



Grade reform proposal dealt death blow

by Justin Herdman

The faculty has spoken once more. And if votes were words, these would have been delivering the last rites for grade reform.

Last Friday, a faculty meeting voted down the five-tier grading proposal by a tally of 31 to 13. A competing proposal, which would have instituted a three-tier system, was voted down two weeks ago by a count of 30 to 19.

In the wake of the faculty's failure to approve the three-tier reform, student opinion tended to support the status quo grading system over

the five-tier proposal. Dean of the J.D. Program Todd Rakoff '75, who chaired the strategic planning committee that proposed five-tier grading, acknowledged that student disfavor had an influence on the final faculty vote. "A lot of students seemed to be in favor of three-tier," Rakoff said, "but once it failed, the bulk of student sentiment was to stay with the current system. The faculty probably didn't see much sense in changing it either."

An effort to impose a mandatory curve atop the current grading system has apparently foundered as a result of five-tier grading's demise.

An amendment to adopt a mandatory mean — allowing a professor to deviate from a fixed distribution of grades, as long as the average grade was a "B+" — was defeated by a vote of 33 to 9.

Another amendment would have required full disclosure on student transcripts. Thus, a student's performance in a course would not be represented simply by a grade, but by the student's ranking in that course relative to all other students. This proposal was defeated by a vote of 29 to 12, with 2 abstentions.

Please see **REFORM**, p. 2

Native American gaming expert deals out legal history

by Juan Pablo Alban

If you like gambling, chances are that you will go to Foxwoods once or twice during your 1L year, three or four times during your 2L year, and twenty or more times during your 3L year. And if you are one of the many that leaves that cozy Connecticut resort highly disappointed, maybe learning a little about why Foxwoods exists, who regulates it and where that money goes will help you win big next time.

On Tuesday evening, the Native American Law Students Association (NALSA) held an informal presentation on gaming in Native American territory. Terri Proust, one of three commissioners of the National Indian Gaming Commission, led the discussion about the \$10 billion industry. The Commission has jurisdiction over the regulation of American Indian tribes throughout the United States.

A Little History

Florida's Seminole tribe originated gaming on American Indian lands in 1979 when they started a high stakes bingo operation. The business soon caught the attention of the state. Florida allowed bingo throughout the state but the game was closely regulated, including the amount that people could win. The state brought suit against the Seminoles in an attempt to control their operation, and the resulting judgment found that Florida could not expand its regulatory arm into Indian land. The early 1980s saw such an expansion of similar enterprises throughout the United States that they caught the interest of the Department of Justice, which was concerned with the potential for organized crime involvement, and the Department of the Interior. Las Vegas, Atlantic City and states that had lotteries also became interested given the potential competition that Indian gaming could create.

Soon thereafter Congress began holding Oversight Hearings, responding to

Please see **GAMING** p. 2

Jerry live and in full effect at Harvard Law

by Justin Herdman

Having conquered every arena from politics to broadcast journalism to the daytime talk circuit, television personality Jerry Springer set his sights on the Harvard Law School last week. Springer, who hosts a self-named talk show renowned for its unique blend of human drama and chair-throwing guests, addressed the school with a talk entitled, "Politics, Morality and the Media."

As he entered, the crowd greeted him with his program's traditional chant of: "Jerry! Jerry! Jerry!" Springer's response was an order for the audience to: "Get help!"

He also mused on the unusual venue — an Ames Courtroom packed with rowdy law students — that may have seemed a world away from Springer's circus-like talk show. "It's fairly incongruous going from my show to Harvard Law School," Springer said, "but maybe not as incongruous as some people might think. Some of you here could be on my show." And with the wariness of a host who has often ducked flying objects, Springer noted with alarm, "Some of the chairs aren't bolted down."

Lest attendees think that Springer would begin his address with an all-

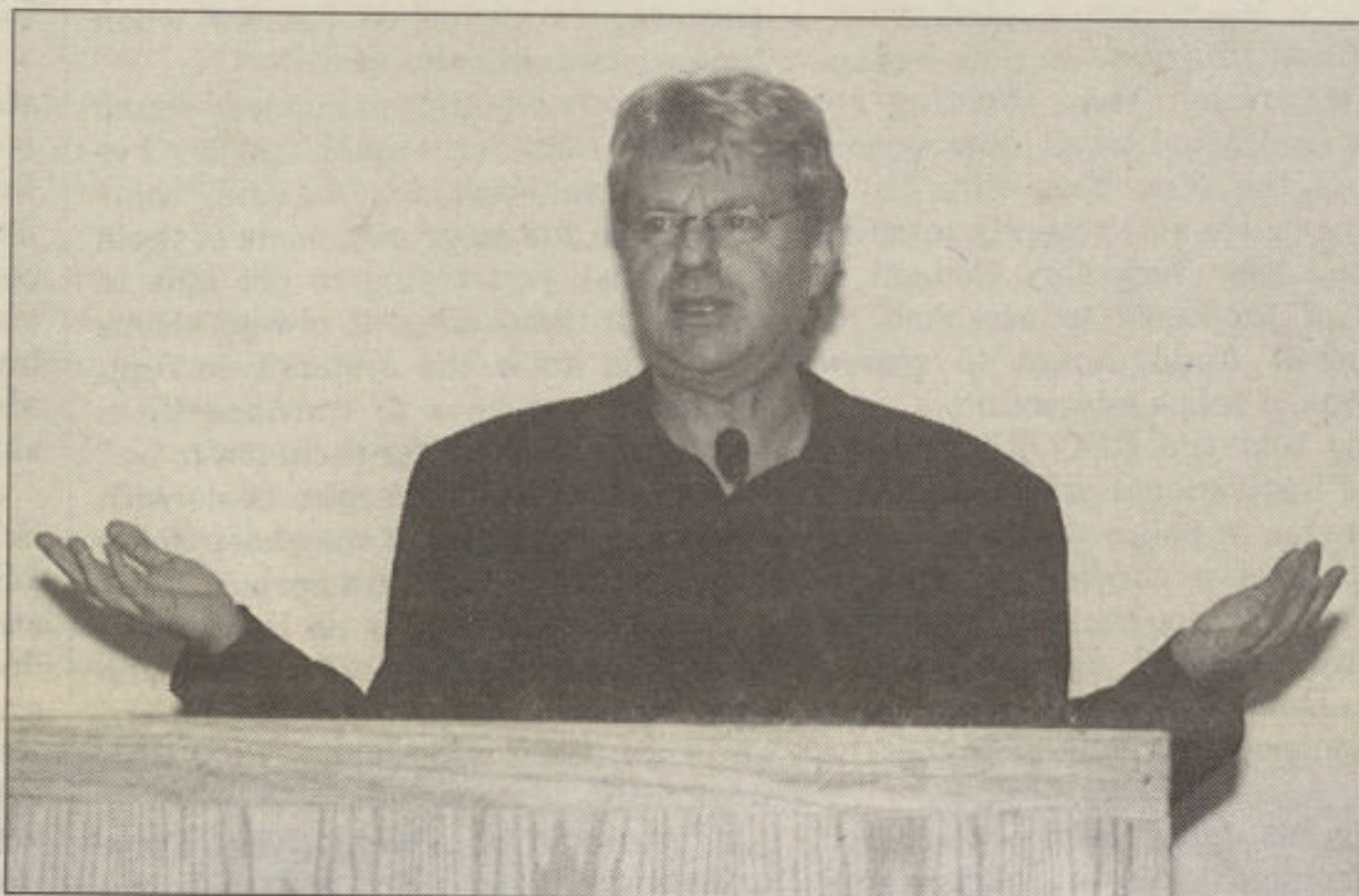


Photo by Murad Kalam

Jerry Springer, talk show host, says his show is less exploitative of his guests' lives than mainstream media outlets.

out defense of his show on the grounds of taste, he said, "Let's be honest — I have the stupidest show on television ... and how proud I am."

Describing the show as "chewing gum" with "no particular purpose," Springer said his program "won't save the world, nor will it destroy society."

The show, which Springer also deemed "fun" and "silly," has generat-

ed earnest protests for several years. The host joked about detractors' claims that "the show will destroy Western civilization." In response, Springer said, "We've been around for 1000 years, let's give Eastern civilization a chance."

On a more serious note, Springer

Please see **JERRY**, p. 3

Two-L body politic lean, mean voting machine

by Phillip Barengolts

They're swamped with interviewing and Con law. But ever mindful of their civic duty, the members of the Class of 2002 will not be deterred from casting a vote this fall.

A recent RECORD poll found that ninety five percent of second year students are registered to vote, and nearly all of them plan to vote in this year's presidential election. One hundred and sixty students responded to the poll.

Perhaps to no one's surprise, the percentage of HLS students registered to vote and planning to vote in the upcoming election is higher than the national average. A recent Medill News Service Poll found that 85% of people aged 18-24 said they would probably or definitely vote in the upcoming election. Curtis Gans, director of the Committee for the Study of the American Electorate, a

Question	RECORD Poll		
	Yes	No	Percent yes
a) Are you registered to vote?	152	8	95.0%
b) If so, do you plan to vote in this year's elections?	148	10	93.6%
c) Did you vote in 1998?	113	46	71.0%

nonprofit research institution, told the Medill News Service that voter turnout for the age group was about 28.2% in the previous presidential election. Gans did not expect that number to rise by more than one percentage point.

However powerful the student urge to vote this year, fewer respondents voted in the mid-term elections of 1998. Seventy one percent of those polled voted in that election.

Most students stated that they would be in a voting booth on election day, but some were skeptical of the results of the poll. "I don't think that everyone who says [they will vote] will actually [vote]," stated

Christopher Babbitt '02.

While some students may be embarrassed to admit that they will not be voting, Laura Garret '02 was one of a few students who, though registered, was not planning on voting this year. "I don't feel in good conscience I could vote for one of the major party candidates," Garret said. Garret explained that when she admits to being neutral, it becomes an issue of discussion that is not taken lightly by her fellow classmates. According to Garret, many students feel strongly about this election precisely because it is so close. "I feel guilty about [not voting]," Garret admitted.

National Coming Out Day

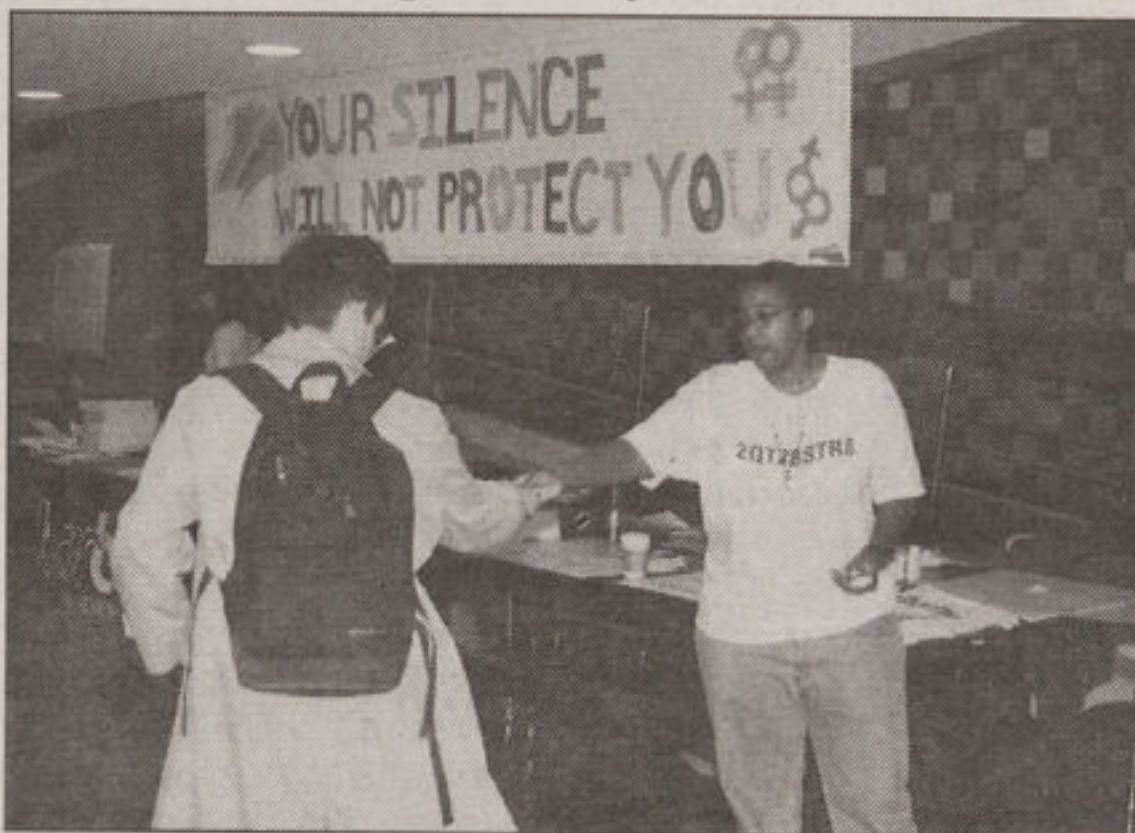


Photo by Murad Kalam

Stickers signalled support for those students brave enough to declare their sexual identity.

In this issue ... Serpico regales HLS Forum ... p. 2
... Coquillette relives Harvard Law's Black heritage ... p. 6 ... Wood looks for a Libertarian mate ... p. 9.

Police anti-corruption hero comes to HLS

by Zachary Price

An undercover cop attempts to bust a drug pusher; the operation goes tragically wrong, and a cop gets shot in the face. The downed officer is a "good cop" — a whistleblower who exposed corruption in his department — so backup is slow to arrive. Fact or fiction? Try both.

These events describe the plot of the 1973 hit film "Serpico" starring Al Pacino. But they also describe the life of former New York City police officer Frank Serpico, a hero in the fight against police abuse, who addressed Harvard Law School students on Monday.

In a speech entitled "Not for Sale — Integrity in the Written and Spoken Word," Serpico reflected upon his long career as a police officer and crusader against official corruption. Serpico joined the New York City Police Department in 1959. During his twelve years of service, he encountered incidents of corruption ranging from minor bribes for traffic violations to pay-offs from major gambling operators. After reporting the problems to supervisors who turned a blind eye to the problem, he and a partner went to the press. Their efforts led to a New York Times exposé on police corruption that resulted in the formation of a special commission on police wrongdoings.

Serpico was shot shortly after testifying before this commission. Though he reserves judgment on the issue, many feel that hostile police officers set him up for the injury. His story eventually became the subject of the best-selling book "Serpico" by Peter Maas, which was adapted into the 1973 film directed by Sidney Lumet.

In an interview with the RECORD, Serpico stressed that police corruption remains a serious issue. "The system has not changed," he said, pointing to letters he receives from honest cops who face discouragement and resistance in their efforts to combat corruption. "It's the same battle," he said. "It'll always be the same battle."

Serpico continues to work on issues



Photo by Murad Kalam

He may not look like Al Pacino, but that's who portrayed Frank Serpico in a 1973 film.

of police abuse, speaking at universities and police academies and writing on the subject. Mr. Serpico published several articles this year in The Village Voice regarding the shooting of Amadou Diallo and other controversial actions of the New York City Police Department. He also recently testified before the New York City Council in support of proposals to establish an Independent Audit Board to review allegations of police misconduct.

Serpico told the RECORD that he supports institutional reform. He said he advocates "a police review board to keep their eyes on the bad cops [and] a Green Party to keep their eyes on these other two parties." Serpico wore a Nader/LaDuke pin and placed a campaign banner on his podium during the speech.

During his talk, Serpico discussed how corruption leads to cynicism and disillusion in even the most well-intentioned young officers. He emphasized the personal admiration he feels for

"honest cops" who persevere in the struggle for justice. Serpico tries to encourage such police officers when they write to him, he said.

Serpico is working to support young people at risk of criminal behavior. "I've been working with kids," he said, "some of them in the inner city, some of them at [camps], just trying to get kids to believe in themselves. It always seems that kids know the system's corrupt, but then you have to convince them that it's worthwhile for them not to be."

The young people Serpico deals with could end up in jail "if they keep doing what they're doing," says Serpico.

Personal character is no less important for lawyers and law students, he added. "Whatever you do," he told the audience, "do it with dignity, do it with integrity."

"[I've met] a lot of bad lawyers, I met a few good lawyers," he told the RECORD. But, he noted, "the quality of one good lawyer is equal to the quantity of many bad lawyers."

operations that generate less than \$1.5 million do not have to pay it.

Justifying the Commission

As the NALSA presentation progressed, several attendees raised questions about how Congress justified such regulation. Indeed, several tribes today continue to protest it as an intrusion on their sovereignty. Proust, however, vigorously defended it. "The underlying integrity" of such operations is crucial, she said. The Commission, whose top three members today are all Native American or have dedicated their careers to Native American issues, wants to ensure that tribes remain the primary beneficiaries of the business. Such profitable enterprises could easily attract organized crime, particularly among tribes that may not necessarily know too much about the complexities of the business. Furthermore, the system of uniform rules that the Act created has increased the legitimacy of gaming in tribal lands, and it has consequently taken lobbying leverage away from states that previously wanted to regulate them, or gambling havens like Las Vegas. Finally, the revenues that such operations create have helped the tribal communities greatly, according to Proust. The money has helped tribes do things that they had never been able to do before. As they re-invest the money into their own communities, areas ranging from Health Care to Education to Housing improve. "Even a couple of snow plows for a tribe in North Dakota," Proust emphasized, can help immensely.

REFORM

Continued from page 1

A measure to standardize the grading in 1L courses, as well as 2L "bundled" courses, was approved by a vote of 23 to 19, with 1 abstention. The measure was proposed by Prof. Christine Desan. She emphasized that the agreement was not the equivalent of a mandatory curve. "Rather, we voted to cooperate with one another to follow the customary curve that has generally guided our grading in 1L and bundle courses, given the importance of horizontal equity in those classes," Desan said.

It is hoped that the J.D. Dean will "work to communicate and encourage compliance with the curve," according to Desan. "Our hope is that our voluntary actions, taken in good faith, will cure any significant grading disparities without creating the problems inherent in a rigid curve," she said. Rakoff concurred: "The idea was to get the benefits so that it wouldn't matter what section [a student] got randomly assigned to without making it so constraining that professors can't deviate if they need to."

There are a few details of Desan's standardization regime that still require clarification. For instance, Rakoff noted that the faculty will need to define whether a first-year course in corporations is a "bundled" class. And the exact numerical distribution of the suggested curve will also need to be determined, Rakoff said.

Jay Munir '01, president of the Law School Council (LSC), said that the LSC was in support of the flexible standardization plan. "The LSC decided to support a flexible form of grade standardization because we were confident that if students knew the extent to which grades differ across sections and bundles, they would not find it fair because one's section or bundle assignment should not determine one's employment or clerkship prospects," Munir said.

GAMING

Continued from page 1

a public perception that Tribes did not adequately regulate their gaming. "They were [well regulated]," said Proust, "just not consistently across the board." In 1987, the United States Supreme Court followed the earlier Florida decision in *California v. Cabazon Band of Mission Indians* and did not allow California to regulate gaming in Cabazon lands.

The Indian Gaming Regulation Act

The Cabazon decision signalled the start of "a key time when Congress thought that they needed to get involved," said Proust, and the Indian Gaming Regulation Act of 1988 followed. The Act delineates the framework for how tribes may conduct the lucrative business of gaming. "It came at an unfortunate time," said Proust. Because of the sense of urgency surrounding the Act's passage, Proust said that it had few supporters. The states did not because they wanted more control over gaming, and tribes tended to see it as a significant intrusion on their sovereignty.

The Act first establishes three classes of gaming. Class 1 consists of mainly traditional games within tribes that the general public usually does not see, and tribes retain complete regulatory control over those. Class 2 includes bingo and some card games, mainly poker. Tribes mostly retain jurisdiction, but the National Indian

Gaming Commission has oversight responsibilities. Class 3 consists of basically all other types of gambling, and what the public considers typical casino activities fall under this category. In one of the more controversial provisions of the Act, tribes that want to have Class 3 gaming must negotiate and enter into contracts with the states wherein they lie.

The contracts vary greatly from state to state — provisions within them range from establishing what types of games tribes may have to how they will license employees.

The second major component of the Act creates the National Indian Gaming Commission. The Commission has the authority to monitor all gaming at any time and any place, though a lean budget makes it easier said than done. It also approves all management contracts (when tribes decide to hire someone else to run the business), reviews audits that tribes are required to conduct and retains punitive authority when tribes violate rules.

The Commission's budget increased from \$3 million to a cap of \$8 million in 1997. The increased funding has allowed it to create five field offices (in Sacramento, Tulsa, Saint Paul, Phoenix and Portland, Oregon). The Commission has also been able to hire more field investigators and provide more technical assistance to tribes when they request help. The \$8 million comes from fees that the Commission charges its regulated community. Those fees are usually 0.09 percent of gross revenues, but

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JERRY

Continued from page 1

said he feels protecting his show on the grounds of free speech is crucial. "When I hear the arguments against it, I think, gee, this really is important," he said. Drawing a parallel to radio personality Howard Stern, Springer said: "Every day his show is on, the rest of us are free."

This defense of his program rests on the minority protections guaranteed by the First Amendment. According to the host, who graduated from the law school at Northwestern University, the Constitution was not designed to protect mainstream viewpoints. Springer noted, "The First Amendment is around to protect those versions of lifestyles that nobody likes." Presumably referring to the habits of his guests, Springer said that the airing of such viewpoints is vital "not because we endorse them, but because we endorse the concepts of freedom and liberty."

By including "Jerry's Final Thought" at the end of each episode, Springer said that he refrains from endorsing much of the behavior and viewpoints expressed by guests on his show. "The commentary separates what's on the show with my own personal point of view."

In response to another common line of attack on his program — that his guests are "trash" and don't belong on television — Springer said that although he may be better educated than his guests, he is not a "better person." Instead, Springer says this "trash" attack is "elitism."

Springer noted: "Let's face it; they [critics] just don't like the people on the show. Hitler was trash, but you're not trash because you're poor. We can disagree with them [guests], and think they're funny. But they're not trash."

The roots of elitism run far deeper than his show, Springer said. "The

problem with American television is that it only represents white, middle-class Americans. If you're black, you're Bill Cosby, and you'd better live in the suburbs."

In a free society, Springer said, the media is responsible for reflecting all aspects of that society. Though his show claims no "social motive," Springer said that fears of negative effects on children viewing the program are unfounded. "What does our show inspire kids to do?" Springer asked. Answering in a childish voice, Springer said: "Tomorrow, I'm gonna be a transvestite! Mom, can I borrow your panties?"

In addition, Springer said his show is a "morality play" of sorts. "The good guy gets cheered, the bad guy gets booed," he said. He also observed that "the guy who cheats invariably loses the girl."

Springer also claimed that his program does not exploit its guests. Unlike hard-news programs that exploit subjects, Springer's show is completely voluntary. Potential guests are provided with a toll-free phone number during each episode. "They call us, and it's not easy to get our number," he said. "Some of these people have to watch it many times."

Prospective guests must possess an "outrageous" story, Springer said. Additionally, those guests who will be dealt a surprise — such as discovering that their lover is actually of the same gender — are presented with a list of 21 potential revelations. The actual surprise is on the list, and the guest must approve each item to appear on the show.

Despite the many people who try out for the talk show, Springer said, "I would never, ever go on it." Estimating that 90 percent of Americans would likewise decline an invitation to appear on the program, Springer noted that ten percent would feel comfortable with a nationally viewed catharsis. "That's 25 million people," Springer said, "and that's a lot of shows."

Springer reserved some of his

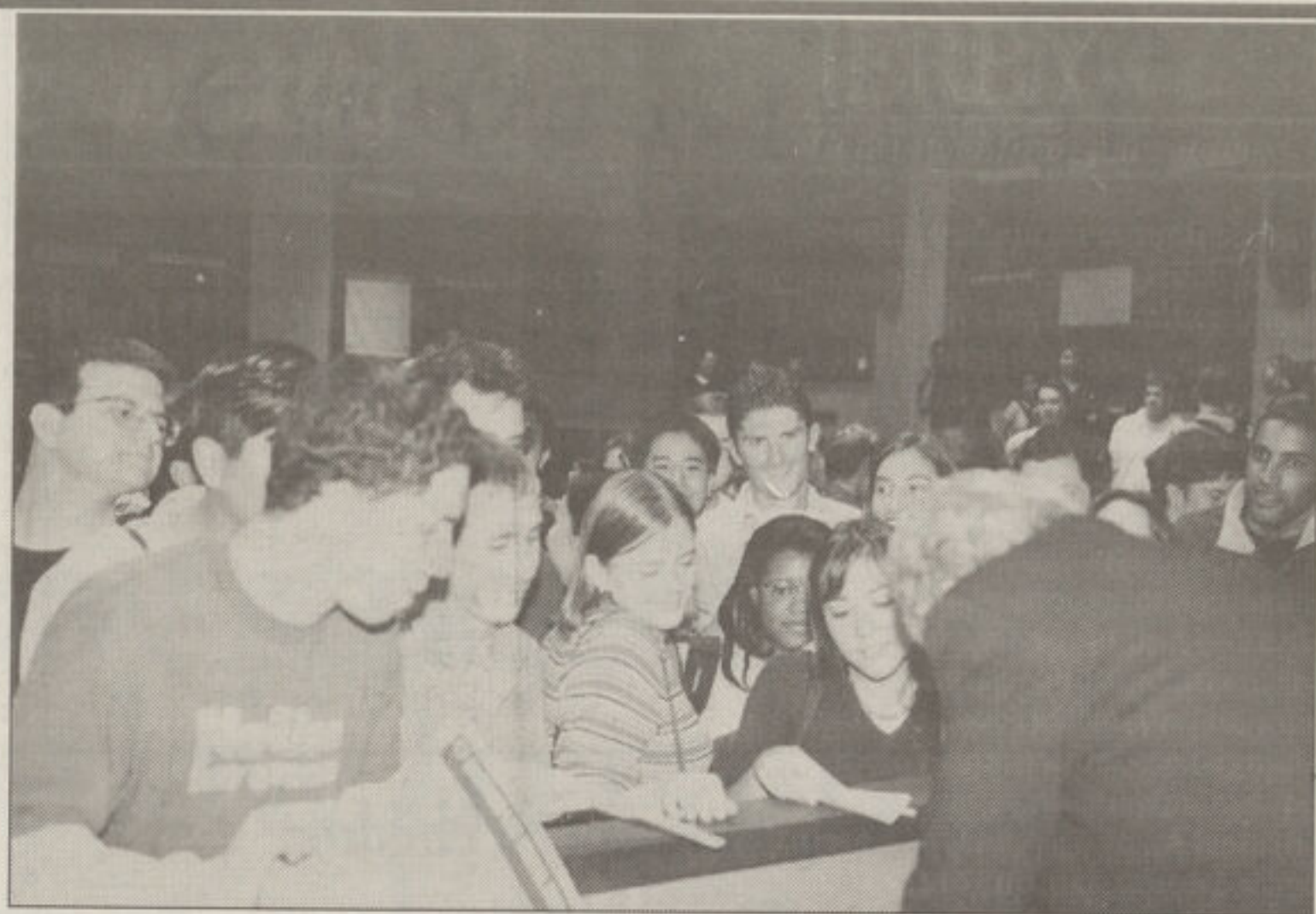


Photo by Murad Kalam

Students flock to Jerry for signatures and sage advice.

insights for the audience, which was invited to participate in a question-and-answer session. Having once served as mayor of Cincinnati, Springer expressed a number of opinions on politics. When asked if he would ever revive his political career, the television personality joked, "I'm thinking of running for President, because after all, I've done everything the President has done."

On a more serious note, Springer decried career politicians as being "intellectually dishonest." When a political career is responsible for the food on a politician's table, he said, then a candidate will attempt to be re-elected at all costs. This leads to systemic pandering as part of the electoral process, Springer explained.

"We [the voting public] don't want the truth; we want comfort," he said. "The only way to have a perfectly honest system is to have politicians who are perfectly willing to lose."

Springer also provided social commentary when asked about fellow talk show host Jenny Jones, who was

sued by the family of a former guest. The guest in question had revealed a "gay crush" on Jones's program; the subject of that crush later shot and killed his admirer. Springer said that court case "has more to do with homophobia than it does with television." By taking the homosexual element out of the crush, Springer said, no one would have thought of blaming Jenny Jones. "It says more about society than it does about the Jenny Jones," he said.

Springer's show is broadcast internationally, a fact which led one member of the audience to question the program's portrayal of Americans. While saying that the worst view of America may be on display in news programs, Springer joked about his show: "We do our country a service. I save taxpayers money. When other countries see my show, they no longer want to take us over."

And the Harvard Law edition of the Jerry Springer show was not without a final thought: "May you never be on my show," Springer said.

• Letter •

Your math is fuzzy, anti-Marlboro man

Jacob Appel appeals in a letter [RECORD, September 22, 2000] for a boycott of the cigarette manufacturer, Philip Morris. Mr. Appel, to a large extent, bases this appeal on World Health Organization predictions of dire health consequences if smoking rates are not suppressed. There is evidence taken from the experience of different countries that these predictions are exaggerated.

Japan has the industrial world's highest smoking rate — as many as 80 percent of Japanese men smoked in 1960 and more than 60 percent do now. The heavy-smoking Japanese enjoy the longest life expectancy, the lowest rate of heart disease and one of the lowest incidences of lung cancer of all the developed countries.

Greek men at middle age, whose rate of smoking rivals that of the Japanese, live longer than do the men of any European or North American country. This is despite the fact that the Greeks don't exercise, at least not systematically, and are served by a modest health care system. The Environmental Protection Agency, in its 1993 report

on secondhand smoke, acknowledged the high smoking rate of Greece, and attributes that country's low incidence of lung cancer to the high percentage of fruits and vegetables in the Greek diet.

The French smoke far more cigarettes, eat as much fat and exercise less than Americans, yet the French have less than half the incidence of heart disease as does this country. Visitors to Spain are impressed by how much the Spanish smoke and how thin, compared to Americans, the Spanish are. Both France and Spain have longer life expectancies than does the United States.

The World Health Organization, in formulating its predictions, ignores the circumstances of countries with long histories and high rates of smoking whose populations are in good health. That global agency is more interested in influencing public policy than in scientific integrity.

Stephen Helfer
Circulation Assistant
Research Services Division, HLS
October 13, 2000

Memorial service for Charny '82

There will be a memorial service for Prof. David Charny '82 on Thursday, October 26. The service will be held in the Ames Courtroom of Austin Hall on the

Harvard Law School campus. It will begin at 2 p.m. Immediately following the service, there will be a reception in the John Chipman Gray Room in Pound Hall.



Look! Over there! That person writes for the RECORD!

Harvard Law RECORD

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Protecting the paper's children

In the Ames Courtroom last week, Jerry Springer defended himself from his numerous critics. The show's guests just about always offend their audience with passionate (and frequent) uses of vulgarity, fist-swinging bravado and extramarital dalliances. And like any good parent, Springer feels obliged to protect his baby when it comes under attack.

In a way, Springer's show could be analogized to the RECORD: the most offensive show on campus, if you will. The newspaper — though its detractors would be unlikely to refer to it as such — often sees its attempts at humor sniffed away as sophomoric, its journalistic endeavors dismissed as bumbling and inaccurate, its staff put down as bitter and inept.

Yet perhaps no other portion of the paper is as widely read, or as widely vilified, as the anonymous column penned by Fenno.

When written well, Fenno shines a satiric spotlight on the absurdity of Harvard Law School through the words and actions of its students, faculty and staff.

In recent weeks, the column has come under attack from a number of angles. Although the editorial decision to include material is open to debate, it should be noted that none of the comments objected to recently are untrue. Irrelevant or misguided, perhaps. But false? No.

A letter submitted this week has made serious allegations about this newspaper and its editorial board. The letter points to a recent Fenno column, which contained what the writer considered to be an inappropriate racial remark, as evidence of the paper's lax editorial standards.

What the letter does not mention, however, is that the statement in question mirrored an actual statement made by an HLS student in a parliamentary-style debate between HLS Democrats and Republicans. The letter asserts that the RECORD's decision to publish Fenno's parody of the remark was racially insensitive and "shallow." These are grave accusations, and the RECORD wishes to clarify that it takes them with the utmost seriousness. When it comes to Fenno, we take special care to ensure that we are meeting our ethical and editorial obligations to the HLS community. Parody, however, cannot be palatable to all. In critiquing Fenno, it's important to distinguish between the parody and the thing being parodied.

Yes, Fenno uses artistic license to parody its subjects. And, of course, reasonable people may disagree about Fenno's content — that, after all, is what the column is all about.

The letter places the blame for the racial remark squarely on one transgressor — the forever-maligned, gender-shifting Fenno. But Fenno draws his/her material from the world around us: our classmates, professors and administrators. Fenno may be offensive, but if that is the case, then we have more problems on our hands than an errant, anonymous satirist.

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

—First Amendment, U.S. Constitution

• Letters •

Fenno, RECORD editors crossed the line

I recently read an analysis of racist speech by Prince Jean Christian Kanyiki wa Tshibaka that has helped me articulate the racial insensitivity in Fenno that otherwise would remain only an unspeakable knot in my stomach, a bad taste in my mouth, and a pissed off mood. Because you have not had the good sense to withhold publication of Fenno despite distasteful and disturbing sentiments, I trust you will be open to acquiring good sense through analysis.

Though the prince of a Zairean tribe, wa Tshibaka has lived in the Philippines, Brazil, South Africa, Spain, and the United States. Through his unique lenses, he has seen that terms usually associated with racism are neutral in and of themselves. It is intent and cultural context that makes [sic] words painful. He shares an autobiographical example. After experiencing racism in multiple countries, he was acutely aware of the absence of racial discourse in his school in Spain. After years of curiosity, he exercised the courage to ask his friends how they perceived him racially. Initially, his friends did not understand the question. After his insistence upon knowing what color they thought he was, the best the group could articulate was café con leche (coffee with milk). The group, given its history and intentions, was utterly without the tools to communicate racism. Wa Tshibaka then shared with his friends his experiences from other cultures and the terminology used to communicate racism. Subsequently, these friends used the terminology of racism as a gesture of friendship. Among them, for example, the N word was a constant reminder of the absurdity of racism and that their friendship was without it.

So Fenno's characterization of a 2L couple as troubled with suppressed racial issues and serious exoticism issues (September 15) reveals the vantage point from which (s)he approached their Web Page. Since the words are not negative in and of themselves, Fenno's inference reveals the

negative value (s)he imputes to them. Fenno even uses the fact that the 2L woman refers to her fiancé as a handsome prince from the depths of Africa as evidence of their racial issues. Little did Fenno know that her fiancé is a prince from the depths of Africa. Her fiancé is wa Tshibaka. Among this couple and their friends the terms Fenno quotes are used in the manner used by wa Tshibaka's friends in Spain. (The couple had a private Web Page, not discoverable by search engines, in order to restrict access to these friends.)

Fenno not only imputes suppressed racial issues, (s)he projects it back on the authors of the private Web Page from which (s)he extracted the words. Along with flinging back negative motives, Fenno strings together words in a manner not found on the Web Page and takes liberty to embellish all the while insisting, I am not making this up. This is not only a disgrace to editorial journalism, it is revelatory of more of Fenno's own perspectives on race.

Please understand. This is not just a criticism of Fenno. It is a criticism of you, the Editor of the Record. If you did not see the racial insensitivity in the September 15th column, you might have been excused. It's deep. But last week, October 6th, you let pass this statement — "You'll wish you'd been dragged behind a truck." That's shallow. The cultural context of 2L fiancés may be unknown to you, but the culture to which you publish should not be. You shamefully allowed the gruesome three-mile dragging of a black man, during which he died of decapitation by a drain culvert, to be used as a joke referencing political positions. Ironically, on the same pages, you covered the recent gathering of black HLS alumni who steel for the challenges ahead. You seem oblivious to the fact that you foster their perpetual challenge of racist speech and sentiments through the Fenno column.

Daryl A. Kreml '01
October 15, 2000

Editor's Note: The RECORD accessed the Website referred to in Mr. Kreml's letter by using a search engine. In addition, the language quoted by Fenno was taken verbatim from an archived version of this Website, and the RECORD is aware of no rearrangement or distortion of the text. The RECORD secured Mr. Kreml's assurance that Mr. wa Tshibaka consented to inclusion in the above letter.

Kennedy, student comment on Middle East

We write to express our deep concern about the current crisis in the Middle East. We are also concerned with the limited character of the public discussion of the issues within the HLS community. In the spirit of conversation, we would like to state a position, one that we share, from our quite different Syrian and American perspectives.

First, we condemn lynching and violence on both sides against civilians, children, prisoners and bystanders both inside Israel and in the occupied territories. Second, we believe that the actions of the Israeli government, since the beginning of the crisis, have involved the grossly excessive use of force, and that nothing that the Palestinian Authority or the Palestinian people have done justifies the Israeli government's reaction. Third, we believe that the peace agreement almost completed under American auspices this summer would have been unfair to the Palestinian side, and inherently unstable. We believe that a fair and sustainable peace agreement would have to

involve, at a minimum: the withdrawal of Jewish settlements from the West Bank and Gaza; the establishment of East Jerusalem as the Palestinian capital; and, for the Palestinian refugee population, some combination of a right of return and compensation for seized lands. Fourth, we believe that the United States government should use the leverage derived from massive current financial aid to Israel in order to promote a settlement on this basis, rather than the kind of settlement the Clinton Administration favored this summer.

These pro-Palestinian positions, we wish to emphasize, are grounded in secular and universalist concerns for fairness between the parties. We reject the idea that the conflict is now, or should become, either a religious war between Muslims and Jews or a war between Jews and Arabs as peoples.

Professor Duncan Kennedy
Hani Sayed, S.J.D. '01
October 17, 2000

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PERSPECTIVE

Editor's Note: The following is an edited version of a speech delivered by Prof. Dan Coquillette '71 at the school's recent Celebration of Black Alumni. The speech was originally given as a "Black History Quiz." Coquillette would like to acknowledge David Warrington, Steven Smith and his research assistants, Alison Cahill, Jenn Gay and Todd Tisdale for their assistance.

Isaac Royall, Jr.

Isaac Royall, Jr. bequeathed 2.5 million dollars in today's money that was used to establish the Harvard Law School. Royall's will was dated November 30th, 1779, and it granted 200 acres in Royallston to the Harvard Law School for the "endowing of a Professor of Laws at said college, or a Professor of Physic and Anatomy." This endowment was used for the founding of the Royall Professorship, today the most senior endowed chair in the Law School and traditionally occupied by the Dean.

Royall's land in Massachusetts was purchased in large part by the sale of his plantations and slaves on Antigua when he retired in Medford, Massachusetts. Indeed, Isaac Royall brought some of his slaves with him, and a slave block still stands at his house in Medford. It is the only slave block of its kind that survives in the northeastern United States. Slaves in Antigua were put to work in the cane fields. This was a particularly brutal form of slavery begun by the British as early as 1640. African slaves replaced the indigenous peoples in labor, and they worked the Royall plantations in the Popeshead region of Antigua. The cane knives were razor sharp. There were no antibiotics. Even the slightest cut often led to an anguished death of infection. The reason for Royall's retirement to idyllic Medford was to avoid yellow fever and malaria, which also plagued the island.

The arms of Isaac Royall now form the arms of the Law School. They show stacked wheat sheaves. Our law school motto, "From the old fields must spring the new corn," takes on special significance when you think of the labor of the Black men and women that formed part of the initial capitalization of our school.

George Lewis Ruffin 1869

George Lewis Ruffin was the first Black lawyer to graduate from the Harvard Law School. Ruffin's story is one of great determination. Born in Virginia to a "free man and woman of color," George was the eldest of eight children. In 1853, the State of Virginia passed a law that forbade Blacks to be taught reading and writing. George's mother, Nancy, took all of her children to Boston so that they could receive an education. His father, George Washington Ruffin, continued to send money from his job in Richmond. This family divided under great hardship so that eight children could receive an education.

There was no question that George Lewis Ruffin was a superb student. He graduated with distinction from Chapman Hall in the Boston Public Schools, then applied to Harvard Law School and was admitted. But he experienced prejudice in his first month. A group of students at the first meeting of the Student Assembly offered a resolution that "every member of the school, is of right a member of the Assembly," except for "colored persons." In the lively debate that followed, George Ruffin spoke on his own behalf. The motion was ultimately withdrawn.

When George Ruffin graduated from Harvard Law School in 1869, he was the first Black to graduate from any accredited

university law school. He became active in politics and was elected to the Massachusetts State Legislature and to the Boston Common Council. In 1883, he came to the attention of Governor Benjamin Butler, who made him a municipal judge in Charlestown. This was the highest appointment of any Black lawyer in the North and the first appointment of a Black lawyer to a judicial office higher than magistrate. He served on the bench for three years until his death in 1886. Ruffin's son Hubert also spent two years at the Harvard Law School in the Class of 1881.

Archibald H. Grimke 1874

Archibald H. Grimke was the second Black graduate of the Harvard Law School, and perhaps one of the most remarkable. Grimke's story is extremely poignant. His father was a slave master in Charleston, South Carolina. After the death of his wife, he fell in love with one of his slaves, Nancy Weston. Together they had three sons, of whom Archibald Grimke was the eldest. Henry Grimke desperately wished to marry Nancy Weston but was prohibited from doing so by the laws of South Carolina. He was also prohibited from setting either her or his three sons free. In response, he set them up among the free Black community in Charleston to see if they could get the best education possible.

As it happened, Archibald's aunts were famous suffragettes known as the "Grimke sisters." They helped Archibald Grimke enroll in the Harvard Law



George Lewis Ruffin — 1869

School in 1872 and sent him money to pay his tuition. Grimke early established himself as a radical. He was active in the major newspapers of the day and was editor of the Hub, a Republican newspaper for a Black audience. He was a militant advocate of equal rights for Blacks and also involved himself in the Women's Rights movement. He became President of the Massachusetts Women's Suffrage Association.

Grimke came to the attention of President Cleveland in 1894 who named him Consul to Santo Domingo. Grimke experienced what he felt was extraordinary

freedom from racial prejudice in Santo Domingo, which further encouraged him in his battle for equal rights on his return to the United States in 1898. From that time on, he became a close ally of two great leaders of the early Civil Rights movement, Booker T. Washington and W.E.B. DuBois. In the end, he became National Vice President of the NAACP and fought determinedly against the miscegenation statutes that had caused so much misery in his own family. In 1919, at the age of 70, he was awarded the Springarn Medal of the NAACP in recognition of his life's extraordinary work.

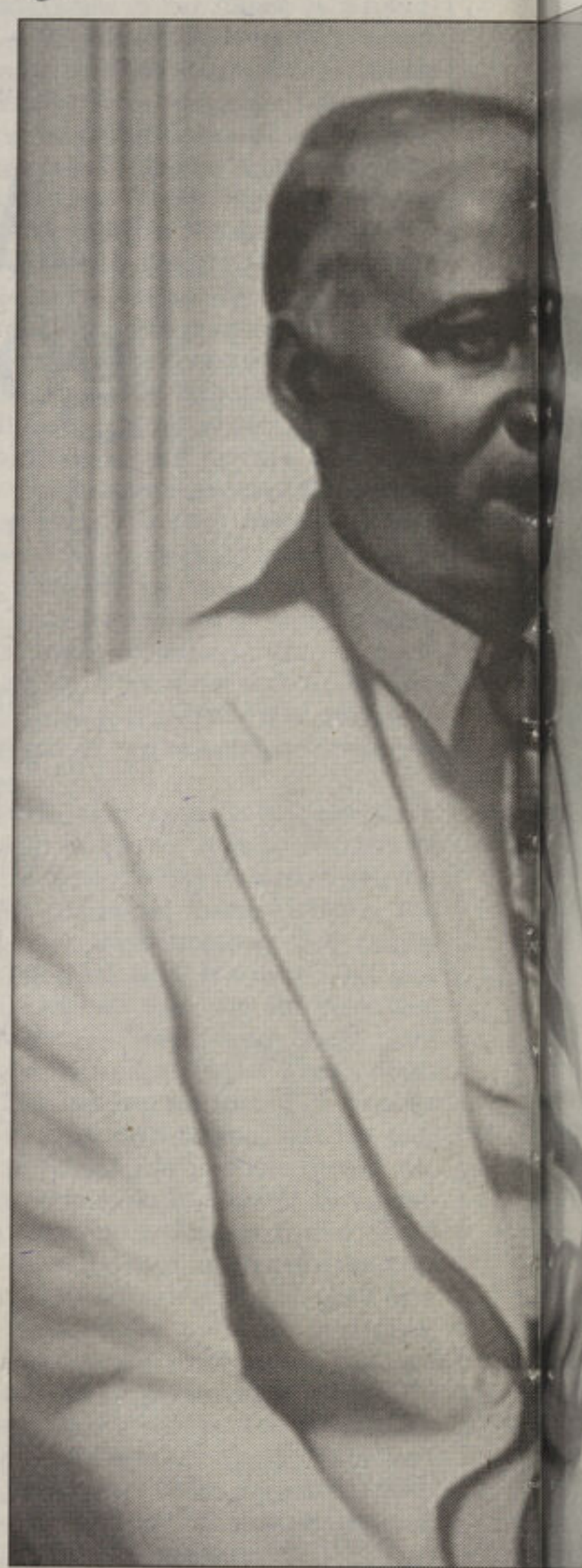
Charles Hamilton Houston '23

Charles Hamilton Houston certainly was one of the great graduates of Harvard Law School. Houston, the son of a lawyer, became valedictorian of his high school class at 15 and then went to Amherst College. At Amherst he graduated absolutely at the top of his class. He was the only Black student. Despite his extraordinary academic achievements and his election to Phi Beta Kappa, he was never allowed to enter the fraternity houses at Amherst.

Houston was drafted into the army at age 21. This became an extraordinarily bitter experience. Forced to attend all Black segregated training camps, his talent was recognized, and he was promoted to First Lieutenant. At that time, he and few other Black officers were moved to Camp Mead, which was an all-White camp. There he endured racial slurs and attacks that eventually forced the Black officers to be moved to Camp Dix in the District of Columbia. The conditions at Camp Dix were terrible. Charles Hamilton Houston's resentment of segregation led him to be a lifetime enemy of the separate-but-equal doctrine. Houston later became a close confidante and consultant of Thurgood Marshall, and Houston's battle against racial stereotypes became an important influence on Marshall.

Upon return to civilian life, Houston was determined to fight the Jim Crow rules that he had endured in the army. Before he left for Harvard Law School, however, he witnessed firsthand the terrible racial riots in Washington during June of 1919. When he entered the Harvard Law School, he was the only Black in his class. At the conclusion of his first year, he had As in nearly all of his subjects. Houston long kept an A examination in liability signed by Joseph H. Beale, a professor that he greatly admired.

Despite his high grades, he was never included in the Ames Clubs or other White clubs at the school. Instead he attended a club frequented by Black Boston students — the Cosmopolitan Club — where he turned out to be an extremely talented pianist. He continued his outstanding academic performance in his second and third year, and established intimate relationships with professors such as Felix Frankfurter and Roscoe Pound. But the discrimina-



Charles Hamilton Houston

Here are trailblazers like
Coleman, Fenwick and
the color bar
prejudice with irrefutable
and achievement. This is
It is your

tion at the School was a constant part of Houston's life. He wrote, "[T]he editors of the review don't want me ... but I still go on my way alone. They know I am just independent and a little more so than they. My stock is pretty high around these parts, but God help me against one false move." He recalls Southern students leaving the room at the Law Review when he would walk in.

On graduation, Houston became part of the great law firm of Houston and Houston in Washington. He also became a great leader at Howard Law School where he taught philosophy and jurisprudence. In 1929, he was named Vice-Dean and secured full accreditation for the school in 1931. He long represented Black clients on behalf of the NAACP and was one of the group that designed the strategies that would ultimately lead to Brown v. the Board of Education and Bolling v. Sharpe. His work for the NAACP continued to his death in 1950 at age 54. Four years after Houston's death in 1954, Justice Thurgood Marshall recalled in an inter-

By Prof. Dan Coquillette '71

Blacks at Harvard Law



Houston — 1922

Houston, Hastie, Ferguson confronting color bars and raw prejudice with irrefutable courage. This is a great story. It is your story.

... that "whenever we were sitting around talking about a case someone would say, what do you think Charlie would say about this? It would just come automatically." When the unconstitutionality of racially segregated public schools were argued before the Supreme Court in Brown, "[T]here were some two dozen lawyers on the side of desegregation," recalled Justice Marshall. "Of these lawyers, there were only two who hadn't been touched by Charles Hamilton Houston." It is a proud fact that a Medal of Freedom was awarded in honor of Charles Hamilton Houston, that it was accepted for him by his grandson, Charles Hamilton Houston II, who attended the celebration.

William Henry Hastie, Jr. '30
William Henry Hastie, Jr. was the second of the "great trio" of outstanding African-American students at Harvard during the first half of the 20th century. Following in the footsteps of his close friend, Charles Hamilton Houston, William Hastie also attended the Dunbar High School in downtown D.C.

Hastie entered Harvard Law School in 1927. At this time a professor remarked, "I have said over and over again that if you colored fellows are not absolutely top, you are making a mistake by going into the law. Law is the one field where you cannot be mediocre and get any real success." Hastie's response was to follow Houston in absolute academic distinction.

He became a member of the editorial board of the Harvard Law Review, where he was case notes editor and earned the respect of all of his contemporary editors. He too faced discrimination on the editorial board of the Review and fought for tolerance, not just for persons of color, but also against anti-Semitism. At one point, when the editors met to choose the next year's president, one said that the selection of a particular candidate would "place a Jew in the top post." Hastie calmly replied: "If that's a relevant factor, I'm going to leave the room immediately." He carried the day.

Despite the incidents of racism, Hastie had an enduring appreciation for Harvard Law School. Derrick Bell, Jr. — attending a ceremony when Hastie's portrait was added to the Gallery of Greats at the Law School — was astonished by his loyalty. Bell recalled: "I sat there in wonder and admiration that a Black man who had attended Harvard in its pre-liberal days could speak with such warmth and affection about what must have been a very hostile place." Hastie went on to join the famous firm of Houston and Houston. Together with Thurgood Marshall, Hastie and Houston selected and prepared the major Civil Rights cases that would change racial relations in the United States forever. In the midst of his activism with the NAACP, he also taught at the Howard School of Law. In the end Hastie became the first Black governor of the U.S. Virgin Islands, appointed by President Truman in 1946. He then was appointed as a Circuit Court Judge for the Third Circuit, the first African-American to be appointed to a U.S. Court of Appeals.

William Hastie was a fighter, "a social engineer" who fought for racial equality in every endeavor that he pursued. His extraordinary achievement is a matter of great pride to Harvard Law School. His daughter Karen Hastie Williams accepted the Medal of Freedom in his honor.

William T. Coleman, Jr. '43

William T. Coleman became the third African-American to be elected to the Harvard Law Review. He stated: "The review is something that must be based entirely on merit, and I would have problems with any program that varies that."

Coleman achieved a special first, however, when he was named the first Black law clerk to the Supreme Court of the United States by Justice Felix Frankfurter. But despite his extraordinary record, Coleman was initially unable to secure a position at an elite law firm in Philadelphia. The color bar held there. Undeterred, Coleman applied to the top law firms in New York and became the first Black associate to ever work at the elite firm of Paul, Weiss, Rifkin, Wharton and Garrison. It was also in that year that Coleman met Thurgood Marshall and became part of the major initiatives that led to the great successes of the NAACP Legal Defense and Education Fund.

In 1975, Coleman broke yet another color line when President Gerald Ford administered the Oath of Office, and he

became a member of his cabinet as Secretary of Transportation. Coleman also became a member of the United States delegation to the United Nations General Assembly and a consultant to the U.S. Arms Control and Disarmament Agency. Ten years after becoming Secretary of Transportation, Coleman joined the Washington firm of



Lila Althea Fenwick '56

O'Melveny & Myers, where he is today.

Lila Althea Fenwick '56

Lila Althea Fenwick was the first woman of color to attend the Harvard Law School. She graduated from Barnard in 1953 and was a member of the Class of '56, the fourth class of Harvard Law School to admit women. Lila Fenwick said that the barrier to her as a woman was as real as racial discrimination.

Fenwick has gone on to a distinguished career. She went to the London School of Economics and worked her way up in the area of international law, eventually becoming Section Chief for the Human Rights group of the United Nations. Enjoying retirement today, she is still very active as a Legal Aid Society volunteer in many public endeavors.

Prof. Clarence Clyde Ferguson '51

Clarence Clyde Ferguson was as courageous a person as anyone could imagine. He was on the front line of the landing troops at Normandy. After World War II, he went on to Ohio State. Upon graduation, he was awarded a Rhodes Scholarship but declined the honor. Ferguson believed that the name in history of Cecil Rhodes was "so disgraceful and repugnant" that he simply could not accept the name. Instead he went to Harvard Law School.

Ferguson's grades at Harvard Law School were so extraordinary that he

was also a candidate for election to the Law Review. But the cut-off point for that year occurred right before his name. It's typical of his generosity of spirit that he did not permit this to embitter him. After graduating in 1951 he became a teaching fellow at the Law School and his interest in becoming a law professor became intense. In 1955 he became a professor at Rutgers Law School and established a distinguished record in the classroom and in scholarship. While at Rutgers, he wrote a pioneering book entitled "Desegregation and the Law" which has a major academic reputation. In 1963, Clyde Ferguson accepted the position as Dean of Howard University School of Law. This led to his appointment as Ambassador to Uganda in 1970.

Ferguson was eventually chosen as a U.S. delegate to the United Nations. At this time he entered into strong disagreements with Secretary of State Henry Kissinger about Vietnam. This disagreement, in turn, encouraged Ferguson to accept an offer to teach at the Harvard Law School where, along with Professor Derrick Bell, he formed the first generation of distinguished Black faculty at the Law School. He was regarded as a leader of all minority students and a great friend to faculty, young and old.

Christopher F. Edley, Jr. '78

Despite his extraordinary youthful appearance, Prof. Chris Edley is now the most senior member of the Black faculty at the Harvard Law School, having taught at the School for 20 years. His numerous extraordinary books and his leadership of the Harvard Civil Rights Project have made him a role model for thousands. His father, Christopher F. Edley, Sr. '53 was the former President and CEO of the United Negro College Fund.

Conclusions

Black history runs through Harvard Law School. It runs through its arteries and veins. It is at the very heart of all it is and has been, and at the heart of everything we hope the School to

become. It is a story that, even in its hardest times, is one of hope and dignity. Even during the greatest struggles, the struggles for just a slim chance to succeed, it was a story of men and women who persevered, and in the end, prevailed. Here is the spirit of Nancy Ruffin, bringing her eight children North for a chance to learn to read and write, thus giving us our first Black graduate, her eldest son George. Here is Archibald Grimke struggling



William Henry Hastie '30

from slavery to distinction. Here are trailblazers like Houston, Hastie, Coleman, Fenwick and Ferguson confronting the color bars and raw prejudice with irrefutable courage and achievement. This is a great story. It is your story. Your Law School salutes you.

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VIEWPOINTS

THE CONSERVATIVE

AMORAL AESOP'S FABLES

Right now it must not be fun being a Democrat. After spending the last couple of years rationalizing why you support Bill Clinton, you get stuck with Al Gore. For two years Democrats have had to say, "Aw come on, it was only perjury in an investigation stemming from a sexual harassment lawsuit. Besides, who cares if the President of the United States cheats on his wife in the Oval Office with an intern the age of his daughter? That sort of workplace behavior isn't a big deal." You bought into Hillary's claim that the President's critics were part of a right-wing conspiracy, but you also think Joseph Lieberman is a good V.P. choice since he openly denounced Bill. (Does this make him a left-wing conspirator?) To this day you believe Clinton's response that all the other scandals, from Whitewater to Juanita Broadrick, are false — though subconsciously you know that the only thing that keeps the truth from coming out is another equivalent of a stained dress.

I must say, at times it is humorous to watch the logical gymnastics you go through to support Clinton, but these elections were supposed to turn things around for you. No more, "Okay, so he is a lying schmuck, at least the economy is good," comments. Good ol' Al Gore was coming to the rescue.

But just when late night comedians thought they were going to run out of material, Al lets out a stream of Gorisms. Don't get me wrong, I think his stories are great. This is the guy who once claimed to have raised 10,000 chickens (I thought there would be regulations prohibiting chicken farms in the D.C. penthouse he grew up in).

My favorite Gorism in the first debate was when he claimed to have accompanied FEMA Director James Lee Witt on a 1998 trip to Texas to view damage from fires there when in reality he was there for a fund-raiser. Now you should cut Al some slack, one

thing we learned from the Buddhist Temple incident is that he has a different definition of fund-raiser than most folks. But to claim to have visited a disaster site when really he was with a bunch of corporate mucky mucks in tuxedos raising money for the DNC? He says he feels your pain, but really he was groping for money (no pun intended). I guess that's Al's view of compassionate liberalism.

Now I don't want to only attack Al's credibility when his competence is such an easy target. Was I the only one who noticed the way Al scoffed at the idea that Russia should get involved in removing Milosevic? He insisted that there was no way Russia would support the ouster of Milosevic, and to suggest otherwise was risky. Then three days later Russia declares its support for Kostunica. And they accuse Bush of not being too bright. Maybe Al should go back to raising chickens.

I won't belabor the point about Gore's well known propensity to lie like a Clinton. One thing the last two elections have shown is that honesty doesn't matter, though a prolonged staged kiss does wonders for the polls. But as you hype up your resumes for flyout week remember that just because you took Nesson's Exploding Internet class does not mean that you also created the Internet; you were not the subject of Dershowitz's latest book; you are not the real Erin Brockovich and be careful of other such tall tales. It doesn't look like they help much in getting a job.

Maybe I shouldn't be too hard on Al's stories. If he does get elected such Gorisms could be so commonplace that when I tell my kids about my experience here, I could tell them that I wrote for the Harvard Law Review rather than the RECORD.



Aaron Olsen

THE LIBERAL

LOOKING FOR LOVE IN ALL THE WRONG PLACES

I was surfing the Internet really late the other night in search of more ammunition for my personal (or Quixotic, in this day and age) battle to save big government. Isn't that what everyone is looking for on the Internet in the wee hours of the morning?

During the session, I was lucky enough to stumble across a diversion called "Liberty Personals," a Website that bills itself as "a free service for free minds." I wouldn't bore you with all the details in this chain of events if there weren't so very few links in the chain. One minute I'm trying to track down Thomas Jefferson quotes, and two clicks later: presto! Libertarian personal ads, right there in the comfort of my own apartment.

At first, I couldn't decide what to do. Should I publicize this site for the benefit of the HLS community — yes, Dimple, there is a Santa Claus — or keep it to myself? Fearing a swift and certain reprisal, I was somewhat hesitant to lampoon this right-wing cyber-singles bar. With a little research of his own, for example, some other columnist could probably smoke out a similarly-silly personals page devoted to bureaucrats and the people who love them. I've no doubt that some would hold out the classifieds of the Washington Post as prime evidence for the existence of such a service already.

I hadn't yet given up on my quest for more traditional political guidance, but didn't know where to turn. Then suddenly, while staring at Liberty Personals' front page, I had the sort of pseudo-intellectual revelation so often inspired by Libertarian thinking. Watching the little computerized cartoon hearts twinkle and dance around the portrait of Jefferson on the screen, I decided to blaze my own trail. Who needs the Founding Fathers when we have modern fountainheads of wisdom? Jefferson, Schmefferson, right? We want to know what makes "Aristophanes," age 26 to 32, tick. (Note: It later turned out, to my disappointment, that Aristophanes was not this gentleman's real name.)

Why dwell on the past? As Liberty Personals says: "Sometimes it seems there is NO ONE who understands the free-thinking perspective these days where paternalistic views are often the norm. It can get downright depressing." In other words, take your slavish devotion to history and shove it! Now that's just my own interpretation of "free thinking," but who are you to tell me any different?

Therefore, in the spirit of liberty, I present for your consideration this smattering of outtakes from Liberty Personals. These snippets advance the debate by opening a window on the soul of the modern, government-hating American male. I say male because the vast majority of people advertising their wares at this site are, just like most other great Libertarian thinkers, men. Big surprise, huh?

Don't worry about invading these poor souls' privacy though — because there is no right to privacy in this country. Take that, Blackmun!

Just kidding. You needn't worry about privacy because I have omitted the names of those who posted the material used below, in order to protect the innocent. And who knows? That may even protect some of these guys in the process.

"I am a Christian man looking for the same in a woman. I enjoy almost anything. I've done many different

things in my life, and like trying new ones."

A devout Christian, but he believes in reincarnation too. How worldly! The only problem, of course, is that we aren't all the same. Sure, it might be nice if a woman could be the same as a man, or if there were no differences in the opportunities available to white males and those available to everyone else. Yet, we still need government because "freedom" and "liberty" for a guy like me often means the same old prejudices, obstacles and slammed doors for people from different backgrounds. You can pretend that the Constitution is color-blind, but you can't pretend that police departments engaging in racial profiling are.

"Anarcho-capitalist ... I like music, books, skiing, golfing, hiking, Montana."

Don't let the Montana part scare you. I'm sure that there are literally a couple thousand people in Big Sky country who aren't anarcho-anything. What scares me is this particular hybrid. What, pray tell, is an anarchistic capital? Remember, it's the federal government that prints your money — the very same government that sends the black helicopters to monitor your cell's movements. So what're we after here? A return to the glory days of state-backed currency? The barter system? What?

"I'm 28, 5'10"... 190 lbs. My physical self is a direct consequence of my intellectual beliefs."

Fabulous. How does that help the rest of us? You see, some of our physical selves are not direct consequences of our beliefs. Some of us have to deal with exogenous influences, like an addiction to cigarettes, for instance. Why are big tobacco companies free to put their product on the open market without any interference from those liberty-hindering party poopers at the FDA? If government should leave us alone when we're not hurting anybody else, that might explain why we shouldn't ban smoking. It doesn't explain why the companies marketing this product to the next generation of Marlboro Men get off the hook.

"[Anonymous], 24, Law student. Philosophy, politics, music, athletics. Libertarian warrior, scholar, with high earning potential and political ambition."

Even more fabulous. There's nothing better than a warrior with a good 401(k) plan and excellent dental insurance. One can only hope that this gentleman's political ambition is based on something more than that simplistic "government-that-governs-least" junk so popular with self-styled compassionate conservatives right now. If you don't think government is good at anything, do me a favor: Stay in Texas, and don't run for President.

"It would be nice to meet someone who doesn't ask: 'Who's Ayn Rand?'"

True enough; but wouldn't it be even nicer to meet someone who'd admit that she was wrong?



Matt Wood

We're not bloodsuckers



Photo by Murad Kalam

A Red Cross worker tends to a donor at the HLS Republican's annual blood drive.

Fenno

Fenno sat in the Hark watching the TV in disbelief. The last Bush-Gore debate had just ended, and Fenno didn't know what to say.

If George Bush debated every week, thought Fenno, I'd never have to do anything funny again. All I'd have to do is walk around the law school reading transcripts of what he said. He may not be the coldest beer in the fridge, but he's the most unintentionally funny man in political life since Dan Quayle.

"I, too, want to extend my prayers to the, and blessings, God's blessings, on the families, um, whose lives were overturned yester—today—tod—last night."

Right. Should God grant cert on that?

"One thing about insurance — that's a Washington term."

Of course it is, dear.

"I'm trying to find my light."

So are we, Governor, so are we.

"You know, it's hard to make people love one another. I wish I knew the law, 'cause I'd sure sign it."

You haven't seen the world ... until you've seen it through the eyes of Forrest Dubya.

"Forget the journalists."

The what?

"I got a strategy for the Middle East."

And for that I gives you mad props.

"The force must be strong enough so that the mission can be accomplished."

Good idea that is. The Force is strong with this one.

"I think the mission has somewhat become fuzzy."

That's not the only thing.

"I don't support cens-or-ship."

I don't support things I can't pronounce either.

"Quotas are bad for America. It's not the way America is all about."

You've brought Republicans and Democrats together. Can you do the same thing for pronouns and antecedents?

George Bush's latest attempt to legacy himself into office had not gone well. Had anyone else noticed that Bush seemed Hooked on Phonics? Whenever he used a word with more than three syllables or anything that approached a soundbite, his enunciation took on Hestonian cadences. The man even went to town on "gynecologist." It would take a village, Fenno thought, to raise this child.

Gore was somewhat better, but not much, and Fenno still had trouble telling the two of them apart on the issues. Fenno's thoughts returned to his recollection of Gore's speech:

"We have a huge difference of opinion on these issues. I think we should give money to education; my opponent thinks we should 'fund' education. I think we should intervene in other countries' problems only when our national interests are at stake; my opponent thinks we shouldn't intervene in other countries problems unless our national interests are at stake. I think we should put Social Security in an iron-clad lockbox that no one could get into; my opponent thinks we should put Social Security into the budgetary equivalent of Bill Clinton's pants. I want to fight for you and your problems; my opponent wants to hit your problems on the back of the head and run away."

Fenno shook his head. This is what it came down to? Fenno wanted to do something to make the system better, but the T.J. Duane thing had gone nowhere, and he was fresh out of ideas.

Maybe someone who had higher-powered connections than Fenno could think of someone. Then it hit him — Michael Whamond, President of the Harvard Law Forum! (But what's up with that name? Fenno thought. Did

Quote of the Week

'Forsooth, my dear, what is it that I have found?'

—Jerry Springer, imagining what a Harvard English professor would say upon discovering his/her spouse in flagrante delicto.

Andrew Ridgely and Donny Osmond genetically engineer a love child?

Whamond had come under fire last week from Tori Jueds, who apparently only has a sense of humor when she's doing the Parody. In a letter to the RECORD, Jueds complained about the Forum's lack of female speakers.

Fenno couldn't understand what she was whining about. This was typical affirmative-action, quota-queen garbage. How could Jueds quarrel with the fine list of speakers invited this semester? Jerry Springer, Frank Serpico, Bob Barker and Andy Rooney. All great Americans, all of them people who would challenge the Harvard Law School community to think deeply about major social issues of our day.

Jueds didn't know what she was talking about. The woman had no appreciation for talk show hosts, self-righteous whiners, game show hosts or people who are all those things combined.

Fenno got up from the couch and headed off to look for Mike Whamond. He was walking out the front door of the Hark when he was almost bowled over by two people walking rapidly

into the building.

It was Duncan Kennedy and Hani Sayed.

Fenno had read their letter to the RECORD this week, and he thought it might be fun to get a little Socratic with them.

"Excuse me, Dunc!"

"Yeah?"

"About that letter. Excellent satire! I couldn't stop laughing! I mean, a whole letter defending Palestinian behavior and — ha! — you didn't mention the soldiers who were kidnapped in Lebanon or the two who were torn apart by a Palestinian crowd? And then — and this one had me rolling on the floor! — you left out that Palestinian guy who stuck his bloody hands out the window to brag about killing an Israeli! That rules! Duncan, you are the best, man."

Kennedy looked confused. Fenno kept walking.

Forget Whamond, Fenno thought. After that little Camusesque run-in, Fenno needed something as absurd as his mood. Smoothing his hair and straightening his collar, he turned and headed straight for Sullivan's reception at Three Aces.

LSC update

With the completion of the LSC's compendium on student opinion regarding the pro bono proposal and the faculty's votes on grade reform and grade standardization behind us, the Law School Council is focusing on its facilities campaign this week. The Law School Council's Facilities & Services Committee is aiming to address a number of issues affecting daily student life at HLS:

- The committee's co-chair, Herschel Hamner, and the LSC Student Advocate, Mike French, are busy overseeing the implementation of the Student Life 2000 Proposal that was recently approved by Dean Clark, which will provide \$1000 in new amenities to each dorm, and will equip the Hark with recreational amenities like a pool table. Requests for improvements to the eight dorms are pouring in, and we are moving to fulfill requests as soon as possible. Contact your resident assistant if you have suggestions.

- Committee members are working with ITS staff to add more computers to the Hark so that you won't have to wait for fellow students to complete their web-surfing.

- We are also attempting to establish network printers in each dorm so that residents can print out those lengthy cases more efficiently and are also pushing for a massive overhaul of the much-maligned OpenMail e-mail system. More details soon!

- Despite our extensive renovation and equipment purchase for Hemenway Gymnasium last spring, we are not done with the gym. We are working with HLS administrators to open Hemenway Gym at 7:00 a.m. every weekday in order to accommodate those students who would like to exercise in the early morning. We are also exploring options including aerobics classes in the gym and resurfacing the basketball court.

- Other goals that we hope to accomplish include setting up a late-night studying facility, extending the hours of service of the Holmes Mail Center and making the career services experience more user-friendly.

Ideas? Complaints? Want to help us out? We are committed to addressing the issues related to facilities and student services at HLS that students care about most. Please forward any concerns or ideas for projects to either Herschel Hamner (hhamner) or Ben Longoria (blongori), the co-chairs of the Facilities and Services Committee. We look forward to hearing from you!

Happy
Halloween
from the
RECORD!

Look for the
next RECORD
in your Harkboxes
on Nov. 10th.





Sportsguy Stat Box

Langdell Division

The Second Plague
Fighting Peilins
Herwitz' Heroes
The Outlaws
Ill-Tempered Seabass

W-L-T

5-0
4-0
2-3
1-4
1-4

Pound Division

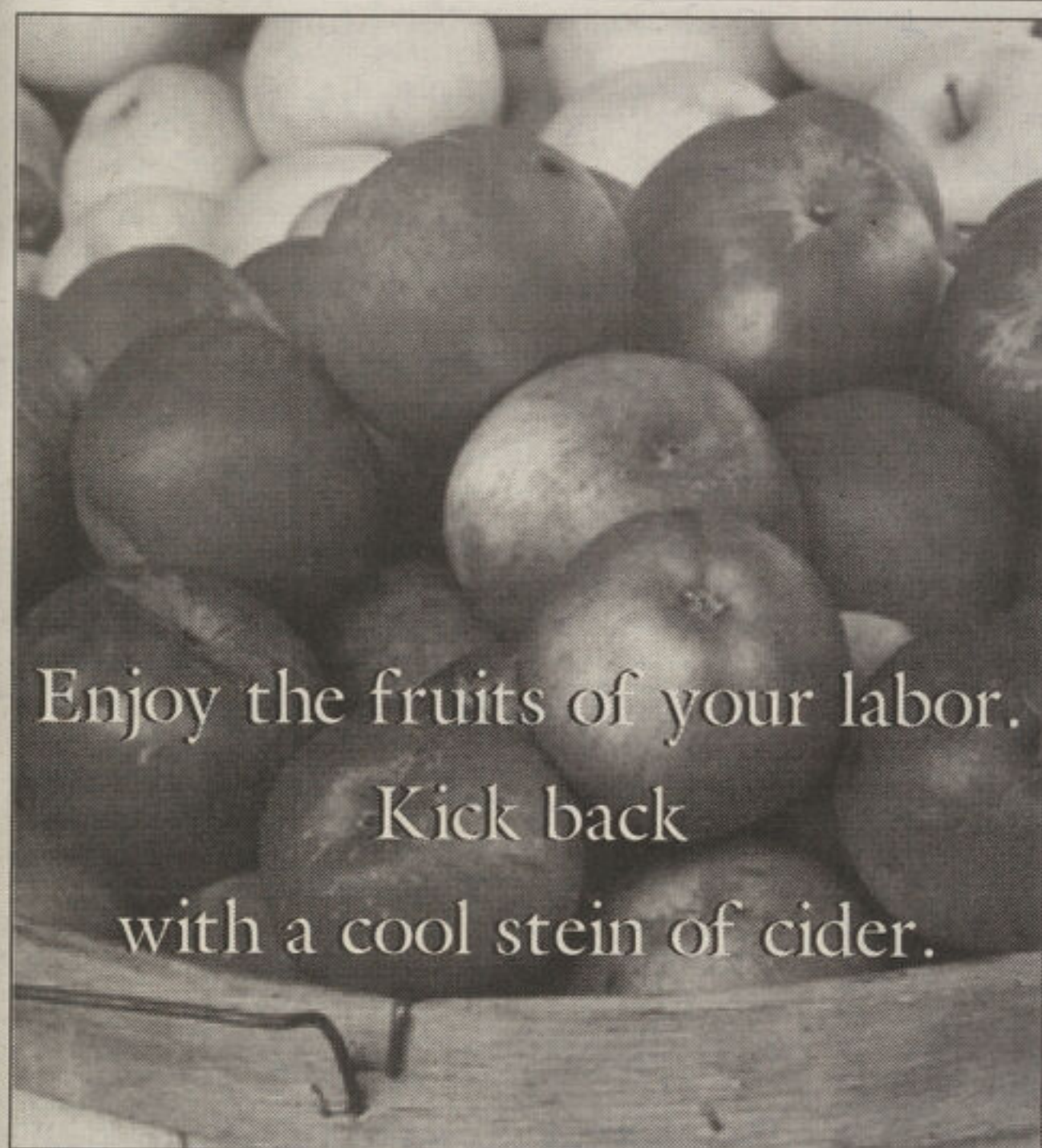
Aaron's Mom
Frightened Turtles
The Astro Gliders
Andy's Team
Pedagogical Excellence

4-0
4-1
3-4
3-4
1-6

Gropius Division

Aaron's Team
Dickens' Cider
TFA
Mr. Sparkle
Law Dawgz

6-0
5-0-1
2-4
1-3
1-4-1



Enjoy the fruits of your labor.
Kick back
with a cool stein of cider.

Crossword 101

" Millennium Meandering "

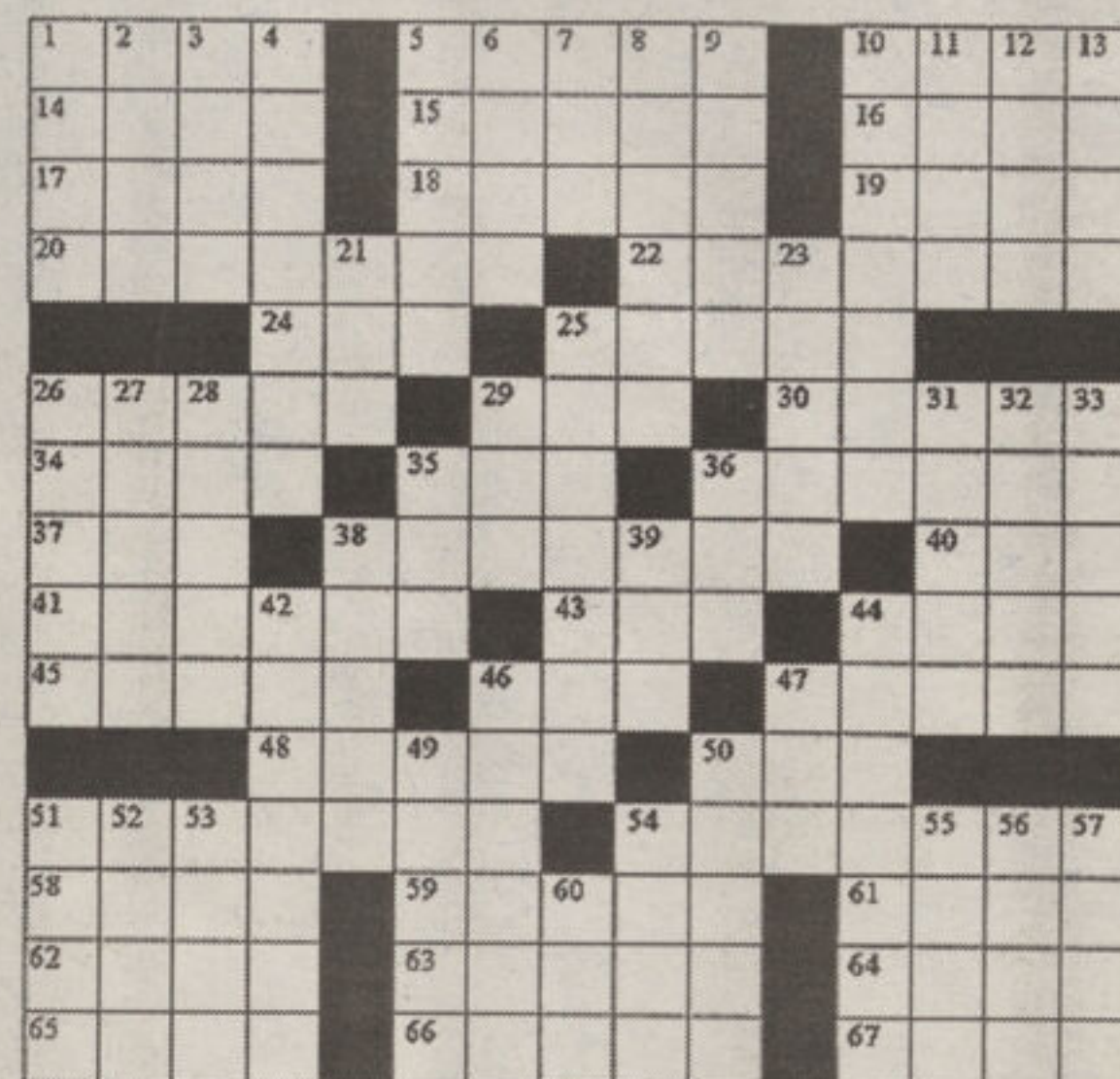
By Ed Canty

ACROSS

- 1 1920's Yankee
- 5 Building plans
- 10 1881-1963 John XXIII
- 14 Labor law inits.
- 15 Region in the Alps:Var
- 16 Seed covering
- 17 Shakespeare's soon
- 18 1836 siege site
- 19 Peddle
- 20 1901 radio man
- 22 1960's pop group
- 24 Roulette bet
- 25 Class
- 26 Fanny 1891-1951
- 29 Substitute:Abbr
- 30 Sousaphones
- 34 Take heed
- 35 Whitney 1765 -1825
- 36 Almost not
- 37 News org.
- 38 Gutenberg's 1455 job
- 40 Title:Abbr
- 41 1950's TV star Sid
- 43 Lifeguard's fringe
- 44 Big theory
- 45 Reykjavik money
- 46 Mortar trough
- 47 Recipient of a gift
- 48 1950's Bridge expert
- 50 Al Gore, for one
- 51 1885 auto pioneer
- 54 1610 star gazer
- 58 Civil rights org. of 1920
- 59 Zealous
- 61 parmesan
- 62 Leg bone
- 63 Creep away.
- 64 Stake
- 65 Master & Mistress lead in
- 66 Borderlines
- 67 1776 seamstress

DOWN

- 1 Wander
- 2 Coll. established in 1845
- 3 God of thunder
- 4 1776 signer
- 5 Follows fruit or vegetable
- 6 Hairlike structures
- 7 1972 U.S. proposalAbbr
- 8 June 17, 1775 Battle of Bunker Hill, e.g.
- 9 Blackthorns
- 10 1822-1895 biologist
- 11 1980's pitcher Hershiser
- 12 Heap
- 13 Building wings
- 21 Ludwig's 1823" to Joy"
- 23 Rose petal aroma
- 25 1817 Erie Canal builder
- 26 Actor Lee 1940 to 1973
- 27 Give back
- 28 More slippery
- 29 1964 boxing champ
- 31 1923-1964 Irish author
- 32 Only
- 33 1871-1909 Irish author



35 Goof

- 36 1776 signer Franklin
- 38 Oral statement:Law
- 39 Small amount
- 42 Freud of 1856 to 1939
- 44 Simon of 1783 to 1830
- 46 1835 Birth of NY
- 47 100 cts.
- 49 Actress Della born 1931
- 50 Bert, Ms. America MC
- 51 100 yard run
- 52 Painful sensation
- 53 Pelvic bones
- 54 1907-1998 cowboy Autry
- 55 1990's TV host
- 56 Consumes
- 57 Barcelona cheers
- 60 Musician's job

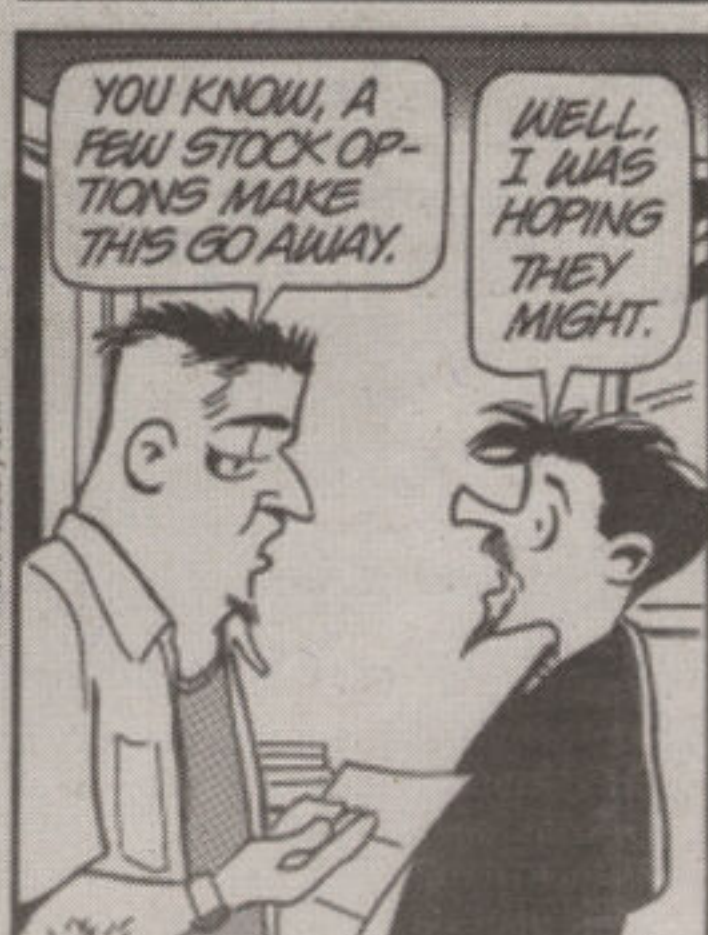
Quotable Quote

" Youth has no age. "
... Pablo Picasso

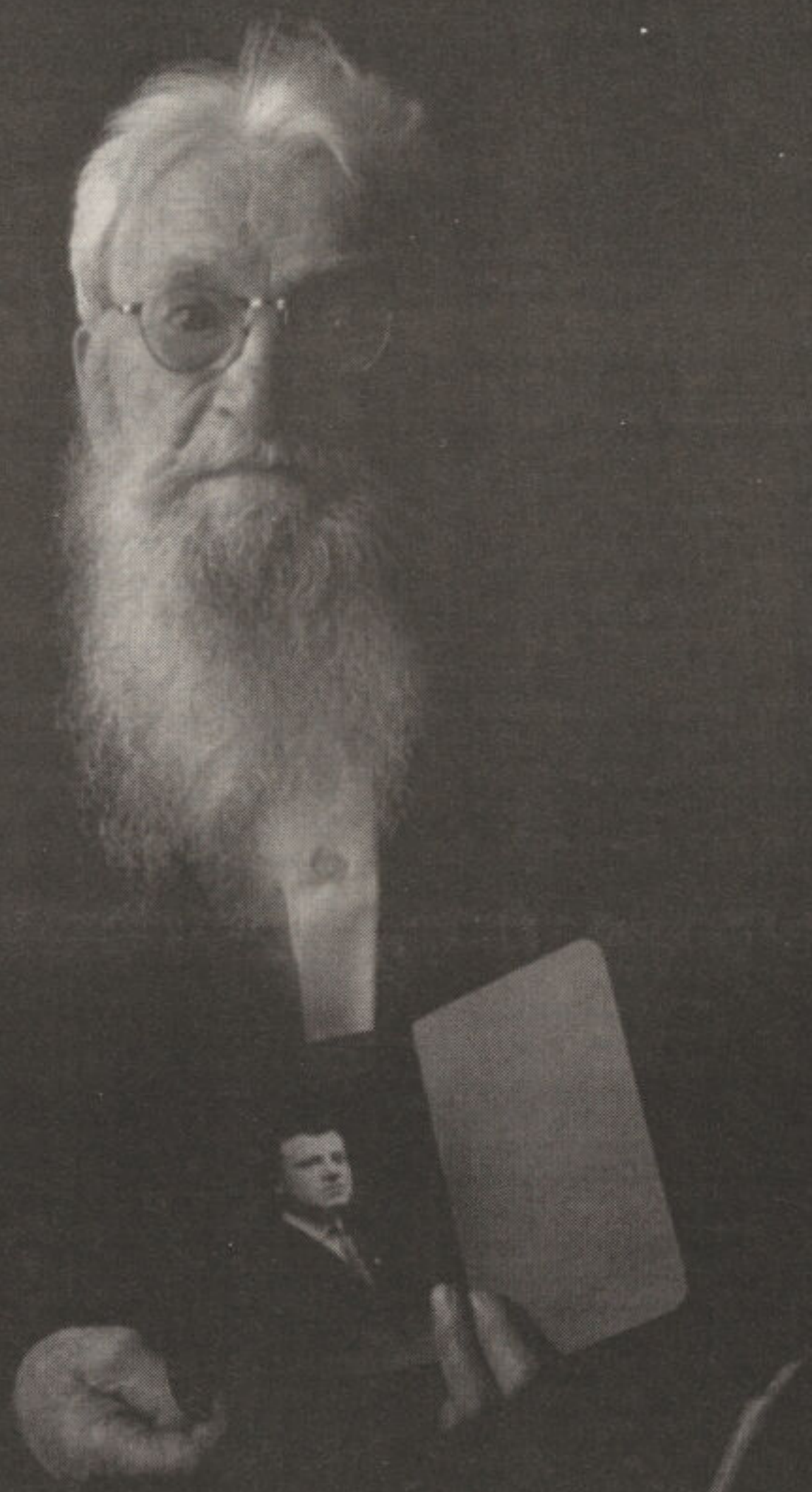
By GFR Associates E-Mail: EDC9432@aol.com
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Doonesbury

BY GARRY TRUDEAU



WHAT DOES IT TAKE TO MAKE A DIFFERENCE?



No amount of litigation or money or apologies can ever compensate for the horror and suffering endured by victims of the Holocaust.

But what we *can* do is teach young people about the evils that created this heinous event, and the profound consequences it has wreaked on all mankind.

The *Holocaust Remembrance Project* was initiated by the Holland & Knight Charitable Foundation, Inc. to educate students about the Holocaust, the importance of responsible citizenship and the implications of personal decisions.

It is only by understanding the causes of hate, being aware of world conditions that undermine human dignity and recognizing the inherent value in each human being that we can hope to prevent another Holocaust.

That much we can do. That much we *must* do.

HOLLAND & KNIGHT LLP

Holocaust Remembrance

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