



Clark '72 talks expansion

McKinsey results set HLS mandate for change

by Justin Herdman

In an interview conducted this week, Dean Clark '72 spoke at length with the RECORD about his vision for Harvard Law School, both for the upcoming school year and in the long-term. The interview revealed how deeply the results of last year's McKinsey & Co. report have influenced the agenda for change at the Law School.

In early September, the Dean distributed a nine-page letter welcoming students to campus. The missive focused on several areas of concern, such as physical renovations, financial aid and the Low Income Protection Program (LIPP), and faculty hiring. Virtually all of the letter can be traced directly to McKinsey's survey, which found that student concerns stem in large part from those issues.

In Control of His Faculties

Although Dean Clark insisted that all of the concerns addressed in his September letter were important, he acknowledged that faculty and student recruitment remains an area of special attention. "It's all signifi-

cant, but what I'm usually concerned about for the future is making sure that [HLS] can get top quality people — both faculty and students," said Clark.

Clark pointed to the massive renovation of Areeda Hall as an inducement to the retention and recruitment of superstar academics. "We can't improve the student/faculty ratio without more teachers, and we've got to have somewhere to put them," Clark said.

Using HLS's curriculum as an example, Clark continued to express the need for an expanded faculty. "Every year I get requests from students for courses, and we can't do it without having a lot of faculty," said Clark.

While Clark's letter to the community discussed the reduction of student/faculty ratios in upper-class courses, it was decidedly silent about ratios in the first-year classes. Clark said that first-year class size was a major issue highlighted by the McKinsey survey. "We gotta have more bodies," said Clark.

Past discussions among the faculty, however, reveal long-standing disagreement over the best methods of improving the first-year academic experience. With

regard to trimming first-year class size, Clark said: "There are questions about how to do it. Do you scale down all classes, or have one really small section?"

Clark envisions continuing the trend towards a larger pool of professors, which began at the beginning of the decade and coincides with the Dean's tenure. "One way or the other, we'll wind up with a bigger faculty," he said.

Way Back When

In the 1972 edition of the HLS yearbook, Robert Charles Clark appears on page 90 as a mustachioed, full-faced future member of the bar. When asked about the differences between his days as a student and his current HLS experience, the Dean replied without hesitation: "People were dressed a little differently."

On a more serious note, Clark added: "When I was a student, the concern was the Vietnam War. There were discussions about why it was important to be radical," said Clark.

Comparing those turbulent days and the early '90s, when the campus was embroiled in heated

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Photo by Steve Scall

Open season

Dispatches from the recruiting wars

by Francesco R. Barbera

The streets of Harvard Square have changed. Without warning, a phalanx of earnest-looking persons has begun making its way to the Charles Hotel. The marchers slice swiftly across Mass Ave. like precise navy-blue razor blades. The clack of their heels echo down Church Street. The sun gleams on their leather briefcases, their leather shoes, the gel in their suddenly-slick hair. Recruiting season has begun at Harvard Law School.

Law firm recruiting at Harvard is a phenomenon unto itself. According to Sally Donahue, Director of the Office of Career Services, HLS is currently bearing witness to the largest interview program in the country.

In the last five days, law firms have descended upon Cambridge en masse. At this moment, an immense number of lawyers are taking up positions in dozens upon dozens of hotel rooms and hospitality suites across the city. Outside their doors, fidgety law students are drying their palms and reviewing their notes, awaiting their "appointed time." When the time arrives, they knock.

What follows are a few select accounts of what can happen after the knock, after the door opens and the 20-minute countdown begins.

The Setting

A true story, as told by a female 2L who, like many others with whom the RECORD spoke, requested the shroud of anonymity:

Student: "Wow, this is odd."

Interviewer: "What do you mean?"

Student: "Walking into a hotel room with a man I have never met and throwing my coat on the bed. Being interviewed in a room dominated by a king-size bed."

Interviewer: "Is this your first time?"

Student: "Yes."

Interviewer: "Don't worry, it will be second nature before you know it."

The Interviewer

Law firm résumés are as dull a form of literature as can be imagined, but the variety of interviewer approaches reflect all the glorious diversity of humanity.

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Appleseed aims to slice up campaign finance pie

by RECORD Staff

The increasingly heated race for presidential nominations — and the rapidly-swelling coffers of George W. Bush — have once again propelled campaign finance reform to a prominent position in national politics. And, as with most topics with echoing legal implications, Harvard Law School has been involved from the get-go.

Alumni, faculty, and current students have sounded off on both sides of the issue. Witness Sen. Russ Feingold '79 (D-WI), who has co-sponsored a bipartisan campaign finance bill with Republican Presidential candidate Sen. John McCain (R-AZ). Or former RECORD Editor Ralph Nader '58, who has included campaign finance reform in his wide-ranging mandate for change.

Visiting Prof. Scott Harshbarger '68 was recently named President and CEO of Common Cause, an organization renowned for its commitment to system-wide political reform. At Common Cause, the former Massachusetts Attorney General will be working closely with Donald J. Simon '78, who has been vocal in the ongoing campaign finance reform debate.

Another HLS alum, John Bonifaz '92, was recently

awarded a MacArthur Foundation "genius" grant in acknowledgment of his work with the National Voting Rights Institute. Bonifaz has deployed innovative litigation techniques in defending campaign finance reform legislation against First Amendment challenges.

Decisively verifying that HLS grads sound on both sides of an issue, Capitol University Law Professor Bradley A. Smith '90 has been an outspoken opponent

of campaign finance reform. Smith's nomination to the Federal Election Commission, at the behest of Senate Republicans, has been put in limbo by dogged White House resistance.

In a 1997 op-ed for the *Wall Street Journal*, Smith wrote: "When a law is in need of continual revision to close a series of ever-changing 'loopholes,' it is probably the law, and not the

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news commentary

Federalist Society sponsors gun control talk

by Kimberley Isbell

Gun control has become a hot topic in the wake of the mass-victim shootings that seem to pop up across the country every few months. Lawmakers and gun control advocates have supported measures to limit the availability of assault rifles and to require background checks for individuals wanting to purchase guns at gun shows. Even the National Rifle Association has begun to soften its hard-line position against some recent gun control proposals.

In the debate over this issue,

which has prompted the consumption of reams of newsprint and hours of close examination by talking heads from Wolf Blitzer to Lawrence O'Donnell, one name is inevitably deployed by gun control opponents to bolster their arguments against more regulation: John Lott, Jr.

Lott, a professor at Yale Law School and former Olin Fellow at the University of Chicago Law School, is the author of the controversial book *More Guns, Less Crime*. In his book, Lott examines crime statistics in states which have enacted concealed weapons laws and argues that an increase in gun-toting among citizens can

be correlated with a drop in violent crime. Since the book's publication, Lott himself has been a frequent contributor to op-ed pages and issue-oriented talk shows.

In a discussion Tuesday entitled "The Costs and Benefits of Gun Control," which was sponsored by the HLS Federalist Society, Lott presented his findings to a crowd of approximately 70 students. Prof. Bruce Hay '88, who is currently researching the use of tort law to force firearms manufacturers to pay for the harmful effects of their products, was tapped to play the role of Lott's foil and present the other side in the discussion (although,

given Hay's unquestioning acceptance of Lott's basic premise, the two law and economics scholars at times sounded amazingly similar in their approach).

Making it clear from the outset that the goal of the afternoon would be a discussion and not a debate ("It's not clear what we disagree on," according to Hay), Hay introduced Lott's remarks by stating that there had been a "lack of empirical research" in this area, making Lott's comprehensive survey useful for policy discussions.

Lott began his discussion by acknowledging that "bad things hap-

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Renovations, financial aid top Dean's list

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ideological conflict, with the present atmosphere, Clark expressed relief that the current installment of Harvard Law activists use less flamboyant tools of dissent. "In the last few years, the student mood has struck me as constructive, compared to earlier periods," he said.

"In other words, I like the student body now quite a bit," he added.

When asked his preferred method of student activism, Clark responded that any student's on-campus involvement is sure to resonate with the administration.

"Obviously any form of involvement seems to get the message across to the administration," said Clark, citing the work of the Law Student Council (LSC) and various journals as examples of effective advocacy.

Clark also praised the change he's seen in the general mood among the faculty. "There is less of the stodgy, club feeling that existed when I was a student and when I joined [the faculty in 1976]."

According to Clark, the current faculty is "genuinely more intellectually diverse" and "more exciting," but its diversity and size means that it is "harder to get it to work together." Still, the faculty's expansion during Clark's reign is "not just about growth, because we do get along better,"

he said.

In addition to the current faculty's intellectual diversity, Clark emphasized the need to focus on cultural variety when hiring instructors. "It's desirable in the faculty, as in the student body, to have people of diverse backgrounds," said Clark. "We've come a long way, but we have much further to go," Clark added, pointing specifically to a need for the hiring of Latino and Asian professors.

Sweatin' in the Oldie

One of Clark's most recent coups was to secure the use of Hemenway as HLS's gymnasium for the next five years. The building, which is owned and operated by Harvard's Faculty of Arts and Sciences (FAS), will remain the Law School's sole self-advertised sweatshop for the near future.

In discussing a long-term solution to this cardiovascular conundrum, Clark discussed the possibility of converting Harkness Commons into a state-of-the-art recreation center. But this possibility is a mere "palliative solution," said Clark. "We don't want to do it if the tradeoff is too great."

In the long-run, Clark hopes that either "FAS will give up Hemenway, or we'll build our own [gym]."

When asked about the dearth of nearby

real-estate for such a project, Clark noted the faculty objections to relocating the HLS campus across the river to Allston. "We're aggressively pursuing our ambition to redesign the Cambridge campus," Clark said. "We continue to scope out land for new buildings and developments, not just for classrooms, but for a dorm and gym," said Clark. The Dean foresees significant expansion of the school's physical assets over the next two decades.

All this discussion of expansion, in both physical and intellectual resources, leads to the question of money. How, exactly, does HLS plan to pay for all of this?

The Dean is generally quick to point out the improved financial health of the school under his watch. According to Clark, when he assumed the financial helm ten years ago, "we were in a position of going into the red, but the place is strong enough now that I can afford to do these things." Citing an endowment fund of \$713 million, Clark said: "We're safer, more secure against the downside now."

With the money, Clark's priorities go beyond faculty and facility renovation to financial aid. "We'll always have significant financial needs. Recently, we beefed up financial aid for the general program, and for LIPP."

When asked if there is a conflict between the Dean's fundraising priorities and encouraging students to pursue low-paying public interest work, Clark replied, "We're so far from anything that would be a serious conflict. I don't think about it that way. I think about it in terms of the overall good to the country and to the world."

Focusing especially upon public service, Clark continued, "Government institutions should have a number of the best and best-educated lawyers. That's good for everyone."

Last year's grant of \$2 million allowed the Dean to allocate money for a LIPP endowment fund. According to the Dean, this money is in addition to funds already budgeted and allocated.

Clark admits frustration in his attempts to raise significant money for LIPP. "It is hard to get targeted funds [for LIPP]," he said. "Most people in the private sector wonder why we're subsidizing these programs."

Asked about political considerations that may sway donors from earmarking contributions for LIPP, Clark said, "It seems easier to raise money for public service, government work, than for public interest advocacy groups."

The public service conversation turned naturally towards HLS' substantial impact around the world. Regarding the most visible international presence on campus, each year's LL.M. class, the Dean was extremely positive.

"I think LL.M.s are very important. The impact the school has on the rest of the world is great through the impact of LL.M.s and SJDs," he said.

Acknowledging that LL.M.s may feel somewhat frustrated by their abbreviated residence, Clark said, "That needs to be an area of improvement. A nine month sample is too light."

In order to improve the program, the Dean suggested improving financial aid for international students.

Over the next year, Clark's priorities remain true to his past goals. "I hope as usual that we have a good year in terms of appointments."

Clark expressed a desire to "produce an ambitious and worthy Strategic Plan that the faculty likes" by the end of the school year. Additional priorities include lining up the next wave of campus renovation and improving financial aid.

HLS enters campaign finance reform fray

Continued from DOLLARS, p.1

people, that is in error. The most sensible reform is a simple one: repeal of the Federal Election Campaign Act."

Students, Faculty Fight for Change

But the loudest voices on the HLS campus have not been the far-off murmur of talking heads. Here in Cambridge, the HLS Appleseed Center for Electoral Reform has worked continually for revamping the current campaign finance system.

The Center is involved in a battery of issues connected to electoral reform, including re-districting and third-party ballot access initiatives. As a result, campaign finance reform comprises about a third of Appleseed's workload, but it remains the issue for which many on campus identify the Center.

"There are more and more organizations getting interested in campaign finance reform," said Heather Thompson, '00, President of the Appleseed's HLS chapter.

Thompson distinguishes Appleseed's work from other pro-reform groups. "We are one of the very few groups comprised of lawyers working on campaign finance reform," Thompson said.

Despite the continuing debate surrounding high-profile legislation in Congress, most of Appleseed's work is focused on defending state campaign reform measures. Recent initiatives in Massachusetts, Maine, Vermont and Arizona have sought to reduce the impact of money on statewide politics. These reforms have been consistently challenged on First Amendment grounds.

"These states don't have the experience in campaign finance reform or electoral litigation," said Thompson. The HLS chapter of Appleseed, which is the only branch of the national organization run by students, aims to fill this void by providing much-needed legal assistance.

There are about 40 students who dedicate themselves to brief writing and research, according to Thompson. In addition, the students can turn to the group's faculty advisors, Prof. Phil Heymann '60 and Prof. Richard Parker '70, for advice. Parker acts as Director of the Research Project, while Heymann has focused on

issues of campaign finance reform in his course Money & Politics.

Projects Sprout Like Seeds

Along with litigation and research, Appleseed works to keep campaign finance reform high on the national agenda. "We create awareness of the importance of campaign finance reform as a thoroughly non-partisan issue," said Adam Hirsch '01, Appleseed's Political Director.

Hirsch stressed the economic importance of reform, arguing that the effect of reform on voters' wallets may have more of a grassroots impact than moral or ethical arguments. "Because of the way that the current system is structured, special interests have such sway that the public gets hit financially," said Hirsch.

Hirsch said that because legislation has become so complex and laden with technical jargon, corruption generally falls beneath the public radar screen. "These are profit-seeking corporations, and they wouldn't be giving away money if they didn't expect something in return," said Hirsch. Hirsch cited sweetheart deals to energy companies as a typical example of the favoritism money can buy in Washington.

"Business has been done this way, and business will continue to be done this way under the current system," said Hirsch.

Arthur Baer '86, Assistant Director of HLS Appleseed's Electoral Reform Project, explained the dual role of the project, which mobilizes students for both advocacy and research. "The advocacy involves a wide range [of activities]. We have set up clinical placements for Prof. Guinier's Law and Political Process course," said Baer.

The research program is designed to provide assistance to the project's clients. "We want to have good research that will be valuable to people in the field," Baer said.

With many avenues of reform available, Baer forecasts Appleseed's role expanding along with the work available to students and faculty. "This is the inaugural year. We plan to establish Democracy Fellows, with a Research and an Advocacy Fellow to look at issues of democratic reform both domestically and internationally."

Write for the RECORD

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Harvard Law RECORD

PUBLISHER
Stephen V. Scali



EDITOR-IN-CHIEF
Kimberley Isbell

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Size does matter

Students are constantly complaining about the size of HLS. By the time McKinsey got around to asking about it, students reported an increased sense of alienation and isolation when confronted by mammoth class sizes and a student body topping 1600.

The complaints are justified, and here's one reason why: in an environment like this, face-to-face interactions between students with different viewpoints take a back seat to stereotyped interactions between students and professors in class, and isolation within more or less homogenous peer groups outside of class.

The large size of the school creates an environment in which the average student is likely never to meet significant numbers of his fellow classmates, let alone get to know them well enough to determine whether a stray comment in class or in the halls is the result of intentional prejudice, or just a misunderstanding. Even the most innocuous social event sponsored by a group with ideological positions antithetical to our own is closely scrutinized in search of political overtones.

We see the results every day. Rather than sitting down and discussing differences face to face, we instead fire off protest flyers, wage battles in the letters page of the newspaper, and stage protests outside events we disagree with. Opportunities for true dialogue are lost among accusations and assertions that the other side just doesn't get it.

Witness, for example, the months of recriminations that followed the Society for Law, Life and Religion's Culture Shock event last year. Or the flap two years ago over anonymous posters protesting SLLR's Coming out of Homosexuality day, which saw accusations of anti-Semitism and bigotry fly from both sides.

Perhaps we should be glad that there's any dialogue at all. After all, letters to the editor are better than stony silence (and they certainly help us to fill space). But if that is the best that an institution of higher learning can produce, what does it say about the possibility for open communication in the broader community outside these walls?

— Kimberley Isbell

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

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—First Amendment, U.S. Constitution

• Letters •

One man's liberation...

I was horrified to find the Harvard Law RECORD engaging in anti-Israeli propaganda in a cover article in this Friday's newspaper (Vol. 109, No. 4). In the column titled "HLS saga," Kimberley Isbell dubbed the Israeli War of Independence "THE WAR FOR ISRAELI OCCUPATION," (emphasis added) thereby denying any claim of Israel's right to exist as an independent state!!! This claim was not made in an opinion column, but rather in a front page "news" article.

This horrific quotation is part of a reference to a case, which is used by Ms. Isbell — the RECORD columnist — as an example of a conflict between the objective application of the law and higher ethical values:

"...[I]n 1956 the school had to decide whether to admit an Israeli nationalist who bombed a British police station, killing 50 people during THE WAR FOR ISRAELI OCCUPATION." (emphasis added)

Adding insult to injury, the above quote implies that since Israel has no right to exist — it is merely an "occupation" — an act taken during its War of Independence is obviously against any "higher ethical values"...

I request that you remedy this travesty by the following:

1. Retract this biased, outrageous political declaration.

2. Issue a correction and apology in a place as prominent as that given to Ms. Isbell's blatant anti-Israeli propaganda.

3. Discipline the unethical writer for her breach of the most basic norms of journalistic reporting in peddling her own extremist political biases under the guise of news reporting.

I am certain that the members and alumni of HLS and the greater Harvard community will not sit idle in the face of this unethical hijacking of the RECORD to broadcast extremist political propaganda as facts.

If the RECORD wants to advocate the annihilation of the State of Israel, may it please do so in the opinion — rather than the news — pages.

Avishalom Tor S.J.D.
Sept. 30, 1999

...is another's occupation

In the current issue (Vol. 109, No. 4) Ms. Isbell refers to Israel's defensive war for its independence as "the war for Israeli occupation." I was both nonplused and chagrined to learn that students at the Law School are either that biased or that ignorant to write such drivel.

It is imperative that this absurd and offensive characterization be prominently and immediately corrected; I also suggest that Ms. Isbell should either be dismissed or, if that is not politically feasible in the current climate at Harvard, should be relegated to write only opinion pieces. Ms. Isbell

is of course entitled to her opinions, but she should not be entitled to distort the facts (in the course of an article on "ethics," no less). I might add that the editorial function is sorely lacking in this case as well.

Roger A. Gerber '62
Sept. 30, 1999

RECORD goofs again

I would like to congratulate you on your superb investigative reporting. As your use of the masculine possessive pronoun in last edition's "Quote of the Week" revealed, I am in fact a man. I realize this may come as a surprise to my

fellow 1Ls and even to the admissions office, all of whom I have deceived into believing that I am a woman; however, I feel I must end this lie I have been living and congratulate the RECORD for doing its part to further view HLS

through a masculine lens. Incidentally, if you would like to catch me on my first episode of Jerry Springer since the operation, tune in next week.

Corey Stoughton '02
October 1, 1999

• Corrections •

In the article "Coquillette '71 recounts HLS saga" in last week's issue, the recitation of a story told by Prof. Coquillette '71 that occurred during the British occupation of Israel contained a typographical error. The word "occupation" was acciden-

tally substituted for the word "independence" in the phrase "war for Israeli independence." An editorial oversight allowed the mistake to make its way into the paper. The RECORD regrets this error.

In last week's "Quote of the

Week," the attribution of the comment incorrectly referred to Corey Stoughton '02 as a male. Unlike Fenno who does it every week, Stoughton has never undergone any type of sex change and is, in fact, a female. The RECORD regrets this error.

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Politics and policies of truth

"I cannot tell a lie." Attributed to George Washington in 1808 biography
 "I never had sexual relations with that woman," William Jefferson Clinton, 1998

Ladies and Gentlemen, welcome to the Never-Neverland of U.S. politics. Here all the men are strong, the women beautiful, the children well-behaved, ice cream is fat-free, and there are no taxes, because the people, so enamored with the nobility of their politicians freely donate their money to the federal coffers.

The next stop on our tour is the Real World. Here the men and women are, on average, well, average. Children pop Ritalin like candy. Ben & Jerry's ice cream is 1200 calories a pint. We pay our taxes under penalty of federal prosecution. And lately, our politicians keep getting caught with their pants down, proverbially and literally.

Lately, more than ever, Americans are being reminded that our public figures come from the real world. A year ago, the Starr report spared us no details of President Clinton's extramarital affair with Lewinsky. Recently, Republican Presidential candidate George W. Bush admitted (or rather, did not deny) using cocaine during his "irresponsible youth."

The mythology of the public role model is breaking down and I, for one, could not be happier.

Old folks might tell you that people are getting worse, that politicians used to be more honest and less scandalous. Wise folks will tell you that in this age of technology and tabloid journalism, we are just better informed.

There was a time when the media consciously guarded politicians' peccadilloes and private lives. JFK's extramarital escapades never made front-page news. Photographers would not even take pictures of FDR using crutches. But all that has changed. Quoted in the *New Jersey Record*, Wesley O. Hagood, author of *Presidential Sex: From the Founding Fathers to Bill Clinton*, tells us that — with the rise of the Internet and 24 hour TV news — bad presidential behavior is now "in our face... we are forced to deal with it."

This unprecedented breakdown in privacy gives Americans an opportunity: an opportunity to get real.

The standard of the perfectly behaved politician was based on mythology from the start. Thank Parson Weems for that. He is the fellow who in 1808, desirous to perpetrate a virtuous image of our founding father, gave us the tale of the cherry tree. Who does not recall the image of little George, axe in hand, standing over the felled cherry tree, and professing even at a tender age, that "I cannot tell a lie, I must admit that it was I"? A lovely story, it also happened to be the product of Weem's colorful imagination.

At a cost, we've judged our politicians according to a mythical standard. This standard has made us all hypocrites; we know public figures are not perfect, but delude ourselves into being surprised every time a new scandal breaks. It encourages our politicians to lie. It makes us hate the press simply for telling the truth. Worst of all, it distracts us from what really matters.

Take the Clinton-Lewinsky episode. Congress spent practically all of 1998 jabbing at presidential character flaws instead of running the country. Clinton spent the year defending himself. Ken Starr spent \$40 million dollars. International affairs went by the wayside. As Vanderbilt U. political science professor Erwin Hargrove pondered, "Who's looking after Kosovo? Who's worrying about Iraq?" And here at home, proposals to hire 100,000 new teachers and to reform Social Security and Medicare were shelved.

And it is not just about politicians in office; it is also about politicians seeking office. Fifty-three-year-old George W. Bush's candidacy has been shadowed by tales of drug use in his twenties. Bush will not be the last candidate subjected to as many questions about his past as his real qualifications for office. In this age of instant information, revelations about public figures will only become more common.

Fortunately, Americans have already begun to reject the mythical standard. Clinton's ABC poll approval rating hovered around 56 per cent before and after the release of the Starr Report. And George W. Bush is still in the running.

But it is not just about rejecting the old standard. It is about asking ourselves the tough questions that will allow us to create a new, more reasonable "human standard." Illegal drug use in office seems highly unreasonable. But should drug use 20 years ago send us into a tizzy? Should a politician's adultery, while morally reprehensible, command enough public attention to grind Congress and the nation to a halt? Only a new standard will give us a litmus test for de-

ciding which character issues should consume public debate and distract us from the work of running the country.

The importance of realistic standards is a lesson that our legal system learned a long time ago. Lawyer types call it the "reasonable man" standard. And while anything but perfect, it allows us to decide whether the foolish things that people sometimes do are criminally negligent and deserving of public censure, or instead, simply mistakes that any of us might make. Reasonable standards may just be the one type of legalistic thinking that we could use more of in politics.

Some people will tell you that recognizing that politicians are human will have dire consequences, that drug addicts, criminals and perverts will overrun our political offices. They will decry the end of moral society. They will accuse Americans of falling down Nietzsche's slippery existentialist slope: "God is dead and you have killed him!" But they will be wrong. Our greatest leaders, including George Washington, Thomas Jefferson, Martin Luther King, Jr. and John F. Kennedy, all had dirty little secrets. Recognizing this age-old truth will not change the quality of our public leaders, but rather, the wisdom of our reactions to scandal.

Finally, the "human standard" recognizes our collective capacity for forgiveness and the reality that people can learn from their past mistakes and become better for them. President Clinton, for one, swears he has changed. The next gal to rock his political world, he promises, will be much better looking than Monica.

PERSPECTIVE

by Justin Herdman '01

Trial by jury

You know them from television, right? Donned in dark double-breasted suits, pacing before a jury of bespectacled knitting grandmothers, they point and gesture and with gravelly, cigarette-scarred voices convince even the softest heart that the defendant is guilty.

They are District Attorneys — DAs. And they are the law, tucking star-shaped badges of authority beneath their prosecutor's duds. Before spending my summer working in the San Francisco District Attorney's office, I was sure that they were all traced from the same authority-figure stencil.

But recounting my experience, and the change in my own view of a DA's work, is not easy. Surely no words can describe the thrill of strolling through Chinatown with a Cantonese police officer, enroute to interviewing an immigrant stabbing victim. And can words really recount the gut-seizing, interminable seconds before a jury renders its verdict? Or the sense of excitement as a judge nears decision on an evidentiary motion that you've finished just the night before?

No matter. The point is this — for those who harbor even the slightest interest in criminal law, the experience of working in a prosecutor's office is one that yields insight, perspective, and a comprehensive evaluation of your own place within the legal world.

Hence, I offer advice on working for, as they say in the Tenderloin, "The Man." Like all counsel, it carries the risk of being ineffective. Nevertheless, the following suggestions may be helpful in any search for the perfect prosecutorial position.

DAs are charged with countywide or citywide authority to prosecute state crimes. Typically, these include almost all violent crimes (defined broadly to encompass any crime with an element of force, such as robbery), as well as property crimes, minor narcotics violations, domes-

tic violence, and some specialized prosecution departments. Within the San Francisco DA's office, this latter category includes gangs, hate crimes, white-collar crime, and welfare fraud.

In California, if a student has taken evidence, criminal law, and civil procedure they can become "certified." As a certified legal intern, a student is able to file motions and argue before a judge. Additionally, certified interns are able to conduct preliminary hearings — the California equivalent of a grand jury proceeding. Such an experience, which includes cross and direct-examination of witnesses, the admission of physical evidence, and the gnawing presence of adversarial public defenders, is invaluable, regardless of an intern's long-term career goals.

The benefits of working for a DA, as opposed to a U.S. Attorney or state Attorney General, are numerous. First of all, the turnover rate for cases is extremely high for a DA. To a summer intern, this has one enormous implication: you will be able to follow a case throughout its lifetime — from arraignment to verdict — in a mere three months. Secondly, the large caseload of a DA insures that your work will be varied and valued. Finally, and I don't have any better way to put this, cases in a DA's office make for much better stories.

Throughout the course of my summer, I worked on probably twenty cases. Work on each case included investigation, witness and victim contact, police officer interviews, and either trial or settlement. Of these twenty, roughly half were robberies. Of the other ten, there were two attempted murders, several burglaries, and two cases that bear particular mention.

One involved an intravenous drug user who stabbed a foreign tourist with a dirty hypodermic needle. The defendant was HIV-positive and carried a host of other diseases, chief among them Hepatitis C.

The victim, an unassuming German filmmaker, subsequently tested positive for Hepatitis C. Of course, there is nothing particularly "cool" about such a tragic crime, but it certainly poses more interesting legal questions than a disputed contract term.

The other case involved a mayhem charge. Generally, an injury which results in the loss of a limb, nose, ear, or eye qualifies as mayhem. The victim in this particular case had gotten into an argument with a neighbor about a parking spot. Shouting ensued, followed by some shoving (although just who shoved who was, of course, in dispute), and eventually the defendant speared the victim's eye out with a broomstick.

Most offices give prospective interns a number of departments in which they may serve. Some of these are undeniably attractive. For instance, my first choices at the San Francisco DAs office were Homicide, Sex Crimes, Gangs, and Hate Crimes. Even though I've never watched a full episode of *Law & Order*, there was obviously a pop culture influence massaging my selective capabilities.

Thankfully, I was assigned to General Felonies, where the DAs get assaults, robberies, burglaries, and attempted murders. These crimes may sound more mundane than a complex serial rape, but they are much more numerous. Thus, my supervising DA had a massive caseload. That means more opportunity for interns to do substantive work and to deal with a much wider variety of crime. Additionally, consider that a homicide or gang case can take months to investigate and try. The bottom line of this fact is that an intern is less likely to observe an entire trial from jury selection to sentencing. So while some departments will undoubtedly look more attractive on a resume, consider getting down and dirty with a less romantic part of the office.

Be sure to speak with prospective supervisors beforehand. Unfortunately, I didn't follow this advice. But I was extremely lucky to be assigned to an attorney who afforded me an incredible amount of responsibility, respected my judgment, and loved his job. Call possible supervisors and feel them out — do they seem disenchanted? What kind of specific cases are they working on? How often have they been to trial in the past three months? What are the chances of you working on a trial case? The answers to these questions will ensure that an entire summer is not spent in the library or in front of the photocopier.

As a student who tends to side with law enforcement officials on many issues, I often feel out of place in the classroom. And throughout my first year, I saw myself becoming more focused on the theoretical aspects of the law. What a relief it was, then, to have more practical concerns placed before me. Reading rap sheets. Helping to decide whether a cop was lying or not. Writing motions that were actually read by someone.

The most important attitude that a law student must bring to any summer experience, though, is impartiality. No matter the situation, or the outcome, a law student is charged with being introspective. And the temptation to blindly follow the prosecutorial path is quite real. Throughout my summer, I always stopped to ask myself: Were we doing the right thing? Was there another course of action that would result in a more just outcome?

These are practical considerations, and they are contemplated every day by lawyers across this country. In my opinion, no other summer experience will frame the issues in such a manner as working at a District Attorney's office. For that reason alone, my law school education has been vastly enhanced.

Doonesbury

BY GARRY TRUDEAU

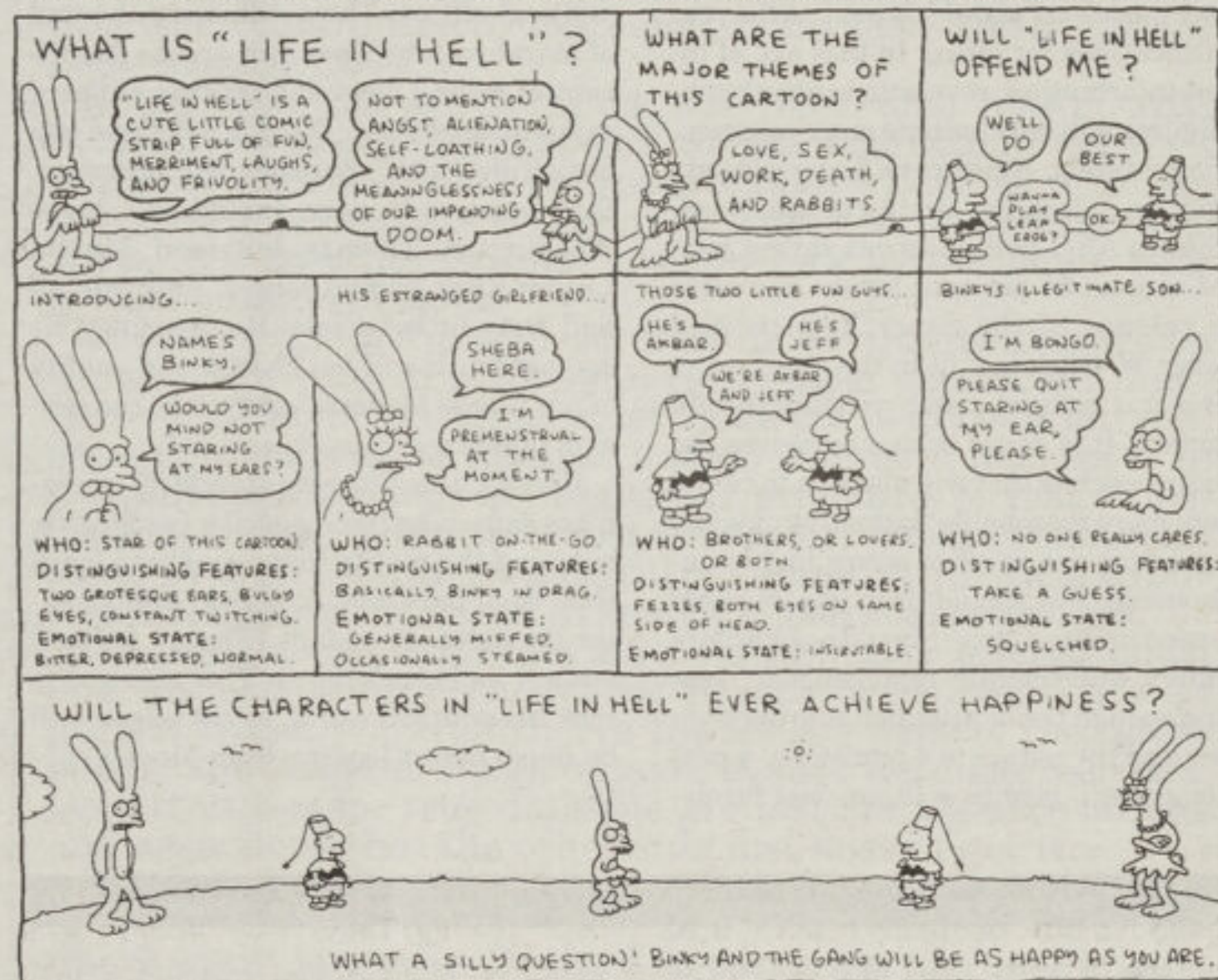


THE FACT IS GEORGE BUSH ONCE PRESIDED OVER SAV-
AGE INITIATION RITES THAT
INCLUDED BEATINGS AND THE
SEARING OF HUMAN FLESH!



HELL FOR BEGINNERS

A BRIEF INTRODUCTION TO THIS CARTOON FOR NEOPHYTES AND A REMEDIAL COURSE FOR THOSE WHO HAVEN'T BEEN PAYING ATTENTION



Q: Why would Ben Zeigler '97, Troy Tessier '93, Greg English '92, William Crawford '89, John Moylan '87, Wallace Lightsey '83, Marshall Winn '82, Frank Holleman '79, Carl Muller '77, Cary Hall '75 and David Freeman '49 join a 27-lawyer firm in Greenville, South Carolina?

A: To outnumber the 5 Yalies in the firm.

Find out what you're missing.

Sign up to interview with
Marshall Winn '82
Wednesday, October 13.
Pound 332

Wyche, Burgess, Freeman & Parham, P.A.
44 East Camperdown Way
Greenville, South Carolina 29601
864-242-8204
mwinn@wyche.com

Crossword 101

By Ed Canty

"Place Settings"

- ACROSS**
- 1 Swedish rock group
 - 5 Film-flams
 - 10 Nicholas II, for one
 - 14 London water closets
 - 15 Couric show
 - 16 Samoan capital
 - 17 Cooking benchmark
 - 19 Torso
 - 20 Alias
 - 21 Bundles
 - 22 Icebergs
 - 23 Dog's name
 - 24 Horn
 - 26 Barney Fife for one
 - 29 Rational
 - 30 Anti-pollution grp.
 - 33 Runs at slow speed
 - 34 Backbone
 - 35 VCR button
 - 36 Parmesan lead in
 - 37 Suffer (from)
 - 38 Italian auto
 - 39 Social climber
 - 40 War enders
 - 42 "The ___ Kid" 1994 movie
 - 43 Chicago to Miami dir.
 - 44 Signs
 - 45 Plow driver?
 - 46 Valleys
 - 48 Cross and collar lead in
 - 49 First course
 - 51 Circus performer
 - 52 Actress Dawber
 - 55 Abba __, Israeli politician
 - 56 Place setting item
 - 59 Ultimatum word
 - 60 Lower in esteem
 - 61 JFK postings
 - 62 Military place setting
 - 63 Desires
 - 64 Scarlett's home
- DOWN**
- 1 ___ Romeo
 - 2 Hire a band
 - 3 Half a Polynesian island?
 - 4 Request
 - 5 Unwavering
 - 6 Coop apt.
 - 7 Sums
 - 8 Ms. West
 - 9 Isr. neighbor
 - 10 Setting for a place set-
ting
 - 11 "Allow me to sew you to
your sheets", e.g.
 - 12 Assistant
 - 13 Beams
 - 18 Birdbrains
 - 22 Born and duty follower
 - 23 Coal, for one
 - 24 Cruises
 - 25 Hostelry
 - 26 Prima donnas
 - 27 Actress Patricia & family
 - 28 Place setting words
with mirror
 - 29 Skewers
 - 31 Type of pipe
 - 32 Chevy or Ford, e.g.
 - 34 Lineman's goals
 - 38 Axe



- 40 ___ Piper
- 41 Arbor preceder
- 42 Make watertight
- 45 Frosted follower
- 47 Country roads
- 48 Yak, for one
- 49 Appear
- 50 Reliable
- 51 Connery or Penn
- 52 Gyro bread
- 53 From a distance
- 54 Arizona city
- 56 Observed
- 57 PR man's old saw:abbr
- 58 New Jersey cager

Quotable Quote

"Some men are like musical
glasses; to produce their
finest tones, you must
keep them wet."

... Samuel Taylor Coleridge

By GFR Associates E-Mail: EDC9432@aol.com
Mail: GFR, P.O. Box 461, Schenectady, NY 12301

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We invite second- and third-year law students
to meet our attorneys at a cocktail reception:

Tuesday, October 12, 1999
6:30 p.m. until 8:00 p.m.
Harvard Faculty Club
20 Quincy Street
Cambridge, Massachusetts

We will be conducting interviews
at The Lincoln's Inn Society on October 13,
and welcome the opportunity to meet
potential candidates in a more relaxed setting.

Rude Awakening

THAT MAN DONE ME WRONG

By Elizabeth Falk '00
RECORD Columnist

Now that the air has taken on the typical frigidity of a Boston winter day, I'm sure you 1Ls have begun the search for warmth. Hot cocoa, mittens, warm blankets on your bed, and yes, inevitably, thoughts of another warm body to share that bed with. Without a doubt, the chill of both the Boston air and Harvard's campus lends itself to some quality, one-on-one after-hours snuggling and smooching, and what better place to find such intelligent, meaningful bedside banter than amid the aisles in the Ames Courtroom, while painfully awaiting the cessation of yet another pointless LRA lecture?

At first it seems odd that I would write an article about dating at Harvard (or, more properly, mating at Harvard) when I have shown myself to be even more unsuccessful at it than I was at Torts (B-, thank you). From my first three-day infatuation with a boy who turned out to be the biggest Christian right-wing conservative in the class (amazing how political views really do affect sex drive) to my more recent forays too pathetic for the RECORD to handle, I am possibly the biggest failure Harvard has seen. But this column is still going to be written because I no longer believe that my experience is indiscriminate, or even completely my fault. So despite the plethora of engagement or wedding rings on the fingers of several cohabiting colleagues, which certainly flicks a huge grain of salt on my impending diatribe, I feel it worthwhile to explore why I believe that no real warmth or companionship can be found by dating, or mating with, fellow Harvardites. And, sorry to be hetero-normative and sexist, but my experience happens to flow that way.

What's the first thing you notice on the first day of first year? Brother, we're not in Kansas anymore, or more appropriately, we're not at Duke or Stanford (or, God help you, Florida, Miami or Texas A&M). In other words, the pool of availables has been considerably lessened.

If you went to Harvard College, on the other hand, you may have been pleasantly surprised. But for most of us, we're hit with a sinking feeling that we'd better hit RESET on our standards wave-o-meter or it's gonna be a lonely three years.

So, depending to what magnitude this RESET actually occurs (based on individual background, experience and general "success" at dating) the Harvard dynamic affects people in different ways. Suddenly, people who have been largely insecure their entire lives about dating are faced with a wonderful new world of opportunity. "Who's the smartest?" is suddenly a valued quality in society, and there just isn't any competition from fraternity guys/sorority girls. The hype over the Harvard degree hits full force, and suddenly, the previously insecure are teaming with confidence. A false confidence, nonetheless, because we know it's really the frat boys who run the world. And of course, so do they. But for the moment, a sense of entitlement to all that life failed to provide them as teenagers exists.

On the other hand, if you live here in hopeful anticipation of "the real world" and didn't need any confidence boosters in this market to begin with, then your impending Harvard degree simply adds another notch in a well-worn belt. You start thinking "Hey, I was pretty sweet before, but now I'm the MAN." Harvard foraging simply becomes another convenient way to pass the time, slightly more interesting than playing Sega, before you can go out and hit the home run with a "real world" woman. Or, in more cases than not, that "real world" woman already exists in some far away city, and she's sending you cookies and comforting you over the phone while you bitch and complain about "how tough it is here."

Which brings me to my main point — that in my experience, the strange synergy of insecurity and overconfidence breeds a culture of dishonesty in Harvard

"romantic" relationships.

Whether it's the common 1L "let's have a secret hook-up relationship because no one needs to know our business" or the third-date "by the way, my girlfriend called today and she's coming next weekend," Harvard has completely demoralized me about the possibility of finding a professional man who does not consider himself above common notions of honesty. Nine out of the last 11 men I have been with in some capacity have turned out to have girlfriends elsewhere. And consider this recent conversation with a business school student at a disco party:

"_____, why do you cheat on your girlfriend so much?"

"Come now, you know I love _____."

"Oh?"

"It's in her best interest that I take this time to sow my wild oats."

"Really?"

"I mean, I know I want to be with her."

"Then why do you cheat?"

"Well, I guess you never really know. But I'm pretty sure."

"Why not 'if you love somebody then set them free' while you 'decide'?"

"Come on! Have you looked around here lately? Are you crazy?"

I'm left with this sense that somewhere, this Harvard degree subconsciously grants us all some sense of entitlement that we deserve more out of the game of life, and thus we don't need to play by the game's rules. This example may seem exaggerated to some. But while the words may be, isn't the ideology pretty standard? It's the "have my cake and eat it too" mentality for sure, but in my opinion, it goes beyond that. It's more of a Golden Rule idea: he who has the gold makes the rules. The Harvard degree is certainly the gold. My question is, what rules are we creating when we fall into this trap? And what rules are we forgetting that maybe, in the



end, our Harvard degree won't be worth trading in for?

Although we all may be insecure that we won't find someone else, insecure about coming home every night to an empty bed (without knowledge that love is a phone call away) and possibly, insecure of being exposed as the bookworms we are, some of us possess an overconfidence. Surely this revered degree means that one deserves more than one has, and certainly more than the "common person." And perhaps, some of us belong to a special society that enables us to use those people, even fool those people, who think you are still playing the same game they are. If you believe in forming relationships based on honest communication, connection and true human feeling, you'd better watch out that you're not one of the fooled. Whether they think they are too good for you, are trying to convince themselves they are too good for you, or are being a little "too good" to themselves by indulging in a dual relationship, the dynamic here just doesn't lend itself to sincerity or fulfillment.

Thus, my ultimate analysis is that it's part fear, part standard Harvard bravado that breeds our acceptance of the dishonest relationship. The thing that scares me so much about this phenomenon is that we are supposed to be the thinkers of the world. In law school, we are asked daily to challenge our belief in monogamy, privacy and even the validity of heterosexual relationships. But for God's sake, no matter what you believe, we have to believe that dishonesty in relationships is inherently wrong. There is such a thing as being "too smart" if you, through rationalization of your insecurity and talents, end up feeding your heart and conscience to your brain for dinner. What kind of world is that construction? No world that I want to "be smart" in.

FENNO

Fenno scratched his head as he tried to make sense of the 27 e-mails from OCS on his computer screen. The sheer number of them was disturbing enough, but trying to decipher the flowery language in each individual message was giving Fenno a serious headache.

Fenno groaned, knowing that he had only himself to blame; he should never have sold Sally Donahue that cut-rate postage stamp LSD. "At least," Fenno mused, "I didn't sell any to Trevor Jones. The last thing I need is psychedelic junk mail from Sullivan & Cromwell."

Fenno began mindlessly hitting the delete key, over and over again. It was a highly satisfying experience, more so than Fenno had expected; he took a moment to wish that it were possible to do the same thing to Seth Tillman's latest postings on his various course "threaded discussion" sites. Fenno sighed, realizing that life could never be that perfect.

Soon, all the messages were gone, and with them the overload of useless information. Fenno didn't think he'd miss much; he assumed he'd already broken at least 15 of OCS's bureaucratic rules anyway, but he wasn't worried. He knew that Paula Garvin would save his ass, just like she had every year for the past decade.

(Fenno wondered to himself, not for the first time, what would happen if Paula and Caroline Soutanian — the only competent employees at HLS — decided to stage a revolution and storm the Dean's office. Fenno knew where he'd lay his odds in that fight.)

But while Fenno certainly was happy to be free from his electronic burden, he still felt a certain sense of unease, much like Alex Zeltser must have felt just before he relieved himself in Charlie Nesson's pool last year. Fenno didn't know where this feeling came from. It's not like he was worried about getting a job — after so many years as a summer associate, Fenno knew how to handle this scene. Fenno had long since discovered that getting a job was simple: all it took was a winning smile and a forged transcript. (Fenno did, however, pare down his résumé a bit, taking out the part about being captain of the Georgetown crew team. One could never be too careful.)

Still, Fenno felt like something wasn't right. Fenno felt eerily like all the nervous 2Ls who were scared to death after listening to that oh-so-relevant advice from Johnny Coates. It was almost enough to make Fenno want a piece of pie.

Fenno just couldn't put his finger on the source of his malaise. (This might have had something to do with the fact that Fenno knew even less about the psychology of the unconscious than Margot Schlanger knew about LIPP reform.) Fenno's feeling wasn't anything intense, like Scott Brewer's hatred of humanity. It was just a nagging doubt in the back of his head that something wasn't right.

Fenno, a bit dazed, decided to stroll to the Charles Hotel and see if he could find a nice hospitality room to clear his head. As he came in through the revolving doors, Fenno found himself instantly engulfed in a sea of Hickey-Freeman suits and swirling dresses. (There were, however, no suggestively unbuttoned blouses, leading Fenno to conclude with a sigh that Liz Falk's ideas hadn't caught on as much as Fenno might have hoped.)

Fenno quickly grew disoriented by all

the eager intensity surrounding him. His normally impeccable instincts for zeroing in on free food were foiled by all the foreign scents in the air. The strange combination of stress-induced sweat and overly heavy applications of cologne was enough to make Fenno think he was surrounded by LL.M.s in North Hall.

Fenno tried to take a deep breath and clear his head, but not before he was assaulted by a string of identically-dressed 2Ls mouthing exactly the same blathering small-talk. After the 15th rendition of "So how many did you do today? I did 12, if you count all the Jones Day offices," Fenno couldn't take it any more. But he was trapped, hemmed into a deceptively comfortable-looking couch by a tidal wave of pinstripes and blindingly shiny loafers.

Fenno pushed, shoved, and at one point even yelled "Isn't that a partner from Cravath over there?" Using all of his linebacker instincts, Fenno successfully made a hole for himself and dashed out into the sunshine faster than John Decker running from his legal career.

Fenno quickly ducked into Charlie's Kitchen to catch his breath and surround himself with an element more his type. As the bartender knowingly put three shots of Baron Jaeger in front of him, Fenno took a moment to reflect on how he perhaps should have listened to that initial uneasy feeling a little more closely, and maybe learned something about his priorities in life. Then the soothing liquor hit his stomach, and Fenno quickly reverted to his default priorities.

Quote of the Week

"I personally favor owning guns for when the aliens come."

— Eric Johnson '00

RECORD PROFILES: A COMMUNITY

Campaign to Improve LIPP

by Nicholas Walsh, Chair, Student Public Interest Network, 1998-99

In response to numerous and continued student complaints about the adequacy of the Low Income Protection Plan ("LIPP"), a Law School financial aid program designed to ensure that graduates have real choice in their careers, the Student Public Interest Network ("SPIN") took up the cause for improvements in September of 1998.

Fashioning a campaign to improve LIPP presented SPIN with a number of serious problems, including: 1) a general misunderstanding of the current LIPP scheme by most students, faculty, and administrators; 2) the fragmented student opinion about the ultimate direction LIPP reforms should take; and 3) the enormous scope of the program. These problems controlled the strategy SPIN followed over the course of the entire year.

First, because few members of the Law School community understood the intricacies of LIPP, SPIN began a massive educational project. Foremost, SPIN investigated other schools' programs to get a sense of where LIPP stood in relation to its competitors. SPIN then brainstormed common misperceptions about LIPP and, in a series of weeks, papered the law school with small "LIPP Myths" flyers that could be easily placed in bathrooms, kitchens, hallways, and other common areas that are uncommonly used for information dissemination.

The immediate reaction to this campaign was mixed: while the flyers made a splash, sympathetic reformers wondered whether acknowledging the strengths would undermine support for change. Despite these concerns, the educational aspect of the campaign was critical for all future action. Quite simply, LIPP is a good program, but one that has many undesirable warts. Overly one-sided presentations or attacks on LIPP would have undermined the strength of SPIN's later, well-founded arguments for reform.

Second, SPIN had to marshal the varied opinions of the informed students about what in particular LIPP did and did not do well. SPIN canvassed its membership for reform directions. For instance, SPIN took from the Women's Law Society a concern about the shortness of the parental leave provisions.

SPIN listened to students interested in pursuing federal government employment who were concerned about the "bumping out" phenomenon for high-debt, middle-level salary graduates. SPIN also inquired about the concerns that current LIPP participants had with the program. SPIN distilled the numerous reform proposals into a short list of goals, some small, some large, and wrote the Dean, the Financial Aid Committee, and the RECORD, urg-

ing their adoption. These proposals were conservative, given the uncertainty of SPIN's strength with regard to the issues, and were not intended to be exhaustive. Of course, SPIN supported any improvements to LIPP. Tactically, however, SPIN had to limit its demands.

Third, the size and complexity of LIPP makes it an issue not easily solved, nor solvable in a single year. Therefore, SPIN addressed its campaign to two levels: the 1999-2000 fiscal year budget and the long-range planning process underway at the Law School. On the short-term agenda was encouraging the adoption of the smaller goals outlined in the initial letter to the Dean. On the long-term agenda, SPIN sought to enlarge dramatically the funding for LIPP. SPIN's campaign then focused on the many institutional methods of change at the Law School: the internal committees, the long-range planning committees, and ultimately the faculty, who must approve any plan that emerges from the Steering Committee.

SPIN's methods were tailored to fit the complexity of the issue: campaign slogans and rallies were not the desired format. Instead, SPIN preferred reasoned letters, presentations, and town meetings. Hundreds of postcards signed by students were sent to the Dean. Letters were written to the Dean, to the faculty, and to the RECORD. Students met with the Dean, the LIPP Administrator, the Financial Aid Committee, the Institutional Life Committee, and the Connections to Practice Committee. A web site was established (which remains accessible via the SPIN homepage). "VENT!", a town meeting open to all students, was held with the

Financial Aid Committee. Finally, a 25-page report was given presented at a special meeting convened by the Dean held to explain LIPP to the faculty. In short, the campaign represented a paradigmatic example of reform "within the system" — an attempt to use the preexisting institutional structures for change.

The immediate results of our campaign were good, but represent only the beginning of a larger project. The short-term emphasis bore fruit in the extension of the parental leave from three to six months. The severity of the slope for student payments was softened for LIPP participants earning over \$40,000. A \$2 million gift began the first-ever endowment of LIPP. Still, the success of the long-term goals cannot yet be evaluated, although SPIN did impact the debates in the long-range planning committees.

One of the major goals of SPIN's advocacy this year will be to tell the whole story of LIPP, and show that LIPP is vital to the entire HLS community. LIPP has been misunderstood as a special-interest cause, relevant only to the lives of left-leaning public servants. In reality, LIPP is about preserving career choice for all HLS students, about recruiting the best and the brightest applicants, and about restoring Harvard Law's influence in all corners of the legal world.

Those interested in helping continue this vibrant reform campaign should contact the current Chairs of SPIN, Ayn Ducao (aducado) and Jonathan Freimann (jfreiman), or Financial Reforms Committee Chairs David Markus (dmarkus) and Joy Radice (eradice).

Project on Law and Organizing

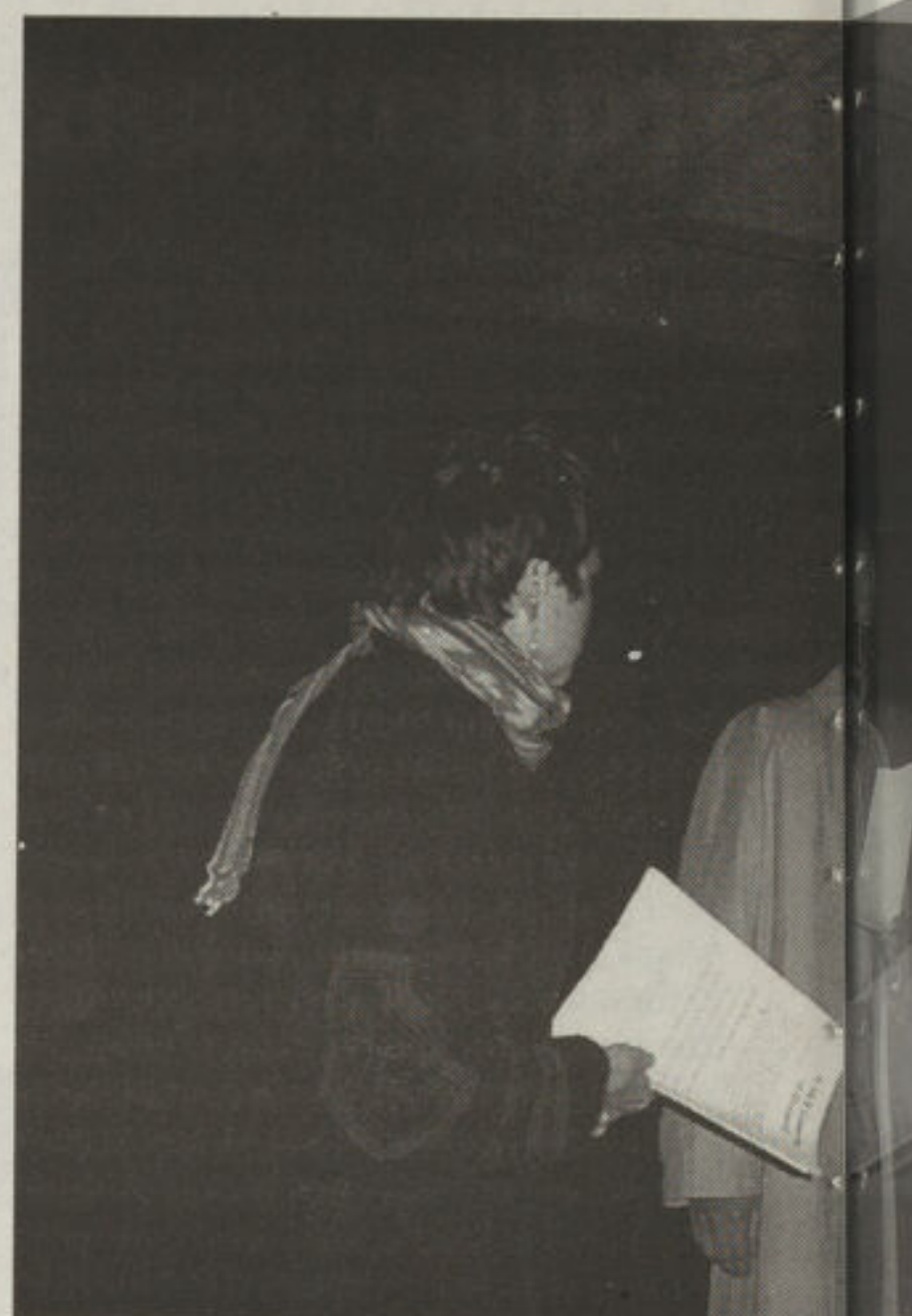
by Sarah Szalavitz, Co-Founder

I started law school with the naïve notion that lawyers act as agents of social change, using the law to advance a more just vision of society. While I still believe that lawyers can play such a role, I quickly realized just how rarely lawyers actually use the law to actively promote social justice. It seemed to me that activist models of lawyering were no longer as effective or as relevant as I had believed; impact litigation seemed both removed from the community and lawyer-centered, while the provision of direct legal services focused only on individual problems, rather than community empowerment and change.

Feeling slightly disheartened, I attended a speech given by Jennifer Gordon '92 on the topic of law and organizing. Outlining a new model for public lawyering, Gordon spoke of her experience in founding and directing the Workplace Project. The organization is run by its members — who are mostly immigrants — with the aim of enforcing the rights of immigrant workers. She suggested that law can be used as a tool of organizing, and can be used to empower both individuals and communities. Combining notions of both impact litigation with direct legal services provision, Gordon advocated a model that educates community members about their rights and provides legal services to members with the understanding that legal advocacy is geared towards benefiting the community, rather than solely the individual.

Inspired by this speech, I began to discuss with other activist students the issues surrounding a law and organizing model of social justice. In previous years, students have held training sessions in organizing. Last year another training was proposed, this time devoted specifically to law and organizing. Working with Sean Flynn '99, Michael Silverman '00, Nick Lundgren '00, Ramesh Kumar '01, Nick Walsh '00, Sophie Bryan '00 and several others, we held a successful training and formed a group devoted to learning more about the relationship between law and organizing.

This year, the Project on Law and Organizing hopes to focus on various projects implementing this model of lawyering. From an initiative dealing with health care providers, legal services and low-income people, to the implementation of housing laws that mandate tenant input and organizing clients of a needle exchange, our group has a variety of ideas on how to use this model and develop the skills essential for law and organizing. Additionally, we hope to host a conference on this topic, engaging academics and practitioners in what we view as cutting edge development in law and social change. Please contact sszalavi@law.harvard.edu if you have any questions or would like to join our group.



Promoting Campus

by Mike Ng '01

Where did student concerns about diversity at Harvard Law School come from? At the moment we stepped foot on campus — confronted by the immediate led to cynicism. Two black men in ornate robes, the self-congratulatory literature the administration produced at a ten-year low, with increases in Asian-American, Latino, and Native American enrollment.

The diversity "movement" sprung up organically from the mouths of all colors. In the fall of 1998, at a meeting organized by activist students tired of passivity in their law school, the issue was of overwhelming concern. The next day, a group of students was listened to, letting alumni returning for their reunion at their law school. A group of approximately 30 students provided a decline of students of color and the stagnation in the law school. Alumni were engaged in discussions about the dimensions of one at HLS.

Reactions from the alumni were mixed, but the loose agenda which emerged was simple: to bring about change, what they intended to do about it. Students don't want to be other law schools, ethnic organizations are allowed to exist, from the various "identity groups" — La Alianza, E. Asian, and the issue to Dean Clark and Dean of Admissions. Everyone else confronted them at faculty meetings. Everyone else confronted them at section parties, for example.

The Administration's reaction was depressingly predictable. The graduation program was the one that worked, but the administration efforts and excuse themselves from responsibility. The represented minority knows, other law schools accept students, special events, making generous offers of financial aid, fading laurels. With such a tactic failing to appeal to the saying, claiming in numerous RECORD articles that the administration, there really were just as many as the alternative, that the year was just a statistic.

Last year's efforts culminated in a spring rally featuring angry speeches, songs and poetry. The Dean finally listened, '80, an African-American, to the previously all-white students for this year's class.

The results have yet to be seen, but it's clear we've made progress. The sabbatical and therefore will not sit on the Administration. We were in last year. It is vitally important that we change the way HLS seeks to attract a full spectrum of students, involvement in the process, and a well-funded, resolutely under-represented groups. Again, the only path

A look at one student effort to change the status of Harvard and

CONTRIBUTION OF ACTIVISM AT HLS

The Living Wage Campaign

by Aaron Bartley '01

Harvard University is a corporation. Although it isn't explicitly driven by profit, many of its practices are geared towards wealth accumulation. Harvard has extensive real estate holdings and an extraordinary endowment - cared for by a highly-paid set of professional managers - which has grown from \$4 billion to \$14 billion over the past decade. Like every other corporation, Harvard uses its power to save money any way it can.

Lately, it has employed the tried and true corporate strategy of outsourcing to deflate the wages of thousands of service workers who clean, feed, protect and otherwise pamper Harvard students and faculty. Janitors who made \$11.50/hr ten years ago have seen their wages drop to below \$9/hr as Harvard relies more heavily on low-wage outsourced janitorial contractors. Closer to home, the University outsourced dining services at the Hark. Non-union Marriot workers at the Hark make \$6 and \$7/hr while their counterparts at Harvard College, who have so far fought off Harvard's attack against their union, all make above \$10/hr and receive health benefits.

Harvard's campaign against its service workers is a local example of a national phenomenon. Across the country, employees in growing service fields such as health care, food services, retail, cleaning and security have to hold down multiple jobs just to pay rent. De-industrialization has pushed millions of formerly working class Americans into the service economy, where unlivable wages are the norm. The

situation is especially grave in the Boston metro area, where the in-migration of thousands of yuppie professionals has led to skyrocketing rents. How do you pay \$1100/month rent on \$6 an hour? It doesn't compute.

Low wages and Harvard's attack on its service workers are incompatible with the ideals of community espoused by the University. Service workers provide us with essential services, yet they are routinely marginalized. Have you ever noticed that the design of the tray repository at the Hark makes it impossible to make eye contact with the dishwashers in the kitchen? Did you know that Law School offices and hallways are cleaned at night when few students or faculty are around to take note? Indignity is an institutional value when it comes to the University's relationship with its workers.

What did we do about it?

The Harvard Living Wage Campaign grew out of the undergraduate Progressive Student Labor Movement (PSLM), which has spent years convincing the University to license its name and logo to apparel companies that pledge not to use sweatshop labor. The Campaign quickly gained the support of unions, workers, and faculty concerned about the problem of low-wage labor on campus. PSLM adopted the logic of living wage campaigns that have successfully raised wages for municipal service workers in cities all across the country. The thought was that, if cities like New York, Cambridge and San Francisco can be made to implement a minimum code of labor ethics, so can wealthy institutions like Harvard.

The Living Wage campaign took its \$10/hr minimum from the living wage ordinance that passed in the city of Cambridge last year. The city determined that \$10 is the minimum needed to pay rent and to cover basic necessities in the Cambridge/Somerville area. After adopting the \$10 figure, the Campaign researched wage scales throughout the University and concluded that at least 1700 Harvard employees were making less than \$10/hr. The Campaign then wrote a letter to President Rudenstine demanding that he take action to improve the University's economic relationship with its service workers by implementing a \$10 living wage for directly employed and subcontracted laborers.

This letter was followed by a rally attended by 250 students, workers and community supporters in front of the Science Center. Historian Howard Zinn, local politicians and others urged Harvard to adopt the living wage. The rally received extensive coverage in the local and campus press. Rudenstine and Provost Harvey Fineburg met with the campaign shortly after this first rally and promised to investigate the problem. A few weeks later, Rudenstine announced that a faculty committee comprising 10 faculty members and some administrators had been established to investigate the University's employment practices and to make a recommendation. During the remainder of spring semester, the Living Wage Campaign kept the pressure on the University. Two additional rallies were held, petitions were circulated and the Campaign organized support amongst Harvard faculty. More than 125 faculty have signed a petition in favor of the living wage.

What was accomplished?

Although the University has yet to establish a living wage policy, the living wage campaign has won on several points. Near the end of the summer, Harvard announced that about 400 employees had been improperly classified as casual workers and had been denied union wages and benefits. Recognizing these casuals as full-fledged employees of Harvard and granting them membership in the Harvard Union of Clerical and Technical Workers is an important step forward, but much more needs to be done for the many more workers who continue to be paid a wage they cannot hope to live on.

The Campaign will continue raising consciousness about this issue through rallies, debates, and leafleting. The Campaign also works in partnership with individual sectors of the service staff when they are renegotiating their contracts. Currently, 350 janitors are in the middle of negotiating a new contract with the University. Their central demand is a \$10 living wage for all Harvard janitors.

To learn more about the Harvard Living Wage Campaign, go to <http://record.law.harvard.edu/~mirarchi/living-wage>.

Camus Diversity

Harvard Law begin? For most of us, they began the overwhelming majority of white faces that first year's 1L sections? Ridiculous. So much for diversity when we were applying. Diversity was a buzzword covering declines in African-American,

year from the honest anger felt by students by Ramesh Kumar '01 and Raj Goyle '00 for the monochromatic nature of classes. Students took action where they knew they'd find others that weekend know what had happened to diversity. Reports provided alumni with fact sheets on the number of female students. In addition, the drop in diversity has for every-

administration took notice, at the very least. The issue up to the Administration and ask them to read and comment on applications. Leaders of APALSA, SAA, NALSA and others - brought letters, sit-down meetings and addresses at whatever forums were offered - the Dean's 1L

invasive. Judge Wisdom said that the only intervention administration could only point to its feeble results. As any student from an underrepresented group - flying prospective students out for recruitment - while Harvard seems content to rest on its laurels. The Administration turned to statistical naysayers who were just counting incorrectly. According to the number of color as there always had been, or in the administration.

attended by over 300 students who listened to the Dean's Committee in time to read applica-

done yet. This year Professor Wilkins is on the Dean's Committee, leaving us in the same situation. We continue to press for a real change in the status quo. This may mean demanding anew real student-oriented plan to recruit students from historically underrepresented groups. The plan that will satisfy must be one that works.

Continuing efforts to change the status quo at Harvard beyond...

Death Penalty Project

by Michelle Drake, Co-President

It's hard to make a rational argument in favor of the death penalty. Apart from the moral absurdity of condemning murder via murder, support of state-sponsored killing essentially means ignoring the fact that innocent people have been convicted (82 released since 1976), denying the fact that the justice system is fraught with racist and classist biases, and rejecting empirical evidence about the exorbitant costs of administering death under the guise of justice.

Despite all this, political support for capital punishment continues unabated. Last year, Massachusetts Governor Paul Cellucci introduced legislation that would have re-instituted the death penalty in Massachusetts, which remains one of only 12 non-capital states. The House defeated the legislation, but the vote was close (81-71). Cellucci vowed to reintroduce the bill, and pundits suggest that he is awaiting a particularly gruesome murder (like that of Jeffrey Curley in 1997) to whip up public fury once again.

The Harvard Death Penalty Project worked closely with a coalition of Massachusetts anti-death penalty organizations to defeat Cellucci's bill. From compiling statistics on the costs of the death penalty for ACLU lobbyists (a Duke University study showed that it costs \$2.16 million more to execute someone than it does to put them in prison for life) to demonstrating on the steps of the State House with Amnesty International and Murder Victims Families For Reconciliation, a dedicated group of HLS students helped to defeat the reintroduction of death.

Despite last year's Massachusetts victory, there remains much work to be done. More people have been executed in the United States this year than in any other year since the Supreme Court upheld the constitutionality of capital punishment in 1976. We appear dangerously close to electing George W. Bush (who has signed off on the execution of 104 people) to the White House. Even if we don't, both Bradley and Gore have expressed support for capital punishment. Twenty-four states allow the execution of juveniles, and 23 allow the execution of the mentally retarded.

That the prospects for achieving widespread abandonment of the death penalty are grim, is no excuse for apathy among those best positioned to fight for the end of capital punishment. Death penalty attorneys are terribly strapped for resources and are in desperate need of legal research. Lobbyists and activists need organizational support and voices to call out for justice. Even a few hours on Westlaw can help tilt Lady Liberty's scales back toward justice and away from death. That's a hell of a lot more than can be said for most time spent on Westlaw. If you have time to devote, please contact Michelle Drake (emdrake) or Francesco Barbera (fbarbera) of the Harvard Death Penalty Project.



The Reel World

By James Greely '01

JONES AND JUDD FLOP IN BIG EASY

Since the days of silent film, Hollywood has been hip to the fact that few things are more entertaining than a tale of justice gone awry. The studios have been cashing in ever since. These days it's typically with half-baked legal thrillers, populated with stunningly attractive crusaders of justice, and bearing catchy pseudo-legalistic titles like *Presumed Innocent* or *Just Cause*.

To this latter category we may now safely add *Double Jeopardy*, a painfully unoriginal tale of a woman wrongfully convicted of murdering her husband, whom she later discovers is still alive. Paroled in just six years, she realizes she can now murder him without the worrisome burden of being con-

victed a second time — hence the title.

While this creative take on the Fifth Amendment may pique your legal interest, I must warn you that its development on screen will almost certainly offend your cinematic sensibilities. What this film is: a hodgepodge of formulaic plot-lines and sorry clichés, weaved into 90-minutes of non-stop imitation. What this movie is not: good.

The action opens with Libby trying frantically to find her husband on a rented boat. Instead, she happens upon a bloody knife, which she holds on to just long enough for the authorities to swoop in and discover her. Despite minor impediments such as the lack of a dead body, motive or any other real evidence, Libby is promptly convicted of a capital crime.

Cut to a federal prison. Libby is gently grooming her fellow inmate's hair when she is interrupted by a prisoner who presents Libby with a candle-lit cake to celebrate her 6th year in the joint. Either the prison system has done a complete 180 since my bit in the Big House, or this view of jailhouse bonding is a bit romanticized.

Sadly, the detachment from reality does not end there. Libby is quickly paroled, despite having supposedly "sliced and diced" her husband's corpse. She then moves into a halfway house run by parole officer and real-life Harvard alum Tommy Lee Jones. Tommy's character is a once-prominent law professor who has fallen to the level of a P.O. because he caused a car accident. What?!

Libby immediately breaks parole on the day of her arrival in order to search for her son, as well as the husband she is convinced is still living. Tommy accordingly gives chase across country. The final destination is a sparkling clean, lily-white Bourbon Street in New Orleans where southern gentlemen and young debutantes attend galas. (Where are the live orgy bars and female impersonator clubs that I so fondly remember?) Tommy alerts the good ol' boy police chief that there may be an armed Judd in his fine city, and the chief immediately puts out an all-units alert. (Never mind the other 8000 armed criminals who nightly prowl the streets of New Orleans). The race is then on to see if Tommy can catch Ashley before she can find her kid.

It seems that Tommy Lee's inspired performance as the pursuer of a good-hearted felon in *The Fugitive* convinced someone in Hollywood that he could transform this supporting role into the lead in a series of brainless action flicks. See, e.g., *U.S. Marshals*. While he delivers several comic lines, Tommy generally appears as old and worn-out as his recycled character.

One almost feels pity for Ashley Judd as she obviously suffers through an inane script that has her reciting such lines as "I'll make you an offer you can't refuse." If the script isn't hackneyed enough, try this action sequence: Libby narrowly escapes death because the villain, despite owning a firearm, decides to murder her by letting her suffocate in a coffin.

While not completely devoid of entertainment value, the film lacks much in the way of originality, to say the least. I heartily discourage the trek to Fresh Pond to view it. If you feel a burning desire to find out if Ashley is reunited with her long lost son, rent *Double Jeopardy* on video, or better yet, save three bucks and wait for cable. Either way, take quaaludes beforehand. You'll need them to attain the suspension of disbelief required to get through this film.

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Her Indie World

By Suzanne Carter '00
RECORD Music Columnist

WORTH YOUR MONEY

Macy Gray, On How Life Is
Epic/Clean Slate 1999

I worked in a bookstore in college, and we were expected to submit books to the staff recommendation shelf with comment cards promoting our selections. My pal Sparky's were always the same, and they never failed to amuse me: "Oh, just buy it already! You know you want it."

Reviewing Macy Gray's mind-blowing debut, "On How Life Is," I wish I could just write the same and be done with it. There's a point at which words fail to describe art. Sure, I've convinced a number of people to buy this release, all of them obsessively dwelling in Macy's world at present. Or rather, Macy herself convinced them, through her extraordinary duckling cum Betty Carter cum scratchy old record voice and through her genre-bending mix of rock, funk, soul, jazz, gospel, pop, hip hop and just about every other species this side of C-and-W.

"On How Life Is" was produced by Andrew Slater, the mastermind behind one of the other terrific debuts of the last few years, Fiona Apple's "Tidal." Gray uses many of Apple's solid studio players (including drummer Matt Chamberlain, currently touring with Tori Amos), and both albums are filled with intimate confessional. Gray, at 29, has a maturity that the teenage Apple was lacking, and the codependent relationships and existential crises chronicled in "On How Life Is" are met not with denial, but with a satisfied resignation somewhat reminiscent of the mood on Liz Phair's last album. A line like "Deep in the struggle I have found the beauty of me," which, if on a Jewel album, would make me vomit, sounds not only sincere but profound when Gray sings it.

The only time Gray gets down-and-anxious is during the record's lead-off track, the ripping, funkified "Why Didn't You Call Me." With its infectious refrain ("We went out one

night/Everything went right/We got something started/It was outta sight/We had such a good time/Hey! Why didn't you call me?/I thought I'd see you again."), we have found a definite cocky-2L-in-an-ill-fitting-suit theme song. (Here's a tip on how life is: if that firm with the nice on-campus interviewer who gave you a pat on the back hasn't called within the first 24 hours, they probably aren't going to.) And is there a better slacker-3L-with-a-job theme song than "Do Something," in which Gray cheerfully sings, "Now let me tell you what is fact and what is true/I get high a lot ain't got much to do/I'm always in a daze"?

The album's highlights, though, are songs like "I Try," "Still" and "I Committed Murder," which join to anoint Gray Codependency Queen. "Murder" is a bossa nova more authentically Latin than anything off that dippy (or is that nippy?) Ricky Martin album, and it gives us Macy in prime sassy Rhoda Morgenstern-mode (shout-out to our favorite graduate cum laude, Elizabeth Read '99!). How else would you describe a woman whose final words before murdering her boyfriend's crooked boss are "you ole bag, maybe you ain't heard but them are fightin' words" and later flees to Jamaica, reflecting "having money sure is nice." "Veronica's Closet" sure would liven up with a screenwriter like Gray.

"Still" is less strident, but its Annie Lennox-does-gospel chorus draws you in ("I still light up like a candle burning when he calls me up") while Gray's classically trained fingers do the walking on the piano. "I Try," though, is the real source of this album's greatness. If Tina Turner and Burt Bacharach collaborated, it would sound like this: the sweeping, poignant build of the song mates beautifully with Gray's throaty, anthemic holler.

There won't be a better album released this year than "On How Life Is." Oh, just buy it already! You know you want it.

In connection with our on-campus interviews
October 14-15, 1999

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The Buzz

CINEMATIC BEAUTIES

By Tanya Marsh '00
RECORD Columnist

From Labor Day until Christmas, the movie studios generally release the films they believe have the best chance to compete for Oscar gold. A handful of such movies opened or were expanded into general release on October 1, but sadly, none were able to knock the law-school hypothetical *Double Jeopardy* from first place at the box office. Occupying the number two and three slots, respectively, were the moralistic satire *Three Kings* and the suburban morality tale *American Beauty*. While both are well worth the price of admission, the latter is an instant classic and one of the best movies I've seen this decade.

American Beauty opened to a national audience on Friday, although Harvard Square has enjoyed the flick on three screens for several weeks. Starring Kevin Spacey (hands down the best actor in Hollywood), Annette Bening, Thora Birch and Wes Bentley, *American Beauty* is the first film for Sam Mendes, a British theater director best known for his work on the London stage with *The Blue Room*. It is a tremendous first effort for Mendes and screenwriter Alan Ball, previously known for his work on the sitcom *Cybil*.

American Beauty tells the story of Lester Burnham (Spacey), a 42-year-old man who announces to the audience at the outset that he has less than a year to live. Some would argue he is already dead at the beginning of the film as Lester catatonically goes through the motions of life. Against his lethargic will, Lester is dragged to his daughter Jane's (Birch) cheerleading debut. He sets eyes on her friend Angela (Mena Suvari) and suddenly everything changes.

Lester's erotic fixation on the 16-year-old Angela is somewhat disturbing, but she appears to be quite unreachable and so functions more as Lester's muse than potential sex partner. Jane and Angela are acutely aware of Lester's interest and react very differently — Jane with disgust at her father's weakness and Angela with calculated zest. She "innocently" remarks

to Jane, in front of Lester, that she enjoys men with muscles. This inspires Lester to descend to the basement, dust off his barbells and begin the striking physical transformation that Spacey admits was the most challenging facet of the role.

Describing his role, Spacey notes, "I think Lester is very much like a lot of men in American life, who start out having certain ideas about the kind of life they will have, but somewhere along the line, they get squashed down. He's grappling with feelings that have long been dormant, but have been reawakened in him. It's not so much a mid-life crisis, but rather a sort of rebirth. He begins to realize how precious life is...a realization that's in some ways too late."

Reading this column, one might get the impression that this is Spacey's movie. I'm obviously quite biased in his favor, but nothing should detract from the outstanding performances offered by Bening, Birch, Bentley, Suvari and Chris Cooper. *American Beauty* is a true ensemble piece and it is the interaction of each character's story that makes this such a complex and rewarding movie.

The title of *American Beauty* is intentionally ambiguous. It may refer to the roses grown by Carolyn, a central motif in the story. Carolyn's roses, growing alongside the white picket fence are highly pruned into a perfect image, reinforcing her mantra: "To be successful I must project an image of success." When Lester fantasizes about Angela, the roses again appear — she is surrounded in red rose petals in constant state of motion — falling from the sky, swirling in the bathtub. The title could refer to Angela herself, the American beauty who inspires Lester to take back his life. Or it could refer to Ricky Fitts, the film's unlikely moral center, and his admonition to "look closer" and uncover beauty in places we never expected it — a plastic bag dancing in the wind or the final smile of a dead man. The ambiguity of the title is intended, like so many things in this

movie, to force the audience to reconsider the things they take for granted and maybe to recover something they lost. *American Beauty* is a powerful commentary about finding the joy in life and remembering what is really important. Movies like this, movies that both touch the soul and challenge the heart, don't come around very often. I give it my highest recommendation.

The story of *Three Kings* begins at the end of the Gulf War. The GIs have won, and they celebrate rambunctiously, but many of the young men enjoying their first taste of war wish they had seen more action. One exception is Captain Archie Gates (George Clooney), a grizzled veteran set to retire in two weeks. He resents his assignment to pool reporter Adriana Cruz (Nora Dunn) until he hears a rumor about millions in Kuwaiti gold hidden in the Iraqi desert. Meanwhile, Sgt. Troy Barlow (Mark Wahlberg) and Pvt. Conrad Vig (Spike Jonze) find a curious map hidden in the rear orifice of a member of Iraq's Republican Guard. Convinced that only a valuable piece of information could justify such an uncomfortable hiding place, Troy enlists the help of Sgt. Chief Elgin (Ice Cube) to figure out what the map means. Gates, in the guise of helping Cruz uncover the story, hears about Troy's map, crashes the meeting of the men and assumes control of a plan to take the hidden gold for themselves.

The Republican Guard will allow the men to walk out with the gold, Gates argues, because they are more concerned with the war against the rebels and will be willing to give the Americans whatever they want to stay out of their civil conflict and depart Iraq. Gates's cynicism turns out to be well-founded. The Republican Guard actually helps the men carry the gold out of their hidden underground bunker to prevent them from interfering with their torture and murder of the men, women and children whom they regard as a threat to Saddam's regime. While Troy, Chief and Conrad argue, with varying levels of conviction, that the Iraqi civil war is none of

their business and they should take the gold and leave, Gates makes the choice to stay and defend the refugees.

That choice, between humanity and greed, is not without consequences. It is at the heart of this movie and applies as much to the men's story as it does to the greater theme of the disastrous U.S. policy in the Persian Gulf. *Three Kings* is an intense and confrontational story and condemns both Bush's abandonment of the Iraqi rebels and war in general. For those of us who comfortably watched the Gulf War on television, *Three Kings* is a very uncomfortable experience. But while it questions the motives behind U.S. involvement in the war and its hasty retreat from the Gulf, *Three Kings* does not offer a convenient resolution. It equally attacks the parties for their indulgence of greed and violence. Make no mistake, this is a very bloody, very violent and, in parts, very gross movie. But the gore is not gratuitous, it is used to highlight the tragedy that results from war.

On paper, *Three Kings* isn't a likely critical success. It is the first big-budget movie for writer/director David O. Russell, a man best known for his too-quirky indie films like *Spanking the Monkey*. The starring quartet includes a tv star, a rapper, a director in his acting debut and, of course, Marky Mark. Happily, all involved in *Three Kings* greatly exceed expectations. Wahlberg, who has the most emotionally difficult role in this movie, deserves special mention for his engaging performance. Clooney proves once again that he is a versatile actor — this role allows him to balance gentleness with a capacity for quick violence, cynicism with rakish charm. Jonze, an award-winning music video director (The Beastie Boys' "Sabotage") does a surprisingly good job. *Three Kings* is funny and tragic, innovative and thought-provoking. For those of us in the Gulf War generation, it is a definite must-see.

MEET SKADDEN ARPS

1999 Harvard Law School Interviewing Dates

Thursday, October 14th
Thursday, October 14th
Thursday, October 14th
Thursday, October 14th
Friday, October 15th
Thursday, October 14th
Thursday, October 14th
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Can You Spare a Razor Blade?

By Dusan Stojkovic '00
RECORD Columnist

FARCICAL FELINES GET THEIR FREAK ON

Given his close ties to the old-world cinematic elite, it has become a self-fulfilling prophecy that an Emir Kusturica film will garner awards in the growingly discredited European festival circuit. And so it was no surprise that his latest offering, "Black Cat, White Cat," unglamorously captured the Silver Lion in Venice last Fall.

Walking into the theater, then, I expected this film to be no more than the latest installment in the pseudo-intellectual hole the native Bosnian had laboriously dug himself into. After all, what more could Kusturica say about Romany life in the Balkans after his heavy-handed and excruciatingly symbolic "Time of the Gypsies"?

As it turns out, he did in fact have more to say, and most of it is quite good, and quite funny. "Black Cat, White Cat" is the unabashedly sappy love story of Zare (Florijan Ajdani) and Ida (Branka Katic), a couple who find romantic bliss after clearing obstacles posed by family, thugs (who, more often than not, are also family) and the grim yet vibrant community on the shores of the Danube, somewhere in the current Yugoslavia.

But the movie's plot—which seems lifted from a really bad *telenovella*—is beside the point. What truly drives this flick is its superb cinematography and cast.

Kusturica compiled most of the cast from a theater troupe in Sutka, a small village near Skopje, the capital of Macedonia. This ensemble is amazingly adept at translating theatrical improvisation onto the big screen. Of the non-amateur actors, Srdjan Todorovic is especially effective in the role of Dadan, an oddly likable *mafioso*.

Behind the camera, Therry Aborgast skillfully balances deceptively serene scenes of nature with jarring shots of cluttered interiors, all conveying urgency and constant movement; stagnation, after all, has no equivalent in the Romany dictionary.

Kusturica himself has written about the production design he uses to portray the outer world of Gypsies in his film: "The kitsch gypsies possess simply intrigues me because of its emotional strength. This kind of kitsch destroys any genre. It's a kind of mockery..."

It's also a kind of stereotype-exploitation, as when a young boy steals his supposedly dead father's golden watch. Still, even with its excessive cultural *clichés* and bathroom humor, "Black Cat, White Cat" is a film that desperately needed to be made and distributed to as wide an audience as possible, and only Kusturica had the clout to do it. Besides, it is socially desirable to fly in the face of political correctness once in a while. Who other than an envious, insecure late adolescent of the likes of David Wilkins *circa* 1973 can earnestly say he never dug "Shaft in Africa"?! Nobody, so go on, *shut your mouth...*

Although the symbolism hits the ceiling five minutes into the story, it is decidedly subdued in comparison with that exhibited in Kusturica's prior films. No tale about Gypsies could do without animal allegories, and here they work particularly well: a recurring scene zooms in on a sow gnawing at a decrepit automobile from the socialist era, while another scene shows the white cat from the film's title atop the black cat, conceitedly mounting her.

Although all these crude hints

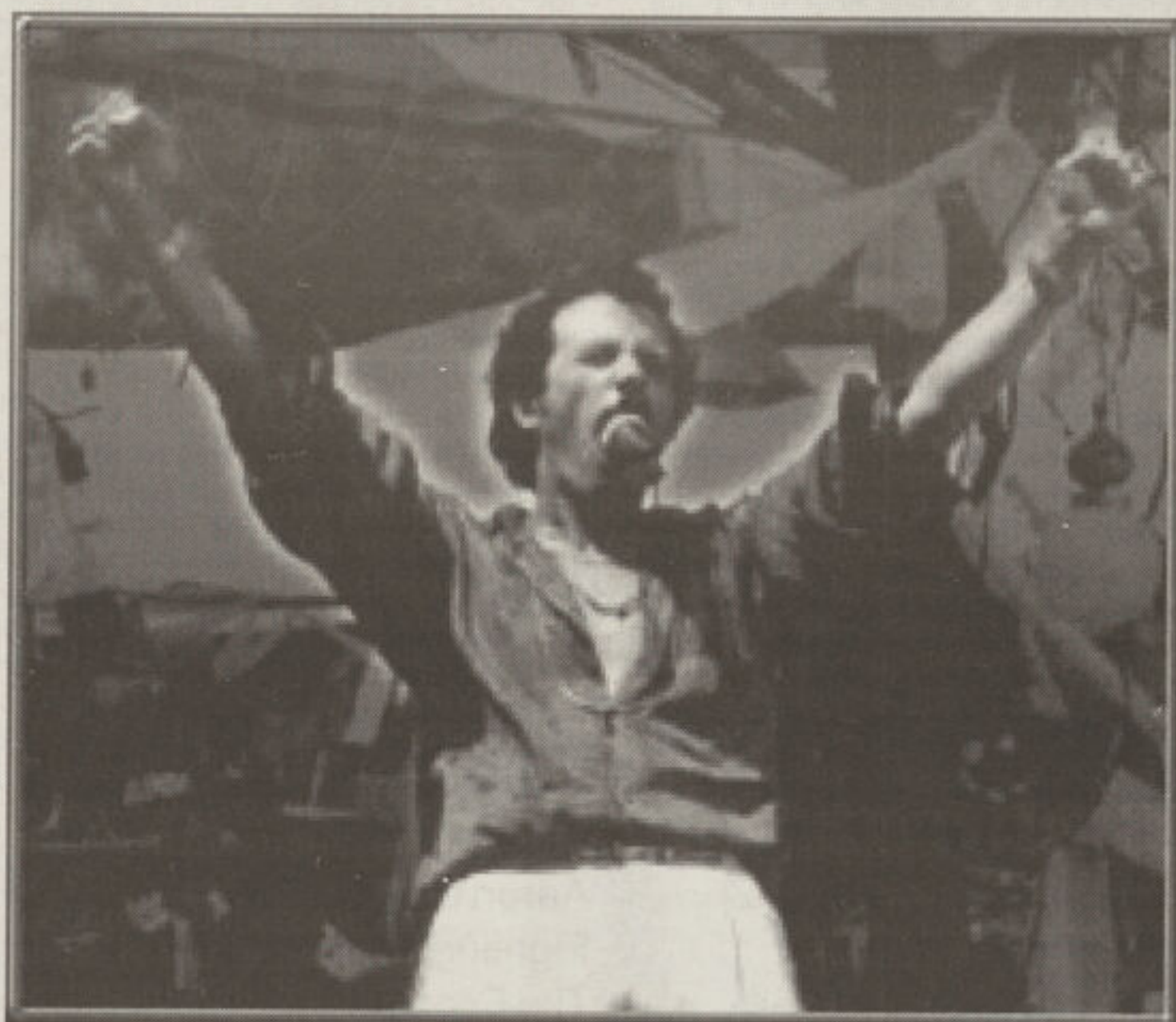


Photo courtesy of www.komuna.com

Dadan (Srdjan Todorovic) lets it all hang out after finally marrying off his sister.

ridicule the decadence and despair of post-socialist society, Kusturica gives the viewer more than the usual political farce by bringing to light a deeper truth about the resilience of humanity to adverse circumstances.

In doing so, the director pays poignant *homage* to the Gypsies' perseverance in Southeastern Europe, and their quest to retain a distinctive and rich culture despite being on the re-

ceiving end of severe discrimination, and worse (approximately 500,000 perished in a relatively unknown episode of the Holocaust and the vast majority of Gypsies in Kosovo have been forcibly displaced by the KLA). If nothing else, this film celebrates the fact that the Gypsies have stuck around and transcended their plight.

"Black Cat, White Cat" is playing at the Kendall Square Cinema. Showtimes are 1:45, 4:25, 7:10, 9:50 pm.

STROOCK & STROOCK & LAVAN LLP

Our New York office will be interviewing
2nd and 3rd year students at the Charles Hotel
on Wednesday, October 20th, 1999.

(Sign up for interviews in the
Office of Career Services by October 5th)

BOSTON • BUDAPEST • LOS ANGELES • MIAMI • NEW YORK • WASHINGTON, D.C.

SPORTSGUY

WHO KICKED WHOSE BUTT

By Phil Berengolts '01
RECORD Columnist

In a week that saw the Mets claw their way back into the playoffs, **Scottie Pippen** Ain't Easy take his bags to Portland, and the Broncos fall to 0-4, Sports Guy would like to salute the clutch performers and unsung heroes of HLS flag football.

Aaron's Mom could not take Dicken's Cider, as Heavy Into **Geoff Herzog** '01 drove his team to three scores and **Jeremy Stamelman** of La Mancha '01 deflected the potential game winning two-point conversion to preserve Cider's 22-21 victory. Props to Aaron's Mom for the bold move of going for the win, but the word on the street is that their coach is on the hot seat.

Buzzy's Fat Bastards nipped LC United 19-18 behind the strong rushing game of **George You Don't Bring Me Flowers** Anywhere '01. **Dave Bigge Smalls** '01 and

Adam Hirsch So Good '01 came down with clutch receptions to propel the Bastards on their final scoring drive. **Craig Don't Cronheim** For Me Argentina '01 converted the extra point for the victory with no time left on the clock.

In another tightly contested game, the Fighting Peilins defeated the Weekend Warriors 27-14, handing the Warriors their first loss of the season. **Kwame Cain** and Abel '01 continued his strong run for MVP honors, hauling in two fourth down receptions for scores. The Warriors countered with the speed of **Matt Siben** and Simon '00 and the toughness of **Chris Jacobs** Ladder '00. Helped in no small part by Jacobs's gritty play in the trenches, the Warriors marched down the field on three straight completions to the

speedy Siben, including a diving snag for the touchdown. Not to be outdone by the receivers, lineman **Jonathan Freimann** McNeil '01 made a clutch third down reception and ran it to the five-yard line setting up the Peilins go-ahead score.

The most impressive performance of the week belonged to the Cougars. Playing their first game of the season, they outscored their competition 130-18 on the day, including two shutouts. The Cougars dismantled opposing defenses with an explosive pitch and catch combination, as **Tim Weston** Side Story '00 hit Plutonium **Corey Wilson** '01 with a number of

length-of-the-field bombs. The Cougars, firing on all cylinders, moved the ball even when the Weston to Wilson combination did not hook up, as **Seth Natural Blonder** '00 found all the right seams to provide the Cougars with even more offensive firepower.

The Bill Parcells award goes to Wrongly Accused and Captain Nemo, **Dave Nemecek** '02, who led his team to two victories and playoff contention, including a key conference victory over Dicken's Cider 24-14. **Rene Theriault** The Kings Men '02 caught two scoring strikes of five and 55 yards to cement the victory.

Harkness Conference

Sons of Liberty (5-0)

Dicken's Cider II (2-2-1)

Wrongly Accused (2-2)

LC United (1-4-1)

BAR/BRI Pirates (1-4)

Buzzy's Fat Bastards (1-4)

Langdell Conference

Weekend Warriors (5-1)

Cougars (3-0)

Aaron's Mom (3-1)

Fighting Peilins (3-1)

The People's Champion (1-2)

The Tribe (0-5)

LEGAL LEXICON

By Tamara R. Piety LL.M.'00

'TENSION'

Have you ever noticed how often "tension" is discussed in the course of your studies? Professors very much like to talk about the "tension" between this social policy on the one hand and that philosophy on the other. Law review articles will often talk about the "tension" between one methodology and another, between rules and principles or something like that. It is such a nice descriptive word, conjuring up images of conflicting pressures, of a sort of metaphysical tug-of-war, that everybody uses it! And I admit I can't think of a good substitute. "Stress?" I don't know. That sounds like something that you could manage with the proper diet and exercise. "Conflict?" Nah. That conjures up pictures of military hardware, jungle locations and Richard Nixon. Just a little *stronger* word than you really want. "Tautness?" No-o-o-o. Sounds a little too suggestive to me. (Of what I'll leave to your imagination.) "Difficulty?" Weasel word! "Strained?" Sounds like something you do to food! How about "uneasy suspense?" No. That sounds like the way you feel after exams.

No, I think it is pretty clear that any substitute would entail the use of too many words to convey the same concept. And while I think it unlikely that lawyers will ever be accused, as a group, of shying away from the use of too many words, why use three or four when one will do quite nicely? Yes, "tension" is like "chilling effect." It sounds authoritative, detached yet descriptive. You know, like something somebody *really smart* would say. But there's more to it than that. Like "chilling effect," "tension" is a word that comes naturally in this environment because there is so much of it!! (If law school hasn't had a "chilling effect" on some aspect of your personality and/or peace of mind you are the rare exception — nationwide — so don't blame Harvard!)

For example, there's the tension between wanting to do ever more "briefing" (if you are a 1L — upper level law students don't brief cases, they've lost their innocence) and knowledge that the work expands to fit the time available. There's the tension between the desire to be well liked by one's classmates (i.e. not be a "gunner") and the desire to (God forbid!)

say something in class. The tension between wanting to say the aforementioned "thing" in class and the fear that if you do so you will say something stupid or reveal that you haven't actually *read* the case. (It is bad enough to be labeled a "gunner" you think, God, let me not be labeled a moron as well!) There is the tension between the desire to do well and the desire to *feel* well. There's the tension between wanting that call back from some big New York firm and the (well deserved) fear of the same call back and the potential for the highly paid indentured servitude you fear may follow. There's the tension between wanting to do some sort of public service and fearing that if you do you won't be able to pay off your student loans. Or eat. (Talk about tension!) You get my drift.

And the beautiful thing about all this tension is that it is circular. It is perhaps both the cause and the consequence of a legal education. If you are tense about your job prospects after four years of college, why not postpone the whole nauseating business for three more years and go to law school! But I think there is a master plan. The purpose of all the tension in law school is undoubtedly to instill in students — from the beginning — intimate familiarity with this concept of "tension." That's so they'll know it when they see it. Of course, it is always possible that they will be too tense to recognize it!

Solution
to last week's puzzle

FOOTBALL GIANTS															
B	A	L	I		A	C	E	S		P	L	E	B		
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G	E	O	R	G	I	A	B	U	L	L	D	O	G	S	
G	O	G	O		A	V	E	R		S	L	A	P		
S	N	O	W		N	A	T	O		T	E	D	S		

Continued from RECRUIT, p.1

Some, for instance, are refreshingly frank: "You seem like you want to help people," one interviewer noted of his interviewee. "Why do you want to work here?" Later, the interviewer retracted: "I suppose we do help people," he said. "We help them make money and keep it."

Other interviewers are paternalistic, in a gentle way. Zack Rothenberg's '01 first interviewer offered this advice: "Look, you've got to understand that this law firm wasn't created to do good. I think you should hear this before you begin on your career, where you'll be stepping over homeless people on the way to your BMW. I don't mean to sound depressing; this is just the voice of reason."

Matthew Evans '01 recalled his first interview in equally vivid detail: "After greeting me at the door and explaining that I was in the right room, and to never mind the bed, my interviewer started the conversation by picking up my résumé and saying, 'Oh yeah, you're the one whose résumé makes me think you don't really want to be a lawyer.'"

Still other interviewers project empathy: "It's really a shame that places like Harvard Law take talented people from all over the country and then channel them all into corporate firms in New York and Washington," said an interviewer to a 2L, who "heartily" agreed. "But hey, we've gotta make a living. I'm sure as hell not going back home to South Carolina to make \$40,000 a year."

Some firms offer a more circumspect approach. "I had a two-person interview at the Lincoln's Inn, during which one of the interviewers got up from the table, ran out of the room, and threw up. Later she said that it wasn't me that made her sick," said Justin Rhoades '00.

The Interviewee

Happily, student reactions vary as widely as interviewer tactics. After studiously reviewing the law contained in her carefully-crafted writing sample, Robin Quittell '01 found herself discussing the finer points of Westchester cuisine with her interviewer. Quittell's response was philosophical: "If my employment pros-

pects come down to tiramusa, so be it. I just wish I had spent less time learning every facet of 338(h)(10) elections and more time studying Zagat's," she said.

Some students react to interviews with subtle modesty: "My interviewers asked me to tell them something about me that wasn't on paper. I paused, and said I couldn't think of anything particularly interesting to tell them," recounted an exasperated 2L.

Jordan Schreiber '01, irate at the wholesale arbitrariness of the process, explained his perspective this way: "The fact that all these firms commit to interviewing dozens of people based on a random lottery, without even having seen our résumés, shows how f**king interchangeable we all are on this corporate assembly line."

Indeed, Schreiber's concerns were echoed in the stories of several students. "Lowenstein Sandler knows about where I grew up. Baker & McKenzie knows I once lived in Bulgaria. Ropes & Gray knows all about my wedding. Come to think of it, even gluing all three of those interviews together wouldn't give you that much useful information about me," said John Bartlett '01.

Success, if one can use that term in this context, strikes randomly and with no apparent order. "My very first interview went well . . . until I was attempting to leave the hotel room," explains one 2L. "I looked behind me for one second, then BOOM! I ran into the wall. By the time I got home there was a message on the machine with a flyback invitation."

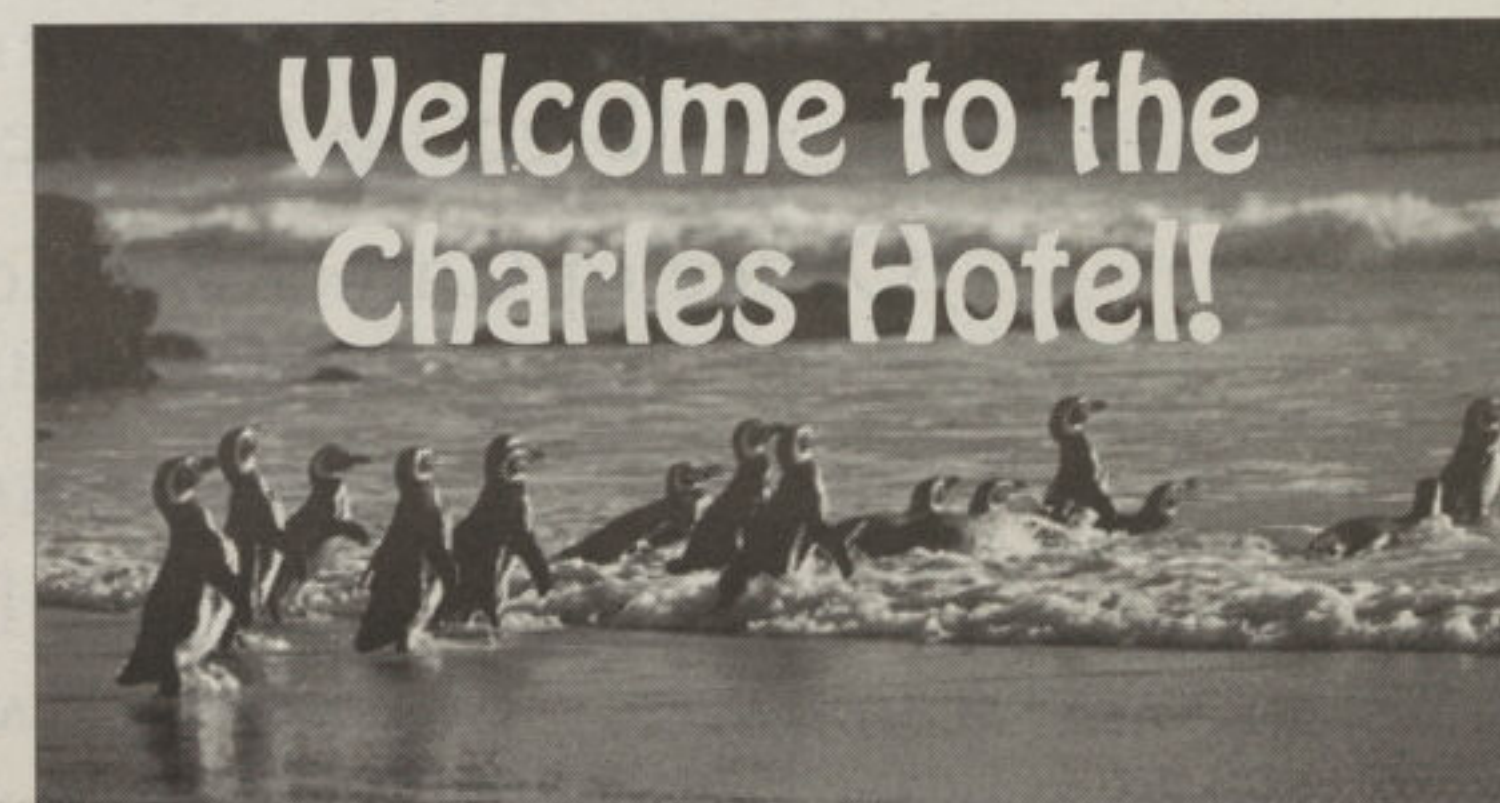
Students have also learned to take things in stride and learn from their mistakes. "I've discovered the importance of researching firms," noted one 2L, after the following exchange at a cocktail reception:

Student: (Speech on my interest in litigation.)

Attorney: You do realize that we practice corporate law only.

Student: Did I mention my interest in corporate law?

In less than a month, the curtain will draw on interview season at the Law School, and the drama will shift to skyscrapers in big cities the world over. A single 20-minute interview will become six 20-minute interviews in a row.



Anti-gun control v. slightly less anti-gun control

Continued from GUNS, p.1

pen with guns," but asserting that "guns can also prevent bad things from happening."

"We are bombarded by information about [guns] on the evening news. My concern is that despite all the information we get hit with about guns, much of what people think about guns is wrong — the thought that they're more likely to endanger lives than to save them," Lott said.

Everything You Know is Wrong

Lott began his explanation of the findings by arguing that conventional wisdom understates the extent to which guns help to ward off potential violent crimes. Traditional statistics analyzing the use of guns to prevent crimes ignore the estimated 2 million times that guns are brandished to stop a crime without a shot being fired, according to Lott.

Lott then launched into an examination of common "myths" involving guns and crime. First, Lott took issue with the pervasiveness of the assertion that the safest course of action when confronted by a criminal is to "behave passively," a claim Lott says is based on the National Crime Victimization Survey.

According to Lott, this assertion is misleading because it compares all forms of active resistance to passivity. "Some [forms of active resistance] are much more dangerous [than passivity], but some are much safer. For example: for women, the most dangerous course of action is to use her fists for the simple reason that criminals are almost exclusively males...there is a large strength differential," said Lott, "so that there is a high probability of a physical response and serious injury or death." In contrast, "the safest course of action is to have a gun," said Lott, who cited statistics that women who respond passively are 2.5 per cent more likely to be seriously injured than ones who respond with a gun.

Lott next challenged the myth that

most murders involve perpetrators and victims who know each other well, and the corresponding myth that anyone can commit a murder. Lott demonstrated that the category of "acquaintance murders" are more likely to involve "rival gang members in the inner city" than friends or family members, and argued that only a small segment of the population commit murders. According to Lott, 90 per cent of adult murderers have adult criminal records, most of them tend to have a low IQ, and most murders are "overwhelmingly concentrated among young males, primarily black [males]."

The fourth myth Lott sought to debunk was the myth that families having guns in the home are 18 per cent more likely to have someone in the home killed by the gun than to kill an intruder. According to Lott, these statistics fail to examine whether individuals are killed with their own guns or guns brought into their homes, and also fail to include all of the times guns are used to scare off an intruder without killing them.

Lott next attacked advertising campaigns by gun control advocates which imply that 13 children die a day from accidental gun shots in the US. According to Lott, these statistics include all deaths of people under the age of 20 from guns, whether accidental or not. Lott indicated that 11 of the 13 involve teenagers between the ages of 17 and 19, and asserted that most of those were homicides involving gang members, concluding that only 1.9 of those deaths involve children under 15.

Finally, Lott questioned the belief that gun locks will save lives, asserting that individuals should weigh the costs (the potential that a gun would be useless against an intruder) with the benefits (the potential to save the 44 children under ten who die each year from accidental gun shots). Lott asserted that the calculus would come out against gun locks, saying "Concealed handgun laws save more kids than are killed by accidental gun deaths."

Lott also raised the specter of social inequality flowing from the installation of costly gun locks: "Poor people who live in high-crime urban areas benefit the most from guns. What would happen if we add \$350 onto the price of guns with smart locks? There's a trade off there, something that's left out in the discussion."

It's All in the Numbers

Lott ended his presentation by displaying the data he collected during his examination of crime rates in 354 counties in the US both before and after the passage of concealed handgun laws. His survey included the 31 states which have right-to-carry laws, requiring permits to be issued to anyone who meets certain criteria; the 12 states which have discretionary permitting procedures; and the seven states which do not allow any concealed weapons. According to Lott, his work "is the largest study that's been done on crime," and shows conclusively that "right-to-carry laws decrease violent crime."

"As the probability that someone is going to be able to defend themselves increases, violent crime goes down," said Lott.

Lott found that while violent crime goes down, crimes which involve less direct contact with the victim, such as larceny, went up. Lott also found that there was some amount of geographic substitution, with "no-carry" counties along the border of a right-to-carry state experiencing an increase in their violent crime rates.

On the other hand, Lott says that incidences of multiple-victim shootings like those which have made national headlines in recent years have dropped in states with right-to-carry laws, and shootings begin to occur almost exclusively in areas where concealed weapons are not allowed, such as schools.

Hay then reminisced about the prevalence of bumper stickers sporting the slogan "If guns are outlawed, only outlaws will own guns," when he was growing up, and said, "I think John's study gives some credence to this argument."

Following Lott's presentation, Hay re-

sponded briefly. While accepting the validity of Lott's statistics and assertions, Hay focused on what he saw as the problem with current gun control law, which "subsidizes" and "artificially deflates" the price of guns for both law-abiding citizens and criminals. As a potential solution, Hay floated the idea of using the tort system to force gun manufacturers to internalize the true costs of gun misuse, thus inflating the price for all gun buyers, and then allowing tax deductions for law-abiding gun owners.

Questions About Survey Ignored

During the discussion, which lasted well over an hour and a half, little if any attention was paid to the questions raised about Lott's methodology and conclusions since the study that formed the basis of Lott's book was released a few years ago.

Researchers from Carnegie-Mellon and Georgetown have since published studies questioning the link between falling crime and permissive concealed weapons laws. The Center to Prevent Handgun Violence released a 1999 study which showed that those states with laws strictly limiting concealed weapons have experienced a greater drop in the violent and overall crime rate than states with lax laws. Researchers from Johns Hopkins and Emory have found flaws in Lott's methodology and failure to control for some variables which may have had an impact on the decrease in violent crimes described in *More Guns, Less Crime*.

Lott and his defenders have dismissed his detractors as ideologically biased or as failing to substantially contradict Lott's findings.

The discussion, which was meant to address the costs and benefits of gun control, lacked a serious defender of current or future gun control measures. Most of the discussion centered around the best way to balance the pros and cons of gun ownership, taking Lott's findings as a given. To any serious advocate for gun control, it appeared that the discussion lacked anyone to root for.

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Vino & Veritas

By Justin Dillon '01

WELCOME TO WINE

My name is Justin Dillon, and I'll be your oenological cruise director for the semester. My goals are simple: to get people to like wine, drink wine, and understand why they do. Before I try to make you slaves of Bacchus, however, I need to deal with a few popular myths about wine.

1) *Decent wine is expensive.* Not so. For the purposes of this column — since most of us don't have any money — learning about wine means learning how to spend less and get more. Once you know something about the different wine grapes and a few different wineries, you'll know how to spend \$12 and get a better bottle than someone who knows less and spends \$20. Money and quality are often, but not always, correlated. There are a lot of wineries out there who'll slap a \$25 price tag on a bottle of flabby merlot and dare you to say it tastes like swill.

2) *Wine is only for special occasions. Beer is more casual.* Again, not so. Sure, a first-growth Bordeaux, which can cost more than your car insurance (or your car, for that matter), is not something you want to whip out with pizza, but there are myriad wines that complement casual foods and casual settings. Wine is far more versatile with food than beer is, and you don't have to spend much to make a good match. Kind of like dating.

3) *Red with meat, white with chicken and fish.* Only if you went to Princeton. The first rule of wine drinking is: Drink what you like and trust your own taste. If you think chardonnay goes better with steak than cabernet sauvignon does, then

crack that chard. Granted, some wine-and-food pairings are more natural than others, and it's good to know how those pairings work. (Sauvignon blanc with shellfish, for example.) But if you don't like a certain kind — even a certain color — of wine, then don't drink it. Period.

4) *There's just too much to know if you want to learn about wine.* That depends on how much you want to learn. A wine drinker who claims to know everything about wine is like a man who claims to know everything about women — he's either endearingly naive, blindingly stupid or just plain inexperienced, but he is certainly not right. You can learn a lot about wine by knowing just a little. Once you learn what the most popular types of grapes are, for example, you can figure out which ones you like best. Already your wine universe will have shrunk to mere planet-size. From there you can narrow and refine as you see fit. Wine is a uniquely social beverage, and no true wine lover ever enjoyed drinking a good bottle alone. Unlike beer, wine is never the same from bottle to bottle, and it's those nuances that make it interesting and even fun to talk about. That's why I drink it and that's why I want other people to do the same. Hence this column. If you keep reading, you'll learn why people swirl their wine, what kinds of wine go best with certain foods, and hear about several good, inexpensive wines that won't break the bank. I hope you'll stick around.

Next time: *Combining Cambridge for the best wines for \$12 and under.*



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