



Photo by Murad Kalam

A wide-eyed Suzanne Filippi '02 liberally dusts makeup on the closed lids of Jason Watkins '03.

by Mike Wiser

For the 1,500 people who are estimated to attend Parody's "License to Bill" the production lasts only a couple of hours. But it's a year long job for the 54-person cast, 15-person crew, five-person band, and numerous writers, producers and managers of the Parody.

If you weren't one of those people in the audience for this often-controversial show, then it might be worthwhile to note that the Parody is an annual musical production of the HLS Drama Society that lampoons campus institutions, classes, professors and students. According to a history printed in the playbill from 1999, the Parody developed

THE PARODY: One night of laughter, one year of labor

from the school's sporadic Law School Talent Nights. First a revue, it was later expanded into its current musical format. The first production with a plot was the 1966 show entitled "Kid Me Not or the Matter of Tot" about a ten year-old admitted to the school as a publicity stunt.

Later Parodies became increasingly sophisticated with titles that relied more and more on puns.

Among some of the notable productions were, "The Paper Waste" (1974), "North by North Middle" (1983), "Gannet House Horror: A Nightmare on Mass Ave" (1989), "The Cocky Lawyer Picture Show" (1995), "Raiders of the Lost Hark" (1996) and last year's "I Know What You Made Last Summer."

A Year of Parody

Behind all of the puns are scores of people who start working in April to ensure the success of the next Parody. While the production is truly a collaborative effort, it begins when the Drama Society elects two producers to head up a performance slated to begin in

Please see **PARODY**, p. 8

Panel debates merits of punitive damages

by Zachary Price

For HLS students planning to work for contingency fees, Congressman Bob Barr (R-Ga.) has bad news. President Clinton may have blocked Congressional efforts to limit punitive damages, Barr told HLS students on Tuesday. But now "we have an administration that shares the philosophy that we ought to do something to reign in punitive damages." As a result, Barr explained, "some lawyers may not see those billion-dollar awards."

Barr spoke at the HLS Journal on Legislation's Symposium on "Reforming Punitive Damages." On a panel moderated by Prof. Bruce Hay '88, Barr was joined by Professors Martha Chamallas of University of Pittsburgh Law School, Marc Galanter of University of Wisconsin Law School and Jon Hanson of HLS. Appearing along with the academics were Walter Olson of the Manhattan Institute, Thomas Sobol of Lieff, Cabraser, Heimann & Bernstein, and David Tuerck of the Beacon Hill Institute.

Barr told the symposium audience that punitive damages are "something that I and many other members of Congress hear about when we go home, particularly from small businesses." According to Barr, the issue has political resonance.

"There have been a number of efforts over the past three Congresses — which are the years I have had the honor of serving in Congress — to really get into the substance and process of punitive damages," Barr said. Hearings in the House Judiciary and Commerce Committees have laid the groundwork for reform, which Barr believes may become law under the new administration. Barr supports legislation that would limit the size of punitive damage awards and impose a "clear and convincing" standard of proof.

Other panelists challenged the wisdom of such reforms. Chamallas argued that punitive damages play an important "compensatory role." She saw an analogue between present-day civil rights claims and the slander and seduction cases in which punitive damages

Please see **JOL**, p. 3

Prof. challenges Darwin's sway

by Randall Jackson

In a well-attended forum sponsored by the HLS Christian Fellowship, Prof. Phillip Johnson of the University of California at Berkley Law School delivered a lecture entitled "The Establishment Clause and the Controversy Over Evolution: Has Science Become the Religious Establishment?" Touching on subjects that ranged from the framing of the debate in the media to the treatment of evolution disputes by the Supreme Court, Johnson's lecture challenged the audience to be acknowledge contradictions in the argument against Creationism from legal and scientific viewpoints.

Citing a Gallup poll, Johnson suggested that the group of people who should be appropriately termed "creationists" is much larger than is commonly presumed.

"Forty-four percent of Americans are strict creationists. Ten percent are strict evolutionists, and most of the rest of the respondents to the poll indicated that they believed a god put the events of evolution in motion," said Johnson. "These people are typically described as God-guided evolutionists, but their beliefs might actually

Please see **DARWIN**, p. 5

Conference exhibits tension between activism, academia

by Justin Cooper

Undaunted by bad weather, students and professors filled Austin West on Saturday for an all-day conference on federal jurisdiction and the procedural rights of criminal defendants, prisoners, and would-be immigrants. The conference, entitled "Blocking the Courthouse Doors", was co-sponsored by the Harvard Civil Rights-Civil Liberties Law Review (CR-CL) and the American Civil Liberties Union (ACLU). Panelists included Congressman Jerrold Nadler of New York and the Honorable Nancy Gertner of the United States District Court, as well as a wide assortment of highly esteemed academics and activists.

Conference organizers divided the speakers into panels along thematic lines. In the morning, the audience heard first about the general phenomenon of

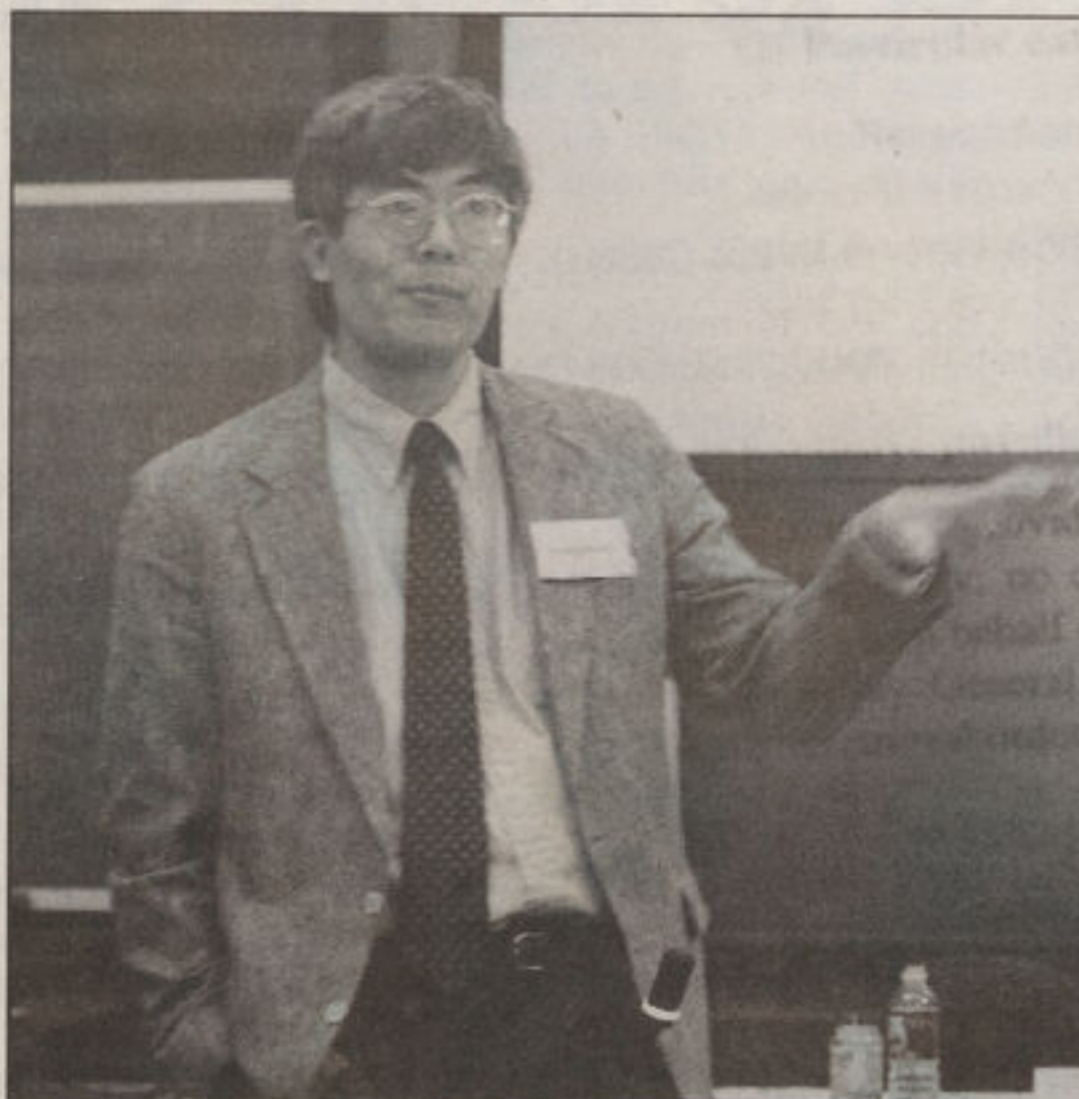


Photo by Nilufer Shaikh

Prof. Hiroshi Motomura of the University of Colorado School of Law challenged the argument that non-citizens lack Constitutional rights.

"court-stripping," in which a legislature acts to curtail judicial power or jurisdiction, and then about limitations on federal habeas corpus relief.

In the afternoon, talk turned to legislative limitations on prison condition challenges and then to similar limitations on judicial review of immi-

gration proceedings.

Congressman Nadler gave perhaps the fieriest speech of the day, in which he criticized Congress for passing laws such as the "drug kingpin" statute, which allows the White House to label certain foreign individuals "drug kingpins" and then forbid U.S. citizens to have any dealings with these individuals, but specifically disallows judicial review of these determinations. Nadler also returned frequently to the Bush v. Gore decision, which was not topical in any strict sense, yet excoriated the U.S. Supreme Court to the delight of the Austin West crowd.

CR-CL Managing Editor and Conference Chair Kelly Huffman '01, who coordinated the conference, named Nadler's speech as one of the highlights of the day. Huffman also said that he particularly enjoyed the morning

Please see **CR-CL**, p. 3



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CR-CL

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overview panel on court-stripping. "It gave a broad view of court-stripping, looking at it from the perspective of an activist, Laura Murphy of the ACLU, a journalist, Anthony Lewis of The New York Times and a federal district court-judge, Nancy Gertner. It described the political situation behind the laws we discussed and it also showed the effect of the laws on real people," Huffman said.

Not surprisingly, different attendees found insight and wisdom in different panelists. Andrew Wilmar '01 was particularly impressed by Stephen Bright, Director of the Southern Center for Human Rights, who spoke animatedly on habeas corpus and on the denial of basic Constitutional protections to indigent criminal defendants. "Every time I listen to Stephen Bright, I don't know whether to laugh or cry. He's the embodiment of tragi-comedy," said Wilmar. Bright spoke not only on legislative court-stripping, but also on the problems of elected judges and poor lawyering, which he sees as acting together to strip criminal defendants of all legal protection. According to Bright, elected state court judges find it politically impractical to stand up for the rights of criminal defendants. Added to this, according to Bright, is the problem that many criminal defense lawyers "haven't read a case since they were in law school" and simply waive any potential Constitutional defenses at trial, either through ignorance or apathy, thereby precluding future appeals on these grounds. Thanks to incompetent defense attorneys and politically-minded judges, Bright says, "the Bill of Rights simply doesn't apply" for many criminal defendants.



Photo by Nilufer Shaikh

Prof. Gerald Neumann of Columbia Law School questioned the denial of court review procedures for convicted aliens during his appearance at the CR-CL conference.

Although he railed against the election of judges, Bright ended up getting one of the biggest laughs of the day when he admitted that executive appointment of judges is not a perfect system, either. "You're going to have bad judges under any system," he said. "That's life. You get bad judges just like you get bad popes." Bright sat on a panel with Professor Joseph L. Hoffman of Indiana University School of Law and Professor Larry W. Yackle '73 of Boston University School of Law.

All three agreed that poor lawyering is a major problem, especially in death penalty cases. At times, they directly encouraged law students in the audience to go into fields of law where they could correct these problems, but at other times the panelists kept their comments on a more academic plane.

Huffman acknowledged that a tension between activism and academia ran through the whole conference. "This was an interesting [conference] in that we co-sponsored with the

ACLU," said Huffman. "CR-CL is interested in both activism and academics, with the emphasis on academics, while the ACLU's primary goal is activism. I think because of that, the conference did more toward trying to spur people to action."

Bright, in particular, took the opportunity to give a call to action. "Of all the things you could have a conference on," he said to a group of students assembled at the front of the room after the panel was over, "this is the most important thing, denying people their day in court and their legal rights. For law students, as future lawyers, this is a crisis of the legitimacy of the legal system. One hopes that the graduates of HLS will do something about that once they get out of here."

Huffman said that he appreciated the activist edge to the conference, but also acknowledged that he does not think a conference at HLS "is that great a way to generate grass-roots activism." Huffman added that he is most excited about the prospect of several of the day's panelists coming together to write papers on court-stripping.

"From those papers, lawyers may be able to create new arguments against the [court-stripping] laws, or public opinion may be swayed. I think this is the best part of this type of conference," said Huffman. In addition to the ACLU, which initially pitched the conference idea to CR-CL and helped organize the day's events, major law firms such as Baker Botts, Morrison & Foerster and Wachtell Lipton Rosen & Katz contributed generously. Huffman also mentioned that CR-CL Editor in Chief Shelley Gregory '01 and Eve Cary of Brooklyn Law School did a lot of the organizing for the conference.

After the presentations had ended, participants and audience members adjourned to the Harvard Faculty Club for a closing reception.

JOL

Continued from page 1

were first applied during the 17th, 18th, and 19th centuries. In both types of cases "there are other harms, non-pecuniary injuries," she said, which may be difficult to assess as actual damages, but which punitive damages may capture. Chamallas worried that the elimination of punitive damages could prevent the legal system from deterring such "combination personal and social harm."

Hanson agreed that punitive damages help the legal system capture intangible costs. He criticized legal economists who assess damages only in terms of economic deterrence. Hanson argued instead for the perspective of "attribution theory."

Hanson gave the example of a waiter who spills iced tea on your shirt. "Your reaction to the spill varies tremendously based on a set of variables identified by attribution theory," he said. "Attribution theorists say you might care about such things as: did the waiter do it voluntarily; did he do it knowingly; did he have bad intent; did he do it to put out a fire on your shirt." Punitive damages help the system compensate for such "emotional responses" to injury, Hanson said.

Sobol, a plaintiff's lawyer who has worked on recent tobacco litigation, said he finds it a bit surprising to hear the assertion that the "playing field isn't level for the tobacco industry" and other multinational corporations. When Barr indicated that companies told the House Judiciary Committee they had withheld socially "beneficial" products because of concerns about liability for punitive damages, Sobol

said his response to such companies would be, "Thank God you didn't do it." He explained that products incur punitive damages only if they pose serious risks to consumers.

Olson disagreed. He compared the situation of a punitive-damage defendant to a criminal suspect. In a criminal case, Olson explained, the prosecution must prove its case beyond a reasonable doubt; the forum choice is limited; the court strictly controls prejudicial evidence; and the "principle of legality" protects the defendant from criminal sanction for conduct that was legal when he or she committed it. Furthermore, the prosecutor is a democratically accountable public servant who is paid a flat salary, which offers no incentive for pursuing meritless charges.

By contrast, Olson said, defendants in civil cases face a preponderance standard, the possibility of forum-shopping, weaker evidentiary controls and the possibility of retroactive liability. Worst of all, the opposing attorneys are unaccountable and have financial incentives to pursue groundless claims. Olson described this situation as a failure of due process. He argued that the legal system should take steps to reduce the error rate in cases where defendants are accused of horrible things.

Galanter questioned whether punitive damages are really such a big deal. "This is an area where there's a great deal of lore," he said. He noted that there is a widespread perception, particularly among a "large chunk of people in the business community," that punitive damages are frequently awarded, "granted casually by juries urged on by predatory lawyers," and that the awards are random and arbitrary.

That view is "rubbish," Galanter told the symposium. Research shows that punitive damages are rare, he said. According to Galanter, punitive damages are awarded in roughly 3 percent of all verdicts, which amounts to 5 percent of all plaintiff verdicts. The awards are typically small; they are typically granted in intentional tort cases, not personal injury or malpractice claims; and they are not awarded uniformly throughout the country. Galanter noted punitive damages are particularly rare in the Northeast. "If any of you want to get rich [off punitive damages]," he told the audience, "you've got to leave this part of the country."

The final panelist, Tuerck, challenged Hanson's account of law and economics analysis. He argued that excessive damage awards produce waste, in effect taxing economic activity, slowing growth, and increasing unemployment.

A second panel at the symposium discussed the system for awarding and assessing punitive damages. This panel was moderated by HLS Prof. Margo Schlanger, and included Prof. Kip Viscusi, as well as Prof. Carl Bogus of Roger Williams University Law School, John Calfee of the American Enterprise Institute, Mary Rose of the American Bar Foundation, Prof. Neil Vidmar of Duke Law School and Prof. David Schkade of the University of Texas Business School.

Schkade, who specializes in "decision science," expressed concern that jury awards are unpredictable. According to Schkade, research indicates that a method called "anchoring" — the fixation on some available figure, which is taken as a baseline for further calculations — characterizes the approach of decision-makers in a

situation where they are required to generate a monetary figure but are given little guidance.

Schkade said this leads juries to select wildly different punitive-damage figures for similar cases. Schkade advocates a system that would permit decision-makers to consider damage awards in precedent cases. "My colleagues and I feel that one of the most important elements of any reform, whatever it might be ... is that the current case needs to be compared to relevant and similar cases in order to locate the current case in some broader context."

Viscusi shared Schkade's concerns. He discussed research showing that values for human life that emerge in the course of a lawsuit may affect jury damage assessments. Following products liability judgments in which companies got "hammered" for making cost-benefit analyses that undervalued life, Viscusi wondered whether the outcome of the cases would have been different if the companies had used a higher value. His results were surprising. He found that jury damage awards increase, not decrease, when companies use higher values for life. "Using a higher value of life actually hurts you, because it gives the juries a different anchor," Viscusi said.

Other panelists argued such radical reforms are unnecessary. Bogus argued that it would be a "big mistake to take the democratic component out of the system [and] turn it over to the economists." He argued, "maybe jurors had it right and judges had it wrong." Vidmar and Rose discussed research indicating that punitive damage awards are rare and are typically small. They said there is little evidence of a "system out of control."

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FOUNDED IN 1946

Dry Idea

Harvard Law students can be silenced by a variety of campus improvements. Pool tables, foosball, longer cafeteria hours, a new treadmill in Hemenway — these are the minor improvements that go a long way toward making this school a better place to live.

The RECORD would like to add one to the list — drainage. It's a simple request, really.

HLS students are faced with a daily choice. It's a Choose Your Own Adventure with severe consequences for the walker, the footwear and the sub-sock appendage itself. If one decides to use the sidewalk, it oftentimes means wading through six inches of frigid sewer water. Veering from the asphalt path, though, requires the courage to traverse a treacherous blend of ice, mud and snow.

Everett Street, which lies to the north of campus, is a slushy marsh that calls to mind a thawing tundra. Travelling directly from the Hark to Wyeth Hall is difficult without the help of sled dogs. And the path between the Hark and the library is submerged beneath a sea of filthy, melted snow.

Yes, this is an issue that is not as sexy as reduced class size or increased funding for LIPP. No student opinion has galvanized in support of better drainage; likely, none ever will. Yet as long as student demands are heard seriously by the administration, the RECORD believes this one should echo with the powers that be. Harvard Law School could bring its considerable influence to bear on the guilty culprits — whether it be the University or the city of Cambridge.

Baby steps are making a difference at HLS. All we're asking for is a dry place to take them.

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Letters

In Israel, democratic choice breeds free speech

I read with great interest the editorial piece in last week's RECORD ["Sharon not a guardian of peace"; March 9, 2001] detailing the many "crimes" of Israeli Prime Minister Ariel Sharon. I find it especially interesting that despite the statement by the authors that "Many Israelis disagree with Sharon's stern, yet loving, parental maneuvers," (their words) the fact remains that Mr. Sharon won the election by the largest landslide margin in Israeli history. Furthermore, he has successfully assembled one of the broadest-based coalition governments ever seen in Israel, including various right wing, left-wing, centrist, secular, and religious parties which represent the views of the overwhelming majority of Israeli citizens. Sharon's government also contains Israel's first Arab minister — Salah Tarif, a Druze Arab.

I will not address the misleading and untruthful statements the authors of that piece chose to include in their article, as I am sure that intelligent and thoughtful readers will be able to discern them. Instead, I will say that I fully support the right of Messrs. Afzali, el-Gaili, Jean, Khoury, Sayed

and Salahi to criticize the democratic elections in Israel and to disagree with the choice of Israel's citizenry. Unfortunately, at present we do not know what democratic choices Israel's Arab neighbors might make, as none of these nations has ever held democratic elections, and these countries are predominately military dictatorships with little or no representation. It is difficult to know, for example, whether Bashar Assad truly speaks for a majority of Syrians or Yassir Arafat for a majority of Palestinians, since these leaders, like their colleagues in Iraq, Saudi Arabia, Egypt, Libya and elsewhere forbid any free media and either forbid elections altogether or permit their own names to be the only ones on the ballot.

I look forward to the day when Syrians, Egyptians, Lebanese, Palestinians, Iraqis, Libyans, et al., will be able freely to make the same kinds of unfounded criticisms of their own leaders that they are now able to make about Israel's.

Brian Gottesman '03
March 11, 2001

Palestinian Authority is the culprit in this crisis

Re: "Sharon not a guardian of peace" [RECORD; March 9, 2001]

The current violence in Israel and the territories controlled by the Palestinian Authority is being instigated and directed by PA Chairman Yasser Arafat.

Arafat has completely reneged on his promise that the PLO would settle its differences with Israel peacefully. This past summer, Israel offered Arafat a better deal than it ever had before. But still, Arafat was not satisfied. Instead of responding to Israel at the negotiating table with a counteroffer, Arafat launched a war against Israel.

The violence did not just erupt because of Ariel Sharon or any actions taken by Israel or Israelis. The violence is an orchestrated campaign by Yasser Arafat and the Palestinian Authority against Israel and indeed against Jews all over the world (in a speech broadcast on official PA television, a PA appointed official called for the killing of Jews all over the world) in order to achieve gains in the diplomatic process.

This view about the origin of the violence is not my opinion. It is the view of the leadership of the Fatah (Arafat's personal faction within the PLO) and the Palestinian Authority.

Sakhr Habash, a member of the Fatah's Central Committee, told the official PA daily Al-Hayat Al-Jadida that "[the Intifada] did not break out in order to improve our bargaining ability in the negotiations, nor as a reaction to Sharon's provocative visit to Al-Haram Al-Sharif: this was only the spark ...

"Since brother Arafat is busy with many various missions, authority was delegated to leaders in the field, who are on the lowest level of the organizational hierarchy. However, the leadership of the PA remained the source of authority, and it alone was the factor capable of leading the operations of the Intifada throughout the homeland. I can say for certain that brother Abu-Ammar [Arafat] is the ultimate authority for all operations, and whoever thinks otherwise, does not know what is going on ..."

PA Communications Minister, 'Imad Al-Faluji, on a visit to Lebanon, said that "Whoever thinks that the Intifada broke out because of the despised Sharon's visit to the Al-Aqsa

Mosque, is wrong, even if this visit was the straw that broke the back of the Palestinian people. This Intifada was planned in advance, ever since President Arafat's return from the Camp David negotiations, where he turned the table upside down on President Clinton. [Arafat] remained steadfast and challenged [Clinton]. He rejected the American terms, and he did it in the heart of the U.S."

"My visit here in South Lebanon is a clear message to the Zionist enemy. We say: Just as the national and Islamic Resistance in South Lebanon taught [Israel] a lesson and made it withdraw humiliated and battered, so shall [Israel] learn a lesson from the Palestinian Resistance in Palestine. The Palestinian Resistance will strike in Tel-Aviv, in Ashkelon, in Jerusalem and in every inch of the land of natural Palestine. Israel will not have a single quiet night. There will be no security in the heart of Israel."

Al-Faluji continued: "The PA instructed the political forces and factions to run all matters of the Intifada" (Translations courtesy of memri.org.)

It is Arafat who has deliberately injected children into the forefront of the conflict. The PA sends its children to the front lines so that Arafat's forces can use the children as cover from behind which to fire at Israeli forces. The PA even shut down its schools for a period of time to ensure that the children would be on the front lines. It is Arafat's forces who blow up school buses, deliberately targeting innocent schoolchildren and schoolteachers.

Israel has reacted to Arafat's use of force with remarkable restraint. The casualties are due to the rules of war adhered to by Arafat's forces: open fire on civilian areas from areas filled with civilians. (Arafat use of this technique in Lebanon was also responsible for the casualties during Israeli actions to prevent attacks against northern Israel from Lebanon.)

The violence and killing will continue for as long as Arafat continues to order his forces to wage war against Israel. Arafat must be made to realize that his armed campaign will not bring him additional concessions on the diplomatic front.

Aharon Friedman '01
March 13, 2001

PERSPECTIVE

by Justin Cooper '01

A Day at the MPRE

At quarter to noon, I'm hustling through the gate to the T. *Gotta get to the exam by 12:30. Students who arrive late will not be admitted.* The back door of the token booth swings open. A uniformed woman sticks her head out.

"Honey, can you throw this dollar bill away for me?" Her extended hand contains a single dollar bill. George Washington is there, but there are no numbers — they've been torn off. "It's no good. I have to replace it." She points to a trashcan five feet away. Under her watchful gaze, I put the compromised bill in the trashcan and move on.

That doesn't happen every day.

On the train, I bump into a friend, also headed to the MPRE, but at a different test center. The usual chit-chat down the Red Line. *What firm? Oh, I hear they're great. You'll love it there. Congratulations! Bar trip? Sounds like a blast. Great to see you ...*

Off at Charles/MGH and I'm jogging lightly down Charles Street in Beacon Hill. My ticket says "150 Mt. Vernon St., Boston, MA" *Isn't that where they filmed the Real World Boston?* It is. But it's not where they give the MPRE, as I found out.

12:00 p.m. on Mt. Vernon, where a pack of confused law students consults a map in front of a nice old Brahmin brownstone, Number One-Five-Oh. No test here, obviously. *But it has to be here.* It's not. Talking and talking and it's getting closer to 12:30 — *Students who arrive late will not be admitted.* Confusion and more confusion and then I set off up the hill, towards Government Center. Why Government Center? No reason. *Gotta walk somewhere fast.*

Cell phone!

I call the MPRE in Iowa. The man laughs at me, kindly, not mean. "Justin, I hate to tell you this, but there are two Mt. Vernons in Boston. The one you want is south somewhere, but I don't know. I've never been to Boston. Call this number." *No pen. No paper. Remember the number. Remember the number. Dialing. Got it!*

At 12:10, I get a recording: "If you want directions to the Executive Conference Center, located next to the JFK station on the Red Line, please visit our website at www.dot-blah-blah-blah. Goodbye!"

JFK! Crap! Only 20 minutes left. A mad search for a cab and then finally I find one and hop in. The driver: *Friendly, no English.* We go a block and I realize we're headed back to Beacon Hill. "No, the other Mt. Vernon!!!" He's never heard of it. I hop out, ditch the \$1.50 fare and flag another cab. And another. Two more. Has anyone in this city heard of the Executive Conference Center on Mt. Vernon Street?! *Past 12:15 already! Panic!*

Another call to the MPRE. "Please, please, where is the other Mt. Vernon Street?!" *A little too strident. Way too strident, in fact.*

"I don't know sir, I've never been to Boston."

"But I'm going to miss the f***ing exam!!!" *Pulse pounding in my ears.*

"Sir, I don't have to listen to that kind of language." *Calm down. Cool. Cool. Cool.* "You're right, of course, I apologize. Really, I'm very sorry. You're right. Of course. Well ... so ... what do you think I should do?"

"I think you might want to consider taking the next exam."

Calm on the outside. Inside, systolic at 150, diastolic chasing 100. "And when is that?"

"August 10, sir."

August 10? August 10! Head spinning, I hang up. August 10. That's almost two weeks after the bar — my bar trip! August 10. The bar, the trip, the firm! I want my life back!!! August 10.

12:20 PM and I'm crawling across the Boston Common toward Park Street. *Totally dejected. No hope now.* I call my mom to whine. *Not there. Can't get a break!*

At the Park Street Station, I see two cops. A light flashes. *Hey, I bet they know where it is! Maybe I'll just head down there and see ... you never know ... they could be running late.*

"Do you guys know if there are two Mt. Vernon Streets in Boston?"

Nicest guys in the world. Especially for cops. Smiling, "Yeh ... thehz loadz of 'em! Whaddya expect ... we got five Washington streets and fough Pakh streets ... wheh yeh lookin' ta go?"

At 12:30 they send me southward on Red. I can only think of one thing, *August 10. All the way down the track, August 10. August 10. August 10.*

At 12:45 PM the doors slide open at JFK. *Hurry! Hurry!*

There's a big fellow standing on the platform with a protruding brow and a heavy jaw. A shorter Gheorghe Muresan. I dodge right. Muresan cuts to his left. Now left, and there's Muresan again. Right! Left! Right! Duck under Muresan and scoot and I'm sprinting up the stairs, then down again and out into the street.

I grab a stranger. "Do you know where Mt. Vernon Street is?"

"Look out, you're in the road."

"But where's Mt. Vernon Street?" *Come on!!! August 10!*

"You'd better get out of the road," Patiently, "Just step up onto the curb."

No time for that! *August 10!*

Uh oh! Car coming. She was right! Close one!

On the curb, she calmly explains that the left side of the road we're on is Mt. Vernon Street, and the right is Morrissey Boulevard.

What? She's crazy! No, she's right. Left side Mt. Vernon, right side Morrissey. *Only in Boston.*

The sign says "Executive Conference Center, Straight Ahead." To the left is a building marked, "Executive Conference Center."

A quick decision, *I'm going with the building.*

12:55 when I start running again.

My heart ... *thud ... thud ... thud.* *August 10. August 10.*

Up the path to the building and around the corner, and *YES!!!!!!* There they are!!! Hundreds of students ... beautiful, sweet, merciful students lined up outside to register! They haven't started yet! *SUMMER, TRIP, LIFE ... ALL SAVED!!!*

Whew ... wow ... Close call ... slow down ... OK ... easy ... easy ... easy ... OK ... time to breathe ...

Inside is calm. *We're cool.* The woman from the conference center is laughing somewhat guiltily. *No more August 10.* Apparently, they've been getting angry calls all day from the residents of 150 Mt. Vernon Street in Beacon Hill.

"What are all these damn law students doing at our house???"

But now I've got a question of my own: *What if I fail the exam?*

DARWIN

Continued from page 1

be termed soft-core creationism."

Johnson explained that this was so because of the way the evolution debate was beginning to be reframed in many communities and in courts. While traditionally the establishment clause debate has been looked upon as a Religion vs. Science debate, Johnson suggested that there was growing acceptance of the idea that scientific thought could lead one to the conclusion that life was the product of "intelligent design." The idea is that purely natural processes tend to lead to either randomness or very simple, repetitive order. Highly complex organization, Johnson argued, was accepted as evidence of intelligence.

"The scientists who run S.E.T.I., the Search for Extraterrestrial Life, are from the academy which endorses Darwin's creation theory. They're listening through powerful radio telescopes for a complex signal, which would, of course, be indicative of intelligent life. Yet these same scientists look at the complexity of a human cell and insist that it could be created from purely natural and random processes," said Johnson. "Their concept is that through pure chance, natural processes and natural selection that you eventually get from the primordial slime to human beings and then even to Harvard Law professors."

Johnson indicated that the media depiction of creationism as wholly unscientific had helped its dismissal by the courts. Discussing the 1960 film "Inherent the Wind", which was based on the famous Scopes Monkey Trials, Johnson said that it was emblematic of the portrayal of creationists, not to mention historically inaccurate.

"This movie — which some have called a sort of 'Western for liberals' — helped to create the popular image of a conflict between dogmatic, narrow-minded Christians and rational, good-willed scientists which has endured to the present. In fact, no teacher was ever actually arrested for teaching evolution, but a teacher would certainly face a lot of trouble for teaching an alternative perspective today," Johnson said.

Johnson suggested that the view which Justice Antonin Scalia '60 endorsed in the 1986 case of *Edwards v. Aguillard* was gaining popularity in courts. In that case the Supreme Court deemed the Louisiana legislature's mandate that evolution and creationism receive balanced treatment in schools unconstitutional. The dissent written by Scalia suggested that the Court should have focused upon the First Amendment issue in the case and allowed the Louisiana legislature to keep the "Balanced Treatment Act". Johnson said the Supreme Court today would have more votes in line with Scalia's view, and the hope that potential Bush appointees to the court would create a majority.

Ultimately, Johnson argued, much of the conflict came down to what definition of "science" society would endorse.

For many in attendance, Johnson's lecture articulated in an uncommonly precise way their beliefs, or the beliefs, which they staunchly oppose.

"I think a great number of reasonable, intelligent individuals believe in intelligent design, and Phillip Johnson's talk confirmed that," said Steve Lee '03. "He challenged the stereotype of a believer in design as an unintelligent, uninformed hick from the backwoods. The lecture showed that science, religion and law can be discussed reasonably and may have more in common than people think."

• Letter •

Middle East facts cast doubt on Op-Ed piece

In the last edition of the RECORD [March 9, 2001], one editorial ["Sharon Not a Guardian of Peace"] raised the issue of terrorism. RECORD readers and authors Afzali, el-Gaili, Jean, Khoury, Sayed and Salahi might wish to consider the following facts.

Between 1965 and 1982 the Palestine Liberation Organization (PLO) under the leadership of Yassir Arafat killed 1,392 and wounded 6,432. Its victims, according to the Israel Defense Force Journal, were of all nationalities and of all backgrounds.

Yassir Arafat ordered the assassination of two US Ambassadors, Cleo Noel and Francis Meloy, and various other members of US delegations. Arafat's orders to kill then-hostage Noel and two others were intercepted and recorded by the CIA. An attack ordered by Arafat killed the niece of former Senator Abraham Ribicoff as she walked alone on a beach. [Source: Inside the PLO by Neil C. Livingstone and David Halevy (1990, William Morrow)].

The PLO, under the control of Yassir Arafat, has ordered various kidnappings, murders, hostage takings, bombings and assassinations. As head of the PLO, Yassir Arafat was responsible for the 1971 assassination of Jordanian Prime Minister Wasfi Tell, the kidnapping and murder of 11 Israeli athletes at the Munich Olympics, the murder of 27 people, mostly schoolchildren, in Maalot, Israel, an attack on the Hotel Savoy in Tel Aviv (11 dead), a 1978 beach attack in Haifa (46 dead), the bombing of

London's Mount Royal Hotel (1 dead), Kenya's Norfolk Hotel (16 dead), the bombing of a Japanese Pan Am flight (1 dead), the bombing of the Greek passenger liner Orion, etc. [Source: Inside the PLO, see above].

Yassir Arafat and the PLO did not cease organizing attacks until 1993, following the Gulf War and the PLO's disastrous support of Iraq. The PLO did not officially reject violence until 1998 under pressure from President Clinton. According to the Washington Post, in recent months, the PLO has renewed its cooperation with terrorist organizations including Islamic Jihad and Hamas.

Interestingly, according to PA Communications Minister Imad Falouji, PLO chair Yasser Arafat, now also Chairman of the Palestinian Authority, ordered attacks against Israel after the cessation of the Camp David negotiations of 2000. These attacks have culminated in the crises the Middle East now faces.

By any definition of the word, Yassir Arafat has engaged in acts of terrorism. To the authors of last week's editorial: Had Israel adhered to your absolutist rhetoric, it would never have attempted to negotiate peace with a Palestinian leader with that kind of a terrorist past. Would the Palestinian movement — or anyone else — have been better off had Israel adopted the stance you smugly refer to as "justice?"

Elliot Lowenstein '02
March 13, 2001

VIEWPOINTS

THE CONSERVATIVE

NO SPEECH FOR YOU

I have always enjoyed the ironies of politics. For instance, I find it somewhat humorous when the elitists take their private jet to a rally against global warming. Or, there are those who are against testing on animals but then protest for more funding for medical research. Then there are the Hollywood elite who are against gun ownership but have armed body guards. Some of these hypocrites are dangerous, such as supposed pro-life zealots who kill doctors that perform abortions. Some are just confusing, such as those who denounce big tobacco, but want to legalize marijuana. Then there are the ivory tower elite here at good ol' Harvard Law School who defend free speech but do their darndest to silence the recent pro-life campaign that has recently sprung up on campus.

Matt Evans, a friend of mine, began this colorful pro-life campaign in January when he started placing the small "Smile! Your mom chose life" signs on the public bulletin boards. They were torn down so frequently that he started carrying a stapler and fresh signs so he could replace them every time he passed a bulletin board. He replaced them about 3 times per day — that's how quickly they're torn down. (Are these the card-carrying members of the ACLU at work?)

Matt also taped the signs to various students' lockers which, surprise surprise, have also been ripped down. (When the signs on my locker were partially shredded, I happened to be on campus with my four-year old daughter. She asked why the paper was ripped. I told her that some people didn't like them so they tried to tear them down. She said, "Oh Daddy, that's naughty." It's funny how some things are so obvious to a kid.)

One or two weeks into his campaign a staff member of the law school stopped him while he was at a bulletin board and asked, "Are you the one putting this shit up?" When he told her he was, she proceeded to denounce his message as one of hate, accuse him of meddling in women's issues and call him a coward for not including contact information. She



Aaron Olsen

assured him that the administration had received many complaints about the signs and that he was pissing the whole school off. ("Smile! Your mom chose life" evokes this?)

A few days later another staff member stopped him to ask his name. Without saying anything else, she left. The next day Matt received email and voice messages from the Dean of Students who said that she didn't want to alarm him but that she wanted him to see her soon. The Dean treated him respectfully and explained that she didn't have anything against the signs per se, that she believed in the first amendment and free discourse, but that some people had been pressuring her to restrict use of the bulletin boards to those with the dean's stamp. She didn't want to do that and simply requested that he include contact info on his signs.

Some rebuttal signs appeared soon thereafter. Some of the response signs are funny, such as the "Smile! Your mom is sexy" signs — especially those followed with pictures of Chelsea placed next to them with a word bubble, "Why Thank You". Others were personal attacks directed at him, such as "Smile! You're a simpleton." These signs didn't have any contact information either, but oddly enough the Dean hasn't received any complaints.

Others have objected to the use of the law school bulletin boards for such student crusades. They complain that the boards should be reserved for important information. I'm pleased to see people rally to the defense of fliers about guitar and tae kwon-do lessons, discount magazine coupons, roommate vacancies and free cats. They argue that if political slogans are allowed, who knows where it will end. They are right of course. Imagine the horrible consequences of having an open forum at an academic institution.

The Gropius Archipelago

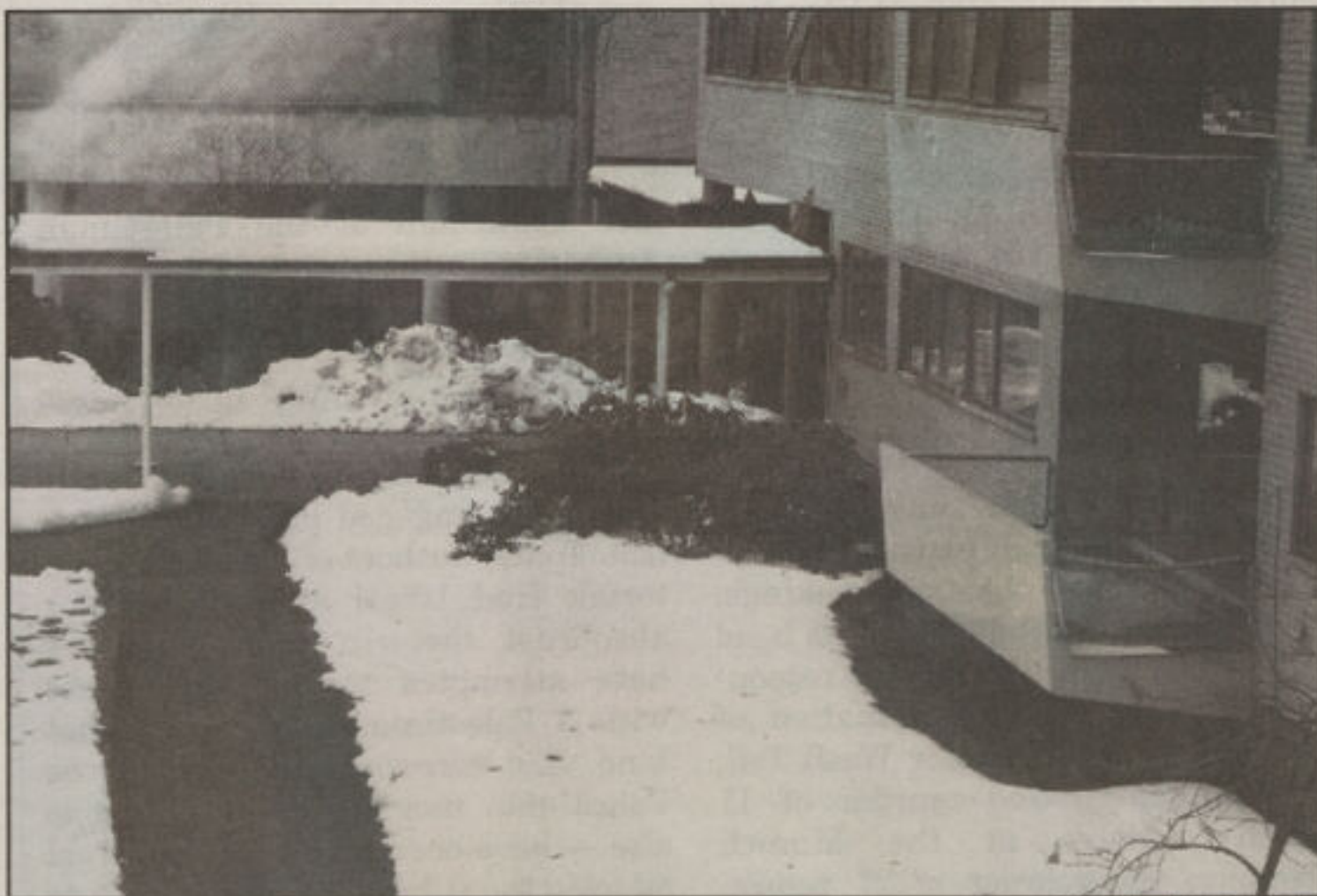


Photo by Nilufer Shaikh

Listen very carefully: You can hear snow falling on cedars.

THE LIBERAL

MARCH MADNESS IS HERE, BUT WHERE ARE THE UPSETS?



Matt Wood

By the time many of the college basketball fans out there are reading this column, they'll most likely be crying into their proverbial — and not so proverbial — beer, wondering how in the world they managed to be mathematically eliminated from their tournament pool after only the first afternoon of games. "I was sure that Princeton's precision, back-door cuts would be enough to overcome North Carolina's overwhelming height, speed and talent advantages," they'll mutter to themselves, despondently.

Some people can't help but root for the underdog it seems. One moment, those folks whose upsets never quite materialized will casually declare that, after all, they really fill in their brackets just for fun. The moment will pass, however, and they'll once again find themselves holding forth on the amazing chemistry of Gonzaga's guards or protesting the raw deal that Butler got with that number ten seed. Such is the stubbornness of people who can't help but expect the unexpected.

Of course, it's been a couple of years since I myself went 16 for 16 picking games on the first Thursday of the tournament. And though that's not really relevant to anything else I have to say this week, I did want to make clear that I went 16 for 16 on the first day of the tournament one year.

Having a prognostication performance like that one under your belt really makes you wonder if it's worth the frustration of partaking in the madness all over again each and every spring. Why waste your time agonizing over those early upsets, guessing which small-time team will earn an extra 15 minutes of fame by knocking off some more high-powered squad? Everyone knows that the championship will almost certainly be won, ultimately, by one of the few elite teams — the repeat players in the system that eventually break Cinderella's glass slipper every time push comes to shove.

Upsets, no matter how you conceive of them, really do occur very infrequently, but that's especially true if you define "upset" in a relatively narrow way. The early surprises may grab headlines, for sure; an unexpected loss might knock one favorite or another out of the running, it's true. Yet, the final result is rarely in doubt, in either the topsy-turvy world of college basketball, or the slightly less topsy, but undeniably turvy world of politics.

Take President Bush's cabinet — please. (And thank you, Mr. Henny Youngman, for giving the world that timeless classic.) Oh, there've been some early surprises, of course. Colin Powell might have wanted to encourage a more humane approach to, or slightly more normal relations with, Iraq, the country he made so much personal hay out of conquering back when President George Bush the Second was just a glimmer in his Pappy's eyes. Powell might have wanted to continue the nascent peace process with North Korea, following through on the plans of that Bill Clinton fellow that Republicans still can't seem to stop talking about.

It turned out that hawks had no reason to fear for their chances. Ultimately, compassionate conservatism lost out to regular old conservatism, and the hard line on foreign policy withstood the challenges presented by innovative thinking. I can't pretend to know

enough about foreign policy to assess the trustworthiness of the Pyongyang government. I do know enough about the Bush family, however, to worry about the possibility that W. might be angling for his own

little war here. There's nothing like sending in the troops to draw attention away from a flagging economy, is there? It sure worked for his daddy — for a year or two, at least.

There have been other surprises coming out of the Bush administration, but those attempts to pull off the unexpected have sputtered out almost as quickly. Christie Todd Whitman might have thought that it would be a good idea to follow through on then-candidate Bush's campaign pledge to reduce carbon dioxide emissions from power plants. A tree-hugger like her couldn't have realized, though, that in this little tournament, the oil companies are the odds-on favorite to win each and every time the ball goes up in the air.

President Bush apparently started to understand that his plan to cut carbon dioxide emissions conflicted with the far more important policy goal of increasing domestic energy production, and with it, increasing the profits of domestic energy producers. After all, what's the point of being president if you can't shape your administration's policies to make sure that your biggest supporters have a little extra cash on hand the next time you've got an election to finance? What do you think is driving his desire to push through this tax cut, no matter the opposition from respected economists and even his own Treasury Secretary?

Sometimes, of course, a sleeper makes it further than expected. You thought that liberals like me, whining about the separation of church and state, would have been eliminated from the picture long ago, as the faith-based charity initiative powered its way through the process. Surprisingly, the argument against government-funded religion had a little more ammo than you might have thought.

Not surprising was the source of this opposition: conservative Christian leaders fearful of the chance that "non-mainstream" religions would also benefit from the administration's proposal to filter government aid through religious groups. While traditionally inclusive religious groups (like Christians, naturally) are deserving of this largesse, the good Rev. Jerry Falwell would hate to see public dollars going to hate groups like the Aryan Nation, the Scientologists, or the followers of Islam. That's not too shocking, is it?

So maybe it's not that hard to make predictions if you're willing to ride out a few early upsets. Though I won't pretend to know which college basketball teams will still be playing when April rolls around, I'm pretty confident of my final four predictions for the special interests that will dominate the Bush White House. It'll be big oil companies coming out of the South, Christian Fundamentalists reigning supreme in the Midwest, the Military-Industrial Complex emerging from the West, and tax-cutting "fiscal conservatives" in the East. Take it to the bank.

Review

PARODY EXERCISES COMEDIC 'LICENSE'

by Justin Herdman '01
RECORD Editor

This year's installment of the HLS Parody — "License to Bill" — fits the tradition of past productions. Yet another in a long line of smart but sassy shows, "License" takes the Parody to new heights of set design, sound work, and dancing. Producers Mike Ginsberg and Taryn Fielder, along with Director Tori Jueds, have succeeded in bringing HLS together to laugh at itself.

The show follows four ostensibly main characters as they try to thwart the sinister plans of Dr. Stanford, a knockoff of the character Dr. Evil from the Austin Powers films. That dastardly Dr. Stanford has injected a virus into the HLS system, which is going to do something disastrous to Harvard's U.S. News & World Report ranking. Quite frankly, I'd already had a couple of beers at this point, so the finer points of the plot are shrouded in a fog of hops and barley. No great loss — the plot merely exists to provide a semblance of order to a series of separate comic scenes. Much like the Harvard Law experience itself, I suppose.

Loosely based on a spy thriller along the lines of Mission: Impossible and James Bond, the production focuses on the fates of the four stereotyped characters: the beer swilling Lincoln's Inn member (Aaron Rosenberg); the hyper-anxious future Solicitor General (Nancy Trainer); the tree hugging do-gooder (Jaime Cantor); and the smiling, glassy-eyed optimist (Chris Kolovos). The four characters accept their "mission" — to stop Dr. Stanford and restore HLS to number 2 — in order to insure that they will have a "License to Bill" upon graduation.

Of the four main characters, Rosenberg stands out as Ale Keable, the belching Bud guzzler with a wicked smaht Mass accent. Rosenberg delivers his one-liners with impeccable comedic timing. The fact that he has some of the best lines doesn't hurt, either. As Heather Mahardworkbetterpayoff, Trainer brings the proper amount of high-strung earnestness to the "must succeed at all costs" character. Though given less to work with, Trainer has the ability to turn a mildly funny joke into a side-splitter. Kolovos is a fine actor — he is very believable as the perpetually sunny student leader Jahan Sohappynotsad. Cantor is given the least amount of material with the environmentally conscious Nina Pinekohn character; in truth, her talents may have been wasted with this most minor of the major char-

acters.

Back to the story. Armed with technological goodies from the work bench of Prof. Jonathan Zittrain (played by Lee Payne), the four characters traverse the familiar halls and stalls of Harvard Law in their quest to defeat Dr. Stanford. By stalls, I refer in particular to a faculty meeting held in the pungent Hark men's bathroom. Only in that noxious space, according to J.D. Dean Todd Rakoff (Andy Shane with a ridiculous, and funny, white beard) will the faculty be safe from the prying student body. All of the professor impersonations are well done, but Kristy Kirkpatrick deserves special mention for her portrayal of the pregnant Prof. Christine Jolls. The scene comes to a rousing close with "Get a B", the professor's ode to letter grading, which is set to the tune of the Beatles's "Let it Be."

Meanwhile, the students are looking into extracurriculars at the organizations fair. Elie Mystal is at his theatrical best as the smooth talking, lecherous T.J. Duanesworld. In this segment, though, the scene stealers proved to be Aaron Thomas and Brian Ross as Christian Right Ward and Mike AdamsFamilyValues, respectively.

In particular, Thomas does an amazing job, delivering what may be very well be the best impression of the entire show. Ross, dressed with precision in an American flag shirt, does some fine acting as the head of the conservative students (who also turn out to be members of LAP — the Landlord Advocacy Project).

The musical acts in this scene are very well done. "Coming to HLS" is a rousing knock off of the Neil Diamond hit "Coming to America." Beginning with a host of giddy admitted students, the song ends with Dave Bigge being swept off his feet and carried into the promised land of fair Harvard Law. Equally impressive is the well-choreographed "Born for the BSA", which satirizes Bruce Springsteen's "Born in the USA."

The two best musical numbers are reserved for the second act, however. "I've Got Friends at Three Aces" pro-

vides the audience with a hilarious spoof of the Garth Brooks tune "Friends in Low Places". Tori Jueds led the ensemble in this boot slapping boogie that had the crowd cheering with every two-step. The appearance of a surprise guest midway through the song brought the audience to its feet (I'm not giving it away, but here's a hint — he's not a law student).

Another fantastic piece was "Eye of the Tribers", which was performed when the four main characters visit the Supreme Court to watch Prof. Larry Tribe duel with Prof. Charles Fried. Taking the lead in this modified version of "Eye of the Tiger", Justin Levitt is superb as Larry Tribe, dishing out elbows and flying off turnbuckles (the gag is that the Court has turned itself into a wrestling ring). In a fit of oral argument frenzy, Levitt tears his shirt from his body to finish off a truly hilarious skit.

As for the recurring villain, Mike Ginsberg does an able job playing Dr. Stanford, but the gag gets a bit strained at times. Yet Ginsberg rescued the role during a putative negotiations session in which he snidely dismisses a

smarmy student (played to palm wringing perfection by Shane). Following this, he takes on Bob Mnookin (Justin Levitt — but come on guys, the plastic olfactory apparatus was unnecessary) while a starstruck Bob Bordone (Payne again, and he's great in this scene) provides color commentary to the hushed class. Eventually besting Mnookin at his own game, Ginsberg's subtle barbs are sharp, witty, and worth the price of admission alone.

One minor criticism: there was far too much profanity during the Parody. Don't get me wrong, I'm all for the use of some fucking cuss words. But the continual use of foul language severely detracted from the dramatic emergence of Frumpy the Swearing Clown (Dan Haley). Frumpy's punctuation of sentences with four letter words would have been much funnier, and much more shocking, if the swearing had been toned down through-

out the production.

During set changes, the Parody producers wisely put together a set of videotaped cameos by HLS professors. Joseph Weiler's deadpan delivery of his line (hatless, he says drily "Dr. Stanford stole my beret") and Charles Nesson's on-camera drift into another dimension are truly hilarious. Jonathan Zittrain shows a great sense of humor by challenging Dr. Stanford to a duel on the web-based fantasy game Everquest, while Larry Tribe recalls Dr. Stanford as a student who insisted on calling the esteemed professor "Chad". There are a few professors who appear live, but they are entirely upstaged by the surprise appearance of everyone's favorite HLS staffer — Caroline Soultanian. Playing a computerized version of herself, Caroline saves the students (art imitating life, no doubt) and the school by directing them to, get this, Dean Clark. Hello? I think the writers may have been trying a bit too hard to secure the Dean's appearance in future productions. The Dean hams it up, as always, and did a fair job by ad libbing a quip about professors forgetting their lines (a reference to Elena Kagan's slip). But the man cannot dance, let's be honest.

Speaking of dancing, "License to Bill" was the most choreography-intensive production I've witnessed since that Fatboy Slim video with Spike Jonze. Set to music from the Parody band — the Stonecutters (props to Band Director Cameron MacDougall, who also dons a fleece pullover to do a great job as the character Juan Vaya Con Rios) — every song has a number of complex moves. Choreographers Ayodele Carroo and Renee Soto put the sizzle into what has typically been a groove-less serving of stationary singing.

The participation of faculty and staff, along with the huge number of student audience members, goes to show that the HLS Parody is the only campus event capable of bringing the law school together as a community. Yes, some of the jokes are mean, but then again, I'm the guy who signs off on Fenno every week.

All in all, the Parody is remarkable not because it's produced and performed by students and professors. No, the Parody — and "License to Bill" is certainly no exception — is remarkable precisely because it is applauded by them. Check it out, else you miss out on proof that Harvard Law School has a soul.

"License to Bill" was the most choreography-intensive production since that Fat Boy Slim video with Spike Jonze.'

Sportsguy

GAMES WON AND LOST AT THE LINE

by Phillip Barengolts '01
RECORD Columnist

The Coed league has become the hotbed of competition recently, as every game seems to come down to free throws or a last second shot.

In a game that featured a twenty point comeback, What's Happening Now defeated Legal Aid 59-54. What's Happening Now broke out to a double digit lead early behind the hot shooting hand of **Craig Cronheim** Going To Get You Sucka '01. Legal Aid would have been completely out of the game if not for a good first half from **Barry Murderer's Roe** '02. The comeback began when **Matthew Sheppard's** Pie '01 started hitting his jumper and culminated in a one point lead when Castles Made of **Sandy Chung** '02 scored on a put back. That was when What's Happening Now turned it up a notch. **Pat Urda** Was The Case '01 hit a clutch three and **Becky Easy Reiter** '01 intensified the perimeter D to stifle Legal Aid's last attempts.

In what looked like a sure blowout early, BarGulMusLinMan used **Fred Missing Link** '02 as a point-center to break down the SupraSonic's defense and bring his squad within striking distance in the second half. **Trish Buy Low Purcell** High '01 had the fifteen foot mojo working, draining shots from all over the floor, while **Ben Keith** Your Hands To Yourself '02 shut down BarGulMusLinMan's three point bombers to help build the SupraSonic lead. Late in the second half, **Phillip Lions, Tigers and Barengolts** '01 sparked a 9-0 run that tied the game. **Dominic Lanza** Lakes Butter '02, playing for the final shot, drove to the basket with the game tied and eight seconds left but was fouled before he could put the ball up. He hit one of two from the line, setting up the final possession. The ball was inbounded to **Andy When I Get That Feeling, I Want Sexual Healy**, who drove the length of

the floor and hit a layup with multiple hands in his face and one second to go for the final 39-38 margin.

B-League action also featured some last second heroics in the game between the Law Dawgz and Jamal. Jamal led for the entire game behind the strong all around game of **Josh Song of Solomon** '03 and the prolific ball-handling of point guard There's No Riz Like Show **Riz Jamal** '03. While **Casey Sweet 'n' Low** '03 kept the Dawgz in the game by bringing the lunchpail and cleaning the glass, but it was the smallest guy on the court who made the biggest difference. With Jamal leading by one, the Dawgz missed the tying free throw, but **Mike None the Geiser** '03 grabbed the rebound and was fouled on the putback attempt. He calmly sank both free throws and Jamal could not convert on its own last second opportunity, giving the Dawgz a 32-31 victory.

In the only lopsided game of the week, the Jugadores beat En Fuego 68-36. **Victor Hu** Let the Dogs Out '01 brought the rain down on En Fuego, and Truth or **Daryl Kreml** '01 was dominant on the glass as the Jugadores led throughout. **Jake The Snake Elberg** '03 tried to keep it close with a few nice looking jumpers and **Mike You Want It, You've Gottlieb** '03 ignited a mini-run to start the second half, but the Jugadores proved too much for the undermanned En Fuego.

A-league action was limited this week, with Black Plague defeating It's Easy 67-58. **Darien Put Your Best Futrell** Forward '01 scored in bunches for the Plague, though **Lars She Blows Johnson** '01 answered with a barrage of treys to keep It's Easy in the game. **Matt Blues Kliszewski** had a huge game on the boards, but **Jamal Lesane** In The Brain '01 finished off It's Easy from the free throw line to seal the deal.

Fenno

Fenno pushed her chest over the bar, jiggling in time to the sweet strains of Little Joe Cook. "One more for the guy with the power-stache," Fenno shouted over the blaring rendition of 'Peanuts'. She gathered up the shot glass and carried it over to the swaying form of Frank Michelman.

"Ah, thank you, Fenno," Michelman slurred as his hairy lips drained the glass. "Nothing like an *arak* shooter with the students."

Fenno looked down to see Michelman's lapel covered in a sugary dust. *He must have eaten them all.* "Bar wench!" Fenno shouted. "Another round of Purim cookies for my main squeeze Frankie."

Fenno and Michelman had come to the Cantab Lounge in the hopes of cheering on Joe Cook, that young guy from the registrar's office. But when a short black man dressed in crushed velvet took the stage instead, the disappointment was bitter. Michelman had responded with round upon round of Levantine liquor.

"I like you, Fenno," said Michelman as he delicately balanced a cookie on his head, "and so I'm going to help you. My squash buddy Nino Scalia and I have a little investing pool going, and I

would like to offer you a chance to join. We've made a tidy profit so far. Why, just last month we picked up a medical company that makes diagnostic kits for foot and mouth disease. Very profitable indeed!"

Fenno got depressed just thinking about her stock portfolio. Watching her tech stocks collapse further and further, her only consolation came in knowing that the great Harvard University had fallen even harder for the "New Economy" than she had. Here was Larry Summers, a leading architect of the economy that lies in rubble at our feet, and what is his reward for this debacle? Harvard proudly names him president of the University. Somehow, this made Fenno's 500 shares in Pets.com seem less absurd. *Stupidity loves company*, she thought to herself.

But seeing Michelman's drunken pliability gave Fenno a thought. Perhaps she could exploit this situation for a little monetary gain. *Just enough to offset my stock losses; he can afford it.*

"Say, Frank, do you follow basketball at all? Cause I happen to have a couple of NCAA brackets here in my pocket ..."

Michelman puffed out his chest importantly, "Well, I was the founder of the legal intellectual movement known as civic republicanism!"

This guy is high as a Georgia pine! Fenno thought. "All right, then, Big Dog, let's see you put your money where your crumb-duster is!"

Michelman slapped a cool \$1000 on the bar. Duly impressed, Fenno proceeded to coach the wise professor through his brackets: "Now, I know people are going to say 'Duke is it,' but I really think Monmouth has a chance ..."

The evening wore on, and Little Joe Cook just kept sweating out the hits. "He's no registrar's assistant," Michelman remarked at one point, "but he hits the high notes like the Scales of Justice on helium." Michelman and Fenno were about to call it an evening when the whole cast of the Parody suddenly burst in. "Those people never parody me," Michelman grumbled.

Tori Jueds, John Fagan and Cameron MacDougall sauntered up to the bar.

Michelman growled at them. "Hey, funny guys," he said bitterly. "You know who I am? You know who I am?"

Jueds snickered. "Uh, I don't have any fucking idea. Shit. Joseph Stalin?"

Fagan interrupted her. "Wait a fucking second, Tori. This motherfucking asshole looks like fucking Frank Michelman."

Fenno just had to ask. "Hey guys, what's with all the profanity?"

MacDougall gave her a cross look. "It's called comedy, bitch. We've got a rock solid formula that's guaranteed to get a fucking laugh."

"Take one campus celebrity," Jueds interjected. "Sprinkle liberally with two healthy doses of potty mouth. And

then just wait for the goddamn guf-faws."

Michelman elbowed his way back into the conversation. "So I hear you guys do impressions of professors. Why doesn't one of you step up and give me your best Frank Michelman."

Jueds nodded, put two fingers into her mouth, and let out a high-pitched whistle. Justin Levitt appeared instantly at the bar.

Jueds barked out an order. "Levitt, do Michelman. Now."

Levitt turned his back. When he spun back around, he was wearing a set of Groucho Marx glasses. Waving his hands and speaking in a warbling falsetto, Levitt said, "I'm Frank Michelman. Look at me!! I'm a fucking shithead!!"

Michelman looked impressed. "Not bad, son. Not bad at all."

Fenno pushed Michelman aside. "Wait a minute, Levitt, that was nothing more than your Bob Mnookin impression. It bears absolutely no resemblance to Mnookin, and it's even worse when you try to pass it off as Michelman."

Levitt looked hurt. "So I guess you're not interested in seeing my David Wilkins or Mark Roe?"

Not having heard of HLS's newest faculty member, Fenno and Michelman asked in unison, "Who's Mark Roe?"

Levitt, waving his hands and speaking in a warbling falsetto, answered. "I'm Mark Roe. Look at me!! I'm a fucking shithead!!"

PARODY

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twelve months. At that election last year, Mike Ginsberg '02 and Taryn Fielder '02 were chosen to head the production. Ginsberg, whose performance in last year's parody was his first time on stage since middle school, said that the discussion about this year's production began almost immediately.

Over the summer the two producers and a team from last year's show used e-mail to bat about possible themes for the Parody. They also started listening for popular music that they might be able to use in the production. It was sometime during this process that the idea for "License to Bill" emerged.

In the fall, the producers and head writers turn to a team of around 30 volunteers who are asked to write individual scenes. From the ten or twelve scenes that get submitted, the head writers then start to cull through the scripts for comedic gems that will eventually end up in the production. According to Ginsberg, the biggest headache for the head writers is selecting from an abundance of good material. The head writers are also given the more difficult job of stringing together a plot through the various songs and scenes.

To Be Parodied

Writing the Parody also involves figuring out what is appropriate parody and what is simply too insulting. "There is a heated discussion sometimes about whether something crosses the line or not," Ginsberg told the RECORD.

Dave Bigge '01, last year's director and current president of the Drama Society, admitted that mistakes are sometimes made. "Parody occasionally goes over the line, but it is never done with bad intentions," he said. "We make it very clear during the writing process that while we're trying to parody various people around campus, we are in no way trying to make someone feel bad or get revenge on someone we don't like. Unfortunately, it is hard to gauge people's sensibilities about certain things, so sometimes a joke that we think is totally innocuous will offend someone deeply."

Erick Harris '02, who is on the cast of

the Parody for the first time, doesn't think this year's Parody goes too far. "[T]he show doesn't really serve as a gossip column; the things that are lampooned are more or less public knowledge," he said. "[P]ersonalities make up a large chunk of the jokes — those same personalities are on display every day in the classrooms and hallways all around this campus."

According to Ginsberg, it is not a bad thing to find yourself spoofed on stage during the Parody. "This is a place where a lot of people are actually very similar to one another, and if you are being parodied it means you stand out somehow. And that is not a bad thing. I think to stand out as a campus leader or an outspoken member of the community is a good thing. I think it's probably better to be parodied than to not be parodied," Ginsberg said.

While students and faculty have complained about the caricatures that appear in a Parody production, Bigge and Ginsberg indicated that most people take it in the light with which they intended. Ginsberg told about a student who was portrayed as a sock on another character's hand last year, and who enjoyed the show so much he bought the cast a bottle of whiskey. Ginsberg also said that last year, Prof. Peter Murray '67, who was depicted as a narcoleptic, wondered how the production knew he fell asleep during faculty meetings.

Members of the Parody cast are not off limits, and in the past individuals who were being parodied have appeared on stage at the same time that someone else was portraying them.

Running the Parody also means occasionally explaining to offended students and professors that they shouldn't take it so seriously. Ginsberg had to deal with one student who found her depiction unfair. "I tried to explain to her the parody philosophy — that no one actually thought she behaved that way every day, but that we had taken one small but well known aspect of her personality and made a caricature of it — but this obviously did not assuage her," he said.

A Cast of Law Students

Once the script starts to take shape at the end of fall semester, the emphasis after the New Year turns to selecting the massive cast and preparing them

for a mid-March production. The casting process is not brutal and almost 90 percent of the nearly 60 students who tried out this year became part of the cast. The producers insist that cast members are extremely talented. "I think there are probably a lot more people out there who would be really great in the show, except for the time commitment that kind of keeps them away from doing it. But the people who come out are great. It's really an energetic, enthusiastic cast," Ginsberg said.

It is certainly a challenge to assemble a cast that includes everyone from professionally trained singers to people who don't even sing in the shower. To cut down on complications, the writers try to keep the songs fairly simple so that cast members don't need too much training in order to perform. In the end, the question isn't whether the cast is ready for Broadway, but whether they can handle the material. "[A]fter all," Bigge said, "we're not doing Chekhov here."

Once the script is turned over to the director, the collaborative nature of the project doesn't end. "As an actor, working on the parody can be a little frustrating at times," Bigge said, "because we're working with a script that was written from scratch by students, so there's usually a lot of fine tuning. It's usually only the week before the show that the lines are finalized."

The cast starts by rehearsing a couple of hours every other night, but the pace picks up quickly. During the last few weeks before opening night, the cast starts to rehearse four to six hours an evening. At the same time the band is practicing the songs, ads must be secured for the playbill, posters made, the set built, lighting assembled, costumes designed and, of course, tickets sold before the five nights of performances.

Chris Everdell '01, one of the cast members of this year's Parody, described the production to the RECORD as varying, "between hyper-organization and utter chaos — often at the same time."

It's All About Timing

The work may sound daunting, but those involved don't seem to complain too much. "It takes a lot of blood, sweat and tears to put together — and mostly

time. But in the end, it is all worth it. The dedication pays off when you see something you've poured your heart and soul into finally take shape," Everdell said.

Bigge said that the people who are involved are one of the best parts of the Parody. "There are no real stress cases in the cast," he explained. "I think it has to be that way — after all, we spend most of the month of February doing nothing but rehearsing a sketch-comedy show — not really your typical law school life ... [I]t's safe to say we're an outgoing bunch."

Harris agreed. "I think the unique thing about this show is that while it's a high-quality show and we have all devoted a lot of time and energy into it, everyone is still very cool about the social aspect of it all," he told the RECORD. "The cast is very cohesive and supporting — it's a group of people out to have a good time and put on a good show, not compete to find out who is really the best singer or actor in the bunch."

For Everdell, the people involved in the Parody help to keep things in perspective. "[T]hey make you remember what is important. That is, spending time with them will make you forget the disappointments or aggravations that arise at HLS and remind you that it is just as important, if not more so, to have close friends as it is to perfect your career path," he said.

Ginsberg sees another advantage to the production. "It gives you something other than law school to think about, and I think you are actually a better law student because of it. Because you're not really focused on the law the whole time, you take a break, and you come back to it," Ginsberg said.

The last question is why the Parody is such a successful institution at HLS. The answer, Bigge said, like all comedy ... it's timing. "Right around March people are just starting to get a little serious around here," he philosophized. "The veneer for the 1Ls has finally worn off, the 2Ls are getting bored and anxious about the summer, and the 3Ls are stressing about 3L papers and 'real life.' So a dose of comedy is needed. This is especially true at HLS, which has such a high opinion of itself. The parody is perfectly timed to say, 'Come on, let's not get so hung up over all this, and let's not take ourselves so seriously.'"