

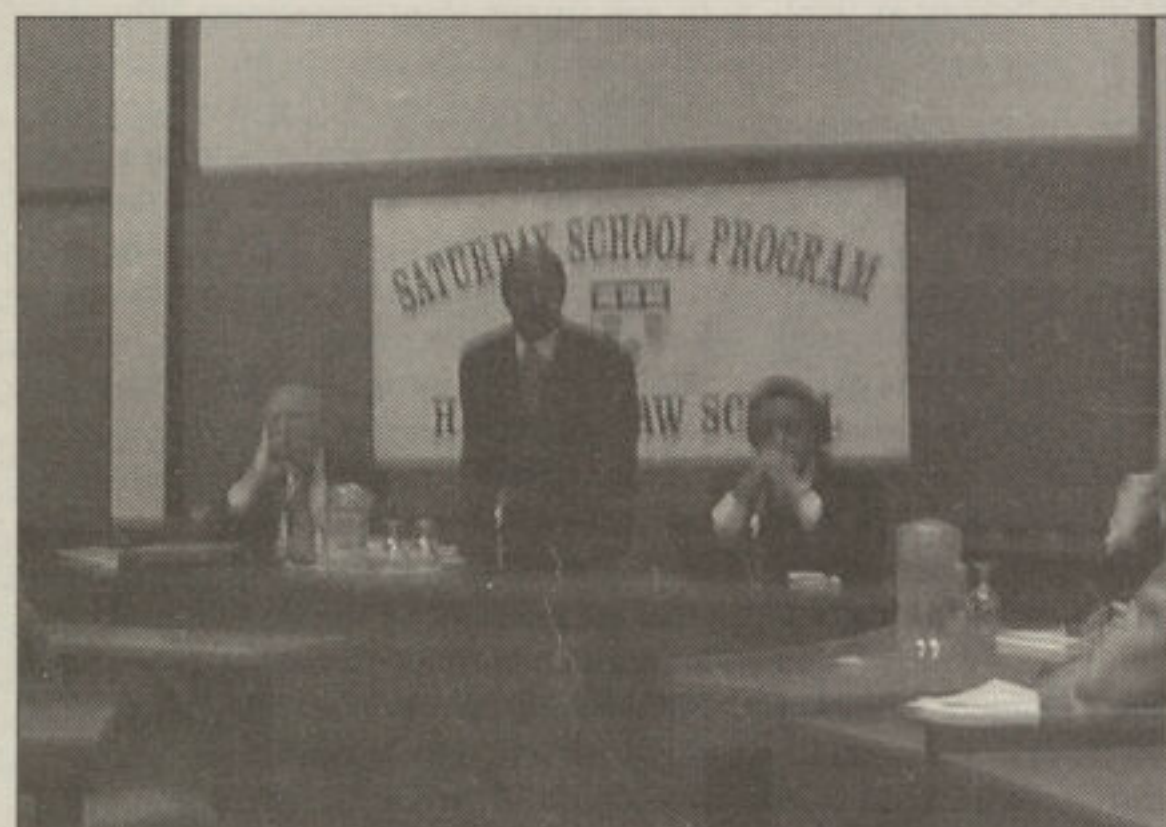


Photo by Kim Isbell
Prof. Ogletree '78 stands to introduce former Mayor Ed Koch and Rev. Al Sharpton at Wednesday's Saturday School.

Union-busting label prompts firm reply

by Doug Sims

It's fly-out week. Do you know who your employers are? The Harvard Labor Law Project (LLP) claims it does. On Wednesday, Oct. 27, it stuffed 2L Harkboxes with its annual report listing "union-busting firms recruiting at Harvard."

The flyer states that union-busting firms "work with employers to create an atmosphere of fear in the workplace" through various tactics, many of which are technically legal, but ethically questionable.

This year's firms are San Francisco's Littler, Mendelson, Fastiff, Tichy & Mathiason, Chicago's Seyfarth, Shaw, Fairweather & Geraldson, and Washington's Venable, Baetjer, Howard & Civiletti.

The back of the LLP flyer includes various types of evidence to support its claims, from newspaper and magazine articles to case law and, in one instance, a firm's own web page. Aaron Bartley '01, who chaired this year's effort, was pointed to these

sources by various labor lawyers and activists in the field. The flyer does not state whether the LLP spoke with representatives of the firms on the list.

Predictably, the firms contacted by the RECORD all denied the allegations and claimed that they had been mischaracterized. Reactions ranged from surly to "shocked and appalled" to sardonic.

Venable partner Gary Hnath '83 said, "Our Web site speaks for itself," when asked about the union-suppression tactics available online free-of-charge. He declined to comment on the substance of other claims on the flyer due to "client privacy." Pressed to explain what privacy issue was at stake since the flyer fails to specify names, he replied, "I can't comment on case strategies." Nor does Hnath think that Venable's repeated appearance on HLS's worst-of-the best list hurts the firm's recruitment efforts. "We have plenty of fine Harvard lawyers," he said. "I didn't hear this

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Koch and Sharpton put aside their differences

by Justin Herdman

Bringing together former political foes and a law professor with lofty goals, a proposed program to expunge the records of nonviolent convicts received recent attention at an HLS Saturday School presentation. But the controversial presence of its two most visible proponents threatened to overtake the lecture's message of alliance.

Rev. Al Sharpton and Ed Koch, former Mayor of New York City, spoke on Wednesday afternoon in the Vorenberg Classroom about their support for Second Chance before a capacity, racially heterogeneous audience. The program, which has also received the endorsement of Prof. Charles Ogletree '78, is designed to provide convicted, nonviolent offenders with a clean break from the past.

For released prisoners convicted of no more than two non-violent felonies, Second Chance would act as a voluntary program that leads to the eventual "sealing" of criminal records. The records would be available only for future criminal prosecution, thus allowing a convict to answer job-related queries about criminal history with sincere negatives.

Such a program would ensure that small-time offenders, especially those convicted under federal mandatory sentencing regimes, are not given a "life sentence on the streets," as Sharpton explained.

The speakers focused on the long-term economic impact of America's current prison population. While the figure was one million incarcerated in 1990, that number has since risen to nearly two million. And with criminal histories, few of these

convicts will be provided with employment opportunities.

This fact propelled Koch to embrace the program from its inception. "I'm very tough on crime, I don't want to be assaulted, and I don't want the people of New York to be assaulted. But I also believe that you have to deal with nonviolent criminals because recidivism is so great," Koch said.

Recycling convicts back into society is really an unfair proposition under current laws, Koch said. "The reasons for recidivism's existence are that people can't get jobs. They can't get married and have children, because they can't get a job to support a wife and kids. And they can't vote in many jurisdictions," said Koch.

These factors are ameliorated by Second Chance. A convict who

Please see KOCH, p.2

Activists crash homecoming

by Justin Herdman

Student advocates for an overhaul of the Low-Income Protection Program (LIPP) took advantage of recent alumni reunions to spread their message. And the reaction was not as gruff and nonresponsive as some might have anticipated.

Members of the Student Public Interest Network (SPIN) were on hand to greet alumni returning to the HLS campus. In a bid to raise awareness among graduates, SPIN undertook a concerted effort to inject information about LIPP into the weekend's events.

The initial step was taken at 7 a.m. last Friday, when students gathered to distribute flyers around the HLS campus. The goal was to "let alumni know

both that LIPP needs to be reformed and that we have a unique opportunity this year to reform it," said SPIN Co-Chair Jonathan Freimann '01.

The students were also able to persuade Dean of Alumni Development Scott Nichols to include a letter regarding LIPP in the alumni packet. David Markus '01, who serves as the Chair of SPIN's Financial Reforms Committee, described this concession as "a surprising change from past years, when student advocacy efforts were not enthusiastically embraced by the administration."

Nichols stated that the letter fit nicely into administrative goals. "Inasmuch as the sentiment [of the letter] coincides completely with the School's desire to attract more support for LIPP, we were pleased to make

it available," said Nichols.

The role of LIPP in the administration's fundraising goals was also a factor in the decision to encourage student involvement in the weekend plans. "LIPP, from its inception, has been a top priority of the School in terms of fundraising."

Despite LIPP's importance, Nichols said that it has been difficult to obtain the amount of assistance needed. However, Nichols said, "The Dean and the Faculty are very committed to obtaining as much support as possible for LIPP and hence, it remains a critical priority."

Additionally, students were on hand at the annual HLS Homecoming Dinner to pass out SPIN-produced brochures describing the relative inadequacy of LIPP. Freimann cited one particular example: "Many [alumni] did not know that the average student debt load has increased 800% since LIPP was first created, or that the average debt is \$82,000."

Acknowledging that some alumni were not interested in discussing the program, Freimann said that most graduates were eager to discuss overhaul of LIPP. "Some alums were shocked to learn the reality," he said.

Lisa Stark '79, who is currently an attorney with the Department of Justice, attended the weekend's events and came away from the meeting with students pledging to provide alumnae assistance for LIPP. "I don't think most alumni, and I'm certainly as involved as most, are aware of the difficulties that LIPP is having in terms of its existence and in terms of its finance," Stark said.

With a history of public interest lawyering behind her, Stark

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Please see LIPP, p. 3

More war stories from campus job hunt

by Justin Cooper

As the on-campus interviewing season draws to a close, many students have found that no amount of academic prowess, work experience, or general people skills could possibly have prepared them for the outright weirdness of interviewers and the interviewing process.

Greg Noonan '01 didn't think that his ability to identify Japanese cartoon characters would be at issue during interview season, but he was wrong. In the middle of one session, the interviewer whipped out a book of Japanese cartoons and gave Noonan a pop quiz. "Obviously, it was an L.A. firm that asked me about the cartoon characters," said Noonan, who is also looking at Boston firms.

A whole day spent asking questions in a hotel room leads interviewers toward strange inquiries and erratic behavior. One interviewer quoted the first 20 lines of the Odyssey to his interviewee, in Greek. Another interviewer insisted on having an answer to the question "So, what

have to keep working, even while they're meeting with students. As Jeff Cislini '01 sat and twirled his thumbs for five minutes during a meeting with a San Francisco firm, the interviewer aggressively scolded someone on her cell phone. Upon returning her attention to Cislini, she said

RECORD Feature

kind of person goes to HLS?"

Tony Feuerstein '01, found out that interviewers can be downright rude, too. Glancing at Feuerstein's resume, one interviewer started off by saying "So, are you done saving the world, and now you want to work at a law firm?" Another interviewer just said, "Too much policy work."

Of course, the interviewers

proudly, "That was me handling a first-year!"

Some people found that talking to interviewers about common experiences from undergraduate or law school helped to smooth things over. During an interview conducted by an HLS graduate, Jeremy Paris '01 had a pleasant conversation about Prof. David Rosenberg. The discussion soured

NEWS COMMENTARY

'Mother Nature is not a feminist'

by Leah Nutting

As self-appointed spokesperson for Ms. Nature, author Christina Hoff Sommers came to Harvard Law School last week to spread the truth about the propaganda of radical feminists. To counter exaggerations made by a "factually challenged" cabal of feminist academics, Sommers offered the standard economic and sociobiological arguments for the status quo. Bottom line, she declared, "women are not worse off than men in our society." Contrary to radical feminist conspiracy theories, she argues that we are not living in a patriarchal, male-dominated society with historically masculinist power structures. We have already achieved equal opportunity, and if women want the same benefits as men, women need to act like men.

While Mother Nature is not a feminist, Sommers claims to be one — albeit an "equity" feminist as opposed to a "gender" feminist. In her feminist lexicon, the equity feminist seeks only equality while the gender feminist promotes androgyny and gender war. She is concerned with the political agenda of gender feminists, a powerful special interest group employing biased data to support their claims of social catastrophe. Sommers, on the other hand, comes as the voice of reason and "common sense." Rest assured, however: as W.H. Brady Scholar of the American Enterprise Institute, a conservative think tank, Sommers has her own agenda and powerful supporters.

Regardless of categorical labels, there are obviously irreconcilable differences between Sommers's form of feminism and that of the comparatively radical left. After all, it is one thing to say that feminists have exaggerated their claims, but it is quite another thing to state that gender equality, or even equal opportunity, has been achieved. Granting that women as a group face a particular complex of problems, such as domestic violence, Sommers argues that these problems are somehow offset by the problems that men

face, such as illiteracy. The victimhood of women has been exaggerated while the plight of men downplayed, and if Sommers is to concede any crisis at all, it is the one facing boys, caused by a feminist-led war against the male gender.

So what of the obvious gender disparities in wages or in representation in the upper echelons of government and corporate power? These disparities are readily accounted for by Sommers: since men and women are biologically different, we cannot expect "statistical parity" in all areas. While the obvious reproductive differences are a presumption that all but a few straw men contest, Sommers proceeds to go out on a limb to declare hard-wired reasons for women to choose emotionally fulfilling jobs while men go for the money.

Her sociobiological arguments are a response to the social constructionist view of gender which holds that gender differences are largely culturally constructed and enforced. Granted, a purely constructionist view might be fairly criticized as "oversimplistic," as Sommers has rightly argued, but so too are inferences of biological causation when presented with gender-aligned behavioral correlations. Sociobiological accounts of gender differences have long been challenged due to skewed data and poor methodology by critics such as Anne Fausto-Sterling, not to mention local Harvard biologist Ruth Hubbard. Dividing the camps along the nature/nurture lines is misleading, as the current trend is to recognize how our experiences transform our biology.

But innate gender difference remains the trump card of those who attempt to dismiss the existence of obvious social inequalities while simultaneously declaring the existence of gender equality. A declaration of gender equality at once puts both gender feminists and equity feminists out of a job since it negates the need for activism.

One of the biggest bones of contention is over the wage gap. To Sommers and her supporters, the wage gap shows that the market is working in tandem with biology: the wages for the same job descrip-

tion and work experience are near parity, and average labor market differences can be explained by women opting out of the workforce for motherhood and by women choosing lower-paying nontechnical fields. In other words, nothing is broken, so feminists should keep their hands off the Invisible Hand.

This oft repeated economic rationale is not the only way to look at the facts, however. "Gender" feminists find that the situation reveals a deeper, systemic problem of gender inequality. The flip side is that comparing men and women who have the same amount of work experience and the same job description factors out most of the impact of gender discrimination. The problem is precisely that men and women cluster into different general fields, women into lower-paying fields — and within the same fields, women cluster in the lower-paying job descriptions.

Secondly, the fact that women and men tend to cluster into stereotypical job fields, even barring those fields where physical strength and performance differences might be a factor, alternately indicates that exaggerations about gender differences have been internalized into the economic choices that men and women make. Cultural perceptions about innate differences in cognition, most of which are not supported by solid biological research, have nevertheless funneled men and women into different work spheres by way of divergent cultural incentives.

Lastly, to argue that men and women have real physical, cognitive, or emotional differences would logically support the notion that our democratic society should cater to both sides of the gender divide ... unless, of course, one gender's traits are more valued, which is something that Sommers denies. Yet, even though women get more college degrees and better grades, their fields of choice, humanities and liberal arts, are undervalued relative to the technological and scientific disciplines. And although a growing number of women have left the salaried workforce to run their own small businesses, the vast majority of these businesses bring in

earnings comparable to a very low-paying job, and they receive a tiny fraction of the available venture capital.

Going beyond the market forces and looking into cultural forces requires one to ask unapparent questions: Why does our society value science and technology over the humanities? If women innately have better verbal skills and are more cooperative, why are there not more female politicians, for example? If the family is so highly valued, why isn't the market more family friendly? Why should motherhood be incompatible with job success while fatherhood isn't?

Interestingly, Sommers illustrates how the labor market is better suited for men — and women who forego motherhood — without concluding that the market is a masculinist or male-dominated structure. Further still, while the American historical context of male control over property, the vote, and public policy has not in her view had the power to shape our social structures and perceptions of reality, Sommers is worried about the power of a few feminist academics to "poison young women's hearts and minds."

Finally, it used to be religious arguments that supported the status quo, and now political discussions about gender differences are primarily loaded with biological and economic arguments. Sommers covers all of her bases, however, stating matter-of-factly, "It is the Judeo-Christian tradition that has liberated women." Without getting into a theological debate, suffice it to say, reasonable minds might differ on that point.

One cannot merely declare nominal equality and then deduce that women are therefore justly compensated for their attributes or that motherhood is its own reward. Unfortunately, Sommers gives simple answers where the problems are just not so simple. The messy question of gender equality needs to be disentangled, not dismissed. Are things getting better? Hopefully, but not necessarily — the job is certainly not finished, and true equality will take the efforts of both women and men.

You can call him Al, but not a race-baiter

Continued from KOCH, p. 1

chooses to enter the program will, over a course of several years, be required to acquire a G.E.D. and a job-related skill. If the felon has an alcohol or drug problem, he will have to successfully complete a treatment program.

After serving in a community job program for a year, the former prisoners will be monitored for another year to insure that they stay drug and crime-free. And then, with a completion certificate in their hand, they will be able to apply for a court-sanctioned pardon of their previous criminal history.

"We believe there are no downsides to this," said Koch. "If we are right, you will have given a huge number of people an opportunity not to be recidivists because they now have a second chance," he continued.

Sharpton's presence at the session highlighted the racial element of any discussion about the criminal justice system. And his appearance with Koch was particularly ironic, as one of the former Mayor's first official acts was to have Sharpton arrested for civil disobedience.

Sharpton said that in the process of writing an autobiography, he realized that few friends of his youth were available to recount anecdotes, as they were either

dead or in prison. "I'm talking about people I know, people that I've grown up with," Sharpton said. Having stated that he approached the problem from a different perspective than either Ogletree or Koch, Sharpton said: "[Second Chance] touches on how we deal with crime, and how we distinguish hardened criminals from those who have stepped over the line but will become pariahs forever."

When Sharpton was initially told about Second Chance by Koch, he jumped at the opportunity to get involved, even if it meant working with a former adversary. "I wasn't going to let [Koch] outdo me in helping the disadvantaged," Sharpton said.

The issue of recidivism and marginalized felons was a problem of major import. "As I began to see the depth of the problem, I realized that there was nothing more serious to deal with as we close with the century," Sharpton said.

For a Sharpton in action mode, putting aside his differences with Koch was not difficult. "America at its best is when people, without losing their own identity, can work with others of a different identity for a cause bigger than themselves," Sharpton said.

As a result, Sharpton has pledged to "heal the cancer that makes people permanent pariahs."

However accommodating his words on

Wednesday, the visit by Sharpton did not go without protest. Avi Bell SJD and Aharon Friedman '01 passed out flyers detailing a litany of Sharpton's perceived bigoted, defamatory and inciting remarks.

"Sharpton has a record of making incendiary and irresponsible statements of which innocent people have been made victims," Bell said.

The decision to include Sharpton in the lecture was a mistake, according to Bell. "We think that, in general, this is a forum that should be open to controversial speakers. But a line should be drawn when the speaker promotes violence or open bigotry, and Sharpton has repeatedly crossed that line," he said.

Ogletree was unapologetic in defending

the decision to invite Sharpton. "This program has been open to a lot of controversial people who speak on a lot of views, and [listeners] are grown up enough to handle them," Ogletree said.

Expressing a hope that Second Chance would be merely an initial step in a comprehensive overhaul of post-prison programs, Ogletree also said that his ultimate goals may separate him from the more pragmatic ideals of Koch and Sharpton. "My strategy is that we'll start with this very small class of nonviolent offenders, but my goal is to expand the program," Ogletree said.

To this, Sharpton asked, "Are you using us, Professor?"

"I don't think that's possible," Ogletree replied.

Brief

Larry Tribe '66 takes on the CIA

Prof. Laurence Tribe '66 has agreed to represent Saudi businessman Salah Idris in his suit against the U.S. government.

Idris owns the El Shifa plant, which was bombed by U.S. cruise missiles following attacks on two U.S. embassies in East Africa in August 1998. The El Shifa plant was targeted because of allegations that the plant manufactured nerve gas for terrorist Osama bin Laden.

In the weeks following the bombings, Idris and the Sudanese government protested the U.S.'s actions, asserting that the plant only manufactured pharmaceuticals.

Tribe will be seeking \$30 million in compensation for the bombed plant.

WRITE FOR THE RECORD

Labor Law Project takes on the big boys

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rumor back in '83."

Partner Andrew Laidlaw of Seyfarth, Shaw was more voluble. "We've been put in this category for years ... Harvard is right out in front in singling us out," he said. "It's unfair and unwarranted. Our principle responsibility is to advise clients on the NLRA. If you look at the record, you'll find that very often our clients are in compliance."

Laidlaw thinks the charges come from national unions and are "politically motivated." He denies that Seyfarth Shaw partner Michael J. Rybicki ever made the anti-union quotes attributed to him on the LLP flyer. He claimed to have no knowledge of the Rule 11 sanctions Richard Posner handed down to Seyfarth attorneys in 1994.

The allegations against Littler, Mendelson take up half the LLP's flyer. Gary Mathiason, senior partner at the firm, appropriately mounted the most detailed defense. One allegation, a perennial one in LLP reports, refers to a Rule 11 sanction levied against the firm in a Title VII sexual harassment case some 12 years ago. On a question of subject matter jurisdiction, the judge felt that Littler attorneys manipulated authority to support a position that was clearly contrary to the law.

Mathiason countered that Professor Arthur Miller '58 argued the appeal and that the basis for the sanction was overturned. "Arthur Miller was [an] author of Rule 11. He was appalled that rule was

being misused in this way. That's why he represented us."

Professor Miller could not be reached for comment.

When asked why his firm was singled out for criticism, Mathiason expressed bewilderment. "We've routinely had the honor of being on the list since 1971 or '72. The irony is that labor law is 10% of our practice; employment law is 90%. Back in the '70s and '80s there were some tough situations. But when you diagnose the failure of unions, it's fundamentally come down to the fact that they're out of tune with the American worker.... Unions are doing a better job now — but the individual has so many rights, he's better off as an individual."

Mathiason was deeply offended at suggestions that his firm would condone bullying and intimidation. "Even the hint that we would condone violence is repugnant." As evidence, he stated that the firm has done pioneering work in the field of workplace violence. Mathiason admitted that unions were "initially skeptical" about the firm's motives in advocating workplace protections, but that recently the Union of Communications Workers invited him to give presentations on avoiding workplace violence.

Mathiason told a story to illustrate the depth of the firm's integrity:

"A student from an ivy, not yours, was adamant about coming to Littler. He was law review, had high grades and had excellent credentials. We asked him to explain his interest in the firm and he told us that his father had been killed in a la-

bor dispute and since that day his life's ambition was to fight organized labor. Well, we turned him down. That was wrong, dead wrong. He was wrong about what we do and how we do it. Someone who's on an emotional vendetta can't give good advice."

Bartley of LLP said the list is compiled through a combination of accumulated organization resources and updated through talking to labor lawyers, American Federation of Labor contacts and electronic research to make sure that the practices of the firms haven't changed. This research caused one of last years firms, Morgan, Lewis & Bockius, to be dropped from the list.

According to Bartley, chosen firms are

involved in a disproportionate number of NLRB cases, but that only tells part of the story. "Only a fraction of disputes surrounding organizing efforts get that far," said. "Sure they [the unions] have counsel, but they can't file suit after suit. Some of these closed-door tactics aren't a basis for a cause of action, but intrinsically hurt and disrespect a worker's right to organize."

Bartley claims that because of their reputation, these firms are chosen by employers in the most vicious organizing disputes of the decade. He stated that Seyfarth, Shaw is involved in the on-going newspaper strike in Detroit and that Littler is involved in efforts to impede the unionization of workers in the nursing home industry.

Reformers seek support

Continued from LIPP, p. 1

recognized the importance of a viable low-income funding program. "I think it allows students who can't otherwise go into public interest law to pursue that as an option," said Stark.

Stark spoke in a private capacity and not on behalf of the Department of Justice.

Markus was encouraged by the broad consensus for LIPP reform that emerged during the weekend's events. "Alumni judges and attorneys with [the] DOJ and private firms pledged their support and will be working with us to reform LIPP," said Markus.

Nichols was not able to recount any alumni dissatisfaction with the campaign. But Nichols cautioned: "If past experience is a measure, returning alumni tend not to appreciate being 'leafleted' as the preferred way to receive information."

And the SPIN members were able to rely on other members of the HLS student body in their campaign. "Students who have no

intention of taking low-paying jobs volunteered to join our campaign," Markus said.

But it will remain a priority of SPIN to demand LIPP reform. "While the student community and the administration do not yet see eye-to-eye on the parameters of LIPP reform, we welcomed Dean Nichols' help in reaching out to alumni and hope it heralds a period of closer cooperation between us," said Markus.

Freimann took an opportunity to outline the positive steps evidenced by the weekend event. "I really believe that LIPP reform is gaining momentum on all sides. Students have made it clear that they support LIPP reform. The faculty is getting involved and working to make LIPP reform a reality. The administration has publicly stated it supports improving LIPP. And alums who know about the present reality of LIPP and student debt want to help improve it."

Freimann summarized: "A true consensus is rapidly forming."

Tales of recruitment woe

Continued from FIRMS, p. 1

says so right here."

"No, not me," said Loone.

"Wait, aren't you Christina?"

"No, my name is Piret."

Loone had another interviewer, who at least knew who she was, remark on her Estonian heritage. "So, how's the war going there?" he asked, oblivious to the fact that there is no war in Estonia.

Eric Ruzicka '01 found that interviewers can be hopelessly uninformed about their own firms, too. He met with a firm that sent one interviewer out to represent several branch offices. Ruzicka had indicated his interest in the Minneapolis office. The interview went well, and Ruzicka learned all about the summer program that he hoped to participate in. At the end of the interview, the interviewer said to expect a call shortly, and to call him if no word came from the recruiting office. After waiting a couple of days, Ruzicka called the interviewer at work, and was told that there had been a mistake: the firm does not have a summer program in Minneapolis.

To be fair, not all of the confusion, stress and heartache of interviewing comes from the firms. Some people bring trouble upon themselves. Baxter Wasson '01, for example, managed to get himself into a situation that seemed bound to result in disaster. At 4:50 p.m., he was on the Charles River, finishing up crew practice, which had run much longer than expected. His next interview was at the Charles hotel at 5:20 p.m. His suit, shirt and tie were in his locker at school, but his shoes and underwear were

at a friend's house, where he had changed on the way to practice. The friend was still rowing, and his house was locked.

So, Wasson hurried out of the water, raced through the boathouse, and sprinted up to his locker at the law school. He grabbed his suit and headed for one of the bathrooms in the tunnels, but it was locked, so he just changed into his suit, minus the undies, right there in the tunnels. Pulling on his running shoes — the only shoes he had — he headed out onto Mass Ave. He made it to the Charles with a couple of minutes to spare, but still with no dress shoes.

All the students he ran into still had interviews to do, and were unwilling to part with their shoes, so he decided to try the bellhop. \$20 was not enough to induce the bellhop to give up his shoes for half an hour, and things started to look pretty bleak. As he stepped into the elevator, resigned to doing an interview in his running shoes, Wasson spotted a friend coming out of an elevator across from him. He quickly got the friend to give up his shoes, which were two sizes too small, but such a minor impediment at the point was not enough to deter Wasson, who was now ready to go.

Wasson hurried upstairs and found the room where he was interviewing. Drenched in sweat, wearing no underwear and with his feet crammed into shoes that didn't fit, he knocked on the door. The interviewer emerged, "We're running about 15 minutes late today, so maybe you can just wait and I'll let you know as soon as we're done."



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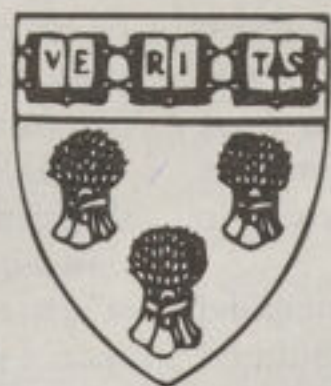
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**NO ... REALLY ...
WRITE FOR THE RECORD**

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Safety First?

It's easy to be complacent at a place like HLS. Surrounded by affluent residential neighborhoods and the small city that is Harvard University, we're largely insulated from the worries that usually accompany life in a big city.

There's no first year lecture on safety precautions like there was at my undergraduate school; horror stories of rapes happening on campus grounds don't spread like wildfire through each first year class. The pages of the student newspaper aren't filled with sensational reports of crime waves and assaults on fellow students, and the police blotters sent out by HUPD are rarely worth a second glance.

With the exception of the self-defense classes offered by the Women's Law Student Association each year, concerns about personal safety rarely even surface on most students' radar screens.

Perhaps we should pay a bit more attention, however.

For the past few days, I've noticed that the emergency phone located between the Lewis Center and Pound has been broken, boarded over with a cardboard "Out of Order" sign. Then today, on my way to Langdell, I noticed that the emergency phone outside of Hauser was similarly incapacitated.

My curiosity sparked, I decided to conduct an informal survey of the emergency phones on campus. Of the seven phones I was able to locate (visibility did not seem to be a major concern of those who installed them), four of them were out of order and two appeared half-forgotten and disheveled. The placement of the broken phones means that large sections of campus are currently without a reliable means of summoning emergency assistance.

Perhaps I'm just being paranoid. After all, the HLS campus is fairly compact, and safety doesn't seem to be a pressing problem. But something tells me that the phones were actually installed for a reason.

—Kimberley Isbell

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

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—First Amendment, U.S. Constitution

• Letters •

Jihad story misleading

The RECORD's unfortunate and misleading article on Steven Emerson's appearance at Harvard to discuss his film *Jihad in America* ("Filmmaker Draws Protest") left the indelible impression that the reporter never actually attended the event. While liberally quoting protesters and their charges (including many scurrilous and baseless ones), the article never quotes Mr. Emerson himself or any of the event's organizers. There is no coverage whatsoever of the contents of the film or the two-hour discussion following its screening in which Mr. Emerson addressed many of the concerns of the article, nor of the voluminous handouts distributed by Mr. Emerson.

Indeed, Mr. Emerson, both in his film and in person, took pains to emphasize that his target was terrorism carried out in the name of Islam, not mainstream Islam, a subtlety that was apparently not worthy of your reporter's notice. Mr. Emerson's arguments that "daylight is the best disinfectant" for fundamentalist terror and that civil rights should

not be abridged in the name of fighting terror also rated no mention in the article.

The article is comprised almost entirely of materials put together by and quotes from one of the protest's organizers and quotes from flyers advertising the event and the protest. The end of the article tacks on the responses of one other protester and a non-protesting attendee.

All of the charges raised in the article were discussed in the spirited and enlightening discussion following the film and many were found baseless. For instance, one organizer's concern that this film or Mr. Emerson supported "prosecutorial advantages being deployed to imprison Arabs" proved based on two misapprehensions.

First, the detentions of Arab terror suspects that worried the protestor were apparently not carried out pursuant to the legislation that she had ascribed to the film's influence.

And, second, Mr. Emerson

specifically argued against discriminatory law enforcement against specific ethnic groups. Indeed, Mr. Emerson argued that the most important anti-terror antidote is more information, and verbal and social denunciation of terrorist groups.

Of course, Mr. Emerson's views and depictions may be subject to reasonable disagreement. Many attendees of the event disagreed with at least some aspect of those views and depictions. But your readers will never get the opportunity to engage in that discussion, because your article failed to present those views.

Finally, I must note that your article is sub-headlined "Muslim students decry depiction of Arabs." The film and the discussion centered on Islamic terrorist organizations and the protests on the depiction of Islam. The overwhelming majority of Muslims are not Arab, and it is unfortunate that your reporter conflated the two groups.

Avi Bell, SJD
Oct. 22, 1999

LIPP lessons to learn

The other day, right here at HLS, I got an education. I met with an advisor at the Financial Aid Office to discuss in detail how, and at what personal and financial cost, I can remain on LIPP for the next 10 years as a method of "paying off" my massive debt.

Lesson One:

My loans will not be paid off in ten years. Because I have relied on the Massachusetts Educational Financing Authority (MEFA) to loan me the amount that HLS believes, in its great optimism, my parents can spin from the straw out back (see Lesson Four), I will not be done paying off my law school loans after ten years of lawyering for indigent people and earning what I earned as a temp when I was 21. Since MEFA is amortized over 13-15 years, I'm out of luck. If I had taken out loans that were amortized over 10 years, of which there are many, I would not have to keep paying law school loans after ten years. I wish I'd learned that lesson when I still had a chance to do something about it. Mea culpa for not reading and applying the fine print, but the description of MEFA distributed by the Financial Aid Office, emphasizing its fixed interest rate and capitalized origination fee, sure sounded good at the time. For those considering LIPP in its current miserly form, stay away from MEFA. Insist on 10 year loans only.

Lesson Two:

The additional loan that anyone who lives from loan check to loan check has to take out in order to pay for the bar and two and a half months of living expenses is only covered by LIPP "in a sense". So what if this loan is as necessary as the loans one takes out to pay the HLS's inflated tuition, it still isn't automatically covered by LIPP. It's treated like undergraduate debt repayments, which are treated only as offsets to any amount that LIPP ordinarily would not pay. Conceptually, it works like this: if your undergraduate loans are \$300 per month

and, because you gross \$35,000 annually, LIPP requires you to pay \$300 per month for the undergraduate debt and LIPP makes up the difference. Doesn't sound bad. As long as you're not grossing something below \$30,000. At that level LIPP covers all your law loans and none of your undergraduate debt. So at \$35,000 you pay \$300 per month and at \$30,000 you still pay \$300 per month, even though you're earning almost 15% less. Sounds perverse, doesn't it? It's even worse when you add the bar exam and living expenses loan. Simply put, if you've got undergraduate debt and no one to pay for the bar for you, the less you earn in this regressive loan-subsidy system, the greater the proportion of your salary you pay for loans.

Lesson Three:

Trying to work around the perverse incentives of Lesson Two by seeking meaningful public interest law work that pays in the low \$40,000s is a sure-fire way to join the vast majority of LIPP alums who have found it impossible to stay in the program for more than 5 years. Since the LIPP ceiling only increases by \$1000 each year, you will have to find a way to avoid any promotions over the next ten years that cumulatively increase your salary by about \$20,000. No matter how talented you are, it's going to be tough trying to convince your boss that after ten years of full-time lawyering you don't merit salary increases that barely keep up with the rate of inflation. On the other hand, you could cultivate an air of incompetence. That might work.

Lesson Four:

When you get kicked out of LIPP after 5 years, like most others, your loans will not be half paid off. This is because you probably had to take out loans to cover not only what you couldn't pay, but what your parents didn't

want to pay. Or at least what HLS said your parents could have paid if they'd wanted to. File that one under "legal fiction." Loans you take out to cover the amount your parents selfishly used to get the roof to stop leaking or the boiler refitted are not really paid off during the first three years. As a result, by Year 5 that portion of one's total loan burden that was made up of loans to cover the imputed parental contribution is paid off by something usually much less than half. Surprise.

Lesson Five:

When, after 5 years, you find you still owe a hell of a lot of money despite the fact that you've lived paycheck to paycheck for the past 5 years doing work that HLS claimed to value, you're going to have to find some way of snagging a big paycheck. In a major metropolitan area, with sky-high living expenses, you simply can't make loan payments on an \$80,000 principal when you're grossing \$70,000. Subtract about \$27,000 in taxes, \$18,000 in rent, \$12,000 in loan payments, and you have about \$1,000 a month for food, clothing, health care, transportation and everything else. Oh, and by the way, forget about starting a family, or saving to buy a home or for your retirement.

Lesson Six:

Don't rely on this letter or anything else you might hear by word of mouth about LIPP. If you're thinking about relying on LIPP, find out as soon as possible exactly how it's going to impact your life.

LIPP is broken and it needs to be fixed. And it is going to require a massive effort on the part of the administration to lead the charge in funding a genuinely viable program. In the meantime, students interested in public interest law desperately need the information necessary to make informed choices about their professional lives and futures.

Nick Lundgren '00
Oct. 26, 1999

**For more letters on LIPP reform,
please see p. 10.**

PERSPECTIVE

By Elizabeth Hamrick '02

Just Relax...?

Ah, law school. The very words conjure images of men and women in suits pouring over scholarly tomes in the pursuit of justice. Oh the beauty of it all — the learning, the growth, the challenge, the stress. Yes, stress! For many people stress already is or may become synonymous with HLS. A sense of being overwhelmed, over-worked and under-rested can creep up on anyone.

Does it have to be that way, though? What can we do to help regain some calmness and perspective when it seems like classes, reading, interviews and extracurricular engagements leave us exhausted, uninspired and generally stressed-out and anxious?

First, it's important to realize that good mental health is a concern for everyone. We all need to take care of not only our bodies but our minds as well. A good place to start if you're feeling like the nasty stress monster has you in its grip is with the resources available on campus. These include the Office of Student Life Counseling, University Health Services and campus hot lines. Please remember that you should not be embarrassed or ashamed to seek help if you think you may need it for whatever reason. There are many caring professionals here who may be able to provide just the assistance you need, but they can't help you unless you make your problems known to them.

Taking some proactive steps now to handle your stress may help you in both the short and long term. So, in the interest of health and happiness, here are a few ideas that you may want to try when the going gets rough. I must warn you, though, these tips are not particularly original or revolutionary. Instead, they are some basic, generally common-sense suggestions offered in the field of stress-management. It is important to keep in mind that stress is very individualized; what causes you anxiety may not stress out your roommate or the person beside you

in Civil Procedure, and vice versa. Likewise, stress-management must be specific to the person, so in considering any stress advice, think about your own tastes and habits. Be realistic, but also be willing to try new techniques. Of course, at this juncture, there should be an official disclaimer here indicating that these suggestions are not a substitute for a doctor's advice, etc., but I'm just a 1L and don't know how to construct a good disclaimer yet.

Take a walk. Exercise frees our minds and does healthy things for our bodies. Plus it can produce endorphins and can help raise immunity, which can decline with stress. Do little things like taking the stairs instead of the escalator at the T, and sometimes take the long way home (or to the grocery store or wherever). Exercising outside can also bestow the extra benefit of "nature therapy," particularly at this time of the year when the season is so beautiful and particularly if you live in Gropius and your window faces the parking garage. Again, seek a doctor's advice before beginning an exercise regime.

Laugh. Seek out humorous people. (Okay, at least get a good Far Side (Gary Larson) book). Also, smile. At other people. They may smile back, ignore you, or think you've been reading too many articles about stress management. Hey, at least you'll feel better. It's hard to walk around feeling bad if your face is looking happy; conversely, always frowning won't help you feel good.

Keep a journal. This isn't Junior High anymore, but the cathartic experience of journal writing can reduce stress for some.

Eat right. Okay, the pizza and tater tots in the Hark are tempting, but good nutrition gives our bodies fuel to run on a hectic schedule. Furthermore, we don't need additional cholesterol, fat and salt when stressed. Now, eat your veggies.

Have a hobby. Did you ever want to

be a ballerina? A landscape artist? A fiction writer? It's important not to neglect your other interests while studying. Continue your past hobbies or cultivate new ones. Explore the options around Cambridge and Boston for continuing education classes in the arts and other areas. Doing something completely unrelated to law can help to keep us grounded in who we are and in the multidimensionality of our personalities and interests. Plus, doing community service or other activities off-campus reminds us that there is a world outside of Langdell and Pound, an important perspective that can easily be lost here. So do something fun for you every day. Try at least a half-hour daily, and **don't** feel guilty. You'll study and work more effectively if you balance school and outside enjoyment.

Allow some down time before bed. It can be hard to get everything done and still be able to sit and relax at night, but it's a goal worth working toward. Also, I'm personally a strong advocate of not studying in bed. See below.

Have a study-free zone. Your favorite chair, your bed, wherever — just have a place that you associate with relaxing.

Stretch. Our muscles can seem to hold in our stress with an iron grip. So let it go. Get up and move. Now. Put down this paper for five minutes and reach up above your head, touch your toes (or thereabouts), and gently roll your neck. Aah...

Make a contract with yourself. Maybe you don't quite have the doctrine of consideration figured out yet. Perhaps you're disillusioned with the common-law incentives to breach. No matter. This contract is only with you (no worry about damages). Writing down your stress-management goals can be empowering. Keeping a list of ideas and strategies to realistically try, and keeping a mental or written record of your endeavors, can keep

you on track and dedicated. Think of it as a "To-Do" list for a healthier, happier life. Just don't be too hard on yourself; remember these are goals toward which you are working. Don't include a liquidation clause if you don't achieve them all.

Practice deep breathing. Focusing on our breathing can help to center us, calming our minds and our bodies. A few deep breaths combined with positive mental imagery — a "mental vacation" — can leave you refreshed and ready to start again on the tasks at hand.

Get at-home therapy. In addition to the professional kind, you can also have some informal, self-administered therapy. Here are a few suggestions:

• **Art therapy.** Go to a museum, or try your hand at artistic expression.

• **Music therapy.** Listen to your favorite songs, especially when feeling practicing deep breathing or stretching.

• **Pet therapy.** Get a pet (a fish may be a good option) if you can, or accost friendly-looking people walking their dogs and ask if you can pet their pooch.

• **Aromatherapy.** Surround yourself in your favorite scents.

• **Nature therapy.** Take opportunities to be outside and to enjoy the small and great wonders of the environment.

• **Hug therapy.** My personal favorite, some hug therapy programs advocate a minimum of three hugs a day, varying with cheek-to-cheek, front-to-back, side-to-side styles or the ever-popular group hugs or bear hugs. A word of warning: practicing on strangers is **not** a good idea; always ask permission first.

Does it seem like stress management is too much *work*? It's really not. It just takes a commitment to making your state of mind a priority. So practice trying to keep things in perspective, cultivating relaxation and optimism and developing healthy habits.

PERSPECTIVE

By Aharon J. Friedman '01

Jihad in America

"I hope to convince everybody, not only is there jihad in America, but if there is not there should be jihad in America"

The Second Annual Alisa Flatow Memorial Lecture on the Law and Terrorism, "Jihad in America," delivered by Steven Emerson, focused on the terrorist threat to America posed by extremists purporting to act in the name of Islam and the need to ostracize those who provide them political support.

It is unfortunate that the RECORD coverage ("Filmmaker draws Protest") neither described the content of the film "Jihad in America" nor the lecture and lengthy question and answer period that followed the film's screening. The RECORD also neglected to relate Emerson's comments regarding many of the complaints mentioned in the article or to give the event's organizers the chance to respond to those complaints.

The film, "Jihad in America," focuses on the activities of various radical Islamic terrorist organizations operating in the United States. It features video from conferences and gatherings in America in which radical clerics have called for holy war against the West and exhorted their supporters to take up this battle themselves or to at least contribute financially to those that do carry out actual violent attacks.

The video and other reports by Emerson have demonstrated that many of these conferences and other political activity in support of terrorist groups have been supported and sponsored by groups in the United States which attempt to portray themselves as mainstream "human rights" or "relief" organizations.

CAIR (the Council on American Islamic Relations) has provided political support for Hamas and similar organizations and yet, at the same time has been able to achieve political acceptability in the United States, including invitations to the White House by Hilary Clinton.

For example, the 1994 issue of CAIR News reports that CAIR coordinated a series of meetings for Bassam Alamoush, a Jordanian extremist, with U.S. Government officials. At the Muslim Arab Youth Association conference in Chicago in December 1994, Alamoush said, "somebody approached me at the mosque [in Amman] and asked me, 'If I see a Jew in the street, should I kill him?'" Alamoush paused momentarily before recounting his answer: "Don't ask me. After you kill him, come and tell me, What do you want from me, a fatwa [legal ruling]? Really, a good deed does not require one." Later in the speech, Alamoush was interrupted by an aide with a note: "Good news...there has been a suicide operation in Jerusalem," which killed three people. The announcement was met with thunderous applause.

During his address, Emerson argued that groups which give political support to terrorism must be ostracized by the rest of society. Terrorism must be condemned, period. The KKK has been largely marginalized in modern American society because we have purposefully refused to recognize the KKK and its ideology to be a part of the political mainstream or to accept that white supremacists have anything to add to our national discourse. There can be no dialogue with those who support hatred and terrorism.

As Emerson said, terrorism must be

condemned without regard to the so-called grievances possessed by terrorists, whether it be white supremacists like Terry Nichols and Timothy McVeigh, Christian fundamentalists who murder ob-gyn doctors, the Jewish fundamentalist who murdered Yitzhak Rabin, or the Muslim fundamentalists who blew up the World Trade Center.

"Jihad in America" is not about Islam, it is about those who act according to their own extremist interpretation of Islam. Emerson has not — in the film, his speech or anywhere else — equated Islam with support for terrorism or suggested that the fight against terrorism is a fight against Muslims.

To the contrary, Emerson has stressed again and again that his concerns about fundamentalist Islamic terrorism are limited to a fringe of extremists who purport to act in the name of Islam, not to Muslims as a whole. In fact, right at the beginning of the film, Emerson explains that the vast majority of Muslims reject the vision of Islam propounded by the extremists.

Emerson said that "jihad" has several meanings. But to the extremists, "jihad" means a holy war against the West through violence and deaths. As jihad (or at least the extremists' interpretation of the term) is the essence of Islamic fundamentalism, "Jihad in America" is an appropriate title for the video — and the speech — detailing the activities of the extremists who seek to further their jihad through activities in the United States.

To discuss the threat posed by Islamic fundamentalists is not to denigrate all Muslims. As so many of the Americans

killed abroad by terrorism in recent years have been killed by Islamic fundamentalists, it would be dangerous were we, as a society, to ignore the problem and pretend that it does not exist.

While it is not very surprising that CAIR and other supporters of the fundamentalists have attempted to silence Emerson, it was a bit surprising that some at Harvard were disturbed at Emerson's invitation.

But perhaps it should not be so surprising.

After the question and answer period, several students came up to Emerson and quietly said that they supported his message — that mainstream Muslims must ostracize those who support terrorism just as mainstream whites have ostracized supporters of the KKK — but were afraid to speak out publicly for fear that they would be ostracized here at Harvard.

The keynote speaker at a November 1997 conference held in Cambridge explained that: "Not only is there jihad in America but if there is not there should be jihad in America."

During the question and answer period, the speaker explained why violent attacks against civilians are acceptable: "Suicide bombers and other forms of terrorism in Israel are morally justified and legitimate because civilian targets in Israel are all technically soldiers, reserves or potential soldiers due to the country's mandatory conscription policy."

That conference, entitled "Jihad in America" was held right here at Harvard and its sponsor was the Harvard Muslim Students Association.

Why we sponsored 'Jihad in America'

Last week, the Jewish Law Students Association invited journalist Steven Emerson to the Law School to deliver the second annual Alisa Flatow Memorial Lecture on Law and Terrorism and to discuss the threat posed by militant Islamic terrorist organizations. Most students with whom we spoke before and after Emerson's "Jihad in America" lecture felt that the topic was important and relevant, but several students raised a number of concerns. We hope to allay them by explaining why we decided as we did and by drawing the necessary lessons for the future.

First, about the lecture series itself. With Stephen Flatow's assent, last year we set up a lecture series on terrorism to commemorate Mr. Flatow's daughter Alisa, who was a former classmate and friend of many of us. To quote from the findings of fact in *Flatow v. Iran*, 999 F. Supp. 1:

At the time of her death, Alisa [] Flatow was a twenty-year-old Brandeis University student. For ... her junior year at Brandeis University, Alisa ... participated in an independent foreign study.... While in Israel, she [decided to] travel to a community [in Gush Katif] on the Mediterranean Sea with friends ... [on a] civilian passenger bus On April 9, 1995, ... [a]t or about 12:05 p.m. local time, near Kfar Darom in the Gaza Strip, a suicide bomber drove a van loaded with explosives into the number 36 Egged bus, causing an explosion that destroyed the bus As a result of the explosion, a piece of shrapnel pierced Alisa [] Flatow's skull casing and lodged in her brain Alisa [] Flatow suffered extreme bodily pain and suffering [sic] for at least three to five hours as a result of the injuries she sustained in the bombing Alisa [] Flatow died at approximately 10:00 a.m. local time on April 10, 1995 Islamic Jihad claimed responsibility for and in fact perpetrated the terrorist act which caused the death of Alisa [] Flatow.

Last year, our first guest in the Flatow Memorial Lecture series was Stephen Flatow himself. Mr. Flatow discussed his ongoing litigation against the state of Iran under the state-sponsored terrorism exception to the Foreign Sovereign Immunities Act. Mr. Flatow won a judgment of more than \$200 million against Iran for its support of the terrorist group Islamic Jihad, but he has been blocked by the U.S. State Department in his efforts to levy Iranian assets in the U.S.

This year, a board member suggested that we invite journalist Steven Emerson. While most of us on the JLSA board had not seen Mr. Emerson's previous work or read much about him, we were aware that Mr. Emerson has a solid reputation for his work on militant Islamic terror groups such as Islamic Jihad — the group that killed Alisa Flatow. Mr. Emerson won several awards for his 1994 PBS film *Jihad in America*, testified before Congress numerous times, and has appeared in major media outlets such as the *New York Times* and *Wall Street Journal*. At the time, we were not aware of any controversy concerning Mr. Emerson's work.

Additionally, we considered the topic of Mr. Emerson's work particularly appropriate for the Flatow Lecture series. Islamic Jihad, the terrorist group that killed Alisa Flatow, has been headed since 1995 by Ramadan Abdullah Shalah, who, in the six years before taking the helm of the terrorist group, directed a think-tank in Tampa, Florida and taught at the University of South Florida. The think-tank, called the World and Islam Studies Enterprise (WISE), and affiliated with the university at that time, is suspected of having served together with an organization called the Islamic Committee for Palestine (ICP), with which it shared head-

quarters and personnel, as an Islamic Jihad front in the U.S. (Shalah also served as an officer in ICP). ICP was used to raise money in the United States for families of "martyred" Islamic Jihad terrorists (such as the suicide bomber who killed Alisa Flatow). Indeed, it is now apparent that Ramadan Shalah served as second in command of Islamic Jihad for five of the years in which he was in the U.S., including 1995, the year Islamic Jihad killed Alisa Flatow. The Tampa apparatus of Islamic Jihad was one of the more prominent targets of Emerson's "Jihad in America" film (broadcast almost a year before Shalah's true identity was revealed) and his subsequent investigative journalism.

We advertised Mr. Emerson's imminent appearance in the usual channels for several weeks and received no feedback whatsoever until the day before the event. On the evening before the lecture, a board member was contacted by a person representing a Muslim group on campus. This person expressed concern about what she purported to be Mr. Emerson's bias against Muslims and requested the opportunity to place someone alongside Mr. Emerson during the event in order to rebut him. We were not aware of any bias on Mr. Emerson's part — indeed, until the evening before Mr. Emerson's speech, we were unaware of any opposition to Mr. Emerson at all. But we felt it was essential to avoid offending our colleagues in the Harvard community, and we promised to make sure that those opposing Mr. Emerson would have a full and fair opportunity to present their views in a discussion period following Mr. Emerson's prepared remarks.

Those of us who were not as well acquainted with Mr. Emerson's work were gratified to discover on the day of the event that Mr. Emerson's film and subsequent remarks were, indeed, well-informed, balanced and reasonable. Less than two minutes into his film, Mr. Emerson introduced his work: "I've reported on international terrorism for more than ten years. And since the World Trade Center bombing, I've been investigating the networks of Islamic extremists committed to 'jihad in America.' For these militants, 'jihad' is a holy war, an armed struggle to defeat nonbelievers or infidels and their ultimate goal is to establish an Islamic empire. Most Americans understand little about Islam. And it is very important to point out that the overwhelming majority of Muslims are not members of militant groups." Mr. Emerson's remarks after the film, during short prepared remarks, and during a nearly two-hour discussion with members of the audience reinforced these basic points: Mr. Emerson was investigating and reporting on militant groups acting in the name of Islam, but mainstream Islam does not support these terrorists or their militant version of Islam. This seems to be at one with Mr. Emerson's testimony before the Senate Subcommittee on Technology, Terrorism and Government Information last year that he seeks to "preserv[e] and [] maint[ain] and [] embolden [] the moderate Islam versus the growth of radical Islam" and that "radicalism does not equal mainstream Islam."

On the day of Emerson's presentation, several students handed out literature in front of the auditorium where Mr. Emerson was to speak. There were three handouts that contained substantially all of the material that served as the basis of audience members questions to Mr. Emerson.

We found many of the exact criticisms proffered to be lacking, but we must nevertheless candidly acknowledge that, apparently, we have inadvertently given offense to some of our colleagues at Harvard. That mandates that we engage in critical introspection regarding our actions and that we forthrightly acknowl-

edge any errors we might have made.

So we asked ourselves the following questions:

Did we err in inviting someone to speak on militant Islamic terror organizations? We believe not. We think that the topic was appropriate for the lecture series and of interest to the Law School and Harvard community. Unfortunately, such terror organizations do exist; Islamic Jihad's murder of Alisa Flatow is the very cause of the lecture series. The organizations are active in the U.S., sometimes under cover of academic and religious institutions or other tax-exempt groups, a matter of concern to us all.

Was Steven Emerson an appropriate speaker on the topic? We believe that the answer is yes. Mr. Emerson's views are certainly in the mainstream, his work well-respected, and his credentials are solid and respectable. On the other hand, we were clearly mistaken in not taking a deeper look into his work.

First, Mr. Emerson does hold some views that are controversial. For instance, Mr. Emerson believes that it is unnecessary to present the context that gives rise to terrorist groups. He believes that all terrorist groups have an internal narrative that "justifies" their terror, and that those fighting terror should concentrate on identifying terror organizations and their support networks and shunning them socially and politically. Indeed, Mr. Emerson argued that it may be irresponsible to present the context, as this would seem to "justify" the terrorism. Several people who contacted us agreed with this perspective and with Emerson's stated belief that there can be no "sliding scale" for terrorism, and that terrorism must always be condemned in all its forms. However, others who contacted us believed just the opposite. They believed that it was irresponsible to fail to present the context, as this might lead to unfair demonization. While recognizing the potential controversy on this and similar points, we feel that it is appropriate to stick to our policy of inviting people with a wide range of viewpoints, even if some of those viewpoints are controversial or strike some as wrong. It is only when those views are clearly bigoted, hate-mongering or encourage violence that we feel that we must draw the line. Mr. Emerson did not cross that line.

Second, while we feel that Mr. Emerson's speech and film presented balanced views and that Mr. Emerson bears no animus against Islam or Muslims, some of us were disturbed by some images in the film and some of Mr. Emerson's past comments. For instance, we noticed that during a roughly five-minute clip on the Tampa connections of Islamic Jihad (the organization that killed Alisa Flatow), Mr. Emerson broadcast a roughly 20-second shot of Sami al-Arian praying in the background as the voice of al-Arian denied any Islamic Jihad connections in the foreground. While Emerson's aim here was to indicate how the terrorist organization was hiding behind the facade of religion, some viewers might inadvertently come to associate Muslim prayer with terrorism. More disturbing is the execrable comment Mr. Emerson made on CBS News on April 20, 1995, following the Oklahoma City bombing by Timothy McVeigh. Like many, Emerson at first thought that the attack had been carried out by a militant Islamic terror organization and he called the modus vivendi of the attack "a Middle Eastern trait." Mr. Emerson has said that he was attempting to say that the car bomb placed for maximal casualties was until that time a signature modus vivendi of Middle Eastern terror organizations. In light of Mr. Emerson's remarks both there and elsewhere, we are inclined to believe Mr. Emerson's explanation. Nevertheless, it is clear that many viewers would have taken the remarks to express negative stereotyping.

reotyping.

While we don't think that Mr. Emerson expressed or intended to express bias, we feel that some of his images and words could lead some people to develop unfair stereotypes about Muslims. Had we examined the issue more carefully at an earlier stage, we might have been more sensitive to the possibility of giving offense, and perhaps we could have changed the format of the event to avoid that possibility. While we are convinced that the lecture format is the right format for the Flatow Memorial Lecture Series, we might have been able to take measures to be sure that advertising for the event and the event itself would be presented in a manner that did not give offense.

Should we have attempted to contact Muslim student organizations in advance of the event? Under the circumstances, we probably should have. Certainly, if we had recognized the possibility of the advertising or film giving offense, a discussion with potential offensees before the event might have headed off trouble. We might also have been able to develop some followup that would allow a productive discussion about the issues to take place.

We hope that it is still possible to develop a positive dialogue, and we are working on a possible future joint event that addresses the common problem of extremist terror. We must also thank those students who respectfully informed us of their concerns. We appreciate their contribution — through participation — to understanding the larger concerns of the Muslim community.

Is the Flatow event itself worthy of continuing in its current format? On this score, we must give an unqualified yes. We believe that the event is a worthy memorial to a friend who died too young. We also believe that the issue of law and terrorism is one of intrinsic interest to law students, Jewish and otherwise, and is worthy of continued discussion. We invite all those with views on the issue to contact us to suggest invitees for next year's lecture. Hopefully, with adequate preparation, we can carry forward a productive discussion without unnecessarily giving offense.

Finally, we have attempted to review conscientiously the charges raised in the three anti-Emerson handouts during the last few days, and we find many of the criticisms misplaced, and sometimes even malicious.

The first handout "corrected" Mr. Emerson's use of jihad and noted that jihad in Islam may mean nothing more threatening than the struggle for self-improvement. We were pleased that Mr. Emerson himself explicitly noted in his remarks that jihad may have many meanings, but that to the militant Islamic terrorists, jihad means a holy war. This, no doubt, is the meaning of jihad employed by Islamic Jihad, the terrorist group that killed Alisa Flatow. And, no doubt, it was the meaning employed by an Emerson critic quoted by the third handout as saying that "Emerson was ... waging jihad on Islam." Is it illegitimate for Emerson to use his terms as his critics do?

The second handout recounted the unfortunate case of a Palestinian man placed in detention by the INS in New Jersey after his visa ran out, and slated for deportation on the basis of secret evidence that was eventually found insufficient by an appeals panel in Washington. This is indeed a troubling case, but it did not concern the subject of Mr. Emerson's speech or film.

The third handout was an unattributed but verbatim regurgitation of charges made on the Web site of an organization called the Council on American-Islamic Relations, or CAIR. Two of CAIR's three founders were formerly presidents of the Islamic Association for Palestine (IAP) —

Cape Dello

DON'T FLY OUT UNPREPARED!

By Jake Zimmerman '00

Staff Columnist

Enter November, and with it the most curious academic holiday ever designed: Flyout Week. You've got to love a law school that doesn't celebrate Columbus Day and observes Martin Luther King's Birthday by making you attend Saturday classes...but still gives its students a whole week in celebration of the joys of air travel.

'So most of you, like me, probably have Frequent Flyer Miles on the brain right now. (Sorry 1Ls, to exclude you from the discussion. Trust me, this painful experience will make you stronger in the long run. But don't despair: I still want you to get some use out of this column. Copy it neatly and turn it in for your next LRA assignment. This will save you plenty of time, and besides, what are they gonna do — give you a bad grade?)

Now, as those of you who read this column last year know, I do all my air travel on TWA, because they basically have a monopoly on flights to St. Louis. Fortunately, they are easily the finest carrier in the airline business: a model of professionalism and profitability. (Trans World Airlines: now celebrating our fourth year of just barely not being in bankruptcy!)

Over the last couple of years I've spent an inordinate amount of quality time with my friends at TWA. In fact, it's gotten to the point where I can answer all their questions at the check-in counter before they even open their mouths. ("Hi, electronic ticket to St. Louis, here's my ID, frequent flyer number is 50161436, my bags have been with me since I packed them, nobody gave me anything to put in them, I never hurt small furry animals, and my, you certainly do look stunning in that dress.")

What I'm trying to say is this: Me and TWA, we *tight*. In fact, near as I can tell, TWA fell madly, head-over-heels in love with me at some point after November last year. Suddenly, they started giving me all kinds of free tickets, upgrades to first class, and various other preferential treatment. I'm still waiting for the Swedish massage, but you get the picture. Now look, I ain't exactly a big-shot business traveler here. So the only conclusion I can come to is that

it must be love. I guess even multi-million dollar corporations get blinded with romantic infatuation once in a while.

I know how to keep a good thing going, so I wouldn't dream of saying anything negative about TWA (or, as I now call them, my widdle-bitty-airline-schnookums). Heaven knows, the last thing I'd want is to get stalked by a jealous airplane ex-lover. Plus, I like sitting in first class, if only for the odd looks that I get from the suit guys and the rich old ladies.

But whether in first class or the cattle car, the funniest thing on TWA by far is their in-flight catalogue. It's called "The Voyager's Collection," and it claims to have merchandise specially selected for me, the discriminating traveler. But whoever designed this thing clearly had some other traveler in mind when they went to the drawing board, because many of the items available for purchase are, well, odd. Actually, that's rather charitable. Some of these products are downright freaky.

Although I can't do justice to the ridiculousness of the entire catalogue, I'd like to reproduce some of the more curious things you can now purchase from the convenience and comfort of your TWA seat. (Now with actual padding!) All of the items described below are real, and all quoted text is taken directly from the catalogue. Trust me, I couldn't make this stuff up if I wanted to.

A prominent item, featured on several different pages of the magazine, is cufflinks. Apparently, the average TWA traveler suffers from a desperate shortage of weird-looking cufflinks, and thus the airline is going out of its way to make sure that this vital need is met. For prices ranging from \$40 to \$200, you can get cufflinks in the shape of New York subway tokens, porcelain water faucets or sterling silver puppies. If you prefer more functional cufflinks, you can also get them with a handy compass implanted inside (perfect for when you're hiking the Appalachian Trail in a tux). Better yet, you can get them in the shape of a tiny maze, complete with a little silver ball inside ("the perfect fashion statement that also helps to relieve

boredom during monotonous meetings").

These may be enough for the casual customer. But for the true cufflink connoisseur, there is really only one choice: the nifty Millennium Countdown Cufflinks. These "functional, stylish accessories" will count down the exact number of hours, minutes, and seconds to the year 2000 on a small digital readout, and then "alert you with a small chiming alarm." No Y2K fanatic should be without these babies, especially at the unbeatable price of only \$225.

Speaking of Y2K fanatics, another prominent market targeted by the geniuses at TWA is the lucrative "paranoid schizophrenic" sector. Of all the items designed to protect you from the outside world, my favorite is the advanced security telephone, which lets you choose up to sixteen different settings to disguise your voice. "A man can sound like a woman, a child like a man. You can avoid cold-call soliciting, screen your calls as a secretary would." I don't know about you all, but I can't wait to trick those pesky telemarketers into thinking that I'm actually a young female immigrant from Luxembourg.

For the truly obsessive, there's a whole range of paranoia-inspired devices: phone call recorders, stamp-sized video surveillance cameras, gadgets to keep track of what numbers your phone has dialed, and camouflaged night vision glasses "just for fun" or "to check out your neighborhood at night." But the complete neurotic's accessory kit will not be complete without the "The Machine," which turns out to be a watch with a heavy metallic cover that securely hides its face. "To tell the time, push the secret button. Pistons push and slide, raising the chrome cover and revealing the face." So if you, like so many of us, are terrified of a stranger glancing at your wrist and learning the correct time — well, then this is clearly the item for you.

Speaking of bizarre watches, here's a good one. The "Atomic Watch" contains "a micro-receiver and antenna circuitry that gets signals right from the U.S. Atomic



Clock deep in the Rockies, making the time accurate to one-millionth of a second." Unfortunately, with a \$179 price tag, it's probably cheaper to just hire somebody to follow you around and reset your watch periodically.

A better watch buy is the "Meeting Timer," which is essentially just a stopwatch encased in metal. But it sells for \$75, thanks to the great sales pitch: "Too often in business meetings, colleagues prattle on and on, nobody having the courtesy or gumption to stop them. This stunning clock includes a handy meeting timer... and the audible signal tells them to stop." Can I bring one of these to class?

Whatever you might say about the above items, at least they have the advantage of being marginally useful. The catalog is at its best, however, in promoting items that simply have no credible purpose at all. I don't know who actually buys Ringo Starr's autographed drumsticks, wallets that beep whenever you remove a credit card, roses dipped in gold plating, or pet brushes that generate ozone to make Fluffy smell less like a dog and more like car exhaust. But whoever they are, I really hope that they'll consider sending me some small portion of the vast disposable income that they obviously possess.

With that money, I will promptly go out and buy the "Star Trek Communicator [that] Really Works." This device, which really does look like a cheap prop from the old TV show, is "authentically styled and complete with lights and sound effects" but also features an actual digital recorder, calculator and clock. The slogan says it all: "A great novelty, but also a very useful business tool." All I'm saying is this: TWA clearly has a very loose definition of "business."

Perhaps this explains why they think I'm a business traveler.

Anyway, have a great Flyout week. But whatever you do, don't show up for your interview without the Star Trek Communicator. No corporate lawyer is fully accessorized without it.

FENNO

Fenno needed to get out of the RECORD office, but it wasn't easy. His way was blocked at every turn by ream after ream of letters about how LIPP sends public interest geeks into paroxysms of orgasmic sexual delight. "Really," Fenno called out to the drones busily typing their stories about Al Sharpton and angry mobs of New York Jews, "couldn't we just forward all of these damn LIPP letters to *Penthouse* and be done with it?"

As usual, Fenno's colleagues ignored him completely. Fenno shook his head with a sigh and shoved his way through the endless masses of paper. Out of frustration, Fenno continued bitching at the nearby typists (whose convenient location outweighed the fact that they were still doing their best to stare in any direction other than his).

"Someone," he muttered, "really ought to tell David Markus that nobody gives a rat's ass about a bunch of whiny letters in the RECORD." Fenno paused and scratched his head reflectively. "Come to think of it," he then added, "somebody should just tell David Markus that nobody gives a rat's ass every time he opens his mouth. Anything to wipe that ridiculous nonstop grin off his face."

Seeing that his quest to get attention was about as likely to succeed as Sisyphus's quest to be free of his rock (or Joe Singer's quest to be taken seriously),

Fenno yawned and began clearing his path to the exit. Fenno knew everyone was sick of hearing him whine about these letters over and over again, but Fenno felt no shame — if Charlie Nesson could tell the exact same war story to his LRA class so many times, surely Fenno could be forgiven a little redundancy in his complaining.

With what felt like a Herculean effort, Fenno finally shoved the last stack of letters aside and exited into the blinding sunlight. Fenno blinked his eyes as he adjusted to the shock of the outside world, and thus was caught off his guard by the oddly dressed (and even more odd-smelling) man who approached him.

"Alo, Venno!" said his eerily familiar voice. "Do yoo reememboor mee?"

Fenno racked his brain, but nothing came to him. He tried a guess: "Were we together in San Quentin in '79?"

The long pause which followed made it rapidly clear that Fenno had guessed incorrectly. Finally, the strange man shrugged and clapped Fenno heartily on the back. "Of goarse yoo know mee! I am yoor LL.M. friend from zee lahst yeer: Sven Ibrahim Rabinovitch Hammerskjöld Fiero Ibn-Al-De-Gaulle Kowalski!"

Fenno groaned. The only redeeming feature he had ever found in LL.M.s was the secure knowledge that they would all be gone within nine months. Something was clearly wrong here. "What the hell are you still doing in Cambridge?"

"Oh, I zhust loov eet so mooch here, I cannot be leevink so soon! I am dooeenk zee SJD proograhm, so zat I can bee tawkink in your classez for yeez to come! Und now I know I doo zee right ting,

Quote of the Week

"If people want to spend \$150,000 for the eggs of gorgeous women who have an IQ of 68, let them ... In this country, you have the right to be stupid."

— Bill Handel, Director of Egg Donation, Inc.

becose I see in zee paper zat Tamara Piety vants oos all to bee goonerz!"

"Goonerz?" asked Fenno, puzzled.

"Jez, goonerz! Yoo know, rayzink zee hand oond tawkink lots even zow we have no ideeaa vat vee're tawking aboot. I loov eet!"

Fenno shook his head with disbelief. These people were obnoxious enough already, and now to see an American get into the LL.M. program and start inciting them to *even more* ridiculous class commentary ... well, to Fenno's mind it was practically treason.

In Sven's culture, shaking the head must have meant affirmation, because he began smiling even more broadly. "I am practeezink my hand-rayzeenk skeelz. Do

yoo vant to see?"

Fenno wanted to scream at this guy like Liz Warren yelling at Dan Meltzer (or at any student who dared to complain about her ridiculous study groups). But he restrained himself. All he was looking at was a symptom. He was powerless to address the root problem, just like most people were powerless to shut Josh Kurland up once he got on a roll.

Sven continued to stare eagerly at Fenno, who had no idea what to say to get him to go away. Finally, unable to come up with anything better, Fenno just gave him the finger, and walked quickly away. Sven just stood there, scratching his head, trying to figure out this enigmatic American behavior.

The Buzz

By Tanya Marsh '00
RECORD Columnist

SCORCESE'S JOURNEY INTO MISERY

Martin Scorsese is lauded as a master of the American cinema, having given us movies like *Taxi Driver* and *Goodfellas*. I've enjoyed most of his movies, but I think he has an unfortunate tendency to subvert substance to style. I'm all for style (after all, I love David Fincher), but the balance in Scorsese's newest effort, *Bringing Out the Dead*, is a little out of whack.

Bringing Out the Dead follows an ambulance medic named Frank Pierce (played by Nicholas Cage) over the course of a weekend in New York City whose conditions spell disaster — it's hot, it's humid, and there's a full moon. Frank begins the movie in despair. He hasn't saved anyone in months and nothing can dull the pain. Frank's problem, as a parade of partners (played by John Goodman, Ving Rhames, and Tom Sizemore) explain to him, is that he connects with patients and their families. He isn't in it for the blood and glory, or to spread the gospel. He's just trying to help people.

Early in the movie, Frank goes on a call to a fifth floor walk-up in Hell's Kitchen where an older man has had a heart attack. The man has no pulse and isn't breathing. As all of us who watch *ER* know, this isn't a good sign. But Frank,

instantly smitten with the man's daughter (Cage's real-life wife Patricia Arquette) heroically tries to bring the man back. Fortunately (unfortunately?) he succeeds and the man is taken to the emergency room, his eyes fixed and dilated, but with a heartbeat.

There we are introduced to the chaos and cynicism that characterize the modern public emergency room. A disapproving gatekeeper questions each patient: "So you got drunk and fell down and hit your head. If we fix you up, won't you just get drunk and do it again? Why should we help you?" Patients are strapped to gurneys lining the walls, crying for attention. Frank is obviously in distress as he enters this hall of misery. The doctors and nurses rush from crisis to crisis, trying to ignore the cries of those who are too far gone or who aren't quite bad enough to warrant their concern.

If you're getting the idea that *Bringing Out the Dead* is a depressing movie, you're starting to understand why I checked my watch three times during the film. Granted, this film does some things quite well and there are moments of real inspiration. There are some great lines and scenes that are visually inventive and fascinating. Cage turns in a sensi-

tive portrayal of a very human everyman stuck in a horrifying reality. Despite these good points, I cannot get excited about *Bringing Out the Dead* because it is just too damn depressing. Sure, at the end we have redemption and forgiveness, but it isn't enough to lift us out of all the misery

we experienced for the previous two hours. If you think Scorsese is a genius and you just loved *The Last Temptation of Christ*, maybe you'll see the transcendent qualities of *Bringing Out the Dead* that I obviously missed. I wish I'd gone to see *American Beauty* again instead.

The Buzz Guide to Movies

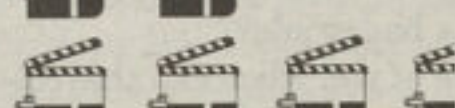
American Beauty



Bringing Out the Dead



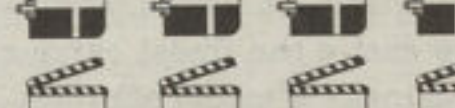
Fight Club



Mystery, Alaska



The Insider



Three Kings



Legend: (5) Oscar caliber, (4) see at any price, (3) worth full admission, (2) video or matinee, (1 or 0) why bother?

LEGAL LEXICON

By Tamara R. Piety LL.M.'00

'GUNNING' FOR EXCELLENCE

Here we are again with another installment in the "how law school is like life" series. Today's lesson involves a term which I had never heard before I came to Harvard Law School — "gunner." This is not because we didn't have any "gunners" where I came from. We did. We just didn't call them that. In fact, we didn't have any specific term for them. (Just another piece of evidence tending to demonstrate the overwhelming superiority of HLS in all spheres! I can say that now that I'm here.) Mostly we called them annoying.

Therefore, I was perplexed and amused when I first heard this term since I didn't know its etiology. (No, this is not a mistake. I mean "etiology" as in the source and course of a disease.) It had this inexplicable military overtone. I have to thank Dimitri Evseev for clearing all that up for me in his recent op-ed, "The Assassin Academy." (Thank you, Dimitri.) In any event, whatever its origins, nobody wants

to be one. As far as I can tell the term *supposedly* refers to people who are always running their mouth in class, people who "jump the gun" so to speak by talking before thinking. But just as the rule in practice often turn out to be *just a little different* from the theory, it seems that in practice the term is applied to *anyone* who says *anything* in class at all — without being called on that is.

Now I intend to say something in favor of "gunners" so I should say at the outset that I was (and probably still am) a "gunner" in law school. This is in the nature of confession but without the slightest hope of avoidance of the consequences. But better that than to leave anyone in doubt, as they say. What, you might ask, could I possibly have to say in favor of "gunners"? Well, first, I have the advantage of having been on *both* sides of the podium, having been both a law student and a law teacher. And as a teacher, I can tell you

there is nothing so disconcerting and disheartening as throwing out what you believe to be a provocative question and receiving in return nothing but dead silence and blank faces. I'm telling you, it can cause the new law teacher a real crisis of confidence. So take pity on your professors — say something!

But talking in class is not merely good, it is good for you. I also have experience in law practice. By talking in class you can learn now to let public humiliation roll off your back. If you plan to be a litigator, you can't afford to be too sensitive. Trust me, I know this from my experience as a litigator. Many judges don't have the slightest hesitation about chewing you out in front of your colleagues and clients. And you have never been humiliated until you have been humiliated in front of a client *and* your boss! Indeed, one senses that "lawyer baiting" is judges' favorite sport. A judge in my old circuit chased one of my classmates around his office yelling at him and throwing books at him because my classmate had calculated the interest on a judgment using the wrong formula. Really! And this was his former Torts professor! (Of course, come to think of it, that may be the connection.) Of course there are many judges who are perfectly nice and polite, but it never hurts to be prepared.

Many of you may be laboring under the delusion that you need to know what you are talking about before you speak in class. I agree that this is the ideal case. (But if you look around you, you can see that this is not a requirement that some people feel requires strict compliance.) In practice, however, you may often be called upon to expound upon something about which you know nothing or, at the very least, are ill-prepared to talk about at *just that very moment*, say when a judge denies your 13th request for a continuance and says, "Counsel, you're going to trial now! Bailiff, bring in the panel!" At times like these, you'll be glad that you practiced speaking in class so you would be adept at ... how shall I put it? "Thinking on your feet."

Finally, there is the fact that speaking in class really does (for some of us anyway) help you clarify your ideas, it helps you

remember doctrines when you have to wrestle (figuratively, of course) with a professor over them. I think it is obvious (but I'll say it anyway) that if you have a better grasp on the subject, chances are you will score more highly on the exam. It is not a given. But it helps. And who doesn't want to get better grades? Of course there *is* a catch. To get this sort of benefit from speaking in class you really *do* have to be prepared. Yes, there are indeed no *truly* free lunches. (It pays to remember this now, during interview season.)

This brings me to my last point. It is easy to advocate "gunner-ism" when you assume that the speaker is prepared and knowledgeable, but don't we still all get annoyed at the person who just seems to like to hear him or herself talk? And wouldn't you rather just *die* than be that person? And though law professors welcome intelligent comments, even they get annoyed with the person who monopolizes class time on an irrelevant (to the professor) issue. So here we are back at the original dilemma. If you can only speak if you have something worthwhile to say, how do you know when what you have to say is worthwhile? Ah. Here again life mirrors the study of law. This is the problem with standards. You don't know whether you're for 'em or against 'em until you know what the content is. The "reasonable man" sounds like a good standard until it seems to contain some aspect that appears manifestly *unreasonable* to you. So here's the bad news. You can't tell! If you wait to say something until you are absolutely, 100 percent sure you will be "right" (or at the very least unobjectionable) you will never say anything at all! This is particularly true since usually [big law teacher secret coming up here] — THERE ARE NO "RIGHT" ANSWERS!!! [I can hear faculty howls already. I mean *relatively* speaking.] Judging from the comments I've heard, many people at the Law School are afraid to be wrong. Well, get over it! Perfectionism is a disabling disease! Control an illusion! Life is risk. So get out there! Get experience! Take risks! Just don't tell anyone I told you to do it!

Brief

HLS protected from amendment

President Clinton signed into law this week a provision which protects students receiving financial aid from being penalized for the equal opportunity stances of their schools. The legislation alters the Solomon Amendment, which disallows federal funding to universities that ban military recruiting on campus. Prior to the new provision, supported by Rep. Barney Frank '77 (D-Mass.), individual students were also subject to losing their individual grants and loans if universities did not comply.

"The purpose of student loans and grants are to help the student, not the institution," said Frank. "The university will still have the problem with funding, but not the students."

Harvard Law School students will not be affected by the change. HLS currently does not allow the military to use the Office of Career Services, but does allow the military to recruit on-campus if a student group invites them. Because the military is not entirely banned, HLS students nor the school in general are affected by the Solomon Amendment, according to HLS spokesperson Mike Chmura.

WRITE FOR THE RECORD

Her Indie World

Sting
Brand New Day
A & M 1999

Eurythmics
Peace
Arista 1999

When I heard that Sting's new album was a compendium of Lyle Lovett imitations and French raps, I thought I'd hate it. Boy, was I wrong.

Yes, "Brand New Day" does include one regrettable "canine love song" featuring a French rap and more tempo changes than the new Fiona Apple. (Note: Dusan likes the French rap, but that's only because he has a "Joe le Taxi" fetish. C'est sa vie...)

But if Lyle Lovett sounded as good as the purported "Lyle Lovett imitation song," namely, "Fill Her Up," I'd be a Lyle Lovett fan.

"Fill Her Up" is the best song on the album, though labeling it a "song" doesn't really do it justice. It's more of a six-minute demi-opera that begins with Willie Nelson-esque C&W and ends in a gospeling religious revival.

When I told a friend about my love for "Fill Her Up," she told me that "it just didn't sound right" for a wealthy English gentleman like Sting to be doing a country song about a gas station attendant. Wah jees! Jazz may have been an African-American art form arising out of America's urban centers, but that hasn't stopped Sting from using jazz elements in his songs to great effect for almost two decades.

It's the best thing Sting's written since "The Soul Cages." The whole album, in fact, measures up to "The Soul Cages" and Sting's other masterwork, "...Nothing Like the Sun." It's less depressing than the former, less poppy than the latter.

"Brand New Day" starts strong, with "A Thousand Years" and "Desert Rose." Both songs have an Eastern flavor that could have come straight off the last Madonna album. "Desert Rose" is languorous and sensual, which befits a man with

Sting's tantric reputation. I'm just saying.

From there, "Brand New Day" follows the familiar Sting dialectic: boy writes letter to girl, then tries to get it back, then gets arrested ("Big Lie Small World"); boy steals jewels from princess girl, then reminds princess girl that love is more important than riches; boy pretends to be a girl prostitute whose skirt is too short and whose tights have a run...

Yes, that's correct, the album includes a piece in which Sting speaks in the voice of a hooker. And here comes the album's worst line, worse than anything in the French canine rap: "Being pretty is my only crime." Aside from being pretty disappointed that Sting had the nerve to lift from Jewel's last effort (and I use the term liberally), I must say I'm annoyed that he's come up with the year's stupidest song lyric, even worse than LFO's "I like Kevin Bacon but I hate Footloose."

But all is forgiven, because the closer, "Brand New Day," is a sterling tale of how a broken heart heals. It's typical Sting in "All This Time"/"If I Ever Lose My Faith in You" mode, and it's a sure hit if ever there was one.

Yes, "Brand New Day" is uneven, but that's what makes it interesting and, by extension, great. A little more unevenness would have helped "Peace," the first all-new album from the Eurythmics in nearly ten years.

"Peace" is good. All eleven songs are good. They are indistinguishable and make nice pleasant dinner party background music. They vary neither in style, nor in tempo, nor even much in key.

You'd never know the Eurythmics were an '80s powerhouse from listening to "Peace." There's nary a synthesizer in sight. The only reference to their past days is a shameless "Sweet Dreams (Are Made of This)" retread at the close of the album's first single, "17 Again."

That is, the magic is gone. You've probably figured out thus far in my unenthusiastic review that "Peace" contains no "Thorn in My Side," no "Angel," no "Sisters Are Doing It for Themselves," no

"Would I Lie to You." And certainly no "Why," no "Walking on Broken Glass," no "No More 'I Love You's'."

Which raises a good question. Why didn't Annie Lennox just release another album? Does anyone other than Dave Stewart really care to hear something new from the Eurythmics? (As evidenced by the airplay Dave A. Stewart and the Spiritual Cowboys, Dave's last endeavor, garnered, the answer is "no.") The woman whose once-bizarre androgyny paved the way for pretty much every successful female vocalist of the last 15 years has a beautiful voice and is a vixen beyond compare. So what is she doing recording this dull album?

Macy's Just Too Funky for You: Last week the unthinkable happened. As my random act of kindness for the semester, I loaned my friend my Macy Gray CD, only to find that it broke her boom box. The way I figure it, to paraphrase George Michael, Macy was just too funky for her. Never fear, she'll be let back in my friend's apartment as soon as she fixes her boom box and buys her very own Macy CD.

So have you bought Macy Gray's debut yet? What are you waiting for?!

Ally McBeal: And to conclude my column, I had to comment on how drop-dead awful this week's season premiere of "Ally McBeal" was. If you missed it, here's the abbreviated version. Ally had anonymous

sex with a stranger inside the car wash. Of course, we only know this because Ally chose to describe it to the managing partner at her law firm. Shyeah!

Meanwhile, Ally's client did some random sex thing (I was busy reading for my seminar at this part, so I'm sketchy on the details), confessed it to her priest, and her priest refused to perform her wedding ceremony. Ally, being the charming, selfless, skilled communicator she always is, talked the priest into performing the ceremony despite his moral convictions. (Shyeah squared! How come these sorts of things never happen to Mary Katherine Gallagher, who is every bit as charming as Ally McBeal?)

Despite having met her only days before, Ally's client asked her to be her maid of honor. Ally does so, and guess who the groom is? The anonymous sex guy! Oh no! So of course Ally feels compelled to announce that she had random sex with him in front of the congregation and wedding party. The bride calls off the wedding. Final shot: Ally and the bride, walking separately in bridal attire, down the streets of Boston. Well really it is L.A., but it looks so similar to Boston, who would ever know the difference?

Why does anyone still watch this moronic show about this whiny, self-centered, male-obsessed nitwit who wouldn't survive two minutes in the real world? Even that demure chickie Felicity could kick her butt.

SPORTSGUY

By Phil Barengolts '01
RECORD Columnist

IT'S ALMOST OVER

The HLS flag football regular season finished off this weekend, and while some teams were fighting for playoff positions, some of the more impressive performances of the day were turned in by teams playing for pride.

In a game featuring two of the top teams in the league fighting for the conference championship, the Fighting Peilins and Cougars lived up to the hype as the level of play was clearly elevated on both sides of the ball. **Dave Make A Run For The Borders Jr.** '01 returned the opening kickoff the length of the field for a touchdown to put the Peilins ahead, but that lead would quickly evaporate as **Plutonium Corey Wilson** '01 caught a fourth-down touchdown pass to start the scoring for the Cougars. The see-saw battle continued throughout the game. **Tim Weston Side Story** '00 spread the ball around to keep the Peilins defense off guard and even ran for a score, eventually putting the Cougars up by seven with one minute to go on a pass to **Mike Ben There Done That** '00. The Peilins, however, did not cave in the face of adversity. **Fletcher Big Johnston** '01 and **Joe Dead Man's Gulley** '01 ran an option play up to mid-field, followed by a Johnston pass to **Kwame Cain** and **Abel** '01, setting up two tries for the end zone. Enter **Darien My Left Futrell** '01. He knocked down the remaining Peilins' pass attempts to give the Cougars an emotional 33-26 victory and the conference title.

The Cougars' tough day would not stop

there, as they faced Aaron's Mom in another contest between playoff-bound teams. Aaron's Mom came out strong and built a touchdown lead at half time behind the strong arm and nimble legs of **All's Well That Ansel Brown** '02, who threw for two scores and ran for one more. The Cougars would shake out the cobwebs in the second half and roar back after **Rich Swiss Family Robinson** '00 made a big interception on the third down to preserve the second half shutout and a 33-18 Cougars' win.

The Tribe entered the day with a chance to make the playoffs by winning both of its games. **Buzzy's Fat Bastards** entered the day with nothing to play for but pride. **Joe Red Rose** of **Cairo** '01 ran for two scores to open the scoring for the Tribe, but the Bastards would not quit as they sent **Casey North By North Westover** '01 deep for two long touchdown catches to pull within three. The Tribe would answer back on a **Seth Even Stevelman** '01 catch in the back of the end zone to solidify the lead, and batted down a last chance heave by **Craig Don't Cronheim For Me Argentina** '01 to preserve a 24-22 victory. But the Tribe were not fated for the playoffs due to a 27-7 defeat at the hands of the Fighting Peilins and defensive guru **Armen Meyer Sharona** '01.

Finally, **LC United** closed out their third year with a well-deserved victory over **Wrongly Accused**. **Tim Lady** and the **Rampe** '00 threw for four touchdowns in an impressive performance that lifted LC United to the 42-6 victory.

Harkness Conference

Sons of Liberty (10-0)
Dicken's Cider II (4-5-1)
Buzzy's Fat Bastards (3-7)
Wrongly Accused (3-7)
LC United (2-7-1)
BAR/BRI Pirates (1-9)

Langdell Conference

Cougars (9-1)
Fighting Peilins (8-2)
Weekend Warriors (7-3)
Aaron's Mom (6-4)
The Tribe (4-6)
The People's Champion (2-8)



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Emerson explained

Continued from JIHAD, p. 6

a Hamas-affiliated organization that published charming works like "America's Greatest Enemy: The Jew and an Unholy Alliance." One of the two is still a branch president in the IAP. IAP's Web site explains the real nature of the Palestinian conflict as "a civilizational conflict waged between, on the one hand [sic] Islamic Civilization ... and on the other hand, Western Civilization ... only when the Muslim's [sic] return to their faith and see the conflict in its real terms can they liberate Palestine as was done in the 12th Century by Salah al-Din Al-Ayyubi who, while not an Arab, knew his Islamic responsibility in undertaking the civilization struggle against the West and Islam." CAIR's executive director, Nihad Awad (the third founder), was editor of IAP's biweekly *Muslim World Monitor*, has declared his support for Hamas, and justified terror attacks on Israeli civilians as a "defense" against "illegal occupation"; he appeared on CNN's *Crossfire* the day after the first Israel-PLO peace agreement to register his disapproval.

The CAIR handout contains 25 quotes of others critical of Emerson, another ten quotes from Emerson himself that purport to show Emerson's bias, and a quote from a hate group called Truth Seekers that claimed that Emerson's film constitutes support for its vitriol against Muslims. Some of the quotes are intentionally taken out of context, and most are simply bizarre, such as the criticism of Emerson for having had work published in *Penthouse* (as well as the *Wall Street Journal*, *U.S. News & World Report*, et al). A third of the critical quotes are from the same two reporters. Others are miscited, and if they exist at all, they could not be verified. Three of the quotes accuse Mr. Emerson of being "pro-Israel"; while we understand why this "charge" might resonate with anti-Israel members of CAIR, we fail to see why it would be inappropriate for the Jewish Law Students Association to invite a speaker alleged to be "pro-Israel." Nor, apparently, does Emerson's alleged pro-Israel stance impair his cred-

ibility. Indeed, the handout's quote from the *Washington Post* calling Emerson "a pro-Israel researcher and author" is from an article that cites Emerson as an apparently reliable source in an article otherwise critical of Israel and supportive of Hamas' Abu Marzook. Another quote alleges "ties to Israeli intelligence," which contrasts interestingly with other quotes that disparage Emerson's access to intelligence sources.

Perhaps the most ironic quote is from Arthur Lowrie, adjunct professor at the University of South Florida (USF) in Tampa, who is quoted as having accused Emerson in 1995 of failing to provide any evidence of an international militant Islamic network or terrorist cells in the US. Several months after he leveled his accusation, Lowrie was "shocked" when his colleague at USF — Ramadan Abdullah Shalah — left Tampa to take charge of Islamic Jihad, the terrorist group that killed Alisa Flatow. The USF-affiliated think-tank, WISE, directed by Shalah, and founded by Sami al-Arian (a fellow adjunct professor at USF) is suspected of having served together with the Islamic Committee for Palestine (ICP), also founded by al-Arian and in which Shalah served as an officer, as a front for Islamic Jihad in the U.S. A subsequent investigation revealed that questions had been raised about WISE as early as 1991, and that Lowrie had been equally vociferous in his defense of the organization then. Mr. Lowrie's failure to recognize his colleague's affiliation with the terrorist Islamic Jihad organization is, without doubt, a damning indictment of someone's research skills and lack of objectivity, but that someone is not Mr. Emerson.

In conclusion, we reiterate our understanding of the concerns that have been expressed and, at the same time, we hope that this letter has given to all a fuller understanding of our goals and our understanding of the event. The questions that surround terrorism are difficult, emotional and by all means complicated, but we believe that they must be openly addressed and to that end, we look forward to continuing this dialogue in the future.

OBITUARY

Sen. John Chafee '50, Republican from R.I.

Senator John Chafee '50, a four-term Republican Senator from the state of Rhode Island and head of the Senate Public Works and Environment Committee, died recently of heart failure.

Chafee, widely respected by Republicans and Democrats for his moderate stance on issues, had announced in March that he would not be seeking a fifth term in 2000.

Citing Chafee's stature as "a great leader and a fine human being," President Clinton ordered that the flag flying above the White House be flown at half-staff in the wake of news of Chafee's death.

Before his election to the U.S. Senate in 1976, Chafee served as governor of Rhode Island, Secretary of the Navy, and as a state representative, where he spent four years as House Minority Leader.

While in the Senate, Chafee acted as

the Republican Party's point-man on health care, drafting several proposals which sought to provide health coverage to all Americans.

Known as a liberal Republican, Chafee received high praise from diverse constituencies, including the American Civil Liberties Union, the U.S. Chamber of Commerce, and environmentalists. Chafee championed such causes as the 1990 Clean Air Act; the Rio treaties on global climate change and biodiversity; abortion rights; an end to the ban on gays in the military; NAFTA; and a ban on the manufacture, sale and possession of handguns.

Chafee served in the Marine Corps during World War II, taking part in the invasion of Guadalcanal. After the war, Chafee attended Yale University and Harvard Law School before returning to active military duty in Korea in 1951.

Saturday School Fall Calendar

Prof. David Cole
Nov. 18

Morgan Courtroom (Austin)
4 p.m. to 6 p.m.

Don King
Nov. 20

Room 100 (Pound)
9 a.m. to noon

Hon. Nathaniel Jones,
U.S. Court of Appeals, 6th Circuit,
Dec. 1
Vorenberg (Langdell)
4 p.m. to 6 p.m.

• Letters •

LIPP closes job opportunities

Harvard has a proud tradition of training students to be lawyers. It is one thing, however, to train students for traditional legal practice; it is quite another to prevent them from using their degree for less traditional purposes. Unfortunately, the current Low Income Protection Plan (LIPP) effectively does just that.

Since the average student graduates with \$74,000 in law-school debts, without LIPP many graduates would otherwise be unable to take low-paying jobs. In order to receive support from LIPP, graduates must hold positions which require a law degree or

positions in which it is not unusual to have a law degree.

Sadly, many law-related jobs are unlikely to make the cut. A professor of politics, for example, would probably not be covered. Although an understanding of law clearly enhances one's understanding of the discipline, it is unusual for politics professors to possess law degrees and a law degree is not a requirement for the job. In addition, some jobs are simply excluded from LIPP. For example, a lobbyist for a poverty law center would not be covered because lobbying is

explicitly not covered by LIPP. It makes no difference that the job could be performed better with a law degree or that the graduate would not have considered the job before attending HLS. Under Yale's income protection program, by contrast, both positions would be covered.

HLS should be opening doors for its students, not closing them. It should be encouraging students to use the skills they have learned at HLS in many fields, not just a few.

Nina A. Kohn '02
Oct. 26, 1999

LIPP lags behind other plans

Please add my name to the roll call of students who have become increasingly dissatisfied with the Low Income Protection Plan (LIPP). LIPP was the first and for a long time the best law-school loan forgiveness program in the country. This is no longer true. Other law schools have recognized the benefits of loan forgiveness programs and have provided proper and substantial funding for these programs; however, over the years HLS has fallen behind in the level of available LIPP funding. There is a substantial effort underway at HLS to modify the current LIPP rules and make the

system more equitable. Such reforms, while worthy, only address part of the problem. Until Dean Clark makes LIPP the top priority of his fundraising efforts, HLS will continue to fall further behind its sister schools.

Not only does LIPP benefit those who end up at public interest jobs, but the whole school as well. HLS benefits from its ability to attract top applicants who are committed to public service yet are concerned about the high cost of law school. LIPP also benefits the student body by maintaining the viability of all career op-

tions, not merely the high-paying ones. It also enhances the outside world's perception of HLS, and shows we, as a community, nurture future leaders in all endeavors, not merely future partners in large law firms. Moreover, LIPP benefits the world at large by allowing HLS graduates to tackle society's problems without being overwhelmed by the high cost of loan repayment.

The Law School should refocus fundraising efforts on LIPP and reform it to the benefit of all.

Peter Barton '00
Oct. 22, 1999

Look to LIPP for HLS impact

I don't have any idea what I'll be doing after I graduate. It drives my mom berserk. Since I'm off campus these days in the other half of a joint degree, though, I've got a little extra time. Another year in this joint program, and then two more years of law school.

And then, thereafter, the great unknown.

Just about the only thing I am sure about is that I'll leave HLS in 2002 carrying a diploma in one hand and a mountain of debt in the other. I've been imputed a parental contribution that my parents have no intention of contributing. I've been told to surrender all of my unimpressive savings. And then I've been graciously extended all sorts of

opportunities to mortgage my present education against my future earnings.

Part of this deal, though, is that in order to pay for my education, I'm essentially forced into future earnings that my creditors will accept. It takes a significant amount of income — real, after-tax take-home cash — to struggle out from under three (for me, four) years of professional school debt. And that leaves open only a few select professional choices.

Twenty years ago, Harvard Law School decided that this was an unacceptable situation for one of the world's preeminent legal institutions. It realized that one of its strengths lay

in the breadth of its alumni network, with incredibly accomplished HLS grads leading any number of fields. In establishing the Low Income Protection Plan (LIPP), HLS resolved that its graduates should be able to decide for themselves where to make their impact.

The idea behind LIPP is still just as powerful today, even if the program itself needs serious help to function as intended. The good news is, the money is out there. It just takes will to make it happen. Help make LIPP what it was supposed to be. It's your choice.

Justin Levitt '02
Oct. 26, 1999



Something on Your Mind?

Write us a Letter!

Place them in the RECORD box next to the IL Hark Boxes, e-mail to record@law.harvard.edu.

Or send them to:

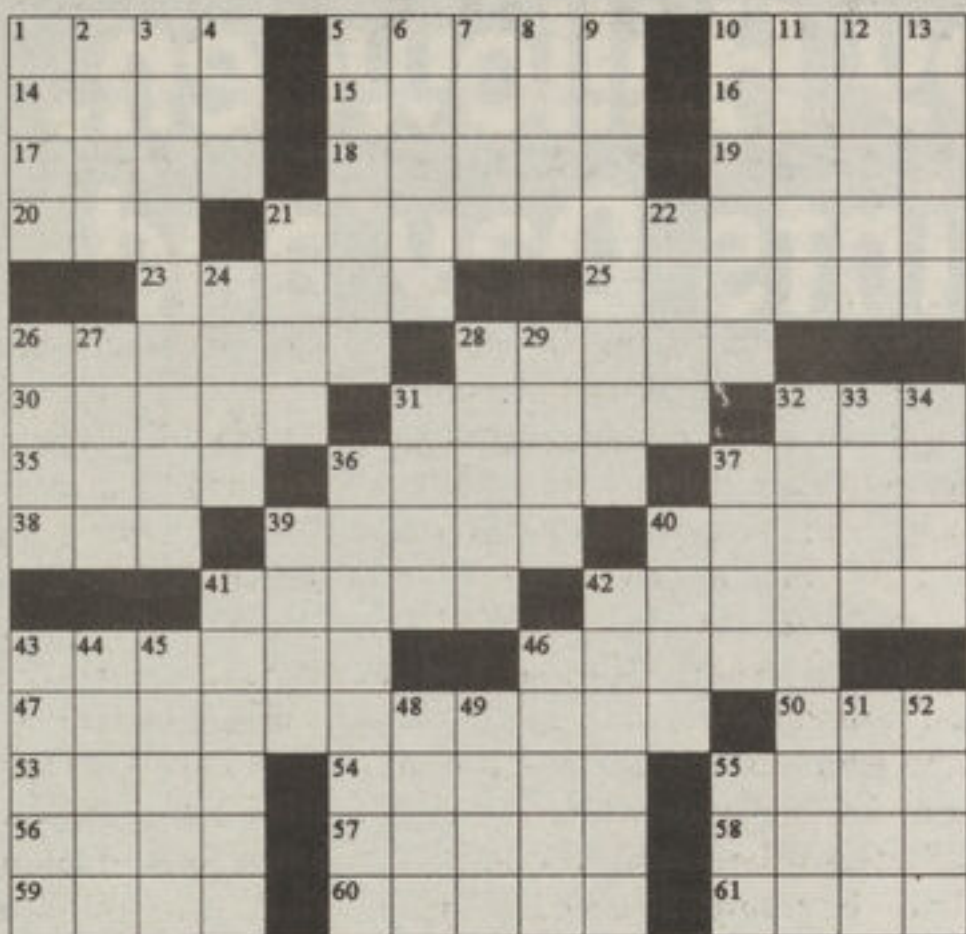
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Cambridge, MA 01238

Crossword 101

"Life's Hurdles"

By Ed Canty

- ACROSS
- 1 Rude person
 - 5 Fictional elephant
 - 10 Dress
 - 14 Romeo
 - 15 Elicit
 - 16 Blood: prefix
 - 17 Split
 - 18 Buenos
 - 19 Certain collar
 - 20 MS follower
 - 21 Gets a head start
 - 23 Dish
 - 25 borealis
 - 26 Takeoff
 - 28 Billionaire Bill
 - 30 Hackneyed
 - 31 Parches
 - 32 Dr. Seuss' cat apparel
 - 35 that a shame
 - 36 Pitt & others
 - 37 Alone
 - 38 Droop
 - 39 Thunder sounds
 - 40 Dried the dishes
 - 41 Greenbacks
 - 42 Fails to catch the ball
 - 43 Plan
 - 46 Fundamental
 - 47 Blind trust
 - 50 Select
 - 53 Greek pasta
 - 54 Casting mold
 - 55 Greek portico
 - 56 Track gathering
 - 57 Dealt a blow to
 - 58 Rights org.
 - 59 Ends' companion
 - 60 the Horrible
 - 61 Pub serving
- DOWN
- 1 Celtic poet
 - 2 Heavy stew
 - 3 Descendants



- 4 Tell on
- 5 Beholder's eye contents?
- 6 Can you spare _?
- 7 Belch
- 8 Great serves
- 9 Tells again
- 10 Malone's bar
- 11 Release
- 12 Love affair
- 13 Actress Reed
- 21 Green gem
- 22 Colors
- 24 Senate Majority Leader
- 26 School grp.
- 27 Diva's song
- 28 Wall St. visual aid
- 29 Helps
- 31 Tow by force
- 32 Children's game
- 33 Out of harms way
- 34 Roosevelt and Kennedy
- 36 Last in a Dr. Seuss series
- 37 "Yes, yes Mario"
- 39 Singer Perry
- 40 Desire
- 41 Terminals
- 42 Stuff
- 43 Instant replay: abbr.
- 44 Mummified
- 45 Initiated into the frat
- 46 Flora and fauna
- 48 Mortgage agcy.
- 49 Highly excited
- 51 Prince Charles' game
- 52 Stretched tight
- 55 Swedish airline Co.

Quotable Quote

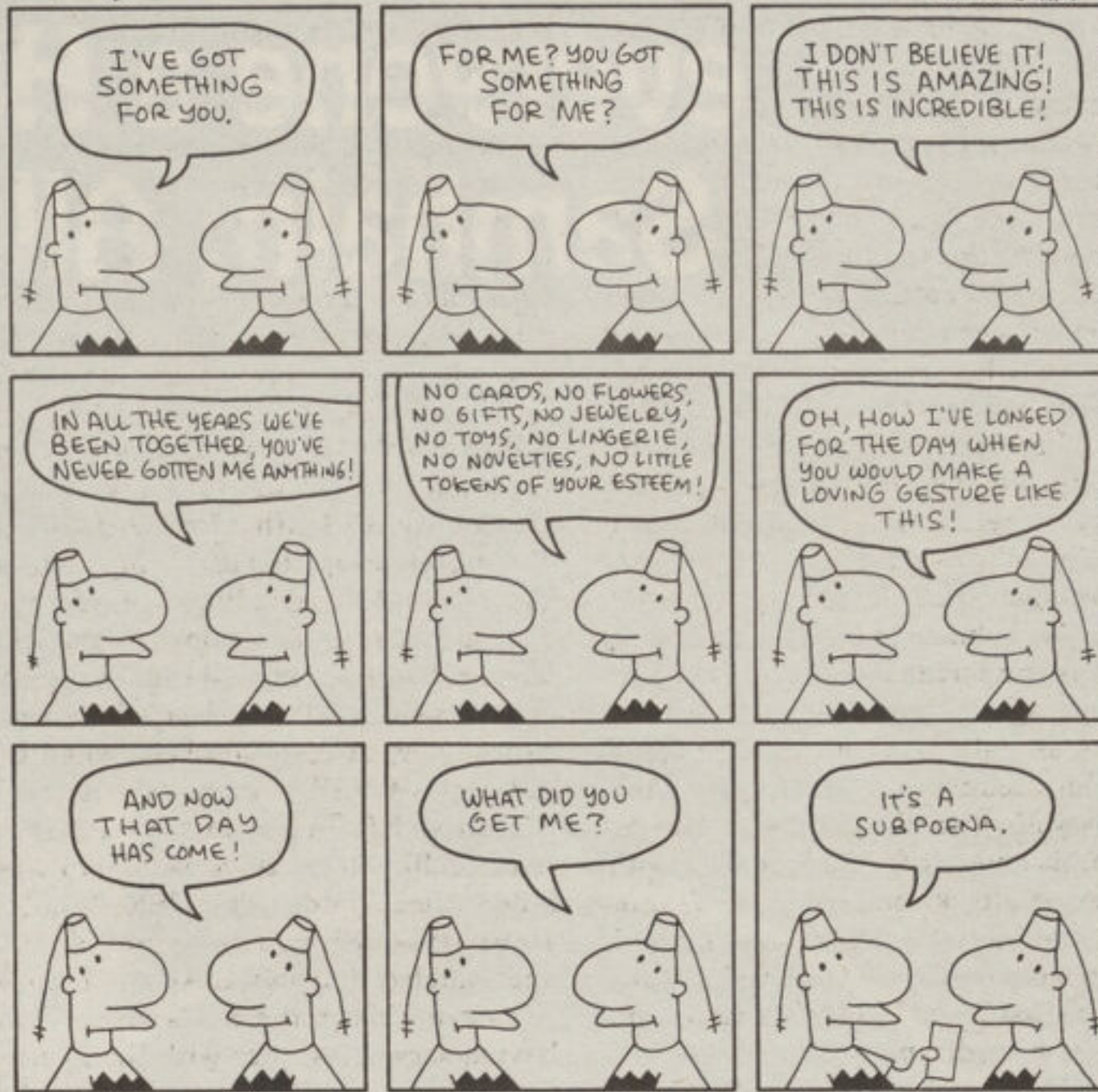
"Advice is what we ask for when we already know the answer but wish we didn't."

... Erica Jong

By GFR Associates E-Mail: EDC9432@aol.com
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LIFE IN HELL

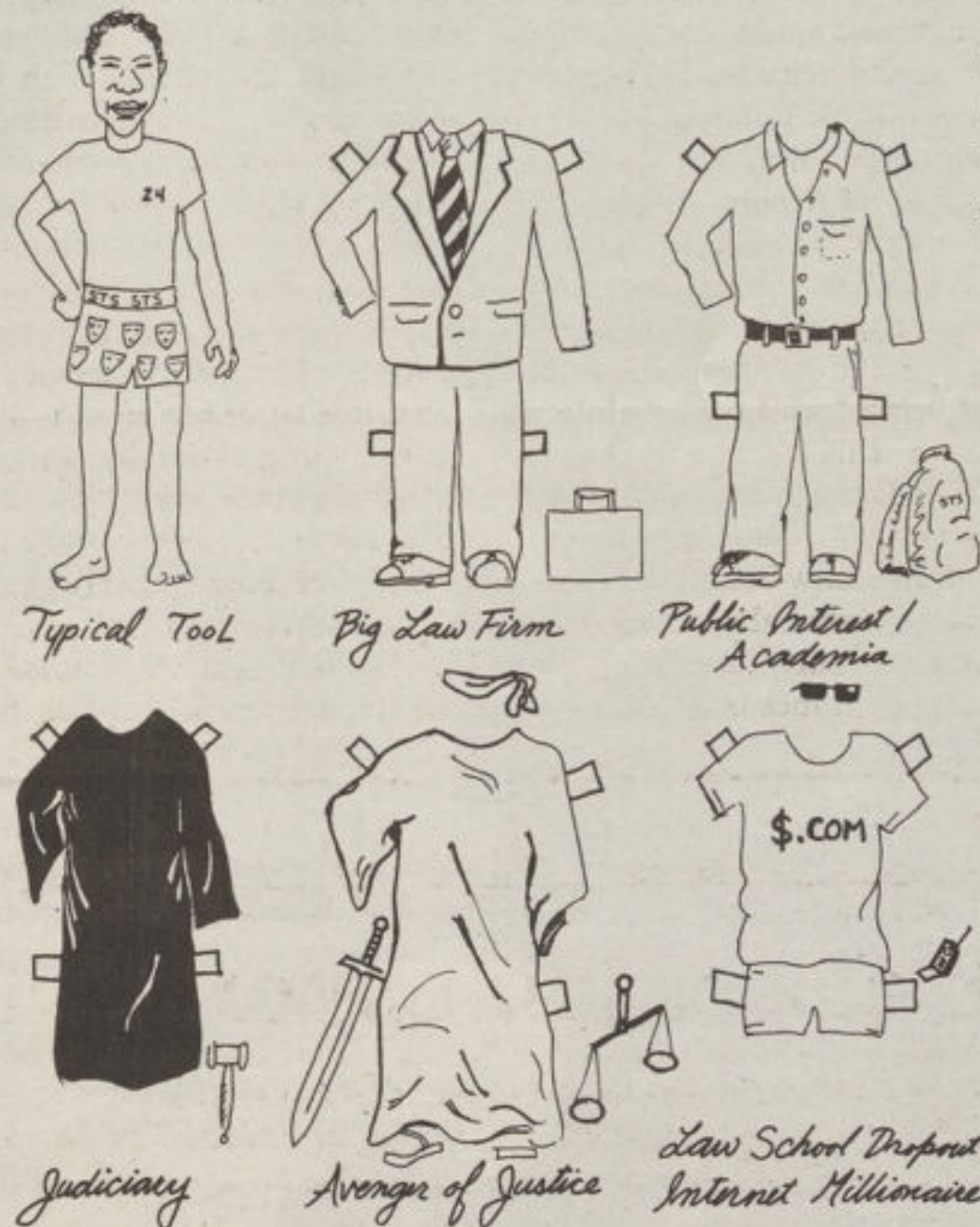
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by Gene Koo '01

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BEFORE THE LAW



BY DEREK WINDHAM



Doonesbury



BY GARRY TRUDEAU

Solution to last week's puzzle

PEOPLE PUNS

MACE	STRAP	STOP
AVON	ERASE	HERO
MIKE	FRIGHT	OREL
ADE	LABS	HARMS
	COPE	BIALY
ESCAPE	PACT	CVS
BAHTS	PAIRES	LI
EMUS	ATE	LONG
ROC	CANES	PATCH
TSK	OPEN	BATHES
	WARES	MATE
AWARE	SARI	HAL
SAGE	TOMFOOLERY	
ANOA	ALOIN	ERIN
PENS	DEGAS	DEAN

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everyone a Happy Halloween,
Samhain, All Saints Day and



FLY OUT WEEK