

RECORD Photo/William D. Mone '70

HLS Men's crew team pulled past the Business School team to finish 11 seconds ahead.

HLS Rowers Best B-School at Head

By Ben Lehrer

The Law School men's crew team humiliated the Business School last Saturday at the Head of the Charles Regatta, besting the MBA candidates by a full 11 seconds.

A technical violation reduced the official margin of victory in the 16-minute race to one second. "We were assessed a 10-second buoy violation," said team captain Bill Mone '99. "I'm appealing it — my first appeal as a lawyer. Still, the Business School knows we beat them by 11 seconds."

Something of a rivalry exists between the two Schools. "They usually win the race," said Mone, "and they have a serious attitude about us."

Women's crew team captain Sheila Findley '00 pointed out that whereas most teams have some school emblem or sign on

their oars, the Business School teams' oars are adorned with dollar signs. "Everyone wants to beat them because those dollar signs are just a little much," she said.

"We've been working all season for this," said Jason Markham '99, who was on the team last year.

Team member Sam Caspersen '99 expressed satisfaction with his boat's performance. "We only really got organized and practicing daily about 10 days before the race," he said. "We performed better in the race than in any of our practice pieces. We responded well to the pressure of the event and it was a good team effort."

Mone agreed, adding that he expected a better showing from the Business School. "We thought they were going to be tough, but maybe they were a little too big and out of shape and our fitness carried us through,"

he said.

Both schools competed in the Club Eight division, a field of 79 schools and rowing clubs. The Tideway Sculler's School, a British team, won the division.

HBS Swallows Defeat at Post-Race Bash

While at a Business School party that night, Caspersen got "the impression that [HBS] had beaten us, judging by someone who had timed us and what other people had said."

An HBS student told some

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Rep. Frank '77 Combats Religious Conservatives

By Klaus Hamm

Repeatedly attacking the right wing for defying public opinion, Massachusetts Congressman Barney Frank '77 brought a spirited defense of President Clinton to HLS last week.

The right wing has used its powerful grip on the Republican party to push its agenda — particularly the impeachment attempt — in defiance of the public's will, he said.

"They hate Bill Clinton. They really are obsessive in their hatred of him. They have been terribly frustrated that he got re-elected," Frank said.

As Congress wrapped up a session marked by fierce partisan discord, Frank returned to Massachusetts and to HLS last week, speaking for about an hour to a crowd of 100 in an event sponsored by the Harvard Law School Democrats. Most of the Newton congressman's remarks focused on the impeachment process, although his continual criticism of the right occasionally touched on other issues such as gay rights.

A staunch Clinton ally and the second most senior Democrat on the House Judiciary Committee, Frank has emerged as a key player in the impeachment debate. Frank believes most Americans do not want the President impeached for covering up his affair with former White House intern Monica Lewinsky.

Frank warned, however, that a strong primary showing has shifted the Republican party even further to the right. The far right's dominance of the GOP has intimidated Republican moderates, Frank said, and has resulted in the right's power to dictate national affairs to an extent far out of proportion to its relatively small numbers.

Frank said that such strong influence by such a small group is rare, recalling that when liberals controlled the Democrats in the 1960s, conservative Democrats still had a geographic base in the South from which to challenge their liberal colleagues.

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HLS Telephone Cartel Under Fire

LSC to Mount Offensive Against Administration Stranglehold

By Justin Herdman

The Harvard University telephone service is about to be challenged by a few of America's budding antitrust lawyers.

Through its Committee on Facilities and Services, the Law Student Council (LSC) is spearheading a drive to challenge the current long-distance service provided jointly by Harvard Student Telephone Office (HSTO) and MCI. The Council is initiating a "concerted effort to break the monopoly," said LSC President Dan Fridman '99.

In defense of the current scheme, Director of Telecommunications Nancy Kinchla outlined the administration's position. Due to the University's campus-wide direct dialing system, which was installed with heavy finance costs during the early 1990s, HSTO's greatest

concern is retiring the debt incurred by this project.

Since HSTO operates as a non-profit corporation, it has been forced to retain high long-distance service fees. "We do mark [long-distance charges] up, simply because we have to. It's the only income" for the office, Kinchla noted.

These rates are dependent upon which plan a student chooses. Option A allows for a sliding long-distance rates for calls within the United States, descending from 29 cents per minute during peak hours to 12 cents per minute during week-ends. Option B presents the student with a flat rate of 15 cents per minute, no matter the hour.

However, the prospect of lower rates is not an impossibility. "As we are retiring debt, the [charges] are going down," Kinchla added.

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Hersh Blasts Missile Attacks

By Dusan Stojkovic

"This is the bottom." By the time Seymour M. Hersh uttered these words to describe the current U.S. political climate, each member of the audience was well aware that the erstwhile New York Times investigative reporter did not come to the Law School to give a pep talk on the State of the Union.

Under the auspices of the HLS Forum lecture series, Hersh spoke on a wide array of political topics last Tuesday in Pound 102, and mainly focused on the U.S. bombings of alleged hotbeds of terrorism in Afghanistan and Sudan.

Winner of the 1970 Pulitzer Prize for International Reporting for his coverage of the My Lai massacre, Hersh criticized the

two bombings as rash and unsubstantiated.

In Hersh's view, Osama bin Ladin, the Saudi multimillionaire whom the U.S. government has blamed for the prior attacks on U.S. embassies in Kenya and Tanzania, is "not nearly as big as they made him out to be." Given that Hersh's sources claim that the alleged terrorist's main source of money is the Saudi-Arabian government, Hersh asserted that shutting down bin Ladin's funding faucet would have been a more effective way of thwarting further terrorist activity.

Can You Wag the Dog?

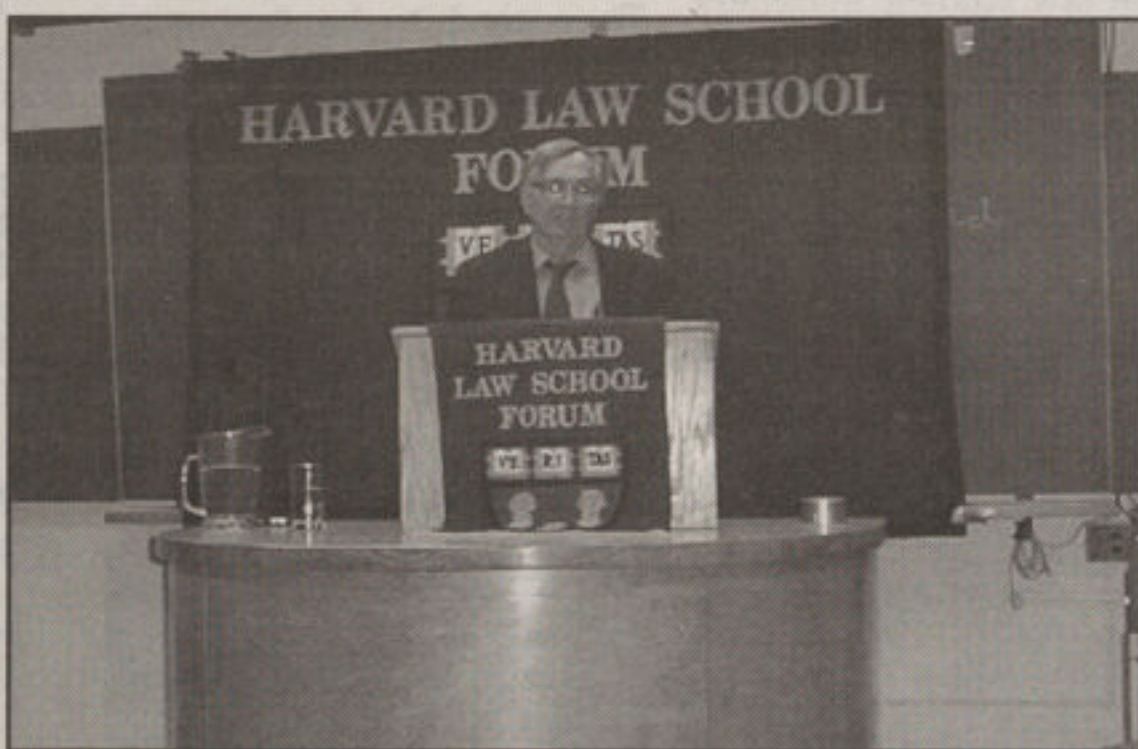
"My friend basically told me that U.S. intelligence sucked. Even Janet Reno ['64] said 'Hold off, guys,' there's not enough evidence," Hersh said, citing

anonymous sources who could not be quoted in the newspaper articles he has written on this topic. "People were very angry in the CIA when I talked to them."

"Many people believed 'Wag the Dog' was an element," Hersh went on to say, implying that it was more than a convenient coincidence that the bombings came three days after the President's grand-jury testimony.

"We're treating the symp-

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RECORD Photo/Dusan Stojkovic '00

Hersh criticizing US antiterrorist policies at HLS Forum

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Flashback

31 Years Ago

in the RECORD



Harvard Law Record

America's Oldest Law School Newspaper

VOL. 45 NO. 5 CAMBRIDGE, MASS., OCTOBER 26, 1967 FIFTEEN CENTS

Law Students March
In Washington Protest

About 50 Harvard Law students (almost eighty per cent in their first year) joined in the march on Washington last Saturday to protest the Administration's Vietnam policy.

Arriving at the Lincoln Memorial about 10 a.m., after an all-night bus ride, a group of 20 of the law students set up a Harvard Law School banner and listened to several "peace" speakers.

From the Memorial the law students embarked, with many thousands of fellow protesters, on a four-hour trek to the Pentagon, a walk that normally would take 30 minutes.

According to Jeff Petrucelly, 1L, one of the three organizers of the law student trip, the Harvard Law School group sang rousing songs such as "We Shall Overcome," "Where Have All the Flowers Gone?", "Down By the Riverside," and one which they themselves initiated—"Every Man Beneath His Vine and Fig Tree."

Petrucelly did not say whether the law students joined in the chanting of slogans such as "Hell No We Won't Go," and "Peace Now!"

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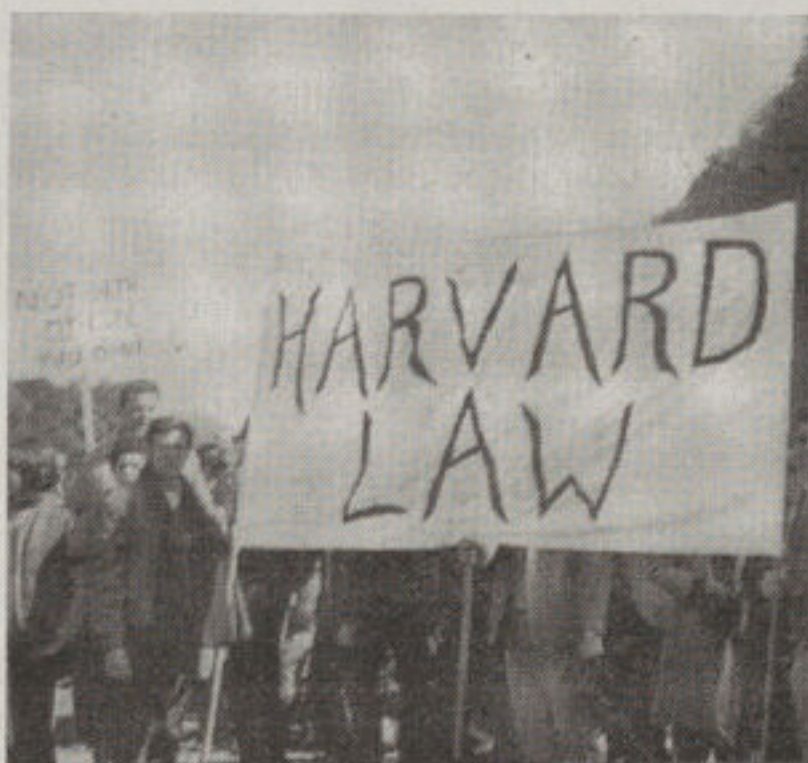


Photo by Saul Schapiro

Where Have All the Students Gone: At least some of them to Washington.

The New Wave

By Jack Tate

The crescendoing intensity of social consciousness within the political fabric of America has strikingly manifested itself within the last five years in the composition and attitudes of the Harvard Law School faculty and in the curriculum offered by the school.

Across the spectrum of the faculty, from Professor

Charles R. Nesson, who has taught here only one year, to Professor Albert M. Sacks, who has taught here for 15 years to Dean Erwin N. Griswold, who has been on the faculty for almost a third of a century, awareness of the problems of the poor and oppressed seems to be competing with the natural concern for the powerful

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Law School Contingent Scores Vietnam War

(Continued from Page 1)

He did say, however, that the group of twenty law students saw acts of civil disobedience taking place on a Pentagon terrace by the most radical of the marchers and that the group collectively decided that civil disobedience was not for them.

"Several thousand demonstrators were packed on this terrace and several of them, by megaphone, were attempting to incite others to violence," Petrucelly pointed out. "Several were burning their draft cards and then tossing what was left of them on the MP's below."

"Our feeling," Petrucelly said, "was that the people on the terrace were involved in political acts which were antithetical to a valid demonstration expressing our protest against the war."

"Because of our legal obligations and because we felt that the legitimate channels of democratic dissent are sufficient and more appropriate, we decided not to take part."

During the week before the march on the Pentagon, Petrucelly and the two other organizers, Henry Kaufman, 1L, and Saul Shapiro, 1L, solicited both active and passive support from law students.

Through their efforts, 50 students went to Washington, 250 signed a petition supporting the march, and the Civil Rights-Civil Liberties Research Committee's executive committee passed a resolution supporting them.

The law student marchers are not uniform in their feelings about the war and the draft.

Kaufman said that at this point in his life, if drafted, he would refuse to go. He pointed out, however, that he did not agree with the type of civil disobedience being engaged in by the demonstrators on the Pentagon terrace.

"Though I personally would not now serve in our military forces in any capacity and hope that I will maintain the courage of my convictions, I have not found this sentiment widespread among the law students. They tend to be far more pragmatic than I am."



Photo by Saul Schapiro

Horizons of Social Consciousness Expand

(Continued from Page 1)

and the affluent in American society.

The Dean's work as a member of the United States Civil Rights Commission since 1961 in part symbolizes the strong movement of the Harvard Law faculty into active roles in the arena of social change.

This movement has its roots not just in the present, not just in any one group of men pressing for social reform, but instead it finds its beginnings in the traditional liberalism of the 1930's and its supporters among men of the faculty with highly differing attitudes toward the best possible way to build

considered by students to be members of a sort of "New Wave," said that he would not like to see his name associated with four of the seven names.

He pointed out that although all of the professors on the list could be called "socially conscious" they manifested their concern in different ways.

This professor did not suggest that there was any personal animosity among the professors, but he did point out that from a given set of facts the seven men listed would likely reach very different conclusions.

"My greatest enemies," he stated, "are the traditional liberals of the 1930's. I am a member of the new left while some members of the faculty think like New Dealers."

The most certain reflection of the changes sweeping Harvard Law School is The Catalogue of the Law School, which publishes annually all course and seminar offerings.

In the 1961-1962 school year, for example, there were no seminars in Urban-Legal Studies; Youth and Crime; Civil Rights: Problems of Minorities and the Poor; or Civil Rights: Lowndes County, Alabama.

There were no courses in Psychoanalytic Theory and Legal Assumptions, in Issues in Law and Enforcement and Administration of

There were no courses in Psychoanalytic Theory and Legal Assumptions, in Is-



Professor Dershowitz

a society which protects both the weak and the mighty.

Professor Nesson views the growth of social consciousness at the Harvard Law School as broadly based within the faculty. He does not think that the movement

Professor Michelman's property course emphasizes land use planning and tenant unions



has caused great fragmentation or polarization within the faculty.

Students, however, confronting the first year property course in the 1966-1967 school year, were surprised by the gulf between the approaches and materials of the Professors Nesson and Frank I. Michelman, on the one hand, and Professors W. Barton Leach and A. James Casner on the other.

Professors Nesson and Michelman spent large blocks of time on land use planning, New York Property Law and tenant unions while Professors Casner and Leach emphasized estates in land and the recording systems.

One professor, when presented with a list of seven names of faculty members

in Law and Enforcement and Administration of Justice or Land Use Planning.

These new courses are but samples of the 20 to 30 course and seminar additions in the last five years.

Professor Nesson sees the growing social consciousness of the faculty as mirroring the political changes in society.

Events of Note

Opportunities in the Army for the June, 1968, graduating class will be discussed Tuesday, October 31, at 1:45 p.m. in Langdell North. Sergeant Patrick Howley will discuss present programs and answer students' questions.

Sears Winners Tell the Secret of their Success

Top Graded HLS Students Not Just Well-Oiled Lean Mean Academic Machines

By Stevie Scali

This year's Sears Prize winners downplayed the importance of grades, emphasizing their passion for the law as instrumental to their academic success.

The Joshua Montgomery Sears, Jr. Prize is awarded annually to the two students with the highest grade point averages in each non-graduating class. This year's winners for their first-year grades were John M. Golden '00 and (tied for second) Michael E. Leiter '00 and Janice A. Liu '00. Recipients for second year work were Paul Decker '99 and, in a repeat performance, Julian Poon '99, who also won last year.

"Grades tend to be overvalued at the Law School," said Golden, who echoed the concern of the other winners that the Sears Prize not contribute to the notion that success on exams is the be-all and end-all of life at HLS.

Leiter stressed that grades were, at best, a limited tool for evaluating Law School success.

"Many other people had equally rewarding educational experiences," said Leiter, "but didn't happen to do as well during six days of exam taking. Many other people have greater insights than I do into areas of the law, write better papers, participate in more extracurricular activities.

"It happens that I do well on law school exams. Period. End of story. That's all the Sears Prize is."

"I'm very happy I won," said Leiter, "But I really think that if the only thing someone concentrates on is grades while at the Law School, they are likely to graduate feeling as though HLS is a cold, imper-

sonal place that did little for them other than provide a degree," he said.

Decker attributes his success to "hard work and luck."

Poon unequivocally attributes his success in law school to his passion for, and devotion to, the subject matter. He stressed that getting the big picture was important to his doing well.

"If your motivations are strictly instrumental, I would have a lot of difficulty seeing how you could do very well," said Poon.

Poon joked that his entry into the field of law is genetic, since an inordinate number of immediate family members are lawyers.

What's Your Handicap?

Decker compares HLS to golf "in some ways." "The most important thing is to put the things that didn't go right in the past out of your mind," he said, "and focus on the things you need to do now. Problems are always going to occur, but if you dwell on them, you won't be paying attention to the opportunities awaiting you in the future."

The Sears Prize winners were reluctant to issue study tips.

"Everyone has a different style of learning," said Decker. "Therefore, it doesn't matter to me what anyone else does to study, because it probably won't work for me."

"There are a lot of bright people here. I wouldn't presume to tell them how to go about their business," said Golden. He reflected the sentiment that students need to figure out for themselves how best to approach law school, including reading material, participating in class, and studying for exams.

They did share, however, what work strategies proved personally effective for them.

Studying in groups was a popular option. "I did my reading, talked with friends, and ate a lot of calzones at Three Aces with my study group before exams," said Golden.

Not surprisingly, all the winners interviewed said they kept on top of reading and class work.

"The most helpful thing to me is reviewing class notes and reading assignments," said Poon.

"Preparing an outline can help that process by helping to illustrate how all of the ideas in a class fit together," says Decker.

Winners Look to Past and Future

Golden emphasizes that it is important to keep the future in perspective. "I thought that I was a pretty good physics student for a number of years," he said, "but I ended up taking a major career turn away from physics."

Golden received his Ph.D. in theoretical physics at Harvard University before entering the Law School.

Poon will be clerking with J. Michael Luttig of the U.S. Court of Appeals — Fourth Circuit. He then plans to work for a law firm for several years and would consider teaching law one day.

Poon is a native of Toronto who came to the U.S. as an undergraduate to Stanford University where he studied economics and public policy.

Decker plans to specialize in tax law.

Decker started out as a unionized plant worker and eventually became manager in charge of quality assurance. He obtained his undergraduate degree from Cleveland State University at night over a ten-year period and has an MBA. Last year as a 1L, he balanced school, journal work, a marriage, and two kids, now aged three years and fifteen months.

Leiter hopes for success in all dimensions of his life. "I want to be a litigator . . . most importantly, I want to have a great life with my fellow-2L fiancée, raise wonderful kids, not live my life in an effort to make money, and have a couple of cool golden retrievers," he said.

Leiter flew jets in the U.S. Navy for six years.

Fed Up With Apathy At HLS?

Come meet with like-minded students and hear Professor Duncan Kennedy speak on the history of student activism at HLS.

Thursday, October 22
7-9 p.m.
Hauser 104

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Telephone Office Clings to Monopoly

Continued from *PHONES*, p. 1

Outside Help Not an Option

Fridman points out the unfair advantage of the HSTO. At the current time, "the only way to get competitive long-distance rates is to have an outside line installed," he noted.

Such an option appears attractive at first glance. But Kinchla, while citing the installation of an outside line as one possible way to circumvent expensive long-distance charges, also added that subsequent charges would not make for a cost-effective alternative.

In addition to Bell Atlantic's fee for the physical installation of a telephone line, the HSTO would continue to charge students an on-campus wiring charge. "We would require five dollars a month," Kinchla said.

Nevertheless, HSTO subsidizes various costs that most Bell Atlantic customers are forced to stomach. These include a five percent excise tax and a universal service fund charge, which can range from four to five percent of the monthly telephone bill. "We do not intend on passing [these costs] along, but if [they] become burdensome we will," Kinchla said.

Fridman insists that at this point, LSC is especially concerned with providing information to HLS consumers. "We need to inform students of other options. Without advocating any particular alternative, we just want to keep students aware of possibilities," he said.

Paying Before Leads to Savings

It would appear that the most efficient long-distance service is provided through prepaid cards. Found at any convenience store in five or ten dollar denominations,

these cards are even available from the HSTO.

Kinchla cautions students against these cards, though. "It's hard to unravel how they work," she said.

Nonetheless, some on-campus residents prefer these cards to the HSTO's inflated charges. "I've only used my [HSTO-provided] account once," said Mario Moore '01.

Moore added, "I would recommend prepaid cards to anyone who makes a lot of calls out of state."

While there is a slight connection charge with prepaid cards, they do seem to trump the HSTO service. The Boston Phone Card, for instance, offers rates of six cents per minute to calls within the United States.

For international calls, these cards are even more competitive. Calls to the United Kingdom, for example, show that the Boston Phone Card rate of nine cents per minute is infinitely superior to HSTO's rate of thirty cents per minute.

Back at the Bargaining Table

At the end of this year, MCI and the HSTO will renegotiate their current contract for long-distance service. Kinchla was optimistic about retaining MCI as a long-distance carrier. "I think it's a good time to renegotiate," she said.

Fridman hopes that the LSC's discussion of the issue will play into the contract discussions. "We would like to introduce a competition aspect," Fridman said.

The LSC will take formal action at its next meeting on Tuesday, Oct. 27.

Whether or these negotiations result in a breakup of the monopoly or not, students like Moore will probably search for bargains off-campus. "If they offered a lower rate, I wouldn't have a problem with [HSTO's] monopoly," said Moore.

Frank '77 Defends Clinton

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"We have never in American history, I believe, had a situation where such an ideologically militant group has had such influence over a major party," Frank said.

Voter Apathy Boosts the Right

The right's disproportionate share of power has come from its effective use of the vote, he said. While the right-wing rank and file has regularly gone to the polls, Frank blamed the rest of the country for ceding power to them by not turning out on election days with the same force.

"When they get angry they go vote. When people on our side get angry they think they'll make this wonderful political statement by boycotting the political process," Frank said. "I think on a number of issues the liberal side is winning the cultural war, but losing the political war."

Frank believes, however, that the right's push for impeachment may provide the necessary weight to tip the political scales in the liberals' favor. Frank expressed cautious optimism that public anger over the GOP's handling of the impeachment process could encourage moderate Republicans and Democrats to go the polls in greater numbers in November.

He added that regardless of how voters react in the coming election, their reaction may determine the President's fate.

Stand By Your Bubba

"If the Republicans win big, they will feel empowered and almost mandated to go ahead. If the Republicans do not win big in November, if they don't make great gains in the House and Senate, then I

think they will begin to focus on how they break it to the right that this impeachment thing is not going quite as well as they thought," Frank said.

Frank's blamed the right wing's disproportionate share of power for stymieing efforts to extend gay rights and for passage of the Solomon Amendment, which bans federal funding to educational institutions that do not let the military recruit on campus. (HLS does not let the military use its career placement resources as a result of the military's refusal to sign the school's antidiscrimination statement which includes gays and lesbians.)

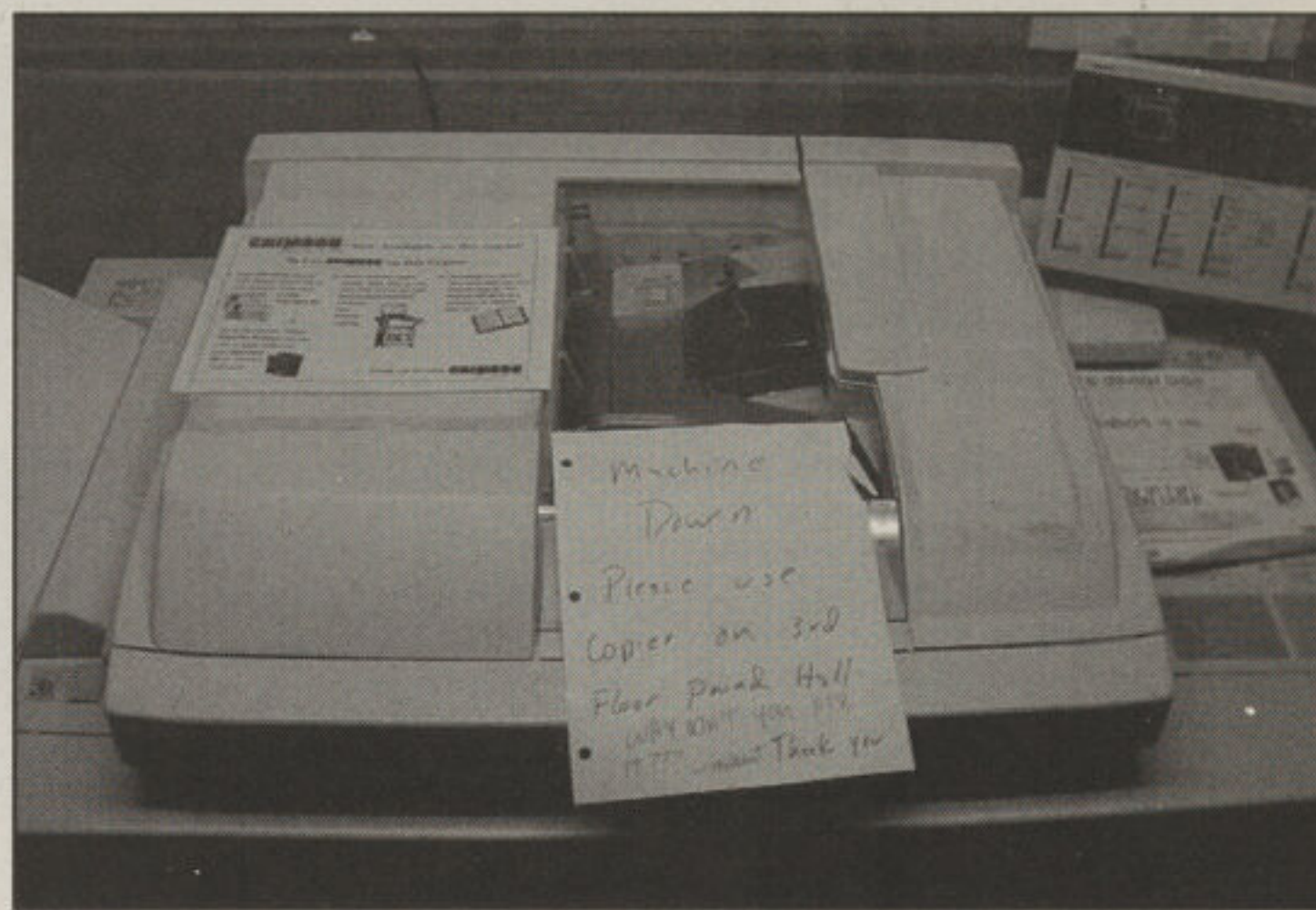
The Congressman called right-wing efforts to ban support programs for gays and lesbians in high schools "debased," and pointed to these efforts as a contributing factor in the murder of Matthew Shepard, a gay college student, earlier this month in Wyoming.

"I would put a lot of blame upon those who have resisted our efforts to deal with this in high school," he said.

In addition to criticizing the right, Frank also explained why he continues to support the President. He called the president's lying unconscionable and his affair with Lewinsky irresponsible, explaining that his relatively tempered judgment of the affair stems from his view that Clinton's behavior was not sexual harassment and Lewinsky was the "initiator."

Despite this criticism of the President's behavior, Frank supports many of Clinton's policies, including his efforts to fight bigotry, support gay rights and push for more equality.

"I feel a moral obligation to lessen unnecessary suffering. You take allies in that fight, and the allies aren't always perfect, and Bill Clinton has been an ally in that fight," he said.



RECORD Photo/Ben Lehrer

An anonymous student expressed discontent with the neglect accorded to this broken copy machine outside the distribution center.

Women Rowers Look to Next Year

Continued from *HEAD*, p. 1

members of his team that he thought that they had given the HLS boat "a good whipping" when someone from the Law School women's team came in with the actual results, said Caspersen.

"Incredulous might be too strong a word to describe [the HLS' team] reaction," said Caspersen, "but maybe it's not. They take this ride very seriously. They feel they need to beat the Law School and they didn't get the job done this year."

Caspersen noted that many of the Business School rowers had previously worked in investment banking and were used to ordering lawyers around. "They thought they could do the same on the race course," he said. "They were surprised that the lawyers gave them a lesson this time."

Women Keep Their Eye on Prize

The HLS women's team did not fare as well against their Business School rival. "They beat us, but not by much," said team captain Findley.

Findley expressed hope that the women's team would triumph over the Business School team next year. "None of

our rowers are 3Ls, so we'll have a full boat returning next year," Abby Hoffman '01, the women's coxswain, predicted "they're going to be a little cocky, but we'll get them by surprise."

Hoffman described the HLS crew scene as relatively informal and relaxed. "About half of the people in our boat were people who had never rowed before they came to law school," she said, adding that this was unusual for teams competing in the Head of the Charles.

"There's not as much a sense of individual competition as there was in undergrad," she said.

The women rowers train in the fall three to four times a week, beginning at around six in the morning. The women also have a spring season where they train novice rowers and do some recreational rowing. "The women's program is definitely bigger than it's ever been before," said Findley.

Hoffman also expressed confidence that next year the team would fare better. "We'll do some spring training and some work over the summer to get ourselves in more aerobic shape," she said. "We've got the skills down but about halfway through the race we got a little tired."

Nesson Says Hi to Sy

Continued from *HERSH*, p. 1

toms, but not the disease," Hersh said of the Clinton administration's handling of its self-proclaimed war on terrorism, drawing a number of parallels to the way prior administrations dealt with the war on Vietnam. "We're in the same boat again and we're gonna lose," Hersh said.

The most prominent similarity Hersh mentioned was apathy among the general public. "We need a serious national debate on this, perhaps after we're done with Monica," he said.

As to the Lewinsky scandal, Hersh said, "Sure, 'President Does Intern' is a story. It's not a story I like. It's sad. She's a sad kid."

Hersh expressed grave frustration at Clinton as a president. "He's a very smart guy and a great actor. But whenever he walks on his dong, it's impossible to defend him; he's exceedingly reckless. Even Jack Kennedy was more sensible."

Hersh suggested that a major problem in promulgating a consistent U.S. foreign policy stems from the fact that, for all intents and purposes, Clinton is a flake. "The senior people don't know where the president's going to be on anything, he's very mercurial."

Other members of the administration did not remain unscathed. Secretary of State Madeline Albright, for one. "No one much respects Madeline," Hersh said.

According to Hersh, a White House official confidentially told him, "I never knew a person or a country she didn't

want to bomb at some time." He went on to posit that Albright was to blame for the "Mogadishu fiasco"; as the U.S. Ambassador to the United Nations she allegedly initiated the go-ahead for the deployment of U.S. troops in Somalia.

Nesson Gives His Two Cents

Shortly into the questions and answers segment following Hersh's talk, a late-comer caused a large number of the audience members to turn their heads.

"Hello," Hersh greeted him.

"Hey, Sy."

"What are you doing here?" Hersh asked.

"I came to see you," the black-clad late-comer said. "Sorry I'm late. I had a ... dinner engagement," the interloper said.

"For those of you who don't know, Sy Hersh is the most insightful journalist around. He is the definition of an investigative reporter."

"Oh yeah?" Hersh asked.

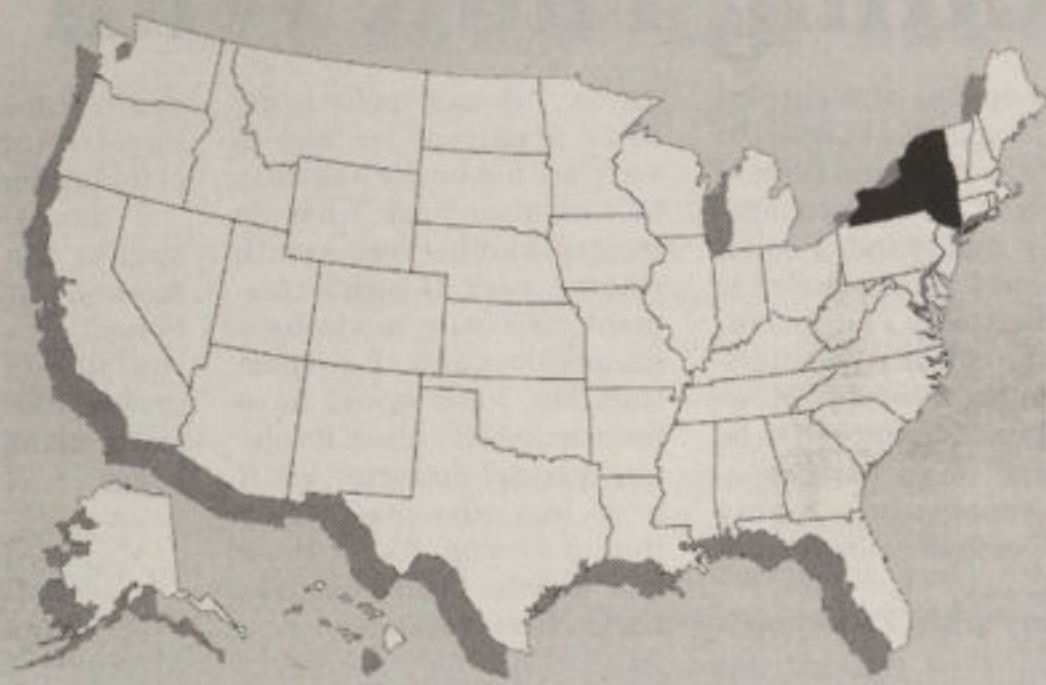
Prof. Charles Nesson '63 then proceeded to pose his question. "There's one thing I don't understand in all this: Sudan. Why did they need a second target?"

An audience member offered a response: "Two! There were two embassies bombed so they needed two targets to retaliate."

"That's exactly right!" Hersh said. "Two embassies, symmetry..."

"Oh, come on," Nesson said. He dismissed this explanation, asserting that those making the decisions to use force were rational people. That comment drew a collective nervous chuckle.

Across the Wire



News from the East, West, and Mid-West

Microsoft on Trial: Predator or Innovator?

WASHINGTON (AP) — Government lawyers opened their landmark antitrust trial against Microsoft Corp. on Monday by accusing the software titan of a carefully crafted, no-holds barred campaign to illegally "crush" a rival company.

The hard-core tactics alleged by the government included Microsoft using its money and influence as the maker of the hugely popular Windows operating system to intimidate computer makers and entice other companies to distribute Microsoft's own Internet software over that of Netscape Communications Corp.

The government contended Microsoft launched its war with Netscape after a June 1995 meeting at which Microsoft allegedly proposed, unsuccessfully, to divide the market for Internet software.

Microsoft has denied ever making such an offer, which would be illegal under antitrust laws.

"What you see is a consistent pattern of Microsoft doing this, using its monopoly power, using its leverage, using everything it has," Justice lawyer David Boies told U.S. District Judge Thomas Penfield Jackson.

Microsoft's lawyers were expected to make their opening arguments Tuesday.

The outcome of the trial — expected to last six weeks — could dramatically change the computer industry as it becomes increasingly important to virtually every facet of modern life.

The contested 1995 meeting is crucial to the government's effort to show that Microsoft so feared the potential of

Internet software to threaten its lucrative Windows system that it acted unfairly to guard it.

The government used videotape excerpts from pretrial interviews with Microsoft's billionaire chairman, Bill Gates, to try to show him Monday as reluctant to discuss the meeting, which he did not attend.

On the tape, made last August, Gates denied that he instructed his executives to make an illegal offer to divide the software market with Netscape: "I wasn't involved in setting up the meeting. ... I'm not aware of such a thing, and it's very much against the way we operate."

In another video clip, Gates said he barely remembered one of his workers talking with him about the possibility of investing in Netscape.

"Somebody asked if it made sense investing in Netscape," Gates said, adding that he had disagreed.

But Boies then produced internal Microsoft documents written days before the 1995 meeting in which Gates urged his executives to make a deal with Netscape.

"I think there is a very powerful deal of some kind we can do with Netscape," Gates wrote, suggesting that Netscape executives "agree to do certain things in the (browser market). ... I would really like to see something like that happen."

Boies also showed a Gates message, written before the Netscape meeting, in which Gates said: "We could even give them money as part of the deal, buy a piece of them or something."

Microsoft said the government took

Gates' words out of context.

"The government once again has based its entire case on tiny excerpts," spokesman Mark Murray said in an interview. "The facts will show that Microsoft did not in any way try to divide the market with Netscape."

In written testimony unsealed Monday, Netscape's chief executive officer, James Barksdale, said Microsoft's executives promised during the June 1995 meeting that "we can have our special relationship" if Netscape agreed not to compete in the unfolding market for Microsoft's Windows 95 software.

Microsoft made clear that if Netscape didn't agree, "Microsoft would crush Netscape, using its operating system monopoly," Barksdale wrote, describing the offer as "something I had not ever seen happen in my more than 30 years of experience. ... I left the meeting stunned that Microsoft had made such an explicit proposal."

The government contends that after Netscape rejected the offer, Microsoft sought to limit the main ways that Netscape distributed its software, through computer makers and Internet providers including America Online, the nation's largest Internet provider.

Six months later, in early 1996, when Microsoft sought to convince AOL to distribute its browser software rather than Netscape's, Gates asked: "How much do we need to pay you to screw Netscape? This is your lucky day," according to an AOL official's notes from that meeting. AOL announced a deal with Microsoft three months later.

Yankee Stadium Referendum Nixed

ALBANY, N.Y. (AP) — The state's top court refused on Tuesday to hear a last-shot appeal to place a referendum on the Nov. 3 ballot letting New York City voters decide whether to replace Yankee Stadium.

The 5-0 decision by the state Court of Appeals handed New York City Mayor Rudolph Giuliani a victory in his fight to keep the measure off the ballot.

New York City Council Speaker Peter Vallone, a Democrat running for governor on Nov. 3, had proposed giving voters a chance to decide whether a \$1 billion stadium should be built for the Yankees on Manhattan's West Side.

The referendum had been considered a potentially crucial element in the tight

race for U.S. Senate between incumbent Republican Alfonse D'Amato and Democratic U.S. Rep. Charles Schumer '74 of Queens. Democrats had hoped that a high voter turnout on a Yankee Stadium referendum could inflate Schumer's vote in heavily Democratic New York. Vallone, too, would presumably have profited by a heavy turnout in his race against incumbent Republican Gov. George Pataki. A state Supreme Court judge sided with Vallone on Oct. 7, but that ruling was reversed unanimously by a mid-level appeals court.

On Tuesday, the Court of Appeals turned back Vallone's appeal, ruling in part that no substantial constitutional question was directly involved.

Prof. Heymann '60 Urges Campaign Finance Reform

By Dmitri Evseev

"I challenge you to make sense of this mess," said Prof. Phil Heymann '60, addressing an audience of two dozen recruits for the Appleseed Center for Electoral Reform. The Appleseed Center (ACER) is an HLS student organization dedicated to reforming the U.S. electoral process.

ACER works by collaborating with lawyers and activists around the country on specific projects, including defending ground-breaking campaign finance laws in Maine, Vermont, Arizona and Massachusetts.

Heymann, who teaches Money and Politics at HLS, lectured the students on the various efforts to limit campaign contributions and expenditures in this century. He focused on the post-Watergate Federal Election Campaign Act (FECA) and its treatment in the landmark case *Buckley v. Valeo*.

Heymann did not hide his dissatisfaction with the *Buckley* decision, which declared parts of the FECA unconstitutional and left the law of campaign finance full of gigantic loopholes and arbitrary distinctions. Among other things, Heymann ridiculed the "magic words" test, which states that television ads are

not part of a campaign (and therefore not subject to regulation) as long as they avoid using the phrases "vote for" or "vote against."

As a result of such loopholes, wealthy individuals and corporations can spend over 100 times the legal contribution limits.

Tongue-in-cheek, Heymann proclaimed the situation a "triumph of lawyering." By contrast, his message appeared to be that it was also up to the future J.D.s to tackle the mess.

Appleseed, it seems, is willing to accept the challenge. Mike Zamore '99, ACER's cochair, stated he was pleased that 25 students chose to become actively engaged in the Center's various projects.

The projects themselves are both substantively and geographically diverse. One of them consists of working with the National Voting Rights Institute on a lawsuit in defense of Maine's "Clean Election" laws. Another, suggested by Ralph Nader '58, consists of drafting model legislation for opening up state ballots to independent and third-party candidates.

Additionally, ACER is committed to a multi-state effort for comprehensive campaign finance reform. Far from despairing at the filibuster-induced death of the bill proposed by Sens. John McCain and

Russ Feingold '79 earlier this year, individual states now see themselves as the torchbearers of campaign finance reform.

Monday's New York Times carried a front-page article on this state-level campaign finance battle, in which Massachusetts plays a central role. In November, Massachusetts voters will be in a position to pass a ballot initiative that would provide public financing for those candidates who agree to abide by certain fund-raising limitations.

The initiative was placed on the ballot by Mass Voters for Clean Elections, but ACER members have contributed to the ballot measure at every stage from helping draft the legislation to promoting its passage. If the measure succeeds, Appleseed members will lobby the state legislature to appropriate the funds necessary to enact the public financing system.

Critics of the initiative charge that over \$56 million a year in new revenues will be required. As the New York Times pointed out, however, this averages to only four dollars per taxpayer. This is a marginal amount, given that most Appleseed members would likely prefer a regulated campaign finance system to a Harkness cafeteria hamburger.

Perhaps many Massachusetts residents

feel similarly. Jason Cohen, Communications Director of the Mass Voters campaign, stated that support for Issue 2 is growing. It remains to be seen whether this gathering momentum will result in the passage of what Cohen called "the most comprehensive campaign finance law in the nation."

Regardless of the outcome, however, there will always be plenty of work for law students in the area of campaign finance reform. The constitutional issues alone are so unsettled that the Supreme Court may be looking for a case to revise some of its earlier decisions in the area. Justice Anthony Kennedy '61 has specifically mentioned to reporters that *Buckley v. Valeo* may have to be reevaluated. According to Heymann, three justices probably favor allowing stronger campaign finance laws, while three others may want even less regulation of contributions and expenditures.

Though only in its third year as a student organization, Appleseed feels prepared to tackle campaign finance reform with determination and optimism.

"Appleseed is emerging as one of the most exciting options on campus for students interested in making a mark in real, systemic issues through litigation and policy development," Zamore noted.

Harvard Law RECORD

PUBLISHER
Seth Persily



EDITOR-IN-CHIEF
Ben Lehrer

FOUNDED IN 1946

The Gates of Heaven and Hell

Poor Bill Gates. Those are words you wouldn't expect to ever see combined. After all, the man is worth around \$60 billion. To put that into perspective, if you take the combined net worth of the 100 million people at the bottom end of the economic scale, it's not as much as Mr. Gates's.

Nonetheless, I pity poor Bill. He is being depicted as a predator, a monster and a liar. His baby, Microsoft, stands accused of being built on the bones of true innovators captured and crushed by the Gates behemoth.

Is this treatment unfair? Some say Microsoft is under attack because the government equates success with illegal business practices, and the Department of Justice bureaucrats have succumbed to Microsoft's whiny competitors pleading for a David to rescue them from a nerdy Goliath.

Bill Gates doesn't deserve to be demonized. After all, he dropped out of Harvard; finishing Harvard sure didn't help Ted Kaczynski in the righteousness department. In addition, he is *extremely* rich. Future historians will say his name in the same breath as George Mortimer Pullman and Hetty Green without blushing.

The Microsoft lawyers seek to portray the company's business practices as capitalism-as-usual, and that Microsoft just happens to be particularly good at it. In some ways they are right: Microsoft is great at the kind of capitalism practiced in this country a century ago.

Unfortunately for poor Bill, that argument — which will not score many points beyond a tiny minority of people who believe that unfettered capitalism is good for the country — should be laughed off by the court faster than the judges can say "unbundle." Capitalism-as-usual is the egg to the antitrust chicken, and that chicken has laid new eggs next to which the old ones are rotten and dangerous.

Crushing your competitors used to be a national pastime. Without it, the names of Carnegie, Rockefeller and Vanderbilt would mean squat today. But the rules of the game have changed (unless you sign a contract with the Harvard Student Telephone Office), and it looks very much like poor Bill is standing in foul territory. Claiming success at unlawful activity shouldn't garner him very much sympathy.

That is why I feel sorry for Bill Gates. By a cruel trick of fate, he was born a hundred years too late. As a result, all he has to look forward to — besides whatever he turns the \$60 billion into — is being undone by his own success.

— Ben Lehrer

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

The Harvard Law RECORD (ISSN 0017-8101) is a publication of the Harvard Law RECORD Corporation, a nonprofit, independent, student-owned and run corporation of the Commonwealth of Massachusetts.

The RECORD is published weekly on Fridays throughout the academic year and is distributed free of charge to Harvard Law School students and at a minimal charge to Harvard Law School alumni. Copy and photo deadlines are 5:00 p.m. on the Monday preceding publication. Advertising deadlines are 5:00 p.m. on the Tuesday preceding publication.

Submissions may be sent to The RECORD at the above noted address, dropped in the RECORD box located in Harkness Commons, or left in the 3L Hark box of Ben Lehrer. All copy must be typed, double-spaced, and submitted on paper and on a computer disk or by e-mail. The RECORD reads and appreciates every letter we receive; we reserve the right to edit letters and submissions for space as necessary. We will return your disks. Off-campus subscriptions are available. Subscription price: \$45.00/year mailed; \$50.00/year mailed outside the U.S. Individual copies: 35 cents at newsstands, 50 cents at the Law School, \$1.00 mailed, \$2.50 for back issues. Second-class periodical paid at Boston, MA and additional mailing offices.

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"Congress shall make no law...abridging the freedom of speech, or of the press;..."

—First Amendment, U.S. Constitution

• Letters •

Finding Fault With Falk

As the spouse of a current HLS 2L I happened to read the column "The Nuts and Bolts of Buttons and Bows" by Elizabeth Falk and found it so offensive that I felt compelled to write. Admittedly, I am an outsider to the cultural peculiarities of the "legal world." However, I do consider myself to be a "feminist" and I have experienced success in a highly competitive professional environment.

Contrary to Ms. Falk's impli-

cation, I do not make it my usual practice to be "nice to your face but bitchy and catty behind your back," nor do most of the other women with whom I work. If such a comment had been made by a male columnist, I suspect that Ms. Falk would have been up in arms about its blatantly sexist character. Yet, it is no less offensive coming from a woman. As for those four undone blouse buttons, their tastelessness in a

professional setting should have been apparent regardless of the gender of the interviewer.

I doubt that Ms. Falk speaks for the majority of women at Harvard Law School. What a shame that this starkly atavistic view of professional women received such prominence on your pages.

Anne E.C. McCants
Associate Professor of
Economic History, MIT
October 16, 1998

Gowder Cries Foul

An article full of quotes taken out of context. Good natured jokes quoted as serious statements, to target the quoted person with slurs. Crude physical insults in an anonymous column accompanying the article. Knowingly drawing false conclusions based on single quotes. Knowingly drawing other false conclusions based on two quotes, out of context, a year apart.

The National Enquirer? The Weekly World News? No, the Harvard Law RECORD.

In the recent "HLS teens" article, much of the text was devoted to what looks like a concerted effort to slur me based on every scrap of information the malefactors could find. This information was, in its entirety, four quotes from columns I authored over the course of last year, and two quotes, one from me and one from an opponent, from the campaign for LSC president last spring.

The architect of this article used that scant information to conclude that I am "cynical", "disenchant[ed] with [my] fel-

low students" and "seek[ing] publicity" about my age.

A pretty good feat, huh? It almost makes one wonder how this can be done within the bounds of journalistic ethics. Well, it should be no surprise that it can't. It is obvious that the article was written with conclusions already in mind, and was followed by a desperate search for any scant support.

I would like to set everything straight. Lies that go unanswered have an eerie tendency to become truths. It hurts to be attacked for no reason. I need to respond, for my own well-being.

First, I have never sought publicity about the whole age nonsense. That quote from my first column was nothing but an afterthought, correcting a news inaccuracy. If I'd known anyone would pay attention to it, I never would have mentioned it. I regretted it, and still do. That is the only time I've even MENTIONED my age here without being asked.

Second, I am not a cynic.

It is absurd to quote a negative-seeming campaign statement by me to reflect negatively on me, then quote a more negative campaign statement by an opponent to also reflect negatively on me. The problems with that should be obvious. Likewise, it is misleading to quote humor columns as serious statements.

Finally, I question the judgment of the RECORD editors in allowing further insults against me to appear in last week's FENNO. I deliberately took my Web page down to prevent more quotes from being taken out of context. The references to "the subversive dangers of barber shops and nutrition counselors" were childish and stupid. That "America's first law school newspaper" devoted so much space to what may only be seen as a personal vendetta against me boggles the mind. We know which one of us is older, and it is now obvious which one of us is more mature.

Paul Gowder '00
October 16, 1998

Student Information Secure, Says Vik

As reported in the HLS Record (Oct. 16, 1998), unauthorized access due to a system security hole was gained to a file containing social security numbers that were used by the LRA Web site. The security hole was fixed and the file was removed as soon as Information Technology Services (ITS) discovered the situation.

Security mechanisms were in place on the Web site, and were deliberately circumvented in order to gain access to the file containing the social security numbers. The security hole was not reported to ITS or, as far as I am aware, to any other administrative office or faculty member by those who discovered it. If the problem had been reported, it would have been addressed immediately; those who discovered it apparently chose not to report it and to risk its

possible discovery by others. A voice mail message that I received from the Record on Oct. 13 only asked me for information about the LRA Web page and my comment on "a situation that's developed out of it."

The network-based computer on which HLS Web pages are stored has a logging mechanism that records detailed information about all activity on the system, as described in the HLS Computer and Network Usage Agreement on pp. 48-9 of the HLS Catalog. The system log has been routinely monitored to detect unauthorized Web access attempts from outside of the HLS community; it is now being examined for unauthorized access attempts from within HLS as well.

The log information shows exactly who accessed

the social security number file, the exact date and time of each access attempt, the "path" that was taken to find the file, and how the security mechanisms were deliberately circumvented. No one from outside of HLS accessed or attempted to access the file. Access attempts, which were repeated and persistent, were apparently made by a very small number of HLS students.

System security breaches are a serious matter. If you discover a security issue with the Law School system, please let me or someone else in ITS know immediately. I assure you that we respond immediately.

Susan Vik
Director of Information
Technology Services at
Harvard Law School
October 21, 1998

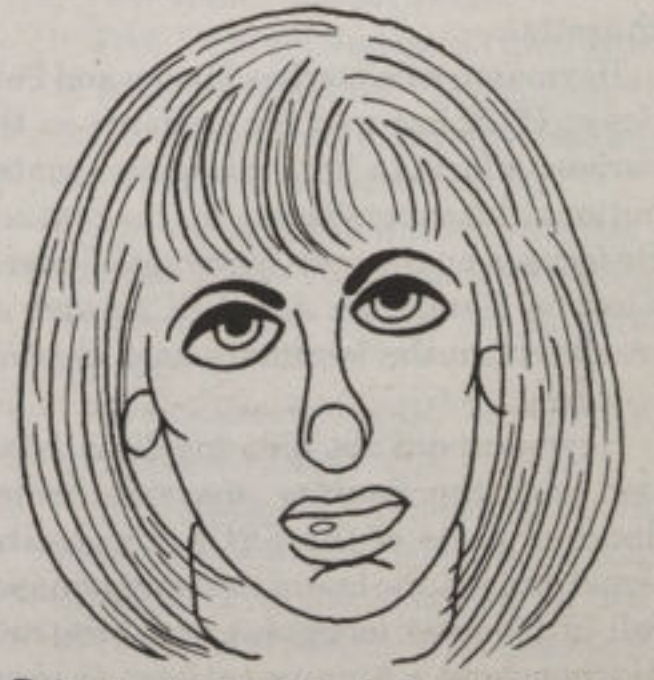
• Correction •

Last week's issue of the RECORD mistakenly included Betty DeGeneres, mother of actress Ellen DeGeneres, among those who will be starring in upcoming anti-gay television ads sponsored by the Family Research Council. Betty DeGeneres is an outspoken proponent of gay rights, and is a national spokesperson for the Human Rights Campaign, a gay and lesbian political organization. The RECORD regrets the error.

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PERSPECTIVE

By Eugene Volokh

Racial Politics at the Supreme Court

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It's not typical to find protesters demonstrating outside the Supreme Court. But there they were at the opening of the term, raising cries of "Discrimination!" Nineteen people, including Kweisi Mfume, head of the NAACP, deliberately got themselves arrested.

The 1,000-plus demonstrators were protesting the Supreme Court's record in hiring black and Hispanic clerks. Of the clerks who have worked for the currently sitting justices, only 1.7 percent have been black and 1.2 percent have been Hispanic. "This is not ambiguous," says Rep. Albert R. Wynn (D-Md.). "This is clear [discrimination]. The numbers speak for themselves." But do they?

Ethnic groups don't distribute themselves evenly throughout the workforce. Asians occupy more than 40 percent of the freshman class at the University of California at Berkeley. Jews, two percent of the full-time working population, make up twenty-six percent of the nation's law professors. Jews also tend to make up about 30 percent of the Supreme Court clerks, which means non-Jewish whites are under-represented among the clerks compared to the population at large. Asians are slightly overrepresented, at four percent of the clerks compared to three percent of the overall population. Yet surely this isn't a result of vast pro-Asian, pro-Jewish or anti-Gentile bigotry. Disproportion does not prove discrimination.

Civil rights law recognizes this. In discrimination cases involving skilled jobs, the racial makeup of those hired must be compared not against the general population, but against the qualified labor pool.

As a matter of both law and logic, it's irrelevant to a discrimination claim that the clerks' racial breakdown doesn't match the country's. What matters is the difference between the makeup of the pool of clerks and the pool of top law school graduates — the group from which the justices select their clerks.

What's the racial mix of this top graduate pool? No one knows. Law schools generally won't reveal this information and certainly the court's critics haven't presented any such data, even though — again, as a matter of both law and logic — the burden is on them to do so.

Still, we can estimate. The two best predictors of law school success, for students of all races, are Law School Admissions Test (LSAT) scores and undergraduate grade point averages. They aren't perfect predictors, but they're very good, which is why all the top law schools use them. So we can infer that on average the top law school graduates probably have predictors not far from those of the top law school entrants.

And here we do have some data. In 1997, American Lawyer magazine reported on the racial makeup of the applicants to Boalt Hall, Berkeley's law school. Of the applicants who had LSATs above 164 (the 92.3rd percentile) and GPAs above 3.50 — thresholds well below the "average" of the students receiving offers from Berkeley — only 0.6 percent were black and 1.6 percent were Hispanic. The Law School Admissions Council's National Statistical Report provides similar numbers.

Boalt Hall is generally ranked around eighth among the nation's law schools. The Supreme Court usually hires clerks who were among the top five or ten graduates of Harvard, Yale, Stanford and Chicago; who were among the top three or so

students at the other top ten schools; or who were first in their class at the next ten schools.

On average, these clerkship contenders almost certainly had much higher grades and LSATs than the average Boalt Hall applicant. One can infer then that among this pool of applicants who are most qualified to clerk for the Supreme Court, there'd probably be no more than about 0.6 percent blacks and 1.6 percent Hispanics, and perhaps even fewer. So on close examination, the supposed evidence of the court's discrimination vanishes.

Could it be, though, that the court, while not intentionally discriminating, is using unnecessarily exclusive criteria? No; the criteria the justices consider — mainly law school grades, but also work experience, publications, letters of recommendation, and the like — are extremely relevant to the job. They don't perfectly predict future performance, but they're the best predictors the justices have, given the need to winnow 34 clerks from tens of thousands of recent graduates.

It's doubtful that the soft factors, letters of recommendation for instance, are biased against blacks or Hispanics; but say the court abandons them. Say further that the court relaxes its standards and starts selecting randomly from the top ten percent of the classes in the top twenty law schools (which would be a bad idea, but let's set that aside). Even with those changes, there's no reason to think that a substantially higher percentage of this group would be black or Hispanic.

The sad fact is that the court faces something that candid law school admissions officers call a "pool problem." Largely because of the failings of the K-12 educational system, too few blacks and Hispanics are acquiring the skills needed

to compete effectively at the highest levels of higher education generally and of legal education in particular. Some indeed do get these skills, and many eventually become excellent lawyers. But in very competitive hiring processes such as the selection of Supreme Court clerks, the results, while fair, reflect the pool problem with which legal education starts.

One could, of course, argue that the court should prefer applicants of certain races even if they are somewhat less qualified than their competitors of other races, because this would add "diversity" or be more "representative." But should the Supreme Court really start discriminating against more qualified clerkship applicants simply because of the color of their skins? What's more, as a Jew, I'm troubled that a serious attempt at ethnic balancing would require that there be at most one Jewish clerk every year, rather than the current average of about ten. While no one is suggesting such limits now, this is where the logic of seeking a clerkship cadre that "looks like America" would lead.

At least proponents of overtly preferential hiring acknowledge that they call for the court not to stop discriminating but to start discriminating — albeit in what some think is a good cause. Most of the court's critics don't make this acknowledgment. They accuse the court of bias, but rely on numbers that prove nothing. And they try to respond to a complex problem — why is K-12 education so badly failing poor, disproportionately black and Hispanic, students? — by making a simplistic accusation that's as unproductive as it is unfair.

Mr. Volokh teaches at UCLA Law School.

PERSPECTIVE

By Mikhail S. Zeldovich '00

A Debate That Can No Longer Wait

In the wake of the embassy bombings in Kenya and Tanzania, the issue of America's ability to combat terrorist threats on its own soil — particularly acts involving weapons of mass destruction (WMDs) — has become critical. There are many qualified specialists that have been developing plans for combating new forms of potential terrorism in the post-Cold War world for years. Unfortunately, the public, almost entirely unaware of these plans, is unlikely to accept them. Almost nothing has been done to raise public awareness or to initiate a national debate on how to implement such measures without violating civil liberties or privileges to which we are accustomed today.

The threat is real. Three weeks ago, a fully functional SCUD missile was imported into the United States. ATF agents in California, where the Scud arrived, were dumbstruck when they saw the cargo's description in the ship's manifest. It turned out that a wealthy L.A. arms collector legitimately bought it from a British company which, in turn, had acquired it from a Czech factory stockpile. Neither he nor his agents ever attempted to hide what they were transporting, yet the authorities were unaware of the SCUD until it showed up in the harbor.

The Department of Defense threw a fit: someone could have smuggled in a much smaller device — chemical, biological or perhaps nuclear — of far greater destructive capacity. The fact that ATF found and dismantled the SCUD provides us with no relief, as terrorists could their major purpose by detonating a WMD in the harbor of a major city. It has become a running joke in the Pentagon that if terrorists ever wanted to smuggle a WMD into the U.S., they would simply hide it between all the bags of cocaine getting through daily.

The Clinton administration has made the Pentagon the agency primarily responsible for developing ways to counter these threats. The Pentagon has convened groups of experts, produced many studies and memos and spent a respectable amount of money. Yet the ideas and proposals have a fatal flaw: the country is not ready to accept and live by them. Blueprints for a new era of heightened security cannot exist in a political and legal vacuum, especially when critical civil liberties are involved.

Even some temporary measures instituted after the East African bombings clashed with the average citizen's perceived rights. For example, after the embassy bombings, cars left unattended at Dulles airport were towed on the spot instead of after the regular 30 minute wait. There was no end to complaints and several newspapers carried the story quoting outraged citizens.

Yet some of the ideas I have heard from officials about how to enhance domestic security go much further. During a conversation with one of them, I mentioned how I had been frequently stopped and even patted down by Moscow police last summer because I looked like a Chechen and therefore was considered to be a potential threat. His response: "I wish we could do that." He later said that the U.S. should keep a list of countries with a high propensity for harboring terrorists, and that citizens from these countries should be routinely searched in U.S. airports, federal buildings and other potential targets. He noted that since these people are not Americans, their rights are not guaranteed.

Such sentiment is of course in the extreme and my source was unnerved after the bombings. But these are the sort of ideas flying around. Some ideas are far

less extreme but controversial enough to be difficult for the public to accept. Could Americans accept any of them as laws?

Israel is one democracy whose citizens are every bit as protective of their rights, but have learned to sacrifice them for security purposes. An episode from a two-week stint I spent in the Israeli army illustrated just how much Israelis have learned. One day we accompanied a bomb unit to a park in Haifa where someone left a backpack on a bench in a beautiful green park. It had been sitting there for about half an hour by the time we arrived. It was deemed a security risk, and everyone was evacuated. The soldiers quickly deployed a special robot, moved it up to the backpack, deposited a small explosive onto it, withdrew to a distance that those of us seeing this for the first time hoped was safe and blew it up. Pieces of graph paper with math formulas on them flew all over the park like little gliders. Ten minutes later, the college student who left the backpack there ran up to us, red in the face and out of breath. His textbooks, floppy discs, wallet, and a draft of his thesis were in the backpack. Despite his understandable chagrin, he accepted and I think may have even expected what had been done. He understood. How many of you, dear readers, would be prepared to take that calmly?

Of course, one may dismiss this by saying that we are not in the same threat category as Israel. Yet perhaps for the first time in history, there are almost certainly more terrorist groups that have a bone to pick with us than with Israel, including domestic groups à la Oklahoma City. Target choices are heavily influenced by the target's degree of readiness, and right now American cities are quite vulnerable.

When I was searched in Moscow for

looking like a Chechen, my American friends were outraged. They would never consent to this on the streets of New York even if someone had just blown up the World Trade Center a block away. And although I consider myself somewhat of a hawk, neither would I, at least not yet. I still need to hear more; I want it done in public and done soon, and not simply announced by the executive in a directive to the Pentagon or vice versa.

We are very averse to giving up one inch of what we see as our rights. Yet the people in charge of developing these "new lines of defense," while very dedicated, have not yet begun to tackle the giant task of educating a nation about their work and what has to be done. Perhaps more important, their security ideas must at some point become law, and that cannot happen until they are debated in public, especially by the legal community, the media and the policy-makers. This is something that could affect the daily lives of many Americans, and no legislature could afford to put it into law without a nationwide debate.

This discussion has to be started now, before the bureaucrats are all assigned to their seats, the officers to their units, and terms like "Homeland Defense Command" become real entities funded with taxpayers' money but unable to operate because the nation is not ready for them to do their job. Whatever element of surprise is lost to our foes by the public debate would be made up by the deterrence effect of a nation seriously discussing the future of its security.

Perhaps this is the law student inside me speaking, but I think the legal community has to be engaged in this discussion as soon as possible. I do not think it is paranoid to say that we have little time to waste.

The Buzz

By Tanya Marsh '00
RECORD Columnist

In Theaters Today

Apt Pupil (R), based on yet another Stephen King novella, stars Brad Renfro as Todd Bowden, a high school student who discovers a Nazi war criminal (Ian McKellen) living quietly in his hometown. Not content to learn about WWII and the Holocaust from his history books, Bowden blackmails the Nazi, Kurt Dussander, into revealing all his wartime atrocities in graphic detail. Not surprisingly, things get a little out of control and Bowden must face his own capacity for evil. Sounds like typical King fare, but then again he typically scares me to death.

Pleasantville (PG-13) takes *Back to the Future* inside the television. Nineties teen David Wagner is hooked on a black and white fifties TV show called Pleasantville. Through some bizarre remote control, David and his disgruntled twin sister find themselves in that repressed little world. Their modern outlook on life has a dramatic effect on all of those in the quaint little town and remind us all why we shouldn't watch too many *Brady Bunch* episodes.

Pitt to Star as Custer

Director Oliver Stone's latest attempt to uproot conspiracy will focus on the life and death of golden boy George Armstrong Custer. Based on the Michael Blake book **Marching to Valhalla**, Brad Pitt has reportedly signed on to play the lead role.

Best remembered for his ignominious end at the Little Bighorn, Custer was a real celebrity in post-Civil War America. A hero of Gettysburg, he became the youngest U.S. Army general ever at the age of 21. Custer's open confidence (some would say arrogance) in his own abilities and destiny made his death play like a Shakespearean tragedy. The movie promises to cover his life from age 21 to his death at 37, focusing on his romance with his wife, Libbie. Pitt must really love the Rockies, as this will be his third major movie filmed in the region. Both *A River Runs Through It* and *Legends of the Fall* were set and filmed in Montana. Speaking of the latter, keep your eyes open for the upcoming release of *Meet Joe Black* which re-teams Pitt with his *Legends* co-star Anthony Hopkins.

DeNiro in ... Rocky and Bullwinkle?

Look out Roger Rabbit, here comes that wacky squirrel and his moose sidekick. Robert DeNiro's Tribeca Productions is currently casting the live action/animation movie based on the 1960s cartoon. DeNiro himself is said to be considering playing the arch-villain, Fearless Leader. Boris and Natasha are as yet uncast. I'm thinking Nathan Lane with a wicked little mustache and Anjelica Houston revisiting Morticia Addams.

Broadway Buzz

Make plans now to visit the Big Apple in December or January. Nicole Kidman, whose performance in David Hare's **The Blue Room** is winning her rave reviews on London's West End, will make her Broadway debut when the play crosses the Atlantic this winter. British actor Ian Glen retains his role, or roles to be more precise. Kidman and Glen each play five characters in a series of vignettes exploring sex and relationships. Both are said to be outstanding despite the technical challenges of manipulating quick character and costume changes. Set to play a 111-performance schedule at the Cort Theatre, *The Blue Room* will begin on December 13.

If Tom Cruise buys the last ticket, check out one of the other plays still chugging along on Broadway. *The Lion King*, which is by all reports a magnificent show with inventive costumes and original music, is netting \$750,000 a week without the toys! Add your dollar to Disney's pile and get in line.

Chicago, *Cabaret*, *Ragtime*, *Phantom of the Opera* and *Les Miserables* are still packing their respective houses. And by all means, if you haven't yet seen *Rent*, go to the Nederlander before all of the original cast has bailed.

Pfeiffer and Ford Do Scully and Mulder

They may not be playing FBI agents, but Michelle Pfeiffer and Harrison Ford are set to work together for the first time in a supernatural thriller to be directed by Robert Zemeckis (*Forrest Gump*). No word yet on the story line of **What Lies Beneath** but with those two beautiful people in the same frame, does it really matter?

Costner Revisits Baseball and the '60s

Kevin Costner is currently working on his third baseball film, **For the Love of the Game**, which will hopefully be out late next year. His next project will reunite him with *Field of Dreams* director Phil Alden Robinson to tackle the Cuban missile crisis. **13 Days** will be based on the life story of Kenneth O'Donnell, JFK's chief of staff and will focus on the two-week showdown between the Kennedy Administration and the Soviets in 1962. Costner previously starred in Oliver Stone's *JFK* which explored the alleged conspiracy behind who killed the President. Costner is welcome to continue making movies about baseball and the Kennedy era, as long as he stays away from postal carriers and guys with gills.

RECORD Horoscopes

ARIES

(March 21-April 20)

It's time to rethink spiritual matters. There is indeed a higher power, and it is embodied in the soul of the guy who mans the Holmes Mail Center window. He's omniscient: have you ever seen him forget a name?

TAURUS

(April 21 - May 21)

You may be inspired to start that home remodeling or redecorating you have been thinking about for some time. Then again, you may just decide to sit in front of PAX and catch up on "Eight is Enough" reruns. Hey, did you ever realize that Nicholas and Richard Fallon have the same hairdo?

GEMINI

(May 22 - June 21)

Others meet with rewards and gains while your career stays stagnant. Remember, revenge is sweetest in the form of prank phone calls in which you pretend to be an attorney calling back your arch-rival for a full interview at a prestigious law firm. Don't forget to include the recruiting directors phone number so that your "interviewee" can call the firm ASAP!

CANCER

(June 22 - July 23)

Make sure to state things clearly when instructions or intentions could easily be misunderstood. When you talk with your mouth full, you are frequently misunderstood anyway. Perhaps you should consider communicating only through sign language.

LEO

(July 24 - August 23)

There is an emphasis on recreational pastimes. Go to class, or at least set your alarm for class, think about going to class, and roll over and go back to sleep. Attendance policy? What attendance policy?

VIRGO

(August 24 - September 23)

A nice gift or thoughtful words from a loved one will start the week off well. Your week will take a sudden downturn, however, when you realize that their kindness was a mere bribe for your autographed heart-shaped picture of Larry Lessig. Oh, the inhumanity!

LIBRA

(September 24 - October 23)

Your bright disposition will be very evident, and many will be taken by your grace and charm. Or are they just being condescending to you because your double cowlick is showing? Only the omniscient Holmes Mail Center guy knows for sure.

SCORPIO

(October 24 - November 22)

Inspiration will help you make new plans in your personal life. Coming to class unprepared only increases your chances of getting noticed by that studly professor you've been eyeing up. If you mess up big time, you can visit him during office hours for a little "extra help," nudge nudge wink wink.

SAGITTARIUS

(November 23 - December 21)

Business is highlighted this week, and the unemployed among you will receive valuable leads that will go up in smoke when recruiters find out about that drunken night which led to your "David Herwitz is a babe" tattoo.

CAPRICORN

(December 22 - January 20)

Hey good lookin', it is a great time for romance and activities with children. Children love you, you know, because you are soooooo fiiiiine.

AQUARIUS

(January 21 - February 19)

You may receive a job opportunity that will let you work from home for the next couple of weeks. Telemarketing on behalf of the HLS Alumni Association can be a fun way to meet attractive and popular HLS grads so long as you seem attractive and popular. Practice your Dan Markel voice!

PISCES

(February 20 - March 20)

Evenings will be filled with romance and fun, but avoid any excesses. After all, you may have few responsibilities, but Dan Fridman has to run this damn place!!

IF THIS WEEK IS YOUR BIRTHDAY: Things will very much go your way, especially where pleasure is found. Look out, Gannett House, here comes the birthday boy!



PLEASE, RECYCLE
YOUR RECORD!
(AFTER READING IT)

Spike

By Margie McWilliams



Carpe Dollo

RULE #1: NEVER TAUNT A COLUMNIST

By Jake Zimmerman '00
Staff Columnist

I was walking out of Griswold. Or maybe it was Pound. It's hard to know, because they both have that disorienting, weird concrete-square ceiling that makes you feel like you're standing in some airlock from a bad 1950s science fiction show, waiting to plunge into the murky void beyond. Who was the genius who came up with this ceiling idea, anyway? Did some architect decide that law school buildings would look too pleasant with normal, plaster ceilings? Was the idea to reinforce the whole prison imagery by using as much grim, ominous concrete as possible? Was the ugliness planned as some sort of homage to Walter Gropius? Someone do some research on this, and get back to me, please.

Anyway, like I said, I was walking out of Griswold, or Pound, or maybe it was that super-high-security-access-controlled-don't-even-think-about-going-inside-because-you're-nothing-but-a-miserable-peon Faculty Parking Lot. Have you ever looked closely at that parking lot? If not, I recommend catching a glimpse sometime when the guard dogs are patrolling elsewhere. You'll notice that it has *exactly* the same freaky ceilings as Griswold and Pound. Coincidence? I think not.

I don't know what this ceiling convergence means, but I'm confident that it can't be anything good. And while I couldn't *prove* to you that those ceilings are shooting rays into our brains, I don't think we should discount the possibility, either. To be on the safe side, I may start wrapping my head in tin foil before class each morning. You can never be too careful.

So, as I was trying to say before I interrupted myself, there I was, walking out of some building. (Let's just assume that it was Griswold, and put this whole ceiling thing behind us.) I was chatting with a friend, minding my own business, and enjoying the pleasant day. Then, I happened to turn around, and I spotted one of my favorite professors at HLS. (We'll call her Professor X, so as to spare her the embarrassment of being publicly referred to in such a derogatory way. Peer pressure can be rough at those faculty meetings.)

Professor X was standing there by the door, and didn't appear to be in a great hurry to get inside the building (which-ever building it was). So I did what one would naturally do in such a situation: I waved to her and began to cheerily say hello. I figured, based on my admittedly limited understanding of social interaction between human beings, that the likely response would be a similar hand wave and greeting, followed perhaps by some small talk.

How wrong I was. There was no greeting, no cheerful wave, no "Hi, Jake, how's that intensive aversion therapy going this week?" or "Have they taken that metal plate out of your head yet?" Not even so much as a "You really need a haircut, son."

Instead, Professor X simply pointed an accusing finger at me and uttered these words: "I know what you're thinking, and I know you. And all I can say is, this had BETTER NOT show up in your column next week." Professor X then stared at me intently, the better to reinforce her message. I laughed politely, nodded my head, and said "sure." She smiled back, and

went about her business.

The obvious moral of this story is that you should never give that kind of challenge to a humor columnist, especially one who routinely suffers from writers' block with only a few hours left before his deadline. We ain't news reporters. We don't do "off the record."

But that's not the real issue here. The question that's been burning in my mind like the fiery heat in the Hastings basement is this: just what the hell was Professor X doing, anyway? I obviously missed something good here.

See, Professor X is a friendly, outgoing person who is not ordinarily prone to massive attacks of paranoia. Now maybe she developed a nasty persecution complex over the summer, and is now preparing to join the Montana Freeman on the assumption that everyone else is out to get her. (Actually, I suppose that would actually be the "Montana Men Who Were Formerly Known as Free," wouldn't it? Ah, well.) But I don't see Professor X as the conspiracy-fearing type. So the logical conclusion is that she actually *was* doing something that would have made for an awesome column, if only I'd picked up on it.

If I were a crack investigative journalist, I would be spending hours in surveillance of Professor X, trying to catch her duplicating her mysterious activity. Fortunately, I am not an investigative journalist, and the crack is my own business, thank you very much. So rather than do all that silly work, I'm going to do the next best thing and just make an outlandish



guess, based on absolutely no supporting information whatsoever. (God, I love this job.)

My theory is that Professor X was actually manipulating the top-secret device that causes the temperature to be always just below the freezing point inside of the

Pound Hall classrooms. It pains me to accuse her of such a foul deed, but it seems the likeliest explanation. No natural phenomenon could possibly account for the bizarre Arctic conditions that always predominate inside those rooms, while just a few feet outside the door the climate continues to be normal and reasonable. The cruel torture that results from holding classes in a cryogenic fugue could not have been a mere accident.

No, this is obviously a calculated attempt to manipulate HLS students, leaving us passive and enfeebled so that we don't notice the insidious changes in our neurochemistry being slowly brought about by the mysterious concrete ceilings. I don't know who's behind it, but this is BIG, folks. And if we don't stop it, it's only a matter of time before we become the helpless slaves of Professor X and her evil masters.

Something needs to be done about this, before it's too late. We need to confront Professor X and put an end to her vile plan once and for all. I will lead the charge as we fight for our freedom and for the right to basic climate control. But first, I really need to curl up in my nice warm bed and regain some precious body heat. It'll just be for a moment, I promise....



At the end of Seymour Hersh's lecture, Fenno was still trying to figure out what the big deal was. "I don't see what's so wrong with a few little explosions," she muttered to Matt Freedman, who had been sitting next to her earnestly taking notes and nodding his head vigorously. "I mean, it's not like anybody gives a rat's ass about those people anyway."

Fenno smiled at the look of abject horror on his face. "Got a problem with that, ya hippie pinko? Whatcha gonna do? Protest me?"

Fenno strolled out of the room while Freedman was still standing there in shock. She vaguely sensed that she shouldn't have said that, but couldn't quite put her finger on why. Truth was, Fenno's head was spinning a little and she wasn't totally thinking straight. It had been that way ever since she first noticed the sweetly aromatic smell that had permeated the room once Charlie Nesson strolled triumphantly inside. "Ah, nostalgia," thought Fenno with a rueful grin.

Fenno left Pound, hastily sidestepping a lawyer from some cheap-ass firm in Alabama that couldn't afford to do their interviews in an actual hotel. She headed to the Hark to grab the latest batch of cocktail party invitations before returning to her hideaway in the RECORD office for a refreshing swig of Night Train. As she checked her Harkbox, Fenno looked down and noticed Julian Poon, curled up in a fetal position and sobbing.

"What's wrong, Poonie?" asked Fenno in a mocking tone. "Babes still aren't buying that 'Dig my subciting' pick-up line?"

"No," Poon said in a despairing voice,

"it's worse than that. They didn't put student directories in all the boxes, and somehow I was one of the ones chosen not to receive one. Oh, the indignity! Don't they realize that I'm at the top of the food chain? Now how am I possibly going to call every professor at the law school in time to kiss up to them and share my important thoughts about their area of legal scholarship?"

"Directories?" asked Fenno, puzzled. "I thought they didn't actually give anyone a directory until the year after you graduate. News to me. Well, anyway, why not just take one from an LL.M.? It's not like anyone can understand them over the phone anyway."

Poon lept to his feet with a cry of delight. "Oh, thank you, Fenno! What a brilliant idea! It's almost half as good as something I would have thought of, if I'd had the opportunity for proper study." He quickly ran to the LL.M. boxes and se-

lected half-a-dozen directories, which he clutched tightly to his chest as he scampered off towards Gannett House.

Fenno turned around to make her escape, but quickly found her way blocked by a tall, looming presence whose odor made it clear that he hadn't showered in at least three days. Fenno's heart sunk as she saw who it was: Sven Ibrahim Rabinovitch Hammerskjöld Fiero Ibn-Al-De-Gaulle Kowalski, the barely-intelligible LL.M. who had so badly wanted to be her friend last month.

"Vat eez dees ting you do, Venno?" he asked in a voice that sounded confused and hurt. "Eef I do not have zee deerektree, how zen am I to call zee ozzer LL.M.'s? Eef vee cannot, how you say, netwoork, zen vee vill not be prepared to speak in clahzz for feeftteen minoots at a time like vee do now. Und zen who veel say all zee eemportunt tings in dee clahzz, eh? Zee Profayzor?"

"Yeah, Jim-Bob" said Fenno, "that'd be a real tragedy. You'd probably better bring a big delegation of LL.M.'s to the next LSC meeting and protest their shocking failure to encourage better communication among your classmates. I'm sure they'll really appreciate the heads-up, especially if you prepare a lengthy presentation that will thoroughly explain all the details to them. Remember, they're politicians and they're a little slow, so you should really repeat everything at least three times. They'll thank you for it."

"Dees eez a deelaytful idea," said the unwanted acquaintance with a giant grin. "I veel go make zee plahns right now!" He quickly kissed Fenno on both cheeks and dashed out of the Hark like a madman.

As Fenno wiped her face and made her way to the exit, she permitted herself one small evil grin.

Quote of the Week

"University of Honolulu. Winter term. Necessary for my career. My surfing career, which most of you don't know about."

— Prof. Louis Kaplow '81, facetiously arguing to his Taxation class that visiting professors should be able to claim tax deductions for maintaining a temporary home.

Iconoclast Corner

By Stuart Buck '00
Guest Columnist

THE TRUTH BEHIND A FEMINIST ICON

While watching TV recently, my wife and I saw part of "A Will of Their Own," a new miniseries that traced the women of an American family over several generations. In one scene, the young granddaughter attends a rousing speech by Margaret Sanger, whom we all know as the founder of Planned Parenthood. The portrayal of Sanger was as a noble and heroic crusader for women's rights to birth control.

Sanger has also been the subject of at least two television movies within the past few years: HBO's "Woman of Valor," which starred Demi Moore, and Lifetime's "Crusader: The Margaret Sanger Story," which starred Dana Delany. Time recently named Sanger one of the 100 Most Important People of the Century, following the trend set by Life magazine, which gave Sanger the same honor in 1991. Whenever the media takes notice of Sanger, she is lionized as the ultimate champion of women's rights, as was the case in the miniseries. This portrayal of Sanger is entirely typical — and entirely misleading.

You see, Margaret Sanger was a racist.

"What! The founder of Planned Parenthood, the darling of the left wing, was racist?"

Yes, and frighteningly so.

In 1939, for example, Sanger's Birth Control Federation of America (which in 1942 changed its name to Planned Parenthood) designed a "Negro Project."

The idea was to get African Americans to use birth control. The project proposal said, "The mass of Negroes, particularly in the South, still breed carelessly and disastrously, with the result that the increase among Negroes, even more than among whites, is from that portion of the population least intelligent and fit, and least able to rear children properly." The project decided to hire "coloured ministers, preferably with social-service backgrounds, and with engaging personalities" to travel and promote birth control.

Sanger wrote to Clarence Gamble, the head of the project, "The most successful educational approach to the Negro is through a religious appeal. We do not want word to go out that we want to exterminate the Negro population, and the minister is the man who can straighten out that idea if it ever occurs to any of their more rebellious members."

Clarence Gamble later wrote in a memo, "There is great danger that we will fail because the Negroes think it a plan for extermination. Hence let's appear to let the coloured run it."

One of Sanger's explicitly stated aims for the American Birth Control League

(another predecessor of Planned Parenthood) was "racial progress." She used her magazine "Birth Control Review" to promote White Supremacy and Nazi-style eugenics. In 1932, the magazine outlined Sanger's "Plan for Peace," which called for coerced sterilization, mandatory segregation and rehabilitative concentration camps for all "dysgenic stocks." In 1933, the magazine even published an article by Ernst Rudin, Hitler's director of genetic sterilization and a founder of the Nazi Society for Racial Hygiene.

Want more evidence? Look at Sanger's own words. Read Sanger's book "The Pivot of Civilization," which is filled with lightly veiled references to poor minorities and to the dangers of allowing such "stock" to "breed."

Sanger strongly condemned charities and philanthropy to poor, minority communities: "The most serious charge that can be brought against modern 'benevolence' is that it encourages the perpetuation of defectives, delinquents, and dependents." She also said, "Instead of increasing and aiming to eliminate the stocks that are most detrimental to the future of the race and the world, [charity] tends to render them to a menacing degree dominant."



Sanger also wrote, "The most urgent problem today is how to limit and discourage the over-fertility of the mentally and physically defective. Possibly drastic and Spartan methods may be forced upon American society if it continues complacently to encourage the chance and chaotic breeding that has resulted from our stupid, cruel sentimentalism."

Sanger used racial rhetoric continuously throughout her 1920 book "Women and the New Race," as the very title may suggest. Consider this quote: "Birth control itself, often denounced as a violation of natural law, is nothing more or less than the facilitation of the process of weeding out the unfit, of preventing the birth of defectives or of those who will become defectives.... If we are to make racial progress, this development of womanhood must precede motherhood in every individual woman."

Now for a few questions: Isn't it strange that this Sanger, who even spoke at a KKK rally in 1926, is now hailed as a feminist icon? Isn't it odd that Sanger's Planned Parenthood now brags about how they "help" minorities by placing the vast majority of their clinics in minority schools and neighborhoods? Why isn't anyone suspicious?

SPORTSGUY

By Josh Swartz '00
RECORD Columnist

SONS SEND SAN DIMAS HIGH BACK TO ELEMENTARY SCHOOL

In this week's marquee match-up between the league's only two undefeated teams, the Sons of Liberty (8-0) won a thriller from previous #1 San Dimas High (7-1) 19-18. After defensive stands by both teams to open the game, the Sons put the first points on the board when quarterback **Jay** Charlotte's **Webber** '00 connected with **Ian Downes** Jones Industrials '01 for a three-yard TD strike.

San Dimas quickly answered with the first of two touchdown catches by leading rookie of the year candidate **Truth** or **Darion King** '01. The Sons took a 12-6 half-time lead, despite the distraction

caused when medical school moonlighter **Mike Enola Gaies** '01 literally lost his shorts on a third down catch and revealed to all the world that the Sons wear matching underwear to complement their red uniforms. The teams traded second-half touchdowns, and the Sons took a 19-12 lead with just over one minute in the contest.

All-world quarterback **Jim Walsher** and **Dryer** '99 drove his team methodically down the field, and scampered in from 10 yards out. San Dimas went for the win, but Walsh's two-point conversion pass sailed out of the end zone on the final play of the game. **Scott Janoe** What I Mean '99 tracked down at the field past dinner time still sucking down asthma medication, offered this explanation, "We didn't have our best receiver on the field, and were forced to play with some bleach-blond punk we picked up in the Square on the way to the field."

The Sons of Liberty avoided a letdown immediately thereafter, narrowly defeating the Happy Gilmores (7-2) 26-24. On the first play of the game, Webber connected with Gaies, who had managed to scrounge up a new pair of shorts, for a long TD pass. Burned on the play was newly engaged Gilmore **Derek** No Time to Wallow in the **Squire** '99, who looked like he was already tied down as Gaies flew by him. The defenses could do little the rest of the way, and the Sons led 26-18 with 30 seconds remaining.

Gilmore quarterback **Matt Dumb** and **Dummermuth** '99 hit **Adam Carne** Asada '99 for a touchdown but the subsequent two-point conversion failed when the pass just flew out of the reach of 6'4" receiver **Ted Randolph** Safe Tuna '99. Soon to be thrice humbled, Gilmore propaganda minister **Raj** Rhubarb **Pai** '99 down played his team's re-

cent failures, commenting, "At least I don't make my team wear those stupid red uniforms. How gauche."

In other football action, San Dimas High rolled over **Dicken's Cider** (2-5) 54-12 and got a surprise contribution from **Love 'Em or Liam Caffrey** '99, who caught a rare TD pass from the wide receiver position. The **Weekend Warriors** (8-1) downed **Miller Time** (3-4) 28-21 despite two touchdowns run by **Miller Time QB Jun West** by **Weston** '01.

The **Happy Gilmores** squeaked by **Intent to Harm** (2-5) 34-26 and **Lovers Not Fighters** (1-6) 26-18. The **Lovers** were forced to play short-handed again this week as quarterback **Mike Potato** and **Leake Soup** '99 tried to play his three week old son, but was vetoed by his wife.

Obviously unhappy, **Leake** later issued this statement, "I thought we were clear on this one; the primary reason we had the baby was because we needed a sixth



man for the HLS season. I still think he's our best cover guy." **LC United** (4-3) rattled off three victories over **Miller Time**, **Sexual Chocolate** (1-7), and **Pimpin' Irish** (3-2-1).

Finally, the Sportsguy wishes to acknowledge some of the other sports that continue to flourish here at HLS. However, attempts to reach the elusive soccer commissioner this week proved unsuccessful. Undaunted, the Sportsguy contacted **Morning Woodie Dixon** '99, who assured me that soccer was alive and well at Harvard. Thus, there will be coverage of the "other football" in the next column.



PLAYOFF RACE

1. Sons of Liberty (8-0)
2. San Dimas High (7-1)
3. Cougars (5-1)
4. Weekend Warriors (8-1)
5. Happy Gilmores (7-2)
6. Cruel and Unusual Punishment (5-3)
7. Pimpin' Irish (3-2-1)
8. LC United (4-3)

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Her Indie World

By Suzanne Carter '00
RECORD Columnist

GOT TWANG?

Sheryl Crow
The Globe Sessions
A&M Records, 1998

"My Favorite Mistake," the first single and track off Sheryl Crow's latest, "The Globe Sessions," seemed promising. Granted, such radio-friendly, middle-range pop isn't exactly new territory for Crow. Remember "If It Makes You Happy" and "All I Wanna Do"? Like both mega-hits, "My Favorite Mistake" is a clean, simple melody with singalong lyrics. It's easy to listen to and hence will be played over and over (and over and over) on MTV, VH-1 (especially VH-1), and AAA/Top 40/"New Rock" radio stations across the, uh, globe.

Unfortunately, whereas Crow's previous two albums were more — often much more — than the sum of the singles they spawned, "The Globe Sessions" goes downhill from "My Favorite Mistake." The disc meanders through its overreaching ambition without a concern for the listener's enjoyment.

For instance, "Am I Getting Through," to which the obvious answer is "no," seems to be an attempt to merge twang with hip hop (yes, you read that correctly), but ends

up sounding like a messy chain saw/power drill choir, and not in a cool Iggy Pop kind of way. Crow's idea of invention on this track is to insert a telephone busy signal into an otherwise silent break. Brilliant! Why hasn't that been done before? Probably because busy signals are annoying enough when you're on the phone, much less listening to music.

Another track, "There Goes the Neighborhood," includes some entertaining lyrics about the state of the popular music scene. The more memorable among them appear to be directed at Fiona Apple's "Criminal" video: "The chick made to look sickly is standing in her panties in the shower/She plays the guitar in the bathroom while the police dust her mother's plastic flowers." It's amusing, relevant commentary until the "look who's talking" realization hits you. This ain't Ani DiFranco. Crow, after all, hasn't been above posing topless in major music magazines and went through a whole heroin-chic stage herself.

The main problem with "The Globe Sessions," though, does not relate to Crow's songs but to her execution of them. Pieces like "Anything But Down" and "Riverwide" would be pleasant enough in

someone else's hands, or even in the "Tuesday Night Music Club"/"Sheryl Crow" Sheryl's hands, but on this faux C-and-W record, they're bogged down with Crow's nasal twang. Perhaps Crow should spend less time picking up accents from "The Nanny" and more time crafting the simple, pretty pop she used to produce so well.

Grade: (A Harvard) C.

Emmylou Harris
Spyboy
Eminent Records, 1998

Sheryl Crow thanks Emmylou Harris in her liner notes for "The Globe Sessions." But where Crow's new record is pointedly sloppy, veering toward pseudo-intellectualism, Harris's is clean and polished. This is ironic, given that "Spyboy" is a live recording. While not overproduced, it feels so much like a studio album that hearing the audience applaud now and then comes as a jolt.

Like Harris's previous live album, "At the Ryman," "Spyboy" proves why the 51-year-old songstress is so hard to categorize. It veers from the Uncle Tupelo-ish N.D. rock of tracks like "I Ain't Living Long Like This" to the anthemic pop of "Green Pastures" to the western (yes, there is a difference between country and western. The former is Garth Brooks, the latter, Jimmie Dale Gilmore) folk vibe which highlights "Deeper Well."



Perhaps unsurprisingly, then, one of "Spyboy's" heart-breakingly beautiful moments is Harris's stripped-down, stunning cover of "Love Hurts," which was a big cheesy hit for some maligned '80s band like Night Ranger. (I doubt it was Night

Ranger, who I realize had their big cheesy hit with "Sister Christian." But it was one of those groups with a cheesy name like Night Ranger. You know, the lead singer sounded like Robert Plant with a hernia. And now that I've fulfilled my allotment on the word "cheesy" for one column — give me a break, I'm from Wisconsin — I'll get back to Emmylou.)

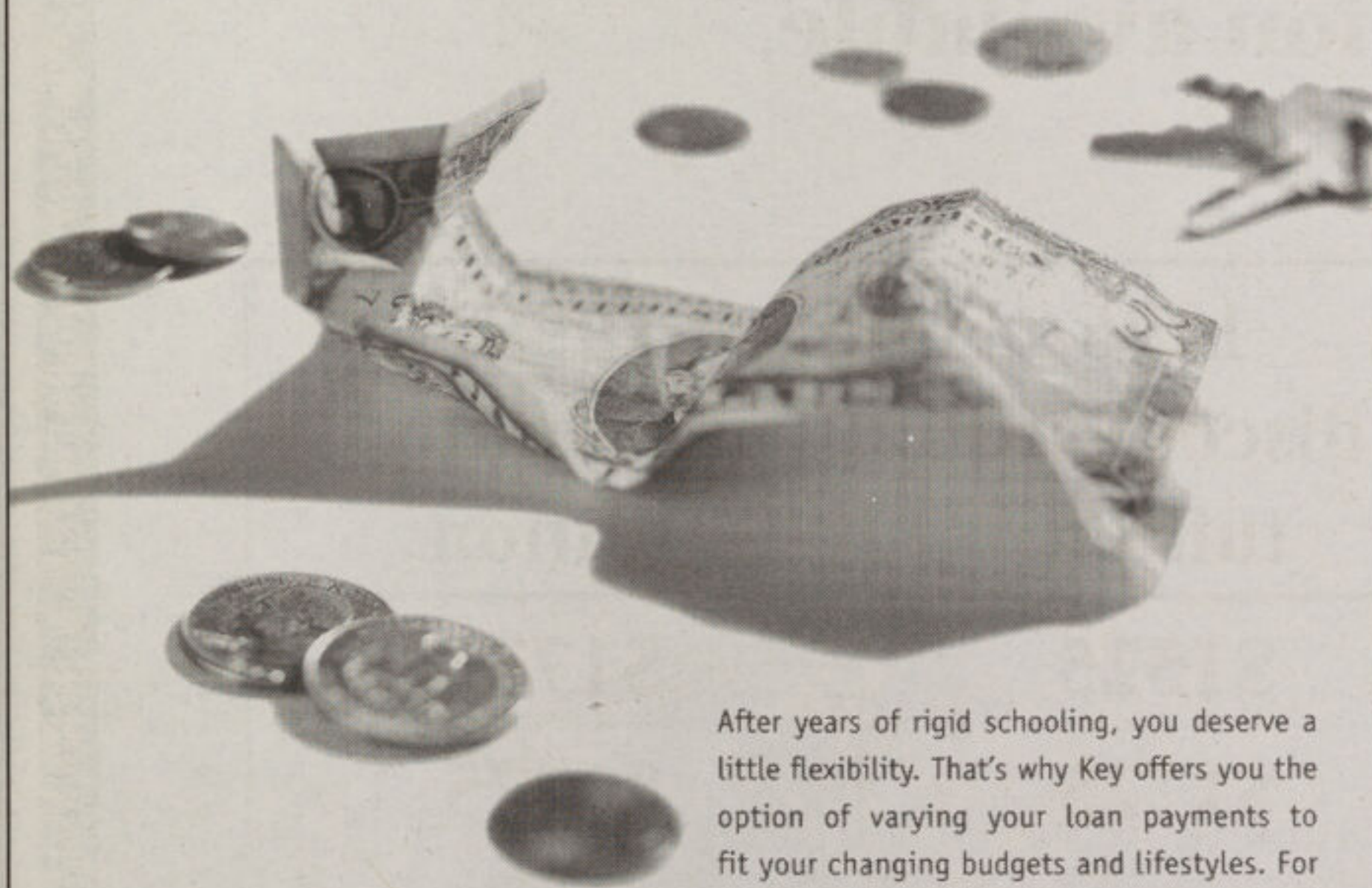
Harris's band is exceptional as backing bands go, but the real star here is her voice, unique in its poignant wisdom. Few singers could make tracks like "Calling My Children Home" and "All My Tears" sound as empathetic as Harris can. She doesn't have glorious range or pitch, but she makes you feel.

"Spyboy" provides some clues as to why Emmylou Harris has never had a mainstream hit song. Each of her albums is best heard as a whole rather than a handful of singles and throwaways. Perhaps this is why she's aged better than all the Night Rangers and Sheryl Crows put together.

Grade: A.

Next time in Her Indie World, I'll give you my take on some of the compilations hitting the music stores, among them the new Gershwin benefit for AIDS research, "Red Hot and Rhapsody." The track listing on this one looks promising. Sure, Duncan "Sensitive New Age Guy" Sheik covers "Embraceable You," but the talents of David Bowie, Natalie Merchant, and Luscious Jackson will probably outweigh any contrived sap the would-be Scot has to offer. Here's hoping so.

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