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Legal Education Committee Refuses to Reconsider New Attendance Policy

By Suzanne Carter

The Legal Education Committee (LEC) voted down a motion to reconsider the new attendance policy at a meeting on Monday.

Brian Fitzpatrick '00 and Rob Edmund '98, two of the three students serving on the Committee, provided the only votes in favor of the motion. David Stringer '99 abstained from the vote.

Fitzpatrick proposed the motion, thereby fulfilling a promise he made at the February Law School Council (LSC) meeting in which LSC urged the three student LEC members to resign.

"The policy passed the Committee in December, when we didn't anticipate the large outpouring of student opposition to it. I thought that we should reconsider the plan now that we know student opposition to it is so strong," Fitzpatrick said.

The new attendance policy, which goes into effect this fall, eliminates the written notice requirement for professors who drop a student from a course for non-attendance.

Stringer said that he ab-

stained because he felt the effort would ultimately accomplish nothing.

"I didn't want to vote against reconsidering the policy because there's such student support for reconsidering it, but I thought the faculty would just vote against it at another faculty meeting, so it wouldn't be productive for the Committee to consider it," Stringer said. "I didn't want to bog the Committee down with something that would be fruitless once it reached the faculty meeting."

Stringer confirmed that he intended to remain on the Committee despite the LSC vote urging resignation.

"I have decided to remain on the Committee; I think that would be best. I feel that as a 3L next year I'll have a lot of input to give to the Committee, and I thought that there needs to be someone who has the background both with respect to what LSC wants and with respect to having worked with the faculty on the Committee for a very long period," Stringer said.

LSC Representative Rob Jancu '98, who sponsored the LSC motion urging the student Committee members to resign,

said he was "saddened" by Stringer's abstention.

"At the LSC meeting at which impeachment and removal were considered, one reason I moved that we merely ask LEC members to resign voluntarily was that many of us believed that the three current LEC members would henceforth be especially sensitive to the opinions of the students whom they represent," Jancu said. "Fool me once, shame on you, fool me twice, shame on me: I guess we have a representative we deserve."

Edmund said he expected the motion's defeat, but he voted in favor of it nonetheless because he felt that "the attendance policy should have been presented better, procedurally. There should have been a greater opportunity for student input."

"I anticipated the motion would get voted down summarily. The Committee is moving on, and that's a healthy thing. The work the Committee is now undertaking holds a lot of promise for students, but it's also mired in details that

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Barry Advocates Voting Rights for D.C. Congressional Reps

By RECORD Staff

Washington, D.C. Mayor Marion Barry Jr. advocated that the District of Columbia be vested with full voting representation in the U.S. Congress in an HLS Forum-sponsored lecture last Friday. Barry characterized his city as "enslaved by a Constitutional attitude and by a Congress who doesn't believe we have the sense to run ourselves."

The District currently sends three "shadow" members to Congress — two senators and one House representative — who have no authority to vote on pending legislation.

Barry criticized the status quo as "oppressive" — denying D.C. residents "full access to self-government" — and akin to "political apartheid."

"This is the effective reality in terms of two-thirds of us in D.C. being African-American," he said. "Here we are trying to talk about bringing democracy to Iraq, but here in our nation's capital, tyranny rules."

"Democracy is basic to this republic. This matter goes right to the character of our country, the character of our nation."

"We have been a voteless people in the District of Columbia," he said. "Those of us who live there do not have any seats representing us in Congress to veto legislation that's contrary to our interests."

Barry blamed the "oppressive thumb of the Republican-led Congress" for exacerbating problems in D.C. He charged that Congress often acted against the city's interests as a means of retaliating against its mayor.

"That mean-spirited Congress is angry at our citizens for voting me in," he said. "They're trying to punish me by punishing the city."

The control board installed by Congress to govern Washington, D.C.'s finances is a "dictatorial supreme body made up of five unelected, appointed

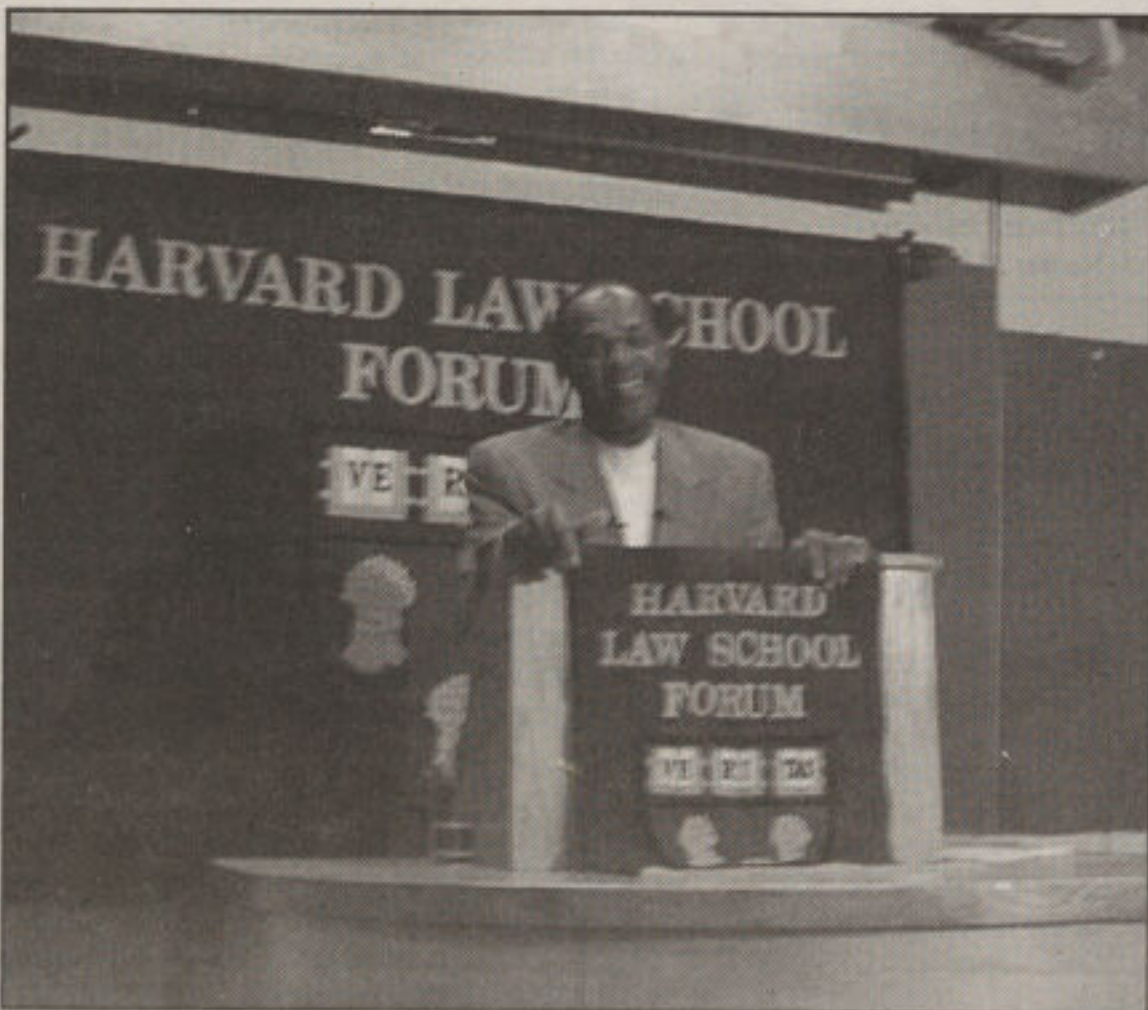
people," who are "running our city into the ground," said Barry.

He attributed the district's \$600 million budget deficit in 1995 to conditions that preceded his current tenure as mayor. Barry was re-elected to a fourth mayoral term in 1994.

"When I got into office," he said, "I inherited a huge deficit, so Congress passed something called the Control Board Act."

Barry voiced frustration at the control board's charge of city governance. "We have no authority to run our own city, no

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Marion Barry calls for democracy in D.C.

Chinese Food Truck Returns?



RECORD photo/Timothy Kiefer

The preparations for the annual Law School Parody are normally shrouded under a veil of secrecy rivaled only by that of the Ad Board. Nevertheless, a RECORD surveillance camera captured this view of one of last year's set pieces being moved to the stage in Pound Hall. Pictured left to right are Jake Zimmerman '00, Reagan Demas '00, Michael Brophy '98, and Josh Singer '00.

U.S. News Downplays Law School Rankings

By Eric Johnson

Although the 1998 U.S. News and World Report "America's Best Graduate Schools" issue lists Yale as the nation's best law school, one U.S. News analyst said that readers should be circumspect in drawing conclusions from the rankings.

"On the measures and methodology we used, Yale came out slightly, slightly better than Harvard," said J.J. Thompson, U.S. News's deputy director of data analysis for the rankings. "But I'm not going to come out and say Yale is better."

The 1998 report lists Yale as the number one law school in the overall rankings. Harvard and Stanford tied for second place.

"The measures we use, I think, are fairly sound, but there are a lot of things going on at law schools, or that should go on at law schools, that are not quantitative and so can't be measured and so can't be factored into the rankings," Thompson said. "There's a whole lot else that makes a good law school besides what we can catch in the rankings."

The rankings are considered to be so influential that law schools have been known to pursue certain policies and make certain spending decisions in order to move up on the charts.

"Some schools have done that," Dean Clark '72 said. "Harvard has not."

"I'm not sure I want to play their game. We could do that—we could try to tweak certain ratios that they consider espe-

cially important, but we're trying to pursue excellence as we see it," said Clark.

Clark said that he did not complete this year's U.S. News survey, which is used to compile the magazine's academic reputation ranking, worth 25 percent of the overall score. The magazine distributes surveys to law school deans seeking their assessments of the schools.

Asked whether it crossed his

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and, as always, Fenno.

9 Years Ago in the RECORD

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March 17, 1998

LSC Votes To Ban Law Firm

By Patrick Miles
and Liz Askey
Staff Writers

The Law School Council has issued a formal request that the Chicago-based firm of Baker & McKenzie be banned from interviewing on the law school campus next year, in response to a highly-publicized interview that firm conducted with a black law student at the University of Chicago.

The University of Chicago (U of C) Law School banned Baker & McKenzie from interviewing at that campus next year after learning of an interview conducted by partner Harry O'Kane in which he asked offensive and illegal recruiting questions of a black third-year U of C law student.

The recommendation to June Thompson, Director of Placement calls for the Placement Office to ban Baker & McKenzie from interviewing at the Law School for the 1989-90 academic year and to publicly censure the firm.

Additionally, LSC has requested that the Placement Office arrange to meet with representatives of Baker & McKenzie and students from

Law School Council Recommendation

- One-year ban on Baker & McKenzie interviews on HLS campus
- Placement Office censure of B & M
- Assist B & M in improving interview process
- Alert other firms to interviewing standards
- Placement Office of U of Chicago ban support

minority organizations "to help the firm improve its recruiting skills, interview less offensively, and be more inclusive of minorities in its hiring practices."

Other measures called for include sending a letter to the firm to denounce its behavior with a warning of further sanctions for any similar behavior and alerting other firms which interview at HLS to the incident, warning those firms that such behavior will not be toler-

ated.

The LSC has also recommended that HLS issue a press release stating that the Law School will not tolerate interviewing practices that discriminate on the basis of race, sex, religion, or ethnicity. The LSC stressed that such a press release should emphasize that the U of C Dean "acted properly in banning Baker & McKenzie."

According to Susan Page, 3L, who originally proposed the LSC action, the recommendation is designed to let people know that interviewing harassment won't be tolerated by HLS or its students.

Thompson had not received the resolution as of press time and was unable to comment on the recommendations. She did note that "we [members of the Placement Committee] are discussing it [the incident]." The Placement Committee will also study Baker & McKenzie's Equal Employment Opportunity Program which it has formulated as part of its negotiations with U of C, Thompson added.

During the now infamous (continued on page 9)

Crucial Ames Case Cut From Reporter

By Tom Bilello
and Greg Herbert
Staff Writers

Excessive competitiveness in the first-year Ames Moot Court Competition is suspected in the removal of a 60-page case from a federal reporter in the Harvard Law Library. The incident, first reported to the library staff early in the Ames competition, occurred despite steps taken by the Board of Student Advisors (BSA) to reduce the competitiveness inspired by the first-year moot court program.

The case, *Smith v. Van Gorkum*, a recent decision involving corporate law issues, was apparently cut from the reporter with a razor. "It looked like a clean cut, like it was pretty carefully removed," said Jeff McLaughlin, 2L, one of the BSA members supervising the Ames exercise in question.

"I can't imagine anyone being that hardcore for something that uncompetitive, something that's not for a grade," said Brian Timmons, one of the first-year students working on the exercise.

The *Smith* case was crucial to the research of 12 students in the first round and 16 students in the second round, according to McLaughlin. The case was one of only two cited in the record prepared by the BSA for the exercise. Additionally, the duplicate volume of the reporter could not be located at the time the incident was reported, according to circulation services librarian Susan Parker.

In response to the vandalism, the BSA convened a meeting with Parker, the Ames teams involved with the case, and a representative from the office of the dean of students, Gwen (continued on back page)

Brawley Attorney Repeats Racism Charges To Ovation

By Troy Morgan
Staff Writer

Attorney C. Vernon Mason closed his address to 270 HLS students on March 7 amidst a standing ovation. He concluded, "I want to repeat to everyone within the sound of my voice, that Stephen Pagones, Scott Patterson and Harry Crist, amongst others, raped, kidnapped and sodomized Tawana Brawley."

Mason came to HLS, he said, "to share with you a context and a perspective" with which to view his and his partner Alton Maddox's behavior in the Tawana Brawley rape case. The way the case has been handled has been much criticized by the press, notably the *New York Times*. Mason said that the press has characterized him and Maddox as "charlatans and demagogues," and has even labeled Brawley, a sixteen-year-old black woman, a "liar." "The *New York Times* did not call Richard Nixon a 'liar,'" he commented, "they reserved that."

Brawley maintains that two years ago, six white men raped and sodomized and put her in the plastic garbage bag in which she was found with racial epithets smeared on her with excrement. Mason stated that the grand jury report issued by New York Attorney General Robert Abrams' office says that Assistant District Attorney Stephen Pagones and Scott Patterson had a conversation two hours before the incident was reported and before Brawley had been found, in which Pagones asked the question, "Have they found the girl in the bag of s-h-i-t?" Mason said that "there was no way for Pagones to have known that

Dershowitz Blasts Mason, see back page

she was in a bag of s-h-i-t before it was reported and before she was found unless he put her in there."

Although "Bob Abrams said nothing was wrong with her," Mason continued, "the *City Sun* reported that the hospital said she had burns over 30% of her body and diagnosed it as a sexual assault." Mason chided the *New York Times* for not printing this.

"Why are people so willing to accept the white media's explanation of these events?" asked Tynia Richard, 2L, who will be next year's president of the Black Law Students Association (BLSA). BLSA co-sponsored this talk with the Women's Law Association (WLA) and several other organizations. "Why is the public so willing to question a black woman's plea for help?"

Mason likened public acceptance of the coverage of the Brawley case to believing the *New York Times* stories of Winnie Mandela's alleged "football club" beatings, which he claimed were derived from the Botha government.

Mason defended his "Afrocentric" perspective. "I'm tired of hearing negroes apologizing for being black or for standing up for an Afrocentric viewpoint. I think we have as much right not to forget what happened to us as any group on the face of the earth. If that is radical, condemn me. If that is demagoguery, then I will wear the label."

Before discussing the Brawley case, Mason depicted the history of oppression of blacks in America, especially his own experiences defending blacks denied justice in New

York City police brutality cases. Bonnie Savage, 3L, president of WLA, remarked that "this lead-up prepared you for what he had to say about Tawana Brawley distrusting the authorities and the justice system." Savage regretted, however, that "there was little gender focus" to the discussion.

During a brief interchange, Prof. Alan Dershowitz accused Mason of "misleading the students by omission" and hurting Brawley's case by throwing around "half-truths." Dershowitz said that Mason similarly "undercut [Mason's] credibility" in the Howard Beach case.

In that case, a black youth, fleeing from a group of whites who had beaten his father, was killed by a car driven by 24-year-old Dominick Blum. The

father of the dead boy, Cedric Sandiford, identified Blum as the driver of a car involved in the chase that resulted in the assault on Sandiford.

Dershowitz criticized Mason for continuing his accusations that Blum was part of the original gang that assaulted Cedric Sandiford after Blum's witnesses produced an airtight alibi. Mason and Maddox advised their client not to testify until a special prosecutor was appointed who would bring charges of murder against Blum. They accused the police of engaging in a "cover-up," which included hiding Blum's smashed car in the garage, because Blum was a court officer and son of a police officer. Cedric Sandiford's assailants were convicted, but no charges of any kind were ever brought (continued on back page)



Patricia Lee

Vernon Mason

Kennedy, Sullivan Up For Tenure

By Tom Bilello
News Editor

This year Kathleen Sullivan '81 and Randall Kennedy will be the latest in a long line of professors to endure the scrutiny of the tenure process.

As a student, Sullivan's team won the annual moot court competition, with Sullivan gaining best oralist honors in the process. She has published articles on such topics as affirmative action, civic republicanism, AIDS and criminal law, as well as an upcoming piece to be published in the May 1989 issue of the *Harvard Law Review* entitled "Unconstitutional Conditions."

Kennedy, who declined to discuss his pending tenure de-

cision, recently wrote an article concerning the controversial Supreme Court opinion in *McCleskey v. Kemp*. He has drafted another article criticizing claims by some minority scholars that minorities are excluded from the upper echelon of legal education and undervalued as scholars.

The Appointments Committee, chaired by Professor Todd Rakoff '75, will examine the body of each professor's writings.

The Committee will also examine the pedagogical skills of each professor by visiting classes, examining The Board of Student Advisors' course evaluations and randomly interviewing students.

Finally, the Committee

makes a recommendation to the faculty whether to grant or deny tenure. The faculty then votes, with a two-thirds majority needed to grant tenure. The faculty's decision is subject only to the discretion of University President Derek Bok '54.

Sullivan's appointment would make her the sixth female tenured professor at HLS; Kennedy's would make him the third black tenured professor. Regardless of the outcome, the decisions will leave HLS with no female candidates and only one black candidate — Assistant Professor David Wilkins — on tenure-track. Charles Ogle-tree '78 has received faculty approval for a tenure-track slot, but the Harvard Corporation has not yet granted a final affirmation.

Women of Color Collective Conference Passionate, Progressive

By Margaret McWilliams

"The Lord has given me a wily tongue, that I may sustain with a word those who are weary," said Rosie Castro, quoting Isaiah 50:4 and urging her audience to speak out against injustice. Ms. Castro, an ombudsperson for the San Antonio Housing Authority, was a panelist at the third annual Women of Color Collective Conference Saturday, held on the last day of Black History Month. Her sons, Julian Castro '00 and Joaquin Castro '00, were present to cheer her on.

The conference, entitled "Narratives of Passion and Progress," was an all-day affair in Austin Hall that featured seven panels, 38 speakers and panelists, and a cultural gala complete with food, art, songs and dances from all over the world.

The speeches and presentations were interspersed with poetry readings and dialogue with audience members. A diverse crowd of about 120 students, alumnae, and professionals attended events throughout the day.

The high point of the conference was a moving and personal keynote address given by Eva Paterson, the executive director of the Lawyers' Committee for Civil Rights of the San Francisco Bay Area. Ms. Paterson led the legal challenge against California's Proposition 209, the anti-affirmative action initiative. Paterson was also a panelist on an affirmative action panel later that day. She pointed out that the reconstruction policy granting 40 acres and a mule to each newly-freed African-American was the first affirmative action policy — and a promise never fulfilled. During her keynote speech, Pater-

son offered "balm of Gilead" to soothe the audience. Speaking of affirmative action cutbacks and the new welfare laws, she remained hopeful that "people can change their point of view."

The opening speaker, Lisa Ikemoto, a professor at Loyola Law School, spoke of the importance of narratives to "make community, define ourselves, and challenge the story of racism as the exception." She noted the strange juxtaposition of a conference for women of color in a building dominated by portraits of ancient white men and thanked the conference organizers for making a safe space to tell these narratives. "What really impressed me was the level of comfortableness and intimacy," said Suhana Han '99, one of the organizers.

Han also said she was "cautiously inspired," noting that "everybody knew each other on the [Women of Color in Legal Academia] panel and that's because there's so few women of color." Jacqueline Jones, assistant professor of English at Santa Clara University and a member of the "Conflicting and Converging Identities" panel, echoed this statement. "I'm reminded that I'm only a visitor in the academy," Jones said.

Yaa Apori '99 said the "concurrent theme of spirituality" resonated with her. Many panelists spoke of "the importance of spirituality in personal transformation and developing collective action," Apori said. Karen Yau, a Skadden fellow with the National Employment Project and a member of the community leadership panel, said that "personal transformation is the very beginning of social liberation." "You want to change the world in a kind

way — how you do things is as important as . . . what you do," said Janice Falcone, the employment and training director of the North American Indian Center of Boston.

While the panels and speeches were about creating social change for women of color in the workplace and at home, the conference was a social event as well. "I was happy to see the turnout of young women," said Apori, noting the many high school students who had come to participate in a panel called "Joining Our Young Sisters." These young women exchanged addresses with each other and networked with the panelists and conference organizers at the evening reception. This social atmosphere illustrated another of the goals of the conference: to build coalitions and communities across lines of class, race, gender and sexual orientation.

Nicole Bazan '99 was inspired by Susan Williams, a partner at Williams & Janov and one of the panelists at "Ceilings and Floors: Expectations and Barriers to Professional Success." "There's certain things she said that . . . made me feel more at home, just having her here as a Native person, someone who understands what I'm feeling."

Williams gave the closing address, during which she warned of federal legislation which could substantially limit the jurisdiction of tribal courts. Bazan was also impressed with Verna Myers, the deputy chief of staff for the Massachusetts Attorney General's Office. Bazan says the message she took away from the panel was "be strong in yourself. What makes you different is what makes you special."

BSA Adds Five Members Student Advisers Criticize Hiring Process

By Dusan Stojkovic

The Board of Student Advisers (BSA) recently hired five 2L members who had previously been rejected for membership in the prestigious student organization. The move has drawn criticism from current BSA members who feel they were shut out of the hiring process.

"We completely agree with the policy, but the fashion in which it was reached was rude and presumptuous," said one BSA member, who did not wish to be identified.

A second BSA student, who also insisted on anonymity, said that the five new hires "just appeared at work one day." The student said that the organization's rank-and-file members were not informed that the BSA was adding members until they met the new 2L advisers.

According to the BSA leadership, the hiring decisions were made just before the spring semester in order to allow the new members to take a spring semester course on teaching Legal Reasoning and Argumentation.

"All selection decisions are made by the Selection Committee, and we were under a deadline since we had to hire the new members in time for them to take the spring teaching course," said Jennifer Blum '98, who until the beginning of this semester served as BSA president. "We had to act quickly in order to integrate the new members into the organization. If we had more time, the entire membership would have been informed much earlier."

The BSA leadership said that the BSA added members in order to bring the organization's 2L membership into proportion to its 3L membership.

"There was an imbalance in the Board's composition in favor of 3Ls, and in light of this disparity, we decided to even it out for next year," said Blum. Before the most recent hirings, there were 30 3Ls on BSA and 21 2Ls.

"The imbalance simply developed over the years, and the Selection Committee decided to put an end to it," said current BSA President Christopher Garcia '99. The work of the Committee, according to Garcia, "is not a voting situation. It basically functions on the principle of consensus; cooperation is key."

The two disgruntled BSA members disagreed with Garcia's portrayal of the Selection Committee's activities. The two members said that the Selection Committee is really just a rubber-stamp body that serves to validate decisions made by the faculty members serving on the Committee. The Committee is composed of seven students and four faculty members.

Blum said that last year's files were reconsidered once the decision to hire five more advisers was reached.

According to Blum, the factors considered in choosing a member are: his or her grades, an interview with a faculty member, editing a mock brief, a mock brief conference, and an evaluation by the student instructor in LRA. Blum would not say how much weight is given to each criterion, stating that this would compromise the integrity of the hiring process.

Another BSA member, who insisted on anonymity, said he doubted Blum's claim that the files were re-evaluated. The member said that given the short amount of time in which the new members were hired, it is more probable that the five top names off the prior year's wait list were taken.

The students who spoke on condition of anonymity all said that they insisted on not giving their names because the BSA leadership had discouraged members from speaking to the media. The members stated that Garcia, upon his election as president, told all BSA members not members not to divulge any BSA-related information to the media. The students said that Garcia told the membership to refer any media inquiries directly to him.

"There is definitely no gag order," Garcia said. "When we found out that a RECORD article was being written, I sent out an e-mail to the members telling them to refer anyone asking for information to me so I'd know what the article was about."

One BSA member said that the no-media policy was a product of criticism from the faculty of the BSA's competence in teaching. The member said that the BSA leadership feared that word of the faculty criticisms might leak out if the BSA members spoke to the press.

"I'm not aware of any such criticism, but if it is true, I think it's really unfortunate," said Blum. "I think LRA is one of the most important courses first-year students take, because it prepares them for work as summer associates. You don't learn memo-writing skills in Contracts class."

Despite the bubbling discontent among the current members, the new members said that they were enthusiastic about joining the organization.

"This is a fantastic opportunity," said Marina Volanakis '99 at an interview session in which the current and previous Board presidents and vice presidents were present.

"I am very happy and excited to be a member of the Board," echoed David Christopherson '99 at the same group interview. "We've had a very easy transition. Everyone's been great in welcoming us as a part of the team."

The BSA is responsible for coordinating several student activities, including orientation for incoming students; A-groups; the Legal Reasoning and Argumentation course; Ames moot court; and course evaluations.

Analyst Says Law School Rankings Aren't Last Word

Continued from U.S. NEWS, p. 1

mind to dock Yale and Stanford, Clark said, "I suppose I was tempted, but that would have been wrong. They are very good law schools, after all."

Thompson wouldn't say whether or not she believed schools were changing for the rankings' sake.

"I hope the survey is not what schools are using to set their policies. I hope they are using what needs to be done at their schools to set their priorities," said Thompson. "But if they are doing it solely to move up in the rankings, then, you know, I think that's a sad thing."

One criticism of the survey is that faculty resource rankings, which are based on per-student expenditures for overhead, salaries, and library expenses, might penalize schools who are run more efficiently, and therefore get more bang for the buck.

"There is not an adjustment for efficiency," Thompson said. But she added that per-student expenditures were only worth approximately 10 percent of the overall score.

Critics have also said that U.S. News's emphasis on LSAT scores and grade-point averages as indicators of student selectivity encourages schools to place less emphasis on other forms of achievement, writing, and analytical skills as judged by the application essay.

"I think schools were putting a heavy emphasis on GPAs and the LSAT long before U.S. News entered the picture," Thompson said. She added that since U.S. News uses the median LSAT score, rather than the average, there was room for schools to admit low-scoring applicants.

Nevertheless, 164 law school deans

and the Law School Admission Council recently asked U.S. News to stop ranking law schools. When U.S. News refused, the deans and the LSAC sent a letter to 70,000 law school applicants across the nation criticizing the rankings.

Clark did not participate in the campaign.

"I think that the U.S. News people have something going for them. Their rankings are better than nothing," Clark said.

Clark said he would like to see other media outlets issue competing rankings.

"My ideal would be to have lots of people evaluating law schools for different purposes," Clark said. "I think the more the better. Certainly better for Harvard, because we're strong on so many fronts. So if lots of other people get in the game, it can only help us."

Clark did vehemently disagree when asked, "Do you think Yale is really a better law school than Harvard?"

"No, I do not think that. Not for a moment. I've been in both places — I know the difference," said Clark, who was an associate professor at Yale Law School from 1974 to 1976.

"It's stronger in more areas," Clark said of HLS. "It's also better connected to the world of practice, as well as to the economy."

In 1997, Stanford and the University of Chicago swapped places in the rankings after U.S. News announced an computation error. This year, after the first printed copies of the rankings hit the street, a mistake caught by Duke uprooted 10 schools from their original places in the rankings.

Thompson stressed Duke's role in the error, saying Duke had signed off on the data it had sent to the magazine.

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Briefs

Lessig Named Berkman Professor

Prof. Lawrence Lessig, a specialist in the areas of contracts, Constitutional law, and the law of cyberspace, has been named the first Jack N. and Lillian R. Berkman Professor for Entrepreneurial Legal Studies at Harvard Law School. Jack Berman '29 and his wife Lillian endowed the new professorship with a \$5.4 million bequest to HLS. The funding also supports the Law School's Center for Internet and Society, which will now be known as the Berkman Center for Internet and Society.

Lessig, who joined the Harvard Law faculty in the summer of 1997, taught Contracts during the fall semester and High-Tech Entrepreneur during the January winter term.

The Berkman Center for Internet and Society encompasses the activities now headed by Center Director and Professor Charles Nesson and Professor Lessig. Through its sponsorship of research and teaching, as well as national and international conferences and business and academic initiatives, the Center focuses on a range of worldwide legal and business issues raised by existing and new forms of information technology.

"We are enormously grateful for the generous support that the Berkman family have given to Harvard Law School," said Dean Clark '72. "The Berkman Professorship and the Berkman Center will allow us to expand our teaching and research activities into important, developing areas of the law."

Young '78 Appointed VP of ADR Company

JAMS/ENDISPUTE, the nation's largest private provider of Alternative Dispute Resolution (ADR) services, has announced that Michael D. Young '78 has been appointed to a newly created position of Executive Vice President, Tuesday's Business Wire reported.

Young has been the company's Senior Vice President of Professional Services and General Counsel since 1995. A successful New York-based mediator and arbitrator, Young will be responsible for the performance of all of JAMS/ENDISPUTE's offices in the Eastern and Central regions that include Boston, New York, New Jersey, Washington D.C., Atlanta, Texas, Indianapolis and Chicago. Young will also continue as General Counsel for the company.

Law School Dean Questions Rankings

University of New Mexico's School of Law ranked in the top 90 accredited U.S. law schools, according to U.S. News & World Report.

And in the specialty categories, the school's clinical law training program was ranked sixth in the country.

Robert Desidero, dean of UNM's law school, said he's happy about the clinical program's ranking; however, he questions the magazine's overall rankings of the country's best law schools.

"I don't believe the accuracy of the ratings," he said. "What criteria do you use in rankings? There's no standard method to do this."

Desidero said student-to-faculty ratios and a school's mission should also be presented so students can make informed decisions about which university is best for them.

— The Associated Press

HBS Student Mugged on Weeks Bridge

At approximately 12:50 a.m. last Friday, a Harvard Business School student was the victim of an armed robbery while crossing the Weeks Bridge. According to an H.U.P.D. report, the suspect, described as black male, 5'8" to 5'9", wearing a black hooded sweatshirt, pointed a dark colored automatic firearm and asked for the student's wallet. Two other men were allegedly behind the student and asked him not to turn around.

Dane Hall Resident Conned out of \$1,200

According to the Harvard University Police Department, a Dane Hall resident reported last Thursday that she gave \$1,200 to an unknown man who said he would buy her a computer with it. She never received the computer and has not heard from the man since.

Elster Must Stay Away From Victim

A Harvard University sophomore charged with raping another student was ordered last Friday to remain in Massachusetts and to stay away from the alleged victim.

Joshua Elster, 19, of Tucson, Ariz., was arraigned in Middlesex Superior Court last Friday on three counts of rape, one count of indecent assault and battery, and two counts of assault and battery from an incident that allegedly occurred Jan. 29, prosecutors said.

Elster, who has pleaded innocent, said he is hopeful "the truth will prevail." Defense attorney Kenneth D'Arcy said his client had been dating the young woman and may have given her a "hickey" during sex.

D'Arcy said the woman became upset and told authorities after discovering a mark on her face and a scratch on her back "that occurred when my client and the young lady were having a romantic interlude."

Elster is free on \$10,000 cash bail. Judge Judith Cowin also ordered him to stay away from campus unless supervised by a Harvard official, prosecutors said.

— The Associated Press

Fitzpatrick, Edmund Sole Votes for Reconsideration

Continued from LEC, p. 1

could take the Committee a long time to deliberate," Edmund said.

Fitzpatrick, who estimated the Committee debated the motion for approximately five to ten minutes, said he had no further plans to urge reconsideration in the immediate future.

"I don't think there's any necessity to move to reconsider once more, since I don't foresee a change in committee opinion. If I see a change in opinion, I'll move once again to reconsider," Fitzpatrick said.

"Kudos to Rob Edmund and Brian Fitzpatrick for their willingness to work with students now to revise the policy," Jancu said.

Lack of student input in the planning stages contributed to student opposition to the attendance policy, according to Jancu.

"Last year, the bundling proposal had the potential to be far more controversial than the attendance policy. Associate Dean Todd Rakoff '75, who stewarded the proposal through the HLS bureaucracy, was perspicacious enough to hold an open forum at which students at large — not merely those on a small committee — could suggest changes," Jancu said. "Prof. Rakoff incorporated many of the changes into his final proposal to the faculty."

"The respect he thereby showed the students was greatly appreciated. Controversy was averted simply by giving students a meaningful role in shaping the policy," Jancu said. "Had Prof. Parker similarly solicited general student input at an open forum, rather than presenting students with a fait accompli, he might have achieved a similar result."

D.C. Mayor Confident He Would Win Re-election

Continued from BARRY, p. 1

authority over the local budget," he said.

"The [control board] had the audacity to eliminate the elected school board and appoint an emergency school board who've turned our school system upside down."

He pointed to the control board as a direct consequence of D.C.'s lack of voting representation in Congress.

"When New York City or Philadelphia got into financial trouble, did they force an unelected, dictatorial board on to them?" said Barry.

"Of course not, Philadelphia and New York have representation in Congress that would have stopped that. But we stood naked before Congress without any power or protection to stop this."

Barry admitted that D.C. had problems which led to the appointment of the control board. "We have issues like any other urban area: problems of race and gender, crime."

He emphasized, however, that "nothing's more important than freedom, equality, and self-determination."

"Unless you all assist us, this encroachment might spread," he said. "We must be vigilant for freedom, vigilant for justice."

Barry believed "resistance to D.C. self-rule" was partially motivated by political and racial considerations.

"If we had two senators and a congressman on the Hill, they'd probably be more urban in their thinking. They'd most likely be more pro-city and Democratic. The current Congress doesn't want that," he said.

"And then there are others who think African-Americans can't run anything."

Barry Wins Audience

Barry received a warm reception from the audience, who broke into periodic applause throughout Barry's speech.

One audience member, however, challenged Barry on the basis of his legal troubles in the early 1990s — alluded to in the program notes as a time of "difficult and painful personal adversities." In 1990, Barry was videotaped smoking crack cocaine with a former girlfriend in a Washington hotel room. He was convicted of cocaine possession and served six months in federal prison.

"In light of your experience a few years ago, do you feel you're a credible spokesperson for the anti-crime, anti-drug movement?" asked one woman in the audience.

"I'm a very credible spokesperson," said Barry. "It's been over eight years of celebrating sobriety. Some people think

that my very being in office motivates people to do the crime. But if you're really a thinking person, then you know that's ridiculous. I've been there."

Audience member Cameron Jenkins '98 rallied to Barry's defense, asking the woman, "Who does your hair?"

Barry and most of the audience seemed perplexed at Jenkins's unsolicited remarks.

"Oh, I thought we were asking stupid questions," said Jenkins.

The same woman also questioned Barry's claim that an African-American had "invented electricity before Thomas Edison," asking him to name the inventor.

Barry said that he could not recall the name. "But the point is that there are lots of contributions made by African-Americans that go unrecognized," said Barry.

Barry might have been referring to Lewis Latimer, a Massachusetts native who worked with Edison. Latimer developed a carbon filament that made electric lighting affordable.

Another audience member asked Barry if he would run for re-election. Barry replied that he was still undecided on seeking another term as mayor.

"All my adult life I've been in the public, starting with the civil rights movement," said Barry. "I've been in electoral office 24 years. It's a long time to be out here getting a whipping. A long time to serve. I spend so much of time on irrelevant stuff — with this Control Board around."

"I'm 61 years of age. This is an intense, high energy, 13 to 14 hour a day job. I don't know."

Barry emphasized his confidence, however, that if he chose to run, he would win the district's next mayoral race.

"For all you that don't know, I can win this election," said Barry. "I know how to win elections. I'm egotistical about that."

"If I don't run, it wouldn't be because I couldn't win. It would be for other reasons."

A previous Harvard speech was the legal basis for a federal appeal by Barry.

After Barry's drug conviction, U.S. District Court Judge Thomas Penfield Jackson '64 told a Harvard audience that he was convinced that Barry was also guilty of perjury.

Barry appealed his sentence, arguing that Penfield's statement showed that the judge should be disqualified for bias. In 1992, less than a week before Barry's release date from prison, a federal appeals court rejected Barry's appeal.

Across the Country



News From the East, West, and Mid-West

California Officials Remove Gym Equipment in Prisons

SACRAMENTO, Calif. (AP) — In a blow to the prisoners' rights movement, California prison officials are removing weights that many inmates use to pump up while in prison and are laying plans to remove the law books that inmates use to challenge their confinement.

"We got into the position at one juncture of providing a rather comfortable lifestyle in prison," said Sean Walsh, Gov. Pete Wilson's spokesman. "We should not allow prisoners to ride roughshod over the prisons. They're there to be punished, and hopefully rehabilitated. They're not there to be entertained and catered to."

The moves come as officials issue increasingly strident warnings about overcrowding in California's 33 prisons, and as prisoners and their advocates say the tense atmosphere behind the walls is getting worse.

In addition, the changes are attracting the approval of some legislators as Wilson renews his call for the Legislature to approve \$1.4 billion in bonds to help finance four new prisons.

One month ago, officials began enforcing new grooming standards, requiring men's hair to be closely cropped, a measure that prompted at least 100 inmates at Folsom Prison to stage a short-lived hunger strike on New Year's Day. The removal of weight-lifting gear is expected soon.

"It's all part of a comprehensive review of prison operations," said Tom Maddock, head of the Youth and Adult Correctional Agency. "The core reasons are safety, security, and taxpayer efficiency."

Among other steps planned this year, Maddock said prison officials plan random drug tests for inmates and will pro-

hibit packages from being sent directly to inmates by family, friends, and associates — another step aimed at reducing drug use.

A program is also afoot to require all inmates to wear prison-issue white jumpsuits, instead of the current garb of blue jeans and blue work shirts, thus making it more difficult for escapees to blend in on the streets, officials say.

Prisoners' rights advocates, inmates and their family members long have criticized the Department of Corrections for what they consider its punitive approach, but these latest changes are drawing criticism from within the system.

"We're going to drag them out of their drum cells and shave their heads?" asked Don Novey, president of the California Correctional Peace Officers Association, the guards' union. "The irony of it. You're

massively overcrowded. You're understaffed. ... It's stupid. But it resonates with the public. We get this perception that we're tough with the pedophiles."

Lawyers representing prisoners and other advocates are trying to block the proposals, and Sen. John Vasconcellos, D-San Jose, plans to hold a hearing.

But many other legislators support the changes, and the department has broad authority to invoke so-called emergency powers to change its rules.

Matthew Jay, 30, serving 15 years to life at Solano State Prison for a second-degree murder conviction, is one of thousands of prisoners whose home is a bunk in a prison gym. Lifting weights is one of the few pastimes that relieves frustration, he said; without them tensions will rise.

But he's more worried about the potential loss of law books.

"If that access is taken away, we are no longer in a prison. We are in a war camp, like a prisoner of war," Jay said. "When rights are violated, we're left with no alternative but to react. We want to prevent that."

The steps are a reversal of the trend toward greater prisoners' rights that began in the 1960s, when inmates gained expanded privileges and prison officials placed more emphasis on rehabilitation.

Gov. Ronald Reagan signed the single-paragraph Inmates Bill of Rights into law in 1968 and Gov. Edmund G. "Jerry" Brown Jr. expanded it in 1974, stating that prisoners retained all rights except those that had to be denied in order to protect prison security and public safety.

By the 1990s, however, lawmakers, responding to a crime-weary public, took a different approach. The Legislature passed harsh new sentencing laws and watered down the Inmates Bill of Rights. The statute now limits inmates' rights generally to those required by the more restrictive federal laws.

California prisons had been under a 1972 federal court order to maintain full law libraries. Citing a 1996 U.S. Supreme Court decision allowing prisons to limit law libraries, the state Department of Corrections persuaded U.S. District Judge Susan Illston in San Francisco to lift the 1972 injunction, opening the way for the department to remove most law books.

Harvard, MIT May Have Withheld Some Campus Crime Information

CAMBRIDGE, Mass. (AP) — Harvard University and the Massachusetts Institute of Technology purportedly withheld reports of major crimes, university students have criticized.

At least three serious crimes since August were partially or completely omitted from documents issued by university police departments.

Two of the cases were listed in police logs available for inspection at campus security offices.

"The campus police department is happy to go public about a new program or public service project," the MIT newspaper opined in an editorial. "But when an incident causes controversy or brings damaging media attention, it's another story all together."

Police chiefs at the universities acknowledged inconsistencies, but said they are not trying to cover anything up.

At a news conference Sunday, MIT Police Chief Anne Glavin said the university has produced an annual crime report since 1975 and that all the inci-

dents cited by the newspaper were included in the official log kept at the campus police station and open to the public.

"Those are hardly the actions of a university that wants to cover up crime," Glavin said.

Her Harvard counterpart, Chief Francis "Bud" Riley, earlier told The Boston Globe that there may have been times when information was omitted inadvertently.

"We're really trying hard to get information out to students and faculty so that they can see the types of calls we're responding to for them," Riley said. "We just haven't gotten over the threshold of total accuracy yet."

Federal and state laws require colleges to disclose reports of crimes.

But Harvard's police log failed to note Sophomore Joshua Elster's arrest for allegedly raping another student. Elster, 19, was arrested after the alleged victim sought medical attention.

When Harvard police arrested 25-year-old student Sun Hoon Cho for allegedly raping a female student in Au-

gust, the incident was placed on the police blotter but not the department's Internet log.

At MIT, the drinking incident that resulted in the death of freshman Scott L. Krueger at a fraternity party in September was not noted on a police report sent to campus publications, although it was in the police log and the subject of a university news release the next morning.

The proposed Accuracy in Campus Crime Reporting Act would add several categories of crimes that colleges must include in their annual reports and would require them to report all incidents, not just those that result in an arrest.

Glavin called the proposed requirement "ridiculous."

"We give out the highlights on campus" in a weekly report to student publications, she said. "It's burdensome to record every single incident."

The new bill also proposes to punish schools that violate the law by withholding federal funds.

Mo. Lawmaker Sponsors Bill to Repeal Same-Sex Sodomy Law

JEFFERSON CITY, Mo. (AP) — Although he admits it will probably not succeed, the first openly gay member of the Missouri Legislature is sponsoring a bill which would legalize gay sex between consenting partners in the privacy of one's home.

Rep. Tim Van Zandt, D-Kansas City, told the House Civil and Administrative Law Committee on Feb. 25 that the Missouri law — which criminalizes sexual intercourse between two people of the same sex — is discriminatory.

Missouri is one of only six states with sodomy laws which are specifically directed towards gays and lesbians. The others are Texas, Oklahoma, Kansas, Arkansas, and Maryland. Previous attempts to repeal the Missouri anti-sodomy law for same-sex partners have failed.

"I'm sure you've heard the issue discussed — or cussed," Van Zandt told the committee.

Previous legislation has received committee approval and then been struck down on the House floor. But Van Zandt said it was a "no brainer" that the committee would not send his bill to the House for debate.

While admitting his effort is futile, Van Zandt said he wanted to do it anyway because the current law involves "big government being in places it shouldn't be."

"It is of no one's concern, certainly not the concern of the government," what consenting adults do privately in their bedrooms, he said.

The Missouri law against homosexual sex carries a maximum penalty for first-time offenders of one year in jail and a

\$1,000 fine.

Rep. David Levin, R-St. Louis, said lawmakers had an obligation to rely on their personal moral code when determining law.

"Nothing is politically right that is morally wrong," he said, quoting from a marble inscription in the Missouri Senate chamber.

The only testimony against the bill came from Kerry Messer, of the Missouri Family Network, which Messer described as a traditionally conservative organization.

Messer said the bill raised a "public health issue" rather than the issue of homosexuality being morally wrong.

People are much more susceptible to sexually transmitted diseases through anal sex, Messer said, and any repeal of

the current law would send children the message that such activity was without serious health risks.

When asked whether he was opposed to heterosexual anal sex, Messer replied: "That's not the issue here, the issue is a public health issue."

A recent decision in Arkansas rejected a lawsuit challenging the state's sodomy law because there was no record of anyone having been prosecuted for homosexual sex with a consenting adult in a private place.

12 years ago, the U.S. Supreme Court upheld a Georgia sodomy law in *Bowers v. Hardwick*. Nevertheless, state courts in Tennessee, Kentucky, and Montana, applying their own state constitutions, have since thrown out laws prohibiting consensual homosexual sex behind closed doors.

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FOUNDED IN 1946

How to Survive a Public Disgrace 101

Marion Barry is a case study in resilience.

Eight years ago, a police sting video of Barry smoking crack cocaine in a hotel room brought him national notoriety. News stations across the country gleefully played and replayed a grainy black and white image of the D.C. mayor hunched over, girlfriend in tow, puffing a rock pipe. News reports quoted Barry as saying, "The bitch set me up," shortly after his arrest.

Last Friday, HLS beheld the reformed version of Barry in person as he spoke about "eight years of celebrating sobriety." This gentler persona made its world debut during Barry's successful run for a fourth mayoral term in 1994. Campaigning on a platform of personal redemption and revival, Barry swept most of Washington's neighborhoods (except the rich white ones).

How did he work this trick?

Barry's comeback definitely benefited from the district's weariness at being governed by an establishment of outsiders. But the bulk of the credit has to go to Barry's sheer audacity, gall, chutzpah to press on. To remain undefeated by your own shame is the first lesson in surviving public scandal. It certainly was Barry's salvation.

Weepy self-flagellation extracts only disgust or pity at best. Think of Jim Bakker in the late 1980s crawling into the fetal position under his attorney's desk; even Tammy Faye left him after that. Surprisingly, people are most likely to forgive the past transgressions of someone currently radiating strength and positivity. Accompany your apologetic regret with joy at your glorious redemption. Barry did.

An article in the Oct. 23, 1994, Washington Post said that even Barry's opponents "can seem ... nonplused by his star quality."

Some of that fairy dust definitely got in the eyes of this attendee. Dressed in an only slightly shiny beige suit and bandless collar, Barry struck an almost clerical tone at his lecture. His matter-of-factness and lack of defensiveness when questioned about the more sordid details of his past proved almost gracious.

For you go-getter types planning to add "Special Prosecutor", "Senator", or "Master of the Universe" to your curriculum vitae one day, don't let any of those skeletons in your closet — nor any future indiscretions — constrain your ambition. There's inspiration to be drawn from the saga of Marion Barry. Even if the worst comes out, wait out the public flogging and seek out a sympathetic audience. Know that if you sell your "brilliant destiny" with enough passion and totality, others will buy into it also.

—Janie Kim

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

—First Amendment, U.S. Constitution

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• Letters •

HLS a Very Expensive Fish?

In response to Mr. Sylvan Marshall '41 ["Truancy Not a Right at HLS," letter, Feb. 27 issue]:

Dear Sir:

Please feel free to keep your "thin dimes." As students, we spend enough of our own thin dimes for the "food" that Harvard Law School "puts on our plate."

More often than not, the cuisine is excellent, and we

consume it with a challenged mind and a willing heart. Sometimes, however, the meal is not palatable, and we choose not to eat it. Would you argue that a \$50 filet that is brought to your table undercooked and unprepared should not be sent back, or at the very least not eaten?

Well, imagine the filet cost you \$90,000, and you don't have the option of send-

ing it back. What do you do? I'll tell you. You say thanks for the portions that fulfill you, you leave the rest on the plate, and you feel proud that you were in the nation's best restaurant.

Unless, of course, you've got someone who ate his meal 57 years ago questioning your values for doing so.

Robert Frisbee '98
February 27, 1998

RECORD Flubs Headline Spelling

I receive complimentary copies of the RECORD and think you do an excellent job. Having served as Editor-in-Chief of the Amherst STUDENT, I am particu-

larly sensitive to misuse of grammar and spelling. In the Feb. 6 issue, on the first page, I noted that "receives" was spelled "recieves" which violates

the old rule, "i" before "e" except after "c."

Robert E. Bingham '43
Cleveland, Ohio
February 24, 1998

Silversmith Calls His Opinions His Own

I am writing to clear up an apparent misconception held by two of the authors of letters in last week's RECORD.

Although the Harvard Law School Civil Liberties Union (HLSCLU) is currently discussing a policy on military recruitment at HLS, HLSCLU has not adopted a position on the issue. As I expressly in-

formed both the Placement Committee and the RECORD, any opinions I have expressed are strictly my own.

Furthermore, the policy of the national ACLU — like that of HLS — is that the military should be allowed to recruit on the same terms as other gov-

ernment agencies and private parties — if it can adhere to the same established policies and procedures as the other recruiters, such as a prohibition on discriminatory practices.

Jol Silversmith '98
President, HLSCLU
February 26, 1998

HLS Military Policy a Solomonic Solution

The coercive nature of the Solomon Amendment must be challenged by the HLS community. This law school has made a commitment to non-discrimination that will ring hollow if we capitulate to this oppressive policy without objection. The Amendment essentially authorizes the military to engage in coercion and blackmail. The military has license to engage in the familiar totalitarian tactic of pitting one disadvantaged group (students in need of aid) against another (students susceptible to the military's homophobic policy). This forced choice has led law schools across the nation to indirectly repudiate their non-discrimination policies and participate in the military's homophobic "Don't Ask, Don't Tell" policy.

Despite the majority of schools who have caved into the military's threats, a valiant battle against the Solomon Amendment has been waged at two institutions: New York University Law School has banned the military from any access to its campus for recruitment purposes; the gay and lesbian student group at the University of Connecticut Law School fought the university's decision to allow the military access to UConn's office of career services by obtaining an injunction barring the military's presence (*Gay and Lesbian L. Students Ass'n v. Bd. of Trustees*, 236 Conn. 453).

In light of such strong responses at other law schools, the reaction at HLS has been half-hearted. Despite being denied use of the Office of Career Services, the military is still allowed to recruit on campus if invited by a student or faculty member even though it refuses to sign the statement of non-discrimination. While the Placement Committee and OCS should be applauded for not giving in entirely to the threats of lost funds, the Law School as a whole should be outraged that such a discriminatory organization is actively recruiting students.

The student community has also been surprisingly passive in the debate. The Civil Liberties Union, for example, has proposed a policy which states, "CLU would understand — but would not endorse — a decision to permit military recruiters to make use of the HLS Office of Career Services." Even though other passages in this proposed policy urge the Law School to find alternatives to such a measure, this passive approval should not be adopted by the group that is purportedly out to protect minorities and prevent discrimination. Such a policy would act to create an environment at HLS where administrative decisions go unquestioned and student activism is held to a minimum.

In last week's RECORD a member of the Marine Reserves urged military access to HLS. Mr. Wieboldt's [99] letter stated that the military should be granted special treatment and should not be held to the same standard as other prospective employers. Mr. Wieboldt argues that denying access "fails to honor those who have served and those who will serve; it fails to honor those who have died, and those who will die." We ask Mr. Wieboldt this question: Who has honored the thousands of gay and lesbian soldiers who have served and died for their country?

We, the members of LAMBDA, urge HLS to fight any coerced compliance to the Solomon Amendment and to take reactionary measures — including litigation and loss of funds, if necessary — in the fight against it. If the military refuses to accept the OCS proposal as it now stands, HLS should follow NYU's example and look for alternative sources of funding. In addition, HLS should be warned that ANY access to OCS granted to the military will be highly contested by the members of LAMBDA and other members of the law school community committed to fighting discrimination and bigotry.

Darren Gibson '00
Political Chair, LAMBDA
March 3, 1998

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BOOK REVIEW

Lawyer-Diplomats Negotiating for Peace

John H. Downs

Negotiating with the Russians on Nuclear Arms: Lawyers Making a Difference
University Press of America
364 pages

By Timothy Kiefer '98

Despite what the title suggests, "Negotiating with the Russians on Nuclear Arms" is not about the SALT or START negotiations or dramatic summit meetings between American and Soviet leaders. Rather, John Downs '47 chronicles an experiment in citizen diplomacy: the negotiations between The Lawyers Alliance for Nuclear Arms Control (LANAC) and the Association of Soviet Lawyers (ASL).

The LANAC-ASL negotiations, in addition to their historical interest, are worth studying as a case study of the two-

track diplomacy model. In his book "Conflict Resolution: Track Two Diplomacy," John W. McDonald defined two-track diplomacy as "interaction between private citizens or groups of people ... who are outside the formal governmental power structure." Two-track diplomacy is to be distinguished from track-one diplomacy, which is "government to government, formal, official interaction between instructed representatives of sovereign states."

LANAC was an organization of American lawyers formed to promote nuclear arms control. During the early 1980s, LANAC became known for its opposition to the military buildup of the early Reagan administration.

LANAC's delegates were distinguished private citizens. Delegates included Prof. Roger Fisher '48, an expert in international negotiation and the author of the negotiation classic "Getting to Yes," Emeritus Prof. Erwin Griswold '28 S.J.D. '29, a former dean of HLS and a former U.S. solicitor general; former U.S. Senator John Culver; former arms control negotiators; and the author, a former Vermont state legislator and a former president of the Vermont Bar Association.

ASL was an organization of Soviet lawyers. Although ASL was nominally independent, the ASL was in reality "a company union, entirely a governmental matter," according to one ASL member.

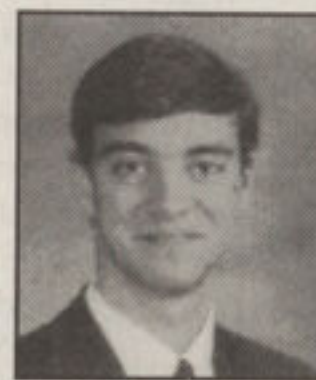
Each year from 1983 to 1991, with the exception of 1990, ASL and

LANAC negotiators held several days of negotiations. The site of the annual meetings alternated between the Soviet Union and the United States. During most of the annual negotiations, ASL and LANAC reached agreement on joint papers which they forwarded to their respective governments for consideration.

It is difficult to assess the impact of the LANAC-ASL negotiations, since none of the agreements were binding on either nation. Since LANAC had only the power of persuasion to influence the U.S. government to accept its proposals, press attention was one of the most important means by which LANAC could influence the debate. Unfortunately, even LANAC delegate Downs concedes that "the media paid ... little attention to joint papers produced over the years." The lack of media attention weakened LANAC's negotiating position vis-à-vis the Reagan Administration, for without public attention to LANAC, the Administration could, and did, ignore LANAC's proposals.

Largely as a result of this dearth of media coverage, LANAC had little success in influencing official U.S. policy. In the opinion of LANAC delegate John Rhinelander, LANAC "had no impact at all on the Executive Branch — which, after all, had been a Republican one since LANAC started — but it had an impact on the margin of Congress."

Ironically, the LANAC-ASL negotiations may have had more impact on the totalitarian Soviet government than it did on the democratic American government. For example, according to a Washington Post report cited by Downs, it seems that the Soviet position on a controversial radar facility was influenced by the results of LANAC-ASL negotiations. Nevertheless, given the secretive nature of the Soviet government's decision-making process, we may never know the true impact of



the LANAC-ASL negotiations on Soviet policy.

In the first sentence of his foreword to the book, ASL delegate Sergey Plekhanov writes that Downs's book is a "meticulous description" of the LANAC-ASL negotiations. What follows is exactly

that: more than 350 pages of meticulous description. The description is meticulous, too much so. The narrative would have been stronger if Downs's account had been shortened.

While "Negotiating with the Russians" is too long on description, it is too short on background and analysis. Downs does not provide enough background on the complexities of nuclear weapons issues. For the general reader, Downs's references to various treaties and technologies can be daunting. More background on the evolution of U.S.-Soviet relations during the 1980s would also have been helpful.

Downs provides almost no analysis of the LANAC-ASL experiment in the context of negotiation theory. Downs's lack of analysis is surprising given that he clearly has had exposure to negotiation theory. One of the LANAC delegates was negotiation expert Roger Fisher, and it seems that Downs and Fisher developed a close relationship during the negotiations. Downs mentions Fisher's book "Getting to Yes" several times. Nevertheless, there is almost no mention of interests, options, or any other aspects of Fisher's "principled negotiation" theory. Neither does Downs analyze the LANAC-ASL negotiations using any other theoretical framework.

Despite these shortcomings, Downs's account is a valuable addition to the historical record of the Cold War. Perhaps more important, Downs and his LANAC colleagues deserve credit for playing a small role in transforming the Cold War from terrifying reality to a historical relic.



Photo from "Negotiating with the Russians on Nuclear Arms." Used by permission.
LANAC delegates negotiate in Moscow, 1985. At left is John Downs '47; seated at center is Prof. Roger Fisher '48.

MOLTO BENE

INTERNATIONAL PARTYING AND IDENTITY

During the Fall my uncle (no, not my mom this time!) called me up and told me: "I've read a frightening article about alcoholism on American campuses: 84 percent of the American students regularly drink. Remember, you should not drink." I replied: "Uncle Pino, don't worry, the international students at Harvard Law School do not drink much at all."

I do not want to attempt a sociological analysis of drinking, peer pressure and related issues. There are two other questions that the above-mentioned anecdote raises and that interest me now: to what extent are foreigners affected by the new environment they find themselves in? And how does this affect their self-understanding?

The first time I lived abroad I experienced two opposite drives. On the one hand, I wanted to assimilate fully into the new society by taking up its language and customs en bloc. On the other hand, I wanted to cling to the habits and life style of my home place. These two conflicting trends probably reflected my ambivalent self-understanding: whereas I often desired to become a member of the foreign nation I found myself in, I still perceived myself as an Italian and the others as Americans, Brazilians, French, etc.

In the past few years, however, my reaction has slightly changed. First, I have become more sober and moderate in my relationship to both the hosting society and my country of origin. I cer-

tainly do not want to become 100 percent American. However, I do not desperately hold to my Italianity either. I try to get from the American culture what I most appreciate of it — yes, maybe even peanut butter and cereal. At the same time, I want to keep the characteristics of my Italian background that I enjoy: pasta in the first place, of course!

Second, I have recently focused on nationality less and less. To me nationhood has a lost lot of its descriptive force.

Let us find out where on campus these wild parties are.

Accordingly, I have given up trying to categorize people according to their national origin. I have done so in particular when dealing with people who have had extensive experience abroad. There are common traits between such individuals and their countrymen that bind them. At the same time, after spending some time abroad they become separate from their compatriots in some regards and, conversely, are on the same wavelength with foreigners who have shared similar experiences.

So, after a while such "international bums" become what can be defined as cosmopolites. Of course, this word, de-

spite its appealing sound, can imply not only qualities but also shortcomings. For many, nations are still important psychological points of reference. They make people cohesive and help political or economic projects become true. They give a sense of communality and provide a cultural and political "shelter." There might be the risk that being citizens of the world could entail to be citizens of no nation. Therefore, I do not think that we should give up important cultural and psychological elements of our personality such as nationality.

But living only in one national dimension is rather limiting. Experiences abroad broaden our horizons and help us acquire mental flexibility. This might be trite rhetoric for scholarship application, but also contains some truth.

On top of that, experiences abroad often emphasize that nationality doesn't necessarily have to be exclusive. If I can generalize from my own experience, the individual's primary nationhood does not exclude secondary ones. After living in a foreign country for a long time, one perceives this place no longer as foreign in comparison to totally new ones. This multi-layered self-understanding can be an enrichment rather a source of confusion. The fact that I feel a little German and American does not cheapen my being Italian, although it certainly modifies it.

From all this it follows that studying



abroad is a multi-sided experience that should not be limited to the academic aspects. It is essential to learn from books. At the same time, foreign students leave the host country bringing with them something different but no

less precious than erudition: the life experience and knowledge of the hosting society that they gain through their daily interaction with fellow students and faculty members. The closed book in the Harvard seal is often interpreted as a sign for this idea. So, let us find out where on campus these wild parties are. My uncle does not need to worry. We do not need to get totally wasted. Still, we can certainly have fun.



*Read it. Revel in it.
Then recycle it.*

By Luigi Malferrari LL.M. '98
RECORD Columnist

THESE HALLOWED HALLS

By Kate Arms '98
RECORD Columnist

HLS STUDENTS HARD AT WORK: THE PARODY PLUS

Over the past week, it has hardly been possible to miss the posters across campus announcing this year's law school parody, "Reasonable Men in Black," but there are no excuses for missing the performance itself. If this is your first year at HLS, you may need to be told that this is the performance event of the year at the law school. All year long, some of your funniest classmates have been writing this extravaganza.

Rehearsals have been underway since the beginning of this semester, perfecting the pandemonium. A send-up of the law school, this event will parody your favorite professors, administrators, and classmates. Tickets have been on sale at the Drama Society Booth in the Hark since Tuesday. Get them while you can. Although the Drama Society will be happy to pack the house to capacity, there is such a thing as capacity. Performances are March 11 to 14 at 8 p.m. in the Ropes Gray Room. Tickets are \$9.

The parody is not the only performance of note featuring HLS students. HLS is represented in several of the choral groups on campus. Historically, there have often been HLS students in the Radcliffe Choral Society, the elite women's choir on campus. This year is no exception. This weekend, the Radcliffe Choral Society is performing with the Harvard-Radcliffe Collegium Musicum in Sanders Theatre on Satur-

There are also HLS students who sing with the Harvard University Choir, the only professional choir on campus. On Friday, March 13 at 8 p.m., they will present "Mors et Vitae: Life and Death in 17th Century France" in Memorial Church. This concert is presented in conjunction with Joel Choen and the Boston Cammerata, with the participation of the Harvard Baroque Chamber Orchestra and will feature "The Requiem" by Jean-Louis Gilles and the "Canticum Hebraicum" by Louis Saladin. Tickets are \$7 to \$15 for students and are available at the Sanders Theatre Box Office.

Tickets are also available at Sanders Theatre for the Boston debut of the 47-member Peking Opera from the People's Republic of China, performing music, song, mime, martial arts, and acrobatics with stylized costumes, acting, make-up, and masks on Friday, March 27 at 8 p.m. Tickets are \$30, \$25,



and \$20.

If these prices seem too steep for you, maybe it is time to investigate the offerings of the Harvard-Radcliffe Dramatics Club at the Loeb Drama Center on Brattle Street. Productions in the Loeb Experimental Theatre are free and

tickets are available at the Loeb Box Office. This weekend features "The Wizard of Oz" by L. Frank Baum, adapted by Harold Arlen, E.Y. Harburg, and John Kane. In this adaptation of the classic, Dorothy is the perfect Catholic schoolgirl until a tornado sweeps her up and takes her on a trip forward into the '60s. Performances are March 5, 6, 7 at 7:30 p.m. and March 7 at 2:30 p.m. And just in case you thought there was no law school connection here, there is. "The Wizard of Oz" is being lit by our very own Mark Penney '99, who is also the lighting designer for the parody.

So for those of us who are spending too much time with our books and not enough time having fun, maybe over the next few weeks we can get out and support our classmates by attending their performances.

All year long, some of your funniest classmates have been writing this extravaganza.

day, March 7 at 8 p.m. The concert "Carter, Holst, Bach" features Elliot Carter's Harmony of the Morning; Gustav Holst's Seven Part-Songs Op. 44; and at least one of Johann Sebastian Bach's cantatas. Tickets are \$15 or \$12 and are available at the Sanders Theatre Box Office.

Spike

By Margie McWilliams



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CAMPUS HAPPENINGS

Jugglers Celebrate Spring



The Learned Hand Jugglers, believed to be the only law student association in America devoted to juggling, took advantage of the unseasonably warm weather last Friday. Pictured are Jason Brown '98, Gibbs Johnson '98, and Dave Steiner '98.

BLSA Dishes Up Soul Food



The Black Law Students Association sponsored a Soul Food Fest last Friday at the Hark. Among the choices were chicken creole, jerk chicken, candied yams, and morros y cristianos.

Musings and Vagaries

By Renée Kaplan '99

Staff Columnist

ARE WE THERE YET?

There are, for 2Ls, no more excuses. We are officially more wise than innocent, closer to graduation than to orientation, and as of just about now, as Ames teams have formed, and clerkships begun to roll in, we have become the legitimate purveyors of experienced-or-reliable-word-of-mouth-based advice on the jumping through of just about all necessary and optional hoops in the law school experience — minus, perhaps, the 3L paper, and even then who *hasn't* already been thinking about it, or started it, or finished it up in the context of some class? There are no more excuses for not having a system, a method, a means, for not having mastered some conventional or signature approach to cracking the law school nut, and churning your semesterly way through to predictable and satisfyingly smooth results. We've basically done it all, at the very least once, so you really oughtta know. Indeed, by law school standards, we are experts. So ... what's left to do in the second half?

There are some of us, of course, who have been experts since day one, who just "got" the law school thing, who really seemed to have had it all planned out. Not that they necessarily knew any more than anyone else before we all started, but they have the gift (talent? discipline? some strange affinity?) to emulate, assimilate, and integrate most rapidly. They just pretended to have figured the stuff out and were using the whole Latinate lingo practically the very first

week. As far as those born experts were concerned, there had never been a day that they didn't know all about prejudgment relief, adverse possession, or piercing the veil. Is that the trick to law school — puttin' on a real convincing gig? When you take into account the economy-sized and pragmatically packaged nitty-gritty of this 550-people-per-year, sectioned and bundled place, law school is not *really* all that much of a thinking discipline — at least practiced as it is in 140-or-more-person class settings, amidst regimented job searches, institutional outline banks,

Is that the trick to law school — puttin' on a real convincing gig?

commercial review courses luring you literally every day with free candy and sweet no-spill mugs — not to mention any number of different flavors of casenotes and commercial outlines, and innumerable other abridged and condensed routes to acquitting ourselves respectably.

Even the least intuitive and assimilated among us probably have it pretty much down to a science by now. From beginning of semester to spring break, stay more or less on top of reading, narrow down which courses are the read-or-attend types versus the read-and/or-attend types, maybe ferret out a good outline, you know, the one the whole class

will eventually have so that even if you're lazy, dimwitted, or just don't care, you too will possess a copy eventually and most likely well before the end of the semester (when everybody's got one, it's hard just to say no). Overprepare for panel with a zeal that puts your more usual, daily approach to silent shame, and proceed as such, avoiding any too drastic or sustained absences of attention in class or from class, taking diligent even if mindless notes — for you must always ever so subconsciously keep your endpoint outlining interests in mind. After spring break, change nothing, but begin thinking that you are closer to the end than you were before spring break: mustn't let things sneak up on us. As things begin to sneak up on us, have a bash at beginning to transcribe your notes to some semblance of an outline, take a few practice exams, and call it a semester.

Indeed, from the utilitarian camp comes the so-what's-left-to-learn-that-I-don't-know query, or, more precisely, what's left to learn that I need for the Bar that I'm not going to learn in my two-month bar review course or on the job — not even the summer job, mind you (take it easy on the work there), but in that first, famously hellish year that, third year or no third year of law school, awaits me either way? You might cite Posner himself saying so: Get thee the hell outta law school — what are you wasting your time, and money and our space in a third year for? You have a job, you may very



well experience notable difficulty getting into the classes you might actually still be interested in taking by then, and having been to the Zinc, Mercury, and Wonder bars, and done that, and feeling no pressing need to explore the

nightlife in, say, Woburn or Framingham, you're beginning to wonder why you too, like Ph.D. students, couldn't sort of ditch at the start and get away with a perfectly decent little masters of sorts (like, a "J." or something).

Alternatively, from the thriving-on-the-multitude-of-opportunity-at-TheHarvardLawSchool camp comes the where-do-I-stop-committing question. On journals, we're beginning to assume positions of power and titled leadership; in student organizations we've already spent the year planning an important conference, leaving a respectable legacy of networking and streamlined restructuring to the soon-to-be-elected incumbents; we're experimenting with all sorts of new clinical work, doing research for yet another professor, tutoring 1Ls, passing on outlines, giving the scoop of profs and classes, and giving job search advice: in brief, a time of great plenty.

The most curious question of all, perhaps, is just exactly how we divide up between the Utilitarian and the Thriving camps: 60%/40%? 20%/80%? 90%/10%? Hard to tell what the other 1649 or so are thinking. In any case, revel now in the savoir-faire and the status of expertise, throw that semblance of knowledge and experience around, celebrate complacency galore, because come September of '99, it's all over for a while.



Fenno slithered up the ramp to the Hark cafeteria, his pallid skin blushed green. He had finally fished last week's RECORD from his box and brooded over the front page. It was rare that Fenno let himself be overwhelmed with jealousy, but reading about that Todor kid who won thousands of bucks on "Jeopardy" had really thrown him over the edge.

Fenno was still smarting from his own failure to even get called on-stage after a month in the audience of "The Price Is Right."

Those horrible three words, "COME ON DOWN!" were reverberating through Fenno's brain, and neither Johnnie Walker's scotch nor Renée Kaplan's columns could dull his senses enough to make the painful voice go away.

So Fenno wasn't in the best of moods, and he wasn't paying much attention to his surroundings. He gravitated to the table where beret-topped SoDexHo employees were cheerily giving away some odd gelatinous mass identified as an Italian specialty. Instinctively, Fenno swiped a plate of free gunk, never noticing how the SoDexHo employee quietly stepped aside as he quickly gulped down the dubious-looking entrée.

It was only then that Fenno looked up and saw — too late — the smiling nerdy face of Louie Kaplow, and noticed the glint in his beady eyes. By the time Fenno realized what was happening, he was already beginning to slump over the table.

When Fenno woke up, he was in a dark room, tied to a chair in an all-too-familiar position. He groaned. Fenno longed for the halcyon days when his keeper sent him gallivanting after absentee professors. He was tired of getting drugged and abducted, or at least abducted.

Fenno knew all too well where he was,

and felt no fear or even surprise to see the familiar mousy-looking servant bring out another chair and set it directly in front of him. The servant (who still bore an eerie resemblance to Stevie Shavell) clapped his hands twice, and quickly departed. Fenno nodded his head in quiet understanding when a hooded figure entered the room and sat down on the shadow-draped chair.

The non-descript figure sat there for a few moments, breathing heavily in a Darth Vader sort of way, giving no indication that he was going to reveal his identity anytime soon. Fenno was getting bored, and he was beginning to want a drink, so he broke the silence first.

"Look, Posner, I know it's you, so would you cut the melodramatic bullshit and get to the point already?"

The hood suddenly came off, and the familiar beady eyes gazed at Fenno without understanding.

"How did you know me? I don't believe I've ever seen you before."

Fenno groaned. He was starting to get this a lot, and it was really pissing him off.

"Look, Richie Rich, I was female the last time you saw me. It's that whole new inclusiveness shtick."

Posner groaned audibly.

"I should have guessed. What with that whole Lani Guinier thing, this place really is going to hell in a hand-basket."

After a moment, Posner collected himself, and spoke in a far more commanding voice.

"Very well, Fenno, since you already know the game, I'm sure I don't need to impress upon you the

importance of obeying the instructions you are about to be given. You know the consequences. So, you will help me with a mission vital to the future of this law school, the ABA, and every union-busting law firm in the nation."

"What is it?" asked Fenno, his fingers twitching nervously.

"Oh," said Posner, "it's really quite simple. All I need you to do is put an

end, once and for all, to the most pernicious force at HLS: the Parody!"

Fenno gasped in horror. Posner smirked evilly. And off in the distance, Fenno thought he heard David Rosenberg cackling.

It was going to be a long day.

Next week: will Fenno put an end to a celebrated (if overpriced) HLS tradition?

Quote of the Week

"[W]e could try to tweak certain ratios that they consider especially important, but we're trying to pursue excellence as we see it."

— Dean Clark '72 on U.S. News & World Report's law school rankings.



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"OFF THE RECORD"

By Eric Johnson '00
RECORD Columnist

ENOUGH OF ECONOMIC FLIM-FLAM, BRING ON THE TORTS!

I didn't come to law school to change the world. And I didn't even come to law school to make a lot of money. I came to law school to sue people.

That's my dream, dammit.

And you can sue people in contract or property, but to really make it count, it's got to be a tort.

Hello everybody. My name's Eric Johnson, and dammit, I like torts.

Someday — and you know, this is just something aspire to — but someday I'd like to have a warning sticker that I could point to and call my own.

"Son, see that fluorescent-orange label on Mommy's hairdryer that says 'DO NOT USE UNDER-WATER'? That's your Daddy's sticker. He sued Hot-Air Corp. of America and nearly bankrupted them!"

Or I'd be happy if I could open the newspaper and point out a disclaimer or two...

"Daughter-dear, see that disclaimer underneath this humor column that says 'For God's Sake, This Columnist Is Only Joking (Usually)'? I represented several clients who took this guy seriously once and followed some of his 'financial advice.' And through a special thing called contingent fees, I was able to buy you that pony."

So I love torts, the subject. But it doesn't necessarily mean I love Torts, the class. I'm having a small problem.

I've been waiting to take Torts ever

since I gave up my dream of being a game show host. I was hoping to succeed Tom Kennedy on "Name That Tune." ANYWAY, I guess I'm just a little worried that my Torts class is spending a little too much time on this law-and-economics and theoretical-analysis stuff. We are risking never getting to the more important questions in tort law, such as what are some of the best ways to make jurors cry?

Maybe I had a misconception of tort law. I was thinking we would have, like, a chapter on "Slip-'n'-Fall." And maybe a lecture on "Motorcycles — The Special Challenges of Torts on Two Wheels."

I've been waiting to take Torts ever since I gave up my dream of being a game show host.

Certainly some limited discussion of economics isn't inappropriate. How about: "Ambulance Chasing — Why Billboards at 'Known-Dangerous' Intersections Offer a More Economical Alternative."

And I understand that many torts-related questions on the bar exam involve economic analysis, for example:

Suppose you only have enough of an advertising budget to buy EITHER a

half-page four-color ad in the yellow pages, OR a full-page black-and-white ad. Which do you choose and why?

Nonetheless, the overemphasis on — and I say this with all due respect — this economic flim-flam we've been getting is preventing us from mastering the more basic subjects of tort law.

For instance, there is a lot of legal terminology we will have to master. If a client comes into my office, I might have only 30 minutes to make the right impression during our free consultation.

If I say something like, "Yes, I think we can sue this person and win," then my potential client is going to be so overwhelmed that he or she might go right down the street to the next lawyer.

I've got to be able to impress, you know, rattle

off something like, "Because your daughter's slip'n'fall — which we call *slipsa falloquitur* — was a special kind of accident which occurred at a high-school prom — we call this type of injury a *promissory estoppel* — it means that we have an excellent chance of making the jurors cry..."

Much of tort terminology makes worthwhile learning just because it's so much fun to say. For instance, if you commit a crime, you are only a "criminal." Not terribly exciting. But if you commit



a tort, you are a *tortfeasor*.

Now that sounds way more sinister than "criminal." It sounds like it might be the arch-enemy of those lovable mid-'80s cartoon-stars, the Smurfs...

"Oh no! Look, Papa Smurf!

It's the *Tortfeasor*! Aaaaaiiiiiirrrrggggyhhhh!!!"

Speaking of which, did you know — and I'm not making this up — that the original Swiss-German name for Smurf is "Schlumpf"? Is that wacky or what? That is a massive consonant-to-vowel ratio. Whoa.

A colossal consonant/vowel ratio is nearly essential to being a respectable hockey player.

The other week I watched my first hockey game. Cornell beat Harvard. Cornell had a player named Tymchyshyn. We did not. We lost.

You don't actually have to have a lot of letters on your jersey. A name like "Grhlch," for instance, would be great. Either way, though, I know I would never have a chance in hockey with a name like "Johnson."

But that's okay. I'm happy being a spectator. There's a lot of fighting at hockey games. In fact, there were actually more fights at the Cornell game than there are at most meetings of Law School Council.

Did you know that blood bounces on ice?

Cool.

Next time I'll take business cards.

The Listening Room

By Darren "Huggy Bear" Fried '99
Music Reviewer

POT POURRI — IT ALL SMELLS GOOD

Spacehog—Live at Bill's Bar 2/21

Spacehog, the British glamrock band by way of the East Village, popped into Bill's a couple of Saturdays ago, previewing songs from their new CD *The Chinese Album* (in stores this month), as well as barnstorming through five cuts from their debut, *Resident Alien*. You might have heard their first hit "In the Meantime" or their new single, "Mungo City," with its super infectious hook, on the radio, but live is where Spacehog really shines. Royston Langdon, looking like a wild-eyed, bearded Matthew McConaughey, takes the best of David Bowie, Axl Rose, and Johnny Rotten, and spits it out in his own frenetic, magnetic way. The music poured out of him, as he literally gobbled the microphone at times, seemingly unable to confine himself to his small space on stage.

Thanking the audience after trying out a new rockabilly number that was unlike anything they had done before, he came across as genuinely happy and thankful that this slight shift in direction had been accepted and embraced, garnering some of the loudest cheers of the night. Other highlights included guitarist/vocalist Antony Langdon (yup, they're brothers) leading the crowd in a cathartic chant of "Fuck You's," a funky new piano number that sounded like Charlie's Angels background music, the killer Golden Earring-ish encore, and the juxtaposition of the cool as a cucumber, skinny-guitarist posing of Richard Steel, with his porno star name and blank eyed stare, and the Tasmanian Devil drumming of Jonny Cragg, who looked like a leather clad Dudley Moore on a particularly strong mescaline trip. Willing to take up the mantle that's been

handed down from Mott the Hoople, T-Rex, Sweet, Motley Crue, and G'N'R, Spacehog seems like one of the few bands ready to prove wrong all those who have been predicting, yet again, the death of rock.

Great Expectations Soundtrack — Various Artists

Soundtracks are weird animals. In the olden times (like the 70's), they were put together as an afterthought by the filmmaker, and the thought of having a soundtrack with songs that weren't in

ducers, four songs that aren't in the movie, and two songs by grunge singers going solo. Chris Cornell (Soundgarden) doesn't really break any new ground with "Sunshower," but it is a well-written pop song with more weight than your average radio single, and should win him some new fans to replace the high school boys who think he's gone soft. Scott Weiland (Stone Temple Pilots), on the other hand, is someone who never had any respect and seemed to be heading into a downward spiral of heroin abuse, missed tours, and being replaced by his band. Yet STP's latest incarnation as Talk Show was a pitiful Beatles rip-off, while Weiland's song here, "Lady, Your Roof Brings Me Down," is an interesting dramatic piece with a waltz feel, complete with strings and guest accordion by Sheryl Crow. Instead of aping Nirvana and Pearl Jam, Weiland's on



soundtrack to almost any Brat Pack film. Totally capturing the essence of an addictive relationship, the first half of the song is just vocals and guitar telling the story of the inevitable swan dive back into destruction that the lovesick singer will eventually make. The second half is all bluster accusations sung on top of a four on the floor snare beat and New Wave keyboards. The album is rounded out by impressive songs by Poe, Lauren Christy, David Garza, and others.

Steve Earle — El Corazon

O.K., let's get this straight, usually anything that sounds even vaguely like "Dueling Banjos" from "Deliverance" gives me the big time willies, so just putting on the new Steve Earle took some courage. I took a deep breath, lit another Winston Light, and opened my ears. Shock upon shock, I liked it! First of all, it opens with the super pretty "Christmas In Washington," an anti-political song that's more folk than country, the chorus of which runs: "So come back Woody Guthrie ... tear your eyes from paradise/and rise again somehow/if you run into Jesus/maybe he can help you out." Overall, if you like the country side of Petty, Springsteen, and Mellencamp, *El Corazon* is something you'll also get into.

The DID's of Alex "Dr. Zoom and the Sonic Boom" Rabb '00 are, in no particular order: Prince — "Sign o' the Times," Bruce Springsteen — "Greetings From Asbury Park, NJ," Otis Redding — "Sings Soul Ballads," Björk — "Post," The Police — "Regatta de Blanc," Tom Waits — "Rain Dogs," Joni Mitchell — "Blue," Crowded House — "Together Alone," Poi Dog Pondering — "Pomegranite," Willie Nelson — "Red Headed Stranger."

Usually anything that sounds even vaguely like "Dueling Banjos" from "Deliverance" gives me the big time willies.

the movie would have been considered ridiculous. Now of course, soundtracks often drive the movie, and are frequently its only redeeming feature (e.g., Empire Records). More thought is put into producing albums that are coherent and solid all the way through, rather than simply one hit sandwiched among a bunch of songs you don't remember hearing in the movie. Of course, there's still plenty of garbage, like the "Titanic" soundtrack with its godawful theme song featuring Celine Dion, who reminds me of the drunken neighbor that insists on opening her yap at parties because she thinks she can sing, but doesn't realize that dogs ten blocks away are lapping up anti-freeze to dull the pain.

Anyway, *Great Expectations* is a prime example of a quality 90s soundtrack. It's got four executive pro-

a Doors kick here, but it's still the best thing he's ever done in my book.

Tori Amos sets the mood of the album with some birdlike, atmospheric vocalization of a piece written by the composer of the movie's score (which is available as a separate CD). Her own song "Siren" follows, and while I've never been a Tori follower, her breathy, primal, vocals and floating piano work are a perfect start to the album. Mono's "Life In Mono" seems to be an appropriately melancholy song for the scenes of Ethan Hawke's moony eyed longing, and even has a vaguely Godfather-like harpsichord hook. Reef's English blues-rock brings up the mood, but Duncan Sheik's "Wishful Thinking" has been the biggest hit off of the album. It's a perfectly nice little pop ditty, but way cooler is Pulp's "Like a Friend," which would sound right at home on the

SPORTSGUYS

RAINMAKERS CAUSE INSANITY NOW

By Naim Bulbulia '98
and Josh Swartz '99

RECORD Columnists

In A-League action, the Rainmakers showed HLS that they are the team to beat this year. Behind **Kenny "G" Kloner** '98 and his 11 assists, 17 points, and 8 rebounds the Rainmakers rolled over the pre-season #1 team Serenity Now. **Charles Coble** "meltdown" '98 was quoted as saying "For three years Kloner has tried to throw those passes and for three years they bounced off our faces and our hands or the wall — but today those passes were caught and we scored every time." The Rainmakers led by only 3 at the half until a 20-7 outburst opened up a 16 point lead and ended the contest. "Sir" **Richard Moberly** '98 and **Steve** "stick in the" **Mudder** '98 combined to hold Serenity big man **Ian Patel** "her all your crazy dreams" '00 to 5 points, and "I was **Ryan** when I met you" **Scarborough** and Kloner played excellent defense to hold the previously unstoppable "Osh **Josh B'Gosh**" **Swartz** '99 in check. Prior to the match up, the Rainmakers were forced to listen to months of trash talking by Swartz who never let them forget about the two humiliating defeats Serenity Now inflicted upon the Rainmakers in last year's playoffs. Needless to say it was a very satisfying win for the Rainmakers.

Following this setback, Serenity Now lost to a resurgent Black Plague team, 54-53. **Greg** "Saved by the" **Belinfanti** '00 and **Damon** "no relation to Paula" **Jones** '98 led the way for the Plague who nearly squandered a ten point half-time lead. Jones stepped to the free

throw line and hit two shots to put the Plague ahead by two with nine seconds to play, but Swartz was then fouled on his drive to the basket. After sinking the first shot, Swartz's second shot rimmed out as time expired to preserve the Plague win. All in all it was a rough week for the back-court tandem of Swartz and **Jesse** "Give me back my son" **Ransom** '99 who both suffered two tough losses and both got Fribbles instead of milkshakes at Friendly's (an inside joke for those of you on the outside).

In other A-League action En Fuego tuned up for their upcoming showdown with #1 Rainmakers, by holding off B League's Best 55-53. **Seth** "platinum" **Blonder** '00, who hit a key three pointer with time running down and then iced the victory with two free throws said, "We will beat the Rainmakers next week, and I am going to light up whoever guards me." Clearly, Rumor has it that sharpshooter (and the man with the coolest nicknames) **Amir** "flesh wound" **Arbabi** '00 will be back in town for the showdown.

Three weeks into the B-League season and seven teams remain undefeated. Top-ranked Cambridge Metro Stars disposed of a gritty Bruisers club, 54-29 under the leadership of prohibitive B-League MVP favorite "Broad-



way" **Joe Lambert** '00. Lambert tossed in his usual 25 points, and the Stars got an unexpected contribution from **Manish Mital** "will help you get your zzz's" '00 who grabbed seven rebounds and doled out five assists.

The Godfathers of Dunk had no trouble downing an overmatched Five-Assed Monkey, 51-23. "Sicilian Don" **Mario Fallone** '99, **Mark** "I'm on a five-day drinking" **Binger** '99, and "HLS Bantamweight Champion" **Matt O'Shea** '99 helped stave off any thoughts of a Monkey upset. **Raj Pai** "in the sky" '99 led the way for the hapless Monkeys.

The Tortmasters gave the #3 Stormin' Mormons all they could handle before succumbing, 40-35 in a very low scoring affair. **Jared** "rum Red-rum" **Richardson** followed up an impressive performance last week against Boomin' Fat with another scoring outburst, powering the Mormons with 15 points while **Chris** "Wicked Game" **Isaac** '98 led a spirited Mormon defense, coming up with two key steals down the stretch.

Flagrante Delicto put away a depleted Hotel Gropius squad, 74-44. The match up lost much of its pre-game luster when the Hotel showed up with only four members. **Chris** "Tunnel of" **Lovrien** '98



paced Flagrante with 20 points and ten rebounds, **Andy "Carte" Leblanc** '00 played tenacious defense and **Rob** "Ultimate" **Frisbee** '98 helped control the boards.

The Flaming Rats kept their record unblemished with a 59-29 mauling of the Kenneth All-Stars. **Ofer** "the river and through the woods" **Elitzer** '99 led the way and **Mike Zamore** "than a feeling" '99 and **Mike** "Pacific" **Bocian** also contributed to the Rats' attack.

Ball and Chain remained undefeated by beating the Supreme Courtiers, 43-35 behind the strong play of **Chris** "Meet George" **Jenson** '00 and **James** "Michelle" **Pfeffer** '00.

Idle this week but also undefeated are the Short Guys who are led by **Steve Balsam** "of Sam" '98, **Steve** "Teenage Waste" **Glanz** '99, and **Jacob** "Dylan" **Kleinman** '99.

In other B-League action, Heartland abused Wemotonyah, 65-27; Skee-Lo All Stars defeated the hapless Ice Weasels, 56-24; The Tigers downed Specific Performance, 38-29; Bye snapped Soulbucket's two game winning streak, 66-34; and The B Sharps and Gwar rebounded to beat The Sacrificial Lambs, 55-35.

The CRC-Hellers won 33-22 over They Killed Kenny behind the 3 point barrage of **Caryn** "that's so" **Groce** '99. And The Prom Court easily handled El Nino, 65-52 behind the sharpshooting of **Erin Palmer** "trees" '98 and **Jenny** "and the Jets" **Brosnahan** '98.

LIVING TO EAT

BATTLE OF THE BAKERIES

By Judson O. Berkey '98

RECORD Columnist

This column is for those either bored by the sterility or repulsed by the corporatism of those ubiquitous Starbucks. For within just a few minutes of the Law School, there are three distinctive cafe/bakeries where you can not only get your daily caffeine fix and an appropriately indulgent baked good, but also where you can satisfy your desire for atmosphere. Each of these bakeries has its own unique angle, but all will provide a welcome respite from the everyday.

The nearest of the three is Panini located at the corner of Kirkland Ave. and Beacon St. across from Dali and the Wine and Cheese Cask. Panini is justly famous for its distinctive breads which were featured in Gourmet magazine several years ago and are now sold under the Trader Joe's label locally. The best loaves are probably the Tomato Olive (\$4.50), the Plain Boule (\$2.00), and the Sourdough



Baguette (\$1.80). Coffee is also a central attraction at Panini, which serves up its own richly acidic house blend. The best thing about this coffee is that a cup comes with free refills. Thus, one can grab a seat at any of the half dozen round wooden tables sitting in the small sales room fronting the bakery

and easily stay for an entire afternoon of studying, socializing, or just reading the paper.

Hunger pangs at Panini can be satisfied in any number of ways. For lunch, one can choose from either of two versions of pizza — Tomato, Spinach, Feta or Eggplant, Tomato, Parmesan. These

are sold by the slice (\$2.50) and heated upon request. Panini also uses its freshly baked small rolls to make eggplant and roast turkey sandwiches (\$2.25). As for baked goods, Panini's scones (\$1.45) are quite addictive. The best of these are probably the peach cinnamon and the raspberry ginger. Panini also sells the largest biscotti you will probably ever see (\$1.85) and usually has several versions of cookies that tend to be quite dry.

If one wants to take a walk in the other direction from the law school, Hi-Rise Bread Company

lies less than 10 minutes up Concord Ave. at the intersection with Huron Ave. This bakery, which sells its bread to many upscale Boston restaurants including Anjou'd'hui and Mistral, practically involves you in the baking process as bakers knead and shape the bread in an open kitchen which adjoins the sales area. One can watch and smell all the action while sitting at the long wooden common

[Hi-Rise Bread Co.] practically involves you in the baking process as bakers knead and shape the bread in an open kitchen.

table which is always topped with flowers or any of the smaller square tables which sit next to the oft steamed-up front window.

For lunch, Hi-Rise sells several different sandwiches (\$5.75 to \$6.75) on its breads. The best of these are probably the Doc Olive's Fix (grilled portabello, onion confit, and Swiss cheese) and Mahatma Gloves (curried chicken salad with cashew nuts). Hi-Rise sells a wider variety of baked goods — all sorts of cakes, muffins, and pastries — than Panini. Among the best of these are the fallen chocolate cake (\$5.00), the pumpkin spice muffins, and any of the fruit tarts (\$3.50). The tarts are particularly noteworthy for their incredibly rich and flaky crust made with imported (legally, let's hope) French butter. Hi-Rise also sells a carefully selected variety of wines which means that one could start with a steaming cup of joe in the morning and stay right through dinner.

Finally, if one wants to venture out on the T, or take a little longer walk, Carberry's Bakery has two locations. These are near Bread and Circus on Prospect Street in Central Square and near

Bertucci's on Elm Street in Davis Square. Both are similar in setup — a large open room containing many small square tables and long, enticing glass display counters that are topped with quickly emptying sample baskets — and offer the same selections. Carberry's sells the widest variety of breads of any of the three bakeries with choices including Multigrain, San Francisco Sourdough, Seeded Rye, and Chocolate Cherry loaves. Carberry's breads are uniformly excellent and one should let one's tastes rule when making any selection.

For lunch, Carberry's makes hefty made-to-order sandwiches (\$4.25) and chewy focaccia (\$2.50). The best offerings, however, are probably the baby leaf salad

with gorgonzola, walnuts, and balsamic vinaigrette (\$3.95) or the bowls of daily made soup (\$3.50). Each of these comes with a generous portion of any of seven freshly baked breads. Carberry's also offers the widest selection of baked goods. The scones (\$1.50) are lighter than those at Panini with the best choices being the cinnamon chip and maple oatmeal. The cookies (95 cents) are all very dense and chewy; one should not miss the tangy ginger or the rich but not overly sweet chocolate chunk. The croissants and muffins are not as good as they look but the coffee cake (\$1.50) with its nice crumb and the cinnamon bun with its flaky texture are both first rate.

So next time you have a few extra minutes for that morning wakeup or afternoon pickup, or even if you are just looking for a new place for lunch, stop by any one of these three bakeries. If you do, you can take pleasure not only in the fact that you are supporting a local business but also in the fact that your treat came out of an oven located just a few feet away rather than off a truck earlier that morning. You only live once, so go ahead and indulge.

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