



Hark!



Photos by Murad Kalam

Lockjaw, above, a Harvard University jazz group, performed "Lemonade," while Aaron Thomas '02, left, gave new meaning to the phrase, "diversifying my portfolio."



Bain '01 gets '60 Minutes' of fame

by Zachary Price

"Where do you boys think you're going?" You might think no one would dream of addressing a grown man that way, but that's just how Bryonn Bain '01 says New York City cops and bouncers spoke to him last year when they detained him for a crime he didn't commit.

Bain, who is African-American, was leaving a Manhattan nightclub with his brother and cousin one night in October 1999 when he witnessed a group of young men throwing bottles at an apartment window. After the men sped off, bouncers from the nightclub stopped Bain. Within minutes, New York City police officers were on the scene. They threw Bain and his brother and cousin against the wall, frisked them aggressively and hauled them away to spend the night in jail. Bain explained this treatment on a segment of the CBS news program "60 Minutes" last week. "Their assumption was, 'These black kids are responsible for the problem,'" Bain said.

Bain had to appear in court four times over



Bryonn Bain '01

a period of five months before his case was finally thrown out. He has yet to receive an apology from the New York Police Department or the Latin Quarter, the nightclub whose bouncers detained him.

Bain is now working to educate Americans about his experience and the experience of other victims of racial profiling. Last year, Bain wrote an essay about his experience for a class he was taking with Prof. Lani Guinier. She was impressed by the piece, so Bain decided to go public, publishing versions of the essay in the RECORD and The Village Voice, a newspaper based in the Greenwich Village neighborhood of New York City.

The Village Voice article — "Walking While Black: The Bill of Rights for Black Men" — drew the largest response in the history of that

Please see **BAIN**, p. 7

Democrats debate future, past of party

by Justin Herdman

If the discussion on Tuesday night was any indication, the Democratic Party has some thinking to do. Out of the Oval Office for the first time in eight years, the party is trying to grapple with both its past and its future in its effort to recapture glory.

This week's panel discussion, held before a large HLS crowd, focused on forming consensus on the future of the Democratic Party. Moderated by David Gergen '67, a former advisor to four U.S. Presidents, the panel was comprised of Democratic Party heavyweights. The panelists included Elaine Kamarck, a professor at the Kennedy School of Government and former senior advisor to Vice-President Al Gore; Warren Tolman, a Massachusetts State Senator who will be running for governor in 2002; Byron Rushing, who serves in the Massachusetts House of Representatives; and Marc Landy, a presidential scholar and professor at Boston College.

Kamarck described the Democratic Party



Photo by Nilufer Shaikh

Panelists Marc Landy, left, and Elaine Kamarck wince at the thought of yet another Bush presidential victory.

as "ironically quite strong," despite having lost its grip on the White House and being the minority party in both houses of Congress. Yet Kamarck was quick to point out the drag of the Clinton years on

Please see **PANEL**, p. 5

RECORD FEATURE

Election aftershocks register in classrooms

by Randall Jackson

For much of America, the events surrounding last year's presidential election seem a distant memory. Yet on the HLS campus, professors still must face the difficult question of how to address the legal controversy of *Bush v. Gore* in classes about the courts and constitutional law.

"I think a major question I've faced is how one goes about incorporating the discussion of *Bush v. Gore* into my classes, while recognizing that there is a serious potential for the court's reasoning in the case to be limited to the events of the case," said Prof. Heather Gerken, who is teaching Law of Democracy this term. "Another big question that is tied to that is how one simultaneously avoids promoting cynicism in students, which I see as a huge danger and a really undesirable outcome.

On one hand you have this extraordinary Equal Protection ruling with lots of potential implications, but it's hard for me to imagine the court extending their reasoning in *Bush v. Gore* to other cases," she said.

Prof. Laurence Tribe '66, who figured prominently in the election controversy, said that he has not severely altered the content of his Constitutional Law class as a result of the election. Tribe said, however, that he had made some changes to the organization of the course, particularly in terms of the timing of topics.

"One of the themes of the course is that the Constitution is not to be equated necessarily with the Supreme Court's view at any one time. In order to make that point clearly I felt it necessary not to begin with constitutional review, but to lead off with some introductory material that led up to

the discussion of *Marbury v. Madison*," said Tribe.

Tribe suggested that although he viewed *Bush v. Gore* as an important decision, it was one which needed to be seen in light of a broader picture. "I wanted *Bush v. Gore* to be put in proper context — specifically that it wasn't necessarily the Constitution that decided how that case would be resolved, but rather the views of five justices on how the Constitution should be interpreted."

Ayodele Carroo '02, a student in Tribe's class this semester, felt that students' opinions coming into Constitutional Law hadn't been overwhelmingly affected by the events surrounding the case. "It may have demystified the Court a little bit in some people's minds, but it also helped to show just how different people's

Please see **ELECT**, p. 3

Not just readin' and writin': Changes in store for LRA

by Mike Wiser

First year students at Harvard Law School have been advised by the Board of Student Advisors (BSA) since 1910, but the way that is done is about to change. Starting next year the school's first-year legal writing program is going to be beefed up by the addition of seven new lecturers, an expanded and more uniform curriculum, and better, more experienced student teachers.

Last year, in an effort to improve the program, the faculty hired Prof. Michael Meltsner as the director of the First-Year Lawyering Program. Since then, Meltsner, who taught one of the sections of Legal Reasoning and Argument (LRA) this fall, has worked with the BSA to review the program and lay the groundwork for a revamped program for the class of 2004.

Meltsner explained the problems with the current LRA program. "A regular review

indicated that the 1L experience was uneven across the sections, that the 1L experience changed in significant ways every few years in response to no coherent educational theory and that student instructors were not as consistently trained by faculty for their role as desirable," Meltsner said.

The most dramatic change will be the hiring of seven lecturers in law who will work exclusively on the writing program and be designated to one of the seven 1L sections. David Ware '02, the new Vice-President of the BSA, applauded the new faculty additions. "There are going to be seven people, whereas before there were four professors who obviously had other professorial duties. There's going to be seven people whose full-time job is to make sure that the First-Year Lawyering Program is a good one and students have

Please see **LRA**, p. 3



Worried that he may have missed an important case in his research, Norbert is reluctant to turn in his legal writing assignment.

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Sports violence mirrors society, panelists say

by Phil Barengolts

Are athletes more violence prone than the general population? Can athletes get away with violent behavior where someone else would be put in prison? Those are just two of the questions that a panel of well-respected experts tried to answer at the 2001 Sports Law Conference presented by the Committee on Sports & Entertainment Law (CSEL).

The conference, held in Langdell South, provided students with the opportunity to hear three points of view on the topic of violence in sports. Bob Ley, best known for his work on ESPN's nightly SportsCenter program, presented the media's view. Robert Lanza, chief counsel to the National Basketball Players Association, addressed the issue from the standpoint of his constituency: professional basketball players. Jose Masso, from Northeastern University's Center for Sport in Society and former agent of Roberto Alomar, Juan Gonzalez and other Latin American baseball stars, provided the umbrella viewpoint of athletes in society. The conference was moderated by Michael Harper, a Professor of Law at Boston University.

While the three panelists' backgrounds might have suggested a heated argument, the conference was remarkable for its consensus. Bob Ley began the discussion by acknowledging that the media perpetuates the public's stereotype of unchecked, insensitive athletes. Ley described the 9 a.m. meetings that precede the compilation of SportsCenter highlight reels, explaining that ratings are important and that everyone at the program realizes that in order to get a viewer's attention the program has to include criminal conduct off the field as well as dunks, touchdowns and home runs on the field. In order to

highlight the media's hypocritical attitude towards violent athletes, Ley told the story of Disney executives who did not want Ray Lewis, the MVP of Super Bowl XXXV, to say the customary 'I'm going to Disney World' line. Lewis had been charged as an accomplice in a double murder outside an Atlanta nightclub, but the charges were later reduced to obstruction of justice. After denying Lewis the Disney endorsement, these same executives rolled out the red carpet for Lewis during the ESPY awards. The ESPY awards are given out by ESPN, which is owned by Disney.

While society spends money to help athletes develop their strength and speed, it does not prepare them for life, Masso said. That lack of attention to athletes' personal development can have adverse effects on the bottom line as well. "Lewis's appearance in the Super Bowl was a nightmare for the image-conscious NFL," according to Ley.

Masso then broadened the scope of discussion. "We cannot speak of violence in sport without looking at violence in [society] — the workplace, at home ... We have to look at this wider than just sports," Masso said of the analysis. Masso's view was that singling out athletes for their violent conduct was simply ignoring the broader problems. So while we harp on the allegedly violent behavior of such professional athletes as Rae Carruth and Wil Cordero, Masso suggested, society tends to avoid the more general problem of spousal abuse.

Lanza wanted to refocus the discussion on all the good that athletes do for society; while blaming the media for portraying athletes in a negative light. He also observed that much media discussion focuses on Black and Hispanic athletes. Lanza specifically contrasted the choking incidents

of Latrell Sprewell, the NBA player who choked his coach, and Bob Knight, the college coach who choked his player. Lanza pointed out that Sprewell's incident was highly publicized and sparked heavy debate, while Knight, who has exhibited a pattern of violent behavior, was treated with deference until he was finally fired — after another incident in which he yelled at a student who was not even a player.

All three panelists downplayed the issue of off-the-field violence as the product of many societal factors and media-induced hysteria. "The panelists presented a thought provoking defense of the other side of the issue that we don't always see," said Seth Stevelman '01, president of CSEL, of the discussion's focus on athletes as ordinary citizens.

While many students were keenly aware of the issues presented — the racial undertones of media reporting of violence and the microscope under which athletes live compared to wider social problems — some students found that the panelists never tackled the issue head on. "I don't think they were very honest in addressing the violence of athletes," Kristina Bennard '01 opined, "Especially sexual violence perpetrated disproportionately by athletes on college campuses," she said.

Violence in sports and the violent off-field actions of athletes will continue to be issues in America's sensationalist society. Just as the nation hails athletes for spectacular feats of speed and strength, it derides those same athletes for fathering children out of wedlock and for using their physical power inappropriately. Yet no matter what, Americans simply want to see athletes perform. Perhaps the conference's most enduring theme was that the prevalence of violence in sport is a direct product of the American consumer's demand.

ELECT

Continued from page 1

perceptions of any particular decision can be in a very real way," she said. "Professor Tribe asked the class at one point if there were any Bush supporters who felt that the Court had handled the case incorrectly, and there were none," said Carroo.

Prof. Richard Fallon, who is teaching Federal Courts and Advanced Constitutional Law this semester, expressed a related theme. "It's important to focus on what [Bush v. Gore] teaches us about how our political views, through complex psychological processes, may color the way we analyze legal issues even when we don't realize it. I think it's important to remember that there were two sets of decisions in this case — one by the Florida Supreme Court and one by the Supreme Court, which is the one everybody talks about. Nearly everyone I know who is generally liberal is deeply concerned about what went on in the Supreme Court. Nearly everyone I know who is generally conservative is deeply concerned with what went on in the Florida Supreme Court," said Fallon.

Fallon suggested that while he didn't believe that courts typically engage in overtly political behavior, it was important for everyone in the

'Our political views, through complex psychological processes, may color the way we analyze legal issues.'

—Prof. Richard Fallon

LRA

Continued from page 1

good first-year instruction," he said.

The school is currently in the process of hiring the lecturers, who will assume their duties in July. Meltsner, along with a new assistant, will continue to oversee the program. Erin Hoffmann '02, the new BSA President, indicated that while the lecturers have not been hired, she expects the lecturers to have practical experience in law and possibly in teaching.

One of the primary goals of the new lecturers will be to increase the amount of time spent on assisting students with their lawyering skills. The new lecturers will be expected to meet with each one of the eighty students in the section at least once during the fall term to review the students' progress. However, Ware is not concerned that this will diminish the role that the BSA plays in training first-years. "I think the idea isn't that the lecturers will replace the feedback that we give. I think that it will just augment it. I think one of the things a lot of first-year students say is that they don't get enough feedback in their classes and in general. Obviously, [as it is now] the feedback that they get on their written work from BSA instructors is the only feedback they get until finals," he said.

The new program also hopes to centralize and coordinate the course syllabus, according to Sheldon Pollock '01, the outgoing BSA Vice-President. "The faculty, I think, had a very legitimate concern, that you had four separate LRA

courses in the fall semester as it is now, and they wanted to create a certain level of uniformity throughout the curriculum," Pollock said. He added that it also created problems for BSA leaders who had to oversee the classes. "[I]t was very difficult for us to coordinate any cohesive organization training for our members and coordinate lesson plans and things across sections when you had four different curriculums," Pollock said.

Under the new system, Meltsner will outline a new expanded curriculum to ensure that all students learn the same basic skills. The lecturers will be free to develop their own exercises and teaching style, but will be expected to ensure that all students are competent in the required skills.

Exactly what skills will be required is still up in the air. Meltsner and the BSA are hoping to expand the current curriculum and are dropping the old LRA title in favor of the more expansive First-Year Lawyering Program (FLP). While writing memos, briefs and oral argument will still be at the heart of the program, the FLP may also include training in client counseling, transactions and negotiations. To find time for the new curriculum the program may be expanded from the fall semester into the spring semester also. Currently, first-year students only are expected to participate in the Ames competition during the spring.

Next year's 1Ls will also have more experienced student teachers in their workshops. Under the LRA program, second and third year members of the BSA have taught small classes of around 13. However, next year all classes will be lead by an experienced third-

year BSA instructor who will be assisted by a second year. Ware said the idea is that "the 2Ls will receive extra training for a year and mentorship from the 3Ls and in the workshops the 1Ls will have two points of contact, two BSA members that they can rely on to give them feedback." In order for the fifty-two BSA members to handle the new classes, some of the BSA leaders will have to take on the responsibility of teaching two classes. Additionally, the workshops will be slightly larger.

Hoffmann was pleased with the new system. "I think we keep a lot of things about the old model — having a student instructor in the workshop who is very close to the 1Ls and able to give you an extra perspective every week in that sense and then you still have a lecturer to fall back on," she said.

BSA members who are 2Ls will also take part in a revamped teaching preparation course in their spring semester. "I hope the course helps to continue HLS's historic role as the launching pad of many brilliant teaching careers," Meltsner said.

Changes to the program were recommended after a committee chaired by J.D. Dean Todd Rakoff '75 looked at the first-year programs at other law schools. As Meltsner explained, "It had been some years since LRA had been reviewed, years in which the increasing importance of research skills and clear writing — as well as practice-related skills such as negotiation and counseling — had become obvious to many lawyers, judges and law teachers." Both Meltsner and the BSA leaders are confident that the changes will help 1Ls better develop those skills.

legal community to develop an awareness of the way political views may be coloring legal perspectives. "I began my Federal Courts course with a discussion of the concept of 'standing' — how decisions are sometimes covertly political. A lot of my students will be clerking soon and I think it's important for them to be aware of their own behavior and to discuss how issues will sometimes purport to be doctrinal but will have political subthemes. I'm not sure I wouldn't have done this anyway, though, since it's such an important concept to keep in mind," said Fallon.

Gerken made clear that she "has faith in judges." In her courses, Gerken hopes to succeed in balancing the need for underlying confidence in the system with an honest discussion of what has occurred. "It's strange because you have all of these huge potential implications for *Bush v. Gore*. Applied broadly, it could be one of the biggest voter rights decisions in history. But given the Court's history in dealing with the Equal Protection clause, it's just hard to imagine that they will extend this thinking to other cases," said Gerken.

One thing that remains clear is that the discussion of Constitutional law and how the courts operate is still much broader than any discussion of the impact of *Bush v. Gore*. Fallon said, "Even as I've addressed all of these issues related to and affected by the decision, I don't think I've uttered the actual words *Bush v. Gore* at all yet this semester."

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FOUNDED IN 1946

Not a free clinic

In Contracts class, they teach us that specific performance clauses are unenforceable. Clearly, they have never signed up for a clinical course at HLS and later tried to drop it.

The Office of Clinical Programs has a policy that once students sign up for clinical placements, they must complete their clinical work or receive an incomplete for both their placement and the accompanying classroom course, even a course from a previous semester. A student who takes a fall course with a spring clinical component cannot drop the clinical in the spring without retroactively dropping the fall course as well. Given that students need a certain number of credits per semester, most cannot afford to drop a whole class from a past semester and still graduate. They effectively are forced to work.

This policy probably is designed to protect the organizations that take on interns. It would be unfair to ask these professionals to take time preparing projects for interns only to have the interns leave on a whim. Unfortunately, the policy is enforced so strictly that it can often leave students with that all-too-familiar feeling of lonely impotence in the face of a rigid HLS bureaucracy. The Office of Clinical Programs allows exceptions only if a student has a death in the family or some similar emergency.

Is this really necessary? Why is it that HLS staff and administrators apparently live to torture students with their adherence to the rules? Why can there never be a single exception at the Distribution Center to the rule that only enrolled students get the materials for a course? Why can't one buy stamps in the Holmes Mail Center at 12:55 PM?

Perhaps unswerving rigidity is the keystone of this great institution, but we doubt that a modicum of common-sense flexibility would bring the whole thing tumbling down.

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—First Amendment, U.S. Constitution

• Briefs •

Fund to sponsor civil rights, liberties studies

Harvard University and Radcliffe College students and faculty, as well as officers of administration and recent graduates, are invited to apply for grants from a fund established in honor of the late Professor Mark DeWolfe Howe. The fund's annual income of \$15,000 will be distributed in a grant or grants to support study and research in either "Anglo-American Legal History" or, "broadly construed, Civil Rights or Civil Liberties." Recipients may receive funding to support travel or residence in different parts of the United States

to increase their understanding of problems of civil rights or civil liberties. The grants are intended "to support work in the spirit of Professor Howe's commitment to the cause of political liberty, social justice and the highest standards of scholarship." Those interested in applying for grants for either the coming summer or for academic year 2001-2002 should submit a brief written statement of their proposal to Professor John H. Mansfield, c/o Susan Norton, Hauser Hall 506, Harvard Law School, Cambridge, MA 02138.

Zittrain '95 is Prof. of Entrepreneurial Studies

"Jonathan Zittrain ['95] is one of the world's foremost Internet and technology scholars," said Dean Clark '72. "This is an area of study in which our students are increasingly interested. The Harvard community will benefit immeasurably by having such a talented scholar hold the Berkman Professorship."

Zittrain, a noted expert in the emerging field of cyberlaw, joined the Harvard Law School faculty as a lecturer in 1997 while serving as the first executive director of the Berkman Center for Internet and Society, a leading research center on Internet trends, technology and the law. He was named Assistant Professor of Law in July 2000 and remains a faculty co-director of the Berkman Center.

Zittrain's scholarship has focused on issues ranging from digital property, privacy and speech to the role played by private "middlepeople" in Internet architecture. He also has a strong interest in creative, useful and unobtrusive ways to deploy technology in the classroom.

Zittrain also holds degrees from Yale University and Harvard's John F. Kennedy School of Government. After receiving his J.D., Zittrain served as a law clerk for Judge Stephen F. Williams of the U.S. Court of Appeals, D.C. Circuit.

The Berkman Professorship is named in honor of the late Jack Berkman '29 and his wife, Lillian.

Harvard Law School Office of Communications contributed to this report.

Panelists advocate privacy for genetic information

A second discussion on the Human Genome Project was held Tuesday night at HLS. Titled "Is Your Genetic Privacy At Risk?", the panel explored the social consequences of the Human Genome Project.

The Harvard Health Caucus sponsored the discussion, in which panelists explored the legal and ethical frameworks of genetic privacy. Many of the panelists advocated legal protection for individual genetic information.

Mark A. Rothstein, director of the Institute for Bioethics, Health Policy and Law at the University of Louisville School of Medicine, stressed the importance of limiting the amount of genetic information that employers may access. "Don't allow employers to weasel their way into collecting data during the hiring process," he said.

A.G. Breitenstein, a nationally recognized expert on data privacy and security, said that people do not currently have sufficient legal control over their own genetic data.

"Patients have been shut out of making any property claims," she

said. "There should be a focus on access, not just use [of the data]."

Breitenstein explained why it is difficult to keep genetic information private. "The boundaries of your physical body or cellular structure have no integrity," she said.

People shed genetic data constantly on such things as hairbrushes and door handles, she said.

Audience member Sarah T. Evans, a Harvard Medical School student, said she appreciated the diversity of the panel but worried that no clear remedies had been presented.

"Everyone agreed that there is some sort of a problem," she said. "I don't think anyone offered a really good solution, but they all recognized the need for discussion and education about it."

The next discussion in the series on the Human Genome Project, to be held March 7, is entitled "The HGP, the Patient-Doctor Relationship and Translating Advances in Genomics into Better Health."

The Harvard Crimson contributed to this report.

• Correction •

In the February 16 edition of the RECORD, an article titled, "Students work to bring justice in Haiti," incorrectly stated that the featured students spent part of their time working

out of Greater Boston Legal Services. In fact, the students involved in the project were working out of the offices of the Harvard Immigration and Refugee Clinic.

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PERSPECTIVE

by Cullin O'Brien '02

Cupid's Crooked Arrow

If only there were a Valentine's Day equivalent to Christmas's Scrooge. Yet even if there were one, it wouldn't be an exactly appropriate way to characterize my message. I'm not trying to take the life out of Valentine's Day. I'm just saying that the Harvard University Valentine's Day match-making project was (for a lack of a good vocabulary coupled with too much TV) *wrong*.

What do I mean? Answer: I'm not saying that it was wrong to "hook people up." I'm all for rubbing and love-a-dubbing, dancing and being in love-ing (or however Lenny Kravitz sings it). Could the name of the venue — The Big Easy — have been any more fitting? But damn! The survey should not have asked about racial or religious preferences in matching couples.

In case you don't know what I'm talking about up to this point, then this paragraph is for you. (For those of you who filled out the survey, or know what I'm talking about, skip to the next paragraph and try to think of a better name of a place to hook people up, besides The Big Easy — if you open up a place with that name, you'll probably be a must visit the next time the E! show "Wild-On" visits Boston.) From what I understand, there was an event to hook up single people for Valentine's Day while at the same time raising money for charity. Anyone who was a graduate student at Harvard University could participate. In order

to get hooked up with other singles, a participant had to fill out a survey. People would be matched with the 10 most compatible people, according to survey answers. People got their matches and had a chance to meet them at a downtown Boston nightclub. The survey questions generally ranged from (unfortunately I can't remember the exact wording of each question, so this is my best approximation) the difficult and trite — "What are three words that best describe you?" or "What's your ideal vacation spot?" — to even more ridiculous or problematic questions like, "What's your racial preference in a mate, if any?" and "What's your religious preference in a mate, if any?" One had to pay five bucks to see the matches (for charity).

You might say: So what's the big deal? People have fundamental preferences with respect to whom they want to date. Those preferences range from whether a potential date smokes, likes classical music or is of a certain race or religion. There's nothing wrong with that. Nor is there anything wrong with setting up a match making service that lets people make potential mate/date selections on the basis of those preferences.

I say: Bah Humbug! As a practical matter, nobody was going to get married after meeting their Big Easy match. Or at least nobody went into the survey with that frame of mind. We all watch "Temptation Island" (and of

course we watch "Survivor," too, Nick). Matchmaking surveys are a good laugh, an ego booster or just something quirky to do. To say that the survey should have taken fundamental preferences seriously is too much. It was about meeting people, and raising money for charity. Race and religion should not have been relevant.

The fact that race and religion were relevant is smelly (and that smell is of fishes, not of roses). If the survey was really about getting down and dirty, i.e., real match-making, it would have asked things like, "What's your preference for height, weight, hair length, dentition, bust-size?" (I imagine that lots of people would be outraged about that ... how ironic!) Therefore, to validating racial and religious preferences was gratuitous and improper.

But besides that, how boring! What a great chance to take a concept of *diversity* to its utopian extreme. Just imagine ... "Random Meeting Mixer: No preferences, just put your name in a hat, and, at random, you're matched up with anyone!" And if the students of this institution want more interaction than what now exists (I'm sure many bridges are crossed with the "Oh-I'm-sorry's," or the "Oh-excuse-me's," or "The-acoustics-in-here-suck's," that fill our comfortable classrooms) then the random survey was the chance to make that happen. Unfortunately, the survey set up an unwarranted barrier to an ideal and exciting mixing.

Back to the gratuitous and improper. Notwithstanding another lost opportunity to really mix-up the beautiful, brilliant and awesome graduate student body of Harvard University, the survey is a perfect law school hypothetical. Was the survey illegal? I'm not yet well versed in this area of the law, but things like 42 U.S.C. Section 1981, Massachusetts anti-discrimination statutes and anti-discrimination common law are at least worth looking into. And I'm a good sport for it. (Eight hour take-homes, final papers and in-class write-until-your-hand-muscles-stop-working exams makes one a sport for just about any hypothetical.) That's not a threat, it's just a disclaimer.

Whatever your sociological stance is on the idiosyncrasies of fundamental preferences, as a normative matter I think that any private system that separates individuals on the basis of incoherent and trivial distinctions should be challenged. I'm not talking about regulating the completely personal realm of dating preferences. In general, people should be free to choose whichever dates they want. But the completely personal realm isn't all encompassing. And a university, which supposedly has a serious interest in promoting diversity, should not be able to divide and isolate its students, on the basis of race or religion, in dating or match-making events. Even Bob Jones University walks on thin ice.

PANEL

Continued from page 1

Democrats nationwide. The former president, who "led the country through a national soap opera," according to Kamarck, has continued to dominate headlines his controversial exercise of the pardon power. This has made "the American public forget that they barely elected [President] George W. Bush," she said.

The solution, as far as Kamarck is concerned, is to "get rid of Bill Clinton and make sure that Hillary Clinton is busy bringing home the bacon to Buffalo and [upstate New York]." Responding to this candid remark, Gergen expressed pleasure at seeing Kamarck abandon her former cautiousness in matters concerning Democratic politics, now that she is no longer encumbered by ties to an elected official. "It was so wonderful to see [Kamarck] recover her voice," said Gergen.

Landy observed that Democrats will necessarily be reactive to certain Republican moves. Yet he cautioned liberals. "Don't give the other side all the good symbols," Landy said. He pointed specifically to the ethnically diverse cabinet of President Bush, which he said was "rife" with powerful symbolism.

Democrats must take a two-pronged approach to Republican initiatives, according to Landy, balancing patience and aggressiveness, as required by the situation. Landy said, for example, that an overt attack on programs like "faith-based" charities would be counterproductive. Patience must be used with conservative programs that resonate with the public lest the Democrats be painted as the "Anti-God" party, Landy said.

On the other hand, Landy said that the Bush tax cut proposal should be attacked aggressively. "This is still Jefferson's party,"

Landy said. "It's still the party that's against the fat cats." To drive home this point, Democrats must immediately do one thing. "Fire Terry McAuliffe," Landy implored, alluding to the recently appointed Democratic National Committee Chairman. McAuliffe, who refers to himself as the "Mack," rose to power on the merits of his fundraising prowess.

Rushing began his remarks on a strident note. "This whole discussion of political parties has to begin with an understanding that this country wasn't a democracy until 35 years ago," he said. Rushing spoke of a history of political parties for the "few, not the many."

The Democratic Party, according to Rushing, is really a conglomeration of several smaller parties that solidify every four years during the election for president. This creates a vacuum, Rushing said. "Why bother having political parties?" he asked.

The answer is ideology. "I believe that parties should have an ideology," Rushing said. He pointed to the Massachusetts State House as a negative example, the embodiment of a "one-party system." Rushing said that the Democratic Party is so dominant in Massachusetts that any conservative who wishes to get elected must run as a Democrat. "Our ideology is our name," Rushing said of the Democrats.

Tolman, who spoke last, likened his mission to that of Elizabeth Taylor's seventh husband. "I know what I'm supposed to do," he said, "but I'm just not sure how to make it interesting."

For Tolman, the single biggest issue in politics is the influence of money on the process. The presence of huge dollar figures drives "cynicism and discontent" with the political system. Campaign finance reform is needed to address what Tolman sees as a long-term crisis in politics, one that repels young voters from the idea of serving in government.



Above, the annual Soul Food Fest draws admiring gourmands from as far away as Wyeth Hall. Shirley Jean '03, right, performs a poem at the BLSA Talent Show.



Victor Hu '01, center, and David Hong '01, right, supply free coffee to a parched Harkness patron on behalf of the HLS Christian Fellowship.



Photos by Murad Kalam

Life Through the Lens ...

VIEWPOINTS

THE CONSERVATIVE

THE LEFT-WING CONSPIRACY?

With Clinton out of office, many liberals take solace in the fact that the vast right-wing conspiracy doesn't have much to conspire about anymore. Gone are the good old days when the tabloids could print the truth about Clinton and still sound crazy. Well, I guess they are almost gone. In Clinton's defense, for the first time in eight years the bombing of a two-bit rogue nation can't be blamed on Clinton trying to wriggle his way out of the latest scandal. As for bombings in the past eight years, I have my doubts about Clinton's intent. I know that the left-wing, pro-war types amongst us defend all of the Clinton bombings as justified. But I will always be a little skeptical that "Wag the Dog" wasn't written by a psychic. Given Clinton's earlier views on the military, the Commander-in-Chief title never seemed to fit. It was like making Dershowitz the chief of police.

But the liberals are right. There isn't much left for us conspirators to do anymore. When liberals controlled everything, the liberal commentators had their work cut out for them. They came up with such creative ways to explain why socializing medicine in the U.S. was consistent with preaching the virtues of market economies to the Eastern Bloc countries. When Clinton made a run to the center, they had to explain why the Republican ideas that he was espousing are really tenets of the Democratic party in the first place. Then they had to explain why an allegation of off-color jokes should keep someone from being on the Supreme Court; but a governor having the state police bring a woman to a hotel, dropping his drawers and propositioning her, is not so bad; actually it is her fault and a good opportunity to make fun of her if she doesn't look like a super-model.

The transition in power has created a conspiracy vacuum. Republicans have nothing left to conspire against and the Democrats haven't been picking up the slack.

Now that the balance of power has shifted, left-wing conspirators need to get on message. My free advice for the rapidly forming left-wing conspiracy is that you need a new approach on W. The "there goes the dumb guy who beat us" thing just isn't working. To characterize Bush as dumb seems a lot like the loser of a heavyweight fight claiming that the new champion is a wimp. For such a dumb guy, his first month in office has been much more successful than the early Clinton debacles.

The other left-wing conspiracy mantra of Bush being "selected" instead of elected also isn't going according to plan. All of the manipulations of the Florida ballots still doesn't produce a count with Gore on top. You would think that, with all of the liberal newspapers recounting the ballots, you could come up with at least one that puts Gore on top. But, unless you plan on creating a winner-of-just-the-popular-vote-President's Day, I think the whole "we were robbed" angle of your conspiracy isn't going anywhere.

The claim that Jeb orchestrated an effort to systematically deny blacks the right to vote had all the elements of a good conspiracy. But that kind of fizzled when the only thing supporting the theory was that Bush is Republican and there was a police checkpoint a mile away from a polling precinct in a predominately black area. Come on, you can do better than that.

Unless somebody comes up with something good, I worry about what effect this will have on Saturday Night Live. I just don't think that another skit on how taxes are being lowered and education standards are being tightened will make for good television.



Aaron Olsen

SURVIVOR UPDATE

There he was. Hunched by the muddy bank of a mosquito swollen river, Nick pointed casually downstream to the scantily clad Elisabeth. He said something about a pig ... that was all it took to send Mike off, knife in hand, to commune with the spirit of Jimmy Dean. Nick took in the killing with the seasoned detachment of a Crim Law professor, yet he melted when recounting the story to the other members of Kucha. It was the nastiest thing he'd ever seen, Nick admitted, apparently



Nick Brown '02

forgetting all about Gropius showers.

The following week, Nick was the hero of Kucha's reward challenge. Dragging the limp bodies of his tribe around, Nick was the heart of a concerted effort to once again make those Ogakor kids cry.

Later, Nick choked the chicken while Rodger readied the axe. The muted screams of poultry echoed through the camp, no doubt still haunting Harvard's courageous fowl slayer to this very day.

Too bad they failed in the immunity challenge ... then again, Kimmi was fodder for Kucha's heavy guns. Nick voted the whiny vegetarian off with nary a wince. That's right folks, it will only make the tribe stronger.

Next week, someone gets chomped by a croc. Here's guessing it ain't Nick — spies from the Hemenway Outback say that he's looking decidedly unscathed, but no one doubts that he looks tasty enough.

THE LIBERAL

DOES ANYONE AT HLS CARE ABOUT CLASS?

This biweekly gig is murder. Thank goodness they gave us that surprise vacation last week, because I didn't know what to write about. How can they expect anyone to be so productive? The Supreme Court hadn't issued any opinions in like a month until a couple Mondays ago — and let's be honest, they just make that stuff up. So, extra week off or not, I'm still having trouble deciding what to do with my column this time around.

I could dwell on President Bush's stupidity in each and every piece I write. It's not like I'd run out of material any time soon. Truth be told though, I'm pretty tired of him already. Sure, I could continue to lift juicy quotes from websites lampooning W.'s profound advice for our nation's youth ("So when your teachers say, 'Read,' you ought to listen to her."), or mocking his sense of duty to the men who held the nation's highest office before him ("I am mindful not only of preserving executive powers for myself, but for predecessors as well.") Yeah, that's funny and all, but let's give the guy a break. I mean, how in the world is he supposed to know that a predecessor is someone who preceded you in the position?

Furthermore, I've been slowly picking up on the fact all year that publications other than the RECORD do tend to cover the president, Congress, what have you. I certainly don't want to be redundant here, even if that redundancy is in the service of continually pointing out what a dangerously slight intellect our poor, confused Commander-in-Chief possesses. It's all well and good for other columnists appearing in this newspaper to imply that "dumb" Democrats can't even decipher a butterfly ballot correctly; but the difference between us and the Republicans is that we didn't nominate one of those "hopelessly confused" people for president. (I would say that we didn't elect George W. Bush president, but of course no one can really take credit for having done that except Jeb Bush, Katherine Harris and Rehnquist, C.J.)

Since, I've already started down that road, I could return to a tactic I employed last semester — commenting not on politics in general, but rather on the political views that my colleagues have published in prior (note to Pres. Bush: prior means "earlier") issues of the RECORD itself. Just where would that get us though?

Other columnists may not-so-subtly refer to Clarence Thomas to make the point that senators other than dear old Ashcroft had "voted against a lack man for a federal judgeship" as recently as 1991. Would it do any good now though, I wonder, to remind our readers that black men have lost a vote or two since then? After all, each and every Republican senator on Capitol Hill voted against Judge White's confirmation as recently as October of 1999.

Yet, I think I'd rather not dwell on the fact that people can get away with writing columns about Clintonesque hypocrisy that are themselves laced with hypocritical statements. We might wonder how



Matt Wood

Republicans can criticize Bill Clinton for not "keeping the lights on in California," for example, when the Bush Administration's response to this problem has consisted of little more than the

same tired pronouncements about the limited role of the federal government. But there's no benefit to dredging up those inconsistencies, is there?

Maybe, then, I should just recycle material from my own column — rather than someone else's — and hope that no one notices. Last semester, for example, I relayed a comment that Visiting Professor Robert Ellickson had made to my Land Use class, wherein he implied that law students might do more good by devoting their time and energy to law school politics than by trying to change the world at large. What I took to wondering about this week though was what exactly "political" should mean in the law school context.

Catalyst's call upon Dean Clark to disclose more information on the school's utilization of funds, including the amount and source of money devoted to LIPP, is an undeniably important step. The dollars that the Law School sets aside for loan forgiveness will influence whether or not HLS grads are able to leave here with a desire to change the world, rather than just a need to make a ton of money. How much the school nurtures an activist outlook could be said to depend, at least in part, on the amount it makes available to subsidize activist careers.

Maybe the real reason to focus on the local, however, is that working for change at the law school level may in fact be a better and more effective activism — in the "think globally, act locally" sense — than any sort of political action we might take beyond the limits of the campus. There's plenty to do around here before we move on to problems outside this little slice of Cambridge, like addressing a lack of diversity on the faculty, continuing to improve the recruitment process for students of color and, let's not forget, ensuring a living wage for all Harvard employees.

What worries me somewhat is the apparent inability or unwillingness displayed by some of my peers when it comes to explicitly linking our actions at the law school to ramifications in the world beyond. Focusing on the local should not mean simply zeroing in on how to improve our own lot in life. That would be the case even if it were true that better training for all of us will eventually turn us into better lawyers — although having more terminals available in the Hark to cut down on the waiting time for email access doesn't strike me as a particularly weighty matter. Ivy-covered and ivory-towered though we may be to some degree, it seems to me that we should be capable not only of discussing how we might reform classes but also attending to issues of class in society at large.

BAIN

Continued from page 1

newspaper. The uproar attracted the attention of other news sources, leading to the coverage by '60 Minutes.'

"After hundreds of hours and thousands of pages of legal theory in law school," Bain's essay begins, "I have finally had my first real lesson in the law." Bain then describes how police officers told him and his brother and cousin to "shut up" or they "would treat us like we were trying to fight back;" how an officer took away Bain's pin from the Metropolitan Museum of Art, explaining, "This is too sharp for you to take into the cell. We can't have you slitting somebody's wrist in there!"; and how the officer taunted Bain on learning that he attended Harvard Law School, musing that he must be there on a sports scholarship.

The essay punctuates the story with Amendments from an alternative Bill of Rights. "Amendment I: Congress can make no law altering the established fact that a black man is a nigger ... Amendment II: The right of any white person to apprehend a nigger will not be infringed Amendment III: No nigger shall, at any time, fail to obey any public authority figures — even when beyond the jurisdiction of their authority."

As Bain explained in the essay, "there is a special Bill of Rights for non-white people in the United States — one that applies with particular severity to Black men. It has never had to be ratified by Congress because — in the hearts of those with the power to enforce it — the Black Bill of Rights is held to be self-evident."

Within a week of publication, the Village Voice was receiving thousands of letters in response. Bain himself was receiving offers to appear on programs ranging from the Queen Latifah Show and the Discovery Channel to Court TV and Dateline, as well as "60 Minutes."

The article, Bain told the RECORD, seemed to "touch a nerve in American consciousness."

Bain told the RECORD he was hesitant at first about permitting "60 Minutes" to film him. Yet Bain chose the program over other options, he said, "because they've been around longer than many of the other shows and would reach more people." Nevertheless, he was skeptical. "I think in general I just don't trust the media," Bain commented, "because I've seen how they've taken a whole host of black issues of all kinds — the way that issues are spun, it's just constantly disappointed me. So for several months I didn't give them any agreement to do it."

When Bain agreed to accept the offer, he imposed the condition that his brother and cousin be included. "They were resistant at first to include my family in the story," he said. "The Village Voice piece was only my face on the cover, it didn't have my brother's or my cousin's, and it was really important to me that they be part of this story, because they were part of the incident."

Bain told the RECORD he was pleased with the coverage the program gave to his family. He also said he is generally "glad" to have appeared on the show. He is disappointed, however, with some aspects of the program.

In particular, Bain was disappointed that the show did not give more coverage to his "proactive" responses to the false arrest. Bain has been involved in social activism since his undergraduate days at Columbia University. He performs regularly with the New York based music and poetry ensemble Diorgen, and has also helped found the Blackout Arts Collective, a non-profit group that organizes performances in Boston and New York and conducts tutorials that use drama and hip-hop to teach young people about social issues. Since his first year at HLS, Bain has worked with young prisoners at deten-

tion centers in the Boston area.

Additionally, Bain is working on a book that will expand on his Village Voice essay. The book, which Bain has tentatively titled, "Walking While Black: The Bill of Rights for Black America," will have ten chapters, one for each of Bain's alternate Amendments. It will include reflections from black activists and writers who approach the question of "how institutional racism affects black America" from a variety of disciplinary perspectives, Bain said. Prof. Guinier is helping Bain with the project.

None of this activist work was included in the "60 Minutes" program. Bain said he met for five hours with "60 Minutes" reporters and Prof. Guinier to discuss the book project. "They taped the whole thing," he said. "We have a transcript of that meeting, and they didn't include any of that." The "60 Minutes" program also included no information on the Blackout Arts Collective and Bain's artistic work.

"What I was disappointed about in the story," Bain told the RECORD, "was that it didn't explore the different things that we are engaged in to challenge the status quo and change the societal conditions that black people are living in. Racial profiling, I think, is a symptom of much deeper problems in the society, and we're actively working to change things in the society, and that was something I felt they should have given more attention to."

"So the first thing I said to them when I saw it was, number one, well, I'm happy you didn't portray me in a negative light — that was definitely a possibility that Prof. Guinier brought to my attention — but at the same time, there's a lot of proactive work that we're doing that wasn't given time to, and I wish it had been."

For the future, Bain plans to continue his work in activism and the arts. "I saw law school, actually, only as a tool to empower me to do this," Bain told the RECORD. "I had no idea how it

would empower me to do this, but some of the opportunities that have emerged in the past year have been part of that."

"I think had I not been a Harvard Law School student, my story would not have been as interesting to most of the country," Bain said, "and I think that's a really sad reality, because what happened to me is happening to hundreds of thousands of black men and women around the country, and their stories aren't making the front cover of the Village Voice, and their stories aren't being told on '60 Minutes,' and their stories aren't receiving thousands of responses, because in the eyes of many people in this country, they're not seen as legitimate or as valid, and I think that's part of the sad reality of having this kind of opportunity to be at a place like Harvard."

"At the same time," Bain went on, "I understand that why I came to Harvard was that I saw that there were certain tools and certain skills and networks that I wanted to have access to so that I could work to empower my community. So I feel like it's my responsibility to take advantage of those opportunities to do what I can towards the efforts that I know are just and good."

The full text of Bryonn Bain's essay is available at www.villagevoice.com/issues/0017/bain.shtml

More information on the Blackout Arts Collective, as well as a discussion board on Bain's essay, is available at www.blackoutartscollective.com

The Blackout Arts Collective organizes performances of poetry, music, and hip-hop every first and third Wednesday at the Piano Factory, 791 Tremont Street. According to Bain, "it's the hottest thing going on in Boston right now."

Bain is preparing a lawsuit against the NYPD and the Latin Quarter with the help of Matthew Tollin '00 and Rafiq Kalaam-Idn (NYU '00).

LSC update

Calendar Issue: The Calendar Committee has proposed a calendar for the 2001-2002 school year that addresses long-standing student complaints by ending the school year earlier in May. It does so, however, at the expense of any break between winter term and second semester. The LSC is working to modify the proposal to 1) ensure that classes during winter term are *not* scheduled on Saturdays, the Jewish Sabbath; 2) provide students with a brief break between winter term and second semester while also allowing classes to finish earlier in May. Please direct questions to LSC 3L Representative Frank Rossi (frossi).

Implementation of Strategic Plan: Dean Rakoff and Professor Meltzer will be heading a town hall meeting on Tuesday, March 20 to address the next stages of the strategic planning process. Dean Rakoff also is looking to form several focus groups of students to work with newly-appointed Masters of the new 1L colleges to gain student input into the formation of the colleges. Please direct questions to LSC Academic Affairs Chairman Jeremy Paris (jparis) and President Jay Munir (jmunir).

Hemenway Improvements: The LSC is purchasing several items to make additional improvements to Hemenway Gymnasium. Please direct questions to LSC Facilities Co-Chair Herschel Hamner (hhamner).

New Elections: New elections will be held for the four LSC officer positions (president, vice-president, treasurer and student advocate) and the four class marshals for the Class of 2002 (current 2Ls). Please see the "Adviser" for details. Filing for candidates takes place the week of March 5 to March 9, and elections take place on Wednesday, March 14 and Thursday, March 15 from 10 a.m. to 2 p.m. at the LSC Student Services Desk in the Hark. Please direct questions to Independent Elections Commissioner Mike Adams (madams) and President Jay Munir (jmunir).

Are you interested in public interest work?
Have you thought about working
in Philadelphia this summer?
Have we got a deal for you!

The Harvard Law School Association of Greater Philadelphia is sponsoring a Summer Public Interest Fellowship for 1Ls and 2Ls who will be working at a public interest organization in Philadelphia this summer. The Association has two \$5,000 scholarships available for first-year students, and one \$8,000 scholarship available for a second-year student. In addition, the Association may be able to supplement financial arrangements that students have already made for summer public interest jobs in Philadelphia.

Applications for these scholarships are due by March 15, 2001. Applications are available from Benna Kushlefski at the Office of Public Interest Advising. You can also contact OPIA at 495-3108 for more information about the scholarships.

Don't let this opportunity pass you by!

Sportsguy

by Phil Barenholts '01
RECORD Columnist

HLS HOOPSTERS AIR IT OUT

A new basketball season has dawned on the Hemenway hardwood.

In the C-league, early action saw What's Happening Now defeat BarGulMusLinMan 41-36 in a defensive struggle. **Jessica Ernie Ellsworth '01** played an excellent defensive game, coming up with key steals to build What's Happening's lead. With her play at the top of the zone and **Robin The Cradle Wall's '01** presence in the middle, BarGulMusLinMan had to rely on the jump shot. **Sarah An Apsel A Day '02** kept BarGulMusLinMan close in the first half with her sweet stroke and Gorillas in the **Misty Light '01** sparked a late rally with her deft three point touch to bring her team within three. **Craig Cronheim Gonna Get You Sucka '01** came up with some big free throws to put the game away for good.

The second game was a much more up-tempo affair that featured the running and gunning Legal Aid squad versus Dim Summa Jamma. Legal Aid jumped out to a twenty point lead early in the first half behind **Barry Roe**, Row, Row Your Boat '02 and his hot shooting hand. **Neill Before Zod Tseng '01** kept Dim Summa within striking distance as he and Castles Made of **Sandy Chung '02** sparked an early second half comeback to get their team within fifteen. That's when for **Sara Doctor** in the House? **Altschuller '02** took over the game. She snagged boards, had two steals to spark the fast break and scored from inside and outside. A late burst saw **Lincoln Out of the Frying Pan '01** light a fire. Pan's turnaround jumper

gave Dim Summa hope, but Where in the World is **Carmen Sandiego Alexander '02** sealed the deal with a couple of layups, and Legal Aid ran away with a 74-39 victory.

Meanwhile, the caliber of play in the A-league has gone up. It's Easy started the night off with a victory over the Cambridge Gunners 50-43 behind an insane three point shooting night from **Lars She Blows!! Johnson '01**. **Brian Who's the Ross '02** kept the Gunners close with excellent defense and **Andrew Lorne Michaelson '02** fueled a mini-comeback early in second half. It proved to be too little too late as the pressure did not phase point guard Cool Hand **Luke McFarland '01**, who kept the game at his team's pace throughout.

In the only blowout of the night Showtime II defeated Hickory High 81-61. The game was close through the first half as Hickory's **Mark A Judgment** on the **Melitz** drove through the soft Showtime defense for a number of layups. **Mike Smoked Salmon '02** soon closed off the lane as he took over on the defensive glass and limited Hickory's **Shawn Travis Tritt '01**, who was a monster on the offensive glass up to that point. **Toby Or Not To Be Stock '01** pulled Hickory within five early in the second half before it was lights out as **Jason Up a Kreag Without a Paddle '03** hit five threes, and **Jonathan That Mitchell Never Fly '02** grabbed every loose ball to bring Hickory High back down to earth.

The final game of the night featured

last year's champs against this year's early favorites. The Outlaws handed the Harvard Law Stars their second defeat 75-67, severely hurting the Stars chances of repeating. The Outlaws jumped out to a double digit lead after **Steve Heather Lochear '03** converted a four point play and **Derrick McDuffie** the Crime Dog '03 powered his way to a number of easy scores. Never underestimate the heart of a champion, though, as the Stars caught fire behind the inside and outside games of Peeping **Tom Cotton '02** and **Dominic Nissan Lanza '02**, who pulled the Stars within six with a three, followed by a steal and layup by **Sashi If It's Brown Flush It Down '02**. With a chance to pull within one possession, **Brent You Can Bickley Your Nose**, but You Can't Bickley Your Friends '03 blocked the Stars' three point attempt to claim victory and the inside track to a playoff spot.

B-league play provided the biggest turnaround of the week when Crouching Gulley Hidden Yagmour came from 11 down at the half to win by 13 over Well Hung Jury 58-45. The jury jumped out to the big lead as **Evan For Whom The Belosa Tolls '02** showed off his three point touch and Pastrami on **Ryan Kane '02** played his usual all around game, hitting from outside and driving to the hoop. But the Ang-Lee inspired squad pulled themselves together, and with the help of stellar shooting from **Andy Healy Balloon** and **Kevin Super Colan Blow '01**, they mounted a furious second half run. After going down five the Jury tied the game when **John Orsini Meeny Miny**

Mo '02 drained a 15-footer, but two quick buckets and a tip in from **Steve Moeller-Sally Field '01** clinched Crouching Gulley's win.

In another comeback En Fuego defeated Under 70 by a score of 51-37. Down two at the half, Fuego's **Oren Hatch Epstein '03** took over the game by cutting to the hoop and hitting spinning bank shots while **Eddie Manheimer Steamroller '03** sank a soft floating jumper in the lane. **Ned Gannon Fodder '02** had been keeping Under 70 safe on the boards before **Dan Deep Woods Hoffman '03** started to muscle in for some offensive rebounds. **Dave Sohn Of A Gun '02** attempted to carry Under 70 on his shoulders, but he alone could not salvage a victory.

In the Willis Reed memorial game, the Jugadores defeated the Law Dawgz 65-45. **Adam Admiral Nelson '03** scored nearly all of the Law Dawgz first-half points with a an NBA-style inside game, but Drive a **Steig Through My Heart Olson '01** kept the Dawgz at bay with treys. All **Alon The Watchtower Neches '01** had been giving the Jugadores excellent board work before an ankle sprain. The Jugadores played down a man for the remaining ten minutes of the first half, and **Casey Swing Low Sweet Chariot '03** made the most of the big man's absence, working the glass. But Neches would return in the second half. Hobbled, Neches provided the interior presence **Victor Hu Let The Dogs Out '01** needed to flourish, as he started to pour in the buckets and widen the gap to its final margin.

Fenno

Alan Stone held up the final piece of paper. On it was handwritten, in black marker, "Fenno."

"I'm sorry, Fenno," Stone said, "It appears your blazing torch of intellectualism has been extinguished, at least in this seminar."

Stone had imaginatively imposed the Survivor game rules onto his seminar *Law, Psychology and Morality: An Exploration Through Film*. Every week the students voted one of their group off their little island of academe. The last survivor would get an A+. Fenno stood to get something much lower than that, given her early departure from the Ivory Island.

The first student to go had been the most annoying: a gum-popping, halter-top wearing vixen with a hair trigger where feminist ideals were concerned. She had taken issue with the closing credits in Fassbinder's *The Marriage of Maria Braun*. Her rant about the concept of a "best boy" had pleased no one. An hour later, the tribe had spoken. One down, fifteen to go.

Fenno figured she could outlast the other folks in the seminar. *I can certainly outwit them*, she had thought. But her indispensable outlining skills had fallen on deaf 3L ears. Nobody wanted a bullet-pointed version of the script for *My Beautiful Laundrette*. Hell, most of them hadn't done laundry all year. They just wanted to write a crap paper and hit the beaches in Jamaica.

So Fenno bid adieu to the Pfizer Alan Stone Film Festival. She would have to resort to Saturday School for passive entertainment.

Saturday School was on a Thursday afternoon this week. *Hmmm, that's weird*, Fenno thought. *Isn't Saturday School usually on Wednesday?* She had

been looking forward to the lecture (*When Obscure Students Get Press Coverage*, by 60 Minutes' Mike Wallace) all week, but actually finding it was proving more difficult than expected. A lone publicity flyer, posted underneath a toilet lid in Hauser Hall, had said only 4:30 p.m., *Griswold Hall*, but hadn't given a room number.

Fenno now found herself wandering the first floor of Griswold with no real direction. She was in a typically mischievous mood, so when she came across an unlocked office door — there was no nameplate outside — she couldn't resist a brief trespass.

Upon crossing the threshold, Fenno realized that she had just entered the inner sanctum of Harvard Law School, the den of She Who Must Not Be Named, the Holiest of Holies: this was Sandy Coleman's office. Sandy Coleman, the Administrative Dean at HLS ... *absolute power may corrupt absolutely, but invisible absolute power will really fuck you up.*

Blithely flipping through the top-secret papers on Coleman's desk, Fenno uncovered a single sheet marked *HLS Budget, FY 2000*.

This should be good, Fenno thought. *Maybe I can pass this thing on to that Catalyst agitator, the one who looks like Paulie from Rocky.*

Fenno looked at the sheet with interest; she had always wondered what HLS spent its money on. Here was a place with the biggest endowment of any law school, yet the faculty-student ratio was worse than the physician-inmate ratio at most prisons.

A quick scan of the sheet revealed an unexpected budgetary item: \$540,000 to Hugh Rodham for *Auxiliary Sanitation Management*. Fenno couldn't figure that out. *How did the brother of New York's junior senator get on the HLS payroll?* Fenno thought. *And 540 big ones, jeez, that'll buy a lot of foie gras and mustache wax.*

Fenno needed to get to the bottom of this; she pulled the newest volume of the

Quote of the Week

'Sometimes I feel like Jesus Christ.'

—Gustavo Oliveira LL.M., commenting on the frustrating task of feeding 200 party attendees on a limited budget.

Manhattan phone book from Coleman's shelf. *Clinbaum, Clinson, Clinton ... WG, WH ... there we go ... WJ Clinton. Right on 125th Street, it has to be him.*

The phone barely rung once before being snatched up. "Hello there ..." The slow drawl, the silky delivery, it had to be the man himself.

"Billy?" Fenno asked.

"Uh hold on, darlin' ..." Clinton pulled the phone away from his mouth, but not out of Fenno's earshot. "That's it baby, just a little to the left, oh yeah ... that's the spot, work that for a little while ..."

Clinton got back on the line. "Sorry 'bout that, just hanging a few new paintings here."

"I beg your pardon, sir?"

"A pardon? You got it, honey. Don't worry, sugar-nips, the check is in the mail. Daddy Bill always pardons those who've been a little naughty ..."

"Ummm, well, thank you, sir," Fenno said. *That could really come in handy*, she thought, remembering the spate of lies and half-truths that was her bar application. "But what I'm really wondering about is whether you remember pardoning anyone at Harvard Law School. You see, I'm a student at ..."

"HELL, YEAH, Sugar!" Clinton belatedly. "I pardoned a couple fellas named Bob ... Clark and Mnookin. My brother-in-law set the whole thing up."

Clinton went on to explain that Clark and Mnookin had been convicted last year of severely battering Jason Manning of *U.S. News and World Report* after the magazine ranked HLS third among the nation's law schools.

"Old Bob Clark was hoppin' mad about that ranking," said the former President, "but he's not the physical type, you know, so he teamed up with Mnookin and they went after that poor Manning character. You know, the underworld folk call Mnookin the ZOPA-Enforcer. He's a tough cookie ..."

He went on, "When the cops arrived, Mnookin had Manning in a half-Nelson and he was screaming, 'I'll rip your goddamn nuts off! again and again. I reckon all that 'negotiation' stuff is an act. He's just a guy who likes to kick butt.'"

Fenno tried to keep Clinton talking as she digested these revelations, but his interest seemed to turn quickly back to "hanging paintings." The former president finished the conversation with a breathy question. "Gotta run baby, but before I do, think you could send me a copy of that Harvard Bulletin swimsuit issue. Heard it's got a cover picture of my long Tall Janet that would go great in my, uh, pool room."

Fenno snickered. "You got it Bill," she said, and the phone clicked dead.