



Navajo Nation Supreme Court justices pose with Dean Clark '72. (l to r): Assoc. Justice Raymond Austin, Benjenita Bates (Court Clerk), Assoc. Justice Irene Toledo, Alfred Harris (SC Law Clerk), Chief Justice Robert Yazzie of the NNSC, Dean Robert Clark '72.

Navajo Supreme Court Hears Arguments in Ames

By Justin Herdman

On Saturday in the Ames Courtroom at HLS, oral arguments were held before the Navajo Nation Supreme Court in the case of *Navajo Nation vs. Russell Means*.

The case has attracted national media attention because of its constitutional implications and, perhaps more so, because of the celebrity status of the defendant, actor and Native American spokesman Russell Means.

Means, whose film credits include "Dances with Wolves" and "Last of the Mohicans," has been charged by the Navajo Nation with two counts of battery and one count of assault.

The allegations stem from a December 1997 exchange between Means, who is a member of the Oglala Sioux tribe, and his in-laws that took place within the Arizona portion of the Navajo reservation.

'Backbone' is 1868 Treaty

The case hinges upon questions that have broad implications for the current system of tribal legal authority. In 1990, the United States Supreme Court ruled in *Duro v. Reina* that an Indian tribe's criminal jurisdiction extends only over its own members.

In response, Congress amended the Indian Civil Rights Act to include a provision which limited the Supreme Court deci-

sion, granting an Indian tribe criminal jurisdiction over all Indians, even non-members.

The three justices of the Navajo Nation Supreme Court entered the courtroom after a brief introduction by Wenona Singel '99, Vice-Chair of the Native American Law Students Association (NALSA). Having taken their seats under a large flag of the Navajo Nation, the justices first heard from Means' attorney, John Trebon of Flagstaff, Arizona.

Trebon framed the question for the Court in the opening minute. "The issue is whether or not the Navajo Nation has criminal jurisdiction over Russell Means, who is not a member of the Navajo tribe," said Trebon.

The defendant's case is based in part upon the Treaty of 1868, which Trebon referred to as the "backbone" of Indian law. Means

Please see *NAVAJO*, p. 7

Shearman Perks Seek to Stem Associate Attrition

Initiative Seeks to Improve Quality of Life

By Francesco Barbera

Law students know the post-graduation drill: on-campus interviews, big firm job, pay back loans, and after a few years, on to new employment ventures.

For recent graduates, the deal amounts to a stint in self-inflicted purgatory, where in exchange for hours of sweat and toil one earns salvation in the form of financial independence. For law firms, however, the exodus of young associates represents the loss of budding legal talent at the moment in which their investments are beginning

to bear fruit.

For generations, firms have accepted this cycle as inevitable, integral to the nature of the legal job market. But last month, legal behemoth Shearman & Sterling decided to buck tradition and lead the charge to rethink associate retention.

In his annual "State of the Firm" speech in January, Stephen R. Volk, the firm's senior partner, announced that firm associates who meet certain length of service requirements will share in a \$2 million-plus bonus pool, receive paid leaves to study or travel, and have broad freedom to work flexible

hours.

"The basic model for most of the major New York firms hasn't changed much in the last 50 years," Volk told the New York Law Journal in January. "This is our attempt to bring it up to date...and deal with areas that have needed change."

The Shearman initiative has several major components. First, associates who complete their third year will receive long-term service bonuses on top of all normal bonuses. The exact amount of the bonus will vary, depending on the firm's financial perfor-

Please see *SHEARMAN*, p. 3

HLS Graduate Becomes Internet Entrepreneur

Gary Culliss '98 Defies Law School Conventional Wisdom

By Klaus Hamm

As law school graduation approached, a growing uncertainty about joining the legal profession descended upon Gary Culliss '98.

He was not without employment options. In fact, Culliss had already accepted an offer to work for one of the nation's top law firms, Sullivan & Cromwell in New York.

But he also had ideas about making the Internet easier to navigate.

And the more he thought about it, the more he wanted to turn his idea into a business.

Last February, three months after accepting the Sullivan position, the 28-year-old figured that there was about a 20 percent chance of abandoning his job and taking

the far riskier entrepreneurial route. Then, as he perfected his Internet idea, the percentage jumped to 50. By last April, when a California venture capitalist decided to invest more than \$1 million in Culliss's idea, he was almost certain about his future.

"When the venture capitalist made the offer, then I thought 'Wow, now we're at about 90 percent,'" Culliss said.

Nearly a year later, Culliss

capitalists and attracts national attention, including stories in the Wall Street Journal and the Washington Post.

Regrets? Ha!

Culliss says he has not looked back. He is his own boss, wears what he wants to work, and still lives in Cambridge. In fact, Culliss loves his job so much that he must be careful not to invite the envy of former classmates, almost all of whom currently toil in the lower ranks of law firms.

"We don't talk about it. They complain to me and I don't really say anything," said Culliss.

"I really enjoy what I'm doing," Culliss continued. "I don't miss practicing law."

Please see *CULLISS*, p. 3

RECORD Feature

does not practice law. Instead, he is the co-founder of the Internet search site Direct Hit, which was born about a month before he graduated from HLS last spring. Since then, the suburban Boston business has grown to almost 30 employees, has received an additional \$2 million from venture

Love, HLS Style

Couples in Every Class Will Celebrate Valentine's Day

By Alyssa Caples and Stephen Scali

Maryanne Hancock '01 was a freshman at the University of Virginia when she met Bryan Hancock '01, who was in grade 12 and under consideration for a Jefferson Scholarship to the University of Virginia. As a Jefferson Scholar herself, she was selected to address that year's perspective scholars, including Bryan.

"I got lost, and when I finally found the packed room, there was one seat available, dead center, and five seats away from her," Bryan reminisces. In disbelief and shame at being late to such an important event, he thought to himself after laying eyes on Maryanne that "maybe it's not so bad after all."

"I was taken by her," Bryan conceded.

Parallels between Bryan and Maryanne began from the time that Bryan joined the Jefferson Society and joined Maryanne by majoring in international relations.

The two became fast friends and socialized within the International Relations Club at UVA. Maryanne and Bryan were presidents of the Club in subsequent years.

"When we did start going out, we said, 'Why didn't we think of this before?'" Bryan noted.

Maryanne graduated from UVA in 1996, Bryan in 1997. They wed that summer.

The Hancocks have no complaints about being one of two married couples in the class of

'01.

"We have different perspectives on things, but we still bounce ideas off each other, and our thinking processes are complementary," Bryan explained. He is in section 1; she, section 3.

Nevertheless, the couple studies together as they did at UVA. "The downside is that there are too many interesting things in

Please see *LOVE*, p. 6

INSIDE THIS ISSUE

HLS Gets Empathetic 3

Mnookin Gets Symphonic 7

Stone Gets Cinematic 9

Stojkovic Gets Psychadelic 11

Also:

Valentine Horoscopes, Rushmore Reviewed, Flunky Graders, The Buzz, and stereophonic Fenno.

Flashback

17 Years Ago

in the

RECORD

HARVARD LAW RECORD

America's Oldest Law School Newspaper

VOL. 74, NO. 1

FEBRUARY 12, 1982

25 CENTS

Shots Exchanged During
Everett Street Chase

By Michael Medina

Cambridge Police exchanged gunfire with a fleeing car thief in an alley-way behind the Harvard-owned apartment complex Terry Terrace on Everett St., startling residents, many of them HLS students, and shattering a window in a house on adjoining Wendell Street. The incident, which took place Jan. 27, was the climactic conclusion to a chase which led to the arrest of the alleged thief.

Witnesses told the RECORD that the Cambridge Police reported at the scene that they had been chasing a reported stolen car when the car turned up Everett St. from Massachusetts Ave. The suspect abandoned the car on Jarvis St., (the short street from Everett to the HLS parking structure) reportedly ramming a police cruiser in the process, and fled on foot up the alley which separates Terry Terrace from neighboring 11 Everett St.

(Continued on Page 3)

O'Connor
to Judge
Ames Final

U.S. Supreme Court Justice Sandra Day O'Connor will sit as Chief Justice of the Ames Moot Court for the final round this November, Dean Vorenberg told the RECORD Tuesday night. O'Connor accepted the School's invitation several weeks ago, Vorenberg said. She will hear the arguments on Monday, Nov. 22.

Vorenberg said he wants the justice to spend a day or two at the Law School. "Our hope is that she'll come early enough that there can be formal and informal meetings with faculty and students," he said.

The announcement of the chief justice's identity is usually not made this early in the year, but Vorenberg said that efforts to find a judge with the time to sit are usually underway now. Sometimes arrangements are not made final until much later, especially when a judge is not able to make an early commitment. Vorenberg added that he is now trying to fill the other two seats on the bench.

"We are very pleased that [Justice O'Connor] will come this early in her tenure on the Court. A number of students and faculty members expressed the hope that she would be willing to sit on the Ames Court," Vorenberg concluded.

In a related story, the Board of Student Advisors has announced the names of the judges who will preside at the semi-final round of the Ames Competition this spring.

(Continued on Page 14)

HLS's Private Pow Wows

By Mary Tarduno

Have you ever heard of the Superior Court of the Pow Wow? Believe it or not, the Pow Wow is one of the Law School's oldest and most prestigious organizations, at least in terms of past membership. While changing its activities and purposes with the times, the Pow Wow has been active since its inception in 1870.

According to the Court's "clerk," Angus West, 3L, the Pow Wow is not a secret society, although some people who have joined in recent years "got the impression that it was a secret society." He refused, however, to grant the RECORD access to the Pow Wow's records for fear of breaching the trust and confidentiality of Pow Wow members. The RECORD pieced together the organization's history from an interview with West and from Pow Wow records the paper obtained from Illinois.

Back in the 1860s and 1870s, no

formal Ames competition or other oral arguments existed at HLS. Instead, "bright young law students," such as James Barr Ames, gathered spontaneously to discuss the law. The Pow Wow was created by some of those students, Ames included, to formalize the meetings and give students practice in arguing points of law.

Once formed, the Pow Wow became very serious business for its members. An 1882 constitution mandated that Pow Wow "sessions shall be devoted exclusively to the argument of points of law." Attendance at meetings and arguments was mandatory, with fines exacted from absent or tardy members. Most stringent, however, is Article XII of the 1882 constitution: "No wines or spirituous liquors of any kind shall ever be allowed at any of the sessions of the Court."

In its early years, the Pow Wow consisted of three courts. Eight men

(Continued on Page 6)

Shots Fired
on Everett St.

(Continued from Page 1)

Terrace from neighboring 11 Everett St.

HLS student Glen Cuccinello, whose apartment is directly over the alley, reported that about 12:30 that evening he heard the sounds of screeching tires and then footsteps running down the alley. "With this neighborhood, I didn't think twice about it" said Cuccinello. "Then I heard someone yell something like 'Stop or I'll put a bullet in your brain!' and three gunshots. That made me pay attention."

Police Return Fire

The suspect reportedly turned and fired at pursuing police as he fled up the alleyway. One officer returned fire twice, one bullet embedding in a snowbank further up the alley, but the other striking and shattering the window of a house directly behind the alleyway. The suspect was apprehended immediately following this exchange of shots.

"I can definitely tell you that everyone in Terry Terrace was spooked by it" said Cuccinello. "We didn't know if the guy was going to climb up the fire escape and take hostages or what. It did make for an exciting Wednesday night though. Kind of broke up the old law school routine. It was definitely better than studying contracts — seeing crime law in action!"

☆

Professional Dry Cleaning
and Shirt Laundry
at

Rite-Way
DRY CLEANERS, INC.

547-8008
4 Hudson St., Cambridge
(off 1872 Mass. Ave.)

3

Armadillos in Search of Women

Harvard Law's newest exclusive club is the Armadillo Club, formed this year by a number of 1Ls. Unlike the Choate and the Superior Court of Pow Wow, the Armadillo Club makes no pretension to pursuing the arts and letters and, like the new Law School pub, appears to be filling a widely felt social lacuna.

"You and I both know the social life [of the Law School] could be improved," said Steve Mayer. "We're just a bunch of guys who want to have fun," he added.

The Club intends to hold one party per month and to invite women from Lesley, Wellesley, Wheaton, Simmons, Smith, Kath-

erine Gibbs, Pine Manor and other area schools to attend. "I'd be lying if I said I did not want more girls than guys [at the parties]," Steve Fulton, the self-styled "Director of Out-of-Town Recruiting," declared.

Fulton added that women from other schools are being invited because there is a "shortage" of HLS women and because Club members would "rather go out with somebody who is not going to sit and talk about law."

The membership list is currently closed at 52 men as the Club decides how to handle its burgeoning size. Mayer, one of the founding fathers, told the RECORD that the Club hopes to open itself up to all HLS students, including

and to become something like the Somerville Bar Review.

Because HLS women are not currently eligible for membership, any who show up at an Armadillo party are admitted, Mayer stated. "We'd prefer them to be invited," Van Dyke suggested.

The Club grew out of a party given by the second floors of Holmes and Dane on Dec. 11 at Lincoln's Inn. Witnesses reported the ratio of women to men at that party was between 2-1 and 4-1. Word-of-mouth advertising, often guaranteeing female/male ratios of better than 2-1, quickly helped the nucleus of Mayer, Fulton, Dave Van Dyke, Paul Szurek and Jared Snyder form the Club.

Who's In and Who's Out

Although the Club has as much diversity as the Law Review in a typical year, only women and "those people who we thought would not contribute to our having a good time" were excluded, according to Van Dyke. Mayer added that a number of minority men were asked to join, but have so far resisted the Club's allure.

Mayer stated that when the Club opens itself up to new members, "HLS women will be considered on the same criteria as men. If any Law School woman would like to join and pay fees, she may do so if she's coming in with her eyes open." The criteria for admitting new

Law Firm Gives Unconventional Incentives

Continued from *SHEARMAN*, p. 1

mance; however, the New York Law Journal reported that associates in the Class of 1997 would receive an extra \$35,000 to \$40,000.

Additionally, associates in their fifth or sixth year will be eligible for a one-month paid sabbatical to engage in career-related activities such as studying a language. Alternatively, an associate could elect to spend three months in another office or practice group. Associates will be required to choose one or the other to ensure that all associates participate.

In response to complaints that associates receive little indication of their

chances of making partner, the firm also instituted comprehensive reviews at the end of the sixth year. If the firm determines that an associate has a reasonable chance at a partner or counsel position, he or she will get a \$50,000 bonus.

Finally, associates with at least two years at the firm will be eligible to work part-time or flex-time. For example, associates can elect to work four days a week, or fewer hours per day, or even to take summers off.

"We want people's mindset to be longer-term, which is better for clients, better for the firm and better for the associates," noted Steve Giove, hiring partner at Shearman. "We are always seeking to de-

velop long-term relationships with our clients, and our clients are looking for continuity."

Commenting on the firm's new flexible-work-arrangement policy, Giove added: "Part of making associates happier may be that they want to do other things. There are many talented people who can't find work because they need special work arrangements. The historical model has been full-time partner, full-time associates. We want to change that to add part-time associates and part-time partners."

At least to some extent, the new policies are the result of an unprecedented boom in the market for legal services in America. "As firms continue to grow, the market is much more competitive, and as a result, it's harder to get good people," said Giove. "The people you get, you want to keep."

Though it's still too soon to gauge the impact of Shearman's initiative on the legal job market as a whole, there are some indications that the new policies may represent the tentative beginnings of a trend.

"This is a very logical and creative response to recent research that has come out about retention of associates," noted Sally Donahue, Director of Career Services at the Law School.

In January 1998, the National Association for Law Placement published the results of an extensive empirical analysis of associate retention. The report, entitled "Keeping the Keepers," emphasized the costs of increased associate attrition and set forth strategies firms might use to stem it.

"I'll bet a large number of larger firms

will create packages in response to that study and what they can see for themselves," said Donahue.

Giove echoed that thought, but emphasized that reactions to Shearman's new policies may come slowly at other firms. "My guess is that they'll be some competitive reaction to it, but we haven't seen it yet. It took us a long time to make these changes. In the end, we decided it would work for us, but it may not work for everyone."

Some large firms already have elements of the Shearman plan, but none have offered such an extensive package. For example, Cadwalader, Wickersham & Taft associates receive a one-month paid sabbatical after their fifth year. Akin, Gump, Strauss, Hauer & Feld gives a longevity bonus of \$60,000 to associates on partner-track at the end of their sixth year.

Reactions among associates both at Shearman and at other firms were overwhelmingly positive. One associate at Simpson Thacher & Bartlett noted: "Instead of making you feel like just a little worker, they are focusing on people having a career, which is impressive. I'm literally floored."

Not all reactions, however, were positive: "No amount of remuneration can compensate for the spirit, youth and lifeblood that firm will suck out of you," said one 2L, who qualified his statement by noting that his viewpoint is "somewhat jaded and cynical."

"I think the program is wonderful," said Donahue. "It shows that firms are serious about retaining associates and that they're backing up the desire to do so with some serious initiatives. That can only be good."

Solidarity Day Helps Earthquake Survivors

By Dmitri Evseev

On February 5th, students from eleven colleges and graduate schools collected \$7,344 for the survivors of the January 25th earthquake in Colombia. Harvard Law School students donated \$918, rivaling the undergraduates' total of \$925.

The earthquake hit the towns of Armenia, Pereira and surrounding farms on January 25th, destroying 65% of the buildings in the most hard-hit areas. Several days later the Colombian government reported a death toll of over 700, and hundreds of times that number were left homeless.

Liliana Obregon '99 (SJD) and several fellow students decided to help the relief effort by sending a message to an inter-University mailing list on academic issues relating to Latin America. The outpouring of support was quickly funneled into a Solidarity Day for Colombia, during which students at over a dozen schools solicited donations.

The money has been transferred to the American Red Cross, which administers the aid in coordination with the Colombian Consulate.

According to Obregon, the fact that Solidarity Day came on the heels of Hurricane Mitch and its accompanying relief efforts had its advantages and disadvantages for the campaign. One problem was what Obregon called "compassion fatigue," referring to a condition where those who donated money to help the people of Nicaragua were less likely to be as generous the second time around. While the depths of people's compassion may be bottomless, their pockets are generally not.

On the other hand, Obregon noted that the network of volunteers and the Latin American community in general had been energized by the efforts associated with Hurricane Mitch, making it easier to plan and coordinate the fundraising for Colombia.

As Colombia's coffee-producing region, the area hit by the earthquake had escaped the most severe effects of poverty and the 37-year-long civil war, which has produced over a million refugees, many of whom have fled to cities like Medellin and Bogota. Thus, those persons displaced by the earthquake are swelling an already massive number of refugees in Colombia's largest urban centers.

Those that have chosen to stay in their home area are largely living in tents or with relatives. These areas are plagued by chaos and looting caused by the breakdowns in food supply directly following the earthquake.

The current relief efforts are naturally focused on the immediate needs for food and shelter. Unfortunately, the scale of the disaster is such that the money collected by the Boston area students, in Obregon's estimation, would perhaps be enough to provide one meal to some of the

displaced people.

The task of rebuilding the nation's infrastructure is, of course, even more difficult, but Obregon hopes the aid effort continues through that stage. She is seeking concrete ways in which the Boston area students can help in rebuilding the devastated community, for example, by funding the reconstruction of a school destroyed by the earthquake. In the meantime, those desiring to send donations may still do so by writing their check to "International Response Fund," putting "Colombia Earthquake" on the memo line, and sending the check to American Red Cross c/o Solidarity with Colombia 285 Columbus Avenue, Boston, MA 02116.

Culliss '98 Trades Big Apple, Big Bucks for Romp Through Cyberspace

Continued from *CULLISS*, p. 1

Like so many other young entrepreneurs today, Culliss can thank the Internet for giving him the opportunity to start a business. His creation, a popularity search engine, makes Internet browsing easier by using the past searches of others to rank results.

In his pre-law school days as a Florida patent agent, Culliss had become frustrated with computer searches because they so often returned dozens of unwanted results that required sifting through.

Culliss devised ways to circumvent the problem. In his capacity as a patent agent, he would talk to colleagues about their database searches in order to make his own searches more effective, essentially using other searchers as a resource.

This idea took on larger implications when he was exposed to the Web at HLS.

"I realized that there were essentially millions of people out there searching the Web and their efforts were being wasted," Culliss said.

Fabio Need Not Apply

Culliss knew he'd had enough when he searched for motorcycle manufacturer Harley-Davidson's mailing address on the Web.

"I typed in Harley-Davidson and got back a bunch of romance novels," he said.

The romance novels appeared because the heroes in them often ride motorcycles. But Culliss assumed that most people who searched for Harley-Davidson on the Web skipped the romance novel Websites and went straight to Harley-Davidson's site. If Culliss could have used his predecessors' efforts in his search, he would not have had the problem of sorting through so many Fabio-themed sites.

On a computer in his Gropius dorm room, Culliss began playing around with this idea of using old searches to make the results of new ones more relevant. When Culliss realized that there were no

Internet tools like the one that he was developing, he got more serious and recruited MIT computer student Steven Yang to refine his concept.

"I was the architect and I needed a builder," Culliss noted.

The resulting prototype worked nearly perfectly. Culliss started thinking about turning his hobby into a business.

"I set about trying to assemble a team of people," he said.

Last April, Culliss met businessman Mike Cassidy. After a lengthy Harvard Square meeting, Culliss offered Cassidy the CEO position of his new company. Together, the two incorporated Direct Hit.

Culliss then cut classes for a week, and the two flew out to California. In Silicon Valley, they made sales pitches to search engine companies that included AltaVista, Infoseek and Yahoo!. Towards the trip's conclusion, they met with a venture capitalist, and by the end of the day, Direct Hit was well on its way to more than \$1 million in start-up backing.

"They gave us the fastest term sheet they had ever given out," Culliss said.

Since then the pace has been breathless. In the last 10 months, Direct Hit has won MIT's prestigious \$50K Entrepreneurship Competition, secured another \$2 million in funding and has landed deals with many of the major search engine companies.

The pace has been so fast, Culliss barely found time to study for finals last spring.

"I had to take two days off for graduation," he said.

Legal Education at Work

He also had to attend to a couple other matters. He told the law firm that he was no longer interested in working for them. He also told his mother that he had decided to ditch his law career. The law firm took the news well. His mother was a bit

more skeptical.

"It was tough explaining to my mom," he said. "In my mom's mind I was walking away [from a legal career]." In reality, however, Culliss believed that his HLS education was put to good use. "A law degree teaches people a tremendous amount

of information about strategy and logical thinking," said Culliss.

While Culliss doesn't practice law much at Direct Hit, nevertheless he constantly finds himself using skills developed at HLS, such as strategic thinking and negotiating. The brand name recognition of a Harvard Law degree helps, too.

"It's definitely credibility that attaches in dealing with partners, investors, customers," he said.

Office of Career Services Director Sally Donahue would like to see more students embark on nontraditional careers. In fact, she hopes to convince Culliss to speak at future career panels for students.

"This is so great," she said. "There's an unnecessary sense of resignation that a lot of students have about having to go through the on-campus recruiting process and getting a job with a law firm."

Donahue does not want to disparage law firms, but she also believes that working at a firm is not for everyone. Starting a company is "highly unusual" for a recent HLS graduate, but perhaps Culliss could empower other students to try something different, she said.

Doing something different certainly suits Culliss. A classmate of Culliss's, Rob Friedman '98, said that he was not surprised that Culliss had found his way as an entrepreneur rather than a big-firm lawyer.

"Gary was definitely not someone who aspired to be the hard-nosed litigator," Friedman said, describing Culliss as "more personable than your average law student, sort of like a B-School student, except without the attitude."



Gary Culliss '98



Briefs

Mitt Romney '75 Eyed for Salt Lake IOC Post

Mitt Romney '75, a millionaire venture capitalist with Utah roots, is the front-runner to take over leadership of the besieged committee organizing the 2002 Winter Olympic Games.

Romney, who has dabbled in politics while helping to build Bain Capital Inc. in Boston, has been approached about the job, a source knowledgeable about the search for a new Salt Lake Organizing Committee (SLOC) chief executive officer said last week.

While Utah Governor Mike Leavitt is not yet ready to say Romney is the person who will help steer the committee away from the scandal enveloping the Olympics, he and SLOC chairman Robert Garff are preparing to announce a reorganization of the committee.

Romney, a Republican who unsuccessfully challenged Massachusetts Democrat Ted Kennedy for his U.S. Senate seat in 1994, would replace Frank Joklik, who stepped down as chief executive during the Jan. 8 housecleaning. His father was the late George Romney, governor of Michigan.

Joklik has said he knew nothing about the lavish spending by fellow bid boosters that triggered what has become the Olympic movement's biggest corruption scandal.

Investigators have turned up at least \$1 million worth of cash payments, scholarships, travel and medical expenses, and gifts given to members of the International Olympic Committee before it voted in 1995 to give Salt Lake the games.

Romney is particularly attractive to Leavitt and the Olympic community because his background was scoured by Republicans and Democrats in his 1994 senatorial race and was found untarnished by impropriety, the source said.

The descendant of early, prominent Mormons, Romney is currently on the board of directors for the Boy Scouts of America and is a vice chairman of the National Points of Light Foundation.

— Associated Press

Find the Living Dead, and Tax Them

Thousands of taxpayers who have received W-2 forms indicating that they're dead need not check their pulses. They're very much alive, and so are the forms.

The Internal Revenue Service announced last Friday that taxpayers can go ahead and send those forms in with their returns without correcting them. If they've been corrected, that's OK too.

The errors, which cropped up in places from Saratoga Springs, N.Y., to El Paso, Texas, appeared in Box 15 of the W-2 — the form that describes annual earnings, how much taxes were paid, and so on.

Box 15 is used to indicate such items as deferred compensation, pension plan coverage, or a deceased person.

Apparently, according to the IRS, when the number of items in Box 15 was reduced from seven to five, some employment tax software developers overlooked this change or used printing specifications that gave incorrect spacing between the items.

Earlier this week, reports began to surface that thousands of employees around the country had an "X" printed in the box showing them as deceased.

"One of the local funeral directors even called me up to offer a special group rate," said J. Michael O'Connell, mayor of Saratoga Springs.

The IRS isn't sure how many taxpayers have been affected, but officials say the errors won't affect the processing of the tax return or the amount of any refund. The IRS says it will not impose any penalties, and employers don't have to notify the agency.

But just to make sure people don't panic, the IRS adds that companies should "alert their employees to the error and reassure them" that everything is all right.

— Associated Press

In Memoriam: The Tasty

The Tasty — Harvard Square's famous greasy spoon — has decided that it will not re-open its doors.

The 24-hour burger and fries joint was shut down in October 1997 in anticipation of renovations to the restaurant's home, the Cambridge Savings Bank (CSB) building. At the time, it was unclear whether the Harvard Square institution would return.

The Tasty is the latest victim of the increased gentrification of Harvard Square, as reflected by the proliferation of national chains and sky-rocketing rents for retail space. Despite fervent lobbying by community groups favoring local entrepreneurs, the CSB has rented their prime space to three chains: Abercrombie and Fitch, Finagle-a-Bagel and Pacific Sunwear.

According to Nelson G. Goddard, a senior vice-president at CSB, the bank needed to find tenants willing to pay top dollar in order to profit from the multi-million dollar renovation of the building.

"We are required to make sure that any building is a profitable activity," Goddard said. "Our main concern is that we would have good-credit tenants after paying for the renovation of the building."

"We begged them to try and find some local entrepreneurs that wanted to be in Cambridge. We'd hoped for small tenants, but [the bank] wants a big anchor and [Abercrombie and Fitch] can pay big bucks," said G. Pebble Gifford, president of the Harvard Square Defense Fund.

Gifford was particularly critical of Pacific Sunwear, which she says "sounds about as appropriate for Harvard Square as Las Vegas gambling."

— The Harvard Crimson

NYC Protests Police Shooting

NEW YORK (AP) — In a matter of seconds, four white police officers from the elite Street Crime Unit fired 41 shots at an unarmed man, a black West African immigrant who had no police record and spoke with a stutter.

Amadou Diallo, a street peddler described as religious and hard-working, was hit 19 times and died instantly last Thursday in the vestibule of his apartment building in the Bronx.

The officers' lawyer says Diallo gestured with his hands, leading the police to think he was reaching for a gun.

But the officers themselves were the only witnesses, and now Amnesty International and the NAACP are demanding explanations, and U.S. Attorney Mary Jo White said federal prosecutors are reviewing the case for possible civil rights violations.

The shooting has also brought renewed scrutiny to the Street Crime Unit, which has been criticized before for its aggressive tactics. The unit is assigned to seek out and stop crime before it happens. Its motto is "We Own the Night."

Neither Mayor Rudolph Giuliani nor Police Commissioner Howard Safir will say anything substantial about the case, which is under investigation by the Police Department.

Only one of the policemen involved in the shooting has spoken publicly.

"I'm just deeply sorry for everything that's occurred," Officer Sean Carroll told the Daily News outside his family's home in Babylon on Monday. "We're going to cooperate 100 percent."

Outraged residents held a rally on Sunday. "We are not anti-police," said the Rev. Al Sharpton. "We are anti-police brutality."

State Assemblyman Ruben Diaz Jr. said Monday: "When I went to the house and I saw how many holes were in the walls, it made me sick to my stomach."

Critics of the police force also cited the alleged torture of Haitian immigrant Abner Louima at a police station in 1997. Four

white officers have been charged with attacking the black man, who was sodomized with the handle of a toilet plunger.

The plainclothes officers who shot Diallo had been looking for a rape-murder suspect when they encountered the 22-year-old immigrant at about 1 a.m.

"There are some similarities between this individual and the sketch we have," the police commissioner said. "But beyond that I don't know, and it would be unfair to speculate at this point."

Two of the officers fired 16 bullets each, emptying their 9 mm, semiautomatic handguns in less than five seconds. The others fired their similar guns four and five times. They were standing about 15 feet from Diallo.

"They clearly believed he was in possession of a gun," said the officers' attorney, Stephen Worth. Worth said Diallo moved his hands, and may not have understood the officers' commands. Family and friends said Diallo spoke English well but slowly, with a stutter.

The officers were placed on administrative duty, a routine step in shooting investigations.

Last month, Street Crime Unit officers fired on rapper ODB during a traffic stop, thinking he had a gun. No weapon was found and a grand jury refused to indict ODB on attempted murder charges. No one was hurt.

Within the Police Department itself, a group of officers called 100 Blacks in Law Enforcement Who Care has demanded the unit be disbanded.

"Something is wrong with our street crime behavior and the Street Crime Unit," said Lt. Eric Adams, president of the group. "And if it is not examined, we will continue to have episodes such as this. And I believe as long as the ethnicity of the victims does not change, you will not see a change in the policy of the police department."

MITCHELL SILBERBERG & KNUPP, LLP

WILL BE INTERVIEWING 1LS

ON CAMPUS ON MARCH 12

FOR POSITIONS IN THE FIRM'S

1999 SUMMER PROGRAM.

QUALIFIED 1LS SHOULD SUBMIT THEIR

RESUMES AND TRANSCRIPTS (IF AVAILABLE)

TO THE PLACEMENT OFFICE.

MS&K

Celebrating 9 Years of Service

11377 WEST OLYMPIC BLVD.

LOS ANGELES, CA 90064

TELEPHONE: (310) 312-3228 • FACSIMILE: (313) 312-3100

www.ms&k.com

Across the Wire



News from the East and Mid-West

Boston Latin AP Story Headline Needed

BOSTON (AP) — After considering the fragility of school affirmative action programs nationwide, the Boston School Committee decided not to challenge a court ruling that overturned a race-based admissions policy for one of its most prestigious schools.

The committee decided last Wednesday not to appeal an appeals court's rejection of admission policies at the Boston Latin School. Officials felt the case was unlikely to win at the Supreme Court.

At a time when racial preferences are

under fire, the decision points to the importance of choosing which battles are worth fighting since an unfavorable Supreme Court decision could have undone such programs around the country, experts said.

"One of the things that the court has been most set against is quotas or anything that looks like a quota," said Richard Fallon, a constitutional scholar at Harvard Law School. "They have consistently, in all of their cases, said how skeptical they are of quotas."

Fallon and several other legal experts said several of the justices, most notably Chief Justice William H. Rehnquist and Justices Antonin Scalia and Clarence Thomas, are generally seen as strongly opposed to the concept.

Some saw the Boston case as particularly poorly suited for a Supreme Court challenge.

"From the perspective of the School Committee or other school districts that want some kind of race conscious remediation, this wouldn't be the plan that you'd want before the court," said Wendy Parmet, a professor at Northeastern University's law school.

The admissions system struck down last year by the appeals court admitted half of students to the school based on entrance exam scores and grades only, while the other half were admitted based on scores, grades and race. A previously rejected plan had set aside 35 percent of seats for blacks and Hispanics.

In the 1978 case of *Bakke vs. University of California*, the Supreme Court

struck down the use of racial quotas in school admissions, but it did allow schools to consider race in deciding which students to accept.

And in the past decade, the court has twice rejected set-aside plans for minority government contractors.

The Boston case centered on a ninth-grader who claimed that she was denied entrance to the school despite scoring better than minorities who were admitted.

Kent Greenfield, who teaches a seminar on the Supreme Court at Boston College Law School, described the court as being in a state of flux on affirmative action.

"My guess is the reluctance to ask the court to make these decisions is a reluctance that is shared among the justices themselves," he said.

But he said many court observers expect two or three justices could retire in the coming years, possibly giving the next president the ability to dramatically reshape the court's stance on affirmative action.

Appeals Court Limits 1965 Miranda Ruling

RICHMOND, Va. (AP) — A federal appeals court has ruled that despite the Supreme Court's landmark 1966 *Miranda* decision, prosecutors can use a confession from a suspect who opens his mouth before he has been read his rights.

In a 2-1 ruling Monday, a three-judge panel of the 4th U.S. Circuit Court of Appeals said a 1968 federal law on voluntary confessions takes precedence over the *Miranda* ruling in federal cases.

The decision could touch off a new Supreme Court battle over the rights of criminal suspects.

In the meantime, the appeals court ruling is binding in five states — Virginia, Maryland, North Carolina, South Carolina and West Virginia.

The 1966 *Miranda vs. Arizona* decision, handed down by a Supreme Court far more liberal than it is today, is known to generations of Americans from TV cop shows.

The high court said police who question suspects must first tell them of their right to remain silent and warn them that anything they say can be used against them. They must be told of their right to a lawyer, and informed that one will be appointed for them if they cannot afford one.

In federal and state prosecutions ever since, failure to recite such warnings most often resulted in a valuable piece of evidence — a confession or some incriminat-

ing statement — being lost to prosecutors.

In 1968, Congress passed a law that said such confessions can be used as long as federal judges are sure the suspects' statements were voluntary.

For years, however, the U.S. Justice Department has declined to rely on the 1968 law during appeals. In a letter to Congress two years ago, Attorney General Janet Reno called it unconstitutional.

On Monday, the 4th Circuit ruled that Charles Thomas Dickerson's confession to FBI agents that he had robbed a bank in Alexandria was admissible.

Dickerson said his 1997 statement was given before he was told of his right to remain silent and see an attorney. A lower court judge had thrown out the confession and the government appealed. Dickerson's lawyer did not return phone calls seeking comment on a possible appeal.

David Cole, a constitutional scholar at Georgetown University Law Center, said the Supreme Court is certain to review the case. "The court here took a position more pro-government than the government," Cole said.

University of Utah law professor Paul Cassell, who filed a friend-of-the-court brief arguing the confession was admissible, said the 10th U.S. Circuit Court of Appeals in the Rocky Mountain region issued a similar ruling, but it did not reach the Supreme Court.

U.S. Sex Survey Stuns

CHICAGO (AP) — More than 40 percent of women and 30 percent of men regularly have no interest in sex, can't have an orgasm or suffer from some other sexual dysfunction, according to what researchers say is the most comprehensive U.S. sex survey since the 1948 Kinsey Report.

The study's lead author, University of Chicago sociologist Edward Laumann, called the findings stunning.

"I think it gives us a base for explaining why we had this enormous response to Viagra," he said.

The researchers said problems with sex are often coupled with everything from emotional and health problems to lack of time, job pressures and money trouble. But they said they aren't sure which comes first — stress or problems with sex.

The study was published in Wednesday's *Journal of the American Medical Association*.

The researchers based their findings on the 1992 National Health and Social Life Survey, a compilation of interviews with 1,749 women and 1,410 men.

The participants, ages 18 to 59, were asked if they had experienced sexual dysfunction over several months in the previous year. Sexual dysfunction was defined as a regular lack of interest in or pain during sex or persistent problems achieving lubrication, an erection or orgasm.

Lack of interest in sex was the most common problem for women, with about a third saying they regularly didn't want sex. Twenty-six percent said they regularly didn't have orgasms and 23 percent said sex wasn't pleasurable.

About a third of men said they had persistent problems with climaxing too early, while 14 percent said they had no interest in sex and 8 percent said they

consistently derived no pleasure from sex.

Overall, 43 percent of women and 31 percent of men said they had one or more persistent problems with sex.

The researchers had expected the overall numbers to be closer to maybe 20 percent for each sex.

Laumann said the findings could offer hope to millions, many of whom think they're the only ones having trouble in bed.

"Often they don't even admit it to their partners. It's the old 'I've got a headache' instead of 'I don't feel like having sex,'" he said.

Dr. Domeena Renshaw, a Chicago-area sex therapist, said the results are not surprising, considering the long list of couples waiting to get into the sexual dysfunction clinic she has run at the Loyola University Medical Center since 1972.

In that time, she has treated nearly 140 couples who had never consummated their marriages, including a couple who had been wed for 23 years.

Study co-author Raymond Rosen, co-director of the Center for Sexual and Marital Health at the Robert Wood Johnson Medical School in New Brunswick, N.J., said the survey provides much-needed information about women, who have often been excluded from studies about sexual performance.

He said the findings are the most reliable since Dr. Alfred Kinsey did his landmark studies 50 years ago. Kinsey got similar results regarding impotence and failure to achieve orgasm but didn't ask about lack of sexual desire.

Too often, Rosen said, Americans have gotten their information about sex from magazines bought at the grocery-store checkout.

"As a scientist, it makes my hair stand on end," Rosen said. "It's terrible."



Prof. Mnookin '68 Brings Symphony Musicians, Management Together

HLS Professor's Negotiation Techniques Heal a Bitter Rift Within San Francisco Symphony

By RECORD Staff

With major assistance from Prof. Robert Mnookin '68, the musicians of the San Francisco Symphony (SFS) voted overwhelmingly to ratify a new labor contract.

Mnookin's instruction, which has been employed at corporations such as IBM, Fujitsu, and Motorola, was credited with the contract's smooth approval.

"The workshops and coaching that Prof. Mnookin provided to all of us enabled us to engage in a process of negotiation that led to a fuller understanding of each

other's interests," said Musicians' Negotiating Committee Chair Chris Gilbert. "We were able to reach an agreement in a way that has built a new foundation of mutual trust and respect that I believe will serve us well as we move forward."

As part of the mediation process, Mnookin organized several two-day off-site workshops, where participants developed negotiating skills derived from the main principles of interest-based bargaining, in addition to many general meetings and in-depth discussions.

Cautioning that "this deal did not result from a few days of clever facilitation,"

Mnookin stressed that the successful negotiations were "the result of a process that began over a year ago."

Indeed, Mnookin emphasized the necessity of careful instruction prior to successful negotiation.

"I'm committed to the notion that theory informs practice, so the first thing we did was give them a big infusion of negotiation theory,"

Mnookin said. "Then we spent a lot of time helping each side with the 'behind-the-

table' negotiations, thinking about what was important to each side. Finally, we helped each side develop an agenda for the negotiations."

Healing the Wounds

"Even where parties have in the past had a highly adversarial relationship, it's often possible through effective negotiation both to improve the relationship and create value," Mnookin noted.

Indeed, merely two years ago, the SFS endured a bitter and protracted 67-day strike. Due to Mnookin's carefully orchestrated negotiations, the new contract, which will run six years, twice as long as the usual term, pleased musicians and management alike.

"This process has mended a lot of fences," said SFS President Nancy Bechtle. "There is a new spirit of cooperation and trust."

"The new contract deserves to be celebrated," Mnookin noted. "Its six-year term provides stability and permits more effective planning; the contract crafts imaginative ways to provide relief for hard-working string players; and the contract's critical economics terms dealing with salary, pension and medical care are both fair and fiscally responsible."

"The terms materially recognize that the players in the SFS deserve to stand in the front rank of American musicians."

Having recently learned that the William and Flora Hewlett Foundation renewed its grant to further his work with the SFS, Mnookin plans to continue his work with it. He has three long-term objectives: to ensure the contract is implemented in a collaborative and problem-solving way, to enable a smooth transition with the SFS's new Executive Director, and to write a case study of the San Francisco experience that will document lessons learned and serve as a model for other institutions.



Prof. Mnookin '68

Legal Eagles Make Time for Nesting

Continued from LOVE, p. 1

our readings," Bryan jokes.

Love at First Sight (Sort Of)

2Ls Alyze Lowen '00 and John Pierce '00 first met in the Hauser Hall computer lab as they worked on their 1L Ames moot court briefs.

"I noticed that we were doing the same case, so I said to John, 'You're doing case Z, I'm doing case Z,'" Alyze recalled. "But we really didn't meet again until the night after our first test at Lincoln's Inn. We had our first kiss, and in my drunken stupor I called my mom and told her that I was totally in love." After the January break, the couple began dating steadily.

"I called him and invited him to my friend's Super Bowl party. It happened pretty fast after that," said Alyze.

Joe Scully '99 knew that he would marry Laurie O'Donnell '99 since 1L year in Property.

"I got called on one day in property, and apparently Joe told the person sitting next to him that he was going to marry me. Who knows what would have happened if I hadn't been called on," said Laurie.

First impressions aside, both couples knew early on in their relationships that marriage was in the cards. Although Joe and Laurie had been friends since 1L year, they did not start dating until about a year ago, and got engaged just this past August. "Everyone I know as shocked, but it just seemed totally normal to us," said Laurie.

For Alyze and John, the relationship was equally fast-paced. "We'd only been dating for six months when we got engaged," said Alyze. "I love him more every day."

"We knew right away it was just a matter of when I was going to propose," said John.

"Alyze was coming in [to Pittsburgh] on the weekend, and I bought the ring and made reservations at a restaurant on the top of Mt. Washington and left the ring at the restaurant," said John.

"In the meantime, I am hysterically crying because my plane was delayed [due to inclement weather]," Alyze noted. "I was going to meet all his cousins and extended family. So I made up this lie and told [the airline clerks] that I needed to get to Pittsburgh to get married the next morning," said Alyze, adding that she did not yet know of the upcoming proposal. "People in the airport were buying me pizza and drinks."

"I get on the one plane going to Pittsburgh and we're delayed. So two other passengers and I leave the plane and decide to drive to Pittsburgh. It's midnight, and we get in the car and start heading West," said Alyze.

Upon arriving in Pittsburgh the next morning, one of the passengers with whom Alyze drove told John, who at the

time was unaware of Alyze's ruse, "I've brought you a bride" and this almost made John give away his surprise. All ended well, however, when Alyze's hot fudge sundae came accompanied with a ring inside an opened jewelry box and "I started freaking out, crying, saying 'yes, yes, yes, no take-backs,'" said Alyze.

Wedding Plan Blues

The 2L and 3L couples have mixed views about being engaged during law school.

"One thing about having a relationship in law school is that I think I do a lot more things at the last minute than I used to," said Laurie. "The biggest challenge for us has been our third-year papers. We had wedding stuff going on almost every weekend last semester, neither of us took winter writing terms and so we've had no blocks of time to write our papers. Between Socratic classes, the 3L paper, and finalizing wedding plans and finding a place to live for next year, things are very daunting from this perspective."

Unaffected by 3L papers and post-graduation plans, the 2Ls seem more relaxed. Alyze and John participate jointly in several activities. They work out together, were enrolled in one course together last fall and were Ames Moot Court partners in December's Qualifying Rounds, where their team advanced to the semi-finals.

"I think it's great that we're in law school," said Alyze. "We try to make our schedules like a work day, with time set aside for studying."

Although their views are very different — John, a Harvard Law Review editor, is known for expressing conservative viewpoints in class while Alyze is active on the Civil Rights-Civil Liberties Law Review — they feel their differences complement each other. "Stuff he really cares about, I'm really flexible on and vice versa," said Alyze.

Location, Location, Location

Maryanne and Bryan are unsure as to where they would like to end up eventually.

"We have relatives from here to Atlanta. There are real centers of law in that area, so we should be able to find interesting work." While Bryan and Maryanne have yet to finalize their summer plans, Bryan definitely sees himself working for a private firm.

"I can't imagine being here without her," said Bryan. "I believe we were made for each other — I lucked out."

Alyze and John will settle in Pittsburgh, close to John's family, when they graduate. "We call it the great compromise of 1998," said Alyze. "The kids will be Jewish like I am, but we will live in Pittsburgh. Since we knew where we wanted to be, at the end of the summer, I interviewed at Pittsburgh firms, and that's

where we'll both be this summer."

Even though the couple had not yet started dating by the time 2L recruiting season was over last year, both Laurie and Joe fortuitously made independent decisions to work in Boston.

"I decided to stay in Boston and Joe independently decided to go to Boston. Joe has a clerkship in Boston next year. I had interviewed for clerkships in California, but I'm not clerking next year, so fortunately, it's not an issue for us," said Laurie.

Although deciding where to locate after graduation was an easy decision, choosing a career path proved more complicated. Dreams at working for the District Attorney's office were dashed for Joe when the couple learned that as a married couple, Laurie's salary from her firm job would bump Joe out of LIPP eligibility. "[Losing LIPP eligibility] has radically changed our career plans," said Laurie. "We've talked to a financial planner, and with our joint debt, we were told there's no way that Joe could go to the D.A.'s office. So we're both going to firms. It's something we're upset about."

Both engaged couples will be married this summer.

Deadbeat Professors Fail to Meet Grading Deadline

A number of students had that semesterly ritual moment of truth postponed when they opened their grade reports only to find that some professors failed to report their grades on time.

Late grades are a perennial problem at HLS, one that the administration has attempted to fix on behalf of disgruntled students. The Harvard Law School Catalog states that Fall grades for 2Ls and 3Ls were due on Jan. 22.

Late grades and the consequent incomplete transcripts can create problems for students in the middle of a job or clerkship search. In addition, according to Registrar Stephen Kane, some students

make class enrollment decisions based on the previous term's grades. But late submissions mean that these students may not see their grades before the end of the add-drop period.

The Registrar's Office works overtime to make sure professors submit their grades

in a timely fashion. Many professors do have large grading burdens, and Kane noted that unlike the Faculty of Arts and Sciences, Law School profs don't use teaching assistants. Nonetheless, he said that the vast majority of professors do meet the deadlines.

This year's delinquents were Profs. Deborah Anker, Terry Fisher, David Kennedy, Randall Kennedy, Anne-Marie Slaughter, Hal Scott, and Jonathan Zittrain.

A few of these professors had legitimate excuses. For instance, Prof. Slaughter gave birth during the grading period; Randall Kennedy took on an extra load of grading by stepping in for the late Judge A. L. e o n

Higginbotham; and Zittrain may just be a front man for Larry Lessig, the professor behind the curtain in the Microsoft Case Seminar.

Grades for Winter Term and for 1L Fall Term are due Monday, Feb. 12. Rest assured that the RECORD will be watching.



Repeat offenders:

David Kennedy and Terry Fisher

Join the
huddled
masses

The RECORD
is looking
for students
to come ashore
and fulfill
the American
dream by
writing
columns
and news,
working
on layout
and design,
and
managing
the office.

Call Ben at 776-4185 or email <blehrer@law.harvard.edu>

Folkloric "Monster" Tale Supports Navajo Jurisdiction

Continued from NAVAJO, p. 1

contends that under Article I of this treaty, he is subject only to the authority of the United States as a non-member Indian, and not to the Navajo nation itself.

"Inter-tribal offenses should best be handled under United States jurisdiction," Trebon said.

While much of his oral presentation was occupied with this question of the treaty, and its relative supremacy in light of *Duro* and subsequent legislation, Trebon was able to succinctly sum up his client's position.

"Russell Means, as a citizen of the United States, is subject to the same protection as any other non-Navajo member," said Trebon.

Tell Me a Story, Prosecutor

Presenting the tribe's case was Donovan Brown, Acting Chief Prosecutor for the Navajo Nation. By using a narrative tale from the Navajo religion, Brown emphasized the role of tradition in Navajo common law.

Brown's parable recounted the plight of the "Twins," who were faced with the task of defending the Navajo people against "Monsters." The Twins' appeal to the creator for assistance was met by a gift of weapons, with which the Twins were able to defend the Navajo people.

"This story demonstrates the creator's grant of jurisdiction over non-Navajo," said Brown.

Robert Yazzie, Chief Justice of the Navajo Nation Supreme Court, later explained that reference to traditional stories is not uncommon in Navajo judicial proceedings.

The rationale behind such a form of argument stems from the Navajo concept of ultimate justice. "We live to make things good again, to put things in balance," said Yazzie, who is a leader in the Navajo movement against domestic violence.

In addition, Brown asserted that by living on the Navajo reservation for ten years, marrying into a Navajo family, and allegedly participating in politically-charged riots during 1989, Means has availed himself of the Navajo Nation's authority.

"Through his actions, [Russell] Means has subjected himself to the jurisdiction of the Navajo Nation," said Brown.

Decision Could 'Means' Supreme Court

The Navajo Nation's argument centers around Congress' exclusive power to regulate Indian affairs.

According to Brown, the post-*Duro* amendment to the Indian Civil Rights Act is an effective fix to the Supreme Court ruling, which hampered a tribe's sover-

eign power to administer justice upon its own territory.

Means, on the other hand, contends that the *Duro* decision has definitively settled the constitutional status of Indian tribes. As such, Means argues that the Supreme Court decision cannot be subject to Congressional modification.

While no decision was rendered on Saturday, speculation seems to suggest that the court will uphold criminal jurisdiction over Means. Such a ruling would pave the way for a U.S. Supreme Court hearing on the matter.

The justices refused to comment upon the case while taking questions after the session. During the oral arguments, however, they may have hinted at their current opinion in the case.

"If we look at things traditionally, we can always see that the Navajo have had power over other Indians," said Associate Justice Raymond Austin. He immediately pointed out that *Duro* changed this fact.

The outcome of the case is likely to rely on definitions of "member" and "non-member" Indians. If so, then a statement by Chief Justice Yazzie will take on added importance, especially when applied to Russell Means. "The more you know who you are, the more you know your own duties and responsibilities," said Yazzie.

NALSA's Voice on Campus Bolstered by Weekend Event

By Justin Herdman

The recent session of the Navajo Nation Supreme Court was a product of several months of dedicated labor from the Native American Law Students Alliance (NALSA).

"We really wanted to capitalize on this opportunity," said Wenona Singel '99, who serves as NALSA Vice-Chair.

Singel, a member of the Little Traverse Bay Bands of Odawa Indians, stressed NALSA's objective of informing the HLS campus on Native American issues. "The most important goals were to respect the traditions [of the Navajo] while at the same time trying to involve the HLS community," Singel said.

NALSA first became involved in the event's planning in September when they received a telephone call from Alan Ray, Assistant Dean for Academic Af-

fairs. Ray informed the group that the Navajo were interested in holding a Nation Supreme Court hearing on the HLS campus, and subsequently requested NALSA's assistance in coordinating the event.

Throughout the entire planning process, NALSA members were actively involved in both substantive and administrative decision-making. Several logistical obstacles were placed before NALSA. For instance, NALSA member Heather Thompson '00 recalled that the Navajo Nation flag placed behind the justices was much larger than the accompanying United States flag. "So, we had to go out and get a larger U.S. flag," said Thompson.

Thompson also emphasized the need for the weekend's broader resonance at HLS. To make the event more accessible, for ex-

ample, NALSA decided that a member of of the group should explain the various ceremonies beforehand to both Indian and non-Indian attendees. "We tried to include everyone," said Thompson, a member of the Cheyenne River Sioux.

Both Singel and Thompson recounted the shift in attitude among the justices toward Harvard. "The justices mentioned that their perceptions of Harvard had changed. Before, they thought of Harvard as an eastern institution with no Native American community," said Singel.

After observing the leading role of NALSA in the event's success, though, the justices' opinions were altered. "They were highly impressed with the turnout and interest," said Thompson.



Wenona Singel '99

Cheap tickets. Great advice.
Nice people.

! DON'T LET
YOUR FRIENDS
GO WITHOUT YOU!

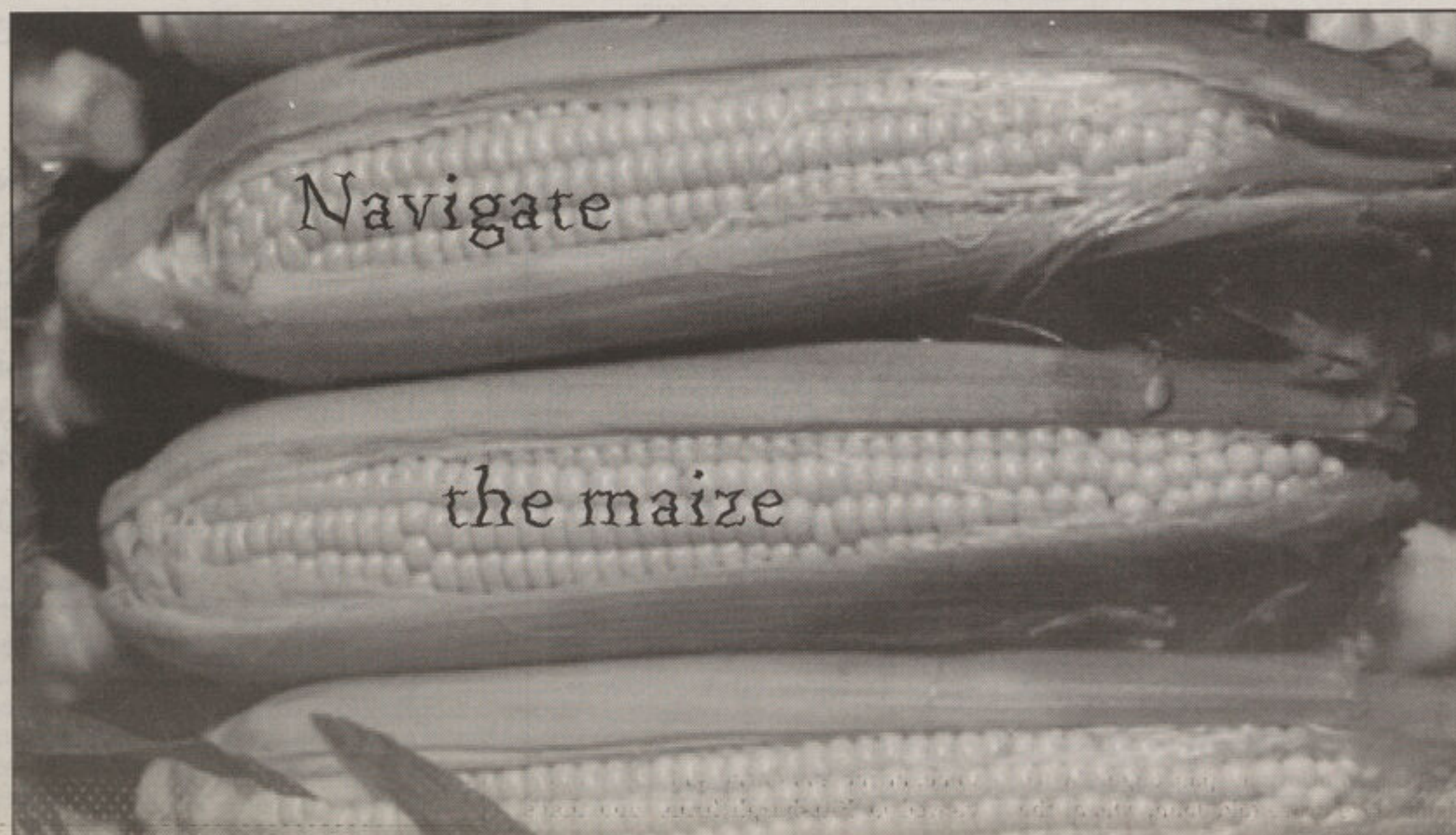
Spring Break
sells out!

! CANCUN
OR JAMAICA
! FROM
\$449
! A PERSON!

Council Travel
Council on International
Educational Exchange

12 Eliot Street, 2nd floor
Cambridge, MA 02138
Phone: 617-497-1497

www.counciltravel.com



Harvard Law RECORD

PUBLISHER
Seth Persily



EDITOR-IN-CHIEF
Ben Lehrer

FOUNDED IN 1946

Same Answers to Old Questions

Last week, the Law Student Council pushed its "Community 2000" plan to the Dean and the Law School, hoping to institute a number of academic reforms. The fate of the LSC proposals should become clear in the next few weeks as they are kicked around the school's corridors of power.

These proposals should not be reviewed in a vacuum. Rather, they are part of a long chain of events and ideas that have surfaced in the last few years concerning change at the Law School. Most of these have led nowhere. The disgruntled students graduate and the jaded professors get back to article writing, court and television appearances, or whatever they do when they're not frantically grading exams in order to meet the Registrar's deadlines. And nothing changes.

What does this say about the commitment to change here? Does it mean that from the administration's perspective, the most important thing is that students make it three years without taking over buildings and bringing unwanted media attention to the school? That a boring monotony and homogeneity will whitewash our memories when we're at some distant reunion, martini in one hand, check-book in the other?

Are the faculty willing to tip the scales towards pedagogy and away from their lucrative and prestigious extra-curricular interests, even if that means more feedback, more one-on-one contact, and more grading? Will they put forth the energy to create a cohesive academic culture, one that trains us to be both better lawyers and better human beings?

Are students willing to put their mouths where there money is and uphold their end of the bargain? Are they willing to "earn" uncrowded classes, a rich curriculum, and "meaningful engagement" (in the words of Profs. Bellow and David Kennedy) with pedagogues and mentors?

These tired old questions are asked every year. Personally, I have little confidence for the future. Change follows money at HLS, meaning the steps necessary to broaden the curriculum, reform public interest funding, or shrink our absurd student-faculty ratio (for example) are handicapped from the start.

Re-engaging students and professors in the study and teaching of law will take much more than voluntary mid-terms and teaching assistants. It requires visionary leadership, a willingness to take initiative without hiding behind arbitrary bottom-lines. It requires a commitment to change in all levels of school governance, not just the student-run Council. It requires the courage to admit that things could be a lot, lot better.

— Ben Lehrer

Staff

MANAGING EDITOR Suzanne Carter	PRODUCTION MANAGER Kimberley Isbell	BUSINESS MANAGER Chih T. Cheung
ENTERTAINMENT EDITOR Dusan Stojkovic	PRODUCTION ASSISTANT Tanya Marsh	OFFICE MANAGER Lesley Stone
STAFF COLUMNISTS Alexander Boldizar Jake Zimmerman	COPY EDITOR Elizabeth Read	STAFF WRITERS Alyssa Caples Dmitri Evseev
WIRE EDITOR Iris Chen	ASSOCIATE EDITORS Francesco Barbera Klaus Hamm Justin Herdman Steve Scali	COLUMNIST Josh Swartz
EDITOR EMERITA Janie J. Kim		CARTOONIST Margie McWilliams

Editorial/Letters Policy

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

The Harvard Law RECORD (ISSN 0017-8101) is a publication of the Harvard Law RECORD Corporation, a non-profit, independent, student-owned and run corporation of the Commonwealth of Massachusetts.

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

Submissions may be sent to The RECORD at the above noted address, dropped in the RECORD box located in Harkness Commons, or left in the 3L Hark box of Ben Lehrer. All copy must be typed, double-spaced, and submitted on paper and on a computer disk or by e-mail. The RECORD reads and appreciates every letter we receive; we reserve the right to edit letters and submissions for space as necessary. We will return your disks. Off-campus subscriptions are available. Subscription price: \$45.00/year mailed; \$50.00/year mailed outside the U.S. Individual copies: 35 cents at newsstands, 50 cents at the Law School, \$1.00 mailed, \$2.50 for back issues. Second-class periodical paid at Boston, MA and additional mailing offices.

© 1999 by the Harvard Law RECORD Corporation and by the contributors.

The RECORD is committed to equality and diversity. We strive to provide a forum for the free exchange of ideas. As a result, the opinions reflected in articles, editorials, and cartoons are those of the authors and do not necessarily reflect the opinions of the RECORD.

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

—First Amendment, U.S. Constitution

The pen is
mightier
than
the
sword.*

SEND US A
LETTER!

Place them in the RECORD box next
to the 1L Hark Boxes. Or send them to

Harvard Law RECORD
Harvard Law School
Cambridge, MA 02138
RECORD@law.harvard.edu

*Don't tell the large metal woman, though.

Harvard Law School LAMBDA,
Harvard Civil Rights-Civil Liberties Law Review,
and Harvard Law School Civil Liberties Union
Present:

FREEDOM TO MARRY:
Consolidating Strategies, Planning Victories.

Saturday, February 13
Austin Hall, 8:00 a.m. to 6:00 p.m.

PANELISTS INCLUDE:

- Mary Ann Case
- William Eskridge
- Chai Feldblum
- Nan Hunter
- Andrea Koppelman
- Martha Minow
- Jennifer Wriggins

• Correction •

Last week, in a story on the "Lessons from Woburn" conference sponsored by the Berkman Center for Internet and Society, the RECORD incorrectly listed the Berkman Center's URL. The correct URL for information on the conference is <<http://cyber.law.harvard.edu/acivilaction>>. Sorry, Charlie!

VIDEO REVIEW

By Alan Stone

Governing Passion

Filled with echoes of Bill and Monica, *The Governess* takes the law and politics out of sex

From the Editor: As the impeachment trial draws to a close, the RECORD turns away from legal analysis of the Bill and Monica affair in favor of psychoanalysis, courtesy HLS's own Dr. Alan Stone. His review of *The Governess* first appeared in *The Boston Review*, an independent literary and political publication. The *Governess* was released on video in late January.

The *Governess* is a film conceived and brought to life by women. The writer/director is Sandra Goldbacher, the celebrity star is Minnie Driver, and most of the other names that scroll down the screen are women's. The story line includes an affair between a young Jewess and her middle-aged Christian employer — shades of Monica and Bill. But this is a coming-of-age story seen entirely from the young woman's point of view and almost self-consciously exploring women's issues. Though its text is the patriarchal world that appropriates a woman's self and deprives her of love and of work, there is no ax-grinding or venom. This is a psychological inquiry that wants to understand, not to censure or impeach; it takes the law and politics out of sex.

The screenplay began as an attempt by Goldbacher to understand her own background: her father is an Italian Jew and her mother is a Scot from the Isle of Skye in the Hebrides. Goldbacher took an exotic leap back into British history circa 1840 and tried to create the diary of a young Sephardic woman, Rosina DaSilva, growing up in the insular Jewish community of London. When her father dies in debt she refuses to yield to a loveless marriage. To work and support her family she hides her Jewish identity and passes herself off as Mary Blackchurch, governess. An advertisement secures her a position with the Cavendish family on the Island of Skye. Rosina's premise, which proves true, is that these Scottish aristocrats, knee-jerk anti-Semites like almost everyone else in Christendom, would never take a Jewish woman into the bosom of their family. Goldbacher's imaginative draft of the impostor's diary became the screenplay, which intrigued Minnie Driver enough to commit to the film, Goldbacher's first.

Driver has made her career acting in independent films that hit the jackpot at the box office. She was the overweight Benny in *Circle of Friends* and the sexy Harvard pre-med in *Good Will Hunting*, for which she got an Oscar nomination. She is neither a conventional beauty nor the demure governess type, but with her unlikely mix of vulnerability and worldliness, she is box office. (Though she did not win the Oscar, MTV chose her and Matt Damon for their Best On-Screen Kiss award: the actress gave as good as she got.) Playing Goldbacher's governess may be a stretch for Driver — her character's development is the movie — but the director seems to have tailored the part to her talents.

Rosina is like a "back from the future" governess, with a lot of that Harvard pre-med student still in her, yet dropped as if by a time machine into the world of *Jane Eyre*. Goldbacher replicates many basic elements of Charlotte Brontë's romance: the aloof older man, his crazy wife, the fateful attraction between the employer and his virginal employee, the inevitable romantic outcome. The bright young woman's emotional-erotic submission to her intellectually superior father figure is a staple of nineteenth-century literature. Jane Austen does it in *Emma*, George Eliot in *Middlemarch*, Brontë in *Jane Eyre*. But the Freudian plot of the virginal young woman succumbing to her father fixation is not limited to great literature. It is endemic to Harlequin romances — sometimes thought to be the female equivalent of por-

nography. With its gothic twists (mother goes up in flames and heroine gets her father), the artful *Jane Eyre* version is the ultimate Freudian wish fulfillment: the sublimated sadomasochistic elements cause enough pain to pacify the super-ego while the id still gets what it wants.

Of course Brontë and her predecessors imagined all these Electra/Oedipal variations long before Freud reduced them to their unconscious meaning. But Goldbacher and Driver come after Brontë, after Freud, after late-twentieth-century feminism, and at the height of the Clinton/Lewinsky affair, when the Starr Report gave a new spin to our national scandal by detailing Monica's assertive advances. The parallels between the intern in the Oval Office and the governess in the Cavendish household set off bells too loud for an audience to ignore. But our scandal is unfair to their movie. We are obsessed with sexual politics and the perversity of power: the professor hitting on his student, the psychiatrist on his patient, the employer on his employee, and of course the President on his intern. Even when the relationship is legalized, disdainful images of the "trophy wife" reflect our culture's judgment that there is something sick about the older man and younger woman. We are so obsessed with the perversity of power that we do not want to entertain the Freudian possibility that the trophy wife goes after what she wants and it is not just money, power, and status. Freud got a lot wrong about women and his answers were reductive, but *Emma*, *Middlemarch*, and *Jane Eyre* suggest that he was on to something in what he stubbornly calls the woman's "Oedipus Complex." Like these great novels written by women, *The Governess* unequivocally gives the Freudian answer to "What does an intelligent young woman want?" She wants her father as her lover and her mentor.

The passionate Rosina goes more than half-way to get her man. An uptight Scottish aristocrat-scientist (played brilliantly by Tom Wilkinson, the out-of-work supervisor in *The Full Monty*) with a dysfunctional wife, Cavendish has thrown himself into his research. He is in a race to develop camera film that will produce lasting images, à la Daguerre of the Daguerreotype, and desperately retreats into his laboratory at all hours. There Rosina brazenly follows him.

The entire Cavendish family is somewhat crackpot. The strange wife (Harriet Walter) has pretensions of worldly sophistication and compulsively lies about invented trips to London. The son (Jonathan Rhys-Meyers) is a male hysteric who has been sent down from Oxford for frequenting whores and opium dens, and the unpleasant daughter (Florence Hoath) greets her governess by putting dead creatures in her bed. The mother and her children, their hair parted in the middle and a crazed look on their faces, seem a medical textbook illustration of inbred insanity.

In *Annie Hall*, Woody Allen played this Jewish take on the crazy repressed gentile family for laughs. Goldbacher does it to justify Rosina's exploits — she seduces the father (whom she loves like a daughter), submits to the infatuated son (whom she pities like a mother), and waves the evidence in the wife's face when she leaves. The trick here is to get the audience to remain sympathetic to Rosina/Mary, who one-ups Freud and Brontë by taking on the son as well as the father: the film pulls it off.

Thrown onto the scales along with the family's weirdness and knee-jerk anti-Semitism is Charles Cavendish's studied refusal to acknowledge that Rosina/Mary is responsible for their critical breakthrough in the laboratory. His unwillingness to take her seriously and give her credit as his collaborator galvanizes her to steal his camera lenses and head back to

London for a career as one of the world's first portrait photographers.

Minnie Driver is in turn so vulnerable and so winning that throughout her sexual adventure one never has the impulse to condemn her. Nor does *The Governess* send you out of the theater hating Charles Cavendish for sexually exploiting this passionate young woman. It may not be true that to understand is to forgive, but psychological understanding does make it a lot harder to despise and condemn.

Goldbacher and Driver build a relentlessly Freudian understanding into the character of the governess. Her story begins in a London synagogue where the DaSilva family is worshipping. Rosina is a forward young woman who chats during prayer services, is less than shocked when a street prostitute flashes a naked breast, and wonders with her sister what semen tastes like. Rosina has an aunt (a predecessor of Sarah Bernhardt?) who has gone on the stage, but for the most part well brought up Jewish maidens like their Christian counterparts are limited by the patriarchal world to the fate afforded by marriage.

The psychology of Rosina's character is quickly established. This too-tall, too-cheeky, too-intelligent young woman is obviously the apple of her father's eye. He has seen to it that she is well educated. She shares his humor and love of life, and, like many bright and assertive women who are stuck on their father, she identifies with him, and puts off suitors who are not up to his standard. Suddenly her beloved father is killed in the streets where apparently he had another secret non-Jewish life. He leaves his family with unexpected debts — and no dowry for Rosina. Her mother can think of no better solution than to marry Rosina off to an old and ugly but secure fishmonger. The high-spirited young Jewess, like all her Christian sisters, is to be cheated out of a life. Rather than accept this fate Rosina becomes Mary Blackchurch and embarks on her great adventure in Scotland.

The idea of the film is that underneath her brash and bold exterior there is a homesick little girl still grieving for her lost father. Mary/Rosina's growing attachment to the dour Charles Cavendish and his research is punctuated by flashbacks to intimate times with her fun-loving father. The Freudian father-substitution overtones of her love affair are made unmistakable. But the director and Minnie Driver have added a liberated-woman dimension to the governess.

Unlike the patient and passive heroines Jane Austen made famous, Rosina is portrayed as an active participant in her seduction. "Passive" is the most troubling word in Freud's lexicon on femininity. Even Freud's chosen disciple on female psychology, Helene Deutsch, struggled with the term and concluded that sexually mature women were actively passive. However you parse it, the active-passive distinction goes to the core of sexual politics and Minnie Driver's governess is an activist. When her employer's hand lingers on her bare foot she lifts her dress to reveal her ankle. And they progress up her leg to her loins with her leading the way by further revelations — not what the statutory language of sexual harassment calls "unwelcome" advances.

When movies were dominated by male directors, audiences saw sex predominantly from a male perspective. The ultimate reductionist interpretation was that film makers were voyeurs feasting on the naked body of women with their cameras. Often the director and his leading lady had a Svengali-Trilby relationship off the screen as well as on and their films ex-



plored the mysterious sexuality of the woman from the man's point of view (Von Sternberg and Marlene Dietrich, Ingmar Bergman and Liv Ullman, Federico Fellini and Giulietta Masina, Zhang Yimou and Gong Li). The advent of women directors offered the prospect of seeing sex on the

screen from a different perspective. But most of the celebrated women filmmakers of the 1970s gave sex a familiar Freudian sadomasochistic spin. Lina Wertmüller, the first woman director to be nominated for an Oscar, made films like *Swept Away* in which a woman's passion is ignited by brutality. The brilliant Marguerite Duras made sex and masochism synonymous. Agnieszka Holland struck the same chord in 1985 for her Oscar-nominated *Bitter Harvest*, and it still rings in Jane Campion's 1993 *Piano*.

A feminine perspective on sexuality in films has now emerged, however, and *The Governess* illustrates it. There are the obvious reversals; we are shown beautiful naked men instead of naked women. The woman is in control and takes the initiative. But even more interesting is the "naturalism." Instead of sex as the great mystery freighted by taboos it becomes a natural guiltless act. Love may still be a mystery, but sex is not. Sex without guilt does not require sadomasochism to appease the super-ego. Following the active-passive reversal of the film Rosina is more voyeur than exhibitionist and while her lover Cavendish is asleep she completely undresses him and secretly photographs his naked body. This memento becomes the evidence for her revenge on the Cavendish family. First, however, she will have sex with the son.

The *Governess* repays sustained consideration. Goldbacher not only presents these reversals and differences, she and Driver are both superb psychologists who know what their audience will be thinking. Cavendish's son discovers that Mary Blackchurch is a Jewess, and he threatens to expose her unless she has sex with him. The governess of course refuses the male power play and is equally unimpressed by his hysterical declarations of love. Then the son comes to her room at night expecting, we think, to force himself on her. Rosina has become disenchanted with the father but is in no mood to be forced into a masochistic surrender. Contrary to our expectations, she becomes the active partner commanding the young man to take off his clothes so she can look at him, and when he submits to her control she takes pity on the young man and embraces him. The next morning he is the one who is mad for love while she is packing up to leave. Then, proudly reassuming her Jewish identity, she intrudes on the family dinner to present the dotty wife with the photograph of her naked husband — perhaps the first such photograph ever taken according to the story line.

There is no "happy ever after" ending for the governess. Charles Cavendish later turns up in her photography studio, and when he pointedly says he is putting himself in her hands she rejects him. Empowerment and self-respect are more important than a man's love, career more vital than marriage in this ending of the story. It is increasingly the conclusion reached in women's films and in their lives.

Because Goldbacher makes us understand the governess and Cavendish in all their vulnerable humanity we leave the theater sympathizing with her and feeling sorry for him. One has to imagine a special prosecutor doing the legal-political version of this narrative to understand how the real world becomes an obscene imitation of art.

Can You Spare a Razor Blade?

By Dusan Stojkovic '00
RECORD Columnist

LIKE THAT WAS SOME OVERRATED DECADE, MAN

Don't you wish promos for television shows didn't tell you the whole story before you sat down to watch the show? Don't you wish unexpected and surprising things happened on the small screen once in a while? Don't you wish the highest-rated TV series worldwide, *Baywatch*, were on in prime time, every night? But I digress!

NBC's recent highly hyped mini-series, "The '60s," certainly held few surprises in store for the TV audience. The semi-documentary follows the travails of the Herlihs, a middle-class family from the Chicago suburbs who sure don't talk like they're from the Midwest. Conveniently, each of the kids has a curriculum vitae typical for the decade: jock-boy Brian goes to Nam; Katie, the knocked-up teenage bimbo, runs off to Page Street to experience a hippie-chick incarnation; Michael delves into social activism and succumbs to a con law professor's subtle suggestions to burn his draft card. Dick Fallon exhibits incredible self-control in his groovy cameo appearance as the professor. Well, maybe that scene never happened, but after innumerable perfunctory scenes featuring glorified weed smoking who could

tell the difference?

Interspersed throughout this mini-series are a number of scenes concerning a token Afro-American family. The father, Reverend Willie Taylor, participates in the march to Birmingham before relocating the family to Los Angeles just in time for the riots there. Willie is killed in said riots and his embittered son, Emmet, joins the Black Panthers. Drama!, brought to you by the network that axed "I'll Fly Away."

The Taylors' relation to the Herlihs is never established fully: the only actual meeting between members of the two families occurs when Michael goes down South to partake of a sit-in. The Reverend imparts some really insightful and really, really stereotypical preacher-words on Michael, who exchanges homoerotic glances with Emmet. If you went to the kitchen for a drink, you missed it. Wait a second, I did that. Maybe there was some interracial homoeroticism in the North Hall kitchen and not on the tube, I forget.

Particularly the first installment of this two-part "mini-series event of the [friggin'] year" was plagued by poor and predictable writing, in spite of an excellent soundtrack. My favorite gem: "You've just taken con-

trol of your own body and your own life," an obstetrician tells her trifling adolescent patient after putting her on that four-letter word that brought about gender equality in the latter half of this century: the pill.

Self-congratulatory paleoliberal references abound throughout "The '60s." Between Michael, who possesses the charisma of a young Al Gore; Sarah, the staunchly progressive love of his life; and her annoying old man, Kenny, the mini-series offers a superficial review of every major protest action of the decade. The parents, on the other hand, are portrayed as monodimensional remnants of the Cleavers generation.

But there were a few poignant moments in the writing, as when Emmet tells his preacher-man father after Malcolm X's assassination, "I'll keep my rage and bitterness, thank you; at least they're real." The cliffhanger scene was also rather powerful; the quick-cut editing and swerving camera angles are definitely not something to which American TV audiences are accustomed, although the segment was reminiscent of early-'90s MTV clips and would



have worked quite well with Live's "Lightning Crashes."

The second part of the series (to those versant in ad-talk, its "gripping conclusion") fares far better than the first. There's an especially far-out scene in which Brian, now a disgruntled veteran, experiences a rather

nasty acid trip in the mud of Bethel. The message is pure pacifism par excellence, or something of the sort. At any rate, Jerry O'Connell impresses in this role, even though most of his work is a slightly starker recapitulation of Tom Cruise's performance in "Born on the Fourth of July."

Also, the highly improbable family reunion at Woodstock is sappily redeeming; farklemmings-factor 10. Reminds me of my own pilgrimage to the Isle of Wight back in...oh slam, I wasn't even born for that.

The ending of the mini-series, however, is a further disappointment. Apparently it was imperative that a complete reconciliation among the characters come about before 1969 expired, and, accordingly, the finale is far too neat, with all the loose threads nicely drawn together. Oh, the balance of it all!

Get Reel

By Steve Scali '01
RECORD Columnist

AIN'T NO MOUNTAIN HIGH ENOUGH

Rushmore is moderately to highly amusing, but it doesn't try to be on the surface. Please don't expect too cerebral a review of this movie here, for my IL brain is still not wont to thinking too much after last term. Rushmore is director Wes Anderson's second film after "Bottle Rocket," of which I had never heard before.

The film deals with the escapades of Max Fischer (played by Jason Schwartzman, Francis Ford Coppola's nephew and Talia Shire's son), a 15-year-old boy at an elite preparatory school called Rushmore. He is actively involved in countless areas of school life. He is a champion debater and fencer, and leads clubs such as calligraphy, chess and astronomy. He writes and directs his own plays through his Max Fischer Players group on topics such as the vicissitudes of inner-city life and the Vietnam War. Unfortunately, although he received a scholarship to this august institution, his grades are horrendous.

Max is a kind of boy genius who thinks of himself as superior to other people, but probably is not even aware of this. His affectations seem genuine, maintained throughout his various humblings. For instance, Max is embarrassed by his back-

ground; he claims his father is a neurosurgeon, when in fact he is a barber.

On a personal note, having attended a British-modeled secondary school where we were forced to wear blazers, crisp white or blue shirts, ties done up just right, gray flannel trousers and not-too-dressy dress shoes, I can attest to the accuracy of Rushmore's depiction of a quasi-elitist, coeducational, academically/socially/extra-curricularly demanding environment. And look how far I've come!

Diminutive Max befriends Herman Blume (Bill Murray), a very wealthy but miserable industrialist. Murray is great as a deadpan schmuck increasingly estranged from his family. Unfortunately, Max and Herman both fall in love with an elementary schoolteacher at Rushmore (Olivia Williams).

This love triangle is the source of many humorous incidents, such as a tipsy altercation in a fancy restaurant (which hits home that for all his charm Max is not 25, 35, or 45 years old, but 15...). The triangle ultimately leads to personal growth for all, including new insights into reconciliation and friendship. Sniff.

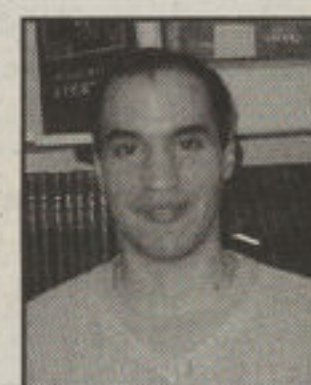
Max loves Rushmore, and in one scene relates to Blume that when you find something in life you are good at and have a

passion for, you should stick with it. Max is clearly good at representing Rushmore itself. He takes this to heart when he, ahem, ends up in a local public school. Not only does he continue to wear his private school uniform; he actively imparts upon his less socially advantaged classmates the kind of cultural élan he formerly propagated at Rushmore.

In my secondary school, rah-rah kids organized human rights symposiums and drives to collect pencils to send to Guatemala. Max organized the unauthorized construction of a humongous aquarium replete with piranhas.

The acting was pretty amusing and on the mark, led by Max's straight-laced affectations. I didn't think much during the movie and didn't have to. I must admit, however, I felt slightly old in the decidedly youthful audience. I bet few of those youths have seen "The Graduate," which as you may have guessed shares some similarities to Rushmore (but no sex for Max).

And not to be totally positive, Rushmore contains depictions of irreverence that may not appeal to some viewers, and there



is something of a teenage perspective to the film that may be a little painful for others.

On a more analytical level, we HLS students can learn some valuable things from the work. From what others wiser than I have imparted, being a generally okay guy may not be sufficient to overcome C-land

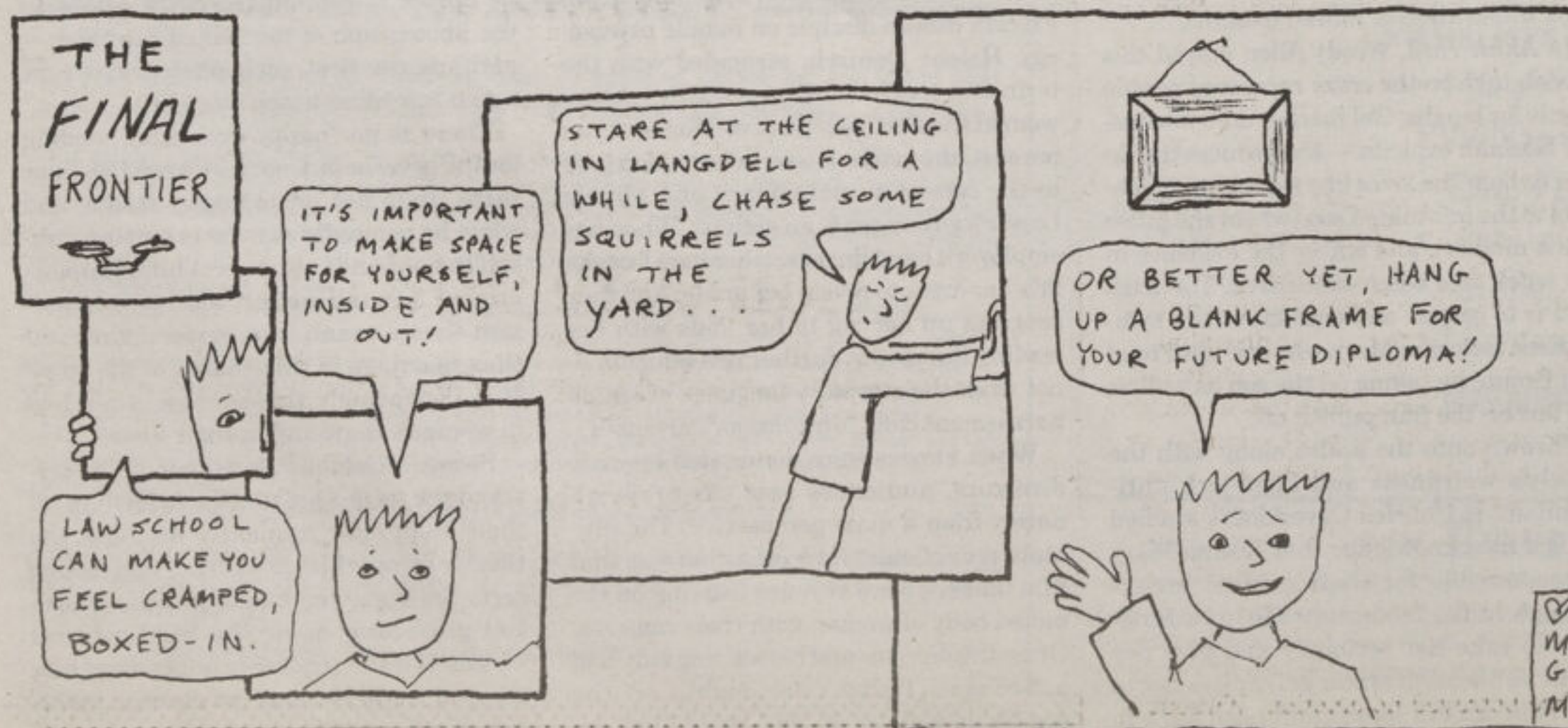
banishment even if you edit four journals, are a Senior Defender, save countless impoverished tenants from gentrification through TAP, are president of SAC and BSA, lead the Harkness cafeteria council (well, you probably wouldn't get on Law Review). But don't worry, I'm told substandard grades are in fact a requirement for laboring for the RECORD.

The finale was highly entertaining, and all in all, Rushmore should provide much-needed diversion, for example for law students at the end of a hard week. Say, fellow 1Ls, let's all head down there after we get our grades!

Practical tip: You can pre-order tickets calling 333-FILM, but remember: before you do so, ensure the companion(s) with whom your evening is shared do not do same. Duh.

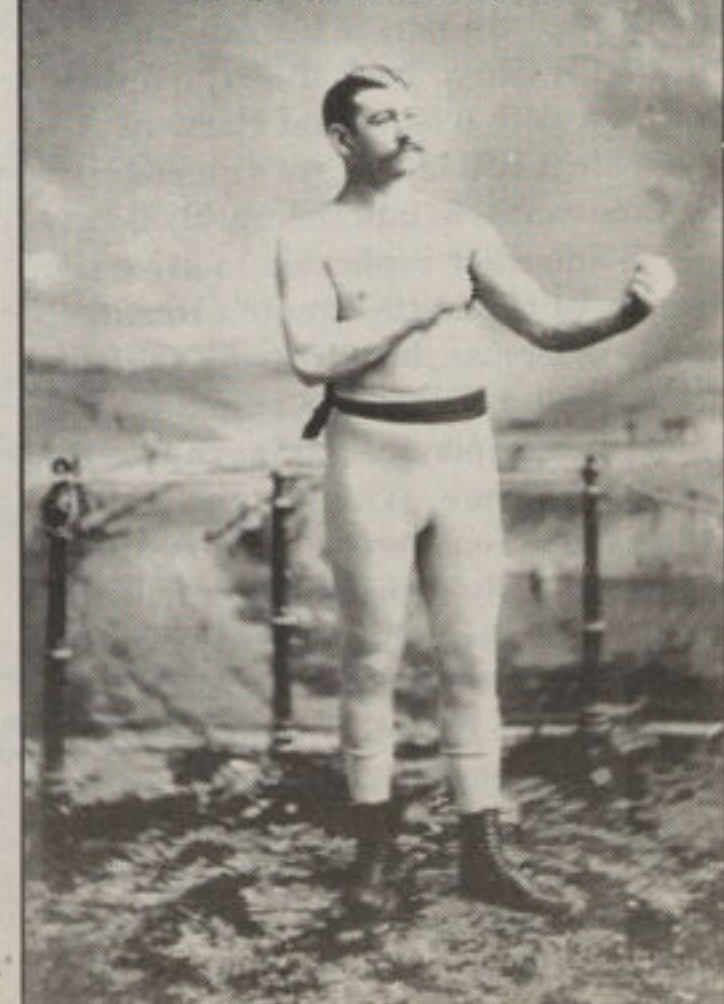
Spike

By Margie McWilliams



Write for the RECORD.

Or discuss it with Bruno.



Of Bulldozers and Butterflies

GÖTTER(VER)DÄMMERUNG

By Alex Boldizar '99
Staff Columnist

I was standing in the back of a pickup truck. We were on our way to Timbuktu, Mali, and there was an African mother nursing her daughter on my feet. The mother had been sitting on my feet for a long time. This kept me from flipping out of the pickup as we four-by-foured through the sand and rock of the Sahara, ducking the occasional acacia tree. It even permitted me, somehow, to sleep standing up in those parts where the acacia was more rare, with my calves pressed tight against the metal wall of the pickup, my hamstrings against a metal bar, and the mother's weight on my boots as ballast. The ride had no beginning or end. She had squeezed all the blood out of my feet and they stayed asleep even after I woke up, following an extra high bounce from a rocky dune, after which she landed her butt back on my feet, anchoring the rest of me to the truck. Fortunately, my boots were steel-toed, steel-shanked blocks of cement like law school. They were size 13 boots, which took up the space of five Africans.

Ignoring the twenty-one people in the back of the pickup who were irritated by my shoe size, ignoring my legs growing out of the mother's armpits — legs which by then were foreign to me, two dead objects hanging from my ass — I looked at the mother and daughter, my angle of sight straight down. The mother had been completely indifferent to my exhausted existence, except when I tried to shift my weight from one numb abutment to the other, as I flew over her, a helicopter, a National Geographic camera crew, filming African family life from the air, bouncing in the turbulence for days on this endless bush-taxi ride. Three days of standing-bouncing, while the moon waxed gibbous over the Niger river in front of

me, and I flew high, chop-chop-chop, over an unconcerned mother and a baby with a drinking problem; it never stopped suckling her breast, throughout eternity. My only contact with reality, my anchor, the mother's bum.

Every so often the world stops turning. For that briefest moment it cracks just a little, and if I could only wedge my eyeball into the crack I would see what is behind it all. But I have given up on trying to bring forth such moments. Letting the world spin, these moments come all on their own, only at their own bidding. The trick is to maintain a small part of the brain, way at the back somewhere, which is willing to stop and take that brief look.

Every so often the world stops turning. For that briefest moment it cracks just a little, and if I could only wedge my eyeball into the crack I would see what is behind it all.

These aporias can be addictive, however. I wait for the world to crack the way an eschatological fanatic waits for Judgment Day or a junkie for his next fix. I am a crack addict. I've learnt to recognize rough patterns, find myself drawn to certain environments. Like waking up in strange places, strange positions. Or maybe, maybe it's the environments that are drawn to me. Because I was running, when I was on that bush-taxi. I was running away to the most obscure, furthest, most remote place I could find. I was searching for the periphery, after having been swallowed by the mad diffuse center where the crack in the universe, the Abyss, is so wide that people spend their

whole lives in it mechanized, mineralized, necrotized — people who are no longer falling and for whom the dead place is thus living and they would never call themselves the living dead. No they would not.

But they are dead and they are mad and I was running, hoping that my falling would be its own parachute, a slingshot via Voodoo, Sahel, sand and bones to re-butress my soul and my very ipseity against the onslaught of a Law gone Mad.

For how can one deny that the Law is Mad? Raving mad. Except, perhaps if one is mad. So I was driven here by madness. Not my own, unfortunately. But perhaps in search of my own. Look at it, absurdly and arrogantly asserting idiomaticity, striving for excellence and solipsism as if they were the same thing even though it knows that it can never be solipsistic. The Law rules out Passion, Dionysus, Fucking and Voodoo because it has to assert

a virginity it never had and never can have. For Law exists of people and of the Fucking which Law can never recognize except to say something of it, from a distance which does not exist.

Look at Clinton. Look at the way the Law, within him and without, examines every word he said to determine exactly what he meant, look at the way the Law steals our privacy in relation to our own words. The way a paranoid second and triple guesses every word, and every one of his is scrutinized by the voices. At its edges, the Law is ironic, it makes me read Canetti who tells me that "it is impossible to overrate the importance of words for the paranoid. They [words] are everywhere,



like vermin, always on the alert. They unite to form a world order which leaves nothing outside of itself. Perhaps the most marked trend in paranoia is that towards a complete seizing of the world through words, as though language were a fist and the world lay in it... The paranoid exhibits a mania for finding causal relations, which finally becomes an end in itself."

Is the Law laughing at me? Telling me to read about paranoiacs so that I should see what it is itself in its exhibitionism? Cruelly twisting Derrida about, It says: look, I am mad and I shall turn you mad and you can do nothing of it, for you will not understand me and but you will understand nothing but me. For the Law is paranoid, and it thinks that I, any I, is out to get it. Because I is formed in a situation which can never be found and always refers elsewhere.

The Law is mad. Indubitably paranoid, it strips a hundred faces "off like masks in order that the one face may appear behind them." It does not differentiate between subject and object. It strips our faces off — us, we, the Law-students formed elsewhere but going going gone, were we to be its subjects? — so that we may learn to do the same for It even as we submit to It. Law steals our ipseity, for it has none of its own, it alienates itself without having a self to alienate, and every word It utters speaks this jealousy of our manhood or womanhood. It is forever locked in a cycle of appropriate madness, totalizing in desperation for a totality that, if It were to achieve, would annihilate It. Like a paranoiac, It aims to be the only Self left standing in a field of "fleeting makeshift men," cardboard people, and paper-maché Mephistophelae. Like a paranoiac, It gives Itself an exalted position to defend and only by virtue of this defense turns all others to midgets.

One does not see the shape of the bottle from the inside. Where, then, is the outside?

Fenno

Last week: Fenno, desperate to learn the identity of the dumbass transcript forger, set off on a quest to find the one student who could help her: Ron Kasner.

Fenno started in the obvious places. She left a note in his Harkbox. She sent him an e-mail. She even took out a personal ad in the *Gowder Free Press*: "Single white female seeks reformed criminal for dancing and discipline." But to all these overtures, there was no response (except a nice note from Andy Bloch pointing out that card-counting is a misdemeanor in some states).

Fenno looked all around campus, but she knew that she was just going through the motions. Kasner didn't want to be found. But that was okay with Fenno — she knew all about hard-to-get, and she had her sources. It was time to call in a very old favor.

Fenno strode into Three Aces and sidled up to the counter. Fenno quickly scanned the back, but couldn't spot the old guy anywhere. She hoped he had trained the new staff well. As the greenhorn came to take her order, Fenno wiped the disappointment away in an instant, her face a studied mask of indifference.

"One vegetarian Buddhist's Delight, please. Hold the jicama."

All the blood drained out of the surly young man's jaws, as his mind assimilated what he had just heard. He could barely stammer his response: "Ex... excuse me, ma'am... but we m-m-must ask you to order something with more g-g-g-grease in it."

Fenno relaxed a bit. At least this kid knew the game. Old debts would be paid. Fenno looked around quickly before giving her reply, to make sure no one was watching. All she saw was Brian Crist, his eyes intensely focused on the meatball he was lifting to his mouth. The coast was clear.

Fenno leaned forward, and in a too-casual voice uttered the designated response: "I hear the grease in Greece gets paid for in the lease."

The swarthy man's eyes grew wide, and Fenno could practically see his heart skip at least three beats. He stood there for a few seconds, looking like a deer (or Reinier Kraakman) caught in the headlights, and then he dashed to the back. Fenno heard the sounds of an urgent conversation, followed by a sudden clanging as pans crashed to the ground.

Brian Crist gave a start, and began choking on his meatball. Fenno smiled as he writhed in pain, realizing that — yet again — people would be convinced that he was the one expelled for disciplinary violations. "Tough life, kid," she muttered.

Fenno's gaze moved back to the counter as the commotion in back came to an abrupt end. Without a word, the young worker walked out of the kitchen, and then hastily sidestepped as a gray-haired figure came out behind him. Fenno breathed a sigh of relief as she recognized the Three Aces Patriarch. He nodded his head at her ever so slightly, but otherwise his face betrayed no emotion. Without a

word, he pointed to the door.

Fenno obeyed instinctively, and stepped out onto Mass Ave. The elder pizza-merchant followed, and beckoned her into the barber shop next door. As he walked in, the Elder made a quick gesture to the barber, who quickly shaved his customer's head and shoved the hapless victim out the door before he could protest. The barber quickly locked the door, pulled down the shades, and — with a look of abject terror on his face — fled to the back room.

The gray-haired King of Fat looked at Fenno, and growled. "You look different."

"Thirteen years and a sex change will do that to ya," she replied. "Now, look. Do you remember our agreement, or don't you?"

"Oh, I remember. If the law school ever found out what we really put in the pizza, I would be finished. You saved my business, Fenno. You saved my family."

Fenno's nose wrinkled with disdain. "Whatever. I know all about your 'family,' amigo. Now, look. I need you to find someone for me. You know who it is. Think former Section Rep. Think Avalon. Think Ad Board. Think... idiot."

There was a long, pregnant pause. You could cut the tension in the air with a spork. And then the Overlord of Oil sighed, and looked Fenno in the eye.

"Very well. You want Kasner? I can get you Kasner."

Next week: will Fenno at last find the answers she needs?

Quote of the Week

"Congratulations! New high score?"

— Prof. Jon Hanson, responding to the repeated beeps of a student's laptop in his Corporations class.



IMPORTANT DATES
FOR THE SPRING 1999 SEMESTER:
MARCH 1999 MPRE INFORMATION

THURSDAY, FEBRUARY 18 - LATE FILING (\$96)
FRIDAY, MARCH 12 - EXAM DATE

MPRE COURSE AT HARVARD
SUNDAY, FEBRUARY 28

Stop by the BAR/BRI table for video location information.

BAR EXAM INFORMATION SESSIONS
TUESDAY, FEBRUARY 23 - 6:30PM - AUSTIN EAST & WEST

EARLY START PROGRAM
Begins SATURDAY, FEBRUARY 27
Stop by the BAR/BRI table for schedule information.

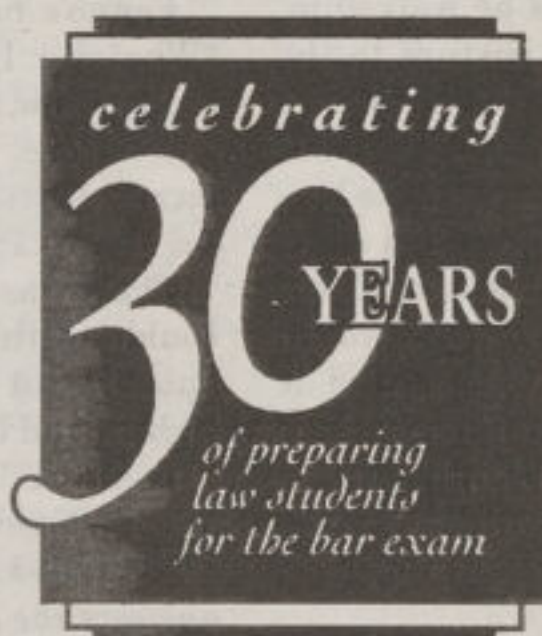
BAR REVIEW COURSE START DATES

At Harvard: New York - June 1st; California - June 1st;
Massachusetts - June 7 (MA begins LIVE in Boston on June 3)
Stop by the BAR/BRI table for other information for other states.

HARVARD TABLE DATES	
Wed., 2/10; Tues., 2/16; Tues., 2/23; Wed., 2/24	
Wed., 3/3; Tues., 3/9; Wed., 3/17; Tues., 3/23	
Wed., 4/7; Tues., 4/13; Wed., 4/21; Wed., 4/28	

Bar review books
will be distributed to graduating
students on this day!

**BAR EXAM
FILING
DEADLINES
ON REVERSE!**



The Power Of Experience

Important Dates from Bar/Bri

1999 BAR EXAM FILING DEADLINES

NORTHEAST REGION

OTHER POPULAR STATES

STATE	DEADLINE Some states allow for late filing. Please direct all further inquiries regarding late filing to the bar examiners.	POSTMARKED OR RECEIVED
NEW YORK BAR/BRI (800)472-8899 Bar Examiners (516)452-8700 (800)342-3335 (in NY only)	APRIL 28	POSTMARKED
NEW JERSEY BAR/BRI (800)472-8899 Bar Examiners (609)984-7783	APRIL 30TH (Letter of Intent)	POSTMARKED
CONNECTICUT BAR/BRI (800)472-8899 Bar Examiners (860)568-3450 Starting 11/9: (860)466-5200	MAY 31ST	RECEIVED
MASSACHUSETTS BAR/BRI (800)866-7277 Bar Examiners (617)482-4466	MAY 30TH	RECEIVED
NEW HAMPSHIRE BAR/BRI (800)866-7277 Bar Examiners (603)271-2646	MAY 1ST	POSTMARKED
VERMONT BAR/BRI (800)866-7277 Bar Examiners (802)828-3281	JUNE 15TH	POSTMARKED
MAINE BAR/BRI (800)866-7277 Bar Examiners (207)623-2464	MAY 20TH	RECEIVED
RHODE ISLAND BAR/BRI (800)866-7277 Bar Examiners (401)277-3272	MAY 1ST	POSTMARKED
CALIFORNIA BAR/BRI (800)995-5227 Bar Examiners (415)861-8303	APRIL 1ST	POSTMARKED
FLORIDA BAR/BRI (800)950-7277 Bar Examiners (904)487-1292	MAY 1ST	POSTMARKED
GEORGIA BAR/BRI (800)360-7277 Bar Examiners (404)656-3490	DEC 4TH	RECEIVED
ILLINOIS BAR/BRI (800)621-0498 Bar Examiners (217)522-5917	FEB 1ST	POSTMARKED
MICHIGAN BAR/BRI (800)245-3926 Bar Examiners (517)334-6992	MARCH 1ST	POSTMARKED
PENNSYLVANIA BAR/BRI (800)452-7277 Bar Examiners (717)795-7270	Early April*	POSTMARKED
TEXAS BAR/BRI (800)392-5441 Bar Examiners (512)463-1621	JAN 30TH	POSTMARKED

* PLEASE NOTE: These dates are TENTATIVE. If you are taking this state's bar exam, contact the bar examiners to confirm the filing deadline.

Her Indie World

I'D LIKE TO DISPARAGE THE ACADEMY

By Suzanne Carter '00
RECORD Columnist

The Academy Award nominees for Best Original Song were announced earlier this week. The five contenders for the coveted prize are "I Don't Want to Miss a Thing" from "Armageddon" (music and lyrics by Diane Warren; performed by Aerosmith); "The Prayer" from "Quest for Camelot" (music by Carole Bayer Sager and David Foster; lyrics by Carole Bayer Sager, David Foster, Tony Renis and Alberto Testa; performed by Celine Dion); "A Soft Place to Fall" from "The Horse Whisperer" (music and lyrics by Allison Moorer and Gwil Owen; performed by Allison Moorer); "That'll Do" from "Babe: Pig in the City" (music and lyrics by Randy Newman; performed by Peter Gabriel); "When You Believe" from "The Prince of Egypt" (music and lyrics by Stephen Schwartz; performed by Whitney Houston and Mariah Carey).

About the only good thing I can say

about that list of nominees is that Jennifer Love Hewitt's horrible contribution to the "I Still Know What You Did Last Summer" soundtrack isn't on it.

Okay, okay, so it's not that bad. Randy

Honestly, now that Grammy voters have tip-toed into the modern era, isn't it time the Academy members selecting best original song did, too?

Granted, it's good to see the Academy voters eschewing commercialism. Any of the nominated songs is preferable to the Goo Goo Dolls's awful "Iris" (although "I Don't Want to Miss a Thing" comes close). But how about nominating Pras for "Ghetto Superstar," from last summer's "Bulworth"? Or one of Jonathan Richman's hilarious contributions



Best Song honors in the early 1980s. Somewhere along the line, though, the Best Song Oscar became less about awarding the songs that would stand the test of time by becoming intrinsically linked with our memories of the films that spawned them and more about rewarding the same old adult contemporary dirge.

Breeders Watch — Speaking of movie music, the Kim Deal-fronted Breeders, who were last heard from with the 1993 release of *Last Splash*, one of the definitive albums of the alternative rock movement, will have a song on the soundtrack to the film version of "The Mod Squad." The song, "Collage," will feature Kim on lead vocals and her sister Kelley on guitar; no word yet on whether bassist Josephine Wiggs or drummer Jim MacPherson will join them.

The soundtrack to "The Mod Squad" also will feature a remix of Björk's "Alarm Call" and a new Lauryn Hill/Curtis Mayfield duet, "Here But I'm Gone."

Imbruglia Watch — In keeping with the film theme, it's nice to see Natalie Imbruglia's "Torn" featured in the trailers for both "Stepmom" and "Message in a Bottle." That song didn't get nearly enough exposure the first time around.

About the only good thing I can say about that list of nominees is that Jennifer Love Hewitt's horrible contribution to the "I Still Know What You Did Last Summer" soundtrack isn't on it.

Newman's unique voice deserved inclusion, and Allison Moorer's "A Soft Place to Fall" really was the debut of a great new C-and-W talent. But don't kid yourself into thinking either of them will take home a statuette on Oscar night. After all, the only non-schmaltz to have won during the 1990s was Bruce Springsteen's "Streets of Philadelphia," and that was more a recognition of lifetime achievement than an award for a great song per se.

to "There's Something About Mary" — definitely the best parts of the film? Or even Alanis Morissette, for her stunning "Uninvited," from "City of Angels"? Heck, at least "The Wedding Singer's" rapping grandma would have put on an entertaining performance on awards night.

It wasn't always this way. Once upon a time, Isaac Hayes won an Oscar for the "Theme from Shaft," and both "Fame" and "Flashdance (What a Feelin')" received

SPORTSGUY

HEMENWAY'S LAST DANCE?

By Josh Swartz '00
RECORD Columnist

Typically, February brings a few feet of snow and the start of the HLS intramural basketball season. Well, the snow has arrived, but the sound of basketballs careening off the World War II-issue backboards in the friendly confines of Hemenway Gymnasium may soon be but a fading echo. As most of you know, the future of Hemenway as the sole Law School recreational facility remains in doubt.

Rumors and innuendo abound, but my sources have confirmed that Hemenway will remain open for the rest of the Spring semester; however, it will disappear in 2000 unless Dean Clark makes a move. The Dean has reiterated that the matter is "receiving my personal attention and will hopefully be resolved in the Law School's favor." Notwithstanding the Dean's assurances to the contrary, losing Hemenway as an athletic facility for stu-

dents, faculty, and staff remains a strong possibility. I urge returning students interested in saving Hemenway from its fate as refurbished office space to organize a group to communicate with the Dean so that he appreciates how important the gym is to the students.

In keeping with the spirit of saving Hemenway, what follows is a letter I received from a former student with fond memories of the gym. He asked me to print it and it seems like a good way of kicking off the basketball season and reminding everyone of the good feelings that many of us associate with Hemenway.

Dear Sportsguy,

In a slack time of the year for HLS sports, perhaps you and your readers might be interested in some HLS basketball league history.

Oct. 23, 1998 was the 45th anniversary of one of the legendary teams in HLS basketball history: the Lakers, the league champions which I had the honor to captain. I feel it is necessary to chronicle the many noteworthy facts about this team in a newspaper of record before my memory fails me.

We were the only team in HLS history to have a member go on to be a member of the NBA hall of fame. Larry Fleisher, general counsel to the NBA players association, and the inventor of the salary cap, was inducted in 1990. It is the only team to have the Dean of the Law School and the President of Harvard University play power forward: Derek Bok.

It was the first team in HLS history to have a dominant "Big Man," 6'7" Dave Atcheson. Now that is not big today, but in a league where everyone else was 5'10", Atch was equivalent to a seven-footer today. The guards were Bob Carlsen, who became an investment banker, and Jim Gabler, who played for Harvard College. The subs were Fleisher, myself, and H. Lee Sarokin.

You might wonder how as a substitute I became captain. Well, I had rights to the name, and in at team of shooters I was the only one who would pass the ball to Atcheson. At the 1952 HLS basketball party, Jay Rabinowitz, who later became Chief Justice of Alaska, sang the following



song to the tune of "A Bicycle Built for Two" "Jessie, Jessie, here's the thing to do. Get the ball to Atcheson, and let him put it through."

We were the first, and probably the only, HLS team to have a working relationship with an NBA championship team, the

Lakers — not the L.A. Lakers, but the Minneapolis Lakers. My dad knew Ben Berger, the owner of the Lakers, and at lunch one day asked him if we could use the name. Ben said sure. He then asked him for some practice jerseys. Ben said no. I never claimed it was close working relationship.

From the vantage point of 45 years, here is some counsel for today's basketball players. Don't begrudge the time you spend at Hemenway, rather cherish it. As I read the RECORD it appears that Hemenway is an island of meritocracy in a sea of political correctness. Forty to fifty people can make the Law Review, but only ten can be on the HLS championship basketball team.

Sincerely,
Jess. B. Cohen '53

Now, I've never heard "A Bicycle Built for Two," but I urge every student to create their own memories and participate in this year's intramurals.

Remember, the deadline to sign up is this Friday, so lace up those sneakers and I hope to see everybody on the court.



Photo courtesy of Teresa Ou

Last Spikes in Hemenway?

Intramural volleyball kicks off this week for what may be the last time in Hemenway. Whoever hopes to be the last champs must get through The Crunchberries, last fall's winners of the intramural tourney. Pictured from left to right: (back row) Harry Demas '99, Andy Choi, Pat Shield '99, Eishi Baba, (front row) Teresa Ou '99, Eric Hall '99. Not pictured: Ted Randolph '99. Baba, Choi and Demas won the winter league three-on-three tournament.



The 1999 Harvard Law School Conferences on Sports & Entertainment Law

Presented by the Harvard Law School Committee on Sports & Entertainment Law

<http://www.law.harvard.edu/Studorgs/csel/>

Austin Hall North, Harvard Law School • 1515 Massachusetts Avenue, Cambridge, Massachusetts



Entertainment Law Conference

Friday, February 19, 1999

Check in at 1:00 pm; program starts at 1:30 pm

Entertainment Finance in the 21st Century

Panel Discussion

- **Henry Morriello**, Kaye, Scholer, Fierman, Hays & Handler, LLP
- **Randy Poe**, President, Leiber & Stoller Music Publishing
- **David Pullman**, Managing Director, The Pullman Group
- **Roy A. Salter**, Managing Director, Houlihan Lokey Howard & Zukin
- **Professor John Coates**, Moderator

The Art of Negotiation: Dealmaking in Hollywood

Panel Discussion

- **Jay L. Cooper**, Manatt, Phelps & Phillips
- **Brenda Feigen**, President, Feigen/Parrent Literary Management
- **Marshall Silverman**, V.P. & Associate General Counsel, Theatrical Division, Warner Bros. Studios
- **Professor Robert Mnookin**, Moderator

Reception to follow

If you have questions, contact Marisa Sechrest at msechres@law.harvard.edu or (617) 547-5254.



Sports Law Conference

Friday, February 26, 1999

Check in at 1:00 pm; program starts at 1:30 pm

Learning from the Past, Preparing for the Future: Labor Relations in Major Professional Sports Leagues

Panel Discussion

- **Robert Goodenow**, Executive Director & General Counsel, National Hockey League Players' Association
- **Harold Henderson**, Executive V.P. for Labor Relations & Chairman for the NFL Management Council, National Football League
- **Daniel Silverman**, Regional Director, National Labor Relations Board
- **Professor Paul C. Weiler**, Moderator

Intellectual Property Rights: Who Owns What in Sports?

Panel Discussion

- **Jeffrey Mishkin**, Executive V.P. & Chief Legal Officer, National Basketball Association
- **Richard Moss**, Player Advocate, Former General Counsel, Major League Baseball Players' Association
- **Stephanie Vardavas**, Endorsement and League Affairs, Nike
- **Professor Paul C. Weiler**, Moderator

Reception to follow

If you have questions, contact Mike Ben at mben@law.harvard.edu or (617) 492-3086.

simplicity

...is EXPERTS telling you if
your case is still good law.

www.lexis-nexis.com/lawschool

The Enhanced SHEPARD'S Citations Service

- Over 100 expert editors reviewing every case...
- The pioneer in citations services...
- Simple signals warn you of negative treatments...
- Lock up your research with SHEPARD'S... and throw away the key!



LEXIS-NEXIS

SHEPARDIZE. Or Compromise.

The Buzz

By Tanya Marsh '00
RECORD Columnist

SEX, DRUGS AND HOLLYWOOD, BLAH, BLAH, BLAH

Sean Penn and Kevin Spacey are consistently amazing actors, and they turn in captivating performances in the cinematic adaptation of David Rabe's award winning play, *Hurlyburly*. This picture is less a story than an examination of four self-destructive, cocaine-fueled and misogynist Hollywood players Eddie (Penn), Mickey (Spacey), Artie (Garry Shandling) and Phil (Chazz Palminteri).

Eddie and Mickey's relationship is at the center of this amoral quartet. They share a business, a home in the Hollywood Hills and occasionally, women. Eddie babbles every thought that crosses his mind, mistaking vapidity for insight. For example, in a moment of post-coital sharing with girlfriend Darlene (Robin Wright Penn), Eddie muses, "[e]verything distracts me from everything else. But what I've really noticed is that mainly, the thing I'm most distracted by is myself. I mean, I'm my own major distraction."

Standing in the background, smirking while Eddie, Artie and Phil engage in earnest philosophical discussions about destiny, Mickey measures his words for maximum damage. As Eddie free-falls through his downward spiral, he demands of Mickey: "What kind of friendship is this?" Mickey pauses and gives the pathetic Eddie a once-over before replying: "Adequate."

Hurlyburly is a two-hour conversation, so naturally the focus is on language. Eddie is especially obsessed with semantics. Phil commits suicide, leaving an enigmatic last letter. Eddie insists on looking up every word in the dictionary and pesters Mickey into counting the letters on each line, convinced that his half-wit friend communicated his last wishes to him via anagram. Of course this entire endeavor is ridiculous, and Mickey derides the search for meaning until the manic Eddie objects to his sarcasm. Mickey is aghast at the accusation, after all, he was only being flip.

The focus is also on the ostensible friendships between the four, especially Eddie and Mickey, and Eddie and Phil. At one point, Mickey accuses Eddie of pursuing his "friendship" with Phil only because no matter how low Eddie sinks, Phil will always be lower, looking up in admiration. That observation rings true for both relationships. Mickey lives in the same world of misogynist sex and casual drugs as Eddie, but he is smooth, cool, and manipulative in dramatic contrast to his unbalanced and self-de-

structive partner. Mickey takes Eddie's phone calls during power lunches and while driving down the highway, listening to his pathetic ramblings with an amused smirk. Mickey takes perverse pleasure in playing his "friends" off one another, engineering humiliating situations for his own entertainment.

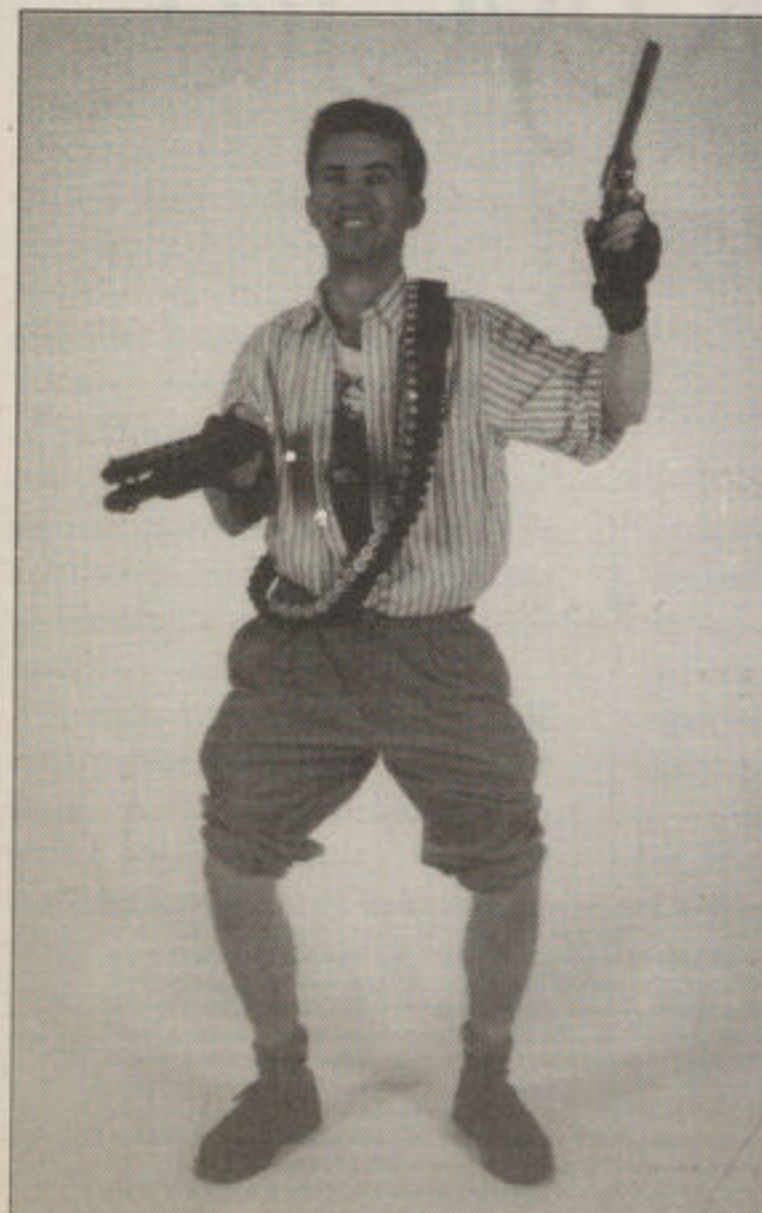
Three women find their way into this *Hurlyburly* world. Darlene (Robin Wright Penn) starts out with Eddie, feels a "vibe" with Mickey, and is then passed back to Eddie. Of the three women, she is treated with the most respect by the men, which isn't saying much. Eddie is smitten ("she is a dynamite lady") while Mickey views her as just another whore he could talk into bed. Bonnie (Meg Ryan) is the sweet but drug-addled exotic dancer who is willing to have sex with any half-decent looking man and is hurt and surprised when she figures out that Eddie was just using her.

One of the most interesting characters is Donna (Anna Paquin), a homeless teenager Artie found living in an elevator and presented to Eddie and Mickey as a "care package." She resurfaces at the end of the movie to sum up the two hours of chatter: "It's great when people know what each other is talking about." Blah blah blah.

Coming Soon To A Theatre Near You

200 Cigarettes takes us back to New Year's Eve, 1981, with some of the hottest talent of the late 1990s: Ben Affleck, Jay Mohr, Courtney Love, Christina Ricci, the adorable Paul Rudd, Martha Plimpton and Janeane Garofalo, the mistress of deadpan comedy. One special treat: Elvis Costello stars as himself. This is the first feature for director Risa Bramon Garcia who showed a great eye for new talent as casting director for *True Romance* and *Speed*.

Mystery, Alaska. David E. Kelley is married to Michelle Pfeiffer and won the Golden Globes for best drama (*The Practice*) and best comedy (*Ally McBeal*). What does he do for an encore? Write and produce a movie about a small town hockey team that must battle the New York Rangers in a corporate-sponsored exhibition game after *Sports Illustrated* features a cover story about the town. Kelley loves a moral quandary (remember *Picket Fences*?) and this one focuses on the power of sports to unify and the power of commercialization to destroy. Starring Russell Crowe, Hank Azaria and Ron Eldard.



Harvard Law School Forum

Presents:

CHARLTON HESTON

ON

WINNING THE CULTURAL WAR

TUESDAY, FEBRUARY 16

7:30 P.M.

AMES COURTROOM

Soylent green is people!

RECORD Horoscopes Valentine's Day Special

ARIES March 21 to April 20

Your William Rehnquist obsession has gone too far. It was cute when you had pin-ups of him in your room, but when you started making out with them, it got spooky. Take the gold bands off your shirt sleeves and pursue someone attainable. How about Seth Persily? (He made us write this.)

TAURUS April 21 to May 21

Let's face it. Staying locked up in your room with your Chandler Bing t-shirt ain't going to bring no interactive loving, and neither is listening to Hope Sandoval's meowing on your Jesus and Mary Chain CD. Go ahead. Make your move. Al Gore may be married, but he's got next dibs on the Oval Office, and you know what goes on there!!

GEMINI May 22 to June 21

Your twin-like nature is causing some personal consternation. For Valentine's Day, will you buy your love a cherry or something more substantial, like a package of gym socks? Stick with the practical. If that doesn't appeal to your special one, there's always that sweetie pie from torts class, and I ain't talking about the teacher neither.

CANCER June 22 to July 23

You may be symbolized a crab, but you're all shrimp, baby. Mmmm. I would like to eat you for breakfast, lunch, and dinner, but you are beyond my price range. You are gold. Let us freak nasty.

LEO July 24 to August 23

People like you, they really, really like you. Too bad you'll be cleaning your toilet on Valentine's Day. Oh well, "Superman Part Three" with Richard Pryor is always available for rental, and there's no place to meet that special someone like the Superhero Aisle at Blockbuster.

VIRGO August 24 to September 23

If you think bad thoughts about somebody, bad things happen to them, and that's a good thing. Then again, if you think sexy thoughts about somebody, sexy things happen to them, but not necessarily with you. (What did you think we'd say? You are symbolized by a virgin.)

LIBRA September 24 to October 23

The scales of good lovin' are tipped in your favor. Don't gain too much weight or the scale will topple over. Then again, Larry Tribe's scale tipped over a long, long time ago, and he doesn't have any problem wooing the ladies.

SCORPIO October 24 to November 22

You may think you're a scorpion, but watch your back: your lover is tomcatting again. This behavior is repeating on you faster than falafel from that Korean Deli by Porter Square. Don't you ever learn?

SAGITTARIUS November 23 to December 21

Cupid's arrows are aimed at your direction. Just make sure Peter Murray isn't sending them, or instead of flowers, you might get the West edition of the Federal Rules of Evidence.

CAPRICORN December 22 to January 20

Hey good lookin', you're way too good for the Poindexter who dumped you earlier this week. But considering how good lookin' you are, you're too good lookin' for everyone, because you are soooooo fiiiine. You're going to have to settle eventually.

AQUARIUS January 21 to February 19

The water may be wide, but your gait is long. You are too afraid of immersing yourself in the sea. Don't be afraid to take that jump. After all, where would the Law School be if Law School Council hadn't risked it all on that fax machine in the Hark?

PISCES February 20 to March 20

Your love life is like "Veronica's Closet": critically disparaged but still the number four program in the country. Hang on to that time slot, and you'll have more dates for Valentine's Day than you can count.

Write a brief. Earn \$25,000.

\$25,000 KeyCite "The Key to Good Law" Scholarship Contest

GRAND PRIZE: \$25,000

FIRST PRIZE: \$10,000

SECOND PRIZE: \$5,000

A FREE LEATHER PORTFOLIO FOR THE FIRST 2,000 ENTRIES!

DEADLINE FOR ENTRIES IS MARCH 15, 1999.

ENTER YOUR BRIEF SUPPORTING THIS STATEMENT:

KeyCite is more accurate, current, comprehensive and easier to use than any other citator.

KeyCite™ is West Group's revolutionary citation research service. It's the "Key to Good Law™" because you can use KeyCite to check for good law and find related cases quickly and easily.

Last year, three talented law students won a total of \$40,000 in scholarships. Now it's your chance! Your brief must be a minimum of 500 words.

You can win up to \$25,000 toward your educational expenses if your suggestion is judged as the winning entry.

The first 2,000 entries will receive a **FREE** leather portfolio.

So get acquainted with KeyCite on Westlaw® at your earliest opportunity. (If you need a Westlaw password, ask your West Group Academic Account Manager or Westlaw Student Representative.)

Then give us your best brief on why you feel KeyCite is more accurate, current, comprehensive and easier to use than any other citator.

KeyCite™

SEND YOUR ENTRY TO: KeyCite Contest, P.O. Box 8551, Prospect Hts., IL 60070
or go to: www.westgroup.com/keycite/contest.htm



WEST GROUP

The trademarks shown within are used under license.

Barclay/Whitney • Clark Boardman Callaghan • Lawyers Cooperative Publishing • Westlaw® • West Publishing

OFFICIAL RULES: No Purchase Necessary. 1. To enter, write a brief supporting the statement: "KeyCite is more accurate, current, comprehensive and easier to use than any other citator." On one or more pieces of plain 8 1/2" x 11" paper, handprint or type your entry with a minimum of 500 words in English and include your name, law school, your address/phone number at school, permanent address/phone number (if different) on the back and mail to: KeyCite Contest, P.O. Box 8551, Prospect Hts., IL 60070. Entries must be postmarked by 3/15/99 and received by 3/23/99. You may also enter by visiting the KeyCite web site at <http://www.westgroup.com/keycite/contest.htm> beginning at 12:01am (EST) 1/15/99 through 11:59 pm (EST) 3/15/99 and access the contest area. Limit: one entry per person. Sponsor assumes no responsibility for computer system, hardware, software or program malfunctions or for other errors, failures or delays in computer transmissions or network connections that are human or technical in nature, or for lost, late, mutilated, illegible, postage due, incomplete or misdirected mail or entries. 2. All entries become the property of the sponsor and none will be returned. 3. Winners will be chosen based on compelling/convincing brief, (50%), creativity/originality, (25%) and concise presentation, (25%). 4. Entries will be judged by the KeyCite Advisory Board, whose decisions on all matters relating to this contest will be final. Winners will be selected on or about 3/31/99 and will be notified by mail. Duplicate prizes will be awarded in the case of ties. 5. One (1) Grand Prize: \$25,000.00 scholarship; One (1) First Prize: \$10,000.00 scholarship; One (1) Second Prize: \$5,000.00 scholarship. Prizes will be in the form of certified checks payable to winners, who may use them toward tuition and/or other school-related expenses. Total approximate retail value of all prizes: \$40,000.00. The first 2,000 entrants will receive a leather portfolio. Winners will be notified by mail and winners must execute and return affidavits of eligibility, liability/publicity releases within 21 days of certified mail request or prize will be forfeited and an alternate winner selected on the basis of the criteria described above. By accepting prizes, winners consent to use of their names, limited personal information and/or likenesses for advertising/promotion purposes without additional compensation, except where prohibited. Prizes not transferable and no prize substitutions allowed. All prizes will be awarded provided a sufficient number of qualified entrants are received. Submission of an entry grants Sponsor and its agents the right to publish, use, adapt, edit and/or modify such entry in any way, in commerce and in any and all media worldwide, without limitation, and without additional consideration to the entrant. Submission of any entry further constitutes the entrant's consent to irrevocably assign and transfer to the sponsor any and all rights, title and interest in and to the entry and the thoughts expressed therein, including, without limitation, all intellectual property rights. Entries must be the original work of the entrant, may not have won previous awards, may not have been published previously, must not infringe upon third-party rights and must be suitable for publication (i.e., may not be obscene or indecent). Winners are responsible for any federal, state or local taxes applicable to prizes. If a prize is won by a minor, it may be awarded in minor's name to a parent or legal guardian, who must sign all required documents. 6. Open to legal U.S. residents 18 years of age or older who are current students of record in law schools in the U.S. and Puerto Rico at the time of entry, except employees of West Group and its affiliates and subsidiaries, their respective sales representatives, their advertising, promotion and judging agencies, and the immediate families or household members of each. Void where prohibited by law. 7. For a list of winners, send a self-addressed stamped envelope by 6/1/99 to KeyCite Winners List, P.O. Box 8419 Dept. KS, Prospect Hts., IL 60070. Sponsor: West Group, Eagan, MN.

©1999 West Group 0-99910/1-99