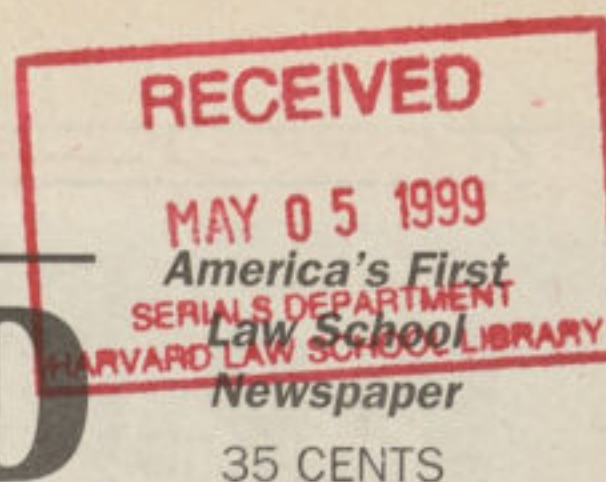




Harvard Law RECORD



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RECORD Photo/Lesley Stone
Aaron Colangelo '99 high fives friends on the sideline of the Boston Marathon, with Mimi Liu '99 close behind.

And the Survey Says?!?

Preliminary McKinsey Results Discussed by Dean, Profs

By Justin Herdman

The grading system gets an F, Hemenway Gym flunked its physical and gunners have got to go. The preliminary results of the McKinsey survey are in, and they will probably not surprise you.

Presenting a brief peek at the survey results on Wednesday evening, Dean Clark '72 said

that in the long run, the McKinsey feedback "will change the future of the Harvard Law School."

Assisted by charts and graphs, Clark, joined by Profs. Dan Meltzer '75 and Elizabeth Warren, displayed the findings before approximately fifty students in the Ropes-Gray Room.

Meltzer briefly outlined the structure of the Strategic Planning Process which was officially adopted in the fall of 1998. At that time, several themes were developed that, in turn, became five issue-oriented committees: Internationalization, Academic Development, Connections to Practice, Institutional Life and Structure, and Infrastructure

and Resources. In his role as the chairman of the Steering Committee, Meltzer coordinates the operations of the other five committees, which are popular extra-curricular destinations for professors. "Nearly one-half of the faculty is involved with a committee," said Meltzer.

Elizabeth Warren, chairman of the Institutional Life and Structure committee, outlined the preliminary results of the McKinsey survey. Placing a graph which ranked issues on two axes, Priority to Change and Dissatisfaction, Warren revealed the areas that students have deemed in particular need of change. These were,

Please see **SURVEY**, p. 7

Wrestling Guru Brings Out the Beast in HLS Students

Hundreds Pack Ames to Hear WWF's Vince McMahon

By Suzanne Carter

A large audience of HLS students, some of them with thick bodybuilders' necks, filled Ames Courtroom last week to hear an HLS Forum-sponsored address by World Wrestling Foundation (WWF) Chair Vincent McMahon, Jr.

The audience outdid other recent Forum events both in size and volume. Nearly twice as many people turned out for McMahon as attended actor Charlton Heston's speech six weeks ago, and the audience was

perhaps four times as large as that for Asa Hutchinson, who managed the Senate impeachment proceedings against President Bill Clinton.

The approximately 90 per cent male audience was unusually boisterous, often behaving as though they were observing a professional wrestling match. The rowdy and raunchy behavior seemed oddly incongruous with the prevailing uniform of neatly pressed khaki Dockers and Oxford-cloth, button-down shirts.

McMahon often strayed from the billed topic, the significance

of the First Amendment. He said that since WWF's revival under his leadership, "more incidents of strong language and sexual innuendo have been added to the mix, and that's what I'll be responding to tonight."

McMahon seemed surprised by the boisterous cheer that this remark generated. "[This is] much better than the reception I had at Oxford but not quite as good as the reception I had at Yale," he said. "You guys are wild!"

Touching on the First Amend-

Please see **WWF**, p. 6



RECORD Photo/Justin Herdman
Prof. Chris Edley '78 and panelists Robert Kuttner, Elaine Kamarck and Robert Reich at last week's panel on the future of the Democratic Party.

Oral Arguments in the Flesh

Legal VIPs Turn Ames into Fuller's Famous Cave

By Dusan Stjokovic

The Harvard Law Review presented its annual Spring Forum on Monday evening with "The Speluncean Explorers: Oral Arguments." On the 50th anniversary of its initial publishing in the Review, this retrospective of Prof. Lon Fuller's ['26] celebrated article of the same name attracted a star-studded panel and sparked a fair amount of controversy.

Fuller's article skillfully explores the intersection of public criminal regulation and private moral decision. In the vein of classic cases such as *Dudley v. Stephens*, the fictitious fact pattern that Fuller presents in his piece involves the ethical conundrum of five entrapped cave explorers: they establish a wireless radio connection with the outside world and physicians inform them that they will all die unless one of them is eaten as nourishment for the remaining four. The explorer Whetmore draws the short end of the stick and, after unsuccessfully attempting to back out of the grim lottery, is sacrificed. After their rescue, the four involuntary cannibals are prosecuted and convicted for

capital murder. As terse as it appears broad, the applicable statute merely states, "Whoever shall willfully take the life of another shall be punished by death." The oral arguments presented in Ames Courtroom were set at the appellate-level challenge of the explorers' conviction.

Oyez, Oyez!

Profs. Alan Dershowitz of HLS, Cass Sunstein of the University of Chicago Law School and Paul Butler '85 of the George Washington University Law School were

joined by Judge Frank Easterbrook of the U.S. Court of Appeals for the Seventh Circuit as the presiding judges in an appeal of the mock homicide conviction.

The Hon. Nancy Gertner of the U.S. District Court for the District of Massachusetts argued on the petitioners-defendants' behalf, while the Hon. Douglas Woodlock of the same court responded, presenting the prosecution's case.

The core of Gertner's argu-

Please see **FULLER**, p. 7



RECORD Photo/Stephen Scall
Spelunking in Ames: arguing Lon Fuller's classic hypo in front of Dersh and other judges at the Law Review's Spring Forum.

Clouded Consensus on Democrats' Future

By Justin Herdman

Proving that the politics of presidential primaries habitually leads to partisan squabbling, a panel of Democratic policy wonks gathered in Austin Hall last week to hash out their competing visions of the Party. The conversation, conducted in round-robin fashion, may well have left the audience wondering if the Democratic Party, symbolized by a donkey, is in desperate need of a kick in the ass.

The event, entitled "Visions for a Democratic Future: Thoughts on the Future of the Democratic Party," was sponsored by the HLS Democrats and moderated by Prof. Christopher Edley '78. Edley has been active in the Clinton administration as well as Vice-President Al Gore's election machinery.

The Politics of Politics

The three panelists voiced sharply divergent opinions regarding the past, present and future of the Democratic Party. The unapologetic liberal wing was represented by Robert Kuttner, co-founder of the liberal magazine *The American Prospect*, and former Secretary of Labor Robert Reich. Carrying the

banner of the "New Democrats" was Elaine Kamarck, a Kennedy School of Government professor and top advisor to Vice-President Al Gore's presidential campaign.

Citing the advance of Demo-

Please see **DEMS**, p. 7

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Save the Planet: Drop Out of Harvard Law School

By Ben Lehrer

Denis Hayes, organizer of the first Earth Day rally in 1970, recently returned to Harvard for the first time since he dropped out of an HLS/Kennedy School joint-degree program.

"This is the first time I've had the guts to be back," Hayes joked to a crowd of nearly 100 at a panel discussion held at the Kennedy School last Monday to discuss plans for Earth Day 2000.

The first Earth Day was designed as a nation-wide "teach-in" on the environment, based on the anti-Vietnam War teach-ins that swept the nations' campuses in the late 1960s. An estimated 20 million people participated in peaceful demonstrations across the country, seeking to pressure politicians to devote more attention to pressing environmental issues.

"It was a very serious time in America," said Hayes. "There was a war raging in Southeast Asia, the Civil Rights movement had turned militant and campuses were crawling with police. And there was this realization that we were slowly destroying what made the earth a nice place to live in."

The wide participation in the event did not go unnoticed in Washington. Soon afterwards, President Richard Nixon established the Environmental Protection Agency and chose as its head William Ruckelshaus '60, whom Hayes called "possibly the best administrator the country has ever had."

Since then, Earth Day has turned into an annual celebration of nature, as well as a day devoted to increasing awareness of environmental degradation. In 1990, Hayes went global with Earth Day, mobilizing an estimated 200 million people in events all over the planet.

Although Earth Day 1999 has yet to occur, Hayes is planning for Earth Day 2000. He hopes to rekindle the spirit of 1970 and facilitate a nationwide discussion on sustainable development in the face of the country's recent economic boom.

"U.S. public opinion has tended to drift in the opposite direction with the rest of

the world," said Hayes, "partly because the problem is so vast and partly because of the massive disinformation campaign" by corporations and institutions like the American Petroleum Institute that encourage irresponsible consumption "using 19th-century production methods."

Hayes hopes to take advantage of the break in April, 2000 between the end of the presidential primaries and the national conventions to bombard the media with letters, editorials and articles about the environment.

"We want to make the environment an issue so that nobody can be elected to any position without addressing it," he said.

The event at the Kennedy School was co-organized by Larissa Jester, a senior at the College and chair of the Environmental Network, a coalition of student, faculty, administrative and operations groups from the across Harvard University. Jester announced at the forum a seven-step program "to make improvements in Harvard University's environmental performance and to make Harvard a prototype for other universities."

The program urges Harvard to take steps to increase the energy efficiency of its buildings, reduce greenhouse gas emissions, change its procurement policies and engage in "green" investment strategies with its \$13 billion endowment.

"We would like to get a message of high-level University support for efforts to improve environmental performance," said Jester. "This means establishing an environmental ethic on campus, promoting environmental research and making the living, working and learning atmosphere more sustainable."

Jester said Harvard has the potential to make a significant difference because of its tremendous purchasing power and "its ability to influence students' awareness on these issues."

She said she has witnessed some "climate change" at Harvard since she arrived.

"Harvard does have a difficult administrative structure in terms of getting them to make changes, but I have seen more support from the university this year than in the past."



Gov. Mario Cuomo talking the talk about social justice at a Forum event last week.

Mario Cuomo Urges Students: Get Rich, Then Change World

By Alyssa Caples

Former New York Governor Mario Cuomo encouraged Harvard law students to make money while challenging them to tackle the social issues plaguing the country.

"I know this is the greatest country in history, I also know it could be much, much better than it is," said Cuomo.

Often invoking images of his immigrant "Mama and Papa" and their ability to achieve middle-class status in post-depression Queens, Cuomo cheered the current economy and its low unemployment. But he emphasized that despite its successes, the country still has work to do, deriding the lack of health insurance for many of the country's workers and the poor state of public education.

"In my old neighborhood in Jamaica Queens, the public school is worse than when I went there," said Cuomo. "Forty-three million people not poor enough for Medicaid...and working for about \$30,000 a year can't afford health insurance."

Cuomo believes that when people work together much is possible, but he fears the country lacks this attitude. He recalled

an earlier time when people had a "common ambition" to make improvements, like rebuilding post-war Europe and Japan and putting a man on the moon.

"Now ambition is gone," said Cuomo.

The Democrat urged the audience to stay abreast of current issues facing our leaders and discuss them by "writing to the newspapers, doing your internet chats and...maybe support[ing] a candidate."

He also described an initiative at his current employer, corporate law firm Wilkie, Farr and Gallagher, called the Bigger Interest Group. Through the Bigger Interest Group, associates and partners meet regularly to discuss a broad range of issues from Kosovo to Social Security.

"Politicians follow the polls with an almost Pavlovian sureness," said Cuomo. "That means we have to educate the crowds. The whole system would be better if we had more people studying the issues."

Cuomo criticized members of his own party who continue to ignore the plight of the less fortunate.

"The politicians have lowered our expectations: the Democrats and the Republicans alike," said Cuomo. "The impression was that Democrats are soft on crime and that welfare doesn't work. So Democrats started saying things like the era of big government is over," he said, referring to President Clinton's famous remark.

Cuomo, who served as governor of New York from 1982 to 1994, has a long history of involvement with social issues, both in and out of public office. While in private practice, Cuomo gained prominence when he resolved a community dispute in the Queens community of Forest Hills over a proposed public housing project.

As governor, Cuomo appointed the first woman, the first African-American and the first Latino judges to the New York Court of Appeals.

Nevertheless, Cuomo says he wishes he had done more and hoped members of the audience would pick up where he left off.

"Maybe someday, after you've paid off your loans...maybe started a family...maybe you'll look around and say this isn't enough," said Cuomo.

Cuomo decided to return to Harvard after speaking at the Kennedy School earlier this year, said David Calone '99, HLS Democrats Co-Chair.

"He really wanted to meet with law students because when people go into private practice, they kind of lose sight of the things that are important to them," Calone said. "He wanted to tell us that even when you go to a law firm, don't forget about the problems that face society. Don't forget that people like us, HLS students, are in the position, by virtue of the gifts we have been given and by virtue of the degrees that we will receive, to do something" about those problems.

NALSA Goes West for Conference, Moot Court

By Klaus Hamm

Members of the Harvard Native American Law Students Association (NALSA) have spent part of the spring on the road, picking up inspiration and real world guidance along the way.

Earlier this month, three HLS students traveled to Albuquerque, New Mexico, for the annual Federal Bar Association in Indian Law conference. And last month, two students appeared in the national NALSA moot court competition, held this

year in Oklahoma City.

The bar association conference in New Mexico drew more than 700 people, including law students, practitioners and tribal court judges. It featured panels and lectures as well as ample opportunity for more informal discussions. Topics ranged from economic development to United States Supreme Court practice.

"It was a chance to get some practical advice mixed in with some inspiration," NALSA member Cynthia Starke '00 said. "It's just nice to know that there are people out there who are really fighting

and dedicated."

The experience also proved a bit frustrating, Starke said. In recent years, several Supreme Court decisions have eroded notions of Indian sovereignty, an obvious concern and topic of conversation at the conference.

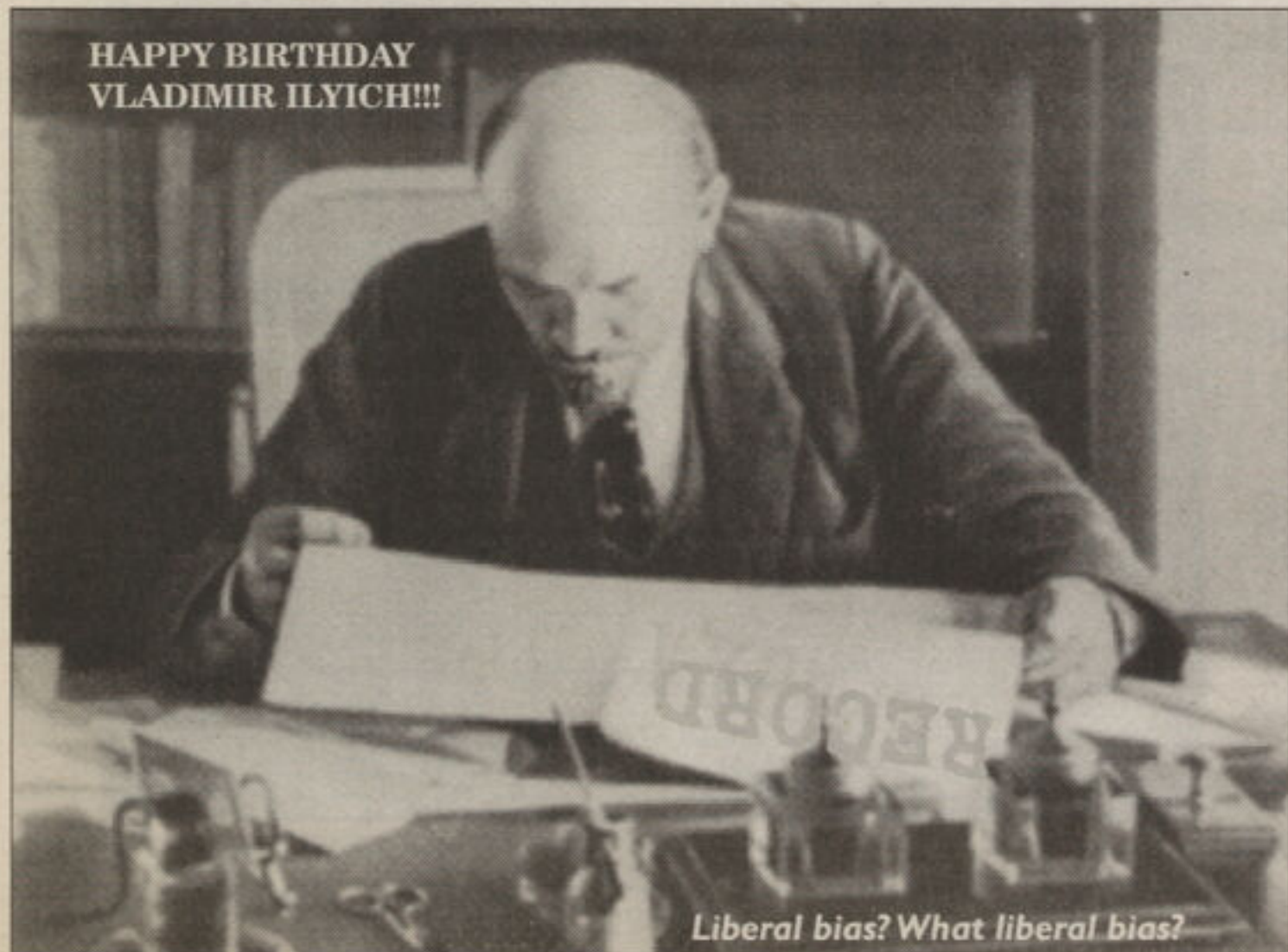
The trip to Oklahoma City had more of a student focus. There, about 30 teams of two law students each from schools around the country competed in a moot court competition. Harvard's team consisted of Starke and NALSA vice president Winona Singel '99. The competition is in its seventh year, but this was the first time a team from Harvard took part. A team from the University of Hawaii won.

The Harvard team was pleased with its performance despite feeling it was at a bit of a disadvantage due to its lack of experience. Some other schools boasted several teams and had faculty advisers to help out.

"We really didn't know what we were doing. We were just trying to figure it out as we went along," Starke said.

Aside from competition, the event provided chances to get to know NALSA students from around the country and to talk about common issues, including experiences dealing with law school administrations and ways to increase Native American enrollments.

"It's nice to get just a lot of people with the same interest together at once. It makes you feel like you're not alone," Starke said.



Liberal bias? What liberal bias?



Briefs

ILS Visits Czech Republic and Slovakia

An International Law Society Delegation composed of five 1Ls and one LL.M. visited Prague, the Czech Republic and Bratislava, Slovakia over Spring Break to explore European integration issues. The trip focused particularly on NATO and European Union expansion.

In both countries, the delegation found that harmonization of domestic legislation with European Union standards was a principal issue. Both countries hope to join the EU in the next several years and are attempting to reform their legislation in order to meet that goal.

In both the Czech Republic and Slovakia, the NATO action in Kosovo was a major issue. The Czech Government was quite divided over the action initially, while the Slovak government was very supportive. While the delegation was in Prague, there was a large demonstration against the bombings at the American Embassy.

The delegation members were Alexander Borovik LL.M. '99, David Bosco '01, Jennifer Daskal '01, Christian Everdell '01, Sarah Prosser MALD/J.D. '02 and Jeffrey Robins '01.

ILS sends annual delegations to areas of special relevance for the study of international law. In recent years, delegations have traveled to Geneva and the Hague (1998), Ireland (1997), the Netherlands (1994) and Kuwait (1993).

Juror's Cough Leads to Prison Sentence

When a juror coughed, defendant Alan Rashid had a right to feel sick.

The cough came just as the jury foreman announced a verdict of "not guilty" in Rashid's trial on a charge of threatening homicide.

The cough coincided with "not," Judge Michael Gibbon only heard "guilty," and Rashid was sentenced to two years in prison.

As the jury left the court Thursday, one inquisitive member of the panel asked an usher why Rashid was going to jail after being found innocent. So the jurors were herded back into court.

"It was a very bizarre situation, and I've never heard of it happening before," said Nicholas Williamson, the court manager.

Rashid was brought back to court, the jury confirmed its verdict of "not guilty," and Gibbon told the defendant he was free to go.

"I am very relieved, as you would imagine," Rashid said.

—Associated Press

RFK, Jr. Going Into Water Business

Robert F. Kennedy, Jr. says he's going into the bottled water business to protect tap water.

Kennedy has helped set up a company that will sell Keeper Springs Mountain Spring Water, which has the following message on its turquoise labels: "Every American has the right to crystal clean drinking water from a public water supply."

Keeper Spring water, which comes from a spring in Saratoga Springs, goes on the market Tuesday in the New York area, with plans for it to gradually become available around the country.

The idea is to capture some of the \$4 billion spent each year on bottled water. Kennedy will not take a salary, and he said any profits — he's hoping for "a couple of million dollars a year" — will go toward clean-water campaigns.

"People who drink bottled water are making a statement that they are turning their back on a public water supply," said Kennedy, son of the slain Sen. Robert F. Kennedy and an environmental law professor at Pace University in White Plains.

"It occurred to me that the best way to reach those people is on the label of a bottle of water."

Kennedy said he's so adamant about his campaign that he won't drink Keeper Springs. "I drink tap water," he said.

—Associated Press

Teitelbaum '66 Named Dean of Cornell

Lee E. Teitelbaum '66 of Utah, whose formal title will be the Allan R. Tessler Dean, will assume duties as the 14th dean of Cornell Law School on July 1.

He will replace Charles Wolfram, who has been interim dean since July 1998. Wolfram plans to retire from the Law School after 18 years.

Teitelbaum's "combination of exceptional scholarship and leadership experience make him an exciting choice for us," said Cornell President Hunter Rawlings. The native Utahman was dean of the University of Utah College of Law from 1990 to 1998.

Teitelbaum graduated *magna cum laude* from Harvard College and also received an LL.M. from Northwestern University Law School in 1968. He has written four books and numerous articles on family law and related topics and currently is co-editing a collection of writings with the working title *Family Law in Action*.

—Associated Press

Law and Organizing Mix in Weekend Workshop

By Ben Lehrer

Lawyers are tools. That was the message delivered this past Saturday at a workshop designed to teach students how to put their skills to use in organizing community groups.

"Lawyers and scientists are like a tool chest," said Lois Gibbs, an environmental justice organizer and leader of the community movement that sprung up around the Love Canal toxic waste site. "Usually we keep it closed and only open it when we really need them."

Twenty-five HLS students spent their Saturday contemplating an alternative model of service, one where lawyers push clients to solve their own problems.

The workshop's message was presented through a role-playing exercise where students acted as attorneys in the law firm "Way, Way and Way" and as members of a tenant's association in a building that had been purchased by new owners intent on clearing the tenants out.

Tim Samson, who along with Gibbs and attorney Peter Sessa ran the training, analogized the traditional model of legal service to a Laundromat. "People come to you with their dirty laundry and want you to clean it," he said. Lawyers do this by applying the paper-intensive skills they learn in law school and on the job.

"People do prefer service," said Samson. "They like to be taken care of. But organizers have to encourage them to act on their own behalf."

By appropriating the clients' problem and carrying it through the Byzantine legal machinery, lawyers only perpetuate the clients' sense of disenfranchisement from power and alienation from the ability to solve their own problems. These problems, the organizers underscored, are rooted in social, economic and political

inequities that are generally beyond the legal system's field of vision.

The organizers said that a law degree does not condemn a person to working within the structure of the traditional model. "There are lots of ways you can practice law without working for a law firm," said Samson, "just as there are lots of ways to practice ministry outside the setting of a church."

Reflecting on the session at the end of the day, students wished they had more time to focus on practical organizing skills. "This has been an interesting exercise in deconstructing the roles of lawyers," said Sean Flynn '99 at the end of the session, "although it raises the questions of what skills we do need if it's not the skills that we have."

Sessa said, however, that a one-day training was inadequate to teach the types of organizing skills that he and the others apply on a daily basis. Rather, the purpose of the training was to introduce students to the concept of lawyers as organizers and encourage them to consider methods of promoting social justice outside the direct service model.

The endeavor was a variation on a theme that began last spring, when students organized a three-day organizing training workshop run by the Midwest Academy, a Chicago-based activist training center. Last year's training focused on the nuts and bolts of organizing but did not substantively address the roles that lawyers had to play.

"Lawyers can ask, listen, help people act and act with them," said Samson, "and then reflect on the process with those they are helping. They can put their skills to helping people grow."

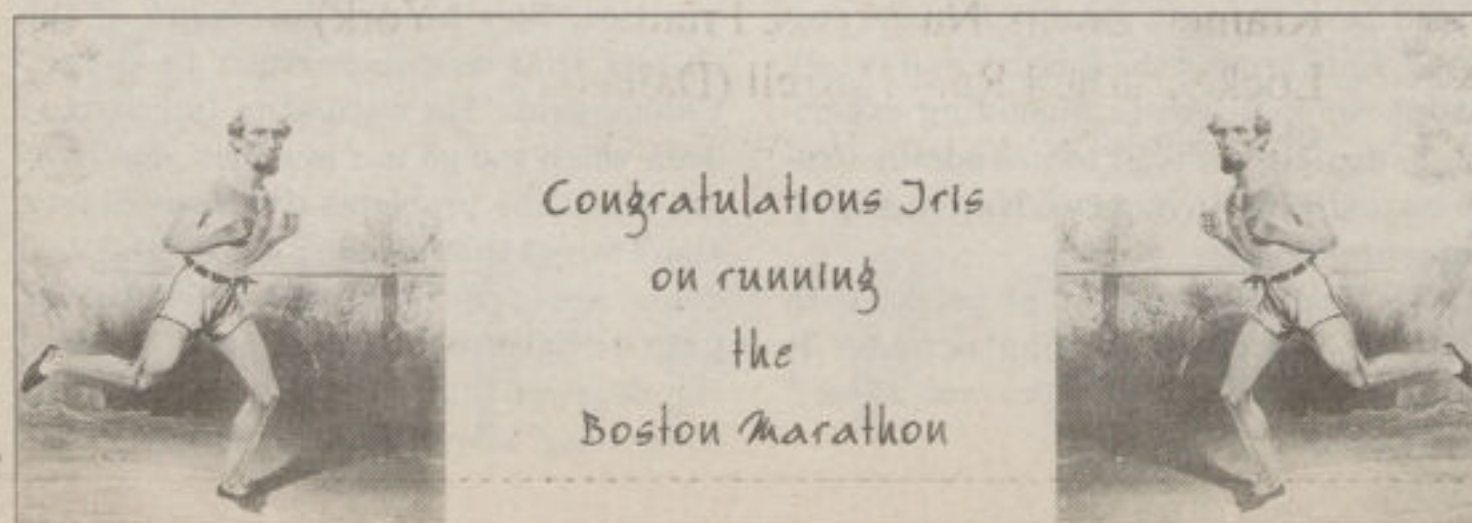
The workshop was sponsored by the Environmental Law Society, the Labor Law Project and the Student Public Interest Network.

Recycling at Harvard



RECORD Photo/Ben Lehrer

Members of the Environmental Law Society get a head start on Earth Day 1999 by making this "psychedelic tree" out of a day's worth of discarded Hark box flyers.



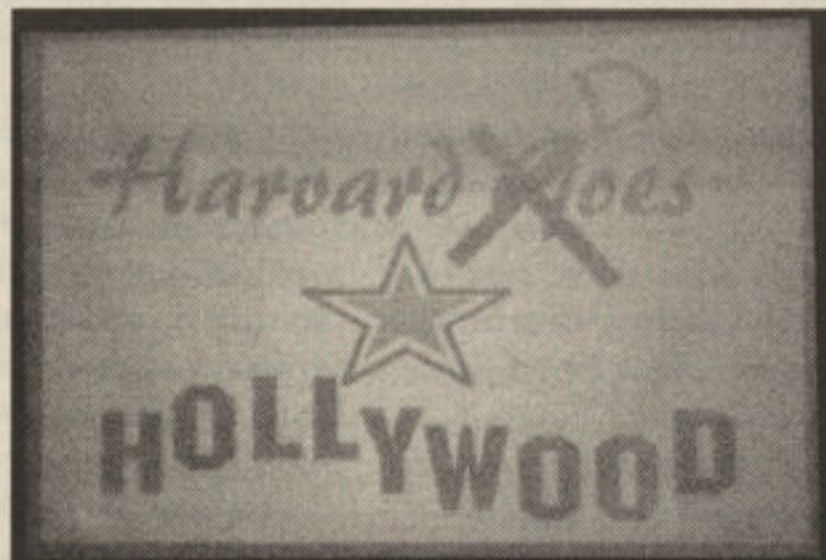
Congratulations Iris
on running
the
Boston Marathon

Elizabeth Reads the Scene

By Elizabeth Read '99
Staff Columnist

WHACK TIMES AT HLS

A certain punk rock club on St. Mark's Place has an eighties night on Sundays dubbed "Fast Times at Coney Island High," or in certain circles, "Whack Times for Five Dollars." Essentially, Gen-X types sit around waxing nostalgic over a stereotypical image of the decadent eighties, and all of the fun they never had back then because they were teenagers. Tuesday evening, A Class Action, Inc., the brainchild of Prof. Jon Hanson's Corporations class, brought HLS a Whack Times for Five Dollars of its own: a short "original"



film compiling all of the most obvious and most endearing stereotypes of the Law School and its population.

I could not hear all of Prof. Hanson's opening remarks as well as I should have, due to the exuberant murmurs of the sold-out house in Austin North. But evidently, at the beginning of the term he proposed that his class might form a corporation (with all of the appropriate legal trappings, of course). The film, "Harvard Does Hollywood," is the project the students decided to pur-

sue with their shareholders' money. So, as Prof. Hanson wittily put it to the audience members deprived of their five dollars, "Harvard hasn't screwed you again. A corporation has screwed you." Members of the class served in both executive and creative capacities, and bought shares in the enterprise.

After Prof. Hanson spoke, the corporation's CEO, Heather Thompson '00, expressed her great enthusiasm for the class's accomplishment. Master of Ceremonies Eric Johnson '00 provided some general witticisms in his decidedly not subdued manner.

The film itself, approximately 30 minutes in length, consisted of many film clips in which the Harvard name is invoked, spliced with footage from original interviews with HLS students and professors and people on the street. Written by Tara Bruh '00, Suzanne Carter '00,

Of course, as students here we all know that the HLS portrayed therein is hardly true to life (at least not any longer). Likewise erroneous is the description of a typical HLS student offered by that amusing, anonymous middle-aged woman interviewee (e.g., "argyle socks... good skin"). What makes "Harvard Does Hollywood" enjoyable for its strictly defined audience is the sensation of acknowledging a harmless stereotype of oneself while realizing its absurdity (the same thing applies, probably, to twenty-something hipsters who like to wallow in eighties tunes).

The film's pace is appropriately crisp, and I for one appreciated its brevity in comparison to the Annual Law School Parody Marathon. One frequent device, which becomes somewhat tiresome, is the repetition of a single line within a clip, adding to the trendy hip-hop sampling

• Letters •

Putting Crime Victims First

This coming week, April 25th to May 1st, is National Crime Victims' Rights Week. As future prosecutors, defense attorneys, judges and leaders of the legal community, HLS students should take the opportunity this week presents to sensitize themselves to the crucial but often neglected issue of victims' rights.

Our criminal justice system — in fact, our society as a whole — pays far too little attention to the needs of crime victims. They are the subject of earnest and anguished testimonials from political leaders, especially after tragedies such as the school shooting in Littleton, Colorado. But when the cameras are off, the legal system is just not set up to protect victims. Often, victims are not informed of the progress of a police investigation or of key proceedings in the prosecution of the criminal.

If they are witnesses to the crime, victims or their survivors are barred from attending the trial. In many jurisdictions, they are still prohibited from giving victim impact statements to influence sentencing of those convicted of crimes against them and their families. They are often not informed of parole hearings — in which they are entitled to make statements opposing release of the criminal — nor are they warned when criminals who may still present threats to them are paroled.

Beyond the legal system itself, our society devalues the suffering of crime victims. Social service programs to help victims' physical and emotional healing are typically not prioritized by government or non-profit organizations. Our popular

culture is awash in fascination with criminals — exemplified by movies celebrating violence and the cult of the serial killer — while the suffering of victims is ignored.

This must change. Through legal reform and raising awareness of the needs of crime victims, the entire culture of the criminal justice system and of how society views crime must be turned around to put victims first.

During the coming week, we will make available in the Hark publications and information about victims' rights and victim services organizations. We invite all members of the Law School community to learn more about this critical topic.

Larry Rothenberg '01
John Bartlett '01
Jason Young '99
April 21, 1999



RECORD Photo/Dusan Stojkovic
Executive Producer Prof. Jon Hanson chats with TA Allen Ferrell before the screening.

aesthetic. (I must admit that the audience seemed to greatly enjoy this gimmick). That ubiquitous AV guru, Roland Adams, did an admirable (and quick!) editing job (which, considering the nature of the film, must have been the most difficult creative part). All in all, "Harvard Does Hollywood" was a pleasant surprise, and a truly charming cultural artifact. Props to those members of the Corporations class who chose film-making over outline sales as their corporate agenda.



This year marks the fifty-second year of the HARVARD LAW SCHOOL FORUM's efforts to bring noteworthy individuals to the HLS campus. The Forum wishes to thank all those who took part in the 1998-99 lecture series.

Senator John Kerry

Public Service, Citizenship, and the Law

Congressman Asa Hutchinson

*Prosecuting the President:
Reflections of a House Manager*

Mario Cuomo

Public Spirit in Private Sector

Charlton Heston

Winning the Cultural War

Fred Gray

*Historical Perspective of the
Civil Rights Movement*

Zig Ziglar

Does Character Count?

Seymour Hersh

The Missiles of August

Harvey Silverglate

*Why All Campus Speech Codes
Should be Abolished*

Vince McMahon

The First Amendment Firsthand

The Forum extends a very special thanks to those whose financial support made the 1998-99 lecture series possible.

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For more information about Forum activities or to make a donation, contact the Forum at (617) 495-4417; or write to Harvard Law School Forum, Harvard Law School, Cambridge, MA 02138.

WWF's McMahon Takes on Ted Turner and Hanoi Jane

Continued from *WWF*, p. 1

ment, McMahon told the audience he wanted to be able to express his opinions, however unpopular or infuriating they might be.

McMahon declared himself a defender of free speech despite what he said was false information spread about him in the press. He said a New York Post reporter accused him of being "a child abuser, a child molester, a homosexual, a heterosexual rapist, a sexual offender, a liar in general, a man practiced in the art of deception, cold-blooded, a member of organized crime, and worse than the fictional character Hannibal Lechter who killed his victims and then ate them."

"Damn!" McMahon exclaimed. "This makes Milosevic look like a Sunday school teacher!"

F*** the DOJ

McMahon had more significant things to worry about, though — he was also charged with conspiracy to defraud the federal government through the distribution of steroids.

"What does this mean?" said McMahon, drawing a hearty round of laughs from the audience. McMahon said he was the only person ever charged with that crime.

McMahon noted that before the case went to court, the federal government advised him to "cop a plea."

"And because of my principles, I told the Justice Department, 'fuck off!'"

The audience responded with boisterous applause, cheers, and whistles. "God bless America!" said Jonathan Kilman '00 to himself.

McMahon proceeded to describe his experience in the federal court system, starting with the judge.

"He was an idiot!" McMahon said. "I'm on trial, and yet I have a federal judge appointed for life who is sleeping through half of it."

McMahon was eventually acquitted of all charges.

The Riches of Hanoi Jane

McMahon proceeded to outline his dislike for Ted Turner, who formed the WWF competitor, WCW, which airs on Turner-owned cable networks. Turner was able to outdo the WWF by paying professional wrestlers more than McMahon could afford, McMahon said.

What really got to McMahon, however, was Turner's encroachment on the WWF's "speech."

"We think WCW sucks," McMahon said. This was the basic message in a series of 30 second commercials aired by WWF that provoked Turner into filing a disparagement lawsuit.

"Ted Turner's never had an original thought, except maybe about Jane, and I doubt that seriously," McMahon said, referring to Turner's wife, actress and fitness guru Jane Fonda.

"You guys may not be old enough to remember Hanoi Jane, but I remember Hanoi Jane," he said, prompting one audience member to exclaim, "Hanoi Jane sucks!"

The suit is pending, but Turner temporarily has gotten revenge in another form. He has refused to allow his cable networks, TNT and TBS, to air a long-distance phone service commercial that features WWF personality "Stone Cold" Steve Austin throwing a competitor head-first into a chair.

Turner is not the only person to have taken offense at WWF-related advertisements.

McMahon played the audience a commercial for the WWF featuring simulated sex and various acts of gratuitous violence. He then noted that the watchdog group Morality in Media proclaimed the spot the "most vile thing ever on television."

This was met with a huge round of laughter which grew when McMahon added that the group's leader, Robert Peters, stated that "no one from the human species should enjoy this form of entertainment."

"I have two words for Mr. Robert Peters," McMahon began, and the audience's applause became so deafening that it was nearly impossible to hear the expletive which followed.

With that, McMahon opened the floor for questions.

Race Relations? Pshaw!

One student, noting that WWF's Austin was typecast as a redneck, asked McMahon whether he was pandering to white racists.

"There is racism in this world," McMahon said. "In essence, we're in the entertainment business, we're not trying to promote anything racist." Pausing, he added, "Or sexist," igniting a huge stream of laughter among audience members.

Another student asked McMahon about McMahon's son's hopes to take over the WWF.

"As far as my son is concerned, I'm gonna get that son of a bitch!" McMahon responded, again prompting hollers from the audience.

A young man identifying himself as a student at the Yale School of Management asked whether wrestling causes wrestlers to become more violent.

"The wrestlers respond very well to success," McMahon said, adding that wrestling is very lucrative. "They get to resolve conflicts or begin them with some form of physicality, and they appreciate that."

If Their Future Employers Could See Them Now

The audience made their dislike for such negative-toned questions palpable. The Yale student was booed, as was a freshman at Harvard College who said that, having watched wrestling since second grade, "one thing I miss now is the wrestling," implying that late 1990's wrestling is mainly showmanship with little sport.

"Stop him!" an audience member screamed.

"Follow him back to the Yard!" another

exclaimed.

McMahon dealt with the freshman civilly, recommending that he look to Pay Per View broadcasts for sport.

Another questioner was similarly disparaged when he asked, "how do you feel as a father when you see seven-year-old kids tell people to suck it" because they heard the phrase used on WWF programming.

"Fuck you!" an audience member screamed to the questioner, who was booed roundly by McMahon's fans.

McMahon said that the television rating system should warn parents of graphic programming. In addition, "there is something known as parental responsibility."

"Fifteen per cent of late-night viewers are under 12, meaning parents are sitting there and letting their kids watch it," said McMahon.

Another student praised the "intricate and sophisticated nature" of WWF storylines as opposed to "the reliance on caricature."

McMahon said one executive once asked him, "where were the heroes or whatever, but I told her, that is something the public doesn't want. Now she is somewhere playing tennis."

Make Wrestlers, Not War

Asked about his political views, McMahon condemned President Clinton's recent bombing of "Bosnia" [sic]. He speculated that, were it not for the presidential sex scandals, American soldiers would not be fighting in Kosovo.

"This is a war that the media wants, and maybe a few liberals and a few generals who are off their rockers, and it's something which we have no right to be over there in terms of our force."

"War makes real good fodder" for the media and the politicians, McMahon said.

McMahon's anti-war material drew the audience's only lukewarm response of the evening.

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21st Century Dems: Smart Donkeys or Dumb Asses?

Continued from *DEMS*, p. 1

cratic influence into the suburbs and political center, Kamarck credited President Bill Clinton with broadening the party's electoral appeal. As might be expected from an ardent Gore supporter, Kamarck's views were decidedly positive.

"I have a fairly optimistic view of where the Democratic Party is going," Kamarck said.

Kuttner, who at times grimaced noticeably in response to Kamarck's observations, was less enthusiastic about the what he referred to as "the politics of symbolism." He criticized the Clinton administration for its focus on incremental initiatives rather than broader and more far-reaching policies.

Centrifugal or Centripetal Force?

The panelists also turned their attention to the historical context of the Democrats' relatively recent shift to the center. Kuttner noted that in the twentieth century, Democrats have "used government affirmatively" in three ways: regulation, taxing and spending, and advancing the rights of disadvantaged groups. According to Kuttner, the move to the center spearheaded by Clinton will not only ostracize the Democrats' traditional base, but "over time [add] to the cynicism of the electorate."

Reich joined Kuttner's criticisms of centrist Democrats as he reflected on his service in three presidential administrations. The experience has caused him to focus less on the success of any particular party and more on the question of what the country needs right now.

"I don't really care about the Democratic Party," said Reich, claiming that his primary interest was in the well-being of the country as a whole. He did note that Democratic Party policies are more closely in line with his own political philosophy.

Kuttner and Reich sided together on several questions posed by Edley, most visibly in a discussion of NATO's military intervention over Kosovo. In Yugoslavia, "we've brought about the very thing that we were going in to prevent," said Kuttner.

"There seems to be no logic to it," said Reich. He said that these frustrations could be alleviated by instituting a national draft,

which would soften U.S. foreign policy by forcing military action to resonate with a larger segment of the population.

Kamarck's only regrets about the military action focused upon procrastination. "I wish we'd been in there sooner."

Fued for Thought

When the panel turned to party ideology, especially their opinions on the future of the party's liberal wing, disagreement propelled the conversation forward. "There will always be a liberal wing," said Kamarck.

Kuttner's retort outlined the gaping chasm in ideology that separates Democratic politicians like Clinton and House

Minority Leader Richard Gephardt. The neo-liberal Democratic vision, as embraced by Clinton, declares a need to move away from what it perceives as a "clunky, industrial form of government," Kuttner said. The other, more traditional Democratic camp adheres to the New Deal's policy of deficit-spending. "That," said Kuttner, "is about as profound a political debate as you can have within a family."

All of the panelists agreed that the immediate future of the Democratic Party hinges upon Gore's success in the 2000 presidential race. Reich insists that the electoral scales will be tipped in favor of the Democrats if Gore can find support with America's "party of non-voters."

Tell Us Something We Don't Know

Continued from *SURVEY*, p. 1

ranked in order of dissatisfaction: Grading and Evaluation; Classroom Experience; Housing; Financial Aid; and Out of Class Interaction with Faculty.

Hey, at Least it's Not a B

In the category of Grading, the greatest needs for reform were in the areas of Feedback on Examinations and Grading Accuracy. On a scale of 1 (highly dissatisfied) to 7 (highly satisfied), Feedback received a 1.5 average. Of the students who responded to the survey, 85 per cent defined their attitude towards feedback as "very dissatisfied." Overall, 63 per cent of students were "very concerned" with the general topic of grading.

Although the frustration with examination feedback was evident, students were unable to settle on an alternative method of evaluation, such as mandatory mid-terms or an honors system. "We get a message," said Warren, quoting from the preliminary report, "Grades matter, and students are dissatisfied with elements of grading...but there is no consensus about solutions."

Warren suggested several answers to the grading problem. "The first thing that we're thinking about is to change the grading system, so that maybe it would

be appropriate not to use so many refinements," said Warren.

She hinted at a system with a small percentage of high honors, a large fraction of honors and a small percentage of low pass or fail. "In turn, we need enriched feedback [to students]," said Warren. Such higher-quality feedback would require teaching assistants or individually designed assessments by professors, "from the bottom up," said Warren.

Hint to Gunners: Shut Up!

The second category covered by Warren was Classroom Experience, which scored high in priority to change but witnessed merely a Neutral level of Dissatisfaction. The two areas requiring immediate attention appear to be Class Size and Class Discussion.

Class Size received a 2.8, with 51 per cent of students expressing high dissatisfaction. In addition, Class Discussion garnered an average score of 2.5, with 58 per cent of respondents saying that they were "very dissatisfied."

While pointing out that 2 percent of students, in Warren's words "the gunners," are very satisfied with the current system, it was obvious that the classroom experience at HLS needs to change.

"One might read [the survey] as classes are too large, which stifles discussion,

"We've got to talk about the economic realities that these people face," Reich said.

Kamarck outlined Gore's strategy as a two-pronged stab at voter appeal. First, the Vice-President must convince the nation that the current economic prosperity will continue. Secondly, Gore must assure those who experience trepidation about their own futures that he is committed to providing them with opportunity, while at the same time insuring them with an expanded social safety net.

Kuttner expressed concern with Gore's lack of inspiration. "If I remember, Gore was the one who inhaled. So maybe he needs to inhale again and get some passion back," he said.

where a few people dominate, unchecked by professors," said Warren. "This results in unsatisfying classroom discussions."

Ideas for reform center around instituting a 100 student section during the first year, with a 50 person small section. This would require hiring more faculty in the long-run, according to Warren, but the demand for instructors could be immediately met by extending more invitations to visiting professors or, alternatively, by encouraging current HLS professors to teach larger classes.

Needs: Jockstraps, Jingle and Java with Jolls

The concern for the issue of housing focuses not only upon the gloominess of Gropius Complex, but also upon a desire for updated athletic facilities. "It's the gym, stupid," quipped Clark.

Improving facilities is a "big-ticket item," according to Clark, which will require extensive fundraising. Using Langdell Library as an example, Clark pointed out that prioritizing facilities for improvement can result in satisfying outcomes. "These [big-ticket items] are lots of money and work, but they're easier to do in some ways," said Clark.

Under Financial Aid, the issues of Funding, Debt Load, and the Low-Income Protection Program dominated among student concerns. Warren said that solutions to the financial aid problem are obvious. "We've got to bring in more money to fix those three [issues]. The only way we'll fix it is with money," said Warren.

Clark has tabbed financial aid, along with facilities and faculty hiring, as one of the pillars of his next fundraising campaign, which is expected to require \$50 million to \$60 million. "We need a lot more money for LIPP, and our need-based financial aid has to increase to keep pace with other schools," Clark said.

Warren concluded by discussing the issue entitled Out of Class Interaction. The elements of this category which will require the most work are 1L Faculty Advising, which received a mean score of 1.7, and Faculty Mentorship, which 69 per cent of respondents ranked as very dissatisfying. Students were rather satisfied, though, with issues like the ease of getting a 3rd year paper adviser.

Solving the interaction deficit was more perplexing to Warren's committee than the other areas. "We're trying to understand it, but this is a tough one. It doesn't pop out like the others," said Warren.

Suggestions included a new incentive structure to encourage faculty-student interaction. In addition, Warren has conceived a "bonus course" in the first year curriculum, which would combine small class size with a broader introduction to legal themes and debates. "It would be a course where professors bring a part of what they are," said Warren.

Ultimately, at the beginning of any reform effort rainbow there is a large pot of gold, a fact which is not lost upon Clark. "Sometimes I think this whole process is just a conspiracy to get me on the road to raise more money," said Clark.

Hungry Lawyers Try to Get Fuller

Continued from *FULLER*, p. 1

ment attacked the applicable statute on the grounds of ambiguity while attempting to peg the facts presented under the rubric of a justifiable killing.

"Which of these things don't you understand?" Judge Easterbrook quipped after slowly reading the entire text of the statute, drawing much laughter from the well-filled audience in Ames Courtroom.

Gertner remained composed and responded, "Words like these are not self-enforcing; it is up to human beings...to enforce them." She also contended that the judges should pay heed to the fact that the process by which Whetmore was chosen to die was random, which renders it intrinsically fair, but went on to concede that she was "troubled by the fact that he opted out of the plan mid-way."

Even though Gertner lacked cogent organization at times and too often let the judges' queries distract her from the general line of argumentation, she masterfully took advantage of articles and cited decisions written by panel members themselves.

The prosecution's response was rather bland and focused primarily upon whether the criminal code allowed for discretionary prosecution of the ill-fated explorers. After the interlude, during which he insisted that the criminal code presupposes mandatory prosecution, Woodlock took a better stab at rejoining the other side's argument that the statute was ambiguous. He asserted that the court's task assumed judicial restraint—it ought simply to "read the particular statute, even if it is one of excessive generality."

My Daddy, Tom

The oral arguments were immediately followed by short opinions rendered by each of the four judges, no doubt synopses of their respective contributions to the forthcoming Law Review retrospective.

Butler's opinion, replete with unabashed instrumentalism and social criticism, evoked the strongest reaction from the crowd. Firmly rejecting the rule of law as an arbitrarily concocted legal concept, he said "Law is indeterminate, and in the hands of rich white men it can be a real bitch."

Butler professed a divine source of legal guidance in reaching a decision in the instant case, since the task at hand would have been impossible "without asking God what She thinks." Apparently, She thought the convictions should be overturned, since a conviction here would not serve the primary function of criminal codes, which is "to make communities safer."

Still, as Butler explained, "I had to do this judging foreplay." He proceeded to dismiss literary interpretation and legislative intent as viable interpretative canons.

Butler's rejection of original intent was particularly scathing. "So Keanu Reeves fires up the matrix and we go back to 1787 to visit the framers," Butler, who is African-American, recounted. "I go up to Thomas Jefferson and he says, 'Son, go back to that field house right now, I'm busy writing the Constitution' and I say, 'Dad, that's exactly what I have a question about.' He replies, '[A]ll men are created equal, now get your ass back to the field house.'"

Dershowitz also voted for the reversal of the explorers' fortunes, but sternly re-

fused to join in Butler's religious justification, positing that the future society in which "The Speluncan Explorers" is set is bound to be atheistic. Rather, the Felix Frankfurter Professor of Law based his judgment on a historic preference for a system of law under which that not specifically prohibited must be allowed.

Easterbrook also decided to side with the petitioners-defendants in this case, saying that the historical and political context compel a reading of the statute so as not to include a murder committed out of "absolute necessity," notwithstanding the fact that a strict examination of the legislation's linguistic context suggests the opposite result.

"I was tempted to do a demented cost-benefit analysis, but decided not to do that and played it straight," Sunstein said in his introduction to the final opinion of the evening. He turned out to be the sole judge who thought that the conviction should be upheld, even though he went on to urge that the punishment be overturned.

Warning against the risks of human and judicial error, Sunstein maintained that courts must abide by the literary language of a given statute, except in cases in which doing so would yield irrational results.

Along with the four judges at the recent event, Judge Alex Kozinski of the U.S. Court of Appeals for the Ninth Circuit and Prof. Rob West of the Georgetown University Law Center have written opinions on the case for the next issue of the Harvard Law Review. The written retrospective will be framed by an introduction penned by Prof. David Shapiro '57.

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FOUNDED IN 1946

If It's Broke, Fix It. Please.

Why must everything be so damned difficult at this place? The eighth set of instructions on how to navigate registration revealed it to be a labyrinth of mythological proportions. Stalked by a smoke-snorting Minotaur named "Second-Year Suggested Courses," we first-years were forced to discard the tangled ball of twine, 1L indecision, that has safely led us to the edge of Summer.

It's not that we enjoy complaining, even if some of our finest law school bonding experiences have arisen from collective bitching sessions. It's just that when a highly expensive, well-respected graduate institution can't get its act together on something as basic as registration, we cannot help wondering whether the will to improve student life is sincere.

Here's a general rule, embraced by such prophets as the Maytag Man and George Jetson: the future will bring progress. As undergraduates, we both attended large institutions (10,000+ students) and for both of us, registration was an altogether unremarkable experience. It took place by phone, requiring only minutes to plan and execute. We were not required to select a year's worth of courses; we were not expected to wonder haplessly through a maze of regulations to avoid being inadvertently locked out of classes or accidentally dropped from a course. Enter Harvard Law School.

Harvard is not the only large law school in the country. We are not the only law school where some professors are more sought after than others, nor are we the only law school with an extensive clinical program. Why, then, are we the only school that requires an intimate understanding of logarithms in order for students to take the classes in which they are interested?

Call us crazy — maybe someone knows something we don't — but we believe this madness can be rectified. The administration, from the Registrar to the folks in the clinical office, have all bent over backwards to guide students through the fire. We give them all the credit in the world for doing so. With so much good will among them, we are confident they can channel their collective energies into fashioning a more sensible, user-friendly registration system, one that facilitates students' ability to plan an appropriate course of study.

So, in this brief period of transition, between basketball season and finals, we could care less about Hemenway's collection of Milton-Bradley weight equipment, and grades seem more distant than a permanent job. Flood your law school representatives with phone calls, occupy the ground floor of Griswold, but above all, boycott registration. We've gotta get into Evidence with Nesson somehow.

— Francesco Barbera and Justin Herdman

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

— First Amendment, U.S. Constitution

• Letters, cont. •

Triumph of the Toaster

I am told that my Krups toaster created quite a stir in my absence; however, it doesn't seem to have spilled over into any substantial responses in the RECORD. While Miss Jueds wrote a rather witty perspective, Mr. Raustiala's limp attempt at an *ad hominem* attack was rather lame. Nevertheless, neither seemed to understand that Reproductive Freedom Project's activities could be viewed as reprehensible by those of us in the middle (i.e., neither radical pro-life nor radical pro-choice). Since when is it the responsibility of one student organization to impose its version of "truth" on another? Does full disclosure mean that RFP (or any student organization) should invite opposing groups to police its information dissemination and sabotage any item or event that might be contested?

As for growing up, perhaps when you are older and either you or someone you know is

struggling with infertility, you will appreciate the value of adoption centers such as AWC. Adoption is a choice that should be given equal validity and support and should not be disdained by those proclaiming to be pro-choice.

As for giving sufficient thought, I waited for several weeks until I had researched the facts, and I shared my letter with several colleagues on both sides of the abortion issue before submitting it. Did you? The analogy is still valid: RFP probably gave the same level of thought to its attack on Culture Shock as Eric Rudolph probably gave to his alleged attacks on abortion clinics in the South. For either extreme, genuinely attempting to view the issue from the other side seems to be impossible.

Since arriving at the Law School, all of my professors have stressed the importance of arguing both sides of an issue. It would seem that some people might benefit from re-

viewing such a concept.

It would also seem that the winning bid for the toaster validates my point. The winning couple, one pro-life and the other pro-choice, both felt that RFP was wrong in what it did: "I think that it would be appropriate for us to buy the anti-RFP toaster oven because, while we disagree on many issues, including abortions, we at least do it in a respectful and appropriate fashion — something RFP might wish to learn how to do." (Because of a fear of RFP reprisals, the author asked to remain anonymous.)

Thus ends the brief saga of the toaster protest. The statement was made, the Public Interest Auction was not harmed, and perhaps people will resort to civility rather than sabotage and terrorism when confronted with contrary viewpoints.

Gavin Clarkson '01
April 19, 1999

HLS Rocks, It Rocks!

I am writing this letter in response to the recent admonition in *The Backbencher* to quit bashing Harvard Law School. I want to say that I loved it here. The last three years have been the best of my life. The only thing I hated was the weather, but there's no changing that, and I'm a weather wimp from San Diego. I thank Joyce Curll from the bottom of my heart for admitting me, and I resist the urge to run up and hug her whenever I see her on campus.

While I didn't work especially hard in my classes, I did do most of my reading and went to a lot of my classes, maybe not all. If I didn't go to class, it was because I felt the professors weren't that good at teaching them. I was in class for Profs. Elizabeth Warren, David Wilkins, Chris Edley, Randall Kennedy and Alan Dershowitz. I want to thank them for sharing their brilliance with me and actually making class enjoyable. But I

also note that I encountered these professors in small classes. I truly hope that HLS can find a way to provide more smaller classes and that professors will be willing to teach them. I wish I had been able to get into a class taught by Lani Guinier, and I wish there were more women of color on the faculty. But I'm confident that this will improve in time.

I've met some special people here. You know who you are. One of them is going to be my husband someday (thank you, Lincoln's Inn). I have to note that there are also some not-so-special people here. When I was an idealistic 1L, I ran for Law School Council, and as a Section Rep, I published a short newsletter every couple of months for my section. It was written kind of like *The Backbencher* — not a serious publication, not literary genius. It wasn't meant to be. Some random 2L sent me an

e-mail telling me how infantile and stupid my newsletter was. I think that was pretty mean. I never sent the newsletter to him, and I have no idea how he got it. His reaction totally turned me off from ever doing anything to attract criticism from other mean people here, and I lost interest in being active in most student organizations. But that wasn't Harvard Law School's fault. There are always a few assholes. You know who you are (actually, maybe you don't).

Anyway, I loved it here. You can tell whomever you want. Tell the prospective students: I'll be happy to share what I loved about this place. Tell the rankings people: I'm so glad I chose to ignore the last-place ranking in "Quality of Life" in the 1996 Princeton Review of law schools and come here anyway. Each of us makes her own law school experience, and I made mine great.

Mimi Lindsey '99
April 18, 1999

RECORD Underestimates LIPP Progress

Your article on the "LIPP Reform Movement" led your readers to believe that because the Public Interest Committee never put forward any recommendations on how to improve Low Income Protection Program (LIPP), no progress has been made on LIPP during the last few years. Let us assure you that this is not the case at all.

Over the past few years we and the other members of the Financial Aid Committee have spent countless hours discussing LIPP and implementing changes that have enabled LIPP to better meet the needs of low-income graduates. Among the changes we have made in the past few years are:

1. Lobbying and restructuring to take advantage of new tax laws — LIPP now gives participants more disposable income after loan payments and taxes.
2. Implementing a new scale with less steep progression at the top (60 per cent to 50 per cent).
3. Other law school debt is now covered for transfer students (previously this was not

covered).

4. Increasing parental leave to six months.

5. Expanding coverage for parents who work part-time after having children.

Unfortunately, [Office of Public Interest Advising co-Director] Stacy DeBroff intimidated that committees are not able to effect change at the Law School. Our experience as student members on the Financial Aid Committee has proven just the opposite. In addition to the changes to LIPP noted above, the students on the Financial Aid Committee set the student budget each year, and student input is always valued by the faculty and administrators on this committee. While it is unfortunate that the Public Interest Committee couldn't come to a consensus and was thus unable to act, students can rest assured that the Financial Aid Committee continually discusses the ways in which to improve LIPP for all students. We would invite DeBroff to address our committee directly with any ideas she has for improving the program, as the

student leaders from Student Public Interest Network have already done.

Before closing, we would like to say that Profs. Louis Kaplow [81] and Diane Ring [90] have spent many hours working on LIPP reform, and their efforts should be applauded. In addition, Lisa Dealy, the Director of LIPP, is one of the most dedicated administrators at HLS, and it is through her tremendous efforts that LIPP is as good as it is. Most LIPP participants are pleased with the program, and Lisa is a big reason why.

More work must be done, however, and the leaders of SPIN, Nicholas Walsh [00] and Ayn Ducao [01], are doing a great job bringing much-needed attention to LIPP. Their efforts have certainly had an impact on our committee's discussions and we encourage them and others to keep up their good work in persuading HLS to allocate more resources to both LIPP and summer public interest funding.

David Lancz '99
Amy Oliver '00
April 20, 1999

NEXT WEEK WILL BE THE FINAL ISSUE OF VOLUME 108.
IF YOU HAVE ANYTHING TO SAY, SPEAK NOW...
OR WAIT UNTIL SEPTEMBER.

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Republicans: Been There, Done That

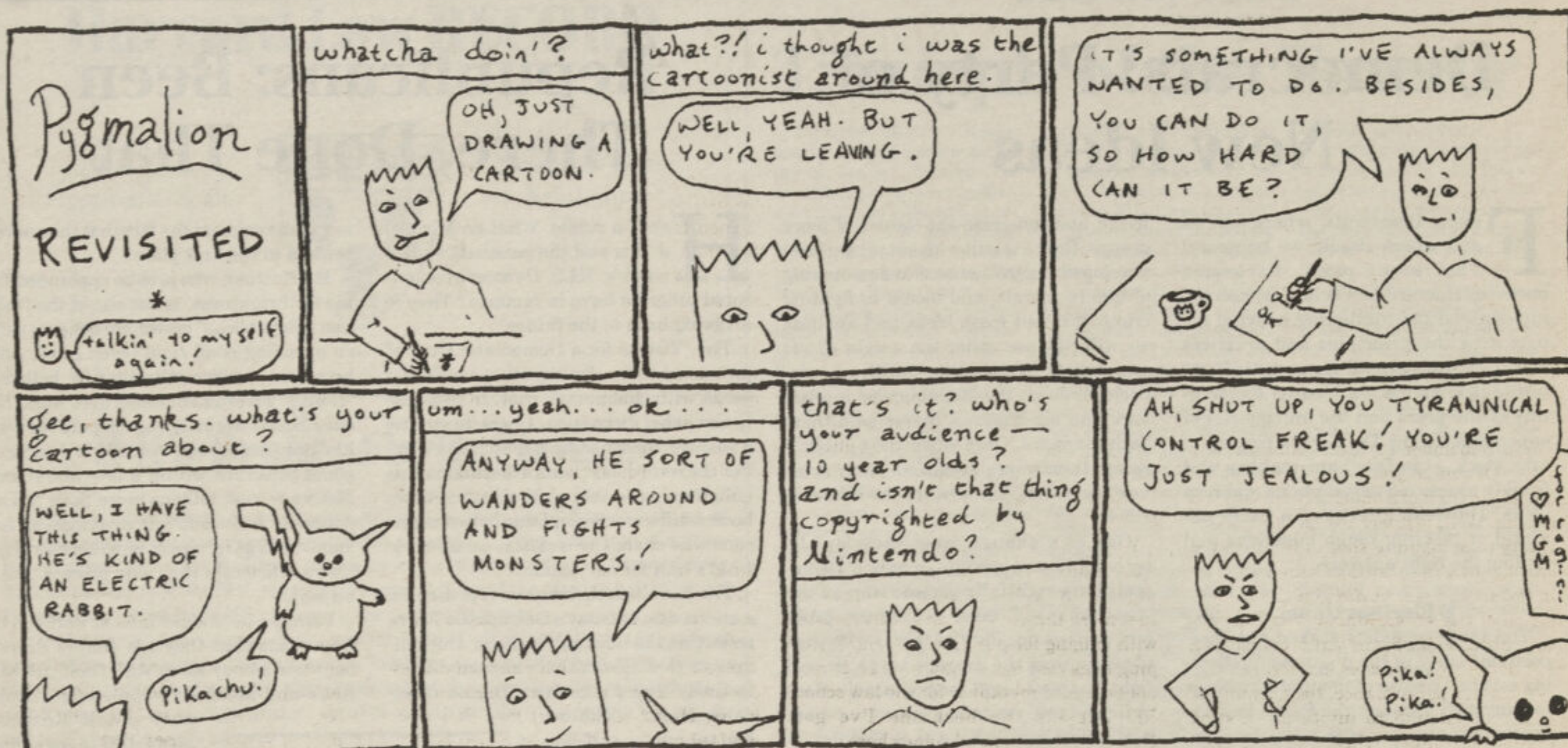
These are but a few examples which illustrate a basic point: beware of big government tigers who claim to have changed their stripes. The Democratic Party of the next century appears poised to repeat many of the same mistakes it has made in this one.

By Timothy
Shannon '01

for winning the novice division
of the 1999 World Graduate School Rowing Championships!

Spike

By Margie McWilliams



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CAPITALISM,
COMMUNISM AND
CONFRONTATION

APRIL 30
AT THE
KENNEDY SCHOOL

FEATURING:
ANA JULIA
JATAR-HAUSMANN;
SUSAN ECKSTEIN,
BOSTON UNIVERSITY;
ADOLFO GARCIA,
PARTNER AT
McDERMOTT, WILL &
EMERY

BE THERE!

Carpe Dollo

WRAPPING IT ALL UP

By Jake Zimmerman '00
Staff Columnist

So, here it is: my final column of the academic year. Around this time, I would ordinarily find myself wondering if anyone is actually still reading this stuff. But it turns out that I no longer need to worry on that front. I may have lost all my student readers months ago. It may be that even my parents have long since stopped using the RECORD for anything but cat box filler. But I know that I have a steady readership in one vital sector of our society: random HLS administrators.

You remember my first column of the year? Of course you don't. It was about singing in front of a bunch of wealthy HLS donors. Well, last week, I had the opportunity once again to sing in front of that crowd when the Visiting Committee was in town. (And yes, we *did* give them a rendition of the idiotic Manhattan Transfer song about coffee beans. Art is ephemeral, but bad taste truly does last forever.)

After our performance, the Committee was nice enough to invite us to stick around for dinner. (Have you ever been served Surf & Turf by SoDexHo employees? The sheer cognitive dissonance is enough to make your head explode.) In one of my less-wise moves, I decided not to sit with donors, professors or students. Instead, I sat down at a table filled with a bunch of administrators I had never met before.

Imagine my surprise to discover that they all knew *exactly* who I was. Whatever it is that these people are paid to do, one thing is clear — going through the RECORD with a fine-toothed comb is an important part of the job description.

Now, as it turns out, one of these guys had a bone to pick with me. Ever heard of Scott Nichols? Of course you haven't. See, Scott doesn't trouble himself with little people like you and me. Scott's job is simple: convincing the idle rich of the world that it makes good economic sense to give Harvard a few million bucks in exchange for a high-class meal (catered

by SoDexHo, of course) and a few speeches from the Dean.

In short, Scott doesn't have the world's easiest job. And you know what Scott doesn't like? When some uppity newspaper columnist writes about singing in front of the big donors and cheerfully refers to them as "fat cats." Yeah, it seems that the rich guys don't get a big thrill out of being called "fat cats." Go figure. So, Scott, if you're reading this (and I *know* you are), this is for you: I promise that from now on I will never use the phrase "fat cat." From now on, when discussing the wealthy, I will only call them "Moneybags," "Sugar Daddies" or "Imperialist Lackeys of the Capitalist Running Dog Oppressor."

Anyway, the whole experience certainly lends a nice sense of closure to the year: it began with singing for people whose shoes cost more than my car and then it ended with singing for people whose small yapping dogs cost more than my car. It may not be a good metaphor for the law school life but it's the best one I've got. Everybody's got to end somewhere.

But there is one nagging loose end to be tied up. I know that you're all desperately waiting to find out the *dénouement* of my tragic experience with sock kidnapping. So before I bid you all a fond farewell, here's the rest of the story. (And, one final reminder for those of you who *still* don't believe me: all of this **REALLY IS TRUE**. Believe me, if I were making this up, I would have ended it long ago. So PLEASE, people, stop coming up to me and asking me why I keep writing about this sock business. I keep writing about it because it **KEEPS HAPPENING**.)

Anyway, after about three months of ransom letters and anonymous taunting, the mysterious sock-molester finally decided to give up the game. If you read my last column, you'll remember that "The Enforcer" donated my sock to the Public Interest Auction, along with a veiled threat that I would be wise not to let myself be outbid for it.

So I went to the auction, all set to do my part for the greater good and simultaneously see my poor sock returned to its rightful home. But then, alas, I looked at the fine print on the auction form and saw these simple, ominous words: "Minimum Bid, Five Dollars." Now, look. I love public interest work as much as the next guy, but I was not *about* to spend five whole bucks just to get back a sock that was already mine to begin with.

Oh, sure, I hear you muttering that I could have rationalized it as just a small charity donation. Sorry, Daddy Warbucks: I don't work that way. Those of us from the heartland know the *value* of five dollars: it buys a *lot* of Tootsie rolls. I don't even like Tootsie rolls, but that's not the point.

So the sock went unclaimed, and I received an angry note from The Enforcer in my Harkbox the next day. The note advised me to meet him at a nearby bar, where I was given a code phrase to utter: "That's a nice piece of ass you got, sailor." You can imagine how thrilled I was with this situation. When I went to the bar, I was more than a little bit surprised to see a friend of mine, Sandy Musumeci. Obviously, I was expected to walk up to her and speak the magic words.

Fortunately, I do still have *some* dignity. I sat discreetly at my table, saying nothing. It turns out that this was a wise move: Sandy had been bribed to sit there and wait for me to compliment her posterior so that she could then throw her drink in my face and storm out of the bar. It was only my unexpected tendency toward propriety that spoiled this otherwise brilliant plan.

Finally, after it became clear that I wasn't going to bite, the real Enforcer came and revealed himself. And you know what? He's a 1L. Now, look. Aren't these people still supposed to be taking law



school seriously? Don't they have *work* to do? When I was a young whippersnapper it wasn't like this. We carried ourselves with respect and dignity. We spent every waking moment on our classes. Harrumph.

The astute among you will have noticed that I'm not identifying the youthful culprit by name. Let's face it: after everything this fresh-faced tyro put me through, I'm not about to give him the satisfaction of public recognition. In fact, I think maybe a pseudonym is the best idea: let's call him "Melvin" since he probably won't like that at all.

So, for what it's worth, I take some pleasure in having thwarted Melvin's nefarious little endgame. And I guess I do have to thank him for giving me so much material over the space of the last few months. As the saga (and the year) comes to an end, all I can say is that I hope you've all enjoyed it. And, if not, I hope you'll have the good sense to keep your ridiculous opinions to yourselves.

Before I end, permit me a brief serious moment. Between my various activities on campus this year, I have had something of a unique opportunity to mock Harvard Law School in the most conspicuous public forums available. I've loved every minute of it. In a place as pompous and puffed-up as this, I really believe that there is no higher calling than to stand up and help everyone laugh at it. Comedy is a powerful force that can tie people together, and in a place like this one — so often lacking in community — there are few gems more precious than something as simple as a hearty laugh.

I hope that in one or more of my comedic roles this year, I have helped you share in some of that amusement. Because long after we have forgotten the black-letter law, the theory, and the cases, we will remember the laughter.

See you next year.



Fenno looked down dolefully at his disarrayed desk, which was covered with letters from Tim Kiefer. All of them had "This is NOT a letter to the editor" scrawled in green crayon on the front, so someone had obviously decided that this made them Fenno's responsibility.

At least Fenno knew he could take care of this problem quickly, since the letters all said the same thing: "I certainly do love to whine! Yessirreeee!"

Fenno grabbed a magic marker and scribbled a quick response. "Dear Tim: This is NOT a letter to the Pope. But I'm sure God really does love you, so would you please stop complaining?"

Fenno quickly got up before someone made him deal with any of the other ridiculous letters. "What the hell kind of name is MiMi, anyway?" muttered Fenno as he strolled towards the door.

Fenno paused for a moment to duck into the bathroom. He had a date tonight with a very special woman whom he'd met at the Vince McMahon speech. Fenno's heart had been a-flutter all week with excitement at the prospect of this evening. Fenno didn't want to screw up — he really thought that this might be The One.

Fenno carefully slicked back his hair, using a nearby picture of Dan Fridman as a model. He splashed on a little Eau de Sargentich cologne and headed to meet the woman of his dreams at their chosen meeting spot: the Cambridge Food Bank

and Needle Dispensary. (This was fine by Fenno, since it seemed an easy way to combine two of life's great pleasures.)

Fenno got there and quickly scanned the crowd. There was no sign of his beloved (though he was pretty sure he could see Deborah Anker standing in the corner, filling out some sort of application). Despairing, Fenno yelled to the huddled masses: "Has anyone seen my date? She's hard to miss: tall, dark, handsome, covered with tattoos and piercings, goes by the name of The Black Widow?"

One gruff old-timer smiled wickedly. "Yeah, I seen 'er. Said she was sorry to stand you up, but she had to go interview for a job at some place called the Berkman Center."

Fenno was stunned. "WHAT??? I thought she was angling for a wrestling job!"

"Yeah, that's what everyone said. But then she met some guy named Lessig. Said he 'liked her spunk' or something like that."

Fenno nodded with resigned understanding. "He probably figured she was an LL.M.," he muttered to himself. "Oh, well. I guess it was too good to be true. I haven't had a good date since that wild evening with Joyce Curll, decades ago. I guess I'll just go try and get an early copy of that porn video that Hanson's class is doing to help him feel like he's young again."

Fenno would have continued his melancholy mulling, but he was interrupted by a familiar, grating voice from the entrance to the shelter: "Porn-OG-rap??? It is the work of the DEVIL!"

Fenno sighed as he recognized his accoster. "Clarkson, isn't it time for you to go play in traffic?"

Gavin puffed himself up and began de-

Quote of the Week

"I thank Joyce Curll from the bottom of my heart for admitting me, and I resist the urge to run up and hug her whenever I see her on campus."

— MiMi Lindsey '99,
happy to be at HLS.

claiming anew. "A fine one you are to talk! Here amidst this rabble, encouraging them in their laziness, completely ignoring the obvious economic rationale that I could have informed you of, if only you had taken the time to—"

Fenno gave up and shrugged his shoulders. Where even the best professors had failed, there was obviously no way he was going to get this guy to shut up. Fenno headed for the door, and back toward campus. Clarkson never noticed that he'd lost his audience, and Fenno could still hear him yapping about how his toaster exemplified traditional American values for a whole block.

By the time Fenno got back to campus,

it was getting late. He trudged wearily through the Hark, looking at his shoes, wanting only to get home and be alone with his pain. He never noticed the dark figure who casually slid up beside him, until he felt the tap on his shoulder.

Fenno started in surprise, and quickly looked up at the shadowy form next to him. Fenno immediately recognized the face, and his jaw dropped faster than Dersh running toward a TV camera. Fenno could barely muster a whisper out of his frozen vocal chords: "You?"

"Yes, Fenno. Me. It's time we talked."

Next week: Will Fenno's year end peacefully? Will Fenno finally graduate? And who is this mysterious stranger?

PERSPECTIVE

By Douglas Remillard '00

IT'S OLD ALREADY

Last week Dmitri Evseev '01 presented a critique of U.S. foreign policy in Yugoslavia in his "Perspective" piece entitled "Bombs, Hypocrisy and New World Order." Here is what he argued and why he's wrong:

1. Evseev claims the U.S. press didn't cover former Attorney General Ramsey Clark's decidedly negative remarks about U.S. foreign policy in Yugoslavia because the U.S. media is just as prone to propaganda as the Serbian media. But in fact, the media didn't cover Clark's remarks because there are already hundreds of other critics on the air saying similar things.

2. Evseev claims that because the U.S. hasn't intervened in Colombia, Israel, Turkey and Indonesia (countries with grave human rights violations), it's obvious that other motives are at play in the decision to attack Yugoslavia.

First of all, everyone admits that there's more than one motive at work in Yugoslavia. The U.S. administration struggles daily to explain our "strategic interests" to the U.S. public.

Second, the U.S. has had a long-standing, realist policy — forged in the Cold War — of essentially ignoring abuses by its allies, especially when the U.S. could also be implicated.

The Cold War is over, and the realist framework is slowly being dismantled, but to shift policy radically on traditional allies would be ridiculous.

You can't accomplish global or regional respect for human rights by suddenly blasting old allies and focusing on long-smoldering issues. Which area of the world and which issues would you start

with? You couldn't target them all. Wouldn't any choice be arbitrary? The expectations of long-time violators are firmly set, and thus large amounts of political capital and destabilizing effort would be needed to alter their behavior in a short time.

It's better to set a precedent that new, grave and blatant violations of human rights won't be tolerated, especially when they occur adjacent to a group of states that generally respect such rights. This is the precedent being set now, and it's a good one. In a sense, this mechanism was at work in the Persian Gulf War: post-Cold War, a state simply can no longer conquer and annex another state. (Of course such an act was already illegal, but I'm not talking about establishing *legal* precedent.)

In an ideal world there would be an enforced proclamation that henceforth all countries which violate human rights will be punished. But progressive ideas usually make a piggyback entrance on traditional, less appealing ones. An example: the U.S. Civil War was about federal power subjugating state power and the North dominating the South. But acknowledgment of common humanity was also an important factor. Another example: the Persian Gulf War was as much about establishing the aforementioned precedent as it was about oil and Iraq's military potential. Big progress comes in fits and starts.

The U.S. has not radically altered its policy toward Cold War allies that commit human rights abuses because human rights are not our only concern. And if human rights were the only issue at stake in Kosovo,

we wouldn't be there. That is acknowledged by the State Department every time it justifies its actions in Yugoslavia by citing regional security.

3. Evseev claims U.S. commanders "knew" the bombing would lead to the current situation. This is his most interesting assertion. He offers no proof. In any case, U.S. commanders don't make foreign policy.

4. Evseev finally divulges *The Insight*: the U.S. is intervening in order to expand and "exert its power over Europe." Like most recent proponents of the "United-States-is-just-establishing-hegemony" argument, Evseev never says exactly what the U.S. gets from dominating Yugoslavia; or, more to the point, what the U.S. gets from such hegemony that Europe, and perhaps the world, doesn't also get.

Evseev is the type of critic who would've argued in the late 1940s that the U.S. was establishing some vague, quasi-conspiratorial, disadvantageous hegemony over Japan and Germany. He's also the type that would've cited *Wag the Dog* if the bombing happened to coincide with the impeachment trial.

I agree with Evseev that the U.S. has broken international law and damaged respect for U.N. mechanisms. It's embarrassing that Clinton didn't even attempt to get Security Council authorization. Most criticism should concern these acts and demonstrate why and how the U.S. should work toward more effective relationships with international organizations.



To a surprising degree, the world trusts the U.S.: note that many Serbs value U.S. news sources for more even-handed reporting and stand on bridges to prevent U.S. Air Force attacks, and even the majority of Russians don't think the U.S. is to blame for this conflict.

(You can contact me for a survey on this point.) But we don't trust the world: note the public's indifference to our default on U.N. payments, our unwillingness to put U.S. troops under foreign command, and Jesse Helms.

Too many words from the Left are wasted arguing that U.S. foreign policy is about domination when it's actually about doubt. The stereotypical leftist argument is steeped in Cold War Think, and, oddly enough, it is naïvely cynical.

The fact is that post-Cold War NATO serves two purposes: 1) to defend its members from attack, and 2) to restrain large, internal, ethnic conflicts in all of Central Europe. Fear of Russia was not the main reason that Hungary, Poland and the Czech Republic joined NATO. They joined NATO for its ability to curb inter- and intra-state conflict in Central Europe. That's what is widely expected of NATO (as in Bosnia), and that's what it is striving for in Yugoslavia.

The Cold War is over, NATO plays an expanded role, United Nations influence is slowly developing and the U.S. is the subtlest superpower in history. If critics want to be taken seriously, they must consider all these facts. New global politics requires new critiques.

PERSPECTIVE

By Dan Fridman '99

SPRING BREAK CUBA: HARVARD STUDENTS SHOULD NOT BE HYPOCRITES

I am writing to take issue with Dusan Stojkovic's RECORD column of April 16, 1999 "Caribbean Interlude" regarding his recent Spring Break trip to Cuba with 29 other Harvard Graduate students. I suppose that 30 Harvard graduate students enjoying Spring Break in Cuba should not surprise me. It has become fashionable lately to have warm and nostalgic feelings toward Cuba and its communist dictator Fidel Castro. As the RECORD proclaimed last week, "Catch Cuba Fever!"

But before we get caught up in this celebration of Cuba and a Castro love-fest, we should know a little more about the effect Castro's dictatorial regime has had on the Cuban people. What surprises me is that the same students who would protest apartheid in South Africa or Pinochet's right-wing fascist regime in Chile apparently have little problem visiting Cuba and providing Castro with their dollars, which he in turn will use to continue the oppression of his own people.

I think it is abhorrent that 30 Harvard graduate students would even set foot in Cuba. I speak from experience: my mother and her parents as well as my wife's parents and grandparents fled Cuba in the 1960s when Castro took power. We still have relatives there who see the things that Mr. Stojkovic and his merry Criminal crew did not.

Castro is a dictator and a murderer of his own people; he is a violator of human rights that should neither be supported nor applauded. Castro continues to single out political dissidents for punishment in violation of international law. According to a recent State Department Human Rights Report, laws against "antigovern-

ment propaganda" criminalize criticism of the government or the revolution, with penalties ranging from three months to three years in prison.

Estimates of the number of people in prison for speaking out against the Cuban government range from more than 400 to the thousands. This current statistic says nothing of the countless people that "disappeared" when Castro first took power. Castro quickly began killing dissidents or left them to die in Cuban prisons. Castro is no better than Pinochet or the regimes that kept apartheid alive in South Africa. Whether left-wing or right-wing, a dictator is a dictator.

Mr. Stojkovic authoritatively states, "Before the 1959 socialist revolution, Cuba was one of the most racially segregated societies in this hemisphere, right up there with the United States," and gives Castro credit for "erasing racial distinctions." I would love to know from where Mr. Stojkovic pulled this information, because one of the things that really shocked my mother and my wife's parents when they reached the U.S. in the 1960s were the segregated bathrooms and coffee counters, which were unheard of in Cuba even before Castro.

In any event, people are not free, people are starving, and most significantly, Cubans (black, white, or otherwise) are not allowed to go into certain tourist sections of town, or buy items in tourist stores (which contain ample supplies of food and other necessities the Cuban people lack), or even swim in tourist beaches (where I am sure many of the Harvard students played)! Even if Castro, as Mr. Stojkovic claims, eradicated "racial differences," he has replaced them with an apartheid sys-

tem where everyone who carries dollars (namely members of the Communist Party and foreign tourists like Harvard grad students) has access, and his own people are treated like animals. I would be hard-pressed to believe that if a group of American students went to South Africa in the '70s or Chile in the early '80s, the RECORD would run an article that would read "Whites-Only Resort in Sun City...Catch the Fever!" or "I Patrolled the Streets of Santiago with a Chilean Death Squad...What a Ball!"

Harvard students should stand up for what is right and should not frolic in segregated beaches of Cuba. Mr. Stojkovic, how many blacks did you see swimming in the tourist beaches? Not many, I would assume. Harvard students who go to Cuba for Spring Break are no better than those tourists and performers who visited Sun City, South Africa in the 1980s. In spite of the fact that a black woman had been kicked out of the segregated resort Mr. Stojkovic was relaxing in, he says that "[t]his should not deter those who can do so from vacationing in the Cahiba and comparable resorts." I would expect more from the "enlightened" students of Harvard.

In addition to the abuses on its own people, the Cuban government has committed crimes against the United States. On February 24, 1996, the Cuban Government engaged in cold-blooded murder when it ordered its MiGs to execute three American citizens and one legal alien flying in international airspace not far from the United States. The four were flying a humanitarian mission looking for Cuban



rafters who often perish in the seas between Cuba and Florida while trying to reach freedom in the United States. These four people were flying in two very unthreatening and very unarmed Cessnas, which of course had little chance against the Soviet-built MiGs.

My point is this: in light of the human rights abuses against the Cuban people as well as crimes against U.S. citizens unanswered for by the Cuban government, Harvard students should be protesting the Cuban dictator instead of visiting him. Harvard students should be demanding that the United States government and the United Nations condemn the actions of the Cuban government toward the downed Americans and order reparations from the Cuban government, instead of staying in Castro's luxurious hotels. While it may be nice to "Spring Break" in Cuba, I would encourage all fair minded people to make travel plans elsewhere. I, too, would like to visit Cuba, a land my parents and grandparents have spoken so much about and which has taken on mythical status in my mind. But I will not go until the Cuban people are no longer denied the basic freedoms of speech, association, assembly and religion — civil liberties that we take for granted but which the Cuban people are put into prison for exercising.



Happy
Birthday,
Will!

And happy deathday too

The Buzz

BUFFY, SHMUFFY: MY GIRL IS FELICITY

By Suzanne Carter '00
RECORD Columnist

A wave of depression hit me recently when Aaron Spelling announced that his masterpiece, **Beverly Hills 90210**, a synthesis of all that is good and special in American youth culture, would grace the airwaves for only one more season of original episodes.

Of course, Dylan, Donna, Kelly, Steve and David (not to mention Brandon, Brenda, Valerie, Claire, Andrea and yes, even Ray Pruitt) would continue to work their magic in reruns *ad nauseum*.

But it's not the same. I've seen all the vintage episodes at least six times (this is pretty easy, given that the show airs four times per day on FX), and while the comfort of nostalgically reliving my wonder years every day is somewhat satisfying (ah yes, this episode aired when I was studying for my driver's test... here's the one from my first week of college...), it doesn't hold the same element of surprise that a new episode provides every Wednesday.

The truth is, television is pretty dreary these days. **E.R.** is the most universally beloved show on the tube, and some weeks it lives up to its "Best Show Ever" billing. Other weeks — typically those when the program is most hyped — it's just lame. Take George Clooney's recent departure from the show. Not only did Dr. Ross not do anything different from what he seemed to be doing in every other episode (i.e., being a family's savior by committing malpractice and then getting in trouble for it), the hour's overall quality didn't hold a candle to Sherry Stringfield's good-bye from 1996's great "Union Station" episode.

As for **Ally McBeal**, the show, which once promised to be the next "Mary Tyler Moore Show," has devolved into a stupid, sappy mess. Case in point: a recent episode featuring John Ritter as a supposedly hot (shyeah!) Ally love interest who attracted Ally by doing a "silly walk" (shyeah squared!) which he patented (shyeah cubed!) and which made Ally's tongue get very long and snake-like, as if she wanted to lick Ritter's neck (the re-

sulting visual being so disturbing that my sarcasm nodes shut down).

Then come the sci-fi shows, **The X-Files** and **Buffy**, which Tanya tells me are very good, but which, I confess, I don't get. I do not identify with (a) people who think Martians have taken over the U.S. government, or (b) people who earn a living by murdering vampires.

And of course, there are the youth soaps. **Dawson's Creek** looks like a Noxema commercial and sounds like the most ingratiatingly, mind-numbingly earnest of Steven Spielberg movies (no coincidence, given that Dawson's hero is Spielberg).

I confess, I like that other Wednesday-night cavalcade of melodrama, **Party of Five**, but is any family really as dysfunctional as the Salingers? In the first four months of 1999 alone, Julia has escaped an abusive relationship, Julia and her ex-husband have flirted with reuniting, Charlie and his ex-fiancée have flirted with reuniting, the mother of Charlie's daughter has abandoned Charlie and the daughter, Bailey has won custody of Owen from Charlie in court, Owen has been diagnosed with a learning disorder, Sarah has been mugged at knife-point and Sarah and Bailey have been robbed. The only character to emerge relatively unscathed is 16-year-old Claudia, played by the most talented of the bunch, the soon-to-be-the-next-big-thing Lacey Chabert.

But there is light at the end of the tunnel. One really terrific show is left standing every week on TV and, judging from its media hype and critical acclaim, will probably be around for a long time.

I'm talking about **Felicity**.

Yes, *that* show, the one that most of the cynical law students who read this column wouldn't dare watch, because they've heard that it's about some frizzy-haired, wool-sweatered, hyper-sensitive and analytical Northern California girl with a *really unfortunate name* who dumps Stanford pre-med to attend the fictitious "University of New York" (based on NYU, which wouldn't

allow its name to be used), all so she could continue mooning over the track star she's been obsessed with since she hit puberty.

So okay, all this is true. But it doesn't tell the whole story. Felicity (Keri Russell), being the dreamy flake that most 18-year-old girls are, did follow Ben, the track star, to UNY, but her motives were much more complicated than just to fulfill her hopes for romance.

Ben (played by Gwyneth Paltrow's flavor-of-the-month, Scott Speedman) sparked Felicity's interest in New York by writing her a message in her high school yearbook which stated that he watched her for four years and wondered what she was thinking. Felicity was amazed to think that Ben cared about what she was thinking, which made her think even more. Maybe she didn't have to follow her father to Stanford and become a doctor. Maybe she didn't have to be what she thought she was, but could be what she wanted to be.

So Felicity left behind two infuriated parents for the Big Apple, where Ben soon took a romantic interest in Julie (Amy Jo Johnson), Felicity's closest friend at college. (Julie, incidentally, is the sort of person who always looks like she's enduring some horrible secret drama. Maybe her secret foolish games lie at the heart of her ambition to become a Jewel-esque singer-songwriter.)

This caused some consternation, but eventually all was well with Felicity, since her atypically sensitive resident adviser, Noel (Scott Foley), was showing signs of interest in her.

Noel, however, turned out to be the most typical of East coast college boys: he has a long-distance girlfriend, a fact which seemingly slipped his mind whenever he spent time with Felicity. Her name was Hanna, and she was appropriately unlikeable. Hanna and Noel broke up when she came to visit him at Thanksgiving, and Felicity and Noel were able to be together.



Their happiness didn't last long, however. Hanna turned up in Felicity's New York, when she decided to transfer to the New York Conservatory of Music, and she and Noel temporarily reunited, thereby ending Felicity's romance — for now.

That brief summary has only filled you in on one facet of the show — Felicity's romantic life. The program, however, is about much more than that. Felicity has adjusted to being on her own, she has made interesting friendships (my favorite of which is with Elena, played by Tangi Miller, as a brilliant, intense, somewhat closed-off African-American pre-med), she has dealt with career crises (one would-be love interest, Eli, played by ex-MTV VJ Simon Rex, is an older art student who pushes Felicity toward painting, her childhood obsession), and she has even encountered her first roommate, a hilarious would-be Marilyn Manson disciple.

The roommate's frequent entrances constitute just one example of how the show seamlessly weaves comic touches with the normal college hysterics.

The best thing about the show, though, is Keri Russell, who won a Best Actress Golden Globe in January for her portrayal of the dewy-eyed frosh. Russell, whose expressive face alternates between fear, dread, horror, outrage, happiness and more fear in any given hour, looks like most of us felt as college freshmen. "Felicity" is the first project worthy of her talents she's done; it won't be the last.

"Felicity" has consistently improved over the past season, a sure sign of a show secure in its greatness. It is rather mellow and slow-paced in tone, but like its two closest ancestors, "thirtysomething" and "My So-Called Life" (the best show of all time), it's an enjoyable languor.

"Felicity" airs Tuesdays at 9 p.m. on the WB, channel 12 in Cambridge. Catch its six remaining new episodes this year while you can.

Her Indie World

KINDLY KEEP IT COUNTRY

By Tanya Marsh '00
RECORD Columnist

I've always preferred music that is honest and basic without being simple, with lyrics that are straightforward and meaningful. Artists who create these kinds of songs can be found in all genres, but there are more of them in country music than anywhere else. If you have bought into the stereotype of country as twangy drunken songs about pickup trucks, hound dogs and heartbreak, then you are overlooking the gems shining in the *Hee-Haw* chaff. The following five albums provide a good introduction to modern country music.

Vince Gill, *The Key*. Gill, the son of a former federal district judge in Oklahoma City, is one of the most talented musicians in Nashville. His alto is purely gorgeous, he plays the guitar better than practically anyone, and his music evolves in surprising ways with each new album. *The Key*, his most recent release, is lush, especially the Ray Charles-inspired "If You Ever Have Forever In Mind." In the year Gill was working on *The Key*, his father died and he divorced his wife of 20 years. Not surprisingly, most of the songs deal with loss, although they avoid sentimentality. "The Key to Life" is dedicated to his father and the love of music they shared: "Just a few chords on the banjo was all he knew/but in the eyes of a child, man his fingers flew." *The Key* is a very strong album, although no single song is as good as the gospel-inspired "Go Rest High On That Mountain," from his 1996 triple

platinum album, *When Love Finds You*.

Mary-Chapin Carpenter, *Come On, Come On*. Carpenter's music straddles the pigeonholes of folk, pop and country, but is always fresh with witty lyrics. Her 1992 album *Come On, Come On* was a Grammy winner and features a number of memorable songs including the sing-along, semi-hit "Passionate Kisses." The duet with Joe Diffie, "Not Too Much to Ask," is a tender examination of the difficulties of moving on. But it is her "He Thinks He'll Keep Her" that is the real gem on this album. It is the story of a woman who marries young, has children and leaves her "benign" marriage behind to strike out on her own: "For 15 years she had a job and not one raise in pay/Now she's in the typing pool at minimum wage." *Come On, Come On* is a must-have album for anyone who appreciates intelligent female singer-songwriters.

Trisha Yearwood, *(Songbook) A Collection of Hits*. My only reservation about Yearwood is that she doesn't write her own material, but she picks great songs and her voice and band are strong. *Songbook* is a mixture of new material and greatest hits, including "XXX's and OOO's" which I have chosen as a personal anthem. The album also features Yearwood's Grammy-winning version of "How Do I Live" from the movie *Con Air* and a rich new duet with Garth Brooks, "In Another's Eyes." The best new song on *Songbook* is "The Song Remembers When" which is abso-

lutely perfect for rainy days when you find yourself lamenting past mistakes and missed opportunities: "Still I guess some things we bury/Are just bound to rise again/For even if the whole world has forgotten/The song remembers when." Overall, this is a beautiful collection of songs. Buy it.

Music from the Motion Picture Hope Floats. Readers of the Buzz already know how much I loved the movie *Hope Floats*. It should be no surprise that I also love the soundtrack, with its mixture of country and pop songs. I admit that I originally bought the album just for Garth Brooks' low-key cover of the Bob Dylan song "To Make You Feel My Love." After all, the lyrics are amazing: "The storms are raging on the rollin' sea/Down the highway of regret/The winds of change are blowing wild and free/You ain't seen nothing like me yet." Once I listened to it, I found three songs that are even better. "Chances Are," a great duet by Bob Seger and Martina McBride, has apparently gotten some airplay on VH1 and pop radio. The Deana Carter song "What Makes You Stay" and Lila McCann's "To Get Me To You" were my instant favorites and are definitely worth the price of the CD.

Garth Brooks, *Fresh Horses*. If you like Brooks for his major hits like "Friends in Low Places" and "When The Thunder Rolls," then you should invest in one of his many greatest hits albums. But I rec-



ommend his 1995 release, *Fresh Horses*, on the strength of three songs. "She's Every Woman" is one of the best songs ever written in the Paul McCartney style. Brooks is better known for his "big" songs, but he writes and performs really powerful ballads, like the haunting "The Beaches of Cheyenne." I was in Galway city when *Fresh Horses* was released in Ireland, two weeks before it was released in the United States. The Irish are huge Garth Brooks fans, and he repaid them with the sad, patriotic "Ireland." If I weren't already sold on Garth Brooks, this album would have done it for me.

Note: Perceptive RECORD readers will have already noticed that Suzanne and I have switched columns this week. After all, I would never mention *Felicity* in the Buzz unless it was to say that it sucks. I have no patience for a show about a spoiled, whiney chick who gives up Stanford pre-med for some cute guy because he wrote an enigmatic note in her yearbook! That isn't daring, it's pathetic! And Suzanne, my friend, you go too far in comparing *Felicity* to *My So-Called Life*, which was SO superior in every conceivable way. *Felicity*'s writers seem to think that whenever its title character does something flighty, it is really deep and meaningful. I'll take honestly written strong female characters like Buffy Summers and Dana Scully any day.

Madness With Method

SCHLANGER'S SUMMER GUIDE

By Darren Schlanger '00
RECORD Columnist

Enclosed is a list of ten suggestions offered to facilitate optimal appreciation of your final or penultimate summer break from the quotidian flatline of dull sinecure reality. (Author's Note: Not intended for use by all law students. While under insurrectionary influence of licentious prattle, do not operate heavy machinery or watch C-SPAN. May cause inflammation of the need to quaff alcohol at excessive rates. If binge drinking does not subsist in seven days, go immediately to author's apartment with six-pack of Newcastle and a fifth of Beam. Leave forwarding address.)

1) Do not wear socks this summer. Socks were invented to perpetuate a dead white male regime of absurd tan lines; however, in the event of lawn mowing or hedge trimming, you may wear knee-high black dress socks only as an accoutrement to a wife beater T, plaid shorts, and dress shoes. Women should wear socks only unaccompanied by the trappings of other vestments. Few experiences, in triggering sublimated puerile prurience, rival the sexy spectacle of a merely besocked nymphet.

2) Try a new illegal narcotic this summer. Some suggestions well suited to sum-

mer activities include cannabis, psilocybine, mescaline, opium and ketamine on appropriate occasions. For corporate sluts, cocaine may be a nice supplement. For public interest students, cough syrups are a cheap alternative.

3) Sleep outside at least three nights. Use a hammock, sleeping bag, park bench. Bring insect repellent, a mate, Kiwi Mad Dog 20/20.

4) Skip work. Often. Catch a day game. Go to the beach. Blade in the park. The summer is too precious to sacrifice for the sake of proof reading corporate boilerplates. Fear not repercussions for, if you are working as a summer associate, short of making the beast with two backs with the spouse of a Managing Partner, you will get an offer. For public interest jobs, it will appear on your résumé irrespective of your actual labors. From my résumé, it appears that I served as an Associate Justice of the United States Supreme Court last summer and nary a single opinion of mine has been criticized in any law journal (although my dissents are fairly notorious).

5) Read absolutely nothing with even the most tenuous connection to the legal field in your spare time. In the pursuit of aesthetic and experiential progress, do

resist any impulse to further actualize the creative stagnation fostered by your esteemed legal academicians. Law Journals repress perception. Grisham fetters foreplay with the muses. Turow will leave you impotent.

6) Campaign for a political candidate whom you find extremely offensive or distasteful. Such efforts, in debunking the myth of platform distinctiveness, reap a net gain in time and resources saved, as rendered obsolescent is the need to subscribe to political magazines or scrutinize campaign literature. Buchanan is Clinton sans oral alleviation. Gore is Bradley absent a mean cross-over dribble. Giuliani is Dinkins less a soul. Farrhakan is Genghis Khan without humanitarian sensibilities.

7) Pierce something. Either on your person or on that of another. Never request permission.

8) Begin attending therapy. You can see what good it's done for the author.

9) Order something from an infomercial. Summer is coming up and the Tai Bo workout or Thighmaster will whip your flabby bobs into specimen shape. Remember the competition: B-School kids can also drop



the H-bomb and they never miss a workout.

10) Become pen pals with a law professor. Too often, we erroneously assume that only convicted felons and foreign students relish the succor of long-distance correspondence. Indeed, law professors are among the loneliest of all the

marginalized professions, trailing only toll-booth workers and grips in extent of alienation and suicide. For the cost of a cup of coffee a day, you can redeem the existence of a neglected and irrelevant breed. For, doesn't the Talmud or Baywatch say "whoever saves one life, saves an entire world?" "Dear Professor Sargentich, Boy, do I miss you. My summer just isn't the same without you around. You're swell. Tillman sends regards. We hope you are well. Thinking of you, Darren." Pretty painless and look at the effects. I just witnessed tears of joy rolling down Sarge's euphoric and hirsute visage. Or were those beads of perspiration?

You have wasted your year. You will waste your life. So, please, heed this far from exhaustive list to alleviate any anxiety regarding the route of maximum achievement for your summer. Do heed it well.

SPORTSGUY

By Josh Swartz '99
RECORD Columnist

STRANGE DOINGS AT HEMENWAY AS TEAMS JOCKEY FOR PLAYOFFS

Apparently, when the NBA sneezes, HLS Intramurals catches a cold. The labor problems plaguing IM basketball's big brother, the NBA, continue to disrupt the relatively tranquil business here at HLS. In an unprecedented move, Commissioner **Josh May** the **Swartz** be With You '99 held a press conference earlier this week and officially canceled the last week of the season for all three division levels. Swartz cited scheduling conflicts with a hitherto unappreciated phenomenon — finals.

According to, **Wendy A Time to Killian** '99, the official league spokeswoman, the Commish received several pieces of hate mail and numerous phone calls warning against holding the basketball playoffs during finals week. After initially resisting the pressure, Swartz finally capitulated on Tuesday after word reached the Commissioner's office that a pair of pigeons were running amok in Hemenway Gymnasium. Contacted via satellite from Foxwoods on Wednesday, the Commissioner told the Sportsguy, "The birds were the last straw. This is the second time this year I've had to call in the Fish and Game Department. Enough is enough. It looks like Wild Kingdom up there." While it cannot be confirmed whether these are the same pigeons that haunted the Gym last year, rumors abound that the dopey, defecating rock doves are part of a plot by disgruntled players to protest what has been characterized as haphazard enforcement of the rule restricting students from participating in both the A and B leagues.

Meanwhile, the shortened season has sent teams scrambling for victories in search of a coveted playoff berth. The new playoff format in the ultra-competitive B-League allows sixteen of the 29 teams to make the playoffs. While the top few teams are assured a berth, competition is fierce for the final few slots. Let's look at some of the leading contenders for the B-league crown.

Contempt of Court (6-0) solidified its spot atop the deep Harkness Division with a hard-fought 55-51 victory over the former third-ranked Jugaderos (5-2). Captain **George I** cannot tell a **Fibbe** '01 has his team playing stifling defense, and with the outside shooting of **Rich a Froom**

with a View '01 and the inside presence of **Kwame Raising Cain** '01, the 1-L laden Contempt will be tough to beat in the post-season. The Jugaderos, meanwhile, play a more up-tempo style, led by the high-flying **To the Victor** goes the spoils **Hu** '01. The Jugaderos need only improve their rebounding to make a run for the title.

Saving Ryan's Privates (5-1) also continued to impress with victories over the two teams in last year's finals, the **Flaming Rats** (1-4) and **Sparky's Heartland** (3-2). Despite dropping one game to division leader Contempt of Court, Ryan's Privates have played solidly all year and have been particularly deadly from three-point land. **Brian Purple Hayes** '99 and **Sam Arm** and **Hamer** '99 provide the outside punch while **Toby** lock, **Stock** and barrel '01 and **Kaiser Sozi Sozinho** '01 control the boards. As for the Rats, they have to rate as the biggest disappointment of the year. Rats Captain **Mark Boys** to **Mendez** '99 blamed his team's poor play on a lack of talent, commenting, "We can't play defense, we don't shoot very well, and we aren't very good passers. Actually, I'm surprised we won one game this year." Meanwhile, it's been difficult to predict which **Sparky's Heartland** team will show up on a given night. Last year's champions have been plagued by inconsistent play all season. The two big men, **Jason Markham** and cheese omelet '99 and **Jonas Svenlund** of the brave '99 should dominate the paint, while **Matt Dumb** and **Dummermuth** '99 and International Man of Mystery, **Matt Austin Powers** '99 can both shoot the lights out. Heartland hasn't found its best stride yet, but I get the sneaking feeling we'll be hearing more from them deep into the playoffs.

There's a logjam at the top of the Hemenway Division between the **B Sharps** and **Gwar** (4-1), the **Godfathers of Dunk** (3-1), the **Skee-Lo All-Stars** (4-1) and **Smallball** (5-1). The B Sharps have quietly played well all year, although the shortened season will cause them to miss a key match-up with the **Skee-Lo** bunch. B Sharps captain, **John Brothers McMullan** '99 seemed relieved, "We're not making up our game with the Godfathers, and now we're going to miss

Honig's team [referring to **Skee-Lo** captain **Elie Honig** pigeon '00]. If I play my cards right, our next game will be the finals." Toiling in relative obscurity, **Smallball** just wins games, but the bulk of their victories have come mostly against the bottom of the Hemenway Division.

When told of his team's low RPI ranking, **Smallball** captain, sleepwalking sensation **John** separate the wheat from **Schaff** '00 complained, "We get no respect. It's disgraceful. I know we'd give a bunch of those 'A-league' teams a beating." Uh-huh. Look for an early exit for **Smallball**. Look for **The Groopers** to meet the same fate, as captain **Late Night** with **Tom Snider** '99 has carried the team on his back all year.

The Godfathers have been quietly dispatching teams this year with little fanfare, their only defeat coming at the hands of the pesky **Sacrificial Lambs I** (2-3). With a terrific back court tandem and forwards **Super Mario Fallone** '99 and **Mark** three-day drinking **Binger** '99, the Godfathers will be a tough match-up for anyone. Speaking of the Lambs, they've been in and out all year, but **J.D. Baker's Dozen** '99 has been their one steady performer. In a particularly noteworthy performance, the Lambs beat up **Title IX's Revenge** (0-6), 67-42 on the shoulders of Baker's 27 points, who single-handedly outscored Title IX in the second half, 18-16. Title IX wasted an uncharacteristically strong performance from small forward **Dan Tana Gordon** '99, who poured in 21 points on 9 for 22 shooting, marking the first time this year that Gordon has shot better than 40 per cent from the field.

Evil Petting Zoo (5-0) sits atop the **Griswold** Division, awaiting a showdown with the previously undefeated **Stormin' Mormons** (4-1). The Mormons dropped their first game of the year to the ultra-quick **People's Court** (3-3), 55-40, but did so without all-league forward "The **Rick**" **Patterson** '99 who sat out the game with a sprained ankle. Look for the experienced **Mormons** to make a strong push in the post-season. The Zoo, meanwhile, have been impressive, and captain **Jeff I** am, I am, **Super Manghillis** '00, is confident of



his team's chances. We'll know more about the Zoo after this weekend.

Despite the worst name in HLS sports, the **Spice Girls** (4-2) are playoff-bound after losing to the two top teams in the division. When asked whether he was surprised at his team's record, captain **Logan Spice Smith** '99 responded, "No I'm not surprised at all. We were named after both my favorite movie and my favorite group, so I was expecting nothing but the best." Can you say "early exit spice"?

The battle for the top two spots in the A-league heated up last week as three teams emerged tied at 5-2. The **Irrationals**, **Black Plague** and **Washburn High** head into the last week of the season vying for the coveted first-round bye. The **Irrationals** are virtually assured of a top-two seeding as they play doormat **Chocolate Thunder** (1-6), while **Black Plague** and **Washburn High** meet in the game of the week, with the loser dropping to the third spot. Meanwhile, in the C-league, it's all about the **Booties** and the **Beasts** (7-0) as they continue to roll over the competition.

B-League Rankings:
Odds to Win Championship

Contempt of Court	(5-0)	7/2
Stormin' Mormons	(4-1)	4/1
Godfathers of Dunk	(3-1)	9/2
Sparky's Heartland		6/1
Evil Petting Zoo		8/1
The Jugaderos	(5-2)	8/1
Saving Ryan's Privates	(5-1)	8/1
Smallball	(5-1)	12/1
Skee-Lo All-Stars		15/1
B-Sharps and Gwar		15/1

Can You Spare a Razor Blade?

By Dusan Stojkovic '00
RECORD Columnist

VECTOR ANALYSIS WITH THE NUMERICALLY CHALLENGED

It's a sure sign of cinematic trouble when the plot of a movie is too complicated for even the lead actor to follow. And in Warner Brothers' recent release "The Matrix," Keanu Reeves sets off the alarms of confusion big time. Whoa, dude...

Unsuccessfully going for the "intense look," Reeves seems stuck in a constant state of bedazzlement during the course of this motion picture. An oracle adeptly describes him as being "not very bright" in one of the film's most pivotal, and funniest, scenes.

Reeves portrays Neo, a troubled dude who leads this double life: a mousy tool in the machinery of a capitalist-pig software corporation by day, the protagonist's nocturnal life involves hacking, scalping top-secret computer programs, and cohorting with skanky-looking cyberjunkies in the seediest of locations. Throw in an overbearing mentor and you'd have that Jonathan Zittrain dude.

So anyway, things get completely fucked-up once Neo is hunted down by the posse of the mysterious tech-guru Morpheus, played by Laurence Fishburne in the biggest waste of his immense talent since "The Color Purple." Yes, he was in that; Fishburne is the Kevin Bacon among the droves and droves (can you feel the cynicism, baby?) of black American actors in Hollywood.

Morpheus believes Neo to be "The One." Anyone who has tasted even a mere sampling from the science-fiction/action-film genre kitchen will know for certain that it is no coincidence that the younger man's nickname just happens to be an anagram

of the word "one." Wake up and smell the freakin' Java, people! Morpheus accordingly lets Neo in on what the matrix is: a dirty little secret which could have repercussions on humanity as we know it. Or think we know it. Or are misled to believe that we know it.

You get the picture: between excellent action scenes and gnarly visual effects, the viewer is supposed to immerse him- or herself into the existential musings on time-space perspectives that the film's subject matter evokes. Yeah, whatever. If Neo seems hopelessly perplexed, why should the viewer have to sort things out? Next thing, Hollywood will actually start making movies that make people think, or something. Very scary.

But the pseudo-philosophical content of "The Matrix" hits the ceiling within the first half-hour. Ironically, the cartoons featured on the film's Web site, whatisthematrix.com, tackle the conceptual issues presented in the plot in a more interesting and creative manner than the motion picture does. This film makes "Twelve Monkeys," Terry Gilliam's worst effort ever, look halfway decent.

Not that this plot isn't as filled with holes. Morpheus's gang is run as a tight little space-time ship, and yet the villains are allowed to infiltrate by way of a traitor, whom any semi-competent renegade leader would have seen coming ten light years before. The villains in and of themselves are an illogical marvel. Although virtually invincible, they never fail to



make the dumbest mistakes at the most opportune of moments. And the most idiotic inconsistency is the pesky phones: Neo and his pals have to use specially designated stationary phones as portals to exit the "matrix" realm even though they are seen prancing around with mobile

phones in every other frame. Hellooooo?

Add a perfunctory romance sub-plot to my list of grievances against "The Matrix." Reeves and co-star Carrie-Anne Moss, who portrays Neo's love interest, Trinity, obviously had more chemistry off screen than on. The actors are now an item in real life, which one who has seen the movie will shy away from calling real. But then again, both of them are from Canada, maybe love manifests itself in subtler ways in colder climates. Sure.

The saving grace of this film, or rather the reason why you shouldn't necessarily flip the channel when it hits cable in a couple of months, is its humor. To be sure, many of the laughs drawn from the cinema audience were certainly unintended. But the enigmatic directors/writers of the "The Matrix," Larry and Andy Wachowski, had the sense not to take this project too seriously, and manage to bring out the cast members' humorous streaks rather nicely, oftentimes in the most unexpected situations.

This movie is sure to create a cult jargon among both its most avid fans and those ridiculing it alike. Just the other day, as I picked my luxurious HLS dorm room for the second time in seven days, I

exclaimed, "I have the eerie sense of *déjà vu*, there must be a glitch in the Matrix!" But then again, it's not as if poking fun at the lead character dude in this movie was that much of a chore.

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