



March madness



Photo by Francesco Barbera

Students protest the Diallo verdict under the stoic gaze of John Harvard.

Diallo verdict hits home; students protest acquittal

by Francesco Barbera

Dozens of students marched through Harvard's campus Wednesday to protest the acquittal of four New York City police officers charged with killing Amadou Diallo, an unarmed African immigrant.

The students' angry chants and speeches revealed the extent to which the Diallo incident has inflamed racial tensions and inspired deep-seated frustration with the American criminal justice system.

"I am here to call attention to the lack of value for black life that has been demonstrated by law enforcement in this country," said T.J. Stevenson '00, former president of the Black Law Student Association (BLSA). "If a black man is not safe outside his own home, he is not safe anywhere," Stevenson said at the rally on Wednesday afternoon.

"This is a justice system in which communities of color are devalued and dehumanized," said Adam Taylor, an

organizer of the march. "The memory of Amadou Diallo must be permanently ingrained in our minds."

The rally, which was organized by students at the Kennedy School of Government, began there and proceeded through Harvard Yard, culminating at the Law School, which organizers called "the institution at Harvard most dedicated to the preservation of justice in this society."

For many of the marchers, the day's events reopened old wounds inflicted by incidents like the Rodney King beating and the 1998 torture of Abner Louima. Like those cases, the Diallo trial has focused a harsh spotlight on the apparent persistence of racism in the criminal justice system. "King, Louima, how much more can we take?" Stevenson asked.

"This case demonstrates the failure of our criminal justice system at multiple points," said Charlene Morisseau '01, President of BLSA, "from policing on the

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LSC sweat yields buffed-up gym

Hemenway facelift a jewel in council president's crown.

by Sarah McGonigle

Characters in a 1970s account of Harvard Law life — "The Paper Chase" — had no shortage of complaints, but perhaps most recognizable to current students was the all too real disgust with the school's dismal gym facilities. Now, that criticism may be forever reduced to the realm of fiction.

This week the Law School Council (LSC) announced that significant strides have been made toward solving the Hemenway blight. Work began this week on substantial renovations

to the current Hemenway facilities, and new equipment is also on order to supplement the current offerings. The renovations are projected to be finished late this month. Included in the "to do list" is a wide array of improvements.

Mike French '02, one of the LSC reps primarily responsible for developing and implementing the plans, described the changes. "[Plans include] renovating the two squash courts in the basement; knocking out the middle dividing wall; painting; [and] putting new exercise equipment, rubber flooring, mirrors, weight equipment...and Icarian selectorized machines similar...in this new space," French said.

The new equipment, which includes Jade weight

machines, is similar to that used by Gold's Gym and Bally's.

The upper floor will also be improved. French said that workers will remove the metal screens from the windows, as well as removing the wooden bars and chain link fence in the area. New fans will also be installed, French said.

In addition to the weight machines downstairs, there will be new cardiovascular equipment placed in the revamped upper floor. "There will be 4 state-of-the-art Precore elliptical trainers and 5 treadmills. There will also be new recumbent bikes," French said.

LSC reps involved in the project carefully deflected

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Trimble optimistic about peaceful future

by Justin Herdman

Taking a break from the conflict-plagued political atmosphere of Belfast, Protestant leader David Trimble recently told the Harvard community that the British suspension of Northern Ireland's parliament was a direct result of frustration and broken promises.

"I did everything that I humanly could to make progress. And I was let down by others," Trimble said.

The address, held last week at the Kennedy School of Government, came less than two weeks after the British government suspended home rule in the troubled province of Northern Ireland. Trimble, leader of the Ulster Unionist Party (UUP), had acted as the First Minister of the Protestant-Catholic coalition government created under the terms of the 1998 Good Friday agreement. The suspension of the Ulster parliament was in response to Irish Republican Army refusals to disarm, and

Trimble's threat to resign.

Last November, Trimble's party agreed to enter into a government with Catholics, despite the lack of overt moves by the IRA toward disarmament, or "decommissioning," as it is known in the complicated political parlance of Northern Ireland. "We thought at the end of November that we had a clear understanding of a way forward," Trimble said, "and so we decided to put a government into position, in the absence of decommissioning."

At the time, Gerry Adams, leader of the pro-Republican party, Sinn Fein, said that the two politically opposed blocs were "jumping together." In response, Trimble said last week, "Well, I jumped first, and Mr. Adams didn't respond."

Trimble's words were subtly directed at the IRA, which is politically affiliated with Adams's Sinn Fein. The failure of the IRA to enter disarmament talks and subsequent reports that the group wanted to link disarmament with British troop withdrawals

from Northern Ireland, sparked the political crisis that led to Trimble's threatened resignation. The IRA has since denied offering to tie disarmament to troop withdrawals, a move that has further strained Trimble's trust in his political opponents.

Nonetheless, the overarching theme of Trimble's speech was one of cautious hope. "Sooner or later, this process will work," he said, "I can't predict precisely when."

Trimble's visit coincided with stateside trips by Peter Mandelson, the UK Minister for Northern Ireland, and Martin McGuinness, lead negotiator for Sinn Fein.

Although most of the audience seemed to be familiar with the situation in Northern Ireland, Trimble engaged in a lengthy discourse on the origins of the province's turmoil.

The conflict in Northern Ireland is often depicted as a religious struggle, but Trimble framed the disagreement in terms of national identity. "It's

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NEWS ANALYSIS: SUPREME COURT UPDATE

Court hears arguments on patients' right to sue HMOs

by Francesco Barbera

Emerging from a month-long winter hiatus, the Supreme Court pressed forward with its path-breaking term last week and began setting the stage for what appears to be an equally ambitious agenda for October 2000.

The justices made front page news last week when they heard oral arguments in a case which may limit patients' ability to sue their HMOs under Federal law. The controversy comes in the midst of heated national debate on the managed-care revolution that has swept

American health care in the last two decades.

In March 1992, Cynthia Herdrick began experiencing abdominal pain and consulted her physician. During the initial examination, Dr. Lori Pegram, practicing in a physician-owned HMO, identified a large, inflamed mass in Herdrick's abdomen. But rather than order immediate testing, Pegram required Herdrick to wait eight days for an ultrasound at a facility staffed by the HMO. Meanwhile, Herdrick's condition deteriorated, her appendix ruptured, and she developed a life-threatening infection known as peritonitis.

Herdrick won \$35,000 in compensatory damages at trial for medical malpractice, but the Illinois District Court dismissed her claim that the HMO, by establishing skewed incentives, breached its fiduciary duties to her in violation of the Employee Retirement Income Security Act (ERISA), a federal law which regulates private benefit plans.

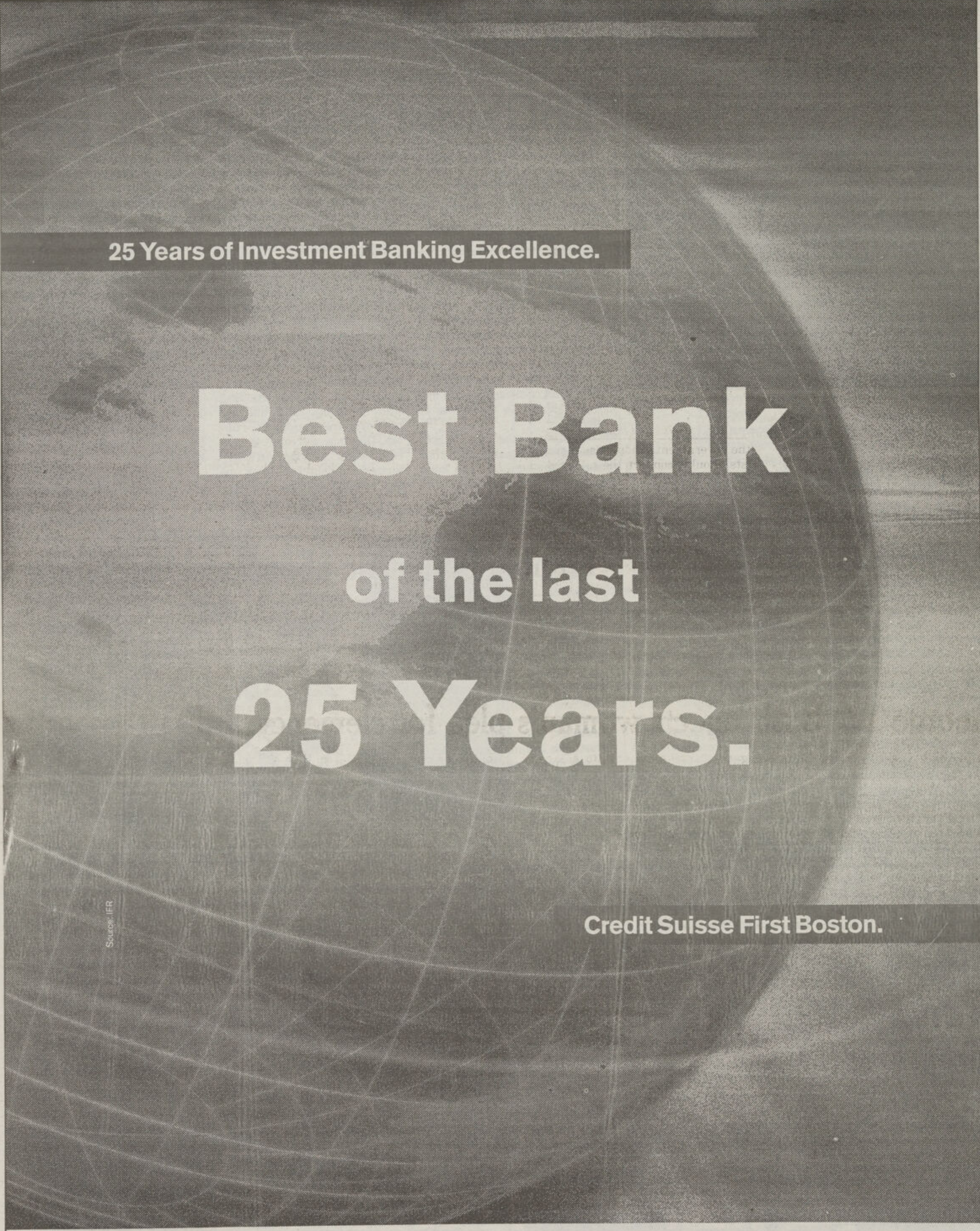
On appeal, the Seventh Circuit, per Circuit Judge Coffey, overruled that determination, and remanded the case for a trial on the ERISA claim. Judge Coffey's opinion, shot through with references to public outrage at the profits-over-patients approach

employed by HMOs, noted that the defendants' incentive system vests doctors with control over patients' treatment, while simultaneously rewarding them for holding down the costs of that treatment. The allegations, Coffey said, "most certainly raised the specter that the self-dealing physician/owners in this appeal were not acting 'solely in the interests of the participants' of the plan."

Observers of the oral arguments in Washington said the justices openly expressed skepticism that Congress intended to empower patients

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Helen Thomas reflects on 50 years of White House reporting

by Justin Cooper

Journalist Helen Thomas, famous for her hard-nosed coverage of every president from John F. Kennedy to Bill Clinton, entertained a nearly full Ames Courtroom with anecdotes, witticisms and political commentary last week.

Thomas made her first speaking appearance at HLS thanks to an invitation by the Harvard Law School Forum. She said she didn't have a particular message to convey to law students; she just hoped to tell them about being a journalist at the White House.

"Covering the White House is the greatest gun you could have. It's a learning game every day," she said in an interview before her presentation on Feb. 23. Thomas added that her main task is getting at the truth in an area where "secrecy is endemic."

Thomas said that she constantly has the feeling of prying to find some concealed truth. "It's true, too," she added, "I'm not just paranoid!"

In her presentation, Thomas discussed the secrecy surrounding White House affairs, and advocated more openness in the political process. She said that presidential candidates tend to say that they will run open administrations, always keeping the public fully informed, but when they get into office, they start keeping secrets.

Thomas stated emphatically that the American people has a right to know what its elected officials are doing. Journalists, as "the watchdogs of democracy," act in everyone's interest when they publicize information about



Photo by Arash Saedinia

Helen Thomas

the government. Thomas said journalists should "comfort the afflicted and afflict the comfortable."

Despite the considerable political heat already focussed on the 2000 presidential campaign, Thomas also offered a number of comments and opinions on the candidates and the process. Her first comment: "Where are the women?" She expressed regret at the lack of strong female candidates.

Thomas also said that she would have a hard time supporting any candidate who was opposed to equal pay for equal work by women, or who was opposed to gun control. She criticized

both the Republican candidates on these grounds, while criticizing Bill Bradley somewhat more vaguely for his record as a Senator and Al Gore for his involvement in questionable fundraising practices in 1996.

In the question-and-answer session, Thomas was asked who she thought would be an ideal presidential candidate, given her criticisms of the current field. "If elected, I will serve," she responded dryly.

Thomas also told stories about her many experiences covering the White House. She illustrated some of the difficulties of the task when she spoke about the painful period before Richard Nixon's resignation, in which journalists had to ask Nixon questions that they knew would bring about his downfall and hurt him and his family.

Thomas mentioned lightheartedly that presidents and journalists often have an adversarial relationship. According to Thomas, when President Reagan heard that the Marxist Sandanistas had bombed an encampment of journalists, he quipped, "You see, there's some good in everyone."

On a more serious note, Thomas argued that press conferences, though sometimes unpleasant for the president involved, are a crucial part of the political process. "There are usually no news conferences when things are going badly," she said, "but you have to keep asking questions and trying to get the information out there."

Students who attended the presentation had somewhat mixed reactions, although all said that they appreciated Thomas's anecdotes. "There were no

surprises, nothing too deep, but the stories were entertaining" said Paul Stimers '02, who is also pursuing a degree at the Kennedy School of Government. He added that Thomas's presentation "confirms the idea that there is a liberal press bias."

Another Kennedy School student, Tom Staley, reacted to Thomas's call for free public access to information, which he contrasted to her criticism of the Starr Report. "Journalists like Helen Thomas have to use their discretion all the time in terms of the people's right to know. With the Ken Starr example, she should be careful when saying that," Staley said.

Ben Hur '02 said he "appreciated [Thomas's] anecdotes. She gave us some flavor of the Presidents."

Meanwhile, Megan Leef '02 was "disheartened" by Thomas's presentation. "It confirmed my notions of press ideology. I'm skeptical about whether that liberal bias can be kept out of their reporting," Leef said.

However students reacted to the presentation, everyone was impressed by Thomas's accomplishments. When she began working in journalism 57 years ago, there were virtually no women in the field. She began working for United Press International, which is still her employer, where she waited for 12 years before being assigned to cover the Kennedy White House in 1961. That distinction made her the first female officer of the National Press Club.

Thomas became well known as the first person to close a presidential press conference with the words, "Thank you, Mr. President."

George W. Bush rejects woman's plea for clemency; HLS responds

by RECORD staff

While Gov. George W. Bush plunges forward with his presidential campaign, last week he left behind in Texas a compelling contrast to his label as a "compassionate conservative." And opponents of capital punishment at HLS are more than willing to point out what they perceive as the hypocrisy inherent in Bush's self-description.

Despite appeals that he delay the execution of Betty Lou Beets, Bush adhered to his own political tradition and denied a last-minute stay of the sentence. Beets, 62, was executed by lethal injection on Feb. 24 for the murder of her fifth husband nearly 17 years ago.

Michelle Drake '01, head of the HLS Death Penalty Project, commented on the disconnect between Bush's actions and his pretensions to be a new sort of Republican. "If Bush's actions constitute 'compassionate conservatism' toward death row inmates," Drake said, "I shudder to see the 'compassion' Bush will direct toward mothers on welfare, poor children in need of an education, elderly people in need of medical care and other Americans in need of government services."

In 1983, Beets was convicted of fatally shooting Jimmy Don Beets, a Dallas Fire Department captain and burying his body beneath a backyard garden. Despite failing to assert domestic abuse as a factor during her trial, Beets and her attorneys insisted that the former bartender-waitress was a victim of long-term mistreatment at the hands of her spouse. Henderson County prosecutors were able to persuade a jury that the murder was committed in order to collect her husband's life insurance and pension.

Since the U.S. Supreme Court allowed the death penalty to resume in 1976, Beets is the nation's fourth condemned woman to be executed. She is the second to die in Texas, after Bush

ignored similar appeals to spare the life of convicted murderer Karla Faye Tucker in 1998.

Drake noted that a variety of factors made Beets's case an appealing one for death penalty opponents. "Primarily, I think it attracted attention because Ms. Beets differs so greatly from the stereotypical person on death row," said Drake, pointing to the convict's gender, age, race and crime.

But Drake adds, "In many ways she is all too typical." Beets was poor, and factual claims raised post-conviction were ruled harmless error, Drake said.

A short time after the U.S. Supreme Court rejected Beets's final appeal, Bush said in a statement, "I am confident that the courts, both state and federal, have thoroughly reviewed all the issues raised by the defendant."

Less than an hour later, Beets was strapped to a gurney and transported to the execution chamber. Beets declined to make a final statement and witnesses said that she made no eye contact with the victim's family. It was reported that Beets smiled at her attorney, Joseph Margulies, who was in attendance, and smiled as she surrendered consciousness.

"It is an act of which we should be deeply ashamed," said Margulies of the execution. "It is not an act of compassion."

An appeal from the Rev. Jesse Jackson was among the nearly 2000 phone calls and pieces of mail asking Bush to display compassion. Jackson wrote that a stay of execution "would demonstrate your compassionate conservatism and that you are willing to do what is right even in the face of potential criticism from your constituents."

Texas has executed 121 convicted murderers during Bush's nearly six years in office. Bush, who is also running for the Republican presidential nomination, has said that his sole criteria for granting a reprieve is the pos-

sibility of a convict's innocence. He has spared the life of one condemned inmate whose guilt, Bush asserted, was in question.

Drake pointed out that Texas has an execution scheduled every week for the next five weeks. According to Drake, the state even "has an official Web site which includes information about inmates' last meals."

"Texas is disgusting," Drake said.

Earlier last week, the Texas Board of Pardons and Paroles rejected Beets's pleas for a 180-day reprieve or commutation of her sentence to life in prison. Under Texas law, that decision paved the way for Bush to exercise his authority to grant Beets a one-time 30-day reprieve.

Drake said that the Board of Pardons and Paroles was created by Bush to deflect the intense political pressure that accompanies high-profile executions. The board is composed of Bush appointees, and while the governor

"may grant a 30 day stay on his own authority, he is powerless to grant clemency in the face of an adverse decision by his board," Drake said.

To the end, Beets maintained her innocence. Instead, Beets blamed one of her sons for Jimmy Don Beets's death. The son, who denied any involvement, testified against her at trial.

Beets was also convicted of shooting and wounding her second husband, Bill Lane, and was charged, though never tried, in the 1981 shooting death of her fourth husband, Doyle Barker.

Only recently did Beets's claims of domestic abuse surface; they were not a factor in her 1985 trial.

"The true tragedy of the Beets case," Drake said, "is that it shows just how far the machinery of death has advanced."

"At one point, at least some people could count on clemency or reprieve," she continued. "Now, it appears that no one can."

Chuck.D@HLS

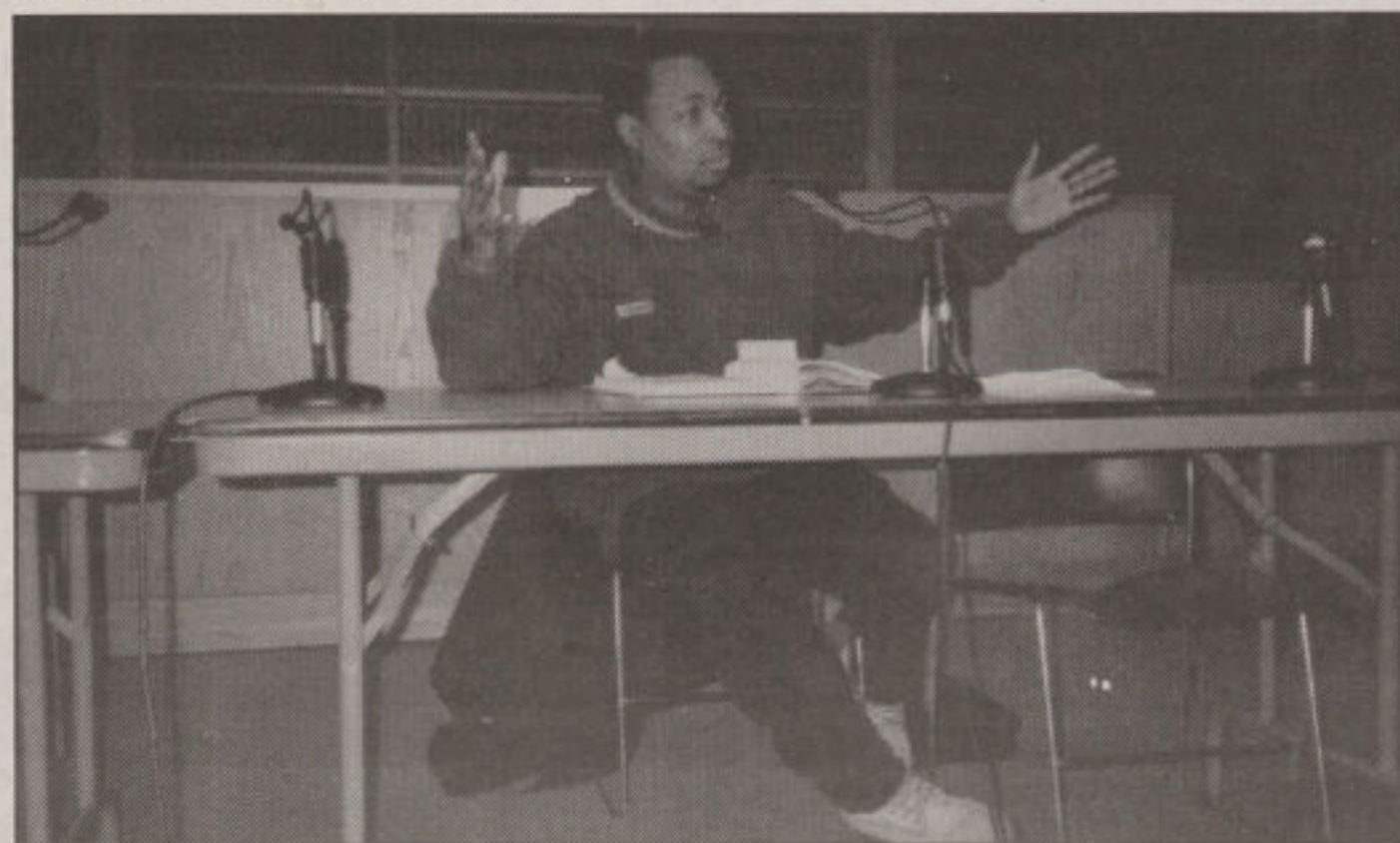


Photo by Arash Saedinia

Rap singer Chuck D ducked in to the Berkman Center's MP3 conference last Friday.

GYM

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questions about costs associated with the planned changes. Manoj Mate '00, president of LSC and a key member of the planning committee, said, "The costs involved are small when compared to the benefit to the Law School community."

Mate similarly refused to reveal the source of the funds. "The source is the Law School," he said cryptically. Mate suggested, however, that "when students actually see the gym, they'll be able to figure that out for themselves."

Student response to the announced changes has been overwhelmingly positive, mostly voicing exasperation that the situation has been so bad for so long.

Davis Wang '02 agreed, saying, "I would never be caught dead in that dilapidated hell-hole. If it's going to be like the New York Health & Racquet Club, I'll check it out."

"I think it's a good alternative — a lot of students have been forced to join other gyms," said Monte Albers de Laon '02, who is a member at Baily's.

"Hemenway makes us seem like the

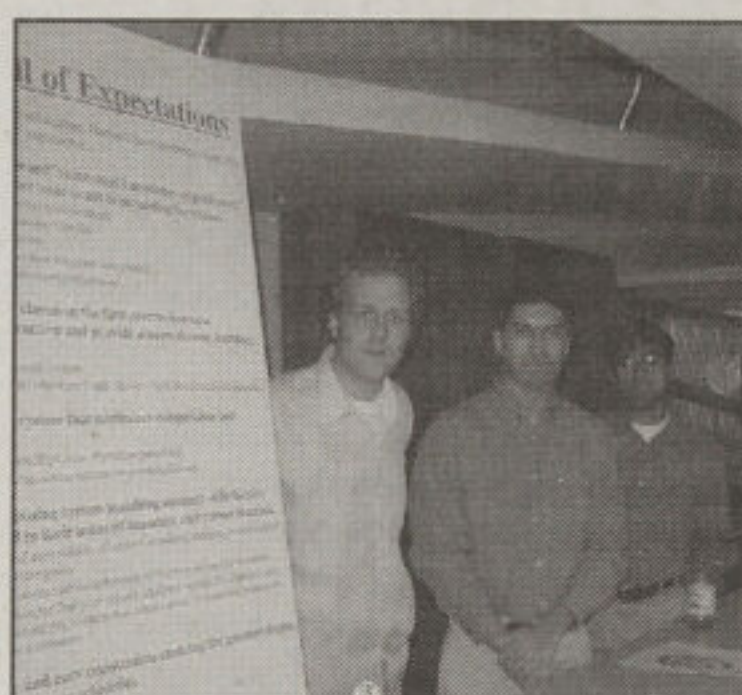


Photo by Francesco Barbera

Justin Cooper '01, Manoj Mate '00 and Jay Munir '01 (L to R) seek support for the Student Bill of Expectations.

poor stepchild. The B-school has Shad, and the university has the Mac [Malkin Athletic Center], so I think it's great — it's been a long time coming," said Sapna Sadarangani '02.

According to French, one breakthrough in planning improvements came from Hemenway's true owners, Harvard University. Late last year, the Faculty of Arts and Sciences announced that HLS would be able to continue using Hemenway for another

5 years. "Given that concession, and delays in HLS plans to construct a new gym in the future, we decided this would be an ideal time to pursue such a plan," French said.

Student interests in renovating the gym were represented by a strategic four-man group, which included French, Mate, Craig Anderson '02, and Herschel Hamner '01. These four have met at least twice a week since November to develop and implement plans for the renovation announced this week.

The four reps say that their motivation came from recurring and widespread student demands for better athletic facilities. "The students spoke loudly and clearly in last year's McKinsey survey regarding their dissatisfaction with the athletic spaces, and the Law School responded," Hamner said.

French agreed. "The McKinsey survey and our own conversations with our classmates made it clear that the Law School needed an adequate workout facility," he said.

The student representatives also said that administration support has been critical to their progress. "I want to emphasize that the Dean has been extremely supportive and enthusiastic — and he helped speed up the process

and make sure that it was successful," said Mate.

The LSC group said that the improvements to Hemenway will satisfy one of the demands of current students, as well as help attract prospective ones.

The renovations "will definitely improve the quality of life at Harvard Law, by attracting more students to our own high quality-gym, and providing new and better equipment that will be used by a larger cross-section of the student body," Mate said.

Mate also hoped that the gym would provide a happy end to his own tenure as LSC president. "By helping to make the new Hemenway Gym a reality this year, along with its current work on Academic Reform, the Law School Council will finish this year as the most successful Council ever," Mate said.

Despite Mate's optimism, the improvements have probably arrived too late for his third year classmates to fully enjoy. "This is representative of everything Harvard does," said Marty Pritikin '00, "It's like an abusive spouse — they treat you like garbage over and over and just when they can tell that you can't it any more, they buy you dinner and that's supposed to make it all better."

COURT

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to sue their health care plans in the manner proposed by Herdick's attorneys.

Justice Breyer '64 said he found it "hard to believe" that Congress meant to "gut" its own legislation encouraging incentives designed to reduce costs.

In response, Herdick's attorney said he sought not to outlaw all physician incentives, but only those that "unduly influence health-care decisions." Chief Justice Rehnquist criticized that standard as "extremely vague," while Justice O'Connor expressed doubt that courts should get involved in the first place: "Why should courts get into this slippery slope problem?" she asked.

Several justices suggested that HMOs have an equal fiduciary duty to remain solvent. "Sometimes," said Justice Ginsburg '56-'58, "what's in the best interest of a particular plaintiff could be against the interest of a class of beneficiaries."

The Court is expected to announce a decision in the case by summer.

Criminal Procedure

While cases like Herdick's stand awash in media attention, the Rehnquist court's quiet revolution in criminal procedure continues to advance relatively unnoticed by the American public.

Last Tuesday the Court held that the Constitution does not require a criminal defense lawyer to consult with a client about the advisability of an appeal. The case, *Roe v. Flores-Ortega*, involved a California attorney who failed to file a one-sentence notice of appeal on behalf of her client, Lucio Flores-Ortega. Ortega, who does not speak English, was in custody and unable to communicate with his attorney as the 60-day time limit for filing the notice elapsed.

Four months into his sentence, Ortega attempted to file the notice himself, but the state court rejected it as untimely. Denied state habeas corpus relief, Ortega finally filed a federal habeas petition alleging that his attorney was ineffective for failing to file the notice after she had promised to do so.

The Ninth Circuit granted relief,

holding that Ortega was required to show only that he did not consent to his lawyer's failure to file the notice. The court ruled that Ortega did not need to show that his attorney had affirmatively promised to file.

Characterizing the holding as a *per se* rule, the Supreme Court rejected the Circuit Court's reasoning, holding instead that Ortega's claim should have been evaluated under the ineffective assistance of counsel standard announced in *Strickland v. Washington* (1984). Applying that test, the Court held that a criminal defendant's attorney is only ineffective when he or she disregards the client's expressed instructions regarding an appeal. An attorney's failure to consult with the client regarding an appeal does not necessarily entitle the defendant to relief. Rather, in order to prevail, the defendant must prove that the failure to consult was "professionally unreasonable." If the defendant meets that burden, he must further demonstrate "actual prejudice," that is, that "there is a reasonable probability that, but for counsel's deficient failure to consult with him about an appeal, he would have timely appealed."

The opinion, written by Justice O'Connor, is informed by the Court's reluctance to impose constitutional regulation on the administration of criminal justice. Even while citing American Bar Association standards condemning the very behavior at issue in the case, O'Connor emphasizes that the Court would not impose any "bright-line" rules on attorney conduct.

"[W]e have consistently declined to impose mechanical rules on counsel — even when those rules might lead to better representation," she stated. "The purpose of the effective assistance [of counsel] guarantee of the Sixth Amendment is not to improve the quality of legal representation [but rather] simply to ensure that criminal defendants receive a fair trial."

Looking ahead to its next term, the Justices accepted certiorari in two Fourth Amendment cases, both with potentially profound ramifications for civil liberties. The cases may lead to a reconsideration by the Court of the circumstances in which warrantless searches or seizures are justified by special government interests.

The first case, *Indianapolis v. Edmond*, set to be argued in the fall,

involves the constitutionality of drug roadblocks established by Indianapolis police. Under the program, officers pulled over random vehicles and led drug-sniffing dogs around them.

A group of motorists filed a class action challenging the program, and in an ambling decision by Chief Judge Richard Posner, the Seventh Circuit held that the stops violate the Fourth Amendment's prohibition against unreasonable searches and seizures.

Posner noted that the Fourth Amendment requirement that seizures be justified by "particularized suspicion" has been waived only in certain "special-needs" contexts — as part of a general regulatory program, for example, or to preserve the integrity of national borders.

The purpose of the Indianapolis program — to discover evidence of crime — placed it outside these exceptional contexts, Posner stated.

Posner's decision is imbued with a vague sense of regret: had Indianapolis argued the case effectively, he seems to say, his harsh conclusion would not have been necessary. He suggests, for example, that the program might have been justified as a regulatory measure to "protect highway safety," or as a public safety measure in high crime areas, "where no specific person is under suspicion but the circumstances make it impossible to prevent a crime without an indiscriminate search."

In an analytically similar case, the Court also agreed to decide whether a public hospital can constitutionally take a urine sample from pregnant women in order to report illegal drug use to police.

The drug testing program was adopted by a South Carolina public hospital at the height of the 1980s crack cocaine epidemic in an effort to combat the increasing incidence of drug addiction among pregnant women. Ten women who were arrested pursuant to the policy challenged the program as a violation of their constitutional rights.

The Fourth Circuit, in a 2-1 decision by Judge Wilkins, upheld the policy under the special-needs exception, finding that the program was motivated by a desire to protect unborn fetuses rather than to detect crime.

In such cases, the Supreme Court has mandated a balancing test which considers the nature of the governmental interest prompting the inva-

sion, the effectiveness of the intrusion, and the magnitude of the intrusion upon the individuals affected. Applying that balancing test, the Court found there was a "substantial" governmental interest in protecting fetuses, that the pre-natal urine sampling was a highly effective way to vindicate that interest, and that the privacy intrusion upon the women was "minimal."

In their certiorari petition, the women argue that the decision amounts to a drastic expansion of the special-needs exception, since "nearly every application of the criminal law serves some health or safety purpose." Although the particular program challenged was discontinued amidst controversy in the mid-1990s, the issue remains important in South Carolina, since its Supreme Court has interpreted that state's child endangerment laws to protect fetuses.

Other Supreme Court developments include the following:

- The justices rejected without comment an appeal by death-row inmate Robert Lee Tarver, Jr., whose petition challenged the electric chair as a violation of the Eighth Amendment's ban against cruel and unusual punishment. Last month, the Court halted Tarver's execution minutes before the inmate was set to die, prompting speculation that the justices were prepared to decide the electric chair issue. Justices Stevens, Souter, Ginsburg, and Breyer dissented from the denial of certiorari.

- The Supreme Court ruled in a *per curiam* opinion that the equal protection clause may be invoked by a "class-of-one" person who has been injured by state action motivated by "vindictiveness or ill-will." The suit, *Village of Willowbrook v. Olech*, was brought by an Illinois woman who claimed that the village was retaliating against her in response to an earlier, unrelated lawsuit. The Court stated that its precedents made it clear that "the purpose of the equal protection clause of the 14th Amendment is to secure every person within the state's jurisdiction against intentional and arbitrary discrimination." The equal protection clause provides a basis for relief, the opinion states, where "the plaintiff alleges that she has been intentionally treated differently from others similarly situated and that there is no rational basis for the difference in treatment."

• Political Opinion •

The Quadrennial Delegate Chase

by Mike Adams

"The people have spoken... the bastards." — Adlai Stevenson, Democratic presidential nominee against Dwight Eisenhower, 1952 & 1956

That must be how Republican George W. Bush and Democrat Bill Bradley have secretly felt after losing primary elections they expected to win. Meanwhile, GOP challenger John McCain is ascendant and threatens Bush's once-presumed lock on the Republican nomination, and Vice President Al Gore has traversed the mine-infested political landscape this year with nary a scratch.

Just a few months ago, Bush For President seemed more an inevitability than a candidacy, and Bill Bradley had defied political wisdom by raising more money and running better in New Hampshire polls than did the heir apparent to the most popular Democratic administration since that of FDR.

What happened?

It's an ironclad rule that what comes up, must come down. In 1999, Bush hovered like Zeus above the body politic, running 40 points ahead of other Republicans, and 20 points ahead of Gore in nationwide matchups. He raised dough like Bob Clark and outspent even Steve Forbes, for Pete's sake. Bush sat comfortably in Austin, Texas, receiving obsequious well-wishers by the dozens, accepting their entreaties to run, while Lamar Alexander, Dan Quayle, and other forgettables traveled from Iowa hog fair to Iowa hog fair.

But this scenario offended the Washington press corps, who have deadlines to meet, papers to sell, and Pulitzers to win. Suddenly, the Bush campaign encountered crises — had the governor of Texas ever snorted coke? had he ever danced naked on a bar? had he ever dropped by the Lincoln's Inn for a match of Drunken Twister while attending Harvard B-School? is this a picture of him at Dick's Last Resort with Dan Jabe?

Meanwhile, the former senator from New Jersey and basketball legend patiently did the grip-and-grin in small Iowa and New Hampshire diners and donut shops, while quietly amassing enough campaign cash to make the (Clinton-)Gore campaign fundraising machine look downright inadequate —

almost ethical. By taking a cerebral and unapologetically progressive tack, Bradley rose from single digits in New Hampshire polling to the magic 50 percent mark in a matter of months.

Sometime around December, the Washington press corps yawned at Bradley's somnolent performance and focus on <gasp!> substance, and decided to spice up the race by questioning Bradley's harmless atrial fibrillations — in English, heart murmurs. Bradley gives a speech on health care, race relations, you name it, the headline reads: "Bradley: Better Not Use A Microwave Around Him."

Corollary to the above-stated rule: what was down, often goes up. Witness the comeback of Al Gore. Six months ago, the guy couldn't buy a favorable story. He led Bradley by 2-1 or more in national polls, had essentially locked up the support of Democratic "super delegates" — elected officials who hold a large sway over the nomination process — and had deftly averted challenges by such fearsome contenders as John Kerry and Richard Gephardt. He had the overt backing of the Democratic Party's most successful politician of the last 20 years, and a strong economy and a world at peace to crow about. What are the headlines? "Gore Claims to Have Invented Internet." "Gore Switches to Earth Tones." "Gore: Should We Leave Him Alone With A Revolver?"

Now look at the Gore campaign. They can do no wrong. Gore beats Bradley in Iowa — a state where Bradley never pulled within single digits — and Gore's win is labeled "stunning." Gore nips Bradley by four points in New Hampshire — the lowest victory margin for a sitting vice president since the creation of the primary — and suddenly Bradley is a has-been. And the underlying dynamic of the Republican race becomes: which of these guys can beat Gore? That Gore guy looks pretty tough to beat, after all.

Which brings us to the senator from Arizona, John McCain. McCain spent most of 1999 battling with Gary Bauer for fourth place in GOP opinion polls. Elizabeth Dole and Steve Forbes were considered the only candidates with a prayer of knocking Bush off his steed, and their prayers went unrequited: Dole dropped out for lack of financial support and became the front-runner for vice president, and Forbes gained little traction with his campaign

mantra: "Vote For Me, And I'll Give You A House Of Gold."

But McCain persevered, and bet all his marbles on winning the New Hampshire primary. He campaigned there exclusively, holding 114 town-hall meetings and endearing himself to the otherwise attention-starved people of New Hampshire. He bought the Washington press corps donuts on a regular basis, and gave them juicy soundbites with which to wash them down. By cozying up to the press corps — which, the Beltway's editorial pages suggest, largely support his initiatives on tobacco regulation and campaign-finance reform — McCain made himself The Underdog.

And the rest is history. What was down, came up, and is still up.

So what happens next? Do Gore and McCain drop again, and do Bradley and Bush enjoy a corresponding rise?

Don't expect Bradley to resurface. He's cooked. Unlike the Republicans, the Democrats won't hold any primaries of note between New Hampshire on Feb. 1 and "Super Tuesday" on March 7, when California, New York, Ohio, Massachusetts, and others cast their ballots. For Bradley to get the aura of electability he needed, he had to win in New Hampshire — and McCain had to lose. There's only room for one reformer at a time on the front pages, and McCain made the cut. Sorry, Bill. The only question now is whether you'll drop out on March 8 or whether you'll stay in the race and blow the other \$20 million you have lying around in the hopes of carrying the New Jersey primary. Life, like NBA referees, isn't fair.

The GOP race, meanwhile, once thought to be a competition between Dole and McCain for the vice presidency, has actually become a race. McCain caught fire in New Hampshire — a state known for its political acumen by having pronounced Paul Tsongas and Pat Buchanan as presidential — and parlayed that into victory in the much-watched Michigan primary, along with that of his adopted home state of Arizona.

So, now that Bush has been up, and then down, can he get up again?

Probably... at least against McCain.

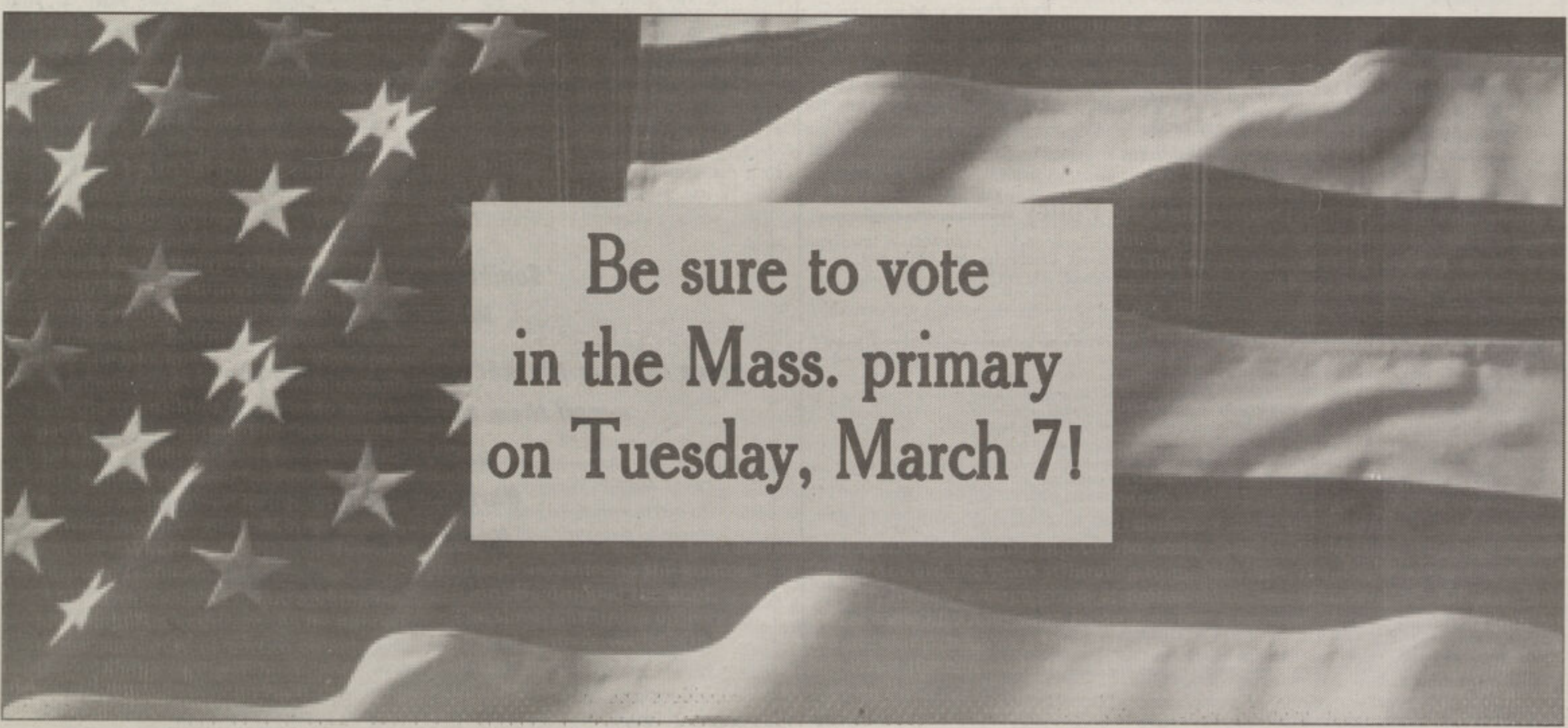
Making the difference for McCain thus far has been his competition in "open" primaries, in which voters not registered as Republicans (indeed, registered as Independents or even as Democrats) have been eligible to vote.

Bush split the Republican vote with McCain in New Hampshire, but carried it decisively in Michigan; no matter, because McCain's margin with Independents and Democrats voting in the primary put him over the top, and won him a big share of delegates to the Republican National Convention this summer in Philadelphia. McCain claims credit for bringing new people into the Republican fold — a claim once asserted to much avail by George W. Bush.

McCain's likely downfall lies in the approaching "closed" primaries, in which Republican delegates are chosen only by registered Republicans. Because Bush has run on issues more to the conservative movement's liking, he enjoys a large lead among Republicans in most states — including California, which holds the Mother Lode: 15 percent of the delegates needed for nomination, to be awarded in a winner-take-all contest. The McCain campaign has reportedly shifted resources out of California and into other, more winnable states, like Massachusetts and Ohio, which feature open primaries.

Even if McCain holds his own on Super Tuesday, the March 14 primaries take place in Bush country: Florida, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas. The one state where McCain competed forcefully against Bush and was trounced was South Carolina; the South likes its Establishment candidates. If Bush wins California on March 7 and wins these six Southern primaries, he'll have more than two-thirds the delegates he needs for nomination. More importantly, it will be difficult for McCain to rebound, as the primary calendar slows down quickly after March 14.

Bush's biggest challenge is to assuage the masses of voters he has ham-handedly managed to miff just this past month — Catholics who were angered by his appearance at Bob Jones University, African-Americans who take offense at his refusal to condemn the flying of the Confederate Stars and Bars over the South Carolina state capitol, you name it. Bush's recent rightward emphasis may extract him from the jaws of McCain, but deliver him into the mandibles of Gore. You can bet this autumn will bring us the most exciting — and closest — general election since 1960.



Be sure to vote
in the Mass. primary
on Tuesday, March 7!

Harvard Law RECORD

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FOUNDED IN 1946

Free Love, Free Work, Free Students

Over lunch at the Hark this week, an acquaintance expressed disapproval of the proposed pro bono requirement with the query, "If love ain't free, then what is it?" In that phrase is encapsulated the slogan of campus 'anti-bono' proposals — you cannot make us do, they would say, what is only to be done freely.

However, the pro bono proposal's most compelling fault stems not from this issue of student autonomy, upon which Prof. Charles Fried expounded in these pages two weeks ago. While Fried's argument was eloquently posed, the law school has rarely let concerns about unencumbered student choice influence its policies. Nor should it. Harvard is in the business of producing lawyers, and that gives the institution a necessary leash on student liberty, whether it be through the imposition of Ames Moot Court or a third year paper. And life itself is replete with mandates and orders from on high — if students aren't yet used to being told what to do, then they'd best learn how to nod humbly and respectfully say "Yes, your Honor" before they step into a courtroom. The lot of the law student's life is to hurdle any number of unconsented-to obstacles.

The better objection to the proposal is that it fails to evince true commitment. Quite simply, the program is a palpable symptom of the school's obsession with reputation. It seems a cosmetic effort to raise the profile of HLS — to prove that Harvard really, really has a soul — by squeezing a week of reluctant toil out of its students.

One week, that's all, its supporters say. Is that really too much to ask? And the honest answer is no. But one week of volunteer work is not enough to instill a love of public service in those incapable of appreciating such a career. And a single week is not enough time to develop a respect for the poverty-stricken, or even for government attorneys, in those who are begrudgingly dragged into filling a requirement.

What this proposal is, then, is a symbol. It is designed to send a bold message about the ideals that Harvard Law aspires to represent. The result, however, is a misguided attempt that substitutes headlines for hard work.

If HLS is serious, truly serious, about fostering careers in public service, then requiring 40 hours of putatively pro bono work is not the right answer. The focus should be on that segment of students who want to enter public service, not on those vague few who might want to work in public interest, but just don't know it yet.

The proposal advances itself as the embodiment of Harvard's commitment to public service. Yet for a symbol to acquire real meaning, commitment from its creators is a requirement, and 40 hours is not enough.

—Justin Herdman

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—First Amendment, U.S. Constitution

• Letter •

Third year at Law School is the charm

As a 3L in his final semester, I want to speak up as one student who has thoroughly enjoyed the last three years here at HLS, and in many ways will be sorry to see them end. I tire of hearing the constant HLS-bashing, especially the HLS-student-bashing that some people have a seemingly endless need to do. I have met some extremely talented, intelligent and interesting people here. More important, some of those people have become

my good friends, whose friendship I would be honored to have for the rest of my life.

Sure, I have had moments here when I have found myself shaking my head — at faculty, at students or at the institution itself. But there is simply no way that the positive experience I have had at HLS could ever be tarnished by any of those moments. Nor would I want to let it. Perhaps I have been extraordinarily fortunate in the people I

have met in my experiences here, but I suspect that I am not all that unique.

So I would like to take this opportunity to thank all of you for making the last three years as enjoyable and as memorable as they have been. To be sure, years from now, I will look back on my Harvard Law School years with fondness and appreciation.

Alan Leggett '00
Feb. 28, 2000

Another cheer for Schlanger's LIPP reform

For some time now, the HLS community has been discussing its future through the Strategic Planning Process. Anyone who reads the RECORD can see that LIPP reform has emerged as one of the most significant and talked about changes being considered.

Students have written letters to the editor, attended many Strategic Planning Committee meetings and produced a Statement of Principles. Hundreds of students and dozens of student organizations endorsed that statement.

Something resembling a consensus among students, professors and alumni that LIPP reform is important and necessary has developed. This is not to say that everyone agrees that LIPP reform is a good idea. I have spoken with friends who ask the inevitable LIPP-related question, "Why should

I have to pay for your choice?" It certainly seems like a fair question.

In the end, however, I think that it is the wrong question to be asking. The question we, as students, professors and alumni, should be asking ourselves is "What is in the best interests of Harvard Law School as an institution?" After all, answering this question is the real purpose of the Strategic Planning Process.

If we are trying to determine what is best for the Law School as an institution, we should look to Professor Schlanger's proposal to the Connections in Practice Committee. Professor Schlanger gives us two reasons why LIPP reform would benefit the Law School, aside from the student satisfaction resulting from enhanced career choice and opportunity. First, she points out that we are losing students to peer institutions

with better loan forgiveness programs.

Put simply, many public interest-minded students are going to other law schools. These students are adding to the diversity of ideas and world views of our competitors rather than of HLS. Second, the current problems with LIPP have led to decreased public interest job-taking. As a result, Harvard loses the influence in the public sector that it would have if more alumni were working in it.

The conclusion seems clear: HLS as an institution will benefit from LIPP reform. It is time for students, faculty and alumni to come together to support structural changes and an increased budget for LIPP. Harvard Law School will be the better for it.

Jeff Baran '01
Feb. 28, 2000

Pro Bono should be by students' choice

Before I came to this law school, I worked for seven years in public service in the inner city, primarily in South-Central Los Angeles. Since coming to HLS, I have spent a summer and part of a fall term working for a government agency. I obviously think public service is very important.

Nevertheless, I oppose

the mandatory pro bono requirement in the strongest possible terms. Who saw the need to infantilize this very bright, self-motivated group of students with such a crassly paternalistic, "we know what's best for you kids" kind of proposal?

What's next, a measure to force HLS students to

spend 20 hours with the HLS Democrats, and another 20 with the HLS Republicans?

Part of the appeal of Harvard Law School is its marked lack of paternalism, at least after the first year. Let's keep it that way, please!

Bill McCants '00
Feb. 18, 2000

**Something on your mind?
Write us a letter!**

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e-mail them to record@law.harvard.edu**

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PERSPECTIVE

by Adam Oyeibanji '02

A 1L Plea for Optimism and Alcohol

A long time ago in a society far, far away, a young lady was about to get married. She had met her fiancé many times but always in the company of a chaperone. She was understandably concerned about the wedding night.

"What shall I do, mother?" she asked.

"Nothing," her mother replied primly. "Just lie back and think of England."

I was reminded of this particular story on reading Reese Pecot's recent op-ed piece in these very pages some weeks ago. It was that usual, well-written, RECORD staple: the grinding down of a young person's hopes and dreams by an uncaring, uninspiring law school. I was about to move on until something stopped me in my tracks. Pecot, you see, is a 1L.

Not having many acquaintances in the upper classes, I, like many of my Section IV colleagues, have only the RECORD to give any guidance as to what 2- and 3Ls are actually like. The inevitable conclusion one reaches is that they are a bunch of embittered whiners. To put it another way, 2- and 3Ls bear about as much resemblance to their first year cousins as Prof. Steiker does to a Republican. The 1Ls I know are for the most part an optimistic, supportive bunch whose greatest fear is that they will turn into 2Ls.

Much 1L thought, not all of it sober, has gone into analyzing what it is about the upper class experience that produces such damaged goods. The consensus view has been that they were once like us... and then they got grades. For that reason alone, a great deal of 1L effort has been expended on building psychological defenses: we remind each other constantly that everybody (well, 86 percent) gets a B/B+, that we will still be good people regardless of grades, that life goes on. Still, the fear remains. The upper classes were 1Ls once. They must have tried the same tactics and, quite obviously, failed.

That's why Pecot's piece caught my attention. Here was a 1L writing like a

3L before she'd had any grades at all! For a 1L like myself this is very disturbing. The sinister implication is that, like Sigourney Weaver's marines in *Aliens*, we're waiting for the monsters to burst through the front door in the form of grades while all the while something ghastly and unseen is going on in the roof spaces above our heads. Something that even now is about to drop through the ceiling and tear us to pieces, with Pecot as its first victim.

But what? What is it that has ground Pecot down to such an extent that after a mere 17 weeks of law school the joy has gone out of her? I just don't recognize the grim, soulless environment that she describes. All teaching can sometimes be tedious, but is it really that dull? Are the professors really that bad? To my mind, the answer is no. Personally speaking, I'm having a blast.

Now this answer, too, is troubling. It implies that I'm a shallow gunner too obsessed with showing off to see what's really going on here at HLS, that bad things are happening to good people, that I'm wandering through a nightmare landscape blinded by my rose tinted spectacles: *Forrest Gump* with a British accent.

Am I a gunner? Well... yes. I like to pretend that I'm a recovering gunner, that I don't speak as often as I'd like — which is true. It doesn't alter the fact that my hand still hurtles skyward far too often to be considered normal. Guilty as charged.

Am I shallow? Sometimes. I genuinely believe that there is some mystical significance to the fact that there are three Lauras in my A Group, I just haven't figured out what it is yet. In another life I'd be a Californian. Nonetheless, my gunning and shallowness are not so great as to allow me to pass through Pecot's version of HLS without recognizing it. It just isn't there. So why is it that Pecot and I appear to live in parallel universes?

My first thought was that the 1L year is actually four separate law schools. I know almost nobody outside

Section IV. Maybe life is just different elsewhere. After all, we are the only 1Ls initiated into the cult of Horwitz and the balanced lifestyle ("if you find something difficult: go to a movie"). It is alleged that some twisted contemporaries refer to Section IV as "Club Med" while many of my Section IV colleagues apparently go on Section II hunts at Bar Review. I'm told that Section II is seldom seen but easily spotted: they're the ones blinking uncomfortably through the giant, thick lensed spectacles they normally use to get through 600 pages of assigned small print every week.

It's admittedly possible that while 1Ls in Section IV gambol like lambs in spring, others are being thrown on to trucks and driven to the slaughterhouse. It doesn't, however, seem very likely. The few people I know from other sections appear to be as happy and well adjusted as other friends (save perhaps for the guy in Evidence 100 who runs video clips of 300-pound bikini clad women on his laptop). While the sections may be somewhat different from one another, I doubt that the variance is sufficiently great to account for such a stark gap in perception.

The answer, I think, lies in my story about the young woman about to get married. The advice she was given was to be passive and let it all happen, which is not exactly a recipe for having a good time. Intimate relations, like all joint enterprises, work best when both parties are equally committed to the project at hand. Law school, also, is a partnership. You cannot just walk into a classroom, sit down and expect to be stimulated as a matter of course. Enjoyable learning requires activity on the part of student as well as teacher: the student has to make the effort to take what's being taught and use it to make connections that she herself finds interesting — which need not necessarily be the connections the professor is pushing her to make. It's easier to do this with some courses and professors than others, but it is always

possible. If you make the effort.

Effort is the key here. HLS is a big place. What makes it hellish is not its size or its anonymity or its lack of soul. What makes it hellish is passivity and a lack of imagination. You cannot come to HLS (or Yale or Berkeley) and expect that just by being there you will absorb happiness by some mysterious process of osmosis: you have to do stuff. Even if you don't care for classes, there are clubs and journals, there are professors and sports and, above all, people. The people here are great and there are so many that there has to be someone with whom you can have fun.

At the end of the day, enjoyment of the HLS experience requires an active, optimistic outlook. I am coming to the view that the people who are miserable now were miserable before they came and expected HLS to make them happy. Life ain't like that and the RECORD shouldn't spill quite so much ink pretending that it is.

It is this paper that gives 1Ls an unfairly jaundiced view of their senior classmates. When I stop and think about it, the seniors I play rugby with are happy, supportive people. Those 1Ls who work on journals value the help, support and friendship of 2- and 3Ls, and my LRA adviser didn't spend her weekend making helpful corrections to a pile of sketchy Ames briefs because she hated HLS. 2 and 3Ls don't whine any more than their 1L brothers and sisters but this paper leads us to believe that they do.

The RECORD has a new editor. Perhaps he will make more of an effort to counterbalance the consistent negativity of most of his columnists. There's a lot about HLS that could be improved. Harsh things need to be said from time to time, but not all the time. Frankly, a lead could be taken from the RECORD's wine columnist who, incidentally, doubles up as a Section IV gunner. Justin Dillon is a Merlot bigot, but at least he is happy and engaged in his prejudices. Let me propose a toast for the new RECORD: here's to more wine and less whining.

PERSPECTIVE

by Michelle Drake '01

Faculty Should Approve Pro Bono Requirement

I am writing in support of the current proposal to require students to complete 40 hours of public service prior to graduation. Contrary to Professor Fried's suggestion that a pro bono requirement is somehow akin to forced labor in Cuban cane fields, the faculty proposal would greatly aid the Law School in its stated goal of "providing comprehensive and enlightened training for law practice, for public service at the local, state, federal and international levels, and for law teaching and legal scholarship" (Law School Catalog, 1999-2000, p. 24).

By requiring first-year students to learn contracts, torts, property and criminal law, the Law School recognizes that an understanding of substantive law is a prerequisite to legal excellence, regardless of the field in which anyone decides to practice. By requiring students to learn legal writing and analysis, the Law School recognizes that a thorough mastery of certain skills is a constituent part of legal excellence, regardless of the particular way in which any given attorney chooses to use those skills. The addition of a pro bono requirement would constitute an equally fundamental recognition, namely that an understanding of not-for-profit legal work is a necessary prerequisite to legal excellence.

As an educational institution, HLS seeks not only to impart legal knowledge,

but also to train people capable of shaping the legal profession and the law to respond to "society's complex problems" (Law School Catalog 1999-2000, p. 24). Unfortunately, the brunt of the work of solving these problems often falls upon lawyers poorly compensated for their time. For HLS to allow its students to graduate without any exposure to the work these attorneys do is to commit a grave educational disservice to its students, not to mention to the legal profession.

Despite Professor Fried's noble aspirations of respecting students' "moral autonomy," the reality is that HLS pushes students into a limited set of career choices in a variety of ways. From the Ropes & Gray sponsorship of Admitted Students Day to the amount of resources utilized in encouraging recruiting efforts by large firms to the frequent in-class mentions of big name firm jobs, the Law School presents a particular image of the kinds of options open to (and worthy of) graduates of HLS. True freedom of choice requires exposure to a variety of career options, and the requirement of pro bono work would in fact help to facilitate meaningful choice. Far from compelling students to "live their lives" in a particular way, a pro bono requirement would help to ensure that students' choices are fully informed when they are made.

In addition to providing a valuable counterbalance to the Law School's corporate culture, a pro bono requirement would provide an invaluable service to those who benefit from students' work. Even though a majority of law school students currently do enough pro bono work to satisfy the proposed requirement, the reality remains that the poor receive a grossly disproportionate share of our nation's legal resources. Although some are quick to assert that the last thing the poor need are lawyers, the reality remains that legal expertise must be brought to bear in virtually all problems with which the poor struggle on a daily basis, from landlord-tenant disputes to criminal prosecution to registering to vote.

Few, if any, would dispute the value of pro bono work. Those who oppose the faculty proposal generally do so on behalf of those law school students who would allegedly find such a requirement onerous, or morally repugnant. Others do so based on the belief that students forced to perform pro bono legal work would do a shoddy job, further disadvantaging those most in need. In an attempt to respond to the concerns of those who might find a pro bono requirement "morally objectionable," the proposal counts a wide variety of work as "pro bono" and would certainly not force anyone to do work which they

found repugnant. Indeed, it is those mythical students who find pro bono work itself morally objectionable who seem to provide the basis for Professor Fried's argument. In his view, such students will either be forced to "cut cane" against their will, or will simply lollygag in the fields. One cannot help but wonder whether such individuals are really fit to receive a degree from HLS in the first place....

HLS remains a respected institution in large part because its graduates have shaped the legal profession in all areas. The current law school culture and curriculum inculcate the view that particular kinds of legal practice are more important than others. Those who do not believe this to be the case must actively seek to change the institutional structures which shape the school, and one way of doing this is to require that students engage in pro bono work. Hopefully, requiring a mere 13 hours and 20 minutes per year of legal service will not be the only step the Law School takes to ensure a more balanced education, but it is a step in the right direction. Hopefully, the faculty will recognize it as such, and vote in the proposal as part of a larger program to ensure that a degree from HLS means not only that one has mastered the law, but also that one is well suited to shape the very rules by which society governs itself.

Carpo Pollo

By Jake Zimmerman '00
Staff Columnist

BLINDING YOU WITH SCIENCE

Finally, I have proof: you people are weird. I realize that this bombshell revelation may be shocking to many of my readers. Until recently, like most of you, I operated under the comfortable default assumption that we at Harvard Law School are strikingly normal. But recent empirical evidence has led me to believe that this widely accepted view needs rethinking.

Please, take a moment if you need to. I know this is hard. Suck in a few deep breaths, center yourself, and find your "happy place" before reading any further. (Memo to Professor Nesson: please don't take this advice too literally, for the good of everyone around you.) If necessary, meditate for a moment. Repeat a soothing mantra to yourself: something like "B, B, B, B, B." (By now, you 1Ls shouldn't have too much trouble with this one.) Now that you're at peace, read on... for disturbing findings await you.

Yes, friends, I have uncovered a terrible truth: we are farther from the mainstream than any of us ever dreamed possible. I have conclusive scientific evidence, provided by observations of the ultimate experimental subject: my brother, Andrew. See, Andrew just graduated from college in the heartland (Indiana University). He recently relocated to Boston, following his starry-eyed youthful dreams of bright lights, bustling thoroughfares, overpriced beer, and shockingly poor street drainage.

So, with his Midwestern naïveté largely intact (because, unlike your faithful columnist, Andrew was never molested by livestock during his youth in Missouri), Andrew thus makes the perfect barometer for measuring how all of you wacky law students conform to cultural norms. And the preliminary measurement, in a word, is "poorly."

Now don't get me wrong here. Andrew is hardly a beacon of normality. His kitchen features a giant poster of Macaulay Culkin, he has a cat named "Tork," and he shares half of my chromosomes, for heaven's sake. So it goes without saying that Andrew suffers from a certain predisposition toward what might be charitably called "eccentricity." (Sorry, you'll just have to speculate as to what the uncharitable names might be; unfortunately, Andrew both reads this column and knows where I park my car.)

But whatever Andrew's quirks may be, he does have the distinct advantages of (a) not being a law student, (b) having real, live friends who are also not law students, and (c) holding down a "job" in an actual "economically productive sector of society." (I know this concept is strange for most of us, but trust me. I did some Westlaw research, and apparently there are actually people in the world whose employment really results in the creation of tangible wealth where none existed before. Go figure!)

So it turns out that I can get a pretty good measurement of just how socially tolerable my law school classmates are by applying the Andrew factor: his relative willingness (or lack thereof) to spend time with you. To begin, then, we set the parameters. Experience has proven that Andrew is generally willing to go out to dinner with me. The cynical will suggest that this is either because I usually buy, or maybe because Andrew will take any excuse to avoid eating yet another meal in his bizarrely-decorated kitchen, sitting under that smiling image of Macaulay Culkin. But let's give ol' Doodles the benefit of the doubt and assume that he actually enjoys my company.

On the flip side, it comes as no sur-

prise that Andrew has zero interest in attending HLS classes or otherwise being exposed to the actual substance of law school. Indeed, it is fair to say that if forced to choose between setting foot in Gannett House and, say, being disemboweled by giant, deranged mutant armadillos, Andrew would cheerfully ask you to bring on the armadillos any day of the week.

So that gives us our baseline. It's the range of experiences in-between that provide us with the best data. For instance, a series of experiments with various test subjects has discovered that Andrew will agree to go out for a beer, as long as no more than three other law students are involved. Any more of you than that, and the calculus evidently changes, causing him to prefer sitting in a dark room alone and drinking seltzer.

Another interesting phenomenon is the importance of trigger words. It turns out that the term "party" is the death knell in terms of Andrew-involvement. I could invite Andrew to an event featuring distribution of free \$1000 bills — but if I billed it as a law school party, Andrew would politely decline, explaining that he really needed that time to pluck his eyebrows. At this point, there is no definitive hypothesis to explain this behavior. It may simply be that "party" implies a gathering with no entertainment available other than conversation with people like us. Alternatively, we may speculate that Andrew has deep — and understandable — fears about a large group of drunken law students rapidly degenerating into something resembling Lord of the Flies.

The data is not always this neat, however. Certain isolated observations defy ready explanation. For example, Andrew always attends our "3L Movie

Night" events. Given the astonishingly large proportion of law students who show up for these, this is inexplicable, unless something about these events provides a "magic bullet" that makes even a vast number of us tolerable. Curiously, a review of the distinctive features of these events identifies only one unique item: huge, heaping plates of greasy Chinese food. Thus, the tentative conclusion: a sufficient quantity of Peking Ravioli is apparently sufficient to neutralize the annoyance caused by even the most obnoxious gunner. Who knew?

These and other initial pieces of evidence clearly lead to the sad inference that maybe the HLS crowd is just a wee bit "atypical," and possibly even "weird," "screwy" or "crazier than Bob Clark on the dance floor." Further research is obviously necessary, both to confirm these startling conclusions and to learn more about our collective level of social acceptability.

I am currently seeking a research grant from the Law School, to answer such questions as "Will Andrew go to Foxwoods with four law students if he is provided with a \$400 stake?" and "Will Andrew accept a free flight to Tahiti if law students are sitting on either side of him?" Funding this study is absolutely vital to developing an understanding of just how well all of us will eventually fit into "society," whatever that is. For your own sake, please write to the Dean today and encourage the Law School to support my work.

Oh, and if, later this week, you see a tall, lanky guy with brown curly hair and an "Indiana" sweatshirt, and he happens to have his hands wrapped tightly around my neck, please contact campus security. Once this column is published, I'm going to be as marked a man as Salman Rushdie.

Fenno

Fenno was at a loss.

"What do you mean, my grades aren't in yet?" Fenno asked.

Stephen Kane looked him in the eye.

"I'm sorry, Fenno, but your professors don't seem to have finished yet. Come back in a month. They should all be in by then."

Fenno grimaced. "I had Brewer."

"Oh. Er, well then."

[Awkward silence.]

"Candy?"

Fenno stormed out of the registrar's office. He couldn't understand it—at least eight professors were late with their grades. These people had over a month—a month!—to grade, what, 150 exams max? And it's not as if any of them actually had to work during that month. They were teachers.

Some people had excuses, Fenno knew. Margo Schlanger, for example. She had twins.

But Lani Guinier? Mort Horwitz? Martha Field? Anne-Marie Slaughter? What were they doing? Take Horwitz. Mort was cute in a nebbishy, gnomish sort of way, but that guy had given the exact same exam questions for the last 20 years, and everyone knew he only read the first page anyway.

And then there was Scott Brewer. The guy only had 40 exams to grade this year, and still he was late. If he had spent that time bathing, fine. That'd be a public service. But otherwise...

Fenno knew he was beating a dead horse, which usually aroused him, but he also knew that students had become

complacent about the grades issue. This was one of the things they had learned to expect, so they had quit complaining. Besides, what could they do?

Never underestimate the power of bitching. After all, hadn't David Rosenberg made a career out of it?

Fenno was determined to cheer himself up. He left Griswold and walked towards the Hark, where he could sit quietly, have a drink and read the captivating new Student Bill of Expectations.

That got Fenno to thinking about the LSC, especially that saucy little Manoj Mate. Fenno had heard that when a young woman recently asked Mate how much LSC presidents usually charge for sex, he refused to offer specifics. "The costs involved are small when compared to the benefit to the law school community," was all he would say.

But where, the young woman continued, can I get that kind of money?

Again, the mysterious Mate evaded the question, saying only, "The source is the law school."

That Mate. What a character.

Still, Fenno had to give him credit for finally pulling something together on Hemenway. Better facilities meant more people in Hemenway. More people meant more sweaty women, and not the usual kind that Fenno had to pay for. Fenno grinned at the thought. An hour on one of those Precore elliptical trainers, followed by a good shot at the free weights, and he'd be as buff as Chris Bauman. Still, Fenno had to wonder: What the hell is a Precore elliptical trainer?

All those thoughts about working out had made Fenno thirsty. As he stepped under the dimly lit portico outside the Hark, Fenno realized he might have spent all his money on beer the night

Quote of the Week

'There are so many people with so little talent making so much money.'

—Spice Girl Mel C. ("Sporty Spice")

before, so he took out his wallet and—
BAM! BAM! BAM! BAM!

Four bullets whizzed by Fenno's ear. He turned around and saw four Harvard cops firing at him. (The thin line of drool told him they were originally from the Bronx.)

"Gun! He's got a gun!"

Fenno looked down. Gun? He was just holding his wallet.

BAM! BAM! BAM! Three more shots. No one else seemed to notice that Fenno was being shot at. They were too busy wondering what that white 1L was doing at the rally.

Fenno looked back at the cops. One of them had tripped over his untied shoelaces and fallen to the ground.

"Officer down! Officer down! Get him!"

The officers started to let loose. Fenno knew he had to move quickly. He took off behind Pound, dodging about 20 more shots as he went.

Swerving into the bushes to dodge a close one, Fenno realized that he had dropped his wallet on the ground.

"Gun! He dropped the gun!"

The three remaining officers jumped on top of Fenno's wallet. One of them picked it up and stared at it intently. (The other two kept shooting at Fenno,

who counted about 14 shots in all, before running out of ammo.)

"Where's the trigger? I can't find the trigger!" The officer holding Fenno's wallet looked confused. He pointed it at Fenno and yelled, "Freeze!"

Fenno froze.

"Don't make me use this!"

Fenno looked at the officer, who was sweating profusely. "Use what? It's my wallet. You're holding my wallet."

"Don't try those Harvard mind games with me. I know what this is."

What kind of moron couldn't tell a wallet from a gun?

Fenno knew what to do. He took his keys from his pocket and held them in front of him. "Don't make me use this!"

"Grenade! He's got a grenade!"

The cops took off toward the quad, looking behind them as they went. Fenno motioned as if to throw his keys. They hit the ground and covered their heads. Was that a faint Hail Mary?

Sweating and tired, Fenno smiled, shook his head and started to walk back toward the Hark. Glancing to his right, he saw a large group of protesters, some of whom were holding signs and taking turns at a bullhorn.

What the hell could they be bitching about?

Can You Spare a Razor Blade?

CHEERFUL?! STICK THESE IN YOUR STEREO

By Dusan Stojkovic '00
RECORD Columnist

In keeping with growingly vociferous calls for less negativity in these pages and the Law School in general, I wholeheartedly recommend "Bloodflowers," the first new material in four years from everyone's favorite upbeat English group, the Cure.

As singer Robert Smith explains his chipper *Weltanschauung* in "Where the Birds Always Sing," "But the world is neither just nor unjust/It's just us trying to feel there's some sense in it/No, the world is neither just nor unjust/And though going young/So much undone/Is a tragedy for everyone."

Special note to the 1Ls who haven't mentally processed their grades yet: I am being ironic. If the Cure's prior disc, "Wild Mood Swings," could be described as bipolar, "Bloodflowers" is pure depression in all its glory. The closest thing to a perky-sounding track is "There is No If..." which culminates with these less-than-happy words: "If you die you said 'so do I' you said... But it ends the day you see how it is/There is no always forever... Just this/Just this." Leave it to Smith to see the brighter side of life.

Within the Cure's 13-LP discography, "Bloodflowers" is supposed to be the final installment of the trilogy that started with "Pornography" (1982) and was followed by "Disintegration" (1989), the album that made the group's first serious dent in the mainstream U.S. music market. Although

much of the music, especially instrumental introductions, on this latest disc is reminiscent of certain songs from the previous ones, "Bloodflowers" breaks new ground for the band. The big difference here is the presence of evocative, nicely varied, powerful guitar riffs that mesh rather well with Smith's irresistible whine.

Smith's vocals are best on the title track, which ends with a strange, desperate grunt which brings the album to a fittingly exasperated end — in and of itself this quasi-orgasmic belch is alone worth the price of the CD.

"Bloodflowers" is nearly an hour long even though it contains only nine tracks. But even people with attention spans as curt as mine will not feel that any of the individual compositions drag on or grow tiring. In fact, my personal favorite is the longest song, "Watching me Fall," which clocks in at just over 11 minutes.

Smith not only wrote and co-produced the album, but also took a good number of the brilliant photographs in the liner notes. The current year is far from over, but if it doesn't end up my favorite album of the year, "Bloodflowers" will surely be etched in my mind for the best insert.

As for last year, the supadupa best album was "On How Life Is" by Macy Gray, just because Suzanne and I said so. Santana, Shmantana. If you do not own Gray's disc there is something

majorly askew with you and you should seek medicinal treatment. Speaking of medicinal, the recent Grammy telecast intimated that our Macy may be hooked on something other than phonics, but we love and support her notwithstanding, and she can never do wrong by us.

But locally, the best debut to come out of the ever-bustling Boston music scene last year was "New Parade" by The Sheila Divine. Surfers hooking up to its indie label's Web site (www.roadrunnerrecords.com) will discover that the trio formed in anything-but-picturesque Oneonta, NY, that its name was inspired by the Australian slang term for wuss and that the guys worship the Smiths. Clicking on the photo thumbnails will reveal three nerdy-looking bespectacled dudes that bring Louis Kaplow in his imaginary grunge phase to mind.

With all this buildup it comes as a virtual shock that the band actually kicks ass. Their self-induced comparisons to the Smiths undermine the fact that The Sheila Divine shows a span in lyrics and edge in musicality that Morrissey's erstwhile outfit could only have wet dreams about. The band has recently been signed as Morrissey's opening act for his East Coast dates, which should help extend their following beyond the Boston metro area.

Locally, the singles off *New Parade* have been supported by substantial

airplay on WFNX (101.7 FM), the only radio station to which I listen. The anti-Beatlesque rocker "Hum" is one of the most punchy and innovatively alternative songs of 1999 and its follow-up, "Opportune Moment," displays a more relationship-oriented sensibility. The latter song is also a prime example of vocalist Aaron Perrino's subtly forceful lyrics: "at the opportune moment/she tells me fling, fling I kissed him/now it's out in the open/I go out drink drinks I can't stay in/it's not like her/to make me feel guilty/and reduce me to nothing." If you can't relate to that, there's something horribly wrong with you and you really should seek medicinal treatment. Wait, I wrote that already.

The words of another track off the album, "I'm a Believer," make me think of recent alumna Elizabeth Read, who's had a shout-out coming for quite some time now. "Stick to the good drinks," Perrino warns, "martinis do bad things/I know you get scared/when you drive impaired."

Bassist Jim Gilbert and the particularly impressive drummer, Shawn Sears, complement Perrino's beautifully strained voice (kind of like Bono's in range, but eliciting far more empathy) to form a cohesive trademark sound. Gritty, engaging, unapologetically aesthetic in its very atonality, "New Parade" leads rock music into uncharted turf, and the new century.

HER INDIE WORLD

By Suzanne Carter '00
RECORD Columnist

A MAN, HIS GUITAR AND MUSICAL BLISS

Elliott Smith
Live at the Middle East Downstairs
Feb. 24

You may not know his name, but you've almost certainly heard Elliott Smith's music. His cover of the Beatles' "Because" provided an ethereal coda to "American Beauty" as it wafted over the film's closing credits. His music was also featured prominently in "Good Will Hunting" (indeed, the song Smith wrote specifically for that movie, "Miss Misery," was nominated for an Oscar but, alas, lost to "My Heart Will Go On" in the "Titanic" avalanche of 1998).

But Elliott Smith's is an appellation you should know. His nothing-short-of-extraordinary solo, unplugged performance last Thursday at the Middle East in Central Square cemented my opinion that Smith is one of the great musicians of his generation.

This may appear a rather overblown statement, considering Smith's weaknesses as a live performer. Unlike Macy Gray, who exuded charisma Bill Clinton would envy in her Avalon show, the Smith's stage presence was close to zero. Unlike Aimee Mann, whose sparkling intelligence was evident from her offhand remarks at her recent Somerville Theater concert, he had little to say to the audience other than, "So, how're you guys doing tonight?"

That was so much the better, though, considering there was little distraction from Smith's music. And what terrific music it was. Unlike most male singers, Smith's voice is as exceptional as his best female counterparts' (think Art Garfunkel in tone, but more subtle in manner). He is a masterful guitar player who was able to make the complex, multi-layered string harmonies from his last album, *XO*, speak through just his one acoustic guitar. And his songs match Bob Dylan's for musical intricacy coupled with lyrical acuity. (Or

maybe they match Lou Reed's, whose music Smith had playing in the venue before he took the stage.)

Smith started his 75-minute set with "Son of Sam," the B-Side to his single for "Happiness," which is currently available from Dreamworks. The supposedly inevitable live version of the single's A-Side never came. Unlike perhaps every other live performer I have ever seen, Smith eschewed playing his best-known "hits" (assuming that a song's getting played once or twice on "120 Minutes" constitutes a "hit") in favor of the album tracks audience members requested between songs. Indeed, Smith hasn't played "Miss Misery" live since he performed it on the Oscar telecast two years ago.

Even Smith's sole cover song of the evening, "Night Time," was an unfamiliar track by an obscure band, Big Star. The closest thing to a well-known piece Smith performed was "Waltz #2," which Dusan tells me was played on WFNX more than a few times last year. When launching one of his trademark pieces, the crowd crackled with cheer-ridden applause, then fell absolutely silent. For most of the concert, the crowd was so reverent that you could hear the proverbial pin drop. There were no sing-alongs and definitely no chatter.

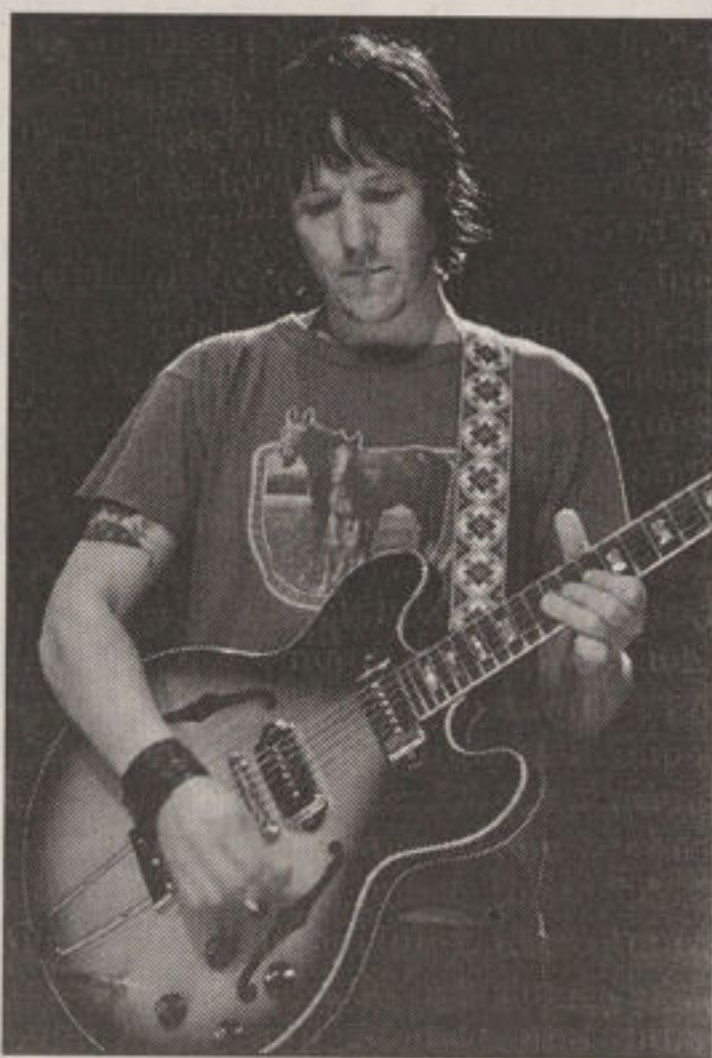
The album tracks Smith performed showcased his superior songwriting ability. The terseness of "Needle in the Hay" and "Southern Belle," both from

Smith's self-titled album on Kill Rock Stars, showcased Smith's trademark — alienation and rage made introspective by an otherworldly musical beauty. (Not to mention Smith's fondness for the grog — as he sang in "St. Ides Heaven": "everything is exactly right/when I walk around here drunk every night/with an open container from 7-11.")

Smith played a couple of songs other than "Waltz #2" from *XO*, including the

moody "Pitseh" and the gorgeous, moving "Independence Day," which brilliantly uses the Fourth of July as a backdrop for the act of freeing oneself from the expectations or desires of others.

Although Elliott Smith fandom is an individual thing — there is no universal favorite song or album among his fans — most concert-goers would probably name "Independence Day" as the highlight of Smith's set. The highlight of the concert for this reviewer, however, was when Smith announced "This is for Mary Lou. Is she here?" and launched into a version of the Smith-penned "I Figured You Out," which has only been recorded commercially by Smith's friend and Boston local Mary Lou Lord on her Kill Rock Stars-released "Martian Saints!" EP. (Mary Lou wasn't there, by the way, but an intrepid audience member did tell



Smith he could "call me Mary Lou if you want.") Like Aimee Mann, Mary Lou Lord is one of the great female talents left undiscovered by Lilith Fair, and if Smith's shout-out influenced any of his fans to buy any one of her excellent albums, it constituted a righteous deed.

You'll have to wait until April 18 to get your hands on Smith's new album, *Figure 8*, but his last album, *XO*, is a purchase no one could regret.

I'm glad Smith's music transcends location, because otherwise, the concert-going experience could have proved miserable. The Middle East's downstairs was dingy, smelly and overcrowded, with very poor ventilation and a lack of premium viewing perches. (I realize the venue has a lot of sentimental value, but that hasn't helped the Bow and Arrow, which seems like Chez Henri compared to this joint.) A word to the wise: if you're going to a show at the Middle East, get there early; because those who arrived anywhere up to an hour prior to show time were stuck looking at the backs of people's heads.

Smith's opening act, the Kingsbury Manx, did little to alleviate the weaknesses of the venue. They looked like they were stoned, they acted like they were stoned and they played like they were stoned. "Kingsbury Manx" sounds like a name invented in one of the Austin Powers movies for some lame faux-social conscious mid-sixties band, but their music was more a rip-off of early '70s Pink Floyd and Led Zeppelin (which, lets face it, isn't all that much anyway). I wish I could be complimentary about this band, since its four members were evidently nice guys — handing out free CDs and gramophone records while mingling with the crowd — but all I can say is they're no Sy Smith (and if you read my review of the Macy Gray show, you'll understand exactly what that means).

THE BLIZZ

ENTERTAINMENT POTPOURRI FOR \$500, ALEX

By Tanya Marsh '00
RECORD Columnist

Wonder Boys

Director Curtis Hanson's follow-up to the brilliant *L.A. Confidential* is an adaptation of Michael Chabon's novel *Wonder Boys*, a surprisingly funny and heartwarming movie. Michael Douglas stars as Grady Tripp, an English professor at a Pittsburgh college, a 50-something little boy whose creativity and charm are marred by his consistent unreliability. Grady's first novel, released seven years ago, received critical acclaim. His second effort has yet to be finished and his publisher, Terry Crabtree, played by Robert Downey Jr., is pressuring Grady to share his manuscript. Meanwhile, in the first 15 minutes of the film, Grady's young wife leaves him and his girlfriend Sara (played by *Fargo*'s Frances McDormand), college chancellor and the English department chair's wife, reveals that she is pregnant with Grady's child. These events are a little more than Grady can handle, so he deals by smoking more than a little weed and immersing himself in the numerous problems of his most talented student, James Leer (a spookily fascinating Tobey Maguire).

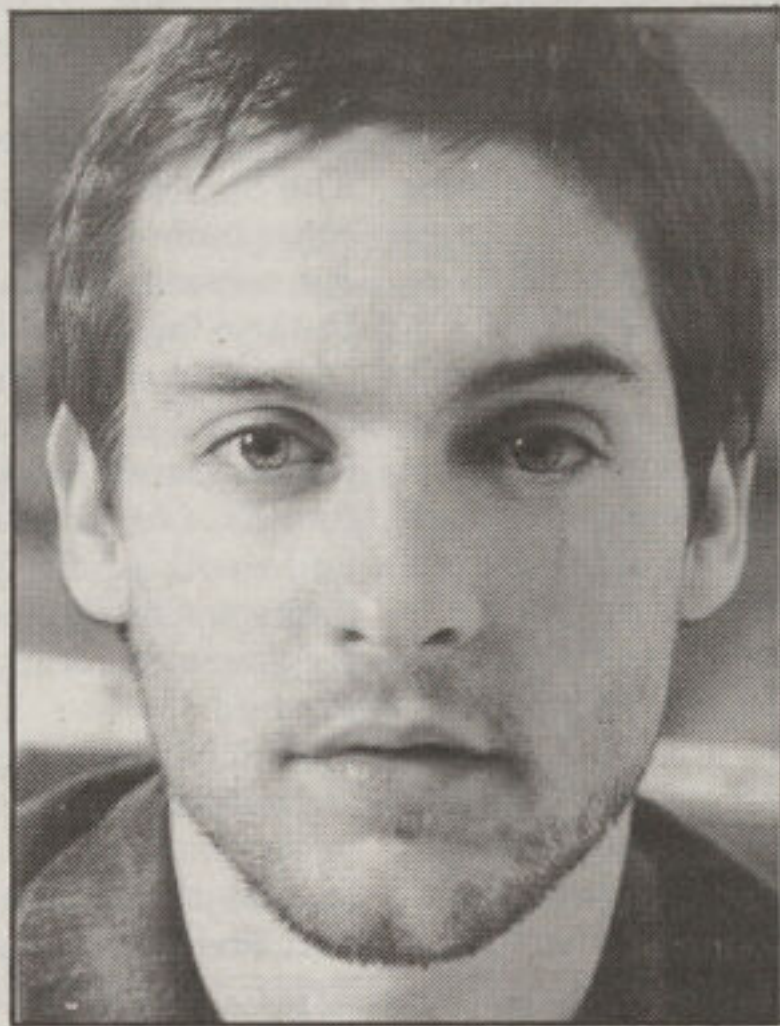
Although this is Grady's movie, James is by far the most interesting character. Much of this oddball's appeal is due to Tobey Maguire's endearing performance. It is a difficult role because many of James's lines are spoken in a morose deadpan which still manage to trigger laughter from the audience. It would be easy for Tobey to

cheapen those moments, but he remains sweet and unaffected, if depressing. Tobey, who currently stars in the Oscar surprise *The Cider House Rules*, has a natural acting style that reminds me of Edward Norton and River Phoenix. Tobey's style doesn't draw attention to the actor behind the character, but his work is consistently subtle, intense and effective. I certainly hope that Tobey's reputation for hard partying with Leo and his "posse" doesn't cheat us out of the opportunity to see him mature into a first-rate leading man. (Not that I'm still bitter about River's tragic fondness for heroin.)

Douglas, an under-appreciated comic actor, is solid as the good professor. His most memorable roles involve some type of villainy, but Grady isn't evil, just an overgrown child. It is difficult to sympathize with his selfish inability to com-

mit or deal responsibly with the problems in his life, but overall Grady is an appealing character.

One criticism — the props in the movie are apparently quite authentic to the book but are still distracting. Why do both Grady and James write their novels on old typewriters? Where are the iMacs? Why does everyone drive a funky old car? I can only imagine that the book takes place in the 1970s and Hanson has updated everything but the props to the 1990s. Dusan insists that professors in Pittsburgh must really drive old junkers. I doubt it. Whatever Hanson's intention, I'm afraid



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Tobey Maguire, Wunderkind

his authenticity doesn't add anything to the movie.

Wonder Boys is a film about books — about authors, the creative process and the dialogue between writer and reader. The script is wonderful and the cast, including *The Waltons*' Richard Thomas and *Dawson's* Katie Holmes is fine, but when the lights in the theatre were raised, my first instinct was to go and buy the book. Although the *Wonder Boys* was a thoroughly entertaining and engaging experience, I still feel like I missed something which can only be found in the pages of Michael Chabon's original.

Maxwell Caulfield

Sometimes when I sit down to write this column, I wonder if I should be quite so honest. But if I don't reveal my true pop culture sensibilities, why should you ever trust me? Yes, I still think *Hope Floats* was one of the best pictures of 1998. Yes, I think *Buffy*, the *Vampire Slayer* and *Roswell* are two of the best shows on television. And yes, I think *Grease 2* is better than the original.

Starring a young Michelle Pfeiffer as Stephanie and Maxwell Caulfield as Michael, 1982's *Grease 2* was highly anticipated but proved to be a commercial and critical failure. I just don't get it. "Cool Rider" and "Score Tonight" are two of the best movie songs ever. Sure

it's campy, but no more so than *Grease* itself. I can't believe that I'm alone in this opinion — VH1's incessant showing of the flick proves there must be an audience somewhere in TV land.

So, to all those *Grease 2* fans out there, I implore you — let's try and save Maxwell Caulfield's career. I know this effort is a little late because Caulfield has been slumming in B-movie hell ever since *Grease 2* tanked. He's done a few guest spots in prime time in the last few years, including, most recently, a two-episode gig on *La Femme Nikita* as a German arms dealer/undercover Interpol agent named Helmut who temporarily steals Nikita from Michael. I know, none of you know what I'm talking about, so I won't go into any more specifics. But all you over-worked law students in need of escapist entertainment should watch *Nikita*. It is great fun. Anyway, Caulfield's guest starring role inspired me to this call to action. While I work on a strategy, you should check out Caulfield's performances in the 1995 flick *Empire Records*, a decent Liv Tyler vehicle, and *The Real Blonde*, a 1997 indie film that gained him street cred at Sundance. (Note for trivia junkies: a then-unknown Tobey Maguire was also in *Empire Records*, but his scenes were left on the cutting room floor.)

Clerks, the Series

And now for something completely different — a bit of Kevin Smith news. Fans of *Clerks* will be disappointed to learn that the premiere of the long anticipated animated series (alluded to in *Chasing Amy*) has been postponed by the alphabet network to May 31, a week after the current television season ends. This probably ensures that the series will flop. Why on earth would ABC spend bucks on a new series and then set it up to fail? Why not just sell it to FOX, a much more natural home for the series anyway? After the *NYPD Blue* debacle, I've decided that the scheduling guys at ABC are just incompetent and completely off their noodles. Smith, in a angry rant on his ViewAskew Web site, sees a devious conspiracy. Disney, after all, is the parent company of both ABC and Miramax, the company that was forced to shop Smith's *Dogma* to an outside distributor after Disney chief Michael Eisner objected to the subject matter.

In more cheerful news, Kevin Smith will be making his first guest star visit to prime time in an upcoming episode of his favorite show, *Law & Order*. Hopefully, he left Jay at home this time.

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Sportsguy

SQUEAKIN' SNEAKERS... IT'S B-BALL TIME!

By Phil Barengolts '00
RECORD Columnist

Spring is just around the corner, but roundball is the sport that's currently dominating the hearts and minds of the Hemenway faithful. Both players and player-haters have congregated at HLS to show off their skills and potentially take home the ultimate prize of intramural champion.

A-league play featured a couple of games that were close early, but ended with the score not accurately reflecting the intensity of competition. Mike Smoked Salmon '02 kept the Fuzzy Grapes tight on the Harvard Law Stars' heels with a plethora of spin moves and outside Js, not to mention a few kick outs to Dave Sohn of Sam '02 for the occasional three. Unfortunately for the Grapes, Chris Ike and Gretina '02 rained down from behind the arc

and Scott Mayne Attraction '00 dominated the paint to give the Law Stars a 76-51 victory.

In other action, Black Plague afflicted the Supreme Court with an 81-56 smackdown. Kwame Sugar Cain '01 was a force on the boards and scored nearly at will inside, while Jamal Lesane in the Brain '01 provided a spark at point for the Plague. The Supreme Court got some fine outside shooting from Steely Dan Williams '01, but his three-point touch and Luke Skywalker McFarland's '01 slashing drives were not enough to lead his team to victory.

The coed division provided one of the more competitive contests of the weekend when Phi Slamma Labba, the Legal Aid team, beat BSA 61-54. Kris

Borg-Olivier St. Jean '00 had the all-around game going, pulling down boards, playing tough D, and distributing the rock. Meanwhile, Jen Harvey Davidson '00 poured it on, hitting 15-foot jumpers from all over the floor. Nerlyn the Nagician Gonzalez '00 played a tough inside game and Mach Seven Millett '00 showed off some flashy moves in a losing effort.

Kelley's Heroes handed the Flying Dershowitzes a tough loss, with an 85-37 drubbing. Kelly Huffman and Puffman and Blow Your House Down '01 provided the Heroes with scoring early on, and when his hot hand cooled off Danièle in the Lion's Den Jean-Pierre '01 picked up the slack. The Dershowitzes were led by Trisha Buy Low Purcell High '01, but her prolific

scoring and John Hellooo, Neiman's '00 inside play could not give the Dershowitzes a victory.

B-league action provided one of the more impressive performances of the weekend as Sendero Luminoso (The Shining Path) beat the Phillip Morris All-Stars 83-29. Victor Hu Are You '01 slashed to the hole and dished to Sebastian Bach and Skid Row Jerez '01 for countless three-pointers, while Steig Olson Twins '01 steadied the ship with solid all-around play and jumpers on demand. The All-Stars got most of their points inside from Adam Rub You The Haubenreich Way '02. Unfortunately, the All-Stars could not take advantage of their inside presence and produce a win for the parent company.

TRIMBLE

Continued from page 1

a clash between people who view themselves as belonging to a separate Ireland, and people who belong to Britain," he said.

An excellent opportunity to settle the lingering animosity in Ulster was squandered in the immediate post-war period, Trimble said. "With a little bit more vigor, and a little bit more drive, the modernization of Ulster society in the 1950s could have worked."

But this chance for peace was passed up for several reasons, Trimble said. Among these was the lack of dynamic leadership within the Unionist movement, which in turn led to the rise of extremist Protestant leaders such as the controversial Rev. Ian Paisley.

These extremist parties, and some

members of the UUP, have accused Trimble of outright betrayal. In response, Trimble said, "Yes, there are people who accuse me of selling out. But my party has in the main stuck with [me in this]."

Perhaps because of this party support, Trimble retained buoyant hopes about the future of the peace process. He concluded that the Troubles, as the conflagration is referred to in Northern Ireland, are finally coming to an end.

Trimble identified the IRA's failure to force a British withdrawal as the primary reason the group ceased its use of violent tactics. "The campaign launched by the provisional IRA failed. It's as simple as that," said Trimble.

As a result, Trimble said the "Republicans [came] to the cease-fire from positions of comparative weakness."

In addition, Trimble credited John Hume, the moderate Catholic leader,

with re-defining the concept of Irish nationalism. According to Trimble, Hume has advocated a position that "nationalists should think in terms of addressing a divided people," rather than binding themselves only to static notions of territory. In 1998, Trimble and Hume shared the Nobel Peace Prize in recognition of their work in passing the Good Friday accord.

The current atmosphere in Ulster, while certainly not devoid of animosity, is nevertheless one that Trimble views as an improvement. Before the Good Friday agreement, the tendency among paramilitaries was to seek political change with "the ballot in one hand, and the ArmaLite [a type of rifle] in the other," Trimble said. This notion cannot be extended into the future, he insisted, because progress implies that "the ArmaLite has to be left behind permanently."

The future of the paramilitaries,

including Loyalist groups that oppose the IRA, is therefore dependent upon them embracing solely democratic means. Despite a recent double murder in Trimble's own constituency that may be the result of paramilitary activity, he said, "There is no significant constituency in Northern Ireland for a return to violence."

One immediate challenge to Trimble's optimism will be tackled within the next several weeks. Northern Ireland's leaders, together with officials from the British and Irish governments, will need to right the reeling peace process.

But that challenge alone will not hamper Trimble's commitment to a peaceful resolution. In his tradition, "just because people have a past, it doesn't mean they can't have a future." And as Trimble knows well, the world will be watching to see if Northern Ireland's past will continue to darken its future.

DIALLO

Continued from page 1

streets, to poor police training, to our judicial system and our legislature's failure to enact strong deterrents against police brutality."

"So many of these problems cannot be addressed by our criminal justice system," said Sozi Sozinho '02. "The trial was all about the officers' perspectives, what was reasonable for them. Diallo wasn't there to explain his version, his fear at being approached by four armed men."

Diallo was killed when four plainclothes officers approached him in the vestibule of Bronx apartment building. The encounter, whose circumstances remain vague even after the trial, ended with the officers firing a barrage of 41 bullets at the unarmed immigrant.

At trial, the officers testified that they saw a black object in Diallo's hand, which they believed was a gun. It was only after they fired the shots that they realized the object was in fact Diallo's wallet.

To recall the event, protesters gathered in the center of the Yard, beneath the stoic gaze of the John Harvard statue, and slowly chanted the number of shots. Many wore white armbands with the number "41" written on them. Their posterboards contained slogans like "My skin is not a deadly weapon."

Students who commented on the verdict were deeply troubled by its implications. "Shoot first, ask questions later," Sozinho said. "That's what this verdict says and that's why I'm here. I don't want cops shooting first."

"It was a travesty," said Kwame Manley '00. "You just don't shoot an unarmed man 41 times without being

guilty of something, especially where the testimony showed... bullets went through Diallo's feet. That goes beyond some kind of fear for your safety."

The four New York City police officers were initially charged with second-degree murder, but during the trial prosecutors agreed to let the jury decide on lesser offenses like manslaughter and criminally negligent homicide.

In the end, the four officers were acquitted of all charges.

For many, the verdict, which has set off a political firestorm in New York, resonated on a deeply personal level. The stark facts of the case — Diallo was standing in his doorway when the officers approached him — seemed to provoke reflection among students at the vulnerability of minorities in urban centers marred with racism.

"This could have been any of us," said Stevenson, addressing the gathering. "It could be your father, your brother, your daughter."

"The real issue is whether it's reasonable for police to make the assumption that black men are dangerous. Race is becoming a proxy for dangerousness and for criminality," said Manley. "I could have been the one shot 41 times."

"This verdict was dead wrong," Morisseau said. "In the law's efforts to be race neutral, it ignores the fundamental role of race in how individual police officers determine whether men such as Amadou are members of a suspect class."

Federal prosecutors are currently investigating whether to bring a civil rights action against the officers. Attorneys for Diallo's parents are scheduled to meet with Justice Department officials this week to encourage them to move forward with the case.

Entertainment Law Conference Presented by the Harvard Law School Committee on Sports & Entertainment Law Friday, March 10, 2000

Langdell South, Harvard Law School
1545 Massachusetts Avenue, Cambridge, Mass.
Check in at 1:30 p.m. Program starts at 2:00 pm.

Keynote Address: Jay Cooper

Senior Partner, Manatt Phelps & Phillips, LA,
Head of Music Department

Former President, National Academy of Recording Arts and Sciences
"Entertainment, the Internet and Me"

"Motion Picture Finance and Production: Hollywood vs. The Independents"*

- Marshall Silverman, V.P. and Senior Motion Picture Production Counsel, Warn Bros.
- Peter Macgregor-Scott, Producer, *The Fugitive*
- Vicki Cherkas, Senior V.P., Business and Legal Affairs, Miramax
- Donna Bascom, Producer, *Smoke*; Entertainment Attorney

"The Year in Entertainment Litigation"

- Andrea Hartman, V.P., Litigation, NBC
- Chuck Ortner, Partner, Music Litigation, Proskauer Rose, NY
- Jay Spillane, Partner, Entertainment Litigation, Fox, Siegler & Spillane, LA
- Moderator TBA

Reception to follow

*Thursday, March 9, 2000 at 7:00 pm
Come see a special, free screening of *The Fugitive* in Langdell South. See the movie before you hear the behind-the-scenes story. Refreshments will be served.
If you have any questions, please contact Natalie Landreth at
nlandret@law.harvard.edu or (617) 868-1633.
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