



2Ls left out in the cold

35 students axed from winter negotiation workshop

by Francesco R. Barbera

The Office of the Registrar announced on Monday that 35 randomly selected students registered for the Winter Negotiation Workshop have been dropped from the course due to a clerical error. The announcement led to an outpouring of frustration as students scrambled to fill the sudden gap in their schedule.

"After jumping through all of the registration hoops last year, I am wondering why I even bothered," said Aaron Olsen '01, who had ranked the course first during pre-registration. "It is especially obnoxious since I will likely not be able to schedule the workshop next year." Olsen's wife had extended her maternity leave into January so that he could attend the course.

The Registrar informed students of the error via an e-mail, which stated that the move was necessary because "more students, than originally expected, enrolled during pre-registration." The message also noted that dropped students will be guaranteed a space in next year's Winter Workshop.

In a statement released to the RECORD on Tuesday, Registrar Stephen Kane attributed the incident to a clerical error. "The wrong enrollment capacity was entered in the computer system during pre-registration and unfortunately the problem was not caught until the Negotiation Workshop Office asked for an enrollment status," Kane said.

According to Kane, as of Tuesday evening, 25 of the students dropped had already contacted the Registrar and worked out alternative schedules. Caroline Soutanian, who serves as the Registrar's Administrative Coordinator, noted that professors of other winter courses have been willing to expand their rolls to accommodate the dropped students. So far, she said, the majority of students who requested an alternative course were given one.

"Yes, the students were disappointed at what had happened, but when they were presented with a variety of options, class or clinical, while being guaranteed a space in next year's Winter Negotiation Workshop, most students were pleased and rather forgiving regarding the

situation," said Kane.

Student statements to the RECORD indicated otherwise.

"If you want to tally my vote, count me as unhappy and dissatisfied," said Jennean Endres '01. "I don't care that they sent the notice via e-mail, but I do wish the university would work on a better system for registration."

"Outrageous — not only were we summarily informed that we now have no winter term class,

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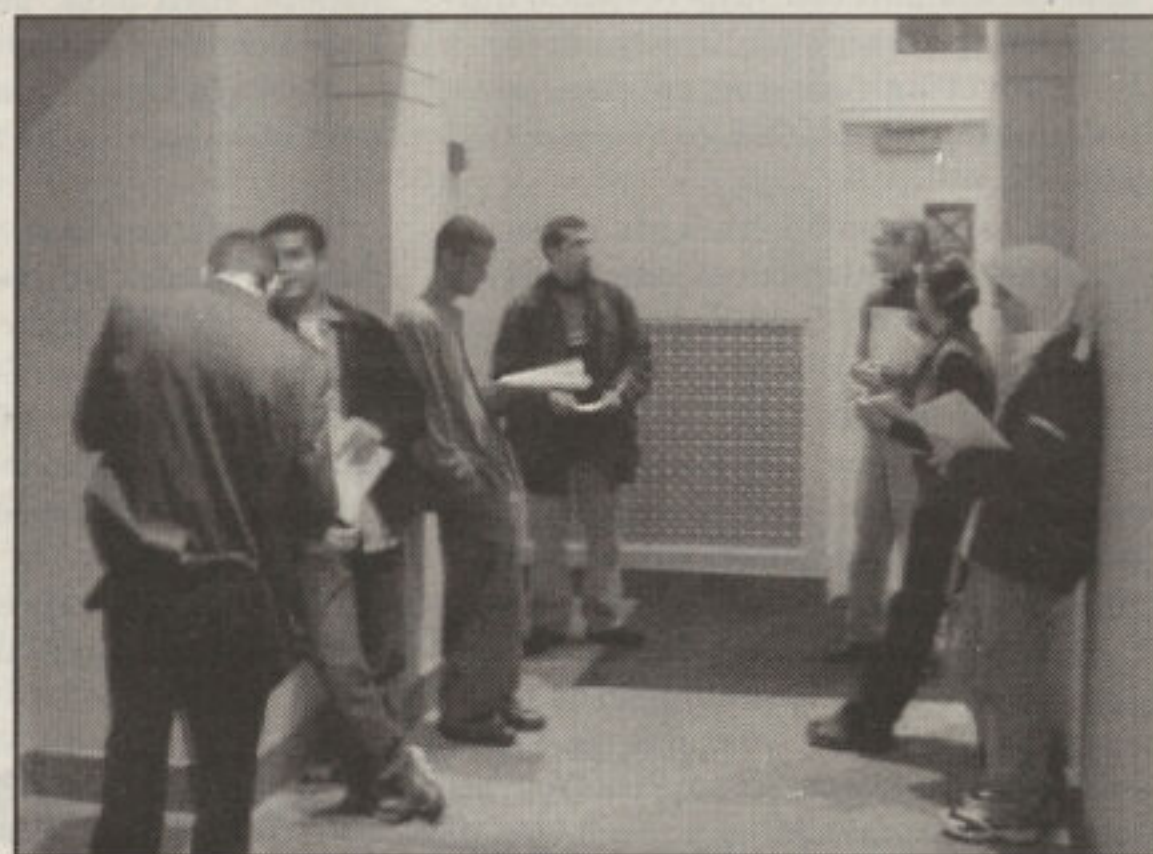


photo by Justin Herdman

Muslim students converge on Langdell South to express concern over depictions of Arabs in Jihad in America.

Filmmaker draws protest

Muslim students decry depiction of Arabs

by Justin Herdman

A visit to the HLS campus by investigative reporter Steven Emerson attracted a crowd of students concerned about negative stereotypes of Arabs and Muslims. At the screening of Emerson's film, "Jihad in America," sponsored by the HLS Jewish Law Students Association (JLSA), flyers were distributed to passers-by questioning the documentary's journalistic credibility.

The screening and subsequent lecture marked the Second Annual Alisa Flatow Memorial Lecture on Law and Terrorism. Alisa Flatow, a Brandeis junior studying in Israel, was murdered by terrorists in Gaza in April 1995. The lecture was dedicated to her

memory.

The film first aired on the Public Broadcasting System in 1994. It has been both hailed and criticized for portraying the global Islamic Jihad movement as devoted to the destruction of Western civilization. The *New York Times* wrote the following description of the documentary: "[Jihad in America] laid it all out on film — the meetings in American cities where the cry of holy war went up against America; Christians, Jews and Muslims who would not surrender to fundamentalism; the training; the visits to American units by Middle Eastern leaders of Hamas and Islamic Jihad, and the fund-raising structure that supported terrorism."

Asifa Quraishi, S.J.D., who organized the distribution of flyers by Muslim students, was alerted to the journalist's visit by an off-campus friend. Citing allegedly false translations and over-generalizations, Quraishi said: "This film has caused a lot of concern within the Arab community in general."

Two flyers pointed to specific critiques of Emerson's work. One segment of the handouts quoted newspaper articles that raised questions about Emerson's film. According to the flyers, Professor Jack Shaheen told the St. Louis Dispatch: "Jihad" is perilous television, pandering to stereotypes that feed collective hatreds." A host of quotations questioned Emerson's impartiality. The *Washington Post* called Emerson "a pro-Israel researcher and author" while the

Bell reviews career in race relations

by Kimberley Isbell

Prof. Derrick Bell returned to HLS this week to help kick off the Saturday School Lecture series with a talk entitled "Segueing Towards 70: The Rewards and Regrets of a Race-Related Life."

Bell, the first African American to receive tenure at HLS, left the faculty in 1980 to become Dean of the Oregon Law School, in part to protest Harvard's failure to hire a more diverse faculty. He returned to HLS five years later, after the Oregon faculty voted to deny a position to an Asian American female.

When, by 1991, HLS still had not appointed a woman of color to the faculty, Bell took a two-

year leave of absence to draw attention to the problem, eventually relinquishing his position and joining the faculty at the New York University School of Law.

The talk drew a crowd of approximately 130. It welcomed Bell warmly, applauding after Prof. Charles Ogletree's [78] assertion that "I know I don't stand alone in my strong belief that...at some point in the very near future Derrick Bell should return to the Harvard Law School."

Distinguished Career in Civil Rights

Bell's legal career began after graduating from law school at the University of Pittsburgh, as

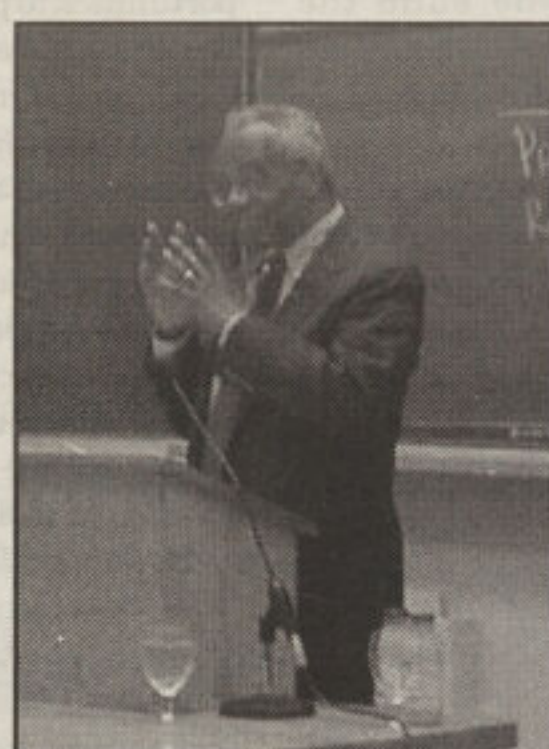


photo by Kim Isbell

a civil rights lawyer in the 1960s, serving as Counsel for the NAACP Legal Defense Fund and as Deputy Director of the Office

for Civil Rights in the Department of Health, Education and Welfare.

Despite his experience in civil rights law, finding a job in legal academia proved an uphill battle for the young lawyer. He was rejected twice for a post at HLS in the mid-1960s, but in 1968 his prospects suddenly changed. "Then Martin Luther King was assassinated and the urban rebellions followed, and suddenly, all of these schools that weren't interested in me before suddenly were very interested," Bell said.

"I don't know what the message is, whether there needs to be more riots?"

Bell was then named Executive Director of the Western Center on Law and Poverty at the University of Southern California Law School before joining the faculty at HLS.

Since then, he has authored numerous articles and books on civil rights, including "And We Are Not Saved: The Elusive Quest for Racial Justice" and

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Putting spin on LIPP reform

Network issues statement of reform principles

by Francesco R. Barbera

In its latest effort towards comprehensive Low Income Protection Plan (LIPP) reform, the Student Public Interest Network (SPIN) released a statement on Monday declaring the "First Principles of LIPP Reform." The statement seeks to create "common ground" in the debate and proposes several specific measures to improve LIPP.

The document was drafted by SPIN's Financial Reforms Committee, which is chaired by David Markus '01 and Joy Radice '02.

A final version was approved by the SPIN's executive board last week.

"We hope to build consensus with this statement," said Ayn Ducao '01, co-chair of SPIN. "We hope that this statement can serve as a launching point for discussion and action."

The statement begins by noting that "the once-peerless LIPP loan forgiveness program has been seriously undermined by socioeconomic trends." It lists several critical objectives that would be served by LIPP reform, including enhancing student diversity, improving recruitment

and preserving the influence of Harvard Law graduates in the public sector.

The document states: "The longer LIPP fails to effectively support careers in the public and non-profit sector, the more Harvard's influence in these sectors will decline."

The statement goes on to urge that any LIPP reform plan be "fully consistent" with three criteria: cooperative, public discussion; significant, permanent reform; and effective, broad-based protection.

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Student input sought to shape HLS future

by RECORD Staff

In the latest attempt to flesh out and address student concerns revealed during last semester's McKinsey survey, a town meeting focusing on class size, feedback and grades convened last Thursday.

Approximately 50 students attended the meeting, which was moderated and planned by Prof. Todd Rakoff '75, head of the Academic Development Committee, and Prof. Elizabeth Warren, chair of the Institutional Life Committee. The students present were primarily 1Ls; about 20 students from upper classes were there, but no LL.M.s attended.

The discussion of class size focused on varying proposals to diminish the number of people in first-year classes. Those proposals drawing most support from attendees involved adding a second small section, or decreasing the size of the large sections to between 90 and 110 students.

"Even more important than class size is the quality of the classes," one 1L said, stressing that some professors are more adept at teaching than others, and were able to make the classroom experience, even in large sections, more rewarding than other professors teaching in small sections. Several people concurred that more emphasis should be placed on hiring good teachers, rather than good academicians, to teach the large sections.

While most students who expressed their views on the topic stated that more feedback was necessary, a good number of them also said they would prefer constructive comments from professors, even if relatively infrequent, to continuous feedback from teaching assistants. A 1L who attended Harvard College was especially adamant about discrediting the TA-system as academically ineffective.

The final third of the meeting was dedicated to a discussion about the grading scheme.

Currently, the Law School employs a nine-tier system, covering the following letter grades: A+, A, A-, B+, B, B-, C, D and F. The last two grades are reserved for extremely poor coursework and used

rarely. The most popular alternative among institutions of legal education is a four-step system, with grades bearing general descriptions such as "pass with honors, high pass, pass and fail." Yale Law School uses a system of this type.

Most student comments were in support of switching to this kind of grading.

"It's just not true that grades don't matter; grades are very important, especially if you're interested in obtaining a clerkship in one of our major cities," said Dmitri Evseev '00. "Given the enormous class size and lack of feedback, we really should collapse the grading system."

Students also expressed concern over firms' reliance on grades in making de-

cisions on hiring. "Is there a better source of information, other than things on the résumé?" Rakoff asked.

As Rakoff explained the revised grading scale, "The main feature of that is to collapse the middle into one grade." This would also make grading much easier for professors. Nearly all professors attending the meeting gave a synopsis of their grading experiences, which turned out to be quite similar, "I can pick out the top and bottom essays like that," said Warren snapping her fingers, "the tough part is deciding about the grades in the middle."

But a few students urged that the status quo should be retained. "I went to a state school and came to HLS straight after finishing college. Applying for 1L jobs,

I sent out 100 applications, and received 100 rejections," one student related. "After getting my first-semester grades, everything changed," she said, adding that she thought it would not be fair to take away the benefits of doing well from students who applied themselves during 1L year and had little else going for them.

No one publicly spoke out in favor of a third option, changing over to a more highly differentiated grading system, say a numerical scale from 0 to 100, similar to the one HLS used prior to 1969.

Students wishing to share their views on any of the issues discussed during the meeting may send e-mail to feedback@law.harvard.edu.

Bell ponders racism in America

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"Faces at the Bottom of the Well: The Permanence of Racism."

Challenging Notions of Black Gain

In surveying the progress that has been made since he began his civil rights career 40 years ago, Bell challenged the idea that blacks have been the primary beneficiaries of racial progress. "It is clear that it is a fact in the story of racial reform in this country that almost everyone from the Emancipation Proclamation now to affirmative action have ended up benefiting initially or maybe a little later on far more whites than blacks."

As an example, he cited a study of school desegregation. "There is a book called *A Semblance of Justice* ... about the issue of school segregation in St. Louis in many years, and what [the author] discovered is that by the time the schools actually started desegregating, everyone connected with the system, the teachers, the book suppliers, those who build the schools, the principles, everyone benefited more from the process than black children. That has been a pattern."

Bell also questioned whether racial progress is truly helping blacks at all. Citing a book by Robert Allen, *Black*

Awakening in Capitalist America, Bell commented that "in that book he reminded us that what we deem as progress, measured by the number of blacks which moved into management-level positions, or tenured positions, is quite similar to developments in Colonial Africa and India. He reminded us that the colonizing countries maintained their control in part by establishing class divisions within the ranks of the indigenous people. A few able, and shall I add, safe individuals were permitted to move up in the ranks where they served as false symbols of what was possible for the subordinated masses."

Applying this analysis to America, according to Bell, Allen "viewed black America as a domestic colony of white America. Colonial rule, Allen claimed, is predicated upon an alliance between an occupying power and indigenous forces of conservatism and tradition."

Bell explained the implications of this theory for members of the black intellectual elite, saying, "So we view our professional positions as valuable because they offer opportunities to push the legal system and even the larger society in the direction of racial justice or justice in general. But our involvement may be having a very different effect, very different than that we hoped, or perhaps even recognized. That is, instead of gaining access to real influence, it may be that we are legitimizing a system that relegates us to an ineffectual but decorative fringe."

Bell continued, "Let us enjoy our positions, and the occasional opportunity to do good. ... but as scholars, judges, practitioners, we are for many whites living proof, 'well, there's no real color bar.'"

He argued that for true progress to occur in the area of race relations, white national leaders will need to emerge to address the issue.

"[T]he leadership for our society, as I'm defining it, can't be filled by a black person. We know that blacks have some influence. We know from Brother Jesse Jackson, through his runs for the Presidency, that an articulate black can gain support across race lines when advocating a range of social needs for those who, as Rev. Jackson puts, 'take the early bus.' I really think that a black person could be President. Had he accepted the Republican Platform and been able to keep his food down, Colin Powell might well have been elected."

"What we need is white leadership able to be heard and courageous enough to deliver at least a three-point message. One, and a tough one to get across, is that race in America is not really about blacks; it's about whites. Number two is that racism may not be overcome. It may be a permanent part of the American social structure. And number three, probably the toughest of all, that there is a value in taking on this struggle in even what may be a hopeless cause," Bell said.

The Social Cost of Racism

According to Bell, to address white racism effectively, leaders "need to review the economic and social disadvantage, the lost

opportunities that white people have suffered, continue to suffer as a result of the corrosive and pervasive effects of social neglect connected to race."

According to Bell, "Whites [need] to consider, 'Why is it that the United States is the world's richest nation, and yet we lag behind any number of less wealthy countries in matters of social welfare, healthcare, housing, education, childcare, protection for the aged?' ... It seems to me that the racial separation in our country is a major cause of that cancer."

Bell also suggested that the United States' reluctance to tighten gun control laws could be linked to latent racist apprehensions.

"Why is it that our Congress can't enact meaningful gun control laws, even as we witness a series of horrendous attacks on our schools, businesses, even churches by whites, including young students armed with an array of legal weapons killing scores of unarmed persons, and yet no bill can get moving through our Congress? Could it be that deep-set racial fears are at least a major barrier to joining the rest of the civilized world and ending the death penalty and controlling the purchase and possession of guns?"

Fighting the Good Fight

Despite 40 years of working for racial equality, Bell recognized the possibility that his goal might never be achieved. "I also have the fear that the harm done by the practice of racism really is known, it really is sort of an open secret that everyone has agreed on however much individuals may deplore it from time to time. It may be that whites, at some level of consciousness, recognize that they the oppressors are also among the oppressed but conclude that 'that's the way it is.'"

Bell continued, saying, "Just as I know that the fact that all whites benefit from racism, I know that not all whites are equal or guilty in any normative sense, and I wonder whether the plight of blacks in this country isn't caused by factors even more fundamental than white racism, more essential than the government."

Bell speculated that the bonding created among whites by racially stigmatizing blacks may be essential, a glue that helps to hold society together. "It may well be that the value of racism in maintaining a stable society may be greater than is generally realized."

Despite this possibility, Bell argues, there is still reason to continue fighting against racism. "By acknowledging the power of racism, we don't legitimate it or surrender to it; rather, we can only delegitimize it if we can accurately pinpoint it. Because racism lies at the center, not at the periphery, in the permanent, not in the fleeting, in the real lives of black and white people, not in the sentimental areas of the mind."

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Judge Boggs questions media's free ride

Circuit Judge speaks on campaign controls and press

by Justin Herdman

Proposed campaign finance controls may seek to shut down White House coffees and fund-raisers held in Buddhist temples, but they are decidedly mute on the pervasive influence of television's talking heads. On Monday evening, a discussion sponsored by the HLS Federalist Society highlighted the scant attention paid to the media's impact on politics.

In his talk entitled "Political Speech: Will the Supreme Court Gag Everyone Except the Media?" Judge Danny J. Boggs of the Sixth Circuit Court of Appeals addressed

trols for failing to restrict media speech rights, Boggs detailed the history of reform.

Noting the wake of publicity that has trailed George W. Bush's substantial fundraising efforts, the Judge felt obliged to compare projected campaign spending for 2000 with past periods of American history. Hinting at false perceptions of systematic strain, Boggs pointed to reduced spending on presidential campaigns in relation to gross domestic product as evidence.

Boggs also cited Eugene McCarthy's presidential campaign in 1968, which raised \$11 million in six months. Adjusted for inflation, that amount is at least equal to the figure amassed thus far by Bush, according to Boggs. "In terms of some gross disparity with the past, the numbers just aren't there," he said.

Seeking to compare the cost of media speech with known expenditures by political campaigns, Boggs attempted to estimate the percentage of press coverage devoted to politics. Having figured that politics composes one to two percent of television programming and two to four percent of newspaper coverage, Boggs said that the estimated cost of the media's political speech will

range from \$2 to \$10 billion in the upcoming election cycle.

As examples of past press speech, Boggs cited the 1964 presidential campaign of Sen. Barry Goldwater. At the time, it was widely reported by the media that 1,189 psychiatrists had declared Goldwater mentally unfit to be president. The resulting effect on public opinion, said Boggs, was priceless to the campaign of Lyndon Johnson.

Case Method Man

Judicial rulings on campaign finance legislation have consistently held the media to a different standard, according to Boggs. The line of cases supporting free press speech began with *Mills v. Alabama*, where the Supreme Court struck down what Boggs termed a "modest" restriction on press speech. The state law in *Mills* prevented the printing of editorial endorsements within a brief period before the election.

The next plate in the media's constitutional armor was placed in *Tornillo v.*

Miami Herald, a 1974 decision that struck down legislation providing candidates with a right of reply to direct attacks in newspapers. Boggs pointed to Justice William Brennan's [31] opinion, which indicated that while press responsibility is desirable, it is not mandated by the Constitution and is therefore immune to legislative regulation.

Thus, before the Supreme Court's ruling in *Buckley v. Valeo*, widely considered to be the landmark ruling on campaign finance controls, the media's political power was firmly entrenched. These cases are evidence of "the media's absolute right to affect elections, absolute right to be unfair to candidates, and the absolute right to put politicians deeply into their debt," said Boggs.

But in *Buckley*, the Court upheld limits of \$1,000 on individual contributions to federal campaigns. On the other hand, federal limits on campaign expenditures were struck down as restrictive to speech. "Expenditures to get the message out are First Amendment acts that we've upheld," said Boggs.

Buckley has not been met with overwhelming approval, said Boggs. Attacks have come from the right, who oppose any limit on contributions, as well as from the left, who feel that the decision did not go far enough.

Boggs also mentioned several cases decided by the Sixth Circuit in recent years, none of which have been considered by the Supreme Court. "We were beginning to think, well, the Supreme Court won't give us any guidance," said Boggs.

What Tune will Supremes Sing?

The case currently before the Court is *Nixon v. Shrink Missouri Government PAC*. A Missouri law was passed to limit contributions to statewide races, clinging to the *Buckley* limit of \$1,000 at the gubernatorial level, but placing a ceiling of \$250 or \$500 on some lower-ticket races. The Eighth Circuit invalidated the Missouri limits because they exceeded the

standards set forth in *Buckley*. While Boggs declined to comment directly upon the case, his insights were revealing.

In reference to the recent oral arguments, Boggs said that the intentions of the Court were not quite apparent. Justices David Souter '66 and Stephen Breyer '64 have given indications that they are in favor of campaign finance restrictions, while Justice Antonin Scalia '60 has essentially said, "The rich should be able to contribute all that they can," according to Boggs.

Only Justice Thomas has raised the lingering question of media influence, said Boggs. "At least some of the Supreme Court's members seem to be alive to this question [of the media's political speech]," Boggs said.

According to the Judge, the same problems associated with unrestricted campaign contributions are, at "first blush," also present in media influence. Just as candidates are likely to return phone calls from large donors, so calls from Dan Rather will probably prompt quick response.

Boggs identified a "ladder" of possible outcomes in *Shrink Missouri*. The Supreme Court could overturn *Buckley* and allow all limits on campaign contributions. Or, the Justices could require compelling proof of corruption, on a district by district basis, in order to justify contribution limits. This latter approach is admittedly "more radical," said Boggs, and is a proposal from noted campaign finance conservative Sen. Mitch McConnell (R-Ky.).

But Boggs doubts that the Court's current composition would lead to a radical decision. "I think they'll come down somewhere in the middle," Boggs said.

Boggs is a graduate of Harvard College and the University of Chicago Law School. He was appointed to the bench in 1986 by President Ronald Reagan. Prior to that, Boggs served briefly in private practice and for the federal and Kentucky state governments.

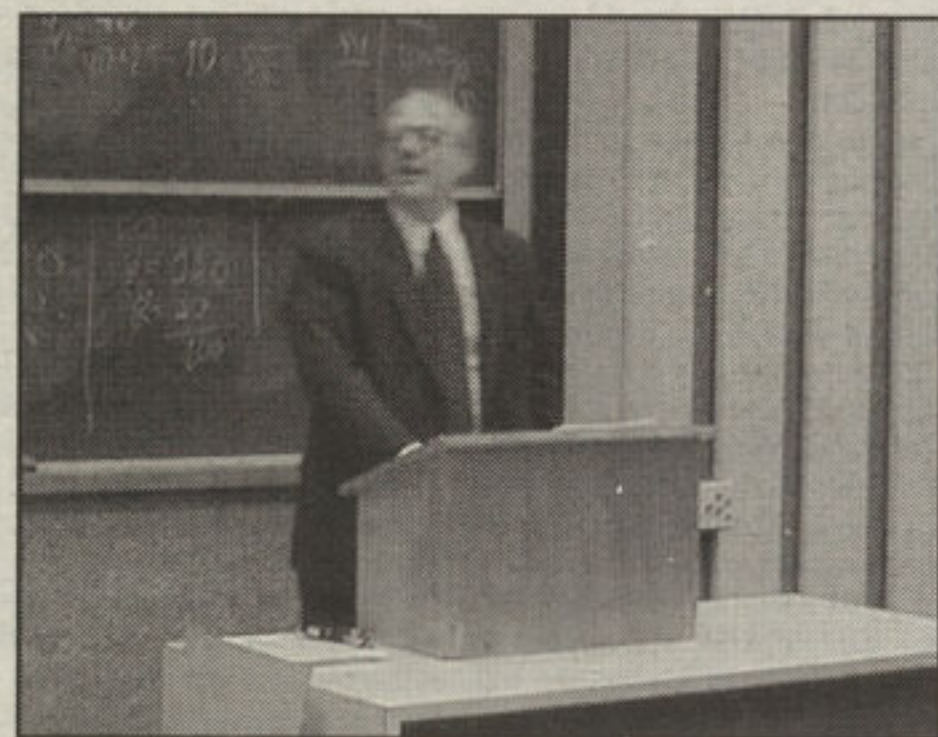


photo by Kim Isbell

the political power wielded by the press. The aim of Boggs's speech was to focus scrutiny on First Amendment protections of the media in light of free speech issues that have arisen from campaign reform proposals.

According to Boggs, questions about campaign finance control have failed to consider the constitutional inconsistencies prompted by legislative action, such as the recently passed Shays-Meehan bill in the House of Representatives. "The question has not been: How can you define and exempt what the media does without that definition banning what the reformers want in turn," said Boggs.

Boggs told a modest audience of the critical need to define the media's role in the political process. "Those who comment on campaign limits and reforms are intellectually dishonest if they don't address that question," Boggs said.

Judge Offers Primer on Campaign Finance

Before exposing current campaign con-

Jihad equals terrorism?

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Jerusalem Post said that the reporter had "close ties to Israeli intelligence," according to the flyers.

On Wednesday, Muslim students pointed in particular to Emerson's use of the word "jihad." The students' flyer defined the word: "Its primary meaning, from the word jhd, is to strive or exert oneself." In the popular press, the term is often invoked as a synonym for "holy war."

Quraishi's concerns are grounded in the legal consequences of the film's impact. Using current anti-terrorist laws as an example, Quraishi bemoaned the prosecutorial advantages being deployed to imprison Arabs. "The kind of thing that Emerson is pushing can very strongly impact individual civil rights," she said.

One of the flyers distributed, entitled "Anti-Terrorism or McCarthyism," discussed an appellate ruling on October 19 in favor of Hany Kiardeeen, a Palestinian man detained for 18 months on terrorist charges. Kiardeeen had been imprisoned based on secret Government evidence that was not disclosed to his lawyer. Such procedures are permitted under anti-terrorism legislation that was passed in the wake of the Oklahoma City bombing.

On Tuesday night, Quraishi contacted JLSA leaders and informed them of the Muslim students' opposition. "I'm concerned this is happening on the Law School campus," said Quraishi.

Melinda Motts, who studies inter-religious dialogue and conflict resolution at Harvard Divinity School, was on hand to assist the Muslim students. Motts was concerned about the film's "wrongful portrayal of a group."

Still, according to Motts, the student attendees were gracious and supportive. "Most people are just taking the flyers and reading them," Motts said. And Quraishi said that JLSA had indicated a willingness to hold a Jewish-Muslim conversation on the film's themes.

Reaction among Jewish students was mixed. "I understand what [the Muslim students] are doing," said Larry Scheer '01, who attended the screening and Emerson's lecture afterwards.

But Scheer cautioned against blindly defending groups like the Taliban in Afghanistan, who have waged war against secular Muslims in their own country. "[Emerson] said that to deny the existence of these Muslim fundamentalists is to imply that you agree with their cause," Scheer said.

Registration blunder

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we were given absolutely no information about the procedure for rectifying this situation," said Linda Kreem '01. Kreem noted that, in the e-mail announcement, the Registrar "kindly offers to help 'if you need anything regarding your schedule,' yet ignores the fact that we all obviously need something regarding our schedules - namely, a class!"

"The Registrar said they would place me in any other oversubscribed course. Why don't they just keep me in the oversubscribed course that I want to take?" pondered Jen Steen '01.

Students were baffled at how the error could have gone undetected by the Registrar until a full five months after pre-registration.

"How is it possible that the Registrar's office realized just now that, 'oops, hey, you know, I think we have 35 too many students enrolled in this class. I guess more students enrolled than we expected last year. What do you know?'" said Thomas Yang '01.

Several students also expressed frustration at the Registrar's random method of selecting students to drop. The lottery failed to consider how highly individual students had prioritized the course during pre-registration, as well as whether some students might have been willing to voluntarily withdraw from the course.

"This random selection of people to be in a class defeats the purpose of the lottery system," noted Endres. "I put negotiations very high on my list."

"Couldn't they have taken a survey to determine whether anyone would drop the workshop voluntarily?" said Roderick Branch '01.

Many of the students' comments reflected a deep-seated frustration with a registration system that requires 1,500 law students to fill in bubbles, while other schools offer registration by telephone or the Internet.

"Knowing how arcanelly and inefficiently registration is handled at this school, I'm not at all surprised that the Registrar's Office would make this kind of mistake," said Branch.

"The whole procedure is such a laughable affair," said Nabeel Amudi '01, who will now be unable to take the course before graduating. "It should not take McKinsey to tell the school that they need to revamp this system to catch up with the 20th century. At Stanford, we registered online in 1991!"

Indeed, one student used the incident as a springboard for far-reaching sociopolitical commentary: "Now you know why we conservatives hate big government," said Olsen. "You end up getting these types of bureaucracies which say they will take care of you, only to shaft you in the end."

In his statement, Kane called the incident a "random accident." When asked what steps the office planned to prevent such incidents in the future, Kane stated: "Even though the Registrar's Office deals on a yearly basis with an average of 222 upper-class courses, the procedural change that would be implemented would be to ensure that such an incident never happens again."

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Apathy cannot breed reform

In the wake of the wide-spread dissatisfaction revealed through last year's McKinsey survey, the faculty and administration have finally woken up and decided to involve students in the strategic planning process. This is something students have been requesting for years, and it seems like we're finally being given the chance. Too bad so few students are taking the administration up on its offer.

At last week's strategic planning meeting with members of the Academic Development and Institutional Life Committees, a tiny fraction of the student body turned out to discuss class size, feedback and grading, three topics which inevitably arouse the passions of many students. Yet of the 50 or so students in the room, almost 70 percent were 1Ls. While 1Ls certainly have a stake in the outcome of the process, they have yet to experience a full semester of Law School life, or receive their first grade report. The students with the real experience about how these issues impact life at Harvard—the 2- and 3Ls,—were noticeably absent.

Perhaps it was the timing of the meeting. After all, scheduling anything from 3 p.m. to 5 p.m. on a Thursday during October is likely to run into the 2L and 3L conflict double whammy: classes and interviews. But even with these likely distractions causing many students to stay away, surely more than 20 students out of a group of 1,100 could have made it.

Granted, by the time many of the reforms under discussion can be implemented, most of today's students will be long gone. Change doesn't happen overnight.

Even so, it seems like relatively little to ask that a students donate a few hours of their time to help improve HLS. Or is it?

—Kimberley Isbell

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

—First Amendment, U.S. Constitution

• Letters •

Hay '88 wrong on Wyzansky '30

I wish to set the Record straight. Bruce Hay's '88 "Perspective" celebrating the heroism of the late Judge Garrity '44 is wrong, at least with respect to my father. This is surprising, in as much as Hay's quotations and other material are plainly derived (without attribution) from J. Anthony Lukas's excellent 1985 book *Common Ground* (pp. 223-251).

In *Common Ground*, Lukas correctly points out that my father was skeptical of Judge Garrity when he first became U.S. Attorney for the district. Lukas does not suggest that my father was critical, much less "openly contemptuous," of Garrity once he became a judge. As colleagues, the two of them had a warm and cordial relationship. My father always let it be known that in his estimation Judge Garrity was a fine judge: intelligent, courageous and, not incidentally, a wonderful human being. While my father opined on more than a few occasions that he might have devised a more satisfactory answer to the school desegregation case, he meant no personal disrespect to Judge Garrity. As Hay himself writes, Judge Garrity could not be said to have done "everything right."

Hay is mistaken in thinking that my father would not have welcomed the desegregation case. My father always wel-

comed a challenge. As Lukas suggests in quoting my father, he was glad not to get the case only because he knew that the defendants would more likely respect and obey an Irish Catholic with broad political experience and support, than an academically minded Jew.

I have not recently gone over what then Judge Breyer '64 and others had to say in the Harvard Law Review. But much has been written elsewhere detailing my father's acts of real courage, the risks he took, and the costs he incurred. I won't catalogue it all, but what immediately comes to mind is my father as President of the Board of Overseers speaking out against McCarthy's threats to the independence of the University, at a time many in the Harvard and national administration were afraid to do so. Later, as recited in Lukas's book, my father took on the Massachusetts political establishment, offering to suspend Thomas Worcester's prison sentence for income tax evasion, on the condition that the engineer reveal the names of the officials to whom he paid kickbacks to obtain highway contracts. Later, again as Lukas details, my father took on the Kennedys, when he spearheaded the opposition to

Francis X. Morrissey's nomination to the federal district court. My father well knew that these actions would mean that he would never again be considered for the Court of Appeals or other high public service — and he never was.

Most male Harvard law students of my generation recall the courageous decisions in which my father questioned the legality of the draft and the Vietnam War, when few in the establishment were willing to do so. And although Hay begrudgingly mentions his passionate defense of desegregation — as if it were confined to his writings — my father's views found full expression in his judicial decisions as well. To this day, he is reviled by white policemen adversely affected by the affirmative action he ordered in *Castro v. Beecher*.

I applaud Hay for bringing to your reader's attention the integrity and courage of Judge Garrity. At the same time, I find it curious that Hay would condemn the academic elitism which placed him atop the High Citadel. And from a more personal point of view, I regret that he chose to distort the facts and engage in invidious comparisons with which the subjects — were they alive — would most surely disagree.

Charles M. Wyzansky
(HLS Instructor 1978-81)
Oct. 14, 1999

Pro-life women and proud of it

As young women at Harvard, we salute the attainments made by women everywhere, and have confidence that women will continue to accomplish and achieve great things.

We were informed recently by a campus pro-choice organization that Oct. 21 is National Young Women's Day of Action (NYWDA). The day's name sounds as if it could be a wonderful expression of female empowerment. We support the idea of a national day to celebrate young women; we write to challenge the notion that being a young woman in today's society means being pro-choice.

We are pro-life. We believe that, barring extraordinary circumstances, women should carry their pregnancies — planned or unplanned — to term. We know that pregnancies are not easy or convenient; in fact, they can be frightening and painful. But we believe that true freedom for women — for which we have so long fought and which we undoubtedly deserve — involves embracing the nature of and obligations resulting from our womanhood.

Women are strong enough to face the reality of the choices with which a pregnancy confronts us. Too often in the abortion debate, a woman's unborn child is characterized as simply a mass of tissue or merely an extension of a woman's body with which she can do as she chooses. But as a mother who has felt her baby's first kick or seen that beating heart on an ultrasound can confirm, as unborn children we were all so much more than that.

These mischaracterizations distort the beauty of what a pregnancy is: an opportunity to bring into the world a new and unique member of the human family. They also mask the tragedy of what an abortion is: the ending of an unborn human life (presumably

half of whom are female) and the surrender of a woman's freedom by removing her from her obligations to her child. Giving birth to our children is not always the easiest thing, but it is always the right thing, not just for the baby, but for the woman.

Women are strong enough to live this truth. Women are compassionate enough and courageous enough to express love for another, even when it requires sacrifice. Suggesting some children are "unwanted" ignores the unique capacity of a mother to love her child, even if the pregnancy was unplanned. Suggesting that a mother's child would be better off dead than born obscures one of the most special contributions we can make to the human race. In fact, the decision to bring a pregnancy to term with love and sacrifice expresses to the highest degree what it means to be a woman. And urging us to reject this role hurts us, as it hurts women everywhere. It also fails to recognize the potential contributions of countless numbers of women who want to open their hearts and homes to children whose mothers are unable to care for them, and to love those children as their own.

Women have made tremendous achievements in medicine, law, politics, academics — everywhere barriers to our professional success are falling. We plan to continue to kick down those barriers.

But even as barriers to our full participation in professional society topple, other barriers to our full participation in greater humanity rise. The prevalence of abortion and the cheapening of motherhood present obstacles to us greater and more prevalent than any glass ceiling we can ever encounter. Pregnancy and birth contribute to the

uniqueness and wonder of women — and they help us maintain our equality, as one half of the most important and beautiful formula we know: the formula for a human life.

Being a mother does not detract from the many accomplishments of women. And while we certainly believe society and our male counterparts have an obligation to support us in all stages of motherhood, a decision to carry a child to term is a tremendous accomplishment in itself and only furthers the view that women truly can "do it all." Certainly equality in education, economics, other social issues continue to be a concern for us, but abortion is not the solution.

It is the pro-life view and its recognition of our many special feminine traits that will ultimately allow us to be both truly free and truly equal. Women not only can do it all, we should have it all — because we deserve it.

For these reasons and more, we are proud to say we are young women and we are pro-life. NYWDA and its pro-choice platform do not speak for us; in fact, we fear it will do great harm. If truly feminine — truly human — freedom is really its goal, we urge its organizers to reconsider its agenda.

Johanna M. Einterz '00

Virginia E. Ho '01

Alicia I. Hogges '01

Christine R. Richardson '00

Melissa G. Warren '01

Erin E. Patten '00

Christine Zimmerman

Bronwen McShea

Melissa Moschella

Marah Stith

Melissa Mayorga

Catherine Phillips

Heather Woodruff

Amara Murray

Prisca Shrewsbury

Kelly Hourihan

Marguerite Cauble

Michelle Soohi Lee

Oct. 18, 1999

For more letters, please turn to p. 6.

A call to arms for the class of 2002

Ever wonder what the longest-running, active corporate factory is in Cambridge? Polaroid on Memorial Drive? Some applied mathematics lab at MIT? A shadowy building which manufactures that particular kind of stomach-churning grease for Three Aces? I suspect all three guesses, although valiant stabs, do not outdate the real answer — that's right, our very own Harvard Law School. That the Web site proudly proclaims Harvard Law School to have been founded in 1817 furthers the point. By my estimation, HLS has been transforming us into the tools of the Establishment for decades well before the Industrial Revolution.

And yes, I deliberately use the word "transforming," for even though we all like to think of ourselves as steady islands of legal brilliance (after all, they keep telling us over and over to pat ourselves on the back just because of the very fact that we were admitted to blessed Hah-vahd), two years at Harvard Law School has done nothing to shake me from my initial conclusion that the very culture at our law school is damnable and unjust because it deadens our instincts and flattens all initiative.

My only hope for change — after spending much time on the topic — rests on the first-year class. At this stage in the game, kiss the 2Ls and the 3Ls goodbye; we're in la-la land. And if you think the HLS faculty might actually do something sweeping and constructive for students, keep dreaming. Finding the keys to unlocking the factory are up to you, the first-year class, who have yet to be fully enmeshed in the rhythms of the joint, and still are capable of developing the capacity to think critically enough to shock the status quo out of quiescence.

Before describing why this factory exists, or suggesting ways to change it, I will call my own bluff and actually chronicle the factory timeline by giving my unofficial cheat sheet on what three years at HLS represent. I hasten to add that this is not representative of some small minority of chronic whiners, but what I think genuinely reflects widespread sentiment. Ask people and find out on your own. Doing this actually threatens the powers that be, because the factory relies on you to go through the same hysteria that everyone else does, year after year. If you didn't worry, then you might actually question why the hell most stuff goes on and probe the values which this Law School holds so dear.

Let's start with the very beginning.

- Once admitted, the factory asks you about Lincoln's Inn, and we think, "Do I join? Is this place some old-boys network which I need to succeed?" Lincoln's Inn is simply the place where people who partied in college go to drink, i.e., the stop before Thursday night Bar Review 1L year. And for some totally inexplicable reason, the social forces demand that we drop it after first-year, despite the fact that it saved people like me literally hundreds of dollars in drink money. Point is: It's a cash thing.

- Orientation. Guess what? Dean Clark gives the same damn speech every year. I bet administrators are laughing at the fact that we laughed at his jokes that day. The Tom Cruise tee-shirt giveaway story has been recycled for almost a decade. I asked a good friend of mine who is a 1L this year whether the Dean talked about hiking or swimming. She responded incredulously, "Hiking. How'd you know?"

- 1L classes. Most of us take them seriously at the start, friendships develop, people get reputations, some are gun-

ners, most are quiet. Guess what? It's the same every year. I've got a hunch it's the same the world over — a Constitutional Law class I visited in South Africa made me feel like I was back in Austin Hall. Same yappy few, most people scribbling, and a strong undercurrent of racial tension. Incidentally, I don't believe one professor has enforced the attendance policy. You don't have to go to class unless you like to.

- In late Fall, the factory unleashes outline fever. You get so many outlines you spend more time integrating them than you do writing the old exams. There's no prize for number of outlines gathered — doing well is all about how you game the exam. Nothing more, nothing less.

- Winter Break comes around and you lug 500 pounds of books home, open a fraction of them, and spend more time worrying than you do studying. I say go to Florida instead.

- You take the exams, and think you write a good answer. Likely grade? B or B+.

- You worry like hell about the day when grades come. Then they come and more often than not, you're disappointed. Some variation of Bs and B+s. Guess why? There's a curve! Professors, even if they cared, can only give out a small sliver of As and A-s. So don't sweat it. "Good grades" are generally A- and above; the rest is mediocre. Most HLS transcripts look very alike. The only job which a B in first-year eliminates is the Supreme Court clerkship track, but the factory makes you think it's worth so much more.

- First-year Ames then rolls around and people actually stress over a pass-fail exercise. Don't; it's pointless. Do it to get a good writing sample if you want. Other than that, you're just going through the motions. This is generally true of LRA as well. (Only caveat there is that if you do public interest work, you most likely have to know book research, but that takes about a week.)

- After Spring exams, which you take with a much more jaded attitude than fall exams, the big one comes — the Law Review competition. Half of the class does it. Most of us worry that it's a reflection of your intelligence. It's not. Qualifying is mostly dependent on how you write a painfully boring paper over the course of eight days and edited sloppy text. Doesn't mean a thing about your writing ability, legal acumen, or chances of success — unless you let it. In spite of serious opportunity costs, Law Review does open up some doors — but here's the funny thing, you probably only care because it's something you can't have. On principle, *ex ante* (thanks Prof. Rosenberg), I bet you don't give a hoot about editing legal text and bagging a D.C. Circuit clerkship.

- Almost half of us spend the 1L summer in public interest jobs, and the rest in firms. Almost none of us will return to public interest the next summer. An informal count put those of us who spent last summer in public interest at 10 out of 560 students. Who said the 1L summer is the only time for public interest? The factory rears its ugly head once again.

- 2L fall is when the factory is humming like an airplane plant in World War II. It's literally like a factory. Everyone wears a uniform (suits), and a computer regulates your schedule (punching the clock). The economy is so good now you can just pick your city. And it turns out Harvard is recession-proof. In the early '90s, the bad economy just meant you got your second or third pick. Point here is — you can go wherever you want. Second point — don't think for one

moment that an interview means a damn thing. Twenty minutes to decide a potentially lifetime job? (Most call-backs are coronations.) Don't let it bother you.

- The factory then also gets cranked up for the 2L Ames competition. It's a playground for gunners who have been readying themselves for weeks (most likely on Law Review) and are willing to make massive time expenditures. Ask the vast majority of 2Ls who do it — they regret it, not because they lost, but because the deck is stacked and it takes way longer than they thought. As for the Ames Finals, why do you think the factory promotes it so much? Sure looks good to have very smart 3Ls in fancy suits arguing in front of a Supreme Court justice. Well, they better talk well. They've been preparing for months. If you want to see some serious lawyering, check out a 2L or 3L in any clinical program who takes a case from beginning to end, writes briefs, argues in court, and has it mean something aside from pomp and circumstance.

- Clerkship applications now come right on top of interviewing. Get a cover letter, get your recommendations, and send your applications out. Hardly anyone reads the writing sample (although a few do). It's like grass-roots politics — line up your ducks and see who you get. In most cases, professors could hook you up with one phone call. Do you still believe it when they say it's not whom you know, but what you know?

- Class marshal. This one is truly bizarre. It's a factory-sanctioned popularity contest where the job is to plan social events. My class marshals are great people and are actually doing a nice job of informing 3Ls, but it's quite an odd creature nonetheless.

- Then 2L summer rolls around, and most of us work at firms, predictably grumbling about not liking the work but feeling, quite legitimately of course, that debt needs to be retired. Then, lo and behold, you find it to be "fun," and the people to be "real nice." Go figure. Firms spend millions to make sure you say that, and the law school is right there to back it up. The debt issue needs to be hashed out in another column, but from some of what I've seen, I'm not too sure how much saving is going on during those summers.

- Third-year comes around and if you've got a job, then you can go to Morocco for Flyout Week. If you don't, you hustle around. Generally though, you think life may be hectic but good. What you probably don't think is, "Did I really go through all of this to end up doing what I will be doing?"

Now that I've laid this all out, like a good graduate of legal writing, let me address the causes. On this score, there are no dearth of competing theories — Lani Guinier might say it can be traced back to the testing industry; some might say the Admissions Committee screens activists; others might say it's the economy and the times; Mort Horowitz '67 has said it's reflective of the Dean. Finally, others say it all comes down to individuals. I think at the least, two main factors are apparent — the newness of law school and the very low expectations we bring in.

Very few incoming 1Ls come in knowing the jargon of the law — names of judges, legal principles, up-and-coming legal scholars. To question an environment which is new and you are simultaneously learning is of course difficult, but not insurmountable.

By the time we come to law school, we should have a strong sense of political conviction and a measure of professionalism. Principles can be applied regard-

less of circumstance. If discussion in Criminal Law is downright offensive because it trivializes women and avoids race, it's all right to say so. It's also all right to demand your professors get to know you and spend time with you if you request it.

Second, and perhaps more important, people are constantly amazed that law school is not as bad as they thought it would be. I hear this all the time — so and so seems nice, the place isn't that bad, etc. The aura of HLS still thrives on pop culture phenomena like "One L" by Scott Turow, which although many recognize it as anachronistic, self-absorbed drivel, is still widely read. So when you come in expecting elephant dung, and instead get gently scented fertilizer, you think — hey, not so bad!

All this does is make the ball harder to swing at for reformers because the issues are obfuscated. When the Dean throws money at public interest funding, the public interest community justifiably has to say thank you, and consequently is less likely to demand action on much larger issues like resource allocation (the HLS endowment is \$713,487,420.52 as of June 30) and career emphasis. You know, we students who were active on the diversity issue last fall were sold down the river with flowery rhetoric and a faculty appointment. The result? Some encouraging increase in the numbers but no net gain. More disappointment.

Ralph Nader '58, one of the most distinguished alumni in HLS history is coming here next Friday at 5:30 p.m. in Ames Courtroom and will discuss even more provocative topics. His talk is entitled, "The Laws, the Practice, the Education: Continuing Illusion or Wake-up Time?" Pro or con, come hear what Mr. Nader has to say.

Even though his visit is encouraging, we musn't stop with one speech. It's easy to look to people like Nader to speak out on issues, and then put them on the backburner. There are very real issues which we students need to work on within HLS, and beyond. Within the factory, people need more money for LIPP; members of minorities should feel more comfortable in class; clinical work should be supported; the false dichotomy between the corporate bar and public interest should be broken down; so on and so on. Even activists do not agree on how to approach these varied issues (an e-mail to several of my fellow travelers about how to advertise Nader's visit engendered a wide divergence of suggestions).

Outside of the law, we could use the Harvard brand name to advance a vision of something greater than corporate securities and the latest obscure twist in legal doctrine, and try to solve social problems like homelessness, inadequate health care, income inequality and civic engagement. May seem like a long way away from the law, but that's only because we let it be. We could all take more classes, research more, write more, and solve social problems.

There are great professors on campus who support such an agenda — I can give you their names — and of course active and sympathetic 2Ls and 3Ls. But I don't think much will happen unless you 1Ls decide to make this place your own, and demand answers by raising certain questions.

Perhaps it will not be done this year, and perhaps it must wait for a properly planned campaign the following year, but regardless, the responsibility to critique the factory and make this place something aside from an unfeeling, eviscerating treadmill is on us. I hope we get to work soon.

Judge Garrity '44, Harvard's Hero

Editor's note: The incorrect version of Prof. Hay's '88 text accidentally appeared in the Sept. 24 edition of the RECORD. We are printing the correct version below.

When W. Arthur Garrity Jr. '44 died last week, Harvard Law School lost one of its great graduates. Garrity, a federal district judge, issued the school desegregation order that, 25 years ago, nearly tore the city of Boston apart. The moral courage he displayed should make all of us at Harvard proud to claim him as our own. And his story should make us think hard about who our heroes are, and why.

Boston, despite its laudable role in the antislavery movement, has a long, dirty history of racial prejudice. When the parents of black school children sued in the early '70s, Judge Garrity, sitting at trial, found that city authorities had systematically segregated the schools along racial lines. To remedy the violation, Garrity ordered the city to integrate its schools, immediately.

His decree, issued in 1974, commanded an aggressive program of "busing," which meant shipping large numbers of kids into and out of some of the most racist white neighborhoods in the country, such as South Boston and Charlestown. For sheer bigotry, the leaders and residents of these places rivaled anyone in Birmingham circa 1963. Garrity must have known that all hell would break loose.

As it quickly did. Race riots enveloped the city. Pickets marched on Garrity's front lawn. He was burned in effigy. He received countless pieces of hate mail, nonstop harassing telephone calls. "Nigger lover." "Nazi." "Child murderer." Buildings in Boston were covered with graffiti. Kill Garrity.

It made no difference that his order was affirmed on appeal. For nearly four years, his house was guarded by U.S. marshals.

Garrity did not have to expose himself to this trash. He could have issued a less thorough desegregation decree, one that confined the busing remedy to areas of the city that were less racially inflamed. But his parents, of Irish descent, had brought him up to loathe racism, whether anti-Irish or anti-black. He wasn't about to give in to a mob of bigots who thought the constitution did not apply to their part of the city.

Pretty good, for a mediocre political hack. Which is how Garrity had been regarded by some of the Harvard intellectual elite — notably Charles Wyzanski '30, Garrity's colleague on the district court. Wyzanski was the apple of Harvard's eye: stellar grades, law clerk to Learned Hand, confidant of Felix Frankfurter '06, member of Roosevelt's brain trust. Appointed to the federal bench at age 35. Repeatedly invited to join the Harvard faculty. President of the Harvard Board of Overseers.

And openly contemptuous of Garrity, who enjoyed none of those accolades. Garrity got his job not because of legal talent, but because he'd been a loyal campaigner for the Kennedys. At first, Wyzanski viewed him as plodding and corrupt; later, just plodding. Not in the same league as Wyzanski himself, who was brilliant, erudite, and confrontational. Wyzanski could out-argue anybody. "By temperament," he said, "I believe with Heraclitus that strife is the source of all things. I have the joy of battle."

Except that when the real battle came, Wyzanski was glad not to be part of it. He

breathed a sigh of relief when Garrity was assigned the Boston desegregation case. "Boy, I'm glad I didn't get it," Wyzanski told a friend. "You need an Irish name, a Catholic, to do it." Wyzanski was referring to the fact that the whites in South Boston and Charlestown were mostly Irish Catholic. He figured that Garrity, being of the same ethnic background, would face less heat in the case.

Hah. Far from being an asset, Garrity's ethnicity was a huge liability to him. He was viewed as a turncoat, a traitor. People sang songs that he was the devil in disguise. Friends stopped talking to him. Death threats poured in. One nut tried to plant a bomb at his house. Another came after him with an M-16 submachine gun.

This was not exactly Harvard's finest hour. When first drawing up his decree, Garrity sought an expert who might help him craft a remedy that would minimize the inevitable conflict. He asked a Harvard sociologist, then the Dean of the Harvard School of Education. Both turned him down. (He finally found someone at Boston University.) One Harvard professor who did get involved — another brain trust type — counseled against busing to and from South Boston, because its "people are intensely hostile to blacks." As if that entitled them to an exemption.

I do not say Garrity did everything right. Reasonable minds can differ about the merits of busing. In Boston, busing was a nightmare for some children. Black kids were assaulted and taunted with "NIGGER GO HOME!" (Think of that next time you're unhappy with your

classes.) Many observers think both black and white kids would have been better off if he had issued a more flexible or moderate decree. Maybe they're right.

But that's beside the point. Garrity did what he thought the law required, at great personal cost to himself. Many in the legal community, including people at HLS, voiced their support for his actions. He got a nice award from the Bar Association in 1975. But among judges and lawyers, he alone bore the brunt of the anti-integrationists' wrath. For the rest of his life, he was widely hated in his own city. After his death last week, local politicians could scarcely contain their delight.

And Wyzanski, Garrity's superior colleague? He remained the toast of Harvard. After his death in 1986, the law review dedicated its 100th anniversary issue to him. It included published tributes by a series of Harvard luminaries, who droned on lovingly about his brilliance and learning. Notably absent from those tributes are references to any acts of real courage.

My point is not to rag on Wyzanski. For all I know, he made as many personal sacrifices in the name of justice as Garrity did. But you'd never know that from the tributes written by his Harvard pals, who chose instead to dwell on more important things, like what his grades were and how many books he'd read. One wrote that Wyzanski "exemplified the ideal" of Harvard because he loved to come have dinner at its ultra-exclusive Society of Fellows, where he would "discuss everything from particle physics to Periclean Athens."

Arthur Garrity did not make it to those dinners. But if there's a Harvard ideal worth having, he exemplified it.

• Letters •

The real facts on abortion

In response to Mark Rienzi's [00] colorful letter to the RECORD last week, here are the facts. According to the Supreme Court, the right to make one's own decision regarding abortion is guaranteed by the United States Constitution. Most people in this country support a woman's right to choose abortion. For those women who so choose, the problem has become access to abortion: consider the fact that there are no abortion providers in over 80 percent of all counties in the United States. In our nation's history and in our present, women's rights, health, and safety have been jeopardized by inadequate access to abortion.

Several Boston-Cambridge area events marked October as "Abortion Access Action Month." These events were designed to bring people together in support of access to abortion for women faced with unplanned and unwanted pregnancies, and to raise consciousness about the real obstacles still faced by women in this country in their pursuit of safe, affordable abortions. The Reproductive Freedom Project of the HLS Civil Liberties Union supported these activities and supports the concept of unobstructed access to abortion.

In particular, we applaud Harvard University Health Services (UHS) for providing a measure of support for women at Harvard who choose to terminate a pregnancy. While the Harvard-sponsored Blue Cross/Blue Shield plan does not cover abortions, the mandatory Harvard University Health Services fee will fund up to \$275 towards an abortion. Obviously, this is a significant measure of support to which many women simply do not have recourse — and it goes to a sector of the populace that rarely needs it, thanks to our other educational, social and economic resources.

But it is worth pondering for a moment the

difficulties that would arise if UHS provided no coverage for abortions at all. For one thing, under the Blue Cross/Blue Shield plan, students who did wish to terminate an unwanted pregnancy would have to come up with the entire \$400 or more that an abortion usually costs on their own (and financial aid would not give you a loan for that). Furthermore, students who are still covered by their parents' comprehensive health insurance — which includes roughly 60 percent of the undergraduates at Harvard — would be forced to involve their parents in this undeniably private decision.

UHS has found that the number of abortions sought by women at Harvard has steadily declined in recent years. Happily, they attribute this trend to increasing awareness of reproductive health, safer sex among students, the availability of contraceptives and access to the morning-after pill. For those students who cannot recognize the merit of supporting a Harvard woman's right to choose, UHS provides a refund of a minuscule amount of money. The refund represents the portion of those students' mandatory fees that UHS anticipates will be used to fund abortions during the year. The refund amount in 1997-1998 was \$1.73; in 1998-1999 the amount was 82 cents. In all its years of humoring anti-choice students in this manner, UHS has consistently found the number of refund requests to be negligible.

For our part, we hope that most students do not share Mr. Rienzi's views, and recognize that attacking access to abortion, in our own community and outside of it, also attacks women's rights, health and safety. That is the bottom line.

Cameron Schroeder '01

Amelie von Briesen '01

Chairs, Reproductive Freedom Project

LIPP expansion: top priority

I would like to join the chorus of students calling for reform and expansion of the Low Income Protection Plan (LIPP).

Like many students here, I chose Harvard Law School over a free ride to State U. because I was assured by people in Admissions and Financial Aid that Harvard's loan forgiveness program was generous and flexible. Upon enrollment and a closer examination of current LIPP constraints, I have to admit that I'm growing doubtful I'll be able to fulfill my dream of being a prosecutor.

LIPP is primarily known for its assistance to those going into public-interest law. Legal Aid and nonprofit causes are worthy ones, and this school should applaud and be supportive of them. It is often overlooked, however, that roughly a third of LIPP participants — of all political and ideological stripes — serve in government, as prosecu-

tors, public defenders, legal counsel to federal and state agencies and in other government service.

HLS students who seek to contribute to society through government service should not be dissuaded from doing so. It would be a loss to the nation and the world, and it would be an even greater loss to Harvard Law School. Yale and NYU law schools, among others, have formally instituted generous loan forgiveness programs and — wouldn't you know — seem to be having more success in alumni fundraising than Harvard.

We should permanently endow LIPP and ensure Harvard's status as the preeminent law school for all types of legal careers.

Mike Adams '01
Oct. 19, 1999

Pro-life analogies off mark

Of all the misinformed and misapplied rhetoric to come out of the anti-choice movement, the analogy employed by Mark Rienzi '00 in last week's RECORD was particularly unpalatable. In his letter, Mr. Rienzi had the effrontery to liken abortion to such human rights disasters as slavery and the exploitation of Native Americans.

The ironies abound. First of all, Mr. Rienzi took pains to decry discrimination and bigotry. Yet, apparently, he equates the subjugation of minorities with the abortion of fetal tissue, suggesting that a black person faced with slavery or discrimination is like a fetus. To make such a comparison in any context would be staggeringly insensitive; in view of his avowed distaste for prejudice, it was downright inexplicable.

As if that weren't enough, there was stunning irony in his failure to consider gender inequality as an implication of his own anti-choice views. Mr. Rienzi expressed a fine sense of solidarity with groups who have suffered societal and political oppression throughout our country's

history. But somewhere in the midst of his warm solicitude for blacks, Native Americans, the mentally challenged and gays, another historically disadvantaged group got lost: women.

In fact, by attacking the right to choose abortion, Mr. Rienzi showed his inclination to turn the clock back on 51 percent of this country's population. If women's most intimate decisions are to be made by politicians on Capitol Hill, curtailed by bureaucrats in HMOs or denigrated by their peers, women will never achieve the autonomy they deserve.

Reproductive freedom is a cornerstone of the pursuit of gender equality. Efforts to roll back reproductive rights signal a profound disrespect for the capacity of women to make competent choices, to live responsibly and to consult their own moral compasses when facing the most acutely personal decisions that life may toss their way.

Tori Jueds '01
Oct. 20, 1999

No hurdles to LIPP fundraising

I am writing to further the discussion of Low Income Protection Plan ("LIPP") reform inspired by your recent article on Dean Clark's plans for the future of HLS ("Clark '72 talks expansion," Oct. 8). In particular, I wish to relate experiences of my own which demonstrate one important reason the Dean should have no problem fundraising for LIPP improvements, despite his protests to the contrary.

When I was deciding where to attend law school, I paid a lot of attention to the specific loan-repayment assistance program offered by each of my top choices. Although they all had some such program, it was clear from the very beginning that these programs were far from identical. It was equally clear that, with respect to my own situation, HLS's LIPP program was the weakest. I was not the only one to come to this conclusion during that crucial decision-making process. During my visits to Stanford, NYU, Columbia and Harvard, I would almost invariably meet others inclined towards public interest work who were strongly considering HLS but were also very wary of the deficiencies of the LIPP program relative to analogous programs at its peer schools. Although I did end up deciding on HLS, it is quite possible that a great many of these others may have chosen NYU or Stanford, in large part because of LIPP's relative weakness. If so, HLS lost a number of qualified, diverse candidates because of a problem that could

easily be fixed without putting a noticeable dent in its \$713 million endowment.

LIPP and the other loan-repayment assistance programs did not play such a large part in my decision-making process because I am dead set on pursuing low-paying public interest work. Like many of my 1L colleagues, I have not yet decided exactly what legal career path is best for me. Although I am strongly considering public interest options like federal prosecution or civil rights advocacy, I am also exploring more lucrative options like music-related intellectual property law. What is most important to me and many others at HLS is that a stronger LIPP will give me the choice to pursue whichever career most appeals me and not whichever career will permit me to deal with my loan burdens.

I believe Dean Clark would have no problem raising money for LIPP reform from alumni if he emphasized that without such reform HLS is in danger of losing many talented students to its competitor schools. Those of us who have chosen HLS can help preserve our career options by lending our support to the LIPP reform movement. Maybe then the Dean will put funds for an improved LIPP at the top of his fundraising checklist, where it should be.

Matt Heckman '02
Oct. 18, 1999

Rude Awakening

By Elizabeth Falk '00
RECORD Columnist

THIS HO WANNA KNOW

On one of the first days of school this year, a guy who's always been one of my "allies" at HLS called me over to his table at the Hark. "Liz, don't get offended at this, but I have to ask and find out if this is true."

"Sure," I answered, ready to respond to typical questions asked of me that day, such as "yes, my hottie 1L roommate is single" and "no, I still haven't gotten a C yet."

"So, did you really not get an offer from Skadden because you told a partner he could bend you over and ____ you in the ____ at a firm cocktail party?"

Rather amused, I later repeated this hardly believable story to two acquaintances of mine. "Yeah, Liz, we didn't really want to tell you, but there are lots of rumors going around that you were sleeping with a couple of partners this summer."

"Oh really? Just for my information, how many?"

"Oh, nine or so." And then the trailer... "Two of them at once."

This strange, but still ignorable phenomenon recently came to a head with a phone call from a genuine friend. "Liz, I was just at this firm event, and people were talking about what Skadden was going to do with your offer now that one of the partners is suing you for sexual harassment."

"What?"

"Yeah, apparently he just couldn't let your repeated propositions to 'ride his bologna pony' fly by unnoticed."

Unbelievable. NYC moves pretty fast, but never as fast as people are apparently giving me credit for. I guess if anyone could work full time at Skadden, eat two three-hour meals at fine restaurants every day, and dream up comments that would actually offend 50-year old sea-

soned M & A lawyers and simultaneously engage in a personal prostitution business, it would be me. I never needed much sleep anyhow.

My friends nicely try to rationalize it: "Don't even think about it Liz. People at HLS don't have anything better to do with their time than spread rumors. Just look at your fellow RECORD columnist. You'd think anyone with a real belief that it's easy to write an editorial would find more ideas flowing to the brain than 'Hey, let's write a column about how easy it is to write an editorial, and yeah, cool, if I throw in that Liz Falk is a slut, then maybe people will actually read it.' But we all know how male sexual anxiety can often block the brain waves that allow for intelligent and coherent communication."

My friends try to explain further: "Liz, you know you're a public figure. You put yourself out there on a limb. What do you expect?"

Hmm. Put myself out there? I guess I do. I write a humorous column about topics of dead seriousness and importance to me. I don't recall ever writing about my supposed dual existence as *Holly does Harvard*, or my sex life in general. (A possible exception? My last column mentioned "the last 9 guys out of 11." I didn't feel the need to add the fact that it was "over a time period of two years." People now tell me that I should have added that. I now ask: why?)

What do I expect? I expect and hope that people will disagree or agree with what I say, and will bother to articulate why; that people will get angry, laugh, complain and even think. In addition, as any columnist knows, I expect people to like or dislike me more for what I write and that my column will provoke feelings in people that will likely manifest themselves in negative

opinions about my person.

But should I, as a "public figure," expect and accept the fact that the same intelligent men and women who sit in a classroom with me every day, claiming a disdain for gender bias and legal inequality, will attempt to publicly and privately discredit me with classic, age-old stereotypes of "the wrong woman" simply because they are easiest and most powerful to grasp?

I can deal with negative opinion, or I wouldn't write as I do. It usually doesn't bother me. But I cannot allow any example to escape unnoticed of our "enlightened" HLS population exposed for the reactionary, biased group that it is. "Academically superior" to the majority of America we may be, but in our hearts, we apparently have a long way to go.

In the real world, no one thinks that it's strange that Marcia Clark can be nationally scorned as a prosecutor for wearing short skirts in court, or that an unmarried woman can be kicked out of the armed forces for being a party to an affair while Bill Clinton can retain his job after sharing national secrets and his penis with a giggling intern. In the real world, everybody knows that no woman who goes back to a man's mansion after a date wearing black lace underwear and a sexy dress can be raped. And obviously, a woman who leaves her toddler-aged children with a nanny to go to work should never prevail in an employment discrimination claim against a company with policies that "strongly encourage" women to properly and naturally leave the public sector during their children's "tender and formative" years.

But here at HLS, I have to admit that I expected better. In the law, we are



trained to be suspicious of gender constructions. In Torts, we tear apart the "reasonable man" standard and the "ancient" idea that women, as emotive and illogical creatures, can not be "reasonable" in their assessment of sexual harassment. In Con

Law, we applaud the Supreme Court's development of "equal protection" that forbids discrimination against single women in employment who should be "focusing their attentions elsewhere." We all learn in Criminal Law that the rape shield laws were enacted to counter pervasive and detrimental bias in the jury's assessment of the "deserving" raped female. And most important, we supposedly learn at HLS that eliminating of these constructions of gender is a worthy societal goal.

That's why it saddens me immensely to realize that each passing rumor of my sluttiness is indicative of how artificial these class discussions really are. Apparently, what's good for the academic goose is not good for the day-to-day gander; even at this academic level, women who dare enter the public arena must be sexually immoral. Or at the very least, women who "put their opinions out there" must be silenced through the ultimate discredit: sexual licentiousness.

Unfounded as they are, I will accept these rumors as a higher challenge. In other words, if I were a man writing this column, I wouldn't have to put up with this shit, and I will continue to aim my writing for the day when my exasperation may cease. In doing so, I only ask those who promulgate my "slutty" image to examine the roots of hypocrisy within themselves that give rise to this rather nasty and misdirected attack.

FENNO

Fenno sat quietly at her table at Sandrine's, doing her best to look inconspicuous. But the situation was getting ugly, and Fenno desperately wished she were elsewhere. Fenno had snuck into Covington & Burling's dinner for 3Ls with offers, expecting to get a free meal, just like a dozen others she'd snagged during the past week.

But this time Fenno had gotten more than she'd bargained for, and Fenno would have given anything to be someplace far, far away. Fenno could see the checklist of interviewees in the hiring partner's hand — it was a virtual Who's Who of silly people at HLS. Fenno could also see the growing set of tiny notations scribbled next to various names as the partner talked to each person around the table.

Fenno watched with horror as the partner's beady eyes pierced one victim after another and he demanded that they spill all the dirt they knew about the new applicants. At the moment, poor Nikki Moss was trapped in his steady, unblinking gaze. "But ... but ... I don't dislike any of them," she stammered, desperately hoping for a reprieve from the terrible stare. Fenno averted her eyes, not wanting to see the inevitable *denouement* as Nikki was forced to admit every tiny shred of malicious gossip she'd ever heard about the interviewees.

Fenno wasn't exactly sure why this sickened her so much. She, of all people, didn't have much right to complain when folks talked trash about their fellow law students. And, hell: it's not like Fenno felt some deep, passionate love for Josie Sandler, Brian Fitzpatrick and Neal Higgins that nobody else shared. But, still ... Fenno couldn't have told you why, but she was quite confident that something

wasn't right about this.

Fenno was suddenly jolted from her reverie by the realization that a hush had fallen over the table. Fenno looked up and felt a sickening thud in her stomach as she realized that the partner was staring directly at her. "Well," came the brook-no-disagreement tone, "who do you hate among our interviewees?"

Fenno blinked rapidly several times, struggling for a way out. There didn't appear to be one. The terrible eyes bored deeper, seeming to stare straight into Fenno's cranium. The partner spoke in the calm, measured tones of a Jedi turned to the dark side. "You will tell me. For the good of the Covington Collective, you will give me the information."

Fenno sat there, frozen like a deer in the headlights. She was unable to come up with anything and her legs suddenly felt like jelly — she was too weak to stand up, let alone run madly from the restaurant like she wanted to. (Fenno would later reflect to herself that this must be what it feels like to be Larry Tribe or Dan Dockery.)

The partner, however, suffered from no such weakness. He quickly walked to Fenno's chair and put his arm around Fenno's shoulder in a gesture that was meant to look fatherly and feel imprisoning. He thrust the list of names in front of Fenno's face, and pointed to the first one. "Him. Tell me about him."

Fenno groaned: of all the names, why did it have to be that one? Fenno had always wanted to get him back after he'd started refusing to return her phone calls last year. Fenno thought ruefully of the old Chinese curse about one's wishes coming true. "Talk about a moral dilemma," Fenno thought to herself, as the angst and painful memories came back to her.

Fenno, put on the spot, had no time to think of a coy answer or a cover-up. But she refused to trash the poor guy, just for the sadistic glee of this lawyer. For once in her sorry life, Fenno took the high road.

Quote of the Week

"I'm black, and Jesse Helms is an embarrassment to me."

— Prof. Derrick Bell

"Sorry, sir, but I actually had a relationship with him a couple of years ago, and we parted on bad terms."

"So," the partner said as his voice took on a voyeuristic tone. "Was he good in bed?"

Fenno couldn't believe what she was hearing. "Look," she said with a pointed look in the direction of Preethi Krishnamurthy, "I don't think it would be appropriate for *anyone* to render a judgment when the circumstances would make it so biased."

The partner reluctantly grunted his acceptance and made a little check mark in his book. Fenno tried hard to stare at the wall and not notice the uncomfortable, sheepish look on Preethi's face. Ordinarily, Fenno would have relished the moment. But right now, she just desperately wanted to get out.

The partner moved to the next name on the list. "What about her?"

Fenno paused and took a deep breath. The thick tension in the room made the air seem as dense as Richard Parker. All eyes trained on Fenno, waiting for her answer.

Fenno knew what she had to do. She summoned every ounce of strength in her body and used it to slowly stand up and address every lawyer in the room. "Look. Under

other circumstances, I would happily insult any one of these people until the cows come home. It's my job, and I do it well. But I am *not* about to sit here and undermine their career prospects behind their back, just to make you happy or settle some old score. I may be the least classy person at this law school, but even I have more class than that. You aren't the government, and that means you don't get to do an FBI background check. Tough shit, guys."

Jaws dropped in succession around the room as the Covington lawyers assimilated Fenno's speech and the various law students realized that any one of them could have said the same thing. Fenno took advantage of the split second of shock to find her freedom. She scurried quickly toward the door before the terrible eyes could lock in on her again. As Fenno muttered "Thanks for dinner" and hastily exited, she supposed that she should have felt some pride for his courage.

But as Fenno trudged slowly back to campus, all she felt like was a giant hypocrite. Sometimes, anonymity made the tough decisions easier than they ought to be.

"Occupational hazard," Fenno grumbled with a sigh as she half-heartedly put one foot in front of the other.

Vino & Veritas

By Justin Dillon '02

CHEAP THRILLS FOR YOUR PALATE

Last time, I promised to find some of the best \$12-and-under wines in Cambridge. Here are a few that you might like, along with where I bought them. Try one and let me know what you think.

Marietta Cellars Lot 23, \$10.99. This is, hands down, one of the consistently best wine values around. About every 8-16 months, Marietta — a terrific winery — collects a variety of grapes from its many vineyards and concocts a "field blend," so named because there's no one grape name on the label, like Cabernet or Zinfandel or Merlot.

Lot 23 is a mix mostly of Zinfandel, Grenache, Syrah and Carignan. (These are all grapes.) It has a tart smell (or "nose") of black cherries and a tart taste to boot. There's big fruit up front, mid- to high-end acidity and a little dryness to the slightly tannic finish. It tastes of black cherries, blackberries, earth and brambles (no, really). You could drink it with a tomato-based pasta sauce or a pizza, and it could even stand up fairly well to beef. (But remember: You can also drink it with whatever you'd like.) I bought it at the University Wine Shop on Mass Ave. between Harvard and Central Squares. Value tip: They knock 20 percent off both half cases (6 bottles) and cases (12 bottles), a real bargain if you're buying in bulk.

Ravenswood Vintner's Blend Zinfandel 1997, \$11.99. Somewhat similar to the Marietta because Zinfandel is the dominant grape, this is also a consistently good wine buy. Ravenswood is one of the best Zin producers around (Marietta is also very good), and you usually can't go wrong with any of its wines. This one, which I bought at the Wine & Cheese Cask

on Washington Street, should be available at any wine store and most grocery stores.

The Vintner's Blend would make a good intro to Zinfandel, a grape native to America and my personal best bet for consistently good wine bargains. The '97 has a lightly smoky nose with definite brambly, earthy overtones that complement its fruit. In the mouth it doesn't attack like the Marietta, due to lower acidity and a bit less fruit up front. There's more going on in the Ravenswood, though. More to roll around in your mouth and think about. The edges are a little softer, and one person I drank it with — who doesn't drink much wine — said she found it a little "smoother." After a while, it opened up a bit and showed more fruit. (Kind of like my friend Jocelyn.)

Allegrini Valpolicella 1997, \$10.99. Another consistently good bargain from a solid producer. Valpolicella is a region in northern Italy and is made of grapes you've never heard of (rondinella, anyone?). It's a cherry-fruited, medium-bodied wine that was quite popular when opened recently among friends. With its slightly acidic edge, you might try pairing it with pizza or a tomato-sauced pasta. If you're inclined to splurge, try Allegrini's Palazzo Della Torre, which usually retails for about \$15.99. It's a bolder and chewier wine with a nice, big-fruit bite to it. You can find both Allegrinis at the University Wine Shop; they should also be generally available at other wine shops.

Speaking of big-fruit bites, check out the **Black Mountain Shiraz 1996**, which I bought for \$6.99 at Trader Joe's on Memorial Drive near Central Square (in the same

shopping center as MicroCenter). This is a brawny, young wine that has some maturing to do, and its attack in the mouth borders on too aggressive. (My friend Ed literally said "Whoa!" when he took his first sip.) For the money, though, it's not a bad bottle of wine, although you might want to let it breathe for an hour or so before serving it — preferably with bold, spicy foods like burgers or pepperoni pizza, and maybe even a hard, tannin-minimizing cheese like Reggiano Parmesan.

If you happen to glance at it in the aisle, stay away from Black Mountain's Cramer Ridge Zinfandel 1996 (\$5.99, also at Trader Joe's); one whiff upon opening revealed way too much oak and not nearly enough of Zinfandel's tasty, brambly fruit. This wine might permanently alienate the first-time Zinfandel drinker, so if you're hankering for Zin, stick with Ravenswood.

A safer bet for Shiraz is the **Rosemount Estate Blend Shiraz 1998**, which retails for around \$12.99 (sometimes more) and is almost ubiquitous in wine and even grocery stores. Rosemount is a popular Australian producer, and its Shiraz is a consistent favorite of budget-conscious wine drinkers. More well-balanced than the Black Mountain, the Rosemount bursts

with jammy, peppery fruit that, thankfully, is not smothered by oak. A fine introduction to affordable Aussie Shiraz.

On the easy-drinking, let-me-quaff-this-and-shut-up-about-it front, you might try the **Chateau Viranel 1997**, which the University Wine Shop has on sale for \$8.79. It's a well-rounded, mildly oaked wine that was a recent hit among friends. I found it a little soft and Merlot-like for my tastes — the fruit seemed a bit subdued — but for the price it's a good bottle of wine — better than either of the Black Mountains mentioned above, and far better as an introductory wine that's easily paired with food.

Finally, if you're looking for a first-rate introduction to the joys of inexpensive Sangiovese (a favorite among wine drinkers who like big, juicy fruit), try the **\$10.99 Erik Banti Carato 1997**, a slurpable, cherry-tasting romp of a wine available at the University Wine Shop. Sangiovese, which means "blood of Jove," is the principal grape in Chianti, a wine zone in Italy's Tuscany region. The 1997 vintage in Tuscany was superb, a huge improvement over the middling 1996, so even if you can't find the Carato, ask the proprietor for some other Tuscan in your price range.

Next time: Straight talk about the most over-rated wine in America.

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THIS AIN'T NO COUNTRY CLUB, KIDS

Welcome to *Fight Club*, a disturbing and ultra-violent commentary on the state of the young American male in the 1990s. You've all seen the commercials, so I won't bore you with too much information that you already know. The protagonist of *Fight Club*, a man who is never given a name, is a wimpy office drone played by Edward Norton. Our "hero" realizes early on that his life is empty, devoid of meaning or substance or joy. Everything changes when Tyler Durden (Brad Pitt), a charming, brutally honest and mysterious soap salesman comes into his life. Tyler helps the narrator get in touch with his inner anarchist. Together they start an organization named, not surprisingly, Fight Club. The idea is that by pummeling one another, total strangers can find release for their anger and frustration at life and create some sort of twisted manly camaraderie. Predictably enough, things

audience more often than any Hollywood film I have ever seen. The impromptu accolades are well-deserved, above all for the unapologetic and non-conformist direction of David Fincher. But the day after, once the adrenaline kick subsides, one should reflect upon the flick in a more sour light.

This film was like a music video, but a good one, and a really lengthy one: 139 minutes of skillfully crafted, oddly beautiful visions of nascent totalitarian mania, all doused with purposeful violence. Unlike the perfunctory violence saturating the vast majority of mainstream movies, each and every blow, kick and body slam in *Fight Club* was an integral part of the yarn. Not since *La Femme Nikita* has there been such a powerful examination of the basest, yet most profound traits of humanity.

But even more impressive was the film's tenacity in breaking away from the regi-

mented constraints of the cinematic medium. But one example is when the main characters pass by a marquee marked *Seven Years in Tibet*, which starred Brad Pitt, who just happens to be portraying Tyler Durden in the film at hand.

Pitt does a good job with balancing the macho front of his role with its ultimate, deeper function, but strives for a bit much at times, showing that the part, while in line with his recent penchant for concept roles, is well outside his intellectual range.

Much more consistent (and much less likely to get another nod from the powers that determine Academy Award nominations) is Edward Norton in the role of the protagonist. This film convinced me

what multiple "Buzzes" could not: I should watch *American History X*.

About as surprising as the film's twist (not as logical, but scientifically more probable, as that in *Sixth Sense*) is that Meat Loaf Aday (yes, Meat Loaf the rock singer) turns in a strong performance as Bob "Bitch Tits" Paulsen.

My mom's staple phrase about Madonna's videos, "what did she need that for?" comes to mind when considering Helena Bonham Carter's portrayal of Marla Singer — aptly named, since she was indubitably modeled after Martha Minow. The worst part is that it was hardly Bonham Carter's fault. After all,

she manages the best delivery of a movie line in a long time with, "That was the best fuck I've had since grade school." Now that sparked much clapping in the dark cinema. (Well, mine and that of some other trifling children, um, I mean, proponents of the First Amendment.)

But on a *Gestalt* level, the character fails: Marla has no viable purpose but to be a demeaning caricature of a modern American woman. Even if taken as accurate, that depiction simply does not gel with the movie as an artistic whole. Surely a film so drenched with references to contemporary anxieties of emasculation ought to have offered a more complex view of womanhood.

Similarly unsatisfying is the film's awkward treatment of corporate establishment and the related alienation of *GeneXers*.

Another cop-out is that, while there is a simulated fisting scene involving a heterosexual couple, (I only know this because someone in the audience exclaimed, "Oh dear Lord, that's a depiction of fisting!") Tyler's utterance "Self-improvement is masturbation; self-destruction is the answer" turns out to be the closest the male characters come to resolving their psychosexual issues. Throughout the film, the gazes exchanged between Pitt and Norton starkly reminded me of the *X-Files* episode in which Krycek misled Mulder into... No, wait, that's Tanya's turf; I'm backing off.

Speaking of whom, here's what very special guest columnist Tanya actually thought about the film:

Thank you Dusan! There are two schools of thought regarding the directorial abilities of David Fincher, a former music video director who brought us *Seven* (1995) and *The Game* (1997). The first is that he is brilliant. The second is that he is immature, flashy, and more interested in cheap thrills than substance. *Fight Club* does little to resolve the dispute, despite the fact that it is an undeniably explosive, fascinating, apocalyptic vision. When Dusan and I left the theatre on Friday night, Church Street was teeming with groups of people excitedly talking about *Fight Club*, discussing its implications. I have never seen a movie provoke such a thoughtful, immediate response. The only caveat is that much of the discussion centered on the question: what exactly was the message here? While the audience was awed and overcome by

Fincher's innovative camera tricks and postmodern interpretation of an anonymous urban center (Chicago, perhaps?), after a while the impact of the style fades and we are left to grapple with the substance. And the substance of *Fight Club*

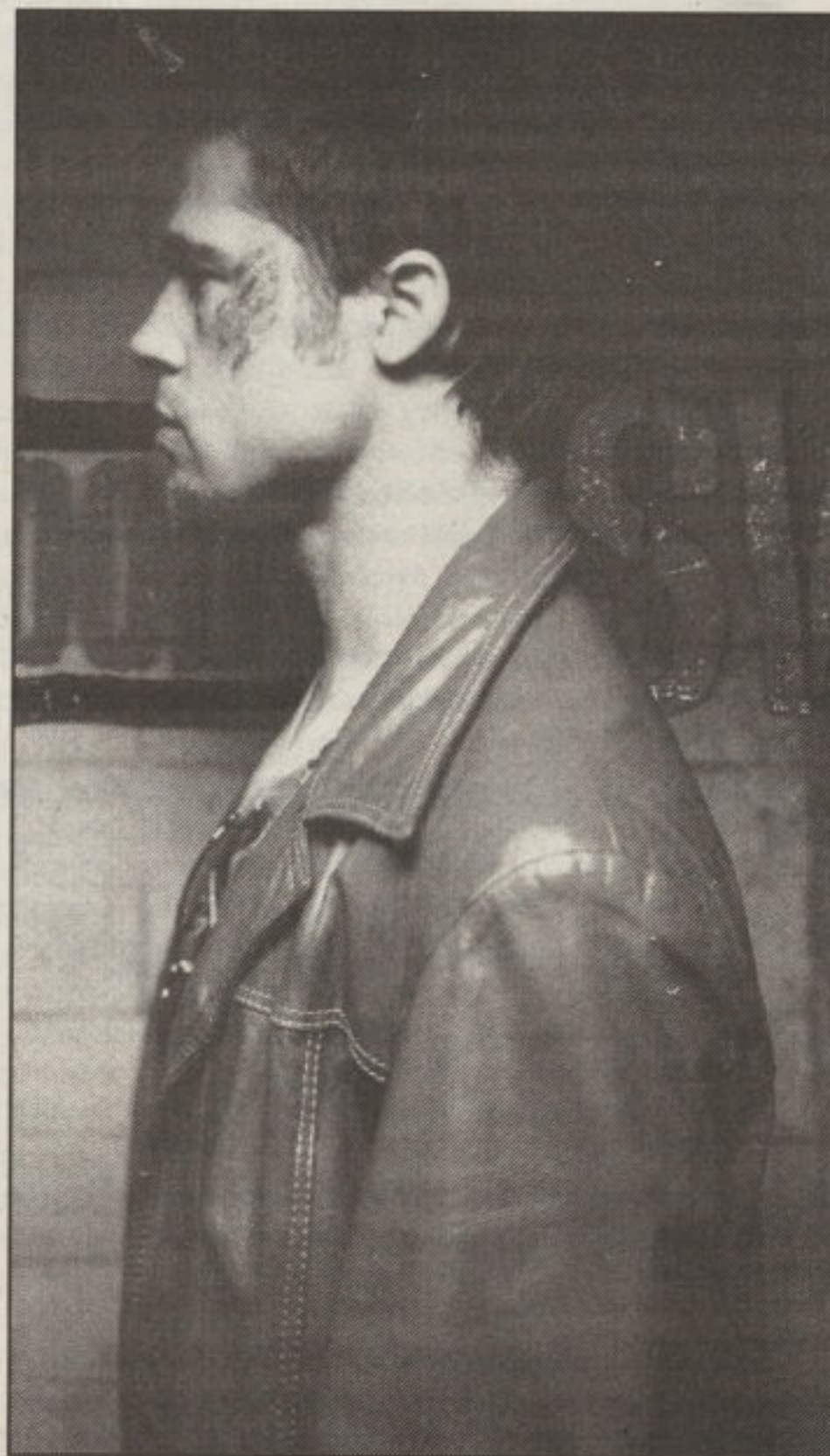


photo reprinted from Entertainment Weekly

If Tyler Durden (Brad Pitt) is your waiter, skip the clam chowder.

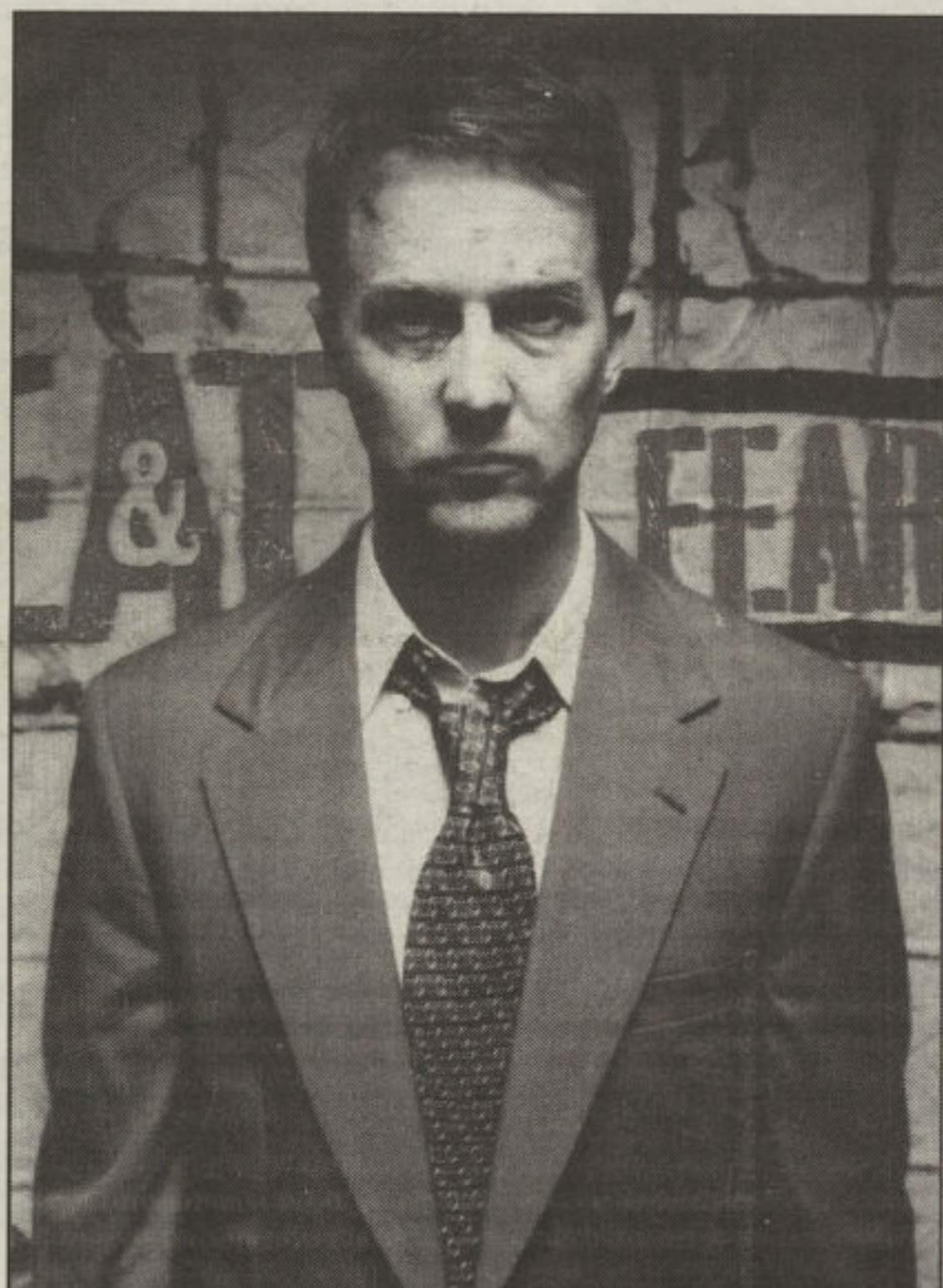


photo reprinted from Entertainment Weekly

"This buttoned-down schizophrenic could probably go over the edge at any moment in the working day and stalk from office to office with an Armalite AR-180 carbine gas-operated semi-automatic."

— *Fight Club's* narrator (Edward Norton) to his boss

get totally out of hand. Not at all predictable are the revelations about both Norton's character and Tyler, revelations which transform *Fight Club* from a stylish movie with a familiar premise (charming villain manipulates the morality out of a bunch of sheep) into something quite different and very special. Thank you, Very Special Guest Star Tanya, for that well-worded synopsis. But now let us turn to more important matters, namely what I, Dusan, the host of this column, thought about the film.

Fight Club generated spontaneous applause (and other, less approving, but equally spontaneous reactions) from the

is very disturbing. I also think that it, and the principals involved (Fincher, Pitt, Norton), are exceptional. *Fight Club* is not perfectly conceived or executed and certainly not pleasant, but it is truly different, in an industry (and a society) where visions like Fincher's are not particularly welcome. The final half hour is a bit of a disappointment (as was the end of *The Game*) but overall, the picture is well worth seeing. If you think you can handle it, by all means go see *Fight Club*. But be forewarned: this is not a movie for the faint of heart or the easily offended.

If I had the ability to vote for Academy Award nominations, I would certainly reward Norton and Pitt. I might also nominate Fincher for best director. More important, if I owned a movie studio, I would heavily invest in the future of David Fincher because I see enormous potential in his work and I strongly believe that he is going to develop into a vital and lasting voice in American cinema.

Fight Club is playing at the Loews Theater at Harvard Square.

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The Buzz u z z

By Tanya Marsh '00
RECORD Columnist

Is ABC DUMB ENOUGH TO AXE NYPD BLUE?

Here we are, a month into the 1999-2000 television season and already the casualties are piling up. Word on the street is that FOX will dump at least three new shows: *Get Real*, *Action* and *Harsh Realm*. FOX has already put the edgy sitcom *Action* on hiatus and may resurrect it later this year in a different time spot. I certainly hope so. *Action* really pushes the envelope of network television, and the first few episodes showed real wit and promise. Due to a genetic inability to program a VCR, I missed the first episode of *Harsh Realm*, but I caught the second episode last Friday and while it's no *X-Files*, it isn't *Millennium* either. (Translation for non-Chris Carter aficionados: it isn't brilliant, but nor is it mind-numbingly obscure and dark.) All of the networks are waiting to see how things shake out after the World Series before they make definitive cancellation decisions, but things don't look good for ABC's *Wasteland*, CBS's *Freaks and Geeks* and ABC's *NYPD Blue*. Wait, what did I just say? *NYPD Blue*, the multiple Emmy winning cop drama, is in trouble? Before it even begins its season? Are you insane? Ah, what a great question to pose to ABC programming executives this week! For those of you who are scratching your heads and saying "huh?" let me fill you in.

NYPD Blue was originally intended to start its new season at the beginning of November. This isn't entirely unusual. Serial dramas favor late starting dates because it allows them to show more new episodes on consecutive weeks, minimizing re-runs. *NYPD Blue* has owned the Tuesday, 10 p.m. time slot since its debut in 1993. (The slot has lasted longer than the tenures of stars David Caruso and Jimmy Smits.) While ABC was waiting for *Blue* to start, it thought it would throw a new drama, *Once and Again*, into that solid slot to acquire an audience. The plan was to move the new show when *Blue* was once again ready to roll. Complications arose when *Once and Again* proved to be a minor hit, especially with the 18-to-49 female demographic. Now ABC is contemplating leaving *Once and Again* in on Tuesdays at 10 p.m. and moving *Blue* to a new time. This is a huge slap in the face to a perennial Emmy-winner like *NYPD Blue* and creator Steven Bochco is not happy. He has very publicly asked ABC simply to cancel *Blue* and allow him to sell it to another network. (FOX and NBC have already expressed interest.)

But Stevie boy and ABC have a contract, and it is unlikely that ABC will let *Blue* get away, so this begs an interesting question—where will ABC move *Blue*? Because of its adult content and tendency to show the male *derrière*, *Blue* could really only go to another 10 p.m. slot. ABC would be crazy to put it on either Wednesday or Thursday nights at 10 p.m. because NBC owns those slots for the target demographics with *Law and Order* and *ER*. Plus, *20/20* doesn't want to surrender Wednesdays at 10 p.m. and we wouldn't want to make Barbara Walters mad! That leaves Friday, Saturday and Sunday (all are suicide for a show like *Blue*) and Monday.

What's wrong with Monday night? Well right now that time slot is filled with large sweaty men wrestling over a stuffed pigskin. *Monday Night Football* won't end until January, which is why ABC usually sticks a mid-season replacement show, which only has 13 episodes, in that slot to fill the rest of the year. *NYPD Blue* was contracted for a full 22 episodes this season. If it is delayed until January, there just won't be enough television weeks to fit in all those episodes before summer hits.

If you've stuck with this article this far, thanks. You must either really like *NYPD Blue* or are really bored in class. That's okay, we serve all kinds here. There are a couple of morals to this tale of woe. First, the expanding trend of "vertical synergy" that has enveloped the entertainment industry has had some unforeseen and, in my humble opinion, disastrous consequences. Why, you ask, might ABC be more loyal to a new show like *Once and Again* than a proven hit like *NYPD Blue*? Answer: ABC is owned by that insidious conglomerate conspiring to legitimize ho-

mosexual relationships—Disney. Guess who owns the production company which created *Once and Again*. Bing! If you answered "Mickey Mouse" you get two points. *NYPD Blue* isn't owned by ABC, its parent company or any of Disney's myriad of subsidiaries. The upshot is that the Disney empire profits more from the success of its own show than that owned by another company so ABC executives are under a certain amount of pressure to fill their stable with in-house shows. This is not a good thing for viewers who

your wallets and let's all make a hefty contribution to the Mulder Legal Defense Fund.

The second lesson of the *NYPD Blue* debacle is that the networks have gone completely bonkers. It's no wonder that American pop culture is such a mess when ABC executives look at a show like *NYPD Blue*, a show that has garnered critical adulation and solid ratings for a number of years, and dis it based on three weeks of rosy ratings for a movie-of-the-week romantic drama that would be better suited for the Lifetime network. Third, the networks suck. I swear, in the near future I'm just going to get a satellite dish and abandon the local channels for good. I'm hanging on to the big three by a slim margin the way it is, and if I were a little more patient, I could just hold out for new *Law & Order* and *ER* episodes to hit syndication. (If *ER* has another season like the last one, the decision will become much easier.)

The networks are still clinging to the stale idea that they must continue to create shows with the impossible goal of pleasing every demographic simultaneously. Anything edgy, original or slightly threatening to the archaic view of middle America (which thrives only in TV Land re-runs and on Republican campaign commercials) may have a place on the networks, but only if it gets critical acclaim and good ratings. Oh wait, *NYPD Blue* has both of those things and look at how ABC rewards that kind of success! How long do you think *X-Files* would have lasted on network television? How about *Buff, the Vampire Slayer*? What about *Oz*? None of these shows get the kind of ratings the networks demand, but they are all winners on FOX, the WB, and HBO, respectively. Why? Because these fledgling networks don't have national news departments, don't have huge overhead, and are making a nice profit by catering to niche audiences that advertisers wish to attract. (Like me! Look! I will soon have lots of disposable income! Give *NYPD Blue* the respect it deserves and you can tell me how to spend it!)

ABC is supposed to make a final decision regarding the future of *NYPD Blue* this week. I hope they make the right one. But if they don't, I'm not the only one who will follow quality shows like *Blue* wherever they land. There is an audience out there for good television, even if the networks are too stupid to see it.



Courtesy of abc.go.com

C'mon, could you give this face the pink slip?

value creativity and variety.

Longtime watchers of the Hollywood political scene know that the studio vertical monopoly system broke up decades ago, making the independent film movement possible. What does it mean for the future of television if the networks fall back into that old tired model? The proliferation of cable channels has given us more options than ever before, but only five (ABC, CBS, NBC, FOX, and the WB) attract significant numbers of viewers. Of these, three are owned by multi-national media conglomerates which offer many tempting (read: profitable) opportunities for "vertical synergy." There have already been a number of lawsuits from people like Alan Alda, David Duchovny and Steve Bochco alleging that some contracts between sister subsidiaries of these consortiums constitute self-dealing. Pull out

SPORTSGUY

By Phil Berengolts '01
RECORD Columnist

GRIDIRON STARTS TO SIZZLE

With one week remaining in the HLS flag football season, and playoff positions on the line, competition heated up on the gridiron resulting in a couple of tight games and a number of clutch performances.

In a game that featured a likely wildcard match-up, home field advantage was up for grabs between Aaron's Mom and the Weekend Warriors. The contest was close throughout with Aaron Every Rosenberg Has Its Thorn '02 providing tough play for Aaron's Mom. Matt Siben and Simon '00 single-handedly engineered a 12 point swing early in the second half with a touchdown saving interception at the goal line that he followed with a 99-yard touchdown reception to pull the Warriors ahead by seven. The Warriors stopped Mom on the next drive with the help of Mike When The Ledley Breaks '00, but in what would become a theme on Sunday, the Warriors had a potential game breaking touchdown taken away on a phantom tackle. Aaron's Mom took advantage of the opportunity

when Shawn McDonald Douglas '02 went up over three Warriors' defenders to haul in a Doug Flutie-like heave by All's Well That Ansel Brown '02 as time ran out. Perhaps feeling the adrenaline of the big play, Mom went for two and the win, but Chris Jacob's Ladder '00 chased down Brown before he could get a pass off to Vijaya Palaniswamy Morrisette '02, preserving the Warriors' 26-25 victory and a home game during the playoffs.

The first contest of the day featured a preview of most preseason prognosticators' championship game as the Sons of Liberty beat the Cougars 33-18. Ian Churchill Downes '01 provided a number of big receptions and Chris Bauwow-wow-man '00 scored twice to lead the Sons. The Cougars vaunted offense got a number of big receptions from Mike Ben There Done That '00 and good line play from Eli So You Want To Be A Honig '00, but could not pull out

the win.

The Sons of Liberty found Dicken's Cider tough to handle, but overcame a first half deficit to win 21-8. Jonathan Honest Abrams '01 made a sensational catch to put Cider ahead at the end of the first half, but Cider could not hold on for the win.

Buzzy's Fat Bastards looked impressive in defeating the BAR/BRI Pirates 40-6. Pat Urda Was The Case '01 completed his first touchdown pass of the season, but all he and the Bastards have left to play for is pride as their slow start eliminated them from the playoffs.

The BAR/BRI Pirates looked to upset the Fighting Peilins in their second game as Solomon We Don't Need Noh Education '00 led the Pirates to two early scores with the help of Pat I Toft I Saw A Puddy Tat '00. Dave Make A Run For The Borders '01 brought the Peilins back with three scores and Aaron Eyes Wide Hutman '01 contributed on both sides of the ball to give the Peilins a 32-14 win.

Harkness Conference

Sons of Liberty (10-0)
Dicken's Cider II (4-5-1)
Buzzy's Fat Bastards (3-6)
Wrongly Accused (2-6)
L.C. United (1-6-1)
BAR/BRI Pirates (1-8)

Langdell Conference

Cougars (7-1)
Fighting Peilins (7-1)
Weekend Warriors (7-3)
Aaron's Mom (5-3)
The Tribe (3-5)
The People's Champion (2-8)

SPIN offers five recommendations for LIPP

Continued from LIPP, p. 1

The statement concludes by making five specific recommendations for LIPP reform:

First, SPIN urges an increase in the income cap, which is currently set at \$51,000. The statement urges that reform proposals address the "bump-out" problem, which refers to LIPP participants who suddenly become ineligible when pay raises push them just above the eligibility threshold.

Second, the statement recommends a "firm institutional commitment of focus, clout and financial resources to provide adequate funds." The document urges that resources be dedicated to fundraising and that adequate discretionary funds be allocated to the program.

Third, the statement urges that the distinction between different types of debt incurred by students be softened. Currently, LIPP distinguishes between need-based loans and loans taken to cover imputed parental contributions. While need-based loans are repaid by LIPP, parental-contribution loans are paid out with LIPP loans, which must be repaid with in-

terest unless participants remain LIPP-eligible for ten years after graduation.

The statement notes that this arrangement penalizes students whose parents are in fact unable or unwilling to pay their imputed contribution. Accordingly, it urges that "if LIPP must distinguish between debt types by forgiving them at different rates, reforms must considerably reduce the gap between forgiveness rates."

Finally, the statement recommends that more assets be protected under the LIPP program. "LIPP discourages homeownership, retirement savings and assets essential to achieving minimal financial security, particularly as incomes rise near the cap," the statement noted. "LIPP must allow participants to accumulate more assets to make family as well as career choices meaningful ones, even at the expense of complicating an already complex program."

Democratizing Debate

In an interview with the RECORD, Markus, who helped draft the statement, noted that the statement was designed to "democratize the process of debating LIPP

reform, and promote the consensus necessary to achieve meaningful and lasting reform this year."

Markus noted that one obstacle faced by SPIN in generating sustained public debate around LIPP is the complexity of the program and proposed solutions. He also cited the widespread perception of LIPP as a "special-interest" program, relevant only to "die-hard liberals."

In an effort to debunk that myth, Markus noted that the McKinsey survey demonstrated that far more students believe that LIPP improvement is a priority than are likely to enter the program.

"The McKinsey study clearly showed that LIPP reform is among students' top four priorities," said Markus, who added that there was no statistical significance to the ranking of priorities by students. "LIPP should be viewed as a top student priority, meriting equal commitment to significant and lasting change as the other top McKinsey headlines."

To broaden the base of student activism, SPIN plans to circulate the statement among all HLS student organizations for ratification. Additionally, SPIN is plan-

ning an "alumni-education event" during the reunions scheduled on campus for this weekend.

SPIN Cautiously Optimistic

SPIN members expressed a cautious optimism about the prospects for LIPP reform.

"The entire community is coming to recognize that Harvard's leadership is threatened by LIPP's inability to effectively support careers in the public and non-profit sectors," said Markus. "But while the trend has definitely turned in favor of strengthening LIPP, I fear it will not lift all boats."

Markus and Ducao cited the Dean Clark's [72] reservations about the difficulty of raising money for LIPP as a potential, though unjustifiable, pitfall.

"HLS had equal difficulty raising money to renovate Langdell, but overcame that difficulty both by investing institutional clout in the campaign, and by investing as much discretionary funds as were necessary to complete the project," said Markus.

"LIPP demands no less, and excuses are neither helpful nor acceptable," he added.

Celluloid Chronicle

By Sarah G. Vincent '00

WORTH THE PRICE OF MATINEE

Certainly not as laugh-out-loud funny as "Must See TV" on a good Thursday night, "Happy, Texas" is funny enough fare to pass a satisfactory lazy afternoon. Two escaped convicts, Harry Sawyer (Jeremy Northam) and Wayne Wayne Wayne Jr. (Steve Zahn), steal a camper from a married couple, two men who work as kiddie pageant experts.

Apparently, the residents of Happy have never successfully entered the Little Miss Fresh Squeezed Pageant so they hired these experts to spruce up their act. Unbeknownst to the lovable townspeople, the real experts are glad to be rid of the vehicle and the job. (Wait until the end credits to see where this happily married duo end up.) Despite their lack of beauty-pageant knowledge, both cons excitedly accept the opportunity to preserve their freedom and get \$1000.

"Happy, Texas" is Mark Illsley and Ed Stone's first film, and at the Sundance Film Festival, it was second to "The Blair Witch

Project." These directors don't submit to all the usual gimmicks except the undying need not to offend. So instead of exploring gender roles in a controversial manner, they allow the convicts, for the most part, to act like they have always acted. The main characters don't really change who they are when they pretend that they are gay, but they do gain new interests such as listening to women, dancing with men (albeit awkwardly), caring for children and doing "women's work" (sewing, painting, singing or dancing).

Through humor, Illsley and Stone show that interests are not inherently gay or straight, but merely interests. Caring about others reforms the characters' aberrant side and makes them into real men who are willing to give up what they want for what is right. This film explores gender in society and everyone's comedic failings in trying to make a choice between fulfilling a label one has been given, such as macho man or criminal, and taking a

chance by bringing out what was always inside.

Zahn is the real star of the film and has in a sense resumed his role as a goofy car thief from "Out of Sight." He transforms himself from an overly aggressive criminal who fights badly at every opportunity ("The green light is on!") to a person who really cares about how "his girls" perform. Zahn believably struggles to be graceful. For instance, he starts from a reluctant mumblor to an emotive singer so his girls learn how to perform their show-stopping song. He struggles to create costumes while studying pageant magazines for ideas.

Only two things prevent this film from being hilarious: Jeremy Northam and Ally Walker. Let the fake Texas accents stop now! When one looks at Northam, one thinks, "Shouldn't he be in 'Emma' or 'The Ideal Husband'?" He is as convincing a bank robber as Sylvester Stallone trying to be an intellectual. It could be true, but

it wouldn't be *believable*. One would think that he would learn his lesson after his shtick as a New York criminal in "Gloria." He just doesn't seem like he has a crafty or devious bone in his body. Stick to the arthouse British films, please, we beg you.

The love stories are stilted at best and turn into painfully long intermissions for the audience. Northam has less chemistry with Ally Walker, from television "Profiler" fame, who plays the conscientious bank owner, than he does with William H. Macy, who plays Chappy, Happy's sheriff. Walker's problem is not chemistry, but anyone who has seen "Profiler" may expect her to turn slack-jawed, stare into space and say, "Bailey, Jack was here," while impending visions of doom and torture scatter across the screen.

Overall, "Happy, Texas" is worth the price of a matinee ticket, but if "American Beauty" isn't sold out, save the trip to Kendall and go to the Square unless you want to lose any sense of reality.

Ralph Nader '58

on

"The Laws, the Practice, the Education: Continuing Illusion or Wake-up Time?"

Friday,
October 29
5:30 p.m.

Broaden your horizons...

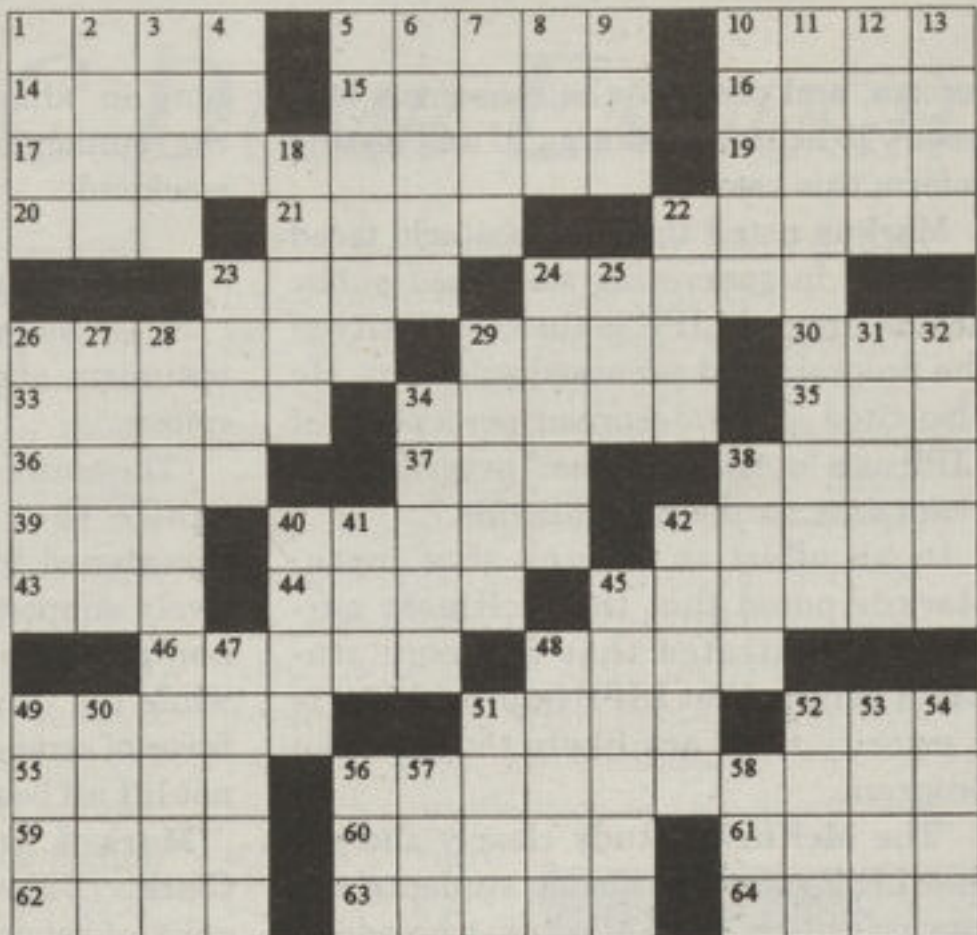
Write for the RECORD....

Crossword 101

By Ed Canty

"People Puns"

- ACROSS
- 1 P.O. workers' defense
 - 5 Belt
 - 10 Road sign
 - 14 Shakespeare's river
 - 15 Rub out
 - 16 Submarine
 - 17 Mr. Tyson's phobia?
 - 19 Baseball's Hersher
 - 20 Follows lemon
 - 21 Short haired retrievers
 - 22 Injures
 - 23 Overcome difficulties
 - 24 Deli specialty
 - 26 Take flight
 - 29 Written agreement
 - 30 Drug store chain
 - 33 Thailand currencies
 - 34 Trims
 - 35 Caesar's deck
 - 36 Ostrich cousins
 - 37 Dined
 - 38 Pine
 - 39 Mythological bird
 - 40 Walking sticks
 - 42 Adams '98 movie
 - 43 Sound of disappointment
 - 44 Uncorked
 - 45 Cleanses
 - 46 Merchandise
 - 48 Spouse
 - 49 Abreast of the times
 - 51 Calcutta garb
 - 52 Actor Holbrook
 - 55 Simon & Garfunkel spice
 - 56 Mr. Smother's craziness?
 - 59 Celebes ox
 - 60 Bitter chemical
 - 61 Emerald Isle
 - 62 Pig enclosures
 - 63 French painter
 - 64 Tar Heels' Coach Smith
- DOWN
- 1 "I Remember"
 - 2 Watering at the mouth
 - 3 Soft drink



- 4 Compass dir.
- 5 Acapulco garb
- 6 Narragansett, e.g.
- 7 to riches
- 8 Residue
- 9 Teacher's special favorite
- 10 Water on the rocks
- 11 Ms. Hatcher's towel?
- 12 Word Perfect's Utah home
- 13 Reps and Sens
- 18 Failures
- 22 Homburgs, e.g.
- 23 Broadway staple
- 24 Exposés
- 25 Diamonds: Slang
- 26 Siskel and
- 27 Greek Island
- 28 Mr. Norris' Red Flyer?
- 29 Plate for Eucharist
- 31 Football's Lombardi
- 32 Murmurs
- 34 Sheets of glass
- 38 Overdue
- 40 Apple leftover
- 41 Copycat
- 42 Picnic area
- 45 Wall St. tycoons
- 47 Regions
- 48 Gotti's group
- 49 PDQ
- 50 Diminish
- 51 Atmospheric pollution
- 52 At this place
- 53 Prima donna offering
- 54 Actress Redgrave
- 56 Drop in the bucket
- 57 Barcelona cheer
- 58 Zeppelin

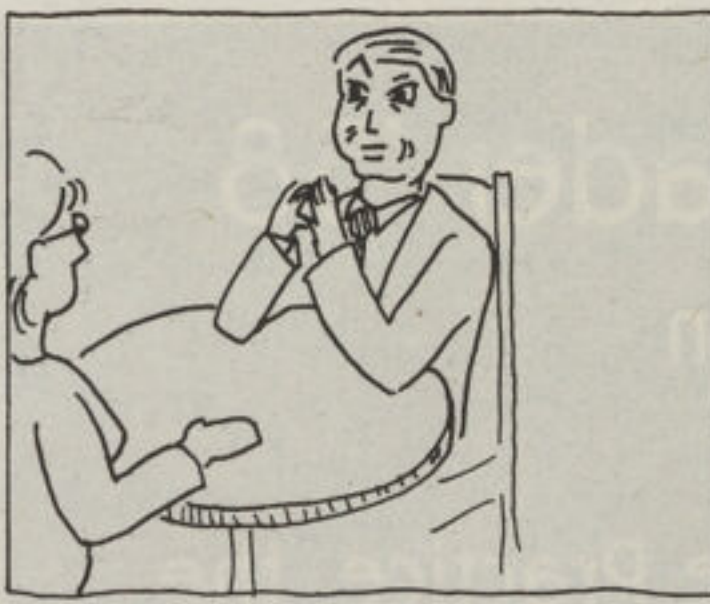
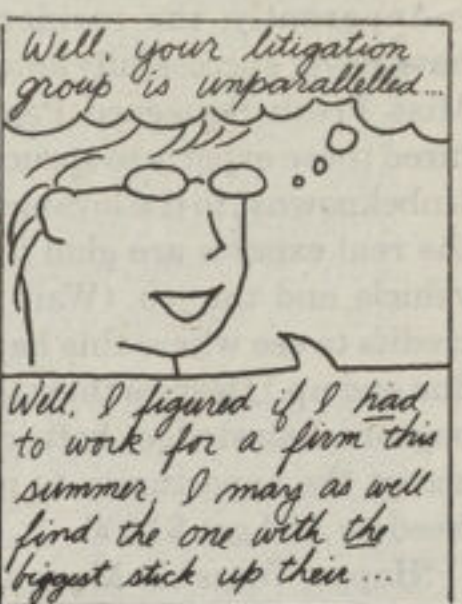
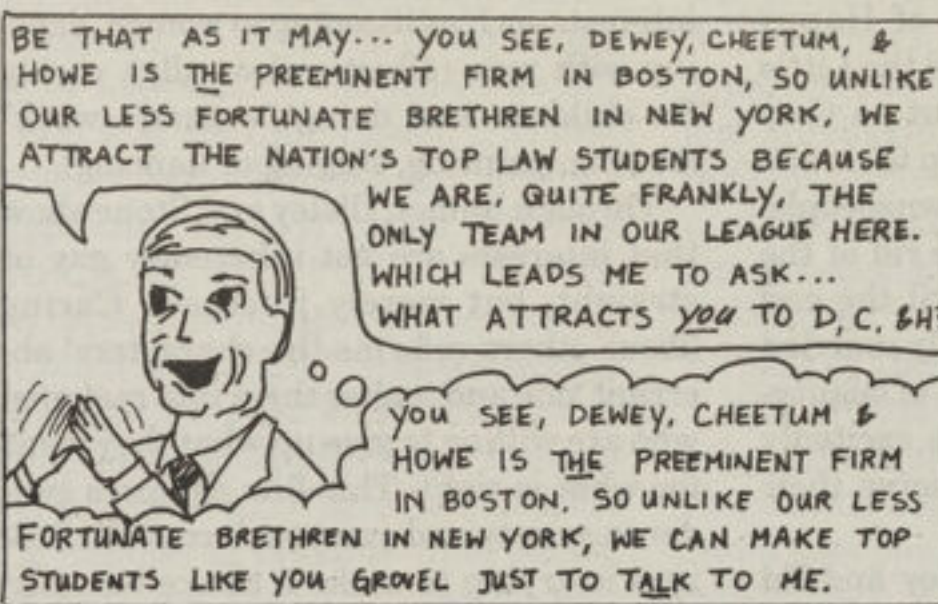
Quotable Quote

"The funniest line in English is 'Get it?' When you say that, everybody chortles."

... Garrison Keillor

BEFORE THE LAW

BY DEREK WINDHAM



Doonesbury

BY GARRY TRUDEAU



Solution to last week's puzzle

NO BIG DEAL

PARA	HESSE	ALAS
AWOL	OVARY	BILE
PETITE	AMIE	ATON
ADS	HIDE	ACTED
	PINE	PERIL
RARING	PUMA	ERG
ERICS	SHRUB	JAR
TICS	NOR	SODA
ISH	SPANS	SAHIB
EEL	CAKE	CHINOS
	ITALY	WEED
SATAN	MILL	SHE
ANTI	SMALL	FRIES
FELL	FONDA	ADIT
EWES	COYER	WERE