



Nothing's shocking to these visitors who came to chow down at the SLLR fundraiser last week.

SLLR Event 'Shocks' Campus Culture

Conservative Fundraiser Beset by Protests, Withdrawals of Support

By Justin Herdman

Members of the Harvard community gathered in the Ropes-Gray room on Saturday, February 21, in order to sample venison meatballs, Manwich sloppy joes, and gyros supplied by local restaurants and campus organizations.

The Society for Law, Life and Religion (SLLR) was able to overcome a flurry of last-second protests in order to hold this event, appropriately dubbed "Culture Shock."

The beneficiaries of the afternoon's proceeds were The Waltham Support Committee for Battered Women and A Woman's Concern Crisis Pregnancy Center (AWC). While the inclusion of the Battered Women project was applauded by all, serious questions arose concerning the

participation of AWC.

Advertisements across campus promoted Culture Shock as an event sponsored by SLLR, a conservative pro-life group. Some HLS students considered the description of AWC as a "Crisis Pregnancy Center" to be misleading.

AWC: Center of Crisis

Members of the Reproductive Freedom Project (RFP), which operates under the auspices of the Civil Liberties Union, provided Culture Shock attendees with a leaflet regarding AWC. Tori Jueds '01, who serves as chairperson of the RFP, outlined the organization's position.

"Our sole concern was that this event has been somewhat misrepresented among members of the Harvard community and among the restaurants," said Jueds.

The RFP's claim of misrepresentation was not the only point

Please see POTLUCK, p. 6

The Great McKinsey Hope: Law School Hires Consultants

HLS Seeks to Improve the Student Experience

By Janie Kim

McKinsey & Co. added another dimension to its relationship with Harvard Law School last month; the management consulting firm, which has long recruited prospective associates through the Office of Career Services, has now secured the Law School as a client.

HLS hired McKinsey to collect "objective, systematic information about the student experience at Harvard Law School," said Prof. Elizabeth Warren, chair of the Institutional Life & Structure Committee (ILC) which will oversee the McKinsey project.

ILC has a two-year mandate formally initiated last October to "take the Law School into the next century," according to Special Assistant to the Dean for Strategic Planning Janine Matho.

One of five planning committees organized under HLS's strategic planning process, ILC recommended to Dean Clark '72 that HLS hire McKinsey as part of the "student-focused phase" of the School's planning.

The four full-time McKinsey

consultants, who currently operate out of a "team room" on the second floor of Hauser, will act as factfinders in this evaluation of student life, said Warren.

"This is a highly iterative, open-ended process," Matho said. "This is a time when we should be thinking about the world of the possible. The objective is to harness the things that make us good and amplify them to make us better. If we have problems, we should fix them."

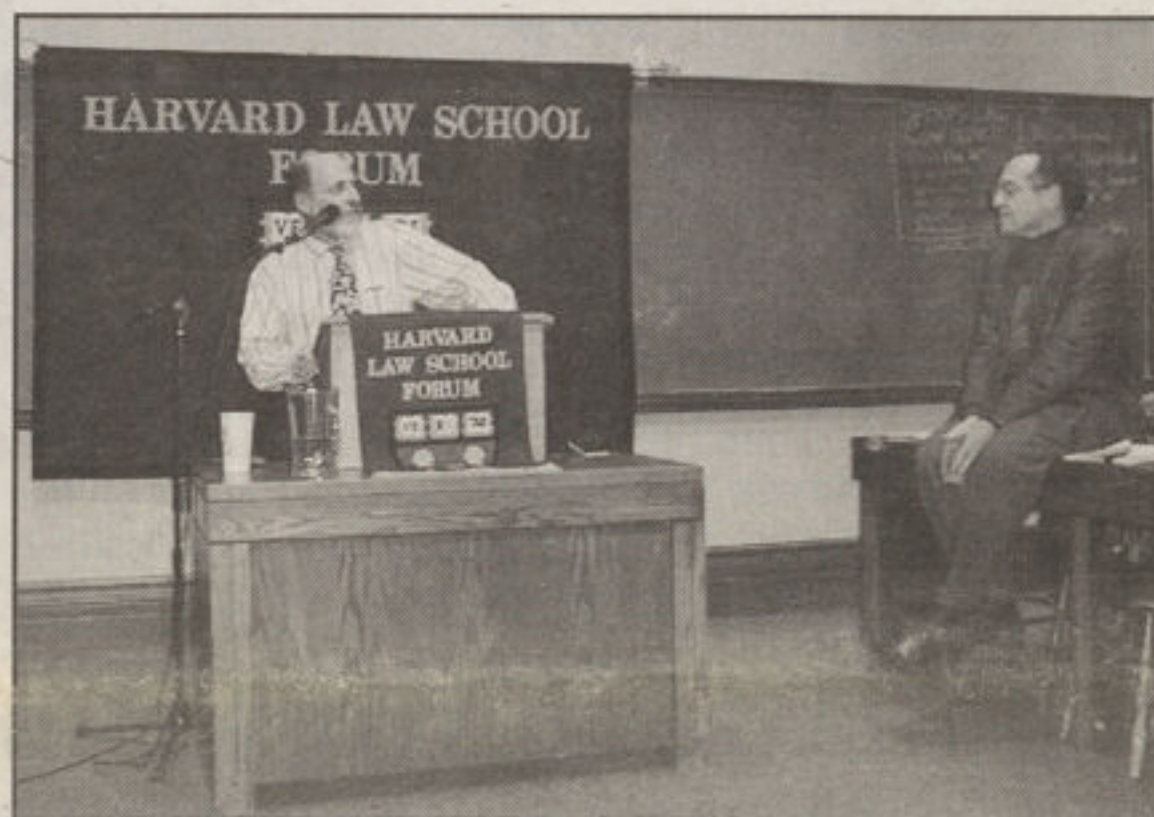
"This is Harvard Law School.

And we should be knocking our students' socks off everyday."

Over the next several weeks, the entire student body will be invited to participate in a survey (which is currently under construction) and a series of focus groups in order to assess what issues matter most to students.

"There will be lots of questions on demographics," said Warren, "since different subgroups may experience the Law School differ

Please see MCKINSEY, p. 12



Harvey Silverglate '67 takes on Prof. Dershowitz's support of HLS's Sexual Harassment Guidelines.

Silverglate '67 Calls for Repeal of Sexual Harassment Guidelines

Forum discussion touches on HLS's divisive past

By Ben Lehrer

Noted civil libertarian Harvey Silverglate '67 called the Law School's Sexual Harassment Guidelines "a discredited method

for policing speech and sensitivity" and advocated their repeal last Wednesday at a speech sponsored by the HLS Forum.

The Guidelines were adopted by a majority faculty vote in October 1995. They prohibit a variety of conduct and speech of a sexual or discriminatory nature.

"These Guidelines would undoubtedly be unconstitutional at a public university," said Silverglate, who co-authored the 1998 book, "The Shadow University," which details the movement by colleges and universities to adopt codes restricting certain categories of expression.

Prof. Alan Dershowitz, who introduced Silverglate, disagreed. He said that the Guidelines were narrowly tailored to cover actual harassment, and leaves protected speech — including obnoxious and offensive speech of the kind at issue in the landmark Hustler Magazine v. Falwell case — untouched.

Born in Bad Taste

Silverglate linked the faculty's approval of the guidelines in 1995 with the turmoil surrounding a 1992 parody of an unfinished draft article written by Mary Joe Frug, wife of Prof.

Gerald Frug '61. The parody, published by the Harvard Law Review in its annual April Fool's "Harvard Law Revue," came one

Please see SEX, p. 7

Internet Book Dealers Threaten HLS Coop's Law Book Racket

By Klaus Hamm

As an MIT graduate and a current joint degree student at Harvard Law and MIT's business school, Chris Yang '01 has bought plenty of books from the Coop over the years. But that doesn't mean he enjoys it.

The Harvard Cooperative Society serves both MIT and Harvard, and after years of thinking he was paying too much, Yang decided to do something about it. At the end of last year, he co-founded Beantown Books, a Web-site business in direct competition with the Coop.

"It made sense. I was basically looking for a cheaper alternative to the Coop, because, you know,

the prices seem to go up every year," Yang said.

Now thanks to Yang's venture and a handful of others like it, students frustrated with the Coop's prices do not have to resort to starting their own businesses. Instead, lower prices are available to anyone willing to purchase books over the Internet.

Indeed, growing numbers of HLS students, as well as other law students around the country, now do their casebook shopping in cyberspace. One Chicago-based online legal bookseller reported a 500 per cent increase in sales for 1998.

The Coop has noticed the defections. While it defends its pricing system, it acknowledges the

rising force of online bookstores, particularly in the last two semesters. To fight back, it plans to launch its own discounted Web site for the fall semester.

The Coop admits that despite some advantages over online bookstores, it simply cannot compete on what many customers feel is the most important aspect of purchasing a book: price.

"For brick and mortar stores and the Internet, there is nothing that is similar in terms of the economics," said Allan Powell, the Coop's corporate general manager.

The Coop's additional costs include all the expenses faced by most traditional store-front busi-

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HLS Rebels Make Pilgrimage to That Other Law School

"Dead Man Walking" Author Addresses Sixth Annual "Rebellious Lawyering Conference"

By Doug Sims

Two weeks ago at Yale Law School, Sister Helen Prejean expressed her doubts about the objectivity of the American legal system. "If an elephant is standing on a mouse's tail and the elephant says, 'I'm neutral,' the mouse will not appreciate it."

Sister Helen is the author of "Dead Man Walking," a noted activist against the death penalty, and a member of the Or-

der of Joseph. She gave the keynote address at the Rebellious Lawyering Conference, held at Yale Law School on Feb. 19-21. In its sixth year, the annual Conference brings together diverse elements of the legal community to "discuss innovative ways in which lawyers, advocates, activists and service providers can help to fight for progressive social change."

While notions of "progressive social change" may elicit varied reactions from members of the HLS community, confer-

ence organizers repeatedly denied the existence of any underlying political agenda or vast "left-wing" conspiracy. But the Conference attracted a mix of legal critics and strategists, often opposed in both their motives and medicine, united only by their dissatisfaction with the status quo and their commitment to altering it.

In a rousing, well-crafted speech containing equal doses of analysis and evangelism, Sister Prejean related her experiences with inmates, politicians, murder victims' families and the Pope during her fifteen years of involvement with the issue of capital punishment. She admitted that the death penalty was "locked in" in this country but expressed optimism that growing global awareness of human rights would compel the United States to align itself with international norms. She challenged legal practitioners to develop arguments based on the theory of state-sponsored execution as psychological torture.

An exchange between two members of the "Trying Times in Criminal Defense" panel illustrated the contrasting viewpoints presented at the conference. The Honorable Terry Hatter, a judge in the Federal District Court of Los Angeles, decried Congress's increasing political attacks on the one hand and their chronic lack of funding for the judiciary on the other. Next to him was Eddie Ellis, a Harlem community organizer and former East Coast Spokesman for the Black Panther Party.

Both agreed that the Federal Sentencing Guidelines and their state equivalents have severely constrained judicial discretion and eroded the general perception that the criminal system produces just outcomes.

Judge Hatter objected, however, when Ellis encouraged rebellious lawyers to use the courtroom as theater, saying, "Noth-

ing moves unless you push it ... The best lawyers I've seen had to be carried out of the courtroom."

The judge was silenced, however, when Ellis explained his support of jury nullification by revealing that he had been wrongly convicted of murder in the 1970s by an all-white "jury of his peers."

The panel on "Corporations and the Public Interest" explored the fluctuating boundaries between the public and the private. Beth Noveck, a Fellow at Yale's Information Society Project, instructed attendees to practice "retail disobedience" by refusing to provide non-essential personal information when making a purchase. She warned of the convergence of informational databases and resulting threats to privacy. The Information Society Project encourages on-line businesses to develop privacy protections and to incorporate these protections as value-added features of products. It also develops theories and arguments in support of a legal recognition of a property right in personal data.

Also on the corporations panel was Inge Frykund, attorney and founder of Tactics, Inc., a consulting firm specializing in privatization. Frykund outlined strategies for funneling "corporate momentum" into public purposes through innovative drafting, a technique she described as "contract law as judo."

A couple of hundred students and practitioners attended Saturday's keynote address, including a sizable HLS contingent. OPIA, which offered to pay the ten-dollar registration for all HLS students, said that a record 28 students attended this year's conference.

When asked if she considers herself a rebel conference attendee, Erika de Wet, LL.M. '99 wanted more information: "I think the term 'rebel' is very open and has to be defined before one can say whether you can identify yourself with it or not. For myself, I certainly do think that one should speak out about injustice. But in the process one should try to remain fair, and forward substantiated and differentiated arguments, but apparently several of the panelists at the Reb-Law conference felt otherwise."

Ex-Yalie Andrew Wilmar '01 put it poetically, "Reb-Law put righteousness back in my consciousness — it's easy to lose track of that here."

So does being righteous lead one to rebel at HLS?

Wilmar paused before he replied, "I'm a 1L. That remains to be seen."

Hey! My Nuts are Frozen!



RECORD photo/Ben Lehrer

The Langdell squirrels' quest for nutty goodness was not deterred by last week's snowfall, which caused a panic among humans and led to the declaration of a snow emergency and the issuance of a number of outrageously hefty parking tickets.

Negotiations Workshop Teaches How to Create Value out of (Almost) Nothing

By Nathan Drake

Students in Prof. Robert Mnookin's '68 Negotiation Workshop came up with startling results in response to a two-week assignment that required them to create value out of a single dollar.

The assignment was designed to encourage students to come up with innovative ways to create value from almost nothing. Twenty-four teams of four students participated in the exercise.

In one case, the students reaped the rewards of ingenuity as one team arranged for Capone's Foods in Union Square to donate 96 cannolis to the class.

Another team poured their dollar into education, securing a donation by Sears of a fax machine to a middle school.

Local city officials may have been less appreciative of one team's effort to prevent parking tickets. The team turned the dollar into four quarters and put them in parking meters that had expired. The team left notes for the car owners, explaining what they had done and encouraging them to do the same thing. The team estimated that the exponential value of this activity would be \$1.5 million in unwritten parking tickets.

Diana Song '01, Victor Hu '01, Athena Low '01 and Jean Yang '01 turned their dollar into law school love. They distributed 100 pennies, attached to bright yellow notes, requesting that the bearer pass on the penny to a friend along with a compliment or hug.

The team used a sophisticated monitoring system, whereby each recipient of the penny would tear off one of five strips from the note. The fifth recipient would return it to a collection box in the Hark. Yang estimates that they had over two hundred "hits" in three days.

"We were just doing our part to make the law school a happier place, by reminding people of what's important — not money, not grades, but the ties of friendship that bind us all together," Yang said. "Have you hugged someone today?"

The winners of the "Best Value Creation" award got a double bang for their buck. Andrew Tuch LL.M. '99, Dahlia Eissa LL.M. '99, Megan Moynihan '01 and Shana Weyer '99 started with the idea of adding value to their physical dollar but struggled to find a famous person who would sign it.

Their quest eventually led them to Washington, D.C., where former Attorney General Edwin Meese was happy to contribute his good name. Meese pointed out, however, that defacing currency is a crime, so he signed a Post-It note instead of scribbling on their dollar. The note bearing his autograph was taped to the dollar, and together they were sold to an anonymous student for \$20.

To further nail down the "Best Value Creation" award for her team, Eissa then cajoled Sears Corp. into donating a desperately needed fax machine to a local middle school. Her team's \$20 will be used to buy ink cartridges.

Support for the Public Interest Auction was a powerful theme running through the assignment. One team also rounded up autographs of famous people for the Public Interest Auction, persuading Profs. Carol Steiker '86, Alan Dershowitz, Charles Ogletree '78, Arthur Miller '58, Mnookin and others to sign their dollar bill. None apparently shared Meese's concern for the sanctity of the almighty dollar. In addition to signing, Dershowitz circled the "We" in "In God We Trust," and wrote underneath "Don't speak for me."

Other contributions to the auction include proceeds from the raffle of a Seiko

watch, cash donations from Section III, and a poster commemorating the value creation project signed by the Negotiations Workshop teaching team and students.

Free food for the class was naturally a very popular item. In addition to Capone's cannolis, C'est Bon contributed a platter of cookies and La Focaccia promised sandwiches for the entire class. Herrell's Ice Cream was initially reluctant to "create value," but was won over by Claudia Grebski's arguments that "you're not selling much ice cream in February anyway" and that the donation might help bring in business. Herrell's contributed three quarts of their coffee, chocolate pudding, and cookies and cream ice cream.

Amund Bugge LL.M. '99 showed how liquid a single dollar could be, persuading the Grafton Street Grill to donate match books that entitle the bearer to free beer.

The class was provided entertainment by Amy Whitehurst '01, Patrick O'Sullivan '01, Mike Lingle '00 and Dave Hoffman '01 who used their dollar to buy two copies of the children's book, "The Lion King: Friends in Need". While Hoffman narrated the book to the class, O'Sullivan played the part of Mufasa and Whitehurst played the role of Zazu, the wise bird. Lingle assumed multiple roles: of laughing hyenas, circling vultures, bounding gazelles, and Sarabi, Mufasa's love, who was trapped in a hole. For only \$1, this team taught their classmates that "it is important to foster relationships."

In addition to providing food and entertainment, encouraging caring relationships at the law school, and supporting worthy causes, the value creation project taught the class a valuable lesson. As Dan Losen noted, "thinking creatively can get you much farther than you might have imagined."

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Looking for the Dream Job? Try Creating it Yourself

OPIA Panel Urges Students to Consider Going Beyond Traditional Career Options

By Ben Lehrer

At a panel discussion sponsored by the Office of Public Interest Advising (OPIA) last Monday, three attorneys offered students a simple alternative to the often frustrating public interest job search: form their own start-up organization.

Theresa Amato, John Bonifaz '92 and Alan Khazei '87 all have chosen this unconventional path. They came to HLS to share their experiences and urge students to look beyond the standard career offerings that are readily available through the school's placement offices.

The panelists said there was a pressing need for social entrepreneurs to help meet the legal and social needs of poor and disempowered citizens. They spoke critically of the current state of traditional legal education, not only for failing to train people to be good lawyers but also for discouraging students from approaching the job search creatively.

"Don't ask yourself, 'where am I going to apply?'" said Amato. "Start asking, 'how am I going to apply myself?'"

As founder of the organization "City Year," Khazei runs what he described as an "action tank for community service." City Year volunteers do a year of community service in the greater Boston area. The organization served as the model for Americorps, a national service program established in 1995.

Amato is Executive Director of the Citizen Advocacy Center. Located in the western suburbs of Chicago, the Center engages in litigation as well as organizational and educational activities.

Bonifaz's brainchild, the National Voting Rights Institute, is a Boston organization that mounts legal challenges to the current campaign finance system.

Enter the Entrepreneurs

Khazei and Michael Brown '87 constructed a pilot program for City Year one year after both classmates graduated from

law school.

Khazei noted that social entrepreneurs need not live in poverty.

"Private sector entrepreneurship is about changing the way business is done," he said. "If you're successful, you'll make a lot of money."

Nevertheless, he stated that success isn't measured in money but in the fact that "you can make a difference," since social entrepreneurs seek to change the way the government and society treat people.

"The era of big government is over," Khazei said to the crowd. "We need people like you to make public policy change."

Amato worked for several years with Public Citizen, Ralph Nader's '58 advocacy organization in Washington, D.C., before moving to Chicago and starting the Citizen Advocacy Center.

"I didn't come up with my own idea," she remarked. "I took the time-honored method of stealing someone else's."

The Center began in a basement with a grant, a typewriter and a little office. It has since developed into an organization with three full-time attorneys and scores of citizen volunteers.

Amato quickly found the demand for legal services in the community was extraordinary.

"We have so many infringements of constitutional rights that people don't even know they have any," she said.

Learning Through Doing

The panelists attacked the perception that students need to take established jobs in order to learn the ins and outs of lawyering.

Bonifaz admitted that while law school generally doesn't provide students with a practical education, clinical work serves to bridge that gap. Otherwise, he added, "you just have to learn through doing."

He recalled his first case out of law school, where he argued that the country's campaign finance laws violated the constitution's Equal Protection Clause.

Each time Bonifaz cited precedent, the judge told him that "this isn't that case."

Bonifaz recalled that the last time the judge did this, he leaned forward on the podium and replied, "Your honor, that was that case and this is this case. If this was that case, we wouldn't be here today."

"We lost," said Bonifaz.

But Bonifaz remained confident that one day he would prevail. "Dreams are made through persistence," he said. "If you have a dream, pursue it."

Amato relishes the freedom that starting her own organization gave her.

"We live in a distorted world at law school because firm salaries are so high," she said. "But that salary comes at a price." During her talk, she repeatedly referred to firm work as "indentured servitude."

"The modern day indentured servants are extremely poor," she said. "They lack the freedom and privilege of practicing law which comports with their conscience and advances the causes of justice."

Amato proceeded to question why so few full-time independent lawyers addressed the problem posed by the disparate delivery of legal services.

"So many people come to law school saying they want to make a positive social impact," she says. "But they leave with a different idea."

Amato then launched into an attack on law school culture.

"Law school creates a culture of compliance and control," she said. "It teaches risk aversion and obedience to precedent. There are 'right' extracurriculars, 'right' ways to dress, 'right' things to say and 'right' places to work."

According to Amato, law schools encourage conformity by pushing a narrow set of job possibilities. "The menu at placement offices — firm, corporate counsel, clerk, government lawyer, public interest — is like an airplane or a prison cafeteria," she said.

She encouraged students to resist conformity. "Schools beat the entrepreneur-

ial instincts out of us," she said. "Law schools, which teach us to minimize risk, don't dedicate resources to support social entrepreneurs."

Lose Them Chains

Amato said that if students want things to be different, they have to push for change themselves. "This institution won't volunteer to change," she said. "You have to demand it. And you're at an institutional disadvantage. You're here for three years and then you graduate, and the next group comes in and faces the same environment of deprivation."

The Law School Council's "Community 2000" program for academic reform, which Amato described as "anemic," left her less than hopeful that the student government would push for significant change.

"It looks like all you want is for professors to show up, give some feedback and hire some teaching assistants," she said. "That's the manifesto for the new millennium?"

Amato also had harsh words for HLS's conservative corporate culture.

"When I went through the course catalog, I wanted to cry," she said. "Practically everything that I wanted to take this year was either not offered or doesn't exist."

She said that Harvard as an institution shows a lack of commitment to public lawyering, noting that HLS has an Olin Center of Law and Economics but no analogous center for poverty and civil justice.

"Students should demand that resources be put into training them to be good lawyers," she said in an interview after the panel. In addition to more public-service oriented courses, the Law School should encourage more students to participate in clinical work, as well as teach practical lawyering skills like negotiation, intake and screening cases as part of the core curriculum.

Amato pointed to inadequate funding for the Low Income Protection Plan as further evidence that the scales are tilted away from public service careers.

Direct Action Raises Funds for Sudan's Starving

By Dmitri Evseev

While some may remember last Thursday evening for its snowstorm, and others for the canceled classes, those who attended the Project Central Africa benefit dinner event in the Ropes Gray room left with vivid memories of stirring African music and ethnic food.

Direct Action, a new HLS student organization, organized the event designed to benefit the victims of war and poverty in sub-Saharan Africa, while exposing participants to elements of African culture.

Although the snowstorm threatened the event's success, Arthur Kim '00, one of the event's organizers, was hopeful it would go well. "We will have wine, food and music," he said. "That's the important thing. People will come."

As it turned out, he was not disappointed. Almost 100 people braved the weather and showed up to hear about the project, listen to the live music, and get a taste of Middle Eastern and African cuisine. Overall, \$5100 was raised from the dinner and other donations, making it possible to carry out the specific "direct actions" planned by the group.

The simple yet powerful idea animating Direct Action is "to establish a direct connection with a community [in Sub-Saharan Africa] by going there and helping them with what they need help with," said Laura Benn '99. The goal is not to do what HLS students think will help, but instead to build a relationship, so that members of the suffering community can express their most urgent needs, she said.

"We want to start off very small," said Kim. "But hopefully end up making a real difference."

Kim's idea of starting off small includes sending a truck with 20,000 pounds of food from Uganda to a community in Southern Sudan ravaged by civil war. The

truck is already available and Chris Ayres '92, who is leaving for Africa this Tuesday, will be guiding it.

Ayres, who was present and spoke at the dinner, had spent the last four years in Sub-Saharan Africa and recalled a few of the unspeakable horrors of starvation, war and genocide that he witnessed in Rwanda and other countries of the region.

He first went to Rwanda on a U.N. mission following the 1994 genocide, but soon found himself so deeply involved with helping the people around him that his U.N. work began to seem secondary to his "extracurricular" activities.

The latter ranged from establishing an orphanage for some of the children who survived the deaths of their parents to helping build a coffin for a boy who had lived in the same house as him and who had been shot and thrown into his arms by a group of soldiers.

Ayres has now founded an organization called the Amahoro Advocacy Clinic & Shelter based in Cambridge, MA, in the hopes of attracting the attention of others to the horrors that he encountered.

Benn, who had lived in Sudan, also spoke about the devastation in Central Africa and recalled the British division of Sudan into South and North, which precipitated many of the civil wars that have periodically ravaged the country since its independence in 1952.

Later in the evening, Rumbafrica, Boston's premiere African music band, composed of musicians from West Africa, the Caribbean, England, and Somerville, lightened the mood by getting most of the attending crowd to pile onto the dance

floor and bust a move.

As Mirna Adjami '00 pointed out, "It almost seemed cruel to sip wine, enjoy food, and dance away given the cause. Yet Chris attested, and I saw it as well when I was in Congo, that hunger and civil war have not stifled people's ability to enjoy themselves. Rather, music really moves people, and orchestras like Rumbafrica sing about their hopes for the future."

In addition to the singer and his "orchestra," the band also featured dancers, in traditional dress who set an example for everyone in the room to follow.

Adjami, who spent last summer in the Democratic Republic of Congo, was one of the first people out on the dance floor and was later happy to comment on the music itself.

"The music is called Soukous," she said. "It is Congolese rhythmic dance music, and the music and the particular dance moves to the songs are widely exported throughout Africa."

Apparently one such dance was banned in Senegal for promoting obscene hip movements. Unaware of the legal perils they would face in another country, however, the law students were having a great time.

The event's organizers, too, were in good spirits, since Operation Central Africa was off to a good start. As Nerlyn Gonzalez '00, a member of Direct Action, explained, the group is

already thinking about future projects, in which current students would actually travel to the affected communities, possibly during winter term, and establish a relationship with them.



RECORD photo/Dmitri Evseev

Rumbafrica brings a little culture to HLS.



Briefs

Sullivan '81 Named Dean of Stanford Law School

Noted educator and constitutional scholar Kathleen Sullivan '81 will take office September 1 as dean of the Stanford University Law School.

Sullivan, 43, was selected after a five-month search. She will replace Paul Brest, who announced last year he would be leaving the post after the current school year.

"I have known and highly regarded Kathleen since my days at the University of Chicago Law School," Stanford University President Gerhard Casper said Monday. "Six years ago I played a role in her recruitment to Stanford from Harvard, and at that time was reminded of her superb leadership qualities."

"She is everything one could ask for in a dean — an outstanding teacher and scholar, an active lawyer and a public intellectual," Casper said.

Sullivan began teaching at HLS at age 29; earned tenure at 33; and was named the first Stanley Morrison Professor of Law at Stanford at age 41.

"She is the most brilliant analyst and best teacher of her age group," said Stanford Professor Emeritus Gerald Gunther in 1997. Gunther is the author of "Constitutional Law," the leading casebook on the subject, which Sullivan co-authored for the 13th and most recent edition.

Ms. Sullivan received her bachelor's degree at Cornell in 1976, then went to Oxford University in England, where she earned another B.A. She was awarded a law degree at Harvard in 1981 and practiced law for two years in Boston before returning to HLS to teach.

—Associated Press

Former Fenno Vilardo '80 Named Editor-in-Chief of Litigation

Former RECORD senior editor Lawrence J. Vilardo '80 has been appointed editor-in-chief of Litigation, a publication of the Litigation Section of the American Bar Association.

The journal, which is read mostly by practitioners and judges, has a circulation of 60,000 and is edited by a volunteer board of trial and appellate lawyers from across the country.

Litigation's main offices are in Chicago, but Vilardo plans to continue working in Buffalo, NY, where he is a partner in the firm Connors & Vilardo, LLP. He estimates that he will spend at least one-third of his working hours on his publication duties.

"There are six partners and five associates at my firm, and they've agreed to pick up my slack," he said.

While a student at HLS, Vilardo served as an editor of The Harvard Law Review as well as perennial RECORD enigma Fenno.

Vilardo will serve a two-year term as editor-in-chief of Litigation. "I'm excited about steering the publication from 1999 to the year 2000," he said. Litigation is planning special retrospective and prospective issues at year's end.

Harvard Square, Cambridge See Rise in Crime

Crime rates in the neighborhood surrounding Harvard's campus rose in 1998, but the increase was not significant enough to connote a trend, according to the Cambridge Police Department (CPD)'s annual crime report.

Statistics in the report released last week show that Cambridge's total crime rate increased less than 1 percent last year. Violent crime rose 6 percent, partly because of an increase in acquaintance rapes and strong-armed robbery.

Nevertheless, the crime rate remains around the lowest it has been in thirty years, and the widespread problem of car thefts declined 18 percent.

Police said the most disturbing statistics were the 17 per cent rise in burglaries and the 18 per cent rise in robberies.

Stranger rape declined nearly 90 per cent, from eight reported incidents in 1997 to only one in 1998. But acquaintance rape jumped 60 percent, from 15 to 24 occurrences. Overall, the CPD reported a four per cent increase in rape. CPD statistics show that an arrest was made in 92 per cent of all rapes reported.

According to criminologists consulted by the CPD, Cambridge — which has one of the highest population densities in the country — can experience large fluctuations in year-to-year crime statistics without it being part of a trend.

CPD Spokesperson Frank Pasquarello said that while crime statistics did not represent a trend, rising numbers for certain types of crime were cause for concern.

"We're trying to take whatever proactive [measures] we can to lessen that," he said.

"The Department has set as one of its goals to develop and prioritize new patrol and investigative strategies to address the crimes of street robbery, residential burglary, commercial burglary, and larcenies from motor vehicles," wrote CPD Commissioner Ronnie L. Watson in his commentary on the report.

Among the measures being contemplated by the CPD are more "park and walks," where officers leave their vehicles and patrol on foot, and an increase in undercover operations designed to combat petty thefts.

—The Harvard Crimson



Courtesy David Calone

Don't let them eat lunch: Mario Cuomo discusses his plans to enhance public service.

Gov. Cuomo Urges Students to Donate Lunches to Legal Aid

Special to the RECORD

Former Governor Mario Cuomo (D-NY) roused a standing-room only crowd at the Kennedy School Forum with a speech calling for a rededication to the principle of community.

Cuomo, who visited the Kennedy School on Feb. 22, stated that the current budget surplus and strong economy gave activists a perfect opportunity to propose legislation which would alleviate poverty and reform health care and social security.

Cuomo's call to arms prompted a question from the floor about whether he was planning to run for president. Unenthusiastic about entering the national political fray himself, Cuomo spoke in favor of his son Andrew, the Secretary of Housing and Urban Development, as a promising future star of the Democratic Party.

In a pre-speech discussion with members of the HLS Democrats and law students involved in organizing this spring's Public Interest Auction, Cuomo spoke on

the future of liberalism as well as on the decline in public service.

Cuomo urged students to concentrate on the best proposals for closing the wealth and opportunity gap in this country. Acknowledging that most students would be tempted to take high-paying corporate jobs instead of opting for public interest work, Cuomo encouraged those heading for the private sector to devote time to public service.

Cuomo is currently a partner Willkie, Farr & Gallagher, a prominent New York law firm. In an effort to encourage more private-public crossover, he started a young associates' public affairs group at the firm, aiming to involve newer attorneys in public life through discussion of pressing legal and policy issues.

Cuomo also helped pilot the Summer Associates' Initiative for Legal Services (SAILS) Lunch Project at Willkie. Rather than be taken out for lunch on the firm, summer associates can opt to have the firm donate the cost of a lunch to a local public service organization.

GOT A TASTE FOR POWER?

LSC Officers don't have interns,

but they do get free pizza every other week.

Officer elections for the 1999-2000 term are NEXT WEEK!

To run for LSC President, Vice President or Treasurer, submit a 8.5 x 11 sheet of paper announcing your candidacy and platform to Dean of Students Suzanne Richardson by Friday, March 5 at 4 p.m.

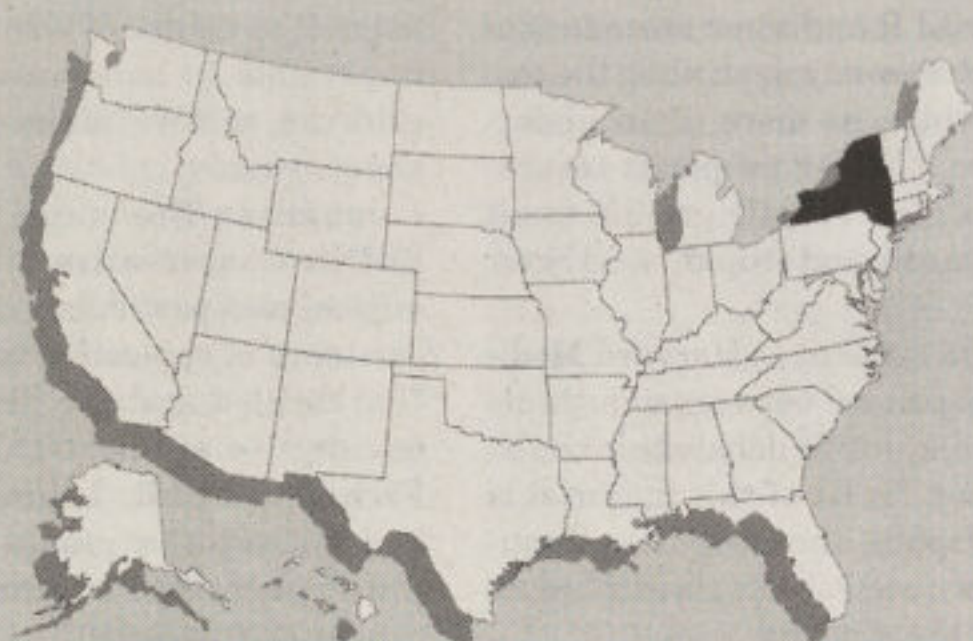
Questions? Contact Jane Ann Bardin, HLS's Independent Elections Commissioner, at jbardin@law.harvard.edu.

GOT A TASTE FOR ELECTIONS COMMISSIONING?

The LSC is looking for a few good ballot counters for the 1999-2000 school year.

Interested? Contact Dan Fridman at dfridman@law.harvard.edu.

Across the Wire



News from New York and Washington, D.C.

High Court Mulls Damages for Sex Bias

WASHINGTON (AP) — The Supreme Court struggled Monday over the question of when victims of job discrimination should be allowed to seek extra damages to punish their employers.

"This statute is simply confusing," Chief Justice William H. Rehnquist said, referring to a federal law that permits people who suffer intentional discrimination to collect punitive damages. "Nobody can pretend that it's a clear guideline as to where a court ought to go."

Carole Kolstad won a back-pay award from the American Dental Association on grounds it failed to promote her because of her sex. But a lower court would not let her seek punitive damages — intended to punish and deter future misconduct — without proving that her employer's conduct was "egregious."

Her lawyer, Eric Schnapper, told the justices the federal job-bias law does not require such proof.

"When Congress goes ahead and spells out the standards it had in mind, I don't think it's appropriate to add to them," Schnapper said in an argument supported by the Clinton administration.

But the dental association's lawyer, Raymond C. Fay, told the justices that Kolstad's argument would allow virtually everyone who proves intentional job discrimination to seek punitive damages.

U.S. law has a "tradition of a more difficult standard of proof" for such damages,

Fay said, adding there was no evidence that Congress intended to deviate from that stricter standard.

Kolstad sued under Title VII of the Civil Rights Act of 1964, which bars employment discrimination based on race, sex, national origin and religion.

The law allows victims of intentional job discrimination to collect punitive damages if they can show their employer acted with "malice or with reckless indifference" to their rights.

Justice David H. Souter '66 suggested the law sets a stricter standard for awarding punitive damages because it requires proof that employers who intentionally discriminated against someone also knew they were violating the law.

Justice Antonin Scalia '60 wondered what might count as an egregious act, interjecting a few moments later, "I have it. Firing on Christmas Eve; that would do it."

Justice Stephen G. Breyer '64 noted the law allows juries to decide whether to award punitive damages and sets limits on the amount.

"Why should we fight so hard to resist eligibility for punitives in a statute that has two other checks?" he asked.

Breyer also asked whether firing someone because of their sex or race, and knowing the action was unlawful, would be considered egregious.

"It very well may be," Fay said.

The Supreme Court's decision, expected by July, will govern the award of punitive damages not only in sex-bias cases, but also in the other types of discrimination banned by Title VII. The civil rights law was amended in 1991 to allow victims of intentional bias to collect punitive damages of up to \$300,000.

Kolstad was the Chicago-based dental association's director of federal agency relations in Washington when the director of legislation announced his retirement in 1992.

A male co-worker got the job and Kolstad sued, saying he was chosen be-

cause of sex bias against her. She also said a supervisor told sexually offensive jokes at staff meetings and described professionally prominent women in sexually derogatory terms.

A federal jury ruled the association discriminated against Kolstad and awarded her \$52,718 in back pay. The trial judge refused to let the jury consider awarding punitive damages.

The full U.S. Circuit Court of Appeals for the District of Columbia agreed, saying that to collect damages she would have to show "egregious conduct" by her employer.

NY Seizes Convict's Car

NEW YORK (AP) — A man with eight prior drunken-driving arrests was the first person to have his car seized in a city crackdown, and a family member hopes the dubious distinction helps him — and others — learn a lesson.

"I know he did wrong," Francisco Almonte's daughter Arasely told the Daily News. "He needs his car. Maybe it will teach him a lesson, maybe it will teach everybody a lesson."

The policy, which began last week, enables the city to seize the cars of suspected drunken drivers who have a blood alcohol content higher than 0.10 percent — the legal limit for drivers. Even if the suspect is acquitted of criminal charges, the driver still must go to civil court to get the car back.

By the end of the program's first day, police had seized three cars. One belonged to Pavel Grinberg, 28, a Polish immigrant with no driving violations and no previous drunken-driving arrests.

Grinberg's lawyer, Anthony Chinquee, said the charges may jeopardize his client's immigration status and his job at a public library.

"He is terrified," Chinquee told The New York Times. "It's really overwhelming for him."

Grinberg's 1984 Honda was seized. He was released after posting bail. A friend told the Daily News that Grinberg was driving Sunday night because his wife had forgotten her license. Police stopped him for driving erratically.

Prosecutors said Grinberg's blood alco-

hol level was 0.11 — just over the legal limit. Almonte's was 0.19, Police Commissioner Howard Safir said Monday.

Almonte, 57, was arrested after getting into a fender-bender Sunday. No one was injured. Almonte remained in jail today on \$10,000 bail. His 1987 Toyota Celica was seized.

According to the Queens district attorney's office, the first of Almonte's eight previous DWI arrests was in 1977. He pleaded guilty several times and was on felony probation for a 1996 arrest. He was convicted of DWI as a felony in March 1997 and is on probation until March 17, 2002.

As a repeat offender, Almonte could get as much as four years behind bars. Ms. Almonte said her father cares for his wife, who has schizophrenia.

The third person to have his car seized, Winston Rambharack, was driving erratically early Monday. Police said his blood alcohol level was 0.21, more than twice the legal limit.

Rambharack, 26, allegedly told police he had five glasses of vodka earlier. He had no prior driving violations and was released without having to post bond.

Mayor Rudolph Giuliani said he has no sympathy for drivers who have their cars seized.

"There is a very simple way to avoid this," he said. "Don't drink and get behind the wheel of a car."

Norman Siegel, executive director of the New York Civil Liberties Union, said litigation is inevitable and called the crackdown excessive.

Nino Defends Supreme Court's Hiring Record

WASHINGTON (AP) — Supreme Court Justice Antonin Scalia '60 defended the court's record on hiring minority law clerks last week, saying the justices seek "the best and the brightest law clerks we can get."

Speaking to the Jewish Council for Public Affairs, Scalia disputed a suggestion from the audience that the justices have hired a disproportionately small number of female clerks.

But, he added, "It is a problem with the numbers as far as minorities are concerned if you think the Supreme Court should have a complement of law clerks that looks like America."

"I don't think so," he added. "I think we should have the best and the brightest law clerks we can get."

"That is an objective that I would think that a Jewish group in particular would applaud, rather than seeking a system in which we have sort of racial quotas for these jobs," Scalia said.

The NAACP and others have accused the court in recent months of hiring too few minorities and women as clerks. USA Today reported last year that blacks make up less than 2 percent of the 428 law clerks hired by the court's current nine justices during their tenures and that fewer than 25 percent of those clerks have been women.

In a letter to three black members of Congress last December, Chief Justice William H. Rehnquist rejected calls for discussion of the issue with minority bar groups.

During Scalia's speech, when a member of the audience said the brightest law school graduates might look like a more diverse group, he countered, "I'd be interested in what facts you have to establish that."

"All I have are the grades from law schools, the law school that the person graduates from and the recommendations of the law professors, and I pick my law clerks on the basis of that," he said.

~ In Memoriam: Theodore Tannenwald Jr. '39 ~

WASHINGTON (AP) — Theodore Tannenwald Jr. '39, a retired U.S. Tax Court judge and a foreign aid specialist in the Roosevelt, Truman and Kennedy administrations, died January 17 of a heart attack at George Washington University Hospital. He was 82.

A Harvard University law graduate, Tannenwald was appointed to the tax court in 1964 by President Johnson

and became its chief judge in 1981. He retired in 1983 and assumed senior status.

During World War II, he was a top assistant in the Land Lease Administration and a special assistant to Secretary of War Louis Johnson. After the war he was a consultant to Defense Secretary James Forrestal and helped supervise the establishment of the Air Force as a separate service.

Later he was a key assistant to W. Averell Harriman when Harriman was in charge of foreign aid during the Truman administration.

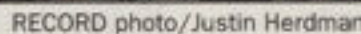
In the Kennedy administration, Tannenwald was a member of the president's task force on foreign assistance and was also a special assistant to Secretary of State Dean Rusk.

He is survived by his wife, Selma, two sons and three grandchildren.

Continued from page 1

On late Friday night and early Saturday morning, RFP members telephoned

"The manager was told that he would



Students hand out information about A Woman's Concern outside last week's SLRR potluck.

SLLR's reaction to the RFP handouts was respectful. "I did not find them to be militant," said Webber, "and I don't dispute their right to protest or to hand out

"I don't see [AWC] as an anti-abortion group," said Bazan. "From what I understand, they help women who have made a choice — the choice to keep their babies."

Amie von Briesen '01 was originally concerned about AWC's potential connec-

Also refuting the fears of violence was Rev. John Ensor, the founder of AWC. "What evidence do they have," said Ensor, "or are they just throwing out slander."

Culture Shock itself was a partial refutation of Freimann's belief. The event was extremely well-attended, with the high watermark of the afternoon occurring sometime after the first hour. Nearly every table in the Ropes-Gray room was filled. "We were encouraged and proud of the attendance," said Webber.

Webber, on the other hand, was in less of a conciliatory mood.

The AWC itself was not pleased with the turmoil surrounding Culture Shock. "There was not a desire on the part of RFP to assure people that we are good," said Ensor, "It was rather to try to show people that we're bad."

The motivations behind RFP's actions, according to Webber, were more out of a political disagreement than a concern about misinformation. "Not only did we have the moral high ground, but we had the political center [with Culture Shock]," said Webber.

Continued from **RACKET**, p. 1

Powell takes issue with the monopoly charge, noting that there are 22 book-

Discounted purchasing over the Internet may not last forever. Law Stuff USA currently cuts into its profits by offering discounts in order to develop online

"Law books are written by lawyers, professors and judges and that experience doesn't come cheap," said Patrick Sexton, spokesperson for West Group, the nation's largest law book publisher. "The value that you're going to get out of a law book is much more than what you're going to get out of another book."

[illegible]

Dersh Says He'll Use Dildo for Civil Disobedience

Continued from SEX, p. 1

year after Mary Jo Frug was brutally murdered in a Cambridge parking lot.

"Harvard Law School is the last place I expected to see a speech code," Silverglate said. "The spectre of the Frug crisis loomed over the drafting committee and the guidelines they produced."

The parody of Frug's article was written in an overtly misogynist tone and contained repeated crass references to her murder. The parody also included substantive criticisms of Frug's article and berated the Review for publishing it in the first place.

Prof. David Kennedy '80 filed Administrative Board charges against the parody authors and the Review's editorial staff. But the Board refused to discipline the students on the grounds that the governing statement of rights and responsibilities (which had been adopted in response to the anti-war demonstrations of the 1960s) did not provide any rules or standards that applied to their behavior.

Silverglate, who referred to himself as "a free-speech absolutist," criticized the Ad Board decision. He said that it should have denounced the attempt to curb students' rights of free expression, rather than give an invitation for the school to create rules to fit the perceived violation. The faculty and administration ultimately accepted this invitation.

A previous attempt to formulate sexual harassment guidelines began in 1990 with a committee chaired by Prof. Kathleen Sullivan '81. The faculty voted down the committee's draft guidelines in December 1992, and a new committee was appointed consisting of Profs. Elizabeth Bartholet '65, Alan Dershowitz, Richard Fallon and Joseph Singer '81.

The faculty's objections to the first proposed policy were never made public, but a RECORD story reported that a number of professors expressed concern that the proposed guidelines were too broad and would chill speech.

Keep Your Enemies Closer

Although distribution of the Revue was limited to members of the Law Review and a few others, copies of the Frug parody were soon leaked out to the community at-large.

The student authors soon found themselves on the receiving end of a massive outpouring of fury. Posters were put up around campus with their photos and the name of the judges with whom they would be clerking, urging students to contact the judges regarding the affair. One of the

authors reported that his mother received several threatening phone calls.

Allegations of impropriety swept through the ranks of the Law Review. The Review's president at the time, Emily Schulman '93, was publicly vilified as harboring racist and sexist sentiments herself. She barely survived a vote of no-confidence by the Review editorial staff, and Dean Clark '72 appointed Ralph Gants '80 of the Boston firm Palmer & Dodge to investigate charges of racism, sexism and abuse of power against Schulman.

In February 1993, Gants wrote a 109 page report concluding that Schulman had committed errors of judgment but found that she did not have discriminatory motives behind her conduct.

Student mailboxes were bombarded with declarations and open letters from students and faculty on both sides of the field, arguing whether the offending students should face some type of institutional punishment.

The story brought national media attention to Harvard, and the argument over punishment and the need for a speech code spilled onto the op-ed pages of The Wall Street Journal and The Los Angeles Times.

Buying Peace

Silverglate accused Clark of failing to stand up for principles of academic freedom and bowing to pressure to do the politically correct thing.

"At first the Dean came out bashing the article's insensitivity, but he addressed the free speech issue by saying that an academic institution should place paramount value on academic speech and that community members should be persuaded, not coerced to be more civil," said Silverglate. "But the mob wasn't satisfied, and Clark eventually abandoned his defense of free speech."

In a telling letter to Silverglate, reproduced in "The Shadow University," Clark wrote, "Your sentiments have been echoed in the faculty chambers along with many others. This discussion is a sign of the times, as is the need perceived among students that we have to discuss this or be seen as uncaring of their concerns."

Speaking in a RECORD interview, Silverglate said that had Clark stood up for free speech, the Guidelines would have never been passed.

"If he had simply said, 'I inherited a free institution and I will leave you with one,' he would have prevailed," Silverglate said. He attributes Clark's withdrawal to his administrative instincts and desire to keep the peace at the Law School, par-

ticularly in light of the upcoming capital campaign.

Chill Dersh's Speech? Ha!

Dershowitz, who helped draft the current Guidelines, spoke out in their defense at the Forum event.

"Before there was a policy, the Dean had the power to discipline students," he said. "I wanted firm standards that would cabin this discretion."

Silverglate claims that the Dean put Dershowitz, an opponent of both the first draft guidelines and the move to discipline the Revue parodists, on the committee in order to co-opt him into the effort.

Dershowitz took credit for including a savings clause in the Guidelines, which exempts speech and conduct from coverage "if it is reasonably designed or intended to contribute to legal or public education, academic inquiry, or reasoned debate on issues of public concern or is protected by the Massachusetts Civil Rights Act or the First Amendment."

"The savings clause eliminates 99 percent of the cases of alleged sexual harassment that Harvey wrote about in his book," said Dershowitz.

Silverglate responded by claiming that the fact that the Guidelines exist has a chilling effect on speech.

"Harvey, do you think I've been chilled?" asked Dershowitz.

"Alan, they wouldn't prosecute you under any code," responded Silverglate.

Dershowitz then challenged Harvard University to prosecute him under the University Guidelines, which are much broader than the Law School's.

"I'm going to continue telling dirty jokes," Dershowitz said. "If you don't like it, fire me."

"I have no inhibitions about bringing a dildo to class — if I can find one — to prove a point," he said, referring to the law recently passed by the Alabama state legislature forbidding sexual aids.

According to Dershowitz, dirty jokes and bringing a dildo to class would probably violate the University Guidelines. He said that he intended to violate the University Code, and encouraged other faculty members to do the same.

Whither Harassers?

One student asked Silverglate how a professor who repeatedly made sexualizing comments about a female student would be dealt with in the absence of a code.

"The teacher could be fired because there is no communicative value to the repeated comments," he responded.

Dershowitz recalled a story from a few years back where male students sitting in the back of a large class repeatedly made comments about a female student when she came into the classroom, to the point where she stopped coming to class.

Silverglate suggested that rather than punish them through a code, students could rally together and boycott the class, picket the students' rooms, or put up posters detailing the conduct. "These are all protected activities," he said.

"Official power is different than the power of peers," Silverglate said. "I'm concerned about the administration's ability to threaten to remove students from school for their speech."

Hypocritical? Moi?

Silverglate said that his opposition to speech codes stems not only from "First Amendment absolutism" but also from concern that they violate the principle of equal protection.

"These codes only outlaw offensive speech if it bothers women, blacks, Hispanics, gays or any other group that gets admitted to the list," he said. "Obnoxious views that bother anyone else are not prosecutable."

He criticized setting standards for prosecutability based on blood and genes.

"The history of the fight for equality and decency since the Civil War has been the fight for equality under the law for everyone regardless of blood and genes," he said. "Giving people different status based on their characteristics was prevalent under Jim Crow and the days before woman's suffrage."

According to Silverglate, the Left is leading the charge against the principle of equal protection.

"The social consensus that people should be treated equally under the law is being undermined by those who pass codes purporting to protect the categories listed in the codes," he said. "Those who are not protected will end up getting resentful and cynical, and their devotion to equality under the law will be diminished. This is corrosive. It undermines 150 years of progress for making a more decent society."

Silverglate recognizes that equality under the law did not translate into equality in fact, but challenges the use of speech restrictions to bring about that equality.

"We haven't arrived where we need to in terms of equality because we have utterly failed to educate young, poor children," he said. "Harvard faculty members can do more to promote equality by sending their own kids to public schools."

Harvard Faculty to Decide Whether to Automatically Readmit Convicted Rapist

By RECORD Staff

The Harvard College faculty will vote Tuesday on whether to re-admit a man who has confessed to and was convicted of the rape of a fellow student, according to RECORD sources.

Sources confirm that five university faculty members — Bill Paul, Margo Seltzer, Dan Gilbert, Louise Richardson and Richard Thomas — are planning to ask their colleagues to vote that Joshua M. Elster, a member of the College class of 2000 who has been convicted of rape both in criminal court and in a College Administrative Board proceeding, be automatically readmitted upon serving his five year probation sentence.

The Administrative Board, which will be represented by College Dean Harry Lewis at Tuesday's meeting, will recommend that Elster be allowed to apply for admission once his five years have run, but that he will not gain automatic admission to the College. Lewis is not a

member of the Ad Board, nor has he attended any of the Board's hearings regarding the Elster affair.

RECORD sources are not aware of any plans to recommend permanent expulsion for the rapist.

The College expels students for academic misconduct but not for criminal misconduct. It generally allows "violent" crimes to be dealt with solely by a criminal

court, but it does not consider rape to be a "violent" crime, sources said.

Thus, a student could be expelled for cheating on an exam, but a student convicted of rape would not face the same punishment.

The vote is expected to be held Tuesday evening at a location which will not be disclosed to the public.

The five professors and College Dean Harry Lewis may be contacted at:

Dan Gilbert
<dtg@wjh.harvard.edu>

Dean Harry Lewis:
<lewis@harvard.edu>

Bill Paul:
<paul@deas.harvard.edu>

Margo Seltzer:
<margo@eecs.harvard.edu>

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Richard Thomas
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Recycle

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A Case Against the Sexual Harassment Guidelines

I am not a free speech fundamentalist. Nor do I identify with those that consider themselves tyrannized by the forces of political correctness (though I am a white male). Nonetheless, I think that Harvard Law School does not need to have sexual harassment guidelines.

I'm not going to rehash the free-speech critique, which has been rendered much more eloquently and convincingly by others before me. Indeed, I support the *raison d'être* of the Guidelines. The sexualization of women and psychological and physical intimidation of gays and lesbians are pervasive and troubling phenomena, even in relatively enlightened communities such as our own.

Rather, I don't like the Guidelines because they provide the wrong solution to the problems of sexualization and harassment. Violators face being haled into Byzantine Ad Board proceedings, the results of which could place their academic and professional futures in jeopardy. The goal is not to make the perpetrators understand what they did wrong and why it was wrong, but to punish them. I'm even cynical enough to suspect that an ancillary goal is to ensure that the conduct is kept behind closed doors so as to avoid generating the kind of controversy that landed HLS in the newspapers earlier this decade.

But administrative terrorism has no educational value whatsoever, and should be viewed as highly suspect at an academic institution. By abdicating responsibility for educating those who need it most to the Administrative Board, the Law School community has endorsed the shoddiest kind of pedagogy — that which accomplishes its goals by spankings and forcing people to write slogans on a chalkboard.

If a person or group of persons is creating a hostile environment, they and not the Ad Board should be the first ones informed about this. They should be engaged in a dialogue and educated about why their actions were hurtful. Maybe I'm crazy, naïve, or just plain stupid, but I honestly believe that the best way to engender civility is to treat people with respect.

Confronting one's harasser can be difficult and traumatizing, particularly if the harassment reopens old wounds. In such a case, it is tempting to try and deal with the problem anonymously through third parties. But the Ad Board is the enforcement arm of a \$12 billion corporation, and its interests may not coincide with those of the students. The Office of Student Life Counseling would be a much better bet to provide support to a victimized student. Or a person could turn to friends, faculty, peer groups and student organizations. I find it difficult to believe that the problem couldn't be resolved without the administration's sword of approval.

To me, the Guidelines are just one more link in the administrative chains that hold down personal initiative. I think that students and faculty should be trusted with the responsibility of ensuring, through their own action, an open and friendly academic environment for all. If the Law School's goal is truly to educate, it will encourage everyone to discuss and understand the underlying purposes of the Sexual Harassment Guidelines, instead of putting them in our Hark Boxes (from where they make the short trip to the bins) and requiring blind obedience.

— Ben Lehrer

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

—First Amendment, U.S. Constitution

• Letters •

Dersh to Buck: Read My Books

Stuart Buck falsely accuses me of anti-Christianity because of my attack on fundamentalists who seek to impose their theocratic beliefs on others. I am equally appalled at Jewish fundamentalists, Muslim fundamentalists and others who refuse to think for themselves and refuse to allow the rest of us to think for ourselves.

Buck displays his ignorance when he describes fundamentalism as "a set of Christian beliefs." Fundamentalism is not any more Christian than it is Jewish or Muslim. It reflects the views of a tiny percentage of unthinking members of each faith, and of some with no faith, who refuse to think for themselves. I do believe it is evil to advocate the stoning of gays, the mistreatment of women and other forms of bigotry justified by recourse to a literal reading of

the Bible. I also believe that it is evil to blow up abortion clinics, murder abortion doctors, assassinate the Prime Minister of Israel or put out a contract on Salman Rushdie, on the basis of alleged biblical commands.

To call such evils what they are is not to engage in bigotry. I have not attacked conservative Christians or conservatives of any group. I have criticized anti-environmentalists, those who oppose a woman's right to a safe abortion, and those on the radical right, without regard to their religion. Indeed, I have been especially critical of Jewish fundamentalists, as Buck would know if he had read my book *The Vanishing American Jew*. It is Buck who engages in bigotry and mendacity by describing me as having a "hypertrophic case of sensitivity

when it comes to his own race and religion."

He also shows his ignorance when he describes me as a "professional Clinton lackey." Had he read my book *Sexual McCarthyism*, he would see that it is extraordinarily critical of Clinton, while making the case against his removal.

Finally, Buck seems afraid of the marketplace of ideas when he calls for the Dean to launch an investigation into, and issue a condemnation of, my exercise of free speech. The marketplace is open to Buck to respond, though I doubt that many in the Harvard community will be persuaded by his bigotry, mendacity and threats of McCarthyite investigations.

Alan M. Dershowitz
Felix Frankfurter
Professor of Law
March 1, 1999

Passing the Fundamentalist Buck

While I may be able to understand, but not agree with, the central argument of Stuart Buck's article "Dershowitz's Bigotry," Mr. Buck has clearly displayed his own ignorance by equating fundamentalist Christianity with Orthodox Judaism. The two faiths have nearly nothing in common. I would be willing to debate this point further, but I do not believe that the awkwardness of the printed page is the appropriate forum for such a potentially sensitive topic.

Moreover, Mr. Buck's premise is incorrect. Prof. Dershowitz did not call "fundamentalist Christianity" evil, he called "fundamentalism" evil, which is fully evident from the quote that Mr. Buck chose to attack. While it may be possible to infer that Prof.

Dershowitz was referring to fundamentalist Christianity, that would be mere speculation. If any of Mr. Buck's speculative attacks be correct, Prof. Dershowitz was most likely not referring to the whole of fundamentalist Christianity as evil, but rather the movement's particular political agendas. Now, in the scope of political debate, reasonable minds might differ as to whether the political agenda of "fundamentalism" is evil. This is also not to say that I would make the same mistake of prescribing one set of political beliefs to fundamental Christianity, as everyone would agree that to do so would be the kind of sweeping generalization that is an affront to our sensibilities. It

is most likely, however, that Prof. Dershowitz was referring to what he perceives as the agenda of the "Religious Right."

Lastly, Mr. Buck suggests Prof. Dershowitz is sensitive about his own "race and religion." I would like to know what "race" Mr. Buck is referring to. Does he mean Prof. Dershowitz's Jewish race? There are Jews who are members of nearly every racial group. There are white, black and Asian Jews, so it is not clear to which race Mr. Buck is referring. He ought to be careful because distinguishing the Jews as a separate "race" was a central doctrine of the Nazi German regime.

Lawrence J. P. Scheer '01
Feb. 22, 1999

Are you mad as hell?

Are you not going
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PERSPECTIVE

By Kris Borg-Olivier '00

A Critical Look at Terrorism

The recent arrest by the Turkish government of Kurdish rebel leader Abdullah Ocalan generated a great deal of media interest and commentary all over the world. Much of the discussion by pundits and politicians highlighted the hypocrisy of the West when talking about terrorism.

The typical media report about Ocalan's arrest made a brief mention of Turkey's brutal oppression of its Kurdish minority, but then followed this with details about the "innocent women and children" killed in Ocalan's Kurdistan Workers Party's decades-long terror campaign against the Turkish government. Reports normally concluded with a statement that while Turkey is hardly blameless, nothing can ever justify a resort to violence and the murder of innocent people.

We have become conditioned by the media into thinking that terrorists are always the worst of the worst, so conditioned that most of us seem to have lost the ability to think critically about oppressed minorities' use of violence. We paint all terrorists with the same brush, whether they are religious fundamentalists motivated by zealotry and hatred, or minority groups opposing governments who are denying them their most basic human rights. We pay lip service to values like democracy, liberty and human rights, but we condemn those who would resort to violence in their pursuit.

Arguing in defense of terrorists is no

easy task, but in my view the knee-jerk condemnation of all violent organizations simply helps to maintain a status quo in which many states, some of whom are our allies, terrorize and oppress their own people with barely a reaction from the Western media or governments.

Those who morally condemn people like Ocalan are rarely forced to argue their side, but when they do, the arguments tend to be quite unconvincing. First of all, they argue, *nothing can justify the slaughter of innocent people*. This point, while intuitively compelling, simply doesn't work. We don't have to count the innocent people who died in Dresden, Tokyo, Hiroshima and Baghdad in order to make the point that we are quite prepared to accept civilian deaths in the pursuit of some important goal. We don't talk about our war heroes killing innocent people; we talk about the bravery they demonstrate in risking their lives to fight for justice and democracy. Yet when "terrorist organizations" face the same risks in pursuit of the same goals, we vilify them.

All right, the argument goes, we can accept civilian deaths, *but only states can be allowed to resort to this sort of violence*. This argument seems circular and unfair when terrorist groups are often resorting to violence for the very reason that they are being denied statehood. How can we say that if the Kurds had their own state they could respond

to Turkish government violence in kind, but since they are denied statehood they can never take up arms against the Turks?

Finally, people argue, if we grant that one group can use violence in pursuit of its goals, *where do we draw the line* on other similar groups? To me, this has the same problems as all slippery-slope arguments; namely, everything in life is necessarily an exercise in line-drawing. The fact that we think the U.S. was justified in bombing Germany in WWII does not mean that we think countries can indiscriminately bomb one another under any circumstances. It is not always easy to draw the line, but it does not make sense to say that because of this difficulty we should stop trying and just say that violence is wrong in all circumstances.

The fact of the matter is that most Western governments' opposition to terrorism has less to do with antipathy towards violence and more to do with fear of the status quo being upset. Turkey, for example, is a NATO ally of the U.S., and although the American government claims to be a worldwide leader in the struggle for democracy and human rights, it supported the pursuit of Ocalan despite Turkey's horrific human rights record and well-known repression of the Kurd minority. It is



ironic that the U.S. continues to justify its military presence in Iraq by claiming to defend the Kurds against Iraqi government oppression, yet it condemns Kurds in Turkey who fight on their own behalf against similar oppression. In the end, the deciding factor is never justice or concern for human rights. The deciding factor is politics.

Before we condemn terrorists with bland, all-encompassing statements like "nothing ever justifies the killing of innocent women and children," we should take an honest look at what is driving them to violence. In many cases we will see people encountering brutal treatment at the hands of their governments and fighting for the very things we claim to value most. It is a good idea to remember that even Nelson Mandela, arguably the most respected and dignified leader of the last few decades, was a leader in the African National Congress's military wing, which used terrorism to oppose South Africa's pro-apartheid government.

When injustice and oppression are allowed to operate unchecked, violent resistance will inevitably result. Instead of condemning the resisters, we should applaud and assist their opposition to tyranny, even when their oppressors happen to be our allies.

FACULTY HONOR ROLL

By Manoj Mate '00

Students Recognize Excellence in Teaching

This week, the Law School Council completed tabulating the results from its "Grade Your Professor" survey conducted among first-year students in February. The surveys provided students with an unprecedented opportunity to grade professors based on the overall effectiveness of their lectures and course structure.

A central component of the LSC's Community 2000 "Excellence in Teaching" program, the survey project was designed to reward excellence in teaching, highlighting factors that students identified as contributing to the overall effectiveness of professors and courses that students rated highly.

Students were instructed to assign overall grades to each of their own professors based on a totality of factors, including the clarity and effectiveness of lectures, the organization of lectures and assigned readings, the accessibility and responsiveness of professors to student needs, the quality of assigned reading materials and their relevance to class lectures, and the amount and quality of exam preparation. Students were then asked to report what criteria they used in making their evaluations and to highlight specific factors that they felt contributed to teaching effectiveness. Students were also asked to identify specific problems with courses/professors that received lower grades, and to suggest potential changes that might remedy these problems. The surveys were conducted before students received their own grades for these classes.

About one-quarter of the first-year class (139 out of approximately 550 students) participated in the survey. The surveys in no way represent a scientific study of teaching effectiveness, and it should be noted that respondents were provided substantial leeway in making their own subjective assessments of professor/course effectiveness. The Council will attempt in the future to provide more sophisticated and statistically relevant surveys that will ask students to rate professors on specific elements of teaching. We believe, however,

that the results of these surveys provide a useful starting point in our efforts to improve the quality of legal education at Harvard Law School by providing professors with clear feedback that conveys students' perceptions of the professors' and courses' overall effectiveness.

It should be noted that no specific grading scale was prescribed in the survey questionnaire. Survey grade responses were assigned numerical values on a 4.3 scale (an A+ received 4.3 points, an A 4 points, and so on). The results were then totaled and averaged, and rounded to the nearest tenth, and then converted back to a letter grade.

and lack of concern for students generally.

Profs. Miller and Meltzer received high praise from students. They praised Miller's effective Socratic presentation style and Meltzer's ability to foster strong class discussions while staying focused on the course syllabus and subject, as well as Meltzer's use of teaching assistants.

Section 2 students gave higher grades to professors who were highly accessible outside of class and responsive to student needs, and provided clear, organized, and interesting classroom presentations. Stu-



would take the course off-topic.

Students gave low grades based on the lack of accessibility of the professor, lack of clarity of presentation, inability to lead discussions, and disorganization. Students observed that Prof. Singer's

course presentations "lacked clarity" and were "dry" and "occasionally confusing," and pointed to a lack of classroom participation and responsiveness to students' questions and concerns. Students suggested that a more effective use of the Socratic method, greater integration of case readings into lectures, and increased participation would help improve the effectiveness of a course.

Section 3 students assigned higher grades to professors who were clear in their presentation, very accessible, demonstrated a strong interest in the subject, were very organized, and elicited class participation from students. Students wrote that Prof. Stuntz was "very engaging," "readily accessible," "fantastic," and "exceptionally clear;" one student noted that Stuntz showed that he "loved what he was doing" and "went above and beyond the call of duty" in inspiring independent thought.

Prof. Michelman was portrayed as "incredibly responsive," "clear," "engaging," and very organized; one student stated that Michelman was "the best I can imagine in a law professor." Michelman also received very strong reviews for his "passion" for the material, his ability to merge policy theory and black letter law, and for his use of a class web page. Students assigned lower grades based on disorganization, lack of clarity, and lack of control in class.

Many students felt Prof. Minow's reading load was too large ("excessive" and "insane"), which detracted from the clarity and depth of the course, but noted that Minow was "clear," "energetic," and "engaging." Students wrote that Prof.

How the Professors Rated: IL Survey Results

Section 1 Grades:

Miller NR*
Meltzer NR*
Hanson A-
Schwartz A-
Sargentich B+

Section 2 Grades:

Hay A-
Frug B+
Lessig B+
Jolls B
Singer C+

Section 3 Grades:

Minow B
Heymann B
Weinreb B+
Stuntz A-
Michelman A-

*Grades for Profs. Miller and Meltzer were not released, since both teach year-long courses.

Section 4 Grades:

Desan B
White C
Slaughter B+
Donahue B
Horwitz B

Section 1 students gave higher grades to professors who provided very clear lecture presentations, used the Socratic method effectively, were very organized in their presentations and course syllabus, were highly accessible to students and sensitive to their needs and concerns, and facilitated and encouraged discussion while moving through the course syllabus methodically and efficiently.

Specifically, students wrote that Profs. Hanson and Schwartz "showed concern for students," "were organized," and "were always available to help and answer questions." Students assigned lower grades based on lack of clarity of presentation, lack of accessibility and responsiveness to students, high degree of disorganization,

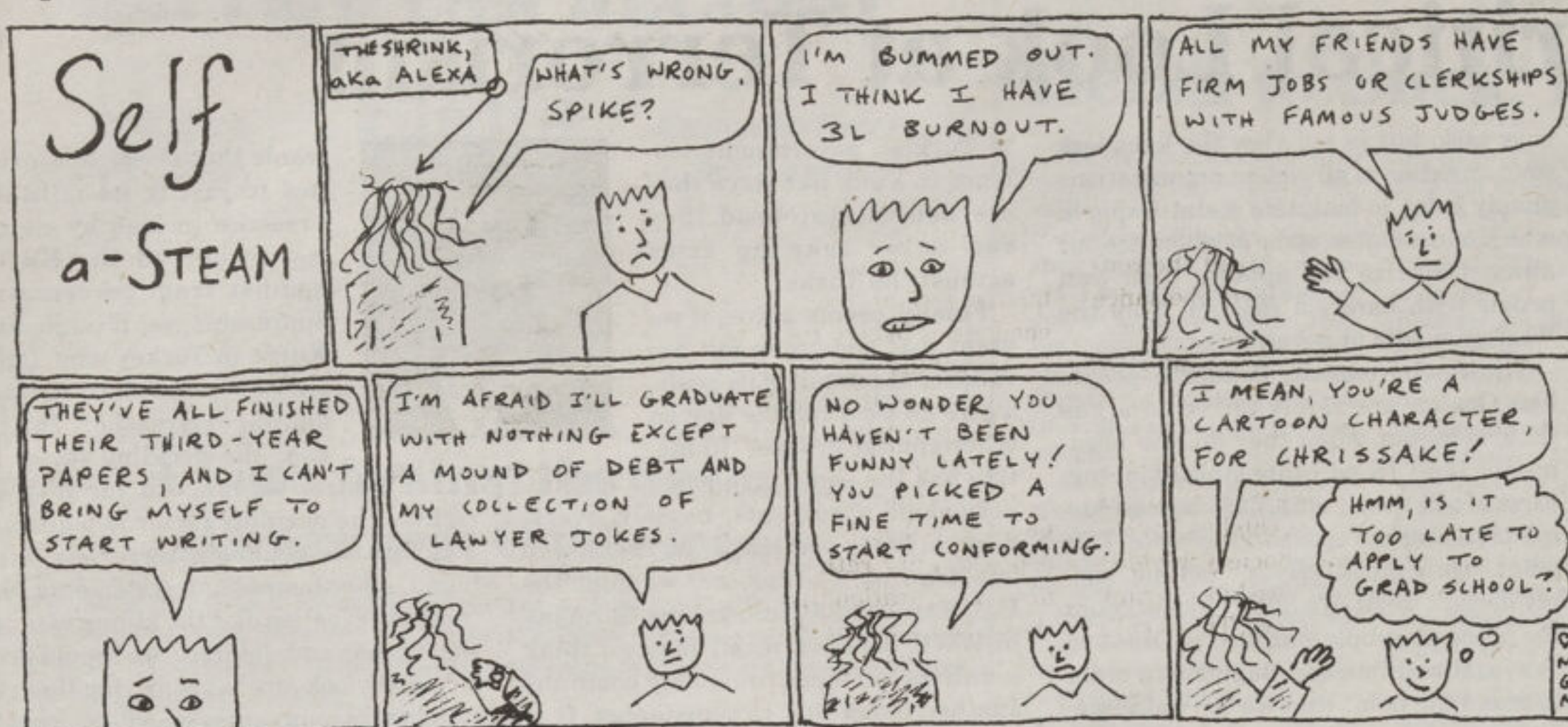
students wrote that Prof. Hay demonstrated a strong "ability to lead discussions," and spent time trying to "improve the class" during the semester, and also observed that he was very clear in lectures, had a great command of the Socratic method and was very accessible and responsive to student needs.

Students said Prof. Frug was "funny" and "brilliant," "explained issues clearly," "challenged you to think," and was "one of the best professors" at the school. Some first-year students wrote that Prof. Lessig ran class effectively by "masterfully" combining the Socratic method with voluntary participation, but some complained of disorganization and the negative effects of in-class "philosophical wanderings" that

Please see GRADES, p. 12

Spike

By Margie McWilliams



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Of Bulldozers and Butterflies

By Alex Boldizar '99
Staff Columnist

FROM VIBRATORS TO PROFESSORS

Alabama has outlawed the vibrator. It is time for Revolution.

Some people get outraged in the vector of the norm of the day: race, gender, family values, Iced Tea. Today, I find myself outraged by this perverted Alabama law — even though I'm unlikely to be much affected, except indirectly or while in the occasional experimental mood.

We live in a pathological society, strive to be in a pathological profession. People who would participate in outlawing a vibrator are people who cannot enjoy life. So they make non-enjoyment a virtue. We think that because we are born with the capacity to enjoy pleasure that we know how to do so, even in the face of a repressive society which, since our childhood, tells us not to play with ourselves in front of our parents and which goes on preaching "just say 'No'" throughout our lives.

Enjoyment is a great art. It is a great discipline, as subtle as music, poetry, painting. It is, and it requires, the greatest creativity. Yet our education does not teach this discipline, it teaches instead that if I cannot hear sound then there is no sound. It does not leave open the possibility that I am deaf. Years of preparation and cleansing are required to understand subtle whisky, to hear Schoenberg, to merge in sex, to follow a Shamanistic drug trip into the depths of one's soul. The weak, the uncreative, the undisciplined, they cannot enjoy sex, drugs, music, celebration, love, dance — so they say that these things lead to Hell. When the compliance pull of the old religion is on the decline, we replace it with another — Law. Thus, all the egoists who cannot enjoy (as if enjoyment were their birthright!) can now condemn, poison more minds.

Yet enjoyment has to be earned, imbibed, taught. Through the gross, with discipline, meditateness and response-ability one can move into the subtle depths of life. But this is not taught at law school.

Even words like responsibility are perverted into their opposites. From the ability to respond to situations and pleasures on their level, we have warped the concept into the duty of the slave, obeisance to external norms.

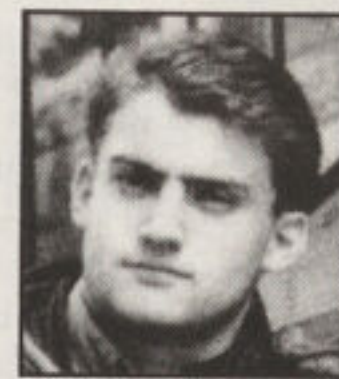
Education is meant to free, but HLS shrinks us, teaches us to become slaves. When the shrinking hurts, HLS gives us a tighter structure with which to compare (exams, subciting, interviews). When my tightie-whitie underwear catches on fire, I forget my headache. Society invents these tortures for us until we have shrunk so much that we cannot move. This it calls character.

But there is a way out of this prison and towards God; it starts with the vibrator. For, seemingly, in America we must start over. Walt Whitman's "I Celebrate Myself" said nearly everything there is to say about love. So kiss your

brahmacharya, continuous and constant orgasm even while sitting in Warren's tax law as he teaches students to be straw-men, tripping over each other to give the answer he is looking for, channeling the tightie-whitie squeezing of sexual energy into correct tax law answers.

Is this education? This shrinking? As Osho describes, man is born as a seed; as a potentiality rather than an actuality, and it is education that is meant to bridge these. Here, we are learning how to get a better standard of living, more bread, but not a better life. For in learning how to be straw men to the professors' questions we are shrinking, not growing, not biting existence in the ass. Our education system is rooted in fear. Fear that my answer will not please the professors and the mob of students sitting around me, fear that without this education I will not survive. Even as they teach laws against a fun pop in the nose, the entire educational system is set against a backdrop of violence. Even as it teaches artificial sophistication and objectivity, it is madly primitive, a struggle for survival.

The very word e-ducare means guiding out. Not pouring in, as Harvard would make us think. Our education guides nothing. It prepares us to be imitators, to be, think and dream like the others around us, to be clones of the straw-men and parrot minds that it pours into us. They feed us the way they feed computers, they teach us to shrink to the lowest common denominator — until we have the Rosenberg Torts Movement where we brainlessly demand that sort of cattle feed. Instead of showing us fearlessness against social pressures, intoxicating us with the beauty of the strange, it imprints the ability to conform. Respectability and



being true to one's self are mutually exclusive.

But how do you lead somebody from repression, through the vibrator, past homosexuality, heterosexuality and finally to themselves, if you cannot even buy a vibrator, if the professors cannot even sleep with their students? (Even remaining stuck to the vibrator, however, is a step up from slavery to -isms, law, career, righteousness, subciting or morality.) In my last semester of school, I realize I have been scarred for life by never having had a sexual relationship with a current professor, but at least there have been a few older women in my life. Plato understood this and at least guided his students to the second stage. I have considered taking over the Dean's office until HLS affirmatively supports professor-student sexual relationships. But I do not believe in social activism. All I can do is speak for myself: I am fit, bright, sick of the bland pseudo-objectivity of this school, and looking for a professor (or alumna) with whom to have an affair. My only requirement is that in exchange for my body, you guide me deeper — although I wouldn't reject a sugar-mama either, to keep me writing rather than lawyering.

Alas, I fear that there is too much fear and repression out there for anyone to take my offer seriously. It is, however, in earnest. My phone number is 876-3696. As a consolation prize, however, I would be satisfied with anger — if nobody is tempted by my offer, at least someone must be offended. Come dear reader, write me a nasty letter, wait for me in a dark alley with a baseball bat, misunderstand me, deconstruct me psychologically, call me a pervert, a homophobe, sophomoric, arrogant, insensitive and attention deprived. I love fisticuffs, physical, verbal, sexual or otherwise. They too are the stuff of life. Anything, anything. I am sick to death of the blandness and pseudo-objectivity in this hospital of a law school.

I am fit, bright, ... and looking for a Professor with whom to have an affair.

vibrator thankfully and celebrate yourself as you were forbidden to do by a repressed mother and father who were embarrassed by your playing with your genitals in public and who thus planted the seeds of the hypocrisy which landed all of us in law school, and which stopped many from ever progressing past the auto-erotic stage of sex. For the sex that most Americans have is rather mutual masturbation. That is what Freud did not understand when he drew his hierarchy of auto, homo and hetero-sex. Freud himself was likely stuck in a homoerotic repression, so he did not understand heterosexual melding of the yin and the yang. Nor did he even conceive of the fourth stage, sex with God,



there's a pretty steep market for BarBRI mugs in some parts of the world."

Fenno grimaced in exasperation. "Whatever. Just tell me where the hell to find Kasner."

Frosty shrugged his shoulders. "Fine, Fenno, stick around with the rest of the suckers. But don't say I didn't show you another way. If you want Kasner, look for him at Culture Shock."

Fenno blinked in surprise; when she opened her eyes, Frosty was already gone, leaving behind him only the faint scent of pickled herring. Fenno paused to scratch her head, and wonder what the hell Ron Kasner would be doing at an SLLR fundraiser. But she was out of options. She would have to go.

Fenno arrived at Culture Shock and was greeted by Jay Webber, who shook her hand enthusiastically. "Good ta see ya, Fenno! Come on in, grab a seat, and sample some of our delightful ethnic food."

Fenno had no time for this nonsense. "Cut the bullshit, quarterback. Just tell me what you've got."

An embarrassed look crept over Webber's face. "Well, um, actually all we have is this lovely oven-baked bread, and some fresh artesian spring water. There would have been more, but Tori Jueds somehow managed to steal all of our meat dishes and feed them to ravenous piranhas. But don't worry, you'll get your seven bucks worth — we'll throw in a plastic fetus, free of charge!"

Fenno forced a smile. "Charming." Webber hastily excused himself and went off to supervise his flunkies, who were feverishly baking cookies next

door. Fenno scanned the room. At first, she didn't spot anything out of the ordinary. But then she noticed a bent figure, huddled in a dark corner and picking at his thin slice of wonder bread. Fenno recognized that face, and her pulse quickened. At long last, she had found him.

She quickly walked over to him and pulled open the window shade. "Hungry, Ronnie?"

Kasner gave a sudden, frightened leap. "NOOO! BRIGHT LIGHT! BRIGHT LIGHT!"

He hid his face in his hands to shield his sensitive eyes. Fenno savored the moment. "Don't get out much any more, do ya?"

Kasner whined through clenched fingers: "Go away! Why are you bothering me?"

"Come on, Kaz. You knew I would find you sooner or later. You can't hide forever."

"But Fenno," Kasner pleaded, "it's been three years! Can't you let bygones be bygones?"

"No, Ron," said Fenno with a wicked smile. "That's not my job. Let's face it, buddy. You embezzled money from your 1L Section-mates, and when you got caught, you claimed that it was a 'fee' for your services on the LSC. If they'd bought into that bullshit, right now the whole student body would be paying a special surcharge for Dan Fridman's hair gel. You conveniently made it back to campus only after everyone in your section had graduated. Someone's gotta have the institutional memory. It's my job not to forget about people like you."

Kasner slumped over. "Would you believe that I was planning to give them the money back?"

Fenno yawned. "You tried that one three years ago, too."

"What if I told you that I was gonna spend the money on a foundation for starving law students and their cute, fuzzy pets?"

"Give it up, Kaz."

Kasner took a deep breath. "All right, just tell me what you want."

"You read the RECORD, Ronnie. I want to know who was stupid enough to forge their transcript last month. I figured your special knowledge would be helpful here."

Kasner just shook his head. "No clue. The whole thing is so low-class, anyway. If I were doing it, I would've just bribed Cristina Lewis and saved a lot of trouble." Kasner smiled at the thought, and began rubbing his hands together.

"There's no hope for you," Fenno muttered disgustedly, and wandered off.

Fenno didn't let it show, but she was crushed. For over a month, she'd been hunting for this loser, and this was all she had to show for it. She had no idea who the transcript-forger was, and she probably never would.

"What a rotten week," Fenno grumbled morosely. "First I find out that I'm not on Mary Ann Glendon's e-mail list, and then I can't even get my job done. What the hell good am I?"

Dejected, Fenno started her trudge home, her only consolation to be found in her trusty hip flask and her plan to call Alex Boldizar pretending to be Martha Minow.

Last week: Fenno's hunt for Ron Kasner took her to Harvard Yard, where she discovered Frosty Petursson playing in a Peruvian Kazoo Ensemble. Frosty reluctantly agreed to lead Fenno to her holy grail.

"Are you sure you need to do this, Fenno?"

"Look, Frosty, I've got to find out who the transcript-forger was. Kasner is my last hope. If I can't find him, I might as well just admit that I'm finished and drop out of law school right now."

Frosty smiled a mischievous grin. "And what would be so wrong with that?"

Fenno sighed. "You just don't understand."

"Oh no, Fenno, I do understand. Why did you think I left so quickly? Did you think it was stress that scared me away? Terror at the prospect of the Socratic Method? Fear of the strange odor emanating from Lewis Sargentich? No, Fenno, it was something far deeper. You see, Fenno, I found out very quickly the secret to success in law school, and once I knew it, I didn't have anything else to learn."

"Really? What was it?"

"I can't tell you. Let's just say that

McKinsey Will Bring Neutrality, Objectivity, Says ILC

Continued from *MCKINSEY*, p. 1

ently." Warren anticipated that students would be queried on topics such as housing, financial aid, the grading system, class size, career options and student/faculty contact.

A New Precedent

Harvard Law School has never before commissioned a private consulting firm to troubleshoot its problems. Prof. Dan Meltzer '75, chair of the steering committee which oversees the strategic planning process, called it "terra incognita."

"I hope in five years Harvard Law School will be a totally different institution," said Warren. "To involve outsiders demonstrates a real commitment to change. It moves the debate forward."

She called McKinsey's involvement a "risky endeavor. We've ceded some control to the factfinders. Maybe they'll find something we don't want to confront," she said.

"By having neutral observers do the information gathering, we remove the possibility of hidden agendas. Everyone else here — the administration, students, faculty, me — is a constituent with his own particular interests," she said. "Faced with systematically collected information, the faculty and administration must cope with it; there can be no denial."

Reliability and objectivity are benefits McKinsey's work will bring, said Warren. "Up to this point, we only had these funny little samples. Anecdotes are too easy to dismiss as unconvincing."

Hiring McKinsey is "a real effort to accurately assess the situation in sufficient detail," said Associate Dean Todd Rakoff '75. "If you ask students whether they like Harvard Law School, you may get 1700 yesses or 1700 nos. But where does that take you? The value comes in asking lots of specific questions."

What's the Mystery?

Student reactions to the hiring of McKinsey ranged from the enthusiastic to the wary. "I'm glad they're doing something, but they should have given the money to LIPP," said Lara Stemple '99, who called many of the biggest problems facing the Law School "no-brainers."

"These are not deeply-embedded mysteries that need to be excavated by an expensive outside firm. Classes are too big. The administration is impersonal," she said.

Stemple said she wished the administration had come directly to the students rather than pay McKinsey to facilitate. But she was not surprised by the move in light of the administration's long

disengagement from students, she said.

"The Dean makes no effort to interact or be available to students," she said. "The Distinguished Alumni Series, that's the Dean's big effort to communicate. Bring some corporate bigwig that donates a lot of money to the School, then wine and dine him."

Stemple also criticized HLS's "embrace" of the corporate.

"This is such a 'Harvard Law School' thing to do: hire a big-business, expensive consulting firm," she said.

"The School is so 'rah, rah' about anything to do with business. They give four or five credits for a corporate or tax course with one final exam. But if I want to take a class in poverty law or something else I'm interested in, I get only two credits and I end up writing a 30-page paper."

"At first, I wasn't very thrilled with the idea" of hiring McKinsey, admitted David Lancz '99, a student representative on the ILC. "But if this is the way the Dean processes information — with empirical evidence — and if this is the way things can change, then this can be a productive, revolutionary process."

McKinsey in Your Neighborhood

David Patent '92, who heads up the McKinsey team, declined to comment specifically on his firm's work at McKinsey or the fee structure contracted with HLS.

McKinsey has engaged in *pro bono* work for clients such as the Bronx District Attorney's Office and the State of Illinois Public Aid Office, but HLS is a paying client.

The Law School did receive a significant discount, said Matho. "I understand it's about half — maybe even less — what they usually charge."

"We're here to listen and help," said Patent. "We want to maintain a low profile. When we do work for clients, we maintain the strictest confidentiality, and we're not in a position to comment."

To do otherwise would be disruptive to the process, he said.

Nevertheless, Patent did note that McKinsey's consulting work for HLS will be isolated from its recruitment at HLS.

"No one involved in this project will be involved in recruiting and vice versa. We wanted to inoculate against any potential conflict of interest," he said.

Three of the four full-time consultants working at HLS are alumni. Sitting with Patent in Hauser are Ayesha Alemda, Gia Lee '96 and Guhan Subramanian '98. Three other consultants work non-exclusively on the HLS team at an off-site location.

"McKinsey has taken this on because there are so many HLS graduates at the

firm," said Matho, who helped interview the consulting firm candidates under consideration. "They see it as a way to contribute. I understand many alums at McKinsey wanted to be involved in this project and volunteered."

In addition to distributing the survey and conducting focus groups, McKinsey will also use case studies, examining other institutions of similar size and structure.

Where's the Faculty?

At a faculty meeting two weeks ago, the faculty in attendance unanimously passed a resolution to expand the scope of McKinsey's work to include faculty governance issues.

"There were clearly deeply held feelings to address faculty governance issues," said Warren. "Faculty governance is about the faculty's happiness, but that is beyond our current scope. McKinsey's charge is to focus on the student experience exclusively."

The consultants will consider faculty concerns, but only in service of how it directly affects student life, she said. "Will we deal with it at some point in the future? That's on the table."

Faculty governance includes "a constellation of issues around faculty decision-making at the Law School," said Warren. "It's about who makes decisions about appointments, education policy, and about faculty participation."

Rakoff stated that many faculty members are less than eager for involvement with the administration. "A lot of faculty members say they would like to have more participation in running the school. But I also know a considerable number of faculty members who wish there were a lot fewer committees."

McKinsey seemed uncertain regarding whether their services would aid in faculty issue evaluation, said Meltzer.

"Also, it's an issue of time," he said. "They'd already contracted to work on particular issues which require their full commitment."

Moans and Groans

Harvard Law School's vast reputation for student dissatisfaction became legendary in the 1990s. In various surveys of U.S. law schools, HLS consistently ranked dead last or virtually last, long signaling a need for a serious inquiry into student life.

A 1994 Princeton Review survey of 11,000 students at 140 law schools ranked Harvard last in the category of student "quality of life." Approximately 100 HLS students were polled using a 70-question study.

Based on the "degree of competitiveness" among students, the "sense of com-

munity" among students, and the quality of relations between student and faculty, the survey of law students did not reflect student satisfaction with their social life, school location, extracurricular options, workload and free time — criteria all considered in Princeton Review's assessment of undergraduate schools.

In a 1994 survey of 165 U.S. law schools, the National Jurist slapped HLS with a 154th-place ranking in "overall student satisfaction," a category which comprised student reactions to faculty, facilities, and quality of life. The Law School scored dead last in the categories of faculty-student relations and faculty diversity back in 1994, but scored slightly above average in the intellectual challenge of the work, the quality of teaching, and the library facilities and staff.

In 1995, Harvard Law School was runner-up for last place in a National Jurist survey on the best law schools for women. The most common complaint was an inadequate number of women faculty. Of the 168 law schools surveyed, Harvard ranked 167th, falling right behind the University of Chicago and beating out only Brigham Young University. The survey also considered how equal to male counterparts women students perceived their treatment and the percentage of women involved in high-profile activities such as the Law Review and student government.

After the Numbers

The focus groups are scheduled for approximately the next five weeks, and the survey will be distributed to all HLS students on March 15, said Matho. "The numbers should be sliced and diced by late April, maybe May."

What happens next is open-ended and depends on the results of the study, she said. "I imagine the committees will reconvene in the fall and the School will have a dialogue about how to move forward."

Warren anticipates that final recommendations from the ILC will be made in the spring of 2000. She emphasized McKinsey's role as facilitators rather than decision-makers.

"They help us focus the issues but they will make no decisions," she said. "It ultimately comes back to the Law School."

Warren urged students to participate "honestly and vigorously" in the process.

There will be a town meeting in the South Dining Room of Harkness Commons next Wednesday, March 10, from 5:30 p.m. All students are invited to discuss the process of evaluating student life, said Matho. Attending the open forum will be Clark, Warren and Meltzer.

Quote of the Week

"I'm going to put this in the Harvard Law Review, basically because nobody reads that anyway."

— Prof. David Wilkins '80, discussing his failure to mention to 20/20 the fact that Lawrence Mungin's Title VII case against his law firm employer wasn't very strong.

1L Professors Receive First Grades

Continued from *GRADES*, p. 9

Heymann was somewhat "disorganized," but was "interesting," and really "cares about students." Students observed that Prof. Weinreb's presentations were not always clear and sometimes "one-dimensional," but others noted that Weinreb "went out of his way to connect with students."

Section 4 students assigned higher grades to professors demonstrating clarity of presentation, control of class discussions, and ability to maintain strong levels of interest in material. Students observed that Prof. Slaughter was very clear in her presentations, and provided a "balanced approach" by exploring both the doctrinal and theoretical aspects of issue; some students also commented on her effective use of the Socratic method.

Students highlighted Prof. Donahue's accessibility and use of weekly Q&A/review sessions, though some complained of a "lack of clarity" in presentation. Students wrote that Prof. Horwitz was "very

clear" but some students felt that he was "bored and it showed" and did not foster strong class discussion. Students wrote that Prof. White often did "too much role playing," was "disorganized" and "unclear" and did not cover enough substantive law, though others noted her "creativity, enthusiasm, and desire to make students understand."

In terms of overall suggestions, many students noted that the best way to improve classes was to provide regular review sessions during the course of a semester, and if professors lacked the time, to hire TAs to hold such sessions. Others highlighted the general importance of an organized syllabus that professors stuck to, organization of lectures, relevance of materials to lectures, and facilitating strong, yet focused classroom discussions.

We also observed that professors teaching smaller sections generally receive higher grades than large section courses, which suggests that smaller class size fosters more effective teaching.

Manoj Mate is chair of the LSC Academic Affairs Committee.

Rude Awakening

By Elizabeth Falk '00

RECORD Columnist

DON'T BELIEVE THE HYPE

Walking past the 1L hark boxes today, I realized with great happiness that March had finally arrived. March, a month with my favorite social events in Boston: Spring Break, Saint Patrick's Day, Easter (sometimes), Doug Pierson's birthday, and my personal favorite, the Harvard Law Review Introductory Meeting / Ice Cream Social. While the other events rather disappointed me last year (particularly Saint Patrick's Day, where after pounding at Lincoln's Inn at 10:00 AM, I trekked into Boston to dance and drink myself silly at several Irish bars all day), the Law Review Ice Cream Social will always stand out in my mind as the real definition of a rockin' good time. Despite the fact that I did not make the Harvard Law Review and will unfortunately be unable to partake in this year's festivities, I feel compelled to recall that one moment in time where I still shared in the dream of being delivered from academic mediocrity.

Between spoonfuls of yummy ice cream, the Law Review attempted to paint a picture of itself as an organization that was, in reality "just one big happy family." The next thing I knew, the gentleman in the row ahead of me, now on Law Review, carefully wrote down on page 1 of his spanky new notebook labeled "Law Review" the following: "Law Review = big happy family." Clearly, I realized, I did not belong here.

Through a carefully selected group that reflected the "real diversity" of the Review, several important messages, among others, were delivered:

1. There is no reason someone should not try out for the Harvard Law Review. You have nothing to lose.
2. The competition itself is an intense

and rewarding academic experience, and is "not that bad."

3. All the regret surrounding the Law Review flows one way: you will always regret having passed it up, but you will never regret having tried out.

4. The Law Review will definitely be the most rewarding way for you to spend your Law School days.

With the exception of #4, about which I have no authority, I write now to debunk the mythical nature of these supposed truisms. Namely, despite what the Law Review will try to convince you over Hershey's syrup, these propositions are all highly debatable.

The Law Review competition is pure hell. Granted, it is hell that only lasts one week for some, but it is a week that, quite possibly, will only arise a couple of times in your lifetime. It is a week of vacation at a time that 1Ls desperately need a vacation. It is a week of transition where people move into summer apartments. It is not a time that anyone wants to be sifting through five hundred pages of foreign material and looking up grammar rules in style manuals. It is not a time to attempt to write a semester long seminar-length paper in one week. It is a task for those people who truly enjoy sitting at a computer from 8 a.m. to 9 p.m. every day, and actually working for most of that time. I am not one of those people. I am a procrastinator. The competition is designed to weed out people like me, procrastinators who are not workaholics. Some people fool the Law Review and make it despite these personality flaws. But not many.

The intense academic experience is only for those few who truly enjoy writing about a topic that is designated to them and about which they could care less. I

have found very few individuals who have been able to claim incredible academic stimulation from a class or a paper about a topic they have not selected themselves. For most of us, academic interest is derived from within. The competition is strictly a means to an end; without the end result of making the Review, the proposition that an individual will be in any way happy that they wrote a twenty-page paper in the middle of the summer is, quite honestly, silly.

I regret doing the competition. Sure, I didn't make it, but honestly, that's only part of the reason I regret it. I regret not clearly thinking about why I was doing it, about what impact it would really have on my future, and whether or not the effort was worth it. I regret following the herd without realizing that I didn't want it badly enough to put the effort in that was required. Make no mistakes: I have no doubt that had I put in the time that week, I wouldn't have made it anyway. But to decide to do it without really assessing why was a big mistake; the temptation of the prestige honestly clouded my judgment about my own goals, plans, and rationale about law school. I lost more than a week of my life; I lost belief in myself as an individualist, and I lost perspective. It took a while to get those things back.

I also know several individuals who have to deal with a different sort of regret or loss; the ones who, for the rest of their lives, have to live with the fact that they didn't make the Law Review. Despite these individuals' many accomplishments here, this cloud hangs over their heads like a dead weight. Like watching the re-



play of the dropped TD pass at the end of the fourth, these Robin Williamses will never be the same people again. It sounds dramatic, but it's true; they're wonderful, brilliant people who now consider themselves second-class citizens. It's for these people especially that I regret my participation in the Law Review competition, for buying into the notion of one organization as an amazing panacea, the pot of gold at the end of the academic rainbow. No one told me Lawrence Tribe wasn't on Law Review at that meeting, that's for sure. No one asked us to consider whether or not the Law Review was "right for us." It was a hard sell, and it worked. But not without human costs.

I finished up the Law Review competition last year at my first day of work at Plato Cacheris's office in Washington, D.C. He wandered in around 4:00 and asked me what on earth I was doing frantically hunched over a keyboard. When I explained about the competition, he shook his head. "You young people, intense about the silliest things," he said. When I protested, he smiled. "Good fortune, good people skills, and common sense make the lawyer. You'll see someday."

Ten minutes later, I was shaking hands with Monica Lewinsky, and Plato was being snapped for the front page of the New York Times. And I had to wonder if maybe, just maybe, he was right.

So, as you 1Ls sit at the meeting watching your status-craved classmates hang on to the words of Law Review gurus, try to remember one important thing: if you're going to believe the hype, you at least owe it to yourself to ask why.

SPORTSGUY

THEY'RE OFF AND RUNNING IN HEMENWAY

By Josh Swartz '99

RECORD Columnist

While last week's blizzard sent students and staff scurrying home as well as dimming the lights in Langdell, the HLS intramural basketball league still managed to kick off what might be its last season in Hemenway Gym in fine fashion. All told, over 250 students decided to participate in the six-team A-League, the 27-team B-League and the ten-team C-League.

The C-League opened up with a full slate of games. Erica's BSA Ballers (1-0) tipped off the season with a 47-36 win over El Niño (0-2). Despite playing with only four players, the Ballers put away El Niño behind early favorite for C-League MVP, Natasha "Waffle" Kohne '00, who led all players with 21 points and six steals. Baller Blake "L.A." Lawit '00 played excellent defense and helped hold the potent El Niño offense to just 15 points in the second half.

The pre-season #1 selection, Beauties and the Beast (2-0), rolled over last year's defending champs, CR-CL (0-2) by a score of 47-35. Adding to the intrigue of this marquee match-up was the defection of two of the leading women from last year's championship team. Karen Groce "Point Blank" '99 and Truc Nguyen "We Were Young" '99 caused quite a stir when they left CR-CL during the off season, citing "personnel" differences with acting head honcho, Alvin "You're a Grand Old" Bragg '99. Interviewed after the Beauties' victory, Groce told the Sportsguy, "Sure, this win was nice, but let's be honest, we knew we made the right decision leaving. Those guys looked terrible out there." To be fair, CR-CL played without all-star off-guard Daisy Bygrave "Yard Shift" '00, who

vowed to take up the slack caused by the dearly departed women for the remainder of the season.

Legacy of Conquest (2-0) quickly dispatched The Hype (0-2), 61-34, as Ryan "the Butcher" Baker "and Candlestick maker" '00 used his 10-inch height advantage to garner 15 points and 18 rebounds, despite almost splintering Hemenway's 1940's style backboard on two Shaq-like free throw attempts. Seth "the" Blonder "the Better" '00 knocked down four three-pointers and "Late Night with" Tom Snider '00 grabbed six rebounds en route to victory. Hype captain Elizabeth "Next Of" Pipkin '01 was encouraged by her team's first game, offering, "We were a little confused at first, but I think we've got some things to build on. The Hype is hyped." The Hype was subsequently bounced by the Mixed Briefs (1-1) in what can only loosely be described as a basketball game. Witness the final score: 28-27.

In other games, Twisted Sister (2-0) looked impressive clobbering The Oat Sma (1-1), 62-36. Jeff "Every" Manghillis '00 paced the Sister with 22 points. The Oat Sma rebounded with a win over CR-CL, behind strong second half performances from Matt O'Shea "Stadium" '99 and Mark "in the Company of" Mendez '99. Twisted Sister came back to squeak by a gritty El Niño, 48-46 despite a big game from Allen Kellman "on the Moon" '99, who poured in a career high 28 points. Beauties and the Beast rolled over Monster Mash 63-42 behind the strength of the Beasts (3 A-League moonlighters), as Jesse King "s Ransom" '99 hit seven three-pointers to lead the team in scoring.

A-League action began with a mild upset as a team of 1Ls, the Supreme Court (1-0), pasted defending champions the Irrationals (0-1), 75-64. Set-shooting Dan "Holographic" Williams '01 led the three-point

barrage by hitting seven of his 13 shots beyond the arc and "The Red Planet" Lars Johnson "of Sam" '01 knocked down three treys. The Irrationals played without last year's MVP Joe "Silence of the" Lamberts '00, who is out for three weeks with a strained shoulder. "Russian Space Station" Amir Arbabi '00 tried to pick up the slack, pouring in 23 points, but the Court



turned back every run the Irrationals could muster.

This year's incarnation of last season's runner-up, Washburn High (1-0), dispatched an overmatched Chocolate Thunder (0-1), 70-44. Injury-plagued Dan "Flash" Gordon '99 played his best game in two years, scoring six points and grabbing two rebounds. Ransom put in 15 points and dished out eight assists as Washburn makes its third and final run at the title. Black Plague (1-0) rolled over the History and Literature Dept. (0-1) behind a tenacious press defense led by star 1Ls Corey "Living" Wilson '01 and "Space" Jamaal Lesane '01.

Rankings

A-League

1. **Black Plague (1-0)**
The Plague looks tough
2. **Washburn High (1-0)**
Third time a charm?
3. **Supreme Court (1-0)**
Last no fluke?
4. **Irrationals (0-1)**
Where have you gone Joe Lambert?
5. **Chocolate Thunder (0-1)**
1Ls are in tough
6. **History & Literature Dept. (0-1)**
Upset special

C-League

1. **The Beauties and the Beasts (2-0)**
The heavy favorites
2. **Twisted Sister (2-0)**
Surprise package
3. **Legacy of Conquest (2-0)**
Undefeated, for now...
4. **The Oat Sma (1-1)**
Better than first would indicate
5. **CR-CL (0-2)**
Champs turned longshots

The Buzz

By Tanya Marsh '00
RECORD Columnist

THE TRAVAILS OF GENERATIONS W, X AND Y

200 Cigarettes

Since *Fast Times at Ridgemont High*, the "group of friends on the cusp of life and love" plotline has been prominently featured in movies targeting the 14 to 30 crowd. The newest addition to this category of films of uneven quality is **200 Cigarettes**, which features a loosely connected group of people in New York's East Village, united both by the quest for love and a common destination: Monica's (Martha Plimpton) party to ring in 1982.

It is pretty obvious that *200 Cigarettes* is Risa Bramon Garcia's directorial debut. The movie has some good moments, but unfortunately, those bright spots are separated by long pointless scenes that seem as though they will never end. *200 Cigarettes* is set on New Year's Eve 1981 and follows a gaggle of characters with various relationships to each other. Each is highly motivated to find love, although the nature and permanency of the desired encounters vary among the characters.

The most entertaining storyline is between Kevin (Paul Rudd) and Denise (Courtney Love). Kevin is a serial monogamist with a disastrous track record with girlfriends. His last love, played by Janeane Garofalo, dumped him the day before his birthday (which happens to also be New Year's Eve). He seeks solace in his longtime friend Denise, who has a long history of pointless hook-ups with the cute guy *de jour*. Although they begin the film as "just friends," their chemistry is obvious and it is no surprise when each realizes their attraction to the other. Love is a very underappreciated actress

(as well as my choice for feminist icon of the '90s) and turns in a strong performance here. Rudd doesn't measure up to his performance in *Clueless*, but they are still enjoyable and believable as a couple of friends who have a chance to overcome their differences and make it as lovers.

The best scenes in the film are relegated to the closing moments when Monica, who missed her own party because she passed out in the bedroom, finds that her obsession, Elvis Costello, was the star of the event. *200 Cigarettes* has some very good dialogue and funny moments, but not enough to make it worth the price of admission. If you must see it, wait for the video, so you can fast forward through the slow and boring parts.

In the meantime, there are a number of movies which I consider to be classics of our generation(s) that deserve a second, third, or tenth look.

Reality Bites

Reality Bites stars Winona Ryder, Ethan Hawke, Janeane Garofalo, and Steve Zahn as four friends who just graduated from UT-Austin and have to figure out what to do with the rest of their lives. Written and directed by Ben Stiller, *Reality Bites* speaks to the aimlessness of recent college graduates who are overeducated but unemployable. Vickie (Garofalo) manages a Gap, Lelaina (Ryder) is rejected from a number of entry-level jobs because she's too qualified, and Troy (Hawke) hangs out with greasy hair, gets fired for stealing a candy bar (his rebellion against "the man") and smokes up. I'm probably revealing too much, but I

really identify with this movie. Six months after graduation, my college roommate was still unemployed, so she came to Indy and crashed (rent-free) in my living room for a few months. One particularly bad week, I came home from work every day to find her watching my copy of *Reality Bites*, smoking and drinking my Diet Coke. I should feel lucky she didn't start calling the Psychic Friends Network from my phone line.

Cameron Crowe is the king of this genre, writing and directing two classic films: **Say Anything** and **Singles**. (He also gave us *Jerry Maguire*, which isn't relevant to this column, but is also a very worthwhile movie.)

Singles

Singles jumps ahead a few years and looks at a group of twenty-something friends in a Seattle apartment building. Starring Bridget Fonda, Campbell Scott, Kyra Sedgwick, and Matt Dillon, *Singles* really captures the challenges of the search for love in the 90s.

Fonda's waitress is trying to get past her obsession with Dillon's moody rocker to find a guy who will say "bless you" when she sneezes and who likes her favorite quirky hat. Scott's city planner and Sedgwick's environmental activist are trying to get past the club scene and the soap opera drama of college entanglements to find intelligent, secure life-partners. Scott is really just looking for someone who will unlock the driver's side door from the passenger seat. This emphasis on the importance of small courtesies rings true and marks the process of maturity that

distinguishes relationships in high school, college, and beyond. The soundtrack is also a must-have for those who fondly remember the Seattle grunge sound. Although it ignores Nirvana and Hole, Pearl Jam and Soundgarden are both featured in the film and have some great tracks on the CD.

Say Anything

Say Anything is a required film in the video library of any true devotee to pop culture. Starring John Cusack, Ione Skye, and indie queen Lili Taylor, *Say Anything* focuses on the standard group of friends who have recently graduated from high school and are forced to face the world. Cusack's character is a lovable odd duck considering a career in kickboxing, which he thinks will take off in a big way. But for the summer, his main concern is wooing Skye, the cultured valedictorian who was too dedicated to her classwork and her father's business to let her hair down during high school. Theirs is not an easy romance, but it is charming and sweet and completely believable.

Say Anything is inspired by a common theme in these movies: the love of your life may be someone to whom you have never given a second look. It may be overused, but it is a timeless message that bears repeating.

So grab a friend or two, pool the bucks you would have spent for *200 Cigarettes* and spend it instead on *Reality Bites*, *Say Anything*, *Singles* and a pizza. You'll have a lot more fun and will end up feeling really grateful to be a Harvard Law student with a job after graduation.

Get Reel

By Steve Scali '01
RECORD Columnist

LITE FLIX

I've taken to viewing films lately that although not completely inane, are light-hearted and at times, frivolous, in their portrayal of youth. The most notable characteristic they share is their failure to, ahem, win critical acclaim. But I get ahead of myself.

Jawbreaker. The real power at any high school, as we all well know, rests in the popular girls. At Reagan High, the clique consists of Courtney (Rose McGowan), Julie (Rebecca Gayheart), Marcie (Julie Benz, aka Darla from *Buffy the Vampire Slayer*), and Liz Purr. Courtney rules through fear while Liz, the cat's meow, rules through kindness.

To celebrate Liz's birthday, the other three girls hatch a bizarre surprise which goes horribly wrong. I don't like to give too much away, but the rest of the movie deals with how the three girls come to terms with their friend's "situation."

When local nerdette Fern (Judy Greer) stumbles across their crime, Courtney manipulates her into helping with the cover up. The price of her silence is a fashion (and personality) makeover. Fern becomes transformed into Vulette, a right tart who, drunk on the power that comes with high school popularity, temporarily loses her soul.

Courtney is devilish and heartless in her efforts to cover up her own misdeeds by ruining the reputation of her dead friend. In the most unforgettable scene, Courtney sells her lies to a police detective (Pam Grier) while a flashback/memory scene shows her strutting her stuff in a skanky bar, with skanky men around. One of them looks at her, strokes his moustache and looks extremely skanky. My viewing companion informed

me that was Rose McGowan's fiance, Marilyn Manson — how apt.

Ultimately, the good girls triumph and Courtney gets her just desserts.

The feel of the movie is of cool kids cliques and the whole fitting in thing. There is a bizarre surreality about the movie which provides interesting contrast to its dark humor. Perhaps the one pervading scene motif of *Jawbreaker* is of the four teenage women walking astride one another down the hallway in their high school, exuding hipness and a sophistication beyond their years. Still, I liked *Jawbreaker* better the first time I saw it, when it was called *Heathers*.

Office Space. This movie revolves around several (male) "buddies" who work in dreaded office cubicles for a software company. The main character, Stephen Root (Gary Cole), is moderately fed up with his lot at the beginning, and becomes progressively more so. He has numerous bosses, each of whom give him the same orders and pester him about the same petty issues.

When the company hires a management consultant to make operations more efficient, he goes off the deep end. He decides he does not really want to do much work, disassembles his cubicle, sleeps in, and becomes a general sloth! And to boot, he is not chastised for his behavior — nay, he is handsomely rewarded, while his hard-working friends get the treatment that he verily deserved. He loses all inhibitions and becomes involved with the next-door family restaurant waitress, Alexandra (Jennifer Aniston), whom he encourages to fight the Man.

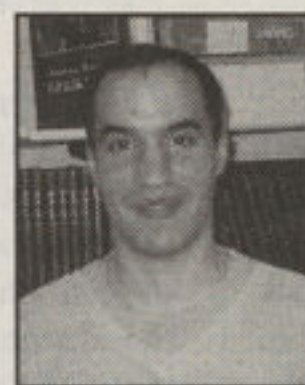
Office Space has some truly side-splitting scenes and great moments.

One was when three buddies take a photocopy machine to the country and hurt it. There is gnashing of teeth, screams of frustration and moans of joy at the destruction. Each has his turn doing to the photocopy machine what they feel the corporation has ostensibly done to them. I especially enjoyed the part where one guy really does a number on the machine, and his friends have to literally hold him back before he does damage to himself in the midst of his cathartic ecstasy.

The plot takes a well-known phenomenon, 20-something under-employed workers, and has them undertake a fantasy of organizational retribution that many have contemplated, but few have actually carried out. The acting is effective, from Cole's transition from bored to bold and Aniston's from hard-work and belief in the system to glib supervisor. This individual is full of Dale Carnegie-like expressions such as, "the impression I'm getting from you is that there's a challenge to be overcome here... how can we make this work." I really enjoyed the scenes with the management consultants using euphemisms and high-level human relations techniques in finding out how best to optimize employment workflow, alas, making certain (human) work units redundant.

Anyone who has worked, even for a summer, in a disliked job, could find some solace in *Office Space*. The phrase "overworked, under-appreciated and underpaid" comes to mind.

Be careful before you beat a photocopier silly, though, for the Man will surely not let you get away with that.

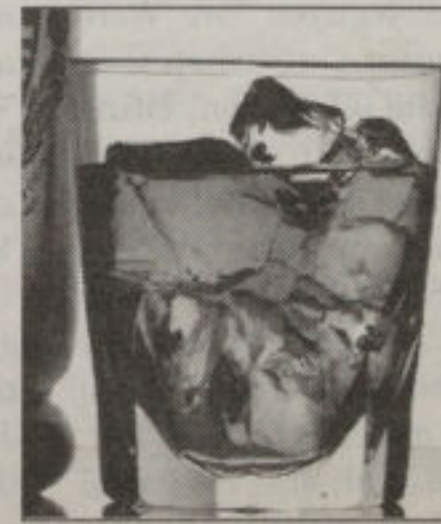


From conversations I have had with fellow Hastingsites, here are some simple guidelines for which, if any, of the above films to see.

Jawbreaker is good if you want a high school-ish kind of movie that is kind of surreal and juicy. Would be a good flick to see with a younger sibling. *Office Space* would be effective if you are feeling bitter (grades, man/woman, job gotcha down?). *200 Cigarettes* (see **The Buzz**) is ideal for those with same- or opposite-sex romantic relationship woes, but does not want too serious a treatment of the topic. It is nice because everyone is happy at the end and love is all around.

If you want a "date" movie, *Office Space* peripherally deals with love kind of stuff, but *200 Cigarettes* is on the mark for an amusing look into unlikely coupling — but probably don't see it on your first date, it might create undue expectations. Plus, it has some suggestive scenes, such as in lavatories...

If you seek a film that is deep and truly insightful or moving, wait until next week and perhaps I can recommend something more suitable.



The
Harvard
Law
RECORD

—
whiskey
business

Her Indie World

By Suzanne Carter '00
RECORD Columnist

IT WAS A GAS

Blondie
No Exit
Beyond 1999
***200 Cigarettes
Music from the Motion Picture
Mercury 1999

I'm surprised by how unpathetic the ballyhooed Blondie reunion disc is.

Don't get me wrong, I love Blondie. Blondie was totally one of the best bands of the new wave movement. Not only did Deborah Harry and the boys have the gall to put their experiments with rap and reggae side-by-side with their more traditional punk/disco fare, they also made a cultural icon out of Harry, the first ultra-glamorous white woman to reach rock stardom. And Natalie Merchant-era 10,000 Maniacs, No Doubt, Garbage, *et al.*, owe their "Really Famous Fashion Plate Lead Singer and Three or Four Faceless Guys" setup to Blondie.

That said, the Rolling Stones and Aerosmith were pretty good once upon a time, too, but that hasn't stopped them from sinking into the depths of patheticism. (Multimillion dollar patheticism, but patheticism nevertheless.) Why can't these aging rockers just take a cue from Salman Rushdie and go into hiding?

There's no need for Harry to strike her Garbo pose just yet, though. No Exit picks up where the band left off when they broke up in 1982. If it seems a little primitive at times, well, so much the better.

The album's first single, the gorgeously poppy "Maria," is also its best song, reaching the heights the band achieved with "Heart of Glass" and "Dreaming."

But there are plenty of follow-up singles to be found on No Exit, including "Screaming Skin," a sequel of sorts to "The Tide Is High" inspired by band member Chris Stein's post-breakup near-fatal skin condition, and "Under the Gun," which chimes like "Maria" but lyrically displays a fatalistic resignation.

In keeping with their Sartre-inspired album title, Harry and company have always been more of a singles, rather than an album, band. Indeed, No Exit is uneven at times — "The Dream's Lost on Me," for instance, sounds like a Lucinda Williams outtake — but that's why the CD player gives us so much control. Show me the woman who has listened to Parallel Lines without repeating "Heart of Glass" at least once, and I'll show you her defective "rewind" button.

The soundtrack to "200 Cigarettes" does for new wave what the awesome "Boogie Nights" soundtrack did for disco. It includes a couple of what Elizabeth Read calls perfect pop songs — "Just What I Needed" by the Cars and Elvis Costello's "(What's So Funny 'Bout) Peace, Love and Understanding." And the soundtrack features would-be perfect pop songs which never quite became ubiquitous — Nick Lowe's "Cruel to Be Kind" and the Ramones's "I Don't Care."

The album is also notable for its inclusion of two songs which have been

destroyed by recent cover versions. Roxy Music's original "More Than This" is vastly superior to the bloodless version 10,000 Maniacs released after replacing the irreplaceable Natalie Merchant with that hack violinist. And the controlled, Lou Reed-y "Romeo and Juliet" as performed by Dire Straits, proves just how overblown the normally sane Indigo Girls got when recording that piece for their otherwise classic Rites of Passage album. (Of course, the movie is set on December 31, 1981, and the Dire Straits song was not released until 1984, but who's counting?)

Surprisingly enough, even the "new" tracks, calculatedly included to promote the soundtrack and film through air play, meld nicely with the collection of early 1980s classics. "Save It for Later" by Harvey Danger fits securely beside the early 1980s pop sound of the Go-Gos and Joe Jackson, while Girls Against Boys' punk-flavored "Boogie Wonderland" could have come straight out of CBGBs.

Grammy Update — Since the producers of every awards ceremony have made a pact with the devil (or is it James Cameron?) to ensure "Titanic" wins every big award for the next ten years, it was no surprise that Celine Dion took home Song of the Year honors for "My Heart Will Go On." (Awards show junkies will recall that a similar pact was made with Bonnie Raitt in the 1980s.)

What was surprising at the 41st Annual Grammy Awards was onetime Columbia University student Lauryn Hill's success. Sure, the National Academy of Recording Arts and Sciences nominated her for ten Grammys, but that seemed to be their annual bow to critical opinion (cf. Radiohead, 1998). Hill took home five statuettes including Album of the Year and Best New Artist, and her performance of "To Zion" was the highlight of the TV broadcast. (Though Steven Tyler's unintentionally hilarious sick-cow rendition of "I Don't Want to Miss a Thing" counts as this year's "Soy Bomb." That and the fact that Whitney Houston evidently forgot to take her Valium prior to presenting Album of the Year honors with Sting.)

In fact, most of the Grammy winners were deserving: Madonna picked up four, the Beastie Boys and Alanis collected two apiece, and in a surprise victory over that Canuck tart Shania Twain, the Dixie Chicks won Best Country Album for the rockabilly-flavored Wide Open Spaces.

One of NARAS's few missteps was awarding Best Rock Album to the spaced-out Sheryl Crow, whose music isn't rock by any definition (judging from her appearance at the ceremony, she ought to have been relegated to the Bad Hair Day category). That, however, definitely can be overlooked, considering Burt Bacharach and Elvis Costello won Best Pop Collaboration with Vocals for "I Still Have That Other Girl." Maybe this will focus more attention on the dreamy duo's wonderful Painted From Memory album.



7 Years Ago in the RECORD

HAIR RETROSPECTIVE:
DUNCAN KENNEDY

In the return of our occasional series, we turn our attention to the man with perhaps more facial hair than any other HLS professor.



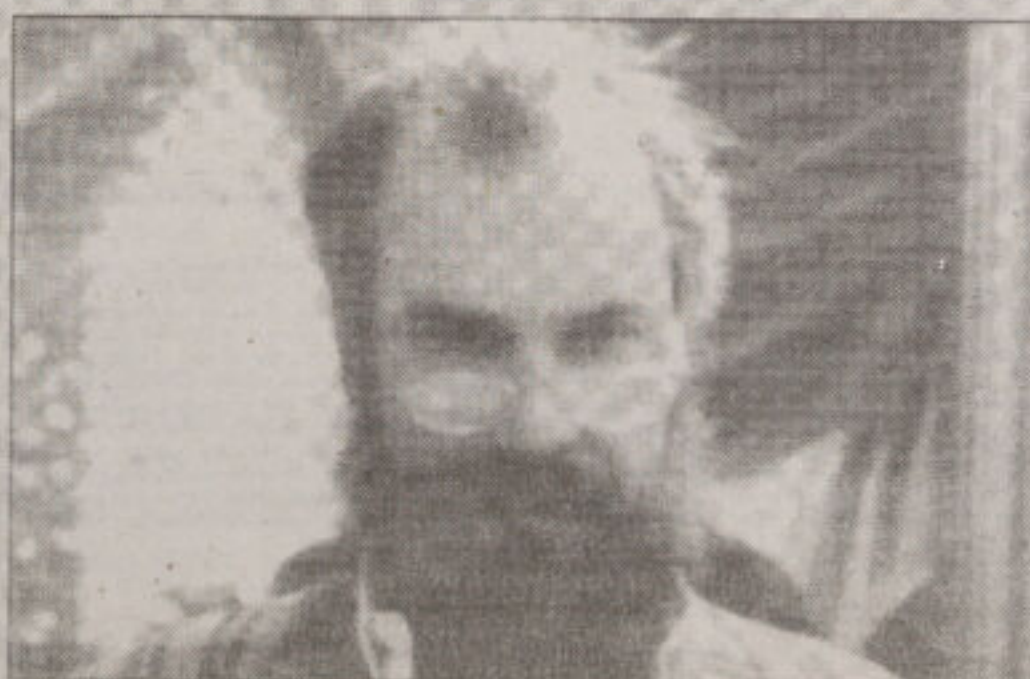
1972:
Clean cut, and he's wearing a tie?!?

1978:
Let it all hang out, dude.



1981:
Rebel without causality.

1990:
Zen Master Dunc.



1992:
The black forest.

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