



The Harvard Law RECORD

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Running a grueling 200-mile, 26-hour relay race, HLS team earns \$10,000 for charity.



Pictures Courtesy Helen Hong

Above, Rob McCreanor passes off the bracelet-baton to Chris Wheeler, while Tom Kellog runs in a night leg, below.

Reaching for the Beach

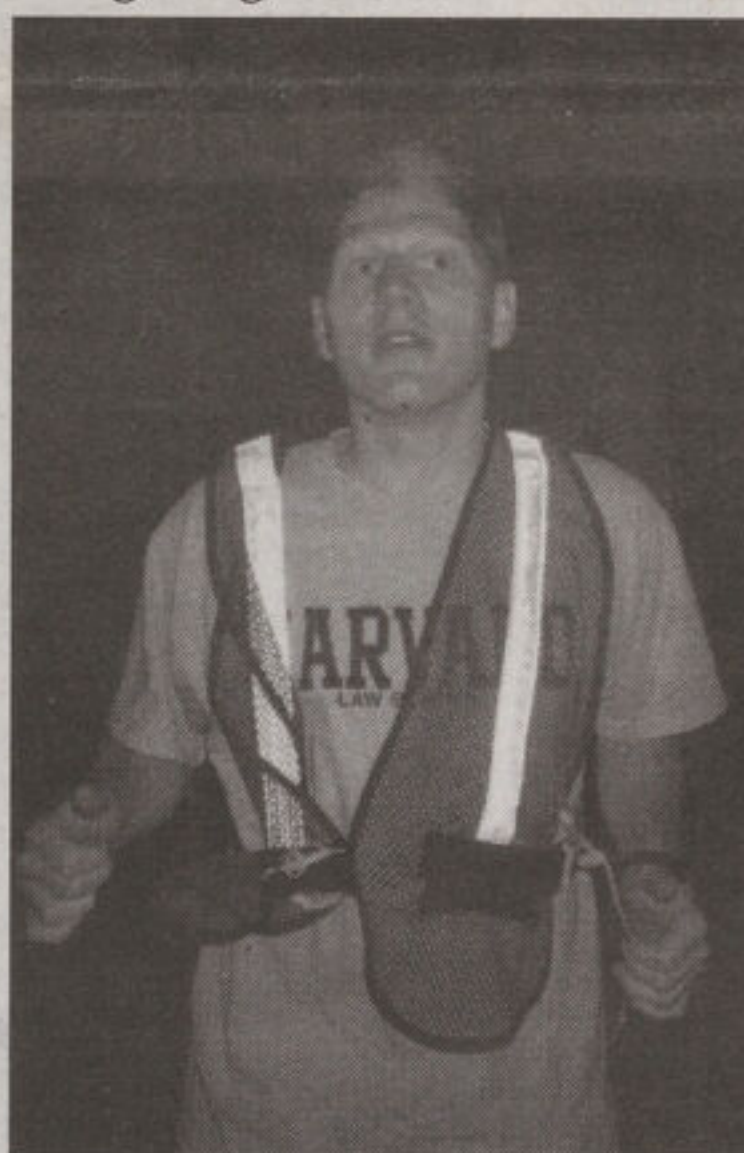
by Mike Wiser

It had just stopped raining in New Hampshire at 10:30 a.m. Friday, but it was still a wet day as Clifford Ginn '03 was preparing to run to the top of the Bretton Woods Ski Area and back down to the lodge. His 11 teammates watched from the base area as Ginn began what had been described as the "hardest 5K you have ever run."

Twenty minutes later the crowd watched in stunned silence as a figure descended the hill a full three minutes ahead of the 20 or so competitors who had the same start time. As the blurry figure came into focus, the HLS crowd recognized Ginn as the figure zooming down the hill. Soon, the HLS runners and most of the 200 observers were cheering for Harvard Law.

When Ginn began his ascent of the mountain, he put on a padded slap-on bracelet-baton labeled "Reach the Beach," the name of the relay race he was beginning. Two hundred miles, 36 segments, and 26 hours and 50 minutes later, the fluorescent label had fallen off and the bracelet-baton was, as one participant put it, "all wet and nasty" when Sanket Bulsara '02 ran into a cheering crowd at the finish line at North Hampton State Beach. Bulsara said that he still smiles every time he thinks about completing the relay race.

When the 12 racers described their experience, one word came up more than any other: "intense." Just running 17 miles is hard. Scatter those 17 miles over three segments, stretch the segments over 26 hours, and add brief naps upright in a van, a diet of Power Bars and doughnuts, and constant worry about the logistics of getting 12 runners to 36 different points at the right time, and you have the formula for an "intense"



running experience.

Kathy Turner '04, a 1L who has run in marathons before, said that the Race to the Beach was probably harder than a marathon.

"Your body has between six and eight hours to realize what you're doing with it," she said.

Harvard v. Yale

All of this started as a charity competition between HLS and Yale Law School (YLS). YLS student Kevin Keenan said he thought participating in the Race to the Beach against HLS students would be a great way to raise money for charity. He soon got Helen Hong '03 to take care of the Harvard side of things. They set an ambitious goal of raising \$20,000 for charity and set about recruiting runners. With the help of a HL Central party the week before the race that raised over \$5,000, it looks like the HLS Runners will meet their goal of raising their \$10,000, which they plan to donate to a United Way fund to benefit families of World Trade Center victims.

Please see **RUNNING**, p. 3

LSC elections yield crop of new leaders

by Meredith McKee

Fresh leadership eyes Hark, Gropius as areas for improvement

Settling some races that were hotly contested and others that were mere formalities, HLS 1Ls, 2Ls and LL.M.s selected representatives during the Law School Council election last week.

The winning 1L candidates were: Lucas Osborn and Maria Meginnis for Section 1; B.J. Trach and Alex Venegas for Section 2; Farzad Samimi for Section 3; Rachel Saldana and Maya Alperowicz for Section 4; Jeri Colbert and Chrystie Perry for Section 5; Tony Phillips and Peter Massumi for Section 6; and Daniel Smith and Yohannes Tsehai for Section 7. LSC will appoint an additional representative to fill the vacancy for Section 3.

Shortly after he first met with the representatives who will make up this year's LSC, president Mike French said he was excited.

"I believe this is a unique opportunity for the Law School Council because we have a committed group of students coupled with a very willing and student-oriented administration," he said.

Some of the new 1L representatives also said they were looking forward to launching this year's LSC.

"I attended ... West Point," Jeri Colbert said. "Although it was a positive experience, we did not have a student council. All of our decisions were made for us."

"I was very excited about an institution that embraced student input and was eager to represent a section that had plenty to say!" she said.

For the first time in the institution's memory, LSC President Mike French said, the 2L class also held a competitive election, choosing nine representatives from the 10 candidates running. The winning 2L candidates were Paul Krieger, Joi Chaney, Niki Fisher, Gary Slossberg, Greg Parets, Bill Dance, Bryan Daley, Kathy Gaaney and Garin Muranaka. Among others, Paul Krieger, Joi Chaney, Greg Parets and Bill Dance served on LSC last year.

In addition to wanting to work with the people he met on LSC last year, 2L Bill Dance said the Strategic Plan spurred his return to the Council.

"The implementation of the Strategic Plan can benefit from a lot of student input, and I want to make sure our voices continue to be heard loudly," he said.

Joi Chaney said she ran for LSC again because she felt it was the best means to "touch the lives of every HLS student by making the school better."

"I would like to see the HLS sense of community strengthened," she said. "I feel there are some simple things we can do to make students feel more valued and at home."

Specifically, Chaney advocates improving the Gropius Complex, giving the Hark a "face-lift," expanding the Office of Career Services and initiating programs to assist students in their personal lives.

The LL.M. students elected five representatives last week – four to advocate for their own interests and one to represent the S.J.D. students, who did not advance a candidate of

Please see **LSC**, p. 2

Coates, Kagan reap benefits of experience

■ *Students and administration laud two new professors*

by Sarah McGonigle

The Law School administration announced the promotion this week of Profs. Elena Kagan and John Coates to tenured positions as Professors of Law.

Prof. Rakoff, Dean of the J.D. Program, said of Kagan and Coates: "It's nice to be able to point to two such good teachers as well as such good scholars [for tenured positions]."

He added that "both John Coates and Elena Kagan have the real verve to be leaders of the faculty in the future."

Kagan, born and raised a New Yorker, has an enviable academic pedigree: a B.A. from Princeton, a Masters from Oxford, and a J.D. from HLS. Following her 1986 graduation from HLS, Kagan clerked for two years — first in the D.C. Circuit and then for Justice Marshall.

Kagan managed to buck the call of the large law firm after clerking — at least temporarily. Instead, she went to work for the ill-fated Dukakis presidential campaign and "liv[ed] in Larry Tribe's basement for about four months because I didn't have a place to stay."

"When [Dukakis] lost I thought, 'Oh,

gosh, what am I going to do?' And it was then that I ended up going to a D.C. law firm."

After two years litigating Kagan entered the teaching job market and ultimately landed a professorial position at the University of Chicago.

It was after she gained tenure in Chicago that Kagan got the call from the Clinton Administration and began an almost four-year stretch working in D.C. She first served as associate counsel to the president for two years, a job she said "really heated up" throughout Clinton's presidency as scandals were exposed. After the 1996 election Kagan expected to return to Chicago to teach — she wryly added, "I mean, the moving van was on its way" — when Pres. Clinton tapped her for the position of deputy director of the Domestic Policy Council. She served in that position for two and a half years before returning to HLS in 1999 as a visiting professor.

Kagan has taught Civil Procedure, seminars and — her professed favorite — administrative law since that time. She said of her time at HLS: "I've had a wonderful time from day one."

Students seem to have appreciated her enthusiasm, whether in her seminar or larger courses — Kagan consistently enjoys lofty ratings in student evaluations. Rita Lin, a 2L assigned to Kagan's Civil Procedure class last year, said that Kagan is "definitely the best professor

I've had here ... and I think a lot of people in my section would agree. I think almost everyone gave her a [top marks] on the student evaluations."

Students also seem to like her "sharp" Socratic method. Guy Goldberg, a 3L who admits to being "stung a couple of times" by Kagan's Socratic style, nonetheless thought her administrative law class was "excellent. Just how an HLS class should be, which is very rare."

Goldberg did decry a noted "lack of Monica stories," however, adding that Kagan was disappointingly "very discreet."

Prof. Coates' arrival at HLS in 1997 is also the stuff of rumor around HLS: The story goes that he became the youngest partner ever at Wachtell, Lipton, Rosen, & Katz and then quit the next day. But that tale is only vaguely true. In fact, Coates spent seven years at the New York firm and left over a year after being named partner.

Though Coates was not available for comment, he apparently left Wachtell on good terms. He told the Law Bulletin: "I've left the best law firm in the country for the best law school in the country." His students also confirm that he refers to Wachtell warmly.

Coates' decision to pursue teaching wasn't exactly precipitous. He taught courses in mergers and acquisitions at his alma mater, NYU, for five years and had been named adjunct assistant professor

of law there. He also taught that class at Boston University for two years before joining Harvard as an assistant professor four years ago.

Students who have taken courses with Coates generally claim to have benefited from his real world experience.

"He's very knowledgeable, very structured, experienced — and he gave great stories and practical advice," said Khalil Sharif.

2L Louis Tompros, who has had Coates for only a few weeks this year agreed: "He is very, very competent. He really knows what he's talking about."

And Josh Feltman, a 3L who has had Coates for multiple courses, added that Coates is particularly strong in empirics and adopts a useful practical approach to teaching.

Though they ascended the academic ranks in rather different manners, Kagan and Coates seem to share a real excitement for their newfound positions. Coates, joking in class on Wednesday, seemed happy with his new position: He told his Corporations class that although he planned to stick to the traditional analysis of the subject, now that he has the protection of tenure, he might be a Marxist by the year's end.

Kagan, equally good-natured about her newfound position, glowed when asked about receiving tenure. She said: "This is the best job in the world and I wouldn't trade it."

LSC

Continued from page 1

their own. The LL.M. representatives are Mario Zambrano-Abrego, Kerrie Burmeister, Yongseok Kang, Simon Fitzpatrick and Santiago Boccardo.

Mario Zambrano-Abrego cited a strong commitment to his LL.M. classmates as the basis of his decision to run.

"My big plans are responsibility and hard work to enhance the way this year runs for LL.M.s and to define, together with my LL.M. friends, an agenda of our main academic concerns," he said.

The International Tax Program students elected Mohammad Saeed to represent them in the LSC.

Though there were not enough 3L candidates to warrant an election, the 3L class will be represented by a combination of class marshals and LSC veterans.

"Last year, lots of people migrated away or toward other groups and journals," French said. "We lost a lot of our then-2Ls who traditionally would have continued to 3L year. I've been trying informally to get a lot of those people to come back."

As a result of that coaxing, French said, the 3L class will be represented by seven students, as well as French himself and Sarah Brackney, the LSC vice president.

That there are fewer 3L representatives than 1Ls and 2Ls will not disadvantage the Class of 2002 when it comes to decision making, French said.

"Nothing we really face is class-oriented," he argued. "If you think about the issues that face our school, they're either of one of two varieties: They either bother you every year, or they affect you in a specific year, but everyone in that year." Because of that dynamic, French said, problems tend to elicit similar reactions from students of all classes and programs.

Some of the 1L representatives have already identified areas that they believe are begging for LSC attention.

Yohannes Tsehai, for example, said his biggest goal will be improving student quality of life by "augmenting section pride, spirit and camaraderie" with events like inter-section competitions.

Others expressed reservations about settling on goals too quickly.

"At this point, I'd just like to do a good job of representing Section 5," Jeri Colbert said. "I usually feel it's best to see how well things operate before deciding you want to change everything or anything!"

Lucas Osborne echoed Colbert's wait-and-see approach.

"I would like to find out how much actual power the representatives have for change," he said. "I have heard it is minimal. We can see if we can change that."

French said he believes LSC's power this year will be maximized because of an unusually student-friendly administration.

"We have all these people on the administration side who are really pro-student," he said.

The Poster Children

by Dave Winickoff

If there is one thing I learned from Bush v. Gore, it's that my vote matters. If we all vote, it doesn't even matter who wins. Democracy wins. And with that thought firmly in my mind, I approached the wall of personal statements of 1L students running for Law Student Council. "My vote matters," I said to myself as I began to read.

The statements revealed a common aim, namely "the desire to serve." There were other common themes. Many described distinguished college political careers in "Student Senate," sororities or fraternities. I noticed a surprising number of Texans in the group of candidates, though none admitted to using cocaine.

Beyond these commonalities lay a fascinating variety of approaches. Take one that said: "Vote Right, Vote Rita." Written boldly in red, white and blue, the poster projected an image that was downright presidential.

Then there were the "idea people," the policy wonks. I'll admit, the policy minutia sometimes seemed a bit too Gore-ish for my taste. "Online drop/add for 2L year" just didn't get me fired up. Pure Lockbox. We got burned on that, Lauren. Don't you remember the debates? To Lauren Charne's credit, her use of 1970s vintage bubble lettering was brilliant. She also seems to be Chelsea Clinton's twin, though we'll see how that one plays.

I was especially impressed with "Rachel." Like the Senator from New York, she used her first name vernacular to good advantage, and her glossy picture showed a budget that is truly Whitewater-esque. Maybe she and Chelsea should run

as a ticket? I also liked Maria Meginn's proofreading-is-for-wimps approach. "The creation of the new seven-section structure was part of what attracted me to Harvard Law School's as a prospective law student," she began. I like that. Who said you needed grammar to be a politician?

One candidate opted for a bold opening gambit: "If you have been attending class regularly, you will surely recognize me as the girl with rather radical views regarding the ethical and moral responsibilities of lawyers." I'm just not sure whether her classmates, the ones who attend class regularly, that is, won't recog-

Doesn't B.J. Trach know that HL Central owns this district?

nize her as the girl who opens her mouth too much.

I'm sorry to say that Veronica Relea lost my vote when she structured her statement in memo format. Next time try power point, Veronica. And B.J. Trach lost a golden political opportunity by failing to point out that "B.J." rhymes with "T.J." Doesn't B.J. realize that HL Central owns this district?

Finally ready to do my part, I approached the voting table in the Hark. But before voting, I was interested in finding out more about how the creation of the new seven-section structure would impact the Law School Council's power balance. A young man and woman answered all

my questions with alacrity.

"Well, last year we had eight reps, two from each 1L section, and four at-large candidates from the 1L class. This year we have two reps from each 1L section," he explained to me.

"So there are no at-large candidates this year," I asked.

"That's right," he said.

"Doesn't that discriminate against at-large candidates?" I asked.

"I guess."

Now this was getting interesting. But since class was approaching, I decided should vote before I lost my chance to participate in the election.

"What's your year?" The nice young woman asked me.

"3L."

"You don't vote for 1Ls," she said.

"What?"

"Actually, you don't vote at all," the guy said. "There are only three people running for office and they're all elected automatically. There need to be something like nine 3Ls on the council total. The bylaws say so."

I couldn't believe it.

"So you're saying I can't vote for the 1L elections, and I can't even vote for the 3L elections?"

"That's right."

"But Taryn Fielder has a poster up that says 'Vote for Taryn', and I want to vote for her."

"You can't," he said firmly.

"Can't I just write in a ballot or something, or nominate some people? You need six more, and I have some good ideas," I said, my voice becoming a bit desperate.

"I don't think ... look, you can just give suggestions to Mike French."

I slowly walked away from the table. My vote didn't matter. That was the message. It just didn't matter.

RUNNING

Continued from page 1

HLS and YLS were just two teams among the between 100 and 200 teams that ended up participating in the race.

While the event was originally billed as Harvard v. Yale, most of the participants said that the experience itself ended up dwarfing any competition. "Once I got in the race it was all encompassing," Lacey Schwarz '03 said.

Completing the race was enough of an achievement that most of the runners weren't bothered that they finished a mere 17 minutes after the Yale runners. In fact, since the beginning of the race was staggered, the HLS runners had no idea where Yale was for most of the race.

In addition to raising the money, organizers of the Harvard squad had to recruit three 1L runners on the Tuesday before the race began after injuries sidetracked the planned runners. Hong, among those injured, went anyway to provide support. In addition to Schwarz, Ginn, Bulsara and Turner, the HLS team also included Jeri Colbert '04, Tiffany Kwock '04, Tom Kellogg '03, Maggie Harrison '02, Kelly Jaske '02, Rob McCreanor '02, Jeff Rows '02 and Chris Wheeler '02. Jaske's father, John Jaske, also came to help with the logistics required for coordinating 12 runners, two cars and one large white van. The elder Jaske also played a crucial role when he ran six miles alongside Lacey Schwarz in the middle of the night when she was concerned for her safety.

Long, Dark Lanes

For most of the runners, the experience of running miles in the pitch black night was the most remarkable part of the race. While working its way to the Atlantic Ocean, the route meandered along tree-covered, one-lane and dirt roads. In the middle of the night, many roads were pitch black except for red flashes from other runners' vests or headlights from the support vehicles.

While Schwarz had John Jaske to help her get through the long dark roads, Sanket Bulsara spent his time running dreaming of relaxing by a bonfire and maybe taking a shower.

"The night-running aspect was inherently unsafe," he said, describing running with only three feet of visibility and trying to follow the white lines along the side of the road.

One runner said that running by dark lakes, almost invisible in the night, was beautiful, but leaving the transition areas where the runners were camped and entering the dark woods was like "entering a black hole."

The moonless New Hampshire night was also inspiring.

Tiffany Kwock explained: "I was pretty scared because it was dark, and you're pretty much running next to the highway with these empty fields to the right of you. But I think the fear and excitement made me run the fastest I ever did, which was seven minutes a mile for seven miles."

The Place to Be

The roads in mountainous New Hampshire were rough, but, for the HLS runners, not running was just about as hard. In a race where you are only running for three hours over a 27-hour race, what you do with the other 24 hours is pretty important.

The runners were mostly concerned about the duties of keeping everything on course. Every runner was given a number (1-12) and ran the corresponding segment in the same order throughout the race. The team then split into two groups with two cars assigned to the runners who were "on." Meanwhile the other six took the van to one of four designated "Vehicle Transition Areas" (VTAs) where they tried to sleep.

Running through the woods, a number of the runners imagined these VTAs to be far more than they were. According to Schwarz, the organizers kept describing

them as "the place to be" where you could socialize, shower and gather around a bonfire.

Bulsara said, however, that they turned out to be "bad state park bathrooms" without showers or huge bonfires. The VTAs had unappetizing dishes of chili and soup, which most of the runners didn't eat anyway.

When they weren't enjoying the amenities of the VTAs, the racers were crowded in the van trying to recover before their next leg. However, sleeping isn't easy when you're in the middle of a race.

"You're so jazzed about the whole thing, you just can't sleep," Bulsara said.

Besides that, six people in a van, even a big van, isn't really luxurious. The van is even less luxurious after the smell of sweat starts to permeate everything, and the cold New Hampshire night becomes hard to fight off even with a sleeping bag.

But the VTAs had bright spots. For one runner, getting into a sleeping bag had never felt so good. Perhaps the most surreal aspect of the transition areas came from the New Hampshire Girl Scouts and Brownies who chanted, "Go, runners, go!" late into the night.

12 Strangers in a Van

Running is usually a solitary sport, but being cramped into a van with a common, seemingly impossible goal can bring a group together.

"We kept comparing it to some weird Road Rules," Bulsara said of the experience.

With a few of the runners joining the team three days before the race, the group had only met for 10 minutes before they departed from the Pound parking lot at 5:00 a.m. Friday morning. They soon found they had something in common.

"[W]e definitely came together as a team," Kwock said.

Some of the runners marveled that for their first time in law school they were hanging out with law students and not even talking about law school. They were talking about the race and running. Talking about anything else was inconceivable.

They all have stories about how the support of the team drove them on. Kathy Turner tells a story about craving some chocolate donuts that she saw at the VTA, but realizing she wouldn't be able to eat them before she ran. Tom Kellogg promised that the donuts would be there when she finished her segment.

"During that run, I kept remembering that I was going to get chocolate donuts," she said.

For Tiffany Kwock, the support of the team helped her through the nadir of the race.

"I felt like throwing up in the middle of my run, and to make matters worse, I actually made a wrong turn and went the wrong way until a van pulled over and directed me to the correct direction," she said. "But I managed to



Picture Courtesy Helen Hong

The HLS team: (Clockwise, from top left) Helen Hong, Jeff Rows, Cliff Ginn, Chris Wheeler, Rob McCreanor, Lacey Schwartz, Kelly Jaske, Sanket Bulsara, Tom Kellogg, Kathy Turner, Maggie Harrison, Tiffany Kwock, Jeri Colbert.

finish it even though I felt like quitting most of the time. I made it thanks to the awesome team.

"Towards the end, Helen ran out to me to cheer me on and Kelly kept telling me I was almost there," she added. "All my teammates were there at the next transition, cheering me on, and when I finished

it felt really good to get hugs from so many people. They really made me feel like a star."

While the race was hard, the runners seemed to thrive in the challenge of it.

"The best pain I've ever felt in my entire life," Bulsara said of the experience.

In connection with our on-campus interviews
October 10-11, 2001

Latham & Watkins WWW.LW.COM

cordially invites the
Harvard Law School
Classes of 2002 and 2003
to a reception at the

brew moon

brew moon
restaurant & microbrewery
50 church street, cambridge

to introduce you to members of our
firm and practice areas

Tuesday, October 9
8:30pm - 10:30pm
casual attire

Boston ♦ Chicago ♦ Frankfurt ♦ Hamburg ♦ Hong Kong
London ♦ Los Angeles ♦ Newark ♦ New York ♦ N. Virginia
Orange County ♦ Paris ♦ San Diego ♦ San Francisco
Silicon Valley ♦ Singapore ♦ Tokyo ♦ Washington, D.C.

For the RECORD

LSC and the missing 3Ls

It's rare that the 3Ls are silent. But that's exactly what they were in last week's LSC election.

Students from the Class of 2002 who tried to vote for their representatives Thursday and Friday were turned away because not enough 3Ls are willing to serve on LSC to necessitate an election.

To get sufficient 3L representation on the Council, LSC President Mike French was forced to encourage LSC veterans to rejoin the organization. That apathy means that 3Ls will be represented by only seven students this year, instead of the nine allotted.

It's not hard to understand why 3Ls are missing in action. They're on their way out the door, and improvements to student housing, a much-needed upgrade to online registration and a Hark makeover won't give the Class of 2002 much to cheer about. When and if those changes are made, this 3L class will be long gone.

More immediately, 3Ls are immersed in MPRES, loan-consolidation applications, job interviews and big decisions. They're also trying to take advantage of a student lifestyle (daily naps, a social life) that may soon be unavailable.

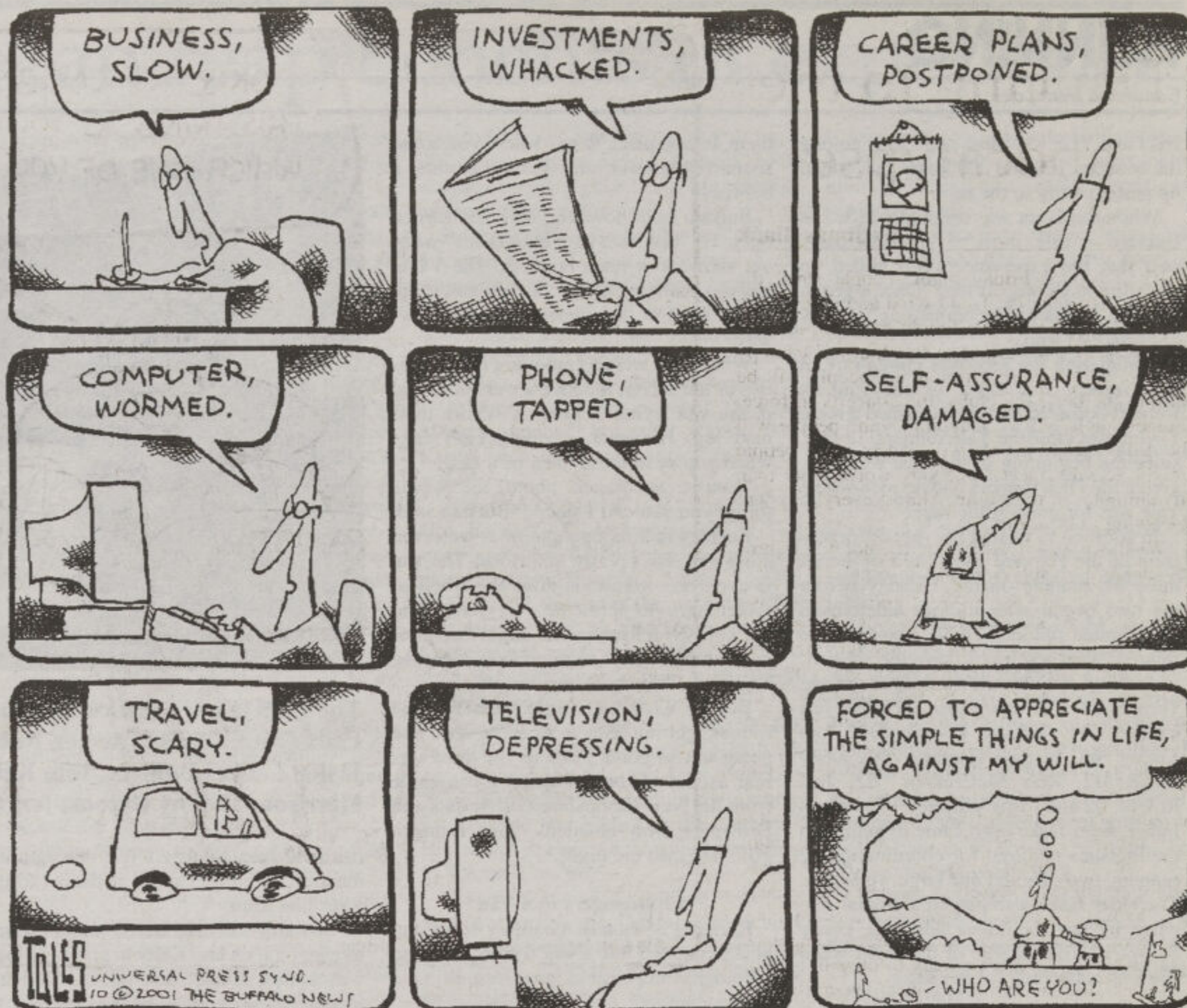
Even so, the Class of 2002 has never shown any reluctance to criticize and to reform. This is the class that gave birth to T.J. Duane, who put his own spin on the HLS social scene; to Sasha Volokh, who saw a need for a shooting club at HLS and is filling it; and to almost all of the leaders of the student organizations and journals on this campus.

These are important times for HLS. This law school is hoping to move in a new direction. But where that direction leads — and whom it will benefit — remains very much in question. LSC is the body most able to effect changes that benefit students instead of only the bottom line.

While many 3Ls are skeptical of the administration's willingness to listen to student input, silence and apathy benefit no one. The LSC, whatever its actual influence, is the means the student body has for voicing its perspective. The administration will only take LSC seriously if the students do.

If Prof. Nesson's titillating examples of the quality of interaction between faculty members are any guide, it would be a serious mistake to leave reform to the powers that be. The HLS faculty itself seems unable to engage in meaningful dialogue. And if some of our nation's most prominent academic leaders can barely raise themselves above public squabbling, students should be loathe to leave any additional choices up to them.

Of the students on this campus, the 3Ls have the most to offer LSC and the least to gain from reform. Maybe it's time for a little selflessness.



A hundred thousand merchants

by Clifford Ginn

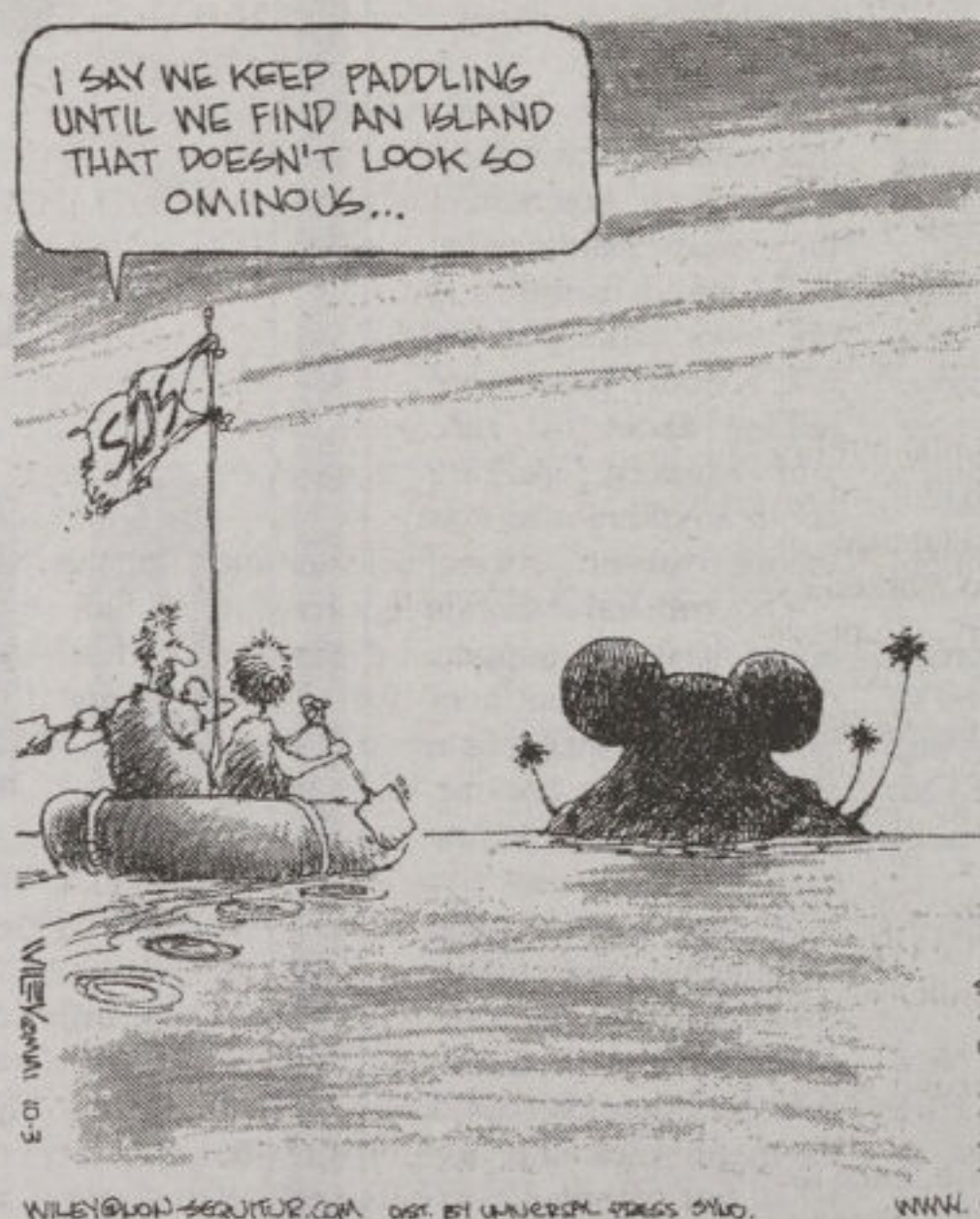
In "Resistance to Civil Government," Thoreau argues that, while we have no duty to devote ourselves to the elimination of evil, we must never be "the agent of injustice to another." His refusal to pay a tax that would support theft from Mexicans and Native Americans and enslavement of Blacks was thus not a strategy for effecting political ends, but a withholding of allegiance from a wicked government. However, as Prof. Kateb has argued, Thoreau's later work on the Underground Railroad implied an acknowledgment that an evil can gain such magnitude that nonsupport, with nothing more, still constitutes moral responsibility.

Today, our taxes provide weapons to some of the worst human rights violators in the world, support "public works" projects in Third World countries that displace millions of native people from their homes and fund other acts of wickedness too numerous to detail here. However, I do not call on you to renounce your citizenship next April, but rather to recognize that actions have consequences.

Indeed, for anyone who wishes to avoid being an agent of injustice, a mere trip to the supermarket is fraught with danger. The corporations, who provide the bulk of the products we consume, cause a great deal of suffering in the world today. However, like the State in "Resistance to Civil Government," Shell Oil could neither arm a single Nigerian paramilitary nor poison a single indigenous water supply

without your money.

No positive law demands that you give your money to one company or another; the police will neither arrest you nor seize your property if you refuse to buy Pepsi (supported right-wing coup in Chile) or Coke (sucking up water supplies in India). While finding principled companies with whom to do business takes time, this hardly constitutes a significant sacrifice.



Websites such as www.responsibleshopper.org can tell you in seconds a company's workplace, environmental and disclosure ratings. We thus have no reasonable excuse to eschew principled shopping.

While the Republican Party may find the idea of refusing to do business with criminals horrifying (they objected vehemently to a Clinton order disallowing procurements from companies guilty of fraud, environmental crimes and various felonies), most people would prefer not to support injustice. I can therefore only attribute the continued success of Philip Morris subsidiaries (Kraft, Miller, etc.) to moral laziness.

It takes scant little to make your purchas-

es and investments a reflection of your values. Do you value community and autonomy? Don't drink Starbucks coffee. Think that salaries should allow workers to feed their families? Buy fair trade products. Recognizing the impact of pesticides and genetically modified foods on biodiversity and human health may drive you to buy organic food. Opening an account with Wainwright Bank expresses your approval of corporate social responsibility.

Of course, refusing to buy from a corporate criminal accomplishes little in and of itself, apart from bringing you closer to principled living. However, telling others what you do and why you do it, and telling the company itself, can effect extraordinary change, in a way that Thoreau's confrontation with his tax-collecting neighbor did not. Companies respond much more quickly to consumer demands than do political representatives to constituent demands. A concerted boycott campaign by a small number of consumers convinced Home Depot and other companies to stop buying rain forest wood, but the Massachusetts legislature has yet to appropriate money for a clean-election fund voted into existence by a strong majority of the state's citizens.

A number of U.N. reports have called on corporations to help effect stated policy goals, recognizing the growing impotence of nation states, and activist groups of all stripes are increasingly directing campaigns not

at elected officials, but at the companies who employ them. While this is hardly a desirable state of affairs, a recognition that corporations wield much of the economic and political power that the State did in Thoreau's day shows us clearly the path of conscience in our age. While most of us will not actively fight injustice in our careers, we can all refuse to lend our wallets to it.

Globalization is dramatically expanding the causal web of our actions. As our ability to see where our money ultimately goes diminishes, the power that money has to injure others grows. We owe it to our own best selves, as well as the people whom we affect through our actions, to think carefully before we buy.

Letters to the Editor may be sent via post or email to:

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Dancing to the apocalypse

by Jonas Blank

It's a typical Friday night. People stroll the squares, ignoring the frigid wind and drizzle. It's another Friday we have fought hard for, another denouement to a week of classes that we're happy to have survived. In a few hours people will be hitting the bars, the clubs, the concerts in force. Some people will be laughing, some people will be drunk, some people will dance, some people might actually meet somebody worth more than five minutes of their time. Almost everybody will be trying to have fun.

What we won't admit, or try not to, is how much we'll all still be trying to forget.

It's been over three weeks since the towers fell and the world stopped feeling safe. There have been over three full weeks to react, reflect, reconsider. Three weeks full of rhetoric and bombast, three weeks where we saw patriotism and unity overwhelm a few Americans' disturbing xenophobia. In the wake of the mourning and the pain is solidarity and, for many, a renewed sense of purpose.

You cannot celebrate the fruits of tragedy, but in the aftermath of one, you can still try to enjoy yourself. I've spent many nights "on the town" trying to entertain myself in the past three weeks. The haunts still look the same — the glassy place downtown with all the people dressed in black, purposefully aloof, the sweaty throngs in the college bars, the smoky rock venues. The music is as loud as ever, exhorting us to joy, demanding that we move.

One recent night, a club played a house remix of U2's "Beautiful Day," the jubilant radio hit that brought Bono and Co. back to the top of the charts. "It's a beautiful day," the song goes, "don't let it get away." But as the song played, and the bodies ground together and the hands went into the air, I couldn't help but say to myself that no, it wasn't.

As the drinks go down our throats, I feel like we're all dancing into the apocalypse. There's an attempted amnesia, an unspoken rule that says not to talk about "it," or think about "it." Just, as the Madonna song says, let the music set you free.

But there is no song to take me away from "it." There is no party big enough, there is no novel absorbing enough. Going on with our lives means returning to the things we loved doing before — and in many cases, that definitely includes music and dancing and partying. But rather than feel like an escape or a way to forget, it all feels like a sick joke. It doesn't feel right or honest to try to get lost in fiction. The shattering, terrible facts of reality loom far too large.

During other times of crisis, our popular culture — especially the fortunate youth — often responded by partying harder. Eras that saw us sink into depression and war were also marked by all-night dance contests and a panoply of upbeat radio jingles and saccharine films. The drinks still went down. The hands still went up. Perhaps, whether they knew it or not, people were trying to live that great mantra of the Jewish faith — "L'Chaim," or, to life. To life, as it is today, regardless of circumstances and in spite of hardships. To me, it means that whether life is in turmoil or not, you try to enjoy today as much as you can.

Certainly, looking toward tomorrow seems awfully painful right now.

Perhaps that is the inevitable response, once the mourning recedes and the guilt subsides. Perhaps our culture will propagate an escapist fantasy of parties and peppy feel-goodism. That might be good for America — it might be a sign we're finally healing.

There is value in living for the times as they are, in being able to move onward and forward. Right now, it still seems barely possible to breathe through the crippling asphyxia of anxiety. But hopefully our future will mean more than that. Hopefully it will mean a reconsideration of what we are living for, of how we will redefine our confused legacy. From today's strife can be tomorrow's strength; from today's fear can come tomorrow's resolve. This place provides an opportunity for each of us to help make tomorrow something more than just something we want to forget. It is an opportunity more important than any party or colossal paycheck.

It may well be an opportunity worth living for.



Justice swings in the balance

by Prof. Alan M. Dershowitz

As the hunt for terrorists continues in the aftermath of the World Trade Center catastrophe, law enforcement officials are assuring the international community that any accused terrorist brought to trial before an American court would receive a fair trial. This assurance is being offered in order to counter suggestions for a trial in front of some kind of international tribunal.

Our own courts have at least one distinct advantage over international tribunals. Every defendant in an American court has the right to trial by jury, whereas international trials are generally conducted in front of judges. And in highly political cases — and any international trial of an alleged global terrorist would be distinctly political — judges are likely to be far less independent than jurors, and/or more likely to do the bidding of the governments that selected them for the tribunal. Many judges have future judicial and political aspirations, and all judges want to be well regarded among their patriotic peers.

A jury, on the other hand, disperses after completing its singular job of administering justice in a particular case, and the individual jurors return to the prior anonymity of their lives. Government officials can (and do) whisper to jurors, but they cannot whisper to judges, since anything communicated to a juror must be a matter of record. Jurors often refuse to do the bidding of the government, as evidenced by the recent refusal of a New York jury to impose the death penalty on the terrorist it convicted of blowing up an American embassy and killing numerous people. Juries do, of course, make mistakes — perhaps even more often than judges do, but jury mistakes are less likely to be a function of political pressures. Emotions, of course, are extremely high throughout the United States, and a fair jury trial will be much more difficult to ensure, but so will a fair trial before judges. Were I defending an accused terrorist — even after the recent disaster — I would almost certainly prefer a jury

trial to a trial before a judge.

The issue of who would actually defend an accused terrorist in front of an American jury raises the most daunting questions regarding the possibility of a fair trial in this country. Within hours of the terrible events of September 11, 2001, my telephone began to ring off the hook. The second

It was only after we won that we began to receive death threats.

question invariably put to me — the first was, Is your family okay? — was whether I would defend the people who did this. It was not so much a question as a plea: "You're not going to defend these bastards, are you?" Even today, people stop me on the streets to urge me not to defend accused terrorists. It seems as if most Americans believe in the right of every defendant to be represented by a zealous lawyer — as an abstract matter. But when it comes to the hard cases — the cases of defendants accused of the most despicable crimes — attitudes change. Americans want to be sure that every accused murderer is represented by a lawyer, as long as that lawyer isn't very good or doesn't try too hard to win! No one complained about Timothy McVeigh's lawyer, because he went through the

motions and lost. But millions of Americans were furious at the O. J. Simpson defense team, because we used every procedure and tactic legally available to us. It was only after we won that we began to receive death threats.

The threats have already begun in regard to the World Trade Center case, even before there is a case, and despite the fact that I am not a trial lawyer and have expressed no interest in defending any accused terrorist. But threats of this kind will have an impact on those lawyers who may be asked to perform the patriotic duty of defending anyone accused of blowing up the World Trade Center. Yes, it would be a patriotic duty, comparable to the duty performed by prosecutors — or doctors who ministered to the wounded victims. But the defense lawyer's job is far more difficult, controversial and in some respects hazardous. The lawyers who end up representing accused terrorists — even bin Laden, if we are fortunate enough to bring him to trial — will be vilified and threatened, especially if they provide the kind of zealous advocacy demanded by the Constitution. They will be providing a constitutional service to clients they detest and fear. They will receive no praise for doing their job, especially if they do it well.

This is the great paradox of our legal system. We boast of a process in which the most despised are treated fairly and represented zealously, and yet we condemn those who provide this constitutionally required zealous representation. Unless we begin to understand how inconsistent we are, we will not be true to our claim of providing the fairest trials of any nation in the world.

Forum

Post-modern rock brings wickedness home to roost

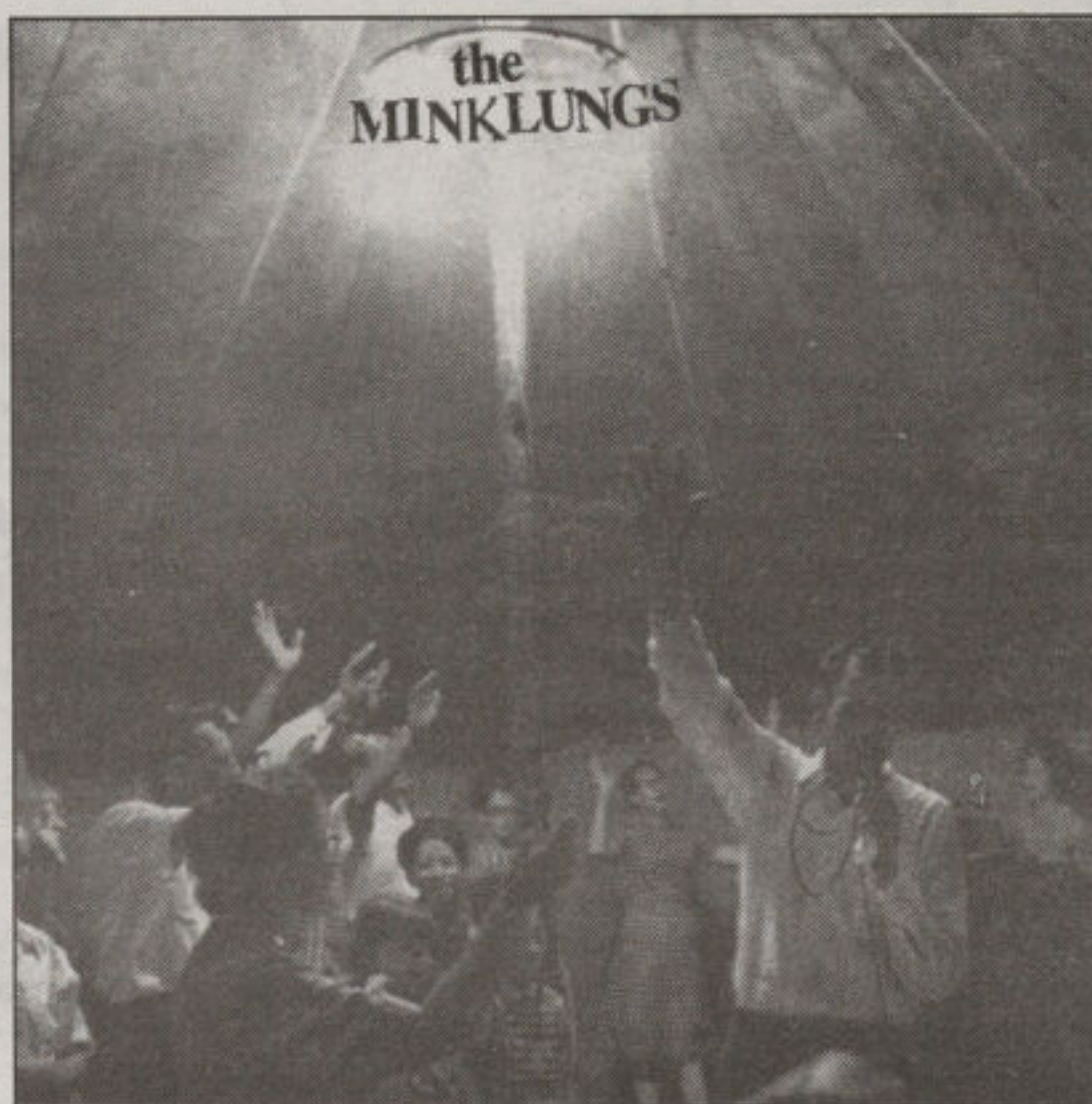
by Ken Walczak

"How do you think I was brought in this world? / I was coughed up in 1963," spews Tim Feleppa in the opening lines of *The Better Button*. "How do you think I got good with guns? ..." And while lyrics like these aren't likely to earn the Mink Lungs airplay on Clear Channel stations in the coming weeks, listeners to this fearsomely accomplished album should be gleefully unconcerned.

There is a certain comfort to the wicked grin with which Mr. Feleppa delivers his vocals, the creation of an instant and delicious complicity, buttressed by the construction of the opening track ("I Feel Love") and extended by the dynamics underlying the album as a whole. The important sounds appearing before the opening lyrics are drums. Like so much else on *The Better Button*, they are drum sounds bent unnaturally by studio tricks; the trickery only serves to make the listener feel more at home. Given enough volume, these drums conjure a knock at the living room door from a mittened guest coming in from the cold — insistent, yet fuzzy, and happy to see you again. So it should come as no surprise if, when Feleppa introduces himself, we can only sit calmly on our couches, nod to the music and grin with him about his guns. The sensation is exciting, and somewhat reminiscent of the more charming moments of E, the Eels chanteur and per-

haps the only songwriter to achieve widespread pathos with the couplet: "Life is hard/ And so am I ..."

None of which is to downplay in any way the Lungs' evident love of storm und drang. "I Sell Love" is pleasant and inviting, after all, but it is also rowdy and raucous, full of blazing guitars connected to even fierier pedals. Much of *The Better Button*'s homey texture emerges from off-kilter melodies banged out on synthesizers and stringed things awash in delay, distortion and feedback (not to mention urine, listed with what can only be total seriousness under "Instrumentation" in the liner notes). If this kind of soft-machine aesthetic seems to you counter-intuitive, imagine the Dayton, Ohio basement that spawned Guided By Voices' legendary lo-fi noodlefeats, or the way-out sounds sloppily recorded by bedroom pop stars everywhere. (Gian Carlo Feleppa — responsible for "Silent Sex," the unreasonably catchy ode to outer



space intercourse that may well be the Lungs' to-date magnum opus — appropriately cops to the charge that he and his brother were originally "four track junkies.")

Better yet, imagine British rockers Gomez, if they had never gone through their Deadhead phase. While Mink Lungs share little of Gomez's core aesthetic, they employ the same kitchen-sink approach to songcraft. Most tracks on *The Better Button* are concluded by collapse

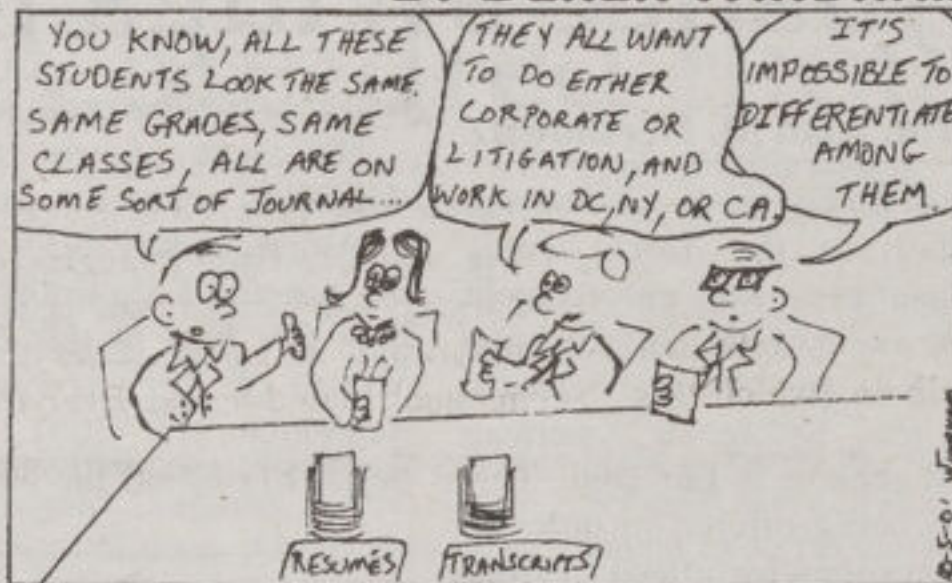
— a freak-out or a wash-out, the final victory of entropy over the order of pop-song structure. Most songs also lead directly and instantaneously into their successors. Almost without fail, these re-establish order, in the form of a jangly acoustic guitar and more reassuring, inspired wickedness. Openers like "Like may feel/ As soft as eels/ But we all know it's a prickly cactus" evoke a smile every time. But they also work like establishing shots in a Dario Argento horror film, giving the audience a sunny, well-deserved breather after the chaos has subsided.

In the end, it is this dynamic that proves the Mink Lungs postmodern rockers in the most flattering sense of an overused term. *The Better Button* successfully embraces life in all its frustrating unpredictability, without degenerating into the grim resignation of a P.J. Harvey or the nonsense pretense of a Beck. It is a compelling, engrossing record, whose strength lies in simple alchemy: one part charming ("Your nose lights up the dark, and you're too lovely for this city/ You look like you hark from the cold parts of the planet/ Where the girls are pretty") and one part winkingly sinister ("Do you still live in that face?") equals two parts sublime. Perhaps most importantly, it serves as a reminder that wickedness does not always fall from the sky. Sometimes it wraps around us like an old, comfortable blanket and rocks us to sleep.

BEFORE THE LAW



BY DEREK WINDHAM



Letters from Berkeley

ALLISON MARGOLIN

I came to Berkeley to know that I wasn't crazy. I came here because I knew that there are crazier people than me, and that I can learn from them.

Nothing is as it appears. That's why we go to Harvard; it's why our parents want us to go there.

Maybe that's a good thing right now. Maybe going to Harvard gives us the right to comment on the propensities of those in power to look for greater power whenever possible, and of those not in power to manipulate every situation. Maybe it gives me the right to say that I could have predicted, when I read George Bush's speech praising Muslims for their peaceful prayer, that the federal government would propose to detain foreigners for indefinite periods of time. Nothing is as it appears.

Not even Congress's "toning down" of the administration's reckless anti-terrorist bill, still targeting "terrorist suspects" as the nonpareil criminal class but failing to identify what constitutes a terrorist suspect. If the description used to identify these "suspects" looks anything like the "official" clues used to determine whether an airline passenger is a drug-courier suspect, that definition will include things like "arrived late at night, arrived early in the morning, or arrived in the afternoon."

And for the rest of us that the federal government doesn't deem "terrorist suspects" — the administration wanted to be given the legal capacity to read our emails and look at the websites we use at public terminals and, perforce, at private ones.

The only thing that is as it appears is the people in the government who want to sit around and spy on everyone. They already suffer from over-information, and the reality is that any more information they get will only confuse them more. Fortunately for them, the legislation they are trying to get passed will probably streamline news and information. We'll use the U.S. mail, where we'll still have Fourth Amendment rights.

Somehow, within a few weeks, we went from being shocked out of our complacency by hijackers whose existence had aluded us to a universe where we're pretending that our laws facilitated the act. We want to pretend that had we intercepted and covertly listened to information, we would have been able to do something to stop this, and that we will be able to in the future.

But we had absolutely no idea who these people were before they crashed into our buildings and instigated more than 40 billion dollars of military funding. We would not have detained them or listened to their calls or tried to get the emails of their friends if we could have, even under our old laws, because we didn't know that we needed to.

Nothing is as it appears. I wonder if anticipating disaster will bring it about.

KIRKLAND & ELLIS

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Wilco, live and barely kicking at the Avalon Ballroom

by Jeff Leven

Back in 1994, the now-legendary alternative country pioneer band Uncle Tupelo was suffering an intense schizophrenia. Jeff Tweedy and Jay Farrar, the two primary singer-songwriters, struggled to sustain an increasingly fractured and turbulent musical marriage, but to no avail. Two captains, one boat, time to quit. So Farrar recruited a new band and called it Son Volt while Tweedy took most of the rest of Tupelo and formed Wilco. And, naturally, critics were quick to compare them. Son Volt, it was deemed, was the "serious" outfit — austere, dark and poetically powered by Farrar's stark American Musical Gothic vision. Wilco, meanwhile, was the "fun" band — more bubble-gum, but they rocked a little harder, had more of a sense of humor and were considerably more entertaining live.

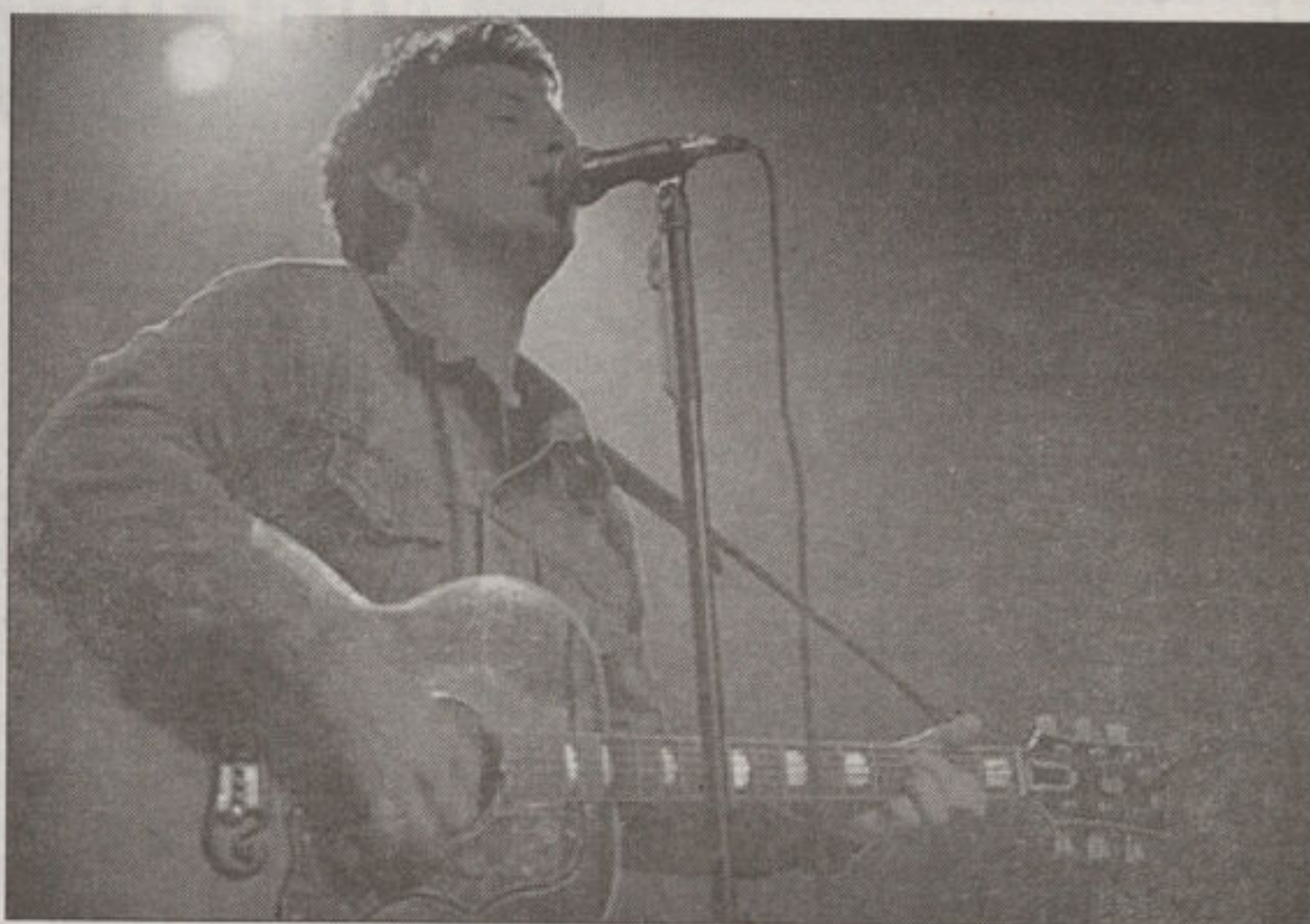
A lot has happened since 1994. For their part, Son Volt produced a string of accomplished but nearly identical albums in the same old alternative country vein and then faded away, leaving Jay Farrar to release his first solo album last month. And, I hate to say it, but they never stopped being damn boring live. Wilco, meanwhile, has evolved at light-speed as the chirpy twang-pop of their first album *A.M.* gave way to the two-disc opus *Being There*, which found Wilco acquiring ace multi-instrumentalist Jay Bennett, who assisted them in pulling in pieces of the Stones, Nirvana, Leonard Cohen and swirling it all into a heady brew of brilliant but also accessible music. On the heels of this masterpiece came yet another embarrassment of riches. On the *Mermaid Avenue Vols. I and II* albums, the band collaborated with English songwriter Billy Bragg (among others) to record original music to accompany a treasure trove of newly discovered Woody Guthrie lyrics — an unusual and exciting exercise in musical historiogra-

phy. Meanwhile, on their own merits, the band recorded the astounding *Summerteeth*, which added hints of the Beatles, Beach Boys, ELO and the odd electronic squawk to their arsenal of tonalities, and necessitated the acquisition of multi-instrumentalist Leroy Bach to get another set of fingers on keys and strings. And perhaps the most beautiful thing about it all is that, even as they began to take themselves more seriously and even as their artistry grew more complex, it was all still easy and satisfying to listen to.

The question, of course, is how well the carefully crafted songs of Wilco's increasingly dense albums translate live. By and large, it is fair to say that one of Wilco's primary strengths has always been their ability to rework their songs in a live setting — changing tempos, adding and subtracting orchestration, developing alternate versions — the type of stuff that makes a concert worth going to, not just a mere recitation of the album.

But, to be honest, the tone has changed. Early on, Wilco capitalized on pure energy. I remember first seeing them in '96 as they put on one of the most entertaining shows I've ever been to — lots of loud guitar, a little stage-diving, lots of crowd participation, some cool covers and even a food-fight with the front few rows. A year later, the mood had calmed a little as the Woody Guthrie songs demanded perhaps a more reserved atmosphere — an unshaven Tweedy banded out songs on an acoustic guitar while the rest of the band remained cheerful but calm. Two years after that on the *Summerteeth* tour, the ambiance had further chilled. Things were slower, hazier, more navel-gazing. And, sure, they rocked out on the encore, but the stomping feet gave way to closed eyes and swaying.

And so we reach the present. Since *Summerteeth*, Wilco has recorded an album, *Yankee Hotel Foxtrot*, but left their label. As a result, the album (which this



tour was designed to support) has yet to be officially released, but instead has been posted on their website. Meanwhile, the group traded drummer (and Tupelo alum) Ken Coomer for Glen Kotche and flat out lost Jay Bennett. And so they show up in Boston with something of a new line-up, some new tunes and a question in my mind as to what to expect.

The good news is that Wilco remains immensely talented. The four songs they debuted the other night from *Yankee Hotel* show that their musical growth continues unabated — "Reservations" ranks with any of the ballads they've ever recorded, while "Ashes of an American Flag" was particularly poignant given the past month.

The bad news is that Wilco has become an increasingly joyless entity. The loss of Jay Bennett has crippled many of their better live songs, as Bach struggles to fill the void with plastic organ parts on songs like "I'm Always in Love." Everything just seems stuck in mid-tempo. Everything. Jeff

Tweedy's once-engaging stage banter has been replaced by the silence of a zombie in a stoner sweater, scratching out admittedly clever parts as if by rote. The audience spent most of the night in dead silence, only to demand three encores just to get the band to meekly rock out on "Outtaste (Outtastind)" and "Monday" — songs that used to bring down the house. The entire time, I found myself sitting there wondering why I was so amazingly bored with such obviously accomplished and intelligent music. And then I realized that I'm starting to suffer the fate of the faithful fan watching the eventual aging and demise of a favorite group. While it's hard to point to anything particularly wrong with Tweedy's songs or Wilco's direction, in some ways the thrill just seems to be gone.

It breaks my heart to say this, but seven years later, their performance in Boston suggests that Wilco has become the "serious" band. You have to find your fun elsewhere.

Shortsighted Retribution

Proponents of retribution often overlook key aspects of their theory, as does Ms. Hartline in her article "Retribution is Right." The principle of "an eye for an eye" is a bit more complex than she indicates and achieving proportionality is decidedly more difficult.

If the U.S. response is justified purely by retribution, then perfect parity will be achieved after the United States and various allies kill over 6,000 innocent Afghan civilians. Such a bloodthirsty call hardly appears to be civilized, though by definition, it would achieve "an eye for an eye" and a "life for a life."

However, if the U.S. kills more innocent Afghans or other Muslims than the number of Americans who died in the attacks, then the Afghans or other Muslims would be justified killing additional innocent Americans. Since both sides typically try to come out ahead, they will not stop slaughtering the innocent once they reach balance, but rather, they will escalate the conflict. Such is the absurdity of the principle of retribution in practice.

Ms. Hartline rejects this doctrine herself by focusing on two distinct objectives: "punishing the guilty" and "preventing future attacks." There can be no problem with punishing the guilty, and if some use of force is necessary to bring the guilty to justice, then so it must be. Regarding prevention of attacks, the surest way of preventing future attacks is to execute your enemy completely, his family members, and any possible friends or allies. Again, this is hardly a civilized approach. The next surest way is to turn your enemy into your friend, but this involves an investment of resources that no American leader seems to be contemplating.

Nothing fills me with greater sorrow than the thought that the blood of the innocent might be shed for nothing, whether those innocent people be Americans, Rwandans, Bosnians, or any other people in the world. But to say that we recover our losses by killing others — this is to mock our own dead, to trample upon anything that they might have stood for and to place ourselves in the role of the Great Judge. Let us seek justice in this world as best we may and admit no lesser causes in our response to the atrocities of September 11.

- Donovan Rinkermorris

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Epicurean ecstasies at Dunkin' Donuts

by Dave Min

Porter Square has the finest dining around, and its most renowned establishments are McDonald's Restaurant (no relation to People's 37th most eligible bachelor, Shawn McDonald) and Dunkin' Donuts. My opponent in this debate, the esteemed "Colonel" Parker, with his typical rustic ignorance of good taste, claims that the best restaurant in Cambridge is Chez McDonald's. He is wrong.

McDonald's, located at 5 White Street in the Porter Square Mall, is the fecund remainder of a once proud dine-asty that regularly boasted such luminaries as Grimace and the Hamburglar among its patrons. But this gastronomic Camelot is in ruins, and the current McDonald's caters primarily to tourists and half-wits.

Its sterile and drab décor is an offensively inadequate attempt at emulating the feel of a classic American diner, and its over-bright lighting and lack of intimacy are excruciating. This is definitely NOT a place to take a date, as evidenced by the clientele, a dour menagerie of single men ranging in age from 17 to 71.

The food, unfortunately, matches the interior design. Given their single-minded devotion to that most American of foods, the hamburger, one might assume the chefs would have mastery over this domain. This assumption would be gravely wrong. The Quarter Pounder with Cheese (\$4), like the winter Versace collection, is a destructive assault on the senses, and a far cry from the delightful Royale with Cheese that I lunched on in the porn district of Paris.

McDonald's offers some Prix Fixe options, with chicken or beef accompanied by Pommes Frites, ranging in price from \$3 (04) to \$5 (07), as well as a small assort-

ment of appetizers and desserts. But perhaps your best option here is to eat the cardboard box which packages your food: It has more flavor and is certainly a more memorable dining experience. In the words of my Jewish twin, Mike Naft, "McDonald's is like Jackson Heights' own Randy Watson and his band Sexual Chocolate: 'good and terrible.'"

But all is not lost in Porter Square. Take a few steps over to 1 White Street, and you may notice a trendy bistro, nestled cozily next to Mass Ave. Dunkin' Donuts is a quaint and affordable gustatory experience.

When I take a date somewhere, I insist on having a seat with a view, and this often entails Herculean efforts. At Dunkin' Donuts, however, every seat is a window seat! Along with the dim lighting and intimate tables, the ambiance screams seduction!

Dunkin' Donuts' entrée selection is stylishly minimal, with a Continental flavor. While the "Omwich," a sensually tasty egg sandwich slathered in a decadent Hollandaise-inspired sauce, is, sadly, gone, there are many other epicurean ecstasies awaiting. Try gnawing on one of the vast array of pastries, like the Boston Cream (\$1), or nibble on such instant classics as the Egg Sandwich (\$2) or Bagel with Cream Cheese (\$2), and you'll be tasting a little bit of heaven. The wide variety of aperitifs, ranging from Arizona Iced Teas to the homebrewed Vanilla Coffee, is simultaneously diverse, soulful and subtle, much like the new Britney Spears album.

There is no comparison between Dunkin' Donuts and McDonald's. Dunkin' Donuts is to standard dining fare what John Holmes is to Oliver Wendell and Sherlock Holmes: a man among boys.

What he never said

by J.R. Parker

Before embarking on this assignment, I took a cue from my crush, Justice Antonin Scalia, and looked up the work "restaurant." Black's Law Dictionary defines "restaurant" as "a place where meals are served to the public." "Meals" implies more than one of these occasions: breakfast, lunch and dinner. While McDonald's offers all three, Dunkin' Donuts only offers one (breakfast). I could end my analysis right here as Dunkin' Donuts is not even a restaurant, but I will assume, arguendo, that Dunkin' Donuts is a restaurant. I will also note that Black's Law Dictionary should define Dave Min as "a person who is wrong," because he is wrong in his column.

I recently had occasion to visit McDonald's when a popular New York City law firm — Wachtell — was hosting a recruiting dinner there. Needless to say, Wachtell chose an impeccable venue. The evening's maitre d', Shawn McDonald, ensured each diner a pleasurable experience and free tickets to the box office smash "Glitter." Patrons of Dunkin' Donuts meanwhile had to endure the hosting of Duncan "Donuts" Kennedy.

Dave Min correctly asserts that McDonald's has recently retired some of its original spokespersons. Examples include Grimace and Mayor McCheese (now Judge McCheese on the 2nd Circuit). But the jewel of the McDonald's Empire, Ronald McDonald, is as loved and cherished as ever. In fact, he was recently selected to light the torch at the 2002 Olympic Games. On the other hand, Dunkin' Donuts' recent attempts to forge a nationally treasured mascot have foundered: "Ollie the Omwich" and his

For the full meal, only McDonald's

sidekick "Chad the Regular-Sized Coffee" have met international indifference.

One must also applaud McDonald's heritage of community service. The Ronald McDonald House has tirelessly provided comfort and compassion to hospitalized children and their families. Dunkin' Donuts' lone charitable endeavor — the "Ollie the Omwich Outhouse," where people with irritable bladders could relieve themselves if there were no other lavatories in the immediate area — was unoriginal, embarrassing and offensive.

McDonald's commitment to its customers is obvious. Infinite choice abounds. You can have a hamburger with cheese or without. You can even have chicken (or fish!) in between your buns. Dunkin' Donuts, on the other hand, has recently instituted a mandatory "plain donut purchase" rule. Are they communist?

For those readers with children, McDonald's is also the clear choice. What child can resist the delights of a colorfully packaged Happy Meal, especially when there's a toy inside? I warn parents to steer clear of Dunkin' Donuts' poorly conceived children's menu, which features Jolt-Cola Donuts and Extra-Caffeinated Child-Sized Coffee.

Romeo Min's reference to Dunkin' Donuts as a good "date restaurant" is accurate if your date is at 4 p.m. and your mom is supposed to pick you up afterwards. When you are on a date, the name of the game is privacy, which McDonald's offers in spades. Dunkin' Donuts might be an adequate place to bring a date for stale donuts "the morning after." But if you want a chance at having a "morning after," I urge you to bring the date to McDonald's the night before!

"I think one of the best aspects of the Summer Program was the opportunity to survey multiple practice areas on my own terms and determine my interests. It was good to know that my personal development was an important part of the program."

— Donyelle McCray
Harvard Law School
Class of 1999

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How to explain WD

by Dave Winickoff

"I see you have a superlative transcript, and ... but what is this WD?" Ah, the feared interview question for the unlucky students who happened to drop that oversubscribed course just minutes too late. Time to pay the Piper. You begin sweating profusely. "What am I going to do now?" you ask yourself.

The Registrar's Office unhelpfully counsels you to take "the proactive approach." But what does this mean? "Just tell them about our quirky policy," they say. Quirky or perky, this approach is doomed. What do you say?

"Ahem, yes, um, Madame, I was sleeping during the five-minute window that I could officially withdraw so my own law school has chosen to stigmatize me?" Or, "Sir, I'm not as lazy as it makes me look."

Faced with this ugly possibility, students have been seen lining up outside the Registrar's Office, raising their fists and transcripts in angry protest. These people are annoying. In the famous words from Oliver Wendell Holmes' *Lochner* dissent, "Say it, don't spray it." But still, they have a point.

Accordingly, I propose a paradigm shift in how we explain our WD's. Let me call it, "The New Way." I've asked the Office of Career Services to run a workshop, but they rejected my proposal. "Explaining the WD is not a core skill," they said. This is from the same people who brought you panels such as "Dressing for the Interview," "The Handshake: How Hard is Too Hard?" and "Using Interview Bathrooms." In lieu of a panel, I've brainstormed some potential strategies:

Strategy 1

When your interview asks about the WD, explain that it stands for "With Distinction." If the interviewer is unimpressed, say that WD represents the highest grad in the class. In fact, explain that it is the rare avis of grades, given out but once in a year, nay, once a generation. It stands for "genius."

Disclaimer: This strategy has potential shortcomings. It will be obvious from your uneasy tone that you are lying; further, the interviewer may see the key revealing that the grade really stands for withdrawal; as a result, you may be forced out of the interview process and ostracized by your peer group. People may even call you "ass" or "donkey."

Strategy 2

This strategy requires skill, decisive action and acting ability. When the interviewer asks about the WD, immediately begin gesticulating wildly like some sort of grouse or other easily scared bird. Then fly, fly, fly like that bird!

Your interviewer will find this cute, perhaps give a chuckle, then ask you amicably about your participation in Sasha Volokh's new Shooting Club. Note: In some cases, this approach may upset your interviewer.

Strategy 3

Repeat the words "not know" in the voice of some sort of Neanderthal. Attempt to groom your interviewer for head lice, drooling copiously. Repeat until interviewer starts laughing, offers you mini bar treats and gives you a callback, or until the hotel concierge has forcibly removed you from the premises.

Strategy 4

Concede that you will never work for Covington Burling, D.C., or any other "prestigious" firm. You have spoiled your career with all the "Big Guys." Potential benefit: You might end up enjoying what you do with your life.

Crossword Solution

YOU AUTO KNOW

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

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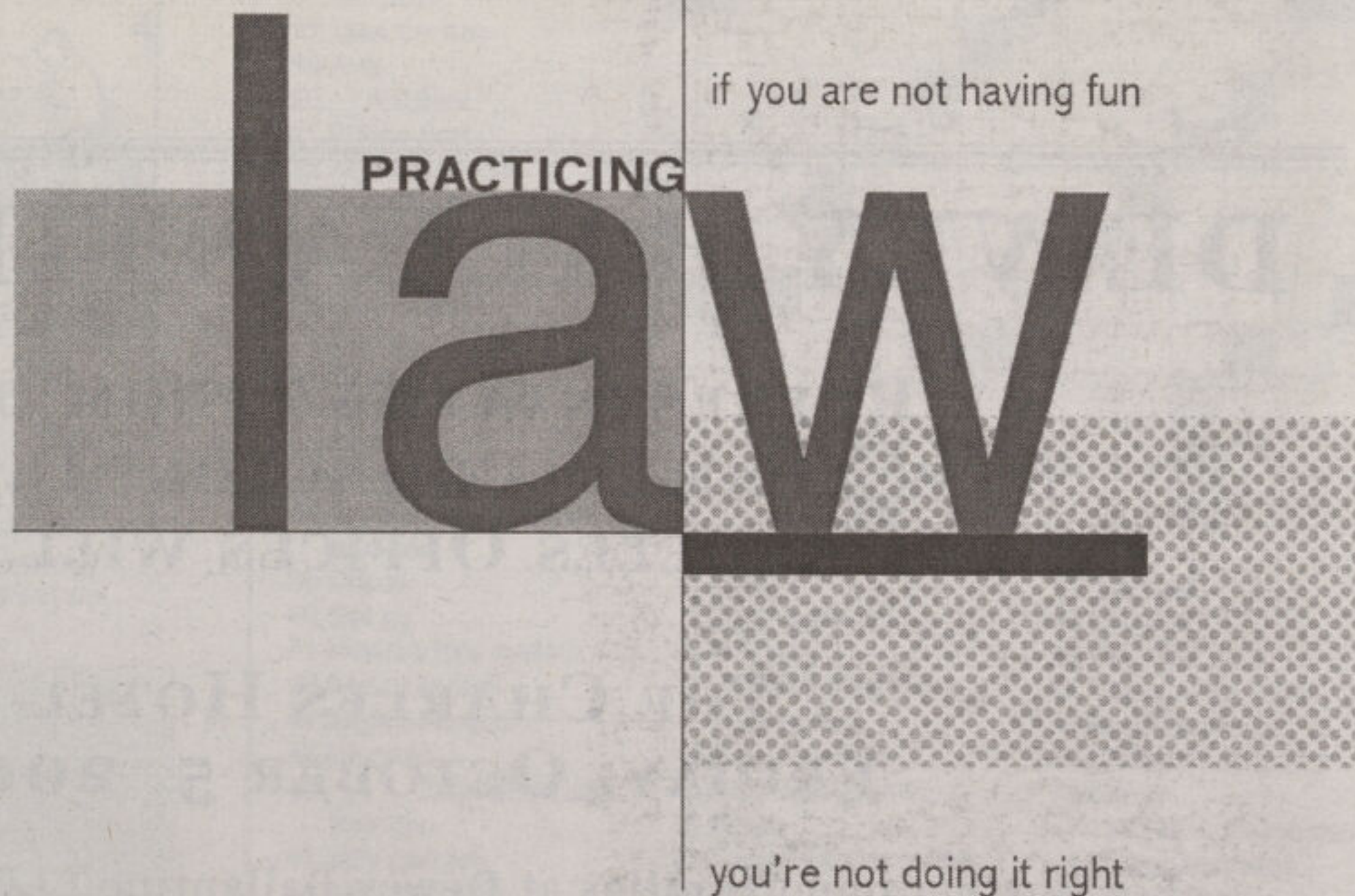
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Fenno

The sound of the helicopter's blades whirring made it tough for Fenno to hear what was being said to him. Outside of the window he could see a miniature Cambridge down below. As the helicopter passed over the law school, Fenno thought that he could actually make out the sight of Sasha Volokh on the roof of Austin with a rifle, but he couldn't be sure.

"ARE YOU LISTENING TO ME, FENNO?!" yelled Dean Clark. Fenno shook his head yes. The chopper was now passing over the river.

"We're almost there!" said Clark, pointing to a large empty field beneath them. He was smiling wildly and looking intensely out of the window. Fenno couldn't quite put his finger on why, but something in Clark's excitement was reminiscent of the billionaire grandfather in Jurassic Park.

The chopper touched down and Fenno stepped out. Clark hopped, out behind him. He was still grinning. Clark outstretched his arms and took a deep breath, holding it in and savoring the air.

"Isn't it beautiful, Fenno?" said Clark.

"Isn't what beautiful?" Fenno looked around and saw nothing but empty space.

"The future, Fenno! The future!" said Clark. He pointed to one side of the field, and laughed. "That's where we're going to stick Langdell. And over there..."

The words were drowned out by a deafening ringing in Fenno's ears. In front of him, Clark and the rest of what he could see became blurry and dark. He

closed his eyes, and let out a shriek from the pain the sound was causing.

When he opened his eyes, he was no longer in the field. He was dressed in a tuxedo, and around him people were cleansing their palettes with sorbet. The room was luxurious. Fenno was sitting on a couch that felt like leather, but so much richer. He rubbed his hand on it.

"It almost feels sinful to the touch, eh Fenno?" said Davis Wang. Fenno nodded.

"I've never felt leather this rich," said Fenno. Wang laughed.

"That's because this is the first time your guileless buttocks has been planted upon the refinery of baby seal, Fenno." Fenno hopped up, and moved across the room. He heard the distinctively annoying sound of a fork clinking a glass. At the center of the room, Crystal McKellar was holding a microphone. The room quieted down.

"Members of the HVVLR, I would like to thank you for your attendance tonight. They said 'it couldn't be done.' They said, 'it shouldn't be done.' Its too bad that 'they' won't be around to see that 'they' were wrong, thanks to our friends at the Harvard Killing Society. Cheers to Sasha!" Volokh, Jeremy Fielding and a few other tuxedoed men raised their arms and gave a humble thank-you wave to the room's applause. McKellar cleared her throat.

"Truly, the merger of the Law Review and Vito Veritas has benefited us all. God knows you need a drink to subside half of this crap, and of course, what's the point of knowing the Bluebook if you still don't know your Boones from your Bordeaux!" said McKellar. The room exploded in laughter. Fenno didn't know what was funny.

"But tonight isn't about wine, it's about celebrating a beautiful, successful merger, and we're going to have a great meal to celebrate. We might also want to take

the opportunity to note really quickly that Kevin was crazy for picking Winnie over me even if she is my sister. That said, on to dinner! Fenno?" McKellar looked towards Fenno and the whole room was staring at him. Clearly, he was expected to do something, but he wasn't sure what. Charles Fried nudged him and pointed towards the front of the room. He had a nametag on that said "Dean Fried." Something wicked was afoot.

"Fenno, come up and do us the honor of unveiling the main course!" said

*Fenno screamed.
Everyone was clapping
around him. He was
staring at the baked
head of Prof. Jon
Hanson.*

McKellar. The room was silent. Fenno moved towards McKellar and could see that a huge, covered serving dish was in the middle of room. As he approached it he could feel the anticipation building up in the room. All eyes were on Fenno. He lifted the lid off of the platter.

"For the love of God!" Fenno screamed. Everyone was clapping around him. He was staring at the baked head of Prof. Jon Hanson. He looked around and for the first time noticed that the room wasn't just filled with HVVLR students and advisors. A number of tuxedoed apparitions filled the room as well. The ghosts of Learned Hand and Roger Taney were giving each other a high five. He ran out of the room and into the cold of the night. In front of him he saw Langdell. He turned to look back the building he had

just escaped, trying to suppress thoughts of Lot. In front of him he saw a perfect replica of the Kremlin, only made of solid gold. Etched into the stone above the door were the words "New Harkness Commons."

Fenno closed his eyes and let out a shriek. He heard the burning ringing in his ears again and the sound of the applause began to fade away. After a moment, all sound subsided, and he could hear Clark's voice again.

"And over there is where we'll build the new office for *Harvard Law Today*, of which I plan to appoint you the editor," said Clark. Fenno opened his eyes. He felt crazed. Where was he?

"Me? Editor? *Harvard Law Today*? Why?"

"Well ... you're very skilled at misinformation. That's the point, no?" said Clark. He began laughing. Fenno grabbed Clark's shoulders and shook him. He felt mahogany.

"This land! What was here before? Don't lie to me!" screamed Fenno. Clark looked afraid.

"Well, a graveyard, Fenno, but we moved all of the graves."

"Moved the graves!?"

"Yes. Its perfectly normal. We did it with phase two."

"Who was buried here, Clark?" screamed Fenno.

"Well, actually the family of Isaac Royale has maintained a fund for many years to bury judges and scholars here that fit his ... legal philosophy. There all resting in peace back in Cambridge now. We thought we could put this Allston property to better use."

Fenno let go of Clark. He sat on the ground and began to weep. He placed his face in his hands.

"You only moved the headstones," said Fenno. "You only moved the headstones ..."

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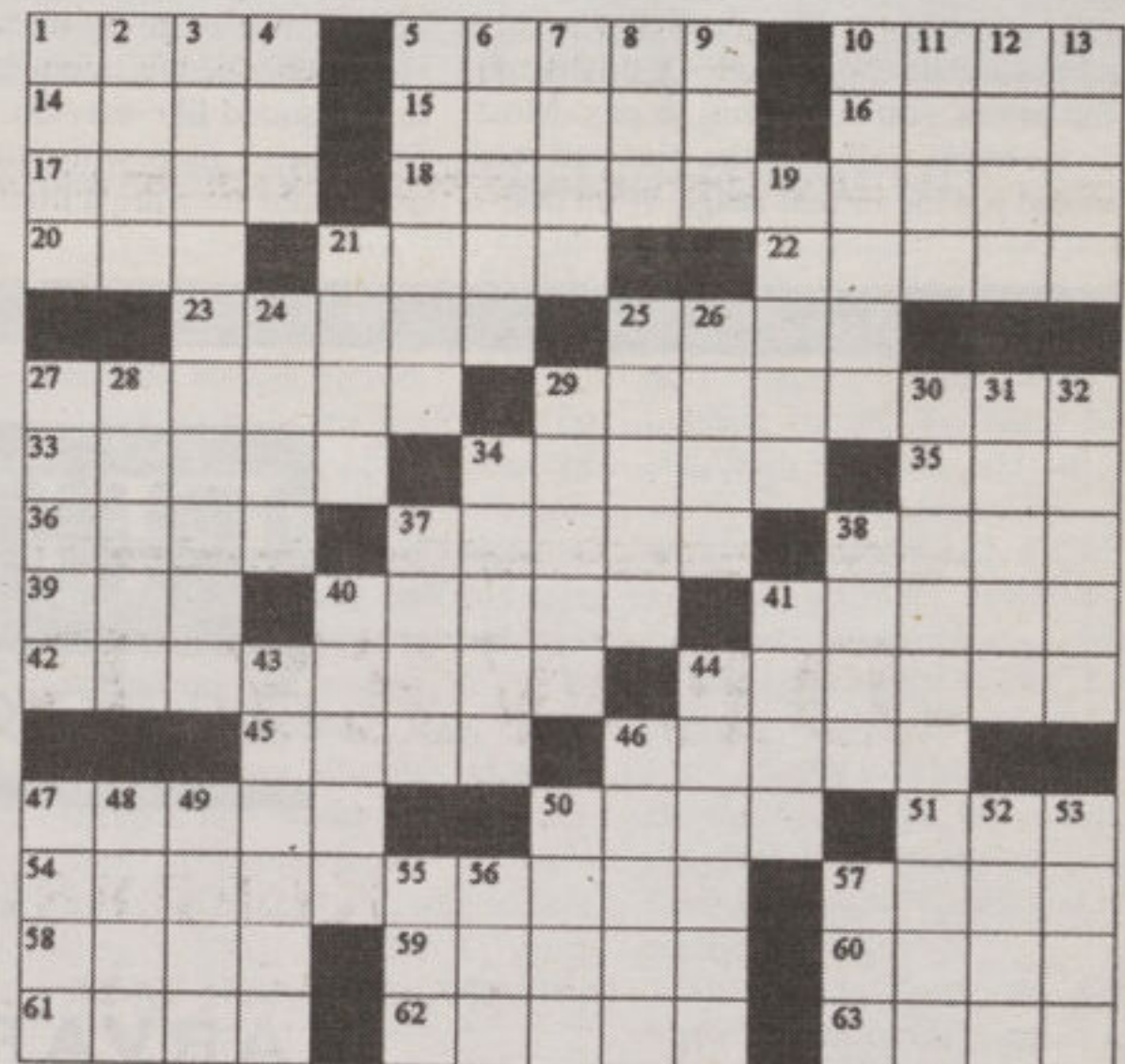
With Columbus Day rapidly approaching, malls across the country scramble to set up their Christmas displays.

Crossword 101

By Ed Canty

"You Auto Know"

- ACROSS**
- 1 Unflappable
 - 5 Ship of the desert
 - 10 Rights org.
 - 14 Friendly nation
 - 15 Like an old woman
 - 16 Word before stream or dish
 - 17 Take the bus
 - 18 Auto
 - 20 Angeles
 - 21 Phone part
 - 22 Kind of football
 - 23 Mexican Indians
 - 25 Huck's vehicle
 - 27 More sluggish
 - 29 Willy Loman
 - 33 Tramps
 - 34 Havana for one
 - 35 Mr. Gershwin
 - 36 Plant part
 - 37 City slickers
 - 38 Comes between root and leaf
 - 39 Chum
 - 40 Got by
 - 41 Hindu social system
 - 42 Raises in rank
 - 44 More hallowed
 - 45 Minerals
 - 46 Bradham:Pepsi founder
 - 47 Jelly garnish
 - 50 Follower of All
 - 51 Arizona and Missouri lead ins
 - 54 Auto
 - 57 Employee safety law
 - 58 Mad Hatter for one
 - 59 Homer's story
 - 60 Fake
 - 61 Ogled
 - 62 Beat
 - 63 Conceal
- DOWN**
- 1 Olympian Lewis
 - 2 Stew with chickpeas



- 3 Auto
- 4 Soap ingredient
- 5 Delicacy
- 6 Old World buffaloes
- 7 Factory, e.g.
- 8 Moose relative
- 9 Mary Ford's partner
- 10 Stings
- 11 Congressional worker
- 12 Heir
- 13 O'Neill's Christie
- 19 Precedes thin
- 21 Coloring materials
- 24 Truant
- 25 Blew up
- 26 Pitiful word
- 27 Form
- 28 Military contractor
- 29 Flanks
- 30 Auto
- 31 Mountain ridge
- 32 Christener
- 34 Remedies
- 37 Take out
- 38 Bargain
- 40 Comedy
- 41 Carbonated drink
- 43 Invalidated
- 44 Coiffeur's specialty
- 46 Stingy
- 47 1975 Wimbledon champ
- 48 Refuse to budge
- 49 Undeified
- 50 Read quickly
- 52 Herring relative
- 53 Identical
- 55 Small quantity
- 56 Brew
- 57 Kosh

Quotable Quote

"When a man opens a car door for his wife, it's either a new car or a new wife."

Prince Phillip
Duke of Edinburgh

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For this week's solution please, see p. 9

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—First Amendment, U.S. Constitution



Vino & Veritas

JUSTIN DILLON

Learning about wine is a relationship. Like any relationship, it takes work. And like any relationship, it's often important to look good in a restaurant.

(Yes, I'll retire this lead eventually.)

Dealing with wine in a restaurant can be intimidating, even if you think you know what you're doing. What follow are tips that may help navigating your next experience a little less daunting.

Restaurant tip #1: If the restaurant has a wine steward, listen to him. Also known as sommeliers (pronounced sah-m-ell-yaze), these are the professionals, the people whose entire job is to create, manage and tell you about the wine list. They almost always know what they're doing, and they're usually trustworthy. If you're at a restaurant you think might have a wine steward (think "expensive"), ask the waiter if you can talk to him. His recommendations will usually be good, and he might encourage you to order something you wouldn't have thought of.

Restaurant tip #2: Staying in your price range. Once you know approximately how much you want to spend and whether you want red or white (if you want pink, you're probably not reading this column), call over the wine steward (or waiter, but more on that below) and point to some of the wines in your price range. Ask him for his recommendation, saying something like, "I'd like something around here." As you say this, point to the prices you're willing to pay. Most wine stewards will take the hint and recommend a wine in that range. If he does-

n't — and this may happen — don't be intimidated. Say, "Well, that's great, but I'd really like to stay around here." He generally won't try it again. (If he says that he can't really recommend anything in that price range, which he rarely will, and if you're feeling sassy, which I often am, you might ask, "Then why is it on the list?" There's no good response to that.)

If you want to give him more information, tell him what you usually drink — cabernet, merlot, Chianti — and whether you're willing to experiment (a bad idea on first dates or job interviews, but a good idea if you have a willing partner).

And one last price tip I picked up from the Wall Street Journal's wine writers: Restaurant owners will often price the wine they buy cheapest at wholesale as the second cheapest wine on the menu. Why? Because people generally don't order the cheapest wine and thus often turn to the second cheapest. Price that one higher, and you get a bigger marginal profit. Presto — restaurateur as microeconomist!

Restaurant tip #3: How to know when the waiter knows nothing. If there's no wine steward, you have two choices: yourself or the waiter.

If you've decided to go it alone, you can usually give yourself about five minutes to look over the list before people start to stare. (Occasionally I take more than that, by which time my date's usually flirting with the bartender, or worse.) At that point, you should either take your best shot — remembering to use good vintages as "cheats" — or ask the waiter.

If you decide to go with the waiter, don't ask if he thinks a wine is good. Instead, ask if he has tasted the wine. If he says yes, ask what he thought of it. If he says it was "smooth" or "fruity," he knows nothing. Period. Those are essentially meaningless words that people who don't know wine use to sound like they do. While both are fine when paired with other descriptions, used alone they are a litmus test for bluff-

ing.

Restaurant tip #4: What to do when the bottle comes. This is the most intimidating part of the process and where the real test begins. The key is to relax and not take it too seriously.

First, the waiter will present the bottle. You should quickly check the label to make sure it's the wine you ordered; sometimes the vintage will be wrong, for example, or the waiter will just have selected the wrong wine. Both have happened to me. If it is the right one, simply nod and say "Yep" (or "Boo-ya," if that's more your speed). If it's the wrong wine, just say so.

The waiter will then open the bottle and "present the cork." Do not sniff it. It just smells like cork. You could fondle it, if you're into that sort of thing, but otherwise just ignore it. (One exception: If you see that it's soaked through with wine, that's

Don't sniff the cork. Fondle it if you must.

generally not good, as it means air probably got into the wine and could have ruined it. More on that below.)

Next, the waiter will pour a little of the wine into your glass. Here's where the real challenge begins. You have three options: smell, taste or swirl/smell/taste. I usually just smell it to make sure it's not corked (corked wine smells musty, like old cardboard or yesterday's gym socks) or turned to vinegar (which smells like vinegar). If your nose is stuffed or you don't trust it, just take a big sip of the wine — enough to really taste it.

Unless you're trying to impress someone, don't swirl. It looks pretentious and is

best left to wine geeks and people who read "Cigar Aficionado." (Swirling does help release a wine's aromatics, and you might want to do it later in the meal; at the tasting stage, however, it just looks like you're trying too hard. Consider it the wine-drinking equivalent of pulling out her chair at the table.)

Restaurant tip #5: What to do if you think the wine's flawed. If you think the wine might be corked, tell the person who poured it. If there's a wine steward, he will usually come over and taste it. If it's flawed, he'll replace it immediately. If it's not, he'll tell you — at which point, unless you're sure he's wrong, you should just drink it. Given that roughly one in every 12 bottles of wine today is corked, this will eventually happen to you, and you shouldn't drink bad wine just because you're nervous about saying something.

Tasting notes:

Because drinking took a back seat to working this time around (I know, I know, some things are more important than working, so lay off), only three bottles to report on.

First is the **1999 Falesco Vitiano**, which I bought at Marty's for \$11.99. It's more well-rounded and less "tight" than the 2000, which is probably due to an extra year in the bottle. (If you think that's fancy math, you should see me divide by two!) In short, a fantastic wine at a great price. If you like red wine, you'll like this wine.

Next came the **Chateau Grande Cassagne "G.S." La Civette 2000** (got all that?), which I bought at the Wine & Cheese Cask for \$8.99. A simple, juicy red, it's a good buy that tastes almost like a baby Zinfandel.

Finally, there's the **Agricola de Borja Borsao 2000**, which I bought for the absurdly low price of \$4.99 at the Wine & Cheese Cask. While it's rougher — more rustic — than the previous wine, it's got guts — a rough-hewn, candied sweetness that's fun to roll around in your mouth. (Yes, I drink alone.)

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