COURTING VIEWS FROM THE BENCH

A pair of Supreme visitors
Students flock to hear Justices Thomas and Ginsburg at HLS

JUSTICE CLARENCE THOMAS has become known as a quiet presence on the Supreme Court. But members of the Harvard Law School community got to hear him speak—and he did so with great humor and warmth—during a visit to the law school on Jan. 29.

As part of the Herbert W. Vaughan Lecture Series, Thomas participated in a conversation with Dean Martha Minow, after a day that included meetings with faculty and students. In introducing Thomas—a graduate of Yale Law School—Minow noted that he had turned down his admission to HLS because he’d found it “too large and too conservative.”

HOW SOCIAL NETWORKS INFLUENCE BEHAVIOR
Experts explore how interactive media can sway decision-making

SCHLARS AND SOCIAL MEDIA experts convened at Harvard Law School Feb. 6 to examine the ways in which electronic interactive media can sway human decision-making and behavior.

The event, “Social Media and Behavioral Economics Conference,” was sponsored by the law school’s new Program on Behavioral Economics and Public Policy and created by the program’s director, Cass Sunstein ’78, who recently returned to HLS following three years as administrator of the White House Office of Information and Regulatory Affairs in the Office of Management and Budget.

While serving in the OMB, Sunstein was known for trying to make the federal regulatory system “as sensible as possible” by applying cost-benefit analyses and assessments of human behavior to his reviews of proposed governmental rules.

Elliot Schrage ’86, vice president of communications and public policy at Facebook, pointed out how rapidly the influence of social media has come about. He said that when he joined Facebook five years ago, it was seen as “this silly tool where people would poke each other and throw sheep. I distinctly remember being part of conversations where we would say, ‘We think these technologies of connection, not just Facebook, are creating a revolution.’ And people would laugh.”

But after revelations of social media’s role in the creation of the Arab Spring two years ago, he noted, nobody takes social media lightly.

Since then, he said, social media have proved to be successful in a variety of ways, including the improvement of communication between individuals and groups and the achievement of public-health goals.

One of the most dramatic public-health initiatives driven by social media has been a Facebook program launched last spring that has prompted 500,000 people to register as

JUSTICE GINSBURG ON DEFENDING EQUAL RIGHTS

“It was hard enough to get a job if you were a woman, but if you were a mother, then it was impossible,” recalled Ruth Bader Ginsburg ’56-’58, once a struggling young lawyer in a male-dominated field but now a veteran justice of the U.S. Supreme Court.

Through determination and hard work, Ginsburg eventually reached the top of her profession. The legal scholar and tireless defender of equal rights reflected on her career during a discussion with Harvard Law School Dean Martha Minow on Feb. 4.

Ginsburg recalled the frosty climate that greeted women hoping to
Copyright course lays the groundwork for HLS online classes

HLS debuts first edX course

Harvard Law School launched its first-ever online course this spring, opening the Copyright course to 500 people from around the world. The class, taught by Professor WILLIAM W. FISHER ’82, is modeled closely on one Fisher has been teaching since 1994. The course is offered through edX and lays the groundwork for future online classes to be taught by HLS professors.

$100 million grant from NFL Players Association

Professor I. GLENN COHEN ’03 and HOLLY FERNANDEZ LYNCH of the Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics at HLS will work with colleagues at Harvard Medical School and other parts of the university to help the National Football League usher in a new era of safety. Using a $100 million grant from the NFL Players Association, the program will marshal the intellectual, scientific, and medical expertise to discover new approaches to diagnosing, treating, and preventing injuries and illnesses in both active and retired players.

Free legal help for enterprising students

Working to provide free legal research and analysis for student-founded startups at Harvard and MIT, the HARVARD LAW ENTREPRENEURSHIP PROJECT, established in spring 2011, is the newest of 13 student practice organizations at HLS. Research is conducted by teams of HLS students supervised by leading startup attorneys from firms including WilmerHale, Gunderson Dettmer, Cooley and Charles River Ventures. Founders from throughout the university have pursued ventures in improving vaccine transport and clean-energy battery technology, among others.

Meltzer named ALI director

Professor DANIEL J. MELTZER ’75 has been appointed the next director of the American Law Institute, a leading organization that produces scholarly work to clarify, modernize and otherwise improve the law. A scholar in the fields of federal court jurisdiction and criminal procedure, Meltzer recently served as principal deputy counsel in the Office of the White House Counsel, where he advised President BARACK OBAMA ’91 on a wide range of issues, including terrorism, health care reform and preparation for the confirmation hearings for U.S. Supreme Court Justice Sonia Sotomayor.

Peter Barton Hutt: Celebrating 20 years at Harvard

A group of scholars gathered with PETER BARTON HUTT ’59 at HLS on Jan. 17 to celebrate his career, including 20 years (thus far) teaching an influential food and drug law course. Hutt also served as chief counsel for the Food and Drug Administration and is the co-author of a food and drug law casebook. Panelists included Dean MARTHA MINOW, HLS Professor I. GLENN COHEN ’03, University of Pennsylvania Law School Professor THEODORE RUGER ’95 and LEWIS GROSSMAN ’90, a law professor at American University.

World of words contributors

In commemoration of Black History Month, Professors LANI GUINIER and CHARLES OGLETREE ’78 were recognized by the Maynard Institute for Journalism Education as two of 28 noteworthy African-Americans who have contributed to the “world of words.” Among the honorees were Pulitzer Prize winner Gwendolyn Brooks, CNN anchor Soledad O’Brien and award-winning author and illustrator Jerry Pinkney.

The 113th Congress now has 20 female senators, including former HLS Professor Elizabeth Warren, the most ever in U.S. history, yet women still make up only 19 percent of Congress and hold only five governorships in the country. On Feb. 8, the Women’s Law Association hosted a conference, with keynote speaker Stephanie Schriock, the president of EMILY’S List, to discuss harmful effects of the persistent underrepresentation of women in leadership positions and to present potential strategies for closing the gender gap in the future.

What is marriage?

Harvard Law Professor Richard Fallon moderated a debate between Sherif Girgis and Andrew Koppelman on same-sex marriage on Jan. 31. The debate, sponsored by the Harvard Federalist Society, took place in Ames Courtroom and was recorded by C-SPAN. Girgis, a law student at Yale and co-author of “What Is Marriage?: Man and Woman: A Defense,” argued against same-sex marriage, saying the issue is about defining marriage, not equality. Koppelman, a professor of law and political science at Northwestern and author of “Defending American Religious Neutrality,” made his case in favor of same-sex marriage.

Your feedback is appreciated!

Thanks to all who have participated in our online readership survey. If you didn’t receive our survey request, we invite you to respond now to a brief survey.

Please let us know how we can best meet your needs when we deliver Harvard Law School news to you. Which publications do you prefer? What are we doing well, and what would you like to see in the future? The survey will take 10 minutes or less to complete, and your responses will be kept confidential.

HEALTH LAW

Year in P/Review

The past year was a historic one for health law, with the Supreme Court issuing the final word on the constitutionality of the Affordable Care Act alongside a host of other critical developments. On Feb. 1, the Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics held its first annual Health Law Year in P/Review event, bringing together leading experts to review some of the most important changes in the health law landscape over the past year, their implications for the future and a preview of what is to come. Presenters included HLS Professors Einer Elhauge ’86 and I. Glenn Cohen ’03, MIT Economics Professor Jonathan Gruber, and Northeastern Law Associate Dean Wendy Parmet ’82.

HLS in 9th Circuit territory...

Mary Triki ’13 and Harvard Immigration and Refugee Clinic Director and HLS Clinical Professor Deborah Anker worked together on an amicus brief, with the law firm Akin Gump, in support of asylum for a Salvadoran girl who was fighting against deportation from the U.S. Rocio Brenda Henriquez-Rivas had implicated gang members in her father’s murder in El Salvador and feared retribution if she returned to the country. The amicus brief was submitted to the 9th U.S. Circuit Court of Appeals as part of the petition for review in the case of Henriquez-Rivas v. Holder. The Board of Immigration Appeals denied asylum because she was not a member of a particular social group. In February, in a 9-2 decision, the 9th U.S. Circuit Court of Appeals vacated the decision and sent the case back to the BIA for reconsideration. The new decision could pave the way to asylum for many other immigrants who are facing similar fates in their home countries. Circuit Judge Carlos T. Bea, who immigrated with his family from Spain to Cuba before coming to the U.S., wrote the opinion for the court.

 HELP US CELEBRATE!

On September 27 to 29, 2013, Harvard Law School will host Celebration 60 to mark the sixtieth anniversary of women graduates at Harvard Law School. Please email Celebration60@law.harvard.edu or call 617-384-9523 for more information.
Lessig’s chair lecture honored the citizenship of one who thought differently

Aaron’s Laws

Law and Justice in a Digital Age

LAWRENCE LESSIG MARKED his appointment as Roy L. Furman Professor of Law and Leadership at Harvard Law School with a lecture titled “Aaron’s Laws: Law and Justice in a Digital Age.” The Feb. 19 lecture honored the memory and work of Aaron Swartz, the programmer and activist who took his own life on Jan. 11, at the age of 26.

Swartz spent the last two years of his life fighting federal charges that he violated the Computer Fraud and Abuse Act for accessing a computer network at MIT in 2010 and downloading millions of academic articles from the nonprofit online storage service JSTOR. He is the inspiration for “Aaron’s Law,” a draft bill, introduced by Congresswoman Zoe Lofgren (D-Calif.), which would limit the scope of the CFAA.

A longtime friend and mentor of Swartz’s, Lessig is the director of the Edmond J. Safra Center for Ethics at Harvard University. His most recent work “Republic, Lost: How Money Corrupts Congress—and a Plan to Stop It” advocates for a convention to address what he calls the corrupting influence of money and special interests in Congress.

He is a founding board member of Creative Commons, which promotes universal access, innovation, and sharing of ideas, and the creator of Rootstrikers, an organization that aims to share stories about government corruption, money, and media and to work toward practical reform.

LECTURE EXCERPTS

“We need to celebrate the activity hacking. We need to celebrate it because, like lawyers, maybe better than lawyers, what this hacking is is the use of technical knowledge to advance a public good. ... The most important part of Aaron’s life is that part most run over too quickly—when he shifted his focus from this effort to advance freedom in the space of copyright to an effort to advance freedom and social justice more generally. And I shared this shift with him.”

“In 2006, Aaron said to me, ‘However are you ever going to make progress in the areas I was working on—copyright reform, Internet regulation reform—so long as there is [as he put it] this “corruption in the political field”? I tried to deflect him a bit. I said, ‘Look, it’s not my field.’ And he said, ‘I get it, as an academic, you mean?’ And I said, ‘Yes, as an academic, that’s not my field.’ And he said, ‘And as a citizen, is it your field?’ As a citizen, is it your field? And this was his power. Amazing, unpatented power. Like the very best teachers, he taught by asking. Like the most effective leaders, his questions were on a path, his path. They coerced you, if you wanted to be as he was. They forced you to think of who you were and what you believed in and decide were you to be the person you thought you were.”

“To take this on through civil disobedience risked devastating penalties. Civil disobedience has an important tradition. ... What is civil disobedience about? It’s about taking a public act. Being willing to pay the penalty, because you’re able to pay the penalty. But copyright is different. The disobedience of copyright is not done in public. People are not willing to pay the penalty, because we are not able to pay the penalty. Compare: Martin Luther King, the civil disobedient, was arrested on scores of misdemeanors. He was only ever charged with two felonies and acquitted by an all-white jury of those two felonies because the basis of the claims was so outrageous. He did jail time, scores of days in jail. Compare him with Aaron. Charged with 13 felonies, giving a federal judge the right to sentence him to up to 35 years in jail.”

“These harms can, but they need not, produce harms. What this shows is that we need prosecutors who can tell the difference between Aaron and evil. Judge Kozinski reported that in response to his questions at the oral argument in Nos. 12-206 and 12-10212, the government assures us that whatever the scope of CFAA, it won’t prosecute minor violations. But the most striking thing about this prosecution was that the more they knew about Aaron, the more vicious they became. Their assurances notwithstanding, they became more intent to make this an example. ... You don’t need to believe that Aaron was right to see that what the government did here was wrong. Even if it was right that [Aaron] committed a crime, still, it was wrong for them to respond so disproportionately in response to that crime.”

“Aaron was a hacker, but not just a hacker. He was an Internet activist, but not just an Internet activist. He was a political activist, but not just a political activist. He was a citizen who felt a moral obligation to do what he believed was right, and if he was guilty here, it was because he acted on that view of what was right. And we need to act to respect that act of citizenship. To think beyond what Aaron did, to think beyond what was done to him, to think about the ideals he gave everything in his life to and to make those ideals the law.”

“After Aaron died, a German filmmaker wrote me an email, and he said, ‘Aaron was a victim of a strangely fascist spirit that has developed in America over the past decade or so. ‘Don’t andersendenken are being destroyed without any mercy. As if mercy were somehow a sign of weakness!’ ‘Don’t andersendenken translates roughly as ‘those who think differently.’ ... If this is America, we need to protect that right to think differently of all of us. We need to protect it here and we need to fight for it by holding accountable those who would crush the soul of a boy like this and defend it as proper.’ Forget think different. Think Aaron. Think of what we did to him and think of the laws that we must enact to make it right.”

Aaron’s Laws

AARON SWARTZ WAS A PRODIGY. At the age of 13 he was awarded the ArsDigita Prize for work that would eventually inspire things like Wikipedia. At the age of 14 he helped co-design the RSS protocol. At the age of 15 he was the core architect for the creative infrastructure of Creative Commons. At the age of 17, after being home-schooled, he went to Stanford. He lasted for just about a year. At the age of 19 he began Infogami, which eventually merged with reddit and became the most popular crowdsourced news site on the Web today. And from the age of 20 through the end he worked on a series of incredible projects from the Open Library project to the Public.Resource.Org project to Change Congress, which I helped start with him, and migrated to Fix Congress First and Rootstrikers—to the Sunlight Foundation to the PCCC to his final organization, Demand Progress.”
Gun violence and gun policy, post-Newtown

THE DEC. 14, 2012, SHOOTING TRAGEDY that claimed the lives of 20 children and six adults at Sandy Hook Elementary School in Newtown, Conn. reignited the gun-control debate in the U.S. and prompted efforts in Washington to toughen the nation’s gun laws.

On Feb. 15, a panel of legal and public-health scholars gathered at HLS to weigh in on the topic at a public forum, discussing gun violence and gun policy and the prospects for meaningful reform in a post-Newtown landscape.

Harvard School of Public Health Professor David Hemenway, director of the Harvard Injury Control Research Center, provided a synopsis of how firearms can be better regulated through adoption of a public-health approach to the issue.

“The goal of public health is to create a system where it’s hard to make errors and hard to behave inappropriately, and when people still do behave inappropriately and make errors, where nobody gets hurt badly,” he explained.

Hemenway suggested that the gun industry today may be where the auto industry was 60 years ago, when automakers began receiving pressure to build safer cars. Since then, due to myriad safety improvements in cars, better highway design, emergency-response improvements and stronger drunk-driving laws, “fatalities in the United States have fallen over 90 percent per mile driven, an incredible success story,” he said. “And how it was done was by changing the system.”

Hemenway said gun manufacturers could do much more to make guns safer. They could use a variety of technologies to “personalize” guns so that if guns are stolen, they can’t be operated; they could adopt “ballistic fingerprinting” on guns so that they leave unique marks on bullets, thus aiding tracing efforts; trigger pull tensions could be set so that young children couldn’t fire guns.

Alan A. Stone, the Touroff-Glueck Professor of Law and Psychiatry at HLS, turned his attention to the role that mental-health public policy is playing in the gun-control debate and painted a dismal picture.

In the cases of mass shootings, he pointed out, the perpetrators were already known to be troubled and to have had contact with mental-health professionals, but ongoing treatment never materialized.

“Whether you’re rich or poor, there’s no continuity of care left in the mental-health system,” he said. “It just doesn’t exist.”

Second-year HLS student Robert M. Cross also took part on the panel and related some of the things he learned after working last summer at the Brady Center to Prevent Gun Violence in Washington, D.C.

He emphasized that a large part of the problem results from the limits that the gun lobby has managed to place on the regulated market. Background checks are required only on transactions that occur involving federally licensed gun dealers, he said, leaving all private sales unregulated.

“It is estimated that over 40 percent of gun acquisitions occur in the secondary market,” he said. “And it’s totally legal.”

Like Hemenway, Cross said the majority of Americans, including gun owners, support universal background checks.

“People like [National Rifle Association Executive Vice President] Wayne LaPierre, whom you see on TV, are not representing Americans; they’re not representing the NRA; they’re not representing gun owners,” Cross said. “They’re representing the gun industry, an industry that makes money off the blood of children.”

HLS Constitutional Law Professor Laurence H. Tribe ’66 was unable to attend the event but provided a video of his Feb. 12 testimony to a Senate Judiciary Committee hearing, where he made the emphatic point that the U.S. Supreme Court’s 2008 ruling in District of Columbia v. Heller does not prevent the enactment of reasonable gun laws.

Even though the justices concluded that the Second Amendment guarantees an individual the right to own firearms, Tribe testified, the opinion was very specific in stating that that right was not absolute and that, in fact, complete bans could be warranted of firearms that are “not typically possessed by law-abiding citizens for lawful purposes,” such as short-barrel shotguns and assault weapons.

The Second Amendment, he said, is “not a suicide pact that condemns us to paralysis in the face of a national crisis of domestic bloodshed.”

WATCH VIDEO bit.ly/Tribetestimony2013
Minow noted that Thomas had held a great variety of legal positions before being nominated to the Supreme Court, including chair of the Equal Employment Opportunity Commission and judge on the U.S. Court of Appeals for the D.C. Circuit. She asked him to reflect on his career path.

Thomas said that initially he had no sense of where it was headed. “When you don’t have a model,” he said, “you just do what’s in front of you.” He likened it to when “we used to work in the fields, row after endless row of work in the sun. ... You internalize that discipline to do things.”

Minow observed that this Court is known as especially collegial, and Thomas is often cited as having much to do with that. “Then why don’t they vote with me?” he said with a chuckle. “They just kindly disagree.”

When it comes to the most useful advice he’s received on approaching his job, Thomas said it came from Judge Laurence Silberman ’61 of the D.C. Circuit. When Thomas became a circuit judge, Silberman suggested that he approach every case with this question: What is my role in this case as a judge—not as a citizen, not as an activist, but as a judge?

Thomas said the opinion that is his model and that he often reads for inspiration is Justice John Marshall Harlan’s dissent in <i>Plessy v. Ferguson</i>, which rejected the constitutionality of state laws requiring racial segregation in public facilities under the doctrine of “separate but equal.” Growing up, “the notions expressed in that dissent were the things that we, in an unlearned way, held on to,” he said. “They told us that when all else was going in another direction, this was something that was headed in the right direction.”

When Minow asked about what makes for effective advocacy before the Court, Thomas cited flexibility and thoroughness, but he put even more emphasis on honesty. “There is no advocate who wants the justices to say that he or she has been less than candid with the Court,” he said. “People are looking at you askance from then on.”

Questioned about what is most challenging about his job, the justice quickly replied “the loss of anonymity.” And when Minow asked what he likes best, he just as quickly answered that it is his law clerks. “They are my kids,” he said. “And finally,” he added, “with respect to the job, I like the idea that I get to live up to my oath.”

Among his heroes, Thomas includes Justice Thurgood Marshall, but most of the people he admires, he said, are not well-known. His grandfather, who raised him, is at the top of the list. Raised by freed slaves, he grew up with a dignity that the South tried to deny him.

Thomas himself had words of wisdom for the law students, including: “Do well. Do well so you can be in a position to do good.”


**GINSBURG from Page 1**

enter the field of law in the early ’60s. She said that former Justice Felix Frankfurter refused to take her on as a clerk after her graduation, and she couldn’t find a job in a law firm despite being the first woman to serve on both the Harvard Law Review and the Columbia Law Review, and eventually graduating at the top of her class.

Thanks to a friend, Ginsburg, who was married and the mother of a young child, finally secured a clerkship with U.S. District Judge Edmund L. Palmieri. She went on to become a law professor and a judge for the U.S. Court of Appeals for the District of Columbia. In 1993, President Bill Clinton appointed her to the Supreme Court.

Despite her husband’s death from cancer in 2010 and their own battle with the disease, Ginsburg remains a steady presence on the Court. At age 79, she is its oldest justice. During a frank talk with Minow that was peppered with personal anecdotes, Ginsburg offered the crowd a window into her life, as well as a glimpse of the inner workings of the nation’s highest judicial body.

To open the talk, Ginsburg touched on her time at Harvard. She attended HLS with her husband, Marty, and though the school declined to grant her a degree when she transferred to Columbia Law School to follow her husband to New York City, she said she looks back on her Harvard years with fondness. She recalled the support she received when her husband fell ill during his third year and how their classmates rallied around them.

“The help that we got from our friends here, I will remember all the days of my life,” she said.

Becoming a law professor, she began to focus on issues related to sex discrimination, she told Minow, in part because women were starting to make complaints about being treated unfairly in the workplace that “they had never made before.” It was a “tremendous opportunity for me,” she said.

Ginsburg, who went on to argue a series of successful gender equality cases before the Supreme Court, said she, her colleagues and other equal rights supporters tried “not to take the Court by storm, but to lead them there in small degrees.”

During a question-and-answer session, Ginsburg discussed her position on <i>Roe v. Wade</i>, the Court’s 1973 landmark decision legalizing abortion, and countered critics who suggest she is “against” the ruling. Ginsburg said she agreed with the judgment the Court rendered, “dealing with what was the most extreme law in the country, where a woman could get an abortion only if it was necessary to save her life.” But she disliked the sweeping scope of the decision. Instead of simply striking down the Texas law and proceeding by “slow degrees,” the ruling made “every law in the country ... unconstitutional in one fell swoop.”

“That’s not the way the Court ordinarily operates.”

Ginsburg also took issue with the notion that the Court should be responsible for fixing society’s ills.

“It’s rare that a court will move unless the people want them to. ... Before every major change, it was people who saw that the laws were wrong, wanted them to change, were fighting to capture other people’s minds, and then trying to get legislative change,” that pushed issues along.

“... It has to be the people who want the change, and without them no change will be lasting.”

Legal Hackathon
Students address content-use policies for the future of education

A GROUP OF 25 HLS students worked around the clock the weekend of Feb. 22 to 24 to confront the question of content-use policies for HarvardX, and what they may mean for Harvard University and the future of education.

The first-ever Legal Hackathon, sponsored by the Dean’s Office and the Harvard Law Entrepreneurship Project and Harvard Innovation Lab, was based on computer programming hackathons in which programmers work collaboratively to solve computer software questions.

Working in teams of four, students participated in brainstorming, a teach-in on copyright fair use and Creative Commons licensing, and a panel discussion on the future of EdTech with the CEOs of Boundless Learning and the Boston Startup School and an expert from Wikipedia. Also joining the discussion were Dean Martha Minow, Professors Lawrence Lessig and Jonathan Zittrain ’95, and key members of the edX program, a not-for-profit enterprise of Harvard University and MIT that offers online learning to on-campus students and to millions of people around the world.

On Sunday, the students presented their model policies and participated in a discussion with Dean Minow. Among other proposals, they urged the panel to prioritize access and minimize costs to students by limiting use of copyright material. “After the presentations, we had an utterly fascinating conversation with the panelists that lasted about an hour longer than we had scheduled,” said Daniel Doktori ’13, an organizer of the event and one of the dean’s liaisons to the Harvard Innovation Lab. “This was a great example of Dean Minow’s commitment to alternative methods of legal education and her support of student-led initiatives.”

Designing pathways through the curriculum
Law and Government Program of Study connects coursework to the work of practicing attorneys

organ donors. Sarah Feinberg, Facebook’s director of corporate communications, and Andy Cameron, the surgical director of liver transplantation at Johns Hopkins University School of Medicine, described the program and the reasons for its success. They pointed out that existing methods for getting people to sign up as organ donors, typically incorporated as opt-ins during visits to Departments of Motor Vehicles, have not been very successful. According to Cameron, 117,000 individuals currently need organs in order to survive, and many will die because of a lack of donors.

“If you register to become an organ donor and then share that on Facebook, it creates a news feed that your friends are seeing,” resulting in peer influence for friends to do likewise, Feinberg said.

Others pointed out how government might take cues from such successes and consider using social media for improving its service to the public.

Mike Luca, an assistant professor at Harvard Business School, reported on his own research involving Yelp.com, a consumer-review website which he said is attracting 84 million unique visitors per quarter and which has begun a program in five cities to allow those municipalities to export restaurant health scores directly into Yelp’s database.

This provides a service to readers and a business boost to restaurants with good scores, but Luca said it also offers an opportunity for health inspection offices to utilize the information on Yelp to better guide deployment of health inspectors.

HLS Professor Jonathan Zittrain ’95—a faculty co-director of the Berkman Center for Internet & Society—said there’s evidence now that what people thought was undiluted “peer-to-peer” social media information is being altered by institutions with an interest in influencing how people think. He pointed to the example of Zappos, the online shoe dealer, which employs the Amazon Mechanical Turk “crowdsourcing” engine to fix the grammar and spelling of consumer reviews on its website on the premise that better-written reviews, even if they are negative, result in greater sales.

Zittrain said he wasn’t ready to pass judgment on that kind of activity.

However, he added, if institutions are intermediating in ways that cast doubt on veracity, “then I think we absolutely have to think about a framework for how to account for that.”

Questions about governmental response to the rapid ascent of social media were raised repeatedly throughout the conference. As Sunstein noted during one panel discussion, the complicated questions are yet to be answered about the rules that are yet to be developed about privacy protections for individuals on one hand and free information flows on the other.

“Insufficiently considered judgments of the trade-off between those two might compromise something that democratic societies hold dear,” he said.

→ WATCH VIDEO bit.ly/Socialnetworks2013
Cultural exchange

LL.M.s share cultural heritage through food, music and dance

ITALY AND SOUTH AFRICA are 5,000 miles apart, but at the annual international party hosted by the LL.M. class on Feb. 16, the countries were suddenly neighbors, with students from each country handing out their favorite traditional treats while dressed as gondoliers or rugby players.

Hundreds of students, faculty, staff and family members gathered in the Caspersen Student Center for a chance to immerse themselves in the cultures of their graduate student classmates, who hail from more than 70 countries. They filled their plates with dishes ranging from Chinese chicken feet and Australian Vegemite to Italian Nutella and Middle Eastern hummus.

“It’s really an opportunity for a lot of the LL.M. class, who feel like they’re here being hosted by Americans, to give back and host in return,” said Jennifer Chan, an LL.M. student from Vancouver, British Columbia, who helped organize this year’s party. “Everyone’s really proud to put on their cultural dress and prepare the foods that they love and miss from home.” The international party has been an annual event at the law school for more than a decade.

When graduate students returned home for the holidays in December, they made sure to load their suitcases with their favorite foods and ingredients, which they then had to resist for more than a month in order to save them for the international party.

For the J.D. students who also hail from other countries, the night provided an opportunity to reconnect to their homes. “It’s nice to go to a table and see food from where you’re from,” said Valérie Duchesneau, a 2L from Montreal. “It makes you feel appreciated.”

Students drew henna tattoos, handed out Japanese fortunes and translated English names into Chinese calligraphy.

Almost 200 students worked together to plan the party, which featured music from around the world as well as student performances and a variety of traditional outfits.

After 20 graduate students led a Bollywood flash mob dance, students enjoyed a dance party that lasted until midnight.

“Most people I meet here ask where I’m from, but they don’t know where it is,” said Salwa Mohamed Saleh (center), an LL.M. student from Chad who showed a video about the Toubou women of northern Chad. “I wanted to share my culture.”

Crowd favorites, including Chinese dumplings, Swiss chocolates, profiteroles and sushi, quickly ran out.