



The HLS Drama Society's latest production, "Babes and Brides," is running December 3-5. Directed by John Boyer '00 and produced by Mary Claire Borys '00, "Babes and Brides" consists of two comical one-act plays on the trials and tribulations of modern dating.

Anker's Away After 15 Years at HLS

By Ben Lehrer

The administration has decided to end Deborah Anker's 15-year lectureship as of the end of this year. Anker, who teaches Immigration Law and Asylum/Refugee Law, will continue to serve as a clinical instructor and coordinator with the Greater Boston Legal Services, where Harvard subcontracts some of its clinicals.

The decision was made in line with the school's policy on lecturers, which has a "strong presumption" against appointments continuing on beyond three one-year terms, according to Alan Ray, Secretary of the Lecturers Committee.

Dean Clark '72 said that the three-year policy is based on a desire keep a steady rotation of

temporary lecturers. "With our teachers who are not on tenure-track positions, we want to have a variety of people come through," he said.

According to Ray, a lecturer may outlast the three-year presumption if the school has a strong need in a particular area of the curriculum and where the subject is relatively complex. Anker fit under this exception until now.

Currently, there is no one slated to teach either Immigration or Asylum/Refugee next year.

Ray said that the Lecturers Committee has come up with some names for potential replacements. He expressed confidence that a decision would be made by the early spring in terms of next year's offerings,

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ITS Director Vik Throws Book at RECORD Reporter

Story About Security Hole Results in Ad Board Proceeding

By Ben Lehrer

Susan Vik, the Director of Information Technology Services at HLS, filed a disciplinary charge against three Law School students on Nov. 3, alleging "misconduct" in violation of the Computer and Network Usage Agreement.

The misconduct in question involved accessing a database of student social security numbers that was readily available due to a security gap on a BSA Web page.

The charge cited violations of provisions in the second paragraph of the Usage Agreement, which state that students "should not attempt...to gain unauthorized access to computer

or network services, ...[nor] to circumvent or violate network or e-mail security systems."

The security hole was first discovered last year, when a then-1L stumbled upon student social security numbers when she moved backward on Web pages by deleting portions of the URL rather than by using the "back" key of her Internet browser.

This student, who chose to remain anonymous, reported the hole to ITS, and the database of social security numbers was deleted. The student was thanked, and no charges were filed in connection with that discovery.

This year, the same student found that the security hole was still in place and that the social security numbers of the new 1L class were exposed.

ITS uses a database of student social security numbers as part of a site allowing the construction of personal Web page autobiographies of 1Ls and BSA members. Students wishing to register for a personal page were required to provide their social security number as a password, which would be matched with the database to confirm the student's identity. There are no links to the page with the numbers, but deleting part of the URL—a rather common method of navigating through Web sites—could land an unsuspecting student on the database page.

The student who discovered the reemergence of the security hole contacted a 2L friend, who

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School Voucher Debate Comes to HLS

By Justin Herdman

Both sides in the ongoing school-voucher debate presented their views to a well-attended audience at HLS this past Wednesday.

The debate, sponsored jointly by the Federalist Society and the Student Public Interest Network (SPIN), was timed to coincide with a recent U.S. Supreme Court decision to deny review to a state court decision that upheld voucher privatization.

On Nov. 9, the Supreme Court

denied certiorari to challengers of the Wisconsin school choice plan. Pro-voucher advocates hailed the Court's decision to leave the plan intact, as it had invited criticism from proponents of church-state separation. Wisconsin's program allows children from low-income families to exchange vouchers for private education, including religiously affiliated schools.

Clint Bolick defended the school choice position. He is currently Vice-President and Director of Litigation for the Institute for Justice, an organization committed to combating the "regulatory welfare state." Bolick arranged the defense of Milwaukee's school voucher program, the nation's first, and is a vocal supporter of privatization schemes.

Selecting Bolick for the debate was an easy task, said Federalist Society President Chris Paoletta '99. "[Bolick] is the foremost proponent of school choice in the country," said Paoletta.

"Decades of massive social engineering schemes have utterly failed [to reform education]," said Bolick, pointing to what he called the overwhelming failure of public education. Instead of turning to the government, education reformers should look to parents. Addressing the assembled crowd of attentive students, Bolick mentioned the prominent role that parents must have played in their own education.

"The crucial facet of education reform must be parents," said Bolick. "And empowering parents is what school choice is all about." Inner-city parents should be



Clint Bolick and Gary Orfield square off on school vouchers.

afforded an equal opportunity to provide a sound education for their children, said Bolick. "Bill and Hillary Clinton shouldn't be only people in America who live in public housing, but get to pick where their kid goes to school," he said.

On the other side of the aisle,

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Berkman Center Blazes Path Through Cyberspace

By Kimberley Isbell

Tucked away on the fifth floor of Pound, the offices of the Berkman Center look as deceptively inconspicuous and unimposing as the center's Executive Director, Jonathan Zittrain '95, a lecturer at HLS. At first glance, Zittrain looks like any HLS student—black jeans and flannel shirt, topped by a youthful grin and energetic attitude.

The inevitable ringing of the phone quickly dispels this image, however. The person on the other end is likely to be anyone from a reporter for a technology trade journal to the chair of the newly-established Internet Corporation for Assigned Names and Numbers (ICANN). It seems that everyone knows Zittrain, and Zittrain knows everyone, at least in the Internet community.

In fact, it would be hard for anyone who follows the burgeoning Internet not to know who Zittrain is. As head of the Berkman Center and a well-respected commentator on technological issues in his own right, Zittrain seems to be everywhere—writing columns for *Wired*, speaking on the radio, and having a photograph of himself appear in the New York Times to illustrate a story about the ICANN public meeting held in Cambridge last month, which members of the



Jonathan Zittrain '95

Ogletree '78 as the "brain-child" of Director Charles Nesson '63, the Berkman Center is home to activities and projects that involve not only Harvard, but such far-flung places as Jamaica and China. This reality, combined with Zittrain and the Berkman Center's expansive vision for the future of the Internet, lends a slight ring of truth to one student's joke that Zittrain was plotting "to take over the world."

"There's so much potential here. They already have the New York Times calling up Jonathan Zittrain every day when there's a big Internet story. It's so hot, it's so cutting edge here that we can make news every day if we want to," said Emily Lenzner, a fellow at

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RECORD Feature

Berkman Center helped organize.

But there's more to Zittrain and the Berkman Center than what registers on the radar screens of the national media. Described by Prof. Charles

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Diversity Movement Pushes Forward

By Ben Lehrer

The student movement to induce the administration to take steps towards increasing minority enrollment continued full force as the Coalition for Diversity met with Dean Clark '72 and members of the administration to hammer out ideas on how to tackle the problem.

According to T.J. Stevenson '00, the President of the Black Law Students Association, it was "constructive to have everyone together and have the opportunity to bring the issue to the table with all the major players at the table."

The Coalition came to the meeting with the demand that the Dean appoint a person of color to the Admissions Committee. "We would like to see the Dean legitimize the commitment to diversity by having the decision-making body reflect

the vision of diversity as soon as possible."

After the meeting, members of the Coalition felt that Clark was hesitant to take such a step.

"Clark said that the existing committee was doing a good job," said Stevenson, "and he didn't see what purpose adding anyone would serve."

Sean Flynn '99 got the impression that Clark wanted to focus on marketing in order to get more applicants and higher yields, rather than tinker with the actual admissions process.

"We all agreed on trying to solve the problem, but we didn't agree on the means," said Raj Goyle '00, one of the co-organizers of the meeting. "There's a strategic and fundamental difference between what we heard from Clark and Curll, and what we as student representatives brought to the table."

"I hope and I think that we can bridge

this gap," he said, "but I think it's important for people to be aware of what the administration's current stance is."

Dean Responds

In a conversation with the RECORD, Clark acknowledged the breadth and complexity of the problem and said that he was working with faculty and the administration to craft careful solutions.

"I agree that we can make improvements in parts of the process beyond admissions, like recruitment," he said, "and there may be some improvements in the admissions process such as taking people off the wait list quicker."

As to the Admissions Committee, Clark said that he was consulting different people on whether it would be wise to make a change to its composition midway through the admissions process.

"The general question of whom to put on committees is complicated," he said. "It's a question of who works well with whom, and availability."

"I agree that it would be good to have a person of color on the Admissions Committee."

When told of the latter remark, Stevenson responded, "It's great that he

agrees that it would be good to have a person of color on the Committee. But will he appoint someone?"

Stevenson praised minority faculty members and hoped that they would take an active role in the process. "We have faculty members who have used their ability and acumen to advocate for the groups to which they belong," he said. "With that wealth of talent and experience right here that can assist at a time when black students do not have access to education in light of affirmative action rollbacks, Harvard should take a leading role in the move towards diversity."

In general terms, Clark expressed optimism that the Law School would be capable of addressing the issue squarely and effectively. In addition to praising the faculty and claiming that HLS has "the strongest African-American faculty in the country outside of traditionally black schools," he said he was pleased that students eager to work on the issue would participate in the project.

Students indeed will continue participating both with the administration and without. The Coalition is planning a rally in support of diversity this Friday at 1 p.m. outside Hauser Hall.

• Correction •

In the last edition of the RECORD, the application and enrollment figures we printed contained numerous errors. The RECORD apologizes for any confusion this may have caused. These statistics have been provided directly by the Admissions Office and are correct. The figures for 1998 reflect some changes over previously cited statistics, based on information recently processed by the Admissions Office.

Year	Total Apply	Enter	Women Apply	Enter	%	Minority Apply	Enter	%	African-American Apply	Enter	Defer	Latino/a Apply	Enter	Defer	Asian Apply	Enter	Defer	Native American Apply	Enter	Defer
1975	6063	552	1485	118	21.4%	637	78	14.1%	387	53		169	18		81	7				
1976	6423	546	1773	138	25.3%	693	64	11.7%	387	45		206	17		100	3				
1977	6376	561	1842	154	27.5%	668	80	14.3%	337	48		222	24		109	8				
1978	7320	557	2303	159	28.5%	808	98	17.6%	398	61		252	26		158	12		25	4	
1979	6965	541	2237	162	29.9%	823	88	16.3%	395	40		267	29		161	11		28	5	
1980	6996	545	2343	159	29.2%	792	86	15.8%	387	43		233	34		172	12		23	7	
1981	6939	552	2431	180	32.6%	822	108	19.6%	375	66		249	25		198	17		19	2	
1982	7483	556	2700	187	33.6%	838	98	17.6%	319	65		294	21		225	12		24	4	
1983	6047	548	2323	190	34.7%	802	109	19.9%	352	68		266	28		184	14		13	2	
1984	6145	549	2306	190	34.6%	782	94	17.1%	319	54		263	25		200	15		37	2	
1985	5773	575	2128	216	37.6%	740	94	16.3%	260	44		242	31		238	19		20	3	
1986	5874	539	2235	192	35.6%	815	101	18.7%	307	50		275	29		229	22		25	6	
1987	6056	542	2391	219	40.4%	906	127	23.4%	349	67		319	42		238	18		29	3	
1988	7094	548	2783	222	40.5%	1189	120	21.9%	472	58		396	34		321	28		36	5	
1989	7713	538	3210	242	45.0%	1482	147	27.3%	582	73		441	39		459	35		50	6	
1990	8516	542	3425	231	42.6%	1623	150	27.7%	631	65		471	33		521	52		48	5	
1991	7544	542	3067	219	40.4%	1664	150	27.7%	592	69		505	38		567	43		49	2	
1992	6499	558	2553	214	38.4%	1720	138	24.7%	701	68		473	29		546	41		60	1	
1993	7592	550	3212	221	40.2%	2252	141	25.6%	836	58	15	626	25	9	790	60	29	85	2	0
1994	8266	550	3522	224	40.7%	2454	160	29.1%	818	64	16	744	35	7	892	61	7	81	4	0
1995	6861	559	2903	235	42.0%	2211	152	27.2%	724	60	13	529	23	11	883	66	24	75	3	1
1996	6493	555	2822	222	40.0%	1951	191	34.4%	633	59	9	491	40	9	761	77	24	67	5	0
1997	5869	554	2569	237	42.8%	1934	142	25.6%	580	49	4	486	25	8	886	64	30	60	4	1
1998	5813	552	2683	229	41.5%	1644	140	25.4%	512	45	11	387	24	3	676	68	26	70	3	3

Stress Feeds Eating Disorders at HLS

By Janie Kim

Food rituals, which range from unrelenting preoccupation with body image to full-blown eating disorders, are one type of maladaptive solution law students may adopt in an effort to cope with academic and professional pressures endemic to law school, according to the Office of Student Life Counseling.

Such unhealthy responses, which merely displace the focus from grades and jobs to the quest of an ideal body appearance, may intensify during highly stressful periods such as final exams, said Dr. Sheila Statlender of OSLC.

"A student may say to herself, 'I don't know if I'll get good grades. I don't know if I'll make Law Review. But I know I can be thin. I can stop eating,'" said Statlender.

Eating disorders often operate under a cloak of secrecy and within an environment which fosters silence, making the problem difficult to treat. They are "closeted behaviors frequently characterized by denial and generally underreported," said Statlender.

"It's our developed consumerist society that fosters these obsessions," said Dr. Mark Byers of OSLC. For centuries, in an economy of scarcity, obesity was the height of beauty. Paradoxically, in a time of plenty, thinness is now the ideal.

"You choose not stuff your face.' Obesity is linked with lack of control," said Byers. "These are very powerful cultural norms."

Crimson Dysfunction

"There's a great premium at a place like HLS on whether you look good, whether you're coping well and confident," Statlender said. "There's a myth that it's Harvard and that everyone else but me has it together. Something about the aura of this place impedes acknowledging that there are chinks in the armor."

She said that there have always been cases of eating disorders on campus over the years. "It's one of a range of responses to stress; it's a disorder often linked with high achievement. This is a community where intellectual achievement is often linked with compulsive obsessions and a larger conception of perfection."

Symptoms, Consequences

"Referrals often come from concerned residents in the dorms, said Byers. "It can be painfully obvious that someone's anorexic. There may be suspicious purging in the bathroom, or a person may be excessively obsessive-compulsive about eating."

"There are different types and different degrees of eating disorders," said Statlender. "In the early stages, it may manifest itself with a preoccupation with

food. It doesn't always have to go a bad way. But it's best before it's a full-blown clinical problem to seek help. Just because it's not full-blown doesn't mean it's not worrisome."

At their extreme, eating disorders involve self-starvation or severe dieting, compulsive overeating, bingeing and/or purging (via vomiting, diuretic abuse, laxative abuse, compulsive exercising).

"It can be life-threatening, said Byers. "It's damaging to one's health; nutritional problems can result."

Byers and Statlender both highlight the psychological damage that even incipient eating disorders can inflict.

"Subjectively, it's uncomfortable all the time to be worried about food and eating," said Statlender. "That kind of preoccupation takes a lot of psychic energy."

"It can be a pattern of behavior which so dominates a life," said Byers. "It seriously undermines people's self-esteem with unrelenting self-criticism which can corrode other areas of happiness."

Case Study: Estrich '77

In her diet book published earlier this year, "Making the Case for Yourself, A Diet Book for Smart Women," Susan Estrich '77 wrote, "I was the first woman president of the Harvard Law Review, the first woman to run a presidential campaign

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HEY!

WHERE'S MY
SPACESHIP?

John Osborn '70 Cuts to the Paperchase

Alum Successfully Mixes Art, Law, Speaks as Part of Traphagen Distinguished Alumni Speaker Series

By Steve V. Scali

John J. Osborn Jr. '70, author-lawyer best known for writing "The Paperchase," spoke with about 25 students on Tuesday, Nov. 17, as part of the Traphagen Distinguished Alumni Speakers Series. Osborn spoke of the interplay between the creative process and being a lawyer, and shared his thoughts on the Law School.

Osborn focused on his life as a creative

artist during his luncheon speech.

"If you are going to be a creative person, there are some things you are going to have to give up," he said.

He discussed his time at the Law School and his determination to incorporate an artistic focus into his legal education. This included taking a non-credit seminar in creative writing, and receiving private feedback from a professor on a work that, in the words of fellow alumnus Prof. Richard Parker '70, introducing Osborn,

"probably affected your decision to come to law school in one way or another."

"The Paperchase" was conceived by Osborn and refined over time in consultation with others during his time at the Law School.

"I was supposed to clerk for a year after graduation but I needed time to devote completely to 'The Paperchase,'" he said. Osborn spoke with the judge who replied that he could have the time off, but that he would have to re-apply for the clerkship next year.

"I decided to work on my novel, which was then published. The next year, I re-applied for the clerkship and got it again," he said.

Another dilemma arose for Osborn when he was teaching law in Florida. Having taken a year off to pursue creative work, he received an offer from Hollywood to adapt "The Paperchase" to a syndicated television series. The dean, however, refused to give him any time off, forcing Osborn to make a choice: continue to work in Florida or go to Hollywood.

Osborn went to California, and later realized that he was not meant to teach law full-time. Since "The Paperchase," he has written a number of other successful novels and is in the process of developing ideas for a new work. Osborn currently works in a small California law firm in addition to pursuing his artistic activities.

"It's great being a lawyer. You know, you can make a good living which helps you to do other things," he said.

After the speech, Osborn was asked several questions about his perceptions on

how the Law School has changed and why it is such an enduring institution of global popular culture.

"I don't want to stroke your egos, but this is it, it doesn't get any better than you guys," Osborn said to the students.

The author expressed amazement at the splendor of the Law School's physical recent renovations.

"I can't believe the library. In my day, there were no plush chairs in the library, they were all hard!" he exclaimed.

Nonetheless, Osborn was hesitant to declare that there are no remnants of the old, hellish Harvard Law School à la Paperchase.

"One time I was on the fifth floor of Pound, just looking around. Someone saw me and yelled, 'Get out of here, you don't belong here!'" said Osborn, claiming the atmosphere at the Law School before 1970 was not friendly to students.

"I know it isn't like that anymore, but I'm not sure it's totally changed," he said. He did admit that over time, a grudging fondness for the institution can grow in people who did not find the Law School a warm and accommodating place.

"My daughter got into Harvard College. When that happened, my attitude towards Harvard became a lot more positive and nostalgic!" Osborn said with a laugh.

So who was the infamous Professor Kingsfield modeled after?

Osborn would only disclose that it was a composite character, crafted from several inspirations.

Thanksgiving or Day of Mourning?

By Dmitri Evseev

Every police officer in Plymouth, Mass., was called into work this Thanksgiving Day, as memories of last year's arrest of 25 Native American protesters and related charges of police brutality remained vivid. Yet, according to Eileen Egan of Harvard University's Native American Program, the police presence this year was very limited, and the 500-strong march and rally's biggest obstacle was the heavy rain which kept pouring all day.

For the past 29 years, the United American Indians of New England (UAINE) have conducted a march in Plymouth on Thanksgiving, which they have designated a Day of Mourning.

As the plaque to be placed on Cole Hill overlooking Plymouth Rock explains, "Many Native Americans do not celebrate the arrival of the Pilgrims and other European settlers. To them, Thanksgiving Day is a reminder of the genocide of millions of their people, the theft of their lands, and the relentless assault on their culture...It is a day of remembrance and spiritual connection as well as a protest of the racism and oppression which Native Americans continue to experience."

Last year, 25 protesters were arrested on charges of creating a disturbance during the town's traditional re-enactment of the Pilgrims Progress march. Harvard Medical School student Raul Raiz was one of those arrested and allegedly beaten by the police. The events surrounding the disturbance led to accusations of police misconduct and focused a great deal of media attention on the protest.

A settlement with the UAINE was reached just one month prior to this Thanksgiving, by which criminal charges against the protesters will be dropped in return for the promise not to pursue civil suits alleging police brutality and racism. Thus, this year's Day of Mourning march went forward in a much less confrontational atmosphere than could have been expected otherwise. Twelve Harvard students attended, including Russell Karu, an LL.M. student at HLS.

The Massachusetts Selectmen-UAINE settlement also included \$100,000 for the education on the true history of Native peoples.

The familiar symbolic picture of the Wampanoag sharing a feast with the Pilgrims turns out to be a fairly misleading picture of the history of Thanksgiving.

Interestingly enough, when Thanksgiving was formally designated as a holiday by the Continental Congress in 1777, it had virtually nothing to do with the Pilgrims. It was a religious holiday to celebrate with family. Only in the mid-19th century was the holiday linked with Pilgrims or the autumn feast.

Since that time the holiday obscured and replaced Forefathers' Day, which used to be celebrated on the day of the Pilgrims' landing.

While the Pilgrims did not celebrate the Thanksgiving holiday, they did have a

practice of thanksgiving in celebration of victories over Native Americans. In 1637, English troops entered a Pequot village and massacred everyone in sight — over 700 men, women and children. Although the Plymouth Colony did not send any troops, they did conduct a Thanksgiving celebration. Pictures of the period generally represent Native Americans with a hail of arrows, rather than peacefully enjoying a meal with the Pilgrims.

The traditional history of the Pilgrims is drilled into generations of students beginning in early elementary school. The story of the Wampanoag is naturally very different.

After the Pilgrims' arrival, the Wampanoag situation took a dramatic turn for the worse. The smallpox epidemics, along with constant conflict with European settlers and the Narragansett Confederacy, wrought massive devastation. For a long time it was thought that no Wampanoag survived King Philip's war of 1675, New England's bloodiest military conflict.

News of the Wampanoag demise, however, turned out to be greatly exaggerated. The Wampanoag tribal register currently lists 800 people and it is estimated that over 4,000 Wampanoag live in Gay Head, Mashpee and other areas of Massachusetts.

They, as well as other Native Americans, often do not share in the idyllic symbolism of Thanksgiving. Yet, whatever the Pilgrims' other misdeeds, they are hardly to blame for our turkey-stuffed stomachs or dysfunctional family gatherings.

Left, Right Talk Vouchers

Continued from VOUCHER, p. 1

Gary Orfield of the Harvard Graduate School of Education provided a critique of the voucher programs. Orfield, who also teaches at the Kennedy School of Government, has published several works on desegregation in public schools and the plight of inner-city students.

Orfield began by assailing the central tenet of the school choice programs — the assumed superiority of market forces. "The belief that there are solutions through markets is an ideology applied to almost all areas of public policy," said Orfield, "But it is an incorrect approach."

While conceding the high quality of religious education, Orfield expressed his belief that publicly funded attendance at Catholic schools is not the answer to the nation's scholastic woes. "They are cheap because the costs were paid generations ago by immigrants," Orfield stated, "However, [Catholic schools] are not an expandable supply."

Voucher programs in other societies have often deepened pre-existing divisions, Orfield indicated. "In our society, where we are already extremely segregated, we shouldn't take such risks lightly," said Orfield.



Starting to look more intelligible than your class notes? Relax. I hear McDonald's is hiring.

Culture of Perfectionism Breeds Dysfunction

Continued from *DYSFUNCTION*, p. 2

and a tenured professor at Harvard Law School at 33 ... I've written three books about the criminal justice system, including one in which I used my own experience as a rape victim as a basis to argue for reform. I go on national television all the time ...

"But nothing I do now or have done in the past ... has made me prouder, happier or more fulfilled than losing weight and getting in shape."

Estrich does not have a clinical eating disorder, but her chronicle of her 23-year battle with yo-yo dieting highlights how self-esteem can be inextricably tied to body weight.

"When the reading [on my scale] was 'bad,' my reaction would be simple," she said. "I'd hate myself. I allowed my weight to determine my attitude for the day. I have let it turn good days into bad ones ...

"For 23 years, I dreaded shopping, three-way mirrors, the weight question on my license, and seeing pictures of myself."

Estrich's solution was to "really" commit to a diet and exercise program that reduced her dress size from 14 to six.

Fat a Feminist Issue?

Eating disorders primarily affect women, but males increasingly succumb to the cycle of body obsession.

"More and more, it's a disorder that develops in adolescent males," said Statlender. "They sometimes come to it with the need to restrict or gain weight because of athletics."

Byers says that male preoccupation with body image often manifests in behaviors more acceptable to society, such as compulsive jogging.

Much of the literature, however, defines preoccupation with food as a woman's issue.

In her article "Body Image," which appears in the book "Taking Care of Ourselves," Wendy Sanford wrote, "Fat activists suggest that making women afraid to be fat is a form of social control. Fear of fat keeps women preoccupied, robs us of our pride and energy, keeps us from taking up space."

Estrich points to such an outlook as ineffectual.

"I read all the popular books by beautiful feminists that were supposed to convince you that being slim and beautiful is just some sexist man's fantasy," said Estrich, "but frankly, on me the books failed. They don't liberate me. I don't look in the mirror and smile at my stomach. I don't feel better about my body. I just feel vain, foolish and stupid, in addition to fat."

Indeed, some of the short-term diet strategies which Estrich encourages readers to adopt coincide with behaviors that might signal an eating disorder.

"One physical manifestation [of an eating disorder] is restricting your social activities because you're afraid to eat," said Statlender, whose mandate at OSLC is women's issues on campus.

Estrich asks readers to "consider [their] diet as a valid and legitimate basis to decide not to go somewhere."

"Look at all the events scheduled for the next three weeks at which food or drink will be served," she wrote, "Your diet is more important than whether someone's feelings will be hurt if you skip a family gathering in which overeating has been a steady pattern for 30 years."

"I think being slim and healthy and sexy and feeling great about yourself are

actually positive attitudes, and a tremendous source of potential power for women," wrote Estrich. She advocates slimness as a means of attaining a positive body image.

This disagrees with Sanford's call for women to "become more relaxed about their weight ... by experimenting with what weight feels comfortable to us rather than trying primarily to be thin."

Think Critically

The solution is complicated, said Statlender. "Professional women are supposed to care about intellect and professional success. But looking right, fitting the cultural norm: these pressures are less obvious but nevertheless real."

"If you speak honestly, who doesn't feel good if you get the flu and you lose a few pounds?"

First steps in locating a solution would be "education about good nutrition; awareness; in this environment, provide greater permission to admit anxiety and stress," said Statlender, "It is important to think more critically about body image issues and the pressure to conform."

She warns that maladaptive behaviors tend to persist after graduation. "This continues into a profession that has a high incidence of alcoholism, eating disorders. The profession, itself, is stressful."

"Firms are beginning to recognize that this seriously undermines associate morale. It's a waste of resources."

Resources at HLS.

Periodically, OCLS runs an announcement in the HLS Adviser pointing to the problem of eating disorders and offering help. About 12 to 15 people tend to respond to each running of the ad, seeking advice for themselves or their friends. The

Office provides short-term outreach and needs assessment to the Law School community.

About a dozen years ago, Byers headed an eating-disorders support group at HLS. Byers points to the group as an extraordinary occurrence which was born from the efforts of two extremely self-motivated law students.

"They were roommates, whose respective eating disorders were largely unbeknownst to the other," he said. Each roommate would notice that large quantities of groceries would mysteriously disappear from the kitchen. The problem came to a head and was exposed when one roommate repeatedly tried to bake the other a birthday cake. After each cake, she would eat it before getting a chance to present it to her roommate.

Law School v. Medical School.

Studies objectively indicate that law school is more stressful than medical school, said Statlender. "Students self-rate higher for stress at law school."

She offers as possible reasons: "Law school is a three-year course; there's a lot of material to learn and you hit the ground running. Unlike a graduate program, you don't have the luxury here to necessarily discover yourself."

"At medical school, everyone knows who the helper is. Law is more adversarial, divisive."

Statlender says that the amount of supports for students, staff and faculty is greater at the Medical School. "There's a greater amount of willingness to take an interdisciplinary approach to problem-solving [at the Medical School]," she said, "Whereas lawyers tend to trust other lawyers."

Your Eating: Should You Be Concerned?

developed by Margaret S. McKenna, M.D.
©1992, revised 1995

Our culture puts a premium on appearance, and many people find themselves preoccupied with shape, weight and eating. If you are, these questions may help out your concerns into perspective.

Ask yourself the following questions, answering each one by marking Always (A), Often (O), Sometimes (S) or Never (N).

1. Do you think about food constantly, so that you feel controlled and defined by it?
2. Do you eat large amounts of food in a short period of time, feeling as if you can't stop?
3. Do you think you are overweight, but other people tell you that you are too thin?
4. Is your weight/shape the most important factor in how you feel about yourself?
5. If you eat one cookie, do you condemn myself, conclude that the day is ruined and then eat the whole box?
6. Do you keep a running count of calories or grams of fat in your head throughout the day?
7. Do you eat (or not eat) without knowing if you are hungry or full?
8. Are you convinced that if you gain one pound you'll continue gaining weight indefinitely?
9. Do you avoid social events because you're afraid to deal with the food there?
10. Do you find it difficult or impossible to eat in front of other people?
11. Do you exercise specifically in an effort to burn off fat or calories?
12. Do you make yourself vomit after eating or use laxatives or diuretics believing that these methods of purging will control your weight?
13. Do you severely restrict your food intake, in part to lose weight but in part to feel in control or in some way special?

If you answer Often or Always to questions 12 or 13, or to three of the other questions, it would make sense to talk with a psychotherapist, physician, nurse practitioner or nutritionist who is experienced in working with people with eating concerns and eating disorders. It would also make sense to talk with a professional if you resonate with the issues raised by these questions and want to talk about them or if you think someone you know has an eating disorder and are concerned about what your role and responsibility regarding that person should be.

Eating disorders are serious conditions which compromise one's health and well-being and which can result in death. It is difficult, if not impossible, to recover from an eating disorder by willpower or resolve alone. Someone with an eating disorder needs and deserves help and support.



Read the RECORD and get free stuff.

This handy Dean Clark '72 mask will be a smash for your pet, your Cabbage Patch doll, your baby, or your Furby.

Instructions:

1. Cut around contours of Clark's head. Don't forget the eyeholes!
2. Wear.
3. Ask alumni for money.

Asylum/Refugee Clinical at Crossroads

Continued from **ANKER**, p. 1

and that the appointment would cover both of Anker's subjects.

Cheryl Burg Rusk, Administrative Director of Clinical Programs, thought that the administration would come up with someone to teach Immigration Law next year but was less confident about Asylum/Refugee law. According to Rusk, the Clinical Steering Committee has not put forward a clinical offering next year in Asylum/Refugee Law, in anticipation that there will not be a corresponding course offering.

It is even possible that neither of Anker's courses will be replaced. According to Clark, one of the results of the three-year lecturer presumption is the "you have to shift subject matters around from time to time."

"If we don't do that, the Law School runs the risk of getting stale and it makes it difficult to add new courses," he said. According to Clark, every spring he receives letters from groups of students who want to see new course offerings, and that it's difficult for the administration to make additions without making changes.

"Ideally we would get a tenured person who does both refugee and immigration work," he said, adding that the other committees have been looking for years for a suitable candidate.

Forget the Neediest

The lack of an Asylum/Refugee law clinical could leave the Legal Services

Center short-staffed in dealing with an already burdensome caseload.

John Wilshire Carrera, a Clinical Supervisor for the Harvard Immigration and Refugee Clinic at the Greater Boston Legal Services, expressed dismay at the prospect of losing student placements.

"We've been building this clinic between Debbie [Anker] and us for 15 years," he said.

"Because of people like Gary [Bellow '60] and Debbie, the clinical program has a national reputation. We do valuable work in the community providing representation to otherwise powerless people, and we've affected policy with our work."

Carrera worried that the loss of the Asylum/Refugee clinical could give Harvard a bad name. In 1995-96 as part of a national backlash against immigrants and asylum seekers, the federal government restricted the work that a legal services center receiving federal money could do with immigrants. The Center declined to take federal money and underwent a period of rebuilding.

"Harvard has been there to make a lot available to people who've been suffering from changes in laws and public perception in recent years," said Carrera. "That Harvard may pull back from its commitment is quite troublesome."

Lara Stemple '99, a veteran of both clinicals, agreed. "The clients of the clinical are very needy," she said. "Our clinical represents a significant percentage of all immigration and asylum cases in Bos-

ton, which shows that HLS students provide a very important service."

The Asylum/Refugee clinical handles a lot of battered women's cases, a special visa category, as well as political asylum matters.

Rusk said that next year's Immigration clinical, which will be offered both semesters, as well as the Human Rights clinical, may incorporate some of the asylum/refugee work.

"I know the school is committed to continuing the immigration and refugee clinical work, which I look forward to helping direct and shape over the coming year," said Anker, "and I believe that efforts are being made to accommodate these clinical placements in courses that will be given next year."

Big Shoes to Fill

Ray said that the administration is aware that Immigration Law has consistent enrollment, but that the school would like to staff the position with new talent "in order to give another qualified individual a chance to teach in the area."

Anker will be hard to replace. "She has national stature," said Carrera, adding that she was a significant contributor in making the Clinical Program one that is emulated around the country.

Stemple called Anker "the most accessible professor I've had." A year after finishing the clinical, Stemple still meets with Anker weekly and works with her on gender and asylum issues.

Across the Wire...

Racist Incidences Spark Discussions on Two New Hampshire Campuses

ANOVER, N.H. — At Dartmouth College, white students at a "ghetto party" dressed as gangsta rap artists — some sporting Afro wigs and carrying toy guns — prompted a protest.

At the University of New Hampshire, broken promises to recruit more black faculty and students prompted a sit-in.

Tensions over race boiled over at both campuses this month, and administrators at both are taking a hard look at how to better foster racial diversity and respect for differences.

Mitsuko Gardner, a 21-year-old Dartmouth senior from New York City who is part black and part Asian-American, said she was offended by the ghetto party.

"I live in a ghetto," Ms. Gardner said recently. "For Dartmouth students in general to mock a situation that I was lucky enough to get out of by the grace of God just seems to me very snotty and very ignorant, because my next-door neighbor couldn't dream of being here right now. The party touched a nerve in me."

It touched a nerve for many because it capped a series of incidents: sales of a "Yale sucks" T-shirt depicting a bulldog (Yale's mascot) performing oral sex on an American Indian (Dartmouth's former unofficial sports symbol); a "slave auction" fund-raiser advertised by a sorority, and a racist insult shouted at a black student shopping in neighboring Lebanon.

The fraternity and sorority that sponsored the ghetto party, Chi Gamma Epsilon and Alpha Xi Delta, quickly apologized.

In the four weeks since the party, students have demonstrated and held meetings in which they discussed respect for others. Hundreds of Dartmouth's 4,400 undergraduates have taken part.

Rahsaan Sales, 21, a black senior from Chicago who helped organize some of the events, said, "Everyone came together to discuss an environment that could allow these things to happen, an environment

where people sometimes don't feel safe."

James Wright, a history professor who became Dartmouth's 16th president in September, said of the campus party: "I was disappointed that this event happened. But I was immensely proud of the way students and the community came together."

He noted that the college had changed radically over the last two decades. Dartmouth has a well-known Native American studies department, as well as African-American studies and women's studies programs. Nearly one-fourth of undergraduates are black, Hispanic, Asian-American or American Indian. Among tenured and tenure-track faculty, 29 percent are women and 12 percent are minorities.

In contrast, at the University of New Hampshire, only 3.4 percent of the 9,960 undergraduates in four-year programs are minorities. Among tenured and tenure-track faculty, 33 percent are women, but only 4.5 percent are minorities.

Black students at the University of New Hampshire occupied the office of then-President Dale Nitzschke in 1994 and were promised aggressive minority recruitment and hiring. But, four years later, little has changed, they say.

To protest, they occupied the president's office again three weeks ago. After a day of negotiations, President Joan Leitzel promised to double the number of black faculty and quadruple the number of black

students by 2006. "I think her heart's in the right place," said Tito Jackson, a former student body president and member of the Black Student Union who helped organize the sit-in.

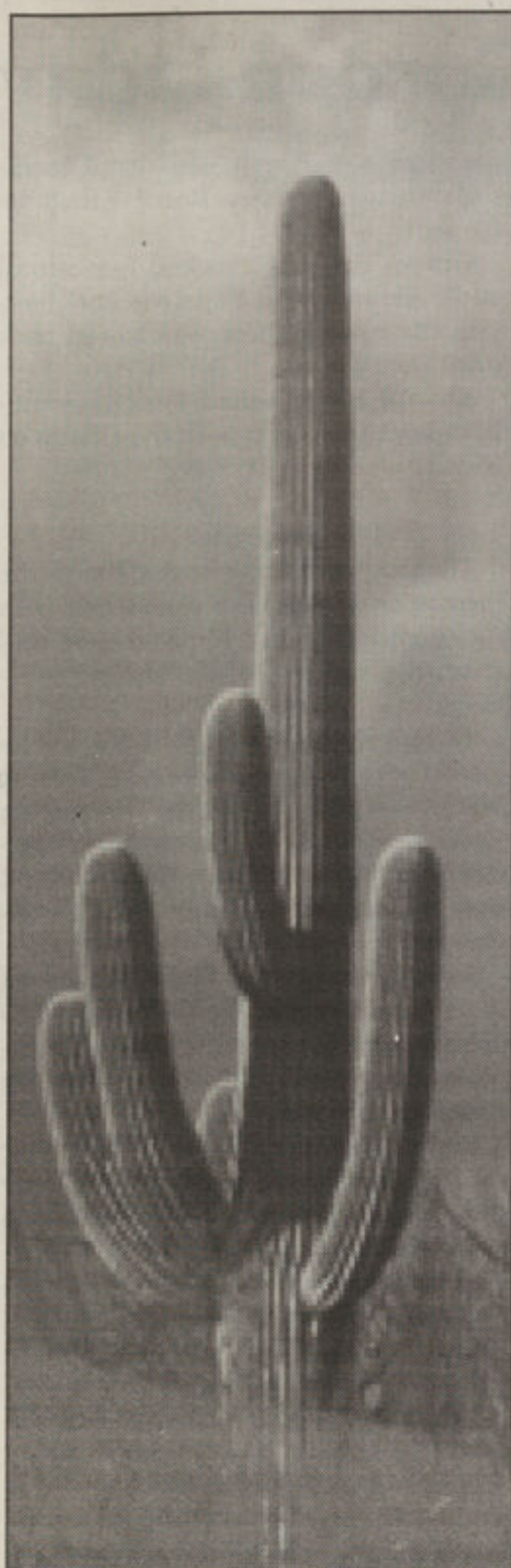
Minority faculty recruitment is important because a diverse faculty will attract a more diverse student body, said Jackson, a 23-year-old senior from Brookline, Mass.

Administrators say the University of New Hampshire is changing. The university has hired three minority professors this year, compared with one in the four previous years, as well as two administrators with backgrounds in affirmative action.

"We simply haven't created a momentum," said Mark Rubinstein, the new vice provost for enrollment. "As a university, we have not developed a cohesive, coordinated plan that addresses where we go to look for students, what we present to them when we meet with them, and what we do to support them when they come on campus."

Rubinstein and Patricia Gormley, the new director of affirmative action, regard Dartmouth's efforts as an example of how colleges can attract minority students and faculty in a state that is about 96 percent white.

Ivy League schools have an advantage because of their academic reputations and higher salaries, Ms. Gormley said. They also have more money for scholarships.



Don't let nature give
you the finger.

Recycle the RECORD

STUDIES IN PSYCHOLOGY Pt. I THE COMPLEX BRAIN OF THE LAW STUDENT

Must...not...look...at...watch

Wachtell or
Sherman?
Wachtell or
Sherman?

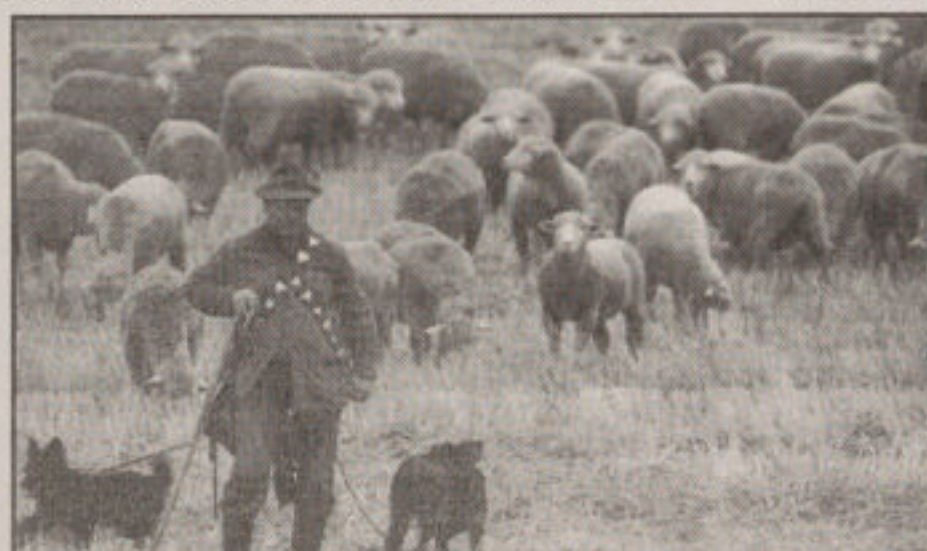
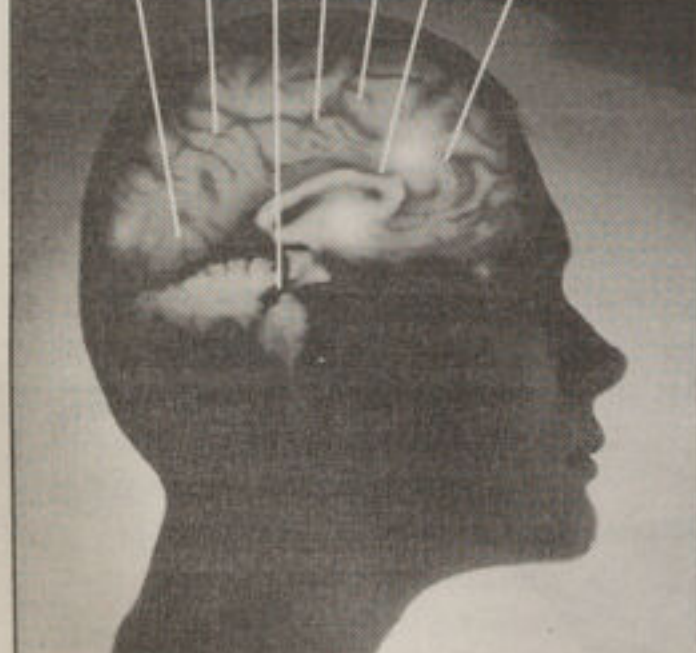
Mmmm...
Beer

The prof is
shooting off his
mouth again

Sex. Ah, I
remember
that

Who's
offering
free pizza
tonight?

My god.
He really
is a
moron



One of these sheep
works for the
RECORD.

So could you.

JOIN THE FLOCK



Briefs

Oxford Bestows Degrees Upon Rudenstine, Levin

While Harvard and Yale may have gone head to head at The Game last month, Oxford University united the two schools Monday when it awarded special honorary degrees to Presidents Neil L. Rudenstine of Harvard and Richard C. Levin of Yale.

Oxford honorary degrees are usually reserved for Oxford graduates, and since both Levin and Rudenstine attended the university as Rhodes scholars, they are considered "Oxonians." Each was named Doctor of Civil Law.

In a small auditorium known as Convocation House, a hundred or so watched as the Public Orator, a professor named Jasper Griffin, gave Latin speeches, praising first Levin and then Rudenstine.

Griffin called Rudenstine "a man of true humanity, scholarly in literature, judicious and powerful in action."

"As Oxford has always enjoyed a friendly rivalry with Cambridge, so has Harvard with Yale. Today, however, there is no trace of that but only perfect harmony," Griffin declared in Latin. "No more compelling evidence could exist of the close connections which we in Oxford enjoy with the leading universities of America than the fact that Dr. Neil Rudenstine is one of us."

— *The Harvard Crimson*

Epps to Retire After 28-Year Tenure

Forty years after coming to Cambridge as a graduate student at the Divinity School and 35 years after being appointed an assistant dean of the College, Archie C. Epps III announced last week that he will be stepping down as Dean of Students.

Epps, whose resignation goes into effect July 1, is only the second dean of students to serve the College in the second half of the century.

"I've been thinking about this for a number of years," Epps said in an interview with *The Harvard Crimson* last week. "My work has been quite a load and a heavy responsibility. It's time I turn the day-to-day operations to someone else."

Epps first joined the administrative staff in University Hall in 1963 as an assistant dean of the College. Seven years later, he was named Dean of Students, beginning a 28-year career that made his name synonymous with race relations, extracurricular groups, final clubs, alcohol policy and Loker Commons. Epps was also the first prominent black administrator appointed by the College.

Epps will continue to serve the College as a senior associate dean — a new part-time role that Epps has largely created for himself and which will encompass many of the responsibilities he already assumes as Dean of Students.

Dean of the College Harry R. Lewis has not decided whether he will appoint a successor, choosing instead to re-assess the administrative structure of the College.

— *The Harvard Crimson*

Harvard Donates Kiosk

A Harvard-donated stall in Holyoke Center Arcade aims to raise money for children worldwide through sales of holiday gifts.

The stand, which operates during the holiday season, reopened last week. It features cards, calendars and gifts that will raise money for the United Nations Children's Fund (UNICEF).

The kiosk has stood in the Holyoke Center for three years. Passers-by can purchase toys, T-shirts, hats, ties, books, ornaments and stationery from the stand.

"Everyone's enthusiastic and helpful, this year's designs are wonderful, and it's a great opportunity for people in Harvard Square to help save children's lives," said Dona Spurlock, a kiosk salesperson.

The kiosk's management takes care to point out the significance of every purchase to customers. For example, the purchase of one card will buy enough vaccine to immunize seven children against measles. The purchase of two packs of greeting cards will buy a large chalkboard and school supplies for a developing nation classroom.

UNICEF promotes the rights of women and children through education, advocacy and fund-raising.

The kiosk will be open seven days a week through Dec. 24, from 11 a.m. to 6 p.m. Monday through Saturday, and 12 p.m. to 4 p.m. on Sunday.

— *The Harvard Crimson*

Hospital Asks Pinochet to Leave

A hospital where Gen. Augusto Pinochet has been under police guard says the former Chilean dictator no longer needs medical care, dealing a blow to any plea that he is too ill to stand trial on charges of genocide and torture.

Grovelands Priory, a private hospital in north London, issued a statement Monday urging Pinochet's family to quickly find the 83-year-old general somewhere else to stay, saying he "no longer requires" specialized medical and nursing care.

The hospital's decision to evict Pinochet might make it difficult for Home Secretary Jack Straw to cite "compassionate grounds" and decide Dec. 11 to allow Pinochet to return home based on his frail health. Many legal experts said that claim was Pinochet's best hope of being freed.

Pinochet, who is being sought by a Spanish court for crimes committed by his secret police during his 17 year regime, was arrested by British police Oct. 16 while recovering from back surgery in another London hospital.

A Chilean government report says 3,197 people were murdered or disappeared at the hands of the secret police during Pinochet's dictatorship, which began in 1973 when he overthrew the elected Marxist government of Salvador Allende.

Last week, Pinochet lost a battle in the House of Lords to have himself declared immune from prosecution as a former foreign head of state. Now, he must await Straw's decision on whether to send Spain's extradition request to the courts or set it aside and allow Pinochet to return home.

Meanwhile, the former dictator's advisers scrambled to find alternative accommodations for Pinochet. There was no immediate comment on where Pinochet would go, although earlier reports suggested the general's family was considering a nine-room home on the private Wentworth estate in Surrey, southwest of London.

— *Associated Press*

Herdman No Gordon Liddy

Continued from AD BOARD, p. 1

verified its existence and then contacted the RECORD about this development.

On Oct. 16, the RECORD published a story by Justin Herdman '01 about the fact that students' social security numbers were exposed online for a second year in a row. In researching the story, Herdman repeatedly accessed the page. The story did not describe how to access the numbers, nor did it print any information obtained through the security hole.

While researching the story, Herdman called Susan Vik and left her a message stating that he wished to ask her about the LRA Web page and requesting comment about "a situation that's developed out of it," according to Vik's complaint. The complaint then states that Vik examined the system logs and found that the security on the site had been "deliberately breached." ITS promptly fixed the hole and removed the database of social security numbers.

Instead of thanking the students who brought the matter to her attention, Vik instead wrote a terse letter to the RECORD stating that the security hole had been fixed. Her letter suggested that the students who found the security hole and didn't report it immediately to her "risk[ed] its possible discovery by others."

Two weeks later, she filed a complaint with Suzanne Richardson, the Dean of Students, who, in her capacity as Secretary to the Administrative Board, forwarded the complaint to the Board.

The complaint notes that ITS was able to identify which students climbed through the security hole, as the HLS Web system logging mechanism records detailed information about activity on the system. Through the logging mechanism, ITS determined who accessed the social security number file, what path was used, and the exact date and times that the file was accessed.

All in the Timing

The complaint against Herdman and the two 2Ls was filed during flyout week, on Nov. 4. The 2Ls were away for callback interviews.

Dean Richardson e-mailed the three students a message received on the following day, informing them of the charges and telling them that the Ad Board would consider the charge on Nov. 10. According to the Richardson's message, the students had until Nov. 9 — the first day

back from flyout week — to submit a written statement to the Ad Board in their defense.

One of the 2Ls checked her e-mail while she was gone, and upon her objection the rebuttal date was moved back until Dec. 4.

The Ad Board nonetheless gave preliminary consideration to the charge on Nov. 10.

Infogate?

The complaint suggests that even if the "access breach" was in connection with investigating a story, it nonetheless constituted a violation of the Usage Agreement.

To support this accusation, Vik analogized the situation to Watergate. "During Watergate, reporters for the Washington Post reported a break-in; they did not commit it nor, after the Deep Throat tip, did they replicate it," Vik wrote in the complaint.

Apparently, the Administrative Board did not see it this way. After the Nov. 10 deliberation, the students received a letter stating that the Board would take no action on the charge.

The Board said that it operated under the assumption that even if the charge were accurate, the students gained access to the social security numbers only in order to test the security of the files in question and not for their personal benefit.

The "no action" was made conditional upon the submission of a letter stating that the students did not keep any of the information, did not personally benefit from it, and did not disseminate it to others.

All of the students submitted letters. Both of the 2Ls have received confirmation that the Board will take no action. Herdman, who submitted his letter later than the others, had not received a response from the Board as of the time this story went to press.

Herdman expressed relief that the Board saw things in this light. "Even though I was confident that I would be vindicated," he said, "I wasn't absolutely sure until I got that [initial] letter from them."

Herdman also commended Dean Richardson for her help in addressing his concerns, particularly the wish to be represented by an attorney in the event of a full proceeding. Richardson made arrangements with the Financial Aid Office so that Herdman would not have to pay for an attorney should he require one.

Vik declined to comment.



Briefs

Professor Kaufman '54 Awarded Griswold Prize

The Supreme Court Historical Society has awarded the Griswold Prize to Prof. Andrew Kaufman '54 for his biography of Supreme Court Justice Benjamin Cardozo.

The prize is named in honor of the late Erwin N. Griswold '28, former Harvard Law School Dean and former Chair of the Society. The award is given to the author of the best work on Supreme Court constitutional history written in the preceding 36 months. Griswold's former law partners at Jones, Day, Reavis & Pogue funded the prize.

U.S. First Circuit Court of Appeals Judge Michael Boudin, a member of the Griswold Award selection committee, called Cardozo "a fine work of serious scholarship, scholarship [that] readily outranks the other candidates — and any likely to come along in the immediate future." Another member, Anthony Lewis of The New York Times, called the book "wonderful, deserving of our prize and more."

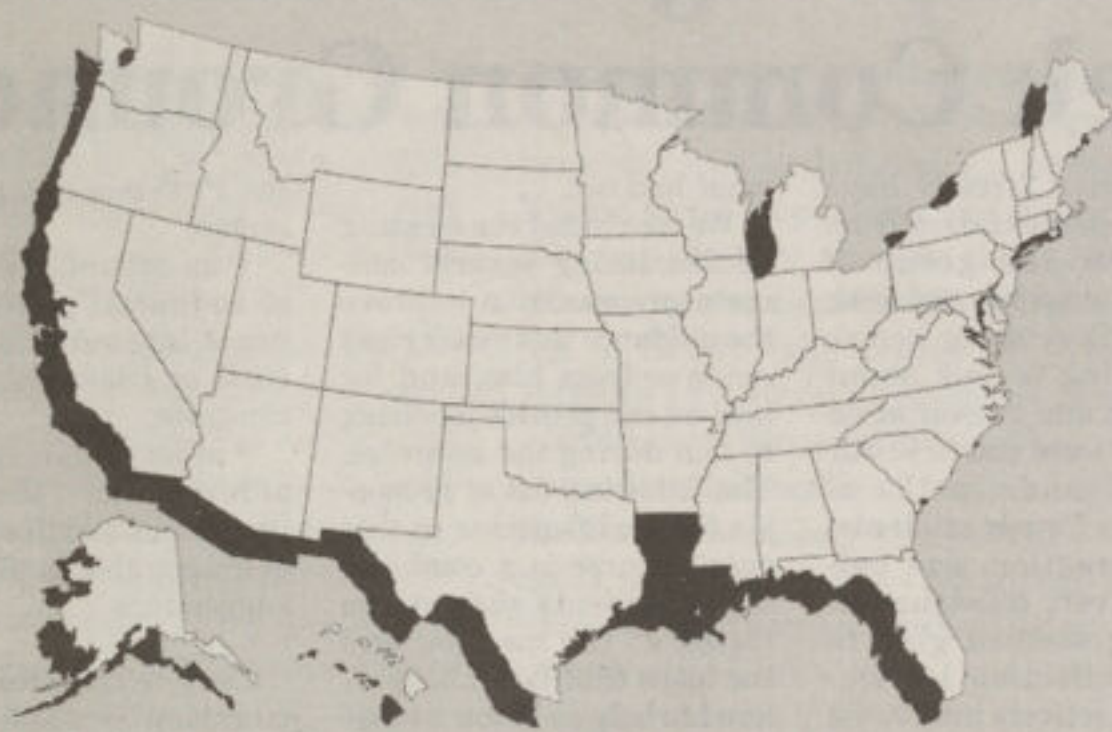
Kaufman spent more than 40 years working on the biography of the longtime member and chief judge of the New York Court of Appeals and Justice of the Supreme Court.

TO THE
HLS DRAMA
SOCIETY:

BREAK A



Across the Wire



News from the Capital and the South

Law Students' Courtroom Triumphs Bring Political Backlash

NEW ORLEANS (AP)—After law students from a Tulane University legal clinic won several courtroom rounds in their fight to stop a plastics plant from being built in a black community, environmental groups crowded about David beating Goliath.

But Goliath's friends have struck back with a mighty blow.

Louisiana's powerful business lobby persuaded the state Supreme Court to slap student legal clinics with the nation's toughest restrictions on what they can and cannot do.

The rules essentially limit the clinics to serving the poorest of the poor individuals who make less than \$10,056 a year, or \$20,563 for a family of four. Clinics can

represent groups only if more than half of the members fall below that income level and if they have no affiliation with any national group.

Clinic directors from Harvard to Stanford said the rules harm both legal clinics and the people who need them.

"All law school clinics are concerned because there is a risk that if we are successful in teaching our students, and they are good advocates for a cause, that the other side will change the rules of the game," said Frank Wu, a clinic professor at Howard University. "The Tulane example is just one example of big business trying to alter the rules to favor them in lawsuits."

The Tulane Environmental Law Clinic

got on the bad side of the business community and Republican Gov. Mike Foster by representing people in Convent, population 250, who didn't want Shintech Corp. building a \$700 million polyvinyl chloride plant in their neighborhood.

The Tulane students argued that the project amounted to "environmental racism" the placing of factories and other sources of pollution in poor, black communities.

After several years of legal battles, Shintech finally pulled out, deciding to build a smaller plant in a mostly white area.

The governor, however, called the Tulane students and their professors vigilantes and threatened the university's tax breaks.

And the Louisiana Association of Business and Industry charged that the clinic overstepped its role of representing people who cannot afford lawyers.

It complained to the Louisiana Supreme Court, where the chief justice faced a stiff re-election challenge from a conservative, pro-business candidate, and where several justices considered pro-business had recently been elected.

The high court wrote new rules, which went into effect in September. The court adopted the same income guidelines set by Congress for the Legal Services Corp., created to provide legal help to the poor in civil cases.

The governor commended the court for "finally tightening up on that bunch of outlaws trying to shut everything down."

"All the economic development in the world is difficult if we find groups out there that stop it," Foster said at Tulane. "All I ask is that you find some other way to train law students other than blocking projects on strange theories. If you are going to allow this to continue, then you ought to let the ROTC make bombing runs on Baton Rouge."

Robert Kuehn, director of the Tulane Environmental Law Clinic, said that because of the new rules, Tulane had to turn down several groups with legitimate environmental complaints and no money for an attorney.

The school's other clinics have had to turn away 148 of 236 applicants, Kuehn said. They include 42 of 88 people with domestic cases, eight of 10 with employment problems and three of seven who wanted help with bankruptcy.

"Legal clinics don't just give a voice to people who can't afford to pay lawyers. They are as important a teaching tool for lawyers as hospital work is for doctors," said Mark Aaronson, director of the civil justice clinic at the University of California at San Francisco. He said the clinics give students a chance to handle real cases and learn how to deal with clients.

Supreme Court Hears Dispute Over Census

WASHINGTON (AP) — With money and votes across the nation at stake, the Clinton administration asked the Supreme Court on Monday to reject a Republican challenge and let it adjust the 2000 census results to make up for an expected undercount of minorities.

No census finds everyone, but the government's plan "will best achieve the Constitution's goal of determining the number of persons in each state," Solicitor General Seth Waxman told the court. "It is in effect a quality check" on the initial head count to be conducted April 1, 2000.

But lawyers for the Republican-led House and a group of private citizens insisted the proposal violates the Constitution and federal law.

"A 100 percent head count is the only permissible means of apportioning the population," said Michael A. Carvin, representing private citizens from six states. So far, two lower courts have ruled the government's plan unlawful.

Adjusting the census likely would help Democrats because minorities and city residents made up a large share of the estimated four million people missed by the 1990 census.

The case could affect the shape of congressional, state and local election districts nationwide, as well as the way that \$180 billion in federal aid is handed out.

The court is expected to aim for a decision by March to give the government time to plan for the 2000 count.

In the census case, the Constitution requires an "actual enumeration" to divide the 435 members of the House of Representatives among the states based on population. But the justices appeared divided over what those words allow.

"Most people would think that actual enumeration means a count," said Justice Sandra Day O'Connor in challenging Waxman's argument for allowing a statistical adjustment.

Justice Antonin Scalia seemed to agree, saying that if actual enumeration allows census numbers to be estimated, "what is excluded — rolling the dice?"

But justices John Paul Stevens and

Stephen G. Breyer questioned House lawyer Maureen E. Mahoney's contention that census-takers cannot estimate how many people are in an apartment building, for example, if nobody responds.

"Can they put down zero?" Stevens asked. Yes, Mahoney responded.

"Even if the lights go on and off in the evening?" added Breyer.

Lower courts have ruled that the federal census law bars the use of statistical methods to adjust the census.

But Scalia questioned why courts were involved in the dispute between the Clinton administration and the House. "I don't like injecting us into a battle between two branches" of government, he said.

The census is conducted mostly by mail, and about two-thirds of American citizens return their forms. Census workers then begin knocking on doors to find the rest, but that does not always work.

The Clinton administration wants to find 90 percent of Americans through those methods and estimate the rest. Then, it would conduct a separate survey of 750,000 people across the country to decide where people have been under- or overcounted.

Waxman argued that the government has estimated at least part of the population in each census since 1940, although he acknowledged the new plan was "significantly different." Carvin said the government's plan would not necessarily be more accurate.

The lower courts barred adjustment of the census figures only for deciding how many House members each state gets.

Waxman told the justices the Census Bureau could still create a separate set of adjusted figures to be used for handing out federal aid and for drawing election districts. Cities that tend to be undercounted, such as Los Angeles and New York, want that.

But Carvin said that would still cost his clients federal money and political power. Those who sued are from Connecticut, Massachusetts, Minnesota, Missouri, Pennsylvania and Wisconsin.

GA Gives Sexual Privacy Protection

WASHINGTON (AP) — A decade-long trend of state court decisions that expand the sexual privacy of consenting adults continued last week when the Georgia Supreme Court struck down that state's ban on sodomy.

"We cannot think of any other activity that reasonable persons would rank as more private and more deserving of protection from government interference," the Georgia court said in ruling, 6-1, that the state's constitution offers more protection than does the federal Constitution.

Courts in Kentucky, Montana and Tennessee previously had reached the same conclusion in interpreting their respective state constitutions and striking down anti-sodomy laws.

"There is a momentum building for the baseline assumption that this is the epitome of privacy," says Ruth Harlow, managing attorney at the Lambda Legal Defense Fund, a gay-rights group. "This will carry over to other states."

Lou Sheldon, chairman of the Traditional Values Coalition, disapproves. "It seems that the Georgia Supreme Court is willing to allow ... moral indecency to occur all in the name of privacy."

Sodomy laws, which generally ban oral and anal sex, existed in all 50 states as recently as 40 years ago. Today, such laws remain in 18 states.

Thirteen of those states ban consensual sodomy for both homosexual and heterosexual couples. They are Alabama, Arizona, Florida, Idaho, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, North Carolina, South Caro-

lina, Utah and Virginia.

Five states ban homosexual sodomy only. They are Arkansas, Kansas, Oklahoma, Missouri and Texas.

The bans in Arkansas, Louisiana and Texas currently are under attack in state courts.

For gay-rights activists, Georgia's law stood out. It was the subject of *Bowers v. Hardwick*, a landmark 1986 decision in which the U.S. Supreme Court said consenting adults have no federal constitutional right to private homosexual conduct.

"There's an irony, but the new ruling also reflects a change in the national thinking," says David Smith of the Human Rights Campaign, a gay-rights advocacy group.

The U.S. Constitution does not mention the word "privacy" but the Supreme Court since 1965 has recognized that such a right predates the 1787 document itself.

Some endeavors, such as the decision to marry, have children or practice birth control, have been held to be so private and so "fundamental" that government cannot interfere without some "compelling interest" — a legal test not easily met.

But in its 1986 decision on Georgia's now-defunct sodomy law, the nation's highest court said private homosexual conduct was not deserving of such protection. "Law is constantly based on notions of morality," the court's 5-4 majority said back then. "And if all laws representing essentially moral choices are to be invalidated ... the courts will be very busy indeed."

When it comes to private sex, they have been ever since.

Harvard Law RECORD

PUBLISHER
Seth Persily



EDITOR-IN-CHIEF
Ben Lehrer

FOUNDED IN 1946

Fall Report Card

Prof. Rosenberg: Bizarre "Torts Movement" has made you the professor to watch, and has brought defenders out from the woodwork. Maybe we're not such mush-heads and drivell pushers after all. Keep on truckin'! **A**

Dean Curll: Good job unmasking the RECORD's sloppy handling of statistics. We were just testing. Let's see as much effort into making the Law School a more diverse place. **B**

Prof. Hay: Earth to Professor Hay: *you already got tenure*. What's with all the attention to students? You actually care? Are you sure they can't revoke tenure? **A**

Susan Vik: For the second year straight a security glitch exposed students' social security numbers on-line. Your reaction? Initiating ad board proceedings against the writer who exposed the blunder. You get an **F**; it just doesn't get any lower than that.

Sally Donahue: Impressive first-time handling of a Herculean task — managing the feeding frenzy of interview season. The information session and infirmation.com could use some firming up. **A-**

Prof. Miller: Just because Friedman graduated, you thought you'd be off the hook? Ha ha ha ha ha ha ha ha ha. **B-**

Gary Bellow: You'd think that most HLS profs count the days to their next sabbatical. A heart transplant and 2-month stay in the hospital didn't keep you out of the classroom. **A+**

Lecturers Committee: Boo hiss, dropping Anker. Rules, schmules. Message from the huddled masses: find a replacement pronto. **C**

Alexa Shabecoff: What transition? **A**

The Class of 2001: Your enthusiasm and humanity has been a much needed shot in the arm for this dormant place. You get a collective **A** — enjoy it; for most of you, it's probably the only one you'll get.

— Ben Lehrer

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—First Amendment, U.S. Constitution

• Letters •

Rosenberg and Students Seek Common Ground

As you may already have heard, a representative from the section and group of upperclass students met with Professor Rosenberg before Thanksgiving to talk about the content and presentation issues that were raised in our research and poll of Rosenberg's former students. The conversation was balanced and very constructive. Rosenberg seemed glad to know that Section III students were actively interested in improving the course, and appreciated the time and thought his past first-year Torts students offered on what had worked well and what parts of the course could be modified. In fact, the professor indicated it was the first time he had received feedback from students past the first year offering the breadth and detail of analysis and recommendations provided by the 64 second- and third-year students who responded to our survey.

The meeting showed that Rosenberg cares about students' experience in his class. We discussed how we can help maximize the number of Section III students who have a positive and productive learning experience this year. Rosenberg at times seemed surprised to hear from past students what had come across effectively to them and

what had not.

We concluded the meeting by discussing several concrete proposals to improve the guidance this year's class receives from him, and for how we can provide feedback to him during the semester. The following list of proposals for modifications in this year's course is a combination of students' suggestions raised at the meeting and the ideas that Rosenberg offered to help us better understand how to learn from him:

- a discussion during the first class period about Rosenberg's non-traditional teaching style, what it is meant to convey and how students can best approach the course;

- a syllabus, to be distributed in class on the first day, giving a more detailed schedule of the semester's reading;

- additional handouts from Professor Rosenberg providing details of important tort concepts;

- some thought by the Professor about the way the course attempts to integrate understanding of theory and its role in practice, especially during the early weeks of the semester when we are first being introduced to tort concepts;

- opportunity for students to evaluate the course mid-semester for the benefit of

the Professor and their classmates;

- an expanded reading list of additional sources for students interested in tort doctrine and law-and-economics concepts;

- other measures to be considered as the course progresses and this year's students are able to offer our own suggestions.

Despite the adversarial atmosphere created by early coverage of the "Torts Movement" in the RECORD and the tactical debate among Section III students, everyone left the meeting feeling more positive than ever about next semester's class. Rosenberg expressed his appreciation for and openness to student input, and would be happy to talk to students about their concerns as the course progresses.

This year's class owes a large debt of gratitude to the 2- and 3Ls who volunteered their time to make thoughtful suggestions. We are particularly grateful to those upperclass students who met with 1Ls and Rosenberg and gave of their time to analyze the course and its impact on them over the last few years. We look forward to a great Torts class in the spring.

Josie Sandler '01
Dec. 2, 1998

Students Stand to Learn More Than Torts With Rosenberg

I read the article regarding 1Ls' concerns about Professor David Rosenberg's unorthodox teaching style (in the Nov. 13 edition of the Harvard Law RECORD) with great amusement. It is natural and commendable that certain students are worried about whether they will learn Torts adequately; however, I am confident that 5 years from now, every student in Rosenberg's class will know Torts as well as, if not better than, any other law student in any law school. Torts class and the other 1L classes are mostly vehicles for introducing

basic legal concepts. Students at the Law School will learn these legal concepts very well throughout their time at the Law School whether from Rosenberg and the many other fine professors on the faculty or despite them.

Rosenberg was not my Torts professor while I was at the Law School. The most memorable moment of my Torts class was my professor's sudden halt in the middle of a sentence. He was moving his hands behind his back when he suddenly realized and loudly

proclaimed that: "My God! I forgot to take the dry cleaner's tags off of my sweater this morning!"

I also remember that, when I was at the Law School, Rosenberg's most notable habit was reading while walking through the corridors. If this is part of the unorthodox teaching style about which students are concerned, then suffice it to say that Rosenberg is probably the only Torts professor who is constantly attempting to experience a tort.

Ken Chin '86
Nov. 27, 1998

Tribe Picks up Rosey's Case (pro bono)

As a law professor on sabbatical, I have tried to pay as little attention as I could to the talk of the day at the Law School, but I have found it impossible to avoid noticing the truly remarkable protest by a group of students who have never studied with Prof. David Rosenberg against what they understand to be his teaching methods. I have no doubt that students have every right to voice their views, even if occasionally ill-informed, and I take a back seat to no one in stressing how important it is that each member of the faculty be not only a serious scholar but as good a teacher as he or she is capable of being. But among Harvard Law School's greatest strengths is that its professors conform to few predictable molds, often shedding new light on old problems precisely by dashing the expectations of students as to the very definition of a subject, not to mention the precise syllabus of

materials covered or the exact mix of approaches discussed and illustrated. Rosenberg is undoubtedly strong enough to resist the siren song of instant student approval, so the current push to change his way of teaching Torts is unlikely to endanger the distinctiveness of what he brings to the brute force of a popular push. This isn't to say that any of us should be impervious to student evaluations and reactions; I take those very seriously and learn from them in each course I teach. This is to say, however, that there are many ways to conceptualize any legal subject and that each may yield unexpected insights.

Although I have never studied torts with Rosenberg, I have read much of his pathbreaking work on that

and other subjects, have talked with innumerable students who have studied with him and found his teaching inspiring and have enormous respect for his legal intellect. Indeed, it was primarily from David Rosenberg that I learned my earliest, and thus most important and lasting, lessons about the art of appellate advocacy — from developing the core theory of a case to structuring the briefs and planning the oral argument. Now, many oral arguments later, I still value the insights David imparted so many years ago. I would counsel all our students to regard Rosenberg as a distinctive resource to be mined, not as an obstacle to be overcome or redesigned to fit whatever fashion or preconception might be the flavor of the day.

Prof. Laurence H. Tribe '66
Tyler Professor of Constitutional Law
Nov. 24, 1998

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PERSPECTIVE

By John W. Bartlett '01

Voice of Hope Silenced in Russia

It may be the world's worst way to start a Saturday morning, but there I was at 8:03 a.m., sitting bolt upright in bed and straining to hear if NPR had indeed just given me the news of a mentor's death. It had.

Galina Vasilievna Starovoitova, the 52-year-old pro-democracy Russian lawmaker assassinated in the stairwell of her apartment building last month, held many titles in recent years. But to me, she will always be Professor Starovoitova, the inspired and vivacious teacher of a senior seminar on ethnic minorities in the former Soviet Union at Brown in 1994.

Professor Starovoitova spoke with a quiet voice, but offered powerful insights on Russia's endangered freedoms, on the dangerous power nationalism can carry when manipulated by political leaders and on democracy as the ultimate triumph of the human spirit.

In 1989, Professor Starovoitova wrote an open letter supporting Armenians' right to self-determination in the disputed region of Nagorno-Karabakh. So strong was the downtrodden Armenians' appreciation that — to her surprise — Starovoitova, a Russian living in St. Petersburg, was elected to represent part of Armenia in the last Soviet Council of People's Deputies. She concluded that term while also representing St. Petersburg in the Russian parliament, the Duma.

When communist hard-liners toppled Mikhail Gorbachev in 1991, she was, in the

words of one commentator, "high on the list of those to be arrested." But by good fortune she was in London. So while Boris Yeltsin stood atop a tank and stared down the coup plotters, she was the democratic movement's voice to the West. Before coming to Brown, she served as President Yeltsin's adviser on inter-ethnic issues.

Professor Starovoitova remained an outspoken advocate of human rights in the Duma, opposing xenophobia — especially anti-Semitism — whenever it was wielded by Russian politicians or traditional allies like Yugoslav president Slobodan Milosevic.

Even as Russia descended from struggling democracy to flailing thugocracy, Starovoitova stood firm. A tough debate opponent, she was always willing to go toe-to-toe with Russia's most powerful men, from communist Duma Speaker Gennady Seleznyov to the *mafiosi* who backed many St. Petersburg political candidates. (Both are now under suspicion of ordering her murder.) She found her bid for the Russian presidency in 1996 scuttled by a technicality and was expected both to run again in 2000 and to run against ultra-nationalist Vladimir Zhirinovskiy in next year's gubernatorial race for the St. Petersburg region.

Of the half-dozen Russian legislators killed in the past three years, Starovoitova is the only one whose murder — coming in a burst of automatic weapon fire just steps from her front door — is clearly and

unabashedly political.

"Those who contracted her killing chose the only possible argument against her — a bullet," remarked Russian actor Oleg Basilashvili last week. "In a fair discussion, they would invariably lose."

And so it was in the classroom. In my undergraduate days, when two hours was a long time to spend in class, Professor Starovoitova engaged the twelve of us with her stories from the front lines of Russia's newest revolution.

True to the Russian pedagogical style, Professor Starovoitova could recite names and dates with the skill and speed of an auctioneer. But she also showed us that the old pedagogy could only tell half the story. Among the texts she assigned was Ryszard Kapuscinski's *Imperium*, a Polish journalist's travelogue through the "outer republics." It sports such memorable opening lines as "I spent the evening in the yurt of Dzhumal Smanov." The Professor's message: History and nationhood are not written in treaties and maps but in the sum of human experiences.

I searched through Kapuscinski's chapters on the post-1989 period, looking for references to Professor Starovoitova. I found none, but I did find the stories of a woman for whom that sudden opening up of freedom was more terrifying than any Soviet central control, and of the two dozen Latvian and Lithuanian martyrs



who died in the Soviet Army's last spasm of self-confidence. In them, Kapuscinski spoke of those who have always, in Starovoitova's heart, been her constituents: those who toil in the shadow of the large men of history, who struggle to make ends meet and to do

right by their families and nations.

These are the heroes of Russia's on-going struggle for justice. The West has turned its back on its old enemy, guided by a philosophy that everything from trade and diplomacy to faith and human dignity can be reduced to an economic value. Viewed through that cold lens, the former Soviet Union simply is not worth the effort. Will we come to regret that decision? Almost certainly, and even more likely now that one of Russia's last great moral and progressive voices has been silenced.

A hundred years hence, history books will mark 1989 as the end of the 20th century and the beginning of the 21st. When the history of Russia's first post-communist decade is written, Galina Starovoitova's name may not appear. But the power of her voice, speaking always of her faith in Russia and its peoples, will shimmer just behind the words.

Godspeed, Galina Vasilievna.

John W. Bartlett '01 is a graduate of Brown University and the author of *The Future Is Ours*.

• Letters, cont. •

Admissions Statistics in Op-Ed Inaccurate

On Nov. 20, the RECORD published figures showing numbers of applications and entering students since 1975. Comparing the figures that the Admissions Office provided to students to the figures that the students provided to the RECORD for publication, there are at least 31 differences: approximately a 9 percent error rate.

The numbers of African-American, Latino/a, Asian and Native American students who entered in 1998 are of particular interest and should be reported correctly. As the Admissions Office reported to

students in a meeting on Nov. 12 and in the Nov. 13 RECORD, 45 African-American, 24 Latino/a, 68 Asian and three Native American students entered in 1998 rather than 44, 23, 60, and two, as reported by students in the Nov. 20 RECORD. In addition, the total number of students declaring membership in these groups who entered in 1998 is 140 (25.4 percent of the entering class) rather than 120 (21.8 percent).

It is unfortunate that the Admissions Office was not consulted prior to the publi-

cation of the figures reported in the Nov. 20 RECORD, either by the students to whom we provided information or by the RECORD. Rather than correcting at least 26 additional erroneous figures, we once again invite members of the HLS community who have an interest in using these figures for research or other purposes to contact the Admissions Office directly.

Joyce P. Curll
Assistant Dean for
Admissions and
Financial Aid
Dec. 1, 1998

Don't Deny Existence of "Filipino Nannies"

In his recent letter to the RECORD ("Quiz Crosses the Line Between Humor and Insult," Nov. 20), Prof. Pangalangan objected to a feature entitled "RECORD Personality Quiz" (Oct. 30), which alluded to having "a couple of dogs and a Filipino nanny" as an "ultimate goal" of HLS students.

A number of Filipinos and Filipino-Americans ("Filipinos") at Harvard, Yale, and other schools have taken offense at this reference to having "a Filipino nanny" as something desirable. Frankly, the reaction of these Filipinos is unjustified, to say the least. Indeed, taking offense at this reference to "a Filipino nanny" would best be viewed as classism within the Filipino community rearing its ugly head.

There is nothing intrinsically wrong or offensive about pairing the adjective "Filipino" or "Filipina" with the noun "nanny." In fact, given the context of the remark — that having a Filipino nanny is an "ultimate goal" for some HLS students — it should be viewed as a compliment, not an insult.

If Filipinos are setting the international standard by which housekeeping and child-rearing are measured, we should be proud of that fact. Would the French take offense if HLS students aspired to having "a French chef," or to

owning a car designed by "a German engineer?" Many Filipinos around the world work in the service industries and have been praised for their excellent work. There is nothing shameful in this reality.

Here's what this "controversy" is really about. It's about class discrimination within the Filipino community. It's about Filipinos from privileged backgrounds — Filipinos at elite places like Harvard and Yale — who are horrified at the prospect that perhaps their white American friends might think of the "average" or "typical" Filipino as someone employed in the service sector.

Filipinos should ask themselves: Would there be such a controversy if the RECORD had spoken of the desirability of being treated by "a Filipino doctor" or having one's taxes done by "a Filipino tax lawyer?" If the answer is no, then this controversy isn't about stereotypes — about all Filipinos being unfairly connected with a single occupation or line of work.

In his letter, Pangalangan makes remarks that reveal the classist undertones of this dispute. He calls linking being Filipino with being a nanny "invidious stereotyping" (implying that being a

nanny is somehow not a noble occupation). He then complains about how the RECORD failed to point out the Filipino ancestry of Loida Nicolas Lewis, a lawyer and the CEO of Beatrice. My guess is that if the RECORD had referred to Filipino lawyers and CEOs, this still would have been stereotyping — after all, only a small minority of Filipinos are lawyers and CEOs — but it would no longer have been "invidious."

Pangalangan states that referring to Filipino nannies is "pejorative." He argues that the reference "demeans the labor of migrants who do honest work for society while making a decent living for themselves and their families."

I would submit that trying to deny the existence of Filipino nannies — trying to pretend that they don't exist, trying to promote the fiction that most Filipinos are actually doctors, lawyers and other professionals — is far more "demean[ing]" to the labor of migrants who do honest work than referring to having a Filipino nanny as a good thing.

David B. Lat
Yale Law School '99
Harvard College '96
(former Vice President &
Treasurer, Harvard
Philippine Forum)
Nov. 22, 1998

Communal Bitching Can Solve Parking Woes

I just wanted to share with everyone an experience I just had to which I'm sure many of you can relate. I walked out of Evidence class in a rush to get to a meeting. Before the meeting, I had to stop by my car to pick up some papers. I walked to where I had parked my car — NO CAR. Looked again — still NO CAR. My first reaction was: "Oh no, my car has been stolen!"

About half a second later, I thought, "No, wait, I'm on the Harvard Law School campus, where the Harvard police roam in circles waiting for an opportunity to do something as exciting as giving us a ticket, or better yet — make the phone call to the good ol' towing company."

Knowing that the Harvard police serve us so well, I immediately knew that my car had been towed. Really, you can't ask for better service than being towed within an hour of parking in one of the lots reserved for those who actually are given access to one of the little slips of paper that say PERMIT. This student is 49th on the wait list for one...I'm not holding my breath.

So sure enough, I call the beloved Harvard police and it is confirmed — my car has been towed. I walk to their headquarters thinking again how lucky we are to have such a dedicated parking service.

I walk into the police station, greeted with a request for my unpaid parking tickets. I ask why I was lucky enough to get towed. Their response is that I had four unpaid tickets, I then pointed out that the fines were not overdue. This does not matter to them. The woman tells me in what would seem an extremely condescending voice that we can't park on the law school campus without a permit.

Ohhhhhh...I see, so that's why I've been getting tickets. Now I understand. I then just as kindly point out to her that I would love to pay MORE money to their wonderful bureaucracy to buy a permit, but

given their mysterious lottery results, I was unable to do so.

She then tells me that I could buy a night permit. Well, thank you very much, but I am on campus during the DAY. There's always the bus, she goes on to explain. Wow, not only does the parking service promptly ticket us and tow ours cars, but they also provide us with little secrets that we would never uncover without them.

After paying my four not-overdue bills I made the long journey to Pat's Towing Service in Somerville where the Harvard police choose to send our cars. All in all, it was a truly enjoyable experience.

rience.

I think it is ludicrous that we pay over \$30,000 a year to go to school here, and the administration can't think of a way to give commuting students a place to park. I'm not even asking for a free spot. I'm asking for the opportunity to increase my loans beyond their current astronomical levels and pay for a permit. I know this is not a new complaint, but it still makes you feel better to bitch when there is absolutely nothing else you can do. We should all bitch together and maybe someone will finally listen.

Valarie Hays '00
Dec. 2, 1998

The Torts Movement Catches Up With Rosenberg



Cape Dollo

By Jake Zimmerman '00
Staff Columnist

LOOKING FOR A FEW GOOD WHATEVER THEY ARE

It's hard to get into Harvard Law School. It's even harder to get a job as a professor or administrator here. But the most difficult challenge of all is obtaining the most coveted position in all of academia: Harvard Exam Proctor. That's right. I bet you didn't know it, but every year the administration sends out a crack team of headhunters to scour the globe in search of the finest candidates.

If you're like most HLS students, this probably comes as a surprise to you. But if you think about the distinctive characteristics of our examination system, it should rapidly become apparent that finding the right people to monitor the tests is an onerous task indeed. Not just anyone can inspire the mixture of fear and confusion that an HLS proctor can create with only a few carefully chosen words.

Remember, Mother Harvard employs a trained team of medical professionals to help you deal with any "psychological emergencies" you may suffer during the exam. What would be the point of that investment without proctors carefully chosen to cause those emergencies? The Kingdoms of the world may be long gone, but HLS must retain this one tie with tradition. Without at least one day of abject terror that the person in front of the classroom really might go crazy and wring your

neck, we would lose our last tenuous link to the Harvard of old.

The proctor selection process is both lengthy and arduous. The vast majority of applicants are quickly disqualified because of obvious flaws, such as being under the age of 83 or having a demonstrated sympathy for the human need to use the bathroom. A series of questionnaires is then administered in order to weed out other undesirable characteristics such as full hearing, 20/20 vision, and the ability to match a sweater-vest with argyle socks.

Next comes a battery of psychological exams. First, potential proctors are shown a series of inkblots and asked to identify what they see in them. This is actually a trick question, because any candidate who immediately and succinctly identifies specific pictures will be eliminated from the pool. A good applicant will respond to the inkblots in the same way that a good proctor responds to the exam instructions: both a bit confused by them and a bit confusing in describing them. The three responses to the inkblot exam that yield the highest scores are asking the examiner to turn on the lights, complaining that people did just fine without ink in the 19th century, and throwing false teeth at the examiner.

A key part of the psychological testing is the word-association quiz. Proctor hope-

fuls are given a list of terms such as "chair, booklet, time, question, bathroom, silence, complete," and asked to say the first thing that comes to mind after each word. If you were applying, you would probably respond along the lines of "sit, write, pressure, answer, use, quiet, leave."

These simplistic answers show, however, why you are not fit for this sensitive position and will instead have to content yourself with slavery in New York.

A really outstanding proctor has a mind that works in a far different way. For example, the highest-scoring applicant last year responded to every term with the word "eggnog." Another successful candidate signalled his answers in semaphore, while still another answered each word with a different medieval name for the devil.

The final and most grueling portion of the application process is the handwriting analysis. No one can be a proctor without first demonstrating their ability to clearly and legibly write the letter "B," along with occasional pluses and minuses, at least 150 times on separate pieces of paper.

Despite my repeated requests, the



Registrar's Office has declined to explain exactly why this skill is necessary in order to be a proctor. Moreover, a cryptic message on my answering machine (from a male voice identifying himself only as "Fabio") seemed to suggest that I should drop this line of questioning. (The

exact words of the message were "Dat's a nice GPA you got dere. It'd be a shame if anything was to... happen to it.")

In any case, there probably isn't much need for serious investigation of our proctor-picking system, since one can hardly argue with the results. Among the outstanding crop of new proctors admitted to the elite fraternity last year were a blue-ribbon gourd farmer, the inventor of rubber vomit, and the 1984 world bacon-eating champion.

So, anyway, I hope that when you go to take your exams, you enter the room with a newfound respect for the people who make it all possible. You cannot hope to comprehend the kind of preparation, training and skill that it must have taken for them to get where they are. You also cannot hope to comprehend anything they say to you, however, so I wouldn't recommend bringing up the subject.



When last we left our intrepid hero, Fenno had been kidnapped by Professor David Rosenberg, who desperately needed help protecting his stellar teaching reputation from the vicious assaults by Josie Sandler.

Fenno, her arms still tightly bound with rubber bands, followed Rosenberg to his jet-black humm-vee. She was more than a little amused by the purple neon license plate frame, but she didn't let it show. Holding her nose, she nudged closer to her captor. "Are you sure you don't want to let me go now, Davey?"

Rosenberg blinked in surprise. "Wait a minute. Ex ante, didn't you have a little more testosterone?"

Fenno shrugged her shoulders and did her best to sound outraged. "You know how it is, Rosey. Political correctness. Communist editors. All that 'due process' crap. It's all a big plot organized by Duncan Kennedy."

"Oh, you poor thing," said Rosenberg, a tone of something almost resembling sympathy in his voice. "But you'll still have to help me solve my problem, and then I'll let you go maximize your revenge."

Fenno, realizing that the empathy card was getting her nowhere, quickly changed her tone. "God damn it, Rosenberg! We can't waste any more time. The Federalist Society and SPIN are having a debate about school vouchers, and we have to get there so we can hear the exciting and novel things that each side will have to say!"

Rosenberg looked at her, puzzled. "Students have something to say?"

"Never mind," muttered Fenno, exasperated. "Look, Rosey, here's what you need to do. First, call Josie Sandler and give her a little bit of the attention she so desperately craves. Pat her on the head, tell her how important her concerns are, and give her a piece of candy. Then, when she's lulled into complacency, use the tried-and-true Susan Vik method: trump up a bullshit charge and take her to the Ad Board."

"That's brilliant, Fenno. But what if the

faculty lines up against me? They already hate me anyway."

"Easy," said Fenno, who was on a roll. "Send a box of chocolates, two dozen doughnuts, and a Three Aces gift certificate to Larry Tribe. He'll take your side, and then none of the rest of them will dare lay a finger for you. And if things ever really get hot, just go spend a few months in Jamaica while the heat clears down. People will think you're just making sure Charlie's safe. If they ask you any questions, just smile obliquely and say 'I am the lord of proprietary code, and I have to go buy beer for Johnny Zittrain.' Works every time."

Rosenberg's jaw dropped in amazement. "What an astonishingly good idea, Fenno. How come I never thought of that?"

"Because you're an idiot," muttered Fenno under her breath. Out loud, she said "I'm sure you were just too busy worrying about your vitally relevant legal studies. But, hey, that's okay, I'm happy to help you out. That's what friends are for, right? Now, wanna let me go?"

Rosenberg stared at Fenno, his mouth open like an innocent — but slightly rabid — puppy dog. "I... I... I don't know what to say. I don't think I've ever had a... friend... before. Here, let me untie you. Say, do you want to meet in the library at 5 a.m. tomorrow for a game of Parcheesi?"

As the elastic binds came loose, Fenno quickly grabbed the car keys as Rosenberg just stood there, slack-jawed. As she jumped into the humm-vee and gunned the engine, she paused just long enough to stick her face out the window and yell, "SUCKER!" Rosenberg didn't move. Fenno slammed it into gear and pulled out. As she did, she caught one last glimpse in the rear-view mirror, and for a second she thought she saw a single tear fall from Crazy Dave's eye and hit the ground.

Fenno slammed her foot to the accelerator and headed for Foxwoods.



Wheat's happenin'!

Quote of the Week

**"To: Bill Gates
From: Charles Nesson**

**you are the lord of proprietary code
you say you want competition
here WE come with OPEN CODE**

**WE're not out to wipe you out
we'd rather dance**

**Come, talk with US
about what our world can be**

**"Does Bill Gates want IT all?" I ask
"Yes" a great many say
"No" I say
I think he'd be content with half**

peace and respect

—eon"

**— Prof. Charles Nesson '63 (a.k.a. "eon")
offering an invitation to Microsoft CEO Bill
Gates to participate in a debate on open
code versus proprietary systems**

Rude Awakening

By Elizabeth Falk '00
RECORD Columnist

FINAL EXIT REVISITED

Well, Professor Hay, whatever you did, it seems to have worked. Happy hours, sleepovers, whatever: it may have placed you under relentless scrutiny by fellow columnist Fenno, but your first-year fledglings seem calm and happy. Being particularly partial to section II for some reason, I've asked a number of them how they're handling their finals stress. "Stress? What's stress?" They seem positively psyched to take finals, especially after you announced that the entire test would be an evaluation of your recent paper: "Drinking Water During a Federal Litigation Proceeding; Why and How?"

Alas, I wish I could remember such frivolity and confidence at this time last year. Unfortunately, the only emotion my memory bank can recall is fear; a dire panic which emerged at the end-of-1L classes bar review last December, when I looked around John Harvard's at midnight and realized that everyone, myself included, was sober. Given the fact that the little-discussed Salinger Prize (as in Bailey from "Party of Five") for Exceptional Stupidity While Drunk could have been handed to a great number of my fellow classmates through the end of November, this event was pretty remarkable.

Panic then set in on two levels. I finally understood just how seriously everyone was taking this finals thing, but more important, I realized for the first time that I was, too. After a semester of making fun of robo-study library dwellers, here I was, nursing a warm beer, not merely listening to but joining in on a conversation about the likeliness of *Schnell v. Nell* to appear on the Contracts exam, given Frug's in-class propensity to repeatedly roll the title off his tongue. (But maybe he just got tired of saying "consideraaaaation.")

Besides the unhealthy reality that alcohol had truly been the major component of my ability to enjoy bar reviews (and

Harvard Law people in general), the fear I took home from John Harvard's emerged from an incredulous acceptance that I had finally bought into the exam game. I actually cared about an outcome of an event over which I perceived I had little control. I could study all I wanted, talk about the issues all I wanted, and in the end, it came down to how well or poorly my answer to two questions compared to 125 other people's. For the first time, my future prospects seemed far removed from my own hands; hard work would not necessarily pay off.

It's no news flash to anyone that law school grades do not necessarily display a correlation between effort and outcome. But interestingly enough, although first year students may acknowledge this truism, no one really believes it until grades come in. It's too unnerving a thought to try to study while accepting the fact that there is a significant chance that studying is futile. Especially while all your high school friends are out having fun at a Phish concert and you're sitting around eating Christmas cookies by the pound listening to your grandmother talk about once having to study by gas lamp.

The out-of-control feeling was a first for me, and it wasn't something I adapted to particularly well. Despite my strongest convictions that I would not allow myself to overstudy and buy into an arbitrary grading process as a measure of my self-worth, I did. Rather than maintain a sane perspective that Fate controlled at least part of my academic destiny, I denied it vehemently, insisting to myself that there must be a rational reason for simultaneously writing a hundred page outline about cases I'd soon forget and gaining ten pounds from constant nervous eating. Studying was the mask of my insecurity about the uncertainty of the process; I studied to make myself feel better about that uncertainty.

In my case, it was honestly a waste of

time. How do I know?

As Civil Procedure was my first exam, I tackled that first. I became so overwhelmed and entranced with the intricacies of the litigation process, I found that once I began, I could never stop. Civ Pro was my obsession; I could hear Professor Desan's voice in my head as I was sleeping, (usually during a nightmare that I accidentally showed up to take the exam without remembering to get dressed). Dammit, I was going to learn this shit if it took me forever. Which it did: I spent a solid month studying for civil procedure day and night. I knew that material cold.

Grade? B.

After my Wednesday Criminal Law exam during finals period, I found myself overcome with a bubbly euphoria that exams were almost over. Anti-study mode took over; it was almost as if I had entered a dreamy, ethereal state that could ignore the fact that I had not spent one hour of one day studying for Contracts. Until Thursday night at around 10 p.m., when I crashed to reality that I had no idea how to answer the rather simple question "What is a contract?" In a panic, I called my friend Mike, who was the sort of student that was bored over Christmas break because he was born with some innate, preconceived understanding of the law and all its facets. "Ah, Mike," I asked. "Remember how you told me you had too much time on your hands? How about a crash Contracts course in two hours or less?"

God bless him, Mike remained on the phone for two hours while I furiously wrote down everything he said. By midnight, I had a ridiculously messy, three-page handwritten outline, a process for attacking a general contracts question, a little more confidence, and a much diminished fear that the next day would become Failure Friday.



Grade? B.

Now, I'll admit; I'm hardly the paragon of a law school student. I'm definitely not the best studier (I took "paper" classes in college) and my class attendance record was a little spotty. I've been accused of anti-intellectualism and stupidity this semester as well. There definitely is a significant chance that I'm just

dumber than all the rest of you.

But, just in case, behind that rational and calm exterior, some of you first years are wondering how the hell you will ever be comfortable that you "know it," I offer my qualified perspective that perhaps you never will, in the exact way that this place will reward you to know. You may know by heart how to drink a glass of water, but do you know exactly how Professor Hay drinks one? Fair as we all know he is, grading is by nature subjective, and this is the element with which no amount of studying can help.

So many elements about this career are self-controlled and self-motivated; upper level classes, job searches, job performance and job enjoyment level are all elements to my life this year that have allowed me to rediscover the wonderful feeling that somehow, what I do does make an impact on my future. Determination and drive do count for quite a bit; life has not ended with a B-ish transcript. Had I realized this from the beginning, perhaps I would not have spent a month desperately seeking the kind of control over finals that I had always felt during college. Maybe I could have escaped the feeling that a B after my best effort in Civil Procedure meant I was relegated to B status in life among my Harvard colleagues. It won't be true for me, nor will it be for you.

So go ahead, go to that Phish concert, and have a few beers while you're there. I'll bet Professor Hay will be there, a few rows back, cheering you on.

SPORTSGUY

By Josh Swartz '99
RECORD Columnist

HLS TO FOXBORO?

The results of the All-H.L.S. Intramural Flag Football selections were announced yesterday at Foxboro Stadium, where Commissioner **Chris Matarese's** Pieces '99 hopes to move the League beginning in the 2001 season. Apparently, Matarese is dissatisfied with the current stadium package for the League, as most of the luxury box and concession revenue somehow gets diverted to Dean **Robert Lois** and **Clark's** ['72] personal Swiss bank account. Professor **Paul Sleeping** all the **Weiler** [LL.M. '65], noted expert on Sports Law and avid reader of this column, has been appointed chief negotiator in discussions with both the Foxboro stadium committee and House Speaker **Finneran** in attempts to secure a deal along the lines of the one Patriots owner **Bob Kraft** recently received. Weiler released this statement: "I'm honored to take on this daunting task; however, I promise not to take a penny of state money to complete this deal, even if it means losing the League to another university." Clark recently tabled a proposal to convert Langdell Library into a new state-of-the-art facility that would accommodate both football and basketball. The plan called for moving the library to either the current Hemenway gymnasium site or to the popular Three Aces restaurant on Mass. Ave. Other possibilities for the League's new home include the Ames Courtroom and the second-floor bridge that connects Areeda and Lewis halls.

With the unresolved stadium issue in the back of most people's minds, this year's selections took on added significance in light of the uncertainty surrounding the League's future. Here are this year's winners:

Offense

QB: **Jay Charlotte's Webber** '00

Sons of Liberty

RB: **Chris Grace Kelly** '99

San Dimas High

OL: **Kwami G&H Pure Cain Sugar** '01

Intent to Harm

WR: **Mike Enola Gaies** '00

Sons of Liberty

WR: **Mike Gentle Ben** '00

Cougars

WR: **Adam Carne** on the Cob '99

Happy Gilmores

Defense

DL: **Chris Bauman**churian Candidate '00

Sons of Liberty

DL: **Chris Jacobs Ladder** '00

Weekend Warriors

DB: **Jim Walsher** and **Dryer** '99

San Dimas High

DB: **Tim North** by **North Weston**

'99Cougars

DB: **Matt bulls Siben** '00

Weekend Warriors

LB: **Joe Silence** of the **Lambert** '00

L.C. United

MVP

Jay Webber '00

Sons of Liberty

ROOKIE of the Year

Darien Futrell '01

San Dimas High



The vote for League MVP was decided by the slimmest margin in over 10 years, as Webber just edged out Walsh. The award came down to which man led their team to victory, and Webber did so 12 straight times, including two wins over Walsh's San Dimas High. An obviously dejected Walsh had this to say after the press conference: "My team stinks. If it wasn't for me, we'd be 0-12. My offensive line can't block, my receivers can't catch, and the refs were out to get me. How do I not get the MVP award? The whole thing reeks." RECORD columnist **Elizabeth Malkese Falk** on '00 reluctantly presented Webber with the award quipping, "I just knew you were the League's stud quarterback." Rookie of the Year Futrell was not in attendance to accept his award, but his new agent, **Raj cherry Pai** '99, was busy fielding offers for his client's services next year, as Futrell's teammates are all graduating next spring.

On offense, The Sons of Liberty added medical school moonlighter, Gaies, who caught everything in sight all season long. The lone offensive lineman, Cain, finished a close second in the Rookie of the Year balloting and will be a wall of protection for years to come. The League's most acrobatic receiver, Carne, managed to lead the league in receptions

despite little offensive help. Kelly and Ben both put up gaudy numbers in leading their teams deep into the playoffs. Conspicuously missing from the list was Weekend Warriors' **Jason Orlando** Lakes butter '00, who was still fuming over his team's narrow

defeat in the semifinals. Orlando released this statement late Sunday, "I lost to Webber four straight years in college, and now I don't make all-League? This is one grand conspiracy."

On defense, Jacobs's hard nosed rushing made him an easy winner. Jacobs also received votes for Special Teamer of the Year, but that award was eliminated due to last-second budget constraints. The Weekend Warriors also sent Siben, a tribute to the team's trademark stifling defense. Super-athletes Walsh and Lambert were also easy selections and the Sons late-season acquisition Bauman was a unanimous pick despite missing the first five games of the season. Rounding out the team was the Cougars' safety, Weston. Fellow Cougar **Elie Honig** '00 loudly booed his teammate's selection, decrying, "If he didn't have me covering for all his mistakes, the only award he would have been a candidate for was Toast of the Year," which, after a poor playoff showing, went to San Dimas, Great **Scott!** **Janoe** '99.

Congratulations to everyone who made the team and to all those who made this intramural football season such a resounding success.

Her Indie World

HEY, REMEMBER THE EIGHTIES?

By Suzanne Carter '00
RECORD ColumnistU2
The Best Of 1980-1990
Island Records, 1998George Michael
Ladies and Gentlemen:
The Best of George Michael
Epic, 1998

The holiday season, that interim between exams and winter term, is officially upon us. After all, nothing screams "RELEASED IN ANTICIPATION OF LAST MINUTE GIFT SHOPPERS" like the rash of greatest hits packages which hit music stores this time of year.

Not surprisingly, this year the suits—that be in record-label land have chosen to pander to eighties nostalgia with GH compilations from U2 and George Michael. The surprise is that neither collection is half bad. In fact, they're both pretty good.

Take U2's two-disc set. Disc One, titled "The Best Of," is a compilation of fourteen of the band's most recognizable early singles. Yes, the "incomplete" track list created a furor among hard-core U2 fans ("Where's 'Gloria'?" "Where's 'Bullet the Blue Sky'?" etc.), but taken as a whole, it's pretty amazing.

Surely some of the greatest songs of the eighties—"Angel of Harlem," "Where the Streets Have No Name," "Sunday Bloody Sunday"—are included on that disc, which also contains some less familiar gems that never quite made it in the

States, like "Bad" and "I Will Follow." The band's youthful energy shines as a testament to how far they've fallen. What was once "Pride (In the Name of Love)" is now "Discotheque."

Disc Two, "The B-Sides," lingers in taste purgatory. Pieces like "Hallelujah Here She Comes," "A Room at the Heartbreak Hotel" and the band's cover of Patti Smith's "Dancing Barefoot" are good enough to sit side-by-side with the singles.

"Bass Trap" are best omitted altogether. That way, one wouldn't have to go through the effort of finding one's stereo remote control to forward past them.

While U2 was the band all my ninth-grade classmates pretended they were listening to, George Michael is who actually caught their ears. (This assessment is purely based on sociological study. I, of



ably much better than Disc One, which, while labeled "for the heart," is really for that part of the brain stimulated by failed imitations of Barry White.

Michael is something of a punch line, particularly since that unfortunate Pee Wee-esque arrest in a men's room last year. But give the guy some credit: Disc Two really does contain some great dance music. "Too Funky" and "Faith" show that Michael was disco when disco wasn't cool. And the two duets, "I Knew You Were Waiting (For Me)" with Aretha Franklin and "Somebody to Love" with Queen, are fantastic.

Disc One is rather like elevator music. It meanders along so monotonously that it becomes hard to figure out where one song ends and another begins, breaking only for some smooth jazz sax solos now and then. (If I want Kenny G, I'll buy Kenny G, thankyouverymuch.) The only real standouts on this disc are the Jobimpenned "Desafinado" (a duet with Astrud Gilberto) and the old hit "Father Figure," which still has some power.

Despite these genre-specific shortcomings, both "Ladies and Gentlemen" and "U2 The Best Of" stand up next to the other wonderful GH albums chronicling the Reagan-Bush era. I recommend available collections from the Bangles, the Violent Femmes, Madonna, the Police, the Cure, Prince (or whatever his name is now), the Eurythmics and R.E.M. How's that for a holiday gift list?

Disc Two, we are told, is "for the feet," and it's predictably much better than Disc One, which, while labeled "for the heart," is really for that part of the brain stimulated by failed imitations of Barry White.

Then again, you have to wonder whose idea it was to include Bono's painfully sincere rendition of "Unchained Melody." How painful is it? Well, he sounds like he has a hernia. This kind of overblown "I need your love"-ing is best left to the vocal styling of the delectable Miss Celine Dion.

But at least "Unchained Melody" is somewhat entertaining (if it is at the band's expense). Instrumentals like

course, listened to U2.) As he sang in one of his best songs, "Freedom 90," "I was every little hungry schoolgirl's pride and joy, and I guess it was enough for me."

"Freedom 90" can be found on Disc Two of Michael's new two-disc compilation, "Ladies and Gentlemen: The Best of George Michael." Disc Two, we are told, is "for the feet," and it's predict-

Mo' Butta

STYLE AND SUBSTANCE À LA GLAM

By Elizabeth Read '99
RECORD Columnist

Descriptions of Todd Haynes's latest endeavor as a quasi-biography of David Bowie during the Ziggy Stardust phase, along with a rather pedestrian trailer, certainly engaged my apprehension. My instinctual aversion to a feature-length music video, however, was altogether misplaced. Atmosphere, though deliciously present, does not drive this film.

The film's "narrative" branches from 1984, as an apocalyptic urban America suffers the incompetence of an oft-mentioned but never seen President. The young journalist Arthur Stuart (played somewhat too wistfully by Christian Bale) is assigned to investigate the whereabouts of glam-rock idol Brian Slade (Jonathan Rhys-Myers), who disappeared into obscu-

rity ten years earlier after feigning the assassination of his stage persona. Not coincidentally, Arthur used to party with the British glam-rock crowd as a teenager just emerging from the closet.

Haynes constructs his own vision of the glam era through a melange of Arthur's introspective pavement pounding, his memories, others' memories, fantasies, memories of fantasies and fantasies of memories (thrillingly indistinguishable from one another). Many viewers and some critics have complained of a lack of emotional depth, particularly with regard to the characters of Brian Slade and his lover/collaborator Curt Wild (Ewan McGregor, who not coincidentally very much resembles the late Kurt Cobain). But that is precisely the point, as Slade articulates it

in a press conference: "Music is a mask, and the mask is the message." Slade and Wild are presented first and foremost as personas, not persons.

Haynes has infused a philosophy into the decadence of glam-rock. Taking up where *Safe* (1995) left off in examining human socialization through pretense, he shows in *Velvet Goldmine* how fear is alleviated through the marginalization of one's identity and all of its baggage. The mask gives its wearer a sort of absolute freedom, free of the restraints of risk and conscience and particularly of society. Slade achieves popular success when he discovers this power; after the demise of the glam era, his former wife (Toni Colette) will not altogether surrender her old per-



sona, half retaining a faux British accent. Haynes most cleverly articulates the concept in a moment of self-reference: Slade and Wild play with Barbie-like dolls masked as themselves, recalling legal problems Haynes encountered from Mattel when he used the dolls (unmasked) in *Superstar: The Karen Carpenter Story* (1987). Again, the mask is an absolution from liability.

In Haynes's reconstruction of glam-rock, persona is a legacy of power, deriving from the original pop idol, Oscar Wilde. It passes among the various characters, connecting them in an intricate jigsaw somehow orchestrated by the mysterious and voiceless Jack Fairy (the so fabulous Micko Westmoreland). In 1984, the President is noticeably absent as a visual presence (impotent) while a new pop idol pervades the landscape. It makes one wonder, what if Reagan had not been a Hollywood man?

If you do seek atmosphere alone, the film will not disappoint. The art direction is masterful and duly decadent. The soundtrack, though (appropriately, as well as coincidentally) containing no Bowie tunes, should become as popular among self-identified hipsters as did *Trainspotting*.

The film is currently playing at Kendall Square Cinema.

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By Timothy Kiefer '98

Got Job?

"America's Greatest Places to Work With a Law Degree"

By Kimm Alayne Walton, J.D.
Harcourt Brace, 1999
\$24.95 paperback
1146 pages

Weighing in at 1146 pages, "America's Greatest Places to Work With a Law Degree" seems to disprove by its size alone that all lawyers are quietly desperate drones wishing they had gone to medical school instead. In this massive volume, Kimm Alayne Walton shows again and again that there ARE lawyers who love their jobs.

Most of the book is comprised of dozens of narratives describing employers for whom law school graduates enjoy working. Walton profiles an incredibly broad range of employers. Examples of her picks include Sidley & Austin, the fourth-largest law firm in the U.S.; Morrison & Foerster; the Dallas branch office of Jones, Day; the Central Intelligence Agency; the in-house counsel's office at toy maker Mattel, Inc.; the U.S. Foreign Service; and DNA — People's Legal Services, Inc., a public interest organization in Window Rock, Ariz., providing legal services to Native Americans.

As one would expect with such a diverse list, Walton does not attempt a sequential ranking of the employers. She does, however, identify the U.S. Department of Justice as "the #1 all-around best legal employer in America." In fact, Walton is so enthusiastic about DOJ that she devotes an entire chapter of the book to that agency. Walton provides a list of "the top ten reasons you'll love the DOJ," including work on high-profile issues, lots of responsibility for junior attorneys, no billable hours, amazing post-DOJ job prospects, and the awe-inspiring experience of representing the United States of America in the courtroom.

Law school administrators were Walton's primary source of information. The acknowledgments section lists nearly 100 law school administrators, with HLS notably absent from the list. Walton's approach differs from that used by some other career guides. For example, "American Lawyer" magazine relies on surveys filled out by summer associates and mid-level associates. Walton argues that law school administrators "are more objective than any other source" and "are incredibly plugged in to the legal community." Incidentally, Walton makes little claim to personal knowledge of her subject matter. She acknowledges that, although she holds a law degree, she herself has never practiced law.

In addition to the employer listings, Walton provides general advice on looking for clerkships, handling law school debt, looking for small-firm jobs and a

variety of other issues. As part of her section on dealing with law school debt, she even provides an inexpensive recipe for barbecue chicken. Walton does not provide much in the way of interview-and-résumé advice, but rather refers readers to her previous book on that subject, "Guerrilla Tactics for Getting the Legal Job of Your Dreams."

Most of Walton's career advice matches that of other career guidance writers. A notable exception is her opinion of summer internships with judges. "[T]he best all-purpose summer job you can get after your first year in law school is an internship with a judge," Walton writes. Stacy DeBroff, who until recently served as the co-director of the HLS Office of Public Interest Advising, argues precisely the opposite in her book "Public Interest Job Search Guide 1998-1999." DeBroff writes that the OPIA advisors "strongly advise our students to use their summers to gain more direct lawyering experience." In DeBroff's view, a summer judicial clerk's work "often consists mainly of tasks which have been passed down by other clerks," and summer judicial clerks also "miss out on a critical chance to work with lawyers firsthand."

As one might expect from an author who refers to herself as "Kimmbo," Walton writes with an upbeat, informal style. In general, that's a plus. At times, however, her language veers dangerously close to self-help psychobabble. Walton would be well advised to ruthlessly cut sentences such as "I fervently hope this book will help you make your dreams come true" from the second edition.

More troubling are some of Walton's factual errors. In reading a book purporting to identify great employers one is obliged to put a lot of trust in the author's judgment. That trust is undermined when Walton misspells "Stanford Law School" as "Stamford" three times (on pages vii, 1039, and 1047) before finally getting it right later on page 1047. Also on that page Walton incorrectly states that Justice Sandra Day O'Connor graduated from Stanford Law "in the 1940s" when in fact she graduated in 1952. A book of this length is bound to have some errors, but if Walton cannot even spell the name of one of the nation's top law schools, one wonders what other mistakes might be hidden in her book.

"America's Greatest Places to Work With a Law Degree" does a creditable job of exploring the breadth of options open to the law school graduate. The price tag of \$24.95 for a paperback may seem steep, but considering that it provides more than a thousand pages of job ideas it's worth the price.

Timothy Kiefer '98 is the former managing editor of the RECORD.

The Buzz

By Tanya Marsh '00
RECORD Columnist

American History X Delivers

I saw *American History X* two weeks ago and scenes still flash, uninvited, in my mind. Edward Norton, yuppie Yalie in real life, is absolutely believable and mesmerizing as the repentant former leader of the Venice Beach skinheads. As previously reported in *The Buzz*, the plot of *American History X* centers around Derek Vinyard (Norton), who has just been released from prison where he served a term for manslaughter. He entered prison a confident, explosively violent and charismatic leader fueled by the certainty of his hate. Three years later, his flame has dimmed and he understands how he had been manipulated into destroying everything and everyone he touched. Derek's major purpose following his release is to save his little brother Danny (Edward Furlong) from the same forces and the same fate. Don't expect a storybook ending.

There are two themes in *American History X* which are somewhat in conflict: violence begets violence and the possibility of redemption. Derek's violence and hate set off certain chains of events from which escape is, to some degree, impossible. At the same time, Derek struggles like Sisyphus to undo the damage he has caused and save his brother. One of the most disturbing aspects of this movie is the way the camera worships the pre-redemption Derek. Norton added thirty pounds of muscle for this role and he spends much of his flashback time shirtless, blazing Nazi tattoos. Norton is an attractive man and Derek is a charismatic character — the combination leaves the viewer hoping he will prove to be the protagonist, even after witnessing his impulsive brutality. This dilemma is reminiscent of the fruitless search for a protagonist in *Romper Stomper*, the Australian classic starring Russell Crowe as a decidedly unrepentant skinhead leader in another disturbing and great story.

American History X is an incredibly powerful movie, but prepare to be affected by the violence. Norton delivers one of the best performances of the year and definitely deserves an Oscar nomination. Do yourself a favor this winter and check out this movie.

Coming Soon

A week left in the semester, finals looming. Who has time to go to the movies? Looking ahead to our blissful weeks of winter break, free from responsibility and worry, *The Buzz* offers a viewing guide for the holiday season.

Psycho. Gus Van Sant directs this remake of the classic. The update stars Vince Vaughn, Anne Heche, Julianne Moore and William H. Macy (of *Fargo* fame). We all know that there are no original stories in Hollywood and that it's hip to do '90s updates of great plots, but do we really need a line for line, shot for shot redo of *Psycho*? Van Sant is a wonderful film maker, so I recommend you skip the theater and spend the cash on two videos: *My Own Private Idaho* and the Alfred Hitchcock original. Opens December 4.

A Simple Plan. What would you do if a plane full of money literally fell into your life? The temptations and ethical dilemmas that come with sudden, undeserved fortune are the subject of this dark drama starring Bill Paxton, Billy Bob Thornton and Bridget Fonda. Sam Raimi (*The Quick and the Dead*) directs, which means this movie should at least be visually interesting. Opens December 4.

Shakespeare in Love. Starring Gwyneth Paltrow, Ben Affleck, Joseph Fiennes, Judi Dench and Geoffrey Rush. Another costume drama featuring young Hollywood in tights. Dame Judi and *Shine's* Rush are the legitimating forces in this picture and hopefully save it from being yet another horrifically historically inaccurate ego-fest. [My pet peeve is movies that pretend to focus on historical subjects, but completely reinvent and subvert reality. This also applies to movies which are "based" on classic novels, but the connection is so loose that only the character names remain. Case in point, Demi Moore in *The Scarlet Letter*. Excuse me, but I don't seem to remember Hawthorne's theme as one of free love, women's liberation in Puritan New England, and the joys of bathing in the moonlight. End of tirade.] Opens December 11.

Star Trek: Insurrection. This latest and much-hyped chapter in the franchise is once again directed by Number One himself, Jonathan Frakes. Looks like the whole cast is back together again to defend a world from a scary looking evil guy. One of the best features of the *Star Trek* universe in recent years is its departure from easy moral questions to story lines which highlight the shades of gray. The tale of the Maqui terrorist group, which has permeated all three of the shows, is a case in point. Will *Insurrection* follow this trend? Even if it doesn't prove to be a great movie in that regard, it should be a good time. Opens December 11.

The Prince of Egypt. This promises to be "the" hit of the holiday season. Biblical topic, top notch animation, big stars (Val Kilmer, Ralph Fiennes, Michelle Pfeiffer, Sandra Bullock) ... be prepared for all the Moses toys in Happy Meals. A partnership with Wal-Mart even has that chain selling tickets to the movie! Opens December 18.

You've Got Mail. The big hit for adults reassembles the *Sleepless in Seattle* team (Tom Hanks, Meg Ryan and director Nora Ephron) for a romantic comedy via e-mail. The premise is that Hanks and Ryan know and dislike each other in real life yet fall in love over the Internet. I have great faith in Ephron and Hanks. This one looks like a must-see. Opens December 18.

Patch Adams. Robin Williams stars as a medical student who bucks the system and focuses on his patients' whole being, rather than just their diseases. Williams has had such an uneven career — brilliant, inspiring moments (*Good Will Hunting*, *Dead Poets Society*) and flat, syrupy, annoying moments (*Being Human*). The previews for *Patch Adams* look like this one falls into the good category. It's on my list. Opens December 25.



Cyber Jam '99 Brings Nesson Even Closer to Jamaica

Continued from **BERKMAN**, p. 1

the Center.

According to Nesson, the work of the Berkman Center is especially important because "[c]urrent students will live life and practice law in a cyber environment. [W]hen future organisms corporate and corporeal look back on the dinosaurs of our age they will see the [D]arwinian killer in an inability to adapt to the open environment of cyberspace."

Short History, Long List of Accomplishments

Since its inception as the Center for Technology and Law a few years ago, followed by the 1997 rechristening as the Berkman Center for Internet and Society, the Center has been involved in a long list of activities. This list includes two past and five current online lecture and discussion series, including the well-known Privacy in Cyberspace course taught last year by Prof. Arthur Miller '58; five HLS courses for the 1998-99 school year; a series of conferences and lecture series, including last summer's Second International Harvard Conference on Internet and Society; a number of what the center terms "entrepreneurial research" projects; and the sponsorship of a number of major research projects undertaken by faculty and fellows associated with the Center.

In addition, the Center has taken on several projects under the direction of Nesson, including the Peter Berkowitz tenure case, which Nesson describes as advancing "openness in [H]arvard governance process," and A Civil Action, a conference being planned to develop curriculum for law schools centered on the Woburn well-water case which formed the basis for a national best-seller and has recently been made into a movie starring John Travolta.

Wendy Seltzer '99, research assistant at the Berkman Center, described the projects the Center takes on as "focus[ing] on putting thoughts into practice — testing hypotheses by putting up Websites, launching online lectures and discussions, designing software and putting it to work, and seeing what happens. The combination of technical resources and a group of people thinking about ways to use them means we can run experiments in real time and modify them on-the-fly in response to feedback."

What all of these projects have in common is the Berkman Center's vision of the

future of the Internet as something other than a virtual shopping mall. Instead, the Berkman Center's Internet is one based on open code and interactive discussion, according to Zittrain.

Berkman Center Goes International

The list of Berkman Center projects include ones which venture far beyond the confines of Harvard or Cambridge. Cyber Jam '99, a joint-venture with the Jamaican government, is one such project. Described as a project to "develop a nonprofit open code e-commerce platform," Cyber Jam grew out of a panel discussion in last May's conference on Internet and Society, in which a company called Virtual Vineyards was a key topic of discussion. Cyber Jam seeks to replicate that success for the rastafarian growers of Jamaican Blue Mountain coffee.

But Nesson has hopes for Cyber Jam that go much further than just allowing Jamaican coffee growers to sell their wares over the Internet, hopes he discussed in one session of Zittrain's seminar on Internet and Society. Dismissing any "fear of big iguana coming down to the island," Nesson posited Cyber Jam as a way to demonstrate the Internet's ability to "help bridge the gap between rich and poor, between developed and underdeveloped communities, across nations' borders," to allow a forum for expatriot Jamaicans to stay in touch with their homeland, and to "help contribute to the building of a commons in cyberspace."

Nesson describes Cyber Jam saying, "Our method is to learn and teach how to use the Internet to do commerce and education, and to have fun and make profit doing IT, in the spirit of Bob Marley."

Another of the Center's international projects is Digital China, a joint project with the University of Beijing Law School. Digital China involves a course developed by a Prof. Howell Jackson '82 on financial institutions and designed primarily for a Chinese audience. The course will consist of a series of lectures and the compilation of a series of course materials, which will then be made available to the University of Beijing over the Net.

According to Zittrain, the Digital China course is just one of the Berkman Center's projects which deal with that country, complementing research he's doing "on the impact of the Internet on China" and "whether there are solutions that they are implementing [to control access to the Internet] that defy the myth that you can't control the Internet."

A New Paradigm for Governance?

Internet aficionados, when trying to explain the import of this new technology for the way we live and interact, often cite the Internet's potential to make possible true democracy, a version of Ross Perot's virtual town meetings writ large. "A lot of people have thought about democracy and the net in the same breath, thinking 'Wow, everybody's connected, everybody can speak as well as listen, this sounds like the perfect recipe for a new way of doing government,'" said Zittrain.

As a center which seeks to study the issues and possibilities presented by the Internet, the Berkman Center has embarked on two projects which seek to explore this potential.

The first is a project called the Internet Deliberative Poll. This project is based upon the real-world work of a researcher at the University of Texas who has designed a polling method which takes small groups of people, places them in a room together and has them discuss and reach a consensus on an issue, in order to determine where public sentiment is likely to coalesce once there has been adequate time for public debate and deliberation. By modifying this format for use on the web, the Berkman Center seeks to learn whether the Texas approach can be made both cheaper and more representative, by comparing the results from the cyberspace deliberations with the results from simultaneous real-world deliberations.

The second of the two projects is Jury Trial in Cyberspace, an online event being offered by the Berkman Center under the direction of Ogletree beginning in February. The premise of the project is to conduct two jury trials in cyberspace relating to the impeachment proceedings against President Clinton. Ogletree describes the key question behind the project as, "Can we have a conversation on an issue of some importance with a national and international audience and try to reach a resolution?"

The event will be kicked off with a two-day conference during which two mock trials, *The People v. Clinton* and *The People v. Starr*, will be conducted with a live jury. The trials will seek to determine whether Clinton committed impeachable offenses, and whether Starr exceeded his power under the Independent Counsel Act.

The trials are set to be broadcast by Court TV, and streamed over the Internet to groups of twelve people who sign up ahead of time to serve as juries. Follow-

ing the mock trial, each of the juries will begin deliberations over the net using threaded discussion groups, and the results of those deliberations and the deliberations of the live jury will be announced the following day.

Ogletree sees the outcome of this experiment as having implications for HLS. "One, it will tell us whether or not we are prepared to adequately address the significance of technology as it applies to legal education — will it be a tool that will be helpful or will in some sense create a burden that cannot help us to effectively transmit, teach legal doctrine? If we

answer the first question affirmatively, that it is a tool, I'd like to figure out ways we can use technology and cyberspace in teaching first year courses... taking real issues where students can have some familiarity and some interest and to think of how it cuts across disciplines... Then the third will be to see if this will enhance students' knowledge of

and interest in technology so that it will be a tool not only in their preparatory role as law students, but in their role as summer associates and both private firm and public interest legal opportunities."

Big Plans for the Future

"We've got huge plans for the future," said Donna Wentworth, editorial assistant at the Berkman Center. And with an expanding staff including the newly named Assistant Director John Wilbanks, the Berkman Center is poised to realize these ambitions.

Nesson laid out his vision of the Berkman Center's future, saying, "We want to be part of a global effort to link universities in an open commons and to focus global intellectual resources on the problems our global internet community faces. We want to do this with open code so that the very fact of our doing IT builds the commons and enables us. I see this as a means to establish civil and commercial norms in cyberspace."

In addition, the center plans to maintain and improve relations with other areas of the University, and with other schools including MIT, which currently cosponsors Prof. Lawrence Lessig's course The Law of Cyberspace — Social Protocols.

This weekend, the Berkman Center and MIT will present "Legal/Technical Architectures of Cyberspace" from 9:30 a.m. to 5:30 p.m. on Sunday, December 6 in the Ames Courtroom.

Information about the Berkman Center's activities can be found at its Website at <http://cyber.law.harvard.edu>.



Prof. Charles Nesson '63



Prof. Charles Ogletree '78

Don't Panic!



This is the last issue
of the **RECORD** for the year.

We will be back
with volume 108
on January 15, 1998

Thanks to everyone who contributed time
and energy to making volume 107 a success

Flashback

30 Years Ago
in the RECORD

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CLEO Attempting to Increase
Number of Non-White Lawyers

By Ronald Kadden

The legal profession in this country is almost wholly lily white. Less than two percent of our lawyers come from such minority groups as blacks, Mexican-Americans, and American Indians.

Helping to eliminate this imbalance is an organization called the Council on Legal Education Opportunity (CLEO) in whose short history, Harvard Law School has played a major role.

As its name indicates, CLEO's function is to interest minority students in a legal career. For the past year it has run summer programs to introduce such students to both the substance of law and the opportunities of a legal career. CLEO's immediate goal is to produce at least 300 additional black, American Indian, and Spanish-speaking lawyers by 1973.

The nucleus of the CLEO program began in the spring of 1964 at the Law School. A group led by Louis A. Toepfer, then vice-dean at Harvard Law and currently dean of Western Reserve Law School, discussed the possibility of interesting minority groups in the study of law. The proposals of this group led in the summer of 1965 to a program at Harvard for forty students, most of them juniors at predominantly black colleges.

The program consisted of an eight week introduction to the law with a curriculum consisting of selected topics from first-year courses. Most of the selected participants were juniors so that the students could talk to their classmates about the law school when they returned to college in the fall.

Another purpose of the summer program was to provide a basis for admissions other than college grades and L.S.A.T. scores which were considered to be of uncertain validity for these students.

The summer institute, as it was called, was repeated in 1966. Of the 80 students who attended the 1965-1966 institutes, about half went to law school, several to Harvard.

Meanwhile, Emory University in Atlanta, Georgia, began a pre-admission program for black college seniors in the summer of 1966. Unlike the Harvard Law program, Emory's summer institute was geared to admit students into its own law school. One full first-year course was given, and those who passed it were admitted to the law school with credit for that course.

In May of 1967, at an Office of Economic Opportunity-conference, the idea of a national organization to co-ordinate and broaden the Harvard and Emory programs was originated. The Council on Legal Education Opportunities was organized in the spring of this year.

Funded by an OEO grant of about half a million dollars, CLEO set-up a national office in Atlanta headed by a full-time executive director, and this summer financed four institutes. In addition to Harvard and Emory, two new institutes were begun at the University of Denver and U.C.L.A. law schools. Of the 120 students who graduated from the institutes, 94 made their way into 34 different law schools. Eighteen others will return to law school after the completion of military service.



Prof. Frank Sander —
National Chairman of CLEO.

In addition to the OEO grant, CLEO received \$450,000 from the Ford Foundation, thus providing each CLEO graduate with an average scholarship of \$1,500 per year of law school. Law schools admitting graduates of the summer institutes have further eased the financial burden by waiving tuition.

The Council is composed of ten members representing four organizations: three from the Association of American Law Schools; three from the American Bar Association; three from the National Bar Association, an organization of black lawyers; and one from the Law School Admissions Test Council. At the October meeting of the Council, Professor Frank Sander of the Law School was elected chairman.

Aided by special committees on research, financial aids, programs, and career opportunities, the Council is now engaged in setting long-range goals and seeking solutions to some vexing problems.

One of the Council's current activities is the re-evaluation of the summer institutes. The cost of these institutes is approximately \$2,000 per student, including a grant of \$500 to each student in lieu of summer earnings. The Council has concluded that the expense is too great to justify use of the summer institutes as a recruitment device, as was done in 1965. Consequently, there will be no post-juniors in future institutes.

In place of the institutes, the Council is experimenting with regional recruitment conferences, co-sponsored by law schools in the particular areas. Such a conference will be held in New York this coming February 15. In addition to detailing opportunities in law, the conference will hopefully impart to participants the relevance of the law: how the law can be of use to them in the service of their communities. In an effort to spread the cost, institutes in the future will be on a matching grant basis with the law school.

In three series of summer institutes, sufficient information about many black colleges has been collected to diminish the importance of the summer

institutes as a basis for evaluation in the admissions process. Accordingly, future institutes will be used increasingly as a transitional aid. Those who do not need this transitional aid will not attend the institutes, but hopefully will receive financial aid if needed.

One of the greatest problems facing CLEO is financial aid. If the program expands to 300 students this summer, it will take another Ford grant of 1 1/2 million dollars to match the support that graduates of the 1968 institutes will be receiving. Also, it will be necessary for law schools to continue to waive tuition for an increased number of students.

Unfortunately, neither the Ford Foundation nor most law schools have the funds to support the CLEO expansion necessary to reduce the current imbalance in the legal profession. Consequently, CLEO is considering supplementary measures. One of these is greater reliance on long-term loans with a "forgiveness" feature for those who go into low-paying jobs, such as ghetto work. Another is the establishment of a special fund of contributions from law firms throughout the country. As a broad, long-term solution to the problem, there is the possibility of federal legislation providing funds for graduate study by members of disadvantaged groups.

Another area of CLEO endeavor might broadly be labelled communication. In part it is the communication to all law schools of the experience of those schools which have had summer institutes or have admitted graduates of the institutes. Another needed type of communication is between students, teachers, and CLEO officials; students are now being added to all CLEO committees. It is hoped that these students will also participate in recruitment and that they will assist first year CLEO students.

The reaction of students who have attended the institutes seems in general to be favorable. To Richard T. White, 2L, a student at the 1966 institute and a faculty assistant in the 1968 program, their major value is indicating to the student whether or not he is interested in studying law. The institutes are "small packages of what law school is really like."

White also felt that the required writing was very helpful. His two main criticisms of the institutes were that they were "too paternalistic," although this had been partly corrected in the 1968 institute, and that they did not do enough to convey the relevance of the law.

CLEO is not alone in its efforts to attract disadvantaged groups into post-collegiate studies. This week Professor Sander will attend a conference of the Intensive Summer Studies Program, an organization run by Harvard, Yale, and Columbia, whose objective is to get members of disadvantaged groups into graduate schools. Medical and business schools are also becoming interested in similar programs.