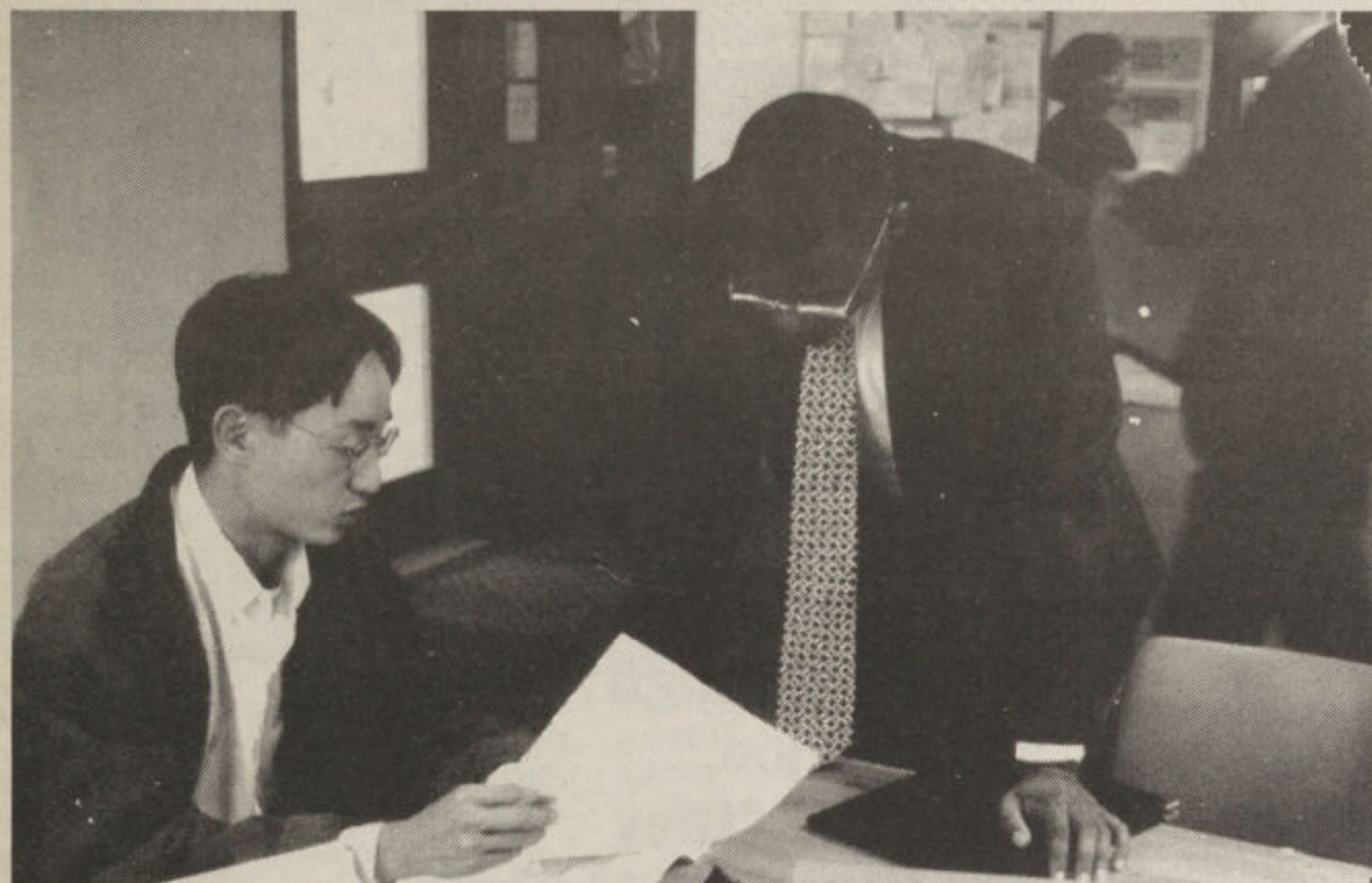




David Law '96 and Izzy Ramsey '96 pore over interviewing materials as on-campus interviewing enters its first week.

Labor Project Urges Boycott of "Union Busting" Firms

By Greg Stohr

From the perspective of the HLS Labor Law Project, at least six of the law firms interviewing on campus this fall help companies systematically violate the rights of workers to engage in collective bargaining.

But from the perspective of two of the top firms on the group's hit list — Littler, Mendelson, Fastiff & Tichy of San Francisco and Seyfarth, Shaw, Fairweather & Geraldson of Chicago — the HLS student group's charges range from "very selective" to "false" to "silly."

The dispute will come to a head today as the Labor Law Project stages its annual demonstration against those firms that it says engage in "union busting."

Protest organizers Robert Weissman '95 and Damon Silvers '96 say the targeted firms are among the most egregious abusers of workers' rights. Both Littler, Mendelson and Seyfarth, Shaw are also involved in current labor-management disputes. Littler, Mendelson represents Diamond Walnut, the world's largest walnut processor, which permanently replaced about 700 striking workers in 1991 and is still involved in negotiations with the strikers. Seyfarth, Shaw is advising A.E. Staley, an artificial sweetener producer, which has locked out its workers for the past year.

Silvers said both firms engage in "a continuing pattern of pushing the law to its limits and in some cases beyond those limits."

"We try to distinguish between the firms that simply represent management in collective bargaining and those that specialize in trying to use every means possible to prevent workers from participating in collective bargaining in any meaningful way," Silvers said. "Seyfarth, Shaw and Littler, Mendelson are unique among the firms that come to Harvard in being really focused on that as their primary business."

But lawyers at those two firms scoff at the notion that their firms systematically attempt to violate worker rights.

"The idea that we are union-busters is just silly," said Joel Kaplan, who chaired Seyfarth, Shaw's labor and employment

please see **LABOR**, page 11

O.J.: The Greatest Show in Cyberspace

By April Rockstead

In an effort that endeavored to be every bit as circus-like as the highly publicized case before it, a panel discussion involving ringmasters/Profs. Charles Nesson '63, Arthur Miller '58 and Charles Ogletree '78 gave a near-capacity crowd a healthy dose of infotainment in Sanders Theater Wednesday night.

The panel was billed by the Law School as "O.J. Simpson: Free Press, Fair Trial. A Class in Cyber-Law" and was taped for broadcast on Courtroom Television Network next week.

It boasted among its distinguished roster personalities from the worlds of media and law, including several current and former district attorneys

and prosecutors, New York Times columnist Anthony Lewis, NBC News Legal Correspondent Jack Ford, a New York state court judge, and defense attorneys for such well-known figures as former Washington, D.C., Mayor Marion Barry.

One of the most eminent personalities — and the professed "mentor" of the three HLS professors present — spurred an appreciative laugh from the audience when he rebuked Nesson for failing to introduce himself during the opening remarks.

"Who are you?" barked media icon Fred Friendly from the front row, interrupting Nesson's soliloquy on the quest for cyberspace and legal education.

The panel, whose mission

please see **O.J.**, page 4

Profs, Former Students Split on Effect of Derrick Bell's Protest

Memoir Hits Bookstores

By Victoria Kuohung

The word "protest" conjures images of unfurled banners, rallies on Capitol steps, shouting matches between fervent opponents. Seen this way, protest seems to have little place today in the HLS community: Just as they do every fall, students are puzzling through casebooks and trudging to interviews while faculty continue their class routines. Not much seems different from year to year.

But a new memoir by Derrick Bell — HLS's first African-American professor and now a visiting professor at NYU Law School — reminds readers that, just a few years ago, protest was once the watchword on campus.

Partly a reminiscence about Bell's career, "Confronting Authority: Reflections of an Ardent Protester" discusses the

circumstances surrounding April 1990, when Bell announced that he was taking an unpaid leave of absence to protest Harvard's lack of a minority female professor. It was a move, according to Bell, to support students who were boycotting classes and holding sit-ins at the dean's office to demand a

more diverse faculty, and who would later sue HLS in Massachusetts court on charges of discriminatory hiring.

Bell's leave was also a larger critique of the Law School's hiring policies which, he asserts, contin-

please see **BELL**, page 2



In April 1990, Prof. Derrick Bell announced his leave of absence to protest the lack of diversity on the HLS faculty.

Hausers Donate \$13 Million to HLS

New Building to Be Named After Couple that Met Here

By Hope S. Yen

Harvard Law School has received a \$13 million donation — one of the largest cash gifts ever to a law school — from a New York City couple who met and married when they were at HLS in the 1950s.

The donation from philanthropists Gustave Hauser '53 and Rita Hauser '56-'57 will be used to pay off costs for the Holmes Field Building, the Law School's new classroom and office facility which opened this fall. The building will be named Hauser Hall and formally dedicated on April 27, 1995.

"This is a seminal gift for Harvard Law School and for legal education," said Dean Clark '72. "The gift was absolutely critical. It means we won't have any other debts, so we can think about financing renovations of Langdell."

"Rita and Gus' commitment to legal education ensures that top-notch instruction of students and research by faculty will continue to take place at Harvard Law School."

Rita Hauser, president of the Hauser Foundation in New York, said she and her husband were pleased to make a gift that would allow the Law School to continue its academic excellence.

"It was an intriguing deal for us," said Rita Hauser, who said she and her husband were swayed by Clark's "two for one" pitch. Clark told them the \$13 million would both pay off the building debt and free up

resources for Langdell renovations, she said.

"In the beginning, we knew we wanted to do something but we weren't sure what. He sort of planted the seed," Hauser said.

Preliminary discussions, which started a few years ago, accelerated when Clark took the couple on a tour of Langdell and the Holmes Field Building during their visit last May. After lengthy discussions on the right figure, the Hausers agreed in August to donate \$13 million.

The gift virtually settles the Law School's debt on the new building, which came with a price tag just exceeding \$13 million.

Also spurring the couple's decision to donate was their romantic attachment to the Law School, said Gustave Hauser.

Gustave was a teaching fellow at the Law School when he met Rita, then a first-year law student, at a party in the first few weeks of school in 1955.

After they began dating, Gustave, who was not teaching Rita's 1L section, wanted to keep their relationship low profile, Rita Hauser said.

"He thought it was a big secret. But of course everyone knew and on Mondays I would get a lot of ribbing from my classmates about where I was over the weekend," said Hauser, who in 1955 was the only woman in her section.

The couple married the day

please see **GIFT**, page 4



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Council Calls for Disclosure of Organization Funding Awards

By April Rockstead

The amount of money that the Law School awards student organizations each year will be public knowledge if the Law School Council has its way.

In an informal "straw poll" Tuesday night, only two council members indicated they did not support the council's spring resolution recommending that decisions made by the Student Funding Board be made public.

John Bates '95, who spearheaded the effort culminating in last spring's resolution, requested the Tuesday poll to ascertain council support for the initiative before further discussions with Dean of Students Suzanne Richardson about the issue.

"Since the students are funding the organizations indirectly through their tuition," Bates said in a phone interview, "they should be aware of how that money is being distributed."

The council's initiative would not require disclosure of student organizations' funding requests or their budgets.

Richardson will attend the council's executive board meeting Tuesday night and the general meeting the following week to discuss her reservations about the proposal, according to LSC President Willie Epps '95.

"I think she thinks there's going to be some turmoil if you see what APALSA gets, and then you see what BLSA gets, and that people will get very jealous," Epps said. "She is just worried that people won't have all of the information in front of them."

Richardson was out of the office this week and unavailable for comment.

Bates disagreed with the assertion that students would react with jealousy if the awards were made public.

"Information comes to students all the time without reasoning or logic regarding how the decision was made," he said.

"It appears that at many people's undergraduate institutions, [organization

"Since the students are funding the organizations indirectly through their tuition," Bates said, "they should be aware of how that money is being distributed."

funding awards were] public information," Bates said, adding that even private universities apparently disclose the amounts given to student organizations. "It seems odd to me that we could handle it as undergrads, but not as law school students."

Student organization heads contacted this week said the issue arose too

quickly for their groups to take a position as of press time. However, one student said he personally supported the council's initiative.

"I'm all for public disclosure," said Harry Cheigh '96. "Because this is coming out of students' tuition, they have a right to know where that money goes."

Cheigh is the chair of the Korean Law Students Association, but he said he was speaking in his individual capacity and not for the organization.

The council also discussed contacting the Registrar's Office about reports of continuing problems with registration for this year's courses, including questions about whether 3Ls were given priority for seminars as promised and reports that computer errors may be responsible for class conflicts that remain on some students' schedules.

In addition, the council discussed negotiations with Gardner Merchant to obtain a list of claimed improvements and the possibility of Saturday and Sunday meal service at the Harkness Commons.

Council members also reported that the delay in instituting Thursday-night Seinfeld showings at the Hark is partially attributable to audio-visual staff reports that they do not have keys to operate the television and that they are unable to turn it on.

However, Spencer Levy '95 said the council would attempt to solve those problems so the program could be viewed next Thursday night.

"I'll be pissed if we don't do it," he said.

Council meetings and executive board meetings are open to all students, Epps said.

Derrick Bell Finds Value in His HLS Protest

continued from BELL, page 1

ue to be "wrong and exclusionary" and reflect "upper-class standing" rather than practical lawyering ability. As he writes in "Confronting Authority," "a policy that elevates grades, a predictor of performance, over actual performance is illogical, unethical, exclusionary, and probably illegal."

But although it occupies most of the book's pages, Bell's Harvard protest — which eventually resulted in his resignation two years later when the University refused to extend his leave — should only be considered the context for his discussion about protest generally, said Bell in a recent interview.

"My main point is not about Harvard," Bell said. "I was using it for a vehicle to make a greater point about individuals standing up and speaking out about abuses to themselves and others."

"[Protest] is an issue that affects people who haven't come within a thousand miles of Harvard, but who face problems of overreaching abuse, unfair dominance, and who are fearful to take action because they are so aware of the risk you incur in order to stand up."

Those who focus on whether protest leads to concrete results also miss the purpose of his book, said Bell.

"This is such a bottom-line society. People say I [left HLS] for nothing because there really hasn't been much change," he said. "There still isn't a woman of color on the faculty. So people think [my protest] was just a loss. But it wasn't a loss at all."

"Then I have to explain that a basic motivation is that I wanted to practice what I preach, namely that people should have limits on how much injustice they witness and suffer in silence."

But although Bell insists that his Harvard experience takes a back seat to the book's main message about protest, the fact that HLS figures so prominently in "Confronting Authority" leaves readers wondering whether Bell had any impact on the consciousness on campus.

For many student activists who were

here four years ago, Bell's protest was personally uplifting.

A staff attorney with the D.C. Public Defender Service and a former member of BLSA and the Coalition for Civil Rights, Laura Hankins '92 said Bell's stance "inspired people to take faculty diversity more seriously and to think about taking greater risks themselves for something that they said was important to them."

Hankins was the appellate oralist before Massachusetts' Supreme Judicial Court for the students' discrimination suit against HLS. The case was ultimately dismissed for lack of standing.

She noted, however, that even during the protest, "there were still a lot of people who didn't really care one way or the other."

"I'm worried that there hasn't been any lasting impact on the Law School except on

Bell's protest was also "an important phase in the long-term struggle to get the Law School to change its faculty hiring practices," said John Bonifaz '92, a former CCR member and now in private practice.

"It's a struggle that's occurred over 25 years. It did not begin in the years between 1990 to 1992 nor will it end," he said.

The Law School's recent hiring of three new women professors is simply "a public relations effort at showing that changes have been made," Bonifaz said.

"The overall faculty has not changed. HLS is still in violation of [state and federal] anti-discrimination laws. [The hires are] part of its attempt to respond to the image that its policies violate the law: Make a few quick hires but don't change the policy."

Although students may have despaired

"[Protest] is an issue that affects people who haven't come within a thousand miles of Harvard..." said Bell.

those people who were there at the time and who have taken some of the lessons with them. I hope I'm wrong but that's just my cynical saddened view of what Harvard is like."

Lisa Otero '92, former co-chair of La Alianza and now with Greater Boston Legal Services, echoes Hankins' fears.

But like Hankins, Otero found Bell's actions to be personally transforming.

"At the heart of the protest, I think that is what Professor Bell was encouraging us to do — to look beyond our small interest groups and get to know each other's commonalities," said Otero.

"The only prayer we had was our solidarity. Trying to come up with a way to allow people to have voices, to share and listen was really instructional," she said. "Most of us were surprised every day at how hard it was."

about convincing the faculty — in Otero's words — of the "righteousness of [their] cause," in certain respects Bell did influence faculty attitudes toward diversity, says Prof. Charles Nesson '63.

"Derrick bore witness to what he believed in a very powerful way," said Nesson.

"I can't blame Derrick for being impatient. He was a lone voice in this place and repeatedly found that the only thing that moved the institution was some sort of open action on his part."

But Prof. Paul Weiler '65, who chaired the Appointments Committee in 1990, saw Bell's actions as having little if any influence even at the time.

"Bell got a lot more attention outside than he had from the faculty inside, and part of the reason is that he was dead wrong [about the diversity issue]," said

Weiler. "He genuinely but mistakenly felt that the faculty was not seriously interested in [hiring a woman of color]."

"To some extent, the furor that Derrick and others were creating around here did not help us. It made it hard to persuade people like [University of Pennsylvania law professor] Lani Guinier to come here for a serious view."

Agreeing that Bell's protest did not affect HLS's hiring process a great deal, Dean Clark '72 said Bell often seemed not to understand that many of his colleagues supported his principles of adding women and people of color to the faculty.

"That was something that people were doing already and with their own sense of how to adjust to all the different values and goals we have," said Clark. Bell, he said, seemed to characterize the faculty as holding "very simpleminded, rigid conceptions of quality."

"Bell's extremely well-meaning, but in trying to have his own way he bruised a lot of people's feelings," said Clark. "The effect, not the intent, of much of what he did was to insult some colleagues and to put unnecessary stress on some of the people he was purportedly trying to help."

"In a very real way I admire what he's trying to do. The principles are great — it's the tactics I wonder about."

Nesson said, however, that Bell's protest tactics developed because "he came with a promise that he wouldn't be the only African-American appointment."

"Then he waited for the second one and found that it was only when he threatened to quit that the school responded. That was the first big lesson Derrick learned here. This school helped teach him his politics."

No consensus of opinion may exist about Bell's influence here at Harvard Law School. But with protests, says Bell, "the goal you seek is almost secondary."

After all, "speaking out," writes Bell, "can result in lost jobs, ruined opportunities, and damaged careers. ... [But] an unexpected victory may occur in an unexpected way long after a protest is made and forgotten."

New Faculty Books Hit the Stores

By Greg Stohr

With catchy titles and glossy covers, four new faculty books hit the shelves of area bookstores this fall as professors try to spread their ideas well beyond the halls of Harvard Law School.

Two of the books — Prof. Richard Parker's "Here, the People Rule: A Constitutional Populist Manifesto" and Prof. Alan Dershowitz' "The Abuse Excuse and Other Cop-outs, Sob Stories, and Evasions of Responsibility" — are designed to appeal to a wide audience, not just academics. A third, Prof. Lloyd Weinreb's "Oedipus at Fenway Park: What Rights Are and Why There Are Any" is aimed primarily toward scholars but combines disciplines by blending political theory, philosophy, and law.

The fourth book, Prof. Mary Ann Glendon's "A Nation Under Lawyers," focuses on the changes in the legal profession over the past three decades and the political significance of those changes. An excerpt from Glendon's book appeared in the Sept. 23 RECORD.

Parker's book, a hybrid of scholarly reasoning and populist exhortation, challenges the notion that the mission of constitutional law is to counter the excesses of majoritarian rule. Using the Thomas Mann short story "Mario and the Magician" as a launching pad, Parker argues that populism is not only compatible, but essential, to the preservation of individual

liberty in our society.

"It is one of the more unusual books about law," Parker '70 said. "But it's also one of the most simple."

Admittedly as much a "sermon" as a systematic proof, the Parker book says that "ordinary people — not their 'betters,' not somebody else's conception of their supposed 'better selves' — are the ones who are entitled to govern in our country." Landmark constitutional law cases like *Loving v. Virginia* and *Brown v. Board of Education* should be seen not as instances where the Supreme Court countered the excesses of the majority but as affirmations of the ability of all citizens to participate in majority politics, Parker argues.

Parker said he hoped the 115-page book will reach a wide range of people interested in democratic politics, not just the "constitutional law wonks and poobahs — all 55 of them."

"What I hope is that a far more diverse audience may be interested in it," he said.

Weinreb's more traditionally scholarly book focuses on the nature of rights and their importance in society. He argues that rights and responsibilities are "one and the same" and that they arise not from innate characteristics

shared by all people but from those attributes that make people unique and autonomous beings.

In the central chapter of the book, Weinreb '62 presents a young man with limited athletic skills who argues that he deserves to play for the Boston Red Sox as much as Roger Clemens. Weinreb suggests that it is merely the rules and conventions of baseball, not a more fundamental question of "right," that separates the young man from Clemens.

"Why does a baseball player's ability count so much and other attributes, like the young man's effort and desire, count so little?" Weinreb asks. "For aught that appears, he is no less deserving in a general way."

Weinreb then applies his theory of rights to a number of current legal issues, including abortion, capital punishment, and civil rights.

Dershowitz touches on similar issues of responsibility, although in a markedly different form and with somewhat different conclusions. In his book, a compilation of essays he has written over the past several years, Dershowitz challenges the wisdom of a variety of criminal defense "excuses." Whether the issue be battered women, Holocaust

survivors, black rage, or Twinkies, Dershowitz attacks excuses as undermining personal accountability and legitimizing a vigilante system of justice.

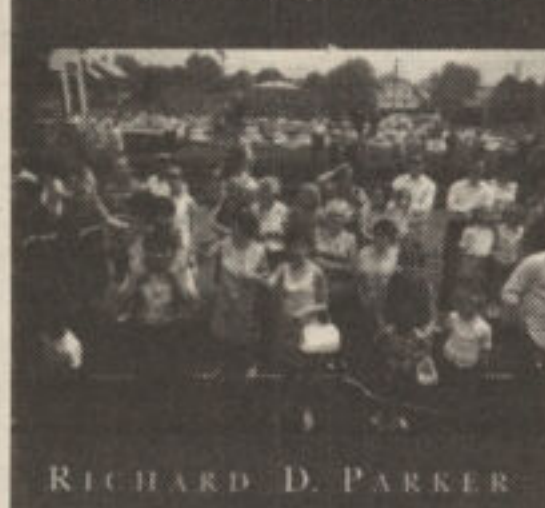
"Taken to its current and projected extremes, [the abuse excuse] is a lawless invitation to vigilantism, both on the part of abuse victims and on the part of jurors who sympathize more with them than with those whom they have killed or maimed," Dershowitz writes in the book's introduction.

"It endangers civil liberties by substituting vigilante justice — which is an oxymoron — for courtroom justice, and the rule of man (and woman) for the rule of law. It endangers legitimate defenses — such as insanity based on mental illness, self-defense when there is no recourse, and diminished capacity — by expanding them to the point where a swing of the pendulum is inevitable."

Although Dershowitz devotes the bulk of his book to criticizing criminal defense strategies — including an essay in which, prior to being retained on the O.J. Simpson defense team, Dershowitz speculates on the possible defenses Simpson's lawyers might invoke — the HLS professor also takes a few swipes at government misconduct with essays on Whitewater, prosecution "witness buying," and Jonathan Pollard. In a final section, Dershowitz tackles what he calls the "political correctness excuse," with essays on sexual harassment, censorship, pornography, and hate speech.

"Here, the People Rule"

A Constitutional Populist Manifesto



RICHARD D. PARKER

Oedipus at Fenway Park

WHAT RIGHTS ARE AND WHY THERE ARE ANY

LLOYD L. WEINREB

THE ABUSE EXCUSE

AND OTHER COP-OUTS, SOB STORIES, AND EVASIONS OF RESPONSIBILITY

ALAN M. DERSHOWITZ

AUTHOR OF CHUTZPAH

New Prof Jolls Emphasizes Law and Econ Interests

By Jeff Bucholtz

Some HLS students probably turned down Yale, Stanford, Chicago, and Columbia to come study here, but Assistant Professor Christine M. Jolls '93 had the unique luxury of declining teaching offers at a long list of the nation's elite law schools in order to join the Law School's faculty.

One of three newly appointed HLS professors, Jolls will teach Microeconomics and Legal Policy in the spring term, and then take a leave of absence for a one-year clerkship with D.C. Circuit Judge Stephen Williams.

Jolls grew up in the San Francisco Bay area and graduated from Stanford in 1989. In addition to beginning HLS in the fall of 1989, she enrolled in a Ph.D. program in economics at M.I.T. and will be completing her dissertation this year.

Jolls' dissertation is emblematic of her dual interests in economics and law. "I'm analyzing salary structures, with a focus on executive compensation," she said, "and attempting to deal with such interdisciplinary issues as the intersection of the Age Discrimination in Employment Act and incentive structures."

"My motivation grew out of my law school experience," recalls Jolls. "Age discrimination seems often to be more cost-driven than animus-based, but there may be tension between a firm's static snapshot cost justification and the desirable longer-term incentives."

Although it was hectic and demanding, Jolls found her joint program "wonderful for intellectual development. In my class this spring, I hope to achieve the same kind of cross-fertilization of ideas that I enjoyed when I was a student."

Calling it "unfortunate" that many HLS students' impression of law and economics is limited to "the particular brand" commonly taught in first-year classes, Jolls observed that "economics can be extremely helpful in understanding a lot of what is taught second- and third-year. Regulation, employment, corporations, and environmental are only a few examples."

Jolls recently attended a conference bringing together psychology and economics professors, and was impressed with "how much psychology has to tell people interested in economics in terms of what people care about and how they behave."

"People's real incentives are more complex than the narrow economic concept of rational monetary maximization," said Jolls, "and if psychology can help us understand this, it will enrich the economic approach and make it more widely applicable and relevant."

Jolls said that she expects to teach contracts and is "really looking forward to teaching a first-year class." She also predicted that she will teach Corporations, Employment Law, and various specialized seminars in the future.



Prof. Christine M. Jolls

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BRIEFS



3Ls to Take Over Billiard Club

The 1995 class marshals are calling all 3Ls to come to the year's first officially planned Class of 1995 event, billed "1995 Night in Boston," which will be held Thursday, Oct. 13, from 9 p.m. to midnight at the Boston Billiard Club, 126 Brookline Ave., near Kenmore Square and Fenway Park.

A room rented for the revelry will house an 8-ball pool tournament, in which teams will compete for the Class of 1995 billiard championship.

Although there is no word on what the winners will receive, the first 95 members of the class to arrive will get a free beer apiece.

Seven tables are reserved for HLS, with free games on those tables.

Seatings will be determined "using the ATP computer rankings," said marshal Matthew Henshon '95. "Justice Breyer would have been the number one seed, but he won't be attending. As a result the field's wide open."

Those who wish to attend should sign up early with class marshals next week at their table in the Harkness Commons, the marshals said.

The evening will be the first of many class events, the marshals said. Designating the class wine and designing the class t-shirt will be the next major projects, they added.

Appleseed Foundation Creates Public Interest Law Center

The Appleseed Foundation will launch its "flagship" Appleseed Center for Law and Justice at a dinner on October 21. The Massachusetts center is to be the first of a "nationwide network" of centers to focus on state issues, including consumer protection, education and juvenile justice. Other Appleseed centers in the District of Columbia and New Jersey pursue public initiatives in public health, government accountability, housing and labor.

The Appleseed Foundation was established in 1993 by the Class of 1958 "to create legal institutions which would pioneer a new type of lawyering in the public interest." The centers do not provide individual legal services, but rather "attack injustices at a systemic, or causal level."

According to the foundation, its initiative is the first-ever such attempt by a law school alumni class to create an institution to serve the public interest. The foundation was dedicated at the 35th-year reunion of the Class of 1958, and its founding directors include consumer advocate Ralph Nader; Richard Goodwin, whose work as a congressional investigator is portrayed in the movie "Quiz Show"; Herbert Gleason, former corporation counsel to the City of Boston; and Prof. Arthur Miller.

HLS Alum to Head Lafayette College

As if the Class of '58 weren't busy enough with the Appleseed Foundation, Arthur J. Rothkopf '58 will become Lafayette College's 15th president next Friday.

Rothkopf, who graduated from Lafayette in 1955, is a former deputy secretary of the U.S. Department of Transportation. His inauguration ceremony will be held next Friday at 4:30 p.m. at the Allan P. Korby Field House on the Lafayette College campus.

Harvard Square Teens: We Don't Need No Stinkin' Badges

Cambridge Mayor Kenneth E. Reeves says increased security in the area next to the Harvard Square T stop is necessary to combat recent violence there, citing fights he personally witnessed and even broken up, according to the Boston Globe.

However, local teens who frequent "the Pit" say they would view increased police presence as an intrusion.

"Most of the kids who come here come here because in their towns there's no place where they can go," said Jen Hosman, a 17-year-old Arlington resident who is often at the Pit. "[The Cambridge police] just come around here and kick us out."

According to Harvard University Dean of Students Archie C. Epps III, Harvard students may not share the teens' sentiments.

"When we have asked for data on the crime in Harvard Square, that's an area where our students think they are at most risk," he said. "I would favor an increase in police there."

But the teens say those who cause problems in the Pit are not teen regulars, but interlopers.

"One night two guys got in a fight and they kicked us out, and the two guys had nothing to do with us," Hosman said. "There are bigger problems than kids hanging out in Harvard Square that they should deal with."

Cambridge police said they would consider the mayor's request for additional security, but added that the Pit is owned by the MBTA, which does not permanently station an officer there. "They have their own police force, but we do have dual jurisdiction," said Det. Frank Pasquarello of the Cambridge police force.

-From the Harvard Crimson

Thefts in Langdell Library Occasional, But Not "Chronic"

The theft of a wallet, taken from a student's backpack in the Langdell law library last week, was neither unheard of nor common, according to library officials.

"We don't have a lot of problems, but [theft] does happen occasionally," said Cathy Conroy, the library's assistant librarian for administration. "Unless people are having things stolen and not reporting it, it's not a chronic problem."

Occasional thefts in the library may be due to the law school's "public urban setting," Conroy said, adding that the library is open to anyone with a Harvard I.D.

"Our general advice to people is to be cautious, and to report thefts to us," Conroy said.

Holmes Field Building to Become Hauser Hall

continued from GIFT, page 1

after the last exam the following spring and moved to New York City, where Rita Hauser received her law degree from NYU.

"The story of Rita and Gus Hauser is the true 'Love Story' of Harvard Law School — one with a wonderful ending," said Clark.

Rita Hauser, who is now counsel to the New York law firm of Stroock & Stroock & Lavan, also chairs the International Peace Academy, which deals with multinational peacekeeping functions. She has served as a U.S. representative to the U.N. Commission on Human Rights.

Gustave Hauser is chairman and CEO of Hauser Communications, Inc., which specializes in cable television and international satellite communications. As chairman and CEO of Warner Cable, Hauser helped develop innovations such as MTV and Nickelodeon as well as pay-per-view services.

The Hauser donation is the largest

in HLS's history, exceeding the Saudi royal family's \$5 million gift in 1993.

That money was used to partially establish the Islamic Legal Studies Center. The donations all come as a part of the Campaign for Harvard Law School, a five-year effort that seeks to raise \$150 million.

The Hauser gift brings the campaign's current total to \$134 million. The campaign's goals include modernizing library facilities, expanding and diversifying the faculty, and boosting clinical and public service programs.

HLS is not the only school to benefit from the Hausers' generosity. According to NYU Law School's student newspaper, The Commentator, the Hausers recently made a \$5 million cash gift to the school to start its Global Scholars Program.

The Holmes Field Building contains two lecture halls and three seminar rooms and houses 35 faculty offices.



Gustave M. Hauser



Rita E. Hauser

Panel Discusses O.J.

continued from O.J., page 1

sought to determine whether O.J. Simpson, the media, or the entire legal system is actually on trial in the infamous case, unleashed fireworks as dramatic — and at times, silly — as any in the L.A. courtroom that provided its conversational fodder.

The subject sparked a clash between the press and the law professor, featuring Miller and CNN anchor Mary Tillotson, who complained that the attorneys for the defense and the prosecution were "using the media to taint the jury pool" in the Simpson case.

Questioned Miller, "You're being used? You're a 'usee'?"

"We thrive on it," admitted Tillotson.

"This is a marriage made in heaven!" Miller proclaimed.

"Hell," she responded.

Another exchange found the prosecutor battling the judge, who was defending the defense.

"Not anyone here has talked about how the victim, and how the victim's

family feels," said Detroit Assistant Prosecutor Kym Worthy to audience applause. "That's what disturbs me."

Retorted New York state Supreme Court Justice Leslie Crocker Snyder, "You can't be holier-than-thou, because the prosecution has been an outrage in this case."

The sparring pitted those who believe the legal system can deliver justice with those who believe reform is necessary.

"The genius of the system," said NBC's Jack Ford, "is that ultimately, 12 people go in, and they close the door, and they look at each other and they say, 'OK, what's the right thing to do here?'"

But Ogletree said the system works better for those who, like Simpson, have the resources to get the best counsel money can buy.

"O.J. will get a fair trial," Ogletree said, "but we won't see a fair trial for A.J., B.J., C.J., and D.J."

"This will give the public the idea the system is fine," he added. "The system is not fine."

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The Triumph of Human Spirit

By Paul Weinberger '97



SOMEDAY, several decades from now, Hollywood will have to find a replacement for Stephen King, whose novels are converted into movies with the regularity and efficiency — and sometimes the passion — of a well-run factory. For now, though, the King industry is still operating smoothly, and every year brings us yet another filmed version of a King story. From "The Shining" to "Pet Sematary" to "Misery," they keep on coming with the relentless will of a Stephen King villain, and while their quality may vary (remember "Christine"?), there's no denying the quantity. If this was indeed an industry, its profits would probably make it a Fortune 500 candidate.

This time around, there are no vampires, ancient curses, or homicidal maniacs. Rather, King steps outside the adolescent-gothic genre that he has come to dominate, and gives us an entirely new story. (It is, however, set in Maine like virtually all his works — does he ever leave the state's borders?) Instead of horror we have an entirely different genre, though one that Hollywood loves. This is the "triumph of the individual spirit" story, in which one man — and it invariably is a man — battles against seemingly unconquerable societal pressures while maintaining his fundamental human decency. Perhaps this is an expression of America's pioneer, individualist origins; perhaps Hollywood occasionally runs out of ways to create new, still more exciting explosions and looks elsewhere for inspiration. In any event, this is a genre that reappears frequently, in such films as "Awakenings" and "Chariots of Fire," and is all too often anointed with sanctimonious Oscars.

The hero in "The Shawshank Redemption" is Tim Robbins, continuing where he left off in "The Hudsucker Proxy," who plays a decent and honorable man fending for himself in a crooked, corrupt world. Robbins is Andy, who in the film's opening sequence is sentenced to two life terms for murdering his wife and her lover. The sequence cleverly intercuts his trial and sentencing with ambiguous flashbacks from the night of the murder. The cleverness is wasted, however, because we know from the first glance at his innocent face that Andy is no killer, just a decent guy given a bum rap.

The action then shifts to Shawshank prison, a tough place where hardened ex-cons place bets on which of the new inmates will break first. Enter Morgan Freeman as, well, Morgan Freeman — a strong, self-contained man whose reserve belies an inner decency and goodness. (Does he ever get tired of these roles? Doesn't he ever want to just bust loose on camera? Why do talented black actors like Freeman, Denzel Washington, and James Earl Jones always get stuck in these parts?) Freeman, a seasoned con who serves as supplier for the inmates' wants, as well as unofficial camp bookie, gradually becomes friends with Andy, who is something of a loner. Andy seems to need the help, for between the brutal prison guards and an equally brutal gang intent on sodomizing him, he is in a pretty difficult position.

Fortunately, Andy is a self-reliant soul whose determination to hang onto his humanity is expressed in repeated generosity towards his fellow prisoners. He arranges a few beers for them — though he himself, of course, doesn't drink — tries to improve their library, offers remedial literacy courses, and, in one baffling sequence, manages to broadcast Mozart's "Marriage of Figaro" to the entire Shawshank yard, thus bringing even the most hardened inmates a taste of true culture. They are in turns confused and bewildered by Andy's strangeness, but they naturally come to love and respect him in a quiet, manly way.

Given this at times mawkish material, the film is actually fairly enjoyable, and even likable at times. The tone, though it veers occasionally towards senti-

Just when the script appears ready to unleash a torrent of bathos, the movie downgrades a few notches. Rather than drowning us in sentiment, the film slyly draws in the audience, and is all the more effective and entertaining for it.

mentality, particularly in a sub-plot involving a kindly old prisoner who runs the library, is generally restrained. This restraint works to the movie's favor, for it gives the pathos and occasional violence of "The Shawshank Redemption" a quiet power, and allows the actors, Freeman in particular, freedom to show their skills. Just when the script appears ready to unleash a torrent of bathos, the movie downgrades a few notches. Rather than drowning us in sentiment, the film slyly draws in the audience, and is all the more effective and entertaining for it.

The problem is that at its center, the movie seems hollow. Andy is not a person; he's a stick-figure whose Christ-like self-sacrifices are more baffling than moving. Robbins doesn't show us much to suggest that beneath his placid exterior he's actually human. Instead, he gives us a Jimmy Stewart-type personification of goodness and decency incarnate (though the fault here may lie equally with the script). Like Stewart, Robbins is more interesting when he plays against type, using his seeming guilelessness to disguise a crooked nature, as he did in "The Player" and "Short Cuts" (he's also terrific at comedy, as in "Bull Durham"). To see what "The Shawshank Redemption" could have been, go rent "One Flew Over the Cuckoo's Nest," a movie with similar plot and themes, but with a real humaneness that "Shawshank" doesn't approach and with an intelligent, nuanced starring performance by Jack Nicholson that few actors ever achieve.

Take it to the Bridge



By Ted Cohen '95 & Jonathan Goldstein '95

RIALTO, the new upscale restaurant in the Charles Hotel, has an impeccable Boston pedigree: its chef, Jody Adams, is formerly of Michela's, whose inspired food could not survive its poor location in the shadows of the Cambridge Galleria. Well, she certainly could not have asked for a better location this time: a stone's throw from Harvard Square — and in a hotel, no less! — Rialto is perfectly situated to attract the well-heeled business clientele that Michela's deserved in droves. And this time, we're betting she'll get it.

If our meal there was any indication, Rialto has in fact already become something of a hot spot. At 8:00 on a Wednesday night both the bar and the spacious, if hotel-bland, dining room were packed. So packed, in fact, that we were shunted off to a little function room, away from the action. Any lingering resentment over our location, however, disappeared with the delivery of the bread basket, with its fine chewy roll, wedges of foccacia, and excellent piece of olive bread (although our waiter neglected to bring us the dish of olive oil we saw on everyone else's tables).

Another score is the warm flan made of manchego cheese and served with a salad of roasted Bosc pears, which are slightly caramelized, and lightly dressed arugula...the rich, smoky cheese and sweet pear were beautifully complemented by the slightly bitter greens. This is a real winner.

The space where the lingering resentment had been was soon filled with total, unmitigated delight at the appetizers: the plump grilled mussels, tasting of charcoal and brine, served over garlic crostini (\$9), are inspired. We'd never had grilled mussels, and now we can't imagine having them any other way. Soak up the juice with the crostini and enjoy. Another score is the warm flan made of manchego cheese and served with a salad of roasted Bosc pears, which are slightly caramelized, and lightly dressed arugula (\$9). On the menu, the dish is promised with autumn squash in place of arugula, but we think it was perfect the way we got it: the rich, smoky cheese and sweet pear were beautifully complemented by the slightly bitter greens. This is a real winner. Slightly less spectacular, but still excellent, are the homemade potato gnocchi. The pasta is melt-in-your-mouth delicious, but the sauce — a soupy gratin of cream and parmesan cheese served with a "fricassee of wild mushrooms," which turns out to be a few pathetic strips of unidentifiable fungus — needs rounding out. It lacks the complexity of the other two appetizers.

With an introduction like this, it was hard to imagine the rest of the meal being anything other than spectacular. But, alas, spectacular it wasn't. The main courses at Rialto range in price from \$15 (stuffed autumn vegetables in the style of Provence) up to a hefty \$25 (lobster, shrimp, mussel, and clam stew with sherry and romesco). Given this price range, one has the right to expect not only big portions but big ideas as well. Unfortunately, while the entrees seem generally well-executed, they score only middling marks on the creativity scale. And from what we sampled, they read better than they taste.

A dish of grilled stuffed braised veal breast with pistachios, peas, and polenta (\$20) came with the nuts and peas rolled into the meat rather than sautéed into some sort of flavorful sauce. And while the meat was well-cooked, the polenta provided little extra flavor, served as it was as a mushy bed for the veal. All in all, a dish lacking oomph.

The same might be said for the grilled salmon with leeks, horseradish, and roasted beets (\$22), a not-too-substantial slice of fish, coated with sesame seeds, served on top of horseradish-flavored mashed potatoes in a beet-colored sauce. Though the salmon was good, and the opposing tastes of the sharp horseradish and the nearly caramelized leeks contrasted nicely, the unnervingly red sauce lacked real flavor, and its watery consistency failed to impart anything positive either to the eye or to the tongue.

By now, you may not have much of an inkling to exercise your sweet tooth, but, well, force yourself. Desserts here are something to see. In fact, if they seat you in the right spot, you will see them being made at an attractive dessert counter. Several pastry chefs work at once, spooning out vanilla sauce, heating caramel, and doling out cookies. The house special hot chocolate cream with ginger creme anglaise and a berry-filled meringue (\$7) takes ten minutes to make, but it's worth it. A beautiful dish with swirls of vanilla and raspberry sauces, fresh berries, and a warm blob of chocolate makes for good eating. All that was missing was, say, some Toscanini ice cream to offset the steaming chocolate. The pumpkin cheesecake with rum-soaked cranberries in a maple-syrup glaze (\$7) was, uh, none of the above. Well, nearly: the cheesecake did taste nicely of pumpkin and spices, but there was nothing on it or around it but some pistachios in that ginger creme anglaise. Good, but not awe-inspiring.

We're giving Rialto three of our coveted stars because we believe with all our hearts that it will, in time, bring its entrees up to the stellar level of its appetizers. In the meantime, why not ask your law firm interviewer (charming fellow that he or she is) to bring you downstairs and feed you here. You could do much worse.

RATING: ★★

Harvard Law RECORD

Founded in 1946

Greg Stohr
Editor-In-Chief

Term Limits a Necessary Tool of Democracy

The Supreme Court recently announced that it would consider the most important political issue of the decade: congressional term limits. In a consolidation of two cases, the court is expected to decide whether states may constitutionally limit the number of times a senator or congressman may be elected to national office.

Opponents of these measures have relied on Article I of the Constitution, which allows for only three limits: age, citizenship, and residency. They argue that such measures deny voters a full choice in elections. Proponents point to constitutional provisions that leave to the states the power to control the "times, places, and manner" in which elections are held, and respond that advantages of incumbency effectively prevent real choice now. They further argue that term limits are themselves the product of voters' choice, which should be honored.

Whether or not term limits would require a constitutional amendment, the country needs them. Living in the never-never land of the U.S. Capitol, senators and congressmen inhabit an insular world of privileges and perquisites that quickly extracts from them whatever reformist idealism they may have arrived with. Our "representatives" quickly learn that it is more profitable to represent Washington to us, than to represent us to Washington. It would be a trite exercise to fill this space with congressional excesses which beg for reform, but nothing could capture the irony and pathos of our modern "republican form of government" more completely than House Speaker Tom Foley's recent lawsuit against the people of Washington state, aimed at saving his job.

The people of Washington passed Initiative 573 in 1992, which would have forced Foley to retire in 1998. Apparently concerned that his constituents had awakened from their slumber and begun to think for themselves about how they want to be governed, Foley hired the law firm of Preston, Gates & Ellis to sue his own constituents over the ballot measure. The Washington Supreme Court has ruled in Foley's favor, but the victory will be temporary if the U.S. Supreme Court rules the other way on its cases this spring. When congressmen can sue the people they represent to stay in office, then democracy is truly in peril.

There are a number of other intriguing plans to reassert constituent oversight of elected representatives, such as permitting absentee voting on Capitol Hill and requiring congressmen and senators to spend more time in their home districts. Until more comprehensive reform can be instituted, however, term limits will remain a powerful weapon in the country's struggle to maintain control of its public "servants."

— Lank

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—First Amendment, US Constitution

• Letters •

Bucholtz's Column Mislabeled Bands

I was disappointed to read, in the space of one paragraph, two rather serious errors in Jeff Bucholtz' music column of last week. Disappointed, but not surprised: the various labels assigned to bands who trace their origins to the punk rock era are so commonly misused and arbitrarily applied as to be ultimately meaningless.

Bucholtz refers to the band L7 as "thoroughly non-threatening riot-grrrl lite pop metal." Notwithstanding his opinion of the band's merits, his use of the phrase "riot-grrrl" is just plain wrong. L7 have made no secret of their dislike for the media's tendency to turn gender into genre, to the point of refusing to cooperate with journalists writing "Women in Rock" articles. The phrase Riot Grrrl, however, originated

with a self-consciously proto-feminist movement arising out of Olympia, Washington and Washington, D.C. more or less simultaneously. Although there are Riot Grrrl bands, such as Bikini Kill, Huggy Bear, and Brat Mobile, they are sartorially and sonically worlds apart from the more traditionally "kick ass, rock hard" L7.

Which brings us, unfortunately, to the g-word. Bucholtz seems sceptical of the idea that the Melvins could possibly be the prototypical grunge band. In an attempt to refute the idea, he writes, "... the Melvins' extended atonal jamming, while creative and heavy, borders on 70s self-indulgence, and has nothing in common with punk, the rebellious offspring of the 70s that would later inspire the likes

of Nirvana." He's absolutely right in his description of the Melvins' sound, but his objection fails, because Nirvana were not a grunge band. When I first heard the term grunge, way back in the late-80's, it applied to bands like the Melvins, Mudhoney, and Soundgarden, who turned the short-loud-fast of punk into a long-louder-slow perversion of 70s metal, and it did not mean, as it seems to now, any music from Seattle except Sir Mix-a-Lot. Nirvana were outcasts in their own scene, especially after they brought in Dave Grohl, who had cut his teeth in the seminal hardCore band Screaming.

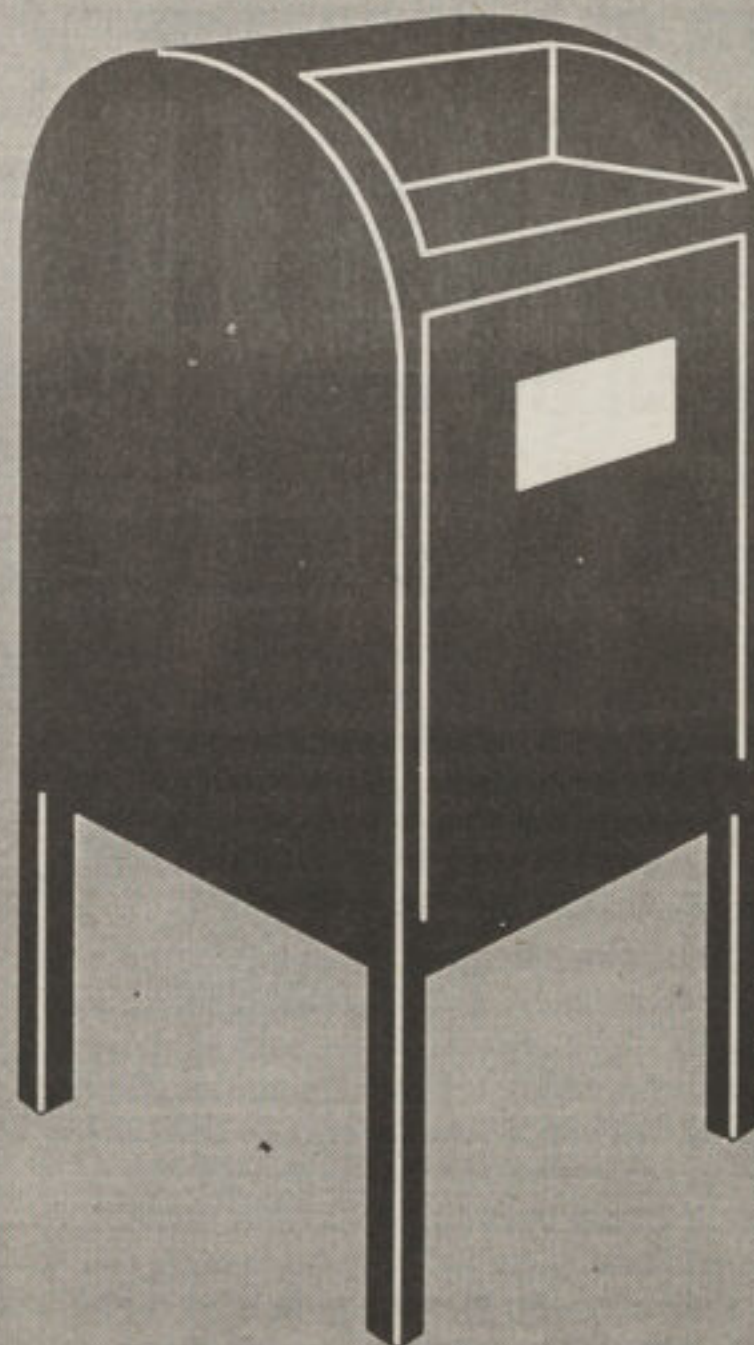
Don't even get me started on Pearl Jam.

Colin Meeder '97
October 4, 1994

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The Angry Juror

By Prof. Randall Kennedy

A specter haunts the trial of O.J. Simpson. That specter is the sabotage of justice. One group of saboteurs are those who would vote to convict without evidence of guilt beyond a reasonable doubt. Another group of saboteurs are those who would refuse to convict even if the evidence points clearly toward guilt. Like so much else that swirls around the Simpson case, these twin dangers are profoundly affected by racial politics.

Polls gauging public opinion have consistently shown that much larger numbers of blacks than whites believe not only that Mr. Simpson is innocent but that he is the victim of a set-up engineered by racist police officers — and that he is being treated unfairly by the judiciary, the media and the public because of his race. In an August Newsweek poll, 12 percent of blacks thought Mr. Simpson was "set up" by Los Angeles police officers; only 2 percent of whites agreed. Similarly, while 30 percent of blacks said they believed that Mr. Simpson had been treated worse than the average white murder suspect, only 5 percent of whites shared that belief.

Whether these attitudes will affect the outcome of the trial remains to be seen. That they will affect the contending sides' strategies is already clear. An effort to appeal to black public opinion was at least part of the reason the Simpson defense team hired a black attorney. A similar desire no doubt lay behind his lawyers' public claim that Mr. Simpson may have been the target of a racially prejudiced police officer who planted incriminating evidence (the bloody glove). Racial considerations also played a role in the decision of Gil Garcetti, the Los Angeles district attorney, to meet with black civic leaders regarding the Simpson case and to refrain from seeking the death penalty.

But racial polarization could play an even bigger role in the jury process. No other setting in our political culture opens the door so widely to minorities for the exercise of power. The American jury is, as Gunnar Myrdal put it, a form of "extreme democracy." One dissenter is all it takes to prevent a conviction.

The reforms that attempt to remove discrimination against racial minorities are certainly steps forward in the moral and political evolution of our nation. At the same time, however, they render the administration of justice far more vulnerable to the pent-up resentments, paranoias and prejudices of minorities who have been victimized by racially biased policing and punishment.

The heightened skepticism with which many blacks listen to the testimony of police officers is one response to their experience with a criminal justice system that

has all too often violated its standards of honesty and decency when it has prosecuted blacks. This response is salutary so long as it remains open to persuasion by evidence. Flexible skepticism brings to jury deliberation a useful and hard-earned wisdom concerning the ugly realities of life on the streets.

Another response, however, is dangerous. This is the response that cries "racism" as part of an all-out defense of any black accused of wrongdoing by "white" authorities, regardless of the facts of the case. It is this response that leads some jurors to insist on lessening the severity of charges leveled against a suspect. This is what happened, for instance, in the prosecution of then-Washington Mayor Marion Barry, who was convicted of drug offenses far less serious than those the evidence warranted.

Even more troubling is the position of some blacks that they will refuse to help send any black to prison. In Washington in 1990, after an astonishing acquittal in a case of first-degree murder where the evidence of guilt was overwhelming, court officials received a letter from someone claiming to have been a juror. The letter said that most members of the jury believed the suspect was guilty, but they gave in to others who "didn't want to send any more Young Black Men to Jail." I personally have spoken with black people who have served on juries and who insist that they refrained from voting to convict black men for precisely this reason.

Perhaps these are merely isolated incidents. But perhaps they signal something of greater significance: a low-visibility protest movement aimed at changing the policies of law enforcement officials by jury nullification — refusing to convict even when the evidence shows guilt beyond a reasonable doubt.

It could be argued that jury nullification is not always wrong for the same reason that breaking the law is not always wrong: Sometimes justice and the law part company and become antagonists. But such is not the case in the vast majority of criminal prosecutions in this country, including the prosecution of O.J. Simpson. In these cases, the suspects are not in any meaningful sense "political prisoners." Nor are they innocent victims of racist conspiracies. To the contrary, Mr. Simpson and the vast majority of other suspects brought to trial are people who ought to be tried and when the evidence warrants, convicted. With black defendants, the odds are that they have victimized other blacks — if they are indeed guilty of the crimes with which they have been charged.

This is one reason why jury nullification in pursuit

of racial justice is often so spectacularly self-destructive: Those "saved" for the supposed good of the black community mainly prey on the black community. The Simpson case is indeed different in this respect, since he is accused of killing two white people. But to take comfort in this fact — or to use it to justify a racially determined verdict — is itself atrociously racist, as it devalues the victims' lives on a racial basis.

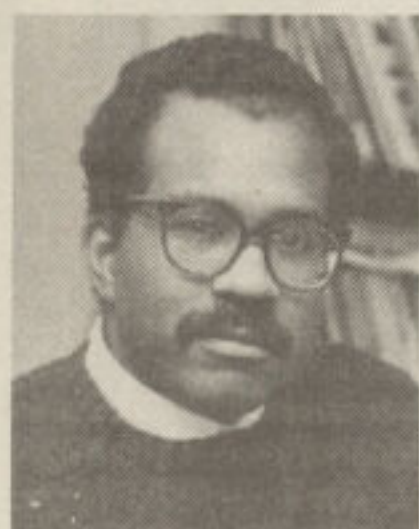
Condemning jury nullification is, of course, the right response. But more than that is needed. To attack the paranoia and defensiveness of distressing numbers of African-Americans — feelings that are seeping into the administration of criminal justice — society as a whole must rob the claims on which these feelings feed of their basis in reality. Allegations of police misconduct, prosecutorial prejudice and media bias resonate with many blacks because such problems do in fact exist in all too many cases, even if they are irrelevant to the Simpson case.

To get rid of the suspicions — or to at least make them laughably marginal — we will all have to critique the way in which ordinary black victims of crime are routinely ignored by the media and underserved by the police.

Even more troubling is the position of some blacks that they will refuse to help send any black to prison.

If we wish credibly to condemn defense attorneys who play the "race card" on behalf of black clients, we must also do all we can to prevent law enforcement authorities from depriving anyone of the equal protection of the laws. (Such an effort would include divesting the police of their current authority to use race as a proxy for suspiciousness when they decide whom to question, stop, detain or arrest.) If we wish to dissuade jurors from shocking "the system" by nullifying rightful convictions, we must also insist that everyone play by the rules, including white jurors deciding the fates of white police officers charged with brutalizing black citizens.

James Q. Wilson has suggested that to decrease discrimination against blacks it is essential to decrease the soaring rates at which blacks, mainly young blacks, commit fear-some crimes. This suggestion, to which some have objected on moral grounds, seems to me hard-headed and accurate. As things now stand, it is often (sadly) rational for whites (as well as blacks) to avoid (and thus discriminate against) young black men — in the interests of self-protection. By the same token, those who threaten jury nullification as a form of protest — perceiving a lack of fairness in the criminal justice system — are also acting rationally, albeit immorally. Both "rational" responses illustrate the immensity of the task ahead of us: to create a nation in which people will not feel compelled to act in antisocial ways to obtain what a decent society should grant them as a matter of course: security, respect and justice.



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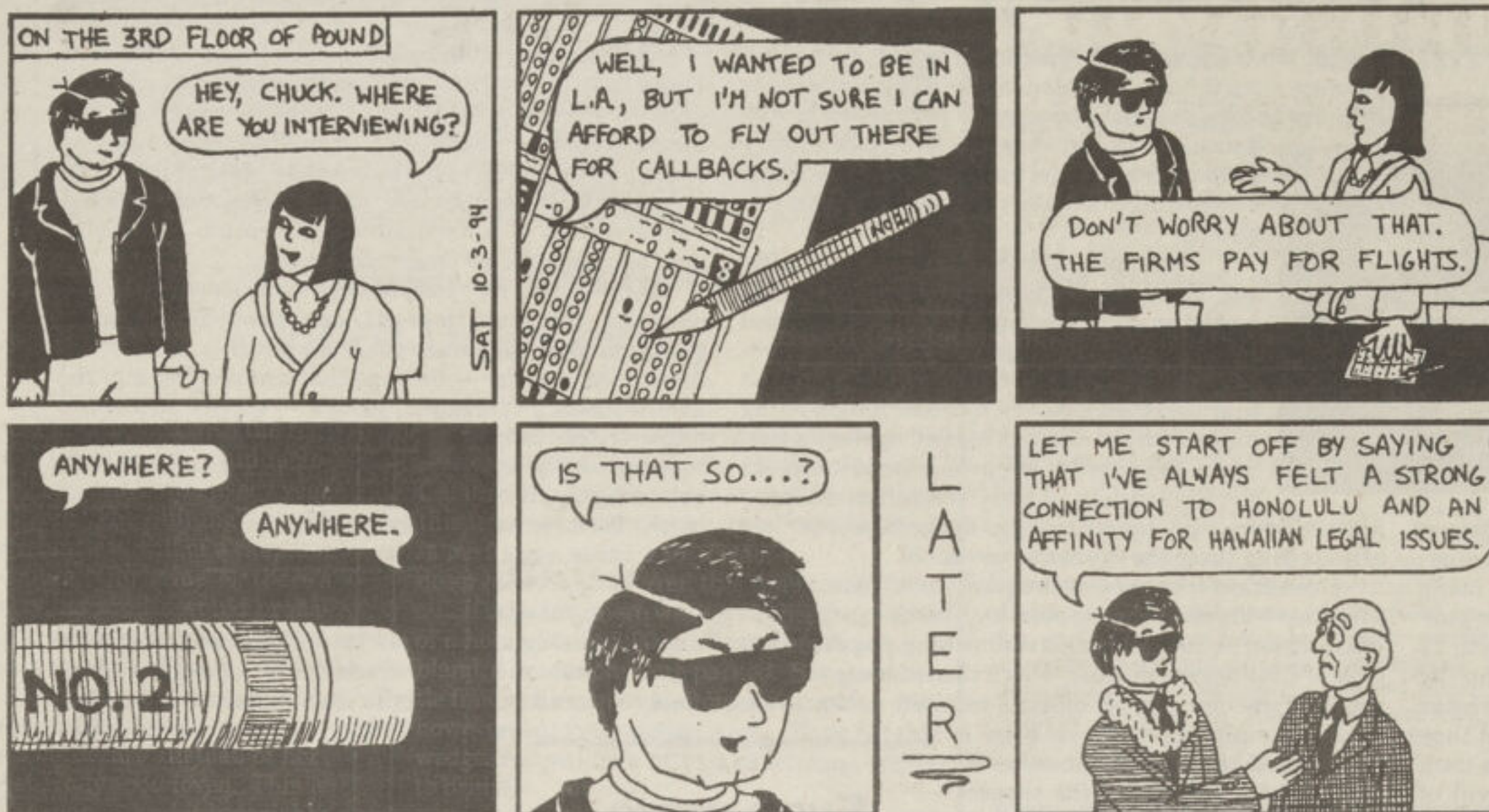


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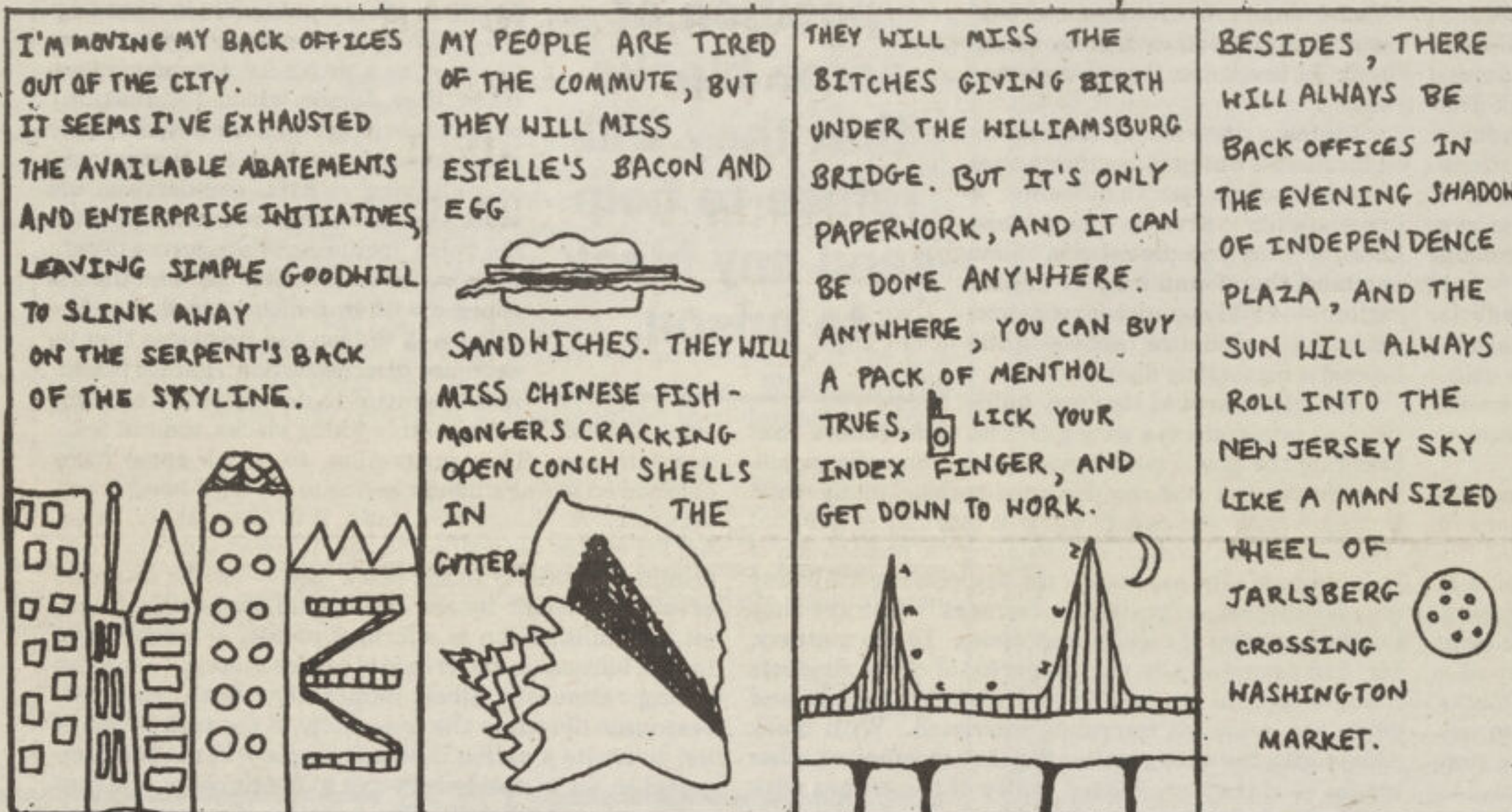
Temporary Insanity

By Sheila Tuller



Res Ipsa Loquitur

By Ted Cohen



Guide to Legal Terminology

By Sean Kanuck & Matthew Queler

●	employment at will: the legal effect of a party
	inheriting a family business
	vested remainder: a loiterer in a three-piece suit
	request for production: in entertainment law, the
	commissioning of a theater group
	chain of custody: a manacle or handcuff

Koby Antupit

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CALENDAR

By Jeff Bucholtz

If You Don't Like Murder, Don't Commit One?

Ten bands, four clubs, fifteen bucks — the big club event of the week is the WFNX 11th Birthday Celebration on Landsdowne Street. Tonight (10/7) the local corporate safe "alternative" station brings national and local artists to Axis, Avalon, Bill's, and Venus for its annual fete. The list of performers includes Hole, who have been unjustly pigeonholed as Kurt Cobain's wife's band despite releasing one of the year's best loud-rock records. *Live Through This*'s title has tragically taken on meaning beyond your run-of-the-mill *weltschmerz* with Cobain's recent suicide and Hole bassist Kristen Pfaff's drug overdose death.

Also bashing for FNX's birthday are the incredible trend-hopping *Soup Dragons*. They jettisoned the punk approach of their debut for the bagginess of their Manchester anthem "I'm Free," and then when that scene died faster than you can say Jesus H. Jones, the Soups were reborn as the Stones ("Divine Thing"). If you can guess which bandwagon their new disc jumps on, you win a copy of it. Lucky you.

The bill also features local sweethearts *Velvet Crush*, who just unveiled their major-label debut, *Teenage Symphonies to God*, the psychedelic groove of the *Meat Puppets*, the funk 'n roll of 311, the wacky rantings of MC 900 Foot Jesus, and the political cyber-rap of *Consolidated*, pushing the preachy but powerful *Business of Punishment*. I'm pro-choice, too, but is "If you don't want an abortion, don't get one" (from "Butyric Acid") really likely to persuade someone who thinks abortion is murder?

The \$15 ticket gets you into all four clubs, but is only available the night of the party at the venues. It'll be harder to get down Landsdowne Friday night than it is to get into Tribe for Con Law, so get there early (consider camping out!).

An alternative to the crowds and high cover charge is the Middle East (497-0576), where New York's *Cop Shoot Cop* demonstrate the myriad uses of power tools. They've tamed their industrial exterior in recent years, revealing a surprisingly melodic and intelligent pop sensibility. *Release* is a sarcastic, sophisticated disc that should gain *Cop Shoot Cop* fame.

Another Friday option is ex-Yes guitarist Steve Howe performing from his rocking chair at the Paradise (351-2526), but Howe loses dinosaur-of-the-week honors to Bob Dylan, who probably needs a respirator by now. Dylan plays Friday, Saturday, and Sunday nights at the Orpheum (931-2000). Is Dr. Kevorkian out of jail yet?

Smackmelon, the surviving fragment of the late, lamented Boston punk/metal outfit *Bullet LaVolta*, plays at T.T. the Bear's Place in Central Square (492-BEAR) on Saturday (10/8), and *British Dead Can Dance* fans *Miranda Sex Garden* take the stage with *Sky Cries Mary* (who, unfortunately, have nothing to do with Jimi Hendrix) at the Middle East.

The Canadian power-pop group *Sloan* caused a bit of a stir on alternative radio two years ago with their instantly memorable "Underwhelmed" ("I was underwhelmed if that's a word/I know it's not 'cause I looked it up"), and will attempt to lose the one-hit wonder tag at Local 186 (351-2680) on Sunday (10/9).

Femininity in the Trenches

By Debra Dickerson '95

RECORD Columnist

REVLON has a new lipstick, Colorstay, that stays on 'til you wipe it off. Like the NYT Magazine, I'm ambivalent about this. Mary Tannen wrote there, "...many mainstream types have secretly enjoyed besmirching the rims of cups and glasses; it's about the only mess we are allowed to make in polite society, and now that gender-specific privilege will be taken away, too. In a post-Colorstay world, the woman who stains with her lips will be considered frowzy and unkempt — a pariah, a slattern...Are we ready to give up this utterly female, impish and impetuous way of leaving our signature, our little Kilroy was here?"

Yeah.

During my first few military years, I consciously eschewed female frippery. I completely identified with the down and dirty ethic of my new world and felt that acting like a man was the route to the top. I always wore fatigues and combat boots, cursed, drank beer from the bottle, smoked, and didn't carry a purse. I was one of the boys.

Then, I started wearing makeup, pumps, and all the jewelry the regulations allowed. Skirts, never pants. I tailored my uniforms, painted my nails, wore perfume. I enjoyed seeing eyes widen when I entered those all-male, all-white, all-pilot Pentagon meetings. In the secret world of electronic combat, these guys seemed to forget that women existed. Somehow, people were always surprised that the Captain Dickerson (I learned not to use Debra) who'd written the intelligence section of the war plan had legs. It was sweet to watch them fight the urge to rise, give in to the one to pull out my chair and open my doors. At the coffee break, some middle-aged major would always pick up my lipsticked cup and josh in mock-flirtation as if with his daughter's friend, "Now whose could this be?"

With equal measures of spite and affection, I enjoyed their befuddlement and played it for all it was worth. I figured they could only stare for so long and then they'd have to start listening. By the time they did, they'd be



eating my dust. I firmly believe that standing out in this way, combined with being damned good at my job, helped me. I had a great career and did it my way.

While serving in Turkey, I deployed to a unit 60 days into an exercise. There were 383 men: three enlisted women and two female officers. We lived in a Tent City — it looked just like the MASH set but was actually very comfortable.

The other officer had a husband state-side whom everyone knew.

She was doing one of the pilots and the whole camp, except for us women, treated her like dirt. He was, of course, exempt from disapproval. I could have told her that there are no secrets in Tent City and that it was a rookie's mistake to get involved with any of those guys. I knew that any problems (like rape) would be deemed her fault, no matter the circumstances. I knew that indulging any sexual urges they knew about would brand her a whore and undermine her authority no matter how much whoring the men were doing. People all but spat after saying her name.

I, on the other hand, was treated like a Vestal Virgin. When we weren't flying, we were partying and each group had a party tent. I knew better than to drink or dance and spent those evenings fending off advances chaperoned by my male deputy. (I'm sure he was gay though we never discussed it. Once, while hiding in his tent, he made big moon eyes and bleated, "But Debra. They neeeeeeeed you." I laughed so hard they found me.) Every tent we entered would go quiet for a moment, then men would move forward like the palace eunuchs to ensconce me in a seat of honor. They'd ply me with Turkish beer and then exchange reverent looks when I'd ask delicately for a Diet Coke. Men would ask me pretty directly for sex and then nod approvingly when I'd remind them of my boyfriend back in Ankara. Clearly, I was being tested, and reward-

ed with the gift of approval, for being a nice girl.

Once they accepted that none of them was going to get any, I became everyone's big/little sister, Mom, daughter, surrogate wife. The blacks especially claimed me. (I was also the only black officer.) I tried on innumerable gift sweaters and jewelry, edited letters, felt foreheads for fever, read letters from home for hints of infidelity, gave advice to the lovelorn. I was Woman. I was a natural resource.

For 30 days, I spent not one moment alone. You can't knock on a tent flap, so men started 'yoo-hooing' me at

first light. By my second lap jogging, I'd have a detachment in tow. An attentive cohort waited for me as I emerged from the shower tent in my robe. They'd move down the line of wooden latrines calling for me if they couldn't find me anywhere else. By the second week, the commander was refereeing the seating arrangements at chow. "Alright, now. You Red Horse guys had her yesterday. Give Supply some time." He inclined his head and I dutifully reported to the Supply table to bestow the balm of virtuous female presence.

I borrowed a pilot's coffee cup one day at

work and he stopped me when I tried to wash it before returning it. "No," he said. "Leave it." He placed it on his desk next to his wife's picture. After that, men asked me to drink from their cups and I saw my lip prints on filthy cups all over camp.

I think men will miss chancing upon these artifacts of femininity as much as we'll miss leaving them.

I tried on innumerable gift sweaters and jewelry, edited letters, felt foreheads for fever, read letters from home for hints of infidelity, gave advice to the lovelorn. I was Woman. I was a natural resource.



[Readers lucky enough to have caught last week's installment will recall that our poor, beloved Fenno was recently incarcerated for, among other things, having put colored paper in the white paper recycling bin in the Hark. Fenno claimed it was an act of civil disobedience aimed at the Clark Administration's separate-but-equal waste disposal policy, but the Star Chamber Ad Board disagreed. Fenno has since been exchanging "favors" for small change with his engaging cellmate, Tank. With the coins, Fenno has been frantically trying to track down a lawyer over the phone, one who could help spring him from the 8 x 10 cubicle that Tank has come to call his Love Nest. We catch him on the phone with Professor David Shapiro.]

"What? What? I can't hear you! You'll have to speak up." Fenno had his ear pressed up against the receiver and was getting some unwelcome news. First, Shapiro explained to a flabbergasted Fenno that he was, in fact, not the Shapiro of O.J. fame, nor was he related to him in any way. Moreover — in another devastating blow to Fenno — Shapiro asserted that Harvard students do not get free legal representation from their professors. Fenno had figured that, since he paid their salary to teach him the ways of the law, he could also call upon them to practice what they preach. But Shapiro's claim did explain his earlier lack of success with the other professors. . . .

Fenno had tried Professor Tribe first. Remembering that Larry had been involved with *Bowers v. Hardwick*, Fenno thought that the professor might have a certain understanding of Fenno's plight. Fenno finally located Tribe via cellular phone in the Supreme Court cafeteria, where he was eating a between-arguments snack. Things

began to fall apart upon Fenno's realization that when Larry said "Sure, but my usual retainer is six and a half," the unit was not singles but in fact millions. Fenno said he'd get back to him after checking with the Financial Aid Office about a 700-year advance.

Fenno decided to try glitz, substance having failed him. Muttering something about there not being any good book material, Dershowitz had slammed the phone down when Fenno admitted that he was not now nor would he at any time in the future be a celebrity. The fact that Fenno's kid brother had been hit by a car driven by Vanilla Ice apparently did not qualify as stardom in Dershowitz' eyes.

And then, in a string of increasingly panicked calls — each coin a testament to Fenno's desire to get out of jail (and Tank's just plain desire) — Fenno struck out with Professors Hanson ("Sure, but I'd have to check Reinier Kraakman's notes first."), Nesson ("I don't think enough of the issues confronting you would allow me to travel into the fourth dimension."), and even Rosenberg ("The law is 99% crap. What can I say? Embrace your victimhood.") That left Shapiro. . . .

"I'm sorry," Professor Shapiro was saying, "but you'll have to look elsewhere for representation." Fenno, having returned from his painful memories, decided to give Shapiro a piece of his mind: "Uhhh . . . uhhh . . . yeah, well . . . uhhh . . . good-bye."

After that, Fenno pretty much gave up and resigned himself to life as a prisoner. It wasn't so bad. He only had a month left to serve and there were some striking similarities to life at HLS: the food was bland and runny, his room was small and ugly, everyone complained about everything, and there was someone to keep him warm at night (Tank was no Stacey, but he sure could cuddle). Now if HLS could only get a weight room like this one, he thought. . . .

NEXT WEEK: Fenno's First Job Interview of 1994

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Resisting the Pressure to Interview

By Robert Weissman '95

RECORD Columnist



FOR 1Ls who haven't previously experienced autumn at Harvard Law School, get ready. October is fashion month at HLS. In this and coming weeks, your second- and third-year colleagues will shed their jeans and t-shirts, and instead don suits from the likes of Brooks Brothers and Bloomingdale's. Navy blue and charcoal gray are the norm; the daring few attire themselves in brown or even dark green.

While 1Ls are learning about offer and acceptance in contracts, and personal jurisdiction in civil procedure, 2Ls and 3Ls are concentrating on The Interview Season.

For the first three weeks of October, most of these students are job hunting, interviewing with dozens of firms. Seemingly all 2L conversations at the Law School revolve around the single subject of Interviewing. And there is no refuge — even at the Legal Aid Bureau, for example, students report that Interviewing is the dominant topic of discussion.

The phenomenon of The Interview Season has important effects on the culture of the Law School, and on the career choices of HLS students.

The most significant consequence is to make working for a corporate firm seem the natural and only option available to Law School students. Since it appears, especially to 2Ls, that everyone is Interviewing (and, indeed, almost everyone is), the prospect of not Interviewing begins to appear scary, and a little bit unwise. What will I miss if I don't interview, students wonder. Why shouldn't I experiment with a firm job? Can I be sure I will ultimately get a public interest offer?

For students who maintain a strong commitment to public interest work, the

The most significant consequence is to make working for a corporate firm seem the natural and only option available to Law School students.

experience can be isolating. They aren't coming to class dressed in suits, and they can't participate equally in the conversations about Interviewing. For many students, the internalized pressure to Interview is too great to resist, and they succumb.

Not many 2Ls are able to resist the pressure. Last year, when the Alliance for Public Interest Alternatives (an organization of which I was then co-chair, and which is now known as SPIN, the Student Public Interest Network) sponsored a gathering for 2Ls who were not Interviewing, we were only able to locate 15. Even if we only found half the qualifying students in the class of 1995, the proportion of Interviewing students is rather remarkable.

The Interviewing Season is only the most important of a wide array of informal practices and institutional policies that teach students in subtle and not-so-subtle ways that working for corporate firms is the norm, and that isolate students who are seriously considering alternatives. Here are some of the others:

- In December, when 1Ls are first allowed to use the Office of Career Services, 1Ls have their own mini-version of Interview Season. Those students interested in procuring a firm job send out hundreds of resumes, and firm job-hunting efforts become the dominant topic of discussion. The effect on public interest-oriented 1Ls is similar to that described above, though much more limited due to the higher number of first-year students still committed to public interest work.

- The deluge of firm information in HLS students' Hark boxes — including invitations to 1Ls to attend a reception on practicing law in Connecticut or some other location at a time when 1Ls are still proscribed from interviewing or job hunting — is not just a major waste of paper. It also serves as a constant reminder of the firms' dominant role at the Law School.

- The existence of fly-out week — even though it may be justified in order to limit the class disruptions that would flow from students interviewing out of town throughout the Fall term — is a stunning institutional concession to the influence of the corporate firms, and sends yet another message that working for a firm is the normal, expected and smiled-upon career choice.

- Classroom discussions typically presume that students will work for a corporate firm, and very rarely posit that students will explore other options. In my Employment Law class, for instance, we are frequently asked to imagine ourselves to be young associates in a firm, the employees in a hypothetical. That is, we are coaxed to think about ourselves not just as young lawyers, but as young lawyers working at firms.

The total effect of these and other pro-firm messages is to funnel students — including crucially many students who begin law school committed to public interest work — to corporate firms.

Public interest-minded students, especially 1Ls, who wish to maintain control of their destiny need to take steps to guard against the insidious cumulative influence of these messages. The most important way to do this is to seek out other public interest-oriented students and develop organizational relationships and friendships with them.

The increasingly active SPIN — through its big sibling/little sibling program, monthly social events and its now annual public interest auction — provides an organizational means for public interest students to link up, as does the Office of the Public Interest Advisor, with its 1L section representatives and section committees. Some other student organizations provide similar opportunities.

Banding together to overcome firm-induced isolation, and consciously working to maintain public interest motivations and commitments by talking to friends about daily doubts, immediate job prospects and visionary dreams of making a difference are critical means of resisting the tremendous corporate firm influence at HLS.

FORUM CONVENIENS

Idealism? What Idealism?

By Markus Hartmann '96

RECORD Columnist

For some years now, I have been concerned about the effect of our legal education on the idealism of our students . . . They bring to this school a large measure of idealism. Do they leave with less? . . . If they do, what is the cause? What do we do to them that makes them turn the other way?

— Erwin Griswold, former Dean of Harvard Law School (Philip M. Stern "Lawyers on Trial")

TODAY'S law students enter the fray fully aware of the myths about what law school will do to them. There is a new crop of 1Ls this year, and many will come to share Dean Griswold's concern. Rather than indict the entire experience, I propose that we examine some mundane aspects of life here at the Law School. Adjusting to some of these minor burrs might make this experience less detrimental to our idealism.

Christopher Columbus Langdell has taken quite a beating since he reformed the Law School back in 1870. We can thank Chris for making admission to the Law School a function of our GPAs and LSATs. Thanks to him, the three-year curriculum was adopted in 1899, thereby ensuring his canonization as patron saint of lending banks. By far his greatest achievement was the institution of the case method of teaching law. As Lawrence M. Friedman writes in "A History of American Law," "Langdell drove the textbook and treatises out of the temple of legal education."

The treatises may be out of the temple, but they are at the Coop in abundance. Walk into the Coop, take a right, and walk about ten paces. On your left, a modest shelf of casebooks and various required texts. On your right — a monument to Gilbert, Emanuel, Nutshell, and Legalines. If you are a 1L, buy the appropriate ones now. Last year the Coop ran out of "Legalines: Torts" at a very inconvenient time for Section One. As the year drags on, commercial study-aids are the whales that swallow Jonah-the-casebook.

Last year we gave Tom Cruise an honorary degree. Perhaps this year we should make Messieurs Emanuel, Gilbert, and Nutshell honorary professors. This would warm their cold hearts and maybe even compel them to donate some of their great wealth so that we can tear down Gropius and replace it with the Emanuel, Gilbert, & Nutshell Building. Purists argue that the use of study-aids is a poor substitute for reading the casebook. Yeah, right. Try to get rid of them. If they aren't a good substitute, why does the school endorse them? Why do law professors write so many of them? The plausible answers are detrimental to the collective idealism that we bring to HLS.

In the 37th edition of the "Handbook for Admitted Students," a bearded Dean Clark '72 writes, "The Harvard Law School has a long tradition of training very talented students for outstanding careers in the legal profession." That is certainly the case, but if you are looking at firms to work at next summer, take heed: Those of you who haven't taken Ms. Wise's course will want to look for firms that have the "Legal Research for Harvard People" seminar scheduled sometime in the first week of your summer. The seminars are a necessity for those of us brought up on Brian Confoy and those of you now drinking in "The Juice." Unfortunately the seminar, and the tacit understanding that accompanies it, does not encourage the aforementioned idealism. I know that it is pedestrian to expect some practical skills from any non-clinical course. But heck, those pedestrians may grow up to be fine clients someday.

The final blow to idealism comes a few weeks after graduation. First of all, if you're from Vermont: Why are you here? According to the PMBR people, Corinne P. Wadham took the 1994 Vermont bar exam and passed "[h]aving never attended law school." PMBR further asserts that in Vermont a four-year law office clerkship qualifies one to take the bar. Golly, it sure is great to be here, but in Vermont they pay you.

You Vermont people might be thinking that HLS is a prerequisite to a career in politics, but you would be mistaken. Calvin Coolidge, a native of Vermont, attended Amherst College and earned mostly B's and C's. Coolidge then spent two years as a clerk and became a lawyer. He is now remembered as President Coolidge. Do we have any politically ambitious people from Amherst here in 1994? I imagine that

Why is it that we pay embarrassing sums of money to go to law school and, after it's all over, pay another big chunk to bar review courses to teach us what we need to know to practice the law?

someday we'll be sending our resumes to Washington in the hopes of working for the Wadham administration.

Why is it that we pay embarrassing sums of money to go to law school and, after it's all over, pay another big chunk to bar review courses to teach us what we need to know to practice the law? Full disclosure on a resume might read something like this: Jane Smith — B.A., J.D., Bar/Bri. Jonah was vomited up after three days; after three years we do the same when we take the bar. Ironically, what comes up looks suspiciously like the stuff of Emanuel, Gilbert and Nutshell. Idealism is in serious peril.

Still, being here is a blessing and one is reluctant to complain with any passion. The interview season can easily lead one to the conclusion that our potential employers will forgive us our eccentricities and fly us out anyway. Law students are hard to please and suspicious of those who try to sell them anything, even a legal education. The law of increasing expectations is still in effect and always will be. Maybe Dean Griswold was serious when he bemoaned our loss of idealism. On the other hand, it's not hard to pick out some things that could cause a student to "turn the other way." There is no way to know if Griswold was smirking when he lamented our fate.

Students Urge Boycott

continued from LABOR, page 1

practice group for two years until earlier this month. "The firm has an incredible number of good, cordial, positive relations with numerous unions who respect us as being ethical tough-minded lawyers."

Robert Hulteng '76, chairman of Littler, Mendelson's hiring committee, says his firm also has mostly constructive relationships with unions.

"We absolutely do not advise clients to do anything that is unlawful or is contrary to the basic principles under the National Labor Relations Act," he added.

As part of its protest, the Labor Law Project has been asking students to pledge not to interview with either Littler, Mendelson or Seyfarth, Shaw this fall. Weissman said he expects 200-300 students will eventually sign a pledge petition, which the group then plans to send to the firms. The Labor Law Project has also compiled a list 16 additional firms — four of which are interviewing at HLS — which the student group says are similarly engaged in breaking up unions.

The Labor Law Project levels its most serious charges against Littler, Mendelson, a 200-lawyer firm that specializes in labor and employment law. In the mid-1980s, the student group notes, Littler, Mendelson was cited for a number of Rule 11 violations for abuse of the litigation process. One judge ordered that her opinion affirming the citation be distributed to every member of the firm.

Hulteng called Littler, Mendelson's position in that case "very defensible." He noted that the court imposed sanctions of less than \$15,000.

"There are a lot of other Rule 11 cases out there that involve a lot more money," he said. "I'm not defending it. Whenever you get Rule 11 sanctions, it's serious. But I think our record stacks up very well against other firms of our size that do a lot of litigation."

Hulteng also objected to the Labor Law Project's portrayal of allegations levied against Littler, Mendelson in pending lawsuits. In a flyer stuffed into student Hark boxes, the group said Littler Mendelson:

- "Advises clients to use illegal delaying tactics and to illegally fire employees for joining unions";

- "Maliciously filed criminal charges against employee to coerce dismissal of sexual harassment complaint"; and

- Was "[c]ited for contempt for abuses of the discovery process in sex discrimination case."

All three cases, Hulteng noted, are still pending.

"If one went around making accusations against law firms or individuals just because something is alleged, it would be pretty easy to paint any law firm or any individual in a bad light," he said.

"This is a very selective presentation

they're giving here," he added.

Weissman and Silvers also criticize Littler, Mendelson for its representation of Diamond Walnut. According to the flyer, Diamond Walnut replaced striking workers "as part of an effort to cut wages from an average of \$17,000 to \$13,000 per year."

Hulteng, who personally represents Diamond Walnut, calls those figures "completely false. I have no idea where they get that." He said the company "had a wage increase on the table across the board"

when the workers went on strike.

A recent Department of Labor report, however, noted that the union agreed to pay cuts of 30 to 40 percent in 1985 when Diamond Walnut was experiencing financial difficulties and that the company decided to retain the lower wage scale in 1991.

The charges against Seyfarth, Shaw involve a variety of accusations of unfair dealing and bad faith. The Labor Law Project cites a 1979 New

Republic article in which Seyfarth, Shaw partner Charles Baird is quoted as telling a Chamber of Commerce audience that, although management is forbidden by law from attempting to decertify a union, he would advise them on how to initiate a decertification petition anyway.

"[T]his is off the record," Baird is quoted as saying. "If you say we said it, we didn't say it."

In its flyer, the Labor Law Project also charges that Seyfarth, Shaw "[u]ses Boyd Security in labor relations matters, a provider of armed guards, electronic surveillance and K-9 patrols" and that Seyfarth, Shaw was cited for contempt for allowing an unlicensed attorney with a criminal record to practice with the firm.

Kaplan called the charges "nonsense." He said the New Republic article was "hearsay" and said he had never heard of Boyd Security.

Kaplan also said the contempt citation had been overturned on appeal. A Lexis search confirmed that an Illinois judge had overturned the citation in 1983, noting that all parties had agreed that Seyfarth, Shaw "had no knowledge or intent to mislead the court."

"Don't they know how to use Shepard's at Harvard Law School?" Kaplan asked.

Silvers and Weissman say Kaplan's statements cannot change Seyfarth, Shaw's long-standing pattern of anti-union activities. They point to the firm's work in the lockout dispute at A.E. Staley. Earlier this year, police broke up a worker protest by spraying pepper gas, according to news reports.

Silvers and Weissman say they hope the protest will focus attention on those firms that are hostile to unions as well as encourage students to question whether they want to work at certain law firms.

"I hope it prompts students to think about the content of their work," Weissman said.

From the perspective of two of the top firms on the hit list, the charges range from "very selective" to "false" to "silly."

QUEER VIEWS

The Fallacy of "Political Correctness"

By Scott Wiener '95

RECORD Columnist



FOR the last five years or so, Americans have taken to the phrase "politically correct." They use it constantly in any discourse dealing with diversity, civil rights, academia, etc. The "p.c." discourse began as a "revolt" by traditional, conservative scholars and educators against what they viewed as the undermining of their concept of education by left-wing professors and students. But since its inception, the concept of "political correctness" has grown substantially. Today, its power and appeal has expanded to the point that there is no more effective way of delegitimizing a point of view than branding it "p.c." Indeed, last week a RECORD columnist decided that it was time for the "non-Correct Ones" to fight back against and to defeat the "Correct Ones."

While it may seem innocuous enough, however, the term "politically correct" is actually quite disgusting. To put it simply and bluntly, because society no longer tolerates calling people niggers, faggots, cunts, spics, chinks, nigger-lovers, kikes, etc., Americans have subsumed all of these ugly concepts into phrases such as "politically correct" and "the Correct Ones."

This may seem harsh, but it is true. Without question, not everyone who utters the phrase "p.c." is a conscious bigot, just as not everyone who says "nigger-knocker" and "he jewed me down" is a conscious bigot. But regardless of the speaker's specific intent, "politically correct," like "nigger-knocker" and "he jewed me down," represents the hatred and resentment that the American establishment feels toward oppressed groups who no longer want to be invisible.

The establishment wants the faggots, niggers, spics, chinks, cunts, etc. to stay in our place. It will tolerate our existence, but we had damn well better shut up and not complain.

If John Finnis, a hate-monger who traveled halfway around the world to testify in Colorado that gays and lesbians should be stripped of our citizenship, comes to speak at HLS, we had damn well better shut up and let him spew his hate.

If we are upset that there is not one woman of color on the faculty, we had damn well better shut up and not complain.

If it bothers us that we are discriminated against and sexually harassed, we had damn well better shut up and not rock the boat.

If we are not content that society refuses to recognize the actual extent and causes of rape, we had damn well better shut up and not make waves.

And if we decide that we don't want to shut up, all someone has to do is to call us "politically correct" or "the Correct Ones," and that's the end of the argument. We have been identified as the faggots, niggers, etc. that we really are. With one phrase, we have been deflated.

And if our lives and experiences are invisible in most HLS classes, we had damn well better shut up and let the status quo reign.

If we decide that we don't want to shut up, all someone has to do is to call us "politically correct" or "the Correct Ones," and that's the end of the argument. We have been identified as the faggots, niggers, etc., that we really are. With one phrase, we have been deflated.

They accuse us of being censors and tyrants. They claim that our mere presence is so terrifying that they dare not speak out against us. Yet in the same breath they do everything in their power to deflate us and to make sure that no one takes our arguments and opinions seriously. They argue that we are destroying their educational opportunities by effectively controlling what they hear and learn. But what we are fighting for is the inclusion of our experience, something that the "non-Correct Ones" have bent over backwards to exclude from the educational process and indeed from American society in general.

It absolutely baffles me that a straight, white male can argue (with a straight face) that he fears "the Correct Ones" and that we are oppressing and stifling him. And it scares me that he would argue that we "should be defeated." This demonization of the "Correct Ones" is disturbingly similar to the demonization of American Communists during the 1950s and European Jews during the 1930s.

Perhaps, rather than leveling blanket condemnations at us and calling for our defeat, it would be more productive for the "non-Correct Ones" to ask themselves why it is that "the Correct Ones" are forced at times to resort to extreme tactics. Perhaps the poor, oppressed "non-Correct Ones" should ponder what it really means to be shit on by society. Perhaps they should try to place themselves in the position of a gay man who knows that if he walks down the street holding hands with his lover, he might be killed. Perhaps they should try to place themselves in the position of a black person whose mere presence in the "wrong" neighborhood is cause for arrest. Perhaps they should try to place themselves in the position of a woman who is told that she shouldn't take things so seriously when she complains that she is being groped and harassed by her supervisor.

Perhaps, for once in their lives, the "non-Correct Ones" should open their eyes and see what's really going on in this country. Maybe then they won't feel so sorry for themselves.

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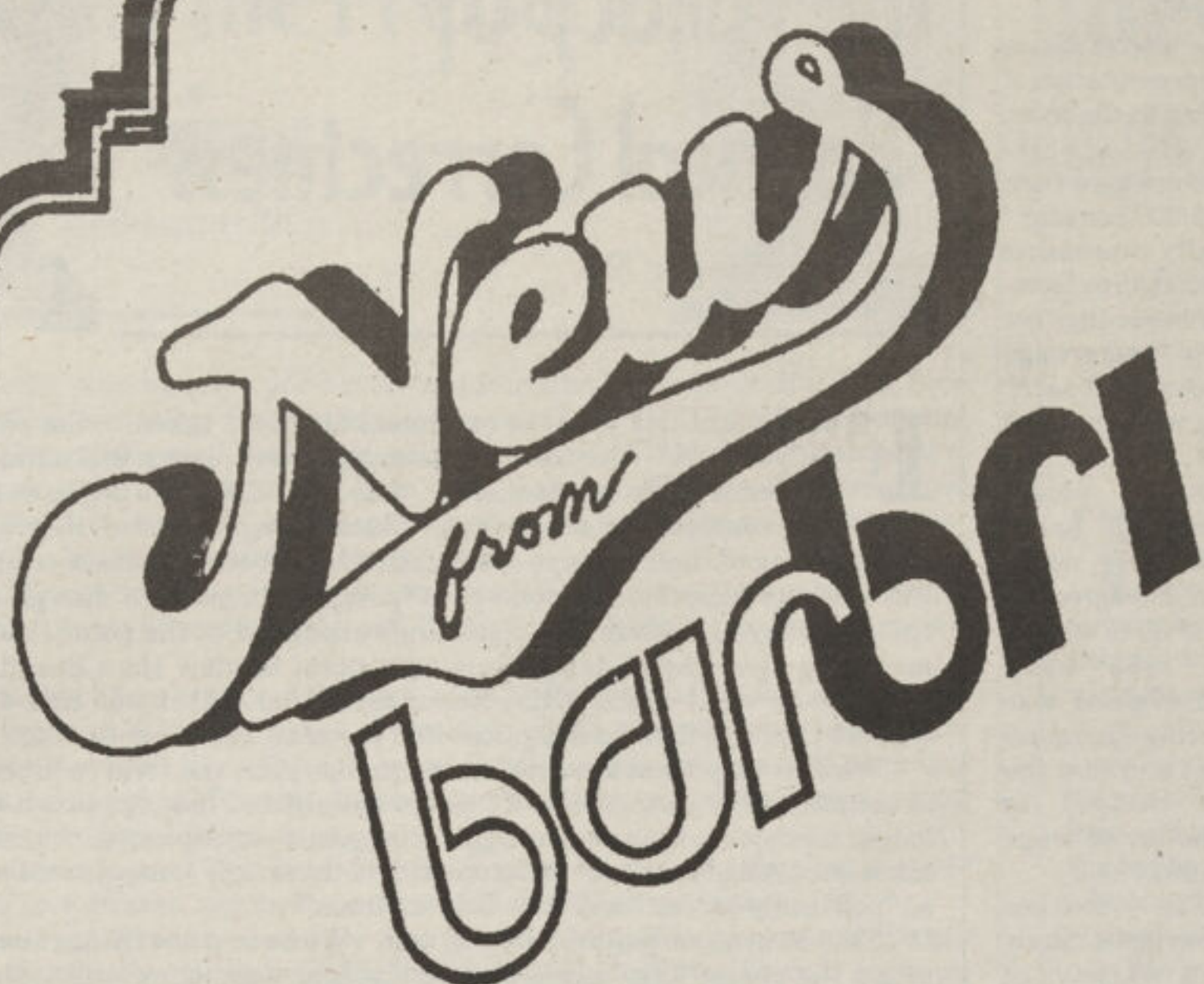
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- +
- * **THE KNOWLEDGE THAT YOU HAVE ENROLLED IN THE NATION'S LARGEST AND MOST PERSONALIZED BAR REVIEW COURSE**

PLEASE NOTE: TO PRESERVE THE "LOCKED IN" DISCOUNTED TUITION, YOU MUST PAY A \$75 REGISTRATION FEE TOWARD YOUR BAR REVIEW COURSE BY JULY 15 AFTER YOUR FIRST YEAR OF LAW SCHOOL.