



A Few Judges Ignoring Clerkship Timeline

By Victoria Kuohung

2Ls now swamped with interviewing may be relieved to know that the application process for judicial clerkships isn't supposed to begin until February 1, according to hiring guidelines adopted last year by the U.S. Judicial Conference.

But those who want to clerk on the West Coast may have reason to worry. A number of Ninth Circuit judges are still uncommitted to following the guidelines and say they might begin interviewing as early as December.

Last year the conference recommended that no applications or recommendation letters be submitted before February 1 and no interviews be held before March 1. Dean Clark '72 and other prominent law school deans then instructed their schools to abide by the guidelines.

But several Ninth Circuit judges immediately criticized the timeline as impractical and said they would not consider it binding.

Despite the disagreements, most judges and law schools have complied with the guidelines, officials say. Judge Edward Becker of the Third Circuit, who designed the guidelines along with Justice Stephen Breyer '64 — then a First Circuit judge — said he was pleased with their "substantial success."

"The vast majority of feder-

please see **JUDGES**, page 2

1L Memos Sent to Ito

Ex Parte Rule Not a Problem, HLS Professors Say

By Greg Stohr

Twelve 1L research memos discussing camera coverage of the O.J. Simpson trial were expected to land in Judge Lance Ito's chambers yesterday after HLS officials satisfied themselves that they were not in violation of the California rule governing ex parte contacts.

Prof. Charles Nesson '63 and Visiting Prof. Peter Murray '67 hailed the work of the approximately 150 1Ls who participated in the project, while Nesson and Murray themselves toiled to prepare a lengthy cover memo to accompany the student work.

The two Introduction to Lawyering professors elected to attach the cover memo after consultations with Dean Clark '72, Prof. David Shapiro '57, and Prof. Andrew Kaufman '53



Millet Israeli '95, undergraduate Rashida Jones, Laura Putney '95, and Erin McPherson '95 will star in "Dancing at Lughnasa" next week. See article on page 2.

Society Urges Those Opposed to Abortion to Request UHS Rebate

By David S. Clancy

A little-known campus organization recently called attention to a little-known and potentially controversial provision in the Harvard University Health Services insurance policy.

The Harvard Law School Society for Law, Life, and Religion, in a flyer deposited in Hark boxes last week, urged students to take advantage of a provision in Harvard's health insurance policy that allows students who oppose abortion on moral

grounds to request a rebate of the amount of their UHS fee used to support the cost of elective abortions.

The UHS does not perform abortions but gives referrals and will cover up to \$275 of the cost of a referred abortion. The "Guide to University Health Services," however, indicates that the policy allows an abortion exemption. Page 15 of the guide reads, "If you have strong moral objections to sharing the cost of elective abortions, you may request a rebate of the

please see **REBATE**, page 11

about the implications of Canon 3(b)(7) of the California Rules of Court regulating ex parte communications. Under the canon, judges are generally prohibited from engaging in ex parte contacts concerning a case, but an exception exists for disinterested "expert" advice.

"We wanted to just be clear that the communications came through the faculty and we indeed are expert at least within the interpretation of the rule," Nesson said.

Although Nesson and Murray contemplated sending all 57 memos to Ito, they decided Wednesday night to send only those they thought would be most useful.

Murray said the quality of the student memos ranged "from very good 1L work to very good work by any standard."

David Becker '95, who coordinated the review of memos,

said he too was impressed by the quality of the work.

"I would say 20 memos were really of excellent quality — more than I expected," he said. "I think they're very insightful."

The memos took a range of positions on the question of whether Ito had the authority to ban cameras from the courtroom, Becker added. While most were "kind of middle of the road, there were three or four really strong one way or another," he said.

Whether the memos will have any impact on the case is not clear. Ito has scheduled a hearing on the issue for November 7. Both Nesson and Murray said they expected Ito and his clerks would consider the memos as serious legal contributions.

"I suspect that his clerks

please see **MEMOS**, page 4

New Book Reopens HLS Controversies of Early 1990s

By Greg Stohr

In author Eleanor Kerlow's world, what once was the most prestigious law school in the country is in turmoil. Protesting students are blocking access to the dean's office. Jokes about a murdered professor pervade the school's law review. The school's two highest-profile professors are speaking to each other only through memos to the faculty, op-ed pieces in the Los Angeles Times, and dueling comments on National Public Radio.

Fictional though it may seem, Kerlow's world — as portrayed in her soon-to-be-released book "Poisoned Ivy: How Egos, Ideology, and Power Politics Almost Ruined Harvard Law School" — is an account that

murder of New England School of Law Professor Mary Jo Frug — the wife of HLS Prof. Gerald Frug '63 and a prominent feminist scholar — the Law Review agreed to posthumously publish an article on which Frug was working before her death. Although the article, "A Postmodern Feminist Legal Manifesto," contained language many editors considered obscene, the Law Review staff agreed to run the piece unedited.

Some have suggested that a sexual motive may have been involved in the Frug murder, which remains unsolved.

On the one-year anniversary of Frug's death, the 3L editors parodied the piece in the annual "Harvard Law Revue," a parody issue circulated primarily to cur-

rent and former editors of the Law Review. The parody article was attributed to Mary Doe, "Rigor-Mortis Professor of Law" and supposedly "dictated from beyond the grave."

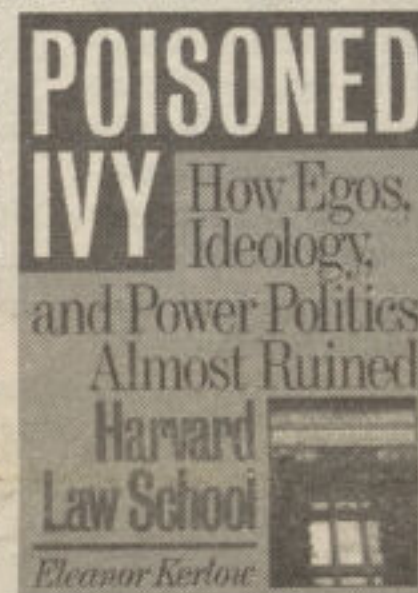
"This is f**king scholarship," the parody read, "and my

unique voice expresses itself with words such as f**k to convey images and meanings that other words just couldn't convey. If you don't like it, well, f**k you."

The parody was also littered with sexist jokes, contended a number of Law Review editors. Among the barbs were jokes about women editors' clothing, shopping habits, and appearance.

The ensuing firestorm eventually spread beyond the Law Review to envelop the whole school and gain national media attention. The Revue controversy erupted just as the Administrative Board prepared to conduct a hearing on whether to punish eight students who

please see **BOOK**, page 11



Holmes, Brandeis, Marshall...Kramer? 'Kramer from the television show "Seinfeld" has joined the ranks of legal minds gracing the walls of Langdell South.

Drama Society Starts Season with Broadway Play

The HLS Drama Society kicks off its 1994-95 calendar next weekend with a new stage and a new play, as the HLS players perform Brian Friel's modern Irish drama "Dancing at Lughnasa" at Agassiz Theatre.

The play, which recently won a Tony award on Broadway, centers around five sisters living in a rural Ireland town during the Depression. When music and the magic of radio connect them to the romance and hope of the outside world, their lives change forever. As their relationships develop, the sisters find that their male roles models are inadequate as the women struggle with their spartan existence and correct Catholic heritage.

HLS students Erin McPherson '95, Erik Lindseth '95, Millet Israeli '95, Laura Putney '95, and Kevin Oliver '95 star in the show, along with three undergraduate students. "Dancing at Lughnasa" is directed by Dana Kirchman '97 and produced by Rachel Arnow '95.

Arnow promises "good Irish music." She described the show as "an experience where people can come and let the music drift into their lives and take them away the way it does the characters."

The Drama Society will be performing off the Law School campus for the first time. Arnow described the theater as a significant improvement over the group's traditional stages in the Ropes-Gray Room and the Ames Courtroom.

"It's a real theatre with a balcony and a curtain," she said. "It's really nice."

The show runs from Wed., Oct. 26 through Fri., Oct. 28. All shows begin at 8 p.m. The theatre is located just across the Cambridge Common in Radcliffe Yard, near the Sheraton. Tickets will be on sale for \$5 in the Hark between 11 a.m. and 2 p.m., Mon., Oct. 24 through Fri., Oct. 28.

The Drama Society will also be performing the musical "Sweeney Todd, The Demon Barber of Fleet Street" from Nov. 10 to Nov. 12.



RECORD Photo/ Jeff Litvack

Erik Lindseth '95 and Kevin Oliver '95 rehearse a scene from the Drama Society's production of "Dancing at Lughnasa," opening next weekend.

LSC President Proposes Forum on Diversity

By April Rockstead

An overwhelming majority of the Law School Council — including new 1L and LL.M. representatives — voted Tuesday to give council President Willie Epps '95 a "blank check" to gather support for a council-sponsored forum for debate on the issue of faculty diversity at HLS.

Epps told the council he wanted authorization to build a means of bringing all perspectives on the degree of race and gender diversity among the faculty before the student body to stimulate discussion, but he accepted a friendly amendment to his proposal that requires him to obtain further council approval before it will actually sponsor any proposed debate.

"What I would like the Law School

Council to do is endorse the idea that we do need some kind of diversity forum," Epps said. Some members apparently abstained in the ensuing show-of-hands vote, but none voted against his proposal.

Although Epps said he would "ideally" like to have debates pitting, for example, conservative Prof. Charles Fried against former Prof. Derrick Bell on the issue of faculty diversity, he apparently would consider debates between students as well.

"I think we could get a lot of students who think things are fine here, and those who think things are horrible here, to debate," he said.

All "recognized" student organizations, and not merely those that have a widely-known political stance on the

issue, would be invited to co-sponsor debates, Epps said.

"If we approach the faculty and administration here with a united front, I think that is extremely persuasive" in soliciting faculty participation, Epps said.

Epps' own view is that "a lot of national law schools have done a lot better than Harvard," in achieving faculty diversity, he said.

"I don't think any law school in the country can touch the diversity of the student body here at Harvard Law School," he said. "[The Law School] has not made the same commitment in terms of faculty diversity."

In other business Tuesday night, the council discussed but informally rejected a request from the Yale Law School Council that the HLS council host a par-

ty for members of Yale's council after the upcoming Harvard-Yale football game.

Members said it was unclear whether the Yale council extended a similar invitation to a party the Yalies allegedly held last year — when the game was held at Yale — and noted time conflicts on that evening, including the Ames Moot Court Finals.

"Let them watch a real moot court competition, and then send them to [Lincoln's] Inn," said John Bates '95.

Two council members also lost their seats on the council as of Tuesday's meeting by violating the council's absences policy, according to Kit Eckman '95. Yellow Light Breen '96 and former Monster Truck Coalitionist Bill Growney '95 both were officially "off" the council as of Tuesday night.

DANCING AT LUGHNASA

by

Brian Friel

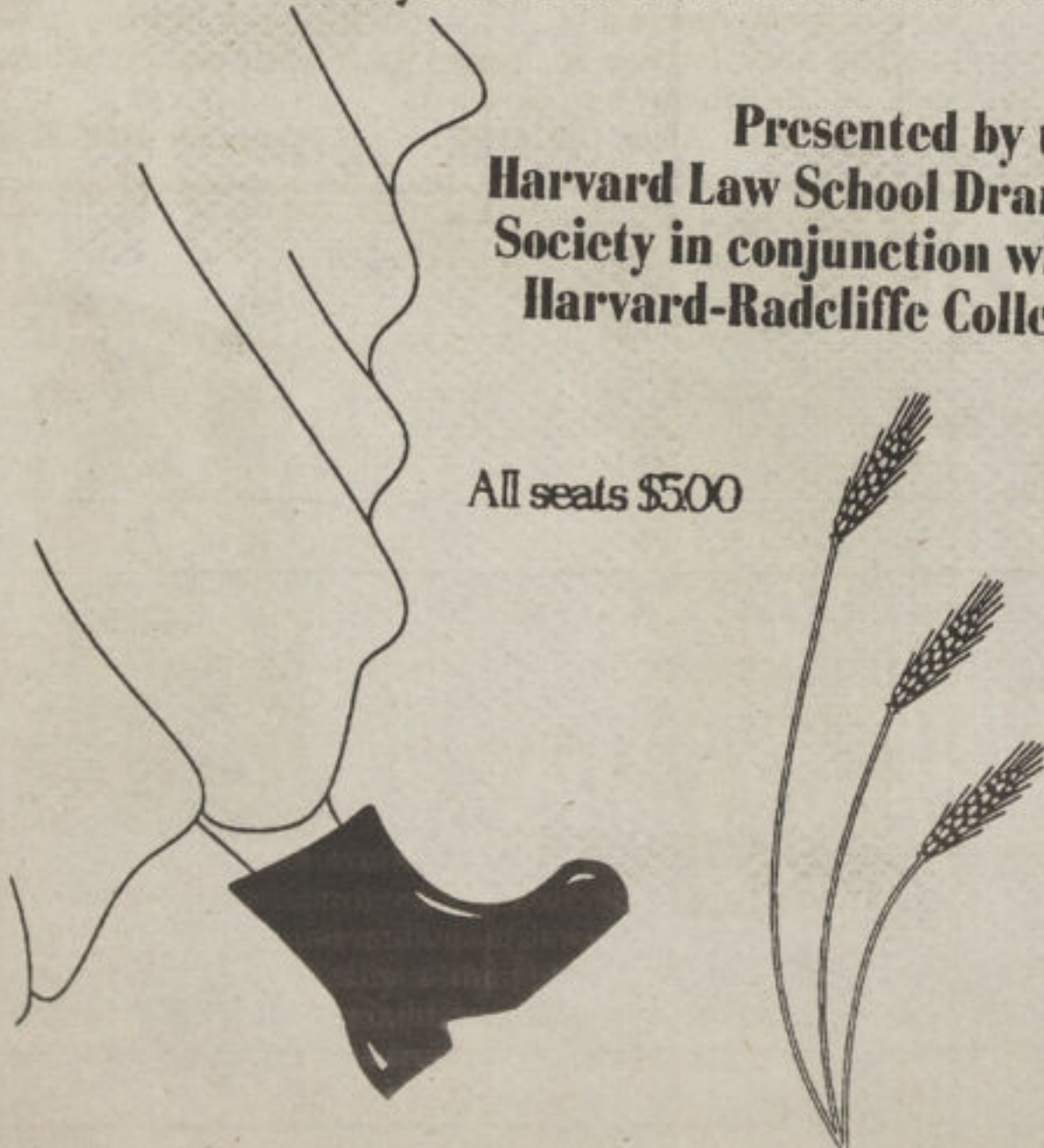
October 26 - 28 8:00 p.m.
Agassiz Theatre, Radcliffe Yard

Tickets on sale in the Hark
Oct. 24 through 28, 11 a.m. - 2 p.m.

Tickets also available
at Holyoke Center Ticket Office, the Arcade

Presented by the
Harvard Law School Drama
Society in conjunction with
Harvard-Radcliffe Colleges

All seats \$5.00



Judges Interviewing For Clerkships Early

continued from JUDGES, page 1

al judges will abide by it this year as they did last year, and even more will this year," Becker said. "Some people had doubted whether [the resolution] would work. But now more people will go along with it because they're comfortable with last year's success."

"The program is intact and, given [last year's] success, it will work again," said Becker.

But at least two Ninth Circuit judges plan to extend offers by the March 1 deadline as they did last year.

"I haven't seen any reason to change my mind," said Judge Alex Kozinski, who last year told the RECORD (10/29/93) that the conference resolution was "one of many efforts to try to impose a cartel on law clerk selection."

Kozinski, who generally begins receiving clerkship applications in December, said it was "silly" to refuse to interview students during winter vacation if it was convenient for them.

"If people are interested in applying and I'm interested in interviewing them, I don't see any reason why I shouldn't do it," he said. Kozinski said he knew "a number of people" who hired clerks early.

"Basically, I don't believe in regimentation," said Kozinski. "There's room in the system for people to do different things. That's generally my philosophy."

Judge Stephen Reinhardt — who last year wrote a letter to Ninth Circuit judges and the deans of major law schools criticizing the guidelines as "wholly inconsistent" — also said he would not necessarily refrain from interviewing candidates before March 1. Last year, Reinhardt and other judges from the Los Angeles area agreed to treat March 1 as the first date on which offers could be made, not the first date for interviews.

"I only interview over Christmas if there is somebody coming back home to California and they could avoid making another trip," said Reinhardt. "It seems kind of foolish to say, 'Go home and come back in six weeks.'"

Reinhardt said he knew of few judges who did not comply with either the conference's resolution or the modified Los Angeles rules.

Despite the dissension, Associate Dean Prof. Todd Rakoff '75 said he was confident that virtually all judges will abide by the hiring schedule this year.

"[The timing guidelines] make the clerkship application process a more level playing field," said Rakoff. "Under the old system, people who had good grapevines would know when to apply to a particular judge, and people who only had oak trees wouldn't know."

"There might be some changes as to the exact date in the future, [but] I think it would be a great mistake if it went back to a free-for-all."

Benchmark dates for clerkship applications are not a new innovation, HLS Clerkship Administrator Margaret Tuitt said. Students used to apply as 3Ls, but over time began searching earlier which, Tuitt said, was "crazy."

"Students went from one recruiting process [on-campus interviewing] to another with exams right around the corner," she said.

Judges selected clerks on the basis of first-year grades alone, a practice which hurt students who may have had difficulties adjusting to law school, said Tuitt.

Tuitt also said the guidelines help place HLS students on equal footing with other law students whose grades are reported earlier. "But our students are still at a slight disadvantage [because] we don't get ours until the middle of February because of Winter Term."

Is there an Actor in the House?

By Maria Politis

He's not a lawyer yet, but he's played one on TV. He was also a pizza delivery boy on television and performed in the play "Born Yesterday" with Rebecca DeMornay in the Pasadena Playhouse.

After being an actor for about nine years, Stephen Engle '97 decided to quit practicing his lines for show business, at least temporarily, and start practicing the law.

Engle said his decision to switch careers was motivated largely by a search for balance in life. While Engle enjoys acting because it "places value on people, their interactions, their loves, and their desires," he found that acting lacked a flip side. "[Acting] is all about emotion. There is very little room for objective intellect," he said.

Besides worrying about a lack of balance, Engle also sometimes wondered whether an actor is really a creative artist in the first place. "The words [actors] speak aren't theirs. The emotions aren't theirs, but the characters'. An actor's job is just to produce the emotions." As he approached 30, feeling dissatisfied with the nature of the profession, as well as somewhat disappointed with his work prospects, Engle said, "I thought maybe this wasn't the life for me."

While the typical unhappy actor turns to directing or producing, Engle opted to try his hand at lawyering. "I was hoping the law would provide an opportunity to connect with and help people...to have some real impact on people's lives, while at the same time using your intellect to help people," he said.

Is the 31-year-old 1L happy with his



Stephen Engle '97 is making the jump from stage and screen to the courtroom.

choice? Absolutely, he says. "After ten years in the working world, law school is the greatest. Each individual is valued as a person. Class discussion is exciting. The types of things we talk about are sometimes important. You're not limited in any way by anything but your own imagination." Engle said he especially likes the theoretical aspects of class discussion, which focus on questions such as what is just and what the law should aspire to achieve.

Engle regards the classroom debates as a true luxury, comparing the opportunity to engage in interesting discussions with the monotony of his former day job as a word processor for Goldman Sachs in New York. "That is deadly," he said. "It's completely devoid of self-expression."

While studying acting at USC, Engle enjoyed discussions of psychological profiles of the characters and of

emotions, but, he said, in day-to-day life actors rarely "think like that." Instead, they are more concerned with "union benefits and whether the catering truck is going to be ready."

While he realizes a similar phenomenon may happen when making the move from law student to lawyer, right now Engle is happy to be enjoying the student life while it lasts, especially at a prestigious school like HLS.

"One thing I learned while acting is to go to the school with the most prestige, especially [while pursuing] a competitive field like acting or lawyering. I don't know if I could have gotten in, but if I could I would have gone to Juilliard. I spent ten years trying to get to the point where someone from Juilliard would have been right out the door," he said. "Just going to a place like Harvard gets you started."

Book NOW for
the holidays!

LONDON \$173

AMSTERDAM	\$215
PARIS	\$229
MILAN	\$239
ATHENS	\$289
TEL AVIV	\$349
CARACAS	\$210
BANGKOK	\$468

Fares are each way based on a round trip purchase from Boston. Student or Faculty ID may be required. Taxes & surcharges not included. Fares subject to change.

6 Night LONDON Package from \$528

**Council
Travel**

HARVARD SQUARE, 1384 MASS. AVE
CAMBRIDGE, MA 02138

(617) 497-1497

THE JOHN DEWEY LECTURE IN THE PHILOSOPHY OF LAW

Forming
THE
BODY
POLITIC:
GENDER, RACE, &
CITIZENSHIP TRADITIONS
IN THE U.S.

Nancy F. Cott

Woodward Professor of History and
Chair of the American Studies Program, Yale University

Monday

October 24, 1994, 7:30 P.M.

John Chipman Gray Room, Pound Hall
Harvard Law School

BRIEFS



1Ls, L.L.M. Candidates Join Law School Council

The Law School Council welcomed 17 new 1L and L.L.M. representatives to its meeting Tuesday night following the close of fall elections.

The 1Ls who join the council this fall are: Diane Cardona and Shahzad Bhatti, Section I reps; Robert T. Simmelkjaer II and Torrey Smith, Section II reps; Nicole Lipman and Chip Nierlich, Section III reps; Joe Miller and Bob McCarter, Section IV reps; and Jonathan Baker, Zola Mashariki, Gordon Lederman, and Diane Klein Mahaffey, at-large reps.

Radhika Dughat and Barbara Schuck are L.L.M. reps, with L.L.M. candidates Vernon Seymour and Bertha M. Arguello serving as at-large reps. S.J.D. candidate Stavros Papastavrou also joins the council.

Two write-in vote-getters who did not earn seats on the council still have a chance to become representatives if the council determines it can put them in vacancies created as of Tuesday, when two existing council members were removed automatically for failing to comply with meeting attendance requirements. If the council constitution allows that action, 1Ls Eve Gerber of Section I and Joe Angulo of Section IV may replace Yellow Light Breen '95 and Bill Gowney '95. Gerber and Angulo tied in this week's elections with 24 write-in votes each, making them co-runners-up for the at-large positions.

Eating Disorder Center to Open

The Medical School announced this week that it will open a center to coordinate research on eating disorders. The Eating Disorders Clinic, which will open in January, will fund research and educate students and faculty about preventing eating disorders, administrators said.

"Researchers haven't been working together to study eating disorders," said Charlotte B. Wilson, administrative director for the new center. "We will bring researchers together to interface with each other and share their data."

Various eating disorders, including anorexia and bulimia, plague one-fifth of college women nationwide, Wilson said.

The center's first prevention program will focus on female athletes and coaches at Harvard, Wilson added. "Female athletes are more at risk because the so-called ideal athlete is extremely thin," she said.

-From the Harvard Crimson

Randall Kennedy's Wife Gives Birth

Prof. Randall Kennedy's wife Dr. Yvedt Matory gave birth to a son, Henry William Kennedy, on October 6. Mother and son are both doing fine, according to a memorandum issued by Dean Clark '72. Kennedy had appeared only slightly flustered when a RECORD reporter spotted him leaving for the hospital after he learned his wife was in labor.

Earlier in the semester, Visiting Prof. Einer Elhauge and his wife Julia also became parents of a son, Dashiell Nicholas, who was born on August 20.

City Requires Harvard to Discuss Handling of Stalking, Domestic Violence Cases

Harvard administrators will be required to meet with city and police officials to confer about the way the University handled a stalking incident this summer, according to the terms of a city council ordinance passed by a 9-0 vote Monday night.

In the meeting envisioned by the ordinance, University administrators will be required to meet with City Manager Robert W. Healy and four top-level Cambridge police officials and discuss proper procedures for future stalking and domestic violence incidents.

The ordinance follows a report in the Harvard Crimson last month that University administrators "repeatedly failed to cooperate with a police search" for a 17-year-old male summer school student who had threatened to kill a female summer school student.

"The purpose of this order is to assist Harvard in the most productive manner possible to know about stalking laws and domestic violence," said Councillor Michael A. Sullivan, the ordinance's author. He added that he was prompted to write the proposal by a Boston Globe column that referred to the Crimson's allegations.

The University issued a statement Tuesday night defending the way it handled the summer stalking incident.

"Harvard administrators acted appropriately and responsively by referring the incident to the police," said Joe Wrinn, acting director of the Harvard office of news and public affairs, in the statement.

The council order also asks Healy to prepare a program to train administrators from all Cambridge colleges and high schools about domestic violence issues.

-From the Harvard Crimson

Mayor Rejects Blame for Overpayment

Cambridge Mayor Kenneth E. Reeves said this week it was not his fault that he was overpaid more than \$30,000 of city funds during the last three-year period.

Reeves conceded he was paid a weekly stipend that amounts to more than \$13,000 per year to chair the city's school committee despite the adjustment of his salary to include the stipend six years ago. However, Reeves said he thought the extra money he received came from refunds for taxes he paid on the car he drives, which is owned by the city.

"I had no idea how much of its value would be taxed," Reeves said. "Either you believe that or you don't, but that's what happened."

School committee officials testified at the city council meeting Monday night that the committee never received a copy of the council ordinance, adopted in 1988, that raised the mayor's stipend.

The council voted 9-0 to refer the issue to its ordinance committee to consider the legal and ethical questions involved in the overpayment.

-From the Harvard Crimson

ITL Memos Sent to Ito

continued from MEMOS page 1

will just work through them and treat them as a library resource in the same way they might treat lots of other resources," Nesson said.

"The quality of the product is such that I think he's certainly going to take them seriously," Murray added.

Although Nesson has worked with Court TV on a number of projects — including this month's panel discussion on whether Simpson could receive a fair trial — he said the relationship would not prevent him from serving as a disinterested advisor on the issue. Court TV, which is seeking to televise the trial, is a party to the dispute over camera coverage.

Nesson said he and Murray would disclose the relationship with Court TV as well as the fact that many of the students will be taking courses from Prof. Alan Dershowitz, who represents Simpson.

"We're just trying to find every pos-

sible place where someone could suggest bias," Nesson said. "There's nothing in here that would disqualify us."

"I think in the situation that we're in, disclosure is the appropriate way to go."

One of Ito's clerks requested the memos, the first research memos the students have written in the course, on October 11 after Ito saw an article on the ITL course in the New Yorker.

Nesson and Murray notified their classes of the request on October 12, and the students wrote the memos over the course of the next five days.

Murray said he could not have "dreamed" of a better clinical opportunity for his students.

"It came at the exact right time," he said. "It was on an issue of the case we had chosen to study, and it had the benefit of being truly clinical."

"It would have been better if we had had two weeks' notice, but we adapted."



Charles Nesson '63



Peter Murray

The Ito Saga, Through a 1L's (Bleary) Eyes

By Justin K. Weiss

8:00 p.m. Service was slow.

11:30 p.m. I suggest we meet at Au Bon Pain for breakfast.

Friday

2:00 p.m. The weekend is set. It's catch-up time: Friday night on Contracts, Saturday on Torts, and all Sunday for Civ Pro. The backlog dies tonight.

2:05 p.m. Walking to the Hark, Mary asks if I'd like to write an Ito memo.

2:15 p.m. We hit HOLLIS. Hard. Keyword-searching CAMERAS and COURTROOM yields 110 sources.

Mary goes off to hunt for hard copies; I log on to Westlaw.

3:30 p.m. Shouldn't have waited until Friday to get started. Most of Mary's sources were gone, she says. I have found and started to print one promising document. It should be ready in about half hour.

4:00 p.m. I remember dinner plans. Mary says Scott and Melissa from her ITL section will show up tomorrow and join forces with us.

Saturday

1:00 a.m. Dinner was great. And Jillian's — all those pool tables! "House of Games" bit it, though. Should have rented something else. Time for bed.

11:00 a.m. Back in Langdell. Mary arrives at our table sipping a large iced coffee from Au Bon Pain. I watch enviously. A Harvard grad, she decides to try Widener. I drink her coffee.

11:30 a.m. Scott and Melissa arrive with piles of photocopies. They apparently began researching our memo immediately after O.J.'s arrest last summer.

1:00 p.m. Mary says our sources were missing from Widener, too. Reading my one Westlaw document, I find a footnote citing a University of Toledo Law Review article on law in "Star Trek: The Next Generation."

2:00 p.m. The "Trek" article is interesting, but hardly on point. Plus, the authors seem to have a soft spot for the insufferable Wesley Crusher.

4:00 p.m. Scott and Melissa find psychological studies on the effect of cameras in the courtroom. Mary displays copies of relevant Supreme Court decisions. I brandish my Westlaw document defensively.

6:00 p.m. Dinner at Chili's, where we exploit the two-dollar-appetizer-night deal.

Sunday

10:00 a.m. Mary calls. Au Bon Pain is off. I head over to Langdell. We continue to research.

8:00 p.m. I bring my Powerbook and printer to Langdell. After some strategic deployment of extension cords, we get busy.

Monday

12:00 a.m. Langdell shuts down. We have a draft. We pack up and head to my room in Hastings to polish it up. Scott points out we have 16 hours left. I restrain myself.

2:30 a.m. After a valiant shift at the Powerbook, Mary sacks out on the window bench. Melissa reworks our section on psychological studies. I add material on public impressions of the judicial system. Scott bluebooks like a pro.

4:00 a.m. Everyone goes home. I figure I might as well stay up all night (morning?) and edit.

1:00 p.m. Dazed. Slept more than usual in my classes. I give the memo on disk to Scott and Melissa. Off to court for BWAP.

6:00 p.m. Scott reveals major changes. They're for the best, but now we must edit all over again. We miss the deadline. A draft goes off to Dave Becker's BSA box. After dinner, we get back to work.

10:30 p.m. We are finished, but Melissa can't let go. She dictates changes to Mary, who can type. Scott and I watch "Beavis and Butt-head."

Tuesday

2:00 a.m. Melissa decides the memo is finished. Everyone goes home. I go to bed for the first time since Saturday night.

7:00 a.m. Kyoko, my ITL section leader, calls, reminding me to hand in the memo in duplicate and on disk. I edit the thing once more, for old time's sake. 8:35 a.m. Late for Torts. I stuff the revised memo into Dave's box. It's all over. Later that day, I meet Orin. About the memo, he says, "I felt like a boy learning to ride a bike, who's given a chance to ride in the Tour de France. Sure, it's great you get to ride in the Tour de France. On the other hand, you don't really know how to bike."

T H I N K I N G O U T L O U D

Tarantino's Triumphant Return



By Paul Weinberger '97

QUENTIN Tarantino's first major movie was one of the surprise successes of 1992. "Reservoir Dogs" was a bloody, profane B-movie, but its distinctive visual style and deadpan dialogue set it apart from the rest of a genre that was then in the midst of a resurgence ("Wild at Heart" had been the toast of Cannes two years earlier, to be followed by such related offspring as "True Romance" and recently "Natural Born Killers," both based on Tarantino's scripts but handled by different directors). Tarantino managed to avoid the twin excesses of such movies: mindless violence on the one hand and self-seriousness on the other. "Reservoir Dogs" made no pretensions about its social import, nor did it claim any deep message. Its plot was threadbare, but that was beside the point; what mattered was that it was wickedly funny and deliberately perverse.

Now, two years later, Tarantino is back with "Pulp Fiction" which, like "Wild at Heart," won the Palm d'Or at Cannes and sparked some controversy about violence in

**Equally impressive is the plot's
effortless manipulation of narrative
time, in which different storylines are
explored in non-linear sequence.**

movies, along with the usual French complaints of cultural imperialism. Tarantino didn't have any real response to these criticisms; in fact, he comes across in interviews as gawky and inarticulate, which didn't win him many converts among the international film intelligentsia. None of that matters, though, because his movie speaks for itself. "Pulp Fiction" is one of the most accomplished, entertaining, and — really — sophisticated movies to come out in recent years. It's both ambitious and just plain fun, alternately terrifying and hilarious — a combination few movies can boast.

"Pulp Fiction" is set in the same seamy netherworld of hoodlums and gangsters that we saw in "Dogs," and the trademark Tarantino elements are still in place: snappy dialogue delivered in seedy diners, funky '70s music, countless references to pop culture, deliberately understated acting, and the sudden juxtaposition of the quotidian and the horrific. But where "Dogs" was content to stay at the surface of this underworld, here Tarantino dives into it with obvious, and infectious, delight.

He gives us three main characters: Vincent (John Travolta) and his sidekick Jules (Samuel L. Jackson), who are the henchmen of Marsellus Wallace (Ving Rhames), a big-time L.A. gangster; and Butch (Bruce Willis), a washed-up boxer looking for an escape. Jackson proved his talents in "Jungle Fever" as Wesley Snipes' drug-addict brother, and he's equally good here as a tough, articulate hood who comes to realize that he's had enough of crime. The two other leads are not exactly known for their acting skills. Willis may have made a fortune in the action-movie genre, but his smirking cockiness often wears thin, while Travolta has spent over a decade trying to live down "Saturday Night Fever" and "Welcome Back, Kotter." Yet somehow both have found their footing here, Travolta with a sly charm that we'd forgotten he possessed and Willis with a combination of genuine courage — as opposed to the pumped-up Schwarzenegger variety — and desperation that gives Butch an irresistibly human appeal.

They are supported by some terrific and hilarious performances that are both predictable (Tim Roth, Harvey Keitel, and Christopher Walken show their usual scene-stealing charisma) and surprising (Uma Thurman is touching and funny as Wallace's sexy but unstable wife, Mia). The real star, though, is Tarantino, whose visual dexterity reaches new heights. He gives us long tracking shots, off-center framing, slow motion, and hand-held cameras all managed with the nonchalant genius of a Scorsese and so cleverly integrated that, rather than distracting us from the movie (cf. Oliver Stone, who changed Tarantino's "NBK" script so much that Tarantino asked that his name be removed from the credits), they join seamlessly to present a coherent whole. Indeed, in one early scene, Tarantino pays an apparent homage to a scene from Scorsese's "GoodFellas" (Ray Liotta's night-club entrance): a long, gliding tracking shot follows Travolta into a glitzy restaurant, the camera's smooth passage and slightly askew angle giving us a sense of what Vincent, stoned and dazed, is feeling. It's over in a minute, but it's just one among dozens of surprising and clever cinematographic devices on display.

Tarantino also gives us a revised version of "Reservoir Dogs" deservedly famous — or notorious — torture scene, in which he managed to convey both humor and terror in the sadistic delight of a razor-wielding Michael Madsen intent on lopping off his victim's ear. This time, Butch and Wallace are bound and gagged by a couple of ruthless rednecks assisted by a menacing, black-leather-encased accomplice who looks like he's stepped out of a Madonna video. But the episode isn't played for laughs; instead, the suspense builds as we slowly realize, with mounting horror, just what the two have in store for their prisoners. It's a truly frightening and perfectly-pitched scene, and it shows how far Tarantino has come from the elegant but occasionally shallow black-comedy of "Dogs."

Equally impressive is the plot's effortless manipulation of narrative time, in which different storylines are explored in non-linear sequence. It's only halfway into "Pulp Fiction" that you begin to realize that Tarantino is playing with the movie's chronological structure in a manner that would do Jim Jarmusch ("Mystery Train") proud. It's clever and showy, but it works to perfection. By the end, we realize that we have effectively come full-circle, returning to the same scene that began the film two and a half hours before. That may sound long, but it flies by; you might well be tempted, as I was, to sit through it all again.

F O O D - O - R A M A

Hello, Dali



By Ted Cohen '95 and Jonathan Goldstein '95

As you come over that little hill on Beacon Street that runs between Inman Square and Washington Street, you see the low-lying, purple Dali (415 Washington Street, Somerville; 661-3254) come into view. One of the nicest dining rooms in the Boston area, you've been told. One of the warmest, most inviting spots. Great place to take a date. Um, excuse me, we wonder as we crest that hill, but did someone say that Beacon Street is warm and inviting? Well, we agree the Walgreen's is very brightly lit, and there are a lot of supermarket parking lots to drink fortified wine in on Saturday nights and do "donuts," but that's not what we like to do with a date (well, OK, maybe some dates). But my, oh, my, what they say about that Dali place, it's 100 percent true.

Hung with stalactites of braided garlic, cured meats, fresh and dried flowers, beads, and (yes) underwear, Dali is like the movie set for a party that's always just about to happen. (Here, in the perfect lighting, the software writers, the associates at consulting firms, and the professors with book and television deals all look like they belong in Barcelona.) Thankfully, it's still bright enough to read the menu.

Which you will want to do, with great relish, over a pitcher or two of the excellent, not too sweet, sangria (\$9 for a half-pitcher; \$16 for a full). The food is every bit as seductive as the setting. We advise getting about six or seven tapas for two people. Take these four green-lipped mussels, each as big as our index finger, served on the half shell with a dollop of tangy pureed avocado and a thin strip of pimento (\$4.50). Mussels have an assertive taste, and the mellow, creamy avocado rounds it out beautifully. Or try one of our personal favorites, a big round of baked goat cheese set in a small casserole of warm chopped tomatoes, fresh basil, and olive oil (\$4.50). This is a simple dish, but the ingredients are so good — the cheese riding a perfect wave of acidity and richness, the tomatoes and basil hanging together on a luxurious thread of first-rate olive oil — you will want to sop the whole thing up with some of the excellent bread. Which deserves mention of its own: it's slightly sweet, very dense, a little sticky at the center, and there's always more of it. (By the way, you get a little ramekin of pureed chickpeas and wild mushrooms with the bread — it's very garlicky and very good.)

Move on to a special of sweetbreads, which have been browned in a little butter and served over a couple of semolina medallions (\$6.00). (Sweetbreads are, um, pancreas, which should not freak you out because they are really more of a texture than a taste.) Semolina has the texture of a fine-grained polenta, but is more of a blank, taking on the flavor of whatever it's served with; here it provides a nice counterpoint to the sweetbreads. And then there's the sauce: a thick, almost catsup-consistency puree of chestnuts and what seems to be a little chocolate, some sherry or other sweet wine, and olive oil. This is an incredible sauce. Really just A-plus good.

Other tapas highlights include four ravioli stuffed with lobster and crabmeat in a cream-based langostina sauce (\$4.50), artichokes fried in a saffron batter and served with a squeeze of lemon juice (\$4.50), and slices of beef tenderloin and pimento served over toast (\$5.50). And while they're in season, try the anguillas (we know we're spelling this wrong), tiny baby eels sauteed in a little olive oil and a lot of garlic. They look like spaghetti and are pleasantly fishy; if you like fresh sardines, you'll love these.

**Dali makes for an excellent meal,
no matter how you play it.**

Now, unless you suffer from an extremely anal approach to dining, you'll resist the temptation to continue on to the entree course. The main dishes don't really stack up to the quality and innovation of the tapas, leaving you with a large plate of not so extraordinary food. If you're still hungry, we recommend a few more tapas and some more sangria. But, if you insist...

Platos Principales range in price from \$14 to \$18 and provide good-sized portions. The Mar i Muntanya (that's "sea and mountains" for you gringos) (\$18) reads a little better than it tastes: "shrimp, chicken and lobster in a saffron, tomato, nut, wine and 'hint of chocolate' sauce." The shellfish and chicken are uninspiringly presented in a shallow casserole dish with a doctored up molé-like sauce. The saffron, that most expensive of all spices, is nearly lost in the melange of chocolate and nut flavors. Still, it is an above-average dish if you're looking for a taste of España.

Other entrees include pescado a la sal (\$17), a traditional salted fish classic with its origins in Cadiz. If you handled the sweetbreads, you'll have no problem facing the conejo escabechado (\$16), that is, braised rabbit in a sweet-and-sour sauce of juniper berries, cinnamon, serranos, sherry vinegar, and red wine. As you'll find, much of what's interesting in Spanish cooking is the unusual mix of spices and flavorings. Leave your Yankee notions of what is supposed to go with what at the door and you'll enjoy the ride. Oh, and lest we forget, there's paella. Three kinds, in fact: the standard Valenciana with meat, poultry, and seafood, del Océana with seafood only, and jengibre with gingered lamb.

And so on to desserts. Again, not the reason you come to Dali. We sampled a filloa al licor (\$6), a thoroughly dull fruit-filled crepe covered in a chocolate sauce and a hint of orange liqueur. The flavors failed to hang together, like they had never even been introduced, and what remained was a rather too filling and too sweet dish. A good bit better was a special of leche frita (\$4.50), which translates, bafflingly, into "fried milk." How the heck do you fry milk? we wondered. Well, in fact, you don't. It's more a custard which has been quick crispy-fried and topped with a tart berry sauce. A tasty treat.

Dali makes for an excellent meal, no matter how you play it. Bring a date. Take your parents. Go alone. The super service, warm atmosphere, and terrific food are bound to make you a frequent visitor.

RATING: ★★☆☆

Harvard Law RECORD

Founded in 1946

Greg Stohr
Editor-In-Chief

A Modest Victory for Civil Liberties

The Clinton administration seemed to provide a faint glimmer of hope for those who treasure civil liberties last Friday when it decided not to seek en banc review of the Ninth Circuit's order preventing the Navy from discharging gay officer Keith Meinhold. Ever since Clinton abandoned his opposition to the ban last year, the administration has pursued homosexual discharge cases with almost Reaganesque vigor. In two high-profile cases — those of National Guard Col. Margaret Cammermeyer and Navy Midshipman Joseph Steffan — the government elected to appeal lower court decisions reinstating the two individuals. In the Steffan case, the full D.C. Circuit vacated a three-judge panel opinion — written by current White House Counsel Abner Mikva — holding that the ban violated the equal protection clause. The D.C. Circuit is expected to produce an en banc opinion upholding the ban, perhaps as early as this week.

Whether the administration has rediscovered its commitment to abolishing stereotypes based on sexual orientation is not yet clear. As of early this week, the Justice Department had made no official statement about the case; it merely allowed the deadline for seeking en banc review to pass. The government could still petition the Supreme Court for certiorari. For the Supreme Court to grant cert at this point likely would be disastrous for ban opponents. Prospects for overturning the policy could be much better a year or two from now — especially if Clinton has the opportunity to select a replacement for either Sandra Day O'Connor or William Rehnquist, both of whom voted to permit a ban on homosexual sodomy in *Bowers v. Hardwick*.

Lawyers close to the case suggest the Justice Department may merely be choosing its battles in its effort to preserve the current policy. The *Meinhold* decision is likely to have limited legal impact; unlike with the Cammermeyer case, the *Meinhold* court's order applied only to Meinhold, not to the entire service. Furthermore, the Navy was attempting to discharge him under the old Defense Department regulations, not the Clinton "don't ask, don't tell" policy. Sources suggest the administration plans to become more aggressive in litigating discharge cases under the new policy — none of which have reached federal court yet.

At a minimum, the court's reasoning in *Meinhold* — the panel held that a mere declaration of homosexual orientation is insufficient to support a discharge — will serve as useful precedent in the Ninth Circuit. Whether this modest victory portends a larger triumph down the road will depend in large part on the administration's litigation tactics. More than any other issue in the past two years, the gay ban has highlighted the absence of a moral compass in the White House. By backing off its confrontational stance in court, the Clinton administration could take at least a small step toward restoring its commitment to a fundamental civil liberty.

— Stohr

Staff

MANAGING EDITOR	April Rockstead
PRODUCTION EDITORS	Maria Politis, David Weiss
COPY EDITORS	James Lank, Colin Meeder
PHOTO EDITOR	Gene Rhough
MUSIC EDITOR	Jeff Bucholtz
EDITORS	David Clancy, Debra Dickerson, Victoria Kuohung
CONTRIBUTORS	Ted Cohen, Jonathan Goldstein, Markus Hartmann, Jessica Herrera, Jeffrey Litvack, Robert McBurney, Paul Weinberger, Justin Weiss, Scott Wiener
CARTOONISTS	Ted Cohen, Sean Kanuck, Matthew Queler, Sheila Tuller
GENERAL MANAGER	Kelby Hagar
ADVERTISING MANAGER	Clarke Camper

Printing By The Harvard Crimson

Editorial/Letters Policy

The Harvard Law RECORD (ISSN 0017-8101) is a publication of the Harvard Law RECORD Corporation, a non-profit, independent, student-owned and run corporation of the Commonwealth of Massachusetts. Harvard Law RECORD, Harvard Law School, Cambridge, MA 02138-9984. Telephone (617) 495-4418. Fax (617) 495-8457.

The RECORD is published weekly on Fridays throughout the academic year and is distributed free of charge to Harvard Law School Students and at a minimal charge to Harvard Law School Alumni. Copy and photo deadlines are 5:00p.m. on the Monday preceding publication. Advertising deadlines are 5:00p.m. on the Tuesday preceding publication.

Submissions may be sent to The RECORD at the above noted address, dropped in the RECORD box located in Harkness Commons, or left in the 3L Hark box of Greg Stohr. All copy must be typed, double-spaced, and submitted on paper and on a computer disk (Macintosh or IBM). The RECORD reads and appreciates every letter we receive; we reserve the right to edit letters for space as necessary. We will return your disks. Off-campus subscriptions are available. Subscription price: \$30.00 year mailed; \$35.00 year mailed outside U.S. Individual copies: 35 cents at newsstands, 50 cents at the Law School, \$1.00 mailed, \$2.50 for back issues and reprints. Second-class postage paid at Boston, MA and additional mailing offices.

© 1994 by the Harvard Law RECORD Corporation and by the contributors.

THE RECORD IS COMMITTED TO EQUALITY AND DIVERSITY. WE STRIVE TO PROVIDE A FORUM FOR THE FREE EXCHANGE OF IDEAS. AS A RESULT, THE OPINIONS REFLECTED IN ARTICLES, EDITORIALS, AND CARTOONS ARE THOSE OF THE AUTHORS AND DO NOT NECESSARILY REFLECT THE OPINIONS OF THE RECORD.

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

—First Amendment, US Constitution

• Letters •

Weissman's Viewpoint Self-Righteous

I am a 3L and a member of the Harvard Legal Aid Bureau. I plan to work at a private law firm beginning next fall. Robert Weissman ('95), in his article of October 7, implied that interviewing for and presumably working at a private firm is inconsistent with working at the Bureau. Weissman appeared to be surprised that Bureau members might be interested in pursuing firm rather than public interest work.

I am tired of the view that there is some marked difference between students interested in public interest work and those interested in firms. To my mind, this viewpoint suggests that the public interest people have a corner on the market when it comes to being interested in and concerned about doing good in the world.

My experience over the last 13 months at the Bureau has proven to me that this viewpoint is not only self-righteous but also untrue. Many, if not most, of the people at the Legal Aid Bureau plan to work at a private firm upon graduation. These same people spend many hours each week doing high-quality legal work for their

indigent clients. Certainly we are rewarded with the opportunity to gain hands-on experience representing real clients and some of us receive academic credit for a portion of our Bureau tenure. But I also firmly believe that most if not all of us truly enjoy serving people less fortunate than ourselves. I would also venture to guess that many of us will continue to serve our communities in one form or another throughout our careers.

I also disagree with Mr. Weissman's premise that HLS is responsible for steering people away from public interest careers. I personally believe I have made the choice to work at a firm next fall on my own. While I may not like many aspects of HLS, I do not believe it has the power to control the minds of its student body. The fact that positions in private practice are more lucrative and easier to obtain for HLS students is not the law school's fault. I also think that OPIA and the clinical programs at this school both go far to promote public interest career choices.

I take issue with one other aspect of Mr.

Weissman's article. He wrote that he dislikes the fact that Prof. Charny ('82) often uses private law firm hypotheticals in his Employment Law class. He asserts that this practice is yet another example of the HLS plot to steer students into private firm jobs. I am also a student in that class and believe Weissman's complaint is superficial and inaccurate. Prof. Charny spends a lot of class time challenging students to consider the implications of the current state of the law for all segments of the population. I do not believe that he is concerned about encouraging any of us to follow a particular career path and I do not believe he should be.

I would also like to take the opportunity to encourage any 1L who would like to do legal aid work as a part of her law school experience to apply at the Bureau this spring. You are welcome whether you plan to interview at private firms or at public interest organizations. We do not discriminate.

Terry Wood '95
October 18, 1994

Scott Wiener Missed the Point

Recently a column appeared in the RECORD in which a student complained about being hissed, booed, and taunted in class for expressing curiosity about certain aspects of criminal rape proceedings. ["No Fear" by Spencer Levy '95, Sept. 30, 1994] The author argued that this type of behavior amounts to censorship and hinders the learning process. A rebuttal followed in the [October 7] edition of the RECORD by [Scott] Wiener ('96) to which I would like to respond.

Wiener's question-begging rebuttal of the "Correct Ones" column sets forth premises that seemingly support the claims made by the opposition; Wiener fails to account for the distinctions between the examples he advances and the ones given in the first column, and he uses his column not to address the issues raised in the first column, but instead to discuss a wholly unrelated issue — prejudice against homosexuals. In fact, Wiener's comment seems to be an attempt to logroll more than anything else. That is, he plays to the sensitivities of traditionally disadvantaged groups — such as women and African Americans — to gain support for gay endeavors.

As [Levy] pointed out, the opportunity to question and be heard is of fundamental importance to the sanctity of free expression. But when some use their freedom to drown out the opinions and curiosities of others, the right is being abused.

Wiener, however, likens a student's vocal curiosity about particular rape proceedings to utterances such as "faggots, niggers, spics, chinks, cunts, etc." And for this reason, he argues that it is acceptable to silence those who make such comments through classroom hissing and taunting. There is, however, a material distinction that is not being accounted for: The former is an attempt to grapple with difficult issues in an educational setting, while the latter examples are purely declarative insults with no other purpose than to hurt.

Moreover, when Wiener states that opponents of political correctness "... do everything in their power to deflate us (the correct ones) and to make sure that no one takes our opinions and arguments seriously," I wonder who he is talking about. Isn't hissing, taunting, and insulting someone in class an attempt to deflate them and make sure no one takes their opinions

and arguments seriously? Why can't the correct ones use their opportunity to be heard to attack the merits of unsavory opinions and arguments? One might argue that it's because their arguments are lacking in substance.

Wiener, in a last ditch effort, states that arguments against the correct ones are similar to the demonization of American Communists during the 1950s and European Jews during the 1930s. He, however, fails to realize that American Communists and European Jews were taunted, booed, hissed, and effectively silenced by the correct ones of their respective eras. And they, unlike Mr. Wiener, were not given the opportunity to debate with or question their adversaries.

In the end, it is clear that Wiener's column is an attempt to secure sympathy for "... a gay man who knows that if he walks down the street holding hands with his lover, he might be killed." This is not necessarily an unreasonable goal. But, what does it have to do with the fettering of curiosity and free expression in an educational setting?

Ray Bronner '97
October 12, 1994

O.J. Panel at Level of "Hard Copy"

I would like to take exception to your glowing report on the TV production taped recently on the O.J. Simpson case. The show was taped in Sanders Theater, part of the Historic Memorial Hall. It seemed almost vulgar to me for it to be reduced to a sound stage. But first-year students dutifully piled into the theater and filled nearly every seat. So the premiere educational institution in America was discussing the same hot topic as the supermarket tabloids.

But shouldn't the centers of higher education involve themselves in the issues of the day? Can't Harvard raise the level of discussion of this important case? Perhaps it seemed that the tail was wagging the dog. It was not a case where media had descended upon Harvard to learn from the academics; it seemed that Harvard had succumbed to the level of

"Hard Copy."

The whole thing just didn't seem right. Prof. Nesson ('63), in the role of Ed McMahon, warmed up the crowd with an O.J. Simpson joke, no less. The crowd was instructed when to applaud and obediently complied. Prof. Miller ('58) strutted around the stage wrapped in his traditional vest. He seemed to be playing the role of a Harvard professor rather than being one.

On the stage, the usual array of defense lawyers and prosecutors: Linda Fairstein, fresh off the book circuit, a U.S. attorney from New Jersey, Prof. Ogletree ('78) dutifully pointing out the defendants perspective, a D.A. calling out: "Hey, how about the victim?" The most cogent remarks came from New York Times columnist Anthony Lewis. Mr. Lewis, who for years wrote about legal issues for the Times,

expressed disgust for the actions of the media, the circus-like atmosphere in the court and the grandstanding on both sides of the case. At one point, he suggested reinstating a prohibition on discussing ongoing criminal cases. He soon recanted, however, his disgust not being sufficient to overcome his respect for free speech.

Are some Harvard Law professors endangering the prestige of their institution by readily succumbing to the allure of notoriety? Perhaps not. But some of us are uncomfortable with the compromises professors make to become media stars. Their desire for celebrity status may be dulling the reputation of Harvard just as the makeup used during the show dulled the shine off their noses.

John B. Gorman
October 18, 1994

Media Coverage in the Simpson Case: Exceeding the Bounds of Propriety?

By Charles J. Ogletree, Jr.

ON September 23 a Los Angeles television station offered some breaking news on the O.J. Simpson case. The station had learned from "reliable sources" that DNA tests had been performed on a bloody sock found at O.J. Simpson's home and the blood had been matched with that of Nicole Brown Simpson. If this evidence were true, it would add substantial weight to the government's case of circumstantial evidence against Mr. Simpson.

It turns out the report was false.

Judge Lance Ito, who throughout the pre-trial proceedings made every effort to ensure that the First Amendment right of the press to cover the case was balanced against Mr. Simpson's Sixth Amendment right to a fair trial, expressed anguish and frustration upon hearing this report. In an unusual display of anger, Judge Ito asked the prosecutor in open court whether the reports of such tests were true. The prosecutor denied that such test results existed.

Undaunted, the local television station, KNBC, not only repeated its earlier report, but embellished the report to give the impression that the evidence was even stronger and more persuasive.

At his wit's end, an exasperated Judge Ito raised as a serious question: whether he would allow press coverage during the Simpson trial. However, the judge's threats did not change the view of the news media. In fact, the station responsible for the "breaking news" about DNA tests on the bloody sock went on to report that the prosecutors denial of such a claim was only a "limited denial," and further conducted interviews with the reporter responsible for the "breaking news."

Finally, an exasperated Judge Ito called for a hearing to determine whether press coverage would be allowed during the case. The Los Angeles television station then finally acknowledged that its reports may have been inaccurate, and further that its "reliable sources" were no longer sticking to the "reliable" information they had provided.

This particular incident is but the tip of the iceberg in what has been very disturbing press coverage in the O.J. Simpson case. It reflects not only carelessness, but a callous disregard for accuracy. While we can praise the press for having reminded us, in times of war, that the first casualty of war is the truth, it seems clear that, in the coverage of the O.J. Simpson case, the first casualty of reporting is accuracy.

There is no doubt the O.J. Simpson case is unique.



There is no case that has generated as much coverage or public interest this century. It is truly a good story, and no wonder the press has latched onto it. But the press coverage of the story has so many casualties that it is hard to determine whether it in any way venerates our need to protect fully the press' freedom to cover it.

The press is not the only culprit. It is clear that agents or sympathizers for both sides have leaked misleading, unsubstantiated, and damaging evidence to the press, and that material has been freely reported. The reports about Detective Fuhrman's alleged racist views and practices could be very damaging to the prosecution and quite helpful to the defense. The New Yorker article printed these allegations without any identification of the parties who made these claims and has left a lingering question of proof: Where is the evidence and why isn't it available?

Chief District Attorney Gil Garcetti, in responding to the tremendous interest in the case, held early press briefings and improperly suggested that Mr. Simpson would raise a insanity defense. Since when does the government control the possible defenses for the defendant and then publicly talk about them? F. Lee Bailey told the press that Mr. Simpson had an alibi partially based on a call Nicole Brown-Simpson made to her mother shortly before her death. Since when does defense counsel hold a press conference and discuss defenses before indictment and before trial?

The pack journalism mentality surrounding this case is undeniable. The KNBC example above proves this point. Everybody followed the story, including CNN, and then followed the story with coverage about how Judge Ito had criticized news stations for running that incorrect story. The L.A. Times patted itself on the back for not running the story initially, but then used its front page to state that no bloody sock had been found.

An undeniable artifact of the pack mentality has been the ability of the press to be used, like pawns, in the adversarial system. In this case, the press seems like an all-too-willing advocate for the schemes of the two sides.

These factors lead to an inexorable conclusion: Judge Ito would have a strong factual basis to justify restraining the press from some sort of access without violating the First Amendment. The legal analysis of the constitutionality of a judicial restraint on public access to information focuses on highly individualized factual elements. The aspects of this case that make it so unique, particularly in terms of press coverage and the influence of the press increase the likelihood that Judge Ito could impose a ban. The Supreme Court has held that behavior that prevents the fair adjudication of a case is punishable as contempt. In the absence of a prior restraint order, the clear and present danger standard is used to determine the constitutionality of a contempt citation.

If any case could be justified as an exception to the general prior restraint rule, the O.J. Simpson case would be it, especially since so much of the information that is published is patently false. False prejudicial publicity is more potentially prejudicial to a defendant than information which is merely incriminating. A prior restraint on publishing material whose veracity has not been adequately confirmed may be a sufficiently specific edict to avoid the concerns of vagueness and overbreadth that are used to criticize other prior restraints.

I am not, however, advocating that Judge Ito should use his authority to impose any restraints on the press. The press, despite its flaws, has a valuable mission to fulfill.

But what is clear is that Judge Ito, a government actor, may not be the worst threat facing men like O.J. Simpson. The press is now the oppressor, finding fuel in the First Amendment to persecute and condemn. The press may become the same villain, making justice impossible by drowning out the voice of truth that the First Amendment itself was designed to overcome.

While we can praise the press for having reminded us, in times of war, that the first casualty of war is the truth, it seems clear that, in the coverage of the O.J. Simpson case, the first casualty of reporting is accuracy.

• Letters (continued) •

Nesson Hijacking ITL Program Way Into Cyberspace

We cannot prevent Prof. Charles Nesson [63] from speaking half-truths to the press. The Law School, however, can and should regain control over one of the most important aspects of the first year curriculum — the required course in legal research and writing skills.

Prof. Nesson this year has hijacked the ITL course into what he calls cyberspace, saying: "All the students are getting an E-mail account and access to Lexis and other databases, so they can organize their own personal research infobase." Exciting as that may sound in the abstract, most people know that E-mail has been widely available at universities across the country for years. Merely because the Law School is belatedly entering the modern age does not mean that E-mail skills should comprise a major part of a first-year course titled "Introduction to Lawyering." Of what

use is such an infobase to a student who has not yet learned more fundamental tools of the trade?

Certainly, familiarity with technology will prove an asset to HLS grads. However, more important in the first semester is teaching students the basic skills involved in lawyering — research, writing, and oral advocacy skills. While I know many of the student workshop leaders are doing their best to help 1Ls attain these skills, it is apparent that the program is suffering from a lack of focus at the top. I propose the administration seriously consider an "experimental" section of next year's 1Ls, a section that would focus on, or at least begin with, a relatively simple issue in a single jurisdiction. In this section, students would gain important library skills not from a one-hour tour, but from an emphasis on hands-on work with digests, statutory codes, and

case reporters. It may not sound as sexy as O.J., nor would tabloid trash be a part of this curriculum, but I have a hunch such a format would be of greater benefit to first-year students than fanciful trips through the impenetrable world of Prof. Nesson's cyberbrain.

It is one thing to be in a position to spread off-the-cuff half-truths to the New Yorker, but quite another to bear the responsibility for furthering the legal education of incoming law students at Harvard. I do not think I am alone in these sentiments. I think Prof. Nesson owes the school an intelligible and focused explanation of his curriculum concept. Then, with the administration awake to student concerns, let's let the jury decide.

Joshua Sternoff '95
October 18, 1994

Clancy Wrong on Romney/Kennedy Religion Issue

David Clancy's [95] column [October 14, RECORD] argues that Mitt Romney, Republican candidate for the United States Senate, attempts to hide from criticism as a lay leader of the Mormon Church: "When acting as a member of a church, [Romney] believes, you are invisible: Your actions are beyond the view, beyond the scrutiny, and beyond the reproach of voters."

Among the attacks that Clancy levels against Romney was Romney's advice that an unwed mother who came to him for guidance consider giving up her baby for adoption. As an avid supporter of Mr. Romney, I would like to inform Clancy that the Republican candidate has been unusually forthcoming in his activities with the Mormon Church, despite the superficial claims of liberals such as Mr. Clancy that one's religious beliefs should not matter (unless, of course, one happens to be a conservative threatening to oust that role model of a liberal who has represented the Commonwealth for the past thirty-two years).

Unfortunately, rather than arguing the merits of the advice that Romney gave the unwed mother, Clancy implies that it was improper for Romney to give any advice at all, merely because Romney was a lay leader of the church. A much more important issue, which Clancy regrettably overlooks, is that many people think that Romney actually gave the woman reasonable advice when he urged the woman to give up the baby for adoption. Studies show that some 80 percent of children born to teenage mothers grow up in poverty, while children born to married mothers who have completed high school face only an 8 percent risk.

The second criticism of Mr. Clancy's argument is a broader argument that Clancy has absolutely no business discussing Romney's action in the context of Romney's religious affiliations. Or can we discuss what a good Catholic Ted Kennedy has been? Clearly, one's membership in a religion, or any other organization, does not by any means of logic imply that one agrees

with all of that organization's views. (Why doesn't Kennedy oppose abortion as Catholic doctrine dictates?) Instead, Clancy would be well advised in the future to discuss the content of the argument made by candidates with whom he disagrees.

Todd Kennard '97
October 18, 1994



**Recycle
the
RECORD**

Help! Law School Needs Computers

To all who would support Harvard's Cyber Enterprises:

We've got a problem. Our Cyberlaw class depends substantially upon our students having adequate access to technology. Many of our students lack computing equipment necessary to take advantage of what we have to offer. Some have no computer at all. Many have old, small systems incapable of running integrated software and have already borrowed a huge amount of money to pay for their tuition, expecting to graduate with north of \$90,000 debt.

HLS has tried to meet student needs by expanding the capacity of our labs but has not been able to meet demand. Our labs are bursting.

We are committed to the ideal that tech should not be used to further disadvantage the economically disadvantaged. But with poor equipment, students get poor learning, speaking electronically. Those with good equipment have the opportunity to spurt ahead. We are failing to exemplify our ideal even within our own class.

We need help. Our students need help.

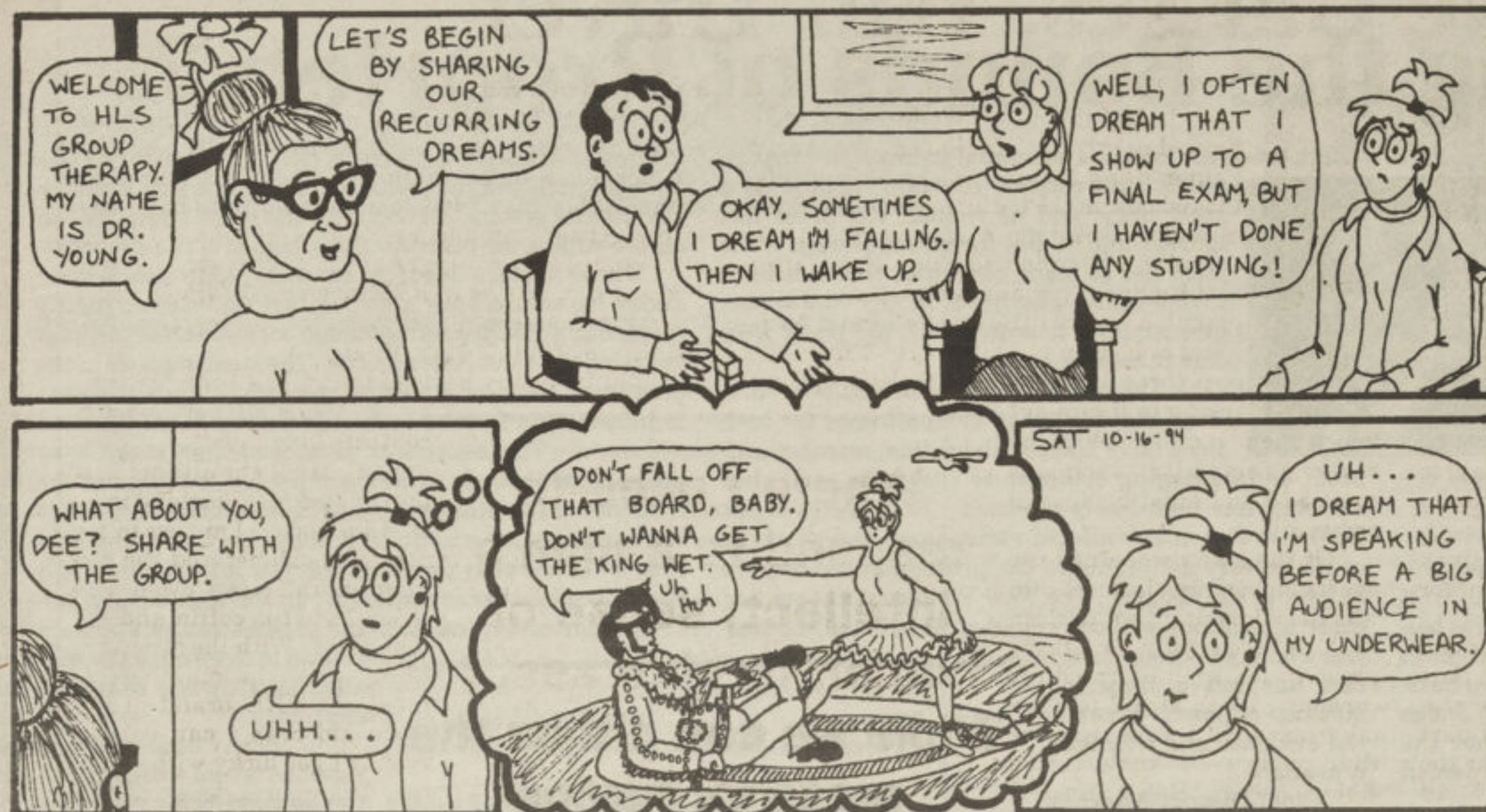
We need 150 hot Windows laptops to lend out to our students. We need them right away. We asked West Publishing for help in this and got turned down.

Is there someone out there who will help? Please. Thank you.

— Weld Prof. Charles Nesson '63
— Visiting Prof. Peter Murray

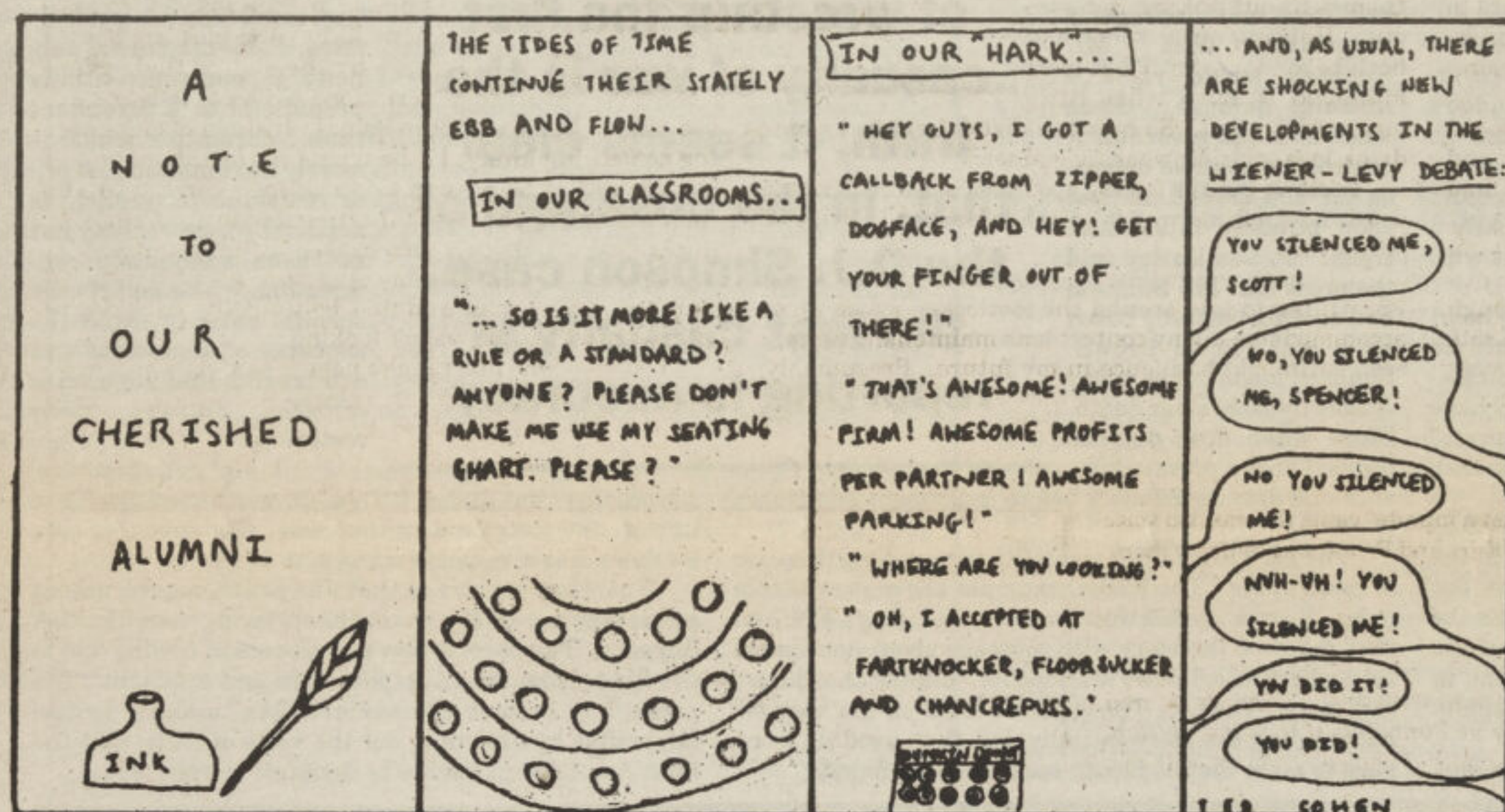
Temporary Insanity

By Sheila Tuller



Res Ipsa Loquitur

By Ted Cohen



Guide to Legal Terminology

By Sean Kanuck & Matthew Queler

contract of adhesion: a special form of purchasing

agreement which originated in the epoxy industry

expected utilities: the amount you plan to spend each

month on gas, heat, and electricity

conversion: 2-point option now available in the NFL again

joint and several: one or more marijuana cigarettes*

*courtesy of David Margolin

Koby
Antupit

PHOTOGRAPHERS

Job Photographs
Résumé & Publicity
Instant Color Passports
Creative Portraits

Harvard Square
8 John F. Kennedy St.,
Cambridge
547-7552

POSTMASTER: Send address changes to Harvard Law School Association,
Harvard Law School, Cambridge, MA 02138.

ALUMNI/AE ADDRESS CHANGES: Alumni/ae who receive the RECORD as a
result of membership in the Harvard Law School Association should mail
change-of-address information to the Harvard Law School Association,
Harvard Law School, Cambridge, MA 02138.

Each alumnus/a receiving a RECORD subscription through the Harvard Law
School Association should be on notice that \$5.00 of H.L.S.A. annual dues
are used to purchase the RECORD subscription that he or she receives.
Dues paid at any time during the H.L.S.A. fiscal year that began on July 1,
1993 and ends on June 30, 1994 purchase a subscription that begins in
January 1994 and expires in December 1994.

Return Address:
Harvard Law School Assn.
Harvard Law School
Cambridge, MA 02138

SECOND CLASS POSTAGE PAID AT BOSTON, MA AND ADDITIONAL OFFICES.

CALENDAR

They're Losers,
Baby, So Why
Don't You Kill
Them?

By Jeff Bucholtz

This week's top show features the reborn **Killing Joke** and openers **Stabbing Westward** at Axis (262-2437) on Wednesday (10/26). The British foursome's pioneering early 1980s work is cited as an influence by groups as diverse as Metallica (who covered "The Wait," from Killing Joke's debut), industrial-dance icons Front 242, and cyberthrash gods Ministry.

Killing Joke's original bassist, Youth, went on to a hugely successful career as a producer and remixer in the English techno scene, working notably with the Orb, and he rejoins original members Jaz Coleman and Geordie for their comeback disc, *Pandemonium*. The album marks a remarkable return to form, as the band masterfully fuse punk energy and techno grooves on the slamming title track and the razor-sharp "Exorcism."

Stabbing Westward's blend of metallic guitars and electronic rhythms should win them at least, say, five-inch nails' worth of success, and unlike many so-called industrial bands, their live show really is live, and kicks even harder than their excellent debut, *Ungod*.

They Might Be Giants, but they're definitely dorks. The world's most annoying band inflicts their accordion detritus on the Orpheum (931-2000) tonight (10/21), with an acoustic **Frank Black** performance as a bland hors d'oeuvre before the vomitacious main course. Let's see, the Breeders sold a couple million albums, and Frank Black is playing warm-up to the only group worse than Ween. Sure is a shame you broke up the Pixies, dude.

Also tonight is the latest Manchester invasion band to reach shore (why don't we send them to Guantanamo?), **Oasis**, who put their next-big-thing reputation on the line at Local 186 (351-2680). Their debut, *Definitely Maybe*, hits harder than most British pop and contains some memorable tunes, but that whiny British accent just makes my skin crawl. At least theirs is real, though, cf. Green Day.

Love Spit Love, Richard Butler's new band, are slightly less lame than the Psychedelic Furs, but openers **Sponge** will blow their sorry asses off the stage at the Paradise (351-2526) on Saturday (10/22). Sponge's energetic debut, *Rotting Pinata*, resists easy classification, but occasionally does recall Alice in Chains, minus the continuous drug references.

Ween lose most-annoying honors to **They Are Definitely Dorks**, but they suck pretty bad in their own right. If you've heard "Push the Little Daisies," you understand, and if you haven't, try to imagine the Jerky Boys attempting to sing, with a drunk chimpanzee abusing a \$20 Casio toy keyboard as musical accompaniment. The party starts at 5:00 p.m. at Axis on Sunday (10/23).

Speaking of chimpanzees, the evolutionarily-different **Beck** tries to show cause why you shouldn't kill him, at the Middle East (497-0576) on Monday (10/24).

Have Glasses, Will Travel

By Debra Dickerson '95

I stumbled upon a way to put to an end meaningless, spur-of-the-moment sex and drunken debauchery. Never again will two (or more) people tumble into bed willy-nilly. Never again will citizens drink to excess. One word: contacts.

For the third time since I came to HLS, I recently needed new glasses. First year, by November, my left eye was watering continuously and I was squinting to see the board through my glasses. God forbid I should take a study break, so I waited 'til March to get to UHS. The doc actually laughed when I "read" the chart with my glasses. "Law school, right?" she said. So anyway, this time, while deep in the throes of a vanity attack, I went for contacts.

This was a problematic choice for a lazy person. For instance, my chemical-free, braided hair is part political statement ("I don't have to straighten or traditionally style my hair to be attractive") and part sloth ("I ain't combing my hair every day"). Over the years, I have absolved myself of most of what I call The Rituals: the makeup ritual, the manicure/nail polish ritual, the hair removal (from parts no one will see) ritual, the investigate-every-new-product-on-the-market ritual. I estimate that I've added 3.2 years to my life with the time saved. Again, I tout these things as politico-feminist statements. In reality, I am merely trifling.

So, for the third time in 15 years, I convinced myself that I would wear my contacts every day and take care of them properly. The conversation I had with myself must be very much like the one parents have with the kids about the new puppy. With both previous attempts, the contacts gathered dust until they dried out and fused to the container and enough time passed for me to rationalize tossing out \$350. But this time would be different. At 35, I have to work harder to look good, right? I take my money seriously now that I owe my firstborn to the Financial Aid Office, right? I know what I'm getting into this time,



don't I?

I got them on Wednesday. On Saturday, I got pie-faced at Aaron Panner's and lost one. The next morning, I found one on the bathroom counter, dried up and shriveled like a dead cockroach. I'd actually attempted to clean them after multitudinous gin-and-tonics, these transparent, slippery little slivers I could barely see or hold on to when sober. I spent the next three days squinting through one eye

trying to figure out which one to reorder. (With my severe astigmatism, each lens costs \$98 and must be special ordered.)

Of the many warnings the doc had given me, the most dire was the admonition not to sleep in them because my Mr. Magoo prescription would scratch my corneas. I was afraid to open my eyes when I woke up after that party — I knew I was Helen Keller. But I guess it had penetrated because I'd somehow maintained consciousness long enough to remove them without poking my eyes out. Holding on to them had been beyond me, but I'd at least managed to save what little vision I have left. So now I realize I'll either have to drink less or drink wearing glasses.

Looking good or feeling good? This is a real conundrum for someone who is vain but learned to drink in the military.

The same holds true for impromptu sex. Unless I'm willing to tote around the footlocker which alone accommodates all my contact lens maintenance crap, I see continued abstinence in my future. Presumably, even a creature as unobservant as the average male might wonder why I brought luggage with me to the "study session" I contrived — if only it could all fit in

a pocket like a couple of Trojans. In the post-AIDS, post-contacts '90s, sexual spontaneity is getting harder and harder to fake. I will have decidedly conceded the hormonal upper hand if I'm caught trundling around proof that I left home planning to boff some unsuspecting man unconscious. And even if I somehow manage to smuggle all that crap to the rendezvous site, he'll be in REM sleep by the time I finish the removing/dropping/looking for/finding/cleaning/disinfecting contact lens ritual.

\$520 later, my best laid plan has gone horribly

awry. While my new chastity contacts may increase my sex appeal, they simultaneously prevent me from cashing in on said increase. I'm tied to my medicine cabinet and the six-hour disinfecting cycle like Dracula to his coffin and the rising sun. With the strictures of my prescription, there is precisely ONE brand of the aforesaid crap I can use, so even if I get lucky with a contact lens wearer, he's unlikely to be enzyme-cleaner-compatible. Where I used to respond to a man's intellect, sense of humor, or nice ass, I suppose now I'll have to pick my partners by the size of their prescription. I'll have to learn to

see coke bottoms as aphrodisiacs. Instead of suggesting something kinky, I'll be trying to turn them on to my eye doctor so we can swap saline. Since I can't "sleep" in my contacts, I'll either have to swear off unplanned sex, do only men exactly as blind as myself, or learn to get it on with my eyes wide open. I guess I could act like a man and just bolt out the back door afterwards when he wasn't looking.

You men who don't make passes at girls who wear glasses are missing out on a pretty sure thing. Just look at us and think "blind, but otherwise ready, willing, and able."

Where I used to respond to a man's intellect, sense of humor, or nice ass, I suppose now I'll have to pick my partners by the size of their prescription.



"Just a minute" came the muffled voice from within, and Fenno was halfway there. Moments later, a stressed- (and moist-) looking student scampered out of the room and Fenno knew he had one less competitor. She was followed by a small, squat, balding man with fleshy lips, who stared intently at Fenno, as if to unnerve him, saying silently, "Someday you too will look like Jabba the Hut."

But Fenno only flared his nostrils in defiance and stuck out his hand, plunging in for the second and final test. Jabba's hand emerged slowly from a pocket, revealing large, stubby fingers. The challenge here for Fenno would be to get his hand completely around Jabba's. A less than firm grip would more than offset Fenno's Sears Prize, so accuracy here was crucial. And again, dryness of palm was essential.

The shake was no less perfect than the knock: a full, firm grip, followed by three vigorous pumps, and a quick release. Jabba was visibly impressed, his thick lips parting in a broad smile. "Come in, come in. We have so much to discuss, and so little time in which to do it! You should know about our firm's compensation policy. We offer..." His voice trailed off as he waddled back into his room. Fenno took a deep breath, savoring the moment, and strode briskly in, knowing that it would be smooth sailing from here on out.

NEXT WEEK: The Call-Back

Quote of the Week

"The ultimate purpose of the course, what we're really embarked on, is a Harvard-MIT global electronic network."

—Prof. Charles Nesson '63 in response to a question on the purpose of ITL

Harvard Law School
Drama Society Presents



Sweeney Todd
The Demon Barber of Fleet Street



November 10-12, 8:00 p.m.
Pound Hall, Ropes-Gray Room

All seats \$6
Tickets on sale in the Hark
beginning October 24.

FORUM CONVENIENS

Escape from New York

By Markus Hartmann '96

RECORD Columnist

SNAKE Plisken teaches us all a valuable lesson. Each year, a horde of law students storm the Big Apple believing they are taking the first step to professional and personal happiness. There is no objective basis for this belief. The town's attraction is largely mythical.

When cornered, the defensive New York-bound would-be lawyer inevitably mentions the gobs of money that she/he will be making south of the Tappan Zee. True enough, but maybe New York City firms pay extra for a reason. Call me crazy, but I doubt they are paying the additional sums out of the goodness of their hearts. Snake didn't find out about all the terms of his deal until it was almost too late; don't let the same thing happen to you.

The American Lawyer reports that young associates in the Big Apple "work longer hours than anywhere else in the country, yet are given less responsibility, less feedback, worse treatment, and shabbier offices. It reveals a city in which associates are more likely to be looking to leave their jobs than at other firms around the country." Litigators are "much" less likely to get any rudimentary trial-related experience. NYC associates are no more satisfied with their salaries

Sure people are getting "dinged" all over the country, but the New York firms run out of toner sending out the "Unfortunately, we think we can do better than you" letters.

than the rest of the non-NYC legal community.

You may be asking yourself: "Given the data, why do these folks flock to New York City?" You might as well ask why St. Patrick had such a loyal following. "Prestige" and "Glamour" remain the only justifications for the geographic trauma, but prestige and glamour are fleeting: Mink coats were once a prestigious item; hats adorned with fruit were once quite as glamorous.

Now, people with families in NYC have a great reason for going back: Rescue. But if Mom, Dad and the siblings refuse to leave, at least they would have a pleasant place to visit if you lived someplace else.

Perhaps the most damaging evidence of the futility of the myth is anecdotal — ding letters. According to the "Insider's Guide to Law Firms," one of the Chicago-based high-profile firms is "less concerned with the grades of law students at Ivy League schools." Now that seems like a reasonable standard, and Chicago seems like a nice place to practice law. Yet who among us does not know a NYC type who has gotten a ding letter and blamed it on his/her grades? Sure people are getting "dinged" all over the country, but the New York firms run out of toner sending out the "Unfortunately, we think we can do better than you" letters.

After years of being an overachieving anal-retentive hard working fool, it just doesn't seem fair for Dewey, Cheatem and Howe of New York to tell some poor law slob that there is no room at the inn because she/he got a B in CivPro.

Yet who can resist the city lights, the night life, the restaurants? Anyone who is billing 3000 hours a year, that's who. I guess there is some virtue in being the hardest working person in Sodom, but we all know how that story ended.

The "Places Rated Almanac" provides the interested reader with a relatively objective rating system for the 343 metropolitan areas in North America. The almanac takes factors like living costs, job outlook, housing, transportation, education, health care, crime, the arts, recreation, and climate into account. According to the authors, the top ten places to live in North America are: 1. Cincinnati, 2. Seattle-Bellevue-Everett, 3. Philadelphia, 4. Toronto, 5. Pittsburgh, 6. Raleigh-Durham-Chapel Hill, 7. Washington, 8. Indianapolis, tied with Salt Lake City, 10. Louisville.

New York City's Rank: 105. The bite out of the apple comes from its rank in terms of cost of living (342nd), jobs (343rd), housing (332nd), and crime (342nd). The city did have a number one ranking in the arts. The question is: How many times can you see "Miss Saigon"?

Historically, NYC has had a checkered past. The city is not exactly a model of fairness to Native Americans. When Peter Minuit bought the island for about \$24 in 1625, the natives did not have the benefit of "Getting to Yes" or the negotiation skills workshop. Following the American Revolution, from 1785 to 1790, New York served as the capital of the United States. In 1790, the politicians found the city so unpleasant, they elected to move the capital to the nation's largest mosquito breeding ground instead. Rumor has it, the Founding Fathers were unable to get a cab in New York, so they decided to move the capital south.

During the 19th century, the New York Democratic political machine exploited thousands of European immigrants by offering jobs, housing and gifts in return for votes. The men who ran Tammany Hall never sent out any ding letters. Today NYC is faced with a decaying infrastructure, official corruption, environmental and social problems, and the crimes often associated with illegal drug abuse.

Of course, if you can make it there, you can make it anywhere. There is a little Marine in all of us who yearns for the challenges of a boot camp. We should all be sympathetic to those souls who so willingly throw themselves on the grenade that is New York City. If there were a shortage of lawyers in Manhattan, there might be a draft. I suspect if that happened, more of us would seriously consider practicing in Toronto. Nonetheless, the lure of the city is powerful, not for any objective reasons, but because of what it represents.

Now, there will be some who think my treatment of the city is a bit too harsh. The treatment is no more severe than the New Yorker magazine cover that portrays a cosmopolitan New York City with a vast stretch of nothingness extending westward. Far too many NYC types see the country that way. That vast stretch is the heartland. The joys of living in "the rest of America" should not be underestimated. Besides, most of the NYC types will end up in Jersey anyway.

Reality Bites ... Someone Else

By Jessica Herrera '95

Guest Columnist



FORGET it. This is one thing to which Harvard Law students need not apply. We're not welcome and, even if we were, we could not figure out how to belong no matter how many Time articles we read and Barbara Walters Specials we watch. In a generation of lost souls and cynics, temporary lifestyles and McJobs, those of us twenty-somethings who wander the Hark every day have, to put it bluntly, in a generation of losers lost out. Generation X ain't us.

I came to this conclusion this past summer when I lived in a D.C. group house — located along a row of Generation Xer group houses — that eerily resembled an MTV "Real World" episode. It just sorta hit me one night as a group of us sat around drinking beer and margaritas wondering whatever happened to Men Without Hats and whatshername — you know that redhead girl — who played on Charlie's Angels. Didn't she make a guest appearance on the Love Boat, or was it Fantasy Island? And how come they haven't come out with a new Wonder Woman movie? And if they did, who would replace Lynda Carter? It occurred to me, despite my efforts at being cool, collected and aimless, I wasn't really like them.

For example, there was my housemate Steve, the quintessential Xer. A graduate of GW, he had spent the last two years temping as a secretary at various law firms. He had moved to D.C. at the beginning of the summer, was ironically assigned to my firm, and was planning on opening an environmental general store. By the end of the summer, he was still at my firm, had scrapped the store and was working for a "beer of the month" club selling subscriptions. When I talked with him last week, he was still at the firm, had started a marketing company to sell the subscriptions and was attempting to sell salsa imported from Texas to local stores.

Kim, a graphic designer, spent most of her free hours going to Dead concerts and jetting away to Florida and New York. She had just changed companies for the third time this year. No one was really sure what Trey, the Eddie Munster look-alike who had just graduated from Wesleyan, did. He just sorta left the house at odd hours of the morning wearing shorts and a t-shirt and would be home — usually locked in his room — when we all got there.

Our best friends, the six neighbors next door, all college graduates, were bartending part-time at a Georgetown bar and teaching SAT prep classes on the side. One of them had a boyfriend who was in a rock band and worked for a magazine in its advertising department. He wants us to all go visit him in the Virgin Islands in February — he and a friend were planning to move down to start a coupon book endeavor for tourists.

Then, there was me — the lawyer-in-training working for a big firm, going to big lunches and getting tickets to the theatre and movies. I tried to hide my drive and togetherness, but with a housemate-spy who worked with me, it was hard to convince the Xers that I was one of them. In a typical day, I would come home, whining about how hard it was to work for a firm and how I was probably going to end up jobless, homeless and hopeless, only to have my housemate say, "Oh, that must have been a nice \$2000 dinner the partner took you out to. Of course, it couldn't compare with the cheese doodles and chili dogs that I treated myself to from that stand on the corner. By the way, don't you have some Harvard Law reception to go to?" They would tolerate me, mainly cuz I always had cash to donate to the slush fund, I think.

Maybe we were too busy studying or taking law school prep exams, but we just kind of missed the day when some kid on rollerblades drinking O.K. soda stood up and said, "Attitude change. Let's show our greedy older brothers and sisters we are different."

I wasn't aimless. I wasn't at a McJob. I didn't understand "Reality Bites." And yeah, most of my fellow students and I were going to be equal, if not better off than our parents. In a world of Johnny Depps and River Phoenixes, we were striving to be Alex P. Keatons. Horror of horrors, we're stuck in the '80s. Just look around you — the conservative hair cuts and suits — true, it's interview season, but it still speaks of baby boomers and higher tax brackets. Maybe we were too busy studying or taking law school prep exams, but we just kind of missed the day when some kid on rollerblades drinking O.K. soda stood up and said, "Attitude change. Let's show our greedy older brothers and sisters we are different." (Apologies go out to all those who are entering the public interest arena. However, you will not be excluded from being lumped with your firm-hungry brothers and sisters. After all, most of y'all give a damn about the world. Not an endearing trait for a kid of the '70s/'80s).

Here we are — twenty-something and driven — geez, I'm sure the Xers must laugh at us when we're not around, sorta like when we were teenagers and we used to laugh at those kids who were still wearing bell bottoms and platform shoes (wait, aren't those back in style?). To our faces they tell us, "Wow, you're so lucky." But, when we turn around they whisper, "What is she thinking, wanting to work? What a loser."

Well, not really a loser. A succeder. After that, they probably just go back to their margaritas and complaining about the world. Ya know, saying stuff like life sucks. Congress sucks. People suck. School sucks. Parties suck. Hey, wait a minute, that's starting to sound like a conversation I hear in the Hark at least twice a day. Maybe we are a part of Generation X, after all.

New Book on HLS

continued from BOOK, page 1

had staged a sit-in outside Dean Clark's office in Griswold to protest the Law School's record on hiring women and minorities. Many students questioned the fairness of disciplining the protesting students but not those who produced the Frug parody.

"Temper at Harvard Law School were at an all-time high, and the business of legal education hit an all-time low," Kerlow writes. "The racial and gender tensions beneath the surface were about to explode."

Though much of the book is a chronicle of the events of the period, by the final chapters Kerlow firmly aligns herself with many of the views of the left wing. She writes, for example, that "[i]t was ludicrous that a group of students who were calling for an end to discrimination were facing the possibility of suspension or expulsion while another group of students who had participated in the degradation of women were on their way to clerk for the country's most prestigious judges."

Kerlow is also sharply critical of Prof. Alan Dershowitz, who she portrays as engaged in a bitter dispute with Prof. Laurence Tribe. According to the book, Tribe was so disturbed by the Law Review incident and the struggles over faculty diversity that "[h]e seriously wanted to resign." Shortly after the Frug parody became public knowledge, Tribe condemned the parody before a group of

150 students and even suggested that students consider a boycott of the Law Review.

Dershowitz responded with a pointed op-ed in the Los Angeles Times in which he wrote, "What is wrong at Harvard is that for too many radical professors and students, freedom of speech for those who disagree with them is 'just not their thing.'"

Kerlow makes no attempt to hide her disdain for Dershowitz' position.

"It was easier for Dershowitz, [Prof.

Charles] Fried, and other professors on the right to deride something as 'politically correct' or to hide behind the mantle of free speech," she writes. "By accusing Tribe and the more liberal professors of trying to politicize the situation . . . they were maintaining the status quo, snuffing out debate, and covering up the hostility of women and minorities at Harvard Law."

The book concludes with the events of the spring of 1992 — including the highly publicized hearing for eight of the members of the "Griswold Nine" — although Kerlow briefly discusses later incidents in an epilogue. While the bulk of the book is devoted to events that occurred before all but a few current HLS students enrolled here, Kerlow says the turmoil has had a lasting impact on the Law School.

"I think a lot of it is relevant [today]," she said. "There's a strong feeling that the issues remain unresolved."

Kerlow makes no attempt to hide her disdain for Dershowitz' position.

Group Urges UHS Rebate

continued from REBATE, page 1

annual cost per individual of this coverage."

The flyer distributed by the Society for Law, Life, and Religion "encourages" students who oppose abortion, or simply do not want to financially support it, to take advantage of the exemption. The flyer also includes a sample letter, which students may detach, sign, and send to the UHS. The letter, basically restating the language in the guide, reads: "Due to my strong moral objections to sharing the cost of elective abortions, I hereby request a rebate of the annual cost per individual of this coverage."

UHS receives about ten to 15 rebate requests of this type each year, said Peg Murphy, UHS Member Service Representative. "The rebate averages about \$1.15," she said. She did not say whether the LLR's letter has resulted in any recent requests.

The LLR, an approximately 40-member group that engages in anti-abortion and religious liberty activities, sent the flyer because "we wanted the student body to know that this is an option," said President Dave Pignato '95. "We were surprised but pleased to see that this [the existence of the rebate] was the case," he added. Murphy was not aware of how long the exemption has been included in

the UHS policy, but she said it has existed for at least the last two years.

At this point, there has not been a great deal of response to the LLR flyer, positive or negative, Pignato said. "A few people have thanked me. They said they were not aware of the provision and would mail the letter," he said.

Pignato said the LLR will send out similar flyers in the future. "It's a simple activity to do, and we'll continue to do it." The Undergraduate Coalition for Life engages in a similar activity, informing students of the exemption at registration, Pignato added.

LLR is the descendant of the Harvard chapter of the Rutherford Institute, a national organization that also focuses on religious freedom and anti-abortion activities. The organization changed its name to LLR two years ago when its members decided they no longer wanted to be associated with only one organization and wanted to broaden their activities and affiliations.

The organization performs legal research for national anti-abortion and religious liberty advocacy organizations, working on two or three cases a year. It also organizes campus activities. LLR is currently planning, in cooperation with the Ivy League Coalition for Life, a anti-abortion symposium to be held in February.

Religious Bigotry?

By Scott Wiener '96

RECORD Columnist

QUEER VIEWS



RELIGION has always played an extraordinarily important role in this country. Many of the notable events and ideas that have made the United States great have had roots in the religious ideals that so many Americans cherish. But like anything else that can yield much that is good, religion also has an ugly side.

This ugly side of religion, perfected and refined by the radical right, plays a very powerful role in modern American political discourse. It has attained this role in two ways. First, it has manipulated many otherwise good Americans for whom religion is a vital part of life. It has converted their religious zeal into a political tool. Second, it has played on the prejudices and fears of large numbers of Americans. Through this manipulation, it has captured the Republican Party.

It is certainly acceptable for religious Americans to participate in politics. They have always done so, and they will no doubt continue to do so. The Religious Right is well aware of its privilege to do this, and it has taken full advantage. This is fine. What are not fine are two aspects of the Religious Right's immersion in American politics. First, in the name of religion, it attempts to trample on the rights of other Americans. Second, after injecting itself into the political arena, it has the temerity to respond to any and all criticisms with accusations of "religious bigotry." I shall address these two criticisms in turn.

Although freedom of religion is one of the most important ideals on which this country is built, when religion becomes a source of hate and intolerance, Americans should not feel obligated to sit idly by without complaining. Freedom of religion does not legitimately extend to stripping other Americans of the very rights which make them citizens. Freedom of religion does not mean shoving one's religion down everyone else's throat. And freedom of religion certainly does not mean converting the United States into a "Christian nation."

Yet through some twisted logic, the Religious Right has interpreted freedom of religion to mean all of the above. For example:

- So-called "Christians" are working overtime in a number of states to ban all laws that grants gays and lesbians equal protection of the law. Their tactics are deplorable and have spawned campaigns of terror, harassment, and gay-bashing. One of their number, Fred Phelps, goes so far as to protest the funerals of victims of A.I.D.S. with signs such as "God hates fags," "Fag = anal copulation," and "God gave fags A.I.D.S." And all in the name of God!

- These same crusaders go around to public libraries targeting "immoral" books for banning. They simply cannot bear the idea that other Americans might actually exercise their freedom of thought in a "sinful" way.

- And these same zealots are currently in the process of taking over local school boards. They realize that this is the most effective way to influence the hearts and minds of Americans. And to facilitate the transition to theocracy they attempt to hide their radicalism and intolerance, so that people are often tricked into voting for modern day inquisitors. Onward Christian soldiers!

One response to the above might be that those of us who believe in a constitutional democracy and in the separation of church and state should debate the members of the Religious Right. This makes sense, but it is almost impossible to do. And why is that? Because every time that we try, they accuse us of "religious bigotry." After correctly insisting that religious Americans have the same right as everyone else to participate in the political process, they take shelter in their religion and condemn as "religious bigots" those who dare to criticize them.

Members of the Religious Right want it both ways: They want to express their religious views as political views, but they still want these views to be sheltered

Homophobia, like racism, does not magically become sacred and untouchable by calling itself "religion."

from attack like private religious views normally are. This is disingenuous at best and utterly despicable at worst. For example, when John Finnis came to campus last year to speak, Lambda protested him. We were immediately accused of "religious bigotry." It was claimed that we hated Catholics.

This implies that because John Finnis is a Catholic, we cannot criticize his actions without attacking all Catholics. Under this logic, we would be accused of "religious bigotry" for criticizing the Crusaders for butchering tens of thousands of non-Christians. Quite frankly, I don't care if Finnis happens to be a devout Catholic and an important Catholic intellectual. What I do care about is the fact that John Finnis traveled halfway around the world from England to Colorado to testify that gays and lesbians do not deserve equal protection of the law. I object to John Finnis because he wants to strip me of my citizenship, not because he is a Catholic.

Maybe the self-righteous Harvard Law School students who were so incensed at our protest of Finnis should think about the gays and lesbians who were bashed in Colorado following Finnis's testimony (hate crimes against gays and lesbians tripled in the weeks following the testimony). Maybe they should think about the two gay men who were murdered execution-style last week in Mississippi. Are they so blind that they cannot see that the "freedom of religion" that people like John Finnis, Pat Robertson, and Cardinal Kroll abuse has deadly consequences? Homophobia, like racism, does not magically become sacred and untouchable by calling itself "religion."

It is truly ironic that the Religious Right, as powerful and influential as it is, shouts "religious bigotry." It is a slap in the face to those who truly know the meaning of the phrase. I wonder what the millions and millions of Jews who have been slaughtered throughout history would think about the "plight" of the Religious Right. I wonder how the Bosnian Muslims would react to the cries of these poor, oppressed religious zealots. I suspect that the true victims of religious bigotry would be sickened by the Religious Right's bastardization of the phrase. I certainly am.



GOURMET CHINESE FOOD

296-298 Beacon Street
Somerville, MA 02143

WE DELIVER

\$1.50 delivery charge in
Cambridge and Somerville

876-7666

5% OFF

with student ID.

Dining room and take-out only.

"This is one of the best Chinese
restaurants around."

Harvard Law RECORD

"Chinese food with originality."

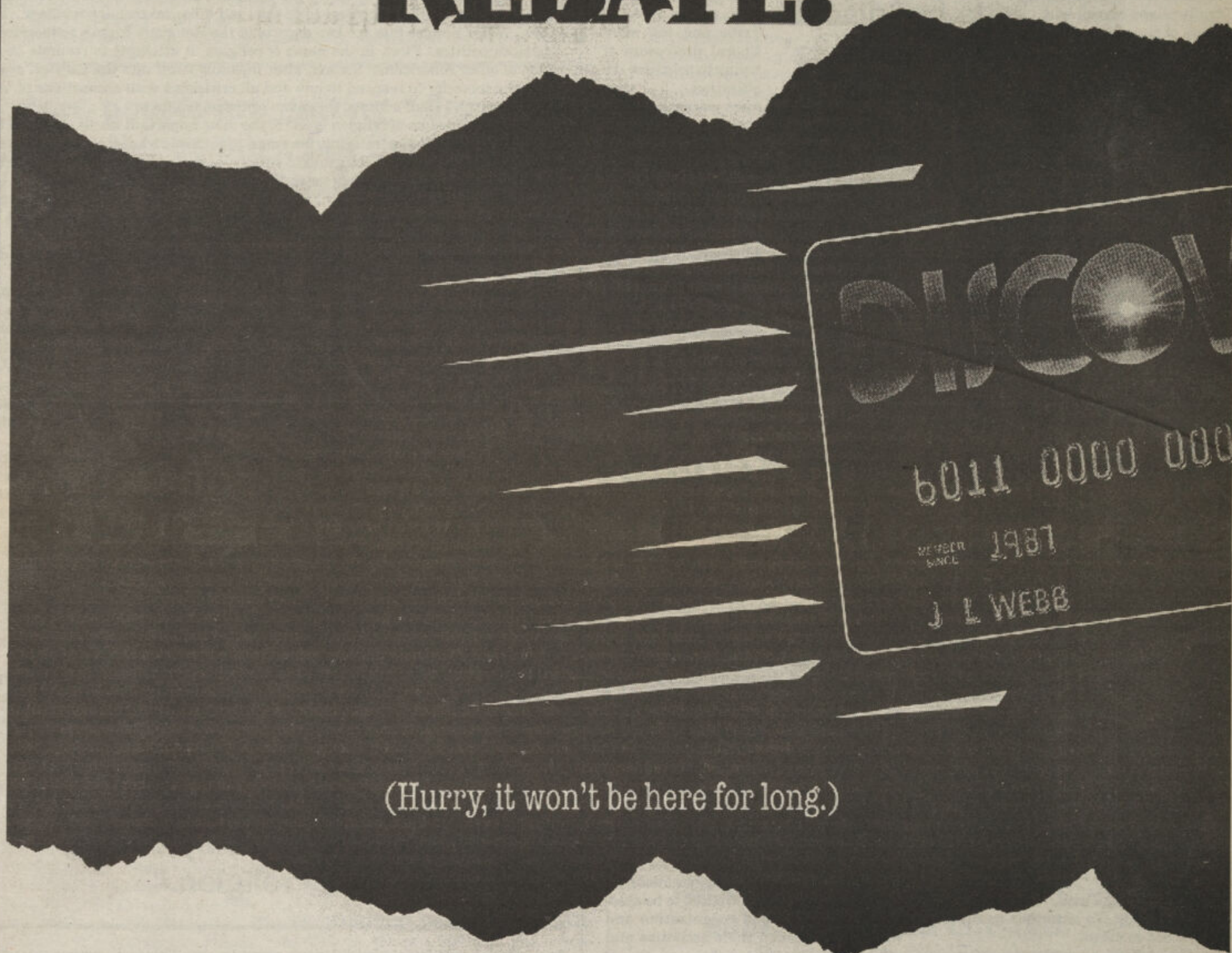
Boston Globe

"Easily the best Chinese
restaurant..."

The Gotta Eat! Guide

NO MSG!

ANNOUNCING THE DISCOVER® CARD \$25 NEW MEMBER REBATE.



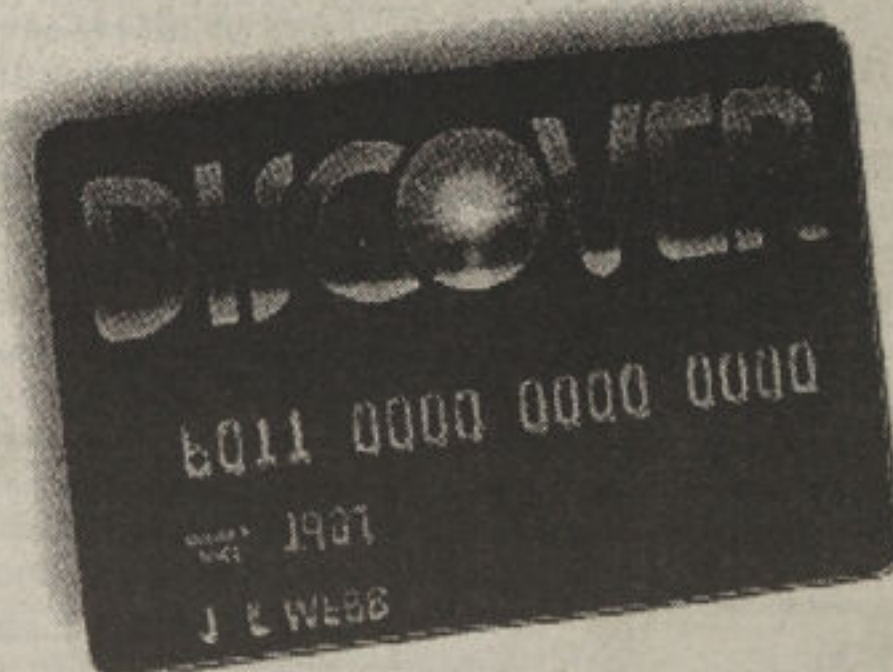
(Hurry, it won't be here for long.)

Apply for the Discover® Card
by November 10.

Spend \$75. Get \$25 back*.

NO Annual Fee.

Look for applications and certificates on campus.



IF YOU DON'T GOT IT,
GET IT.SM

MEMBER  NETWORK ©1994 Greenwood Trust Company, Member FDIC

*This offer valid for Discover Card applications received by 11/10/94, that are approved and enrolled between 9/21 and 11/21/94. Offer valid for purchases made by 3/31/95. Cash advances/balance transfers excluded. Offer limited to one rebate per account.