



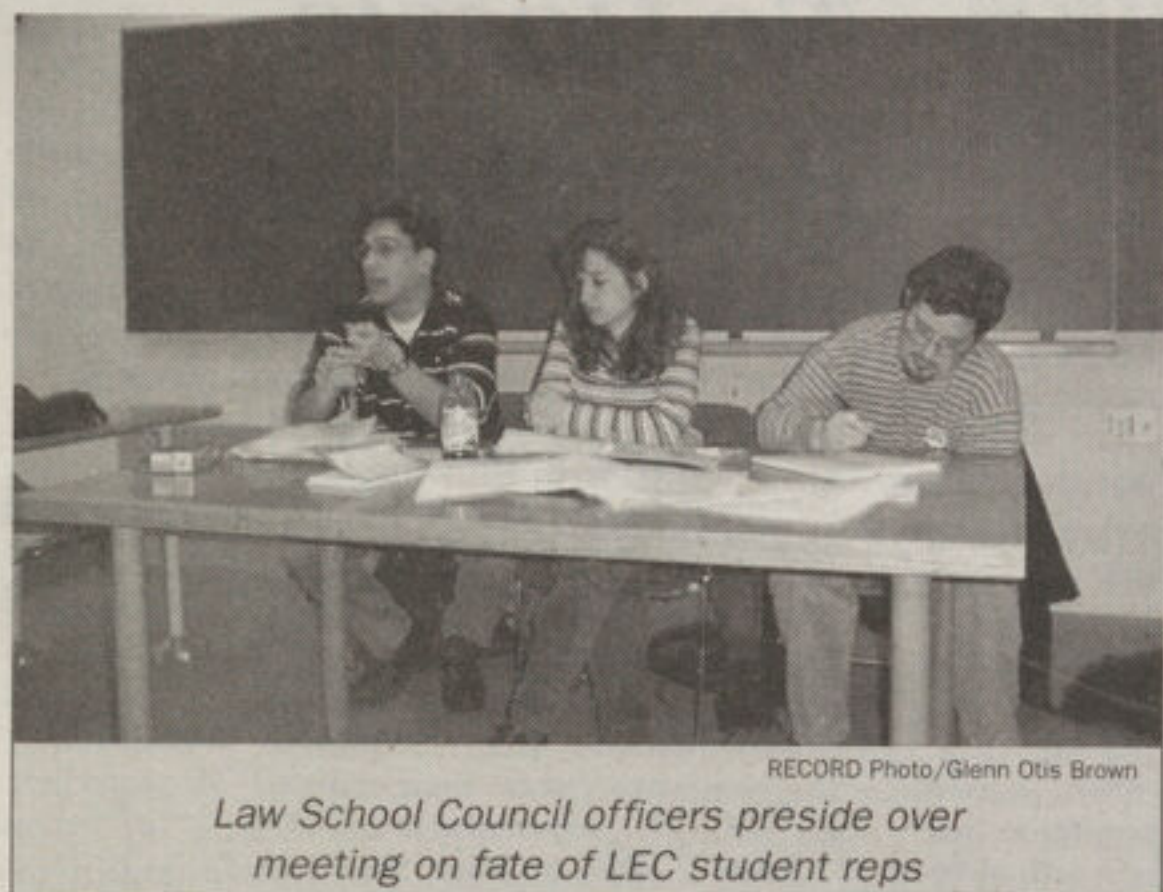
Harvard Law RECORD

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Law School Council officers preside over meeting on fate of LEC student reps

Ad Board Investigates LL.M. Cheating Scandal

By Eric Johnson

The RECORD has learned that at least one LL.M. student has been called before HLS's Administrative Board to defend himself on charges of academic dishonesty.

The charges relate to the Nov. 25-26 final exam in Prof. Abram Chayes's '49 Introduction to American Legal Systems course.

The Ad Board, which is responsible for matters involving student discipline, keeps its affairs strictly confidential. Not only does the Ad Board refuse to release names of alleged rule-violators, but Board members will not even acknowledge the existence of ongoing proceedings.

Last week, however, a RECORD reporter viewed a document addressed to the Ad Board containing one LL.M.

student's lengthy defense of the academic dishonesty charge.

The typed defense was several pages long, written in memo form, and addressed to the Ad Board.

The student could not be reached for comment.

It is not known how many other students, if any, have been called before the Ad Board on similar charges in connection with Chayes's course.

According to a student familiar with the incident, perhaps as many as 20 students had advance knowledge of the content of the eight-hour take-home exam. Because students had the choice of two days in which to take the exam, students who took the exam on the second day may have had advance knowledge of the exam's content.

A preliminary investigation of the cheating allegations was

Please see **CHEATING**, p. 3

LSC Urges "LEC Three" to Go At Least One Rep "Strongly Leaning" Against Resignation

By Suzanne Carter

The Law School Council voted Tuesday to recommend that the three student members of the Legal Education Committee voluntarily resign, but as of Wednesday none of the three had done so.

The three students, Rob Edmund '98, David Stringer '99, and Brian Fitzpatrick '00, voted for the new attendance policy when it was being considered by the Committee.

According to an unscientific poll conducted by the LSC, 89 percent of students opposed the policy change. The three representatives were criticized by LSC members for not representing the views of the student body.

After being approved by the committee, the new attendance policy was passed by a faculty vote Feb. 6. The new policy, which goes into effect this fall, eliminates the written notice requirement for professors who drop a student from a course for non-attendance.

Edmund characterized himself as "strongly leaning" against resigning.

"I'm inclined not to resign, because I have a limited amount of time left on the Committee, and there's a lot I can do in the way of reforms that will be beneficial to students, especially reforms aimed at the faculty," said Edmund. "I will probably do things a little differently, however."

Edmund said he would speak to the Committee's faculty members before reaching a final res-

ignation decision.

"Here's what will be important: to see whether other Committee members view us as having no mandate to be on the Committee," said Edmund. "If I find that this resolution has undermined a sense of respect that others have for me, that would be influential as to whether I'd resign."

Responding to Edmund's remarks, LSC Treasurer Dan Fridman '99 stated, "I would say to Rob that the student body through LSC issued a very clear statement that we are not satisfied with their ability to represent our interests to the faculty."

"As far as what this says about LSC as a whole, in my opinion, it shows that the student body is not rubber stamping mandatory attendance like these three student members did," Fridman said.

The other two LEC members were more uncertain as to whether or not they would resign.

"I'm going to given the resignation motion the same thoughtful deliberation that LSC has given the impeachment motion," said Fitzpatrick, declining comment on whether or not the statement was meant ironically.

"I've already offered to resign once, and it was rejected, and I'm getting tired of offering to resign every week," Fitzpatrick said.

Fitzpatrick had originally offered to resign last week, but he was dissuaded from doing so by LSC Vice President Joe Scully '99. Scully voted no on the motion urging voluntary resignation.

"I haven't thought about whether or not I'll resign," Stringer said. "There is Committee work that I have scheduled for this week, however, and I'm going to be proceeding as planned."

In making a final resignation decision, "I'm going to talk to

Please see **LEC**, p. 4

Military Demands More Recruiting Access at HLS Ban May Cost HLS \$1 Million Annually

By Mark Smith

Armed with leverage provided by the recently enacted Solomon Amendment, several branches of the U.S. Military have moved recently to gain formal recruiting status at the Law School. Unable to comply with HLS's prerequisite that all employers sign a statement of non-discrimination before gaining full access to the Office of Career Services, the military — with its "Don't Ask, Don't Tell" policy regarding gays and lesbians — has not been permitted to officially recruit through OCS.

The Solomon Amendment, passed by Congress in March 1997, provides that an "institution of higher education ... [which] has a policy of denying military recruiting personnel entry to campuses, access to students on campuses, or access to directory information on campuses" risks the loss of Title IV Federal Financial Aid Funding.

Sally Donahue, Director of the Office of Career Services, estimates that the financial aid at risk to HLS would be "about a million dollars." That figure consists of "eight to nine hundred thousand dollars for the Perkins Loan Program and about \$150,000 for the Federal Work Study Program which is used for Summer Public Interest Financing," said Donahue.

Subsidized and unsubsidized Stafford Loans are not at risk, since they are currently seen as entitlements and not available to be withdrawn.

Recruiters from the Army and Air Force contacted Donahue by phone this Jan., requesting access to OCS facilities. According to Donahue, the recently enacted Solomon Amendment "was definitely a component of [her] conversations" with the military recruiters.

Donahue believes, however, that HLS's current policy is not

Please see **MILITARY**, p. 5

Grendel's to Stay Put, Signifying Ultimate Victory Over Rival Church

By Glenn Otis Brown

The reports of the death of a legendary Harvard Square pub have been exaggerated.

Grendel's Den, a hangout for Harvard students since 1970, will be around for at least two more decades.

"The building is staying, and we're staying," said Herbert Kuelzer, owner and founder of the restaurant. "We just signed a 20-year lease."

Rumors that Grendel's would be razed began circulating last spring, when Intercontinental Builders, a local real estate developer, started work on an apartment building and shopping mall next door.

"I guess I can see why people thought that we'd be out," said Kuelzer, referring to the bustling construction just outside the dining room window, "but the restaurant is actually a central part of Intercontinental's plans."

Less fortunate was the Holy Cross Armenian Catholic Parish

Church, formerly located just ten feet north of Grendel's. The church's demolition and relocation in Belmont last Feb. marked the final chapter in an epic rivalry between the neighboring establishments — a struggle ultimately costing tens of thousands of dollars in legal fees and requiring the effort of Prof. Laurence Tribe '66 before the U.S. Supreme Court.

Thou Shalt Not Drink

The row began when the church, taking advantage of a relatively obscure Mass. law, indirectly threatened to drive Grendel's out of business.

In 1977, the City of Cambridge, at the request of the church, denied Kuelzer's application for the approval of a recently purchased liquor license. Since 1954, Section 16c of Mass.

law had granted churches, synagogues, and schools the power effectively to veto liquor licenses within a 500-foot radius of their property.

Kuelzer recalled that personal differences with the church's pastor led to the dispute over the license.

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Tribe looks down from Grendel's bar.

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15 Years Ago in the RECORD

HARVARD LAW RECORD

America's Oldest Law School Newspaper

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FEBRUARY 18, 1983

25 CENTS

LegalEd Committee Criticized

By Jack Robinson

Most people at the Law School, when stopped and questioned about the faculty Committee on Legal Education, merely shrug their shoulders and continue on their way. Most people have never heard of it, and many of those who have do not know what it does, what it purports to do, or even why it exists.

Prof. William Andrews, chairman of the committee, says that since he has been a member the committee "has spent most of its time on changing graduation and academic standing requirements as well as overseeing winter term scheduling." According to Andrews, the rationale for forming the committee was that "issues of curriculum adjustment should be addressed regularly by a standing committee of the faculty and not once every fifteen years by a hastily convened group."

The committee is scheduled to meet every two or three weeks, though it usually meets, according to Andrews, "about once a month." The members of the committee, in addition to Andrews, are: Assistant Dean Stephen Bernardi, Dean of Students Mary Upton, Prof. Lance Liebman, Prof. Martha Minow, Prof. Todd Rakoff, Prof. Lewis Sargentich, Prof. Hal Scott, Angela Carmella, 3L, Helen Irvin, 2L, and Leroy Collins, 1L. The student members of the committee are appointed by the Law School Council.

A likely explanation for the committee's relative anonymity is that

it spends most of its time deliberating over mechanistic rules concerning such matters as curriculum requirements which, in and of themselves, do not "shock the interests" of the HLS community. According to Prof. Andrews, the committee's grandest work during the past two years was its proposal concerning the first-year curriculum and the number of credits assigned to first-year courses. These proposals were acted upon by the HLS faculty last fall. (RECORD, Nov. 19, 1982.)

Many feel that if the committee would begin to consider broader educational policy questions, its work would receive greater recognition and have more of an impact on legal education at the Law School. Prof. Sargentich feels that the committee "should try to deal seriously with broad policy questions and educational principles and not be swamped by technical, mechanistic considerations." He continued, "It's a tragedy that the committee has allowed itself to get bogged down with narrow details."

Helen Irvin, one of the three student members of the committee, echoed the concerns of Sargentich, "The scope of the committee's work is too limited, we spend inordinate amounts of time on things like the number of D's allowed in the first year."

Prof. Andrews was asked why his committee has not considered seriously educational policy questions. He responded by saying that the Committee on Educational Plan-

ning and Development (Michelman Committee) assumed that duty and, therefore, that it would be "a waste of time and resources" for the Committee on Legal Education to entertain such concerns.

Dean James Vorenberg agrees with Prof. Andrews' contention that it would have been "a waste of resources" for the Legal Education Committee to have discussed educational policy issues during the existence of the Michelman Committee. However, Vorenberg added, "now that the Michelman Committee is no longer operational, the Legal Education Committee is the body responsible for hearing and discussing proposals concerning educational policy at the Law School."

Though it is apparent that the committee is plagued by "narrowed vision," there are other flaws on a more practical level. Many members of the committee complain that the meeting agendas are inconsistent and too fragmented to allow meaningful and thoughtful discussion on any particular issue.

No Answers

For example, according to one member, in one meeting the committee seemed to be making headway in formulating a consensus on a legal education policy question submitted to it, but the agenda for the next meeting did not even provide for consideration of the proposal. Instead, the committee listened to the registrar's proposal

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Bogged Down With Narrow Details

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about computer software. Thus, discussion of the initial educational policy question was deferred indefinitely before a consensus could be reached on it.

In reference to this "scheduling" problem, one committee member exclaimed, "The agenda is crazy, nothing is ever decided." Another member commented that "there is no sense of where the committee is headed; we can be discussing issue 'X' in one meeting and issue 'Y' in the next — without ever reaching a consensus on either issue."

Another flaw of the committee, which affects its ability to consider broad educational policy issues and act upon them efficiently, is the relative infrequency of meetings and the numerous postponements which occur when meetings are scheduled to be held. Leroy Collins believes that meeting for a couple of hours once a month does not give committee members a chance to air fully their views and concerns.

Collins suggests that more frequent meetings, "perhaps once a week for a hour," will allow the committee to adequately "consider substantive issues of legal education." He also suggests that the formation of subcommittees may help the committee "focus its deliberations" which, in turn, will result in

concrete proposals being formulated expeditiously.

Addressing the problem of numerous postponements, Helen Irvin says that "many meetings are cancelled or postponed at the last minute without adequate notice." She and Angela Carmella allege that several meetings have been cancelled for no apparent reason. Irvin says, "We are hardly ever told why meetings have been cancelled; whenever I am on my way to a scheduled meeting of the committee, I always check my mailbox for cancellation notices."

In 1981, Profs. Richard Parker and Duncan Kennedy presented the committee with a novel proposal concerning first-year educational policy. Neither that proposal nor a modification of it have been acted upon by the committee. The Parker-Kennedy proposal, in paraphrased form, reads: "It is the sense of the committee that it is the better educational policy to not require students in first-year classes to be forced to answer professors' questions and to not require such students to notify professors in advance that they, for whatever reasons, do not wish to be called on." (This is commonly known as the "No-hassle pass.")

Prof. Sargentich supports the

Prof. Sargentich supports the Parker-Kennedy proposal but, in the event it is not adopted by the committee, offers a modified proposal. Sargentich's modified proposal reads, in pertinent part, that "No student in a first-year class may be disciplined officially by the school for failing to respond to a professor's questions."

The Parker-Kennedy proposal was first presented to the committee in 1981 and it has been added to and deleted from agendas ever since. When asked about the reason the committee has not been able to act on a proposal which has been before it for two years, Prof. Andrews replied that he "takes full responsibility for not responding to the proposal in a timely fashion."

Several well-informed sources feel that the committee is purposely avoiding the proposal because some members of the committee think that the issues raised by the proposal are moot or unimportant. When questioned further about this specific allegation, Andrews replied, "I have not heard of this criticism and, anyway, I am reticent to speak about the Parker-Kennedy proposal before the committee has had a chance to fully discuss it."

(Continued on Next Page)

Two Year No Hassle Pass Hassle

(Continued from Previous Page)

One possible reason why the committee has not yet acted on the Parker-Kennedy proposal is, simply, that there have not been sufficient opportunities to discuss the issue. One member of the committee flatly stated that "an opportunity to talk about the [Parker-Kennedy] proposal has just not come up." Another member blames "the reluctance of the committee to be imaginative" for failing to act on the proposal.

Prof. Parker believes that two basic questions should be asked regarding his proposal: Is it a "live" issue? Is it an important issue? Parker's response to both questions is in the affirmative. Those who would disagree with him claim that most professors already use the "No-hassle pass" and those that don't never discipline students for not answering questions when called on.

According to one member of the committee, although an official sanction has not yet been imposed on a student for failing to respond in class, one student has indeed been subjected to the Law School Administrative Board's investigation procedures.

Parker thinks that "we should not have to wait for a sanction to be imposed to question the existing educational policy." He continued, "It's a live issue, not because a sanction hasn't been imposed, but because sanctioning failure to participate in class impedes educational quality."

When told of the committee's apparent reticence to discuss and take action on the Parker-Kennedy proposal, Vorenberg stated that, "there are more promising issues for discussion." He would prefer that individual professors and 1L sections, "decide between themselves what specific policies, if any, will be adopted regarding 'No-hassle passes'."

The student members of the committee, in reply to critics of the Parker-Kennedy proposal, emphatically state that "it's a myth that people will not participate in class if not called on." Leroy Collins adds, "In fact, in my 1L section, there is more participation from more people when the professor doesn't call on specific students." "It's really not too much to allow passes in class because a student may have a lot of valid reasons for passing on a given day."

Helen Irvin, after experiencing a completely different teaching method in 2L courses this year, says that "there's no excuse for professors to treat 1Ls the way they do." When asked for her explanation for the present system, Irvin replied, "HLS is proud of its inhumanity."

Prof. Parker surmises that one of the problems with his proposal is that "faculty members are carrying the ball" and, therefore, many faculty members do not think there is sufficient student interest in the issue. Parker says that "initiative to raise issues like this would better come from students" and he hopes that, in the future, students will take the initiative and get involved. He is pleased to see that students "are already becoming more responsible."

SLLR Conference Calls For Return to Family Values

By Alyssa Caples

Last Saturday, the Society for Law, Life and Religion (SLLR) presented the Family 2000 Conference: Defending the Family in the 21st Century, a day-long colloquium calling for "moral and spiritual renewal."

The event grew out of the interest sparked by the group's controversial Coming Out of Homosexuality Day event last semester, at which gays and lesbians were invited to leave the "homosexual lifestyle" through faith in Jesus Christ.

At the beginning of Saturday's conference, attendees watched a short video presentation featuring SLLR president Brian Burt '98. The video discussed his role in organizing the Coming Out of Homosexuality Day event and his efforts to promote conservative moral values at Harvard.

Conference organizers also distributed copies of "Lambda Report on Homosexuality," a newspaper opposed to the gay-rights movement. The newspaper included a full-page story on Burt and the Coming Out of Homosexuality Day event.

Headlining Saturday's conference was Alan Keyes, a Harvard College alumnus, 1996 Republican presidential candidate and conservative talk-show host.

At the beginning of his speech, Keyes sharply criticized Harvard University's decision to allow same-sex unions in Memorial Church.

"Alan Keyes echoed the thoughts of parents nationwide, who now hesitate before entrusting their children to a cam-

pus so hostile to faith and family," said Burt, agreeing with Keyes.

Keyes spoke about the role that the traditional family plays in maintaining individual freedom. He said that many of our social problems are actually created and perpetuated by the liberal social programs designed to help those in need.

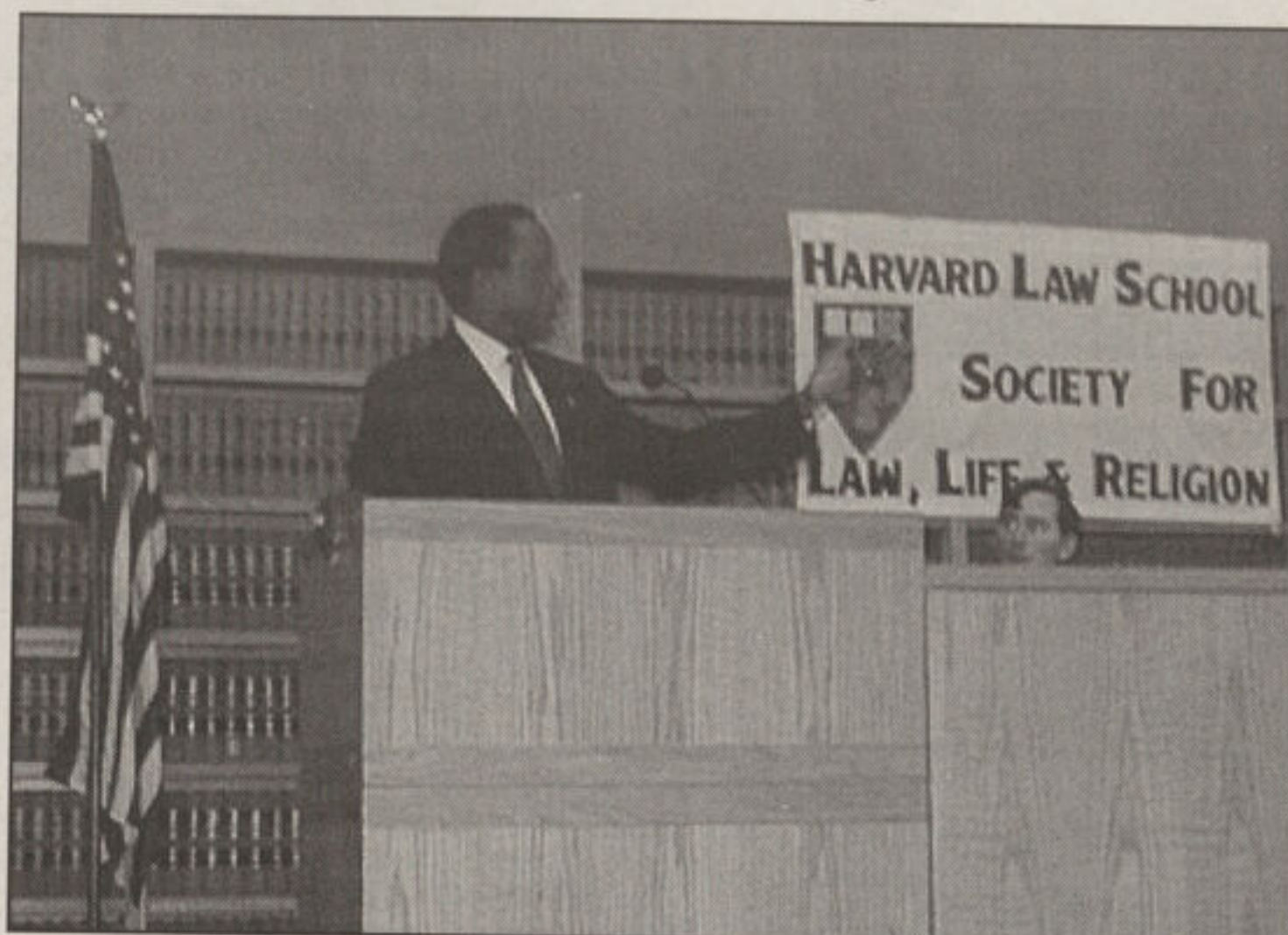
"I think that the destruction of the family is actually a prerequisite for the utopian world the liberals advocate," said Keyes, "... to make people feel as if they are alone, vulnerable, and therefore they must turn to this or that institution that is developed by the state ... [this] requires the government, the society to step in to represent you."

Keyes also criticized what he saw as the negative stereotypes that many have come to associate with the traditional family.

"The paradigm of the parent is being defined by the abuse of exceptions: the deadbeat dad, the parent who is abusive," said Keyes. "This distrust bred between parents and children must naturally extend to other groups in society."

Keyes also addressed the scandal concerning President Clinton and Monica Lewinsky. He criticized those who separate Clinton's professional achievements from his alleged personal failings.

"[They say] the function is being performed well, and therefore disregard personal actions. If we do not hold them to moral standards, then we do not hold them as moral persons, and we treat them as instruments and that makes us a nation of users ... and that is evil," said Keyes.



Alan Keyes calls for moral leadership at SLLR's conference in Ames courtroom.

Dan Schorr '98, president of HLS Republicans, said that he supported Keyes's call for moral leadership.

"Alan Keyes was correct that the president has a greater responsibility than just ensuring that our economy is strong," said Schorr. "The president should be a moral leader, leading not through coercion but example, and Bill Clinton has failed to provide a decent example for the country."

About 100 people attended Keyes's speech. Most of those in attendance were older adults. There were about 20 HLS students present.

Keyes was frequently interrupted by

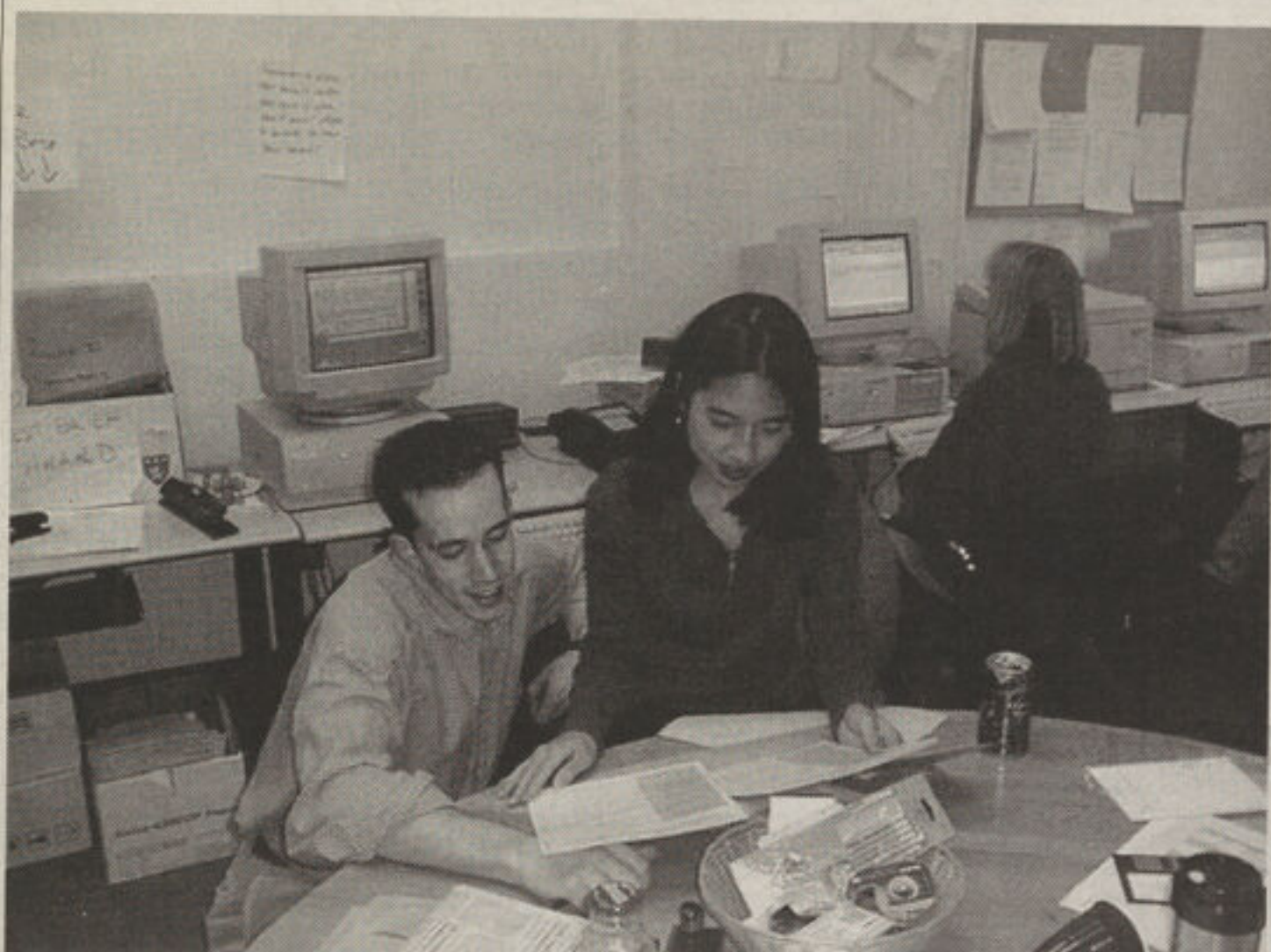
applause and shouts of approval, and his speech ended with a standing ovation. Some audience members urged Keyes to once again run for president in 2000.

Burt said that the conference attendees supported a return to Harvard's Puritan past.

"Those in attendance unanimously agreed that Harvard's pursuit of secular academics need not come at the price of its Christian heritage," said Burt.

The other scheduled speakers at the conference were Bruce Green, chief counsel for the American Family Association, and Don Hodel, president of the Christian Coalition.

New BSA Officers Ushered In



RECORD Photo/David Liu

Members of the Board of Students Advisers last week elected Chris Garcia '99 president and Erica Cheng '99 vice president for the 1998-99 school year. Garcia and Cheng will be replacing Jenn Blum '98 and Matt Stennes '98, respectively.

Inspired by Dole, Law School Republicans Donate Blood

By RECORD Staff

Inspired by the example of American Red Cross President Elizabeth Dole '65, the HLS Republicans sponsored a one-day blood drive Tuesday.

The drive drew at least 82 Law School students and staff to the Ropes-Gray Room to donate blood. No faculty members contributed to the blood drive.

"This beat our target number of 75," said Rachel Brand '98, Republicans vice president and blood drive organizer. "So we're very pleased."

According to Brand, the Law School Republicans had wanted to sponsor a public service event for some time.

"Last year, we talked about working

at a soup kitchen, [and] there were other ideas floating around, but we never seemed to get around to it," said Brand.

Brand said that Dole's work at the Red Cross motivated the group's members to select a blood drive as the service project. Dole is a former Cabinet secretary and the wife of 1996 Republican presidential nominee Bob Dole. She is considered one of the leading possibilities for the 2000 Republican presidential primaries.

Brand said that the blood donors benefited from the drive along with the future recipients of the blood.

"Everyone loves to give blood," Brand said. "It makes everyone feel kind of good about themselves."

The drive was co-sponsored by the Dedham branch of the Red Cross.

Administrative Board Investigates LL.M. Student

Continued from CHEATING, p. 1

conducted by the Graduate Committee, which concerns itself with course integrity and credit issues rather than disciplinary proceedings. The Committee decided the evidence of cheating was compelling enough to cancel letter grades for those who took the exam on the second day, and decided to award credit only on a pass/fail basis.

Students who have received pass/fail grades are being given an opportunity to take another exam in the class if they wish to be evaluated for a letter grade.

It is not known if the student facing Ad Board charges faces expulsion or suspension, but in a Jan. 14 e-mail message to LL.M. students, Prof. Anne-Marie Slaughter '85, co-director of the graduate program, indicated that she believed suspension or expulsion punishments were unlikely.

Ad Board member Prof. Lloyd Weinreb '62 said he would not answer any questions about punishments in connection with the LL.M. cheating scandal, or about any other specific cases.

When the question was phrased as a hypothetical, Weinreb would only say, "It would depend on the circumstances."

Weinreb did, however, answer general questions about the Ad Board's operations.

When there is any charge against a student, the eight-member Ad Board — which includes three student members — asks the accused to respond. Based on the student's response and circumstantial information, the Board decides whether the charge has enough founda-

tion to proceed further.

If the Board goes ahead with a disciplinary proceeding, Weinreb said the Board acts as a fact-finder, rather than a prosecutor, acting "as much to exonerate as inculpate."

The Board conducts hearings in an informal manner and attempts to accede to all reasonable procedural requests, such as delaying hearings until after exams, or giving a student extra time to prepare a defense, Weinreb said.

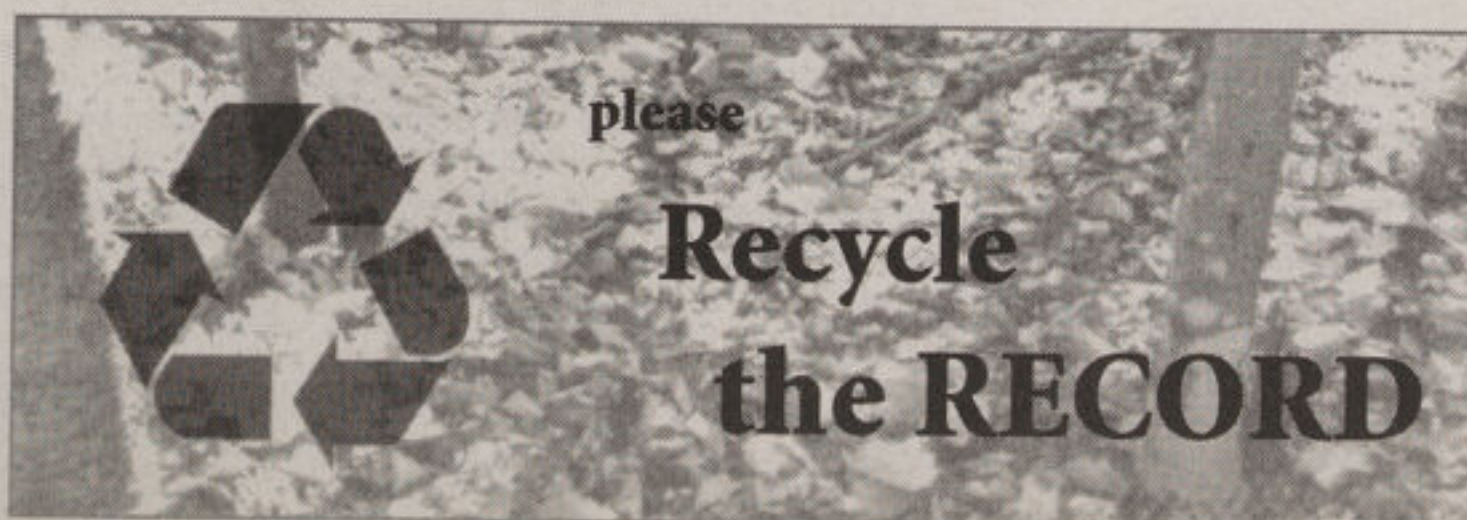
Students brought before the Ad Board are entitled to have a lawyer present during hearings. HLS provides counsel for students with financial need, Weinreb said.

In many cases, students do not dispute basic facts in the accusations against them, according to Weinreb. Instead, they often seek to frame their actions in a less culpable context.

Weinreb said accused students may say they were tired or exhausted and their action was inadvertent. The Ad Board then pursues the question of whether the action was "careless or deliberate," according to Weinreb.

Such defenses may well be employed in the current LL.M. scandal. According to one LL.M. student, one alleged instance of cheating occurred when a student was "hanging around" in Pound Hall as the exam was being turned in, listening to the conversations of those who were finished.

According to the student, this person later claimed he was in the area to give notes to another student who had missed a class, and did not intend to hear information about the exam.





Briefs

Babbitt '65 "Confident" of Vindication

U.S. Interior Secretary Bruce Babbitt '65 said Feb. 12 he is confident he will be vindicated by an investigation of charges he lied to Congress and said he is perplexed why a special prosecutor should be named after months of inquiry by Congress and the Justice Department.

Speaking in South Florida, where he announced funds for new land acquisition to protect the Everglades, Babbitt said he would cooperate fully with the special counsel requested by Attorney General Janet Reno '63.

"I'm absolutely confident I will be vindicated," declared Babbitt.

Reno requested the limited independent counsel investigation after concluding that Babbitt "may have testified falsely" before Congress about allegations of White House pressure on a 1995 decision to reject a Wisconsin Indian casino license. Indian tribes opposing the casino later contributed hundreds of thousands of dollars to the Democratic Party.

Babbitt called the dispute "a high stakes quarrel among different gambling interests," and added, "I might have been caught in the cross fire."

Several Republican lawmakers predicted that the Babbitt investigation could open the door to an examination of "the larger picture" of Democratic fund raising during the 1996 election.

—The Associated Press

Ogletree '78 Finds Work in Scandal

Monica S. Lewinsky's original lawyer, Francis D. Carter, now has a lawyer himself — Charles J. Ogletree Jr. '78.

A report published in last Friday's New York Times states that Carter procured the services of Ogletree after Kenneth W. Starr, the Whitewater independent counsel, indicated that Lewinsky had hinted that Carter had helped her write what might have been a false affidavit, saying she never had a sexual relationship with the President.

Bayley '66 Runs for U.S. Senate

On Feb. 12, Chris Bayley '66 announced he is entering the Washington state Republican primary for the U.S. Senate, the (Seattle) News Tribune reported.

"For nearly six years, Patty Murray has been missing in action on the issues that deserve the full attention of Congress," he said. "Washington's taxpayers can't afford the luxury of continuing to fill one of its Senate seats with someone who remains content to avoid the call of leadership."

Bayley had been a rising political star in the Republican Party 19 years ago, but gave up politics in favor of a career in law and business.

Swindlers Cheat Undergrad of \$1000

Around noon on Feb. 12, an undergraduate student was the victim of a larceny, commonly known as a flim flam, on Mill Street.

According to an H.U.P.D. report, two women approached the student with a purse allegedly containing cash. The student escorted the two women, described by the student as African-Americans going by the names of "Linda" and "Janet," to a bank in Central Square where she was assured she would receive a reward if she produced \$1,000.

The student turned over cash and jewelry to the women who directed her to enter the bank to receive the reward and then fled.

Anyone with information relating to this incident should contact the H.U.P.D. Criminal Investigation Unit at 495-1796.

Woman Mugged Near Hemenway

At approximately 9:47 p.m. on Feb. 12, a woman was the victim of an armed robbery on the pathway between Gannett House and Hemenway Gym at the Littauer Center parking lot, the H.U.P.D. said.

The woman was approached from behind, grabbed and had something stuck in her back, believed to be the suspect's hand. The suspect, described by the woman as a white male, five-foot-ten to six feet tall, 30 to 35 years of age, medium length dark wavy hair, wearing a waist-length dark blue jean jacket and dark blue jeans, then grabbed the victim's purse and fled back towards Massachusetts Avenue.

Anyone with information relating to this incident should contact the H.U.P.D. Criminal Investigation Unit at 495-1796.

Puerto Rico Governor to Speak at Harvard

The pro-statehood governor of Puerto Rico, Pedro Rossello, will participate in a forum on the island's political status at Harvard University on Feb. 17.

The forum, "After 100 years of solitude, a date with destiny," was organized by the John F. Kennedy School of Government.

The Rossello administration has been pushing a bill in Congress that would allow island residents to choose between independence, statehood, or "free association" with the United States.

—The Associated Press

Forced Removal Fails

Continued from LEC, p. 1

professors on the Committee, and I'm going to talk to other people on the faculty, as well as other students," Stringer said.

Twenty-nine of the 30 LSC members attended the meeting, at which the motion to recommend resignation passed 21 to six, with LSC President Dina DeFalco '98 abstaining. LSC by-laws dictate that the LSC president not vote unless his or her vote is necessary to determine a motion's outcome.

A motion making involuntary removal effective Feb. 23 but allowing the Committee members' voluntary resignation prior to that date failed with 12 votes for the motion and 16 against it.

Rajeev Goyle '00 presented the involuntary removal motion with Eric Cesnik '00. Goyle said that LSC's action was necessary given that Prof. Richard Parker '70, an LEC member, has used the student representatives' support to justify the new policy.

"Professor Parker shrouds himself in student respectability by having these students on the Committee," said Goyle. "He purported to have solicited student opinion. His refrain was 'Three student appointees by LSC.'"

"There's nothing personal to our motion at all. We know these three students very well; we've had earnest and frank discussion. But at the end of the day, when 90 percent of student opinion runs contrary to how they've voted, we're justified in presenting this motion," Goyle said.

"We agree with Parker on one point — there is a cancer at the core of the Harvard Law classroom, but this is precisely the wrong way to address it. Students feel alienated, a lot of people aren't happy being here, but we expect grand deliberation from the Harvard Law School faculty, not high school student council-sized discussion."

"I think we made our statement, and that we were honest about it the whole way," Goyle said. "We thought that the proper political statement by LSC was for removal; the majority of the council honestly thought that urging resignation was more appropriate. Keep in mind that 21 LSC members said they should resign their Committee positions. The Council has spoken."

"We want a vision from the administration, we don't want hall monitors," Cesnik said.

"We're really concerned about the fact that students could be removed without notice from a class. The change in policy merely removes the notice requirement," Cesnik stated. "If you imagine the scenario of a student who missed a number of classes and came to a couple more but was 10 minutes late, the student could still be removed."

"If one student is unjustly removed from a class, that's one too many," Cesnik said.

Rob Jancu '98, sponsor of the voluntary resignation motion which eventually passed, saw the passage of his motion as a compromise.

"Rather than have this issue split LSC and wreak even more demoralization, our idea was to cut everyone's losses while giving everybody a modicum of what they wanted," Jancu said.

"We do send a message to the administration, as student representatives, by disavowing the actions of the student LEC members; we send a message to future student LEC members that LSC expects that they respect our position; we tell the student body that yes, we have heard their overwhelming disapproval of the actions of the student LEC representatives, and we reaffirm that we on LSC are accountable and responsive to the students," Jancu said.

Tuesday's LSC meeting was marked by contentious yet polite debate.

Several LSC members polled their constituents on the removal issue, but the results were widely divergent.

"I feel very strongly about this attendance policy, but I also feel that our first

duty here is representation. I was surprised by the reaction I got in my e-mail poll. I can only tell you that the people who I've had to solicit opinions from were a lot more ambivalent on this than I ever dreamed they would be. My experience is that overwhelming support for this motion is not there," stated Jake Zimmerman '00.

By contrast, David Juceam '99 found that two-thirds of the 2L class responding to his poll "had intense feelings that they should be removed."

"I think we risk our own legitimacy if they don't at least give some consideration to the two-thirds of the class that want them removed," Juceam said.

"If we do nothing, we are now accomplices in making this policy. Once you've considered something, and done nothing, we've really ratified it," Juceam said.

Several LSC members spoke of holding the Committee members accountable.

At one point, Fitzpatrick was pressed on whether he, as a 1L who may spend another two years on the Committee, would move to reconsider the attendance policy at future LEC meetings.

"I'll make a motion. I don't think it's going to go anywhere because we're sick of it, quite frankly, and we don't want to talk about it anymore, but I'll do it," Fitzpatrick stated.

David Lancz '99 declared himself "outraged" at the Edmunds' comment that he was "never invited to an LSC meeting."

"For you Rob Edmund to sit there and say you can't speak at a meeting! This is the only body that supposedly represents student interests. Pick up the damn phone and tell [Scully], tell [DeFalco] that you want to get in here and speak, and say, 'look — there's a big issue coming up here, let's discuss it!' You need to come in here and find out what the students have to say," Lancz said.

LSC Secretary Betsy Rosenblatt '99 suggested that the three Committee members had learned their lesson. "I think there are no three people more aware of what we expect of them now than these three," she stated, voicing her dissent with both motions.

Jonathan Kilman '00 stressed that the Committee members were uncertain about their duties.

"We've got a problem, and the problem is that the duties were never communicated properly to the people we appoint to this Committee. The one reason I consistently hear for removing them is to exert what little influence as a Council we have and retain legitimacy as a Council," Kilman said. "They spoke tonight and said they consistently didn't know to what standard they would be held."

"The fact of the matter is," Kilman continued, "we haven't gained a voice. If in fact Professor Parker is shrouding his decisions in student opinion, I think we could better do that by having LSC members make a stand than by throwing the Committee members out of office when we never told them what their job was."

Post-meeting reaction was overwhelmingly positive.

"I felt that the debate was good that preceded the vote, and I think that the decision was the right one," said Stringer, one of the three Committee members asked to resign. "I also feel it indicates at least that the majority of LSC believes that the three of us really do serve with good standing and with the best intentions."

Edmund said he was satisfied with the meeting as well. "I thought the debate was fairly reasoned, and I think that ultimately LSC exercised pretty good judgment. It's to the Council's favor that when it came to the substance of the two resolutions that they gave a reasoned discussion to each of those resolutions."

"I thought it was very well-run, and had some of the most lively and intelligent debate that I've seen since I've been on the Council," Fridman said. "We're sending a very strong message that the student body did not support this."

Grendel's Owner Reminisces About Supreme Court Battle

Continued from **GRENDLE'S**, p. 1

"Father Luke didn't like me," said Kuelzer, who with his then-wife Susan founded Grendel's in 1971. "We had a run-in when the restaurant first started. Trash and filth were piling up in the alley between us, so I put down gravel and some tables. He was offended somehow that I hadn't asked his permission."

"After that I couldn't talk to him without him screaming at me," said Kuelzer. "Humph, Father Luke! Was it personal? I would say so!"

Kuelzer said that he and his wife struggled to keep the restaurant afloat during the dispute.

"We had just expanded from the basement, where we started as a little restaurant, into the upstairs of the building," said Kuelzer. "We probably could have made tens of thousands of dollars more a year if we could have sold drinks."

Kuelzer's subsequent appeals to the Massachusetts Alcoholic Beverages Control Commission failed.

"They told us that the church's objection was final. I thought it was unfair and totally against what I thought America stood for," said Kuelzer, who is originally from Germany. "I insisted on saying my spiel anyway, and I said my spiel even though it was purely for my ego and my satisfaction. It had no effect whatsoever."

"I didn't know what to do. I was just sitting there until Larry Tribe came to the rescue."

A Quest Called Tribe

In the present-day Grendel's, a large, gold-framed photograph of Tribe hangs over the downstairs bar, illuminated by a small spotlight, stained-glass beer bottles in the background. Below, happy-hour patrons congregate, most of them blissfully unaware that the man in the picture is the bar's savior, the original guarantor of their right to consume spirits.

Tribe first learned of the restaurant's predicament in 1978, when a student in

his Constitutional Law class brought the matter to his attention.

"In class, we were discussing the separation of church and state," recalled Tribe, "I said that the cleanest example of violation of the Establishment Clause, one which would not even require worrying about the 3-prong *Lemon* test, would be a case of state power being granted to a church."

"As I was saying this, I knew nothing about the fact that you couldn't get a drink at Grendel's," said Tribe.

Ira Karasick '78, a Grendel's regular and a friend of the Kuelzers, explained the situation to Tribe after class.

"I expressed my amazement that such a statute existed in Massachusetts," said Tribe.

Before long, Tribe took up Grendel's case *pro bono*, working with Karasick, now a housing attorney in New Jersey; Prof. David Rosenberg; and future Supreme Court Justice Steven Breyer '64, then a full-time HLS professor.

"We filed a Section 1983 action against the state liquor authority — not the church — in federal district court in Boston," said Tribe.

In 1981, the U.S. District Court for the District of Massachusetts held the challenged statute invalid, and the Court of Appeals affirmed. On rehearing the case *en banc* later that year, the Court of Appeals again affirmed, prompting the Massachusetts Attorney General to appeal the case to the U.S. Supreme Court.

The Highest Authority

Before the Supreme Court, lawyers for the License Commission argued that a state could enforce what they described as a "zoning" law in order to "shield schools and places of divine worship from the presence nearby of liquor dispensing establishments." The License Commission claimed that Section 16c did not impinge on the First Amendment, but only had "a remote and incidental effect on the advancement of religion."

Tribe's brief focused on the Establish-

ment Clause theory but also included an antitrust charge involving the Holy Cross's pastor and several area restaurants. In 1979, twenty-six restaurants within 500 feet of Holy Cross enjoyed the use of liquor licenses with no objection from the church.

"Father Luke had made it very clear to Herbie that the veto could have been avoided by contributions to the church," said Tribe. The conspiracy allegation, however, was not addressed in the Court's opinion.

Writing for the eight-vote majority, Chief Justice Warren Burger reasoned that although "there can be little doubt about the power of a state to regulate the environment in the vicinity of schools, churches ... and the like by exercise of reasonable zoning laws," the state statute "substantially breached" the wall of separation between church and state.

"Ordinary human experience and a long line of cases teach that few entanglements could be more offensive to the spirit of the constitution," wrote Burger.

Justice Rehnquist filed the lone dissent, arguing that Section 16c "does not encourage, much less compel, anyone to participate in religious activities or to support religious institutions."

"The heavy First Amendment artillery that the Court fires at this sensible and unobjectionable Massachusetts statute is both unnecessary and unavailing," wrote Rehnquist.

"I thought the argument went well," said Tribe. "I was reasonably confident, but I didn't expect to win 8-1."

The Kuelzers were less reserved in their assessment of Tribe's performance.

"It was a lot of fun," said Kuelzer. "When Tribe finished his argument, [my wife] Sue scribbled on a scrap of paper: 9-0."

"Very few people get to go to the Supreme Court," said Kuelzer, sipping on a mid-afternoon glass of red wine. "It was a great opportunity."

Anticlimax

Fresh from its Supreme Court victory,

Grendel's faced a new challenge from a Cambridge neighborhood association concerned that the issuance of new liquor licenses would bring crime and vagrancy to Harvard Square.

"When I heard about the hearing, I thought, 'Oh, God, all that for nothing,'" said Tribe. "It seemed almost obscene that after all that work the city would try to prevent them from getting a permit."

In something of an anticlimax, Tribe once more pleaded Kuelzer's case — this time to the Cambridge License Commission.

"I appeared at some city council meeting, which I don't normally do, and persuaded them that they ought to follow principle on this thing," said Tribe.

In February 1983, the License Commission finally approved Grendel's liquor license. National and international media ran photos of the Kuelzers uncorking a bottle of champagne in front of the restaurant.

Just Reward

Though Tribe volunteered his service to Grendel's, he was eventually paid — 42 U.S.C. Section 1988 provides that losing defendants pay attorneys' fees in constitutional rights cases.

A U.S. District judge awarded Tribe \$176,137.50 and Rosenberg \$21,750, but the Appeals Court for the First Circuit reduced the awards to \$81,987.50 and \$18,750, respectively.

"I never intended to charge fees," said Tribe. "The case was particularly satisfying in and of itself, because it was so close to home, and because I handled it from the ground steps."

Grendel's thanked Tribe with a life-long tab at the restaurant.

"He has free fare for the rest of his life and as long as we're in business," said Kuelzer. "Thanks to him, that should be for a while longer."

Tribe says that he doesn't make it down to Grendel's as often as before.

"I feel a little sheepish about taking advantage of that offer in perpetuity."

HLS Says No to Military Recruiting at OCS

Continued from **MILITARY**, p. 1

violative of the Solomon Amendment. The Law School will continue to universally enforce its requirement that OCS employers sign a statement of non-discrimination, said Donahue.

"After conferring with the Placement Committee as well as representatives from the Civil Liberties Union and Lambda, we determined that we were in fact in compliance," said Donahue.

Although it may not avail itself of OCS, the military still has access to the Law School campus and its students, said Donahue. Organizations, including the military, may be invited on campus by students and/or faculty.

According to Donahue, various branches of the military were "on campus" last October and as recently as last week for recruitment purposes.

"The military can recruit but are at a disadvantage by not being allowed to use the Office of Career Services," noted Jol Silversmith '98 of the CLU.

Donahue has communicated the Law School's position to the Army and Air Force in writing. She has not received a response from either military branch.

Whether HLS's stance — allowing the military to recruit if they are invited by a student or professor but denying them use of the Office of Career Services — will satisfy the military as non-violative of the Solomon Amendment remains to be seen.

Some Law Schools Acquiesce

HLS is not alone in dealing with the Solomon Amendment. One by one, virtually every law school which limits the military's access to its campus has had to re-evaluate their stance faced with the potential loss of federal funding. To date,

most law schools have reversed their policy, allowing the military on campus.

Among them is Duke University Law School, whose dean wrote an editorial in the *National Law Journal* explaining that Duke would allow the military on campus because the school could not afford to forego federal funding. The dean, however, severely criticized the military's policy banning gays and lesbians and called for a repeal of the Solomon Amendment.

This stance has been echoed by the Association of American Law Schools, of which HLS is a member. On December 23, the Association passed an amendment which blasted the Solomon Amendment and called on member law schools to "support elimination of the provisions of the Solomon-Pombo amendment that terminate federal grants of student aid funds to institutions refusing to allow military recruitment on their campuses."

Margie McWilliams '99, president of Lambda, noted the size of HLS's endowment and urged the administration to "look for other sources for the lost funding" and "consider alternatives before giving in."

New York University Law School has adopted this approach, stating that despite the Solomon Amendment they will not allow the military on their campus. To date, no law school has been denied federal funding for non-compliance with the Solomon Amendment, and many believe that the Amendment may not even be enforced under the Clinton administration.

Military Policy Debated

McWilliams calls the military's latest maneuvers "blackmail."

"The federal government is saying

"Let us discriminate or else..." said McWilliams, "This sort of petty and vindictive policy places students and schools in a double-bind because they have to choose between their neediest students and those students protected by the non-discrimination policies."

"[It's not] a decision that any school should be forced to make."

While the military's official policy is "Don't Ask, Don't Tell," most gay and lesbian activists agree that little has changed since the military's previous stance, that "Homosexuality is incompatible with military service."

Between 1980 and 1990, a total of 16,919 people were discharged under the lesbian/gay exclusion policy. Since "Don't Ask, Don't Tell" was enacted, the number of personnel discharged due to their sexual orientation has decreased, but the

proportion of people discharged relative to the total number of people serving has actually increased.

The Department of Defense contends that forcing heterosexual soldiers to serve alongside openly gay and lesbian soldiers would destroy morale and efficiency, violate the privacy rights of heterosexuals, and significantly affect the military's ability to recruit and retain personnel.

Those who would like to see the military recruit on campus note the main goal of the military — to improve its corps through recruiting.

However, McWilliams suggests that "if the government really wants to improve the JAG corps, then it should concentrate on hiring law students based on their ability to practice law, not on their sexual orientation."

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FOUNDED IN 1946

Here the Cheaters Rule

Spring is near and that can only mean one thing at HLS: the wagons are circling once more.

This time it's a cheating scandal involving several members of the LL.M. class. The Ad Board process has begun, but don't expect any "official" notification. Expect a single notice in the Adviser in a couple of months announcing the Board's judgment. Don't expect an explanation or discussion. Expect a decree.

HLS's predictably clandestine response to the LL.M. cheating scandal is ineffective and counter-productive. The Graduate Committee's decision to award pass/fail grades is an abandonment of justice. It fails to provide adequate deterrence to future cheaters and is dangerously over-inclusive.

The administration's response is the classic school-yard "do-over." It's the solution that children find appealing. It is valueless.

The next step in the HLS adjudicatory process is the Ad Board proceeding. But the Star Chamber that gave Ron Kasner 10 lashes and a two-year suspension is no place to make policy.

When the process is over, the administration will print an Adviser squib to put students on "notice."

"Don't cheat!" it will advise. Case closed.

Unanswered questions will be left floating in the wake of this Ad Board proceeding. Could similar cheating occur on J.D. exams? Many J.D. take-home exams can be taken over a week-long period.

What moral or disciplinary force do warnings against collaboration have on rule transgressors? Professors regularly place warnings on exam cover sheets cautioning against collaboration, as did Prof. Chayes. The code of academic honesty forbids communication during take-home exams.

Are the flexibility benefits of multi-day take-homes worth the increased risk of cheating?

Directly at issue is the School's delicate balance of trust and sanction. Do we have an honor system? Do we trust students to act honestly? Should we?

If we desire an incentive-based system, do the sanctions deter the crimes? Just what exactly are the sanctions?

Can HLS properly deter undesirable behavior with the threat of a sanction applied on a case-by-case basis, crafted under the cloak of secrecy, and explicated in a 25-word Adviser notice?

Is there anything more central to a grade-based educational institution than the integrity of the grading system? This is not Yale.

The Ad Board is not the proper forum to address these issues, especially in a case in which up to 20 students have been accused, and in which many students have suggested that a substantial sub-culture existed among the LL.M. class that sanctioned cheating. Can a deviant act that implicates so many be addressed in such a narrow forum?

The issue will be forced through the Ad Board as a square peg in a round hole. It will be forced through and adjudicated and we will all be enlightened by the Adviser squib in April.

Watch for it and glean whatever scraps of information you can from the cryptic words. The highest court at HLS will speak once more and once more it will speak but provide no guidance.

— Friedman

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—First Amendment, U.S. Constitution

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• Letters •

Visiting Committee Invites Comments From Students

The Visiting Committee of Harvard Law School convenes each year to review the status of Harvard Law School on behalf of the Harvard University Board of Overseers. The full Committee, chaired by Kathleen Smalley '81, Senior Vice President and General Counsel of Catellus Development Corporation, will visit the School April 16, 17, and 18.

The recent use by students of the E-mail address visiting@law.harvard.edu to communicate with members of the Visiting Committee Sub-

committee worked very well. Therefore, the full Visiting Committee would like to encourage students to use E-mail to give Committee members suggestions and/or comments about any aspect of the School. Students should feel free to send E-mail to the address through Saturday, April 18.

The Committee would also like to encourage students to continue to give suggestions and comments about matters pertaining to the areas of dormitories,

dormitory life, Harkness Commons, and athletic facilities.

If students prefer, they may direct comments and/or suggestions to the Visiting Committee by writing to:

Kathleen Smalley, Esq.
Chair, Visiting Committee
c/o HLS Mail Room
Pound Hall, U-Mail

Michael Chmura
HLS News Director
February 13, 1998

Compromise in Removal Vote Affirms Popular Will

The Law School Council's resolution requesting its appointees to the Legal Education Committee to resign was a good outcome to a debate that had merit on both sides. The compromise motion was conceived in order to reduce the rancor quotient as much as possible.

In passing the resolution, LSC seeks to make three statements. First, we give notice to future members of student-faculty committees that, while they must consult their consciences and their expertise, they must also consult the students whom they represent, especially if — as was the case here — LSC gives them a unanimous statement about its position on an issue. Second, we enunciate to HLS administrators that the vast majority of students reject the votes cast in their name in favor of the new attendance policy; therefore, administrators may not construe those three votes in favor as lending student legitimacy to the

policy. Third, we affirm to students at large that, in this debate, we have made efforts to ascertain their opinions, and we are acting in accordance.

For me, this last issue is paramount. We have had to examine the nature not only of the representative duties of LSC's appointees to the LEC, but also of LSC's own duties as a representative body. In my Harkbox survey of the 3L class, 102 students favored a removal of the LEC appointees, while 23 opposed it. I have concluded that, as long as the majority does not hold a patently unreasonable position, my role as a representative is to defer to its wishes. Therefore, without commenting on the merits of impeachment, I feel that LSC's legitimacy as a representative body mandated that it stand with the large majority of students on this issue in asking at least for the resignation of our appointees to the LEC.

In last week's RECORD, one of the LEC appointees stated that he would step down gracefully if impeached. It would be unfortunate if he and the other LEC appointees would nevertheless disregard the Council's overwhelming vote of no confidence.

Outcome aside, many remarked after the meeting that the tone and quality of debate had been good. People used their legal wits to wax eloquent arguments about conflicts in representative democracy. If nothing else, the LSC debate proved that students care passionately about the very issues raised in classes, which begs the original question: wouldn't everyone have been better served if the LEC had spent the last five months not devising an attendance policy but rather seeking a way to replicate in class the vigor of legal discourse that students outside of class generate amongst themselves?

Rob Jancu '98
February 18, 1998

Removal Opponents Should Be Taken to Task

I am very upset that a majority of the Law School Council voted against removing the three students on the Legal Education Committee. The members of this body who voted against removal showed that they are as unresponsive to the student body as the three students who serve on the LEC.

I believe that the issue is not whether the new attendance policy is better or worse than the old one; reasonable people can disagree on this point. My gripe with the student members of the LEC is that they never went to the LSC to discuss the pros or cons of this proposal when they had knowledge that this proposal was to be voted on. In short, they failed to notify the student body that a change in the

attendance policy was being considered and they precluded debate on this issue until it was already a done deal.

While I write to chastise those members of the Council who failed to do their duty and represent their constituents, I want to praise the efforts of student leaders who did the right thing. President Dina DeFalco '98 and Treasurer Dan Fridman '99 wrote a timely and well-reasoned response to the new attendance policy in last week's RECORD. Additionally, Rob Jancu '98 and Daniel "Juice" Juceam '99 both deserve special praise for their hard work.

Mr. Jancu and Mr. Juceam actually polled their constituents on this matter

and both polls showed overwhelming student support for the removal of the LEC student reps.

In conclusion, student members on faculty-student committees (and I speak as a student member on two of these committees) have a responsibility to the students in their class to see that their voices are heard, and the student members on the LEC failed to live up to this responsibility. Sadly, some members of the LSC failed to live up to this responsibility as well. At election time, I hope students will take note of which members represented their views and which members gave no heed to their opinions.

David Lancz '99
February 18, 1998

• Correction •

In the Feb. 13 issue of the RECORD, Prof. Anne-Marie Slaughter '85 was erroneously identified as Director of Academic Affairs at HLS. Slaughter is in fact Director of Academic Affairs for the graduate program rather than the Law School as a whole.

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Time for a Change

By Mikhail Zeldovich '00

As the current crisis shows, American policies in the Persian Gulf are not working well. The confrontation with Iraq has overshadowed the failure of the other prong of U.S. dual containment policy — Iran. Although U.S. military might is assembled against Saddam Hussein's Iraq, American diplomatic and economic punitive measures are targeted at Iran as well. Many academics and staff officers in the State Department are calling for an end to the almost twenty year old estrangement between the U.S. and Iran, especially now that the opportunity is there.

If there is anything that drives the U.S. government's policies toward Iran, it is inertia. Yes, it is true that in the middle of the 1979 revolution, Iranian students took American hostages in Tehran with the acquiescence of their government. Ever since then, the U.S. has been condemning it as a "renegade" state and accusing it of violating human rights with its fundamentalist Islamic laws. More importantly, the U.S. slams Iran for seeking to build weapons of mass destruction and allegedly supporting terrorist movements all over the Middle East. That is why Iran is suffering from stringent economic sanctions that few Western companies dare to ignore.

Most American claims have some basis in reality but are blown out of proportion. In a region where political opposition is usually silenced by the use of force and parliaments are either meaningless or non-existent, Iran's political landscape looks far more democratic. Iran has universal suffrage, and its elec-

tions are competitive.

Women in Iran today enjoy far more rights than they do in most other Gulf nations, including those allied with the U.S. The percentage of female department heads in the University of Tehran is higher than it is in Columbia University.

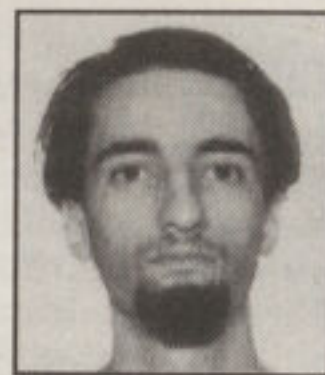
American leaders love to dwell on the subject of Iran's quest for weapons of mass destruction. Although Iran has chemical weapons capability, its government refused to use them in the Iran-Iraq war, even after Iraq did, seeing them as inhumane. After signing the Chemical Warfare Convention, Iran opened its

in Tehran in December.

The U.S. still sees Iran as a state actively supporting international terrorism, and it has blamed Iran for the bombing of a U.S. compound in Saudi Arabia and, briefly, for the TWA explosion. There is still no evidence to support either claim. Iran does support the Lebanese *Hezbollah*. However, that movement has gained much political legitimacy and participates in Lebanese elections. Although other regional powers support that and similar movements, they have not been blacklisted as Iran has been.

The Iranian list of complaints against the U.S. is at least as long. The U.S. had engineered a coup in Iran in the 1950s and supported the Shah's corrupt and cruel regime. It even supported Saddam Hussein when he invaded Iran in 1980 and shot down an Iranian Airbus with 290 passengers onboard. Even today, U.S. politicians are driven by old fears and antipathies. The U.S. Congress planned to allocate \$20 million in 1995 for a covert attempt to overthrow the Iranian government. The U.S. economic sanctions are the most important reasons for the continuing stagnation of the Iranian economy. Under these circumstances, Iran's view of the U.S. as "the Great Satan" is a bit more understandable.

Nothing is ever solved by recounting and comparing grievances. Instead, it is time for a more open and extensive dialogue. The President of the Islamic Republic, Mohammad Khatami, has impressed most of the world with his emphasis on the rule of law, civil society, and his efforts to relieve the economic problems facing Iran. Khatami does have powerful hard-line opposition to deal with. However, it was the Iranian people's over-



whelming support that swept him into office with 70% of the popular vote, and not even the hard-line religious authorities have that kind of a mandate. Khatami's position would only be strengthened by the United States' relaxing its economic sanctions which would result in more foreign investment and economic improvement.

Some ask why the United States should bother starting the dialogue. Well, for one thing, the current policy is simply not working. Although the U.S. government's embargo is hurting Iran, its attempts to make it a pariah have clearly failed. Russia, China, and France, just to name a few countries, are cooperating closely with Iran. With Khatami's election and new outlook, the view of Iran as a rogue, renegade state has lost much of its credibility.

With the population twice as large as that of the rest of the Gulf states combined, Iran is a major regional superpower. It is more democratic and stable than the despotic sheikdoms that the U.S. is propping up. Reaching an understanding with Iran should make the containment of Mr. Hussein easier and would help to curb the activities of different terrorist groups throughout the Middle East. Iran's geographical location makes it a perfect conduit for a Central Asian and Caspian oil export route that would bypass the current Russian monopoly on oil export from those regions.

Clearly, the U.S. should develop a policy of strategic engagement toward Iran, such as the one that it has been pursuing with countries like China. It is also true that such a change in U.S. policies would be made easier if Iran toned its rhetoric down even further and stopped its opposition to the Arab-Israeli peace process, but everything can't change in the few months that Khatami has spent in office. Both sides have much to win from cooperation and little to gain from continuing opposition.

The percentage of female department heads in the University of Tehran is higher than it is in Columbia University.

borders to U.N. inspectors and has not interfered with their work.

Perhaps most importantly, its foreign policy has also changed. Iran has professionally served as a mediator in the conflict between Armenia and Azerbaijan.

It has also mediated conflicts in Afghanistan and Tajikistan. The United Nations has several times noted Iran's outstanding job in taking care of millions of refugees within its borders. Demonstrating Iran's return to respectability among its formerly suspicious Arabic neighbors, the Islamic Summit convened

Holmes Field Addition



The University is constructing the Maxwell Dworkin Building on the northeast corner of Holmes Field, next door to Hauser Hall. The new building, which will not be used by the Law School, will replace the now-demolished Aiken Computation Lab.

Clinton Apologize? Not in America

By Robert H. Mnookin '68 and Jonathan R. Cohen '92

To move from apartheid to democracy, South Africa's Truth and Reconciliation Commission struck the following deal: truth in exchange for clemency. It was a good, practical solution. Rather than dragging the nation through years of accusation and denial, let the offenders admit what they had done and apologize for it. Atone-ment, rather than strict justice, would benefit both the offenders and their victims, and let the country move forward.

To resolve Independent Counsel Kenneth Starr's battle with President Clinton, one might have thought that a similar deal could be struck. Starr could offer Clinton an end to the investigation and the dropping of all charges in exchange for a public apology by Clinton, the contents of which were agreed upon in advance by Clinton and Starr. (While Starr, as Independent Counsel, does have the power to end the investigation and drop all charges against Clinton, Starr does not have the power to waive Congress's right to impeach the President. However, the key Congressional players could be brought in to ensure that "no impeachment" was also part

of that deal.)

At first, this deal would seem an attractive solution. Starr would have his interest met in "getting at the truth," and Clinton would be able to do what is morally right — apologize for any mistakes he made.

The irony is in our public attitude. While most people say that if you've made a mistake, you should apologize for it, when it comes to our president, "no look, no tell" appears our rule of thumb. If we "merely" think it is very likely that Clinton engaged in adultery and/or perjury, then we can ignore it. But if Clinton apologizes for those actions, then we cannot. Implausible denial appears the rule of the day in America. Truth and reconciliation seem to work only in South Africa.



Robert H. Mnookin '68 is the Samuel Williston Professor of Law and Chairman, Steering Committee for the Program on Negotiation, at Harvard Law School

Jonathan R. Cohen '92 is a Senior Fellow of the Program on Negotiation at Harvard Law School

THESE HALLOWED HALLS

By Kate Arms '98

RECORD Columnist

PAINTINGS, PONTI, AND PICASSO

Harvard University is a decentralized institution. Organizational groups do not often collaborate with each other, so it is notable when they do. One such collaboration is a new architectural exhibit at the Busch-Reisinger Museum created with help from the Graduate School of Design. "Gio Ponti and the Villa Planchart" will be open until March 8, 1998. Italian architect and designer Gio Ponti (1891-1979) is best known for his designs for the Pirelli Tower in Milan (1956), the Denver Art Museum in Denver, Colorado (1970), and the "Superleggera" chair. The Villa Planchart, a private home built in Caracas, Venezuela, in 1956, is considered one of his masterpieces.

The exhibition documents the house and its contents, with photographs, drawings, and examples of the furniture from the Villa. A selection of letters between architect and client and photographs of the villa under construction reveal the design process. Materials in

the exhibition come from the Ponti Family in Milan, the Planchart Foundation in Caracas, the Archives of the University of Parma in Parma, Italy, and a number of private collections.

Loaning materials to other museums for special exhibits is common. Borrowing allows museums to create focused exhibits with more depth than is possible when materials must be drawn solely from their own collections. While pieces are on loan, however, their home collections may suffer. This was the case with the Maurice Wertheim Collection in the Fogg Museum during the Picasso retrospective at the Boston Museum of Fine Arts this past fall.

The Wertheim Collection is the personal collection of impressionist works collected by Maurice Wertheim, Harvard Class of 1903. Although Wertheim's personal taste did not run to impressionism, he was aware of the value of such works as a collector and acquired a notable collection of works by the great artists of the period; Van Gogh, Renoir, Degas,

Matisse, Monet, Gauguin, and Seurat are among those represented.

The two Picasso paintings borrowed by the MFA have now been returned to the Fogg, making the exhibit complete. "Mother and Child" is a large, characteristic work from Picasso's Blue Period. The second work is more unusual. Painted in 1901, Picasso's first year in Paris, one piece of canvas has two very different paintings. On one side, "Young Girl Wearing a Large Hat," is a romantic piece with the pale colors and short, obvious, brush strokes with a focus on soft lighting that are characteristic of Renoir's best known works. On the other side of the canvas, is a stark, brooding image, "Woman with a Chignon," reminiscent of Gauguin.

The curator of the exhibit has displayed the canvas on a pedestal in the center of the room so that both paintings can be seen. Each painting by itself is good, but the combination of the two on a single canvas highlights Picasso's ver-



satility and skill.

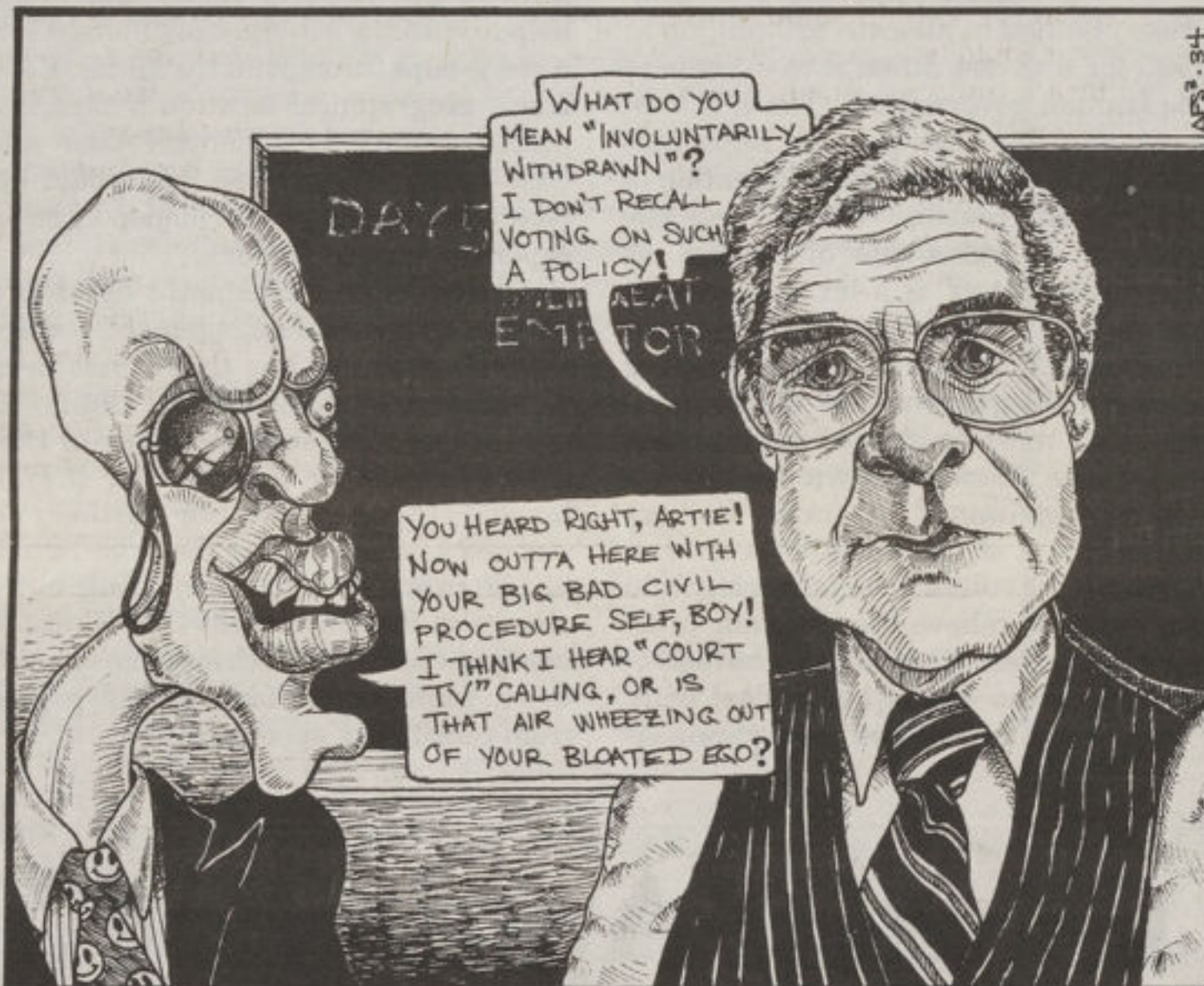
Complementing the Wertheim collection is the ongoing exhibit, "Circa 1874: Emergence of Impressionism," also at the Fogg. This exhibit is a selection from the permanent collection which focuses on a specific moment in art

history, the time of the first impressionist exhibition in Paris. These paintings by Monet, Degas, and Renoir, among others, reveal both the emergence of a new approach to painting and the variations of style between the painters.

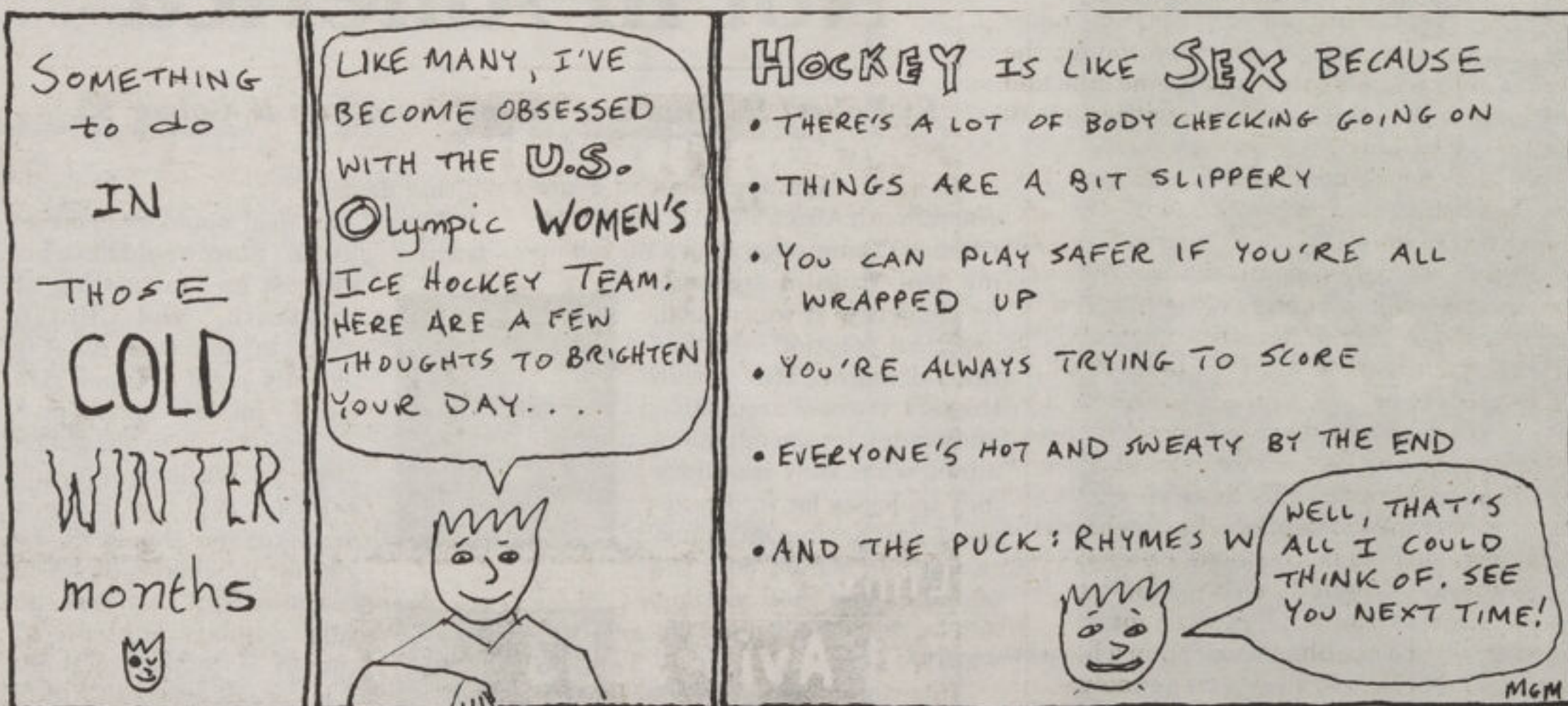
If you are on the second floor of the Fogg museum on the hour or the half hour, you will hear the striking of an 18th-century Dutch clock. This clock uses two different bells, a high one for striking the half hour and a low one to mark the hour. The ringing of the bells to mark the time is preceded by a short sequence using both bells. Although it may not be worth a trip to the Fogg all by itself, it is worth experiencing once you arrive.

Reasonable Man Enforces the New Attendance Policy

By Alfred Steiner



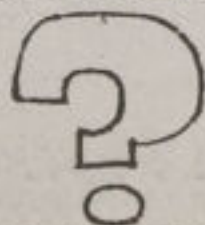
Spike



By Margie McWilliams

Questions Answered

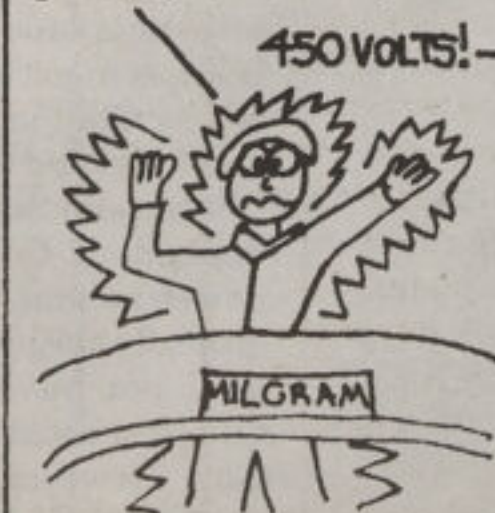
PROFESSOR PARKER WANTS TO IMPROVE STUDENT-FACULTY RELATIONS—BY MAKING IT EASIER FOR PROFS TO KICK A STUDENT OUT OF THEIR CLASSES. WHAT OTHER IDEAS DOES PARKER HAVE?



WEDGIES FOR LATE ARRIVALS TO CLASS

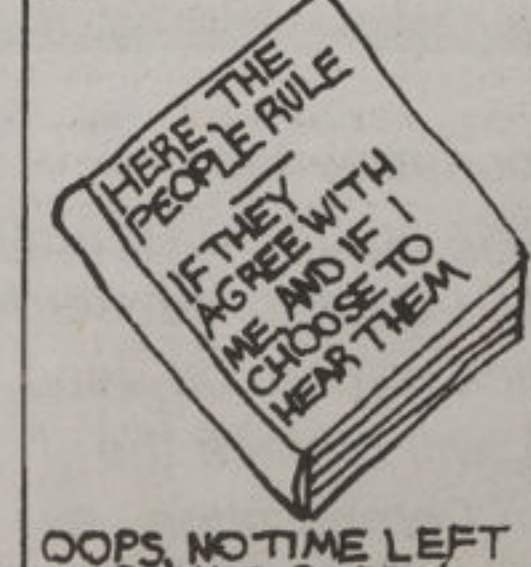


ELECTRIC SHOCKS FOR WRONG ANSWERS STRICT SCRUTINY?



By Jol Silversmith

A HYPOCRISY-FREE LEARNING ENVIRONMENT



OOPS, NO TIME LEFT FOR THAT. SORRY.

How often have you heard something like this: "Whoa, that's going to cost him! Once you lose that speed at the top of the course like that, it's tough to make it up later on..." They say that in just about every broadcast, and it could

be any one of a number of sports.

But once your athlete is down the hill or off the ice, your cheering job isn't through.

That's because the real Winter Olympics fan not only prays that his favorite skier/sledder/skater won't "auger in"; the fan has to yell at the television to jinx the rivals: "You're gonna blow it, you loser!"

It is this ill-will voodoo that is unique to winter sports. It is not just about wanting your team to do well, it is about wanting the other guys to flip the sled.

You could watch NASCAR for a year and not see the kind of action offered by the Nagano men's downhill last week. About one out of every four skiers were coming off the course at a single gate. They could have parked a hospital on the side of the mountain, and if they put the emergency room double-doors in the right place and opened them wide enough, they could have had five or six good trauma cases come skidding to a stop right in Curtain Area Three.

That's probably why they took so long to add curling as an official Olympic sport — low probability of death or serious injury.

Of course, the Winter Olympics is not just about injuries. It's about people coming together despite their differences. For instance, some people really detest figure skating, and some people love it. But whether you love it or not, you can sit down together with the other person and enjoy watching it. That's because the only real difference between a true fan and a skater-hater is who you want to see fall down: everybody, or everybody but one.

The worst thing is, when figure skaters fall, they are highly likely to do it again within seconds. You can hear it in Scott Hamilton's voice. "... That's too bad, and after that she's going to have to land this triple axel right here ... Ooh! [crash] That's gotta be tough. Gosh, falling four times in a row makes it soooo hard to regain that confidence."

Well, the tears will dry as soon as they freeze midway rolling down a pair of flushed cheeks. And then we'll be anxiously awaiting the return of the winter games in another four years. Until then, have a great Winter Olympics — see you next fall!

Musings and Vagaries

BOYS WILL BE BOYS

By Renée Kaplan '99

Staff Columnist

Picture, for a moment, professor Mary Ann Glendon in a black leather jacket and aviator sunglasses posing coolly for a photograph or greeting students sitting Indian-style, curled up in her desk chair. Imagine, if you will, professor Carol Steiker wearing a black turtleneck — every day — and giving an exam in Criminal Procedure asking students to reflect on their intellectual, psychological and, oh ... say, esthetic experience in the class. Or imagine professor Martha Minow also wearing a black turtleneck every day and bringing students before the Ad Board in an outraged blitz of editorializing when her black turtleneck gig gets away from itself. Or picture professor Elizabeth Warren in a third black turtleneck holding hands with Dean

Clark and dancing in the student parody. What if professor Martha Field wore a big beret between classes and a Swatch on each wrist, or if professor Lucie White served wine during her seminar breaks and published her own personal pamphlet on populism, literature, poverty and law schools? Let's say professor Christine Jolls wore biker boots and black jeans to class, or that professor Anne-Marie Slaughter did a handstand for her students at the end of the term, and that professor Diane Ring surprised her Tax class with a little rendition of the Macarena — just to stretch things a bit.

That all, most likely, wouldn't fly. Not that we don't appreciate a little non-con-

formity or even eccentricity, that we don't have a sense of humor, or that we don't welcome these truly infrequent displays of individualism, and these sometimes embarrassingly simple proofs that law school does not necessarily have to be the way that Harvard Law School has always been. And not that it's particularly difficult even to mix things up a bit with a little beatnik, or a little populist, or a little gymnast, or a little mad-genius number. After all, Harvard Law School is a place whose abstract, long-standing mystique — or reputation — as a place of great promi-

making conspicuousness is more typically male than female. Or maybe women haven't earned the right — the status and respect — yet, maybe they just haven't been around the place long enough. Or maybe they just don't have the balls, huh? Or maybe it's that if women tried flexing their wee little notice-me bohemian muscle, the wee little notice-me bohemian gesture would somehow suddenly seem unacceptable. Students mostly couldn't give two hoots about the way the old Emeritus guy



looks, shuffling along in a bow tie, good solid eyeglasses, and the same jokes that are in the outline from five years ago. What he's wearing? Whatever, irrelevant — who's looking? And

students do get a decent chuckle when something beyond the ordinary button-down, tie and jacket-or-sweater norm makes them look twice: look, a bohemian prof at Harvard Law. But a woman professor could never wear jeans to class — I mean, could we take her seriously?

In fact, a woman professor can't have anything too untraditional or conspicuous happening at all. She can't be too pretty, or too ugly, or too old or too young, or too unkempt or too neat, because whatever she is, students — men and women alike, most often — will notice, and scrutinize, and comment. A female professor, unlike a male one, is never immune to inspection (and overhaul); her appearance and her personal man-

ner are as much grist for substantive catty criticism, as a male professor's peculiarities are objects of laughing, peripheral commentary — because who cares if he's got a bit of a paunch and can't quite cover the bald spot with the

two or three stringy strands left, even though he tries, at the beginning of every other sentence, to smooth his sparse coiffure over his scalp? Imagine a woman professor with a bit of a paunch trying to smooth her sparse two-strand coiffure over her poor scalp: she really ought to try to take care of herself, or something, you know? Wear something to hide the tummy, get a wig. On the other hand, imagine her — now slim, fit and well-coiffed — wearing biker boots or black turtlenecks everyday: what, is she trying to make a *fashion* statement — and is this really the time or the place? Imagine her doing handstands or dancing with the Dean on stage: inconceivable.

Eccentricity in a male professor is charming or forgivable; eccentricity in a female professor is regrettable and unprofessional. We like her neat and low-profile, competent and mostly nondescript, because very little that women professors do, say or wear, very little about the way they talk or dress is allowed to be innocent — unless it's just too inconspicuous to be noticed. As much as a male professor's eccentricities broadcast a kind of roguish confidence and respectable indifference to convention, a woman's are most often discrediting — for no good reason beyond the fact that she's a woman, and her gender still somehow speaks before her lectures or her syllabus do.

A female professor, unlike a male one, is never immune to inspection (and overhaul) ...

nence, great tradition, and great merit still constitutes a very large, unquantifiable portion of its current prominence, tradition, and merit. It doesn't take a whole lot to test the rather rapidly reached parameters of convention and it takes just a little bit more to stretch them: look, a bohemian prof at Harvard Law. Professors here, for the most part, don't appear to have been too interested, and it seems that the few that have, for the most part, are men.

It is unlikely that Dean Clark simply chose uncommonly well-behaved women professors. It is more likely that women professors are simply more uncommonly well-behaved than men. Perhaps the instinct toward that kind of statement-

have a good old-fashioned witch-burning? Fenno was disgusted. What, she wondered, was the point of a student government that couldn't even follow through on its threats of petty vengeance?

Fenno needed to get out. Her anger at the weenie-ness of her elected representatives was making her feel like Dave Rosenberg's eyes looked after he was deprived of raw meat for more than a few days. So Fenno wandered over to the Hark, hoping to find some unsuspecting LSC dweller at the "Student Services Center" to take out her fury on. But, naturally, there was no one there, though the LSC had thoughtfully left some milk and cookies on the desk, along with a note to Santa Claus.

Fenno wandered over to her Hark box, which looked more and more like Mt. Vesuvius with every passing day. Chuckling, she was about to pass by when something caught her eye. Shuffling through all the "News from Sodexo" flyers, she pulled out the curious looking piece of paper. "Come join experts from the De Beers diamond cartel who will teach you how to most efficiently give them your money!" Now *this*, thought Fenno, had potential. Impeachment is ephemeral, but diamonds are a girl's best friend. Especially if the girl in question is a materialistic law student already making a healthy income from a little bit of creative LIPP fraud. (Fenno was always amused by the periodic whining about how underfunded the program is. She had always justified her embezzlement with the knowledge that *someone* needed to teach the public interest dorks about the cold realities of the market.)

In the flash of an eye, Fenno's anger over the whole impeachment thing had evaporated. Diamonds had a way of doing that to her. Besides, she knew that the rest of the Law School would return to its customary apathy in a few days. She felt like a leader by taking the plunge first. Activism had been fun and all, but really it was rather draining. With a carefree bounce in her step, Fenno strolled casually out of the building, stopping only long enough to dump her cubic zirconia ring into the nearest recycling bin.



This week, Fenno comes to terms with the new attendance policy.

Fenno was pissed. Truth be told, it wasn't really about the attendance policy anymore. After all, Fenno wasn't exactly planning on graduating anytime soon. The way she saw it, this was just one more way to guarantee that she would be forced to stick around for a few more years. "And," she figured, "let's face it: this way is a lot less painful than my old strategy of choking on meatball sandwiches from Three Aces and pulling a Kasner with my section's party fund."

No, Fenno had gotten over her pique about the actual policy. If the faculty wanted to force her to attend classes, that was fine. After all, it had been at least 17 years since a professor had known her name (not counting Charlie Nesson, who usually called her "mommie"). She wasn't going to be a main target of the policy. And she didn't feel a lot of sympathy for the relatively few people whose absence would actually be noticed from their classes. If anything, it seemed like the policy should provide a nice disincentive toward becoming a gunner.

But Fenno was still pretty damn angry. Fenno had been looking forward all week to the Law School Council's pathetic attempt to make themselves look good over this, and she figured the least they could do was give her a little blood. It wasn't often that HLS had an honest-to-goodness impeachment hearing, and as far as Fenno was concerned, if the LSC was going to do it, they should at least have done it right.

It wasn't much that Fenno asked for, really. All she had wanted was a kangaroo-court trial, a vigorous denunciation, and perhaps a good tarring and feathering. Would it really have killed them to

Quote of the Week

"Everyone loves to give blood."

— Rachel Brand '98, organizer of the HLS Republican's blood drive.

spring break fever

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ALUMNI
CORNER

By James W. Whitehouse '97

Mandatory Sentencing: A Keystone of Justice

MTV, God bless it, was trying to produce a documentary aimed at giving younger people a real look at drugs. Their aim was to dispel the myth of the glamour.

One of the segments showed a young man, about 23, who was serving 25 years in federal prison. He'd been traveling along with the Grateful Dead, and an undercover cop had asked him if he could set up a deal to buy LSD. The young man had said he didn't sell the stuff, but knew someone who did. He was busted during the transaction which involved something like 25,000 hits of LSD or some unbelievable amount.

The young man pointed out that, out of his 25 year sentence, he was doing only seven years for the LSD. The additional 18 years was for paper. This is because the federal mandatory sentencing rules determine sentence length by the weight of drugs. As LSD is a liquid, it is usually sold as a drop on a small piece of blotter paper. The federal sentencing rules don't take this into consideration, and so a great deal of the "weight" for which the young man was being imprisoned, was in fact paper.

The conclusion emphasized by the



MTV documentary — as expressed by the young man as well as the sentencing judge — was that mandatory sentences were the culprit.

But this is not the best, nor even the most obvious, conclusion.

Think the young man's sentence was excessive considering he received 18 of his 26 years based on paper? Amend the rule directing how LSD should be

rules that can't be immediately defeated by making the mandatory sentencing rules more specific and detailed.

Mandatory sentencing guidelines are being given a bad name by megalomaniac judges who don't like to have their omnipotence curtailed.

The cornerstone of Justice should be that all are treated equally in the eyes of the law. Black, white, old, young, rich, poor, captain of the local football team, dirty and unwelcome bagperson on the

purely on non-personal reasons, then let those reasons be included in the mandatory sentencing rules.

Some argue that if the sentencing rules included all possible variables that a judge may consider, the rules would become too complicated. But when has Justice been so low a goal that it is to be supplanted by ease?

If these rules would become too complicated just by writing them all down, (remember, these are the rules that we determined that judges *should* be taking into account when sentencing), then clearly these rules are too complicated *not* to be written down!

Judges should have no discretion at all. The jury should determine the facts and the judge should look the sentence up in the mandatory sentencing guidelines and announce, "In the Great State of [whatever], all persons found guilty of this crime under these circumstances and with this background are given the sentence of _____."

Any other conclusion is, in fact, advocating that people convicted of similar crimes under similar circumstances should not be made to suffer similar punishments. Such a notion, I would insist, is offensive to any definition of Justice.

Mandatory sentencing guidelines are being given a bad name by megalomaniac judges who don't like to have their omnipotence curtailed.

weighed and eliminate paper from the measurement!

Instead of completely repealing mandatory sentencing guidelines, they should be fine-tuned to provide for an expanded list of contingencies. There is no criticism of mandatory sentencing

street corner.

Only mandatory sentencing rules can securely limit a judge's power to decide on the bases of personal whims and biases that some people should do less time and others more. And if judges insist that their need to modify sentences is based

LIVING TO EAT

By Judson O. Berkey '98

RECORD Columnist

BOHEMIAN RHAPSODY ON A THEME OF NEW ORLEANS

Given that it was Friday the 13th, we probably should have been expecting the bizarre. After witnessing an accident and almost having one ourselves, we felt lucky just to make it to Daddy O's Bohemian Grill located at 134 Hampshire Street just outside Inman Square alive. And after entering the nondescript storefront, we began to wonder if we still were. We entered into a room whose low key lighting punctuated by flames from an open grill, blue speckled walls containing instrument playing black figures, and muted sounds of jazz immediately created an unsettling atmosphere. When met by a staff that exuded obvious indifference, and even hostility in the form of a host who not only forgot our reservation but also us, it looked as if the evening was a nightmare in the making.

The tenor of things changed, however, once we were finally seated in the small dining room just around the corner from that purgatorial-like antechamber. The walls of this room still contained those same eery jazz playing figures but much softer lighting and colorful glass tables softened the mood. Two stuffed figures sharing cold ones and a book at a table in one corner of the room added an element of frivolity to the scene. And after being met by a waitress with an infectious playful personality, and a noticeable habit of consistently bumping into one patron, the evening's rhapsody finally began.

Daddy-O's serves what can best be described as comfort food with a New Orleans touch. While the compact menu contains the full complement of meat, fish, poultry, and vegetarian choices with a few noticeable New England and Asian accents, the dominant theme is definitely the grill and the south. We began with appetizers of potato latkes (\$5.00) and a salmon casserole (\$6.50). The casserole

was a sizzling dish containing curried rice marked with bits of house smoked salmon, pungent onions, green apples, and topped with a cucumber sour cream. This dish had a nice texture as the still firm rice encapsulated the smoky, sweet, and tart bits which were quickly coated by the melting sour cream.

The potato pancakes, however, were the definite first chairs of the appetizer list. Round disks that tapered off into spiraling potato tendrils, these pancakes were fried perfectly — sharply crisp yet not at all greasy on the outside while soft, chewy, and moist on the inside. Served

with twin dollops of sour cream and apple sauce, they easily must be the best in New England. In fact, Daddy O's is known for its treatment of potatoes. The garlic mashed potatoes that

come with many entrees were the equal of the latkes. Silky smooth and creamy while still containing distinct chunks of potato and potato skins, the mashed potatoes contained a burst of garlic flavor which amazingly does not overpower the palate. They could easily be served as a solo entree.

The entrees continued the southern grill theme. The charred steak (\$12.00) looked nicely rare on the inside while blackened on the outside but actually turned out to be disappointingly tough. The accompaniments to this entree were top notch though as they included those aforementioned mashed potatoes and grilled onion rings which were not battered but instead were large rings of white Bermuda onions grilled so that they had a striking black fringe. A chicken breast (\$11.00) was grilled well so that it was still quite succulent while being charred on the outside and came topped with a light gravy. Again, those wonderful mashed potatoes, and this time some grilled squash, appeared as the accompanying notes.

Finally, a grilled trout (\$14.00) stuffed with Louisiana crawfish was also done to perfection. The skin flaked off easily to reveal tender chunks of white meat that were complemented well by the denser and slightly gamey taste of the crawfish. The fish

was accompanied by fried sweet potato sticks that unfortunately did not live up to the standards set by the other potatoes and a heap of steaming greens that was flavored with accents of tabasco.

Dessert at Daddy O's is an event not to be missed. While there were plenty of variations on chocolate, we were sold at the beginning of the evening by the temptation of a dessert made to order.



While many restaurants will offer dessert souffles which must be ordered with the meal, Daddy O's lives up to its Bohemian name by offering a down to earth fruit pie. The pie contained chunks of sweet-tart apples and sour-tart cranberries resting in an

understated syrup. The flaky crust contributed to the light touch and it was topped with a single scoop of Toscanini's vanilla ice cream that made one not want to share. In the end, what started out as a potential dirge did indeed turn into something much more rhapsodic. The atmosphere at Daddy-O's may be a bit bizarre but the food is definitely top notch.

Daddy-O's serves what can best be described as comfort food with a New Orleans touch.

Make an impression

WRITE FOR THE RECORD

SPORTSGUY

EN FUEGO = ON FIRE

By Naim Bulbulia '98
and Josh Swartz '99
RECORD Columnists

En Fuego continued tearing up the A-League with an impressive 61-49 victory over The Leftovers. Amir "Tm Arbabi girl in a Barbie World" '00 again turned in a stellar performance (connecting for about 25 points), Glenn "Charlie" Brown '00 dominated the boards and lit up the opposition both inside and outside, and Jeremy "Mugsy" Hogue '00 and Jay "Charlotte's" Webber '00 continued their consistent play down low.

In other A-League Action, Black Plague rebounded to beat B League's Best 58-47 behind Greg "Harry" Belinfanti's '00 24 points and 12 rebounds and Kindaka "Jekyll and Hyde" Sanders '00 barrage of three point shots. The Plague rolled despite missing their two slashing forwards, Damon "Tom" Jones '98 and Andre Hylton "Hotel" '00. The Plague now braces itself for an early season showdown with The Rainmakers.

The two top ranked teams in the A-League, Serenity Now and The Rainmakers, postponed their matchup but will play Tuesday, February 24th at 7:45 (for all of you die-hard Hemenway groupies). Serenity Now guard Jesse "Give me back my son" Ransom '99 was quoted as saying "Woody will stop Brent cold, and I'm going to score 30 on whoever guards me." Brent "The Idaho Avenger" Schlotthauer '98 countered, declaring "I am not going to get more than two shots because I heard Naim is playing and we're only using one ball."

In B-League Action the Stormin' Mormons used a balanced attack to roll over The B-Sharps & Gwar 68-45 to retain their top ranking. Unfortunately the Sportsguy's #2 pick, Heartland, appears to be far more inept than previously thought, tumbling to The Psychological Boys 38-34. Thomas "Jedidiah" Hall '98 finally appears to have his squad clicking on all cylinders and might crack the Sportsguy's top five soon (although their desperate pleas for publicity are hurting them).

The surprise of the week was Hotel Gropius (who was 1-9 last year) crushing Wemantonyah 73-21. Leading the Hotel Gropius attack were the defense of big man "Marky" Mark Adkins '99 and the shooting of Mike "Luke-warm" Waterstone '99. Jim "My team isn't worth a" Nicholson '98, the captain of Wemantonyah, was overheard saying "We belong in the D-league this year." Soulbucket used a Princeton-style offense, consistent outside shooting from Dave "Rocket" Rothenberg '98 and Howie "Air Lingus" Neuthaler '98, as well as an aggressive defense.

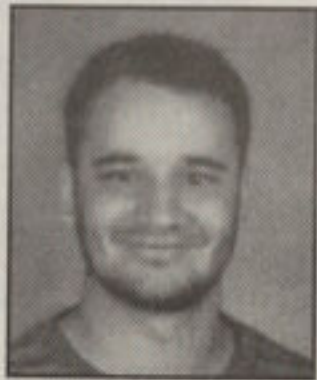
The Cambridge Metro Stars opened up in impressive fashion, beating the Tortmasters 66-39. One-L Broadway Joe Lambert "and Ernie" '00 emerged as an

MVP contender, scoring at will both inside and outside while amassing 34 points and 17 rebounds.

New to this week's rankings is the not-ready-for-prime-time B-League version of En Fuego, the Supreme Courtiers. Originally dubbing themselves "White Plague," (a thoroughly laughable comparison to last year's defending A-League champions) this scrappy bunch of 1Ls put the hurt to the Kenneth All-stars, 54-25. "Nancy" Reagan Demas '00 paced the Courtiers with a flurry of threes.

Perennial B-League powerhouse Godfathers of Dunk slumbered through a 43-34 win over appropriately named Bye. A-League moonlighters Matt "I can see for Giles" '99 and miles" and "Free" Billy Hawkins '99 paced their lethargic victory. The Flaming Rats used the inside game of Ofer "Down Easter" Elitzur '99 and the rebounding of Mike Bocian '99 to crush Specific Performance, 60-23.

Rounding out the B-League action, The Short Guys beat Tossed Salad, 42-31; Loose Canons romped over Title IX's Revenge, 54-28; Ball and Chain survived a scare from the Five Assed Monkeys, 34-30; and The Sacrificial Lambs slammed Phi Slamma Jamma, 44-27.



Thomas "Jedidiah" Hall '98



Mike Bocian '99

In the only C-League game, the jumpshooting of Jenny "Hardaway" Brosnahan '98 and Erin "Lake and" Palmer '98 led The Prom Court to victory over They Killed Kenny. Jeffrey "David" Karish '98 sealed the victory with 12 rebounds and 11 points.

Low Light of the week: Heartland, with former A-league players "The Six Hundred Dollar Man" Matt Austin '99, Jason "off the" Markham '99, and Chris "Grace" Kelly '99 lose their opening game.

A LEAGUE RANKINGS

- #1 Serenity Now (1-0)
- #2 The Rainmakers (1-0)
- #3 En Fuego (2-0)

B LEAGUE RANKINGS

- #1 The Stormin' Mormons (1-0)
- #2 The Godfathers of Dunk (1-0)
- #3 Cambridge Metro Stars (1-0)
- #4 The Flaming Rats (1-0)
- #5 (tie) Flagrant Delicto (1-0)
- #5 (tie) The Supreme Courtiers (1-0)

The View From Below

A LITTLE RESPECT

By Neal Higgins '00
RECORD Columnist

Twenty-eight of the 36 professors present at the February 6 faculty meeting voted for the right to kick students out of their courses summarily, arbitrarily, and without warning. The only criterion: that the professor believes the student has demonstrated "substantial delinquency in attendance." The new attendance policy contains no clause requiring that the rule be applied evenly, no call for actual evidence that a student has missed class (one professor reportedly said that taking attendance would be "demeaning"), and no warning as to whether or not a professor intends to apply the attendance policy (in fact, the faculty rejected an amendment requiring just that). Faculty members must only inform students if they intend to deviate from the assumption that missing 25-30 percent of classes constitutes "substantial delinquency."

Perhaps the irony in all of this escaped some of the 28 professors who voted for the policy. They didn't, for example, seem to see the humor in Prof. Parker's remark that new appellate safeguards — ones that go into effect only after a student has been summarily tossed out of class — would make the new rule less "informal, unguided, and unchecked." Nor did they

blush on realizing that barely half of the faculty was present to vote for the stricter attendance policy. And they apparently didn't conclude that it might be "demeaning" to tell adults paying \$30,000 a year to be at Harvard Law School that they aren't capable of deciding for themselves when it's worth their while to attend class.

If professors can't make periodic faculty meetings on Friday afternoons, why should they expect students to make weekly classes on Friday mornings? If student apathy is the problem, is ignoring student opinion the answer? What's next, weekly beatings until morale improves? As long as we're heading down that path, why not kick students out of class for expressing a discordant view, or not expressing a view, or simply looking disinterested?

It doesn't strike me as terribly controversial to suggest that most students at HLS aren't the type who just miss class for no apparent reason. Nor does it strike me as controversial to suggest that students shouldn't miss class without good reason. Add those two thoughts together and you come up with a simple,



plausible conclusion: if HLS students are missing class, it's for a good reason. The solution isn't simply to require students to attend class; it's to ask why they're not attending class.

That, however, would imply that student concerns are actually relevant to the discussion, a premise that the faculty vote quite clearly rejected. It might also require some professors to admit that their teaching doesn't enrapture every student every class. But is it better to ban the problem and ignore its cause, or to acknowledge the problem and address the cause? Rather than leading to greater participation, requiring students to come to classes they would otherwise skip might just mean more people passing notes and playing solitaire. On the other hand, asking why students are skipping given classes and addressing their concerns could lead to an academic environment more profitable for both student and professor.

So how can a professor take student concerns into account without dumbing down the material or altering the syllabus and the classroom environment to meet every student demand? At least one professor is experimenting with a model that others might consider. In his International Law class, Prof. Joseph Weiler has decided to create a "Quality Circle," a group of students chosen to represent their classmates in regular meetings with the instructor. By expressing their own views or those of their peers, the representative students can provide their professor with feedback, both positive and negative. The professor can then take that feedback into account and respond accordingly, either by changing the course or by explaining the conscious de-

cision to keep things as they are. On the homepage for his course Prof. Weiler even provided a link to an article discussing "Quality Circles" themselves.

Admittedly, "Quality Circles" may not allow a professor to respond to every student concern. But they do allow students to voice those concerns and receive a response. That alone might convince many to remain in class. "Quality Circles" could, however, suffer from a fatal flaw: they require a professor to step out from behind the podium and recognize that students may have legitimate criticism. But if professors care enough about student response to want a warm body in every seat, shouldn't they be willing to hear what those warm bodies have to say? Finding a forum for student-faculty dialogue within each course could improve attendance and instruction, for both student and professor. Rather than simply skipping class or unloading on the final course evaluation, students could communicate with the professor as the semester progresses.

Even with the greatest attention to student concerns, there will undoubtedly be some who still regularly choose to skip class. Those few, however, can be dealt with through the old rule, the one requiring reasonable notice and due process and all those other values we hold so dear. Nor will "Quality Circles" or any substitute thereof solve many of the broader student complaints: a flat grading curve, limited course offerings, large classes. But encouraging greater student-faculty dialogue may help to spark change. In any event, one thing's for certain: the student response to the change in the attendance policy is only the tip of the iceberg of discontent that reveals itself every year in the Princeton Review rankings. Maybe now is the time to start turning the Titanic.

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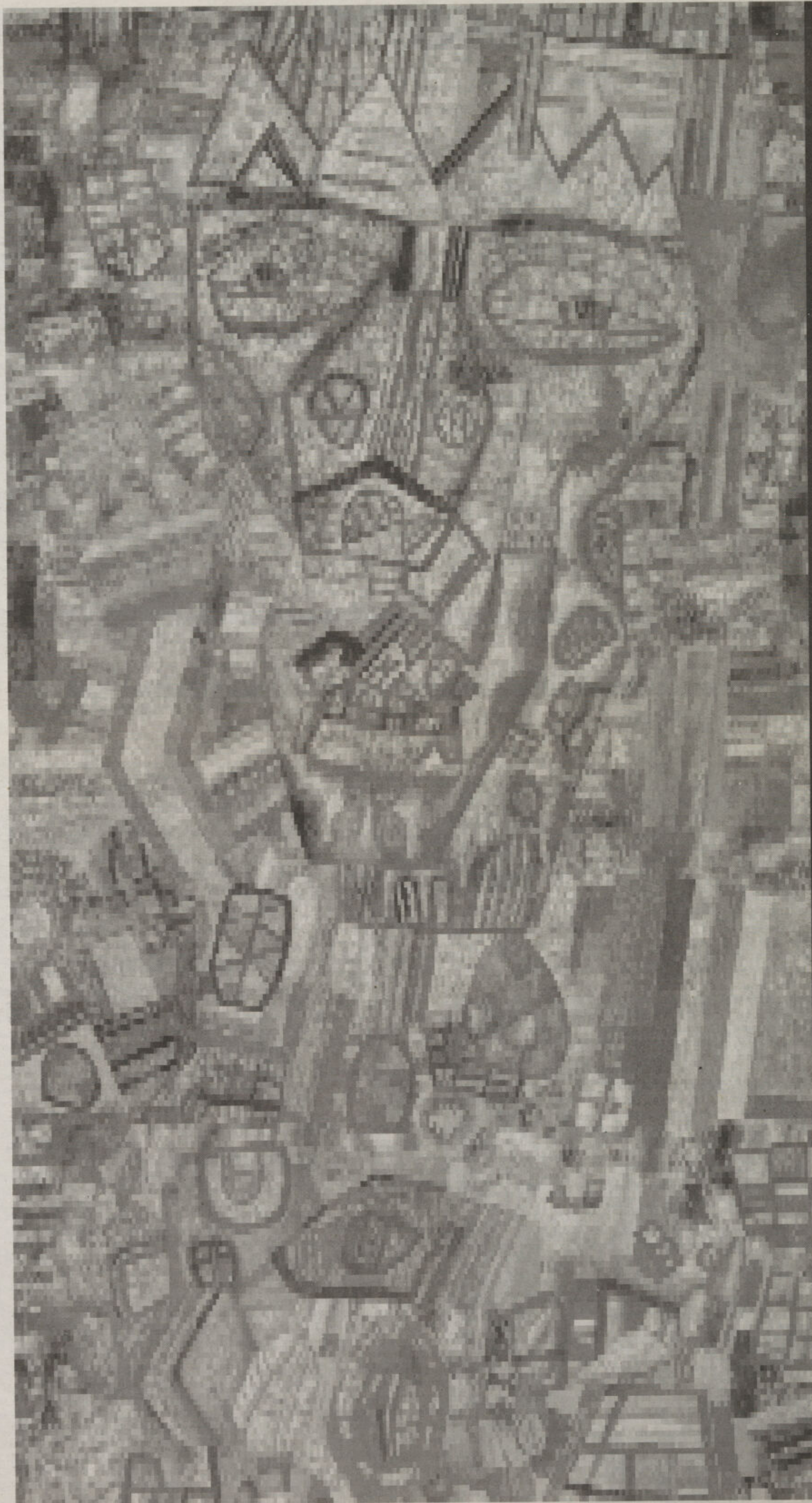
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Grade \grād\

1. A stage in a process.

2. A mark indicating a degree of accomplishment in school.

3. A standard of food quality.

4. A domestic animal with one parent purebred and the other of inferior breeding.

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