Guthner, Knox & Elliott in Los Angeles, and is one of the nation's few black attorneys to specialize in water law. He is a deacon at the Revival Center Tridstone Church of God in Christ.



Alfred E. Smith '96

Smith said he was "ecstatic and honored" to be recognized by Ebony. "I was touched that it not only recognized my professional achievements but also my work in my community and with my church," he said.

HLS Forum Debate to Air on C-Span

Continued from FORUM, p. 3

said the president of HLS Forum, Andrew Leblanc '98.

However, the debate did not meet everyone's expectations. "The issue was rather narrow ... it wasn't just about the constitution but whether or not here should be more thought in proposing new amendments. They were really arguing about whether Congress should take into account the guidelines [set forth by the Citizens for the Constitution]," said Mary

Claire Borys '00.

The HLS Forum brings distinguished individuals from a broad range of fields to the law school in an effort to promote an "enlightening and wide-ranging exchange of ideas". The Forum's next event, and last one of the semester will be a discussion by film critics Siskel & Ebert on this Friday.

The debate was sponsored by the HLS Forum in conjunction with the Cato Institute and Citizens for the Constitution.

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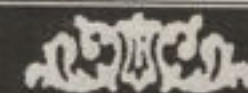
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Returning to Class "Open Question" for Bellow

Continued from **BELLOW**, p. 1

62. If he is approved, he will be given a beeper and can be called at any time a matching donor is found.

According to Charn, "There is still a huge organ shortage. New England has the lowest organ donation rate of any region in the country."

Bellow's classes — which include The Lawyering Process as well as an experimental evidence course which focuses on the practical aspects of courtroom lawyering while utilizing the latest in video technologies — are currently being covered by Charn.

"Returning to work remains an open

question. I'm going to try to do what I can in teaching for the spring, and I am looking forward to teaching full time in the future," said Bellow.

Both students and faculty members expressed support for Bellow and stated that they hope he recovers shortly.

"I just dig his enthusiasm," said Justin Alvarado-Brown '99, a student in Prof. Bellow's Lawyering Process class.

"Gary Bellow has been an incredible mentor and friend for so many young lawyers that we wish him the best and want him back here at the [Legal Services Center] inspiring more public interest law advocates," said Robert Greenwald, a student mentor at the Center.

Guard Alleges Union-Busting at Harvard

Continued from **UNION**, p. 1

sity police was like another layer. The guards can now be more responsive to our office and to the Law School," he stated.

Additionally, the SSI guard program was "cost effective. We were able to add more guard hours and make the campus a safer place in the process," said Lamentea.

Although Lamentea stated that HUPD was included in the process of selecting a new security guard firm in 1994, the security guard disagreed.

"I know that HLS did not even allow their own in-house security to bid on the contract," the guard said. "Harvard came to SSI. SSI didn't come to them."

Security guards at HLS "are not allowed to belong to unions," said the security guard, claiming that the University utilized a "divide and conquer" strategy, transferring unruly guards to different sites in order to prevent them from forming unions.

The security guard characterized SSI as being "really on the move breaking up

unions at a profit."

"If a person were to try to form a union the company would probably simply transfer that guard," he said.

SSI declined comment to the RECORD.

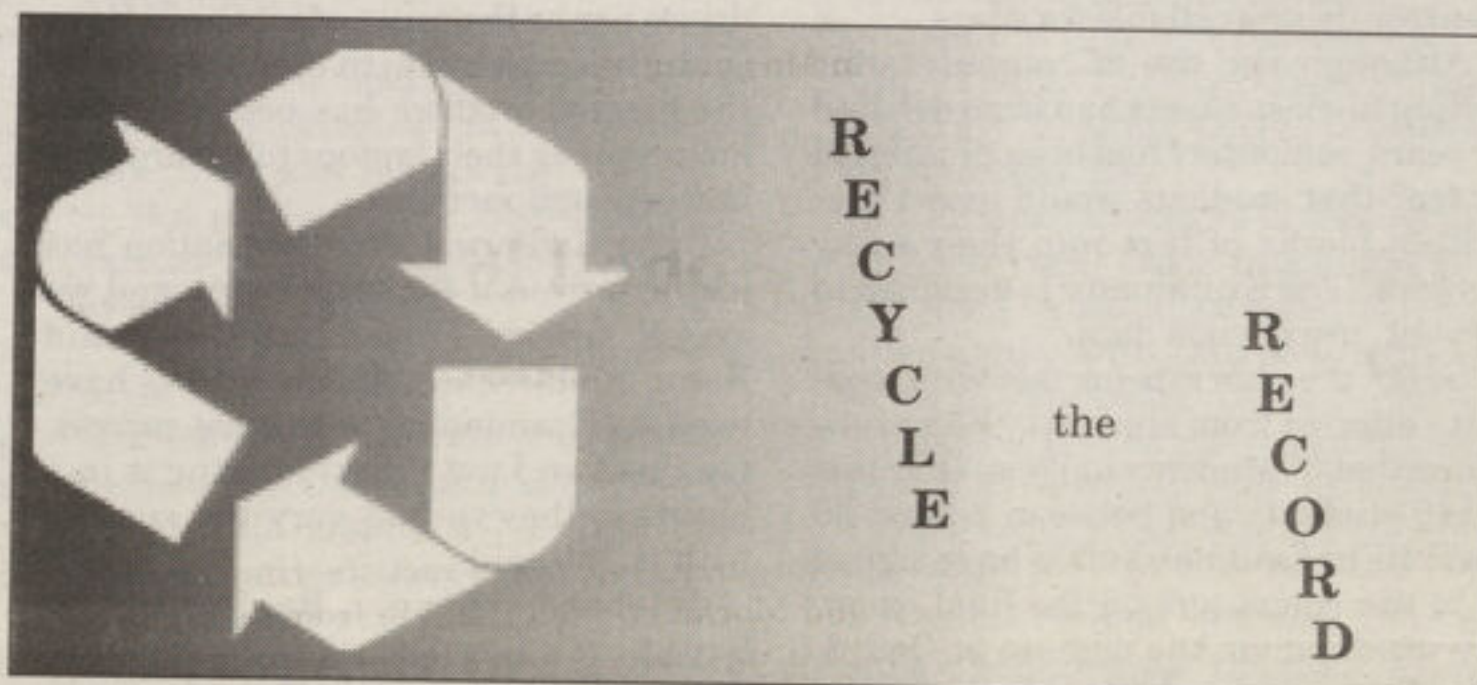
Lamentea stated that the administration is seeking student and faculty input on the current system. "We are currently evaluating the service, and we will be talking to various student groups and staff to see what they thought of the service, and we'll be checking on police statistics to see how things are going."

"I have a feeling things are going OK, but we want to find out if that's really the truth," Lamentea said.

The controversy over non-unionized security guards is the latest conflict in a long struggle over unionization at Harvard. After a 15-year campaign to organize Harvard's clerical and technical employees, Harvard's largest union finally prevailed in 1988 after University President Derek Bok's '54 legal maneuvers to block the union were halted by a National Labor Relations Board order.

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Across the Wire

Nebraska Mulls Over Parenting Classes During Divorce

OMAHA, Neb. (AP) — One out of every two couples who marry this year will divorce within a decade, leaving millions of children to cope with a split family.

In four states, such children are getting help staying out of a parental fire-fights.

Iowa, Connecticut, Arizona and Utah have instituted court-mandated parenting classes for couples going through a divorce to try and combat problems that spill over to children.

Nebraska is considering such a law. State Sen. Carol Hudkins of Malcolm is one of the co-sponsors of LB777. She said lawmakers know that while they "can't legislate family values," they can try to make things bet-

ter for children.

Each year in the United States, more than 1 million children experience the divorce of their parents, according to Families First, an Atlanta-based group that developed a parenting class known as "Children Cope with Divorce."

Research indicates that these children generally are more prone to a variety of problems, including low self-esteem, poor school performance, inappropriate behavior and strained relations with mom and dad.

In Iowa, Pottawattamie County District Judge Keith Burgett said it's too early to assess the classes, which have only been required for about a year. But, he said, parents tell him the sessions provide good information about putting

their children's interests ahead of disagreements with their ex-spouses.

"This program tells them they don't solve any problems between Mom and Dad by tormenting the children," Burgett said.

The parents learn some of the pitfalls of divorce, said therapists Pat Kennedy and Kathy Mahaffey, who conduct parenting classes in Iowa.

Custodial parents, they said, often struggled with the dual role of disciplinarian and nurturer. And noncustodial parents sometimes think they have to make up for lost time by filling weekend visits with lots of gifts and one fun excursion after another.

Both parents can end up using their children as spies, pumping them for information about the ex-spouse.

Even though the classes offer tips on parenting, they aren't intended to provide therapy or legal advice, said Carol Brockmann, who is with Iowa Western Community College.

"We teach people to put aside their differences with their ex-mate and concentrate on what divorce does to kids," said Mrs. Brockmann, director of the college's family and community education programs.

"We talk about things like thinking about what you say to the children when Daddy isn't paying the child support. Or, to think about what it does to Johnny if he says he needs a new pair of tennis shoes and Dad asks, 'Well, what does Mom do with all the money I give her?'" Mrs. Brockmann.

Kane Says 'Examinator' Will Not Cause Computer Crashes

Continued from LAPTOS, p. 1

they don't own a laptop or if they own a Macintosh," Kane said. The Examinator is currently unavailable for Macs.

Although the use of computers for writing in-class exams had been debated for years, computers had been prohibited for fear that students would insert pre-written blocks of text into their essay answers. The Examinator is designed to prevent use of such data.

So far, the plan is being met with moderate interest from students. Kane estimated that 30 students in Weinreb's class of 140 students and between 20 and 30 students in Kaufman's class have signed up to use computers on the final exam. The deadline for the sign-up is Dec. 8. After that date, students who are on the computer list can change their minds and decide to write a paper exam. However, no additional students may sign up after the deadline.

Kane said he was "very comfortable" with HLS students taking exams on the Examinator.

"The Examinator will not erase hard drives nor be the cause of crashes," Kane said. "In speaking with other registrars the biggest problem has been students not prepping their laptops to ensure they have enough memory."

"The California Bar Association has just approved it for their exam, and we expect several others to follow," said Kane. Additionally, 45 law schools have used the Examinator "with great success. Georgetown Law School is using it in a big way; they've had very big success with it," he said.

Barbara King, Registrar at Georgetown Law School, estimated that 35 students had used the Examinator in a "trial run" last summer.

"It was very favorable for the very small sampling we had," she stated.

Kane urged all students planning to

use the Examinator to familiarize themselves with the demonstration version accessible on the World Wide Web at <http://roscoe.law.harvard.edu/registrar/examsoft.html>.

"If they access the demo on the Web, they will be familiar with the program before the exam and avoid problems," he said.

Maura McIntosh of HLS Information Technology Services said that a procedure has been established to deal with computer glitches that may occur during the exam.

"If something should go wrong during the exam with your computer crashing, the proctor has a special disk with which to restart the Examinator software. If your system is still not responding appropriately, you will be able to continue the exam in the traditional paper and pencil manner."

Because the Examinator saves a copy of the exam on the computer's hard drive

every six minutes and a copy on the disk itself every minute, there should be no lost material in the event of a crash, she said.

Law School Council President Dina DeFalco '98 praised Kane's plan.

"I like that they're allowing people to get copies of the software ahead of time and that they are providing training sessions to people who feel they would be helpful. I think they're really doing well as far as covering their bases," DeFalco said.

Sharon Rudich '98, a student in Weinreb's Copyright course, said she favored the use of the Examinator. While she said she would handwrite her exam, Rudich said the option to use a computer was good "for students who feel that they type faster than handwrite, or whose handwriting isn't clear enough."

Students with questions or concerns regarding the Examinator should e-mail inquiries to bluebook@law.harvard.edu.

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Across the Country



News From the East, West, and Mid-West

Landmark S.I.D.S. Theory Fizzles, State Investigates Mom

CHICAGO (AP) — Having babies came easy to Debbie Gedzius. Keeping them alive was the problem.

From tiny Denise Marie, born in 1972 when Gedzius was an unmarried Catholic schoolgirl, to angel-faced Danny, who lived just two months in 1987, her babies died, one after the other, six times over.

For 17 years, birth and death seemed like the only constants in Gedzius's life. She quit high school, married three men, moved at least eight times, worked in a cafeteria, taught dance, tended bar.

In different homes, in different cities, she had babies. None lived longer than two years. The explanation was always Sudden Infant Death Syndrome, one of the most heartbreaking tragedies of infancy.

Was it a horrible coincidence, or something more sinister?

According to the favored medical theory of the day, SIDS could run in families.

It's a theory Debbie's former brother-in-law, Harry Gedzius, now calls "a license to kill."

The theory was already unraveling when Waneta Hoyt, an upstate New York woman whose five doomed babies had been the basis for the familial SIDS theory, was convicted of murder in 1995.

SIDS experts have now largely dismissed the theory's author, Dr. Alfred Steinschneider. A medical journal apologized last month for giving his research credence by publishing it 25 years ago. Cook County's medical examiner says that apology prompted him to change the death certificates for Debbie's children. A grand jury investigation is underway.

And Deborah Anne Booe Narbone Gedzius, now in her early 40s and using her current husband's last name — Fornuto — is living outside Las Vegas and preparing for what might happen next.

If she's finally charged with the unimaginable crime of smothering all of her

children, says her attorney Rick Halprin, "she knows she's not going to get bond."

For Harry Gedzius, seeing his ex-sister-in-law charged "is like the most important thing in my life," he said. "These are my nephews and my brother. I want it solved."

Gedzius, a 50-year-old maintenance worker, first alerted the medical examiner's office in 1980 — after the fourth baby's death — that Debbie's previous babies had also died mysteriously.

Because she had moved so often and changed names as she remarried, the connection had gone unnoticed for eight years.

Harry met Debbie in the mid-'70s when she began dating his brother, Delos, a handsome, hard-working pipefitter just out of the Marines. Debbie was a cafeteria worker and pregnant with her ex-husband's child, her third baby.

Barbara Jean Narbone was born on Nov. 13, 1976. She died two days after Christmas, just 6 weeks old.

Debbie's explanation seemed to soothe any doubts Delos may have had about the previous babies.

"She said it was something with the genes, the father. But there were already two fathers," Harry Gedzius recalls.

Delos' response was, "There's nothing wrong with my genes."

Then the couple's first child, Jason, died on Sept. 5, 1980, six days after turning 1. Debbie said later she had been napping with the baby while Delos was at work. "She woke up and he wasn't breathing," said Joyce Mullin, Harry and Delos' sister.

Delos, sobbing, called his brother. The scene Harry found at the couple's home unnerved him. "I heard all this music blaring, it was like they were having a party," Debbie was dancing with relatives. Delos was in the shower.

"He jumped out and hugged me and said, 'Harry, this bitch killed my son.'"

"He just kept squeezing me, crying."

Harry called the medical examiner's office and said, "My nephew just died, you know he's the fourth one."

"We didn't know about that, we'll look into it," was the response.

He called repeatedly after that, but they always told him they were still investigating.

Then Delos told Harry about hearing about the upstate New York case, and that SIDS could run in families. For some, that was reassuring.

But not for Harry. He'd skip barbecues at Delos and Debbie's, in part to avoid their children.

"After that, you almost didn't want to get close," he said.

With Delos Jr., born in 1982, it seemed like the curse was broken. Because of Debbie's history and Steinschneider's theory that children in certain families may be especially prone to breathing problems linked to SIDS, Delos Jr. was put on a home monitor designed to sound an alarm if he stopped breathing.

He grew well past the babyhood period most prone to SIDS, into a bright-eyed, brown-haired 2-year-old who loved toy trucks and doted on his dad.

Then, on Feb. 11, 1984, Debbie said she found Delos Jr. dead after napping with him.

Harry contacted the medical examiner again and was told they were already investigating. Again, nothing conclusive was found and SIDS was suspected. But because the four previous deaths were now linked, Delos Jr.'s death was labeled "undetermined."

The designation, though unsettling, assigned no blame.

Three years later, Danny Gedzius

was born. He, too, was put on a monitor. When he was just 10 weeks old, Debbie turned the device on and went to work at the Gedzius' family's tavern.

She said she returned home to find Delos passed-out drunk and the monitor shrieking. The baby was dead, and she blamed her husband for not responding to the alarm, Mrs. Mullin said.

Delos "was crazy over that one," Mrs. Mullin says. "I really believe he went to his grave thinking he had something to do with that one."

The marriage began to dissolve. Then, in April 1989, Delos was found shot in the head in his apartment, a few days after dining with Debbie to settle their divorce. She drove Delos home to his apartment and "supposedly went into the house to use the bathroom," Harry Gedzius said. "That was the last anyone saw him."

Debbie claimed she was miles away with a policeman at the time of the killing. Police investigated, but no one has been charged.

Debbie later married James Fornuto, a Chicago policeman who was fired after he was convicted of theft, and they moved to the Southwest.

Attorney Halprin said his client didn't want to discuss the case, and attempts to reach Gedzius by telephone at her Nevada home were unsuccessful.

"She's always maintained her innocence," Halprin said. "By all accounts she was a very caring mother."

SIDS cases — which number about 3,500 a year — are true medical mysteries. Seemingly healthy babies die in their sleep for no detectable reason. SIDS is a diagnosis given when all other causes have been ruled out. The vast majority of cases are not murder.

Harvard Sets Up Institute to Study How Arts Can Affect Policy

CAMBRIDGE, Mass. (AP) — A new summer institute at Harvard University to be headed by the playwright Anna Deavere Smith will study how the arts can be used to provoke public discussion about social issues, the university announced Monday.

The Institute on the Arts and Civic Dialogue, a combination think tank and artist colony, will bring four master artists to the campus during each of the next three summers to develop music, dance, visual arts, theater, film, and video works examining sociopolitical themes.

The institute will be underwritten by a \$1.5 million grant from the Ford Foundation on the condition that another \$1 million is raised from other sources.

Smith, a theater professor at Stanford, combined artistic expression and social commentary in her plays, "Fires in the Mirror," and "Twilight: Los Angeles," about race riots in Crown Heights, Brooklyn and Los Angeles, respectively. She also has written a series of plays called "On the Road: A Search for American Character," a documentary-style exploration of the theme of national identity.

"Anna Deavere Smith has a remarkable talent for exploring difficult issues from diverse points of view, and her art is educational in the best sense," said Harvard President Neil Rudenstine.

The institute is designed to support the creation of artistic works that tackle contemporary issues and can attract audiences across socio-economic, intellectual and cultural boundaries, university officials said.

Its goal, they said, will be to develop up to four independent works of art each summer and sponsor group discussions, guest speakers, seminars and workshops for participants and selected guests.

The works may be exhibited or produced at the American Repertory Theatre, the Harvard-affiliated theater that will run the institute jointly with the university's W.E.B. Du Bois Institute for Afro-American Research.

The institute in general, and Smith in particular, "is bound to generate a wonderfully creative mix of theatrical art, social commitment, scholarship and imagination," American Repertory artistic director Robert Brustein said.

Berkeley Law School to Treat All Grade Averages Equally

BERKELEY, Calif. (AP) — The University of California at Berkeley law school, struggling with a decline in minority admissions, has decided to stop automatically treating an applicant from Harvard better than one with the same grades from, say, California State University.

Teachers at the Boalt Hall School of Law voted last week to end the practice of giving extra weight to grade averages at elite private universities and downgrading averages from many public universities.

In effect, people who decide which applicants to admit automatically ranked straight-A Harvard grads as if they were A-plus students, while straight-A Cal State grads were treated as if they were A-minus students. In the future, admissions officials

will be allowed to consider an applicant's undergraduate background, but the grade boost won't be automatic.

Barry Munitz, chancellor of the CSU system, was pleased with the change.

"I am looking forward to working on a level playing field," he said.

The UC Board of Regents voted in 1995 to ban consideration of race and gender in admissions. This fall, the first in which the new policy was in effect, just one black and seven Hispanics were in Boalt's new class of 270 students. By comparison, 52 blacks and Hispanics entered Boalt last year under affirmative action guidelines.

The ban has prompted numerous proposals to alter Boalt's admissions standards, including dropping the use of the standardized LSAT test.

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Fall Report Card

Dean Clark: B- Shows how out of touch he is with frightfully off-point memos on SLLR/CLU debate. Bobbie, there's more to life than Catalogue Guidelines. Save the tree-killing for important stuff, like recycling memos.

SLLR: C Hatemongers become free speech heroes. Move over Fenno, Larry Flynt.

LAMBDA: A- Non-disruptive protest of "Coming Out of Homosexuality Day" shows that civil discourse yet survives at HLS. Gets the minus because happy endings make dull headlines.

West Bar: D- 1996: "We're #1!" 1997: "Please don't sue and we'll throw in some Miller audio tapes."

Registrar Kane: A Super-administrator gets raves for experimenting with computers on exams. After years of complacency, Kane has prodded HLS into the '90s. Can on-line registration be far behind?

LSC: D Can't even fill candidate sheets. Are there no thin resumes out there? Insult to injury: prized Student Services Center bumped for cappuccino kiosk.

Prof. Parker: A Despite already teaching a full load, he subs for the ailing Fried in Con Law. Unfortunately, the class is rescheduled for midnight. Next LSC achievement: extended hours for Seattle's Best cart.

Judge Zobel: A- Techie HLS grad gets the spotlight with compassion, Internet usage. Give him tenure and team him up with Nesson. Gets the minus for facilitating yet another Dersh publicity trip.

Prof. Nesson: B- Latest incident has the Space Man dancing on desks in Torts. Trying too hard to be cool? Or Lost in Space? Ask Rosenberg.

Prof. Murray: Incomplete After teaching TAW this winter, Murray will be spending the spring semester as a Fulbright Scholar in Germany. Remember, Pedro, the Fräuleins are verboten.

Prof. Steiker: A Tenure decision precedes delivery. Does that mean the kid's employed for life, too?

— Friedman

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Letters

Survey Headline Comically Obvious

I almost fell off my chair laughing at the headline of the lead story in your November 21 issue ("Poll Shows HLS More Liberal Than America"). Both my husband, Matthew Stevens '90 (entrenched conservative), and I (unabashed liberal) thought it provided the laugh of our week.

Granted, the story attached to the headline provided some information of interest regarding specific views and habits of the current student population (I am particularly entertained by the fact

that 46.5% of 2Ls consider themselves to be of "above average" intelligence, relative to their HLS peers, whereas only 6.5% consider themselves to be "below average" as compared to the same group.). However, is there anyone — liberal or conservative — who has been affiliated with the institution for the past three or four decades who would dispute the statement that, as a group, HLS students are more liberal than the country as a whole? This is a

NEWS headline? What will your next caption read — "Poll Shows HLS Students More Highly Educated Than America"?

If the headline was intentionally crafted to elicit mirth, I salute you on a mission accomplished. If the humor was unintentional ... thanks for a great laugh anyway, even if it was at your own expense.

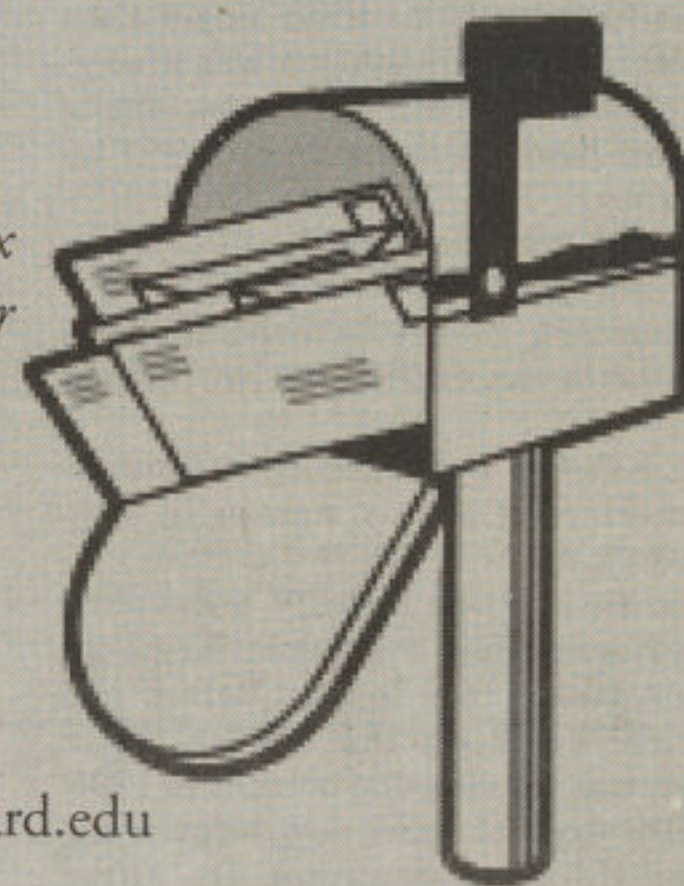
Marie Milnes-Vasquez '92
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CARPE POLLO

By Jake Zimmerman '00

RECORD Columnist

FIND OUT WHAT IT MEANS TO ME

For weeks now, I've surfeited you with humorous writing to take your minds off your woes. I've been here as your beacon in the intellectual darkness of law school. I've given you everything I've got.

And what have you given me, you ingrates? Nada. Where are the rose petals at my feet? Where is the fan mail? Where are the marriage proposals, sealed with a kiss? Where are the adoring throngs of revelers? Where is my happy ending? Where have all the cowboys gone?

You'll have to excuse me, I get a bit emotional about this. It's just that I try, and try, and try: and this is the thanks I get. But, okay, so you can't find it in your cold, lawyerly hearts to show a little love for a columnist. I can deal. Anyway, I've read my Machiavelli, and I know that fear is a better motivator than love. So I figured I should find a way to inspire some appropriate amount of terror, thereby ensuring that I would be treated with the respect I deserve.

Naturally, the only thing to do was to join the Law School Council. "Ah," thought I, "the grandeur and mystique of it all." Visions of absolute power marched cheerfully through my head, to the peppy tune of one of those David Hasselhoff songs that the Germans love so much. I knew that once I had secured my seat of ultimate authority on the Council, you would all have no choice but to treat me with all the deference that is my rightful due.

So, I got myself elected after a fierce and vigorous campaign. Or, at least, it would have been fierce and vigorous. See, I discovered that offering people the chance to spend a night in the fabled "Gropius bedroom" wasn't quite as good a fundraising scheme as I'd thought. The resulting lack of campaign money forced me to cancel my original strategy of hiring people to wear giant Barney suits and

spect for my high-and-mighty position. This is a distressing situation. After all, it's not as though I went through all this because I care about the school, and I certainly couldn't give a rat's hindquarters about a bunch of lousy rules. All else being equal, I'd much rather be sitting in front of the TV eating Ding-



pected to remove their toupees, where appropriate.) The a capella group will be commissioned to write a new song called "Hail to the Dork," which you will be expected to sing as I stroll past you. Those who sing off-key will be forced to do all their studying

in Hemenway.

The RECORD will be replaced by a propaganda publication to be named JAKDA. JAKDA will publish nothing but glowing descriptions of my daily activities, along with the occasional "human interest" story about my cat. All students will be required to read JAKDA and must attend periodic study sessions to discuss the deeper meaning of my daily utterances.

Finally, and most importantly, all student organizations will be replaced with one omnibus club: the Harvard Society for Law, Life, and Jake. Every student will belong to the SLLJ, which will have meetings every day for at least three hours. Students who do not attend these meetings will be locked in a small room with David Rosenberg and a rabid pit bull.

I apologize if these measures seem a bit harsh, but this seems the only way to teach you about respect. It'll help you in the long run. That which does not kill you can only make you stronger. (Or, alternatively, it can maim you for life and leave you convinced that you are the reincarnation of Elvis. But let's try to keep our minds on the positive side.)

So that's that. Oh, wait, you're probably wondering how I'm going to enforce the new rules. Well, don't worry your pretty little heads over these trivial details. I'm working on it.

Dongs and watching ads for the Psychic Friends Network. No, this was all about getting you ungrateful slobs to finally show some deference.

In short, nothing has worked. I tried giving you affection, and that failed miserably. I tried to impress you into subservience, with no luck. So now, it's time to lay down the

law. You may not like the new rules, but you've simply left me with no choice. Believe me, it's for your own good, and it hurts me more than it hurts you. There comes a time when a columnist has to practice tough love. Some day, you'll thank me.

For starters, you will no longer refer to me as "Jake." My new title will be "Monsignor Zimmerman, Grand Duke of Blackacre and Baron of the Subciting Table." When addressing me, you will use the honorific, "Your oiliness," and refer to yourself as "this unworthy servant." Every conversation should also conclude with at least one compliment about my hair.

When I walk by, you will promptly remove your cap. (Professors will be ex-

When addressing me, you will use the honorific, "Your oiliness," and refer to yourself as "this unworthy servant."

run across campus carrying big "I love Jake" signs. Pity, that.

Anyway, I got elected. In short order, I consolidated my power. Friends were rewarded and rivals were eliminated. (Well, actually the rivals just got a dirty look or two. My covert ops team is still in, um, training.) I quickly adapted to the mysterious ways of the oh-so-elite ruling clique. In short order I stood proud and tall as not just any LSC member, but the Chairman of the almost-coveted Rules Committee. I had achieved the pinnacle of 1L authority.

But what good did it do me? Not a damn bit, that's what. The hordes of yes-men and kowtowing masses have thus far failed to materialize. You people aren't showing the proper degree of re-

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THESE HALLOWED HALLS

By Kate Arms '98

RECORD Columnist

CELEBRATE THE END

As the semester winds down, each day before break is one day too many, but the specter of exams lingers. Although the University at large is gearing up for the winter break, there are still ways to enjoy a few moments on campus. At the same time, Boston is preparing for Christmas, providing entertainment which may be what it takes to get HLS students into Boston.

At Sanders Theatre this weekend, Harvard and Radcliffe students will regale audiences with song. The Harvard Glee Club, the Radcliffe Choral Society, and the Harvard-Radcliffe Collegium Musicum have their "Christmas/Holiday Concert of Music from the British Isles" on Saturday at 8:00 p.m. They will be performing Benjamin Britten's Hymn to St. Cecilia and selections from Ralph Vaughn Williams's Mass in G Minor. Tickets are \$14 or \$10. On Sunday at 3:00 p.m., the Harvard-Radcliffe Chorus is performing Igor Stravinsky's Mass and movements from Anton Bruckner's Mass in E Minor. Tickets

are \$15 and \$12 and are available at the Sanders Theater Box Office, 496-2222.

After this weekend, Sanders Theater will be transformed into a winter solstice

\$30 and are available at the Sanders Theater Box Office.

On the other side of campus, in the Agassiz Theatre in Radcliffe Yard, the Harvard-

Radcliffe Gilbert and Sullivan Players

present their fall production, "The Mikado." True to the spirit of contemporary productions of "The Mikado," this production is not a traditional Victorian period piece. Director Jose Zayas has transported this 18th century commentary on social life to a 1997 Japanese software company, complete with briefcases,

cellular phones and notebook computers. Zayas is known for his ability to create such transformations. His "Titus Andronicus," which played in the Adams House Pool Theater over Halloween, successfully turned ancient war with the Visigoths into a post-modern, gothic horror show. Working with Zayas is Bradford Chase, music director, and his



assistant Dave Lyczkowski. "The Mikado" marks Chase's fifth production with the Gilbert and Sullivan Players and his second with Lyczkowski. Chase is known for his ability to create musically beautiful, solid shows.

The cast includes the best performers in the Harvard theater scene; most of the men in the show will perform in the prestigious Hasty Pudding next semester. The combination of Zayas with Chase and Lyczkowski and a talented cast promises an enjoyable evening. Performances are Dec. 4-6 at 8:00 p.m. and December 18-21 at 8:00 p.m. Opening night is the traditional Harvard Black Tie opening. The Gilbert and Sullivan Players have a tradition of turning the last night into a silly production where the actors have an opportunity to make changes in their performance. Zayas is discouraging that practice this year, but it may still happen to some degree, so be warned if that is the show you wish to see.

If more traditional winter holiday season fare is what you yearn for, Boston has its share of festivities. The Wang Theater hosts the Boston Ballet production of the Nutcracker through January 4. Tickets are \$12 to \$39 and may be obtained by calling 482-9393. The Wang is also returning to its former role as grand movie theater with the Classic Film Series, including It's a Wonderful Life on December 8th, and White Christmas on December 15. Admission is \$6. Call 482-9393 for times.

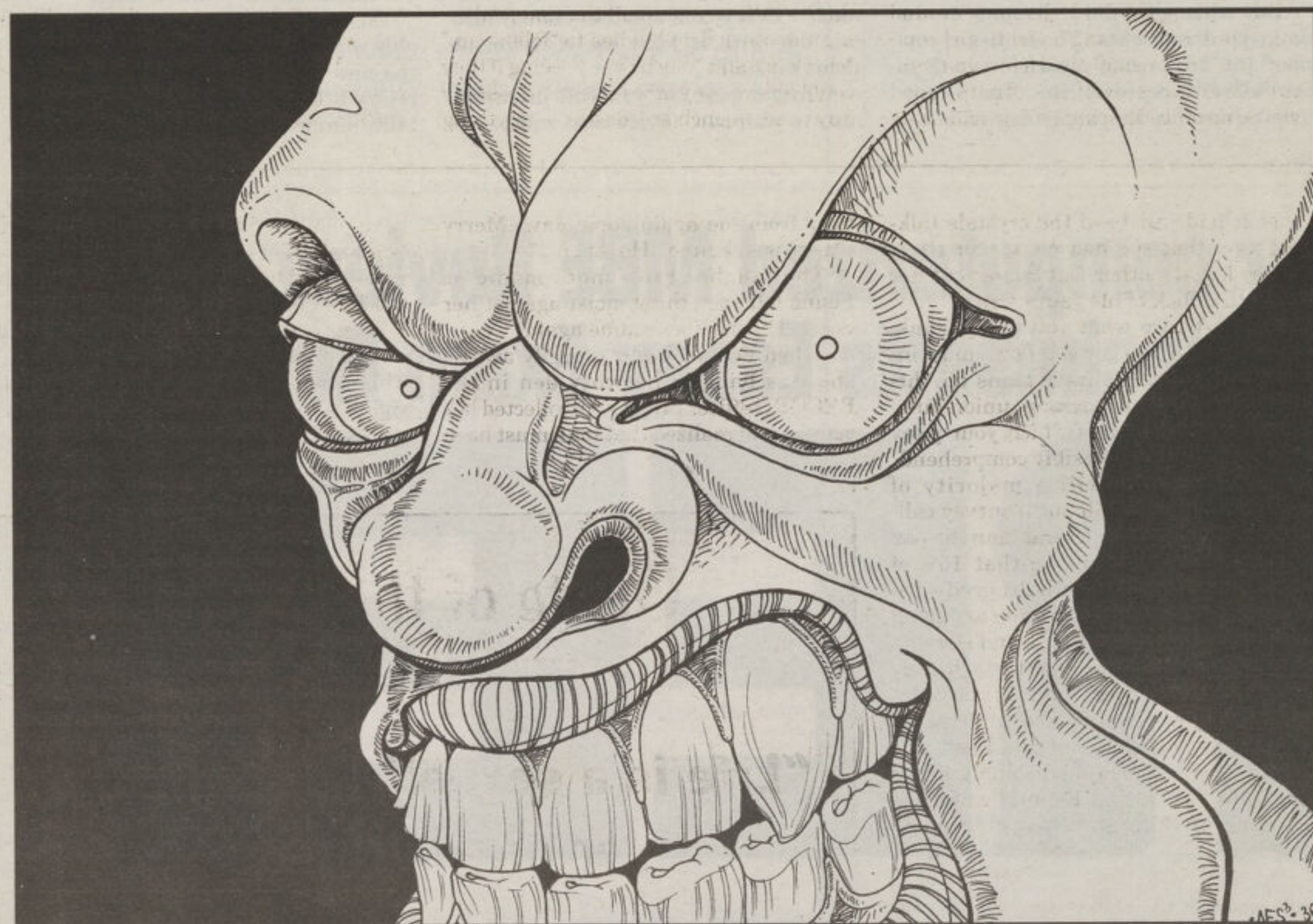
Boston Common is home to a holiday celebration with choirs and marching bands, and a tree lighting on December 7 at 3:45 p.m. A Menorah Lighting will be held at Boston Common on December 30 at 5:15 p.m.

Director Jose Zayas has transported this 18th century commentary on social life to a 1997 Japanese software company, complete with briefcases, cellular phones and notebook computers.

celebration in the form of the Christmas Revels. This year, the Revels' 27th season focuses on the culture of the Romany gypsies and contains traditional dances, carols, and drama. Performances are Dec. 12-14, 18-21 and 26-28; Thursdays, Fridays, and Saturdays at 8:00 p.m., Saturdays at 3:00 p.m., and Sundays at 1:00 p.m. and 5:00 p.m. Tickets are \$18 to

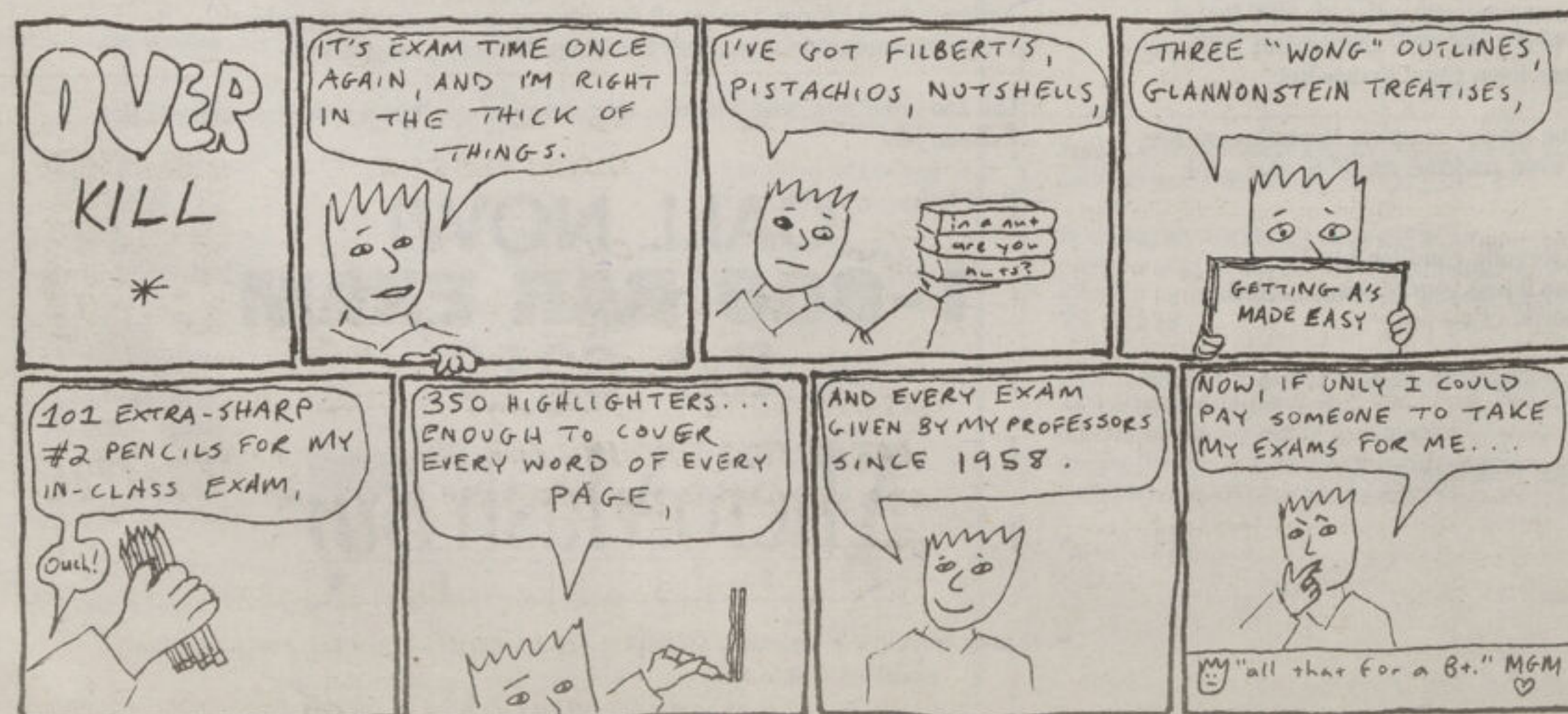
Reasonable Man Grimaces at You

By Alfred Steiner



Spike

By Margie McWilliams



Musings and Vagaries

By Renée Kaplan '99
Staff Columnist

THE DATING GAME

Breaking up, we all know, is hard to do. But the heady season of courtship and titillation which opened in early October with an outbreak of preening and promiscuity, and climaxed recently with a bender of out-of-town philandering, is rapidly drawing to a close. By December 15, the last day that most law firms will continue to tolerate this great circus of binge dating, most exhausted 2L dilettantes will have actually made a decision to dump every last admirer but one (with the occasional cad refusing to commit, and insisting on splitting his time between two broads — if he's lucky enough to find one interested enough not to insist on having him first). It was undoubtedly a tough decision, finding the Right One amidst the bevy of dolls: a real looker or two, some nice personalities, a few real smart ones, and even the occasional jewel in the rough, the ugly duckling firm you had a pity-date with and ended up liking. It's just so sad how many hearts have to get broken along the way.

The dumping part really is the worst, especially after such a lovely, lustful courtship. First, there was the first date: you both looked nice, trying hard, loads of smiles and handshakes, pleasant chatter, maybe a nice complicit laugh or two. The two of you mostly talked about you, of course, and you really got the chance to impress her, to tell her *aaaall* about yourself, your great accomplishments, and even to work in a few suggestive allusions to an interest, well, in

her — nothing too committal, of course — and it worked: she called. It probably felt like you had really clicked, like there were some really good vibes between you — no uncomfortable pauses in the conversation, lots of interests in common, she made a few discreet revelations about herself. In fact — screw The Rules — the chick couldn't resist you, and she might even have given you her number and asked you for a second date right

girls (big big-city firms, lavish summers), a vixen or two (top-five firm and knows it), and maybe even some relationship material (good brand-name firm, good work, really great people). And it was getting a little more serious too: she was bringing you home, introducing you to all of her friends, telling you even more about herself, confronting you about who else you were seeing — feeling out her competition, the lady love laying siege.

In fact, the attention was pretty incredible, I mean, broads *everywhere* potentially, in any number of cities,

flying you out for morning trysts and a tête-à-tête lunch, for afternoon rendezvous and a long dinner, sometimes wooing you with unabashed guile and full-blown passion, plying you with sweet suggestions of how right you are for her, and what a good match you'd make. Sometimes, before the second date had even ended, she was making you crazy on-the-spot offers to spend the summer with her and maybe a few years after that — and maybe to stay with her forever. And when you returned from your amorous exploits is when the real serenade began, the dames calling you up all the time, enlisting the other firm biddies to "follow up," "check in," and "touch base," seeing if they could answer any other questions, satisfy any need, quench any desire — anything



to make you come back. She'd send you letters and chocolate, fly into town and treat you to dinner, take you to drinks, maybe even a ball game.

How could you say no? How could you turn her down? Such persistent devotion, such sweet pursuit and hard-core wooing. It was so clear how she felt about you — you couldn't keep leading her on. And of course you'd grown a little attached, too — I mean, she really was a nice girl, not a bad catch at all. If it weren't for extenuating circumstances, the other par-amours, if it weren't for the draw of beguiling temptation everywhere you looked, she might have had a chance, it could have worked out. But you've got to do it, it's just not right, you've got to break it to her some time. It's not you, it's me, really, I've just got these doubts — I'm just not sure what I'm looking for yet, and I don't want to have to hurt you down the road. I've really had a great time, you really are a really great person, and I am so flattered by the attention you've lavished on me — but I just can't commit to you now. You really are special, but I guess I was looking for a girl with, you know, different qualities — but I really want to stay in touch. Do you think we can be friends?

Of course lady love, it turns out, was also laying siege to about thirty or forty other studly ganders, and though she you were certainly the one for her, it's likely that she would also be pretty much willing to settle for any of those others. So take heart as you break her heart — she'll probably get over you.

The dumping part really is the worst, especially after such a lovely, lustful courtship.

then and there, maybe even dinner that night, or drinks later. Of course, you might not have taken her up on it, because already you were checking out the goods on the biddy next door, scoping the other babes listed in the interview schedule. This was action not to be missed, and you couldn't be sure yet that good vibes meant she was worth your time, libido, and J.D.

If you did end up going out on a second date, then the doll obviously had something going for her — something to keep you interested. Of course, now you were really playing the field, shopping around hard core, really doing a girl to girl comparison. One probably had a few anatomical advantages over the others (good views, no office sharing), a few real party

that it had just been the crystals talking, and that she had no use for those pansy leftists either, but Posner cut her off with a flick of his gaunt wrist.

"I don't care what you really think. The point is, I've got you now, and I intend to use you. I have plans for this place. Great, far-reaching, union-busting plans the likes of which your puny mind could never possibly comprehend.

"Never again will a majority of Harvard students fill out a survey calling themselves more liberal than the rest of America, or admitting that 15% of them enjoy anal sex with drugged anti-death-penalty goats. And you are going to join the ranks of Elhauge and Herwitz as a tiny cog in the giant machinery which I am slowly putting into place."

Fenno wasn't sure she understood what was going on, but she knew one thing: this sounded disturbingly like a clerkship offer, and Fenno wanted no part of anything involving that much work and that little money.

"Look, Dick, I'm, uh, real flattered that you want me to help you out. But look, you gotta understand, I'm a little busy right now with, uh, outlining, and forming study groups, and alphabetizing my class notes."

"Come off it, Fenno," Posner sneered. "I know you spend half of your time at Suffolk Downs and the other half skateboarding with your 14-year-old freak friends down in the Harvard Square mosh pit."

"Keep my boyfriend out of this," Fenno snarled.

"Look Fenno, you don't have a choice here. Cross me even once, and I'll give you right back to Clark's thugs. They still want you *bad* for messing with Ames, and they'll be more than happy to show you a good time in their little funhouse down the hall."

Posner snapped his fingers. His mousy little henchman dropped his economics textbook and rushed up to grab Fenno. Posner spoke slowly, as if to make sure his parting words were understood.

"We have time, Fenno. All the time in the world. So you go have a lovely vacation, and try not to fertilize quite so many Christmas trees this year. You'll

hear from me again some day. Merry Christmas, Fenno. Ho, ho, ho."

The laughter grew more manic as Fenno felt something moist against her nose. The darkness came again.

When Fenno slowly, groggily awoke, she was lying in her cozy den in the RECORD office. She slowly collected her senses, and realized that it all must have

been just a bad trip. Posner could have had his pick of eager-beaver followers — what would he possibly want with someone like Fenno?

Fenno staggered to the fridge and poured herself some nice stiff eggnog. This couldn't possibly have been real, right?

Right?

Quote of the Week

"Life is a sexually transmitted terminal illness."

—Laurence Tribe '66
during a class discussion
on right-to-die cases.



This week: Fenno gets a little L&E.

"What do you want with me?" Fenno asked, a little annoyed that her creator had stuck her in yet another abduction scene.

"How many times can one person be tied up to a chair in one month — excluding David Kennedy?" Fenno thought.

Posner took a long drag on a hand-rolled cigarette. His lips curled into a thin, tight smile.

"What do you *think* I want with you, Fenno?" Posner asked, leaning close and staring intently as if he didn't hear the distant sounds of screaming from down the dark hallway.

Fenno perked her ear, and tried to hear what was being said. She could just make out the words "I *still* believe in CLS" when she heard a sickening thud, and then the screams stopped. All was silence.

Posner clapped his hands, and a nondescript servant (who reminded Fenno just slightly of Stevie Shavell) quickly rushed forward to remove the suspicious-looking cigarette and replace it with an old-world hookah. Posner inhaled deeply, and the nasty smile returned.

"How do you think I feel about union-busting, Fenno? No, don't answer — let me tell you. I love it. Adore it. Can't get enough. When I was younger, my buddies and I used to go out and bash those damn Trotskyites till all hours of the morning."

Fenno nodded. Old age, at least, she could relate to.

"So, Fenno, I wasn't real pleased to hear you stand up in the middle of the Ames semi-finals and accuse those fine, upstanding young research nerds of going to work for union-busting law firms."

Fenno opened her mouth to explain



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EVERCLEAR: BUY IT; MATCHBOX: BURN IT

Everclear
So Much For The Afterglow

Well, Drew Bledsoe and the other Patriot goofballs may have bad judgment when it comes to stage diving, but at least they've got pretty good taste in music. While not quite as impressive as attending a Juliana Hatfield show as was originally reported (just for the sheer incongruity of a bunch of 300-pound football players grooving to the strains of a toned down riot grill), Everclear is still a decent choice. Bouncing around for a few years before finally hitting it big with *Sparkle and Fade*, they've returned with a well crafted album that, while overall more solid than their last, doesn't contain a song that is as immediately catchy as "Santa Monica."

If you've heard the hit "Everything to Everyone" (or seen its Dramamine necessitating video), you have a good idea of what the rest of *So Much For The Afterglow* sounds like. Hard rock with some semi-funky beats, interesting but not technically amazing guitar work, and songs that follow the basic verse-chorus-guitar solo formula. Sure, the title track starts out with some Beach Boys type harmonies, and there's a little mandolin work here and there, and even a guest appearance by the Wallflowers' organist on a couple of tunes, but what really

separates Everclear from the rest of the pack is vocalist/lyricist/bandleader Art Alexakis. This is a man who is unafraid to sing completely openly and honestly about the things that mess with his mind, from marriage problems to his pinball childhood. With song titles like "Why I Don't Believe in God" and "I Will Buy You a New Life," he's not going to compete with Robert Plant in the elliptical lyrics contest, and is a lot closer in spirit to Springsteen than Spinal Tap as far as his narrative approach to songwriting. Along with his vocals recorded "dry" (no echo or other effects), Alexakis seems more like the talented, guitar-playing screwup from high school than your typical larger-than-life lead singer. It makes it easy to connect with what he's singing about, and listening to *So Much For The Afterglow* can end up hitting different people in intensely personal ways.

If things have gone sour in your relationship, listen to the title track: "We never talk about the future / we never talk about the past / we never ask ourselves the questions / to the answers that nobody even wants to know... so much for the afterglow." And hasn't everyone dreamed of the day when the money will roll in and act as a savior? In "I Will Buy You a New Life" Alexakis sings, "I will buy you a garden / where your flowers can bloom /



I will buy you a car / all shiny and new / I will buy you that big house / way up in the west hills / I will buy you a new life..." One of the best cuts on the album is the hidden song at the end of track #13. Dealing with the fallout of a bad relationship, it would become

a holiday classic if things were right with the world. "Thanks for the Christmas card / I don't wanna hear about your new job now / I don't wanna hear about your new boyfriend / I don't wanna hear about how everything's great / I will be hating you for Christmas / I don't wanna think about the lights on your white skin / I don't wanna think about my hands in your soft hair / I must be losing my mind / There has to be a better way to deal with the pain / Wish I could find some way to make you go away / Wish I could have a drink and make you pay / I will be hating you for Christmas..." Seasons greetings!

There are also very few pop singers out there who would have the guts to write a song like "Father of Mine." A brutally honest depiction of Alexakis' childhood, he asks "Father of mine, tell me where did you go? / You had the world inside your head / but you did not seem to know... / Tell me what do you see / when you look back on your wasted life / and you don't see me..." Although the results of his father's absence are devastating — "I will never be safe / I will never be sane / I will always be weird inside / I will always be lame" — the will to change and become a different man is there as he sings, "Now I'm a grown man / with a child of my own / and I swear that I'm not going to let her know /

all the pain I have known." Throughout the album, the dream of redemption and a better life is often a dream deferred, but the hope that it will someday arrive is a constant presence, along with the faith and courage to go on living until it does.

Matchbox 20
Yourself or Someone Like You

There's nothing drastically wrong with Matchbox 20, except for the fact that it sucks. I'm all for a band sucking in an original way, like Flaming Lips or Sonic Youth (cue sounds of indie people everywhere falling off their bar stools), but Matchbox 20 sounds like a dozen other vanilla pop bands masquerading as something heavier. Better Than Ezra, Collective Soul, Jars of Clay, Tonic; the list from just the last year or so goes on and on. Other than the verses from their hit "Push" ("I don't know if I've ever been good enough / I'm a little bit rusty") there really isn't a soulful moment on the record. There are plenty of bad lyrics, clichéd instrumentation, faux anger from singer Rob Thomas, and third-rate Bryan Adams rip-offs. It all adds up to songs that make as much of an impression as the latest episode of "Step By Step," without any of the wit or intelligence. You can't really blame the folks at Atlantic for putting this out; after all, it's selling a hell of a lot of records, and everyone's making money. That doesn't make it right.

Note to everyone: Good luck on finals and have a good break!

MOLTO BENE

By Luigi Malferrari LL.M. '98

RECORD Columnist

PC À LA ITALIENNE

My first, and a little shocking, experience with PC was about eight years ago. At that time I was applying to a New England preparatory school. In the application form I found the question "What ethnic group do you belong to?" Since neither "Italian" nor "white" was among the given entries, I asked an American exchange student to help me. After having taken a look at the application form, she said: "You have to write Caucasian." I was puzzled: "What do you mean? I do not come from the Caucasus. I am Italian!" — "Oh, no," she said, "Caucasian basically means" — she hesitated for a second — "white. We say so because of PC."

PC is one of the numerous American abbreviations that foreign students, sooner or later, have to learn. In this case, PC does not stand for Personal Computer. And it does not mean Police Constable, either. It is Political Correctness.

Some of us foreigners often have enough trouble building up sentences that are grammatically correct. If we have to worry that our English is also politically correct, things might get a little hard.

In general, it can be very difficult for a foreigner to determine what is politically correct or incorrect in a single case and who gets to decide about it. Additionally, the exact reasons for preferring one formulation over another can be unclear. For example, if the defining element of "being Caucasian" is the fair color of one's skin, why should we not use the word "white"? One could also wonder about the reasons for the term "Afro-American." We would not use it in regard to a white person from South Africa, would we?

These examples illustrate how Political Correctness can appear as a mere verbal exercise. Nonetheless, even in such cases Political Correctness still serves three important functions. In the first place, it flows from the basic principle of formal respect and verbal politeness towards the others. In the second place, it facilitates the awareness of certain social problems that we might for-

get in the spiral of daily life. Finally, it can favor the removal of prejudices inasmuch as language indirectly affects people's way of thinking.

Acknowledging the significance of Political Correctness, however, does not automatically lead to upholding its application in every single case.

From my point of view, sometimes Political Correctness goes too far. This can be not only a little annoying, but it can also be dangerous in the following two ways.

First, excesses of Political Correctness can trigger a shift from the substance to the formalities of a problem. If we constantly and maniacally focus our attention on the linguistic aspect of a question, we might tend to forget what the real issues are. Second, exaggerated Political Correctness may have a "chilling effect" on free speech. Social strictures sometimes inhibit free speech more than legal ones. Since there is always someone who might get offended, what we will be able to say might be reduced to nice platitudes. Irony, sarcasm, or cynicism can be perceived by some as crude or vulgar. But they also give sparkle to human relationships and the political discourse.

I must say that I might see things this way simply because I come from a country where "American" Political Correctness barely exists. This is made clear by the fact that the Italians have jokes about all nationalities, social groups, genders, sexual preferences, political orientations, etc. And the interesting thing about it is that nobody in Italy cares too much about it.

Having said all this, I just hope that until now as a columnist I have exercised enough Political Correctness. In particular, I hope that no Italian-American was offended about the jokes that I cracked about aspects of Italian culture in my past articles. As we all know, gastronomy is one of the crucial pillars of the Italian identity. So, I would not like to find myself one day at the bottom of the Charles with a pair of cement blocks strapped to my feet.



OFF THE RECORD

By Eric Johnson '00

RECORD Columnist

ONE CAN SHORT OF A SIX-PACK

One semester behind us — law school is one-sixth done! Thus, if law school were a six-pack, we would have plucked one of its cans from those girdling plastic rings and slurped it dry of its juicy contents. Law school would be sitting on the top shelf of our refrigerator: an uneven herd of aluminum vessels; a flaccid, sagging ring where once was a delicious frosty beverage.

Ah, the bittersweetness of it! Like a mouthful of root beer when you were expecting Coke ... For a picosecond-instant you think you've been poisoned — then the sweet, woody flavor wins you over.

What the hell am I talking about, you ask? I have no idea. I wrote that after coming back from 1L Bar Review. Damn. I'd better lay off the rum drinks a little.

But seriously, 1L Bar Review is just one of the fond memories I will take with me from this semester...

I will, of course, remember the Mottley family. In *Louisville & Nashville Railway Co. v. Mottley* 219 U.S. 467 (1911) the god-forsaken Mr. and Mrs. Mottley spend four years in litigation, traveling to seven courts, including the U.S. Supreme Court twice. Why? Just to hold on to their free railway passes, which they received in a settlement after receiving "serious personal injuries" in a horrendous train wreck in the late summer of 1871 at Randolph's Station, Ky.

All E.L. Mottley and his wife, Annie, wanted to do was travel the nation's rails in their retirement, see America, and enjoy each other's company. So what did

they get at the end of this litigation odyssey? The Supreme Court (in which each member actually gets to be called "justice") voted to deny the now presumed near-death Mottley family their rotten railroad passes.

Before coming to law school, this is how I would have summed up this case: "These people got screwed!"

But now, even after one semester, I'm already looking at problems differently. My fine-tuned legal mind instantly devours a complex web of facts and assertions, making lightning-fast jurisprudential calculations, evaluating legal ramifications and masterfully weaving these disparate elements into a compelling core theory. In short, I've learned to think of problems as a lawyer would.



"These people got screwed!"

ing, "This sucks," I view the situation with the more focused eye of an attorney and ask, "How can I make money off of this?"

And isn't that the best Christmas gift of all? Ah, the gift of knowledge. Does it feel like \$11,400's worth? I hope so. Now go home, give some irresponsible legal advice to your family, try to use the words "promissory estoppel" in a sentence with each of your friends, enjoy your break, and above all, stay healthy and take it easy on the rum drinks. Harvard's counting on you to come back in January so it doesn't have to refund any tuition. Happy Holidays!

So, now when confronted with a right that's been trampled upon or person who's been abused by the system, instead of simply think-

The Family Forum

A WOMAN'S CHOICE

By Brian J. Burt '98
RECORD Columnist

In an age when "political discourse" has come too often to mean simply an incoherent and superficial exchange of media sound bites, legislators and citizen activists have increasingly turned their focus from substance to process. They have begun to realize that the lines of logic, empirical data, and historical traditions which underlie their position on a given issue are easily lost on the ears of a populace regularly deafened by cynicism, frustration, and impatience. The shrinking American attention span has forced activists of all kinds to rethink their approach to advocacy. The result has been a renewed interest in one of politics' most basic, yet most difficult to master, skills—"issue framing."

The obvious problem with this procedural tactic is its capacity for manipulation. Interest groups with a weak, corrupt, or even absent justification for their chosen position can obtain victory in the legislative, elective, or judicial arenas without ever having to lay their true agenda upon the public table.

To "frame an issue," one can utilize two distinct mediums—language and time. "Language framing" involves casting a particular issue in words designed to elicit a sympathetic, emotive response. Common are appeals to "freedom," "justice," "equality," and "restitution" (for past or current victimization).

"Time framing" is used to deal with complex issues comprised of a chronological chain of multiple cause-and-effect problems, and involves book-ending the most favorable part of that chain. The goal here is to concentrate attention on the particular problem whose logical (or only) resolution best coincides with one's own objective, while simultaneously sectioning off the originating causes of that

problem and the opportunity for earlier (and less favorable) intervention.

Modern liberalism's increasing influence over the past decade is due in no small part to its having foreseen this tactical sea change, and perfected its execution of issue framing. But success has been a mixed blessing, as the tragic consequences of its most irrational and immoral policies have begun to impact even the most detached citizen. Awakened from his apathetic slumber, he searches for the sensibility behind the sound bites, and is disturbed to find so many antiquated arguments propping up the liberal facade.

One issue, however, continues to evade his sight line—infanticide, i.e.,

alized gender bias, or socioeconomic inequities. These activists then attempt to offer legalized infanticide as a compassionate salve for the wounded. Like a Band-Aid, this proffered solution hides, not heals the real problem of the constructed victim—a lack or failure of self-control and responsibility.

Having allowed feminists to frame the debate, social conservatives have wasted countless hours since 1973 merely tinkering with the procedural aspects of the liberal model. Substantive challenges to Justice Blackmun's manufactured right to infanticide sit idle outside the box in



nist clearly assumes that the woman possesses not only free will, but the intellectual capacity and self-responsibility necessary to exercise it. After all, it takes a mature mind to grapple with and wield ultimate power over life and death decisions.

Common sense (and elementary biology) tell us that pregnancy does not result from some inexplicable form of spontaneous conception. Affirmative action on the part of the female is required. (The rape and incest exception fails to impact the argument here, for the pro-abortion Alan Guttmacher Institute has conclusively demonstrated that those two situations account for the reasons behind only one percent of abortions each year.) Common sense also reveals that upon conception life is given to a new human being, not to maternal free will. Thus, logic dictates that the rational actor in the liberal abortion model and the pre-pregnancy female are one in the same person. Once we embrace that reality, we can break free of the feminist paradigm and reexamine the definition of "reproductive freedom."

Given the chance to step outside *Roe*'s fabricated box, we come to discover three distinct ways, apart from murder, in which a woman can direct her procreative journey. Her *first choice* involves the decision to engage in or abstain from sexual intercourse. Should she decide to have sex, her *second choice* involves the decision to use or refuse birth control. Finally, if carelessness results in an unplanned pregnancy, a female's *third choice* involves the decision to keep the child or give it up for adoption. Given these choices, there is absolutely no need to sacrifice 1.6 million human beings a year in the name of something called "reproductive freedom." Our unwitting participation in a 24 year contest to build a better Band-Aid has cost 32 million individuals their lives—too high a price for even our health care system.

which *Roe* placed them. Caught in a dialogue that pits individual liberty against the "promise" of life, conservatives can only attempt to tip the due process scale with technologically redefined conceptions of viability and, until recently, notification, waiting period, and consent restrictions. They perpetually labor to prove that "life" begins at conception, unaware that success will not prompt sudden reconsideration in the mind of the "me-first" liberal. In short, they, like the rest of America, have bought into the myth that the pro-life and pro-choice positions are diametrically opposed, that we can not protect both the unborn and a women's ability to chart her reproductive course.

The irony here is that inherent in the liberal position is the very lens through which the truth about abortion can readily be exposed—the lens of individualism. The feminist paradigm places exclusive emphasis on the female's freedom of choice. If granting that choice empowers the female to resolve her sexual dilemma, then the femi-

ception, unaware that success will not prompt sudden reconsideration in the mind of the "me-first" liberal. In short, they, like the rest of America, have bought into the myth that the pro-life and pro-choice positions are diametrically opposed, that we can not protect both the unborn and a women's ability to chart her reproductive course.

Common sense (and elementary biology) tell us that pregnancy does not result from some inexplicable form of spontaneous conception.

abortion. Why? Perhaps because radical feminists have so masterfully combined the techniques of language and time framing to produce what can be termed the "Band-Aid paradigm." With regard to language, they sound the mantra of individualism, trumpeting the words "choice," "privacy," and "freedom." With regard to time, they employ the all-too-familiar "after-the-fact" snapshot of the problem, focusing attention on that moment in time when the ultimate crisis has already materialized—the female is pregnant. Abortion advocates use those frames to present a portrait of victimhood—an innocent female impregnated not by an act of free will, but by an oppressive patriarchy, institution-

LIVING TO EAT

TAKE A WALK ON THE ELEPHANT SIDE

By Judson O. Berkey '98
Restaurant Reviewer

The Elephant Walk, located in a basement storefront in Somerville's Union Square, is a split-personality restaurant that reflects the heritage of its owner's Cambodian homeland. Cambodia had a long period of French colonization and influence. The menu at the Elephant Walk reflects this historical fact in its division into Khmer and French halves (the menu is actually tripartite with an extensive vegetarian section which consists mainly of variations on the Khmer dishes). While the French dishes sound interesting, their execution does not equal what one would find at a good bistro. Since the more exciting and exotic dishes lie on the Khmer side anyway, one doesn't lose anything by sticking to the restaurant's better half.

Cambodian cuisine seems similar to Thai with a few notable exceptions. Instead of red, green, and yellow curries, all the Cambodian curries seem to be red. These curries can be made in mild, medium, and hot varieties of which the hot may be hotter than any Thai curry ever tasted. Thus, think carefully before ordering the hot variation of any dish. Cambodian dishes also use rice nearly exclusively as a starch rather than noodles. Finally, many dishes contain a traditional dipping sauce called Tuk Trey. This is an anchovy based fish sauce containing vinegar, lime juice, sugar, and garlic. The lime juice and sugar soften the sauce while the garlic adds a nice pungency. These added elements also help minimize the anchovy overtone of the fish sauce base.

The starters at the Elephant Walk can be hit or miss depending on one's tastes and expectations. The Cambodian spring rolls (\$7.50) were the best ever tasted. They are small and thin which gives them a nice crispness but still contain a large burst of flavor due to the filling of shredded peanuts, carrots, onions, Asian basil, and either pork or shiitake mushrooms. The traditional way to eat these spring rolls is to wrap them in a leaf of lettuce with sprouts and mint leaves and then dip them into a oil and pepper sauce.

The other appetizer ordered was Nom Krouk (\$6.95). This consisted of a small rice flour pancake made with coconut milk and scallions and topped with minced shrimp. The traditional way of eating this dish is to top the pancake with a cucumber slice and a mild coconut milk sauce. The pancake turned out to be disappointingly soft and slightly grainy, however, while the shrimp did not really add much to the flavor of the dish. The cucumber was a nice addition but the sauce also didn't seem to add much except fat. This is probably a very traditional taste which one should expect when ordering. As when trying any new cuisine, it is best to ask as many questions as possible so that you can make an informed choice.

The Khmer entrées were uniformly excellent. Curry de Crevettes (\$14.95) consisted of a shrimp curry with Italian peppers, snow peas, zucchini, and summer squash. The curry, ordered in the mild variation, had a nice balance of heat and spice while not overpowering the fla-

vors of the individual ingredients. Tofu à la Citronnelle (\$12.95), ordered from the vegetarian section of the menu, consisted of sautéed tofu with lemon grass, onions, red peppers, scallions, and freshly roasted peanuts. The peanuts added a nice crunch

and earthy taste to the dish which was raved over by a vegetarian-inclined person with much experience with tofu. The entrées were accompanied by a large mound of steaming white rice.

Dessert is not a traditional course in a Cambodian meal and is usually taken care of with a nice piece of fruit. However, the Elephant Walk recently acquired a new pastry chef who does justice to the French side of this restaurant. Le Chocolatier (\$5.95) consisted of a truly decadent chocolate truffle cake, topped with bittersweet chocolate mousse, and a dark chocolate sauce. L'Idée Gregoir (\$5.95) was an equally delicious genoise cake topped with chocolate mousse, chocolate sauce, and crushed hazelnuts. Special mention must be made of the one truly Cambodian dessert which was recently reintroduced to the Elephant Walk menu. This dessert consisted of slices of sweetened and roasted butternut cup squash ringing a coconut milk custard. This dessert was excellent as it seemed to lie somewhere between a pumpkin pie and a mousse.

The Elephant Walk offers a thoughtful wine list with several whites that pair well with the Khmer entrées. It also offers a large beer selection which probably



offer better matches for the hotter dishes. The basement space at the Elephant Walk is well designed to conjure up images of a Southeast Asian jungle. Large potted plants dot the dining the rooms whose walls are decorated in a jungle motif. The ceiling is painted black and

seems designed to mimic a forest canopy. The chairs are a comfortable wicker and the tables a sturdy combination of wood and tile. All in all, the Elephant Walk offers a well executed version of a unique cuisine which really enriches the Cambridge/Somerville dining scene. Take a walk, or ride your elephant, up to Union Square to give it a try.



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HAPPY HOLIDAYS!

FOOD FOR THOUGHT

By Paul Gowder '00
RECORD Columnist

GROPIUS COMPLEX FACES JUDICIAL SCRUTINY

Gropius v. Keats, 02138 F.2d 2104 (Hell Cir. 1997) cert. denied 7 God 355

Taney, Judge

This case comes before the afterlife court of appeals on appeal from the 8th circle district. Walter Gropius alleges error in the judgment of the district court dismissing his libel claim with the following opinion, quoted in its entirety:

"I lived there as a law student. Complaint dismissed."

While we generally agree with the sentiments expressed by the district court, we must judge this case on its merits.

Keats wrote a poem, at some time during his life, entitled "Ode to a Grecian Urn" in which he expressed the viewpoint "Beauty is Truth, and Truth Beauty." Gropius alleges, in a complex 35-page pleading, a libel cause of action that can be watered down to the following argument: "The Gropius Complex at Harvard Law School is ugly. However, it is true. Therefore, Keats's statement was a lie. Also, because the Gropius Complex is ugly, Keats's statement would call my creation untrue. Any person who creates untruths is a liar. Therefore, Keats calls me a liar. I am not a liar, because my creation, not beauty, is truth, so Keats

has libeled me." Gropius alleges damages as follows: "as a result of Keats' statement, my name has fallen into ill repute. As a result, some of my buildings are demolished, which I still have an interest in."

Gropius also named Paul Gowder, a columnist for the Harvard Law RECORD, in his complaint for "saying so many nasty things about my complex

the defense of truth, inadequate service of process, and asked for rule 11 sanctions, which were granted. (He rests the rule 11 motion on the argument that Gropius's affidavits in support of the complaint were ugly, and therefore untrue.) He also made a motion to grant judgment as a



truth defense, so any ugliness he sees will not exist to him. We should also note that Hell was modeled on a type 1 Gropius room.

We accept Keats's truth defense. Gropius, by involving himself in what we loosely call "the arts," was affirming Beauty as Truth — artists pre-

sumptively believe "Beauty is Truth," and Gropius never asserted otherwise. As a result, he is estopped from claiming that Beauty is not Truth, and Truth not Beauty. *Stamboyky v. Ackley*, 572 N.Y.S.2d 672 (1991) (Note to column readers: this is a real case! Check it out.) As a matter of law, then, Beauty IS Truth, and the Gropius's architecture does not exist. His condemnation to Hell for architectural crimes is reversed, but he is condemned for lies. Also, legally, the students living in the Gropius complex are without housing, since the complex is ugly and untrue.

The district court dismissed based on the Judge's residence in the Gropius complex. I lived before that time, but my clerk wrote this opinion and did reside there.

The judgment of the district court is AFFIRMED and the proceedings are remanded as to damages for the residents of the Gropius complex for breach of contract (HLS promised to provide "housing" — existence is implied).

We should also note that Hell was modeled on a type 1 Gropius room.

he can not fail to insult me." Gowder successfully filed motions to dismiss under rule 12(b) because Gropius never alleged personal jurisdiction in an afterlife court. Gropius only appeals the ruling as to Keats' motions.

Keats made many motions at the district court level, all of which were granted. The court, on Keats' motion, took judicial notice of the ugliness of the Gropius complex. Keats moved to dismiss, alleging that the Hell court could not obtain personal jurisdiction over his soul, as he is a citizen of Heaven. He also asserted the statute of limitations,

matter of law because, as previously mentioned, Gropius's evidence was ugly. All of these motions were granted, Gropius was ordered to pay \$10,000 in sanctions and the complaint was dismissed.

We agree with the lower court on all counts except the jurisdictional and service of process questions. While it is true that Keats is not normally subject to the personal jurisdiction of the Hell district court, in this case, no other remedy is available for the harm allegedly caused. Gropius can not travel to a Heavenly venue, as he is condemned to eternal torment for several of his "architectural" works. Defendant Keats claims requiring him to travel to Hell would be unduly burdensome, since he would undoubtedly be subjected to the sight of gross enormities as he traveled to court. While this may be the case, defendant claims "Beauty is Truth," as part of his

Brooklyn Bridged

CLINTON CAN'T SWEEP SADDAM UNDER THE RUG

By Aharon Friedman '00
RECORD Columnist

The Clinton Administration blissfully declared victory when Saddam Hussein agreed to let the United Nations inspectors back into Iraq. It announced that the Russians had not made any deals with Saddam in order to get him to back down. The problem is that nobody believes a word of it: not the international community, probably not even the Clintonites themselves and most importantly of all certainly not Saddam Hussein.

Saddam complained about the presence of Americans on the UNSCOM inspection team. When the UNSCOM team went back in, the number of Americans on the team was cut by a third. The explanation — that they were scheduled to be rotated out anyhow — rings hollow. In the Middle East, appearances mean a lot. Saddam's prestige in the region skyrocketed because he thumbed his nose in America's face and got away with it.

But Saddam gained a lot more than that. He had time to build his weapons of mass destruction without having to play hide and seek with Richard Butler's inspectors. He bought — free of charge — more time for his legions of mad scientists to grow vats of their civilization threatening biological weapons without having to worry about staying one step ahead of Butler. A lot of the monitoring equipment set up by UNSCOM was

turned off for a while. Who knows what was tampered with? Equipment and materials which can be used in the construction of weapons of mass destruction were removed. Who knows what Saddam is doing with them.

The biological weapons are relatively easy to grow and are unbelievably deadly. Even a small amount could wipe out the population of a major city and make it uninhabitable for decades. Saddam's possession of these weapons poses a major threat to American interests.

The current inspection regime is plagued with problems. The Iraqis are able to evade the inspection team by removing incriminating evidence from sites while the inspectors are kept sitting outside. The team has managed to find a lot of evidence of Iraqi construction of weapons of mass destruction. But there is still a lot that they haven't found. Among the problems is that the Russians on the team may be tipping Saddam off and that the UNSCOM team is being bugged in Iraq and maybe even in New York. One report out of the region had Saddam plotting the assassination of UNSCOM's former head Rolf Ekeus.

Then there is the issue of Saddam's

"presidential palaces," which have been off limits to the inspectors in any case. There are over sixty of these locations, some as large as Washington DC, inspection of which would represent a violation of Saddam's dignity. What is Saddam hiding in them?

The sanctions are important in preventing Saddam from getting revenue. However, even with the sanctions on, he still manages to maintain the elite units of his army and continue his weapons programs.

It is great to be able to act with international support. However, sometimes



would they think he would do a thing like that?) it is their heads on the chopping block. On the other hand, nobody is going to mind very much if the U.S. actually goes after Saddam.

Despite their pronouncements to the contrary, the Clintonites are blaming their failures with Saddam on Israel and have settled on the default solution: blame the only democratically elected leader of the region, Benjamin Netanyahu. You see if only he would be reasonable, than tensions with Iraq and everything else in the Middle East — Iraq-Iran tensions or the lack of them,

take your pick, fundamentalists in Egypt, King Hussein's health, the economies of the Gulf countries, the lack of natural water sources — would be all better.

The Oslo process has nothing to do with support in the region

for Saddam. The coalition against Saddam formed even when there was no Oslo and it has weakened even in periods when Oslo was going strong.

What Clinton should be worried about is "partner for peace" Arafat's continued support for Saddam. What does it say about the Palestinians' readiness for peace when they chant: "Saddam, my dear, drop your bombs on Tel Aviv" — even with the knowledge that those bombs will also destroy their own nearby population centers?

Clinton has to hold the dictators of the region responsible for their own actions. He might find it increasingly difficult to get any cooperation in the region if the magic words: "It's Israel's fault" allow anybody to get away with anything. Putting together a coalition against Iraq has nothing to do with Israel and everything to do with explaining that standing with us against Saddam is part of the price to be paid for receiving protection from him. Clinton might find this easier if he can convince the region's leaders that he is serious about dealing with Saddam.

The United States must be willing to act unilaterally to protect its own interests.

it is not possible to get approval from every nation in the world before we act. The United States must be willing to act unilaterally to protect its own interests.

The French and Russians have all kinds of oil deals lined up with Saddam and aren't going to antagonize him by leading the charge against him. Anyhow, they can't wait for sanctions to be lifted. If Saddam wants to use the revenue for weapons all the better: they can't wait to sell. Interested in weapons of mass destruction? One or the other will surely be willing to sell. In the 70s, when the Soviets were afraid to sell their mad client a reactor that could produce weapons grade nuclear material, the French were only too eager to oblige him with the "Chirac" reactor they built in Osiraq. If Saddam acts up and threatens Europe's oil supply, it's the Americans who will bail the Europeans out.

Clinton is all upset that the assorted Arab dictators and monarchs of the region haven't taken the lead in calling for Saddam's head. If they stick their necks out by taking the lead against Saddam and Clinton decides to back off (now why

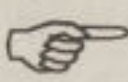
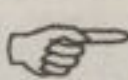
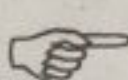
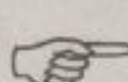
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