



Dersh Finally Speaks on Simpson Case

By Greg Stohr

For months, Prof. Alan Dershowitz' work on the O.J. Simpson case has found him treading on somewhat unfamiliar ground — behind the scenes.

Ever since June 30, when Dershowitz abruptly canceled a scheduled appearance on ABC's Nightline, the normally outspoken defense attorney has refused virtually all media requests for interviews.

But on Monday, Dershowitz broke his silence with an in-studio appearance on CNN's Larry King Live, answering questions about the Simpson case as well as promoting his new book, "The Abuse Excuse and Other Cop-outs, Sob Stories, and Evasions of Responsibility."

Dershowitz was generally cautious in his comments about the case. At one point, however, he conceded that Nicole Brown Simpson's sister Denise had raised a "very good point" last week when, according to news reports, she asked reporters, "If O.J. is so innocent, why are they trying to suppress all the evidence?"

"It seems to me," Dershowitz responded, "that we have to explain that one of the functions of the exclusionary rule is to make sure that the police didn't tamper with the evidence, that the evidence is truthful, that it was obtained in a reliable way."

In spite of the appearances

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Law School Safer Than Other Harvard Campuses, Police Say

By Justin K. Weiss

Crime may pay, but according to Harvard University Police Department Sergeant Lawrence J. Fennelly, safety awareness can prevent it from becoming a growth industry at the Law School.

In an interview, Fennelly, who has been with HUPD since 1965, said that while the Law School campus remains one of Harvard's safest, students must still keep their wits about them.

"One of the things we get killed with is bicycle thefts," Fennelly said, displaying HUPD crime blotters that list 27 bicycles reported stolen in the past two weeks. But "there are no assaults, no muggings, no nothing," he said, adding that crime generally is "much less" at the Law School because, unlike the Business School, it is located away from main arteries of traffic that make for quick getaways.



Gustave Hauser '53 speaks as Rita Hauser '56-57 and Dean Clark '72 look on at the announcement of the Hausers' gift.

Ito Asks 1Ls For Help in O.J. Case

By Justin K. Weiss

First-year law students are often asked to consider an issue from the perspective of a judge. But this year's ITL sections will have an opportunity to actually advise a judge — in one of the most highly publicized trials in history.

Judge Lance Ito, the judge in the O.J. Simpson trial, reportedly wants to see memos composed by HLS 1Ls.

Ito apparently learned of ITL's focus on the Simpson trial from an October 10 article in The New Yorker. In the article, Prof. Charles Nesson '63, referring to the 1Ls in his ITL classes, was quoted as saying, "Now they're writing memos about legal issues in the case. They've already done one on whether Judge Ito should allow cameras in the courtroom."

On the basis of the New Yorker report, Ito's clerk asked Nesson whether Ito could "get the best of the student memos on both sides of the cameras in the courtroom issue," Nesson said in an interview Wednesday.

Nesson agreed to the clerk's request. However, the original 'memos' about cameras in the courtroom were merely E-mail responses to Nesson's own solicitation of student views. The responses were written before the ITL classes learned how to conduct legal research, and contained no citations to legal sources. In addition, due to a computer glitch, only half the 1L class received Nesson's solicitation.

In an interview Wednesday, Nesson said, "I never represented [the responses] as a legal memo," but nevertheless maintained the responses could re-

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Richardson, LSC Members Divided on Publicizing Student Organization Awards

By April Rockstead

The Law School Council Executive Board meeting Tuesday night resembled a class in statutory interpretation as board members and Dean of Students Suzanne Richardson debated the meaning of the word "budget" in the Student Funding Board's confidentiality mandate.

The debate was ultimately unresolved but ended in an informal consensus among board members that the issue of whether and to what extent the Student Funding Board's recommendations should be publicized would not be put to a student-body referendum at next week's elections.

Rather, it will be taken up — if at all — in the spring, after the council has a chance to receive feedback about the proposal from student organization leaders.

"If organizations relied on this confidentiality provision, it's probably not right to reveal this year's figures," said John Bates '95, adding that funding requests for next year won't

Interracial, Multiethnic Students Form New Campus Organization

By Victoria Kuohung

The Law School's selection of student groups has just increased. With about 20 members, an organization currently called the Interracial Law Students Association seeks to bring together multiethnic students and raise awareness about their concerns, said founder Aya Gruber '97.

Gruber, whose mother is Japanese and father is a Russian Jew, said her effort was inspired by meeting interracial classmates through her A-Group and APALSA, and by her reactions to multiethnic groups in college.

"There were several interracial groups at Berkeley," said Gruber. "But I didn't agree with a lot of what they were telling students — that you must not be very well-adjusted because you were of mixed race, and if you believed that you did belong to one [racial] group, you were in denial."

The group, which is open to all students, has not yet been formally approved by Dean of Students Suzanne Richardson. To be considered an official student organization, a group must have more than 15 signed members, a faculty advisor, a budget, a constitution, and a statement of purpose.

Gruber said people asked her about the group's purpose, with some commenting that it was

"trivial" or that she was "doing this just to get attention."

"It struck me as interesting that interracial issues are not considered as important as other minority issues," said Gruber. "I had the feeling that if the group was an APALSA or BLSA in the creation, it would not be accused of being trivial."

Gruber pointed to similar attitudes expressed in popular media, such as movies like "Jungle Fever" and "Dragon: The Bruce Lee Story," in which characters speak of interracial people as being "mixed-up."

"There's a cavalier attitude towards mixed-race people," she said. "If there's a movie about prejudice against a particular race, we tend to feel sympathy. But [the media] takes shots at interracial people without it even being an issue."

Gruber also noted that others are often "a lot more forward about making judgments about your race than I think they would of someone who was not interracial. They'll say, 'Oh, what a great combination.'"

Jim Eastman '95 said a similar group had been started at HLS in 1992, and he was excited that "someone else had decided to pick up the torch, so to speak."

Eastman, who is part Asian, part African-American, and part white, said a predominant feeling

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even be due until next spring. "Obviously, there's no rush to have a referendum."

The Student Funding Board was created in 1988 after the Law School Council sought greater student input into decisions made by the dean of students regarding Law School funding allocation among student organizations. The board is comprised of eight students — five chosen by the Law School Council and three selected by the dean of students — who collectively make recommendations about funding based on the organizations' requests and history.

"In virtually every case, those recommendations are accepted," said Richardson.

Attending the executive board meeting to discuss the council's recent proposal — embodied in a resolution passed last spring — that funding award recommendations, but not actual budget breakdowns, be made public, Richardson pointed to the confi-

dentiality provision in the Student Funding Board charter.

The provision states, "Each organization's budget shall be kept confidential. Annual reports of the funding board, however, may summarize the percentage increase or decrease over the previous year, and general trends in funding student activities."

Although Richardson and some executive board members argued the term "budget" as used throughout the document was intended to include the recommended total award amounts for each organization, others disagreed.

"I hate to be literal, but I would read that 'budget' means 'budget,'" said Bates, adding that the award amounts may fall into a gray area not considered by the document's drafters.

The provision's "true" interpretation, however, may only be

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Election Commissioner: South Africa Still on Brink of Disaster

By Greg Stohr

The transition to democracy in South Africa has only completed its first phase, Gay McDougall, a commissioner on South Africa's Independent Election Commission, told a crowd of nearly 100 here this week.

McDougall, this year's Edward A. Smith visiting fellow, told the group that the new South African government will face major problems in areas like civil service reform, union strife, and retraining the army and security forces.

"The post-election euphoria has now given way to sober reflection about what's ahead," she said. "The good news is that, against all odds, South Africa's first non-racial elections were successful. The bad news is that South Africa needs far more than a sound election to achieve a successful transition from an apartheid state to a democratic one."

McDougall said the new government had accomplished the first stage of the transition — establishing its legitimacy throughout the nation — in part because the negotiations leading up to the elections eventually included virtually every significant political group in the South Africa. Although the decision to give every major organization a seat at the bargaining table, regardless of its constituency, was very controversial, it may have been the only way to survive that stage in the process, she said.

In spite of some allegations of irregularities and fraud, McDougall said, both the major parties and the population as a whole have accepted the results of the election.

"Legitimacy exists for this govern-

ment not just among the vast majority of black South Africans," she said. "It exists along a spectrum of white South Africans, Asians, and those who were once called 'coloured.'"

McDougall said the logistical task that faced the commission, which oversaw last spring's historic election, was "comparable only to Operation Desert Storm." She said the commission had to deal with widespread obstacles ranging from finding buildings that could serve as polling places to training inexperienced voting officers.

McDougall pointed to two particular instances of major logistic turmoil. In March, the African National Congress agreed to a longstanding demand of the Inkatha Freedom Party to elect provincial legislators on separate ballots from candidates for the National Assembly.

"All of a sudden everything had to be doubled," McDougall said. "We had to have twice as many ballots, twice as many ballot boxes, and we had to have twice as many voting officers."

She also pointed to the administrative difficulties caused by the last-minute decision of the Inkatha Freedom Party to participate in the election. Until six days before the voting, Inkatha had threatened to disrupt the elections and prevented polling stations from being established in the territory of KwaZulu.

"Within a six-day period, we had to establish a whole voting infrastructure in KwaZulu," McDougall said.

Until a few days before the election, McDougall said, violence throughout South Africa had created a situation that was "quite scary." The election commission's headquarters in Johannesburg was encircled with razored wire and protect-

ed by soldiers in combat gear, she said.

"We had to rely on the South African police and the South African defense force," she said. "Needless to say, there was a massive credibility problem there."

In the days immediately prior to the election, however, "almost magically," most of the violence ceased, McDougall added.

"During the week of the election and the vote count, there was virtually no violence at all," she said. "That was truly remarkable for a country with the history of hostilities that South Africa has."

In spite of the successful election, the country still "teeters on the brink of a dangerous precipice," McDougall cautioned.

"Unless the government is able to quickly demonstrate its capacity to make some kind of a concrete difference in the lives of those South Africans who have suffered for so long, I think we can all expect an explosion to occur," she said. "I don't think it's impossible, looking down the road, to imagine a South Africa that would revert to looking like South Africa in the mid-1980s."

McDougall said that economic growth will be crucial to the future of the nation.

"Growth in the economy is going to be a condition precedent to any kind of redistribution or program to meet the social needs of the vast majority of the population," she said. "That's why you find President Mandela here last week arguing for foreign aid and foreign investment. A hell of a lot weighs in the balance."

McDougall is the sixth Smith fellow to visit the Law School. The fellowship is named after Edward A. Smith '42, who donated the funds to establish it.

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Religious Groups Growing on HLS Campus

By Louisa Oliver

"Sick of reading nothing but law? Can't find spiritual fulfillment in statutory interpretations?" This advertisement for the Catholic Law Students Association's Scripture Group may explain part of the growing appeal of the religious groups at the Law School.

There are three religiously-based groups active here: the Catholic Law Students Association, the Christian Fellowship, and the Jewish Law Students Association. All three not only provide contact and community for law students of similar religious faith, but also serve as a conduit to the larger University community through a variety of joint activities. JLSA offers mostly social activities, while the first two groups provide mainly worship and service opportunities.

Both CLSA and the Christian Fellowship report great increases in membership in the past few years. The Fellowship, an organization of only about 10 students five years ago, now boasts more than 80 members. CLSA, which did little more than sponsor occasional services two years ago, now is among the most active Law School organizations.

The Catholic Law Students Association has about 200 students on its mailing list, about 120 of whom are active during any semester. CLSA's most important function is to host Mass at the Law School on alternate Sunday evenings,

according to CLSA leaders. Between 60 and 90 students attend. Fathers Hehir and Salzman, priests from St. Paul's Catholic Church (on Arrow Street in Cambridge) who serve as chaplains to Harvard University, celebrate the Mass, while law students serve as lectors, eucharistic ministers and choir singers.

"We try to provide an opportunity for Catholic students to worship as a community," said CLSA President Tom Falatti '95. "We have a social hour after the Mass for people to get together and talk. Our role is to provide students a place and a means to examine their faith and their spiritual lives, and how these relate to their lives as law students."

CLSA also offers a weekly Scripture group as well as a prayer group, both of which had their first meetings of the semester last week. Both are led by Jesuit seminarian Charles O'Byrne, a former practicing lawyer who volunteers his time to act as chaplain to the Law School community.

CLSA, whose faculty advisor is Prof. Charles Donahue, closely connected to the activities of the Catholic Student Center (CSC) at St. Paul's Church. The CSC is the base for the Catholic Grad Society, which includes students from all the other Harvard graduate schools.

Why do law students make a niche in their busy schedules to attend services or participate in other CLSA activities?

"Law school presents a lot of challenges and decisions — life choices that

people have to make," Falatti said. "It's a time when people have to start looking inward at what's really important to them and that's why people take time out to look at faith in their lives."

The Law School's Christian Fellowship has about 70 students on its mailing list. Christian Fellowship Moderator Lara Johnson '95 said the group has a twofold mission.

"First, we are here to serve and worship God on this campus, and to make sure that there is a Christian presence on this campus," she said. "We're continuously praying for the well-being and success of the faculty and students here, regardless of whether they are members, and for the campus as a whole. Second, we are here to provide fellowship for Christians. The Fellowship welcomes students from all Christian denominations."

About 40 students attend the Fellowship's weekly meetings, which generally consist of a half-hour of worship time (mostly singing), a speaker or preacher — usually a pastor from a local church — and then social activities such as dinners at members' houses or at restaurants.

The Fellowship also sponsors two Bible study groups — one coed, one all women — and three prayer groups. In addition, this weekend the group is arranging a retreat for Law School students.

The Jewish Law Students Association has a different focus. JLSA President Brooke Deratany '96 described the group as "a social, cultural, not very political, and

somewhat religious organization." Activities this year have included a bagel brunch, an ice cream social, and a "booze cruise" jointly sponsored with the Jewish student associations at the other Harvard graduate schools.

JLSA also sponsors parties around the Jewish holidays. Last year the group's Hanukkah party drew 100 students; the Purim party was also a success, Deratany said. "Jewish issues" are another theme in JLSA events; next week there will be a "Middle-East falafel get-together."

JLSA functions "like a support group," said Deratany, "in order for people to not feel so stressed out. It's a way to meet people, for mostly social reasons. We're not directly related to the law, and we are related to people's heritage or religion, and there's comfort in that."

"Anyone who's Jewish or feels Jewish on some way is welcome," Deratany added. "About a third of the Law School is Jewish, and [we want to] make them feel like there is a community at the Law School."

Unlike the CLSA and the Christian Fellowship, JLSA does not directly sponsor any religious services. "The people who want religious events find them on their own," JLSA Treasurer Melissa Levy '96 said. Some students find them at Hillel, the Jewish Student Center for the whole Harvard community, which not only provides religious services for the campus but also sponsors other events, such as a leadership retreat taking place this weekend.

"Firmbusters"



RECORD Photo / Gene Rhough

Members of the Harvard Labor Law Project protest the "union-busting" practices of two law firms interviewing students last week.

LSC Split on Revealing Student Group Funding

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relevant to give students a sense of the funding board's original purpose. If passed, a referendum could recommend changing the funding board mandate even if the original confidentiality provision applies to award amounts.

According to Richardson, former Dean of Students Sarah Wald says the funding board was created in 1987 with the idea that confidentiality of award amounts was necessary to prevent jealous quibbling between organizations.

"There was a concern that it might be divisive [to publicize the award recommendations]," Richardson said, "that student organizations would have to stand around defending their budgets, when they would have already done that before a board of eight."

But Spencer Levy '95 said even though it is plausible that the funding board was created with the idea of keep-

ing the award recommendations secret, the awards should be public as a matter of principle.

"It is the students' money," Levy said. "They have the right to know exactly where it's going, and that supersedes the cost of bickering between the organizations."

Some executive board members also disagreed with Richardson's suggestion that student organization leaders should have a voice in deciding whether the council should take steps to change the policy of confidentiality.

"I think if we left it up to the student organizations, they would clearly decide based on self interest," Levy said.

Law School Council President Willie Epps '95 said the council would draft a letter to student organization leaders requesting their views on the proposal, but he left open the possibility the matter would go before the student body in a spring referendum.

Judge Ito Asks 1Ls for Help

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sonably be considered legal memos. "I could definitely send Ito the best of the E-mail traffic," he said.

In spite of the E-mail option, Nesson and fellow IITL Prof. Peter Murray '67 are now giving 1Ls an opportunity to write a more thorough memo to Ito. On Wednesday, the class members found a letter from Nesson and Murray stuffed into their Hark boxes. The letter, describing Ito's inquiry as "an unparalleled clinical opportunity to those students who wish to take advantage of it," said 1Ls may now write on the cameras-in-the-courtroom issue instead of on other, previously assigned topics. Their new efforts must be about 10 pages long, contain substantial research, and be completed by Monday.

The effort to research legal issues for Ito has raised legal concerns of its own. For example, students who will have Simpson defense team member Prof. Alan Dershowitz for Criminal Law this spring

must disclose that fact in their memo.

While 1Ls must now decide whether to answer Ito's call, others have asked what contribution students with roughly one month of legal education can — or should — make to the Simpson trial.

Nesson said 1Ls "are not going to decide the case," but will "fill out the argument space, figuring out the different interests that will be affected and asking a range of intelligent questions, articulating arguments on both sides. That's what this [ITL] course is about."

Murray added: "There is here at the Law School and in the 1L class a tremendous amount of ability and power. The 1Ls, even in the first part of their school career, are motivated and organized. If they want to do so, they could come up with something that could be a real help to Judge Ito."

Asked about the Ito memo, most 1Ls interviewed said they hadn't thought about it yet.

"I think it's a good idea, but I don't have time to do it," Lucy Cruell '97 said.

Students Form New Group

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many interracial people share is that of "falling in between races, cultures, or ethnicities."

"If interracial people say that they are of many races, it turns out that [others think they] are of no race or no recognized race. If they do identify with both races, they may feel torn [between the two]."

At the Law School, coming from an interracial background can sometimes be problematic, noted Eastman. "If you don't identify strongly with a recognizable minority, you can miss out on the solidarity that comes from being a part of [that community]," he said.

Donovan Cocas '97 said he felt relieved when he first saw advertisements for the group. "It seemed about time that [people] who were multiethnic could now finally have a forum to find a common ground," said Cocas, who is half Latino and half white.

Even if people come from vastly different backgrounds, he said, "the experiences are the same. Several of us have experiences where we've been asked to isolate our identities by checking one racial box or the other, but many of us

who are from several different ethnic backgrounds literally and figuratively don't fit just into one box.

"This is a group where we can go, not feel like outsiders and not have to feel like we were not Latino or African-American enough."

Gruber emphasized group members wished to avoid "negative politicizing."

"One reservation members had was the fear that the group [might convey that] being interracial was a tragedy or something difficult to deal with," she said. "The group is absolutely not about that."

"Secondly, [the group] does not say that declaring your interraciality prevents you from identifying with any other group you would want to identify with. It's not meant to deny participating with any other minority group."

Gruber also stressed that the group does not advocate undermining the idea of racial distinctions.

"Some people say that if there is a growing number of interracial people, then former standards of what counted as a race need to be uprooted and changed, which they say would also mean there should be significant changes in laws like affirmative action," she said. "This group doesn't represent that."

BRIEFS



Law School Remains Among "Dirty Dozen"

The Law School again made the Hispanic National Bar Association (HNBA)'s "Dirty Dozen" list of U.S. law schools with no full-time Hispanic faculty. The list — which also includes Columbia, New York University, and Yale law schools — has been compiled annually since 1989.

HNBA President Mary T. Hernandez, herself an attorney, said the organization was "pleased with the overall increase in the numbers of Latino faculty" but "disappointed to see such poor movement on the part of the 'Dirty Dozen' list schools."

"At this rate, it will be a long haul to desegregate U.S. law faculties," Hernandez said. "It is unacceptable that only 107 of over 6,500 law teachers are Latinos."

Michael A. Olivas, chair of the HNBA law professor committee, said there is no shortage of potential Latino professors. "We consider this a demand problem, not a supply-side issue," he said.

"This is another sad and humiliating day for Harvard Law School's Latino alumni," said Robert L. Hernandez '77, an HNBA official. "We can only hope that the faculty and administration will soon take seriously the dubious distinction of being on the HNBA's 'dirty dozen' list," he added.

All Candidates Assured of Council Seats

With only 17 candidates and 18 open seats, every candidate in this fall's Law School Council election is guaranteed a seat, council officials said this week.

Voting will take place next Monday and Tuesday to determine which students will represent their 1L sections or LL.M. class and which will become at-large representatives, said council Vice President Clarke Camper '95. Three of the four 1L section representative races are contested, as is the LL.M. contest.

The election could also determine who the final council member will be. Whoever receives the most write-in votes will also earn a seat, Camper says. Kit Ekman, now the council's secretary, was elected through write-on votes last year.

"I think it's important that people have a chance to vote," said Camper. "It gives a sense of legitimacy to the Law School Council and allows one lucky write-in candidate to become the 18th member."

Students can vote from 10 a.m. to 2 p.m. Monday and Tuesday in the Hark.

Lambda Holds Coming Out Week

This Monday marked the beginning of Lambda's annual Coming Out Week, during which members celebrate their sexual orientation and encourage other students to be open about their identities as gays, lesbians, and bisexuals.

Lambda kicked off the week's events last Saturday with a reception for attorneys specializing in gay and lesbian civil rights, and on Wednesday the organization held its second annual "Out in the Law" panel, which included openly gay and lesbian attorneys from a variety of fields. Today Lambda encourages gay, lesbian, and bisexual students to wear something identifying their sexual orientation.

University Holds Off on Paying for Sprinkler Damage

Harvard University officials said the University will defer a decision on whether they will reimburse residents in a University dorm for water damage to belongings that ensued after a student hung a tuxedo on a sprinkler head last Friday night.

Police estimated the damage from the sprinkler flood in Hollis Hall to be about \$80,000, but Dylan R. Nieman, the student whose tuxedo spawned the flood, said the estimate was "ridiculous" and that a more accurate guess would be "a couple thousand [dollars], at most."

Dean of Freshmen Elizabeth S. Nations said the administration will wait until facilities maintenance officials submit reports to decide whether to reimburse students for damage to their property. Nations said she thought "most students have insurance."

-From the Harvard Crimson

Harvard Students Pay More to See Joel

Some Harvard students are seeing green after learning that Columbia undergraduates paid \$10 to see Billy Joel speak two days before Harvard students were charged \$27.50 for the same show last week in Sanders Theatre.

However, what seems like an inflated Harvard price was actually the result of the Columbia student government's decision to subsidize the show there.

"I was gypped!" said Dana L. Goldblatt of Harvard, who was among the 1200 attendees at the Sanders Theatre performance. "I should have gone to Columbia. How much is tuition there, anyway?"

Agreed student Jon J. Finer, "I don't feel I got my money's worth at all. You can see a lot of concerts for \$27."

-From the Harvard Crimson

Crime on Campus Low

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ening insect she had seen and invited the man in without asking for identification. The man, who was not an exterminator, then offered her coupons to a local beauty salon.

"I am not a bug person at all," she said. "In my defense, I was not the only female who invited him into her room."

A poor defense, said Bethany Matz '97, calling the student's actions "not too bright." Fennelly agreed: "What we're talking about is simple common sense. I wouldn't use the word 'paranoid,' but I think we should be cautious about people that are behind us. The perpetrator may have walked behind a student when he turned the key and went in. At the beginning of the school year, when students don't know each other, there's a lot of strangers. That's how it could happen."

Moreover, not all crimes involve intruders. "There are some crimes that are students stealing from students,"

Fennelly said. "A lot of crimes occur because students are leaving rooms unlocked. The number one thing students can do to protect their property is lock their dorm room."

Two weeks ago, a student reported that a wallet had been stolen from an unattended backpack in the Langdell library. Library officials said thefts there occurred occasionally but were not a chronic problem.

Institutional safeguards against crime aren't meant to replace individual vigilance, Fennelly said, criticizing crime prevention efforts at Yale. "Yale has tried to create a fortress environment," he said. "When you create a fortress environment, you're also projecting a message that we have to create a fortress environment to protect our students. What Yale has done is to create a fear of crime that may or may not be there."

However, Fennelly added, "We don't have the crime problem that Yale has."

Dersh Discusses Case

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created by the defense team's efforts to exclude evidence, Dershowitz said, Simpson is "determined to have the truth come out and determined to be vindicated."

"He does not want a hung jury in this case," Dershowitz added. "He does not want an inconclusive verdict. He wants the public to know that he is innocent. That is his goal."

Dershowitz has been conspicuously absent from TV screens over the past three months. His last television interview concerning the Simpson defense was on Larry King Live on June 30, the same day he canceled the Nightline appearance. According to an Associated Press report two days later, a source said that Dershowitz withdrew from the Nightline program after Simpson's lead counsel Robert Shapiro told him to stop talking about the case.

Dershowitz at the time denied that Shapiro had told him to cancel the Nightline appearance. Dershowitz said he decided the Nightline format would have made it too difficult for him to avoid rehashing the specifics of the day's court proceedings.

Monday Dershowitz tacitly conceded that Shapiro had moved to control public appearances by members of the defense team. When King asked him

whether the "Shapiro edict" had made an exception for him to appear on the show, Dershowitz responded, "The Shapiro edict allowed me to go on because I have this book and I had prior commitments to talk about the book."

Dershowitz said he was not concerned about Judge Lance Ito's recent rulings against the defense. Last week Ito denied a number of defense motions on evidentiary issues, including questions surrounding blood samples obtained from O.J. Simpson's driveway.

"I think [the trial is] going just about as everybody expected it would be," Dershowitz said. "It's very rare to win pretrial motions of this kind."

Dershowitz declined to express an opinion on Ito's threat to close the Simpson proceedings to television, saying the question was "more of an issue between the media and the judge than between the defense and the prosecution." He said, however, that in general "I think that justice is seen to be done when it's on television."

"The American public has the right to see how its judicial system works," he added.

Dershowitz also refused to speculate on the likelihood of a conviction in the case.

Dershowitz was also scheduled to appear on "Inside Edition" yesterday, along with fellow Simpson defense lawyer Johnnie Cochran.



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Harvard Law RECORD

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THE BIG SCREEN

American Dreamer in Angora



By Jeff Simes '95 and Kendra Lee

RECORD Columnists

"Ed Wood" is director Tim Burton's tribute to and portrait of a true Hollywood anti-legend. Based on a true, albeit pointless story, the film chronicles the efforts of the cross-dressing, angora-fetishist title character who has achieved wide acclaim as the Worst Filmmaker of All Time.

Johnny Depp ("Edward Scissorhands") plays Wood, starting out as a lowly prop boy who dreams of becoming a big time film director/producer/star like his idol Orson Welles. Accompanied by an assorted troupe of misfits and losers, Wood manages to pump out a couple of low budget stinkers and lives on in blissful oblivion in his dream world.

Martin Landau ("Space: 1999" *et al.*) plays Wood's unlikely pal and leading man, Bela Lugosi. Supporting roles include Sarah Jessica Parker ("Square Pegs," "LA Story") as Wood's would be starlette girlfriend, subsequently replaced by Patricia Arquette as the sweet but vapid girlfriend/wife. Bill Murray plays Wood's pasty-white drag queen mentor, Bunny Breckinridge. Highlighting this all-star cast, however, is the severely impaired George "the Animal" Steele of pro-wrestling fame who plays, of course, a severely impaired former pro-wrestler turned actor, Tor Johnson.

K.L.: A bit kitschy but I liked it. Black and white gave it that authentic B movie feeling.

J.S.: I thought it sucked. Why pay \$7 to see a B movie — even worse, a B movie about B movies?

K.L.: But some of the performances were really strong. Didn't you like Johnny Depp's character? I liked his absurdly cheery can-do Hollywood mentality. And he looks great in women's clothes.

J.S.: Sure, he's got those high cheekbones poking right out of his face. Frankly, I think Johnny Depp couldn't act his way out of a paper bag. It was like he was doing a Jon Lovitz imitation for two hours straight. But I have to admit that Martin Landau was incredible. He looked and sounded more like Bela Lugosi than Bela Lugosi did.

K.L.: Landau was great. It was a tough character — a septuagenarian morphine addict whom Hollywood had eaten up and spat out. He played it with real intensity. You know, it was true that Lugosi died while making his last film; they had to use a "double" for him in the final scenes, and they wouldn't let the poor guy show his face.

J.S.: If the whole movie had been centered around Lugosi, I think it could have really been something. Instead, it was just a random walk through some strange guy's life. And it seemed almost to poke fun at him more than to explain why we should care about him and his little band of freaks. We both seem more engrossed with Bela Lugosi than Wood — partly because Landau kicked Depp's bony little ass, and partly because Ed Wood just ain't too interesting.

K.L.: Granted, I was wrapped up in the Lugosi subplot, too, but I thought the movie did hold together. Burton copied those tacky sets to perfection. The costumes, the props, that octopus were excellent. I think that, on the whole, it was a credible A movie tribute to the B movie.

J.S.: I don't know, but watching scenes about the filming of "Plan Nine from Outer Space" just doesn't do justice to Wood's original oeuvre. It's like coloriz-

While Kendra liked Johnny Depp's character, Ed Wood, Jeff says, "Frankly, I think Johnny Depp couldn't act his way out of a paper bag. It was like he was doing a Jon Lovitz imitation for two hours straight."

ing "Casablanca" (but not really). I thought "Ed Wood" was just a long, mostly unfunny movie about a tenth rate director/producer. When the movie was funny, it was no more amusing than the original material. Why not just go rent the real stuff, get really blasted, and have a good time with some friends?

K.L.: You're just a purist. I think it was a pretty good movie about Hollywood in at time when everyone flocked there trying to be somebody. And Ed Wood has become somebody exactly because he's such a total nobody. It's Hollywood's American Dream.

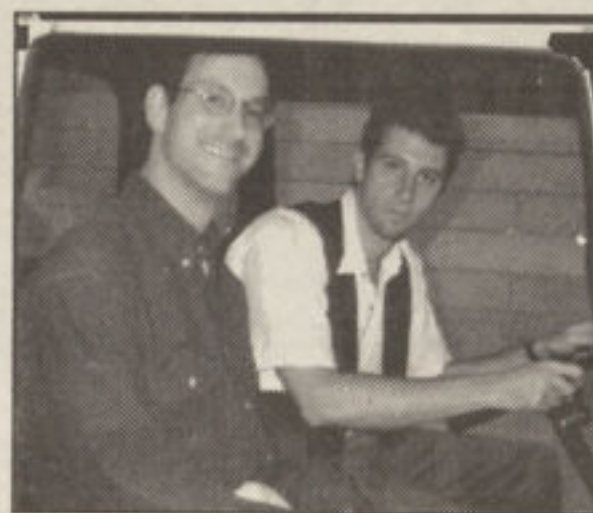
J.S.: Whatever. But there was one really excellent thing about this flick — George "the Animal" Steele. Last time I saw him he was eating the foam out of a turnbuckle pad while jumping on someone's face. He should get an Oscar for this one.

K.L.: Bottom line: it was quirky, it was stylized and nostalgic, and sometimes, right on the mark — I'd recommend it.

J.S.: If you're wicked bored and have \$7 burning a hole in your Levi's, go rent "Bride of the Monster" and "Plan Nine From Outer Space". You'll still have some change left over to buy some Colt .45. Now that's a good time!

FOOD - O - RAMA

Spend Some Thyme at Sage



By Theodore Cohen '95 & Jonathan Goldstein '95

ANYONE who's spent a night or two in New York knows the joy of discovering a hole-in-the-wall restaurant which turns out to be a complete pleasure. The patrons seem to belong to some secret society of epicures, keyed in to the nearly invisible culinary gems that hide in alleyways and down stairwells. And the enjoyment of the food and atmosphere is heightened by the thrill of having found something special.

Anyone who's spent a night or two in Boston knows that the alleys and stairwells most likely hide nothing more than a stray cat and some trash. You know all the standard restaurants and what to expect there. That is, until now. On a recent night in the North End, upon finding that the ever-popular Pomodoro was too booked to seat us, we strolled down Prince Street, hoping to find room at a lesser Italian restaurant. And there was Sage (69 Prince St.). Illuminated by the nighttime fluorescence of Bova's Bakery, Sage appears as nothing more than a window and a door. Inside, we saw a warm and inviting space with seemingly contented diners sipping wine and sopping up olive oil with bread. In we went.

Immediately we were greeted by owner Michael Pittore (co-owner Tom Alessandro wasn't there at the time) and escorted to one of the dozen tables. The kitchen, partly visible from the dining room, was alive with activity and the

Anyone who's spent a night or two in Boston knows that the alleys and stairwells most likely hide nothing more than a stray cat and some trash. You know all the standard restaurants and what to expect there. That is, until now.

smells coming from it could hardly have been more welcoming. Erin, one of the friendliest waitresses we've encountered in this hard-boiled burg, brought us some of the bread we'd seen. Two half loaves graced our basket, a crusty white and a delicious fennel bread.

The menu, which changes seasonally and is divided into the traditional Italian categories of antipasti, paste, insalate, carne, and pesce, has just switched to fall. And in traditional Italian form, we ordered some of each. A plate of Vermont quail stuffed with couscous and dried figs served over braised radicchio with chestnuts (\$11) foreshadowed the complex flavors that typified the entire meal. The oil from the quail gave a rich, meaty taste to the grain and the almost sweet flavor of the bird off-set the bitterness of the radicchio. Oven roasted sausage with braised cabbage and soft polenta (\$7) was a hearty and thoroughly satisfying plate of Italian comfort food. And fried baccala — that's salt cod — served over crostini topped with a soothing puree of white beans (\$9) was an inspired twist on brandade de morue, the French specialty of salt cod, mashed potatoes, and garlic; here, vinegar-soaked peppers provided the bite that garlic does in the traditional brandade.

But there was little time to reflect on the opening dishes. We were quickly caught up in the pasta course, sampling a pappardelle with porcini mushroom ragu topped with dried ricotta (\$10). This is what "ragu" was meant to be. Instead of that insipid, sugar-rich stuff that comes in the jar, this sauce was nearly paste-like in consistency and flavored with garlic and the porcini. The fresh ribbon pasta was perfectly done. Also well-prepared was a dish of squash ravioli with fried sage and brown butter (\$9). Nearly sweet enough to pass as a dessert, the four plump ravioli in their sauce of slightly burnt butter were delicious.

Entrees were equally satisfying. A thick center-cut pork chop (\$16), grilled to perfection, stood on its side in a grainy rosemary mustard sauce; the chop was accompanied by half of a grilled Bosc pear. Like the quail and the ravioli, this dish demonstrated the chef's remarkable facility for adding sweetness in unexpected places. Here, the slightly smoky pear practically melted in the mouth, an imaginative foil to the rich flesh. A generous bowl of halibut, shrimp, plump green-lipped mussels, clams, and scallops, billed as a "New England Shellfish Stew" (\$19) was the menu's only departure from fall: the lemon grass broth was a little timid for our tastes, and a little too salty. The dish cries out for some kick, a little bite — but we finished the whole thing anyway.

Sage has an excellent wine list, with a large number of bottles in the low twenty-dollar range. Four wines are available by the glass.

After a meal like this one, we both wanted and feared dessert: unsure of how much more we could eat, but sure that the chef would do something great. Well, Sage doesn't serve dessert, in the hopes that diners will take a stroll around the North End and have some coffee and pastry in one of the many cafes in the area. This policy demonstrates just what a warm, neighborly place Sage is. (It'd be a great place to take a date.) Anonymous as its exterior may be, Sage, in the end, deserves to stand out from the crowd.

RATING: ★★☆☆

Harvard Law RECORD

Founded in 1946

Greg Stohr
Editor-In-Chief

An Exercise in Democracy

As the 103rd Congress adjourns, pundits and partisans are pointing fingers at Congressional Republicans for using filibusters to block votes on a number of major bills and thwart the will of the majority. But those critics — including Clinton — who chastise conservatives for their success in using parliamentary devices should recall the events that preoccupied Congress in the fall of 1989.

In late September, in a stunning victory for then-popular President Bush, the House approved a cut in the capital gains tax by a 239-190 vote. Vote-counters on both sides quickly determined that the measure had more than majority support in the Senate; if the measure were to reach the Senate floor for an up-or-down vote, the capital gains tax would become law.

Senate Majority Leader George Mitchell was determined not to let that happen. A few days after the House vote, he stated unequivocally on "Meet the Press" that the "plan approved by the House of Representatives and supported by the president will not be enacted in the Senate." In spite of the majority support for the cut in the Senate, Mitchell prevented a vote by enforcing a rule by which 60 votes would be required to pass the tax cut as an amendment to a spending bill. The cut formally died in mid-November when conservatives secured only 51 of the 60 votes necessary to end a liberal filibuster.

The filibusters of this fall may be unprecedented in their pervasiveness — at one point five filibusters were taking place at the same time — but they are by no means unique to conservative Republicans. The same types of majority-thwarting techniques that are anathema to liberals today were their tools of choice in 1989. No doubt, roles will revert in the future if and when conservatives control both branches. Majority rule in Congress is not absolute.

The ability of a substantial minority to block legislation should be treasured, not condemned. America's system of government is designed to prevent a narrow majority from trampling over the legitimate interests of a minority. Congress is and should be a somewhat deliberative, incremental body. Were it not for some shields against pure majority rule, an acutely political issue like the capital gains tax could look like a yo-yo — going up with one administration, down with the next. The interests of disfavored regions of the country or groups of people would be more vulnerable. For the sake of continuity and fairness, the country's laws need protection from the whims of politics.

Critics of the filibuster may lament the inability of the 103rd Congress to pass legislative initiatives like health care reform, campaign finance reform, and the striker replacement bill. Those bills failed, however, for all the right reasons — because no national consensus has yet emerged on how, or even whether, to address the underlying problems. As with the Democratic parliamentary tactics of 1989, the Republican filibusters of 1994 are an exercise in democracy.

- Stohr

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

—First Amendment, US Constitution

• Letters •

PC Crowd Advocates Name-Calling

Scott Wiener [96] in his recent column [RECORD, Oct. 7] has expressed some views which are very queer indeed. He ridicules the (conservative) straight, white male for being concerned that his views will be shouted down by the PC crowd. He goes on to not so subtly accuse the (conservative) straight, white male of racism, sexism, ethnocentrism, homophobia, fascism, and nazism. Finally, he asserts that Prof. Finnis should never have been allowed to come here to give a lecture on Natural Law for the Catholic Students.

Wiener's comments prove the point that he is attempting to refute: that PC

is fundamentally about unthinking ideological name-calling and suppression of competing viewpoints. Instead of welcoming dissent and engaging in honest debate, Wiener would rather vilify and silence his opponents. If his views are so "correct," why can't he simply prove his point by appealing to reason? Perhaps he is frustrated that the PC attempts to shut up Finnis were unsuccessful.

But why is Wiener picking on Catholics anyway? Are the other minorities he mentions somehow more special than us (multiracial and multiethnic) papists? Is religious discrimination some-

how okay? Wiener, like most PC advocates, feels that he has some inherent right to silence any opposition, not by logic or persuasion but by name calling and personal vilification. I imagine that he is surprised that someone was brave enough to speak out against his views, which he clearly feels are so "correct" that they can not be disputed. One can only hope, and pray, that Wiener will end his empty accusations and work with those he disagrees with to create a community that we can all be proud to be members of.

Patrick J. Lannon '96
October 11, 1994

Wiener Should Explain His PC Tactics

I am writing in response to Scott Wiener's column on political correctness. While Mr. Wiener [96] undoubtedly believes that he is fighting a righteous battle against the evil forces of hate-mongering, straight, white males, he would probably be well-advised to use language that cannot be fairly characterized

as rabid and hate-mongering in its own right.

It is ironic that left-wing groups that constantly bleat about tolerance are so often found using vitriolic, stereotyping, hateful tactics that they would clearly condemn if turned against them. Mr. Wiener should explain why his recent column should not

fall into that category, as well as actually being politically correct.

Kerry Hastings '96
October 11, 1994

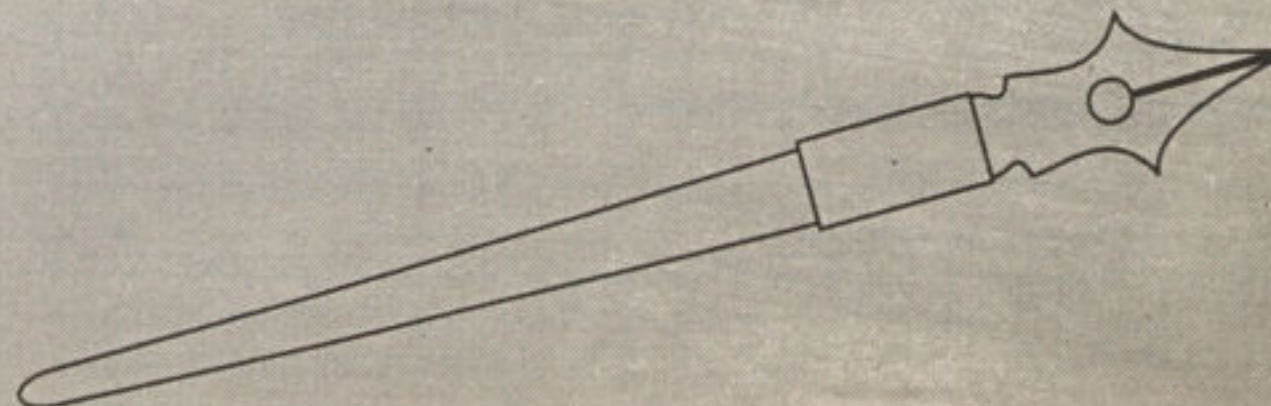
P.S. Using the Queen's English would be unlikely to detract from his rhetorical effectiveness, if any.

Two measly letters?!?

Derrick Bell writes a book, Jim Lank hails term limits, Rob Weissman bashes the whole interviewing scene, and all we get is two measly letters?!?

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Write to the RECORD!



"Big, Bad Firms"

By Dean Newton '95

It is recruiting time. The world's most powerful law firms will be arriving on campus and, in keeping with tradition, some faculty and students have begun to complain. The complaints run the gamut from allegations that the firms are immoral to charges that the recruiting process smothers public interest opportunities. These charges leave many students feeling as though they must apologize for choosing a career with a firm. Put simply, one should not apologize for working for a firm. If a big-firm environment is for you, ignore the critics. Devote your time and energy to investigating the firms so as to make an informed choice.

If you have not heard the liberal whining yet, you soon will. "Firms are evil places where evil lawyers make a lot of money by cheating poor people and the elderly," or "Firms are sweat shops that drain you of the best years of your life and spit you out." Then there are the self-righteous who proclaim that working for a firm is somehow less noble than public interest work.

This discussion is remarkably unfruitful. First, it is all premised on false assumptions. One is not required to beat up on grandma to work for a large firm. Often firm practice involves transactions or disputes between clients of equal or comparable resources. What is more, not all firms are sweat shops. Some are, but many are not. And of course there is nothing less noble about working for a firm. Public interest practice is great for some people — but it does not come with a free pass through the pearly gates. Second, many of the charges are made by hypocrites. They play the self-righteous poverty routine during the day, and drive their expensive cars back to their lavish homes at night. Finally, large firms offer a diversity and caliber of practice that can be quite reward-

ing. From international transactions to constitutional disputes, large firms provide an array of practice opportunities simply unequalled in other areas of practice.

My point is twofold:

(1) There is nothing wrong with large firm practice, and (2) every firm is different. A law student interested in a rewarding private practice is well-advised to stop apologizing to the limousine liberals around here and start investigating the firms to find the practice and people that the student finds appealing.

Other questions are important too: How is the firm doing financially? How does it treat associates? The goal is not to gain the approval of the self-righteous. Rather, it is to find a firm that has the practice and policies you desire in a location you find appealing.

I can tell you from personal experience that background research can be invaluable. When I began considering a practice in Los Angeles, I did not know one firm from another. With some research, I found a wealth of information. For example, Latham & Watkins fired a large number of associates a few years ago. Gibson, Dunn & Crutcher and O'Melveny & Myers, however, have so much work they are hiring laterally. Firm performance and associate loyalty, combined with a number of other factors, led me to work for both Gibson and O'Melveny. My experiences gave me insights into both firms that students contemplating working for the firms might find useful. For exam-

ple, most of the lawyers working at Gibson enjoy their work very much. They work together and hang out

together — many are the best of friends. If entertainment is your bag, O'Melveny and Myers dominates the market. Obviously, much more can be said about each firm. The point is, rather than wandering around musing about big, bad law firms — investigate them. A little research and serious conversations with students or alumni who worked at the firms will carry you a long way.

Do not allow yourselves to be run over by the firm-bashing bandwagon, and never apologize if practicing at a large firm is for you. Explore the different firms, what they do, and how they do it. Seek out students

who worked for the firms you are considering, and ask them for a candid assessment. At the end of the day, make an informed choice that allows you to have a rewarding career.



**My point is twofold:
(1) there is nothing wrong with large firm practice, and (2) every firm is different. A law student interested in a rewarding private practice is well-advised to stop apologizing to the limousine liberals around here and start investigating the firms to find the practice and people that the student finds appealing.**



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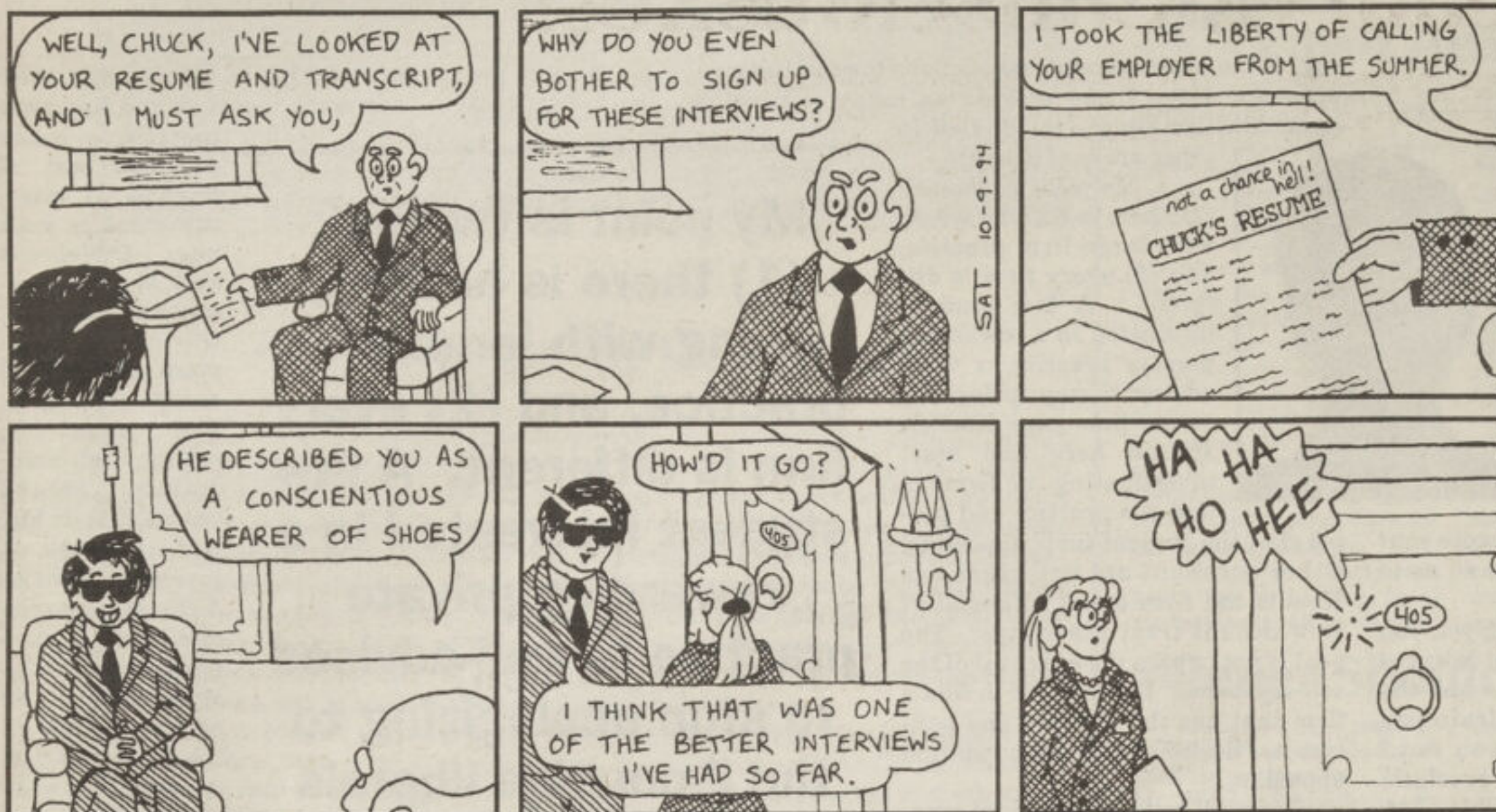
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for an interview through the
Office of Career Services

Temporary Insanity

By Sheila Tuller



Res Ipsa Loquitur

By Ted Cohen



Guide to Legal Terminology

By Sean Kanuck & Matthew Queler

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CALENDAR

by Jeff Bucholtz '95

Go to Hell

Tonight marks the long-awaited return of Hell to Central Square (I know it seems like Hell is the lobby of the Charles in October, but apparently not), as ManRay (864-0400) hosts its occasional Gothic Industrial Fetish Pleasures party. It's only a ten minute walk past the Inn at Harvard, and if pain's your thing, going to Hell in your yuppie costume, pockets bulging with firm literature, would be a good way to get some. A fitting way to go, too.

Also tonight (10/14) at Local 186 (351-2680) is **Emergency Broadcast Network**, for an exciting evening of high-pitched sirens in preparation for Saddam's impending invasion. Actually, EBN put on a frenetic multimedia show, with rapid-fire visuals on the moving TV screens that surround their terrorist-looking ranting frontman.

Their hard-edged electronic music is dense with samples and often danceable, but takes a back seat to EBN's intense live show. Opening is **Institute of Technology**, an up-and-coming local industrial band.

A third Friday option is the mellow, female-fronted technofied rap outfit **Luscious Jackson**, who play at the Middle East (497-0576), just outside the gates of Hell.

Alterneasy listening veterans the **Connells** bring their pre-Wet Sprocket relaxed guitar pop to the Paradise (351-2526) on Saturday (10/15), and Local 186 celebrates its first birthday (formerly Bunnatty's, the club was renamed but not changed much by its new management) with local hardcore favorites **Sam Blackchurch** headlining.

North Carolina's **Corrosion of Conformity** were in the forefront of the punk-metal crossover scene at the beginning of the decade, but have since slowed to a more traditional and heavy sound. C.O.C. debut their brand-new CD *Deliverance* at the Paradise on Sunday (10/16).

Pavement's reputation as the epitome of lo-fi cool has somehow survived the suffocating adoration the music press has inflicted on them, and their legions of slacker fans will be flying the flannel at Avalon (931-2000) on Monday night (10/17). The intriguingly named **Thinking Fellers Union Local 282** and the less-intriguingly named **Ass Ponys** open.

If you're a real sucker for punishment and Hell isn't enough for you, the front row of the mosh pit at **GWAR** might do the trick. The band dump blood from above the stage and throw Satan-knows-what into the audience during their show in an ultimately unsuccessful attempt to distract you from the fact that they totally suck. **Buzzov-en**, a promising new hardcore metal band, will impress those few GWAR fans who go to Bill's Bar (421-9678) on Tuesday (10/18) for the music.

Wednesday (10/19) highlights include folkie **Shawn Colvin** at the Symphony Hall (266-1200), ska masters the **Toasters** at Axis (262-2437), and New Orleans' roots rockers the **Radiators** at the Roxy (931-2000).

Sorry for the short notice, but Thursday night (10/13) ex-Chrome guitarist **Helios Creed** plays his distorted space-rock at the Causeway (232-1538). Hawkwind fans, take note.

Stream of Consciousness

By Debra Dickerson '95

RECORD Columnist

THE walls of my grandfather's 85-year-old cousin's home were lined with church programs my age, black and white photos, dime store 'world's best Dad/Mom' certificates, names and dates penciled in. Nothing after 1973. A windowsill saucer contained four cotton bolls.

Aunt Jesse, his 75-year-old wife, called from the kitchen, "Lesley, ask the baby if she wants lemonade." She meant me. I watched her mother, 99, making her slow way down the hall. Though still mobile, she was clearly beyond questioning. My people don't become senile. They do, however, let go of the present. That's what Gran'ma Pearl had done — her body remained but she'd shipped her mind back to the past. I had so many questions and all I could do was stare.

The formalities of food and drink dispensed with, Uncle Lesley began reminiscing. He spoke of June 1931 and February 1923 but the 70s, 80s, and 90s were just that — blurs punctuated by one disappointment, one lost loved one after another. Tall and lanky like his cousin, he stretched his long legs with the one clubbed foot out before him and smiled down at them. We women drank lemonade and listened as stories tumbled from him stream of consciousness, as if talking in his sleep. Greatly compressed, this is my version of one of them:

"Hello. . . ." The voice was weak and giggly but even so, she recognized it and dropped her hoe in disgust.

"Cooter! That you, Cooter-boy?"

He giggled low and sighed.

"Boy, what you doing laying in the dirt?"

She tapped his foot lightly with her own. His head snapped back and his lips shivered around a shrill whistle of indrawn breath. His face was ashy and he shook all over. The fingers of one hand scrabbled in the dirt and blood spurted from the back of the foot she'd touched.



His heel was a bloody, unrecognizable mass covered with horseflies and ants. Nearby, more insects shimmied and buzzed, obscuring another bloody mass. Half in and half out of the cotton row beside him lay a hoe, its head dark and rusty-looking.

"Aint gon' chop no more. Nawsir." Cooter lay back and giggled some more. His thin giggles caught in his chest and he coughed up a mass of saliva and phlegm. His eyes goggled beneath his eyelids and she felt her throat close. She ran for her mother.

In a minute, he'd get out the wood ash, spiderwebs, and rainwater-soaked rags he'd brought to dress the wound till they got him seen to. In a minute. As soon as the pain from where she'd kicked him subsided. Right now, now that his plan was coming together, the pain didn't bother him much. He felt peaceful.

Millin' was much better work than sharecropping, yessir. Stood to reason. Indoors, no hot sun or winter cold to torment you. No hands frozen to the plow handles, no more sunstroke. Sawmill didn't have snakes neither, just good old wood and plank. Nothing slitherin' and sliding' and swimmin' in and out of your vision. Won't have to feel the panic rise in your throat because you, with your overgrown, cornfed-self, couldn't keep up with the grown men. Your Daddy and your brothers. Them that ate like a man had to work like a man, he knew that. But a man didn't have to work with his back bent all day, did he? A man got to stand up straight at the sawmill, got to wear heavy gloves and shoes. More white folks but even so, they'd see how hard he could work when it was just all men. When your mother wasn't there working, too, and looking up every other row at you with eyes that were sorry on top of all the tired for having you out there. Men doing men's work for real money. He'd have enough to give Mama a few dollars and see a movie every week.

With candy. And the books. Lord, the books he'd buy with his man's wages.

The pain was gone. All gone. He felt light and colorful like a little girl's summer frock.

The cotton plants towered over him and from this angle they were beautiful. He'd always hated them, but that must be because he'd never seen them from below. From his knees, certainly, but at those times he'd been looking down at the roots, not up at the plants. And then the times he'd passed out from the sun he sure hadn't seen nothing even though he woke up on his back. Just Daddy's legs emptying the bucket on him.

Now he could see that they were beautiful from above too. Soft and fluffy. His understanding of the thorny spikes they had to be torn from and the remembered feel of them ripping into his flesh blew away like a leaf on the breeze. Generations of pain gone. Pouf. The plants undulated and formed one familiar, warming shape after another, just like clouds.

The whole farm was beautiful from above. The wash flapped on the line. Clothes danced as if people were wearing them on a juke-joint Saturday night and he could smell their freshness even at his height. Even their sagging shotgun cabins looked like inviting little doll houses. The door opened and the whole family ran out, Angela running alongside her mother toward the field he'd just left.

They all congregated at one spot and Cooter's mother was on her hands and knees but he was still looking at Aunt Mariah's house. Watching it get smaller.

Men doing men's work for real money. He'd have enough to give Mama a few dollars and see a movie every week. With candy. And the books. Lord, the books he'd buy with his man's wages.



Fenno was positively giddy. Months of failure and rejection were coming to an end. No longer would Fenno have to try in vain to convince some HLS woman — any HLS woman (well . . . maybe not any) — to tear herself away from MacKinnon and Dworkin for an innocent night on the town (and perhaps a little shabam! afterwards, if everybody was feeling consensual).

Fenno's roommate, Del, had explained the whole scam to him. Throughout October, said Del, these places called "firms" sent their "associates" to town, setting up "interviews" with promising young HLS students. The way Del was winking and nodding as he described the scheme — quick meetings for 20 minutes in anonymous hotel rooms in the middle of the day — Fenno knew that, come Halloween, he would be one exhausted law student.

Fenno preened for over an hour in preparation for his first "interview". He selected his most form-fitting pair of Tommy Hilfiger neon green briefs, the ones with the low-cut waistband that nicely accentuated his cute little beer tire. He contemplated appearing in nothing more, but Del suggested that there might be a need for introductory formalities. Seeing Del's wisdom, Fenno donned his favorite "hunting" gear — a black silk shirt with the top two buttons permanently undone, lovely tight white slacks, Rotelle loafers, and, of course, three gold chains.

Fenno's first encounter was something of a disaster. He knocked briskly at the door of Room 428. He heard the rustle of footsteps approaching and imagined someone named Monique dressed in a tight French maid's outfit, just itching for a full-body massage. Instead, the door swung open and some clown named Rick stuck out his greasy palm and introduced himself.

Panicking, Fenno could only mutter, "Uhh, . . . sorry guy, I'm just not that type" before backpedaling down the hall. It was

then that Fenno realized the beauty of the "interview" system. His next appearance was only 20 minutes away, in Room 612.

This time the "firm" got it right. A slight blonde named Jeanette answered the door. Fenno was a bit disappointed that she was wearing a frumpy gray suit, but he figured that meant there would be some strip-tease act.

Jeanette sat down at a table that had a bunch of brochures and some half-empty (or was it half-full? Fenno could never remember . . .) glasses of water on it. Fenno, always the leader, plopped down on the heavily-quilted bed and patted the pillow. "No need to be a stranger, Jeanette. Why don't we just start over here? After all, we only have 20 minutes."

Fenno remembered being very impressed with Jeanette's upper-body strength as she hurled him towards the door. He also remembered being somewhat disappointed with her aim as his head smashed against the door jamb. He stumbled out of the room and watched the door slam behind him.

Fenno was not particularly disappointed; he had never really gotten into the whole S & M scene, anyway. Rubbing the knot on top of his head, he stumbled down the hall to his third interview, hoping that the Goldilocks Principle would mean that this next "interview" wouldn't be too soft or too hard, but instead just right.

NEXT WEEK: Fenno has his first real interview

Quote of the Week

"The existence of the law reviews has had a perverse influence on scholarship."

— Prof. Steven Shavell

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THE REASONABLE WOMAN

Parenthood and the Law

By Shannon Liss '96

RECORD Columnist



LAW school forces us to start making detailed plans about our lives absurdly far ahead (four months for fall course schedules, six to nine months for a summer job, a year and half for clerkships), but some things seem impervious to advance planning. For example, the decision if and when to have children seems to many of us a distant question that can only be dealt with when the time is right. As we scramble for post-graduation employment, our focus is most concertedly on getting a job, perhaps more than on the life we will live after being hired.

In the existential tumult of the interview season, finding out about the parental leave policies of potential employers might not seem like a top priority. But as law students, we have a critical opportunity to influence employers' thinking on benefits policies before we have accepted jobs. The reason is simple: If employers have reason to believe their most valued recruits care about an issue, they will respond.

What if everyone now interviewing for jobs began to make it a point to ask about parental leave policies? The message would get back to employers that this is an issue we care about. And if everyone asked, no matter what their current situation,

Top 3 firm parental leave policies, as listed in the Employer Directory

1. **Dorsey & Whitney**, Minneapolis — 26 weeks paid leave, for women and men
2. **Hill & Barlow**, Boston — 13 weeks paid leave, 39 weeks unpaid leave, for women and men
3. **Hale and Dorr**, Boston and Washington — 12 weeks paid leave, 40 weeks unpaid leave, for women and men

women and men, married and unmarried, straight, lesbian, and gay, it would lessen everyone's hesitancy to broach this topic. Students would not have to fear discrimination based on an employer's fear that the person who asks about parental leave is necessarily planning to take time off right away.

In this year's Employer Directory, most firms mention some parental leave policy. But these policies vary greatly from firm to firm. Some offer paid and unpaid parental leave, some only unpaid. Some provide only "disability" leave for women who give birth, while some allow leave for adoptions as well. Most offer more generous leave for women than men, and many restrict parental leave to women. Very many do not list specific policies but instead indicate "cbc," meaning that leave benefits are determined on a case-by-case basis. It is worth asking what this means for particular firms. How many bargaining chips are used up to negotiate these individual deals? Are employees discouraged, implicitly or not, from taking parental leaves? How does taking a leave, or even requesting it, affect advancement opportunities and seniority? How many employees, women and men, have actually taken parental leave, and how many of them have made partner?

The Celebration 40 directory of HLS alumnae, compiled last year, contains many autobiographical entries by women who seemed to think everything would just fall into place, but then unexpectedly found their careers sidetracked when they decided to have children. They, like many of us, assumed as they began their careers that the problem of balancing work and family had been solved and that there was nothing limiting their unfettered advancement in the world of law except their own level of motivation.

Just before I started law school, I had lunch with an attorney who also believed this once but was now considering a major career change in order to avoid the glass ceiling she was fast approaching at a major New York law firm. She told me about the implicit discrimination that remains and how, despite more outwardly progressive policies toward women, many firms still assume that women will not take their careers as seriously as men since at some point they will probably take time off to have children. When I asked her what will finally break down these barriers to women's advancement, she said that if every woman at Harvard and other law schools pledged not to work for firms that are insensitive to these issues, that would make a difference. When employers know that their inflexible policies are costing them their top recruits, things will change.

It should be in men's interest, as well, to work for employers that allow them to have lives outside of their work. Women and men would benefit from a world in which they shared significant childrearing responsibility, a world that does not expect everyone to work 80-hour weeks without a break between now and their first heart attacks. The more men who show an interest in pursuing this other side of life and the more who actually take parental leaves, the more socially acceptable it will become for other men to devote time to family life and the less women will have to bear the primary burden of childrearing and concomitant career setbacks.

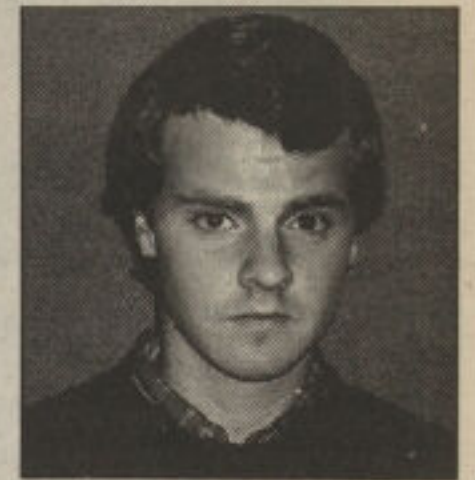
These issues are not just for those planning to work for firms, but for those pursuing public interest jobs as well. It is especially important to know whether public interest organizations apply their progressive principles to their own employee benefit plans. The Low Income Protection Plan continues assisting with debt repayment during a leave from work for three months after the birth of a child, for both women and men. If a parent then goes back to work part-time, LIPP will continue with partial debt assistance.

Think about these questions of parental leave as you investigate job opportunities, go on interviews, and make your final employment decisions. Even if this is not an immediate issue for yourself, it may well be a concern in the not-too-distant future. And whether or not you remain long with your first legal employer, or want children yourself, you may benefit from knowing you had an impact which helped others. By pushing employers to improve their parental leave policies and enact specific written guidelines, we can be working toward more equal opportunity in the workplace and ensuring there is no conflict between parenthood and the law.

Romney and the Magic Ring

By David S. Clancy '95

RECORD Columnist



MITT Romney, who casts himself as a social moderate, engaged in some strangely immoderate behavior over the past few decades. He was in the practice of giving unwed mothers the option of either giving up their baby for adoption or leaving the Mormon church. He was also in the practice of calling homosexuality a "perversity" at church meetings. And while he says he was overwhelmed with emotion when blacks were finally granted full citizenship in the Mormon church, he never raised a finger to help them achieve this status.

At least, Romney has not given us any information to suggest that he did. In fact, he has refused on principle to do so. The principle? That questions regarding "religious" matters are outside the scope of inquiry during a political campaign. In J.R.R. Tolkien's trilogy the "Lord of the Rings," there is a magic ring which renders its wearer invisible. Mitt Romney thinks religion is a magic ring. When acting as a member of a church, he believes, you are invisible: Your actions are beyond the view, beyond the scrutiny, and beyond the reproach of voters.

Romney derives support for the magic ring theory from John F. Kennedy. In a press conference Romney expressed indignation and outrage that a principle championed by JFK should be violated by his brother Ted. But Romney's understanding of the nature of JFK's victory is dramatically wrong.

In a September 12, 1960 address before the Houston Ministerial Association, Kennedy asked voters, in evaluating a candidate's fitness for office, to put aside unexamined religious prejudices and focus not on abstract doctrinal issues, but instead on the candidate personally — his actions, his words, his stands. He asked that voters stop arbitrarily extrapolating a candidate's views from the doctrine of his religion instead of, more fairly and sensibly, from his personal stands on relevant matters. "I ask you tonight," he said, "to judge me" not on the "basis of select quotations out of context from the statement of Catholic Church leaders, usually in other countries, frequently in other centuries and rarely relevant to any situation here," but instead on the basis of "my record of 14 years in Congress."

But none of this is helpful to Romney. The questions Romney faces directly concern his personal record. They directly concern his personal statements and actions on relevant matters — such as his view of the proper place in society and its institutions for women, blacks, and homosexuals. Romney asks us not, as Kennedy asked, merely to disregard as irrelevant positions taken by "church leaders, usually in other countries, frequently in other centuries," but to take the illogical next step: to disregard as irrelevant positions taken by a particular, and particularly relevant, church leader — himself.

Essentially, Romney asks for a distinction between personal behavior of a secular kind and personal behavior of a religious kind. Kennedy, who never hinted at such a distinction, offers no support for this position. To the contrary, Kennedy's unqualified demand for focus on the individual candidate undermines it — unless you interpret the 1960 campaign, hazily and inaccurately, as one which simply expelled religion from politics.

But the 1960 campaign did no such thing, and it is a discredit to Kennedy's memory to suggest that he would have taken such an untenable stance. Acceptance of it would stifle discussion of aspects of a candidate's life which may, as here, be essential in probing issues of character, in evaluating campaign promises, in reliably predicting official behavior. It would allow religiously active candidates to immunize themselves from anything they said or did before their candidacy, to reinvent themselves in a run for office.

When its practical consequences are explored, the magic ring theory is quickly reduced to absurdity. What if Pope John Paul II were to run for office on a pro-choice platform? Would the voters be wrong in questioning the candidate on this strange divergence? What if a Santerian high priest were to run for office on an Equal Rights for Animals platform? Would the voters be wrong to ask him about his previous ceremonial sacrifice of animals? Would the pope and the high priest be justified in

Why should we ignore Romney's actions as leader of the Boston-area Mormon church?

indignantly saying, as has Romney, "if you have questions about my positions, just ask me"? In the current political climate, in which lying is a basic campaign strategy, such an approach seems hazardous for voters.

Therefore the costs of such a policy are great — and it is entirely without a legitimate justification. Why should we ignore Romney's actions as leader of the Boston-area Mormon church? Because those actions, however questionable, were merely a function of church dictates? This sounds oddly like the worthless defense, in another realm, that "I was just following orders." Because of a clumsy invocation of the doctrine of "separation of church and state"? This doctrine, if at all applicable, argues the other way — protecting the secularity of government is a goal well-served by allowing voters to probe the religiosity of candidates for government office. Because it should be presumed that candidates will separate strongly-held religious beliefs, which they have applied frequently in real-life situations, from the public policy they will pursue? Certainly this should not be presumed, and candidates should bear the burden of proof that they will make such a separation. A burden which Kennedy assumed, incidentally, by making assurance after assurance on the matter.

Despite all of this, Romney was able to deflect "religious" questions by pointing to the irony of Ted Kennedy betraying the cause of his brother. This irony exists, but not the way Romney thinks. Ted Kennedy betrayed JFK not in attacking Romney, but in allowing Romney to defeat those attacks by distorting JFK's principles beyond recognition. Kennedy, who was a participant in the 1960 campaign and knows what JFK said, what he stood for, and what he fought against, is in the best position to refute Romney with conviction and authority — to pull Romney's magic ring off his finger and fully expose the contradictions in his record to public view.

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No Fear II: A Response

By Spencer Levy '95
RECORD Columnist



"CORRECT" tactics have nothing to do with substantive politics. Unfortunately, those who espouse political correctness and those who are opposed to it are commonly perceived to fall into the "liberal" and "conservative" political camps, respectively. Thus, when I openly opposed Correct tactics two weeks ago in the RECORD, it was not surprising that the response (Scott Wiener's column "The Fallacy of 'Political Correctness,'" RECORD, Oct. 7) attacked my position on substantive political grounds. However, such a substantive attack misses the point.

There is nothing illegitimate about advocating a "liberal" or a "conservative" political position. If a speaker truly believes in an argument, then the speaker has a right to hold that opinion and advocate it in a non-hostile environment. An individual should have the right to advocate a position without interruption, distraction, or disrespect. This means, among other things, that we should avoid the "name game." We should not call people ugly metaphors or epithets when responding to arguments we disagree with, because the metaphors usually do not apply, and the use of the terminology will not bring us any closer to a reasonable reso-

**[T]he tactics of the Correct Ones
are antithetical to the pursuit of
knowledge ... and do not advance
the Correct positions.**

lution of our differences. I believe that those who advocate political correctness have brought the "name game" to a new level, and this tactic stands in the way of a reasonable debate on most difficult political topics. Using the "name game" is one of many extreme and unacceptable tactics.

Mr. Wiener, to his credit, realizes that the use of certain tactics may be extreme, but he nevertheless issues a challenge in his column "for the 'non-Correct Ones' to ask themselves why it is that the 'Correct Ones' are forced at times to resort to extreme tactics." Being a self-labeled "non-Correct One," I accept this challenge.

To begin, I interpret Mr. Wiener's use of the term "extreme tactics" to mean doing things such as putting the "HOMOPHOBIC" sign behind John Finnes (the natural law philosopher who was also an advocate against homosexual rights) as he was speaking, interrupting individuals in the middle of their advocacy of a position with an "...or she" if they use the "he" pronoun alone, labeling political opposition with epithets (he's a Nazi) or imbuing neutral terms with pejorative force (he can't understand because he's a "white male").

The Correct Ones use these "extreme tactics" for a number of reasons. First, I think many Correct Ones use these tactics because they think they are an effective means to advance their positions. Second, many Correct Ones use "extreme tactics" as a desperation move; they believe they are not advancing their positions, and these tactics at least give them some voice in the intellectual community. Third, and most tragically, I believe that some of the Correct Ones hate not just non-Correct opinions, but the people stating them as well; embarrassing their political enemies is thus a good in and of itself.

I truly believe most of the Correct Ones are not "bad" people. They are largely individuals who feel their particular causes have been categorically disenfranchised or oppressed over time, and they feel either that the Correct tactics are the best means to advance their positions, or at the very least that the tactics give them some sort of voice in the intellectual community. Nevertheless, the tactics of the Correct Ones are antithetical to the pursuit of knowledge (as I argued in my previous column) and do not advance the Correct positions.

Let's examine one of the most common politically correct tactics: the blurring out of "...or she" when a male speaker uses the "he" pronoun. The theory behind this tactic is that the use of the "he" pronoun perpetuates societal sexism, so its common usage to refer to a hypothetical third person should be replaced with "he/she," or just "she" in order to advance the notion that men and women are equal and to raise sensitivity to other women's causes. The Correct Ones that advocate the use of "he/she" or just "she" may be substantively correct. However, by using public shaming as a ploy, they have committed a gross tactical blunder which often makes the substance of their argument irrelevant.

Individuals who are the targets of Correct tactics such as the blurring out of "...or she" in the middle of a well-intentioned speech, placing a "HOMOPHOBIC" sign behind a respected academic, or being branded a bigot or a Nazi will be highly embarrassed, and are likely to be deeply hurt (often because they have fought against the same problems as the brander). Most importantly, those individuals, due to their justifiable indignation over being publicly humiliated, are not likely to be persuaded to change their diction or opinion. They are likely to become silent in intellectual debates due to fear of being publicly embarrassed (which was the point of my last column), and they will certainly become more resolute in their positions. People cannot be embarrassed into changing; people have to be persuaded.

Moreover, many objective observers who see the Correct Ones' display will also harbor ill feelings towards the Correct Ones' position. The corresponding polarization of the intellectual community not only hinders debate, but lessens the ability to gain a reasonable compromise or understanding on difficult political issues.

Finally, hatred is not a valid motivation to embarrass or hurt your political opposition. Nevertheless, it is not easy to argue to people that they should not "hate" their opponents, particularly to those who feel oppressed or forgotten (but if I knew the words I would certainly write them). It takes a lot of courage to talk reasonably with someone you consider to be the Devil. But it is a chance that needs to be taken. Dancing with the Devil is more rewarding than dancing alone.

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