

THE COMMENTATOR

Vol. XLI, No. 9

The Student Newspaper of the New York University School of Law

February 1, 2007

Student Anger Mounts Over Mac Ban

By BOBBIE ANDELSON '08

Like many other NYU Law students, Joe Hutchinson and Molly Tack (both members of the JD Class of 2009) are angered by the law school's ban on Macintosh computers for exam-taking purposes. Unlike other students angered by the law school's policy, Hutchinson and Tack (aided by the Information Law Institute Student Association [ILISA] and its leaders, Tim Schneider and Evan Hill-Ries, members of the JD Class of 2008) decided to take action.

"In addition to imposing a software platform on students, the central point of outrage among students is that the administration at NYU Law is not responding to its students, and the administrations at other schools are," Tack said.

According to Hutchinson, "when I was admitted to NYU Law School and decided to attend, other schools had Mac bans too. Then, other schools started to change their policy [to allow Macs]. Had I gone to any other school that I was seriously considering, this would no longer be a problem."

Hutchinson and Tack de-

ecided to take action last semester when they heard from a friend at University of Pennsylvania Law School (UPenn) that the school was changing its technology policy mid-semester to accommodate students who wanted to use Macs.

"UPenn told me that they had no problems using ExamSoft [the exam-taking software program that NYU Law is also under contract to use] on dual booting Macs, calling the whole process 'straight-forward.' Why can the IT departments at every other law school figure it out, and NYU's can't?" Hutchinson said.

In addition to UPenn, Columbia and Cardozo Law Schools also changed their policy mid-semes-



The School of Law exam policy currently does not allow students to use Mac laptops, even the new generation of dual-boot "Mactels."

ter to allow students to use Macs, according to Hutchinson. University of Michigan Law School had already changed its policy over the summer to allow Macs. Furthermore, members of Michigan's Information Technology Department even install the Mac-friendly software on students' computers for them.

Of the three schools ranked above NYU by *US News & World Report*, Harvard and Stanford use no special exam software, relying instead upon an honor code. Yale uses a software program called *Securexam*, chosen specifically because it works for both Macs and PCs.

Towards the end of last semester, Hutchinson and Tack created a group on Facebook.com, an online networking site. They called the group "NYU Law Mac Attack!," and the group has 92 NYU law student members and counting. The group site proclaims: "Why is NYU alone in the Top Ten? Because we are the only top ten law school that doesn't allow Macs."

Hutchinson and Tack then joined forces with ILISA to create an official online petition, as not all students are members of Facebook. The petition, found at www.ilistudents.com/macattack, has 125 members and counting.

"Last semester, you could

have been an NYU student taking exams on a Mac—if you took your classes at Columbia," Hutchinson said, referring to the Columbia/NYU Law Exchange Program, which allows students at each law school to cross-register for courses at the other.

"When you have two law schools of equal strength on a really small island [Columbia and NYU], students' decisions come down to making quality of life choices, and I would not be surprised if the Mac ban tipped some students over the edge away from attending NYU," Hill-Ries said.

The ILISA believes that the technology policy can be effectively changed "now" by allowing the use of dual-booting Macs. "Columbia and UPenn, the only other 'top ten' schools that use Examsoft, both revised their policies during the fall semester to allow the use of 'Mactels' in that exam period. In addition, UMich not only allows the use of 'Mactels,' they also install the software professionally for students," the ILISA website proclaims.

In the long-term, the student leaders at ILISA advocate that NYU "abolish all platform requirements and allow students to purchase the computer of their choice. Follow the lead of Stanford, Harvard, University of Chicago, UC Berkeley, and UVA by moving away from testing software altogether, which the Honor Code makes unnecessary. If testing software is not abolished entirely, switch to an exam technology that works natively across multiple platforms."

New York University, the cause was a brain aneurysm. Ms. Goldberg was 54 years old.

Born in Brookline, Massachusetts on May 1, 1952, Ms. Goldberg attended Radcliffe College and Harvard Law School. Before joining the Charles H. Revson Foundation, she was a moderator for the Jewish Funders'

Network; a senior staff member of President Jimmy Carter's Commission for a National Agenda; a director of a Boston family court program which was funded by the federal Law Enforcement Assistance Administration; and a consultant to Judges David Bazelon

See GOLDBERG page 2

Domestic Spying Town Hall Draws Packed House

By BOBBIE ANDELSON '08

It was a standing room only crowd on one of the coldest nights of the year.

"This is a packed house, and I guess that is one indication that not only is this an important issue, but that all you people here get it," said Donna Lieberman, Executive Director of the New York Civil Liberties Union (NYCLU) in introductory remarks at an event entitled "Just Between You and Me—and the NSA?: A Town Hall Meeting on Domestic Spying, NSA Surveillance and the Rule of Law."

The town hall meeting, which took place at the law school on the evening of January 16, was hosted by NYU's ACLU student group. In addition to two other NYU law student groups, the event's co-sponsors included a mix of twelve community and national organizations.

After decrying the fact that warrantless surveillance has not received the attention that it deserves in Congress, Lieberman said, "the fact that this event is taking place as a town hall meeting is not irrelevant. Everything the government is doing (with warrantless surveillance) is secret and we wanted to give New Yorkers a free open forum. We hope that everyone here will speak freely regardless of their views on these issues. At the ACLU, we thrive on dissent."

Although the ACLU is an adamant opponent of National Security Agency (NSA) spying, of the six expert panelists featured at the town hall meeting, three were in favor of the government's power to use warrantless surveillance and three supported the ACLU's view.

At the last minute, the seventh panelist, Congressman Jerrold Nadler, an adamant opponent of the Bush administration's warrantless wiretapping, was unable to attend. The Democrat has served in Congress since 1992, as the representative of New York's Eighth Congressional Circuit. He is a senior member of the House Judiciary Committee and Chair of the Constitution Subcommittee. In the videotaped comments that the Congressman sent to the town hall meeting in his stead, Nadler stated that his belief that warrantless wiretapping is a clear criminal violation of the law, and those who are

responsible, including the President, should be held accountable.

"We are fortunate enough to have three people who disagree with us and we hope you will treat them with respect," Claudia Angelos said. Angelos, who moderated the panel, is a Clinical Professor of Law at NYU. She founded and still teaches the law school's Civil Rights Clinic. She is also the President of the Board of Directors of the NYCLU.

Angelos' invocation to treat the expert proponents' of government wiretapping with respect was occasionally disregarded by the vociferous audience, comprised of New York City community members, law students, and even several conspiracy theorists.

Angelos explained that the panel's format would involve each panelist being asked a question which they would have four minutes to answer. Afterwards, the floor was open to members of the audience to make comments or ask questions of the panelists.

The three panelists who spoke against warrantless wiretapping were Ann Beeson, Patrick Radden Keefe and Tara McKelvey. The three panelists who spoke in favor of the government's ability to use warrantless wiretapping were Timothy Bakken, Timothy Connors, and Andrew C. McCarthy.

The first panelist to speak was Keefe—an author, fellow at The Century Foundation, Yale Law graduate, and frequent commentator on issues of intelligence and international security. Keefe encouraged audience members to "not just take it blindly that these programs are going to make us safer... If we are not careful, we will end up both less safe and less free."

Beeson is the lead attorney in the ACLU's challenge to the NSA's warrantless wiretapping program, *ACLU v. NSA*. She also chairs the ACLU's International Human Rights Task Force and has been named by *American Lawyer* as one of the top litigators under the age of 45.

Beeson feels that warrantless surveillance is unconstitutional because it violates the 4th Amendment. She also stated her view that the warrantless surveillance program expressly violates the Foreign Intelligence Surveillance Act of 1978, as well as constitutes an executive violation of the separation of powers doctrine.

Beeson said, "The FBI has placed confidential informants in

See SPYING page 4

Lisa E. Goldberg 1952-2007

By JEREMY FISCHBACH '09

Lisa E. Goldberg, president of the Charles H. Revson Foundation and wife of New York University President and former Dean of the New York University School of Law John Sexton, passed away at St. Vincent's Hospital on January 22. According to a spokesman for

GOLDBERG: Philanthropist and Leader

Continued from page 1

and Harold Leventhal of the Federal Court of Appeals of the District of Columbia.

In 1982, Ms. Goldberg was hired as a program officer at Charles H. Revson Foundation, a philanthropic organization based in New York which provides grants to hospitals, schools, and service organizations serving the Jewish community. Created by Charles Revson, the founding President of Revlon Corporation, the Foundation has disbursed roughly 145 million dollars since it started awarding grants in 1978. Its endowment exceeds 200 million dollars and it disburses over 9 million dollars annually.

Ms. Golberg quickly evolved into a central figure at the Foundation, particularly in its grantmaking operations. She was named Vice President in 1984, Executive Vice President in 1994 and President in 2003.

Under her leadership, the Foundation provided grants to the Women's Law and Public Policy Fellowship at Georgetown University, the Children's Defense Fund, Project Vote Smart, the Media Access Project, and the Center on Budget and Policy Priorities.

According to Ruth Mandel, Director of the Eagleton Institute at Rutgers University, Ms. Goldberg was the "connective tissue" carrying the "lifeflood of information and ideas" which sustained the vast network of people and organizations devoted to progressive change in women's issues, public policy, media, law and politics.

Success in Ms. Goldberg's line of work requires business savvy, compassion and personal charm, and by all accounts she possessed bountiful quantities of all three. Judith Lichtman, founder of the National Partnership for Women and Families, mentioned Goldberg's blend of practicality of humor, as well

as her desire to disperse the wealth of the Foundation in all directions. When the children's program Sesame Street was translated into Hebrew, Lichtman said, Ms. Goldberg saw to it that it was also translated into Arabic. Furthermore, Ms. Goldberg's participation was always hands-on, stretching from the initial grant to the street-level utilization of funds. As Lichtman put it, "she didn't just say, 'Here's the money, go do it.' She stayed around to make sure it was done right."

Ms. Goldberg's passing is a significant loss to many communities. We extend sincere condolences to all of them, in particular the tight-knit community that is her family.

Ms. Goldberg leaves behind husband, John Sexton; two children, Katherine Lodgen Sexton and Jed Sexton, both of New York; a sister, Donna Eskind of Nashville; a brother, Philip Goldberg, U.S. ambassador to Bolivia; and three granddaughters.

SPYING: Analysts Disagree, Debate

Continued from page 1

Greenpeace and PETA, so the next time [the government tells] you that they are not spying on peaceful protestors, don't believe it."

McKelvey spoke against wireless surveillance from the perspective of one of the ACLU-represented plaintiffs in the *ACLU v. NSA* case. "I'm a comparatively unparanoid person,"

McKelvey proclaimed. "I am not the person that hears clicking on the line and thinks that the government is listening to them."

However, McKelvey became a plaintiff in the ACLU's lawsuit against warrantless surveillance because, in the process of interviewing individuals for her forthcoming book, *Monsterring: Inside America's Policy on Secret Interrogations and Torture in the Terror War*, she had made

promises to a woman whose relative had been tortured.

"I had made promises to her on the phone that I could not have in good faith made had I known my phone might be tapped, and that is what this lawsuit is about," McKelvey said.

Of those in favor of the Bush administration's warrantless surveillance, Connors spoke first. Connors is the Director of the Manhattan Institute's Center on Policing Terrorism, which helps police departments combat terrorism using a global network of counter-terrorism experts. He was followed by Bakken, a former prosecutor and current professor of constitutional law and criminal law at the United Military Academy at West Point.

According to Bakken, "the Supreme Court in 1972 said that it is an open question whether the President has authority to engage in warrantless wiretapping for the purposes of national security. The President is obviously on the side that he thinks he does have this inherent authority under Article III... When

Attention Student Groups: The SBA Is Here to Help!

By JOHNATHAN SMITH

Without doubt, one of the strongest aspects of NYU School of Law is the plethora of student groups that flourish on campus. Whether you are interested in politics, religion, diversity, or athletics there are groups that can satiate that desire. I know for a fact that many students were attracted to NYU because of the student groups, and their willingness to actively engage in issues both on and off campus.

This column is just a reminder to student group leaders (or would-be student group leaders) that the SBA is a resource that you should consider using more actively. Obviously, student groups work closely with the SBA Treasurer when it comes to securing funding, but it is our hope on the SBA that student groups will view us as more than just that. Whether it is assisting with publicity, providing ideas for fundraising efforts, or working with the administration to become more friendly and amenable to concerns that are central to your group, the SBA can play a role in facilitating all of those efforts.

Of course, like any healthy environment, student groups at NYU are constantly evolving and developing. Thus, if you

have an idea for a new group or have some programming you want to see added to current groups, please feel free to let an SBA Representative know. Not only can the SBA assist with setting up new groups, but we also have funding specifically earmarked for groups that want to do new projects or events that were not originally in their budget. And even in those cases where the SBA's resources may be limited, we can definitely work to connect you someone who will be able to help.

As a former student group leader, I can personally attest that sometimes working with the SBA can seem more of a hassle than anything else. And the SBA, like all well-functioning bureaucracies, can at times be slow and have processes that seem overly laborious. Well, we want to work on changing that. But in order to do that we need your help. So if you have any suggestions, comments, or hints about how the SBA can be more effective in working with student groups please let us know. In short, student groups are important on this campus, and one of the most important things the SBA can do is work to further develop those groups to make them as strong and as amazing as they each can be.

balancing the interests in determining whether the President has the authority to do this, it must be remembered that if any speech is curbed, it is for the purpose of stopping a second 9/11-type attack."

McCarthy was the final panelist to speak. He is a Senior Fellow at the Foundation for the Defense of Democracies and a former federal prosecutor who led the prosecution of Sheik Omar Abdel Rahman, the leader of the militant group responsible for the bombing of the World Trade Center in 1993.

"If we were in a situation of

total peace time, we would be in law enforcement mode and the normal rules of needing to go to a judge and get a warrant would apply," McCarthy said. "We are dealing with a new paradigm, with a War on Terror, and we are trying to fit it into either a war context or a standard peace time law enforcement context, and it doesn't neatly fit into either."

He continued, "Essentially, the main check on government power is political. If the political will was there, these warrantless surveillance programs would not be funded or the people voting for funding would be voted out of office."

THE COMMENTATOR

The Student Newspaper of
New York University School of Law

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THE COMMENTATOR
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Have your writing read by dozens of readers

The Commentator is looking for photographers, news, arts, sports and opinions writers, as well as a comic artist or crossword designer to bolster the spring semester staff.

Contact fuma@nyu.edu.
Do it before the next semester.

Annual Public Service Auction Promises to Raise Money for PILC

By BRIAN ASCHER '09

The Annual Public Service Auction – the social and philanthropic event of the law school year – is fast approaching. Under the direction of Dave Edwards and John Infranca the Public Service Auction Committee is entering the final weeks of preparation for this year's event. In the fall, students traveled throughout New York City soliciting donations of auction items from area businesses. They brought in a record number of exciting items, including gift certificates to a broad range of area restaurants, jewelry and hand-crafts, a pleasure kit, yoga and martial arts lessons, designer purses and dresses, and a chocolate tasting.

At the same time the Alumni Committee has contacted NYU Law graduates to request further donations and financial support. They have already brought in number of incredible items: vacations in Maui and Jamaica,

NASCAR tickets, a weekend at a cabin in the Catskills, and tickets to a variety of sporting events.

Meanwhile, the Corporate Donations and Law Firms Committee have brought in major sponsors, including Bar/bri and the law firms of Paul Weiss, Clifford Chance, LeBoeuf, Orrick, and Kramer Levin. Exciting donations from NYU Law community continue to roll in. NYU's own students have offered a

cornucopia of baked goods, language lessons, shopping assistance, private cooking instruction, personal training, homemade beef jerky, and an evening with Section 3's Tommy Haskins. Those attending the auction will also have

the opportunity to bid on items donated by our esteemed faculty such as: wine and cheese tasting

at 6 p.m. on Thursday, March 1st in Vanderbilt Hall, and will be conducted by a professional Auctioneer from Christie's!

The 13th Annual Public Service Auction is the largest student-run event at the Law School. Proceeds from the auction support NYU's commitment to guarantee summer funding for public interest work. Through the generous contributions of local and national

businesses, law firms, alumni and other members of the NYU community, over \$120,000 was raised during last year's auction to support over 300 students as they engage in public interest work throughout the world.

Items suitable for all price ranges will be available at the auction. The event features both a silent auction in Greenburg Lounge and a live auction across the hall in Tishman Auditorium. Student tickets are \$5 prior to the day of the auction and \$10 if purchased at the door. Regular admission is \$15. Ticket sales begin in late February and will take place in Golding Lounge.

The auction committee is still looking for donations from the law school community, including students and their families, faculty, and staff. Individuals interested in donating an item should contact Annie Railton or Emma Deacon at law.psa.community@nyu.edu. To find out more about the auction visit the Public Service Auction website at www.law.nyu.edu/studentorgs/psa/. There you can view a regularly updated list of auction items, further details on the event, and stories of past recipients of summer public interest grants.



This luxurious cabin could be yours. For a weekend. If you pay out the nose. For charity.

with Vice Dean Gillette; brunch in Cobble Hill and a walking tour of Red Hook with Professors Holland, Guruswamy, and Myers; and a weekend at Professor Stewart's country home.

This year's auction will be held

Bake for Justice

The Annual Public Service Auction is looking for donations of items and services – particularly silent auction items donated by law school students or their family and friends. We have already received some great student donations, including language, cooking, music and dance lessons, baked goods, special dinners, an evening violin serenade, and a pair of custom-made earrings. Particularly creative items or services are especially welcome. Your donation can make a vital contribution to the Public Service Auction.

To make a donation please contact:

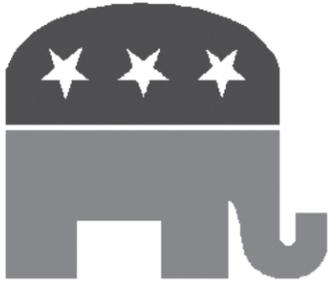
Anne Railton and Emma Deacon at
law.psa.community@nyu.edu

The Annual Public Service Auction will be held at 6 p.m. on Thursday, March 1st in Vanderbilt Hall.



Visit our website at www.law.nyu.edu/studentorgs/psa for an exciting list of items to bid on!

The Uncertain Landscape of Election Law: Where Does the Ballot Box Head From Here?



Friday, February 23, 2007



This symposium, sponsored by the NYU School of Law's Annual Survey of American Law, will focus on current election law topics such as campaign finance, partisan redistricting, and democratic integrity. The three panels include some of the foremost experts on election law from around the country, including Dan Tokaji, Nate Persily, Rick Pildes, Samuel Issacharoff, and Burt Neuborne. 9:00 AM – 4:00 PM. Greenberg Lounge, NYU School of Law, Vanderbilt Hall.

The Day's Schedule:

- | | |
|-------|--|
| 9:00 | Registration and Breakfast |
| 9:30 | Welcome and Opening Remarks |
| 9:45 | Panel 1: Campaign Finance Law
and the Future of Spending Constraints
Sam Issacharoff (Moderator)
Deborah Goldberg
Burt Neuborne
Mark C. Alexander
Laurence Laufer |
| 11:15 | Coffee Break |
| 11:30 | Panel 2: Partisan Redistricting: From
Justiciable Claims to Manageable Standards?
Jonathan Nagler (Moderator)
Nate Persily
Richard Pildes
Eric Hecker
David Epstein |
| 1:00 | Lunch |
| 2:15 | Panel 3: Voting Access, Integrity, and
the Trustworthiness of the Democratic Process
Rebecca Morton (Moderator)
Jerry H. Goldfeder
Stephen Ansolabehere
Dan Tokaji
Debo Adegbile |
| 3:45 | Closing Remarks |

HOT MARKETS: THE FUTURE OF THE AMERICAN LEGAL PRACTICE IN THE REGULATION AND BUSINESS OF GREENHOUSE GASES

Tuesday February 13, 2007 at 9:15 AM

New York University School of Law

D'Agostino Hall, Lipton Hall, 108 West Third Street New York, NY 10012

The New York University Environmental Law Journal is proud to present its Spring 2007 Colloquium. This colloquium will bring together academics as well as private and public sector actors to look at the future of market-based mechanisms for the American regulation of greenhouse gases. The colloquium will give special attention to how such markets are likely to develop in the US. The conference will focus on the transactional legal aspects of various approaches. The conference will also seek to consider lessons learned from the European Emissions Trading Scheme to the development of US carbon markets.

Schedule of the day's events:

9:15 A.M. - Registration/ Buffet Breakfast

9:45 A.M. - Opening remarks, **Clayton Gillette**, Vice Dean of NYU School of Law; **Ilmi Granoff**, Colloquium Editor, NYU Environmental Law Journal

10 A.M. - Panel One: Present Practice & The Protocol: Lessons Learned from Today's Greenhouse Gas Markets

Panel includes: **Jacob Werksman** (moderator), Adjunct Professor of Law, NYU; **Christopher K. Carr**, Senior Counsel, Project Finance and Cofinancing, Legal Department, World Bank; **William Thomas**, Counsel, Clifford Chance LLP; **Dale Bryk**, Senior Attorney, Natural Resource Defense Council

11:30 A.M. - Coffee Break

11:45 A.M. - Panel Two: US Markets in the Coming Decade: Regulatory Scenarios, Market Participation and Integration and the New Business of Greenhouse Gas Markets in the US

Panel includes: **Richard Stewart** (moderator), John Edward Sexton Professor of Law, NYU; **Edna Sussman**, Of Counsel, Hoguet Newman & Regal, LLP; **Kyle Danish**, Member, VanNess Feldman; **Michele Corash**, Partner, Morrison & Forester LLP

1:15 P.M. - Lunch Break

2:45 P.M. - Panel Three: Earning Fees From Trades and Trees: The Business and Legal Practice of American GHG Trade and Finance.

Panel includes: **Katrina Wyman**, Associate Professor of Law, NYU; **Richard Rosenzweig**, Chief Operating Officer, Natsource LLC; **Martin Wittaker**, Director, MissionPoint Capital Partners; **Bruce Usher**, Chief Executive Officer, EcoSecurities Group Limited; **David Hayes**, Partner, Latham & Watkins

4:35 P.M. - Concluding Remarks, **Michael Schwartz**, Colloquium Editor, NYU Environmental Law Journal; **Kevin Lynch**, Editor-in-Chief, NYU Environmental Law Journal

The event is free and open to the public. No pre-registration is required. Five CLE credits will be available for all-day participation at this event.

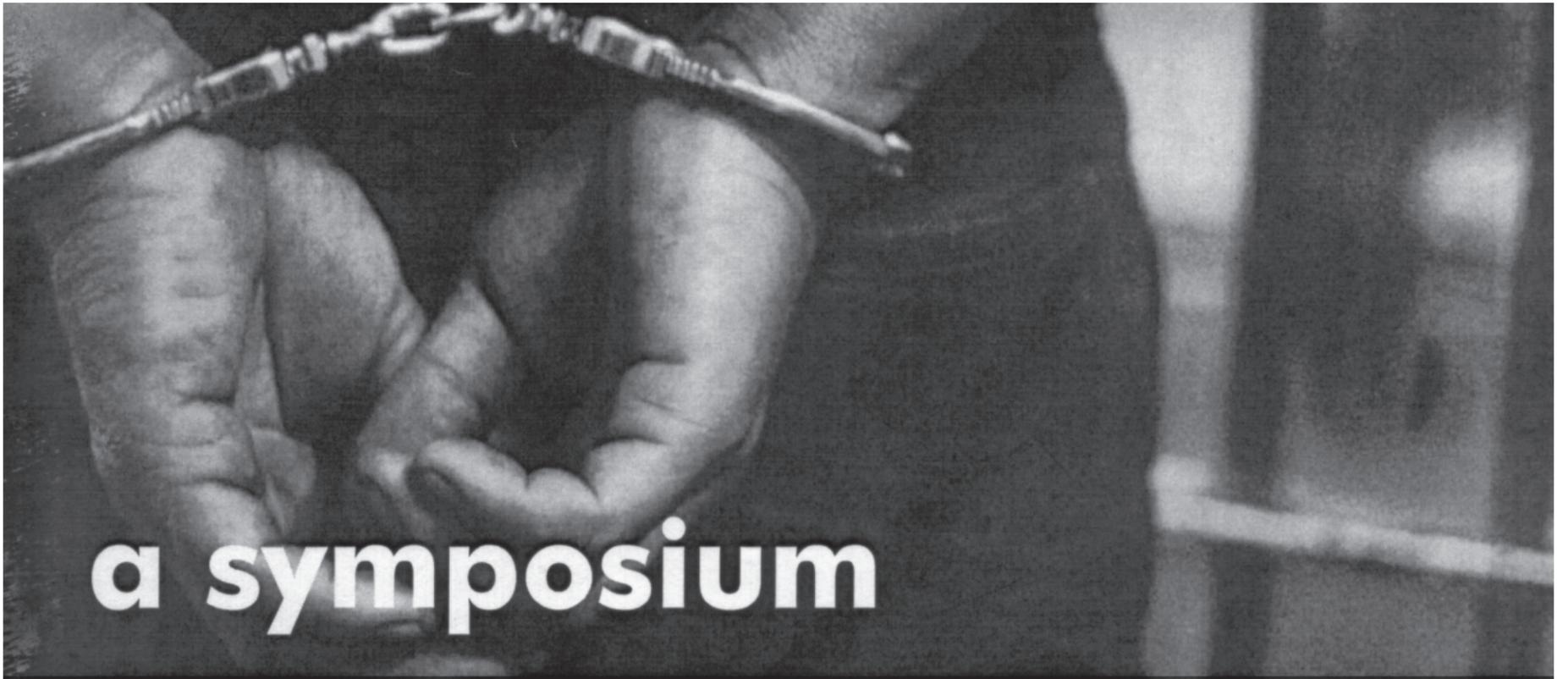
This schedule will be updated and is available at:

<http://www.law.nyu.edu/journals/envtlaw/colloquia/upcoming/index.html>

For more information about the event feel free to contact:

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a symposium

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Columbia Law School



ARTHUR GARFIELD HAYS FELLOWSHIPS

Second year students with demonstrated commitment to work in civil liberties and civil rights and strong skills are invited to apply for 2007-2008 Fellowships in the Arthur Garfield Hays Program. Materials describing the Program and the selection process are available in VH room 308. ***APPLICATIONS ARE DUE BY NOON ON MONDAY, FEBRUARY 5.***

Norman Dorsen
Sylvia A. Law
Helen Hershkoff



Children of Men: If You've Played a Videogame, You've Seen It

DAPHNE SHIH '07

I watch a lot of science fiction movies. Furthermore, I tend to seek out very *bad* science fiction movies—I'm the closest thing you can find these days to a B-movie buff. So when I walk out of a science fiction movie and feel sad and disappointed, I feel like my stomach is a barometer others should pay attention to.

Critics, apparently, love *Children of Men*. These real critics—unlike me—probably don't play enough (or any) videogames, because *Children of Men* looks, feels, and sounds like a post-apocalyptic videogame. Why? (The game I have in mind particularly is *Gears of War*, available on the Xbox 360.)

1. Washed-out (or sepia-tinged) cinematography. This is the latest fad in first-person shooters, as well as post-apocalyptic movies like *28 Days Later*. (I also believe that *28 Days Later* is a complete rip-off of *Resident Evil: Apocalypse*, and does not deserve most of the good reviews it received. Just so you know.) I think directors like it because it makes injuries and blood more vivid, as well as reminding the audience that in the future, color is passé. This partiality for grey might also explain why England is in vogue as the future dystopia of choice.

2. Blood splatter. I personally find blood splatter gross, realistic though it may be, but game makers and now film-makers seem to think that blood stuck on a glass plate in front of your line of sight makes you feel more invested in the story.

3. Cut-scene style plot advancement. First-person shooters are all about action sequences

(where you shoot, roll, and duck your way to safety) alternating with cut-scenes (where characters talk, sneak about, overhear, and indulge in comic relief to move the story along in a movie format). It's arguable that action sequences need to be long and extended in order to capture the *feel* of this horrid future

any Orwell or Huxley: a warehouse; a cabin in the forest; a tall, white government building; a farm; a highway.

4. Predictable elimination of non-essential characters. This film eliminates characters as soon as they surpass their usefulness with clockwork-like efficiency. If you

Kingdom would be the only remaining Western country in existence at some point in the future, but even in such dire straits, I absolute refuse to believe that the UK would *ever* name their domestic administration agency the Department of Homeland Security. I say, if you want a nationalist take

Owen's pre-adventure life – him getting coffee, going to work, or taking the tube – because it explained the state of things better than an hour's worth of reminiscing on screen. I loved Kee, because she's a sensible and fun portrayal of someone who really didn't expect to ever be important; and I love the exemplifications of humanity scattered throughout, like the man still in love with his near-comatose wife, or the nonsensical philosophizing that accompanies alcohol and a bit of time. On a technical level, the action sequences are extraordinarily well-shot, and it's clear that the director took time to put as many of the book's details into scenes as he could.

But none of these accomplishments can shake the feeling one gets that *Children of Men* feels too much like it is a parable, or an allegory. (I add both terms here because they are, according to Wikipedia, not the same thing.) The film can't cut off enough ties to the present for it to feel more like a story than a political critique. It is just too much for any piece of cinema to criticize the (entire) state of things and be a popular film – the cinematic form just doesn't lend itself to the dense analysis and storytelling needed to develop a truly critical dystopia. Even *Blade Runner*, perhaps the most influential dystopian film of all time, was poorly received by audiences. When I go to see a movie, I'm looking for a neat package of something – perhaps something thought-provoking, or something humorous, but not a visceral clutter of dissatisfaction, despair, and reflection on the human condition.

So maybe I just need to go read the book.



Clive Owen and Julianne Moore star in *Children of Men*, which - despite what this article says - is really a pretty good movie. Just my two cents.

(see #2, blood spatter), but the cut-scenes often feel like just an opportunity to insert some exposition on the horrible things that have happened so far. The integration of action and storytelling was impossible for videogames made a decade ago because of graphics technology restrictions, but films – as far as I know – have no such restrictions, and could have integrated the two years ago. Also, the sets are kind of stereotypical, if you have read

realize early on that this is not a film about reconciliation and relationships, but sacrifice and survival, the elimination process is predictable from early on. This predictability, needless to say, makes you care less about practically everyone in the film except for the baby.

5. Inconsistently nationalist visions of the future. I can understand that the original author sincerely believed that the United

on the future, please at least be consistent.

6. Questionable rationality of all non-essential characters. I can't say too much at risk of completely spoiling the plotline, but I will say that if anyone had listened to Clive Owen's very rational suggestion in the first half-hour of the movie, much blood splatter could have been avoided.

To be clear, I didn't hate this movie. I liked the scenes of Clive

Richard Posner, God of All Things, Will Now Explain Plagiarism to You

BY JULIAN DAYAL '08

It is exhausting just to wonder how Judge Richard Posner finds the time to be a judge, law professor, lecturer, and the most prolific author the legal academy has ever seen. Perhaps he doesn't sleep. Or perhaps he simply plagiarizes much of what he writes. The latter possibility would be of great comfort to those mere mortals who struggle to produce even one-tenth of his work volume. But mere mortals will have to find solace elsewhere, for it turns out that even when he's writing about plagiarism, Posner is as original as they come.

The Little Book of Plagiarism is primarily dedicated to articulating what Posner claims to be the correct definition of plagiarism. But more than being a book-length correction of the good folks at Merriam Webster, Posner aims to develop a comprehensive and coherent theory of plagiarism that answers a number of deceptively vexing questions. Like why society treats student plagiarism and professorial plagiarism so differently? And why Shakespeare, who copied much of his work, is con-

sidered a genius, while Stephen Ambrose, who apparently did the same, is considered a fraud? And, of particular interest to law students and would be policy makers, why plagiarism and copyright infringement are not the same thing?

The book's answers to those questions, I will decline to summarize. You should read it yourself. After all, it only takes an hour to get through, and when was the last time that could be said about anything written by Richard Posner? Besides, a discussion of plagiarism is a bit more digestible than a treatise on law, which means the book offers a rare and delightful look into the analytical workings of a genius that are often obscured by more complicated subject material. That is not to say, however, that the book is perfect. Posner's reasoning is impeccable, but many of his assumptions are less than rigorously defended. For example, postmodernists and their deconstructionist siblings might attack the very idea of plagiarism as a farce premised on antiquated notions of originality. Plagiarism, they might conclude, is just an-

other useless vestige of the romantic era and the straightjacket it placed on ideas and the process



of conceptualization. Posner does not meet this argument so much as dismiss it, in a mere two paragraphs. But to attack the book on these grounds is to demand that it be something it has no desire to be.

So we should say a few words about what *The Little Book of Plagiarism* is not. It is not a book

about big ideas. Or big pages. One gets the sense that Posner doesn't tackle plagiarism because he thinks it a subject of exceedingly high importance so much as he was tired of the word's constant misuse. Likewise, Posner makes no effort to tie anything he has to say to deeper philosophical questions or existentialist debates.

And that's what makes the book so endearing: the utter contempt Posner has for what we might call "waxing poetic." In other words, Posner is so skillfully disciplined in keeping the book from reaching beyond its modest ambitions – defining plagiarism – that it leaves you wishing more authors of non-fiction would limit themselves to discussing what they know, what's relevant, and little more. I guess you could say it's a matter of efficiency....

One last thing. I began by noting that in writing *The Little Book of Plagiarism* Posner did not help himself to anyone else's words. But he, or at least his publisher, did help himself to one thing. Your money. At \$10.95 you should still read this tiny, little book. But only after you find

your library card.

One last, last thing. *Legal Affairs* calls *The Little Book on Plagiarism* a "tour de force." A "tour de force" it, decidedly, is not. If book reviews needed any more clichés, I would call the book "a vigorous stroll through moderately crowded streets." But in any event, it is regrettable that use of the term "tour de force" isn't accompanied by the public shaming that often comes with plagiarism. Though I suppose it's even more of a shame that the term can't be copyrighted. By me. Because if I had a nickel for every time some half-bit critic called something a tour de force.... I haven't read this anywhere, but I'm sure it's been written: "The skies aren't so friendly in this summer's *Snakes on a Plane*, but Jackson's performance is a real tour de force in this, his 473rd movie of the year." And while we're on the subject, the love affair that self-important movie critics have with words like "schadenfreude" should be terminated. At any cost. May I suggest a sequel: *The Little Book of Intellectual Vanity*.