



Three-tier grading plan flunks faculty test

According to the faculty, this plan gets an F. By a vote of 30 to 19, the HLS faculty recently shot down the three-tier grade reform proposal that had garnered considerable student support.

The three tier plan is the first element of the Strategic Planning Process to meet an untimely end. A competing proposal, which would institute a five-tier grading system, and a motion to impose a mandatory curve have been tabled until a later faculty meeting. A vote on these proposals is anticipated on Friday, October 13.

Originally forwarded by the Institutional Life Committee, chaired by Prof. Elizabeth Warren, the three-tier plan was the result of months of deliberation and debate. "I was very

sorry that the faculty rejected three-tier grading," Warren said, "I realize there are strong views on all sides of the grading issue, but I had hoped that a majority might be willing to try another approach, even if only as an experiment."

Warren took heart from faculty approval for the three-tier system. "It is always encouraging when 19 people are ready to try something new," she said. Other proposals that the committee endorsed — changes to the 1L curriculum, for instance — have already been approved by the faculty. "And remember," Warren said, "everyone was willing to try the new cohorts, the colleges, spring initiatives — experiments that hold the possibility of structural change in the law school community."

But the death of the three-tier plan is a disappointment to many campus advocates for change. Jay Munir '01, president of the Law School Council (LSC), said: "We endorsed the three-tier grade reform proposal in the Bill of Expectations, and are very disappointed at its failure. Despite this setback, though, we are confident that changes in class size, advising, feedback and financial aid will bring the strategic planning process to a successful conclusion."

Warren remained positive and optimistic. "I think the glass is more than half full," she said.

Another jewel in the strategic planning crown — a mandatory pro bono requirement for all J.D. candidates — is expected to face a faculty vote on Friday, October 6.

Duane '02 responds to criticism from HLS and beyond

by Justin Herdman

Portraits in the Wall Street Journal are usually reserved for those at the pinnacle of a long career — Federal Reserve chairs, captains of industry and world leaders. It is an honor often visited upon Harvard Law graduates, but never current students. Never, that is, until the Journal ran a story about the HL Central website run by T.J. Duane '02.



TJ Duane

An article that appeared in the September 27 edition of the WSJ described Duane's site and the role it has played at HLS, especially its fostering of social interaction.

The story was a mixed blessing for Duane, all the more so because it focused like a laser beam on him. Duane stated that he had hoped that the WSJ article would concentrate on the organizational structure of HL Central, but his plea fell upon deaf ears. "It's not just me," Duane said of the site, "There are a lot of people that put a lot of effort into the site."

Duane contested one particular inaccuracy in the Wall Street Journal article, where the reporter stated that the website was set up as "an exchange for the purchase of course outlines."

"Never at any point was the place set up to sell or traffic in outlines," Duane insisted.

He also felt that the article misleadingly portrayed HL Central as a for-profit business venture. "It's not a business," Duane said, "it's not in any way intended to be a business."

The story instead emphasized HL Central's original fee structure, which would have charged law firms for sponsoring the site — up to \$5,000 for a choice spot, according to the WSJ article. These numbers have since been revised, Duane said, and will likely be reduced to a figure between \$100 and \$500 for an annual sponsorship of the site. In addition, members of HL Central will provide law firms with an

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Rowdy house foreshadows Boston debate

by Mike Wiser

At a boisterous debate Monday night, members of the Harvard Law School Republicans and Democrats squared off in support of their Presidential candidates. As spectators sipped beer and ate crudites, supporters of George W. Bush and Al Gore exchanged verbal shots over issues ranging from taxes to Texas.

The debate, sponsored by the HLS Republicans and Democrats, came a day before the two major Presidential nominees engaged in their own debate in Boston. Moderated by RECORD Editor Justin Herdman '01, the debate was modeled after Oxford-style parliamentary debates. The three panelists on each side jostled over the merits of the following resolution: "This house believes that George W. Bush should be the next President of the United States." During the debate, speakers had to deal with sharply worded challenges from the audience and the occasional heckle from the other side of the room.

Labeled a "grudge match" by its promoters, the debate attracted a television crew from the British Broadcasting Corporation (BBC). The crew was producing segments for the BBC, which it ran on Tuesday before coverage of the Presidential Debate. Besides airing in Britain, the segment was broadcast over



Photo by Murad Kalam

Democratic supporters in full agreement with a cogent point delivered by Megan "Big Red" Jones '03.

satellite and the Internet on BBC World and on the cable channel BBC America.

Mike Adams '01, president of the HLS Republicans, began the debate by addressing the audience: "Thank you for drinking our beer," he said. Standing in front of the chalkboard in Austin North, which was decorated with two Bush/Cheney posters on which someone had written "Vote Tory," Adams criticized Gore's "crib-

to-grave government," the Vice President's stance on personal investment and the future of Social Security. After each of his criticisms, Adams walloped a rolled up paper against the desk. "Bad doggie! Bad doggie!" he exclaimed.

An audience member interrupted one of Adams' spanked punctuations. "What makes you vote for Mr.

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Anti-tobacco hero, cyber-cop tout public service

by Zachary Price

What advice do a movie celebrity and People Magazine's eighth-most eligible bachelor have for Harvard Law School students? Work for the government.

The recommendation comes from two individuals who are well-positioned to know. One of them is Mike Moore, Mississippi's Attorney General and a character in the critically-acclaimed film *The Insider*. The other is John Stark, "eligible bachelor" and chief of the Securities and Exchange Commission's (SEC) new task force on Internet fraud.

The two lawyers visited HLS on Tuesday to participate in a World of Law panel, where they encouraged students to consider government legal work. In inter-

views with the RECORD, Moore and Stark stressed how much they enjoy helping people while working in cutting-edge areas of law.

Moore helped initiate a state suit against the tobacco industry that recently led to a multi-billion dollar settlement. Some have criticized the settlement as an incentive for litigation — in Mississippi alone, private lawyers working with Moore made tens of millions of dollars — and as a judicial usurpation of legislative power. Moore feels, however, that his efforts led to a major public health victory.

"The deal with tobacco was that for fifty years Congress and to a lesser extent state legislators tried to regulate tobacco and basically failed," Moore said.

"This is one of those unique sit-

uations where you had a product that when used exactly the way it was intended caused death and disease," he said. "It needed to be regulated in many ways, and the legislative world was failing."

Moore doesn't feel that the size of the awards involved will create a glut of litigation. "I still hold," he said, "that the tobacco situation was unique. Alcohol doesn't fit the mold, guns don't fit the mold, not in the same way. All this litigation [that critics predicted], we haven't seen any of that. There may be another fact situation that would fit the mold, but I haven't found it."

Nevertheless, Moore admits the settlement has "changed the landscape."

He feels that it has provided

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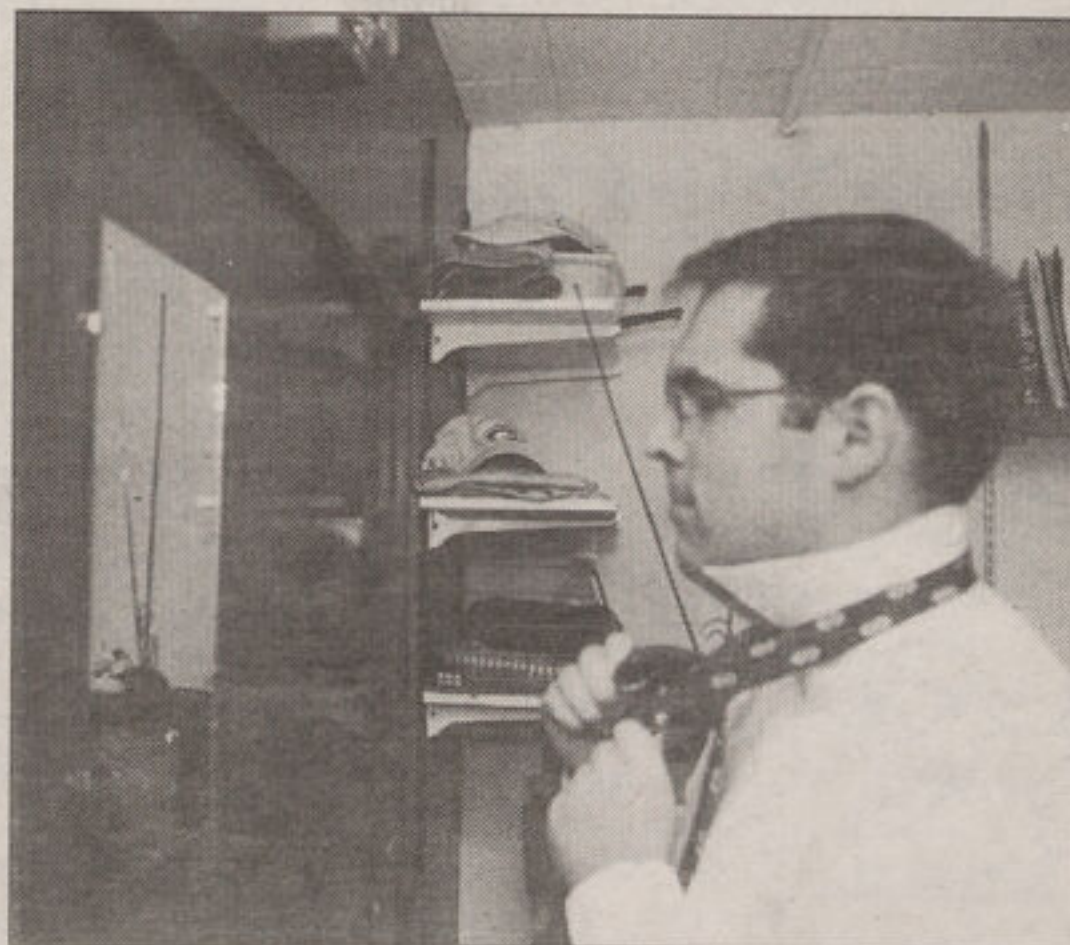


Photo by Murad Kalam

Timothy George '02 finalizes his interview attire before heading to the Charles Hotel.

Nader urges Harvard students to fight corporate power

by RECORD Staff

Presidential candidate Ralph Nader '98 made an unexpected stop at the Law School on the evening of Tuesday, October 3. The speech, entitled "Nader Takes on Corporate Power," drew a boisterous crowd of students, many from area schools and Harvard College.

Nader entered the Ames Courtroom to a standing ovation and thunderous applause. "This is louder than Boston Garden, where we had twelve thousand people," he declared, referring to his enormously successful rally in Boston last week. Nader said he would speak of "what happens to a political system when it becomes engendered to concentrations of power."

Referring to eight years of economic growth, Nader asked, "Has this diminished the problems facing the U.S.?" He cited a barrage of statistics, such as the decrease in real terms of the federal minimum wage over the past thirty years, the fact that 46 million Americans have no health insurance, and the \$6.2 trillion in consumer debt currently held by American families.

Spoofing the well-known economic adage that a rising economy lifts all boats, Nader quipped: "The rising economy now lifts all yachts."

"What is the booming economy doing for public transportation ... and the quality of education?" he asked. He claimed that education is increasingly dominated by corporate and commercial values, and that young people should "come out of school with more than dollar signs on their horizon."

"Commerce is important if it's kept in its place," he said.

"Working hours have increased, there is less time for civic pursuits and less justice," Nader said. He criticized joint ventures between universities and

biotech companies and asked, "What are the consequences of artificial intelligence?"

Nader quipped "to what extent have we let ... enormous corporate influence over all politics, media and the workplace? Workers have never been weaker."

"We have corporate governance taking over political governance," Nader said.

Nader called upon the students in attendance to help him construct a viable third party. "A third party is built step by step. The two major parties are fossil parties. They are like a tree that's decaying, waiting for lightning to strike," he said to thunderous applause.

Nader, one of the Law School's most renowned alumni, turned his critical eye to education at HLS as well. "Isn't law school supposed to promote justice?" he said. "Oh no, but that would be subjective," he quipped, pointing out that the pervasiveness of conservative or corporate funding — such as the Olin Foundation and several corporate law firms — at HLS.

He continued in this vein by saying, "You might say Harvard University is marinated in corporate money."

Nader held up a copy of a recent Newsweek magazine whose cover story posed the question: Too Much Corporate Power? Nader claimed the article concluded that there was too much corporate power. "Things are getting worse except for corporate endeavors. For example, corporate compensation," Nader stated. "The top CEOs make 50 thousand dollars a day, and millions of workers are essentially broke."

Nader was also concerned about today's law students. "What's happened to students today? You're pampered, given all kinds of staggering salaries to balance staggering tuition," he said.

Returning to his criticism of mainstream politics,

Nader stated, "The two parties are morphing into one party with two heads, with no allegiance to any community."

"You're heading into the contented class," Nader said. "If the water is dirty, get bottled water. If the schools are bad, there's private schools. If there's traffic, get a helicopter. Everything can be exited, except the most important things — the global environment, proliferation of weapons, political options for you," Nader said.

Referring to the upcoming debate between Vice President Al Gore and Governor George W. Bush, Nader said that it would be like "watching Tweedledum and Tweedledee." He then exclaimed, "Somehow I've got a ticket!" Someone in the audience yelled, "Jump the stage!" to the amusement of those in attendance.

A Harvard College senior and a leader of Harvard's Living Wage Campaign introduced Nader and commented on the "narrowness of political expression" now evidenced in the presidential campaign. Echoing the dominant themes of the Nader's insurgent campaign, she referred to low-paid Harvard workers, noting that such labor conditions "cease to shock us because they are a common story, one of corporate power."

"The corporate power Nader talks about is closer to home," she said. She claimed that the management of Harvard University is "secret, white and undemocratic."

Left-wing Harvard economist and Lecturer in Women's Studies Juliet Schor was the next speaker. "I'm here to tell you why I'm voting for Ralph Nader and Winona LaDuke," she said. She discussed the fundamental cleavage between the rich and poor, and stated that Nader and LaDuke "are the only candidates who really know the earth is in the balance."

Rally against corporate power: A first-person account

On Tuesday evening, as the major party candidates debated policy inside an auditorium at UMass, hundreds of students and activists gathered outside to protest the exclusion of Green Party candidate Ralph Nader from the debate. Nader, who obtained a ticket to the event, was prohibited from entering by officials of the Commission on Presidential Debates. The following account was written by Michelle Drake '01, who attended the rally:

I arrived at the protests by T, with a large group of people who had attended Nader's speech at the law school. Most of the people who went to the protests weren't Harvard people, but had managed to sneak in to his speech anyway. We got off the T just before the UMass stop and marched through Dorchester with "Let Ralph Debate" and various other signs held high. One police officer told us to go home, as we had "school in the morning."

When I arrived I was amazed by the number of people who were there. We were kept in a cordoned off area, far away from the debate itself. We saw Nader go in, alone, on a bus. We later saw him leave, alone, on a big bus as well, about twenty minutes later. The protesters were holding signs of all sorts — one group had created a 12 foot by 12 foot sign out of PVC tubing and bed-sheets with various messages supporting Nader.

A fair number of the protesters had brought drums and megaphones, so the protest field was filled with noises and chanting. "Let Ralph

Debate" was a constant refrain. As was "What do we want? Democracy! When do we want it? Now!" Many protesters were in their early twenties, quite a few of them sporting facial piercings and creatively colored hair.

Although the vast majority of the protest was peaceful, there were altercations with police. At one point, protesters advanced in front of the barricades, holding their arms in the air and chanting, "We're non-violent. How about you?" The hundreds of police officers in riot gear quickly stepped back and mounted officers came forward on horseback. Some of the protesters were deterred by the equine assault, but others moved forward. The officers unleashed big squirts of pepper spray and dozens of protesters ran backwards. There were cries of "medic" throughout the crowd as people fell to the ground clutching their eyes. Protesters had brought squirt bottles full of water and were using them to clean people's eyes who had been sprayed.

Someone with a megaphone called a "direct action" meeting at the side of the field nearest the river. A brief meeting ensued, and it was announced that the mass media had given the protest little or no attention. Someone said that they thought that if people were arrested it would make the press more interested. Someone else suggested that we surround the offices of The Boston Globe, which are only a few minutes walk from UMass. The former course was adopted. The man with the megaphone announced the number

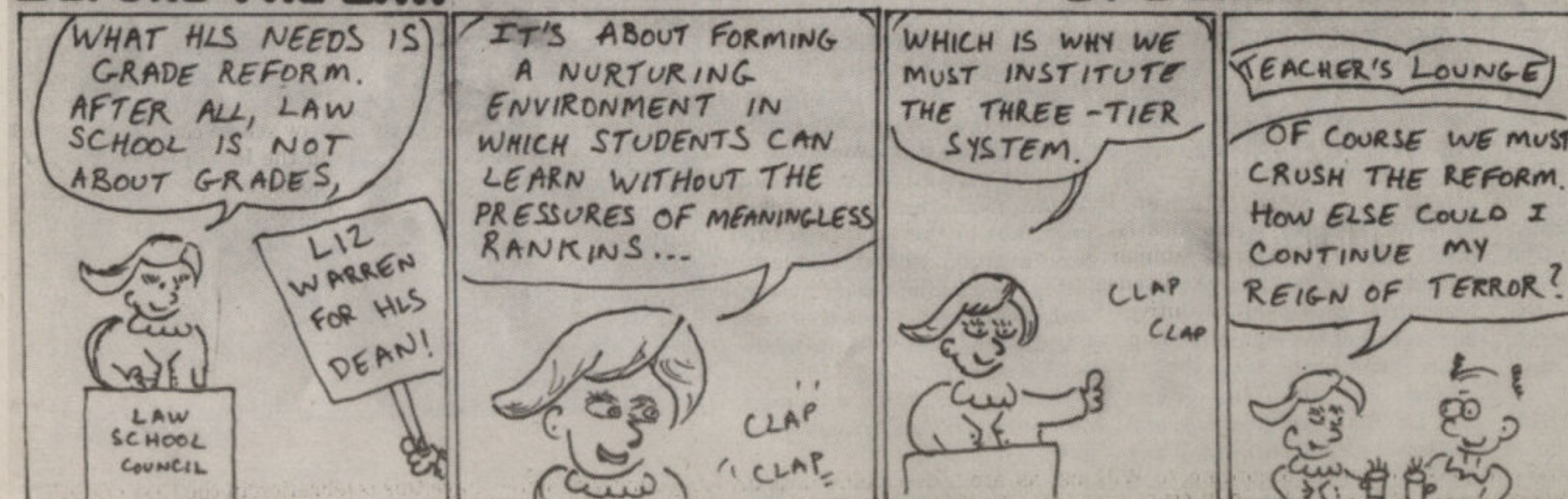
for a group of lawyers who had agreed to help get protesters out of jail and to handle arraignments.

After this brief round of organizing, a group of people linked arms and marched up over a small hill, down to the barriers keeping the protesters out of the street leading into the campus. They picked up the steel fence barricades and swarmed in the street, many of them sitting cross-legged on the ground. The police donned their riot gear, and once again the mounted officers came on the scene. This time people were sitting down, and the horses had a hard time getting through. While the horses trod upon a number of protesters, the officers were generally unable to move anyone. By this time, the Nader chant was still predominant, but many people were chanting, "A horse is not a weapon" and "We fight for you, cuz cops are people too." Others chanted, "This is what democracy looks like."

The foot officers donned their riot shields and masks and advanced into the crowd in lock-step. Several of the protesters remained in the street, laying down and refusing to move. They were arrested and placed in police wagons. The protesters had managed to move the police barricade into the street and were on one side of it, with the officers on the other. The person who had organized the direct action meeting by the river began a dialogue with the officers and encouraged the remaining protesters to leave. People began to disperse and I took the T home.

—Michelle Drake '01

BEFORE THE LAW



Draw for the RECORD. Draw for the RECORD. Draw for the RECORD. Draw for the RECORD. Draw for the RECORD. Draw for the RECORD.

REUNION

'One of the big issues that black lawyers face in their careers is getting access to relationships and networks of power. Here's at least one possible way to counteract the problems by using this network.'

—Prof. David Wilkins '80



Photo, below, courtesy of HLS News Office. Photo, left, by Murad Kalam.

Conference attendees, left, take a break from scheduled activities to catch up. Below, many of the more than 600 alumni attending the conference assembled for a group photo.



Black graduates celebrate, steel for challenges ahead

by Justin Herdman

For the first time in its history, HLS welcomed back its black graduates. While the theme of the gathering was celebration, the reunion also captured alumni concerns about the role that Harvard Law School will play in producing future black lawyers.

The event, officially titled "A Celebration of Black Alumni," was held during the weekend of September 22 to 24. Over 600 black alumni made the journey back to Cambridge from every state and several foreign countries.

Prof. David Wilkins '80 served as chairperson for the event. The original idea came to Wilkins in the spring of 1999, and planning began almost immediately afterwards. "On some level, [the planning] has been going on for fifteen months," Wilkins said.

The significance of the year 2000 was not lost upon Wilkins and other reunion organizers. The turn of the century seemed like "the right time to sit back and reflect," according to Wilkins.

But the year 2000 brings with it a number of other issues for African American graduates of HLS. Wilkins, who has made an academic career out of studying lawyers, noted the importance of networking to career-minded individuals. With the exception of Howard University Law School, HLS has graduated more black lawyers than any other American institution of legal education. Such a "powerful network" is invaluable to black graduates,

Wilkins said.

"When I see that one of the big issues that black lawyers face in their careers is getting access to relationships and networks of power and mentoring," Wilkins said, "here's at least one possible way to counteract the problems that they face by using this network."

Wilkins also pointed out that the year 2000 signals a unique time in the nation's re-evaluation of affirmative action. His analysis goes a bit further, though. "More fundamentally, people have asked the question: What's been the effect of thirty years of diversity and inclusion in elite institutions like Harvard?" he asked. "And it seemed to me the best way to answer that question was to draw together at least one group that has participated and see what they've been doing with their Harvard Law School educations."

The evidence supports Wilkins' belief that the record of HLS's black graduates is "extraordinary." A keynote address was delivered by Kenneth Chenault '76, who is the CEO designate of American Express. The achievements of black HLS graduates in business were hammered home at a CEO roundtable discussion, which included chief executives from a variety of Fortune 500 companies.

Wilkins said that the weekend's inclusion of corporate success stories was not an aberration. The majority of black HLS graduates are in private practice, according to Wilkins, as are the majority of all HLS graduates gen-

erally. "It's not surprising that anything that has to do with graduates of Harvard Law School is going to pay a lot of attention to the corporate arena," Wilkins said.

The Celebration did not focus exclusively on career paths in corporate law, however. Wilkins pointed out the panel presentations on careers in public interest, arts and entertainment and legal academia as evidence of a balanced approach to life after law school. "We spent a lot of time trying to make it clear that we were interested in a much broader set of career paths," he said. "We really tried to recognize the full spectrum of where black HLS graduates are, and where they might be," Wilkins said, "and part of the idea was to give people ideas about the future courses of their career and not just the present."

As the chair of the Celebration, Wilkins gave an address to welcome the graduates. The theme of the speech was two-pronged. "I wanted both to have a moment to celebrate this remarkable set of accomplishments," Wilkins said, "and to give an opportunity for people to come to terms with their experience here by seeing that the institution values them and their contributions."

If these themes of Wilkins' speech were also the goals of the weekend, they were more than met. Dubbing the event a "time of reconciliation" and describing it as an "outpouring of sentiment," Wilkins took special pride in

the honors bestowed upon the team that litigated *Brown v. Board of Education*. By presenting these lawyers with the Harvard Law School Medal of Freedom, Wilkins said that HLS was able to "recognize that Harvard played an integral role" in the historical case.

The conferring of these honors was especially poignant in light of contemporary attacks on affirmative action. "Some of the recipients expressed some irony at the fact that on the one hand they were honored, but a certain sadness that the country hadn't come as far they'd hoped when they were involved in that monumental struggle," Wilkins said.

The celebration's attendees recognize that there are still crucial issues left to address, according to Wilkins. "We wanted the conference both to be looking backwards at a record of achievement, but also looking forward as to how the law school community as a whole — and the legal profession in general — is going to address some of the important problems of the 21st century," he said.

And as the only African American member of the HLS Admissions Committee, Wilkins is well positioned to sound off on the future of blacks at Harvard Law. People are "concerned about whether Harvard is going to continue to support the policies of diversity and inclusion that allowed us to have this celebration in the first place," he said.

Lessig and Valenti square off on the future of cyberspace

By Phillip Barengolts

In a brief return to his old stomping grounds, former Harvard Law Prof. Lawrence Lessig debated Jack Valenti, President and CEO of the Motion Picture Association of America (MPAA). The topic of their debate, held Sunday in Ames Courtroom, was "The Future of Intellectual Property on the Internet."

A large audience, comprised mainly of students in the Internet and Society course taught by Prof. Jonathan Zittrain '95, expressed support for Lessig, the cyberlaw guru who left HLS for Stanford Law School last year.

Valenti, a graduate of the Harvard Business School, knew that he was in hostile territory. He chose to open the debate with a quote from Adlai Stevenson, "I am glad to see so many of my friends and so few of my supporters." Lessig was equally quick to set a confrontational tone to the exchange, opening with a quip to Valenti: "I'm going to make you hate me."

Valenti and Lessig traded barbs earlier this year in *The Industry Standard*, a magazine covering e-commerce, over a lawsuit filed by U.S. television networks, among others, against a Canadian web site that picked up television signals, some from the U.S., and rebroadcast them over the internet for profit.

Valenti came prepared with comments addressing the MPAA's digital

strategy. While acknowledging that no alternatives currently exist to what he deemed the theft of private property on the internet, Valenti said the MPAA is working on "an alternative to stealing."

Lessig's views, which are largely skeptical of intellectual property protections in cyberspace, appeared to be closer to those of most audience members. He suggested that forbidding the dissemination of content on the Internet may constitute a violation of free speech. Lessig's concerns were not only legal, but also technological. He worried, for example, that the MPAA would control the use of content through lines of code embedded in programs themselves.

In support of his views, Lessig cited a recent decision preventing an Internet magazine from linking to sites that carried DeCSS, a code-breaking program that allows the copying of DVDs. Emmanuel Goldstein, the pseudonym of the publisher of the magazine, who just happened to be in attendance, linked to these independent sites so that people running the Linux operating system on their computers could view DVDs they had purchased on their own machines. The court, however, sided with the MPAA, viewing the program's sole purpose as breaking the copyright protection code embedded in the DVDs by the publishers. The court enjoined Goldstein's magazine from linking to sites that made the program available because

the linking was deemed to be an aid to copyright infringement.

Goldstein confronted Valenti during the question and answer period about why the MPAA sued his online magazine — "What was the intent?" he asked. Valenti's response to comments like that and Lessig's own questioning of the MPAA's goals was that the MPAA was simply obeying the law and doing what was allowed. The MPAA would leave the determination of law to the courts and abide by their decisions, Valenti said.

Lessig continually made legal arguments that Valenti was in no position to rebut. "[The Framers] were skeptical about granting monopolies over the right to speak and the sharing of ideas," Lessig stated, confronting Valenti with the constitutional aspects of the debate. Lessig suggested that intellectual property law was infringing on free speech rights, as that law is currently being applied to content sharing on the Internet. "There was no concept of intellectual property in the framers' time," said Lessig.

Lessig argued, although without stating specifically what the term meant to him, that fair use under the copyright laws should not be curtailed, whether it be by legislative or technological means. He went so far as to suggest that there should be a free speech right to hack programs to guarantee the preservation of fair use.

Lessig made strong legal and techno-

logical entreaties for allowing content to be widely disseminated in cyberspace, often confronting Valenti's personal views on the issues. While avoiding some of the most controversial questions posed by Lessig and the audience, Valenti made many of his points on the business side of the issues. He expressed concern that a diminishment of copyright protections would discourage creative works. "It costs \$52 million for the average movie because you have to pay the people who put butts in the seats," Valenti said, explaining why strong copyright protection would ensure the continued flourishing of the U.S. movie industry. He also cited the large trade surplus enjoyed by the U.S. in intellectual property — facts that were largely ignored by Lessig and the audience.

Students who attended the event were fairly unanimous in stating that Lessig had the upper hand, at least intellectually. "I thought Valenti was far more charismatic, but no one doubts that Lessig is the superior legal mind. But let's not forget that Valenti is the superior businessman, and that too demands respect," said Shara Corrigan '01.

Zittrain, who moderated the debate, probably had the most accurate assessment of the debate. During the question and answer session in an attempt to focus the debate, Zittrain said that Valenti and Lessig's arguments were like "ships passing in the night."

DEBATE

Continued from page 1

Bush?" the student asked. Adams replied that he thought that taxes were too high. "You earned it, and you deserve it back," he said. Adams also promised that under the Bush tax proposal a first-year attorney earning \$120,000 would save \$3,654 a year before any refund, while Gore's plan would not provide any savings.

In the first opposition speech of the debate, Tim Shannon '01 — president of the HLS Democrats — asked the audience to "think back to the last Republican Administration and remember where we were." Borrowing Adams' "Bad doggie!" technique, he argued the last Republican administration had failed to provide America with the prosperity of the Clinton/Gore administration. Shannon also introduced the second major theme of the evening — Texas. "Al Gore wants to take this country forward," he said. "George Bush wants to take us back to Texas." Shannon referred to the second-largest state as "Mississippi with good roads."

In the second speech by the Republicans, Chris Ward '01 — the HLS campus director for Bush/Cheney — argued that Texas is the reason the audience should support Bush. "George W. Bush gets results," he said. He argued that Bush beat former Governor Ann Richards — who Ward mocked as possessing "big hair, but no big plan" — and subsequently instituted educational, tax and civil tort reform. While some Democrats challenged Bush's education credentials, Ward said that Texas leads the nation in advancing minority students. Ward also said that Al Gore "has presided over an education recession" nationwide. "The results speak for themselves," Ward said of Bush's record. Ward concluded by emphasizing that, in Tennessee, where people know him the best, Gore is losing to Bush. The 43 percent that is voting for Gore, Ward joked, is just worried that the Vice President might return to his



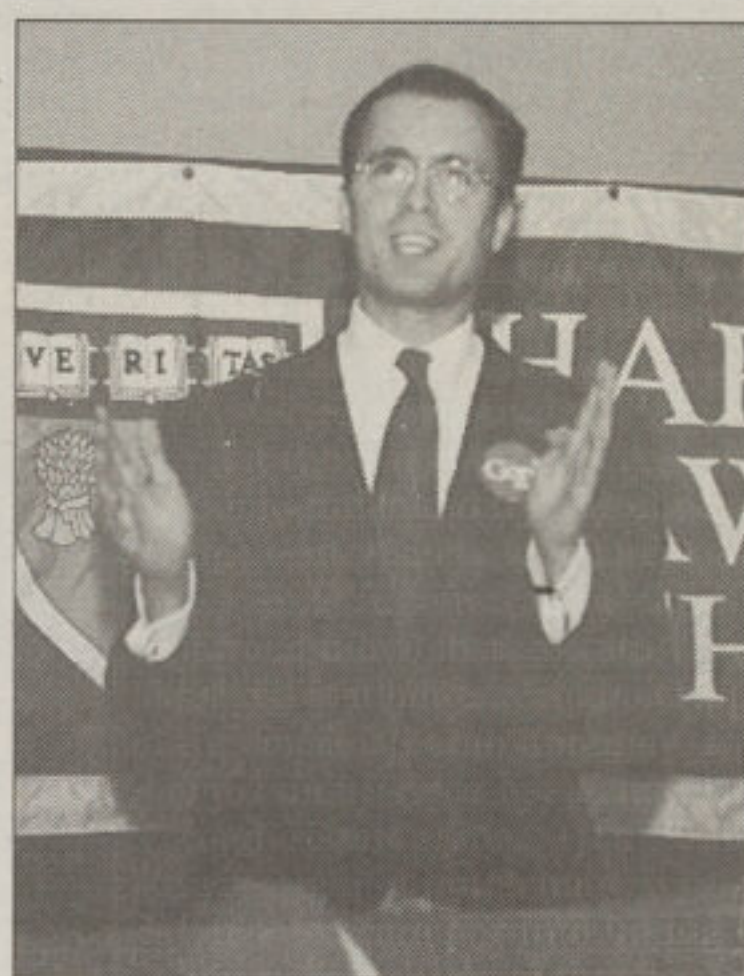
home state if he loses.

Megan Jones '03, who was introduced as Megan "Big Red" Jones, was the next Democrat to take the podium. She argued that Gore wanted to build up public schools and claimed that "higher education is not a priority for George W. Bush." This assertion provoked a loud reaction on both sides, forcing Herdman to pound the table and call for order. In a point of information, the Republicans argued that Bush wants to put an emphasis on basic education and child literacy. When asked whether Hillary Clinton would be put in charge of health care in a Gore administration, Jones retorted that "she'll be too busy as a Senator from New York."

In the final speech for the Bush camp, Megan Leef '02 — vice president of the HLS Republicans —

focused on health care and Social Security. She criticized Gore for claiming there is a health care crisis, when Clinton had run on the same issue eight years earlier and failed to do anything. She argued that Bush values bipartisanship and would work to improve health care. Leef also warned of bureaucrats in Washington usurping power from the people.

Concluding the debate for the Democrats, Mike Gottlieb '03 returned to Texas. He argued that Texas is a state where citizens are in danger of choking on smog, getting shot by assault weapons or being dragged behind a pickup truck if they are part of the homosexual community. Gottlieb also contended that Houston was the most heavily polluted city in the nation. To counter that statement, Bush supporters noted



Photos by Murad Kalam

Mike Adams '01, left, acknowledges applause from a pipe-smoking supporter. Timothy Shannon '01, above, grimaces at the thought of another Bush in the White House.

that Houston had a Democratic mayor, and that Texas' environmental rating had improved under Bush. Gottlieb responded that in Texas, environmental laws were written, passed and enforced by petrochemical company executives. He also criticized Bush's plan to tap the Alaskan oil reserves. Gottlieb quipped that perhaps Bush would propose "heating the south pole to solve a water shortage."

Following the three main speeches, students in the audience made floor speeches for the two candidates. At the end of the debate, Herdman asked for those who supported the proposition — in favor of George W. Bush — to say "yea" and those in opposition to say "nay." While there was not an official count, it appeared that there were slightly more "nays" — Gore supporters — present after the debate.

Con law experts discuss election's impact on Supreme Court

by Juan Pablo Alban

The Consortium on Global Leadership's Election 2000 Symposium featured, as its last presentation, a debate on the upcoming presidential election's effect on the future composition of the Supreme Court. Just two and a half hours before the much anticipated Bush/Gore face off, Prof. Charles Fried and Prof. Elena Kagan '86 provided some of their own verbal sparring. Prof. Fred Schauer '72, Academic Dean of the Kennedy School of Government, moderated and often participated in the discussion.

In stark contrast to the presidential candidates, few could question the intelligence, knowledge and experience of the debaters with respect to the subject matter. As a former Solicitor General of the United States, Fried represented the Reagan administration before the Supreme Court in 25 cases. He has also served as an Associate Justice of the Supreme Judicial Court of Massachusetts. Kagan served in the Clinton White House from 1995 to 1999, first as Associate Counsel to the President and then as a domestic policy advisor.

The right to an abortion — does it need Gore?

Interestingly, or perhaps typically, the single issue that Al and George have most passionately discussed with respect to the Supreme Court — the potential overturning of *Roe v. Wade* —

is one that nobody thought likely to occur. Fried, who at the time of the landmark decision disagreed with it for reasons unrelated to the right to life, said that after twenty years of constant reaffirmation, "something becomes part of the Constitution." Schauer, who throughout the evening unabashedly used an "evidence suggests" method of strengthening his arguments, added that "the evidence suggests" that the Supreme Court in actual fact will rarely use precedent as a true, rational basis for its decisions. Yet the abortion cases prove the exception to the rule, said Schauer, and *stare decisis* appears to rule the day. Kagan also saw the prospect of *Roe v. Wade* being overturned as improbable.

So what's at stake, if anything?

The three panelists disagreed on the question of what exactly is at stake in the election. Schauer framed an apparent importance to the election by starting the discussion with a brief presentation of the "Attitudinal Model" of Supreme Court decisions, under which evidence suggests that the greatest explanatory factor of how a Justice will rule is the inclination of the political party of the President who appointed him or her.

Kagan, who turned down tickets to the "real" debate because she had previously committed to this event, did not entirely endorse a view of 2000 as a pivotal point in the Supreme Court pendulum. Though the next president could

appoint as many as four Justices, he could also appoint as few as zero in the next four years, and election times tend to inspire over-estimations of such numbers. Furthermore, even if replacements do occur, the opinions of the appointee may not diverge significantly from those of the retiree, she said.

Fried only half-heartedly agreed with Kagan, stating that custom considers it "a bit indecent" for a Judge to resign during the term of a president whose political party is not the one that appointed him or her. The custom has held even if the Justice no longer agrees politically with the originally appointing party. The Attitudinal Model suggests that political inclinations, and thus the decisions of each Justice, would remain at least generally the same on policy-rich questions before the Supreme Court.

Fried then quickly jumped into a detailed discussion of why he supports Bush. A "death list" of what *could* happen, even if unlikely, during a Gore administration apparently gives him some sleepless nights. He described a "nightmare court" of five Brennans, or four Brennans and one Marshall, as potentially instigating the following changes: the decline of allowable searches and seizures without a warrant; the gradual closing down of police questioning without the presence of a defense attorney; the expansion of federal habeas corpus jurisdiction over state court decisions; a return to the "old days" of Establishment Clause interpre-

tation whereby any Federal assistance to a religious institution is invalid; virtually no Constitutional limits on the matters that Congress may address; and the complete acceptance of any type of racial quotas or preferences, "or affirmative action, as the other side calls it."

Kagan sharply contrasted Fried's views, citing her own "nightmare court" of five Thomas's, or four Thomas's and one Scalia. She suggests that the Republican Party has more of an "activist push" in terms of political figures, groups and potential nominations. Their agenda tends to revolve around increasing property rights, decreasing federal power and decreasing affirmative action. Furthermore, a likely Republican Senate would not confirm any nominee that supports the potential changes Fried suggests.

Fried's response revolved around politics. Both professors agreed that the first nomination of either candidate could well be a Hispanic Justice. In such a scenario, even if the would-be Supreme Court Justice's opinions lie to the left of Brennan, says Fried, "Orrin Hatch would stand up and applaud."

In the end, and quite unlike the two main Presidential candidates, the two debaters presented significant differences of opinion. They sharply disagree on what issues the Supreme Court *should* change, if any, in the next four or eight years. They honestly but objectively described their hopes and fears, as well as the likelihood of them becoming realities.

DUANE

Continued from page 1

array of services to assist in recruiting. This fundraising activity will be operated separately from advertising on the site. Because the Office of Career Services (OCS) is prevented by limited resources from providing these services, Duane's organization will assist law firms in activities — like Harkbox stuffing — that would otherwise go undone.

The website also provides information on local area restaurants. Duane said that these restaurants do not pay an advertising fee, but contribute gift certificates for competitions run by the site.

Duane emphasized that the revenue generated by the site will not be used for private gain. Instead, he said the funds represents a unique form of fundraising. The money is used for "things that are tough to do as an official organization," Duane explained. An example is a proposed shuttle that would take students from Pound Hall to Logan Airport during peak travel times, such as Thanksgiving or Flyout Week.

According to the HL Central mission statement, which has been forwarded to interested law firms, funds would also be used to plan weekly social events, dinners for first-year sections and to set up an emergency fund for law students who suddenly experience financial distress as the result of fire, theft or medical complications.

Perhaps the most obvious presence of HL Central is in the arranging of law student outings to Boston clubs, such as a recent party at Envy. Duane said that the organization does not receive any money from the clubs in exchange for promotion of the events. Rather, the clubs expect to make a certain amount of money once a limited number of free beverages are consumed by attendees. Nor does Duane guarantee that a set number of students will attend the event.

Duane believes that the focus on events is important in order for students to settle in at Harvard. Unlike

the current trips and events that are set up for each year's 3L class, Duane said that "you really need bonding in the 1L class."

HL Central draws analogies to several current organizations — the RECORD, the Texas Club and the Lincoln's Inn among them — as examples of non-profit, independent bodies. "I want it to be like another publication," Duane said, expressing hope that the site will survive beyond his time at the Law School. Most importantly, though, independent organizations are allowed to rely on law firm money for funding.

The fundraising idea occurred to Duane last spring, when he helped to arrange contributions for LIPP Fest. Duane said that funding the festival was "hell", since he was prevented for several reasons from soliciting law firm funds, instead relying on in-kind donations from Pepsi and various restaurants. "It turned out to be a great event," Duane said, "but it was almost more effort than it was worth."

The goal now is to formally establish HL Central as a non-profit organization, a process which Duane has begun in conjunction with the Hale & Dorr Legal Services Center. After it is established as a non-profit, the success of the site will depend only upon law firm largesse. "Whatever funding comes in, we're gonna be spending it as soon as we can," Duane said. "There won't be any restrictions from the school, but just the general restrictions placed on

non-profit organizations."

Student reactions to the WSJ piece have ranged from enthusiastic to highly critical. One student concern passed on to Duane has been a fear that he is selling personal information to law firms, an allegation that he fervently denies.

Another concern has been that Duane is profiting personally from the close link to Harvard Law School. Yet Duane insists that, if anything, he has lost money from the venture. Citing out of pocket expenses of "over \$4000" — incurred through upfront payments to clubs and in setting up the website — Duane said, "I'd be lucky if I can even recoup my losses."

As far as raking in the dough is concerned, Duane said that such a personal gain was unthinkable. "It's purely ethical, it wouldn't happen," he said. Duane has not yet cashed the one check he has received from a firm, waiting instead until the non-profit status of HL Central is finalized.

Duane may eventually become eligible for an HL Central scholarship, however. According to the website's mission statement, scholarships will be awarded to students who demonstrate "exemplary service as the facilitator of an HL Central Focus Group." The size of the scholarship is dependent, like the funding for other programs, on law firm donations. Duane said that the scholarship idea stemmed from a discomfort with paying salaries to members of the organization.

"The plan is to divorce me from the community building process," Duane said, assuring that next year another student will ascend to the presidency of HL Central. He fears that some students may shy away from HL Central-sponsored activities because they are "T.J. Duane" events. Acknowledging that HL Central originally began as a pet project, Duane said, "I don't want it viewed as my personal site."

The RECORD was able to verify that Duane never received any funding from Harvard Law School to found the site. In addition, although the continued use of the Harvard name is an issue for HL Central to work out with the University Provost, there are currently no legal or disciplinary actions pending against Duane and the organization.

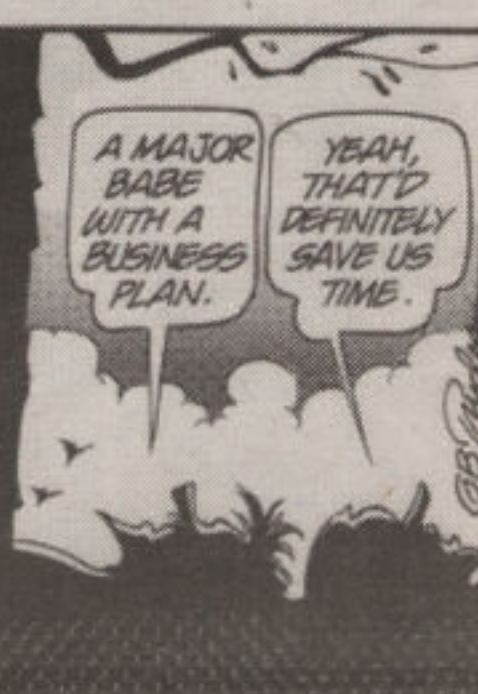
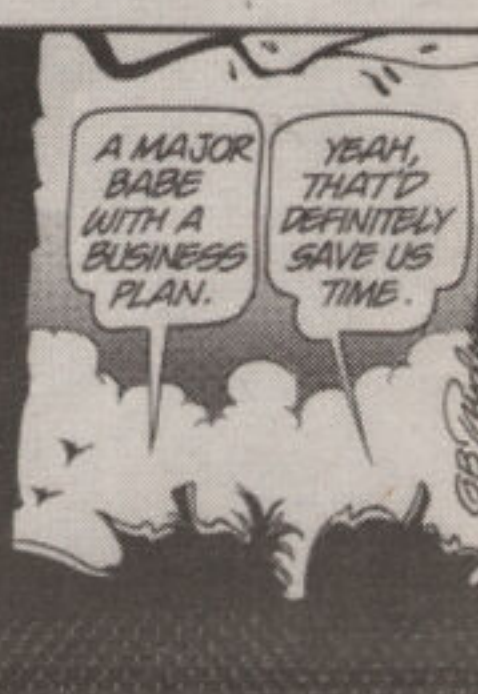
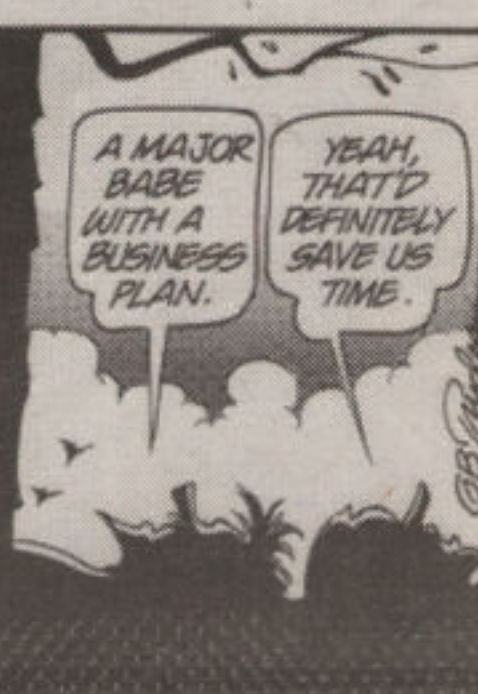
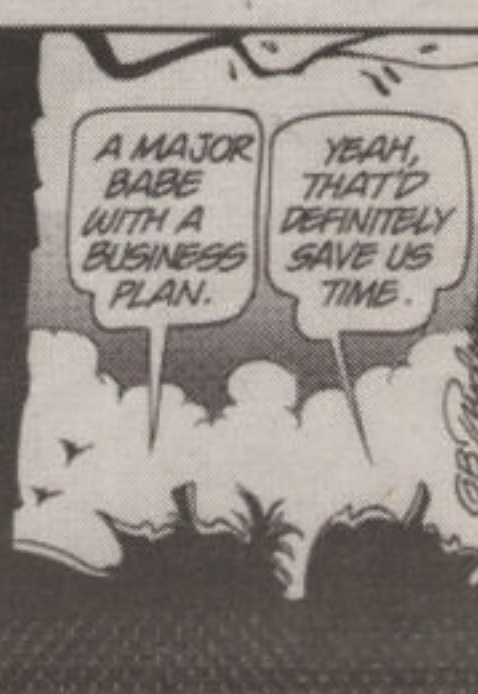
Any content that goes on the site must be approved "collectively" by the HL Central board — only "offensive" material has been deemed inappropriate. Duane said that fears about law firm dominance or censorship of the site are unfounded. "It will always be students over firms in terms of content," he said.

The WSJ also reported that Duane has founded a private venture — Duane Community Enterprises LLC. This business' only current project is the production of a card that would allow entry into a number of clubs without the payment of a cover charge. Duane said that he plans to distribute these cards free of charge to HLS students.

Doonesbury



BY GARRY TRUDEAU



Harvard Law RECORD

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FOUNDED IN 1946

More fluff for the fire

Autumn has officially arrived. And like every fall, it brings with it a host of sensory pleasures. The sweet tang of fresh apple cider. The smoky scent of burning leaves. The crisp crunching sound that accompanies a quarterback sack.

Harvard Law has its own set of autumnal inputs. The charcoal suits that match October's evening sky. The shuffling of freshly printed resumes. The smell of firm-purchased appetizers at the Charles.

This fall is no exception. Recruiters have already descended upon Cambridge, bringing with them promises of starting salaries that would make a blue-collar worker purple-faced.

There's no doubt about it. The money is amazing, all the more so for those students who face debt that — if not exactly "staggering" — is certainly enough to trip up all but the most monastic of young attorneys. And the pressures to accept a high-paying firm job are not merely financial. Parental urgings, raised eyebrows from classmates and society's perception of "rich lawyers" lead most HLS students to take the law firm path.

And then there's Harvard itself. With law firms falling over each other to put themselves before students, and succeeding, the path to private practice is well-trodden. Like getting B's at HLS, working for a firm is a cinch.

Right, so back to the money. It's a lot. No really, you are stupid to turn it down. Are you kidding me, 140 grand at Dewey, Cheatum? Dude, where do I sign up?

You know what the problem with the money is, though? There's a reason they pay it — who wants to do the work? And the cash comes with a set of expectations — you really think that bowing out of a wretched due diligence project is going to be acceptable anymore?

For those of you who know the firm life is ideal, good for you. There's nothing wrong with knowing exactly what you want and seizing it. But for you who harbor doubts about the law firm lifestyle, don't be swayed by the super-salaries. In the end, you're worth more than that.

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

—First Amendment, U.S. Constitution

• Letters •

3L sincerely applauds Vault Reports

I would like to thank the RECORD for making the "Vault Reports: Top 45 Law Firms" the centerpiece of its 2000 Career Guide. The Vault Reports are obviously an invaluable resource for any law student making that important life decision: where to work after graduation.

The "Top 45" ranking has several strengths. First, it focuses on what's really important about a future employer — "prestige" — ignoring such inconsequential elements as "size, lifestyle, or quality."

Second, the survey's methodology is impeccable. By asking only the people whose opinions matter — associates of firms that have done well on past Vault surveys — it ensures a representative sample group. Then, by asking those associates to rank only those same "peer firms," it guarantees that the list

won't be cluttered with new or non-traditional employers.

Third, we know that the survey is accurate because the results "typically paralleled conventional wisdom." Because we can be sure that this "conventional wisdom," wherever it comes from, isn't at all influenced by surveys like the Vault Reports, I feel totally confident relying on this impartial verification.

Think about it: we all have to decide where we are going to work, and we can't possibly be expected to evaluate potential employers on our own. Indeed, if we didn't have the Vault Reports telling us which firms were really "prestigious," how in the world would we ever make up our minds?

Brent Landau '01
October 2, 2000

Conservative failed to give Mass. mad props

Aaron Olsen's lesson in Massachusetts politics and culture ["Massachusetts 101"; September 22, 2000] aimed to teach international LLMs "about the power of capitalism and economic freedom" in the U.S. What tripe! My sense is that while few of the LLMs at Harvard need a remedial course in American politics and culture, Mr. Olsen might stand to gain from one himself.

I agree that Massachusetts may not be the most representative example for LLMs. Massachusetts is a state

with an admirable recent record of environmental and social progress combined with successful growth; a state that respects its traditions and symbols while remaining open to change.

So while Massachusetts may not reflect Mr. Olsen's vision of the United States, it does provide a good lesson in what the United States can achieve at its very best.

Barra Little '01
September 26, 2000

SPIN says pro bono requirement is a plus

Recognizing that as a professional school, it is part of HLS's core mission to further students' professional development, the members of the Student Public Interest Network (SPIN) strongly support the proposed pro bono requirement of 40 hours over three years for all future J.D. candidates.

The proposal has many significant benefits. Students who do pro bono work find it to be a valuable educational experience that provides both practical legal skills and exposure to interesting issues. Indeed, pro bono work educates in a way that the traditional classroom setting sometimes cannot. And though 40 hours over 3 years will not significantly burden students' schedules, the collective benefit of tens of thousands of additional pro bono hours will significantly benefit clients in need of legal assistance. Furthermore, given Harvard's high profile, passing this proposal is likely to spur other schools to create similar programs, leading to even more students nationwide doing valuable pro bono work.

Although the educational and social benefits are reason enough to adopt the proposal, Harvard would also directly benefit under the plan. Law schools like NYU rely on their public interest reputations to market themselves to prospective students. Anecdotal evidence also demonstrates that prospective HLS 1Ls know that other schools (e.g., Penn) have a pro bono requirement — and last year, many admitted students were genuinely excited to hear that HLS was considering a similar requirement. Enacting this proposal will send a message that Harvard is institutionally dedicated to public service — a message sometimes unclear to applicants.

These benefits would come with relatively small cost. Since over half of

HLS students already meet the proposed standard, Harvard's pro bono efforts can be expanded without a major new administrative undertaking. Numerous campus organizations (e.g. the Legal Aid Bureau and the Tenant Advocacy Project) and clinical programs already make it easy for students to satisfy this requirement. In addition, the Office of Public Interest Advising (OPIA) is working with the clinical program on a new "Public Interest Connection," which will match interested students with organizations nationwide who require assistance with legal research and writing and provides the opportunity for students to earn academic credit for their work. In short, there are numerous opportunities to fulfill this requirement, both at Harvard and among a wide array of non-profit and governmental organizations that require assistance both during the school year and through vacation periods. Moreover, organizations in need of assistance cover the entire political spectrum, meaning that work is available whatever one's political or social beliefs.

Strengthening our commitment to public interest is an ongoing process. Enacting the pro bono proposal is a valuable first step — and a responsibility of any school that claims to be a leader in legal education. We urge the faculty to adopt this plan.

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October 3, 2000

Something on your mind? Write to the RECORD.

O P I N I O N

By Brian Range '01

Republicrats, Debates and Democracy

**A Vote for Gore is a Vote for Bush.
A Vote for Bush is a Vote for Gore.**

The first debate of the 2000 Presidential Election has come and gone. The American public learned that Bush supports a tax cut affecting a tiny percentage of the federal budget while Gore opposes this cut. The two candidates disagree on how to salvage a Social Security system that, according to experts like Alan Greenspan, is unsalvageable. The only significant issue the two candidates disagree on is abortion, yet the two candidates, if we are to believe them, both agree that abortion will not be used as a litmus test for appointing Supreme Court Justices.

The two candidates agree on a host of issues pivotal to the future of the nation and the world. Because the candidates agree, the issues will not be discussed or debated. The interests benefiting from the candidates' position on these issues won without a vote being cast. Corporate welfare, such as those sections of the tax code which perform the economic equivalent of exempting mining companies and Christmas tree manufacturers, will persist unchanged. The major media companies will continue to merge into a bigger and bigger business presenting a single view on more and more television stations, newspapers and web sites. American workers will not have universal health insurance. The minimum wage will continue to shrink against inflation as the greatest gap between rich and poor among industrialized nations is solidified. No significant regulations to prevent global warming or the threat of the new genetically engineered biosphere will be passed. Trade with China will con-

tinue. The United States will continue to participate in NAFTA, the WTO and the World Bank. The military budget will grow as companies like Lockheed Martin score bigger and bigger contracts. The war on drugs and the nation's incarcerated population will continue to expand. The war on Iraq will continue as humanitarian aid is denied. Humanitarian aid to Palestine will be denied when the Palestinian nation inevitably declares independence. The death penalty will continue where state governments do not have the courage to acknowledge its unequal and chaotic administration.

**What Do We Want? Democracy.
What Do We Have? Fascism.**

Admittedly, not everyone feels the current policies that Republicrats agree on should be changed. However, the Commission on Presidential Debates, a body formed and controlled by Republicrats, has unilaterally decided *these issues are not even debatable* by excluding third party candidates Ralph Nader, Pat Buchanan and Harry Browne. The Commission feels the American public cares so little about these issues that the major third party candidates should not be included in *even one debate*. The behavior of the Republicrats, through CPD, begs the question: What are you so afraid of?

The third parties have no real voice.

The American public will decide who to vote for based on information spoon-fed to them from media conglomerates which control every significant news

*The public will
decide who to
vote for based
on information
spoon-fed to them
from media
conglomerates.*

outlet and lack diverse viewpoints. The outlets have extensively promoted the Republicrats through the big business sponsored debates and national conventions. The Republicrats will further their exposure on these outlets through pithy 30-second sound bites, paid for by interest groups and positioned during television timeouts and between situational comedies.

We're Not Violent. How About You?

Five thousand citizens converged on the University of Massachusetts Tuesday to protest the exclusion of third parties from the debates. They responded to the use of pepper spray and repeated charging by the Boston police by holding up their hands as a peace sign and chanting "Let Ralph Debate." Some of the protesters were not as interested in peace, however. I heard one young man exclaim in frustration, "Peace? What are you talking about? People are dying out there!"

He is right. People are dying. People are being executed by the U.S. government. Bosnians are bombed. Generations of Africans are dying from AIDS. American companies are exposing working class citizens to environmental hazards in this country and abroad. The average person in the U.S.

is spending his or her life working harder and harder for less and less money. Yet the voices which might address these issues are quashed. The issues that heroes like Ralph Nader would like to raise are simply not open to debate.

When freedom of effective speech is eviscerated and the people's vote is declared "useless" by the Republicrat's debate commission, we should not be surprised that the people will turn to protest and ultimately to violence. Many of the debate protesters were laid in the street with the intent of being arrested because they realized that arrest is necessary to get any media coverage at all. Despite arrests, the Boston press did not "acknowledge" the issues addressed by the protesters other than to summarily note that the protesters were "mostly supporters ... of Ralph Nader."

Let Ralph In. Let Us In.

The exclusion of third parties from the debates has left millions of voters feeling excluded and unable to meaningfully participate in the American political process. True democracy does not exist in a country where big money determines what candidates are deemed viable, determines when the candidates will address issues and what issues will be addressed, and ultimately leaves the American public with one choice for President — their choice.

The media has asked, "What do these protesters want?" We want discussion of all the important issues. We want access to the political system. We demand democracy. We demand democracy now. The demand is not open to debate.

In connection with our on-campus interviews
October 18-19, 2000

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- Aaron Edward Alt
HLS '97

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LSC update

LSC opposes five-tier grade reform proposal; endorses flexible curve

In the coming weeks, the faculty will be voting on two proposals — the future of the five-tier grade reform proposal and the implementation of a mandatory curve — which could reshape HLS's grading system. We hope to inform students about these issues while presenting a student voice to the faculty to discuss the ways in which the current proposals both meet and frustrate goals that have been a priority of the Law School Council (LSC) over the last year.

As a preface to the discussion of the particular proposals, we would like to put them in some context. Last spring, the LSC created the Student Bill of Expectations that reflected student priorities for changing academic life at HLS. Hundreds of students signed on in support of the Bill, and it was presented to the full faculty at a meeting in May. This document stressed five areas of oft-cited student concerns: smaller classes, improved advising, more feedback, grade reform and better registration procedures. Many of the evils sought to be rectified by grade reform, including arbitrary grading, student stress levels and better communication with and guidance by faculty, will already be ameliorated by the implementation of smaller first year sections and improved advising that have already been approved. To this end, the faculty should be congratulated for responding to student concerns and for taking significant steps to improve students' academic experience.

Public discussion about each of the

two upcoming proposals has a quality of myth about it. By clearing up these myths we hope to clarify the goals at which the proposals are aimed and the degree to which they meet those goals. First, it is a myth that five-tier grade reform will represent true grade reform at all. Only three-tier reform would serve the dual goals of de-emphasizing grades and lowering student stress levels related to grading, particularly in the first year. First year students polled recently overwhelmingly supported a move to three grading tiers (pass, high pass, low pass) over the current system of nine. Last year, the Law School Council endorsed three-tier reform on its Bill of Expectations. The plan would have de-emphasized grades and recognized the fact that the majority of students fall in the middle range of grades, and ceased to draw sometimes arbitrary distinctions among them. The LSC was disappointed when three-tier reform failed by one vote in the steering committee.

Five-tier reform would not achieve the same goals and does not have student support. The same polls of first-year classes that overwhelmingly favored three-tier reform voted for the status quo over five-tier reform by the same margins. The current five-tier proposal seems more like change for change sake, a semantic labeling change applied to the five grades already generally given by professors. *Since five-tier grading would not improve the reliability of grades nor lower the emphasis on grades, the Law School Council stands in favor of*

the status quo until true grade reform can be implemented.

The second myth is that the mandatory curve proposals represent anti-grade inflation measures. The proposed curves take as their baseline the percentages of grades CURRENTLY received on average in classes at law schools, breaks them into the proposed five grade tiers and makes them the target for proposals. Therefore, a mandatory curve would not result in a net lowering of grades at the law school, though it would alter their distribution in particular classes. This proposal is aimed at rectifying a significant problem by standardizing the grading curve to offset the deviation between classes in different sections and bundles so that grades consistently reflect the same level of performance across classes. The disparity between professors as far as the number of A's and number of C's they have given while teaching similar classes is startling. Students should not be penalized for happening into a section with a professor that has a tougher curve than professors do in other sections. In fact, achieving what the proposal calls horizontal equity between classes was one of the planks on last year's Student Bill of Expectations and would result in greater fairness to students as a whole.

However, the LSC's support of grade standardization comes with several caveats and serious concerns. Whatever the final system, a maximum of flexibility would alleviate student concerns while still achieving

needed grade standardization. First and foremost, percentages being discussed need to leave professors with a maximum amount of discretion to deviate from the percentages, especially at the bottom of the curve. One solution to the starkness of a mandatory curve would be to instead use a mean grade as the target for professors. Another solution would be to allow professors to shift the curve based on class composition, which would alleviate the problems of students being penalized by taking classes composed of students with high GPAs. A better suggestion, perhaps, would be to limit the grade curve to first-year sections and perhaps bundled classes. The faculty is already considering excluding seminars from any mandatory curve and should limit the curve to those classes for which horizontal inequity is a problem.

As a final note, we want to encourage students to stay informed and involved in the process of academic reform, especially with a vote on the Pro Bono proposal also around the corner. Details of these proposals are available on the Harvard Law School web page by clicking on "Student Issues on Strategic Planning" under the "Students" heading. Our voices should be heard as we continue to work towards the best possible learning environment for our community.

Sincerely,

Jeremy Paris '01, Chairman, LSC
Academic Affairs Committee
Jay Munir '01, President, LSC

"I've had the opportunity to work with very impressive clients on cutting-edge issues."

—Jennifer Brosnahan
HLS '98

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October 10 & 11, 2000

Sign up for interviews at the Career Services Office

FEDS

Continued from page 1

states — especially relatively poorer states like Mississippi — with an opportunity to generate lasting public health improvements. "The real victory would be if the states actually spend the money and really hammer down on tobacco use with education programs and the like," he said. Moore noted that few states appear to be joining Mississippi in the effort.

Like Moore, Stark enjoys being able to work in a field where he feels he may advance the public interest. A 36 year-old graduate of Duke Law School, Stark did not initially go into public interest. He first worked for a large law firm in Washington, D.C., and he "didn't like it at all."

"The work I was doing at my law firm the first couple years I could have done when I was a tenth grader," Stark said. "I felt like after three years of law school, I was ready to take on a lot more."

Stark has found government work far more rewarding. "Government allows for the kind of public service, and the kind of excitement, and the kind of really good feeling that you get out of your work that doesn't compare in any way shape or form to private practice," he said.

Since 1994, Stark has worked as Chief of the Office of Internet Enforcement, a special unit of the SEC that investigates and prosecutes people who use the Internet to interfere with markets, for example by publishing misinformation or spreading rumors to bully stock prices and profit at the expense of other investors.

Because the work is so groundbreaking, it has sometimes involved unexpected challenges.

Last spring, following a Congressional mandate, Stark's office developed an

automated system to surf the web for indications of fraud.

"What we are doing is extremely innocuous," Stark said. "It just surfs the Internet, just like any search engine. It doesn't go into chat rooms, it doesn't listen to what people do, it doesn't read people's email."

But when the Wall Street Journal published a story raising privacy concerns about the system, Stark's office began to face criticism.

The experience was frustrating, Stark said, because the SEC prides itself on concern for privacy. His office's investigations are not public, and it is always careful to inform the subjects of their legal rights and to address due process concerns.

"We were on such solid ground, and the article was filled with so many misconceptions," Stark said. "Most of the time, when we spoke to members of Congress, or to anyone, we usually cleared things up right away."

In another disappointing incident, Stark was investigating instances of online fraud only to discover that the subjects of the investigation were students at the Georgetown Law Center, where Stark teaches a course. Stark had to pass off the investigation due to the resulting conflict of interest.

Still, Stark feels the benefits of his job far outweigh the downsides. He noted, "At any given moment in time any member of my office — I have a group of a little less than 20 attorneys — could leave the Commission and triple their salary, easily," Stark said.

"So why are they staying?" he asked. "They get to do something that's honorable, exciting and meaningful."

Moore echoed Stark's sentiments. When asked about his cameo appearance as himself in *The Insider*, Moore laughed. "It was a lot of fun, but as I told my dad, I think I'll keep my day job."

THE LIBERAL

GUN LOBBYISTS DON'T KILL PEOPLE, THEY JUST MAKE IT EASIER

To those of you who don't know me already, one brief word of explanation: I am far less blurry and out of focus in person than I would appear to be in my published photo. Nevertheless, you couldn't prove that I was terribly focused by reading my first column two weeks ago. I was all over the place, wasn't I? One minute it was Scalia, the next it was Bush; throw in a little TV critic shtick, and then hop back to Bush again.

In retrospect, what really made me feel bad was that the conservative column opposite mine was truly about something. It almost made me feel guilty to have wasted so much space on "Survivor" jokes when I learned that my colleagues at the RECORD were hard at work preventing "mayhem and bedlam." Where was I in this time of crisis? Pity the poor LL.M. students who might have had no one at the school paper telling them what to think if it weren't for the contributions of other writers!

Having utterly failed to preach to the unconverted last time around, I thought, I might join in now. Of course, I don't have the inclination or the wherewithal to rebut each point that was raised two weeks ago in what amounted to little more than another chorus of that well-worn conservative favorite — the over-regulation blues. Most of you probably don't even remember all the words, so it'd be silly for me to harp on little details from that column that showed up next to mine. Furthermore, it would be outright unfair for me to question the traditional chauvinist credentials of a conservative male who bemoans the victory of the "liberal feminist ethic" one moment, but actually admits to changing diapers the next.

The topic I wish to address here is gun control laws — specifically, the tired complaint that gun control laws only apply to law-abiding citizens. Now I can only imagine what those mixed-up international students must be thinking after reading that. Imagine an LL.M. student thinking, "In my country, much stricter gun control laws than they have here apply to all people. How can it be that the gun laws of this liberal state apply only to hard-working, honest, non-criminals, like (most of) the members of the NRA, but not to common felons?"

The answer is a simple one, of course. Gun control laws apply only to law-abiding citizens in the same way that all laws affect only those who follow them. It's true that when murder is outlawed only outlaws will commit murder, but you don't see lots of people running around and calling for the repeal of the criminal code just because crimes still occur. Laws are made to deter and punish crime, but no law can simply prevent the behavior it's meant to address. Laws aren't magic words. If criminals still have guns once guns are outlawed,

we should prosecute them for the offense. We shouldn't throw up our hands, pull out our handguns and yearn for the good old days when protecting yourself meant shoot first, ask questions later.

Speaking of magic words, what about the Second Amendment? Conservatives around here might not see the difference between flying the Stars and Bars over the state capitol and hanging the Union Jack in a Boston-area museum, but they know that there's a distinction to be made between murder and gun ownership. Don't I realize that we all have a right to keep and bear arms in this country? So long as we conveniently ignore the pesky reference to a "well regulated Militia," doesn't the Constitution basically say that every gun regulation is a per se denial of fundamental rights?

Even if the waiting period acts as a prior restraint on gun ownership, or the banishment of certain obscene types of assault weapons somehow denies the rights of gun owners, it seems pretty clear to me that there are some interests worth protecting on the other side of the balance too. In this week following First Monday's focus on gun violence, it would be almost too easy to quote the sort of statistics — nearly 3,800 teens and children killed by guns each year; upwards of 12,000 homicides per year committed with firearms; unintentional shootings and suicides increasing the number of gun fatalities per year to almost 30,000 people in the U.S. alone — that show an undeniable correlation between easy access to guns and tremendous loss of life. Guns are the second leading cause of injury-related death in the United States, trailing only auto accidents. So maybe there really isn't such a big difference between guns and murder after all.

We've all heard the argument that guns don't kill people — people kill people. That makes almost as much sense as bemoaning the fate of the law-abiding gun owner. Why have any regulations then? Illegal drugs don't kill people; people taking illegal drugs in lethal doses is the real threat. Let's get rid of the FDA! Cars don't kill people; drivers kill people. Why have any traffic laws then? There's no way to keep all bad drivers off the road, so why don't we just declare open season on anyone who fails to come to a complete stop?

Now there's an answer any conflicted conservative-slash-libertarian could be proud of — the only way to prevent bedlam and mayhem is to declare anarchy. With anarchy, we could all be law-abiding citizens. There just wouldn't be any laws. Problem solved.



Matt Wood

THE CONSERVATIVE

GORE PROMISES PIMENTO LOAF IN EVERY POT

I must say that I am looking forward to the debates in Ol' Beantown this week. I can't wait to rally for Bush just like I did for McCain in the primary elections and Gore in 1998 (some may regard that as more of a pro-impeachment rally, but I can honestly say that there was a time I wished Gore were president). Unfortunately, the loudest presence will probably be the anarchists that seem to show up everywhere with their incoherent protests. Maybe the liberals and conservatives could join together and protest them. "Hey hey, ho ho, the anarchists have got to go"

One thing that the debates will certainly bring is more of Gore's "chicken in every pot" promises. Republicans sometimes have a tough time explaining why they don't support every government program under the sun designed to help the poor, the elderly, the middle class, the environment, the disabled, the students, the children, the list goes on. ... So, let me give it a shot.

Despite popular belief, even a radical right winger like me has a heart. If it were possible to pass a bill that would eliminate poverty, homelessness, pollution, disease or the Yankees from the playoffs, I would gladly support the bill. The problem is that even the best ideas always get tied up in so much red tape that the people who benefit the most are those who defraud the system. Meanwhile, the real targets of the program get chewed up by bureaucracy. This is especially apparent in health care. I'll give you two true family stories to illustrate my point. And these are true stories, not Gorisms.

First there is my sister. A year and a half ago she had a baby and received a notice that she should get his hearing checked. A letter from child services informed her that the state would pay for the test if her private insurance didn't. Soon it became apparent that the baby didn't have a hearing problem. A second letter came. This time child services sent a much more threatening letter to scare her into taking the little boy in for a check up that he clearly didn't need. But since it was "free" and out of fear of the baby being taken "Reno-style" from the home, she went. Her insurance didn't cover the test, and none of the bureaucrats knew how to reimburse her. Eighteen months later

she still hasn't been reimbursed, but she does have a ream of paperwork. And Al wants more government control of health care? With Al, we will end up with a system with the quality of an HMO, the customer relations of the DMV and the enforcement power of the LAPD.

Then there is my mom, an elderly disabled widow living alone who has required one of those three-wheeled electric carts to get around the house (and everywhere else) since 1985. By law, Medicare should pay for her cart. Unfortunately there are many people who think the little carts are pretty cool and try to abuse the system to get one fraudulently. Sounds weird, but it is true. See Seinfeld's George Costanza v. Play Now, 36 NBC ch. 7 (1996), rerun 1 Fox ch. 9 (1998), rerun ad nauseum UPN ch. 8 (2000) (you know the one where George fakes an injury at work and they get him a cart). In response to the George Costanzas of the world, the bureaucracy randomly chooses to deny certain claims — and my mom was one of those random selections. All of the paperwork was filled out correctly, but they don't believe that she really has multiple sclerosis. Ironically, she was honored with the National M.S. Mother of the Year Award in the White House. Such a misunderstanding is easily remedied right? Yeah, right.

She appealed and got denied again. She sent a second appeal with the same result. But don't worry — she can now request a hearing in person as long as she abides by the regulations promulgated in the gibberish known as the C.F.R. Two years after the initial request, the bill for the cart has yet to be reimbursed. So if you can't pay for the cart to start out with, get someone to lend you the money, or have the persistence to fight the government for two years, and a lot of good it does you. It sounds to me like we need a Medicare Patients Bill of Rights.

Now don't get me wrong, I'm not opposed to all government programs. I'm all for having a safety net for people. But when Al goes out and promises a chicken in every pot, the lid is just covering a bologna sandwich.



Aaron Olsen

West Wing comes East

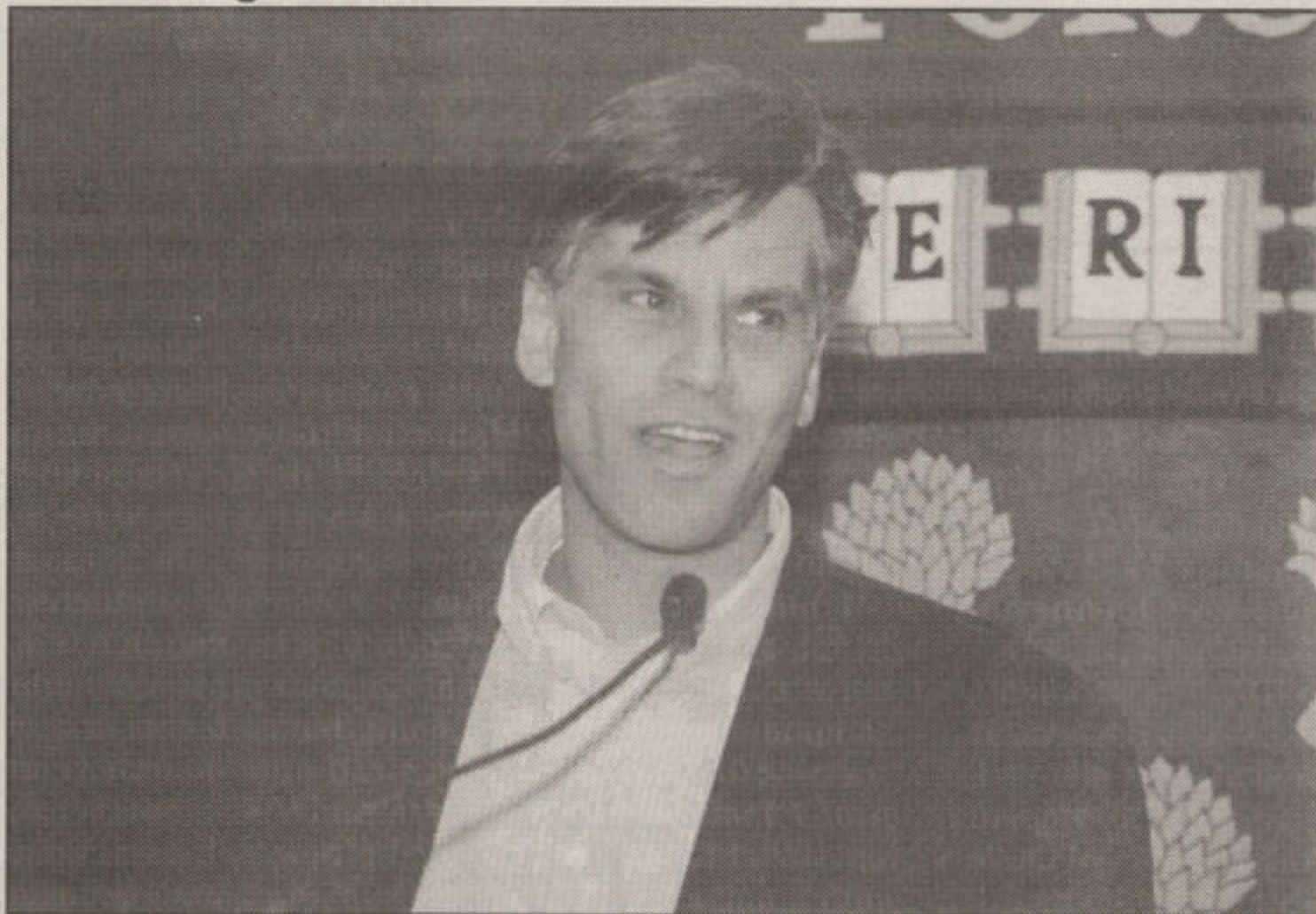


Photo by Murad Kalam

Aaron Sorkin, creator of NBC's "The West Wing" and the hit movie "A Few Good Men," spoke at HLS on Monday, Sept. 25, 2000.

DB

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SPORTSGUY

HLS GRIDDERS OFF AND RUNNING

By Phillip Barengolts '01
RECORD Columnist

Set! Hike! The HLS Intramural Flag Football League is back and the pigskin was flying all over the place this weekend.

Early action featured the offensive stylings of **Scott Mayne** Lobster '02 and his four touchdown heaves to **Shawn O' McDonald** Had a Farm '02 in Aaron's Mom 34-12 win over Mr. Sparkle. **Steve I Wish I Were in Dixon** '02 led Mr. Sparkle to two scores with the help of running mate **Jeff Smith** to My Lou My Darlin'.

The Fighting Peilins, struggling to overcome the loss of their namesake and her brownies to graduation, defeated Ill-Tempered Seabass 36-12. **Kelly** Waiting For **Huffman** '01 ran for two and threw for two, but Seabass kept it close early behind speed freak **Naked as a Blue Jae Kim** '03 and ball hawk **Will Witches Ride a Brumbach** '03. Defensive maven **Juan Pablo Alban** The Drum Slowly '01 kept Seabass in check until **Justin** Guess What I **Herdman** '01 could seal the deal with an interception return for a touchdown. Seabass did not fare much better in their second game, losing 62-0 to Aaron's Team. Truth or **Darien Futrell**

'01 scored six times and **George April Showers Bring May Flowers** '01 pressured the Seabass QB all day to force four picks.

In the X-rated game of the day, Dicken's Cider got off easy as The Astro Gliders let a victory slip through their grasp. **Brian Lutz** and **Bolts** '02 provided all of the Gliders offense, but it was not enough as **Wish Upon a Lars Johnson** '01 caught two touchdown passes, and **Cool Hand Luke McFarland** '01 roamed the secondary to keep the Gliders in check. The Gliders would come back to defeat Pedagogical Excellence 43-19. **Wesley No Warren No Cry** '02 provided the spark on offense, while pass rush specialist **Alex Vallejo Con Dios** '02 did the dirty work on defense. **Jeff If The Schuman Fits** '03 managed two scores and **Aaron I Said a Bloom-Chigga-Bloom** '03 had a pick in the loss. Dicken's Cider won their second game 36-12 behind the strong arm of **Matt Nothing Rhymes With Kliszewski**.

Pedagogical Excellence played better but still came up short in their second game, falling to TFA 19-7. **Garin**

Muranaka You Out '03 blazed a path to the end zone with the help of **Jon Briar Patchen** '03 for the victors. **Mark One** if By **Lanford** '03 provided the offense for Pedagogical Excellence and **Brooke Eat The Ritchie** '03 helped keep the game close on defense.

In the late games, The Second Plague defeated Herwitz' Heroes 27-12 and Andy's Team beat The Outlaws 25-12. **Pat He Wouldn't Urda Fly** '01 caught two deep bombs from **Craig Cronheim A Little Teapot** '01, while **Dave Chairman of the Borders, Jr.** '01 pulled the defense together to stymie the Heroes in the second half. **Ian Churchill Downes** '01 made a number of scintillating catches, and **Matt Cheech Marinelli** '02 played a good all around game to keep the Heroes chances alive.

Andrew Trompe Le Raymond '03 led Andy's team to all four of its scores, connecting with **Ryan Corn** on the **Cobb** '02 on an impressive score. **Derrick Macbeth Killed McDuffie** '03 scored twice for the Outlaws, who were also aided by the solid play of **Tales of Folk Lorialle Edwards** '03 in the losing effort.

The Record

Langdell Division

The Second Plague	4-0
Fighting Peilins	3-0
Herwitz' Heroes	1-3
The Outlaws	0-2
Ill-Tempered Seabass	0-3

Pound Division

Aaron's Mom	3-0
Frightened Turtles	1-1
The Astro Gliders	2-2
Andy's Team	1-3
Pedagogical Excellence	0-4

Gropius Division

Dicken's Cider	4-0
Aaron's Team	3-0
Alan's Team	2-0
TFA	1-3
Mr. Sparkle	0-2
Law Dawgz	0-2

Fenno

Fenno sat slack-jawed in front of the big-screen at Cambridge Common. He gulped down another shot, hoping to suppress the demons that wouldn't go away. *Stop*, Fenno pleaded to the voices ringing in his head. *Please, just stop.*

It was no use. Like intelligent grade reform and Catalyst, the voices were going nowhere. He'd just have to deal with them.

"I'm from Texas ..."

"His plan would go to the wealthiest one percent ..."

"I'm from West Texas ..."

"... wealthiest one percent ..."

"I'm not from Washington"

"... working families ... one percent"

"Texas is not in Washington. It is in Texas."

"... one percent ... one percent"

"I grew up in Texas. I can't do your 'fancy math' or use your 'grammatical English.' I'm not 'polished.' I don't know how to 'enunciate.' I can't 'pronounce words with three syllables.' Those aren't my ways; those are Washington's ways."

"... my own man ... 'What would Jesus do?' ... God bless Joe Lieberman for delivering Florida ... I'm so smart it makes my head hurt ..."

Fenno was disgusted. The first interesting presidential election in 20 years, and it came down to a Harvard-groomed candidate whose connections had gotten him everything and ... oh, right.

What this race needs, thought Fenno, is fresh blood — someone who can come in here and shake things up. Someone who's in it for the people and will give them more than empty promises. Someone who will give the people who they need. Someone who will give them beer.

Then it hit him: T.J. Duane for President!

Why not? He's the free-marketer's Ralph Nader — a guy who can make loads of money by standing up for the common man, by working for the people. (Oh, right, Fenno thought, that's Nader's Ralph Nader.) Sure, T.J. was

nonprofit right now, but with a little tweaking, Fenno could fix that.

The idea had potential. Instead of vague promises about government programs that no one really understood, we'd have ... more practical goals.

Fenno closed his eyes and imagined the stump speech.

"My fellow Americans, hey. How you doin'? My name is T.J. Duane, and I have one question to ask you today: Are you hungrier now than you were four hours ago? I know the answer, and I am running for President because I can do something about it. I can give you the thing you've been craving, I can fill that void. I can give you what you want. *I can give you free appetizers.* (And did I mention the bar's open 'til 10 if you show your Harvard ID?)"

He already had the media coverage — how many 2L's had been written up in *The Wall Street Journal*? He already had the skills — how many 2L's could piggyback on Harvard's name and not get busted for it? He already had the thick skin — how many people could lose an LSC election and still feel up to organizing bar reviews? Fenno had a good feeling about this. T.J. Duane had a platform and a vision. Now all he needed was someone to help him make it happen. Fenno could be that someone.

Fenno was shaken out of his reverie by a loud crash and sudden shouts across the room. He pushed himself up from his chair and walked over to see what was happening. What he saw made him grin.

Quote of the Week

'I look forward to playing foosball with the best of you.'

—Dean Clark '72 in a memo approving student requests for a pool table and foosball table in Harkness Commons.

Apparently the HLS Republicans and Democrats had watched the debate together and had drunk every time Bush answered vaguely or Gore sounded priggish.

They were not sober.

Mike Adams, blond hair flopping wildly, was thrashing Tim Shannon with an enormous plastic elephant, while Shannon hid his face and moaned, "Jim, if I could just respond to that! Jim, if I could just respond to that! For the love of God, Jim, the woman has a poodle!"

Megan Jones had Megan Leef in a headlock and was screaming, "Big Red Megan, yes I'm the real Megan, all you bony lil' Megans are just imitatin', so

won't the lil' bony Megan please shut up!" Leef was screaming back, "That's just Mediscare, bitch! Mediscare!"

Chris Ward, meanwhile, had ripped off his shirt, oiled up his chest and was flexing furiously while staring at Mike Gottlieb. "Hey, Gottlieb!" Ward shouted. "You want a piece of this? You want a piece of Texas? After I'm done with you, you'll wish you'd been dragged behind a truck, you sniveling little pansy!" Ward paused and looked over at Leef. "Megan! Nice pumps, girl! Manolo Blahnik?"

Fenno smiled. Now this was a debate. Crying "Fuzzy math!" he threw down his beer and opened a can of bipartisan whoop-ass.

Doonesbury

BY GARRY TRUDEAU



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How Do You Say Success In German, Italian, French, Spanish, Portuguese And Norwegian?

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Joint Lead Manager
LEHMAN BROTHERS

May/June 2000



\$3,500,000,000
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\$600,000,000
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