



Governor Ryan lays down challenge

Illinois leader puts brakes on state's death penalty

by Justin Herdman

One of the favorite sayings of the Irish is "You never bid the devil good morning until you meet him."

Gov. George Ryan of Illinois often uses this adage to deflect probing questions from political reporters. Yet earlier this year, Ryan found that a political devil called the death penalty had come knocking. And having opened the door to stammer a good morning, Ryan also urged Harvard Law students to come up with their own responses to society's devils.

Invited to HLS at the behest of the Saturday School program, Ryan's appearance on Tuesday occurred in the midst of a national rethinking on the issue of capital punishment. Indeed, many credit Ryan himself with the thoughtfulness and probity of the current discourse about the death penalty.

In January, Ryan declared a moratorium on the executions of inmates on Illinois' death row. The move came in response to the high-profile exoneration of Anthony Porter, who wrongfully spent 16 years on death row for a double murder. Ryan noted that the inmate had already ordered his last meal and been fitted for a burial suit before being granted a last-minute reprieve. The work of investigative journalism students from Northwest

ern University eventually cleared Porter in February of 1999. By saving the life of an innocent person, Ryan said that these students had "performed the highest calling in journalism."

The Porter case is "a vivid example of what's gone so terribly wrong in our system," Ryan said. Prior to Porter's exoneration, Ryan "didn't know how bad the death penalty in Illinois really was."

Coming from a self-confessed conservative, Ryan's words were a stunning rebuke of capital punishment. Yet following the release of Porter, Ryan presided over the execution of a convicted murderer. "I was sure [of the convict's guilt], but it was an emotional, exhausting

Please see **GOVERNOR**, p. 2

Espionage suspect's daughter defends dad

Wen Ho Lee case is strong evidence of racism, she says

by Zachary Price

How would you feel if FBI agents suddenly began tracking your every move, following you everywhere with as many as a dozen cars? What if every e-mail you received came under government scrutiny?

That's just what happened to Alberta Lee when her father was arrested on charges of espionage last year. Ms. Lee visited Harvard on Monday to tell students about her family's experiences. The event was held at the John F. Kennedy School of Government's ARCO Forum. It was sponsored by the Harvard Asian Pacific American Law Students Association, as well as the Asian American Policy Review, the Asian Student Caucus and the Chinese Students Association. C-SPAN covered Ms. Lee's talk.

Ms. Lee's father, Dr. Wen Ho Lee, worked at a Department of Energy nuclear research facility in Los Alamos, New Mexico. In 1999, Dr. Lee was fired and charged on 59 counts for violating national security laws.

Prof. Philip Heymann '60, who introduced Ms. Lee, described Dr. Lee's prison conditions. "He was kept in solitary confinement. He wasn't allowed to speak to family members without someone else being present. He was shackled when he was taken to court. As far as we know, lights were on in his cell at all times," Heymann told the crowd. At one point during interrogations, FBI agents asked Dr. Lee if he knew "what happened to the Rosenbergs," referring to two alleged spies who were electrocuted in 1953.

The government eventually dropped its case and released Dr. Lee, accepting a plea bargain in which Dr. Lee pleaded guilty to only one count of mishandling classified information. The judge who had

approved the harsh confinement apologized to Dr. Lee and reprimanded the government, Heymann said.

Ms. Lee described her father's ordeal as "traumatic" and "humiliating." She said, "The worst thing was seeing my dad being brought in to visit [with] me. He was wearing a red prison suit, which is for murderers and rapists, the worst type of criminals. He would be handcuffed, with a chain at his waist, and his ankles would be shackled. To see him treated like that was like seeing him treated like an animal."

Meanwhile, Ms. Lee and her family were subjected to constant surveillance. "Sometimes up to twelve cars [followed us] everywhere we went," she said. "They parked in our neighborhood, they harassed our neighbors, they parked outside of our neighbor's daughter's windows, they followed us to the store, watched what we bought, and then followed us out."

Please see **LEE**, p. 2

Strategic Plan passes without a whimper

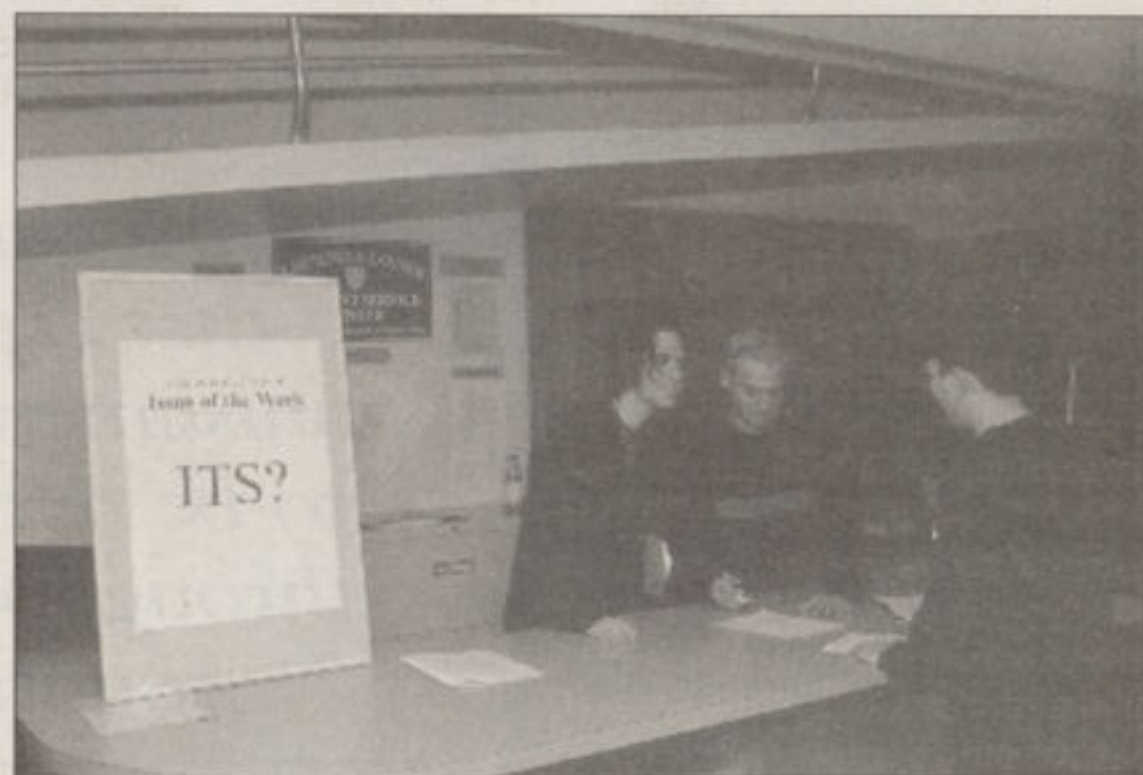


Photo by Murad Kalam

Scott Hirst LL.M. (left), and Jeremy Paris '01 (center), LSC members, solicit student opinions on their experiences with ITS.

The HLS faculty passed the Strategic Plan last week by a vote of 37 to 6. This final vote tolls the end of the planning process.

Wide-ranging in scope, the approval of the Plan means that fundraising will now

commence in earnest. While generally aspirational in tone, the Plan did recommend almost \$400 million in endowment funding. For a full description of the Plan, see the Nov. 17, 2000, issue of the RECORD.

One-L McNair 'Wheely' fortunate

Maybe he should have bought a vowel.

Fill in the blanks: S---er cap. "Sugar cap," you say? Well, that was the answer given by Andrew McNair '03 during his recent appearance on the television game show "Wheel of Fortune."

McNair set the wheel in motion last summer, when he was visiting with his grandmother, who he described as an aficionado of the program. After two rounds of interviews and try-outs, he was selected to appear on the show.

The episode, which aired on Wednesday night, was originally filmed in July. "We all got together in my dorm room," McNair said. "I didn't tell a ton of people."

McNair chalked his second place performance up to "bad luck and nervous jitters." The third clue during his taping was "Moving at the Speed of Business," a cryptic phrase that escaped McNair.



Andrew McNair '03

Anxious not to be a third wheel in the competition, he had previously purchased a Wheel of Fortune video game "to train." The electronic version of the show did not have time constraints imposed by the networks, however. So while he was accustomed to five rounds of play at home, McNair and his competitors only got through four during the real show.

Please see **FORTUNE**, p. 7

Ramadan Mubarak



Photo by Murad Kalam

Divinity school student Andrea Usmeen reads from the Qur'an to Muslim students from the Law School, GSAS and Harvard College during an iftar service, breaking the daily fast. Ramadan began on Nov. 27 and lasts one month.

One-Ls of two minds on post-holiday final exams

Bush and Gore have nothing on the RECORD poll.

The Class of '03 came out dead even on the question of whether to have finals before the holiday break, like second- and third-year students, or to retain the traditional post-break finals period.

The final tally was 41-41.

While the question was phrased to produce yes or no answers, responses ranged from "NO!" to "Yes. Yes. Oh, God, yes!"

Students favoring the current format expressed concern over adding even more stress to their hectic first semester schedule.

"If our exams were before the break, I can't imagine what November would be like, with job search stress to deal with already. Gropius would be a mad house," said Jiyoun Chung '03.

RECORD Poll

Would you prefer to take your 1L finals before the holiday break, like 2L and 3L students do?

The 82 total respondents were evenly divided.

Yes	41	50 percent
No	41	50 percent

"It gives us extra time to prepare for something that we have never done before," proclaimed Manuel Calderon '03. "I think the three weeks to prepare are perfect. You don't have to use them if you don't want to," added Calderon.

The stress factor cuts the other way for Jillian Lutz '03.

"The atmosphere is already stressful since so many other peo-

ple are already going through exams. [Having exams after the break] just prolongs that tension and anxiety," Lutz explained. She said she thought it was best to have the stress mount all at once and be over with rather than stretch for a month or more.

Other students who favored a change to the 2L and 3L schedule believed that peace-of-mind during the holidays was an overwhelming factor.

"I want to enjoy my holiday," Lorie Edwards '03 said.

She added: "Either way, you'll never be totally prepared. And who wants to study when they're trying to celebrate Christmas and New Years? I'd like to have four weeks off to relax and just think, 'I probably didn't do so well — but at least it's over and I'm still alive.'"

GOVERNOR

Continued from page 1

experience," said Ryan.

"It all came down to me, a pharmacist from Kankakee," he continued. Ryan has since concluded that such power over life and death may weigh too heavily upon the politicians involved. "Quite frankly, that might be too much to ask of one person," he said.

On the heels of the Porter case, the Chicago Tribune published a series of articles that cast a critical eye on the administration of capital punishment in Illinois. And when another death row inmate was exonerated — the thirteenth, according to Ryan — the Governor had seen enough.

With questions about the system's fairness swirling, Ryan concluded that a moratorium was essential. "How could I throw the switch on anybody else?" he asked the crowd. When it came to the death penalty in Illinois, Ryan was firmly convinced that "there was no justice in the justice system."

At the time he declared a moratorium on the death penalty, Ryan also impaneled a commission to review the administration of capital punishment in Illinois. Executions will not resume until the panel's work is completed. "Until I can be sure that everyone sentenced to death in Illinois is truly guilty, until I can be sure with moral certainty that no innocent man or woman is facing lethal injection, no one will meet that fate," Ryan said last January.

Ryan is an unlikely convert to the

anti-death penalty cause. As a member of the Illinois legislature, Ryan was unequivocal in his support of the death penalty. Before moving into the Governor's mansion, however, Ryan admitted that he had "taken the death penalty for granted."

No longer. Far from stopping his criticism of the death penalty at Illinois' borders, Ryan is convinced that capital punishment needs to be reformed throughout the country. "It needs to be

Ryan is convinced that capital punishment needs to be reformed throughout the country.

changed," he said. "Not only in Illinois, but across the country."

Ryan said his job brings with it a "solemn compact with the people." Such a responsibility requires a governor to "put aside political expediency" and "public polling" in making decisions.

Taking his issue to the national level has meant that Ryan is attracting a different following. His new political allies include groups — like Gays and Lesbians Against the Death Penalty and Satanists Against the Death Penalty — who previously seldom supported Ryan's initiatives. "These

weren't my kind of groups," Ryan said. "Now they're giving me awards."

Political opponents of Ryan have not hesitated to highlight his newfound stance. "It gives them something to point to," he said. "They can say they've converted a guy."

Ryan also challenged the assembled students. He said that a Harvard Law degree is best used "not to see how much money you can make" but to "seek to make some lasting impact on the justice system."

The governor's critique of the criminal justice system does not end at death row. "I'm concerned about people wrongly convicted for lesser problems as a result of the same systemic problems," Ryan said.

Ever the consummate politician, Ryan also took the opportunity to win over the crowd. Citing former Speaker of the House Tip O'Neill, who observed that all politics is local, Ryan polled the audience for Illinois residents. Finding a substantial number of constituents in the crowd, Ryan noted that, at this point in his life, the only Harvard that he expected to be visiting was Harvard, Illinois — the "dairy capital of the world."

And what of that other George who has occupied a place in the national debate over capital punishment? While Ryan has held discussions with George W. Bush about the death penalty, the Illinois governor did not offer any criticism of the putative President-elect. Of Bush's decision not to declare a death penalty moratorium, Ryan said: "I can't argue with it, but I don't necessarily agree with it."

LEE

Continued from page 1

While some friends stood by her, others — often friends whose parents worked at Los Alamos and were foreign-born like Dr. Lee — distanced themselves. "You don't think it can happen to you," Ms. Lee said. "This is America where [this sort of thing] isn't supposed to happen, but it happened ... My father came here for a better country and a more stable political system, and this is what's happened to him."

Heymann observed that Dr. Lee's case poses important questions for Americans to consider. The government, he said, did not have a strong case against the suspect. "It's quite plain," he noted, "that [Dr. Lee's Chinese-American ethnicity] was one of the major considerations in the initial investigation."

According to Heymann, the government's case rested on concerns that mainland China obtained "design information" on nuclear warheads, that Dr. Lee had not fully reported meetings with high-level Chinese scientists in Beijing and that Dr. Lee improperly handled "a huge mass — equivalent to 400,000 pages on computer tape — of atomic energy material [that was] discovered in searching his office." Dr. Lee had copied this material onto unclassified computers and tapes, Heymann said.

Heymann speculated that government officials allowed Dr. Lee to endure such harsh prison conditions with the hope that they could obtain a confession to strengthen their case. He questioned whether such objectives justified such treatment.

"Let's say that the government believes Dr. Lee was guilty, but knew they couldn't prove it ...," he said. "How far can the government go in multiplying the charges, and urging the judge to impose very severe conditions of detention ... in the hope of strengthening the case by those pressures, in the hope of turning a weak case into a strong case by getting a confession?"

Heymann also questioned whether the information Dr. Lee allegedly compromised was as important as the government and the media suggested. "The government has a tendency to treat every spy case — I've been involved in a number of them — as the worst and most dangerous that has ever come up." He noted that some scientists say the security risks were serious, while others say they were not.

Ms. Lee said her father's case raises important issues about race in American society. "I grew up with very little racism, I had a great childhood," she observed. Upon entering college, Ms. Lee said that she "did some identity-searching and some soul-searching about being Asian-American ... But after about a year, something happened. I thought this doesn't really apply to me, this is all whining, it's in the past, we've gotten beyond this, we're not doing that anymore."

"What I know now," she said, "is that racism is unfortunately alive and well in the United States. It happened to my father, and it can happen to all of you, any of you."

This recognition has changed Ms. Lee's goals for the future. While she was not interested in law or politics before her father was arrested, Ms. Lee, who works as a technical writer, is now considering law school.

She noted that her father spoke with the FBI repeatedly before hiring a lawyer. "He maintained all along that he didn't need a lawyer," Ms. Lee recalled. "He'd only had a lawyer once in the past. That was to write a will, and he had to pay \$200 for it. He thought it was a big rip-off."

"I think he trusts lawyers more now," she said.

Letter

Two-L points out numerous flaws in Fielding opinion

I'd like to thank Mr. Fielding for his piercing analysis of the problem of racism [RECORD; Dec. 1, 2000, p. 9]. His insightful overview of social epistemology and novel policy suggestions will no doubt serve to spark a flurry of debate and, hopefully, inspire a bevy of innovative approaches to counter the problem of racism and poverty in America.

I would, however, like to point out a few potential weak spots in his argument. In so doing, I'd hope to perhaps hone Mr. Fielding's keen policy acumen. After all, America can use more bright minds like Mr. Fielding's in politics.

First, Mr. Fielding's "popularly cited anecdote of the white couple" who cross the street to avoid a "young black man dressed in a particular 'gangster-style' way" is not, to the best of my knowledge, either popularly cited or particularly paradigmatic of the problems of subtle racism in this country. By framing his example in this way, Mr. Fielding creates a scenario, which, to my layman's eyes, is less about racism and more about ageism or classism. After all, as I'm sure Mr. Fielding would no doubt agree, a black couple might certainly be jus-

tified in crossing the street to avoid a "gangster-style" young white male. To use this "anecdote" as the basis for an argument about the serious topic of racism might be construed by some to be defeating a straw man (whether that straw man is white or black, we'll leave an open question). Mr. Fielding might have done better by using a more salient example, such as the white couple that crosses the street when faced with a black couple that appears neither "gangster-style" nor particularly dangerous in any other way.

Second, Mr. Fielding's choice of a pit bull for his analogy is an unfortunate one.

Third, it may be difficult for many in the African-American community to accept Mr. Fielding's discrete and sweeping definition of "racism" and "racists." While Mr. Fielding's etymological efforts will no doubt be appreciated by future editors of Webster's and Roget's, many people who have actually experienced racism may find fault with his definition.

These minor points having been made, my understanding of Mr. Fielding's able argument is that black people should stop committing

crimes, in order to escape the reasonable stereotypes made of them by good-hearted people, such as Mr. Fielding himself. This is extraordinarily profound. The only flaw that I can find with this argument is that it has not been extended far enough. Speaking pragmatically, I think that America should immediately begin to apply the concept of reasonable stereotypes to its social policies. For example, all Asian Americans should receive an automatic calculator and computer outlay, so as to further their natural engineering abilities. Women should be given educational credits to attend the culinary institution of their choice. And large white men should be equipped with a pair of Speedos and a cape, to hasten their success in the career of professional wrestling. With men like Mr. Fielding in the upper echelons of our country's educational system, these policies will hopefully be enacted as soon as possible. Thank you, Harvard Law School Admissions Board.

David K. Min '02
December 5, 2000

BEFORE THE LAW

WELL, CLASS, BANKRUPTCY WAS A HARD COURSE, AND YOU'VE ALL DONE VERY WELL. BECAUSE MY GRADE REFORM PROPOSAL WAS DEFEATED, I'VE DEVELOPED A NEW SYSTEM OF MY OWN WHICH SHOULD SAVE US ALL MUCH TIME AND TROUBLE...



... ANYONE WHO WANTS TO LEAVE NOW WILL GET A FINAL GRADE OF B.

LEAVE OUTTA HERE!



THE REST OF YOU, WHO HAD THE CONFIDENCE TO STAY, GET AN A. NOW LET'S ALL GO HOME.



BY DEREK WINDHAM

**CREDIT
SUISSE** | **FIRST
BOSTON**

SEE THE EFFECTS OF CHANGE. OR ACTUALLY AFFECT IT.

www.csfb.com

In a world that changes by the hour, the challenge is to lead the change yourself. To identify trends and then capitalize on them. Now that Credit Suisse First Boston and Donaldson, Lufkin & Jenrette have merged to form the preeminent global financial services firm, there's never been a better time to join our team. Whether your interests are in investment banking, private client services, equities, fixed income or IT, you'll find a dynamic environment that values one thing above all else. You. Your development. Your contribution. Your entrepreneurialism. Above all, you won't just learn about the world of business. You'll affect it. We invite you to get to know us. **CREDIT SUISSE FIRST BOSTON.**

EMPOWERING CHANGE.™©Copyright 2000 Credit Suisse First Boston Corp. All rights reserved.

Harvard Law RECORD

PUBLISHER
Stephen V. Scali



EDITOR-IN-CHIEF
Justin Herdman

FOUNDED IN 1946

The grades are in

It's the end of the semester. And you know what that means — yep, another edition of the RECORD's special grading editorial. Sit back, relax, and let these letters tell the story.

Faculty: We love the new 1L section design and law colleges idea. Pro bono is an iffy one, but we're not surprised you passed it. Approving the Strategic Plan as a whole was a given, so we can't give you any credit there. But come on, you royally wimped out on grade reform. That was the students' number one issue ... **Low Pass**

Steering Committee: Ushering the Plan through the faculty was no joke. Kudos to Dan Meltzer '75 and Dean Clark '72 for a well-managed, concerted reform effort. Thoughtful consideration of all the committee work was important, but far better was your strategy of separating out the controversial proposals for individual consideration. What was up with the reduction in enrollment, though? **A-**

ITS: Open Mail. Need we say more? **F**

Law School Council: Jay Munir has assembled a sleek, balanced rapid reaction team to all the campus goings-on. Props to Jeremy Paris for keeping his nose in the books (er, academic reforms) and Mike French for always being available. Special accolades to Frank Rossi for his irreverent brand of political humor. **A**

T.J. Duane: Keep your chin up. But enough with the Envy, already. **B+**

Soup Chef at the Hark: For creativity, you get an A+. Too bad edibility counts for more. **D-**

Lincoln's Inn: Hey, maybe you folks aren't just about getting drunk. Apparently you play foosball, too. Seriously, we're impressed with the loyalty and class you demonstrated in honoring Craig Mooney '01. **A+**

Arthur Miller: Shame, shame. Cancelling class and then scheduling double make-ups for your section. When combined with your petulant insistence on year-long Civ Pro, and the fact that you missed out on the biggest media opportunity of a lifetime in Florida, we're not impressed. Take your ball and go home. Or better yet, to Concord Law. **D**

Staff

EXECUTIVE EDITOR
Francesco Barbera

BUSINESS MANAGER
David Barrett

PRODUCTION MANAGER
Meredith McKee

COLUMNS EDITOR
Phillip Barengolts

PHOTOGRAPHERS
Murad Kalam
Nilufer Shaikh

COLUMNISTS
Jim Greeley
Aaron Olsen

ASSOCIATE EDITOR
Juan Pablo Alban
Justin Cooper

STAFF WRITERS
Zachary Price
Mike Wiser

Reese Pecot
Matt Wood

COPY EDITOR
Liza Brann

CONTRIBUTORS
John Bartlett
Evan Belosa

Editorial/Letters Policy

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

The Harvard Law RECORD (ISSN 0017-8101) is a publication of the Harvard Law School RECORD Corporation, a non-profit, independent, student-owned and run corporation of the Commonwealth of Massachusetts.

The RECORD is published weekly on Fridays, 21 times throughout the academic year, and is distributed free of charge to Harvard Law School students and at a minimal charge to Harvard Law School alumni and alumnae. Copy and photo deadlines are 5 p.m. on the Monday preceding publication. Advertising deadlines are 5 p.m. on the Tuesday preceding publication.

Submissions may be sent to the RECORD at the above noted address, dropped in the RECORD box in Harkness Commons or left in Justin Herdman's 3L Hark box. All copy must be typed, double-spaced, and submitted on paper and on a computer disk or by e-mail. The RECORD staff reads and appreciates every letter it receives; the RECORD reserves the right to edit letters and submissions for space as necessary. We will return your disks. Off-campus subscriptions are available. Subscription price: \$45.00/year mailed, \$50.00/year mailed outside the U.S. Individual copies: 35 cents at newsstands, 50 cents at the Law School, \$1.00 mailed, \$2.50 for back issues. Second-class periodical paid at Boston, Mass., and additional mailing offices.

Copyright 2000 by the Harvard Law RECORD School Corporation and by the contributors.

POSTMASTER: Please send address changes to Harvard Law School Association, Harvard Law School, Cambridge, MA 02138.

ALUMNI/ALUMNAE ADDRESS CHANGES: Alumni and Alumnae who receive the RECORD as a result of membership in the Harvard Law School Association should mail change-of-address information to the Harvard Law School Association, Harvard Law School, Cambridge, MA 02138.

The RECORD is committed to equality and diversity. We strive to provide a forum for the free exchange of ideas. As a result, the opinions reflected in articles, editorials and cartoons are those of the authors and do not necessarily reflect the opinions of the RECORD.

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

—First Amendment, U.S. Constitution

• Letters •

Fielding's words were of fighting variety

I read Jeremy Fielding's tragicomic op-ed [RECORD; December 1, 2000] on the supposed character, cause and effect of racism, and it disgusted me. If I had the talent to separate the vitriol from the person, then I would say that Fielding does not disgust me. But, at present, that talent eludes me.

What to make of Fielding's persistent and determined ennobling of the notion of racial stereotyping, and his distortion and marginalization of the concept of racism? It seems to me to be a pseudo-intellectual act of jujitsu: turn the moral force of one's opponent against her or him. Fielding recasts racial stereotyping as an innocuous shorthand for experiential memory. What kind of alchemy is that? In any case, isn't black magic an offense that will prevent one from passing the Bar?

What is wrong with free expression of ideas in the academic environment? Nothing. But is it really appropriate that I respect either Bull Connor or his message? I believe that neither deserve much more than a generous amount of warm spittle. A defensible process is insufficient to redeem patently abhorrent substance. In any case, it is difficult to imagine any material disagreement that Connor would have with Fielding's persistent equation of African Americans to "pit bulls" and "criminal propensities"? Do I overstate the case? Read Fielding's op-ed. Again. Closely.

For an encore, Fielding attempts to raise and remove racism from the unsightly (or at least uncouth) environs of hate. But that's just more jujitsu: a quick flick of his verbal technique, and a slight, subtle shift of his moral posture redirects the moral disrepute of racial stereotyping and racism away from the proponent and toward the victim. "Blame the victim!" I doubt that even the thoroughly practiced Senator Helms himself could have stated that case more clearly.

Fielding mocks the liberal's refrain that education reduces prejudice and stereotyping. But Fielding's position is not on firm ground. The standard refrain is probably accurately described as a shorthand or implicit critique of the historical emphasis of poor persons upon race over class structure. Now, that may or may not be precisely true. In any case, it is fairly obvious that some of the most devoted bigots have been intelligent or

otherwise talented. Every faction has its apologists and would-be moral expiators. Apologists are the demagogues' Houdinis, and they tend to come pretty cheap. In Rwanda, the most ardent proponents and clever originators of the racist vitriol that culminated in the massacre of hundreds of thousands belonged to the intelligentsia. The Nazi ideology found a steady source of propaganda in certain academic circles. In this country, learned apologists for slavery and genocide abounded at different times of the (vast) unfortunate parts of our history. But propaganda can be a hard business. It is probably best done by someone who is capable of intelligently forming the ideas that make up the theoretical design. The punchline is that learnedness may at times too peaceably coexist with moral stupor and bankruptcy.

Racism and racial stereotyping cut against this country's political creed. But this is not because anyone believes that it is only dullards who practice them. Rather it is because the fundamental political compromises and principles that are contained in our basic texts and institutions indicate bigotry's fundamental wrongness for this particular community. It is clear that citizens can have polite or heated political debates that will profitably work and fit within the four corners of our rhetorical institutions and central texts. But what exactly does that mean? One thing it surely does mean is that unsubtle metaphors of pit bull mentalities and criminal propensities ought to be excepted from even the slightest hint of positive sanction from our particular political community. Heaping scorn would more appropriately fit the bill. Fielding's pit bull metaphors and accusations of racial criminality must be called fighting words, because that's their rather transparent identity. They are not reasonable; they work just like slings or arrows. Their central character is one of deep frustration; or of anger; or of suspicion. They are precisely the kinds of things that bigotry presupposes. Even the littlest and most common sort of apologist ought to recognize this and forthrightly own up to it.

Makambo Tshionyi '01
December 1, 2000

Fielding identifies 'criminal' inaccurately

Gladly, I am sure my reaction to Jeremy Fielding's column [RECORD; December 1, 2000] was the same as most of my classmates: disappointed but not surprised. In particular, I was bothered by Mr. Fielding's reference to the "disproportionate" number of criminals who are black.

Maybe this is so if we define a "criminal" as a person who is arrested and then convicted of a crime, a definition which is seemingly accurate and sound. But the product of this definition necessarily will be a function of racism or at the very least inequality (in law enforcement, in lawmaking, in jury selection, in jury verdicts, in legal representation, etc.). Yet when a near majority of my high school and college classmates were recreational drug users and underage drinkers, were they not criminals? When the President-elect of the country

(shudder) is widely presumed to be guilty of, and has indirectly indicated, past drug use, is he not a criminal? Of course he is. The same is true for our lame-duck president and many of our nation's governors and congressmen and senators. But the crime statistics compiled by our government and referenced by Mr. Fielding disproportionately do not include these "youthful indiscretions." Nor do institutions such as our nation's prisons — and stereotypes for that matter.

These statistics are a symptom of the prejudices Mr. Fielding is trying to justify with those same statistics. Relying on them is absurdly circular, self-fulfilling and, most unfortunately, dangerous.

Brian J. Fischer '02
December 3, 2000

Something on your mind? Write us a letter!

Place them in the RECORD box next to the 1L Hark boxes, e-mail them to
record@law.harvard.edu or send them to:

Harvard Law RECORD, Harvard Law School, Cambridge, MA 02138

PERSPECTIVE

by Evan Belosa '02

Not Peace Through War

At a liberal, "Ivory tower" school such as this, one hardly is surprised by the idealistic beliefs that color the minds of students unaffiliated with the harsh truths of the real world. Even given this, I was surprised to see the outpouring of letters criticizing the positions laid out by myself and others critiquing Israel and the Palestinians in the current Middle East imbroglio. Far from studying the reality and history of this conflict, Murad Kalam [RECORD; Nov. 17, 2000], Lalya Aksakal, Kara Wortman and Julia Tomasetti [RECORD; Dec. 1, 2000] have all made compelling arguments in the name of abstract concepts such as "fairness" and "equality" without considering the harsh truth of international history. While welcoming the awakening of student awareness on the controversial topic, I nonetheless take issue with many of the arguments laid out by the respective authors.

While thoughtful and eloquently argued, Mr. Kalam's basic argument came down to a thinly veiled accusation of bigotry against myself and the three others whose letters the RECORD printed in its November 10, 2000 issue. While finding it beneath my dignity to justify such a comment, I do believe that Mr. Kalam is guilty of overstating many of the substantive points he makes in support of his positions.

I find it quite curious that Mr. Kalam refers to the original Kennedy/Sayed letter [RECORD; October 20, 2000] as "requesting more debate," as if the letter stated a clear, unequivocal position on a debated topic rather than a neutral call to intellectual arms. Furthermore, I cannot understand why Mr. Kalam was "distressed" by the letters written by myself and a number of others — what were we doing if not heeding Mr. Kalam's desire for more discussion and debate? Apparently, Mr. Kalam does not view ideas differing from his as the product of thoughtful and enlightened consideration, but rather as "bet the farm attempts to defend the Israeli position," which is insulting at best. The spirit of Voltaire apparently does not resonate within this ideology.

Mr. Kalam makes numerous substantive claims that are debatable at best. He claims that "Whatever the case, the Palestinian's racist sentiment toward Israelis is irrelevant to the fundamental question of the Palestinians' right to exist and to have self-determination."

On the contrary, such sentiment is quite relevant, as such sentiment will be ingrained, national policy for any nascent Palestinian state. Would Massachusetts acquiesce in the creation of a terrorist haven in New Hampshire dedicated to its destruction? (And given the popularity and growing size of Hamas in PA territory, and Arafat's willingness to release numerous jailed terrorists, I do not believe my assertion of "terrorist haven" is off base). Has any

country in history ever been a party to an agreement to set up an entity it knows to be directly hostile to its very survival as a political entity? Far from Mr. Kalam's claims of "denying Palestinian sovereignty," Israel has been quite willing to assent in the creation of a Palestinian state; it simply desires to do it through negotiations rather than violence. Is sovereignty to Mr. Kalam (and more importantly the Palestinian Authority) an idea that can only be achieved at the barrel of a gun?

Mr. Kalam's claim of "100 dead civilians, many of them children" is quite disingenuous, and the fault lies squarely with the Palestinian Authority rather than the Israeli military, whose restraint I applaud anew. Closing schools and aiming calls for further violence towards impressionable youngsters naturally leads Palestinian children towards the burgeoning riots, where they are systematically encouraged towards the front. Behind them lurk gunmen armed with automatic weapons, often accompanied by the Palestinian police forces, who use the cover of civil unrest to put their citizens in the front lines of an undeclared war. Layla Aksakal and Kara Wortman may view my accusation of this as "outrageous and bigoted," but truth in my mind is a higher aspiration than the appearance of moral righteousness. They point out that Jewish youths participated in the 1948 war, but this ignores history as well: the Jewish youths were never used as human shields, but rather for defensive warfare against Arab army regulars. Most importantly, Jewish youths were never sacrificed for the benefit of international pressure as Palestinians are today.

Even the Palestinians themselves recognize the warfare they fight as irregular. Mr. Kalam puts the word "guerrillas" in quotes presumably to disagree with the characterization of Palestinians as such, but a recent sermon given on the Temple Mount concluded bluntly with, "We want to kill and not be killed. We must fight guerrilla warfare." Even given this declaration, Israeli soldiers have orders not to open fire with live ammunition unless directly attacked, allowing themselves to be the target. Can one imagine any other country in the world accepting such a scenario? Imagine if the U.S. was warned of the attack on the Cole, but gave strict orders not to fire until after it was attacked — the rage of the American people would be palpable, and justifiably so (as it was in Somalia when

it became clear that the U.S. military was a target without recourse to offensive action). My kudos to the Israeli military that Mr. Kalam in particular finds so distressing is not a result of "subtle bigotry," but rather to the allowance to make itself a target in the vain search for peace with an adversary which never so much as renounced peace as never promoted it in the first place.

Mr. Kalam's claims that I would "so dehumanize the Palestinians in our minds that Americans notions of fair play, fundamental human rights and sympathy for the underdog would be extinguished from our conscience," are simply off-base. I consider it more than fair for those who choose violence rather than negotiated peace to reap what they sow in the form of retribution. The only unfair result I see is the deaths of Palestinian children cynically manipulated by the Palestinian Authority to be martyrs to the cause of misguided public opinion. As for fundamental human rights, how is it "dehumanizing" to argue for a Palestinian state to emerge

Only the cessation of attacks on Israelis should allow for the continuation of peace talks.

in which peace, democracy and civil liberties flourish? For this is the true hope of myself and most observers of the current situation. As for the current situation, I have never read a synopsis of "fundamental human rights" that included the right to attack school buses and civilian housing. Lastly, American sympathy for the underdog has always been conditioned on moral worthiness; after all, the KKK is currently an underdog — would Mr. Kalam have us weep for them as well? Given the violence perpetrated by Palestinian operatives on Israeli citizens from Munich to Jerusalem, is it any wonder that American sympathy is lacking for the Palestinian cause?

Once a side has decided on war, it accepts the burdens that come with losing such an enterprise. For the Palestinians, that burden was losing the right to live on land used to attack its neighbors, who simply desired autonomy. This is neither uncommon nor unfair. Does anyone weep for the people of East Prussia, a part of early-century Germany annexed by Poland after World War II because it had been used as a jumping off point for invasion? Clearly, notions of justice demand reaping what one sows. Moreover, the continuing occupation of the West Bank and Gaza Strip that the writers decry misses a fundamental point — it is only an occupation. Unlike the vast majority of historical situations, the West Bank and Gaza strip will be returned to the Palestinian peo-

ple (who ironically never owned it). It is simply a question of working out the details in a deal fair to both sides, as all the writers propose. Do they all advance a belief that until a fair deal is struck, violence is acceptable?

Additionally, the writers who continually condemn Israeli occupation forget a fundamental truth — this land was occupied only after it was used as a springboard for an attack into Israel proper. While Israeli settlements are a troubling issue (and one I agree with the writers to be a poor policy), the overall Israeli occupation makes historical sense. The land was used to attack Israel, Israel occupied it, and now would like to find the best way to return it to those who live upon it while best assuring its own security needs. What is so harmful about this? Did anyone condemn the Allies for not withdrawing from the occupation of Germany and Japan until they felt secure that neither country was a threat?

Lastly, I wish to condemn Julia Tomasetti's insensitive assertion that "one who fails to see the gas chamber a few paces away from the ghetto embraces Holocaust-denial." The Holocaust was a horrific, isolated historical event, not the basis for a sociopolitical theory. The gas chambers Ms. Tomasetti refers to were a result of pure hatred, not poverty. To link the Israeli treatment of the Palestinians with the Holocaust denigrates the monstrosity of genocide. Failing to see the gas chambers in the current situation is not the result of "Holocaust-denial" but rather because they simply aren't there. If only the Germans had treated the Jews as Israel now treats the Palestinians!

Ironically, these writers and I desire the same things — a cease-fire between the combatants and a lasting, peaceful agreement between Israel and a nascent Palestinian state. However, I simply believe that one can no sooner get to peace through war than one can get to virginity through sex. Only the cessation of attacks on Israeli positions, soldiers, citizens and, yes, school buses should allow for the continuation of peace talks. Then, and only then, can justice prosper.

I also join Mr. Kalam in welcoming more student debate and discourse on the controversial topic. However, in sponsoring such debate, it must be clear that differing perspectives will emerge. Given the high level of education and social consciousness of the student body, I have faith that such differing perspectives will be the result of rational disagreements concerning the current situation, however different, rather than "Arab stereotypes," as Mr. Kalam asserts, or anti-Semitism. Solving problems, no less so than in the Middle East than at Harvard Law School, requires tolerance and respect for positions differing from one's own.

Letter

No false premises, but dialogue can't hurt

Jeremy Fielding's article, "One-L Says Eliminating Stereotypes Requires Change," [RECORD, December 1, 2000] has spurred some dialogue. Dialogue is where it's at when the subject is racial profiling. That's especially true amongst the HLS community (the future policy makers, parents, judges, lawyers, CNN superstars and Green Party candidates of the world) and where consensus on the subject is arguably necessary for the stability of race relations in this country.

Here's some dialogue:

I read the article roughly (there is

more written than I care to address) as saying that people operate logically — some conclusions must be drawn from certain premises. In other words: 1) if x then y; 2) x; 3) therefore, y. That's a plausible behavioral characterization. However, sometimes, despite the logical framework, people can end up with invalid conclusions — i.e., when the premises supporting the analysis are false.

The gotta-cross-the-street/won't-give-that-person-a-cab-ride stereotype is a perfect example of an invalid conclusion deduced logically: 1) if there is a young black man dressed in

a particular gangster style way on the street, then there is imminent danger; 2) there are lots of young black men dressed in a particular gangster style way on the street; 3) therefore, there's lots of imminent danger. This conclusion — "there is imminent danger" — is invalid. It's simply not true that there is imminent danger if there is a young black man dressed in a particular gangster style way on the street. (Incidentally, there is no "young black man dressed in a particular gangster style way" paradigm: Wouldn't many non-black, but colored, groups fit that label in certain parts of the country? What about Eminem?)

Invalid conclusions wound. In order to get rid of racial stereotyping, we need to uncover our false premises. I don't think that the burden lies more heavily on any particular group. Plus, it's not about blame. Rather, eradicating invalid racial profiling should be done by discussion and self-examination: "Are my trusty logical motivators (stereotypes), really false premises in disguise? Are yours?" We must be sincere, open-minded, and self-critical in examining the preconceived notions we have of one another. And much more dialogue, please!!!

Cullin O'Brien '02
December 4, 2000

LEHMAN BROTHERS

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

You Say **L** ehman Brothers

August 2000

SEAT PAGINE GIALLE SA

€30,400,000,000
Merger with tin.in,
Telecom Italia's
ISP business
Advisor
LEHMAN BROTHERS

March 2000

Tele1
EUROPE

US\$686,000,000
Initial Public Offering
Joint Lead Manager
LEHMAN BROTHERS

May/June 2000

Interbrew

\$3,500,000,000
Acquisition of Bass Brewers
\$600,000,000
Acquisition of
Whitebread PLC
Advisor
LEHMAN BROTHERS

In any language across Europe, the name synonymous with investment banking success is Lehman Brothers. Our rapidly expanding European investment banking practice provides the very best in advisory services and capital markets execution. The corporations we serve are as diverse as Europe itself – from leading edge internet, technology and telecommunications companies to consumer products and many more.

If you are interested in finding out more about international career opportunities at Lehman Brothers, contact Jeanette Leeds, jleeds@lehman.com.

International investment banking. Another great reason to consider Lehman Brothers.

www.lehman.com

Lehman Brothers is an equal opportunity employer.
©2000 Lehman Brothers Inc. All Rights Reserved. Member SIPC.

• Letters •

Critique ignored real source of injustice

I found the column "One-L Says Eliminating Stereotypes Requires Change" [RECORD; Dec. 1, 2000] to be an enlightening, yet disquieting commentary on the state of race relations in the U.S. I applaud the author's courage to articulate the controversial notion that what we perceive to be untrue, negative stereotypes of minorities are often rooted in fact. Indeed, both statistics and experiential evidence testify to a higher rate of crime among poor urban minority populations. Many Americans of all races quietly sympathize with the cab driver who refuses to pick up African-Americans, even though they may know his/her actions are rooted in racist tendencies.

The problem I find with the column is its analysis of where the injustice lies in these situations and how we should go about instituting societal change. The author seems to be most sympathetic towards individuals who are harshly judged for making stereotypical assumptions. While knee-jerk reactions can be unfair, the true injustice apparent from negative stereotyping is that we live in a society that systematically creates and perpetuates conditions such as poverty, housing problems, deficient diet, inadequate health care, and insufficient education that result in inequality of opportunity for minorities and propel many toward fulfilling the negative stereotypes that we so deplore. Who in our society is experiencing the most unfairness? Is it middle-class whites who get berated when they make a stereotypical assumption? Or is it African-Americans, Native Americans, and Latinos who are brought up in impoverished communities, with few resources and substandard educational opportunities that afford them little or no chance of ever getting ahead?

Moreover, while the column points out the need for change on a grand

scale to confront the problem of stereotypes, it assumes that the responsibility for the brunt of the change lies with minority communities. The article states, "... it is only as whites strive to open their minds to perceptions about blacks and black communities concurrently strive to modify the behavior which drives and sustains these perceptions that unfair stereotypes will be overcome." It is a widespread notion in our society that the weight of the responsibility for lifting someone out of oppression lies with the oppressed, rather than with the oppressor. On closer examination, however, we see that the opposite is true. Will the problem of battered women ever be solved until men stop battering? Will sexual harassment ever cease to exist until harassers correct their behavior? Likewise, the inequalities experienced by African-Americans and other minority groups will never be corrected until white Americans willingly break down the barriers that have been consciously erected to stifle minority progress and achievement. Indeed, whites must not only open their minds, but must also open the doors that have been continually closed in the face of minority groups.

It would be a great disservice to African-Americans and other people of color to ignore the problems of criminality, poverty and insufficient education that plague their communities every day. Once we recognize that negative stereotypes can sometimes be true, the next step should be to ask ourselves what our role is in correcting the root problems that sustain the stereotypes, so that they are no longer based in reality. Ideally, we should strive to live in a society not where negative racial stereotypes are recognized as quasi-legitimate, but, rather, where they are rendered completely irrelevant and wholly untrue.

Shareen Ahmed '03
December 4, 2000

Fielding column emboldens letter writer

I want to thank Mr. Fielding ["One-L Says Eliminating Stereotypes Requires Change"; December 1, 2000] for demonstrating to all those who doubt the level of ignorance out there that African-Americans still have to encounter and overcome. I don't know how many people have expressed to me the sentiment that "it's all in the past," "intelligent people don't think like that," "why don't you stop whining," or the like. Views like this are quite prevalent, even if they rarely bubble to the surface as they did in this commentary.

I won't bother to point out all of the difficulties with the writer's suppositions; suffice it to say that the notion that "blacks must realize that a disproportionate number of their people are [criminals]" is an inaccurate and unsophisticated view of reality. The complex process of criminal labeling in this country is rife with discrimination; African-Americans are over-policed and disproportionately targeted by law enforcement officials for unlawful activity. To suggest that the outputs of this problematic labeling process can support the conclusion that "a disproportionate number of their people are [criminals]" is laughable. African-Americans have no problem owning up to the level of crime in our own community; others simply need to own up to the role they play in causing that crime, cre-

ating a distorted picture of its level, and preventing us from dealing with it effectively.

Furthermore, people don't base their stereotypical notions about Blacks on a deep familiarity with criminal statistics; rather, they base them upon impressions and images they receive from popular culture and mass media, impressions that are self-reinforcing in a vicious cycle. With movies and television shows historically portraying criminals and sinister characters as African-American, and with reality programming like local news or "Cops" highlighting the shenanigans of African-American criminals, people have quickly and easily assumed such portrayals to be reflective of reality and behave as if these images represent the truth.

Though not openly expressed, views of the kind expressed in last week's opinion letter still affect how many people interact with African-Americans, preserving many of the obstacles that we have had to overcome throughout our lives. But attitudes like this are not discouraging; they embolden me. African-Americans have survived and excelled in the face of much hatred and ignorance in this country and we will continue to do so for years to come.

A. Benjamin Spencer '01
December 4, 2000

PERSPECTIVE

by John Bartlett '01

Law School Not Who You Are, Just What You Do

The Boston nights are growing long, but a night's sleep grows shorter and shorter. (Whose bright idea was it to put my Fed Courts final on the first day of exams?) As I make the ritual walk past dear Joe Story and into Langdell's warm embrace, I've been thinking again and again about when this all began.

I've never been big on those "passing on the wisdom" articles, where 3Ls — heaving a sigh of satisfaction at knowing where they'll be going next year — reach down and pat the 1Ls on the head. But I also remember that this time two years ago, the looming specter of exams still a full month away twisted my perspective on anything else I tried to do.

Newly engaged at the time, I spent the first long holiday visit with my future in-laws holed up in a room, trying to master the intricacies of collateral estoppel and the rule against perpetuities. The main thing I learned is that, yes, I can indeed do two things badly at once. Only now do I realize I could have left my books in my suitcase and still ended up knowing just as much about the law.

If for some reason (Lord knows why), someone looks back on my grades ten or twenty years hence, they may conclude that I was a mediocre student. I look at the same grades and see the choices I

made over these three years. I saw less of the stacks but more of life by staying politically active, being a Teaching Fellow at the College, taking my father to India, getting started on my second book, and trying to be a good husband in the first year of my marriage. Classes are excellent more often than not, and there's no matching the legal minds we get to interact with here. But back-benching every so often hasn't made me any less ready to be a lawyer, and it's helped me continue to feel like a person.

Now, dear 1L reader, I'm not telling you to go overboard, or to do what a friend of mine did during our 1L year — get married over winter break. Some lines are well worth drawing. But remember that how you study for exams is the first of many decisions you'll make about how to shape your law school career — and, by extension, your life while in law school. There is plenty of time, and you will learn everything you need to know.

Graduate school is more different from undergrad than you'll immediately realize. When you're in it, college is what you are; law school is merely what you do. Make it one of many things, especially when home with family.

Happy Holidays.

• Briefs •

School service remembers Mooney '01

A memorial service was held on Monday, Dec. 4, in Ames Courtroom for Craig Robert Mooney '01, who passed away in August of this year. The service began with traditional Celtic music, followed by opening words by Dean Robert C. Clark '72, who praised Mooney's personal and academic achievements, and commented on the tragic effect of his loss on the community.

Cale Keable '01 and Rosalind Wang '01, both close friends and classmates of Mooney, spoke about his life and what he had meant to them personally. Both told stories highlighting Mooney's irrepressible spirit, energy and intelligence, including his frequent animated dialogues with professors.

James M. Dowd, Mooney's mentor at Hale and Dorr, LLP in

Washington, D.C., where Mooney worked this past summer, spoke about Mooney's deep interest in all people.

After an interlude featuring piano music by John Field, Dean of Students Suzanne Richardson spoke of Mooney's impact on the Harvard Law School community, and then gave the closing words of the ceremony.

A reception was held after the service in the John Chipman Gray Room of Pound Hall.

Both the service and the reception were well attended. Mooney's parents and relatives came from as far away as southern California to take part in the ceremony. Scott F. Kocher '01, Daniel N. Kassabian '01 and Mohammed I. Barakat '01 served as ushers.

E. Warren elected second V.P. of ALI

The Council of the American Law Institute (ALI) elected Prof. Elizabeth Warren, the Leo E. Gottlieb Professor of Law at HLS, to be the organization's Second Vice President. An authority on bankruptcy and commercial law, Warren is a member of the Executive Board of the National Bankruptcy Conference and is presently serving as Reporter for the National Bankruptcy Review Commission. She joined the HLS faculty in 1995, where she was given the

Sacks and Freund Award for Teaching Excellence. Before moving to HLS, she taught at the University of Pennsylvania, where she received the University's Lindback Award for Distinguished Teaching and held the William A. Schnader Chair in Commercial Law. A graduate of the University of Houston and of the Rutgers University School of Law in Newark, Warren has also taught at Rutgers, Houston, and the University of Texas.

FORTUNE

Continued from page 1

Although McNair did not advance to the final round of the show, he will collect \$6100 as a result of his performance. The money will actually be in McNair's possession within 100 days of Wednesday's broadcast.

What did he learn from the Wheel appearance? "Use my free spins,"

answered McNair.

McNair, who hails from Tampa, serves as a Law School Council Representative for his section. He is a graduate of the University of Florida and previously worked as an intern at the Public Defender's Office in Washington, D.C. He also served as an intern at the State Department in Canberra, Australia and at the White House.

And just for the record, it was Showercap.

VIEWPOINTS

THE CONSERVATIVE

WHAT CHRISTMAS CHEER?

For me election day is like opening Christmas presents. The campaign lasts about as long as the Christmas shopping season. (Am I the only one who thinks it is strange to have Toys R Us simultaneously promoting Halloween costumes and Christmas stockings?) You also don't know what you are going to get until the much anticipated day finally comes, and on election day there really is a chance that you will end up with the proverbial lump of coal. In a surreal sort of way, this year's election may really combine Christmas and election day.

Al Gore drags the process on, almost hoping that as Christmas approaches, the Florida courts will decide to play Santa Claus and gift wrap the election for him. Gore claims that he just wants a fair and accurate count, but if Santa really can tell who is naughty or nice, then his attempt to get a hand recount of the undervotes in the most heavily Democrat counties of the state will fail. However, since the Florida Supreme Court has previously given him whatever is on his wish list, it seems like he should have made a bolder proposal. Why just limit himself to those three counties? Why not ask for a manual recount of the undervotes in just the Democratic precincts across the state? After all, in other counties there are some precincts with Democrat strongholds, and to be consistent he should demand that those precincts be counted. Maybe sometime before Gore concedes (in March 2001) he will make such a demand.

I am sure that some of you think that such a characterization of Al Gore's arguments is unfair, since he did come out and offer that the whole state be recounted by hand. It was a great public relations ploy, (unlike the tactic of throwing out military ballots), but the time period for calling for a manual recount had lapsed. Only the courts in Florida have the right to rewrite the law (at least until the U.S. Supreme Court reprimands them), and you never saw Gore's attorney make such an offer there.

During this Christmas season I expect we will see the ACLU's new Book: *Why The First Amendment Doesn't Apply to Republicans*, with guest commentary by Congressman Nadler (D-NY). After years of assuming that

Republicans did not know how to throw a protest, many Democrats are stunned to see them taking to the streets. Congressman Nadler implied that the Miami protestors were fascists in the same press conference where a former White House official said his family left Nazi Germany to escape such persecution. Considering that there was no destruction of property, injuries, arrests, and that the images on television look more like the floor of the stock market or noisy fans at a football game, I have a feeling that Nazi Germany was just a tad different. I imagine that the anarchists who protest at the WTO must be offended by Lieberman and the other Democrats calling the Miami protest a mob. Not even a single Starbucks window was smashed. Be on the lookout for the Anarchists new book: *You Call that a Riot?*

In a strange twist, O.J. Simpson resurfaced in the middle of this circus with his commentary on the Ryder truck convoy. It turns out that he lives in Miami — looking for the real killer, I presume. (Ask Dershowitz, I bet he knows who it is).

Not willing to stop at calling Republicans racists, fascists and Nazis, Republicans who protested at Lieberman's house in Connecticut last Saturday were also accused of being anti-Semitic since they were protesting on the Jewish Sabbath. Given that on the previous Sunday Republicans protested at Gore's house, they should also be accused of being anti-Christian. Somebody in the Democratic party dropped the ball there.

Despite Al Gore's delusions, it appears that George Bush will win (which is usually the result when you get the most votes) and Al Gore will get stuck with a legal bill large enough to make for a bountiful Christmas in the Boies home. But, as one of my Democrat friends pointed out, "It's a win-win situation. You get Bush for President, and I get to complain for the next four years that he is illegitimate." I guess after eight years, it is their turn.



Aaron Olsen

B.Y.O.B. — Bring Your Own Bags

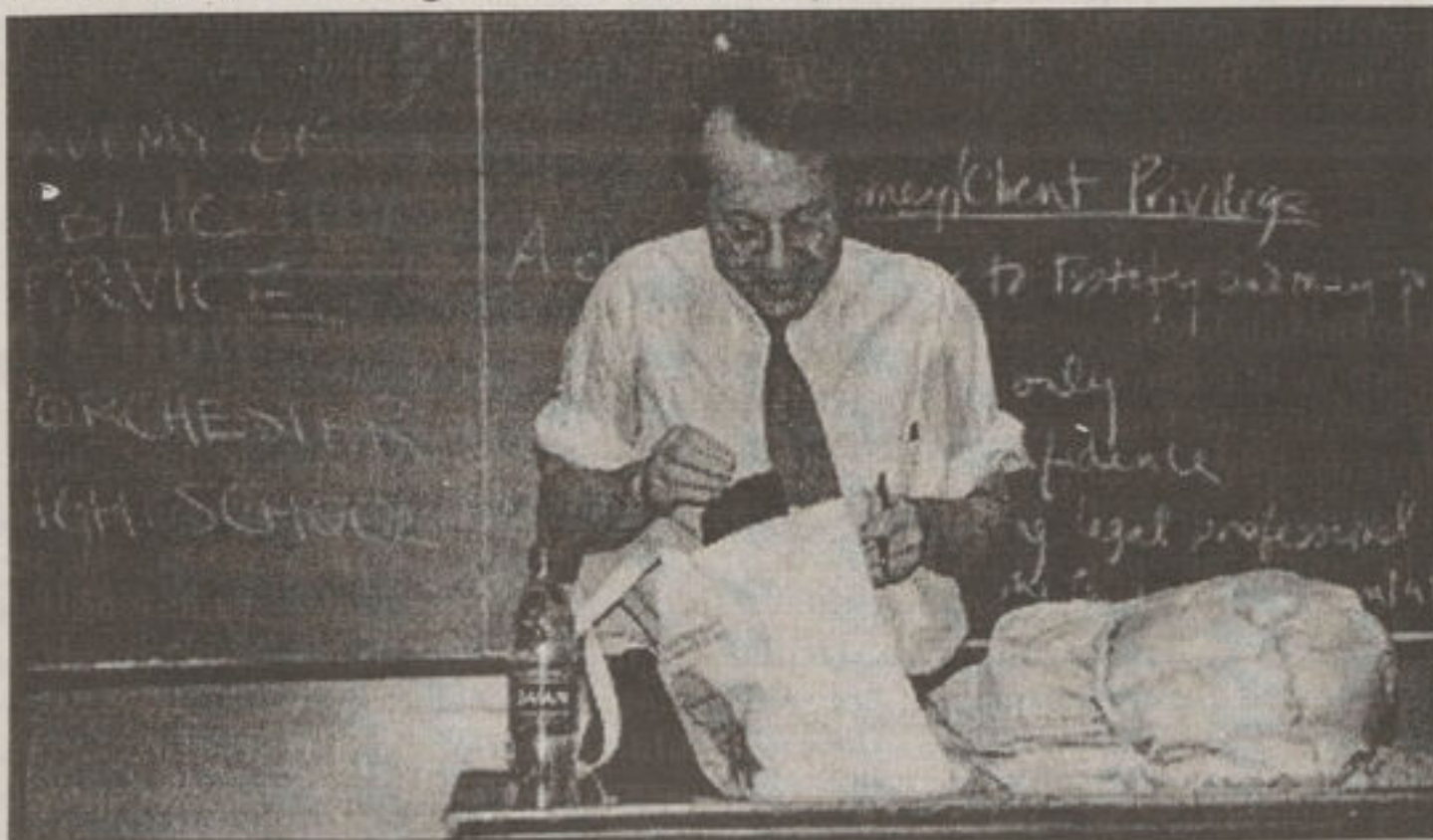


Photo by Nilufer Shaikh

Jonathan Kozol, author of numerous books exposing systematic inequalities affecting American children, uses visual aids to punctuate an important point Monday evening.

THE LIBERAL

WHO NEEDS A LIBERAL ADVICE COLUMN, ANYWAY?

Another contentious semester in the RECORD has come and gone, and this newspaper's reporters, editorialists, feature writers, letter writers and, yes, even columnists, have once again succeeded in offending every person on this campus.

Don't get me wrong: it should be perfectly obvious by now where my sympathies lie in some of these controversies. I too have little patience for racism dressed up as social science or outmoded ideas regarding the tremendous "bravery" of out gay students. Despite what some — or at least one — of my critics think, I do not believe that making fun of Ayn Rand devotees is on par with ridiculing people who have been traditionally oppressed in this country.

They don't pay me enough at the RECORD to give up my subjectivity, or my right to disagree with the other items that my editors publish from week to week. I suppose that's the whole point of this little juxtaposition. The tactic of avoiding controversy might make for an interesting presidential debate now and again, but how much fun would it really be if "the conservative" and "the liberal" just sat around agreeing with one another all day long?

Yet, I can't help but feel a bit uneasy over the tone of the debate on this campus — and in these pages. I don't know what else I should expect; though the incessant repetition of the statement has created something of an unintelligible media buzz on the subject, the conclusion that we have become a bitterly partisan society at the turn of the millennium is hard to escape.

This may seem laughable to people outside the U.S., considering how relatively prosperous Americans have been for the last several (hundred) years and how much the current combatants in our two mainstream parties really do have in common. Perhaps that similarity is at the very root of the bitterness though. When there is little difference between us, in some areas at least, we struggle all the more to retain those contrasts that do exist — to sharpen the relief and define ourselves in opposition to the hated "other side."

I do believe that there are real differences between us. The fact that I can try to be objective about it does not mean that I can't be subjective too. Still, I regret the fact that I can be as partisan and as angry as I have been — and continue to be — about life and politics and society. I couldn't criticize the tenor of the debate at the law school and in the RECORD very honestly if I were unwilling to admit that I have not exactly been above the fray this year.

Maybe the best way for me to close out 2000 would be to write something sincere then, in an attempt to pass along some wisdom I've received. This tack is somewhat ironic, since at one point earlier this semester I chided my conservative counterpart for offering advice to students new to the law school. Despite that, it's very hard to resist the temptation.

I might even go so far as to call this urge of mine meta-ironic, but I'm not sure exactly what that term means. I've decided to avoid using big words like that in the column from now on, for fear that someone with the rigorous, scholarly background you can only

get from working at a think tank will write a letter to the editor and devote it to my ignorance of the topics I write about. (There. I told you I wasn't above the fray.)

Anyway, after two-plus years here, I've learned that the end of the semester always brings out the philosophical side of law professors. While some students may be annoyed with the prospect of listening to their teachers' takes on life, I've always appreciated these pre-final exams glimpses into the genuine feelings of the faculty members I've studied under.

The best advice I have gotten here, with all due respect to Professor Rosenberg, is not that you learn nothing in your classes. If you learn nothing in your classes, it's mostly your own fault. It is what you learn, or what you should be learning, that might be unclear. For while black-letter law has its place and its use, it's the sort of thing that you can — and will — learn reasonably well on your own every time you have a real legal problem to address.

As Professor Minow pointed out to us back in my Civ Pro days, no lawyer is ever asked to sit in a room, alone, for eight hours straight, without the benefit of consulting with others. While learning how to take exams is a useful skill to have around here in the short term, neither life nor law is much like a law school exam.

The best advice I have gotten in my time here though, with all due respect to Professor Elizabeth Warren, is not simply that grades do not matter. That should be obvious to anyone who's made it this far, even if we've only made it this far by riding our report cards. It's not as though HLS is still a paper chase, if ever it was, though people do tend to get stressed out at this time of year. 'Tis the season, I suppose.

What does matter is what you, individually, learn in your time here, and how you use that knowledge to effect change in the world around you. Professor Tribe reminded us last December that our families and friends are, of course, more important than our law school grades. Visiting Professor Robert Ellickson reminded us a week ago that student-activists need not concern themselves with foreign policy only. There's a lot that we can do, each and every day, to improve the world on a very local level. For me, that means working to improve the lot of those around you.

I suppose that the main difference between the liberal and the conservative view on this subject is not whether we have a duty to help others, but how that duty should be enforced. By using the word "enforced," I guess I've given away my answer to the question. Should we look only to our consciences and our gods to guide us in making moral choices, or can we instead come together as a people to make moral rules? Should we make rules and laws that tell us only what we cannot do, or can we pass laws that help us to do what we must? Maybe Rosenberg was right after all. It is all about rule design. The question remains, however, as to what those rules should say.



Matt Wood

PERSPECTIVE

by Reese Pecot '02

What Color Is Your Parachute?

The patient lies on the couch, discussing the landscape of life with his shrink. Alas, will he find the answers to his woes this afternoon?

"You see, Doctor," he begins, "I was always told I would do great things."

"And what things have you done?"

"Well let's see, I've done a two-term stint in Congress. I've launched an Internet company that is actually turning a profit. Oh yes, and now I run an NGO that provides therapy and shelter to children in war torn countries."

The doctor nods, "Sounds impressive to me."

The patient shakes his head, bewildered, "But Doc, something is still bothering me. There's something inside of me that wants to get out."

"Ahh," says the doctor, "your inner child."

"No, no," the patient replies, "It's something different ... It's, well, I feel like there's a little, a little ... Eureka, that's it! There's a little lawyer inside of me waiting to get out!"

"Wonderful," the doctor exclaims. "So, let it out. Express your inner lawyer."

The patient jumps up.

"A principal is liable for the acts of an agent he has engaged to act for him."

"Yes," says the doctor, "Keep going."

"Rule 18 on joinder of the FRCP provides that a party asserting a claim to relief may join, either as independent or as alternate claims, as many claims, legal, equitable or maritime, as the party has against an opposing party!"

The doctor says smugly, "You're the third inner lawyer I've freed this week."

Unfortunately, in real life, the story often seems to go the other way around — lawyers trying to recapture

their lost aspirations. Robert Kurson's August 2000 article in *Esquire* titled "Who's Killing the Great Lawyers of Harvard" explores the fate of Harvard Law's class of 1990. Kurson found many in his sampling of HLS graduates in various states of disrepair. Among others, he writes about a Skadden attorney who finally rediscovered himself as a stand-up comedian, and a civil rights activist who

ended up as a corporate partner, sighing, "So much for dreams of changing the world." There are members of the class of 1990 who are doing great things inside and outside of the law. There are others who feel trapped and hopeless.

There are some who claim that law, especially corporate law, which is where fifty percent of HLS grads end up, is a miserable profession. The ABA estimates that while ten percent of the general population has alcohol abuse problems, the rate among lawyers is fifteen to eighteen percent. Head over to the business school, where they claim that lawyers are just learning how to "clean up the messes business executives make."

Such claims are oversimplified and unfair to the legal profession. Sure, at its most mundane, law may be cleaning up other people's messes. But in many moments, the law is grand. Corporate law, at least, is more lucrative than it's ever been — offering financial comfort and security for many. People often say you never think the same again after law school.

The law offers its students a level of critical thinking, intellectualism and analytical skills few people ever develop. For many people, the law is simply the right choice; it matches their intellectual talents and professional aspirations. Harvard has earned its reputation by finding these people and turning them into great lawyers and judges.

The real issue may not be the law,

A legal career can be one's golden parachute, or it could just be one step along a diverse, ambitious career path.

but rather how typical law students and graduates approach professionalism. Put an ear to the wall and you'll hear the things HLS students talk about. They talk about lucrative salaries at fancy law firms. But they also talk about founding Internet start-

ups, starting non-profits, becoming death penalty lawyers and public defenders. Take a walk with students towards the Charles Hotel during interview season, and you'll hear many saying, "I'm not sure this is what I want to do, but it's safe."

A typical law student's personality is a weird mix of bright, motivated, and risk averse. Michael Dorf, vice dean of Columbia Law School comments that "Law students are notoriously risk-averse. (That's one reason they went to law school rather than, say, starting Internet companies.)" Social psychologist, Claude Steele, theorizes that humans are affirmation seeking, meaning that we tend to be attracted to and stick to those areas in which we find positive feedback. The upshot of this is that

Harvard Law students, a particularly bright and motivated bunch, are likely to find affirmation in a law firm, or whichever job they choose. Our risk-averseness may then keep us in whatever area initially affirms us, or at least on a safe career path. This may be at the cost of pursuing a dream.

Perhaps the unhappy members of the class of 1990 show us that it is dangerous to lack volition. They became "accidental lawyers" — whether that means practicing law generally, or practicing in an area of the law they hadn't expected. The legal profession is not special in this regard — accidental accountants, mechanics, doctors and businesspeople riddle the American landscape.

A decade later, an "accidental life" may be an even sadder fate than it was for the class of 1990. Our opportunities for professional fulfillment and life change are unprecedented. New economy developments offer those daring few the opportunity to get rich and retire by age 35. Labor market mobility has created a paradigm shift that economists estimate will provide us with as many as five careers over a lifetime. A legal career can be one's golden parachute, or it could be one just step along a diverse, ambitious career path.

In less than sober moments, this editorialist has been known to point an Uncle-Sam-like finger at her friends and ask, "Someone is going to be the great artists, leaders and thinkers of our generation. Why not you?!" Nietzsche said it better when he wrote, "Independence is for the very few, it is a privilege of the strong. And whoever attempts ... proves that he is daring to the point of recklessness."

Hey, it can be darn scary, but Harvard provides us with a pretty good parachute. So why not jump?

Letters

Students illustrate Fielding's circular discourse

We are all tainted. The Dec. 1, 2000 RECORD ran a fellow law student's column ["One-L Says Eliminating Stereotypes Requires Change"] that should embarrass all of us at the Law School. We do not dispute Mr. Fielding's right to have his say. And we do not condemn the RECORD for printing it. On the contrary, we salute them for reminding us that ugly views like those espoused in the article can turn up anywhere.

The purpose of our letter, however, is not to address Fielding's argument directly (surely many other letters in the RECORD will do that), but to show that his discourse is circular and self-referential and that rational people will develop a more productive narrative.

Fielding seems to believe that people naturally view certain other classes of people as threatening and that it is rational to "walk around" them. We believe, however, that rational people construct a worldview that opens up, not forecloses, possibilities.

In the legal world, a contract is used to bind multiple perspectives together — the perspectives may still be distinct, but they work together for a common purpose. In life an unspoken contract to respect others' ideas, beliefs and lifestyles can do the same thing. When that contract is violated, just as when a legal contract is violated, conflict results.

Fielding says that the terms of his contract are fair — don't commit crime, and I'll think well of you. In reality he robs everyone but himself of

a voice by employing a labeling narrative that references only his views.

One way to avoid such narrow discourse is to give alterity increased play in our lives — to allow the foreign to become part of us. If our communities are going to succeed, we as both individuals and groups must familiarize ourselves with what French philosopher Levinas calls the Other. If we choose not to, the chances for dialogue all but disappear. At the same time, we severely limit the number of responses we have to choose from when the Other confronts us. Subsequently, we conveniently use our ignorance of the Other to justify our fear.

The rational way to avoid conflict, then, would be for individuals and groups of people to address Otherness until it becomes non-threatening. There are as many ways to do this as there are people. Almost all of them involve participating in events outside personal communities and actually meeting people different from ourselves — something we cannot do when "walking around" them. To paraphrase Anthony Beavers, responsibility is always a matter of meeting face to face. Only then can we hear the Other as author of his/her own discourse. At the end of the day, whether or not we choose to listen will determine how we will respond.

Mathew Parke '03

Karen Hall '01

Elizabeth Pipkin '01

December 5, 2000

Fielding clarifies, apologizes for any offense

Over the course of the last few weeks, I have been overwhelmed by feedback from my article in last week's RECORD. Though I expected some sort of reaction from my editorial, I was unprepared for the firestorm that awaited me. I've found much of the criticism to be valid and appropriate.

First, let me be very clear about my intentions in this article. Never in any way, shape or form do I wish to lend moral credence or justification to negative racial stereotypes.

In suggesting that racial stereotypes are rational, then, what do I mean? I simply mean that they are fairly predictable human responses to perceptions about members of different races. I tried to contrast this perspective with what I see as the prevailing view that racial stereotypes are irrational expressions of latent invidious racism. Why is this contrast important? Because if our goal is to rid society of bad stereotypes—and I assure you that mine is—we must attack their root causes. If the prevailing view is right, and racial stereotypes can be exclusively traced to raw racism, then we would attack them very differently than if it can be traced to something else—rational perceptions about racial differences. In the former case, education and anti-racism campaigns are the solution; in the latter, the things that drive negative perceptions about minorities must be undone.

Many have criticized me for saying I believe all blacks are criminals. I'm not quite sure where people got this idea from, especially considering the fact

that I explicitly and expressly say that this is not the case in my article. What I do say, however, is that it is a rational human response to assume that a certain type of person, dressed in a certain way, may pose a threat to you and cause you to react accordingly.

I also wish to address one other aspect of my article that seems to be getting the most attention: my use of a pit bull as an analogical tool to explain human stereotyping. Many have suggested that in using such an example, my true feeling about minorities being second-class citizens were manifested. Considering that I don't believe this — and in fact, find the idea absolutely repugnant to my whole political, personal and religious philosophy — I found criticism along these lines the most hurtful and perplexing.

After some reflection, I believe this criticism to be well-placed and want to apologize for any offense my use of this particular analogy may have caused. In retrospect, I clearly shouldn't have used it. I meant in no way to draw any moral equivalency between African-Americans and pit bulls. However, I should have been more careful with my words. In sum, I apologize for using the analogy.

Hopefully, this has clarified the point I was trying to make, and continue to stand by: that stereotypes are often misunderstood. Only by understanding their true nature can we overcome them.

Jeremy Fielding '03
December 6, 2000

Sportsguy

by Phillip Barengolts '01
RECORD Columnist

DIGS, BLOCKS, KILLS

Hemenway Gym served as the venue for some high flying volleyball action this Monday as the HLS intramural league determined its king of the court.

The first semi-final game of the day featured APALSA (A) versus The Human Torts. APALSA was down 0-6 and 0-7 before mounting furious comebacks in both games. Dave Sohn of Sam '02 peppered the Torts with violent spikes while Brian Kang Kong '03 dominated the front row with his blocking. The Torts opened their six point lead behind the serving of Mike Sippin' on Ginsberg and Juice '02. Daniel Volchok Full O' Nuts '03 countered APALSA's strong hitting with some big, nasty put-downs of his own. At a crucial point in the match, Land of Lincoln Pan '01 made a magnificent diving dig that floated over the heads

of the stunned Torts' players and fell in for what looked like a momentum turning score, but Jerry Ling the Merciless '03 stepped up and helped the Torts finish off both games 15-13, 15-9 to advance The Human Torts into the finals.

The second semi-final match would go the distance as the two and three seeds, Team Chemistry and Armen's Hammers respectively, fought for the final spot in the championship match. The first game started with a run by the Hammers behind the deceptive serving of Rich No Sex in the Champagne Froom '01. Team Chemistry would try to claw their way back in the game, but could not, eventually falling 15-9 when Phillip Lions, Tigers And Barengolts '01 produced the game winning block. Game two was all about the serving of Wade

Downy upon the Swanee River, who reeled off five straight to put the game away, 15-10, though not without the help of Mike Farwell to Arms. The third game was a dogfight, each team going ahead a little and the other scrapping back into the fray. Brian Himot Money Mo' Problems '03 kept the Hammers in the game with stellar front row play, getting kills from all the front row positions and blocking balls otherwise destined for the floor. In the end, though, Gojko L.A. Lalic made sure that Chemistry would not succumb, doing everything necessary to finally win the game 15-11.

The championship match was by far the most competitive of the day, though the first game would give no indication of the tight games to come. The Human Torts romped their way to a 15-8 victo-

ry behind the inspired play of Dave Lee Shall Overcome '02, who was all over the court digging or blocking almost every ball Chemistry put near him. While Torts won the game, the best play of the game was pulled off by Mike Small Furrow Animal, who managed to kick save a ball for a much needed score. The second game was all Chemistry who won easily 15-10. The third game offered high drama. Hard Hittin' Sarah Whittington '02 stabilized Torts after their loss and coerced her team to play top ball again. Mark Charest of Drawers pulled his squad together as well, insuring that Chemistry would not go down without a fight, but Mike Professor Martha Minahan '02 and T.J. Hooker Duane '02 upped their play in the final moments combining on the final points to win the championship game 15-13.

Fenno

Fenno had just finished reading the RECORD and sat down to put its lessons about stereotypes into action immediately. No longer would he naively walk the streets with his undifferentiating mind, ill-prepared for attacking pit bulls and gangsters. All these years, Fenno thought, I never bothered to develop the well-tailored stereotypes that are essential to personal safety in today's society! Fenno took a long pull off a bottle of Old Grandad and thanked his lucky stars for his health and happiness.

To get started on protecting himself right away, Fenno began making up law school stereotype flashcards so that he could quickly recall the chief behavioral characteristics of all types of law students. Fenno's first card read *RightWingLawSchoolGuy* on the front. On the back, it had keywords: *short hair, class ring* and *"Some of my best friends are black."* Fenno wouldn't be caught off guard by one of those guys again.

Fenno was interrupted by a knock on the door, and then a card appeared under the door. He read:

Dear Fenno!!!

Hi!!! I'm your R.A.! I'm so excited about that (!), because you're so great! WOW!!! I need to talk to you, OK?!!! Drop by anytime, OK!!! I'M RIGHT DOWN THE HALL!!! YAY!!!!!! :-)

Love the Law,
Your R.A.!!!

I guess I'll need to make up one of these cards for R.A.s, too, Fenno thought. *Frightening.* Fenno tossed the note in the trash and was about to forget the whole thing, but then he decided that it might be worth it to stay on good terms with the R.A. How else would Fenno ever get a wall-mounted

inflatable moose hung in the common room?

Fenno headed down to the R.A.'s room. "Hi, Fenno! Guess what!!! We're doing Secret Santas in the dorm this year, only we're calling them Secret Holiday Gift-Bringers!!! Wanna play????!!!" said the R.A.

Fenno stared. *No sudden movements.*

"Fenno?" said the R.A.

"Huh? Oh, sorry, ummmm...yeah, sounds great. Count me in..." *Damn!*

Fenno backed away slowly, thinking about what to buy for his Secret Santa assignment. It was that One-L down the hall who had just graduated from Yale. Fortunately, Fenno had a flashcard for this: *Yale grad, earnest, five-eight, might be gay.* Fenno figured he wouldn't be too hard to shop for. *Maybe an exfoliating scrub?*

Fenno turned and headed for Hauser Hall to see Richard Parker about a 3L paper. He was thinking of doing a finger painting commemorating the tireless creative struggle of his classmate who was writing a screenplay, another project supervised by Parker.

"Is your idea law-related, Fenno?" asked Parker.

"No."

"I love it!" Parker beamed. "One page will be fine. No need for more. You know, I just love advising all these student projects, but I'm worried that I'm going to have to buy a new fridge just to display them all!"

"I'll keep it small," said Fenno.

"Would you?" said Parker appreciatively.

Fenno also got him to agree that the painting would not be graded, but would instead receive a scratch and sniff sticker of the professor's choice.

Fenno left Parker's office and headed down the hall to wait for the elevator. Fenno was always surprised that students were actually allowed to use the elevators to access floors that contained faculty offices. *It won't be long before they get that straightened out,*

thought Fenno. *Maybe they could set it up so you swipe your ID when you get in and it instantly checks your grade record, then if you have any Bs, you can only get to the lower floors. Now there's a grade reform proposal that the faculty could get behind!*

The elevator seemed to be taking forever. Fortunately, Fenno had some entertainment, as he could overhear a group of professors chatting just around the corner. Apparently, the professors had their own Secret Santa program planned.

Phil Heymann was planning to give Dr. Alan Stone one of his "Waco Was Not My Fault" buttons. Kip Viscusi was having trouble grasping the concept of uncompensated gift-giving, but fortunately he had several thousand gallons of "complimentary samples" of Exxon crude oil lying around to be handed out on just this sort of occasion. Scott Brewer wasn't worried, because he didn't usually give out his Christmas gifts until late February.

Fenno was about to sidle up to the professors and offer a few gift suggestions

— "Bar/Bri Representative" pins that were always effective in repelling students, for example — when he felt a violent tapping on his leg. He peered down: *Mini-Meltzer!* Fenno almost tripped over the little man in the tweed jacket.

Mini-Meltzer was holding up one of Fenno's stereotype flashcards, which had apparently fallen out of his backpack.

"Card!" said Mini-Meltzer.

Fenno thanked him and reached out for the card, but Mini-Meltzer yanked his hand away.

"Say it!" said Mini-Meltzer.

"No way" said Fenno.

"SAY IT!"

"OK, OK, chill out. Here goes — Danny Meltzer is the smartest man I know, unparalleled in intellectual prowess and a true American hero," Fenno recited dutifully.

Mini-Meltzer handed over the card, which actually said nothing about Meltzer. It did give Fenno a good idea, though. *Maybe there would be a market for some professor stereotype cards.*

Quote of the Week

'I know a woman who said she hit her ballot twice. I think they should recount all the votes.'

—O.J. Simpson, regarding the election debacle in Florida

Look for your next issue of the RECORD
on Friday, Feb. 9, 2001.

We know you love us, but we have finals, too.
Don't worry. You'll get by.

THE CASTING COUCH

by Jim Greeley '01
RECORD Columnist

OF ANGELS AND PLUMP CHERUBS



Charlie's Angels increased its five week gross to over \$115 million last weekend, confirming my suspicion that disposable income, when merged with the complete lack of taste for which we Americans are so fondly recognized, generates an offensively potent combination. Frankly, when your nation's culture consists of Big Macs, Playboy and professional wrestling, you shouldn't complain that you are the market for idiotic drivel posing as cinematic entertainment. After all, this is the same country that allowed the five year run of the original Charlie's Angels television series, giving rise to the term "jiggle show."

What upset me about this film was not that it sucked, because I expected it to. I was irritated by the fact that it failed to entertain me on any level. This was no "jiggle movie." For example, who on earth cast Drew Barrymore as an Angel? I can imagine her as a pudgy little cherub, something of a cross between Cupid and the Pillsbury Doughboy, but an Angel? I think not. She is much better suited to playing roles like the one she assumed in *Never Been Kissed*, a clumsily sweet loser. I refuse to believe that with all of the bubbly, silicon-filled starlets bouncing around Hollywood, someone would even think about casting Drew Barrymore.

Carmen Electra should have played this part. But, you scream, Drew Barrymore can act, and does that not count for anything? Oh, absolutely, and *Charlie's Angels: The Movie* certainly was the proper forum to showcase some serious dramatic talent. I dare say the intensely profound dialogue had Shakespearean undertones. Actually, I think portions of the script were plagiarized from a late 70's porno flick. My point is, if you need to sell a movie via female objectification, all I ask is that you refrain from making

Drew Barrymore the object.

Similarly, "Angel" is not a term that immediately springs to mind when characterizing Lucy Liu. Unless, of course, one refers to the lesser-known angels that wear alluring clothing, heavy make-up, and sleep with everything in sight. I believe that these angels constitute the obscure order just below Seraphim, called Sexaphiend. I say this not to criticize Lucy Liu for being inherently sexy, which she is, but rather because she has based her film career on being anything but angelic. I particularly enjoyed her performance as "Hooker #1" in the 1995 classic *Bang*. And who could forget *Play it to the Bone* where Liu poignantly depicts a twenty-year-old party girl who ditches a middle-aged businessman because his Ferrari breaks down and 15 minutes later finds herself behind a gas station "making the acquaintance" of Woody Harrelson.

The talent that is present in this film is tragically wasted. Most prominently, the comedic genius — Bill Murray has

a trivial role as Bosely, the buffoonish confidante of the Angels. Evidently, in his cursory read of the screenplay, Murray failed to notice that his character does not have anything funny to say. In fact, he does not have many lines at all. The longest appearance on screen by Murray comes when he blandly converses with a bird sitting the sill of his cell window. In most scenes, Murray seems to be waiting for someone to put him out of his misery.

Likewise, Luke Wilson and Tim Curry, who I have seen turn in hilarious performances in the past, are limited to insignificant characters that recite drab lines for the sake of plot advancement.

Oops, perhaps I miswrote. My use of the phrase "plot advancement" erroneously suggests that there exists some kind of a central storyline around which this movie revolves. There most certainly does not. I know because I searched for one. Embarrassed that I did not understand the connection between the seemingly unrelated series of scenes that constitute

Charlie's Angels, I attempted to cheat. I looked for plot summaries on the websites of various movie critics. I found none. The movie is a series of poorly edited action-sequences. Of course, it may be unfair to expect a cogently gripping plot from a director who bills himself "McG" and whose previous crowning achievement was directing those annoying GAP commercials. Yes, I'm serious.

McG — no, I loathe using that ridiculous moniker. From now on I shall call him Jackass. Jackass fails to bring any element of originality to the film. The cinematography appears to be a series of outtakes from the *The Matrix* post-production closet. The fight scenes involve preposterously acrobatic stunts shown in slow motion. Apparently no one informed Jackass that his movie was set in the real world where the laws of gravity apply. And in this world, there ain't no way Drew Barrymore runs up a wall and does a backflip, not even in super-slow mo. When guns are involved, and they always seem to be, the bullets visibly forge cylindrical trails through the air. Additionally, there is some kind of noisy explosion thrown in at five minute intervals in order to keep things interesting. These explosions throw the Angels through the windshields of parked cars, off of cliffs and from airborne helicopters, yet in every instance they miraculously emerge with their eye shadow still intact.

McG, in his directorial debut, has succeeded in creating a McMovie. *Charlie's Angels* has an excess of visual effects and a variety of songs that contain the word "angel," which is cute if you're 11, but I like my films to have a bit more substance. I don't need artistic expression or philosophical prophecies; I just want a movie that can entertain a non-comatose individual for two hours.

Crossword 101

"PhunWith Phonics"

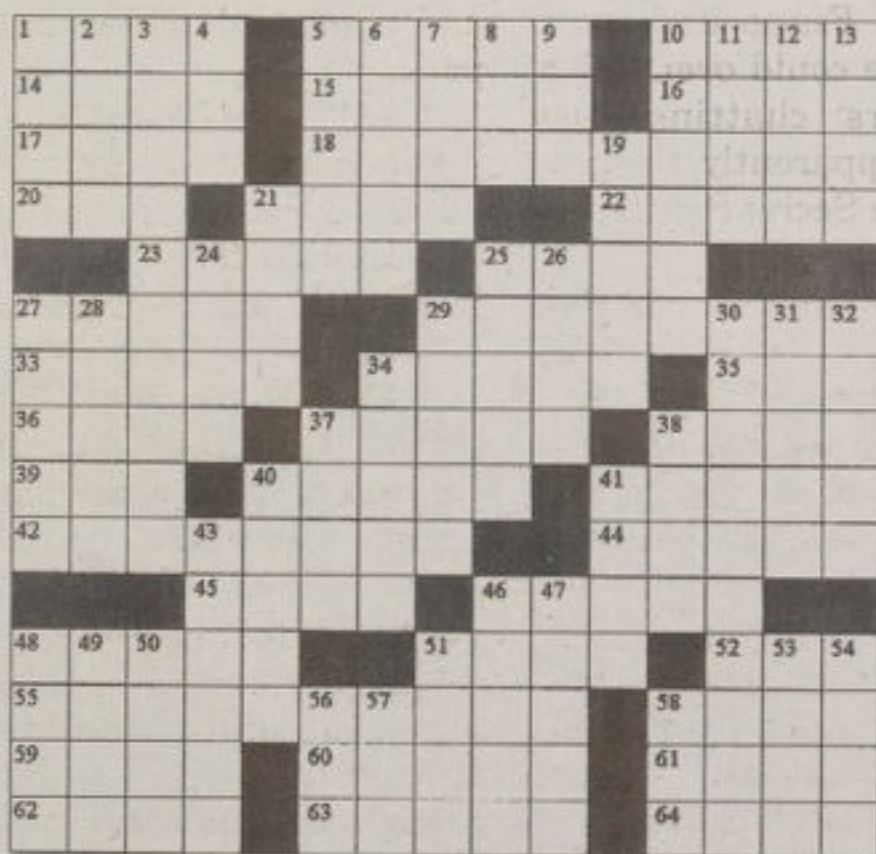
By Ed Canty

ACROSS

- 1 Gephardt & Foley
- 5 Indiana player
- 10 Humane soc.
- 14 Back talk?
- 15 Concur
- 16 Gator kin
- 17 Emerald Isle
- 18 Insufficient?
- 20 Sable
- 21 Paper quantity
- 22 Ivory sources
- 23 San Antonio team
- 25 Circus applause
- 27 Double quartet
- 29 Gall
- 33 French city
- 34 Knob locales
- 35 Some ins. groups
- 36 Rip
- 37 A glimpse of a star
- 38 Devastate
- 39 Possessed
- 40 Worries
- 41 Kitchen tool
- 42 Horizons
- 44 Irk
- 45 Teen follower
- 46 Buddy Holly's Sue
- 48 Ghana's capital
- 51 Smooth the road
- 52 Wager
- 55 Phictitious story?
- 58 Precedes down and out
- 59 Mr. Hemingway
- 60 Assistant
- 61 Oklahoma city
- 62 Not quite a canter
- 63 Like Junior's room
- 64 Driving needs

DOWN

- 1 Coral
- 2 Beige
- 3 Presidential wipe?
- 4 Word in business name
- 5 Student's assignment



- 6 Turkish leaders
- 7 Study for the final
- 8 Moray, for one
- 9 Grandma, for one
- 10 "Peanuts" author
- 11 The Big League
- 12 Irish county
- 13 Play parts
- 19 RBI's & ERA's
- 21 Slumps
- 24 Stare
- 25 Smithy's concerns
- 26 Dol. competitor
- 27 Solemn promises
- 28 Haunted house sound
- 29 Arrives
- 30 Laphing spot?
- 31 Spanish friend
- 32 Pooh's goal
- 34 Gauntlet thrower
- 37 Word with sugar or candy
- 38 Told

- 40 New father's giveaway
- 41 Road
- 43 Lasso
- 46 In comparison
- 47 Each
- 48 Scheduled mtg.
- 49 Scorch
- 50 Mafia boss
- 51 Mats
- 53 Buffalo's lake
- 54 Koppel and Danson
- 56 Thanksgiving staple
- 57 Ascot
- 58 Damp

Quotable Quote

"Brevity is the best recommendation in speech whether in a senator or an orator."

... Cicero

Doonesbury

BY GARRY TRUDEAU



Design for the RECORD and hang out with about 20 (mostly) eligible men. What you do with them is your business.

Tangled Web

by Justin Cooper '01
RECORD Columnist

'ASK THE RABBI' ABOUT CHEAP TICKETS, FACIAL HAIR

As the holidays approach, most of us have to deal with the unpleasant task of making travel arrangements. There are plenty of websites designed to help, but many of them offer more frustration than good deals. Fortunately, there some winners out there, too.

(Grades are standard letter grades from F to A, but unlike at Harvard Law School, C's and D's are used liberally. Also, I will actually look at the websites before grading them.)

www.travelocity.com

A very busy first page and a dead customer service link make a bad first impression. Checking on plane reservations turns out to be harder than you would think. You have to register to search, and they force you to make www.travelocity.com your default home page just to sign up. This is really irritating. You also have to click past a page of ads before getting to your search results after each search. Airfare prices are competitive, but nothing special. This site is relatively slow. Offers hotel reservations, car rentals, etc. B-

www.cheaptickets.com

Relatively clean and simple site requiring registration. Somewhat slow. The "Power Search" option gives you more control than usual in searching for fares. Prices are generally higher than at Travelocity. What kills this site for me is that every time you go back to the main page, you have to re-enter your password to do another search. Incredibly frustrating. Hotels, car rentals and all that stuff available. B-

www.southwest.com

This site rules. A five-year old could type in the URL and be searching for fares within 15 seconds. The simple graphics and step-by-step booking process are transparent and logical. The Southwest folks also let you see all your options at every stage. Amazingly, the departure time of each leg comes up with its own price tag, so you can

weigh cost against convenience yourself, rather than clicking one of those stupid "Choose by Schedule" or "Choose by Price" buttons. The only downside, of course, is that the site has only Southwest flights. A

www.priceline.com

Can I pay in Priceline shares? Probably not. They'd be better off taking rubles. Although there are a couple of glitches, the airfare search is generally good, with easy-to-read tips on which days to fly and options such as how many connections you will tolerate, whether you will fly on a non-jet aircraft, etc. The only catch is that you have to take a leap of faith and put in your credit card number before getting a confirmed fare. This is a really good site, even if the business plan sucks. A-

www.AA.com

"Hi, my name is Justin and I'm ..." Oh wait, this is American Airlines. Most major airline sites are pretty good, but this one is especially easy to use. For example, if you are a mileage member but have forgotten your Personal Identification Number, they will e-mail you a temporary PIN right away. This is better than most airlines, who will only mail you your PIN, by which time you have long since lost interest in booking on-line with them. The site is really fast and not overloaded with flashy graphics trumpeting American's various achievements. One thing that's missing from the first page — flight status reports. A-

www.united.com

Gives the impression of a clean, quick site, but there are times when searching is incredibly slow. When the results do come up, the prices are hard to read, and phrased strangely. It says, for example, "As low as \$400 for this leg." Is that the price or not? Furthermore, there is nothing more infuriating than seeing your computer screen say, "As low as \$1127.50 for this leg," when you are trying to get from Boston to San Francisco. There ought

to be a straight-face test built into the software. Still, the site is basically of the high-quality, user-friendly type that one expects from major companies. B+

www.aceia.com

Can't these people do anything right? The first page of the website for the new "high-speed" trains between here and Washington, D.C., is just a big logo with one link that reads 'Board here' in the bottom right corner. After staring for a while, I finally clicked the link. What else to do? I then entered a website covered with dumb, marketing-firm slogans like "Prepare. Ponder. Relax." What does that mean? Can I get to New York fast and cheap or not? Don't rely on this site to answer those questions, unless you have spare time to explore. The whole site looks like a lot of big company sites looked a couple of years ago, before they figured out that people just want information and not a bunch of splashy graphics and slogans. Knowing something of Amtrak/Acela's history of screw-ups makes things even worse. No obvious technical problems with the site, at least. C

www.greyhound.com

This is generally a nice, clean site, with a good step-by-step process for booking tickets. It also includes lots of tips and features to help the buyer get the best deal possible. For example, there is a field that reminds you to take advantage of any applicable discounts, for seniors, students, military personnel, etc. On the next page, just before you buy, there is a link that reads "Can I Get a Lower Fare?" and leads to further bargain-hunting tips. You won't see that from the airlines. The site has one big failing, though, which is that it doesn't offer e-ticketing — you have to book by phone for that. B+

www.weatherunderground.com

Great for checking the weather before your travel begins. This is the fastest loading weather site around, and very easy to navigate. Just type in

your zipcode at the top and you get an immediate forecast. Clickable regional map is great for air travel, as is the FlightTracker feature. The one thing I wanted, but couldn't find, was a way to search weather and travel conditions by airport. A-

Bonus Sites

All work and no play makes the website reviewer a dull boy. Travel sites are useful, but we all know that the best part of the internet is that its absurdly individualized, occasionally hilarious and often perversely fringe. So here are a few of my favorite oddball sites. Not for the easily offended.

www.mustachesummer.com

Positioned to become the next www.mulletsalot.com, which itself is positioned to become the next South Park. Mustache Summer tells the tale of a movement to restore the mustache to coolness and banish the hated goatee to the hairpile of history. Features include mustache poetry, mustache history, various articles and even a song — *Cinco de Mustache*. Some of the photos are pretty choice, too. A

www.jpfo.org

The full title of the site is "Jews for the Preservation of Firearms Ownership," who are the self-proclaimed most aggressive defenders of firearms ownership in America. Who knew? The site is actually very well constructed, and entirely serious. My personal favorite feature is the "Ask the Rabbi" section, in which Rabbi R. Mermelstein tackles, among other things, the difficult Talmudic issues surrounding observing the Sabbath and packin' heat. A

www.bushblows.com

You have to hand it to the Governor for registering just about every combination of [his name + obscene verb] and using them to divert traffic to his campaign site. And they say he's dumb! Also try www.bushsucks.com and www.bushbites.com. B+ for craftiness.

Solution to crossword on p. 11

PHUN WITH PHONICS

R	E	P	S		P	A	C	E	R		S	P	C	A
E	C	H	O		A	G	R	E	E		C	R	O	C
E	R	I	N		P	H	A	L	L		S	H	O	R
F	U	R			R	E	A	M			T	U	S	K
					S	P	U	R	S		S	E	A	L
O	C	T	E	T						C	H	U	T	Z
A	R	L	E	S						D	O	O	R	S
T	E	A	R							C	A	M	E	O
H	A	D								C	A	R	E	S
S	K	Y	L	I	N	E	S							
A	C	C	R	A						P	A	V	E	
P	H	A	I	R	Y	T	A	L	E					
P	A	P	A							A	I	D	E	R
T	R	O	T							M	E	S	S	Y

Draw for the RECORD.
Recognize the absurdity of HLS.

LIFE IN
HELL©1999
BY MATT
GREENING

FORBIDDEN WORDS 2000

