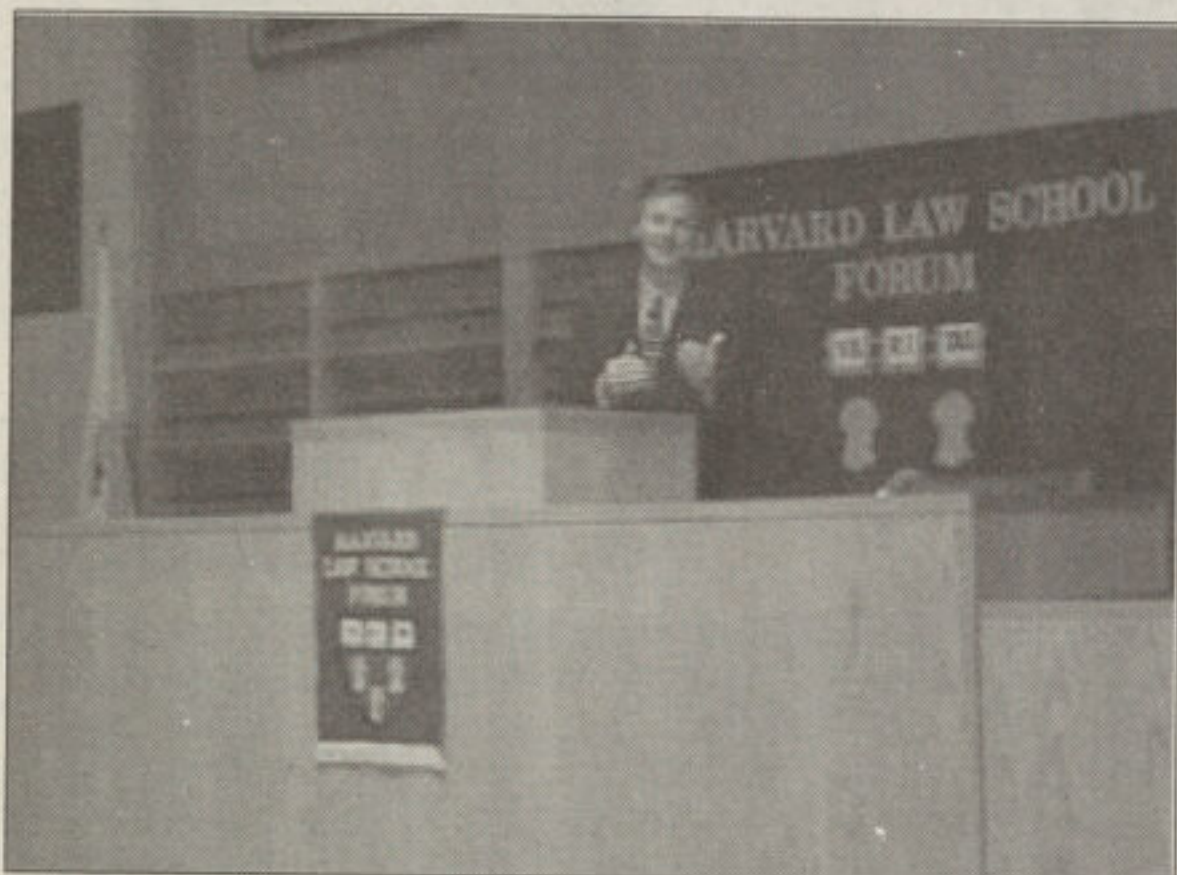




House Manager Asa Hutchinson addresses the HLS forum.
See related story p. 3.

Law School Rankings Out: We're Still Number Two

U.S. News Survey a "Beauty Pageant," Says Chmura

By Alyssa Caples

Once again, "U.S. News and World Report" has ranked the nation's law schools, and once again, HLS finished behind Yale Law School, sharing second place honors with Stanford Law School. NYU and Columbia rounded out the top five.

The overall law school rankings are calculated based on reputation (40 percent), selectivity (25 percent), placement success (20 percent) and faculty resources (15 percent).

Despite the continued presence of HLS among the top three schools, the Dean's Office criticized the rankings' accuracy. According to HLS News Director Mike Chmura, HLS's unique advantages in size are not properly reflected in the calculations.

"[The survey] doesn't reflect the positives of size; it penalizes HLS for its size," said Chmura. "Depth and breadth of course offerings of special programs and library resources aren't adequately reflected in the survey. But you get penalized for the ratio of the number of students to interviewers on campus, or the number of students who interview in general, or resources per faculty member," said Chmura.

Last year, the deans of all but 15 of the nation's 179 law schools signed a letter announcing "Law School Rankings May Be Hazardous to Your Health!" The mailing was sent to all those who

took the LSAT in order to protest the impact of rankings upon the choices of prospective law students.

Dean Clark '72 was one of the few who refused to sign the letter. In February 1998, Clark told "The New York Times" that, "I don't think law school deans as a group ought to set the terms of the evaluations. It smacks of trade unionism."

Unlike last year, Clark recently signed this year's version of the letter. "This year, the letter was toned down and admits that the rankings serve some purpose in terms of basic information, although it urges students to look behind the rankings," said Chmura.

Although HLS received top marks for reputation among academics and legal professionals, it lagged behind such competitors as Yale, Stanford, NYU and Columbia in the category of postgraduate employment. In the faculty/student ratio category, the HLS ranked behind every school in the top twenty-five.

Please see **RANKING**, p. 7

Professor, Activist, Revolutionary Davis Tops off BLSA Conference

By Justin Herdman

Noted African-American activist Angela Davis was the keynote speaker at the recent Harvard Black Law Students Association (BLSA) spring conference. The speech was the centerpiece of the weekend event, entitled "For the Common Good: Continuing the Tradition of Legal Activism."

While working toward a doctoral degree at the University of California at San Diego, Davis was a student of the Marxist professor Herbert Marcuse. Her leftist leanings later led to dismissal from her post as a lecturer at the University of California at Los Angeles.

In 1970, Davis was suspected of aiding a bloody rescue attempt of four black revolutionaries in

northern California. She was arrested later that year in New York City and returned to stand trial in California for charges of kidnapping, murder, and conspiracy. An all-white jury acquitted her of all counts, and Davis was free to pursue a career of outspoken opposition to the establishment.

The March 27 speech was delivered to a mostly African-American audience in the Ames Courtroom. Davis urged the crowd to investigate the larger issues in society, rather than focusing upon the minutiae which occupies much of the legal profession.

"It is important for those of you who have embarked upon a career in the law, which involves meticulous details, to have an idea of what's going on in the world," said Davis.

An oft-cited example was a recent "Urban Warrior" exercise conducted in downtown Oakland by the United States military. Though this drill was officially designed to simulate an urban combat environment in the Third World, Davis was more suspicious of the motives behind such an undertaking.

"You can envision a future where the military is called upon to put down urban rebellions,"

Please see **DAVIS**, p. 3

Author of "The Good Black" Converts Confidences to Cash

Mungin '86 Opposed the Telling of His Story

By Doug Sims

A student survives HLS and figures the worst is over. He follows the pre-ordained path to a prestigious corporate law firm and finally begins to reap its rewards. Though he does well at the firm, he recognizes the realities of the marketplace and always keeps his eyes open for a better situation. One day, that situation arrives and he switches to another firm amidst assurances that he is on "a partnership track." Then suddenly it all falls apart. He decides to launch a lawsuit against his employer.

This is the nutshell version of Larry Mungin's '86 story as recounted by Wall Street Journal reporter Paul Barrett '87 in his recent book, "The Good Black." In 1996 Mungin won a \$2.5 million dollar jury verdict against Chicago-based Katten Muchin & Zavis for racial discrimination which was later reversed by the U.S. Court of Appeals for the District of Columbia.

These facts only describe the landscape of the tale — there is considerable seismic activity underneath.

Mungin and Barrett were the subjects of a question-and-answer session at the Black Law Students Association's Spring

Conference on March 20. Most of the attendees were aware that Barrett and Mungin had been college roommates; few realized that Barrett decided to write the book in spite of his friend's desire for privacy.

Although Mungin recounted his difficulties at Katten Muchin to Barrett, he was shocked that Barrett told him he would use these personal conversations as journalistic material.

"I saw [Barrett] as someone I knew and a friend. So I was shocked when he told me he was writing a book," Mungin said. "I wanted to put this thing behind me. It was very painful, very difficult, but he said he was going to write it anyway. I didn't see him as a journalist first and didn't know it was that important to him to do what he had to do as a journalist."

Mungin eventually volunteered information in the interest of accuracy, but Barrett retained editorial control. Mungin's ambivalence about the quasi-authorized biography caused him to eschew any profit-sharing agreements.

"It was going to be his book — and I wasn't going to be a junior partner in my own life story," he explained.

Members of the audience raised questions about Barrett's

ethics, transfixed by the emerging fault lines between author and subject. One attendee, who identified himself as a professor from Boston College, suggested that the relationship was "exploitative."

Please see **MUNGIN**, p. 15

Langdell Beating Brings Recent Crime Spree to HLS HUPD Calls Midnight Attack "Random"

By Ben Lehrer

In the latest in a series of violent crimes that have plagued Harvard University this past month, a Harvard Law student was attacked by six youths late Monday night as he was leaving Langdell library.

Peggy McNamara, the HUPD Spokesperson, said that the string of attacks, which include a March rape inside a College administrative building and an assault with a soda can by an alleged wallet-stealer, were not related.

"I don't see a trend developing," said McNamara. "It's just a small rash of incidents without any pattern." The crimes occurred at different places and times, and were apparently committed by different perpetrators.

The Langdell attack occurred as the HLS student was walking up the path leading from the front door of the library. The group of youths approached him and attempted to grab a book he

was holding. A struggle ensued, and the youths began to assault him. One of the assailants struck the student with a pipe.

One student who witnessed the event described the scene as "like a schoolyard brawl."

"There was a gang of youths basically surrounding this pair that were going at it," said the student who requested anonymity. "They were slugging at each other. Some of those in the group looked like they wanted to break it up, but the guy with the pipe was taking cheap shots from the sidelines."

The witness said the group of youths, in their late teens or early twenties, played "keep-away" with the victim's book.

"When the fighting stopped, the student's book was on the ground and the group was taunting him about it for a while. It was pretty infantile."

The six assailants then sprinted away, said the witness.

The attacked student re-

Please see **CRIME**, p. 13

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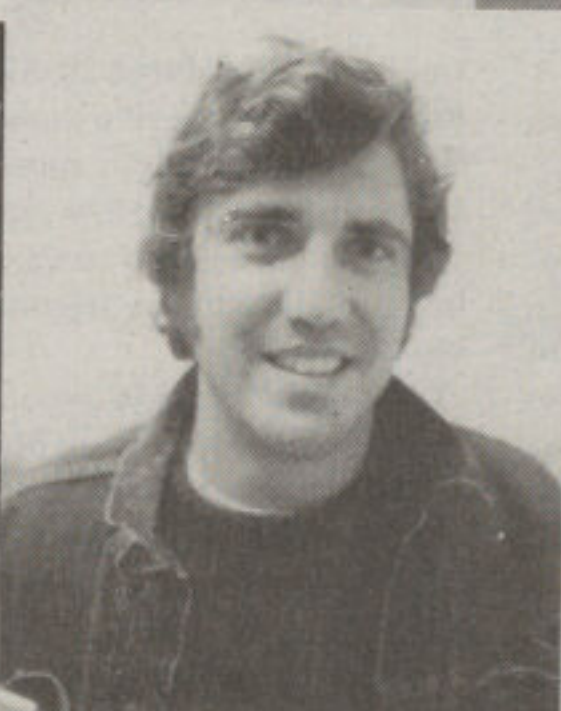
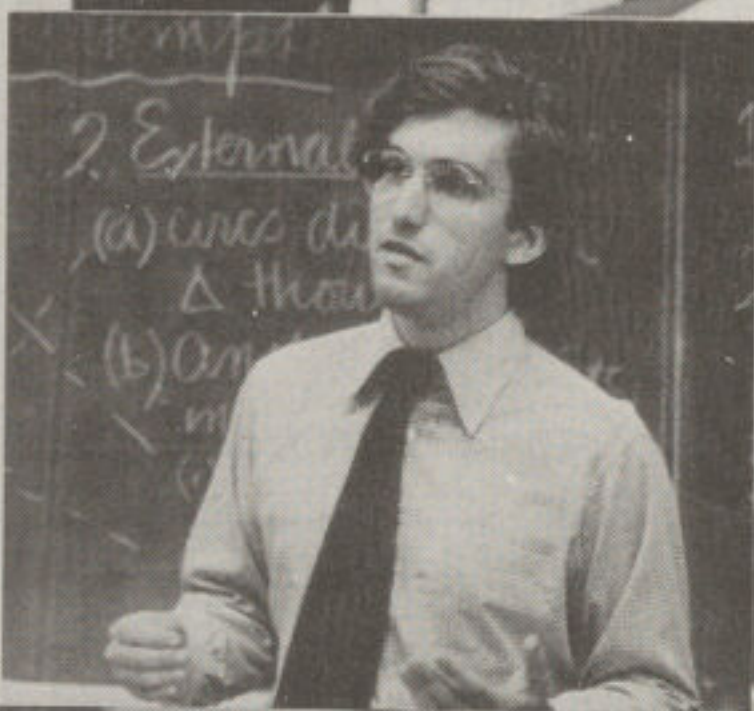
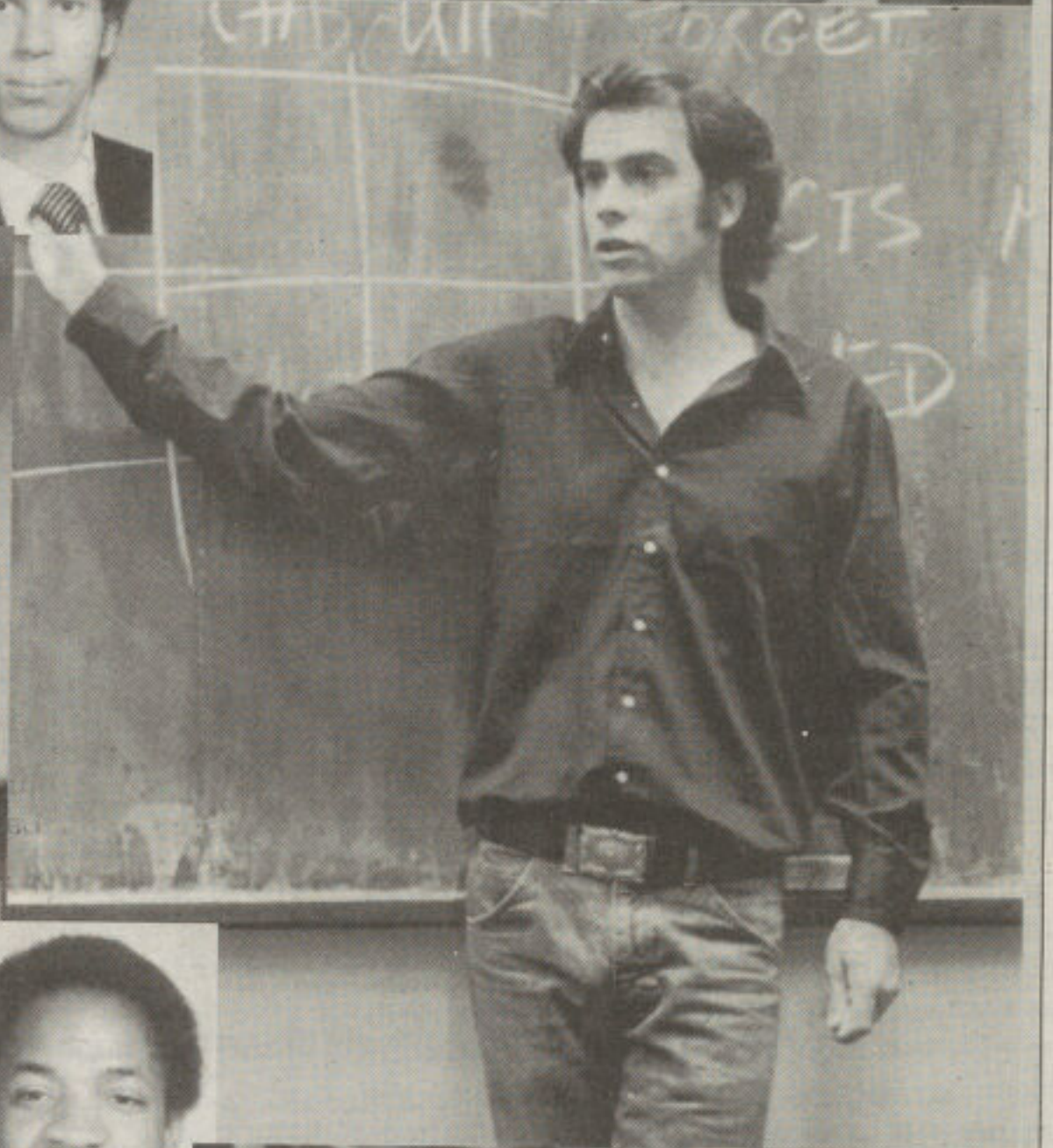
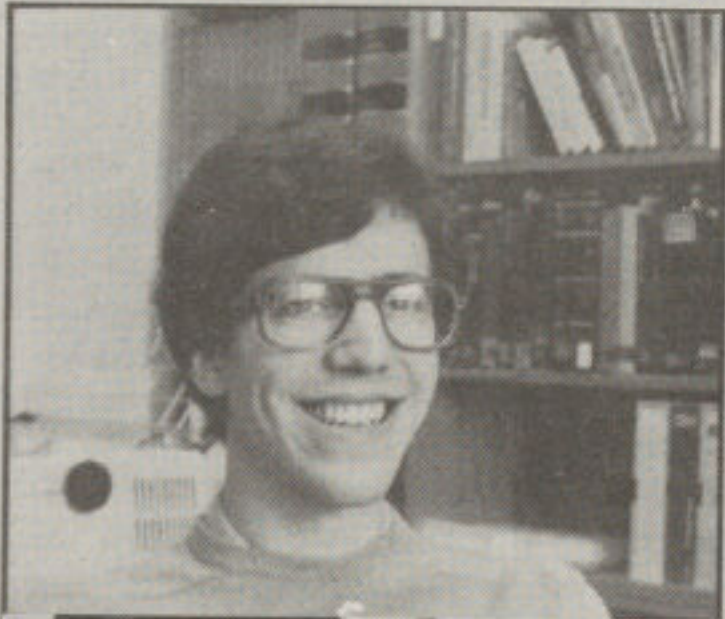
Ava's Amiable, Students
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Also:
The Buzz, the Lovable
Spike, and the
Toastmaster Fenno.

When We Was Fab...



Amiable Hutchinson Draws Amiable Crowd

House Manager Recounts Lessons Learned from Prosecuting Senate Impeachment Trial

By Suzanne Carter

"We did some things wrong. I wish we could do some things over again," Congressman Asa Hutchinson, one of thirteen House Managers to try the impeachment case against President Clinton in the U.S. Senate, told the HLS Forum last week.

The Arkansas Republican spoke in a folksy Southern accent and often poked fun at both himself and other figures in the impeachment trial. Unlike many Forum guests, he used no TelePrompTer, preferring to speak off the cuff and take as many questions from the audience as possible.

Prior to opening the floor up to questions, though, Hutchinson summarized the lessons he learned as a House prosecutor.

"First, the Constitution works," he said. "Many people referred to the trial as a constitutional crisis. After the trial

was over, Sen. Ted Kennedy made a comment that the only winner in all of this was the Constitution. And I agreed with him, and I don't agree with him on everything."

Second, Hutchinson noted that the public has more confidence if there is a bipartisan foundation for the process, and "unless bipartisanship is leadership-driven, it doesn't go very far. We should have joined together [with the Democrats] — we should have accepted their proposal."

Third, "nothing beats a trial, and witnesses make the case," said Hutchinson, adding he wanted to call more witnesses before the Senate. "Public opinion is everything," Hutchinson added, and witnesses would have added drama to the otherwise bland constitutional proceeding. Whereas nine million television viewers watched the House Managers' opening statement, 70 million watched Monica Lewinsky's interview with Barbara

Walters on ABC, Hutchinson said. Witnesses certainly would have helped the ratings.

Finally: "Don't try to try a case with 13 managers. It's just too many," Hutchinson said. While Hutchinson, widely praised as the best prosecutor among the House Managers, had extensive trial experience as a U.S. Attorney, many Managers were inexperienced advocates. "Old Jim Sensenbrenner popped up the first day," Hutchinson said. "He's been in Congress for 25 years, but he only handled uncontested divorce cases before that, and the last one of those he handled, he lost!"

Don't Discount Congress Yet

Facing audience questions, Hutchinson was receptive to disagreement and eschewed sarcasm for amiability.

"Does Congress matter?" asked one audience member.

"Well, there's a role for Congress. What was President Clinton's famous statement? 'We're still relevant,'" Hutchinson said, adding that Congressional power is cyclical. Citing Watergate, he said Congress generally grows more powerful following a White House scandal and predicted the impeachment effort would lead to a renewal of Congressional strength.

Another student noted that then-Governor Clinton thanked Hutchinson for successfully prosecuting his brother, Roger, on drug charges. "Do you think you'll get another response like that again?" he asked.

"I'm still going through my stack of mail," Hutchinson deadpanned, adding that "Arkansas is a small state. We all know each other, and it wasn't personal."

No Outrage for Juanita

In a more serious vein, Hutchinson was asked whether he wished he could have used Juanita Broaddrick's allegations that Clinton raped her 20 years ago during the Senate trial.

"I interviewed Juanita Broaddrick. I'm one of these trial lawyers who thinks you ought to talk to witnesses," Hutchinson said, implicitly contrasting himself with Independent Counsel Kenneth Starr. "I also talked to Monica Lewinsky, and I talked to Vernon Jordan's attorney," he laughed.

Hutchinson turned serious again, referring to Broaddrick as "my constituent — she lives down the road from me." He chose not to cite to her experience in the Senate trial because she was a "reluctant witness" — "she saw what happened to women who came forward with allegations against the President, and she didn't want that to happen to her," Hutchinson said.

Hutchinson also opposed using her testimony during the trial because her claims were not related to the impeachment charges against Clinton. He wanted to make sure the trial was "handled in a professional manner that did not go out of its way to embarrass" the President, he said.

The Congressman was surprised that Broaddrick's allegations, once revealed, did not cause outrage among the public, recalling the much different reaction when Senator Bob Packwood of Oregon was alleged to have sexually harassed numerous staffers.

"Juanita Broaddrick, who is very cred-

Please see FORUM, p. 4

Boston Latin Decision Receives Support of Majority of Panelists

Herald Reporter Storms Out During Questioning

By Klaus Hamm

The fledgling Society for Law and Education got off to a rocky start this week when a panelist stormed out during the organization's kick-off event.

Guy Dard, editorial page editor for the *Boston Herald*, abruptly walked out of a discussion on affirmative action in Boston public schools when a questioner refused to let him interrupt her midway through her question.

Entitled "Affirmative Action In America's Public Schools: The Case of Boston Latin," the panel centered on last year's federal appeals court ruling striking down the affirmative action admissions policy at Boston's top public high school. The affirmative action policy landed in court when a white female applicant sued the Boston School Committee after being denied admissions to the prestigious Boston Latin School, despite possessing a higher ranking than some admitted minority students.

In January, the Boston School Committee responded to intense lobbying from pro-affirmative action forces around the country when it decided not to appeal the ruling. Those supporting affirmative action feared a damaging defeat in the United States Supreme Court.

Each of the three panelists had strong opinions on the case and at times the discussion was both heated and disorganized. Moderator Gene Koo's [01] repeated attempts to focus the discussion met with little success.

In praising the ruling, Dard said minorities will no longer face the stigma that they were admitted with lesser qualifications than their white counterparts.

"They will at least have the comfort that they are not affirmative action hires and nobody can call them affirmative action hires," he said.

Bayinaah Jones, a student at the Graduate School of Education, challenged this remark with a question. Because the panelists had interrupted previous questioners, Jones began her question by warning the panelists not to interrupt her. Midway through Jones's question, Dard interrupted her.

"You will not interrupt my question," Jones said.

Dard stood up, said: "I'm not going to let you mischaracterize my comments," then headed for the door. His departure was followed by a smattering of applause.

The incident was not the first time *Boston Herald* staff members have found themselves at odds with minority interests in the Boston area. Last fall, 500 Latinos picketed the *Herald* after columnist Don Feder equated Spanish speakers with criminals, welfare recipients and aliens.

Panelist Chester Darling, an attorney whose firm filed an amicus brief in the Boston Latin case, also was on the receiving end of several challenging questions. He said he supported the ruling because, in his view, affirmative action promoted racial hostility. He also asserted that the school's policy was racist towards whites and that the best route towards a color-blind society was for the government to promote color-blind policies.

"Government has to keep out of racial identification and awarding people on the basis of their color," he said.

Jean McGuire, a former member of the Boston School Committee, was the panel's lone defender of affirmative action. She maintained that such policies were necessary to counter the many disadvantages minorities continue to face in society. More broadly, McGuire criticized Boston's scant funding for public schools. Rather than focusing resources on Boston Latin, she said that the city should concentrate on providing better quality at all of its schools.

In addition, an often impassioned McGuire questioned the motives of those who criticize affirmative action policies in the name of promoting a color-blind society.

"When people say they are upset about affirmative action, where were they when signs said 'black' and 'white'?" she said.

At the panel discussion's close, current Boston Latin senior Sam Graham-Felsen expressed dismay at his school's increasing homogeneity and the adults' inability to work together to confront it.

"No one is willing to listen to each other," he said. "People have to listen to both sides."

Davis Decries Racially Seductive Advertising

Continued from DAVIS, p. 1

Davis said.

"This image is disturbing especially because social programs continue to be gutted," Davis continued.

Supporting her distrust, Davis pointed to data on the American prison population which suggested that 30 to 40 per cent of black men will be incarcerated at some point, thereby surrendering participation in the political process.

She exhorted the audience to view this "civil death in conjunction with what is happening to so many people. Think about the connection to slavery," Davis said.

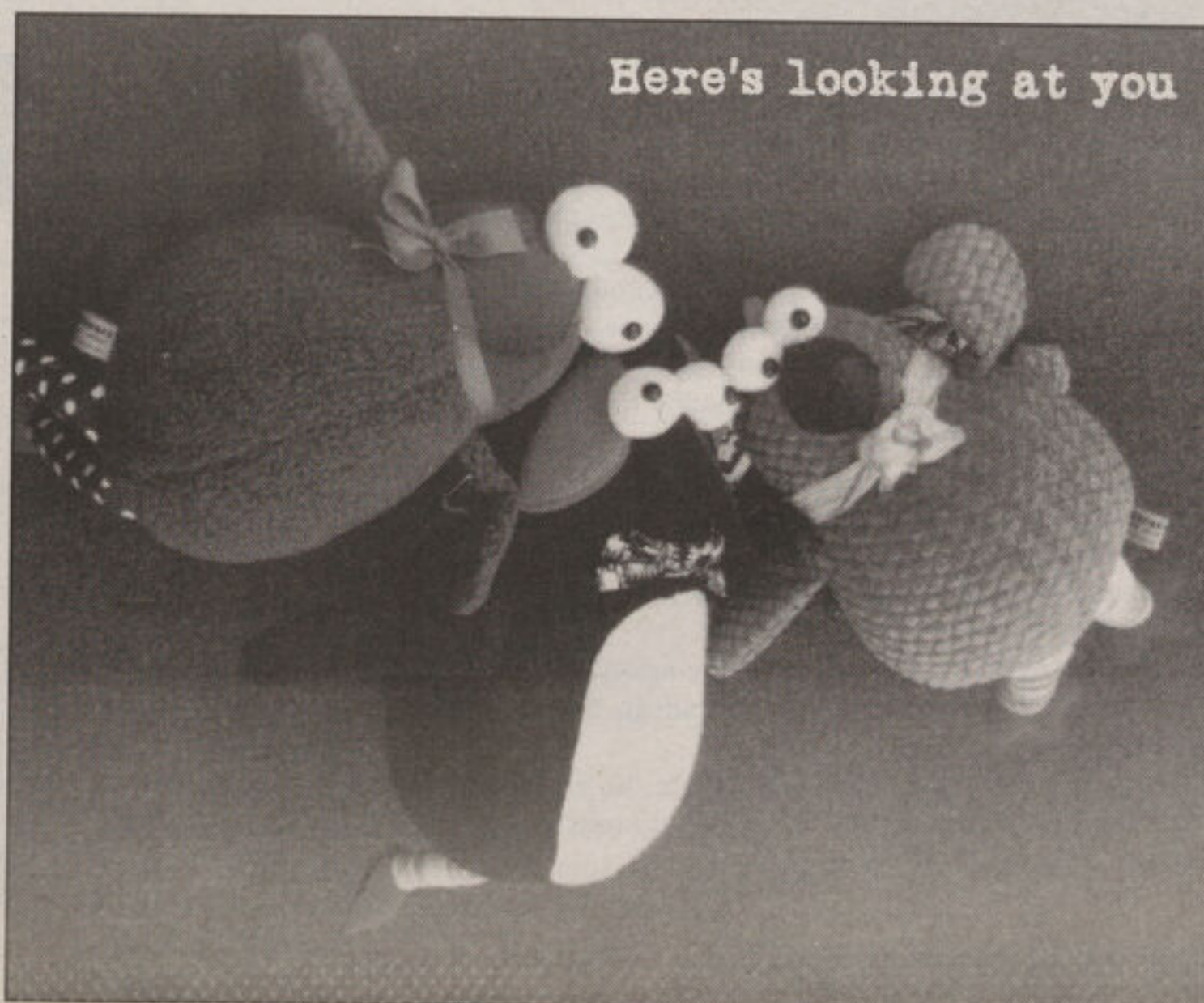
Davis explained the speech as part of her work to "discourage the myopia with which people look at social issues today."

"I'm asking you to question what you, as lawyers, will be confronted with in a society that is deeply stratified along lines of race and class," said Davis.

Davis also expressed skepticism of corporate activity in the administration of criminal justice. "Nike uses Michael Jordan and Tiger Woods [so that] people in communities of color are seduced. They often got to prison as a result of desiring these products," Davis said.

These same communities are then left without jobs, as manufacturing work is exported to the Third World, and without a viable tax base for education, according to Davis.

"I don't want to depress you," said Davis, "I'm just asking you to think, to be critical."



Here's looking at you

It's not too late to write the visiting committee

visiting@law.harvard.edu



Briefs

Greenspan To Speak at Harvard

Federal Reserve Chairman Alan Greenspan is scheduled to give the graduation address at Harvard's 348th commencement on June 10.

Greenspan, who took office in 1987, has been chairman during the administrations of Presidents Reagan, Bush and Clinton.

"Alan Greenspan has for many years played a vital role in steering the United States through a period of profound changes in the global economy," said Harvard President Neil L. Rudenstine.

Following Harvard tradition, Greenspan will deliver his speech on the afternoon of June 10 at the annual meeting of the Harvard Alumni Association to an audience of graduates, faculty and alumni.

—Associated Press

Five Supreme Court Justices Play Hooky

The ritual that begins each Supreme Court session — the marshal's command of "Oyez, oyez, oyez," the courtroom crowd rising to its feet, the justices appearing from behind scarlet curtains to take the bench — was missing something Monday.

Or rather, it was missing someone. Actually, five someones.

Only four of the court's nine members showed up for the brief session in which the court released orders and announced decisions.

Chief Justice William H. Rehnquist ran the show as usual, but only Justices Sandra Day O'Connor, Ruth Bader Ginsburg and Stephen G. Breyer '64 flanked him. The other five chairs were empty.

The missing: Justices John Paul Stevens, Antonin Scalia '60, Anthony M. Kennedy '58, David H. Souter '66 and Clarence Thomas.

Asked about the absenteeism, court spokesman Ed Turner refused to comment.

—Associated Press

Ivy League Admissions Rate Up

So many students have been admitted early to the Ivy League colleges that a good part of next year's freshman classes already are filled.

Poor students who cannot attend an elite school without financial aid may be most affected.

Harvard has admitted 72 percent of its freshman class under an early action program. At Yale, the early decision program has brought in 41 percent of next year's class. At Columbia, 45 percent of the seats are gone.

Renee Gernand of the College Board in New York said guidance counselors, especially at highly competitive private prep schools, are pushing their best and brightest to apply early.

"All my friends are worried about if they're going to get in or where they're going to get in, and I'm coasting now," said Jeremy Falcone, 18, of Madison, who will attend Yale in the fall. "Everyone is just chewing their fingernails."

More than 400 colleges and universities have some form of early application program, including many of the country's 120 most selective schools.

Admissions officers admit that financially needy students can be left out in the rush. Poorer students are less likely to apply early because the early admissions process, in many cases, does not allow for comparisons.

Margit Dahl, director of undergraduate admissions at Yale, says students who apply early often have college-educated parents who have done a lot of planning and coaching.

"These are students who are that much ahead," she said.

—Associated Press

Alabama's Sex Toy Ban Is Overturned

A state law banning the sale of vibrators and other sexual aids has been overturned by a federal judge because it bears no "rational relation to a legitimate state interest."

U.S. District Judge Lynwood Smith ruled Monday that the state's 1998 law is "overly broad" and said people who used the devices would be "denied therapy for, among other things, sexual dysfunction."

Six women, who either sell sex toys or say the devices are necessary for sexual gratification they cannot get otherwise, challenged a part of the law that banned the devices.

"We succeeded in kicking the government out of our bedroom," said Sherri Williams, a plaintiff who sells sex devices at stores in Huntsville and Decatur.

Under the statute, selling or distributing "any obscene material or any device designed or marketed as useful primarily for the stimulation of human genital organs" is a misdemeanor punishable by as much as one year in jail and a \$10,000 fine.

The law hasn't been enforced pending the outcome of the suit.

Smith wrote that "a majority, or at least a significant minority, of the proscribed devices, as a matter of law, are not obscene under any established definition of obscenity."

Smith, however, didn't support the women's argument that the ban violates privacy rights by indirectly prohibiting adults from engaging in legal acts in their own bedrooms.

Citing U.S. Supreme Court precedents, he wrote that "this court refuses to extend the fundamental right of privacy to protect plaintiffs' interest" in using sex toys.

—Associated Press

Hutchinson Speech Sparks Much Laughter, Few Protests

Continued from *FORUM*, p. 3

ible, has made her statement, and you just have to ask yourself, where is the reaction of the American people?"

Joking with the Chief Justice

One HLS student wanted to know if Hutchinson had any fascinating anecdotes regarding Chief Justice William Rehnquist's behavior while presiding over the trial.

"When we started out I went up to the Chief Justice and said, 'Mr. Chief Justice, be easy on me. I haven't practiced law in a long time.' And he said, 'that's okay, I haven't either,'" Hutchinson said.

Hutchinson did not regret his prominent role in what ultimately proved a lost cause. He said he got 10,000 e-mails over one weekend. Typically he received hundreds of letters per day, the vast majority of which were favorable.

He read a letter from Tino Finch, an eight-year-old from New York City.

"Thank you for all you did in the impeachment. It was real important. Every night in our prayers my mother and my father tell us how important it is to tell the truth. I knew you... said the same thing about telling the truth so I

knew you were telling the truth too," he read.

Hutchinson added that the Watergate hearings originally drew him to public service. "I hope there's a new generation of young people that will be more committed to the political process" because of the Senate trial, he said.

No Protests, Please, We're Law Students

Some students made their disagreement with Hutchinson palpable by distributing brightly colored signs stating "IMPEACH MY ASA!!!" outside the Ames Courtroom, where the speech was held. In small print, the signs instructed spectators to "be sure to waive this sign frequently and boo and hiss accordingly." Not one audience member took the students up on their suggestion, however, and several proclaimed their admiration of Hutchinson during the question-and-answer period.

"As a former Clinton supporter, I want to say thank you on behalf of my family and on behalf of my friends," Sarah Vincent '00 told Hutchinson. Her comment was greeted with a hearty stream of applause.

Minority Admissions Up at Cal

BERKELEY, Calif. (AP) — The number of black and Hispanic students admitted to the University of California rebounded in the second year without affirmative action, an increase credited to strong recruitment and a more comprehensive application review.

Figures released Friday show the number of underrepresented minorities — blacks, Hispanics and American Indians — admitted to all eight undergraduate campuses this fall is only 27 students short of the number admitted in fall 1997, the last year race could be considered.

"The gloom and doom that was being preached by the proponents of preferences was grossly premature," said Ward Connerly, a member of the Board of Regents who led the fight to stop considering race in admissions.

Connerly said the figures vindicate his argument that the old system of affirmative action didn't do much more than create ill-will.

"I've been saying that we need a new paradigm about affirmative action and that's really where we're headed," he said. "Everybody's looking at California to see how we can come up with a new concept of affirmative action."

But affirmative action supporter Pedro Noguera, an ethnic studies professor at Berkeley, viewed the numbers slightly differently.

"It tells me that the university, the admissions office in particular, has been

working hard at getting students to apply," he said. "I think they're still working against the damage which was done."

Last year, admissions of underrepresented minorities dropped 61 percent at Berkeley and 36 percent at UCLA. Other campuses had smaller declines, and some even posted slight increases, so the system-wide total was a less dramatic drop of about 9 percent.

This year, Berkeley, which turned away about three of every four applicants, admitted 29 percent more underrepresented minorities than last year.

Berkeley took a more detailed approach to admissions, looking at such things as parental education and income levels, how the student did in comparison to others in his high school and how many honors courses the students took compared to how many were offered.

Looking at all eight undergraduate campuses, Hispanic admissions increased considerably this year, actually surpassing 1997 levels by 2 percent (5,622 to 5,753) while the numbers of American Indian and black students were higher than 1998 but still below 1997 levels.

Despite the improvement, Noguera said the figures don't come close to reflecting California's racial makeup. Hispanics, for example, comprise 29 percent of the state population but only 12 percent of fall 1999 admissions.

"We have a long way to go," Noguera said.

~ IN MEMORIAM ~

Kenneth Weinberg '48

Prolific writer Kenneth Weinberg '48 passed away at his home in Shaker Heights, Ohio, in February at the age of 78.

Weinberg's writing career began at HLS, where Weinberg served on the staff of the RECORD. Two books and hundreds of articles followed. Weinberg's first book, "Black Victory: Carl Stokes and the Winning of Cleveland," chronicled the election of Stokes as the first black mayor of a major American city.

Weinberg's second book was "A Man's Home, a Man's Castle," published in 1971. The book chronicled Clarence Darrow's successful defense of Dr. Ossian Sweet, a black man who moved into a white Detroit neighborhood and subsequently shot a member of a mob which attacked his home. Weinberg's work was optioned for a Hollywood movie after catching the interest of actor Henry Fonda.

In addition to his writing career, Weinberg served as a government lawyer in Ohio and Washington, D.C. after graduating from HLS. He later entered private practice and became a partner at Guren Merritt Sogg & Cohen.

Weinberg is survived by his wife, three children and five grandchildren.

Across the Wire



News from the East, West, and the Nation's Capital

Supreme Court OKs Searches of Car Passengers

WASHINGTON (AP) — Passengers' personal belongings are fair game when police officers search a car for criminal evidence against the driver, the Supreme Court ruled Monday.

The 6-3 decision reinstated a Wyoming drug conviction and expanded the already considerable police power to stop and search vehicles without a court warrant. Police officials praised the ruling, but defense lawyers condemned it.

"Officers must be free of unreasonable,

confusing and unworkable restrictions on what may be searched," said Robert Scully of the National Association of Police Organizations. He thanked the court for "giving officers the tools they need to do their jobs."

But Lisa Kemler of the National Association of Criminal Defense Lawyers called the decision "an abomination," adding: "You get in a car and, as a passenger, you basically have no rights. Almost anything goes, as long as police can come up with some reason to say they expected to

find evidence of a crime."

Andrew Fine of the Legal Aid Society in New York said the ruling wrongly "introduces an element of guilt by association."

The Constitution's Fourth Amendment, which protects against unreasonable police searches and seizures, generally requires police to obtain court warrants. Since 1925, the Supreme Court has carved out numerous exceptions when police targets are in vehicles.

In a key 1996 ruling, the justices said police can stop motorists for routine traffic violations such as a faulty brake light even if the officers really want to search for illegal drugs. Monday's ruling means officers who participate in such stops can search all containers in the car if something gives them reason to believe they will find drugs.

The court's latest ruling on privacy rights stems from a routine traffic stop, a situation that arises countless times daily across the nation.

A car driven by David Young was stopped for speeding on Interstate 25 in Natrona County, Wyo., in the early morning hours of July 23, 1995. After a Highway Patrol officer saw a hypodermic syringe in Young's pocket, Young acknowledged that he had used it to take drugs.

During the ensuing search, two other officers asked the car's two female passengers to get out of the car. One of them, Sandra Houghton, left her purse on the car's back seat. Inside it, police found drug paraphernalia and liquid methamphetamine.

She was convicted on a felony charge but appealed.

The Wyoming Supreme Court threw out her conviction last year, ruling that police were justified only in searching the car for drugs Young may have had with him - and therefore could not search Houghton's purse.

Writing for the nation's highest court, Justice Antonin Scalia said the Wyoming court was wrong.

"Effective law enforcement would be appreciably impaired without the ability to search a passenger's personal belongings when there is reason to believe contraband or evidence of criminal wrongdoing is hidden in the car," Scalia said.

"The sensible rule ... is that such a package may be searched, whether or not its owner is present as a passenger or otherwise, because it may contain the contraband that the officer has reason to believe is in the car," Scalia said.

He added that car passengers "will often be engaged in a common enterprise with the driver and have the same interest in concealing the fruits or the evidence of their wrongdoing."

The decision, however, did not give police the authority to pat down or search the pockets of a passenger when looking for evidence linked to the driver. Such tactics were banned by a 1948 Supreme Court ruling.

Joining Scalia in reinstating Houghton's conviction were Chief Justice William H. Rehnquist and Justices Sandra Day O'Connor, Anthony M. Kennedy, Clarence Thomas and Stephen G. Breyer.

In dissent, Justice John Paul Stevens wrote that the court had created "a new rule" that would let police search even a taxi passenger's briefcase if they had reason to believe the driver had a syringe somewhere in his vehicle.

Joining him in dissent were Justices David H. Souter and Ruth Bader Ginsburg.

Small Town Coffers Hit Hard by Trials

LARAMIE, Wyo. (AP) — Across the nation, small communities are finding that justice can be very expensive. Some prosecutors are deciding it's not worth it, especially for death penalty cases.

In Laramie, where Russell Henderson pleaded guilty Monday to the murder of gay college student Matthew Shepard, social service agencies could lose more than \$100,000 unless the county can come up with a way to pay for prosecuting and defending Henderson and co-defendant Aaron McKinney.

In Jasper, Texas, Judge Joe Folk said it will take county taxpayers three years to pay for prosecuting two defendants in the dragging death of a black man and three other pending capital cases.

"This can bankrupt small counties. Some county judges have said they won't prosecute some capital murder cases and will go for just murder because of the cost of a trial," Folk said.

In Okanogan, Wash., the government was financially crippled prosecuting Juan Duarte Gonzalez, accused of killing a policeman. The case is expected to cost up to \$1 million, 9 percent of the county's budget.

The county responded by drastically cutting spending, including pay raises for its 350 employees. Gonzalez even has his own line in the budget.

Larry Pozner, president of the National Association of Defense Lawyers, said larger communities like Los Angeles are better able to absorb the costs of major prosecutions.

"A big case in a small community can be prohibitive," Pozner said. "But you have to make the communities responsible for prosecution. If you just gave them access to the state budget, everyone would want to do show trials."

Mid-sized communities aren't immune from the financial impact of a high-profile case either.

Before this year, Boulder, Colo., spent \$1.2 million investigating the death of JonBenet Ramsey, and the district attorney spent another \$400,000. No one has even been arrested.

"The county has a limited budget and we're restricted by state law how much we can raise taxes. The prospect of paying for

a multimillion-dollar trial is staggering. We have to come up with the money somewhere, and if that's the case, there's going to have to be some budget-cutting," said county spokeswoman Jana Petersen.

Pozner blamed prosecutors for driving up the costs in high-profile cases, saying they feel pressure to get more witnesses when the national media is looking over their shoulders. Pozner said defense attorneys are compelled to match prosecutors witness for witness, driving up the cost.

But former federal prosecutor William Pizzi, now a law professor at the University of Colorado, said it's not fair to blame just the attorneys.

"I'm critical of the system as a whole," he said. "We ought to be able to do this in a less expensive way, but it's hard to reform our system."

Pizzi said it is up to judges to keep expenses in check. He said costs could be trimmed by reforming pretrial procedures and rules of evidence.

MIT Admits Discrimination

CAMBRIDGE, Mass. (AP) — Female faculty at the Massachusetts Institute of Technology for years were systematically shortchanged in areas ranging from promotions and salaries to office space and access to research money, according to a report recently issued by the school.

The report, five years in the making, found that female professors at MIT's School of Science suffered intentional discrimination. But it also lauded administrators for taking several measures to address inequities once they were revealed.

"I believe that in no case was this discrimination conscious or deliberate," Science School Dean Robert Birgeneau said in the report. "Indeed, it was usually totally unconscious and unknowing."

"Nevertheless, the effects were real." Questions about discrimination were first raised in 1994 after DNA researcher Nancy Hopkins was told that a course she spent five years developing was being discontinued.

Hopkins, along with two female col-

leagues, started a poll of tenured women in the School of Science - one of five at MIT - and found that female faculty had less office space and lower salaries than their male counterparts. There also were no female department heads, and while MIT granted raises to men who had job offers elsewhere, the school often just let the women leave.

Birgeneau investigated the claims, and worked to correct the problems.

Since then, MIT has raised women's salaries an average of 20 percent to equal the salaries of male faculty members; increased research money and space for women; awarded them key committee seats; and increased the pensions of a handful of retired women to what they would have been paid if the salary inequities had not existed.

The report, released on MIT's Web site this week and first reported on by The Boston Globe, also urges the establishment of committees in the other four schools at MIT and a similar effort involving minorities.

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Marshal Elections Bring End to Heated Campaign

By Dusan Stojkovic

Following a week of fervent campaigning heretofore unseen, rising 3Ls trekked out to poll boxes and elected next year's slate of Class Marshals. Michael Kester '00, Logan Smith '00, Peilin Yu '00 and Jake Zimmerman '00 emerged as victors in the elections held on March 23 and 24.

Asked why he thought he prevailed in the election, Zimmerman quipped, "blatant electoral fraud and shameless vote buying."

But apparently, Zimmerman's tactics were not enough to clinch first place in the race for 2L votes. Smith garnered the most votes with 205, followed by Zimmerman with 185, Yu with 176 and Kester with 172. Of the remaining candidates, Mitza received 104 votes, Chanda 75, Siegel 65, Kilman 57, Yoo 55 and Sommer 38. According to an elections monitor, Sommer left for Europe before the elections began without even casting a vote.

Campaign Frenzy

Out of 553 eligible voters, 359 participated in the Class Marshal tally. The high turnout seems to be a direct result of a fiery, protracted promotional campaign. A barrage of e-mails was sent to prospective voters, posters were plastered all over the campus, and the more enthusiastic candidates made personal phone calls targeting voters.

Peilin Yu had the most organized campaign, regularly filling 2L Hark Boxes with candy, serving lemonade outside the Hark, and killing innumerable trees with posters replete with ingenious mnemonics of her name, such as "like saline, with a 'p'" or "praline, without the 'r'."

Su-Jin Yoo stuffed Hark boxes with aspirin, accompanied by the slogan "She'll take care of you before and after the

party." This gives little comfort to those allergic to aspirin, as this reporter is.

The most extravagant campaign ploy came from Mitza, whose roommate, Nick Beckman, pitched in as the big, yellow dancing chicken that paraded around at the entrance of Harkness common.

Voters Vent

"It was kind of amusing; I got free candy," Brian Justus '00 said. But he went on to point out that "the e-mails were kind of annoying. I got one from a guy saying 'I only sent this to the people I greet in the halls,' and I thought to myself, I don't even know this person."

"I thought it was just a lot of grand-

standing for a post which was never explained to us," said a student who wished to remain anonymous. "The whole thing just seemed like a big popularity contest."

The official role of the Class Marshals is to coordinate and plan third-year social events, particularly those linked with graduation.

Sharie Mendrey '00 said, "It struck me that there were so many people vying for the spots and that the candidates were so excited about the race, campaigning in the various ways they did."

"I'm not sure the really aggressive campaigning changed anything, since some people would have won on name recogni-

tion alone," she said.

"I was surprised by the effort put into this," Jonathan Vander Ark '00 said. As to whether heavy campaigning impacted the ultimate results, he said, "Maybe. But people vote for their friends in the end."

In future elections "the campaign time should be limited to four days so it doesn't go overboard," Vander Ark suggested.

Mendrey said that e-mail use should be restricted in the campaigning process, but that "there was no harm in the other campaigning methods."

Justus said, "If people are stupid enough to spend money on this, let them. I don't think it made a difference in the end."

Study: Caffeine May Be Good for You

LOS ANGELES (AP) — Caffeine is not addictive for most people, a new study concludes, and has little effect on human health. No, really.

According to a much-promoted French study released March 22 during the American Chemical Society's annual meeting, drinking up to three cups of coffee a day has no effect on the part of the brain responsible for addiction. And it may actually be good for you.

If you're a rat.

After spending two years with 30 rodents, researcher Astrid Nehlig of the French National Health Medical Research Institute found that moderate consumption increases energy and renders addiction "quite unlikely."

The study was funded by the French coffee industry and her employer.

Bank loan officer Laura Comstock doesn't hesitate when asked if she agrees with Nehlig's conclusions.

"No," she replies flatly.

Comstock must have at least two caffeinated drinks — usually tea or Diet Coke — to get through the day, plus a midmorning cup of joe.

"I get headaches if I don't drink coffee," she said, seated at a coffee house during lunch, a cup of decaf in hand. "There's got to be something to that."

According to Nehlig, seven or eight cups of java would have to be consumed in quick succession to create the same addictive brain activity as a low dose of, say, morphine.

"Addiction to caffeine is not the same as addiction to methamphetamines or cocaine or morphine," Nehlig said.

"I'm not denying that there can be a dependence on caffeine, I'm just saying that there is no adverse physical effects to using caffeine in moderate levels," the researcher said.

Caffeine studies are all over the map

when it comes to health effects. Some say the drug increases productivity. The Center for Science in the Public Interest, a Washington-based watchdog group, said it may degenerate bone mass and endanger fetuses.

Roland Griffiths, a professor of psychiatry and neuroscience at Johns Hopkins University, has done extensive research on caffeine. He's skeptical of Nehlig's conclusions.

"When you start extrapolating from rats to humans, all kinds of things change," he said. And "there is pretty substantial literature in animals and humans showing chronic administration of caffeine produces acute dependency syndrome."

Georgina Rocha, who operates an outdoor coffee stand in Los Angeles, sees some of that every day. Does she believe caffeine is healthy for her customers?

"When I drink it, I get all jumpy and hyper, so it can't be good for them, either," she said.



Lehman Brothers

Cordially invites 2L, 3L and LLM students to join recent Harvard Law Alumni along with 2L and 3L hired associates for an informal discussion on

How to Get a Job on Wall Street

Tuesday, April 13, 1999

6:30 p.m.

Pound Hall, Room 100

Pizza and refreshments will be served

LEHMAN BROTHERS

Harvard Ties with Stanford for Second Place in U.S. News

Continued from **RANKINGS**, p. 1

Law Student Council President-elect Manoj Mate '00 pointed to large first year classes as a source of frustration, which contributes in turn to the low ranking. "I think a lot of it has to do with the fact that in the first year, students feel that they're not getting enough interaction with their professors and that runs counter to the expectations that they have before arriving," said Mate.

The LSC is currently forming a proposal to increase the number of small classes per 1L section from one to two.

"Part of what we learned from the surveys [administered by the LSC last semester] was that professors teaching smaller classes far and away did better than those teaching larger classes. We believe that points to the need for more smaller sections," said Mate.

In the rankings of individual legal spe-

cialties, HLS ranked first in dispute resolution, scored third in the field of international law and was fourth in tax law.

Unlike the overall law school rankings, the specialty rankings are tabulated exclusively through a survey. According to the U.S. News & World Report website, legal educators in each specialty field were asked to identify 15 schools with the best program offerings for their subject. The nominations were tallied, and the ten highest vote-getters in each category were ranked accordingly.

HLS refuses to place much emphasis on this part of the survey. "The specialty is a beauty pageant — it's done by survey, not any kind of statistical analysis," said Chmura.

Chmura noted that Harvard's clinical program was the largest and one of the nation's best, if not the best, yet failed to place in the specialty ratings.

Top 10 Schools

	Score
1. Yale	100.0
2. Harvard	93.0
2. Stanford	93.0
4. NYU	89.0
5. Columbia	87.0
6. University of Chicago	86.0
7. University of Virginia	84.0
8. Duke	82.0
8. Michigan	82.0
10. Cornell	81.0

Clinical Training

1. Georgetown
2. NYU
3. American
3. University of Maryland
5. University of New Mexico
6. Yale
7. CUNY-Queens
8. University of Chicago
9. University of California-Los Angeles
10. Northwestern

Dispute Resolution

1. **Harvard**
1. Ohio State
1. Pepperdine
1. University of Missouri-Columbia
5. Willamette
6. Hamline University (MN)
7. Georgetown
7. Northwestern
9. University of Texas-Austin
10. NYU

Environmental Law

1. Vermont Law School
2. Lewis and Clark College
3. Pace
4. George Washington
5. Tulane
6. University of California-Berkeley
7. Georgetown
7. University of Colorado-Boulder
9. University of Maryland
10. NYU

Health Law

1. University of Houston
2. St. Louis University
2. University of Maryland
4. Loyola (Chicago)
5. DePaul
6. Widener University
7. Seton Hall
8. Boston University
8. Case Western Reserve University
10. Indiana University-Indianapolis

Intellectual Property

1. Franklin Pierce Law Center (NH)
1. University of California-Berkeley
3. Columbia
3. George Washington
5. NYU
5. University of Texas-Austin
7. University of Houston
8. Stanford
9. Yeshiva
10. Santa Clara University

International Law

1. NYU
2. Columbia
3. **Harvard**
4. Georgetown
4. Yale
6. George Washington
7. Michigan
8. American
9. University of Virginia
10. University of Iowa

Tax Law

1. NYU
2. Georgetown
2. University of Florida
4. **Harvard**
5. University of Miami
6. University of Texas-Austin
7. University of Virginia
8. Yale
9. Boston University
10. Stanford
10. University of Chicago

Trial Advocacy

1. Temple
2. Northwestern
3. Emory
4. Stetson
5. NYU
6. Georgetown
6. **Harvard**
8. South Texas College of Law
8. Notre Dame
8. William Mitchell College of Law

Lunch with Mario Cuomo, Bob Dole, Michael Dukakis, or Robert Shapiro

Dinner by HLS Professors Nesson, Rakoff & Wilkins, and Wise, or KSG Professor Pierre Suave

Vacations in Cape Cod, the White Mountains, NC's Outer Banks, or Port St. Lucie, Florida

Autographs from Justice Brennan, Bill Bradley, or Robert F. Kennedy

Tickets to Newport, Tanglewood, Fenway, the Parody, or Ames Finals



HARVARD LAW SCHOOL STUDENT PUBLIC INTEREST AUCTION

TONIGHT, THURSDAY, APRIL 8TH, 1999

SILENT AUCTION AT 6:30 P.M. — LIVE AUCTION AT 7:30 P.M.

AUSTIN HALL

Harvard Law RECORD

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Seth Persily



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FOUNDED IN 1946

Fund Your Fellows

If you are like us, you have probably received a phone call or calls from students soliciting for Student Funded Fellowships. Hopefully (for you), the similarities end there. But we digress.

The Student Funded Fellowships are one ingredient in the summer funding pie, together with Public Interest Auction proceeds, Law School grants, Human Rights fellowships and Alumni Association fellowships. Firms are encouraged to match student donations; many are happy to do so.

The typical donation to Student Funded Fellowships is a single day's salary. For people being paid on the \$100,000/year scale (i.e. those working for New York firms), that means close to \$350 after taxes. For the few who work more than five days a week or who have higher tax liabilities, that number might be lower, but you get the idea. Most firms spend considerably more each day taking summer associates out to lunch.

Under the current financing system, the administration does not guarantee funding for anyone, although it "assures" students taking public interest and low-paying government jobs that funding will be provided. Currently, this "assurance" means that eligible students will receive a \$2,000 grant (or less; students can't max over \$4,000 for a summer). Higher amounts may be available, depending on the success of the various fundraising efforts — including the student funding fellowship drive.

Typically, between 160 and 190 students receive summer funding. They don't get rich, but neither do they starve or sink too much farther into debt.

As a community, we students should all pitch in to support the Student Funded Fellowships. Since the administration won't guarantee a certain level of funding, students who take low paying jobs depend on the kindness of those making \$15 grand-plus over the summer to ensure that they have realistic choices in summer jobs.

For students who want to pursue non-private work after graduation, a summer public interest job is essential to help boost their credentials in an extremely competitive market. And many 1Ls take non-firm jobs for their first summer, providing valuable and enriching experience as well as a glimpse of a world that lies off the more beaten track.

When students open their wallets to help their classmates who take low paying summer jobs, we do more than help out their fellow students. We send a message to the administration that we as a student body value freedom of job choice, and are willing to put our money where our mouths are.

It's one thing to bemoan the corporate culture at HLS. It's quite another to say that a law school community which equally values non-corporate enterprises matters enough to us that we are willing to forego a weekend vacation or a new stereo.

Student giving helps keep the door open for everyone. You don't have to reach deep into your pockets; donate a day's wages, or more if you wish. And urge your firm to match the funds. Our generosity goes a long way towards building a better community for all.

— Ben Lehrer and Kimberley Isbell

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

—First Amendment, U.S. Constitution

• Letters •

Stick Your Olive Branch in My Toaster Oven

When I read the RFP's alleged "olive branch" ["RFP Offers Olive Branch," March 12], I was torn between feelings of outrage and nausea. I could easily exhaust my thesaurus describing the nitrogen content of the organic fertilizer which the RFP attempted to purvey, but I won't.

Having researched the facts, it is beyond doubt that the RFP's attempted sabotage of the "Culture Shock" event was analogous to the subterfuge of the clinic bombers which we all abhor. RFP deserves no less condemnation. Whereas the clinic bombings are attempting to silence a viewpoint with which the bomber disagrees, so too does RFP seem intent on silencing, sabotaging and terrorizing a viewpoint with which they disagree.

What is almost beyond belief is that RFP would sabotage an event which was also raising money to support a battered woman's shelter. RFP also seems to ignore the fact that AWC exists to support women who have made a choice, a choice not to abort. This is obviously a choice viewed with disdain by RFP, and as such, when they dispatched their "secret agents" to spy on the AWC and subsequently attempted to sabotage the Culture Shock event, they said loud and clear that they don't care if a poor woman who chooses to keep her baby cannot obtain adoption counseling or referrals for adequate prenatal care. According to RFP, as long as the employees of the AWC are not in line with a radical pro-abortion position, they obviously are wrong and should be silenced.

It has been an accurate criticism of the pro-life movement that their message does not always emphasize that after nine months, there is still a mother and a baby that may still be in need. It is equally accurate, however, to criticize the pro-abortion organizations for their disdain of any choice other than abortion in crisis pregnancies. But terrorism and sabotage is not excusable by either side.

The level of decorum and civility at HLS has been tarnished by RFP, and their circumvention of the "Marketplace of Ideas" must not continue unchallenged.

I am a four-year veteran of LIPP and was very interested in reading the many letters published in the RECORD regarding the program. I strongly agree that LIPP must be improved in order to make it possible for more HLS grads to do public interest work, and that those working in the public interest must make big personal financial sacrifices. I urge all current students, all past and present LIPP recipients, and most important,

Just as there should be consequences for the clinic bombers, so too should there be consequences for RFP's terrorism. Since I am not a member of SLLR, nor did I participate in Culture Shock, I am not in a position to seek Administrative Board action; however, I am in a position to make a gesture and a statement of my outrage.

An equally despicable response to RFP would be to bring fetal remains to an RFP fund-raiser, sling fake blood at all attendees, and scream "murderers" at the top of my lungs, but I might be mistaken for an animal rights activist. Instead, my response will attempt to be more civilized and symbolic in nature.

I had fully intended to donate a Krups toaster oven to the Public Interest Auction. But I cannot control where the money goes, and there is a chance that some of it might go to a worthy cause staffed by honest, hard-working people who have a viewpoint that, given the opportunity, I would vilify or misrepresent. (In reality, my main concern is my inability to ensure that none of the RFP terrorists benefit from my donation.) At the time of the auction, I will be out of town speaking at a conference on Information Technology among Indigenous Populations and thus cannot show my outrage in person. Because of my concerns about where the money might go, I am forced to boycott and withhold my toaster oven from the event. This saddens me, particularly because so many of the members of my section are working tirelessly to raise money for public interest funding.

Unlike RFP, I do not wish the innocent to suffer. Therefore, I will instead take bids individually for my toaster oven and donate any proceeds to OPIA as a designated gift with the restriction that the funds not be used to support members of RFP or organizations that RFP works with. I am told that, occasionally, the dean matches funds raised at the auction, and I will attempt to raise matching funds as

well to include in the donation to OPIA.

For those interested in bidding on the Toaster, it is a Krups Pro Chef Plus, Model 553, retail price: \$115. To facilitate the bidding, I have created a web forum at <http://blw123.hbs.edu/toasterbids> which has a picture of the toaster as well as an opportunity to bid. Alternatively, you can anonymously e-mail your bids to: ToasterBids@email.com. I can re-post any comments from e-mail received into the Web forum along with the bids, retaining anonymity if you prefer. Bids will be accepted until midnight on Saturday, April 17th.

I am not making a statement about reproductive freedom, nor is the toaster oven. It is not pro-choice, pro-life, pro-abortion, anti-abortion nor anti-choice. It is just a toaster oven. It does, however, symbolize the burning sense of outrage at the scurrilous activities of the RFP. Such outrage would be the same if this sabotage had been inflicted on any student organization raising money for its cause, whether I agreed with that cause or not. (In particular, I would be equally harsh on a group that opposed reproductive freedom and engaged in similar tactics as RFP.) Such behavior should not be tolerated at HLS or anywhere that is allegedly tolerant of alternate viewpoints.

Plain and simple, RFP, your actions were wrong and beneath contempt, irrespective of your purported "good faith." If you were so concerned that money might go to a group that had opposing views on abortion, where was your support of SLLR's campaign to have student fees refunded to those students who opposed abortion? It does not matter whether or not I agree with your positions on reproductive freedom. When you resort to terrorism, subterfuge and sabotage to impede or to silence viewpoints in conflict with your own, you are no better than the clinic bombers you wrongfully associated with AWC. If you wish to participate in a civilized exchange of ideas, then grow up and act like civilized people.

Gavin Clarkson '01
March 29, 1999

LIPP-Veteran Alumna Rejects Activists' Poverty Definition

I am a four-year veteran of LIPP and was very interested in reading the many letters published in the RECORD regarding the program. I strongly agree that LIPP must be improved in order to make it possible for more HLS grads to do public interest work, and that those working in the public interest must make big personal financial sacrifices. I urge all current students, all past and present LIPP recipients, and most important,

those recent HLS graduates who were forced to take a job at a big law firm because of the inadequacies of the LIPP program, to get involved in the struggle to reform LIPP.

Nevertheless, I must object to the assertion that netting \$20,000 to \$30,000 a year after both taxes and loan payments (roughly \$1700 to \$2500 a month, and my own income) is "poverty level" and "little more than the minimum wage." The

poverty line for a single person in the U.S. today is roughly \$10,000, and for a family of four it is roughly \$18,000. Public interest income is low income by law school standards, but it is not the true poverty suffered by those whom we seek to serve. I hope that one day, however, I will be able to afford the luxury of a car.

Catherine Caporusso '95
March 29, 1999

Student Protests at Hutchinson Speech Immature, Inappropriate, Ill-Advised

For over 50 years, the HLS Forum has brought a variety of individuals covering the political spectrum to speak on campus. None is paid an honorarium, and each comes in part to be challenged by a thoughtful often respectfully hostile

Unfortunally, at a Forum speech on March 22 by Rep. Asa Hutchinson, a handful of students jeopardized this tra-

dition by distributing immature flyers that encouraged the audience to "be sure to waive [sic] this sign frequently and boo and hiss accordingly." Fortunately, and not surprisingly, the audience — much of which no doubt strongly opposed Rep. Hutchinson's role in the impeachment trial — ignored these flyers and instead chose to ask intelligent

questions.

I'm writing to thank the students at the event for their good judgment; it helped preserve our reputation and ability to bring a range of engaging and sometimes controversial speakers in the future.

David Christopherson '99
President, HLS Forum
March 23, 1999

PERSPECTIVE

By Charles Porter '47

The Second Fearful Quest of Chairman Hyde

Chairman Henry Hyde's next painful but necessary duty is Dwight D. Eisenhower's impeachment. Chairman Hyde insists that his committee was obliged to carry on the impeachment of President Clinton in "principled" opposition to a large majority of fellow citizens.

In the Lincoln-Douglas debates preceding the Civil War, Stephen Douglas took the side of popular sovereignty. If the states want slavery, let them have it, he declared. But Lincoln pointed out that slavery contradicted our nation's fundamental principles and therefore should not be extended to the territories no matter what the majority may want.

To suggest, as Hyde does, that what is at stake in the Clinton-Lewinsky affair and subsequent lying is our moral identity as a nation is absurd. The irony and hypocrisy of the Republicans' self-righteous ideological inquisition led by Chairman Hyde can be illustrated as follows:

If the Chairman is correct, then his next quest must be to impeach President Eisenhower retroactively and postmortem. That the General is long dead is immaterial. Congress, led by Chairman Hyde, must once more force itself, for a

good reason this time, to do its duty, however unpopular, painful, tedious and bizarre, for the sake of our children. Just as medals are often awarded postmortem, so could impeachment.

President Eisenhower's impeachable offense happened when I served as a Democratic Member of the House of Representatives from southwest Oregon (1957-60) during Eisenhower's second presidential term.

His offense, impeachable because it did in fact endanger our republic's future, ranks above bribery and treason by threatening the survival of our elected government.

President Eisenhower's offense was all the more heinous because it was intentional, self-indulgent, and inexcusable. His only defense is ignorance, but that is not acceptable. He should have had sufficient knowledge of our history to anticipate the far-reaching, potentially critical consequences of his breach of duty.

Here's what happened:

One afternoon 40 years ago, in the stately hall in the Capitol outside the main entrance to the House Chamber, I encountered Elliot Richardson '47, a classmate at Harvard. As an assistant secre-

tary of education, he was vigorously seeking to locate Republican votes in favor of a pioneer education appropriation bill coming up for a decisive vote in the House later that afternoon.

Richardson told me that he had just talked to Republican House Minority Leader Joe Martin. Martin told Richardson that the legislation could be passed only if the President himself asked the House Republicans through Martin to vote for the legislation. Richardson knew that the President favored the bill.

The Democratic majority in those days was illusory because almost all of the Dixieland Democrats were really closet Republicans on social and economic issues and voted accordingly. The coalition of these Civil War Democrats and the Republicans blocked most legislation to help persons in need.

Richardson said that he called the White House and was told that the President was at the Burning Tree Country Club playing golf. He had a messenger tell the President what was needed. No cell phones in those days. The President did not reply. He chose to finish his golf game. The children lost. We all lost.

Thousands and thousands of children

in dilapidated and poorly staffed schools were ignored, insulted, betrayed, crippled for life. Many children inevitably lost their opportunity to improve our nation as productive and happy citizens. Most acts of treason and bribery would have done far less harm to our nation's future.

President Eisenhower, usually a conscientious, responsible person, obviously was not aware of the high crime he perpetrated against our nation's children.

Judging by Chairman Hyde's righteousness applied to President William Jefferson Clinton, the fact is that President Dwight David Eisenhower erred egregiously in not taking a minute to reflect and act responsibly. His conduct calls for retroactive postmortem impeachment. Surely Chairman Hyde will not falter and shun his plain duty just because the president involved was a Republican, a war hero and is deceased.

The living should be reminded of President's Eisenhower's impeachable error by this message etched on his grave:

"Impeached and convicted in 1999 of the high crime of not acting to provide adequate education for our children to insure the revitalized flourishing of our still young Republic in the 21st century."

• Letters, cont. •

Legacy of Day Care Center Will Survive

It was with great personal interest that I read your Feb. 19 article on the closure of the Everett Street Day Care Center and its move to the Botanic Gardens. A similar report with photographs of the new facility also appeared in the March 11 Harvard Gazette.

Neither your story nor that in the Gazette acknowledged the pioneering role that the Everett Street center played at Harvard. In 1970, the provision of day care as a public responsibility, and particularly by Harvard, were far from accepted premises. In an environment that might even have been called hostile, but for the

exemplary leadership of Law School Dean Al Sacks, my former wife Rosemary Woodlock (as president of the Harvard Law Wives) and Jeannette S. Barrett (as a new mother and then wife of William Barrett '73) teamed up to found the Everett Street Center. Because of Dean Sacks's forceful leadership and generosity in removing administrative offices from Everett Street to make that space available, Everett Street became the first child care center officially established at Harvard. This remains a fact of which the Law School should be proud.

The major impetus for founding Everett Street, particularly in Jeannette's case, was to enable law students and staff to pursue their careers and simultaneously raise their children. While the original modest and cozy facility appears to have found a worthy and modern successor at the Botanic Gardens, I think I may speak *jus tertii* for the founders in asking the Law School to ensure that this center remain available foremost to the families of HLS students and staff.

Antonio Rossmann '71
March 26, 1999

Dershowitz Thrives on Conflict, Controversy

Prof. Dershowitz can fairly be criticized for many ideas that he espouses, as well as for his methods of popularizing them. His role in writing and passing the recent speech-enhancing guidelines at HLS certainly did not earn Dershowitz universal praise. Many also disapprove of his lack of zeal in defending innocent perjurers, or of his excessive loyalty to Orthodox Jews (although how could questioning orthodox anything ever be rational or justified?). Some may even dislike his teaching style. A few less-adequate students who took his criminal law class during the first semester of their 1L year were later surprised to find out that not all cases taught in law school involve Dershowitz in one way or the other.

But the notion that Prof. Dershowitz would attempt to escape controversy strikes

me as being odd and contrary to my personal observations. I do not remember who raised his hand after Silverglate's speech, but from my experience in Dershowitz's class, I can attest that students who disagree with him actually have better chances of being called on. In fact, by structuring the class discussions around various controversies, Prof. Dershowitz purposefully seeks out those who oppose him in order to expose logical inconsistencies in their views, making fun of them along the way (emotional strength is as important as intellectual).

The very essence of Dershowitz's style is based on inciting vigorous arguments, thereby purposefully eliciting harsh criticism and hostile comments. Recall the

recent debate about the danger of the Religious Right organized by the Federalist Society. One can hardly doubt that Dershowitz was not looking for a group hug by agreeing to participate — rather, a healthy dose of verbal abuse was reasonably expected. If we absolutely had to accuse Dershowitz of something related to conflicts, a more proper charge would be that he creates and over-inflates them: it seems at times that Dershowitz's desire to maximize disagreement leads him to seek out a third side to a debate, so that he can take issue with people in each of the two opposing camps. Although one may disagree with the substance of Dershowitz's views, one cannot deny that he does not evade debating them.

Michael Koltonyuk '01
March 20, 1999

Alum Says Reverse Discrimination Present in Admissions Decisions

So about 40 of the about 650 [sic] students who attend the Law School are unhappy about "diversity" or its lack at the Law School. Too Bad. They jump to the conclusion it is because of discrimination in the admissions office. Yes, there probably is discrimination, in favor of black, Native American and Latino students. I'll bet if you compare the admission rate, test and GPAs for these students they are admitted at a greater rate than more qualified white students. As for gay applicants there can be no discrimination against them because their sexual orientation does not appear anywhere on the admission form, while blacks,

Native American and Latino students are specifically identified, not to discriminate against, but to favor.

So far as alleged discrimination against faculty applicants is concerned, the protestors ignore the size of the qualified applicant pool which is quite small. Those who are qualified are greatly sought after because they are so few and frequently receive offers unrelated to their merits to hold token places on the faculty roster. If Harvard were foolish enough to match these unmerited offers, the likely result would be a serious drop in morale among current faculty members.

Yes, in student and faculty recruitment, the effort should be color-, gender-, national origin-, and sexual orientation-neutral. Yes, among equally qualified applicants, whether students or faculty, diversity should be considered. But under no other circumstances. Has the admissions office ever conducted a study comparing merit admissions with true discriminatory admissions? My hypothesis is that it would convincingly demonstrate that the arguments favoring discriminatory admissions to produce equal results are specious.

Marshall J. Seidman '50
March 29, 1999

Give Me Competition or Give Me Death

I was pleased to read your article on March 5 on internet book dealers, especially student sponsored, providing some competition to the Coop. Many of us are still loyal customers of the Coop, but I am sure many of us likewise feel the Coop's prices on books and other stuff are a little

too high. Witness how the chairs steadfastly go up in price year after year, exceeding that of gold! I suspect there are inefficiencies in the structure and the management. The test of whether long-held but unuttered suspicions like these are true is a

sustained healthy dose of good old competition. Let's get things to where it ought to be. Inefficiencies, waste and decay are not permitted, even shrouded under cover of the Coop.

P.T. Tan S.J.D. '72
March 26, 1999



Something on Your Mind?

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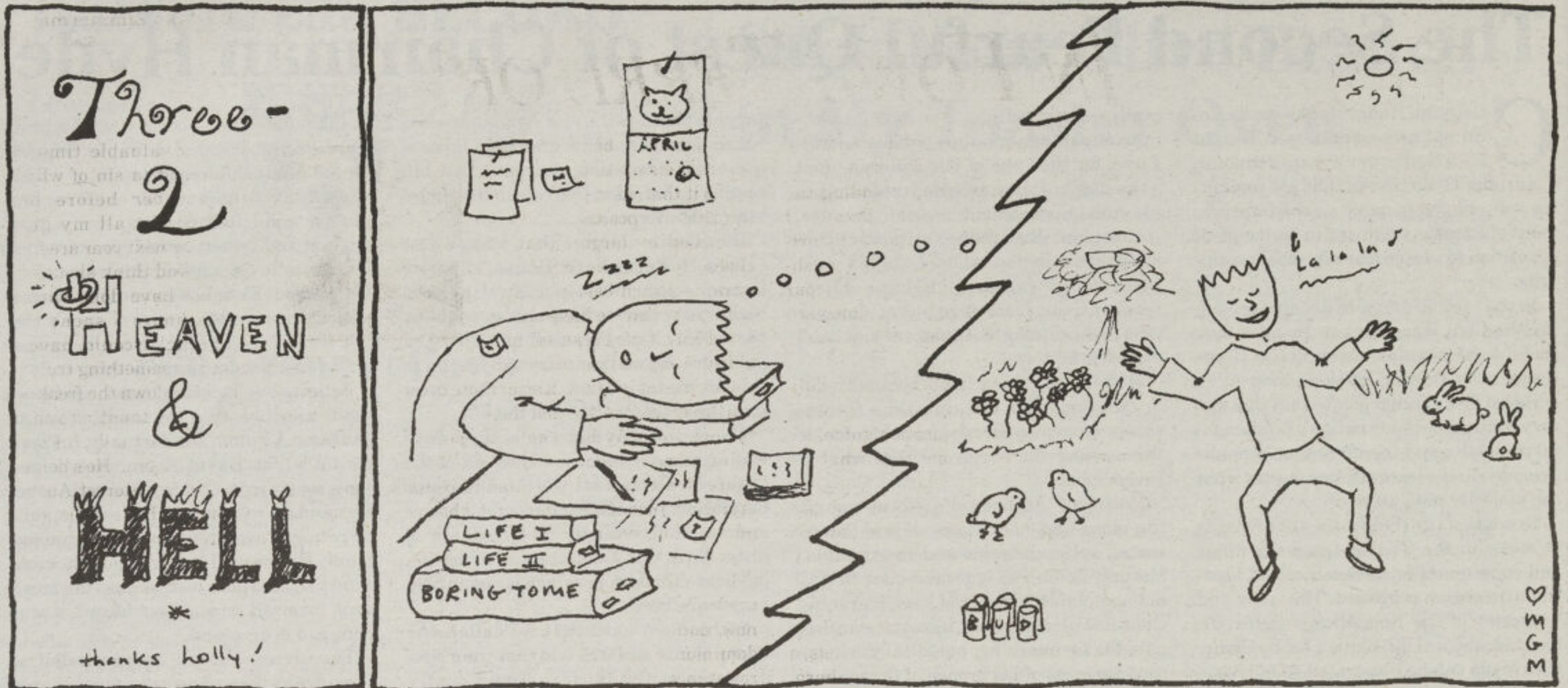
Place them in the RECORD box next to the IL Hark Boxes, e-mail to record@law.harvard.edu.

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Spike

By Margie McWilliams



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Carpe Dollo

IN FOWL TERRITORY

By Jake Zimmerman '00
Staff Columnist

Ah, the joys of politics. There I was, standing out in front of the Hark, competing with a man dressed in a giant chicken suit for the attention of my classmates. On my left, lemonade was being distributed; on my right, chocolate Easter eggs were free for the taking. To the far left and far right passed the vast majority of students, who — for reasons that I cannot hope to fathom — didn't seem interested in risking a chance encounter with the oversized dancing poultry.

Amidst all this tumult, I did my best to convince people to vote for me: waved greetings, cheerful reminders, and the occasional whispered threat about the health of close family members. Late in the day, one of my classmates walked by, and I immediately cornered him with a bright "did you remember to vote?" This gentleman (to preserve his anonymity, we'll just call him "Seth Blonder") smiled at me, and said "Jake, I just want you to know that whatever anybody else says, I think that you still have all your self-respect."

I felt touched. And then I looked up and realized that I *had* been touched, by the giant chicken, who evidently felt that it was a very high priority to Macarena with me. Who says politics isn't dignified?

But, what the hell: it worked, right? I am, after all, now a Class Marshal. (For those of you who voted for me, the checks are in the mail.) You're probably wonder-

ing what I'm planning on doing with the position. Don't worry, I have some great ideas. Chief among them is ending the "Crimson Cash" experiment, because I have a better plan. If I get my way, starting next year, we'll create a pure "cashless society" by using Chihuahuas as our only currency. (They'll be divided into various denominations based on how loudly they make that little yipping noise.)

After that, my next priority will be updating the HLS course offerings. Since looking at the course selection guide, it's become very clear to me that what we need is more dynamic classes along the lines of what Professor Nesson is doing. Consequently, I want to require that every class have the word "exploding" prominently featured somewhere in its title.

Next step: improving Hemenway. Here's the plan: first, we buy it back from FAS in exchange for a handful of beads, a jug of wine and Professor Rosenberg. Next, we convert it into a brothel. Hey, don't laugh, it's aerobic exercise, and the money it raises can go to fund vital projects, such as increasing the size of the faculty-only library and hiring another round of McKinsey consultants.

The final project will be the grandest. I will ensure that all HLS administrators are fired by inventing a complicated sex scandal involving all of them, ten gallons of hot peanut oil and that weird statue of the naked discus-thrower outside of Hemenway. Then, once they're all gone, we

raise money to bribe whoever selects their successors, and we see to it that, next year, all administrative positions at HLS are filled by large blocks of cheese. It will make the administration much easier to deal with (provided we have access to sufficient refrigeration), and will also ensure that there's always something to snack on at those dreary university committee meetings.

Now, you may be wondering how I'm going to accomplish all this, given that there are three other Class Marshals standing in between me and absolute power. Well, don't worry. I have already bent them to my will through an irresistible combination of cult-style brainwashing and steak bombs from Three Aces. So now, nothing can keep me from absolute dominion over HLS. Abandon your futile resistance, before...

Excuse me. I was just interrupted by my editor, who pointed out that — get this — Class Marshals are only in charge of throwing parties and planning graduation stuff. Can you believe this? He claims that there's no serious policy work involved at all. Kinda makes you wonder why 19,000 people ran for the job, doesn't it? Yep, it turns out that some guy named Manoj is in charge of actual issues, and all I get to do is serve beer.

Needless to say, I'm feeling a little disappointed right now. Not only have I



wasted valuable time and newsprint (a sin of which I have *never* before been guilty), but all my grand plans for next year are in the toilet. And think about what I could have done with all those hours I spent campaigning! I could have focused on something truly im-

portant, like tracking down the freak who still keeps sending me taunting ransom notes about my sock. (Actually, his latest stunt is even more bizarre. He's donated my sock to the Public Interest Auction. Seriously -- it's item #H31. This guy is obviously in need of some serious therapy.)

So, I guess I'll have to go pick up the pieces of my shattered life, as I try to cope with the tragic fact that, instead of working on the vital issues of the day, I will be forced to enjoy myself next year. Oh, fate, you are a cruel mistress!

I only hope that this Manoj fellow (whoever he is) will have the courage to implement my chihuahua-as-currency plan next year. He can have all the credit and all the glory. All I want is the satisfaction of knowing that I've done something to really improve the quality of life around here. You see, I genuinely believe that people of all different ideological persuasions can come together and agree on this one fundamental principal: little yipping dogs are really damn funny.

Godspeed, Manoj!

Fenno

Fenno had enjoyed his Spring Break immensely. Sure, it had taken a little bit of effort to feign interest in whatever the hell the political cause he was supposed to be supporting, but that was no skin off his teeth. He'd gotten a free trip to Cuba out of it, and once he'd ditched all the crusader-types, the beaches were sandy and the rum was cheap. Fenno vividly recalled that last night in Havana, smoking stogies and shouting "Viva Duncan Kennedy Libre!" until the wee hours of the morning.

It didn't take long after Fenno's return to Cambridge, however, before he saw that all was not well in the land of the law. Though Fenno had heard the rumors about casebook-stealing punks, he'd never realized just how far the security problem had gone. But when Fenno returned to find 90 "security alerts" from Mike Chmura in his inbox, he began to suspect that something was up.

His suspicions were confirmed the next evening when he made the mistake of walking past Langdell on his way back from a late-night trip to the Kong. Before Fenno knew what was happening, three crack law school security guards leaped onto his back, pinned him to the ground and strip-searched him. Fenno did his best to struggle, but the newly-minted lawmen would brook no resistance. "Just following orders, sir. Something about security problems giving Stanford a leg up in the ratings."

The guards left after finally concluding that he was clean (not clean in the "recently-bathed" sense, of course — this is Fenno we're talking about). Fenno lay there in the bushes, contemplating the strange new feelings that had just been awakened in him, when a sudden voice from above startled him. "God-DAMN hoe-moe-SEXIALS!"

Fenno started in surprise as he saw Gavin Clarkson staring down at him,

sternly shaking his head and making little "tsk, tsk" noises. Fenno quickly dove behind the nearest bush and put on enough clothing to provide at least the illusion of dignity. But Clarkson was not to be deterred.

"I see what you've been doing, Fenno, rolling around in the dirt with those men like some animal, and it shocks me to my core. You are the very essence of all that is degenerate at this law school. And so, I must lay upon you the most fierce and final punishment I know. You may NOT bid for the privilege of owning my world-famous toaster oven."

Fenno blinked, his normally lightning-sharp wit momentarily stunned by the non sequitur he had just heard. "I beg your pardon?"

Clarkson, obviously pleased with himself, took a deep breath and seized the opportunity to listen to the sound of his own voice. "Yes, Fenno, that's correct. You will be forever cast into the darkness, without the redeeming light of my toast to save you from your sinful ways. You will never know the rapturous joy of eating toast from an oven that was owned by the most important student at Harvard Law School!"

Clarkson quickly sucked in a giant gulp of air, and was about to continue his grand speech, when Fenno hastily cut in. "Gavin, buddy, why don't you just keep the toast fetish to yourself, okay? Didn't your mother ever teach you that when you have nothing to say, it's better to keep quiet?"

Now it was Gavin's turn to blink in confusion. "Keep quiet? I don't understand. What is this strange, foreign concept to which you refer? It seems obvious to me, after intense review of the legal scholarship on this issue, that your position cannot be rationally defended unless you are prepared to accept the nonsensical proposition that..."

"Can it, gunner-boy," Fenno said gruffly. "It's time to play the quiet game. Don't you realize that even your professors are secretly begging for you to get a massive case of laryngitis?"

Clarkson was shocked. "But... but... how can the other students learn if they aren't able to hear my vitally important legal insights?"

"Don't worry about it, tiger. Next year they'll all get to take classes with Seth Tillman. I'm sure he'll teach them all they need to know."

Gavin shook his head, obviously not comprehending. "It just... doesn't make sense. I... I... well, it's not that I don't know, because of course that would be impossible, but I just, well, um..."

MOMMMMMEEEEEEEEEE!"

With that, he ran screaming off toward the Hark. He didn't get far, however, before he was attacked by one of the Law School's new "K-9" cops. Fenno permitted himself a small, malicious chuckle as five guards converged, slapped a ball-gag over Clarkson's still-yammering mouth, and slowly pulled on their latex gloves.

Quote of the Week

"I am not making a statement about reproductive freedom, nor is the toaster oven. It is not pro-choice, pro-life, pro-abortion, anti-abortion nor anti-choice. It is just a toaster."

— Gavin Clarkson '01, offering to auction off a toaster oven and give the proceeds to OPIA (with restrictions) in order to protest actions taken by the Reproductive Freedom Project during the Society for Law, Life and Religion's Culture Shock fundraiser.

The Buzz

By Tanya Marsh '00
RECORD Columnist

O'NEILL'S ICEMAN RETURNETH TO BROADWAY

As a victim of the post-Oscars/pre-Star Wars lull, I abandoned Hollywood last weekend in favor of a quick jaunt to the Big Apple to catch the highly anticipated return of Eugene O'Neill's *The Iceman Cometh* to Broadway. Director Howard Davies has brought his prize-winning production from London's Almeida Theatre to America with several key actors reprising their roles, mostly notably Kevin Spacey as Theodore "Hickey" Hickman. Davies and Spacey both won the Olivier, the Evening Standard and London Critics' Circle awards for their work in the London production. They should be considered Tony front-runners on hearsay alone.

Rarely does reality live up to expectations inflated by the promotion machines, but in this case the Buzz must concur with the buzz. *The Iceman Cometh* is an absorbing, thought-provoking play that is as relevant today as it was when O'Neill penned it in 1939. Set in a 1912 Hell's Kitchen bar room based on the one in which O'Neill attempted suicide at the age of 24, *The Iceman Cometh* focuses on a group of, for lack of a more charitable term, bums, whose yesteryears were destroyed by alcohol and whose pipe dreams of tomorrows provide their only sustenance.

As the audience files into the theater, a slow stream of characters stumble onto the set of Harry Hope's bar and proceed to pass out. When Act I commences, it is early morning, and the group has gathered in anticipation of the arrival of their friend Hickey (Kevin Spacey) who has a wife and salesman

job in the outside world, but drops by a few times a year to binge with his buddies. As they wait for Hickey, the characters repeat their "plans" for the future: "I will get my job back"; "I will walk around the old ward"; "I will go home"; "We will get married."

But first, they all conclude, just one more drink. When Hickey finally arrives (over an hour into the play), there is something very different about him. He refuses the proffered drinks and announces that he has come instead to help his friends face the truth about their lives, as he has done — to accept that their pipe dreams are lies and find real peace.

As the play proceeds, the characters each painfully confront their illusions but don't emerge from the experience basking in the promised relief. Their hopes, as unrealistic as they may have been, were the only thing keeping them going. Hickey rails against this realization because accepting the pipe dreams undermines the terrible sacrifice he has made for the ugly truth. In the end, though, Hickey surrenders and gives his friends permission to believe the lies they tell themselves. Thus, most of the characters come full circle, back to the same empty hopes and the bottomless bottles of rotgut that dull the pain. But for a few characters, Hickey's zeal to destroy illusion has permanent implications. I won't say anymore about the plot. It's really better if you experience the play for yourself.

The Iceman Cometh is an ensemble piece which explores the shattered lives of over a dozen characters. But Hickey

is the catalyst and for this play to work, it is imperative to get the right actor in this role. The 1956 revival, directed by José Quintero, featured Jason Robards as Hickey, and his performance has thus far defined the role. I was born 16 years too late to see Robards, but I think Kevin Spacey's work in this production sets a new standard. As I've said before, Spacey is one of the best actors working in Hollywood today and deserves to be a perennial Oscar nominee (*L.A. Confidential*, *Seven*, *The Usual Suspects*, *Hurlyburly*, *Midnight in the Garden of Good and Evil*). He is best in roles which make use of his incredible grasp of language, his suave manipulation and ability to effortlessly switch strategies in mid-pitch.

There is a world of difference between acting in a movie with the luxury of multiple takes, and being on stage for three-and-a-half hours, spinning 25-minute monologues. Hickey is a very hard role and Spacey makes it look like a walk in the park. There simply aren't enough superlatives to describe his performance. There is only one role I would rather see him in and that is Iago, the scheming villain in Shakespeare's *Othello*. Oliver Parker directed a cinematic version a few years ago with my beloved Kenneth Branagh in the role, but I dare say there isn't an actor working who is better suited to play Iago than Kevin Spacey. So if any future powers-that-be are reading, let's try to make that happen, okay?

Back on topic. The success of *The*

Iceman Cometh depends on a uniformly strong cast and this production delivers it. Particularly noteworthy are the performances of Tim Pigott-Smith as the failed anarchist Larry Slade, James Hazeldine as the mourning host Harry Hope, and Robert Sean Leonard as the young Don Parritt. Pigott-Smith and Hazeldine are both British actors, carryovers from the London production, but Leonard is a new addition to the cast.

Although he is better known for his movie roles (*Swing Kids*, *Dead Poets Society*) Leonard has racked up an impressive resume on Broadway, having starred in the 1990 revival of *Romeo and Juliet* and Tom Stoppard's *Arcadia*. Leonard is a very promising young actor who is laying a foundation for a long career in film and stage. He was the best of the Americans as Claudio in Branagh's *Much Ado About Nothing* and has proven time and again that he can hold his own against some of the strongest and most magnetic actors in the business. I haven't yet thought of the role he was born to play, but I'll let you know when it comes to me.

The Iceman Cometh began at the Brooks Atkinson Theatre (256 West 47th Street) on March 29 and is scheduled for a 91-performance run. It was 90 per cent sold out as of April 3, but there are a limited number of \$20 student rush tickets available two hours before showtime every day. If you are going to be in New York this summer, put this play at the top of your things-to-do list.

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The Last

Civil Rights STRUGGLE

Kathleen M. Sullivan
PROFESSOR AND DEAN-DESIGNATE, STANFORD LAW SCHOOL

Thursday,
April 22, 1999
4:30 p.m.

Ames Courtroom, Austin Hall

BOOK REVIEW

By Justin Herdman '01

A Human Peek at Presidential Power

**All Too Human:
A Political Education**
By George Stephanopoulos
\$27.95
400 pp.
Little, Brown & Company
March 1999

Deciphering the title of "All Too Human," the recent book by George Stephanopoulos, is an exercise in literary interpretation. Does the phrase refer to President Bill Clinton, whose destructive penchants were a constant frustration to the author, a former campaign coordinator and White House advisor? Or does the title pertain to the limited power of government itself, hampered by the ineffectual misfiring of human pistons within its engine for change? Certainly Stephanopoulos himself comes across in the book as a character with pronounced vulnerability, subject to psychological trauma and stress-induced skin conditions. This is a far cry from the mop-topped wunderkid whose yapping defenses of Clinton were displayed in the film "The War Room."

Unfortunately, Stephanopoulos's prose occasionally cuts with the surgical precision of a rusty bandsaw. A drunken Boris Yeltsin is described as "a boiled potato slathered in sour cream," while a gooey scene with Hillary Clinton toward the book's climax serves only to invoke groans. If readers, however, can get past Stephanopoulos' obsessive use of the word "apoplectic," as well as continual references to his morning ritual of two coffees and a close shave, then "All Too Human" reads slightly less like a gossip political dime novel.

Stilted writing style notwithstanding, Stephanopoulos' political acumen is unquestionably shrewd. These amply dis-

played instincts, when viewed through a more critical prism than the author is willing to provide, allow for moments of acute clarity by Stephanopoulos. Take an Oval Office discussion in early 1996, where the president deliberated with the White House staff over a softening of deficit reduction rhetoric in his State of the Union address. A disagreement surfaced when the phrase "the era of every man for himself must never begin" was replaced by "we cannot go back to the time when our citizens were left to fend for themselves." The latter version, missing the gender sensitive noun "man", was offered by Dick Morris, who feared alienating the administration's supporters in the feminist movement.

Stephanopoulos makes no attempt to hide his distaste for Morris. Here, however, he responds not to this loathsome political Svengali but to what he sees as the Democrats' fundamental weakness within the modern political climate.

"The fall of a single sound bite to the Oval Office carpet summarized the Democratic Party's journey of a generation: from a party unified by the belief that government could promote the common good to a loose coalition of caucuses alienated from average Americans by a fixation on identity politics." This single sentence goes a long way toward explaining the Republican surge in the 1994 mid-term elections, as well as justifying Clinton's subsequent wiggle to the right.

While Stephanopoulos tries valiantly to justify Clinton's initial presidential power plays as rooted in idealism, this paradigm inevitably unravels once the Democrats lose the support of the American public, not to mention control of Congress, in 1994. Paralleling the president's fall from the top of the loftiest approval-rating aerie, Stephanopoulos's own position within

the White House is endangered by his avowed liberalism. Clinton, striving to bask once more in the adulation of a public plurality, swings to the right under the not-so-subtle tutelage of Dick Morris. The ensuing internal scuffling reads like a Shakespearean palace intrigue, replete with a fault-ridden king (Clinton), an amoral counselor who dispenses stomach-churning instruction (Morris), an impatient heir apparent (Vice President Al Gore) and the eventually vindicated hero (Stephanopoulos).

An indelible impression of Stephanopoulos emerges within these pages. He exhibits a thirst for recognition that, perhaps not coincidentally, affects the author as well as the president and White House for which he labored. Stephanopoulos seems to be like a child who, seeking his parents' affectionate approval, climbs to the top of a tall tree and announces, "Look at me, Ma!" Of course, he has not considered how unforgiving such a perch can be, and any attempt to move to a less dangerous position is fraught with the self-doubt that accompanies any high-altitude maneuvering.

This condition is portrayed subconsciously throughout "All too Human" — when Stephanopoulos spends the first chapter of the book describing his rise, from the dutiful son of a Greek Orthodox priest through stellar academic performance at Columbia and Oxford, he makes no effort to hide his craving for congratulatory head-patting. At various points in the book, Stephanopoulos takes painful, and completely unnecessary, stabs to signal that he has, indeed, arrived. Citing public praise by President George Bush in the midst of the 1992 campaign, a complimentary note scrawled with hasty affection by Richard Nixon, and a bizarre romantic relationship with actress Jen-

nifer Grey, Stephanopoulos cannot help but reiterate his relevance with chest-pounding bravado.

Such bombast, engaged in semi-subliminally yet gratefully obvious to outsiders, fits the description of the Clinton administration's first two years provided by Stephanopoulos. The early years of the Clinton White House are presented as ambitious, self-centered and destined for an electoral spanking. Vital decisions were made almost willy-nilly, such as the naming of Hillary Clinton to head the ultimately damned health care reform effort. At one point, Stephanopoulos tells a stunned dinner table of former White House speech writers that Clinton had rehearsed a key Oval Office address only ten minutes before appearing live on national television. Tony Snow, a speechwriter under Bush, replied with a finger-wagging admonition: "George, you guys are bungee jumping without a rope."

Stephanopoulos currently teaches a course at Columbia on the presidency, choosing to focus upon the institutional limitations placed upon the fulfillment of an executive's campaign promises. This is a subject that Stephanopoulos knows all too intimately, as his memoir attests. In the end, Stephanopoulos's effort is valuable not for titillating details of the White House's inner sanctum, but for its perspective on the Clinton administration. Just like Stephanopoulos, who was truly in over his head at some points in his career, the president's early years were marked by newcomer's mistakes that have forever marred his term and legacy. Ironically, this book leaves a reader with the belief that Stephanopoulos has passed through a gauntlet, emerging more humble and human, while his president remains curtailed behind a protective veil of both strength and weakness.

Students Aware But Don't Care

Continued from *CRIME*, p. 1

ceived some scratches to his face but was otherwise unharmed, according to McNamara.

New Haven on the Charles

Each of the Harvard attacks has brought on a "Community Advisory Warning" sent via email to every HLS student. These advisories are posted around campus, together with composite sketches of the assailants in two of the attacks.

McNamara said that HUPD will respond to the Langdell attack by providing more patrolling on the Law School campus in the aftermath of the Langdell attack.

"Every incident that is of a violent nature and occurs on campus will bring on an extra police presence," she said. The continued police presence will continue until the assailant is caught or until the senior police administrator in consultation with the administration decides to cut back.

In addition to the extra security, the Law School has extended its evening van and supplemental taxi services. Students may arrange to have the evening van pick them up and drive them home; if the van is unavailable, they may call a taxi service and bill the school.

The Law School Council passed a unanimous resolution on Tuesday urging the administration to put stickers on stu-

dents' I.D. cards containing these services' phone numbers.

"Our goal is to boost awareness and make sure the University is informing students of existing infrastructure to deal with safety and security issues," said LSC President Manoj Mate '00.

Students seemed to appreciate the notice but did not appear overly concerned. "People should be aware of these things," said Rebecca Reiter '01. "I went to school in Philadelphia so I kind of expect that kind of stuff."

George Fibbe '01 said that it's best for students to know about crimes committed on and around campus. "I'm not sure how much effect that the community advisories will have in solving the crimes, but they will help people be more responsible."

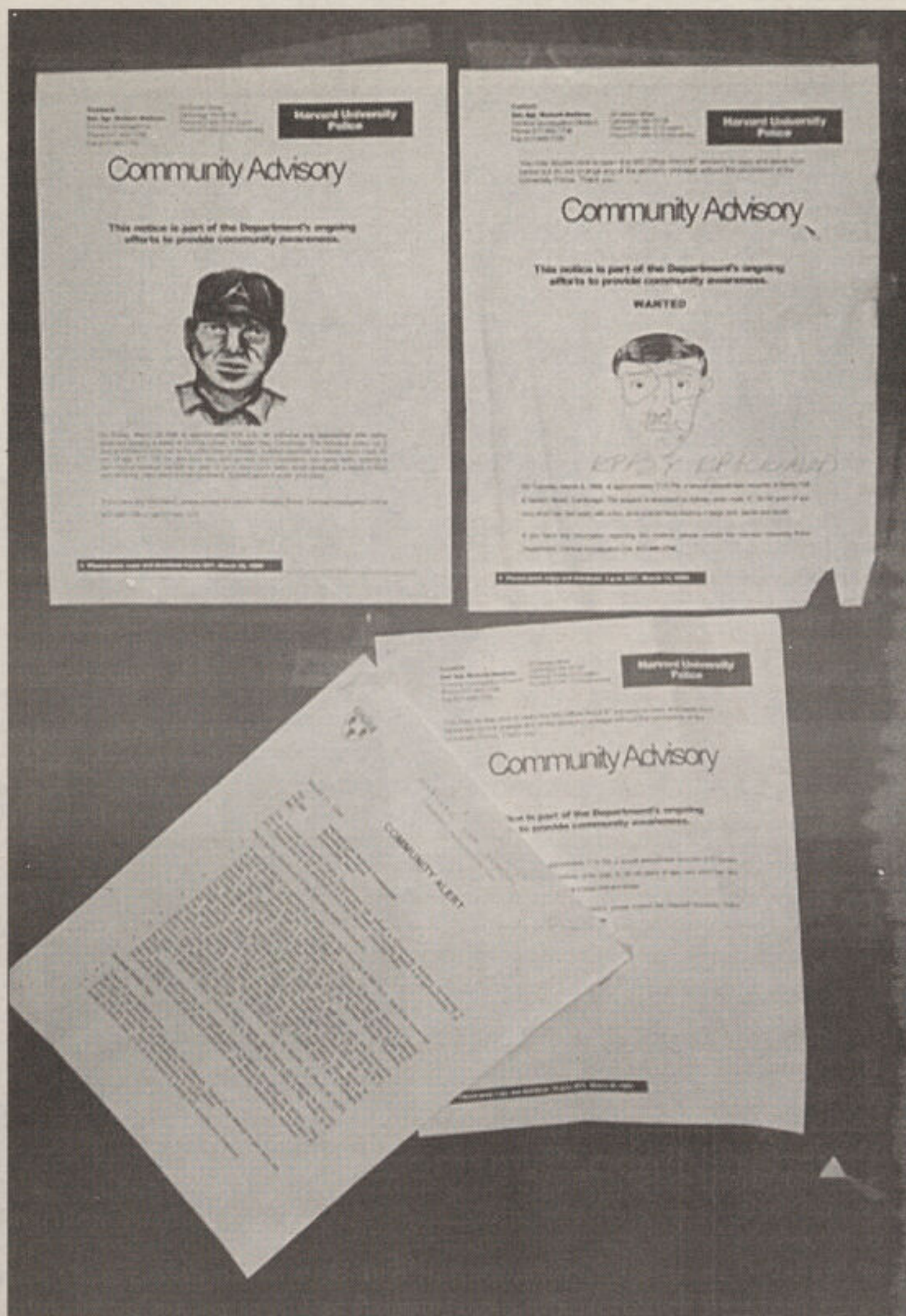
While downplaying the string of high-visibility crimes as an aberration, McNamara urged students to take precautions and use their common sense.

"Students should be aware of their surroundings and keep their ears and eyes open," she said. "I'd recommend that they try to avoid walking alone."

McNamara recommended that students traveling alone should "walk strong, walk proud and walk forceful so you look confident, safe and secure and you look like you know where you are going. If you are sauntering alone and lally-gagging, you'll just make yourself look like an easy target."

Important Phone Numbers to Remember

Evening Van Service	495-0400
Cambridge Radio Dispatch (for free taxi service)	492-1100
Safety Walk Program	10 p.m. to 3:40 a.m. 496-5656
	after 3:40 a.m. 495-1212



Fighting for door space: with each crime, a new community advisory gets tacked on to campus portals.

RECORD Photo/Ben Lehrer

By Darren Schlanger '00
RECORD Columnist

THE CHICKEN DIES

Law school has not been a particularly riveting experience. Like Hillary Clinton and Sisyphus before her, droves of Harvard Law kids have accepted the fate of peon toiling in obscurity until a good divorce lawyer, Hollywood-ending myth creator or registrar release all from their respective bonds. Typically, the days ooze by, doldrums occasionally hastened by the strategic congress of a bottle of Maker's Mark with a handful of Percocets or Valium (Valia in the plural). For some, counting sheep. For others, sex, occasionally even with someone else. Journals, elit pierces, Goth, poker. Any means necessary to Roygbiv the chiaroscuro inkblot that is HLS.

The author of record has adopted a hermetic approach, preferring isolation in the hopes of promoting his own rugged individualism (or rather "sissy individualism"), an ebbing phenomenon amidst the ubiquitous conformity of HLS. I don't bother nobody, and don't nobody bother me.

On the Tuesday prior to spring break, my façade collapsed. I was accosted by a chicken. A large chicken. About 5'11". Agent Orange flat-top. Handing out flyers. Someone running for office. Will give me beer in my third year. Will speak good at graduation. Tastes succulent roasting slowly on a rotisserie spit. 10:00 a.m. on Tuesday. En route to a class titled "Anti-discrimination Case of the Week." Before my morning coffee. Jesus Christ himself could go flip off if he interrupted my morning routine prior to stimulant assimilation. Epiphanies must wait until evening.

"Hi, I'm _____, and I am running for 3L Class Marshal."

Muffled and unintelligible response from disgruntled and caffeine-deprived writer. Chicken blocking entrance to Hark.

"My chicken and I promise to make your third year the best year of your life. I know

you have no idea who I am and probably never will, but together we will drink until our livers boycott their intolerable working conditions."

Thoughts of teriyaki sauce and butcher knife titillate the narcoleptic author. Kudos to the Colonel and Frank Perdue.

"Just vote for me as class marshal, and feel free to call me, _____, or the chicken if you have any suggestions."

Chicken Peking, Chicken Kiev, General Tsao's Chicken, lithe seventeen-year-old girls, chicken pot pie all flood mind of columnist manifesting withdrawal symptoms. How much Zinfandel is needed to complement such a big hen, stresses writer during fleeting and lucid breaks from the conniptions...

Prior to my bout with the gargantuan polling poultry, the 3L class marshal elections had reached only the level of minor annoyance or temporary inconvenience. Pestering e-mails, confectionery graft, even the lemonade kiosk. No more irritating than your average election for class president, though this time someone actually ran. The straight issue platform ("I will give you beer"), the recovering AA slogan ("I will give you beer and drink most of it"), the less-is-more technique ("I didn't clutter your Hark boxes, but I will still give you beer"), and the "I'm a degenerate freak so vote for me either out of sympathy or because you somehow pathetically relate to me" angle ("of course, I too promise to give you beer"). No direct inconvenience, no encumbrance to movement.

But the chicken crossed the line. Iridescent. Dancing. Impeding public access to the Hark. Not enough that it's virtually impossible to safely broach those Draconian Get Smart handicap doors. Now a linebacker chicken stopping my progress to coffee. A chicken preventing me from lighting my morning cigarette.

It's hard to express the torrent of depravity that this evil chicken unleashed

upon sympathetic writer's psyche. First, when an addict requires a quick fix, obstacles to said nepenthe translate as threats. These threats merit swift and vicious removal. Chicken, you are on notice. Second, the chicken single-handedly (single-wingedly) destroyed this writer's belief in democracy. Despite the merits in representation through collective will, I would now rather submit to a harsh authoritarian regime because no coup has ever involved cartoon character-donning imbeciles. The 3L class marshal election officially marks this totalitarian convert's final voting experience, discounting of course all-star balloting. Third, like the white male, chickens are an overrepresented and excessively influential interest group. They pervade cartoons, jokes, and marketing campaigns at a rate disproportionate to their numbers in the animal kingdom at large. Moreover, they are tacky, gauche, kitschy, ugly. Indeed, the shock of seeing a giant chicken in the morning stemmed not only from the absurdity of the outfit in the context of an election, but also from the fact that the chicken above all animals was selected as a campaign tool. Had the animal chosen been original or even remotely clever, perhaps I might have forgiven the stupidity of the tactic. For, everyone loves a charm-



ing and dapper platypus. Or the pleasure of witnessing the spectacle of a euglena, flagellum, golgi apparatus, and all. And who can dispute the joy of beholding a manatee emcee welcoming your Harkness arrival. Creativity might have assuaged the vengeful ire now percolating amongst many of the chicken's foes.

In truth, I know not to whose campaign the chicken belonged. I know not who played the role of the chicken, though the actor's performance was quite convincing in its breadth of expressive range and brilliantly muted ironic innuendo. Bravo, brilliant thespian fowl. Nor do I hold a grudge against the intrepid candidate for employing this ruse of persuasion. I loathe only the chicken, the presence of the chicken, the idea of the chicken, the chicken for perverting the principles for which our nation has shed and spilled blood, the chicken for shattering my law school coping mechanism, the chicken for making a mockery of the importance of the class marshal election (may I remind you that your 3L prom depends on their efforts), the chicken for altering my internal pollutant mechanism. Let this serve as a lesson to the 1L politico tools salivating at the prospect of graduation speaker. Dress as poultry, and you die.

1L house of blues

SULLIVAN & CROMWELL

cordially invites all 1L's
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at the

HOUSE OF BLUES

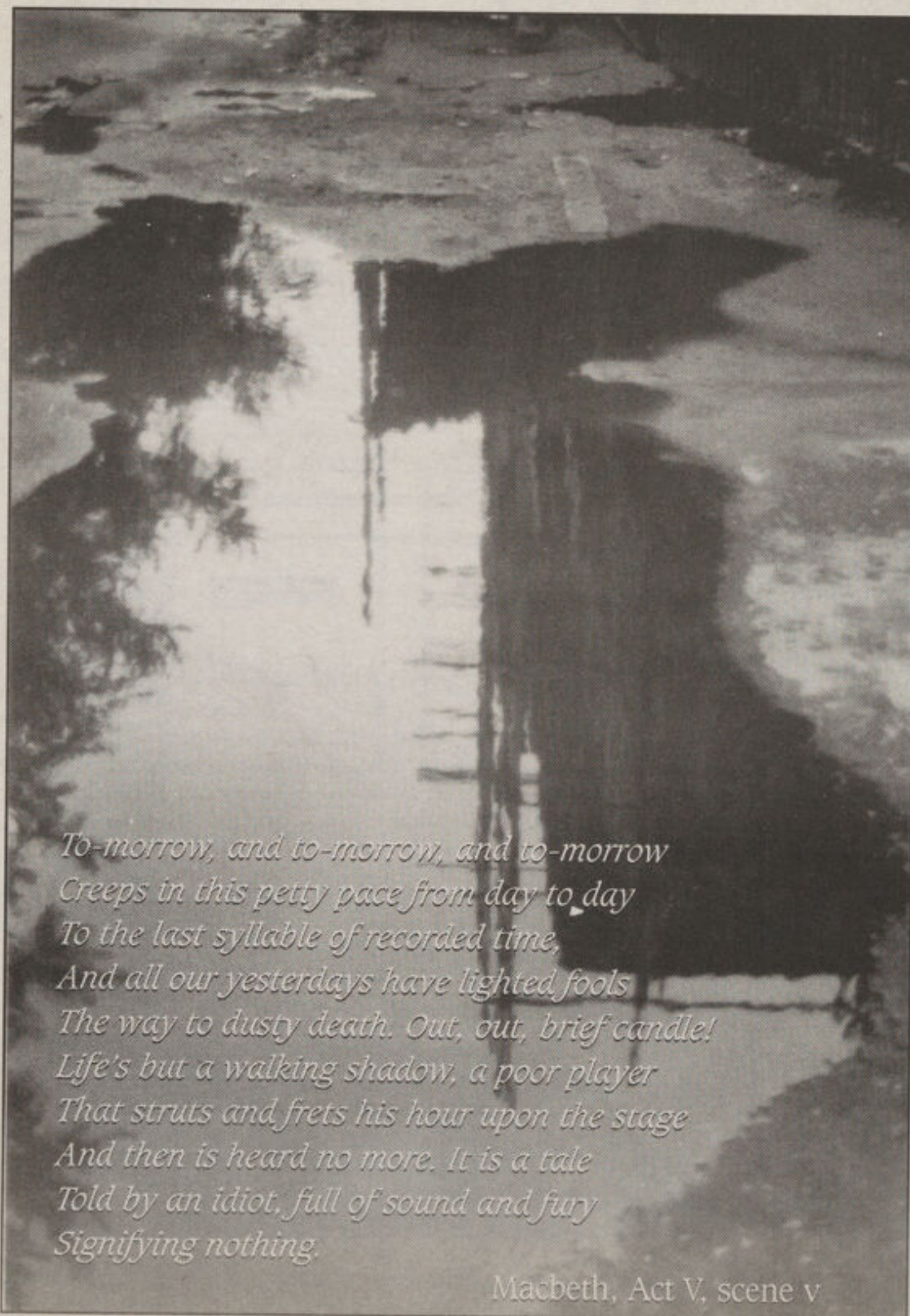
Thursday, April 8, 1999
6:30—8:00 pm
casual dress

114 Mt. Auburn Street — Second Level
Harvard Square

RSVP

Sarah Cannady ☎212.558.4847
cannadys@sullcrom.com

www.sullcrom.com



*To-morrow, and to-morrow, and to-morrow
Creeps in this petty pace from day to day
To the last syllable of recorded time,
And all our yesterdays have lighted fools
The way to dusty death. Out, out, brief candle!
Life's but a walking shadow, a poor player
That struts and frets his hour upon the stage
And then is heard no more. It is a tale
Told by an idiot, full of sound and fury
Signifying nothing.*

Macbeth, Act V, scene v

Can You Spare a Razor Blade?

By Dusan Stojkovic '00
RECORD Columnist

THE GOOD, BAD, UGLY & RACIST

The Good Black: A True Story of Race in America

By Paul M. Barrett '87

\$23.95

304 pp.

NAL/Dutton

December 1998

Despite all the advances made in the pursuit of an integrated society in recent decades, race still matters. This deceptively simple hypothesis is the core idea of Paul Barrett's last book, "The Good Black."

With painstaking detail, Barrett recounts the story behind the employment discrimination suit filed by Larry Mungin '86 against his erstwhile employer, the Chicago-based law firm Katten Muchin & Zavis.

"I wouldn't say that I understand everything about Larry, but our relationship gave me an advantage in trying to understand what I needed to know to write his

story," Barrett, who shared a Hastings Hall suite with Mungin as a 1L, stated in a recent interview with the RECORD. As he recently revealed at the BLSA Spring Conference, Mungin was initially wary of Barrett's plans to write the novel.

The author himself points out a number of times that Mungin's claim presents a very close case: there is no "smoking gun," no indubitable proof of racial animus. But at least in Barrett's version of the tale, indicia of racially motivated mistreatment are clearly present: Mungin, a bankruptcy lawyer at the firm's Washington, D.C. office, is consistently given mundane job assignments, systematically hindered from getting on partnership track, and in an especially heart-wrenching scene, forced to carry an overhead projector. Why, that's what first-years are for. Duh!

"Some forms of discrimination may be too subtle to be picked up by a formal le-

gal system. That may well be the case in law firms, where standards for success and formal promotion to partnership are highly subjective," said Barrett.

But as appealing as Mungin's case may be, he is far from an affable protagonist: he is a greedy, annoyingly arrogant wannabe *petit-bourgeois*. Brooks Brothers are not good enough for this man, noooooooo, his threads have to be Armani. Moreover, Mungin is obsessed with surmounting the social barriers associated with the racial identity with which he has grappled for most of his life — by denying race from playing a part in his existence — to wit, he refused to join BLSA while at HLS — Mungin paradoxically becomes racially hyper-conscious. And yet, the point which Barrett convincingly, albeit implicitly, makes is that none of this should matter; everyone should be accorded protection from race-based employment discrimination.

Perhaps more than his race was a hindrance to his upward mobility within the law firm, Mungin was hurt by the fact that his personality did not quite gel with what is required of contemporary corporate lawyers. Advancing in the hierarchy of law firms seems to depend as much, if not more, on one's marketing skills as on one's lawyering ability. Efficaciously selling oneself is at least half the game. Mungin was not a schmoozer, but an honest worker, and was severely punished for this character flaw, if one could call it that in the first place. But even this constitutes subtle, indirect discrimination, since the type of exaggeratedly perky schmoozing that law firms seem to covet presumes stereotypically white — well, white American — behavior patterns.

As Barrett himself put it, "A black per-



son shouldn't have to be a Colin Powell type in order to 'transcend' race; a Larry Mungin ought to be able to integrate fully, if he makes an honest effort to do so. But as Larry's story illustrates, it isn't that simple."

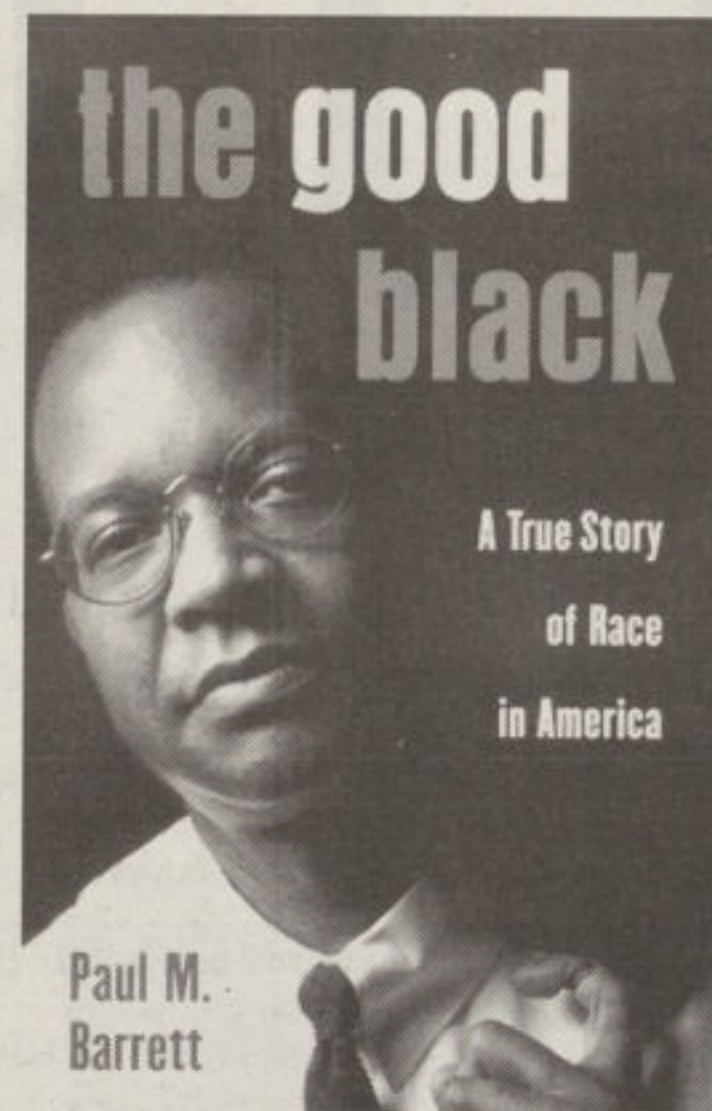
Much like the D.C. Court of Appeals judges who overturned Mungin's initial award of \$2.5 million in damages (ouch, that had to hurt!), many Caucasian readers may find themselves hard-pressed to identify with his percep-

tion of employment discrimination. Perhaps they ought to turn the tables and imagine how they would feel if the same incidents occurred to them in a workplace with 49 African Americans, and no other white employees. Indeed, if a film version of the book is ever made, it would be interesting to have the white characters portrayed by black actors, and vice versa. Well, it's just an idea...

The biggest drawback of Barrett's novel has to be his boiler-

plate, exceedingly journalistic writing style. The book is replete with descriptive clauses concerning the weather, which are rather passé, and one cliché hunts the next.

While Barrett does a commendable job with weaving together a suspenseful trial drama, the true strength of "The Good Black" lies in the background *Bildungsroman* which examines the formation of Mungin's character, from his humble beginnings in a Queens housing project to his ill-fated career with an up-and-coming, swanky law firm. I know this is Tim Kiefer's mantra, but please nevertheless feign attention when I declare that this book should be required literature for all 1Ls considering employment in the field of corporate law.



The Death Penalty in Massachusetts

Monday, April 12
4:00 p.m. to 6:00 p.m.
Austin North

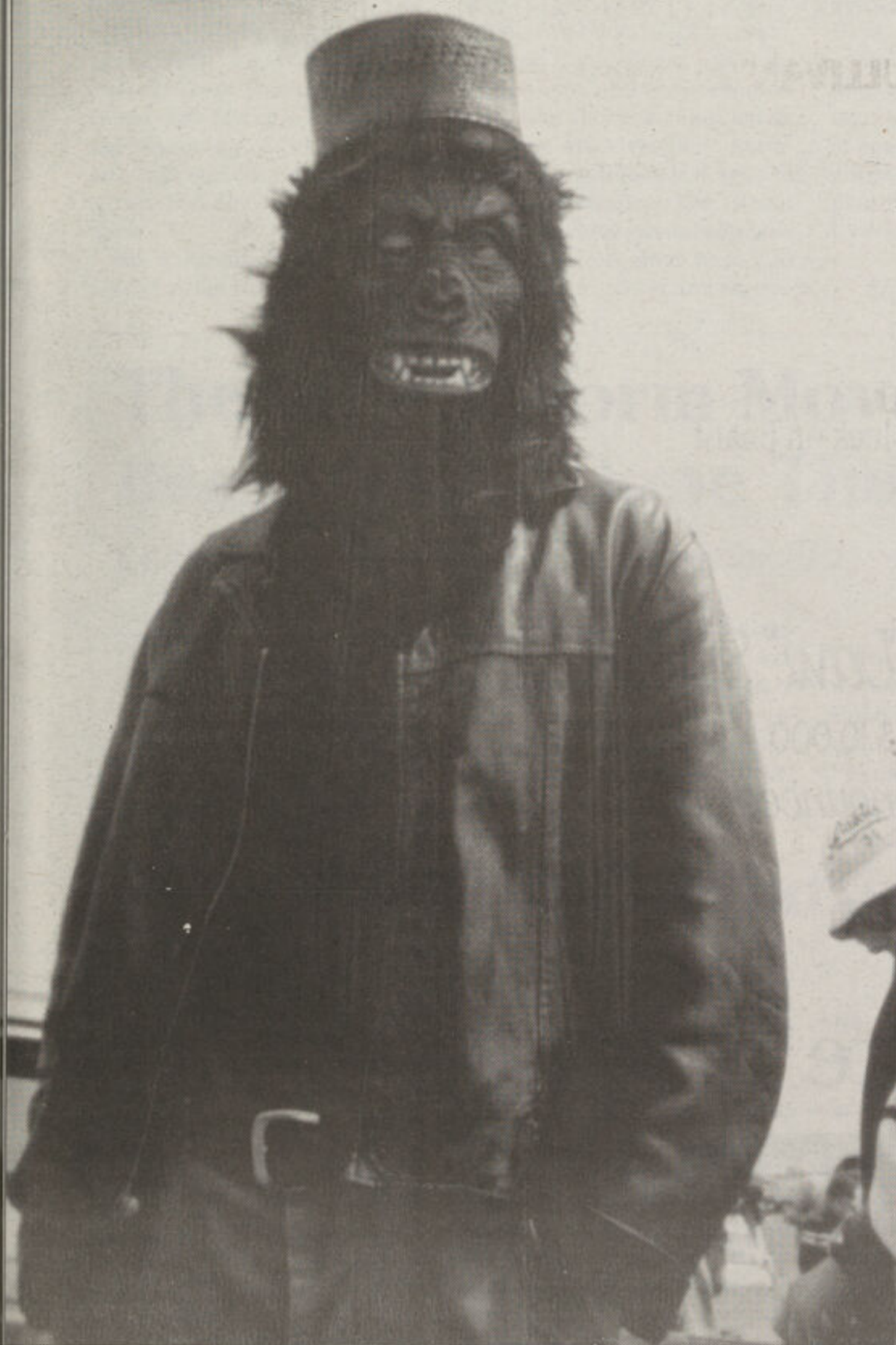
Speakers include:

Rep. Tom Finneran, Speaker of the Massachusetts House; Rep. Francis Marini, Minority Leader, Massachusetts House; Rep. John Slattery; Evan Slavitt, General Counsel, Massachusetts Republican Party; Prof. Hugo Bedau, Tufts University; Ann Lambert, Legislative Counsel, ACLU; Joshua Rubenstein, Northeast Regional Director, Amnesty International

Moderated by Prof. Carol Steiker

Sponsored by the Harvard Journal on Legislation

Nobody Makes a Monkey Out of the RECORD.



"Good Black" Author Defends His Actions

Continued from MUNGIN, p. 1

In his defense, Barrett argued that the financial and editorial arrangement were necessary to ensure the work's integrity.

"My interest was to write something where I could say this was not done in the service of the subject," he said. "Journalists, as a general manner, don't like to pay their subject because it raises questions about the credibility of the journalist's work. I didn't want to do a collaboration and never was vague about that... My understanding as we went forward was that Larry was willing to do this."

Harvard students, alumni and practitioners of all levels attended the event. Many expressed concern that Barrett, who is white, may have lacked the sensitivity required to understand Mungin, an African-American. Barrett admitted his perspective was "mediated by the color line" but encouraged readers to bracket subtext and judge the book on its own terms. He indicated that he learned much during time he examined Mungin's life, causing him to realize that "frequently

during [my] ordinary work [I] know far too little."

Mungin, the reluctant subject, has for the moment become the accidental celebrity. ABC's "20/20" recently interviewed Mungin and Barrett in Mungin's ancestral home off the coast of South Carolina.

The lawsuit effectively ended Mungin's career as corporate bankruptcy attorney. After making six figures at Katten, he was obliged to accept \$12 an hour doing low-level work for the SEC. In 1997, he suffered a severe depression after the Court of Appeals nullified the jury verdict.

But Mungin has survived. He appeared sanguine about his future. He said that he has achieved some degree of peace both with respect to his personal experience and the experiential cross-section captured in Barrett's book.

"It's a very good book," he conceded near the end of the session. "But we are responsible for how we are going to be perceived in the future. That's an obligation. People are going to read that and accept it as the gospel truth. And it's fair to ask is it really what the author says it is."

A sincere Thanks.

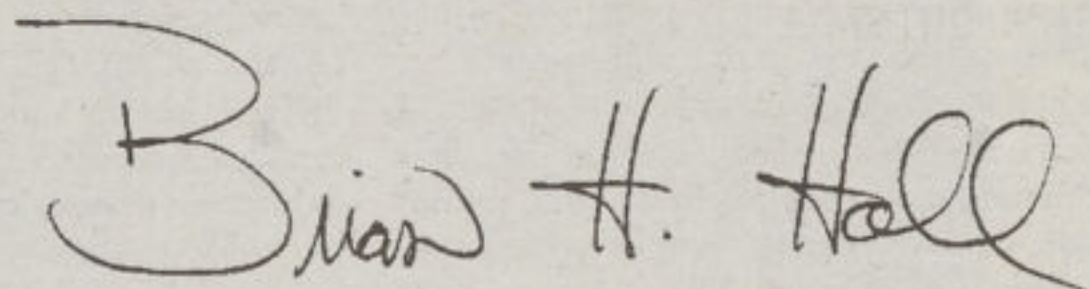
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Brian H. Hall
President and Chief Executive Officer, West Group

P.S. Once again, a sincere thanks to you. And good luck on finals!

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Winners to be announced soon.

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