



Student fundraising for public interest faces uphill battle

by Jay Munir

With two nights of telephone calls remaining in this year's Student Funded Fellowships (SFF) phone-a-thon campaign, the campaign's organizers are hoping for a significant increase in student support to meet their fundraising goals. The money raised will be directed towards the summer public interest funding fellowships used by students who work without salary in public interest jobs over the summer.

Last summer, about 200 HLS students received summer public interest funding. This year, according to SFF's organizers, about 30 students have pledged a day's salary, and 150 additional students have made nominal contributions. As of Wednesday evening, the campaign has brought in about \$12,000, slightly more than one-third of last year's total of \$35,000.

"I'd like students to step up a little," said Carrie Dunsmore '01, SFF co-chair. "The goal is not just raising money, the goal is participation in our

community. Especially now, when people are making over \$2,000 a week."

The money raised from students is combined with law firm contributions and profits from the annual Public Interest Auction. The law school matches the SFF campaign's pledges through a loan, and the organization repays the law school in the fall after collecting student donations.

Part of SFF's challenge is to convince students who received funding last summer, many of whom will work in lucrative law firm positions this sum-

mer, to donate a portion of their salary to this year's crop of public interest students. Julie Yip '02, who used her funding to work for a grassroots human rights organization in Bangladesh last summer, said, "the funding allowed me to have one of the most amazing experiences of my life." Students like Yip may represent the best hope for SFF fundraisers. "I haven't yet donated money, but I certainly intend to," Yip said.

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Famed author returns to Austin Hall haunt

by Randall Jackson

On Monday, April 10, the author who inspired and terrified a generation of law students addressed a packed Ames Courtroom. Scott Turow '78 had returned to Harvard Law School.

Turow began his talk on "Life and Death After HLS," which was sponsored by the HLS Forum, by acknowledging that at HLS he is more famous for the nonfiction work that he composed as a student than for the four best-selling novels which received more popular acclaim. "Around here," he said, "I know I'll always be known as the author of *IL*."

The author avoided discussion of that book, however, instead focusing upon discussion of his work since leaving law school. Though he could have supported himself as an author, Turow has never stopped working at least part-time as an attorney. He is currently a partner at the Chicago office of the international law firm Sonnenschein, Nath, and Rosenthal, and has worked as an Assistant United States Attorney.



Photo by Murad Kalam

Author and attorney Scott Turow '78 has focused much of his time on issues surrounding the death penalty.

"I'm a very loyal person, and part of that is loyalty to the person who I was when I graduated from this law school," said Turow. He explained that he had always been a writer but developed into a person who loved being an attorney and

was reluctant to relinquish either part of himself.

Turow spoke at length about his involvement in capital cases in Illinois. The state has been at the focus of recent debate on the death penalty because of the widely publicized mora-

torium on the death penalty that Governor George Ryan imposed after several death row inmates were exonerated. Turow sits on the Governor's Commission considering the reform of the Illinois capital punishment system and worked to obtain a reversal of the murder conviction of Alejandro Hernandez. The trial of Hernandez and co-defendant Rolando Cruz received a great deal of media attention. Turow talked about his initial reluctance to take the case and how his views changed as a result of the experience.

"I learned two very important things as a prosecutor interacting with families of murder victims. One is the unique sense of loss that is experienced when someone you love is murdered. It's very different from that person being killed in an accident or dying of tragic illness because you aren't left with the sense that this was something that no one could have prevented. Secondly, I learned that there is an extraordinary amount of disgrace that survivors

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Latino on Court not a panacea, panelists say

by Mike Wiser

For a panel of experts who gathered on Saturday to discuss the possible appointment of a Latino to the U.S. Supreme Court, the question was not whether a Latino would be appointed, but whether it would make any difference. While the three panelists seemed to agree that a Latino would probably be nominated in the near future, they had dramatically different views on what it would mean and how the Latino community should respond.

At the discussion, sponsored by La Alianza and the Harvard Latino Law Review, former Secretary of the Army Louis Caldera '87 warned the audience not to expect too much from such an appointment. He added that the Latino community should mostly stay out of the appointment process. Prof. Deborah Ramirez '81, who teaches at the Northeastern University School of Law, countered Caldera by claiming that activist groups had a vital role in ensuring that Pres. George W. Bush appointed someone who was not only Latino but who would represent Latino concerns. Kevin Johnson '83, an Associate Dean at the UC Davis School of Law, instead emphasized the difference that a Latino could make if he or she were appointed to the court.

The Death of Identity Politics
For Ramirez, who spoke first during

Please see **COURT**, p. 5

Panel debates social context of voting rights

by Zachary Price

If you thought the butterfly ballot was bad, consider the fare card for the Washington, D.C., metro. During a panel discussion Saturday on voting rights in the 21st Century, Prof. Heather Gerken described the problems the fare system reportedly caused Justice Sandra Day O'Connor when a storm forced her to take the metro to work. Angry commuters, Gerken said, were backed up, "yelling at her."

Gerken offered this anecdote, which she attributed to the Washington Post, to help explain the court's recent decision in *Bush v. Gore*. The Supreme Court Justices "are a sheltered group [with] no sense of what's going on in the real world," she said. Consequently, Gerken explained, the Justices tend to ignore the

underlying social issues in voting rights cases and focus instead on technicalities such as whether ballots were filled out perfectly.

Gerken and the other speakers aimed to address the social context of voting rights issues more directly. The panel, which took place as part of the Harvard Black Law Students Association's 18th Annual Spring Conference, "Am I My Brother's Keeper? Social Responsibility at Home and Abroad," discussed issues ranging from felon voting rights to the recent presidential election, the Census and the opportunities for minority voters to influence elections in a two-party system.

Moderator Milton Marquis, a partner at Jenner & Block who has worked previously in the Antitrust Division of the Department of Justice and in Virginia and Massachusetts state

attorney general's offices, launched the discussion with a provocative comment on Massachusetts' referendum last fall to amend the state constitution to eliminate voting rights for incarcerated felons.

"I used to live in Massachusetts, so I was a bit disturbed to hear [that Massachusetts passed] an amendment to narrow a fundamental right for the first time in its history," Marquis said.

In response, panelist Stephen Saloom, who is the Executive Director of the Criminal Justice Policy Coalition and Adjunct Professor of Criminal Justice at Suffolk University, noted that while Massachusetts had previously curtailed the voting rights of citizens convicted of electoral fraud, the referendum last fall

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Photo by Rashann Duvall

BLSA celebrated the appointment of Assistant Prof. Kenneth Mack '91 to the HLS faculty at Saturday's luncheon. Prof. Mack currently teaches the Section 2 Property class.



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SLLR SPEAKER

Right-wing columnist calls for *Roe* repeal

by Justin Herdman

Ann Coulter has never been accused of being reserved. Just witness the conservative journalist's assessment of Justice David Souter '66. "He's a chimp," Coulter said of the Republican-appointed Justice, whom many conservatives view as a turn-coat. "He writes three opinions a year, and they're incomprehensible."

Coulter's harsh words, which rolled over a rather sedate crowd in the Vorenberg Classroom, did not stop at Souter. Invited to address the Society for Law, Life and Religion's annual symposium — "New Realities and the Future of the Pro-Life Movement" — Coulter sounded off on the controversial topic of abortion.

At the beginning of her talk, Coulter expressed disappointment at the lack of visible protest from pro-choice advocates. "I seem to be demoralizing the left," she said in response to the absence of rioters.

As the keynote speaker, Coulter was on hand to decry the Supreme Court decision in *Roe v. Wade* that legalized abortion. She denounced the decision as an example of a "fascistic order that is supplanting democratic processes" in the name of "choice." Coulter writes for the conservative newspaper *Human Events* and appears regularly on "Politically Incorrect", ABC's "This Week" and CNN's "Larry King Live."

The main theme of Coulter's speech was that *Roe* should be repealed not because abortion is wrong, although she would say that it is, but because the political input of Americans has become irrelevant in light of the decision. "We can't vote, we can't criticize it," Coulter said, clearly exasperated.

Coulter referred to the right to an abortion as "non-existent," based as it is on "non-existent penumbras" of constitutionally-protected rights. "Not only does the emperor have no clothes," Coulter said, "but there is no emperor."

According to Coulter, the *Roe* opinion based the right to abortion on the First, Third, Fourth, Fifth and Ninth Amendments, and the penumbras thereof. "Any right that is that hard to pin down is a hoax,"

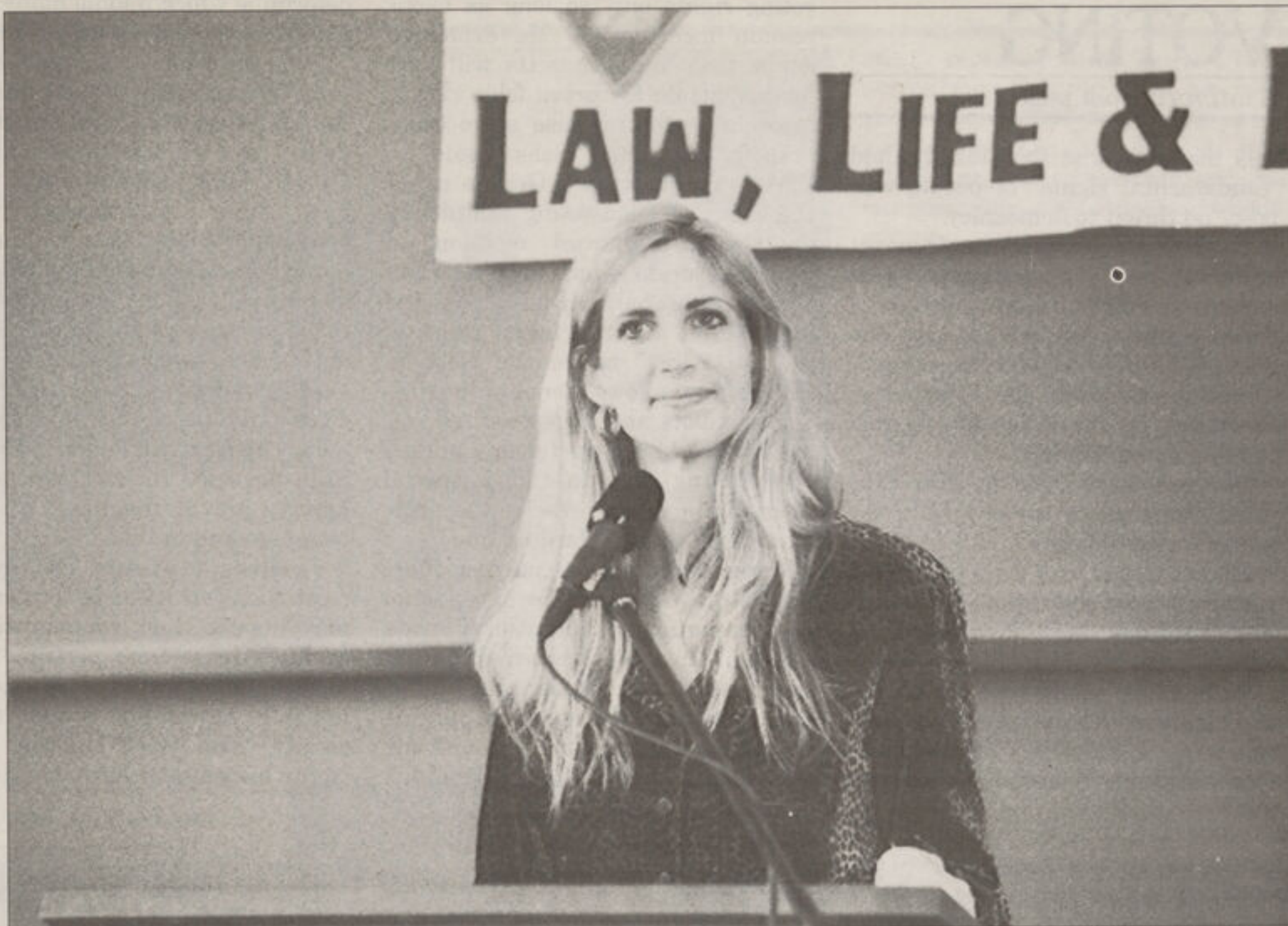


Photo by Murad Kalam

*Ann Coulter, a forceful conservative pundit, denounces *Roe v. Wade* as a decision that subverts democratic processes in the name of 'choice.'*

Coulter opined.

While Coulter later heaped much scorn on the Supreme Court itself, she initially reserved the bulk of her criticism for her colleagues in the media. "Children are 'fetuses', abortion is 'choice', abortionists are 'abortion providers', and abortion is a 'procedure,'" Coulter said about the news media's selection of language.

Even supporters of abortion rights, Coulter said, are ashamed of the right. "This is a constitutional right that even its proponents don't want to be associated with," Coulter said, noting that there are no "Harry Blackmun Abortion Clinics." She also cited the fact that abortion rights supporters "won't show pictures of this constitutional right being per-

formed."

Coulter did not flinch from addressing violence by radical pro-lifers. Noting that the "casualties" in the abortion war number thirty million babies against seven abortion providers, Coulter said that only the seven murdered doctors garnered media attention. "I can't claim to be shocked that some pro-lifers feel murder is the only option left to them," she said.

But Coulter was insistent upon the most pernicious effect of *Roe*. "It is a direct assault on citizens' most basic right to choice ... the right to vote in a democracy ... to have a say in the most pressing moral issues of the day," she said. "We're not subjects in a dictatorship, we're citizens in a democracy. Let's repeal *Roe* and vote on it."

FUNDS

Continued from page 1

"I have not yet made my donation, but I am planning to!" said Taryn Fielder '02, who worked with the New Zealand Human Rights Commission last year and received summer public interest funding.

SFF co-chair Jeff Lerner '01 is counting on these pledges to materialize. "I would like to see at least half of the student body contribute, even if some of the individual contributions are for only \$10 or \$25," Lerner said.

Past Student Public Interest Network (SPIN) President Ayn Ducao '01, who spent last summer working for the New York and San Francisco offices of Gibson, Dunn & Crutcher, cited financial difficulties as the main reason behind her decision not to donate money this year. "I donated last year since I had a firm job. But I'm strapped for cash in the short term this year so I didn't give," she said.

Students were split on whether the law school adequately supports summer public interest work. "I don't think summer public interest funding is adequate," Ducao said. "For one thing, the school could give more money. Another thing the school could do is hire some sort of administrator or professional fundraiser to assist with SFF."

"The school delegates summer funding to students to too large a degree. Students' energies should be focused on academics and learning, not begging," Nina Kohn '02 agreed. Kohn expressed concern that the school's lack of support for public interest funding meant that students were begging other students for money. "I think it [SFF] has the potential for being divi-

sive."

Megan Leef '02, who has already pledged money to SFF, said that although the school does not adequately support the program, "[public interest] is a choice students make that they do not have to."

While Lerner praised HLS for providing administrative support, he views HLS as neutral towards the fundraising campaign. "I feel like the school is pretty much indifferent to SFF; it neither helps us nor hinders us," he said.

Others were less critical. When asked whether HLS supports summer public interest funding enough, Yip replied in the affirmative. "I think the school is committed to supporting public interest, and every public interest student appreciates the support," Fielder agreed.

As the campaign enters its hectic final days, its organizers are aiming to triple their current pledges while sending a message to students interested in avoiding law firm life. "We support you in whatever you want to do," Dunsmore said.

Lerner concurred. "While we all enjoy new buildings, I think when students faced with pretty high debt contribute part of their salary to support other students pursuing unpaid public interest work, they send a clear message about the priorities of the 'consumers' of legal education."

SFF's organizers hope that increased student participation will also strengthen the school's commitment to public interest funding. Dunsmore believes a successful fundraising campaign will boost the school's image in the public interest world. "Harvard is good for public interest, and it would be nice to boost our reputation," she said.

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VOTING

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was the first time the state limited "fundamental rights" of people who pose "no threat to democracy."

The referendum was "simply an act of demagoguery," Saloom said. "This was an attempt to score a couple of cheap political points It was disgusting, despicable, what happened."

Saloom described the referendum as an act of discrimination against "an unpopular group."

"It was so easy here," he said. "The press didn't probe too deeply, ... the public was ill-informed."

Saloom noted that even opponents withdrew from the debate for fear of undermining their credibility on other issues.

While many states restrict the voting rights of felons who have been released, Saloom said the Massachusetts referendum restricts

voting rights only so long as felons remain incarcerated. He expressed doubt that Massachusetts will take further action to curtail felon rights. "Florida began to raise some questions for some folks," Saloom said.

Marquis questioned Gerken about the effect of felon-voting limitations on the presidential election in Florida. Florida, which imposes a lifetime voting ban on all convicted felons, hired a contractor to "clean up its voting list" before the election. Rather than allow voters to file provisional ballots, the state required voters who had been mistakenly purged from voting lists to call a special phone number and resolve the problem before voting, Marquis said.

Gerken said this vote purging offers the "strongest case" for intentional discrimination during the Florida election. The state, Gerken explained, "used much more inclusive categories than necessary," for instance, purging all people with a certain first and last name from a voting list if it couldn't

determine which middle name identified the felon it was looking for.

The outcome was particularly "sad," Gerken said, in the context of a "hugely successful" get-out-the-vote drive by African-Americans in Florida. Many citizens voting for the first time encountered under-resourced polling booths, lines and poorly functioning voting machines, as well as purged voter lists, Gerken noted. "What was the lesson new voters learned?" she asked.

"The one silver lining of *Bush v. Gore* is the possibility of voting technology being fixed," Gerken observed. Still, she said, "the fact that race and poverty are at the heart of this is being ignored in this debate."

Panelists expressed concern that restrictions on voting by former felons may impede their reintegration following release from prison. "Society in the long-run will pay a price ... for not fully integrating people into the society," said Ozell Hudson, a civil rights lawyer who has served for the

past 10 years as Executive Director of the Lawyers' Committee for Civil Rights Under Law of the Boston Bar Association.

"If a person has done their time ... they think, 'OK, right or wrong, I've paid my debt to society,'" Hudson explained. He worries that former prisoners may feel less inclined to accept societal standards "if they feel they are being further punished."

Saloom agreed. "Some may say, 'That's poppycock,'" he said. "But I think it's very real." He observed that many former felons may feel demoralized and alienated when, in addition to the limited opportunity they face on release from prison, they are told, "you're not a citizen ... you don't have a say in how we do things."

Panelists also criticized Census policies that count prisoners as citizens of the districts where they are incarcerated rather than the districts they come from. "Many people are being warehoused in rural suburban communities," Hudson noted. Since federal assistance is often based on Census figures, Hudson said, the result is that suburban areas see aid increases while "prisoners' own communities are being deprived."

Hudson said he saw the issue as a matter of "bringing home the bacon" for political constituencies. Much as Massachusetts Democrats brought Boston the Big Dig and Southern Representatives won military bases for their states, Hudson explained, "in the Northeast, the prison-industrial complex is big business." While economic deprivation is often an important cause of crime in inner-city neighborhoods, prison building creates jobs for "caretakers" in suburban areas, he said.

Hudson and Saloom suggested racial attitudes may have played a role in forming current policies on incarceration and disenfranchisement. Hudson noted that roughly one-third of 20- to 29-year-old African-American men are under "some type of criminal justice supervision." He noted: "If it's not intentional racism, [it] looks a lot like racism."

Saloom speculated: "The face of crime is a person of color, probably a black man, in the minds of voters in Massachusetts." If voters felt disenfranchisement could happen to them, he said, "they would be screaming, they would be jumping up and down. Instead, they see themselves as victims."

Panelists expressed guarded optimism that minorities may be able to combat disadvantageous policies by exercising their voting rights. "The exercise of voting rights produces real power, real economic benefits," Hudson said. He gave the example of a majority African-American community that was able to improve prison conditions by wresting control from white voters during the civil rights movement.

Gerken observed: "The dilemma of black America is, in a two-party system, that the only way to make the Democratic Party pay attention is turnout." She noted, however, that African-Americans have shown during the past two presidential elections that turnout can significantly affect election outcomes.

Panelists urged students to remain engaged with social and political issues.

"We're all so cynical," Gerken said. "But if everyone gets so cynical that they check out of the system ... you never get close enough to the centers of power to make a difference."

"The issue of justice was on your mind when you came to law school," Saloom observed. "Do not bail on it all simply because you can't do it as a career."

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COURT

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the panel, the symbolism of appointing a Latino Supreme Court justice was not as important as appointing a justice who would advocate Latino stances on "civil rights, housing, education, voting and jobs." In her discussion, which she titled, "The Death of Identity Politics," she said that the failed nomination of Linda Chavez to the post of Labor Secretary showed that it would not be enough for Bush to simply appoint a Latino who would be antithetical to Latino concerns.

"With Chavez's potential appointment," Ramirez told the audience, "I feared that her candidacy would violate my first principle for evaluating a candidate for public office, which is, like that of doctors, do no harm." The danger, she said, was not just in the fact that Chavez held views that others in the Bush administration might hold. The danger for Ramirez was that Chavez's ethnicity would give her the feeling that she had the legitimacy to attack programs like affirmative action and bilingual education. The other problem, for Ramirez, was that Chavez lacked the support of the Latino community and any of the major Latino organizations.

Latino groups cannot just evaluate candidates based on their ethnic identity, Ramirez said. Instead, they should find common ground to craft an ideological agenda against which they can compare potential candidates. While they may not be able to reach an agreement on bilingual education or affirmative action, it may be possible to find common ground on issues such as voting rights, the use of language in the courtroom, educational disparities and racial profiling. "The new diversity in the next millennium has got to be based on ideology and culture, rather than solely on racial and ethnic identity," she said.

Ramirez argued that a potential Supreme Court justice should combine an ideology that embraces common Latino issues and experiences that would help them understand the issues of everyday Latinos. "I would like to know from a Supreme Court candidate the following things — not just whether they are Latino but regardless of whether [they are] White, Black, Asian, Latino or of mixed racial identity — Have they worked or resided in Latino disadvantaged neighborhoods? Do they speak Spanish? Have they worked [for] or been associated with Latino organizations? And most importantly, are they going to address the issues that this community has? And are they willing to move this community forward?" Ramirez cited Bush's appointment of Ralph Boyd '84 as the type of appointment that the Latino community could support even if the appointee was not Latino himself.

The key for Latino groups right now, Ramirez said, is to become active and to



Photos by Rashann Duvall

The Hon. Louis Caldera '87, above, noted that appointment of a Latino to the Court would be simply a consequence of demographic trends.

Prof. Deborah Ramirez '81 emphasized the importance of Latino community support for any Supreme Court appointee, whatever his or her race.



survey the potential candidates. She said that groups should start investigating potential nominees like former Texas Supreme Court Justice Albert Gonzalez. This is the time, she said, to educate him about the Latino "agenda."

Political Realism

For Caldera, the former Secretary of the Army, Ramirez was hoping for too much. "The higher agenda that was described [by Ramirez] might have been something that you could have done had Al Gore been president, but I don't think it is really something that is going to make an impact on the selection process with George Bush as president," he said.

The appointment of a Latino would be historic, Caldera told the audience, but in the end it would not be too important in the overall advancement of Latinos in America. It is a simple reflection of demographic trends. "It is another data point that all of us will use when we talk to our kids and say — it is another validation that there are no doors that are closed to Hispanic America," he said.

Caldera warned that the most that the Hispanic community could hope for was someone who would remember where they came from and what the struggle is like for recent immigrants. Caldera was not convinced that the first nomination would even be a Hispanic. Beyond that he predicted only that "The

most likely thing is that it is going to be a conservative. No one should be surprised by that."

The conservative constituency, Caldera said, would be the one that Bush is trying to satisfy in his appointment of a Supreme Court Justice. "They are going to want very much to see a Justice who is a conservative. And they are not going to want to see what happened under his father, who they never really believed was a true conservative. They're not going to want a [Justice] Souter '66 — someone who is undefined being allowed to go on the court and who then evolves judicially while he is on the court," he said.

What does this mean for Hispanic groups? "I would go out and look at the handful of Hispanic federal judges who are out there, and I'd look and say, 'Are any of these guys conservative enough?' If you really want to see him get it, go support the guy who is the most conservative of the bunch and try to convince all of your conservative friends that he is really conservative," Caldera said. He also predicted that the first judicial nominee would be very conservative and probably not a Hispanic, but the second appointment would more likely be a moderate to conservative and more likely Hispanic.

Caldera said that the court was not the right place to be concerned about

ethnic representation. "I don't think it serves our country well," he said. "I think that what you need is someone who is intellectually honest, who is intelligent, has compassion and shares our basic values as Americans about the common good and the importance of Democracy and the Constitution and the Bill of Rights," he added.

The Marshall Model

Johnson, the associate dean of UC Davis Law School, is also the author of "How Did You Get to be Mexican: A White/Brown Man's Search for Identity." Johnson began his comments by saying, "I don't know about you all, but I'm thoroughly depressed now." Instead of focusing on difficulties of the politics surrounding Supreme Court appointments, Johnson said it was important to remember how important a nomination to the Supreme Court could be for the Latino community.

Thurgood Marshall, Johnson said, represented everything that an appointment to the Supreme Court could bring to the country. "Marshall's appointment had an impact on the court's decision making process. I think everybody would agree that his life experiences, the perspective he brought to the court, what he saw and he did on the court had an impact on other people on the court and on the community," he said.

"His voice and the voice of many African-Americans was heard on the Court even when he was writing on a dissent," Johnson said. A Latino, he said, could also add another perspective to the court. "A Latino on the court could bring different experiences and different perspectives to the court and its decision making process," he said.

Johnson pointed to a sentence in the 1975 case of the *United States v. Brignoni-Ponce* where the court upheld the U.S. Border Patrol's practice of using race as a factor in deciding who to stop. "The likelihood that any given person of Mexican ancestry is an alien is high enough to make Mexican appearance a relevant factor," the Court wrote.

Johnson said that these are the types of cases where having a Latino on the court could make a difference. A Latino, he said, would probably ask what "Mexican appearance" is. "These stops and interrogations about citizenship may appear to be minimal to people who are unlikely to be stopped and interrogated — like most of the people on the current Supreme Court." But Johnson said that a Latino would be more likely to understand why the INS shouldn't consider race. A Latino Justice would likely have been stopped and felt the effects of racial profiling first hand.

The panel, which was entitled "A Latino on the Court: Will It Make a Difference?" was moderated by Maria Martin, who is the host of National Public Radio's Latino USA. The discussion was recorded and portions of it are scheduled to air nationwide on an upcoming program.

TUROW

Continued from page 1

associate with the idea that the person who murdered their loved one could kill again," said Turow. He went on to talk about how the Hernandez case came to him and forced him to challenge some of his beliefs.

"Hernandez had been convicted twice of murder, and my initial belief was that our system simply could be so messed up that it could get it wrong twice," said Turow. He went on to describe how he was convinced to take the case and how he later was led down a trail of dubious evidence and prosecutorial misconduct that eventually led to Hernandez's conviction being reversed. Turow contrasted this case with that of another individual whose execution he was able to

prevent under very different circumstances, and for more philosophical reasons.

"These two diametrically opposed cases haven't changed me from being a death-penalty agnostic," said Turow.

When asked by one audience member what he thought it would take in this country in order to end capital punishment, Turow theorized that it would have to involve a highly-publicized mistake to occur. "I think it probably would take a celebrated execution like Timothy McVeigh's to later be proven to be a case of an innocent man having been executed to bring about the end of the death penalty in America," said Turow.

"Germany is an example of a country that could never have the death penalty again, because the German people in World War II saw the system utilized to kill so many innocent people that they

would never give the state any portion of that power again."

In discussing his life as an author, Turow encouraged the audience to hold on to whatever interests they had outside of the law. He explained how years ago he rejected the notion that the practice of law was so time-intensive that one had to choose and felt that others didn't necessarily have to do so either. This theme resounded with a lot of audience members.

"Scott Turow's insights provided a glimmer of hope that graduation from HLS does not have to mean endless hours of corporate work. Furthermore, his experience as a prosecutor and an author illustrates that rewarding career opportunities aren't solely found working for big firms," said David Axelrod, '03.

Turow acknowledged, however, that the time requirements placed on

young lawyers today exceed significantly what was expected of him twenty-three years ago. "I had a situation recently where a first-year associate at my firm called my office at six-thirty in the evening and asked if she could go home because she had some pressing personal business, and I had to just tell her 'You know, you are entitled to go home.' She said to me that for \$120,000 a year, she didn't expect to get to go home," said Turow.

He went on to suggest that even in the midst of significant time pressure, there are opportunities to hold on to passions outside of law practice. "I wrote *Presumed Innocent* over four years entirely in longhand during my 25-minute subway ride to work. Twenty-five minutes a day goes a long way towards maintaining the creative impulse."

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You will see names of hallowed legal scholars. You will find Marthas and Mary Anns and Lanis. Three Kennedys, two Warrens and a Bebhuk. Whites and blacks, men and women, Jews and Gentiles. The '60s civil rights movement has blossomed in the Harvard Law faculty, and it has brought with it a host of positive consequences.

But we still have a long way to go. Surely, merit must have much to do with the selection of new professors at HLS. With 15 new faculty members to be added over the next 10 years, though, the opportunity to improve, expand and broaden the base of professors is immense.

The recent discussion at the conference sponsored by La Alianza and the Latino Law Review highlights the pitfalls of appointing anyone based on ethnicity alone. A careful consideration of a candidate's background encompasses much more than race, of course. Yet in a day where Hispanics are now America's largest minority, the lack of Latinos on the HLS faculty is inexcusable. The fact that there are no Hispanic-Americans on the HLS faculty is not due to race or class alone. Rather, it is based in part on the type of work that Hispanic Americans are performing in the legal world — work that the current crop of HLS faculty thumb their nose at. Witness the work of one panelist at the Latino conference — Prof. Deborah Ramirez '81. A graduate of this law school, Ramirez has done valuable work that casts statistical skepticism on the absence of racial profiling in the Boston Police Department. Ramirez is a former prosecutor turned professor, which makes her an honest broker in the field of criminal law. Ramirez is also a former practitioner with a hard-nosed approach to academics, which makes her a threat to the tome-carriers now dominating HLS. Above all else, she is a woman who should be invited to teach at HLS.

This is not a battle cry for the appointment of a faculty that looks like America. But it is a demand for a faculty that thinks like America. In all its manifestations, the America of the future is passed over in favor of the America of the present. As long as this trend continues, HLS will remain relegated to the musty bin of American history.

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• Letter •

When you pry it from my cold, [sic] fingers

Sam Goodstein's courageous endorsement of statistics over ideology in the gun control debate certainly ennobles us all. [RECORD; March 23, 2001] How dismaying, then, to find that he is not above a little statistical prestidigitation [sic] of his own! None of the numbers he cites says anything about the relationship between gun ownership, crime, and safety. Yes, England and Germany have fewer gun deaths per annum than America, but so do Israel and Switzerland, both of which have very high rates of gun ownership. Yes, 13 children are killed by guns each day, but the number of children killed in accidental gun deaths is considerably less than the number killed by buckets, windows, plastic bags or bicycles. And yes, nearly half of our gun victims are children, but it is unclear how it would be worse if, say, three-quarters of the victims were children but there were fewer deaths overall. If Mr. Goodstein actually cared about the effect that gun ownership has on crime, he would be interested to know that the only comprehensive study on the subject (John Lott's "More Guns Less Crime") found that where gun ownership increases, violent crime decreases, that high

rates of gun ownership deter multiple person shootings, and that brandishing a gun is the single most effective defense a woman has against an attack.

Mr. Goodstein's disingenuous appeal to statistics only confirms my suspicion that advocates of gun-control dislike the very idea of guns far more than their putative ill effects. The stereotypical gun-owner, after all, is a stout Christian man who honors his family, loves his country and fears his God. Alas, reformers of Mr. Goodstein's ilk have led an ongoing and now largely successful 100-year campaign, of which gun-control is only a part, to make him a stranger in his own homeland. But I must now admonish them: They may have desiccated our cities, made a mockery of our public schools, dissolved our families, emasculated our religion, befouled our popular culture, and sanitized our sex lives, but, by God, they are not going to take our guns away! This is one right we will defend, no matter how unseemly it may be to our more enlightened opponents.

Austin W. Bramwell '03
March 27, 2001

BARTLETT'S QUOTATIONS

by John Bartlett

Top Ten Ways to Know You're Working on Your Third-Year Paper

10. You're thinking of writing a nasty letter to the State of Oregon for not having their Rules of Evidence on the web like all the other states do.
9. You panic when your friend says, "Did you know the new Blue Book is out?"
8. You finally learned how to login to the Printing System.
7. You know the names of all the nice people who work at the circulation desk.
6. There's a clerk in the Eastern District of Michigan who recognizes your voice on the phone.
5. You turn to someone in the library and remark bitterly, "You know, this is our last spring break ever?"
4. You talk to head reference librarian Janet Katz more often than you talk to your own mother.
3. An overdose of caffeine and Skittles causes you to have weird technicolor dreams about a WWF grudge match between Antonin Scalia and Louis Brandeis.
2. You notice when one of the loose-leaf ladies is out sick.
1. You log on to Napster and do a search for "statutory interpretation."

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PERSPECTIVE

by Toby Stock '01

To the Class of 2001

In lieu of a graduation speech — I guess they don't leave a place at the dais for the graduate with the highest grades in the "6-foot-5 or taller future non-lawyers from Iowa" category. So I offer not advice, not words of wisdom, just a few thoughts about what I think people like us ought to do — and how we might do it.

I don't know about you, but I've always felt lucky to be here, not that I considered my acceptance undeserved ... those of you who know me know what kind of ego I have. I've always been somewhat awed by the place. Not necessarily by my classmates, many of whom I have seen in an inebriated state, nor even by the faculty, dean, library, reading assignments, exams, Gannett House, etc. What is awesome is the power of Harvard's graduates — the ranks of which we will soon join. The power is reinforced and extended perhaps by the degree itself, but the Harvard degree and even its name are not the core of that power. The core is found in the kind of people who strive to get to this place, brave its trials and

leave it three years later to head in a new direction (and maybe to pay off a debt or two).

That power can be measured in sheer productivity, in collective income or even in brainpower. Or maybe it can be measured as the present value of future positions of power in communities all over this nation: senior partners, CEOs, mayors, Congressmen, maybe even a vice president who, following Gore's example, will quote from Langdell's walls. All that is true, and even that description forgets the power of raising children and leading families ... but even this is not enough of a statement about our power.

I am thinking about our immense and immeasurable power to do *good* even as we are increasingly doing *well*. I recommend to you that we think about that power; that we then apply the same discipline and planning that got us here and channel that power to build a better society. Now I am among the first to believe and agree that merely being a pro-

ductive member of society and a devoted family man or woman is of great value, and I hope I can succeed at that. But we have the capacity, I think, to do so much more on such a larger scale. I'm not just referring to the option of public interest lawyering, which has its place, but the law itself is only a piece of the overall puzzle.

We can use our minds to come up with creative solutions to society's problems. We can summon our work ethic to get our hands dirty on those solutions. We can employ our leadership ability, if not just our positions of leadership, to bring others into the fray. And yes, we can pull out our pocketbooks, to strategically invest in our communities.

I urge you to give your future philanthropic and social endeavors some careful thought today, before time flies because you're having so much fun spending 80 to 90 hours per week at The Firm. Think about how you can best apply your abilities in a broad way. Think about which problems and

issues thirst for your involvement. Do this now while you still have a lot of free time. If you let this chance pass, some day your answer to the question, "Are you involved in the community?" will be, "Well, I give to United Way at work" or "Hey, I'm a member at the Met". I'm not decrying the merits of these causes and institutions. But they sometimes represent a philosophy of "charity as an afterthought". Instead of an afterthought, make it a "beforethought" — something you think about and plan for *before* you get too busy.

When you come back to HLS for our 25th reunion I hope to see you all happy, wealthy and wizened by your years at work. But I also hope to see people who can look back at their first few years after law school as a time when they used their power to make a difference in a thoughtful and effective way. Feel free to come up and ask me how I've been thinking about this philanthropy stuff — but if I don't hear from you ... good luck, be good, and do good!

PERSPECTIVE

by David Min '02

In Defense of *Roe v. Wade*

In the debate over abortion, one issue that seems to have been swept under the rug is the propriety of the 1973 *Roe v. Wade* decision itself. The mantra of "Judicial Activism" has been repeated so often that many people on both the Left and the Right seem to have accepted the notion that, for good or bad, *Roe v. Wade* was an instance of extreme judicial activism, a case of judicial legislation. Indeed, many point to the *Roe* decision as the most egregious example of such. I think this is a mistake.

Whether one believes that the act of abortion is morally wrong or not is obviously irrelevant to the calculus of whether *Roe v. Wade* was properly decided. What was and remains at issue is whether a state has the right under the U.S. Constitution to criminalize abortions and their facilitation. If one accepts that there is at least a minimum right to privacy against state action contained in the Bill of Rights and the Fourteenth Amendment, then it seems fairly clear that a state must justify any intrusion into a citizen's privacy with some sort of state interest, whether "significant," "substantial" or "compelling." And until fetuses are considered legal "persons," it seems extraordinarily difficult to make a coherent argument that there is a compelling state interest in a State prohibition on abortions.

Now the first thing that *Roe* critics attack is the "judicially created" implied right to privacy. Admittedly, this is the weakest link in the reasoning of the *Roe* Court. The Constitution does not explicitly mention such a right. However, what I would point out is that, as Brennan describes, there is a long line of decisions, dating back at least to the late 1800s, wherein the Court has seemingly enforced some sort of privacy right against state action, whether in the context of viewing pornography in one's home, protection against wiretaps and other surveillance, the use of contraception, or protection against forced stomach-

pumping. As such, one can minimally claim that a large number of justices since the adoption of the Fourteenth Amendment have interpreted the Constitution to include such a right against intrusive State interference. Therefore, one can boldly state that there is at least a *reasonable* interpretation of the Constitution that includes *some* right to privacy against the states. And unless one is a Confederacy advocate who believes that the Fourteenth Amendment should have no or little effect upon the autonomy of the states, one might take pause to consider the ramifications of an alternative interpretation. In the absence of a right to privacy against state action, what would prevent the leaders of Massachusetts from implementing, say, a mandatory diet of wheatgrass juice and clam chowder on its residents?

If we accept that there is even a *minimal* right to privacy embodied in the Fourteenth Amendment, whether in the Due Process Clause, or in its Privileges and Immunities Clause, it would seem apparent that when a state acts or legislates in a way that intrudes on individual privacy, it needs to justify such intrusions. Clearly legislation that prohibits the ability of women to have abortions is an intrusion into their sphere of privacy (just as a law that would require women to have abortions would be), and so it follows that the State needs to provide a justification for such an intrusion.

Now, obviously, both in 1973 and today, the major justification pro-

posed by the pro-life camp is the protection of the human fetus. And one of the major criticisms of the *Roe* decision is that, in unilaterally declaring fetuses not to be "persons" and by denying the states the power to make that declaration, the Court was usurping the power of the states and legislating from the bench. But why isn't this a proper constitutional interpretation? After all, as the Court notes, every mention of "person" or any similar noun in the Constitution, including the Fourteenth

Amendment, is described only in a postnatal sense (e.g., "citizens" are "persons born or naturalized in the United States"). And, in fact, this is consistent with the history of judicial interpretations of the Constitution.

Since certain rights are guaranteed to "persons" by the Constitution and certain limitations are placed on the States vis-à-vis "persons," it is simply idiotic to grant the several states the power to define "persons." If this were the case, states could effectively bypass all constitutional protections by simply redefining "person," defeating the entire purpose of the Fourteenth Amendment. If states can decide *who* falls under constitutional protection, the Constitution is effectively null and void, as applied to the states. To illustrate, we can posit a state, which, noticing that a certain class of immigrants was lactose-intolerant, passes legislation denying "personhood" to all those who failed a "milk drinking" test.

There is also a weaker form of this

pro-life argument, which claims that states should not have the power to define "person" for the purpose of constitutional issues, but should be able to add new classes of "persons" to serve the purpose of countervailing state interest. But this argument is still problematic for the same reasons. Under this standard, why couldn't a State dominated by anti-gay activists decide to pass legislation granting personhood to the HIV virus, effectively preventing any medical care for HIV+ people? Or what would prevent a state controlled by vegans from declaring all animals to be "persons" to prevent meat eating? While these are obviously absurd scenarios, I don't see a substantive difference, from a legal perspective, between these examples and an attempted prohibition on abortion by granting "person" status to a fetus, to counter a woman's constitutional privacy interests. If we are going to have national constitutional rights guaranteed to "persons," it is incoherent to allow these rights to be denied, based on local definitions of "persons." To do so would render these national rights meaningless, subject to state majoritarian whims.

Basically, I'm not trying to make any moral arguments; what I am trying to point out is that: a) *Roe v. Wade* was a good decision (which may be why it received a 7-2 vote) and b) many of the current attempts to "overturn" *Roe*, whether on the legislative or judicial fronts, are inherently based on ideas that are antithetical to constitutionally guaranteed liberties. There is a fundamental tension between most pro-life proposals and the Fourteenth Amendment. It may be the case that the Fourteenth Amendment is gutted, as the pro-life movement's prolonged emphasis on judicial litmus tests culminates in a reversal of *Roe*. But I do not think that the Fourteenth Amendment in its current form and state prohibitions on abortion are compatible, in the absence of a Constitutional amendment declaring fetuses to be persons.

In the absence of a right to privacy against state action, what would prevent the leaders of Massachusetts from implementing a mandatory diet of wheatgrass juice and clam chowder?

PERSPECTIVE

by Hani Sayed, S.J.D.

Humanism and Terror

In reaction to an article published in the Harvard Law RECORD that satirically praised Ariel Sharon and the new Israeli government, there were three responses that were at worse hypocritical and at best farcical.

When pointing to Sharon's "honorable" criminal history and his racist, violent style of dealing with the Palestinian question, one response was that the people had elected him. And, when pointing out the fundamentally racist nature of the State vis-à-vis the Palestinians, another non-responsive response was that Israel is a civilized democracy, contrary to its Arab neighbors, who oppress their peoples.

But does racism against the Palestinians become justifiable because Syria is ruled by a dictatorship? Does it become morally justifiable for Israel to put in place an apartheid-like regime to strangle the Palestinians in the occupied territories because human rights are nowhere respected in the Arab world?

My point is simple: If you are so aware of violence done in the name of Arab nationalism, you should be even more aware of Jewish nationalism's violence and, indeed, that of all nationalisms. There is no denial that dictatorships in the Arab world have had disastrous consequences on the lives of many. Being a Syrian myself, no one needs to remind me of that. But the nature of the

Palestinians' dispossession and dislocation, their siege and fall towards poverty and underdevelopment because of Israeli policies are not qualitatively different, or ethically better from whatever the "backward," "uncivilized" dictatorships in Syria, Egypt and Iraq have produced. Even more, the massive scale and persistence of Israel's policy against the Palestinians for more than half a century are unprecedented anywhere in the Middle East.

However, since the conversation has rhetorically produced this dichotomy between "democratic" Israel and the "uncivilized dictatorships" in the Arab world, I would like to pause for a moment and examine what democracy means in Israel and its relationship to the excluded Palestinians. This problem is not confined to Israel; I am also referring to a major theme in political and democratic theory about the meaning of democracy and its relationship to nationalism. As one democratic theorist once wrote, "the history of the idea of democracy is curious; the history of democracies is puzzling." Whether in theory or in practice, democracy poses a series of definitional problems that can have serious material implications. Understood simply as the rule by the people, democracy poses at the outset the question, "Who are to be considered the people?" In a way democracy is a constant performance of drawing

boundaries between who is in and who is out — between who gets to be the citizen and who is left out. In Israel, this selection was physically violent; it meant literally terrorizing Arab civilian populations out of their villages. Here is but one example: On April 9, 1948, before Arab armies entered the mandatory Palestine, Zionist gangs associated with the Jewish national movement massacred between 110 and 254 civilians, mostly women and children, in the village of Deir Yassin. After the creation of the democratic State of Israel, this drawing of boundaries has produced an impressive apparatus of exclusionary formal legal rules aimed at actualizing a nationalist ideal at the expense of Palestinian populations: The illegitimate taking of Palestinian-owned lands, the management of space and markets to segregate Arabs and Jews and the measures taken to prevent the return of the refugees are just a few examples of this "legal," apartheid-like apparatus. The violence of this exclusion is experienced today by thousands, if not millions, of Palestinians living in poverty, underdevelopment and destitution in the occupied territories of the West Bank and Gaza and in refugee camps in and outside Israel.

Why is it that we often forget that this so-called democracy exists precisely because Deir Yassin is forgotten? If democracy is the product of and should

produce such racism, then democracy is a farce. If civilization legitimates such oppression, then it is a civilization of terror — it is terror masquerading as humanism.

The election of Sharon may be the result of this particular historical moment, but its significance is far reaching. In a way, electing Sharon means the rehabilitation of a particular era, and of a violent and racist style of dealing with the Palestinian question. A peace with the Palestinians requires a historical move on the part of both parties. Such a move does not mean to put the past behind and to rush to a peace agreement, at any cost, regardless of its inherent unfairness and instability. To the contrary, such a move requires constant remembrance of this past so that it does not repeat itself again. It is about time for the Israeli people to officially recognize that their national home was founded on the ruins of other people's dreams and aspirations, and that their so-called democracy is sustained by continually subjugating the Palestinians. Electing Sharon is a move deeper into denial, an embrace of violence and racism. Ariel Sharon is a war criminal. He represents an era that should be rejected.

I hope that the conscience of peace-loving people in Israel will react to redeem their future from the guilty past that Ariel Sharon has put on their shoulders.

PERSPECTIVE

by Victor Hu '01

Another Modest Proposal

Those in the Western Hemisphere may not be aware of a shocking travesty of liberty being perpetuated upon men in the East, one that has somehow survived virtually 5,000 years of East Asian history. Borne originally of China, this unjust practice quickly and insidiously infected such neighboring countries as Korea and Japan, traversing time and space through a pervasive philosophy known as Confucianism. I am referring, of course, to the socially-enforced practice in Asia of sons caring for their aged parents.

What once was simply an unpretentious, straightforward concept within one school of thought has disturbingly evolved from ideal to social norm, and now even to law. The original recommendation, though containing much potential for mischief to the trained libertarian eye, seemed harmless enough, and even natural: that individuals, particularly men, be encouraged, when their parents had reached some level of infirmity due to sickness or old age, to sacrifice a degree of their own time and resources to care for them.

Why, the curious Westerner may ask, did the design only target men? Were women considered incapable of nursing the elderly? The answer lies in a particularly ironic cultural perception, one that originally meant to favor men: namely, the traditional notion that daughters marry out of the family, and, once married, share no part of the inheritance but concomitantly are freed from the yoke of aged parents. As such, the burden fell exclusively on the son, who, alas, was considered to remain in the family — attached to his parents irrespective of his will, much as a pregnant mother is attached to the baby in her womb.

This suggestion in its original form was innocuous, of course, only so long as the man retained full and unabridged choice in the matter. Unfortunately, however, the pressures of a normative order quickly adulterated the Confucian concept. Disguised under the euphe-

mism of filial piety, adult men in these societies were soon *expected* by these societies to care for parents who had grown old and frail. Fanciful morals, before long, had become onerous obligations, and men who were perceived to have failed to exercise appropriate levels of care for their parents were subject to social harassment, derision and the ultimately ostracizing label of being "unfilial."

This encroachment upon individual freedom and autonomy has failed to recede in recent generations; on the contrary, it has reached new heights of brazenness. Lovers of individual liberty will be shocked and righteously indignant to learn that Singapore recently passed a law *mandating* that sons care for their aged parents and subjecting violators to fines and even lashes of the cane. This last development — the codification of an oppressive social practice into law —

is, or at least should be, I submit, the final straw for all in the Western world who have any regard whatsoever for individual liberty, human freedom and the dignity of men everywhere.

In this postmodern era, whatever whimsical notions of morality, respect, tradition or "duty" that may underlie this fantastic system must be recognized in the final analysis as castles in the cloud, illusions which should sooner or later give way to a rational weighing of the costs and benefits of this practice to society at large. Of course, any such analysis would reveal the absurdity of the practice, and it behooves the enlightened to lead the way in suggesting viable alternatives. For why, when the world is approach-

ing "the end of history," should Asian men still suffer the indignities of these traditional restrictions, these fetters upon their resources, these gender inequalities perpetuated by outdated notions of family?

As such, I humbly submit the following proposal, one that will turn the whole system of Asian-male enslavement on its head and do much to eliminate existing inequities. The idea is quite straightforward and is surprising only in the fact that it has not been put forward previously. For the solution has in fact been staring us in the face all this time: Asian men must have the freedom to terminate dependent parents.

While this proposal may sound revolutionary, I submit that the foundations for its acceptance are already well in place in many parts of the world. Indeed, the practice will undoubtedly resonate with those who are supportive of a similar system for eliminating burdensome dependents, one currently operative in all parts of the civilized world.

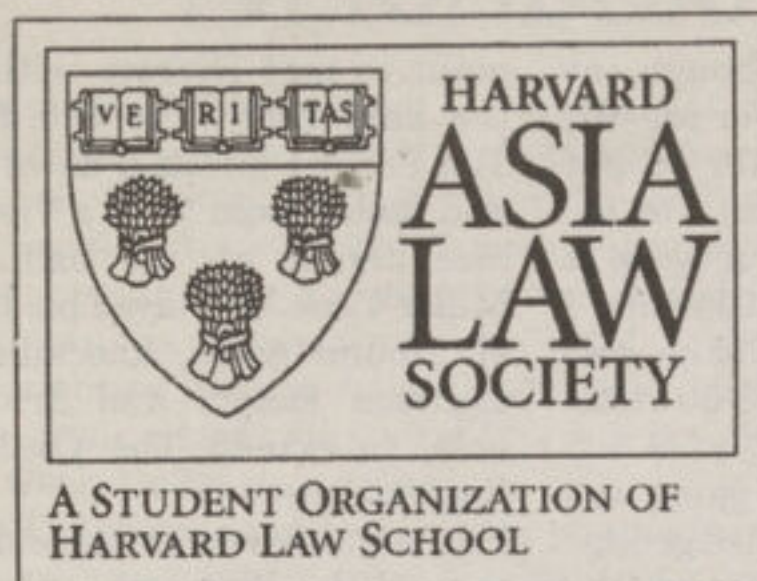
For once a rigorous inquiry is conducted, the honest observer must concede that the Asian practice of imposing a duty upon men to care for their aged parents is at least analogous to, if not more onerous than, requiring Western women to bring their infants to term, and that furthermore, elderly parents, particularly the more senile ones, bear a striking resemblance to unborn fetuses in most of the salient characteristics. In fact, under progressive definitions of humanity as to include only those capable of existing with some semblance of independence or autonomy, dependent

Asian parents hardly even qualify as human.

In addition, consider the following important policy arguments: (1) aged parents who demand care from their sons are clearly impotent to generate or deliver any useful societal good; (2) such parents, in their reliance upon their sons for not only material but emotional support, siphon away time, energy, and resources that could be profitably devoted toward any number of other socially useful enterprises; (3) the elimination of the sickly and unemployed elderly will undoubtedly save Asian states billions of dollars in social security and medical costs; (4) the regime, both social and now legal, has imposed an inequitable and unduly harsh burden upon men alone, a burden which has effectively destroyed their autonomy; allowing these men the freedom to control their livelihoods without the unwelcome, sapping, nagging influence of dependent parents will both affirm their freedom of choice and simultaneously go far in restoring gender equality (not to mention domestic harmony) in Asia; (5) allowing the abortion of unwanted dependents will add tens of thousands of available — albeit old — hearts, lungs, livers, kidneys and other organs to patients in need of transplants each year and will further enliven the important human tissue market that sustains scientific advances, a market largely supplied these days only by aborted fetuses.

These considerations should win over the support of any Western libertarians who may at first hesitate to endorse what appears, to the die-hard moralist, to be the eradication of inconvenient but innocent lives. After all, they reflect the underpinnings of the other well-established and quite popular practice, as aforementioned. And indeed, the rationale here appears even more compelling, for if in the other case a pregnancy term is akin to being strapped to a violinist for nine months, here the man is tied down by no less than a full string quartet for a decade.

*Men who were
perceived to have
failed to care for their
parents were subject
to social harassment,
derision, and the
ultimately ostracizing
label of 'unfilial.'*

**Delegation Members**

Matthew Ahn	Brian Bishop	Josh Bloodworth	Irene Chan
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Hsiao-Wei Lee	Jenny Lee	Shirley Lo	Michelle Toy
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HALS would like to thank the sponsors of the delegation for their generous support, without which the trip would not have been possible. Included amongst the delegation events were meetings with [Singapore] Chief Justice Yong Pung How, Supreme Court; Mr. Gerald Woon and Ms. Jennifer Chen, Economic Development Board; BG (NS) George Yeo, Minister of Trade and Industry; Dean Chin Tet Yung and the faculty and students, National University of Singapore; Mr. Jeffrey Chan, Legal Services; Mr. Siraj Omar and Mr. Hri Kumar, Drew & Napier; [Malaysia] Mr. Mohd Azhar Osman Khairuddin and associates, Petronas Corporation; Dato' Michael Chen Wing Sum – President of the Senate, & Tun Mohamed Zahir Ismail – Speaker of the House, Parliament of Malaysia; Tan Sri Dr. Noordin Sopiee, Institute of Strategic and International Studies;

Mr. Roy Rajasingham, Bar Council of Malaysia; Tan Sri Ahmad Sarji bin Abdul Hamid and associates, Harvard Club of Malaysia; Dean Dato' Mimi Kamariah Majid and the faculty and students, University of Malaya; Tunku Abdul Aziz and associates, Transparency International; Y.Bhg Datuk Ainum Mohamad Saa'id, Attorney General of Malaysia; Mr. Anuar Zainal Abidin and associates, Suhakam – Human Rights Commission; Dato' Dr. Abdul Monir bin Yaacob and associates, Institute of Islamic Understanding; Gillian Koh, LLM student, Harvard Law School; Ms. Melindah Musa, former HALS president and attorney, Kaye, Scholer, Fierman, Hays, & Handler LLP; and Ms. Jacqueline Teo, National Economic Action Council.

HALS would also like to thank the sponsors of the 2001 Asia Business Conference for their generous support and participation, without which the conference would not have been possible. We are very proud that over 1200 people attended the conference and that over 500 people attended the Dragon Ball.

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Sportsguy

GAMES HEAT UP AS PLAYOFFS APPROACH

by Phillip Barengolts '01
RECORD Columnist

The hoop season is in high gear and playoff seedings are shaking out as the HLS cagers struggle to reach the promised land of the championship.

Saturday's B-League action featured two blowouts and one game that came down to the final buzzer. The Stormin' Mormons outplayed Mr. Sparkle, especially with the inside game, to win 56-29. **Chris Get Your Rocks Schoff** wiped the glass clean on the defensive end, and **Ed The Western Literary Cannon '02** drained a plethora of threes to break the game open early. **Steve I Wish I Was In Dixon '02** did all he could with some outside shooting, while **Tom Breathe A Simek Of Relief '02** had a nifty drive and underhanded scoop to help Sparkle mount a run early in the second half. The Mormons made the lead hold up as **Jeremy Out in Right Fielding '03** took over in the paint and added a few bunnies for the final margin.

In the other lopsided game of the day, Suburban Legend handed Kaiser Sozi a 72-35 drubbing. In what looked like a close game on paper coming in, Legend came out firing on all cylinders. **Noah The Whipping Boyens '01** came off the bench to ignite the first of many Legend runs with his smooth jumper. **Cameron Cohen Of Silence '01** hit a couple of high-arching three pointers to keep it close early, but the Kaiser had no answer for **Robin The Berlin Wall '01**, who dominated the paint on both sides of the floor. The Kaiser had a slight resurgence in the waning moments of the first half when **Peter Marmo Money Mo Problems '01** turned it on for a three and a driving layup but could not come up with any offense in the second half. Pastrami On **Ryan Cobb '02** had the highlight reel block of the day when he snuffed **Casey Moons Westover My Hammy '01** on what looked like an easy breakaway. Not to be outdone, Westover came back on the

ensuing inbounds play with a behind the back beauty to Wall for an easy two.

The last of Saturday's highlights featured a tight game between The Playah Hatahs and Forbes Team. Neither team had more than a five point lead, and, in the end, it all came down to the final shot. Early on it looked as though Forbes would have an easy time of it with **Alvin And the Chipmunks Velazquez '03** and **Jeremiah Out of His Gordon '03** having their way inside. Gordon's next level post moves seemed unstoppable. Yet, every time Forbes went inside the Hatahs went outside. **Noah Johnny Mne-Monick '03** nailed a couple of big threes to keep it close, and **Will Brumbach That Ass Up '03** provided hustle and a much needed second scoring option with his own outside shooting. After all the banging, the smallest player on the court determined the outcome. **Bridgette Every Rose Has Its Thornton '03** grabbed the rebound with her squad, Forbes, down one, and put up a ten footer for the win, but the hoop gods did not smile kindly on her as the shot rimmed out with no time left to give the Hatahs a 49-48 victory.

The Co-Ed League also had its own nailbiter as The Schwarzc played a heavily favored BarGulMusLinMan down to the wire. **Jonathan Har-Dee-Har Harwell '03** shut down Bar's guards with lightning quick hands and gave his team some early offense with a mid-range jump shot. With the outside game not there, BarGulMusLinMan went into the post where **Joe Jonathan Livingston Sea-Gulley '01** used his post up moves to get some layups and draw some fouls. **Danielle Touch Of Gray '03** made two shots to open the second half and **Rich J.P. Morgan And Coe '03** knifed through Bar's D to turn a seven point half time deficit into a five point lead.

Bar would not lie down, though, as **Misty Leave The Light On For Me '01**, nailed a huge eighteen footer to put Bar up by one with a minute to go. Having to foul, The Schwarzc gave it up an **Andy When I Get That Feeling I Need Sexual Healy** calmly sank two free throws to give Bar the 53-50 victory.

While the other C-League game was not as close, the Gannett House grudge match between Legal Aid and the SupraSonics (Law Review) did feature some stellar shooting, most prominently by Legal Aid's Get Out of My Dreams, Get Into My **Carmen Alexander '02** with her 12 foot jumper that would not miss. The SupraSonics answered with **Lauren Bowyer** and **Fletcher '02**, who had her own outside J working. Legal Aid got their points from everywhere with **Matt Next of Watkins '02** having a big game from outside the arc. The Sonics countered with **You're On Yaron Glazer '02**, who drove the lane for a number of fancy, twisting layups and **Matt There's Going To Be Hellman To Pay '02** providing hustle and defense. But Legal Aid had the luck of **Dave Make A Run For The Borders Jr. '01**, who managed to go undefeated over his Legal Aid career against the arch-rival Law Review, helping to post Legal Aid's 68-38 victory. Congrats, Dave, on your complete domination of the upstairs foe.

A-League action was fast and furious but only provided one close matchup. In earlier games The Outlaws defeated Hickory High 76-51. **Brian Kang Kong '03** swatted numerous shots for the Outlaws and **Brent On World Domination Bickley '03** added some first half scoring punch. Hickory answered with their own low post presence as **I'll Show You Mine If You Shawn Me Yours Travis '01** brought his A-game, muscling his way in the

paint to pull Hickory within three at the half. **Kelly The Old Huffman Of The Sea '01** knocked down a few treys and **Rich Froom With a View '01** kept a nice handle on the ball, but **Teddy Miller Time '03** played his usual stellar all-around game, knocking down the eighteen footers and driving to the hole, to extend The Outlaws to the final margin.

In a game whose score does not tell the whole story, the Harvard Law Stars defeated the Cambridge Gunners 59-44. The Law Stars, led by **Chris Gretina Turner '02**, came out firing from beyond the arc while The Gunners relied on Snap Into A Slim **Jim Jordan '02** to slash to the whole. The game remained close early, until **Ben Man, Would I Like To Get On Hur '02** started on a hot shooting streak to help the Law Stars build a small lead at the half. **Baxter Was Not Wasson '01** crashed the boards for the Gunners and **Steve The Wright Stuff '02** used the stop and pop for a couple of easy scores, but **Scott Mayne Attraction '02** ensured the Law Stars victory with a combination inside-outside game that the Gunners just could not stop.

In the featured game of the night, Showtime II met The Black Plague, in a likely playoff preview. **Jamal Lesane In The Brain '01** was nailing his customary three pointers for the Plague while **Mike Spawning Salmon '02** let loose from deep for Showtime. **Darien Put Your Best Futrell Forward '01** played fluidly on both ends of the court, making jumpers and providing much needed stops for the Plague, but with Showtime down one, **Mike The Rich Get Rishty '01** hit two clutch jumpers, and **Jonathan Mitchell For A Minute, Doug E. Fresh Says Silence '02** added a baby hook in the lane to give Showtime the 47-42 victory in this defensive struggle.

Fenno

Fenno sat on the couch and flipped aimlessly through the channels, stopping on a new Arthur Miller special called "Taking Your Ball and Going Home: How to Get Your Way by Sulking." Fenno marveled at Miller's ability to look dignified while describing how he had gotten everything he had ever wanted at HLS simply by threatening to quit if his wishes were not granted.

"So then they told me I had to teach Civil Procedure in one semester, and I told them I was leaving," Miller was saying, recounting his great victory over the administration back in the forties. He repeated this exact series of events about sixty times, which brought him up to the present.

"And now they're after me again," Miller said, "with this law colleges nonsense. Well, I won't do it, so I'm going on sabbatical to NYU for a year. We'll see how they like that!" At this point, Miller carefully removed his right hand from his pocket, stuck his thumb in his mouth and began sucking furiously.

Hmmm ... no more Artie next year, Fenno thought. That should be nice. I just wish they had sent him to Columbia, not NYU. Fenno had noticed Columbia nipping at HLS's heels in this year's U.S. News rankings, only two points behind. He figured that the addition of a surly old prick with nothing interesting to say would push Columbia back down where they belonged but

apparently that was to be NYU's lot.

Relaxing with his six-pack of beer, Fenno would have been happy to sit in his room and watch Arthur drone on a while longer. Everyone else was outside enjoying the "beautiful weather." When did fifty degrees and cloudy become beautiful? Fenno wondered. But Fenno would have to face the elements if he was to see the only interesting HLS graduate of the last three decades, Scott Turow.

Ames Courtroom was packed with budding law school authors, all hoping to suck up to Turow after the talk and find themselves miraculously rescued from the squalor of law firm life. One such charity case sat in front of Fenno. His name was LawReviewDork. "Hey man, what's with the papyrus?" Fenno asked.

"You refer to my collection of reading material?" said LawReviewDork.

"Yeah. What gives? Those are all for Turow to sign?"

"Oh, quite the contrary, Fenno," said LawReviewDork. He knows my name! Fenno thought. I have never felt so special in all my life! "Perhaps if you had perused my suggested reading list on Amazon, you would know that this encompasses the width and breadth of established knowledge in the field of jurisprudence. I brought it for Mr. Turow's ennoblement, not for his inscription."

Fenno raised an eyebrow. "So what you got in there? A little Presumed Innocent? Personal Injuries?"

LawReviewDork laughed. "Oh no, my good man. Those are purely pedestrian attempts at eliciting legal thrills. For a real page turner, try *The Critical Legal Studies Movement* by Roberto

Quote of the Week

"Imagine — to make a little money, I open a porn shop in my basement."

—Prof. Richard Fallon, speaking off the cuff in Fed Courts

Mangabeira Unger. Or, there's *A Critique of Adjudication* by Duncan Kennedy. Of course, if you're looking for something more academic ...

A chorus of shhhhs silenced the dork. Turow was about to speak.

This was the moment Fenno had waited for, but he was sorely disappointed. There were no war stories, no tirades. Not even a lousy "HLS sucks!" chant from the crowd. Fed up with all the yammering about civil liberties, Fenno stood up and screamed, "Yo!" A thousand heads turned and looked. An old woman in front of Fenno clutched her purse closer and muttered the words "reefer madness."

"Scooter... I can call you Scooter, right?" said Fenno to Turow.

A thousand heads swiveled and stared at Turow, who looked scared. "Um, well, yes."

"Good." To the crowd, Fenno said: "We both know each other, don't we, Scooter? That's right, we go way back. In 1978, young fresh-faced Scooter here paid me twenty bucks to finish up a term paper on legal education. I proceeded to crank out a novel-length compendium of vitriol directed at every corner of HLS, and it made you famous, didn't it, Scooter? Oh yeah, you added a little bit of masochis-

tic appreciation for this Hades on the Charles. And injecting your own neuroses on every page made that tripe your own personal ode to HLS. But we know it was mine all along ..."

The crowd gasped, and Fenno leapt from the courtroom seats. Striding toward the podium, Fenno ranted like a madman. "That was my idea, man! I wanted to drop a literary bomb that would flatten this place forever, but like a cockroach, it came crawling out of the rubble. It survived!! Oh God, why did it survive!!"

As he rushed toward the speaker, Fenno was overwhelmed by a stampede of fellow audience members. By the time Fenno reached the stage, every last person in Ames Courtroom was waving a copy of 1L in front of Turow's face. Fenno felt himself rudely elbowed aside from all directions. Over the din of people begging for autographs, he heard a high pitched whine. "Hello, Scott. I'm Arthur Miller of ABC News, the Harvard Law School and assorted on-line educational and entertainment ventures. Would you be so kind as to sign page 31 of 1L, where the character based on myself first appears. If you don't, I'm quitting!" Fenno threw his hands up in disgust. "It survived," he whispered.

Tangled Web

by Justin Cooper '01
RECORD Columnist

NEIGHBORHOOD IN SHOCK AS COOPER ...

As my law school career winds down and my 3L paper looms large, I find myself spending ever greater amounts of time aimlessly surfing the Web. This should be great preparation for my future job as a lawyer at a big law firm. In the past, my website reviews have generally come with some sort of theme, but this week I offer you nothing more than a hodge-podge of interesting and useful sites stumbled upon during my many hours wasted in front of a 15-inch active-matrix screen.

www.psychosexgirlfriend.com

A lot of people have heard about the voicemail sound files on this site, which rate highly for authenticity, although they are pretty depressing in places. The Chief Wiggum quotation is excellent, of course. What I really appreciate, however, is the *Is Your Girlfriend Psycho?* test. I would never have thought of it, but it somehow makes sense that having a lot of cats should correlate to psychosis. I also appreciate the simple layout of the site and the host's continued efforts to correct downloading problems. Too bad that the *Send Your Girlfriend a Card* link isn't working. **B+**

www.missouritrailertrash.com

This site is actually about Missouri

trailers, not trailer trash. Still, the shots and descriptions of mobile homes are incredible. I had no idea that mobile homes could be stacked on top of one another! Sometimes the text can be hard to read against the brown paper-bag background, but otherwise this site is solid. **A-**

www.boiledpeanuts.com

This is a great site for food-lovers and lost Southerners. They have a catalog of all sorts of little-known and hard-to-find southern delicacies, such as stone-ground grits and Sun Drop. The site is easy to navigate, and they have a wide variety of products, all described in detail. Best of all, they don't seem to take themselves too seriously. The only quirk is that there is no proper on-line ordering system; instead, you give them your name and number, and they call you to take your order. I tested this out by ordering my mother (a North Carolinian living in California) some peanuts for her birthday last week, and the system worked fine, so I can vouch for the their reliability. **A-**

www.switchboard.com

Yahoo! Yellow Pages should give up right now, because these people just destroy them. I can't imagine a more

intuitive, easier-to-use site for looking up people and businesses anywhere in the country. Unlike Yahoo!, there is none of that switching locations nonsense. You just pop in the terms you know and you can find just about anyone in the country in less than thirty seconds. You can even search by phone number and figure out who a given number belongs to. **A**

www.isgay.com

OK, this is not very nice, and it's not very sophisticated, but it's pretty funny. You fill in the blank space with any name you want and it pops up with a scripted, phony AP story outing the person whose name you entered in the space before www.isgay.com. For example, www.cooper.isgay.com comes up with "Neighborhood in shock as Cooper is accused of..." If only the script changed once in a while, I would give it a higher rating. **B**

www.themasterbaiter.com

Most East-Coasters don't know that central California is home to a robust, thriving redneck culture. Well, let this be a lesson to you. This site is the on-line presence of Bob's Bait Shop in Isleton, Calif. (about 30 miles south of where I grew up). Bob sells live crawdads year-round and will also sell you a

mobile home if you're not careful. The crawdad/real estate market could blow up at any time, so watch out! **B**

www.grudge-match.com

There is so much here that I can't possibly do it justice. In essence, this site offers descriptions of hypothetical battles between celebrities, such as Ted Kennedy v. Boris Yeltsin or (this week's feature) The Incredible Hulk v. Popeye. The commentary is great in spots, such as when Gary Coleman's weight advantage over Emmanuel Lewis is described as "15 pounds of Webster-smashing muscle." One could easily spend an afternoon on this site. **A**

www.dc.state.fl.us/oth/vtour/deathrow.html

This is just gruesome. Here we have the official Florida Department of Corrections website providing moving pictures and detailed descriptions of the living conditions of death row inmates. Grim details are provided; for example, "to avoid extravagance, the food to prepare the last meal must cost no more than \$20." The lack of air-conditioning for inmates is trumpeted in several places. There is even a Death Row Roster, with names and photographs of the condemned, and a list of those already executed. **No Rating**

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LSC update

New Officers: The newly elected LSC officers are President Mike French (mfrench), Vice President Sarah Brackney (sbrackne), Treasurer Tony Chan (tchan) and Student Advocate Lowell Plotkin (lplotkin).

Implementation of the New Colleges: The LSC is working with Dean Rakoff and the new college Masters to ensure student input during the implementation of the new colleges. The LSC will sponsor several focus groups in the next few weeks to provide the Masters with the opportunity to discuss their plans and ideas with students. Those interested in participating in a focus group should email Mike French at mfrench@law.

Faculty Grade Reporting: The LSC is currently working with the Registrar to examine the grade reporting process and to reduce the number of grades that are turned in late by the faculty. The LSC hopes to share its findings in an open letter to the school and the Dean in the coming weeks. Students interested in grade reporting should contact Bill Dance (bdance).

Dean's Awards: The Law School Council, along with Dean Clark and the Dean of Students Office, is proud to sponsor the Dean's Awards for Community Leadership. Nomination forms are available on the Student Services Desk in the Hark. Requests can also be emailed to lsc@law.harvard.edu. Nominations are due by Thursday, April 12th. Questions can be addressed to Committee Chair Taryn Fielder (tfielder).

Hemenway: The final touches on last year's renovations have been concluded. New sound systems were added in both the weight and cardio rooms. The LSC has also installed new towel dispensers, clocks, and a treadmill sign-in board. Hemenway questions can be addressed to Student Advocate Lowell Plotkin (lplotkin).

Join students, faculty, and alumni at the biggest, most exciting event of the year...

B I D I T U P !

Harvard Law School Public Interest

AUCTION

2 0

Thursday, April 19th
Austin Hall

5:30 -7:00 pm Silent Auction

(Featuring open wine/beer bar & live jazz.)

7:00 pm Live Auction, Ames Courtroom

(Featuring some of your favorite professors in an opening skit not to be missed and live performances!)

Here's a small sample of items

Fire up the grill! BBQ for 20 hosted by Prof. Elizabeth Warren.

Enjoy a weekend in sunny Boca Raton with friends. Or in the New Hampshire Mountains.

Does it get more fun? Beer & bowling for 6 with Prof. Duncan Kennedy.

Official Broward County election ballot, signed by all 4 members of the Canvassing Board.

Signed *Bush v. Gore* briefs: Ted Olson's or Larry Tribe's, take your pick!

Baseball in style: Red Sox tickets in Millbank Tweed's luxury private box.

One week with friends in Malibu, on Cape Cod, or in Florida near Disney.

Breakfast and tour for 6 of the NYSE floor with the VP & Chief Economist of the NYSE.

To see 400 more items: <http://record.law.harvard.edu/auction>

Plan early to get the coolest stuff

Preview items, start organizing your bidding groups, and urge your parents to check out the nearly 400 items up for auction on our website! There are items for every budget.

The party continues . . .

Post-Auction Survivor Screening! in the Hark on a big screen (approx. 10pm). Sponsored by SAC/LSC.

Dance the Night Away! Join us at Envy (downtown in the Alley) for a club fundraiser for Student Funded Fellowships (SFF). Free drinks 'til 11:30 pm! Palm VII giveaway. Dancing 'til 2am. A \$10 donation to SFF requested at the door. Sponsored by SFF, HL Central, Schulte Roth & Zabel, and Westlaw.

Special thanks to our sponsors to date

Lead sponsor: BarBri.

Platinum: Hogan & Hartson; Kirkland & Ellis; Leboeuf, Lamb, Green & MacRae; Goldman, Sachs & Co.; Skadden, Arps, Slate, Meagher & Flom.

Gold: Baker Botts; Battle Creek Lodge; Brobeck, Phleger & Harrison; Boston Consulting Group; Orrick Herrington & Sutcliffe; Ritz Carlton.

Silver: Akin, Gump, Strauss, Hauer & Feld; Cadwalader, Wickersham & Taft; Mayer, Brown & Platt.