



Harvard Law RECORD

America's Oldest
Law School
Newspaper
35 CENTS

Volume 106, No. 9

Cambridge 02138

Friday, April 10, 1998



Actors in the HLS Drama Society's spring production, "Lips Together, Teeth Apart," rehearse a scene from the show. See related story p. 3

Guinier "Overwhelmed" by HLS Expectations

By Cindy Kim

Lani Guinier made her first public appearance since accepting a tenured professorship at Harvard Law School, speaking at the Kennedy School of Government's ARCO forum this Tuesday.

"I hope to be the first, but not the last, woman of color at the Law School," said Guinier, who is of African-American and Jewish descent.

Aware of the buzz surrounding her professorship, Guinier admitted, "I am overwhelmed by the challenges I am about to



Prof. Guinier

face and kind of scared because there are such high expectations, and no one can shoulder all the hopes and dreams that people place on you."

Guinier was introduced to the audience as a great asset to the Law School who is expected to bring a high level of scholarship, but also a practical approach to multicultural problem-solving.

In Guinier's latest book, "Lift Every Voice," she credits former HLS Professor Derrick Bell for her decision to "go South, to mix it

Please see **GUINIER**, p. 4

Bundling Delivers Most Students' Top Choices

By Suzanne Carter

Over 60 percent of rising 2Ls received their first choice bundles in the 2L basic course lottery this week, according to Registrar Stephen Kane.

"Bundles" are blocks of the three basic 2L courses — Constitutional Law, Corporations, and Taxation. This is the second consecutive

year bundles have been utilized, an attempt to ensure that each rising 2L is guaranteed placement in each basic course. While there were only four bundles last year, this year students were able to choose among five.

"The fact that we had five bundles this year was definitely a victory pushed a lot by Registrar Kane and Prof. [Richard] Parker '70. It's a great thing that they managed to get that through, and the Dean had to foot a pretty big bill for it, but it's all directed toward the goal



Stephen Kane

of getting class sizes down, increasing student choice, improving student culture," said Law School Council President Dan Fridman '99.

Registrar Kane called the addition of a fifth bundle "a definite improvement."

"I feel better this year — having the fifth bundle makes things much better for the school in general by giving students more options," Kane said.

Kane said that while fewer students got their first choice bundles this year than last year, no student received their last choice, which represented a change from last year.

"This year, 333 students got their first choice bundle, 61 got their second choice, 114 got their third choice, and 34 got their fourth choice. No one got their fifth choice," Kane said. "Last year we had many more students get their first choice —

Please see **BUNDLES**, p. 4

Students Allege Cheating in Murray's Evidence Class

Cheating Survey Provokes Confessions, Accusations

By Eric Johnson

A RECORD survey on cheating at HLS reveals that students are concerned that incidences of cheating may be infecting HLS courses and tainting the grades given on some exams.

In particular, students responding to the survey said widespread cheating marred the Evidence class taught by Prof. Peter Murray '67.

"The situation is worse than the faculty would like to believe," one student wrote. "Faculty should not be allowed to put this level of trust in students."

The RECORD conducted the survey after reporting about a cheating scandal involving LL.M. students last semester.

Questionnaires were distributed before spring break to the Harkboxes of all Harvard J.D. students — approximately 1650 people. Students returned 144 surveys to the RECORD. No LL.M. or S.J.D. students were included in the survey.

The survey results indicate that cheating may occur fairly regularly, if by only a small minority of students. The results also show that students believe

it has both an impact on grading and the moral life of the school.

Eleven percent of respondents said they knew someone who has cheated on an exam in law school, and the overwhelming majority thought that at least some of their classmates would try to cheat under certain vulnerable conditions. Some indicated that they thought that grading curves are sometimes skewed by cheaters.

Four respondents to the survey specifically mentioned Murray's final exam in Evidence. The students said classmates disregarded instructions that students not use outside sources and limit themselves to working only six hours on the exam over the week-and-a-half period after they received the exam question and before they had to hand back the exam.

"Murray's [E]vidence exam was notorious — six-hour time limit on honor system, which I know was violated in one circumstance and surely was in many others. People seem to

have no problem with consulting 'off limits' materials either," one student wrote.

"[P]eople used unlimited time, Westlaw and outside sources to research the essay topic (which had been widely written on by academics), despite the six-hour time-limit and

no-outside-research rules articulated by the professor. Many laughed at his efforts to set a time limit," another student wrote.

That student also claimed to have personal knowledge of people in the class who had gotten a good grade after cheating.

Murray, who is out of the country, responded to the comments via e-mail.

"I am surprised and disappointed at the comments of the students in your survey," Murray wrote. "The six-hour time limit was intended to guide the students as to the amount of work expected. I did not expect people to count their time to the minute.

Please see **CHEATING**, p. 5.



Prof. Murray '67

Faculty Working Groups Plan Future of Law School

By Alyssa Caples

Two and one-half years after Dean Clark '72 announced the formation of the Strategic Planning Committee to map the future of the Law School, no formal report has been issued and the now defunct Committee has been replaced by five faculty discussion groups.

The Committee was first formed in 1995 on the heels of a wildly successful capital campaign. At the time, Clark said it was time to "think big" and said the Committee would spend a year brainstorming. After two and one-half years, the brainstorming continues.

The five general groups resulted from the faculty's dissatisfaction with the planning committee structure proposed by Clark at a Sept. 26, 1997 faculty meeting. Led by Profs. Gary Bellow '60, Richard Fallon, Daniel Meltzer '75, Carol Steiker '86, and Alvin Warren, the groups met last semester in November and December to discuss "any ideas that came to mind about the future of the school," said Meltzer.

"The idea of the groups was to have a free flowing discussion. People came up with a lot

of different ideas ... some of them were even a little silly ... The point of the meetings was not to reach a consensus, but to try to get as many ideas as we could on the table."

"Some of the suggestions were fairly obvious. Everyone seems to agree that we should concentrate on the development of the core curriculum and there is a lot of discussion regarding how international we should go," said Clark.

In 1995, Clark discussed his vision of "mega-internationalism" of the Law School. "Why not have 550 LL.M. students, as well as 550 J.D.s, or having satellite schools abroad?" he suggested.

Another central issue had been the implementation of new technology. In 1995, Clark asked whether the Law School "should be at the forefront of education in cyberspace." Clark, however, said he has been surprised at "how little [faculty] were pushing for an emphasis on technology" in the current working groups.

"Students may feel differently about this," Clark added.

Clark said another surprise was "the importance that a lot of the faculty placed on the role of training law professors."

Only five percent of HLS graduates pursue careers in teaching.

According to Fallon, some committees had more success

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30 Years Ago in the RECORD



America's Oldest Law School Newspaper

VOL. 46 NO. 9

CAMBRIDGE, MASS., APRIL 11, 1968

FIFTEEN CENTS

Law School Mourns King's Death



Ames Final Delayed, Will Be Held Tonight

The Law School, along with the rest of the Harvard Community, paid its final respects this week to the Reverend Martin Luther King, Jr. Services were held in Memorial Church on Tuesday, the day of his funeral in Atlanta, Ga.

Acting Dean A. James Casner announced suspension of all classes for Monday and Tuesday. Dean Casner explained that Monday classes were cancelled "in order that each law student may have a full opportunity for uninterrupted reflection on recent events and on his position in regard to them."

The Ames' competition finals, originally set for Tuesday, were rescheduled for this evening, at 7:30 p.m., in the Ames Courtroom. While it involved a "terrific effort" to make the shift, Dean Casner explained that the change was "part of the policy of stopping classes" and allowing the students time for reflection.

Due to the change in date, Supreme Court Justice Byron White will be unable to attend. The third spot on the panel will be taken by the Honorable Arthur X. Bailey, Chief Judge of the Court of Appeals for the First Circuit. Presiding over the court will be the Chief Justice of the Supreme Judicial Court of Maine, Robert B. Williamson.

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Ask Grading Change

Ranking and averaging would be drastically curtailed and the number of grade categories would be reduced if a preliminary grading memorandum issued by the Joint Student-Faculty Committee is accepted as

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Memorial Service for Dr. King . . .

(Continued from Page 1)

The dinner preceding the argument has also been shifted to this evening, although the original guest list of 170 has been reduced. To compensate for a smaller dinner, a larger reception following the argument has been planned. The shift was agreed to by members of both opposing teams, the Learned Hand Club and the Marshall Club, but both requested that it be rescheduled as soon as possible since the members of the teams were "all keyed up." "As far as I know," said Dean Casner, "this is the first time the Ames finals have been shifted," and he urged students to attend the argument.

Consistent with the cancellation of classes and the rescheduling of the argument, the Library was closed all day Monday and Tuesday.

While no official of the Law School spoke at the service in Memorial Church on Tuesday, Acting Dean Casner and many faculty and students were among the large crowd in attendance.

At the service, the Rev. Warner Traynham, rector of a church in Roxbury, Harvard Professor Martin Peretz and Divinity Professor John Burkholder delivered the main addresses.

"He was more than a civil rights leader," eulogized Rev. Traynham, "he was a leader of men." But, he went on, "Dr. King's death is a comment on the freedom of the nation. That machine gun on the steps of the Capitol in Washington, D.C. is a judgment on our ability to be the policemen of the world."

The Black community, he said, will not be satisfied with a palliative. "This is not a time for easing but for cure," and the United States has the capacity to provide that cure if it has the will. He concluded with Isaiah's "How Long, O Lord? Until the cities are laid waste and are uninhabited," for the signs in America today are "not hopeful."

Mr. Peretz noted that the way to honor Dr. King is not to make his birthday a national holiday or to put his picture on stamps, but rather to be prepared to "act out the

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King Memorial Service . . .

(Continued from Page 3)

content of his life, the explicit politics of his religion." Dr. King, he said, distinguished between the violence of the oppressed and the violence of the oppressor. Although he abhorred both, the violence against the wretched bore the greater onus in his eyes.

"This is not, on my part, to condone, as he himself did not condone," continued Mr. Peretz, for many of those who are now trying to build "duchies of hatred" on his grave, scorned Dr. King in life. He noted Mrs. King's statement that "he died for the garbage collectors of Memphis and the peasants of Vietnam," and reminded the congregation that he had "spent his last energies in trying to bring the war to a close." Finally, he warned, "It is five minutes before midnight. Not more. Five minutes before midnight."

While the Service inside Memorial Church was going on, Harvard's Association of American and Afro-American Students held its own meeting outside the church in memory of Dr. King, so that the congregation inside was virtually all-white, with most Black students and faculty outside.

After the Memorial meetings were over, the Harvard Black Law Student Association sponsored a panel of three speaking on the "Black man's view" of the assassination of Dr. King.

Following the panel meeting, the association's members met and released the following statement:

"Harvard Law School took commendable and positive steps in closing the Law School in recognition of the critical state of affairs as exists between the races in America today.

"It has refused to ply a neutral course and has provided an opportunity for future leaders of white America to reflect upon the need for new approaches to the problem white America has created. It is to be hoped that White America will work with Black America to undertake a program whereby black people will be able to control the institutions, economic, political and social of their communities with the financial support necessary to make such control meaningful.

"Thus far white society's reaction to the assassination of Dr. King has been reprehensible in that it has attempted to subvert Dr. King's non-violent philosophy into an instrument to be used for the suppression of the expression of legitimate Black grievances. As pointed out in the Rally presented by the Harvard Black Law Students' Association, the new generation of Black youth will no longer tolerate either sympathy or savagery as a substitute for a program of reparation designed to enable Black people to control their destinies and to live peacefully.

"We Black students have homes in the Black communities of Chicago, Baltimore, Washington, Watts, Detroit, Harlem, Etc. and we feel the pulse of the Black communities from which we've come. The *New York Times* is woefully inaccurate in judging predominant Black sentiment to be one of acquiescence or "turn the other cheek." Black masses loved Martin Luther King and accepted his non-violent philosophy as a tactic to achieve equality. Yet Black people now have no other cheek to turn and as a result if repression and racism do not give way to justice and hope America's future could soon be no more than a page in a history book. As stated, Harvard Law School has begun but it *must* proceed forward to relate to not only the Black community but to the complacent and decadent ruling power structure in terms of true justice under law."

"Tasty Crescent" Gutted for Renovation



RECORD photo/Timothy Kiefer

The Harvard Square building unofficially known as The Tasty Crescent has been gutted as part of a renovation of the venerable site. The Tasty and The Wursthau, both long-time Harvard Square restaurants, were forced out as part of the renovation project and are not expected to return.

HLS Delegation Visits Europe

By RECORD Staff

Nine members of the Harvard International Law Society visited Brussels, Geneva, and The Hague during the last week of March to study institutions of international law.

HLS sponsors a study trip every spring. This year, the theme of international institutions was chosen in response to recent developments in the European Union, the World Trade Organization, and the United Nations.

In Brussels, the home of the European Commission, the delegation met with representatives of various EC agencies and missions.

While in Brussels, the delegation braved a strike by Belgian train workers to make a day trip to The Hague,

where the delegates visited the International Court of Justice.

The third stop on the tour was Geneva, home to a variety of United Nations agencies and other international organizations. The delegates toured the UN Palace and attended a session of the UN Commission for Human Rights.

The delegation was organized and chaired by John Ciorciari '98 and Laurie Sickmen '00. The delegation members were Laura Black '99, Angelina Civitella LL.M. '98, Evan Paki LL.M. '98, Kathrin Plagemann Ph.D./M.P.P. '98, Jonas Svedlund '99, Matthew Taylor LL.M. '98, and Benjamin Van Oudenhoef LL.M. '98.

The trip's principal sponsors were Shearman & Sterling, Baker & McKenzie, and Freshfields. Other sponsors were Coudert Brothers and Oppenheimer, Wolff and Donnelly.

Academic Couples Balance Work, Family

Slaughter '85 May Leave if Husband Denied Tenure

By Nanaho Sawano

Special to the RECORD

On the weekends, the home of Prof. Anne-Marie Slaughter '85 and Andrew M. Moravcsik resounds with the giggles of their 15-month-old child, Edward.

"Say hello, Mr. Man," Moravcsik encouraged his son, who decides that clinging onto his father's leg is more interesting.

"We'd wanted Edward for a long time," laughed Slaughter. "We would have [had him] sooner if Mother Nature had cooperated."

Sitting in the living-room of the tidy house just off the Radcliffe Quadrangle, the threesome present a snapshot of family happiness.

But reality knocks, ever so lightly, during their conversation.

Slaughter, who left the University of Chicago Law School in 1994 to accept a tenured position at HLS, said she could not have even considered having a child if she did not have tenure. But the wait continues for her husband, an associate professor in Harvard's Government department, who will be considered for tenure here in the fall. Harvard is not known for giving tenure easily.

Their future hangs in balance of the University's decision: Slaughter and Moravcsik say they would rather leave Harvard than be separated again.

"We won't commute with a child, it's out of the question," Slaughter says. "I'm willing to take a cut professionally to stay together."

Slaughter and Moravcsik are no strangers to the academic balancing act. Their relationship started, literally, on the run.

It was February of 1990, when

Moravcsik, then a graduate student at Harvard, decided to spend a weekend in Chicago visiting Slaughter, whom he had met some years previously when she was a fellow at the Center for International Affairs. Having just finished her law dissertation, she had recently joined the faculty at the University of Chicago Law School.

There was even a storybook snowstorm tale.

"The weekend we fell in love, there was heavy snow, [and] Andy's plane was late. The restaurant where I had hoped to go for lunch was closed; we found a little bistro off Michigan Avenue that was still serving around 4:00, with no one there. We ordered a bottle of champagne, and the rest was history," Slaughter recalls, smiling at her husband.

band.

But Moravcsik had to board a plane back to Boston later that day. After that, the couple endured months of cross-country commuting. They strove to spend as much time together as possible, not going more than two weeks without seeing each other. Most of the time, as Slaughter adjusted to her new professorial duties, Moravcsik traveled to Chicago to meet her.

"I racked up thousands of miles on Midway Airlines, which went belly-up just as I was about to cash in," Moravcsik laughs ruefully.

With judicious juggling of academic exchange programs, the two managed to spend their summers and academic leaves together.

When Slaughter received tenure at the University of Chicago in the fall of 1992, their life stabilized enough for

Please see **COUPLES**, p. 13



Prof. Slaughter '85

Wisc. Governor's HLS Speech Stirs Controversy Back Home

By RECORD Staff

Wisconsin Governor Tommy Thompson's visit to HLS Tuesday went virtually unnoticed at a university accustomed to famous speakers — only 35 students attended his speech in Ames — but his comments on a possible presidential

bid made front-page headlines back in the Badger State.

In a question-and-answer period following the speech, Thompson said he would probably run for president in 2000 if he wins re-election as governor this fall.

"I can't tell you I'll be a candidate for governor. Odds are, I'll run for governor. And odds are, if I'm reelected, I will run in the Iowa primary in the year 2000," Thompson said in response to a question.

The next morning, the state's largest-circulation newspaper, The Milwaukee Journal Sentinel, ran its lead story on Thompson's comment, headlined, "Thompson says odds favor his running for president."

The Journal-Sentinel reported that Thompson's comment drew criticism from his likely Democratic challenger, Ed Garvey.

The Journal-Sentinel quoted Garvey as saying that Wisconsin's problems "require a full-time governor."

"His mind is not exactly on the job, and it's time for a change," Garvey said.

Thompson aide Kevin Keane downplayed the significance of Thompson's remarks.

"I've seen him say that before," Keane was quoted by the Journal Sentinel as saying. Keane said that Thompson's comments should be kept "in context" because they were made before a Republican audience.

David Canon, a political scientist at the University of Wisconsin-Madison, said in the Journal Sentinel article that a Thompson presidential campaign would be "very much a longshot." Canon said that only five percent of Republicans nationally know of Thompson.

HLS Drama Society's Spring Production Targets Intolerance

By RECORD Staff

In response to dialogue stemming from last semester's "National Coming Out of Homosexuality Day" event sponsored by the Society for Law, Life and Religion, members of the HLS Drama Society are staging a production of "Lips Together, Teeth Apart," a comic tragedy that grapples with issues of homophobia, AIDS-phobia, and racism.

"We are pleased to make this contribution to the campus dialogue on issues of sexual orientation and race," said Michael Rosenbaum '98, HLS Drama Society president.

"Lips Together, Teeth Apart" deals with two couples who unite over Fourth of July weekend. One of the four, Sally Truman, has just inherited the house from her brother David, an HIV-positive gay man whose surviving lover, Aaron, is African-American. Sally's husband Sam has arranged the

weekend in order to address their marital problems and decide whether or not to keep the house. He has also invited his sister Chloe and her husband John, who Sam suspects has had an affair with Sally. Over the course of the weekend, the four try to come to terms with their relationships, and in the process confront their own homophobia, AIDS-phobia, and racism.

"Lips Together, Teeth Apart" is a wonderful and nuanced treatment of ... important issues in our community, and we hope that this production can help the campus to confront these critical questions in a frank, meaningful, and personal way," said Rosenbaum.

"Lips Together, Teeth Apart" is directed by Mark Penney '99 and produced by Cat Dale '99. Performances will be in the Ropes-Gray room in Pound Hall on April 9, 10, and 11 at 8:00 p.m. Tickets are \$5 in advance, \$6 at the door, and are available in the Hark.



Photo Credit/Timothy Kiefer

Wisconsin Governor Tommy Thompson speaking in Ames Courtroom Tuesday.



Briefs

Suarez '75 Reaped the Fruits of Office

Ousted Miami mayor Xavier Suarez '75 luxuriated in the perks of political office in the midst of a city-wide financial crisis, according to an exposé published in last Thursday's Fort Lauderdale Sun-Sentinel.

At taxpayer expense, as records released to the daily show, Suarez ran up tens of thousands of dollars in travel, flower, restaurant, and public relations bills.

Suarez, who was forced from office last month following vote-fraud litigation, was on track to exceed his budget by a minimum of \$60,000 this fiscal year, city officials said.

Joe Carollo, the previous mayor who lost to Suarez in the November elections, spent next to nothing on food and other expenses during the first part of the fiscal year. Carollo regained his seat in Miami City Hall by order of an appellate court after Suarez was ousted.

Suarez was notified Tuesday that the typeface on his brief to review his ouster was too small. The Florida Supreme Court limits briefs to 10 pages in length, with font size no smaller than 10 characters per inch.

Former HLS Prof. Leaves White House

Daniel K. Tarullo has left his post as an assistant to President Clinton for economic policy, the National Journal reported Saturday. Prior to taking on that assignment, Tarullo taught at Harvard Law School.

"I'm finally out," Tarullo said, having completed a two-year stint at the White House. Though he initially planned to leave the post last Christmas, his departure was delayed because of the financial troubles in Asia. "It's liberating to be without my pager."

Next stop for Tarullo is the Council on Foreign Relations, where he will write about Euro-American economic ties. After that, he plans to join a law firm, enter the corporate world, or return to academia.

Teitelbaum '66 to Leave Utah Deanship

Lee Teitelbaum '66, Dean of the University of Utah College of Law, is scheduled to step down from that position June 30, the Deseret News said last Friday.

Having served eight years as dean of what the local faculty terms a "collegial" law school, Teitelbaum plans to take a year-long sabbatical before returning to lecturing full time. He has taught at least one class during each semester of his tenure and has written a family law textbook. Teitelbaum is nationally renowned for his work in the areas of family and juvenile law.

The search for a successor to Teitelbaum is under way.

Bisexuality Conference Draws 900

The Fifth Annual International Bisexual Conference attracted more than 900 people from around the world this past weekend to discuss issues affecting bisexual communities.

The three-day event, organized by the Harvard Lesbian, Bisexual, and Gay Graduate students, as well as the Bisexual Resource Center in Boston, featured workshops on themes including psychological research, activism, the media, and spirituality.

LBGGS sponsored the conference at Harvard to get more students involved in and aware of the bisexual community, said Jonathan M. Urbach, a student at the Graduate School of Arts and Sciences and facilities coordinator of the conference.

"We wanted to boost bisexual visibility on campus," Urbach said. "A lot of people don't know much about bisexual people."

—The Harvard Crimson

Book On Supreme Court Under Fire

In a new book, titled "Closed Chambers," former U.S. Supreme Court law clerk Edward Lazarus criticizes some justices' opinions as "fundamentally dishonest" and accuses the nation's highest court of giving too much power to its law clerks.

"What I saw inside the court ... left me with an irrepressible sense of disquiet," wrote Lazarus, who clerked for Justice Harry A. Blackmun '32 in 1988-'89 and is currently on leave from his job as a federal prosecutor in Los Angeles.

But Lazarus is drawing criticism himself from some who say he broke the law clerks' promise not to disclose confidential information learned on the job.

"Mr. Lazarus has breached ... (an) ethical obligation to confidentiality for a few bucks and some reflected glory," said Andrew McBride, who clerked for Justice Sandra Day O'Connor in 1988-'89. McBride declined to address specific incidents described in the book, citing his own promise of silence.

In a recent interview, Lazarus said he "tried to write nothing about the justices' deliberations that I knew only because I was a clerk."

Lazarus's book calls McBride the leader of a "cabal" of conservative law clerks who sought to push individual justices to the right.

Washington lawyer John Roberts, who clerked for Rehnquist in 1980-'81, said he hasn't seen the book but believes law clerks have less influence than they think. "When you get some distance from the court ... you realize that law clerks are law clerks, they're not junior justices," Roberts said.

—Associated Press

Fifth Bundle Means Smaller Classes for 2Ls

Continued from BUNDLES, p. 1

457; I think about 38 got their very last choice. We tried to run a lottery where there were less first choice wishes fulfilled but more students placed in their second, third, and fourth choices."

Kane added that smaller class sizes contributed to the change in preference distribution. "We also dropped the size of the classes because the lottery ran with an enrollment limit of 120. It was 140 last year, which means there were 20 more students who could get in a certain bundle."

According to Kane, the most popular bundles among registering students were section three, which included courses taught by Profs. Detlev Vagts '51, Alvin Warren, and Larry Lessig, and section five, which included courses taught by Profs. Richard Fallon, Reuven Avi-Yonah '89, and Jon Hanson. Kane said that while sections one, three, and five are filled, space remains available in sections two (which includes Profs. Charles Fried, John Ramseyer '82, and William Andrews '55) and four (which includes Profs. Bernard Wolfman '58, Martha Field, and Bruce Hay '88).

Kane ascribed the varying levels of interest in the bundles to scheduling. "I think probably in fairness group four having the least activity may have been because it had a fall-spring-spring schedule. We may have to rethink that next year, but part of it is just the reality of scheduling. While I'm very supportive of having five bundles, the extra bundle represents

another three professors whose schedules we need to work around."

Although "rising 3Ls are given two free rounds in registration to balance out the fact that rising 2Ls get the bundling without competition, there don't seem to be many rising 3Ls in the hunt for courses this year, so I predict rising 2Ls will do well in getting into courses if they want to switch," Kane said. "Some rising 2Ls will drop portions of the bundle they don't like. And after we have clinical pre-registration this week, we'll have more places available for 3Ls and 2Ls desiring a move."

"We do have some openings in some of the independent sections because this year's roster of 1L electives included Con Law 100 and Corporations 100," Kane said. "For instance, the 95 1Ls in Con Law 100 were automatically subtracted from the rolls in the con law course in their bundles."

Student reaction to the bundles was mixed.

"I'm happy with it. I got Warren for tax — that's what I wanted," said Christine Richardson '00, who will be enrolled in her first choice bundle, section three.

Some students were disappointed with the bundled professors. "If Tribe isn't going to teach, they should've warned us before some of us came here specifically to take con law with him," said Kim Isbell '00.

Other students were perplexed by the entire system.

"The registration process is too confusing, so my girlfriend chose my bundle for me," said David Olsen '00.

Guinier Promotes New Book at Kennedy School

Continued from GUINIER, p. 1

up, to become a civil rights advocate, not just a civil rights technician." She said it is crucial to "remain connected to the people that gave the civil rights movement its strength."

When asked by an audience member whether she can and will change the "conservative character of the Law School," Guinier answered, "I am not out to change the pedagogy at Harvard Law School. But in my classroom, I am committed to different ways of teaching that recognize that not all students learn best when intimidated. I am committed to making the students at Harvard Law School the best lawyers they can be."

The Kennedy School appearance consisted largely of a question and answer session, preceded by Guinier's reading of passages from "Lift Every Voice." The book recounts Guinier's nomination for Assistant Attorney General for Civil Rights and the ensuing confirmation ordeal. She attributes the failed bid for the position to mischaracterizations of her and her ideas, particularly the label of "quota queen."

Although disappointed when ultimately denied the position, the process resulted in the book, said Guinier, which provided the opportunity to express her evolving views on race problems and solutions, and to "connect up the stories of my clients, who have experienced greater disappointments than I."

As an attorney at the NAACP and the U.S. Department of Justice, Guinier's clients were often grass roots civil rights activists. Examples include activists helping the elderly vote by absentee ballot in Selma, Alabama, who were charged with voting fraud, and Reverend Nelson Johnson and black Greensboro factory workers, who were jailed for striking.

The fact that white workers on strike were not jailed, despite their request to be jailed along with the blacks, illustrates Guinier's point that the problems of marginalized minorities are symptomatic of a deeper problem — the lack of fundamental fairness. The obvious prob-

lem was a racial one, but the underlying problem was one of disenfranchisement that cuts across race and links up, in this instance, with class, said Guinier. She believes that racial problems alert us to a larger set of issues.

"Race is a window onto problems that affect all of us."

According to Guinier, no one solution to the problem of fundamental fairness exists. She discussed possible solutions, such as reforming the electoral system and the rules under which legislatures operate.

The first and greatest step, however, is to have "discussions like this [one] in many other fora," she said.

"There is not one single solution. We must look at options and at least put the issue on the table."

Koby Antupit
PHOTOGRAPHERS

WE'VE MOVED!

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Study Shows Forum Shopping Rampant in Big Bankruptcy Cases

By RECORD Staff

Large companies that decide to file for bankruptcy shop for judges: the way most persons shop for groceries: they look for the best deal, according to the findings of a study by Cornell Law School professors Theodore Eisenberg and Lynn M. LoPucki. LoPucki is currently a visiting professor at Harvard Law School.

The 34-page report, "Shopping for Judges: An Empirical Analysis of Venue Choice in the Bankruptcy Reorganization of Large, Publicly Held Companies" charts filings by the 273 largest public companies that filed for bankruptcy between 1980 through 1997 and shows a rapid increase in the rate of forum shopping.

In the early 1980s, about 20 percent of the cases were filed in a district other than the one where the company's headquarters were located. Since 1994, more than half of the filings have taken place in other districts.

"This study shows that big businesses don't just take the judge or the court that the system offers them," LoPucki said. "Big businesses act strategically to come before the judge or court where they will get the best outcome. This pattern can't be explained by convenience; these companies are deliberately filing away from their own headquarters."

New York City was the most popular destination for forum-shopping bankruptcies during the 1980s. In 1988, however,

New York City clamped down on judge-shopping. Two years later debtors filed two large cases, Continental Airlines and United Merchants and Manufacturers, in Delaware.

Forum shopping to Delaware increased rapidly in the following years. It peaked in 1996, when 12 of 14 (86 percent) of the largest public companies filing bankruptcy did so in Delaware even though none had headquarters in Delaware.

When the Chief United States District Judge in Delaware withdrew the large bankruptcy cases from the bankruptcy judges in February 1997, the rate of shopping top Delaware fell sharply, but by the end of the year Delaware still had five of the ten big case that year.

HLS Still Without Strategic Plan Report

Continued from *PLAN*, p. 1

with reaching agreement than others. "Surprisingly, [in our group] there was general agreement on some of the basic issues about where we'd like to see the school positioned in the future. We started out by thinking about things from a broad, dream-like view of what the future will be like. Where there was disagreement was in the details of implementation on the practical side," said Fallon.

It has been four months since the last

of the group meetings ended. Some of the group leaders have not yet formalized the results of their meetings in letters to the Dean. The Dean has met with all the group leaders, but is still in the process of having a final meeting with all the group heads before the issue is taken up in a "longish retreat-type [general faculty] meeting probably in May" to form "a working committee structure comprised of faculty and students," said Clark.

"The exact shape is not fixed yet. The next step is simply to have all the group

next decade and he said Intel and Microsoft. I knew he knew what he was talking about but I was not sure I knew it. My circle of competence was not enlarged and I don't regret it in the least."

On current market conditions:

"It would be hard to make 15 percent going forward from here ... Anyone who looks at our past record is being deceived."

On crime:

"I won't say crime doesn't pay. But crime is not necessary and is not as much fun."

On his colleagues:

"You should always work with people you like, admire and trust. At Berkshire Hathaway, I work with people I absolutely like."



On his decision not to buy Microsoft and Intel:

"Around 1986, I was playing golf with Bill Gates and asked him what two technology stocks he would buy if he had to go off to a desert island for the

Survey Reveals Some Cheat to Get Ahead

Continued from *CHEATING*, p. 1.

On the other hand, I did not expect that anyone would have wholly disregarded the six-hour time either."

Murray went on to write, "My hopes are 1) that the comments are in fact isolated examples within a very large class and 2) that the vast majority of the students complied with at least the spirit of the regulations."

Some survey responses pointed to the lack of an honor code as a factor in cheating at HLS.

An example of a school that has such an honor code is Stanford University. The honor code at Stanford, in addition to prescribing duties for students, also prohibits faculty from administering exams in ways that "tempt" students to cheat. Specifically, the Stanford honor code prohibits exams like Murray's.

The honor code says in part, "The faculty will also avoid, as far as practicable, academic procedures that create temptations to violate the Honor Code."

An accompanying document clarifies the interpretation of this provision: "If take-home examinations are given, they should not be closed-book examinations, nor should there be a specific time limit less than the full period between the distribution of the examination and its due date. Such procedures place honorable and conscientious students in a difficult position and often at a disadvantage."

Those sentiments were echoed by one of Murray's students, who wrote, "Some suggested that Murray must have expected it. There were those of us who followed the rules. But I wonder what my grade would have been if everyone had."

Multiple-Day Take-Home Exams Criticized

While Murray's exam was unusual in allowing students to choose any six hours within a week-and-a-half period in which to write the exam, many HLS teachers use a less open version of the multiple-day take-home exam.

This more common type requires students to pick up and turn in the exam

within an eight-hour period, but students may choose any of multiple days on which to take the exam. It was this type of exam that Prof. Abram Chayes '49 used in Introduction to American Legal Systems — an course that many LL.M.s claimed was tainted by rampant cheating, resulting in the cancellation of grades for about half of the LL.M. class.

In Chayes's class, students accused some LL.M. classmates who took the exam on the second day of getting advance information from students who

school must presume integrity when administering take-home exams.

"We are a law school. We are teaching people to uphold the rule of law. I can't imagine in that setting presuming that people are going to cheat, which is what you're doing if you don't allow these take-homes," Slaughter said.

"Students are adults. They should be able to schedule their exams," Slaughter said. "To allow the students to figure out how they want to study and when they want to study is part of treating stu-

honor code as an undergraduate at Princeton and as a high school student in Virginia, said she could support the adoption of an honor code at HLS, but did not think it was a necessity.

Students Not Held Back by Word Limits

Another topic raised by survey respondents was that of word limits, which play an important role in many take-home exams. On "issue spotter" type exams, where law students get higher grades for finding more issues and providing more insights than their peers, the word limit can often present the greatest barrier to moving up a notch in the grading.

One student writing about word limits said, "I have scrupulously adhered to these, but I believe I am the exception rather than the rule where that is concerned."

Prof. Richard Fallon, who gives take-home exams, said he does not routinely check exams to make sure they are in compliance with the word limit.

"I don't if it looks like it's in the ballpark," he said.

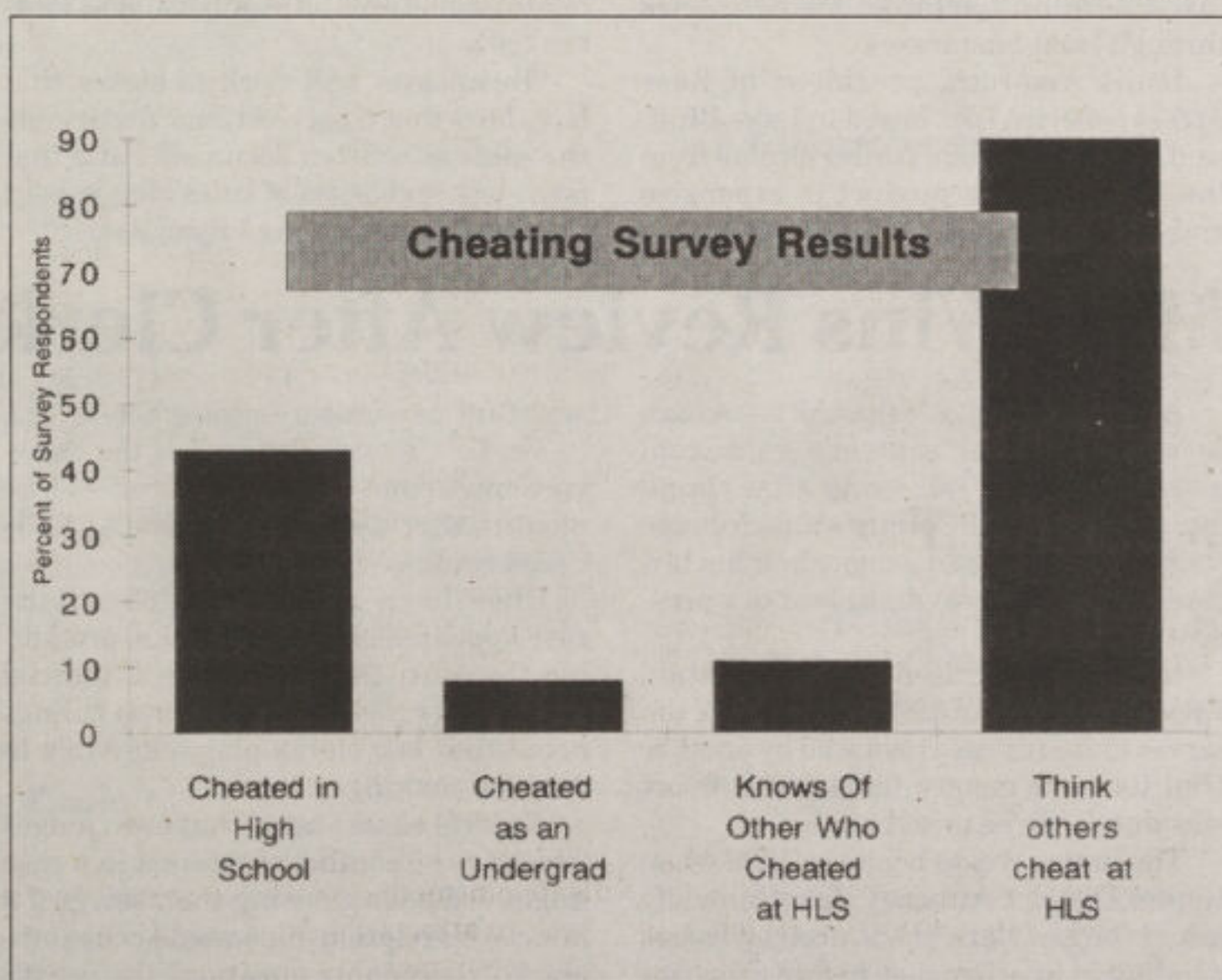
When asked if going beyond the word limit constituted cheating, Fallon replied, "I don't know if I'd use the word 'cheating.'" Fallon did say, however, that he would characterize it as "an attempt to gain an unfair advantage."

Fallon said that when he discovers an exam that violates the word count, he reads the entire exam but reduces the grade.

While many professors ask students to put a word count at the end of their exams, Fallon currently does not. He did say, however, that he might consider asking students to provide word counts in the future.

"It would make me very angry if somebody lied about the word count and I discovered it. ... I'm not terribly likely to discover it — I probably shouldn't say that," Fallon said, "but it would make me very angry."

See Survey Results on Page 7



took it on the first day.

When asked about this kind of multiple-day exam format, 90 percent of respondents to the RECORD survey said they believed at least some students would try to cheat.

Prof. Anne-Marie Slaughter '85, who as co-director of the graduate program was involved in the discussions and decisions of what to do in the aftermath of the LL.M. scandal, said the survey results did not change her view that the

dents like adults. And in that context, I think we have to presume integrity."

Asked about whether a small cheating minority might cause problems of fairness in grading, Slaughter said, "I would be very surprised if it were even remotely significant enough to outweigh the benefits."

"I fundamentally think that we do not have a serious cheating problem," she said.

Slaughter, who studied under an

Across the Country



News From the East, West, and Mid-West

Sex Offender Telephone Information Service Unveiled

ALBANY, N.Y. (AP) — The mother from Columbia County pointed to the hundreds of school children in front of her and told them: "This law may be called 'Megan's Law,' but it's your law."

For Sharon Alger the appearance at the Sand Creek Middle School marked the latest chapter in her battle to keep children safe from sexual predators.

Alger and her husband, whose two daughters were sexually abused in 1992 by a family friend who wound up serving 3 1/2 years in a New York state prison after doing time in Washington state for a similar offense, joined Gov. George Pataki and state Attorney General Dennis Vacco to inaugurate the state's new telephone service to identify convicted sex offenders.

"He grew up with my husband, so we trusted him," Alger told the packed school assembly. "He ruined our trust. He took my children's childhood and he can do the same to you."

Alger helped collect more than 800 signatures in 1996 in support of New York state's "Megan Law" when it was under attack in the courts.

Under a portion of the New York law, people can call the new state telephone service and determine if a neighbor or prospective employee is a convicted sex offender who has been released from prison.

"Crucial information regarding sexual predators is now instantly available to New York's parents," Pataki said.

The governor said, "This number will

be a valuable resource to day care centers, school districts — everyone who hires workers who care for children."

Under the system, people can call 1-900-288-3838 and for a \$5 charge to their phone bill can learn if a specific person is a convicted sex offender. To obtain the information, a caller needs to have the person's name and either the specific address, Social Security number, birth date or driver's license number for the person.

The telephone service is available from 8 a.m. to 5 p.m. on weekdays, except for state holidays.

The state has about 7,000 sex offenders registered and callers can learn if the person they are concerned about is on the list. On some serious offenders,

information is also available about their past crimes and their method of operation.

New York's "Megan's Law" was modeled after a New Jersey statute named for Megan Kanka, a seven-year-old girl who was killed by a sex offender who lived across the street.

The New York law requires convicted sex offenders to register with the state once they are released from prison and to inform officials once every 90 days of their address. The law creates categories of sex offenders and provides for public notification in some cases.

All 50 states require sex offender registration and all but four have implemented community notification provisions.

In New York, full implementation of "Megan's Law" had been held up by court challenges. Even now, the state is barred from classifying sex offenders who were convicted before the law took effect on Jan. 21, 1996. The state has appealed that federal court ruling, but for the time being such criminals are simply listed as Level One offenders, the lowest classification available, on the state registry. For Level One offenders, authorities can do no more than verify that a person is on the state's sex offender registry. No information about their crimes can be made available.

Vacco said he was looking into the possibility of posting the sex offender information on the Internet, but such action may require legislative approval.

Before they went into the packed school auditorium Tuesday, Pataki personally thanked the Algers for their help.

"If we can help just one child, it would be great," she told the governor.

Lawmakers Seek to Rein in the Internet

SPRINGFIELD, Ill. (AP) — Many users of the Internet have found how easy it is to buy liquor, gamble, find pornography, or get cheated over the global computer network. Too easy, in the eyes of Illinois lawmakers who want to impose controls.

At least 17 bills have been introduced in the General Assembly to regulate aspects of the Internet, a new and free-wheeling industry as yet largely untouched by state or federal regulations and taxes.

Many of the bills are aimed at keeping pornography away from children or providing consumer protections for users of Internet services.

Gene Rose, a spokesman for the National Conference of State Legislatures, said the Internet was "definitely at the top of the list" when the group compiled a ranking of issues likely to face legislatures this year.

"It's such a rapidly growing industry and something that people have a lot of concerns about," Rose said.

David Banisar, staff counsel for the Washington-based Electronic Privacy Information Center, thinks lawmakers are attracted to cyberspace issues because they are trendy and seem to invite political intervention.

"Up until about two years ago, most people didn't know what the Internet was, including state legislators," Banisar said.

"The Internet is nearly mainstream now, as scary as that is, and the censors and the taxers say, 'Hey, this is really happening.' They think they can control it like they do zoning."

While the Internet is new, the legislative process it provokes is old-fashioned. Typically, an established lobby seeks a bill that then is pushed by sympathetic lawmakers.

For instance, services that sell liquor through the mail or on the Internet would be curbed under a bill sought by the Associated Beer Distributors of Illinois and sponsored by Rep. Jay Hoffman, D-Collinsville, and Rep. Angelo Saviano, R-River Grove.

"It's nearly impossible to control what our children are able to access through

the Internet," said Hoffman.

Saviano added, "Many kids as young as 16 have debit cards with their checking accounts that work just like a major credit card. Children are able to order alcohol through the Internet or a catalog and it's delivered right to their doorstep."

Their bill, which passed the House unanimously and is pending in the Senate, would require consumers to prove they are at least 21 before receiving the liquor. Also, beer and liquor sellers would have to get Illinois liquor licenses, pay taxes here and arrange for deliveries through local businesses.

Louis Amoroso, president of Beer Across America Inc., based in Lake Bluff, said, "Young kids don't order alcohol from the Internet. The product is expensive and the minor doesn't know when the

product is going to be delivered, maybe at 5:15 right when mom and dad get home from work."

Amoroso, who has battled with liquor-control officials in Utah and Florida over shipments to those states, said of the Illinois bill, "I don't really think there is a need for it, but the legislation as it is doesn't really bother us."

Not all the proposals would curtail Internet commerce. A bill pushed by Attorney General Jim Ryan and sponsored by Rep. Jim Durkin, R-Westchester, would boost it by making electronic and digital signatures as legally valid as written ones.

"Businesses will flock to states that have laws that treat electronic documents the same as written documents and that provide a stable set of rules that govern electronic transactions," Ryan said.

Man Wins Review After Clerk Leaked Memo

ANCHORAGE, Alaska (AP) — A man serving a 25-year sentence for sexual abuse has won a rehearing after claiming that a Bethel County, Alaska judge should have stepped aside when his law clerk leaked a secret document to a prosecutor.

In a ruling released April 3, the state Appeals Court said Stanley Vaska deserves to see his case reviewed by another trial judge to ensure fairness. A report was due in three months.

The unusual case began in 1996 when Bethel District Attorney Jake Metcalfe asked the law clerk about pretrial issues pending in another case before Superior Court Judge Dale Curda.

The clerk, who has since been fired, supplied Metcalfe with a confidential memo she had written to the judge, the Appeals Court said.

A note attached to the memo read: "Just so you know how great a friend you have here. This is an indication of the battles I take on for you guys (and of course for the law)."

Metcalfe revealed the leak to Curda about two weeks after he received the document, also telling the judge that the clerk had had sexual relations with an

assistant prosecutor in his office.

Vaska's lawyers learned of the indiscretions about six weeks later — two months after his conviction, the Appeals Court said.

Chief Judge Robert Coats '68 said the case appeared unique in Alaska, prompting the court to turn to federal judicial ethics cases for guidance. Those rulings noted that law clerks play a key role in decision-making.

Federal cases stated that even judges who have no conflict of interest in a case might consider recusing themselves if a law clerk's relationships would cause others to "reasonably question" the court's impartiality.

Kenneth Rosenstein, an assistant attorney general who represented the state on appeal, said Curda, after learning about the leak and affair, reviewed his rulings to determine if the clerk had exerted undue influence.

Rosenstein said the judge was satisfied the decisions were sound. "He saw no basis to change his rulings," Rosenstein said.

Rosenstein declined Friday to say if the trial prosecutor also was the lawyer with whom the clerk had been sexually

involved.

The review puts the burden on Vaska to show why the clerk's participation in his case jeopardized fairness.

For instance, the Appeals Court said, Vaska could attempt to show that the clerk was "personally biased" in favor of the prosecutor or had indulged in conduct that revealed a "strong personal bias" in the state's favor.

A showing of either actual or apparent bias could invalidate court rulings in which the clerk had participated, the Appeals Court said.

That still would not automatically lead to a fresh trial since the state could try to show that she had not "significantly" participated in those rulings.

Some issues will be decided anew, such as whether the indictment should stand or whether certain evidence should have been admitted. But the Appeals Court acknowledged that reviewing mid-trial rulings will be tougher.

"[If] it is simply impossible to reconstruct those decisions, [Vaska] should receive a new trial," the opinion said.

Rosenstein said one other criminal appeal alleging misconduct by the clerk was pending.

SELECTED SURVEY RESULTS

Did you ever cheat on a test in high school?

Yes 43 percent

Did you ever cheat on an exam in undergraduate studies or non-HLS graduate studies?

Yes 8 percent

Do you personally know anyone who has cheated at HLS?

Yes 11 percent

Some HLS professors allow students to write their eight-hour take-home exam on any of several days, and then ask students not to share the topic with people who have not yet taken the exam. In these situations, do you think at least some students are likely to get the topic ahead of time?

Yes 90 percent

SELECTED COMMENTS

Word Counts and Page Limits:

"What about obeying word limits on take homes? I have scrupulously adhered to these, but I believe I am the exception rather than the rule where that is concerned."

"I don't know if this counts as 'cheating,' but I know people at HLS who put incorrect word counts on take-home exams in order to not have to cut words and gotten away with it. This certainly seems unfair to those of us who do not take the time to make sure our answers are within the word count."

"I'm annoyed at how people 'cheat' by fudging the word limits/page limits to get more 'in.'"

Take-Home Exams

"On a take home first-year exam I saw someone talking with another person who was not in the class. I believe that person was a lawyer and the two were discussing the exam questions during the exam."

"A friend and I called each other very briefly during a 1L exam to make sure we had understood the question/issue. I guess that was cheating."

"The only cheating I know of is taking too much time on a timed take home. I'm not sure if this qualifies, but I think it is cheating."

In regards to people trying to get the exam topic ahead of time on a multiple-day take home: "Definitely. I have first-hand knowledge of it."

Referring to take-home exams given over multiple days:

"Teachers shouldn't have exams like this. There's no honor code at HLS, and it's so competitive — people will do quite a bit to advance themselves — even if it is cheating. Having exams [like these] just makes it way too easy to cheat and not get caught. You can't assume people won't cheat just because it's 'wrong.'"

Prof. Murray's Evidence Exam

"Murray's evidence exam was notorious — six-hour time limit on honor system, which I know was violated in one circumstance and surely was in many others. People seem to have no problem with consulting 'off limits' materials either."

"Prof. Murray's evidence exam six-hour take-home given last day of class due 10 days later — people used unlimited time, Westlaw and outside sources to research the essay topic (which had been widely written on by academics), despite the six-hour time-limit and no-outside-research rules articulated by the professor. Many laughed at his efforts to set a time limit. Also I know people who cheated and got a good grade ..."

"In Prof. Murray's class, some students were using commercial outlines during the in-class exam, in explicit violation of his rules."

"The situation is worse than the faculty would like to believe. E.g., people laughed at the restrictions Murray put on his evidence final — six hours over a week and a half and no outside sources. People took unlimited time and used whatever they wanted. Some suggested that Murray must have expected it. There were those of us who followed the rules. But I wonder what my grade would have been if everyone had. Faculty should not be allowed to put this level of trust in students."

Cheating Unlikely or Unprofitable

"How could cheating possibly help you on the majority of HLS in-class analysis-based exams?"

"It really doesn't matter whether we cheat or not. After three semesters here, I don't believe professors really read the exams. Gaining advance notice of exam questions would only help if professors used a non-arbitrary method of grading."

"With most exams at HLS being open — books and notes — I find it hard to believe that people would be so driven to succeed that they need to give themselves even more advantages. I hope HLS deals harshly with cheaters, especially in the first year, when grades are most important."

Miscellaneous

"I have cheated on standardized tests. SAT, LSAT, Achievement Test."

"I knew a kid in my 1L [year] who took extra bluebooks ... so he could write pre-fab answers to various estimations of what the 'policy' question was going to be.... I don't know if he went through with it, though."

"I cheated with crib notes in Spanish in 9th and 10th grade. I was caught by the teacher once and given a zero on the exam, but I passed the class anyway and was not disciplined any further."

"Think honor code."

"Have had the opportunity to cheat, certain I could have gotten away with it. DID NOT DO IT. Not even tempted. You have to decide who you are and what you value. You have to live with yourself."

"In high school, got the trig test early one year. Hey man, everyone did it. I would've been screwing myself if I didn't. I was still so f—ing anal that I missed two questions on purpose. Why be greedy?"

"Cheating is bad. Very bad. Anyone who does it should not be an attorney."

Harvard Law RECORD

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In Praise of April 15

For most Americans, April 15 conjures up images of the dreaded deadline for filing income tax returns. For public-interest-oriented 3Ls, however, April 15 has a more positive connotation.

The Law School imposes several requirements on law firms that interview HLS students, one which is the "April 15 rule." This rule allows 3Ls to hold one offer open until April 15 so that they can look for a public interest job. The extended deadline is important because public interest employers typically hire later than do law firms.

From the prospective student's perspective, the April 15 rule is one of HLS's greatest advantages over its competitors, as Harvard is the only law school with such a rule. HLS is a huge law school, and its students have considerable market power in the law firm job market. As a result, firms that otherwise might be deterred by the April 15 requirement accept the rule as a condition of interviewing HLS students.

A 3L who takes advantage of the rule loses nothing, since he gets to hold the law firm's offer open while exploring public interest opportunities. Although finding public interest employment is always a challenge, it is far easier to look for a job during the undemanding third year of law school than while working 80 hours a week as a junior associate. Even if the student ends up taking the law firm's offer, he will have gained valuable knowledge about and contacts in the public interest job market.

Out of a class of 550, roughly 30 to 70 3Ls use the April 15 option each year, according to an estimate by Office of Public Interest Advising Co-Director Stacy DeBroff. Given the number of 3Ls who profess a desire to work in public interest, one would think that more students would take the April 15 option. For some 3Ls, the reason for not taking advantage of the rule may be sheer ignorance of its existence. That's unfortunate, because many of those 3Ls will be unhappy first-year associates a year from now.

The April 15 rule does not guarantee success in the brutally competitive public interest job market, but most of those who take the April 15 option do find public interest employment. (This writer was offered a job in the time between writing the first and second drafts of this editorial.) Rising 3Ls headed for law firm summer jobs should keep the April 15 option in mind when they return to Cambridge this fall.

— Timothy Kiefer

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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 2L Hark box of Janie Kim. All copy must be typed, double-spaced, and submitted on paper and on a computer disk (Macintosh or IBM). The RECORD reads and appreciates every letter we receive; we reserve the right to edit letters for space as necessary. We will return your disks. Off-campus subscriptions are available. Subscription price: \$45.00 year mailed; \$50.00 year mailed outside U.S. Individual copies: 35 cents at newsstands, 50 cents at the Law School, \$1.00 mailed, \$2.50 for back issues and reprints. Second-class periodical paid at Boston, MA and additional mailing offices.

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— First Amendment, U.S. Constitution

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• Letters •

HLS Should Not Cave In To Military

I support the recent decision of the Placement Committee and the Office of Career Services, insisting that any employer seeking to use OCS resources sign and adhere to a statement of non-discrimination.

Should the Law School lose Federal Perkins Loan and Work Study funding as a result of this decision, I urge Dean Clark to commit the Law School's own financial resources to supplant in full the financial aid lost to students. Harvard Law School must

send a message that its opposition to prejudice and its commitment to equal opportunity do not have a price tag. The military cannot purchase the right to discriminate at HLS.

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Daniel Halperin
Jon Hanson
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Lawrence Lessig
Frank Michelman '60
Martha Minow
Robert Mnookin '68
Peter Murray '67
Charles Ogletree '78
Richard Parker '70
Todd Rakoff '75
Joseph Singer '81
Anne-Marie Slaughter '85
Carol Steiker '86
Henry Steiner '55
Laurence Tribe '66
David Wilkins '80

and 304 others.
April 7, 1998

Minority Groups Say Keep Military Ban

An Open Letter to The Harvard Law School Community:

As many of you have heard, several branches of the United States Military have recently pressed Sally Donahue, Director of the Office of Career Services, for formal recruiting status at the Law School.

Currently, only employers who sign and adhere to a statement of non-discrimination, which includes discrimination on the basis of sexual orientation, are allowed to use OCS. The military, by and through its "Don't Ask Don't Tell" policy, continues to discriminate against gay and lesbian servicemembers. Indeed, in the few years that "Don't Ask, Don't Tell" has been in place, the number of gay and lesbian servicemembers discharged from the military has actually increased. Because the military continues to openly discriminate against gays and lesbians, OCS's policy to date has been to deny the military formal recruiting status at the Law School.

However, the military has bolstered its recent request for formal recruiting status by citing the Solomon Amendment, enacted by Congress in March 1997, whereby the federal government can withhold Title IV Federal Financial Aid Funding to any institution of higher education that "has a policy of denying military recruiting personnel entry to campuses, access to students on campuses, or access to directory information on campuses."

Although the military does not have formal recruiting status at OCS, any student, faculty member, or student organization can invite the military on campus for recruiting purposes. Indeed, the military has been on campus twice this year to recruit HLS students. Because the military, thus, has access to HLS students, both Lambda and Ms. Donahue believe that the Law School's policy does not violate the

Solomon Amendment.

Consequently, the Law School, through Ms. Donahue, has preliminarily denied the military's recent request for formal recruiting status. The military, however, insists that denying it formal recruiting status is a violation of the Solomon Amendment. Although the military has not yet formally reacted to the Law School's denial, several other schools with non-discrimination policies similar to ours have already received letters from the Department of Defense saying that they are in violation of the Solomon Amendment.

Ms. Donahue estimates that the Law School may risk losing \$1 million dollars in federal financial aid funding if the Law School's position is found to violate the Solomon Amendment. This loss would include \$800,000 - \$900,000 in the Perkins Loan Program as well as \$150,000 in the Federal Work Study Program. Perkins Loan and Work Study money is received by the neediest of students here at Harvard Law School.

This situation offers a special opportunity for CCR because, as a coalition organization, we are in a position to strengthen and support the bridge between each of the affinity groups—each of which will undoubtedly be affected by the military's wedge strategy. Clearly, the military is using the Solomon Amendment as a wedge between poor or lower middle class students and gay and lesbian students (many of whom receive Perkins Loan and Work Study aid). The military is trying to pit the two groups against one another—making gay and lesbian students appear greedy, insensitive, and uncompromising while making poor or lower middle class students appear ho-

mophobic. We must resist this strategy.

Thus, we believe that Harvard Law School must be uncompromising in its stance towards invidious discrimination, in whatever form it takes. We must not allow any one of our groups to suffer at the expense of another, military blackmail notwithstanding. Accordingly, CCR, and the undersigned student organizations, have pledged to fight against any loss of financial aid funds as well as any grant of formal recruiting status to the military by endorsing the following statement:

We applaud the recent decision by the Law School's Placement Committee and the Office of Career Services, insisting that any employer seeking to use OCS resources sign and adhere to a statement of non-discrimination.

Should the Law School lose Federal Perkins Loan and Work Study funding as a result of this decision, we urge Dean Clark and the Law School Administration to commit the Law School's own financial resources to fully supplant the financial aid lost to students.

Harvard Law School must send a message that its opposition to prejudice and its commitment to equal opportunity do not have a price tag. The military cannot purchase the right to discriminate on our campus.

Rudy Reyes '98
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CARPE BOLLO

Das Boot, Boss! Das Boot!

By Jake Zimmerman '00
RECORD Columnist

Truth is stranger than fiction. I kid you not, the following is completely real. According to the Associated Press, a U.S.-Swiss partnership is planning on building a full-size replica of the *Titanic*, to sail on a luxury cruise on the 90th anniversary of the ship's sinking. Tickets will cost between \$10,000 and \$100,000 for the inaugural cruise from Southampton to New York. There will even be a pause in the North Atlantic where the previous ship went down. (No word yet on whether passengers will be allowed to go diving to hunt for that bizarrely ugly blue necklace.)

Now, is it just me, or is this unbelievably tacky? (The investors putting this together are based in Vegas — sooprise, sooooooprise.) One hopes that they'll at least make the details as tasteless as the initial concept sounds.

I want to see every chair on the ship with the prominent label, "cushion may be used as flotation device." Ice-sculptures should be featured prominently throughout the main deck. They should drop the low-end ticket prices substantially, so that the wealthy passengers will have people to spit on as they walk through the lower cabins. Oh, and there should be a big ceremony at the end of the cruise where they drown Billy Zane in effigy.

Sadly, the people putting this together don't seem to appreciate any of the delicious irony here. So I'm afraid that the best we can hope for is that karma will

come through. Walter Navratil, the visionary president of the new White Star Line, was quoted in Monday's New York Post — again, this is 100 percent true — as saying, "It cannot sink." Walter, if you're reading this, I'd just like to encourage you to go right on tempting fate like that. While you're at it, perhaps you should also urge Miami Herald reporters to "follow you around," promise to run the "most ethical administration in history," and begin all your speeches with

Walter, if you're reading this, I'd just like to encourage you to go right on tempting fate like that.

"read my lips."

But, alas, Walter is probably not reading this fine publication. Tragically, I am forced to address my writing to a bunch of law students who actually want to read something about law school, heaven knows why. But don't worry — we're not as off-topic as you might think. You may not, at first, understand the connection between law school and a giant hulking ship sailing slowly toward its tragically foreshadowed doom. But in a few days when you register for classes, everything should become much more clear. Being a 1L, I suppose I'm an HLS reg-

istration virgin. But I'm already looking forward to my experience with a delightful tingling sense of anticipation. (It's the same sensation that Uncle Ed says he remembers feeling, just before they began running those experiments on him in the Louisiana prison.)

Yes, registration should be a blast. I'm hoping to set a new record by somehow getting rejected from all 31 of my selections.

I did contemplate a method for beating the system. I figured I'd just sign up exclusively for courses that no one else wanted. I looked for classes whose BSA descriptions contain less-than-subtle indications of student discontent. (Such as, for instance, "high coefficient of poo," a phrase that actually appears in the

description of one course. Or, "run away screaming in terror while you still possess your immortal soul," a phrase that does not appear anywhere in the BSA guide but, based on my experience, probably should.)

However, much as I like the idea of helping unpopular teachers feel like someone loves them, I realized that the potential co-dependency issues could be too onerous. Some of these people have probably never had anyone who actually wanted to take their courses before, and I'm not sure they'd know how to deal with the situation. They might well



overreact and cling to me like scared puppies. The last thing I need is to become the object of some insecure professor's affection. Socratic stalking ain't my idea of a good time.

So, I've decided that I'm simply going to escape the registration process entirely. The solution is simple: an entire year of independent study credits. For instance, all I need to do is find a cheap moped, and WHAM-O — instant research project on ambulance chasing. I'm also hoping to find a clinical placement with a mob lawyer. Then I'll do a series of follow-up legal writing projects and eventually convert them into a script for my upcoming film, "Mediocrefellas."

I'm also going to create an entirely new program of study by founding the "Zimmerman and Zimmerman Legal Services Center," through a generous initial endowment contribution of 50 cents and a cheap Army-surplus tent. The center will hire only one 2L (feel free to apply, but I warn you that the chances aren't good). This lucky student will spend his time providing legal services exclusively to HLS students facing administrative proceedings after failing to register for a sufficient amount of coursework.

That should pretty much fill out my schedule. Now, all I need to do is cross-register for a class on the design and crafting of artificial icebergs, and I'll be set. I'm the king of the world! Woo hoo hooooooooo!

• Letters •

HLSCU Takes Stand on Military Recruitment

In anticipation of the Placement Committee's upcoming vote concerning HLS's military recruitment policy, the HLS Civil Liberties Union would like to announce its position on the issue.

HLSCU Policy on Military Recruiting at Harvard Law School:

1. The Harvard Law School Civil Liberties Union (HLSCU) endorses the policy of the national ACLU on military recruiting on campus, Policy #71(h), which states that military recruiters should be allowed access to campus facilities "on an non-discriminatory basis and in accordance with established policies and procedures."

2. HLSCU recognizes (and endorses) that Harvard Law School (HLS), in accordance with the guidelines of the Association of American Law Schools, currently requires that recruiters affirm that they do not discriminate on the basis of sexual orientation, a policy which has the effect of preventing military recruiters from making use of the HLS Office of Career Services, although it does not prohibit their presence on campus as the invitees of students or student organizations.

3. HLSCU would not endorse — but would tolerate — a decision to permit military recruiters to make use of the HLS Office of Career Services. HLSCU recognizes that the terms of the Solomon Amendment present educational in-

stitutions like HLS with a difficult choice, between the principle of nondiscrimination and financial aid funds essential to the education of many students.

4. If a decision must be made between the current anti-discrimination policy of the HLS Office of Career Services and continued financial aid funding, the decision should be reached with maximum input from the HLS community, given that the implications of such a decision would extend beyond the jurisdiction of the Placement Committee. HLS should attempt to determine, for example, whether alternative sources of funding for financial aid would be available.

5. If HLS does decide to allow military recruiters to make use of the HLS Office of Career Services, HLS should to the greatest degree possible under the law and the HLS statement on Rights and Responsibilities disassociate itself from military recruiters, express opposition to the presence and policies of the military, and inform students and student organizations of the reasons for its decision. HLS also should affirm the right of HLS students to express orderly opposition to the presence and policies of the military.

6. If HLS does decide to allow military recruiters to make use of the HLS Office of Career Services, HLS

should permit orderly protest at the location of interviews; inform recruiters that they must assume any costs for security if their presence on campus is determined to be the type of event for which HLS ordinarily recommends or requires the presence of a police officer for student organizations; publicly disassociate itself from the recruiters and post prominent signs so stating at the location of interviews.

7. HLSCU asks the HLS Office of Career Services to affirm that the policy of the HLS Office of Career Services is that HLS students may sign up for interviews with any recruiter, regardless of the students' qualifications or the hiring policies of the recruiter. HLSCU further asks the HLS Office of Career Services to affirm that missing one scheduled interview would not violate HLS Office of Career Services' policies.

8. If HLS does decide to allow military recruiters to make use of the HLS Office of Career Services, HLS should inform other law schools of its decision and the reason for its decision, and correspond with other law schools and other interested organizations as to how the military may best be repudiated and resisted within the terms of the Solomon Amendment.

Kimberley Isbell,
President
HLSCU
April 8, 1998

Jill of all Trades

By Margie McWilliams '00
Guest Columnist

FROM THE ASHES: AN EASTER TALE

Six years ago, my friends and I were hired to play in the pit orchestra for a church's Easter musical. We were more than outsiders: a heathen brass enclave amidst the devout winds and strings. This was no ordinary church pageant. It ran for three days, with a cast of 30 people in full costumes, sophisticated stage lighting, and special effect "smoke" for the resurrection.

Opening night didn't go so well: my friend missed his opening trumpet fanfare, and the guy playing Daniel forgot his lines — for about ten minutes! But Lazarus came back, as did Jesus, of course, and we were confident that the next night's performance would be perfect.

As it turned out, the musical's first night was also its last. We learned from the Saturday morning news that the church had burned during the night. The fire, probably caused by a faulty electrical system, started in the baptismal font not long after everyone had gone home. The sanctuary was irreparably damaged; everything inside — music, lights, sets, sound equipment, pews, hymnals — was gone. Luckily, the fire was contained in the sanctuary, but the other buildings, a community center and gymnasium, suffered severe smoke damage.

I figured this was the end of the church and its pageant, but I was wrong. The members of the congregation awoke early Saturday morning and spent the entire day scrubbing soot off of the walls, floor, and ceiling of their gymnasium. This was no easy task: the ceiling alone was covered in about a foot of soot. Money started to pour in from other area churches and individuals for the rebuilding of the sanctuary.

On Saturday night, the choir director asked my friends and me to play hymns at the church's Easter service the next morning. The congregation set up rows



of folding chairs in the gym, which still bore traces of its narrow escape from the inferno. Instead of a pulpit, the minister had a small folding table. Under the shadow of a

basketball hoop, our brass quartet quietly played all the hymns we knew.

Afterwards, I was amazed not so much by the sermon, but by the mere presence of the church community inside the building that they had so painstakingly salvaged. This disaster had mobilized an entire community and brought them closer together. Among the tears and sadness that Sunday morning there was genuine joy — at the fruits of their labor, the widespread generosity of people outside the church community, and from rediscovering each other. This new community rose phoenix-like from the ashes of the church, a fitting metaphor for a holiday celebrating the return of life from death.

This is what true community means for me: coming together "in order to form a more perfect union." Sharing each other's strengths to achieve a mutually desirable goal. Caring about other people: supporting them through their tragedies, cheering them on after victories. Using the experiences of other people to transform our lives in fundamental ways. Our lifetimes are so short that any experience of community is precious and remarkable. This week, won't you reach out to others, smile, say hello? You won't regret it.

Get well soon Professor Bellow.

Our thoughts are with you

From the RECORD staff

Read Fenno.

THESE HALLOWED HALLS

By Kate Arms '98

RECORD Columnist

INVESTIGATING THE RENAISSANCE: ART MUSEUMS AND EDUCATION

Harvard's art museums have a dual mission. At one level, the museums are a place where visitors can see and appreciate art. Thanks to many generous donors over the years and Harvard's extensive budget, the collections are among the best university collections and rival many public museums.

The other part of the mission of Harvard museums is education, not entirely surprising for a university setting. The museums function as educational support for students in fine arts, art history, visual and envi-

ronmental studies, anthropology, and design.

Some exhibits, such as "Abstraction," now on display in one corridor of the second level of the Fogg courtyard, are de-

signed for more general purposes. The ongoing exhibits on the second floor of the Fogg present an overview of the history of Western art, while the Sackler Museum includes exhibits of Eastern and Classical art.

A slightly more ambitious exhibit at the Fogg Art Museum is "Investigating the Renaissance."

This exhibit fills three exhibit halls on the first floor. The first two rooms are clearly educational in focus. Representative works from the early Italian Renaissance, mostly Sienese and



Florentine 14th- and 15th-century paintings, are displayed along with information about the emergence of painting as an art, devotional practices in relation to art, patronage both lay and ecclesiastical, and the use of subject matter drawn from classical antiquity.

One room includes displays focused on the physical nature of art and the processes used by Renaissance artists. A display case features examples of the tools, paint and pigments of the time. Several of the paintings in this room have recently been examined by the staff of the Straus Center for Conservation and the Department of Paintings, Sculpture, and Decorative Arts, and are displayed along with the results of the research.

The third gallery, Warburg Hall, presents examples of Renaissance art in a less formally educational format. More like a traditional art gallery, the works of art are displayed without additional information beyond identification of the title, artist, and medium of the piece. The high arched ceiling and balcony viewing space of the gallery combined with the large amount of art in a small space create the impression of a richly decorated Renaissance church. Artists represented include Fra Angelico, Taddeo Gaddi, Fra Filippo Lippi, Sandro Botticelli, and Giovanni di Paolo.

The most explicitly educational element of "Investigating the Renaissance" is an interactive computer display about the processes of analyzing art works. The viewer navigates through the information by touching the screen. Three early Netherlandish paintings were evaluated by the Straus Center using various digital imaging technologies and the results of the investigation are displayed along with information about the uses of the technologies.

The information is simplistic, but clearly presented. For anyone who is not familiar with the use of image software, infrared reflectograms, X-radiographs, ultraviolet photographs and visible light images in the analysis of paintings, this interactive display is a good introduction. The processes examined here are the sorts of techniques art historians used as the foundation for restoration of the Sistine Chapel. They are a part of the complete picture of art history.

As part of the educational mission of the university museums, the computer part of the exhibit has been made available online. The "Investigating the Renaissance" Web site contains all the material available through the kiosk without the touch sensitive navigation feature. A frames-capable browser actually makes this online version easier to use than the kiosk in the Fogg because the site index is always available. There is also frames-free version of the site which is less elegant but easy to navigate. "Investigating the Renaissance" may be found at <http://www.artmuseums.harvard.edu/Renaissance/index.html>.

A slightly more ambitious exhibit at the Fogg Art Museum is "Investigating the Renaissance."

Spike

By Margie McWilliams



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ALLY ALERT

I never thought I could rediscover TV, rediscover the urge to schedule a TV show like a class, a commitment, an hour that gets accounted for without saying. But then I discovered *Ally McBeal*. She is — the show is — objectively really, really good, the kind of show you can't be embarrassed to love even though everyone else does, because the whole point, the whole brilliant point of the show is that it sort of says and does what we all might think and never do, or that we all might be thinking and never say. It has that apt, gratifying, and marketable appeal of saying it just exactly like it is, of pressing the that-is-exactly-how-I-feel-button in all of us, of caressing some universal human touchstone that makes each and every one of us feel that somehow the show is speaking just to us.

The show packages some quirky, wacky, peculiar brand of humor, somewhere very funny and effective between the slapstick, the visceral, the metaphorical and the out-there. It delivers up everything from base bathroom humor and pat eye-popping, tongue-lapping sexual slapstick to really weird — sometimes very literally surreal — stuff like spear-throwing virtual babies and 10-year-old practicing lawyers. What is most gratifying about the show though — that caressing the universal human touchstone part — is that it gives in to the human instinct, the universal but conventionally unacknowledged thought: it is like a comic strip bubble that reveals the character's inner thoughts when, suddenly, animated foot-long tongues come lapping out of Georgia and Ally's faces, hanging down to their waists, when they lay eyes on the model character Ally is sleeping with,

or when suddenly an elephant surges between Ally and her ex as they talk ploddingly around huge, obvious emotional issues that they are very obviously not dealing with.

It's TV that's not pretending not to be TV — this is no L.A. Law melodrama of the hard core, big time firm: this is a wacky firm founded by a weirdo partner with a waddle-fetish and populated by a cast of weirdo-men and emotionally-ruled women — and one boring, banal, unfetishized, unemotionalized couple (Billy and Georgia) to act as the conventional counterpoint to this other (perhaps more realistic) circus of law firm humanity. The firm always wins its cases in

But as much as we love Ally and she's so great, and so pretty, and funny, and skinny, and endearing, and sexy, and human, and stylish, and flawed, and all-round a fairly perfectly rendered specimen of the kind of woman every



woman is a little bit and wants a little bit to be, and that every man could fall a little bit for — despite that, or maybe because of that, there is some weird gender stereotyping stuff going on in the show. Like why is it that all the men (Billy excepted) have peculiar sexual or physical fetishes (and often bathroom-oriented: think of the waddle fetish [eww], and of John with his remote control toilet flusher, or of Ally's most recent trial defending the foot fetishist just lookin' for love), and all the women (Georgia excepted) are all completely, emotionally dependent on men, Ally herself most obviously? Why are all the men weird and the women weak? The men sort of estranged and the

women very emotional? Renee, Ally's roommate, is also something of an exception to the male-dependent model of the emotional woman. But she is very much the model of the unemotional, overly sexualized woman, and not unsterotypical herself as the less-than-original character of the black woman who's just a hell of a lot of woman — and almost manly — not only master of her emotions, but also the way too often self-proclaimed mistress of her men, and very into working her sexuality. Skinny Ally, already adolescent and boyish in comparison to the way-curvey Renee, also comes off as adolescent and boyish emotionally and sexually. Unlike Renee, she's

not getting any, and unlike Renee, it's messing with her life. In fact men, and the alternating absence and presence thereof, in the wrong or the right form, define her life.

Of course, this is a show, and maybe this is what this show is supposed to be about: young woman lawyer in search of love, and the story of the travails of her repeatedly unsuccessful search. That's perfectly legit, and of course it's TV, and we like TV precisely because it does feed us funnier and more exaggerated images of ourselves — because it does stereotype and caricature. But is there any reason that Elaine, the secretary, also has to be another female stereotype, a caricature of fawning female sexuality? That Georgia, for the most part not so interesting, becomes interesting recently because she suddenly has the emotional upper hand on Ally? She's married to Billy, Ally's One Great Love, another stereotype of female emotional constancy, having won what appears to be, for Ally and for all the women in the show in one way or another (the judge lost her man to Janet Reno's waddle [eww], Elaine's defining purpose is to pursue men, and Renee's clearly got no problem getting them), the defining female battle to get the man.

Of course Ally is too cute, too smart, too funny to not come out clean eventually — to get the man, to be happy, to get over her perpetual emotional melodrama. This is TV, after all, and we're going to get tired of always watching Ally (our hero, ourselves) try and fail, and we're going to want her travails (our travails) to end happily, eventually, so they will. And probably then — once she gets the man — they'll make an *Elaine* spin-off, so we can watch her come to grips with her deep-rooted craving for attention and her desire to bloom in the sun of male sexual attention.

It's TV that's not pretending not to be TV — this is no L.A. Law melodrama of the hard core, big time firm ...

court, the judges are either freaks fitting to the show (slightly lecherous old fart judge who ascertains character by examining teeth), or the politically correct tokens fitting to the TV medium (white male judge alternating with black female judge), and Ally's arguments seem somehow always to echo perfectly whatever is her always-emotional and invariably male-relationship-related turmoil of that episode, becoming introspective and sometimes cathartic moments of touching self-analysis and the fulfilling universalization of her own feelings (like this Monday's argument that the foot fetishist was just lookin' for love, like Ally especially, but of course like all the rest of us too).



Fenno was bummed. She had tried to get a special exemption from attending classes in Austin by claiming that, like Alex Boldizar, she was "allergic to dust." It hadn't exactly worked out as planned. She'd spent all afternoon waiting to talk to someone at Health Services, only to be offered a token cough drop and shoved out into the street.

Beating the system just wasn't as easy as it used to be, Fenno thought. She almost wished she could convince herself to just suck it up and go with the flow. She looked enviously at Housing Lottery Field Marshal Jim Wrenn as he walked by, his bulging VMI-trained muscles shining in the newfound sunlight. Sure, maybe that metal plate he'd had put in during his cadet year had killed a few brain cells, but now he was actually able to enjoy a Gropius room and Rosenberg's Torts class.

Running her eyes over Wrenn's tight pants, Fenno felt the sudden urge to ask him out. "Strong and stupid, that's the way I like 'em," muttered Fenno to no one in particular.

In fact, Fenno mused, predilection was a pretty good argument for showing up at the LSC forum about military recruiting. She was all in favor of having more big, hairy, red-blooded heaps of testosterone wandering around campus (especially now that Rob Jancu was graduating). And, after all, Fenno figured that gay people had no business being in the military until someone made the uniforms a lot more fashionable.

"Seth Persily can kiss my ass," shouted Fenno to the heavens, smiling

at the knowledge that four decades of tenure was worth something after all.

But, with all that said, Fenno wasn't yet sure that she really wanted to show up at the meeting. She was still having awful nightmares about her encounter with Jol Silversmith at the last meeting.

Fenno was tired of waking up in a cold sweat with the words, "WILL YOU BE MY LOVE SLAVE? ANSWER THE QUESTION!" ringing in her ears.

Fenno didn't exactly know how to describe the experience, but she was pretty confident that the word "tumescence" had nothing to do with it.

No, Fenno didn't need that in her life again. Besides, she knew about the kind of success LSC had had with student opinion forums in the past. Sure, Fenno did feel some confidence (and lust) at the mere sight of Dan Fridman's lean, Florida sun-baked face. It was just that she thought of herself as a realist. Fenno somehow doubted that Big Bad Bobby really cared very deeply about her compelling interest in brawny men who knew how to bark orders.

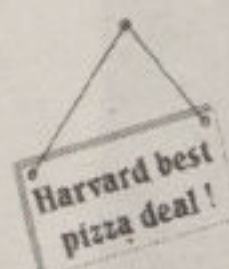
"Well," thought Fenno, "maybe I'll just take a class with Joe Weiler." It was a pale substitute, but it would have to do.



Quote of the Week

"The registration process is too confusing, so my girlfriend chose my bundle for me."

— David Olson '00



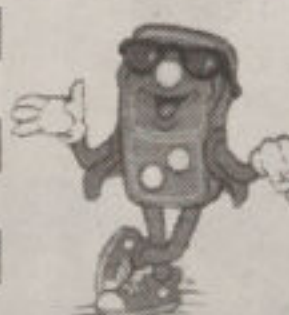
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with introduction by Dean Robert C. Clark '72

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Same-City Careers Tough to Find for Academic Couples

Continued from COUPLES, p. 3

them to become engaged that November. Slaughter came to HLS as a visiting professor the next spring. The two married in September 1993.

"[The] tenure offer from HLS [came] through the day before our wedding — about 15 minutes before we were leaving for the wedding rehearsal," Slaughter recalls, adding that she had completely forgotten that the HLS faculty were voting on her that day, so engrossed was she in her wedding plans.

The issue of Moravcsik's professional position, however, was still unresolved, while he continued at Harvard as an associate professor. In early 1994, the political science department at the University of Chicago offered him an assistant professorship. After weighing the options for a couple of months, the couple chose Harvard, even though the chances of

Moravcsik gaining tenure at Harvard were lower than at the University of Chicago.

The couple says they were aware of the risks they were taking, but preferred Harvard over the University of Chicago due to Harvard's greater resources.

Kenneth A. Shepsle, chair of the Government department, says that the couple's predicament is not new, and that their problem is common to dual career couples in any profession. While acknowledging that Harvard has not completely solved the problems of dealing with spouses of tenured professors, he insists that Harvard is working on alleviating the situation as much as any other university.

"Harvard measures up very well against other universities," says Shepsle.

In February, Lani Guinier, who is now a professor at the University of Pennsylvania, accepted a tenured professorship

at HLS. HLS had unsuccessfully recruited Guinier for two years before she agreed to accept Harvard's offer.

The sticking point in the negotiations was Guinier's husband, Nolan Bowie, who is a professor of communications at Temple University. Guinier had reportedly refused to accept the Law School's offer unless her husband could obtain employment in the area. This fall, Bowie will begin a senior fellowship at the John F. Kennedy School of Government.

University President Neil L. Rudenstine says he doesn't know or take in to account a professor's marital status for making internal tenure decisions.

"Even if I did know, would you want me to do one thing for someone because they're married and another thing to someone because they're not married?" he asks.

The faculty does have staff who deal with spousal issues for those academics

who join Harvard from other universities.

The looming question of what will happen if Moravcsik is denied tenure this fall is a question that does not go away for him and Slaughter.

For the time being, the couple are going about life as usual, at the same time trying to maximize Moravcsik's chances of tenure.

"I take care of [Edward] on the weekends because Andy needs to work," Slaughter says. "What's been sacrificed is [socializing]."

Still, they are trying to remain optimistic.

"I think we've got what it takes to make it work," Slaughter says.

David A. Fahrenthold contributed to the reporting of this story. Reprinted with permission. Copyright The Harvard Crimson '98.

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"OFF THE RECORD"

By Eric Johnson '00

RECORD Columnist

BOWLING FOR LAWYERS

[This week Mr. Johnson relays a real-life experience in a bowling alley and his follow-up investigation on Westlaw. Prepared to be amazed, the story and sub-cities are ALL TRUE. Massachusetts law is stranger than fiction.... —Ed.]



always be slightly dangerous, but if it's not that, what could it be?

Maybe state legislators are worried about people slipping on spilled beer during the right-left-right-and-handshake-with-the-pins

approach. But then why is it okay to drink non-alcoholic beverages over the wood?

Sure, I'm a law student. But faced with this particular fact pattern, I was clueless. All in all, I figured the alley staffer really didn't know what he was talking about. It couldn't be a state law.

I mean, no legislature could be that stupid.

Right?

Then I looked it up on Westlaw.

M.G.L.A. 138 S 16D: SALE OF ALCOHOLIC BEVERAGES IN BOWLING ALLEYS. No license for the sale of alcoholic beverages shall be granted for that portion of any building or premises licensed for the purpose of bowling, or any game similar thereto regardless of its designation.

I'll be damned. Now that's a hell of a law. Maybe it's been on the books since

prohibition and no one's gotten around to cleaning it off the rolls yet?

Not so.

The statutory language was added in 1962.

And did you notice how cleverly the law is drafted? With the law's "regardless of

Griswold or Areeda. They're four T stops down at the Statehouse.

Now, many of you may be saying to yourselves, "What about my constitutionally protected right to bowl?"

That's an excellent question. And the Commonwealth's highest court has addressed the issue.

In *Marchesi v. Selectmen of Winchester*, 312 Mass. 28, 30, 42 N.E.2d 817 (1942), the Supreme Judicial Court observed: "It has long been recognized in this Commonwealth that the keeping of premises for a public bowling alley may be forbidden or permitted under such supervision and control as the Legislature deems appropriate and necessary to protect the public safety, health and morals, so that such a place will not become a source of annoyance and disturbance to the public or a menace to the peace and good order of a community."

Wow! Bowling a threat to the peace, good order and morals of a community?

Let me just be frank here, if people are doing immoral things with bowling balls, well, I'd rather not know about it. But I'm sure glad the legislature is protecting us.

Could this regulation of bowling be justified by an economic efficiency analysis?

Well, I don't know. But I think I just got a topic for my third-year paper...

Let me just be frank here, if people are doing immoral things with bowling balls, well, I'd rather not know about it.

its designation" clause, even if you call the game, for instance, "schmowling," they've still got you covered. Even if you call it "fffffssgthpl," the law would still apply!

However, legislators might be caught a little off guard if you called the game "fffffssgthpl," as they probably wouldn't expect you to be able to pronounce it.

So, you've got to admit that this is a cracker-jack squad of lawmakers we've got here. Now you know that in the Commonwealth of Massachusetts, the greatest legal minds are not in Hauser,

SPORTSGUYS

By Naim Bulbulia '98
and Josh Swartz '99

RECORD Columnists

WEATHER FORECAST: NO RAIN IN SIGHT

The top-ranked Rainmakers (6-1) experienced the agony of defeat for the first time this season after a 67-49 thumping at the hands of pre-season #1, Serenity Now (6-2). Moonlighting at the Kennedy School this year, seldom-seen swingman Hani "before nine o'clock it's an open" Barouche '00 came up big with 16 points against a Rainmakers defense seemingly designed to let Barouche tee it up from outside. Dan "I wish I was your lover" Gordon '99 saw his first meaningful action since returning from off-season knee surgery and helped keep the Rainmakers strong front line in check. All-HLS guard "Did Jesse which way that rabbit went?" Ransom '99, paced Serenity Now with 15 points and 7 rebounds, while Woodie "I am not just whistling Dixon here" '99 scored exactly one below his season average of 1.0 pts. but still managed to play his usual stifling defense.

The chief victim of Dixon's tenacious D, "Malibu Ken" Kloner '98 held a press conference at the Hark Box the following day and guaranteed he would score 50 on Dixon in the playoffs. Upon careful reconsideration, Kloner toned down his statement and assured he would put in a mere 47 points. Having reeled off 4 straight, Serenity Now stud Ian "Patel her about it" '00 commented on his team's resurgence, "You see, all that trash I was talking earlier was just a few weeks premature." Meanwhile, Rainmaker general manager Naim "that's a load of Bulbulia," visibly disturbed by his team's performance, was overheard mumbling something about picking up Professor "Vicious, high-flying, death-defying, 360 slam" Duncan Kennedy, but the deal was scrubbed at the last minute after Kennedy insisted on wearing leather shorts.

In other action, Black Plague (5-3) beat up on an undermanned B-League's Best (1-7) squad, 71-40. Professor

Charles Ogletree "Home Perm" '78 who was in attendance to root on the Plague, said "I hope we didn't look this sloppy when I played.... And by the way, they haven't redone the floor or changed the backboards in Hemenway since I graduated."

In the Plague's next contest, a rematch with the Rainmakers, the Plague blew a late 13-point lead and Kloner hit on a fade away prayer with three seconds left to give the Rainmakers a one-point victory, 41-40. After dominating for the first 30 minutes behind the strong guard play of "Bo" Derek "Bo"



spiritual leader of the Plague said, "We'll be back, this loss didn't kill us...and what does not kill us only makes us stronger. And besides, if the refs had called three seconds in the lane we would have won."

Earlier in the evening, Serenity Now survived a late rally by En Fuego (4-4), 51-49. Sparked by late-season acquisition Earnest "Goes to Camp" Voyard '00, En Fuego came back from a 15 point halftime deficit to cut the lead to 5 with one minute to play. Glenn "Otis" Brown '00 hit a flurry of threes down the stretch to make the game interesting, but Gordon knocked down four big free throws in the final two minutes to seal the victory. En Fuego again played without star forward, "Russian Space Station" Amir Arbabi '00 and was also without the services of power forward Jay "Charlotte's Webber" '00. When asked to comment on his team's third defeat in five games, En



Coverage of the B and C leagues will resume next week.

For the final few weeks we are taking submissions for nicknames, the person with the best submission will win a free lunch with Professor/comedian Andrew Kaufman '54 (Bulbulia is ineligible for this contest). Please e-mail to bulbulia@law.harvard.edu.

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Jackson '99, who hit four threes to ignite the Plague early, "Rags to Richard Moberly breathing" '98 sparked the Rainmakers late run with two steals which he converted to lay-ups.

Following the steals, the Rainmakers began playing the frenzied defense that Black Plague is known for and Kloner created two more turnovers leading to two three point plays, one for himself and one for "I was Ryan when I met you" Scarborough '98 that pulled the Rainmakers even. The Plague regained the lead with 12 seconds to play when Greg "Taco" Belinfanti '00 converted one of two free throws, only to relinquish it for the last time on Kloner's desperation heave. The Plagues fate was sealed when Damon "Jonestown Massacre" '98 lost control of the ball as time expired. Alvin "I've got nothing to Bragg about" '99,

Fuego guard Seth "I'm not a real Blonder," responded, "We can't blame our recent misfortunes on the absence of Amir. After all, I've picked up the scoring slack, Logan's grabbing extra rebounds and Glenn is blocking shots at a record pace." Also on the undercard, B-League's Best notched their first victory with a hard-fought win over a gritty Leftovers squad, 50-49. Joe "Silence of the Lambert" '00, Josh "Little Man Tate" '98 and Matt "J. Giles Band" '99, all scored in double figures for the pride of the B-League. For the Leftovers, Alan "Franco-Prussian" Warfield '98, Jefferson "Smith and Wesson" '99, and Divinity School pick-up "St. John's" Wortman, shouldered the bulk of the scoring load.

A-LEAGUE

- #1 Rainmakers (6-1)
- #2 Serenity Now (6-2)
- #3 Black Plague (5-3)
- #4 En Fuego (4-4)
- #5 B-League's Best (1-7)
- #6 The Leftovers (1-6)

B- AND C-LEAGUE

- #1 Stormin' Mormons (6-0)
- #2 The Godfathers of Dunk (6-0)
- #3 Flaming Rats (6-0)
- #4 Psychological Boyz (5-1)
- #5 Boomin' Fat (5-1)
- #6 The Loose Cannons (5-1)
- #7 Cambridge Metro Stars (4-2)
- #8 Heartland (4-2)
- #9 Flagrant Delicto (4-2)
- #10 The Short Guys (4-2)
- #11 Ball and Chain (4-2)
- #12 Soul Bucket (4-2)
- #13 Bye (4-3)
- #14 The Supreme Courtiers (3-3)
- #15 Hotel Croupier (3-3)
- #16 B-Sharps and Gwar (2-2)
- #17 The Sacrificial Lambs (2-3)
- #18 Tossed Salad (2-3)
- #19 Skee-Lo All-Stars (2-3)
- #20 The Tortmasters (2-4)
- #21 The Bruisers (2-4)
- #22 Title IX's Revenge (1-5)
- #23 Specific Performance (1-4)
- #24 Ice Weasels (1-4)
- #25 The Tigers (1-5)
- #26 Five-Assed Monkey (0-5)
- #27 Kenneth's All-Stars (0-6)
- #28 Wematonyah (0-5)
- #29 Phi Slatma Jamma (0-5)

MADNESS WITH METHOD

HARVARD LAW HIGH

By Darren Schlanger '00
RECORD Columnist

At \$150-an-hour, my therapist assures me that most of my psychological deficiencies emerge directly from the fixations I attach to every distinct era I traverse in my lifetime. From each episode I acquire a unique set of peccadilloes that exponentially exacerbate until I am ultimately rendered helpless from my deleterious obsessions. The cure he prescribes (aside from his self-serving admonition that our relationship must thrive for many years of intense deconstruction) requires a thorough re-examination of each period of my life in order to isolate and eradicate the source of each hang-up and of course heavy medication (self-prescribed).

This strategy engenders significant frustration as each cure haunts me with the horribly futile desire to redo past performances, to acquire the ineffable loss of time and refashion regret into satisfaction. Remarkably, law school has offered me such an opportunity: the chance to re-live high school.

Now the verisimilitude between Harvard Law School and high school astound me. You take classes with all the same students, sit in assigned seats, eat at the school cafeteria in lined bovine herds of coalesced automatons, engage in identically inane gossip and banter about fellow students and teachers, visit your lockers, do your nightly homework assignments, attend classes five days a week (theoretically). Beyond the overt parallels, many subtle characteristics emerge in both settings. For example, cliques formed within the first two weeks of law school remain the distinctive social groupings throughout a law school tenure as in high school, and the characteristics of these cliques overlap with

astounding precision to those of high school.

There is the pretty person clique (empirically attractive yet conscious of the fact so as to render themselves unattractive, nary a class attended underprimed or under-clad to kill), preppies (J.Crew platinum cards, perfectly bent lacrosse hats, childish small genitalia), the alternative clique (for law school this entails owning one polyester shirt and knowing what an indie label is), meat-heads (much overlap with preppies except more T-shirts, lacrosse hats exclusively worn backwards, and identical inadequacy of genitalia), Eurotrash

Predominately, law school attracts a cautious, conventional, and thoroughly boring sort, the kind of student who skipped the college experience that irrevocably alters so many adolescents and forces them to revolt against their sublimated fears and quandaries. Certainly the fact that so many students enter law school immediately after college without even a taste of chaotic independence magnifies this effect. Hence, law school flatlines along the same stasis where so many of its denizens' development seems to have transixed, high school. It is possible that law students consistently trail their fellow non-law school peers by a few developmental stages: In grade school their intrinsic colonic compulsion impaled them on perfect penmanship through college, and only now in law school have they caught up to high school perspective. Maybe so many lawyers have a mid-life crisis at age forty because puberty lags twenty years and finally derails their social life with acne, voice changes, and the extensive retinue of social malformities that plagues the unsuspecting high-schooler. Perhaps law students did indeed experiment with abandon in college to obscene depravity, concluding at matriculation that they had exhausted their existential oat sowing in favor of comfortable conformity. This seems the most patently absurd and least plausible explanation.

So here I am back in high school, by the malicious twists of fate graced a second chance to snare the demons of opportune moments past, and yet I manage to repeat the same mistakes, fall into



the same traps and lures that beguiled me as an obnoxious, arrogant teen-ager. I still fall for the advances of externally lascivious/ internally Barbara Bush-esque temptresses without any conscious recollection of the debilitating nights calculating which women I

should have but did not pursue, plagued by past insecurities and ignorance as to the female entity. In college I quickly overcame these psychological hang-ups (after my mom and I broke up) and pursued women with religious dedication, adopting the tactics of a steely-eyed predator from a Discovery channel documentary; now in law school I lose myself in the futile teasing-but-to-no-real-conquest-song-and-dance I once ascetically swore off, doing a better impression of the three-toed sloth lazily munching on some bamboo than the blood-soaked carnivorous great-cat in the plains of the Serengeti I once emulated.

I fall victim to the same mean-spirited gossip from high school that repulses me in hindsight, find myself almost (almost) sucked into the competitive and aggressively ambitious environment of Harvard, simulating my high school, watch after school episodes entitled Derek, the ax-wielding sociopath you should never take candy or unlabeled pills from. The resulting depression overwhelms me, because as the epic tragic hero who consistently repeats the same error from some unfailing character flaw, I am a loser. My therapist is happy (he gets double time for my dual-high school fixation), but I am not. My only options are to change my approach, procure a forearm and wait surreptitiously outside Pound, or surf the Net for evenings on end printing out kiddy porn and finger-painting. Or, I could just call Missy. Gee, she is swell. Maybe she and the gang want to hang out, get a cheeseburger or a malted, maybe go roller-skate.

Hence, law school flatlines along the same stasis where so many of its denizens' development seems to have transixed, high school.

(anyone who actually likes or is even willing to converse with an LL.M. qualifies), politicians (I have the greatest trouble comprehending people past the age of 24 who actually believe that student councils matter), résumé-fillers, gunners, sycophants, fascists, druggies, geeks, D&D addicts, and pedophiles (I went to a bizarre high school). Just as in high school, people haven't the faintest glimmer of an idea who the guidance and peer counselors are or where they reside. Male/female interaction still resembles puerile high school courtship rituals, replete with coy advances, meager libidinal aggression, enticing yet frustrating phone and e-mail titillation, vacuous banter, and ultimately a dearth of sexual gratification (excluding auto-eroticism).

I haven't yet settled on one satisfying explanation for this bizarre regression.

THE VERDICT

LOST IN SPACE

By Michael Bennett '98
Movie Reviewer

The telefilms are here. You know them. The TV shows from ancient history (1950-1980) that have grown into full-sized silver screen monstrosities. And we're reaching the super-saturation point quickly. Much more quickly than I originally calculated. Soon we'll be completely overrun by reincarnated television shows from our undead media memory banks. They're stealthy sometimes, often lingering on the periphery of your conscious memory, then pouncing just when you thought you'd dumped that old chunk to clear up space for something new. Beware.

The latest manifestation is *Lost In Space*, a remake of that heinously deconstructed television show of the same name. Remember that schizoid, top-heavy, art deco fishbowl-headed Robby the Robot? You know you remember. The television show, for the most part, was not terribly good. A family of barbaric men and subdued women head

out a single diversion or waiver, sold the family out to any and every alien they encountered. At any opportunity that promised to get him back home, he offered the family in return. His weasel-like nature and broken, slimy disposition kept him from receiving the acclaim he deserved. He was very bad. He stands just below Shakespeare's Iago when it comes to evil (human) characters. The film robs the character of his brilliance though by making his evilness automatic. It's an instinctual reflex now, a mechanical product, not a spineless, ruthless man's twisted cost-benefit analysis. It's become unbelievable and much less entertaining.

Perhaps we are ready to step back in time and resuscitate the silent film.

The film intimates an interesting state of affairs in the next century. Clues suggest that a fault line has been drawn between the East and West, perhaps a religious one (how novel). Dr. Smith is paid by Global Sedition, a terrorist group opposed to The Global Space Force of which the Robinsons are members. Apparently the terrorists consider the Robinsons and their cronies to be "western devils." At one point, the doctor is negotiating his price with an agent of Global Sedition via a virtual-reality

simulation. The scene is vast desert. The movie never comes out and states clearly that the source of the tension is a religious one, much less one powered by acidic relations between Muslims and Judeo-Christians, but the screen is littered with religious imagery and suggestions. Perhaps a bit of prophecy.

An important interpretation of technology is presented throughout the film, demanding an appearance in every other scene. Technology as an apolitical tool, cleansed of intrinsic loyalties and biases, is a root of the movie. Bits of technology flip back and forth between the good and the bad guys without a care as to who controls them or how. All that matters is who holds the remote. Technology as the blindly zealous servant of man. No Asimovian protocols forbidding the harm of humans and no Trekkie androids wanting to be human. No devoted C3PO.

Lost in Space is the flagship of a new genre of film, as well. It currently leads the pack of visually decadent films that, through their sheer ironic brilliance, intoxicate their creators as they create. The visual becomes so potent that little attention is paid to what the hack writers have done. This might not be all bad. Perhaps we are ready to step back in time and resuscitate the silent film. *Lost in Space* would've made a grand work with an extended score composed of Wu-Tang Clan & Crystal Method tracks, perhaps



sprinkled with bits and pieces of Danny Elfman for color.

I'm beginning to believe that every film has a moment of brilliance. *Lost in Space's* blink of genius comes when the Robinson family, in order

to avoid a dishonorable death, is forced to push its ship through hyper-space, a dimension that does not share the spatio-temporal norms of regular space — the place where you reside. One moment the screen is spitting out chaotic nuggets of madness and frenzy and the next is pure silence. It's mildly breath-taking. Reminiscent of the way Miles Davis notoriously used silence at the most appropriate times. Like a can of mace. The shock sent the audience into sporadic laughter spasms for want of a more appropriate response.

There is a great and fat irony in the film. The Robinson adventure is born because of the pitiful condition of the 21st century Earth. The planet is terminal, soon to be unable of supporting human life. The Robinsons are to lead a mission to another hospitable planet. But in the course of getting lost, the crew inadvertently destroys another planet without so much as a "sorry about that" or "oops." Cosmic casualties without consequence. A sad message. Probably the best way to view *Lost In Space* is to show up two hours late and catch the credits. The sequence is a surreal chaser collage of scenes from the film backed by soggy barrages of techno-beat infested tunes. It's not worth seven bucks so just sneak in as everyone else is leaving.

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