

RECORD photo/Dmitri Evseev
Congressional candidate Philip Hyde raises the pink elephant against Iraqi sanctions. See story page 3.

Law Firms Challenge "Union Busting" Label

By Francesco Barbera and Aaron Bartley

Late last week, just in time for the Fall interview season, the Harvard Labor Law Project (HLLP) distributed flyers at the Law School alleging that at least four firms scheduled to recruit on campus should be considered

"union-busting" law firms. The flyer states that these firms "advise companies to use coercion and intimidation to deny employees their rights under federal law" and engage in illegal bully tactics "to deny workers their voice."

The four named firms are: Littler, Mendelson, Fastiff, Tichy and Mathiason; Seyfarth, Shaw, Fairweather & Geraldson; Venable, Baetjer, Howard & Civiletti; and Morgan, Lewis & Bockius.

Three of the firms vehemently denied the allegations. The fourth, Littler, Mendelson, could not be reached for comment.

"Morgan, Lewis has great respect for the rights of employees

and does not counsel the commission of unfair labor practices," said Charles Cohen, a senior partner and former member of the National Labor Relations Board.

Gerald Skoning, a partner at Seyfarth, Shaw, stated that the firm is "one of the most respected and largest employment law firms in the country." He referred to the allegations in the flyer as "baseless" and "irresponsible."

Two firms claimed that, if anything, they have developed a reputation for unusual fairness in dealing with unions. "The reason I came to this firm from the NLRB was its reputation for

Please see **UNIONS**, p. 6

High Court Rolls Up Its Sleeves

By Ben Lehrer

The U.S. Supreme Court opened the Fall 1998 term on Monday, October 5, with a half-full docket that includes cases involving sexual harassment and sex discrimination, a state districting plan and a number of Federal regulatory statutes.

On the whole, however, the docket has few highly controversial cases. "Last year's term was relatively quiet in terms of high visibility, controversial decisions," said Prof. David Shapiro '57. "So far it doesn't seem that this year will be any different."

The Court has around 45 cases on its docket, approximately half of the total it will hear by the term's June 1999 close. "There's always the chance that some very important cases will come up as the term progresses," said Shapiro.

Of Avon Ladies and Pizza Men

On Tuesday, the Court heard a search and seizure case which

could have been lifted from a first-year criminal law exam. *Minnesota v. Wayne Thomas Carter* involves whether non-overnight guests have the same protection against unreasonable police searches as their hosts.

The case arose when a police officer, acting on a tip but without a warrant, peeked through the blinds of an apartment window and saw three people putting white powder into plastic bags. In the proceedings below, the Minnesota Supreme Court threw out the respondents' drug convictions on the grounds that this constituted an unlawful search.

The Supreme Court ruled in a 1990 case, *Minnesota v. Olson*, that an overnight guest in a private home has the same privacy rights as the homeowner. The justices have yet to consider whether such protection extends to a guest that does not stay overnight.

In oral argument, the justices grappled with the issue of a temporary guest's expectations of privacy. While noting that invited guests do have a reason-

able expectation of privacy, Justice Stephen Breyer '64 asked why the High Court would "want to protect the privacy of the pizza man?" Justice Sandra Day O'Connor expressed skepticism that an Avon lady should expect a cloak of privacy protection if she made her sales pitch inside someone's house rather than on the doorstep.

"Men Do Not Carry Purses"

In another search and seizure case, the Court will consider whether a police officer had probable cause to search the purse of a female passenger in a car driven by a male driver who was found to be carrying a syringe.

Under Wyoming law, a police officer in a premises search may examine the contents of all containers found on the premises unless they know or should know that the containers belong to someone not amenable to search on the basis of probable cause. The Wyoming Supreme Court held that the purse was beyond the permissible scope of the search as it did not belong to the

Please see **SUPREME**, p. 4

New LSC Reps Ready for Action Fridman Praises "Incredibly Impressive" Line-up

By Suzanne Carter

The Law School Council (LSC) has a new set of representatives eager to organize student forums, eliminate bureaucracy and maybe even reform the electoral process at HLS.

The new representatives "are an incredibly impressive group," LSC President Dan Fridman '99 said. "At the first meeting I found them to be very well informed of the issues and full of great ideas for the coming year."

"They recognize that being a member of LSC is all about service to the student body," Fridman noted.

Many of the new representatives are politically savvy. Manoj Mate '00 was "heavily involved" in student politics as an undergraduate at the University of California at Berkeley.

"I was a senator in student government and chair of the Internal Affairs Committee," he said. Mate helped rewrite the student government bylaws following the holding in *Rosenberger v. Virginia* which allowed the use of mandatory student fees to endow political, religious or ideological student groups.

Mate explained that he ran for LSC President last year "because I didn't like the way things were being done, but actually I remember Dan Fridman asked me to get involved after I lost, and so I ran as a 2L representative."

As the newly elected chair of LSC's Academic Affairs Committee, Mate's goals for the year are set. "There's a lot of bureaucracy at the Law School, and it's really frustrating to students. Anything that would make things simpler is key to making law

school more bearable."

Specifically, Mate expressed a desire to work on revising the new attendance policy to incorporate student concerns, and to

Please see **LSC**, p. 13

Civil Rights Leader Gray Addresses HLS Students

By Kevin Burke

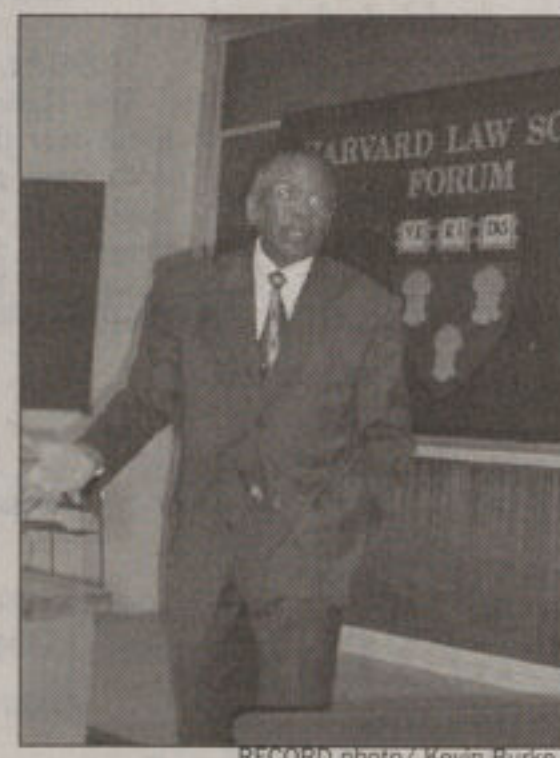
At last Thursday's speech sponsored by the HLS forum, Fred Gray urged students at the Law School to "destroy everything segregated you can find."

Gray, who gained fame representing such activists as Rosa Parks and Dr. Martin Luther King, Jr., used his speech to juxtapose the apathy of contemporary society with his own experiences as a self-described "African-American country lawyer" in the 1950s. He lamented Americans' increasing penchant for ignoring the racism "still alive" in the 1990s.

The famous attorney condemned both the recent burning of black churches in the South and the mounting "assault on affirmative action" by the nation's federal courts. He

commanded his listeners to confront "the stark and painful reality" of race hatred and to manifest "the moral courage" needed to strike down all institutions that seek to perpetuate the legacy of white supremacy.

Please see **GRAY**, p. 12



RECORD photo/ Kevin Burke
Frank Gray addresses HLS.

INSIDE THIS ISSUE

A Harvard Square
Scrapbook 8-9

Zimmerman Sings
America 11

Also:
The Buzz, and that
fiendish scamp, Fenno.

Flashback

47 Years Ago

in the RECORD

Harvard Law School Record

CAMBRIDGE, MASS., WEDNESDAY, OCTOBER 10, 1951

PRICE TEN CENTS

Leighton '46, Victim's Counsel, Indicted After Cicero Mob Destroys Property

George N. Leighton, LL.B. '43, ('46) and member of the first editorial board of the Harvard Law School Record, was one of six indicted last month by a Cook County, Illinois, grand jury.

The grand jury was investigating the riots in Cicero July 10, 11, and 12, which resulted in the injury of 23 soldiers, policemen, and citizens, and the nearly total destruction of a modern 20-unit apartment building.



LEIGHTON

The disturbance began as a protest to the rental of an apartment in that "all-white" Chicago suburb to Harvey E. Clark, a Negro veteran and university graduate, and his family. This "protest" grew into an angry mob, estimated at from four to eight thousand in number, which proceeded to wreck the apartment and destroy the Clark's furniture and personal belongings.

When Sheriff John A. Babb of Cook County informed Governor Adlai Stevenson that Cicero's police had "turned their backs on the rioters" and that local officials could no longer maintain law and order, five companies of National Guardsmen were called to restore order with bayonets, barbed wire, and tear gas. 117 people were arrested at the scene of the melee and charged with assault, unlawful assembly, destruction of property, and inciting to riot.

Rioters Identified

All were later released despite the

fact that some were positively identified, by "Life" and AP photographs, in the act of assaulting officers and destroying property. Instead of citing any of the rioters, the grand jury named the Chief of Police and five persons who aided the Clark family in their rental of the apartment and in their attempt to use it.

The bill charged the Chief with misconduct in office. It charged that the other five "on the thirteenth day of July . . . unlawfully, maliciously, and willfully . . . conspired . . . to injure the property of a large number of other persons . . . that is to say . . . to cause a depreciation in the market selling price . . . of said . . . property, by renting . . . to Harvey Clark . . . and encouraging said Harvey Clark . . . to move into said apartment . . . when certain persons in said town objected to said Harvey Clark . . . residing in said town. . . ."

Inciting to Riot

It also charged them with ". . . inciting . . . and encouraging a large number . . . riotously and tumultuously [sic] to assemble . . . for the purpose of disturbing the public peace and creating a riot . . . and . . . encouraging said rioters . . . to continue and re-

(Continued on page three)

LEIGHTON—(Continued)

peat said rioting in case said . . . Clark . . . were permitted to reside. . . ."

Leighton's "crime," more specifically, was to act as Clark's attorney in negotiating the rental and in representing him in court. Clark had previously (in June) been forcibly ejected from the same apartment by the Cicero police force. Leighton filed a \$200,000 damage suit against the city for his client and also obtained a court order from the U.S. District Court enjoining the police from interfering with Mr. Clark's occupation of his apartment and directing them to protect the Clark family.

The other four who aided the Clarks and were also indicted included the owner of the building, the former owner, the rental agent, and a man who passed out leaflets (allegedly Communist) deploring the action of the Cicero mobs.

Record Comment

These facts are brought to the attention of our readers to illustrate the danger such action presents to our ideals of individual freedom and the threat posed to the law and the legal profession itself by this perversion of criminal procedure.

Unfair and Unwarranted

That the indictment is unfair and unwarranted is patent. Those indicted are charged with conspiring and inciting to riot on July 13. The riots were over on the night of July 12. Certainly nothing could have been farther from the minds of the owner of the building and of Clark's attorney than to cause extensive damage to the building and total destruction of all the Clark's belongings.

They are charged with inciting and encouraging the rioters to assemble and refuse to disband. The facts are that Sheriff Babb was quoted in the Chicago Tribune (July 14) as saying, "No Negroes were involved in the rioting." Indeed no Negro would have been safe in the area. Leighton was fifteen miles from the site of the disturbance. Clark, in an effort to restore order, announced at the peak of the rioting that he was abandoning his plans to move in. Though this announcement was made from a loud-speaker sound truck, the riots continued.

Were this indictment to stand, any real-estate dealer who suggested the rental or sale to a Negro of property in a community not entirely Negro, or indeed, the Justices of the Supreme Court, who ruled that restrictive covenants are unenforceable, could be indicted for conspiring to depreciate the value of property. No attorney could feel free to help a Negro client who was aggrieved by the actions of his white neighbors.

To those who smugly maintain that "it couldn't happen here," we commend the following from an editorial in the New York Herald Tribune for July 14, 1951: "Cicero is only one speck on Illinois or the nation, but the same set of circumstances could produce the same results in any other Cicero."

Restaurant
1640 Chez DREYFUS
This Week's Specialties
Bear Meat; Southern Pompano fish
1640 MASS AVE. ELiot 4-8715

Classical Concerts

Tomorrow evening at 7 the first recorded concert will be played on the fine phonograph and sound system given to the Wheeler Room by Zechariah Chafee, Jr., University Professor. These daily classical concerts, open to all graduate students and their guests, are scheduled from 4-5:30 p.m. Mon., Wed., and Fri.; 7-8:30 p.m. Tues., and Thurs.; and 3-5:30 p.m. Sundays. Thomas Mantel, 2L will operate the machine.

Fairbank Explains Our China Policies

"By 1940, events had made the collapse of Chiang's government virtually inevitable," stated Prof. John K. Fairbank at last week's Coffee Hour.

Prof. Fairbank spoke on Oct 2 to a group of some 200 law and graduate students in Harkness Commons. His topic was "Our China Policy."

Although Prof. Fairbank said that he believed we underestimated the threat of the Communists, he declared, "No reputable expert on Asia ever doubted that they were thorough, Moscow-in-doctrinated Reds."

He blamed the fall of Chiang on several factors: the efficient organization of the backwoods peasantry and of the students by the Reds; the concurrent failure of Chiang and the West to do the same; Chiang's persistence in saving face at the cost of whole armies and large quantities of supplies; "political myopia" on Chiang's part; and corruption in the Kuomintang.

In the question period following the talk, Prof. Fairbank vigorously defended the Institute of Pacific Relations of which he is a member, pointing to the large number of reputable corporate officials who are its trustees.

Having received a leave of absence from the University to teach in a Japanese University, Prof. Fairbank was denied a military permit to enter Japan by the Army Department. That Department said only that "under present policies and regulations, his application has been denied."

Off the Record

LAW IS A SEAMLESS WEB DEPT.

Lex is lex and sex is sex,
And the two shall ne'er be one;
Tho' lex isn't sexy,
Some sex is lexy
Like kissing a maid you've not won.

LEGAL PROBLEM OF THE WEEK

The Harvard Voluntary Defenders are struggling over this one: A female client is charged with having committed incest with her half-uncle. It is suspected that the defendant is pregnant. Should a boy be born, the question arises, will he be her son or her half-cousin?

HARVARD SEA GRILLE

(WHERE THE LAW STUDENTS GATHER)
1680 MASS. AVE.

COMPLETE
LUNCHEONS 60c - 75c
DINNERS 99c

Excellent Meals Moderate Prices
Open Every Night—1:30 A. M.

Optimistic Employment Future Shown By Recent Placement Office Report

In a recent report to the Dean's Office, Louis A. Toeper, Placement Director stated that by last June 1, more than one-half of the 1951 graduating class had been placed and established. This is considerably higher than normal for the same period.

Along with the placement prosperity enjoyed by the 1951 class, the financial picture also improved. Large law offices throughout the country have begun to offer \$4,000 per annum to top standing graduates and Federal agencies are offering \$3,825. Some corporate law departments have gone as high as \$7,500 for graduates with an engineering background. However, many opportunities, particularly in non-metropolitan sections, continue at the \$35 per week level.

While statistics are not yet available, Asst. Dean Toeper stated that the 1952 graduating class may be harder hit by military service than was previously expected. This would necessarily reduce the number of men in the job market and might place draft-exempt graduates at a premium.

Practically all of the 1950 graduates were placed by June, 1951 and Placement Office records show them located in 35 States, the District of Columbia, Hawaii, and three foreign countries.

While law practice continues to attract the largest percentage of graduates, it was noted that this figure is dropping slightly each year and the number entering government service is gradually rising. In 1947, 74.8 per cent of the class entered law offices and only 2.2 per cent entered government agencies. By 1950 those going into law offices

dropped to 65.3 per cent and those joining government agencies increased to 9.3 per cent.

New York and Massachusetts appeared to be the most popular locations with 22.9 per cent and 13.4 per cent, respectively, of the 1950 class taking positions in those states.

Dean On Summer Visit Honored 'Down Under'

During his two month visit in New Zealand and Australia on the occasion of the 50th anniversary of the Commonwealth, Dean Erwin N. Griswold was honored with LL.D. degrees from the Universities of Sydney and Melbourne.

The Lord Chancellor and the Master of the Rolls from England and the chief judicial officers from several other Dominion governments represented their respective countries at the ceremonies.

Cody Fowler, retiring president of the American Bar Association, was the other American representative at meetings of the Australian Universities Law Schools Association and the Law Council (analogous to the ABA) of Australia. At the latter conclave Dean Griswold read a conflict of laws paper entitled "Divorce Jurisdiction and Recognition of Divorce Decrees—a Comparative

(Continued on page three)

Prestigious Panel of Partners Plugs Pro Bono

By Ben Lehrer

A panel of corporate litigators kicked off the interviewing season by urging students to use their bargaining power in encouraging firms to provide greater pro bono opportunities.

"Law firms want to hire you and want to remain interesting to students, so you can positively influence them by expressing interest in pro bono work," said Robert Borton, a partner at the San Francisco office of Heller, Ehrman, White & McAuliffe.

The panel, which took place on October 1, was sponsored jointly by the Office of Public Interest Advising and the Office of Career Services.

"The panel provided an important message to both the traditional public interest community and the students who go into the private sector," said OPIA associate C.A. Webb. "We hope that every student here will make some sort of commitment to help those who are traditionally underrepresented by the American legal system."

"We wanted students to hear straight from partners' mouths that they are a hot commodity and that they have every right to expect that pro bono work should be a priority, even as an associate," Webb said.

While all of the panelists were litigators, they did discuss a wide array of their firms' pro bono activities, including working in legal services bureaus, serving on the boards of charities, taking death penalty cases, and working with local district attorneys.

The panelists came from firms with solid reputations for supporting pro bono opportunities. Phil Horton '80, a partner at the Washington D.C. office of Arnold & Porter, said that lawyers at his firm are

encouraged to spend 15 percent of their time doing pro bono work.

Michael Bongiorno '91, a partner at Hale & Dorr in Boston, described Hale & Dorr's program that places associates at their Legal Services Center and with the Middlesex District Attorney's Office for six-month internships paid for by the firm.

All of the panelists urged students to gauge the firms' dedication to pro bono early in the interview process. "See if you can tell if the people you interview with are committed to the practice of law or the business of law," said Jeh Johnson, formerly a partner at Paul, Weiss, Rifkind, Wharton & Garrison and recently confirmed as General Counsel to the United States Air Force.

Johnson suggested that interviewees find out whether a firm's partners are actively involved in pro bono work. "It will tell you a lot if partners merely tolerate associates working in pro bono, or if they actually take part in it themselves," he said.

Bongiorno recommended that students find out firms' pro bono ratings in the American Lawyer, and to see which firms participate in the American Bar Association Pro Bono Challenge. A list of participating firms is posted outside the door of the Office of Public Interest Advising.

The other panelists encouraged students to find out how pro bono work is assigned and whether hours spent on pro bono work are counted separately in one's billable total.

"Many firms require you to work a minimum number of hours for billing clients," said Bongiorno. Since pro bono cases can take off on litigation and appeals, "you don't want the partners to say when you're done, 'great job, but now you have to make up the time.'"

The panelists agreed that the experience provided by doing pro bono work serves as a valuable balance to their more traditional commercial work. A number of firms use pro bono cases as training vehicles for litigation associates, since small clients usually cannot afford standard firm rates and partners usually take the big clients' cases on themselves.

They also emphasized the value of hands-on experience. "You will learn more in a couple of hours in the Quincy District Court than you will in a few months buried in a library," said Bongiorno.

Johnson agreed, noting how working exclusively with firm clients can insulate lawyers from their duty of public responsibility. "Lawyers should work with people across the social-economic spectrum," he said.

"Pro bono will probably give you the greatest experiences of your career," said Horton, "but it can also give you the worst

cases of your career."

Horton described his work on the case of Robert Black, a Vietnam veteran and eagle scout convicted of arranging to have his wife murdered by a hit man, who he allegedly hired through an advertisement in *Soldier of Fortune* magazine. The case received international media attention.

"I was sure that he was innocent," said Horton, and both the Pope and Mother Teresa appealed for clemency. The appeal was unsuccessful, and Black was executed six weeks after Horton's wife gave birth to his first son.

A recurring theme of the panel discussion was how Harvard students should use the demand for their services to get the firms to put more resources into their pro bono program. "Push hard on the firms and let them know what you think about pro bono," said Horton. "If they are put off by it, to hell with them. You are in demand."

Nobel Laureate Ramos-Horta Speaks on Human Rights

By Dmitri Evseev

"Raise your voice, your energy and your strength in support of the United Nations," urged Nobel Peace Prize Laureate Jose Ramos-Horta of Indonesia in a speech at Fanueil Hall in Boston this past Saturday.

The speech was part of a city-wide series of events dedicated to celebrating the 50th Anniversary of the Universal Declaration of Human Rights, a statement of basic political, social and economic rights adopted by the U.N. in 1948.

The United States is one of the few countries that have not yet ratified the Declaration, but the Cambridge City Council, circumventing the U.S. Senate, has adopted the Declaration as "Law of the Land" within Cambridge city limits.

The need for a continued focus on human rights in Indonesia was pointed out by Human Rights Program member Debi Cornwall '00, who spent last summer as an intern in Jakarta with the international campaign for the release of miss-

ing activists and for the trial of their military abductors.

"Habibie [Indonesia's leader who replaced Suharto earlier this year] touts 'military withdrawals' in crisis sites such as East Timor, yet the number of troops only increases and Timorese political leaders are still jailed for their beliefs," she said.

Ramos-Horta's speech was not specifically about Indonesia. He chose instead to focus on geopolitical issues, especially those related to the global arms trade.

He noted that the U.S. "supplies weapons to 39 out of 42 countries presently engaged in some form of warfare." If Colombia deserves our condemnation for being a supplier of drugs, he argued, how can we avoid comparing it to the U.S. and the world arms cartel?

Elaine Bernard of the Harvard Trade Union Program served as emcee for the event and introduced the speaker, who has been an activist for peace and justice in East Timor ever since Indonesia's occupation of that country in 1975.

Protesters Challenge Sanctions on Iraq

By Dmitri Evseev

Boston was the site of lively political activity Saturday from Fanueil Hall to Copley Square, as protesters marched to condemn the economic sanctions imposed by the United States and the United Nations on Iraq.

While such events may seem far removed from the daily grind at HLS, students such as Ramesh Kumar '01 remain interested in human rights activism. "I wish I had known about the rally," Kumar said. "These events give me energy to get through my days."

Similarly, Peter Rosenblum '74, Projects Director of the HLS Human Rights Program, recalled attending HLS in the midst of a flurry of human rights protest activity. "There were rallies and teach-ins," he said, as well as "intense interest in international politics."

John Schuchards, an attorney and co-founder of Veterans for Peace, challenged law students to raise their awareness of U.S. foreign policy. The legality of U.S. foreign policies "would be a very interesting issue to take up with law students," Schuchards said, reminiscing about speaking at HLS in 1991 upon his return from Iraq.

Saturday's rally began with a series of

speeches by activists, including those who have traveled to Iraq and saw first-hand the devastation brought on by the sanctions. Some stated that more than 500,000 children have died as a result of the almost complete ban on essential goods such as medicine and clothing.

The speakers also criticized Secretary of State Madeleine Albright's contention that the price of the sanctions is worth the benefits.

Philip Hyde, the renegade Republican candidate for the 8th district Congressional seat. Hyde made a short statement of solidarity with the protesters and also introduced them to "Pinky," a pink stuffed elephant he carries around in his coat pocket.

After the speeches, the rally proceeded down Boylston street. The protesters carried two black coffins with attached pictures of sick Iraqi children, chanting, "Sanctions are Genocide."

In contrast, Prof. Phil Heymann '60 told the RECORD that he agrees that sanctions have had a terrible effect, but he believes the blame for that should rest on Saddam Hussein. Heymann argues that Hussein could ease the suffering of the Iraqi population, but chooses not to do so because he cares more about developing chemical weapons.

DB

Dewey Ballantine LLP

Representatives from
New York, Los Angeles, and Washington DC will be
at

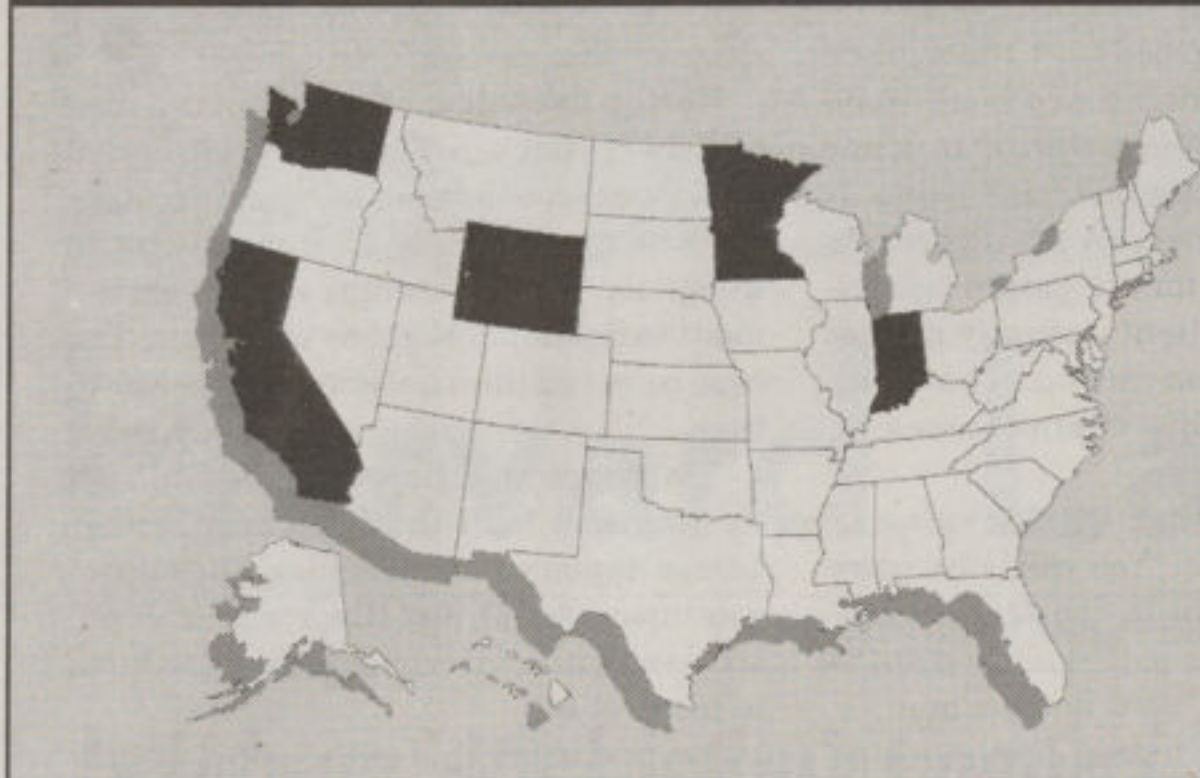
The Charles Hotel
Tuesday, October 13th

Please visit our Firmwide Hospitality Suite

Best wishes during the '98 recruitment season!

visit us on-line: www.deweyballantine.com

Across the Wire



News from the West and Mid-West

New Test For "Unconscious Prejudice" Debuts on the Web

SEATTLE (AP) — Researchers at the University of Washington and Yale University have developed a new tool to measure unconscious prejudice, with the disconcerting finding that it occurs in nine out of 10 people.

The researchers, psychology professors Anthony Greenwald of the University of Washington and Mahzarin Banaji of Yale University, on Tuesday activated a World Wide Web site that allows people to test their own levels of inadvertent prejudice and stereotyping.

They cautioned that results from the Implicit Association Test could be disturbing, especially among those who consider themselves prejudice-free.

People who take the test "either say 'Oh, my God,' or they say 'I don't believe it,'" Banaji said. The ingrained prejudices, she said, appear to be cultural influences learned over the course of a lifetime.

Greenwald said he was especially bothered to find the test uncovered subtle prejudices in himself, along with virtually everyone else who takes it. And he fully understands those who don't want to hear that message, he said.

"I really don't believe I'm prejudiced, but I believe I have what I conveniently describe as the unconscious roots of prejudice," Greenwald said.

The test, which Greenwald said was an outgrowth of other established techniques in social psychology, measures "implicit attitudes": positive or negative thoughts about one object that are powerful enough to rub off on associated objects. As an example, a person may have a positive view of a company because a loved one works for it.

Frequently, Banaji and Greenwald say, people are completely unaware they have such attitudes, which can be the exact opposite of a person's stated or "explicit" views.

The Web site (<http://depts.washington.edu/iat/>) offers four tests, measuring unconscious prejudices of black vs. white people; old vs. young; gender stereotypes; and self-esteem — whether there's an automatic preference for oneself.

In the race test, which is typical of the four, participants are asked to classify as quickly as possible a list of names into those that are most often considered black, such as Jamal or Lashonda, and those most often considered white, such as Chip or Peggy. Next, they are asked to rapidly classify a list of words as "good" in meaning, such as love and happy, or "bad," such as war or evil.

Participants then are timed as they group the names and words into two new lists: white names and good words, and black names and bad words. The test is then switched: participants group white names and bad words, and black names and good words.

While on the surface the final two tests appear equally difficult, in nearly all cases, Banaji and Greenwald say, people take longer when grouping black names and good words than when grouping white names and good words. That, they say, indicates an automatic, unconscious preference for white names.

The latent prejudices appear stronger among whites and Asians than among

blacks, Banaji said, though more research is being done on variations in responses by non-whites.

Tests, including one administered to 1,300 incoming freshmen at Yale, have consistently found unconscious prejudices in 90 percent to 95 percent of participants, the researchers said.

Tests were checked to see if the order of questions, name or word familiarity or other factors affected how people responded, but the results remained much the same.

"We believe it reveals something that is pretty uncontrollable," Greenwald said.

A description of the Implicit Association Test was published earlier this year in the

Journal of Personality and Social Psychology, and Banaji and Greenwald say it's being rapidly adopted as a tool by other researchers.

Among such projects under way is a study in Germany of prejudice between Bavarians and North Germans, research at Northwestern University into attitudes toward the overweight, studies at Yale on identity, favoritism and self-esteem among black Americans and white Americans; and at the University of North Florida on attitudes toward mathematics by elementary teachers.

Greenwald and Banaji caution that the test has potential for being misused

outside of research laboratories. They especially are worried that it could be used to screen people for jobs or to investigate people's unconscious likes or dislikes.

"We are very concerned that this test doesn't go the route of the lie-detector test," Greenwald said.

The goal of the new Web site is not so much fostering research as self-awareness. People who take the tests don't have to identify themselves, or necessarily tell the truth in their responses, Greenwald noted. Because of that, while some statistics will be kept on the Web site, there are no plans to use the data or the site for research, he said.

Study Uncovers Discomfort in Trans-Racial Encounters

WEST LAFAYETTE, Ind. (AP) — David Rollock had a feeling that white people — especially white men — were a little nervous when they met him, a black, professional male. Now, he has the research to show that it wasn't just his imagination.

A study conducted by Rollock, a Purdue University associate professor of psychological sciences, found that most people's hearts beat faster when a stranger enters the room, especially if the stranger is of another race.

"We found that for white males, heart rates went up almost 10 beats per minute when a black man entered the room. This is a really large change," said Scott Vrana, who co-authored the study.

The study by Rollock and Vrana, also an associate professor of psychological

sciences, concludes that although people may think they're comfortable with a person of a different race, their body language may suggest otherwise.

Their study was published in the July issue of the journal Psychophysiology.

While people's hearts beat faster when a stranger enters the room, the study found that when the stranger is of another race, the pulse rate generally goes up more.

The increase is most pronounced in men, and there is one exception to the different-race rule: the presence of a black man sets hearts racing in both white and black men.

The elevated rate remained throughout the encounter.

"We were very surprised by that. It's the equivalent of low to moderate levels of exercise," Rollock said.

Ranchers Not Allowed to Kill Reintroduced Wolves

CASPER, Wyo. (AP) — A federal judge has prohibited a Wyoming rancher from killing federally protected wolves that allegedly are threatening the rancher's family and cattle.

But U.S. District Judge William Downes said he will reconsider an earlier decision allowing transplanted wolves to remain in the Dubois area until appeals are settled on the legality of their reintroduction from Canada.

Diamond G Ranch owner Steve Gordon has asked Downes to either authorize killing the wolves or force the Interior Department to immediately remove them.

Last year, Downes declared the wolf recovery program illegal because it reduced the endangered species protection afforded native wolves.

But he stayed his order to remove the wolves from the Yellowstone National Park area and the central Idaho wilderness pending appeals, which are expected to take place in March before the 10th U.S. Circuit Court of Appeals in Denver.

Gordon claims he has lost \$1 million in cattle to wolves and spent thousands more

to keep the pack at bay but has been unable to convince federal officials that wolves are to blame for many of the kills.

At the same time, he says his children and pets cannot leave the house alone and ranch personnel are forced to watch for wolves and chase them away.

"Lifestyles have changed on the Diamond G Ranch," Gordon's attorney, John Martin, said.

But government attorneys contend the wolves have left the ranch, and the government has taken the appropriate steps whenever a cattle loss is confirmed.

They claim Gordon wants Downes to violate federal rules and "micro-manage agency and government decisions."

Interior Department counsel Ken Kellner said Gordon's attorneys have failed to show that the predators are causing irreparable harm or that the government has broken any part of the Endangered Species Act.

"Every time there has been a confirmed depredation, there has been a control action," he said. "Whatever the plaintiffs are asking for in this case, they are already getting."

While the heartbeats of white men encountering black men increased about 10 beats per minute, the heartbeats of black males encountering another black male increased about two extra beats a minute. But their heart rates decreased about two beats per minute when the interactor was a white male.

Rollock and Vrana said more research would be needed to find out why black men elicit such responses. But they suspect that stereotyping and negative media portrayals often leave an impression that black men are threatening and angry.

Women tend to be more receptive to new experiences and people, the study showed.

Facial expressions also were seen as important indicators.

"Smiling when you greet someone is not inevitable, it's just something that we as a culture have chosen to do and train our children to do," Vrana said. In other cultures, that's not the norm.

In the study, participants typically smiled during the first 10 seconds after someone walked into the room and greeted them. During those 10 seconds, the smile was greater to someone of the same race. But during the next 20 seconds, participants tended to smile longer and show a greater smile to persons of a different race.

"Once people recognize that someone is of another race, they may make a conscious effort to smile at them," Vrana said. "It may be that we are more self-conscious of how we present ourselves to people who are different from us."

In the study, white people and women smiled more throughout the interaction period than blacks, whose expressions were more neutral.

Researchers conducted the experiments only with interactions between persons of the same sex. Different-sex pairings might have made the results even harder to interpret.

The study was conducted on the Purdue campus with 105 undergraduate male and female students—54 black, 51 white. Each subject was left alone in a room after being hooked up to electronic equipment that monitored heart rate, perspiration and facial movements.

Wasserstein Fellows Give Students Inside Look at Public Interest Fellows Say Position Enables Them to Balance Lawyering, Activism, Intellectual Challenge

By Alyssa Caples

This year marks the ninth year of OPIA's Wasserstein Fellowship program. Through a \$500,000 grant from Morris Wasserstein, the Law School is able to bring distinguished attorneys practicing in the public interest to campus to consult with students.

This year's eleven Wasserstein Fellows work in a variety of public interest fields, ranging from David Sullivan '77, Counsel to the Massachusetts Senate and James Holbein, U.S. Secretary for the NAFTA Secretariat at the U.S. Department of Commerce to David Coleman, the Chief Assistant Public Defender in Contra Costa County and Kary Moss, Executive Director of the ACLU of Michigan.

"Every year we get several hundred applications for the Fellowships.... Ultimately, the final selection is made by a committee appointed by the Dean," said C.A. Webb, OPIA associate.

"The way we promote the program is through an alumni newsletter that we send out every year. We target alums and employers in our Public Interest Research Guide

"They come for a variety of reasons: to return to their alma mater and share war stories, to lend support and boost morale for the students, and also for the honor."

The majority of the fellows visit the Law School for one or two days and meet with students one-on-one, hold brown bag lunches, and participate in panel discussions.

"We try to supplement the expertise of

the members of our office with the fellows. This is an easy way for students to network and get advice. Students regularly get summer jobs and build contacts through the fellows."

"People going into Public Interest work need to spend more time thinking about what kind of jobs make sense for them. I find the Wasserstein fellows to be extremely helpful. They bring in people who are at interesting points in their careers, and it's an excellent way to pick someone's brain. It's one-on-one counseling that you can't get anywhere else," said Matt Freedman, '99.

This past Tuesday evening, OPIA, in conjunction with the Office of Student Life Counseling, hosted a World of Law panel on Nonprofit/Advocacy legal careers.

The panel included Wasserstein Fellow Moss and Robert Rubin, Deputy Director

of the Lawyers' Committee for Civil Rights in San Francisco.

"Coming here and meeting with students is a great way to step back and gain perspective about my own work," said Moss. "I love my job and the lifestyle although it takes a concerted effort to not get burnt out. I have learned to say no and limit my priorities. I have also become very good at delegating tasks and learning to let others complete a delegated task their own way

"For me, this work strikes the perfect balance between public interest lawyering, political activism, and intellectual challenge."

The next Wasserstein fellow will come to campus on October 13. Nicole Gordon is the Executive Director of the New York City Campaign Finance Board.

Across the World

Woman Chains Self to Radiator to Force Bank to Give Her Money

MOSCOW (AP) — In a desperate gesture emblematic of the hard times facing Russia, a woman chained herself to a radiator in an attempt to force a Moscow bank to return her deposit, a news agency said Tuesday.

The woman entered a branch of the Russian Credit Bank on Tuesday after-

noon and demanded her money, Interfax said. When she was refused, she handcuffed herself to a radiator and said she would not leave until she got her money.

Many Russian banks either do not have money because of the country's current economic crisis or have frozen customers' accounts.

Gay Family Struggling for Acceptance in Small Town

WATERTOWN, Minn. (AP) — In this insular village of 2,400, where bird feeders and American flags hang on front porches and children ride their bikes to the only grocery store around, Watertown is grappling with the most divisive question it has encountered in years: How to deal with openly gay parents?

About 100 residents attended a nearly two-hour town meeting Sept. 10 at Watertown Elementary School to discuss the issue. Organizers said they wanted to create awareness of violence and hate crimes and to invite dialogue about gays and lesbians. The meeting came amidst allegations that for the past two years Robert Protomaster, 35; his partner, Brian Carlson, 35; and their three teen-age sons have been the targets of verbal and physical harassment because Protomaster and Carlson are gay.

The claims are disturbing:

Epithets hurled at the family as they drove through town. Statues in their front yard smashed at night. Homophobic notes stuck inside their front door. And, most troubling, said the family, repeated harassment of the boys while they attended Watertown Middle School in 1996 and 1997. They said that they repeatedly were called "queer" and "faggot" and that other students refused to sit by them because they feared that "they ... would become gay," said Timothy, 13. "So for a long time no one would come near us."

Michael, 14, said he was held down by students while one wrote "faggot" on his arm. School officials did little to stop the harassment, the family says.

The school district issued a statement on the day of the town meeting saying that the district "has a record of responding appropriately to complaints of harassment."

The Watertown mayor's office and Carver County officials issued statements the day before the meeting saying that Watertown stands against violence, hate crimes and harassment of any kind.

The boys — John, who's 16, Michael and Timothy — spent most of their lives in and out of foster homes before Protomaster and Carlson adopted them about three years ago.

Although the boys no longer attend school in the Watertown School District, their parents filed a discrimination complaint last year against the district with the state Human Rights Department. No probable cause for department action was found because the complaint presented insufficient evidence, according to the ruling signed by former Human Rights Commissioner Dolores Fridge. The case is now on appeal.

But it was the Protomaster-Carlson family's very presence in the town that drew a crowd to the town meeting, which was called by OutFront Minnesota, the state's largest gay, lesbian, bisexual and transgender advocacy group. OutFront has been providing legal assistance and counseling to the family.

Nearly all of the residents who spoke expressed remorse for harassment the family may have suffered, and many expressed regret for not doing more to support them. "I am ashamed that we would treat a family in our community like this," said Mary Neaton, a former Watertown resident. "I'm a devout Catholic, and it breaks my heart when I see people use religion to hurt others."

Other residents said that while they had compassion for this family, they still view homosexuality as "an abomination." Kenneth McDonald, a former Watertown mayor and state representative, said that people who profess to be Christians should not commit violent acts against others, but "we should be able to distinguish between hate crimes and immoral behavior. All of us should hate the sin but love the sinner."

News that the family would be living in Watertown swept through town before they even moved in from Atlanta.

One longtime resident recently spoke to a reporter anonymously because she feared reprisals from neighbors. She said she received calls from people who said, "Do you now what is moving into that house?"

"Even had one man say to me, 'If we let this happen in our town, then more of them will move in and pretty soon it'll be full of them. So we've got to let them know that we don't want them here.' And then people always say, 'How did they get those boys?' and 'Oh, you know those boys are going to be gay.'"

Calling Watertown a permanent home is an uncertainty, said Protomaster and Carlson, speaking from their split-level home filled with religious symbols.

"I don't want to be told where I should live, and I don't want to be run out of town," Carlson said. "But I have a feeling it could evolve into that. We almost have to build a fortress around ourselves if we're going to live here."

New California Law Targets 'Stalkerazzi'

LOS ANGELES (AP) — Remember the pictures of Madonna's wedding to Sean Penn, taken from an army of helicopters hovering over her Malibu mansion? Or the snapshots of Brad Pitt in the buff on a private beach?

Images like those will be grounds for legal action under a new state law that aims to protect celebrities and others in private moments.

"Under this bill, the so-called 'stalkerazzi' will be deterred from driving their human prey to distraction — or even death," said Gov. Pete Wilson, who signed the bill into law Wednesday.

But journalists and First Amendment law experts complain that the law, which takes effect Jan. 1, muzzles the right to gather the news.

"This is a law that addresses a non-problem," lawyer Douglas Mirell said. "This is a PR effort spawned by the tragedy of Princess Diana's death but addresses no legitimate issue that is not now in existing law."

Barbara Cochran, president of the Radio-Television News Directors Association, said "constructive trespass" may end up preventing coverage of newsworthy people.

The bill was introduced after Diana was killed last year in a Paris car crash as she was followed by paparazzi, or celebrity photographers. Her driver was legally drunk at the time of the crash.

Celebrity outrage over the circumstances of Diana's death fueled support for the legislation. Stars such as Madonna and Elizabeth Taylor called for boycotts of supermarket tabloids and new laws on libel and privacy.

The law forbids "constructive trespass," the use of technologically-advanced devices to watch or eavesdrop on someone in a situation where they have "a reasonable expectation of privacy."

The bill defines invasion of privacy as trespassing with the intent to capture audio or video images of a celebrity or crime victim engaging in a personal or family activity.

It extends trespassing to electronic devices. And it allows the celebrity or crime victim to recover damages from the paparazzi and people who employ them.

Violators must pay triple the amount of any actual damages plus surrender any proceeds from the sale of material obtained through an intrusion on privacy.

Screen Actors Guild President Richard Masur insisted Thursday the bill does not target paparazzi or apply exclusively to celebrities.

"It targets a particular kind of behavior," Masur said. "It applies to what, in other circumstances, would be considered voyeuristic behavior."



RECYCLE THE RECORD

Background Check Required for Bar

Continued from *BAR*, p. 1

student has sought mental health treatment violates the Americans with Disability Act of 1990. He goes on to note that it is rather common for graduate students to seek psychiatric services, with approximately 17 percent of the HLS student body currently availing itself of such services at the Health Service.

According to Mark Byers, Director of the Office of Student Life Counseling (OSLC), "Many students have expressed concerns about confidentiality."

Even though the OSLC primarily focuses on issues such as study skills, stress management, personal development and career planning, and merely has the ability to refer students to mental health and substance abuse treatment facilities, Byers states that a number of students have opted to err on the side of caution and disclose services they received from OSLC in their bar application forms. He assures students, however, that all interactions with the OSLC are handled in a strictly confidential manner.

"I must admit that I didn't think about that type of question too much, but that may point to the problem with them — you don't think about them, until they actually do invade your privacy, and then it's too late," said Jol Silversmith '98, former president of the HLS Civil Liberties Union.

Moral Turpitude, Anyone?

"The Committee believes that past criminal activity not including violent felonies, felonies involving moral turpitude and crimes involving a breach of a fiduciary duty is not necessarily disqualifying if sufficient time has passed during which the applicant has demonstrated rehabilitation and respect for the law and the rights of others," the State Bar of California explains in a posting on its Web site, www.calbar.org.

Denying drug users and alcoholics the delusion that they are off the hook, the posting goes on to say, "Drug and alcohol abuse and dependencies are considered major problems in today's society and as

such can be seen in the number of lawyer discipline cases that are directly related to these problems. These issues are of particular concern to the Committee."

Byers says that the main focus of the state bars' inquiry into past mental health and substance abuse problems is to ascertain that a successful course of treatment has been completed and that the past problems will not have a negative impact on the prospective attorney's ethical and professional job performance. He adds, "I do not know of one instance of a student who was denied admission to the bar after having successfully completed a course of treatment."

Glenmullen says, "I've never had the experience where someone was denied admission to a state bar."

As to the particular procedure used in dealing with problematic cases, the State Bar of California posting states, "An applicant's record is reviewed as a whole to see if there appears to be a problem. If there appears to be a problem, the applicant may be asked to undergo an evaluation by a qualified professional chosen by the Committee."

The intensity of the inquiries varies widely from state to state. Bar associations in Southern states, for one, appear to have more stringent disclosure requirements.

A Privilege for Some, A Right for Others

As Silversmith recalled, "I applied to Maryland and Massachusetts. Maryland is much more invasive than Massachusetts: it requires two references, five recommendations, letters from all of your employers in the past five years, all your credit card accounts in the past five years, and a driver license record."

But some students seem to appreciate the rationale underlying such inquiries.

"Bar applicants do have an interest in maintaining their privacy. Nevertheless, that privacy interest is outweighed by the public's interest in protecting itself from dishonest lawyers," Kiefer, who recently passed the Wisconsin bar, stated. "Moreover, joining the bar is a privilege, not a right."

It is a right, however, not a privilege, for Wisconsin law school graduates, who are automatically admitted to the Wisconsin state bar. Graduates of the only two law schools in Wisconsin, the University of Wisconsin and Marquette, are not required to answer such invasive questions.

At any rate, Glenmullen advises students not to hesitate in seeking any sort of help they may require. "My general advice to students is: 'Don't lie on this question.'"

As Byers put it, "If you're busy frying brain cells now, you'll end up having more serious problems than applying to the bar."

This article was inspired by a recent discussion in Prof. Detlev Vagts '51's "Legal Profession: Transnational Practice" course.

Legal Not Always Ethical, Says Prof. Kaufman '54

Continued from *UNIONS*, p. 1

fairness," exclaimed Cohen.

George Johnston, head of Venable's Labor Litigation Division, stated: "We have a sense of pride here in not crossing the line in terms of what's legal — that's not the way we practice law. The irony is that this firm probably has a stronger reputation for fairness than other firms."

Is Labor Law Itself to Blame?

Despite such unequivocal statements on both sides, an investigation into the world of labor law reveals that the circumstances surrounding this issue are far from simple.

On the one hand, it is clear that union-busting law firms do exist and do engage in tactics that stifle workers' rights. According to Deborah Greenfield, associate general counsel at the AFL-CIO, "Union-busting firms actively assist employers to prevent their employees from winning collective bargaining rights, and their techniques are becoming more sophisticated. All of the firms mentioned are widely known to counsel companies during union campaigns."

Management firms themselves acknowledge as much, though not in so many words. One lawyer from Morgan, Lewis put it this way: "There certainly are firms which have the reputation of being more aggressive in organizing anti-union campaigns. In fact, there are some firms who would be dying to be put on that flyer."

At the same time, however, branding a group of large law firms as unethical is a drastic oversimplification of a far more complex and ambiguous problem. According to labor law Prof. Paul Weiler LL.M. '65, the central problem is more bad law than bad lawyers. "There are huge problems with American labor law," he explained. "I've dedicated 20 years to studying the issue of giving workers a more level playing field. But that's a problem that's been generated by the legislature and the courts, not by individual lawyers. Solving these problems is the job of Congress."

Kim Phillips-Fein, a journalist who has written on labor issues for "The Nation" and "The American Prospect," echoed this analysis: "The problem isn't just union-busting firms; they can exist because labor law is so weak."

An Ethical Conundrum

One unfortunate result of the inefficacy of labor law is that its practice is fraught with ethical ambiguity. For example, it is perfectly feasible for a management firm to advise its client within the limits of the law but still cross all kinds of ethical barriers.

"The job of the labor lawyer is to help the company break the union, but stay more or less within the perimeters of the law," said Phillips-Fein. "For example, you can suggest that a plant closure will follow the signing of a contract, which is an illegal threat, as long as you do so in technically legally sound phrasing. Or you can get supervisors to hold one-on-one meetings with employees, not asking their opinions about unionization — which would be illegal interrogation — but talking about the supervisor's opposition to unions, in the hopes of eliciting information from the employee."

"Doing what isn't forbidden isn't always the ethical thing to do," commented Prof. Andrew Kaufman '54, whose research focuses largely on issues of professional responsibility. "That's like saying 'A law is constitutional, so it must be good.' That doesn't follow at all. The question 'Is it ethical?' is not answered by the rules governing lawyers conduct."

So where is it answered? The issue poses difficult questions not only for students facing decisions about where to work, but for all lawyers whose job descriptions often entail advising clients on ways to evade duties or sanctions imposed by the law.

The law firms interviewed for this article naturally argue that they have a duty to zealously advocate for the interests of a client. "If union busting is advising management of their rights well within the law and making that point of view known to employees, I don't see that as improper," said Johnston.

Indeed, all three firms suggested that it is not so much their techniques but their success in representing clients that has led to their being listed on the flyer. "People grouse about our tactics because we're effective," quipped Skoning.

In true adversarial fashion, Nick Akers '99 and Shannon Fisk '99, HLLP co-chairs, stand firmly by their claims: "We're not going to spit this stuff out unless we're sure as to its accuracy."

Students faced with pressing employment decisions must confront the fact that there is no clear line separating right from wrong. As one management attorney points out, "no side has a monopoly on righteousness."

Arguably, the process of becoming a lawyer involves coming to terms with that fact.

"The issue isn't good guys and crooks," said Kaufman. "The issue is finding people whose values you admire more than others. The way to find that out is to talk with as many people in the firms as possible, especially recent graduates, and get them to express their sense of the values of the people they work with. It's very hard but it's the sort of thing that should be done."



Collier, Shannon,
Rill & Scott, PLLC

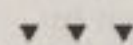
Collier, Shannon,
Rill & Scott, PLLC

ANTITRUST &
TRADE REGULATION,
INTERNATIONAL
TRADE & CUSTOMS,
LITIGATION,
ENVIRONMENTAL,
HEALTH & SAFETY,
INTELLECTUAL
PROPERTY, ENERGY,
TELECOMMUNICATIONS,
CONSUMER
PROTECTION &
ADVERTISING,
LABOR &
EMPLOYMENT

ON-CAMPUS INTERVIEWS

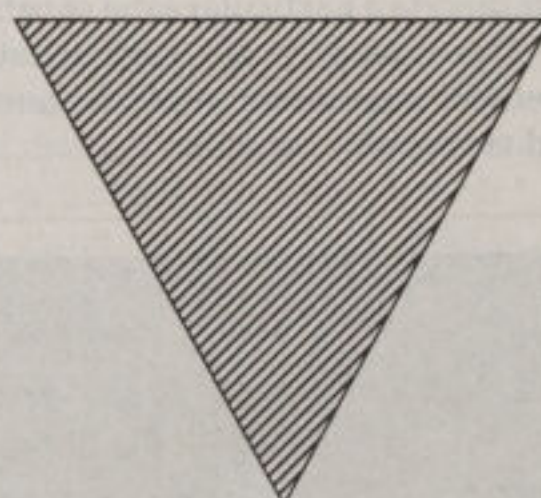
TUESDAY, OCTOBER 27

SIGN-UP AT THE PLACEMENT OFFICE



A Washington, D.C.-based law firm with more than 100 attorneys and an office in Sydney, Australia. Our domestic and international clients include Fortune 500 companies, trade associations, and business of all sizes involved in manufacturing, agriculture, energy, high technology, and services. Summer associates work with at least three practice areas during a four-week rotation. They experience the inner-workings of a law firm first-hand with assignments at a first or second year associate level. We are located on the banks of the Potomac with jogging/biking trails and sculling facilities right outside our front door.

Visit our web site at <http://www.colshan.com>



SUPPORT NATIONAL
COMING OUT DAY

SATURDAY,
OCTOBER 10

Come out, come out, wherever you are...



Briefs

Protesters Demand More Ethnic Minority Hires at Supreme Court

With chants of "No Justice, No Peace," more than 1,000 protesters helped open the Supreme Court's 1998-99 term Monday by staging a noisy outdoor demonstration to demand that the justices hire more minority law clerks.

NAACP President Kweisi Mfume was among 19 people who deliberately got themselves arrested while trying to deliver to the justices resumes of minority law school students they said were fully qualified to clerk for the Supreme Court.

No American Indian has ever worked as a clerk on the Supreme Court. And of the 428 clerks hired over time by the nine sitting justices, less than 2 percent have been African American, 1 percent were Hispanic and less than 5 percent Asian American, according to the Baltimore-based NAACP.

A multiethnic coalition from 10 states representing an array of minority lawyers' organizations and other groups led the two-hour protest that recalled a bygone era of coalition civil rights advocacy.

"The fact that the nine sitting justices who sit on the highest court in the land do not practice equal opportunity exposes a great deal of hypocrisy," said Mfume.

Supreme Court police said the 19 protesters were arrested for attempting to demonstrate on Supreme Court property rather than on the public sidewalk out front. Maximum punishment for the misdemeanor is a 60-day jail term and a fine of \$100, a court spokesperson said.

Superior Court Judge Thurman A. Morrison III suspended the jail sentences and each was fined \$50, said Mfume, who was released around 4:30 p.m. The fines will be paid through NAACP funds, Mfume said.

"We are deciding whether we should demonstrate outside the home of Chief Justice Rehnquist because he has the worst record of hiring," Mfume said. Rehnquist has hired no blacks or Asian-Americans in his 26 years on the Supreme Court, he said.

In May, Chief Justice William Rehnquist turned down a request by minority lawyers to discuss the situation, saying he did not think such a meeting "would serve any useful purpose."

Supreme Court spokesman Ed Turner said the court had no comment.

Harvard Medical School Marks Thirty Years of Affirmative Action

After 30 years of affirmative action, Harvard Medical School's dean stopped short Friday of giving the institution an "A" for achieving its goals.

"What is HMS doing to promote a diverse learning experience and in attracting more individuals from diverse backgrounds to our faculty and staff?" asked Dr. Joseph B. Martin in a speech at Harvard Medical School.

"I was troubled to learn that we have not done as well as we might have with respect to recruiting talented people of color to our staff and management positions," he said.

Martin said he has appointed a task force to investigate how Harvard Medical School can attract a more diverse faculty.

He reiterated the institution's commitment to affirmative action, and said the students and faculty supported that commitment.

"There's always the occasional alumnus whose child did not get admitted who feels their position was given to someone else," he said in an interview with The Associated Press. But, he said, that happened only rarely.

Of Harvard Medical School's 165 students, 30 are minorities and half are women, he said.

Ogletree '78 Receives Human Rights Honor

The Southern Center for Human Rights presented an Equal Justice Award to Prof. Charles Ogletree '78 on his fifteenth anniversary as chair of the Center's board of directors.

Ogletree has represented many clients for the Center. For instance, on behalf of the Center he won a 9-0 victory for James Ford, an African American man sentenced to death in Coweta County, Georgia, before the U.S. Supreme Court. Ogletree argued that Ford's jury was selected in a discriminatory fashion.

The Southern Center for Human Rights has provided free legal representation to people facing the death penalty or subject to cruel conditions or practices in southern prisons and jails. It is now celebrating its 22nd year of service.

Civil Rights Trailblazer Redding '28 Dies

Louis L. Redding '28, who as Delaware's first black lawyer took part in several landmark civil rights decisions that led to the desegregation of the nation's public schools, died Monday. He was 96.

In 1950, Redding represented nine black Delaware State College students who wanted to attend the all-white University of Delaware. He won the case, which made the University the nation's first state-supported undergraduate school desegregated by court order.

That same year, Redding represented Sarah Bulah, a black woman who said school buses carrying white children wouldn't bring her daughter to a black school. Redding agreed to take the case only if the woman agreed to fight to have her daughter attend the white school.

Redding won the case at the state level in 1952 and the appeal became part of the U.S. Supreme Court decision of *Brown v. Board of Education*, which started the desegregation of public schools nationwide. He also fought to open housing for minorities.

After graduating from HLS, Redding returned to his hometown of Wilmington, Delaware, where he broke the color barrier of Delaware's Bar Association in 1929. At '28, he became the state's first black lawyer.

To Cert or Not to Cert

Continued from SUPREME, p. 1

driver, who was the object of the search, stating flatly that "men do not carry purses."

Continuing to expand its sexual harassment jurisprudence, the Court will consider whether school districts should be liable for damages if principals and teachers fail to stop persistent harassment of one student by another.

Davis v. Monroe County involves a fifth-grade girl who was repeatedly grabbed, teased, and verbally abused on school premises by a fifth-grade boy. Complaints by the girl's mother to teachers and the school principal did not result in any action.

The Court will determine whether Title IX, which bars sex discrimination in schools that receive federal funds, covers student conduct.

Prof. Richard Fallon predicted that the Court will find for the student only if she can prove reckless indifference on the part of the principals and teachers who had adequate notice of the problem.

Beware "Looking Funny to Police"

The Court will hear an appeal of a decision by the Illinois Supreme Court striking down the city of Chicago's anti-loitering ordinance. The case, *Chicago v. Morales*, could be a vehicle for the justices to revisit several notable decisions from the 1970s striking down similar anti-loitering laws.

"There's no votes than can really be taken for granted in this case," Fallon said. He said it will be interesting to see if the justices treat the ordinance as legislation that can be used to harass racial minorities or people "who look funny to police," or whether they'll frame it as legislation that is designed to save parks and protect "decent people from the menace of street gangs."

"This will be a bellwether case to show where the court's sympathies lie," Fallon noted.

The challenged ordinance was designed to rid Chicago's streets of gangs. It autho-

rizes police to disperse and arrest gang members and those associated with them for "loitering," defined as remaining in a public place "with no apparent purpose." An officer who reasonably believes that a group of loiterers includes a "criminal street gang member" may order them to move on, and if they do not, may arrest any and all of them.

Cases Pending Cert

A number of interesting and controversial cases have gathered in the Court's certiorari pool. Among these is the Clinton Administration's appeal of *Office of the President v. Office of Independent Counsel*, which held communications between Clinton and White House lawyers are not protected by attorney-client privilege.

"There are several school voucher cases in the pipeline, and the Court will have to take one soon," Fallon said, noting that the Court has upheld programs which provide indirect aid to parochial schools.

A case bound to be a touchstone in this area is *Jackson v. Benson*, which concerns the constitutionality of Wisconsin's school voucher program. The Wisconsin Supreme Court recently upheld the program, which allows state vouchers to be used to pay for parochial school tuition.

"These are difficult cases, because of the potential capacity for a huge long-term shift in government practices resulting in large numbers of children being drained away from public schools and receiving parochial education funded partially with taxpayer dollars," said Fallon. He said that, like in many other close cases, the decision would come down to Justice O'Connor's swing vote.

Certiorari petitions are also pending for two cases involving state sovereign immunity. These cases, which could provide further clarification of the line taken by the Court last term in its controversial *Seminole Tribe* decision, concern whether a state may be sued in its own court under the Federal Labor Standards Act. Professor Shapiro is serving as counsel in both of these cases.

Happy Birthday Rutherford!

The only U.S. President ever to graduate from HLS would have turned 176 Sunday.

Rutherford B. Hayes LL.B. 1845, who served as President from 1877 to 1881, has earned a place in history forever, if only as a Trivial Pursuit answer: he was the only President to win the presidency with fewer votes than his opponent, Samuel J. Tilden.

Additionally, the Ronald Reagan Library and Museum in Simi Valley, California, notes that Hayes had the smallest foot of any president. He wore a size seven shoe.

Yet Hayes was far more than a tiny-

footed historical oddity. As captain of the volunteer forces in the Civil War, Hayes was wounded four times. His heroic efforts enabled him to be promoted to a major general before the war ended.

Additionally, Hayes oversaw the end of the Reconstruction Era when federal troops withdrew from the South in 1877.

Lest you get down-and-out during the current interview season and wonder why you ever chose to come to our fine institution of higher learning, keep in mind that an HLS education could lead you, too, to become the smallest footed U.S. President ever. Provided that your feet are smaller than size seven, that is.

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

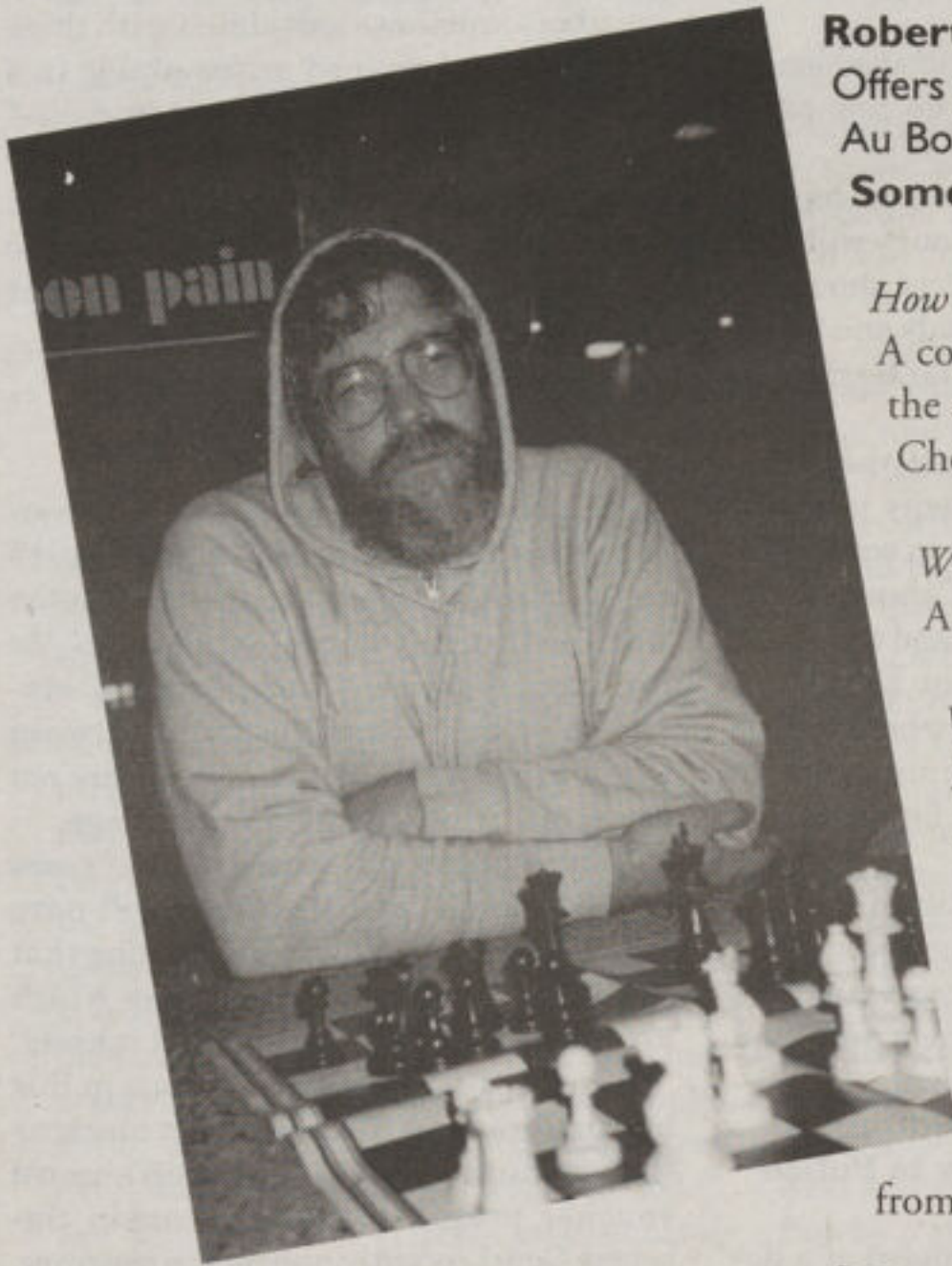
ALUMNI/AE ADDRESS CHANGES: Alumni/ae who receive the RECORD as a result of membership in the Harvard Law School Association should mail change-of-address information to the Harvard Law School Association, Harvard Law School, Cambridge, MA 02138.

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, 1998 and ends on June 30, 1999 purchase a subscription that begins in January 1999 and expires in December 1999.

Return Address:
Harvard Law School Association
Harvard Law School
Cambridge, MA 02138

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

Conversations En Route A Harvard Square



Robert "Chess Mister" Rubin,
Offers chess lessons outside
Au Bon Pain
Somerville, MA

How long have you been known as the "Chess Mister?"
A couple of months. There are a couple of guys here in the afternoon who go by Chess Master. But I'm the Chess Mister.

What's your going rate?
A couple of dollars a game

What percentage of games do you win?
About 90 percent. But I don't know how meaningful that is. I don't play the most competitive players in the world.

Any free chess advice?
If you haven't started playing chess, don't. If you have started, quit. It's not an easy habit to break. And, as you can probably tell from looking at me, there isn't much money in it.



Greg D., 41, Homeless

Greg sleeps at a shelter in front of Au Bon Pain. He was in "Good Will Hunting."

How much did you make?
Twenty dollars.

What did you think of the picture now?
Never saw it. You going to show it?

Maybe. How many papers do you have?
Five.

Five? That's it?
You heard me. This is taken picture now. (aside to a passing pedestrian) you today?

Tony C., 18
Winthrop, MA

What are you doing in the Square tonight?
I'm going to smoke a lot of weed.

Are you in high school?
No. I dropped out. Are you a cop?

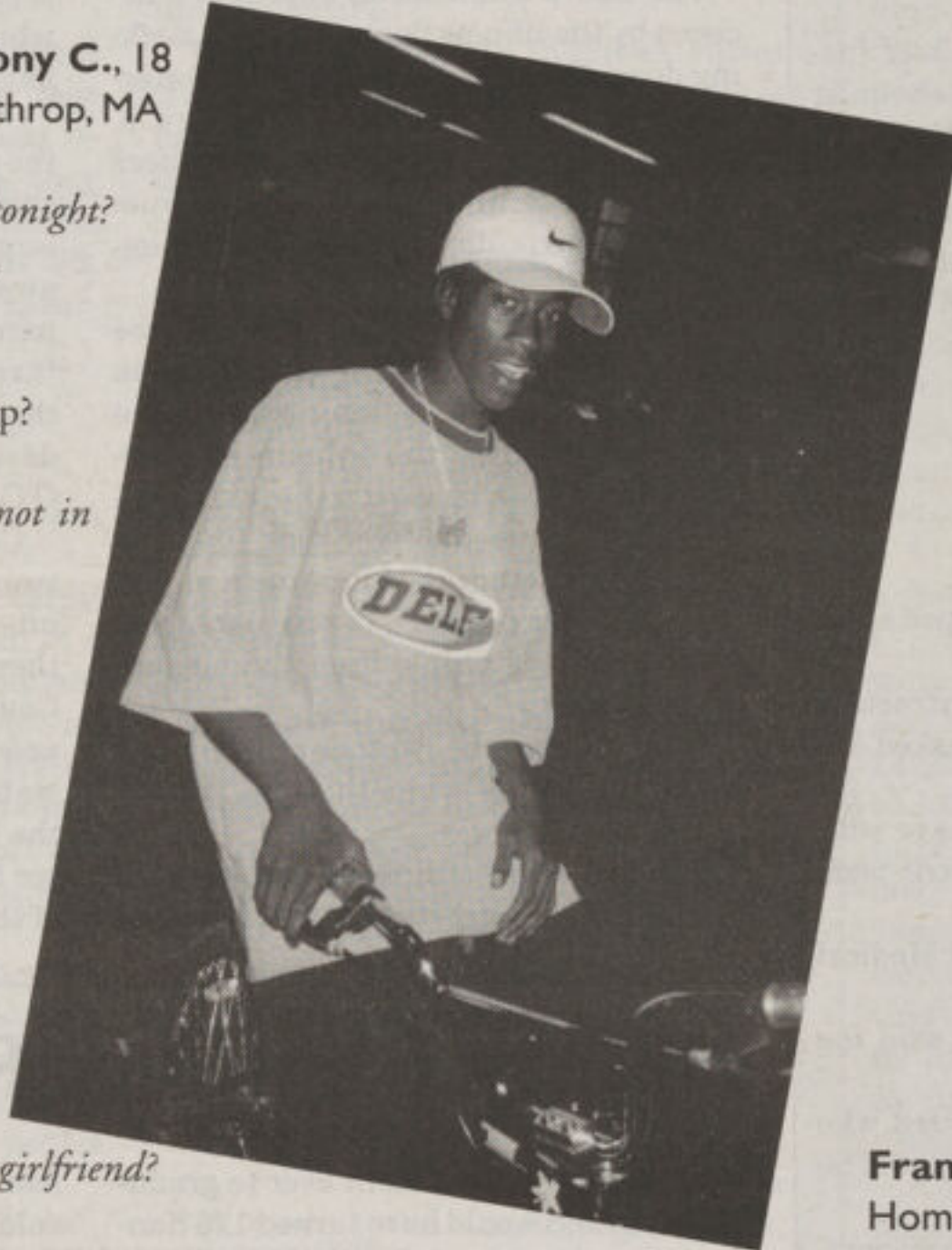
No. What do you do when you're not in the Square.
I hang out with my girlfriend.

Do you live with your parents?
No. I live with my girl.

Does she support you?
Nah. I do my own thing.

And what's "your thing?"
I'm not telling you.

What's the coolest thing about your girlfriend?
She lets me cheat on her.

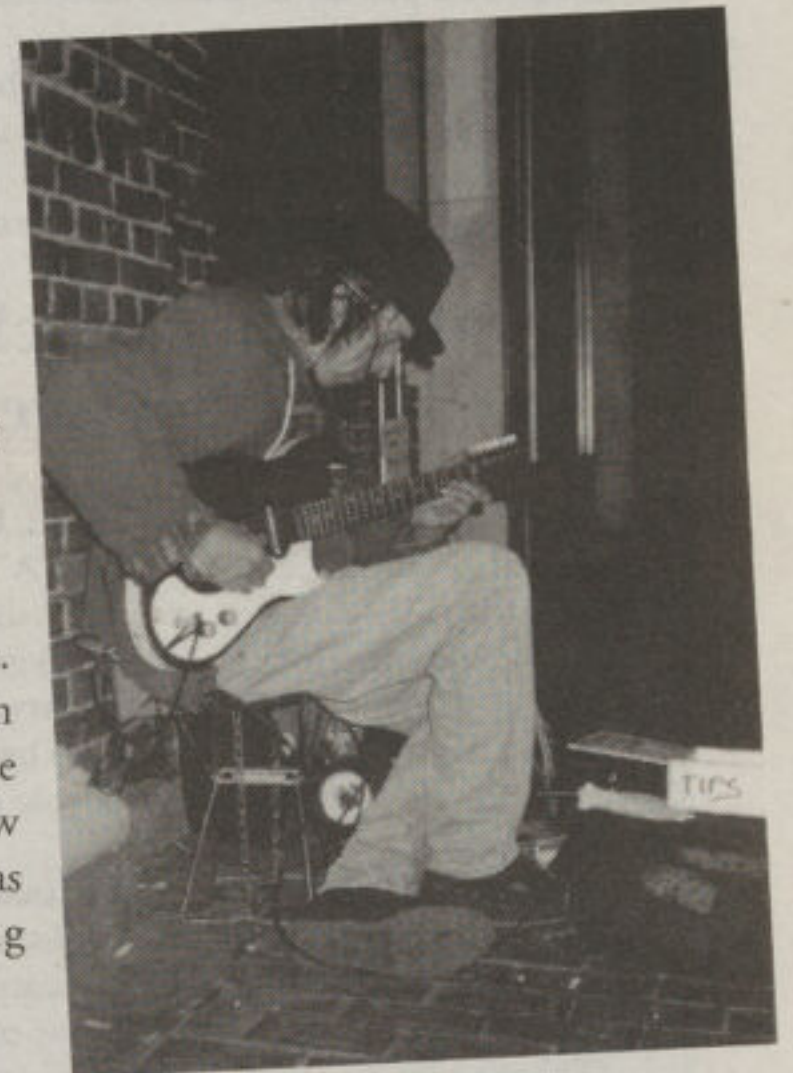


Harvey Smith, Busker

Can I take your picture?
Will you send me a scanned photo by email?

I can't promise that.
What kind of student are you?
You don't have a scanner?

Can you chat for a bit?
I'm not answering any questions. If you're curious enough, you can check out my web site [www.buskers.org/harvey/]. Now I'm going to go back to what I was doing ... which was looking through this box.



Frank McLaughlin, 61,
Homeless for the past eight years

I have to tell you — your look is very preppy.
Well, I shower every day, shave every other day.

Where do you do this?
At the Pine St. shelter.

But you avoid sleeping in the shelter?
That's right. I don't trust any of them. I sleep in the street.

What do you do in the winter?
I sleep in the street.

How is it being homeless?
It's freedom. I love it. You don't have anyone telling you what to do or where to go. You see, I spent 16 years in the state prison. So you could see how I could value a thing like freedom.

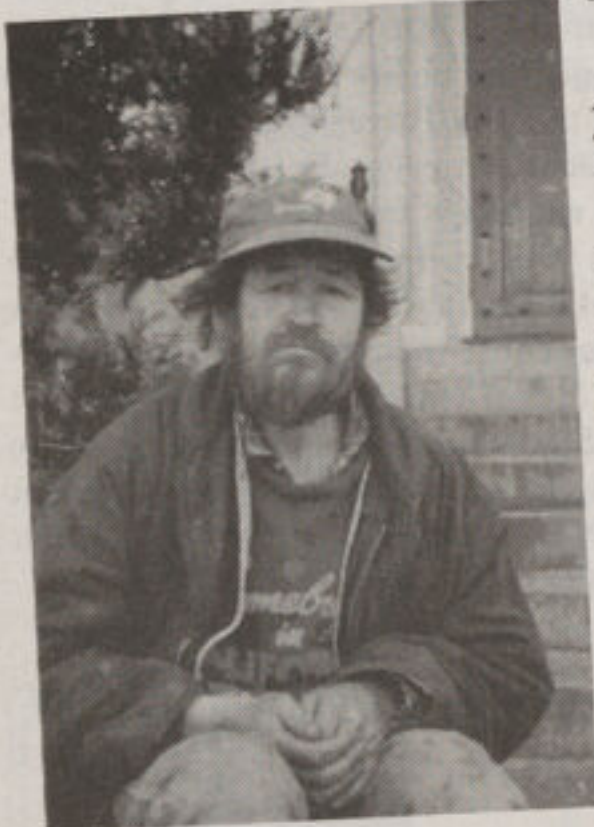
How did you end up in prison?
I was convicted of armed robbery.

Who'd you rob? And what was your weapon?
I robbed the Boston Gas Company. With a pistol. Nobody got hurt. I never robbed an average citizen like you. That's not my thing. I stuck to companies and things like that.

What's the last thing you stole?
A sandwich.

Do you think you'll find a home some time in the future?
Well, you see, right now I've got a problem. Drugs. I'm a heroin addict, and that's an expensive habit.

How do you support yourself now?
Stemming, stealing.



Pat Coffey, Homeless

How long have you been homeless?
Too long.

How do you survive out here?
Panhandling. I make enough to survive.

How much is that?
Enough to survive.

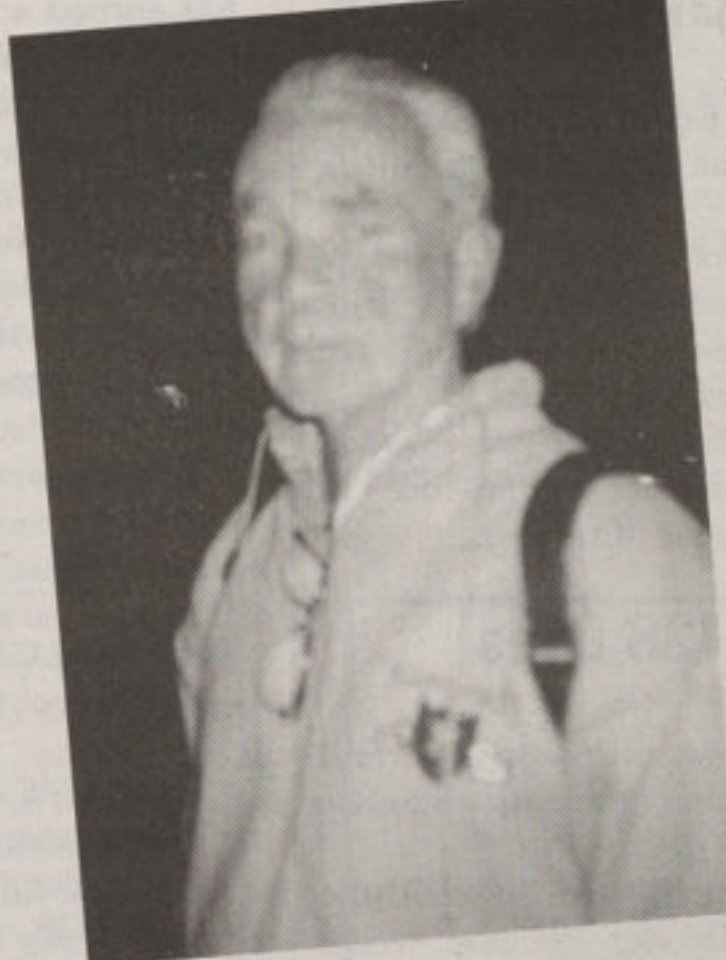
And where do you sleep at night?
Down by the river.

How'd you end up homeless?
I was a father at 17 ... got a little girl... I did my thing until someone else came along and then he did his thing, then I dropped out of the picture.

Is there any place you'd rather be?
Berkeley, Calif.

What's the appeal there?
It's like home. it's just like home.

Any plans to go there in the future?
This winter. My friend's going to get \$2,000 for selling a plot his mother gave him. He's going to share it with me.



to the Hospitality Suite: Spare Scrapbook

Nate, Baker/Pastry Chef at The Four Seasons Hotel in Boston

Nate's been a regular at Whitney's, 37 JFK St., for four years.

So what breads were on the hotel menu tonight?
I did about four different varieties: a multigrain; a cherry-nut bread that's very very good; a chick pea foccacia; and a potato foccacia that's real nice.

What makes Whitney's your favorite watering hole?

Whenever I come in here, no matter what time of day, I know someone. The people here are very personable; the service is great; I enjoy that very much. I also like to perform in the theater.

Really! When's your next gig?

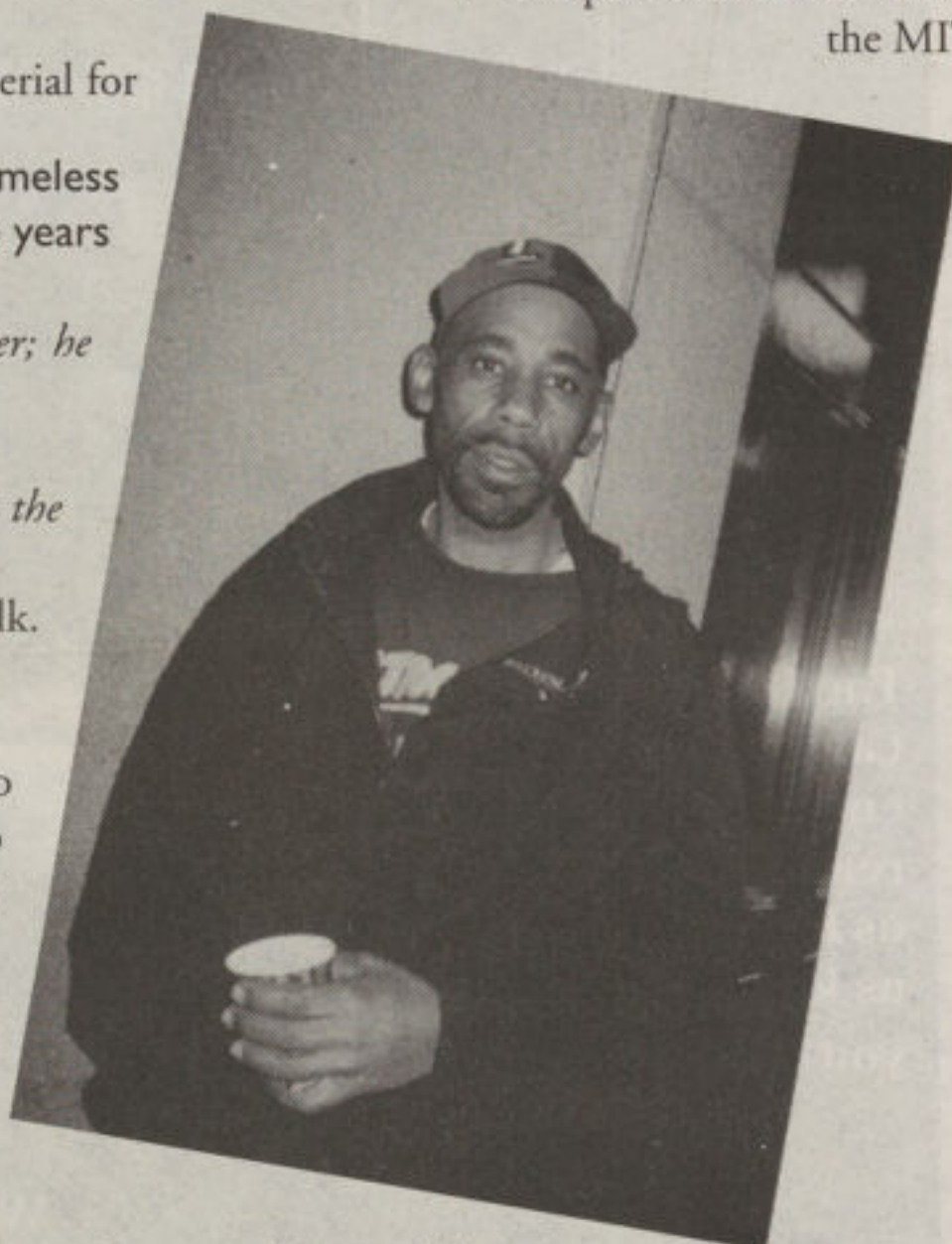
I'm part of the MIT Gilbert & Sullivan Players. We're working on "The Mikado" right now. It's playing at the MIT Student Center the first weekend of November.



What part are you playing?

I'm in the choir, basically. But at the Saturday matinee, I play the Poobah.

James Banks, 45, Homeless
for the past two years



You mean like Ford the car?

Yep. I started at City Ford, but they went out of business a year and six months ago, and I never finished my training. Tell you the truth, I'd take about any job right now.

What do like to do in your spare time?

I like to play basketball. And I read. I love to read.



Julio Lee, 24, Sales Clerk at Tower Records
Everett, MA

So what's selling these days?

The "Lost in Space" video and anything that they play on commercial radio.

You disapprove of your customers' tastes?

Nah. But they do pay too much. Like if you want something that's already been out a year or so, you can get it for \$5, \$6 cheaper 50 yards down the road at Newbury Comics or at a used CD place.

So do you ever tip customers off that they're paying too much?

Well, there are a lot of out-of-country tourists in here. And they just don't know any better. Even at these prices, they think they're getting a great deal, 'cuz it costs \$25 back at home.

Do you clue them in?

Depending on what they look like. If they look like they can afford it ... I don't know. But sometimes I'll say, "Hey man, you can save yourself some cash across the street."

So what brought you to Cambridge?

I was looking to work in a music store.

Were the stores back home all booked?

They wouldn't hire someone who looked like me back there.

And where's that?

Athens, GA. I was born in Brazil, but I was raised in Georgia.



Elizabeth, Medical
Coordinator, Bridge
Over Troubled Waters
Medical Van

The Van operates at
Harvard Square every
weeknight from 8:15-9:30
p.m. Staffed with volunteer
nurses and doctors, it offers
basic medical attention,
counseling, and hot chocolate
to those in need.

What's the Van's client base?
We serve everyone. Anyone
who needs help. But our mis-
sion is to target runaways and
homeless youth under 25 years
of age.

Are you sure you don't want your
picture taken?

Oh, yes. But no photos of anyone
in the Van.

Photos and Text by Janie Kim

Harvard Law RECORD

PUBLISHER
Seth Persily



EDITOR-IN-CHIEF
Ben Lehrer

FOUNDED IN 1946

Sleeping Around

"LWF, 420, NYC, \$101k, seeks enthusiastic self-starters for intense relationship, summer or longer."

How much information do we need before we'll go to bed with someone? A name is good, some talking points a plus, but in this day and age most of us are satisfied with superficial impressions. Do it now, ask the questions later. If it doesn't work out, no big deal; plenty more where that came from.

The informational threshold is considerably higher when the we move beyond the one-night-stand into the realm of cohabitation. Living with someone means full exposure to all our partners' habits, preferences and secrets. And once we're in, there's no quick exit.

A problem arises when one of the parties thinks in terms of a quick tryst and the other wants something more fulfilling. We know how this scenario turns out — one party feels used while the other gets busy looking for its next prey.

A large number of us are in the process of being courted by a number of attractive law firms. They will jump into bed with us on the most flimsy of bases — a couple pieces of paper and a few short talks. They all say they are interested in long-term relationships without mentioning that the relationship must be on their terms if it is to survive. If it doesn't work out, no big deal; plenty more Harvard Law Students where we came from.

Fortunately, we are not entirely helpless. While they have the money and the offers, they come here in droves and spend lavishly because they desperately want us. While we can't convince them to commit to a long-term relationship on our terms from the outset, we can influence the terms of the deal.

Job hunting should not be like answering a personal ad. Find out what your firm is up to. Check out what kind of clients they have. Ask if they are seriously committed to pro bono work, or whether they're just talking the talk to lure you in and crank out 2000-plus billable hours. Investigate if they engage in tactics on behalf of their clients that you find morally questionable. Get all the information you can or run the risk of getting closely entangled with someone you don't respect.

— Ben Lehrer

Staff

MANAGING EDITOR Suzanne Carter	PRODUCTION MANAGER Kimberley Isbell	BUSINESS MANAGER Chih T. Cheung
ENTERTAINMENT EDITOR Dusan Stojkovic	CARTOONISTS Margie McWilliams Arash Saedinia	ADVERTISING MANAGER Bom Kim
STAFF COLUMNISTS Alexander Boldizar Jake Zimmerman	COLUMNISTS Tanya Marsh Josh Swartz	OFFICE MANAGER Lesley Stone
EDITOR EMERITA Janie J. Kim	STAFF WRITER Alyssa Caples	CONTRIBUTORS Francesco Barbera Aaron Bartley Dmitri Evseev

Editorial/Letters Policy

Main office — Harvard Law RECORD, Harvard Law School, Cambridge, MA 02138-9984
Telephone: (617) 495-4418 • Fax (617) 495-8457 • E-mail: RECORD@law.harvard.edu

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.

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 5:00 p.m. on the Monday preceding publication. Advertising deadlines are 5:00 p.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 Ben Lehrer. All copy must be typed, double-spaced, and submitted on paper and on a computer disk or by e-mail. The RECORD reads and appreciates every letter we receive; we reserve the right to edit letters and submissions for space as necessary. We will return your disks. Off-campus subscriptions are available. Subscription price: \$45.00/year mailed; \$50.00/year mailed outside the U.S. Individual copies: 35 cents at newsstands, 50 cents at the Law School, \$1.00 mailed, \$2.50 for back issues. Second-class periodical paid at Boston, MA and additional mailing offices.

© 1998 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, U.S. Constitution

• Letters •

Public Interest Job Search Rewarding

As a follow-up to last week's article on job search anxiety, we want to emphasize that in our years as repeat players helping students' job searches, we have found that all students find the jobs that they are looking for

and that they ultimately love. Any extra effort that goes into a public interest job search is reported back as tremendously worthwhile. We write to inspire a collective sigh of relief...with

perseverance and good planning, all of our students land fantastic public interest jobs.

The Office of Public Interest Advising
October 7, 1998

"Old-Timer" Appreciates RECORD's Softer Side

I recently received and had an opportunity to read your September 18 edition. As an "old-timer," I was pleased that you had added an "In Memoriam" column and I hope it will be a regular piece. It was informative for me to know, however sadly, of the passing of my classmate in the Class of '48, Carl Shipley.

While the world spins on controversy — particularly for we, lawyers — I am glad to see that the HLS RECORD is somewhat less acerbic than it used to be and gives us news of what goes on in a more solid, reportorial fashion. The law school was a very tough place 50 years ago, and I never imag-

ined I could grow to appreciate it — but I do, very much. While we can all find fault, it just isn't accurate always to be negative. By and large, I think HLS has a remarkable record of producing good lawyers in all spectrums.

George H. Cain '48
October 4, 1998

Don't turn your back on us!

The Harvard Law RECORD encourages its readers to write us letters and let us know what you think.

We also encourage readers to submit op-ed pieces, columns, and cartoons.

The Harvard Law RECORD
Harvard Law School
Cambridge, MA 02138
record@law.harvard.edu
tel: (617) 495-4418
fax: (617) 495-8457

Cape Pollo

By Jake Zimmerman '00
Staff Columnist

THE WAGES OF SIN

So, there's this song, called "Java Jive." It's by the Manhattan Transfer. It's about coffee. That's it. That's all it's about. Basically, it's really dumb. To be more precise, it's amazingly, mind-bogglingly, stupendously, so-mo-ronic-I-can't-even-begin-to-put-it-in-words, hideously dumb.

If you are an even faintly sane human being, this is not a song that you want to listen to. Indeed, you would probably be willing to pay a big heap of money in order to make sure that you never have to hear this song. This is what law professors call "economically rational behavior in a Coaseian world," and what everybody else calls "like, duh."

So suppose, just for a moment, that you are Bob Clark, Dean of our fair Law School and master of all you survey. After a long, hard day of oppressing the little people and schmoozing the fat cats, you're about to head over to a formal dinner honoring a generous donor to Harvard Law School. You could begin this dinner with a few nice comments about your friend and benefactor, followed by a toast and a genteel round of applause. Or, alternatively, you could invite a bunch of law students with dubious musical talent to sing "Java Jive," while they stand directly in front of the guest of honor and possibly even spit on him. Tell me, dear reader: which of these options strikes you as the safe choice?

Right. Well, I guess El Deano likes to live on the wild side. So, there I was, belting out impassioned and soulful lyrics like "I'm not

keen about a bean, unless it is a cheery coffee bean," and doing my best not to vomit on the rich guy in front of me. It was a hell of a setting, too. We were in one of those secluded "special collections" rooms in the library that mere mortal students never get to see. It was beautiful — old books, marble paneling, and elegant tables laden with shrimp salad. There were even various framed knickknacks from legal history enshrined in glass cases throughout the room. (One in particular caught my attention: a letter from a youthful Benjamin Cardozo proclaiming his undying love for his sister. The letter was covered with several lipstick

even get a nice dinner out of it without first having to listen to some half-wit student soulfully inform them that, "Whoops, Mister Moto, I'm a coffee pot!")

Are these, then, the true benefits of a successful legal career? I hope this gives pause to those of you who are thinking about working for New York firms, because this is what you have to look forward to. Maybe you really are better off ditching the suits and salaries and working for the Worldwide Campaign to Save the Sweet, Inno-

cent Furry Critters. I promise you this: spend your life defending the bunnies, and you need never worry about one of these invitations.

But this solution strikes me as vaguely unsatisfying.

Besides, I never liked bunnies much. See, a rabid bunny once maimed my dear Uncle Wilfred while he was serving his tour of duty in Liechtenstein...but that's another story. The upshot is that, absent the fuzzy bunny escape route, I may be forced to make some money at some point in my life. And then, like vultures following a desert traveler or Rosenberg following an ambulance, HLS will be there, demanding its share of the action.

When it happens, I need to be ready for it. Too many people are caught unprepared, and give their money without thinking of the consequences. Before they



know it, they've endowed a professorship in the study of penguin law in Antarctica and a prize for the best student paper on mob lawyer ethics.

So, Harvard, I'm gonna put this on the record right now: if you want my cash, you'd

better do something worthwhile with it. And you'd certainly better not force me to attend something like what you just put my poor audience through. I don't want any students of questionable musical talent singing to me about bizarre forms of caffeine-worship. If you're gonna give me student entertainment at all, I expect gladiator fights to the death. "Morituri te salutamus, Jake." Has a nice ring to it.

And another thing. If you want my millions, do not offer to name some crappy piece of campus mundanity after me. There will be no Zimmerman Honorary Toilet Paper Dispenser. Don't list me in your "honor roll" of donors. Don't name some dumb award after me and give it to the student who talks the loudest in class.

No, if you really want to earn my affection and my cash, build the Jake Zimmerman Memorial 1L Trap. Dig a pit in the middle of campus, put sharpened stakes and hungry jackals at the bottom, and then cover the whole thing with straw and that fluorescent blue grass-seed mixture that they're always spraying everywhere. That will be a fitting legacy to my generosity. Sure, you'll lose a few newbies every year. But admit it: for the right price, you'd do it.

But, anyway, you guys have a few years to work out the logistics while I build up the cash reserves. Meanwhile, if you'd like to hire the Scales of Justice to sing at your next event, we're available. Believe me, our ABBA medley is killer.

After a long, hard day of oppressing the little people and schmoozing the fat cats, you're about to head over to a formal dinner honoring a generous donor to Harvard Law School.

imprints in the shape of kisses. Seriously. I guess that young Benji was, shall we say, into experimentation.)

Anyway, there sat the well-heeled guests, doing their best to look interested while probably just wondering when they'd get to eat the damn shrimp already. (Incidentally, I note a double standard here. This event was a clear violation of the "no food in the library" policy. And, though it saddens me to admit it, I must bring you bad news: the champagne was not served in spill-proof mugs. Shocking.) I felt pretty badly for our audience. All that money they spent, and they couldn't

very air itself. Fenno thought she spotted a small drop of oil fall to the ground, but when she got down on her hands and knees to look for it, she couldn't even find this ephemeral proof of his passage. Fenno shed a tear of unrequited love and resolved to go make it up to herself by smoking some of the weed she'd obtained in Boston Common over the weekend.

She was just getting up from her rather embarrassing position when the promised crop of yes-men and wannabes came scuttling by, all in hot pursuit of their moderately fearsome leader. In the lead was Manoj Mate, who paid Fenno no heed as he ran after his elusive target. He shouted into the distance, "Please, I just want to be like you! I'll do anything, anything to be taken seriously! You know, when I was at Berkeley, I once chaired a subcommittee that passed a resolution about the dining hall's apple sauce budget! Aren't you impressed? Come baaaaaaacccccck!"

He ran off without noticing Fenno, which was just fine by her. It was the 1Ls who spotted her and rushed to her side. "Are you okay?" asked Josh Kurland. "If not, I could organize a community service program to take care of you! Wouldn't that be neat-keen?"

"No, that's not it," yelled Aaron Hutman. "She's obviously just distraught because of the impending destruction of Hemenway! We must save it! We must save her!"

At this, they all grew silent and somber. "YES," they said in unison, suddenly speaking in an eerie chorus of voices, "WE MUST SAVE HEMENWAY. THERE IS NO LIFE WITHOUT HEMENWAY. WE WILL GIVE OUR ALL TO SAVE THE MIGHTY HEMENWAY. HARE HEMENWAY. HARE HEMENWAY. KRISHNA HEMENWAY. HEMENWAY RAMA."

They locked arms and marched off in double-file, their atonal chant receding

slowly in the distances as Fenno restrained her urge to run after them and throttle them all. A long moment passed, and Fenno thought the coast was clear. Just as she was about to get up and go have a long cry and write bad poetry about starcrossed love, she saw one last follower approaching through the dark Gropius gloom. She quickly tried to hide her face,

but relaxed when the figure broke free from the darkness; it was only a rather bored-looking David Lancz, who seemed in no great hurry to catch up with the pack.

He smiled a weary smile at Fenno, and uttered just three words: "Cute, aren't they?" He waved and continued his languid stroll into the shadowy distance.



Fenno was very pleased with the way things were going. A flyer in her Harkbox had conveniently identified the top-notch union-busting firms, so she knew exactly who to interview with. She stood in front of the mirror, practicing her "tough gal" look. Fenno's goal in her interview would be to convince these firms that she was an ideal candidate for a dumb muscle kind of job. Fenno had always wanted to call herself an "Enforcer."

As Fenno glared into the mirror, practicing crucial phrases like "what's youse lookin' at, tough guy," she gave a sudden start. For there, passing through the Gropius hallway behind her like an ethereal mist, was the man of her dreams. The lean features, the faint grin, the Florida-tanned skin, and that certain smarmy manner about his appearance... it was all Fenno could do not to fall over and swoon whenever Dan Fridman walked past.

Thinking quickly, Fenno backed away from the mirror, all the while pretending that she was primping herself and paying no attention to anything behind her. She feigned surprise and horror as she crashed into her svelte idol and sent him toppling to the floor. "Oh, Mr. President! I'm so sorry! How can I ever... repay you for the damage I've caused?"

Fridman, his mind clearly on other things, had no time for Fenno. "Don't worry," he muttered, "you can work it out with my retinue." He quickly slunk off into the shadowy darkness of Gropius, and it seemed to Fenno that he moved with nearly no sound and floated by like the

Quote of the Week

- I do my own thing.
- And what's "your thing?"
- I'm not telling you.

Which of the following culprits is evading our ace reporter's heated questions?

- a) Dean Clark '72
- b) Fenno
- c) Crispy, a Law School exam proctor
- d) none of the above

Curious? See the center page, this issue.

Council New Kids Call Hemenway Top Priority

Continued from LSC, p. 1

work with the Registrar's office in developing and implementing on-line registration capabilities.

Hoping to Leave a Legacy at HLS

Similarly, Frank Rossi '01, a Section I student representative, cut his political teeth while attending Union College. Coming to HLS enabled him to realize that many institutions of higher learning suffer from similar problems.

"I'm fresh from doing a survey on my student forum back at school, and it seemed like a lot of the issues I was facing there, like professors overstepping their bounds and treading on student feelings, arise here," Rossi noted. "I saw a lot of overlap, and I know I tried my hardest over there — not always successfully, but I got a lot of things done. I left a kind of legacy at Union — at least that's what they tell me — so I want to do the same here."

At Union, Rossi's senior thesis on election systems convinced him of the need

for electoral reform at the student government level. "After hearing what's been happening at the Law School over the last year or so, about the constitutional questions that have been brought up," Rossi volunteered to serve on LSC's Rules and Procedures Committee. Amongst other plans, he hopes to increase turnout for future LSC elections.

Section II Representative Aaron Hutman '01 noted that he, too, was "very involved in student government as an undergraduate."

"Probably the only practical skill I took with me was to get things done on a college campus, and I thought that was something I could contribute here," Hutman said.

Although Hutman noted he was "quite serious" about Hemenway's possible closure, he also said he was "interested in doing some things around the dorms, including breaking the monopoly on long distance service. This is clearly illegal, but no one's taken steps to make [the Harvard Student Telephone Office] stop."

At least one of the new representatives has treaded the national political terrain.

Josh Kurland '01, a Section IV representative and Brown University alumnus, said that he served as the Public Relations/Community Service Chair of Brown's Sigma Chi chapter as an undergraduate. "I got involved in blood drives and raffle fund-raisers, speaker programs, outreach programs relating to alcohol and drug abuse."

His interest in public service grew last year, when he was a staffer for Senator Harry Reid, a Democrat from Nevada.

"When I got here, I was just really interested in really getting involved in the affairs of the school and doing my best to make it a good place for all of us who are coming here," Kurland said.

"Rookie" Looks to Save Hemenway

Nevertheless, not all of the new representatives are experienced politicians.

"I guess I'm kind of a rookie," acknowledged Tom Snider '00, who has not served as an elected student representative since high school.

Snider said there was a number of reasons he chose to get involved in HLS stu-

dent government as a 2L. He said that he knew several people on the Council last year who had "really good experiences."

"The main reason, though, is the Hemenway issue. I think it's really important for the law students to have a convenient workout facility; and second of all, a good one would be nice," Snider added with a laugh.

Betsy Rosenblatt '99, who will serve as LSC Secretary for the third consecutive year, noted that Hemenway would be a topic of discussion at Council meetings.

"Hemenway gym or some gym option is going to dominate LSC activity," she said.

"I also think there will be academic issues," she added, pointing first to the attendance policy. While Rosenblatt expressed hope that the policy will not be a major concern because professors have not implemented it, she said that the Council will get involved if it does become an issue.



Locke Purnell Rain Harrell (A Professional Corporation)

A Tradition of Legal Services for Over a Century

- ♦ Administrative Law
- ♦ ADR/Mediation/Arbitration
- ♦ Appellate Law
- ♦ Banking/Commercial Lending
- ♦ Bankruptcy/Creditor Rights
- ♦ Corporate & Securities
- ♦ Employee Benefits
- ♦ Energy
- ♦ Environmental
- ♦ Estate Planning/Probate/Trust
- ♦ Franchise & Distribution
- ♦ Health Care
- ♦ Intellectual Property/High Technology
- ♦ International
- ♦ Labor & Employment
- ♦ Legislative/Regulatory
- ♦ Litigation
- ♦ Media/Communications
- ♦ Oil & Gas
- ♦ Public Finance
- ♦ Public Utility
- ♦ Real Estate
- ♦ Tax

601 Poydras Street,
Suite 2400
New Orleans, LA
70130-6036
Tel: (504) 558-5100
fax: (504) 558-5200

2200 Ross Avenue,
Suite 2200
Dallas, TX 75201-6776
Tel: (214) 740-8000
Fax: (214) 740-8800

100 Congress Avenue,
Suite 300
Austin, TX 78701-4042
Tel: (512) 305-4700
Fax: (512) 305-4300

www.lprh.com

Read
the
RECORD

and get
FREE
STUFF!!!!

COMPLIMENTS
YOUR FRIENDS AT THE
RECORD.

Instructions:

1. Cut along the dotted line
2. Glue free gift to a same-size strip of cardboard or other firm material.
3. Lick glue off hands.
4. Voilà! Your very own stylish reinforced bookmark.

SPORTSGUY

FOOTBRAWL!

By Josh Swartz '00
with Chris Matarese '99
RECORD Columnist

Last Sunday's two-bench clearing brawls and half-hour debate about the subtleties of the ever so complicated offsidess rule demonstrated, once again, that HLS students may be taking themselves a little too seriously. In the weekend's most serious incident, previously unbeaten Weekend Warriors went gently into the good night, falling 42-24 to unbeaten San Dimas High (6-0). Well, not quite gently. After just surviving the final round of cuts before the season, career special teamer **Chris Jacobs** Field '00 took out his frustration on San Dimas's kick returner "toxic land **Phil**" **Garthe** '99 with a tackle better suited for inclusion on NFL Prime time than on the HLS gridiron. Garthe's X-rays came back negative, but he did spend the rest of the game on the sidelines, and was overheard later that evening boasting, "You should have seen the other guy." Rookie speedster **Darien "King of Prussia"** '01 seems to have acclimated to San Dimas's complex

offensive system and contributed to the victory with three TD receptions.

The Sons of Liberty (6-0) also kept their record unblemished with facile victories over Lovers and Fighters (1-4) and Intent to Harm (1-4). Safeties **Brian** Weekend in an Alcoholic **Hayes** '99 and **Greg** Ides of **Marchand** '99 have been outstanding in solidifying a somewhat questionable defense, and effectively shut down Intent to Harm's potent passing attack. **Jay** Charlotte's **Webber** '00 added fuel in his bid for league MVP with two strong performances, although he did nothing to increase his chances for the sportsmanship award after refusing to play five against five when an injury limited the Godfathers to five men with his team leading 48-0 at the time. The Godfathers subsequently quit the league. Intent Captain, **Dan** Hickory, **Dickory**, **Dockery** '01 and All-American linebacker **Kwami** "Raising" **Cain** '01 blamed their 1-3 record on bad luck and tough matchups

and vow revenge in the playoffs.

The previously unranked Cougars (5-1) took the Gropius Division lead with a 21-20 victory over the Happy Gilmores (4-1). Up 20-14 with a minute left, quarterback **Tim** Wild, Wild **Weston** '00 hooked up with **Mike** Big **Ben** '00 on a forty yard strike to even the score at 20. Captain **Ellie** **Honig** '00 completed the comeback with a diving catch in the end zone on the extra point conversion. Gilmores captain **Raj** I've been forced to eat some humble **Pai** '99 refused to speak with the Sportsguy after the game. The uncharacteristically reticent **Pai** was seen later that week urging his team for "five more minutes" on the Stairmaster in a seldom called mid-week practice.

In other action, the Cougars defeated Kenneth's All-Stars (0-3-1) 36-18 and Intent to Harm 32-14; the Happy Gilmores rolled the Fighting Peilins (2-3) 27-13; San



Dimas High got by Cruel and Unusual Punishment (3-2) 34-19; Pimpin' Irish (3-0-1) downed the Peilins 21-12; Lovers Not Fighters and Dicken's Cider were no-shows. Next week's matchups feature a showdown for 2L supremacy as the once beaten Weekend Warriors

take on the Cougars. Warrior lineman **Rajib** "one if by **Lhanda** two if by sea" '00 commented that Captain **Jason** **Orlando** Lakes '00 pulled a page out of **Webber**'s book by calling practice for 6 a.m. all this week.



Harkness Division

1. San Dimas High 6-0
2. Weekend Warriors 5-1
3. Cruel and Unusual 3-2
4. Dickens Cider 2-4
5. Sexual Chocolate 1-6

Gropius Division

1. Cougars 5-1
2. Happy Gilmores (Pai) 4-1
3. L.C. United 1-3
4. Intent to Harm 1-4
5. Kenneth's All Stars 0-3-1

Langdell Division

1. Sons of Liberty 6-0
2. Pimpin' Irish 3-0-1
3. Miller Time 1-2
4. Fighting Peilins 2-3
5. Lovers not Fighters 1-4
6. Godfathers 0-6

Wachtell, Lipton, Rosen & Katz

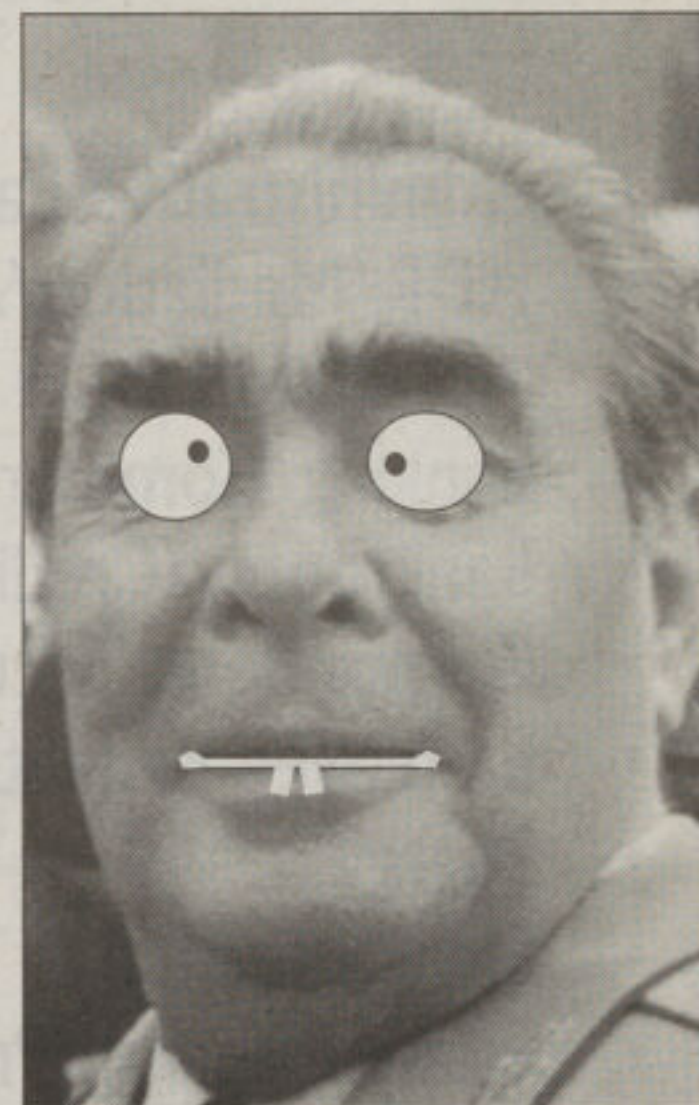
New York

will be on campus

Tuesday, October 27, 1998

to interview
second and third year
law students
for
summer and permanent positions

Please sign up for Interviews
by October 13 at the
Career Services Office.



Is nothing
sacred anymore?

Perhaps not.
But that shouldn't stop
you from writing
columns for the RECORD.

Contact Ben Lehrer
blehrer@law.harvard.edu



RECORD Photo/Ben Lehrer

Last Thursday, the Harvard Law School Republicans sponsored its second annual blood drive on campus in conjunction with the American Red Cross. Eighty-two members of the law school community donated a pint of blood each. Each unit of blood will be separated into red blood cells, platelets, and plasma and will help three to four patients. According to Red Cross representatives, the local blood bank has had a particularly low supply of blood.

The Buzz

By Tanya Marsh '00
Staff Columnist

In Theaters Now

After the first ten minutes of "Clay Pigeons" in which the title character's best friend kills himself and frames him for murder, I wondered how Clay's (Joaquin Phoenix) life could get any worse. Then Clay went fishing with his smarmy new buddy, Lester "the Molester" Long (Vince Vaughn) and my question was answered. This dark comedy about a serial killer (and a few unrelated deaths) tries to be noir but doesn't quite make it, stealing from "Strangers on the Train" with a few inventive twists of its own. Janeane Garofalo plays herself, again, this time in the guise of an FBI agent morbidly fascinated by the dead-end Montana town where the deputy's name really is Barney. Perhaps I'm just an X-Files junkie, but Janeane's agent reminded me of Mulder without the paranormal fascination. "Clay Pigeons" isn't an Oscar contender and won't change your life, but it is a quirky, funny little movie worth the price of a matinee ticket.

Check Out These Videos

Kenneth Branagh fans take note: there are two relatively new video releases which you probably missed during the five minutes they were in theaters.

"The Gingerbread Man" is the latest John Grisham tale to make it to the big screen with one notable difference — it is the first and only Grisham story to be written directly for film. That fact may help explain why this Robert Altman-directed mystery with a respectable cast (Robert Duvall, Daryl Hannah, Robert Downey Jr.) failed to make a splash at the box office. Branagh was convincing as an arrogant Savannah criminal defense attorney with a weakness for women, even pulling off a realistic southern accent. This was the first Grisham movie that I didn't figure out before the hero/lawyer, although I did watch it under the influence of cold medication. This flick is definitely worth the price of a rental.

"The Proposition" (alternate title: "Shakespeare's Sister"), starring Branagh, Madeline Stowe and William Hurt, is an imperfect but enjoyable movie. The premise is that a wealthy Boston couple, Hurt and Stowe, denied a child by his sterility, arrange for Stowe to have a liaison with a "surrogate" and become pregnant. Complications, of course, ensue, and new priest Branagh is brought into this family drama/murder mystery. The film wants to be a tale of women's liberation, but instead presents contradictory themes which never quite resolve themselves. Despite its shortcomings, this thought-provoking film deserves a look.

Promising movies opening this week

"Practical Magic" — starring Sandra Bullock and Nicole Kidman as sisters from a family of witches bearing a 100-year-old curse: any man who falls in love with them will die. Opens October 9th.

"Beloved" — Oprah Winfrey has held the rights to Toni Morrison's brilliant and haunting novel for ten years and the movie version will finally come to the big screen on October 13th. Jonathan Demme ("Philadelphia") directed and Oprah and Danny Glover star in this story of a runaway slave who kills her baby daughter rather than watch her return to slavery. The buzz is that "Beloved" will do for slavery what "Schindler's List" did for the Holocaust, which is make it accessible to a modern American audience which can't imagine the depths of inhumanity. If you haven't read the book, take a break from your interviewing schedule and do yourself this favor. Then go see the movie.

Bits n' Pieces

The big news from the WB Tuesday night premieres was supposed to be the much-hyped "Felicity," or Ally McBeal goes to college. Instead, the day-after buzz was the success of the season premiere of "Buffy the Vampire Slayer" whose ratings were 52% over the previous season's premiere. Moreover, the WB lost a significant number of viewers when "Buffy" ended and "Felicity" began. Is the lesson here that we prefer self-sufficient teenage girls who can kick some serious vampire butt over flighty introspective pseudo-intellectuals who turn down Stanford for a cute guy? I know I do.

Due to protests by a number of major organizations, notably the NAACP, UPN has decided to shelve its first episode of "The Secret Diary of Desmond Pfeiffer," a situation comedy about an African-American butler in Abe Lincoln's White House. Hundreds of protesters took to the streets outside Paramount's L.A. offices, arguing the show makes light of slavery and is racially insensitive. UPN won't yet agree to pull the series, but decided to skip the first episode and go straight to the second. The show's creators claim that last thing it does is trivialize slavery and Pfeiffer, the butler, is a hero akin to Blackadder.

Harrison Ford has reportedly agreed to film a fourth Indiana Jones movie and a script is being developed. I have no problem with a 60-year-old action hero, but "The Last Crusade" was such a perfect final chapter in the saga, it's a shame that they felt the need to add one more (anyone remember "Alien 4"?).

Fans of the "Highlander" television show should check out the new spin-off series, "Highlander: The Raven," which will follow Amanda's adventures with a mortal cop. The time slot says it all: 12:35 a.m. on Saturday nights and 1:05 a.m. on Sunday nights, both on ABC. Catch it while you can.

CONGRATULATIONS, 2LS
ON FINISHING YOUR FIRST WEEK OF
ON-CAMPUS INTERVIEWING



FORGET THE REST,
AND
CALL THE BEST!

629-2929

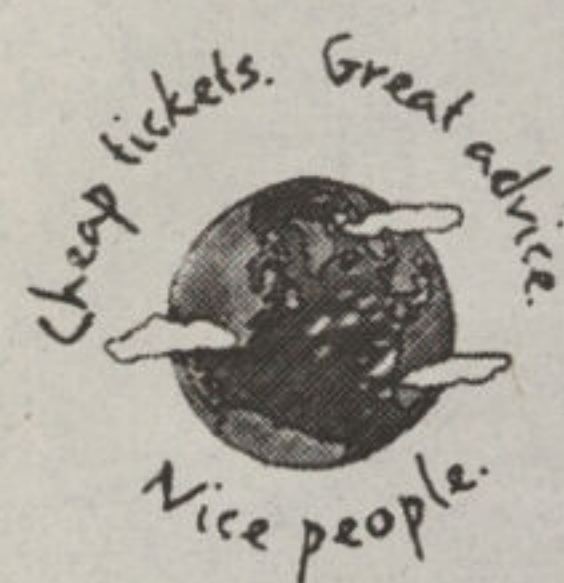
MEGA-DEAL

- ANY PIZZA
- ANY SIZE
- ANY TOPPINGS

\$8.99

7 DAYS A WEEK FROM 11:00AM TO 12:00AM
WE TAKE ALL COMPETITORS COUPONS
DRIVERS CARRY LESS THAN \$20.00

Welcome back...
NOW GO AWAY!



London	\$309
Barcelona	\$359
San Francisco	\$212
Aruba	\$341
Tokyo	\$809
Mexico City	\$349

FARES ARE ROUND TRIP, DO NOT INCLUDE TAXES, RESTRICTIONS APPLY, SUBJECT TO CHANGE

Council Travel

CIEE: Council on International Educational Exchange

273 Newbury St., Boston

(617) 266-1926

12 Eliot St., 2nd Fl., Cambridge

(617) 497-1497

MIT Student Center, W20-024

84 Massachusetts Ave., Cambridge

(617) 225-2555



♦ ♦ ♦ ♦
KRAMER LEVIN
 ♦ ♦ ♦ ♦

Kramer Levin is a dynamic and progressive firm that affords personalized attention to its clients. We began in 1968 as a highly respected litigation boutique and have since grown into a full-service firm representing Fortune 500 and international clients – without losing the personal touch that has always given us the edge with clients and law students alike.

At Kramer Levin, talented attorneys take on serious responsibilities early in their careers. The opportunities at Kramer Levin to have early client contact and to engage immediately in substantive work – to start the real business of lawyering from day one – are unsurpassed among major New York firms.

Kramer Levin strives for a balance between the demand for consummate professionalism in our work and dedication to our families and communities. That balance is reflected in the standards that we require of all our attorneys, and the benefits we provide once they join us.

Contact us directly and ask us probing questions about our practice, our culture, and your career concerns. You will find that Kramer Levin offers an unparalleled opportunity to gain significant hands-on experience and build upon a great legal education.

October 13

Last day to sign up for an on-campus interview with Kramer Levin

October 28

On-campus interviews with Kramer Levin at the Charles Hotel

Please call
 Michelle Fracasso
 212-715-9212

Kramer, Levin, Naftalis & Frankel
 919 Third Avenue New York, New York 10022 212-715-9100
www.kramer-levin.com