



Fire trucks parked outside Terry Terrace; firefighters responded to the call quickly.

Terry Terrace Evacuated After Fire in Basement

By Greg Stohr

"Improperly grounded" welding equipment caused a fire Monday in Terry Terrace and forced evacuation of the building, but officials say the structure sustained only minor damage.

Although the flames were few, residents and passers-by witnessed a motley display of hoses, ladders, and flashing lights, as seven fire trucks and nearly two dozen firefighters took over Everett Street Monday morning after a student smelled smoke and called the fire department.

Kevin Kelly, affiliated buildings manager for Harvard Real Estate, which owns Terry Terrace, said the damage to the building at 17 Everett Street was "very minimal" and estimated the cost to be between \$5,000 and \$6,000.

Part of the ceiling in the basement was destroyed, and firefighters tore up a portion of the floor and a wall in one student's room in their efforts to douse the fire. The room was repaired the same day, and the student, who was not in the building at the time of the fire, was able to sleep in her room that night.

Fire department officials say a welder, working on a new boiler in back of the building, grounded his equipment to a

gas pipe, which then transferred heat to a metal lath inside the ceiling of the boiler room. The lath then caused the surrounding wood to catch fire.

Deputy Chief Gerald Reardon of the Cambridge Fire Department said the equipment was grounded "improperly" and called the gas pipe "not really a good ground." He said the welder would have been wiser to ground the equipment to something that did not lead into the building.

Kelly, however, defended the work of the welder. He said a loose pipe inside the building contributed to the chain of events that caused the fire.

"He was doing the right thing," Kelly said of the welder. "It was kind of a freak accident."

The contractor performing the welding work, Ace HVAC Services, did not have a permit at the time, but Reardon said a permit is "generally not required" for outdoor welding.

"The idea is the possibility of accidental fire from hot sparks," Reardon said. Ace HVAC obtained a permit later in the day, he added.

Ace HVAC President Bob Fasullo said that "normally" a welding company does not seek a permit when it is welding outdoors.

please see FIRE, page 2

Inside "The Insider's Guide"

HLS Students Evaluate Critiques of Their Firms

By Victoria Kuohung

The leaves haven't even turned their fall colors yet, but 2Ls and 3Ls are already clutching their résumés and mobbing the Office of Career Services, all in an effort to interview at firms this October. And just in time to help students distinguish one tax firm from another, the second edition of "The Insider's Guide to Law Firms" — compiled by HLS graduates and now D.C. attorneys Sheila Malkani '93 and Michael Walsh '93 — has hit the book-

stores with profiles of more than 200 firms in 12 major cities.

First published in October 1993 and revised to correct factual errors in January 1994, "The Insider's Guide" grew out of Malkani's and Walsh's own efforts to choose firms whose official profiles all sounded alike. Along with hard statistics about practice areas and percentages of women and people of color, the book blends insights from both associates and summer clerks about topics ranging from practical jokes to sexual harassment in

order to evaluate each firm honestly.

The guide, originally sold on campus through the Office of Career Services, has proven popular with students and practitioners alike: The Law School Coop has already sold 100 of its 450 copies, and because the book's editors are HLS graduates, the Coop also fields phone and mail orders from people at other law schools.

Much of the book's popularity reflects a belief in its accuracy in

please see GUIDE, page 10

Dorm Keys Stolen, Locks Changed

By Greg Stohr

The theft of a resident assistant's backpack containing a master key Saturday prompted the Law School to replace the locks throughout the Gropius Complex and change its policy of providing master keys to RAs.

Although Director of Building Operations Frank Lamentea said he doubted the thief was planning to use the key to gain access to the dorms, Law School officials decided to err on the side of caution and rekey each of the Gropius buildings.

"I don't think they were particularly after the keys," Lamentea said. "The person probably doesn't know that they have a master key. Still, we weren't going to take any chances."

please see KEYS, page 4

Résumé Crunch, Not E-Mail, Blamed for Overcrowding of Student Computer Lab

But On-Line Users Contribute to Slowed System Response

By April Rockstead

Lines at the student computer lab during peak times this week were due to resume deadlines for the fall interview season rather than fee changes that incorporated computer-time and E-mail fees into tuition, officials said.

Although the heavy demand for computer time early in the week led computer lab personnel to allow students to print from staff work stations, the crowding slowed by midweek, according to Ruth Block, director of audio-visual services for the Law School.

"The flow through here has been quite nice," Block said.

But apart from lab crowding, an increased number of E-mail users simultaneously attempting to log onto the computer that serves as host for the Law School's E-mail accounts this week did create a noticeable "lag time" in on-screen response to user input, Block said.

According to Brian Hughes, technical services coordinator, the system "reached its maximum users one or two times, so no one else could get on."

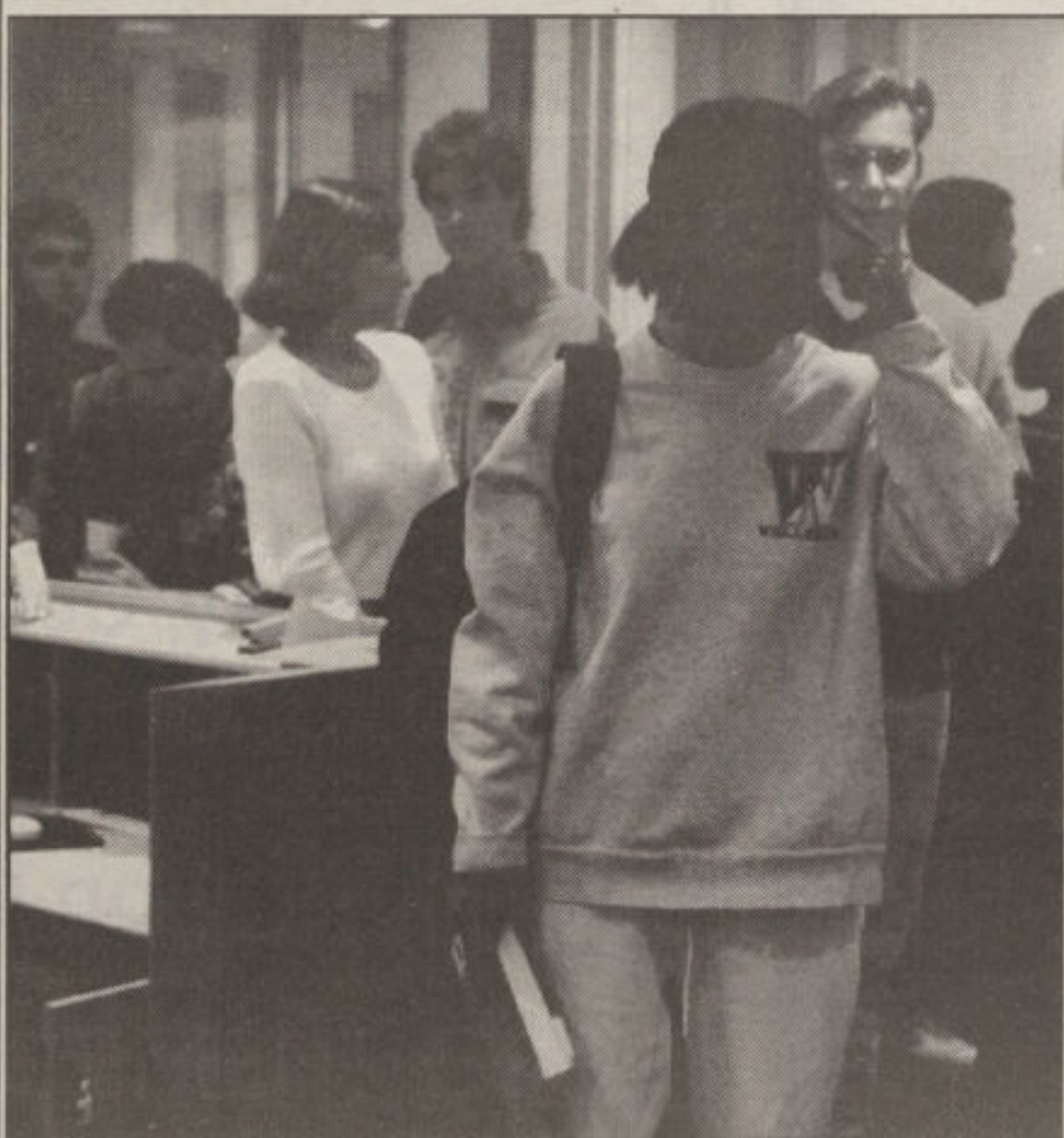
"It was very, very slow on Thursday," he added. "It sagged under the weight of the users. It's clearly not as zippy as the middle of the summer."

Block was cautious about whether episodes such as Thursday's logjam could be prevented in the future.

"Well, we're playing it from day to day," she said, adding that computer services staff have been encouraging users to "be courteous" and "do their business and dial off." In addition, users can help by logging on during "off times," such as 8:00 to 10:00 a.m. and 5:30 to 6:30 p.m., to avoid taxing the system.

One ongoing problem is that the drive to include E-mail interaction in Law School class curricula leads to large increases in the number of users, Block said.

please see E-MAIL, page 4



The lines were long as students waited to get into the Holmes Field Building computer lab to get on-line this week.

Improperly Grounded Welding Equipment Causes Fire

continued from **FIRE**, page 1

Jenn Peppett '96, the resident who initially called the fire department, said that fire trucks arrived within "three minutes." The fire department's internal report indicated that the department received a call at 10:02 a.m. and the first truck arrived on the scene at 10:05.

Fire department officials said the smoke Peppett smelled was probably a result of the welding itself, not the fire in the basement. Cambridge Fire Department Deputy Chief William Rose, who supervised the firefighting operations, said firefighters discovered the fire in the basement after inspecting the building for about 15 minutes.

"Apparently, it was smoldering for a while," he said.

Officials say they encountered a few difficulties in evacuating the building. Although many of the smoke detectors in individual rooms sounded, the building-wide fire alarm system did not sound until firefighters pulled the alarm manually.

On Monday, Rose said the smoke in the hallways "should have activated the alarms." But Reardon later said the alarm system was functioning properly. He said that the system tripped itself

shortly after firefighters pulled the alarm and that the alarm would have sounded on its own at that point.

"There is nothing there that's not up to code as far as the alarm system goes," he said. "It appears that everything is in order. There's nothing we would want to look at further."

Kelly said that University fire prevention officials have since looked at the alarm system and found no problems.

"If the fire had accelerated with any force, by all means, the fire detectors would have gone off," he said.

Fire department officials said that even after the alarm sounded, many residents remained in the building. Reardon said that firefighters discovered one woman in the laundry room.

"She was just sitting there doing her laundry," he said. "Even though the alarms went off, people wouldn't evacuate the building."

Kelly said that when the residents moved into the building, they received a packet of information that included instructions to evacuate the building if the fire alarm sounded. He said the building does not engage in fire drills.

Fire department officials say that even after the alarm sounded, many residents would not leave the building. Reardon said that firefighters discovered one woman in the laundry room.



Cambridge firefighters uncoil a fire hose to put out a fire in Terry Terrace.



With the fire safely put out, a firefighter inspires some young fans.

Wachtell, Lipton, Rosen & Katz

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second-year law students
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interviews

on

Wednesday, October 19, 1994

at

The Sheraton Commander
1:00 p.m. to 8:00 p.m.

Law School Council Mulls Hemenway, Other Improvements

By Frank Morrow

Despite improvements to Hemenway Gymnasium — especially the court and floor padding — the Law School Council Tuesday night decided to contact Administrative Dean Sandra Coleman about further upgrades to and the regular maintenance of the gym.

President Willie J. Epps, Jr. '95 suggested the possibility of a student boycott of the gym if discussions fail. He also said the LSC might seek a refund of the \$80 athletic fee that was incorporated into student tuition this year. Prior to this year, the fee had been optional.

"We're not talking about a Business School gym," said Epps. "We're talking about a gym we can use."

For now, Jon Kissane '96, chair of the Facilities and Services Committee, plans to ask University Athletic Services to replace the existing basketball rims.

However, Epps was quick to praise changes in Law School facilities and services.

"I'm very happy with the improvements that have been made," Epps said.

Epps also lauded changes in Harkness Commons.

"The new food selections are great. The new hours are great," said Epps. "Service is excellent."

Although the situation "isn't per-

fect," students seem pleased with food service in Harkness, Epps said.

The council has yet to contact Building Operations, which maintains the big-screen television in the Hark, and the Dormitory Student Activities Council about "Thursday Night Seinfeld Parties," one of Epps' campaign slogans last year. Epps also hopes to use the big screen to show the O.J. Simpson murder trial.

Spencer Levy '95, chair of the Programming and Public Service Committee, said the committee plans to donate some 1500 leftover books from last year's book sale. The committee will also explore limiting distribution of commercial advertising in student boxes.

The council's Committee on Facilities and Services will consider whether all law student E-mail addresses should be available on-line.

Ruth J. Block, the director of Law School computer and audiovisual services, said she was concerned that some students may not wish to have their addresses disclosed. The council also discussed the future of the shuttle to Somerville, which is scheduled to run through Winter Term. The council hopes to extend service into the spring.

The council will convene every other Tuesday night at 7 p.m. in Pound 202. Meetings are open to all HLS students.

"We're not talking about a Business School gym," said LSC president Willie Epps '95. "We're talking about a gym we can use."

Coop Unlikely to Pay Rebate for Last Year

By Stephanie P. Wexler

Of the Harvard Crimson

The Harvard Cooperative Society is unlikely to offer a monetary rebate to its members for the 1993-94 school year, officials said this week. The society's board of directors was expected to vote yesterday not to pay a refund.

The Coop has paid a refund ever since records have been kept, but the rebate has declined steadily in recent years. Last year, it dipped to an all-time low of one percent.

Traditionally, profits the store earns from its members are returned in the form of a rebate, which is a fixed percentage. With a one-percent rebate, any student who spent \$500 at the Coop would receive a check for five dollars at the end of the year.

The Coop, which serves the needs of both Harvard and MIT, has roughly 135,000 members, of which some 20,000 to 25,000 are students.

In what the store says is an attempt to compensate students for the rebate loss, the Coop is offering a ten percent rebate on fall textbook purchases. The store has offered similar refunds in recent years.

The rebate vanished because of declining profits, said Coop President Jeremiah P. Murphy Jr.

"There will probably be less of a

profit this year for members," he said. "Over the last three to four years, business has been dropping. Last year, we lost \$3 million in volume."

Murphy said the Coop has lost money as a result of stiff competition in Harvard Square.

"The competition has become much more intense in music and books, especially clothing, with all the retail stories in the Square," Murphy said, "and in paper goods with competitors like Staples."

The textbook discount will not hurt the Coop's profits, Murphy said. The store will make up the lost revenue by eliminating other discounts and promotional events, he said. In the future, the rebate could reappear, Murphy added.

"We've been trying to make a lot of changes," he said. "Over last year we tried to reduce our prices — we have Levi's jeans at \$29.99 everyday.... Mass. Army/Navy may offer them for \$25 on a special, but we offer low prices every day."

Murphy said that during the past few years, the Coop has redesigned the store layout, cut prices and switched to a computerized records system.

Students can receive the 10 percent refund for textbooks purchased between August 24 and October 15. Members can claim their discounts at the Coop by presenting their receipts October 17-31.

Open to all in the HLS community:

1994 HLS Computer Information Fair
Friday, September 30
10:00am-4:00pm
Ropes-Gray Room
2nd floor of Pound Hall

Come for information, demos, product comparison and special Fair discounts.

Participating vendors include Apple, IBM, Compaq, ALS, Dell, Claris, Lexis/Nexis, Westlaw, Wordperfect, the HU computer store TPC, etc.

Door prizes given away at the end of the Fair! Come for your chance to win OCR, Legal VIEWS, Legal-EZE, Socratutor, Claris Impact and Sierra Games software, modem, Black's Law Dictionary, bags, T-shirts, etc. More software prizes to be announced at the Fair.

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BRIEFS



Ginsburg to Preside Over Moot Court

Dean Clark '72 announced in a memorandum this week that Supreme Court Justice Ruth Bader Ginsburg '56-58 will serve as chief justice of the Ames Moot Court Final Competition in November. As in years past, the Law School will arrange live closed-circuit television viewing of the event, Clark said.

Joining Ginsburg on the court will be Chief Judge Sam J. Ervin, III '51 of the Fourth Circuit Court of Appeals and Judge Diarmuid F. O'Scannlain '63 of the Ninth Circuit.

Women and Minorities Dominate Entering Class at Harvard Medical School

For the first time ever, this year's entering class at Harvard Medical School is comprised of more women than men and more minorities than non-minorities.

Of the 180-student class, 52 percent of the students are women, 27 percent are Asian-Americans, 18.2 percent are African-Americans, and 6 percent are Latinos.

"While we very actively recruited underrepresented minorities, we haven't actively recruited women," said Dr. Edward M. Hundert, associate dean for student affairs at the medical school.

The large percentage of women in the class therefore reflects that many women are applying to the school, Hundert said, noting that coincidentally, this year marks the 50th anniversary of the first class at the Medical School to which women were admitted.

Hundert said he did not know why other graduate schools, like the Law School, might have less success attracting women and minority students. Assuming the Law School's entering class reflects the applicant pool, Hundert said, it may mean that a higher relative percentage of women graduating from top undergraduate institutions are interested in pursuing medicine than law.

"Why that would be, I wouldn't want to speculate," Hundert said.

But the Medical School has been less successful in recruiting women and minority faculty than students. Only 5.7 percent of the tenured faculty are women, and 4.7 percent are minorities; the school's goals for each are 12 percent and 7.4 percent, respectively.

K-School Adds Woman To Tenured Faculty

As of Monday, Merilee S. Grindle is the Mason Professor of International Development at the Kennedy School of Government — and the only tenured woman on the school's faculty.

The faculty also includes one non-tenured woman in a full professorship, Professor of Electoral Politics Shirley Williams. She and Grindle are the only two of the school's 29 full professors who are women.

In addition, seven of the school's 31 assistant and associate professors are women.

Grindle serves as faculty advisor to the Edward Mason Program. Under that program's auspices, leaders from developing and newly industrialized countries come to study at the Kennedy School.

In addition to a book expected to be released next year, Grindle's work includes books titled, "Searching for Rural Development; Bureaucrats, Politicians and Peasants in Mexico" and "State and Countryside."

-From the Harvard Crimson

Harvard Police Mace Suspected CD Thief

University police Monday night arrested a man charged with stealing compact discs and electronic equipment from Harvard Yard dorms.

Police maced and tackled the suspect at the Massachusetts Avenue gate behind Widener Library, according to reports.

The suspect was identified only as a 20-year-old black man. He is estimated to have taken more than \$1,000 of students' property.

The search for the man included a chase during which police pursued the suspect through Adams House, up Plympton Street, and across Massachusetts Avenue before the final struggle between Wigglesworth Hall and the rear entrance to Widener Library.

-From the Harvard Crimson

Harvard Law School Alumni Association Elects Its Second Woman President

Charlotte Armstrong '53, a member of the first class at HLS to admit women, has taken office as president of the Harvard Law School Alumni Association. She will be the second woman to serve as president of the 30,000 member HLSA.

A Law School press release quoted Armstrong as saying that "the association needs to be more supportive" of the dean's efforts to make the school "more comfortable for women and minorities."

Armstrong is a specialist in executive compensation at the consulting firm of Hirschfeld, Stern, Moyer & Ross in New York. In addition, she has a small private practice.

Active in the HLSA for more than 10 years, Armstrong became vice-president of the organization in 1992. She is also an overseer of Harvard College and vice president of the Harvard Club of New York City. A member of the HLSA of New York City, she has served as a director of the Harvard Alumni Association.

The HLSA aims "to advance the cause of legal education, to promote interests and increase the usefulness of Harvard Law School, and to promote mutual acquaintance and good fellowship among graduates," according to the press release. The organization was formed in 1886.

Gropius Locks Changed

continued from KEYS, page 1

Law School officials decided to err on the side of caution and rekey each of the Gropius buildings.

"I don't think they were particularly after the keys," Lamentea said. "The person probably doesn't know that they have a master key. Still, we weren't going to take any chances."

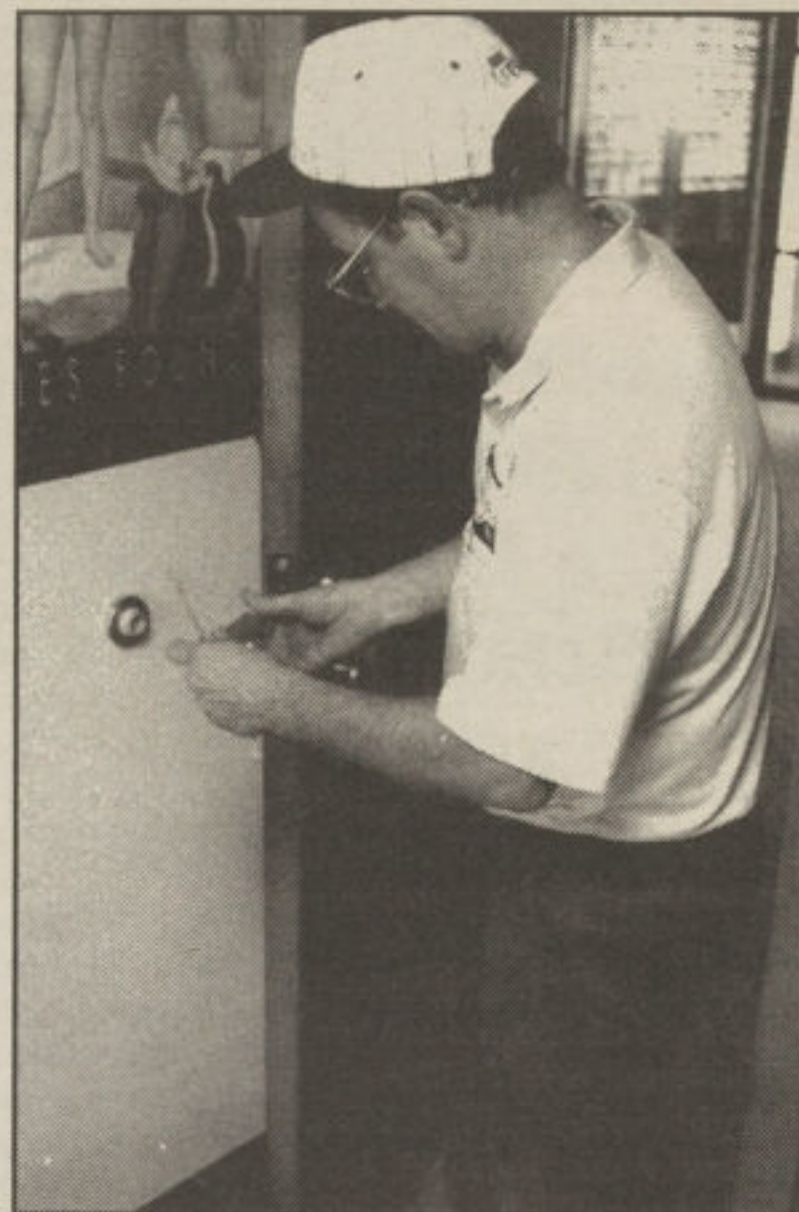
Lamentea said workers replaced just the cylinders in the lock mechanisms, rather than the entire locks, so that most keys, including those of residents, would not need to be replaced. Master keys, however, will no longer open the doors and are being replaced.

Master keys will not be reissued to RAs, Lamentea said. The change means that RAs no longer will have constant possession of a key to let locked-out students back into their rooms. Students and RAs will be able to gain access to a master key through mail services officers during the day and campus security guards at night, Lamentea said.

"The fewer master keys around the better chance of them not being stolen," Lamentea said, defending the change in policy.

Lamentea said he did not expect the changes would create any significant difficulties for locked-out students.

"It seems to me that most of the time [students] had trouble finding the RA anyway," he said. "Sometimes it's easier to find the security guard. Quite often that's what they do anyway."



An HLS employee changes the lock of a Gropius dorm room Wednesday.

"I don't think it's going to be any disadvantage."

Lamentea, who estimated the cost of the rekeying will total around \$5000, said the school routinely changes the locks on the dorms for security purposes. Locks on individual rooms are changed every summer; locks on the exterior doors are changed "every year or two" and were not replaced this summer.

"Students seem to want it," Lamentea said. "It isn't that costly. It probably adds ten or 15 dollars to the room rent. For that kind of money, it's worth it."

Work on the locks was expected to have been completed by Wednesday of this week. Until the locks were completely replaced, the Law School increased the security patrols around the Gropius Complex, Lamentea said.

Lamentea said that, in the ten years he has served in the Building Operations Office, only once before has a theft of a key prompted the mass rekeying. Four or five years ago, he said, a thief stole a master key from an RA's room. At that time, the master keys issued to RA's

opened every dorm room on campus, and the school replaced the locks in every room.

Dean of Students Suzanne Richardson said the incident underscored the general need for students living on or near campus to take basic security measures.

"People living in the dorms or anywhere her should take all the reasonable precautions one takes in a city," she said. "Lock your doors behind you. Don't let people in with you. It isn't a matter of being impolite. It's a matter of being wise."

"It might not look like New York, but it is a city."

Law School E-mail System Suffers Backlog

continued from E-MAIL, page 1

"It's a system with a finite capacity," she said. "There will never be enough capacity for everybody here to be on at the same time."

The system only allows for 65 people logged in at the same time, Block said.

A 24-station computer classroom, Langdell West 140, will be available for E-mail access between 8:00 a.m. and 10:00 a.m. to encourage students to use E-mail during that period, she said.

"I hope that will take the pressure off during the peak times," Block said.

"We've been monitoring the loads

really carefully, and they really were down," Block added.

In addition, the Law School has added memory capacity to its computer to decrease lag time delays, and the adjustment "seems to have made a difference," Block said.

A special account called "Law Help" is monitored by staff who can provide assistance to those with questions and problems, Block said.

"We really do want to hear from people," Block said. "We've been really grateful that people have been so patient. I hope it's evident how hard we've been working to try to accommodate them."

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Boston Globe

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The Gotta Eat! Guide

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HEAVY ROTATION

Masturbation Saved My Life

By Jeff Bucholtz '95
Music Editor

If you spent the summer in a cave or, say—oh, I don't know—a law firm, you might have missed some great happenings in the world of music. What follows is a woefully incomplete, gleefully one-sided recap of some of the most noteworthy non-commercial music to have appeared in recent months.

Even now that it's not brand-new anymore, I can't seem to get **The Obsessed** out of my CD player. Every time I try, a mischievous little demon whispers, "Black Sabbath reunion!" and since, sadly, Sab is not following in the Pleistocene footsteps of the Eagles et al., I calm myself down after this cruel joke by blasting the next best thing: *The Church Within*.

Wino (ex-Saint Vitus) churns out possibly the heaviest guitar sound ever on a non-death metal record, and his clear, strong vocals make the disc memorable, not simply loud. Quite simply, if Sabbath rerecorded *Paranoid* with today's technology, it would sound like the Obsessed, and I can't think of a higher compliment.

Also conjuring up the well-traveled ghosts of Sabbath is *Sky Valley*, the third disc from Los Angeles' **Kyuss**. With three bloated "suites" instead of a dozen freestanding songs, *Sky Valley* doesn't quite match the headbanging power of its predecessor, *Blues for a Red Sun*. Also missing and missed is pithy wisdom like "My hair is real long/I hate slow songs."

More spaced out and bluesy, *Sky Valley* still kicks, and its ear-melting descents into ultra-low sonic brutality cement Kyuss' position as contenders for the lead role in the Sabbath revival. For now, though, they remain understudies to the Obsessed.

Tragically overlooked in the past few months has been **Therapy?**'s *Troublegum*, one of my five favorites of the year. Possibly too punk and angst-driven for the metal crowd, and too heavy and musical for the punks, *Troublegum* ought to get noticed at HLS, since its lyrics speak uncomfortably directly to far too many of us: "Masturbation saved my life/ I was nervous as a child" (from "Femtex").



From the full-throttle assault of "Knives" to the pop harmonies of "Stop It You're Killing Me," the energy level never lets up through all 14 intelligent and biting tracks. You can mosh to it, bang your head to it, or read along with the lyric sheet.

With the phenomenal success of Nine-Inch Nails (how did a song with the chorus, "I want to fuck you like an animal" get into the top 40?),

industrial metal fusions of harsh electronics and loud guitars are becoming banal. One of the better examples is *Ungod*, the debut from Chicago's **Stabbing Westward**, which features some creative cybernoodling ("Ungod"), plenty of Headbanger's Ball-worthy riffing, and even some actual hooks.

Purists may be offended by how blatantly Stabbing's music and especially their nihilistic, control-obsessed lyrics ("I don't want it/ I don't need it/ But I can't stop myself" from "Nothing") borrow a well-worn page out of the Nails' songbook. Still, *Ungod* packs a punch that both cyberfreak Charlie Nesson '63 and rivethead "Kick me in the" Jim'my' Eastman '95 could appreciate.

Owing more to Ministry than to Nine-Inch Nails, Germany's **Testify**'s self-titled debut is a poisonous concoction of cyberthrash. Growled vocals, shards of digitally mutated guitars and percussion, and vocal samples that can't be repeated in this family newspaper all compete furiously for attack position. It's downright unlistenable, and I love it.

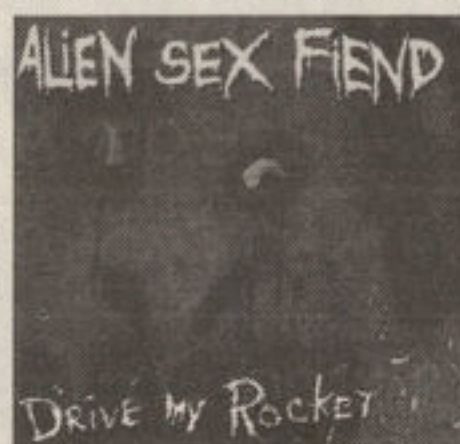
Cleopatra, the Los Angeles label that is practically single-handedly sustaining the U.S. gothic scene, has just released a compilation of **Alien Sex Fiend**'s splatter-electro hits, called *Drive My Rocket*. (They inexplicably left off the rest of the title song's chorus, "up Uranus.") The retrospective includes the as-seen-on-Beavis-and-Butthead "Now I'm Feeling Zombified" (B & B dug Nik Fiend's grisly makeup, but turned the sound off) and many tracks never before available in the U.S., providing a good introduction to this love 'em or hate 'em band.

Australia's **Big Electric Cat**'s *Dreams of a Mad King*, also on Cleopatra, is the perfect remedy if your CD collection suffers from a lack of melodrama. Filled with dark imagery and minor-key mysticism, Mad King manages to ape the Sisters of Mercy's classic "Temple of Love" ("Paris Skyes") and the Mission U.K. ("Christabel"), the two paradigmatic goth groups. But since neither past master has performed up to par for years, BEC's otherwise-solid disc can be forgiven for being a tad derivative.

April's Motel Room, a new band from Los Angeles, unveiled their debut, *Black 14*, at Local 186 on Tuesday, and won over an unfamiliar crowd with their skillful navigation of the moshing peaks and gentle valleys of their alternative-rock songs. Sometimes evoking Nirvana, other times Pearl Jam, but more often forging their own sound, AMR displayed confidence, a sense of humor, and impressive playing. The soaring "God" and the plaintive title track are rock anthems waiting to be discovered.

Last but definitely not least is *Ill Communication*, the latest in the **Beastie Boys**' long line of attempts to reinvent themselves. Its 20 tracks are admittedly slightly uneven, and the jazz experiments often miss, but the overall result is a raucous, occasionally depraved ("Root Down"), often hilarious exercise in rhythmin' and rockin'.

The Beasties drop more names than Dersh ("I've got more action than my man John Woo/ and I've got mad hits like I was Rod Carew" from "Sure Shot"), and don't always make sense ("I never rock the mic with the panty hose"), but their arrangements and production are inventive, and their grooves slam:



FOOD - O - RAMA

Dinner at Eight



By Ted Cohen '95 and Jonathan Goldstein '95

It's tough to evaluate a restaurant which has only been in business for about a week. The service tends to be a bit too officious. The dishes coming out of the kitchen are a little tentative, as if the chef has not quite found her stride. And the clientele — at least on the second Friday night of its existence — is not yet what it could, and hopefully will, be.

Such is the case with **8 Holyoke, A Grill**, a promising addition to the high-rent Harvard Square scene. Located next to the Hasty Pudding, the restaurant is set in a mellow, softly lit and well-appointed space, with a comfortable bar in front, near the windows. The kitchen is in view of several of the tables, but this is not one of those steam-in-your-face places; even half-full, the conversations remain muted and the room retains its relaxed feel. The only assertive element of the restaurant's design is on the walls: They are hung with various artists' cheeky interpretations of — what else? — the number 8. (The one real design glitch in this otherwise stylish setting is the choice of dark, wood-grained tables, which somehow look like formica in the light. . . . some white linen tablecloths, maybe?)

The menu promises more adventurous pleasures. Chef Ana Sortun has come up with a host of dishes with Spanish, Moroccan, Middle Eastern and even Portuguese influences. Each one sounds more enticing than the next. For tapas — which can be had at the bar with a glass of sangria — there is a salad of roasted pumpkin (actually acorn squash the night we had it) and tiny French lentils seasoned with thyme, sherry vinegar and shavings of parmesan cheese (\$3). This is an excellent taste of autumn. If you're still trying to keep fall at bay, you could do better than the steamed mussels with chorizo and chiles in a light tomato broth (\$5); though the mussels were plump and fresh and the broth pleasantly tangy, the chorizo did not come through, leaving this dish slightly one-dimensional. Other offerings that you're not likely to find elsewhere in Cambridge include the Troucha, a soufflé omelette of swiss chard and potatoes (\$3.50); the Kefta, a cake of potato and salt cod in a tomato sauce (a Middle Eastern version of the French brandade de morue) (\$4.50); or the Catalan-style pork ribs grilled with tomatoes, chili and garlic (\$5.75). Three or four of these would make a decent dinner with some of the excellent homemade rolls and warm herbed flatbread.

Entrees also all sound wonderful — 8 Holyoke is one of those restaurants where you can't decide what to have until the second you order. However, there can be a downside to such high expectations: the food can taste less exciting than it sounds. The grilled lamb chops (\$22) are not chops at all, but big hunks of succulent meat cut from the loin, which didn't have the bold, slightly gamy taste of lamb. The promised black olive sauce, however, was hidden under the food. The chef shouldn't have pulled her punches — that sauce was good enough to drench the lamb with. Also excellent — and very autumnal — was the accompanying tajine (a salad) of sliced sweet potato, tomato, onion and preserved lemon. Though a little too oily, this was exactly the kind of note the kitchen should be hitting: warm, satisfying, aggressive and unpretentious.

Though not in itself the most flavorful of fish, bass, when done right, can pack a punch. Case in point: The Grilled Chilean Bass served with an orange-anchovy ratatouille and slivers of crispy fried leeks (\$21). The slight char on the outside of the bass added the right amount of bitterness, which was then complemented by the slightly sweet undertones of the squash, zucchini, and tomato ratatouille, and the saltiness of the anchovy. This is a well-conceived and nicely prepared entree.

Other main courses range in price from \$16 (the oxtail and potato raïola in a meat and vegetable broth with julienned carrots and horseradish sauce) up to \$23 (a grilled sirloin steak with grilled potabellos, parsleyed potatoes and a Rioja wine glaze). Indeed, the restaurant's subtitle seems to have been honored in planning the main dishes, as nearly half come straight off the grill. And based on our sampling, they seem to know what they're doing on that front.

Wines emphasize the French, but in keeping with the general diversity of the place, include an assortment of Spanish and Italian as well. For a respectable \$5/glass wine, try the '93 Kermit Lynch Beaujolais or the '90 Côtes du Rhone Village from Château St. Maurice. Note that the bar serves tapas and drinks until 1:00 a.m., an almost unheard of hour in the Boston restaurant culture.

Perhaps most surprising, given that the Middle East is not usually thought of as a source of great desserts, are the inventive and delicious ones on offer here. Although it may strike the western diner as strange, there is, after all, no rule that prevents one from turning couscous (the most basic of North African grains) into a pudding. The orange couscous pudding (\$6) does suffer from a slightly too-firm texture, but the blend of pomegranate seeds, pistachios, and orange blossom water, served with a cinammon crème anglaise, makes for a uniquely tasty dessert. Better still is the chocolate fondant (\$6.50), which served by itself would be a pleasant sweet with the same toothsome quality of not-yet-finished brownies. But served here with an arabic coffee-cardamom syrup and fresh whipped cream, it is a subtle delight with complex flavors creeping in from all directions. Who would have thought cardamom could be so successful in a dessert? Other offerings include a red wine sorbet (\$6.50) with compote of blood oranges, pears and blackberries and candied mint leaves, and a warm Moroccan serpentine pastry (\$6) filled with nuts, dried fruit and honey and topped with lavender ice cream and raspberry coulis. Oh, and those flowers that come with your dessert, go ahead and eat them. They're good for you.

All in all, 8 Holyoke is a welcome addition to the Square. We wish it luck.

What the stars mean:

- | | |
|------------|-------------------|
| (no stars) | poor-satisfactory |
| ★ | good |
| ★★ | very good |
| ★★★ | excellent |
| ★★★★ | extraordinary |

RATING: ★★1/2

Harvard Law RECORD

Founded in 1946

Greg Stohr
Editor-In-Chief

HLS Ducks a Tough Issue

For a school that supposedly is a forum for confronting tough issues, we've done a remarkable job of ducking one lately. A disappointing lack of openness has marked the behind-the-scenes controversy over whether BLSA should open itself to non-black members.

At issue is a fundamental question that should be of concern to all members of the HLS community — whether the Law School's policy regarding racial discrimination should apply only to certain races. For the past several years, the answer has been yes. Until last week, BLSA discriminated on the basis of race; its constitution limited BLSA's membership to African-American students.

When John Bates '95, who is white, challenged BLSA's policy last spring by raising the issue with Dean of Students Suzanne Richardson, the administration initially was restrained in its response. Richardson said she needed time to determine how the policy would apply to student organizations like BLSA and to talk to the organizations concerned. Now Richardson is making the Law School's policy clear: Federal law and HLS require that official student organizations not discriminate on the basis of race.

BLSA's public response has been one of silence. BLSA leaders last week refused even to acknowledge whether the organization had changed its policy to allow non-black members to join. BLSA President Robert James '95 told me he did not believe the issue was one of concern to non-BLSA students. In truth, BLSA voted last week to open its membership, although last spring the organization had voted resoundingly to remain all-black.

The result of the whole episode has been the addition of a new layer of racial misunderstanding and mistrust to the HLS campus. BLSA members question the motives of a white student trying to change the organization. Many white students wonder why BLSA won't be frank about its fundamental policies.

BLSA has a legitimate complaint about the manner in which the issue of its membership arose. Had Bates approached BLSA directly with his concerns, perhaps the matter could have been resolved with a bit less animosity. But regardless of how the issue surfaced, James is wrong to suggest that it is only an issue for BLSA. As a student organization, BLSA receives school funds. All students deserve to know if their tuition is supporting an organization that excludes them on the basis of something over which they have no control. Perhaps more importantly, HLS student organizations owe one another a basic level of courtesy and respect. We are members of an interdependent community, and that community suffers when an organization suggests that such a fundamental issue does not affect anyone else.

We badly need a public discussion of these issues. Though I disagree with those who favor a racially exclusive BLSA, they can present a legitimate argument. African-Americans constitute a discrete minority that has experienced a history of discrimination. Much more so than whites, blacks understandably might find value in setting aside times and places to associate exclusively with other African-Americans. The question is whether the benefits of school-sanctioned exclusivity are worth sacrificing race-blind laws and regulations — and the message of equality that race-neutrality sends.

Similar issues will arise again and again in our lives — particularly with affirmative action and the call for diversity in professional fields. In those areas, the personal stakes are likely to be much greater. If we cannot discuss these important issues now, within a group of intelligent Harvard law students, I fear we never will.

- Stohr

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

—First Amendment, US Constitution

• Letters •

ITL Program Has Much to Offer to 1Ls

While Shannon Liss's inaugural column concerning the new format of Introduction to Lawyering presents valid issues of genuine concern, she clearly has not done her homework on the subject. The new ITL class, using the O.J. Simpson murder case as a framework, will "include discussion in a broader context of domestic battery and the media's portrayal and criminalization of African American men," as Ms. Liss rightly suggests it should.

Indeed, this year's ITL class will be open to many viewpoints, and a great deal of "special consideration" will be given to the "sensitive nature of this case." The 1Ls will have a chance to research and study the aspects of the O.J. case which seem most relevant to them. They will help decide what issues are most interesting and worthy of close study and intelligent discussion. They will also learn to use current technology to approach their research of the law.

Having spent part of the summer preparing the framework of this innovative ITL course with Profs. Nesson and Murray, I know from experience how committed they are to challenging this year's 1L class to make ITL a rich and rewarding experience. They're allowing 1Ls to use cutting-edge technology and a cutting-edge case to explore various legal approaches to difficult legal, political, and moral questions. This year's class will expose 1Ls to software and information technology which represent the future of the legal profession. The class will use and study state-of-the-art media, because media and law have become inextricably linked, and will continue to be so for the foreseeable future. The media must be considered essential to the law.

Ms. Liss talks her way around one of the key focal points of this class: The law, and many legal cases and trials, can be immensely fascinating, and they can capture one's imagination, whether one is beginning a budding legal career or just making small talk around the water cooler during a coffee break. The O.J. Simpson case may well be the most publicized case of this century, and it certainly presents students and observers with numerous difficult and intriguing questions. The fact that it is controversial makes it worth studying, not merely because it has captured the public's imagination, but because there are so many relevant and pressing controversies lurking beneath the sometimes superficial tabloid covers. There are a myriad of questions:

Can a man as well known (and well off) as O.J. Simpson get a "fair" trial, especially given the enormous media coverage? What does it mean to get a "fair" trial, anyway? How do the issues of race and domestic violence play into the story, given that no one seems to know what the whole story is?

The story itself is still developing, and the fact that a law school class is courageous enough to study this front-page case and so many of the surrounding issues as the case is unfolding should be seen by this community as totally positive. 1Ls spend plenty of time immersed in ancient cases concerning hairy hands and clumsy railway porters: Is an ongoing trial any less worthy of study simply because it's accessible to everyone who picks up a paper or turns on a television?

Profs. Nesson and Murray are committed to introducing this 1L class to

the incredible arsenal of technology which lawyers will need and use in the coming years. The tools which this year's ITL class will be provided with are not just mechanical ones either: Students will be given an opportunity to respond personally to the materials presented to them, keeping a journal and also communicating by E-mail with their classmates and teachers. These 1Ls will confront difficult issues and will ultimately attempt to answer questions such as: Why do I want to study law? What can I get out of law school? How can I work effectively alone and with my peers and teachers? How do I want to act when I become a lawyer, and what can I contribute to the legal profession?

That students may become "cocktail party experts" in the process, far from being a pointed criticism, may actually wind up being more of an added bonus: Shouldn't legal issues be discussed outside the classroom? If Prof. Tribe can spend large chunks of a Con. Law class discussing the president's imminent threat to invade Haiti, 1Ls can learn a thing or two by studying a case as rich with issues (including spousal violence) as the O.J. Simpson murder trial. The fact that the case is controversial doesn't make it a poor choice, as Ms. Liss asserts, but rather a rich one.

I suggest Ms. Liss spend some time talking to 1Ls about their ITL class. I'm confident they will appreciate Profs. Nesson and Murray's wise decision to move ITL forward into the future. And keep an open mind Ms. Liss; those involved with ITL will, too.

David Marglin '96
September 20, 1994

Liss' Column as Prejudiced as Rest of Media

I was, frankly, appalled by a statement made by columnist Shannon Liss '96 in the September 26, 1994 issue of the Harvard Law RECORD. In her article "Teaching by Tabloid," Ms. Liss proclaims that the O.J. Simpson murder case is "a case about a woman who was beaten, stalked, and possibly murdered by her husband." Given Ms. Liss' claim to have grown weary of the

media's "stale pastime of pitting feminists against African-American men," it is ironic that her statement of the fundamental issue of the Simpson case serves to do just that.

While it is of paramount importance that the public be educated about domestic violence and its often gruesome consequences, it is simply wrong to assume that every abuser must necessarily become a murderer, Orenthal James Simpson notwithstanding. Ms. Liss disparages "the media's portrayal and criminalization of African-American men," yet the thrust of her statement, though somewhat veiled, simply adds to that flagrantly prejudiced characterization.

Jamila E. Jefferson '97
September 18, 1994

Career Services Letter Laughable

In their first letter to students regarding the upcoming interviewing season, the Office of Career Services tells us that they are "as happy to have [us] back as [we] are to be here!" Given the abuse I heap on the administration, faculty,

and my fellow students, I would be a poor sport indeed if I did not give comic credit where it is due. Well done, OCS: It's quick, it's sharp, it's plausibly deniable. All in all, a class job.

I may actually start

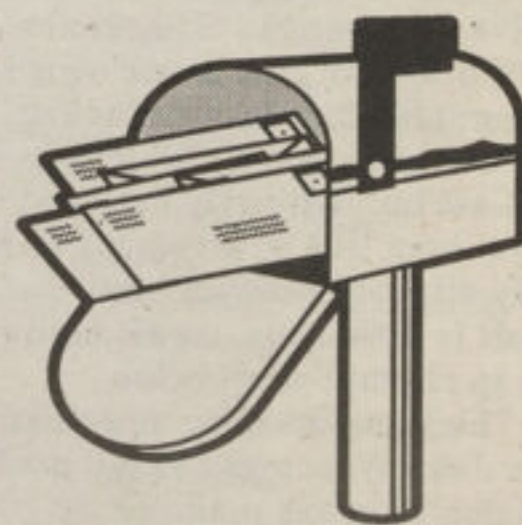
reading that never-ending stream of paperwork that fills our Hark boxes in the hope of running across another gem like that one.

Debra Dickerson '95
September 19, 1994

Correction

Last week, the RECORD incorrectly reported that Folio Views, information-based software to be used by 1Ls in ITL, was produced by Durasoft. In fact, that software is produced by Jurisoft. The RECORD apologizes for any confusion this may have caused.

Write to the RECORD!



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

Professors Must Teach Technique *and* Ideals

By Prof. Mary Ann Glendon

"Technique without ideals is a menace, but ideals without technique are a mess."

- Karl N. Llewellyn

It does not seem fanciful to imagine that the academy is waking up from Llewellyn's nightmare of ideals without technique and technique without ideals. Today's law students are responding better to demanding teachers than their recent predecessors did—at least when they sense that the professor's rigor arises from a desire to prepare them well for their chosen profession. Harvard law students in Visiting Prof. Elizabeth Warren's bankruptcy class in 1992 were at first dismayed when they realized she was not going to be indifferent to class preparation and attendance. Early in the course, Warren called on a student who was unprepared. The student responded with a request to be excused from reciting: "Can I pass?" "That depends," said Warren, deliberately misunderstanding the question. "Whether you can pass depends entirely on whether you do the work in this course." Once they recovered from their initial shock, Warren's students apparently appreciated being treated like adults. They clamored for Harvard to offer her a permanent position (we did), and were keenly disappointed when she declined.

It is unlikely that the revived interest in law on the part of students is prompted entirely by nervous contemplation of the job market. The current atmosphere in law schools reflects, as the legal academy always has, the prevailing ethos of undergraduate liberal arts education. In one of his last public appearances before his untimely death, historian and social critic Christopher Lasch observed that undergraduates in recent years have shown declining interest in "big theoretical nondebates about the nonissues of structuralism and poststructuralism and postmodernism and Marx and Lacan and Foucault." Speaking to the graduating class at the University of Rochester in 1993, Lasch maintained that "it's not that they're interested only in jobs, though in

Excerpted from Prof. Mary Ann Glendon's forthcoming book, *A Nation Under Lawyers* (Farrar, Straus & Giroux, 1994.)



view of the state of the economy they could easily be excused for thinking exclusively about jobs." Rather, said Lasch, "it's just that they want to hear some plain words of truth.... They want to grow up." That new postideological mood is already discernible in the law schools. It suggests the possibility that tomorrow's law students will be rebellious enough to debunk the debunkers, intelligent enough to rediscover the joys of craftsmanship, and bold enough to harness the latent energies of the common law tradition.

As for the other half of Llewellyn's nightmare, technique without ideals, the problem is a persistent one, the gimpy leg of the legal profession. Still, one cannot discount the influence on students of extraordinary teachers like Karl Llewellyn, Clark Byse, and many others less well known who unabashedly love the law and the experiment in ordered liberty it serves. That sort of law professor will always be rare, but, after all, it only takes one great teacher to change a person's life forever. The great ones influence students not so much by their eloquence and wit as by their way of being in the world. The eros of the mind is contagious.

Law professors cannot cure society's ills, no matter how firmly they believe they know just what to do. But they can cure the ills of legal education. One way to begin would be to make our students aware of the rich web of habits and understandings surrounding the stories of the extraordinarily diverse individuals who are part of the common law tradition. That is their rightful inheritance by which they can begin to make sense of their professional environment and to understand themselves as lawyers. We owe our students not only professional training and theoretical sophistication but the deep sustenance afforded by a tradition with great latent energies for self-correction. Only when we succeed at that threefold task will legal education cease to be a "feast without satisfaction." It has been the fashion in recent years to dwell on the failings of our forebears—on the way *Brown v. Board of Education*, for example, was a stumbling block, for different reasons, for John W. Davis and Learned Hand. A generation of legal scholars has dined out on the shortcomings of great, deceased judges and lawyers. But "unmasking" heroic figures may reveal more about the debunkers than the objects of their attacks. The limitations of the

law's flawed giants are indeed admonitory, yet their flaws should not be permitted to obscure the way their greatness inspired others to build on their strengths. Will our own blind spots, when we are weighed in the balance, appear less grave?

One recent morning, looking out of my office window, I saw Archibald Cox climb out of his shiny gray pickup truck and head for his office. His crew cut and the bow tie looked the same as they had in the famous photographs from the Watergate era, but his tall lean frame is now slightly bent. The expressions on students' faces as they watched him cross the parking lot lifted my spirits. For many of them, a man like Cox still embodies the highest ideals of the legal profession—in private practice, in government service, in community life, and in the classroom. Best of all, they can imagine that just possibly, with a lot of effort, they might become a little bit like him—as he in certain ways resembles the lawyers who inspired him.

Cox was a product of what many now consider to be the bad old days. But recalling his mentors Austin Scott, Warren Seavey, Felix Frankfurter, Erwin Griswold, and Learned Hand, Cox recently said, "They taught, instilled, exemplified a love of the law and the role of law." In words that many of his colleagues would apply to Cox himself, he added:

And they taught that there is for each time and place (but also therefore, by implication, at all times and all places but always different) an ideal fitness of things that corresponds to those beliefs, and that we ought to do what we can to make that fitness prevail.

I think they had, too, the deep belief that judges and academic scholars had an obligation to pursue that goal, putting aside all private predilections, commitments, self-interest, and using only the most disinterested and detached reason they could bring to bear.

As for the debunkers of such traditional sentiments, Cox's response is as simple as it is profound:

It was said then, of course, and it is said far more often now, "Aw come on! That's not the real world. That's not the way it works. It's not true." I think the answer is: pursuing an ideal—that ideal—is a fact; people engage in the pursuit seriously, persistently, perseveringly; it's just as much a reality as earth and water.

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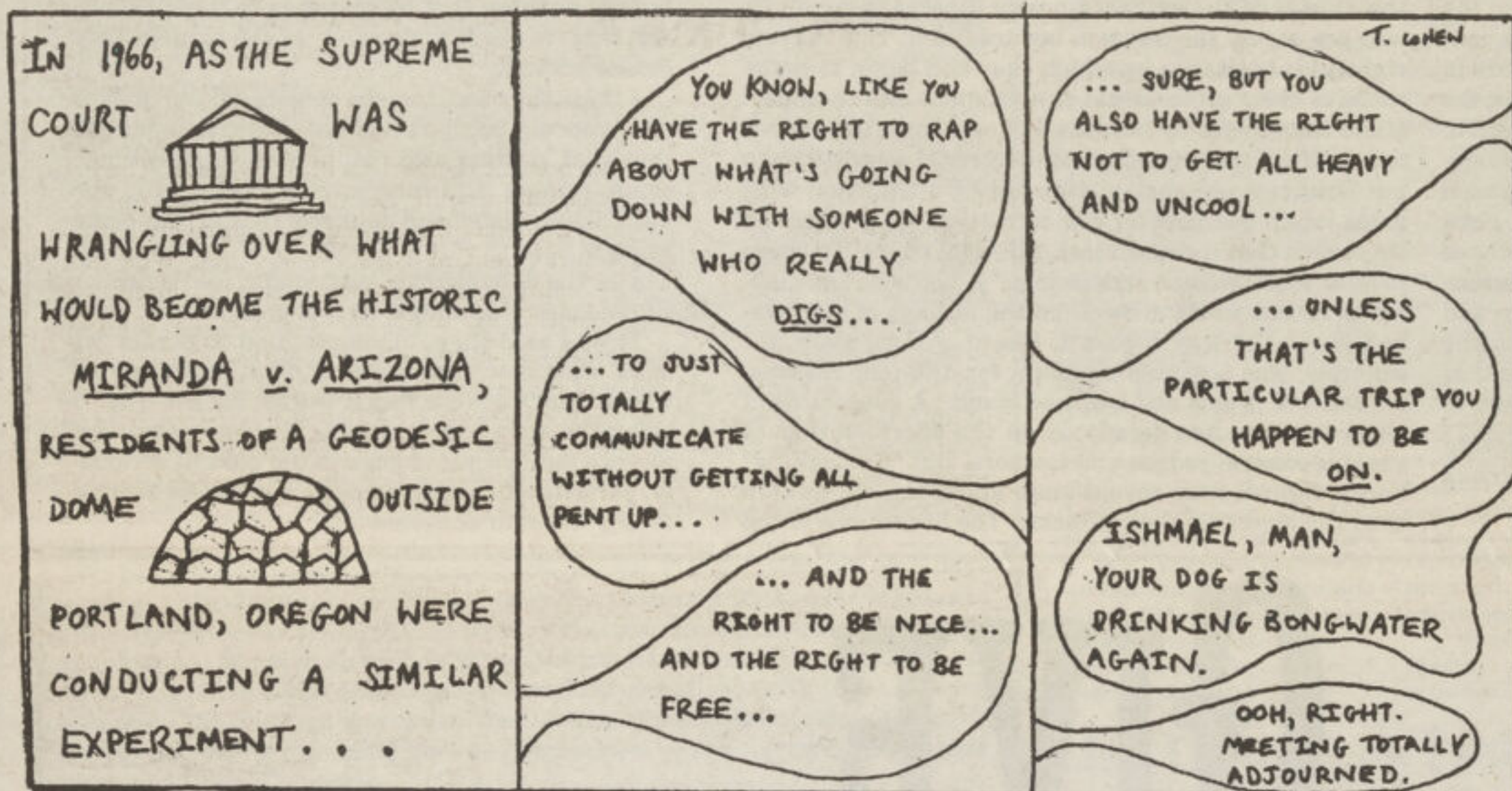
Temporary Insanity

By Sheila Tuller



Res Ipsa Loquitur

By Ted Cohen



Guide to Legal Terminology

By Sean Kanuck & Matthew Queler

Restraints on alienation: immigrationquotas based on ethnicityexpress easement: term for emergencymedical care in malpractice casesCy pres: family law doctrine adopted fromMediterranean island of similar nameUCC: abbreviation for what happens when you go to the beach

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CALENDAR

By Jeff Bucholtz

Something for Everyone

Probably the club-show event of the week is **Peter Wolf's** two-night stand at the Middle East (497-0576), tonight and tomorrow night (9/23-24). The former J. Geils Band frontman remains a local hero despite his fall from national stardom, and his new band reportedly leans farther toward funk and blues than memories of "Centerfold" might lead you to believe. This might sell out, so call ahead.

British dance band at Axis

Also tonight (9/23), Beantown hardcore outfit **6L6** play Local 186 (351-2680), and **Galliano**, a popular British dance band, bring their acid-jazz/techno lite to Axis (262-2437).

If you were hanging out in the Hark and picked up the RECORD on Thursday, one of your many rewards is the **Shudder to Think** gig Thursday night (9/22) downstairs at the Middle East. Shudder to Think got their start on Dischord, the scene-defining DC label that is also home to Fugazi, but STT's music is more melodic and their politics less aggressive than their better-known labelmates.

Female-fronted local band in Paradise

Saturday night at the Paradise is **Letters to Cleo**, a female-fronted local guitar pop band. Cleo recently ascended to major-label land, so this show might be your chance to establish your more-alternative-than-thou coolness by seeing them before MTV catches on.

Heretix, a somewhat grungy local power trio, take the stage at Local 186 on Saturday in support of the recent *The Adventures of Super Devil*. After their blown shot at going national in the late '80s, Heretix have toughened and improved their sound, and the country's loss is the city's gain. When Kurt Cobain's surviving bandmates foist the inevitable compilation of unreleased tracks and b-sides on us, they can include Heretix's 1993 single "Egghead," and no one will be able to tell the difference.

College-radio stars **Weezer** play at Local 186 on Sunday (9/25), and hopefully the club's punk faithful will crush the heads of this atrociously cutesy band, responsible for inflicting "Undone: The Sweater Song" on unsuspecting MTV viewers.

Reggae and local pop-metal orangutans

The Middle East hosts ex-Velvet Undergrounder **John Cale** on Sunday for a rare small-club appearance, and the legendary progressive (meaning even more self-indulgent and consciously artsy than early Genesis or Yes) band **Ozric Tentacles** bring their pomp and circumstance to the Paradise the same night.

Finally, Local 186's weekly reggae night, one of only two in Boston, features **Jah Spirit** this Thursday (9/29), and local pop-metal primates **Orangutang** play at the Middle East on Wednesday (9/28).

The White Man's Burden

By Debra Dickerson '95

In reading slave narratives and histories of the "peculiar institution," I've rediscovered a vein in the American psyche currently enjoying a resurgent fashionability.

Then, it was common for some whites to style themselves society's victims and bemoan their many responsibilities. Women, Indians, paupers, slaves, foreigners, Jews, heretics — so many inferior beings to tend to. This was known as the "white man's burden" (WMB). Well into the 20th century, slavery's apologists were "proving" that masters reduced themselves to penury caring for hordes of useless but beloved old mammies and uncles. I liken it loosely to the "dependable middle child" syndrome. "While others frolic," he thinks, "I toil at society's dirty work unacknowledged. But without me, alas, all would be chaos." (Loosely, I say, because the dependable middle child is unlikely to have created the mess he feels required to sort out.)

The modern form of WMB some shoulder assumes many shapes. Its basic parameters, however, are clear. Traditional paths, criteria, leadership, politico-social patterns — these are the baseline measurements of legitimacy and worth. They fall from the sky and in no way are political or inure by their nature to the benefit of any one group. They are objective. Deviations from this baseline are just that, deviations, and must be closely scrutinized. Not because we are in any way selfishly motivated but because society will crumble if we do not perform this crucial duty. Dirty work but . . . the dependable middle child's got to do it.

During one of the recent Supreme Court searches, a Newsweek article on the subject contained a doctored photo. The face was composed of different sections: one a person of color, another a woman. The accompanying discussions concerned Clinton "playing the race and/or gender cards." By the article's terms, these cards could only be played by nominating a non-man or a non-white. So, men have no "gender" and whites no "race." Choosing either meant nothing politically. They are the baseline; having trod the traditional path marked for traditional leadership, their assumed fit-



ness is ordained by . . . ? Certainly neither whites nor men because that would be political. But then . . . by whom?

An offshoot of this burden for WMB sufferers is the onerous requirement to QC the doings of non-whites et al and to dole out their entitlements. I have only recently begun to appreciate the degree to which the well-intentioned populate this branch of the afflicted.

I dated a white guy last summer whose father had been a committed, personally involved civil-rights activist. One night, he shared with me his agreement with Dad that blacks, having been only recently allowed to participate in politics, needed their friends' guiding hands to make political decisions. When Khalid Muhammad made his anti-Semitic remarks, white friends I hadn't talked to in a year called in need of my ritual denunciation of black prejudice and of bigotry not aimed at me. Presumably, we have to demonstrate gratitude at our gift of civil rights by dancing a jig whenever required by those who seem to think they are the gracious source of those rights.

The first of those calls was the most telling. His words were, without preamble, "You heard about Khalid Muhammad?" Pointed pause in which there was something I was supposed to say. I said nothing. He pressed on manfully — he had a job to do. "You think that's wrong, right?" It was the fatherly "aren't you forgetting something, little Debbie?" tone that made me hang up on him. The irony is the caller — a gay, conservative pilot still on active duty. While he knew me well enough to come out to me while I was also still on active duty, I, as a black person, could not be presumed to have a logically and morally defensible opinion on this subject. Nor was I allowed to be disinterested. Sure, I could understand a "black thang," but this was serious. I didn't call him about Rodney King or William Kennedy Smith; I knew that if we disagreed it would be for reasons that would engender a lively, edu-

cational debate when next we met. I know this because, unlike him apparently, I do not befriend unintelligent bigots.

That "sing for your supper," "ex officio membership in the polity" mentality surfaced recently at HLS. In condemning BLSA's membership policy in the May 6, 1994 RECORD, Carlos Spinelli '95 cited "underhanded accusations already being leveled . . . by the current and future leadership of BLSA and — one has to assume from the lack of letters to the contrary — by its general membership." Here we go again.

Maybe we do agree. Maybe we're torn and hurting but keep silent rather than commit fratricide. Maybe we decline to jump when Mr. Charlie snaps his fingers. Maybe we're just as apathetic as the 99 percent here who don't write in. Might there be a complicated mosaic of intertwined reasons? Of course not, that would make us complex. Like you. Why no interest in BLSA letters re faculty diversity or international trade policy?

Why no condemnation of the HLS professorship in toto? — none of them wrote. I counted only three letters from whites (all in disagreement): Why is only our silence so eloquent?

I do not accept either that I must have or must express an opinion on "black things" and be considered hopelessly unsophisticated on all other topics. Who else would be assumed to have one monolithic Jethro Bodine opinion on even so simple a subject as the time for the next meeting?

All the symptoms of WMB syndrome present themselves in BLSA-gate. The heroic but unassuming ruling class Every Man, set upon and vilified as he hoists the weight of western civilization, those natural, neutral measures of value. What bravery, what courage, and all in the name of simple, disinterested justice. No doubt this valorous tale is already being peddled to op-ed pages nationwide. Someone's got to hold the line and everybody knows we bear considerable watching; haven't we just been caught with our hands in the cookie jar of majority munificence? Constructive engagement is fine for repressive governments but BLSA — that's different.

So, men have
no "gender"
and whites
no "race."



Fenno burst into Ropes-Gray ready for action. It was time for the Student Organizations Fair and Fenno was determined to find some group of students whose interests and concerns were close to his own. Unfortunately, Dean Clark had shut down the Harvard chapter of the Playboy Club several years ago (infuriating Hugh Hefner '59 and abruptly ending the Bucks for Bunnies fundraising campaign that was to have paid for the Hemenway renovations).

Before diving in, Fenno stopped to sample the delicious goldfish crackers and other tasty high-sodium snacks that HLS Catering had so thoughtfully saved from last year's 30th reunion. While munching, Fenno reviewed his trusty list of leading personal interests (LPIs) that he had generated during his recent meeting with Dr. Mark Byers, HLS's top shrink:

1. Chicks
2. Beer
3. Van Damme
4. More chicks
5. Gory products liability cases

With these LPIs in mind, Fenno started making the rounds.

He sailed right past the Catholic Students table; despite his upbringing, Fenno had never been comfortable following the advice of a bald guy who stood for everything Fenno was against — namely, celibacy. The other religious groups fared no better; Fenno had no room in his life for a God who would countenance Aaron Spelling kicking Brenda off 90210.

Fenno continued to glide quickly through the room. At the BLSA table, Fenno was greeted with a large red, yellow, and green Uhuru banner announcing the organization's decision that, on second thought, discrimination on the basis of race was bad, not good. Happy

with the group's change of heart but having no desire to actually join BLSA, Fenno moved on.

At the Women's Law Association table, however, Fenno came to a screeching halt. Something here caught his attention, but he couldn't quite put his finger on it. He checked his list: Van Damme? Nah. Beer? The only liquid refreshment in Ropes-Gray was some flat Diet Coke in a distant corner that a few pimply 1Ls were hovering over. Chicks! That was it. Here was an organization that, in its very title, called out to him.

Fenno was about to sign up when out of the corner of his eye he spotted the Lincoln's Inn table, where the two greeters — some bull-necked stiff and a babe-o-matic — were dressed in snazzy formal wear. He dropped his pencil, smiled weakly at the confused feminist, and hurried over to the Inn's outpost.

The brochure was all it took to convince Fenno that he had found heaven on earth: "Come to the Inn, where men are men, drinks are free, and the women like things that way." Fenno compared it against his list of LPIs — chicks (yes), beer (yes), Van Damme (he's cool; he would probably join if he were here), more chicks (already covered), and products liability (screw that) — and knew that he had finally found his people.

NEXT WEEK: Fenno Goes To Jail

Quote of the Week

"That was a very clever argument. I wouldn't have expected you to come up with it."

—Prof. David Charny '82

Miss us at
the Student
Activities Fair?

Want to write for the RECORD? Stop by
the basement of Ames on any
Tuesday night or drop a note in Greg
Stohr's 3L Hark Box!

Students Comment on Insider's Guide Reviews

continued from *GUIDE*, page 1

reporting what life is like at the firms. Profiles were based on interviews, each averaging about one hour, with three to nine people. With its substantive commentaries virtually unchanged, the second edition features updated statistics and a new section on the hiring process and interview strategies.

But like any work of its scope, "The Insider's Guide to Law Firms" at times proves to be misguided — at least, that's what some HLS students say. What follows are responses to some of the guide's profiles by students who worked at those firms this past summer.

Latham & Watkins Los Angeles

"The Insider's Guide" says that "perhaps because Latham associates play so hard together and form an extremely cohesive group, the firm has a reputation for being 'fraternity-like'."

• "[T]he firm's 'clubby atmosphere' manifests itself less now than in the past, partially because of present 'business realities.'"

• "At the same time, however, Latham is not the most diverse firm in the city, nor is it the most progressive with respect to female and minority attorney issues."

• "[The firm is] 'very social,' and 'you can sit down with different partners and chat with them over lunch.'"

• "Not surprisingly, Latham recruits people with 'social skills and the ability to schmooze.'"

Rowland Cheng '95, however, had a different interpretation of Latham's culture. "Latham takes care of you so that you are not working very hard and you have time to meet people," said Cheng. "In fact, they put a lot of emphasis on meeting people. I went to lunch with a lot more partners there than where I worked before."

"I wouldn't call it fraternity-like. People definitely hang out together and spend a lot of time with one another outside the office — it's not the kind of place where people finish their work and then go home."

Latham was also more diverse than "The Insider's Guide" portrayed, said Cheng. "My impression is that the status of women is not really an issue. Latham had a disproportionate amount of minority attorneys leave but for different reasons and there are a lot coming in."

Mayor, Day, Caldwell & Keeton Houston

"Mayor, Day, Caldwell & Keeton employs some of the happiest and brightest attorneys in Houston," states the guide:

• "[T]he attorneys at Mayor Day [are] 'a group of down-to-earth people. It is kind of amazing how friendly everyone is and how well people get along.'"

• "[The firm] is frequently described as 'laid-back' and 'tolerant'... [as well as] 'not hierarchical.' Attorneys at the firm come from 'diverse' backgrounds and are 'easy to get along with.' Mayor Day is 'one of the few firms where I felt I could be myself and not have to alter my personality,' said one person."

• "There is a lot of contact with partners. . . . The firm gives [people] a lot of responsibility early on and a lot of client contact."

• "Mayor Day was praised for its diversity and tolerance. 'People there tend to be sensitive to those issues,' remarked one observer."

Sean Wheeler '95 agreed with much of what the guide had to say about Mayor Day. "It's a fairly accurate representation of what it is like there," said Wheeler. "My daily contact with partners was a function of size more than anything else."

Wheeler also said the firm "seemed much more open and tolerant" than other

Texas firms. "Some attorneys there, however, have strong conservative beliefs and they'll let you know that," said Wheeler. But like the guide reported, Mayor Day is "very welcoming for people of color. I was very impressed by the attorneys there. They give you room to develop and it's not smothering."

Coudert Brothers New York

"The sons of a 19th century French revolutionary who plotted the overthrow of the King of France, the Coudert brothers founded one of the first truly trans-Atlantic law firms," states the guide's profile on Coudert Brothers:

• "Even today, one person told us, Coudert associates 'feel like they are the mavericks of large New York firms. They feel like they are having fun. They are very satisfied with Coudert.'"

• "But, the firm 'isn't as social as other large firms,' said one person. "Though doors are open, there isn't much chit-chat.'"

• "[O]ne critic complained that the 'associates didn't really reach out to summer associates.'"

• "[One person] claimed that the firm's partnership is fairly diverse, attesting that it includes people from all over the world. Another person, however, described the firm as 'WASPy.' People also pointed out the firm's partnership is predominantly male and that few senior associates are American minority lawyers. One person complained that the firm 'doesn't know how to make minorities feel welcome.'"

Robert McBurney '95 agreed with the guide's assessment of the missing social life at Coudert. "[Summer associates] got one or two planned social events," said McBurney. "I didn't miss the free food as much as I missed the opportunity to get to know the people with whom I'd be working."

"When you are at work, you can talk to attorneys but there was little effort to get to know summer associates. Summer associates got together on their own, but by and large the firm was interested in whether you could get the work done but not who you are."

McBurney, however, disagreed with the guide's report of the firm's lack of diversity. "I think that is ridiculous," said McBurney. "For example, I was one of four

'very undeserved . . .'"

• "Covington has traditionally been regarded as a 'WASP' firm, but this image is changing. The firm received good reviews regarding its treatment of women and minorities."

• "One [student] said that Covington 'has a track record of doing great work and training great lawyers. . .'"

• "Another said that it has 'less of a sweatshop feel than Arnold & Porter,' and the training is better at Covington than at the other large D.C. firms."

For the most part, the guide's portrayal of Covington is "very accurate — not particularly insightful or helpful but accurate," said Andrew Dietderich '95. "The profile is all general and doesn't tell you anything

that you wouldn't know right away."

He criticized the guide's presentation of Covington's stuffy stereotype and said that although the book tried to dispel the myth, "it actually emphasizes [it]. The firm comes across as sort of stuffy the way the profile is written."

Dietderich also said the guide omitted certain aspects of Covington which he felt were important to an honest portrayal of the firm. "There are a lot of lawyers there who are asocial,

which should probably be in there," said Dietderich. "But everyone is incredibly nice about weird personalities and respectful of a person's space."

"The firm is incredibly academically oriented. A lot of partners at the firm teach and about a third of the associates leave to go teach. It's really quite striking. That should be in there."

In addition to mentioning the firm's academic slant, the guide should have discussed the rigors of Covington's partnership track, said Dietderich. "It is prohibitively hard to make partner at Covington and there is a morale problem amongst senior associates. That was one thing that surprised me when I went there."

Alston & Bird Atlanta

"Jocular culture," "upbeat atmosphere," and "work hard, party hard" are what the guide emphasizes about Alston & Bird:

• "Don't be misled by Alston & Bird's position as one of Atlanta's oldest, largest, and most prestigious law firms. It has a virtue uncommon in most firms of its cal-

iber — a sense of humor."

• "The summer program is also 'really social' and very well-run. . . . Summer associates do 'not have to do a lot of work.' One past summer associate commented, 'We were out of the office at least one day a week.'"

• "[S]ome thought that the fun and games can get carried too far. One contact told us that the events involving 'drinking' occasionally result in 'inappropriate incidents,' such as 'flirting gone one step too far and asking summer associates out.'"

Wendy Fritzen '95 found the portrayal of Alston & Bird to be generally accurate. "It's an exceptionally well-run summer program. It ran like clockwork," she said.

"They had a ton of activities. . . . It's a big firm so they see their summer program

as a real means to get to know new people and to allow new people to get to know them."

Regarding what the guide reported as "flirting gone one step too far," Fritzen said she "didn't see any inappropriate behavior between associates and summer associates. I thought [the guide's description] was inapt."

Jenner & Block Chicago

Widely known for its litigation practice, "Jenner's 'informal culture' shapes its work atmosphere," says the guide about one of Chicago's largest firms:

• "Attorneys enjoy playing practical jokes on each other. They have been known to circulate fake executive committee memos throughout the firm."

• "Jenner does not emphasize appearances as much as some other firms; even the office decor is 'awful,' according to one insider."

• "Jenner is tolerant of differing views and 'very democratic.'"

• "Jenner is a friendly and social firm. Its attorneys form close friendships, and Jenner hosts a wide range of social activities."

• "Jenner is concerned about the low number of female and minority attorneys at the firm and openly discusses some of the problems that must be addressed."

Again, on the whole, the guide's representation of Jenner & Block is "pretty accurate," said Dave Feinberg '95. "They're making an effort to get women in. They are aggressively recruiting women and minorities — that's the official firm line."

"They're concerned in a good way — they see [diversity] as being a proper goal."

Feinberg disagreed with the guide's description of Jenner's purportedly "awful" decor and what that implies about the work environment. "The offices are plain and sparse, kind of retro," said Feinberg. "The atmosphere of the firm is not imposing. It's very understated, but I wouldn't agree with the description 'awful.'"

Morrison & Foerster San Francisco

"Affectionately referred to as MoFo," Morrison & Foerster "has a national and international reputation that perhaps no other prestigious San Francisco firm can match," states "The Insider's Guide":

• "Morrison & Foerster is 'hard-working, but not obsessive.' One source commented that 'people put in full days and are serious, but it's not a bunch of miserable drones.'"

• "Morrison & Foerster professes to be more committed to pro bono than virtually any other large law firm. It has 'one of the best pro bono programs in the country,' claimed one source."

• "Social life at Morrison & Foerster 'can be what you want it to be.' Groups of associates are close friends and go out after work."

• "[The firm] goes 'out of its way' to be tolerant and supportive of alternative lifestyles. You 'don't have to separate your social life from work,' praised one contact. The firm has adopted many progressive social and employment policies including a policy on AIDS and AIDS-related Conditions in the Workplace. . . ."

Although Fred Chung '95 agreed with the gist of the profile on Morrison & Foerster, he noted that "every write-up of firms is going to be general. You can't break it down to deep specificity."

"My main critique [of the book] is that it seems in their attempt to be comprehensive and not misrepresent anything, all the profiles pretty much sound the same. The distinctive points don't get brought up."

Chung pointed to the guide's discussion of Morrison & Foerster's pro bono program as an example of this failing. "MoFo's pro bono program is substantial," he said. "I don't think the book brings that out. It does compliment MoFo but it also compliments a lot of other firms."

Like any work of its scope, "The Insider's Guide to Law Firms" at times proves to be misguided — at least, that's what some HLS students say.

white males. Everyone else in the summer program was a person of color.

"There were not a whole lot of African Americans, but there were many South Asians and Asian Pacific Americans. Also, there were plenty of women."

Covington & Burling Washington, D.C.

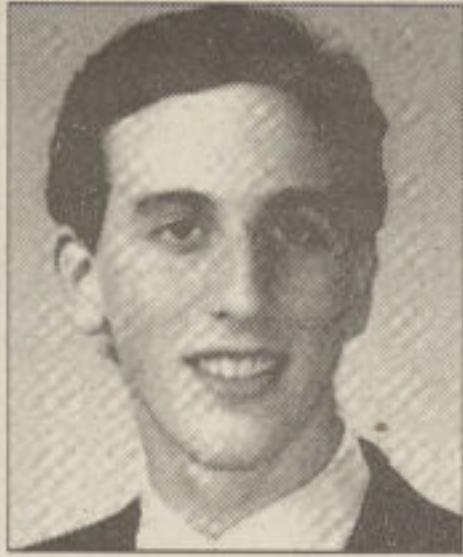
"Perhaps the most well-known firm in Washington, D.C.," begins the guide, "Covington & Burling carries a powerful and prestigious image":

• "When asked about the firm, most who have worked there immediately begin dispelling rumors that it is 'stuffy.' One insider claimed that this reputation was

QUEER VIEWS

Come Out Come Out, Wherever You Are!

By Scott Wiener '96
RECORD Columnist



DEAR fellow queer:

Welcome (or welcome back) to Harvard Law School. HLS can be a wonderful place: intelligent students, brilliant professors, great location, etc. We are more or less at the pinnacle of legal education.

There are certain problems, however, that are universal, afflicting even a place like HLS. Among these problems is the ever-present closet. The closet is a disease. Like other diseases, it preys on the power and vitality of the gay community. Like other diseases, it can be deadly. But like many diseases, it can be cured.

The closet disease hits particularly hard at HLS. Confronted with a relatively conservative profession and an equally conservative academic environment, many queers at HLS either continue their stay in the closet or, having already come out, quietly slink back in.

I IMPORE YOU — DO NOT LET THIS HAPPEN TO YOU.

When a queer student arrives at HLS, she is confronted with a barrage of messages that the closet is her only alternative. First, she discovers that her experience as a queer is invisible in the classroom. With a few notable exceptions, HLS professors, even if tolerant as individuals, seem unwilling or unable to remove heterosexism and/or blatant homophobia from the curriculum. Quite often, when an openly queer student attempts to bring up a gay-related issue in class, the professor either patronizingly ignores the attempt or subtly ridicules it. And to add insult to injury, no HLS professor will acknowledge being gay or lesbian.

As we all know, coming out is full of risks, both personal and professional. No one can guarantee that coming out will not in some way jeopardize a queer HLS student's future career in the law. But if we are unwilling to take chances, then we are truly nothing.

Second, the openly queer student confronts the job search. She quickly receives a subtle, and sometimes not so subtle, message that if she wants a job, she had better not come out while trying to get one. Her feelings of insecurity and indecision become even more pronounced when she browses through Career Service's guide to law firms and discovers that there are only a tiny handful of firms that report openly gay associates or partners.

The forces at HLS encouraging us to stay in or to return to the closet are strong indeed. But we can overcome them. The classroom is the easier of the two obstacles to surmount. Remember that, with very few exceptions, grading at HLS is blind. So homophobic professors will have a tough time punishing us for being aggressive in class. And we must be aggressive. If a professor is dismissive, we must let her know that this is unacceptable. But we must also be understanding, since many professors have no idea what being queer really means. We should be willing to educate those who need education.

We must also support each other in class. Too often, one student works up the courage to confront the professor and the class about a gay-related issue, only to stand alone without any support from other queers in the class. If we are unwilling to support each other in such efforts at visibility, we will not go very far as a movement.

The job search is a much more difficult and sensitive subject. If you are interested in working for a firm, despite what anyone says, you can be out and still get a job. Many of the firms that tell Career Services they have no openly gay partners or associates are either mistaken or are not telling the truth. The fact that so many firms feel the need to lie about this is beyond the scope of this column, but it is vital that HLS students realize they are not alone. And even if you feel uncomfortable being out on your resume, it is surprisingly easy and empowering to come out during an interview.

The point is that at HLS, whether in the classroom, the job search, or some other situation, we cannot afford to stay in the closet. As we all know, coming out is full of risks, both personal and professional. No one can guarantee that coming out will not in some way jeopardize a queer HLS student's future career in the law. But if we are unwilling to take chances, then we are truly nothing. If we refuse to come out, then we are no better than the self-haters that our enemies on the right want us to be. How can we expect other queers to have the courage to come out if we, as privileged as we are, are unwilling to do so? In a sense, those of us who refuse to come out, especially those of us at HLS, are parasites: never risking a thing, yet reaping the benefits created by those who do risk their lives and careers for the movement.

Let us hope that during the upcoming year, HLS students decide that the benefits of being out at HLS greatly outweigh the risks. Here's to a year of visibility and pride!

FORUM CONVENIENS

The Path of Least Resistance

By Markus Hartmann '96
RECORD Columnist



DON'T stop the presses! The potentially explosive issue of the 1994-95 academic year at Harvard Law School isn't. The administration of the Law School has a stated policy preference for integration, and as Black Law Students Association President Robert James puts it, "the University no longer has a problem with our membership policy." The New York Times and the Wall Street Journal will just have to wait for some other crises to develop here in Cambridge. The lack of media attention might allow for some reasoned discussion about the philosophical issue at the heart of what was an impassioned debate on BLSA's membership policy.

A superficial analysis of BLSA's decision to rescind the exclusionary provision of its constitution could lead one to assume that the membership of BLSA overwhelmingly supports open membership. That analysis would be incomplete. The arguments put forth by members who would have had BLSA challenge the administration's resolve on this issue were well reasoned and articulate. It would be unfair to discount these arguments because of one vote. Perhaps after more discussion the administration may consider the matter in a different light. Perhaps not. In either event, the arguments merit more than a cursory evaluation.

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, 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." BLSA's membership was formally race-based. After one student expressed "concern" about BLSA's membership policy last year, BLSA dealt with its membership policy this year.

The members who opposed changing the membership criteria were skeptical about the ability to maintain the character of the organization if it was forced to integrate. BLSA has traditionally been a supportive organization for Black/African-American students. The atmosphere allows for candor in discussions about being Black/African-American here at the Law School. Additionally the members support one another academically and professionally. The claim that the opening up of membership would change the fundamental nature of the organization had historical foundations. Simply put, the members who opposed integration believed that there was a value to non-association.

So there you have it: The school having a policy of freedom of association and BLSA having the freedom not to associate. For one "concerned" student this contradiction was too much to bear.

Ironically, the problem is outlined in some detail in Robert H. Bork's "The Tempting of America: The Political Seduction of the Law." Bork cites Herbert Wechsler, "Toward Neutral Principles of Constitutional Law," from the 1959 issue of the "Harvard Law Review," in his explanation of the predicament. In a critique of *Brown v. Board of Education*, Wechsler pointed to the following dilemma:

"[I]f the freedom of association is denied by segregation, integration forces an association upon those for whom it is unpleasant or repugnant. Is this not the heart of the issue involved, a conflict in human claims of high dimension?"

Bork continues by holding that, "[m]oral philosophy will never be able to demonstrate, as a general principle, that coerced association is preferable to freedom not to associate, nor will philosophy be able to demonstrate the opposite, that the freedom not to associate is a principle of higher rank than the claim for association."

In the absence of a neutral principle, many of us have developed a sense that any form of discrimination is wrong. Yet whom we chose to associate with is inherently a discriminatory act. Perhaps rather than chanting the anti-discriminatory mantra it would be more useful to ask an additional question: Why? More importantly: When should an organization be allowed to discriminate?

When the women of Mills College fought to keep their institution single-sex, they were making a conscious decision to discriminate against men. Good for them — they had some compelling arguments in favor of remaining single-sex. More importantly, Mills College points toward a possible principle that would allow institutions to discriminate in some situations and not in others: Damages.

If The Flat Earth Society decided not to allow me to become a member because of my allegiance to a spherical world order, I do not think I should be entitled to sue them. It would be equally unfair to force them to accept me as a member. If I can't be a member of the Flat Earth Society, who cares? I am not damaged in any way. Now if I am denied service at a restaurant or membership in a club where business contacts and deals are made, it would be relatively easy to demonstrate damages. The greater the harm suffered, the greater the need to eliminate the discrimination.

The members who opposed integration had every right to ask: Who was being harmed by the exclusionary provision? How were they harmed? In a sense, what went on formally in BLSA is no different than what goes on informally between any study group here at the Law School. Should all study groups be forced to integrate?

After exploring these issues, the general body made a choice to allow the freedom-to-associate principle to prevail. In the absence of a guiding philosophical principle, the policy preference was put to a vote and an integrationist course was chosen by the requisite two-thirds majority. The NAACP has a similar policy preference.

The general sense is that institutions should not support organizations that discriminate. Many people have struggled to establish this general sense among American citizens. Perhaps it is unwise to try to refine it. Moreover, despite policy arguments to the contrary, historically the moral high ground has belonged to those who do not judge on the basis of skin color but on "the content of our character." That vision provided the greatest challenge to the non-association. One can only hope that any additional members this change brings have the organization's best interests at heart.

LEBOEUF, LAMB, GREENE & MACRAE



*WE LOOK FORWARD TO MEETING
2ND YEAR STUDENTS.*

PLEASE SIGN UP FOR INTERVIEWS
IN THE PLACEMENT OFFICE.