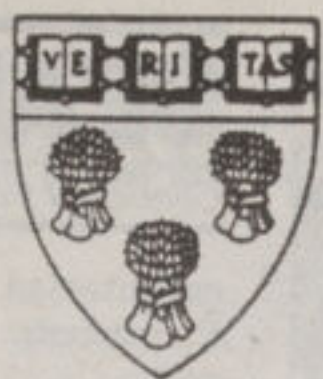




—The Harvard Law— RECORD

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An evening of silence



Nilufer Shaikh/RECORD

Law students met on Jarvis Field Friday night to remember and honor the victims of the Sept. 11 attacks. As participants in a candlelight vigil, members of the HLS community showed their solidarity with an act that was replicated across the country.

Legal Aid sees rise in 3L retention

■ Moves to ensure dedication and improve mentoring pay off.

by Sarah McGonigle

Bucking a trend of troublesome 3L attrition, the Legal Aid Bureau is entering a renaissance of sorts as this school year begins. Bureau President Matt Watkins '02 said of the decade-long slump in Bureau retention, "we're sort of in an ongoing process ... [we've implemented a] host of changes in just about everything we do, and our retention is definitely better this year than last year."

Established in 1913, Harvard's Legal Aid Bureau is, by its own accounts, the oldest student-run legal services office in the country. Its student attorneys, who join the Bureau in the beginning of the 2L year, take on cases involving landlord/tenant, family and public benefits law free of charge for low-income residents of Middlesex and Suffolk counties. The Bureau, funded by HLS and private donations, is headed by a nine-member board of student directors.

The Bureau's retention problems go as far back as the '60s, according to Watkins, when a sort of "anti-grade obsession" drove Bureau members to replace a grade-oriented selection process with a lottery.

"The system wasn't measuring students' resolve," said Watkins. "It had no way of measuring that. You know the Law Review and BSA have competitions, but [applying to] the Bureau could almost be an afterthought — how much effort does it take to sign up for a lottery?"

Watkins pointed to this factor as a major contributor to Bureau's high attrition rate, a rate that had climbed to almost 60 percent for the class of 2001.

After pinpointing the lottery as disruptive to the Bureau, the Board of Directors instituted a competition-style format for applying to the organization for the class

Please see LEGAL p. 3

HLS Announces Sears Prize winners

by Meredith McKee

■ The results are in, and no one is as shocked as the recipients.

When Julie Zeglis '02 heard that she had won the Sears Prize for her work last year, she was more than a little surprised.

"I didn't know that there was [a Sears Prize awarded] after 2L year," Zeglis said. "I thought, hey, nice grades, but I didn't think I was in the running for anything."

Zeglis and classmate Ben Goldberger '02 were awarded the Joshua Montgomery Sears, Jr. prize Monday for 2Ls, while Michael Shah '03 and Glenn Cohen '03 received the 1L Sears Prize.

Shah voiced similar shock.

"I thought I was in the running, but when I didn't hear by mid-August, which is when I

hear that they had traditionally announced it, I had given up," he said.

The Sears Prize, established in 1912 to honor the two 1L students and the two 2L students who receive the highest grade averages each school year, is not just a fancy title. Winners also receive a hefty award of \$10,000 — money each of this year's recipients is happy to have.

"Free money! How often do I get free money?" Zeglis said, laughing.

Zeglis said she plans to "be pretty boring" and put most of the money in a savings account.

"I was thinking about buying myself a new camera, and I'll

probably buy nicer-than-usual Christmas presents," she said.

While Goldberger has "no idea yet" what he will do with his new-found wealth, Shah said he planned to invest his winnings. Confronted with the prospect of a weak market, Shah revised his plan.

"Maybe I'll hold on to it and go buy some fur coats and diamonds," he said.

Glenn Cohen was unavailable for comment.

Obviously, this year's winners discovered methods of studying that work for them.

Zeglis said that her secret lies in continually reviewing class notes and materials.

"It's important not to start studying for exams a week before or two weeks before, but study all during the year," she said. "The first week I'm lost, but if you go back later, you start to see how those first few weeks fit it."

As exams approach, Zeglis said, she turns to outside sources.

"I'm, frankly, a big fan of the commercial outlines," she said. "I have every Gilbert's ever made. I don't treat them like they're the gospel, but it creates a structure to organize a way of thinking."

"I feel like some people are

Please see SEARS p. 2



Julie Zeglis



Glenn Cohen



Ben Goldberger



Michael Shah

HL Central moves from social scene to social conscience

■ After two years and a change in leadership, HL Central begins to develop its community service initiative.

by Mike Wiser

HL Central, for a lot of 2Ls and 3Ls, is synonymous with bar reviews, a website and maybe free donuts on Friday morning. The six-member board of the organization, elected in the spring, is hoping that students will add one more item to that list: community service.

Within days of the attack on the New York and Washington, the community-building organization announced to the school that it would provide funds to students who needed to travel home to be with family or close friends. Naomi Klein '02 the Finance Chair said that the organization maintains funds for students to draw on when dealing with personal crises.

"This is the first opportunity that we have to publicize this and the first time we thought there might be a general need," Klein said. While no one has asked for assistance yet, members of HL Central's board said that students could come to them to ask for similar assistance in the future.

The money for these initiatives and the organization as a whole comes partly from donations that firms give HL Central in return for the organization's help in planning and publicizing receptions and recruiting events. They also receive donations from other corporations listed on their web page.

Providing resources to students during a time of need is only a part of the organization's extended community service mission.

"The goal when we do give out money is not just financial support," said Niki Fisher '02, co-chair of HL Central's section committee. The organization hopes to use its resources to organize everything from community service projects to an Internet database with volunteer opportunities.

The new initiatives are being spearheaded by Ariane Decker '03 (JD/MPP), who created a similar program while she was in college. Decker said that she was working to create community service projects for each section, organize one-day public service



Nilufer Shaikh/RECORD

Ariane Decker, right, and Naomi Klein discuss HL Central's long-time focus on community service.

projects and assist school organizations with planning their own activities.

Beyond organizing projects, Decker hopes that HL Central will provide a resource for volunteers.

"I'd like to get a database of opportunities for individual people up on the web of organizations that I've contacted that I know need help and need volunteers," she said.

While HL Central has long been known as a social organization, the board is convinced that it can change its image.

"We are trying to introduce HL Central as much more than a social organization right from the beginning," Klein said, discussing how the organization wishes to present itself to 1Ls.

The board members the RECORD talked to were also convinced that students will be willing to pitch in and volunteer.

"I ... think that in light of last week's events there is a heightened awareness of the need for individuals to contribute in different ways," Fisher said.

Decker added that students can get a lot from community service.

"You can take as many ethics classes as you want, but there is something important

about learning to do things for others and learning to look beyond just yourself," she said. "And it is always a really fun thing to be involved."

The organization is also hoping that scholarships and awards will encourage students to commit to public service. This year HL Central launched a \$1,000 scholarship that will be awarded to a 1L who worked on community development during college. Students can obtain applications, due Oct. 1, 2001, on the HL Central website.

When HL Central was founded by T.J. Duane '02, its founder emphasized organizing bar reviews and hosting a website to facilitate student interaction. But the current board, which took over when Duane stepped down, said that community service has always been a part of the organization's mission.

"T.J. right away had the ultimate goal of developing it into this," Fisher said.

Since the organization has only been around for two years, members are still working to define exactly what it is and how it works. According to Klein, the entering 1L class will play a vital role in shaping what the organization does.

SEARS

Continued from page 1

embarrassed to use Gilberts or Emmanuels, but not me," Zeglis said.

Goldberger, on the other hand, said that taking class notes in the margins of casebooks has been helpful. He also said that exams are very "professor-specific."

"I like to look at old exams to try to figure out what particular professors are looking for from their students," he said.

Shah voiced a similar focus on professors.

"Professors will tell you everything you need to know," he said. "People get really tied up in other things, but that's pretty much what you need."

Although all of the Sears Prize winners said they dedicate substantial time to studying, they all said they try to live balanced lives.

"I did a lot of extracurriculars in high school and college, but I felt like here I was just going to hunker down on the academics," Zeglis said. "At the same time, I think it's really important to have a social life."

"If I studied all the time, I'd be miserable and I'd probably do worse," she continued. "You just have to put down your books and go see your friends, or go to a movie, or watch TV or whatever."

Nor has Goldberger limited his non-academic pursuits.

"Last year I did line-editing for JOLT, was on the ATLA mock trial team and took the patent bar in the fall," he said. "I also play poker every Tuesday night, but I'm not sure if that counts as a commitment."

Shah spent much of his first year of law school commuting back and forth to New York to work on a fledgling company that has since gone bust.

After graduation, Goldberger said he will be clerking for Mark Wolf, a district court judge in Boston. Zeglis has accepted a job in Chicago at Sidley Austin Brown & Wood.

Harvard Law on the right strategic path

by Jay Munir '01

Last week, I ran into a couple folks from my HLS graduating class in the Washington, D.C. subway. Amidst the tight security and sense of loss that has enveloped our nation's capital since the recent terrorist attacks, their faces brought back a flood of memories from happier days before the world turned upside down when we were all in Cambridge — studying in Langdell, hanging out at Cambridge Common, playing pool in the Hark.

As I was leaving HLS this past June, I felt a little jealous of those remaining. I didn't envy the fact they still had to write their 3L papers, but I knew they were about to enter a new, promising chapter in our school's history. Students, faculty and administrators had spent the last several years working on ways to improve an already first-rate institution. Exhaustive surveys, countless town hall meetings, and often heated debate marked our most recent strategic planning process, and the product was one of the most significant and interesting periods of self-reflection Harvard Law has witnessed.

As I prepared to graduate, the results of strategic planning were tangible and exciting. Even if everyone didn't agree on the results, it was difficult to deny that

HLS was approaching another century with a long overdue spirit of innovation and experimentation. One-L class sizes were being slashed, law colleges were being created to facilitate greater community among students, faculty leaders were being named to improve student advising, LIPP was being significantly expanded, and a pro bono requirement was being implemented to reaffirm Harvard's commitment to public service. Plans to institutionalize academic feedback, internationalize our curriculum, reform the troubled 3L paper requirement and expand electives were afoot. A concrete program to address the much-maligned HLS physical plant was readied. And this was all just for starters.

The strategic planning process, and the sense of change and fluidity it engendered, spurred several other important changes. Students worked with Dean Clark to overhaul Hemenway Gymnasium and add recreational amenities to common spaces and dormitories. The registrar's office implemented technical improvements to our registration processes. Student groups joined forces in the "Diversity Initiative" which led us to create, among other things, a much better-organized minority student recruitment effort this past spring.

Achieving all this wasn't easy. Constructive cooperation between stu-

dents, faculty, and administrators was essential. The three groups sometimes disagreed on strategic planning proposals. But countless students were involved in the process at every step — attending town hall meetings, joining focus groups, sitting on committees, filling out surveys, e-mailing professors and joining campaigns sponsored by student groups like the Law School Council, SPIN and Catalyst. Hundreds of students signed the LSC Bill of Expectations reform plan (which was presented to the faculty, and is now being preserved for posterity in Craig Anderson '02's apartment), and each of its five planks were at least partially addressed. We didn't get everything we wanted. In judging the success of strategic planning, however, it is important to remember everything we did accomplish. HLS is an old institution where change has never come easily, but we made significant strides in the right direction laying the groundwork for future progress.

Nonetheless, it is still fashionable for some to single out HLS administrators for unfair criticism. Before you accept those criticisms, however, remember that the picture is not as clear as some try to portray. Take our Dean Clark, for example.

Many of us, like myself, who support grade reform and the living wage may disagree with Dean Clark on those issues.

But I also watched him announce far-reaching expansions of LIPP each of my three years in law school, and I was impressed. I've heard him passionately argue for the valuable benefits of diversity in recognition of the vast contributions American minority and foreign students make to our school, and I've believed in him. I've seen him endorse student initiatives from the Hemenway purchases to last spring's minority student recruitment efforts, and I've been grateful to him for that support. Like so many of our faculty members, Dean Clark has dedicated much of his life to our school. Strengthening student-faculty cooperation seems to me the only way to build on the progress of the last several years.

Harvard Law is a special place, with a rich tradition of academic excellence. The world has changed, however, and HLS must adapt. Adapting to those changes, while simultaneously preserving our rich academic traditions, is an ambitious undertaking for our current and future students. It's a challenge worth taking, however, because you will most likely miss the place when it comes your turn to leave. I know I do. And that's probably why even as I look out at the beautiful monuments of our nation's capital outside my office building, I still think of buildings with names like Wyeth, Harkness and Gropius every single day.

Reparations debate advances

by Trevor Gardner

After years of being dismissed as an idea too radical for serious debate, the issue of reparations for the American government's participation in slavery is now receiving close attention across the nation. Newspaper editorials, radio and television talk shows, and Sunday-morning political pundits have recently felt the need to address what was once thought to be a dead question: Should the government compensate African-Americans for enduring not only slavery, but the harsh legacy of racial discrimination in America? One of the architects of the reparations movement, Harvard Law Professor Charles Ogletree '78, answers "yes."



Prof. Ogletree

Of all the possible civil rights initiatives supporting racial equality, Ogletree found reparations to be the most promising.

"It's the most comprehensive form of remedy and it covers the broadest class of individuals," he said. Ogletree believes that unlike present remedies targeting racial inequalities, reparations will benefit the poorest of minorities.

"Affirmative action has always been a remedy that [advantaged] the privileged and working classes, but never filtered down to the underclass" who haven't benefited from the opportunities of our democracy.

Prof. Ogletree has recently assisted in pushing the debate into the global arena. Earlier this month Ogletree attended the United Nations' conference on racism where reparations became one of the most important and controversial matters for discussion. The Bush administration did not send a representative to the conference despite late negotiations between the U.S. and the U.N. over the scope of the talks. The United States eventually chose to boycott the conference at least in part because of the prospect of language endorsing reparations for slavery in a final collective statement by representatives. Despite the U.S. decision to avoid the first U.N. conference on race, Ogletree said he found optimistic conference attendees excited finally to address the problem of racism as a global community.

"[The reparations initiative] was enthusiastically received. We spoke to heads of states, leaders of non-governmental organizations, people with the knowledge that the great issues of slavery" have not fully been addressed.

However, Ogletree was not the only attendee waiving the reparations banner. A significant portion of the conference explored the historical relationship between Europe and Africa, and the feasibility of new policies intended to rectify past wrongs such as the lasting injuries caused by the slave trade. Ogletree believes that the many African nations' attempt to address the consequences of colonialism and the reparations initiative in the United States are complementary. "The source of the slave trail is in Africa, but the harm was world wide."

Although reparations proponents seem far from any official victories either in the courtroom or the legislature, the mainstream media's adoption of the issue illustrates the substantial progress Ogletree and other advocates have made in recent years. However, the exposure has often been met with heated opposition.

"I think most people are emotional about it, and angry because they don't understand it," Ogletree said. "There is no group that has had to go through what African Americans have had to go through in the last five centuries."

Since his appointment to the Harvard Law School faculty in 1984, Ogletree has accepted controversial roles in the national spotlight. During the Clarence Thomas confirmation hearings, he served as counsel to Anita Hill. However, the reparations project may be his most volatile issue yet. The professor has received death threats as the debate surrounding reparations has become more contentious, prompting the caution of family and friends.

"They're upset," says Ogletree. "They tried to discourage me from [working on the initiative] and I'm paying more attention to their concerns. But it's not about me. It's an issue whose time has come."

Ogletree stressed that despite the importance of the reparations initiative, the issue must take a back seat to graver concerns regarding the attack on the World Trade Center and the unfortunate possibility of war.

"In light of what happened, reparations is the furthest thing from my mind. Reparations is secondary to the prospect of world war."

The media's adoption of the issue illustrates the substantial progress Ogletree and others have made.

LEGAL

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that has just entered its 3L year. Watkins said that the retention rate — up by almost 20 percent so far this year — may be attributable to this simple change.

Other innovations around the Bureau have not been as straightforward. Watkins pointed to the daunting sink-or-swim style of induction as an area in need of multi-faceted change. In an attempt to ease the introduction to Massachusetts' courts, Watkins has taken part in a "collaborative effort" involving the Bureau's faculty advisor, Prof. Murray, its Administrative Director, Betty Allebach, and the Bureau's past and present boards of directors to improve the mentoring relationship between 2Ls and 3Ls at the Bureau. This year, 3Ls have been assigned to oversee and advise one or two 2L mentees as they struggle with the steep learning curve associated with representing real clients. Current Bureau Member Barry Roe '02 says the new system, which "keep[s] as much sinking and swimming, but without the possibility of drowning," is "a huge improvement over last year." New Bureau members are also expected to attend substantive seminars and skills workshops as part of their orientation.

Still, some suggest that regardless of the changes, the Bureau is just not for everyone. Current member Evan Norris '02 called the Bureau, "hands down, far and away the best thing I've done at the law school — the

best thing that exists at the law school." However, he cautioned that "it's obviously not for everyone, depending on how they think they should be allocating their time. It's a big, big thing."

Past Bureau member Najeeb Khoury '02 echoed that sentiment, citing purely personal preferences

Balancing a social life with the demands of the Bureau also poses problems for some rising 3Ls.

for his decision to leave the Bureau. He mentioned his desire to focus more on broader policy issues and the "emotionally draining" nature of working for the indigent as reasons for leaving the Bureau.

Members past and present also mentioned that clients can be difficult or disappointing. Roe said that "clients can run the gamut from very helpful in their own cases to very, very difficult." And Khoury suggested that even when clients are easier to work with, it can be difficult to focus so narrowly on

individual circumstances when the system itself seems so flawed. The work, he said, "doesn't very much allow you to advocate for more systemic changes," a cause of personal frustration for him.

Of course balancing a social life with the demands of the Bureau also poses significant problems for some rising 3Ls. Norris, for example, said that he works 15 to 30 hours a week for the Bureau, a figure President Matt Watkins confirmed members can easily reach or exceed. Roe said that he for one was "firmly decided" on not coming back to the Bureau this year because of difficulties with juggling his personal life with his commitment to the Bureau. But during 2L recruiting last spring, a time when he said he was "reminded of all the wonderful things about the Bureau," Roe "completely turned a 180 and decided that I could work it out."

Still, Watkins seems to accept and expect some misfits with Bureau life.

"Everyone here has felt frustration and a has been little overwhelmed. This work is not for everyone — that's just the reality of it," he said. "I'm not going to sit here and say we'll ever have 100 percent retention rate. We won't. But I think that the people who do stay find it really rewarding. People who have left haven't always had a support system and hopefully we're taking care of that."

Powerless in a powerful land

by Jonas Blank

In the midst of debates about our freedoms, we forget the sacrifices made by others.

As I stood outside at ten o'clock Friday night, cradling a tiny espresso cup with a burning candle inside, I thought about what a terrible time it is to be in law school.

With the post-attack news cycle slowing, CNN and others have turned to human interest reporting to fill the airwaves. As good news organizations do, they've depicted this tragedy from an incredible range of vantage points. Middle American farmers. Relatives of the missing. Arab-Americans. Soccer moms. Soldiers. Firefighters. Fathers.

I see people trying to help, people whose lives and whose work keep us fed, keep us safe, keep us healthy. People who, in their small ways, make this world move by doing their best every day at whatever they do.

Where am I?

One of my friends, a Newsweek reporter, spent the night of the attack scurrying between New York hospitals, trying to find survivors. Finally, she ended up at ground zero, talking to confused but determined rescue workers. She got herself a hell of a story. She told me later that it still doesn't seem real.

It didn't seem real here, either. By Wednesday I was back into my 1L class routine. A routine that, while still surreal in its own right, seemed utterly meaningless in the wake of this tragedy.

One of my professors dedicated his class to talking about the attack. There were the expected calls for revenge, the expressions of confusion and fear, the concerns about friends and loved ones whose destinies remained uncertain.

What I did not expect were the comments that, to me, verged dangerously on equivocation, or even justification, for this thing that has happened to us. Some seemed to suggest that we were reaping the sour fruits of things like Iran-Contra, Desert Storm, U.S. global hegemony, even slavery; that Osama bin Laden's hatred was justifiable and the violence explicable; that this catastrophe was no worse than the terrible suffering that happens around the world every day.

Our country, like all nations, has a legacy that is at times messy and at others downright ugly. But to draw any parallel, or worse, to try to establish an appropriate causal relationship between this heinous, violent assault and our nation's history is wrongheaded and inappropriate. This act's motivation was not politics, but hate. This act's victims were not political. They were not combatants, they were not citizens of a nation at war. They were bankers, waiters, firefighters, bureaucrats and parents — people who were in no way responsible for U.S. history or policies.

Our tragedy is not more important because so many of the people were Americans. It should be more important to us because it is ours to deal with.

Firefighters and cops and politicians were trying to restore order Wednesday morning. I and my fellow law students were busy having a class discussion.

What most frustrated me about the dialogue was not that I didn't agree with some of what was said, but that what was said cost so little. We had the privilege of sitting in an academic enclave where any opinion is given credence, where any idea is worth debate. Harvard Law School, like virtually all of the academy, is a place where all the hot air often amounts to nothing.

While I was fortunate to be safe, I was also frustrated that I was so impotent. While the rest of this country was uniting to solve the problem, my class was trying to argue both sides. We languished in the safety of a classroom as others were preparing to give their lives to secure us the right to do so.

In academic climates rank with privilege and token radicalism, people forget that their easy lives are not free. We are the heirs of a birthright that others are still paying for. We are the heirs of a nation's mixed legacy that it is our duty not only to criticize, but to improve.

As I understand it, a good lawyer is able to see both sides of an issue. But a good lawyer — like any human being with integrity — also must have the courage to take a side. One day, many of our words won't be so costless. They will affect decisions, they will affect lives. In some cases, they will affect nations. But right now, my words don't make a damn bit of difference to America.

And that is the most frustrating sensation of all.

For the RECORD

Fallout

■ *It's up to the student body to send the most important message of all: Our classmates cannot live in fear.*

In the overwhelming crush of recent events, we have neglected the one problem we may actually be able to influence: Some of our classmates are nervous that they will be on the receiving end of suspicious stares and harassment.

Most of us assume that the high value HLS places on intellectualism will insulate our community from occasions of discrimination. To call that assumption into question, one need only look to our southern neighbors — the undergrads, an equally well-educated crowd. On Saturday, Sept. 15, the Islamic Society at Harvard University received a "sharply worded email" that blamed all Muslims for the Sept. 11th attacks. In reaction, The New York Times reports, Harvard University has assigned its security officers to monitor Muslim events and provide protection to any student who requests it.

As destructive as incidents like this are, the intangible fears that they engender are even more harmful. Those fears are making some Muslim women afraid to walk outside with their heads covered. They are making the University post police officers at student prayer services and gatherings. They are making some nervous that finding jobs this October may be difficult for Muslim and Arab students.

Harvard Law School must be a haven for all of its students, and, to that end, the administration should be applauded for proactively reaching out to the Islamic Students Association to provide forums for discussion.

The administration is doing its part to address the concerns of nervous students. Now it is up to the student body to extend the most meaningful message: We will not tolerate our friends and classmates living in fear.

While HLS thrives on intense debate and disagreement, it is still (as this past week has shown) a close-knit community. The actions and words of a handful, positive or negative, can define the message of this entire school.

Last week's tragedy is one that wounded all Americans and most of humanity. Most of us cannot influence the political decisions being made in Washington, D.C., but we can influence the message this community sends to its members and to the outside world.

"The worst thing anyone could do to me would be to question my identity as an American," one HLS student said last weekend. "It's the only thing I have."



Don't sacrifice freedom for security

by Clifford Ginn

The terrorist attack last week will change all of our lives forever. I would not wish on anyone the agony I experienced waiting to find out if my friends were alive, but I know that all too many of us felt it, and that the pain only increased when the answers came.

I think we all agree that we should not allow our anger and sorrow to make us forget our most cherished principles and hopes. However, I fear that is precisely what our leaders, and a large portion of our population, are doing. The last week has revealed the heroism, compassion and patriotism of which Americans are capable, but it has also revealed an eagerness for vengeance against the perpetrators (or anyone who looks like them), and a willingness to sacrifice the very freedoms that terrorists always seek to destroy.

Our government representatives are ready for war, and they want bin Laden "dead or alive." Yet the government has only classified bin Laden as "a prime suspect." Not even Texas administers the death penalty before trying the accused.

Even proceeding on the reasonable assumption that bin Laden is responsible, war with Afghanistan will fail to accomplish our goals, and will cost many lives on both sides. The Afghani people do not support the Taliban, but a starving population living in abject poverty can hardly overthrow the Taliban, and we should not bomb these people to punish them for their desperate circumstances. The only way to bend the Taliban is to conquer them, and another superpower with considerable geographical advantages has already tried and failed to do that, with tremendous loss of life on both sides. Even if the Taliban wanted to hand bin Laden over, they might have no more

Contacts for selected national leaders

Executive Branch:

President Bush president@whitehouse.gov
Vice-President Cheney vice.president@whitehouse.gov

Senators:

Senator Kennedy senator@kennedy.senate.gov
Senator Kerry john_kerry@kerry.senate.gov

Representative:

Representative Capuano <http://www.house.gov/writerep/>

ability to capture him than we do.

Of course, a U.S. attack on an Islamic country is exactly what bin Laden wants — the more brutal the attack, the easier it will be for him to unite like-minded individuals in nations throughout the Middle East. Giving the CIA increased leverage to work with human rights violators and return to their assassination/government-toppling days will also do little to build goodwill in the Middle East.

We must weigh the dim prospects for success against the certainty that a U.S. invasion of Afghanistan will produce significant human rights violations. It was not so long ago that the U.S. attacked a nation with a geography ideal for guerrilla warfare, where soldiers could not easily distinguish friend from enemy, and populated by a race of people who seemed, because of media portrayals and racial stereotypes, prone to violence and less than human. One can only imagine what Vietnam would have been like if Vietnamese terrorists had killed 5,000 Americans in a day of terrorism. It also does not help that, to an American soldier, many Afghani people will look like Osama bin Laden, the man we sent them to retrieve "dead or alive."

Of course, no one in government has yet asked how bin Laden could find so many soldiers for his war. Much of the Muslim world lives in desperate circumstances under horribly repressive governments, and the U.S. has played a significant role in creating these conditions. Changing our policies and providing relief to those suffering in the region would not only fulfill a moral duty too long neglected; it would be

a prudent investment in national security.

Whatever course we adopt abroad, we must ensure that our nation remains one of freedom and tolerance. Indefinite detention of legal immigrants on charges unrelated to terrorism is only a small step away from interning them. The Supreme Court has substantially weakened Fourth Amendment protections in recent decades, and I cannot see how virtual elimination of what remains will advance the investigations enough to offset the loss of a fundamental liberty.

More distressing than any of this is the increasing violence directed against Arabs, South Asians and anyone who looks like them. A Sikh man has already been murdered, and more indiscriminate violence will follow unless the government takes an aggressive role in advocating tolerance and protecting the threatened racial, ethnic, and religious groups.

Often, when our nation has faced a crisis of this sort, civil liberties and the ideological, racial, ethnic and racial minorities they protect have suffered. As a nation, we have expressed regret over the civil strife of the Vietnam war, McCarthyism and the internment of Japanese Americans, and we have taken some of the lessons from those incidents to heart, but the headlines in recent days give me a chilling sense of history repeating. To change this pattern, we must inform our leaders that we will not allow them to destroy what America stands for, in an effort to protect us. Whatever your thoughts may be on these issues, I urge you to share them with your elected representatives. Believe me, they will listen.

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Harvard Law RECORD, Harvard Law School, Cambridge, MA 02138-9984
RECORD@law.harvard.edu

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Publisher: Liza Brann
Business Manager: Jason Blackstone
Photo Editor: Nilufer Shaikh

The Harvard Law
RECORD

Editor: Meredith McKee
Executive Editor: Mike Wiser
Production Editor: Vijaya Palaniswamy

Staff: Randall Jackson
Sarah McGonigle
Cliff Ginn

Trevor Gardner
Justin Dillon
Matt Caccamo

J.R. Parker
Dave Min
Amira Day

Thomas Cmar
Allison Margolin
Jonas Blank

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

Active foreign policy is key to lasting peace

by Dave Min

Clearly, last Tuesday, Sept. 11, 2001 was tragic and horrible, on a scale that most of us had never known before. Words cannot adequately describe the emotions that we as Americans are feeling right now, and I have no intention of trying. But as we try to make sense of these attacks upon our nation, it is inevitable that we will focus upon the causes, to see what we might have done differently to prevent or avoid such a terrible outcome.

J.R. Parker, my counterweight in this tete-a-tete, contends that this incursion into our sovereignty and our sense of security is an inevitable outcome of American imperialism, of our excessive entanglements in foreign affairs. While I do not entirely dispute his depiction of America as empire, I respectfully contend the contrary position is the case: by *not* engaging enough in foreign affairs, we allowed an unstable and increasingly hostile climate to develop abroad that was bound to strike at us at some point.

For good and for bad, our nation, our culture, is associated almost entirely with a particular brand of globalist free trade. From the days of Admiral Perry, to the ratification of GATT, America has sought to export its capitalist ideology to the furthest reaches of the world. With the collapse of the Soviet Union, we declared that the free market had prevailed, establishing itself as the one true and righteous governing ideology. Today, Coca-Cola, Starbucks and Levi's are just a few of the symbols whose worldwide reach and universal recognition illustrate the dominance, the empire, of American culture.

But as we reveled in our wealth and grandeur, we often ignored the severely negative effects of our dominating ideology. All too frequently, the introduction of American ideas and American businesses has led to the discarding of timeless traditions, the erosion and destruction of family and local governance structures, the overnight transformation of peoples into paupers. One need only note the absurdly high rates of disease, starvation and prostitution in recently industrialized countries to see the truth of this. This is not to say that we

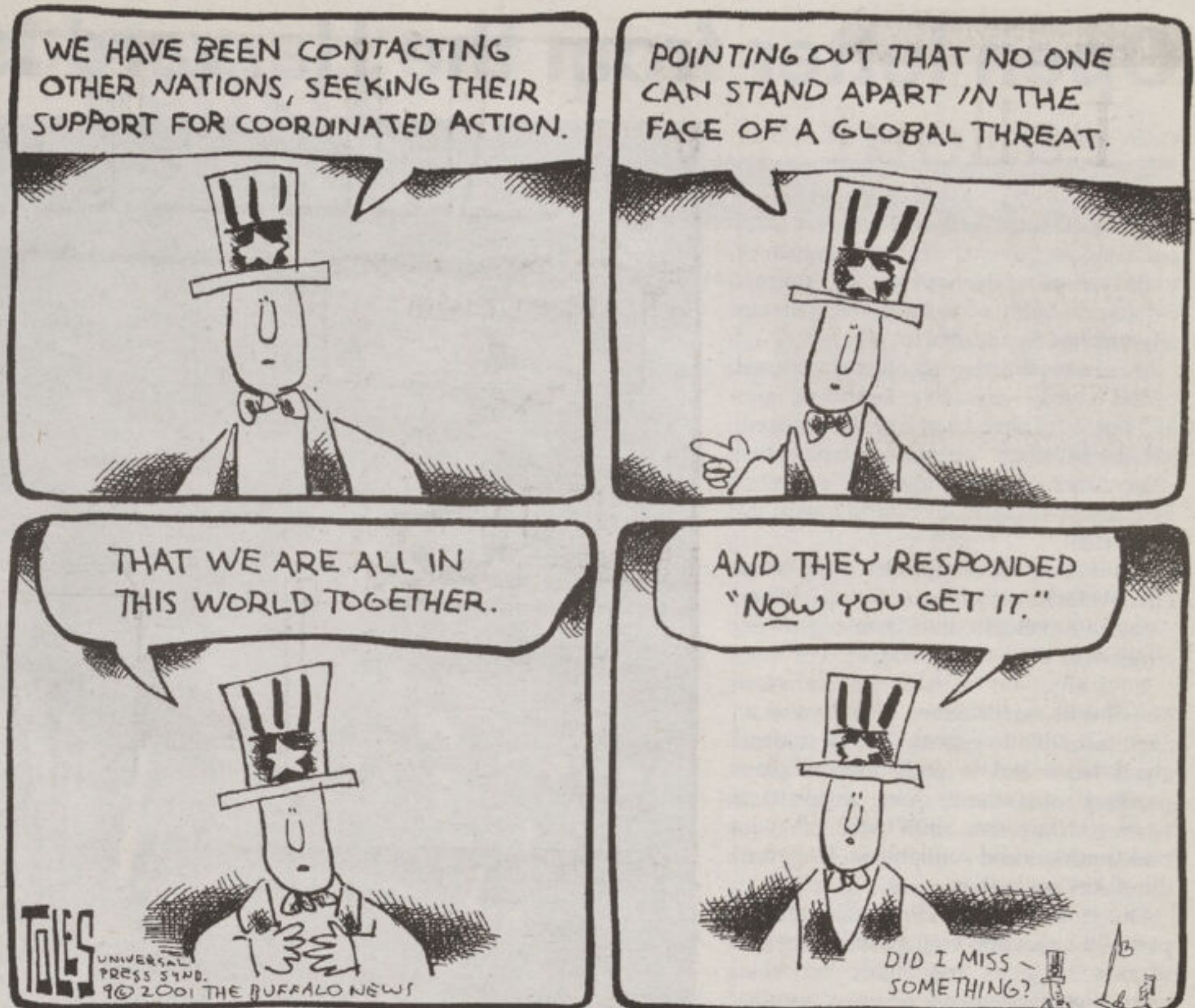
should, or can, somehow change the nature of our free market economy. As my old friend Bart Minkowski used to say, "You can't keep a libertarian from babbling about 'The Fountainhead,' and you can't stop the spread of global capitalism."

But we should recognize that to many people, our nation is inseparable from our capitalist cultural influence, which is inseparable in their minds from the upheaval and misery they have experienced. If our government does not send one soldier, give one dollar of aid or dispatch one diplomat abroad, our country will still be viewed, correctly, as having a profound and direct effect on the lives and governments of the rest of the world. Thus, when we allow turmoil and hatred and destruction to foment outside of our country, it will inevitably seep into our country. When we turn our backs on genocides in Africa and Central Europe, religious oppression in Afghanistan, civil war in Israel/Palestine, we must understand that we are still viewed on some level as responsible, whether we agree with this assessment or not.

I'm by no means advocating invasion of all countries that harbor terrorists, for the same reasons as my friend across the page. But I am saying that an active engagement with foreign affairs is necessary to our well-being. If America ignores the rest of the world, if we are content with simply destroying Osama bin Laden, and continuing with our business, we may soon find that the cancer of terrorism has spread insidiously throughout the world. And no missile defense system or increased level of security will prevent it from striking our homeland.

Do not be lured by the Siren allure of Mr. Parker's isolationist song, nor cowed by his Chicken Little cries of "Empire!" In a very basic sense, America is already an empire, an empire based in ideology, and there is nothing it can do to change that. Certainly, our enemies and even many of our allies see us in that light. If we wish for security at home, then we must actively work abroad, to remedy the widespread suffering that leads to desperate acts, to contain the acts of hatred and violence that will invariably come here to roost.

Corporate symbols like Coca-Cola illustrate the reach of American culture.



Foreign engagement got us here

by J.R. Parker

It has now become something of a cliché to say that what happened in New York and Washington on Sept. 11, 2001 was at turns unprecedented or predictable. I submit that it was both.

Dave Min, my foil in this bi-weekly column for the RECORD, and I have agreed to discuss the relative wisdom of American "engagement" in local struggles abroad, at least for the past 10 years or so. The point, while interesting, may now be moot; the United States is now probably forever locked into committed foreign involvement for the sake of its own defense. That's exactly what is unprecedented about the World Trade Center attack — for the first time America has suffered massive casualties from a foreign attack within its own borders. The U.S.'s foreign entanglements of the last decade weren't nearly so pressing. The luxury of having an empire is the ability to fight a war without a risking the homeland. That's a luxury we will probably never again enjoy.

As an aside, my foil Mr. Min has chosen to decry the global hegemony of Starbucks, Coca-Cola and Levi's and fingers global corporate capitalism as the cause for last Tuesday's attacks. While I find global corporate capitalism at best distasteful and at worst an insidious threat to sovereignty, liberty and those traditional values that make our society worth preserving, I fear Mr. Min misses the point. A Kentucky Fried Chicken restaurant in Bangladesh may not make many new friends for the U.S., but I doubt any of that is as infuriating to militants abroad as what I'll describe anon.

To start with the beginning of the '90s, there's the proud legacy of the U.S.'s defeat of Iraq in the Gulf War. To be sure, Saddam Hussein is a vicious dictator who is prone to torturing, killing and terrifying his own citizens. His humbling defeat at our hands, however, has

left him in power to continue doing whatever bad things he was doing before, at least as long he doesn't invade any more oil-rich countries. In the meantime, the civilians of Iraq starve and die under U.N.-imposed trade embargoes. The military might of the U.S., and its readiness and willingness to make its way in far-off countries stood self-evident.

Later on, we bombed Serbia. Then we bombed Kosovo. Neither of those attacks eliminated any threats to the national security of the U.S. They did, however, make it clear that we were willing to bomb the hell out of places that have been embroiled in ethnic struggles for centuries when we decided once and for all how things ought to be. This has happened before. After World War I, Europe and the U.S. parceled

out the former Ottoman Empire into "spheres of influence" by drawing weird maps all over the Middle East that had little basis in reality. Many of the problems in Eastern Europe and the Middle East can be traced to that boondoggle. And then there was that Treaty of Versailles: more foreign meddling that helped Hitler come to power. Anyway ...

There is also Israel. Many people in the Middle East are dedicated to the destruction of the Jewish state of Israel. Personally, I'm not. Israel should remain, but I admit that's not

the easiest position to justify without revealed authority. Even more people believe U.S. support is the "but-for" cause of Israel's survival. Whether or not that's the case, our continued support for Israel's colonization of its Palestinian frontiers probably doesn't impress your average Palestinian or his supporters in other countries.

It doesn't matter now. Should we retaliate against those individuals who planned and executed this terrible attack on our own soil? Absolutely, hopefully with swift and forceful justice. But if we're at war, what about the U.S.S. Cole? Isn't an attack on a U.S. Navy ship tantamount to an act of war? Inexplicably (perhaps) the Clinton administration did, well, next to nothing in response to that attack. Certainly, at the time no one advocated the wholesale bombing of Afghanistan (ask

Gorbachev about the wisdom of that strategy). Something certainly must be done, but the American people should think long and hard about sacrificing their own soldiers, and maybe more civilians, by getting further enmeshed in insoluble local conflicts abroad. We can try to take a hard line by invading countries that "harbor" terrorists, terrifying the people of those countries so much that they'll have no choice but to submit to a U.S.-approved regime. That's what empires have always done, after all.

What about the U.S.S. Cole? Isn't an attack on a U.S. Navy ship tantamount to an act of war?

Forum

Open letter from the Harvard Islamic Law Forum

Dear fellow HLS students, *As-Salaam Alaikum*,

As Americans and as Muslims, we offer our condolences and deepest sympathies to the victims of the Sept. 11, 2001 terrorist attacks. Many of us have been personally touched by the attacks.

We are as pained as all other Americans by the tragedy — we have lost loved ones and our lives have been forever changed. Yet, as Muslims, we are concerned that some Americans will use the September 11 attacks as another excuse to hurl abuses at Islam.

While most Americans are good-hearted, American ignorance of Islam, America's newest and fastest growing religion, is almost complete.

Ironically, our mission as American Muslims is no different than it was on September 10: to educate fellow students about Islam and to undo the "religious profiling" that causes *some* to associate Islam with terrorism, with barbarism, with backwardness and xenophobia. Only now the stakes are higher.

Our mission of providing information is part of a larger and very American project of new religious and ethnic minorities who often face covert or open hostility, ugly stereotypes — that project of entering the American mainstream.

Out of crisis and catastrophe, there is opportunity. Here the opportunity is for unprecedented understanding between Americans and their once invisible Muslim brethren. One sign: When discussing the tragedy, many Americans (Mayor Guilani, President Bush, media personalities) have made the necessary distinction between Islam and terrorism, which knows no religion. They have denounced hate crimes against Muslims and Muslim-identified people. This represents the best of America. One wonders if, even 10 years ago so many American leaders would have demonstrated such honesty and sophistication about Islam. The Harvard Law School administration has set a similar institutional tone. While much work must still be done, Dean Clark, Dean Richardson, Dean Rakoff, Prof. Vogel and Gail Hupper, to name a few, have been responsive and (to use an overused but necessary word) *proactive* in addressing the challenges facing Muslim and Muslim-identified students. Also, many students have approached members of HILF with good natured questions about Islam, knowing that Islam does not sanction terrorism, but not knowing *why*.

This *why* raises a paradox. There is an unprecedented need for what has been called "the most misunderstood religion in the world" to be better understood. There have already been 542 hate crimes against Muslims or Muslim-identified people reported to the Council on American-Islamic Relations (something like a Muslim NAACP). Some Muslims have asked why the burden of educating Americans about Islam falls on us. Islam speaks for itself in condemning terrorism. Certainly, the Ku Klux Klan lynched, bombed and terrorized black folk. Baruch Goldstein shot to death 29 Muslims in Hebron. No one associates terrorism with Christianity or Judaism. Of course, the association between Islam and terrorism itself signifies ignorance and bigotry. Yet, the burden of overcoming misunderstanding in America inevitably falls upon the misunderstood (and the enlightened). American Muslims must now leave our invisibility behind.

In the very near future, the Harvard Islamic Law Forum will *inshAllah* (the Arabic phrase meaning God-willing) invite speakers and provide panels and information sessions to offer accurate information about Islam. We ask only that anyone with any question, however simple, present it.

Harvard Islamic Law Forum
Sept. 19, 2001



NILUFER SHAIKH/RECORD

Students of all faiths participated in Friday's candlelight vigil.

Islam in America: A snapshot

There are seven million Muslims in America. Islam is either the second or the third largest religion in America. It will soon be the second largest religion. American Muslims are the most diverse population of all world Muslims. The American mosque is arguably the most racially integrated of all American places of worship, according to one recent study. Thirty to 40 percent of American Muslims are African-American. (Of this percentage, only about 25,000 are members of the Nation of Islam.) Roughly 30 percent of American Muslims are South Asian Americans; 25 percent are Arab Americans. There are also Asian, Latino, and European-American Muslims. Twenty-seven percent of American Muslim converts are white.

Jihad

Jihad as you probably understand it is a Western construction. Jihad, like the term "Mecca," has been bastardized. (The popularity of those Mecca t-shirts merits another editorial altogether.) This letter, for instance is, *jihad*. We are defending our religion, and hopefully by providing information defending our American Muslim community from ignorance. Learning part of the Qur'an is jihad. Helping a woman across the street is jihad. Raising your child properly is jihad. Holding your tongue is jihad.

In its attempts to find answers, American popular discourse emphasizes "jihad" as the reason for terrorism. Jihad is not a holy war waged against "infidels." Jihad is literally a "struggle" that has various forms prescribed by Islamic law; the dominant form, 'jihad al-nafs,' is that struggle which every individual undertakes against his/her baser instincts. There is also a minor form of jihad that involves armed struggle, the permissibility of which is strictly regulated by Islamic law. Within the

Islamic context, even during times of war, there is no difference between killing a Muslim or a non-Muslim; human life is sacrosanct. In Islamic law, combatants are prohibited from killing non-combatants or destroying property.

Hate Crimes

America cannot begin to heal itself while hate crimes targeting Muslims, Arabs and those suspected of belonging to either category are taking place across the country. It is not commonly known that among those killed in the collapse of the World Trade Center were approximately 500 Muslims. This information, as well as footage showing people across the Middle East holding vigils and offering their support for the victims of the terrorist attack, has not been shared with the American public. This should not be a surprise considering the gross misrepresentations being made by a media that is historically biased against Islam and Muslims. Arabs, people of Middle Eastern descent, South Asians, as the victims of hate crimes, pay the cost of this irresponsible representation.

Reports estimate that the number of hate crime incidents has reached 500 in one week and continue. This includes the possible murder of two individuals, bombings and arson attacks on several religious centers, and vandalization of several businesses. Impeding the civil rights of fellow American citizens is now a reality: 300 people, mostly teenagers, attempted to march to a Chicago-area mosque and had to be stopped by 125 police officers. In this aftermath of a hateful terrorist attack, why are so many Americans responding with hate?

President Bush's unprecedented visit to a mosque in Washington, D.C. is an indication of how serious this problem has become. Assistant Attorney General Ralph Boyd Jr. issued a statement

regarding the treatment of Arab, Muslim Americans or Americans of South Asian descent. The Commission on Civil Rights has established a hotline and posted a statement reminding Americans of the civil rights of all citizens — regardless of religion, race or ethnic origin. The question is: why is all of this necessary? Why do Americans question the loyalty of their fellow citizens who happen to be Muslim?

Racial Profiling

The true irony is in the other side of our government's response to these horrific events. Both houses of Congress are contemplating legislation that would brutally damage the civil liberties we enjoy as Americans on a daily basis; among the recommendations: faster deportation, expanding the use of secret evidence, permitting roving wire taps, and implementing policies on racial profiling of Muslim-identified people in America. If the domestic travesties are not enough, then certainly the potential 'warfare' against innocent civilians not only violates international law, but perpetuates the very hatred that began this ordeal by extending America's neo-imperialistic arm into yet another part of the world. We are fooling ourselves deeply if we believe that killing the terrorists and those who harbor them will simply solve the problem, like some magic potion. Terrorism is a complex, diverse phenomenon, neither limited to Islam nor to the Middle East. To end terrorism, we must distinguish between terrorism and Islam, the perpetrators and innocent civilians.

Here, in this community of legal advocates and scholars, we should examine the evidence before us and promote rational, legal measures of protecting our citizens and the world from further terrorism.

-Harvard Islamic Law Forum

Letters

Terrorism not just a problem in the U.S.

"Ra'ed Nabil Al-Barguthi ... launched a martyrdom operation ... after penetrating all enemy security lines and smashing the myth of its security apparatuses. The operation led to the injury of ... scores." The work of Bin Laden? No, actually it's a Hamas communiqué from September 5, 2001.

I do not mean to imply that Bin Laden's cause bears the same legitimacy as the Palestinian's. However, I would like to highlight Hamas and bin Laden's similar rhetoric and to point to the use of similar terrorist tactics: suicide bombers targeting innocent civilians. In the minds of both radical Palestinians as well as the terrorist network that destroyed the Twin Towers and a portion of the Pentagon, an overwhelmingly strong

oppressor justified the destruction of civilian life. To inflict maximum pain upon their apparently invincible enemies, both radical Palestinians as well as bin Laden have resorted to the slaughter of people living far from battlefields.

Both bin Laden and Hamas view themselves as the victims of occupation. For Hamas, it's Israel's settlement of what it views as Palestinian territories. In bin Laden's eyes, America has waged a crusade against the Islamic world. And he can choose from a long list of American involvement in the Middle East, whether its U.S. military bases in Saudi Arabia where American soldiers fail to obey Islamic dietary laws and female soldiers leave their heads uncovered. Or the

"meddling" of America during the Gulf War and subsequent sanctions against Iraq that have left Iraqi Muslims malnourished and more destitute than before. Or does it go back further to U.S. support of the progressive Shah against the more religious Ayatollah Khomeini? And, of course, there is always America's failure to renounce and isolate Israel.

Of the many lessons learned from Tuesday's bombing, one is that holding alleged victims to lower ethical standards than their perceived oppressors is

a slippery slope to disaster. The United States may have wronged the Arab world, and Israel should perhaps re-examine its policy towards the Palestinians. However, the willingness of some to tolerate and overlook radical

Palestinian attacks upon Israeli civilians in the face of Israeli transgressions is no less monstrous than justifying the loss of Tuesday's lives by critiquing American policy in the Middle East. While there will always be disagreements regarding the conflict between Palestine and Israel, all sides bear a moral responsibility to denounce both openly and unequivocally suicide bombings against civilians and to make clear that support of either position does not include tolerance of terror. Suicide bombings are reprehensible, regardless of whether the victim is an American, Israeli or Palestinian civilian.

Jonathan Gottfried '02

*All sides must
unequivocally
denounce terrorism*

King Clark: End of the reign?

In last week's RECORD, six professors rushed to the defense of Dean Clark, accusing Arkadi Gerney, 3L, of mischaracterizing evidence and making "unfair" accusations in his call for a change of leadership. While I agree that calling for a new dean may seem extreme, history indicates that the time may have come to do so.

During the last decade of Dean Griswold's astounding 22 year reign (from 1946 to 1967), there was a growing sense that HLS had stagnated and was in need of fresh ideas. Since then, deans have abided by an unwritten rule of ten year terms. Bok held the crown for only four years ('68-'71), Sacks for ten years ('71-'81) and Vorenberg for eight years ('81-'89). Clark has now been king for 12. Not surprisingly (and not only because of our drop in the U.S. News rankings) there is a growing sense among students, faculty and alumni that HLS is again stagnating.

So the time has come to analyze king Dean Clark's record, ask for an articulation of his agenda and hear competing visions for the future of HLS. For this reason I would like to respond to the six professors' recent defense of Clark. Perhaps most surprising (and mildly misleading) is their support for his handling of three significant issues: women on the faculty, grade reform and the public interest.

HLS has fewer women as a percentage of its tenure or tenure-track faculty than any of our peer schools. Just 16 women faculty for 1600 students is hardly a statistic to be proud of. A request for more detailed data on why female candidates appear to have a harder time passing the faculty vote has been languishing in the

Dean's office for the past week. On grade reform, over two-thirds of the student body supported a three-tier grading system (a la Yale), and nearly the same percentage opposed a dean-supported proposal for mandatory curves. Both proposals ultimately fizzled. An initiative that passed, instituting "recommended" curves, is hardly reform at all. After receiving in the McKinsey study a meager 2.8 (on a scale from 1 to 7) from students for "Responsiveness of the Administration," the Dean should have been more attentive to student opinion. Forty-nine percent of students said they "were very dissatisfied."

On the public interest front, the Dean does not view as problematic the fact that an overwhelming majority of recent graduates pursue not justice but the highest paying clients. When America one day asks how Harvard Law School, an essential pillar of justice and center of legal training, came to be usurped by the wealthiest citizens and the narrowest corporate interests, how will we respond? Meanwhile, repeated requests for adequate staffing of the Office of Public Interest Advising have been thwarted by spotty enforcement of the Dean's "hiring freeze."

Perhaps Dean Clark's greatest contribution to HLS is our endowment — a common success of deans of the 90s. But HLS now needs a leader who has a purpose for the profits reaped in the days of dot-coms: A dean with a vision and the ability to implement that vision. Qualified professors wait in the wings for their chance to invigorate the school. History tells us that it is time to hear from them.

Andrew Michaelson '02

"Restructuring the Global Corporation"

Bruce Wasserstein, JD/MBA '70

Mr. Wasserstein, a widely respected leader in corporate mergers and acquisitions and merchant banking, will discuss legal issues facing global business. A member of the Dean's Advisory Board, Mr.

Wasserstein has worked on many transactions including the Dean Witter/Morgan Stanley merger, UBS's acquisition of Paine Webber, Wal-Mart's acquisition of Asda, and the Time Warner/America Online merger, among many others. In addition, he has played a formative role in the development of companies including Mabelline, Imax, American Lawyer, and law.com. Please join us for this very special event. For more details, please call 617-495-4906 or write to mlvictor@law.harvard.edu.

**Friday, September 21, 2001, 3:45 pm
Langdell South Classroom**



Letters from Berkeley

ALLISON MARGOLIN

■ *Tracing the journey to empathy after two years of law school*

Dusk has just taken hold, and underneath my window, a motley group of 50 or so are blowing whistles, beating drums and chanting anti-war slogans.

No, you're not in Cambridge anymore. This is how we do it at Cal Berkeley where I am spending my last year of law school.

My mother called me with the news at 8 a.m. last Tuesday morning, and for the entire day I had very little emotional reaction. I have not watched TV on any regular basis for a few years now, and for better or worse, I had come to view myself as so irrelevant while at Harvard that I stopped reading the newspaper. The only news I read for the past two years was drug-related, because I felt that since that was the area of law I intended to go into and hopefully have an effect in, I might as well stay abreast of the issues. Knowing about the rest of the world seemed to be a waste of time and more frustrating than rewarding.

For the past two years, I had believed that what I was doing — isolating myself from the rest of the country, the rest of the world — was efficient, if anything. I also felt very humbled. In my mind, I had come to terms with the irrelevance of my existence; and that was an achievement.

At the same time, I had also lost my ability to empathize. When my mother told me about the people who had died, I did not visualize the victims. Though I had lived in New York for four years, I did not even pick up the phone to see if my friends were all right. My only reaction was surprise, not that the events had happened, but that they had not happened before when political scientists have been predicting this kind of thing for years. I had become the rational actor we like to pretend only exists in the hypothetical world.

Perhaps I would have reacted similarly had I been a New York Times reader. Maybe I would not have begun reading the newspaper, and even the feature stories on the last minutes of the passengers of the various hijacked aircrafts, if my boyfriend had not called me a cold-hearted bitch.

But for whatever the reason, I realized that simply because I may not be making the policy calls right now, there is value in knowing what's going on and being a part of the world, and it is simply that — feeling like you're part of something.

It is important for us to be able to feel some solidarity with other people. If we lose that, as I have begun to, the world may not be any different-looking, but we'll feel a lot more alone, a lot more disconnected. I can tell you from my own experience.

We may not be able to make foreign policy. But that does not mean that I cannot affect the "collective unconscious." Our effects may not be indelible or even visible, but it's much easier to live when you believe in spite of proof that your views have an impact in some meaningful way.

I was chilling (Berkeley-style) in an undergrad dorm Tuesday night with some freshmen. One girl said she had been lambasted by her classmates because she did not think the U.S. should bomb Afghanistan. "What should we do, then?" someone asked. She told them she didn't know and received more criticism. I told her that she did not have to know the right argument simply because she knew another one did not work.

In my response to the freshman is the beauty of being in the law. Our role is that of question-asker, argument-maker — an advocate. We realize that the only thing that may be true is that there is no truth, that every situation is comprised of an infinite number of perspectives and that offering any one of them is valuable in and of itself.

If you've wondered or stressed about being emotionally distant this past week, perhaps I have solved the riddle for you. You're not bad; you've just humbled yourself too much and tried to become the rational actor we all read about. It's not your fault; we were trained that way. For the rest who do not know the answers, be assured that you do not have to. You even have an excuse: You're going to be a lawyer.

Public and personal faces of war intertwine in 'Sarajevo'

by Matt Caccamo

In 1991, Yugoslavia, a multi-ethnic nation that remained one throughout the Cold War, began to disintegrate. Slovenia and Croatia declared independence and, shortly thereafter, were forced to defend their new freedom against Serbian armies intent on preserving a Yugoslav state historically beneficial to their group.

Following the example of their northern neighbors, the most multi-ethnic and divided of the Yugoslav provinces, Bosnia, declared its independence in 1992. What followed was a brutal war fought in both rural and urban Bosnia between ethnic Muslims, Croats and Serbs.

Explaining this war with its many contradictions and developments is difficult; portraying it on film less than 10 years after it happened is even more complex. In "Welcome to Sarajevo," English director Michael Winterbottom brings to the screen a vivid, troubling account of the Bosnian war that reveals more than any textbook or teacher could.

The film centers on a small group of foreign reporters (mostly British and American) who are thrown into Bosnia to cover a war that few people at home care about. Bosnian Muslims fighting Bosnian Serbs on the streets of Sarajevo hardly catches anyone's fancy in the peaceful and prosperous West. Nevertheless, these reporters are sent there to do a job, and do a job they will. Much of the action follows English television reporter Michael Henderson (Stephane Dillane) as he tries to report on and cope with the brutal images of war in front of him every day. While many of the other reporters are able to drown their fear and anxiety in alcohol, cigarettes and late-night chat sessions, Henderson is different. The West's ignorance and inaction enrage him, and he makes it his goal to challenge that. It is in this smaller story within the larger war story that the film excels. Using a mixture of real and fictional footage, Winterbottom draws a stark contrast between the official line taken by England, the United States and NATO, and the more personal approach of a man on the ground in Bosnia.

We see footage of President Bush, President Clinton and U.N. Secretary General Boutros Boutros-Ghali side-stepping and spinning the war in Bosnia as none of the West's business. Juxtaposed with that we see Henderson, a man terribly affected by the brutality he sees, who presses ahead nonetheless, making the evacuation of an endangered children's orphanage his ultimate goal.

The second half of the movie follows Henderson more closely as he smuggles a young Bosnian Muslim girl out of Sarajevo, adopts her in England and later struggles to keep her from being sent back to her war-torn homeland. It is not the details of this story that are necessarily important, nor how well the script follows the true story it seeks to tell. It is the separation of personal and political within such wars that the film brings out most successfully.



The reality on the ground is rarely reflected by the jargon in political and bureaucratic circles. While innocent people suffer, bureaucrats and politicians talk about sovereignty, risk and

emotion or care for innocent Bosnians because that would compromise their integrity and destroy their professionalism.

However, as the film proceeds, we see a different side of Flynn, a more personal, introspective side. This is a man who hates the brutality he sees in front of him, much like Henderson, and responds to that with small acts of kindness and a hidden determination to cover the war correctly.

From afar, Flynn is the type of person who wouldn't understand or care about the war in Bosnia. However, his job brings him in direct contact with refugees, orphans, amputees and other victims of a hateful and mindless battle; now he understands.

The West's inaction and eventual failure to stop widespread killing and genocide in Bosnia is accepted today as a foreign policy error supported by two successive American administrations. The issue is how to avoid this again. Textbooks and teachers can only get us so far; they can tell of the violence and abuse, but they can't make us see and believe it.

A film like "Welcome to Sarajevo" brings that terrible reality to our living rooms, and while it's difficult to watch at times, it's also important. Seeing is believing.

*Textbooks and
teachers can tell us
of the violence, but
they can't make us
see and believe it.*

human-rights violations. This helps no one; Henderson and his courageous, if sometimes crazed, acts of kindness help some Bosnians live a better life. One of Henderson's friends is an American television reporter, Flynn (Woody Harrelson), who represents the whole range of reactions to war in Western circles. On the outside, he's cocky, brash and aloof. He acts as though nothing about the war offends or bothers him; he's there to do a job and be praised for it. His exterior appearance is much the same as the U.S. and its allies. They can't show

WRITE FOR THE RECORD AND INTERVIEW SUCH CAMPUS
LUMINARIES AS LARRY SUMMERS AND PROF. CHARLES
NESSON (A.K.A. "EON" OR "BILLION-DOLLAR CHARLIE").
WE KNOW YOU'RE TEMPTED. RECORD@LAW.HARVARD.EDU.

Fenno

Fenno ran as quickly as he could down Mass Ave., realizing that he was late for his interview. As he passed Three Aces Pizza, he noticed the shiniest Jaguar he had ever seen. Fenno paused long enough to take a look at the car. A bumper sticker read, "Got Sears, Kiss my Ass."

Fenno didn't know what this meant or who would come up with such a thing, but he kept running, hoping not to get bumped from this meeting for his tardiness. He had been contacted by a firm that refused to name itself, and told to come to a conference room in Hauser.

Fenno dashed into the room at sat down. Across the table, three solemn faces stared at him. Fenno was confused. It was Professors Gerken, Ogletree and Tribe.

"Do you know why we've requested your presence, Fenno?" asked Gerken. She always seemed so pleasant. Fenno shook his head to signal that he was clueless.

"Fenno, have you ever heard of the American Constitutional Society?" she asked.

"You mean the Madison Society?" Fenno asked. Gerken's face turned red. Ogletree looked down. Tribe began to whistle and stare at the ceiling.

"Fenno! ACS shed the slave-holder moniker ages ago!" Gerken yelled. Fenno had never seen this vitriolic side of Gerken. He felt afraid. Doing some quick math Fenno rationalized that ages ago must have meant last week, since the organization was still in the pre-"take-it-home-from-the-hospital" stage of its infancy.

Ogletree raised his hand to seize control

of the deteriorating situation, as he had so many times at countless conferences and meetings.

"Fenno," Ogletree started, "the reason you are here is that ACS needs an operative to infiltrate TFS." Ogletree's voice seemed laced with an unbelievable amount of reason.

"Why me?" Fenno asked. The three professors looked at each other and Gerken spoke again.

"We've been trying to get someone inside of The Federalist Society for some time now. As you can imagine, we've encountered quite a bit of difficulty finding suitable operatives because of... well, because of glaring cultural and ideological differences between the type of people we have access to and the type that we would need if we were going to insert a mole into

a cell of The Federalist Society," Gerken said.

"Based on your, how shall I say it, amorphous politics, Fenno, we think that you are exactly the type of person that they would accept as one of their own. Then you could feed us information, and we could preemptively put a stop to the judicial appointments they were planning, and other crimes against humanity!" said Tribe.

Fenno tried to focus.

Clearly, this interview had spun out of his control. What would Kimm Alayne Walton do?, thought Fenno. He decided to ask pointless questions.

"What is the objective of ACS?" asked Fenno.

"To counter the Federalist Society," said the three professors in oompa-loompa-like unison.

"But, shouldn't every organization have a public mission more clearly defined than simply being the antagonist of another group? I mean, it seems to me tha-

"Fenno, this is waaa!" said Gerken.

"War?"

"Yes, waaa! These are deathly serious times, and this is a deathly serious matter,

and we don't have time for your ridiculous pussyfooting about defining objectives and other ridiculousness. There's an old poster out West that said 'wanted, dead or alive.' Well, we want the Federalist Society, dead or alive!" yelled Gerken.

Ogletree put up another hand of reason, and turned to his colleagues. He spoke in the sort of whisper that guarantees all around can hear what is being said.

"Let's not get too excited. Clearly, we have the wrong guy. I mean, if he doesn't even understand the concept of tit-for-tat, there is no way that he'll be able to make the Federalists think that he is one of them."

Fenno got up and walked out of the room before they turned their attention back to him. A little bit of confusion had caused him to fail his first interview of the

year. He staggered out of Hauser into the already-chilly September air. He could see the ominous silhouettes of Mike Gottlieb and Joi Cheney standing not far away. The men in black of the ACS. He had to get out of here, and fast. Fenno started running toward Harvard Yard.

As he passed Weld Hall he spied a television in one of the dorm rooms. Fenno stopped and watched through the window, feeling like Scrooge, looking on with the ghost of Crisis Past. On the TV, the "Star Spangled Banner" was being played by the British guards in front of Buckingham Palace. A worthy tribute, Fenno thought, but to what? The song was about vanquishing British Soldiers who looked like the people playing the song. Fenno supposed that didn't matter. Reason didn't matter at times of war. Logic didn't matter.

Ogletree turned to his colleagues and spoke in the sort of whisper that guarantees all around can hear what is being said.

Solution for crossword, p. 11

CORPORATE GIANTS

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

Let's talk NW.

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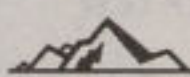
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Tasty Thai

by Amira Day

As a new transplant to Boston and a self-proclaimed serious eater, I was desperately seeking good, fun, affordable food with flair. Tamarind delivered. The exterior sign led me to expect a slightly more "funky" atmosphere than the one with which I was greeted upon entry. But, hey, I'm flexible.

The ambiance is pleasant and subtle: Envision your average sushi restaurant meets a dressed-up Denny's — complete with fake flower boxes. On a Monday night at 8 p.m. it wasn't crowded, nor did it want for warm bodies. We were immediately seated in a cozy booth for three.

Tamarind's menu is my favorite kind: extensive and full of tasty treats ... the kind prone to induce "hungry-at-the-grocery-store syndrome" (that's the official term). The selection includes all of the requisite Thai dishes: Red, Yellow and Green curry anything; coconut milk soup; and the ubiquitous Pad Thai (which both of my unadventurous cohorts ordered). Yet the more venturesome diner need not fear; the "Interesting Pan-Fried Dishes" are not the only "interesting" items on the menu. The most notable in my mind were the crispy fried shrimp wrapped in a crispy egg roll skin (you never can get too much grease) and the shrimp papaya salad with garlic, chili and peanuts. Add to that a substantial choice of vegetarian dishes and a decent assortment of wine and beer, and I think it's fair to say Tamarind has something for everyone.

After checking the instinct to order everything on the menu, I settled on a bowl of hot and sour soup to start, followed by the "Interesting Pan-Fried" Chicken Cashew Nut, and we split the mango sticky rice for dessert. The portions were healthy and the quality of the food was high. The vegetables were fresh and crisp; the shrimp were sweet and firm; and the chicken was moist and juicy (for those of you familiar with what I term "the chicken case," it's "broiler" not "fowl"). While all of the food was palatable, the dishes that will ensure my return are the hot and sour soup and the mango sticky rice. The soup, a hot and sour base with fresh mushrooms and shrimp, was light, flavorful and just the right mix of spicy and sweet (for those of you far from home, it makes a great sick soup). If you like sweet, creamy, buttery foods (and who doesn't?) the mango sticky rice is a must. The warm candied rice, delicate and chewy, was topped with perfectly ripe chunks of succulent mango.

The service, while not exceptional, was fine. We were brought glasses of water right away, which were promptly refilled throughout the meal, the food arrived in a timely manner, our server smiled, and he checked on us at various stages during the dining process. My only complaint is that chopsticks are available only upon request. This is more than made up for, however, by the root beer-flavored candies offered at the host stand.

All in all, Tamarind gets a thumbs up. It's a great place to go for a casual dinner with friends, a relaxed date or even a pleasant meal for one.

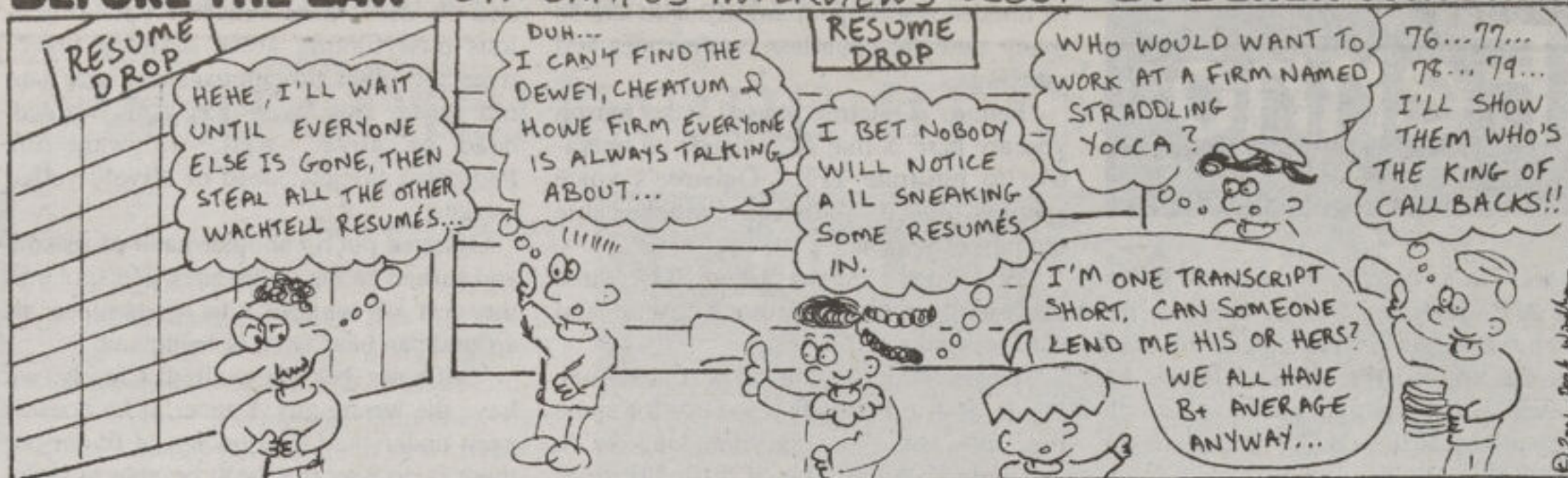
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BEFORE THE LAW ON-CAMPUS INTERVIEWS 2001 BY DEREK WINDHAM



Orrick welcomes our 2001 fall class from Harvard,

Jason Cha, Harvard '01

Justin Cooper, Harvard '01

Elizabeth Falk, Harvard '00

Zach Finley, Harvard '01

Kass Nassiri, Harvard '01

Zach Rothenberg, Harvard '01

*and would like to thank our 2001 summer
associates for a terrific summer!*

Ryan Arai, Harvard '02

Erika Birdsall, Harvard '02

Alexandra McCormack, Harvard '03

Renee Phillips, Harvard '02

Laurie Puhn, Harvard '02

Alex Vallejo, Harvard '02

Eric Wall, Harvard '02

*We're looking forward to being on-campus
this year on October 8th, 18th & 19th.*

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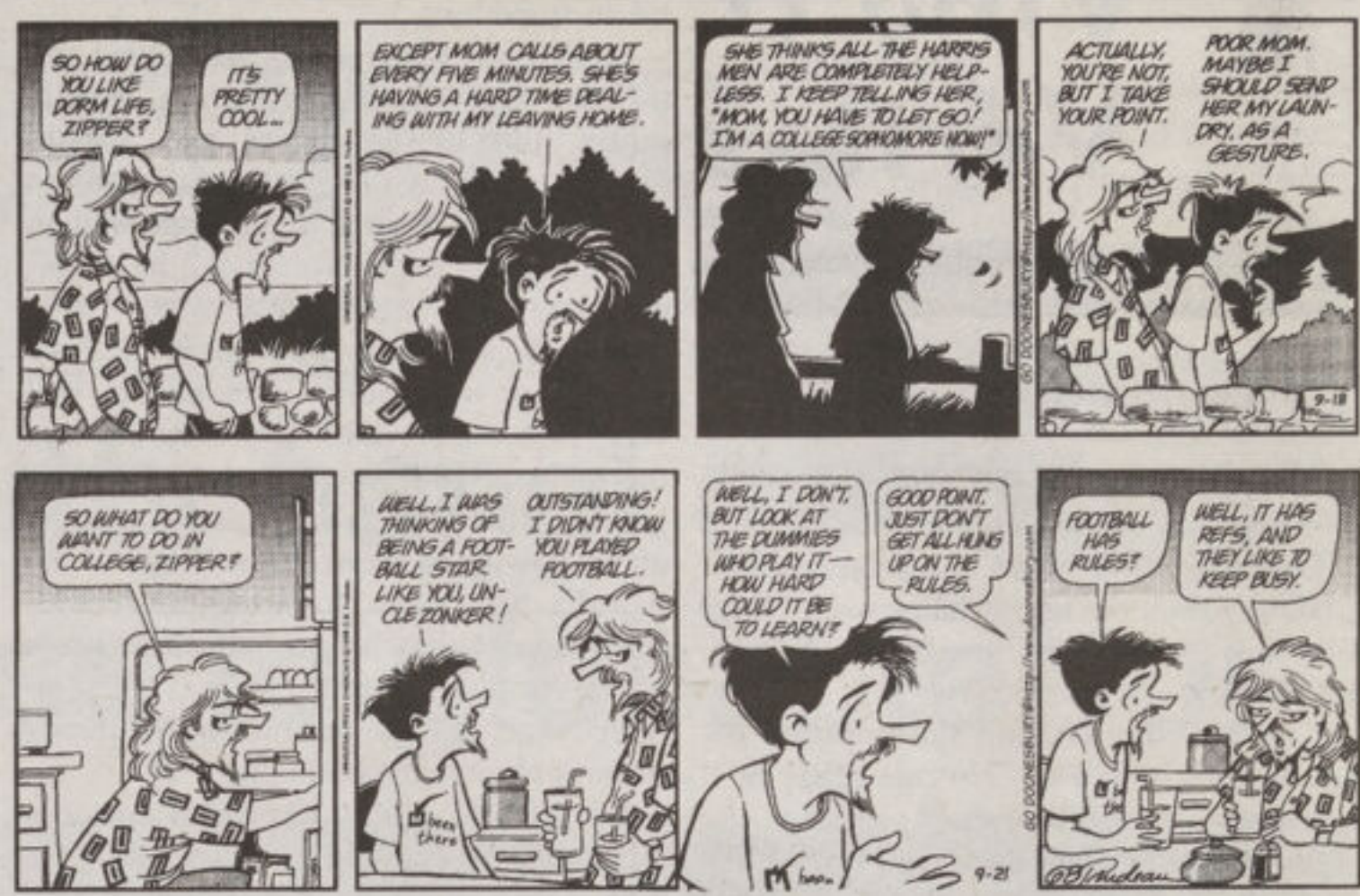
Cathy

by Cathy Guisewite



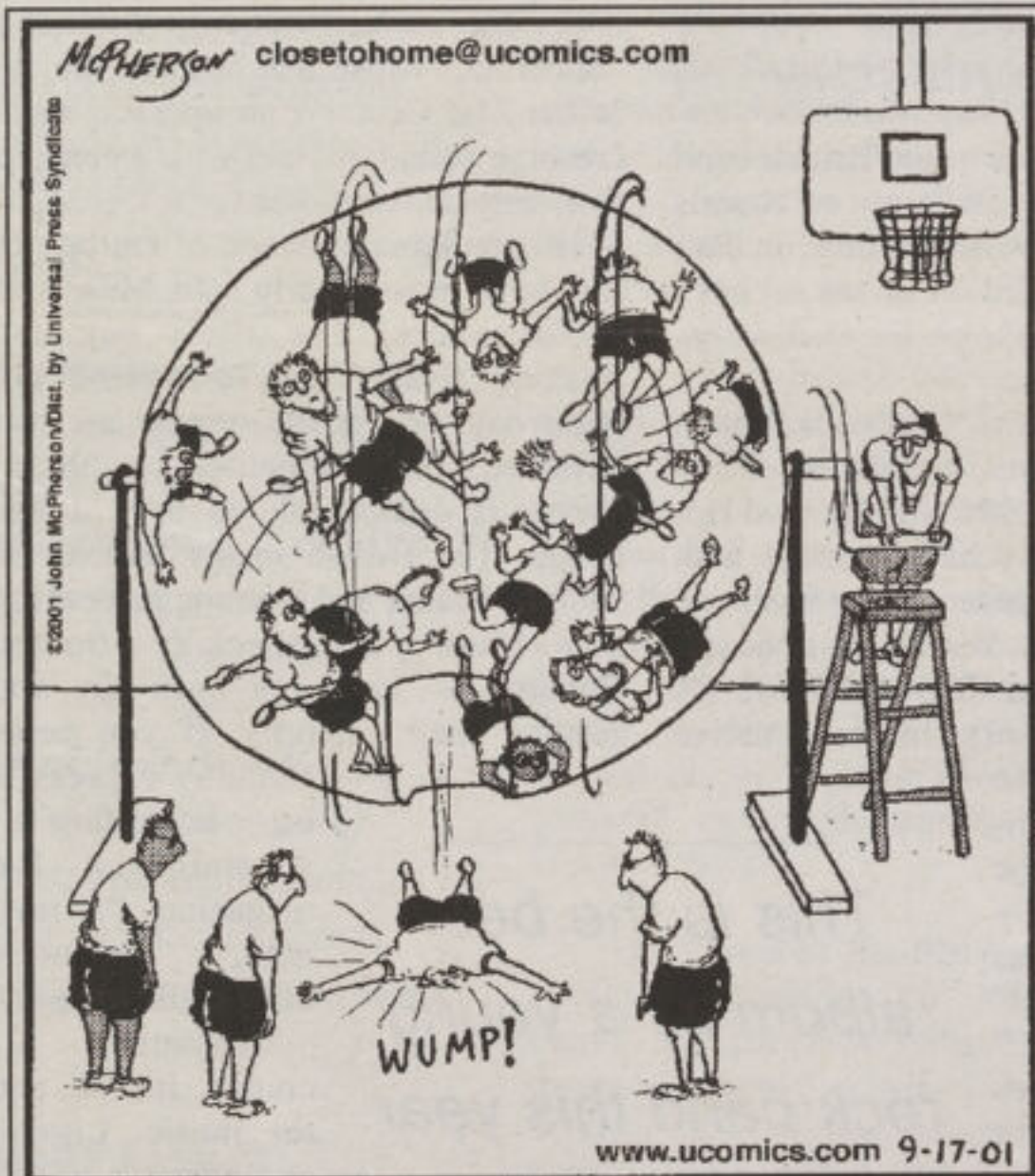
Non Sequitur

by Wiley



Close to Home

by John McPherson



Sensitive to the feelings of those kids who routinely got picked last for teams, gym coach Ray Mulnak devised a more humane player selection method.

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

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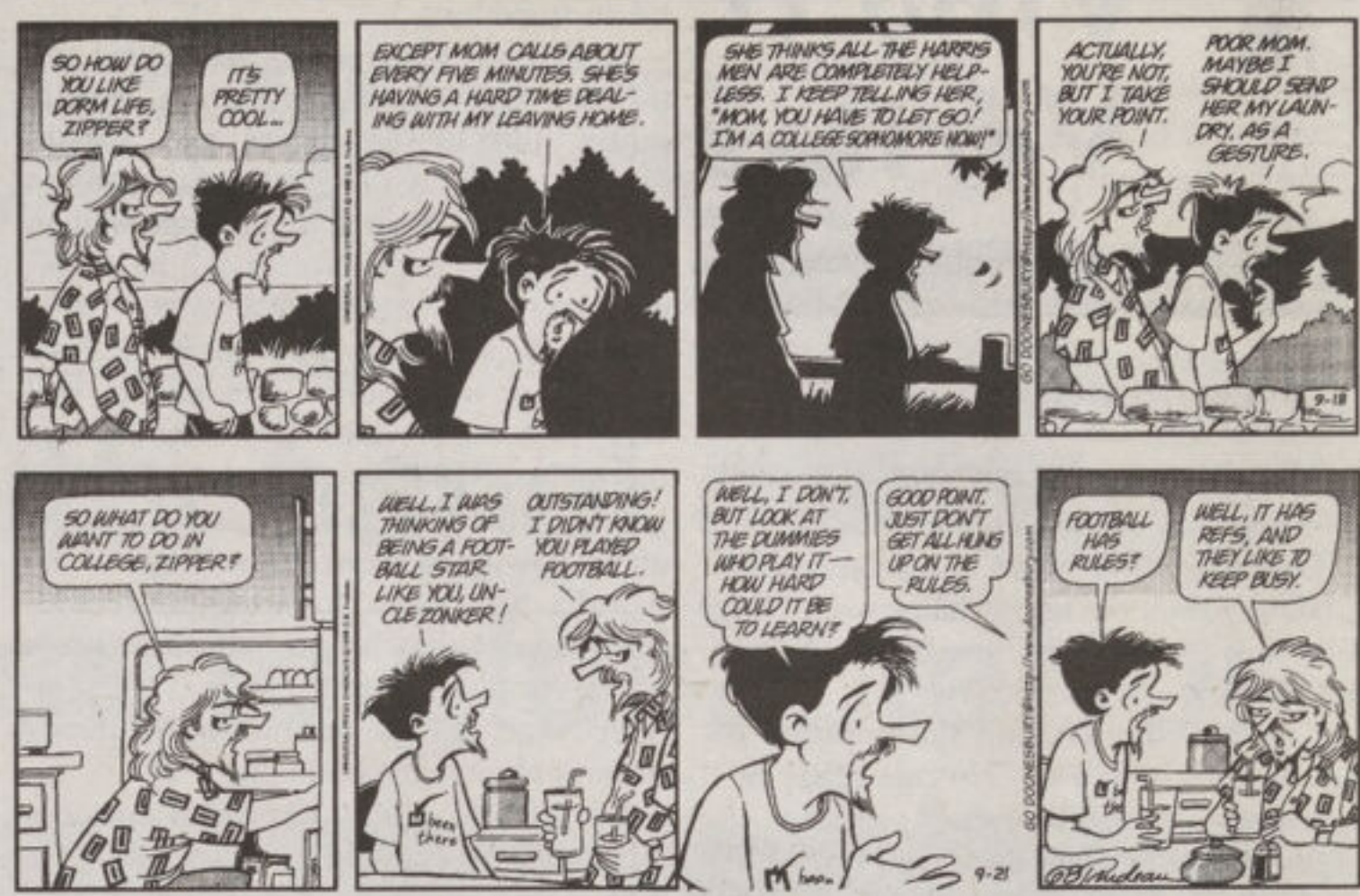
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"Congress shall make no law... abridging the freedom of speech, or of the press..."
—First Amendment, U.S. Constitution

Doonesbury

by Garry Trudeau



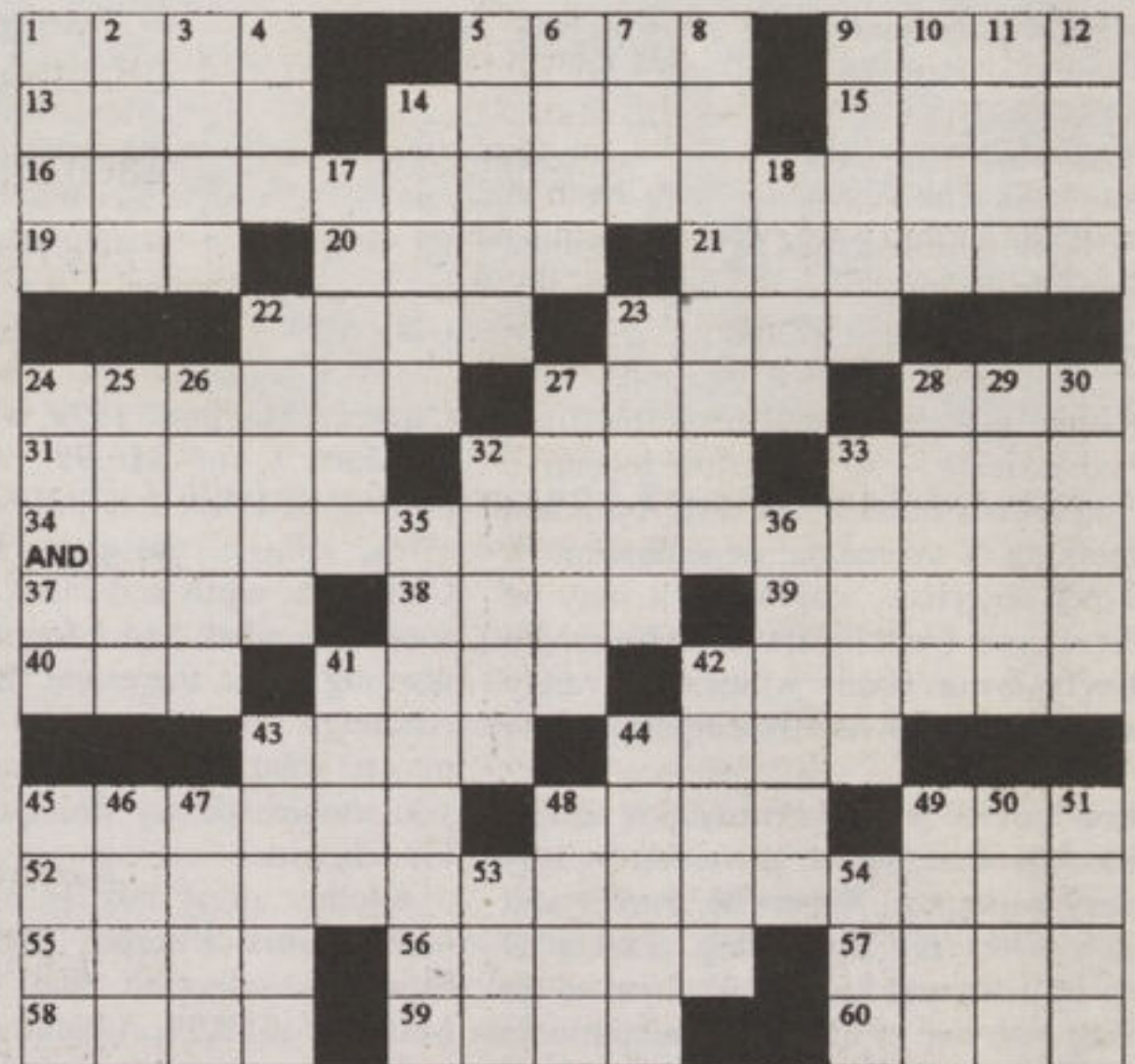
Crossword 101

By Ed Canty

" Corporate Giants "

- ACROSS**
- Follows him or her
 - Paid bill: Abbr.
 - From a distance
 - LSD: Slang
 - Torment
 - Crazy: Slang
 - Paint giant
 - Dad's delight
 - Straw and silk
 - Philadelphia players
 - Christmas trees
 - Cosmetic giant
 - Pool dressing room
 - Cuckoos
 - Health resort
 - Extremely angry
 - Pub servings
 - Box
 - Lighting giant
 - & & &
 - Drill
 - Rear
 - Singer Charles
 - Stew
 - Choked
 - Life stories
 - English park
 - Prodding
 - Chief Justice Warren
 - Sib.
 - Mail order giant
 - Oklahoma city
 - Amphibians
 - Neighborhood
 - Adams & Rickles
 - TV prize
 - Quiz

- DOWN**
- Back talk
 - Back talk
 - Mortgage, for one
 - NYC Highway
 - Leases
 - Crows noisily



- Greek letter
- Broadcast
- Adjust wheels
- Mare's gift
- Pinnacle
- Supreme singer
- Headdress
- Bellyacher
- Vientiane's country
- Destinies
- Anoint
- Havana pride
- Sporting place
- about
- Warning
- Plant shoot
- Hindu money
- Curved
- Medicinal plants
- Lead in for fever or fright
- Rescind
- Nursery fixture

- Scuba divers aid
- Greek delight
- Shuttlecocks
- Tough
- Pre-owned
- Nevada fun spot
- Running back's goal
- Dutch treat
- Positive
- Finishes the cake
- 32-card card game
- de plume
- Blink the eye

Quotable Quote

"Corporation—An ingenious device for obtaining individual profit without individual responsibility."

... Ambrose Bierce

By GFR Associates E-Mail: EDC9432@aol.com
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Vino & Veritas

JUSTIN DILLON

■ Lies, damned lies and American wine labels

Learning about wine is a relationship. Like any relationship, it takes work. And like any relationship, sometimes people lie to seem more attractive.

Consider this column the opposite of last week's. Oh, wait. No one reads this column, so I should probably clarify.

Last week, I mentioned a few ways to "cheat" your way to a good wine by looking for certain vintages and importers. The idea was to be able to look at a wine label and, knowing little, pick a good one.

The problem is that labels, like men, are often two-faced. (And like women, the best wear little makeup, but more on that below.) Winemakers know that many people don't know much about wine, so they often crowd their labels with fancy, useless language, hoping to stand out from the crowd and make you choose them.

Much label clutter, though, ranges from the meaningless to the deceptive. Knowing what to ignore, then, can be as important as knowing what to look for.

Wine lie #1: Of points and medals. You've seen these before: "92 points, Wine Spectator," or "Gold Medal, Arizona Wine Festival." Both are often meaningless. The Wine Spectator, for example, is a glossy magazine that lives off advertising — so it has little incentive to rate wines honestly or tell you when something is overoaked or underfruted. It's not objective, and while it may be unlikely to gamble its credibility by actively lying about wines, it's rarely going to tell you when the emperor wears no clothes.

For "points" you can trust, look to The Wine Advocate, which is written by legendary wine guru Robert M. Parker and which takes no advertising. Parker is both brilliant and honest; it's hard to go wrong with one of his recommendations.

As for medals, know this: Wine festival judges are often amateurs who taste more than 50 or even 100 wines in a day. The number of people with palates trained enough to do this and still make fine distinctions is minuscule, consisting of top-flight critics like Parker. By and large, pay attention to medals when people, not beverages, wear them.

Wine lie #2: Humpty-Dumpty, winemaker. You may remember what Humpty Dumpty told Alice as he sat on the wall: "When I use a word, it means just what I choose it to mean, neither more nor less."

American winemakers also like to think this way. Many pepper their wines with words like "Reserve" or "Vintner's Select." These terms are unregulated, and hence they mean nothing. (My criticism here is limited to American wines;

in some countries — such as Italy — terms like "Riserva" are regulated and do mean something.)

Sometimes winemakers are honest and use the term to indicate truly special wines, but by and large you should ignore it. By way of shorthand, if you see an American wine that costs less than \$20 and calls itself "Reserve," be suspicious.

Wine lie #3: What the wine is and how it got that way. Some winemakers will brag that their wines are "100 percent merlot" or "100 percent cabernet sauvignon." That tells you exactly nothing about how good the wine is. Much of the world's best wine, for example, comes from Bordeaux, where winemakers often blend various grapes together.

In wine, as in relationships, purity doesn't always mean quality.

Wine lie #4: Cindy Crawford does not wear blue eyeshadow. Walk into the American section of a wine shop and you might be struck by how artistic some of wine's labels are. I have seen bottles bearing everything from pictures of Marilyn Monroe to Jackson Pollock-like splatterpaint designs. My experience suggests that the more time a winemaker spends paying attention to what's on the outside of the bottle, the less time he spends on what goes inside it. While that's not always true, I have often found

that the more exciting a label, the more boring a wine. It's what on the inside that counts. (The lack of any dating comparison in this context should be considered purely intentional.)

Tasting notes:

Faculty wine sage Mort Horwitz (who I hear is also a legal history buff) recently told

me there are a lot of good, reasonably priced '99 Bordeaux wines out there. He's right. One of the most interesting wines I've tasted in a while is the **Chateau Marjose 1999**, which I bought at Marty's for **\$10.99**. When I first poured it, I liked it but wasn't blown away. But in the glass, it developed. Chocolate, earth and black cherry fruits soon abounded, and I found myself just wanting to sit there and think about it. Although you may not go that far (you may be what some people call "normal"), you should still try this quintessentially French wine.

Another great buy is the **Capcanes Mas Donis Barrica 1999**, an Eric Solomon selection that I bought at Marty's for **\$9.99**. A blend of 80 percent grenache and 20 percent syrah, it's a jammy, black-fruited pleasure with real texture and depth.

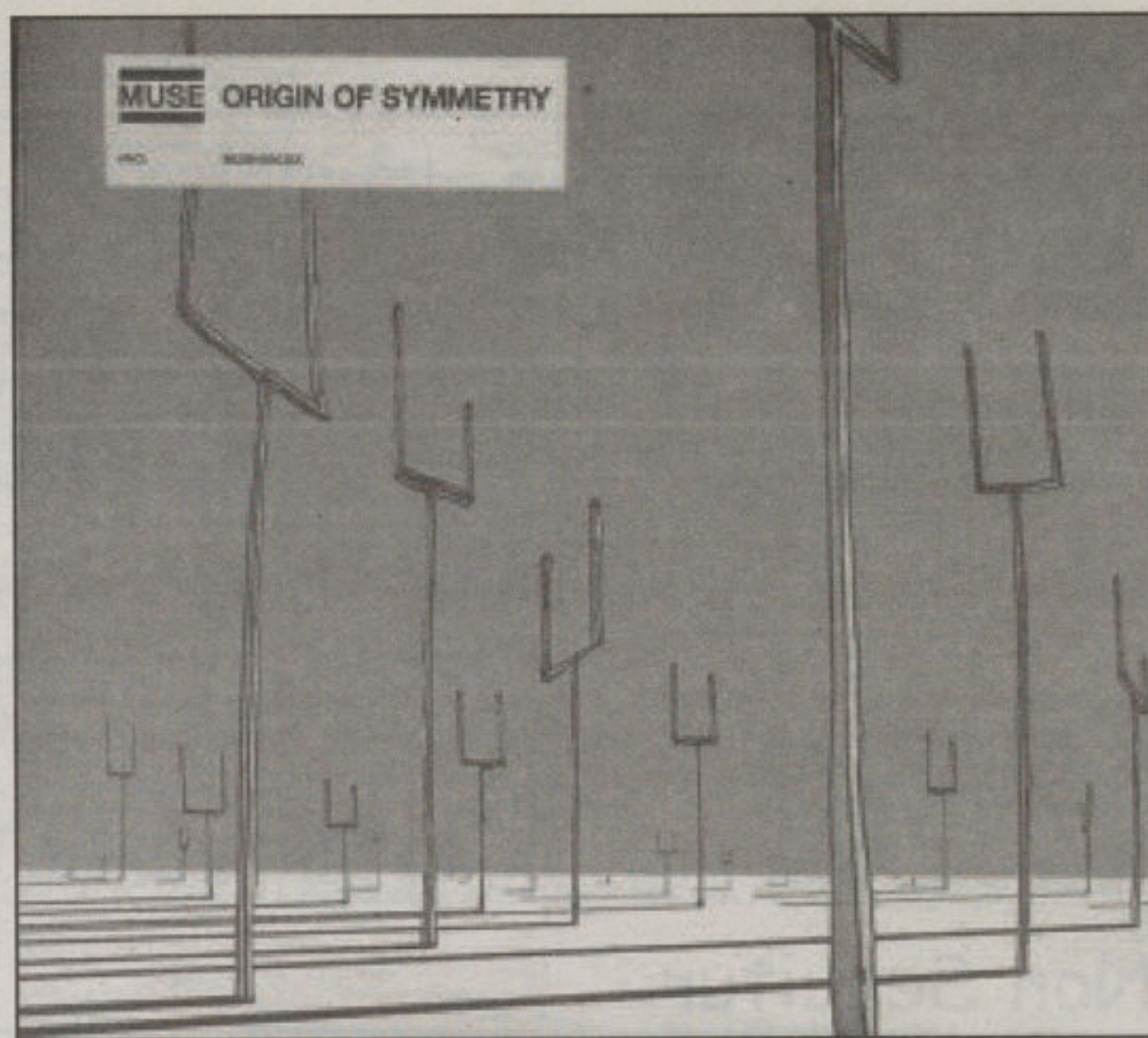
A simpler but still good wine is the **Di Majo Norante Sangiovese 2000**, a Leonardo Locascio choice that I bought for **\$8.99** at Harvest. If you like light, fruity Chiantis (which are made from sangiovese), try this; it was perfect with pasta and red sauce (which, come to think of it, is what I ate with almost all these wines).

Speaking of sangiovese, I also tried **Mazzei's Poggio a la Badiola 1999**, which I got at Marty's for **\$10.99**. It's good, but the fruit's not particularly robust, and it's a bit on the acidic side.

And I do sometimes drink whites. This time, it was **Selbach-Oster's Wehlener Sonnenhur Riesling Kabinett 1997**, a

Terry Thiese selection that I bought for **\$12.99** at Marty's. A classic Riesling Kabinett, it tastes and smells like Granny Smith apples. It's "sweet," so be warned if you're used to Chardonnay, but it's a downright fun wine that would be great with most foods, even spicy ones for which finding the right wine can be difficult.

"In wine, as in relationships, purity doesn't always mean quality"



The best rock band you've never heard of

by Thomas Cmar

■ Brit band Muse breaks new ground with "Origin of Symmetry"

The three members of the British band Muse — Matthew Bellamy on vocals and guitars, Chris Wolstenholme on bass and Dominic Howard on drums — have accomplished quite a bit for each being only 20 years of age.

Their first album, "Showbiz," sold over 700,000 copies worldwide. They toured America in 2000 with the Red Hot Chili Peppers. They have worked with two of the best producers in the business, John Leckie (The Verve, Radiohead's "The Bends") and David Bottrill (A Perfect Circle, Tool). In their native Britain, they have won numerous critics' awards over the last few years — lofty awards such as "Best New Band" and "Best Live Act." This summer, they released their second album, "Origin of Symmetry," to much fanfare and critical acclaim.

But you're not British. You're American. And odds are, you have never heard of them.

Don't worry. It's not your fault. I don't blame you, and I'm sure Muse doesn't blame you, either. The truth is, they have received almost no exposure before the American music audience. "Showbiz" was released in 1999 in the States under Madonna's vanity imprint, Maverick Records, and with little marketing or radio play, not to mention a lack of MTV airtime, it sold poorly. Indeed, the closest Muse ever came to reaching a mainstream American audience was when one of their songs, "Sunburn," was licensed by Apple for an iMac commercial.

With rock as a genre going through lean times commercially in America, Maverick was not ready to give Muse any second chances. When it came time to release "Origin of Symmetry," Muse was forced to do a Europe-only release. America, quite literally, does not know what it is missing. The musical leap forward between "Showbiz" and "Origin" is as dramatic as the leap that Radiohead took between "OK Computer" and "Kid A," but in an entirely different direction. Radiohead has flattened and layered its

sound while incorporating influences as disparate as Aphex Twin and experimental jazz. By contrast, Muse has become, if anything, even more of a rock band than they were before. Tapping into the wellspring of ferocious anger that lay under the surface throughout much of "Showbiz," Muse has become the Who of the 21st Century: an operatic wall of crashing sound imbued with a consumptive, destructive power.

This reckless embrace of entropy carries over most clearly into Muse's live performances. The trio's equipment trashing rivals Pete Townshend on a good day, and if the rumors are to be believed, their appetite for physical excess is comparable to that of Keith Moon. The British music tabloids like Melody Maker and Kerrang just eat it up, and Muse — especially frontman Bellamy — have not been shy about feeding their celebrity. If you believe

Bellamy's press, he is, according to Australia's Rave magazine, "a raving mad, pretentious, drug-addled tosser."

Ultimately, of course, it's all about the music. Listening to Bellamy's passionate wail on "Origin of

Symmetry," coupled with a jagged piano and guitars that are most certainly turned up to 11, one begins to feel like one is listening to the soundtrack to an epic film, a sort of Blade Runner meets Cecil B. DeMille. Muse is at its best when nothing is held back, as on the first two singles, "Plug In Baby" and "Newborn." In the calm between the storms of music, there are moments of quiet elegance. The most precious of these is the penultimate track, "Feeling Good," a song that, if not for the inclusion of such rock elements as distorted vocals and a guitar crescendo at the song's climax, could just as easily have been done by a lounge act.

"Origin of Symmetry" is, in the less-than-humble opinion of this reviewer, the best album by a young rock band to come out this year. Like I said, it's available in the States only on import; I got my copy on order from Amazon. But for those of you out there who are devout fans of real rock 'n' roll music of a kind that just isn't available in the marketplace these days, for those of you who are tired of empty posturing and songs that sound like watered down versions of older, better songs, you absolutely need this album. If Muse catches on in America, they just might save rock 'n' roll.

This is the best album by a young rock band this year.

Etc.