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Matt Freedman '99 singin' the blues at the Talent Show a week before the vote on tenure for Profs. Been and Revesz.

Francesco Barbera/RECORD photo

\$2 Million LIPP Implant Makes Dean Clark Smile

Endowment Will Help Fund Increased Budget

By Justin Herdman

A late-breaking announcement from the office of Dean Clark '72 provided the first tangible evidence of the

administration's commitment to change in the context of public interest funding.

On Wednesday night, Clark announced to the RECORD that a \$2 million gift has been earmarked for the Low Income Protection Program (LIPP). The gift, provided by the late Kenneth Montgomery '28 and his widow Harle Montgomery, will be used to set up an endowment to benefit LIPP recipients. "The endowment will, in perpetuity, help to support LIPP," said Clark.

Clark, who anticipates a LIPP budget of approximately \$1.6 million next year, said that the gift will help fund a 30% increase over this year's funding. "This is a significantly greater amount," said Clark.

Montgomery's uncle, Lawrence, married the widow of breakfast cereal magnate C.W. Post, eventually leaving a generous trust fund. Though a native of Florida, Montgomery

spent his career in Chicago as a general practitioner with the law firm of Wilson & McIlvaine. Montgomery died in 1996.

Kenneth and Harle Montgomery had a long history of educational philanthropy. Noting that the Montgomerys set up the first fund at HLS for summer public interest work, Clark said, "They have always liked the idea of encouraging students to engage in public interest work."

The \$2 million gift had been unallocated for some time, according to Clark. The decision was made very recently to earmark the money for LIPP funding.

Clark took advantage of the announcement to emphasize the ongoing nature of the Strategic Planning Process. "We'll have a bunch of big-ticket items, but it doesn't mean we'll have to wait [for a fundraising campaign]," said Clark. "This suggests that we can do some things as we go along."

Faculty Set to Vote on Tenure for Two Enviro Law Profs

More Lessons in How to Kill a Student Movement

By Ben Lehrer

This Friday, when the Harvard Law School faculty meets to decide whether to offer tenure to two environmental law scholars, the students who spearheaded the push to create an environmental law program will be left outside.

To some students the tenure vote on New York University professors Vicki Been and Richard Revesz highlights the administration's failure to engage them in building an environmental law program. Three years ago students welcomed the school's invitation to participate, but the recent surprise discovery of this tenure vote revealed the true limits of their participation.

Two-thirds of the faculty must approve a lateral hire.

In the ten years since the departure of Prof. Richard Stewart '66 — HLS's only tenured professor to teach a general environmental law course — students have lobbied Dean Clark '72 to create a solid environmental law program.

The movement has made some progress in recent years. In a meeting with environmentally-oriented students and alumni during the fall of 1996, Clark agreed to form a committee called the Environmental Working Group which would prepare curriculum proposals and generate a list of potential candidates to fill visiting and permanent faculty positions in environmental law.

The Working Group urged the Dean to fund an Environmental Fellow who would work full-time to lay the groundwork for an environmental law program.

"Dean Clark waffled on this while it was in funding limbo," said Jason Waanders '98, a former Environmental Law Society President, who was granted the fellowship after an eleventh-hour donation from the widow of George W. Foley '48.

Although the administration has appeared willing to involve students in jump-starting the environmental law program, the selection process leading to Friday's vote has occurred under a shroud of secrecy.

Last week, without informing or engaging the Working Group, the Laterals Committee voted 4-1 to put the candidacies of Been and Revesz, who are wife and husband, to the entire faculty.

Unlike a number of other University Standing Committees, the Laterals Committee has no student representatives.

Please see **TENURE**, p. 7

Sullivan '81 Sparks Gay Rights Struggle at Holmes Lecture

By Doug Sims

Before revealing the content of her lecture, "The Last Civil Rights Struggle," constitutional scholar Kathleen Sullivan '81 answered a pressing question, "What becomes of those people who actually win the Ames Moot Court Competition?"

If you're Kathleen Sullivan, you go to Oxford, practice privately for a while, and then re-

turn for a teaching stint at HLS. Eventually, like all good Ivy Leaguers, you die and go to Stanford. After you are named dean, you spend your days raising e-cash from Silicon Valley entrepreneurs and making occasional appearances on CNN (via satellite) and before Congress (in-person).

Sullivan took the podium to deliver the Oliver Wendell Holmes Lecture on April 22 amidst rousing applause from students and alumni. Previous lecturers have included Learned Hand, William Brennan '31 and most recently, Richard Posner. Sullivan exuded confidence, as well as emotion, upon beginning her talk.

"I stood on the other side of this podium half my lifetime ago at the Ames Moot court final and I've spoken here before, but never in a setting where I felt so moved," she said in a wavering voice.

In her lecture, Sullivan sought to situate the current debate over gay rights within the context of traditional arguments for and against federal anti-discrimination laws. She began by reading a litany of anti-gay laws and policies currently in effect, punctuated by a graphic analogy.

"Tacking up a gay man on a fence on account of his inferred gayness is little different — when you think about it — from dragging a black man chosen on account of his race to an excruciating death from the back of a pick-up truck," she said, referring two recent well-publicized

hate crimes.

Sullivan qualified her comparison however, by commenting that "[N]o one ever confused the closet, any more than the pedestal on which women were once placed, with an auction block on which human beings were sold as chattel."

She went on to argue that since gays are "neither discrete nor insular" and have "exit options" such as remaining in the closet, "their material incentives to raise such a [civil rights]

Please see **SULLIVAN**, p. 6

Rain of Change to Follow McKinsey Survey Reform Efforts to Extend to Next Spring and Beyond

By Justin Herdman

An investigation of the Strategic Planning Process (SPP), the reform-oriented initiative instituted by Dean Clark '72, may lead one to conclude that change is like rain. Dancing and shouting may result in a downpour, though it could just as easily end in drought.

The most conspicuous aspect of the SPP, at least among HLS students, has been the ongoing work of consultants McKinsey & Co. Culled from a series of surveys and focus groups, the McKinsey results are at last beginning to trickle back to the school's policy-makers. The information points reformers in the right direction. But while facts and data may help reformers determine where we need to go, the equally important question — how do we get there? — re-

mains largely unanswered.

Hey, yo, yo! McKinsey & Co.

Prof. Daniel Meltzer '75, chair of the SPP Steering Committee, outlined the upcoming agenda of the process. The SPP's work will continue throughout the Summer, but Meltzer forecasts that the decision-making will only occur in the Fall. After proposals from the various SPP committees are compiled, preliminary initiatives will be discussed by faculty, staff, students, and alumni. "In light of these discussions, we will decide which proposals need more work," said Meltzer.

Eventually, Meltzer hopes to compile an overall plan which is sufficiently free of conflicting interests. "We need a document that reflects the best consensus that we can muster from the community," said Meltzer.

This final proposal will require

faculty approval, provided in the form of a vote. "My desperate hope is to have it all done by end of next academic year," Meltzer said.

Prof. Elizabeth Warren, chair of the Institutional Life Committee, lauded McKinsey, as it bolsters the SPP's objective — improvement in quality of life at HLS — by providing an important sense of legitimacy. "It's an indication of how serious we are about change," said Warren.

The process, which was pressed onward last week by the release of the survey's preliminary results at a town meeting, has generated considerable student enthusiasm. Justin Cooper '01, who has participated in several McKinsey focus groups, attended last week's presentation. "I'm amazed by how serious they are about change," Cooper said.

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Also:
The Recycle Cycle,
Boldy's Last Stand, and
the omniscient,
omnipresent and
odoriferous Fenno.



Lehman Brothers

would like to welcome
our new Associates

Full-time Associates

Adam Carne

Cory Wishengrad

Summer Associates

Gregory Belinfanti
Jennifer Hershfang
Jeremy Hogue

Gail Katz
Carter Sibley
Bonnie Wongtrakool

LEHMAN BROTHERS

Clark '72 Goes Green, Urges School to Use Post-Consumer Waste Products

By Janie Kim

Inspired by an executive order charging all federal agencies to purchase only recycled paper containing at least 30 per cent post-consumer fiber, Dean Clark '72 is "requesting" that all offices, organizations, library and faculty of Harvard Law School adopt the same minimum recycled paper standard for their printing and writing needs.

The move is "in furtherance of our commitment to environmentally responsible purchasing," said Clark in a one-page memorandum touted as "printed on 30 [per cent] recycled paper." Clark pledged that his office had begun a conversion to the sole use of recycled copy paper and urged the Law School-at-large to follow suit.

Clark forecasted that 100 per cent recycled paper would soon be available from the Harvard Printing and Publications Services (HPPS), the Technology Product Center (TPC) and Staples. "I urge you to consider switching to this higher recycled paper once it is available," wrote Clark in his memo.

In September 1998, President Clinton signed Executive Order 13101, recognizing the federal government's "special responsibility" to build markets for recycled products. The Wall Street Journal reports that the use of 30 per cent recycled paper by all federal agencies could save up to 500,000 trees a year, reduce water and air pollution and cut emissions of greenhouse gasses.

Let's Try Again

Clark called his request for recycled-

paper use a "renewed initiative," alluding to HLS's ongoing struggle to recycle paper effectively. An effort to print most course materials on recycled paper at HPPS failed two years ago.

In a letter distributed to students in September, 1997, Clark erroneously announced that HLS was utilizing recycled paper at the Distribution Center and in Law School copy machines. Clark also pledged that most HLS course materials would be printed on recycled paper.

At the time the 1997 plan was publicized as operational, however, it had not yet been communicated effectively to HPPS staff. An HPPS employee who spoke on condition of anonymity said that only 25 per cent of all course materials are currently printed on recycled paper.

The HPPS employee remembered printing faculty requests solely on recycled paper for a few weeks during the 1997-98 academic year. But the procedure of automatic recycled-paper use was torpedoed in an effort to re-establish a "customer focus."

HPPS now prints on recycled paper only when the customer specifically asks for it on a requisition sheet.

Despite former Director of Building Operations Frank Lamentea's insistence in October 1997 that "all copying under HLS control [should] be on recycled paper," HPPS — under strong pressure to cater to customer preferences — allowed Clark's 1997 mandate to slip into obsolescence.

"We started getting a lot of complaints about cost and quality ... the paper would turn brown after a while," said the HPPS

employee. The cheapest recycling alternative — when purchases are made in bulk — is \$.002 per page more expensive than traditional paper, he said.

"[The cost-differential] might not seem like a lot, but when you need 400 copies of a 100-page job, it starts adding up, and they didn't like going over budget," he said.

Fighting Price Elasticity

Clark underlined in his memorandum last Friday that HPPS "currently" offers recycled paper "at the same price" as non-recycled paper. Higher cost dissuaded many customers from using recycled paper in 1997, according to HPPS staff.

As of Wednesday, the Law School branch of HPPS was working with University Information Systems to install the new reduced price of recycled paper into its automated pricing software. Recycled Harvard paper, which the Distribution Center priced at \$5 per ream (500 sheets) as recently as this Tuesday evening, should now cost customers \$4 per ream, the same price as non-recycled Harvard paper.

HPPS pays its vendors 4 to 5 per cent more for recycled paper than non-recycled paper but will absorb the additional cost instead of passing it through

to its customers. HPPS is sacrificing margin for the sake of "doing a good thing," said Bob Davis, manager of HPPS. "By swallowing the cost differential, we hope to make recycled paper a more attractive option."

Clark Stimulates Demand

Clark's new initiative to increase recycled-paper use at the Law School focuses on stimulating consumer demand for recycled-paper products.

"The next time you place an order to purchase paper or copies, please request recycled paper," exhorted Clark in his memo.

According to the HPPS employee, his office has not received any instructions reminiscent of 1997 to automatically supply recycled paper.

The Environmental Law Society, which recently published a critical report on the lack of campus recycling bins [see related story], praised Clark's move to promote environmentally responsible purchasing.

"The Environmental Law Society commends Dean Clark for his support on this issue and looks forward to continuing to work with him to make HLS a 'greener' institution," said Guagliardo.

Students Launch Web Networking Service

It's Not a Dating Service, Say Founders

By Klaus Hamm

For Sumir Bukhari '99, working at a New York City law firm last summer was a bit like the visit Ebenezer Scrooge once received from the ghost of Christmas future.

Seeing lawyers working under so much pressure and in such an alienating environment that it strained their personal lives, Bukhari saw a vision of what he did not want to become. And like Scrooge, Bukhari has decided to do something about it.

His answer is freeforlunch.com — a Web site founded by Bukhari and three classmates at HLS. Designed to link professionals with similar interests, the third-year students see the often informal culture of e-mail as a way to make the corporate world they are about to enter a more pleasant place.

"The idea is to give professionals a flexible tool to join communities and create new communities where none existed," Bukhari said.

Scheduled to launch at the end of May, freeforlunch.com will ask users to describe their personal and professional interests and to select preferences. The Web will use matching technology to find similar-minded people and then send the professionals an e-mail notifying them that these people are free for lunch. From there, making the contact is up to the professionals.

It may sound like a computer-assisted dating service, but Bukhari insists the service is designed to focus on professional connections, rather than purely personal ones.

"Generally, the question we're most frequently asked is whether or not this is just a dating service and the answer to that is absolutely not," he said.

Eventually, the four founders hope the Web site will take on a life of its own and become a center for various professional communities. Co-founder Paul Oostburg Sanz '99 sees it as a way for minorities to

increase their Web presence and build professional communities more easily. The third-year students also envision the service fertilizing cross-professional connections, for example linking lawyers with architects.

The overarching vision, though, will be to combat workplace alienation and isolation, a phenomenon co-founder Ketan Jhaveri '99 noticed soon after starting work as a summer associate last year.

"As soon as you walked into a law firm, you communicated very, very differently with the same people," he said. "There was something not very personal and inhumane about it. There's something very dishonest about it."

In the face of this environment, Jhaveri and Bukhari found their e-mail communications taking on the qualities their professional communications lacked.

"We realized that one way a lot of us tended to communicate with each other was through e-mail," Bukhari said. "In fact, people's e-mail lives were really bursting with the richness of new acquaintances."

"We think people just talk different on e-mail than they do in the office," Jhaveri said.

This realization, of course, led to the creation of freeforlunch.com. The goal is to have the liveliness of e-mail communications cross over into real life communications.

Each of the four students has made a small investment in the service. To help with the technical aspects, they have engaged a programmer and a Web site designer, both from California. The service will be free, and although they haven't ruled out eventually seeking venture capital, the third-year students say their goal is not to create a money-making business.

"Our guiding philosophy has been that the relationships in the office need to be transformed, and we want to replace this sterility, we call it boardroom sterility, into lunch-room civility," Bukhari said.

Law School Plays Recycling Bin Bingo

By Janie Kim

Recycling at Harvard Law School is stymied by the systematic shortage of adequate recycling bins on campus, reports an Environmental Law Society (ELS) study released this month. According to Facilities Maintenance Operation, HLS currently recycles 24 percent of its waste, lagging significantly behind the University goal of 50 percent.

The ELS report, entitled "Trashing the Future: The Failure of Recycling at Harvard Law School," audited the Law School's physical plant, counting the number of paper and bottle recycling bins and trash cans in every classroom and dormitory floor on campus. The study omitted faculty and staff offices as well as bathrooms, deeming them places "where recycling bins are presumed to be unnecessary."

The survey evaluated whether an area had sufficient recycling and trash receptacles using the baseline assumption that "there should [generally] be one bin for recycling paper and one bin for recycling bottles adjacent to every trash can." The absence of any one of these three receptacles encourages the mixing of trash and recyclables, the ELS report said.

The survey also assumed there should be a full set of receptacles at each classroom entrance and on each dorm floor.

ELS analyzed the number and location of waste and recycling receptacles needed to reach this ideal accounting of bins. It found that the number of receptacles on campus falls far short of the number needed to meet minimal campus recycling and waste needs.

The survey reported that 35 percent of

the recommended number of bottle bins are currently in place (69 of 198). The comparable figures for paper bins and trash cans are 51 percent (170 of 332) and 86 per cent (298 of 347), respectively.

The survey also highlighted major gaps in recycling facilities in specific buildings. Hauser Hall has no paper bins and only one bottle bin (located in the basement). While the Lewis International Law Center needs 20 paper bins and 20 bottle bins, it has only one of each. Additionally, Wyeth Hall has only one paper bin.

The report recommended that HLS increase the number of its receptacles to meet need and asked for detailed labels on all bins to clarify what should and should not be thrown into them.

ELS also proposed the installation of recycling bins in each dormitory room to supplement those already in the dorm hall.

Trash Here, Recyclables There

The report also cast doubt on the proper processing of waste and recyclables at HLS.

"A number of ELS members have noticed numerous incidents of maintenance workers mixing trash and recyclables as they empty waste bins," the report said.

An employee at Harvard Printing and Publications Services (HPPS), who wished to remain anonymous, offered similar complaints about segregating waste from recyclables, only to be sabotaged by improper waste collection.

"We try our best to collect all the white paper outside but then they come around and mix it all in with the trash," he said.

The ELS report recommended that maintenance workers receive better training on keeping recyclables and waste separate throughout the collection process.



Briefs

Students Lose Lunch Over Legal Aid

Perhaps those budding corporate lawyers aren't such bad guys after all.

A group of HLS students have launched a project that seeks to bridge the gap between private and public legal services. The Summer Associates' Initiative for Legal Services (SAILS) was created to form coalitions between private firms and public interest organizations.

David Calone '99, a co-founder of SAILS, addressed this need to higher-ups at a law firm in New York where he was working this past summer. The proposal: let the class of summer associates give up their lunches out for one day and donate the money that would have been spent to a legal services organization. A total of \$3,000 was given to New York Legal Services. On the day that the summer associates gave up their lunches, the firm set aside a conference room for the brown-baggers to gather and hear about the firm's pro bono activities and the general state of legal services for the poor.

Based on this initial success, the project was formalized as an HLS student organization. Thus far, 23 firms nationwide have signed on to participate this summer. Firms will choose an organization in their own city to which to donate and can use the opportunity to promote their own pro bono programs.

Chenault '76 To Become AmEx CEO

Ken Chenault '76, already one of the top African-American executives in America, has been tapped to succeed Harvey Golub as chief executive of American Express Co. when Golub steps aside in two years.

Chenault, 47, will have to make bold choices about how to regain the market share and prestige the flagship charge card once commanded. He also will face more competition and a landscape vastly changed by the Internet.

In his new post at American Express, Chenault will be the No. 2 ranked black executive in the country, after Franklin Raines, chairman and chief executive of Fannie Mae, a federally insured mortgage company.

Chenault dismissed any reference to his race, saying, "What I hope (the promotion) represents is that the decision was made based on my performance and that's all there is to it."

American Express has been losing business to Visa USA since Golub took the helm. The company's problems were exacerbated in mid-1996 by Golub's campaign to change a policy at Visa that prohibits its member banks from issuing American Express cards.

That dispute is now being reviewed by the Department of Justice. But while Golub has been waiting for a settlement, many of his competitors have been aggressively forming new business ventures.

But Chenault, whose appointment has been endorsed by the board of directors, may oversee the biggest change in American Express' history. The Internet is reshaping the industry, and American Express is forging a plan to shift its business and services to the World Wide Web.

The Internet "will have as profound effect on the way people and organizations live, work, function and operate as the industrial revolution" but in a much shorter period, Golub said. "Given the importance of the Internet to society and to our business, we have to reposition the company ..."

—Associated Press

U.S. Attorney Hochberg '75 Again Nominated For Federal Judgeship

President Clinton last Thursday nominated the U.S. attorney Faith S. Hochberg '75, for a federal judgeship in New Jersey.

This is the second judicial nomination for Hochberg, whose first chance died in 1996 when the Senate Judiciary Committee failed to act before the congressional session ended.

If confirmed, Hochberg would fill a vacancy created in May when U.S. District Judge Joseph H. Rodriguez turned 70 and took senior status.

Hochberg became the top federal law enforcement official for New Jersey in May 1994. Her five-year term expires in May, but she could remain as a holdover.

Based in Newark, she supervises about 100 assistant U.S. attorneys in Camden, Newark and Trenton. She will remain in her post until confirmed by the Senate, Drewniak said.

Hochberg had been first nominated in November 1995 by the White House on the recommendation of then Sen. Bill Bradley, D-N.J., who later retired and is now running for U.S. president.

Sen. Robert Torricelli recommended her for this judgeship, with an endorsement from fellow New Jersey Democratic Sen. Frank Lautenberg.

Torricelli said, "She has served the state of New Jersey with integrity and distinction as a U.S. attorney and I have no doubt she will bring the same qualities to the federal bench."

Before becoming U.S. attorney, Hochberg was deputy assistant secretary of the Treasury Department for law enforcement. Hochberg is a graduate of Tufts University and Harvard Law School, where she was a law review editor.

Snow Job in New Haven?

Typical. *The New York Observer* has reported that Yale Law School, along with eleven of the top twenty schools in the *U.S. News & World Report* Rankings, submitted information to the magazine which deviates significantly from similar statistics filed with the American Bar Association (ABA). The allegation has critics of the rankings calling them a fraud.

Besides Yale, the implicated schools include New York University, Columbia, the University of Chicago, and Cornell. The editor at *U.S. News* who supervises the rankings insisted that her survey asked for the same information as that provided to the ABA.

The student-faculty ratio at Yale was 27-percent lower in the *U.S. News* survey than that reported by the ABA, a difference translating to about 14 extra teachers. The difference would not be enough to eject Yale from its pole position atop the rankings, but its lead over HLS and Stanford Law School would shrink, the *Observer* reported.

According to the *Observer*, Yale administrators said that they believed they had supplied the same numbers, but needed more time to look up what they had sent in.

Course Offerings Highlight HLS Student Complaints

Tribe Leaves Class of 2000 in the Lurch

By Kimberley Isbell

McKinsey may employ statistical regression analysis and hyper-focus groups to study the problems with student/faculty interaction at HLS, but a simple look at next year's registration bulletin might provide all the information they need.

With 27 professors tentatively scheduled to be on leave for all or part of the 1999-2000 school year, popular professors such as William Fisher III '82, Laurence Tribe '66, David Wilkins '80 and Richard Parker '70 are noticeably scarce. Meanwhile, several tenured and tenure-track professors are scheduled to teach fewer than 10 credit hours, the minimum typically required of HLS professors.

Tribe Screws Class of 2000

Faculty leaves are an important mechanism for fostering cutting-edge research and scholarship, but problems for students may arise when professorial leaves are not carefully orchestrated.

Tribe, who was on sabbatical for the 1998-99 school year, has been granted a semester of research leave for the spring of 2000. The popular professor will teach the five-credit Constitutional Law class in the fall, and will be available to supervise third-year papers only during the fall semester. As a result, members of the class of 2000 who have already taken Con Law will not have an opportunity to take a course with the famous constitutional theorist.

In an e-mail to the RECORD, Tribe commented on his prolonged absence, saying, "I obviously didn't arrange my schedule of sabbatical and research leaves in order to make sure that just about nobody in the class of 2000 would be able to take a course with me; the fact that it has worked out that way is an unintended side effect of my writing plans and is a disappointment, but it's not a disaster."

Tribe put his leave schedule into context, noting that aside from a one semester research leave in the Fall of 1996 he will have had no research leaves in the 90s.

"I've also taken two less sabbatical years during my time on this faculty than the policy of one sabbatical year out of seven would have entitled me to take," he wrote.

Tribe isn't the only HLS professor to leave the class of 2000 high and dry. Professor David Wilkins, who was on leave for part of this year and taught the four-credit Legal Profession course, will be on sabbatical for both semesters next academic year.

The class of 1999 was similarly disappointed when high-profile Professor Roberto Unger '70 (LL.M.) decided to spend their 2- and 3L years in Brazil.

Alan Ray, Assistant Dean for Academic Affairs, explained that under HLS's leave policy, there are three common types of leave: sabbaticals, unpaid leave and research leave.

Tenured professors are generally entitled to one sabbatical for every seven years that they teach, and have the option of electing to take one semester of sabbatical leave at full pay, or two semesters at half pay. During this time, professors need not be in residence.

Professors who receive outside funding can request to go on unpaid leave, during which they need not be in residence at HLS, for either a semester or a full year.

In contrast to the freedom that comes with sabbaticals and unpaid leave, research leave is designed to give professors the opportunity to pursue their scholarship without the undue distraction that comes from teaching.

"During this time they are expected to be in residence, and meeting all obligations of the law school community except for teaching, including serving on committees, supervising papers and holding office hours" said Ray. Despite this expectation, Tribe has already announced that he will not supervise third-year papers during the Spring semester.

Generally, tenured professors are entitled to one semester of research leave every seven years, although the "Dean will try to make available a second semester," said Ray. Assistant professors are also entitled to one semester of research leave while they are pre-tenured.

In most cases, the Law School's regulations require that professors who have not been in residence for two consecutive semesters to spend four semesters in residence before applying for additional leave, although Ray pointed out that this rule was only "a strong presumption, not black letter law."

Part-Time Professors?

Even when professors are in residence for all or part of a school year, students' chances to study with them are often curtailed by the failure of many professors to teach their full course-load obligations.

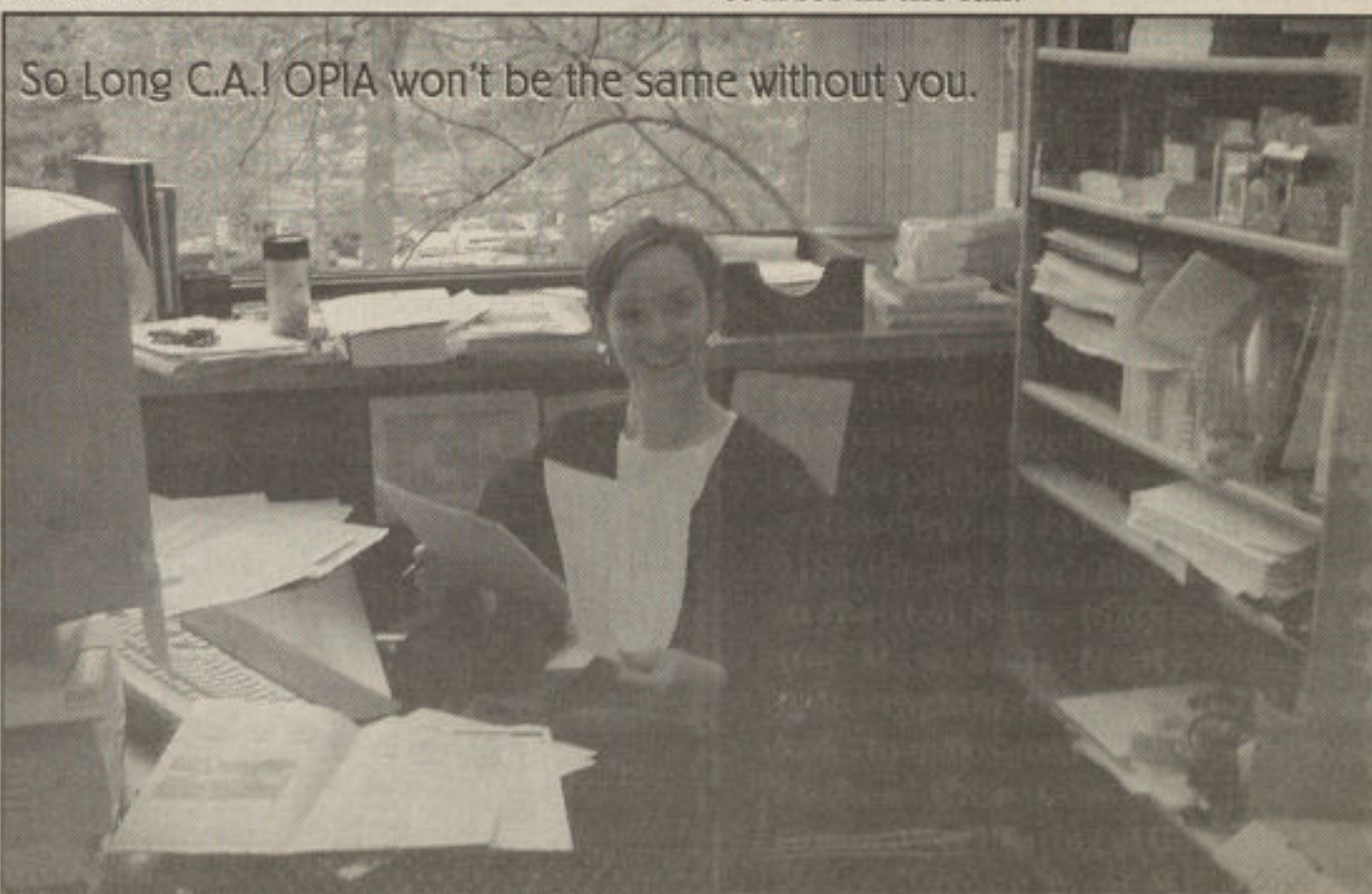
According to Ray, tenured and tenure-track professors are generally required to teach 10 credit hours per year, although anything between nine and 11 is acceptable, and first-year assistant professors are allowed to teach eight.

Credit loads are tracked by the administration, and professors who go over their credit load requirements for a given year can elect to have the extra credits applied towards offsetting future deficits, or towards an application for discretionary leave.

According to the preliminary schedule for 1999-2000, a number of professors are coming in under the 10-credit teaching requirement.

For example, Profs. Daniel Halperin '61 and Todd Rakoff '75 are each scheduled to teach seven credits next year, despite the fact that neither are scheduled to take a leave of absence.

Some professors who are under-target may still meet their obligation by adding courses in the fall.



Committee Work Could Lead to Construction Work

Continued from *MCKINSEY*, p. 1

Though not downplaying the importance of student exuberance, Warren is realistic about the challenges faced by her committee. "You want student enthusiasm, but we don't want it to jump ahead of the faculty," said Warren.

Faculty to Apply Brakes?

Whether expressly stated or implicit in responses to the SPP, the perception among some at HLS is that faculty intransigence will be difficult to overcome. At the very least, substantive change will need the support of a significant number of Harvard professors. Meltzer said, "Most of the things that popped up on survey — such as class size, feedback and grading — are issues for faculty decision."

It is not clear, however, if any perceived resistance stems from the specific characteristics of Harvard Law, or whether it is a phenomenon encountered by all would-be reformers of institutional structures. When asked if he thought it would be more difficult to effect change at Harvard than at other schools, Meltzer

said, "As I look around, I don't see rapid and profound change in American law schools generally."

Still, Meltzer noted the wider challenge faced by the SPP. "Large institutions don't radically reorient themselves in a short period of time, but we'll try very hard," said Meltzer.

Warren was honest about the obstacles to a reformed HLS. "I'm skeptical, but I am absolutely sure that if you don't try, you can't," said Warren. "Change occurs when people, acting in good faith, make their strongest, hardest and canniest efforts, but there is not a guarantee," she concluded.

Big Ticket or Quick Hit?

As the McKinsey survey results have indicated, student concerns embrace a relatively narrow collection of concededly diverse topics. The most prominent student concerns — class size, facilities and financial aid — require a broad array of cures. "The kinds of problems that we're dealing with will take several changes to remedy," said Warren.

What Clark refers to as "big-ticket" items, including examples such as a stu-

dent center and funding for the Low-Income Protection Program (LIPP), will be at the forefront of the next fundraising campaign. Clark credits McKinsey with providing detailed information about the future direction of HLS. "McKinsey focuses us very clearly on changes that need to be made in the long-term," Clark said.

While conceding the need for long-run improvements, some students have called for immediate changes to signify the administration's resolve. David Lantz '99 challenged Clark to act upon his stated desire for reform. "We talk about quick fixes, and nothing gets done," said Lantz.

"Let's see a quick fix ... a gesture of good faith on the Dean's part," Lantz continued.

Beam Me Up, Bobby

Warren has responded to this need for an immediate impact, which some feel would justify the financial commitment to the McKinsey consulting effort. Paying homage to Capt. Jean-Luc Picard of "Star Trek" fame, Warren said that one level of change are "make it so" reforms, those that are subject to Clark's, as opposed to faculty, approval.

Examples include replacing the translucent partitions in Gropius showers with opaque walls, or reviving the shuttle service. "They may be modest, but a couple dozen of these changes may make a difference in people's lives," said Warren.

Clark acknowledges that these reforms are possible in the short-term. "I have some ideas, but I'm not ready to announce them yet. I just got a memo, written jointly by the Institutional Life and Infrastructure Committees, regarding immediate dorm repairs," said Clark.

"We'll have those priced out," Clark continued.

Students warned against giving the survey results undue prevalence in the calculation of the finalized reform proposal. "A survey will not necessarily uncover all of the problems at HLS," said Lantz.

Furthermore, Lantz fears the replacement of qualitative student concerns with cold, hard numbers. "I'm concerned with how McKinsey may be used as a proxy for students," Lantz said.

At last week's town meeting, Clark made reference to a student survey conducted in the late 1980s. During his address, Clark said that this decade's earlier fundraising drive, which raised money in part for the renovation of Langdell Library, was based upon the results of this more informal survey.

That survey, a copy of which was viewed by RECORD staff, cited class size as the primary student concern. Meltzer agreed that there may be areas which continue to surface as student priorities. "There are pretty strong continuities in student concerns," said Meltzer.

More than building a new student center or gym, Lantz hopes that these endemic signs of disenchantment are dealt with in the ultimate proposal. "My concern is, are [these issues] going to be addressed now," said Lantz.

Clark described the late '80s survey as piling in comparison to McKinsey's rigorous methodology. According to Clark, the current batch of consultants are "much more sophisticated."

In the end, the survey may lead most students to adopt, at the very least, an optimistic attitude. "I'm impressed by the level of creativity and commitment. These are changes that can affect me," said Cooper.

The final survey and focus group results will be provided in some form to interested students. "I'm pretty sure that we'll make it widely available," said Clark.

Harvard Students Demand Living Wages for University Employees

By Alyssa Caples

Students from across the University have united to push for a ten-dollar per hour minimum wage for employees of Harvard and Harvard contractors, including Law School food service provider Sodexo Marriott Services.

Designed to pressure Harvard's administration, the Living Wage Campaign grew out of the Progressive Student Labor Movement group at Harvard College in January and includes HLS students.

The campaign adopted the ten-dollar figure from a proposed Cambridge ordinance. This resolution, which will come up for final approval in early June, would require that all city employees and contract workers make at least ten dollars per hour. A similar ordinance in Boston currently mandates a living wage of \$8.23 per hour, a salary that matches the income of a family of four at the poverty line. Last month, the Cambridge City Council adopted a measure urging Harvard to

adopt a living wage for its workers.

As a result of the campaign's pressure on the administration, which has included several protest rallies in the past few months, Harvard has convened a committee to examine the problem of low-wage labor at the University. The student group is now involved in negotiations with the committee, made up of faculty and administrators from across the University.

In addition, the group is working with security guards at both the University and Harvard museums to improve their labor situations. Both groups have worked without a contract for the last three years, and their salaries have not increased in five years.

"Our central demand is that every worker on campus should be paid \$10 per hour," said campus organizer Aaron Bartley '01. "At the Hark, Marriott workers make far less than the [unionized] Harvard College food services workers. Many of them make \$6.00 or \$7.50 an hour and often without health benefits."

Other campus workers earning less than ten dollars per hour include the custodial

staff and many of the security guards.

Part of the problem is that "Harvard is outsourcing a lot of the services that used to be handled in-house," according to Bartley. These contractors don't offer the same wages and benefits to employees that the University once did. These low wages, coupled with the rising cost of housing in the area due to the phasing out of rent control in Massachusetts, has meant it is harder for low wage earners to live close to work in Cambridge. "It's pushed a lot of diversity and service workers out of the area. A lot of service workers live in Worcester, not by choice, but because they can't afford to live any closer," Bartley said.

Thus far, 50 faculty members University-wide have signed a petition in support of the Living Wage Campaign. In an effort to boost awareness and support, the group will hold a rally on May 11 to raise awareness about low-wage labor at Harvard.

"Our focus is now on [University President] Neil Rudenstine, and making him more accountable," Bartley said.

Kaufman Fellows Announced

The Office of Public Interest Advising (OPIA) announced the 1999 recipients of the Irving R. Kaufman Public Service Fellowships. These fellowships are awarded each year to HLS 3Ls and recent graduates pursuing careers in public service.

The fellowships were established in 1989 with a gift of \$1 million from Walter H. Annenberg, a philanthropist and former ambassador to England. They are named in honor of Judge Kaufman in recognition of his over 40 years of public service.

1999 Kaufman Fellows:

Craig Briskin '99 will be working on the Immigrant Protection Project with the New York Legal Assistance Group.

Jacqueline Burke '99 has accepted a position as an Assistant District Attorney in Philadelphia.

David Calone '99 will be working as an Honors Program Attorney in the Antitrust Division of the Department of Justice. He will be a federal prosecutor with the Criminal Prosecution section.

Sean Flynn '99 will be working at the Institute for Democracy in South Africa and with the Constitutional Court of South Africa.

Matt Freedman '99 is looking for a position as a policy analyst or program director for a statewide consumer or environmental advocacy group in California.

Amanda Frost '97 is a staff attorney with

the Public Citizen Litigation Group.

Cynthia Godsoe '98 will be working as a Skadden Fellow with the Child Care Law Center in San Francisco.

Jennifer Goldberg '98 will be working as a Women's Law and Public Policy Fellow at Georgetown University Law Center's Domestic Violence Clinic.

Venu Gupta '99 will create the Civil Rights Youth Education Project, an initiative to create an educational video for high school-aged youth about contemporary civil rights and civil liberties movements within the United States.

Allison Harnisch '98 will be working as an Honors Program Attorney with the Department of Justice in the Office of Consumer Litigation. She will prosecute fraud cases.

Ana Henderson '98 will be working as an Honors Program Attorney in the Civil Rights Division of the Department of Justice. She will defend established rights through enforcement of anti-discrimination and other

civil rights laws.

Christina Ho '99 is looking for work on Capitol Hill as counsel to a congressional committee.

Kate Jones '99 is seeking work as a public defender or in a public policy job related to criminal justice.

Timothy Kiefer '98 is looking for work as an Assistant District Attorney in Wisconsin, Illinois and New York.

Rafael Mares '99 will be a Sacks Fellow in the Housing Unit at the Hale and Dorr Legal Services Center.

Amy McManus '98 plans to pursue work with a civil rights organization, focusing on K-12 education, housing and access to democracy.

Margaret McWilliams '99 is looking for work with a legal services program or a civil rights organization which would enable her to combine traditional elements of lawyering with community organizing and educational outreach.

Elizabeth Mitchell '98 will be working as an Honors Program Attorney with the Department of Justice. She will be enforcing public health and safety regulations administered by the FDA, the FTC and the Consumer Products Safety Commission in the Office of Consumer Litigation.

Aliki Moncrief '99 is looking for work on

environmental issues with a nonprofit organization or government agency.

MaryBeth Musumeci '99 will be working as an Independence Fellow at the Delaware County Legal Assistance Association in Chester, Pennsylvania.

Carol Pier '98 has been selected as a Human Rights Watch Fellow and will investigate and document human rights abuses abroad.

Evan Reynolds '99 has accepted a position as a prosecutor in the Office of the Fayette Commonwealth's Attorney in Lexington, Kentucky.

Lara Stemple '99 has been awarded a fellowship to work in the international department of the Center for Reproductive Law and Policy.

The Kaufman Committee also awarded renewal grants to two of last year's Kaufman Fellowship winners:

Tamara Jezic '98 is working at the Center for Economic and Social Rights in Quito, Ecuador.

Meg Obenauf '98 is in the second of her two-year Americorp position at the Legal Aid Society of Hawaii, and is working exclusively with victims of domestic violence on the island of Maui.

The Kaufman Committee awarded the third Edith Fine Fellowship to Kate Jones '99.

Attention Alumni: Harvard Law School Association (HLSA) to Eliminate Dues

The Harvard Law School Association (HLSA) announced at its 1999 Spring Meeting on April 23-24 that as of next year, Harvard Law School graduates will no longer have to pay dues to be members of the Association. All of the approximately 35,000 alumni will automatically be members.

It was announced that this change has been under consideration for some time and is the result of falling membership over the years. Alumni will receive more information about these changes from the HLSA in the coming months.

These changes will affect the RECORD considerably. Since shortly after the RECORD's inception in 1946, the HLSA has contributed financially to printing and distribution, and has taken primary responsibility for subscriptions and mailing to alumni.

Starting in 2000-01, the RECORD will be solely responsible for all aspects of subscriptions, printing and distribution.

For the 1999-2000 academic year, alumni who are HLSA members and receive the RECORD as part of their membership benefits will continue to receive it. During this transition period, we encourage non-members to sign up for the RECORD through the HLSA, or contact us directly.

We will provide alumni with information next year as to how to subscribe to the RECORD in 2000-01. Students will continue to receive the RECORD free of charge.

While this change presents challenges to the RECORD in meeting its goal of reaching as wide an audience among the alumni as possible, the RECORD will make every effort to insure that it continues to be available to all interested people.

The RECORD is grateful that the HLSA has indicated it will offer its active support in helping to smooth the transition from the current structure. We believe that by providing an independent, in-

depth, and lively reportage of the current life of the Law School to thousands of alumni over the years, the RECORD has

helped strengthen the ties of alumni to the School and has helped make the School a better place.

Sullivan Packs da House

Continued from SULLIVAN, p. 1

struggle are diminished." In Sullivan's view, the imperative for action has not been recognized by those outside of the gay community due to "a gradual weakening of intellectual and political commitment to anti-discrimination law in recent years."

The majority of Sullivan's lecture was devoted to constructing a constitutional framework that would permit or justify state intervention in the area of gay rights. In her view, anti-discrimination legislation is informed by an American conception of civil rights and liberties that prefers individual "fluidity" to group "entrenchment." "Fluidity" is exemplified by

"garden-variety special interest groups" such as political parties, trade associations and church groups. These groups are voluntary, limited in scope and can be exited relatively easily.

On the other hand, "entrenchment" denotes the non-disclaimable, quasi-tribal affiliations evident in the current conflict in Kosovo. According to Sullivan, the Commerce and Religion clauses reflect a conscious effort on the part of the Framers to limit the rise of such "totalizing" groups and establish fluidity as the "default" or "baseline" of the American identity.

In between the extremes of fluidity and entrenchment are "ascriptive groups" like racial minorities, whose group identity has been historically imposed and whose group characteristics are interpreted by the majority as shorthand for inferiority or other negative traits. The prejudices of the majority restrict the fluidity of ascriptive group members — they cannot exercise baseline liberties enjoyed by the majority. The goal of traditional anti-discrimination law, in Sullivan's view, is "[T]o disentrench ascriptive identity — to peel it away like a superfluous layer so that individual groups members will be liberated to the constitutional default."

Unfortunately, Sullivan never explicitly situated gays in the structure she had outlined, preferring to rest on broad constitutional concepts and oblique references to her opening remarks.

"What matters is what kind of groups are at stake and how individuals relate to them — fluidly or entrenched — how fluidly or how entrenched. Anti-discrimination law is part of a broader set of constitutional commitments to keeping those relationships fluid rather than entrenched."

In the closing minutes of her lecture, Sullivan did not attempt to describe what actual legislation would look like or how it would be implemented, but instead addressed critics of her position. In response to conservatives who claim that anti-discrimination laws create special rights, Sullivan responded that legislative protection of gays would require no preferential treatment programs, nor would it incur the costs of statutes that mandate accommodations for women or the disabled. To diverse critics on the left who fear multi-cultural balkanization on the one hand and the loss of gay identity on the other, Sullivan stressed that any protection or privilege (such as gay marriage) would be optional.

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what you're
thinking..



Happy Spring.

Tenure Nominees Shadowed in Behind Students' Backs

Continued from *TENURE*, p. 1

Last fall, the Working Group requested to meet with the Laterals Committee in order to discuss the results of the Group's work, to share its ideas on the future program and to suggest the best candidates to fill the professorships at the program's core. Prof. Einer Elhauge '86, who chairs the Committee, declined the request.

According to Waanders, Elhauge told him it was difficult enough getting the committee members to spend time reading and discussing all of the materials written by and about the proposed candidates without adding an extra meeting.

At a March 4 meeting between the Dean and members of the Environmental Law Society and the Environmental Law Review, Clark and Director of Academic Affairs Alan Ray spoke about professors to whom offers had been extended or who were under consideration for visiting professorships, but made no mention of the consideration being given to Revesz and Been.

"Vice-Dean Smith [who has served on the Working Group] and Alan Ray asked the Working Group to come up with names of people for consideration," said Environmental Law Society President Matt Freedman '99, who has served on the Working Group since its inception, "and it was like dropping them into a black hole. We were given no information on what names were being circulated on the Committee."

Ray said that he did not think that anyone was trying to hide the consideration of Been and Revesz.

If a Tree Falls in a Forest

According to Ray, the lateral hiring process has a public and a private dimension.

"The public dimension is the process that began in 1995-96 when [Been and Revesz] were visiting professors here," said Ray. "The students evaluated the courses and made comments to the professors and the committees."

Committee consideration of the candidates is the private dimension of the process, Ray said.

"Student views on their teaching and scholarship have been considered but the considerations of the committee are private and confidential," he said.

Waanders infers a perception on the part of the administration that it has done

a lot to involve students.

"The appointments process is very secretive and confidential," he said. "They look at the fact that the Working Group has put students in contact with Ray and well-placed members of the administration as evidence that students have been involved. To go farther than the current level of involvement might go beyond the environmental law issue and into a revolutionary change in the way appointments are dealt with at the Law School."

Paul Weiland '99, editor-in-chief of the Environmental Law Review, said it was odd the administration would create the Working Group to participate in the creation of the environmental program and then exclude it from discussions of core appointments.

"What makes this different from the average appointment was that the Working Group was created to have input into this process," he said. "This doesn't mean that we should be able to vote, but our views should be considered. If the Working Group was created to help establish this environmental law program, it should become a part of the entire process."

Weiland compared the process at HLS with the one in which he participated while enrolled in a Ph.D. program at Indiana University, where he served on a search committee for an environmental policy faculty member.

"I had input, got to see the files, sat in on interviews with candidates, and I saw how the committee voted," he said. "They had institutionalized student participation, and as it was my field of expertise, it was very logical."

Both Waanders and Weiland expressed frustration that the "public dimension" of the appointment process ended more than three years ago, before the formation of

the Working Group.

"For us not to be able to fully address the most important issue of the environmental program — the faculty — defeats the entire purpose," Weiland said.

The Ice Age

The departure of Stewart, who was one of the candidates considered to replace Dean James Vorenberg '51 in 1989, left the Law School without a single tenured environmental law professor.

That gap was partially filled by Prof. Kip Viscusi, who visited in 1995 and was named John F. Cogan, Jr. Professor of Law and Economics in 1996. Viscusi teaches specialized courses in subjects such as the economics of regulation and empirical issues in law and economics.

The basic environmental law survey course has been taught by a different visiting professor for the last ten years.

Soon after Clark's appointment as dean in 1989, students from the Environmental Law Society met with him to urge the establishment of a stable environmental law program.

Such meetings became a yearly ritual, but the slowness of the appointments process and the bitter tenure battles of the early '90s left the gap in the curriculum intact.

In the Spring of 1996, a group of alumni, faculty and students issued the so-called "Austin Hall statement," challenging the Law School to aspire towards national leadership in the field of environmental law. The statement was joined by George Frampton '69, chair of President Clinton's Council on Environmental Quality, Second Circuit Judge James L. Oakes '47 and Prof. Revesz, who was a visiting professor that year.

In subsequently agreeing to create the Working Group, Clark declared that he

would "love for Harvard to take a leading role in environmental law."

Ray said the Law School is eager to begin a such a program.

"We have an environmental law curriculum planned for two years," he said, referring to three professors who have accepted offers to teach environmental law courses as visitors. "I think that is a sign that Harvard is committed to make the program work."

The Diversity Question

Both Freedman and Weiland expressed some concern that the appointments, if approved, might lock the environmental program into a particular stream of academic thought. Both Revesz and Been locate their scholarship within the law and economics school.

"Since the Working Group's inception, intellectual diversity is something that has been repeatedly stressed by both students and alumni," Weiland said.

Ray admitted that neither Been nor Revesz were on the Working Group's list of recommended candidates, but he said the program-building process would not necessarily end with their appointments.

"It is the Dean's position that their appointment does not foreclose the appointment of others in the field of environmental law," he said.

Weiland sees things differently.

He said that the faculty may see a sense of urgency in making an appointment because of the lack of a full-time tenured professor to teach the basic environmental law course.

"Once that gap is filled, there might not be that need to bring in more people," he said. "Therefore it is important that the first people we hire be the best that we can get, and complement rather than duplicate our existing strengths."

Recipe for Responsive Student Committee Reps? LSC Meetings!

By Francesco Barbera

This week, the Law School Council (LSC) instituted a new prophylactic for wayward student committee representatives who, under the undue influence of administrators and faculty, might contravene popular will. The Council unanimously voted to require that all students appointed as representatives to University standing committees make "a good faith effort" to attend weekly Council meetings.

The new requirement would draw student representatives out of the vacuum of committee life and expose them to the voices and concerns of fellow students, said LSC President Manoj Mate '00.

"This resolution was designed to rectify the problem with the lack of accountability among student representatives [who serve on committees dominated by administrators and faculty]," said Mate. "We believe that hampers our ability to give students a voice on these committees."

Lessons from History

This week's Council events evidence continuing fallout from last year's attendance-policy fiasco — a dark period in Law School student governance. In Spring 1998, the Legal Education Committee (LEC) proposed that professors be allowed to drop from a course without any preliminary notice students who skip more than 25 percent of class meetings. The recommendation drew rampant student protests.

An incensed Council moved to impeach the three student LEC representatives who had approved the controversial attendance policy. Eventually, the faculty approved the new attendance policy, the

"LEC three" sat unimpeached, and HLSers demanded that student representatives be more responsive to fellow students' concerns.

The Council promptly initiated a new committee approval process last year, requiring that all student representatives seek reappointment on an annual basis. Formerly, appointed student representatives could serve for three years with no formal accountability mechanisms.

Increasing Accountability

LSC has stepped up efforts this year in response to concerns that an end-of-the-year review is insufficient to ensure effective student representation on committees.

"The end-of-the-year review process does not provide enough accountability," said Mate. "We want students to have a voice in shaping University committee policies from the very beginning."

"The consensus was that it was a good idea to have more accountability, especially with strategic planning committees, because they're doing so much," said Ashley Morgan '00. "We want to make sure that the LSC and student reps are on the same page and that what happened last year won't happen again."

Mate noted that by requiring regular reporting, LSC was assuring the unified presentation of student concerns within University committees. "The student body expresses its concern to all of us and we try to translate that to reforms," he said. "The basic problem is that these policies cannot effectively be implemented through University committees if the representatives aren't at LSC meetings."

Legislative History

The resolution, which passed on Tues-

day, was a watered-down version of a much stronger plan, under which only Council members would have been eligible to serve on standing committees. Ultimately, however, broad opposition to the plan led to the compromise draft which was written on Monday. That version called for "monthly reports on committee business" by representatives.

On Tuesday evening, however, it was suggested that the monthly requirement be replaced with a mandate that representatives attend all weekly LSC meetings. The "good faith" language was added after further discussion.

Josie Sandler '01, a Financial Aid Committee representative who was active in the discussions leading to the resolution, noted that the resolution might create an unmanageable burden for committee representatives.

"Committees consume an enormous amount of time, especially if the committee is active," she said. "So you may have fewer people who want to serve if you also require them to attend LSC meetings that don't have anything to do with their committee work."

"To challenge the institutional memory advantage that faculty and administrators have, you want students serving for three years. If you require this amount of work, you may have people dropping off the committees," she added.

Congratulations, RECORD 3Ls:

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Seat Us at the Table...

This has been the year of the dialogue. In the past, student voices of discontent were often like trees falling in a forest — and the administration was nowhere to be found.

But this year has been different. Student activism helped get Prof. Wilkins appointed to the Admissions Committee, and ensured that the rest of the committee will pay closer attention to the mix of students they choose for future classes. The efforts of the Student Public Interest Committee helped Dean Clark turn up \$2 million to endow LIPP. Prolonged grumbling prompted the Institutional Life Committee to dig into its pockets and hire McKinsey to act as its eyes and ears. Clark has also declared that rescuing Hemenway will be a major priority. In other words, the students are talking, and the administration is listening.

But old habits die hard. The tale of the upcoming faculty vote on whether to make lateral offers to two environmental law professors is a perfect example.

Why were the students who had dedicated two years of their time to researching the candidates that met the Law School's rigorous standards and would be ideal as program builders not informed that the Laterals Committee was considering hiring two outside professors?

How come the students weren't even allowed to talk to the Laterals Committee? I can't believe Elhauge's explanation that he couldn't mobilize the Committee to spend an extra hour of time to hear the students' concerns.

Why is the Laterals Committee not waiting to consider these professors' candidacies later, when they can be compared with any of the three or four qualified environmental law professors scheduled to visit the school in the next two years? Where was the dialogue?

I'm not going to discuss the merits of Profs. Revesz and Been, about whom I know very little. What I do know is that ignoring student concerns — particularly those who have been most engaged in the process, and those who have a direct stake in the creation of a program — is hardly a recipe for building the community that we have been talking about this year.

Important decisions should be made in the open. Student input should be sought instead of avoided. We should be treated as partners in the school's educational mission, rather than arms-length customers.

I honestly think that this has been a fruitful year and that the Law School has taken some major steps forward. Clark deserves praise for listening to the students' voices and taking decisive action. I hope that the administration and the faculty will remain committed to engaging students in the matters that affect their educational experiences, and ultimately their professional lives.

— Ben Lehrer

I would like to take this opportunity to introduce Kimberley Isbell as the new editor-in-chief of the Harvard Law RECORD. I wish her and the rest of the tremendous RECORD staff the best in vigilantly bringing the news to the Law School community. It's been real.

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

—First Amendment, U.S. Constitution

• Letters •

Cuba's No South Africa

We feel compelled to respond to Dan Fridman's condemnation of the 30 Harvard students who traveled to Cuba over spring break to conduct academic research. While we were not on that trip, we believe that his attempt to shame those students who were is nothing short of ludicrous.

Mr. Fridman states that "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." His comparison of a ruthlessly racist government which had as its founding principle the oppression of the majority of its citizens to one which rose to power through a populist uprising aimed at elevating the position of its nation's impoverished masses is absurd. This absurdity is highlighted by the fact that, throughout the apartheid years, Nelson Mandela repeatedly invoked the spirit of the Cuban revolution led by his friend Fidel Castro as a model for the struggle of black South Africans.

Mr. Fridman further claims that Castro's "own people are treated like animals." We find this statement hard to reconcile with the fact that the lot of the poor in Cuba has improved dramatically under Castro. Cuba now has an im-

pressively low infant mortality rate and high literacy rate for a developing country. If anybody was treated like animals, it was the poor majority in pre-revolution Cuba. Of course, the Cuban people would be better off if not for the American embargo, which is motivated more by domestic political pressure from a powerful lobby than by any coherent foreign policy goals.

Mr. Fridman correctly points out that Cuba has on occasion violated international law. His criticism, however, rings hollow when considered in the context within which the Cuban government has been forced to operate. This context includes the Bay of Pigs invasion as well as numerous attempts on Castro's life by the CIA. These events are examples of egregious American violations of international law and Cuban sovereignty. It should come as no surprise that Cuba has adopted a siege mentality in response to the continuing threat to its very existence posed by American foreign policy.

We are loath to be apologists for any government, like Cuba's, with a poor human rights record. We would simply point out that if American policy were truly

motivated by human rights concerns, it would not be so eager to deal with China, Turkey and numerous other violators of human rights. As noble as Mr. Fridman's sentiments are, we would hope that he would likewise turn his critical lens to his own country, which violates international human rights conventions by continuing to impose death sentences upon minors and the mentally retarded. If Mr. Fridman is sincere in his admonition to his fellow students that we should boycott any country which violates human rights, we'd be glad to meet him at Logan Airport to catch the next plane out of the U.S.

American policy towards Cuba is based on the same Cold War mentality which led the U.S. to support the overthrow of popular socialist governments in 1950s' Guatemala and 1980s' Nicaragua. The continued application of the embargo derives not from concern for the Cuban people but from animosity towards their still-popular leader. Mr. Fridman's column is a reflection of this outdated mentality and its one-sided view of Cuban history.

Rav Grewal '00
Kris Borg-Olivier '00
Jim Bergin '00
April 26, 1999

Lack of Latino Faculty Noticeable

Like other 3Ls, for the last two months I have neglected my classes, my boyfriend and my friends to write my third-year paper. The experience has been difficult, but it has been my best academic experience at Harvard Law School.

I am documenting the history of student efforts to push Harvard Law School to hire Latino faculty. I decided to write about this because interest in Latinos and issues of concern to us are virtually absent from our assignments and discussions at this law school. I guess if you did not grow up in a Latino community, you wouldn't notice. But I did.

I noticed when issues of race were rarely touched upon in my Criminal Law class. When I arrived, I noticed that there were no Latinos on the faculty. I noticed when well-meaning faculty members referred me to professors at the Kennedy School for guidance on re-

search dealing with Latinos. I also noticed when Dean Clark told me and other members of La Alianza that there were no Latino professors at Harvard Law School because Gerald Lopez had declined a tenure offer over 10 years ago.

For those of us who have been exposed to Latino scholarship and scholars, the absence is apparent. The Harvard Law School faculty has failed to recognize the important contributions that Latinos, in and out of the academy, make to legal scholarship and culture.

For three decades, students have organized meetings, protests and even a lawsuit to pressure the faculty to hire Latino professors but nothing has come of it. Those who fail to see value in hiring Latinos say there are no Latinos qualified to teach at Harvard. Others try to pass off professors with

birth certificates from Latin America who do not share the experience of being a minority in the United States as Latinos.

After studying all the arguments for and against Latino professors, I have to say that what worries me most is the cowardice of the students and faculty who purport to be advocates for Latino faculty. I am embarrassed to say that although the issue has mattered to me, I have failed to take the necessary steps to make it matter again. It is never too late. I will do what I can as an alumna to encourage the students who follow me to be braver. When the time comes, I pray that all those well-meaning faculty members who publicly pledge their commitment to hire Latinos also step up to the plate. It's time to bat.

Luz E. Herrera '99
April 26, 1999

Alum Just Doesn't Get It

One hundred and twenty-four people signed onto the following letter:

So one 1950 alum thinks that diversity is not a pressing issue at HLS ("Alum Says Reverse Discrimination Present in Admissions Decisions," April 9). We disagree.

Diversity is not just about gender, race, or ethnicity. The goal of HLS, as stated in the 1998-1999 Catalog, is "to provide comprehensive and enlightened training for law practice...[and] to make substantial contributions toward solving society's complex problems." For this reason, the Law School seeks leaders, entrepreneurs, scientists, parents, musicians, and journalists, as well as geographical and socio-economic diversity — a community of intelligent and interesting people with different experiences and points of view.

Competence is not measured solely through LSAT scores and GPAs. If it were, there would be no need to write essays or provide résumés and recommendations, and the Admis-

sions Committee would consist of a computer. Additionally, applicants have unequal academic opportunities: while some can afford private prep-schools, others attend public schools, which usually have fewer resources. Still others are the first college graduates in their family, in comparison with those who follow generations of Harvard graduates. Even something as simple as being able to afford SAT/LSAT prep-courses impacts a person's chances of admission. In turn, those who attend non-Ivy League universities may feel that this will prevent them from being admitted to a top law school.

The lack of faculty diversity is not due to the size of the qualified applicant pool. Faculty hiring, an inherently political process, involves many subjective factors besides merit. A look at the applicant pool makes clear that it is not so small as to justify the current homogenous faculty composition. Also, an offer is not all that

is required to bring diverse faculty to HLS — faculty have turned down offers from HLS. One reason that HLS misses out on qualified students and faculty is because they are not made to feel welcome here, unlike at other top schools (and insulting letters like Mr. Seidman's are part of the reason).

In order to prepare lawyers who can address society's complex problems, HLS needs to educate students from all segments of society. Mr. Seidman, your assertion is incorrect; many more than 40 students think diversity is important. For years, there have been numbers of students, faculty, and alumni who have advocated increased student and faculty diversity at the Law School. The law affects everyone in our society, and law schools have a responsibility to prepare advocates, policy makers, business leaders and scholars that represent all of the voices and experiences that make up this country.

Diana M. Saliceti Moran '01
April 26, 1999

Spike: Adieu to the Androgynous One

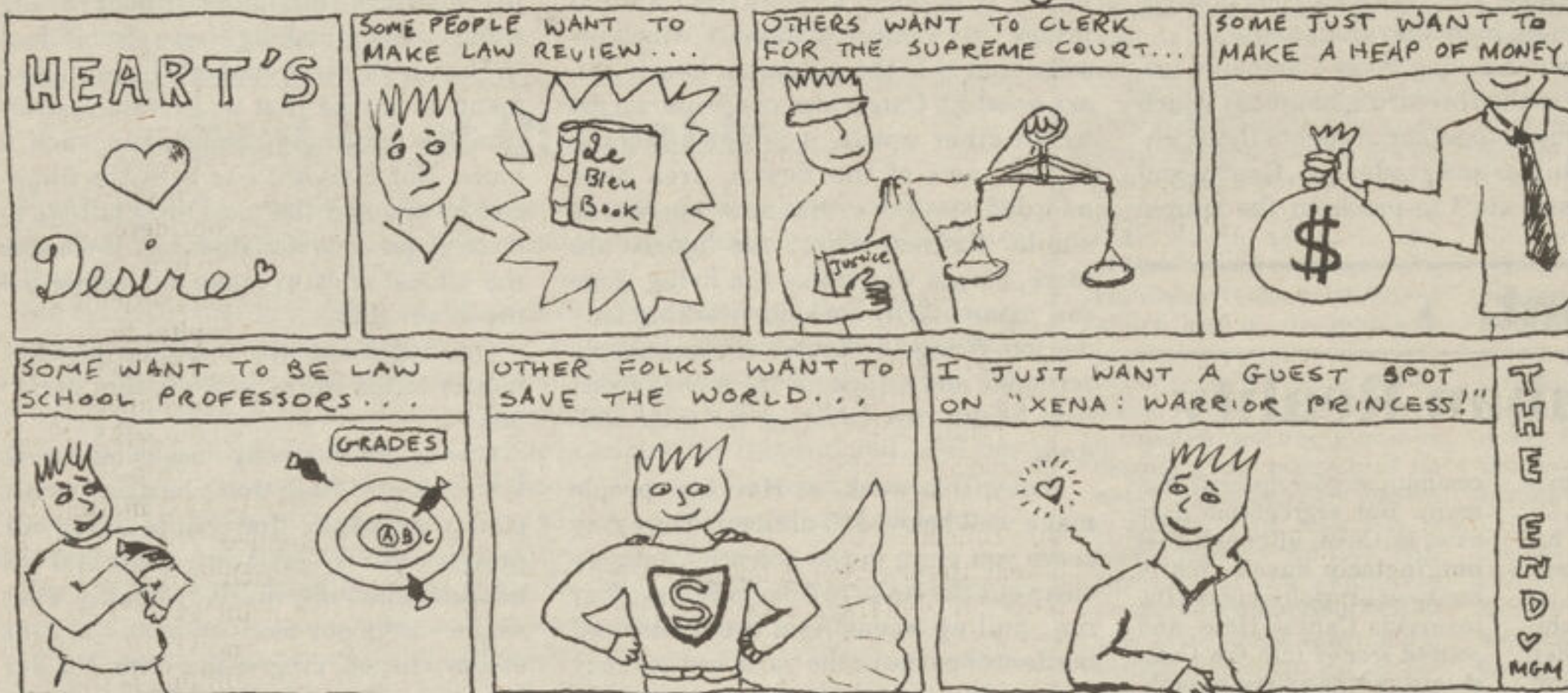
By Margie McWilliams

I've always wanted to draw a cartoon, so in some ways Spike is a childhood dream fulfilled. I first started drawing Spike in Contracts as an attempt to keep myself from going stir crazy. My classmates really liked it, even though the last art class I took was in sixth grade. I was surprised at the positive responses I've received from readers. Knowing that I'm making some people happy every week makes all the work worthwhile.

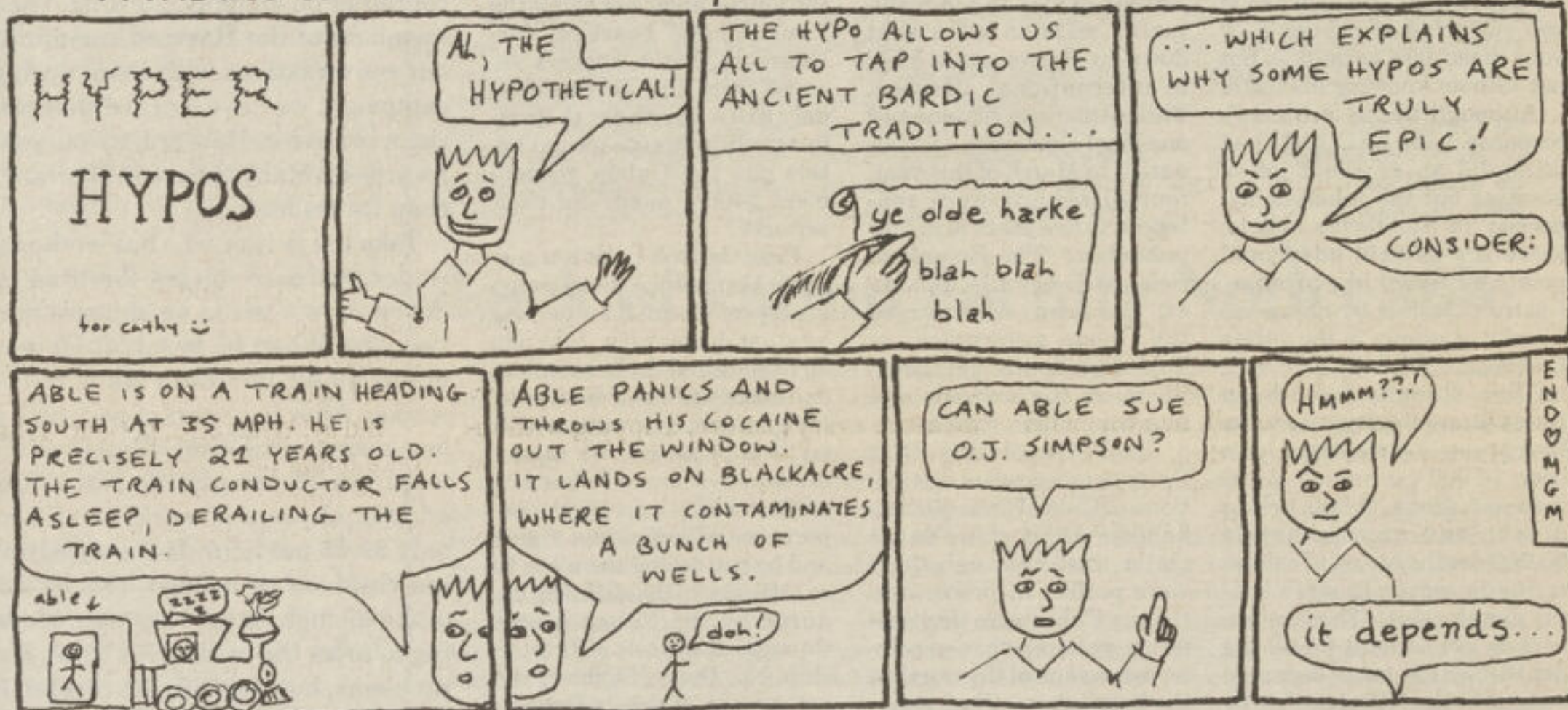
I want to thank the RECORD staff, especially Janie Kim, Ben Lehrer and Seth Persily, who were there at the very beginning. They encouraged me and, perhaps more important, gave me my own special lax deadline. I would also like to thank all of the many people who gave me ideas, jokes, inspiration etc. You kept Spike alive! Finally, I'd like to thank my friends, fans and faithful readers. You know who you are!

So, without further ado, here's three oldies but goodies, followed by the grand finale.

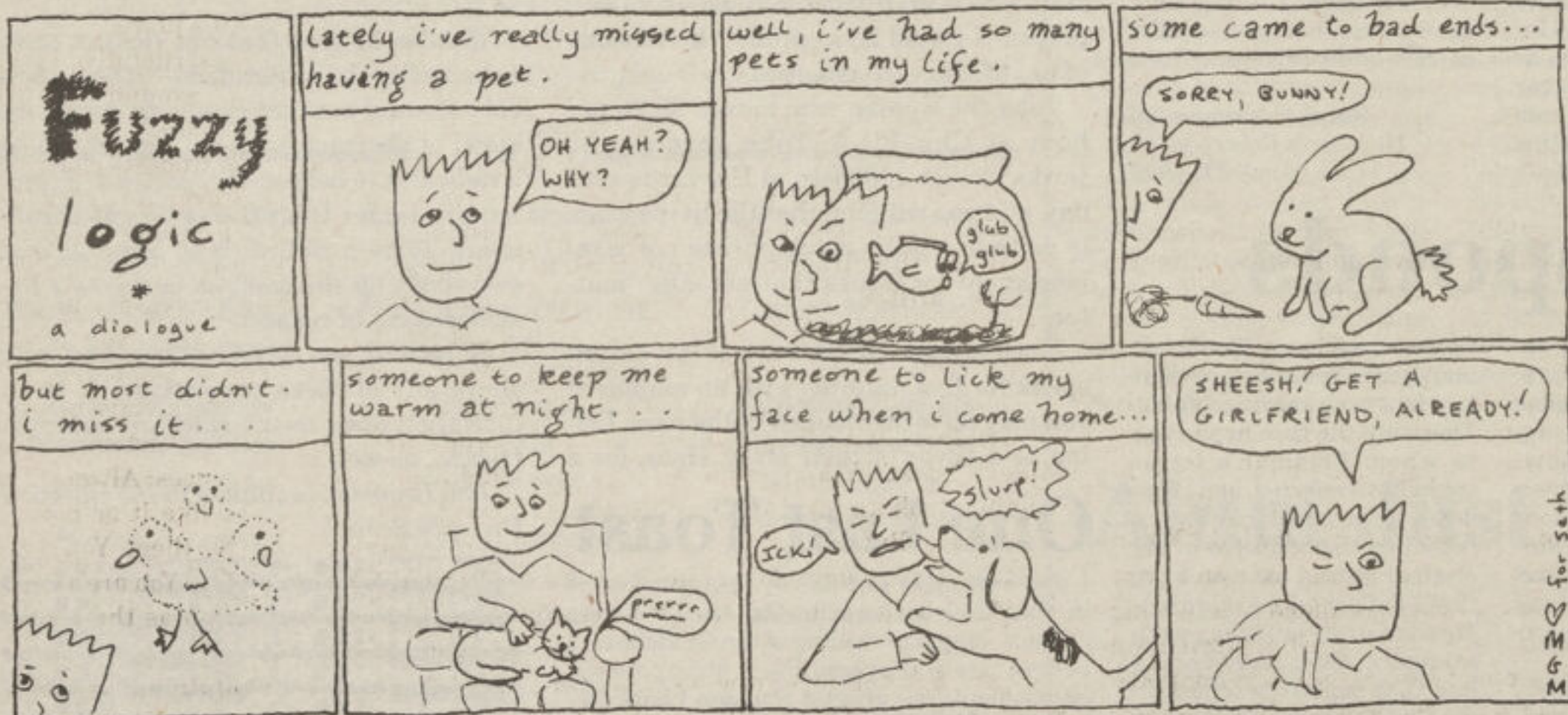
Margie's Favorite



A Tribute to Harvard Law Professors



The Ames Team's Favorite



Of Bulldozers and Butterflies

By Alex Boldizar '99
Staff Columnist

I'LL MISS YOU MOST OF ALL, SCARECROW

"It is later than you think," says an old Chinese proverb that I quoted in a column my One-L year. Now it is even later, so I can quote it again — it says so in the Bluebook, oh venerable Bluebook, how I shall miss thee. The end is around the corner and the wandering editor just told me that this is my final column. That is just as well, since my columns have become as repetitive and boring as that which they criticize. This is the real reason, Mr. Editor, why I tried to quit a few months ago, not over three commas. Three years, it's been for most of us, four for me (I'm slow). More than five years since that acceptance letter came, the letter that changed my life. For better or for worse? — that's a question I'll never answer, and all I can think is "wow," or perhaps "blue apples are tasty." The truth that covers up is that there is none. And yet, MiMi Lindsey '99 is absolutely right, and I too would give Joyce Curll a big Slovak hug if I saw her in the hallway. The letter she sent me, sent all of us, was the last time I remember being whole. A letter from God. Nothing was contingent, and Yale instantly had the status that a stray curl of hair assumes at the point of orgasm.

But now I am spent, and I still don't know what I wanna be when I grow up. There is only one thing I do know, only one thing I have learned in all these years — I do not want to be Earnest. Beyond that, I'll let others be sharp and clever, while I remain dull and stupid. I like it, and there is something to be said for liking it, whatever it is: Behold! Here am I! Dull and stupid, hear me roar!

Oh, how easy it is to talk like this with a Harvard Law School diploma on the wall. Too easy, almost. Well, I don't have that diploma yet, just a little plastic card

with a funny picture on it, and this publicly reflected reminder, bashing Harvard to remind myself that I truly am here, as Clinton had to embrace Lewinsky to remind himself that he was President, as some anonymous "friends" in my first year torts class wrote to tell me how ashamed they were that I had been allowed into Harvard Law School. They too had to remind themselves that they were truly here.

HLS. It really should only be a three letter word, like God or Law. What power that Name has at the beginning, a bliss that can blow out your personality like a megaton surge through an old fashioned 40 watt screw-fuse. That name, a simulacrum, and icon, with more reality than the people who seek it. And the Professors who wield that power on unsuspecting One-Ls, for our own good of course, only barely guiding the electric charge, burning out nervous systems in one fell swoop, or swell foop, or whatever that first month here is called. It was so long ago, yesterday, that I no longer remember it, whatever it is.

So I lost my dummy game, but I gained ever so much more. We all did. Didn't we? I should decide which; this column is my last chance to roar. Or squeak. It's a Heisenberg thing, you cannot tell a roar from a squeak. Or the hypocrisy quotient of either. "The vague ambiguity of life again accept it." If you stick a comma in my Rilke, I shall cut it off. But no, one should always go out with a whimper.

One last squeak: Harvard Law Students who, inside these hollow walls, watch every whimpering word, cautiously measure every gesture, dripping with reflected propriety and insecurity, defined through the walking mirrors keeping apace of them, suddenly, in the outside

world, turn into arrogant stubby little schlongs, ever so superior to their secretaries. There is something transcendent in the poor taste of such insecurity *cum* arrogance; and yet we are famous for it, except that most outsiders don't seem to see the glaring insecurity part. Those letters shine so bright, like a burning bush. Worst of all, however, you can't even punch these stubby types in the nose, 'cause instead of punching back, they'll sue you, all the while using words like "society" and "civilization." Blah. I'm counting on that degree to back up my dull-and-stupid show; so please, let us be arrogant, but deeply so, in the unseen core, not on the level of surface manifestations.

"Let us be..." Strange words to utter in this collective without a community. A caveat: the enemy of community is not the individual, but fragmentation. At Harvard Law School, both individual and community are fragmented, with fragments pursuing particular compartmentalized goals, leaving the whole to decay.

We are a little sick, a little mad, aren't we? People ask why I came to Harvard. Sometimes, I say because I got that beautiful letter from Joyce Curll, emblazoned with the silvery letters of welcome to a Name that only shimmered in the sky. Sometimes I say because I was seeking an eclectic, eccentric community of generalist intellectuals and weirdoes, the last Renaissance profession (sounds funny in hindsight, doesn't it?). These days, however, I usually just say "for the experience."

And oy! What an experience it has been! Like doing push ups with your soul (another funny word) while your friend is lighting your underwear on fire. And I



don't even believe in souls. Or, I didn't used to. But that was before mine ran off, leaving bones without pride.

I don't remember the good old days. People who wanted to be poets became poets, people who wanted money and power made money and power. The legal profession was in crisis,

enrollment in law schools was down across the country, and those who did come knew why, or at least had considered the question of the right way to live.

This led to a shortage of corporate types, harming the Dean's capital finance campaign. Worried, he asked his Assistants for suggestions. The first Assistant said, "Let's teach everyone that all the self-fulfillment noise is just sentimental crap, that wealth and social prestige is what matters." The Dean wasn't satisfied. This is what they always taught, preaching to the converted. The second Assistant said, "Let's teach them that self-fulfillment matters, but that what is really self-fulfilling is the memoranda, legal research, making money." The Dean said that this might convince some for a while, but was still not enough. So the third Assistant, the subtlest of all, said, "Let's teach them that self-fulfillment is important, true and absolutely necessary, but that there is no hurry." And the Dean saw that the third Assistant understood how to build a system.

I only mention this because I overheard some law students looking forward to retirement. And I became frightened.

Yet, I truly am looking forward to my firm. Perhaps I will even be able to unify knowledge and being while I am there. Perhaps. Until then, my underwear is on fire, and, but, yet there is no hurry. Bye-Bye.

Fenno

Last Week: Fenno was stopped in the Hark by an ominous character dressed in black. This week: the end of Fenno's adventures?

The dark figure extended its skeletal index finger and motioned to Fenno with an eerie deliberateness. Mist swirled around its head, and at last it spoke: "Come, Fenno. It is time."

Fenno waved his hand dismissively. "Cut the Ghost-Of-Christmas-Yet-To-Come stunt, amigo. And the smoke is a nice touch, but you can put out the cigarette now. You and your little clique may be able to control my life, but you don't impress me."

The ghostly apparition smiled for the first time. "Oh, no?" Out came the bony hand again, and in an instant the fingers snapped twice. Fenno jumped as the center of gravity in his chest made a sudden shift forward and felt the usual feeling of nausea as all his hormones radically realigned themselves.

"God DAMN it," Fenno yelled, "I hate it when you do that!" Fenno looked herself over, quickly assessing the damage, and gave a sigh of relief to see that it was just the usual: changed proportions, heightened insecurities and a certain wistful feeling that Dan Fridman's wedding had marked the passing of an era.

Fenno, shaken, reluctantly lowered her voice to a more deferential tone: "Did you have to do that so publicly? And me without my handbag..."

"Just a reminder, Fenno," came the response in the same dull, emotionless voice. "Don't forget who's in charge here."

"You think you're so high and mighty, just because you've got the magic pen. Well, not for much longer, Shakespeare. After seven tries, I finally passed Race Relations, and that's all that was standing in between me and freedom. Your little syndicate will just have to find someone else's life to chronicle. I'm outta here!"

At this, the apparition actually chuckled. "You still don't understand, do you?"

"What's to understand, tiger? G-R-A-D-U-A-T-I-O-N! One long-winded speech from John Cranley, and I'm free. It's time for the RECORD to get a new gig."

The gaunt figure only shook its head sadly. "You really think that Randall Kennedy's harsh grading is the only thing that's kept you at this place? Sometimes, it still amazes me how you got in here."

"Look, Homer," Fenno growled. "When I first came to this place, you and your little cronies weren't so much as a twinkle in your fathers' pants. I've forgotten more about Harvard Law School than you tykes will ever learn. So don't go lecturing me, big shot."

"Ah, but that's exactly why you won't be leaving, Fenno. HLS students come and HLS students go, but you somehow always manage to stick around. And it won't be any different this time."

Fenno let out an exasperated sigh. "But why, damn it? Haven't I done what I needed to? Decades of insulting all you people, year after year of ridiculous run-ins with bombastic professors, and a never-ending torrent of the cheapest alcohol available...it's enough already! Every year, a third of you go off to get rich and save the world, and every year I go back to hiding in my hole and swilling Everclear. I've had it!"

"Then go."

"What?"

"You heard me, Fenno. You've earned your freedom. Leave."

"Really?" Fenno was almost speechless.

"You mean it? Where can I go?"

"Oh," the figure said with a deliberately casual wave of its skeletal hand, "I'm sure you can find a place where you'll be wanted. After all these years of Harvard education, I'm sure you'd be an excellent fit at Cravath or Sullivan."

Fenno got up, a little unsteady on her feet. "Yeah... leave Cambridge. Cravath or Sullivan. Sounds good." She slowly stepped away, looking around the odd decor of the Hark as though she were seeing it for the first time. "But wait a minute, Milton. What are you people gonna do without me?"

This brought another too-casual wave. "Oh, don't you worry about us. We'll just fill the space with transcripts of Arthur Miller's latest TV appearances."

Fenno took an involuntary gulp of air. "Fast Artie! But... but..."

"It's like you said, Fenno. Time to move on. Make a clean break. It's the way of the world."

Fenno felt her legs grow weak underneath her, and she quickly grabbed her seat back. "Maybe I'll wait a few days before I head out. I hear Scott Janoe's throwing a kegger tomorrow, and it'd be a shame

to miss it..."

The mysterious envoy let out the bardest hint of a smile, and leaned back in its chair. "I think we both know you won't be leaving, Fenno. Not now, not in a few days, not at all. You need this place."

Fenno shook her head ruefully. "I guess you're right. But look around you. This place needs me even more."

The dark form rose from its chair, and gave a final nod of affirmation. "Now you understand. You are a creature of this institution. And as long as we have our petty spats, our windbag professors and our self-righteous classmates, you will be here. And when I and my compatriots say our good-byes, there will always be a new crop of the scared, the egotistical and the deluded to take our places. Always have been, always will. So like it or not, you will be here waiting for them. You're bigger than me, or any of us. You are as much a part of our foundation as the columns outside of Langdell."

"Oh, cut the inspirational bullshit. I need a drink."

"Of course you do," said the ghostly figure as it slid toward the exit. "Of course you do."

Quote of the Week

"Everyone said he would die working, and that's just about what happened."

— Roger Bearden '98, law clerk for the late Judge Walter J. Cummings '40.

The Buzz

By Tanya Marsh '00
RECORD Columnist

INDUSTRY INTRIGUES THREATEN SUMMER FLICKS

Most of the time, the story behind a movie's journey into the local cineplex is more interesting than the plot itself. We have a couple of prime examples in this summer's crop of movies: *Eyes Wide Shut* and *Dogma*. I'll even throw in some *Star Wars* chatter for the fun of it. (Many thanks to my media guru friend Chris Nimz for inspiring and contributing to this story.)

Stanley Kubrick made the final cut on his psychological thriller *Eyes Wide Shut* days before his death earlier this year. Starring Tom Cruise and Nicole Kidman, the film has generated controversy for over two years. First, the pairing of Kubrick, the brilliant but reclusive director and Cruise, the box office phenomenon yearning for critical success, seemed to be a perfect match. Then the shoots and reshoots dragged on, eventually consuming a year and half of Cruise's and Kidman's time (an unprecedented amount of time to spend on one movie). They weren't complaining, but you should have heard their agents, weeping into their lattes as the couple was forced to pass on juicy, and lucrative, roles. Then at the ShoWest convention this year (an annual shmooze-fest in Vegas for theater owners hosted by the film companies) the first footage of *Eyes Wide Shut* was unveiled. In the 90-second preview, Kidman, clad in eyeglasses, and Cruise, wearing even less, kiss and caress in front of a large mirror. Thus we get controversy number three. Could the MPAA possibly slap Kubrick's last film with the kiss of death, the NC-17 (no one under 17 allowed, no matter what) rating? The London Daily Express reported this week that it has, allegedly citing "some of the most sexually explicit material ever encountered in a mainstream film" as the reason behind the tough rating. Cutting the film appears to be out of the question, as Cruise has angrily stated that anyone who wants to edit *Eyes Wide Shut* will have to go through him. Ooooh. I shiver. Anyway, it may be too early to panic, as E! Online is currently reporting that "studio sources" told them that the movie has yet to be screened for the ratings board. The release date is July 16, so we'll find out soon enough.

The second of our stories involves the ever-changing ownership of Kevin Smith's new movie, *Dogma*. Developed by Disney subsidiary Miramax, *Dogma*'s release

date has been in flux since religious groups were tipped off that this raunchy satire found nothing sacred. Reportedly disturbed by a few choice scenes, Michael Eisner "suggested" that Miramax cut their ties to the completed film. Miramax co-chairs Harvey and Bob Weinstein put up \$12 million of their own cash on April 7 to buy the negative from their own company, and plan to release the film independently. Hot on the heels of *Shakespeare in Love*'s triumph at the Oscars, the Weinsteins have a lot of leverage to broker a sweet deal.

This isn't the first time that the Miramax/Disney partnership has resulted in negative attention from religious groups. In 1995, the studios were blasted by Catholic groups over the movie *Priest*, about a gay clergyman. The following year, the Weinstein brothers set up their own ad hoc company, Shining Excalibur, to release the film after it earned an NC-17 rating. (Disney has a policy against releasing NC17 movies — good thing they don't own *Eyes Wide Shut*!)

The major difference this time is that *Dogma* is reportedly nowhere near an NC-17 rating. Kevin Smith is a very marketable young director, and the movie stars the Cambridge duo of Ben Affleck and Matt Damon, as well as Chris Rock, Linda Fiorentino and Alanis Morissette. Although Smith isn't talking about the poor opinion the Disney folks have of his film, people close to him say he attributes at least part of Disney's skittishness to a scene in which Damon and Affleck, playing angels, walk into the board meeting of a Disney-like firm and rattle off lewd personal histories of the execs as cartoon music plays in the background. The New York Post suggested a few other plot points that might be troubling the conservative Eisner: "Among [*Dogma*'s] elements are a trash-talking 13th apostle, the notion that Joseph and Mary had sex, a female descendant of Jesus who works in an abortion clinic, a Skee-ball-obsessed God and an updated Christ who no longer hangs from the cross but instead offers a thumbs-up salute." William Donohue, president of the New York-based Catholic League for Religious and Civil Rights, has lobbied Eisner to drop the film. Donohue explained to Inside Cover magazine that he's trying to be understanding of Smith's artistic vision, like the casting of Alanis Morissette as God. "We have no objection to God being played

by a female, but this is a woman who has come straight from doing a nude music video where the lyrics are about oral sex." Donohue is not so tolerant about other casting choices: "Miramax has some of the apostles doubling as drug dealers. There's obviously an agenda at work here," says Donohue.

Kevin Smith exploded on the Hollywood scene in 1994 with his low budget comedy *Clerks*. Despite the shoddy production values and bad acting (except for Jeff Anderson), the movie quickly gained cult status and allowed Smith greater freedom in his follow-up pairing of *Mallrats* (Jason Lee, Jeremy London) and *Chasing Amy* (Ben Affleck, Joey Lauren Adams). Smith is the William Faulkner of '90s cinema: he has created his own Jersey world populated by a group of socially dysfunctional, potty mouthed slackers. Each film features a pair of male best friends who share Smith's own twin obsessions: *Star Wars* and comic books. The three movies also share the ubiquitous duo of Jay and Silent Bob, the chronic blunt smoking superheroes in their own minds. (Check out Bob's Jedi mind trick in *Mallrats*.) Anyway, I provide this short background on Kevin Smith's short but illustrious moviemaking history to underline my main point: what kind of movie did Disney think *Dogma* would turn out to be?

If you've made it through all that industry intrigue, you deserve a few tidbits about the one and only *Star Wars: The Phantom Menace*. We are 19 days away from the premiere and already some experts are saying this could rival the Y2K bug in terms of disrupting the American economy. USA Today reports that millions of Americans will call in sick on May 19. *The Phantom Menace* is expected to gross \$100 million in its first weekend of release!

To give you a little perspective, the *Titanic* juggernaut grossed \$601 million in the U.S., smashing previous box office records (the original *Star Wars* is number two with \$461 million). Very conservative estimates say the film will top out at \$400 million, while more realistic numbers hover around the \$1 billion mark. One billion dollars. In the United States alone. For a single movie. It makes me swoon. Now consider that 20th Century Fox, which is distributing the film for George Lucas (who independently financed it), made the unprecedented decision to invest minimal dollars in paid media. Yes, you heard me correctly: *Star Wars* is relying almost entirely on people like me (and slightly larger circulation publications, like *Premiere* and *Time*) to hype their movie. Advertising costs usually equal or exceed the cost of producing a movie, so for a big summer movie like *Star Wars*, Fox is probably saving well over \$150 million (for comparison, that lizard movie, *Godzilla*, spent over \$250 million on advertising).

Ready for another fun fact? Lucas is limiting the previews which run in front of *The Phantom Menace* to eight minutes, far shorter than the usual allotment. This has made the space available for theater owners to fill more valuable than half-time commercials at the Super Bowl. It has also made the film companies very unhappy as they try to shave down their normal two-and-a-half-minute previews to increase their chances of catching the largest audience ever. The power! The glory! Let the force be with you!

So friends, thanks for reading the Buzz this year. Have a great summer, and I'll see you at the movies.

Major Summer Releases

Star Wars: The Phantom Menace May 19
Austin Powers 2: The Spy Who Shagged Me June 11 — Mike Meyers
South Park: Bigger, Longer, Uncut June 11
Notting Hill June 18 — Hugh Grant and Julia Roberts
Big Daddy June 25 — Adam Sandler, Joey Lauren Adams (*Chasing Amy*)
The Wild, Wild West July 2 — Will Smith, Kevin Kline, Kenneth Branagh
Inspector Gadget July 2 — Matthew Broderick
Eyes Wide Shut July 16 — Tom Cruise, Nicole Kidman
Muppets in Space July 23 — Muppets with David Arquette and Ray Liotta
Random Hearts July 30 — Harrison Ford, Kristin Scott Thomas

PERSPECTIVE

By Etta Nelson

Kevorkian Deals in Death, not Care

I was an infant when my mother killed herself. Seventeen years after my mother's death, my alcoholic father told me that my mother committed suicide because she had been sick for a long time and her doctor had not been able to find anything physically wrong with her. Although I'll never be sure, I believe that my mother wanted to end her suffering, not her life. I believe that this same reasoning can be expanded to many of the people who sought the help of Dr. Jack Kevorkian to commit suicide. One hundred and thirty people died in his suicide machines.

It finally took the airing of one of his murders on national T.V. to result in Kevorkian being sentenced to 10 to 25 years in prison on April 13. As Judge Jessica Cooper stated to Kevorkian, "When you purposely inject another human being with what you know is a lethal dose, that sir, is murder." She also commented that Kevorkian "... had no right to be in control of any type of controlled substance, let alone deliver it to anyone else."

Those of us who have followed Dr. Death's "career" have known these facts for some time. What is it about the mem-

bers of our society that tolerate and even staunchly support Kevorkian's actions, in spite of the fact that many of his victims were not terminally ill?

The supporters of these methods of suicide profess that an individual has a constitutional "right" to seek when and how to die, including obtaining assistance in the taking of one's own life.

Many people in the assisted-suicide controversy have asked where to draw the line. The American Medical Association has taken a firm stance against physician-assisted suicide. Testifying before Congress, Carlos F. Gomez, M.D. characterized Kevorkian and others of his ilk as a symptom of "the devaluation of human life at the end of life" and questioned the depiction of assisted suicide by its proponents as "a painless, merciful and, let us be honest here, economic end." Gomez said the medical profession was well able to alleviate and control the worst of symptoms that set on at the end of life.

The physically ill are not the only ones targeted by supporters of death on demand. Some of the most outraged members of our society opposing this form of

death are members of various disability rights groups. Woody Osborn, a full-time civil rights specialist and quadriplegic and member of the group Not Dead Yet, says that society views the deaths of the disabled as more desirable than providing them services such as in-home care that would allow them to live as free and independent citizens. "Many of us are caged in nursing homes and institutions or dependent on a family member — the two main circumstances that lead to assisted suicide," he said.

Finally, there is one other group in our society that suffers excruciating pain caused by this lethal weapon. This group, the family members and loved ones who are left behind to grieve their loss, is known as Survivors of Suicide (SOS).

The feeling of abandonment that I experienced due to my mother's suicide tortured and tormented me most of my life. In 1975, I was a doctoral student in criminal justice with "everything going for me" — everything except a will to live. At 24, I could no longer endure the overpowering burden of guilt. I decided that my only alternative was suicide. I certainly wasn't terminally ill, yet my thoughts were ob-

essed with one thing — ending my life.

I can easily identify with many of Kevorkian's victims. The only difference is that there wasn't a Dr. Death available to me. For this fact I am very thankful. I may have sought his assistance since I was so clinically depressed (as were some of his victims). While my depression drove me to shoot myself in 1975, God spared my life.

Because of the outstanding medical treatment that I received, both for the gunshot wound and for the clinical depression, I barely survived this life-threatening act.

Physicians are trained to save lives not to end them. Today, twenty-four years later, I lead a happy and productive life.

How many of Kevorkian's 130 victims might have been able to make similar statements if they had not been murdered?

Undoubtedly, the verdict in Jack Kevorkian's trial will result in a re-examination of the ethical, moral and legal issues that form the physician-assisted suicide debate. Hopefully, these debates will include thorough and conclusive scientific evidence that concern all parties affected by such inhuman practices.

Etta Nelson is a student mediator in the Law School's Program on Negotiation.

Her Indie World at the Movies

By Suzanne Carter '00
RECORD Columnist

MAGIC CARPET RIDE

"Go" is an exhilarating joyride of a movie, the type of film that you can't help but mentally replay weeks after you've seen it. Invigorating, inventive and visually arresting, films like "Go" are the reason people go to the movies.

The movie begins with the tale of Ronna, played by Canadian actress Sarah Polley ("The Sweet Hereafter"). Ronna, a supermarket earlier hardened into her 17 years, is so urgently in debt that she agrees to become a drug dealer for a night at the behest of a couple of soap opera stars distressed to find that their usual connection has taken a couple days off from his supermarket checker-cum-dealer shtick.

Polley's eyes, which seemingly encompass her entire face, are startling in their distant surveillance; the actress is so talented that we sympathize with Ronna from the start. She may be unblinkingly self-centered — for "collateral," she leaves her friend and co-worker, Katie Holmes ("Dawson's Creek"), with a creepy, dominating drug dealer (Timothy Olyphant) — but she's likably savvy as well. In a scene worth the price of admission in and of itself, she knowingly sells over-the-counter cold pills masquerading as Ecstasy to some clueless high schoolers, who appropriately get high.

But just as we're ready to enjoy another 90 minutes of Ronna, the action switches, and we are plunged into the world of Simon (Desmond Askew), the stars' usual drug connection, road-tripping to Vegas with his buddies — Marcus, played by Taye Diggs ("How Stella Got Her Groove Back"), and Tiny, played by Breckin Meyer ("Clueless"). The interplay between Diggs, an African American forever conscious of being such, and Meyer, a wannabe pretty fly white guy, is hilarious. As Tiny tries to convince his friends that his "mamma's mamma's mamma" was black, Marcus rolls his eyes: "If you were any whiter, you'd be clear."

But that's just the beginning of their journey — a very angry strip-club bouncer, a stolen Ferrari, a truly thrilling car chase, a bridesmaid lover's fantasy and a bad surf-and-turf experience follow before the film boomerangs back into the world of the soap opera stars, Zack, played by Jay Mohr ("Jerry Maguire," "Saturday Night Live"), and Adam, played by Scott Wolf ("Party of Five"). Zack and Adam are closeted lovers, but their closet seems to have a window. Everyone from Holmes's checkout girl to the creepy cop out to nab the boys' dealer (played by William Fichtner) can easily decipher their sexual

orientation despite the actors' protestations. Fichtner, in fact, wants more from the duo than their drug connections — but then again, so does his wife, played by Jane Krakowski (who, between "Ally McBeal" and "Go," seems to have a ready-made career portraying slightly over-the-hill bimboette hopefuls).

The film's director, Doug Liman, also directed "Swingers," the 1996 indie hit in which would-be Rat Packers troll L.A. and Vegas in search of anything that might enhance their street cred. Liman, a Brown alum and the son of the late Arthur Liman, chief counsel to the Senate committee which investigated Iran-Contra in the late '80s, created with "Swingers" a style and a lingo all his own ("She's business class, baby," one character told another, meaning that the she in question had a rear end too big to fly coach), and with "Go" Liman's uniqueness is augmented. Naturally, the film's sharp, funny, blink-and-you'll-miss-it screenplay and its disjointed use of time have made it ripe for comparisons to the work of a certain hyped director who hit it big with a similar story of drugs and money in L.A. But the problem with "Pulp Fiction" was that its characters were unsym-



pathetic scum. "Go" rectifies this by focusing on sympathetic scum. You wouldn't count on any of these characters to commit random acts of kindness, but you wouldn't mind exchanging jabs over a beer with any of them, either.

Quentin Tarantino is the Specter-By-Which-All-Other-Filmmakers-Are-Measured, but Liman cribbs from other directors as well. He holds an obvious affinity for "Trainspotting," and "Go" harkens to Kevin Smith's "Clerks" and the Coen brothers' "Blood Simple" (particularly in the scene in which Simon and co. frantically try to exit a hotel room).

Drawing such comparisons has little use other than to demonstrate one's knowledge of independent film. As Liman's pop-goes-the-culture dialogue suggests, everything is related to everything else; we have become so inundated with media influence that seldom can we claim an original thought.

It's no matter, though — life moves so fast that keeping up with it leaves us little time to philosophize. That is what it is to be an American youth veering toward the year 2000, unable to feel, to think, to do anything but go.

SPORTSGUY

HEMENWAY'S SWAN SONG

By Josh Swartz '99
RECORD Columnist

With the imminent demise of its home court virtually assured, HLS Intramural Basketball gears up this week for one final playoff run at Hemenway Gymnasium. The administration has yet to decide on a site for a new athletic facility, although plans call for spending another few hundred thousand dollars to rehire McKinsey to study the issue. While the recent survey confirmed that law students do in fact desire a more modern athletic facility, preliminary feasibility studies indicated that converting the hallway between Lewis and Areeda into a basketball court would still leave enough room for students to pass in between the two buildings. Alas, Dean Clark, who once called the proposal "both cost effective and humane," shelved the idea for fear that students would injure themselves if exposed to that much sunlight. The Sportsguy learned that another logical site for a new weight room, the Harkbox Café area, also was tabled earlier in the week after the Dean reopened an old consulting study completed in 1938 that concluded that the ideal weight room and training facility should be constructed 20 feet underground, without ventilation, and directly adjacent to a maintenance closet. It also recommended against updating the exercise equipment as doing so would only serve "to confuse students." Whatever the administration ultimately decides, Hemenway, warts and

all, will be sorely missed.

Worries that the start of playoffs would be delayed were alleviated late last weekend, as all playoff-bound teams agreed to sign a liability waiver that bars any claim resulting from injuries suffered due to inadequate lighting and unsafe floor conditions. Apparently, after engaging in a complicated Learned Hand "b>pl analysis," the Dean released the following terse statement: "The pigeons are simply not our problem. Play ball." Hazardous conditions aside, before Hemenway meets its final fate as premium office space, come out and watch some basketball as the gym plays host to playoffs in all three leagues for the last time (just don't sit under one of the two broken baskets).

The A-league regular season ended last week with The Irrationals (6-2) as the top seed by virtue of their two victories over #2 Black Plague (6-2). Playoffs open this week with #3 Washburn High (5-3) facing off against #6 Chocolate Thunder (1-7) and #4 The Supreme Court (3-5) battling #5 History & Literature. It looks like a toss-up between the top three teams, with the Irrationals getting a slight edge. Since this is the last issue for the year, the Sportsguy offers a peek into the voting for the all-league team. In the front court, the Plague's **Earnest** the longest **Voyard** '00 garners his first all-league award after coming back from knee surgery to dominate the paint. The

Irrationals' **Amir** flesh wound **Arbabi** '00 makes his first appearance on the team on the strength of his pin-point outside shooting. Washburn's **Ian Patel** her about it '00 earned his way onto the team while averaging 19 points and 8 rebounds a game this season. The Plague also sends point-forward **Jamaal Lesane** in the membrane '01 whose ability to control the game belies his lack of HLS experience. The Irrationals' **Matt I** can see for miles and **Giles** '99 looks like a lock to grab honors with his stellar shooting and Washburn's **Jesse James Ransom** '99 also will nail down his second all-league award with hard-nosed defense and consistent three-point shooting. On the list of others receiving votes: next of **Kindocka Sanders** '00, The Red Planet **Lars Johnson** '01, **Joe Drexel**, Burnham, **Lambert** '00, **Corey Wilson Phillips** '01, The **Rick Patterson** '99, step up to the **Mike Rishty** '01 and **Dan Ted Williams Tunnel** '01.

The MVP will not be decided until the champion is crowned, but other awards have already been handed down. The Plague's **Jamaal Lesane** is the easy choice for rookie of the year as he led the league in scoring and trash talking. Morning **Woodie Dixon** '99 gets his second defensive player of the year title, despite admittedly losing some enthusiasm for the game. The Plague's truth or **Darian Futrell** '01 captured Sixth-man of the year and the new "Eighth Man of the Year" award goes to **Dan Flash Gordon** '99, the softest 6'5" HLS has seen in a long time.

Playoffs also open in the C-League this week as the Booties and the Beasts (8-0) look to stay firmly ensconced as the top team in town when they open against #8 El Niño (2-6). In other first round games, #2 The Oat Sma (6-2) squares off against #7 CR-CL (2-6), #3 Legacy of Conquest (6-2) battles #6 Erica's BSA Ballers (3-5) and #4 Twisted Sister (5-3) tackles #4 Monster Mash (4-3). Newly engaged BSA Baller captain, **Chris Cherry Garcia** '99, looks to make good on a promise to shave his head if his team wins the C-league crown. After hearing of Garcia's infamous pledge, **Tyrone** sweat of the **Brown** '99,



captain of the Ballers first-round opponent, commented, "His fiancée has nothing to worry about." Before the playoffs, the league office tabulated votes for some C-League awards. The all-league team, without regard to position, is led by the Booties' **Karyn Groce** point blank '99, who often outscored opponents single-handedly. Also making the list were BSA Baller **Natasha** chocolate-dipped waffle **Kohne** '00, who stabilized the Ballers' often sporadic offense with her consistent play. The Oat Sma's **Tammy Albarra** '99 received support by playing gritty defense all year. Legacy of Conquest sent **Misty Light** of morn '01, who often can be found practicing her jumper in the afternoons. Rounding out the list is the Hype's **Tom & Becky Reiter** '01, who led the league in steals.

The B-League playoffs begin today with second-round action on Saturday. The Godfathers of Dunk enter the post-season as the #1 seed, despite surviving a couple of close games down the stretch. As last week's column indicated, contention runs deep in the B-league, and any one of ten teams has a legitimate shot to win it all. Please come down and catch some of the exciting hoops action all week long. Finals for all three leagues will be decided next Thursday, May 6, beginning at 7:45 p.m.

This marks the final column for the year and the end of my reign as the Sportsguy. Before I leave, I want to acknowledge a few people who provided plenty of fodder for the column for the past two years. Special thanks to: **Jim Okie Doak** '00 for designing this year's complicated scheduling matrix; **Chris Matarese**'s pieces '99 for hours of entertaining "basketball"; **Wendy** a View to a **Killian** '99 for the great parking space advice; **Hani Wonder Barhoush** '99 for playing smart defense for three years; **Tami** at my **Horwitz** end '99 for all those tasty home-cooked meals; **Brandon** freedom of the **Press** '99 for those great impressions; **Matt O'Shea** stadium for not developing a left hand; **Jesse King's Ransom** '99 for just being Jesse; and finally, thanks to the referees, without whom intramural basketball would not be possible.



A team of international archaeologists search for signs of Homo Legalis, Jimmy Hoffa and HLS's #1 ranking as Dean Clark looks on from his Griswold lair.

Travelogue

By Sunny Chu '00 and Michelle Toy '01

HALS GOES TO BANGKOK

Prostitution, corruption and economic implosion: these three problems facing Thai society were confronted head-on by 15 members of the Harvard Asia Law Society during their spring break trip to Bangkok.

Thailand's infamous sex industry draws sizable numbers of tourists. In order to investigate the problems faced by Thailand's prostitutes, the HALS entourage visited the Empower Foundation, located in the heart of Bangkok's red light district. Chantawipa Apisuk, the secretary general of the group and a former HLS Human Rights Fellow, said that while prostitution is technically illegal in Thailand, lax enforcement, bribery and minimal punishments make the law virtually useless.

Empower Foundation seeks to inform these women of their legal rights, educate them about AIDS and teach them life and self-sufficiency skills. The government has recognized Empower Foundation's impact, and as a result, it funds one-third of the group's budget. Apisuk emphasized that prostitution was an economic problem, influenced by tourist demand and severe rural poverty that creates an exodus into the cities. Hence, laws, even if enforced, ignore the roots of the underlying problems. The organization presently serves over 3000 women, and its success can be seen in the fact that 12 of these members have gone on to receive college degrees.

The HALS trip was undertaken to study Thailand's economic, political and

social conditions following the financial meltdown of July 1997. Many important events coincided with the trip: the government announced a \$3.5 billion dollar pump priming package, and the IMF finalized its negotiations with Thai government over several economic reforms.

Many Thai officials showed a sincere willingness to reform areas such as banking, law enforcement and securities law; however, some were hesitant to speak on the record about specific reforms. H.E. Abhisit Vejjajiva, one of Time magazine's Top Ten Up-and-Coming Ministers, answered a student question on government corruption by discussing how the freedom of Thailand's press made stories of corruption more prominent than in other countries. As a result, Thailand appeared more corrupt than countries with a more restricted press. Nonetheless, Thai law is evolving to deal with corruption; for example, a new law required complete asset disclosures by members of parliament, both before and after taking office.

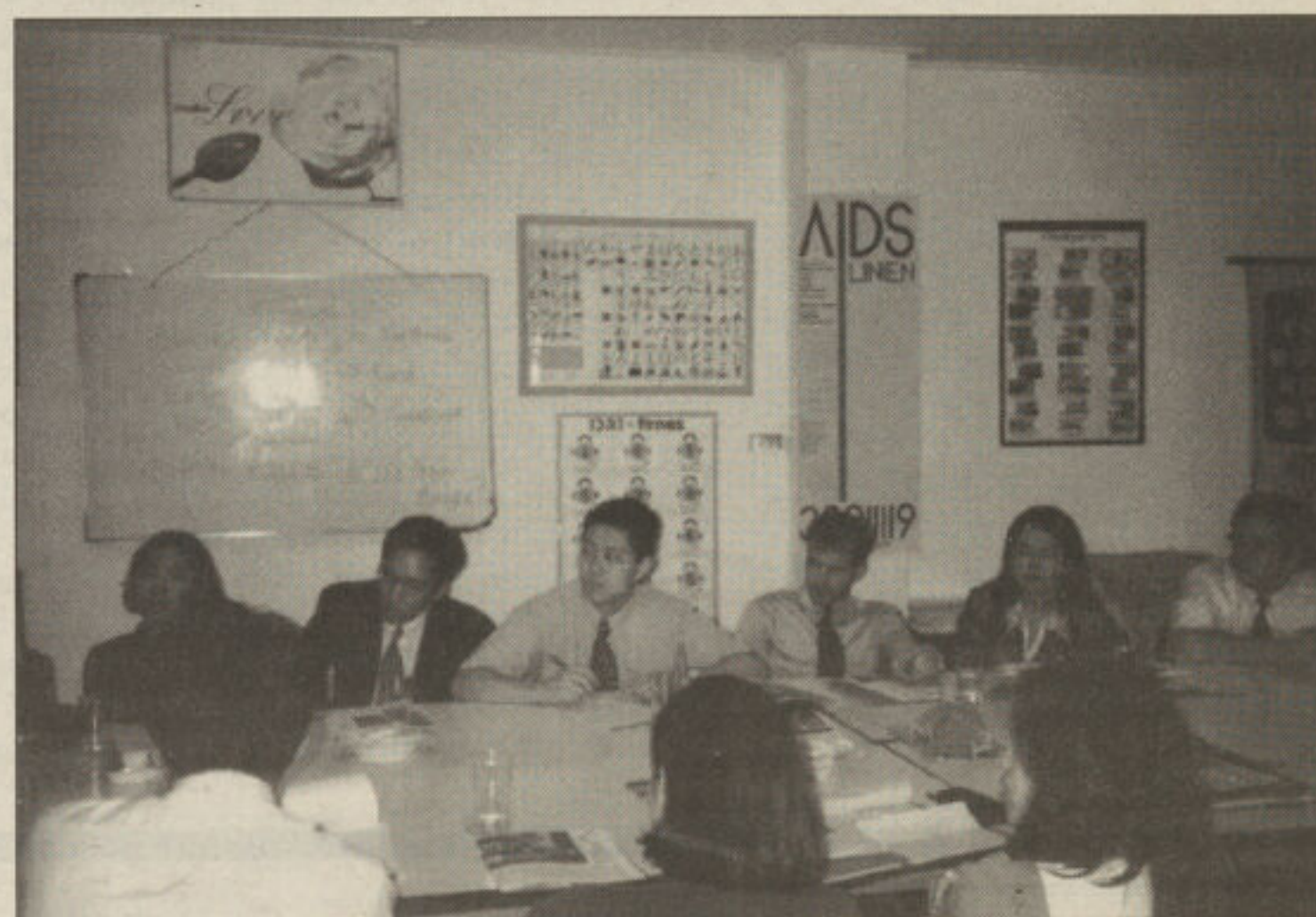
Another frank discussion took place with Amaret Sila-On, the chairman of the Stock Exchange of Thailand (SET). Within the newly-built SET headquarters, Sila-On provided his thoughts on Thai and US culture. He stressed the need for the younger generation of Thai leaders to take a more pro-active role, particularly in areas such as banking, where he foresaw substantial turnover.

Providing an academic account of Thailand's historic connections to the West

was Prof. Thongtong Chandarangsul L.L.M. '91, the dean-designate of the Faculty of Law at Chulalongkorn University. Chandarangsul gave a background discussion of Thai history, explaining how King Rama V crafted a legal code with the assistance of Western advisors. As it currently exists, Thai law embodies a "mixed" system of customary, Buddhist, civil and common laws. Although Thailand is now a democracy, the royalty is still influential and revered by both its citizens and its gov-

ernment. This results in part from the king's and queen's active efforts to increase the self-sufficiency of local communities by creating "projects" — such as crop replacement to fight opium and artisan schools for folk villages.

HALS President Melindah Musa '99 reflected on the trip. "After hearing so much academic discussion of the Asian financial crisis, it was very useful to visit ground zero, where it all began," said Musa.



Courtesy HALS

The HALS delegation at the Empower Foundation in the heart of Bangkok's red light district.

Revelations

By Andrew Varcoe '99

FAITH AND FORGIVENESS — AT HLS?

When I came to HLS, I had been a serious Christian for five years. Just before entering college, I had an experience of God that changed my life.

As a somewhat conventional Methodist (albeit one who attended church irregularly, when he did at all, and who knew nothing of "fellowship groups"), I wanted very much to believe that there was a God and that life was meaningful, but I had my doubts. This experience gave me no excuse for doubting. It was as if God had

hit me on the head with a hammer. In reading chapter six of the book of Isaiah, I would later find an account that reminded me of my experience.

Since then I have made many a mistake and committed many a grievous wrong, but God has unfailingly guided me when I needed direction. I came here with the unexpected conviction that HLS was precisely where God wanted me to be: a place where I could grow in faith and other virtues. Humility, for instance. My first grade report was stupendously en-

couraging. Remembering that pride cometh before a fall, I prayed in the spring that God would give me Bs — all Bs — that semester if this was His will. Suffice it to say that God answers prayer. (Mercifully, some of the Bs were B-pluses.) A rather more frightening experience occurred near the very beginning of my 1L year.

One evening in October of 1996, I went to bed quite late, deeply troubled by my persistent feelings of anger and regret over a failed dating relationship that exempli-

fied my penchant for terrible mistakes and wrongs against others. I recalled that at one point I had consciously decided that in order to recompense my girlfriend for the wrongs that she had committed against me, I would hate her. Two and a half years after the fact, the effects of my decision lingered: I was still bitter.

As I lay on my bed thinking, the feeling of hatred that I remembered seemed to appear, to coagulate or materialize, in the middle of my HLS dormitory room. I distinctly remember being awake; my eyes were not closed. In my diary, I would describe the thing I saw as an oppressive presence, almost a gathered cloud. I began to grow afraid. Nobody, I presume, enjoys seeing mysterious clouds in such circumstances. I said the Lord's Prayer, but I found myself unable to finish, to ask God to "deliver us from evil" — "from the Evil One." Now I grew very afraid. I attempted to finish the prayer again, beginning this time, oddly enough, with the petition that exactly fit my plight: "Forgive us our sins, as we forgive those who sin against us." Was I achieving forgiveness, finally? Now I was able to finish the prayer, and then to call upon Jesus to save me from the evil presence. Immediately the thing vanished. I felt free. I also felt shaken and very, very frightened.

I'm not sure what I saw that night. I do think I understood the lesson God was trying to teach me. Acting on it has taken me a while and is taking me a while. In the words of Jesus: if we do not forgive others their wrongs, God will not forgive us ours.

This is what the Lord says: I will give you utter peace if you trust in my Son Jesus. My own experience of God and His mercy testifies to this. May He bless the experiences of all of us who seek Him in truth with transparent hearts.

This article is adapted from a longer talk that Mr. Varcoe gave on April 16 to the HLS Christian Fellowship.

~ IN MEMORIAM ~

"Aristocrat" Judge Cummings '40 of the Seventh Circuit Dead at 82

By Janie Kim

Judge Walter J. Cummings '40 of the Court of Appeals for the Seventh Circuit (Illinois, Indiana, and Washington) died of pneumonia this Saturday in Chicago. He was 82.

In August 1966, President Lyndon Johnson appointed Cummings to the Seventh Circuit, where he presided as chief judge from 1981 to 1986. Cummings sat on the Seventh Circuit bench as an active member until his death, refusing to take senior status even towards the end of his 32-years at the Court.

"Everyone said he would die working and that's just about what happened," said Roger Bearden '98, law clerk to Cummings.

Cummings produced over 2,700 opinions, many of which are considered landmarks.

In 1998, Cummings determined that a school which received Title IX money could

be held liable for its failure to take action in response to student-on-student harassment.

In *U.S. v. Seale* (1972), Judge Cummings reversed contempt findings against Black Panther Party Chairman Bobby G. Seale, a member of the "Chicago Seven." The Chicago Seven were arrested at the 1968 Democratic National Convention in Chicago in the midst of Vietnam War protests.

In *Daniel v. Int'l Brotherhood of Teamsters* (1977), Cummings ruled that a union member's interest in his pension qualified as a "security," subjecting it to U.S. securities laws. The decision exposed the financial management policies of the Teamsters to civil liability.

Richard Posner, Chief Judge of the Seventh Circuit, called Cummings "the complete aristocrat."

Speaking at a celebration honoring Cummings' thirtieth anniversary as a member of the Court, Posner remarked,

"Judges know each other in a way the rest of the world cannot.

"I know Walter to be a just, business-like, unpartisan, unvain, unquarrelsome judge, a judge impervious to praise or blame, as all judges should be, a judge not given to self-display ... a judge who believes that the test of good manners is to be patient with bad ones."

Cummings served as U.S. Solicitor General for two years during the Truman Administration. Appointed in 1952 at age 36, Cummings was the youngest Solicitor General in history. The Solicitor General represents the U.S. government in cases before the Supreme Court.

Unable to enlist in the military because of "wretched eyesight," Cummings graduated from Harvard Law School in 1940 while World War II raged in Europe and the Pacific. He completed his undergraduate studies at Yale University in just three years, graduating in 1937.

Can You Spare a Razor Blade?

THE BLISS OF SUBURBAN DAMNATION

By Dusan Stojkovic '00
RECORD Columnist

Temptation, thine name is complacency. That, in a nutshell, is the gist of Philip Saville's recent film "Metroland," a little, slovenly indie flick that certainly could, but probably won't, since nobody will see it. But hey, at least a couple of pretentious wannabe film critics will get to spout off their drivel — oops, time for that herbal tea again... That's right, peeps, "the world keeps burning."

The film's narrative is set in 1977 Metroland, a planned London suburb situated at the end of the Metropolitan tube line. The public transportation system of Britain's capital is subjected to some groovy retro-style cinematography and nicely utilized as a conceptual *leitmotif* throughout the movie.

Christian Bale, "one of the most talented and promising Welsh stars in Hollywood today" according to our own Tanya Marsh, portrays Chris, a still-young advertising executive longing after his (nostalgically glamorized) rebellious youth in 1968 Paris. While he only watched the infamous student protests on TV, the protagonist's sojourn in France included a stint as a struggling art photographer and more lucrative employment waiting tables. The shabby diner

is where Chris made the acquaintance of Annick (Elsa Zylberstein), an affable, hyper-liberated French girl who liberated him of his virginity, and who remains the center of his daydreams. Chris's comparably moribund existence in suburban England with "the wife," Marion, very smoothly played by Emily Watson, and baby daughter, Amy, gets shaken up when Chris's mate, Toni (Lee Ross), returns from abroad. Toni propels Chris's fantasies of adultery into overdrive and stirs up feelings of remorse over Chris's lost youth and demise into yuppiefication. The seemingly trite vicissitudes of the Western world are the central themes of "Metroland." But then again, for really long soliloquies on the pesky side-effects of selling out, one may as well go to Duncan Kennedy's classes.

By virtue of his mastery of subtle facial expressions, Bale does a marvelous job of weaving together the main story line with Chris's memories from his turbulent youth. In fact, the most successful portion of the film is the recount of the main character's days in Paris. Filmed in a decidedly yellower grain than the scenes set in sanitized England, this portion of "Metroland," (which may as well have

been called "Retroland," come to think of it) boldly delves into mostly accurate stereotypes of the French, the English and relations between the two. The afterglow scene in which Annick dunks a croissant into a bowl of coffee and proceeds to wipe her lips with a bang of hair as Chris looks on, unable to hide his disgust, is *cinéma vérité* at its most beautifully trifling. You know I had to sneak my favorite retro-vernacular word of the moment in my last column for the school year. So there.

Even though its most memorable moments are the ones that take place out of England, "Metroland" nearly falls apart during an excessively melodramatic scene set in Chris's Paris apartment. Chris tells Annick he has been meeting with Marion, who is just a friend at this point in the plot. Annick loses it and goes on a hot-blooded Latin Lover ego-tripping rampage. "I was teaching you how to feel and share, and you destroy everything; you are just cruel!" she whines in fab-era French psychobabble at the top of her lungs. Oh puh-leeze. The entire scene smacks of outtakes from a St. Etienne video, save



for the underlying irony.

But in comes Emily Watson and resurrects "Metroland," as she has done with many a flailing flick. Confirming a penchant for roles set in the '60s and '70s by taking on this role, Watson delivers every line with chilling precision; although ostensibly

reassuring, each of her words sounds like ice. Cool and Germanic, Marion is the complete antithesis of Annick: she is rationality and conformity incarnate, the settled life against which Chris rebels but which he ultimately covets. Thanks to Watson's reserved performance grounded in unabashed realism, this relatively messy film comes to a neat conclusion after all.

Speaking of neat conclusions, this week's episode of "Buffy the Vampire Slayer," entitled "Earshot," was unceremoniously yanked off the air. Here's the deal as I heard it from Tanya: the plot of the scheduled show involved Buffy's transient acquisition of telepathic abilities, which, among other things, allowed her to detect and thwart a plot to blow up the school. See, Mr. Heston, if there had been a *Vampire Slayer* at Columbine High... "Jeremy spoke in class today!"

Rude Awakening

By Elizabeth Falk '00
RECORD Columnist

HLS SANDS US DOWN TO STONES

Hard to believe that this is it — my last column. Check that, its HLS's last chance to read yet another irrelevant, uninteresting, unimportant musing from the heel-clomping, perennially late narcissist who cannot stop filing her nails and applying lipstick in class (that is, when I make it to class; sorry, Bruce Hay, for the lost opportunity to witness a real make-up artist in action.) As countless people, many who don't know me, have curiously approached me over the last month and asked me how I felt about the Parody account of my character, it seems fitting to end the year with my own reaction to the person HLS now equates with this column.

The Parody, in the words of its creators, is a humorous attempt to build community at HLS. On the back of the program, director James Koukios even wrote that no other event at HLS brings people together in such a spirit of camaraderie and togetherness as this event, a show which ironically seeks to ridicule and demoral-

ize anyone who manages to break through the shroud of anonymity that cloaks an institution of compulsive over-achievers. It's too bad those geniuses at McKinsey couldn't have witnessed the Parody first hand, to see HLS's best community-building philosophy; attack anyone who might dare seek to differentiate themselves. Maybe then we can just be one big, silently miserable, B-grade family.

It's also too bad that they missed the Parody's portrayal of the incredible social progress that has developed through gender integration of the HLS faculty and students over the years. A completely effeminized Prof. Singer is led around by his efficient and demanding wife, who also happens to be the widely respected Prof. Minow. Obviously, there is no way Prof. Singer can be a real man if he has a wife who might be more famous and more successful than he is. Rather than knock his teaching style or his personality, let's simply not even grant him adult status. Let's stick a pacifier in his mouth.

Oh, and we don't like the way Emily Reber and Liz Falk prance around school. We aren't really sure why, but we know we don't like it. So let's superimpose an artificial character of exaggerated, inane femininity on them both, because that's the classic way to attempt to discredit a woman. Imply that their self-confidence is completely appearance-based and, thus, expose its artificiality. Why would HLS students want to sanction inner confidence in fellow students, anyway?

Of course the Parody didn't bother me. How, after two years of school here, could I have come to expect anything less? Come on, Liz, you might say, just laugh already — IT'S A PARODY, for goodness sake! And in response, I would ask, why were you laughing? Why do we find it so easy to rally together under the rubric of ridicule, yet so difficult to build a healthy community spirit? Why do we laugh at persistent and pesky gender norms after arguing against them and claiming to despise them in class?

The Parody is a good example of why I write this column. I was raised to believe that to be disliked for an opinion is far better than to be neutral and have no opinion on anything. Of course, to be loved for an opinionated personality is far superior to the two. But at Harvard Law School, it's been my experience that no one can be generally loved or admired. We're all too busy looking out for ourselves, making sure at all times that no one bests our agendas or takes too much of our time away from studying. To give a genuine compliment, offer our respect or admiration to someone who may have accomplished more than ourselves is the first step in admitting our own inadequacy.

It's far easier to build a "community" by making fun of people, and a lot internally safer as well. Crush people who don't fit the mold, so we can be reaffirmed in our adherence to a life of guarded blahness. Well, that kind of "community" sucks. It deserved a critique and a reevaluation.

Maybe it doesn't matter...the strange negative world that I see HLS embodying...except for the fact that I came here believing that Harvard had a responsibility, and Harvard students had a re-

sponsibility toward each other. The world out there can be a pretty evil place, and that world needs leaders who have been trained in the tradition of caring and compassion.

Harvard Law should not be, in my opinion, the first step in a life that teaches us to be risk averse in formulating opinions or daring to be different. It should not teach us to look out for numero uno at the expense of formulating personal relationships with mentors and peers who are likely to disappoint you, or laugh at you, in the end. As an institution, it should be a safe haven for committed advocates of a better world. As the Parody clearly indicates, the institution, and all of us in it, have failed.

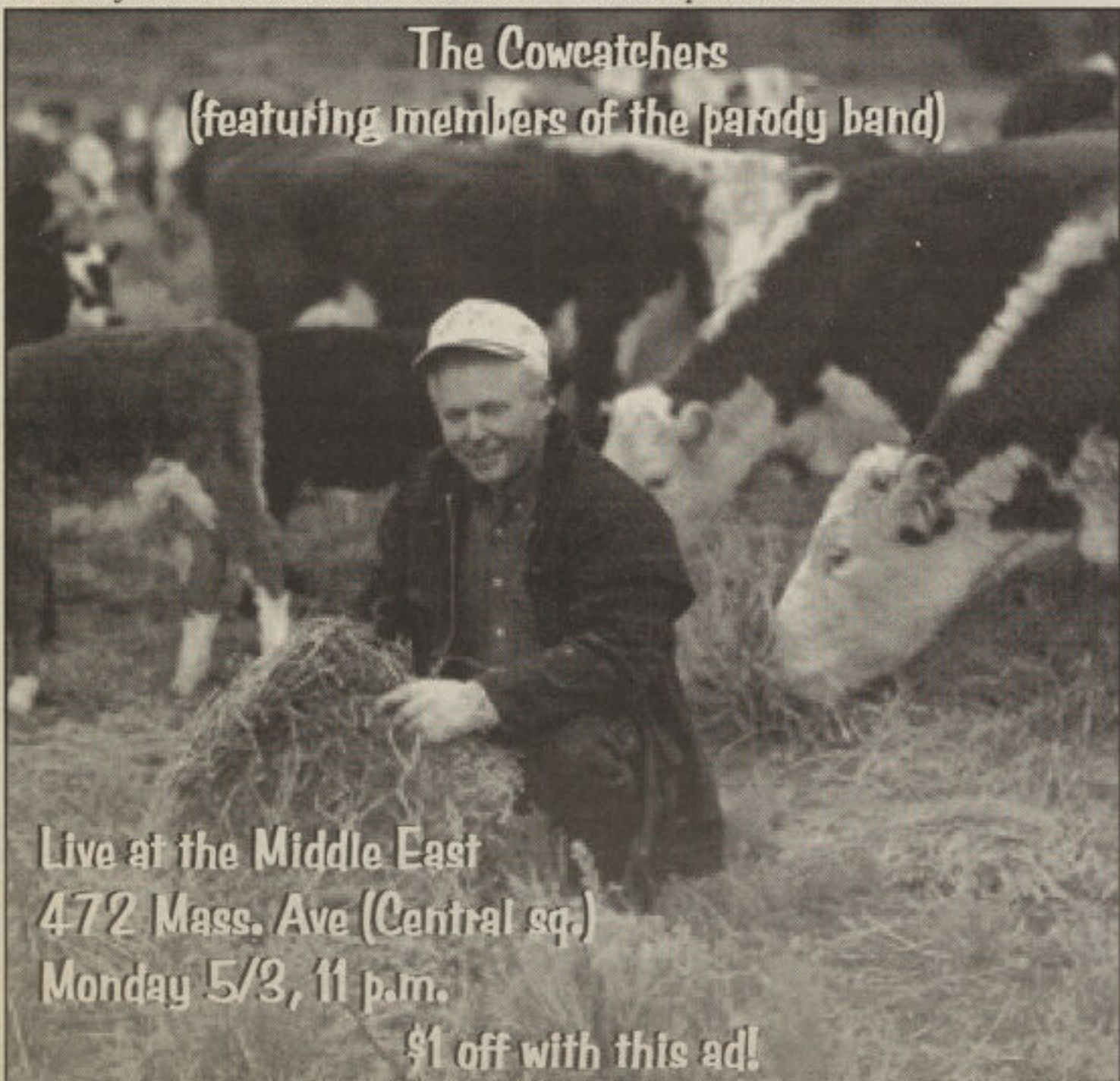
Before I came to this strange place, I could have never imagined a world where so many talented and amazing people could allow insecurity and fear about life beyond their credentials relegate them to a world of bland neutrality. Now it scares me to realize that the real philosophy behind a legal education at HLS is to culture that neutrality and the divide-and-conquer mentality. The biggest enemy to a lifetime of exciting, world-altering advocacy in the making is three years in a place that rewards sameness and punishes difference, which encourages us to respect tradition and laugh at those who could be perceived as challenging it.

Where is the institution that America needs to build leaders to address the serious problems our society faces? And where in God's name are the people who can handle the moral and ethical responsibility that comes with intelligence, who are strong enough to support rather than look upon one other with derision and suspicion? Or those who are willing to voice a contradictory opinion now and then to build a human spirit that perhaps, one day, can challenge society's wrongs when no one else in the nation will?

I don't know, but I hope I find both some day. And I hope I don't need to hire McKinsey to guide me.

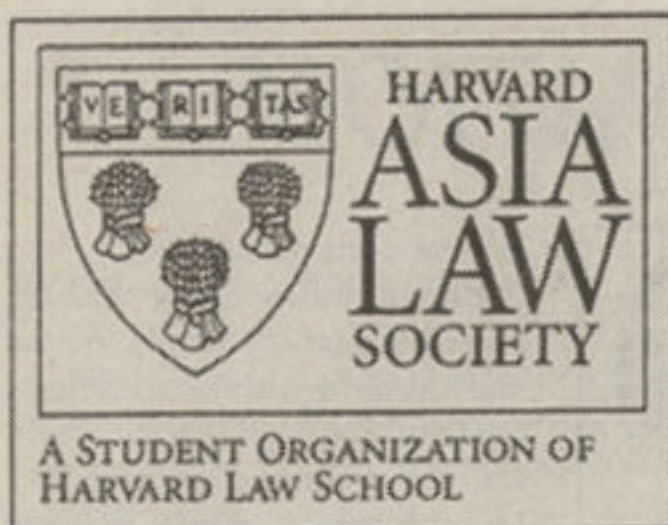


The Cowcatchers (featuring members of the parody band)



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1999 DELEGATION TO THAILAND AND
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HALS would especially like to thank the sponsors of the delegation for their generous support, without which the trip would not have been possible. Included amongst the delegation events were meetings with H.E. Chuan Leekpai, Prime Minister of Thailand; Mr. Amaret Sila-On, Chairman, the Stock Exchange of Thailand; H.E. Abhisit Vejjajiva, Minister Attached to the Office of the Prime Minister; Professor Thongtong Chandarangsue and Ms. Kanungnij Sribua-iam of the Faculty of Law, Chulalongkorn University; Mr. Kirk Vanikkul, Director of the Legal Department, the Bank of Thailand; Chief Judge Akkrarawit Sumawong and Dr. Suthiphon Thaveechayagarn, Central Intellectual Property and International Trade Court; Professor Dr. Borwornsak Uwanno, Secretary General, King Prajadhipok's Institute; H.E. Khun-Ying Suppattra Masdit, Minister Attached to the Prime Minister's Office; Ms. Chantawipa Apisuk, Director, Empower Foundation; Dr. Wiwat Mungarndee and Dr. Aporn Chewakregkai, advisors to the Prime Minister and Mr. Chaiyat Bunnak, International Legal Counselors, Thailand. Special thanks to Mr. Buranaj Smutharaks, Secretariat to the Prime Minister and Dr. Surakiart Sathirathai, partner and founder, Siam Premier Law Firm.

HALS would also like to thank the sponsors of the 1999 Asia Business Conference for their generous support, without which the conference would not have been possible. We are very proud that over 1,000 people participated in the conference and over 300 people attended the Eve of the Millennium Ball.

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