



HLS students, faculty lend support to Living Wage sit-in

by Mike Wiser

On Wednesday, April 18, at around 1:30 p.m., 48 Harvard University students, accompanied by some press and faculty observers, opened the door to Massachusetts Hall near Harvard Square, walked in carrying crates of food and water and spread out into the various open offices along the first floor hallway. Then they refused to leave.

Among the Progressive Student Labor Movement (PSLM) demonstrators who were still in the building when the RECORD went to press a week later were HLS students Aaron Bartley '01, Fatima Marouf '02, Ashwini Sakthankar '02 and Faisal Chaudhry '03. The students have promised to stay until

the University pledges to increase the minimum wage it pays employees to \$10.25.

Inside Mass Hall

The tension was palpable as the demonstrators entered the building, which houses the offices of outgoing University President Neil L. Rudenstine, according to Chaudhry. The students distributed two explanatory letters, one to the support staff in the building and one to the University police department. After that, the students read a list of five demands. The most important of these demands is the proposed salary increase, along with the creation of a board to oversee the raise.

Related to this is the students' second demand — that the University join the Worker

Rights Consortium, a group that monitors the factory conditions where University apparel is produced.

University administrators have refused to meet with the students, although Rudenstine issued a statement to the University on Tuesday. In his statement, Rudenstine said that a Faculty Committee convened to study employee compensation had reviewed proposals to increase wages for the lowest paid workers, but had decided on a different approach. "I believed then, and believe now, that the committee's recommended approach (focused on investments in innovative education and job-skills training programs for service employees,

Please see **WAGE**, p. 3

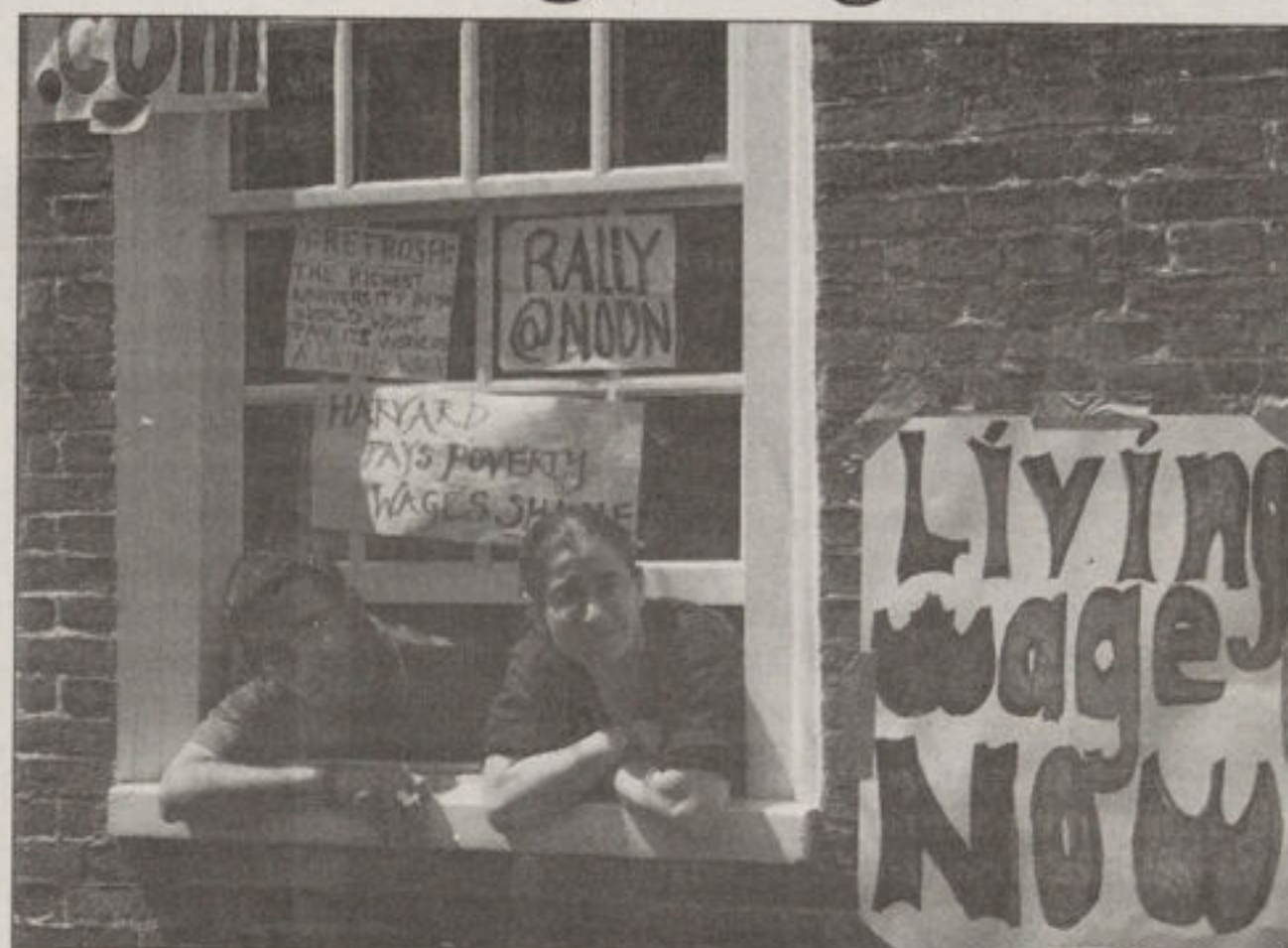


Photo by Nilufer Shaikh

Faisal Chaudhry '03 and Fatma Marouf '02 sit in at Massachusetts Hall to fight for increased pay for Harvard University's minimum-wage employees.

Public interest wins big at auction



Photos by Murad Kalam

by Justin Herdman

Free beer wasn't the only thing on tap at the annual Public Interest Auction last week. There was also plenty of singing, dancing and, of course, high stakes bidding.

For eight years, the Public Interest Auction has served as a focal point in the HLS social calendar. More importantly, however, the auction is an annual cash cow for the funding of HLS students who forego the allure of law firm dollars in the pursuit of a public interest experience. Over the course of its existence, the auction has raised over \$400,000 for public interest funding — including \$100,000 last year.

According to preliminary estimates, this year's auction exceeded even last year's impressive haul. With an exact figure not yet determined, the auction has already pulled in over \$120,000 after expenses.

The centerpiece of the event is the live auction, led by this year's auctioneers, Professors Phil Heymann '60 and Carol Steiker '86. Prior to the live auction, hundreds of items were on display throughout Austin Hall for silent bidding.

The live auction featured live performances by the Stonecutters, known from their performance in this year's HLS Parody, and the Scales of Justice a cappella singing

Please see **AUCTION**, p. 7

Profs. Warren and Rakoff, above, discuss their plans to feed a few lucky students. Prof. Heymann, below, scans the crowd for a bidder.



Hatch describes, defends 'centrist' Rehnquist Court

by Zachary Price

It's not easy being a conservative in Cambridge. Just ask Sen. Orrin Hatch of Utah, Chairman of the Senate Judiciary Committee, who visited Harvard Monday to speak about "The Future of the Supreme Court" at an event sponsored by the HLS Republicans and the Kennedy School's Institute of Politics.

"It's a real privilege for me [to be here]," Hatch said, "especially after what happened today on campus. A student came up to me and said, 'You look just like Orrin Hatch!' I nodded, and the student said, 'You must hear that a lot.' And I said, 'As a matter of fact, I do.' He said, 'That must make you mad as hell!'"

Undeterred, Hatch began his talk with a claim he suggested some liberals might find surprising: "My view," he said, "is that the [Rehnquist] court is decidedly centrist."

"I recognize that some — particularly some in the academic community — will disagree with my assertion that the court is not conservative," Hatch said. "But frankly, it's nothing new for Orrin Hatch to be in opposition to the liberal members of the academic community."

"Last term," Hatch argued, "decisions in a number of cases emerged with a more liberal bent." Hatch cited decisions to strike down a ban on "partial birth abortions,"

Please see **HATCH**, p. 4

Daschle makes case for more inclusive Democratic Party

Senator says party should embrace the crucial middle

by Phil Barengolts

Last year, the Democratic Party lost one of the closest elections in U.S. history, despite economic prosperity and a Democrat in the Oval Office. So was it the candidate or the party? If the words of a future candidate are to be believed, it may have been both.

In a likely prelude to a Presidential run in 2004, Senator Thomas Daschle (D-SD) discussed the changing ideals of the Democratic Party without revealing too much about his substantive



Photo by Murad Kalam

Sen. Thomas Daschle

views. The running theme of the speech, which was sponsored by the HLS Democrats and broadcast on C-SPAN, was best summarized by

Please see **DASCHLE**, p. 12



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WAGE

Continued from page 1

as well as expanded access to health and other benefits) is both progressive and sound. It also respects the collective bargaining process as the established means to set wages for employees represented by unions," he wrote.

In regards to the sit-in campaign, Rudenstine wrote: "The view that efforts at coercion and disruption, as opposed to discussion and persuasion, represent a proper means to achieve a desired result is mistaken, and inconsistent with the fundamental principles of a university."

A week into the sit-in, Chaudhry said that the mood in the building remains "very positive." It feels like a campaign headquarters during an election, he said. Inside, the demonstrators are busy organizing press coverage and looking for supporters on cell phones and laptops they brought with them, which are connected to the Internet.

A few non-HLS students left the sit-in on Friday, although Chaudhry said they were "ambassadors" sent to help organize demonstrations and the tent city that has sprung up in Harvard Yard.

Outside the building, organizers have organized a steady stream of speeches from faculty, local politicians — such as Senator Ted Kennedy — and workers who support the campaign.

Signs, Buttons, and HLS

While a lot of the protesters inside and outside Mass. Hall have come from other schools (particularly the College and the Kennedy School), a number of HLS faculty and students have shown their support for the protestors in both Harvard Yard and on the law school campus.

According to organizers, a number of faculty members, including Professors Duncan Kennedy, Lucie White '81, Jon Hanson, Lani Guinier and Christine Desan have shown up to the protest and some have held class outside the building.

Kennedy told the RECORD that he got involved because "I think it is a simple and important principle that Harvard should pay a living wage, and I feel ashamed as a faculty member of the Harvard community that some of our needs are met by workers paid less than that."

Kennedy added that he strongly supported the sit-in. "The sit-in dramatizes the moral illegitimacy of the administration's position and the depth of the opposition of those who have risked disciplinary action against them," he said.

White said that she has been working with low income people for twenty years, but "[r]arely do you have the benefit of a wider social movement to draw attention to the issue." When she discovered that two of her students were participating in the sit-in, she decided to change the location of the class. "We stuck to our lesson plan, clustering in front of a window of Mass. Hall, so Fatma and Ashwini could participate in the discussion. The policeman guarding that corner of the building seemed very engaged in the small group demonstrations and ensuing discussion. The whole thing went quite well," White said.

HLS students have been involved in a number of ways. Paul Lekas '03, for example, has been helping to coordi-

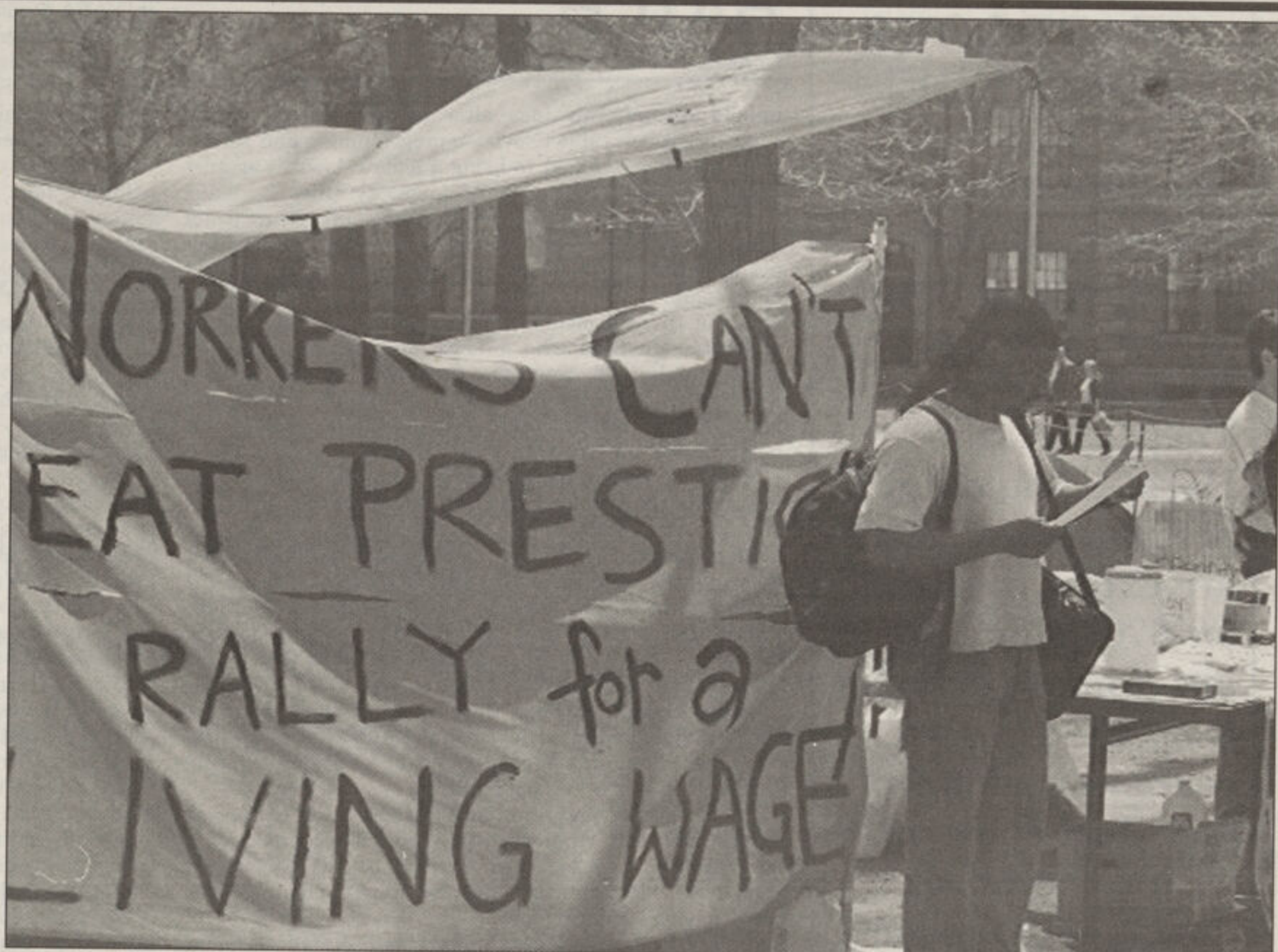


Photo by Nilufer Shaikh

Micul Thompson '03 studies an educational pamphlet provided near the Living Wage protest.

nate the media campaign and dealing with the press. Michael Mirarch '01 has been involved with the campaign since his 1L year, when he helped to set up the campaign's website. Now Mirarch says that he's helping to publicize rallies and doing the "legwork" for the campaign.

Mirarch said that he got involved after listening to the stories of workers, specifically the plight of one janitor who was forced to move into a homeless shelter. Mirarch added, "Many low-wage workers on this campus qualify for food stamps. And here they're working for the wealthiest university in the world, a university with a \$19 billion dollar endowment."

Other students have not been involved from the beginning, but like Dmitri Evseev '01 they have turned up to rallies, worn pins and put up signs of support in their windows. A member of Catalyst, Evseev added, "It has definitely made me more optimistic about the possibility of getting people really excited about reform and change."

In general, supporters like Cliff Ginn '01, who helped to create a Living Wage banner signed by HLS students, are optimistic that the campaign will be successful either in the short term or long run. Chaudhry pointed to a 17-day sit-in at Johns Hopkins as evidence that such protests can be successful. While officials at Johns Hopkins did not agree to a "living wage," they signed a document agreeing that "compensation is critical" to the lives of employees.

A War of Press Releases

While the Administration and the protestors have yet to convene negotiations, there has been a flurry of press releases issued by both the University and the demonstrators attempting to justify their positions.

According to the demonstrators, the

University pays employees wages that make it impossible for them to survive unless they work 60 or 80 hours a week. The demonstrators also claim that protests were the only option that they had left since discussion with the school had failed.

However, both Rudenstine's statement and a press release on the University's website argued that Living Wage Campaign was looking at compensation too narrowly. The University points to a comprehensive study of the issue undertaken by a faculty and administration committee.

Chaired by Harvard Business School Professor D. Quinn Mills, the committee found that fewer than 3 percent of employees earned less than \$10.25 an hour. Rejecting the Living Wage Proposal, the committee instead proposed expanded education programs for employees (such as teaching English as a Second Language), expanded access to health insurance and increased benefits for casual workers.

On the idea of a living wage, the Committee's report argued that improving other benefits was more important. Providing education would help employees improve their marketability, the Committee noted. The Committee wrote that adjusting pay for entry-level jobs would require, as a matter of equity, "corresponding increases for many others [in] the same job categories, as well as those in adjacent job classifications, whether or not such adjustments are appropriate in terms of either length of service, skill level or job responsibility. This is not a sound basis for setting compensation when satisfactory institutional systems, such as collective bargaining and job classifications, are in place and working."

The Committee's findings have been heavily criticized by the Living Wage Campaign. Kennedy told the RECORD,

"I found the Administration's explanation for its rejection of a wage floor strikingly weak. It was as though they did not dare articulate the principles of reliance on the market and non-responsibility for community members that seem to underlie their decision."

On the PSLM web page, the group offers a point-by-point refutation of the school's statement. The students claim that the three percent figure underestimated the number of affected workers, because it did not include employees who were contractors. They also claim that promised improvements in health care may not reach employees because the school may reduce the hours that employees work to a level disqualifying them from the benefits. The other benefits, they argue, are not a satisfactory substitute for a living wage.

The PSLM also claims that while the Committee did do a good enough job of looking at the effects of wages on workers, they were desperately out of touch. "[T]he committee met with just one worker during their months of study — and that was a worker whom students brought uninvited to one of the committee's meetings. Here you had a committee of academics and administrators trying to figure out how to improve the lives of low wage workers on campus, and they weren't even going to talk to a single worker," Mirarch told the RECORD.

It is unclear how long the protest will last. Most students involved think the sit-in is unlikely to end in a physical removal by police, but they couldn't rule out that the University would use force or disciplinary action to end the stand-off. Some sort of compromise, like that achieved at Johns Hopkins, may be possible, but that will depend on whether the protestors or the Administration think they have any room to compromise.

Congrats, Cooper.

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as you start your lives together.**

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dshulman@law.harvard.edu

HATCH

Continued from page 1

uphold *Miranda* warnings, alter a federal law regulating sexually explicit cable television programming and permit a public-school student to bring a federal lawsuit against school officials based on harassment by other students. "These cases demonstrate that the Rehnquist Court is not a consistently conservative court, but rather it is the product of shifting and sometimes unpredictable coalitions," Hatch said.

"All of these decisions were formed with Republican-appointed Justices who followed judicial precedent — and, I might add, the same Justices that the special-interest groups who opposed them promised us would not follow precedent, and be right-wing conservatives," he observed.

Hatch's position as Judiciary Committee Chairman means he will play an important role in the confirmation of any new Justices. Yet the Senator also paused to address speculation that he may be appointed to the court following the retirement of a sitting Justice. "I think if I wanted to be on the Supreme Court, Reagan would have put me there," Hatch said. "But if you are called, you have to serve."

Hatch said he felt a "pendulum swing" to the right was unlikely under President Bush. He indicated, however, that he thought President Bush's nominees would likely continue the court's recent trend of decisions limiting Congress' power to regulate states.

Hatch stressed that he considers it important to appoint judges who "interpret the laws, not make them." He observed that such "strict constructionism" is "easier said than done" but commented that "we have too many judges today who are creating law."

As an example, Hatch mentioned Judge Stephen Reinhardt of the Ninth Circuit Court of Appeals. According to Hatch, Reinhardt is "is world-renowned for ignoring what the law says and saying what he thinks it ought to be, and he gets reversed almost every time by the Supreme Court. He's a very bright guy, but he's extremely liberal and basically feels that he should correct all the ills of society as a judge. Now, that's not the role of a judge. They're there to interpret the law that is made by those who have to stand for election."

"It's very important that judges . . . not act as super-legislators in black robes. Because the day they start doing that, the public is going to lose confidence," Hatch said.

When asked about Bush Administration proposals to reduce involvement by the American Bar Association in

judicial nominations, Hatch said he felt "politics" entered into ABA decisions during the debate over Supreme Court nominee Robert Bork, whom Hatch described as "one of the greatest legal minds in the world." Bork was voted down by the Senate after several ABA committee-members deemed him "unqualified."

"I don't mind [ABA input]," Hatch said. "But I don't want them to vet judges. I just don't think they should be a formal part of the process." Hatch said the ABA has promised President Bush they can prepare evaluations of potential nominees within three weeks. "If we find that the ABA is delaying judges out of pure partisanship, I'm going to be very upset about that," Hatch said.

Hatch indicated he would find partisanship particularly disappointing because "we treated the Clinton judges very well." While confirmation of some judges was delayed, Hatch said that the Senate confirmed only five fewer judges for President Clinton than it had for President Reagan, who had the "all-time high," according to Hatch.

"You don't know why people are held up — sometimes because of the FBI reports, sometimes it's because the person is unqualified and Senators feel that way, and sometimes it's just because the President has nominated someone that he knows the other party's not going to take, just for political reasons."

Hatch spoke admiringly of President Clinton's nominees to the Supreme Court, Justices Ruth Bader Ginsburg '56-'58 and Stephen Breyer '64. "I was the one who suggested that [President Clinton] nominate Stephen Breyer," Hatch said. Hatch first met Justice Breyer when he worked as Chief of Staff for the Senate Judiciary Committee under Massachusetts Senator Ted Kennedy.

Though Hatch said he "disagreed" with Breyer on many issues, he described Breyer as a "wonderful man" and "an exceptional judge."

"He really loves the Supreme Court," Hatch said. "He knows how important it is for that court to be independent, for the judiciary to be independent." Hatch cited Breyer's decision to join the majority on portions of the *Bush v. Gore* decision so as to make the vote 7-2, rather than 5-4, as an indication of Breyer's appreciation for the importance of preserving the court's public legitimacy and independence.

When asked about his own views on the controversial *Bush v. Gore* decision, Hatch said, "In my view, it was legitimate. In the end, it came down to the law."

"The greatest thing about it," Hatch said, "is look at our country. We've accepted it, we've moved forward, we didn't have riots in the streets." Hatch described this show of respect for law as an "example to all the world of how a republic works."

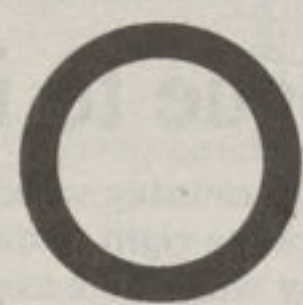
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Off the record

Three years on the RECORD.

Three years of Wednesdays that begin with nothing, witness a flurry of frantic typing around mid-afternoon, and culminate in a riotous rush to publication past midnight. Three years of laughter, three years of added stress, three years of unreturned telephone calls and unsolicited emails.

Despite the headaches, and the newspaper's vacuum on our free time, the RECORD does hold a special place in our hearts. Whether it be through a byline on the year's most controversial column, or an editorial that attacked the powers that be, this paper has given our law school lives more than structure. Meaning is too often drawn from the highest, rarest points of a human's existence — the RECORD gave us meaning at the highest, and lowest, points of the HLS experience.

There can never be a substitute for this little paper. When a student has to get one last word in, the RECORD is there. When a professor needs to affix a name to a project, or a cause, the RECORD listens closer than any one. When the LSC must get a message out, the RECORD gladly provides the bullhorn. When a campus event demands mockery, well, yes, the RECORD chimes in.

That's not to say that we can't do better. The pressures of law school have stripped away valuable time that could have been devoted to the very important work of this paper. The prospect of a life beyond academia has made some of us relish this last breath of irresponsibility and, to be honest, immaturity.

Yet when Harvard Law School is whispered in reverent tones at the degrees on our office walls, we will simply shake our heads. When future colleagues inquire seriously about how "competitive" and "cutthroat" our law school must have been, we will simply smile. When people at cocktail parties become visibly moved by the quality of our legal education, we will simply shrug.

Harvard Law School is what you make it. The RECORD spends every week proving that very point.

P.S. — I proudly announce the appointment of Meredith McKee to the position of Editor in Chief. Meredith is not only the best person for the job, she is quite simply the only person for the job. It's more than a relief to be able to hand the RECORD's reigns over to Meredith, it is an accomplishment and a privilege. Good luck, guys. JEH

P.P.S. — I humbly inform the HLS community that Liza Brann has been appointed to the position of Publisher. Liza, too, is not simply the best individual for this job, she, too, is veritably the singularly most independently wealthy candidate (trusted to not embezzle our hard-earned bread). It has been my pleasure and honor to serve as your Publisher for the past two-and-a-half years. SVS

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• Letters •

Author prefers dialogue to invective

If John met Bob in the street and shot him, we would all agree that John had murdered Bob.

If Bob attacked John with a bat and John shot Bob in the course of defending himself, we would all agree that John had not murdered Bob but, rather, had acted in self-defense.

After the conclusion of the Camp David negotiations last summer, PLO and Palestinian Authority chairman Yassir Arafat authorized Palestinian attacks against Israel. (So acknowledged PA Communications Minister Imad Falouji and Marwan Barghouti, head of the Fatah Tanzim — the guerrilla organization of Arafat's PLO faction Fatah.)

On September 27, 2000, an unknown Palestinian group set off a roadside bomb against a convoy of Israeli civilians and security killing one soldier, medic David Biri.

On September 28, Palestinians set off another roadside bomb against a convoy of Israeli soldiers on routine patrol in Gaza. Later that day, members of Fatah, organized the night before, attacked Israeli security escorting Ariel Sharon on a visit to the Temple Mount; thirty Israeli policemen were injured, along with four Palestinians.

On September 29, official Palestinian Authority television called on Palestinians to go to the streets to "defend Al-Aqsa" from an alleged Israeli threat. At Al Aqsa, Palestinian Authority religious figure Sheikh Ikrima Sabri — Arafat's hand-picked choice for mufti of Jerusalem — called for the destruction of Israel and the "eradication of Jews from Palestine."

Thus began the violence of the past half year.

But none of this interests the author of 'Humanism and Terror' [by Hani Sayed S.J.D.; RECORD, April 13, 2001].

The author's makes his dislike for Israel clear. According to him, Israel is "fundamentally" racist and violent. It is racist because it is the state in which the Jewish people exercised their right to self-determination. It is violent because it defends itself.

On March 22, 2001, the legislature of

one country voted to allow all foreigners the right to own land in their country with the exception of Palestinians. The country that passed that law, as reported by Agence France Presse, was Syrian-occupied Lebanon. This law is all the more odious as the Lebanese constitution bars Palestinians from citizenship.

In 1997, the Palestinian Authority passed legislation imposing the death penalty on any Palestinian who sells land to a Jew (regardless of the Jew's nationality). That remains the law of the PA — the death penalty has been carried out at least five times.

The author claims to oppose all nationalisms: Swiss, Israeli, American, Palestinian, Syrian. While few others may share this view on the value of nationalism, this view has integrity only when applied consistently. Curiously, the author only writes of one nationalism as racist.

The author claims that the despotism of Israel's neighbors is irrelevant. Yet, he argues for Israeli concessions to precisely those despotic regimes. How, for example, can it be irrelevant that any land from which Israel withdraws on the West Bank will become part of a despotic regime currently launching mortar shells and bombs at Israel — and yet had previously committed itself to compromise on the basis of peaceful negotiation?

In the Middle East conflict, both sides must compromise if there is to be peace. At Camp David, Israel showed what it was willing to sacrifice for peace. The Palestinian Authority never made a counteroffer which laid out the compromises they were willing to make. The author too is silent as to what he thinks compromises might mean for the Palestinian national movement.

Aside from calling Israel racist and violent, the author claims for Israel the guilt of original sin. He may feel that invective contributes to meaningful dialogue or promotes peace. The author will have to excuse me if I beg to differ.

Elliot Lowenstein '02
April 22, 2001

Student bemoans rush to judgment

I had a very disturbing experience recently. On Wednesday, April 18, I attended a talk given by British journalist Robert Fisk in an overflowing Langdell North (ably arranged by Zaid Al-Ali, LL.M. '01). Fisk showed horrific photographs of cancer-stricken Iraqi children and presented his theory that allied use of ammunition containing depleted uranium (DU) during the Gulf War was the cause of this suffering.

The first questioner read from several studies that found no link between DU and cancer in Iraq. Fisk engaged in a colloquy with this questioner in which Fisk questioned those studies, at one point exclaiming something to effect of: "But just look at the photos!" This brought loud applause from the audience, as if the photos proved not only the effect but the cause.

During the question and subsequent exchange, most of the audience quickly grew exasperated with this questioner, clearly desiring to move on. While the

question was longer than average, and the questioner slightly obnoxious, I don't see how spending ten minutes of a two-hour event on the opposing viewpoint can be a waste of time. Indeed, it was the most well-informed and relevant question of the session (to Mr. Fisk's credit, he engaged this questioner, although he later implied the questions had been "snotty").

I don't know whether DU is causing these deaths or not. Maybe more study is warranted. It was obvious, however, that most of the spectators had arrived with their minds already made up, viewing the grave question of what is causing Iraqi children to die as an ideological one, rather than a scientific one. At an institution that values critical thinking, I was dismayed by how little proof many required to confirm something they probably already wanted to believe.

John Thompson '03
April 23, 2001

**Something on your mind? Wait until next year.
This is the last issue of the RECORD until September 2001.**

PERSPECTIVE

by Mike French '02, LSC President

The seven colleges: Where we stand

Seven Goals for Seven Colleges

The following are seven student-suggested goals for the new college system along with ideas that would address each goal:

Branding of the colleges

In an effort to differentiate the college system from the current sections, steps should be taken to create independent identities for each of the colleges.

Naming of the colleges - Famous alums, former faculty and deans, and prominent legal or political figures would all be appropriate sources for names

Annual events - Each college should be encouraged to create their own individual event, such as an annual conference, re-inviting certain guest speakers or hosting a certain type of social event

Create physical space for individual colleges

Continuity

Certain aspects of the colleges should remain stable for a set number of years to ensure their longevity.

Assign faculty and masters to a certain college for a certain number of years

Create opportunities for 2Ls and 3Ls to work or advise within their former college

Advising

The colleges should be used to create stronger faculty and peer-to-peer counseling

Masters should encourage college faculty to hold career and course selection panels

A-Group leaders could compile a list of students at year-end willing to serve as informal advisors to the college's incoming class

Faculty-Student Interaction

Masters should encourage their colleagues, especially those teaching within the college, to

attend college academic and social events
Afternoon wine and cheese with an entire college faculty

Faculty presentations of their current research or area of study
Faculty commentary on recent legal developments or political events

College Interaction

While smaller sections create many benefits, steps should be taken to ensure student interaction between colleges

Weekly inter-college activity, either social or academic, possibly with both colleges' faculty

Inter-college intramurals and Ames competition

Curricular Innovation

The colleges provide the opportunity to test innovative curricular changes as called for in the Strategic Plan.

Plan faculty-led reading groups for 1Ls similar to the 2L and 3L reading groups held this year

Encourage student-led reading groups, perhaps focusing on alternatives to litigation or alternative social theory viewpoints

Provide financial support for innovative curricular research in one college a year

Hold intra-college Faculty panels, where college Faculty could offer their perspective on the 1L courses being taught by the other Faculty in their college

Evaluate Progress

Programs and events should be evaluated, with the hope of introducing positive innovations into the other colleges.

Meet with student representatives throughout the year and at year-end
Conduct town hall meetings, surveys or student-faculty meetings

Last fall, the Law School community learned that Harvard Law School would be dramatically changing the first year program. As the year comes to an end, I would like to explain some of the planned changes and present some of the suggestions that the Law School Council would like to see implemented over the coming months.

The most dramatic change in the plan is the restructuring of the four sections into seven sections with roughly eighty students. A "Faculty Master" will head each eighty-student law college. The seven Faculty Masters will be Professors Coates, Frug, Hay, Randall Kennedy, Meltzer, Minow, and Westfall. Each of the Masters will teach one class in the college, except for Coates, who will not be teaching in his college.

A second change is the complete restructuring of the LRA program. Instead of LRA, next year's 1Ls will enroll in the First Year Lawyering (FYL) program. The Law School will hire seven lecturers to head the FYL program in each section. The lecturer will conduct one class per week for the entire college, while BSA will continue to run weekly LRA-style classes. Two important aspects of the FYL program will be a comparable curriculum across all colleges and a focus on better feedback on all assignments. The new program will continue to include memo writing, brief writing and oral argument components, and may potentially include negotiation, ethics and corporate projects.

Beyond these changes, little has been done to define the college system. Unfortunately, most of this work will take place this summer, making it difficult for students to play a role in the implementation process. In response, the Law School Council has compiled the student input it has received over the last year into "Seven Goals for Seven Colleges." The LSC hopes that the faculty, when implementing the substance of the colleges this summer, will remain mindful of these Seven Goals. For questions regarding the Seven Goals, or the colleges in general, students are encouraged to contact Mike French at mfrench@law.harvard.edu.

AUCTION

Continued from page 1

group. Not all the entertainment was musical, however. Furious bidding accompanied Prof. Elena Kagan's [86] offer to host a night of poker. When the bid reached a high enough point, Kagan was impressed enough to offer two nights — one going for \$2,000 and the other for \$1,800.

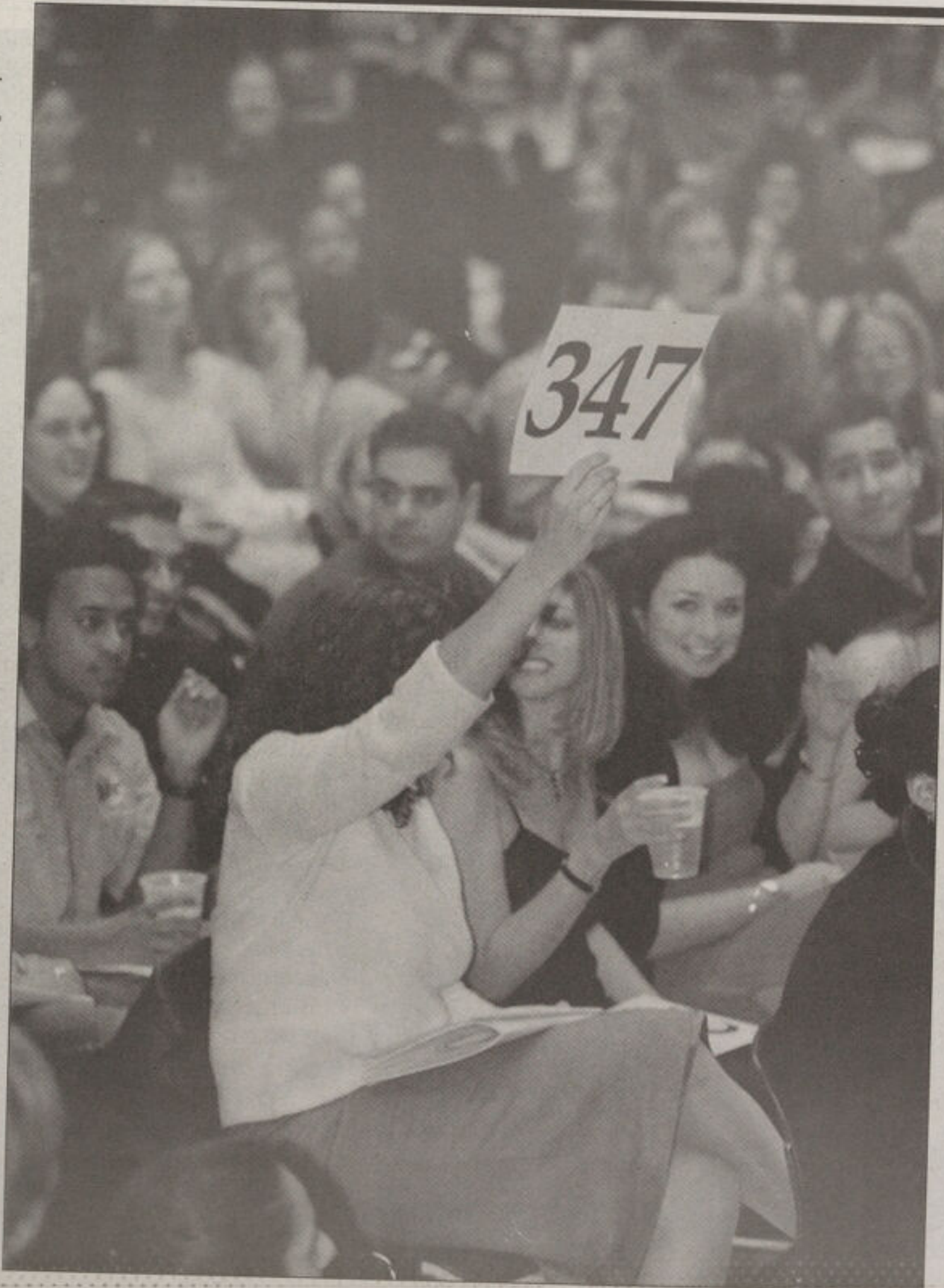
Nick Brown '02, star of CBS's television program "Survivor", offered a boomerang signed by the final nine contestants on that show. Disappointed by the boomerang's haul — it was the first item auctioned and went for \$350 — Brown offered to lunch with a bidder that sold for about \$450.

Another high-ticket item was offered by Prof. Joseph H. H. Weiler. The professor auctioned off a week's stay at his Croatian estate for approximately \$2,600.

Students use money collected by the auction for to pursue volunteer public interest during their 1L and 2L summers. Past students have sought employment at the offices of prosecutors, public defenders, civil rights organizations, federal agencies and death penalty advocacy groups, among others.

Photo by Murad Kalam

Renee Phillips '02, center, and Natalie Fay '02, right, watch as a neighbor dominates the bidding for a hotly contested item in the live auction.



• Brief •

Dean honors student leaders at award ceremony, party

Students, faculty members and administrators convened in Pound Hall on Wednesday, April 25, 2001, for the presentation of the second annual Dean's Awards.

Dean's Awards are given to third-year students and LL.M.'s who have made unique contributions to student life at Harvard Law School.

Recipients were presented with their awards at a brief reception and awards ceremony. The ceremony was followed by a dinner honoring the 14 student leaders who received awards.

Deans Clark and Richardson praised the honorees for their selfless service to the school community.

The following third-year students received Dean's Awards: Mike Adams, Aaron Bartley (not in attendance at the event because he was busy occupying Massachusetts Hall for the Living Wage Campaign), Malik Dahlan, Sheila Vera Flynn, Shira Franco, Jonathan Freiman, Barbara Grayson, Herschel Hamner, Jamie Kohen, Brent Landau, David Markus, Jay Munir, Charlene Morriveau, Sheldon Pollock, Frank Rossi and Jahan Sagafi-nejad.

Scott Hirst and Gustavo Oliveira, both LL.M.'s, also received Dean's Awards.

by George Fibbe '01

Most of all, I hope no one from our class will be quoted five years from now in some silly Esquire article talking about how miserable he or she is. That would be ridiculous. We are the privileged of the privileged: Each one of us can do just about anything, anywhere, in or out of the legal world, and get paid enough to live well. How's that for a great deal? For those of us who have the ticket of a lifetime, there should be no such thing as an acceptable level of misery in professional life.



WHY RE

WEC

During the past year, HLS has left its own imprint on the community to this place. While it is an important moment in the history as HLS attempts to move forward while maintaining its rich academic tradition, some good during these conversations we've

3L Essay

by Ayn Ducao '01

GO AHEAD, WORRY — BUT BE HAPPY

Recently I was on a panel to provide some recommendations to 1Ls about what courses to take (or not take). Another member of that panel, a friend and fellow 3L whom I admire very much, said the smartest thing that evening. She said to remember to take the courses that make you happy. She said we've all jumped through enough hoops, and we don't need to jump through any more. So if there are any words that I wish to impart to the class of 2001 (or really anyone, for that matter), I couldn't say it any better than my friend. Be happy.

Sounds easy enough. But I really don't think it is easy to be happy. For one thing, I think it's hard to figure out for yourself what makes you happy. It seems really easy to fall into the trap of doing things because other people are doing them and you want to fit in. I know that I signed up for subciting as a 1L before I really knew what that meant. It looked like something all the other 1Ls were doing, so I should be doing it too. As a 2L, I registered for Federal Courts without really having a

clue as to why, other than everyone saying it was necessary to take this course if you were clerking. I ended up loving that class so I'm glad I took it. But I didn't take that class because I thought it would make me happy. I'm just lucky it ended up that way.

I think that many of us often do things to make others happy. Pleasing a parent, friend, or significant other can be a powerful motivator. It can certainly spur one to achievement and success. But focusing too much on the approval of others leaves little room to consider what personal happiness means.

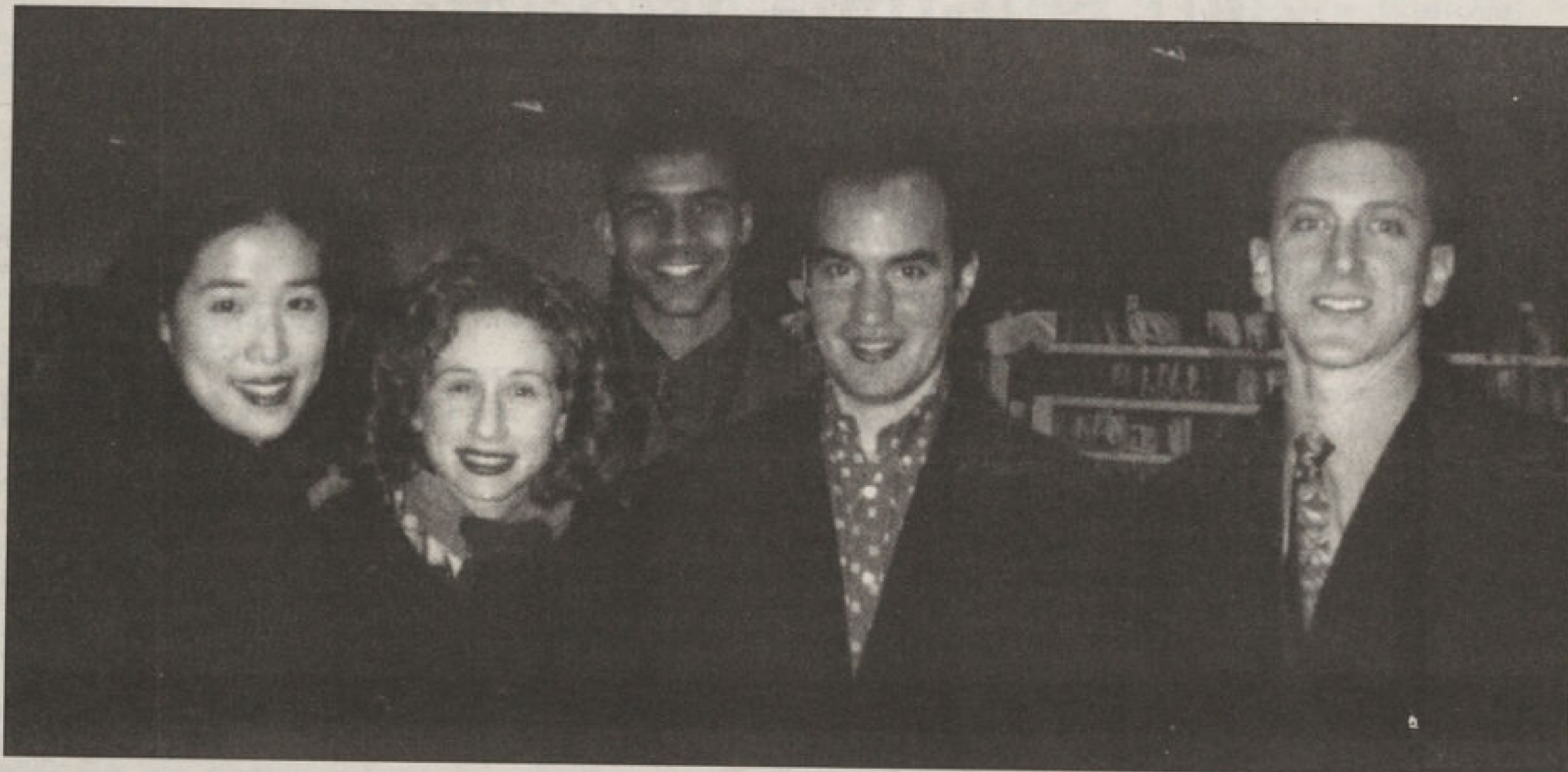
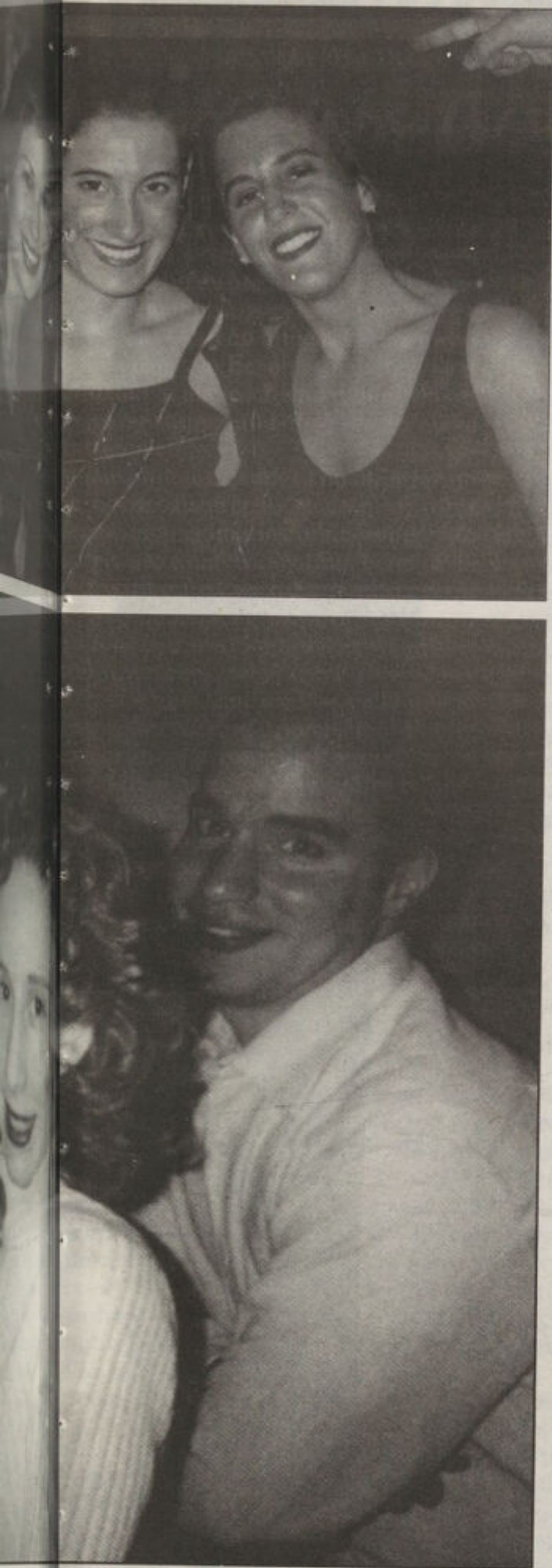
We should also remember that we're entering a stressful profession. Lawyers have relatively high rates of divorce, alcoholism and depression. Many of us are leaving semesters that have been more stressful than we had previously thought they would be (read: third-year paper). I learned from my dentist this year that I grind my teeth. No dentist I had prior to law school ever told me this. I'm definitely chalking it up to third-year paper

stress.

Yet despite all this — despite the prospect of potentially stressful work lives and the difficulty of even identifying what happiness means, I have hope that each of us can and will be happy. I believe that we have a good shot at it because we are each capable of choosing to be happy and working to make that happen.

I do think it is work to be happy. And the hardest thing in the world, after finding your happiness, is holding onto it. But I can safely say that none of us is unacquainted with hard work. So if anybody is capable of working toward and for their own happiness, we are.

If you take away from this short essay the idea that I'm basically pilfering the message from that Bobby McFerrin song, you'd be wrong, or at least half-wrong. I hope you are happy. But I don't think it will come without worry or hardship. Happiness, finding it and keeping it, is tough and takes fortitude. But I hope that each of us will be strong enough to make our own happiness.



by Jay Munir '01

REMEMBER OUR ROOTS? WE CAN'T FORGET THEM

Thinking a lot about a comes back to me while ent breaks from my 3L at Three Aces on yet the "result" or watching the 1Ls angdell. I wonder if a be in close touch with entances who so domi- at HLS. We have all past graduations from It seems particularly w, with friends leaving country and world, get- g hectic professional

ace. It's one of those row on you when you you try to resist it. As influenced the history attempts to provide us and heritage. We can be stitution's legacy, and

years, we've left our munity, our own lega- been students here at on our school's history, ot to a changing world positive aspects of its s. I think we've done me here through the il in our classes, the

many organizations we've constructed outside of class, the service many of us have attempted to provide to the broader community, and the myriad other activities to which HLS students devote themselves.

In talking to friends, it quickly becomes evident that HLS has meant very different things to different people. Some feel more positive about their time here than others. But everyone keeps mentioning the same thing when asked what they will miss most about their experience here — the people. Some mention being grateful for having had the opportunity to pursue their education in the midst of such a talented, diverse and vibrant student body. Others say they couldn't have survived their time here without the faculty and administrators who supported them. Some remember the friends they got drunk with after (and during) finals, others remember falling in love at the spring semi-formal. Everyone talks about the friends they've made here.

And I think that's where I'll find the answer to that recurring question keeping me up some nights. So, will we still be in close touch next year? I believe the answer to this question is "yes." Yes, because our friendships are too strong, our experiences together too significant and the future too promising for us to forget where we came from — and an important part of where we came from is each other.



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VIEWPOINTS

THE CONSERVATIVE

THE FIRST 100 DAYS

Things are changing at the White House. All the "w" keys have been replaced in the keyboards, the graffiti has been cleaned off the walls, and I am sure the Oval Office floors got a good scrubbing. Bush has also ordered that no more X-rated films be shown as in-flight movies on Air Force One. That's right. Clinton's choice of in-flight movies were a little more anatomically explicit than your typical Delta Airlines flight. When Clinton ran off with all the china from Air Force One, I am sure that he just forgot to pick up his movies. (I have a hunch that he has plenty of back up tapes).

I guess nothing about Clinton should surprise me. Meanwhile, the criticism of Bush seems a bit hollow.

Energy

On energy policy, Bush has been heavily criticized for wanting to increase the energy supply. Nobody wants more oil mining. Or nuclear power. Or hydroelectric power. Or more coal power plants. Or higher prices. So now California is getting ready for more rolling black-outs this summer. Californians will have no lights, no Nintendo, no television ... I'm warning you this will lead to a population explosion.

Foreign Policy

On foreign policy, things have been pretty calm. The U.S. soldiers are back safe from China, but the Chinese caught a windfall by keeping the plane. Finally they can get our secrets without having to make a campaign donation to the DNC.

Taxes

On the issue of taxes, the Democrats have stopped talking about a "risky" tax cut scheme and now claim to have always been in favor of a tax cut. Lieberman wants to give everyone 300 bucks. Lieberman? Soon Gephardt will threaten to shut down the government if Congress doesn't cut the pork out of the budget.

Abortion

The abortion debate is somewhat contorted. Pro-life advocates are labeled as crazy extremists, or "religious zealots," yet the pro-choice group is afraid of having the issue removed from the super-democratic quasi-legislature that is the Supreme Court. Yep, better make sure that this decision is made by a group of nine rather than the masses. I guess the masses might also be a bunch of crazy right-wing baby-loving extremist religious zealots.

Pro-lifers are also accused of being inconsistent if they oppose abortions, but don't support every well-intentioned government program. I agree that if you are pro-life, you should also help families that have babies despite

difficult circumstances. (Kudos to the Society of Law Life and Religion for organizing Culture Shock III to do just that). But most people recognize that you cannot solve every problem with another government program. I wish you could. Limited resources also prevent funding every worthwhile charity.

Of course pro-choice advocates are not inconsistent when they strain to find penumbras of rights to establish the "right" to abortion on demand. Yet, they become strict constructionists when it comes to drawing the line to determine who is a person. Suddenly the Constitution should be strictly construed to make sure that we don't include the unborn in the circle of humanity. Gee, I can't think of any other instance in our nation's history when people turned to a strict definition of the Constitution to keep those inalienable rights away from others.

Bush is criticized for withholding funding to international "family" clinics that support abortion. I love the liberals' response to this. When they list all the calamities that will happen if these clinics shut their doors, they never mention that there will be less abortions. Instead they talk about how there will be more cases of AIDS and other STDs. But why can't family planning clinics still plan for families without advocating abortion? Can't you still give out condoms without performing abortions?

Elderly, Education, etc. ...

Despite Republican control of the House, the Senate and the Presidency, Social Security has not been eliminated, schools have not been shut down, and the world has not come to a screeching halt as promised by the alarmist Democrat election ads. In fact, it seems that Bush has some innovative ideals on how to improve education — even though he apparently speaks English as a second language.

Sexual Harassment

Oh wait, that was the last guy. You know, the one that all the liberal feminist groups supported. The way liberal feminists stood by their man was truly inspiring. Clearly they are concerned about all women when prominent liberal feminists such as Gloria Steinem applauded the way Clinton handled the Kathleen Willey incident. Steinem explained that Clinton did just what women wanted because when Willey told Clinton to stop, he did. Somehow I think that not all women agree with Steinem's "one free grope" rule.



Aaron Olsen

THE LIBERAL

SMILE IF YOU WILL, BUT DON'T HIDE YOUR TEETH

As careful readers of the *Boston Herald* would have undoubtedly noticed weeks ago, students at Harvard Law School just can't stop smiling. Or, to be more precise, they can't stop telling their classmates: a) to smile, and b) what to smile about.

And it wasn't just a minor organ like the *Herald* that decided to spill some ink over the anti-abortion *cum* free-speech brouhaha here at dear old HLS. Even the RECORD, indisputably the most authoritative journalistic voice when it comes to reporting — or even causing — controversies on this campus, devoted a column or two to the topic of the "Smile!" propaganda war that's been waged over the course of the past semester or two.

While there was a lot of coverage, locally and VERY locally, about the school's alleged attempt to chill anti-choice speech, chiefly by calling the initiator of this campaign into the principal's office, I don't know that there's been a lot of commentary on what's happened since the events of last month. (But then again, I don't read the *Herald* very much.) Many of you may be wondering if Harvard Law School, that bastion of evil liberalism and lock-step political correctness, is still threatening poor Matt Evans '01 with dire consequences should he continue his scotch tape and thumbtack-driven crusade.

Now I don't have this from the horse's mouth, but I think that the answer is no. The "marketplace of ideas" approach, which we law students hear so much about in class, has won the day, if the signs I've seen on bulletin boards and lockers all over school are any indication. The "Smile! Your mom chose life" flyers are still visible — to say nothing of plentiful — and have precipitated a more or less well-coordinated counter-attack from several pro-choice individuals and organizations on campus.

It's pretty obvious to me that this is a better response to the situation than anything we'd heard about last month. Either the administration's official shutting down an "inappropriate" conversation, or other students' literally ripping down messages they found to be upsetting or offensive, would have been far less satisfactory. Such approaches smack of ignorance and censorship, and are, I would argue, far less effective responses than a persuasive counter-argument. Both camps in this battle have taken to posterizing with gusto and even to scribbling rather intelligent little questions on the other side's flyers.

It should be pretty obvious to all of you that I'm on the pro-choice side of this bulletin board debate. They don't put "the liberal" up above my column for nothing. I've known Matt Evans since those heady days of 1L year, when we sat side-by-side in Civil Procedure (at least on the days when we both attended class) and tried to figure out just what this personal jurisdiction stuff was all about anyway. Although I've absolutely no reason to doubt the sincerity of Matt's beliefs and convictions, and I'm glad that he and other right-to-life types at the school have gotten a chance to have their say, I can't help but fundamentally disagree with most of their conclusions.

Believe it or not, even I am not foolish enough to launch into a defense of



Matt Wood

the pro-choice position here and now, with only the remaining balance of my thousand-word or so column at my disposal should I even be articulate enough to make the case at all. What I really wanted to talk

about this week were the posters from the other side that I found to be the most striking. "Smile!" might be catchy and memorable, but "slavery" was the word that really caught my eye when it was used on several of the anti-abortion posters.

Comparing current attitudes about abortion to antebellum attitudes about slavery seems to me to be a fairly brilliant rhetorical stroke. I know for a fact that neither Matt Evans nor anyone else here at Harvard Law School was the first person to think of this analogy. I also know that lots of people would find the comparison to be inapposite and inadequate, to say nothing of flawed and misguided. Yet, even if you disagree vehemently with the analogy, you can't deny the rhetorical power — based on shock value and cognitive dissonance alone, if nothing else — of making the comparison in the first place.

I don't really have any complaint about the pro-life movement's use of this comparison. I personally think of it as tasteless, and feel that it does a disservice in explicating both the horrors of slavery and the physical, emotional and social difficulties faced by mothers who choose not to carry a pregnancy to full term. Yet, the argument is an interesting one and does raise some questions that pro-choice advocates have to address. While the slavery comparison does little, in my mind, to reclaim any progressive ground for what is essentially a conservative viewpoint, I would hardly feel comfortable denying pro-lifers the right to conceive of themselves as modern-day abolitionists.

What does bother me about this comparison, from an argumentation standpoint, is that it is one more example of the current vogue in conservative circles for co-opting liberal tactics and terminology. After so many years of decrying the "outmoded" ideas of the left, why is it so fashionable all of a sudden for Republicans to proclaim their compassion, their belief in diversity and their desire to protect the environment? Maybe it's just the nature of politics; you call the other candidate a liar and then proceed to do anything you can to woo the voters who would've voted for her. There was a guy named Clinton who seemed to be pretty good at that.

I suppose I'm just a little bit frightened, however, when — in almost Orwellian fashion — "Equal Protection" becomes an equal opportunity program for the advancement of white people. Or when a student group that calls itself the "Alliance of Independent Feminists" sends its members out to read articles on the importance of courtship as a tool for women to turn male lust into love.

Effective rhetoric is well and good, but let's at least try to be honest. Whether it's 1850, 1984 or 2001, slavery is not freedom.

The RECORD staff wishes HLS
a happy summer.
Don't worry.
We'll be here when you get back.

Fenno

Fenno had spent the last 40-odd years waging a low-level guerrilla war against the HLS administration and faculty. His ongoing frat-boy hijinks had given Fenno a naïve but gratifying feeling of subverting the evil aims of the school's decision-makers. But in all this time, he had never had a chance to put his thoughts together and speak his mind about life in Cambridge. So, as the academic year wound to an end and summer approached, Fenno sat down to write a little letter to the people who had touched his life over his many years in the Boston area:

To the people who have been doing "construction" at the Fresh Pond/Alewite rotary for five years without making any visible progress,

— Can you work on my driveway when you're done?

To the power-tripping hostess at Dali who thinks she's in an episode of Sex and the City and who called my friend's girlfriend a bitch,

— I would like to see you gored by a bull.

To the guy at Phil's Towing who threatened to "call the cops" when I got in my car and drove away before he could tow it,

— Ha Ha!

To the guy at B & B Towing who has successfully towed my car several times,

— You may have one those battles, but I am winning the war!

To the Mr. Clean-look-alike bartender at the Common who snatched a drink out of my way-too-sober hand at 12:45 on a Friday night because it was "last call,"

— Nice hoop earring; can I mop your

scalp?

To the guy at Grendel's who kicked out my 43-year-old friend who didn't have an ID,

— I hope you carded Tribe, too.

To the kids outside Borders who laughed at me for reading books,

— Yeah, reading is for losers.

To the BankBoston teller who, when I mistakenly used a Savings deposit slip instead of a Checking deposit slip, asked me sarcastically, Don't you know how to read?

— No, reading is for losers.

To the cop at the airport who threatened to write me a ticket for waiting in the pick-up area, even though there were no other cars around, and who pointed at a No Parking sign and said You got a college degree and you don't even know how to read!!!

— No, reading is for losers.

To whoever decided that street signs are not really needed around here,

— You were wrong.

To whoever works on the escalators at the Harvard and Porter T stations,

— I wouldn't hire you to work on my car.

To the Harvard Police receptionist with whom I had the following conversation,

Hi, I was wondering if I could come in and get fingerpri...

No!...

How about tomorr..

No!...

Ummm, OK, when cou...

Tuesday at 2:00! (Click.)

— Book 'em!

To all the other compulsive sentence-finishers and interrupters around here,

— Chill the fuck out!

To the people at Cambridge Traffic and Parking who see every visit by a prospective parker as an occasion to invent a new, previously unknown document that is "absolutely required" for the issuance of a parking permit,

Quote of the Week

'How come I've never had my name in the RECORD?'

—Tyler Theis '01, reflecting on his impending graduation.

— You'd better hope St. Peter has a sense of humor.

To the guy at HomeDepot who, when I asked which drill bits would fit my drill, said Don't you college kids know anything?

— I wish I could try out my drill on your skull.

To the Evening Van dispatcher who berated me repeatedly for not knowing where Louie's is,

— Oooohhhhhh, THAAAAATTTT Louie's! Sorry, my mistake.

To the autobody mechanic who berated me repeatedly for not having heard of "Mr. Gav,"

— It took me a while, but I now realize that you meant "Mystic Ave."

To the mechanic looked over my friend's car, had him wait 45 minutes for an inspection and then, when my friend got to the front of the line, told him I don't know what you're doing here, 'cause we don't work on rear-wheel drive cars,

— You are a bad, bad man.

To the bartender at O'Sullivan's who refused to let me watch Clinton's parting speech, even though no one was watching the TV, and who told me pointedly You're hangin' out with the

wrong crowd in here, all because the Bruins pre-game was on,

— Wait 'til next year for the Cup, bud.

To the authorities who found out that Baraka Café in Cambridgeport was allowing people to bring their own wine and then made them stop,

— Way to tackle the big issues!

To the builders of the Ted Williams tunnel,

— Mmmm ... that's a nice tunnel; when do us normal folks get to use it?

To whomever sets the taxi fares in Boston,

— Are you aware that a ride to Cambridge from the airport costs twice what you'd pay for a ride in your own front seat in Roxbury?

To the guy at Marcella's (now out of business) who tried to charge me five bucks for a bottle of water and wasn't kidding,

— I hear Monsanto is hiring.

To the guy with the California is Overrated bumper sticker,

— I'm still waiting to see that first Massachusetts is Overrated sticker.

To everyone who's ever told me, You can't get there from here,

— Yes, you can.

FORGE AHEAD



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DASCHLE

Continued from page 1

Daschle himself. "The basic premise is that we're all stronger as a family, stronger together than we are separate," he told an overflowing crowd in Langdell North.

Characteristically, though Daschle received but a smattering of applause for declaring support for a Constitutional amendment that would allow Congress to control campaign spending, the loudest cheers of the night came in response to a partisan jab. "If you want to move the country forward, you put it in D. If you want to put it in reverse, put it in R," Daschle joked.

Daschle was unapologetic in his support of the Clinton administration and took frequent timeouts from the general point of his speech to remind the crowd that the current administration has rolled back many of Clinton's more ambitious advances. Daschle stirred the crowd by noting a few prime examples, such as ergonomic workspace regulations, spending for international family planning and ambient arsenic levels provisions.

Daschle also addressed a number of substantive issues where he believed the Democrats had an upper hand in public opinion. He stressed the importance of continued and expanded financial assistance for college tuition, proclaimed support for computer literacy by the 6th grade and asserted his support for a patients' bill of rights and improved access to coverage for prescription drugs.

Daschle also took time to criticize the Bush tax cut proposal. Arguing that it was too large and based on dubious revenue stream projections,

he instead pushed the Democrats' proposal for a smaller tax cut that targeted middle income households rather than the highest income earners.

The question and answer period provoked a more substantive look at the issues, though Daschle still managed to maintain his political poise and not reveal too much about his stance on many issues. Some of the more interesting highlights of the Q&A included Daschle's admission that the Democratic party was not unified on the issue of a National Missile Defense System. "[I] personally believe it's a mistake because it doesn't work," Daschle stated, citing the need for more research and the potential to alienate allies as sticking points in his opposition to deployment.

Daschle's take on Supreme Court nominees was straightforward. He proclaimed that he would merely look for someone who was qualified and fit the political mainstream, although he expressed concern that the Bush administration may try to elevate extreme judges.

When asked about diversity and affirmative action, Daschle laid the issue at the feet of the audience. "As I look out onto this room, I only wish I could see more diversity than I do," said Daschle, who then proceeded to state his desire for expanded affirmative action programs.

The most anticipated and loudly applauded comment was one that was not an answer at all. Asked about who would be the Democratic nominee in 2004, Daschle simply responded that there were many qualified candidates and he would leave it at that. It remains to be seen whether Daschle feels he is one of those qualified enough to make a run at the Presidency.

Sportsguy

by Phillip Barengolts '01
RECORD Columnist

SPORTSGUY ALL-STARS

A-League 1st Team

PG — Steve Got Friends In Locher Places '03
G — Jamal Lesane In The Brain '01
SF — Teddy Ruxpin Miller '03
PF — Lars Big Johnson '01
PF/C — Dominic Lanza Lakes Butter '02

A-League 2nd Team

PG — Jason You Have Kreag On Your Face '03
G — Cool Hand Luke McFarland '01
SF — Jonathan Wind Mitchell Factor '02
F — Darien Futrell Long Hot Dog '01
F/C — Brian Kang I Get A Witness '03

B-League 1st Team

G — Ryan Natural Kane Sugar '02
SG — Matthew Little Sheppard Boy '01
SF — Cameron Cohen Head '01
F — Steig Olson Dirty Bastard '01
C — Adam Admiral Nelson '03

B-League 2nd Team

PG — Victor Hu Let The Dawgz Out '01
G/F — Will Brumbach That Ass Up '03
G/F — Peter Marmo Money Mo' Problems '02
F — Javier Divining Rodriguez LL.M.
F/C — Chris Get Your Rocks Schoff

C-League 1st Team

PG — Bridgette Every Rose Has Its Thornton '03
G/F — Kelly The Old Huffman And The Sea '01
G/F — Andy When I Get That Feeling I Need Sexual Healy
PF — Craig Cronheim Gonna Get You Sucka '01
C — Robin Another Brick In The Wall '01

C-League 2nd Team

PG — Ben Would I Like To Get On Hur '02
G — Misty Leave the Light On For Me '01
SF — Lauren Where You Fit In Fletcher '02
F — Stephen Ride Moeller-Sally Ride '01
F/C — Barry Murderer's Roe '02

• Brief •

HLS will survive on the small screen

When "Law and Order" begins its 12th season on NBC this fall, there will be a new character joining the show that Harvard students should relate to immediately.

Elisabeth Rohm will be joining the cast as an assistant district attorney who graduated from Harvard Law School. According to a press release issued by the studio, "Rohm's character is an extremely gifted intelligent and aggressive young prosecutor with Harvard Law Review on her resume and aspirations beyond the District Attorney's office."

Rohm will be replacing Angie Harmon, who played A.D.A. Abbie Carmichael. Before moving to "Law and Order," Rohm had a recurring role on the WB series "Angel" as well as ABC's "One Life to Live."

BEFORE THE LAW

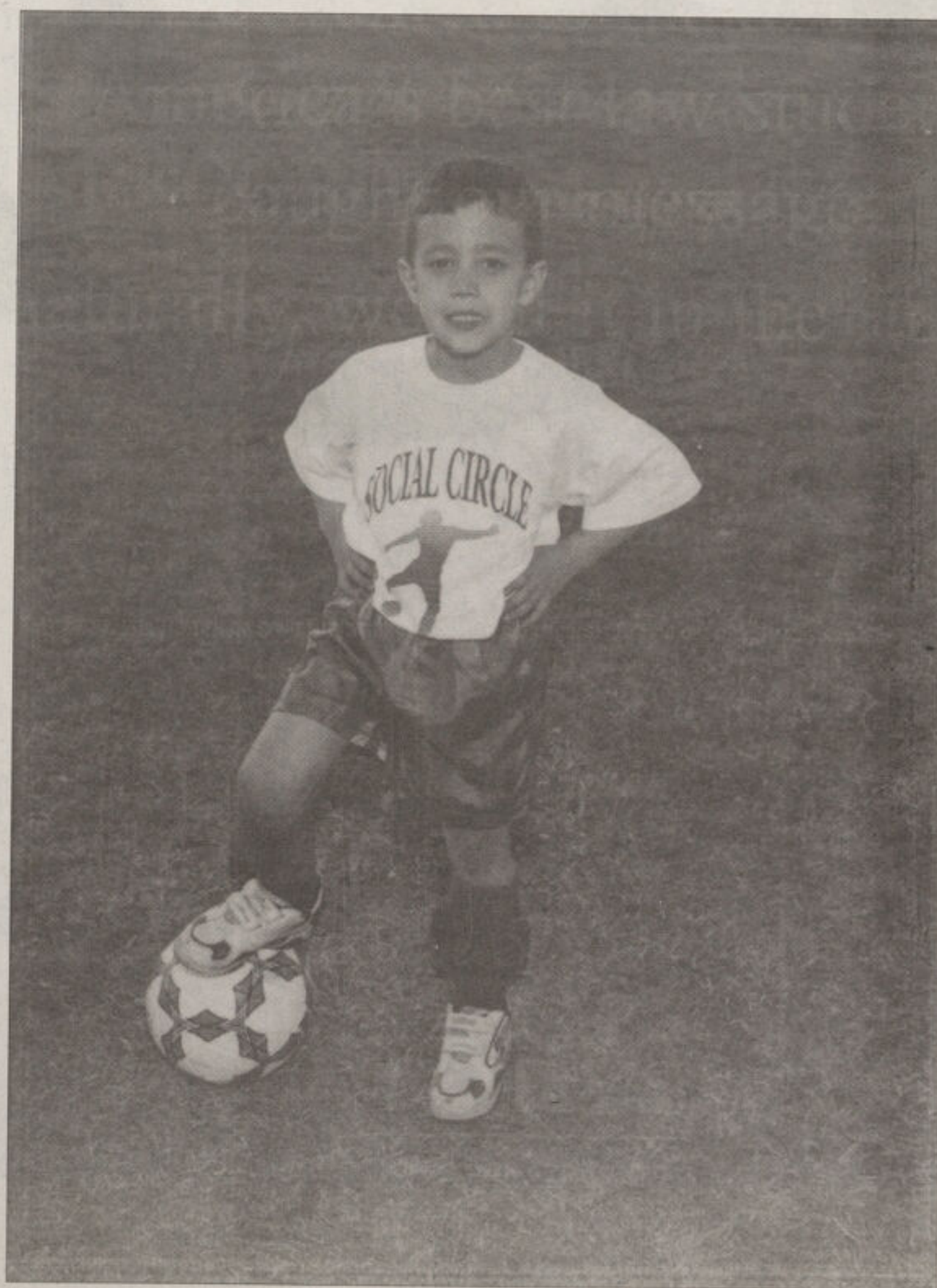
BY DEREK WINDHAM



Congratulations to the
RECORD's graduating 3Ls:

Juan Pablo Alban
Francesco Barbera
Phil Barengolts
Dave Barrett
Justin Cooper
Justin Herdman
Dan Konieczny
Steve Scali
Doug Sims

The rest of us will miss them.



CASTING COUCH

by Jim Greeley '01
RECORD Columnist

MEMENTO

Imagine awaking every day in a random hotel room with no knowledge of where you are or why you are there. You know your identity and can remember most of your past. Your last memory involves the brutal rape and murder of your wife, but you have no idea how long ago it took place, nor what has occurred in the interim. Each morning is the first morning that you must endure the penetratingly fresh pain of your wife's absence. In your mind, no time has past since her death, making the healing process impossible.

This is the ingenious premise of "Memento," quite possibly the most fascinating movie I have ever seen—and that is not the intoxicants talking.

Guy Pearce plays the lead character,

Leonard, who suffered severe head trauma while trying to defend his wife against an intruder in their home. The attack left him with a peculiar mental "condition," as he delicately refers to it. He has no short-term memory. He forgets in a matter of minutes everything he learns and anyone he meets. He has therefore devised several methods of remembering essential facts. He photographs his acquaintances and writes their names and information on the photographs. Additionally, he tattoos reminders on his body.

For most, such a condition would remove any will to live. There seems little reason to spend the majority of each day reorienting oneself merely to survive until the next day when the

process will begin anew. Leonard, on the other hand, has a strong motive to persevere: revenge. He has dedicated his life to tracking and killing the man who murdered his wife. He is not concerned with the difficulty of this task, nor the fleeting nature of any satisfaction he will gain from its execution.

As if such a plot is itself not sufficiently spellbinding, director Chris Nolan employs an innovative narrative technique. The majority of the film occurs within the head of Leonard. Moreover, these thoughts lay out the storyline in reverse chronological order, although this is not readily apparent. The first scene involves Leonard's most recent act. From there, the action regresses to the "beginning"

of Leonard's story. Initially, the movie seems to be utter chaos. Along the way, however, various clues are revealed that point to the underlying causes of the action.

This film is extremely complex. In the interest of aiding the more feeble-minded among us, I have assembled a convenient "quick reference" guide to viewing Memento.

First, do not try to guess the ending because you will fail.

Second, when you disregard my advice and venture a guess because you go to Harvard, prepare to feel like an incompetent ass at the end of the movie.

Third, do not leave the theater for any reason during the film. Go to the bathroom, buy your exorbitantly overpriced snacks and make out with your underage girlfriend before the movie begins.

Fourth, once you take your seat, do not attempt to relax, because the film will not allow you to do so. In fact, do not blink, cough, speak, masturbate or engage in any of your other usual theater behaviors. Concentrate, Daniel-Son, this is not one of your animated Disney videos, (or what you want your houseguests to believe are Disney videos).

Fourth, and perhaps most importantly, I implore you to go to the theater sober. The film is extremely challenging to follow when you indulge in controlled substances. You will only become paranoid and end up screaming obscenities at some elderly woman in the next row who you mistakenly believe is staring at you. Furthermore, if it is inebriation you are interested in, Memento will skew your perception of reality more than a three-day ether binge in the Mojave Desert — I think. I will let you know for certain after this weekend.

Simply follow these five easy steps and you will truly appreciate the breathtaking performances of Matrix co-stars Joe Pantoliano and Carrie-Anne Moss. You will marvel at the new Brad Pittesque image that Guy Pearce has adopted. You will laugh. You will cry. In short, you will be in for one of the most enthralling viewing experiences of your pathetic, inconsequential and hopelessly self-centered life.

To the HLS Community:

I'm putting together a Barber Baby Fund for the (younger) barber at the Central Barbershop, next to Three Aces Pizza. He is adept at high-speed, low-cost haircuts with the added benefit of passing conversation about the world (he's originally from Lebanon). It came out during my last haircut that he is about to have his first child. I thought of getting him a gift, then thought there might be others in the HLS community who have grown the same attachment to him over the years. If you are interested in contributing to the Barber Baby Fund, please contact prosenbl@law.harvard.edu.

Peter Rosenblum
Associate Director
Human Rights Program



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What does it take to protect creative ideas? Creative thinking. Foley & Lardner, one of the largest law firms in the U.S. with over 150 intellectual property attorneys and technical specialists, is looking for original thinkers. Join us and expand your career by working with diverse high-tech businesses from emerging growth companies to industry giants in biotechnology, consumer products, e-commerce, electronics, and pharmaceuticals. Contact Linda Fiscus, National Director of Legal Recruiting and Professional Development, at 202-672-5469 or lfiscus@foleylaw.com. And put your imagination to work.

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PERSPECTIVE

by Clifford Ginn '03, HLS Greens President

Community rallies for living wage, as globalization marches on

On Wednesday, April 18, 46 students from the various Harvard schools commenced a sit-in at Massachusetts Hall (one of Harvard's administrative buildings), demanding that the University pay all of its workers a living wage of \$10.25 an hour, with benefits. The group included HLS students Aaron Bartley '01, Faisal Chaudhry '03, Fatma Marouf '02 and Ashwini Sukthankar '02. As of this writing, they are still there, and vigils, demonstrations, speeches and even celebrations continue around the clock outside Massachusetts Hall. Politicians such as Senator Edward Kennedy and former Labor Secretary Robert Reich have come to offer speeches of support in front of the occupied building. Senator Paul Wellstone has sent a letter of support, and numerous local and state politicians have come to the rallies as well. Students, alumni, faculty, union and nonunion workers, advocacy and political groups, and citizens from the Boston area continue to gather in Harvard Yard, to ask why some employees at the wealthiest university on the planet still have to work 90 hours a week to provide a decent home for their families.

For over two years, the Progressive Student Labor Movement (PSLM) has been presenting these demands to Harvard's administration, educating the community within and outside the University, rallying overwhelming support among students, student organizations, faculty, alumni and other quarters, and drawing media attention to the conditions under which Harvard's least fortunate workers live. Meanwhile, the University has increasingly replaced permanent employees with contracted labor, thereby escaping Cambridge's living wage ordinance and any benefit requirements, and creating downward pressure on union labor wages. Harvard pays workers as little as \$6.50 per hour without benefits, forcing many of them to work 90 hour weeks, eat in soup kitchens and live under the constant threat of eviction from their homes. After months of increasing unwillingness on the Administration's part to even discuss the issue further, the PSLM decided that civil disobedience was the only avenue left.

As the Harvard community rallied around the living wage campaign this weekend, 20 to 30,000 citizens from around the world descended on Quebec City to protest talks on the proposed Free Trade Agreement for the Americas (FTAA), which would extend a North American Free Trade Agreement (NAFTA) like "free trade" regime to the entire Western Hemisphere (except for Cuba, apparently the only "non-democracy" in the hemisphere). The details of the proposed agreement are not known because, as with NAFTA and the General Agreement on Tariffs and Trade Uruguay Round, which created the World Trade Organization, the agreement has not been made publicly available. Negotiations took place within a fenced off area of the city, and Canada strove mightily to turn away protesters at the border.

In cities all around the world, citizens rallied in solidarity with the Quebec City protesters, and Cambridge was no exception. An anti-FTAA rally outside Mass. Hall on Saturday brought representatives from labor, environmental, human rights and other groups together to draw connections between globalization, growing corporate power, poverty, pollution, and human rights abus-

es. Harvard Dining Hall worker Ed Childs talked about the stagnation of wages in this country, and how monied interests have consistently attempted to breed division between blacks and whites, environmentalists and labor, first world and third world, in order to thwart union efforts to secure a higher standard of living. He stressed the importance of students and workers supporting racial justice, environmental protection and human rights. Former Labor Secretary Robert Reich also discussed the stagnation of real wages in recent decades, stating that if the minimum wage in 1977 were adjusted for inflation, it would be at least \$7.35 an hour (the current minimum wage is \$5.15 an hour). He urged students to follow the example of their predecessors in all the major social justice movements of the last century and use their influence to call the rest of the nation to arms. Harvard Professor Juliet Schor, an economist and chair of the Women's Studies Department, debunked the myth that globalization brings increased prosperity to all people, noting that absolute and relative poverty have increased dramatically as globalization has proceeded. She also discussed how some of the most destructive products of globalization, including the acceleration of global warming (resulting from increased shipping and the carbon dioxide emissions that entails), will disproportionately affect the poor, who can ill afford to move from flooded areas, and will have great difficulty adapting to changing climate conditions. A human rights worker from Colombia addressed the crowd in Spanish (with a translator), revealing how the "war on drugs" in Colombia has a great deal to do with securing oil resources in the region. The \$50 billion in U.S. aid that goes to Colombia helps fund rightwing paramilitary groups, who systematically execute the indigenous peoples who stand in the way of resource extraction. He explained that increasing globalization will only give the oil companies participating in this massacre greater power and a broader market for their ill-gotten gains.

The community members in Harvard Yard and the protesters in Quebec City and elsewhere recognize that the circles of power are closing quickly, and many of the progressive gains of the last several decades may soon crumble as a result. The rising tide of economic prosperity in this last decade has indeed raised all the yachts, but the poor have not fared so well, and the beneficiaries of globalization's largess have no intention of sharing. Harvard University's endowment has grown exponentially, and yet the idea of allowing workers to live with some degree of dignity has become increasingly repugnant to the Administration. The United States is riding on the longest peacetime economic expansion in its history, yet income disparity is at an all time high in relative and absolute terms. Twenty percent of our children live in poverty, with another 20 percent in near poverty, our prison population has almost doubled in the last 8 years, and environmental, health, safety and occupational regulation have been systematically gutted. All this hap-

pened during a "liberal" administration, and President Bush has made clear his intention to accelerate all of these trends as best he can.

Even if it were possible to eliminate the many market failures inherent in a "free trade" regime, any free trade agreement negotiated in a world where wealth and power are held by so few will necessarily further concentrate wealth and power in the same hands.

The circles of power are closing quickly, and many of the progressive gains of the last several decades may soon crumble.

The staunchest Clinton apologists acknowledge that the side agreements on labor and environment, which President Clinton attached to NAFTA in order to get his party's endorsement, have failed miserably, but the NAFTA tribunal has meanwhile justified the

dire predictions made by progressives at the time. Among other things, the tribunal has determined that: Canadian television has nothing to do with culture, a state's refusal to allow a corporation to reopen a hazardous waste facility and poison a city's water supply is a "regulatory taking" compensable at an exorbitant sum, and that a state's refusal to allow use of a carcinogenic gasoline additive, which tends to find its way into water sup-

plies, is a similar "taking." Naturally, the tribunal answers to no American, Canadian or Mexican citizen. As decision-making moves further politically and geographically from affected citizens, democracy suffers, and humanitarian and environmental concerns follow closely behind.

As even the New York Times has (finally) acknowledged, the protesters in Quebec City know perfectly well why they are there. They see that increased corporate power, combined with decreased corporate and governmental accountability, may well lead to the destruction of everything they hold dear. They can no more rely on their "representatives" in government to consider their concerns in these negotiations, than can the Harvard community rely on the Administration to respond to the overwhelming support the Living Wage Campaign enjoys. The only recourses for citizens at this point are peaceful assembly and civil disobedience. However, as the Living Wage Campaign has demonstrated, this need not be a purely solemn undertaking. With music, chants and creative endeavors, we can celebrate the ideals we cherish and the power we have as a community to protect those ideals, when we stand together.

Please come out to Harvard Yard to support the Living Wage Campaign. You can get more information on the campaign and how you can help at www.livingwagelow.com.



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Hale and Dorr wishes to congratulate
the Harvard Law School graduates
who are members of the Firm's 2001 Fall Class:

↑
Daniel E. Cochran

Joshua D. Fox

Timothy Jezek

Leonard J. Kardon

Gregory F. Noonan


and wishes to welcome the following
Harvard Law School students
to the Firm's 2001 Summer Program:

↑
Rachel H. Anderson

Jacob T. Elberg

Jeanne Fromer

Benjamin S. Halasz

Cytheria D. Jernigan

Gregory H. Lantier

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