



—The Harvard Law— RECORD

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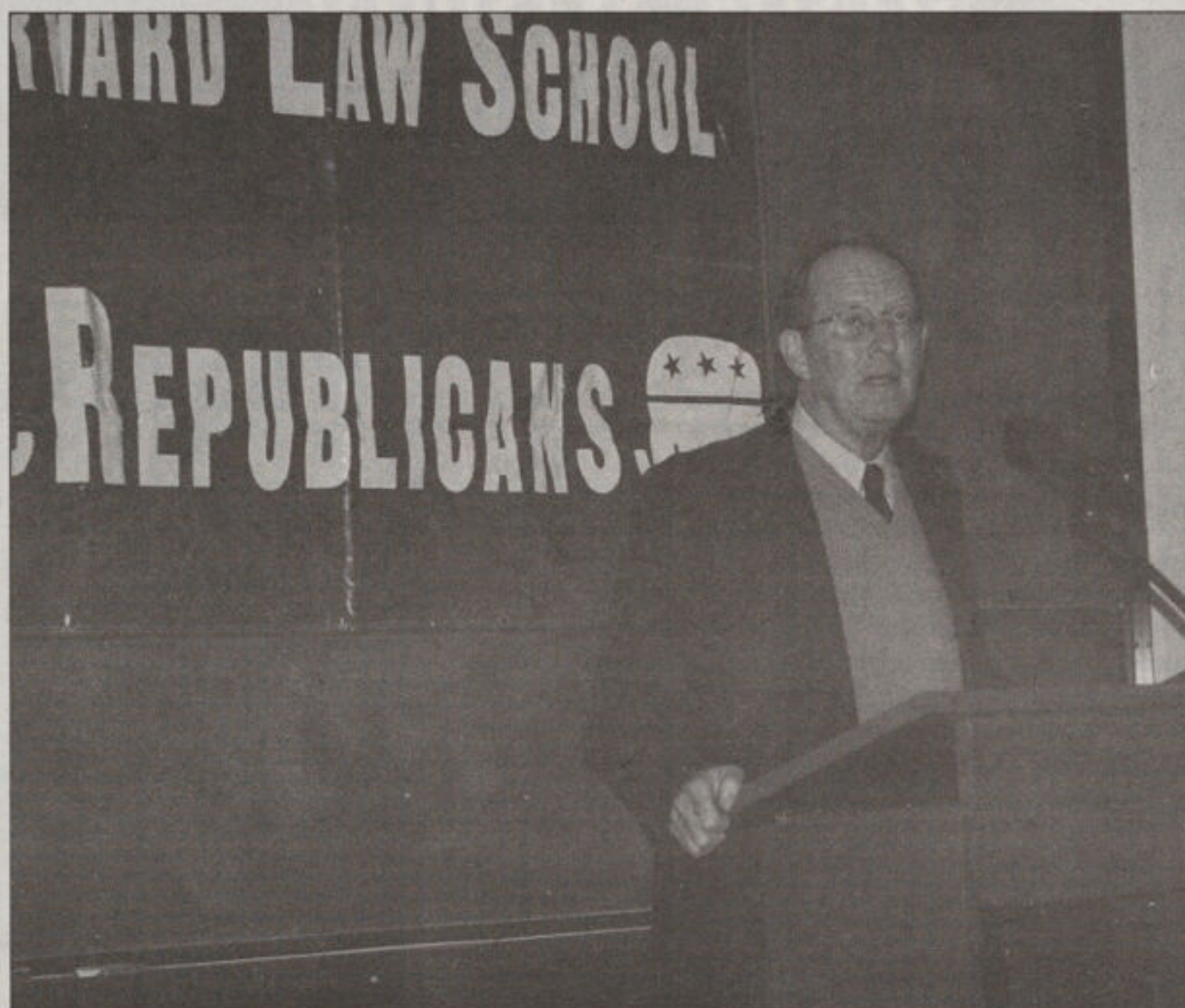
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Lamar Alexander speaks at HLS



Lamar Alexander, above, spoke Tuesday about America's course in light of the September 11th tragedy. The talk, sponsored by the HLS Republicans and attended by more than 40 students, was titled "After 9/11, America's Greatest Opportunity." Alexander, the former governor of Tennessee and U.S. Secretary of Education under the first Bush administration, has run for president of the United States twice. He currently teaches several courses at the Kennedy School of Government.

Hampton: Profiling not the answer

by Meredith McKee

The September 11 attacks are no excuse to reinstate racial profiling, Ronald Hampton, executive director of the National Black Police Association, said in an HLS Forum speech Wednesday.

Hampton criticized recent moves by politicians and police to allow racial profiling of Arab- and Muslim-Americans as an effective means to stop terrorism, noting that, in peacetime, those same parties have long advocated and practiced profiling of blacks and Latinos.

"In my opinion, it's wrong," Hampton said. "It's unconstitutional, and we won't never ever find the perpetrators on that basis."

Speaking for a little less than an hour in Langdell South about racism in the justice system, Hampton expressed his concerns that recent events will allow the government too much leeway in using race in the criminal justice system. He also discussed the need for a

Please see HAMPTON, p. 8

Nuremberg prosecutor advocates rule of law

by Mike Wiser

"Come on in. No charge for admission," Benjamin Ferencz '43 told the students streaming into Langdell North before his lecture. "It's worth every penny," he added.

Working the crowd for the 20 minutes or so before his talk "Law is always better than war," Ferencz wandered up and down the aisles with a microphone asking students, "What do you want me to talk about?" Some of the students wanted him to talk about his role as a Nuremberg prosecutor after the Holocaust. Others wanted hear about his half-century-long advocacy for an International Criminal Court. Still others wanted to know if he was serious about the topic of his lecture in light of the events on September 11th.

A 60-Year Project

The story of international criminal law, for Ferencz, overlaps with his own autobiography. It started, he says, over 60 years ago at the law school. As a research assistant, he was told to read everything in the library on international war crimes and write summaries for a professor. He was fascinated by the subject, but World War II pulled the recent graduate away from the books of Langdell, and he soon found himself a private in the Army working in a supply room. Omaha Beach and the Battle of the Bulge followed. "Somehow I managed to survive," he said.

It was only towards the end of the war that the army realized that it had an enlisted man who knew as much about war crimes as anyone. Working as a war crimes investigator, he began the process of preparing a case against Nazi leaders and also searching for the defendants. He described the process of discovering what happened during the Holocaust as "quite a horrible experience."



Mike Wiser/RECORD

Benjamin Ferencz '43.

After ending his Army career as a sergeant, Ferencz was called into the Pentagon and asked to go back as a prosecutor. After getting his wife to agree to a "honeymoon" in Germany, he returned to Nuremberg to serve as the chief prosecutor of 22 high ranking S.S. officers responsible for the killing a million people. The death penalty, he said, did not seem like enough of a response to the atrocities of Nazi Germany. Getting a court to affirm the right to live in dignity, he said, might at least change things in the future. "That is what I did and that is what the court affirmed," he recalled.

After then working for Jewish victims to set up a system of compensation, Ferencz returned

to the States with his three children ("There was no television," he joked). However, he never gave up his work to prevent the crimes of Nazi Germany from being repeated. During the "pretty messy world" of Vietnam, he went to the U.N. to help establish a system of international justice. What he found was a U.N. committee spinning its wheels in what seemed to be just "talk and talk."

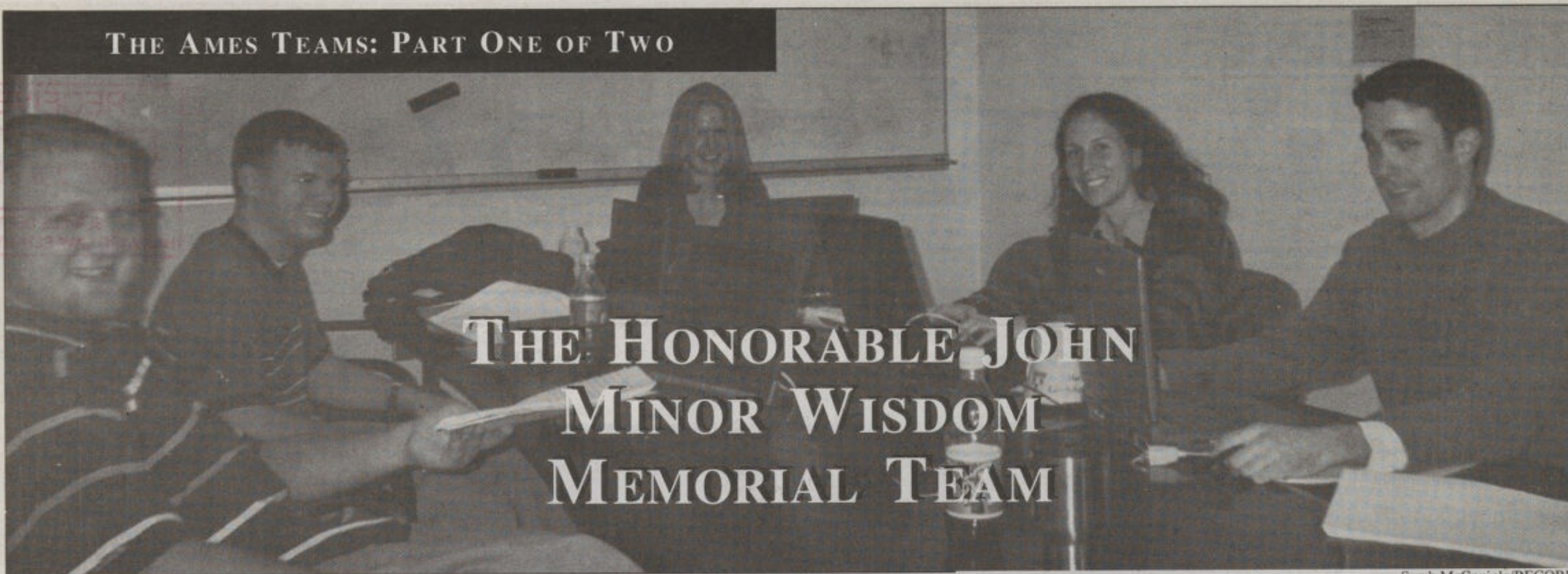
The images of 10,000 women being raped in the former Yugoslavia and the atrocities in Rwanda changed everything.

It was the images of 10,000 women being raped in the former Yugoslavia and the atrocities in Rwanda, he said, that changed everything. Suddenly a U.N. legal committee was reading his 1972 two-volume book on an international criminal court and reviewing statutes drawn up in 1938 that Ferencz had read as a student at Harvard. The wheels hit the ground and in only a few weeks the Rwandan Tribunal was established, the first international tribunal since Nuremberg. This, he said, was "a great step forward." The tribunal for the former Yugoslavia was set up not too long after.

An old lawyer friend of his, who happened to become the prime minister of Trinidad, he said, finally proposed the idea for the permanent International Criminal Court. "Suddenly

Please see PROSECUTOR, p. 3

THE AMES TEAMS: PART ONE OF TWO



Sarah McGonigle/RECORD

Supplemental jurisdiction, 12-hour days and ... fun?

by Sarah McGonigle

Everyone around HLS knows what the Ames Competition is. It takes little more than a casual glance at the Law School's catalog to figure out what this venerable moot court competition, which turns 90 this year, is all about (it's on page 85).

But the teams remain a relative curiosity. Who are these people who spend nights and weekends in the pursuit of the Boykin C. Wright Memorial prize money? (Winners get \$650, losers get \$550 each.) Why do they do it? (Turns out, it's not for the money!) Would they do it again? (They say absolutely.)

But when you meet the members of this year's Honorable John Minor Wisdom Memorial Team, it actually turns out not to be too easy to distinguish them from typical HLS students. Okay, so the team members put in hundreds of hours briefing esoteric areas of the law. Maybe supplemental jurisdiction as applied to class actions doesn't get everyone around HLS ready to rumble. But all in all, the team seems, well, surprisingly normal.

The team is captained by Robert (Bobby) Klinck, who is an oralist in the finals round (Bobby won best oralist in his semi-final round). Neil Cave is the team's second oralist. The group is rounded out by Bethany Rubin, Jason Blackstone, Laura Rinzel Braden and David Turetsky. They will take on the Stanley Mosk Memorial Team on November 15 at 7 p.m. in the Ames Courtroom — if the courtroom is ready in time.

The team's inception is hardly remarkable, more what one might expect: Members came together out of shared ties from their 1L section and from experiences working together on group projects in Federal Litigation. And while the team members aren't self-proclaimed best of friends, as might be expected they seem to share an easy rapport and a clear respect for one another.

They attribute their success to just these factors.

"The fact that we all get along well is really important. Part of that is respecting each other, knowing each other," Rubin says.

Not surprisingly, lots of hard work helps. Klinck estimates that the team put in 75 hours in the week before their first finals brief was due. He adds: "There's been times where we've argued for 45 minutes about a single stupid sentence."

Blackstone says it is embarrassing when loved ones call and ask what he has been up to for the past week. His answer? Ames. Nothing but Ames.

Rinzel Braden quips, "Yeah, people call and ask what else you've got going on, and you're like ... ummm ... nothing. Nothing at all."

What may be most remarkable about this group, then, is how these people engage in an activity that demands 12-hour day after 12-hour day with such apparent ease. The team seemed nonplussed, even happy to interview for this article just one hour after receiving their opponents' brief, though they will be spending their entire weekend cooped up on the second floor of Langdell. And, Rubin points out, the team has never pulled an all-nighter to get its work done. Indeed, they've always finished their work early.

"After that first round, we had a pretty good sense of what to do," she adds, explaining that frontloading and lots of organization channel the work.

But it would be a mistake to cabin these people as single-minded or boring. One of them is married, one is engaged and currently planning a wedding, one is in a long-term relationship, and a couple are single (and hoping for Ames groupies). Two —

Rubin and Klinck — have been involved in the moot court competition; Blackstone works for the RECORD; Cave hosted a huge party this weekend at his home — with a brief due in T-minus six days. Klinck is on the J.O.L. masthead; and Turetsky was out of town when the opponents' brief came in.

At the end of the day, the team seems to make room for Ames for the love of legal strategizing and learning about various areas of the law. So while they joke that the competition is 90 percent pain and 10 percent payoff, it's clear that Ames has been fun enough for this group. Rubin explains that "the misery comes in the really strict time pressure and the really strict rules we have to operate under. But the happiness comes in seeing it all come together." Klinck concurs, saying he'd do it all over again "in a heartbeat." It's hard to tell if this enthusiasm stems more from their winning ways or their love of the game, but the Honorable John Minor Wisdom Memorial Team seems prepared to put it all on the line again in just a few short weeks.

Maybe supplemental jurisdiction doesn't get everyone around HLS ready to rumble, but the team seems, well surprisingly normal.



Sarah McGonigle/RECORD

The Starting Line

Bobby Klinck

Self-proclaimed "mad-scientist" and the Honorable John Minor Wisdom Memorial Team's captain, Klinck says that he's learned an immense amount about Con Law from Ames. Klinck is also one to watch out for at the orals on November 15th — he amassed awards for best oralist in the Ames semifinal and Best Brief for his 1L Ames effort.



Bethany Rubin

Bethany is the team's "organizer," which is readily apparent as she spews forth sophisticated comments about the team's past, present and future while simultaneously instant-messaging her mom about wedding plans. Bethany says good organization is critical — it "keeps us from degenerating into arguing about stupid things."

Neil Cave

Though Neil seems to be the resident comic, amidst laughter the team settles on "misunderstood artist" as a better moniker. He admits that he "used to get sort of a bruised ego from [getting ideas shot down], but at this point I've had so much cut, who cares?" Watch out for Neil on at the podium; he's an oralist for the final round.



David Turetsky

David is considered the team "skeptic." Klinck says of him, "He's always like, well, yeah, you COULD say that ... but you'd be wrong." David came to the team before the semifinal round when the team added two members.

Laura Rinzel Braden

Laura is hard for the team to summarize. Klinck calls her "The Rock" (he means of the WWF-variety rather than the Biblical-variety). Team members say that she "body slams you when you step out of line." She laughs as Cave says, "You'll hear things out of her like, 'Okay, it's wrong, but okay.'"



Jason Blackstone

Jason, the team says, "gets our drinks" and "lifts heavy things." Jason laughs, accepting the ribbing good-naturedly. Jason was added to the team following the semi-finals round when original team member Matt Iverson left to pursue bigger and better things.

PROSECUTOR

Continued from page 1

the wind was changing," he said. Despite opposition from the U.S., most of the world signed on to the treaty. Sixty years after Ferencz had sat in Langdell reading everything he could find on international criminal law, it looked like his lifelong project was finally coming to fruition.

War Making, Law and Terrorism

The Holocaust, bloodshed and rape in the former Yugoslavia, and the atrocities of Rwanda all changed the world of international criminal law. But the events of September 11th may prove to have an equal or even greater impact. The world and America, he said, should now turn to law, not war, to respond to the "crimes against humanity."

"First, let us be true to our principles," he told his audience. Most people, Ferencz said, want to punish only the guilty, and only punish them after a fair trial. "Somehow we have seemed to forget [this]," he said.

Ferencz argued that the U.S. should draw up an indictment of bin Laden, charging him with crimes against humanity. He cautioned against trying to charge them with terrorism, because of decades-long debates

at the U.N. on defining terrorism, which seem no closer to reaching a conclusion than they were when they began.

Second, he pressed for the U.S. to use the framework of the Security Council for any of its responses. He said that the response to the Iraqi invasion of Kuwait could serve as an example, although he admitted that the failure to bring Saddam Hussein to justice meant the allies ended up punishing the innocent while allowing the guilty to go free.

"War-making is the supreme crime," Ferencz said.

In a letter distributed before the lecture, Ferencz wrote: "I have experienced the horrors of war, and I cannot bear to see the destruction and pained eyes of those digging to the ruins or the helpless relatives refusing to accept what they know is inevitable. I have flashbacks of riding over the ruins of St. Lo in Normandy where the sky was black with American bombers and the earth rocked as a French city was reduced to rubble. I smell the smoke of Wurzburg burning when we dropped incendiary bombs that burned every house to the ground, leaving only ghostly walls standing. I recall the emancipated corpses at

Buchenwald and Mauthausen and a host of other charnel houses." He concluded: "All of this may help explain the trauma that drives me to try to prevent war."

At the speech, Ferencz echoed this sentiment.

"The only victor in war is death," he told the audience. Law is better than war, because "law is the only answer."

Still, he admits, in a world not civilized enough to lay down clear rules and follow them, war is sometimes necessary. In responding to an audience question, Ferencz defended the U.S. response in World War II, saying that when fighting an enemy who is waging total war, the other side is justified in responding in kind.

Pushing the Rock

Despite all the death, destruction and international wheel spinning that Ferencz has seen, he is hopeful. "It can be done," he told the crowd. Fifty years after he delivered his opening statement at Nuremberg, the Rwandan Tribunal quoted Ferencz's comments as precedent for its own decisions.

It is individuals, he said, who made the



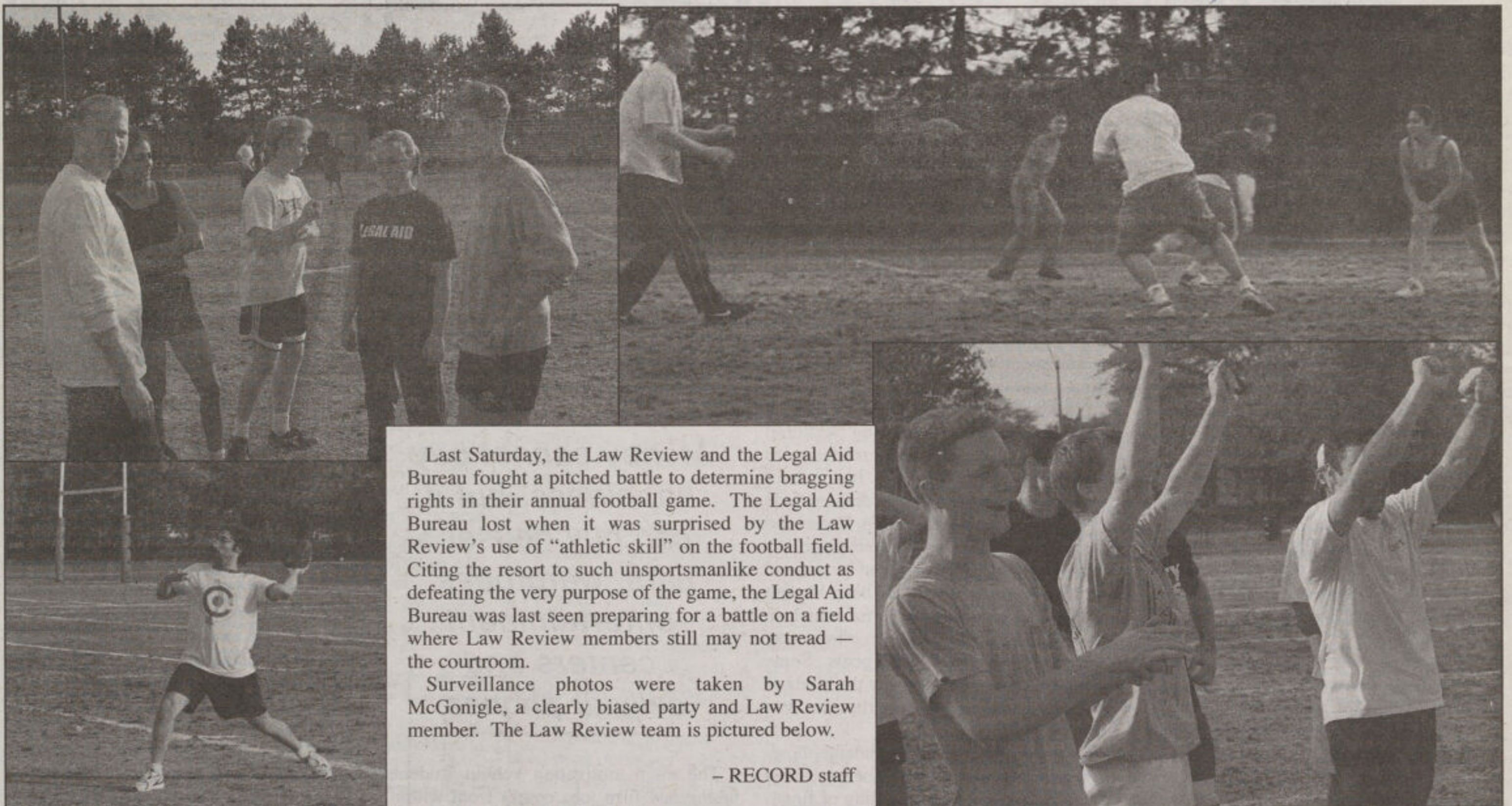
Mike Wiser/RECORD

Students applaud Ferencz '43.

difference. Ferencz sees them as individuals who are pushing a rock up a hill. Occasionally, the rock slips down. But, he said, they still managed to make progress.

His message to the students today was ultimately simple. "I'm looking for help," he said.

Law Review, Legal Aid settle the score on the gridiron



Last Saturday, the Law Review and the Legal Aid Bureau fought a pitched battle to determine bragging rights in their annual football game. The Legal Aid Bureau lost when it was surprised by the Law Review's use of "athletic skill" on the football field. Citing the resort to such unsportsmanlike conduct as defeating the very purpose of the game, the Legal Aid Bureau was last seen preparing for a battle on a field where Law Review members still may not tread — the courtroom.

Surveillance photos were taken by Sarah McGonigle, a clearly biased party and Law Review member. The Law Review team is pictured below.

— RECORD staff



For the RECORD

Willful ignorance

Fall at Harvard Law is a time for choices.

Most 3Ls are settling on post-law school jobs (or postponing the inevitable), 2Ls are wallowing in the glut of free dinners and October trips, and 1Ls are stamping their mass-mailings. With that flurry of activity comes a familiar refrain: "Yeah, I'll go to a big firm. I have loans to pay off."

But as the administration works with students to improve LIPP, that refrain becomes less and less plausible. With the recent reforms, LIPP covers loans taken to replace personal contribution requirements and brings non-legal public sector jobs under the umbrella.

Still, at the same time that LIPP's rules are relaxing, Dean Clark reports, total budget commitments to LIPP are falling because fewer people are entering the public sector.

Why? Maybe because LIPP doesn't allow students who enter the public sector to earn a decent living. Or perhaps it's hard to ignore the \$125,000 salaries big firms are offering. Or maybe students willfully keep themselves in the dark about LIPP's rules.

Some recent examples overheard around campus:

■ 3L to 2L: "LIPP only covers loans made by HLS itself. It's not like they're going to write a check to the government."

■ 2L: "It's fine, but if you ever get a better job, you have to pay it all back."

■ 3L: "I don't know if it'll cover private loans."

■ 2L: "The LIPP program will collapse if the economy takes a significant downturn."

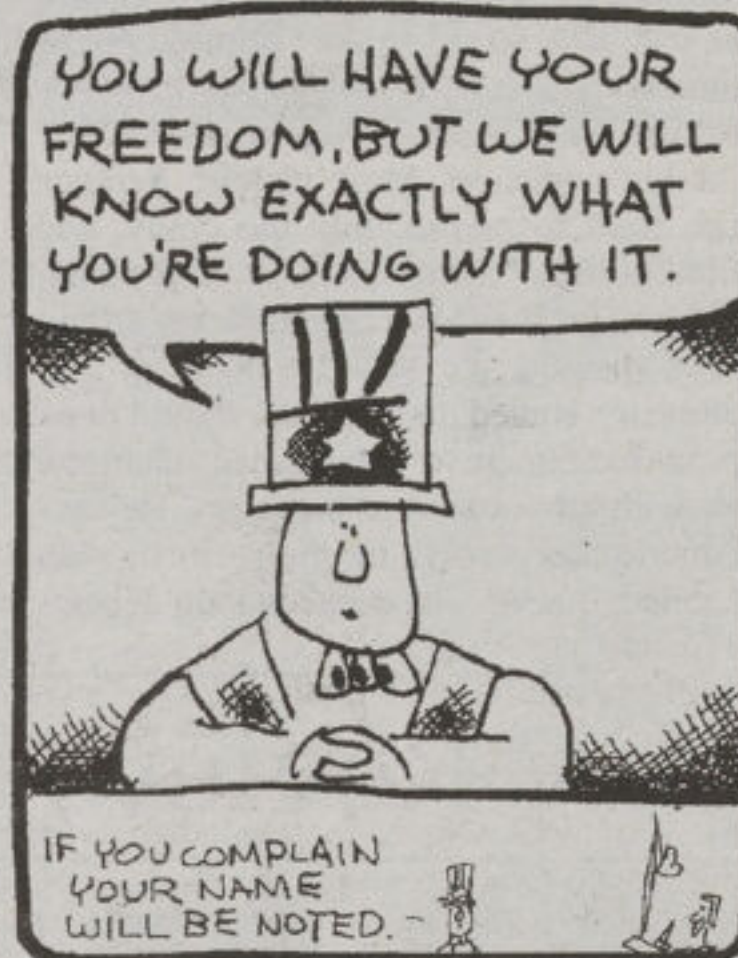
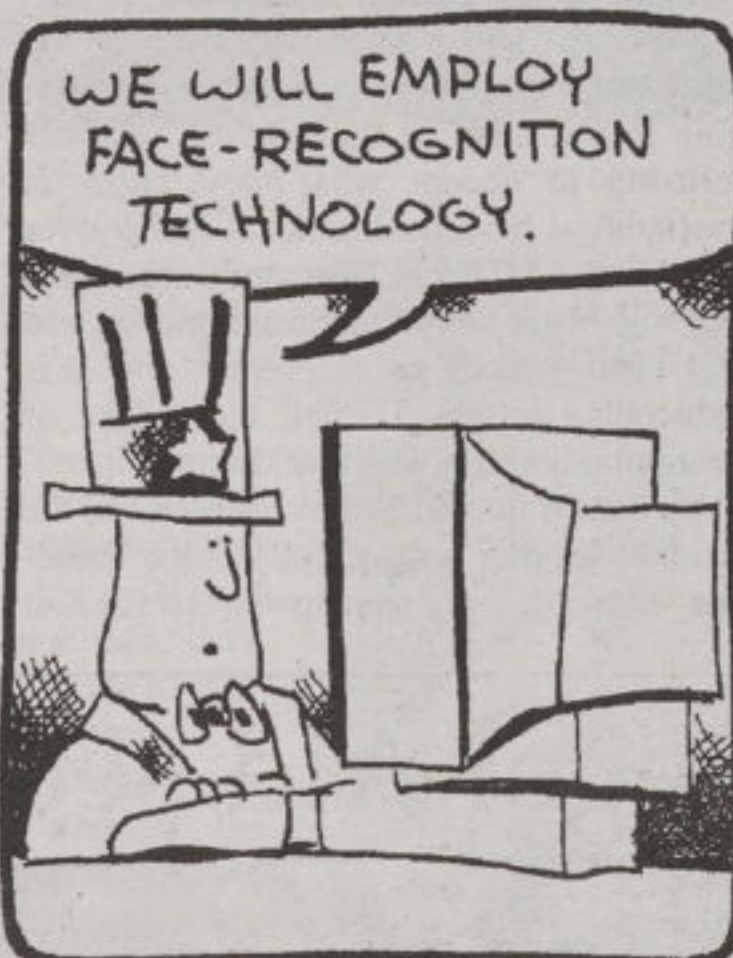
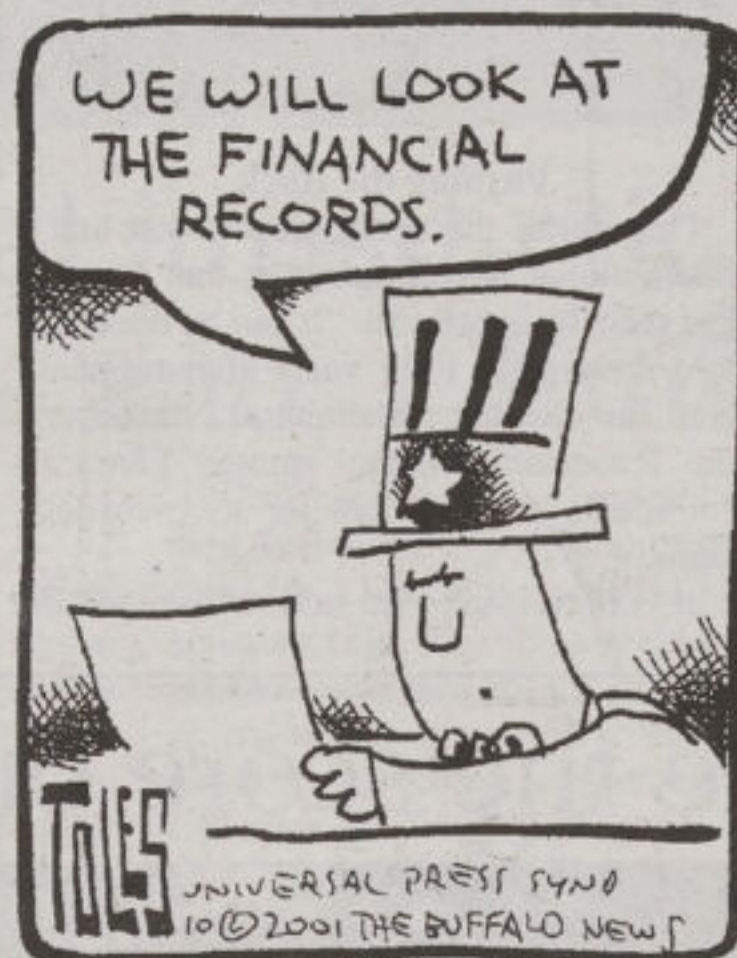
This kind of ignorance can only be a choice — none of the students making these comments are beating down Alexa Shabecoff's doors for the answers.

No one's arguing that LIPP is a perfect program, or that it will make working for a non-profit just as comfortable as working for Cravath. But when students refuse to acquaint themselves with the protections LIPP does offer, they are consciously refusing to even consider non-profit work.

Law firms offer students interesting colleagues, fascinating work and an excellent standard of living. That's not exactly the stuff nightmares are made of. So if that's what you're going to do, embrace it. Own it. Accept it. No more of these "I-have-loans-to-pay-off" excuses.

But to those students who don't want to partake of the law firm experience: Find out what HLS can do to help you. You'll probably find out there's more assistance out there than you expect. And, at least that way, you won't look back in three years and wonder how you ended up where you are.

As the options present themselves over the next several months, let's call them what they are — choices.



The Right Side: Idealism vs. Income

by Kelly Hartline

What is it about law firm salaries that motivates us to abandon our ideals and dedicate our lives to the corporate environment?

Most of us entered Harvard Law wanting to use our legal education to help a specific social group. I imagine that many of our admissions essays reflected dreams like protecting children, initiating human rights campaigns, defending battered women or providing legal services to indigenous clients. As the law school years pass, however, those dreams fade away. New dreams of Skadden, Ropes and Cravath are constructed in their place.

Working for a law firm can be a good career decision. Many of us have student loans to pay off or families for which to provide. Law firm salaries go a long way in achieving both of these goals. Some students may even truly enjoy the kinds of work, environment or opportunities law firms provide.

For many Harvard Law students, however, working in a firm is not motivated solely by enjoyment or a feeling of financial need. Students tend to inflate both of these beliefs in order to convince themselves to take a firm job. We rationalize how much we'll enjoy working 60 to 80 hours a week for clients we may never meet and for causes with which we may not agree. We justify our rationalization with the knowledge of what can be acquired with a \$100,000-plus salary. Some students blame the Law School administration for their decisions to take firm jobs. The administration is accused of "forcing" students to work in firms by promoting law firm careers, funding the Office of Career Services and limiting the

Office of Public Interest Advising's resources.

It's true the Law School makes it fairly easy for students to attain positions as law firm associates, but it doesn't force students to take such positions. For those who don't want to work in law firms, and are willing to put in the effort to search for other jobs, many other career options are available.

Money cannot buy happiness, but it can buy houses, cars, wardrobes, entertainment centers and cellular phones.

The main motivation behind students taking law firm jobs comes from within, not without. At some level, every student who takes a firm job wants to work in a law firm. Not counting the people who genuinely love law firm work, it seems students who choose to work in law firms do so partly because they love the money.

Money cannot buy happiness, but it can buy houses, cars, wardrobes, entertainment centers and cellular phones. It can buy the kind of life our parents had or wanted us to have. It can buy prestige and power.

Desire and possession of these things go to the heart of how we define success. If our dreams of changing the world have

been replaced with dreams of owning Jaguars, it's quite possible that we have redefined success for ourselves since our time at HLS. This is not surprising considering we are surrounded by some of the nation's brightest students, taught by several of the most accomplished legal minds and following in the steps of many great leaders. In this circle, success is comparative to the success of those around us.

Our love of money, and the things it can buy, also says volumes about how we see ourselves. Students' perception of self worth is often connected to the reputation of the firm for which they will work and the amount of money they will earn. This was not what we believed before we came to HLS. In part, this change in perception could be attributed to "failures" in law school. Grades, law review and favor from professors become the standards by which we judge ourselves. When we do not do as well as our classmates in these areas, we feel disappointed. Securing a high-paying position at a top-ten law firm can help revive our damaged self-image.

Having struggled with the temptation to "just follow the money" myself, these are some decision-making guidelines I have set for my career search: Do not take a job because of how much it pays or its social prestige. Take a job that will allow you to do what you love and enable you to fulfill your financial responsibilities. Define your own success by adhering to your ideals, liberal or conservative, in the face of social pressure to the contrary. Place your beliefs above your potential salary and social affirmation, and make your career decision accordingly. A firm job may be perfect for you, but make sure you're signing on for the right reasons.

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From the Hart

Dear HLS Community,

I wanted to thank those of you who have engaged in an open dialogue about the content of my October 11th article. Several of the comments in last week's RECORD were clever, insightful and thought-provoking. I also appreciate those of you who want to discuss your viewpoint with me. I anticipate that

these discussions will provide both of us a greater understanding of each other's experiences and beliefs.

As to those I have offended, please accept my sincerest apologies. I did not intend to offend you, but simply discuss an alternative perspective.

Kelly Hartline

The drug war

by Clifford Ginn

Imagine you are the leader of a political party with the following problems. A poor country in your hemisphere is sitting on enormous oil reserves, which your country wishes to exploit, but the natives do not believe they should live to serve your country. People in your country are wary of military engagements, perhaps still stinging from the last time you assaulted a third-world country to maintain your hold on global hegemony. Poor people and racial minorities in your own country tend to vote for the opposing political party and make the same sorts of demands these uppity third-world natives make. Finally, you wish to maintain a certain rate of unemployment, in order to preserve wealth maldistribution in your country. While it is politically unfeasible to leave the permanently unemployed portion of your population to die, any kind of welfare program diverts needed resources from corporate welfare handouts and tax cuts for wealthy contributors. What do you do?

If you said, "start a war on drugs," you understand policy as well as anyone in the Nixon administration. For Richard Nixon, a man who did not like "putting more of these little Negro bastards on the welfare rolls" and who characterized Mexicans as "dishonest" and prone to stealing, the War on Drugs solved innumerable problems. While racial stereotypes have played a significant role in drug regulation, Nixon elevated this American tradition to a new level, and Reagan, Bush, Clinton and W. have enthusiastically continued and expanded it.

Black men have been the primary America casualties in the drug war. The U.S. prison population, relatively stable from 1926 until 1970, has increased from 200,000 to 2.4 million, with the most impressive gains occurring during the Clinton administration. Although there are five times more white drug users than black, blacks comprise 62.7 percent of all drug offenders admitted to state prison. Five percent of all black male adults are in prison, and mandatory minimum sentence laws ensure that these prisoners spend a decade or more learning little more than how to commit more serious crimes.

The genius of this assault on racial minorities is that they cannot fight back. Forty-seven states disenfranchise felons, 14 of them permanently, and 13 percent of all black male adults cannot vote. Many southern states enacted these laws alongside poll taxes, grandfather clauses, literacy and property tests in response to the Fifteenth Amendment (giving blacks the right to vote). Democrats might consider which candidate the 3.9 million disenfranchised felons and ex-felons in this country would likely have voted for in 2000.

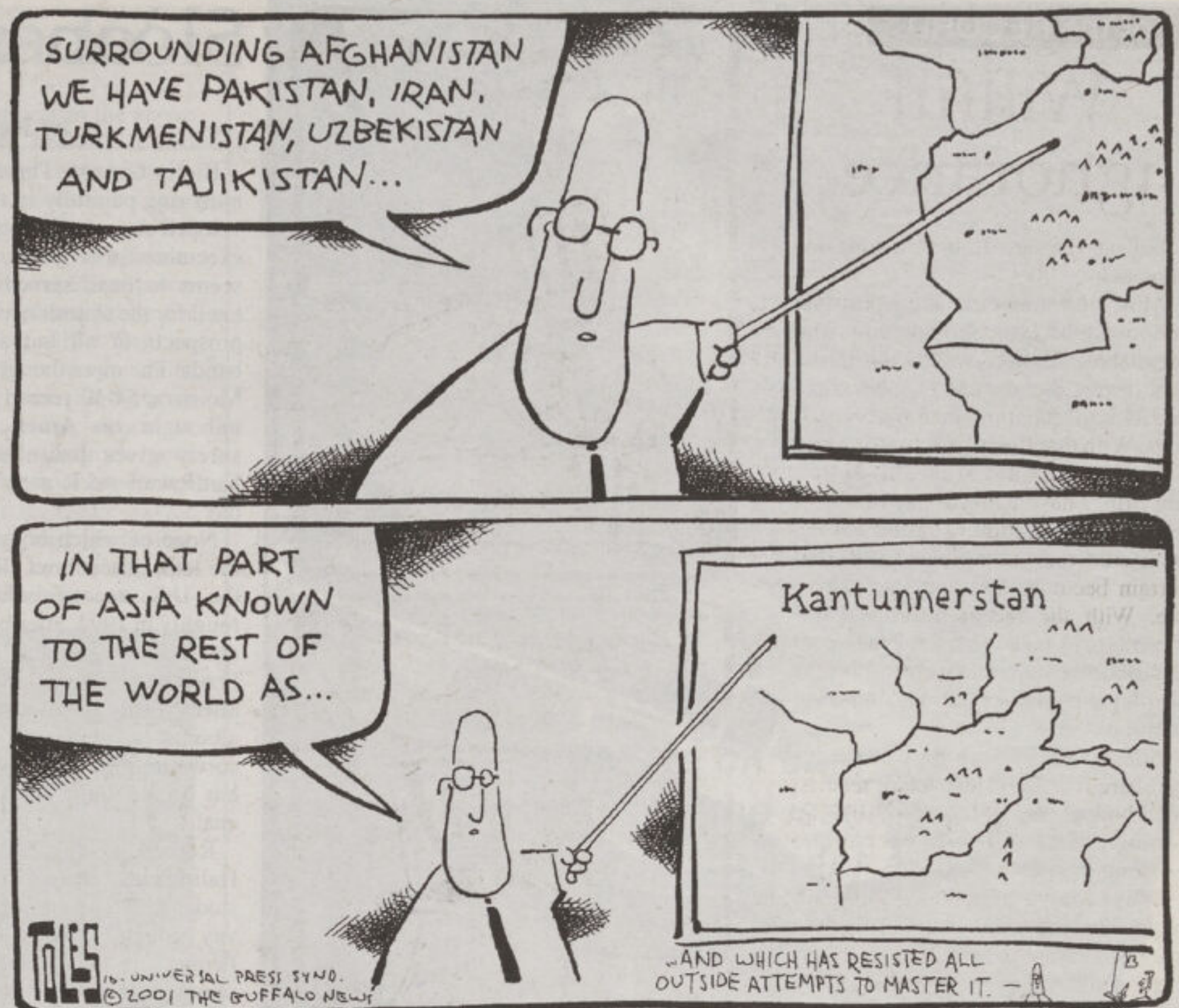
A RAND Corporation study reveals that treatment and education programs work as well as police efforts, at one-fifteenth the cost. As for stopping the supply of drugs, 1 percent of the world drug crop could satisfy U.S. demand, yet this is roughly the amount the DEA could seize in its best year (leaving the other 99 percent available). Border interdiction has failed, and the government will not likely pursue chemical companies who illegally provide ingredients for cocaine production. Of course, a shift to treatment would damage the highly profitable prison industry that has arisen to respond to the exponential growth in incarceration.

"Defense" is an even bigger racket than the prison industrial complex, but since Vietnam made Americans wary of military engagement, the government has needed to provide a compelling pretext for deployment of weapons and personnel in Latin America. The war on drugs has served this purpose nicely. Through "Plan Colombia," we are sending Colombia \$1.3 billion, rivaling the military aid we send to Israel and Turkey.

If, as the GAO reports, source-country reduction efforts are failing, why would we send money to a government whose military has one of the worst human rights records in the world? The answer is "oil." We get more oil from Colombia, Venezuela and Ecuador than from the entire Middle East. Legislators supporting the drug war receive handsome contributions from BP Amoco, Shell and Exxon Mobil, all of whom are finding that indigenous peoples want to preserve their "property rights" and "protect their environment."

Colombian military and paramilitary troops carry out 60 percent of the world's trade unionist executions, racking up 3,800 since 1986. They also assassinate Catholic priests and human rights organizers who advocate for the poor. Peasants have been "disappearing" at an alarming rate, and 14 Colombians die from political violence every day.

We are all still reeling from the horrific acts of September 11, when evil announced its existence to the world in the most vivid way. However, evil works most frequently and most effectively in silence and shadow, feeding on the willingness of good people to ignore its presence. Whether or not those who designed, implemented and continue to carry out the drug war intended to inflict the widespread misery I have described, they have inflicted it, and it is time to stop.



The fog of war in law

by Arkadi Gerney

The pictures coming in from Afghanistan offer a vantage point from which we might reevaluate or reaffirm some of our basic legal assumptions. For example, we have all heard that oft-cited assertion of criminal law that it is "better that 10 guilty go free than one innocent person go to prison." Most law students seem to agree with that one. But this cliché of criminal law is not often mentioned when we conduct combat operations abroad. Instead, we clamor around that antiseptic term "collateral damage." In Afghanistan, a broad consensus of Americans agree that it is basically okay for one smart bomb to go astray if 10 hit their targets. We seem much more willing to accept collateral damage in our bombings abroad than in our criminal law at home. The search for the ideal ratio, whether it is 2:1, 10:1, or 100:1, signals the very difficult but essential task of utilitarian balancing in which we must engage in criminal law, in war, and in all areas of policymaking. What is surprising about the law is how haphazard and weak-minded our efforts at balancing often are. Often we shroud ourselves in clichés rather than seriously weigh the real benefits and harms of a particular policy decision.

Collateral damage and the presumption of innocence

Let's examine for a moment that contention that it is "better that 10 guilty go free than one innocent person go to prison." It seems clear to me that there are definitely cases when that statement is right, but it could just as often lead us seriously astray. What would you do if you had a group of 11 child molestation defendants, if you knew that 10 were guilty and one was innocent, and if your only options were to send the group to prison or let them all go? Is it really worse to have an innocent man in prison than to let loose predators who may sexually assault more children?

These questions may seem artificial, but they are at the heart of legal dilemmas that face judges and juries everyday. For example, when courts are

assessing the credibility of victim testimony, they are operating in a fog. The court has imperfect information from witnesses with imperfect memories, recounting stories charged with emotion and fear. It is not so different from a fighter pilot looking at grainy infrared image of what seems to be a Taliban supply depot, but might just possibly be a Red Cross warehouse. Should the pilot drop the bomb? Should the jurors drop the bomb? Context matters. It matters if you have reason to believe that Osama bin Laden is in the depot. It matters if you know that the target contains critical anthrax equipment that will soon be moved. For courts, it matters whether the child witness made an earlier false accusation. It matters what the recidivism rate is for child molesters. What is critical is that we actually do the balancing, not rely on some golden ratio or cliché.

War, the death penalty and some measure of moral consistency

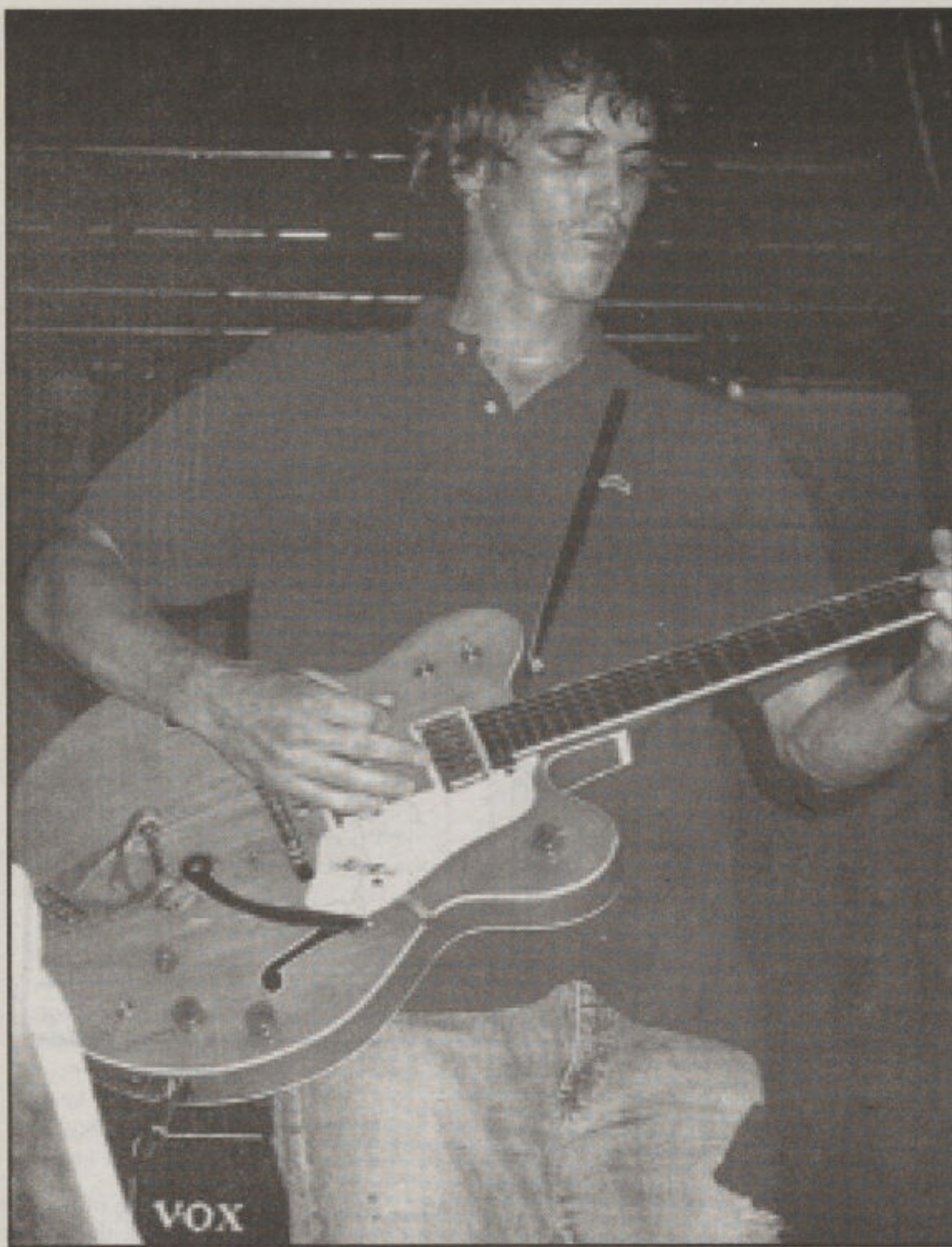
Every day now we are killing people in Afghanistan. I basically support our actions, but I am deeply concerned about the "who," the "where" and the "how much." It leads me to think about how we go about killing people in our legal system. There are many reasons to oppose the death penalty as it has been administered in the United States. The evidence of racial and economic disparities in the imposition of the death penalty is powerful and disturbing; the work of Barry Scheck and Peter Neufeld on DNA testing and "actual innocence" suggests that the rate of false positives — the rate of collateral damage — is far too high in death penalty cases. These concerns should lead us to a substantial reexamination and limitation of the death penalty in the United States. Should this reexamina-

tion require the abolition of the death penalty? I don't accept that. I don't quite understand what drives absolutists who feel the death penalty is never morally permissible.

In World War II, our strategic bombing campaign killed millions of civilians. We said we were targeting the infrastructure of war, not the people themselves, but that claim rang hollow when only half the bombs were falling within four miles of their aim-points. Strategic bombing was deemed necessary to the noble goal of defeating Nazism. It would seem strange that if after having done what we did, that we would have prohibited ourselves executing the Nazi leadership at Nuremberg. It would have been especially strange given that the Rippentrops and the Goerings were granted a measure of due process far greater than that granted to the mass of schoolchildren in Dresden.

If you were unwilling to accept the execution of Tim McVeigh, who had a \$30 million dollar publicly funded defense, then you should think very carefully about dropping bombs on less culpable 20-year-olds in Afghanistan who seem to be carrying a Kalashnikov, but just might be carrying a rake. Of course, there are many relevant differences between domestic law enforcement and a war abroad. Issues such as jurisdiction, due process and less restrictive alternatives are not unimportant, but we should avoid that lawyer's tendency of putting things into entirely separate (arbitrary) boxes. Criminal law and war are in the same moral universe. Afghanistan is not Mars. The people we are killing are not Martians. As we go forward making policy that leads to death in criminal law, in war, in setting speed limits on highways, each of us should do so with some measure of moral consistency.

Forum



Sloan defies curse of being

by Ken Walczak

Big in Canada. Three words that must ring painfully in the underdeveloped ears of all American record executives. For years, the phrase seems to have served as a death knell for the stateside record-selling prospects of all but a few lucky bands. The mere thought of another Moist or 54-40 record languishing unbought on American shelves surely gives pause to even the hardest of A&R men to this very day ...

None of which bothers Sloan in the least. Their brief flirtation with the U.S. record industry ended roughly in 1994, after both the band and DGC realized that they weren't Sonic Youth after all. Shortly thereafter, Sloan reverted to releasing albums on their own Mu Irderecords imprint. Their output since has been nothing short of phenomenal.

Record to record, the quirky Halifaxians came off like the ideal students in a sweeping college survey course ("Rock Music: Sgt. Pepper's to the Present"), incorporating their favorite elements from each unit into their graded assignments. They even seemed to be working chronologically.

1996's *One Chord to Another* was textbook Lennon/McCartney — were it not for the lyrics lauding precocious singing children

and singles with B-sides, several tracks might easily be mistaken for *Past Masters* bonus tracks. 1998's *Navy Blues* straddled, with varying degrees of success, the stylistic gap between Beatlemania and early FM radio. Most recently,

Between the Bridges stunningly added '70s rock harmony and fretwork, creating a setlist jarring to the ears of those raised on Guided By Voices and Pavement, and presumptively allergic to the guitar solo. Yet *Bridges*, in the final analysis, was superb: powerful, infectious and just a hell of a lot of fun to play in your car stereo.

But Sloan's new record, *Pretty Together*, may just top them all. This year the wily Canadians casually blend rock bombast with pop songcraft to create a satisfying, sing-along-demanding stew. The album is rich with subtle charms — elaborate harmonies, complicated vocal rhythms — yet throws in enough pedals and echo effect to keep hold of the well-saluted ears of Those About to Rock. On the whole, it's a gem.

And to continue the metaphor, it sure is another A, for the ambition and audacity are '80s references the Flock of Seagulls more subtle allusion.

The Canadians blend rock bombast with pop songcraft to create a satisfying stew.

Man" masterfully light-touch bass, potent melodicism, House. Reference a few of us (I'm Buckcherry) with "embarrassing" kept minimal and in-cheek. The metal guitar sound opener and lead "Good Do It." shouted: "This is to you!" 'Cause people who know roll is really about Blistering anger these lead quickly

Ono's exhibit reveals an artistic side that many overlook

by Renée Kaplan

"YES YOKO ONO"
MIT List Visual Arts Center
Oct. 18, 2001 through Jan. 6, 2002

Yoko Ono broke up the Beatles, she brainwashed John and she fought with Paul. In Beatles mythology, she has been the bad witch, looming over the end of the world's greatest band with her taciturn expression. Public opinion has tended to evoke her only as the controlling force who ruined it for everyone. First her celebrity marriage and then the world's unyielding resentment have obscured her career as an avant-garde artist, a career which began in the late 1950s, many years before she met John Lennon.

The first American retrospective of

Yoko Ono's work, organized by the Japan Society in New York, has just opened at MIT's List Visual Arts Center. It is a quiet, redeeming shock. The exhibit traces 40 years of creation that is full of a genuineness and humor that the public has never attributed to Ono. It is called "Yes Yoko Ono," but could be renamed "A Fresh Start With Yoko Ono." It is optimistic and quirky — and likeable.

The retrospective presents works from the 1960s to the present, with a focus on Ono's early period, which was her most interesting. She was born in Japan, but by 1960, in her late 20s, she was living in a cold-water loft in downtown Manhattan, an emerging figure in the avant-garde art scene. John Cage, a major figure in the movement, visited her loft. So did Marcel Duchamp.

Much of Ono's early work has a Duchampian cheekiness, a sort of false simplicity and deadpan humor. The exhibit is organized chronologically and thematically, and includes objects and installations, textual works and scores, film and video, and performance art. The first period, called "Grapefruit," the name of a self-published 1964 anthology of her early works, includes an installation called "The Blue Room Event," originally created in 1966 and recreated here. It is a small, oblong room painted stark white, with short sentences written in neat, black script on the walls. The sentences are seemingly nonsensical statements, like "This room is bright blue," and "Stay until the room is blue." The handwritten commands have both an innocence and playful absurdity, as though viewers could imagine the room blue and in any case inviting them to play along.

The textual works from the "Grapefruit" anthology are also shown here.

These are works of art that Ono called "instructions," and they are quite literally sheets of paper with written instructions as to how to create paintings. They were originally shown in a Tokyo gallery. Ono had her then-husband, a Japanese composer, write the instructions in Japanese, in black ink on plain paper, and they are shown here with attached translations. For example, "Painting To Be Constructed in Your Head," from 1961:

Look through a phone book from beginning to end thoroughly.

List all the combinations of figures you remember right after that.

The "instructions" works, which are all unrealized until the participation of the viewer, represented one of Ono's crucial beliefs about art and art-making. For her, art was a work in progress rather than an object or painting, it was a process of concept transmission from artist to viewer — it was above all an idea, whatever took place in the viewer's imagination.

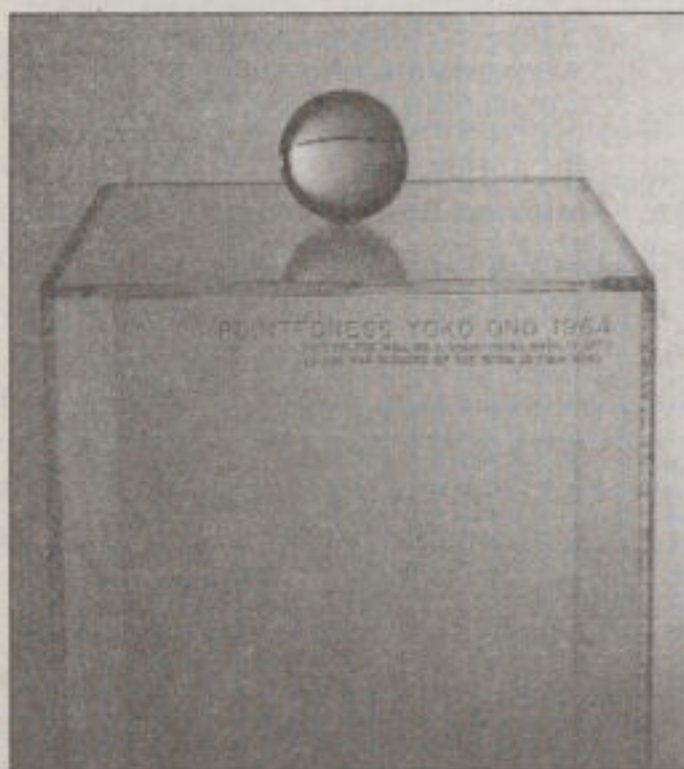
In the 1964 work "Pointedness," a tall plexiglass column with a plexiglass shelf at the top holds a clear crystal ball. Engraved on the front of the column are the following instructions: "This sphere will be a sharp point when it gets to the far corners of the room in your mind." The objects themselves are light and translucent, conveying a gossamer ephemerality to everyday shapes. And the text reads like a whimsical suggestion, an idea of what to do in your head with the images of the objects before you, which are suddenly nothing but the pretty building blocks of a more creative internal experiment.

But there was also radical element to Ono's art, and the retrospective shows some of her most famous works, which were also her most provocative. Perhaps her most well-known performance work is "Cut Piece," from 1965, in which she sits silently on a stage staring impassively ahead of her, while members of the audience take turns cutting

off pieces of her clothes until she is left holding up the clipped straps of her bra. It is erotic and disturbing, screaming out silently, a sort of pre-feminist protest against violation. Another of her experimental films (and her most famous), "Film No. 4 (Bottoms)," is more sensational and provocative — and just plain sexual. It is a film of strung-together close-up shots of 365 different bottoms (hairy and less hairy) and was banned in Britain when it first came out in 1966. Accompanied by the recording of the participants' conversations and of Ono being interviewed by the British press, it is, strangely, butt after butt, enthralling.

That year was also the year Yoko Ono met John Lennon. In 1969 they got married, and her life changed forever. Suddenly her marriage became the subject of her performance, and her personal life became an art "happening." Celebrity was her new conceptual medium in the famous 1969 "Bed-In For Peace," in which she and Lennon opened up their honeymoon in Amsterdam and Montreal hotel rooms to the media, inviting the cameras to film them in bed, in joyful, passive resistance to the Vietnam war. In retrospect, Ono has been criticized for exploiting the Beatles' celebrity; in this retrospective, the event seems as whimsically and optimistically contrived as much of the rest of her work from the 1960's.

Optimism is in fact what unifies much of Ono's art throughout the forty years shown, and what especially animates this exhibit. Her works ride on the hope and expectation of inspiring others. They are quirkily-phrased invitations to take part, to imagine, often to laugh. The retrospective creates a yearning for Ono's spirit of the 1960's, for the light-heartedness and playful irony that she evoked. It is an especially timely and painful nostalgia now, when, in the aftermath of the September 11th attacks, the hopeful notion of "Glass Keys to Open the Sky" — the title of one of Ono's translucent works — seems quite tragically absurd.



"Pointedness," 1964

Etc.

Known as 'Big in Canada'

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sions: (1) The flowery pop num-
bers will never strand the album in
an oversweet la-la land, and (2)
this shit must KICK ASS live. (A
quick plug: Sloan at the Middle
East November 20!) After all, a
rowdy nightclub setting should do
nothing to diminish "The Great
Wall"'s sublime "ooh"s and
"aah"s, and everything to add fist-
pumping legitimacy to rallying
cries like "Pick It Up and Dial It":
"People people/ This is a poll/ Are
you one of the ones who went and/
Gave up on rock 'n roll".

Pretty Together is probably clos-
est, in both mood and accomplish-
ment, to 1995's *Twice Removed*,

which does not appear in the above
chronology solely because it had
been the only Sloan record worthy
of the adjective "timeless." Many
have called *Twice Removed* the
greatest Canadian album of all time;
at the very least, it was a fine reason
to scoff at the American public for
perpetuating this silly "Big in
Canada curse." In a very similar
way, *Pretty Together* is both an
excellent album and a reason to
believe in the viability of rock north
of the border. Anyone concerned
that it doesn't earn the Genre-Savior
title we all seem so eager to bestow
these days would be missing the
point, as DGC did seven years ago.



in favor of Beatles infamy



"Bed-In For Peace," 1969

Letters

HLS misses the point

After reading Kelly Hartline's article
two weeks ago in the RECORD, I found
myself more disgusted with my class-
mates' reactions than to the article itself. I
must admit that I am disappointed,
although not surprised, by such a reac-
tion. Most students I observed flat-out
ridiculed Hartline's article as some sort of
Christian right-wing propaganda. Some
have taken a more direct approach with
ridiculing articles in the RECORD or
posting notes on the "Sound-Off" board
in the Hark. The problem I have with such
a reaction is it prevents any attempt to
reasonably discuss

the issue of homo-

sexuality and its

place in our society.

Despite being

fairly conservative,

my personal views

on the matter are

somewhat mixed.

While I have heard

of organizations

similar to Exodus, I

have no knowledge

as to their effective-

ness or legitimacy.

Hartline's article,

while interesting as

a topic, did not pro-

vide much conclu-

sive evidence. And

while I have known

homosexual indi-

viduals in a church environment, I really

have no idea as to their struggles to live

their lives in an environment that openly

condemns such behavior. But, in the last

year, I lost a close relative to AIDS who

was an open homosexual for many years.

It was quite evident that his lifestyle was

in many ways a reaction to his dysfunc-

tional relationship with his family. I do

not know where one began and the other

ended, but I do know they were inter-

twined. In the end he was an individual

trying to live life, like all of us, in the way

he knew best. I disagreed with many of

his choices, beyond those dealing with his

homosexuality, but I respect him for liv-

ing a life on which many would have

given up. Since my experiences have

been somewhat limited, I have not formu-

lated a specific viewpoint on the homo-

sexual lifestyle or how it should relate to

religion and our morality. But I have seen

*People on both
sides of the issue
too easily accept a
political or moral
view they feel
comfortable with
because it shields
them from dealing
with the issue.*

enough to know that these issues are not
as cut and dry as most people would like
to admit. These observations have made
me somewhat cynical regarding the
debate on homosexuality in general. I
think people on both sides of the issue too
easily accept a political or moral view
they feel comfortable with because it
shields them from really dealing with the
issue.

Therefore, I applaud the efforts of
those who are trying to establish a legiti-
mate dialogue on the topic. I know that
Hartline and some of her critics want to

have a real dis-
course on this mat-
ter. Again, I
applaud all those
involved, on both
sides. However, I
cannot begin to
express my disgust
to those in the
Harvard Law com-
munity who have
lowered themselves
by degrading,
insulting and curs-
ing out Hartline and
attacking her article
in a similar manner.
Specifically, I take
issue with the crude
and cowardly note
left on the "Sound-
off" board in the

Hark. For an environment which prides
itself on intellectual discourse, I find
such actions juvenile to say the least. I
also reserve the same feelings for any
"conservatives" who would have similar
outbursts towards homosexuals or those
who support the homosexual lifestyle.

Being Harvard Law students, we have
a tremendous opportunity to shape and
engage in such discussions. We also have
incredible resources, including each
other, at our disposal. But such resources
usually dry up when people act out on
malicious feelings or naively dismiss a
view point with which they do not agree.
Personally, I hope this and other such
discussion can be carried out at a respect-
ful and insightful level. I certainly look
forward to them; they are a large reason
why I attended Harvard to begin with.

Scott Levin

Hypocrisy in dissents

October 18th was a sad day for Harvard
Law School. On that day, in this very pub-
lication, several Harvard Law students
were at their worst. These students derid-
ed Kelly Hartline as "weak-minded and
morally impover-
ished" and as a "St.
Kelly" seeking mar-
tyrdom. One female
student, in her con-
temptuous and mo-
cking letter, went so
far as to ask Ms.
Hartline out on a
date as the student's
first lesbian encoun-
ter. All of this

vitriol was unceremoniously spewed at
Ms. Hartline for (a) having the nerve to
suggest that homosexuality is sinful and
(b) detailing why and how homosexuals
have been and can be helped to come
away from their sin through the loving
support of groups like Exodus. Even
though Ms. Hartline's advocacy for help-
ing homosexuals with caring and compas-
sion was evident throughout her article,
her words were decried as "[h]ate speech

masquerading as charitable concern."

It is a particularly revolting hypocrisy
to demand tolerance from others while
displaying crushing intolerance. How-
ever, although such behavior is sur-
passingly odious, it

*Unconscionable
victimization shows
the extents some
will go to to crush
dissent.*

is also instructive,
because it gives the
lie to the idea that all
homosexuals merely
wish to act upon
their sexual prefer-
ences free from
harassment and dis-
crimination. Rather,
as evidenced by
their response to

Ms. Hartline, a vocal minority will not be
satisfied until they are universally
embraced, until we all march in intellec-
tual and moral lockstep with their asser-
tion that "queer" is normal. As the uncon-
scionable victimization of Ms. Hartline
reveals, they will do their best to crush all
dissenters — even those who dissent with
the best intentions.

Duncan Crosby

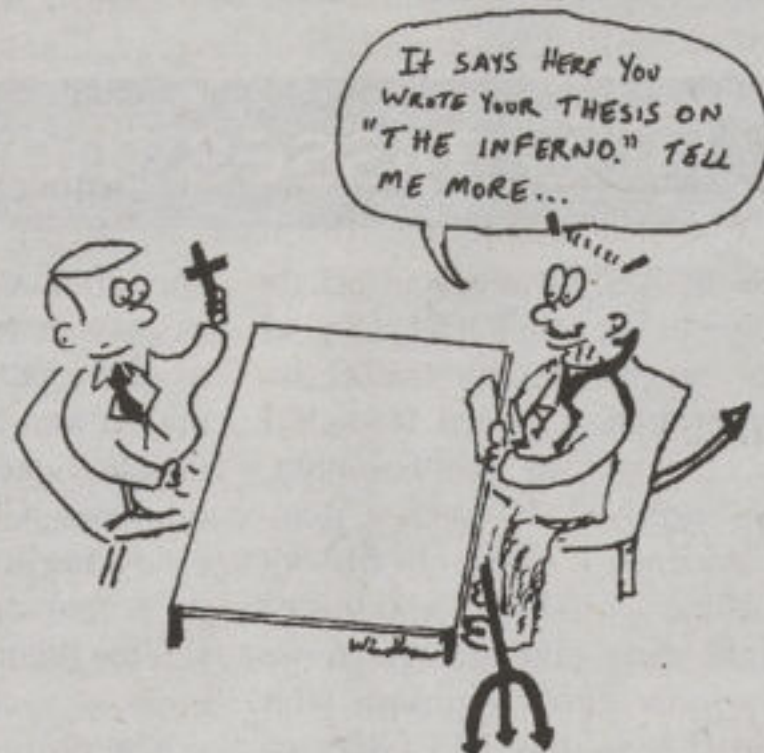
The road to hell is paved with callbacks

by Mathew Parke

I mentioned to my mother several weeks ago that interviews would begin soon, and yesterday she called to find out how it was going. I described interviews as a blur of 20-minute meetings in hotel rooms with strange men and women, at which point my mother began shouting something into the phone about Satan and the East Coast.

As Mom pled with me to come back to the farm and I tried to dissuade her from buying a ticket to Boston, it struck me that she was on to something. There was something familiar, after all, about many of my interviewers — perhaps they were emissaries of my old teenage nemesis, Old Scratch himself. If that were the case, it would go a long way in explaining the last four weeks.

It would explain, for example, why so many people I know who are committed to public interest work are suddenly interviewing with big law firms. I'm referring to those who lecture their classes about moral responsibility, sure that anyone who is facilitating a merger between two large companies is lacking in that area. Only Scratch could convince those same people that if pro bono work counts towards the firm's minimum bill-



able-hours requirement, they can do good and still make six figures. The road to hell may be gradual, but that first step into a big law firm is a doozy.

If the devil is involved in the interviewing process it would also explain how so many interviewers know the most intimate details of my employment history: where I attended college and what some of my hobbies were. And then there was the evil laughter that seems to invariably explode immediately after I leave the room.

When I mentioned my suspicions to some of my friends, they tried to dismiss them. One pointed out that interviewers could have learned about my employment from my resume. But my interviewers asked

me about jobs I had actually held, not jobs listed on my resume. Interviewer: "So how did you like being a waiter at Chili's last summer?" Me: "Oh, that was just something I did during the day — I worked at a law firm during the evenings. Actually I quit Chili's in August when the Law Review asked all the new people to report." Interviewer: "You're on Law Review?" Me: "Huh? Oh ... uh ... no. Did I give you that impression?"

After I began to suspect that Satan was somehow mixed up in the interviewing process, I took steps to protect myself. I believe that at least some of them worked. Many interviewers seemed unsettled, for example, by the incantations I recited before entering the room and the religious symbols I took to placing between us on the table. When I would insist that a priest accompany me into the interview, some firms refused to talk with me at all. I think I know why.

On the other hand, I could be wrong about all this. Maybe my friends are right when they insist there is a perfectly logical explanation for everything and that the interviewers are people just like me. And I have to admit, if I look past the interviewers' tails, it's plausible that they are.

Fenno

After a long day of wearisome toil for the Recording Artists Project clinical where he listened to eight hours of music from unsigned artist Angon Novhere, Fenno slumped into his LazyBoy and snapped open his favorite section of the Washington Post. To his horror, he discovered that Post columnist Lloyd Grove had caught wind of the tale of Harvard's feuding professors and had written a column as to the absurdity of it all.

It all came down to Jesse Jackson, an offensively early Tax class and the self-described lover of mischief, eon.

Fenno enjoyed getting his jollies from eon's antics, but this incident had taken the madness a bit too far. Three HLS professors were effectively airing the law school's dirty laundry to a national audience.

And what of the U.S. News and World Report? Rumors had already begun circulating that if HLS fell yet another spot in the rankings mass campus-suicide lurked just over the horizon. The damn Internet. Eon and the Internet — deadly.

Fenno decided that he should do something to quickly to confront the threat. He grabbed his cell, brought up the phonebook and pressed the "d-e-f" button.

T.J. Duane. No living thing that had ever stepped onto Harvard Law School soil had more to lose from the law school's decline in stature than the HLS hustler himself.

Fenno pressed "OK" to call, then realized that the digital clock on his phone read "7:58 p.m." Damn that Sprint. "Boop!" He lost the signal. Damn them.

He picked up the land-line phone and dialed the number from his cell phone book.

"Fenno, what's the word?" Fenno pulled the phone from his ear and look at it, puzzled. "I know we've never met, but I spent a couple days placing every student's number into my cell phonebook. That's not weird, is it?"

"T.J., we have more important things to concern ourselves with than your peculiar obsession with HLS students," Fenno yelled. "The Washington Post published an article on the Nesson-Warren-Ogletree tiff and — you'll appreciate this — placed an unapproved link on the Post website to Nesson's Evidence class website where the email war is posted IN ITS ENTIRETY!"

Fenno heard heavy breathing on the other end of the line and, he thought, even a soft whimper.

"A man pours his soul into this damn place, and this is how these spoiled megalomaniacs repay me."

Fenno hung up the phone immediately. Clearly, the HLS hustler was not the one.

He went back to his phone book and hit "j-k-l."

After three rings a warm voice answered.

"Hello."

"Jesse, it's me."

"Fenno? How the hell did you get this number?"

"No time for that, Jesse. Up here at HLS we're in a colossal mess after your visit. You have to help, Rev. We need you to come out here and clean this up. I saw what you did in Serbia. A blood-thirsty war criminal was no match for your political savvy. We need the ultimate diplomat. That's you, Jesse. Jesse, the rankings are at stake, and rumor has it that Tree may pack his bags."

Fenno could hear Rev. Jackson tapping his heavy index finger on wood.

"Stop stammering like your in Miller Civil Procedure. Just relax, boy. Now Harvard will not, I repeat, will not fall in the U.S. News and World Report rankings."

Fenno took a deep breath and responded calmly.

"Wait. But how can you be so sure?"

"I've done the research."

Fenno scratched his head. "But what on grounds are you basing that claim?"

"I've done the research," Jesse snapped back. "Now I insist that you drop this 'Save the Law School' campaign immediately."

Fenno's eyebrow raised. He looked down at his phone and, to his horror, realized that in his haste he had pressed "m-n-o".

A Freudian slip? Perhaps.

THE 1L EXPERIENCE

by David Baharvar

Will we rush in herds to Career Services for the best leftover firm jobs?

Every once in a while in the cases we read, I run across facts that are especially disturbing. For example, a rapist breaks into a single woman's apartment during the night. He is in the home for hours while she is locked outside because the police won't believe her story and refuse to break open the door. When they finally do, they find that the assailant has been raping her children for hours. In the judges' opinions and in class, there was precious little discussion of how shocking and deplorable the episode was, how we felt about it and what we think ultimately needs to occur in order to salvage the well-being of the parties involved.

Cases like this lead me to wonder, what does this all mean? Are we supposed to become desensitized to the tragedy of such cases? Should we view the facts as a clinician views a patient or a scientist views a specimen — isolate what is relevant to the issue at hand and disregard the rest in the interest of efficiency and clarity? I recall a 2L telling me that some of the cases shared last year were so unsettling that she would cry after reading them. Does the nature of legal education say something about the field that we are entering, how we are being taught to think and what we are being trained to care about as lawyers?

Speaking of what we care about, our immediate concerns seem to be centering around November 1st — the date after which 1Ls may receive counseling on job opportunities from the law school staff. Will we rush in herds to Career Services for the best leftover firm jobs, after having watched the 2Ls and 3Ls scramble for them these last three weeks? How many of us will earnestly pursue non-traditional opportunities — choosing not to work for large private law firms — this summer? Of course, that choice will depend on each person's circumstances and goals. For those of us who have already decided to work for a private firm after law school it might make sense to take that route from the start. Or does it?

It seems like the majority of us are much less resolved on those larger questions about what we ultimately want to devote our energies to. The few 1Ls who seem to already have a focus are usually the "older" ones — that is, the relatively few who are more than a couple of years out of college. Given this, I would think that the advice we get from all around to "expand our horizons" this summer would be especially salient for most of us now. But is that advice mostly falling on deaf ears? Do most of us have "tunnel vision" with respect to what job we may accept after law school — how we might work the law into our careers and lives, while avoiding the large-firm track?

Chatting with fellow 1Ls, I also wonder about "tunnel vision" with regard to our lives at HLS. Most 1Ls I chat with say that they haven't done any extra-curricular activities outside the law school, and the only activity within HLS that they've actually contributed anything to has been subciting for a journal. And most 1Ls hate it. So why do we do it? Is it because we ultimately hope to write for that journal about something we deeply care about, or even just to satisfy our intellectual curiosity? Or is it perhaps that we convince ourselves of the hoops we must jump through, the "dues" we must pay, so that we'll reach that next step, have that next credential, and THEN maybe we'll devote our time and energies to what we really care about? Or is our motivation actually a mix between the two?

How many of us have resigned ourselves to leading tedious, hectic, worried 1L lives, perhaps even before we got here? Is it possible that being "forward thinking," one of those traits common to high achievers like HLS students, takes a toll on our personal development in the present? If so, where does it end?

These are concerns that I think many 1Ls have wondered about. Each of us will find our own balance, no doubt. As we continue to get comfortable with each other as a class and especially in our sections, I see more and more folks talking about how they feel about the larger system of law that we are learning about and how it could or could not affect our lives. We look to each other for advice as well as reassurance about why we are here, the impact of this new rush of material on our psyches, and what we really want to make of it, not just what we need to know for class. Slowly but surely we are feeling empowered to form personal opinions and judgments about what we are learning. For most of us, this has been the most thrilling part of being at HLS.

With comments or to start a dialogue, please e-mail dbaharva@law.harvard.edu.

Student Activities Council

is sponsoring its annual
1L Halloween Party

on

Saturday, October 27

from 9 p.m. to 1 a.m.

at the Hark.

Drinks, dancing and a costume contest.

FAMOUS DUOS

R	A	S	P			D	A	M	P		A	R	I	L
E	R	I	E		S	O	N	A	R		B	O	N	A
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Vino & Veritas

JUSTIN DILLON

Wines are like gay people — they're great at dinner parties but scare the hell out of Bible-thumpers.

Or maybe wine is like sex — there are a million different ways to have it, and if someone cares about how you have yours, they've got way too much free time. Or theirs just isn't good enough. Or maybe wine's just wine, gay people are just gay people, and sex is just sex. They do have one thing in common: Jesus never condemned any of them. His first miracle was converting water into wine, see John 1:1-12, he never referred to homosexuality at all, and he mentioned sex only rarely.

Christians who understand the Gospel — as opposed to having just memorized it — have better things to do than gay-bait: helping the poor, showing compassion for the marginalized and so on. These things may not make for good newspaper columns, mind you, but they're sort of the point.

See the bandwagon.

See the wine columnist jump on the bandwagon.

Jump, wine columnist, jump!

So this week's column, fittingly enough — and planned before all this craziness started — is about how to enjoy wine in the privacy of your own home. What to do, in other words, when it's just you and the bottle. (You have now read a description of my entire social life.)

There are two parts to this endeavor: what to do before and after you open the wine.

People often wonder what to do when they bring wine home from the store. In old English novels, for example, they would store it by the fire. This, however, quickly turns wine to vinegar, which may actually explain why the English are how they are.

If you have no idea what a "Middlemarch" is and never understood how someone could name a guy "Ashley," do the following: Store your wine on its side, away from direct light. (You don't need to own a cellar; bottoms of closets will do just fine.) Why on its side? Because you don't want the cork to dry out; dry corks let in air and air ruins wine (which is, after all, why they're corked in the first place). And why out of direct light? Because light equals heat, which

cooks organic things like wine.

When you're ready to serve the wine, use the following rule of thumb: Take all whites out of the refrigerator 20 minutes before you're ready to serve them, and put all reds in the refrigerator for 20 minutes before the same. You're neither "warming" the whites nor "chilling" the reds; you're just getting the whites to a drinkable, tasteable temperature and focusing the reds' flavors by getting them closer to "cellar" temperature. The latter may seem counterintuitive, but try it and you'll see what I mean.

Finally, let's say you're either a lightweight or not an alcoholic, which means there's still some wine in the bottle at the end of the night. You have a few choices. For ten bucks at any wine store, you can buy a "Vacu-Vin" system, which is a little self-vacuinating system that comes with rubber stoppers and an air pump (again, much like my social life). It'll suck the air out of the bottle and keep the wine fresh for up to a week.

Alternatively, if you have a half-bottle of wine lying around, you can rinse it out and pour the leftovers into it — again, with the goal of minimizing the wine's exposure to air. Finally, you can just stick the

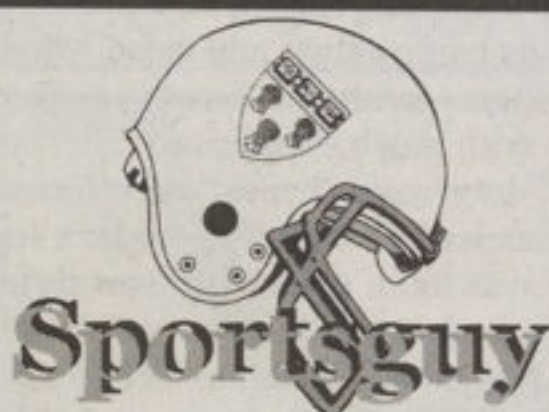
cork back in, which is fine but won't do too much. I highly recommend the Vacu-Vin; although it's not perfect, it's cheap, easy and effective, much like ... oh, never mind.

Tasting notes:

Every two months I get "The Wine Advocate," Robert Parker's brilliant newsletter. After reading its several hundred capsule reviews, rarely do I remember one in particular without having to go back and consult the piece. When I read about **Chateau Gres St. Paul's Cuvee Antonin 1999**, however, I made a point to remember. Go buy this wine (which I bought for \$14.99 at Marty's). On the nose, it is fascinating: roasted fruits and bacon fat, like smothered blueberry pancakes from IHOP. On the palate, just as good: It's a wine to savor and roll around in your mouth.

Another shockingly good buy was the **Fattoria Le Fonti Chianti Classico 1998**, which I bought at Marty's for \$9.99. A better Chianti for the price would be hard to find. The nose alone — rich earth and dark fruits — signals its depth, and the taste lives up to the smell. For \$10, it'd be hard to find a better wine for pizza or pasta.

Finally, a white: the **Pazo de Señorans Albariño 2000**, which I got at Marty's for \$16.99. Parker loved it; he and I part company here. Although quite good, it doesn't live up to its tropical-fruit and honey nose. Buy it if you're sick of Chardonnay and looking to experiment; otherwise, there are better whites for the price.



IAN HUMMEL

Week Four of the flag football season has come and gone, but the memories will last a lifetime. I wasn't alerted of a "Game of the Week" this time around, so I'm going to start with the week's closest game: the **JLPP Patriots** (0-5) and the **Fightin' Greg Lippers** (2-3). Both teams flouted convention by starting just five players per side, a radical strategy they hoped would turn their respective seasons around. It apparently worked for Lippers. QB Andrew Raymond, who threw four touchdowns over the sparsely populated field, led the Lippers to a 30-24 victory.

Still confident in their scheme, the Patriots brought their five starters back for their game against the **AstroGliders** (4-1). It was hard fought, but the Gliders prevailed 38-22. One of the Gliders commented after the game: "Showing the class and dignity that has marked our three-year reign of terror in the HLS football league, we began our

assault on the Patriots by refusing to reduce our on-field squad from six to five when the opponents only had five show up."

The Gliders did not let up in game two, beating **Section 7 Deadly Sins** (0-4) in a manner that rendered the lives of their opponents meaningless. Looking back on the day's carnage, an anonymous Glider gave credit to Kane, Wes, Lutz and Dom and used phrases like "lit them up" and "geez, we just dominated."

Captain Gene Gurkoff made some startling announcements after the games Sunday. No longer will his team be known by the possessive (though not charmless) name, "**Gene's Team**." The formerly eponymous captain changed the name of the team to "**Brian Nielson**." "We are, in fact, named after the fat and out of shape Danish boxer who got destroyed by Mike Tyson two weeks ago. He took a never-ending barrage of punches, but he kept coming back into the ring. And so will we." Perhaps less shocking, Gurkoff announced that Sarah Baxter has been added to the team and will be featured alongside teammate Stacy Austin. Brian Nielson were defeated by the **Law Dawgs** and **Duress**, 41-0 and 42-0 respectively.

In the **Duress**' (3-0) victory over Brian Nielson, Chris Gober threw five touchdowns. On the receiving end were Trevor Livingston (twice), Doug Cordiano, B.J.

Trach and Mike Allen. Tel-Cary Sadler rushed for a touchdown, and the defense collected four interceptions. In relaying the events, Cordiano did not use phrases like "geez, we just dominated," but he damn well could have.

Black By Popular Demand evened their record with a 34-26 victory over Sashi's team. Erick Harris was dominant on defense with a pair of interceptions. Scott Mayne tossed four touchdowns and ran for another, and Nick Brown scored twice. Also, Dave Min wrote me and asked why he hasn't been in the paper.

Animals Taste Good (4-1) improved an already impressive record with a 33-6 victory over the **Mad Turtles**. According to Eric Zacks, Mike Minahan had an impressive game and asserted that "Ian can't ignore me forever." Maybe not, but I'm sure going to try.

Boar Hogs (5-0) Captain Randy Kozel said he didn't have much to report from the Boar Hogs 28-0 victory over **Mr. Sparkle** (2-3). That was rather generous, given that Sparkle successfully completed as many passes to the Hogs as to themselves. Matt Dubofsky gets the game ball for his defensive performance.

Finally, the **Law Dawgs** defeated the **International All-Stars** 26-13 in their second game. No one said too much about that game.

Week 4 Standings

	W	L
Boar Hogs	5	0
Law Dawgs	4	0
Duress	3	0
Animals Taste Good	4	1
Astrogliders	4	1
Int'l All-Stars	2	2
Black by Pop. Dem.	2	2
Sashi's Team	2	3
Fightin' Greg Lippers	2	3
Mr. Sparkle	2	3
Mad Turtles	1	3
Brian Nielson	1	5
Sec. 7 Deadly Sins	0	4
JLPP Patriots	0	5

HAMPTON

Continued from page 1

political and popular will to resolve to reform law enforcement more generally.

He cited his experiences in the police department that showed a need for drastic reform in the way police interact both with the public and with each other.

Hampton, who served on the Washington, D.C. police force for 23 years, first encountered racism within the police department soon after he joined the force.

"My idea always was that the real power that police have was not the power to arrest but the power to affect people's quality of life," he said.

But Hampton was told "if you don't like what we do, then you

can leave."

He continued: "I could see very clearly that the public was my enemy and the police were my friend. And they would say things like I had to forget my blackness — we're all blue here. I didn't see anybody blue in the room."

Despite the police force's claims of being colorless, Hampton said, conformity to the party line was required.

"The very thing that they wanted me to let go of was the thing that they would see me as later on in my career when I began to speak out against injustice," he said. "That there was something wrong with me because I wasn't part of the team."

Racism in the criminal justice

system also manifests itself in the ways police are allowed or prevented from exercising their discretion with arresting suspects.

Hampton was once criticized for letting a man who stole a battery go after he and his victim came to an extra-judicial resolution that suited both of the parties better than a prosecution.

That discretion, Hampton said, is a vital part of police work but, in the hands of many police officers, ends in racial profiling. Other times, discretion can be used against racial minorities, such as when police shut down clubs owned by minorities when a single drug deal is discovered on the premises.

Those abuses of discretion,

Hampton said, arise because Americans have been culturally conditioned to view African-Americans poorly.

"No one wants to say race is a factor," Hampton said, but that assertion is contradicted by research on "hit rates," which show that equal numbers of whites and blacks who are stopped are found to be engaged in illegal activities.

"We've come to see black folks as criminals," he said. "We've come to see black folk as involved in criminal activity. We've come to see black folk as suspicious."

Racism within the police force is long-lived, Hampton said, largely because police forces

were often filled through patronage.

"If I had happened to have been a police officer [30 years ago], I couldn't have arrested a gentleman like the one wearing the yellow shirt," he said, pointing to a white audience member. "If I saw him commit a crime I could hold him for a while, but I couldn't arrest him. I had to call a white officer to read him his rights."

"A lot of things have changed, but very little has happened in a way that has positively impacted to eliminate race," he said.

When Americans discuss the contributions of police, Hampton added, they rarely talk about the contributions of African-American police.

He Said, He Said, He Said: Metro

by Andrew Jacobs
Davis Wang
Dave Bitkower

Andrew Jacobs

With Air France's Concorde service suspended for the past year, we have all been forced to make some sacrifices. When hopping aboard Concorde to arrive chez Taillevent the same evening is not possible, many have turned to the Boston-area restaurant scene for our French food fix.

Brasserie Jo is one of my preferred inexpensive French restaurants in the Boston area. The hearty fare, such as my steak tartare and orange duck standbys, is always reliable and tasty, even if not particularly sophisticated. The crusty bread, accompanied — oddly but quite successfully — by carrot sticks in a spicy mustardy sauce, keeps one good company before the starters arrive. The atmosphere

*If you squint,
in fact, you might
even think you were
in Balthazar (after a
martini or two).*

is nothing special but is not at all unattractive. Brasserie Jo has always been a favorite gathering place, with its friendly waitstaff, reasonably priced wine list and fabulous fishbowl-sized martinis. And not surprisingly, Brasserie Jo has fabulous frites. But Metro is no Brasserie Jo.

I had high hopes for Metro. In a moment of nostalgia, I had thought it might turn out to be the Balthazar of Cambridge. And what wonders that might have done for putting our own little Porter Square on the map. If you sort of squint, in fact, you might even think you were in Balthazar (especially after a martini or two). Ok, well maybe even that's stretching it a bit, given the markedly different attire seen in Cambridge compared to SoHo. You might need three martinis. But given the inevitable comparison between Balthazar and Metro, I had hoped that it might turn out to be worthy of the comparison (or, for that matter, the 400-or-so words that I am devoting to it).

However, Metro was something of a disappointment. The décor actually was attractive and appropriately brasserie-like, reflecting a total remodeling of the space that used to be Cottonwood Café. But the interior design set up expectations on which the food failed to deliver. My first disappointment was that the kitchen had run out of the lamb: When our server seated us, she mentioned that there were only a few of the lambs left; she then disappeared for at least 15 minutes, taking every other customer's lamb order before returning to us. Of course, by the time she returned, they were entirely sold out; so, grumpily, I chose another entrée.

My steak tartare starter was disgustingly lukewarm and was totally lacking in flavor. I was glad that I didn't order it as a main course. The seafood platter, consisting of oysters, mussels, clams and shrimp was not particularly large but was quite good, especially the well-seasoned mussels. But it is difficult to mess up a raw seafood platter. (I had thought it was hard to mess up the seasoning for steak tartare, as well, but boy was I wrong!) The cabbage stuffed with duck confit that I ordered for my main course was pleasant enough as comfort food, reminiscent of the stuffed cabbage that my grandmother used to make — except she didn't charge me for it. The highlight of the meal was the dessert, a pear tart with quasi-coffee ice cream, which David and I stole from Davis' plate during his brief visit to the men's room. (I'll leave it to Davis to tell you all about the men's room.) Our server



was chipper and friendly, personality traits totally out of place for a would-be Balthazar. A bit more surliness and attitude would no doubt improve the atmosphere.

I cannot particularly recommend Metro. But now that Air France has again come to our rescue, we shall not be forced to dine in mediocrity for much longer.

David Bitkower

Once again, I find myself in disagreement with my colleagues. Metro, although certainly not my favorite restaurant of the semester, is a perfectly reasonable approximation of French bistro food at a reasonable price. Perhaps it is because my impression of French Food was formed

*A cut of hangar,
steak, lean but juicy,
seems like not a bad
way to spend \$16 in
this town.*

largely by FF13.5 student meals at the Cite Universitaire Restau-U, though you can't beat the couscous with lamb chunks, two merguez sausages, deadly hot sauce, plus three sides that they used to serve on Sunday afternoons. Or perhaps it is because at Metro I stayed away from the fringes of the menu and stuck to the traditional steak frites. Nonetheless, I was pleased. A healthy cut of hangar steak, lean but still juicy, with some very competently prepared fries, seems like not a bad way to spend \$16 in this town. The chevre salad was less memorable, but certainly not bad.

The décor, as Andrew notes, is also a nice change of pace from Metro's neighbors such as Christopher's or Temple Bar. We went on a Wednesday night with a party of six, and the place was nearly full, surprisingly large but nicely laid out, not too loud and pleasing to look at. In fact, although I would personally never drink on a Fed Courts evening, Metro seems like a very nice place to get together for drinks. The front room has several larger tables and a prominent row of two-person booths (*videre et videri, comme on dit*). And everyone knows it's past time to move on from the tired Temple Bar/West Side Lounge scene.

My largest complaint about Metro is the limited dessert selection. Of the six choices on offer, only the Chocolate Napoleon

and Pear Tart were appealing, and the Napoleon was not that great. But stealing the Pear Tart while Davis was off in the bathroom was the most fun I have had since sticking a pink triangle on Kelly Hartline's back while she wasn't looking.

Speaking of small-minded intolerance, if there's one thing I can't stand, it's overpriced yet bland breakfasts. So I want to go out of my way to recommend the Neighborhood Restaurant & Bakery on Bow Street in Union Square, a little Portuguese diner with a great brunch menu. There are dozens of combos for \$6 to \$10, each of includes piles of pancakes, eggs, fruit, bread, hash browns and OJ, not to mention the free bread basket (homemade) and coffee and tea that you get, like those first 120 LSAT points, just for showing up. I had mango-banana pancakes, which were excellent, but not as excellent as my friend's pumpkin pancakes with whipped cream.

Davis Wang

My colleague's reference to Abercrombie and Fitch in our last review was darkly prescient: Last week, A&F announced that, in view of the national war effort, it would suspend its usual winter catalogue (of buff boys unusually insensitive to cold weather). Our dinner at

*The saucisse de
coquillage was a
horror: Its taste was
more Japanese
breakfast than
French Bistro.*

Metro was therefore a memorial of sorts: The mood was somber, the lights were low, the crowd was sparse, the brand new mirrors were tarnished with the methodological precision of the Harkness Tower of the Other School, and the food sucked.

Were it up to me, the review would have ended here, I would not further embarrass the bar-restaurant-bistro with an enumeration of its faults — indeed, as far as its self-characterization is concerned, only the bar part is accurate. There is a zinc bar, where clusters of two and three would gather and smoke domestic cigarettes. In any case, I digress — were it up to me, I would go on, instead, to analyze the suspension of the A&F catalogue as another

unfortunate victim of terrorism. Even William F. Buckley Jr. appreciated the catalogue's cultural significance, and wrote about its cargo shorts and those who modeled them (without, however, wearing them) with much eloquence.

But duty calls. I must be informative. The saucisse de coquillage was a horror: There was more white fish than shrimp in an egg, spongy, tubular substance. Its taste was more Japanese breakfast than French bistro. (Well, Metro is located in the Porter Exchange Japanese colony). I thought Andrew's steak tartare would be truer to form, but it tasted as if it had been semi-cooked. (Was this some sort of anti-anthrax recipe that we are not aware of? Someone should report this place to the CDC.) My main course, a choucroute garnie — pork loin with sauerkraut — was crispy on the outside and dried to the crisp on the inside, as well. For dessert, the pear tart was just a tart with pear. It was a mistake for me to order an encore when I found my original order missing after a trip to the WC (which was, actually, one of the few highlights of the place. The washing stations were located in an anteroom outside the actual facilities, allowing for socialization among the patrons post-relief.) In fact, it was David's chocolate Napoleon that was slightly more redeeming — the feuilles were chocolate as well, an interesting touch. The most satisfying part of the menu was a plateau of raw oysters, served between the appetizers and the main course. But oysters without A&F boys, as we all know, do not a full meal make.

Metro

1815 Mass Ave.
Cambridge, Mass
(617) 354-3727

(Ratings out of 5★)

★

Andrew's Rating

★★★★

Dave's Rating

★★

Davis' Rating

Cathy

by Cathy Guisewite



Doonesbury

by Garry Trudeau



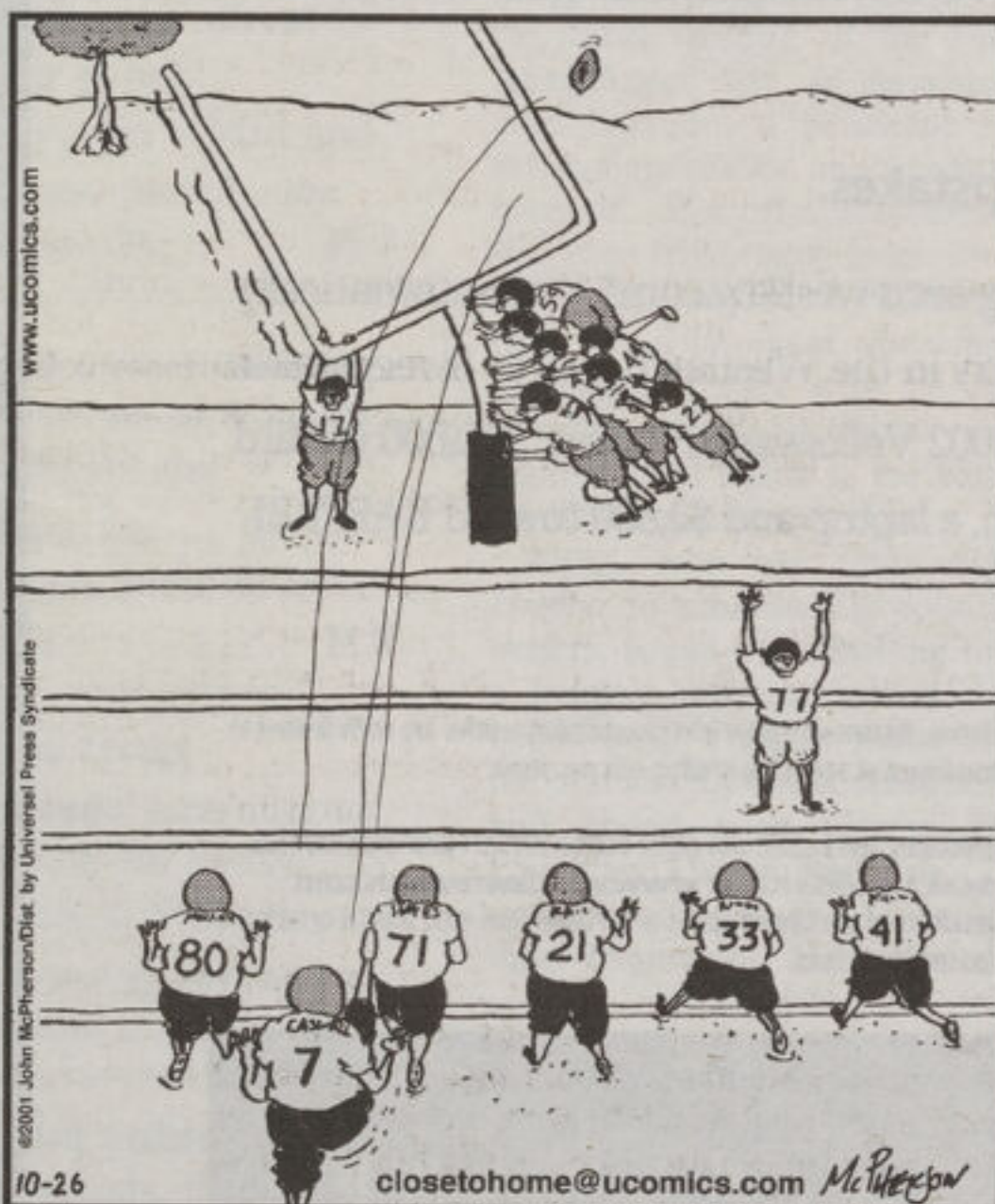
Non Sequitur

by Wiley



Close to Home

by John McPherson



Knowing they had no chance of blocking the winning field goal, the Durmswood High Prairie Dogs made a desperate move.

Crossword 101

By Ed Canty

"Famous Duos"

- ACROSS**
- 1 Coarse file
 - 5 Moist
 - 9 Plant part
 - 13 New York canal
 - 14 Submarine instrument
 - 15 _ fide
 - 16 Catalog duo
 - 19 Glasgow cap
 - 20 Australian runners
 - 21 Grow molars
 - 22 Your neighbor's kid?
 - 23 Count on
 - 24 Salon item
 - 27 PCs
 - 28 Domestic swine
 - 31 Town in New York state
 - 32 Lure
 - 33 Legal lead in
 - 34 Boy stuff duo
 - 37 Record
 - 38 Charlotte's Wilbur & others
 - 39 Prohibit in law
 - 40 Vain person
 - 41 Narrative
 - 42 Eucharistic plates
 - 43 Scads
 - 44 Apple part
 - 45 St. Francis' town
 - 48 Freedom from difficulty
 - 49 Pension agcy.
 - 52 Patriotic duo
 - 55 Orifice
 - 56 Smells
 - 57 Tree wrapping
 - 58 Stated
 - 59 Hideaways
 - 60 Women: French

- DOWN**
- 1 Unwind
 - 2 Region
 - 3 Thailand
 - 4 Cost for each



5 Dunkin's output

6 & &

7 Blemish

8 Defends

9 Dublin theater

10 Landslide

11 Kind of worm

12 Tahoe

14 Philippine island

17 Unruffled

18 Snakelike fish

22 Pianist Eubie

23 Forays

24 Rica

25 Orthopedist's concerns

26 Harvests

27 Animal disease

28 Port-au-Prince locale

29 Crease-resistant fabric

30 Grunts

32 Empties the canoe

33 Adhesive

35 Madrid inhabitant

36 Closer

41 Throw carelessly

42 Sentry's stations

43 Worn down

44 Barrels

45 Vipers

46 Greek portico

47 Asian wrap

48 Paradise

49 Canned meat

50 Dry

51 Requests

53 Born of

54 Big Blue

Quotable Quote

"The safest way to double your money is to fold it over once and put it in your pocket."

Kim Hubbard

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For this week's solution please, see p. 8

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—First Amendment, U.S. Constitution

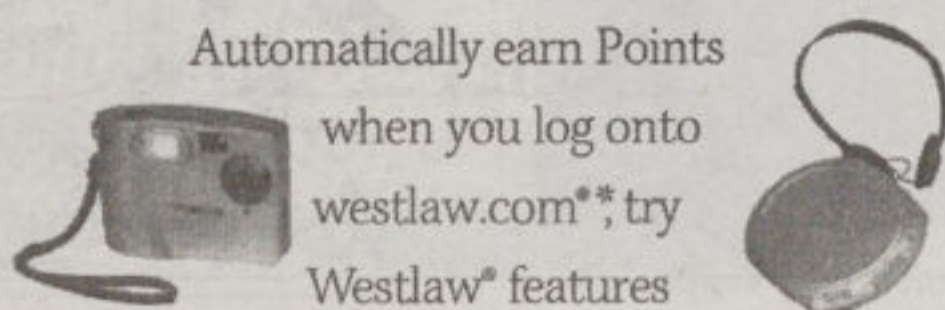
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