



Prof. Nesson Stars in ITL's Quantum Leap Ahead

By David Weiss

Brian Confoy is dead; long live O. J. Simpson and cyberspace.

The Introduction to Lawyering program has undergone a transformation for the coming year that includes an entirely new subject matter, a significant increase in the use of computer technology and a reorganization of the program itself.

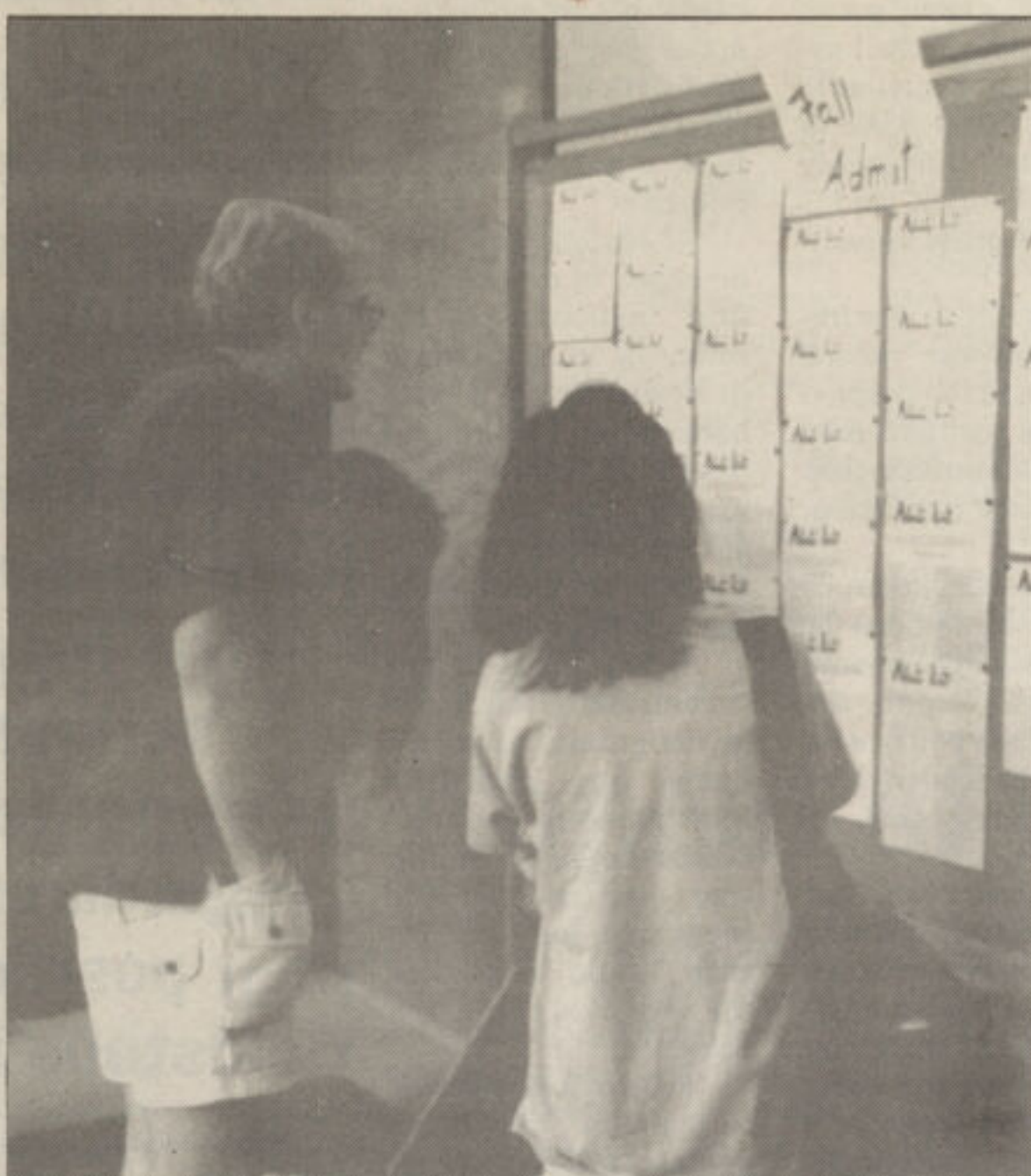
Unofficially titled "Cyberlaw: A Course in Skills of Mind and Practice," the revised ITL program will replace the infamous Brian Confoy drunk driving case with the O.J. Simpson trial as its teaching vehicle. Rather than getting preselected issues and completed research packets, each ITL workshop will be allowed to select one or more issues involved in the Simpson case that most interest group members.

Student teachers will provide some guidance in the selection process to ensure that the subjects chosen have sufficient statutory or case law to support in-depth legal research, according to ITL Chairperson Rowan Gaither '95.

"Research is something we wanted to stress this year, and it looks like we're going to do it," said Rupa Bhattacharyya '95, vice-president of the Board of Student Advisors, which helps run the ITL program.

Once an issue is selected, students will produce a statement of the issue, an analysis, a research memorandum, a brief, and an opinion, as well as perform the traditional oral

please see O.J., page 15



Students check fall admit lists to see whether they have managed to get into preferred classes. See page 3 for an interview with Registrar Sue Robinson about problems students face in registering for classes each year.

BSA Emphasizes Academic Focus For Orientation

By David Weiss

Besides its involvement in revamping the Introduction to Lawyering program, the Board of Student Advisors has also rethought its approach to its 1L Orientation program. The result has been not only a name change from Orientation groups ("O-groups") to Advising groups ("A-groups"), but also a new focus for this function of the BSA.

"We wanted to start emphasizing and carrying out our roles as academic advisors," explained BSA President Greg Duhl '95. "Our primary concern is with how good we are as academic leaders and advisors and

not how good we are as cheerleaders."

BSA guidelines now advise members to hold meetings throughout the year with their A-groups, such as sessions on finding jobs, taking exams, and selecting courses.

"A lot of board members had already been doing that, and we just cemented those and formalized that," said Rupa Bhattacharyya '95, Vice President of BSA. "We just set up guidelines, not requirements, but we anticipate board members to meet guidelines, if not pass them."

The change in emphasis was not the reason for varia-

please see BSA, page 15

Faculty Grows as Three Profs Arrive

Howell Jackson Gets Tenure

By Greg Stohr

First-year students are not the only new faces at the Law School this fall, as three women have joined the HLS faculty.

But unlike their fellow new arrivals, the three new professors won't have to spend much time learning their way around campus. All three graduated from HLS within the last decade.

The three bring an array of expertise and teaching potential to the school. One, a visiting professor last year, has combined her law degree with a doctorate in international relations. Another, a practicing tax attorney, has written on a variety of tax and currency issues. The third, a law and economics scholar who was offered positions at several of the nation's top law schools, expects to complete her Ph.D. work this fall.

The three new professors — Prof. of Law Anne-Marie Slaughter '85 (formerly Anne-Marie Burley) and Assistant Profs. Diane Ring '90 and Christine Jolls '93 — increase the size of the HLS teaching corps to an all-time high of 68 full-time professors.

"We're coming into the year in a good position," Dean Clark '72 said.

The Law School also granted tenure to Prof. Howell Jackson '82 over the summer. Jackson, an expert on financial institutions and securities regulation, has been an assistant professor at HLS since 1989. He is teaching Regulation of Financial Institutions this fall.

Jackson says he hopes to continue his efforts to use com-

puter technology as a "complement to the traditional classroom." In his Securities Regulation class last spring, many students regularly sent him questions via electronic mail.

"I was interested in how good the questions I got electronically were," he said. "Not only did I get the advantage of hearing them, I could post them on the bulletin board for other people to see and think about, too."

Jackson has also been active in trying to integrate the upper-level curriculum. He has served on the Legal Education Committee, which in 1993 published a guide to grouping courses at the Law School.

The Law School has made an additional offer of tenure to Einer Elhauge, who taught two corporate law classes as a visiting professor here last year. Currently a professor at the University of California at Berkeley Law School (Boalt Hall), Elhauge has not told the

Law School whether he will accept the offer, Clark said.

In addition, HLS formalized its offer to Visiting Prof. Lucie White '81 this summer. Clark said that White, a poverty law specialist, is still considering the offer.

Slaughter was wooed away from a position at the University of Chicago Law School. Her popularity as a visiting professor last year was one of the factors that led the Law School to extend the tenure offer,

please see PROFS page 6



Anne-Marie Slaughter

Clark Defends Tuition Increase

By Greg Stohr

As HLS tuition creeps toward \$20,000, Dean Clark '72 this week defended this year's \$1330 increase as necessary to meet rising costs.

The increase from \$17,750 to \$19,080 was the biggest actual dollar jump in the school's history, although in percentage terms the 7.5 percent hike is slightly lower than the average increase over the past decade. Tuition at HLS has more than doubled since the 1984-85 school year, when students paid \$8800.

Clark said that in a field like higher education, where salaries may account for more than half of costs and where improving technology does not lead to reduced costs, holding tuition increases in higher education to

the rate of inflation is not "realistic."

"Our costs go up faster than inflation," he said. "Over time you expect salaries to go up faster than inflation as the economy gets more productive." Clark said the Law School has worked hard to contain costs since he was appointed as dean five years ago. Until this year, the rate of increase had steadily declined during Clark's tenure from an 8.9 percent increase in 1989-90 to last year's 6.1 percent hike, the slowest rate of increase in more than a decade.

"I've been relentless about not adding new [non-teaching] staff," Clark said. "We've been at zero growth since I've taken office as dean."

Clark pointed to other high-

please see TUITION, page 13

BLSA Opening Itself to Members of All Races

By Greg Stohr

In the wake of questions over compliance with the Law School's non-discrimination policy, the Black Law Students Organization is opening its membership to all HLS students, regardless of their race.

BLSA President Robert James would not confirm the change, saying only that "the University no longer has a problem with our membership policy." When asked whether non-black students would be able to join BLSA in the near future, James responded, "No comment."

But sources within BLSA said the organization voted overwhelmingly Monday night to

rescind the provision of its constitution that had restricted membership to African-American students. One BLSA member said the vote was 80-12 in favor of rescinding the exclusionary provision.

Dean of Students Suzanne Richardson said the school was satisfied that BLSA was not currently in violation of the non-discrimination policy but declined to be more specific. She said she was not aware of any organization on campus that was in violation of the policy.

The Law School's policy states that the school "does not discriminate on the basis of race, color, creed, national or ethnic origin, age, sex, sexual orientation, marital or parental status, handicap, source of income,

or status as a Vietnam-era or disabled veteran in admission to, access to, treatment in, or employment in its programs and activities."

The issue over BLSA's membership policy surfaced last spring when John Bates '95 expressed concern to Richardson that BLSA was receiving Law School funds while at the same time restricting its membership. Events sponsored by BLSA, including the upcoming fall job fair, have traditionally been open to all HLS students, but over the past few years, non-black students have not been permitted to join the organization or vote in its elections.

The decision to allow non-

please see BLSA, page 12

HLS Hosts Meeting on Yugoslavia Tribunal

By April Rockstead

A select group of high-level participants involved with the International Criminal Tribunal for the Former Yugoslavia and the peace negotiation process in that troubled area met here over the weekend by invitation of the Law School's Human Rights Program.

The meeting was to provide academic auspices for a discussion of the issues facing the tribunal, which was created by resolution of the United Nations Security Council in early 1993. The tribunal will try individuals accused of violations of international law — including crimes against humanity, genocide, and grave breaches of the Geneva Conventions of 1949 — in the Balkans conflict since 1991.

Those among the 21 people at the meeting included Judge Richard J. Goldstone, tribunal prosecutor; Thorvald Stoltenberg, co-chair of a peace negotiating commission jointly created by the United Nations and the European Union; Ambassador Dr. Danilo Turk, the permanent representative of the Republic of Slovenia to the United Nations; HLS Profs. Henry J. Steiner '55, Philip Heymann '60, and Abram Chayes '49; and Kenneth Anderson '86, a lecturer at the Law School.

"It was a very small group that was meant in no manner to include all significant people," said Steiner, who serves as director of the Human Rights Program. He added that despite the limited size of the group, participants came away with the sense that the meeting was helpful to decisionmakers and academics alike.

"It was an extraordinary weekend," Steiner said.

Although the meeting was closed to the

public to allow a frank dialogue, some participants agreed to separate media interviews. All participants were in attendance in their personal and not official capacities, Steiner said.

Goldstone, who spoke to a small group of reporters Friday afternoon at the Law School, described the tribunal as similar to the Nuremberg Trials that followed World War II in only two respects: It arguably involves an international conflict, and it will hear charges of crimes against humanity.

But unlike Nuremberg, which was frequently characterized as post-war "victors' justice," the tribunal will be in the position of prosecuting those whose positions may have been enhanced in a conflict that shows no signs of immediate resolution, Goldstone said.

Although the tribunal's mere existence may affect regional peace negotiations for better or worse, no amnesty agreements between warring nations will bind the tribunal, Goldstone said. That policy also bars negotiated amnesty for leaders who may be parties to peace agreements, he added.

"I believe we have to indict the most serious and the most culpable people who have committed the most serious atrocities, regardless of their positions," Goldstone said, adding that since the crimes before the tribunal "are the worst possible crimes known to humanity," any other policy would "trivialize" international criminal law.

"Fear of apprehension and punishment are the only real deterrent to crimes in any country," Goldstone said. "The international community is no different."

In addition to its deterrent value, the

tribunal's success or failure may determine whether a permanent international criminal tribunal will be established by treaty, Goldstone noted.

"If this tribunal succeeds, it's going to be a major step forward for international human rights," he said. "If it fails, it will be a major retardant."

Goldstone said that he hopes to present the first indictments for review by tribunal judges in November. However, because of the unique nature of the tribunal, investigators must marshal the bulk of their evidence before indictments can be sought, he said.

"We will not in any circumstances talk about investigations that are under way until the indictments come out," Goldstone said, noting that discussion of the investigations before then "could jeopardize the very lives of the witnesses."

Prosecutors will seek to indict everyone, against whom there is evidence of guilt beyond a reasonable doubt, Goldstone said. Nonetheless, the "people who gave orders are more guilty than the people who carry them out," he said.

Although the tribunal is based at the

Hague in the Netherlands, Goldstone said he would like the trials to be held as close to the scenes of atrocities as possible.

"It's the only way to bring home to victims that the system of justice is concerned with human beings," he said.

Those who are convicted by the tribunal face three possible punishments: imprisonment up to life, fines and confiscation of property, Goldstone said. Under the terms of the statute creating the court, there will be no death penalty, he said.

In an interview after the meeting, Steiner praised Goldstone as "a serious, able, dedicated man," whose prosecutorial theories may influence the opinions of the tribunal judges and stimulate the development of a body of international criminal law.

Prior to his appointment as tribunal prosecutor, Goldstone headed sev-

eral commissions under DeKlerk government in South Africa to investigate allegations of internal corruption. He has been appointed to the Constitutional Court in South Africa.

"I believe we have to indict the most serious and the most culpable people who have committed the most serious atrocities, regardless of their positions," Goldstone said.

Entering Class Has International Flavor

By Maria Politis

Although arrogance and egotism may be qualities that come to mind when describing the stereotypical Harvard Law student, the average 1L from HLS's class of 1997 does not fit that bill. According to Joyce Curll, dean of admissions at the Law School, this year's entering class shows a significant interest in helping others — especially those in foreign countries.

"There are a good number of people who have international interests and who have done things for other people," said Curll. For example, she said, a fairly large number of 1Ls have spent time as relief workers in other countries, including Guatemala, India, Vietnam, Burma, Thailand, Cambodia, Somalia, and Bosnia. One student worked in child care in New Zealand, and another taught school in South Africa.

Such dedication to helping others is not unique to the Class of '97, said Curll. However, this year is special because the interest features a prominent international focus, she said.

Their international ties, Curll added, go beyond volunteer work abroad. Several members of the class are immigrants. In addition, 23 foreign citizens from 12 countries are 1Ls this year, although Curll said that some of these may be permanent residents of the United States. Among the nations represented are Canada, Australia, Japan, Kuwait, Pakistan, Trinidad, and Jamaica.

Many other students, while both U.S. citizens and residents, have spent time living overseas. Curll noted that since one of the Law School's specialties is international law, it is not entirely surprising to have such a strong international influence reflected in its students.

This year continues a slow but steady trend of higher percentages of minority students in entering classes.

Thirty-one percent of the class is comprised of members of minority groups, up from about 28 percent last year, about 27 percent for the class of 1995, and about 27 percent from the class that graduated in June.

Curll said the increase this year is most likely the result of more Asian Pacifics and South Asians entering the class than in previous years. This year, 12 percent of the 1L class is African American, 11 percent is Asian Pacific, two percent is South Asian, six percent is Latino/Latina, and one percent is Native American.

Women comprise 41 percent of the class of '97, a slight increase from last year's 40 percent. Curll says she would like to see that number increase next year.

One hundred and fifty colleges and universities are represented, although just under half the class graduated from 10 most-represented schools: Harvard, 73 students; Yale, 43; Stanford, 25; Princeton, 21; Dartmouth, 19; Duke, 18; Georgetown, 18; Cornell, 16; Columbia, 15; and Berkeley, 14.

Despite, or perhaps because of, different interests and backgrounds, one thing remains constant among members of Harvard's entering classes: They constitute what Curll described as "a good mix" of people. The Admissions Committee looks for "people who will add to the sense of community here, and to the diversity of the class — diversity of ideas, of backgrounds," she said. The committee looks for students with "fresh viewpoints and fresh ideas, as well as different experiences, because it enriches the class," she said, adding, "This is a microcosm, and it is important that people have an opportunity to learn from each other."

The bottom line: At any school, it is possible that someone from New Guinea would sit in the same Torts class as someone from New Jersey. At HLS, it is not just possible, but probable.

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Registrar Responds to Student Complaints

By Victoria Kuohung

It's the first week of September. Do you know what your classes are?

Unfortunately for many, the answer to this question remained, "no" even well into the first week of classes.

Other issues, too, confronted 2Ls and 3Ls as they grappled with their schedules. Why is the course-shopping period so short? Why must students register on a year-long basis versus registering by semester? And why must students drop an oversubscribed course before they even know if they've been accepted from the wait list of their preferred course?

The RECORD tried to answer these

and other questions by talking with HLS Registrar Sue Robinson at the height of this week's drop/add period.

The current registration system represents a compromise developed over time, said Robinson.



Sue Robinson

"In the 13 years I've been here, we've gone through four computer systems, all of which students have made changes to," Robinson said. "This current one is a 'consolation' system, which students designed about four years ago, with the help of Professor [Louis] Kaplow '81."

In addition, although some students now find the week-long shopping period frustratingly short, Robinson noted the current drop/add deadlines were developed to

prevent backlogs on waiting lists.

"We used to have a much longer drop/add period, but the students hated it and the professors hated it. Nobody dropped and nothing moved," said Robinson.

"Students were absolutely livid. The faculty couldn't set up panels for classes because they didn't know who was in their class." She said the problem became so extreme that individual faculty members would call to establish their own drop deadlines.

"The idea behind the registration system," said Robinson, "is to get people to move. The 2Ls have more of a problem with this because they are all headed for the same big basic courses."

"There's also what I call the 'star-charger' problem, where students feel like they're going to die if they don't get certain professors."

The goal of forcing lists to move quickly is also the reason behind the

10:00 a.m. deadline to add courses for students admitted from wait lists, said Robinson.

Although the drop/add room in Pound Hall doesn't open until 10:00 a.m., Robinson argued that the deadline discourages procrastination.

"We just don't want students wandering in later on," she said. "We accommodate them when they come with a 15- to 20-minute leeway. But we want them there at 10:00 a.m.. Because we want to get the other lists ready, we need to know who's adding and dropping. The whole concept is to get people moving."

However strict, the drop/add rules do give students the room to change their minds more than once.

"Sometimes people have their lives change over the summer and they come back to drop and add like crazy," said

please see **REGISTRAR**, page 6

Council Loses Appeal of Book Sale Claim

By April Rockstead

The Law School Council appeal of a judgment against it in favor of a disgruntled book-sale participant failed late last spring, but council officials say the semesterly sales will continue.

A small claims magistrate last spring awarded Tina Wolfson '94 \$201 compensation for books she said the LSC wrongfully failed to return to her after she dropped them off for the council's used-book sale. She also won \$14 for court costs. Although the council had placed notices in the Adviser warning students to pick up unsold books by a specified date or cede ownership to the council, the

court ruled in favor of Wolfson.

Law School Council President Willie Epps '95 offered only a brief comment on the ill-fated appeal of that decision.

"We lost the appeal, and we did indeed pay her the amount the judge ordered us to pay," he said. "We were disappointed with the decision, but we don't think it will hurt our efforts to coordinate a used-book sale in the future."

The council-run book sales allow students to leave books with the council for resale to other students. The council charges purchasers a handling fee and distributes sales proceeds to the student sellers.

Last spring, council members exhorted an appeal as necessary to prevent an

adverse effect on future book sales, arguing that the Wolfson case created "bad precedent" that would allow other students who entrusted books to the LSC to follow suit.

Nonetheless, the book sale was back in Harkness Commons this week, and organizer Spencer Levy '95 estimated the council sold between \$4,000 to \$5,000 of books. That was down from \$7,000 to \$8,000 last fall, but Levy attributed the decrease to a manpower shortage.

"It could have been bigger and better organized," he said of the sale. "I needed help, and I didn't get it."

Although slightly fewer textbooks may have been offered in the recent sale than previously, Levy said study guides

sold better anyway. In addition, he said, the council suffers no shortage of books.

"We were compromised largely by a lack of space to store the stuff," he said. "The cage that holds the books is filled to capacity."

The council is considering donating books to alleviate the space crunch, Levy said. If the council votes to do so, students will be sent notices asking them to indicate whether they agree to have their books donated, he said. In addition, the council will need to figure out what to do with out-of-date editions.

"Next semester's sale will be better, but we have to get rid of the old books first," he said.

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BRIEFS



HLS Alum Dies in USAir Crash

The crash of USAir Flight 427 last week claimed the life of Harvard Law School graduate Marshall L. Berkman '63. Berkman, who was 57, lived in Pittsburgh, where the flight was scheduled to make a stop. He was a member of the Steering Committee of the Campaign for Harvard Law School, which raises funds for improvements at the Law School.

Also a graduate of Harvard Business School, Berkman was the chairman and chief executive of the Ampco-Pittsburgh Corporation, and he was returning on Flight 427 from a business trip with Ronald L. Cale, Ampco's tax manager, friends said. Berkman's family is the largest shareholder of the publicly traded company, which specializes in metals and hardware and has 950 employees.

Berkman was born in Steubenville, Ohio in 1936. He graduated from Harvard College in 1958 before attending business and law schools. He worked for another of his family's companies before succeeding his father, Louis, as chairman and chief executive of Ampco-Pittsburgh in 1979.

Berkman is survived by his father; his wife, Deborah; three daughters, Laura Berkman Coleman, of Pittsburgh, Ellen, of Washington, and Martha Berkman Winfield, of London; his sister, Donna Paul, of Pittsburgh; and one granddaughter.

Library Exhibit Commemorates Brandeis' Life

A celebration today marks the opening of a Law Library exhibit in honor of the late Supreme Court Justice Louis D. Brandeis '77 (1877, that is). The exhibit is titled "Louis Dembitz Brandeis of Louisville, Boston, and Washington: A Life Well Spent" and honors the distinguished justice on the 55th anniversary of his retirement from the Supreme Court.

The exhibition consists of 15 display cases featuring Brandeis' years of law practice, Supreme Court appointment and opinions, and his private life, among other topics. It is the creation of Erika S. Chadbourn, curator of manuscripts emerita in the Law Library. Sources for the display include Law Library papers and collections as well as papers at the University of Louisville, Brandeis University, and several Zionist Archives.

The exhibit cases containing the Brandeis materials are located in the Reading Room area on Langdell Hall's fourth floor, except for one case that is across from the elevator on the second floor.

In addition to graduating from the Law School, Brandeis taught a course in Evidence here during the 1882-83 academic year. He helped found the Harvard Law School Alumni Association and the Harvard Law Review.

Steiker Gives Birth to Baby Girl

Prof. Carol Steiker '86 and Paul Holtzman became parents of a baby girl, Abigail, on July 7, 1994. According to a Law School memorandum circulated shortly after the birth, mother and daughter were "doing fine."

Barpassers Wins \$4 Million in Antitrust Suit Against Bar/Bri

A federal jury in Los Angeles last spring awarded Barpassers almost \$4 million in damages in its lawsuit against Bar/Bri. The suit alleged antitrust and other violations by Bar/Bri, which controls about half of the national bar review market. However, Bar/Bri's successful counterclaims decreased its liability by \$752,000.

The jury agreed with Barpassers that Bar/Bri engaged in anti-competitive practices, violating the Sherman Antitrust Act. In addition, the jury found Barpassers and Bar/Bri liable to each other for tortious interference with business relations and deceptive advertising.

Bar/Bri attorneys said the decision would be appealed.

- From The National Jurist

"Top Party Schools" Ranking Eludes HLS

In spite of efforts by the Monster Truck Coalition to increase the flow of beer on campus, Harvard Law School was not profiled in a recent article in The National Jurist featuring "five of the nation's top party schools." Instead, the magazine honored the University of Virginia Law School, Columbia University School of Law, Duke University School of Law, Loyola Law School, and neighboring Boston College Law School as top party schools, where "students devote themselves to fun and frolic as well as the study of law" and "report that a strong campus social life improves the value of their J.D." Whether prospective employers agree is not known at this point.

RECORD Wins First Place in Competition

Harvard Law School may not be the top party school — or even a ranked party school — but it does have the best student newspaper, according to the American Bar Association. The ABA awarded the Harvard Law RECORD the first-place "Award of Excellence" in the "Entire Newspaper" category for 1993-94.

In addition, Victoria Kuohung '96, a RECORD editor, received second place from the ABA for her two-part feature on gay and lesbian life at the Law School.

Breyer Likely to Take on Scalia, HLS Profs. Say

By Jeff Bucholtz

New Supreme Court Justice and former HLS Prof. Stephen G. Breyer '64 is a smart pragmatist who is likely to challenge Justice Antonin Scalia '60 on administrative law and statutory interpretation issues, say his former colleagues at HLS.

Breyer's centrist reputation and congressional staff experience translated into broad bipartisan support and practically unopposed confirmation of his nomination to the court. Prof. Christine Desan, who clerked for Breyer on the First Circuit during 1987-88, praised the new justice.

"Breyer is very pragmatic," said Desan. "He tries to make sense of the issues and give a common-sense interpretation, which is a great quality in a judge." Recalling her clerkship experience, Desan termed Breyer "a very independent judge in the sense that he is engaged in every case, and not dependent on his clerks."

Desan noted that the justice is "extremely interested in and articulate on questions of statutory interpretation. Breyer has a legal process approach which is paradigmatic of HLS, in contrast to Scalia's plain meaning approach."

Prof. Todd Rakoff '75, who, like Breyer, is an administrative law expert, agreed that "Breyer will be a real balance to Scalia, who until now has been the only ad law expert on the court." Citing Scalia's "non-mainstream ideas," Rakoff



Justice Stephen Breyer

called Breyer's appointment "a terrific thing for people who follow ad law."

Desan predicted that "it will be especially interesting to watch Breyer debate statutory issues with Scalia, since not many people have really taken him on at the level of principles."

Breyer's circuit court opinions are noteworthy for their brevity and near-complete lack of footnotes.

"Breyer considers his audience to be the parties, and so is determined to write straightforward opinions that lay people can understand," Desan said.

"Breyer's not the kind of person who would simply translate his preferences into law," said Rakoff. "He will be a smart middle-of-the-roader."

The Law School maintained its narrow five-member majority on the court this summer when Breyer replaced retiring Justice Harry A. Blackmun '32. Prior to his nomination, Breyer had been a judge on the First Circuit Court of

Appeals in Boston since his appointment by President Carter in 1980.

Before and during his tenure on the First Circuit, Breyer taught at the Law School, most recently as a lecturer on law. Last year, Breyer taught Administrative Law: The Regulatory Process and the seminar Government and the Regulation of Industry.

The Law School has named Boston College School of Law Prof. Zygmunt J.B. Plater as visiting professor to teach Administrative Law this semester in the slot vacated by Justice Breyer.

Epstein and Kennedy Debate Job Discrimination Issues

By Jeff Bucholtz

Richard Epstein is probably best known at HLS for his torts casebook, but at Monday's debate with HLS Prof. Randall Kennedy, the University of Chicago professor focused on employment discrimination.

After autographing copies of his casebook for several 1Ls, Epstein argued "The Case Against the Employment Discrimination Laws," the subtitle of his recent book, "Forbidden Grounds." Epstein attacked Title VII of the Civil Rights Act of 1964 as counterproductive and economically costly, stating that "in the name of expanding opportunity, these regulations have in fact contributed to decreased employment and lower wages."

Epstein warned that "the ex post 'successes' of litigation should not be confused with the much broader and more powerful ex ante effects of the legal regime." Despite the law's laudable intent to eliminate the irrational prejudice that hurt minorities, Epstein claimed that Title VII ironically "makes minorities less attractive applicants economically, because a rational employer cannot be indifferent to otherwise equally qualified workers where one has more legal protection than the other."

More generally, Epstein argued that labor market regulations tend to depress employment and wages by "driving a wedge between the price that a worker is willing to accept and an employer is willing to pay."

While recognizing that racial discrimination is a problem, Epstein was skepti-

cal about government's ability simply to legislate it away. "The discrimination laws have been profoundly uninformal with respect to the powerful trends shaping employment markets," said Epstein. "Differences in education and skills are much more powerful determinants of the fates of individuals and groups than any piece of law could ever be."

Kennedy agreed that Title VII has not improved aggregate minority employment levels, observing that "we shouldn't oversell it. It's not a full-employment law." He criticized Epstein's emphasis on the economic costs of the statute, and posed instead what he called the "real question": "What kind of a society do we want?"

While largely concurring with Epstein's analysis of the costs of Title VII, Kennedy chastised him for ignoring its benefits. "It has succeeded in eliminating the 'banal atrocities' that were completely permissible before," he said, "and these moral benefits are no less important for not being quantifiable."

Distancing himself from Epstein's libertarianism, Kennedy found the government's attempt to "pattern the

structure of society" through Title VII both natural and good. "Government is all around us, and of course, does have a tremendous role to play."

In his rebuttal, Epstein recognized the positive symbolic effects of anti-discrimination laws, but asked whether whatever "moral benefits" they provide "require us to ignore their practical consequences."

About 75 people attended the debate, which was organized by the HLS Federalist Society.

Epstein was skeptical about the government's ability to legislate racism away.

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Robinson Fields Complaints on Add-Drop Process

continued from REGISTRAR, page 3

Robinson. One student dropped and added a single course four times in the same day, she said.

Multiplying this kind of indecision by more than 1,000 upperclass students results in huge logistical problems, Robinson noted, which methods such as preregistering at once for the year's courses help solve.

"We'd have to hold winter and spring preregistration in November if we didn't have students sign up courses for all terms at once," she said. "Also, many students like having their schedules set for the year."

Such remedies, however, can't prevent occasional disasters like the computer glitch that handicapped the registration system this past Monday.

After inputting data from the drop/add and wait-list forms, the Registrar's Office found that students' names were appearing multiple times on a single list. Wait lists therefore were posted a day later.

The problem arose because of a programming error, said Robinson. "We have a new computer system which we can test but unless we run it at full tilt, we won't know of the problem," she said.

To accommodate the delay, the

Registrar's Office extended the deadline to drop oversubscribed courses by a day. "The drop/add period is also a day longer because of Yom Kippur, so [the computer problem] won't make much of a difference," Robinson said.

Mechanical errors aren't the only source of unanticipated problems. Unpredictable student interests are another, creating imbrolios like the overcrowding in Mergers and Acquisitions, taught jointly this fall by Professor Charles Haar '48 and professors from the Business and Kennedy Schools.

Introduced during the summer without an enrollment cap, the course was designed to accommodate 100 people, divided evenly between students from the three professional schools. But student response was overwhelming, with about 90 people signing up from the Law School alone.

In order to limit enrollment, only 3Ls and LLMs were allowed into the course. Because they have an opportunity to take the course next year, 2Ls were not accepted.

Although the Registrar's Office watches student interest in courses closely, "you can't always psych it out," Robinson said.

Three New Professors Arrive on HLS Campus

continued from PROFS, page 1

which she accepted last spring.

A public international law specialist, Slaughter holds a Ph.D. in international relations, which she earned from Oxford in 1992. She will teach two international law classes this spring.

Slaughter, whose husband Andrew Moravcsik teaches at the College, said she was attracted to HLS by the possibility of establishing a program in international law and international relations.

"Harvard is the ideal place to do it because of the number of students and the interest in international studies," she said.

Clark said Slaughter's arrival would "assist immensely our development into a world law school."

Ring's arrival on the HLS faculty has been planned for more than a year. Like Prof. Reuvan Aviyonah '89, who joined the faculty last year, Ring brings hands-on tax experience to HLS after practicing at the Washington, D.C. law firm of Caplin & Drysdale for three years.

Ring says she expects her work experience will be an asset to her in the classroom, especially in her fall seminar, Issues in Taxation of Financial Instruments.

"I think tax in general has a strong relationship to practice," she said. "You're directly responding to and predicting the business market."

Clark said that Ring, who will teach

Taxation in the spring, shows "extreme promise as a scholar and teacher."

Jolls is one of the youngest professors ever to teach at HLS, whose faculty currently is one of the most experienced in the nation. Clark called Jolls, a law and economics scholar currently finishing her work on a Ph.D. in economics, an "extraordinary" talent.

"The committee was very impressed," Clark said. "For someone so young, she's done a tremendous amount of scholarship."

Jolls chose to return to HLS in spite of offers from Yale, Stanford and the University of Chicago Law School. She said she thought her recent graduation from the school — and the fact that she studied under many of the same professors who are now her colleagues — would help her put herself in the seats of her students.

"The fact that you know what students are learning in other fields is incredibly helpful," she said. "Just having been here, you know what will be useful to students."

Jolls will teach a Microeconomics and Legal Policy seminar in the spring. She will leave HLS during the next school year to serve as a clerk for Judge Stephen F. Williams of the D.C. Circuit but will return

to HLS for the 1996-97 school year. With the addition of Slaughter, Ring, and Jolls, the Law School now employs nine women on its full-time faculty.



Diane Ring



Christine Jolls



**RECYCLE the
 RECORD!**

FOOD - O - RAMA

Eatin' and Drinkin' on a Shoestrin'...

The Law Student's Guide to Cambridge

By Ted Cohen '95 and Jonathan Goldstein '95

So here you are. Back for more. Back to the wonderful world of law. You've stocked up again on those mysterious notebooks with the margin line down the middle of the page, briefed, rebriefed, debriefed and Shepardized the first week's assignment, and you're ready to embrace the challenge with a passion.

But lest you forget, even Learned Hand had to eat. So what follows is a handy guide to the wealth of food and drink offerings available within approximately a mile of the

Law School campus. We have compiled this guide primarily for 1Ls but also for you 2Ls and 3Ls who may have forgotten what it's like to pay for lunch yourself. We have attempted, contrary to our usual predilection for the finer gastronomic experiences, to limit ourselves to the \$10 and under range. Further, for your convenience we have indicated where one should eat, where one should drink, and, in rare cases, where one may do both.



Harvard Square

FOLLOW the smell of grease to Mr. and Mrs. Bartley's (1246 Mass. Ave.) for the best burgers in the Square. There's decent chain pizza at the California Pizza Kitchen (16 Eliot St.) (if you can stand the hard-sell service and dreary decor) and better chain pizza at Bertucci's (21 Brattle St.). For a quick slice of Sicilian style, hit Pinocchio's (74 Winthrop St.). The Tasty (2A JFK St.), a tiny short-order grill which various waves of gentrification have miraculously spared, is good for burgers and other diner-type fare if (a) you're drunk and/or (b) you're planning on being near a toilet soon after eating. (We actually think the Tasty is quite cool.)

Feeling like a salad or sandwich? The otherwise lifeless Garage has got the SouperSalad, an all-you-can-eat salad bar which is usually pretty packed, and Formaggio makes excellent overstuffed sandwiches on thick slices of homemade bread. Also excellent are the specialty sandwiches at Darwin's (take-out only), which is about three blocks past the nightmarish Chill's on Mount Auburn. The Barsamian's outlet in the new Mount Holyoke mall—the one right next to the Au Bon Pain—has probably the best fancy sandwiches around.

Ethnic eats run from the good to the Border (Cafe) (32 Church St.). (We don't need to mention it again. You will eat there more than you care to. Each time, you will leave smelling strongly — overpoweringly — of fajitas.) We thoroughly enjoy the all-you-can-eat Indian buffet lunch at the Bombay Club (over the Janus theater at 57 JFK St.), but recommend the delicious Cafe of India (52 Brattle St.) for dinner. Shilla (95 Winthrop St.) does decent Korean and Japanese, and — believe it or not — the Southern food at the House of Blues across the street is pretty good, if a tad overpriced. There's Chef Chow's, (50 Church Street), for so-so Chinese and Singha House (1105 Mass. Ave.), for good Thai. In the same complex as Singha House is the Dolphin, which is fine for fresh, simply prepared seafood (try the fried clams). Skewers, (92 Mt. Auburn St. behind the Garage) is a great filler-belly place: The Middle Eastern eats are fresh, the portions huge, and you can BYOB from the liquor store right upstairs. Troyka, a bookish little Russian place a little further out at 1154 Mass. Ave., is good for a borscht and pierogi lunch, or coffee and dessert. Speaking of dessert, you'd be a fool

to have it anywhere but Herrell's (15 Dunster St.), which has the best ice cream in the Square.

On to drinks. Cambridge is a college town, so there are really only two — beer and coffee. For the former, you might enjoy the insouciant "down the shore" flavor of the Bow and Arrow, a former — and still wanna-be — biker bar with all the charm of gum under a table. Or maybe you'd like to hit on a B.U. student, or at least have one vomit next to you, at the Crimson Sports Bar and Grill. The Hong Kong (1236 Mass. Ave.) serves the same purpose for Harvard undergraduates. Be sure to dive into a Scorpion Bowl for extra "fun." (Heck, have two.) But never, ever eat there.

If you go to the excellent '70s-style fern bar at Grendel's Den (89 Winthrop St.), make sure to raise your glass to Larry Tribe, who got the owner his constitutionally pristine liquor license. Another grad-school favorite is the cavernous John Harvard's Brew Pub (33 Dunster St.) (but eat before you go). And we always like the intimate Shay's for a glass of wine or a nice Guinness. Finally, you might check out the bar in back of Casablanca, (beside the Brattle Theatre), a comfortable and relatively quiet place to take a date you actually want to talk to.

As for coffee, there are several obvious choices: Coffee Connection, in the Garage, is usually packed but also just simply makes the best cup of coffee in town. Coffee Connection also has on permanent display the best selection of Cambridge-styled schizophrenics, such as The Drooling Grad Student Who Will Never Finish His Dissertation, and The Angry Lady. Algiers (40 Brattle), next to the Brattle Theater, has "whimsical" service and rickety tables, but it's about as Cambridge as it gets. You can order a toothpick and sit there for four hours without anyone raising an eyebrow. Across from Shay's is the Left Bank, a pleasant and slightly less crowded place for some decent coffee and overpriced cake; beware, though — thanks to its clever dual door design, the place is friggin' freezing in winter. Last, and certainly least, there's the popular Au Bon Pain, which is French for "massive, characterless national chain." You'll recognize the place by its utterly comfortless steel chairs and scary fluorescent lighting. Still, in the warm months (all two of them), it's a good spot to sit outside and watch the freaks, er, folks go by.

Central Square

FOR all its allure, there comes a time when Harvard Square becomes a little stale, and you'll want to explore the surrounding regions. Central Square is a mere one stop away inbound on the T, or about 15 minutes on foot. And well worth the effort. Much less self-consciously hip, and often more authentic, the Central Square area offers generally better prices, and some excellent hidden treasures.

If Ethiopian is your bag, head for Asmara (739 Mass. Ave.), which offers a spicy mix of lentils, meat and that expand-in-your-stomach sponge bread for between \$9-12 per person. Pampas (928 Mass. Ave.) has all you can eat Brazilian churrasco (spit-grilled meats) along with a good salad bar in pleasant surroundings. For Indian, Central Square has a wide selection of somewhat carbon copy joints: Indian Globe, India Pavilion, Gandhi, and Shalimar extend along the length of Mass. Ave. An easily overlooked Mexican spot also on Mass. Ave. is Picante. Though a bit overpriced for the portion sizes, the tasty salsa bar with chips is inspired.

Around the corner on Prospect St. are two quality newcomers: Koreana serves some of the best Korean in town within the \$14-20 range. And just up the street is Carberry's, a former gas station, refurbished into a mod bakery/cafe, with some excellent breads and desserts. And if it's dessert you're after, Toscanini's (899 Main St.) offers a bodacious selection of hand-made ice cream flavors. The place makes Baskin Robbins look like a hack job. (Note that many local restaurants get their ice cream from Toscanini's as well.)

To get the best of both worlds, i.e., stuffing your face while quenching your thirst, find the Green Street Grill (on Green St., of course): half jazz bar, half cajun/creole kitchen, the Grill has some of the best jerk chicken and spicy fish stew you can find in this town. Many good micro-beers are available, and the atmosphere is unpretentious and comfortable. For a less laid-back, and more happenin' scene, try the Middle East (Mass. Ave.), where the food is fair, the beer list endless, and the basement always packed with moshing kids and hard-rocking bands. (A fun place, in fact.) Or, if you're more the Chem Study type, the popular MIT bar, Miracle of Science, has good burgers and sandwiches, and fine tap beers in a cool avant-garde sort of setting.

Central Square bars are good fun. The Cellar on Mass. Ave. is hidden down some steps and perpetually filled with smoke and an assortment of expatriate Irishmen and women. Possibly the best pint of Guinness in Cambridge. Go a few times and Mary, the barkeep, will know you by name. Across the street and closer to Central is The Plough and the Stars, another cozy Irish place serving up beer, yicky food, and free nightly music jams. The Plough is welcoming, if crowded and often too damn noisy. For some old-fashioned "authenticity", check out the Cantab or the Bradford, (on Mass. Ave. near the Miracle), two dimly lit holes in the wall which haven't changed or been washed in forty years. And neither has the bartender for that matter. Both places showcase unknown jazz "greats" and weird rock bands for slightly too high cover charges; nonetheless, well worth a visit.

Porter Square

HEAD north up Mass. Ave. and you'll walk smack into Porter Square, perched on the edge of exotic Somerville. Before you go too far from campus, though, the first thing you'll see — and if you're smart, you'll keep right on going — is the Three Aces (1613 Mass. Ave.), Cambridge's local grease repository. Skin feeling a bit dry? Bite into a slice of oil-drenched pizza, and your pores will have enough to secrete for weeks. Experienced diners dry the food off with paper napkins before eating it. Still, it's close and cheap, and if you've got just five minutes between Contracts and Civ Pro, it may be your only option.

Further along is the Half Shell (1758 Mass. Ave.), a small Greek/Italian take-out or eat-in joint with truly massive portions at excellent prices. The food is good quality and served fast. Nick's Beef & Beer (or, as the burned out sign says, Nick's eef & Bee) is a dank Bukowski-esque dive with terrible, but low-priced food, and pitchers of crappy beer. A popular choice for last-day-of-classes-getting-wasted parties.

In the heart of Porter Square, is Christopher's (1920 Mass. Ave.) where the food is secondary to the beer and tables are often hard to come by without a good long wait. Just next door is Toad, a dark netherworld of a bar which features various musical genres with an emphasis on jazz. Unfortunately, the Toad also features a long line out the door on weekend nights, so come prepared to wait.

* Eating and drinking at Harvard is much more than eating and drinking in Harvard Square. If there were space, we could go on about Inman Square, Kendall Square, downtown Boston. Get out. Live a little. These are, after all, the best years of your life.

Harvard Law RECORD

Founded in 1946

Greg Stohr
Editor-In-Chief

Enmity Gives Way to Apathy

If the 3L class were to point to its greatest contribution to the Law School, it would probably be the tone of civility the class has helped bring to HLS. The turmoil that overwhelmed the campus at the beginning of the decade has disappeared, and the Class of '95 (along with the classes of '94 and '96) deserves a portion of the credit. Those who have disagreed over important issues generally have managed to demonstrate sensitivity and respect for the views of others. Key student organizations like Law School Council and Law Review have overcome bouts of internecine warfare and are again focused on contributing to the HLS community. The widespread personal animosities about which the Class of '95 was forewarned two years ago have not materialized. We have remembered occasionally to laugh at ourselves. We have not overestimated the importance of the rather secluded world of Harvard Law School.

But the tolerance and perspective that have marked the past two years may also mark our greatest failure. As a class, we seem to have gone beyond civility to the point of apathy. Third-year burnout is by no means unusual in law school, but the pulse of the Class of '95 seems especially faint. Provocative issues that once would have sparked protests — like the proposed sexual harassment policy — no longer even foster debate. The indifference that hovers over 3L classes this fall is palpable. With job offers either accepted or pending, many of us, in our minds, have already graduated.

Like many of its predecessors, the Class of '95 has not quite mastered the balance of appreciating HLS's potential without exaggerating the school's importance. Where other classes have taken themselves too seriously, we probably have not taken ourselves — or law school — seriously enough. We don't care all that much about social and political issues, we don't care much about learning about the law, and many of us do not even care enough about ourselves to shape our own careers rather following the path of least resistance to a big law firm. The class that supposedly comprises the student leadership of the Law School is bearing alarming similarities to the Generation X stereotype.

So as the Class of '97 begins its three years at HLS, its members should recognize the particularly passive stage through which their new school is currently passing. While this year's 1Ls are lucky enough to inherit a relatively peaceful and unified campus, they also inherit a relatively listless one. HLS has always been best suited to self-starters, and the members of the Class of '97 will face a particularly challenging task to take advantage of the wealth of opportunities HLS can and should provide.

- Stohr

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—First Amendment, US Constitution

• Letters •

RECORD Insensitive to Johns

At a time when newspapers and universities are making every effort to avoid the use of unintentionally offensive language, it was most distressing to find two examples of the same grievous error in the April 22 edition of the RECORD.

On page 2 Mr. Bucholtz's otherwise excellent article states: "Some of the slides depicted bloody women being beaten or violated by foreign objects, and Dines argued that such a sadistic imagery leads 'johns' to

use prostitutes 'to try out' what they've seen."

Then on page 7 Professor Dershowitz writes "This number is based on a 1987 study that found women, on average, taking about twice as much time in the john as men."

As a member of the JUSTICE for JOHN Committee, may I register my strenuous protest to the use of "john" as a synonym for either a prostitute's customer or a toilet. Surely any one with the sensitivity which should be

characteristic of a RECORD journalist should realize how objectionable these are.

Unhappily, these are not the only such lamentable usages: "long johps," "the Dear John letter," "Stage-Door Johnny" and "Johnny-Come-Lately" come to mind. But at the minimum I would hope the Record would avoid the connotations in the two quoted excerpts.

John V. Fels, LL.B., '49
May 16, 1994

A Teacher's Place is in the Classroom

It was good to read the letters of Elizabeth Brown, Brook Deratany and Peter Kozinets in the March 18 issue in which they wrote that they saw benefits from extra curricular activities of faculty members which justified their involvement in cases and off-campus activities.

The reference in my

March 11 letter to the amount of money faculty members made was based on my experience that lawyers don't make a lot of money without putting in a lot of time and effort.

Professor Dershowitz's letter in which he asserted that "I never miss classes because of my cases," doesn't convince me that HLS

and his students receive full value from him. The fact that he argues pro bono cases does not impress me because those cases also require time away from HLS activities if properly processed.

John H. Downs '47
May 3, 1994

Has Dean Clark Gone "Weird?"

The April 22 issue of the RECORD includes a bit of comic relief under the headline "Dean Clark, Opera Man" which adds little to Harvard Law School's frazzling reputation.

Readers may wonder whether Dean Robert

Clark '72 has gone "weird" under the strain of the high and important responsibilities which should keep him too busy to display "his creativity and musical talents" in Professor Kraakman's corporations class where "his repertoire included a little

ditty about proxy rules sung to the tune of 'Onward Christian Soldiers.'" Cute! — but the Dean of Harvard Law School? Ugh!

Carl Shipley '48
May 10, 1994

Disagree with
Dickerson?

Clash with
Clancy?

Write to the
RECORD!

Place hard copy of letter and disk in Greg Stohr's
3L Hark box or in RECORD drop box near the
Story Hall side exit of the Hark.

Forgotten Heroes

By Harry A. Blackmun '32

Editor's note: The following is an excerpt from the speech given by U.S. Supreme Court Justice Harry Blackmun '32 to Law School graduates at Class Day last June. Justice Blackmun retired from the Court on August 3, 1994.

HAVE we forgotten our heroes these days? In national politics, as always, we tend to belittle — to destroy — rather than to give credit and to build. Fortunately, others cannot destroy the personal, intimate heroes that have influenced your respective personal lives. I submit, too, that one may have an institutional or documentary hero as well as a personal, individual one. For me the Supreme Court of the United States — your Supreme Court — even though it has caused me great pain at times, and even though its status has been shaken somewhat of late, is a heroic institution. And this little document I have here, called the Constitution of the United States, with its 27 amendments is for me a documentary hero that we should preserve and protect. . . .

What do you really want to do with your life? You have only one. Of course now, having gone to law school and been here for three years, you know better than college graduates do, what you want to make of your life. You're in the law, and how are you going to use it? The answer to that question has to be made before too long. At this point I'd like to quote a short saying that is attributed to William Penn but not only to him, to many others, too, because I think it fits what lies before you: "I expect to pass through life but once, and if therefore, there be any kindness I can show, or any good thing I can do to my fellow beings, let me do it now, and not defer or neglect it, as I shall not pass this way again."

I ask you also to think of your professional life. You're on the verge of it now. Bright college days are long since gone. This is serious business. It's not only a livelihood, it's a responsibility. It's a profession with all that that word in its old original meaning entails. It's a profession engaged in the resolution of disputes — A against B so often — in contrast to the medical profession, where in theory at least, everyone is engaged in one

pursuit: the cure of the patient or the prevention of disease. Oliver Wendell Holmes, Jr., put it, "The lawyer's place is in the fray." And I suppose one has to like that if he is going to be happy in the law. But one of the lessons about it is that I think lawyers can disagree without being disagreeable. I well remember one time in a case we had down there, two old codgers who apparently knew each other from years past were on opposite sides of a case. They were going at each other in a fashion I hadn't often seen. I was a little bit worried about it, whether they might come to blows in the courtroom. But as soon as it was over and the red light flashed, I noticed with pleasure that they went out arm-in-arm to have lunch together. They could disagree without being disagreeable.

I'm asked today in other places too: Where are our true professionals? However you choose to define that term. I'll mention a couple that I think qualify. One was a chief justice of the United States, the other was a jurist

and teacher of great repute, and the third was a lawyer and politician. The chief justice that I have in mind was the very first, John Jay. A graduate of Columbia, he was, among other activities, the negotiator of Jay's Treaty, chief justice of the U.S., governor of New York. His grave is in a private family cemetery adjacent to his boyhood home on the Boston Post Road just outside Rye, New York. I've visited that cemetery twice now and been impressed with the inscription upon the gravestone of the chief justice. It says this: "Eminent among those who asserted the liberty and established the independence of his country, which he long served in the

most important offices legislative, executive, judicial, and diplomatic, and distinguished in them all by his ability, his firmness, his patriotism, and his integrity." I repeat the last word, "integrity." What an epitaph, really. And how many of us could begin to approach that?

My second figure is Joseph Story, whom the lawyers will know. Suffice it to say that he was appointed to the Supreme Court by President Madison over Thomas Jefferson's great objection, at age 32. He was the fourth nominee for the existing vacancy — that makes me feel a little better because I was a third choice. He served for 33 years, supporting Chief Justice Marshall and in effect being his alter ego. While on the court he also served for

16 years as Dane Professor at this law school. And he filled the gap in legal writings of the time with volume after volume in almost every area of the law.

My third figure — and I won't go into detail — is Abraham Lincoln. I think in every respect he was a true professional. I spoke in Baton Rouge about a week ago and I was a bit hesitant about bringing Abe Lincoln onto my list. I ordinarily have divided his writings into six categories. The first is the work ethic and the second is his self-doubt, which I assume you possess, the third is his faith, the fourth is his confidence in the future, the fifth was his firmness under almost unrelieved and constant stress, and the sixth was his attachment to what he loved. I could give you a lot of quotations that fit each of those but I won't as there isn't time this afternoon. But I do regard him as a true professional.

A great poet, wrote two things that have intrigued me. The first is a rather solemn comment: "A most astonishing thing/ Seventy years have I lived / Seventy years have I lived / No ragged beggar man / Seventy years have I lived . . . / Seventy years man and boy and never have I danced for joy."

But he wrote another piece that counterbalanced and overwhelmed the one I've just given you. It's called "The Fiddler of Dooney": "When I play on my fiddle in Dooney / Folk dance like a wave of the sea / My cousin is priest in Kilvarnet, / My brother in Mocharabuee. / I pass my brother and cousin, / they read in their books of prayer. / I read in my book of songs I bought at the Sligo Fair. / And we come to the end of the time, / to Peter sitting in state. / He will smile on the three old spirits / but call me first through the gate. / For the good are always the merry, / save by an evil chance. / And the merry love the fiddle / and the merry love to dance. / And when the folk there spy me, / they will all come up to me with / "Here is the fiddler of Dooney," / And dance like a wave on the sea.

Commencement is a time to celebrate and to dance. It's a time of recognizing accomplishment and passing an important milestone along the way — and it is important. You realize that more and more as you get out into your professional activities. So follow the fiddle today, and then tomorrow think just a little bit about who you are and where you are going. About being a professional in the true sense. About values and about heroes and holding tightly on to them. I promise that all this will help you in the years ahead. And when on occasion you encounter moments of discouragement — as you will — it will lift you over those moments and into the sunshine beyond.

**We tend to
belittle — to
destroy —
rather than to
give credit and
to build.**

**GIVE
ANOTHER CHANCE.
GIVE BLOOD.**



American Red Cross



Temporary Insanity

By Sheila Tuller

HEY KIDS! HAS THE SOCRATIC METHOD GOT YOU DOWN?
TIRED OF ALL THE ANXIETY AND WASTED PREPARATION?
WORRY NO MORE! AS A PUBLIC SERVICE WE PRESENT A
COUPON REDEEMABLE IN ANY CLASS.*

JUST CUT ALONG
DOTTED LINE!

FREE THIS COUPON ENTITLES THE HOLDER TO **FREE**

ONE FREE PASS

IN THE CLASS OF HIS/HER CHOICE

CHECK APPROPRIATE BOX (ONE ONLY):

☐ DIDN'T DO READING BECAUSE I GOT LOST IN HLS TUNNELS FOR PAST 2 DAYS.

☐ WAS TOO BUSY LOBBYING ADMINISTRATION FOR HIGHER SALARIES FOR HLS PROFESSORS/LECTURERS

☐ DON'T MAKE ME HURT YOU BRAINIAC. IF YOU'RE SO SMART THEN WHY DON'T YOU TELL US ABOUT THIS CASE??

FREE **FREE**

OFFER EXPIRES 9/15/94

* RESULTS MAY VARY

Res Ipsa Loquitur

By Ted Cohen

WELCOME
-to-
HARVARD LAW SCHOOL
Ted Cohen

FIRST, DROP OFF YOUR BAGS IN THE ROOM WE'VE RESERVED FOR YOU IN THE PLEASANTLY ALTERNATING GROPIUS COMPLEX. YOU'LL NEVER HAVE TO IMAGINE WHAT IT'S LIKE TO LIVE IN A FAILED ARCHITECTURAL EXPERIMENT AGAIN!

FOR "SOCIALIZING" VISIT THE EXCITING MAZES OF DREARY, DIMLY LIT HALLS IN OUR LOVELY "HARK"! HERE YOU CAN PICK UP SOME INFORMATIVE LITERATURE ON CLASS RINGS, OR JUST ENJOY THE FASCISTO-MODERN WALL MOSAICS WHILE SIPPING A HARM KEG BEER!

BUT REMEMBER, YOU DIDN'T COME HERE JUST TO HAVE FUN! FOR A THOUGHT-PROVOKING "CLASS" REPAIR TO OUR NEWEST FACILITY, THE HOLMES FIELD SPA. IN ITS HANDSOME STERILITY IT LOOKS JUST LIKE WHERE YOU'RE GOING TO SPEND THE REST OF YOUR LIFE - IN A CORPORATE OFFICE TOWER! ELEVATOR GOING UP!

GREETINGS FROM MY SUNNY HARK BOX!

Guide to Legal Terminology

By Sean Kanuck & Matthew Queler

The study of law requires new students to master a diverse professional jargon within their first year. In order to facilitate your acclimation to this esoteric lexicon, we have enumerated and defined select legal terms which are both frequently addressed in the first year curriculum and often misunderstood by newcomers to the discipline.

assumpsit: the logical error of assuming the consequence of a conditional argument without verifying the antecedent

summary judgment: the abridged form of a court decision often found in legal textbooks

parol evidence rule: rule governing the admissibility of testimony regarding the release of prisoners

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CALENDAR

By Jeff Bucholtz

Fetishes. Velvet. and Motel Rooms

It's damn thoughtful of the city's clubs to have so many great shows this week, because the two classic HLS excuses simply won't fly right now; you don't have too much work to do yet, and it's not too cold. So while the going's good, leave the Square behind and explore Boston's nightlife. Don't worry, the Bow and the Kong will still be there come winter.

Tonight (9/16) features longtime college radio favorites **Velvet Crush** at Local 186 in Allston (351-2680). 186 typically books loud 'n longhaired flannel bands, but Velvet Crush sticks more to the pop side of grunge.

Also tonight is the incomparable Man Ray's Fantasy Nite fetish party (864-0400). Home to the city's hardcore alternative crowd, this Central Square spot has won notoriety for its, er, unique bookings. Look for black clothes, black makeup, and body piercings that make you go hmmm.

Just down Brookline Street from Man Ray is the Middle East (497-0576), one of the most reliable local live music venues. Tonight they lower the Sonic Boom, formerly of the legendary psychedelic band Spacemen 3. There definitely won't be any drugs there tonight. Definitely not.

Finally, if you're in the mood for a road trip and an evening of gargle-with-Drano vocals and ultraviolet heavy metal—an excellent way to rid your system of a week of law school—**Napalm Death**, **Obituary**, and **Machine Head** terrorize Club Baby Head in Providence (401-421-1698) tonight. "The death metal show of the year!" gushes Kit Ekman '95, the local authority on the subject.

Axis on Landsdowne Street (262-2437) hosts **Miracle Legion** on Saturday (9/17) for an early show of sub-REM countrified acoustic warblings, and next door, Avalon (931-2000) breaks out the rocking chairs for 80's new-wave darlings **Boingo**. (The "Oingo" disappeared along with their career.)

Tuesday (9/20) brings **April "Rockstead"'s Motel Room** to Local 186 for the obscure pick of the week. You may not have heard of them yet, but they should be getting a lot of attention in the coming months. "God" and "Fade to Black" are powerful, artful rock songs, with folky as well as grungy touches, as well as a singer that really can sing.

A few years ago, Oral Roberts saw a vision of a 900-foot tall Jesus in the desert, ordering him to build a prayer tower made of greenbacks. He got the money, Jesus didn't get the prayer tower, and the rest of us got MC 900 **Foot Jesus**. MC 900's new disc moves farther away from his hip-hop/industrial origins, into Zappaesque faux jazz territory, with wacky drug-trip spoken-word vocals. Opening at the Paradise (351-2526) on Thursday (9/22) is **Consolidated**, possibly the most politically correct band in the universe. Their sermonizing can get tiresome (it's nothing you don't hear at HLS, anyway), but their hard-beat hip-hop kicks. Especially amusing is the open-mic session after their set, during which sensitive Communists and meathead slam-dancers take turns cursing each other out. If you come up with something even more idiotic than the band's own propaganda, you could end up on their next album.

Freedom Summer '94

By Debra Dickerson '95

RECORD Columnist

GETTING away from this ivory tower into the real world this summer was somehow surreal. I felt like I was in an exam hypo; the law seemed omnipresent and utterly relevant to everything.

My sister and her two kids were being evicted with only 30 days notice. In five years, she'd never had the landlord's (L) address or phone number; all communication had to pass through a neighbor. L had performed no maintenance, made not one repair. For five years, the basement had been unusable because of human excrement backing up from the drain. It lay there as she was being evicted.

Just then, she broke up with her boyfriend but he wouldn't accept it. He became increasingly angry, breaking windows and kicking doors in. He filled answering machine tapes snarling, "I'm gon' get you, bitch." She's a receptionist, and he tied up the office phone lines cursing and threatening. Then he started showing up.

When the owner thought he was an unknown criminal harassing her, he was solicitous and concerned. When he learned who the man was, he called off his security guards and said he'd fire her even though he'd heard her beg him to leave. In other words, she's responsible for her stalker's behavior.

Meanwhile, she's searching for a home on \$13K a year. Each rental application requires a \$25 credit check. She passes that so they call L for a reference. All she'll say is that the police are frequently on the premises. So now the two traumas are completely intertwined. Dorothy's being terrorized, evicted, denied another home, and about to be fired. Her voice cracks now when we talk; she's obsessed with picturing her family homeless and tells me she found a steak knife under my 13 year old niece's pillow. My niece says, "Mama's hair is falling out and she's gettin' skinny."

I start threatening to sue people.

I tell the landlord that I'm just a student but one who did a housing clinical all last year. That a working single mother clutching a wad of rejected rental applications asking only for more time is a no-brainer for a judge.



That if she doesn't stop bad mouthing my sister a) my sister will just be there longer and b) I'll find grounds to make her pay for making my sister pay for being abused. I send her photos of the basement floor. On the back I've written, "Exhibit A."

I tell my sister's boss that he should be ashamed of himself. That I'll sue him for my third year paper if she's fired. I promise to turn this into a feminist cause celebre in St. Louis. We yell at each other for awhile, and then he actually gets it. He is

not just afraid of bad publicity and a clumsy student lawsuit — he really gets the perversity of blaming her. He puts his security guards back on the job.

Then, a different niece, a different sister, my mother and I are walking down the street at midday in Columbia, S.C. with a puppy. A white woman leaned out of a parked car to play with it. We were all laughing and talking in that instantly familiar way that women have. It was a Kodak moment. My 8- and 28-year old nephews come loping down the sidewalk to join us. This is not your usual white-person-locking-the-doors-and-rolling-up-the-windows story. Usually, y'all do this on the sly, pretending to just lean back against the knob or brush it closed while stretching. Not this woman. All the color drained out of her face. "OH, MY GOD!" she moaned. She banged her head pulling it back into the car and flew around inside in a frenzy of door-locking and window-rolling. She looked out at my dull insurance agent of a nephew as if he had a machete in his teeth and a severed head in his hand. He was wearing socks and sandals for God's sake.

Then we tried to eat in Columbia. They never said we couldn't. They just never let us. We waited an hour in an uncrowded restaurant while others came and went. "You're not going to seat us, are you?" I asked the manager. He just looked at me. The patrons just looked at us.

My 25-year-old niece started sputtering and cursing. I sunk my nails into her arm. She stopped cursing and started crying. I took her hand and we filed out. The 8-year-old wanted to know why we were leaving. "Some people think they're better than other people because of their color," I told him. "That's stupid," he said. "Yeah." As we pulled alongside the long, windowed side of the restaurant, the patrons waved a sardonic goodbye to us. How many jurors were in there? How many cops? Bosses?

I had a very serious summer and I have a serious

message for the 1Ls this time. Don't let anybody lull you into thinking that there's no work left to do, or embarrass you into silence when oppression stares you in the face.

Kenneth Stampp, in *The Peculiar Institution*, quotes a sarcastic 19th century conservative as follows: "It is one of the distinguishing characteristics of the times that there is abroad a sickly sentimentalism, which is constantly showing itself in impractical schemes for the amelioration of the condition of the world. . . . Sometimes their universal benevolence expends itself upon

negro abolitionism, sometimes in sympathy for the poor Indians, and sometimes these ambassadors of the whole human race, condescend to level their influence against abuses [i.e. floggings] in the army and navy. Nothing can be more chimerical."

They were wrong then and they're wrong now. Get involved.

I had a very serious summer and I have a serious message for the 1Ls this time. Don't let anybody lull you into thinking that there's no work left to do or embarrass you into silence when oppression stares you in the face.



Fenno was back. The summer, which had been oh, so long and hard, had finally come to an end. The warm memories of those endless lunches, at which he had struggled mightily not to flinch when yet another pasty-faced, ferret-eyed partner unwittingly shot a bit of half-chewed radicchio or polenta across the table at him while saying, "Fenno, my boy, the tax implications of this deal are positively seductive," had finally begun to fade.

But Fenno faced new challenges now. Desperately hoping to graduate this year, he had lined up a wonderful schedule of powderpuff classes: "Law and Cooking," co-taught by Professors Gardner and Merchant; "Lawyers Better than I," taught by Dershowitz, who at last report was still looking for course materials; and, to top off his courseload at the statutory minimum of 10 credits, a cross-registration at the Divinity School, "Law in the Afterlife: the Real Supreme Court."

Unfortunately, Fenno was wait-listed for the latter two courses. To make room for these two in his schedule, Fenno had to decide what to do with his oversubscribed course, "Labor Law: The Jurisprudence of Birth," which, as best he could tell, he had to drop within 60 seconds after the end of the first class or face a year's banishment with two Tlingit boys on some remote and barren Alaskan isle. [Fenno was relieved to learn that, due to the "restructuring" of school fees (read: "We've charged you up front for everything, rather than nickel-and-dime you along the way."), there would be no charge for his flight to Alaska.]

By the second day of classes, Fenno had weaseled his way into Dershowitz's seminar, but only after agreeing to buy all Dersh's books, even the ones not required for the course. That left only the wait-list for the Cooking class. Fenno went to check, but was stymied by a breakdown of the regis-

trar's computer system.

The next day Fenno went to see Annie Bombard about his place on the wait-list. "I'm sorry," she said. "As you know, use of a computer is always at the student's risk, even when we at the Registrar's Office are the ones using it. You were added to a class yesterday but failed to check the lists that we were unable to post and so you have been dropped. Of course, you now must repeat second year."

"Uhh, where does it say that?"

"Oh, it doesn't in anything you as a student have received, but over the summer, we circulated a memo among ourselves."

NEXT WEEK: Fenno takes it all off for the Student Organization Fair

Editor's note: Fenno's column has appeared in the RECORD for at least three decades. Although details concerning the origin of Fenno are a bit murky, informed sources agree that Fenno is at least as old as Prof. Jon Hanson and that, as the only current law student who knew Charlie Nesson as a 1L, Fenno possess unique insights into the inner workings of HLS.

Quote of the Week

"The Lord of Cyberspace is on par with the Lord of the Law."

—Prof. Charles Nesson

Hey, 1Ls!

Want to join the only campus organization with its own stockpile of guava juice liqueur? Then become a part of the **RECORD**, the oldest law school newspaper in existence.

To find out more, call Greg Stohr at 868-7840 (home) or 495-4418 (RECORD). Or come by the RECORD office this Tuesday night between 7:00 and 8:00 for our weekly pizza and beer feast. Or, if all else fails, see us at the student activity fair this Wednesday.

Clinton's Haiti Policy Senseless and Surprising

By David S. Clancy '95
RECORD Columnist



PRESIDENT Clinton is full of surprises. He surprised us by breaking his campaign promises more quickly, callously, and casually than presidents normally do. He surprised us by bringing scandal to Washington more swiftly than usual, and by attempting to cover it up in a manner more clumsy than one might have expected from "Slick Willy." Now a new surprise is in store: Aides say that Clinton has set September 20th as the deadline for a military invasion of Haiti.

Recall the conventional wisdom during the 1992 campaign: that Clinton would be a weak-willed commander-in-chief, a leader hamstrung by lack of confidence in the field of foreign affairs — to him a domain wholly foreign — and, perhaps more importantly, by his embarrassing reputation as a Vietnam War draft-dodger. For this transgression, and for his self-serving silence during the crucial debate surrounding the Gulf War, he was looked on with contempt by the military establishment, and with suspicion by those Americans who are honestly concerned with those to whom they entrust the national security. Unfortunately, this is no longer the majority of Americans. Clinton won, concerns about his willingness or capability to defend America's national interests not figuring prominently in the election.

In the early days, the relationship between the military and the White House was strained. The president himself, in an embarrassing moment, was booed during a visit to an American warship, and he received an awkward and cold reception at the commencement exercises of several military academies.

This was not merely because the military resented being led by a draft-dodger. There were more concrete problems, from the small but telling to the large and deeply troubling. Twenty-something staffers, bringing MTV's *The Real World* to the West Wing, demanded that men in military uniforms be banned from the White House. A Clinton aide commandeered Marine helicopters for golfing expeditions. Clinton nominated, and was later forced to remove Defense Secretary Les Aspin from the Pentagon. Aspin, in an egregious violation of the Peter Principle, had risen far beyond the level of his incompetence and American marines in Somalia, pinned down in a vicious crossfire and unsupported by reinforcements, paid the price.

The Somalia operation as a whole was a fiasco. Nothing was achieved, and much was lost — 44 American lives and \$1.3 billion, to be precise. The mess was due in no small degree to Clinton's solicitous, almost obsequious acceptance of the presumption and intrusiveness of Boutros-Boutros Ghali and the United Nations. Clinton's unprecedented and unseemly deference to the United Nations troubles Americans, whose sense of injustice is sparked by the United Nations' blatant hypocrisy — its eager readiness to contribute moralistic guidance, its dragging reluctance to contribute blood and money. Boutros-Boutros Ghali has drummed

**This flurry of activity is the likely
preface to at least one thing:
American 18- and 19-year-olds being
brought home in coffins.**

up all of 1500 foreign troops, from 17 nations, to assist the United States in this "morally imperative" operation.

After all this, who would have thought that Clinton, dubbed "the War Hero" by Boston Herald columnist Howie Carr, would move so quickly, so quietly, and so unilaterally to invade Haiti? When 73 percent of the American public opposes such an invasion? When legislators from Richard Lugar to Pat Schroeder oppose such an invasion?

There is little support for military action in Haiti because the rationale for invasion is weak, weaker by far than that for the liberation of Kuwait. Aides have argued that American credibility and reliability in foreign affairs demand an invasion. A strange argument, suggesting that we are somehow bound by our threats, however foolish they were to begin with.

They have argued that human rights abuses, and support for democracy, demand an invasion. If so, then the U.S. Navy and Marines have many more ports of call after Haiti. Does Clinton propose to send our forces on an extended international quest, like something out of King Arthur and the Knights of the Round Table, slaying every dragon and black knight they encounter? And certainly time, firmness, and negotiations will ease significantly the refugee problem. If worst comes to worst, turn them away — since when are American troops more dispensable than Haitian refugees?

It seemed more probable that Clinton would call for an invasion — especially in a case such as this — only after it was demanded by Congress and by the American people. That, in a sense, a reluctant Clinton would have to be drafted all over again. But Clinton, who has chosen to consult with Aristide but not with the Senate, who has staged a public-relations campaign in Haiti but not in the United States, seems anything but reluctant, and is ready to invade despite demands from Congress and from the people not to do so.

As we speak, Clinton has set a dangerous mechanism in motion. Agents are on the ground in Port-au-Prince, gathering intelligence. The marines are performing "warm-up" exercises in Puerto Rico. U.S. warships stand ready off the coast of Haiti. "We're going into operational stage," said a White House aide.

This flurry of activity is the likely preface to at least one thing: American 18- and 19-year-olds being brought home in coffins. Is restoring Aristide to power worth even one death? Clinton, who wouldn't put his own life on the line to defend South Vietnam at the heart of the Cold War, should lose some sleep pondering this question.

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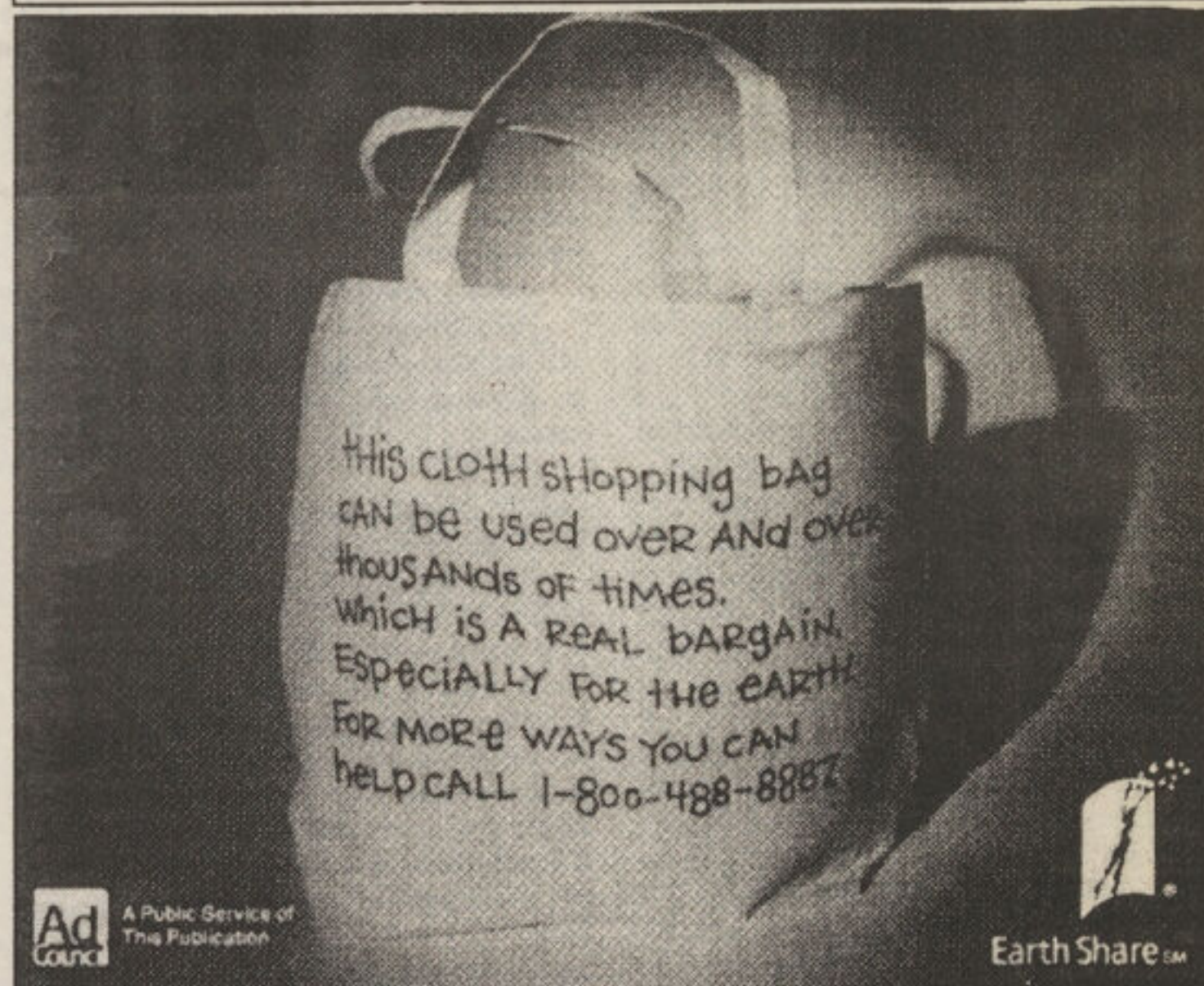
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■ ■ ■



BLSA to Open Doors

continued from BLSA, page 1

black students to join the organization represents a shift for BLSA. Last spring, BLSA released a statement saying that "[t]o the extent that Harvard Law School continues to be a hostile environment for black students, BLSA should remain as currently constituted." According to a student within the organization, BLSA voted at that time to retain the exclusionary policy.

BLSA sources say those students wishing to join the organization will be asked to sign a statement that they are seeking to further the goals of the organization. Those sources add that all

members will now be expected to take an active role in the organization. One BLSA member said that several white students have already expressed interest in becoming members.

Bates said he was "happy that the problem could be resolved quickly and swiftly and without any problems."

Bates has said that the issue is one of "principle" to him. "All those organizations that are funded through law school tuition should be open to all Law School students," he said.

Bates said he thought few non-black students would take advantage of BLSA's new membership policy.

Clark Blames Rising Costs for Tuition Hike

continued from *TUITION*, page 1

profile law schools as evidence that HLS's tuition is relatively low. The tuition rates at Yale, Stanford, Chicago, and Columbia Law Schools all are higher than that at HLS. Stanford's tuition last year was \$20,186, or \$2436 higher than Harvard's. Tuitions at top state schools vary; the University of California at Berkeley (Boalt Hall) charged out-of-state students only \$12,048 last year, but the University of Michigan Law School's out-of-state tuition was \$19,575.

Clark said the tuition was picking up only a "small part" of the Law School's escalating costs. He pointed to the growth of the faculty — the full-time teaching corps has increased from 66 to 68 since last fall — and the Holmes Field Building as tangible, and costly, improvements at the Law School. He said frequent student requests for new courses had added to pressure to increase faculty size.

"Education is one of those things where the impetus is to improve quality," Clark said. "Most things that have an impact on quality don't bring in revenue."

"Education is one of those things where the impetus is to improve quality," Clark said. "Most things that have an impact on quality don't bring in revenue."

Clark attributed roughly a fifth of the increase — about 1 1/2 percent of last year's tuition, or the equivalent of \$266 per student — to defraying a portion of the cost of the new Holmes Field Building. The Law School is seeking a \$10 million gift to finance the bulk of the building's estimated \$13 million price tag.

"It seems to me to be acceptable in light of what we'll be getting," Clark said of the student contribution to the Holmes costs.

Clark added that the renovation of the library, which could begin sometime next year, would add to tuition pressures in the future. HLS officials have estimated the library expansion could cost up to \$30 million.

The reduction or elimination of a number of student fees accompanied the tuition increase. The \$80 student athletic fee has been abolished, as have fees for using the student computer lab, except for printing fees. E-mail accounts, which cost \$50 last year, are now available at no charge, and library copy rates have dropped from 10 cents to five cents.

Clark said the fee changes came in part as a response to student suggestions.

A Public Interest Warning to 1Ls

By Robert Weissman '95

RECORD Columnist



If past years' experience is any guide, this column will reach 1Ls too late. The process by which uncertain but vaguely public interest-oriented incoming students are transformed into fodder for the nation's top corporate law firms has already begun.

If the first days of this 1L year were anything like my beginning days at Harvard Law School, one of the first things many of this year's crop of incoming students heard was how their Advisory Group leader spent his or her summer working with a firm. Many 1Ls may have already had conversations about what sort of corporate law they hope to pursue; in my orientation group the conversation started before we even registered.

Thus begins the learning process by which HLS students discover that working for a corporate firm is normal — and that pursuing a career in the public interest requires going against the grain.

As in previous years, hundreds of 1Ls attended this past Tuesday's public interest orientation meeting or have otherwise expressed some interest in public interest law. But unless things change, most of those students' enthusiasm for public interest work will taper — and upon graduation, only a few dozen will end up in public interest work, broadly defined. Only a relative handful will take non-governmental public interest jobs.

The good news about this shameful record: Steps can be taken to avert its repetition.

The understaffed and underfunded Office of Public Interest Advising (OPIA) is a fantastic resource — new students should get acquainted with the extremely friendly and helpful staff as soon as possible and rely heavily on their resources and talents.

But OPIA is not enough to counterbalance the wide range of almost tangible pushes and pulls directing students to work for corporate firms. From these magnet-like forces, students must protect themselves — and the prerequisite to shielding oneself is becoming aware of the multiple forces operating on students.

One important factor is the disillusioning effect of "learning to think like a lawyer." Sociologist Robert Granfield, in his 1992 book "Making Elite Lawyers," explained how the process works. The 1L year is spent learning that the law is

The 1L year is spent learning that the law is confused and contradictory; discovering how to argue both sides of any issue, with very little attention given to what students believe is "right;" and learning that the practice of law is about winning, much more than it is a search for truth.

confused and contradictory; discovering how to argue both sides of any issue, with very little attention given to what students believe is "right;" and learning that the practice of law is about winning, much more than it is a search for truth. What a student actually thinks about a controversy is rarely very important in classroom discussion or on exams.

"The effect of this process was often dramatic," Granfield writes. "Many law students believed they had become increasingly more cynical and disillusioned as a result of their legal education." Ultimately, "students came to interpret law not as a collection of principles that would lead to just decisions, but rather as nothing more than a game performed by practitioners for the sake of being victorious."

In turn, Granfield concludes, the thinking-like-a-lawyer cynicism strips many students of their attachment to public interest work. "The adjustment to the 'necessity' and 'naturalness' of gamesmanship disables idealist students from their previous aspirations of doing good."

There are ways to combat this phenomenon, however, Granfield found. Idealistic and public interest-minded students who do not expect to find abstract truths embedded in the law are less shaken when confronted with the often ugly reality of court decisions from medieval England to today's Supreme Court. These students are able to maintain their idealism by viewing the law as a tool — an instrument to use to further their political beliefs and sense of what is right. Learning to argue both sides, or how to identify the contradictions and "give" in the law is thus a means to becoming a more skillful advocate for principles discerned outside the law.

The moral of the story: Don't begin your law school career with illusions about what the law is, because you are likely to quickly become disillusioned and cynical. But don't shed your ideals, either: the law can sometimes be about justice — but only if you make it so, through career choices and professional decisions.

Thinking-like-a-lawyer cynicism is of course only one of the many reasons why so many of those who enter HLS intending to do public interest work end up with corporate firm jobs. In future columns, I will discuss some of these other factors and what can be done to mitigate their effects.

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ITL Tackles O.J. Case

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argument, according to Prof. Charles Nesson '63. In addition, students have been asked to keep a journal of their experiences at the Law School and in the class. Nesson foresees compiling these entries into group, section and/or class "stories" of student experiences at the Law School.

As well as the subject matter changes, the ITL program has undergone various organizational adjustments. Profs. Nesson and Peter Murray '67 will be team-teaching all four sections of the 1L class, rather than dividing the course and teaching different curricula as had been the practice.

In addition, the 48 workshops will be taught by both BSA members and veterans of Murray's ITL teaching staff, all of whom will go by the title "student teachers."

"The ability of these student teachers to help groups learn, structure discussions, and generate feedback" is "vital" to the course's success, said Murray.

In keeping with the cyberspace theme, the course will also involve a dramatic increase in the use of electronic media for both research and communication. Students will use not only the LEXIS and Westlaw systems, but also LEXIS Counsel Connect, a program which networks practicing attorneys, and Folio Views, information-based software produced by Durasoft that will allow each student to organize coursework and research in personal researchable database.

According to Nesson, a special database on the Simpson trial is also currently being compiled for the program.

In addition, students are being encouraged to communicate with their instructors, student teachers, and peers using PINE, an electronic mail system.

"We are committed to going at the speed students are comfortable with," said Nesson.

"We are confident that there are resources in the class to help people of

all technical levels and all analytical levels to come along tremendously far," said Murray.

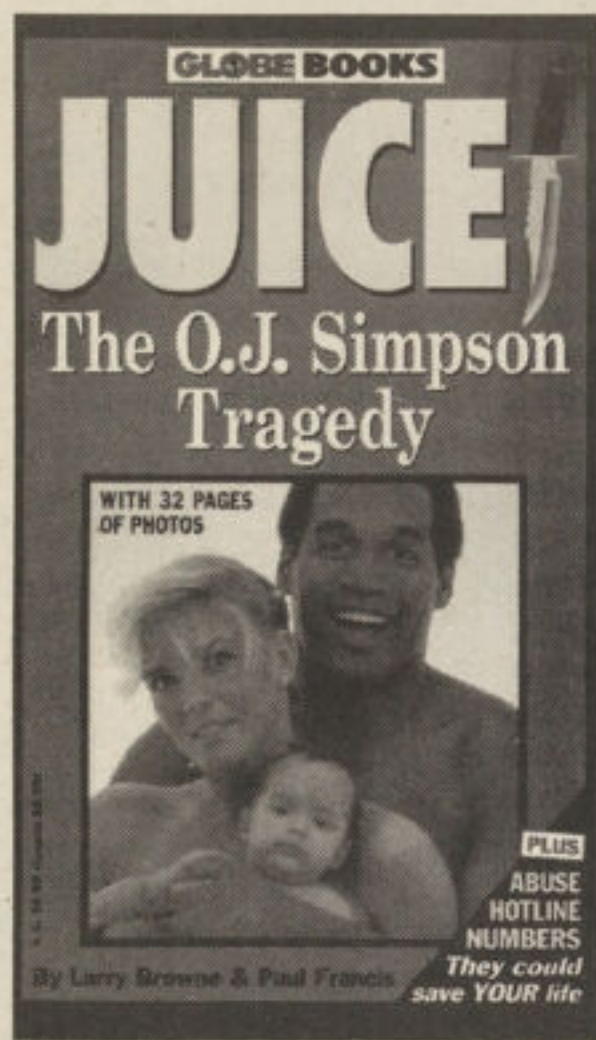
The impetus for the changes in the ITL program came from Nesson and Murray, according to BSA President Greg Duhl '95. "We worked with them in shaping the curriculum," he said. "It certainly has been a joint effort, but they initiated O.J., they initiated the electronics."

In addition to the efforts of the two professors and the student teachers, support is being provided by Lecturer on Law Virginia Wise, who will help formulate a hands-

on legal research workshop program, and Joan Duckett, who is assisting in legal research and the Simpson data base. Prof. Arthur Miller '58 is also involved with the revamped program, as he will be moderating a panel discussion between attorneys and journalists on October 5 regarding the impact of the press on Simpson's right to a fair trial. The introduction of a new, "self-generating" curriculum and the addition of the computer component has created some logistical difficulties, including delayed access to the Harvard VAX computer for some students.

"We're working through the logistics," Bhattacharyya said. "The administrative staff has been a great help."

"It's been a gradual evolution," added Nesson. "But we have taken a quantum leap here."



BSA to Run A-Groups, Not O-Groups for 1Ls

continued from BSA, page 1

tions in the orientation program itself, however. "The logistics of orientation changed more because of Rosh Hashannah than because of these changes," said Duhl.

In addition to changing the name and focus of A-groups, BSA is planning to produce a new edition of "Introduction to Advocacy," the textbook used in the Introduction to Law classes. Duhl indicated that updating the text will take two or three years.

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THE REASONABLE WOMAN

Teaching by Tabloid

By Shannon Liss '96

RECORD Columnist



THIS summer I studiously avoided O.J. conversations. After commiserating briefly on the tragic fall of childhood heroes, I saw what the media was setting this case up to be: another National Enquirer-gone-mainstream story where a lot of money could be made off the by now stale pastime of pitting feminists against African American men while the rest of the country enjoys the show. I was going to have no part of it and decidedly shut the door when talk outside my office lingered too long over bloody gloves.

At least I can enjoy my solitude. The entire 1L class and Professor Nesson's Evidence section are not so lucky. They will spend a semester scrutinizing the evidence, studying the gossip, using the media for background information. What is this achieving beyond the sale of 700 more copies of Juice? How much will it boost sales when the publisher can put on the back of the next edition, "Required reading at Harvard Law School"? Subjecting this untried case to the scrutiny of a law school course only adds credibility to the commercialization of an over-sensationalized cover story. The O.J. Simpson murder case may facilitate discussion but is unlikely to teach students about how real trials normally proceed.

It's not that our professors should duck an issue simply because it's controversial. But likewise it's a poor choice to make a subject the focus of a mandatory introductory course merely because it is controversial. Without some special consideration given to the sensitive nature of this case (which, apparently is not part of the lesson plan), I fear the worst. This is a case about a woman who was beaten, stalked, and possibly murdered by her husband. The odds are high that there are women in these classes for whom this is not a mere academic concern. And it is a case about an African American cultural hero for whom the prosecution considered arguing for the death penalty. These are not appropriate issues to be used for entertainment value or for simply making sure students do the reading for a pass-fail class. At the least, the courses should include discussion in a broader context of domestic battery and the media's portrayal and criminalization of African American men.

The choice to concentrate on O.J. Simpson in ITL this year seems more likely intended to turn the 1L class into cocktail party experts on the biggest media circus of the year than to educate anyone about spousal violence.

As a proud graduate of last year's experimental Introduction to Lawyering section, I was disappointed to find that our experiment had been scrapped. A frequent criticism of the other ITL sections last year was that they used only one case the whole term. Section II, on the other hand, got a new case each week: falling ladders, child custody, police harassment, employment discrimination. The well-prepared materials kept the course interesting and exposed us to a variety of typical issues a practicing lawyer might encounter.

While the O.J. Simpson case has raised awareness about how distressingly typical it is for women to be physically abused by the men in their lives, the case itself is far from typical. The choice to concentrate on it in ITL this year seems more likely intended to turn the 1L class into cocktail party experts on the biggest media circus of the year than to educate anyone about spousal violence. If the Law School were serious about asking students to confront this and other pressing social issues faced by real women every day, it could require everyone to spend at least one term in a clinical course. Not a bad idea either.

Watch this space for guest columnists and discussions of issues of concern to women on and off campus. We might highlight why a professor's casebook acknowledges a long list of men for their substantive scholarly input and thanks a long list of women for their proficient typing and proofreading; or congratulate the organization of a 1L babysitting co-op study group but wonder about the second class status for student fathers in posters advertising, "Hey, Mom! (and Dad!)" and asking if you are a "mother-in-law" with "or father" penciled in as an afterthought.

Editor's note: New to the RECORD this year, this column will be a regular forum, encouraging discussion on campus of women's issues. It will be used to voice opinions on political questions and to consider current books, films, or music, that raise issues about women and gender. Readers can submit ideas, guest columns, feedback, and notable quotes to the 2L Hark boxes of Shannon Liss or Linn Brady.

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