

# Harvard Law RECORD

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## Cross-sectioning sections

Registrar discloses diversity formula

by Doug Sims

The specter of diversity (or lack thereof) always haunts HLS. Last year's report by McKinsey suggested that a majority of HLS students feel that ethnic and gender differences provide a necessary range of perspectives on the law and other issues.

But if diversity may be considered beneficial in general, surely its importance is greatest in the unit that comes closest to defining the entire Law School experience — first-year sections. During "the 1L moment," unjaded, nubile minds joust more or less earnestly before succumbing to the numbness, cynicism and general torpidity of the second and third years.

The RECORD asked Registrar Stephen Kane how his office ensures diversity in the most infamous of HLS forums. And the answer is... logarithms.

According to Kane, once the admissions office has made its final decisions, it sends the results to the registrar's office for sectioning. Like most systems at HLS, the sectioning process is commanded by a computer logarithm. The program attempts to create a section-sized microcosm of the school as a whole, Kane said.

"The intent is to make the sections heterogeneous with regard to ethnicity, gender, last name and age — prioritized in that order," Kane said.

The system, which was first implemented in 1990, was designed by former Registrar Sue Robison and Assistant Registrars Christina Lewis and Mark Slawson on the basis of faculty recommendations. Kane did not know why the logarithm isolated only certain criteria and not others, such as geography.

Nor was Kane familiar with the original justification for

Please see *DIVERSE*, p. 2

### How it breaks down — 1998-1999

|                  | Section 1 | Section 2 | Section 3 | Section 4 |
|------------------|-----------|-----------|-----------|-----------|
| African American | 13        | 10        | 6         | 8         |
| Hispanic         | 1         | 1         | 0         | 2         |
| Asian            | 8         | 11        | 14        | 10        |
| Native American  | 0         | 2         | 0         | 0         |
| Total            | 22        | 24        | 20        | 21        |

### 1999-2000

|                  | Section 1 | Section 2 | Section 3 | Section 4 |
|------------------|-----------|-----------|-----------|-----------|
| African American | 11        | 12        | 14        | 10        |
| Hispanic         | 3         | 6         | 1         | 2         |
| Asian            | 11        | 11        | 9         | 12        |
| Native American  | 0         | 1         | 0         | 0         |
| Total            | 25        | 30        | 24        | 24        |

## It's a Small world at Gannett House

by Justin Herdman

The Harvard Law Review has elected Anne Small '01 to lead the prestigious publication through the next year.

On Sunday night, Small was selected from a pool of eight candidates. The deliberations took a total of twelve hours, which is typical of past elections for president.

Small is the fifth female to serve as President of the Law Review. With past female presidents such as Susan Estrich '77 and Prof. Carol Steiker '86, Small acknowledges that she is in rather esteemed company. "I wasn't there [during the election debate], so I don't have any idea how important gender issues were to the discussion. I wish that it were totally routine, but it isn't yet," said Small.

As president, Small will have a variety of responsibilities. Managing the Law Review on a day-to-day basis will be a major chore — this includes organizing the workload of the publication's 83 editors, overseeing the fi-



Anne Small '01

nances of the journal, and meeting with the Board of Trustees. In addition, Small will perform a

full-scale substantive edit of almost every piece published by the Law Review.

Small has already assumed the mantle from outgoing President Mike Leiter '00. "I am very excited and a little overwhelmed right now," said Small. "If the past two days are any indication, then the next year is sure to be an extremely challenging one."

But Small will not have to work alone. "I am sure that with the very talented group of editors currently on the Law Review we will continue its long tradition of publishing outstanding legal scholarship," Small said.

And Small is quick to point out that her predecessor will be a tough act to follow. "Mike has been

a devoted and capable leader, and I hope to meet the very high standards he has set," she said.

Small, a native of New York City, graduated cum laude from Yale University in 1996 with a Bachelor of Arts in Economics and International Studies. Following college, she worked for two years as an analyst in the investment banking group of Merrill Lynch & Co. In 1999, Small won the Sears Prize, which is awarded annually to the top two academic performers in HLS' first and second-year class. Small has accepted a clerkship with the Honorable Guido Calabresi of the United States Court of Appeals for the Second Circuit 2001 — 2002 term.

Despite the daunting nature of the task ahead, Small is optimistic. "I am very much looking forward to this year's recruiting effort and to meeting the new group of 2L editors in August. I hope to make the experience of working on the Law Review as enjoyable and rewarding for the incoming editors as it has been for me," Small said.

## One-Ls firming up summer job plans

by Sarah McGonigle

With the first semester of law school under their belts, 1Ls have begun to forsake library time to dress smartly, polish their resumes, and practice small-talk. For first-year students, the hunt for summer jobs is underway, and more than a few HLS students refuse to be left behind in the rush for employment offers.

The spring 1L Recruitment Program kicked off on January 31 with an informational meeting on the bidding process for interviews with the 48 employers from around the country who will arrive on campus. Spilling over into the aisles of Pound 101, the crowd of first-year students listened to the description of the new bidding system, which was to be unveiled this spring.

In an email to first year students, the Office of Career Ser-

vices (OCS) outlined an innovative online system. "Our goal this spring was to provide you with an enhanced version of the Web Site that we use during the Fall Recruitment Program. This enhanced Web Site would have allowed students to search the list of interviewing employers by location and size, and to link to employers' web sites."

The new system, however, was

Please see *JOBS*, p. 3

## NEWS ANALYSIS: SUPREME COURT UPDATE

### Court enters election day fray

by Francesco Barbera

As presidential candidates engage in the verbal jousting that is the primary season, the Supreme Court has announced that it has its own ideas of what should happen come election day.

In a 5-4 decision written by Justice Antonin Scalia '60, the Court held that the federal government may not withhold approval of a voter redistricting plan that, though animated by a discriminatory purpose, does not worsen the position of minority voters. The decision is the latest indicator of the Court's growing skepticism towards federal efforts to remedy injustices at the state level.

The case, *Reno v. Bossier Parish School Board*, centered on competing constructions of the Voting Rights Act of 1965, which requires districts with a history of discriminatory voting prac-

tices to obtain preclearance of proposed redistricting schemes from the Justice Department or the District Court of the District of Columbia. Section 5 of the Act authorizes such approval where a voting plan "does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color."

In 1991, the school board of Bossier Parish, a Louisiana county with an extensive history of racial discrimination, sought approval of a redistricting plan which contained no majority-black districts, though blacks make up about 20 percent of the Parish's population. Though it had approved an identical scheme for the Parish's legislative body, the Justice Department objected, citing an alternative plan submitted by the NAACP which would have created two majority-black districts. The school board promptly took the case to the

District Court, which, after extensive litigation (this is the second Supreme Court decision to arise from the dispute), finally granted preclearance.

Although the parties agreed that the proposed plan would not have a "retrogressive effect" under Section 5 — it would not worsen the position of minority voters — the Attorney General argued that the plan should have been rejected nonetheless because it was motivated by a discriminatory purpose, even if that purpose was not necessarily retrogressive. To do otherwise, she claimed, would trivialize the "purpose" prong of Section 5 by limiting its reach only to "incompetent retrogressors" — districts who purposefully attempt but fail to achieve a harmful impact on minorities.

Justice Scalia roundly rebuffed the argument, instead

Please see *COURT*, p. 2

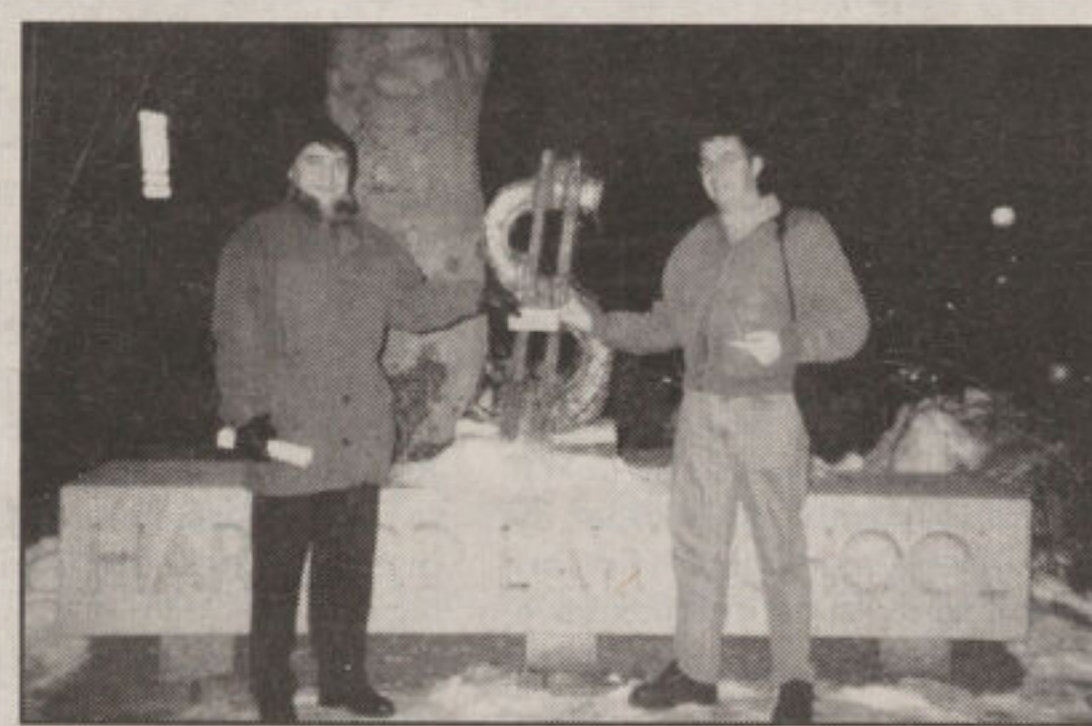


Photo by Ed Cheng

The recent increase in first-year firm salaries prompted this creative ice sculpture.

Inside this issue... Rakoff gets new gig... p.2... Nader gets new groupies... p.3... Macy gets new groove... p.5... Fenno gets new Author... p.7

## J.D. Dean Rakoff '75 sets sail for new administrative horizon

by Justin Cooper

Who said things never change at this school? In a Harvard Law School heartbeat, the administration has established a new office, the Office of the J.D. Dean, and appointed Professor Todd Rakoff '75 the first Dean of the J.D. Program.

Rakoff said that the establishment of the office and his appointment happened quickly. "Here's as much as I know," he said. "The Dean announced in the fall that the position would be established, and he encouraged people to discuss with him who they thought would be right for the job. Then one day he walked into my office and that was it."

Rakoff will continue teaching as usual this term, and will begin working full-time as J.D. Dean in July. His appointment is for a term of three years.

As the J.D. Dean, Rakoff will be responsible, at a minimum, for managing the curriculum, deciding which professors will teach which classes, hiring lecturers and visiting professors, and overseeing any changes in the requirements for the J.D. degree. Beyond that, the scope of the new position is somewhat open.

"Since I'm the first person to do the job," said Rakoff, "I expect it to develop over time." Rakoff said that he currently envisions the job breaking down into two major roles. The first will be to keep the J.D. Program running smoothly in terms of hiring lecturers each year, making sure that classes get offered, and so on. The second part of the job will be to initiate more long term planning and to develop the best possible overall educational program for the law school.

Rakoff also noted that certain tasks fall clearly outside of his job description. For example, Dean Clark '72 will continue to handle all fundraising and will remain in charge of recruiting permanent faculty. In fact, part of the reason for creating the Office of the J.D. Dean was to relieve Clark of the duty of overseeing the curriculum and details of the J.D. Program.

In the past, Clark has been in charge of granting academic leave to professors, and has been the one to work with the Registrar on setting the course schedule and teaching assignments. Rakoff will relieve Clark of the scheduling of academic leave, as well as his other duties. But the J.D. Dean will still report to the Dean, who has the final word in such matters.

Rakoff noted that the establishment of the Office of the J.D. Dean will not cut into the decision-making power of the faculty. "The faculty will continue to vote on everything that they have been called upon to vote on in the past," said Rakoff.

What can students expect from the new J.D. Dean? One of Rakoff's first priorities will be to act on the recommen-



J.D. Dean Todd Rakoff '75

dations that have come out of the current Strategic Planning Process.

"Implementing the Strategic Planning Process will take a lot of work," he said, "and if we can do it, students will really see results. For example, adding a second small section for 1Ls would really make a difference, if the faculty approves it."

In addition to working on the big goals of strategic planning, Rakoff sees opportunities to take more smaller, concrete steps that will help students immediately. For example, he hopes to create a course catalog that will indicate not only what courses are to be offered in the following year, but also two years down the line, so that students can plan their 2L and 3L years as a whole.

When asked if he will take any steps to make himself especially accessible to students, or if students should look at him as the person to go to when they have a problem, Rakoff said he hadn't considered that question yet. "I don't start until July," he said, "but I would be interested in hearing students' ideas on that." He added that students can always address concerns to the aptly-named Student Concerns Committee.

Rakoff seems excited about his new job. He has served as an Associate Dean in the past, and has consistently been one of the most active professors on campus in terms of showing concern for the welfare of the school's educational program. He also holds an optimistic view of the school, both in the present and for the future.

"I'm one of those who think we're already number one," he said, when asked how Harvard should think about itself compared to other law schools, "both in terms of the classroom and what I call the co-curriculum, the journals and programs and so forth. So, I think we're trying to improve on that, and offer the best educational program possible."

The only downside of the new job, for Rakoff, will be losing the opportunity to teach. "I won't be doing much teaching, and since I like teaching, that's a big cost."

## Numbers key in unlocking diversity

Continued from DIVERSE, p.1

the hierarchical ordering of classifications. He did not know, for example, why the decision was made to sort ethnicity before gender. However Kane did offer some pragmatic reasons for some of the criteria.

"Believe it or not, we've had our share of twins accepted to the law school, so we put them in different sections," he said. "Sometimes I've had a husband and wife that specifically asked me that they not be in the same section. Also, I suppose if you're in a small section with five Smiths that could be a little confusing."

After the four sections are composed, the process continues on to the level of small sections, to LRA sections and, finally, to A-groups. Obviously, as the size of the student group decreases, the system begins to break down.

But there is a caveat. How was it possible, for example, that one section of the class of 2001 contained only two African-American males when there was a class-wide African-American population of 38? Might the mighty program have crashed?

Evidently not, Kane explained. However, even the electronic mind is only as good as the data it keeps. Because the ethnicity information is taken from forms that make ethnic self-identification optional, students who choose not to indicate an ethnicity are not counted as minorities for the purposes of sectioning. Also, last minute attrition or deferrals can skew the results.

Still, Kane said, "No one has ever complained [to my office] about over- or under-representation."

That's not to say, however, that there haven't been other complaints, Kane said.

"The biggest complaints have been that everybody will want this professor or that professor, and I think that's why I'm quite comfortable with the random system. There are, as you know, certain faculty who — in the eyes of incoming student — [are] probably more desirable. They've seen them on TV or whatever so that [the randomness] removes us from that aspect of it."

The RECORD extends special thanks to the Registrar's Office for providing the data printed in the accompanying tables.

## Court to set fate of 'Old Sparky'

Continued from COURT, p. 1

construing "purpose" narrowly to mean "retrogressive purpose." Scalia insisted that Congress's aim in enacting Section 5 was merely to ensure that a proposed plan leaves minorities no worse off than under a previous plan. Other problems with a voting scheme, he wrote, must be addressed under alternative sections of the Act.

Remarkably, Scalia acknowledged that his decision requires approval of a redistricting plan even if it has a discriminatory effort or purpose, or both. "To deny preclearance to a plan that is not retrogressive — no matter how unconstitutional it may be — would risk leaving in effect a status quo that is worse," he wrote.

Justice Souter's [66] dissenting opinion, joined by Justices Stevens, Ginsburg '56-'58, and Breyer '64, began with an extensive discussion of the Parish's ugly history of racial discrimination and concluded with regret: The object of Section 5, he wrote, "is to bring the country closer to transcending a history of intransigence to enforcement of the Fifteenth Amendment. Now, however, the promise of Section 5 is substantially diminished."

Justice Clarence Thomas contributed a brief concurring paragraph to the fray, wryly noting that three blacks had been elected from majority-white districts in Bossier Parish since the litigation's inception.

### Open Season

In addition to Bossier, the Court's election-related activities include a constitutional challenge to California's blanket primary system, adopted by a wide margin in a 1996 state-wide referendum. Under the system, California voters may cast a ballot for any candidate in the primaries, regardless of the voter's or the candidate's party affiliation. The candidates with the most votes within each party win the party's nomination.

Three political parties, including the California Democratic Party, and a range of party officials challenged the constitutionality of the scheme, claiming it violates their right of free association under the First Amendment.

The California District Court, in an opinion which was summarily affirmed by the Ninth Circuit, characterized the case as a "clash" between two constitutionally-rooted interests: the parties' interest in free association and the state's interest in regulating its elections. In balancing those interests, the Court concluded that the "significant but not se-

vere burden" the system imposes on political parties' associational rights were trumped by the state's competing and "compelling" goals of dismantling factionalism and increasing the representativeness of its candidates.

Three other states have instituted blanket primaries — Alaska, Louisiana and Washington. Both the Alaska and Washington systems have survived constitutional scrutiny by lower federal courts. Oral arguments in the California case, *California Democratic Party et al. v. Jones*, should be heard in April.

### Capital Punishment

On Feb. 4, the justices blocked the execution of an Alabama man who argued in his last appeal that execution by electric chair was akin to torture and violated the Eighth Amendment's ban on cruel and unusual punishment. News of the Court's decision reached the defendant, Robert Lee Tarver Jr., after he had eaten his last meal and given away his possessions.

The Court's action indicates that it may be determined to settle the issue once and for all. Last October, the justices agreed to hear the appeal of another death-row inmate, Anthony Bryan. Bryan's petition argued that execution in Florida's electric chair — known as "Old Sparky" — violates the Eighth Amendment. The Court's action in Bryan's case prompted a quick response by the Florida legislature, and by early January, Gov. Jeb Bush had signed into law a measure which makes lethal injection the default mode of execution but grants condemned inmates the option of choosing the electric chair. The Court, at the behest of Florida Attorney General Robert Butterworth, promptly dismissed Bryan's case as moot.

The Court has not yet announced whether it will hear Robert Tarver's full appeal.

Nonetheless, Alabama's Attorney General, Bill Pryor, has already forewarned Florida's approach, stating, "I do not believe that we should be bullied by the fear that the Supreme Court could rule against us."

The state's governor, Don Siegelman, supports the electric chair but believes lethal injection should be legalized in case the Court outlaws the electric chair. "My concern is not whether the sentence is carried out by lethal injection or electrocution, but that it is carried out in a timely manner," he said.

Alabama, Georgia and Nebraska remain the only states that still use the electric chair.

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# Inspired by Nader, leftist reformers seek change

by Francesco Barbera

A small group of reform-minded law students, banding together under the name Catalyst, has taken to heart Ralph Nader's [58] exhortation last October to "turn this giant ship of Harvard Law School around so that it can go down in history as one of the greatest instruments of justice in the United States."

The group seeks to force HLS "to live up to its stated commitment to seek justice through the law," according to co-founder Dmitri Evseev '01. To that end, Catalyst is planning a broad-based strategy to educate, awaken and enlighten the Crimson body politic.

Still in its nascent stages, Catalyst has not yet issued specific goals or reform proposals. But, if the words of the group's co-organizers are any indication, their agenda is nothing if not ambitious.

"Our real project is to restore justice to HLS," said co-founder Raj Goyle '00, "to reorient this school's priorities, which we all know are corporate and myopic."

"There is a pervasive sense in the law school community that the experience is simply not what it could be," Evseev said. "Students who come to Harvard

seeking something like justice — they lose sight of it. HLS operates as a funnel, narrowing students instead of broadening them."

Evseev emphasized that the group is not simply anti-corporate or pro-public-interest, but instead aims to provide the information necessary for students to understand the decisions they face.

"We are for people making informed choices," Evseev said. "And for people understanding the consequences of the choices they make."

For example, by sponsoring and conducting research into the law school's administration, or into the legal job market, the group hopes to "call attention to issues and policy areas that the community may not be aware of," Goyle said.

The approach may be incremental, focused as it is on individual choice, but the end goal is far-reaching: in Goyle's words, "To finally give this institution a soul."

The group's first public action — posting provocative flyers across the Law School campus — was rolled out last week. The flyers confront students with questions like, "Are you pricing yourself out of your convictions?", and admonitions such as that of HLS alum Learned Hand: "Thou Shalt Not Ration Justice."

Additionally, the group has established a web-based forum which hosts discussion boards for the Law School community as well as a used-textbook exchange.

"Part of what we're trying to do is make Harvard Law School a more student-friendly place, a place that's more responsive to student needs," Evseev said of the web site. "The web site is working in that direction, though it obviously doesn't address the broader questions about the purpose of Harvard Law School."

Catalyst's flyer campaign has already inspired a form of crude debate. In response to a Catalyst flyer asking "What is the purpose of Harvard Law School?", an unnamed group or individual posted a contentious reply: "The purpose of Harvard Law School is to train effective lawyers. Effective lawyers are often paid handsomely for their skills."

"Those who choose to use their skills for the 'public interest' should have the courage of their convictions and accept their own premise that some things are more important than a well-paying job."

When asked to comment on the flyer, Evseev stated that Catalyst's response was submitted in a letter to the editor of the RECORD.

## The Moment of Truth

According to its co-founders, Catalyst owes its origins to a single moment in October, when Nader, among the most renowned iconoclasts of HLS alums, challenged students to answer one question: "What does Harvard Law School stand for?"

Immediately following the speech, a sheet of paper was passed around asking students interested in answering that question to sign their name. A couple of dozen did.

Within days, the students, organized by Evseev and Goyle, began meeting regularly to discuss their goals and strategy. They brainstormed about possible tactics, met with faculty advisers, and developed a network of supporters.

The preliminary work culminated two weeks ago when Goyle met with Nader in his Washington, D.C., office to discuss the group's vision and its tentative strategies.

Notwithstanding the strong ties with the well-heeled reformer, Goyle and Evseev downplay Nader's role in the group. Nader will only provide periodic guidance and advice, Goyle said.

"What Nader did was to completely energize a room full of 500 students one night in October," Goyle said. "But the heart of this initiative is energy from the student body."

## Spring recruitment begins

Continued from SUMMER, p. 1

not ready in time for the spring recruitment program. "Unfortunately, the company that is developing these enhancements was unable to complete them in time," OCS said.

This bump in the road has not deterred 1Ls eager for their first round of on-campus interviewing.

Laura Kalin, Associate Director of Career Services, said that as of Tuesday "about 200 students had bid online" using the old system. That represents a substantial increase in participation compared to last year. OCS estimated that about 165 1Ls participated in the Spring Recruitment process in 1999.

According to OCS, the increase in popularity of the Spring Recruitment option is not paralleled by a proliferation of employers interviewing on campus this season. "There's no dramatic expansion in the program this year. About the same number of firms are coming as last year. The bottom line is, not that many [employers] come on campus, although we do get more than any other campus," Kalin said.

OCS does not have precise information on the number of students hired through Spring Recruitment efforts. "There are no great statistics on how many are hired from this [program]," Kalin said. "We don't capture that effectively. It's not that we haven't tried, but the firms turn in their hiring information [before March hiring decisions]. We try to capture hiring patterns through surveys, but it's hard."

Kalin suggested that the Spring Recruitment process can help students who have been left out of the winter recruiting process for one reason or another. "[The program's] good size definitely helps a number of 1Ls. Most have tried on their own. They did mailings in December, tried to get the process going, but this is another option," said Kalin.

Still, some 1Ls feel that the recruitment process is not for them. A prime reason for interviewing early seems to be the tendency of firms to select applicants based on grades, which are released before the

March program begins. Another 1L explained: "The on-campus thing seems a little late in the process."

Some 1Ls are less than thrilled with the selection of firms recruiting on campus. "There aren't any San Francisco firms, and there's only one from Boston," said Neil Cave '02, who began his job hunt after exams in January.

One 1L commented, "I don't think most of the really good firms hire 1Ls anyway. [The ones coming] mostly look like the second and third tier firms. The ones who are waiting until March didn't strike me as places I'd like to work in the long run."

That sentiment is not shared by all, however. Some 1Ls expressed frustration that certain high quality firms wait until March to do their hiring. A 1L said, "I would rather work for some of these firms, but I felt like I had to accept an offer that expired earlier. How was I going to decline an offer on the chance of working at some of these great firms?" Another 1L agreed, "I think the process is pretty random. I wish it were more uniform so there was a uniform deadline for firms to respond back to you."

Kalin said the timing difference stems from the varied hiring strategies of firms. "Some want to close out their second and third year hiring first. By now they're ready to start looking at 1Ls, but they can't decide until they determine their yield from 2 and 3-L offers," said Kalin.

The 48 employers interviewing on campus represent 16 cities: Boston, Raleigh, New York, Washington D.C., Detroit, Chicago, Phoenix, Los Angeles, Atlanta, Birmingham, Milwaukee, Richmond, Cincinnati, Newport Beach, Columbus, and Grand Rapids. They also comprise a cross-section of legal employment opportunities. Included in the interviewing group are large and small firms, the New York County District Attorney's Office, the Board of Governors of the Federal Reserve, and the U.S. and State Public Interest Research Groups. The interviews, which begin on February 28th and end on March 14, will be held on campus.

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# Harvard Law RECORD

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## Greedy Associates May Regret Victory

The latest skirmish in the salary wars broke out last December in Silicon Valley when Gunderson Detmer, a small Menlo Park firm, raised first year associate salaries by 40 percent to a minimum of \$145,000. The dramatic increase was reportedly a reaction to the rising number of associates fleeing firms to join Internet start-ups in the "dot com brain drain." Word spread like wildfire and national law firms quickly put together new compensation packages for the Class of 2000 which have raised salaries in New York, Boston, Chicago, DC, and Philadelphia to at least \$140,000. Latham & Watkins, a Los Angeles-based firm, just raised their base salary in every city to \$125,000, with a discretionary bonus of up to \$40,000.

Word has it that this bidding war was flamed, if not sparked, by intensive Internet-based networking. Anonymous young attorneys use forums like the Yahoo club "Greedy Associates" to compare notes on compensation, minimum billable hours, and working conditions. The nearly 2000 registered members, self-described "whiny overprivileged lawyers," logged over 11,000 hits to the club on Tuesday in a perverse sort of collective action through information sharing.

The greedy associates may have won the battle, but one wonders how quickly they will regret the inevitable fallout from their 40 percent raises — 2,500 billable hour floors, falling partnership odds, and decreased job security. Although I am somewhat jealous that my friends will rake in almost twice my salary next year, I do not regret my decision to return home to Indianapolis where associates bill an average of 1,800 hours a year and partners can leave at 5 p.m. to go to their kids' soccer games. It may take me ten years to pay off my student loans, but I'll have a life.

For the many HLS 3Ls who accepted \$100,000 offers, these dramatic raises must seem like pennies from heaven. At the risk of sounding like a Midwestern skeptic, I'd advise the new class of associates to wait on the new Mercedes and save those bonus pennies — you may need them in a few years when this legal boom ends.

— Tanya D. Marsh

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—First Amendment, U.S. Constitution

## • Letters •

## Catalyst asks what HLS stands for

What is the purpose of Harvard Law School? Catalyst, a new student organization, recently posed this question to the HLS community on flyers you might have seen around campus. Dean Clark '72, in a 1998 speech to an audience that included the Pope, stated that, "(W)e promote the common good and bring justice to all persons" (Harvard Magazine, Jan.-Feb. 2000). One student suggested that the purpose of the Law School is simply to train effective lawyers. Another perspective is offered on the HLS Web site, which asserts that, "[T]he School provides comprehensive and enlightened training to prepare its graduates for law practice, for public service at the local, state, federal, and international levels, and for law teaching and legal scholarship."

Regardless of the perspective that we, or you, adopt, we

believe that a general and growing sense exists among faculty, students and administrators that Harvard Law School is in some way failing in its mission and that the time has come for a fundamental reorientation of our community's priorities. This dissatisfaction is not just anecdotal — it gave rise to the McKinsey study that took place last year and is documented in its final report. This same dissatisfaction has also found its way into the outside perception of our school and the factory-like atmosphere that nearly every student recognizes as pervasive. These concerns were the catalyst for the creation of our organization. Catalyst will conduct research and advocate for social and institutional change that breaks down the factory and promotes justice under

the law. We seek to make Catalyst a permanent addition to the HLS community, a voice for student concerns and a vehicle for meaningful change.

We support and respect how students choose to use our HLS education; we ask only that they make informed decisions about the role that they will play in our profession. All of us — students, faculty and the administration alike — can do more to support all facets of legal practice and to make the pursuit of justice for all persons a priority in our curriculum, in our school environment and in our world.

If you wish to learn more about our organization and projects currently underway, please feel free to contact us.

Andy Michaelson '02  
Danny Grooms '02  
Catalyst  
Feb. 8, 2000

## • Briefs •

## Schlanger doing double diaper duty

The Dean's Office announced on Tuesday that twins had been born to Prof. Margo Schlanger and Sam Bagenstos. Leila

Frances (4 pounds, 8 ounces) and Harry Jacob (4 pounds, 9 ounces) are doing fine at Brigham and Women's Hospital.

The RECORD congratulates Prof. Schlanger on her new family and extends them best wishes for the future.

## Alum first black appointed to Corp.

The Harvard Corporation has appointed Conrad K. Harper '65 to serve on the University's highest governing body. Harper is the first non-white person named as a member of the Corporation.

The Corporation, a seven-person operation, meets frequently during the year to

decide issues related to Harvard University's academic and institutional practices.

Harper is currently a partner at Simpson Thacher & Bartlett in New York and has worked as a State Department legal adviser. From 1990 to 1992, he served as the president

of the Association of the Bar of the City of New York, a position in which he was the first black president.

Harper has also lectured at several law schools, including Yale and Fordham.

Harper's term will begin July 1, although he will be attending meetings prior to that date as a guest.

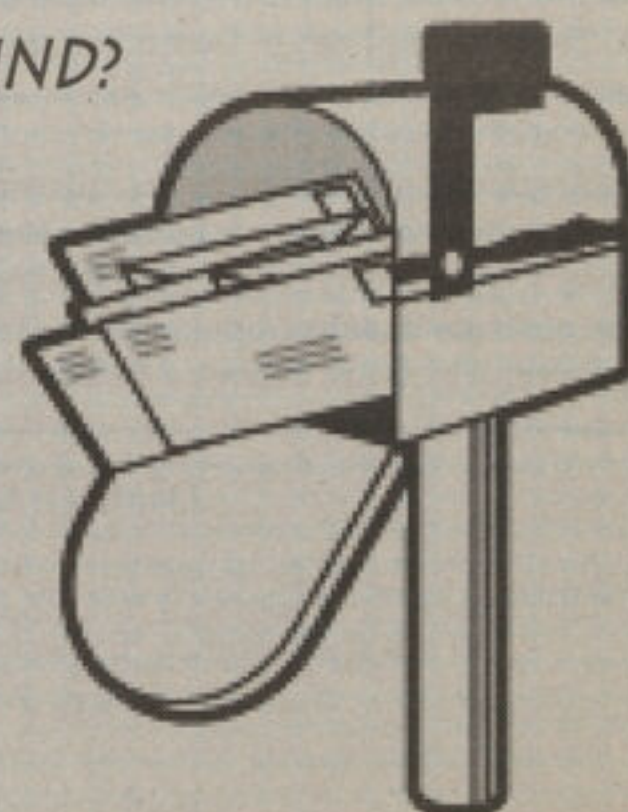


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## PERSPECTIVE

By Reese Pecot '02

## Shaken, Not Stirred

It was a dark and stormy night, snow frosted the Gropius complex and the funk of finals still hung in the air. My trusty sidekick, a flask of Hennessy, and I made the local rounds. Chatting with fellow students in the usual haunts, I found myself having the same conversation — like a skipping CD. It went something like this:

"So, how do you like HLS?"

"It's okay. I mean the name and the prestige are great."

"You don't sound so sure," I say.

"Well, I'm realizing that I'll become the person I want to be not *because of* HLS, but *in spite of* HLS."

"Two more whiskies!" I tell the bartender.

Sufficiently unnerved, I decide to research this trend. Perhaps it's just an acute case of post-finals shock syndrome. I start asking questions. A tip from a trusty but unnamed informant provides me with the information I'm seeking. He tells me about a secret agent, covertly trained by the Law & Economics society, currently masquerading as the dean of a prestigious law school in the Cambridge area. Finding this tip sufficiently detailed to be reliable, I seek out this man. I find him in his office sipping a martini.

I come right out with it.

"Sir, how do you like your students?"

"Like my martinis," he says, "shaken, not stirred."

Suddenly, it all makes sense. I ponder the competitive environment that is spurred on by the omnipresent "B" and letter grading of 1Ls; the sparse requirement of a single ethics class; and the admitted students day bus trip to the Ropes and Gray law firm. HLS specializes in training corporate lawyers and humbling intellectual aspirations. There's a whole lot of shakin' going on here. If you demand more from an institution, like ethi-

cally challenging thought and civic inspiration — if you want to be *stirred*, then head to Yale or Berkeley.

"But, sir," I protest, "With that approach to legal education, you run the risk of not creating great political leaders, advocates for social reform and proponents for change."

Secret agent man sips his martini and scoffs.

"No, it's quite simple, really. I've done the cost-benefit analysis. You see, HLS graduates approximately 550 students a year, with an average career span of, say, 35 years; at any given time there are 17,500 HLS graduates out there. Given numbers like that, we're practically guaranteed a few grass roots activists, Supreme Court justices, even a U.S. President or two. This all makes the marginal benefit of expanding LIPP or revising the curriculum quite low. Besides, I thought all you Generation X-ers were apathetic anyway."

Perhaps he has a point. Although Generation X spans from 18 to 35 years old, from welfare kids to trust fund babies, from black to white and everything in between, we tend to share defining characteristics that could be interpreted as apathy. Seventy percent of us do not identify with a political party and more than two-thirds of 18- to 24-year-olds do not vote. This represents nearly a 30 percent drop in voter participation from a generation ago.

An optimistic interpretation of these statistics is that Generation X-ers are independent minds refusing to identify with traditional dogmatic agendas, political or personal. This is what Michelle Mitchell, author of *A New Kind of Party Animal: How the Young Are Tearing Up the Political Landscape*, argues. She says that instead of labeling themselves Democrat or Republican, liberal or con-

servative, "be prepared for variations of 'independent.'" Mitchell's critics aptly point out that her evidence is largely anecdotal, supported by a string of case studies on particularly ideological young people who are "bright stars" that do not represent the norm.

Maybe many of us are neo-existentialists. Taking a hint from Ayn Rand and Nietzsche, we may believe that life is ultimately meaningless, and as such, we at least ought to triumph over our fellow men, get rich quick and enjoy life while we have it. Civic responsibility is for those bleeding hearts who believe in heaven.

We are also a generation nurtured through the decadent '80s, slightly weathered by a short recession during the early '90s, and buoyed by the technological wave of the last decade. No WWII or Vietnam war draft has reminded us of the uncertainty of life and security. Our wars are televised, distant and brief. No civil rights movement has laid bare the ugliness of human prejudice or kindled our notions of justice and human rights. Many professors and law students of previous generations may tell you that they entered law school in the '60s and '70s to make social change. Many students today will tell you they entered law school to make money.

Of course, any generalization of a generation is chock full of perversions and skewed by nostalgia. Real people, real groups of people are infinitely more complex than any three-paragraph observation could ever capture. Still, when 90 percent of a school's graduates go to work as corporate lawyers and when students seem to draw a blank when a professor asks, "Is this outcome just?" we at least owe it to ourselves to start asking tough questions.

If we start asking self-critical questions, who is accountable for the answers?

To say it is HLS's responsibility to inspire ethical depth and civic responsibility in its graduates is to tell it to stand in for Vietnam, for the Civil Rights Movement, for Watergate, for the Holocaust and for the Cold War. These historical events represent lessons taught by life, not in the classroom.

Additionally, the most ethically inspiring movements are not part and parcel of institutions. Rather, they spring from reactions against institutions.

Yet, the truth of the matter is that no intellectual canon is neutral. Every take on the law represents an ideological and ethical choice. This is precisely why the legal economist and the critical legal realist often reach different conclusions on the same set of facts. To the extent that an HLS education does not consistently challenge us to look at both sides of the coin, students are being cheated out of an ethically challenging mode of learning.

For most of us, these years at law school are formative years. When we graduate we will represent clients and litigate cases in ways that change lives. In *Zoo Story*, a wonderful two-man play that explores the intense personal and moral revelations one man can inspire in another through simple dialogue, playwright Edward Albee communicates a simple message: in human existence, conviction of any type, whether love or hate, is preferable to apathy.

In the same vein, Voltaire once said, "I do not agree with a word you say, but I will defend to the death your right to say it." While it would be wrong for HLS to tell us *what* to think ethically, critically or morally, challenging us to learn *how* to think in these ways is a noble goal. A goal reflective of an institution focused on creating graduates who are not just shaken, but also stirred.

## Her Indie World

## MACY SPEAKS TO LOOOOOOOVE

By Suzanne Carter '00  
featuring Dusan Stojkovic '00  
RECORD Columnist

Macy Gray did an incredible show at the Avalon Ballroom last Wednesday. But since we had to wait three hours from when the doors opened till Gray's DJ stepped on stage, it's only fair that our esteemed readers wait a while to hear about the show's main event.

So let's start with the venue. Dusan thought it had a lot of shiny lights and was pleasantly cool. It reminded him of that Lenny Kravitz video, "Are You Gonna Go My Way," and in a good way, although there was no big-afroed drummer in a bikini top to be found. (We uh-loooooove that woman, and we uh-loooooove dawgs. Speaking of which, who knew Mr. Bojangles had a drinking problem?)

Let's get on to the opening act. Ah, the lovely and sultry "Hollywood Recording Artist" Sy Smith. Why do we identify her as a "Hollywood Recording Artist"? Because every time she or anyone else mentions her name, it is prefaced with that appendage. Among ourselves, we prefer to call her "Wannabe Gangsta Floosie," though Suzanne liked her shiny pink pants.

On to Sy's dancers/back-up singers (and we use both terms loosely). Their interpretive dancing during Sy's hip hop cover of Edie Brickell's "What I Am" (no joke) reminded Suzanne of that Charlie Nesson "Landslide"-themed Torts class. And not in a good way.

Although the crowd, and especially Karen Daly, were growing impatient with Sy's faux-Tupac antics, we enjoyed seeing our old friend Darren "Huggy Bear" Fried (i.e. the RECORD's old Ani

DiFranco/Duran Duran-lovin' music critic) on the bass. (Unlike the "What I Am" business, this IS a joke. It was not really Darren Fried, according to Sy's intro, but it sure looked like his long-lost twin. Shout out to Tim Kiefer, who'll always be linked to Mr. Fried in a very special way!)

Showing that she is on the cutting edge of feminist discourse, Sy sang one particularly delectable song, in which the chorus went, "I need a good hard man/I need a good hard drink/I need a good hard slap on the face to help me think" (no joke). I bet Prof. Bartholet sings that in the shower every day! (This, like the Fried thing, is also a joke ... we think.)

But let's cut to the chase. We paid for our RECORD-subsidized tickets just to see Macy, and she and her band delivered. Hands down the best part of her show was her pre-"Still" soliloquy. "My band and I drove all the way from California just to see you all." This was not entirely accurate, given that Macy was in Philly on Monday night playing a show with Mos Def featuring Erykah Badu. "The least you could do," Macy went on, "is talk to me. You can say 'yes,' 'no,' 'I don't care,' 'fuck you,' 'shut up and sing bitch,' 'I don't care. Now have you ever been in looooooove?'"

"Have you ever been in looooooove with the wrong motherfucker?"

At this point, Macy was speaking directly to Suzanne, and the rest of us kind of tuned out, and it's too personal to publish here (this is a joke, too; we just forgot the rest).

Along with the excellent tunes on her



Photo courtesy of www.macygray.com

debut album, "On How Life Is" (she sang them all), Macy surprised the mostly white audience (and how pathetic is that, at the beginning of black history month?) with cover versions of the Beatles' "With a Little Help from My Friends," Bob Marley's "No Woman, No Cry" (an intermission in "I Try"), and, most delightfully, Doris Day's rebel yell of indifference, "Que Sera Sera." Quite a nice change from the expected Stevie Wonder/Tina Turner-esque covers. Our only beef with Macy's "Que Sera Sera" perfor-

mance was that she didn't throw her feather boa right at us, but instead at some woman in the second row. What's up with that wimpy arm?

Still, Macy shook hands with audience members and seemed like a real nice lady, despite her fondness for the f-word. We also must give props to the woman's attention span. Unlike many performers, she didn't have to quiz her roadies mid-performance, "What city is this again?"

Macy also did a cover of "Rather Hazy," which she taped for a live album forthcoming next summer. If you listen to it real close, you'll hear us clapping slightly offbeat, just to secure our place in music history.

Complementing Macy's trademark voice, which to

Dusan is reminiscent of that confused yellow duckling from the Tom & Jerry cartoons, was a wicked good band. The horn section was especially effective and added a healthy dose of funk to the live show.

Although she doesn't stand a chance of beating out the likes of pseudo-talented pop-moron Christina Aguilera in the Grammy race, through her kick-ass live performance Macy more than proved that she is the *real* Best New Artist of 1999.

Carpe Pollo

By Jake Zimmerman '00  
Staff Columnist

## WHO WANTS TO BE A GAME-SHOW REJECT?

So there's Rahim, his smiling, confused and vaguely spaced-out face staring at me from the TV above the bar. Yes, that's right: Rahim Oberholtzer is appearing on national television, earning a million dollars in the flicker of an eye, while your humble columnist is sitting in Charlie's Kitchen drowning his bitterness in sweet, sweet beer.

So, while the smell of stale smoke and bacon grease slowly insinuated itself into my hair, I got to watch the meteoric rise of Rahim's game show greatness. Needless to say, I didn't feel any envy for Rahim at all. I certainly didn't curse and mutter about how I can't even win a lousy free T-shirt over the Internet. That sort of petty bitterness is far beneath me.

Anyway, I've already got my plans for fame and fortune locked up. See, I keep calling the "Who Wants to be a Millionaire" phone line, with tremendous success. Well, I assume it's success — after all, every time I call, I hear Regis's voice wishing me luck. I figure, I must be doing well if a man as busy as Regis is actually taking the time to talk to me personally.

Now, if I could just answer the friggin' questions correctly. I mean, honestly. How was I expected to know the order of Peggy Lee, Pamela Lee, Spike Lee and Michelle Lee's birthdays? And what rational human being knows the correct chronological order of recent Adult Contemporary hit songs? It's a sick world we live in when your success is judged by your ability to answer questions like this.

So, there you have it. I can't cut it in the modern game-show world. And, Rahim, I just want to take a moment to thank you for rubbing it in. Wasn't enough for you to

make easy money. Noooo, you had to do it in public, while I was watching, just to make my shame and degradation complete.

Fortunately, I do have *something* on Rahim — and nearly all of the rest of you, for that matter. Yes, you know what it is. Did you *really* think we were going to make it through the column without some mention of the transcendent greatness that is known to us mortals as the "St. Louis Rams?" That's right: I may have no successes of my own to speak of, but I'm still the big winner, purely because of my metropolitan affiliation with a handful of large, sweaty men who enjoy pummeling other large, sweaty men — especially guys from Minnesota, Tampa and Tennessee.

I even got to attend the NFC championship game a couple of weeks ago. (This is not gloating, of course. I merely note my amazingly good fortune as an expository point, not for the crass purpose of showing you how cool I am.) Let me tell you, there is nothing quite like it. It is impossible to describe being surrounded by 60,000 of your city-mates, screaming madly at volumes that I, at least, never thought achievable by anyone (with the possible exception of Bruce Hay). It was sort of like getting the fun parts of a massive fascist victory celebration, without the unfortunate geopolitical downside.

But the best part of the whole experience wasn't even the game at all. Rather, it was getting there in the first place. That's right, a trip to St. Louis can mean only one thing: another exciting flight on TWA, the "Official Airline of the Rams" (and, quite possibly, the "Official Airline of 500 Pound Guys Who Don't Wear Deodorant and Always Seem to Get the Seat

Next to Jake"). And you know why I always love flying TWA: more quality time to read the new in-flight catalog.

So, since many of you appreciated this public service gesture the last time I did it, I'll repeat the favor. Here, by popular (?) demand, are the latest and greatest items available from TWA's oh-so-high-class "Voyager's Collection."

First, we have the "Official Millennium Countdown Clock." Yes, you read that correctly. Despite the fact that it's now been 2000 for over a month, TWA is apparently still selling this item. Maybe it's now counting down to 3000, which will make it a truly priceless heirloom to pass onto all of your descendants as a subtle reminder of how short and pointless their lives are against the majestic passage of time. Trust me, your great-great-grandkids will really thank you for it.

Next comes the "Poet's Nightshirt." To the uninitiated, this may look like nothing more than lingerie. But not to the catalog copywriters, who boldly proclaim that "this elegant garment" comes "from the spirit of the great romantic poet, Lord Byron." Coulda fooled me; it just looks like a nightgown. I wonder if putting it on imbues the wearer with a sudden odd desire to go join the army and get killed overseas?

The best item in this month's catalog by far, however, is the Pewter statuette of Ringo Starr. This "museum-quality tribute" contains metal from melted firearms, apparently as a reflection of Ringo's world-renowned leadership in the pacifist com-



munity. It comes in a limited set of 500, which seems odd to me, because there must be at least 350,000 people desperate for the once-in-a-lifetime opportunity to obtain this kind of art. Frankly, I think it's a bit callous of TWA to deny it to common Ameri-

cans. Now, only the very wealthiest of connoisseurs will be able to afford this precious keepsake — surely a slap in the face to the populism that Ringo has so boldly advocated all his life.

The catalog is, as you can see, amazing. But one mustn't overlook the in-flight magazine, which is also filled with advertising gems. You learn amazing things from the in-flight magazine: for instance, that the investment opportunity of the decade is in alpaca farming, and that your toothpaste may be killing you. (These are both completely real. Don't believe me? Check out <http://www.aoba.org> and <http://www.toxictoothpaste.com>.)

Time is too short to tell you about the other great stuff in the catalog — we haven't even gotten to the latest selection of items for paranoid freaks (highlight: reflective sunglasses "worn by secret agents around the globe" that allow you to see people sneaking up behind you). But I'm out of space, and besides, I'll only get bitter if I spend any more time writing about all these treasures that I can't afford.

Say, there's an idea! Hey, Rahim, you reading this? If so, how about celebrating your good fortune by getting a Ringo statuette for your old buddy from Section 1? Please? Don't forget the little people, man.

## FENNO

Fenno sat bleary-eyed and moaning in a dark corner of Cambridge Common, nursing a beer cheaper than Jay Hulings and lining up a fifth shot of Jaeger. Even the 1Ls sharing nachos and a pitcher in the next booth, talking about "how sweet Ames is gonna be," noticed him.

"You okay, fella? Wanna join us for a little back-and-forth here? What're you, Section 2? You could tell us Arthur Miller stories."

Tell stories about Fast Artie? About the Dancing Ego of Civil Procedure? About the man who likes to touch.... Sigh. Fenno couldn't do it. He shook his head.

"No. Thanks anyway."

Thanks anyway? Fenno hadn't thanked a 1L since that time with Liz Falk. He was losing it, he knew. Losing his unfettered disdain for all that was not fermented or chesty. Losing what made him Fenno. Losing his edge.

It wasn't just that for the last two weeks he had his exploits recounted by some temp who didn't care about Fenno, didn't want to rub Fenno's swollen, distempered belly and tell him stories of pain and glee. Fenno's ache went deeper than that.

It went back to the end of last semester, when Fenno was so unceremoniously dumped by his last Author, the Author who had been with him for almost two years, the Author who used to take such joy in cruelty, the Author who thought a conscience was only something deployed selectively by Catalyst members to get jobs with Ralph Nader. Ever since then, he just hadn't felt himself. Not figuratively at least.

He thought he and the Author had something special. Something that even graduation wouldn't take away. He

thought—

"Fenno."

Fenno looked up, startled. A dark figure had eased itself into Fenno's booth without so much as a whisper.

"Who're you?"

"Your new friend."

"You mean...?"

"That's right, Fenno. I'm your new Author."

The Author's eyes glinted in the dim light. Had Fenno glimpsed red?

Something about this one was different, Fenno thought. Something about this one said more than just "funny guy with too much free time." Something about this one said....

"Evil. My God, you're evil."

"That's right, Fenno. The froo-its of the deh-ville."

"But how did you get into Harv — oh, right. But why me? Why now, after all this time?"

"Because it's fun. Because I can. Because even Charlie Nesson still cares what you do, even after he almost had you kicked out."

Fenno grimaced at the memory, three years distant. Did Nesson's Winter Term Evidence groupies, who giggled and thought him so "cool," even remember that Good-Time Charlie had once called in the Ad Board on Fenno?

Did they know that 42 law professors had signed a letter supporting the punishment of poor Fenno, just for insinuating that Charlie used to smoke doobie and once slept with a student? (Sure, he hasn't smoked up in five years and he ended up marrying the student, but did that really matter? And sure, Fenno might have made up the stuff about cocaine and Amsterdam, but wasn't that just the small picture? Wasn't the big picture one of a smoky waterbed and a buck-naked young filly watching Charlie do math in his head?)

Did no one remember? Did no one remember that Dersh, that self-promoting little bastard (really — ask Geraldo) was

## Quote of the Week

"Ideas are like venereal diseases. You've got one and then you give it to someone else, but you've still got it."

— Visiting Professor Jack Balkin '81, explaining that the "marketplace of ideas" theory is flawed because ideas are fundamentally different from property

one of the only professors to stand up for the one thing that was good, right and decent in this world — the bare-fisted mockery of the elite? Did no one remember?

"Fenno!"

Fenno shook himself out of the reverie. "What did you say about Nesson?"

"I said he still cares. He still reads about you. Even after all that. You're the satirical He-Man of this institution: You... have... the... POWER! You're the only one who can tell Scott Brewer he needs a shower, tell Duncan Kennedy it's over, tell Jonathan Zittrain about girls. It's up to you. And I want to help."

"Really? You mean...?"

"That's right, Fenno. None of that pansy crap about having a conscience. Doctors have consciences. That's why they get

sued. Women have consciences. That's why they cry. Taliban members have consciences. That's why they only kill *half* the hostages."

Fenno smiled. Could it be? A new beginning?

The Author stared at Fenno, a wicked smile forming on thin, curled lips.

"Finish your drink and let's get out of here. We have work to do and no time to waste. I mean, come on — a whole class on *Animal Law*? Damn."

Fenno slugged his last shot and downed his beer in one swallow.

"You ready now? Let's get to it."

Fenno grinned. Paradise found.

"Yeah, I'm ready."

And so, they hand in hand with wandering steps and slow, through Eden took their solitary way.

## THE BUZZ

## CREAM OF 1999 MOVIE CROP

By Tanya Marsh '00  
RECORD Columnist

Well, friends, we are in the midst of what is technically called "the Hollywood blahs." With a few exceptions, the studios have already released their "quality" movies and we'll have to wait until May for the big, fun flicks, so in the meantime we will have to make due with DVDs and oodles of award shows.

The Golden Globes, long thought to be precursors to the Academy Awards, have already been handed out and on Tuesday Oscar himself will present the list of nominees. I didn't invest in shiny trophies, but I still have some delusions that my opinion matters so I present to you the Buzz list of the top ten movies of 1999.

You will notice that *American Beauty* and *The Talented Mr. Ripley* are firmly entrenched at the top of the list. The rest, as evidenced by the ties, is quite murky. There were a lot of good movies this year, but only one truly great one.

## 1. American Beauty

I can't say it enough — *American Beauty* is an absolutely remarkable movie. It is not only my pick for the best film of 1999, it is my choice for the best film of the entire decade. Some disbelievers have chalked up my fanaticism for *American Beauty* to Kevin Spacey-worship gone awry, but as Dusan will tell you, once they see the movie they understand. Crackling script, stunning cinematogra-



Gwyneth Paltrow, Jude Law and Matt Damon cavort in the Italian countryside in *The Talented Mr. Ripley*.

phy, brilliant direction — *American Beauty* stands alone. First time feature film director Sam Mendes deserves an Oscar nod for the dancing plastic bag alone. Kevin Spacey is, as always, outstanding. But *American Beauty* is much more than the sum of its cast and crew. It is a powerful commentary about finding the joy in life and remembering what is really important. Movies like this that both touch the soul and challenge the heart don't come around very often.

## 2. The Talented Mr. Ripley

In the spirit of full disclosure, I must say that I love *The English Patient*, director Anthony Minghella's project immediately before *Ripley*. My friend Chris has no patience for *The English Patient* — "when is he going to die already?" So Minghella's directorial style evidently

isn't for everyone, although I honestly don't understand why. I think he does an incredible job adapting rich, complex novels to the big screen and *The Talented Mr. Ripley* is no exception. This second adaptation of Patricia Highsmith's dark 1955 novel is incredibly suspenseful, brilliantly layered, and morally ambiguous. Although it has been criticized for its lack of sympathetic characters (besides Peter), I don't see that, or its bold homosexual overtones, as a problem. Matt Damon and Minghella should be congratulated on having stuck by such a potentially controversial story and for having told it with such grace.

## 3. The Insider

*The Insider*, at 160 minutes, is just too long by 30 or 40 minutes. That is the only reason it isn't in the number two slot. While this is a well written, creatively directed picture, the most notable aspect of *The Insider* is Russell Crowe's transfigurative performance as Jeffrey Wigand. The New Zealander gained 50 pounds to tackle the role and transformed from the muscular 35-year-old we saw in *Mystery, Alaska* to a flabby 53-year-old man with what I'm told is a convincing New Jersey accent. Crowe's Wigand is a mass of contradictions — a loving, gentle

father and gifted teacher who refuses to confide in his wife, appears to have no friends and displays a quick and violent temper. He is an ordinary man under extraordinary pressure, as Lowell Bergman (Al Pacino) observes, and displays neither grace nor consistency. In other words, he is entirely human. *The Insider* isn't afraid to give its hero flaws, and Crowe portrays this conflicted man perfectly. Be sure to watch *The Insider* on video, that way you can fast forward through some of the more annoying artsy parts.

## 3. The End of the Affair

If I could describe Ralph Fiennes in one word, it would be — elegant. Everything about him screams aristocracy, education, and sensuality. Fiennes rarely boils, he usually smolders (sometimes literally, as in *The English Patient*). In *The End of the Affair*, adapted by Neil Jordan from the novel by Graham Greene, Fiennes partially reprises his role as the lover of a married woman, tortured by jealousy. But his Maurice Bendrix is not Count Ladislaus de Almásy — they have differ-

ent sins to atone for and different methods of coping with the loss of their one true love. Neil Jordan seems to think that rain is the universal symbol for broken hearts and he uses it quite liberally in this picture. Despite the soggy exterior, *The End of the Affair* is a beautifully photographed film. Julianne Moore is charming and beautiful as Fiennes's lover and Stephen Rea (one of my favorites) is quite sympathetic as her downtrodden husband.

## 5. The Hurricane

As Rubin "Hurricane" Carter, Denzel Washington gives his finest performance to date. For the Oscar-winning veteran of *Glory* and *Malcolm X*, that is no small feat. Washington's Carter is a complex character who experiences the whole range of human emotion, from rage to desperation to quiet contemplation. Driven by Washington's performance, *The Hurricane* is an intense, inspirational and emotional film. It is also a strong reminder of why we need civil liberties protections in America. The movie, directed by Norman Jewison, has been criticized for the poetic license it takes with the details of Rubin Carter's life. It's a shame that the filmmakers felt the need to make Carter look more heroic — it would have been a stronger movie if they had taken a page from *The Insider* and presented a protagonist complete with inconvenient complexities.

## 6. An Ideal Husband

Tied for sixth place are the two best movies of the summer, *The Sixth Sense* and Oliver Parker's version of Oscar Wilde's *An Ideal Husband*. The cast, led by Rupert Everett, is exceptional. Everett is our generation's Cary Grant and hopefully Hollywood will recognize that he has a timeless intelligence and grace so sadly lacking in most leading men (Ralph Fiennes excepted). Julianne Moore, the hardest-working actress in Hollywood, was wonderful as the mysterious and manipulative Mrs. Cheveley. Cate Blanchett and Jeremy Northam also gave fine performances. The plot may require a tad bit of suspension of disbelief, but the script is Wilde-ly witty.

## 6. The Sixth Sense

"I see dead people." Who hasn't heard that line? *The Sixth Sense* was the second-highest-grossing movie of 1999 (you remember *Star Wars*, don't you?), which is a reminder that sometimes the American movie-going public shows good taste. The script, written by M. Night Shyamalan, was scary and touching and, most important, stunningly original. Bruce Willis was fine, if sedated, but young Haley Joel Osment carried the movie.

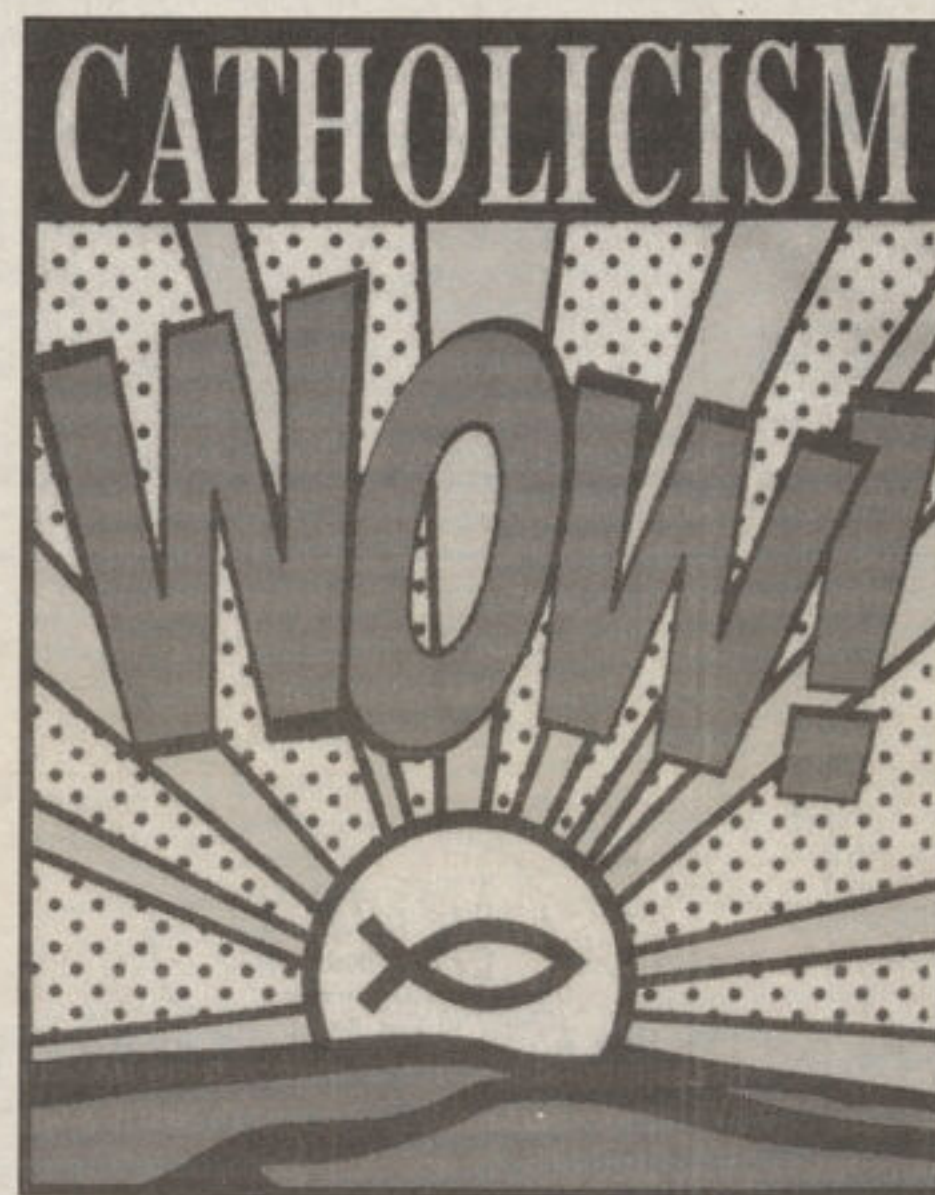
## 8. Dogma

*Dogma* was written and directed by Kevin Smith, starring Ben Affleck and Matt Damon. For a Gen-X'er, what's not to like? As an avowed Kevin Smith (*Clerks*, *Chasing Amy*) fan, I was prepared to like *Dogma*, but even I was impressed by this, his most ambitious movie to date. *Dogma* is Smith's attempt, as an American Catholic, to deal with his own questions of faith. While it is true that Smith blasts open very sensitive issues, *Dogma* is less an attack on the Catholic Church than an open letter to the American Catholic community, provoking discussion. Smith raises questions but doesn't provide neat answers. In the end, those who experienced crises of faith are

renewed and those who felt betrayed by God receive forgiveness. Smith's observations, as expressed through a number of characters, are typical of a large number of American Catholics who still love the Church but feel that it is losing relevance in their lives. Ultimately, despite its irreverence and profanity, *Dogma* is about the renewal of faith and despite the packaging, that's a message everybody can use.

## 8. Three Kings

At the heart of *Three Kings* is the choice between humanity and greed, a choice that is not without consequences. *Three Kings* is an intense and confrontational story that condemns both Bush's abandonment of the Iraqi rebels and war in general. For those of us who comfortably watched the Gulf War on television, *Three Kings* is a very uncomfortable experience. But while it is a deeply moral picture, it is also often quite funny and always original. The script is something special and indie darling David O. Russell (*Spanking*



Cardinal Glick's groundbreaking ad campaign attracted new Catholics and the wrath of a couple of homicidal angels.

*the Monkey*) proves to know how to handle a big budget and its attendant cast. The starring quartet of George Clooney, Mark Wahlberg, Ice Cube and Spike Jonze all exceed expectations. *Three Kings* is funny and tragic, innovative and thought-provoking. For those of us in the Gulf War generation, it is a must-see.

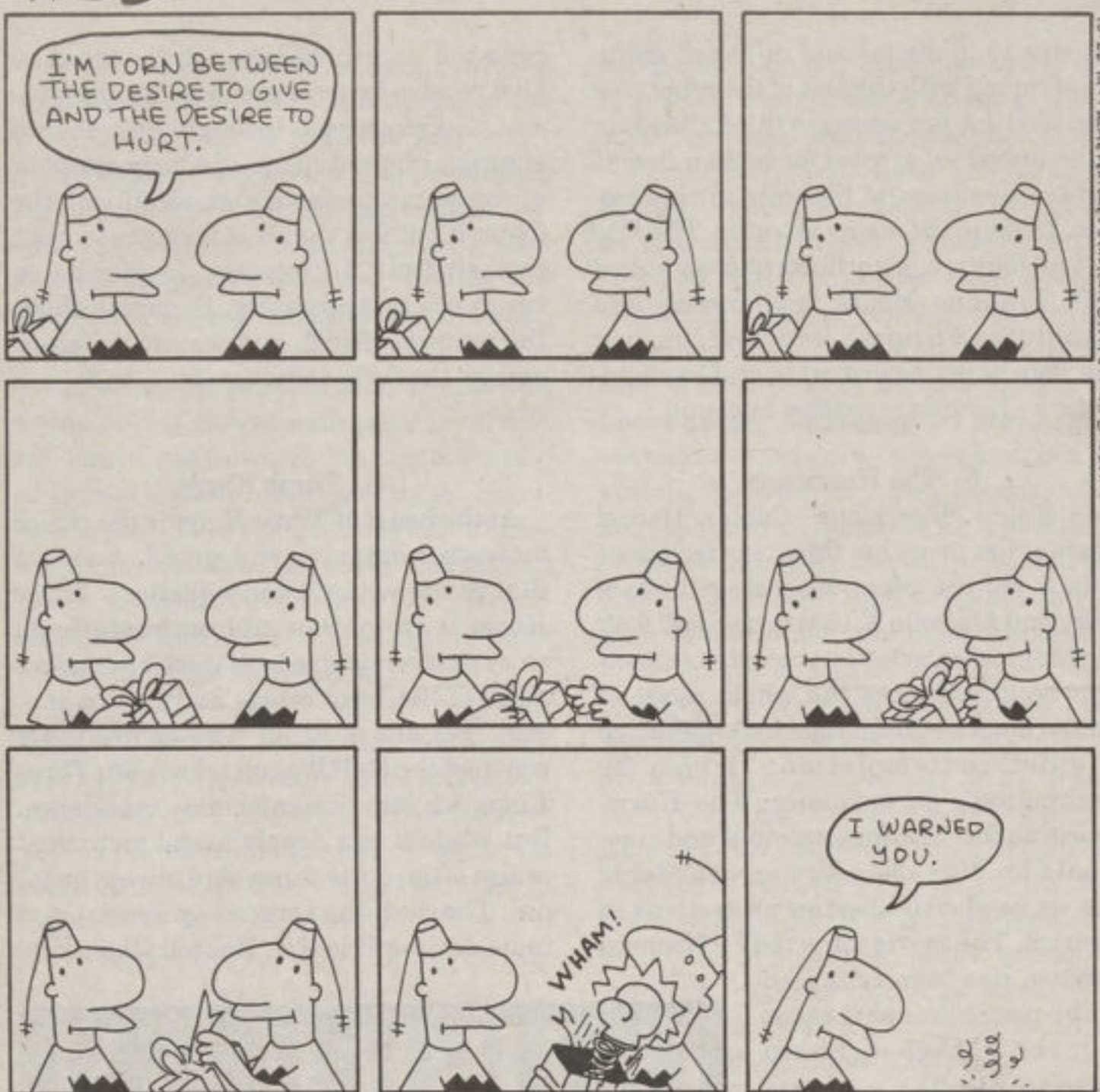
## 10. Fight Club

Welcome to *Fight Club*, a disturbing and ultra-violent commentary on the state of the young American male in the 1990s. *Fight Club* is a fascinating movie whose revelations transform it from a stylish film with a familiar premise (charming villain manipulates the morality out of a bunch of sheep) into something quite different and very special. While I was awed and overcome by director David Fincher's (*Se7en*) innovative camera tricks and postmodern interpretation of an anonymous urban center (Chicago perhaps?), after a while the impact of the style fades and we are left to grapple with the substance. And the substance of *Fight Club* is very disturbing. Yet the message, and the principals involved (Fincher, Brad Pitt, Edward Norton) are brilliant. *Fight Club* is not perfectly conceived or executed and certainly not pleasant, but it is truly different, in an industry (and a society) where visions like Fincher's are not particularly welcome. The final half hour is a bit of a disappointment (as was the end of *The Game*) but overall, the picture is well worth seeing.

[www.spidernetweb.com/marsh/buzz](http://www.spidernetweb.com/marsh/buzz)

LIFE IN HELL

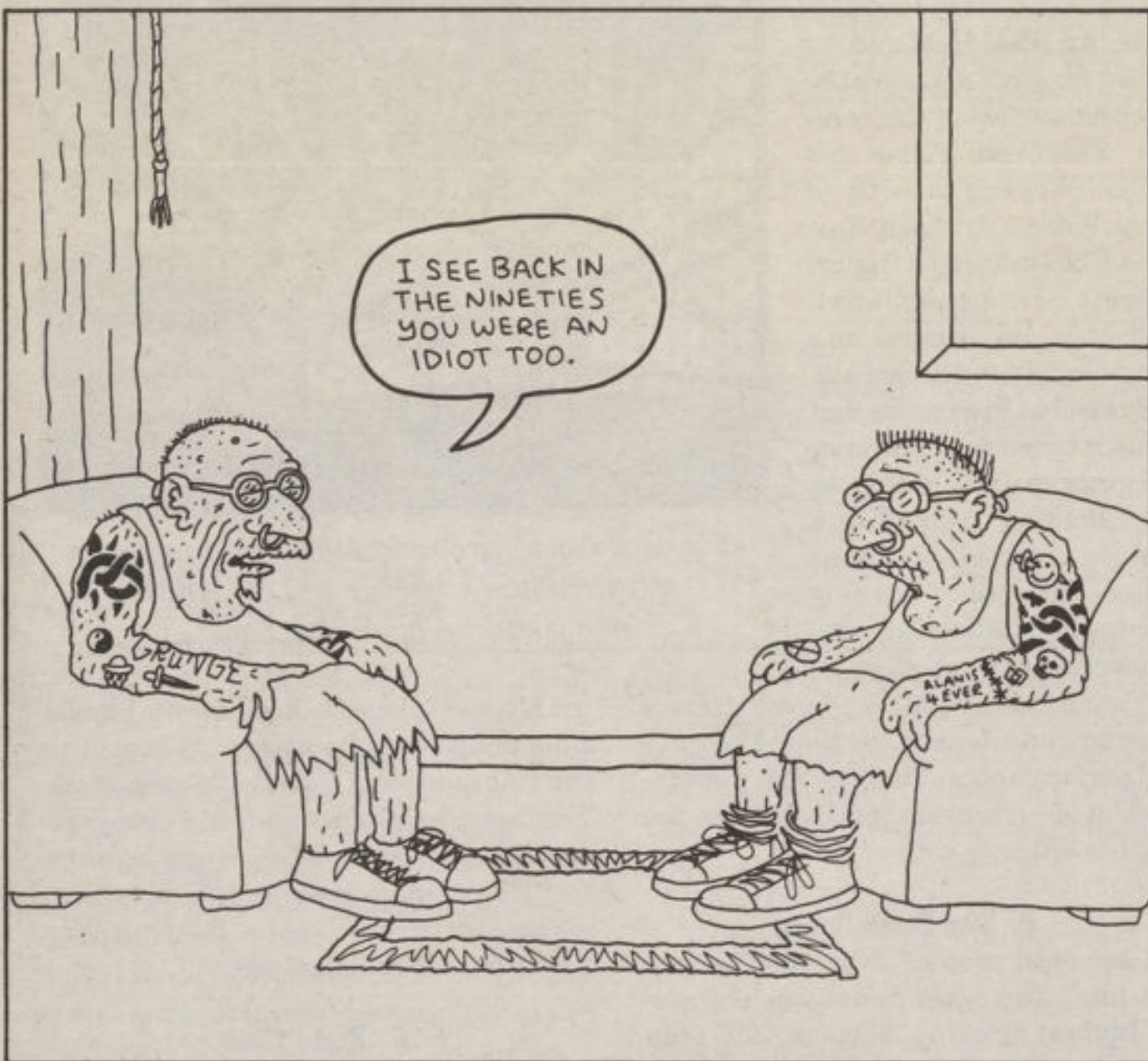
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LIFE IN HELL

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OLD FOLKS' HOME CONVERSATION, 2050 AD



Crossword 101

By Ed Canty

" Feline Frenzy "

- ACROSS
- 1 Japanese WWII leader
  - 5 Congregational leader
  - 10 Part-time employee
  - 14 One way to run
  - 15 Love affair
  - 16 Writer James
  - 17 Cheerleaders' words
  - 18 *More than is fair*
  - 20 Ms. Landers
  - 21 \_\_\_ we forget
  - 22 Fall drink
  - 23 Loud sound
  - 25 "Quickly" in the E.R.
  - 27 Go sour
  - 29 Avenue of the \_\_\_
  - 33 Caribbean Island
  - 34 Cost
  - 35 Unanswered serve
  - 36 Music jobs
  - 37 Belief
  - 38 Amaze
  - 39 Drs.' org.
  - 40 Allergy symptom
  - 41 Examinations
  - 42 Crowded fish
  - 44 Host a roast
  - 45 Got by
  - 46 Host a meeting
  - 48 Elicit
  - 51 War god
  - 52 Museum contents
  - 55 A sheep in wolf's clothing?
  - 58 Part of BO
  - 59 De-wrinkle
  - 60 Extremely angry
  - 61 And
  - 62 Penny
  - 63 Comforts
  - 64 Part of R&R
- DOWN
- 1 Scarlett's home
  - 2 Mid-east Gulf
  - 3 "Jack and Diane" singer
  - 4 Approves
  - 5 Rattling breaths



- 6 Some Pennsylvania Dutch
- 7 Start the computer
- 8 Hair style
- 9 April payee
- 10 South Pacific island
- 11 Mild oath
- 12 Only
- 13 Equal
- 19 Cause fear in
- 21 Tra \_\_\_
- 24 Teases
- 25 Former "NYPD Blue" actor
- 26 Word following Texas or Georgia
- 27 Heroic tales
- 28 \_\_\_ Donna
- 29 April sign
- 30 Vonnegut classic
- 31 Not blunt
- 32 Sight, for one
- 34 Tarred
- 37 Dandy's partner

- 38 Big rig
- 40 Mountain climber
- 41 Oolong and green
- 43 Proper
- 46 Greek Island
- 47 Toast beginning
- 48 It's a long story
- 49 Challenge
- 50 Fairy tale word
- 51 Turkish leaders
- 53 One of the "Friends"
- 54 Certain gait
- 56 Match
- 57 Gershwin or Levin
- 58 Paddle

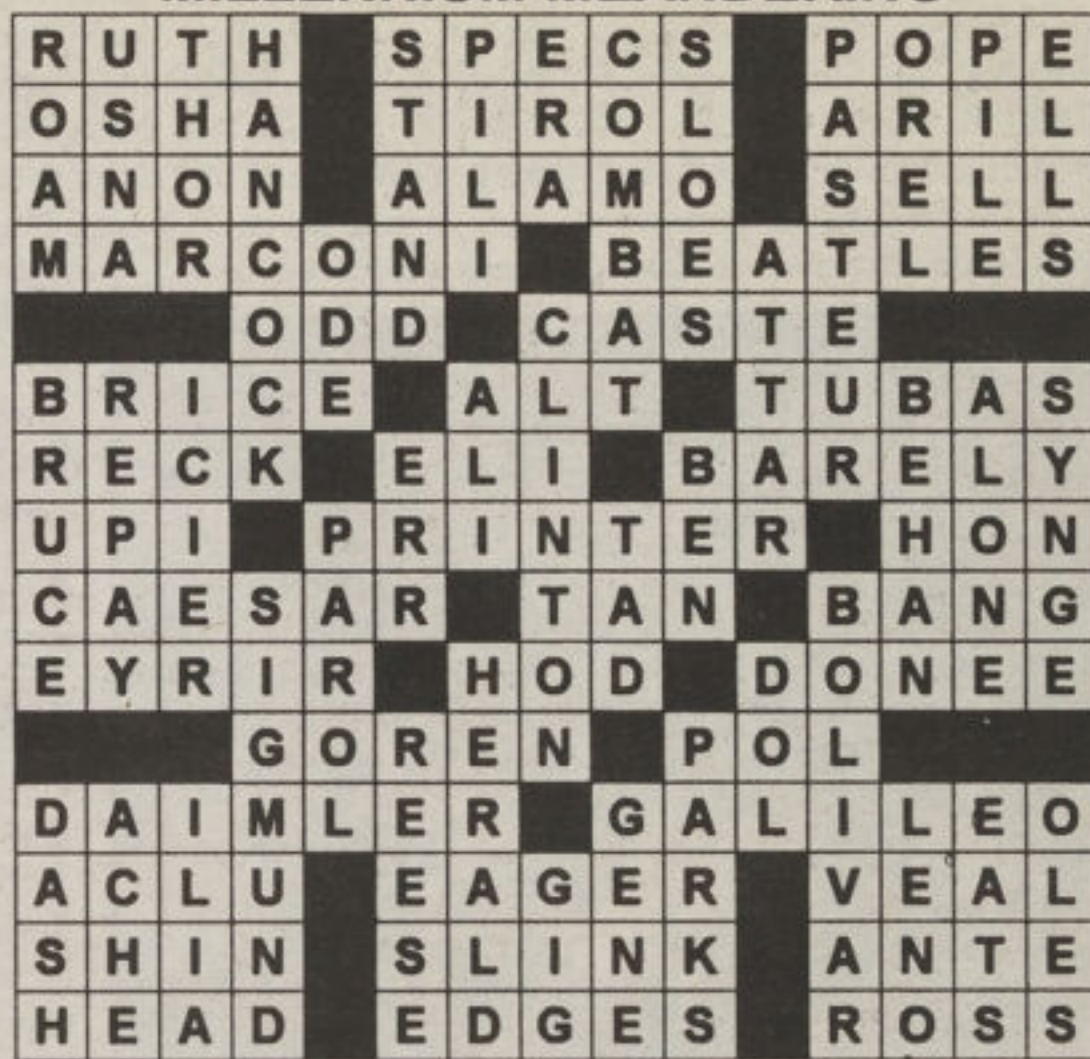
Quotable Quote

"Cats seem to go on the principle that it never does any harm to ask for what you want."

... Joseph Wood Krutch

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