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Summers seeks new era of expansion as 27th president

■ *Former Secretary of Treasury hints at overhauls to financial aid, Allston expansions.*

by Meredith McKee

Harvard's future is anchored both in maintaining the University's intellectual traditions and becoming a "global university" by adjusting to changing demands, Larry Summers said during his installation ceremony last Friday.

Summers was installed as the 27th president of Harvard University under sunny skies in front of a crowd of thousands, including faculty, students and delegates from academic institutions.

Praising outgoing president Neil Rudenstine for nurturing the school's financial and intellectual prosperity, Summers gave attendees a glimpse at his vision for the future.

The school must make teaching and learning "all that they can be," Summers said, especially at Harvard College, "the heart of this institution." Increasing the amount of direct contact between teacher and student is "most crucial," he said.

Summers also hinted that one or more of the University's schools might soon be moving out of Cambridge.



NILUFER SHAIKH/RECORD

Larry Summers emphasized his plans to facilitate teacher-student interaction.

"We must take full advantage of the physical opportunity across the river in Allston," he said, where there is room "to build a campus several times larger than this one."

Citing the College's diverse student body and faculty, Summers told the audience that some of the graduate school's systems of financial aid need an overhaul.

"[A]s proud as we all are that any student who wants to come to the College will not be turned away because of financial need, I say to you that we should not rest

until the same is true of all of this great University," he said over cheers from students.

Finally, Summers emphasized his goal to "assure that all who graduate from this place are equipped to comprehend, to work with, the scientific developments that are transforming the world in which we live in." All Harvard graduates should be able to tell the difference between genes and chromosomes, and to explain exponential growth, he said.

The ceremony, a mixture of centuries-old traditions and modern twists, was held in the grassy

clearing between Memorial Church and Widener Library. Crimson banners with the shields of all of the College's houses and the University's schools hung from the trees above the audience.

After an academic procession accompanied by an "Inaugural Choir" of Harvard's singing groups, representatives from the Undergraduate Council and the Harvard Alumni Association, as well as the president of Yale University, Richard Levin, wel-

Please see SUMMERS p. 2

Suspicious mail leads to anthrax scare

by Mike Wiser

As anthrax scares spread across the nation, Harvard Law School discovered that it was not immune from the anxiety that has sent emergency workers scrambling to respond to thousands of incidents of letters that were suspicious enough to spook recipients to alert law enforcement. Around 3:30 p.m. Monday, the HUPD, the Harvard Health and Safety Department and a Hazardous Materials Unit all responded to a report from the mail center that the school had received two suspicious letters at the mailroom in the Lewis Center.

According to Michael Rodman, the school's press officer, one of the letters lacked a return address and another one had an incomplete address and had the word "Boston" in parenthesis on the envelope. Although



Photo courtesy Chris Greene

Hazmat workers suit up at Lewis International Center.

the building was not evacuated, students getting out of class saw HAZMAT officers in full biological protective gear enter the building and retrieved the two letters from the mailroom. The team then took the suspicious letters into a secured environment and opened them for the first time using rubber gloves.

Inside, there was none of the powder that has been associated with the verified cases of anthrax

as well as with the numerous pranks that have spread across the world. Nor did the letters contain the cryptic messages and threats that had accompanied letters received at NBC and the Senate Office Building. The letters were just normal correspondence with strangely written addresses, but in these days of jittery nerves no letter looks completely normal.

Monday's visit from the HAZ-

MAT team, "hardly rates as incident in the long run," Rodman said. "People obviously are nervous. We want them to take extra care and precaution, [but] there is nothing to be alarmed about at all," he said. He encouraged students who received suspicious packages to contact the HUPD. A campus wide email sent out Tuesday said largely the same thing.

Harvard Law School was not alone in reacting this way to suspicious packages. Rodman said that around the time the HAZMAT team was entering the Lewis Center a similar incident was unfolding at the Radcliffe campus.

The School's case may not rate as an incident in the long run, but to employees and students standing outside Lewis Monday, it showed that HLS shared in the global apprehension and anxiety that the real mailer of the deadly germs had hoped to create.

Student, alum given Bellow awards for public service

■ *Work with youth-tutoring program, Living Wage campaign honored*

by Mike Wiser

On Wednesday evening the law school honored Earl Phalen '93 and Aaron Bartley '01 by presenting them with the Gary Bellow Public Service Award. The two winners were selected by 300 students from a field of ten candidates. Though the night was meant to honor the recipients, the first annual presentation also offered a chance to remember Prof. Gary Bellow '60, the founder of the Harvard's clinical program, who died in April of last year.

Phalen received a plaque and check for \$500, for his work with the B.E.L.L. Foundation (Building Enterprises for Learning and Living), a group which tutors and mentors youth in Boston, New York, Philadelphia and Washington, D.C. He became involved in the project when he accepted the position of co-chair of the Community Affairs Committee of the Harvard Black Law Students Association (BLSA). The project originated in Boston and grew from there. During his 3L year the B.E.L.L. foundation was established and in only a few years it expanded to the \$4.6 million non-profit with 350 staff members it is today. While that is tremendous growth by any standard, Phalen said that when you hope to serve 100,000 but only serve 1,000 it feels like the growth is minimal.

Phalen told the RECORD that receiving the Bellow Award was "tremendous" and that he was "absolutely honored and humbled."

Bartley received the Bellow Award for his work with Harvard's Living Wage Campaign and the HLS Labor Law Project. While most students heard about the Living Wage Campaign when it organized a sit-in of the University's administration offices, Bartley had been involved in the campaign for years. The campaign was designed to ensure that Harvard employees were paid a minimum wage that

allowed them a decent lifestyle based on the cost of living in the Boston-Cambridge area. A University committee, which includes students, is now reexamining the issue of Harvard employee wages as a result of the campaign. After he graduated, Bartley went on to work as a union organizer here in Boston.

Beginning a Tradition

The award itself was the idea of Andy Michaelson '02, who realized last year that there wasn't a way for students to discover the public interest work done by their colleagues and recent alumni. Paul Krieger, who was on the selection committee, said that the award's power lies in its ability to "promote these paths as viable and important career options and recognize people who do not normally get attention from the HLS student body."

Michaelson felt that there weren't any award ceremonies for such work that sought input of the entire student body.

"The idea with the Bellow Award was to really get students involved in the award process," he said.

Starting with Catalyst, Michaelson took the idea to other groups like the Law School Counsel, BLSA and HL Central, who all pledged to support the project.

However, the award needed more than just support; it needed money. Financing came primarily from the Clinical Program, but HL Central and other student groups also contributed. While the administration has been nominally supportive, Michaelson described the support as "lukewarm at best."

Both Michaelson and Krieger emphasized that they didn't want the awards to be perceived as advocating "liberal" public interest. Michaelson said that students from across the political spectrum were involved in the process.

"I didn't want the award to be dismissed on campus as a left-wing, public-interest thing," he told the RECORD. He also pointed out that by naming the award after Professor Bellow they would emphasize his approach to community work, which "cut across traditional lines."

After securing the support of a variety of groups, the award committee began the difficult process of narrowing down the field of candidates whom the student body

would eventually vote for. Students, faculty and staff ended up nominating 35 students and alumni. Krieger said that the committee looked for candidates who had shown an innovative approach to lawyering that demonstrated their commitment to social justice. The committee whittled the field down to five current students and five recent alumni. Then the committee worked with the nominees to write brief biographies that were read by students who voted for the winners.

Michaelson said that he was encouraged by the 300-person turnout and called the elections "very successful." He also added: "The finalists were just incredible."

Remembering Bellow

Andy Michaelson said that the idea of naming the award after the late Prof. Bellow had been around since early on. Bellow's humor and charisma, he said, helped to disarm potential critics, enabling him to unify people from across the political spectrum behind Harvard Law School's Clinical Program.

Two years after he graduated from law school, Bellow spent three years working at the District of Columbia Public Defender Service. The New York Times said he came to the realization that his Harvard education had not prepared him for the work that he was doing.

"We discovered that the best legal education America has to offer didn't teach us how to get someone out of a cell block. We figured it out ourselves and developed our

own learning and teaching techniques," he said.

But the clinical program for Professor Bellow was not intended merely to teach students how to practice law. He also spoke of a "service dividend" that the school provided to the community by offering legal services to thousands of poor clients each year. Prof. Bellow was at HLS during the dramatic expansion in its clinical program, and with his wife, Lecturer Jeanne Charn, he began the Hale and Dorr Legal Services Center in Jamaica Plain. Andy Michaelson said that he and the Bellow Award Committee worked with Charn to ensure that award remained true to his memory.

Earl Phalen insisted that the work he has done is "nothing on the scale, scope or impact of the life of Prof. Bellow." He added that the socially conscious, entrepreneurial spirit that motivated Prof. Bellow's work was the same spirit that inspired the B.E.L.L. Foundation and the Bellow award itself.



SUMMERS

Continued from page 1

comed Summers.

Levin acknowledged that the world looks to Harvard for leadership and joked: "These are mere facts, but believe me — they're not easy things for a Yale president to say."

As leaves fell from the trees overhead, the President of the Board of Overseers, Richard Oldenburg, presented Summers with three of the traditional "Badges of Authority" of the University presidency. First, Summers was given two silver keys "to open the doors of knowledge and truth." The keys are ceremonial and fit no lock, and each measures more than a foot long.

Next, Summers received two seals: the University's original corporation seal from 1650, depicting three open books, and the Great Seal of the University, adopted in 1885, which represents the University's shield in its current form. Finally, Summers was given the oldest volume of Harvard's records, dating from 1639.

Presenting the fourth and final insignia of the Harvard presidency, the Senior Fellow of Harvard College, Robert Stone, Jr., gave Summers a copy of Harvard's

original charter, granted by the Massachusetts Bay Colony. Stone then escorted Summers to sit in the President's Chair, which, while not one of the "Badges of Office," has been a part of every presidential installation since 1770.

The installation complete, Summers drew laughter with a succinct "I accept."

Summers summarized his feelings by quoting Edward Holyoke's, Harvard's president from 1737 to 1769, reaction upon assuming the office.

"If any man wishes to be humbled and mortified, let him become president of Harvard University," Summers recited.

He continued: "Humbled? Yes. Mortified? I hope not. Excited and exhilarated? Absolutely."

Still, Summers said, twisting a line from the movie "Love Story": "I do not believe being president means never having to say I'm sorry."

After Summers' address, the audience and the Inaugural Choir sang "Fair Harvard" and "America the Beautiful."

At the ceremony's conclusion, bells throughout Cambridge rang for 15 minutes in celebration.

Many who spoke during the hour-and-a-half ceremony referenced the importance of scholarship since the September 11th attacks.

In his welcome, Yale's president said: "The events of the last month have made the tasks of leadership both more difficult and more important."

The world, he said, looks to Harvard University to make sense of the new global situation. That, Levin added, makes the University's "noble cause" to "uphold free expression" and "free intellectual inquiry" vital.

Summers similarly emphasized the importance of facilitating learning and education at Harvard in an effort to "recommit to the service of society through scholarship of the highest order and in faith in the future."

Universities like Harvard, he said, "are communities in which truth — veritas — is pursued first and last as an end in itself, not for any worldly reward."

Summers received a bachelor of science degree from M.I.T. in 1975 and was awarded a Ph.D. in economics from Harvard in 1982. After a year working in Washington on the President's



NILUFER SHAIKH/RECORD

The Harvard community gathered for the ceremony.

Council of Economic Advisers, Summers returned to Harvard to teach economics as one of the youngest tenured professors in the University's recent history. In 1991, Summers took a leave from Harvard to work at the World Bank. From 1993 until 2001, Summers worked in various posi-

tions in the Department of the Treasury, eventually rising to the post of Secretary of the Treasury.

Summers' installation was celebrated with a week of events, including a performance celebrating students and the arts, six faculty symposia and numerous museum exhibits.

OPINION

Homegrown terrorism and the armies of anthrax

by Jonas Blank

Anthrax.

The word itself is chilling, harsh, consonantal. Its two sharp syllables connote fear, violence and infection. It is a disease so scary that a 1980s heavy metal band named itself after it, hoping to lend an air of mystery and foreboding.

I wonder how the members of that band feel now, seeing that a name they chose for their edgy ring has now become the name of some of our darkest collective fears. I wonder if they feel guilty about treating such an awesome threat so trivially. Perhaps. But then again, they could never have foreseen the disease's treacherous future, when it would turn from a theoretical threat to a real one.

Unfortunately, the past week has shown that there are scores — maybe hundreds — of people willing to exploit the anthrax scare for personal gain or amusement knowingly. There has been no conclusive link as yet between any of the real or fake incidents and Osama bin Laden. Whether bin Laden is involved here or not, individuals or groups that perpetrate anthrax incidents implicitly assist bin Laden's cause by inciting further tension in a climate already bristling with fear. I am surprised, in most cases, that Americans — even

malicious or crazy ones — want to do that.

Except in one case.

One group that has claimed responsibility for a portion of the hoaxes calls itself the Army of God. Based in my home state of Virginia, the group is one of several in this country that advocates violence against doctors who perform abortions. They believe they are doing the work of good — of their god — by killing innocent people. To justify their heinous crimes, they cite a religious text whose lessons include "love thy neighbor as thyself" and "do unto others as you would have them do unto you." In many ways, they are extra-national, undertaking actions they see as motivated by a "higher power."

Sound familiar?

Dangerous elements like the Army of God should remind us that religious extremism is hardly confined to other continents. In fact, organizations such as the Army of God operate by the same princi-

ples used by fanatics like Osama bin Laden and the Taliban government. They thrive on intolerance for other faiths and philosophies, convoluted readings of their own religion and a desire to impose a church-run state whose vision of "morality" becomes the law of the land. Afghanistan, in many ways, is a country run by its own Army of God.

Even before September 11, I was always very, very thankful for the separation of church and state that we enjoy in this country. Even with that right, perversions of religious doctrines have seeped into our political system, usually to some people's detriment. Such "moral" lawmaking has been used — and continues to be used — in this country to advance slavery, homophobia and sexism. Like those things, bin Laden's actions are fundamentally irrational and unjustifiable.

Thus, it is a mistake to assume — as some have — that bin Laden represents a legitimate reaction to U.S. foreign policy.

Dangerous elements like the Army of God should remind us that religious extremism is hardly confined to other continents.

His irrational act should not be the subject of hand-wringing debate over why he hates us so much or how we could have stopped him. Irrational hate cannot be quelled by rational responses or behavior. That is especially true when the act that flows from that hate — like killing innocent people — is also irrational.

Americans should always think about the future of Palestine, foreign aid, our international role and the failures of past foreign policy. But they should not consider Osama bin Laden — a mere religious fanatic — a representative of oppressed peoples or their grievances.

September 11 is no more justified or explained by U.S. foreign policy than killing doctors is explained by *Roe v. Wade*. Even to try and assess the "reasoning" of bin Laden and his network of thugs — who would like nothing better than to impose an Afghanistan-like church-state on the rest of their region and the world — is tantamount to giving legitimacy and credence to violence against the innocent.

Religious fanaticism, in any form and of any faith, is perhaps the single most dangerous threat to stability and happiness in the 21st century. If we want a safer world, we need to stop the "armies" of all the different gods — even in our own back yard.

3L contributes to constitutional law

■ Law student learns lessons of temporary legal victories.

by Sarah McGonigle

It's not every day that you run into HLS students who have changed the law with real life wins and losses, if even briefly, toward their own vision of right and wrong. Three-L Kevin Walsh is just one of those select few. He's pretty cagey about his experience — he doesn't like to talk about his accomplishments and places ample credit on those around him. But he has gotten in the litigation trenches to change constitutional law in his short tenure here at HLS — and that's not something easily dismissed.

In the past three years, Walsh has worked on various cases through the Society of Law, Life and Religion. Most recently, he worked on *McGuire v. Reilly*, in which he contributed to briefs challenging a buffer zone around abortion clinics here in Massachusetts. When the district court enjoined enforcement of the law Walsh was challenging and freed protestors to approach those entering reproductive health clinics, Walsh was thrilled.

"The best part was when the district judge ruled in our favor and for a time the law was unconstitutional. Once you see that actually some of these cases are winnable it kind of whets your appetite to do more," he says, eyes sparkling. He is disappointed, but undeterred, by the First Circuit, which overturned the district court earlier this year.

In fact, it is impossible to talk to Walsh about his work in the courts without becoming excited about the law. His enthusiasm for it is infectious.

"You can sit in Con Law and think that *Hill v. Colorado* [the most recent Supreme Court case on the issue presented by *McGuire*] is a ridiculous decision and you can kind of argue about that ... and that's one thing," he says. "But it's another to be able to go into court and make your case with a real plaintiff in front of a real judge and try ... to change the law."

"Everyone has cases that they think are wrongly decided ... it turns out that *Hill* didn't close the issue here and we got to go

**Mary Anne McGuire, et al.,
Plaintiffs, Appellees,**

v.

**Thomas F. Reilly, etc., et al.,
Defendants, Appellants.**

No. 00-2492.

**United States Court of Appeals,
First Circuit.**

Heard March 7, 2001.

Decided Aug. 13, 2001.

Above, Kevin Walsh contributed to a temporary victory in the above-captioned case.

ahead and see what we could do," he says.

Walsh also predicts that "if everyone realized that there was a sort of opportunity and if it were presented to everyone, I'd be shocked if they didn't jump at the opportunity."

Walsh brushes off the suggestion that he is different from his classmates in his motivation to fight for change. He says he has gone to court simply "because I could." His friends seem to agree — they affectionately chide him for his bent toward "vexatious litigation." He returns fire, saying "Hey, the courts are there ..."

But Walsh is serious enough about his experience. He heaps credit on the "real lawyers," and insists that his role has been purely supportive, focused on research and strategy. He is also solemn about the opportunity HLS provides to get involved, saying, "I think that being at HLS you have the opportunity to be exposed to these things and people take you seriously."

Roger Severino, the Head of the Society for Law, Life and Religion agrees, "When we're patient we do have some wonderful results and we work on high exposure cases ... this is something [club members can] put on a resume, but it's also something [they]

can take pride in, very few clubs or law schools could have people working on Supreme Court briefs at this early stage."

On the other hand, the "real lawyers" express real gratitude for the work of involved students like Kevin. Mark Rienzi '00 has worked with Walsh on various cases and he explains, "Everyone's doing [this kind of work] pro bono, which makes it tough — that's why student help can be so valuable ... they can sit around and flesh these things out and its very helpful for the lawyers out there trying the case to have smart [students] helping them out." Rienzi emphasizes that the

freedom students enjoy and the time they can invest are great resources to local lawyers who work for little or no money on these issues.

Walsh also adds that the type of work he is involved in can get more difficult after graduation, rather than easier. That is because time becomes a premium and pro bono work of this sort can't support young lawyers. But he also says that getting involved takes some resolve. He says he looked into working on the death penalty project as a 1L, but didn't for reasons he can't remember.

"... Probably because of Miller," he says, referring to his Civil Procedure class.

He adds that there is also an element of timing and chance involved in his decision to get involved: "It just turned out that Massachusetts passed this law that we believed was unconstitutional at the time and we knew plaintiffs — you can't just go write a brief. [Also,] we were able — although students can do some research — [to find lawyers] who have passed the bar. The fact that there's an established pro-life legal community that informs us about opportunities also helps."

BRIEF

Bin Laden fellowship largely ignored at HU

Harvard University has not gotten much slack from students for the bin Laden fellowship at the law school. Andy Tiedemann of the Harvard Development Office told the *Harvard Crimson* that no students have contacted him objecting to the fellowship.

In late September, the University was criticized by Cambridge City Councilman Kenneth Reeves who demanded that the University donate the bin Laden endowment to victims of the September 11 attacks. The Council voted to request that the University donate \$5 million to the victims, but dropped any reference to the bin Laden endowment. The bin Laden family has created endowed fellowships at the design and law schools worth more than \$2 million.

Adbullah Mohammed Binladin, the half-brother of Osama bin Laden (they spell their surnames differently), graduated with an S.J.D. from HLS and provided the link between the school and the family. After the attacks, Binladin, whose brother has been disowned by the family since 1994, told the *Boston Globe*: "I felt sad, that this is a tragedy for humanity. And I felt, this is a tragedy for our family. How will people look at our family?"

Prof. Frank Vogel told the *Globe* that while he was at HLS, Binladin researched Islamic approaches to finance and banking law. Vogel in 1994 went to Saudi Arabia to negotiate with the family the \$1 million donation to the University. The money is used to bring fellows from the Middle East to the Law School.

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For the RECORD

Rent is due

Harvard Square is some of the most valuable real estate in Cambridge.

It is also some of the most boring.

During their Harvard careers, students witness the disturbing disappearance of beloved small businesses and a speedy proliferation of chain restaurants and clothing stores, cell phone retailers and office buildings. In a city known for its funky, offbeat character, the Square bearing Harvard's name plays host to a selection of businesses more at home in a strip mall.

It's not all Harvard's fault. Harvard owns only seven percent of the Square and a scant 1.8 percent — about 295,000 square feet — of Cambridge's real estate. Abercrombie & Fitch, the Gap and some of the other most obvious chain giants are leased by non-Harvard realtors. Although the university charges steep rents, its rates are nowhere near the top of the market.

Still, critics are incensed at the loss of Harvard Square mainstays like Up Stairs at the Pudding and McIntyre and Moore Booksellers, which have been replaced by office space and other facilities. By failing to support unique businesses, they charge, Harvard is complicit in the square's decline.

However, some businesses have survived by Harvard's grace alone. A recent *Boston Phoenix* article notes that one-of-a-kind stores such as Harvard Book Store, Bartley's Burger Cottage and Club Passim have retained their current square locations largely because of the generous below-market rents that Harvard charges.

Still, Harvard owns enough land that it can decide what kind of community it wants. While some smaller businesses may not be the University's largest revenue getters, Harvard University is not like a traditional corporation. As a university, it has an implicit ideological mission — one that recognizes that having a vibrant, diverse community is more important than profit.

Recognizing Harvard's responsibility to the community means taking an active interest in protecting small businesses, even if that means charging rents well below market rates. Harvard is not the sole actor in the "mall-ification" of the square, but by turning retail outlets into administrative and non-commercial space, Harvard helps to make the Square look more like an office park.

Harvard University needs to put student satisfaction and a vibrant community over profits and do everything possible to protect the few remaining unique businesses in the Square.

Coming in to academic scholarship

by Jennie M. DalBusco

What is most disappointing about Kelly's "Coming out of Homosexuality" is not learning that bigotry is alive and well at Harvard Law in the HLS RECORD, or even that this same forum failed to publish a competing view on an issue of such social importance. Far outweighing these issues is my concern for what that article says about the caliber of scholarship at Harvard Law School such that one of its students, advanced to 3L status, could author such a piece.

The primary task of a law school is to train students to become lawyers, and chief among the skills we are taught is "Finding the Law." Throughout America, law schools include "Legal Research" or "First Year Lawyering" in the 1L curriculum. In the six weeks I've enjoyed FYL, learning about authority as an essential component toward "Finding the Law" is the primary concern. We learned to search for primary and secondary authorities, learning how to consider and weigh them to form arguments around the most appropriate sources. This task is not exclusive to legal training; it is a basic skill in any academic endeavor.

Regardless, as the basis for an anti-gay article with grand aspirations of describing both the origin and nature of homosexuality, Hartline drew upon an anti-gay movement as her source of authority for conclusions ranging from the notion that homosexuality is a lifestyle choice (like vegetarianism) to a result of sexual abuse. Hartline lets these medieval notions fly in the face of modern psychiatric, medical, biological and psychological scholarship. Indeed, even when making a biological argument, no pretense to consider a scientific journal was made. Further, Hartline fails to "Shepardize" her presentation of the APA stance, further demonstrating that both her FYL skills and the "critical thinking cap" we learned to put on in elementary school have been cast to the wind.

Reviewing the American Psychologicalⁱ and American Psychiatricⁱⁱ Associations' stances today, both identify that "reparative therapy" such as Exodusⁱⁱⁱ has not been effective, and is potentially harmful. Further, Hartline chose to make an interesting short summary of Spitzer's study, ignoring that Spitzer's sample selection method sought success stories through referrals from conversion therapy groups, yet only found a 66 percent conversion rate from "very religious and highly motivated" participants.ⁱⁱⁱ At the same conference where Spitzer's study was presented, another study by Ariel Shidlo and Michael Schroede took a broader sample of Christian conversion

therapy participants, and found that only six of the 202 interviewed had successfully completed a "heterosexual shift" — and five of those six made their liveli-

Hartline lets these medieval notions fly in the face of modern psychiatric, medical, biological and psychological scholarship.

hood as conversion counselors. Shidlo summarized the research: "We interviewed 182 people who tried very hard to change. The stakes were really high for them. Some really thought that if they didn't change, they would literally find themselves in hell. Many were very religious. And they still failed."^{iv} For a qualitative perspective on Exodus, the "Ray of Light" movement from the Human Rights Campaign publishes testimonies of ex-ex-gays to illuminate conversion programs' methods.^v

Hartline's article flew straight past any standard of scholarship to the bottom of the pseudo-science heap. The "feelings of exclusion from peers" and family rifts she describes within the gay youth experience actually stem from and are buttressed by bigotry like Hartline's. This leads to dangerous consequences, such as the overrepresentation of gay youths in national suicide statistics from Canada, Europe and the U.S. — including Massachusetts.^{vi}

Reviewing such statistics, it is clearly unconscionable to insist upon a bigoted perspective that would exacerbate what is clearly a human rights issue. This is why National Coming Out Day exists. October 11th is a day for gays, lesbians, bisexuals and their supporters to celebrate solidarity in the face of centuries of persecution and oppression. This is a human rights issue.

This is not to say that highly motivated people can't change, that biology is destiny or sexuality is immobile, or that any scientific institution has located the nature or origin of homosexuality. Rather, I wish only to say that the authoritative source to homosexual matters is not found within Exodus. It is a complex issue worthy of a more rigorous approach than found in Hartline's article.

I have shared in my classmates' amazement that such an article appeared, and I understand the urge to shun Hartline.

However, we must remember that the gay and lesbian movement is about inclusion, and that we can treat ignorance with prayer, love, support and, most importantly, with scholarship. In that vein, I have consulted with the Dean of Students' office, and found that 3Ls are allowed to audit both the FYL course in which she might revisit the pursuit of authority, or even multiple undergraduate courses on the Harvard campus wherein basic scholarship and research skills may be revisited.

Thus, if you know Hartline or someone else failed in their FYL training, share this message of hope. There is a way out of ignorance. There is no reason to be controlled by fundamentalist rhetoric, or to shun academia so as to cling tenaciously to bad science and pseudo-scholarship. On this day, begin your journey out of the closet of ignorance. Veritas!

End Notes

i American Psychological Association Policy Statement on Lesbian, Gay, and Bisexual Concerns: <http://www.apa.org/pi/lgbpolicy/orient.html>

ii American Psychiatric Association, Gay and Lesbian Issues: http://www.psych.org/public_info/homosex-1.cfm

iii For a summary of the Spitzer Study: <http://www.newdirection.ca/research/spitzer.htm>

For a discussion of the flaws in this study: http://psychology.ucdavis.edu/rainbow/html/facts_changing.html, which includes the problematic sample selection method, generalizability of findings to US population, prevalence of bisexuals (prior to conversion) in sample. Further: "Dr. Spitzer did not claim that his findings could be generalized to the gay and lesbian population at large. Indeed, he was quoted in the New York Times as saying that, despite the findings from his study, the number of homosexuals who could successfully become heterosexual was likely to be 'pretty low.' He also conceded that participants in his study were 'unusually religious' and were not necessarily representative of most gay men and lesbians in the United States."

iv A reprint of this Newsweek article, "Straight Talk" by Patrice Wingert (a NEWSWEEK WEB EXCLUSIVE) is found at: <http://tampabaycoalition.homestead.com/files/StraightTalkStudies0510.htm>

v Ray of Light Campaign: <http://www.hrc.org/newsreleases/1998/981008rayoflight.asp>

vi 1995 Canadian National Association for Suicide Prevention: <http://www.qrd.org/www/youth/tremblay/>

2000 research from the UK, "Elevated rates of suicidal behavior in gay, lesbian, and bisexual youth."

http://www.ncbi.nlm.nih.gov/80/entrez/query.fcgi?cmd=Retrieve&db=PubMed&list_uids=11265836&dopt=Abstract

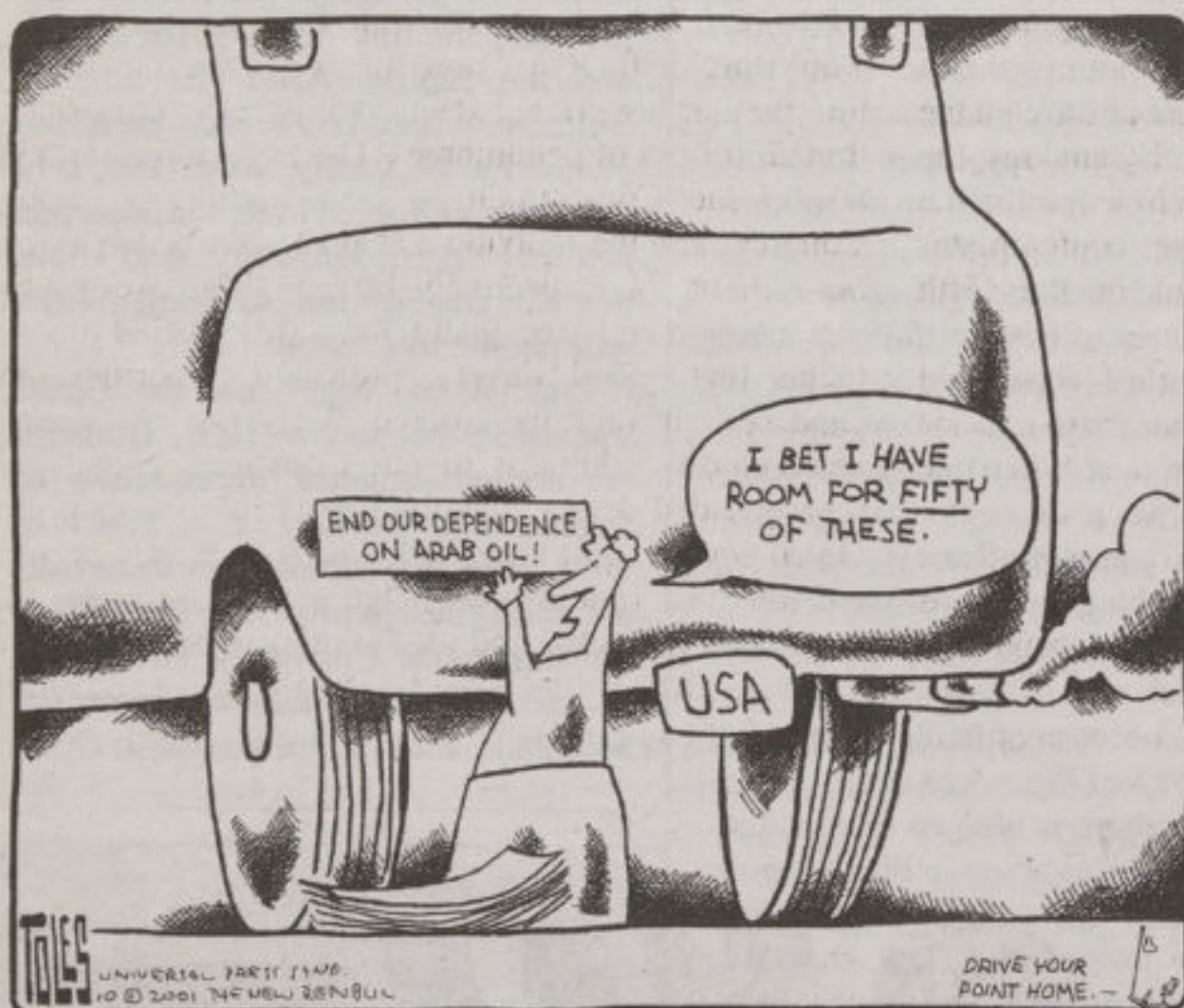
Massachusetts Youth Risk Behavior Study: <http://www.doe.mass.edu/lss/yrb99/chapter6.html>

More Weblinks:

ACLU Gay and Lesbian Rights: <http://www.aclu.org/issues/gay/hmgl.html>

International Gay and Lesbian Human Rights Commission: <http://www.iglhrc.org>

Human Rights Campaign: "How to Respond to anti-gay 'change' ads in your community:" http://www.hrc.org/publications/exgay_ministries/agpb.asp



Individuals will respond to Hartline

HLS Lambda represents a diverse population of law students with widely varying opinions about Kelly's column. We choose to respond as individuals, rather than as an organization for the following reasons: (1) We believe that our strength as a community derives from our diversity, and to summarize the plethora of different bases on which Ms. Hartline may be criticized in a single letter seems an impossible and undesirable task; (2) Many of us believe that a response on the merits erroneously conveys the idea that there are actually students at HLS that believe Ms. Hartline to be correct. We have enough faith that HLS is actually a reasonable institution composed of rational, respectful, intelligent individuals that we feel it unnecessary to respond in any way that makes Ms. Hartline seem a legitimate opponent for

debate; (3) We wish not to support the RECORD by contributing to the type of journalism they deem worthy of publication. In the past, the RECORD has maintained an informal policy of notifying student organizations when it plans to print an article that may present ideas counter to the interests of the organization's members. By publishing Ms. Hartline's article without giving us an opportunity to respond in that issue, and by publishing it on National Coming Out Day no less, the RECORD has shown disrespect to our organization and our members. We therefore respond to Ms. Hartline as individuals, rather than as an organization.

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Liberty and due process

by Dave Min

My polemical punching bag, J.R. Parker, attacks substantive due process, or the judicial protection of individual liberties not explicitly enunciated in the Constitution as a bad thing because it is anti-majoritarian. He points to the *Dred Scott* case as the first major example of a judicially created individual right (the right of "property" in slaves), and argues that this decision, as much as later decisions like *Roe v. Wade* (right of privacy) and *Reynolds v. Sims* (right of an equally weighted vote), was essentially an instance where unelected judges acted beyond their constitutionally specified powers to defeat a democratically enacted decision.

So let us delve into the idea that the substantive due process in *Dred Scott* is self-evidently evil and a proximate cause of the Civil War, as many have claimed. As most of us

In a liberal democracy, it is fair to require greater consensus than a mere majority to violate someone's liberty.

are aware, *Dred Scott* was an infamous decision by the Supreme Court that overturned the Missouri Compromise and opened up all of the Territories to slavery. In retrospect, this was a terrible decision. But what was terrible about it? Was it the substantive due process claim that a majority of Congress categorically cannot deprive citizens of their property when they travel into other American territories? Or is the odious proposition the idea that "Negroes" could be considered property?

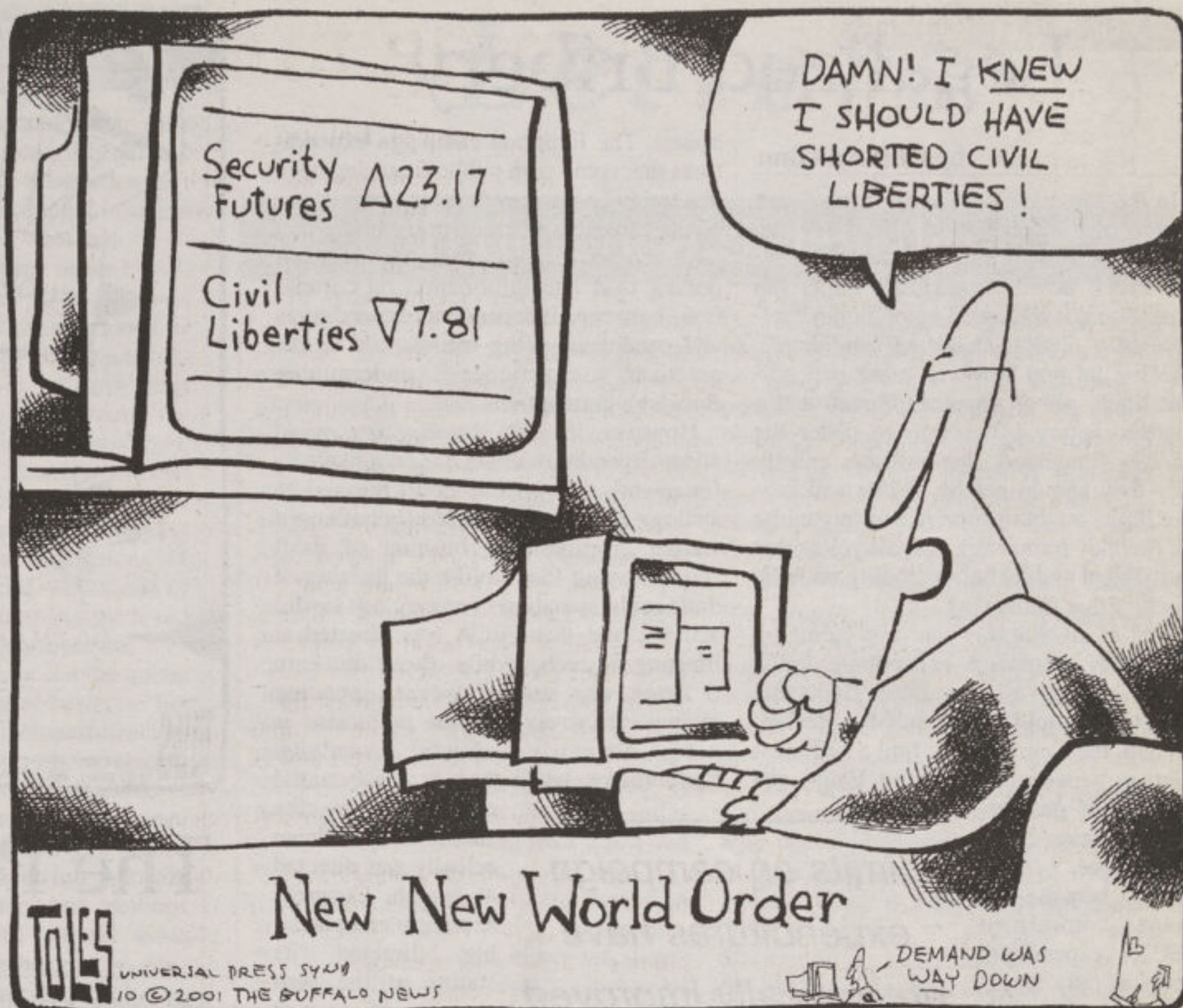
Consider these words by Justice Taney (not Scalia or Thomas), in answering arguments that the Constitution should be interpreted to consider "Negroes" citizens for the purposes of its protections: "No one, we presume, supposes that any change in public opinion or feeling ... should induce the court to give to the words of the Constitution a more liberal construction in their favor than they were intended to bear when the instrument was framed and adopted." Yes, that's right. Strict interpretation and originalism entrenched the right of slavery, perhaps making the Civil War inevitable.

Nonetheless, let's take *Dred Scott's* declaration of substantive property rights as a historical starting point for substantive due process. This brings us to another flaw in the Mr. Parker's argument — the fact that this reviled ascension of judicial power coincides with what many of us consider to be the greatest historical period of the greatest nation in the world. When people marvel at the scope and longevity of the American democratic experiment, when they talk about the greatness of the American Constitution, they tend to refer to this Constitution mostly in terms of its post-Civil War history. And, the fact is, judicial interpretation of certain individual rights as presumptively protected against violative legislative action under the Fourteenth Amendment is an integral part of this history. Thus, if one is attacking substantive due process, one is, in a fundamental way, really attacking the history of American governance, as practiced, not as in theory.

But what of the anti-majoritarian claim, that judicial review generally, and substantive due process specifically, is contrary to the idea of majoritarian sovereignty? Clearly, to some extent, this claim is true. But let us not forget that this is also within the scope of the Fourteenth and Ninth Amendments, which were supermajoritarian acts: that liberties are explicitly to be protected against state action, and that liberties are explicitly not confined to those enumerated in the Constitution. Obviously, what exactly these liberties are is and has been a matter of great debate over the years. But to claim that judges have no role in overturning state action is effectively to say that a national 2/3 or 3/4 vote to amend the Constitution can be systematically thwarted by a simple majority of state legislators.

Additionally, we can blunt the anti-majoritarian claim by pointing out that, if judicial conceptions of individual liberties are out of sync with American consensus (governing from the bench), that the Amendment process is extremely well suited to deciding such discrete and definable issues, through a supermajoritarian vote. Substantive due process, insofar as it purports to protect individual rights against simple majority votes, seems entirely consistent with the Fourteenth Amendment and with ideas of democratic government. Essentially it seems to describe a notion of American ideology with which many of us agree — that democracy and liberty are the twin pillars upon which this Nation stands, and that in a liberal democracy, it is fair and consistent to require greater consensus than a mere majority to violate someone's liberty.

In short, we should take great heed of the immortal words of that most sagacious and bodacious of rock bands, Journey, when they said, "It goes on and on and on and on. Don't stop believing, hold on to the feelin'."



The new 'super-legislature'

by J.R. Parker

"Political reasons have not the requisite certainty to afford rules of juridical interpretation. They are different in different men. They are different in the same men in different times. And when a strict interpretation of the Constitution, according to the fixed rules which govern the interpretation of laws, is abandoned, and the theoretical opinions of individuals are allowed to control its meaning, we no longer have a Constitution; we are under the government of individual men, who for the time being have power to declare what the Constitution is, according to their own views of what it ought to mean."

Who wrote this reactionary little argument for a strict interpretation of the Constitution? Justice Scalia, trampling in one way or another the rights of minorities, or maybe Justice Thomas, arguing for some antediluvian interpretation of the Commerce Clause? Actually, it was Justice Benjamin Curtis, writing in dissent in the 1857 decision *Dred Scott*, where he challenged Chief Justice Taney's contention that the due process clause of the Fifth Amendment somehow contained a constitutional right to own slaves. Curtis was as right then as he is now.

Despite Mr. Min's claim that Taney was an originalist, no tenable originalist reading of the Constitution could support his decision. The Constitution as it was framed did contemplate the existence of slavery in some states. Just because it did, however, does not mean that it forbade Congress from passing laws that restricted the right to own slaves in federal territories. By analogy, the same argument would mandate the death penalty in the Virgin Islands, because the Constitution contemplates the possibility of capital punishment in the Fifth Amendment. Nevertheless, Chief Justice and Southern partisan Taney was intent upon creating a federal right to own slaves where none had previously existed. He did, and 630,000 American lives were lost when the issue was revisited by force three years later.

Most of 20th Century Supreme Court jurisprudence notwithstanding, Justice Curtis was right also in his larger point, that the Constitution itself is abandoned whenever courts decide to declare that the Constitution means not what it says, but whatever a few people in black robes would like it to mean. The history of substantive due process provides an excellent opportunity to study the judicial branch's will to power, its miserable decline from its original role and Machiavellian rise

to become a super-legislature, utterly unaccountable to the democratic process.

As many better writers than this one have noted, it is impossible to deny the fact that the word "due" is followed by the word "process." A substantive, however, rather than a procedural, right has been read into the phrase ever since Chief Justice Taney laid the precedent for this species of judicial arrogance. It is important to distinguish here between two varieties of substantive due process. The first is the incorporation of Bill of Rights against state legislation via the Fourteenth Amendment's Due Process Clause.

Although I will not discuss it further, at least that kind of substantive due process may be restricted to the plain meaning of the Bill of Rights. The second variety, of which *Dred Scott*, *Lockner* and *Roe v. Wade* are all a piece, allows the Supreme Court to create freedoms which had never been protected, promulgated or heretofore recognized within the Constitution itself. Whatever one may think as a matter of policy about owning slaves, making con-

tracts or having an abortion, the Constitution does not require states or the Federal Government to allow any of those acts.

Maybe it isn't such a bad thing for judges to make up rights because they feel like it, or even because they personally believe they are representing the popular will or the current feeling about what rights must be protected by the federal government. Personally, though, I would prefer for the Court to stay in the business of interpreting law, rather than creating new ones out of thin air (or out of penumbrae). The Supreme Court may amend the Constitution by a 5-4 majority, though Congress and the individual states need to each assemble a 2/3 or 3/4, respectively. Despite those overwhelming requirements, the States have still ratified amendments that ended slavery, protected minorities, and expanded suffrage for women. All those amendments were worthy additions to our Constitution, and they were decided democratically. I would argue, then, that if you want a right protected that isn't already protected, convince your friends, neighbors, and enemies that it must be protected and let the democratic process do its work. Most judges would do well to learn something from your example.

Forum

Legalized Bribery

by Clifford Ginn

In *Buckley v. Valeo*, the Supreme Court upheld the contribution limits in the Federal Election Campaign Act of 1974, but struck down expenditure limits (an expenditure is the spending of money "relative to a clearly identified candidate"). *Buckley* did not, however, make expenditure limits per se unconstitutional, and a quarter century of experience under the *Buckley* framework demonstrates exactly why they should not be. While expenditure limits ought to survive scrutiny under the *Buckley* framework, it is also clear that faulty legal and factual reasoning underlie much of that framework.

First of all, *Buckley* was only ruling on the highly restrictive expenditure limits before it, not on all expenditure limits that Congress could conceivably design. Second, the Court did not find a sufficient relation between expenditure limits and the goal of preventing corruption or its appearance. This was so because the Court construed FECA's expenditure limits as only reaching "express words of advocacy," and recognized that anyone who wanted to influence campaigns could quite easily avoid such words. The Court adopted this construction to

avoid vagueness concerns, but nothing precludes Congress from designing expenditure limits that reach a wider range of speech without creating vagueness problems. For example, Congress could regulate any ad that uses a candidate's name or picture, or otherwise obviously indicates a candidate (reference to "the President," for example). McCain-Feingold has adopted a similar definition for "electioneering ads" in its disclosure provisions. Such language would tighten the fit between end and means.

Third, the *Buckley* Court said expenditures do not appear to pose any danger of corruption or its appearance, as they may provide little or no assistance to candidates. This statement was difficult to take seriously at the time, and later experience has demonstrated just how wrong the Court was. Anyone who wants to influence candidates through independent expenditures can simply hire a media consultant to figure out the best way to do so, or mimic ads that the candidate is already running. Both practices are prevalent today. The Court used the same reasoning to suggest that independent expenditures would not be an effective means to circumvent contribution limits and that contribution limits would therefore be sufficient to address the government's "compelling interest" in preventing corruption or its appearance. The argument fails for the same reasons.

While the "exacting scrutiny" the Court applied to expenditure limits is usually fatal, it is not always so. Restrictions on independent expenditures by corporations (*Austin v. Michigan Chamber of Commerce*) and a ban on electioneering activity near polling places (*Burson v. Freeman*) have both survived strict scrutiny. Austin recognized a "compelling interest" in preventing the economic advantages conferred by the corporate form from translating into an "unfair advantage in the political marketplace." *Burson* accepted the need to prevent voter intimidation and election fraud. Other potential interests include freeing officeholders from the pressures of fundraising so they can perform their duties, and preserving faith in democracy.

Albuquerque, New Mexico, has had limits on campaign expenditures for a quarter century, and while two-thirds of the city's voters characterize national elections in New Mexico as "dishonest," a majority consider local elections fair and

honest. The limits on campaign expenditures that come with public financing have dramatically improved voter turnout and competitiveness of races in the states that have adopted such schemes. Mountains of polling data and information on correlation between independent expenditures and candidate voting records add to the practical experience undermining *Buckley*'s assumptions.

However, the fact that *Buckley* would allow expenditure limits does not make its framework correct. The Court rejected an analogy to *U.S. v. O'Brien* (upholding a statute criminalizing burning of draft cards), saying that, unlike the burning of draft cards, spending of money was lawful activity, and that FECA was directed at limiting speech, while the statute in *O'Brien* was not. However, spending money effectively to bribe politicians is not obviously lawful activity. Furthermore, while there was substantial

evidence that the statute in *O'Brien* actually was directed at speech, Congress explicitly and plausibly directed its statute at the suppression of corruption, which suppression had an incidental impact on speech. While the effect on speech was certainly substantial, that can be accounted for in applying the *O'Brien* test, which is much more generous than the *Buckley* test.

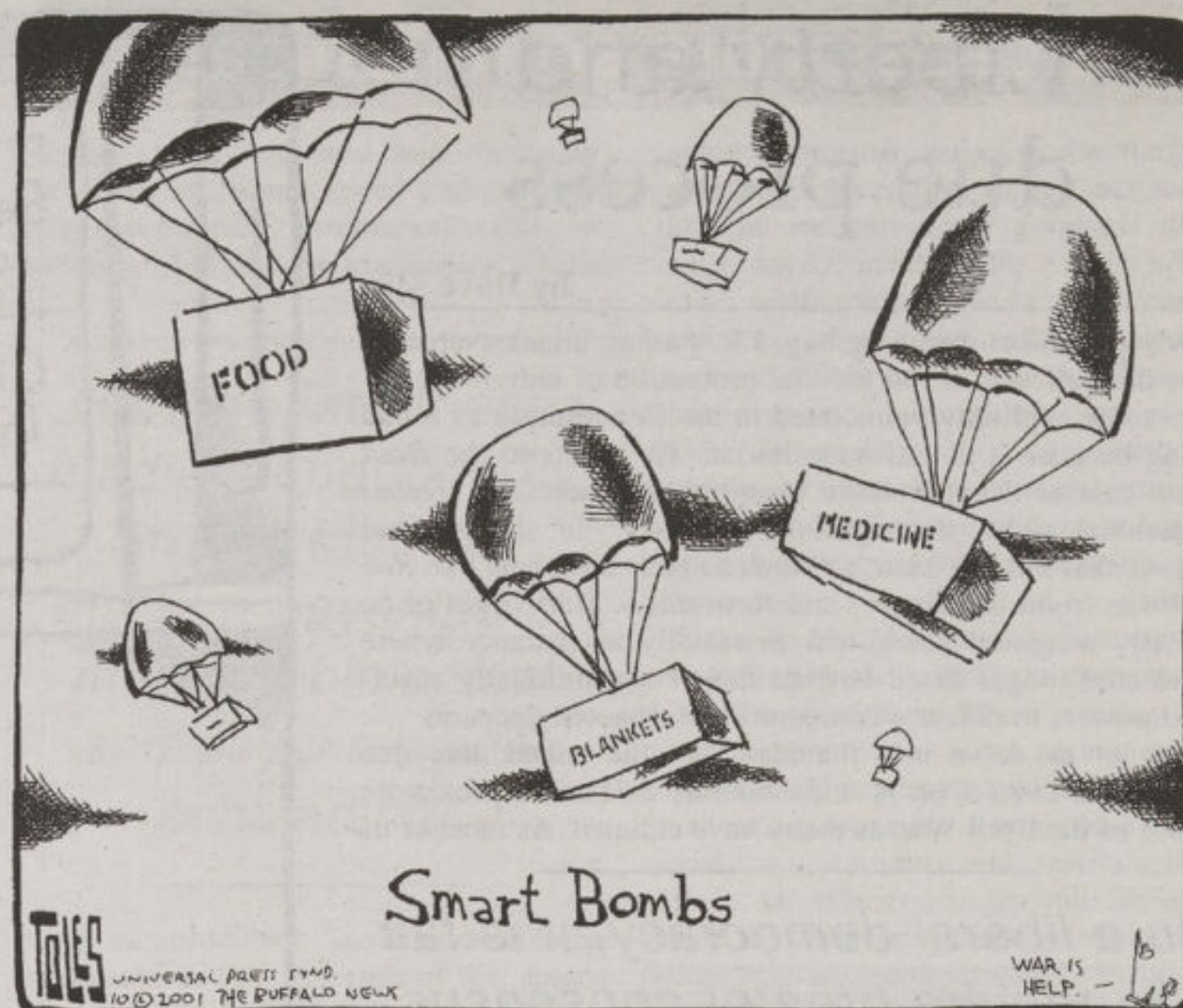
The Court also erroneously refused to treat FECA as a regulation of time, place, and manner of speech (also less demanding than *Buckley*). Apparently, while limiting use of sound trucks (*Kovacs v. Cooper*), the only effective means of communication available to some, is acceptable to avoid irritating people, limiting use of the most expensive means of communication is unacceptable, even to prevent the collapse of American democracy.

It is also curious that the Court finds government funding of speech by major parties (excluding third parties) unproblematic — even though it perpetuates the power of the two incumbent parties — but applies exacting scrutiny to measures that logic and experience have demonstrated weaken the power of incumbents. A number of voting rights cases have taken the opposite approach, and rightly so.

Powerful arguments against expenditure limits refer both to the responsibility citizens have for maintaining their democracy, and the fact that alternative political viewpoints can still be heard. This argument suggests that no limits of any kind should be placed on political corruption, since citizens have the vote. Leaving aside the problems of collective action, it is unfair to demand that people who work long hours and support families do exhaustive research on the increasingly untraceable expenditures in political campaigns. Indeed, the lack of time, resources and education that make such an undertaking so difficult are in large measure a result of the very abuses campaign finance regulation seeks to combat, as is the ownership of almost all the major avenues of communication by a small oligopoly of corporate behemoths. It does not insult individual autonomy to provide some legal assurance that political representatives are not for sale. Of course, whatever significance autonomy arguments have for the equality rationale behind campaign finance regulation, they do not meaningfully address the corruption rationale.

While campaign finance regulation must be conducted with careful consideration for particular provisions in the Constitution, we must seriously question a constitutional interpretation that requires us to allow wealthy individuals and corporations to destroy the very democratic republic the Constitution sought to create.

Limits on campaign expenditures have dramatically improved voter turnout and competitiveness of races.



The Passion of St. Kelly

by Yishai Blank

Karl Marx said that history repeats itself, first as tragedy, then as farce. But actually there are events that repeat themselves endlessly, and when they do, it's not funny anymore. Indeed, since the debate regarding "Exodus" (the ex-gay ministries organization) and coming out of homosexuality has been going in the United States for quite a while now, gays have lots of responses to those who pro-

mote it, and Kelly Hartline ("The Right Side: Coming Out of Homosexuality") cannot but expect those reactions to present themselves. In fact, what's so sad about the whole episode is that we

will now have to rehearse this old debate, pretending that this stale bread is fresh. Hartline forced all of us to play some role, and there is no escape, since even if we stay silent we are complicit, and that is pretty bad, you know. Actually Ms. Hartline's little piece is almost harmless in itself. It is quaint and esoteric on one hand, yet well-known and banal on the other. It is pseudo-scientific and factually questionable yet compassionate, humble and not too offensive. So why does Hartline do this to us? Why is she forcing us to play this un-amusing game? In other words: What is the passion of St. Kelly?

A savvy creature in the politics of the Christian Right, I am sure, Hartline knows the ready-made responses that "the lesbian/gay community" would have to her genre of compassionate Christianity: that it is homophobia disguised in goodwill; that it is ignorant of the powerful forces in society that push towards heterosexuality; that it is full of half truths and inaccuracies; that it ignores the scientific findings of the American Psychiatric Association; that she should be allowed to say whatever

she wants because of the First Amendment; that we should not respond because that is what she really wants; that we must respond because she would have liked us to be silent; that the RECORD shouldn't have published her; that it is important that the RECORD published it, and so on. Does Ms. Hartline have a penchant for the regurgitation of this unattractive dish? Though the word "perverse" was not mentioned in her article, this very word kept creeping into my

mind as I was reading it, since it seemed to characterize the piece best. And indeed, what perverse desire has led Hartline to write what she did?

Could it be that Hartline wants to be a martyr? Is it possible

that she wants to be attacked, yelled at, humiliated and publicly ravaged — metaphorically, of course — by gays and lesbians? Would it be too far-fetched to say that she probably desires them to bash her, call her names, call her to order? Queers must appear in her fantasies as those who torment her for being the messenger of God. They are her Pontius Pilate, her Roman gladiators, extracting blood from her, punishing her for her righteousness, making her look bashed yet glorious, bleeding yet beautiful. What is most surprising is that there are enough queers that are happy to play this role that St. Kelly has given them. They seem almost eager to be thoroughly insulted and then to go and insult back. Indeed, the relationship can be described as mentally sadomasochistic, being based on a pain inflicted by the Exodus crowd on gays and lesbians, who, in their turn, beat and abuse the former, who take almost unhidden pleasure in their resulting martyrdom. In many ways, I am also participating in this sadomasochistic game. However, I am not sure that St. Kelly desired my particular move.

An invitation

I found Kelly Hartline's recent op-ed encouraging gay people to "come out of homosexuality" disturbing on many levels. My main impression, however, was that Ms. Hartline has probably never had any meaningful interaction with gay people other than those at her church who are suffering not from their homosexuality, but rather from their own internalized homophobia. For that reason, I am issuing an open invitation to Ms. Hartline and any HLS students who share her views to join me for lunch, my treat. While I admit that I do struggle with unhappiness from time to time — particularly when doing tax

homework — my life as an out lesbian has been profoundly better than when I was in the closet. Sharon, my partner of four-and-a-half years, is the light of my life.

Ms. Hartline, you and I share the same goal: helping gay people "live and enjoy their lives to the fullest." We just approach the issue from radically different perspectives. Surely we would both benefit from meeting face to face. This is a sincere invitation. Please email me at rdinwood@law if you would like to take me up on it.

Becky Dinwoodie

Compassionate communication

I'm new here, so I don't know anything about the politics of the RECORD, or Kelly Hartline's. Nor, for that matter, do I know much about my own politics. I do, however, know I'm gay. It's hard for me to communicate this, and it's odd that I feel compelled to. But the burden of proof in the cultural courtroom falls my way, and so be it.

There are few topics that could have caused more huffing and puffing among gay activist types than the one chosen by Hartline in her article "Coming out of Homosexuality." That's because it's hard to say anything concrete in response. How do I convince people that J-Lo really doesn't turn me on, let alone that that fact isn't something to be "struggled with"? I suppose it's good that Exodus uses words like "struggle" and "compassionate" — it used to be the liberals who thought we could change while conservatives just wanted to get rid of us. But the presumption is still that there's something wrong with homosexuality. For Exodus folk, the leaps from compassion to frustration to rage are more than speculative.

The ex-gay movement is full of self-loathing saps trying to drown their homosexuality in Bible verses, marriage, family and their

own new subcultural niche. John Paulk is Hartline's shining example of an Exodus grad. Is she serious? I'm sure she could have come up with one example of an ex-gay movement founder who hadn't wandered into his old favorite D.C. leather bar "looking for the bathroom." I ran into Dr. Spitzer last year in New York. He, for one, is "horrified" at the use to which the religious right has put his study. It was a telephone survey of 200 people referred to him by Christian ex-gay ministries! People who have actually left the movement testify that the vast majority of Exodus alums are sexually celibate but still obsessed with homosexuality.

Michael Bussee, like Paulk a very early member of the movement, says, "The desires never go away. The confrontations begin and the guilt gets worse and worse." Bussee recalls that some people who went through the Exodus program had breakdowns or committed suicide. "One man slashed his genitals with a razor." Another man impulsively underwent an incomplete illegal sex-change operation because he believed his sexual desires might receive divine approval were he biologically a

woman. Exodus certainly doesn't smile upon that sort of thing, but if I believed I was going to burn forever because I wasn't into Ms. Lopez' padding, I might freak out a bit myself. God doesn't want that.

Jesus never said anything about homosexuality. The only place in the Bible in which I'm convinced it's mentioned is Leviticus ("a man shall not lie with another man") — right next to the parts about how you should throw blood around the altar and stone your wife. Lest you forget, Hartline, you, too, are "merely a sinner like everyone else." Christianity is about justification through faith, about leaving behind the labyrinthine injunctions of Leviticus and doing good works out of love. Sins are not redeemed (what a sad statement you've made!); people are.

Regardless of whether or not the public buys Hartline's theological basis for her marginalization of gays, columns like hers undoubtedly weaken their social acceptability and make it harder for people to

accept their homosexuality. I realize that's just fine with her, but perhaps she should have rethought the timing. I'm quite sure that Planned Parenthood wouldn't poster on National Right to Life day, nor do atheists picket Christmas. National Coming

Out Day is an important occasion for us to tell people that we're here, we're queer, and we're ... normal. To tell people not to beat themselves up about it, just to come out and move on. The article did real harm to that goal.

Finally, I will leave to readers Hartline's claim that almost 70 percent of gays have suffered sexual molestation as children. I trust that on a campus like ours, you can all take a second and do a little discovery. In the end, that's all I'm asking anyone tempted to believe Hartline to do — especially people making their way out of the closet. Come talk to me, or Lindsay, or Lambda or anyone you know who's out. Exodus isn't about compassion; it's about repression. And, of course, it's about politics. Christian conservative politico Janet Folger famously told The New York Times that she wanted to "strike at the assumption that homosexuality is an immutable trait and that gay people therefore need protection under anti-discrimination laws."

How's that for compassion?

Adam Teicholz

"The ex-gay movement is full of self-loathing saps trying to drown their homosexuality in bible verses ..."

Winickoff needs work

Winickoff's recent commentary on the LSC elections was an enlightening demonstration of how not to write editorial. Winickoff launched a series of clumsy sallies at the posters of the 1L candidates, harshly deriding them for various faults including grammar and personal appearance. In the opinion of this writer, his shots grossly misfired, exposing him as a needlessly cruel and

hopelessly unfunny human being. The whole piece showed a lack of judgment and an abundance of poor taste. Winickoff appears to have plenty of time to gape at posters of well meaning women law students — time that would be better spent honing his writing skills.

Chrystie Perry

RECORD provocation

The weak-minded and morally-impooverished, like the poor, are always with us. So I didn't exactly find the existence of views such as those expressed by Kelly Hartline to be shocking. But I was pretty disappointed with the RECORD's decision to publish these views, a decision which, while defensible on free speech grounds and all that, showed a decided lack of judg-

ment. Hate speech masquerading as charitable concern is hate speech. I can only guess that in allowing on your pages a declaration that homosexuality is caused by sexual molestation during childhood you were attempting to provoke. Well, congratulations, you succeeded with at least one.

Josh Feltman

Letters

In defense of Hartline

Kudos to Kelly Hartline for having the courage to challenge the regnant dogma regarding homosexuality. By way of solidarity and in response to the animadversions that will surely follow her column, I would like to make a few points on the subject myself: First, whether homosexuality can be "chosen" or not has no bearing on its moral status. Many people (indeed, all) suffer from irresistible immoral inclinations. Some cannot help but desire to steal, others to lie, still others to kill. We do not, however, believe that we deprive them of their very identities when we discourage them from indulging their inclinations. On the contrary, we regard such inclinations as pathologies which keep those who suffer from them from realizing their truest and most flourishing selves.

Second, ridicule of anyone who argues that homosexuality is "unnatural" is misplaced, and, moreover, disingenuous. Even the most hidebound advocates of tolerance for homosexuality regard some sexual practices as actually perverse and unhealthy, even when conducted between consenting adults who just happen to love each other. Although I resist providing examples for fear of inflaming the reader's passions, I trust that his or her id is sufficiently imaginative to come up with the same on its own. The reason that these kinds of practices are immoral is not that they do any direct harm to anyone,

but that they are indeed unnatural, or, to be more accurate, they are contrary to our very meaning of being human. It is precisely the "Yuk!" reaction that everyone has to them that indicates that they are wrong. (None of this is to say, however, that Harvard professors could not reeducate their students so as to unlearn these reactions as well.)

Third, the maladroitly named condition known "homophobia" is not irrational. If there is one thing that radical queer theorists and defenders of traditional Judeo-Christian morality can agree upon, it is, as Michael Bronski puts it, that homosexuality "strikes at the heart of the organization of Western culture and societies" because it "posits a sexuality that is justified by pleasure alone." In other words, the question of whether homosexuality is immoral or not comes down to whether we are mere animals that can do no better than use others for the immediate gratification of desire, or whether we have a nobler purpose, capable of infusing sexuality with religious significance, genuine intimacy, obligation to others and even romance. I urge all those who opt for the latter to consider relearning the "Yuk!" reaction that they once may have felt not only to homosexuality, but to masturbation, oral and anal sex, and all other manners of purely self-serving sexual behavior.

Austin W. Bramwell

Leaving Exodus

Kelly Hartline argued in last week's RECORD that gays should liberate themselves from homosexuality by joining gay-conversion programs like Exodus. As examples of this supposed Tiresian metamorphosis, she offers us Anne and John Paulk, the poster couple for a 1998 Newsweek story on the 'ex-gay' phenomenon. If the Paulks are the best Hartline can come up with, though, her argument is weak. John Paulk was disciplined by the Exodus board of directors last year after he was found cruising in a Washington, D.C., gay bar. Anne Paulk, on the other hand, may not have been much of a lesbian to begin with: Time Magazine was unable to identify a single former girlfriend, and Paulk admitted to Time that her previous relationships with women, all but one during college, were "more emotional than sexual."

Even more telling are the names Hartline neglected to mention. Jeremy Marks, the head of an Exodus affiliate in the U.K., left the program after trying for 14 years to be straight. His renunciation was categorical: "None of the people we've counseled have converted, no matter how much effort and prayer they've put into it." Jeffery Ford quit his position as the director of Outpost, a similar gay-conversion organization, saying, "In the five years I was directly involved with the change movement, I do not believe that I saw one genuine change or shift in sexual orientation." Most impressively, the founders of Exodus International, Michael Bussee and Gary Cooper, eventually admitted the uselessness of their own therapy, divorced their wives and lived as gay partners until Cooper's death in 1991.

Still, Hartline's misguided religiosity isn't entirely surprising. As long as the pro-gay movement continues to preach the gospel that science has proven homosexuality to be biologically determined at birth, it leaves itself open to easy attack. There is surely some link between biology and sexuality. But the range of human sexual experience across cultures and through history, from classical Athenian pederasty to modern-day drag shows, leaves little doubt that sexuality is shaped culturally and through our personal experiences as well. The biological argument is a dangerous one. In effect, gays are apologizing: "We can't help it! We were born this way."

No excuses should be offered; the right to private consensual sexual behavior should be asserted absolutely. Whatever reasons motivate a person to choose homosexuality and insofar as we're talking about behavior, it is a choice a religion that imposes guilt and demands behavior modification should be summarily rejected.

Chris Monsour

SWINGING SINGLES

B	A	A	S	B	L	A	S	T	S	O	A	P
L	O	B	S	R	A	W	E	R	I	N	C	A
O	N	E	T	O	O	M	A	N	Y	N	E	E
T	E	T	R	O	P	Y	S	C	A	D	S	
			A	D	D	S	T	O	K	E	N	
P	R	O	V	E	S	A	E	R	Y	D	N	A
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A	M	E	S	O	H	M	S	N	I	T		
C	P	A	A	C	R	E	S	V	A	L	V	E
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U.S. opposition to ICC signals isolationist trend

by Donavan Rinker-Morris

Former Nuremberg prosecutor Benjamin Ferencz is likely to raise the highly controversial argument during his presentation Thursday that "law is preferable to war." This argument is controversial because current members of Congress and the Administration recently accepted the American Servicemembers' Protection Act (HR 1794 and S 857), which would ban U.S. financial support for the International Criminal Court (ICC) and would deny military assistance to countries that ratify the Rome Statute establishing the ICC.

In a feat of isolationism unmatched since Henry Cabot Lodge blocked the United States from participating in the League of Nations in 1920, Sen. Jesse Helms and Rep. Tom Delay have engineered U.S. opposition to the ICC. They join the legal consensus expressed by Iran, Iraq, Libya, North Korea and Yemen and reject the legal findings of the United Kingdom, Switzerland, South Africa, and the rest of the 120 signatories and 43 countries that have ratified the Rome Statute of

the ICC since 1998.

It is ironic that American leaders feel no qualms about opposing the ICC, which has jurisdiction only over individuals accused of genocide, war crimes and crimes against humanity. Most likely, Helms and Delay do not support genocide, but rather, they oppose creating additional bureaucracy that can find individuals responsible for committing it. Unfortunately, no other judicial organ exists that is competent to try individuals worldwide who commit the most heinous acts.

Perhaps Helms and Delay wish to use American courts to prosecute individuals guilty of war crimes and genocide. They have expressed concern that the ICC will not ensure that the accused are tried by a jury and enjoy certain other due process rights enjoyed in an American court. Oddly, they have not rejected the tribunals created for Nuremberg, Tokyo, the former

Yugoslavia or Rwanda — none of which featured jury trials.

Helms and Delay have also expressed fear that American servicemembers will be subjected to frivolous lawsuits by the ICC. The ICC rules of procedure make it highly unlikely that any American would ever be

tried unless an American citizen clearly committed genocide, a war crime or other crime against humanity after 1998. Even if a citizen is accused, the ICC will defer to judgments of an American court provided certain minimal standards of justice are met.

Helms and Delay may prefer the creation of ad-hoc tribunals like those mentioned earlier rather than a permanent ICC. The fact that only four such tribunals have been created in over 50 years despite at least a dozen cases of genocide is not seen as a problem. However, ad-hoc tribunals are by nature created ex post facto

— after the worst atrocities have already been committed. A permanent ICC is the clearest signal to those contemplating unspeakable acts that they will be held accountable.

The American Servicemembers' Protection Act expresses other concerns. For example, in the event that British covert operations abduct American servicemembers or high government officials to try them for crimes against humanity, Section 8 of the Act authorizes the president to use force to rescue Americans from The Hague. Evidently, Helms and Delay are very concerned by this possibility, though most likely, the majority of Americans are not.

It is a sad testament that some American leaders, who have rushed to condemn terrorism and other atrocities, are opposed to creating judicial mechanisms for punishing the guilty. Unfortunately, Helms and Delay demonstrate that there are some who believe "war is preferable to law." One hopes that Pres. Bush will not acquiesce to such problematic reasoning and will heed the counsel of visionaries like Ferencz.

*No other judicial organ
exists that is
competent to try
individuals worldwide.*

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and
Tuesday, October 23, 2001**

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law students
for
summer and permanent positions

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at the
Career Services Office

We're all Yankees Fans

by David Winickoff

As I sat down to watch Game 5 of the American League Divisional Series between the New York Yankees and the Oakland A's, I was presented with a profound dilemma. Should I root for the Yankees? I was a die-hard Boston Red Sox fan, and to root against the Yankees was my nature, to hate them my obligation. For years, the Yankee

pinstripes have embodied the enemy. It's not fair that they have won the World Series so much, especially since the Red Sox haven't won since the Neolithic Revolution. Babe Ruth, Bucky Dent, Roger

Clemens. These are the shadows alive and dead that have haunted me just as they have haunted every other Sox fan. And yet, horrible to admit, as I got in touch with my feelings, I found myself making a strange emotional alliance with the Bronx Bombers.

This recognition unleashed a clash of psychic forces within myself that doubtlessly will have to be worked out through years of therapy. The Yankees? Owned by that deranged loot-monger Steinbrenner, the arrogant Jeter, and that steak-headed traitor, Roger Clemens? The winners of the last THREE World Series! How could this be?

Of course, it's obvious. You can't help but root for the city of New York in the wake of the World Trade Center disaster. How did the French Prime Minister put it? We are all New Yorkers. The city has suffered, and we have suffered through and with them. We're all New Yorkers.

But are we all New York Yankees fans?

I think on some level, we are. I think even the Fenway Faithful conceded this when they broke into a chorus of "I Love New York" in the first home game after the bombing. Was hell freezing over that night? Or perhaps pigs were flying over the Green Monster?

I know how amazing that choral tribute was because I've experienced the hate first hand. Yes, I have something else to admit. To my family's disgust, I was a Yankees fan until the age

of 6. This must be the stage of psychological development when children start to understand "shame." Around that time, I remember attending a Red Sox-Yankees game at Fenway dressed in full Yankee uniform. I'm talking everything: the hat, jersey, pants, stirrups, even my Dad's black leather belt wrapped twice around my waist. I narrowly escaped dismemberment that day. Neither I nor my Dad escaped

without shame. After that, for better and for worse, I permanently donned the "B." And I began to loathe the Yanks with the best of them.

But this week, as the A's-Yankees series progressed, I really started to

*Was hell freezing over
that night?
Or perhaps pigs were
flying over the Green
Monster?*

enjoy the Yankees. The Yankees were MY team again. And they have been great! Did you see Jeter's incredible back-handed flip to Jorge Posada in Game 3 that cut down the tying run in the late inning that preserved the victory? That was the best play I have ever seen. He ran full speed across the diamond to back up the cut-off man, just in case the throw went over his head. Well, it did, and Jeter took the ball running away from home play and flipped it across his body to Posada for the out. Did you see him as he leapt head first into the stands to catch a foul ball in the eighth inning? For now, he is simply the best shortstop in the game. Sorry, Nomar!

And how can you hate the Yankees manager, Joe Torre? You gotta love his perseverance, integrity and passion. He has come back from prostate cancer to win championship after championship. You also gotta love his emotional sensitivity. The guy cries more on the job than Jon Hanson! I love Joe Torre. I even love his big bulbous nose.

When Mariano Duncan, the fearsome Yankees closer, blew away the final two batters, in their sparkling white moon shoes and yellow and green uniforms (sit down Peter Pan!), I shouted for joy. I saw Mayor Giuliani on the field, hugging Joe Torre, and I knew that this was much bigger than baseball. Everyone knew. We were celebrating with a stadium of survivors. And for a night, at least, we were all Yankees fans.

ESSAY

A campus in stereo

by Jeffrey Leven

It'll be cold soon. The other night Cambridge Common was draped in a thick veil of smothering fog — one of those ethereal hazes that brings halos to the streetlights and prompts that little cold gasp right near the back of your throat when you breathe it in. I looked up at the sky and it was all just fog and moonlight, and somewhere in the back of my mind I couldn't help but hear the warbling opening lines to Echo and the Bunnymen's "Killing Moon," that angular, bewitching guitar part that could only have been written in the still depths of an October night under the demon rays of a harvest moon. I hum the refrain and walk through the Yard.

The underclassmen seem to be throwing barely concealed parties — the lights flicker discretely but insistently behind drawn shades on upper floors, and those little bits of music trickle out — Dave Matthews for the conventional, the Doors or Pink Floyd to go with a black-light, some old Michael Jackson for those with either a commonplace nostalgia or an over-developed sense of the ironic, some Britney Spears for those who damn well couldn't resist, and somewhere, just somewhere there's that guy with the shelf full of Nik Hornby novels who snuck in the Replacement's "Color Me Impressed" — that song about being in a room full of people and feeling bored, alone and still absurdly amused by it all — "everybody at your party, they don't look depressed, and everybody's dressing funny, color me impressed." Maybe the Michael Jackson kid isn't so ironic after all.

Walk to the T-stop and all the kids are dressed like every day is a Rancid show or something. I simply don't have the heart to tell them that Sid Vicious died before they were even born, but I don't think they'd care anyway 'cuz all the buttons on their jackets are whoever is on Epitaph Records

these days and you do have to admit that even though it's not cool to like Green Day or the Offspring anymore, there's something just crushingly honest about Weezer that keeps their popularity from being something to be ashamed of, or so it would seem from the shirt of the guy with the mohawk. "Only In Dreams" spins over and over in the back of my

*The best blues has always
been played on the street
corners.*

head — an unguarded hymn to that unknown and unrequited crush that might well be the common bond between me and the kid in the combat boots with the skateboard. The object of my 16-year-old affections probably just had less piercings, that's all. This guy and I shoot each other inquisitive glances, reply with cautious nods, and I walk on.

Moving down the street a guy is playing blues on a battered resonator guitar. Although that "House" down the street is just another testament to an unrelenting attempt to turn the world's most visceral music into a museum piece, the best blues has always been played on the street corners. John Lee Hooker, God rest his soul, probably used to sit on a porch somewhere before anyone had ever heard of him and just pound out a simple boogie chord over and over and over and tap his foot so hard that the already thin soles of his shoes were wearing thinner still and then he tapped and tapped and tapped and tapped them some more. And he probably smiled and grinned and laughed his deep laugh at the way that singing about feeling bad could feel so, so

good. At least I like to think of him that way. I throw a buck into this guy's case and look up at the sky wondering if John Lee might be up there, and whether or not the Elysian Fields look anything like the Delta.

I couldn't listen to my radio for a couple days after September 11. And then I had to. And these days the song I just can't get out of my head is Marvin Gaye's "What's Going On." There's just something in the way that sax part hovers in over that curiously placid drum beat with all the muted party noise in the background that just seems to convey this tremendous internal tranquility in the midst of unspeakable upheaval. You listen to the frenzy of the Beatles' "Revolution" or the grit-and-whiskey menace of the Stones and you can hear things breaking at the seams — our parent's generation's moment of trial bringing everything to an edge. But in the midst of all that was Marvin. Marvin, calm, cool, off in some beautiful space of his own. Sometimes when I hear that song, I feel like he can take us there, if only for a minute.

I make my way back to my room, rifle through some albums. A Tribe Called Quest reminds me that I'm not as funky as I wish I was, while the groove of the Meters makes me feel funkier than I look. The Cure grabs a neutral mood and shadows it with lush poetic melancholy while on a cold and rainy night Mark Eitzel finds a gem of love buried deep in the most brutal caves of emotional gloom. Bob Dylan crows a lullaby to the ghost of Kerouac, while Springsteen looks out across the steel mill and scans for Dylan, and a nation turns its lonely eyes to a few hundred kids with guitars and tousled hair.

And when the snows come in, a thousand songs will ripple across Cambridge Common's velvety white face from my radio and yours. It'll be cold soon. Stay close to your stereo.

BRIEFS

Harvard students: At least they have their health

A recent survey of undergraduate students reveals that students at Harvard College drink more, have less sex and are more likely to be depressed than students at other undergraduate schools. Still, students are optimistic: More than 75 percent of students described their health as excellent or very good, compared with a national average of 61 percent.

According to the survey, conducted by the American College Health Association, 39 percent of Harvard students said they had no sex partners within the past school year, compared with 29 percent of males and 27 percent of females nationwide. Five percent of Harvard men and women reported having four or more partners in the last year, compared with 11 percent of men and 5 percent of women at other undergraduate institutions.

Thirty-four percent of Harvard students reported they have been diagnosed with depression in the past year, and a similar number is in therapy or taking medication for depression. Nationally, 23 percent of undergrads reported a depression diagnosis and 19 percent are undergoing treatment.

ment.

Though many students rated themselves in excellent or very good health, 29 percent of Harvard men and 21 percent of Harvard women said they are overweight. Forty-two percent of Harvard students are exercising to lose weight, compared with 50 percent of students nationwide.

Though undergrads drink more than their peers, only 14 percent admit to injuring themselves as a result of drinking, significantly below the national rate of 17 percent. In addition, only 2 percent admit to injuring another person after drinking, while 4 percent of undergrads nationwide have done so. Eight percent of Harvard students admit to drinking and driving.

Despite these alarming statistics, Harvard students are less likely to get in fights and have smoking rates below the national average. Only 15.6 percent of Harvard undergrads say they smoke, compared with 25.3 nationally.

Based on the Harvard University Gazette story titled "Study finds Harvard students healthier than peers."

B-School students can't surf the Net responsibly

Across the river at the Harvard Business School, the school's faculty voted to disable wireless network access between 8:30 a.m. and 3:00 p.m. to prevent students from surfing the Web during class.

While one survey showed that 80 percent of students believed that access should at least be maintained between classes, the faculty decided to eliminate all access during the school day. According to *The Harbus*, the decision came two

years after the school began an experiment to provide students access to the Internet and the school's internal network. Professors became concerned, however, that students would use the connections for fun instead of paying attention during class.

The Law School disabled network access during class soon after classrooms were wired a few years ago after professors complained that students were using the Internet during class.

Hopeless no more

Dear Kelly,

I read with great pleasure and joy your "Coming out of Homosexuality" article. I am sure that you will be receiving a fair share of criticism for your stance, but I wanted to be sure to thank you and let you know that your article has affected at least one individual enough to become motivated to make a change in lifestyle.

You see, Kelly, I've been a lifelong heterosexual. And, recently, I've become quite tired of dating men. They're smelly. They make funny noises. And I'm not generally fond of borrowing their clothes. (On a side note, shouldn't wardrobe expansion be a major criteria in your choice of partners?) Personally, I felt so empowered and liberated to know that I could change my sexual orientation with the right combination of indoctrinating tools. For so long, I've been naïve enough to believe that sexuality and attraction were mysterious, complicated things. I never knew that love and a healthy sex life could be so readily replaced by community groups, Bible studies and prayer.

Despite my desire to convert, I always felt so frustrated in my attempts to become a lesbian. I mean I own quite a number of Ani DiFranco, Sleater-Kinney and PJ Harvey records. I've studied at lesbian coffeehouses and have gone to lesbian bars. My expansive tea collection has even caused some friends to question my orientation. Dammit, I even graduated from Berkeley! Yet, to no avail! I'm still pathetically straight!

But, now, I recognize that I haven't been trying hard enough. I can not tell you how much hope your article has given me. I've realized now that all I really have to do is just subvert my identity, read the Bible backwards and dismiss the notion that love and attractions should get in the way of a socially constructed sexual orientation.

So let me get to the real point of this letter. In order to facilitate me in the process of going into the closet so that I can come out later on, I wanted to ask, Kelly, will you date me?

Hopelessly Hetero No More,
Jasleen Kohli

BEFORE THE LAW

BY DEREK WINDHAM



Etc.

Do you like American Music?

by Brian Neumann

Ryan Adams with LAX at the Paradise Friday, October 5

At age 26, Ryan Adams (no, not Canadian 80s-rocker Bryan "Summer of '69" Adams ...) has already earned enough praise and criticism to last a career. When he was just 20 years old, Adams' band Whiskeytown was given the responsibility of saving alternative country-rock. Yes, at an age when the biggest worry for most of us is trying to secure a credible fake ID, Ryan Adams was called upon to appease the masses left sad and lonely in the wake of Uncle Tupelo's demise and the Jayhawks' split.

Ryan Adams with LAX was Dylan with the Rolling Thunder Review; he was Neil with the original Crazy Horse lineup.

Although the young Adams insisted he had more to offer than rehashed country lyrics over half-time classic rock progressions, the plaintive, pedal-steel-accompanied tunes on the first two Whiskeytown records were enough to allow most critics to pigeonhole Adams as the poor man's Jeff Tweedy. All this did was antagonize the brazen Adams (and start a bitter-enough feud between him and Tweedy, who had since started Wilco).

Within a few years of its inception, Whiskeytown split amidst internal bickering and Ryan's penchant for red wine. But Ryan's champions didn't stray far. After the 2000 release of Ryan Adams' first solo album, "Heartbreaker," critics fell over themselves to declare the songwriter the new voice of American music, dubbing him "the next Dylan" (and also the next Neil Young and Gram Parsons).

If you hear enough comments like that, your ego's certain to inflate a bit, but you're also bound to attract your share of naysayers. Some critics began to write that Ryan Adams was too much the product of other people's music, complaining that while he did a brilliant job of rehashing the songwriting styles of great musicians, he had no original, sincere voice of his own.

But after Ryan Adams's breathtaking performance last Friday at the Paradise, his critics will at least have to dig a little deeper into their record collections to

find everyone who has influenced him. For certain, Ryan Adams can puff his chest out a little further and bring a few more rounds of ammunition to the Adams-Tweedy feud.

Departing from the solo acoustic shows of his last few tours, Adams pinned back the ears of the Paradise crowd on Friday night, fronting his overdriven, six-piece rock 'n roll band, LAX. Opening with a fully distorted, double-time version of 1960s rockabilly tune "Candy Girl," Adams strutted, pranced and moaned like a Let It Bleed-era Jagger. Adams whipped the crowd into delirium before the opener's second chorus and kept them so wired that their cheers and screams almost drowned out the band's entire second tune, "Firecracker," off Adams' latest release, Gold.

And then the fireworks really began. Once the applause for the first two songs subsided, Adams grinned to the crowd and declared, "I'd like to introduce a friend of mine ... this is my friend Adam!" Out strolled Adam Duritz of Counting Crows fame. Although a good 20 pounds over his usual fighting weight, Duritz's voice was as emotive as ever, as he accompanied Ryan and the band on "Answering Bell," another song from Gold. As the audience hollered, swooned and sang along, Duritz and Adams harmonized with broad smiles on their faces, while the rhythm section held down the bottom. The crowd now firmly in his back pocket, Adams thanked and dismissed Duritz at the song's end (oh, but Duritz would return), and then covered most of the musical spectrum of rock music over the past 40 years.

On Friday night, Ryan Adams with LAX was Dylan with the Rolling Thunder Review; he was Neil with the original Crazy Horse lineup, he was



Mick and Iggy in their prime, and much more. Sweat dripping down his grinning face, Adams played current single "New York, New York," like a young Lindsey Buckingham (of Fleetwood Mac fame), belting pop melodies over a driving, major-chord progression. And when the band left Ryan alone with his acoustic guitar for "My Winding Wheel," off of



Heartbreaker, Adams may as well have been Gram Parsons, minus Emmylou Harris (although she actually does appear on his first album). When Adam Duritz returned to the stage - with a potent yellow beverage that he passed to the drummer and bass player for sampling - to join the band for "Rocket Man," Ryan Adams was like a young Elton John. I don't mean the contemporary, drivelspeaking, self-promoting has-been, but the early-70s, ballsy Elton that put out such monster records as Tumbleweed Connection and Honky Chateau.

There's no doubting that Adams wears his musical influences on his sleeve, but critics would be wise to stand back and let Ryan Adams show just how much music he's capable of producing. The prolific 26-year-old has already released six full albums and over 100 songs in just five years, and he's releasing a punk album early next year with backing band The Pink Hearts. He has also sung the praises of speed metal band Slayer, and he made a point Friday night to praise Mariah Carey's music (he also claimed that he'd "give her a packet of crackers and point her toward his bed," but that seems to be another story), so "The Next Dylan" title may be a little premature!

Above all, it seems that Ryan Adams is a student and lover of music. And if it happens that we get a great song like "To Be Young (Is to Be Sad, Is to Be High)," off Adams' first solo effort, because he'd been listening to Blonde and Blonde for a few weeks before he wrote it, then maybe we should just be happy we get a great song.

Those lucky enough to see Friday's show got a rare musical treat in this day of static set lists and 70-minute shows. Few songwriters are as prolific and talented as Ryan Adams; and of that group, perhaps only one or two can lead bands like LAX or the Pink Hearts as easily as they can serenade you with an acoustic guitar. I won't be one to saddle him with cookie-cutter labels or doubt how far he can go.



Letters from Berkeley

ALLISON MARGOLIN

My weekend could not have been more quintessentially "California" had I dreamt it up. Still, it confirmed what I have realized since returning to my home state: No matter where I am, I feel like an outsider.

My father came to visit me on Thursday. On Friday night, we attended two parties. The second was a meeting of psychoanalytic researchers interested in the use of psychedelic plants (what we called "power plants" in my undergraduate "Drugs and the Brain" class). I had the good fortune to be privy to a conversation between two chemists over which plant manufactures the most sacred drug. I also got to meet the man responsible for manufacturing what my father and his friends claim was a very popular and renowned batch of LSD in the late 1960s and early '70s. I was awed and interested by the people, but I felt like they were beyond me.

The first party I went to that night was hosted by a friend of my father's, an attorney famous in the criminal defense universe. If there was any setting in which I should have felt I was in my element, this

Maybe the only real difference between the East and West Coasts is the weather and the availability of avocados.

was it. But I found myself getting very irritated by the egos at the party. When my father's friend told me I should make sure my desire to do criminal defense work emanated from my emotions, my heart, rather than just my intellect, I realized that by leaving Harvard I had not succeeded in escaping presumptuous lawyers. It was only the context that was different here, and the way in which the presumptuousness and arrogance played out. I found myself with an attorney who was not so much trying to impress the world with his intellect (Harvard-style) but with his martyrdom. In challenging me about my desire to do his line of work, he was appointing himself the ex-officio bar.

The last party we went to that weekend took place at the home of a doctor in Tiburon, a forest-covered area outside of San Francisco, and was a San Francisco NORML (the National Organization for the Reform of Marijuana Laws) party. The party was stimulating and the crowd was receptive to me. Ironically, it was here that people seemed interested in my ideas and in me. It was here that I finally felt "NORMAL," maybe even special. Even so, I realized that no setting is divorced from politics. I was surprised to hear that one marijuana law reformer tells the press (s)he doesn't smoke weed, but in fact does so regularly.

I am learning that I am an inveterate outsider. Perhaps I first happened on this realization when I found myself beginning to like the taste of Diet Coke more and more after coming to Berkeley, the mecca of au-natural and granola-minded health. I guess in some sense it's disappointing to find that even in a group of "like-minded" people, I still take issue with so much. But at least I can bemoan my situation while standing outside without a jacket on. In the end, maybe the only real difference between the East and West Coasts is the weather and the availability of avocados. But for now, those are enough for me.

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ALSO KNOWN AS PEOPLE WITH THEIR FINGERS

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Cathy

by Cathy Guisewite



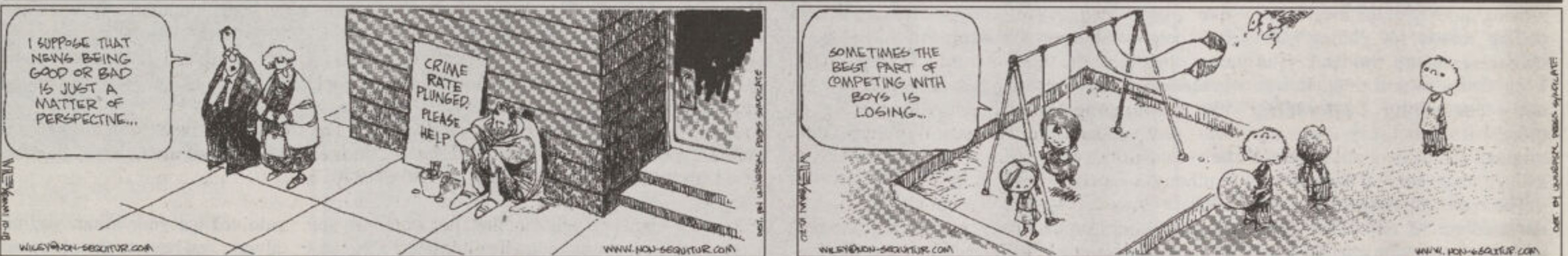
Doonesbury

by Garry Trudeau



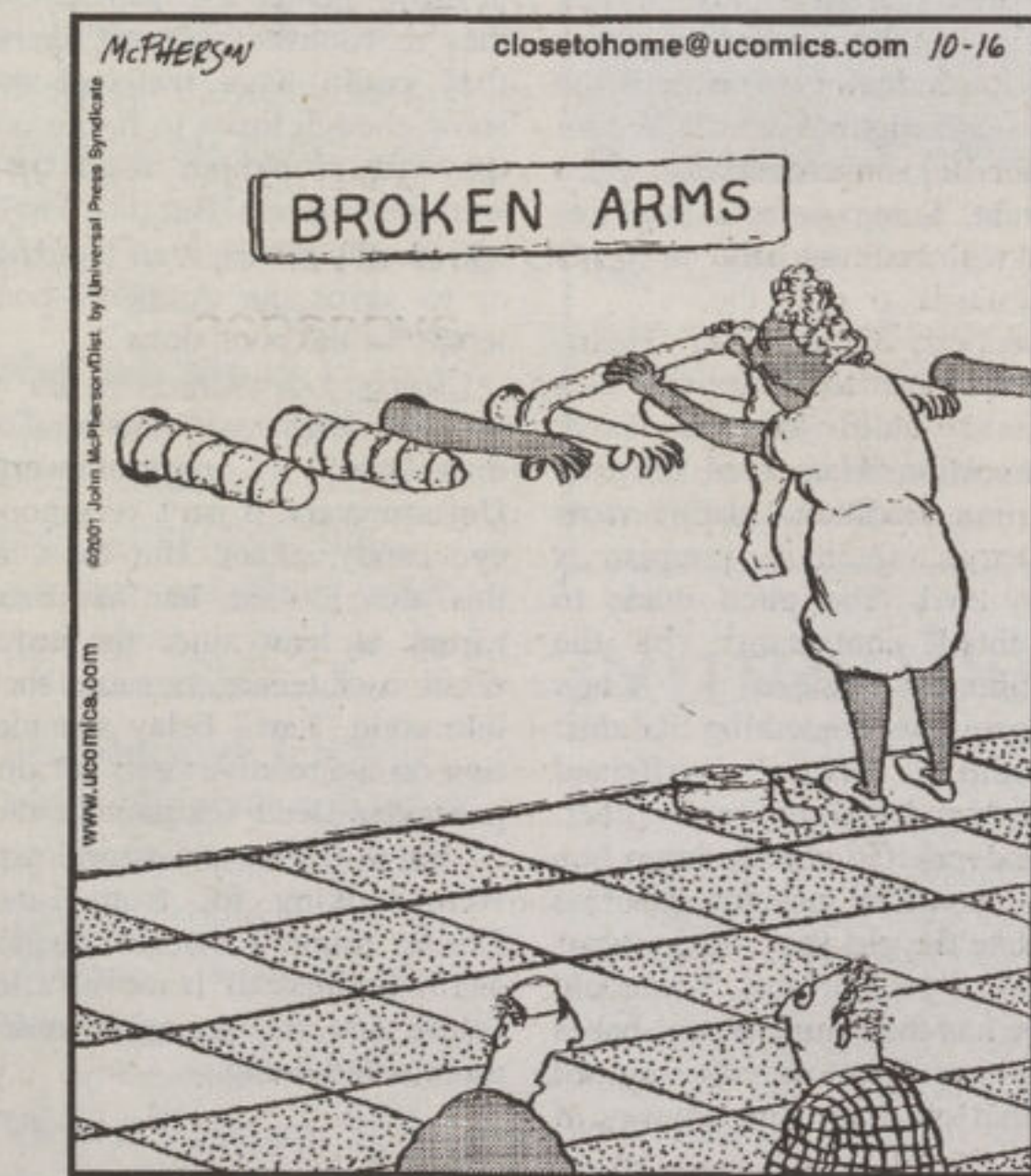
Non Sequitur

by Wiley



Close to Home

by John McPherson



Crossword 101

By Ed Canty

"Swinging Singles"

- ACROSS**
- 1 Barnyard noises
 - 5 An explosion (as of dynamite)
 - 10 TV fare
 - 14 Lofts
 - 15 Greener
 - 16 South American Indian
 - 17 Drunk
 - 19 Requirement
 - 20 Vietnamese offensive
 - 21 Stringy
 - 22 Oodles
 - 23 Finds a sum
 - 24 Subway need
 - 26 Corroborates
 - 29 Lofty home
 - 30 Reliable evidence
 - 33 Hermit
 - 34 Vast
 - 35 Clod
 - 36 Iowa State's locale
 - 37 Resistance unit
 - 38 Irritation
 - 39 Bean counter?
 - 40 Surveyor's units
 - 42 Heart part
 - 43 Computer key
 - 44 See 40 down
 - 45 Finn's companion
 - 46 London transports
 - 48 Rather & others
 - 49 Ski resort
 - 51 Proof reader's word
 - 52 fl
 - 55 Strong wind
 - 56 Single
 - 59 Mild expletive
 - 60 E Bay second try
 - 61 Carryall
 - 62 Time periods
 - 63 Outdoes
 - 64 Appear
- DOWN**
- 1 Smear
 - 2 Top notch
 - 3 Help
 - 4 JFK visitor
 - 5 Stews
 - 6 Kerosene devices
 - 7 Absent
 - 8 John Kerry e.g.
 - 9 Do one's best
 - 10 From a time
 - 11 Unique
 - 12 Breezed through
 - 13 Shin guards
 - 18 Sequence
 - 22 terrier
 - 23 NYC St. crossers
 - 24 Semesters
 - 25 PTA, e.g.
 - 26 kicker
 - 27 Frolics
 - 28 Quick night at the theater
 - 29 Expressed pleasure
 - 31 Unsophisticated
 - 32 Following
 - 34 House of
 - 38 Adages
 - 40 Actor with 44 across
 - 41 Automobile engine part
 - 42 Rooster perches
 - 45 Potato and julienne
 - 47 Sax needs
 - 48 Credit antithesis
 - 49 Elderly
 - 50 Heroic tale
 - 51 Social greenhorns
 - 52 Race horse's need
 - 53 Refer to
 - 54 Thingamajig
 - 56 Sphere
 - 57 Obit word
 - 58 Space inhabitants



Quotable Quote

"Bachelors know more about woman than married men. If they didn't they'd be married too!"
... H. L. Mencken

By GFR Associates E-Mail: EDC9432@aol.com
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For this week's solution please, see p. 7

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— First Amendment, U.S. Constitution

Without evil, sexy singles can't keep Love Cruise afloat

Love Cruise was not compelling because it wasn't sexy, it wasn't original and, most of all, it wasn't evil.

by Ken Walczak

You probably were not aware, but another season of reality TV limped lamely to a close Tuesday evening. I'll spare you the bang/whimper allusion — in addition to the moratorium on nautical metaphors I'm self-imposing, Fox's own "The Maiden Voyage" being repugnant enough, thank you — in favor of moving quickly to the most compelling reason for patting your oblivious self on the back. The Love Cruise was a drag. It was not compelling television, because it was not sexy, it was not original, and most of all, it wasn't evil. At least, not evil enough.

These are truly sinister days for the medium of television. New advances in electronic technology and national ironic detachment have rendered the old-fashioned kinds of manipulation obsolete. In their place has arisen a multi-headed beast, a real RICO-defying monster of a conspiracy, tying together viewers, characters and (by far the biggest head) producers. The beast has been working since well before the turn of the century to up the ante on manipulative television, essentially by pitting Art and Life against each other in a glorious mud wrestling match over who is imitating whom. The results to date have been inspiring, low-brow but tremendously engrossing. In other words, we have all been winning. Television today is very

possibly as good as it's ever been, and we have the beast to thank for it.

But if Tuesday's Cruise is any indication, the boom times may soon be over. Love Cruise's finale was a simple amalgam of all the failings of late-period Reality TV. The characters left standing on the dais at the show's end were some of its least interesting, the truly compelling ones having being seen as potential "threats," and thus ejected. Decisions between couples (at stake, a Trip-Around-The-World voucher and a suitcase stuffed with 2,000 hundreds) were made on the basis of such non-starters as "who was the most genuine?" and "who kept their head high?" Voting conferences whose mere transcripts speak volumes on the multiple connotations of words like "player" and "real" (particularly potent and depressing when, as is often the case, they are used in tandem: "She played the game like a real, genuine person; he was just a real player") were delivered with nary a smirk. The Anthony character berated the Melissa character over her lack of character; she broke down and declared, screaming, that she wanted no one's vote. He pronounced himself "a righteous man" for the effort. Melissa won the trip and the money.

Yawn.

Believe

me, it doesn't have to be like this. As David Foster Wallace once observed, in a superb essay whose only flaw is that it was written before the advent of Reality programming, television is capable of "ingeniously absorbing, homogenizing and representing the very same cynical postmodern aesthetic that was once the best alternative to the appeal of Low, over-easy, mass-marketed narrative." Exciting stuff! And really riveting entertainment, when it's done right. But the key, the absolutely essen-



The Love Cruise contestants in the eye of the storm.

tial ingredient in doing it right these days, is the introduction to this mix of some sinister, manipulative element. (And this is where the producer-head wins out, since it is never those behind the camera being manipulated.) A few successful examples should clarify what I mean, and hopefully shed some light on why Fox can no longer hope to impress us with above-average-looking non-actors whispering to each other on boats:

First, Blind Date. Not an early entry in the post-Survivor feeding frenzy, but among the first of the now-ubiquitous Survivor In Love subgenre. A program which takes no apparent shame in its utter inability to ever match compatible people with one another. The dates almost invariably fail miserably, as one or both participants is gradually revealed to be hopelessly pathetic and/or patently offensive. The mockery of these hapless folks is rounded out by sarcastic subtitles and "what a jerk" computer graphics, and bookended with sardonic commentary by the mechanical host,

Roger Lodge. The couples suffer, the audience suffers. Pity and contempt evolve into feelings of superiority (either because Joe Audience-member isn't dating or has dates that go a lot better than this. Given the show's time slot in Boston, I think the former is the safer assumption) which in turn produce self-affirmation and delight. Somewhere, a producer cackles malevolently into his clipboard.

Second, Change of Heart. Actually predates Survivor, as a bastard child of the Love Connection. Hampered only by its more traditional dating-show structure, since its premise is truly evil. The pitch made to potential contestants (by the Satanically-goateed Chris Jagger) goes something like this: "Dump your girlfriend [boyfriend, significant other, whatever]. Go ahead, dump her. Then you'll be instantly qualified to date the girl [boy, again whatever] of your dreams. You could have had these supermodel-babes all along if you weren't strapped to that old bag. And anyway, if

you change your mind, you can always run back to the old steady post-fling and tell her you really want to Stay Together. What's to lose?" I swear, this show destroys people's psyches. Oh, they're contributorily negligent; they could have watched the show enough times to figure out the subtext behind what they were getting into. But this observation only makes it all the easier to savor our Audience-contempt for the poor slobbs...

Clearly, Love Cruise is not in the same league with this kind of diabolical programming. Unfortunately, it isn't very good eye candy, either. But then, in this area too the bar has been raised, at least since the eroticization of teenagers came back into style. I will delay speculation on the relative "evil" of this particular trend for another day... but if it was sex appeal you were looking for from Love Cruise, might I instead suggest MTV Undressed? It moves a lot faster, and the acting is much more entertaining.



IAN HUMMEL

When I volunteered for this job, I didn't know I would receive the moniker "Sportsguy." I had sort of hoped the column would be called "Ian's People," but I guess there's no room in this crazy world for sensitive pieces about sensitive males and their flag football games.

The Boar Hogs (4-0) and Sashi's Team (2-2) had the honor of appearing in this week's Game of the Week, with the Boar Hogs prevailing 20-12. Hogs captain Randy Kozel said that Matt Davis and Keith Becker both turned in stellar offensive performances, replete with running, catching and throwing.

The Boar Hogs continued their reign of terror against Black By Popular Demand (1-2) with a 19-12 victory. Hogs defenders Lee Morlock and Tim Syrett, known for their stymieing, stymied the BBPD offense.

Undeterred, Black By Popular Demand pounded Section 7 Deadly Sins in their second game by a score of 51-7. Blayne Grady returned an interception for a touchdown, and Nick Brown added a touchdown of his own. Shawn McDonald found the end zone five times in the two games, demonstrating why he was selected as one of the top 50 flag football players at the law school.

Gene's Team and the JLPP Patriots faced off to determine which team would divest itself of its winless ways. Those of us hoping for a tie went away disappointed, but no one can say they didn't try to please. Gene's Team finally prevailed 24-18 after double overtime. Captain Gene Gurkoff commended Stacy Austin for an 80-yard touchdown reception, particularly impressive given the 60-yard fields on which we play. E.K. had two goal-line sacks to prevent the Patriots from scoring in overtime; Anjan Choudhury and Josh Pheterson provided solid pass protection, throwing the Patriot pass rushers around the pocket like rag dolls.

The Law Dawgs defeated the Fightin' Greg Lippers 41-35. Jeff Mandelbaum and Mike Baum led the Dawgs throughout this WAC-like display. The Dawgs scored on their final drive of the game to take the lead and were able to hold on for the win.

Animals Taste Good improved to 3-1

after convincing victories over Mr. Sparkle (2-0) and the AstroGliders (2-1). Things seemed hopeless for Mr. Sparkle on their final drive before quarterback Jeff Starzec hooked up with wideout Nick Ami for a game-ending touchdown. Unfortunately, things actually were hopeless, and the Animals claimed a 33-12 victory. Animals quarterback Dan Bennett threw five touchdown passes, each one more demoralizing than the last. Justin Tichauer commented after the game that he would take the win, but he thought the Animals trash-talking had a long way to go before the playoffs. Sparkle captain Ian Hummel did not attend the game but privately blames everyone but himself for Sparkle's woes.

In the 26-12 victory over the AstroGliders, the Animals' Matthew Zisow led the offensive attack with two touchdowns in the first half before grabbing a cab to Logan, perhaps flying out to help other flag football teams in need. Captain Eric Zacks told this reporter that the AstroGliders came to play, as demonstrated by their intense verbal sparring, not just with the Animals, but with the girlfriend of one of the Animals who was cheering on the sidelines.

AstroGliders captain Dave Nemecek reported: "AstroGliders had no highlights. We got beat bad."

Week 3 Standings

	W	L
Boar Hogs	4	0
Law Dawgs	2	0
Duress	2	0
Animals Taste Good	3	1
Int'l All-Stars	2	1
Astrogliders	2	1
Sashi's Team	2	2
Mr. Sparkle	2	2
Black by Pop. Dem.	1	2
Mad Turtles	1	2
Fightin' Greg Lippers	1	3
Gene's Team	1	3
Sec. 7 Deadly Sins	0	3
JLPP Patriots	0	3