



Bradley speaks of unity

Race, peace, prosperity top Presidential agenda

by Justin Herdman

Introduced as "the man" and a "scholar, champion, athlete, and esteemed public servant," former Senator Bill Bradley recently told an overflow audience at MIT's Wong Auditorium of his Presidential hopes. The discussion, which included a question and answer period between Bradley and students from local universities, ranged from foreign policy issues to political participation.

Despite audience attempts to address more narrow topics, Bradley never allowed the conversation to veer from his stated platform priorities: sustaining economic growth, reducing child poverty, providing universal health care, fostering racial unity, protecting the environment and continuing his commitment to campaign finance reform.

The Democrat, who announced his candidacy for President September 9, originally hails from Missouri but served as a United States Senator from New Jersey. He entered politics after a celebrated career in basketball.

Making sly reference to his athletic background on Tuesday, Bradley labeled himself as an "intellectual jock...with a small i." The former New York Knickerbocker also mentioned the traveling life of a professional as one key attribute on his résumé. "I've been on the road for 30 years, and there's been one continuum — me going out to strangers and asking them to tell me their stories," said Bradley. These accumulated anecdotes contribute to what Bradley defines as the key task of any President, "giving people a narrative...to find meaning in life that's deeper than the possession of material things."

Bradley characterized the current social climate as one beset by change. He began his speech by highlighting five rapidly evolving areas where the United

States will "need a particular kind of leadership." These areas include the globalizing economy, technological breakthroughs, changing conceptions of national defense, shifting immigration patterns and new definitions of the American family.

No Lewinsky legacy for this Bill

Bradley assumed an optimistic air of confidence when discussing his desired legacy as President. "Before you have a legacy, you need to have the nomination, been elected to office, served with distinction and died," said Bradley.

Nonetheless, Bradley outlined his hoped-for renown. "I would like to have presided over a country for 4 years of peace," Bradley said.

Bradley jazzed up his seemingly dull agenda with more specific goals. One of Bradley's professed interests is environmental protection. Recounting a recent photo-op on the banks of the Mississippi River near his childhood home, Bradley said, "This place represents permanence."

Preserving the natural world is a method of reminding humankind that there is something "bigger than us," according to Bradley.

Bradley also alluded to being "the steward of a good economy." He focused on effectively managing economic fundamentals, thereby advancing prosperity to "bring people to higher economic ground."

Hand in hand with such a philosophy is Bradley's firm commitment to reducing poverty among children. Bradley spoke of an America where "every child has a chance to realize their potential." This plan also extends to increased health care coverage.

When asked which issue is closest to Bradley's heart, the candidate cited racial unity. As President, Bradley's administration would go beyond mere appointments. "If you want to please the

boss, you'll have to demonstrate how you've advanced racial unity," said Bradley.

Campaign clean as a whistle

Bradley is often cited as a candidate committed to campaign reform. On Tuesday, he did little to dispel the aura of honesty that surrounds his presidential bid.

"I'm trying to campaign in a

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Dusan Stojkovic/RECORD photo

HLS students slaked their thirst Wednesday with that viscous, chocolatey beverage Yoo-hoo.

Hemenway execution stayed

By Doug Sims

Dean Clark's team has once again brought home the bacon. Last week, the Harvard College Faculty of Arts and Sciences guaranteed HLS that it would continue to operate Hemenway as a gym for the next five years.

In his recent Letter to Students, Dean Clark stated his intention to "acquire and renovate" the aging Hemenway. It may not be exactly as advertised, but guaranteed operations may be the next best thing and could be a first step to eventual HLS control.

During the five-year period, FAS will continue to provide the same crisp managerial services. Meanwhile, HLS will continue to pay for use privileges and yearly equipment upgrades.

Administrative Dean Sandra Coleman, who spearheaded the negotiations with FAS, said that while "the ultimate fate of the building was uncertain," Hemenway will continue to operate as a gym into the next decade.

Hemenway: the lion in Winter

Does a hitch exist in this beauteous scheme? Possibly, as renovations — or the lack thereof — are still unresolved. According to Dean Coleman, FAS only agreed the operate the

facility "as is." The RECORD has yet to visit Hemenway this year, but if "as is" means "as it was" last year, the deal may be less than sweet.

John Wenzel, the FAS official who managed Hemenway last year, will again take the helm. Coleman has been in on-going discussions with Wenzel and said that the manager is open to exploring ways to upgrade the facility. In early October, the two are scheduled to visit the premises together to evaluate current conditions.

Coleman expressed optimism about the possibility for change. "The Murr Center was supposed to be the end of Hemenway. Now that there's a commitment [to keep the gym open], they [FAS] might do upkeep," said Coleman.

It is not clear at this stage whether "upkeep" encompasses the major surgery the facility may require. In any event, HLS will continue to kick in three or four new machines per year and may contribute even more if an agreement is reached.

Pencils, pens & stairmasters?

The other bombshell dropped in the Dean's letter was the inchoate plan "to turn the first floor of Harkness into a fitness center full of exercise equipment." Prof. Joe Singer '81, Chair of the Infrastructure and Resources Com-

mittee, and Prof. Elizabeth Warren, Chair of the Institutional Life Committee, reportedly floated this idea over the summer as a partial solution to a potential Hemenway crisis. Eventually, Dean Clark concluded that it had independent merit.

Coleman confirmed that Cambridge architects Elkus/Manfredi have been exploring different floor plans as part of their contract to perform the Harkness renovation already scheduled for next Summer. Preliminary plans would place a room of various workout machines somewhere on the first floor of the Hark, at either the current location of the Coop or the Harkbox Café. No decision, however will be made to move forward with the project absent the input of both the Law School Council and other more informal student channels. Coleman stressed the importance of student feedback. "The McKinsey report confirmed that a gym was a priority for the students. But it didn't ask about tradeoffs. Obviously if we were to install fitness equipment in the Hark, there'd have to be some tradeoff. We're trying to find a way this fall to listen to student concerns before we make a decision," said Coleman.

McKinsey is dead. Long live McKinsey.

1998-99 Sears Prize winners announced

By Steve Scali

The 1998-99 Sears Prize winners worked hard, enjoyed their classes, and still led balanced lives last year.

Awarded annually to the two students with the highest grade point averages in each non-graduating class, the Joshua Montgomery Sears Jr. Prize is obviously a significant accomplishment. This year's winners for their 1L grades are Tricia Jean Purcell '01 and Anne Kimball Small '01. Recipients for 2L work are Brian Timothy Fitzpatrick '00 and Ann Meredith Lipton '00. All four students are on the Law Review.

Before law

Small hails from New York City. She graduated from Yale in 1996, and worked in investment banking and private equity before coming to the Law School. Purcell, who comes from a small town in New York State, attended the University of Rochester and came straight to law school. Lipton is originally from New York City and did a double-major in psychology and communications at Stanford. She worked for two years before coming to Harvard. Fitzpatrick is a native of Albuquerque, New Mexico, and came to the Law School directly from Notre Dame, where he majored in chemical engineering.

Liking law

Fitzpatrick said that one reason for his achievement is that "my professors kept their classes interesting."

Small agreed. Regarding academic success, "it's mostly interest in the subject matter and the extent to which you let yourself engage with the material. I was pleasantly surprised at my interest in the classes," said Small.

"I enjoyed what I was doing, I enjoyed the profs," Purcell said. She said she never volunteered to speak in class last year. "I was petrified of looking stupid," said Purcell.

Whence cometh the "A"s?

Some of the Sears winners mentioned luck as a factor in

their performances. Purcell admitted that she had no idea how she had done so well. "I was surprised ... I was hoping I wouldn't flunk out. Whatever it is, I hope it continues!" exclaimed Purcell.

Small concurred with her classmate. "I don't know how I did that well. A lot is luck and how you do on six days of exams," said Small.

Discussing the reasons for her success, Lipton said, "Luck? Severe lack of a life? Notoriously easy-grading profs?"

As a group, however, the Sears winners worked hard and emphasized the importance of the basics like going to class and reading. "The most important

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FOUNDED IN 1946

To thine own self be true

With all of the cocktail receptions held in the vicinity of Harvard Square recently, I am reminded of a story about Winston Churchill. It seems that the saucy Brit was throwing a few back during a London soirée. An uppity woman nearby, aghast at the foul language spouted forth by the Prime Minister, scolded him for using such profanity — "You, sir, are drunk!" Winston slugged down another brandy, paused to exhale, and replied to the woman. "Yes, ma'am, I am drunk. And you are ugly. But in the morning, I shall be sober."

I haven't yet made the same remark before a hiring partner, but I feel like giving it a whirl. What would happen, really? Judging by the deluge of law firm love letters I've received lately, I'd probably get a hearty slap on the shoulder and a whisper in the ear: "Eat, drink and be merry, for next year (through billing hours) you may die."

One thing's for sure: firms want us. We are a *bona fide* Harvard product, and can (or will learn to) provide a service that the market wants. Right now, we're the sellers. Being sought after is pleasurable, and addictive, but let's not forget how fortunate we are. For all the inadequacies of Harvard Law School, by virtue of being here we have been propelled into an elite group. We enjoy privileges unimagined at virtually any other law school, where most students must struggle to find a job. There is a culture of complaint at HLS that makes it too easy to lose sight of how lucky we are.

Going to Harvard will not guarantee success, but it gives us fuel to pursue our dreams. Some, Hollywood filmmakers not the least among them, see a J.D. from Harvard as a ticket to power, prestige and privilege. And it can be, but make sure you know what you're getting yourself into, and that the path you have chosen is one you should be on.

The meaning of justice, it has been said, is to accord to each what it is due. The same principle applies to each of us: it is imperative to find a match between our life interests and our career, our goals and the work we choose to do. Too many HLS students seem to just follow the crowd. Large firms offer tremendous opportunities and fulfillment to the right person: But are you such a person? *Caveat Venditor*.

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—First Amendment, U.S. Constitution

Secrets of success at HLS: TV

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thing to doing well is going to class," Small stressed.

"There is no substitute for reading all the cases, and the least painful way to do that is to keep up with the reading as the semester develops, as opposed to trying to catch up at the end," Fitzpatrick explained.

"I did all the readings, got a pretty good grasp of them, and tried to apply what I learned as best as possible," said Purcell. "I put a lot of work into it."

Regarding specific study techniques, Fitzpatrick said that "the next most important thing is to do old exams — there is only so much a professor can ask about."

"I always make my own outlines," Fitzpatrick said. "I usually go over old exams with friends who are smarter than I am."

To prepare for exams, Purcell prepared her own completely original outlines, and looked over old exams, including model answers. Purcell did not use a study group during the year. Small also made her own outline, and around exam time got together with others to review and bring up questions.

Lipton suggested that students wishing to do well should "avoid professors who are seeking tenure." The most important thing, not to be cheesy ... but it's not how smart you are," said Purcell. "People should not be discouraged when they don't get As."

Pass da Pastimes

Small stressed the importance of keeping perspective. "I tried to keep a balanced life. There is plenty of reading, so it could envelop your whole life," she said.

Last year, Purcell enjoyed spending time with several college friends who live in the Boston area. "I had a life," she said. "I took one day off a week, Sunday." She also usually finished studying by 9 p.m. each night, after which time she would relax by, for example, watching television. "I worked hard, but budgeted my time well," said Purcell.

"I waste far too much time watching television, especially sports," admitted Fitzpatrick. "My favorite pastime, though, is arguing with friends on any subject."

Lipton said that watching television helps keep her focused while she studies. "If I watch television while I study, it at least keeps me interested enough to not jump up and do something else every five minutes," she said. "Of course, it also takes me about three hours to get through ten pages of reading."

Lipton also enjoys her large collection of Xena action figures and Barbie-like dolls. "I'm a big Xena fan," she said. "I just like having Barbie equivalents that wear studded leather and carry swords."

Life after the Law School

Lipton will be clerking after graduation for Chief Judge Becker of the 3rd Circuit Court of Appeals (Philadelphia). Her legal interests are broad, encompassing civil rights, constitutional law, intellectual property, and antitrust. Fitzpatrick will also be clerking, for Judge Diarmuid O'Scannlain of the 9th Circuit Court of Appeals (Portland, OR), after which he will likely work for a law firm. "I plan to litigate, with special interests in appellate-level litigation and patent litigation," he said.

Purcell, who also wants to be a litigator, plans to settle down and work in Boston. Small is considering clerking after graduation, and in the long-term, "would love to teach."

Bradley stumps in Cambridge

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different way," said Bradley.

According to the former Senator, his campaign does not use polls to determine policy positions. Instead, Bradley insists upon "telling people what I believe, and letting the chips fall where they may."

In terms of campaign finance, Bradley said "I hold myself to a higher standard." This requires the candidate to raise money in novel ways.

For instance, Bradley accepts no money from political action committees (PACs). He also forswears the creation of state PACs, opting instead for a campaign fueled only by individual contributions limited by federal law to \$1,000.

And Bradley is not against the use of technology in his quest. "I've raised more money over the Internet than any politician in history," Bradley said.

When questioned about a specific plan for campaign finance, Bradley expressed particular distaste for soft money. Soft money — essentially unlimited donations to political parties — would be outlawed under Bradley's ideal campaign finance law.

Bradley would also require public financing of general election campaigns for the U.S. Senate and House. "This country spends \$900 million promoting democracy abroad," said Bradley. For the same amount of money, Bradley said that the influence of special interests could be eliminated from those races. He would also force television stations to provide free time for candidates in the final six weeks of the campaign.

Acknowledging that the obstacles to reform are significant, Bradley insisted that change would be effected only after public endorsement for the proposal reached substantial levels. Bradley suggested that the public's financial interest in reducing interest group influence could spur grassroots support for reform. According to Bradley, taxes could be lowered if unnecessary spending at the behest of special interests was reduced.

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PERSPECTIVE

By Bruce Hay '88

Judge Garrity, Harvard's Hero

When W. Arthur Garrity, Jr. '44 died last week, Harvard Law School lost one of its great graduates. Garrity, a federal district judge, issued the school desegregation order that, 25 years ago, nearly tore the city of Boston apart. The moral courage he displayed should make all of us at HLS proud to claim him as our own. And his story should make us think hard about who our heroes are, and why.

Boston, despite its laudable role in the antislavery movement, has a long, dirty history of racial prejudice. When the parents of black school children sued in the early 1970s, Judge Garrity, sitting at trial, found that city authorities had systematically segregated the schools along racial lines. To remedy the violation, Garrity ordered the city to integrate its schools, immediately.

His decree, issued in 1974, commanded an aggressive program of "busing," which meant shipping large numbers of kids into and out of some of the most racist white neighborhoods in the country, such as South Boston and Charlestown. For sheer bigotry, the leaders and residents of these places rivaled anyone in Birmingham, circa 1963. Garrity must have known that all hell would break loose.

As it quickly did. Race riots enveloped the city. Picketers marched on Garrity's front lawn. He was burned in effigy. He received countless pieces of hate mail, nonstop harassing telephone calls. *Nigger lover. Nazi. Child murderer.* Buildings in Boston were covered with graffiti. *Kill Garrity.* For nearly four years, his house was guarded by U.S. marshals.

Garrity did not have to expose himself to this trash. He could have issued a less thorough desegregation decree, one that confined the busing remedy to areas of the city that were less racially inflamed. But his parents, of Irish descent, had brought him up to loathe racism, whether anti-Irish or anti-black. He wasn't about to give in to a mob of bigots who thought the Constitution did not apply to their part of the city.

Pretty good, for a mediocre political hack.

Which is how Garrity had been regarded by the Harvard intellectual elite — epitomized by Charles Wyzanski '30, Garrity's colleague on the district court. Wyzanski was the apple of Harvard's eye: stellar grades, law clerk to Learned Hand (1896), confidant of Felix Frankfurter '06, member of Roosevelt's brain trust. Appointed to the federal bench at age 35. Repeatedly invited to join the Harvard faculty. President of the Harvard Board of Overseers. Longtime member of the ultra-exclusive Harvard Society of Fellows.

And openly contemptuous of Garrity, who enjoyed none of those accolades. Garrity got his job not because of legal talent, but because he'd been a loyal campaigner for the Kennedys. At first, Wyzanski viewed him as plodding and corrupt; later, just plodding. Not in the same league as Wyzanski himself, who was brilliant, erudite, and confrontational. Wyzanski could out-argue anybody. "By temperament," he said, "I believe with Heraclitus that strife is the source of all things. I have the joy of battle."

Except that when the real battle came, Wyzanski was glad not to be part of it. He breathed a sigh of relief when Garrity was assigned the Boston desegregation case. "Boy, I'm glad I didn't get it," Wyzanski told a friend. "You need an Irish name, a Catholic, to do it." Wyzanski was referring to the fact that the whites in South Boston and Charlestown were mostly Irish Catholic. He figured that Garrity, being of the same ethnic background, would face less heat in the case.

Hah. Far from being an asset, Garrity's ethnicity was a huge liability to him. He was viewed as a turncoat, a traitor. People sang songs that he was the devil in disguise. Friends stopped talking to him. Death threats poured in. One nut tried to plant a bomb at his house. Another came after him with an M-16 submachine gun.

This was not exactly Harvard's finest hour. When first drawing up his decree, Garrity sought an expert who might help him craft a remedy that would minimize the inevitable conflict. He asked a Harvard sociologist, then the dean of the Harvard



Photo by Stanley Forman
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The Soiling of Old Glory: Boston City Hall, 1977

School of Education. Both turned him down. (He finally found someone at Boston University.) One HLS professor who did get involved — Louis Jaffe '28, another brain trust type — counseled against busing to and from South Boston, because its "people are intensely hostile to blacks." As if that entitled them to an exemption.

I don't say Garrity did everything right. Reasonable minds can differ about the merits of busing. In Boston, busing was a nightmare for some children. Black kids were assaulted and taunted with "NIGGER GO HOME!" (Think of that next time you're unhappy with your classes.) Many observers think both black and white kids would have been better off if he had issued a more flexible or moderate decree. Maybe they're correct.

But that's beside the point. Garrity did what he thought the law required, at great personal cost to himself. Many in the legal community, including the Court of Appeals, voiced their support for his actions. He got a nice award from the Bar Association in 1975. But among judges and lawyers, he alone bore the brunt of

the anti-integrationists' wrath. For the rest of his life, he was widely hated in his own city. If he ever had any regrets, he never said so.

And Wyzanski, Garrity's nemesis? He certainly had no regrets. He was the toast of Harvard to the end of his days. After his death in 1986, the law review published a series of tributes to him by Stephen Breyer '64 and other luminaries, which go on in loving detail about how brilliant and learned he was. ("His enthusiasms ranged widely, from Marcus Aurelius to Iris Origo; Montaigne and William James were constant companions.") Notably absent are references to any acts of real courage by Wyzanski, any acts of personal sacrifice.

Not to knock Wyzanski. He was a good judge and a good person. He had admirable legal and moral principles. (In his writings he passionately defended desegregation.) But his principles never cost him anything. Like most of us, he never had to risk anything for them.

Garrity did so, willingly, and that is what makes him a hero.

PERSPECTIVE

By Dmitri Evseev '01

The Grading Manifesto

Today, grades are such a core feature of the HLS experience that it may be difficult to imagine law school without them. Yet, can the current grading system be justified on a rational basis, taking into account all of its costs and benefits? Although research is needed to say for sure, my hypothesis is that a pass/fail system for the first year of law school would be a fundamental improvement over the mixture of pointless anxiety and pain arising from first-year grades.

It is probably not an overstatement to say that most professors hate grading. Last year, one professor said that the experience of grading was comparable to intense physical pain. Reading through hundreds of answers to the same question is boring enough, but deciding whether to assign a given essay a B+ or an A- is even more difficult. The fact that grades are so important to students makes it even more difficult for professors.

At the same time, even professors will admit that there is a lot of chance involved in the grading process. Another professor said that he had no trouble assigning grades at the very top and bottom ranges, but that, after decades of teaching, the difference between an A- and a B+ or even a B was still hazy at best. He admitted that were he to grade essays a second time, many might receive a grade different from the one they originally got.

Students don't need to be told that —

they probably already know that grades are a product of several factors, only one of which is mastery of the subject matter. Nevertheless, grades at HLS often assume a larger-than-life significance. This is especially obvious with first-semester grades, as students' sense of self-worth is shattered or re-enforced by those innocent-looking envelopes that arrive in early March. As Hart of the "Paper Chase" is told, "Around here, nobody jokes about grades."

Some might argue that it is precisely the anxiety caused by grading that is the reason grades are necessary. The stress, they argue, provides the incentive students need to learn the material. This view implicitly portrays law students as passive and unwilling recipients of knowledge. Such a characterization of graduate-level students at Harvard seems to ignore the fact that many, if not most, students here actually want to gain the knowledge and skills that are being taught. How else can we explain why students work hard on their LRA assignments or put in long hours working on a journal?

Students at HLS tend to work hard irrespective of grades, so eliminating grades will probably not result in a drop in academic standards. Yale and NYU seem to be doing quite well in the rankings, despite the absence of grades. If the first year at HLS were pass/fail, some students might spend less time studying for their

exams, but less cramming before finals may not be such a bad thing. After all, information learned a week before finals is typically forgotten the week after.

Without the stress of grades students might even feel more freedom to explore their personal interests in the field of law. Some might spend more time discussing an interesting property case, while others would volunteer more hours at TAP.

A cynic might reply that we are not here simply to study what we please, and that those who come to buy our labor need a yardstick with which to measure our abilities.

It is no secret that prospective employers pay close attention to grades. Rather than dispute the wisdom of this policy, I would like to ask whether employers would still be able to make hiring decisions without having our grades at their fingertips. The answer is probably "yes," although firms would certainly prefer to have the grades available. Like the *U.S. News and World Report* ranking of law schools, and *Vault's* ranking of law firms, our grades provide a conveniently packaged judgment about quality. But just as we could survive without school or firm rankings, employers would be able to make hiring decisions without grades. After all, many first-year students somehow manage to find summer jobs before any of their grades become available.

Still, some would claim that HLS is simply too large to avoid using grades to dif-

ferentiate between students. The size argument, however, runs into trouble when we consider the example of the Harvard Business School. HBS has over 900 students in each class and only differentiates between the top ten percent, the middle eighty, and the bottom ten percent for grading purposes. Even more strikingly, HBS does not disclose student grades to prospective employers. In spite of this fact, a great number of companies are eager to hire graduates of the school.

More in-depth studies would need to be done in order to determine what type of evaluation system would work best at HLS, but I believe that a system such as the one at Yale or the one at HBS would bring significant benefits to the law school as a whole. Unfortunately we cannot wait for another McKinsey survey to diagnose the problem for us. Any initiative for fundamental change, it seems, will have to come from the students.

Here is a suggestion about where to start. First, we would need to survey student and faculty opinion to see exactly how much support there is for the idea of grading reform. Then, we would have to study how well the alternative evaluation methods work at other schools. Finally, depending on the results, we might introduce a comprehensive proposal for grading reform through the proper administrative channels. I believe that if we try, we can make change happen.

Students of HLS, unite!

Rude Awakening

By Elizabeth Falk '00
RECORD Columnist

BE ALL THE YOU YOU CAN BE

While watching all the new freshmen struggling to move TVs and full-length mirrors into their dorm rooms in Harvard Yard, I had to smile as I recalled my own move-in day at Duke University seven years ago. Little did I know that muggy Carolina day that I was in for four tumultuous and crazy years — years that would test my endurance, patience, tolerance and confidence time and time again.

Without a doubt, I saw some of the ugliest sides of human insecurity at Duke; I watched “women” stick their fingers down their throats after eating to get thinner, and threw men out of my room who had made sudden decisions that my body was their property. I even sat through four sorority “cut” sessions during rush while we decided what, on a scale of 1-4, a 2.67 numerical rating of a rushee really meant. As our esteemed president Bill Clinton once said, “mistakes were made.” But in the end, I could never watch the freshmen in Harvard Yard and think back on Duke as anything other than a wonderful life experience.

Now, in my apartment, watching my section 2c first-year roommate reading her Contracts book in the living room, I’m realizing that I am completely devoid of any such fond sentiments when I think back to my first-year experience at the Law School. Not even my most traumatic experiences at Duke came close to preparing me for the lack of warmth and social interaction at this place; the contrast, as it now appears to me, is astounding. Coming home and seeing her first-year textbooks lying around is genuinely painful; she is undoubtedly beginning to wonder why anything she leaves in the living room marked with the letters “LRA” magically vanishes underneath the couch.

At first, it seems strange to me that my college experience as an immature 18-21-year-old, surrounded by other immature 18-21-year-olds at the most insecure time in our lives, seems now like a cakewalk compared to the harrowing personal experience I found at the Law School. Then I realized it has much to do with expectations. I went to college expecting to learn very little academically and an enormous amount personally. I came to law school expecting exactly the opposite. After all, that’s what we’re all hyped up to think; from the moment the acceptance letter comes, the gloating begins and we are pretty psyched at how impressed people are. “Wow, that’s going to be tough...but I’m sure you can handle it.”

Tough it is, but was I unprepared for the particular type of toughness. It certainly has nothing to do with the classroom. Fueling the disdain for my roommate’s books is my own first-hand knowledge that it is possible to do just fine here without ever opening a single one. Academically, we’re all currently living amidst the biggest higher-education scam that the nation will never know about, and we’re all sworn to secrecy, lest the value of our impending degrees plummets. (Someone should certainly plant a virus in that first-year diary writer’s computer before he undoes the solid foundation laid by Turow’s whining.)

Instead, what I found tough about Harvard Law School was the immediate barrage of decisions forced upon me regarding what kind of person I wanted to be when I left here. In all the first year advice sessions about career options and exam-taking techniques, I didn’t have time to look at the larger picture and see that competing interests and conflicts

were being internalized. What had previously seemed like innocent actions, the way I dressed, talked, hugged people and laughed, suddenly seemed to brand me as irrelevant and airheaded. My conception of personal happiness was subsumed into a collective class goal of academic success as the only success. Confidence based on anything other than raw intellect was suspicious and illegitimate. But because I was constantly viewing the pressure of the Law School as academic, I didn’t realize how much the subtle undertones of judgment and superiority were affecting me personally. It wasn’t until March when I finally saw that a previously bouncy, optimistic, and happy woman had become, in a word, Harvardized.

I cannot speak happily about my first-year experience because I didn’t need the kind of mental fuckwittage that Harvard delivered. I liked the Liz Falk who came here, and it’s only now that I realize that it’s the truly happy, self-aware people who are most at risk in the Harvard system. This is because it is the Law School’s job to properly prepare us for life in a corporate law firm, and happy, confident, and well-balanced people inevitably fail in that environment. Look at any New York law firm and one quickly realizes that the norm is a wildly unbalanced mind set of the divide between “work” and “life,” as well as a crazy perspective on holistic humanity. Law firms succeed on a large scale through the mind set of subordination. The partner calls and you jump to serve, via cell phone, voice mail, whatever. There is no room for stars unless you’re simul-



taneously kissing someone’s ass, becoming a total grind, and playing the game 100 per cent by the corporate book. Interestingly, 99 per cent of Harvard law students go to law firms after graduation. Connection? That sit-around-and-let-life-happen-while-I-rewrite-this-contract-for-the-twelfth-time mind set is learned far before you’re handed your diploma.

In the coming months, you 1Ls will likely find the atmosphere on the Harvard campus chilling nicely, right along with the weather. This is not a warm and fuzzy place. Exams will come, and stress will rise. Please, be the best service to yourselves you can be, and never forget that this education is far more useful if you are as mindful of protecting your personhood as you are of honing your mastery of legal realism. Do not be afraid to be different and to stand out in untraditional ways, no matter how many study groups you are ousted from or how many snide remarks you hear. To be talked down about is usually a good thing. If you can handle it here, you can handle it anywhere.

I wish I could do this experience again. I wish I could have developed my current approach to a legal education sooner, and realized that it is nothing more than a mere tool to aid me in building a life that I am happy and proud to live. I wish I hadn’t wasted a year of this precious life allowing my perspective to be temporarily skewed. So please 1Ls, do not make the same mistake that I did, and recognize earlier that an influx of individualism at Harvard is certainly warranted. Just grab a beer, put on a lei, and join the charge.

FENNO

Fenno walked into the Hark, shaking his head in disgust. He’d had such high hopes at the end of classes last Friday. Between Liz Falk’s hook-up party and that gig on Cambridge Street (with female invitees carefully pre-screened from the facebook), Fenno had been sure he’d see some action.

But here it was, dreary Monday, and Fenno hadn’t seen any play at all, unless you counted the triple-reverse-flea-flicker-break-the-defender’s-leg play that Fenno had spotted when he accidentally wandered into the middle of Jay Webber’s football practice. (Fenno only saw one play because, after the ball was downed, Webber started screaming that Fenno was too lazy and kicked him off the team. Before Fenno could protest that he had never even been on the team, two beefy enforcers had grabbed him by the armpits and dragged him off the field.)

Fenno’s spirits weren’t exactly encouraged by the 27 flyers from the Couples Association that were waiting in his Harkbox. It wasn’t often that Fenno felt his biological clock ticking, but Fenno couldn’t stop himself from thinking about the ungodly number of returning 3Ls who had gotten engaged over the summer. Between that and his dismal weekend, Fenno really was beginning to wonder if it was time to think seriously about someone to settle down with. (“Of course,” thought Fenno ruefully, “whoever it is would have to be awfully open-minded, what with that whole weekly sex-change thing.”)

Fenno pulled one more flyer out of his Harkbox: an invitation to a workshop on

“professional style and presentation.” Fenno briefly wondered if this might be useful but then realized that it was far too late for an old codger like him to change. After 30 years of “professional style” suspiciously like

that exhibited by Alan Dershowitz at the nude beach on Martha’s Vineyard, Fenno doubted that he would be able to turn over a new leaf. Besides, Fenno didn’t want to take a seat at the workshop away from someone who really needed it, like Duncan Kennedy.

Fenno shook himself out of his dreary reverie; there would be plenty of time for introspection in class later. After all, it would be exactly the same lecture he’d already heard twice that week. (Fenno was no fool; he’d quickly realized that the secret to success at HLS was to take all three of Roberto Unger’s classes and nothing else. After all these decades roaming the halls of Harvard, Fenno had learned to thrive on redundancy, much like Joe Singer.)

Gathering what spirits he could, Fenno quickly disposed of the remaining flyers in his Harkbox, though not without first making a mental note — as he did every year around this time — that he should really make up some feel-good story and try to snag one of those OPIA fellowships. Lord knew Fenno could use the money, what with his liquor cabinet depleted as it was just now. Besides, it wouldn’t be that hard to found an organization devoted to campaign finance reform for fuzzy lesbian whales, or some Tori Jueds-esque bullshit to that effect.

Lost in his thoughts, Fenno wandered obliviously through the Hark, even the strident “We don’t hire faggots!” posters only dimly registering in his cranium. “Good to see that SLLR is keeping a high profile this year,” Fenno half-mumbled to

himself, and kept on walking.

It was only hours later, safely curled up on his couch with the 1L facebook and a bottle of Popov vodka, that Fenno finally realized the real reason for his streak of bad romantic fortune: lack of opportunity. Realistically, all he needed was some quiet time alone in a small room with a weak-willed companion, and he could work his magic.

The solution was clear: Fenno would have to start interviewing. Fenno reviewed the OCS materials, noting with approval Sally Donahue’s line about blue suits concealing “astounding packages of promise and achievement.”

“Hell, that’s why I bought the oversized pants,” thought Fenno with a self-con-

Quote of the Week

“As a practical matter, these people are reactionary pigs.”

— Duncan Kennedy, describing certain members of the legal elite during the period of the ascendancy of Classical Legal Thought.

gratulatory smirk. His grin only grew wider as he read more of Sally’s true confession: “the legal profession is experiencing sustained growth, and your ‘dangling’ process is therefore much more in your control than you might think.”

“Ain’t it the truth, sister,” Fenno chuckled as he closed the door and headed toward the OCS office. But Fenno’s warm glow of male pride quickly faded, as he realized that the line just to drop off a resume extended past the OPIA office, out the door, and well into the Areeda construction zone.

“Ah, HLS efficiency,” Fenno muttered with a sigh as he stepped into line and did his best to pretend he was at Disneyland.