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Divided faculty panel debates U.S. response to global terror

by Mike Wiser

■ Panel tackles civil liberties debate and backlash against minorities

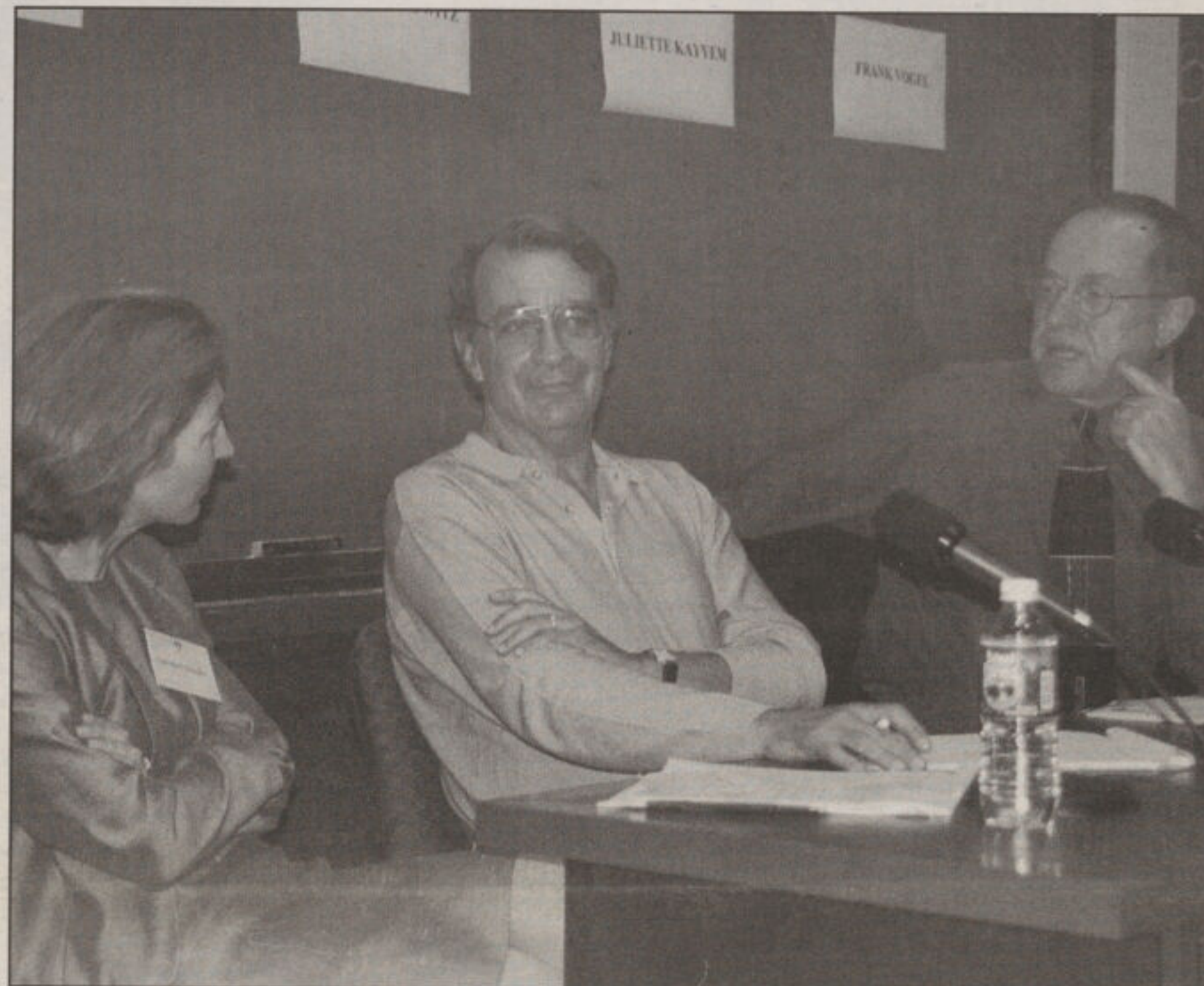
In a discussion intended only for the ears of the Law School community, five professors Thursday night expressed mixed opinions on potential responses to the September 11 attacks and concern over the future of civil liberties in the United States.

The panel was organized by J.D. Dean Todd Rakoff in an effort to encourage open discussion among HLS affiliates about the policy dimensions of the terrorist attacks. Langdell North, equipped with a video link, had been designated the "overflow room," but a half-hour before the panel was scheduled to begin, the overflow room itself was swapped with people sitting on the floor and standing in the back of the sweltering room. Meanwhile, professors Anne-Marie Slaughter, Frank Vogel, Philip Heymann, Alan Dershowitz, and Juliette Kayyem gathered before the cameras in Langdell South.

The Glove or the Fist?

While agreeing on some points, the panelists seemed to disagree in how they would characterize the proper American response. Slaughter and Vogel said they were concerned about the potential international response to any unilateral action.

"Every time we play Lone Ranger, whether it is not signing on to an international criminal court, or pulling out of institutions we are already part of, or



NILUFER SHAIKH/RECORD

Prof. Anne-Marie Slaughter, Prof. Philip Heymann and Prof. Alan Dershowitz discuss the finer points of U.S. diplomacy and anti-terrorism options.

simply declaring we are not bound by rules the rest of the world is, we are feeding powerful domestic opposition," Slaughter said.

Both Slaughter and Vogel supported military response to terrorism, but were concerned about what the emphasis would be. Vogel commented that the U.S. should respond with "words over guns" and the "glove rather than the fist." The U.S., Vogel said, needs to engage Islam and attack terrorism at the level of ideas.

Prof. Alan Dershowitz, who also argued for pre-emptive assassinations of terrorists, argued that the U.S. should not

assume "that good people always favor peace, and it is always the bad people that favor military action."

He said that in 1939 the peaceniks were the racists and Nazis.

"[T]he decent people were the war mongers who bring us into a fight with Hitler who they saw as non-negotiable evil," he said. "I will not participate in peace rallies, unthinking peace rallies, or sing John Lennon songs about give peace a chance. I think we need to look smartly at what the alternatives are."

In response, Slaughter said: "The only thing worse than

unthinking peace marches, is demonizing anyone who questions the use of force as an appeaser."

While there are things worth dying for, Slaughter said "you have to be able to question the use of force without being told automatically you want to give in to the enemy."

Defining Terrorism

Part of the answer, Prof. Philip Heymann said, is deciding that terrorism is always wrong.

"Most people have regarded terrorism up till now as some-

Please see PANEL p. 2

Jackson promotes weapon of diplomacy

by Meredith McKee

Alternating between soft pleas and impassioned demands, Rev. Jesse Jackson argued Monday for a reorientation of U.S. policy to building relationships with developing nations the U.S. has traditionally shunned.

"There's a need for our military, we have that," Jackson said. "But it's ineffective without diplomatic connections [because] behind the walls of those with whom we do not talk or trade are the [terrorist] camps. So the key to military success would be diplomatic connection, shared intelligence and shared economic security."

Jackson presented his vision of the future of America after the September 11 attacks early Monday morning to a room packed with law students, local clergy and network news cameras.

Without diplomatic connections and shared intelligence, he said, this war on terrorism is "like shooting musketeers in the dark" where we cannot find or identify the enemy.

"If we knew who to hit and where, we would," Jackson said. "But we have the military obstacle with the intelligence deficiency."

Please see JACKSON p. 3



RECORD Staff

Rev. Jesse Jackson addresses a packed audience.

Protesting 'global cycle of violence'



Above, Harvard students rally for global peace. Right, a speaker addresses the crowd in front of Widener library.

by RECORD Staff

More than 300 people gathered in front of Widener Library last Thursday to condemn calls for American military action against other nations and fight outbreaks of domestic racism.

Harvard University students leading the rally, expressed frustration and disappointment with U.S. leaders who were "deploying rhetoric and troops" instead of working to promote peace.

Though one speaker admitted that he did not know what the correct policy decisions

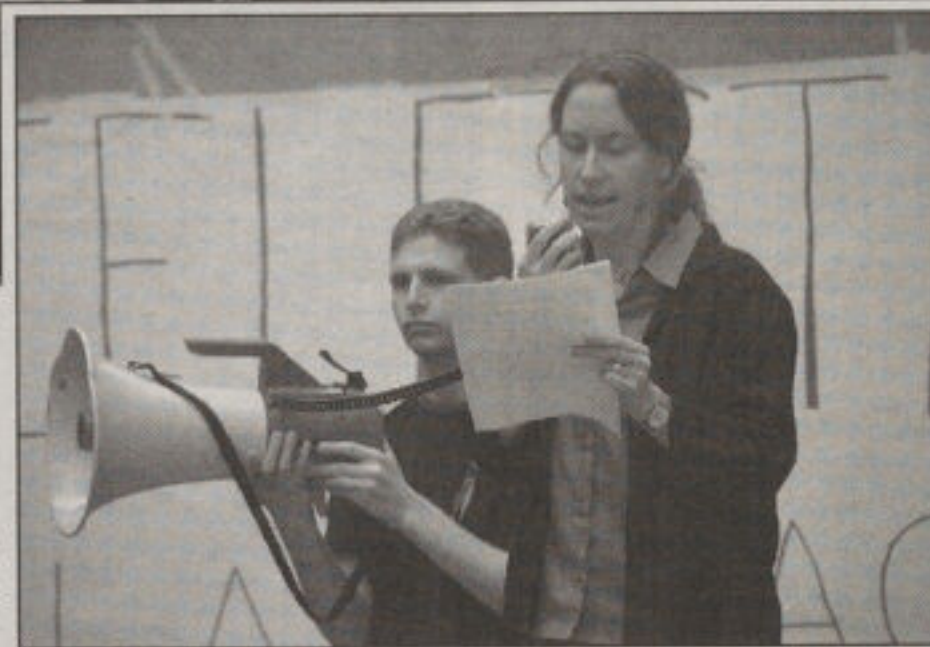
were, he argued: "We need to do something, but we need to think about what we want to do."

Speaking through a megaphone to a solemn crowd, rally leaders, including one representative from the University's association of Muslim students, repeatedly spoke out against the dangers of a patriotic backlash. Those speakers said that the recent emphasis on patriotism has allowed some Americans to express their racist attitudes through violence and harassment.

Some in the crowd held signs condemn-

ing American military action, while others stood silently under low-hanging clouds. After several attempts, one attendee led the crowd in a brief chant: "What do we want? Peace! When do we want it? Now."

Rally leaders also invited union representative to speak about the plight of workers who were killed and have lost their jobs as a result of the September 11 attacks. Similar rallies were held across the country.



RECORD Staff

PANEL

Continued from page 1

thing that you were very angry about when it happened to you and not very angry when it happened to your enemy," he said.

Heymann recommended that the U.S. conduct a campaign similar to the one that convinced the world's governments that condoning drug use and production is always wrong.

Dershowitz argued for settling on a non-ideological definition of terrorism.

"We have honored terrorists, we have welcomed terrorists, we have approved of terrorists, we have accepted the election of terrorists to positions of leadership in their countries," he said. "Everybody in this room has a terrorist who they have supported in their lifetime. Nobel prizes have been given to terrorists."

Prof. Juliette Kayyem of the Kennedy School responded by pointing out that people such as Nelson Mandela would fall under this strict definition of terrorism. Heymann was also reluctant to accept Dershowitz's hard line, asking him whether dropping bombs on civilians at 30,000 feet would be included in his definition.

Dershowitz responded by saying that it was difficult and in some situations he might even be tempted to break his own rules.

"If we try to distinguish and we try to play these lawyers' games, inevitably we are not going to have the moral high ground," he said. "I have to tell you that every terrorist I've ever represented believes himself a freedom fighter, and once you give terrorists any claim that there is a justification for their terrorism, you will never find that what he is doing is wrong."

A World Court?

Slaughter called for America to respond in a way consistent with the principles of international law. Besides using the

United Nations as a pre-made coalition, she argued that the United States "should do something really different."

Specifically, she said: "We should not try [Osama bin Laden] in an American court. We should create a global court composed of supreme court justices of every country that lost citizens in the attack."

The problem with Slaughter's argument, Heymann said, was that it ignored the effect that the attack had on America.

"The insecurity of the United States and the damage to our self-confidence is the overriding fact here," he said.

Professor Dershowitz dismissed Slaughter's proposal by arguing that an international court would be illegitimate.

"Nobody laughs at American justice more than I do, and nobody scoffs at American justice more than I do, and my credibility on this one is deep and long standing," he said to the laughter of the crowd. "And I believe the chances of getting real justice in front of an American court are considerably better than in front of a quasi-world court."

Vogel, director of the Islamic Legal Studies Program, argued that America was too quick to dismiss the proposal for trying Osama bin Laden in an Islamic court. The West, he said, has dismissed "out of hand" a legal tradition that did not condone the recent attacks.

Dershowitz responded that such a court's decision to convict or acquit the terrorists would have no legitimacy in America.

Protecting Civil Liberties

Dershowitz argued that it was vital for the U.S. to increase domestic security in a way that is mindful of civil liberties.

However, he also argued that civil libertarians should not reject any technological innovation simply because it is different.

"For example," he said, "face recognition technology, which many of us might be concerned about, is far better than ethnic profiling."

Dershowitz also argued that roving wiretaps were better than traditional wiretaps, because they were less likely to record personal conversations of innocent people who were not the target of the wiretap.

Kayyem, who served on a terrorism panel under Janet Reno, argued that she was very concerned by the "terrifying" proposal for infinite detention of alien terrorists without judicial review.

"Not in South Africa, I believe, or Israel during war time did they have indefinite detentions of terrorists," she said.

Kayyem said she was also concerned about the growing number of aliens in America who were being detained as part of the investigation. Now the number is somewhere near 100, she said, and at some point that number is going to get too big.

Vogel, who said he initially had a "terrible anxiety" that the U.S. would "indiscriminately lash out military force against Islam and Muslim countries," said he soon became concerned about the "domestic equivalent." Vogel, however, said he had been reassured by what students working with the Islamic Legal Studies Program had told him about the response here at the law school. He also applauded Bush's visit to a Washington, D.C. mosque. He called the visit "unprecedented, seemingly totally uninhibited and sincere." "He is actually, embracing, celebrating American Muslims, something long overdue," Vogel said.

VOICEBOX

Should airlines be allowed to engage in racial profiling in their efforts to combat terrorism? Why or why not?

"No. They already do it and it hasn't worked. Do they propose to harass all Muslims and Arab-Americans and keep them from flying? There are substantive security measures they can undertake for all passengers without singling out people based on race or religion."

—anonymous

"Hm. Ask Prof. Heymann. He's the expert."

—Derek Windham '02



Windham

"Depends on what 'racial profiling' is. If it is used for just questioning, yes. If it is used to eliminate passengers almost immediately, no. Security is paramount and so targeting people for questioning is OK under a compelling government interest. Denying people the right to fly out of hand is just too broad."

—Evan Belosa '02

"No. Every passenger and their luggage should be thoroughly checked — that's the fairest and most sensible way to combat terrorism. No random checks of people who fit certain profiles."

—Danny Swanson '03



Khoury

"No. In a civic democracy, there is no place for racial profiling. There are about 2 million Arab-Americans and 6 million Muslim-Americans in this country. Not even one-half of 1 percent of them have any connection to terrorism. Any increase in security should be uniformly applied."

—Najeef Khoury '02

"Yes. Given that all of the terrorists who hijacked planes on Sept. 11 shared a common ethnic background and ties to a religious belief that motivated their actions, it's fair to use that common element as one of the tools to catch additional terrorists."

—anonymous

"No. Terrorists are not exclusively of one race. Aside from the problems of racial discrimination, racial profiling could potentially reduce the attention given to others."

—anonymous

"Yes. It makes me really uncomfortable, but I think it's necessary."

—anonymous

"No, because it's wrong, stupid and unlikely to yield any results for the grief it will cause."

—anonymous

"I'm not sure. I think [it's OK] only if [law enforcement agents] have specific evidence of particular people they are looking for."

—anonymous

"No. But, instead, they should focus on really checking on passengers from all countries."

—A Middle Eastern chick

Human complexity apparent in genocide's aftermath

by Glenn Cohen

This summer I lived in East Africa, working for the United Nations International Criminal Tribunal for Rwanda, thanks to a grant from the Harvard Human Rights Program. I went looking for a life-changing experience, and I found it. Most of my time was spent doing clerkship-like work for the judges of Trial Chamber II in Arusha, Tanzania, but I did spend a week in Rwanda itself tagging along on witness interviews (with victims and low-level perpetrators) and visiting massacre sites. During that time, I kept a journal.

June 20, 2001 Transport

Now that I started work, the U.N. picks me up and drops me off on weekends, but I have had several memorable local transportation experiences. "Dalla-Dallas" are these mini-buses that have had most of their seats removed as well as part of the roof. About 30 people cram in so that it looks like those telephone booths in the Guinness book of world records. Some people hang from the side, and it makes several stops along a predetermined route. You get a little closer than you'd probably like to people, but it is very cheap way of getting around at 200 Tsh (30 cents).

Although they ostensible drive on the "wrong side of the road" as in England, most Arusha streets only have one lane or have two lanes, but that distinction is ignored so that you have oncoming traffic heading at you. Almost all the cars are junkers that have been fixed up, so most of the dashboard is usually ripped out, and if you sit in the front passenger seat you can feel the heat of the engine and the wires touch your legs.

Except the main road, almost none of the roads are paved. On just about every trip you hit a huge bump or pot hole and get some "air time" several times along the ride.

Taxi drivers are very sketchy, especially at night. Last night we went to one of Arusha's two discos (where I was hit on by prostitutes, who make up half of the club's women) and when we left, the taxi we were in wouldn't start. Rather than letting us out, the driver had two guys push the car for about seven minutes until it finally started moving on its own.

I just crossed my fingers that the car would not break down before we got home, since we'd be stranded in the middle of a street in pitch-black Arusha (there are no streetlights). When we finally did get home, the driver kept going as I tried to get out for fear that if he stopped the car it would die again.

June 25, 2001 The Butare case

In the Butare case (a case indicting six people in the chain of command in the Butare region of Rwanda), both Pauline Nyiramasuhuko, the former minister for Family and Women Affairs, who is the first woman ever indicted for crimes against humanity, and her son Arsene Shalom Ntahobali, who was a leader of the local *interhamwe* (youth-killing gangs that carried out most of the massacres of Tutsis), are on trial.

During the trial two days ago, the son, Shalom, protested vigorously several times that his lawyers should not be allowed to speak on his behalf since they hadn't consulted him since February. Shalom kept speaking and each time he seemed to enjoy it more, protesting about his lawyers being assholes and increasingly enjoying the spotlight of the courtroom. He was very amusing, very comical, and the gallery chuckled with each of his successive outbursts. I chuckled, too, and then felt weird as I remembered that he was on trial for mass slaughter and rape.

It frightened me to realize that evil can be comical sometimes, and that despite all he had done he was still very human. I could



Photographs provided by Glenn Cohen

Above, children receive food and education from NGO workers. Below, the AICC building houses the UN tribunal in Arusha, Tanzania.

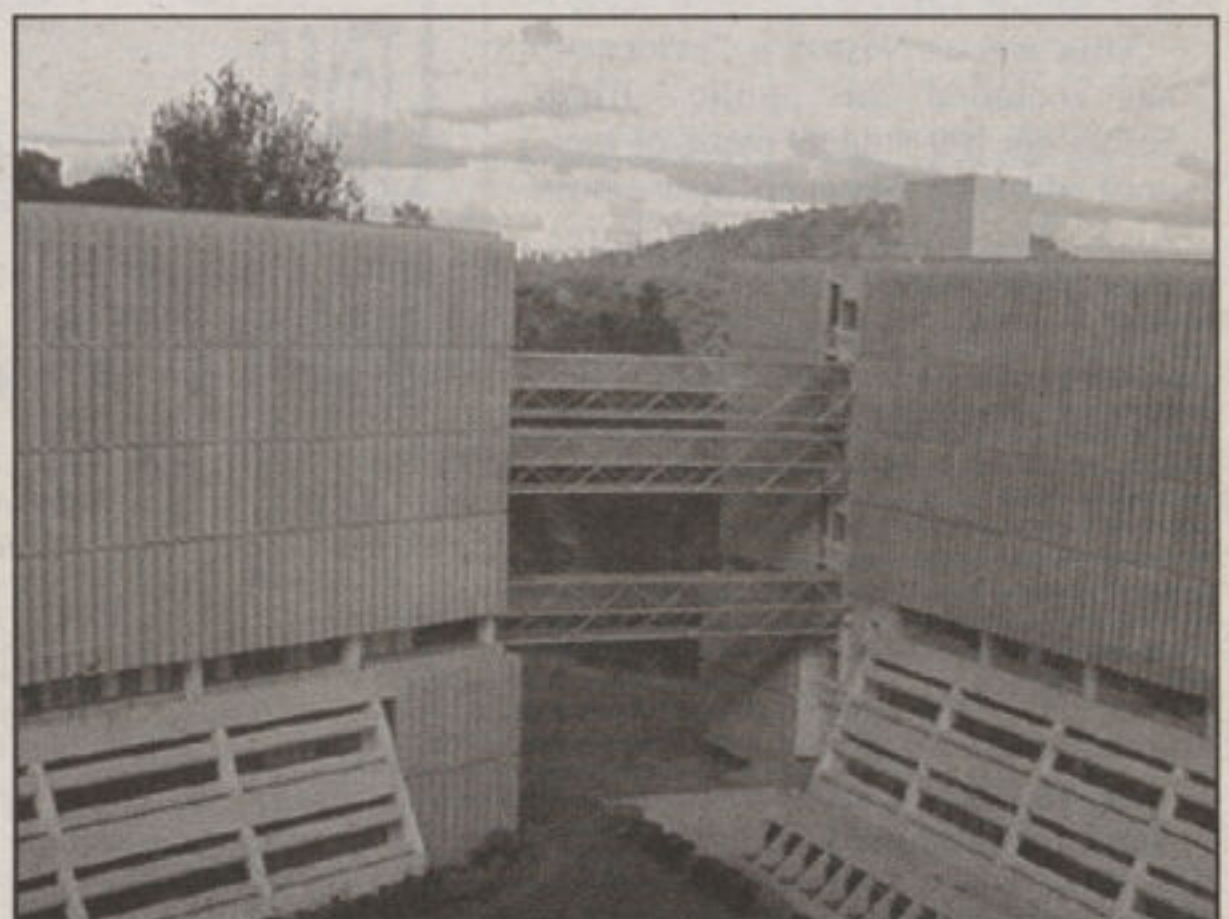
not divorce that from my way of viewing him.

I felt similarly when I recognized the way Shalom's mother watched him and the strong family bond that existed between them despite the fact that the two of them were accused of organizing the slaughter of thousands. Could one be both a good, loving mother and a genocidaire? Was this the true face of evil?

July 28, 2001 A Rwandan Hamlet

Mr. Kwende, the head of investigations in Kigali Rwanda, wanted to talk to us after seeing the massacre sites. He told us about his experience with Rwandan prisoners, and that most of them are not remorseful.

One man, though, was a Hutu who had killed his best friend (a Tutsi) in the fevered pitch of the genocide. This man voluntarily



turned himself in because he could not bear the guilt of what he had done.

The man suffered from hallucinations of his friend's voice and incessantly carried around the

dead man's skull because whenever he put it down he heard his friend say, "Why do you leave me on the cold ground? Please don't leave me here."

The story really touched me.

JACKSON

Continued from page 1

We don't know how or where to strike."

Arguing that the United States' unilateralism is returning to haunt us, Jackson noted Pakistan and its neighbors' emphasis on economic security.

"What do Pakistan and Iran and India say to us?" he questioned. "We'll relate to you militarily if you will talk with us diplomatically, share information with each other, intelligence, but, by the way, take off that debt burden. Cancel the debt and trade with us."

The United States should also take advantage of the Taliban's attitude, he said.

"If we choose to respect the world court as the living option, we must make breakthroughs with the Taliban, the religious leaders, who when they spoke did not hurl anti-American invectives, nor did they lead demonstrations against America," Jackson said. "They just said show us the evidence. Yesterday Secretary Powell said he's willing to make public the evidence. That is a critical breakthrough."

A large part of forming a coherent policy for this war on terrorism, Jackson said, is defining "terrorism."

"We cannot just be against being terrorized, and surely we must be," he said. "We must be against terrorism in its many forms. It may be physical, fiscal, financial or polit-

ical or military."

In the past, Jackson said, terrorism has been used to control African-Americans, kill Jews in Germany and brutalize black South Africans. Any definition of terrorism should include all terror, whatever its form.

If the United States wants to prevent future terrorist attacks, the government must also address the international factors that breed violence and desperation, he said.

"Terrorism is not genetic, it is the end of the process," Jackson argued. "The planes hitting the building was the end, not the beginning, of the process."

"We're used to the East-West conflict, Marx and Adam Smith, capitalism, communism, ... using the poor as pawns," he continued. "But today we have a North-South fight. It's a struggle in some sense between the surplus cultures and the deficiency cultures."

Many of America's current problems arise from the fact that the United States and its Western allies represent a very small fraction of the world's population.

Conferences between the United States and Russia represent only one-eighth of the world, Jackson said, and are "minority meeting[s]."

Predicting a necessary shift in the global balance of power, Jackson said that "there

will not be many more meetings where the one-eighth has a meeting and the seven-eighths wait for the results of the meeting."

Those seven-eighths of the world, where poverty causes the deaths of millions each year, often view the United States through a less-than-favorable lens.

"We say ... we are the light on the hill, and we are," Jackson said. "But those who get the light, they glow in it, and those who don't perish because of lack of light in dark places, and lack of heat in cold places."

Jackson compared the U.S.'s current situation to that of the giant in "Gulliver's Travels."

"As long as he [the giant] was strong, even if he was wrong, nobody would protest 'cause he was the giant," he said. "But when he had the wreck and went down, the Lilliputians tied up his toes and feet and his fingers."

"So here's the day when we are the giant facing the Lilliputians who are in some sense trying to get our attention," Jackson continued.

In our current position, Jackson said that true unity of Americans, beyond unity in the fear of being attacked, is vital.

"We must be unified also in our love of neighbor, and the Arab-American and Muslim and Sikh and those who wear

beards and who look Muslim and look Arab — the flag must protect them, too," he said.

Though his message was one of serious concern, Jackson noted positive changes in American policy.

"Back in February we sent a team to Europe and the Europeans said stop capital punishment and don't revive Star Wars and don't kill the treaty, and we said no," he said. "At the South Africa global conference on racism, we came late, didn't take our seat and left early. We wouldn't do the same thing today we did just two weeks ago."

"The profound changes toward coalitions and building ties is a step in the right direction," he concluded.

Jackson also mentioned the importance of addressing the few high school students in the audience.

"If a war really does explode, many of you will not go because you are in Harvard Law School," he said. "And those who responded to the president's speech last week in Washington, the members of Congress and the Cabinet, will not go because of their ages and status. But the high school seniors will go, so they must have some measure of preparation among other things as they usher rather quickly into adulthood."

For the RECORD

Tenure can do some strange things

In the ideal sense, tenure provides professors with a sense of freedom, their capacity for intellectual inquiry unfettered by academic politics and immune from public controversy. Alan Dershowitz cites tenure as enabling some of his most courageous defenses; in other cases, it allows a professor to take a novel approach in the classroom.

Or in the case of Prof. Charles "Eon" Nesson, it gives you license to go crazy.

Nesson is supposed to teach evidence. Instead, his class has become a venue for the airing of his zaniest idiosyncrasies. These include making references to his penis size, videotaping students during class, recording his private conversations and referring to himself as "Eon."

No serious-minded students take Nesson's class assuming that they will actually learn evidence. But lately, Nesson's antics have taken a turn for the bizarre, and may actually result in serious consequences.

This week, Nesson's "evidence" has included the public airing, before his 100-student class, of an e-mail dispute between Professors Alvin Warren and Charles Ogletree. Though the two were merely sparring over the scheduling of Rev. Jesse Jackson's speech this past Monday morning, Nesson decided to display their e-mails on a projector for all to see.

But Warren and Ogletree aren't the only faculty members who might be peeved. Nesson has also described other professors' feelings about Dean Robert Clark and his "imperialistic" practices. Though, it should be admitted, he didn't back those statements up with evidence.

Some might feel inspired to decry Nesson's behavior as another example of Harvard Law School's misguided allegiance to individuals who have no business being educators. They could rail on tenure's tendency not only to bring positive notoriety, but to entrench institutional disgrace. How, some might say, dare Harvard Law School, home to over half of the current Supreme Court, allow a class to be taught that not only fails to convey legally useful information, but makes a mockery of its faculty as well?

Some people might feel that way, but we suggest they lighten up.

If Nesson's students are any indication, nobody minds the man's bizarre behavior. Far from being a problem, Nesson is seen by many students as an endearing iconoclast, a ray of comedic hope in an institution plagued by over-serious bores. In his own unusual way, Prof. Nesson is a credit to the tenure system. He has transcended the role of evidence professor to become an institution — and an amusing one at that.

Just don't ask him to teach you evidence.



Earl Warren has made his decision ...

by Clifford Ginn

A recent report by Gary Orfield, co-director of Harvard's Civil Rights Project, reveals that, almost 50 years after *Brown v. Board of Education*, school segregation is actually increasing. The last decade has witnessed a rollback of almost all the progress made in the two preceding decades. More than 70 percent of the nation's black students attend predominantly minority schools, and over a third of the nation's Latino students attend heavily segregated schools. Whites, on average, attend schools where they make up more than 80 percent of the students.

One cannot ascribe this phenomenon to a single cause, or even accurately say which factors play the most significant role, but the primary causes of resegregation appear to be legal, political and demographic. Given the high correlation between racial and income segregation, accelerating suburbanization has magnified the difficulty of integrating urban schools. Increasing maldistribution of wealth (20 percent child poverty, a decrease in real wages for the vast majority of Americans since the 1960s despite dramatic increases in GNP and productivity) has fallen most heavily on minorities, adding to economic segregation. The Republican Party's "Southern Strategy" (adopting policies hostile or indifferent to minorities in order to win more votes in the south), initiated under Richard Nixon, explains a great deal of the footdragging at the federal level. The Supreme Court's distaste for affirmative action also has not helped matters any, and courts generally have favored eliminating desegregation plans, even sometimes disallowing com-

munities to take voluntary desegregation action. Other causes too numerous to detail here have also played significant roles. However, resegregation does not appear to result from racial intolerance — large majorities of Americans of all races prefer integrated education.

Orfield's report confirms the *Brown* Court's finding that separate cannot mean equal. Clear differences exist between educational opportunities at segregated and desegregated schools, and the fact that some of this comes from the correlation between race and income should not make this finding less disturbing. Substantial evidence supports the argument that integration improves test scores, as well as

remaining racism in this society, the enormous opportunity gap that racial minorities — especially blacks — face, and the significant role the government has played in creating or exacerbating these problems. The federal government supported slavery for a century, tolerated state and private discrimination for another century, and systematically shut racial minorities out of virtually all the nation's major opportunities for family wealth aggregation. A few decades of affirmative action for minorities, compared to two centuries of affirmative action for whites, hardly qualifies as "equality of result," if indeed it can even be considered "equality of opportunity."

While conservatives argue that affirmative action offends our ideals of colorblindness and meritocracy, it actually serves as a prophylactic rule to advance both principles. Discrimination in hiring is often exceedingly difficult to prove — hiring decisions often rest on small distinctions, and an employer may not even be conscious that he or she is allowing race to color his perceptions. Affirmative action provides a rough assurance that qualified minority individuals will gain employment opportunities in proportion to their representation in the population (meritocracy) and decreases the possibility that race will play a role in hiring decisions (colorblindness). While an affirmative action rule may be somewhat overinclusive in practice, the alternative will prove fatally underinclusive.

Turning specifically to blacks, however, Prof. Ogletree has pointed out that affirmative action does relatively little for blacks in the underclass. Randall Robinson's *The Debt* lays out a convincing case for reparations, and one that the nation must carefully consider. Although Congress will not even support study of the issue, many people are beginning to recognize the magnitude of the injustice blacks have suffered at the hands of the U.S. government. To the extent that we consider ourselves citizens of the nation responsible, and accept the benefits of living and working in an economy built largely on the enslavement of blacks and their permanent relegation to the underclass, we have a moral obligation to compensate the victims of our nation's wickedness.

*We cannot bridge
the racial divide
through mere school
integration.*

performance in postgraduate education and the job market. Roughly half of the high schools in the largest cities (most of them segregated minority schools) experience dropout rates of close to 50 percent.

Orfield makes a number of recommendations to remedy the problem, including: expansion of the federal magnet school program; an aggressive commitment to school integration; private and government research on the benefits of school integration; greater community involvement in desegregation; better training for education officials in integration policymaking; funding for busing, counseling and teacher-exchanges; reexamination of housing policies to facilitate integration.

I find all of these suggestions valuable. However, the racial divide in this country runs so deep that we cannot hope to bridge it through mere school integration.

One of the more promising avenues is affirmative action. Conservatives have characterized it as "equality of result," but this claim hardly bears serious consideration. Affirmative action recognizes the

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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

Entertainment Editor: Trevor Gardner
Staff: Sarah McGonigle, Arkadi Gerney, Cliff Ginn, Kelly Hartline, Julie Strom, Jonas Blank

Forum Editor: Pantae Yashar
Jeffrey Leven, Davis Wang, Renée Kaplan, David Bitkower, Andrew Jacobs

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

Retribution is right

by Kelly Hartline

In this time of tragedy and war, many suggestions have been made as to actions the United States should take. Around Harvard Law School, I have heard students advocate such things as withdrawing our support from Israel, going over to the Middle East to "get all the Arabs" and not responding with any violence whatsoever because "an eye for an eye leaves the whole world blind."

While it is great to brainstorm such ideas, the actions we decide to take must be very carefully considered. The world is watching us, and what we do now will send a message, set an example and trigger a series of international events. As a nation, we need to make sure we do what is right.

So what is right? Assuming there is a "right" (relativists will have difficulty reading beyond this point), the right action is that which embodies both justice and mercy in the achievement of our two main objectives: 1) bringing those who were involved with initiating this attack to justice, and 2) preventing similar attacks from happening in the future.

Given these objectives, the policy that should guide our response is retribution. Despite popular belief among Harvard Law students, retribution is not vengeance, bloodthirstiness or a desire to flatten any country whose name ends with -stan. Retribution is a policy of restraint. The retributive law of an "eye for an eye" was intended to guarantee that punishments would be proportional to their crimes. This axiom does not mean "a life for an eye" or "a hair for an eye."

Retribution is also not "overreacting," as one fellow law student suggested at the Law School's panel discussion last Thursday by comparing our loss of "5,000" to the loss of "15,000" in India's earthquake. While the loss of human life in both situations is tragic, the difference between the two is glaringly obvious: One was beyond human control and the other was caused solely by human malice.

In fact, the intent behind this attack is precisely what makes retribution warranted and necessary. If a plane had accidentally hit the World Trade Center, our loss would be just as tragic, but we would not seek retribution. There would be nobody to bring to justice and no reason to believe similar accidents would occur in the future.

This attack, however, was no accident. It was calculated. It was deliberate. It was intended to cripple us politically and financially. It was meant to take thousands of innocent lives. It was supposed to cause us unprecedented pain and suffering. It was premeditated, cold-blooded murder. In fact, the underlying intent behind this attack is precisely what justifies and requires a response of retribution.

Retribution calls for the actions that most closely achieve the goals of bringing the perpetrators to justice and preventing similar attacks in the future without exceeding the boundaries of restraint. For example, taking innocent lives, either intentionally or recklessly, is unacceptable in this case because it exceeds retribution and constitutes an attack, not a response. On the other hand, assassination of bin Laden and his operatives is legitimate and warranted because it does not exceed the boundaries of retribution.

Many Harvard Law students oppose the idea of such assassinations, or any form of retribution whatsoever. While pacifism is generally commendable, in this situation it is simply wrong. In the words of fellow law student Kanyiki Tshibaka: "The blood of American martyrs is crying out for justice. And justice will not be accomplished by turning the other cheek because it is not ours to turn."

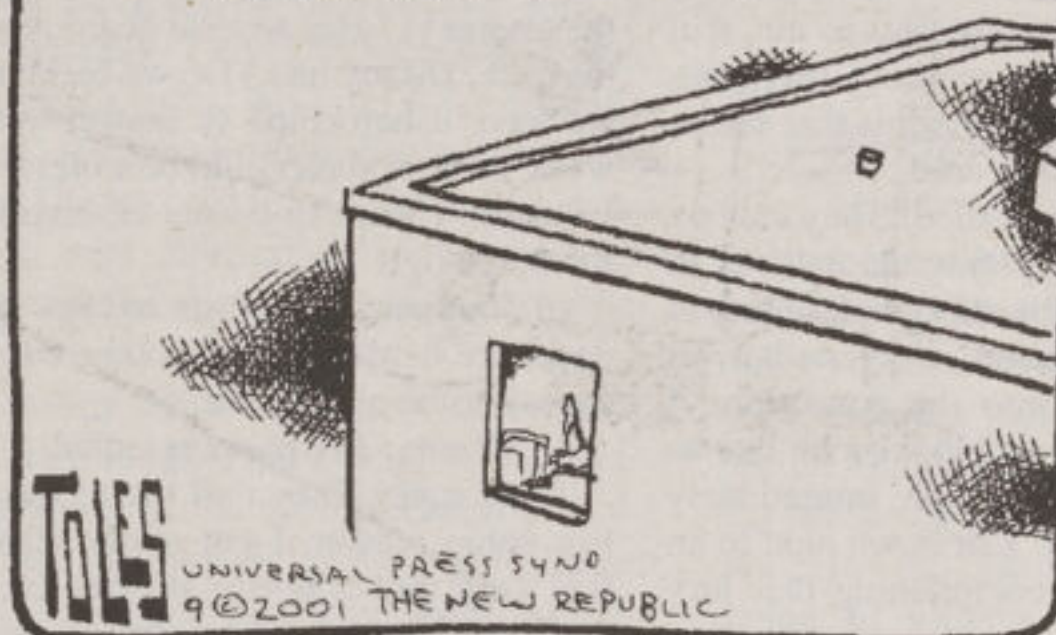
"Our lives were not obliterated by the events of September 11th. Good can never make peace with evil, it can only destroy it. And sometimes that requires a violent response."

"There is a time for righteous retribution, and now is such a time. The blood of the innocent who perished on Tuesday will not have been spilt for nothing."

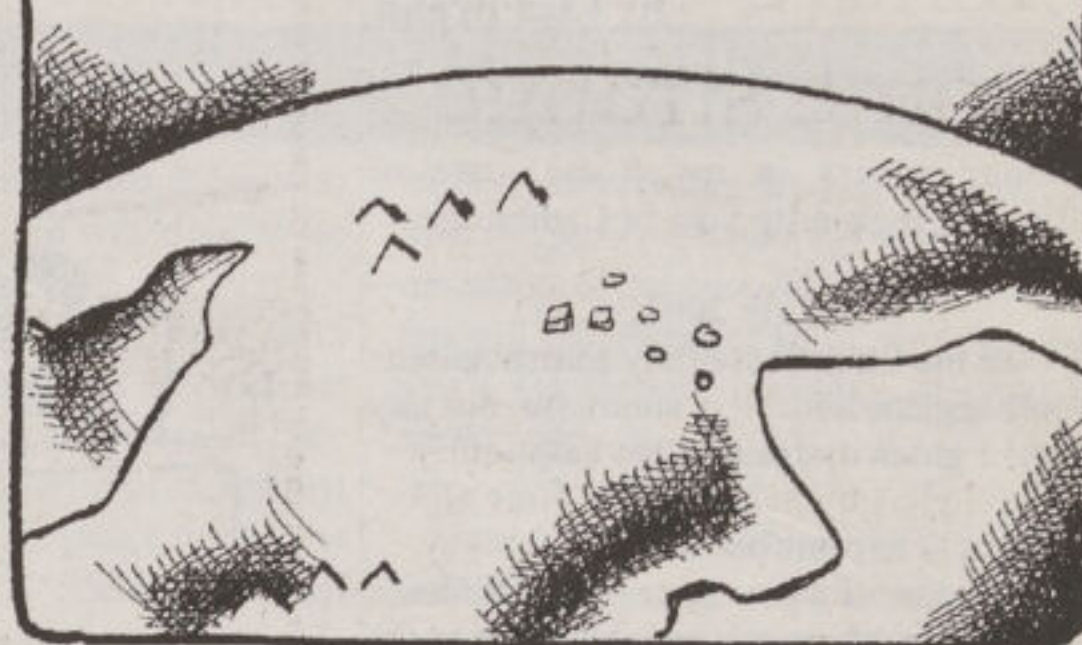
SOMEWHERE, HIDDEN IN THE
SHADOWS OF THE INTERNATIONAL
COMMUNITY



IS SOMEONE WITH HIS FINGERS
ON THE BUTTONS OF GLOBAL
TERRORIST POWER.



WITHIN AN INTRICATE AND
SECRETIVE VAST NETWORK



I WONDER IF PROCESSING
THESE ACCOUNTS OF OSAMA
BIN LADEN COULD BE A
BAD THING?



Remembering a dangerous year

by Arkadi Gerney

As shocking as the events of September 11th were, what they suggest about the future is more shocking. Over the next 10 or 20 years, it seems likely that the United States will be the target — and perhaps the victim — of a chemical, biological or nuclear attack. Such an event might take the current gruesome toll of 7,000 dead and missing and add one or two zeroes to that sum. In the last two weeks, the unimaginable has become imaginable. The unthinkable, thinkable — and we should all spend some time thinking about it.

One threshold thought is that as dangerous as our future may seem, we have all faced a greater degree of this kind of danger in the past. All of us in this community lived through some part of the Cold War. All of us lived through 1983, which (with the exception of 1962) was probably the Cold War's most dangerous year. After a period of *Détente*, the Cold War was heating up in the late '70s, and by 1983 it was overheating. One source of the danger in 1983 was the very weakness of the Soviet system. During 1983, the Soviet Union was led by Yuri Andropov, an insecure man who professed to his inner circle a deep concern about surprise nuclear attack from the United States and who spent much of his brief 15-month premiership in the hospital. Remember, too, that 1983 was a year when Ronald Reagan called the Soviet Union "the focus of evil in the world," while Andropov called Reagan "insane." In 1983, the Soviets shot down a Korean airliner that mistakenly ventured into their airspace. That year, the Soviet Union continued to pour thousands of troops into Afghanistan, while the U.S. countered with billions of dollars in aid for a group of rebels that included a man named Osama bin Laden. And, in 1983, a misunderstood U.S. nuclear readiness exercise called Able Archer combined with a faulty Soviet satellite to push the Soviets within minutes of a decision to launch a nuclear strike.

In 1983, you could feel the danger, even as a 9-year-old. I didn't know anything about Able Archer or Afghanistan, but after Nov. 20,

1983, I became very afraid of nuclear war. On that day, I watched the broadcast of "The Day After," a television movie that depicted a nuclear attack on the U.S. Aside from certain Super Bowls and one Olympics, no television program since "The Day After" has been as widely-viewed (not even the "Tribute to Heroes" telethon that was broadcast on 31 networks last Friday). "The Day After" really scared people — it certainly scared me.

*In 1983, you
could feel the
danger, even as
a 9-year-old.*

What can we learn from the Cold War beyond the general lesson that we have faced grave danger before and survived it? One Cold War lesson is that our core principles of liberty, equality under the law, democracy and human rights can among be our most powerful weapons. A turning point in the Cold War was the signing of the Helsinki Accords in 1975. In one way the signing of the Helsinki Accords represented the highpoint of *Détente*: The treaty ratified the division of Europe and with it, legal and political legitimacy of the Eastern Bloc. At the same time, the Helsinki Accords contained language obligating the signatories to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or

belief, for all without distinction as to race, sex, language or religion." Neither the Western or Eastern leadership expected that this verbiage would have any real impact on how the Eastern Bloc states ran their countries. But inside the Communist world, dissidents with names like Havel, Walesa and Sharansky seized on this language in the Accords. The words mattered.

A year later, the election of Jimmy Carter ushered in a new American commitment to human rights and with it, the beginning of the end of *Détente*. The Soviet Union regarded Carter's human rights offensive as provocative and deeply destabilizing. In many ways, the subsequent rhetoric of Ronald Reagan — his vision of conflict with an "evil empire" — represented a continuation of Carter's human rights focus. Both presidents were aggressively challenging the moral legitimacy of the Soviet state, undermining control of its internal politics and dampening its appeal abroad. One effect of this new rhetorical challenge to the Soviets was that 1983 became a more dangerous year, but in no small measure this approach helped win the Cold War a few years later.

The use of force is a necessary, important and justified element of what will now become a long twilight struggle against terrorism. But in larger measures this war must be won on principle. We must offer the world a positive vision of liberty, human rights and democracy. We must recommit ourselves to humanitarian projects, to fighting AIDS, famine and poverty not only because these are the right things to do, but also because in doing them we will ultimately make this country much safer.

Forum

Law and order in Middlesex County — maybe

by Liza Brann

October 2000

Not wanting to deal with the absentee-voting process in my home state of Illinois, I register to vote in Cambridge.

July 2001

I see the first effect of my Massachusetts voter registration — a summons for jury duty! I groan and accept my fate.

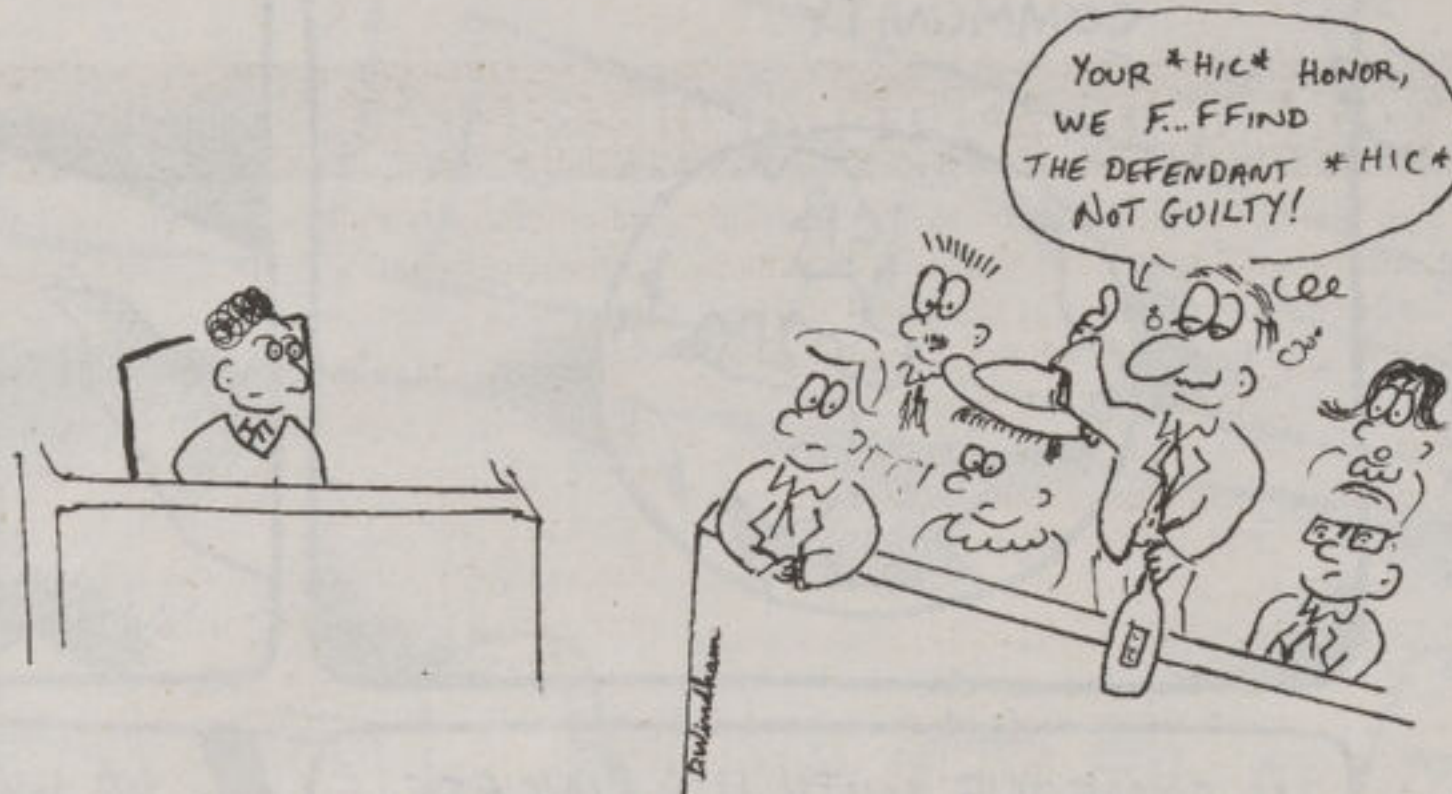
September 20, 2001

7:55 a.m.: I show up at the Middlesex County Courthouse. I give my card to the police officer behind the counter, receive another card with a juror number and go for coffee downstairs in the courthouse.

8:15 a.m.: I take a seat with the other prospective jurors. On first glance, I notice that they are truly a cross-section of society. I have never seen such a large group of completely average-looking people.

8:20 a.m.: The rumpled man to my left starts using his cell phone as a two-way radio to talk to his coworkers back at "the plant." We get to hear about the machine that's broken on the floor and how to fix it. My fellow jurors give him the evil eye.

8:30 a.m.: We are called in to watch a video on jury service, which focuses on the role of juries in democracy and tells us what we will be required to do. The orientation has a humorous focus on what will happen to us if we decide to leave before they dismiss us for the day. A judge visits with us and tells us about the significance of jury service. He and the entire staff of the courthouse are rather enthusiastic about their jobs, which somehow makes the day go much more quickly.



9:15 a.m.: After completing our orientation, we are sent for a blissful break.

9:50 a.m.: Back to the waiting room. I read and listen to the guy next to me, still talking to his coworkers about the problems back at the plant. It seems that someone needs an extension cord.

10:30 a.m.: We are called! They call six panels (about 90 people) to the hallway to be taken up to a courtroom. Excited to actually see some action, everyone hurries out. When I walk into the courtroom, I notice that the defendant looks a lot like an old friend of mine, which immediately sparks my sympathy. I sit down next to an older man, who is complaining that jury duty is like prison.

The judge reads the charge against the defendant — first-degree murder! Some in the crowd gasp, and my heart sinks. The judge describes the case to us — a stabbing early one morning last year in Lowell. The case should take a week.

The judge begins to ask us questions and tells us to raise our juror cards to respond. Do we know the defendant? Do we know the attorneys? Has anyone heard reports of the case? (Many had.) Do we feel bias? Do we have a hardship? (I answer yes. One week without class could be a blessing, but I wouldn't want to be out of commission for that long.)

10:50 a.m.: All of us except for one panel are herded up to another courtroom to wait to be questioned.

11:30 a.m.: My panel is called.

11:40 a.m.: They call me to the stand. For some reason, I get really nervous. I feel a mixture of horror at what the defendant has possibly done and a desire to exonerate him if he is actually innocent. The judge asks me about being a law student and asks me whether I want to serve on the jury. I tell him that I would like to serve, but that a week would be a long time for me to be out. He excuses me for

cause.

As I walk back to the waiting room, I start to feel guilt for wanting to get out of the trial. Who am I to feel inconvenienced by one week of jury duty when the defendant could spend the rest of his life in prison? Now that I've gotten myself out of the trial, I wonder who will have the job of deciding his fate.

Later: I am called for another trial. I am seated on a jury for a trial for DUI. Throughout the trial, which spanned two days, I struggle to listen to the evidence and avoid critiquing the attorneys.

September 21, 2001

After the jury deliberations, as we wait to be led back into the courtroom to declare the defendant guilty, we discuss our impressions of the attorneys and the witnesses, which we had not discussed while we were deciding on a verdict. We question whether we could assume that the defendant, who had a very glazed look in his eyes, was sober as he sat in the courtroom that day! While the prosecution certainly presented sufficient evidence to convict, the jurors seem more comfortable finding the defendant guilty because of their impressions of him.

Once we read the verdict, the bailiff takes us back to the deliberation room. The judge commends us for our close attention to the testimony and invites us to watch the sentencing. She does not know what the state may ask for, and none of us on the jury decide to find out. The defendant's friends had glared at us as we exited the courtroom, and we don't want to walk out of the courthouse with them after the sentencing.

CONCERT CALENDAR: OCTOBER

Brit poppers, female rockers and dance DJs

by Jeffrey Leven

OK, so law school brings you to Boston for the first time and now you're trying to figure out how to keep yourself from going absolutely manic in between Torts and Civil Procedure. Why not try a little rock 'n' roll? Lucky you — you've stumbled on one of the more underrated music cities in America, and here is just this critic's sampling of some of the gems it has to offer in October:

October 2 — Wilco (Avalon): After losing ace guitarist Jay Bennett and angrily parting ways with Reprise Records, Chicago's critically acclaimed alternative country-rock-cum-folk-pop powerhouse is at something of a crossroads as they search for a label to release their new work, *Yankee Hotel Foxtrot*. Given that they seem to get better with each album, a live Boston preview is much appreciated. An alternative for the more conventionally-minded tonight would be to see Jane's Addictions second "relapse" at the Centrum.

October 3 — Reel Big Fish, Goldfinger (Avalon): There was always more to "skacore" than the Mighty Mighty Bosstones, and these L.A. stalwarts are the proof. Keep your ears open for Reel Big Fish's ultra-kinetic cover of "Take On Me," and Goldfinger's now-erstwhile radio hit "Here in Your Bedroom."

October 5 — Ryan Adams (Paradise Rock Club): While Britpop fans might want to see Travis debut material from their new disc *The Invisible Band* at the Orpheum tonight, the ultimate sleeper catch is across town at the Paradise. Formerly the brains behind Whiskeytown, singer-songwriter Adams released his second solo album *Gold* on September 25, on the heels of this summer's phenomenally-acclaimed debut *Heartbreaker*. Compared to everyone from Neil Young to Paul Westerberg, Adams is a fascinating personality in his own right — a strange mix of humor, ego, vision and moodiness. And, lest we forget, talent.

October 11 — The Donnas (Paradise Rock Club): If the Ramones were four cute girls with a sense of humor and a penchant for um, well, Ramones-style classic punk, they'd be the Donnas.

October 12 — Alvin Youngblood Hart (Johnny D's Uptown Restaurant): Although Alvin is competing tonight against Bjork at the Wang Center and Megadeth (yeah!) at the Avalon, those of more refined taste would do well to check out Hart, whose career, like that of Taj Mahal, has found him mixing rock, folk and the blues with scholarly reverence and insistent soul.

October 15 — Tori Amos (Wang Center): Tori's new album, *Strange Little Girls* was released on September 18. It finds her doing covers of songs by Depeche Mode, The Boomtown Rats, Neil Young and — yes, you are reading this right — Slayer. Seeing her do their horrific "Raining Blood" live is reason enough to give this a shot.

October 16 — Leftover Salmon (Middle East): More appetizing than the name suggests, these HORDE tour vet-

erans mix jazz, rock, bluegrass and folk in a way that would have made Jerry Garcia proud. Throw on some tie-dye and tune in.

October 19 — Basement Jaxx (Avalon): With their new disc going gangbusters all around the world, one of dance music's most danceable acts promises to throw a party to remember. Those afraid of the funk should head instead to see punk rock legends The Damned at the Axis or alternative country journeymen Slobberbone at T.T. The Bear's tonight.

October 20 — Beta Band (Paradise Rock Club) / Guided by Voices (Middle East): In one of the month's tougher calls, the Beta Band plays the Paradise while Guided By Voices plays the Middle East. Either way you are getting one of indie rock's most respectful bands and a chance to mingle with Boston's trendiest.

October 21 — King's X, Moke (Middle East): Houston, Texas' King's X remains one of the world's most underrated rock bands. Sounding something like a mix of Rush and Living Colour, they have soldiered for decades and are still relentless pioneers. Even if you've never heard their long-lost single "Black Flag," or dreamed of playing guitar half as well as Ty Tabor, you owe it to yourself to go and bask in their sheer musicianship. Oh, and Moke isn't bad, either ...

October 25 — Fishbone (Harper's Ferry): Take the Chili Peppers, P-Funk, the Bosstones and a little soul and you might begin to approximate the funk and punk and booty-groovin' *umph* that is Fishbone. Wild, weird and utterly un-missable.

October 27 — My Life With the Thrill Kill Kult (Karma Club): One of modern music's weirder names and more influential electronica groups of the early 90s, MLWTKK's strange world of gutter synthesizers and sleazy posturing might be that something different you're looking for.

October 28 — Bob Schneider (Paradise): A heartthrob in the making, Schneider (best known as Sandra Bullock's boyfriend) is also one of the best songwriters in Austin, Texas, which says a lot. Having run no less than five bands last year, he also found time to write *Lonelyland*, a dazzling solo album that is equal parts heart and groove. Be sure to catch him now before the secret gets out.

October 30 — The Black Crowes (Orpheum): Sure the '70s are over and sure you could just stay at home and listen to the Stones, Zep and the Faces, but the fact of the matter is that no one loves and preserves good ol' guitar-and-tight-pants rock n' roll quite like the Crowes, and for that alone they deserve some sweat and applause.

October 31 — Cowboy Mouth, Fighting Gravity (Avalon): At New Orleans' annual Jazzfest, local rockers Cowboy Mouth always steals the show. Why? Because they might just be the best live party rock band on the planet. Lead by drummer Fred LeBlanc's frat-boy-shaman-motivational-speaker antics and a keen sense of crowd participation, except their Halloween show to be one big, huge party. College circuit veterans Fighting Gravity start things off.

VENUES

Avalon, 262-2424, 15 Lansdowne St.
 Harpers Ferry, 254-9743, 158 Brighton Ave.
 Johnny D's Uptown Restaurant, 776-2004, 17 Holland St., Davis Sq.
 Karma Club, 421-9595, 9 Lansdowne St.
 Middle East, 497-0576, 472 Mass. Ave., Central Sq.
 Orpheum Theatre, 679-0810, 1 Hamilton Place.
 Paradise Rock Club, 562-8800, 969 Comm. Ave.
 Wang Center, 482 9393, 270 Tremont St.

Etc.

So DAVID, WHAT ARE YOU UP TO?

OFF TO STUDY! WE'VE HAD THREE WEEKS OF SCHOOL, SO I FIGURE IT'S ABOUT TIME FOR A TEST.

AH, MY IL FRIEND. THERE ARE NO TESTS IN LAW SCHOOL UNTIL THE FINAL EXAM.

NO OTHER TESTS

NO MIDTERMS

NOT EVEN A POP QUIZ?

YUP.

YOU MEAN THEY BASE YOUR ENTIRE GRADE ON HOW WELL YOU DO ON ONE FINAL EXAM?

WHERE ARE YOU GOING?

AS LONG AS LAW SCHOOL GRADES ARE A GAMBLE, I MAY AS WELL GO BUY SOME LOTTO TICKETS TOO.

You Look Beautiful Like That: The Portrait Photographs of Seydou Keita and Malick Sidibé

by Renée Kaplan

Fogg Art Museum, September 1 through December 16, 2001.

"You look beautiful like that" is the kind of flattery every woman would like to hear someone coo gently into her ear. "Whatever it is you're doing, baby, you're looking great." The compliment, in this case, comes from an expression in Bambara, the language widely spoken in Mali: *i ka nyè tan* is what they say to tell you that. "You Look Beautiful Like That" is also the title of an exhibit of portrait photographs from Mali, currently showing at Harvard's Fogg Art Museum.

It is a small group of black and white studio portraits from the years surrounding Mali's 1960 independence from France. The pictures are of men and women and children, all dressed up, posing carefully, eager to make the right impression. One man wears a shark-skin jacket and a shiny wrist-watch, sitting stiffly on a Vespa scooter. One woman lays in the ample folds of a lushly-printed African dress, wearing a matching head-wrap. One very little girl stands in the middle of the frame showing off her pretty white skirt, the only thing she's wearing.

The 'beautiful' in the Bambara expression seems to refer to something more innocent and more earnest than flattery. Each of the portraits is carefully posed and composed. Each of the subjects stares frankly into the camera. The beautiful in these portraits is simply the beauty of people trying their hardest to look their best, and of photographers doing their best to flatter them, however they pleased.

The exhibit features the work of two Malians in particular, Seydou Keita and Malick Sidibé, both commercial photographers who were successful in Bamako, the capital of Mali, in the years surrounding independence. They would keep troves of props and make-shift backdrops in their studios for their customers to choose from: chairs, handbags, radios, clocks, scooters, plastic flowers, Western suits, jewelry, watches, fountain pens. The backdrops varied from a simple black or white curtain, to Sidibé's own lace bedspread, a leaf-print sheet, a striped drape.

In Sidibé's 1972 photograph "Three Young Peul Shepherds," three men stand lined up with their arms at their sides, all three wearing traditional white African shirts and felt fedoras that they'd probably picked out at the studio, and the middle one holds a large transistor radio. They look polite, well-kempt, a little uncomfortable. In a Keita portrait from the early 60's, the two men being photographed seem to have a different kind of groove going on, striking a pose with their hands on their hips, wearing shades, skinny ties, and plaid stovepipe pants. And in another Keita photograph from the same period, the sitter, dressed in Western slacks and shirt, wanted to be pho-



RECORD Staff

Pictures from the exhibition at the Fogg Museum showing until Dec. 16, 2001. *Amis des espagnoles*, 1968 (above), and *Untitled*, 1959 (below).

tographed just with his sheep. (It was a very big sheep).

The choice of props and of clothes and poses was deliberate. These were not the generic atmospheric details of Western commercial portraits — the white trellis, the "Autumn" background — but a conscious selection of meaningful objects. As the exhibit's accompanying text explains, sitting for a portrait and then displaying it at home or sending it back to friends and relatives was a powerful means of self-definition. The 1960's in Mali, like much of post-colonial Africa, were a period of considerable social change, with an increased movement from rural areas to the city, and a burgeoning middle class, eager to show off its prosperity and status. The portrait was an opportunity for subject and photographer to set the scene and make a statement about who they were.

And they were not exclusively statements of wealth or importance — some Malians at the time just wanted to look cool. In Sidibé's "Young man, Bellbottoms, Bag and Watch," a lean-bodied teenager wears a tight black button-down shirt over black bell-bottoms and flip-flops, carries a vinyl airline bag on his shoulder, and wears saucer-size sunglasses under a well-trimmed Afro. He could be a retro-chic hipster from today who went to sleep in his 21st century East Village tenement and just happened to wake up in 1970's Bamako.

The portraits of women are especially visually rich: they tend to be close-ups, a graphic contrast of prints, patterned backdrops, gleaming skin and big beads. For a woman, getting her picture taken was about conveying beauty and wealth with clothing, jewelry



and hairstyles, rather than props. Patterns and fabrics all meant something, as did the way the clothing was draped or the number of pieces of fabric used. Some portraits though just focussed an elaborate hair-do or a trendy mini-dress — to show the family back home what the kids were wearing.

There is a certain whimsy and craftiness to the clash of prints and the wrinkled backdrops, and the occasionally visible dirt floor. But the compositions are carefully, even classically arranged. The formality of the poses recalls the equally staged portraits of American debs and prom queens from the same period. Except that those images were airbrushed to a homogenous perfection of creamy shoulders and look-alike white dresses. There was very little left that was person-

al. Keita and Sidibé on the other hand would invent a new formula for every portrait. They created images that were unique and quirky, particular to each of their subjects, and ultimately deeply intimate in the choices they revealed.

Many of the portraits — like the one of four guys, their tight half-open shirts, and a big sombrero — are probably less about who the subjects were than how they wanted to be seen. These photographs let their subjects play dress-up and dream. There is a beauty to the frankness of the effort, and a sense of optimism in the freedom these modernizing Malians must have felt in creating themselves for the camera. It seems like the point of the portraits, in the end, was for the subjects to be able to look at their own images and think: *i ka nyè tan*.

THE 1L EXPERIENCE

■ Geeks, isolation and that freshman mindset?

by David Baharvar

As a 1L in my first month of law school, I had two big concerns. First, that "thinking like a lawyer" would come to pervade all aspects of my life, even those I don't want it to. An overwhelming barrage of cases, people and law school-connected events could fill my time to the detriment of figuring out what my own perspective is on what we're learning. Second, that my classmates would be stiff — relatively cold and asocial, argumentative and dismissive — and that I would be a stiff, too.

So far I've found that these are not serious concerns. I've had plenty of free time, people have been warm and friendly and no one seems like a real "stiff" or "geek" to me. This has been reassuring, though I'm curious to know: Will people's geeky sides come out as I really get to know them better?

The surreal feeling of actually being here hasn't worn off. This feeling was in some ways compounded by the tragic bombings of September 11, after only a week of class, which made all of us feel at least a little displaced. I think it also brought us closer together than we otherwise would have been as a class. Our "colleges" grew especially closer, seeing many of our classmates visibly upset and consoling each other, and having our professors spend class sessions allowing us talk about our feelings as a group. It made me feel a lot better about being here.

It continues to strike me that most people seem extremely driven and on top of things — even every day things. It's intimidating. You can feel it in the air, walking through the Hark in the morning, the way people walk, the looks on their faces. I know I'm not the only one who has wondered if I really belong here. But this perception has been tempered through actual interactions, seeing the unusual amiability and humility of my classmates, both in and out of class. Does the daunting feeling I get have more to do with my own preconceived notions of "life at Harvard Law" than with how people actually behave?

My dorm hallway — Shaw 1, home of the (in)famous "Shaw Hall Crawl" — is social and friendly, although in a "freshman year" sort of way: traveling in packs to Lincoln's Inn, parties, dinner and bars; people drinking more than they really want to; gossiping about "crushes" within the hall; and spending much of the time that we interact making superficial jokes and teasing each other. Don't get me wrong. I'm glad people are getting to know each other — and it's certainly better than barren hallways with people cooped up in their rooms. But sometimes I wonder, are some people trying to relive — or take a second crack at truly enjoying — their freshman year now that they've "made it" into HLS?

Finally, it is a little strange, I think, that we're cooped up on this separate campus from the rest of the social-sciences and have to make a conscious effort to meet GSAS people. While the GSAS folks in all fields socialize frequently through Dudley House and live intermixed in and around Harvard Yard, we live in all-law student dorms, on a separate campus, with few or no social events that would bring us into contact with GSAS people. Do law students have less to gain from interdisciplinary perspectives?

He Said, He Said, He Said: Oleana

by Andrew Jacobs
Davis Wang
Dave Bitkower

Andrew

I don't ever before recall seeing devilled eggs on a restaurant menu. I had always imagined them to be a relic from the 1950s, the kind of thing that nuclear families ate on Sundays. But there they were on the menu at Oleana (\$3), under the heading "prêt-à-manger." ("Prêt-à-manger," I assume, refers to the food — mainly cold appetizers — that the kitchen can deliver most quickly to famished diners.)

Yet the noble — but much-underappreciated — egg is gaining in popularity as an amuse-bouche. And rightly so. When well-executed, the egg can be sublime. The egg foam amuse-bouche at Arpège (Paris) was surely the best amuse-bouche I have ever had the opportunity to sample. Arzak (San Sebastian, Spain) also offers a lovely, more-cooked rendition. Of course, unlike these esteemed establishments, Oleana doesn't have any illusions of Michelin-stardom (or the accompanying prices), so any direct comparisons would be highly unfair. Expectedly, Oleana's oeuf offering was decidedly more "prêt-à-porter" compared to Arpège's or Arzak's "haute couture" cuisine. But it was a well-constructed prêt-à-porter (an Armani, perhaps?), made interesting and unique by olives and Mediterranean spices.

Oleana is a welcome addition to the rather sleepy Cambridge restaurant scene. The food is more flavorful than subtle — in fact, there is little subtlety to be found here. But at least the food didn't attempt to be subtle and turn out bland instead.

The Spicy Carrot Puree (\$3) was my favorite appetizer, probably because it contained a liberal dose of spices and garlic. (If a restaurant sets out to be flavorful, it shouldn't be timid.) The Fried Mussels (\$7) were a close second — they were perfectly cooked and did not suffer from the overchewiness problem that plagues calamari at so many lesser establishments. It was sort of nice to see a menu with something other than the ubiquitous calamari, the staple of mediocre Italian restaurants everywhere.

The Armenian Bean & Walnut Pâté (\$4), by contrast, was surprising for its lack of surprise — basically just crushed beans meant to be placed atop bread. Nothing special here. The Crispy Duck Böre_i (\$8) was also slightly disappointing, wanting in both flavor and texture.

Refreshingly absent from the menu was any kind of heirloom tomato dish: Clearly the heirloom tomato fad has not yet reached Oleana. I was beginning to think that it had been written into the health code that a

restaurant must have at least one heirloom tomato dish.

I appreciate that Oleana does not have the regrettable habit of overcooking meat. Venison (\$22) is meant to be served rare, and rare it was. And it was very good. The stuffed onion accompaniment, labeled "Spinach, Farro & Fontina," was a bit gimmicky, but tasty nonetheless.

The décor, with its earthtones and Mediterranean-inspired tile, complements the food nicely. It is worth trying to sit outside in the lovely garden area if you can; unfortunately Oleana doesn't accept reservations for the outdoor seating.

For those occasions when you are looking more for high quality prêt-à-porter than haute couture, Oleana is a good choice.

Davis

This is the second in our series of profiles of restaurants that end in "ana." I have no idea why we chose that terminaison as significant, but there it is. Oleana, unlike Koreana, is a less straightforward name. When first passing by, I had thought that it was something like "Oceana," and suddenly memories of second-rate sea-food restaurants in New York City (and indeed everywhere) flooded in. But upon closer inspection, recognizing that it is an "I" rather than a "c" — and patting myself on the back for improving my attention to detail after two years of rigorous Socratic training — I noted with alarm the name's affinity with words like "oily," "oleaginous," and "olea." It is of course refreshing that an establishment should be so upfront about its caloric consequences,

over to Holmes Hall, and opened up an office door. Across the room, the woman's eyes met his and she knew exactly what he had come for.

"Its gonna cost you one hundred bucks, Fenno," said Marika Donders. In her hand she held the largest key-ring he had ever seen.

"Whatever — you know the money doesn't matter. I've got to know," said Fenno.

She led him into the basement of the Hemenway Gym. As he followed Donders past all of the rooms he laughed at the thought that HLS had more squash courts than it had minority professors. The last little door was locked. It said "Court N" on the door.

"This is it, end of the road for you, Fenno," said Donders. She unlocked the door. It looked dark in there. Fenno handed Marika the money and ducked down into the little doorway. Immediately, he felt the sensation of being sucked down a waterslide very quickly. As he slid down the tube he saw flashes of odd things. Fire-blowing midjets were riding unicycles. Geese were playing tennis on clay courts. Al Warren was being slapped by Joe Pesci for apparently screwing up his taxes. He wanted to scream

but too much of a good thing — well, you get the idea. It was not until later that I found out that Oleana is actually the full given name of the chef-owner, who now goes by the by name of Ana ("ana" again!) Sortun.

But enough about the name. The good news is that most of the less than enthusiastic reviews you read on foodie websites are not true — well, at least not true on a Sunday night in a city that goes to bed at ten. The hostess was not bitchily attitudinal, even though there was a two-hour wait for

a party of five for a table in the garden. (What! — you say — I didn't have to wait that long for an Hermès Birkin, and this is Cambridge! But this is Cambridge. That is why you have to wait two hours for anything that is decent.) In fact, the staff was amazingly solicitous. (They even gave us a menu to take home

when we mentioned that we were doing a review.) Some rough edges were inevitable. I was informed that the Crispy Duck Böre_i was some kind of thing shaped like a "football." It turns out, as I was musing between the possibilities of an American football and an English football, that the böre_i was more like a spring roll (maybe there is a common theme with Koreana).

Better yet, Oleana does deliver on the complex flavors that it promises. Whether the complexity works is another question. The duck in the böre_i appetizer did not taste very ducky, and was all mushed together in a taste more appropriate for mooshoo or such (hello, Koreana!). The winner among the appetizers was Fried

Oleana

134 Hampshire St.
Cambridge, MA 02139

(617) 661-0505

Vol 2, #3

(Ratings out of 5★)

☆☆☆ 1/2

Andrew's Rating

☆☆☆☆ 1/2

(5★ veg friendly)

Dave's Rating

☆☆☆ 1/2

Davis' Rating

*Oleana is a great
date spot, with a
romantic garden for
the four weeks that
Boston weather is
tolerable.*

Mussels and Hot Peppers. It was very good, but that was just really tempura by another name (hello again!). Similarly, there was a lot of work in my Monkfish (\$21), wrapped nicely in chard, with a touch of lemon preserve, and to be taken with crème fraîche. But the interior of the monkfish was actually slightly tough and slightly dry (hello, Mother!), and so I am not sure all that hard work paid off. Similarly, the Ricotta and Bread Dumplings with Wild Mushrooms (\$14) lacked texture and were too salty. The winner among the entrées was the Venison, which was accompanied by delightful onions stuffed with creamed spinach.

Oleana is not bad; there is effort and conscientiousness. So get on that shuttle, take that Acela, or jet to San Sebastian for an amuse-bouche.

Dave

I largely join in my colleagues' opinions, but I write separately only because I am unfamiliar with many of the French phrases and foreign locales to which they refer. I note as well that the lukewarmth expressed above is actually a quite positive review. I am reminded of the famous episode of Sesame Street where Oscar the Grouch, evidently well-pleased with a specially prepared meal, tempered his rasp with soft gratitude.

In my own perhaps rustic and uncivilized opinion, Oleana was the best meal I've had since I was a summer associate. With the possible exception, that is, of a run to the Mass Ave. Taco Bell last week. Offering top notch food, service, décor, even a bit of dinner theater within our own little party, Oleana is a perfectly cozy newish-Americanish-Mediterraneanish (with a few Armenian touches) place to spend your money. I note especially that Oleana is a great date spot, with a romantic garden for the four weeks or so that Boston weather is tolerable. But Oleana is also a great place for groups, because the menu is so good, and small enough, that you will want to try everything.

To mention some of the dishes that Andrew and Davis missed: As an appetizer, I had a Beef Galette San Remo with Sundried Tomatoes, Olives & Chick Pea Fries (\$8). This was a satisfying meal in itself, basically a flavorful short rib burger; the chick pea fries were reportedly excellent, though they were stolen from my plate before I could taste them. As an entrée I had the Swordfish Kebab with Cabbage-Coconut Dolma & Nigella Vinaigrette (\$21). Excellent all around. For dessert (\$7-8 each) we shared the Baked Alaska, Ice Cream Soufflé, Crepes with Pears and "Pumpkin Patch." The Baked Alaska was probably my favorite, but I wouldn't kick any of them off the island.

Fenno

"So, are you interested?" Fenno asked the hot 1L with the low cut jeans.

"Umm ... I would like to see the movie, but ..."

"But what? C'mon Monica!" Fenno said.

"Umm ... I really need to work on my memo. I'm really trying to get that H out of FYL. Maybe next week?"

Fenno walked out of the Harkbox disgruntled. How had tons of faculty meetings and endless students proposals about grade reform yielded MORE grades? He went to write an angry complaint on the Soundoff Board, but there wasn't even an inch of space left. Fenno spit on the board, and smeared a message that was asking for "cheesier pizza" at student organization meetings. Next to it was a request for "even more Arlene Delgado." Tonight he would have to escape this place. It was time for the ultimate getaway from HLS. He sprinted

and to laugh, but before he could decide, the ride was over. He could see out into the world, but it looked different through these eyes. He was standing in front of a fence, and there was a paintbrush in his hand. He began painting up and down, feeling the weird sensation of feeling the use of a new hand, being in a new space.

"Charlie-san!" Fenno heard a voice scream. The eyes he was looking through turned around to see a man who bore a striking resemblance to Pat Morita.

"I told you — Uuuup! Dooown!" he screamed again. Fenno felt afraid. The hand corrected its strokes. It was speaking to the man who looked like Pat Morita. Fenno tried to focus on what was being said from inside the head.

"Mister Miagi, I came to you 38 years ago to learn Evidence, and I'm still ..."

"You are learning Evidence, Charlie-san," said Morita. "You have no patience. I fear you may never truly learn."

"I'm sorry, Sensei. Its just that my students — they're getting restless —"

"Your students will learn as you learn! Evidence is all around us. Next, you wash my cars," said Morita.

"Yes, Sensei," said the mouth beneath

Fenno's eyes. As the body raised the brush, Fenno felt the sensation of his being flushed out of the space he was inhabiting.

"Not yet!" Fenno screamed. But it was too late. He felt himself falling through the sky, and then he felt his body thump on to the ground. It was slightly painful, but all he could focus on was the wild ride he had just returned from. He looked around. The door near him said "Berkman Center." Marika Donders stood nearby. She grabbed Fenno and threw him over her shoulder, running away from the Berkman center. Fenno felt dazed, and he was covered with slime.

"I want to go back," Fenno said. Marika laughed as she kept running.

"Not today, Lassie. It's not healthy to be Charlie Nesson too much."

She put Fenno in a cab and gave the driver five bucks to drive him home. As he lay slumped in the back seat, he saw that the cab driver, who looked Middle Eastern, had completely replaced the leather interior with a feltish material that was dyed to look like a homegrown American flag. The things people do to feel safe in this country, thought Fenno. Maybe he would have to ante up and get back to the mind of eon sooner than he had thought.

Boundaries of victimization blur in L.I.E.

by Julie Strom

Do not dismiss L.I.E. for its NC-17 rating or its subject matter of pedophilia in the suburbs of Long Island. If you do, you will be missing one of the most interesting and thought-provoking movies of the year.

Named for the road that connects New York City to the suburbs on Long Island, this movie uses the road itself as a literal and figurative representation of the danger and confusion of growing up. In his directorial debut, Michael Cuesta tells the story of 15-year old Howie, a teenager seemingly lost since the death of his mother. Howie's father, Marty, is too busy with his own new girlfriend and trouble with the law to notice Howie's confusion as he struggles to carve a niche for himself and come to terms with his blossoming sexuality. Howie's best friend is Gary, beautifully played by Billy Kay, who sells sex for money and fills Howie with a combination of youthful desire and admiration. But when Gary too abandons Howie, he is left utterly alone, with only Big John, an ex-marine who has a penchant for young boys.

Big John, like the movie itself, cannot be dismissed as a stereotype or a typical villain. Played with amazing sensitivity by Brian Cox, John -- by all traditional accounts a monster, a predator in these picture-perfect suburbs -- becomes a complex character who is in some ways the emotional center of the film. Perhaps this is what earned the film its NC-17 rating, although I have a feeling if the relationship were heterosexual instead of gay (think Kevin Spacey-Mena Suvari in "American Beauty") the film may have gotten off easier. Many others have noted this unfortunate double standard, and I wholeheartedly agree that Hollywood seems much more comfortable with films



that glorify excessive violence and the sexual exploitation of women than with a film like this one dealing with a controversial topic with extreme maturity and sensitivity. In fact, the only sex in this film is one scene between two consenting heterosexual adults. The talent of Cuesta's direction is his ability to reveal the mix of sexuality and paternalism in John's feelings for Howie without any sexual interaction at all. Instead, we are able to see how Big John is able to be both a father

figure and a predator at the same time.

Paul Franklin Dano, as Howie, delivers a strong performance, conveying both Howie's vulnerability and his newfound sexual power at the same time. We are never certain if he is being victimized by Big John or if he is merely finding emotional comfort in the only place he can, knowingly and willingly. The film does move slowly at some points, but the pace fits the tone of the movie as a whole and is a nice break from all of the summer action

movies with a lot of flash but little substance. The final minutes are filled with an unexpected turn of events that leave you wondering where these characters are headed, but the unanswered questions show Cuesta's respect for his audience and their own ability to try to figure out what path Howie will take as he faces his demons. Like the L.I.E. to Howie, this film is both dangerous and alluring, and for me, a welcome break from the standard Hollywood fare.

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Non Sequitur

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Close to Home

by John McPherson



Crossword 101

By Ed Canty

"Legal-Ease"

ACROSS

- 1 Proofread
- 5 Venzetti's codefendant
- 10 St. Patrick's recess
- 14 Med. school grads
- 15 Baltimore specialty
- 16 Asian country: Var.
- 17 Defendant's right
- 19 Lawn pest
- 20 Centennial parts
- 21 Unoccupied
- 22 School furniture
- 23 Hastened
- 24 Electronic component
- 26 Rankles
- 29 Precedes time or estate
- 30 Chi. time
- 33 Afflicted
- 34 Switzerland's DC?
- 35 News org.
- 36 Brewer's need
- 37 Nuke weapon defense
- 38 It weighs ____: heavy
- 39 Nice summer
- 40 Ms. Montessori
- 42 Dash
- 43 Droop
- 44 Old
- 45 Terriers
- 46 Summed
- 48 Musical group
- 49 ____ pie
- 51 Penny
- 52 Drive
- 55 Pavarotti rendition
- 56 Law students' practice sessions
- 59 Menial worker
- 60 Lessen
- 61 Melee
- 62 Lucid
- 63 Shankar's instrument
- 64 Zilch

DOWN

- 1 Mary Baker ____
- 2 Gloomy



- 3 Clinches a game: Slang
- 4 Child's meas.
- 5 Darrow's 1925 client
- 6 Rounded
- 7 French city
- 8 Dan Rather's home
- 9 Former CIA
- 10 Pointed
- 11 The D.A.
- 12 Polio vaccine developer
- 13 Supplements with difficulty
- 18 Lassoed
- 22 Clinton's foe
- 23 Remain as is
- 24 Skin: Prefix
- 25 007's creator
- 26 Monopoly et al
- 27 Lasso
- 28 Il Down's claim
- 29 Make second offer
- 31 Golf club
- 32 Shades
- 34 Exposed

- 38 Comes before rain or test
- 40 Constructed
- 41 Follows ice or information
- 42 ____ Domingo
- 45 Malignant growth
- 47 Newscaster Sawyer
- 48 Colorful fish
- 49 Upper limits
- 50 Fertilizer ingredient
- 51 Cover with paint
- 52 Chamber music group
- 53 British School
- 54 Italian noble family
- 56 Some parents
- 57 Japanese sash
- 58 Vase

Quotable Quote

"If there were no bad people there would be no good lawyers!"
... Charles Dickens

By GFR Associates E-Mail: EDC9432@aol.com
Mail: GFR, P.O. Box 461, Schenectady, NY 12301

For this week's solution please, see p. 7

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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