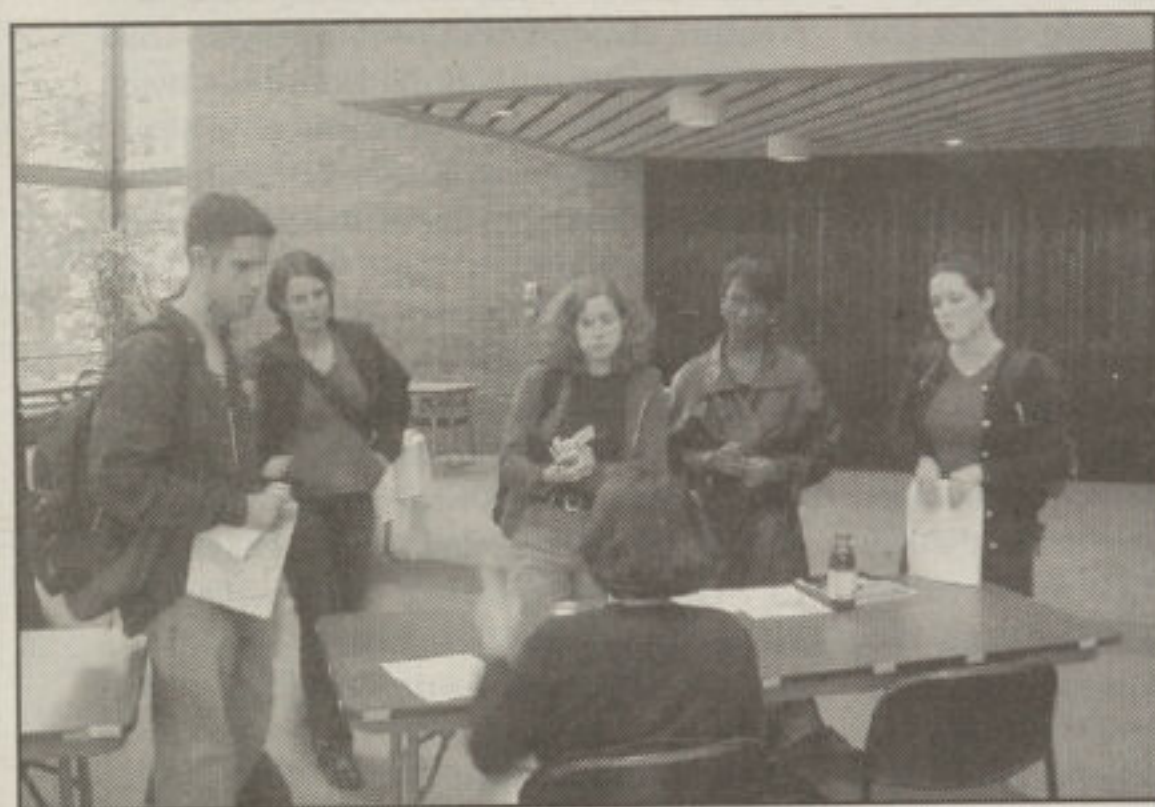




Students interested in working for public interest groups congregated in the Ropes Gray Room on Wednesday for the Public Interest Job fair. Many employers were represented by 2 and 3Ls who had worked for them in past summers.

Democracy for sale?

Reform discussion centers around Prof.'s proposal

by Justin Herdman

On the second day of the Supreme Court's new term, the justices revisited an issue that has been receiving near-daily attention in the national press — campaign finance reform. Joining a diverse group of reform advocates, whose ranks include presidential candidate Bill Bradley, Governor Jesse Ventura of Minnesota, and actor Alec Baldwin, Justice David Souter '66 said:

"Most people assume, and I do, certainly, that someone making an extraordinarily large contribution gets something extraordinary in return."

Even with the topic of campaign finance reform seemingly on everyone's lips, the future course of events still remains in question. What methods will be used by policy makers to facilitate democratic processes? And, more importantly, what would the final version of such a reform plan look like?

measures such as the provision of free television advertisements. Heymann admitted that both were similar, but added, "I think it takes public finance to straighten out the system."

There is no doubt in Heymann's mind that the current system is substantially flawed. The obstacles to all-out campaign fund-raising are enforced by the Federal Election Commission (FEC), an organization that Heymann said is "purposely designed to be ineffectual."

"The [current] system has worked as private financing with limits and regulations," he added.

In 1976, the Supreme Court announced its ruling in *Buckley v. Valeo*, which effectively upheld a federal limit of \$1000 on individual contributions for campaign expenditures. "The Supreme Court sustained the [Federal Electoral Reform Act] on one ground, that corruption or the appearance of corruption justifies the limiting speech," said Heymann.

Since that decision, "people have been managing to give quite large amounts of money, far in excess of \$1000," said Heymann.

Pointing to the 1996 election

Please see REFORM, p. 5

On your mark, get set...

Race is on to secure post-graduation clerkships

by Justin Cooper

The clerkship season will begin earlier than ever this year, as the Law School administration has eliminated the long-standing February 1 start date for the application process.

Acting on the recommendation of the Clerkship Advisory Committee, chaired by Prof. Charles Fried, Dean Clark '72 moved last month to open up the clerkship application process. As a result, students can now begin soliciting recommendations and sending out applications whenever they are ready.

From 1993 to 1998, judges were advised by the Judicial Conference of the United States not to accept clerkship applications from 2Ls until February 1 of a given year. Some judges persisted in taking early applications, however, leading the Judicial Conference to abandon the system last year.

Harvard, along with several other top law schools, tried to keep the start date in place by requiring students and professors to wait until February 1 be-

fore sending out applications and recommendations. "The law schools tried to hold back the flow," said Sally Donahue, Director of Career Services. "It made a lot of sense, but it didn't work."

Chaos to Order to Chaos

Donahue described the old system, with the fixed start date, as "an effort to impose some order on a process that had become fairly chaotic." As certain judges have accepted applications earlier and earlier each year, students have had to begin thinking seriously about clerkships far earlier in their law schools careers.

Indeed, throwing clerkship applications into the mix of firm recruiting and fall classes threatens to overwhelm some students. "I still plan to apply," said Kristine Leporati-Roberts '01. "It just obviously makes it harder, on top of recruiting for firm jobs."

Both Donahue and Professor Bruce Hay '88, who has written recommendations for clerkship applicants, commented that some sort of start date would be ideal, but that it is not feasible

at the moment. "The deal-breaker is that the judges would all have to agree to [a fixed start date]," said Hay. "Some judges have made no bones about saying 'Don't tell me when to start hiring.'"

Competition among judges for top students has pushed application dates forward over the years. By 1997, the last year of the Judicial Conference deadline, some Harvard students were flying out for interviews in November, three months before the official start date, according

Please see CLERKS, p. 3

NEWS COMMENTARY

'Body' rocks party system

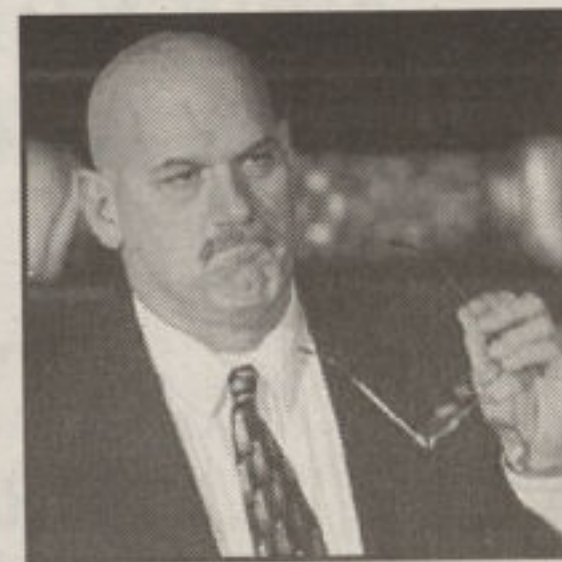
by Jim Greeley

The boisterous scene seemed fit for a presidential visit as hordes of media gathered to see Jessie Ventura interviewed live on the CNBC show, *Hardball* with Chris Matthews, filmed on

October 6, 1999 at Harvard's John F. Kennedy School of Government.

The nation has kept its collective eye on Ventura since Minnesota voters elected the professional-wrestler-turned-politician governor of the state. The most recent wave of interest, however, has arisen largely from a controversial *Playboy* interview in which, among other things, Ventura accused the U.S. government of assassinating President Kennedy, and stated that followers of organized religion are "weak-minded."

Many anticipated that Chris Matthews, known for his contentious interviewing style, would feed into the recent controversy over Ventura's comments. While Matthews did touch upon the *Playboy* interview several times, the



Courtesy of presidentventura.com

show was somewhat anti-climatic.

Before the filming began, Matthews engaged the audience in some light-hearted banter, which proved to be more entertaining than much of the program itself. Matthews referred to *Playboy* as "the magazine people read with one hand," recalled one of his

Please see BODY, p. 2

Edley '78 supports asbestos bill

by Francesco R. Barbera

In testimony before the U.S. Senate Judiciary Committee last week, Prof. Christopher Edley '78 urged Congress to pass a measure that would dramatically alter the way asbestos claims are adjudicated. Decrying the current system as a "scandal" which fails victims and defendants alike, Edley called the legislation a "necessary and effective response to the challenge of asbestos compensation."

Since the early 1970s, state and federal dockets have been deluged by numerous lawsuits against asbestos manufacturers. In the past decade alone, the number of pending asbestos cases has doubled to over 200,000 and is growing at the rate of more

than 40,000 per year.

Response to litigation crisis

The litigation explosion has inspired vast amounts of critical commentary and urgent calls for reform from just about everyone, except trial lawyers. Judges have cried for relief from their perches on the Federal bench. Last June, in an opinion striking down a landmark asbestos settlement, Associate Justice David Souter '66 wrote for the majority of the Supreme Court, "The elephantine mass of asbestos cases...defies customary judicial administration and calls for national legislation."

After years of such critical commentary, Congress has finally responded with a bill that would create an alternative administrative mechanism for ad-

judicating asbestos claims. The bill, the Fairness in Asbestos Compensation Act, would create an independent public agency, the Asbestos Resolution Corporation (ARC), which would administer a stream-lined alternative dispute resolution process.

According to Edley, the process would be comprised of three stages. First, a claimant would have to establish eligibility by presenting medical information to the ARC showing that he or she has an asbestos-related ailment. Second, the defendants allegedly responsible for the claimant's injuries will be required to engage in mediation to settle the claim. Finally, claimants unsatisfied with settlement offers can resort to arbitration under the auspices

Please see EDLEY, p. 3

p5 ... welcome to the Crimson mafia ...
p6 ... we got cartoons, lots of 'em (Too-l bugs out) ... p7 ... the paradisaic fenno ...
p8 ... the buzz on Angel ... p9 wit o' Schlanger ... p11 ... fat guys in tights ...

U.S. government killed JFK, says Jesse V.

Continued from BODY, p. 1

colleagues describing Al Gore as a "man-like object," and stated that his ideal show would be a panel of Jessies: Ventura, Jackson and Helms. Several minutes later, the largest and baldest of this trio entered, greeted with thunderous applause.

Matthews first asked the question he claimed everyone was dying to know after reading Ventura's candid interview in *Playboy*: "So what do you really think?" While the audience responded with laughter, Ventura initially replied in his typically macho fashion, stating "I say what I think." He then attempted to justify the comments made in the adult magazine.

Likely recalling the national outrage following his comments in *Playboy*, Ventura answered questions regarding religion a bit more tactfully this time around. He stated that he viewed churches as "sanctuaries" and denied that he looked down upon religious beliefs. "If people need [religion] in their lives, that is fine," Ventura commented, "but I don't need it." He did admit to holding a belief

in fate, which, he maintained, had lead people to conclude that he had faith in a higher power.

When pressed by Matthews about having called religious followers "weak-minded," Ventura declared that the term did not necessarily carry with it negative connotations. The generally composed audience could not contain itself at this remark, and burst out laughing. Ventura, digging a deeper hole for himself, shouted, "No, wait a minute!" He then attempted to explain, in a hopelessly convoluted fashion, how "weak-minded" can be construed as a positive attribute. He finished by saying that the term simply indicates that an individual has a void that he or she needs to fill with religion. Ventura left to speculation what exactly he believes this "void" to be.

Ventura pointed out that he conducts an average of five interviews every day, and his remarks are subsequently "put under a microscope." He insinuated that the volume of questions he responds to on a daily basis should shield him from accountability for his answers.

When the conversation shifted to the Second Amendment, Ventura, a former Navy S.E.A.L., voiced his strong support for the right of all American citizens to bear arms and form militias. He pointed to the Vietnamese Conflict as an example of citizens effectively repelling foreign armed forces. In response to a question by Matthews, Ventura went so far as to say that present-day militia groups in the U.S. that stockpile arms are not an issue of concern "as long as they aren't harming anyone."

Likewise, Ventura expressed his opinion that assault weapons should not be banned because, he stated, a semi-automatic firearm is considered an assault weapon and such a firearm "doesn't shoot any faster than your dad's hunting rifle."

While Ventura sympathized with the victims of recent tragedies like the Columbine High School shootings, he also asserted his disdain for government intervention into the actions of citizens, wondering aloud, "Why should I be penalized for what criminals do?"

The longest period of discussion was dedicated to President Kennedy's assassination.

Ventura has evidently taken quite an interest in reading various explanations of the slaying and was more than eager to regurgitate these conspiracy theories. Matthews, on the other hand, incessantly badgered Ventura about his comment in *Playboy* that "we," meaning the U.S., had killed Kennedy. Ventura apparently feels that this is a possibility considering Kennedy's supposed desire to curtail the American military presence in Vietnam.

Matthews, having successfully laid his trap, then observed that Ventura had a total lack of evidence to support this statement. Furthermore, Matthews withdrew the transcript of a speech Kennedy had delivered in Texas days before his death, in which, according to Matthews, Kennedy "was bragging about" his intention to increase the number of American troops in Vietnam.

"So," Matthews continued, "How can you say that he wanted to end the war?" Ventura delivered what came to be his patented response during the dialogue, "I read a lot." Matthews countered with, "What do you read?", which drew laughter from the crowd and a glare from Ventura.

After the Kennedy discussion, which lasted nearly 20 minutes, Matthews asked if Ventura is considering a bid for president. He replied that he would not even consider running due to the undue burden it would place on him and his family. Holding a political office, according to Ventura, unreasonably restrains one's First Amendment liberties.

Furthermore, in reference to the potential mudslinging by his opponents, Ventura stated that the campaign "would be ugly." In sum, he said that in order to run for president, "you have to want the job, and I don't want it." Matthews then asked Ventura to conclude the program with a comment to America's youth. Ventura gave a trite speech about belief in oneself being the stepping stone to greatness in this nation.

Much was made of the fact that *Hardball* was being broadcast live. From the beginning, however, there was a staged feel to the program. Before the show began, the producer of *Hardball* took to the stage with a microphone and began giving instructions about audience reaction. When Ventura appeared, audience members were requested to continue clapping until directed otherwise. This was also true for commercial breaks.

When Chris Matthews appeared, he repeated these directions. In a classic display of "creative" journalism, in an interview with Geraldo Rivera immediately following *Hardball*, Matthews cited the ersatz applause several times as evidence that American youth was not bothered with Ventura's contempt for religion.

Also, many in attendance were far from youthful. While the show was broadcast under the auspices of a *Hardball College Tour*, students appeared to represent a minority of the audience, which numbered in the hundreds. During the show, audience members were allowed to ask questions, but only three were asked by current students.

During a commercial break, Ventura spotted HLS's own Alan Dershowitz in the crowd with a pad and pen, and shouted, "Uh-oh, I better watch out now, Dershowitz is here and he's taking notes. He's gonna get me." Actually, Dershowitz spent much of the time complaining about the "soft-ball" questions Ventura was receiving.

If there can be any lesson drawn from Ventura's appearance, perhaps it is best directed to those HLS students with political aspirations. Quit school, buy some pink tights and a feather boa, and join the WWF. After being elected to a high office, conduct an interview with a magazine which features nude women, and disparage every deep-founded belief that the vast majority of Americans deem sacred. These days, it is the only sure-fire route to becoming a famous, or at least infamous, politician.

DB

DEWEY BALLANTINE LLP

GOOD LUCK WITH YOUR INTERVIEWS!

REPRESENTATIVES FROM OUR
NEW YORK, WASHINGTON D.C. AND
LOS ANGELES OFFICES WILL BE AT

THE CHARLES HOTEL
FRIDAY, OCTOBER 22ND

For further opportunities at Dewey Ballantine LLP please
contact:

William H. Davis
Legal Personnel & Recruitment Manager
1301 Avenue of the Americas
New York, New York 10019
(212) 259-7328
wdavis@deweyballantine.com

Visit us on-line at www.deweyballantine.com

❖ New York ♦ Washington, D.C. ♦ Los Angeles ♦ London ♦ Hong Kong
Budapest ♦ Prague ♦ Warsaw

Edley '78 testifies before Senate Committee

Continued from EDLEY, p. 1

of the ARC, or to the courts. In either case, the bill bars traditional defenses such as "state of the art," focusing the adjudication on narrow questions such as medical eligibility, causation and damages.

The plan incorporates several novel elements designed to address some of the more pressing issues in the current system. For instance, whereas currently claimants with minor ailments bring suit to avoid procedural bars such as the statute of limitations, the reform measure would limit eligibility only to those showing a presently manifested impairment. "No solution to the asbestos litigation mess is possible unless the claims of the unimpaired are deferred," said Edley.

Edley argues that unimpaired claimants stand to benefit in a different way: by conserving the limited pool of funds available to pay claims, the bill ensures that future claimants will be compensated when and if an illness should manifest itself.

In response to exorbitant transaction costs which now consume as much as two-thirds of victims' recoveries, the bill caps attorney fees at 25 per cent and eliminates punitive damages. The administrative expenses of running the new system would be borne by defendant companies and their insurers.

Law long in tooth

Edley has been arguing for a legislative

solution to the asbestos crisis at least since 1993, when he co-authored, with Prof. Paul Weiler LL.M. '65, an article in the *Harvard Journal on Legislation* entitled "Asbestos: A Multi-Billion-Dollar Crisis." In the article, Edley and Weiler make several proposals, such as deferred compensation for the unimpaired, elimination of punitive damages and the arbitration of disputes, many of which are embodied in the new legislation.

In his testimony, Edley argued that the plan "strikes an appropriate balance that benefits almost everyone." Claimants are compensated more quickly, transaction costs are reduced through alternative dispute resolution and stream-lined adjudication, and defendants get saved from threatened bankruptcy.

Edley claimed that the only losers under the legislation "are lawyers and those individuals who are not now sick, who never will become sick in the future, and who are able to navigate the 'jury lottery' and obtain substantial compensation under the current system."

The bill was introduced by Rep Henry Hyde (R-Ill.) and Sen. John Ashcroft (R-Mo.) and has 20 co-sponsors. The bill's lead Democratic co-sponsor, Congressman Jim Moran (D-Va.), said, "I believe strongly that the current system of compensating those who suffer from asbestos-related illnesses is irrational and unjust."

Despite its bipartisan origins, the bill faces considerable opposition from labor

groups, some consumer organizations and trial lawyers, who argue that the legislative response will actually worsen matters and work for the exclusive benefit of companies seeking to limit their liability.

"The legislation just creates a new Federal bureaucracy which at the end of the day won't provide any payments to anybody," said Joseph F. Rice, a plaintiff's lawyer from Charleston, S.C., whose

settlement was struck down by the Supreme Court last summer.

The Association of Trial Lawyers of America claims that in fact the courts are not encountering significant problems with handling the asbestos case load, according to the *New York Times*. "We don't need legislation that is basically going to bail out one corporation," said Richard Middleton, president-elect of the Association.

Clerkship restraints lifted

Continued from CLERKS, p. 1

to Peter Nicolas '99.

"My year, there was a court deadline, but no one followed it," said Nicolas, who is currently enjoying an appellate clerkship here in Boston. "Career Services didn't tell us that, though, so those in the know had a head start. The whole thing has become sort of an insider's game."

OCS Planning Hi-Tech Response

Career Services hopes to fight this trend by developing a communications network to put 2Ls and 3Ls who have already been through the clerkship application process in contact with students who are just getting started, so that they can share information on application dates and other requirements.

Because judges compete with each other for top students, they often keep

their application dates quiet, and contact students and student organizations directly rather than tell the schools about their hiring plans.

"Students are often the source of information for us, not the other way around," said Donahue. With help from the Berkman Center, Career Services is setting up a judicial clerkship database on their Web site to facilitate the exchange of information about clerkships.

Career Services has also made an effort to inform students about the change in the rules, announcing the elimination of the start date in their September 22 meeting on judicial clerkships.

Still, the change was news to some students. Brent Landau '01, who hadn't heard about the new rules, didn't seem too concerned about the danger of a mad rush for clerkships. "I haven't done anything yet. I'm just waiting for someone to say 'You should start now.'"

Many students who have heard the news got it by word of mouth. "I haven't heard anything official," said A.J. Kaneko '01, who is considering applying for a 9th Circuit position. "Actually, I haven't heard anything about clerkships yet."

Although he hasn't started putting together applications yet, Kaneko supported the administration's decision to lift the start date requirement. "I think it's necessary. If we don't change the rule, students from all other schools will have a serious advantage over us. It's a collective action problem."

Disadvantaging Harvard students is precisely the concern that led the Dean and the Clerkship Advisory Committee to recommend the change. The Committee found that highly sought-after clerkships, in particular, were being filled early, leaving Harvard students out of the running.

Donahue agrees that the move was necessary, although not entirely desirable. "We have a mission as an office to serve students. I feel good about the fact that we have responded [to the situation] by removing the hold."

Nonetheless, Donahue expressed great concern that the clerkship application process is moving in the wrong direction.

"It would make a lot more sense for students to apply for clerkships during third year," said Donahue, who worries that recent trends put more emphasis on 1L grades than ever before, thereby adding unnecessary pressure to 1L year. "Now, we're going to be talking to students about clerkships on November 1 of their 1L year."

While this added pressure may affect students greatly, the professors who write recommendations probably will not feel the change as much, according to Hay. "I don't think it matters much to professors if they write a letter in the Fall or the Spring," he said.

Hay pointed out that students should keep a level head about the clerkship application process, since virtually every Harvard student who wants a clerkship can get one, given some geographic flexibility. "Harvard students can get a clerkship if they apply widely enough."

Donahue agreed, adding that not all clerkships get snatched up early on. Students who get a late start on the application process should not despair, according to Donahue. "There will be a lot of great positions left [in Spring] for people who want to take it up later on."



Jenkins & Gilchrist

A PROFESSIONAL CORPORATION

cordially invites you to interview with

our Austin, Dallas, Houston, Los Angeles, San Antonio and Washington, DC office on

Wednesday, October 20, at The Charles Hotel.

We encourage you to take a look at our website and sign up to interview by

contacting the Harvard Law School's Office of Career Services.

www.jenkins.com

AUSTIN

2200 One American Center
600 Congress Avenue
Austin, Texas 78701
(512) 499-3800
Fax (512) 404-3520

DALLAS

1445 Ross Avenue
Suite 3200
Dallas, Texas 75202
(214) 855-4500
Fax (214) 855-4300

HOUSTON

1100 Louisiana
Suite 1800
Houston, Texas 77002
(713) 951-3300
Fax (713) 951-3314

LOS ANGELES

12100 Wilshire Boulevard
Fifteenth Floor
Los Angeles, California 90025
(310) 820-8800
Fax (310) 820-8859

SAN ANTONIO

1800 Frost Bank Tower
100 West Houston Street
San Antonio, Texas 78205
(210) 246-5000
Fax (210) 246-5999

WASHINGTON, D.C.

1919 Pennsylvania Avenue, NW
Suite 600
Washington, D.C. 20006-3404
(202) 326-1500
Fax (202) 326-1555

affiliate office

CHICAGO

225 W. Washington
Suite 2600
Chicago, Illinois 60606
(312) 425-3900
Fax (312) 425-3909

Harvard Law RECORD

PUBLISHER
Stephen V. Scali



EDITOR-IN-CHIEF
Kimberley Isbell

FOUNDED IN 1946

Nothing nice to say?

Gov. Jesse Ventura's campus visit could serve as editorial fodder for any number of topics. Sure, there are the obvious references to spandex tights and poor-quality action flicks. Such barbs tend to dominate all journalistic features on the former pro wrestler. But why bother? Especially when Ventura's presence in the political arena is fascinating for more substantive reasons.

He has been quoted as saying that religion is a crutch for the weak-minded. And this lone sentence was enough to sink his approval ratings by double digits.

It is not surprising that the reaction to Ventura's statements was so negative. In an America where offending others is considered the nadir of any expression, the slightest reference to religion which is not luxuriously robed in adulation is met with scorn. Of course, Ventura's comments went beyond what is considered "proper" criticism of established religion. While not quite eclipsing Sinéad O'Connor's rending of Pope John Paul II's photo on national television, the Governor's quotes revealed an inner self that fails the test of faith.

So Jesse Ventura is an atheist. Perhaps in another time, this would have doomed his political future. In millennial America, where Marilyn Manson flaunts pseudo-Satanism and still manages to snare good-looking babes, Ventura's lack of religious conviction is not poisonous to his hopes of seeking higher office. What will almost assuredly deaden "The Mind" if he pursues another political position, though, is his criticism of others.

For this is a nation where personal beliefs must take a back seat to the sensitivity of neighbors. While Ventura is a public figure with a diverse constituency to which he must cater, the danger of offending extends to all of us.

Take National Coming Out Day as an example. The provision of literature and stickers in the Hark boxes is no different than any other advocacy campaign. But lining the main hallway of Harkness Commons with smiling, yet unquestionably forward, requests for support is quite another.

I was approached by one exuberant worker, but flinched when she attempted to slap a sticker on my chest. Instead, I smiled, took the sticker from her outstretched fingers, and told her that I would put it on myself. Whether motivated by morality or ignorance or embarrassment (that's for me to figure out), I ultimately opted not to don the emblem offered in the Hark. And this brief moment of awkwardness has clung to me, assuring that National Coming Out Day remained near my heart much longer than the lifetime of a mere adhesive.

Because at Harvard Law School, we are expected to walk narrow lines of rigidly dictated behavior. We are not to waver, or rock the boat, or say what we think. When it is so much easier to just affix support to your lapel and walk on, who can say no?

Yet sometimes, silent support is more desirable than reluctant affirmation.

—Justin Herdman

Staff

MANAGING EDITOR
Justin Herdman

EXECUTIVE EDITOR
Francesco Barbera

CARTOONISTS
Gene Koo
Derek Windham

COPY EDITOR
Neil Knoll

PRODUCTION MANAGERS/
ENTERTAINMENT EDITORS

Tanya Marsh
Dusan Stojkovic

ENTERTAINMENT COLUMNIST
Suzanne Carter

CONTRIBUTORS
Justin Cooper
Dmitri Evseev
Jim Greeley

BUSINESS MANAGER
Angela Sun

OFFICE MANAGER
David Barrett

STAFF COLUMNIST
Jake Zimmerman

COLUMNIST
Matthew Ahn
Phil Barengolts
Darren Schlanger

Editorial/Letters Policy

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

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

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

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

© 1999 by the Harvard Law RECORD Corporation and by the contributors.
The RECORD is committed to equality and diversity. We strive to provide a forum for the free exchange of ideas. As a result, the opinions reflected in articles, editorials, and cartoons are those of the authors and do not necessarily reflect the opinions of the RECORD.

"Congress shall make no law...abridging the freedom of speech, or of the press;..."
—First Amendment, U.S. Constitution

• Letters •

Who's anti-gun control?! Not I!

Your news coverage of last week's panel discussion on gun control was full of, um, news. At the discussion I argued till I was blue in the face for a rule holding firearms manufacturers strictly liable for wrongful shootings. That rule, most agree, would have a pretty dramatic effect on the supply of weapons in this country. Why else would the gun manufacturers be fighting so hard against any

form of liability?

Yet your story cast me as an opponent of gun control. Wow, that's news to me. It's probably news also to the gun nuts who have been sending me hate mail since I took up this subject. (Like the one who sent me the charming e-mail note recently, foaming that "over-educated SH**HEADS such as yourself do all they can to trash our Bill of

Rights" and wouldn't it be great "if someone kicked your ass all the way up inside your tiny little head for spouting all of your collectivist crap.")

Let's hope these crazies stop threatening me, now that your reporter has established that really I'm on their side.

Bruce Hay '88
Oct. 11, 1999

LIPP warrants more protection

I am writing regarding the RECORD's recent discussion of the Low Income Protection Plan (LIPP) and Dean Clark's comments on the matter ("Clark '72 talks expansion," Oct. 8).

While excited to hear the Dean is committed to LIPP expansion, I was concerned by his comments regarding the difficulty of fundraising for LIPP. While the Dean stated that there is no "serious conflict" between the Law School's fundraising priorities and LIPP, LIPP remains woefully underfunded, especially when compared to our peer group. Yale's program, for example, has roughly the same budget to cover a much smaller student body.

Dean Clark asserts that "[i]t is hard to get targeted funds [for LIPP]." If this is so, then

why not give more money to LIPP from the endowment fund, which the Dean sets at a "strong" \$713 million, and make up the difference by raising money for those causes which the Dean says are easiest? But an even better solution would be to muster strong institutional commitment behind LIPP fundraising. Dean Clark argues that "[m]ost people in the private sector wonder why we're subsidizing these programs"; if this is so, then perhaps a campaign to spread the word about LIPP's benefits is in order.

A few years ago, the Law School claimed that it was difficult to fundraise for the renovation of a library; the result shows that institutional commitment is all that is necessary for success.

One of the primary reasons each of us came to this law school is that we believed it would offer us the best chance of realizing our career aspirations. A vital LIPP ensures that every student, regardless of career preference or starting salary, will have the chance to achieve those dreams. And student aspirations are not the only thing at stake here. In order for Harvard to remain an influential place, committed to meaningful change, its alumni must spread themselves throughout the profession: private sector, government and non-profit groups alike. I invite the administration to join with students in carrying this vision forward.

Nick Bath '02
Oct. 12, 1999

Clark '72 ought keep his promise

I am writing to congratulate Dean Clark on his commitment to rejuvenating the Low Income Protection Plan ("LIPP") ("Clark '72 talks expansion," Oct. 8). As this page has repeatedly argued, expanding LIPP is key to restoring Harvard's leadership in all corners of the legal world. I am glad to see us moving in the right direction. I am concerned, however, that we're not all moving together.

While I welcome Dean Clark's suggestion that LIPP is about "the overall good [of] the country and [t]he world," I fear he too narrowly constrains LIPP reform by distinguishing government service from

non-profit and other valuable legal careers in the public interest. Even as a concurrent student at the Kennedy School of Government, I happily acknowledge that non-profit work is critical to advancing the public interest across the political spectrum. Let's proceed with LIPP reform remembering that non-profit work is no less public service than government work. LIPP shouldn't leave any public servants behind.

Dean Clark also suggests that donors don't understand why we subsidize LIPP at all, and that donors

are more likely to contribute to government than non-profit interests. If so, then Harvard Law must invest its clout in helping donors see the light. Harvard's influence throughout the legal world, no less than "the overall good of the country and the world," depends on a vibrant LIPP able to help students realize the dreams that brought them to HLS in the first place. If HLS finds it difficult to send this message to donors, then I'm sure present students and recent alumni would be glad to help Baker House out.

David Evan Markus '01
Oct. 12, 1999

'Abortion Access' Is Disgraceful

I was disturbed to find the flyer advertising October as "Abortion Access Month" in my Hark box last week.

It strikes me as particularly perverse that Americans can consider the right to kill a living creature in the womb a freedom, worthy of celebration and enshrinement in our Constitution. To celebrate abortion access month, about 125,000 parents will kill their children this October.

Obviously those who fight to keep this killing legal, those who earn their living by this killing, and those who turn to such killing to "solve" the "problem" of their pregnancies do not consider it killing at all. They don't consider the human fetus to be a living human being worthy of protection.

Aside from the fact that no other "nonliving" beings digest food, grow, move and have beating hearts, America's willingness to classify the human fetus as something less than a human being is an all-too-familiar justification for doing what is most convenient.

Some of the most regret-

table moments in American history have been characterized by precisely this convenient characterization of others as less than human. Centuries ago, European settlers and early Americans justified stealing land from Native Americans on the grounds that they were savage, heathen and less than human. When it was convenient and profitable to buy, sell, and kill blacks as slaves, the dominant American justification was that people with darker skin were less than human. When our nation routinely forced mentally ill "lunatics" into insane asylums and prisons of deplorable conditions, that action was justified on the ground that the mentally handicapped were less human, less worthy of protection and possessed somehow lesser rights than the healthy majority.

Of course we now look back at each of these classifications and declare them obvious, unfortunate and greedy errors from our

nation's past. Historically, human beings have attempted to define the humanity of others in ways that make moral dilemmas go quietly away. History has proven, however, that when human beings seek to define the humanity of others by some characteristic — be it by appearance, gender, or mental development — we are always proven wrong.

When someone says that blacks, homosexuals or the handicapped are unworthy of equal treatment under the law because of some characteristic, most people rightly deem them bigots. Most of us see something terribly wrong with one person choosing the racial, sexual or developmental as qualifications for being human. Yet that is precisely what we do when we decide that the human fetus, because of its lack of independence, development or visibility, is not human enough to merit the protection of our laws.

Mark Rienzi '00
Oct. 12, 1999

PERSPECTIVE

By Dmitri Evseev '01

The Assassin Academy

Hi, my name is Johnny and I am a second-year trainee at the Veritas Assassin Academy. It's one of the best assassin schools in the country, so I feel very privileged to be here.

Killing is a difficult task — you have to know a lot in order to do it well. During the first year we study the Criminal's Code, Torture, and Contract Killings. Exams usually consist of target-spotters and police analysis questions.

Instructors here generally use what is called the Traumatic Method. One trainee at a time is chosen to run through a complex challenge course, while being fired on with live ammunition by the teacher. It's a kind of trial by fire, if you will, but it's thought to be the best incentive to do your homework.

So as you can see, we are a school just like any other. I honestly don't see why our profession has such a bad reputation. You can't graduate from here without learning the Assassin Code of Professional Responsibility. Basically, loyalty to your employer is the most important thing, even if you never know who your real employer is. And you're not supposed to over-kill under any circumstances. Getting too excited and

blowing away an entire rival gang is frowned upon as un-ethical.

Moreover, assassins have played an important, even if unsexy, role in shaping our country. Abraham Lincoln and William McKinley, for example, were assassinated. Who knows what other wars they would have started had they been left alive?

Right now, it's recruiting season. Hundreds of organized crime groups, large and small, come to interview on campus. Getting a job is easy for second-year trainees, but it's hard to get a summer job as a first-year if you don't have the right ethnic ties. I was lucky that the Russian mob has a large operation in my home town. Their Summer Assassin program was really nice. Unfortunately, once you're hired permanently, you have a quota of over 2,000 "killable" hours.

A classmate of mine worked with the Boston Mafia last summer. He really liked it — says they treat you like you're part of a family. Also tells me you're liable to become a "made" guy after only seven years. I think it's rare nowadays to find a respectable job where the atmosphere is so friendly. And whether you like the

people, of course, is the most important factor when choosing a job.

Naturally, most of the prestigious work is in New York — that's where the big money's at. But I'm not sure I want to work there. I detest the slimy terrorist types. I know terrorism is people-work and involves high-profile assignments, but it's too messy for my taste. And Real Estate bombing is just plain boring.

So I am sort of unsure about what area I will go into. International Drug Trade is a pretty hot field right now, so maybe I'll try that. It involves a lot of travel, but you also get to do some trial work. Just a few months ago, a Florida jury was about to convict drug lord Ronnie James Reynolds, but the key witnesses kept disappearing one after another. And the State just couldn't prove any causation. Makes me proud for my profession.

Some might criticize us for being violent for a living. But I say, if you knew what sort of scumbags our targets really are, you might want them dead too. Besides, it's not like we have any choice in the matter. We do our employer's bidding and we do it well. We're just hired guns. That's what our training here prepares us

for, and it's the only thing we know how to do. If we didn't do our job, our employer would simply find someone else to do it. By doing our job, on the other hand, we are putting resources to their most efficient and productive use, so, by definition, we are growing the economic pie for everyone.

Of course there are days when I feel a little uneasy about working for organized crime. So I've decided that I'm only going to work for the mob for a few years, until I have a nice little chunk of cash saved up for a rainy day. Then I'm going into Public Interest.

Just last week, I went to a CIA presentation and heard that the government is the largest employer of assassins in the country. Lots of career growth opportunities and a real chance to affect policy. Now that sounds exciting!

Once in a while I even think about giving up this assassin gig seeking some sort of legal employment. There are many ways to work for the mob and do it legally. I could become a lawyer, for instance. But the question I wonder about is this — does the type of work matter more than the type of employer?

'Disgruntled' ain't just for postal workers

Continued from REFORM, p. 1

cycle as the most glaring example of this loophole, Heymann illustrated the main deficiency of the *Buckley* decision. Issue ads, defined as any advertisement which does not explicitly implore the public to "vote for" or "vote against" a candidate, have gone unregulated because they are not considered "campaign expenditures" under *Buckley*. According to Heymann, this loophole means that "anything outside the campaign is outside the statute. That opens everything up."

The *Buckley* loopholes have led to the exponential expansion of campaign coffers. In the heavily contested 1997-1998 election cycle, total expenditures on races for the U.S. House totaled \$384 million for all 776 candidates. The most expensive of these was the campaign of former Speaker of the House Rep. Newt Gingrich (R-GA), who spent over \$7.5 million on reelection to a seat that he vacated three months later.

The 68 candidates for the U.S. Senate spent a total of nearly \$273 million. The most expensive race, with combined expenditures of almost \$44 million, was in New York, between former Sen. Alfonse D'Amato and eventual victor Sen. Charles Schumer '74.

These figures, provided by Common Cause, a pro-reform organization, do not include the \$193 million in soft money raised by national party committees during the election cycle.

The House passage of the Shays-Meehan bill last month, coupled with the McCain-Feingold campaign finance bill in the Senate, would seek to eliminate the soft-money problem. But Heymann is quick to point out that soft-money is only a "medium-sized problem."

Cynicism Reigns Supreme

The more pressing concern, according to Heymann, is the progressive degeneration of political involvement. "Because of the incumbents' advantage, House races aren't competitive anymore," said Heymann.

Pointing to George W. Bush as a well-known example, Heymann bemoaned the diminution of the marketplace of ideas. "If there's no competition, then there's no debate, and that leads to disillusionment with the system," said Heymann.

To stem the tide of this spiraling cyni-

cism, Heymann has proposed his own solution. In a pre-published version of a public finance proposal released exclusively to the RECORD, Heymann explains the need for an overhaul of current campaign fundraising. "Public financing is all about creating competition and debate," said Heymann.

In his paper, entitled "Campaign Finance: The Next Stage," Heymann is extremely critical of stagnated legislative efforts to remedy the campaign finance predicament. "The reason we have not adopted [a legislative solution] is quite simply because incumbents do not want the present system changed," wrote Heymann.

Heymann's proposal would offer a base sum to candidates for the House of Representatives equal to the amount spent by the previous electoral victor in that particular congressional district. There are two benefits that would accrue almost immediately from such a reform, according to Heymann.

First, the funds would provide challengers with instant "credibility" for running a competitive campaign in that district. Second, the changes would help to cap the "arms race" phenomenon in campaign fundraising. "A candidate will be far more reluctant to spend a fortune trying to win a congressional seat if she knows she is likely to face at least one opponent, come the next election, who will have that amount of money," Heymann wrote.

In order to counteract uncontrolled spending by candidates who forego public finance, Heymann has proposed a subsidy to the publicly funded candidates. The publicly funded candidate would be subsidized with a percentage of the funds spent by his privately financed opponent.

While his proposal is silent on issues such as funding for primary elections and the provision of financing for minor-party candidates, Heymann is aware that these kinks will need to be worked out. "The hardest problem is money at the primary stage and at the general election stage if there are many candidates," said Heymann.

The proposal, while still in the pre-publication stages, has nonetheless met with hearty approval from campaign finance reform advocates. Donald J. Simon '78, Executive Vice President of Common Cause, expressed support for Heymann's work. "Phil's proposal makes a lot of sense,

and is a very workable plan. Some version of public financing is really the long-term solution for solving the problems caused by large amounts of private money," said Simon.

Citing a 98 per cent re-election rate for House incumbents during the 1998 elections, Simon agreed with Heymann's disdain for sitting Congressman's fundraising advantages. "We don't have competitive elections, because incumbents can just bury challengers in money," he said.

Heymann is a member of the board at Common Cause.

Speech not Free, says Silvergate '67

Perhaps the greatest challenge to any sustained reform effort is not the resistance of entrenched incumbents, but the Constitution of the United States.

Harvey Silvergate '67 expressed the view of many civil libertarians, who remain opposed to campaign finance reform on First Amendment grounds. "I believe it is unconstitutional, in violation of the First Amendment's free association, as well as free speech/free press provisions, to limit campaign contributions, hard or soft," said Silvergate.

The rationale behind such a belief rests on an analysis of state interest. "With respect to the core political speech here at issue, I see no sufficiently compelling interest, especially since I think that what interest there is can be addressed in a less intrusive fashion," said Silvergate.

While opposed to limitations on contributions, Silvergate is in favor of a modified version of public financing. By providing "seed" money to marginalized political groups, the government can put minor parties in a position to spread their message and attract private financing. "Put another way, I believe there should be a 'floor' provided by publicly-funded 'seed' money, but no ceiling on funds privately raised," said Silvergate.

Other objections to a system of publicly financed campaigns have been raised on functional grounds.

Prof. Bradley A. Smith '90 of Capital University Law School has been an outspoken critic of campaign regulations. Nominated by Republican Senators for a seat on the Federal Election Commission, Smith's candidacy has been delayed by White House resistance to his views.

"What's wrong with a privately financed

system?" asks Smith, citing the health of American democracy. "Don't developing countries and the recently liberated countries in East Europe and Asia look to the U.S. for guidance on democracy?"

Smith questions proposals such as Heymann's on both monetary and political grounds. "What about the fact that this will cost the federal government; or that polls consistently show that 70-80 per cent of Americans oppose public financing," said Smith.

And Smith questions the apparent gaps in Heymann's inchoate proposal. "Let's not assume that the issue of primaries and open seats can be handled easily. Those are indeed big holes," he said.

Smith also questions Heymann's proposal for its explicit hostility towards perpetually-embedded incumbents. Smith asked: "Does [Heymann] have something against incumbents? Against popular incumbents who can raise lots of money?"

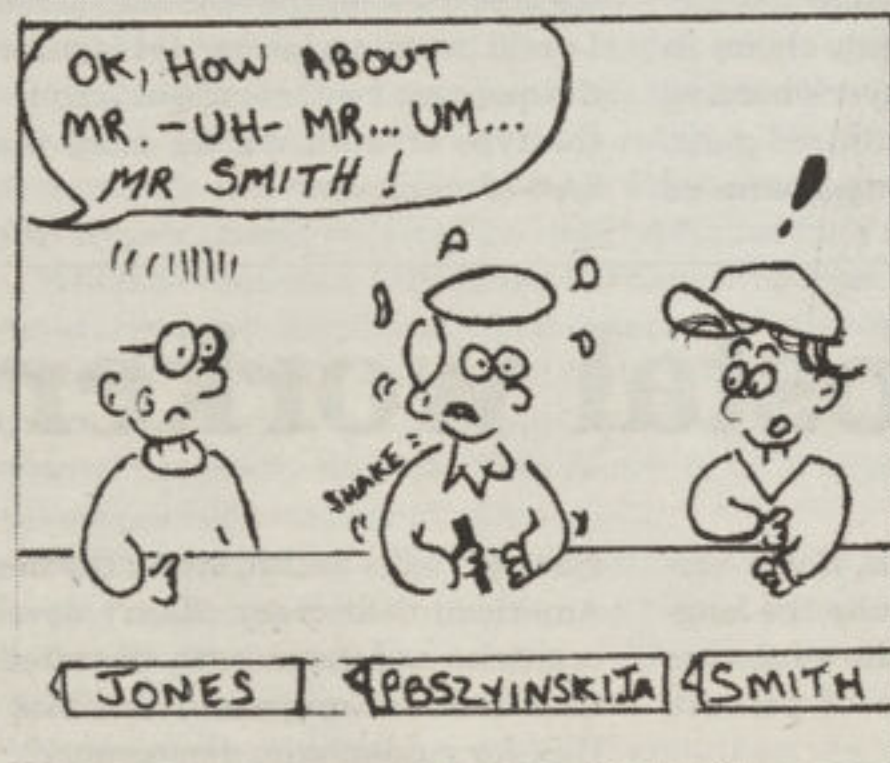
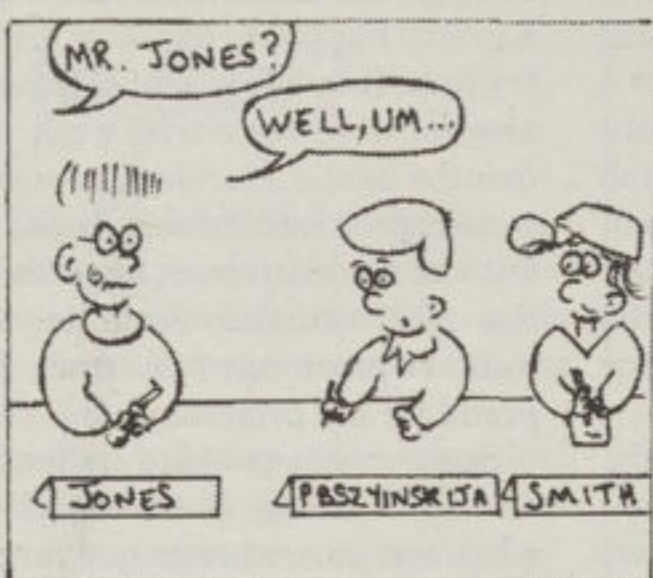
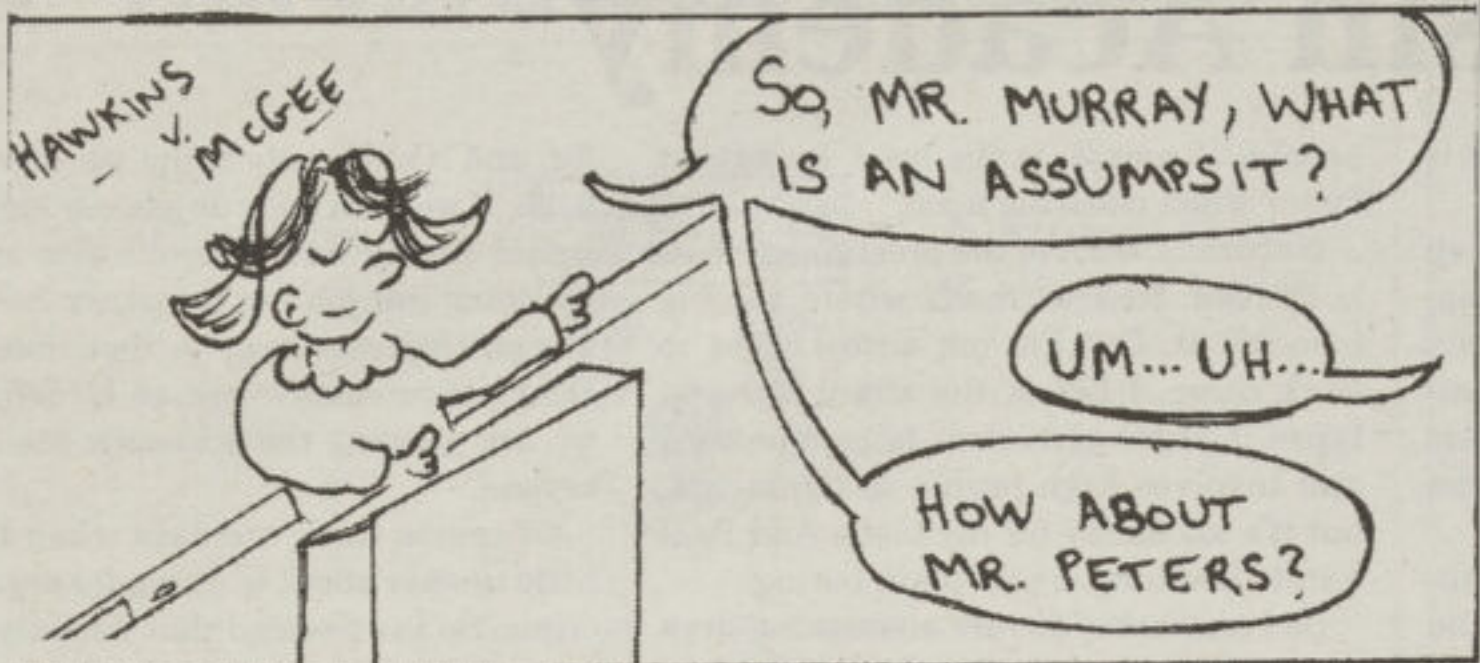
Smith summarized his views as representing opposition to any form of government favoritism. "Campaign finance reform is not neutral — it inherently puts the government in the business of advantaging or disadvantaging certain types of candidates, and I think that is inappropriate, whether it is disadvantaging challengers or incumbents," said Smith.

But reform advocates are not likely to retreat without a sustained effort to change the current system. Taking issue with Smith's portrayal of a hale political system, Simon said: "I don't think that we have one of the healthiest democracies in the world, I think that American democracy is suffering."

Pointing to widespread cynicism and decreased voter participation, Simon continued: "I think what's wrong with the current system can be summed up in the fact that private money in large amounts can both corrupt and create the appearance of corruption in officeholders," he said.

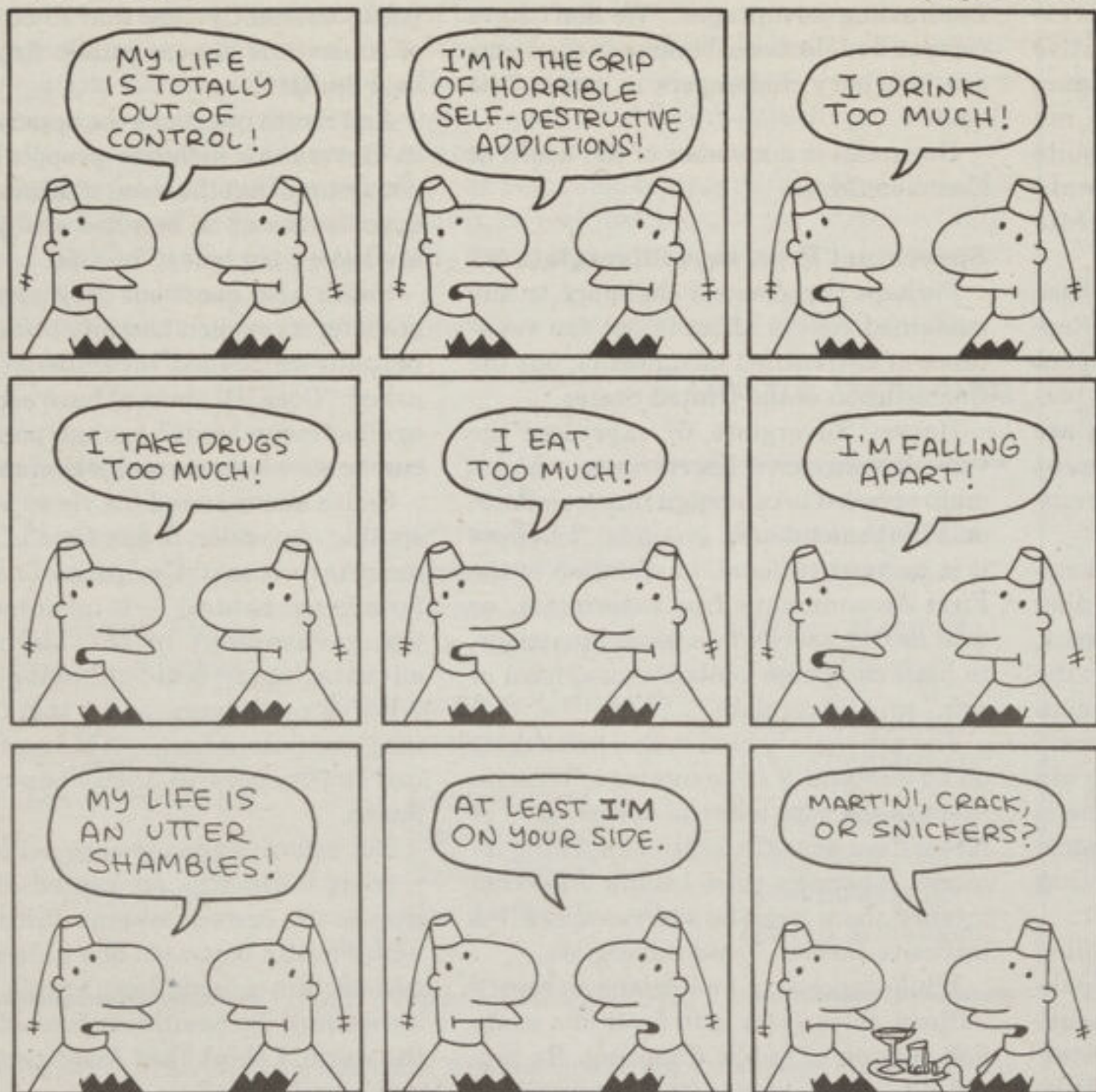


BEFORE THE LAW BY DEREK WINDHAM

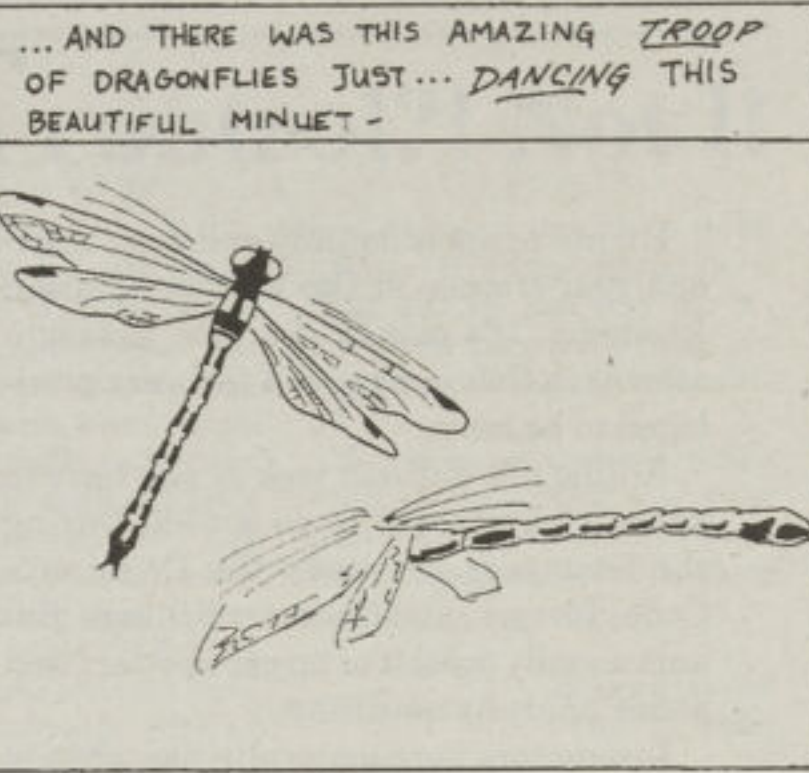


LIFE IN HELL

©1999
BY MATT
GREENING



Too-L



-AND I FELT SAD THAT ALL AROUND ME, PEOPLE WERE TOO SELF-ABSORBED TO NOTICE THIS INCREDIBLE SPECTACLE...



Well, just because you already have a job offer doesn't mean the rest of us have to be happy!



Crossword 101

By Ed Canty

"No Big Deal"

- ACROSS
1 Legal lead in
5 Hermann, Siddhartha author
10 "___ poor Yorick!"
14 Mil. truant
15 Reproductive gland
16 Liver secretion
17 Pierre's big crush
19 Like ___ of bricks!
20 Promotions
21 Stow
22 Treaded the boards
23 Cone or tree
24 Danger
26 Ready and ___ to go
29 Mountain lion
30 Work unit
33 Clapton & Dickerson
34 Bush
35 Jelly container
36 Twitches
37 Postal creed word
38 Soft drink
39 Approximate suffix
40 Bridges
42 Master of India
43 Electric, for one
44 Birthday treat
45 Trousers
46 Florence's place
48 Target of 5 Down
49 The devil
51 Grain works
52 The woman
55 Against
56 Part of a Big Mac Value Meal
59 Collapsed
60 "On Golden Pond" actor
61 Mine way
62 Barnyard moms
63 More shy
64 Existed
- DOWN
1 Mr. Hemingway



- 2 Amazed
3 Spoils
4 The Greatest
5 Gardening job
6 Sidestep
7 Identical
8 ___ Lanka
9 Watch
10 Calculators
11 Robin's big friend
12 Lotion ingredient
13 Mail
18 Dilutes
22 Semite
23 Snapshots
24 Contented sounds
25 Flightless bird
26 Adjust the ascot
27 Roll out
28 A big ape?
29 Call
31 Word with clock or ham
32 Snaps up
34 Eellike

- 38 Uttered
40 Leaf through
41 Friend
42 Book support
45 Wine area
47 Follows
48 "The Importance of Being Earnest" author
49 Secure
50 Again
51 Umpteen
52 Team
53 Son
54 Royal Italian family
56 NCO
57 Barnyard babble
58 Untreated

Quotable Quote

"God heals, the doctor takes the fee."
... Benjamin Franklin

Doonesbury



BY GARRY TRUDEAU

Solution

to last week's puzzle

PLACE SETTINGS

ABBA	SCAMS	TSAR
LOOS	TODAY	APIA
FORKTENDER	BODY	
AKA	WADS	FLOES
FIDO	SIREN	
DEPUTY	SANE	EPA
IDLES	SPINE	REC
VEAL	AIL	FIAT
ANT	PACKS	CISCO
SSE	INKS	FARMER
GLENS	BLUE	
SALAD	SEAL	PAM
EBAN	STEAK	KNIFE
ELSE	ABASE	ETAS
MESS	WANTS	TARA

Cape Dollo

By Jake Zimmerman '00
Staff Columnist

NOW I'VE GOT PROOF: ANYTHING REALLY IS POSSIBLE

Every once in a while, something happens in your life that puts everything else into perspective. Something to remind you just how small and insignificant your individual troubles are. Something to make the daily cares of law school seem as irrelevant as mittens in summer (or, even, as irrelevant as David Rosenberg's lectures). Something, in short, that transcends day-to-day existence and shocks you into a re-examination of the basic principles that guide your life.

Well, something like that has happened to me this week. And now I can't focus on my classes, this article, or even the vital details of my long-standing plot to take over the world using only a secret elite army of middle-aged men named Fred. My whole world-view is out of whack. I feel like a newborn babe. (This may explain why, as I write this, I'm alternately crying, screaming and sucking on a pacifier. It's a good thing I have tolerant neighbors, especially given the dubious quality of the sound-proofing in Harvard's luxurious dormitories.)

Anyway, this is for real. I've genuinely had an existential moment to rival that experienced by any drunken French philosopher. You see, folks, I'm still trying to deal with the psychic aftershocks of what happened Sunday: the St. Louis Rams beat the tar out of the San Francisco Forty-Niners.

Oh, stop it, I can hear you whining already. You people have a *real* problem with high expectations, you know that? Come on now, don't put the paper down. What were you hoping for? An alien abduction? A personal conversation with some deity? Giant mutant cats breaking into my room and offering me Doritos in a ritual of inter-species peace and friendship? Sorry. After two years of law school, I take my epiphanies where I can get them.

So, for those of you who may not have known, a primer: the St. Louis Rams are a professional football team. (Don't be embarrassed if you didn't know this. Most people in St. Louis didn't, either.) Until this year the Rams have consistently been, well, not terribly good. By this, what I mean is that they've been bad. We're not talking Michael Jackson-type "bad" here. We're talking really, really, amazingly awful. (For you Law Review types, picture a transcript filled with B-minuses. Are you with me now?) Suffice it to say that you would rather attend several HLS faculty meetings than sit through a Rams game. *That* bad.

But the background here goes beyond the Rams' well-documented history of playing like an HLS flag football team mistakenly transplanted into the NFL. There's always been something special about the Forty-Niners. The bi-annual Rams vs. Forty-Niners showdowns have always been a great rivalry. The games have usually had all the drama of an epic court battle between Alan Dershowitz and, oh, a recently disbarred traffic lawyer named Bubba with a bad case of gout, a nasty stutter, and a learning disability that causes him to replace every third word in his sentences with "rhinoceros." Prior to Sunday, the Rams had not once beaten the Forty-Niners in 17 games. Their last win came in 1990. To put things in perspective, that means that in this decade Rams have lost to the Forty-Niners almost as frequently as Larry Tribe has lost in the Supreme Court.

So, do you get the picture? The unthinkable has happened. If the Rams can beat the Forty-Niners, then anything can happen. Dean Clark could give a different speech at orientation next year. 150 students could sign up for Scott Brewer's

classes this spring. The RECORD could publish some actual news next week. And that's only the tip of the iceberg.

Thus, today, when I saw a letter in my mailbox claiming that Todd Rakoff and Elizabeth Warren want my input on academic changes at HLS, I was willing to at least consider the possibility that maybe they actually do. If the Rams can win a crucial football game, then surely it is a trivial matter for HLS to actually make needed academic reforms and listen to voices of student concern. Surely.

Given the unusual circumstances, I took a minute to actually read the letter. It seems that the dynamic Rakoff-Warren duo want to shrink classes, change the grading system, and make 1Ls do more work and take more tests. And they even want to hear from poor, innocent little me before they make these huge changes! I'm flattered. I'm honored. And, just this once, I'm even willing to believe it.

So, here goes. I don't have strong feelings about the first two items in the Rakoff-Warren plan, but in case you professors are reading, I just want to take this opportunity to come out strongly in support of making the 1Ls work harder.

Really, I love this concept. It's the best idea to come out of the HLS faculty since the hastily abandoned 1983 plan to feed under-performing students to hungry piranhas in the New England Aquarium. Putting the 1Ls to work would have incalculable benefits for the Law School: chief among them that, in the future, their workload would actually result in fewer than a hundred of them running for the Law School Council. This, in addition to



saving much of our community's precious reserves of paper (and patience), would also have the salutary effect of keeping Manoj Mate's ego at a reasonable size.

The only trouble with the Rakoff-Warren manifesto is that they apparently want

this extra 1L labor to come in the form of midterm exams and increased legal writing. This is where they lose my support. I'm fully in favor of making the 1Ls work like dogs, but why channel all that energy into something as unproductive and futile as trying to make HLS classes seem relevant?

I have a better idea. If we're going to make them work, why not put them to work for *me*? Hey, I've got a lot of chores that need to get done around here. There's cleaning and polishing to be done, my résumé needs fixing up, and I certainly wouldn't mind having a ghostwriter for this column. (And, let's face it, most of you would enjoy it more if I did.)

After all, I deserve a little something back from HLS. I've put in years of effort to help improve the community here, haven't I? Admittedly, it wasn't very intense effort, but who cares about such details? I think that giving me a few slavishly obedient servants would be a nice way for the administration to say "thank you." (Though, at this point, I'd pretty much just settle for a diploma.)

So, professors, what do you say? You asked for my opinion; now let's see some action, and quickly. I need someone to do my cooking this Sunday so that I can devote my full attention to the Superbowl-bound St. Louis Rams.

Hey, it could happen.

FENNO

Fenno strolled through the Hark, brushing hastily past a group in earnest, huddled conversation. At first, she thought it might be Frank Rossi plotting to remove all student members of faculty committees from their jobs, but Fenno was quickly disappointed. Actually, it was nothing more than a bunch of Law Review flunkies clustered tightly together and discussing their clerkship prospects like sexual conquests. Fenno emitted an involuntary snort; she had no use for this sort of nonsense.

Not that she had anything against being a Federal employee, preferably the kind who could take three-hour lunches and only occasionally rouse some drunken Arkansas judge from his stupor to sign an order. It was just that Fenno had never actually solicited a letter of recommendation from a professor, and she didn't know where to start. ("Unless," Fenno mused to herself, "You count that time Alan Stone wrote to Health Services and asked them not to force me to have electroshock therapy.")

Still, Fenno couldn't help but feel a faint twinge of regret as she looked at the eager, mousy features of these self-appointed law school *Übermenschen*. "Maybe," Fenno muttered, "I really should try and get that clerkship with Jesse Ventura."

Matthew Feigin, who apparently had briefly looked up from the geekfest and deigned to listen to an outside voice, piped

up. "Surely you know that he's not a judge. If you were on our exclusive e-mail list, you'd know where to go for the real prospects."

Fenno smirked at his ignorance. "You guys have such a narrow mind set. Jesse's not just a judge... he's jury and executioner, too."

Chris Ward stifled an involuntary Beavis-like chuckle. "Hehehe. Executions are cool."

Amy Chung sniffed. "How *déclassé*." Fenno yawned and dismissed these dweebs with a brusque wave of her hand. "Whatever." They took the hint and quickly returned to their safe, protective huddle, where they began debating the merits of Vicky Dorfman and Michael Koltonyuk's article on the right to carry small tactical nuclear weapons.

Fenno quickened her pace to escape the ridiculous conversation. It wasn't long before she could no longer hear the intense, self-absorbed voices, but it felt like an eternity before Fenno's ears were free of the awful noise of Dan Dockery crunching madly on cookies captured in his latest hospitality suite raid. Fenno took a deep breath and tried to clear her head with happy thoughts of booze, sex and the mass amputation of the tongues of all LL.M.s in her Tax class.

Despite her best efforts, however, Fenno just wasn't able to make it to her Happy Place. The whole clerkship thing was still nagging her. In the past, Fenno had always had a ready-made excuse for not going through the process: her nearly religious obsession with staying far away from the awe-inspiring incompetence of Peg Twit. But now, Fenno had nothing to run from.

"Besides," thought Fenno, "it's not like

I have anything better to do with my time." Applying for a clerkship, she reasoned, might be an ideal way to fill the temporal gaps between grabbing free drinks at firm receptions and beating the initial rush to the snack tray at Liz Warren and Todd Rakoff's bitchfests. (Fenno had always thought it was amusing that they felt the need to prominently offer free food to people in exchange for showing up to complain. In her experience, Fenno had never encountered much trouble getting HLS students to whine without promising anything in return.)

Trouble was, Fenno just didn't know what strategy to apply in order to get her dream job with a vaguely senile judge who wouldn't notice the prostitution ring being run out of his chambers. Fenno had nowhere to go for a recommendation other than Detlev Vagts, who for some reason

seemed to think that Fenno was actually Shirley Temple and was always offering to "help you back into the spotlight." Fenno supposed she could try kissing some serious Chaz Fried ass and see if he could sneak her in somewhere, but she quickly reconsidered, reasoning that one Beth Collins at HLS was more than enough.

Fenno groaned and buried her face in her hands. This was already turning out to be more than she could handle. "Screw it," she finally muttered to herself with a sigh of relief. "I'll just claim I worked for the Federal Circuit on my résumé and demand a bonus. Who's gonna know? I mean, it's not like it's the Georgetown crew team or something that people actually care about."

Fenno, satisfied with her brilliant plan, headed home with relief to down a well-deserved quart of Everclear.

Quote of the Week

"More people now speak Klingon than Navaho. No, really, I heard that somewhere."

— Jonathan Zittrain '95,
on the power of the Internet

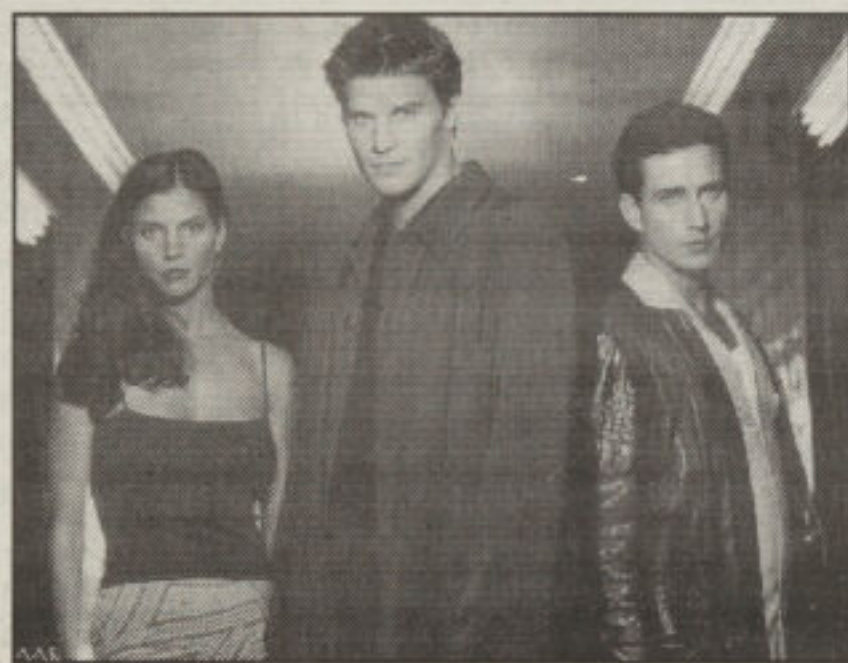
The Buzz

By Tanya Marsh '00
Entertainment Editor

OF ANGELS AND ALIENS

Last week, the WB tightened its grip on our nation's teenagers through the successful debuts of two new shows: *Angel* (Tuesdays at 9 p.m.) and *Roswell* (Wednesdays at 9 p.m.). Although I unfortunately fall on the dark side of the WB's target demographic, it has secured its status as my favorite network. It's just a lot more fun than those old stodgy pawns of Disney and Microsoft.

Angel is the WB's first spinoff and follows the adventures of the vampire of the



reprinted from www.angelfire.com/bx2/touchedbyangel

same name whom we first met on *Buffy, the Vampire Slayer* over two years ago. The Buffy/Angel story arc angsted itself out, so creator Joss Whedon moved the dreamy vamp (David Boreanaz) to Los Angeles, teamed him up with a cryptic half-demon/half-human named Doyle (Roseanne's Glenn Quinn) and our favorite sardonic ex-prom queen Cordelia Chase (Charisma Carpenter).

For those who don't watch *Buffy*, and missed the series premiere of *Angel* last week, let me provide you with all the background you need to enjoy the new show. Our hero, who once roamed Europe as the cruel and vicious Angelus, killed a beloved

daughter of the Romany people and was given back his soul (and thus his conscience) as the ultimate act of revenge. After 90 years of pointless wanderings and rat dinners, Angel came to Sunnydale to protect and help Buffy in her battles against vampires and other evil creatures. They fell in love, but there were just a few hurdles to their relationship. (Hello, she's the Slayer and he's a vampire!) To make matters worse, on Buffy's 17th birthday he gave her a very, uh, special present. Unfortunately, one little known feature of the curse was that if Angel experienced "one moment of perfect . . . happiness" he would lose his soul. So Angel turned back into Angelus and the demon hated the Slayer for making the man feel love. (And you thought *90210* had poignant episodes highlighting the risks of unprotected sex!) Hilarity ensued. No, actually a lot of bloodshed ensued while Buffy tried to accept that her true love had become her worst enemy and she had to kill him. To make a long story less long: Angelus tried to open up a gate to Hell.

Willow worked the curse again and turned Angelus back into Angel. Buffy had to impale him with a special sword to close the gate, thus sending her love to Hell. Buffy mourned. Angel was inexplicably returned from Hell. Buffy and Angel realized they couldn't be together. Buffy and Angel realized they belonged together. (Repeat several times.) Finally, after an epic battle at Sunnydale High School's graduation, Angel disappeared into the mist.

Only to emerge in the city of . . . angels. The basic point of the new show is that Angel caused a lot of misery and pain in his first 240 years and now the unknown powers-that-be (who saved a despondent

and suicidal Angel last year in an episode called "Amends") have given him the opportunity to atone for his many sins. The worldly Doyle receives visions in the form of blinding migraines and relays the information on the damsel-in-distress-of-the-day to Angel. Sidenote: Doyle speaks with Quinn's natural Irish accent and vocabulary (Doyle: "You know, I'm parched from all this yakking man, let's go treat me to a Billy D."), which allows Joss to continue using our cousins from across the pond to sneak obscenities past the censors. Prime example — Angel: "You think she's a hottie, don't you?" Doyle: "Oh yeah, man, I won't lie, she's a real stiffener."

In its premiere, *Angel* proved to continue the wit and sharp dialogue of its predecessor, albeit with a darker and more adult orientation. Witness as Doyle lectures Angel about his path to salvation:

Doyle: "It's not all about fightin' and gadgets and such; it's about reaching out to people, showing them that there's love and hope still left in this world."

Homeless woman reaches out her hand: "Hey, spare some change?"

Doyle (offhandedly to the woman with disgust): "Get a job you lazy shill." (Earnestly continuing his speech to Angel): "You know, it's about letting them into your heart. It's not just about saving lives, it's about saving souls . . ."

Angel has a complete, stand-alone universe so that even those who don't follow *Buffy* will still be able to understand and enjoy the show. If you like *Highlander*, *Forever Knight*, *X-Files*, or Tim Burton's *Batman* movies, be sure to check out *Angel*.

I wasn't going to watch *Roswell* for two reasons. First, it is on Wednesday nights at 9 p.m., opposite UPN's *Star Trek: Voyager*. Second, the last thing I need is one more show to watch. But then the WB ran

the premiere again on Saturday night, so I figured, what the hell, it couldn't hurt to watch just once, right? Unfortunately, it was reasonably cool and now I'm hooked.

The premise of the show is that in 1989, three alien children (who look just like very attractive humans) tottered out from incubation pods and were adopted by human families. The three possess special powers and understand that they are aliens, but don't know who they are or how they got to Earth. They assume that the stories of a UFO crash landing in Roswell, New Mexico in 1947 were true and that's where they came from. If so, what happened to their parents? Fed on a steady diet of Mulder-paranoia, they assume that those that weren't killed by "the government" are suffering in military laboratories. No clues in the first episode indicate whether their fears are true.

Roswell is a science fiction story on one level, but also functions as a tale of (literally) star-crossed lovers, about the alien boy Max Evans (*Dawson's Creek*'s Jason Behr) and the human girl Liz Parker (Shiri Appelby). In the first episode, Liz was accidentally shot and Max, risking exposure of his unworldly abilities, laid his hand on her belly and miraculously healed her wound. The sheriff is very suspicious of Max and his friends (and their never-ending hunger for tobacco sauce) but has not yet figured out who or what they are.

Produced by David Nutter (*The X-Files*) and Jason Katims (*My So-Called Life*), *Roswell* takes itself and its earnest characters very seriously. It lacks the witty banter of *Buffy* and *Angel*, which use wry humor to highlight the combination of the supernatural and mundane. *Roswell* may not stand the test of time, but at the moment it is worth a second look.

vision@work

COME JOIN OUR TEAM!

Robertson Stephens:

- The leading investment bank for premier growth companies
- The #1 equity underwriter
- The #1 strategic Internet advisor

This fall, we will be recruiting 3rd-year law students for positions in Investment Banking in our San Francisco, Boston, New York offices.

WE LOOK FORWARD TO MEETING YOU
AT THE FOLLOWING EVENTS

Meet the Company Presentation	October 21 @ 3:00pm	Aldrich 109
First Round Interviews	October 21	Pound Hall-Rm. 322

Please address your cover letter, indicating location preference to:
Katie Friedman, Investment Banking; IB_Recruiter@rsc.com.

ROBERTSON STEPHENS

BankBoston Robertson Stephens Inc. ("Robertson Stephens") is a wholly owned subsidiary of Fleet Boston Corporation and is an NASD member and a member of all major exchanges and SIPC.

QUESTION: IN WHICH ONE OF THESE LOCATIONS DOES PAUL, HASTINGS, JANOFKY & WALKER NOT HAVE AN OFFICE?

- | | |
|-------------------|----------------------|
| A. WASHINGTON, DC | F. MEXICO CITY |
| B. LONDON | G. SAN FRANCISCO |
| C. LOS ANGELES | H. ATLANTA |
| D. TOKYO | I. STAMFORD, CT |
| E. NEW YORK CITY | J. ORANGE COUNTY, CA |

ANSWER: MEXICO CITY (AT LEAST NOT YET). BUT WE DO LIKE MEXICAN FOOD AND MARGARITAS. SO . . .

COME EAT ON US.

THE WASHINGTON, D.C. OFFICE OF PAUL, HASTINGS, JANOFKY & WALKER LLP INVITES YOU TO A RECEPTION TO INTRODUCE YOU TO OUR FIRM.

WHAT: PAUL, HASTINGS, JANOFKY & WALKER COCKTAIL RECEPTION

WHEN: WEDNESDAY, OCTOBER 20, 6:30 - 9 PM

WHERE: CHARLES HOTEL, BRATTLE ROOM

POP IN FOR AS LITTLE OR AS LONG AS YOU LIKE, AND MEET SOME OF THE HARVARD ALUMS CURRENTLY IN OUR WASHINGTON OFFICE. WE THINK ONCE YOU'VE MET US, YOU'LL GET A SENSE OF WHY WE ARE PROUD OF OUR OFFICE'S UNUSUAL COMBINATION OF CONGENIAL ATMOSPHERE AND TOP-QUALITY LAWYERING. COME AS YOU ARE IN BUSINESS OR CASUAL DRESS!

. . . . IF YOU WANT TO INTERVIEW WITH US BUT DIDN'T SIGN UP OR GET A SLOT, PLEASE COME ANYWAY! BE SURE ALSO TO CONTACT OUR WASHINGTON, D.C. HIRING PARTNER, SCOTT FLICKER, AT (202) 508-9577, SO THAT WE MAY ARRANGE A CONVENIENT TIME TO MEET WITH YOU.

Her Indie World

By Suzanne Carter '00
Entertainment Columnist

WELL AREN'T PRICY ANNIVERSARY SHOW TIE-INS SPECIAL?

Various Artists,
Saturday Night Live: The Musical
Performances, Volumes 1 & 2
Dreamworks 1999

There are really only three reasons to watch *Saturday Night Live* these days. First, there's Molly Shannon's hilarious and realistic portrayal of Mary Katherine Gallagher. (Don't doubt my use of the word "realistic." At my Jesuit undergrad, my friends and I had a whole slew of girls we referred to as "Mary Katherines.") Second, there is the wonderful expressionist burlesque "Dog Show," which also features Shannon and her poodle, Mr. Rocky Balboa.

Third, there's the musical guest. Aside from the frequently tiresome weeknight talk shows, *SNL* is the only variety show left on network television, and it commands bigger music names on a regular basis than do Jay or Dave. Love or hate the musical guest in a given week, you're bound to be talking about him, her or it Monday morning.

And yes, some of the musical guests are certainly detestable. From early '90s boy group Color Me Badd to late '90s boy group the Backstreet Boys, the *SNL* musical director has had his share of lapses in judgment. Happily, they've only been occasional, and few of them turn up on the two discs released last month to ring in the show's 25th anniversary.

That's right, I said discs. If you want this collection, you'll have to shell out more than you would for a double album, even though the set's producers know very well that almost everyone who'll purchase Volume One will also purchase Volume Two. Kind of ironic, given that one of the set's highlights is Elvis Costello's anti-art consumerist rant, "Radio Radio." I wonder what old Elvis thinks of this little *SNL* marketing ploy?

"Radio Radio," which harkens back to 1977, happens to be the oldest recording on the discs. In fact, there are only two other performances from the 1970s here — Billy Joel's "Only the Good Die Young," which is a worthy addition to the collection, and the Grateful Dead's "Casey Jones," which isn't. The paucity of 1970s tracks is understandable, if a little disappointing, given that the sound quality on these three pieces is poor.

Still, the 1970s fare better than the technologically advanced 1980s. Though *SNL* aired during the entire decade of greed, only three pieces from that period are included — Randy Newman's "I Love L.A.," Neil Young's "No More," and Paul Simon's "Diamonds on the Soles of Her Shoes." Tribal and energetic, Simon's piece is the definite standout of those three, and the fact that the song itself hasn't been overplayed lends to the track's appeal.

I mean, come on, do we really need another version of R.E.M.'s "Losing My Religion"? Much as I admire the band, that particular song wore out its welcome for me about seven years ago. Its inclusion on the discs is all the more mysterious, considering that R.E.M. have appeared on *SNL* numerous times; there was no shortage of songs from which the album producers could choose.

The same theory applies to the inclusion of Sting's "If I Ever Lose My Faith in You." But at least Sting and R.E.M. are worthy of inclusion. On "Who Will Save Your Soul," Jewel suddenly forgets the song's lyrics, then just makes some Alaskan shepherding calls to cover up her mistake. Good call. After all, that song got so little airplay it's not like everyone in the audience could have recited the lyrics in their sleep. (Come to think of it, Jewel is a bit like Chris Farley's motivational speaker character, who was proud of living in "a van down by the river!")

But Jewel at least gets props for adding saxophonist Joshua Redman to the mix and adding some jazz elements to her song (on second thought, maybe those Alaskan shepherding calls were actually Jewel's attempt to scat).

To paraphrase one of my favorite *SNL* skits from back in the day, the Dave Matthews Band do a version of "What Would You Say" that sounds very, very different from the studio version — NOT!

Now, now, I don't mean to be overly critical of the discs. There are some tracks that make suffering through Jewel, Matthews and the Dead worthwhile.

Counting Crows appeared on *SNL* in January 1994, before anyone outside of the Bay area knew who they were. Their terrific performance so moved me that I bought their major label debut the morning after it aired. To my delight, "Round Here" is included in this collection, and it proves why the Crows are one of the best live bands around.

Similarly, I remember watching Annie Lennox perform her gut-wrenching rendition of "Why" on *SNL* in 1992; it is certainly one of the highlights of the two-disc set. Ditto for the Pretenders' "I'll Stand By You," which just might be the best love song of the decade. And how cool is it that TLC made it on the set with their groove-filled version of "Creep"? Annie Lennox, Chrissie Hynde, T-Boz, Chili, and Left Eye — I uh-loooooove these ladies, and I uh-loooooove uh-dogs.

The men fare less well, if only because the album's producers didn't choose their submissions to the album carefully enough. Any regular reader of this column knows that I am

infatuated with Beck, and I guess he does a decent enough job on "Nobody's Fault But My Own," but I certainly would have preferred to hear his innovative bossa nova "Tropicalia," (which, incidentally, Dusan has said makes him want to go on a safari). And James Taylor is my favorite performer of my parents' generation, but why did the producers choose to include "Secret O' Life" when he performed such a terrific rendition of "Shed a Little Light" on the same show?

The truth is, a compilation like this will always be a little disappointing. Where's Miles Davis? Ray Charles? Madonna? 10,000 Maniacs? Smashing Pumpkins? I guess I'll have to wait until Volume Three and content myself with the fact that these discs omit those appalling Backstreet Boys.

Beauty Pitch

I have to concur with Tanya's thought-provoking review of *American Beauty* last week. I have seen the film twice and plan to go again. At this stage, however, if I had to describe the movie in one word, it would be "Hitchcockian." The filmmaker's use of color, the audience's sense of impending dread that the characters do not share, and the theme of the extraordinary in the ordi-



Photo by Stephanie Rauser
reprinted without permission from Entertainment Weekly magazine
SNL's Molly Shannon . . . Superstaaa!

nary all mirror the master. Go see it.

Felicity Hair Watch: Ever since I did an Indie World on *Felicity* last spring, it seems I've been crowned HLS's resident *Felicity* queen extraordinaire. Several of you, our Buzz mistress included, have asked me to explain what she did to her hair. Folks, my job is not to justify. Frankly I agree with Noel before he turned on his fake-nice "Felicity I love you!" charm: so she'll have a bad hair year. Who cares? Next week's ep, in which Julie writes a song about how self-involved *Felicity* is, looks to be a keeper.

Brief

Stuntz named Professor of Law

William J. Stuntz, a professor at the University of Virginia School of Law, has been named Professor of Law at Harvard Law School.

Stuntz's area of expertise is criminal law, with a particular focus on the intersection of criminal law and procedure. He is a frequent lecturer at the FBI Academy and at the Center for Christian Study in Charlottesville, VA, where he addresses student groups about the relationship of Christianity and legal theory.

Stuntz taught the basic Criminal Law course at Harvard as a visiting professor in the Fall 1998. Stuntz received his J.D. from the University of Virginia in 1984, where he was Notes Editor for the Law Review and received the Alumni Association Award for Academic Excellence. After law school, Stuntz clerked for Judge Louis H. Pollak of the Eastern District of Pennsylvania and for Supreme Clerk Justice Lewis F. Powell, Jr. He joined the faculty at UVA in 1986.

Stuntz received a B.A. in History and English from the College of William and Mary in Virginia. His current research project is a book about overcriminalization. Stuntz will join the faculty in July 2000.

SPORTSGUY

By Phil Berengolts '01
RECORD Columnist

FEW SURPRISES ON FROZEN TUNDRA

On a cold, rainy day at Webster Field, one could feel the spirit of Halas, Lombardi and Grange as the HLS gridders slipped, slid and tumbled their way into the second to last week of the season, with playoff positions up for grabs in a number of games.

The Fighting Peilins defeated Aaron's Mom 34-27 in a hard fought game that featured two lead changes in the final minute. After Aaron's Mom scored to pull within one, Mike Don't Bite the Minahan That Feeds You '02 caught the potential game-winning two-point conversion in the back of the end zone.

But the Fighting Peilins marched back down the field behind the power running of Joe Dead Man's Gulley '01 to pull off a crucial victory.

The Peilins secured a playoff spot in

their second game with a 34-6 victory over Wrongly Accused. Despite the score, Wrongly Accused put up a tough fight with Ben Escape Hatch '02 catching a number of long yardage receptions, including a lunging stab on fourth down for Accused's lone score.

Aaron's Mom would come back to beat Buzzy's Fat Bastards in their next game 28-27 as Coach Robin There's a Hole in

the Wall Where the Men Can See It All's '01 decision to go for two at the end of the game backfired. All was not lost for the Bastards as they put up 48 on Wrongly Accused behind an amazing performance by Casey North by North Westover '01, who had five touchdowns in the game.

The Tribe played a tight game with Dicken's Cider, and kept their playoff hopes alive with a 26-19 victory. Dan

Bennet Late Than Never '02 ran for a score and connected with Jim The Greeley Who Stole Christmas '01 late in the game to put the Tribe up for good as Dicken's Cider's Hail Mary at the end of the game fell short. The People's Champion was also dethroned by The Tribe's resurgence despite three touchdowns by Matt Shepherd's Pie '01.

Meanwhile, the Cougars continued their onslaught on the league with a 33-0 win over the Weekend Warriors. Not only did the offense continue its spectacular play but the defense, led by Darien My Left Futrell's '01 two goal line interceptions, contained the Warriors potent offense. The Cougars eventually got their first test of the season from L.C. United, but held on to win 32-22 despite the inspired play of Kris Cy-Borg-Olivier '00 and Jim The Dragon Wilson '00.

Harkness Conference

Sons of Liberty (7-0)
Dicken's Cider II (4-3-1)
Wrongly Accused (2-4)
Buzzy's Fat Bastards (2-6)
BAR/BRI Pirates (1-6)
L.C. United (1-6-1)

Langdell Conference

Cougars (5-0)
Fighting Peilins (6-1)
Aaron's Mom (5-2)
Weekend Warriors (5-3)
The Tribe (2-5)
The People's Champion (2-6)

ON EDITORIAL WRITING AND MY FAVORITE COLUMNISTS

Newspaper editorials, often dismissed as substantively 750-1000 word sound byte kitsch in the hierarchy of expressive culture (compare, for example, the artistic *caché* of a book review with the book itself or an op-ed policy critique with the nuances underpinning the formulation of the actual policy), may in form resonate an aesthetic appeal grander on the scale towards the avant-garde or high-brow. Whether as a demonstration of linguistic expertise, rhetorical mellifluousness or comedic genius and creativity, it is often the style and format of the editorial rather than the message conveyed to which is attributed its discerned appeal. Examine the historical fact that, short of the Declaration of Independence, few one-page opinion pieces have ever sparked economic revolutions and peasant uprisings or changed the contours of accepted social and moral paradigms.

The format of a newspaper editorial, unlike their longer and more meaningfully poignant magazine opinion counterparts, can conveniently be classified into two categories of technique, the objective and the self-referential, or perhaps as the internalized and the externalized. The objective, internalized format encompasses a detached style, with the text of the column and not the author, directly addressing the reader. The text subsumes, or internalizes the ego of the writer into its words, rendering unnecessary any reference to the first-person voice. The words tell you this, not "I." Many of the columns that have appeared under the heading "Madness With Method" for the last three years fall under this category.

In contrast, the self-referential format introduces the reader to a direct dialogue with an author who externalizes the first person voice. The column functions merely as a written account of an otherwise verbal discussion, with the relation of the columnist to the newspaper medium closely mirroring the relationship between a court lawyer and a stenographer. For example, "the other day, I was accosted by a homeless man and it occurred to me that homelessness is not a good thing..." versus "one simple encounter with a homeless man is sufficient to hit home that homelessness is not a good thing." Many highly regarded columnists for the RECORD have adopted the self-referential paradigm.

The principal consequence of this clash in forms is a difference in the quality of work produced between adopters of each style. The internalized author risks obfuscating the message in the quest for anonymity. Objective columns, emphasizing word over writer, demand more creative techniques to convey a point than a simple soliloquy, but risk reader confusion in masking direct reference to voice. Indeed, much of the criticism leveled at this author's columns have emphasized its detached quality and breadth of incomprehensible terminology. Though defenders of this column will claim that readers who demonstrate anger at being unable to understand more than monosyllabic, rudimentary English project an insecurity about being fucking morons unable to open a fucking dictionary (even in anger, the internalized, objective column shunning self-reference cannot display the most vivid range of

emotions), the criticism is merited when such columns are compared to their simplistic and undisciplined self-referential counterparts.

This is so because the first-person externalizers have it easy. A column takes literally ten minutes if you capitulate to the initial impulse of writing about what slice of pizza at Three-Aces you just ate, whose boyfriend you just sucked off, or what Joe Singer lecture you found boring. Thus, ego-aware columnists will often write in the form of a list ("1) Don't listen to me, 2) But, listen to a nice platypus, 3) Recycled jokes should be placed in my Hark box...") or a dialogue ("He said, 'Hi, what's your name?'" and I responded "How much is your family worth?") because the voice and not the nuances of form assumes preeminent importance. A fusion of some favorite columnists into a mock self-referential example will suffice:

"So, last weekend, I went to this B-School party where 35 white-hats asked if I were the hottest person ever to enter Harvard Law School. I responded, 'yes, excluding Larry Tribe. His ass teaches its own section of Con Law.' Anyway, so I was, like, appalled at being flirted with in an open sexual manner. Here I am, a tall feminist at HLS about to sleep with 35 guys from the B-School and not one asks for my LSAT score. Incidentally, it was 163, but I slept with the proctor so he made it 173. Just like Joe Singer and Martha Minnow with regards to tenure.



You, readers, may scoff, but I write that phrase in every single column, so perhaps you're sick of scoffing. How about burning my columns in effigy or sending to donations to..."

Unfortunately, simple columns sell. Likewise, simple humor, simple movies, simple books, and simple politicians. If nothing

else, the American experiment with the arts has proven that a society premised on instant gratification cannot exhibit the discipline required to appreciate achievement. In law school, this is particularly true because the vast majority of people's analytical acumen is occupied by case-reading, journals and the law school curriculum at large. Thus, newspapers remain a mildly amusing distraction, and as such, engage the type of distant focus most befitting a simple and agreeable self-referential column.

Consequently, this newspaper, like all channels of mass communication, must mediate between the conflicting impulses of increasing readership at the risk of degenerating into quaint tabloid with quality journalism. Or perhaps I am just making a big stink over nothing. Last week I made a big stink while waiting for the bathroom at a party, when it occurred to me how strange it is that toilet-paper is called "toilet paper" and not "ass-paper" or "wiping paper"? I mean we don't call "rolling paper" "lung paper" because it eventually goes into the lungs, so why...

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.

Operation: Opera

By Matthew Ahn '02
Guest Columnist

AN IDIOT'S (HLS STUDENT'S) GUIDE TO OPERA

This article is intended for those who:

A) were rendered woefully culturally impotent from their four years traipsing about as economics/poli-sci/accounting/business/soulless corporate drone majors; or

B) have trouble distinguishing between opera, *The Phantom of the Opera*, and a well-executed pasta commercial.

It has been said that all operas are variants on the same basic plot: the bass tries to prevent the tenor and the soprano from getting together, and depending on his success, the opera is categorized as tragedy, comedy, drama, or scandalous lechery befitting only the basest brutes in Christendom. Granted, this final category has been applied only infrequently since Vatican II, but the greatest operas of all time have been classified as such and it is to these titillating representations of immorality that I now turn. You should as well.

The Productions:

Giacomo Puccini's *La Bohème*, perhaps the most beloved work in the repertory, has rightly earned its place in the operatic canon and not just for its wanton hand-holding, lewd stage kissing, and daring displays of carnal duets, quartets, and all-out orgiastic choruses involving the entire cast. It is for the cross-dressing scene in the beginning of Act IV that the opera is most famous. The homoerotic tension on stage rivals even that of two Jedi knights on Tatooine, and audiences from as far afield as the garment district of San

Francisco have unanimously shouted "En-core!" until their cheers became mere lisps and fierce clapping left their wrists limp.

Another of Puccini's masterpieces, *Madama Butterfly*, is the oldest existing record of an Asian fetish. This long-awaited prequel to the Broadway smash, *Miss Saigon*, tells the heart-rending tale of an unfortunate Japanese girl and offers a rare glimpse into the world of sexy Asian women, what with their demure, servile exteriors and dragon-lady-in-bed tendencies. Recent criticism has unearthed new evidence which supports the theory that the 1941 invasion of Pearl Harbor was not due to Japanese imperialism, but rather to Emperor Hirohito's desire to avenge Cio-Cio-San's betrayal by her lusty Yankee "husband."

Richard Wagner's *Der Ring des Nibelungen* (*The Ring Cycle*) has achieved fame not only as a symbol of modern myth-creation and as an example *par excellence* of political appropriation of cultural history, but also as a useful tool in the training of neo-nazis. If you happen to attend a performance of any of the four constituent music dramas in the cycle, you will notice that the four- to five-hour ordeals leave audience members in a somnolent state, replete with drooling, and fully open to subconscious suggestion. It is then that the management gives the singers and orchestra a break and turns on footage of Charlie Chaplin's *The Great Dictator*, drawing forth the latent anti-Semitism within us. Critics of Wagner's explicitly German music who decry it as anti-Semitic should note Austria's great-

est ruse: trying to convince the world that Beethoven was really an Austrian and that Hitler was a German. Perhaps we should more justly direct our anger at an Austrian composer, say Arnold Schönberg.

It was only a matter of time before Blackploitation hit Broadway, and when it did, it was certainly in high style. Gershwin's *Porgy and Bess* follows the bawdy antics of Porgy (John Shaft) and Bess (Grace Jones) in a bittersweet *verismo* tour de force featuring prisons, murders, drugs, a watermelon and over 15,000 other stereotypical references all jam-packed into a tightly interwoven musical score highlighted by Gershwin's distinctive United Airlines-evoking melodies. It also has the unique distinction of being the only opera written completely in Ebonics.

The Singers:

Plácido Domingo, or 'Calm Sunday,' as my Spanish-English dictionary calls him, has spread himself a little thin of late. He divides his time between putting in guest appearances at his tapas restaurant Domingo! in New York, dazzling the world with his new pop single "Livin' la vida opera," and making a cruel mockery of his art with continued "3 Tenors" performances.

Andrea Bocelli reminds us all that just because you can hit the notes doesn't mean you should.

Luciano Pavarotti, like certain HLS professors, was once known as the admiral of the high Cs. Those days are long since gone, and the oldest of the 3 Tenors

is barely capable of on stage movement and is in danger of losing his voice. Still, at the age of 63, and despite his rather large carriage, Signor Pavarotti has managed to land a 20-something mistress. That makes him tops in my book.

Cecilia Bartoli, or "Bart," as the cultural elite of New York refer to her, has earned quite a bit of critical acclaim since her debut a few years back. While her refined technique in bel canto interpretations and her bubbly, effervescent acting style has guaranteed her a long career, it is probably for her supple cleavage that she will be most remembered.

Nuts and Bolts:

Hopefully this article will be of some assistance to you as you proceed on your quest to make yourself a more well-rounded person by the time you graduate from HLS. For those of you who have suddenly become really enthusiastic about attending an opera, I have the unfortunate duty to inform you that Boston's premier opera company has been bankrupt for a number of years. But fear not! The Boston Lyric Opera is presenting an all-Egyptian season, if you can count 3 operas as an entire season. Featured on the program is Philip Glass's *Akhmat*, which promises to be as thrilling and action-packed as his *Satyagraha* and *Einstein on the Beach*. Happy hunting!

Matthew Ahn holds an MFA from the Juilliard School, though it isn't his.

Fulbright & Jaworski I.L.P.

a registered limited liability partnership

Seeking

Harvard Law Students

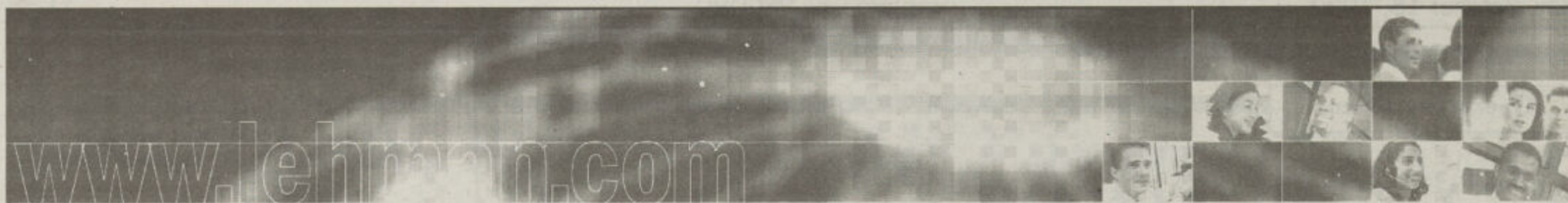
Who are interested in a national practice and are willing to assume extensive responsibilities at an early stage in their career

We will conduct interviews at
The Charles Hotel

Tuesday, October 19, 1999

and encourage interested students to sign up

Houston · Austin · Dallas · Los Angeles · New York
San Antonio · Washington, D.C. · Hong Kong · London



Lehman Brothers

Cordially invites 2L, 3L and LLM students
to join representatives from Capital Markets
for an informal panel discussion on

“Preparing for a Wall Street Interview”

Monday, October 18, 1999

6:30 p.m.

Pound Hall

Room 100

** Food and refreshments will be served*

LEHMAN BROTHERS