



Students rally to protest a plethora of evils plaguing Harvard.

Fight the Power(ful)!

HLS Students Rally Against Unfair Wages, Rapists, Sweatshops

By Stephen Scali

The steps of Memorial Church hosted the University-wide, self-proclaimed Rally for Justice at Harvard this week, in which students took aim at unfair wages, sex offenders and sweatshops.

The Rally's organizers distributed a two-page information sheet at the Rally, demanding "a strong code ensuring that Harvard-licensed products will no longer be manufactured under sweatshop conditions; a living wage of \$10 an hour for all University employees; and that

the University make substantial improvements in both preventative and support resources for sexual violence on campus."

The Rally included speeches from members of the Anti-Sweat Campaign, Living Wage Campaign, and the Coalition Against Sexual Violence.

The event's 2:30 p.m. kickoff coincided with the biannual meeting of the Faculty of Arts and Sciences held concurrently at University Hall. One of the topics of discussion was the punishment to be meted out to Harvard College student D. Drew Douglas, who was con-

victed of sexual assault last year.

Douglas has been ordered under house arrest since his highly-publicized conviction. Organizers hoped the Rally would help persuade the administration to dismiss him, which it did.

One of the women who introduced the main speakers summarized the feeling of the rally when she said "we are determined to be heard and are here to show that we are strong and determined to be heard on this campus."

Youths banged on drums and

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LSC Elections Follow Soviet Model, Again

By Klaus Hamm

For the second time in three years, a lack of challengers forced the cancellation of elections for the Law School Council's (LSC) top three posts.

The LSC's incoming president, vice president and treasurer each secured their new positions without a contest last Friday, when the deadline to register as a candidate passed without attracting more than one aspirant for each position. As a result, the election, scheduled for this week, was not necessary and did not take place.

On April 1, Manoj Mate '00 will take over as president of the Law School Council, Ashley Morgan '00 as vice president and Jay Munir '01 as treasurer. Each newly elected officer currently sits on the LSC. The three incoming officers had planned to run on a single ticket.

Mate, who lost a bid for the presidency in a three-candidate

race last year, felt relief at not having to face a challenger.

"I can't say I was disappointed," he said. "The campaign I ran last year was the introduction. I'm glad I didn't have to do it again."

Any member of the first- or second-year classes could have run for the offices. Notices encouraging students to run appeared in the Adviser, in the RECORD and in an all-campus e-mail. Last year, three candidates vied for the presidency, while only one person ran for the vice presidency and one for treasurer. In 1997, like this year, each of the three positions attracted only one candidate.

Both Mate and outgoing LSC president Dan Fridman '99 attributed the lack of interest in the student government positions to satisfaction with the LSC's performance.

"I think it shows that the stu-

Please see **MATE**, p. 4

Justice Harry Andrew Blackmun '32 Dead at 90

By Ben Lehrer

Retired Supreme Court Justice Harry A. Blackmun '32 passed away last Thursday at the age of 90.

Blackmun's 24-year tenure on the high court was marked by a gradual shift from cautious conservatism to compassionate liberalism. He will be best remembered as the author of *Roe v. Wade*, the controversial 1973 case that pronounced constitutional a woman's right to have an abortion.

"Justice Harry Blackmun was a dear friend to so many of us here at Harvard Law School," said Prof. Charles Ogletree '78.



Prof. Charles Ogletree and Harry Blackmun during the Justice's 1994 visit to the Law School.

"His passing is an enormous loss for the legal profession."

Prof. Alan Dershowitz called Blackmun "a humble and modest man, a great justice whose opinions will be long remembered."

"He studied and learned and changed his mind all through his life," said Dershowitz. "Few justices in our history have grown so much during their tenure on the Court."

Blackmun died from complications following a hip-replacement surgery performed nine days earlier.

The Justice's ashes were interred in Arlington National Cemetery on Tuesday. In classic Blackmun modesty and humor, the ashes were driven there in a blue Volkswagen Bug.

The Third Man

Blackmun was nominated by President Richard M. Nixon to fill the seat vacated when Justice Abe Fortas withdrew his candidacy for Chief Justice and resigned from the Court following revelations of financial improprieties.

Blackmun was Nixon's third choice to fill the vacant seat. His first choice, Clement F. Haynesworth Jr. '36, was rejected by the Senate 55-45 over his failure to recuse himself in two cases he sat on while on the

Eighth Circuit involving subsidiaries of companies he owned stock in.

Nixon's second nominee, G. Harrold Carswell, was rejected 51-45, largely due to his role in

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Where the Sun Don't Shine

HLS Ad Board Shrouded in Secrecy, Silence

By Justin Herdman

Designed to supply society with courtroom warriors well-equipped to subject legal systems to the most penetrating light of truth, Harvard Law School possesses a body nearly resistant to such an inquiry. In an ironic twist of bureaucratic fate, the Administrative Board, which serves as the school's internal disciplinary tribunal, is a mystery to most Harvard Law School students.

Ad Board members force-feed questioners with a litany of sugar-coated, evasive answers that fail to answer a fundamental question: How does the student body evaluate a committee that holds considerable sway over their careers and academic integrity?

The Board consists of eight voting members, three of whom are faculty — Lloyd

Weinreb '62, Arthur Miller '58, and Christine Desan. Two administrators complement the staff representation — Office of Career Services (OCS) Director Sally Donahue and Registrar Stephen Kane.

Three student representatives, one from each class, uphold stu-

dent interests. The 1L Ad Board Representative, Barbara Grayson '01, provided assurance that they are not arbitrarily selected. The procedure which culminated in Grayson's appointment began with an initial application that was approved by the Law Student Council, then forwarded to Dean of Students Suzanne Richardson. A final round of interviews was held with Dean Richardson and the two senior members of the Ad Board.

RECORD Feature

Certainly this process, which may come as surprisingly ex-

haustive to some students, is designed to select student members of the Ad Board who demonstrate resolve and decision-making skills. In speaking with Grayson, it is apparent that the student representatives are articulate, confident students, able to stand their ground on important issues.

"When I was interviewed, there was a [hypothetical] question where students on the Ad Board were pressured to vote in a certain way," said Grayson, "I was asked if I could handle it."

She answered in the affirmative, of course, and got the job. The fact remains, however, that notwithstanding a few exceptional cases, the Ad Board's closed door meetings are not for public consumption. Other than the three student representatives, the only student that typi-

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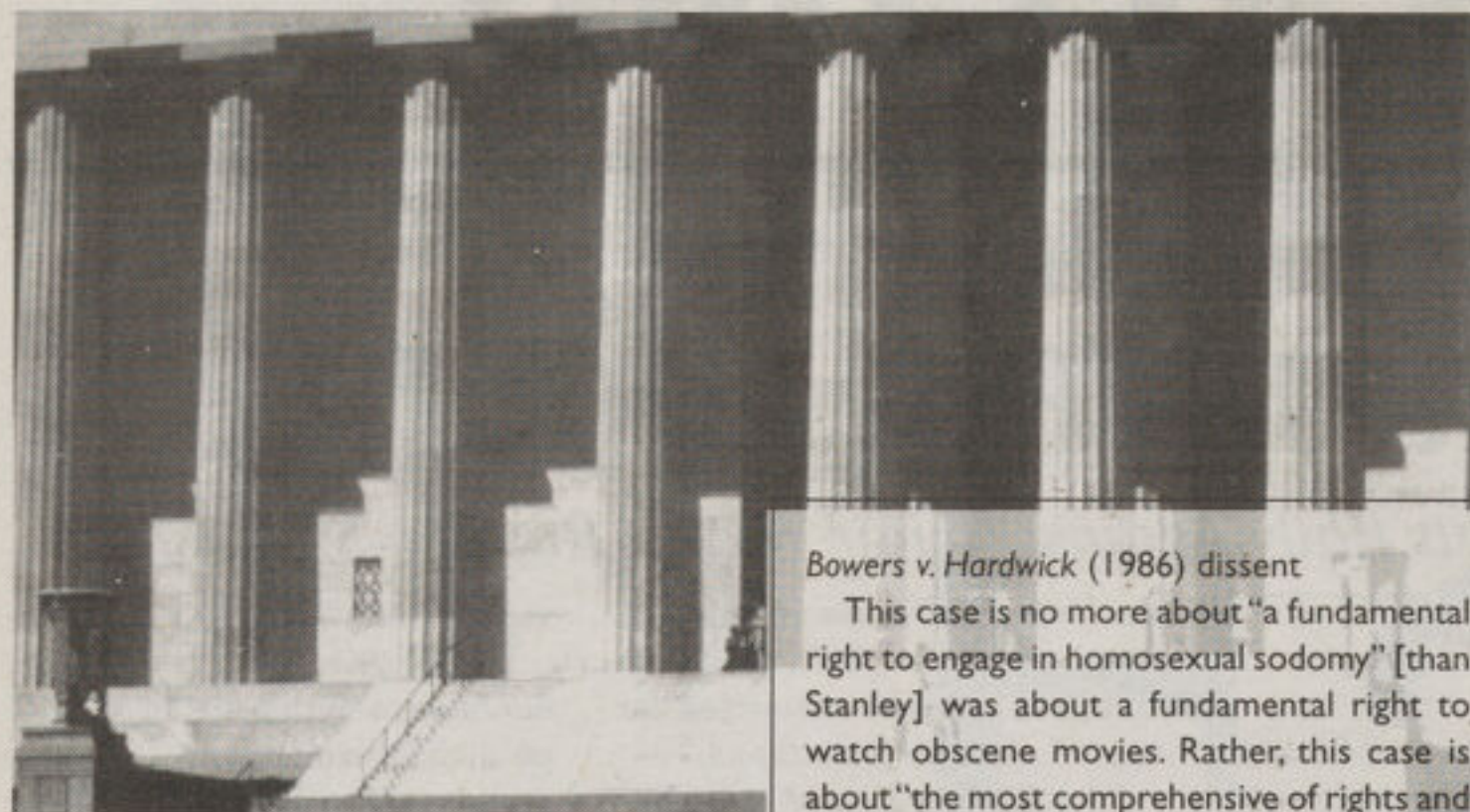
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Also:
Letters, more letters, letters galore and the correspondelicious Fenno. *Letters too!!!*

Excerpts from Notable Opinions by Justice Blackmun



Death Penalty

Furman v. Georgia (1972) (dissent)

Cases such as these provide for me an excruciating agony of the spirit. I yield to no one in the depth of my distaste, antipathy, and, indeed, abhorrence, for the death penalty, with all its aspects of physical distress and fear and of moral judgment exercised by finite minds. That distaste is buttressed by a belief that capital punishment serves no useful purpose that can be demonstrated. For me, it violates childhood's training and life's experiences, and is not compatible with the philosophical convictions I have been able to develop. It is antagonistic to any sense of 'reverence for life.'

Were I a legislator, I would vote against the death penalty for the policy reasons argued by counsel for the respective petitioners and expressed and adopted in the several opinions filed by the Justices who vote to reverse these judgments.

...To reverse the judgments in these cases is, of course, the easy choice. It is easier to strike the balance in favor of life and against death. It is comforting to relax in the thoughts — perhaps the rationalizations — that this is the compassionate decision for a maturing society; that this is the moral and the 'right' thing to do; that thereby we convince ourselves that we are moving down the road toward human decency; that we value life even though that life has taken another or others or has grievously scarred another or others and their families; and that we are less barbaric than we were in 1879, or in 1890, or in 1910, or in 1947, or in 1958, or in 1963, or a year ago, in 1971, when *Wilkerson*, *Kemmler*, *Weems*, *Francis*, *Trop*, *Rudolph*, and *McGautha* were respectively decided.

This, for me, is good argument, and it makes some sense. But it is good argument and it makes sense only in a legislative and executive way and not as a judicial expedient.

As I have said above, were I a legislator, I would do all I could to sponsor and to vote for legislation abolishing the death penalty. And were I the chief executive of a sovereign State, I would be sorely tempted to exercise executive clemency as Governor Rockefeller of Arkansas did recently just before he departed from office. There — on the Legislative Branch of the State or Federal Government, and secondarily, on the Executive Branch — is where the authority and responsibility for this kind of action lies. The authority should not be taken over by the judiciary in the modern guise of an Eighth Amendment issue.

I do not sit on these cases, however, as a legislator, responsive, at least in part, to the will of constituents. Our task here, as must so frequently be emphasized and re-emphasized, is to pass upon the constitutionality of legislation that has been enacted and that is challenged. This is the sole task for judges. We should not allow our personal preferences as to the wisdom of legislative and congressional action, or our distaste for such action, to guide our judicial decision in cases such as these. The temptations to cross that policy line are very great. In fact, as today's decision reveals, they are almost irresistible.

...Although personally I may rejoice at the Court's result, I find it difficult to accept or to justify as a matter of history, of law, or of constitutional pronouncement. I fear the Court has overstepped. It has sought and has achieved an end.

Bowers v. Hardwick (1986) dissent

This case is no more about "a fundamental right to engage in homosexual sodomy" [than *Stanley*] was about a fundamental right to watch obscene movies. Rather, this case is about "the most comprehensive of rights and the right most valued by civilized men," namely, "the right to be let alone." ...If that right means anything, it means that, before Georgia can prosecute its citizens for making choices about the most intimate aspects of their lives, it must do more than assert that the choice they have made is an "abominable crime not fit to be named among Christians."

...We protect [traditional family rights] not because they contribute, in some direct and

Roe v. Wade (1973)

The Court has recognized that a right of personal privacy, or a guarantee of certain areas or zones of privacy, does exist under the Constitution... This right of privacy, whether it be founded in the 14th Amendment's concept of personal liberty, as we feel it is, or, as the District Court determined, in the Ninth Amendment's reservation of rights to the people, is broad enough to encompass a woman's decision whether or not to terminate her pregnancy. The detriment that the State would impose upon the pregnant woman by denying this choice altogether is apparent.

Gay Rights

material way, to the general public welfare, but because they form so central a part of an individual's life. Only the most willful blindness could obscure the fact that sexual intimacy is "a sensitive, key relationship of human existence, central to family life, community welfare, and the development of human personality." [The] fact that individuals define themselves in a significant way through their intimate sexual relationships with others suggests, in a Nation as diverse as ours, that there may be many "right" ways of conducting those relationships, and that much of the richness of a relationship will come from the freedom an individual has to choose the form and nature of these intensely personal bonds.

Death Penalty

McCleskey v. Zant (1991) dissent

The Court today sanctions the execution of a man despite his presentation of evidence that establishes a constitutionally intolerable level of racially based discrimination leading to the imposition of his death sentence. I am disappointed with the Court's action not only because of its denial of constitutional guarantees to petitioner *McCleskey* individually, but also because of its departure from what seems to me to be well-developed constitutional jurisprudence.

...The Court today seems to give a new meaning to our recognition that death is different. Rather than requiring a correspondingly greater degree of scrutiny of the capital sentencing determination the Court relies on the very fact that this is a case involving capital punishment to apply a lesser standard of scrutiny under the Equal Protection Clause.

...One of the final concerns discussed by the Court may be the most disturbing aspect of its opinion. Granting relief to *McCleskey* in this case, it is said, could lead to further constitutional challenges. That, of course, is no reason to deny *McCleskey* his rights under the Equal Protection Clause. If a grant of relief to him were to lead to a closer examination of the effects of racial considerations throughout the criminal justice system, the system, and hence society, might benefit. Where no such factors come into play, the integrity of the system is enhanced. Where such considerations are shown to be significant, efforts can be made to eradicate their impermissible influence and to ensure an evenhanded application of criminal sanctions.

...I do not believe acceptance of *McCleskey's* claim would eliminate capital punishment in Georgia... [N]arrowing the class of death-eligible defendants is not too high a price to pay for a death penalty system that does not discriminate on the basis of race. Moreover, the establishment of guidelines for Assistant District Attorneys as to the appropriate basis for exercising their discretion at the various steps in the prosecution of a case would provide at least a measure of consistency. The Court's emphasis on the procedural safeguards in the system ignores the fact that there are none whatsoever during the crucial process leading up to trial.

Collins v. Collins (1994) dissent

On February 23, 1994, at approximately 1:00 a.m., Bruce Edwin Collins will be executed by the State of Texas. Intravenous tubes attached to his arms will carry the instrument of death, a toxic fluid designed specifically for the purpose of killing human beings. The witnesses, standing a few feet away, will behold Collins, no longer a defendant, an appellant, or a petitioner, but a man, strapped to a gurney, and seconds away from extinction.

Within days, or perhaps hours, the memory of Collins will begin to fade. The wheels of justice will churn again, and somewhere, another jury or another judge will have the unenviable task of determining whether some human being is to live or die. We hope, of course, that the defendant whose life is at risk will be represented by competent counsel — someone who is inspired by the awareness that a less than vigorous defense truly could have fatal consequences for the defendant. We hope that the attorney will investigate all aspects of the case, follow all evidentiary and procedural rules, and appear before a judge who is still committed to the protection of defendants' rights — even now, as the prospect of meaningful judicial oversight has diminished. In the same vein, we hope that the prosecution, in urging the penalty of death, will have exercised its discretion wisely, free from bias, prejudice, or political motive, and will be humbled, rather than emboldened, by the awesome authority conferred by the State.

But even if we can feel confident that these actors will fulfill their roles to the best of their human ability, our collective conscience will remain uneasy. Twenty years have passed since this Court declared that the death penalty must be imposed fairly, and with reasonable consistency, or not at all, and, despite the effort of the States and courts to devise legal formulas and procedural rules to meet this daunting challenge, the death penalty remains fraught with arbitrariness, discrimination, caprice, and mistake... Experience has taught us that the constitutional goal of eliminating arbitrariness and discrimination from the administration of death, can never be achieved without compromising an equally essential component of fundamental fairness — individualized sentencing.

...From this day forward, I no longer shall tinker with the machinery of death. For more than 20 years I have endeavored — indeed, I have struggled — along with a majority of this Court, to develop procedural and substantive rules that would lend more than the mere appearance of fairness to the death penalty endeavor. Rather, than con-

tinue to coddle the Court's delusion that the desired level of fairness has been achieved and the need for regulation eviscerated, I feel morally and intellectually obligated simply to concede that the death penalty experiment has failed. It is virtually self-evident to me now that no combination of procedural rules or substantive regulations ever can save the death penalty from its inherent constitutional deficiencies. The basic question — does the system accurately and consistently determine which defendants "deserve" to die? — cannot be answered in the affirmative. It is not simply that this Court has allowed vague aggravating circumstances to be employed. The problem is that the inevitability of factual, legal, and moral error gives us a system that we know must wrongly kill some defendants, a system that fails to deliver the fair, consistent, and reliable sentences of death required by the Constitution.

...[E]ven if the constitutional requirements of consistency and fairness are theoretically reconcilable in the context of capital punishment, it is clear that this Court is not prepared to meet the challenge. In apparent frustration over its inability to strike an appropriate balance between the *Furman* promise of consistency and the *Lockett* requirement of individualized sentencing, the Court has retreated from the field, allowing relevant mitigating evidence to be discarded, vague aggravating circumstances to be employed, and providing no indication that the problem of race in the administration of death will ever be addressed. In fact some Members of the Court openly have acknowledged a willingness simply to pick one of the competing constitutional commands and sacrifice the other. These developments are troubling, as they ensure that death will continue to be meted out in this country arbitrarily and discriminatorily, and without that "degree of respect due the uniqueness of the individual." In my view, the proper course when faced with irreconcilable constitutional commands is not to ignore one or the other, nor to pretend that the dilemma does not exist, but to admit the futility of the effort to harmonize them. This means accepting the fact that the death penalty cannot be administered in accord with our Constitution.

...Perhaps one day this Court will develop procedural rules or verbal formulas that actually will provide consistency, fairness, and reliability in a capital sentencing scheme. I am not optimistic that such a day will come. I am more optimistic, though, that this Court eventually will conclude that the effort to eliminate arbitrariness while preserving fairness "in the infliction of [death] is so plainly doomed to failure that it — and the death penalty — must be abandoned altogether." I may not live to see that day, but I have faith that eventually it will arrive. The path the Court has chosen lessens us all.

Abortion

Abortion

Planned Parenthood of Southeastern Pennsylvania v. Casey (1992) concurrence

[R]estrictions on abortion violate a woman's right to privacy in two ways. First, compelled continuation of a pregnancy infringes upon a woman's right to bodily integrity by imposing substantial physical intrusions and significant risks of physical harm. [Further,] when the State restricts a woman's right to terminate her pregnancy, it deprives a woman of the right to make her own decision about reproduction and family planning — critical life choices that this Court long has deemed central to the right of privacy... [By] restricting the right to terminate pregnancies, the State conscripts women's bodies into its service, forcing women to continue their pregnancies, suffer the pains of childbirth, and in most instances, provide years of maternal care. The State does not compensate women for their services; instead, it assumes that they owe this duty as a matter of course.

...While there is much to be praised about our democracy, our country since its founding has recognized that there are certain fundamental liberties that are not to be left to the whims of an election. A woman's right to reproductive choice is one of those fundamental liberties.

Accordingly, that liberty need not seek refuge at the ballot box. In one sense, the Court's approach is worlds apart from that of the Chief Justice and Justice Scalia. And yet, in another sense, the distance between the two approaches is short — the distance is but a single vote. I am 83 years old. I cannot remain on this Court forever, and when I do step down, the confirmation process for my successor well may focus on the issue before us today. That, I regret, may be exactly where the choice between the two worlds will be made.

Death Penalty

Law School 1Ls Trade Speedos for Briefs

By Francesco Barbera

The Office of Career Services (OCS) has added another tool students can use in their search for the right career path. This spring break, 1Ls will "shadow" Law School alumni mentors in a wide array of professional settings.

The program, co-sponsored by the Harvard Law School Association, is designed to offer students "the unique opportunity to meet alumni working in a variety of legal jobs, and to shadow them during a typical work week," according to the application materials distributed among 1Ls in February.

The Spring Break Alumni Mentoring Program was created "to help first year students think carefully about all of the incredible opportunities available to law school graduates," OCS Director Sally Donahue said.

"The program gives students a chance to explore career options, to ask questions and take risks that may not otherwise be possible," she added. "Students can have a mentor experience in a field they know

nothing about, rather than spend a summer exploring it."

According to Donahue, the program was partially inspired by alumni who have expressed interest in forging stronger ties to Law School students. In December, OCS solicited mentorships from about 25,000 alumni who graduated between 1948 and 1993. Approximately 170 alumni responded with proposals.

Students applying for a mentoring position were required to submit a résumé and a "statement of interest." Students could list up to five mentorship choices. According to Donahue, 40 students applied, nearly all of whom have been placed in their first or second choice positions.

"Of the placements, 19 are with attorneys in law firms, 10 are with judges, 2 are with environmental public interest groups, one is with a U.S. Attorney's office, and one with the Federal Communications Commission. The matches are reflective of student interest," said Donahue.

Although the vast majority of mentor positions were in private law firms, Alexa Shabecoff, Director of the Office of Public

Interest Advising, noted that she and Donahue have discussed the possibility of future collaboration to increase the representation of public interest positions.

Shabecoff also noted that, in response to student requests for more structured mentor relationships, OPIA is exploring the possibility of supplementing its alumni mentor program with one-on-one student-alumni mentorships.

"It is not going to be a spring break type of program, but we will try to pair students up," she said. "I love our current system. It works really well, but it is sort of a free for all in that any student can call up any mentor, as long as they're polite and follow protocol," Shabecoff went on to say. "For some students, though, the idea of calling up a stranger is somewhat intimidating. So we are exploring the idea of creating a more structured one-on-one relationship."

Students participating in the OCS mentors program seem appreciative of the opportunity to explore various career paths.

"Since I will be working at the U.S. Attorney's Office, I want to have at least

some first-hand experience with corporate firms as I enter the fall recruiting season," said Marc Lindemann '01, who will be at Sullivan & Cromwell in New York. "Although I may have to give up a week of lounging around on the beach, choosing a career path is too important a decision to make with incomplete information."

Maryanne Hancock '01, who will be working with the Chief Circuit Mediator for the 4th Circuit Court of Appeals, said: "I thought it would be a great opportunity to work with someone who would have a lot of advice about life after law school and to get a glimpse of life in the judiciary. We have so many career options, and though two summers of experience is more time than some graduate programs provide, we could not possibly explore all of our options in those two summers alone."

"Spring break is short but it's a way of getting a brief glimpse into another area of law to help students sort out their opportunities with less of a feeling of helplessness," said Donahue. "Students need to feel empowered about their career choices. There are a number of different directions and I think it will help students to use this time to think about that."

Roe Author Leaves Legacy of Quiet Compassion

Continued from BLACKMUN, p. 1

helping a municipal golf course evade desegregation while he served as a U.S. Attorney under Nixon, combined with revelations of racist remarks he made in and outside the courtroom.

Nixon characterized Blackmun, who was sitting on the Fourth Circuit, as a "strict constructionist" and a "law-and-order judge." Together with fellow Minnesotan Warren Burger, whom Nixon appointed in 1969 to replace Chief Justice Earl Warren, Blackmun was expected to put the brakes on what conservatives considered the excesses of judicial activism.

His early opinions justified these conservative expectations, particularly in the areas of law enforcement and deference to the government. He sided with Burger so often that they were often referred to as the "Minnesota Twins." But by the time of Burger's retirement in 1986, the two were infrequently on the same side of an opinion.

Blackmun served as a living example of Justice Oliver Wendell Holmes's [1866] adage, the "life of the law is not logic but experience," and his experience pushed him into the Court's liberal wing where

he regularly joined opinions with liberal Justices William Brennan '31 and Thurgood Marshall on issues of civil liberties, civil rights and criminal procedure.

Roe is Me

Blackmun's opinion in *Roe* earned him heated criticism from scholars and laypersons alike. He received more than 60,000 pieces of hate mail over his career and his public appearances often drew protesters and hecklers.

Many legal academics derided the opinion's reliance on a broad constitutional right to privacy, characterizing it as one of a list of so-called "fundamental rights" that liberal members of the Court invoked to expand the reaches of the Constitution.

Even supporters of the abortion right thought that the Court should have provided a firmer basis for the decision, such as the equal protection clause's guarantee of women's rights, the First Amendment's ban on the establishment of religion, or even the Thirteenth Amendment's abolition of involuntary servitude.

Blackmun remained steadfast in his defense of *Roe* and in a woman's right to choose throughout the rest of his Court career. As the Court drifted rightward and *Roe*'s 7-2 majority dwindled, abortion opponents mounted repeated attacks on the decision. Many of these attacks were argued by Prof. Emeritus Charles Fried while he served as solicitor general in the Reagan Administration.

Roe barely survived, albeit in modified form, two cases towards the end of Blackmun's tenure. In 1989, the Bush Administration recalled Fried to argue the case against *Roe* in *Webster v. Reproductive Health Services*, which modified *Roe*'s trimester framework but left the core holding intact.

Roe again staved off extinction in a 1992 case, after Blackmun's allies, Brennan and Marshall, had retired from the Court. In *Planned Parenthood of Southeastern Pa. v. Casey*, *Roe*'s core ruling survived only due to the staking of a centrist position by Justices Anthony Kennedy '61, Sandra Day O'Connor and David Souter '66.

After President Clinton's election and the retirement of *Roe* foe Justice Byron White, *Roe*'s position in Supreme Court jurisprudence became more secure.

In a speech at the Law School in March 1994, Blackmun nonetheless remained wary about *Roe*'s future. "The conservatives have not yet used their muscle," he said. "I want to hang around and prevent those jokers from overruling *Roe*."

By the following month he had under-

gone a change of heart and announced his retirement from the Supreme Court. He was replaced by HLS Prof. Stephen Breyer '64.

No More Tinkering

Blackmun's judicial evolution from cautious conservative to compassionate liberal was no more apparent than in the area of the death penalty.

Blackmun was one of the dissenters in *Furman v. Georgia*, the 1972 case that held the death penalty unconstitutional. His dissent, while expressing personal opposition to the capital punishment, claimed that the majority "overstepped" judicial authority in acting like a super-legislature.

In the 1980s, as the conservative wing of the Court rolled back convicts' *habeas corpus* rights and summarily denied review to death penalty appeals, Blackmun became more convinced that the logic of *Furman* was right — the death penalty was applied unfairly and in a discriminatory manner.

Finally, in 1994, Blackmun pronounced himself a categorical opponent of the death penalty. The vehicle was *Callins v. Collins*, in which the Court denied a review petition of a Texas man convicted of first degree murder.

In a lengthy dissent, Blackmun renounced his previous support of the death penalty. "From this day forward, I no

longer shall tinker with the machinery of death," he wrote.

Blackmun retired at the conclusion of that term, however, meaning his resolution was largely symbolic.

Hold the Mayo

Blackmun was born in Nashville, Ill., on Nov. 12, 1908 to Corwin Manning Blackmun and Theo Reuter. When he was young, his family moved to the Minneapolis-St. Paul area, where he became friends with Warren Burger.

Blackmun spent his undergraduate years at Harvard on a scholarship from the Harvard Club of Minnesota. In 1929, he graduated *summa cum laude*, majoring in Mathematics.

Blackmun chose law school over medical school, but he retained an interest in medicine throughout his life. Before his appointment to the Eighth Circuit, he served as general counsel to the Mayo Clinic.

In 1993, Blackmun was awarded the Harvard Law School Association award for "sustained extraordinary service to the legal profession and Harvard Law School, as well as contributions to the public welfare that exemplify the values of Harvard Law School."

Blackmun is survived by his wife, Dorothy Blackmun, his daughters Nancy, Sally Ann and Susan, and five grandchildren.

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Briefs

HLS Ties a Noose Around Ralph Lauren

Designer Ralph Lauren has gotten himself into a fight with HLS.

HLS's trademark protectors just sent Lauren a letter asking him to cease and desist using the HLS crest on Lauren-designed ties.

It appears likely that Lauren will have to withdraw from sales the neckwear featuring HLS's crest, which features three symbolic bushels of wheat.

In fact, the HLS logo has been licensed to Michael LaFiart, an up-and-coming designer who has an exclusive deal with Harvard to several University crests on his fashion creations. LaFiart, whose ties have been worn by President Clinton and Bill Gates, recently debuted his Harvard line through Neiman Marcus.

Perhaps Lauren was swayed by nostalgia. While not a Harvard alum (the designer is a City College grad), he got his start as a neckwear designer after working as a salesman for a Boston company, Rivets, which specialized in the manufacture of old school ties.

—New York Post

Fenno Goes to the Board, Case Dismissed

Continued from **BOARD**, p. 1

cally participates is the defendant. Asked whether a RECORD reporter could attend an Ad Board meeting, usually convened once a month, Dean Richardson replied, "The matters before the Board are confidential, so [students] can't just show up."

Weinreb, the board's chair, explained, "Sometimes students are not very eager to have themselves exposed."

Indeed, according to Weinreb the "vast majority" of Ad Board deliberations do not involve disciplinary cases at all. The work of the Board is varied, usually focusing on student hardship at examination time, or allowing for exemptions from curriculum requirements.

The members of the Ad Board take their commitment to student privacy very seriously, as mandated by the procedural rules of the body. Refusing to comment on any individual cases, the members of the Ad Board who were contacted expressed their belief that the inner workings of the group should remain secret.

"We have a responsibility to maintain student privacy interests, and we take that obligation very seriously," said student Ad Board members Greg Harris '99 and Tamara Yang '00 in a joint e-mail.

Decisions of the Ad Board which result in dismissal or expulsion are relayed to the HLS community through the Adviser. In the Feb. 11 edition of the newsletter, the Ad Board notified the campus that, "A law student was found to have submitted a false transcript to several prospective employers in the fall of the student's second year and to have submitted a false transcript to a prospective employer in the fall of the student's third year."

This message, while explicit regarding the most basic facts of the case, hardly leaves students with a tangible impression of the Board's deliberations.

"It's like the Supreme Court issuing a one-sentence opinion," said Rob Frimdmann '98.

An Ad Board critic, Friedman related a personal experience of the disciplinary board in action. In his position as publisher of the RECORD last year, Friedman and two other members of the editorial staff had a complaint filed against them by Prof. Charles Nesson '63.

The charges stemmed from a column, written by the RECORD's notoriously acerbic *nom de plume* Fenno, which appeared in the February 14, 1997 issue of the paper. The column, entitled "Down and Out with Charlie Nesson in Boston and Cambridge," provoked Nesson to file the complaint in order to combat what he saw as slanderous references to drug use and sexual misconduct.

While the charges were dropped before ever reaching the Ad Board, Friedman felt that the complaint itself was used to influence the RECORD's content through the intimidation of its student editors. "The existence of the complaint had a chilling effect on our ability to defend ourselves," said Friedman.

"When the charge was made, we felt as if we had to defend ourselves on [Nesson's] home court, in a venue where the rules, to the extent we even knew what they were, were designed to serve institutional ends," he said.

Members of the Ad Board deny any charges of unfairness or prejudice in the body's proceedings.

"Student votes and faculty votes are given equal weight, and there are equal numbers of student and faculty Board members," said Harris and Yang. While this statement is technically true, the apparent balance of power is somewhat skewed by the inclusion of two administrators.

OCS Director Sally Donahue discussed the partition of votes, dismissing any notions of divisive decision-making. "We are able as a group to work together effectively, and I don't think that particular groups tend to vote in certain ways," said Donahue.

In addition to the lack of probative analysis into Ad Board rulings, the student body

at HLS is also faced with the effect of the board's decisions on campus life.

"We do not believe that disciplinary sanctions should be imposed to 'send a message,' but rather should reflect the severity of the student's offense and any mitigating circumstances," said Yang and Harris. "Our role is not to create policy."

While Ad Board members may shrug aside their role as policy-makers, every finding by the group certainly resonates in whispers and conversations throughout the HLS community. It may be too late to deter those who have forged their undergraduate credentials, but the specter of expulsion looms over would-be cheaters and frauds. For that reason, perhaps a more probing examination of Ad Board proceedings would be useful, if only to evaluate the consistency of the

discipline administered.

Members of the Ad Board also discount the theory that the prospect of national media attention is a consideration in their judgments. "We don't pay the least attention to what newspapers say," said Weinreb.

The Ad Board works well, with a minimum amount of internal dissent and an efficient distribution of punishment. More troubling, though, is the lack of criticism found on campus. The absence of such perspectives is due to the Ad Board's secrecy, which is predicated upon the damage that could befall a student's reputation.

"There are no restrictions on the student saying anything," said Weinreb. This is true, but in the cases where students have come forward to share their story

with the public, they have either been innocent or have subsequently suffered widespread derision for their misconduct.

Dean Suzanne Richardson was able to acknowledge student "curiosity" into the Ad Board's proceedings, but declined to characterize it further. Part of this "curiosity" is sensationalism, to be sure, but a portion of it may stem from the need to question and probe which is a natural corollary of a legal education.

Balancing the need to protect student privacy with the greater interests at stake in every Ad Board vote is a difficult task. But law school trains its students to ask difficult questions, especially where the consequences of silence are amplified within closed chambers.

Nuts and Bolts of Ad Boards Differ

Harvard College's Board One of the Worst, Says Silverglate '67

By Justin Herdman

An ongoing crisis of confidence in Harvard College's disciplinary process has been exposed by a series of front-page stories in the Boston Globe. A rally yesterday afternoon highlighted the increasing pressure on the undergraduate faculty to dismiss a student who has pled guilty in criminal court to indecent sexual assault.

The Harvard College Administrative Board recommended dismissal for Drew Douglas, the male student who sexually assaulted a female peer. The Ad Board passed its suggestion on to a full faculty vote, where some professors felt a lesser punishment should be administered. Nevertheless, the College faculty voted 119-19 to dismiss the student on Tuesday night.

Dismissal at Harvard College is essentially expulsion, as a student may be readmitted to the undergraduate school only if exculpatory evidence arises after the final ruling.

It is important to recognize the distinction between HLS's Administrative Board and the Administrative Board at Harvard College. Distinguishing these two bodies is not paying mere lip service to the separate identity of the schools. In fact, the procedures and protections offered by both are noticeably different.

Two student members of the HLS Ad Board were able to outline their differences in a jointly issued e-mail message. "The Harvard Law School Administrative Board is completely separate from the Administrative Board of Harvard College," said Greg Harris '99 and Tamara Yang '00.

"Our rules and procedures are different from those of the undergraduate board, which does not have student members," continued Harris and Yang. The HLS Ad Board is currently composed of three professors, two administrators, and three student representatives.

Harvey Silverglate '67 has represented students before both boards, and he finds the College's version to be "the worst among the several hundred that I have studied."

Silverglate's research, undertaken during the writing of his book "The Shadow University," revealed that the College's Administrative Board wields significant power, but fails to provide sufficient safeguards to students hailed before it.

Unlike the Ad Board at HLS, the College's exclusive definition of Ad Board proceedings is as part of the overall educational process. Silverglate says that this evasive classification is used to "justify the utter lack of rational procedures geared to determine facts, and the utter lack of fairness for the student."

The College's Ad Board hearing is conducted by a subcommittee, which then reports to the full tribunal. Cross-examination of the accused by the accuser is not allowed, and presentation of the evidence

to the full Ad Board is made only by the subcommittee.

Furthermore, students called before the Board are not allowed to obtain legal representation.

As Silverglate indicates, forbidding a student access to counsel is a colossal failure to administer justice, especially when the College's Office of General Counsel advises the Ad Board and Dean's Office throughout the entire disciplinary process. "It's a double standard," said Silverglate.

The Administrative Board at HLS, however, provides a number of procedural safeguards to students.

After a complaint is filed, the Administrative Board notifies the student through a letter from its Secretary, Dean of Students Suzanne Richardson. "The Secretary to the Administrative Board acts as a liaison, informing students of all of the procedural protections of the disciplinary process," she explained.

The student is then given an opportunity to submit a written statement to the Ad Board, responding to each charge outlined in the complaint.

The Ad Board then decides, weighing the written statements and evidence against the student, whether a hearing is necessary to decide the matter.

The Ad Board can dismiss at this early stage, though the evidence is usually so substantial that a hearing is merited.

At the student's request, a disciplinary hearing may be held in a public forum,

though this provision is infrequently invoked. In 1992, a hearing to determine the fate of nine protesters who occupied Dean Clark's office in Griswold was held in public. While the high profile of the case cannot be said to have definitively resulted in a lesser sentence, the "Griswold 9" were reprimanded with warnings — the lightest punishment available to the Board other than acquittal.

Following an Ad Board decision which results in a recommendation of dismissal or expulsion, the full faculty votes on the punishment to be administered. An appeal is also available to the faculty when a student is displeased with the Ad Board finding.

At all stages during the process, students are afforded the right to counsel. "Students may request legal representation if they so choose," said Harris and Yang, "and the Law School often pays for the legal services." The members of the Ad Board insist that legal representation does not reflect on a student's guilt or innocence, rather it shows that the student is approaching the proceeding with the utmost seriousness.

Barbara Grayson '01, the third student Ad Board member, declared that the disciplinary process is fair and impartial. "I do feel that [the student's] side of the story is presented," said Grayson. "You get two chances to defend yourself — once in writing, and then again in person with an advocate" if the student so chooses.

Law Benefiting Rape Victims Nixed

RICHMOND, Va. (AP) — An appeals court struck down a federal law allowing rape victims to sue their attackers for civil rights violations, ruling the law was a "sweeping intrusion" into matters traditionally handled by states.

Women's groups hoped last Friday's decision by the 4th U.S. Circuit Court of Appeals would be reviewed and overturned by the Supreme Court.

"It would be a tragedy if this became the law of the land," said Eleanor Smeal, president of the Feminist Majority Foundation.

Smeal called the 1994 Violence Against Women Act the first major advance for women since Congress banned sex discrimination in federally funded schools in 1975.

The 4th Circuit held that Congress stretched too far its interpretation of its right to regulate interstate commerce when it passed the law.

"Such a statute, we are constrained to conclude, simply cannot be reconciled with the principles of limited federal government upon which this nation is founded," Judge J. Michael Luttig wrote.

The ruling is binding in Virginia, West Virginia, Maryland, North Carolina and South Carolina.

Eileen Wagner, lawyer for plaintiff Christy Brzonkala, said she expected the case would be appealed to the U.S. Supreme Court.

"They can either give it a thumbs-up — in which case people will use this law, which they are reluctant to do now — or a thumbs-down, which would encourage Congress to go back to the drawing board and rewrite the thing," she said.

In her suit, Ms. Brzonkala, a Virginia Tech student who has allowed her name to be disclosed, sought unspecified damages against two football players whom she said had raped her in dormitory.

She did not report the alleged incident for several months and no charges were filed against the players. Their lawyers did not return calls for comment.

Ms. Brzonkala's lawyers defended the Violence Against Women Act by arguing that gender-motivated violence affects commerce by imposing medical and legal costs on victims, inhibiting travel by those who fear violence and lessening productivity.

Profs Like Surveys — But Not Necessarily This One

By Stephen V. Scali

Concerns have been expressed by the faculty about the Law School Council's (LSC) recent survey of 1L professors. The results of the survey were presented in an article which appeared in last week's RECORD.

Prof. Lucie White '81, whose students gave her a C, the lowest grade received among 1L professors, said that "it's important for student perspectives on pedagogy to be part of our discussion."

"I support the use of extensive feedback. A naked grade doesn't offer that much guidance to the extent students want professors to respond to student concerns," said Prof. Bruce Hay '88, critical of the survey despite the fact that his A- implied that he was one of the best professors at HLS.

"I'm happy with my grade, but there isn't much to go on," said Hay, whose teaching was described in one long sentence in the RECORD article.

"I would like to know what the minus is for," the professor quipped.

Hay says he deeply believes in student feedback. "For my LRA class last fall I wanted to ask them detailed questions; I developed my own survey," he said. "I

learned that students wanted more legal research."

Further, Hay maintains that he supports "the idea of student input into the way the Law School is run."

"I think that the more comments and detailed suggestions there are, the more of an impact they will have," he said.

Several other professors criticized the LSC survey for not offering sufficiently detailed information.

"This gives us far less information than the BSA does," said Prof. Joseph Singer '81.

"I wish I had done better, but I don't have enough information," he said regarding his C+. "For me, it didn't help very much."

Prof. Christine Jolls '93, whose B placed her about average among survey subjects, echoed that sentiment. "Some feedback would be very beneficial," she said. Jolls was merely given a letter grade, with no substantive comments at all.

Jolls also actively seeks feedback from students. Recently, she obtained written information on her teaching for a large Employment Law class as well as a small seminar. She said student feedback is useful in getting at "what students are saying about the course, such as their reactions to the amount of reading."

"For example, I learned that in the large class a lot of people said that they couldn't hear about half of the comments," said Jolls.

"If this is intended to help improve education, it is supposed to affect what we do. But if it's not done in a way to give us complete information..." Singer trailed off. "We want happy customers," noted Hay.

LSC's Methodology is Shmethodology

"I wouldn't be in a position to comment on this methodology," said White.

Singer, however, did criticize the LSC's survey process.

He expressed concerns that the LSC survey "was not scientific. It does not indicate how many people from each section filled out the survey."

Singer questioned the comment in the story presenting the survey's results that "pointed to a lack of...responsiveness to students' questions and concerns" on his part.

"I had lunch with two-thirds of the class, responded to about 150 e-mails and often stayed after class, sometimes for one hour," Singer insisted.

"It's not clear how representative the results are, they could just reflect extreme positions," Singer added. "There could be

just 20 people in one section expressing their views."

"For the BSA survey, you can see a range of responses. You get the results for each question and answers for specific issues," said Singer.

"I'm not sure what the LSC survey was for," admitted Hay. "It did seem to largely duplicate what the BSA did, except for the letter grade."

"I'm not sure why this is a separate process from BSA. I'm not sure what the LSC's purpose was here," said Singer.

Survey? What Survey?

"Survey? I haven't heard about it," said Prof. Larry Lessig.

Numerous professors were unaware that the LSC survey had even been carried out.

LSC Academic Affairs Committee Chair Manoj Mate '00, who administered the grading procedure, defended the survey.

"The idea was to give students a clear, simple way of relating to their professors, in the same way as professors relate to them in class. We felt it would be a good idea to provide a simple and effective form of student feedback on professor effectiveness."

Mate said the LSC survey will help 1Ls throughout their time at the Law School.

"You have no choice when you come to this school as to who your professors are. The BSA surveys are helpful in picking professors in the second and third years."

Regarding the BSA surveys, Mate said, "I'm not sure professors really respond to them and change. Ours provides some of the feedback in a more publicized record of what they need to change."

In the future, Mate disclosed that "we're going to do second and third year surveys. We're trying to make it more statistically sophisticated and parse out different variables."

"The second component to this, which we don't think BSA does, is reward strong performance on professors. At a later meeting, we will have like an Academy Award ceremony for the higher performing professors," Mate said.

Mate proceeded to explain why this survey is different from the usual BSA questionnaires. "We finally gave students a chance to vote on professor performance and highlight what works and what doesn't in a very straightforward manner," said Mate.

Mate '00 Happy With His Election by Default

Continued from MATE, p. 1

dent body is very happy with the work that the Law School Council has done this year," Fridman said.

While Fridman expressed confidence in the newly elected officers, he thinks it would have been better for the school if other candidates had signed up and forced an election.

"It would have been interesting to see what other students thought, what issues other students would have come up with," he said. "An election...makes people reach out to the student body to get their opinions more actively."

An election would have had the additional advantage of boosting the LSC's visibility, Fridman said.

On the other hand, Mate felt the absence of an election had its advantages. Besides guaranteeing Mate victory, no election meant no bitter and divisive campaign. Without such divisiveness, the newly elected leaders may have more freedom to

push for results without worrying about criticism from rival factions, Mate said.

Fridman did not attribute the absence of a competitive election to student apathy. Law School students spend most of their time pursuing their interests, and unless they have a problem, they don't need to be involved with student government. But when they do have a problem, they get involved, he said.

Mate also rejected the notion that the lack of competition for student government posts reflected student apathy.

"It's not a reflection of student apathy, mainly because this has been one of the most activist years in a long time at the Law School," he said. "It's a reflection of their voices being heard."

Currently, Mate serves as the LSC's Academic Affairs Committee chair. When he becomes president, he plans to make academic reform his top priority, he said. Recently the LSC proposed several reforms to the first year curriculum, including hiring teaching fellows and requiring

professors to give an optional ungraded midterm so students could receive feedback before the final exam. Mate also wants to further develop the LSC's grade-your-professor program and to make student grades available on the Web.

Additionally, Mate expects that during his term as president, the LSC will focus on issues arising out of the McKinsey study of Law School life. In addition, he would like to not only ensure the future of the Hemenway Gym, but also to improve its current state of decay. Finally, Mate would like to provide dorm residents with alternatives to paying the high long-distance telephone rates currently imposed on them.

In general, Mate feels the LSC's biggest job is to understand the "vague" and "informal" power structure at the Law School and to help students navigate issues through it.

"The Law School Council can tell students how to change things," he said. "It's almost a way of keeping students informed about the administration."

Across the Wire

White Couple Loses Black Foster Child

CHICAGO (AP) — A black former cocaine addict won her battle against a politically powerful white couple for custody of her 3-year-old son Monday in a case that raised sensitive questions of race, influence and drugs.

Judge Judith Brawka said child-welfare experts placed too little emphasis on black culture when they recommended that the black youngster remain with city Alderman Edward Burke and his wife, state Appellate Judge Anne Burke.

The Burkes — one of Chicago's most politically powerful couples — have cared for the boy since he was 8 days old and had wanted to adopt him.

Brawka also said the boy, known as Baby T, needs to be with his 8-year-old brother, who is also being returned to their mother, 37-year-old Tina Olson.

"His relationship with his brother is a sweet note in an otherwise discordant symphony," said Brawka, a suburban Kane County judge brought in to decide the case because of its heavy political overtones in Chicago.

The judge ordered a 12-month transition period and warned Ms. Olson that the transfer of custody could be called off if it doesn't seem to be working out.

Burke is one of the longest-tenured al-

derman on the City Council and chairman of its powerful Finance Committee. His office did not return a call seeking comment.

Only the state Department of Children and Family Services, which picked the Burkes as foster parents, can appeal. The agency has 30 days to do so and has not yet made a decision, said agency spokeswoman Maudlyne Ihejirika.

Ms. Olson is a single mother who lost custody of her boys three years ago because of her cocaine use. Baby T had the drug in his system when he was born. She has said she now is drug-free and has found religion.

"When God is for you, he's greater than the weight of the world against you," she told reporters. She blamed the Burkes' influence for delaying the decision for two years. "It was pure political clout," she said.

The judge was critical of the Children and Family Services Department for delays in the case, which she said should have been resolved sooner. She also was critical of a departmental report that gave short shrift to the boy's racial background in deciding his fate.

"Unless the position of the department is that there is no such thing as African-

American culture, this issue deserves more attention than to check a box that says not applicable," said Brawka, who is white.

The couple, who were not in court, had sought to have Ms. Olson declared unfit. But last November, the judge found Ms.

Olson a fit mother.

The judge told Ms. Olson not to celebrate the decision and instead concentrate on being a good mother.

"He is not a prize that you have won," the judge said. "He is not the spoils of war after a battle. He is a human being."

Snake Ruled a Weapon By Mont. High Court

HELENA, Mont. (AP) — A poisonous snake is a weapon as far as the Montana Supreme Court is concerned.

The court on Tuesday upheld the assault conviction and 30-day sentence of Michael Roullier, who wielded his pet rhinoceros viper at two police officers trying to arrest him in 1996.

When police were called to a disturbance at the apartment where Roullier and his girlfriend lived, he grabbed the poisonous African snake from a cage, held its head and told the officers to get out of his way so he could leave.

When they refused, he said, "If this snake bites you, you're dead."

One officer tried to hit the snake with

her baton, but Roullier shielded it close to his body. When the other officer threatened to use pepper spray, Roullier threatened suicide by turning the snake on himself.

After repeated requests, Roullier eventually threw the snake behind him and was arrested.

On appeal, Roullier claimed prosecutors proved only that he had possession of the snake, not that he used it as a weapon.

The high court disagreed. "Roullier's manipulation of the snake amounted to much more than mere possession," Justice Terry Trieweiler wrote.

Roullier has already served his sentence.

Hell No! We Won't Go to School With a Rapist

Continued from *POWER*, p. 1

blew party noise-makers to accompany the applause following speakers' main points.

At approximately 3:20 p.m., participants and supporters marched from Memorial Church to the University Hall.

Once there, they encircled the building, while allowing for entry and exit of persons into the Building, chanting all the while.

Aaron Bartley '01, one of the Rally's organizers, estimated the crowd at 350. He figured there were "around 10" HLS students in attendance. Mainstream media covered the event, including the New York Times and Boston Globe, which focused on the rape case.

After 4:20 p.m., the crowd congregated around one door of University Hall. Then someone from the rally emerged with the announcement that an important demand regarding sweatshop labor had been met.

Nearly two hours later, the remaining individuals held a candlelight vigil at University Hall. When the Arts and Sciences meeting was over, word came out that Douglas was dismissed.

Listen Up, Kathie Lee Gifford

The Anti-Sweatshop Campaign was designed to end the use of sweatshop labor in producing Harvard-licensed apparel.

The Campaign was designed by Harvard Students Against Sweatshops (HSAS), one of the component groups of the Progressive Student Labor Movement (PSLM). The movement is "part of a national student movement aimed at creating human rights guidelines for factories producing university-licensed apparel."

Ben McKean, one of the PSLM's leaders, is frustrated that "we've been negotiating for one year with Harvard" and that "the administration waffles, they need to be pushed."

Most of the Harvard apparel sold is from the Third World, McKean said.

"We had some Dominican workers come

here and talk to people. They said they got paid eight cents to make a hat that costs \$20 at the coop," McKean said.

"Harvard is making profit from this employment. That's not right. We have got to do something," exclaimed HSAS leader Dan Hennefeld.

Prestige Ain't Edible

The Living Wage Campaign (LWC), which Bartley founded in January, hopes to ensure all workers at Harvard a wage of at least \$10 per hour.

"Cambridge City Council is currently considering implementing a living wage of \$10/hour for city employees," Bartley said.

According to LWC's organizational statement, the \$10 per hour wage is "enough to live above the poverty level and support a family living in Cambridge."

Speaker Arin Dube, a graduate student in economics, said "bringing about 1,500 workers up to \$10 an hour would increase Harvard's labor costs by only about one per cent."

Dube said that Harvard is "the second wealthiest non-profit organization in the world. There is no excuse."

"This struggle will not go away, and we won't let it go away," he said.

Harvard University has a more than \$11 billion endowment and an annual income of over \$1.5 billion. Even more divisive was the fact that Harvard paid one of its endowment's fund managers \$10 million last year, according to Rally organizers.

Bartley, meanwhile, expressed concern at the just more than minimum wage salaries paid to food servers and dining staff at the Harkness Cafeteria.

"It's run by Marriott-Sodhexo, so while at the College dining service wages are about \$10.50, at the Law School they are between \$6.00 and \$7.50," he said.

Like many University employees, Marriott-Sodhexo workers are nonunionized, and according to Bartley, Harvard would like to keep it that way.

Harvard University's "strategy is to [deunionize] other parts of the University

first, like the Business School, Kennedy School, and the Law School, and then the College," said Bartley.

Bartley explained the Rally for Justice follows in the footsteps of recent demonstrations and actions, assisted by the Law School's own Prof. Duncan Kennedy.

Sex Offenders Need Not Apply

The Coalition Against Sexual Violence (CASV) was created last year in the aftermath of publicity about Douglas's rape of a fellow student.

Harvard had considered allowing the rapist to be automatically re-admitted to the College once his sentence concluded.

"Most students want this guy to be expelled," said Coalition leader Brina Milikowsky. "It's outrageous the faculty would consider keeping a rapist in our community. This Rally is an opportunity to voice larger issues."

Milikowsky criticized Harvard's treatment of sexual violence. "It's taken three years of negotiating to get Harvard to admit women are suffering," she lamented.

The Coalition distributed a leaflet which criticized Harvard's mistreatment of victims of sexual violence.

"A pioneer in all other fields, Harvard is dead last in confronting issues of sexual violence on campus," it reads.

CASV recommends the College mandate rape prevention workshops at freshman orientation; that it publish facts about sexual violence on Harvard campuses; and that it create a Harvard Women's Center.

Yes, Virginia, There Is Dissent

Baxter Wexley '01 was one of the Law students who participated in the rally.

"These kinds of demonstrations are very effective. This is impossible for them to ignore. We are bringing issues to light, and furthering open dialogue," he said.

The Harvard Salient expressed less optimistic views, criticizing the Rally for Justice in a one-page press release.

"We feel that today's 'Rally for Justice'

might be misunderstood as representative of student opinion on campus. It is not," the press release read. The Salient said the demands of each of the three Rally groups "are unreasonable. If met, they threaten to do more harm than good."

The Salient said "the proposal for a \$10 per hour 'living wage' is based upon an arbitrary calculation of the amount of income needed to reside in Cambridge."

It continued by saying the "plan for a 'living wage' is also prohibitively expensive."

Regarding the sweatshop issue, the Salient press release said "it's also important to realize that sweatshops are a necessary feature of many developing economies...by mandating that Harvard apparel manufacturers pay higher-than-market-level wages, the Students Against Sweatshops' demands would result in the unemployment of indigent, unskilled laborers without other alternatives."

The Salient said that "based on one deeply flawed study...the Coalition makes the dubious claim that one in every four Harvard women will experience rape or attempted rape before graduating."

The press release said "there is no epidemic of sexual violence on campus; and when rape does happen at Harvard there are many resources available."

The Salient described the Coalition Against Sexual Violence's demands as "rooted in false and insulting notions about the character of the University and its students."

William McMillan, a student at Emerson College, also expressed concern about the Rally for Justice.

"I think this is a bit arrogant," he said. "They're acting like rape isn't supposed to happen in this nice little enclave...but is it OK in the real world? Why aren't they doing this in the Square?"

McMillan added, "it's good the kids are getting so into it."

One HLS who requested anonymity commented that "I think [the Rally] is great, but I'm not entirely sure why all three are in the same protest."

BOOK REVIEW

By Timothy Kiefer '98

Double Billing: A Young Lawyer's Tale of Greed, Sex, Lies, the Pursuit of a Swivel Chair

By Cameron Stracher '87

228 pp.

New York: William Morrow, 1998

\$24.00

Cameron Stracher '87, like hundreds of his HLS classmates, went to a large law firm upon graduation. "Double Billing" chronicles his experiences as an associate at a semi-fictional New York firm he calls Crowley & Cavanaugh, starting with his first day on the job and continuing through his departure from the firm after approximately two years.

"Double Billing" is a vividly written cautionary tale that deserves to be read by every HLS student considering the big-firm route. Stracher writes that he was unhappy at C & C because, unlike any other profit-making enterprise, a large law firm "produced no goods, rarely addressed substantive issues, almost never provided closure, pitted lawyers against each other in the struggle for partnership, isolated lawyers in the library and their offices, [and] tended to weed out the sociable and the genial."

Stracher challenges the conventional wisdom that law school is a way for people to keep their options open. "Though I know lawyers who, finally living out their college fantasies, became Broadway lyricists, screenwriters, television producers, writers, and poets, they didn't go through the door so much as sidestep it," Stracher

writes. "Law was an expensive detour through which they traveled to reach their happy resting place. They could have, and probably should have, avoided law school entirely."

Some of Stracher's vignettes are particularly relevant for law students. He describes a lunch with summer associates during which the summer associates want to know what the work is like and whether it is interesting. Stracher weighs whether he should tell the truth and admit that he "recently spent two weeks in a tin-roofed warehouse that stank of decaying cardboard" doing document production. Instead, Stracher decides to emphasize "the client contact and the responsibility." He rationalizes that the summer associate really was asking whether the work was interesting relative to what junior associates at other firms were doing, taking as a given that junior associates are nothing more than research drones and document-production clerks. Stracher adds that "recruiting etiquette" prohibits associates from criticizing their jobs in front of summer associates.

Stracher also tells how law school does not teach students about what it is like to actually practice law in a big firm, which for him included traveling to suburban Detroit in order to sift through thousands of documents. "There was no course called Document Production at Harvard. No one explained 'Bates stamping' [a method by which discovery documents are numbered

for later reference] or making multiple copies or reproducing file labels," Stracher writes.

Writing a nonfiction book about working at a law firm is inherently difficult because of rules governing attorney-client confidentiality. Stracher attempts to avoid this difficulty by semi-fictionalizing his account.

He writes that the law firm and the characters are "composites based on my experiences at several firms and on interviews I conducted with young associates." He also changed the names of the firm's clients and the details of the cases. Indeed, Stracher goes so far as not to name the firm where his former HLS classmate Julia was employed, although he provides enough details to let on that he is probably describing Wachtell, Lipton.

Neither the Author's Note nor the biographical note on the dust jacket reveal the names of the "several firms" where Stracher was employed. Stracher was not so coy about his background in an article in "American Lawyer" magazine, a magazine which also put Stracher's picture on its cover, published excerpts from his book, and now regularly publishes his column. According to "American Lawyer," Stracher worked two summers at Sullivan & Cromwell, about a year at Covington & Burling in D.C., and a year and a half at mid-sized Friedman & Kaplan in New York. At the end of



"Double Billing" Stracher leaves the firm to go in-house at an unnamed corporation in the entertainment industry; that corporation is apparently CBS, where he has been employed as in-house litigation counsel since 1994. Stracher's unwillingness to disclose his background except to the magazine which gave his book positive publicity and gave him a regular column is a bit annoying, especially when one considers that revealing the names of the firms which employed him would not in and of itself have violated the lawyer-client confidentiality rules.

Stracher's book will not stop the steady flow of HLS graduates to the big law firms. Perhaps it should not. After all, Stracher himself acknowledges that "[t]here are worse things than earning \$93,000 a year, being driven home in a Lincoln Town Car, ordering meals from any restaurant you choose [and] commanding the respect of strangers." And some big-firm lawyers are happy, such as Stracher's friend Julia, who says that she likes learning the client's business and solving problems. Nevertheless, "Double Billing" does an admirable job in warning law-firm-bound students about the perils that may lie ahead.

Timothy Kiefer '98 is a law clerk with the U.S. District Court for the Northern District of Illinois.

Elizabeth Reads the Scene

By Elizabeth Read '99
Staff Columnist

DEILLO'S THEATRICALS ARE DEMEDIOCRE

The most obvious analogy to "Valparaiso," Don DeLillo's new play at the American Repertory Theater, occurred on network television last Wednesday evening. Not surprisingly, at intermission one could overhear murmurs of "Monica" and "Barbara." (One Harvard Law School professor, also present, suggested that the famous intern might make a more engaging protagonist.) The play involves a bland business traveler, believing himself en route to Valparaiso, Indiana (a place to which he has never been and cannot really imagine). Through a series of "accidents" he finds himself redirected toward Valparaiso, Florida, and finally ends up in Valparaiso, Chile. Upon return, the sheer oddity of his misadventure brings him fame.

The play comprises a series of the man's interviews for various media (newspaper, popular magazine, documentary film, radio and finally television). Like the story of Monica Lewinsky's love affair, the events unfold in an oral history (not having been captured live on film). DeLillo uses the privacy afforded by unseen experience to draw out a parallel story, which (ironically) does occur *live* before the audience: this is the story of Michael Majeski's (acted by Will Patton) search for an inner life.

Both stories emerge at the prodding of the various interviewers, played with ap-

propriate genericity by Stephen Rowe and Karen MacDonald. As Michael learns to reconstruct his strange voyage to suit the "public" ("We need you to be natural. We need you to be interesting," demands the radio interviewer), he compulsively confesses unrelated secrets of his personal life. Carried away by his own grandiloquence, he reflects on the philosophical implications of these intimacies. By the end of the play, however, both Valparaiso (the "stunningly beautiful name") and

utes or so, and then Michael's insipidity is just painful. It could, at least, be witty. David Wheeler's directing exacerbates the problem: the first act moves tortuously slowly, the actors enunciating every word (though DeLillo's dialogue seems to offer some clear choices). The interviewers keep telling Michael to speak faster; one wishes all of the actors would do so.

The second act, while perhaps not worth the wait, was somewhat of an improvement. Taking place on a television talk show, it turns the theatrical audience into the television audience. At least at first, the repartee is much punchier and involves more

voices — achieving an engaging *bel canto* effect. Will Patton as Michael appears with the smug demeanor of a televangelist, polished after scores of interviews (I found him much more tolerable in this incarnation). Caroline Hall as his wife Livia shows admirable comedic timing, particularly when she answers interrogatories about her sex life. Delfina Treadwell (Randy Danson) and Teddy Hodell (Thomas Derrah), the television personalities, were vibrant enough, but I would have cared to see more television glossiness to contrast with their pseudophilosophical rhetoric.

DeLillo has also endowed the second act with some underhanded social commen-



tary, to locate Michael's strange re(de)generation within voyeuristic media culture: Livia: "I forgave Michael on the Home Shopping Network!"; Delfina: "Off camera lives are unverifiable"; Teddy Hodell, referring to the unborn: "They're not consumers, they take up space but do not spend." Some of these

quips bear more relevance than others, but at least they are *short* and *pointed*. In general, repetition is used to some advantage and with considerable subtlety, retrospectively transposing more importance onto the first act. And, refreshingly, something unexpected happens.

However, the dénouement (if one can term it thus) is quite the opposite of short and pointed, and the ending much too melodramatic in light of the play's overall bleakness. The second act is further marred by a chorus of drone-like flight attendants, whose three appearances are largely irrelevant and rather pathetically recall Lucinda Childs' "autistic" monologue in *Einstein on the Beach*. But I did not leave the theater with the same misgivings experienced at the interval.

Karl Eigsti's set designs are large, sterile, and inconsequential. The lighting design, by John Ambrosone, I found tolerable for the most part; however the spotlight turned on the audience from time to time — well — lacks a certain subtlety? But one can not complain too bitterly about heavy-handedness. The play is, after all, about the media. It runs in repertory through March 27 at the Loeb Drama Center.

Like the story of Monica Lewinsky's love affair, the events unfold in an oral history.

Michael's newfound "self" emerge as more rhetorical symptoms than realities. Importantly, he has been sent on both quests involuntarily: that of Valparaiso, by his employer and then the incompetent airlines, and that of his soul, by indifferent sensationalists. Both journeys, through which he imagines a new kind of life, only serve to continue his emasculation by the cruel and fearsome world.

"Valparaiso" is not without its conceptual merits. Nor is it without its aesthetic flaws. DeLillo is quite adept at putting words together, but in his own awareness of that facility he tends toward virtuosity (read: redundancy). In the first act, the point becomes evident in the first ten min-

SPORTSGUY

MARCH MADNESS HITS HEMENWAY

By Josh Swartz '00
RECORD Columnist

Seemingly inspired by the conference tournaments, the Law School caught a touch of March Madness over the weekend as the excitement heated up in Hemenway. While Duke is a virtual lock to win the big dance, this year's intramural championships are as wide open as ever.

Parity (or mediocrity) has overcome the A-League as all six teams are tied with a 1-1 record. Although the A-League managed to avoid a lockout last off-season, the list of the injured keeps swelling, and it seems that many teams can barely manage to send out five guys. Briefly, Washburn High suffered its first defeat, losing to the History & Literature Dept. 45-42, despite fielding only four players. The Irrationals rebounded from their early-season loss by upsetting Black Plague, 53-48 while playing without any subs. The Supreme Court fell to Chocolate Thunder 56-45 adding further confusion to the A-league's pecking order.

The B-League kicked off last week with non-stop action on Saturday as one of this year's early season surprises, the Jugaderos (3-0), rolled over the Short Guys (1-1) 61-31, put the wood to the Sacrificial Lambs (0-2) 94-44 and then decapitated the Weekend Warriors (1-2) 83-30. Their 44-point average margin of victory has the Jugaderos ranked in this week's Top Ten. Jugadero swing-man Casey "Gone" Westover '01 credited the veteran leadership of 2L Joshua "Tree" Berman '00 as the stabilizing force on this otherwise turbulent, 1L-dominated squad.

Highly-touted Saving Ryan's Privates (2-0) cracked the Top Ten, whipping the Weekend Warriors 71-19: Will "Land of the" Freeman '00 and Neale "Swords and" Shields '99 controlled the boards in this mismatch. Warriors captain Brian "Flash" Gordon '00 did not respond to phone calls after the game, but rumors abound that Gordon is shopping all-star

guard/comedian Gil "I saw the" Seinfeld '00 to the highest bidder, notwithstanding the addition of several behind-the-back moves to Seinfeld's already diverse repertoire. The Warriors proceeded to smash defending champion Sparky's Heartland (0-1) 59-32, as Toby "Lock Stock and Barrel" '01 neutralized Heartland's giant front line. Ever his rosy self after his team went gently into the good night, Heartland captain, Jason Markham "and Cheese Omelet" '99, commented, "It looks like we've gotten a little complacent this season. It's tough to stay focused after you've won the title. I guess I'll have to put on my Michael Jordan costume and come to the rescue, again."

The Flaming Rats (1-0) look set to make another appearance in the championship game as they pummeled the Sacrificial Lambs II (0-2) 63-36. Toni Kukok look-alike Micah "Simon" Burch '99 and Mark "in the Company of" Mendez '99 paced the Rats' attack with 14 and 18 points, respectively. The Godfathers of Dunk (1-0) began their quest to avenge last season's semifinal loss by drubbing Title IX's Revenge (0-2) 62-18. In what looked like an exhibition game, all five Godfathers scored at will, led by Matt "inee on Getaway Day at" O'Shea "Stadium" '99, who put in 23 points. Even the presence of an otherwise nondescript A-league moonlighter couldn't help Title IX, but captain Kate "Mr. Jones and Me" '99 had this to say, "We were a little over-matched today, but I promise you this: the last laugh will be on you, Sportsguy." Title IX subsequently got drubbed 61-28 by the B Sharps and Gwar (1-1).

The Skee-Lo All-Stars (2-0) gave the LLeMons (0-2) a rude introduction to stateside basketball 54-37. The All-Stars received solid frontcourt play from John "Danny" Boyer '00 and Tim "All's Quiet on the Western Front" '00 en route to victory. LLeMons captain Rafal "of Rome" Stroinski '01 said he expected better

things to come from his gritty, if unseasoned, bunch of LL.M.s. "We have a solid point guard (referring to Canadian superstar Shlomi "the Money" Feiner '01) and the rest of us are still shooting from the international three-point line."

In other Hemenway Division contests, the Gropers (1-0) defeated the Sacrificial Lambs I (1-1) 42-38; the Skee-Lo All Stars took care of Helicopteros 41-25; Smallball (2-0) beat the LLeMons 53-46; and then put away the B Sharps and Gwar (1-1) 65-55 in one of the higher scoring affairs of the weekend. The Sacrificial Lambs I disposed of Helicopteros 45-37 behind a super performance from J.D. Baker's "Dozen" '99. Baker poured in a league-high 29 points, grabbed 15 rebounds and keyed a decisive 10-2 to close the game with a steal and lay-up.

The Stormin' Mormons (2-0) solidified their status as one of the B-league's elite teams with a 77-57 romp over Money Shot (0-2), despite playing four against five. Mormon captain Rick "Stand" Patterson '99 led all four Mormons in double-figures with 21 points. Uninspired by their first week victory, the Mormons struggled to down the Spice Girls (2-1) 40-30. Spice Girl leader, "Long Delays at Logan" Smith Spice '00, blamed his team's loss on poor refereeing: "My girls were getting killed out there. The refs. were clearly playing favorites. We're going to talk to Title IX's Revenge and see if this stuff is going on league-wide." The lone bright spot of the Girls was the play of "Who Shot J.R.?" Ambrose '00, who led the team with 12 points and three blocks. The Girls regained their composure in time to beat the Loose Cannons (0-1) 49-46 in overtime.

The Evil Petting Zoo (3-0) put away the People's Court (1-1) 50-40 and summarily dispatched the Hung Jury 47-35 (1-1). Zoo captain Jeff "If I Were a Rich"



Manghillis '00 attributed his team's success to a rigorous off-season conditioning program that included scrimmages with the then locked-out NBA players, "Ha, you think old Sparky's Heartland is tough to defend? Try stopping all 325 pounds of Sean Kemp from getting to

the buffet at lunch." Manghillis's comments about their namesake failed to inspire the Sons of Kemp (0-2), who fell listlessly to the Hung Jury 38-25.

In other Griswold Division action, the Evil Petting Zoo remained unbeaten, downing the Sons of Kemp 50-27; the Spice Girls edged Hung Jury 42-36; and The People's Court outclassed Money Shot 57-35. And in other Harkness Division action, the Shortguys downed the Ice Weasels (0-1) 47-23.

B-league Top Ten

1. Godfather of Dunk (1-0) — the class of the Hemenway Div.
2. Stormin' Mormons (2-0) — not much separating top two
3. The Jugaderos (3-0) — 1Ls look impressive
4. Sparky's Heartland (0-1) — one game a season doesn't make
5. Flaming Rats (1-0) — experience where it counts
6. Evil Petting Zoo (3-0) — season finale against Mormons
7. Saving Ryan's Privates (2-0) — I'm not convinced...yet.
8. Skee-Lo All-Stars (2-0) — untested so far
9. Smallball (2-0) — quietly getting the job done
10. The Spice Girls (2-1) — what a terrible name...

Harvard Law RECORD

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Seth Persily



EDITOR-IN-CHIEF
Ben Lehrer

FOUNDED IN 1946

We Got Burned

So. The administration has hired a bunch of highfalutin' management consultants to figure out why students are dissatisfied here. These folks have taken it upon themselves to interview students, process the information and then feed it back to the administration.

With all due respect to McKinsey, I can't see why the administration had to hire these quasi-outsiders. I've been looking through back issues of the RECORD, and for years now we have been informing the administration about the very things the Institutional Life Committee has decided to shell out top dollar to uncover.

Since I don't expect Prof. Warren or Dean Clark to come down to our basement and look at my clippings, perhaps I can summarize the most salient issues that recur year after year after year.

1. Public interest funding. Yes, most people who graduate go into firm jobs. Many of them even stay in the corporate world. But a fair number don't, and they perceive a lack of administrative support for their career choice—in the form of insufficient summer funding and a lack of support for LIPP. Conclusion: students believe a prestigious multi-billion dollar educational institution has an obligation to support those who would devote their lives to the causes of social and economic justice. These students would like to see the institution share this belief.

2. Student/faculty contact. Like a mutant hamster, this beast has many heads. For one, our student/faculty ratio is appalling, particularly compared to our competitor law schools. The hiring process moves with all the alacrity of continental drift, so how about the alternative, suggested repeatedly in the RECORD, that professors teach more courses? God forbid this gets in the way of their other worthy activities, but requiring the teachers to actually *teach* shouldn't be too much to ask. Second, how about some academic counseling? Students would benefit greatly if faculty shared its collective wealth of experience and knowledge and helped guide students into making course selections that will help them meet their academic and career aspirations.

3. Diversity. The diversity issue is like Herpes. It never really goes away. With all the bickering about the cause, the severity of the disease and the cure, it's no wonder. The Law School has made a few positive moves, but success should be measured against where we are going and not where we've been. And the diversity debate extends to curricular diversity. Where's the environmental law program that you've been promising for ten years, Bobby?

4. Community. Over the years, students have asked for a number of "little" things that collectively would go a long way towards fostering a happy community. From student health and safety to friendliness and transparency in administration, these things reflect on the nature of the institution.

I get the sense that students are glad that the administration at last takes their opinion seriously. But please—it didn't have to hire McKinsey to prove this. The RECORD would have charged the school much less. So send those consultants packing and show us the money. We may not have the reputation, but we've got something they don't: institutional memory, and a direct stake in the outcome.

— Ben Lehrer

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

—First Amendment, U.S. Constitution

• Letters •

Buck '00 Rejoins Dersh's Views

I would like to make it clear that I would never support any effort by the Law School to discipline someone for engaging in speech. Although Dershowitz's speech is often offensive and insulting, my suggestion that the Law School should "censure" rather than "impeach" him was nothing more than a tongue-in-cheek attempt at a joke.

Dershowitz takes umbrage at my description of him as a "professional Clinton lackey." I am sure that Dershowitz has criticized Clinton on occasion, but that pales in comparison to the sort of servile behavior he exhibited when Mr. Clinton's fate was in question. And it's not just Dershowitz's dance with Carly Simon at his Harvard rally for Clinton. Another example: when Clinton's legal team drafted a response to the Starr Report, bookstores started selling an audiotape of Dershowitz reading the White House rebuttal. I cannot imagine what would make any self-respecting law professor sell a tape of himself reading other lawyers' work product.

It is refreshing to see that Dershowitz admits to his disdain for all traditional religion. I can verify personally that his attitude towards Orthodox Judaism is indeed quite venomous. At

the debate between Dershowitz and Volokh, Dershowitz said the following to Seth Tillman '00: "You are like the Jews in Italy who supported Mussolini." When Seth responded, "Are you calling me a fascist?" Dershowitz said, "Yes, you're part of the religious right—you're a fascist." And this was for no apparent reason, other than the fact that Seth is Orthodox and had asked a question challenging Dershowitz's allegiance to Clinton. As an Orthodox friend of mine said, it's only a matter of time before Dershowitz starts saying that Orthodox Jews are like Nazis.

Dershowitz accused me of "bigotry and mendacity" for saying that he has a hyper-trophic case of sensitivity towards any perceived slight. Here is one example of the behavior I mean: When Bob Barr said that law professors had one opinion of the Constitution, and "real America" had another, Dershowitz responded by accusing Barr of racism, bigotry and anti-Semitism. Let me make it clear that I in no way defend Barr to the extent that he is or has ever been involved with any racist groups. But

that particular statement by Barr was simply accurate—law professors are quite out of touch with the rest of America. I would hate to think what sort of hysterical statements Dershowitz would have emitted, had Bob Barr said that Dershowitz was one of the "forces of evil—evil—genuine evil," or that Dershowitz was a "fascist," or that Dershowitz was like the Jews who supported Mussolini or any of the vituperations that Dershowitz himself uses whenever anyone disagrees with him.

Which brings me back to my main point—Harvard Law School would never, not in a million years, hire or retain a conservative faculty member who went on TV and said that pro-choicers and environmentalists were "the forces of evil—evil—genuine evil," or who called mildly liberal students "communists" to their face. And that's as it should be. No matter what their opinion, law professors should be able to articulate their views without resorting to such name-calling and fear-mongering. That is a standard that Dershowitz seems incapable of meeting.

Stuart Buck '00
March 9, 1999

Dersh Compared Me to Jewish Italian Fascists, Says Tillman '00

[Re.: Dersh to Buck: Read My Books]

Let me see if I got this straight. At the Lewin-Dershowitz debate on the role of religion and Judaism in society, Dersh publicly defended New York's state-established kosher police. They are just—get this—"the lightest touch of the law," as if this unusual public authority cannot fine individuals and close businesses for failure to comply with their subpoenas and orders. Moreover, according to Dersh, Bill Clinton's using his executive office to print, promote and enact his "New Covenant" program is no threat to core First Amendment values prohibiting entanglement of church and state. Is this something President Clinton should be impeached for? Excoriated for by good civil libertarians? Dersh—our great self-appointed guardian of the public liberty raised the alarm—sent Bill and Hillary a respectful letter of complaint. How nice for the beautiful people of Harvard and Yale.

On the other hand, if you are not one of the beautiful people, don't expect reasoned argument from our self-anointed protector of free speech and freedom from religion. At the Dersh-Volokh debate, "Is the Religious Right a Threat?" Dersh's response to a Muslim student who suggested that it may be reasonable for a country with an Islamic majority to ban Rushdie's "Satanic Verses" was "to grow up." Dersh—is

that what you told Bill and Hillary in your whimper of complaint with regard to the "New Covenant?" Of course, I, too, agree that it is unreasonable to defend restrictions on free speech on the basis of the heckler's veto and public danger caused by possible offense to a large segment of the public. But it was precisely this sort of reasoning that Dershowitz used to support excluding discussions of religion from public classrooms. During the Dersh-Volokh debate, Dersh argued that because it is impossible to discuss atheism in the classroom, then, in fairness, religion must be excluded, too. Reasoning that these two positions were polar and exclusive, the absence of one due to unpopularity (i.e. the heckler's veto used against atheism) justifies the exclusion of the other (i.e., religion). Personally, I take no position on this; I merely point out that Dersh's intellectual position in this, as in so much, is more than inconsistent—it is unfathomable. Of course, this is all consistent with Dersh's reputation among students—his teaching amounts to vigorous and highly entertaining accounts, regaling students with remembrances of past appellate victories and judicial officers bullied (Chief Judge Lagueux of Rhode Island comes to mind). But, after all is said and done, has anyone learned much of anything?

Dershowitz, after having publicly excoriated fundamentalist Christians, found that at least one student was willing, more tongue-in-cheek than in fact, to call for a Dean's investigation under the authority of the new speech guidelines. Dershowitz's suggestion that he was a victim of "McCarthyite threats" is pathetic in the extreme. Dersh—you could only be menaced or chilled by this process—if the process itself is prone to error. You and your speech-control brigade set up the current process and elected the Dean. If the process doesn't work or if the Dean is a fool, you need only look in the mirror to see whom to blame.

On a more personal note, I would very much like my fellow students to know that every faculty member whose class I have attended has been willing to call on me in class—even faculty who are not avatars of free speech—even faculty with whom I disagree. All except Dershowitz—who singled me out in the Silverplate lecture by calling on everyone in the room but me. So much for open forums. Of course, I expected this—because after the Volokh-Dershowitz debate, he publicly compared me to Jewish (do I look Jewish?) Italian (do I look Italian?) fascists who worked for Mussolini before W.W.II (do I look that old?).

Ah yes, reasoned debate at HLS.

Seth Barrett Tillman '00
March 7, 1999

Cheeseman '68 Calls Our Bluff

It has come to my attention that an article in your February 5, 1999 issue misquoted a statement I made during the Berkman Center's program on "A Civil Action" in late January. The article is entitled "A Civil Action" Veterans Mull Lessons of Woburn." On page 5, under the heading "No Single Lesson," I am incorrectly quoted as having said that we "represent the plaintiffs in the Boston Latin case..."

You correctly reported my basic point, that everyone is entitled to legal representation without regard to their popularity or unpopularity. If you are familiar with the history of race relations in Boston, however, you will appreciate that the erroneous reference in your article to the recent Boston Latin case mischaracterized our role. In fact, I said that we represented the 'plaintiff black parents in the school

desegregation case,' many years ago, in which we helped to achieve integration of the Boston school system. A substantial portion of the fees that were awarded against the Boston School Committee were used to create the Foley, Hoag & Eliot Foundation, which to this day helps to support better race relations in Boston.

William J. Cheeseman '68
March 1, 1999

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• Letters, cont. •

A Stiff Upper LIPP

While those who hold the purse-strings of LIPP tout their commitment to "preserving an equal opportunity of job choice," such claims must ring hollow if you are anything like me.

I come from a working/lower-middle class family. I came to HLS with no assets, no savings and no parental financial support. When I graduate I will owe approximately \$110,000, plus \$18,000 outstanding debt from financing my undergraduate studies. For the first five years, I expect that my salary as a lawyer in some of New York City's poorest neighborhoods will be LIPP-eligible. But whether I am earning the highest LIPP-eligible salary or the lowest, I will be taking home between \$20,000 and \$30,000 after taxes and loan payments. This is the bare minimum to subsist in New York and it totally rules out starting a family.

After five years, my prospects are equally, if not more, dim. I can: a) continue to subsist at the poverty line, not marrying or having children for another five years, until I'm 40 years old; or b) seek a non-LIPP-eligible job that will somehow enable me to finance approximately \$80,000 of debt, despite the fact that I'll have a

salary history of making little more than the minimum wage. Even if I choose Option B I can hardly expect to begin supporting a family.

It's time we all face the brutal truth about LIPP: if you are a low-income student you cannot pay your loans through the LIPP program without sacrificing your personal life.

The problems with LIPP's current terms, and even the reform terms currently proposed by SPIN, are so glaring HLS ought to be ashamed to even claim that it makes careers in poverty law possible for people whose parents aren't rich and cooperative. The program is anti-marriage, anti-family and an insult to students from low-income backgrounds who, like me, were led to believe that LIPP would make it possible to graduate from Harvard and become a public lawyer. Is it any wonder almost no one who graduates from HLS actually stays on LIPP for the full 10 years?

To change the calculus, HLS must overhaul LIPP. I recommend the following:

1) Raise the brackets for expected contribution levels:

Set the level at which no annual contribution is to be expected at \$39,000, and set the maximum LIPP-eligible salary at \$60,000.

2) Increase these levels each year by \$3,000. This is necessary to ensure that one's salary rate keeps up with the rate of inflation and the raises that are an inevitable reflection of one's increasing experience and effectiveness as a lawyer.

3) Adjust all figures for the local cost of living. Obviously.

The only reason I came to law school was to learn how to use the law to combat poverty and political dis-empowerment. With or without LIPP, that's still what I intend to do, but I now realize it will only come at enormous personal costs.

I don't expect many others to make this choice and I bet neither does HLS. As it is currently designed, LIPP is simply window-dressing, a self-fulfilling prophecy ensuring that HLS will continue to opt for high-paying careers they never wanted rather than making important strides in social justice. Well, you get what you pay for.

Nick Lundgren '00
March 10, 1999

Prof. White '81 Deserves High Marks for Compassion, Creativity

As students in Prof. Lucie White's '81 fall Civil Procedure class, we are concerned her grade in the "Faculty Honor Roll" printed in last week's RECORD represents the views of only a small fraction of the 45 students in our class. It did not, for example, reflect the benefits of Prof. White's often unconventional teaching approach. She allowed us to engage in a variety of learning experiences,

from in-class oral arguments and taking a deposition to evaluating the Federal Rules and visiting Boston-area courts. These activities were valuable and, to many of us, a welcome contrast to traditional lecture classes. Her efforts showed deep concern for our learning progress, encouraged broad class participation, and produced an atmosphere conducive to experimentation and creativity.

Her dedication should not go unacknowledged. It is our sincere hope that future LSC surveys will provide a more trustworthy reflection of the views of a wide cross-section of a class.

Mohammed Barakat '01
Scott Kocher '01
Dimitri Pappas '01
Erin Ryan '01
Rosalind Wang '01
March 10, 1999

Open Letter From LL.M. Student Reps

As the representatives of the LL.M. class of 1999, and to ensure that Harvard maintains its status as a leading institution both nationally and internationally, we find ourselves compelled to convey to you some of the concerns shared by a large majority of our LL.M. class.

• The LL.M.s and the Harvard Community

The LL.M.s, both from the U.S. and abroad, are eager to live the Harvard experience and become members of the Harvard community. We recognize the huge effort by the Graduate Office in facilitating our integration by organizing a variety of events during the orientation week and throughout the year.

However, there is a sense that various members of the Harvard community, including faculty and administration, regard the LL.M.s as mere guests who do not require or merit the same attention as J.D.s. This is of great concern to the LL.M.s, since not only do we pay the same tuition as J.D.s, but we are all graduate students who have made many personal and professional sacrifices in order to come to Harvard. We therefore believe that concrete steps should be taken at an official level to find the causes for these misconceptions, so that they can be addressed.

• The Maximum Credit Cap
In light of the fact that LL.M.s pay the same tuition as J.D.s, they should have the same access to academic resources. However, LL.M.s, who are obliged to take Perspectives on American Law, can only take a maximum of 22 credits during the LL.M.

year. That is two credits below the J.D. minimum credit cap, and six credits below the J.D. maximum credit cap.

There is no satisfactory justification for this unequal treatment. The reason forwarded by HLS, that this credit cap is related to the difficulty many LL.M.s have with English, comes across as unconvincing and patronizing. It causes frustration to LL.M.s, who have demonstrated high academic and professional performances both prior to and during their time at Harvard. Moreover, we trust that the selection of students through the admissions process will ensure that only students who are proficient in English and otherwise capable of successfully completing regular academic year, are accepted. We understand that since the LL.M. is an advanced degree, it is justifiable to demand a more in-depth performance from LL.M.s. Given their prior experience, however, LL.M.s should be able to manage a J.D. workload at an in-depth level.

Finally, we feel that too large classes are an imminent problem at Harvard. We believe that the faculty should not resolve this problem at the expense of the LL.M.s, but address it in a way that ensures equal treatment for J.D.s and LL.M.s.

• The Size of the Class

We strongly recommend that the LL.M. program should not be expanded. We even suggest that the Graduate Committee should consider reducing its size until the problems enumerated here are addressed. This is

based on our belief that the current infrastructure of HLS appears to be incapable of accommodating a large number of LL.M.s in a way that guarantees equal access to academic and other resources, such as the Career Services Office. We are currently negotiating with this Office to improve the access of LL.M.s to its facilities.

There are fears that an expansion of the program may affect its prestige. At the recent LL.M. Job Fair in New York, some employers already indicated (in reference to the size of the class) that it seems to have become "easy" to be admitted to Harvard. These concerns are also shared by many in the countries from which the LL.M.s originate.

To conclude, it should also be mentioned that the current size of the class directly affects the possibility of LL.M.s to attend the courses of their choice. This results in immense frustration since many LL.M.s choose Harvard above other leading American universities in order to follow a specific course or concentrate in a certain field. The size of the class also makes it difficult for potential LL.M. thesis writers to find supervisors.

We strongly urge the Graduate Committee to consider seriously the factors enumerated here, with particular emphasis on the implications of continuous aggrandizement of the LL.M. class.

Nada Abdel Sater LL.M. '99
Erika de Wet LL.M. '99
Petra Foubert LL.M. '99
Sofie Geeroms LL.M. '99
Natacha C. Marzolf LL.M. '99
March 3, 1999

3L Urges Dean Clark '72 to Reform LIPP

Over the past few weeks, the Student Public Interest Network (SPIN) has launched an educational campaign that seeks to inform students about the Low Income Protection Plan (LIPP) and encourage reforms in the LIPP program. As a third-year student embarking on a public interest career next fall, I want to express my own concerns about LIPP and request that Dean Clark '72 pay serious attention to SPIN's suggestions for change.

I came to law school wanting to be a public interest lawyer and I have never strayed from that course. I have spent both my summers with public interest employers, supported by federal work-study funds. Because my summer salary barely covered my summer expenses, my borrowing for the school terms has been high, although I always borrow well under the maximum. In total, my law school debt is right around \$90,000, with an additional \$25,000 in undergraduate loans.

In a strange sort of way, I am lucky. I do not come from a very well-off background, and thus I qualify for and receive grant money each year. My parents are not in a position to contribute financially to my law school tuition, so most of my loans are "good loans" because I am not affected by a significant imputed parental contribution. However, I am very concerned about the prospect of "bumping out" of LIPP and other limitations in the LIPP program. If I end up on the federal government pay scale, I

could find myself quickly out of LIPP range, which would be disastrous. I cannot fall back on my parents if I run into financial trouble and my loan payments would simply be too high for me to handle on a \$50,000 a year salary.

My financial future is very scary, and I worry a great deal about it. There are a number of students in a similar position, and I know that Dean Clark and other members of the administration have been advised of the inadequacies of LIPP. So I don't want to spend a lot of time on the numbers. I do, however, want to convey why I think it is so important for HLS to make a serious commitment to strengthening LIPP. I was fully aware coming to law school that a public interest career involved financial sacrifice. I do not expect to live like a law firm partner. I came to law school because I wanted to dedicate my professional life to eradicating poverty and racism in this country. I have no interest in being a lawyer unless I am doing something to further that end. Harvard Law School promised unmatched guidance and inspiration for me — Gary Bellow '60], Charles Ogletree '78], OPIA, a wealth of clinical programs — and I still want to believe that coming here was the right decision. But I do question Harvard's institutional support for students wanting to be involved in public service, including students heading for the pri-

vate sector. I do not think everyone should become a public interest lawyer. But I do think HLS should encourage and support those who do opt for a public interest career. I am so impressed by and proud of my friends who are devoted to public service and who will be doing amazing things to represent the poor, protect the environment, develop progressive policy, and defend civil rights. I expect HLS to be equally impressed and proud.

Tuition at HLS is monumental, but I actually think that my education has been worth the price. However, just as HLS would never limit admission to those who come from wealthy backgrounds, likewise it should not limit everyone to upper class salaries at the back end. It is unfortunate that society does not value highly the work of a public defender or a housing attorney or an immigrant rights advocate, but that is the reality. HLS, on the other hand, is in a position to ensure that Harvard-educated lawyers provide quality legal representation for all members of society, rich and poor. The current LIPP program is a good start, but it is simply not enough. Too many of my classmates forego their careers of choice in the public sector because of the financial uncertainty that LIPP fails to remedy. HLS has the resources to give students a real choice, and I expect nothing less from my soon-to-be alma mater.

Kate Jones '99
March 9, 1999

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Make 'Em Clap to This

SIMON SAYS 'FUNK' (NOTES FROM THE UNDERGROUND)

By Arash Saedinia '00

Staff Columnist

This column is for open ears. This column is for the funk in you. This is even for the dudes in Hastings who were pumping "Eye of the Tiger" during 1L exams. Put down the Rent Soundtrack, check your Third Eye Grind at the door and quit fronting, this is music for you, chuckleberry.

If Soundscan, radio and the recently announced Grammy (yawn) awards are any indication, it's been a rough year for hip-hop and a breakthrough year for hip-hop's sucker MCs. Thuggery, artless sexuality and gross materialism dominate the mainstream. Of course, co-optation is nothing new, and just as rock is effectively dead, "rap" (as distinguished from "hip-hop" à la Cold Crush, De La, etc.) is wackier than the metal "sculpture" outside the Hark (what's up with that thing?). Several worthy releases have been largely ignored, from

Mos Def & Talib Kweli's "Black Star" project on Rawkus to the positive, party peoples vibes on the Black Eyed Peas' "Behind the Front." Look for the latest from Outkast, The Coup, Styles of Beyond and forthcoming releases by the Roots, RZA, Defari and Sir Menelik.

For all our conscious brothers and sisters, peep "Independent Intavenshan," a two disc anthology of dub poet-activist Linton Kwesi Johnson's four albums for Island Records in the early '80s. Brixton's rudest rude boy delivers searing, deepmouthed testimonials over gritty, bass heavy reggae and bomb ass dub. LKJ speaks for the have nots, tackling class struggle ("Wat About Di Workin' Claas?"; "Di Black Petty Booshwah"), racial violence ("New Crass Massahkah"), nuclear armament ("Di Eagle An' Di Bear") and the failures of State ("Inglan Is A Bitch"). Perhaps the

most moving track, "Sonny's Lettah (Anti-Sus Poem)" follows a son writing his mother to explain his incarceration in the wake of police brutality. LKJ is in a select class of artists (Woody Guthrie, Bob Marley) whose didacticism elevates; crucial music.

The jazz record of note these days is Herbie Hancock's "Gershwin's World," featuring, among others, Joni Mitchell and the legendary Stevie Wonder. Hancock himself features prominently in the "Complete Bitches Brew Sessions" — the sometimes difficult but endlessly rewarding birth of fusion (and arguably, "electronica") masterpiece by the incomparable Miles Davis.

As to recent currents in "electronica," again, don't believe the mainstream hype. "Trip-hop" is bogus, big beat is boring, and watered down drum and bass has leaked into media jingles and video game soundtracks. Be that as it may, more than a handful of progressive funk artists continue to push the envelope. Such is the case with 4 Hero and their latest, "Two Pages." Favoring live instrumentation over samples, Dego and Marc Mac have assembled what may be the most soulful and organic beat based album this side of Massive Attack's classic "Blue Lines." With vocal assists from



Carol Crosby ("Golden Age of Life"), poet Ursula Rucker ("Loveless"), and former Dignable Planetarian Ish (a/k/a/ Butterfly on "The Action"), the 4 Hero crew mix beats, strings, wurlitzer and moog, saxophone and double bass into a heady futuristic brew.

On the house tip, peep Deep Dish's "Junk Science" and LTJ Bukem's gorgeous "Earth 3" compilation (on import).

But if the original funk is your bag, check the godfather himself, James Brown, on "Say It Live and Loud," chronicling one hot night in Texas when the man and his band brought the joy and pain. James Brown's social analysis/banter and Chuck D's liner notes are alone worth the price of the disc, but the music is untouchable. Possibly the greatest of the great JB's line-ups, the instrumental interlude between sets is sublime. No question, the "Pass the Peas" pleasers do more in thirty seconds than most bands' oeuvres. This is the real chairman of the board at his baddest, leading the band through whip-lash, non-stop medleys and searing ballads. We've all heard that JB is the father of the funk, but this is the proof, the truth, and the chocolate pudding. Chill and serve, yo.

• Letters, cont. •

Law Review: Worth the Experience

Dear 1Ls,

This is the second letter this year that I've written to you, and with any luck, you'll regard this letter in the same spirit as the first letter welcoming you to HLS.

My friend Liz Falk is right. You should definitely ask yourself why you might be interested in doing the competition for the Law Review. I don't think Liz was entirely fair in her discussion, though, and so I hope to offer my own set of reasons for why taking the Law Review competition is an attractive option to consider.

Concerning the competition: while some of the material that we had to digest was unwieldy, and some of the exercises we had to perform were perverse, there are some benefits. First, I learned a lot about myself. What I learned was that I had the capacity to focus in a way in which I never expected myself to be able to do, and to work hard hours in a way in which I never had to before. I realized that I enjoyed the feeling of productivity. Equally important, over a short period of time I absorbed and assimilated a lot of information, analysis and normative theory about an area of law I found fascinating: criminal law. I'm confident that this year's competition package will be equally stimulating.

The instrumental benefits should also be considered. Let's say first that you don't make it. What do you get? A writing sample that you can give to employers and judges as evidence of your abilities in legal analysis. Let's face it, unless you worked very hard in Ames, you won't have much other writing from your time as a first year in law school.

Even if you don't need a writing sample, and you're not selected for Law Review, you do have a good (although exaggerated) sense of what legal scholarship at the early levels is like. And that might help you as you develop your curricular options through law school. Moreover, you know that you won't look back on your law school career and wonder, what if?

What happens if you are selected? Here are three intrinsic benefits of the Law Review experience. First, like the competition, you learn a lot, much of it extremely rewarding. During your 2L year, you spend a lot of time engaging with the works of other writers, as well as working on your own comment on a recent case or book. Doing all this editing helps your own legal writing

and forces you to expose your mind to bodies of scholarship you might otherwise overlook. Second, after a few months with your fellow editors, you develop a sense of a really vital community, one that is hard (though not impossible) to find elsewhere at HLS. Everyone works hard in concert to produce a great journal and there are facilities, staff and events designed to make the work more enjoyable. (I think I'll put a plug in for our daily bagels and cream cheese here.) Third, I personally found the demands made on me by the Law Review made me better organized and, to some degree, a more motivated member of the HLS community.

Many people think of the variety of instrumental benefits that redound from being on the Law Review. I think these are somewhat exaggerated. It is true that some judges or law firms look particularly favorably upon Law Review candidates. I also think I probably benefited and will continue to benefit from that. There are other instrumental benefits too, those resulting from collective-action successes. In my view, the Law Review is the best-run institution I have ever come across, balancing effectiveness with inclusion and deliberation. There is a good effort made at collating information for clerkships and jobs, as well as notes and outlines for various classes.

This leads me to consider some of the myths and "costs" of being on Law Review. Although Law Review helps instrumentally, Law Review is no longer the shoe-horn that guarantees your attainment of top jobs and clerkships. Law Review used to be very influential because it served as a proxy for grades. Because the majority of spots on Law Review are not grade dependent, the proxy factor no longer exists with the same predictability. More and more, grades, as well as strong faculty recommendations, are the major determinant of who gets which prestigious clerkships. As for teaching jobs, publications increasingly matter. There is a strong argument that if you are seeking a teaching job later and are motivated and disciplined enough, you should not bother with Law Review if you can work on your own articles and other writing.

Law Review also has significant financial and time costs. You're required to come back three weeks early as a 2L editor from your summer jobs. The orientation is fun, but cushy and overpaid jobs are also quite fun for many people. During the fall of your 2L year, you will be extremely busy, as you juggle some of your most time-intensive classes with Law Review, interviews and, for some students, the clerkship search. Things ease up a bit from February on, but not too much. In third year, the demands of Law Review ease up considerably if you're not holding a major office. And even then, depending on the time constraints of your office, you receive a partial or significant exemption from the general duties of a Law Review editor.

I had a lot of fun my first year. In the fall of my second year, I did not have as much time to hang out. But my comparatively poor social life in first semester was not on account of doing Law Review — in fact, it was my responsibilities at one of the undergraduate houses as a resident tutor that ate up a lot of my time (which goes to show, by the way, that you can juggle Law Review with other significant time commitments, though not too many of them).

I've tried to provide some information that should help you make a fair assessment in your consideration of whether to take the Law Review competition. I'll also confess to something else: during the beginning of 2L year, I didn't care to spend a lot of time in Gannett House. Maybe it was because I was too busy, maybe it was the stress or the strangeness of it all. Somehow over the past two months, though, that has changed dramatically. I love going to Gannett House every morning, just to hang out or do my class work. There is a real *esprit de corps* among most of my classmates. I feel that many of them would go to the wall for me, and I know I would do the same for them. One thing that unites us in particular, you should know, is that we are positively giddy at the prospect of having your help in shaping volume 113 of the Harvard Law Review. If there's any further information I can provide, please feel free to give me a call at 3-2914 or drop me an e-mail at dmarkel@law.harvard.edu.

Dan Markel '00
March 9, 1999

Don't Publish LSC Drivel

The RECORD performed a journalistic disservice to the Harvard Law community by publishing the LSC's unscientific and biased survey of 1L students on the subject of teacher quality. While a 25 percent response rate may be acceptable for a random poll, this survey allowed self-selection of students who either have high praises to sing or an axe to grind. I refused to complete the questionnaire because it asked us to rank professors relative to each other, which made no sense to me at all.

While an institution of learning should most certainly focus on teaching quality as a top priority, I don't see how this survey or its publication

further the goal of quality education. Since professors "choose" to teach 1Ls, I do not doubt their commitment to excellent teaching, and find it odd that some of the professors most committed to teaching received the lowest ratings. Rather than putting the burden entirely on professors, why don't we lay the blame for our poor educational experience where it belongs: Harvard's ludicrously large class sizes? I'm sure that if each of our classes were quartered, or even halved, ratings would shoot up dramatically.

I wholeheartedly support the idea of us as student-consumers taking control of the

product we are purchasing at such a dear price. We should not sacrifice educational excellence at the altar of Harvard infallibility. The current administrative review of student life at HLS provides us with an opportunity to make that opinion known, but only if we hold the administration accountable to obtaining results that will actually and directly benefit students, rather than produce an excuse for another capital campaign kick-off whose benefits will be lost to short-term institutional memory and bureaucratic sleights-of-hand.

Gene Koo '01
March 10, 1999

RFP Extends Olive Branch

In the interest of re-affirming our respect for our fellow students who organized Culture Shock, members of the Reproductive Freedom Project would like to account for the action which some of us took in response to their fundraiser two weeks ago.

During the weeks prior to Culture Shock, we believe that community members were misled about the nature of A Woman's Concern (AWC), one of the organizations that was to benefit from the event. Flyers, e-mails and other announcements described AWC in such terms as "a crisis pregnancy center" that "gives [a pregnant woman] full information about all of her options, including abortion," and likened it to "Planned Parenthood with a different agenda." Given such a portrayal, many students predictably understood AWC to be an even-handed, politically neutral organization on the subject of abortion and reproductive rights, when in fact it is solidly anti-choice.

We now understand that the organizers of Culture Shock had no intention of representing AWC to be anything other

than what it is. Nevertheless, uncertainty was widespread; indeed, we ourselves had no clear impression of the organization. At the outset, therefore, we confined ourselves to making inquiries — inquiries, not allegations or accusations — in the relatively private forum of an on-line SPIN discussion.

Only when three of us visited AWC in person did we learn for certain that its counselors disseminate misleading, highly prejudicial — and in some cases completely inaccurate — information about reproductive health and freedom. We then took it upon ourselves to correct any prior misperceptions about the nature of AWC among those involved in Culture Shock.

We contacted the restaurants which were sponsoring the event, sent e-mails to other students, and were on hand to distribute flyers at the fundraiser. Had we, in doing so, met misinformation with misinformation, our actions would indeed have been reprehensible. But at no time did we exaggerate what we had learned

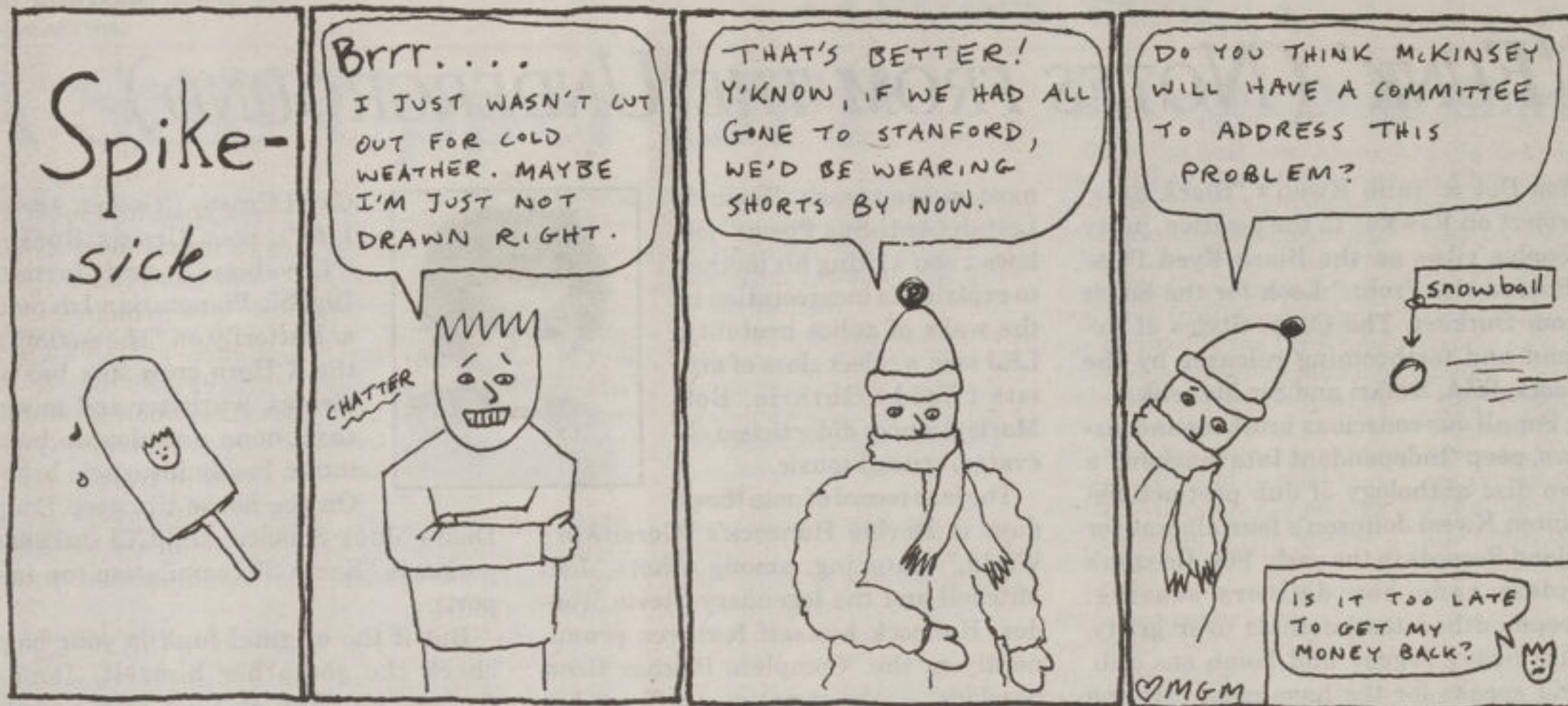
from first-hand experience. Furthermore, our calls to the restaurants were simply informative and factual; those restaurants that withdrew their support from the event did so voluntarily, and expressed gratitude for our efforts.

We hope the organizers of Culture Shock understand that those of us who took action did so in a good-faith effort to remedy the confusion we perceived on campus. We congratulate them on a successful event, and are satisfied in the knowledge that everyone who attended and contributed was fully aware that A Woman's Concern is an anti-choice organization.

Tori Jueds '01
Ali Bers '01
Kimberley Isbell '00
Carrie Leonetti '00
MaryAnn Rekuc '01
Kerry Regan '01
Elizabeth Saylor '01
Cameron Schroeder '01
Kristin Sostowski '01
Sarah Szalavitz '01
Christy Vidal '01
Amie von Briesen '01
Michele Walls '01
Sierra Weaver '01
March 10, 1999

Spike

By Margie McWilliams



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Cape Dollo

By Jake Zimmerman '00
Staff Columnist

ENFORCER RIDES AGAIN

Well, three weeks have passed, and The Enforcer is still on the loose. Once again, the Harvard Law School community has failed me in my time of need. I got down on my knees and reached out, with arms plaintively outstretched in a gesture of hope. Up in the sky, I saw the majestic eagle of Harvard student unity, soaring overhead as though waiting for my supplication. And so I reached my hands higher: I cried out for your help.

And what did this metaphoric eagle do? Well, metaphorically speaking, it pooped on my head.

What the hell is wrong with you people? Apparently, to judge from bemused reactions I received to the last column, some of you doubted that The Enforcer actually exists. So let me just set the record straight here: there really is some deranged person at this law school who has stolen my sock and sent me threatening ransom letters. Contrary to the belief that

some have expressed, I did not just make up this story for the sake of a cheap laugh.

I mean, really — what could possibly have given you the impression that I would lie about something this important? There's something called "journalistic integrity," and I am nothing if not an upstanding journalist. (Cue faint patriotic music here.) For instance, you remember that column about the giant squid? I got that by actually reading stuff on the Internet, not from some unreliable word-of-mouth source. See, it's called fact-checking. Sure, it takes a little extra time. But I do it, because I believe in the principle

behind it. (Cue bugle fanfare.)

You may scoff, but I'm the one who has to fight this vicious criminal with only my own wits to help me. (I'm sure you can see how, in my case, this is a particular handicap.) The police are no help. They claim to have no time for poor victims like me. They say that they have to spend their time on "other" things — bureaucratic nonsense like "serious cases" and "actual crime."

Meanwhile, the reign of terror continues. On my answering machine, I recently discovered the following gruff message: "Don't think you can intimidate me, Jake."

I could just put my trust in their collective sense of humor and ability to take a joke in good spirits. Unfortunately, these are law students that we're talking about here.

I tried contacting the Student Telephone Office to get them to trace the call, but they were too busy counting giant stacks of cash and cackling evilly to be able to provide assistance.

Then, I got another letter from The Enforcer. It seems that now he's peeved at me. He thinks that "we can't be friends anymore." He's especially hurt by the comment in my last column that the person I suspected most would be working at Wachtell next summer. (I confronted the aforementioned Future Wachtell Drone; it turns out that he is not, in fact, the culprit.) So, judging from the petulant tone

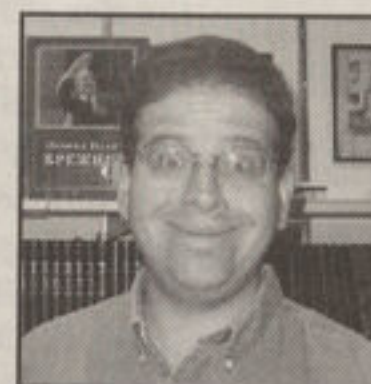
of his letter, the real Enforcer is clearly someone a bit more plebeian. What it boils down to is that I still have no clue who this twisted freak is, and no one has yet volunteered any information.

I do have to be honest, however: my experience with The Enforcer has not been an entirely bad one. Sure, my poor sock has suffered pain beyond what I can possibly comprehend. But, on the plus side, I keep getting amusing column material

handed to me on a silver platter. That's not an insignificant benefit at this point in my life, given that I'm directing the Parody. If you don't see the connection here, suffice it to say that the directing gig has been rather draining on my comic skills. In fact, I'm having trouble thinking of anything that would be more draining, with the

possible exception of failed brain surgery. So when some anonymous source wants to just hand me comedy for the taking, well, far be it from me to complain.

Now, by the time this week's issue goes to print, we'll be in the middle of our production run for the Parody. [Blatant plug here: you can still get rush tickets at the door on Thursday, Friday or Saturday night. Tickets go on sale at 7 p.m.; first come, first served. If you miss the show, you will be labeled a pariah for the rest of your law school career, and SoDexHo workers will occasionally spit on you to



show their contempt.]

The upshot of this fact is that I may soon find myself in The Enforcer's shoes. See, by the time you read this, I may already be in hiding, just like my sock-molesting tormentor. Why? Well, think about it. The whole point of the Parody is that we make

fun of dozens of people in front of the whole law school community, right? Well, guess who those dozens of people are likely to come after when they start looking for revenge? Uh-huh.

Now, maybe I can solve this problem with a public letter informing them that this whole "director" thing is just a silly formality. I could tell them that all of the jokes were actually written by a computer geek in California named Josh Orum, and that they should direct all complaints to him. But they probably won't buy it.

Alternatively, I could just put my trust in their collective sense of humor and ability to take a joke in good spirits. Unfortunately, these are law students that we're talking about here. So much for that idea.

I think I have no choice: I'll be forced to go underground. When next you read this column, I may have to write it under an assumed name. (I'm thinking "Blake Timmerman," or something similarly clever.) I will surface from my dark hiding place only long enough to grab a quick meal every now and then. For security reasons, I can't even reveal whether I will go to the Middle Eastern food truck or the Chinese food truck.

It won't be an easy life. But, fortunately, I have a knack for blending in, and I really don't stand out in a crowd at all. So I'll just fade into the HLS woodwork — unheard, unseen and secure in my new identity.

I just hope I will get my sock back first.

Fenno

hold an election to choose him!"

Fenno sighed, as he realized what was coming.

"Come, comrade: join me in praising the glorious president! It is, after all, a small thing to ask in return for the riches he will bestow upon the student body." With this, Ashley got down on her knees and began quietly chanting a mantra that sounded vaguely like "feeeeeees, feeeeeees."

Fenno was beginning to get worried. "Ashley, honey, you're getting a little theatrical here. Maybe it's time to think about some fresh air and a new roommate."

"Nonsense, comrade. I have all the spiritual support I need in the wise sayings of our Great Ruler. Would you like to buy a book of his epigrams?" Ashley produced a small brown notebook, which Fenno grabbed. It was completely empty.

Ashley gave an embarrassed cough. "Well, um, we're hoping that he'll say some very wise things any day now."

"Sure thing, Morgan. Look, honey, what's in this for you?"

"Nothing, Fenno! Nothing at all, save for the joy of serving at the feet of the finest Law School Council President I will ever know: Chairman Manoj, first among equals! Fridman is dead! Long live Mate!" She quickly fell back to her knees and began prostrating herself again.

Fenno could see that there was no getting through to her. Fenno sighed once more, and thought about uttering some pithy final comment about the corrupting wiles of power. But then he thought better of it, and just belched loudly instead. Fenno walked off, and he couldn't help but shake his head as he mumbled to no one in particular: "Manoj Mate. Go figure."

Correction: Last week, Fenno inadvertently complained about not being on Mary Ann Glendon's e-mail list. In fact, Fenno

meant to whine about being excluded from Martha Minow's e-mail list. To the best of Fenno's knowledge, Mary Ann Glendon does not use an e-mail list and may, for all Fenno knows, believe that the internet is nothing but a giant porn factory. Fenno

apologizes to Professor Glendon for the undeserved mockery, and to the HLS community for failing to properly insult Martha Minow. Fenno regrets the error, to the limited extent that Fenno is capable of regretting anything.

Quote of the Week

"[I]t's also important to realize that sweatshops are a necessary feature of many developing economies."

— From a press release issued by the Harvard Salient, a conservative weekly at the College.

Fenno looked down at his chest, scanning carefully for any sign of visible protrusions. Thankfully, they were gone. Four straight weeks of being female had been quite enough for his tastes. "What the hell happened to tradition at this damn law school," Fenno muttered to himself. "Where the hell is Vic Brudney when you need him?"

Fenno heard a cheerful voice behind him: "Do not worry, comrade!" Fenno started in surprise. But he relaxed when he saw that it was just Ashley Morgan. Still, Morgan had an odd look on her face as she continued to speak: "Yes, Comrade Fenno, it is true. We have no need for tradition in the bright new era."

Fenno stood there, puzzled, trying to figure out what was wrong with Ashley.

Her voice had lost its characteristic gruff edge, replaced with a vague monotone that Fenno couldn't quite make sense of. He replied: "What do you mean, Ash?"

"Ah, comrade, you are so behind the times. Can you not see how pleasant it is to be a student here in this marvelous day and age? For why else would the student body have come together so decisively and unanimously to select the new and glorious political leadership for our happy scholar's paradise?"

"What on God's green Earth are you smoking, Morgan?"

"Why, comrade, the peace pipe of student unity! For today we all join hands and celebrate the enthroning of our wise and mighty new leader—a leader so magnificent that there was no need to even

Her Indie World

WHAT THE WORLD NEEDS NOW IS PUNK, SWEET PUNK

Sleater-Kinney
The Hot Rock
Kill Rock Stars 1999

Sleater-Kinney have just released the first truly great album of 1999.

"The Hot Rock" — so named for a 1972 jewel-heist movie starring Robert Redford (yes, these girls have taste) — is an intense, beautifully realized punk poem.

The band has risen to fame on Olympia, Washington's Kill Rock Stars label, where they spawned the super-acclaimed "Dig Me Out." Despite the fact that the album won the band a fourth-place finish on the Village Voice's respected Pazz & Jop Critics' Poll in 1997, the trio has chosen to stay with KRS rather than follow friends and ex-label-mates Mary Lou Lord and Elliott Smith to corporate rockville.

"The Hot Rock" is somewhat gentler and more beautiful than "Dig Me Out," but the ladies haven't strayed from their Pacific Northwest roots.

The all-female trio melds beautifully, most noticeably on the frenetic, terse "Living in Exile." Drummer Janet Weiss is the backbone of the band, and Carrie Brownstein's guitar and backing vocals serve to pace the music as well.

The real star of the disc, however, is lead vocalist Corin Tucker, who wails through

the band's lyrics like Kate Bush as told to the Sex Pistols.

Tucker's fury can be disconcerting when coupled with the vulnerability of some of the band's lyrics: "Baby don't you leave me baby don't you go," Tucker chants in "Start Together," "I'm a mess/I'm the worst/But the best/That you've heard." That's the type of humanism we used to look for from Ani DiFranco before she sold out to the music-publicity machine.

In fact, in a music universe of would-be pontificating philosophers, the trio's lyrics stand out as some of the prettiest and most perceptive to see the light of day.

"Get Up," for instance, starts out with Tucker doing spoken-word which might have been written by Emily Dickinson: "And when the body finally starts to let go/let it all go at once/not piece by piece/ but like a whole bucket of stars/dumped into the universe/.../Good-bye small hands, good-bye small heart/good-bye small head/My soul is climbing tree trunks/and swinging from every branch."

The women can be funny, too — the Brit-poppy, elegant "Don't Talk Like" perceptively jingles, "don't talk like/like you're nineteen/you're thirty-five/if you're a day."

The disc's best line, however, is reserved for "Banned From the End of the World," in which Tucker crows, "I've no

millennial fear/The future is here, it comes every year."

In fact, "World" sounds like your big sister's Go Gos' album if you played it on 78 rpm instead of 33 1/3. This is fitting, considering that Sleater-Kinney have been described as the Go Gos in grad school.

Don't let that dissuade you, though — Sleater-Kinney have something original to say, and they'll say it in their own sweet punk way.

This Week in Rock Lawsuits, Volume I — A Princeton University music professor claims his hearing was damaged by a noisy Smashing Pumpkins performance in New Haven, Connecticut.

Peter Jeffrey, 45, is suing Corgan & Co., opening acts Fountains of Wayne and the Frogs, earplug maker Siebe North Inc., the city of New Haven and the New Haven Coliseum, where the concert took place last year.

According to his lawyer (yup, unemployed 3Ls, he's got representation) Andy Wallace, Jeffrey suffers from sleep deprivation as well as chronic tinnitus, which is the fancy-schmantzy term for ringing in the ears.

Jeffrey is suing for breach of duty. A Gregorian chant expert, he states that he attended the show to look for his son.

And I used to think my dad was embar-



rassing! As he would say, "wah jees!"

This Week in Rock Lawsuits, Volume II — Perpetual malcontent Prince (or whatever he's calling himself this week) filed a motion in a New York federal district court last

week looking to cover his intellectual property.

His Purpleness alleges that several Web sites offering free downloads of his songs — or MP3s, as techies call them — violate his copyrights.

User-friendly MP3s are causing ever-increasing concern in the industry because computer-savvy consumers have begun using the downloadable files as replacements for investing in actual compact discs.

Prince's lawsuit takes a bizarre turn, though, in his targeting of fan Web sites which use images from his album covers as well as the unpronounceable trademarked symbol which he has been known to use as his name.

Prince Charles, watch out!

TV Watch — Next Wednesday, March 17, VH1 will broadcast what promises to be the best Rock and Roll Hall of Fame induction ceremony yet. Honorees include Billy Joel, Curtis Mayfield, Paul McCartney and my personal fave, Bruce Springsteen. Check it out at 9 p.m.

The Buzz

By Tanya Marsh '00
RECORD Columnist

OSCAR GOLD TO SHINE FOR ... SHAKESPEARE?

March is upon us and that can only mean one thing: it's Oscar time. To help you out with those pre-Oscar pools, I present the latest buzz on who will win, who should win, and who got left out.

Let me get a few "lesser" categories out of the way quickly. Best supporting actor will be either Billy Bob Thornton (*A Simple Plan*) or Robert Duvall (*A Civil Action*). Bill Murray gave the best performance of his life in *Rushmore* and was robbed of a nomination. Even though the odds favor Thornton, my money is on Duvall.

Best supporting actress will probably either be Kathy Bates (*Primary Colors*) or Lynn Redgrave (*Gods and Monsters*). My pick is Dame Judi Dench as Queen Elizabeth I in *Shakespeare in Love*. The odds, however, currently favor Bates.

Best original screenplay is a no-brainer: *Shakespeare in Love*.

The nominees for best actor are: Roberto Benigni (*Life is Beautiful*), Tom Hanks (*Saving Private Ryan*), Ian McKellan (*Gods and Monsters*), Nick Nolte (*Affliction*) and Edward Norton (*American History X*). This is a very competitive category which just got a lot harder to predict with Benigni's victory at the Screen Actor Guild awards last weekend. The word on the street is that the Academy thinks Hanks has enough Oscar gold for now and it will probably choose to reward one of two veteran actors: McKellan or Nolte.

But Benigni is a real wild card and his exuberance is currently charming Hollywood. (At the Directors Guild Awards on Saturday, Benigni responded to his nomination plaque by exclaiming "I can't believe I won! I am full like a watermelon!") Nolte and McKellan are also handicapped by the fact that nobody saw their movies. In fact, Hanks is probably the only one of the five nominees that the bulk of the

Academy actually saw this year. The rest are riding on reputation.

Comparing these five performances, I think Edward Norton's mesmerizing turn as a skinhead actually deserves to win, but I predict that McKellan will win in recognition of his long and brilliant career.

Who got left out this year? Most obvi-

ously, Golden Globe winner Jim Carrey for *The Truman Show*. He proved he can play serious, but he can't do the Robin Williams evolution overnight. Sean Penn (*Hurlyburly*, *The Thin Red Line*) and John Travolta (*Primary Colors*, *A Civil Action*) both turned in two good performances this year but were left out by Oscar.

The nominees for best actress are: Cate Blanchett (*Elizabeth*), Fernanda Montenegro (*Central Station*), Gwyneth Paltrow (*Shakespeare in Love*), Meryl Streep (*One True Thing*) and Emily Watson (*Hilary and Jackie*). Blanchett won the Golden Globe for best dramatic actress while Paltrow won for best actress in a comedy or musical. Paltrow also just won the Screen Actors Guild Award for best actress. This combination of honors would appear to give her an edge over Blanchett. Paltrow's real advantage comes from the fact that she grew up in Hollywood and her parents, Blythe Danner and Bruce Paltrow, know all the right people. This isn't to slight her talent — she gave a quality performance in *Shakespeare*. But Blanchett and Watson were both stretched further in their roles and have proven their acting mettle in a string of solid movies, unlike Paltrow, who has mostly starred in forgettable box office drivel (*Hush*, *A Perfect Murder*).

Paltrow probably will win, but

Blanchett deserves to win for her passionate performance of England's greatest queen.

Who got left out? I may be out on a limb here, but I would have nominated Sandra Bullock for *Hope Floats*. I know the *Speed*-queen has quite

a popular following at the box office, but that doesn't mean she isn't good! Unfortunately, the Academy seems to think that any movie they can't understand must be the best, so until Bullock takes the trip

to Sundance in a few respectable indie flops, she may not get the nod.

The nominees for best director are: Roberto Benigni (*Life is Beautiful*), John Madden (*Shakespeare in Love*), Terrence Malick (*The Thin Red Line*), Steven Spielberg (*Saving Private Ryan*) and Peter Weir (*The Truman Show*).

Who will win? That's easy. Spielberg won the Director's Guild Award last Sunday and only four times since the DGA's inception has the Academy failed to follow with a best director Oscar. Should he win? Actually, of the five nominees, I'd vote for Weir. Let's just give Spielberg a "most popular director ever" award and open the field up for some fresh talent.

The nominees for best picture are: *Elizabeth*, *Life is Beautiful*, *Saving Private Ryan*, *Shakespeare in Love* and *The Thin Red Line*. Last year, *Titanic* rode a \$200 million box office wave to the top



honors of best picture and best director. This year, *Shakespeare in Love* boasts 13 nominations, one short of *Titanic*'s record, but still enough to put it in a select group of eight films in 70 years. In 14 of the past 15 years, the picture that

grabbed the most nominations went on to win the best picture Oscar. This means that *Shakespeare* is the favorite, but it faces steep competition from two World War II films: *Saving Private Ryan* (11 nominations) and *Life is Beautiful*. *Elizabeth* and *The Thin Red Line* don't stand much of a chance.

One factor which may work against *Shakespeare* is its lack of a dark undercurrent. Sure, Will doesn't get the girl, but that isn't quite tragic enough for the Academy which has recently rewarded epics in which the hero dies at the end — 1997's *Titanic*, 1996's *The English Patient* and 1995's *Braveheart*. That would reopen the door for *Ryan* and *Life is Beautiful*.

An eternal optimist, I think love and my Bard will triumph over death and dour Steven this year. *Shakespeare in Love* deserves to win and it will win. If I'd picked the nominees, I would have dropped *Life is Beautiful* and *The Thin Red Line* and substituted *Rushmore*, the most creative movie of the year, and *The Truman Show* or *Hope Floats* (I told you, I loved that movie!). But even so, *Shakespeare in Love* is, in my humble opinion, the best picture of 1998, and I think the Academy will agree.

Recycle



the RECORD

Can You Spare a Razor Blade?

MONOGAMY BITES?

By Dusan Stojkovic '00
RECORD Columnist

Dreamworks' latest release had little going for it from the onset. Common wisdom was that Sandra Bullock can not act to save her life, and one can't help but despise someone as indubitably semi-literate (yet awarded an Oscar for screenplay writing, go figure) and ethereally annoying as Ben Affleck. The pre-release hype has long hit the ceiling. And although a woman director from Canada is bound to be a breath of fresh air in Hollywood, Bronwen Hughes's only prior motion picture credits were for "Harriet the Spy." Now that was a freakin' classic right there.

But much as it pains me to fess this up, "Forces of Nature" is a quite decent flick, despite its thoroughly forgettable title.

The fascinating fusion of romantic comedy and road movie follows the travails of Ben (Affleck would have surely been confused if his character had a different name) and Sarah (Bullock) on their journey from New York to Savannah.

Ben is en route to his wedding and Sarah has major *grana* (shout out to my Portuguese professor, Eliani!) lying on her getting to Savannah ASAP. And it just so happens that her ten-year-old son lives down South as well.

Along their odyssey, the odd couple is plagued by lousy luck and inclement

weather (hence the title), and, rather astonishingly, Ben grows more and more hard-pressed to withstand what he perceives as Sarah's eccentrically beguiling nature (hence the title again). The ending of the film is a deeply frustrating cop-out, but still better than the only plausible alternative ending, which would have been unbearably sappy.

It turns out that Bullock can in fact act but that she had never been given a part where she could prove it before. (I must qualify that I have yet to see "The Thing Called Love.") Sarah is free-spirited, cynical, engaging. Bullock successfully conveys the character's essence and looks amazing doing it. Especially endearing is the tattoo on Sarah's lower stomach. And, best of all, Bullock's trademark asinine laugh is shrewdly cut down to size. Mad props to the editors.

Affleck's character, on the other hand, just looks stupid. Adam Sandler, whom Affleck resembles significantly with the short coif, would have been a much better choice for this role. At least that way one's reaction would have been, "Whoa, what a departure, he looks so stupid in this but it's like serious and stuff."

Still, Affleck does a valiant job delivering punchlines such as "I am not in denial. I am a gay dancer and I am proud!"

The rambunctious crowd in the South Carolina gay bar scene actually included a black man: that's right, the exact same number of black men as were present at the recent Ronald Reagan Birthday Bash. Coincidence?! I think not.

The film is heavy on some pretty neat special effects, thanks to Dreamworks productions, but in this regard, less would have been more. While the effects are poignantly used in the climactic hurricane scene, they do not really benefit the yarn woven in the first two thirds of the movie.

Bullock's performance is strong enough to hold the romantic plot together, although the on-screen chemistry between Ben and Sarah never quite materializes. Not that it really needs to; the unique thing about this romantic comedy is Sarah's role in the story is less that of a lover than of a catalyst: she stirs things up without herself being affected by the change. Well, sort of.

There are some annoying inconsistencies in the movie: nobody from New York speaks like a New Yorker, and a scene at LaGuardia shows Swissair and Austrian check-ins, when everybody with an IQ above 100 knows that those airlines fly



out from JFK. (If you think that's anal, just wait for my Law School Parody review.)

But the supporting cast is surprisingly strong. Maura Tierney of NewsRadio demi-fame plays Bridget, Ben's anything-but-affable fiancée. The character seems to have been written with Jennifer Aniston

in mind but someone in casting actually had taste. The scenes between Bridget and her erstwhile beau, Steve, are classic. The parents' characters are also well-played and well-written, and there's a busload of thrill-seeking senior citizens. "Forces of Nature" certainly breaks away from standard Hollywood practice in its portrayal of elderly people; and besides, the David Herwitzes of this world are way more fascinating than whiny baby boomers or Gen-X slacker types like myself.

On a more universal level, to a far greater extent than the usual American fare, this film takes an honest and intelligent look at the very meaning of marriage.

"Forces of Nature" will start playing "in theaters everywhere" March 19. And no, in Hollywood-speak, downtown Niznij Novgorod does not count as "everywhere."

Madness With Method

THE MEN OF HARVARD LAW

By Darren Schlanger '00
RECORD Columnist

In recent months, the column pages of the RECORD have facilitated substantial gender controversy, with the primary source of this imbroglio engendered by the columns of my tallest and *ersatz* sibylline colleague. While certain of her columns endorsing the use of a woman's sexual charms as a gambit for social advance have invited truculent and internecine feminist response, the men at HLS by and large have failed in offering rejoinder to Miss Falk's portrayal of Harvard men as shallow and dim. In truth, tits are for kids. In further truth, the injustice of a muted male response to the allegations of our unrefined telluric urges shall no longer endure on

these hallowed, nay hollowed, pages.

From the outset it begs mentioning that even the most socially stymied acolyte will notice that Harvard Law males are an ilk dissimilar from the average American man. But, it requires someone with the keen insight of this writer, a woman who plays a man in real life, to effectively dissect the salient peccadilloes unique to this species of over-educated and under-sexed Y-chromosome constituents. Studying this peculiar male species in their natural habitat of the Harkness men's room, one will observe immediately that the urinal closest to the entrance doors always remains unused, and this despite heavy Harkness urinal traffic. Indeed, every

male who enters the bathroom avoids utilizing the first urinal irrespective of the availability of other vacant urinals. Furthermore, HLS men rarely if ever will occupy a urinal beside a fellow relief-seeking student, typically opting to wait for a distant receptacle vacancy to offer their plumbing libations.

As one can learn a lot about a man from his pattern of public urinating, a plausible hypothesis to account for these hermetic and sociopathic urination rituals is that the men of Harvard Law are uncomfortable with the function that their penis plays in their lives. It may be that years of repression, sublimation, autoerotic manipulation, and Wham! records have left many Harvard men bereft of a healthy and open relationship with their manhood. While typical boys were from an early age getting acquainted with their penis, its personality, habits, allergies, favorite foods, music tastes and sleep patterns, Harvard Law boys were capitulating to their domineering mothers by cultivating their minds and transcripts to the neglect of their chemically burgeoning appendage. The resulting penile xenophobia may certainly explain the aversion to exposure in public facilities, much as an LL.M. shuns all catalysts of personal hygiene.

Other fundamental Harvard Law male behavior patterns may derive from this awkward penis socialization. In intramural basketball leagues, for example, it is penile phobia that causes some athletes to forego the limited enjoyment of healthy competition in favor of refereeing. If the refs better befriended their penis, it might occur to them that the control instinct to exert dominion over other pathologically inept males manifests a symbolic compensation for diminished manhood via relative penile mastery.

The most salient discrepancy in Harvard Law male behavior patterns that stems from penis alienation is their social interaction with women, particularly the peculiar Harvard Law variety,



Ignoring the throbbing advice of their packages to play the mating ritual according to long established rules of the game, Harvard Law men instead fold their cards before the first bet is made and behave in the kind of excessively nice and sweet manner that never precedes any form of

fluid exchange. This naïve practice is irrevocably doomed to failure, for the penis, you see, knows of only two successful approaches to playing the mating game: aloofness or aggressiveness, stealth or frontal assault, napping in the drawers or flailing about like a cobra swaying before a Brahmin lute player. It benefits the male little to fight penile hegemony over the realm of sexual overtures with misguided notions of chivalry, friendship or respectability. The penis has no manners, only objectives. If nothing else, Vietnam should teach you that steady and cautious wars of attrition never end in conquest. The winning game either meanders cleverly and surreptitiously along the axis of charm and innuendo or ends instantaneously with a resounding bang. Until the men at Harvard Law cultivate a healthy dialogue with their penis, their efforts at intimacy are doomed for failure, relegated to USA Up-All-Night marathons and knob polishing before afternoon reruns of Baywatch. It's on daily at 4 p.m.

This observation does not, however, exonerate the deviant HLS females from their role in sabotaging Law School social rituals. Heeding the tropistic advice of one's penis achieves naught if the target of the machinations herself maintains an oblivious façade of sexlessness. Thus, rather than enforcing the gender conflict by interpreting this column as a repudiation of HLS men alone, it would better serve the community if everyone, both male or female, gave the men positive reinforcement and encouragement to say hello to their little friends. Because in the final postscript, it still takes two to tango, though two, a schnauzer and hoisin sauce can make for exceptionally worthwhile dance moves.



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