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2002

Vol. 52, No. 7, January 29, 2002

University of Michigan Law School

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### Recommended Citation

University of Michigan Law School, "Vol. 52, No. 7, January 29, 2002" (2002). *Res Gestae*. Paper 150.  
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STUDENT NEWSPAPER OF  
THE UNIVERSITY OF MICHIGAN  
LAW SCHOOL

Gestae

29 January 2002

Vol. 52 No. 7

# “K’s and MLK”: Martin Luther King and Contract Law

by David Boyle

What on earth is the connection between the two topics mentioned above? There are too many connections to mention, but with the recent MLK holiday, a discussion of at least some of them is warranted.

First, if we consider the Constitution as our most basic written social contract, King was certainly one of its foremost critics (of its uglier parts, e.g., considering slaves as 3/5 of a person) and exponents (of its nobler parts). King often spoke of the Constitution’s unfulfilled promises to African Americans and others, as in his “I Have a Dream” speech: “When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was a promise that all men would be guaranteed the inalienable rights of life, liberty, and the pursuit of happiness. . . . It is obvious today that America has defaulted on this promissory note insofar as her citizens of color are concerned. Instead of honoring this sacred obligation, America has given the Negro people a bad check which has come back marked ‘insufficient funds.’” Even without events as violent as the 1998 death by dragging of African-American James Byrd Jr. in Jasper, Texas, we should still be fully aware that for various historically oppressed groups in this

country, the “promissory note” has hardly been paid.

As for contract law per se, articles such as Black D. Morant, “The Teachings of Dr. Martin Luther King, Jr. and Contract Theory: An Intriguing Comparison”, 50 Ala. L. Rev. 63 (1998), remind us that the great teacher and moral leader’s ideas can be broadened to speak to many areas besides civil rights protest marches. Morant admits, “At first glance, the speeches and writings of Dr. Martin Luther King, Jr. appear inapposite to or, at some cognitive level, irrelevant to the traditional law of contract.” *Id.* at 64. However, Morant then lays out his intriguing comparison. “King’s humanistic desire for universality, hope and love, interpreted within the contextual realities of pejorative human behavior, such as prejudices, discrimination, and bias, illustrates a theoretical weakness of contract law. . . . The problems of bias, prejudice, and reduced acumen due to circumstance, all of which prompted Dr. King and many others to champion the courses of the disenfranchised, can allegorically reveal fallacies within the bargaining context. More critically, these problems expose the inability of contract rules, and the decision makers who interpret and apply those rules, to correct those fallacies. This reality of bargaining behavior shatters contract law’s illusion of objectivity,” *Id.* at 70.

In a similar vein, Anthony E. Cook, in “Beyond Critical Legal Studies: The Reconstructive Theology of Dr. Martin Luther King, Jr.”, 103 Harv. L. Rev. 985 (1990), links King’s ideas of freedom and equality to various progressive legal movements, and suggests that we should keep inquiring “how that alternative community [the “Beloved Community” of which King spoke and which he tried to build in America] will better protect African-Americans and others from the subjugation of racism, bigotry, sexism, and grave inequalities of wealth and power,” *Id.* at 1044. Cook also notes King’s quote, “[j]udicial decrees may not change the heart, but they can restrain the heartless,” *Id.* at 1035, citing King’s *The Ethical Demands for Integration* (1963).

The latter consideration, about restraining those bullies and exploiters who need restraining, is apposite to the idea some folk have that the unconscionability doctrine for contracts should be scrapped. However, anyone so insane as to urge the destruction of the unconscionability doctrine simply cannot be taken seriously. Even Eric Posner, who one might presume have been turned into an intellectual zombie by virtue of his parentage (dad Dick P.), still has enough sense to uphold preservation of the unconscionability doctrine, *See* Eric A. Posner, “Contract Law in the Welfare State: A Defense of the Unconscionability Doctrine, Usury Laws, and Related Limitations On The Freedom To Contract”, 24 J. Legal Stud. 283 (1995): “The provision of welfare in a free market produces perverse incentives to take credit risks, which both drive up the cost of the welfare system and undermine its goal of poverty reduction . . . restrictive contract doctrines are appropriate means for deterring this socially costly behavior,” *Id.* at 285.

Or, approaching unconscionability from a literary angle, as Atticus Finch notes to his son Jem in *To Kill a Mockingbird*, “As you grow older, you’ll see white men cheat black men every day of your life, but let me tell you something and don’t you forget it—whenever a white man does that to a black man, no matter who he is, how rich he is, or how fine a family he comes from, that white man is trash.” I think the “Atticus Finch principle” justifies keeping the unconscionability doctrine and vari-

Continued on page 2



# Res Gestae

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comments.**

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## Correction:

The following text should have appeared in last issue on Page 4 in column 1 after the sentence ending in "Washington Birthday Celebration":

They acquired either a painting or a bust of Washington and adorned it with "the heaviest of black beards [and] raised him on high in University Hall." As a result, "a fierce fight ensued" in which the Whiskers Club "was soon despoiled of its idol." The incident reportedly broke the spirit of the Club and no trace of it could be found after 1896.

### The Brief

This yearbook for the Lawyers Club appeared in 1925. It contained articles about the history and the workings of the Lawyers Club, photographs, a directory and photographs of club members, and advertisements. According to the editors, "In the belief that by and through this publication the Lawyers Club may be more a club and less a dormitory, those whose efforts have produced The Brief find their compensation."

### The Quad, The Codicil, The Quad

### MLK, from page 1


ous other protections for minorities and the poor against the depredations of large corporations (and law firms) and the market. Who wants to let "trash" go unpunished or unmonitored by the law?

In keeping with the "contract" theme, Richard D. Kahlenberg asked someone what that person's favorite form of law firm work had been over the summer. The answer, as left on his answering machine, is reproduced in his book *Broken Contract: A Memoir of Harvard Law School*. The person said:

"Labor law is basically oppressing laborers. Estates and probate work is largely planning the estates of very wealthy individuals in the Boston area. Corporate and business law tends to be helping large corporations take over smaller corporations, and therefore leads to the oligopoly of the wealthy and basically screwing the workers over to make enough money to pay for the loans they have to take on, which lawyers negotiate, incidentally. Corporate work also in-

The Quad established the format of yearbooks for years to come. The first of its kind appeared in 83 pages in 1952 and was dedicated to then-Dean E. Blythe Stason. It was published under the auspices of the Student Bar Association for that year and many subsequent years.

The late Lucille Huston conceived of the idea and "got the rest of us into it . . . me more easily than others," according to her classmate, lifelong husband (even back then!) and fellow editor, James I. Huston. "She was the driving force," he said. She raised four children and had a successful career as a litigator and as a vice president at National City Bank in Cleveland. After they retired, the Hustons moved to Newport, Rhode Island, where Mr. Huston now resides.

Interestingly, there are some who appear in the 1952 Quad who also appear in the 2001 Face Book that the Office of Communications issues - notably, Professors Estep, Pierce, and Reed. At the time, students were referred to as freshman, juniors, and seniors. The nomenclature changed around 1988, when the headings listed first, second and third-years, although elsewhere in the book there is reference to first years, juniors and seniors. 

volves giving middle management and above what they call 'golden parachutes,' which tend to be extremely large payments paid to management so that they will not object to and try to bar a takeover attempt.

"Real estate law involves helping large corporate developers buy up property at low prices, usually by using the mechanism of the state to rake in huge tax write-offs. Municipal-bond work involves floating bond issues which are bought by wealthy individuals in the United States and produce tax-free benefits for the individuals at high marginal tax rates . . . Employee benefits—figuring the best way to pay employees without incurring tax liabilities for either party so they can compensate their employees at a lower wage scale and therefore save money for the corporation, which, needless to say, accrues to the high management's benefit in that they can pay themselves higher wages.

"I think they're all equally enjoyable, you fascist pig. Bye-bye."

On this note, any student of conscience should have second thoughts, or maybe

tenth or twentieth thoughts, about joining a conventional corporate law firm.

There are other respectable jobs, of course, like working for AFSCME Local 1583. Does anybody even recognize this name? You ought to, it's a union that represents workers here, without whom this law school couldn't even function. A little gratitude to them would not hurt. When did you ever hear any administrator or professor even mention their existence? Arguably, what they do in the way of work is more honorable than what a lot of students here will be doing after graduation.

It is nice to have a MLK day holiday, but why honor Martin Luther King one day of the year if you are going to dump on his memory on the other 364 days? This kind of bad behavior may be par for some law students, or faculty, but hopefully others can aspire to do better. In conclusion, if anyone reading this article decides to fulfill her "contract with society" (society lets you write briefs, rather than dig ditches or clean toilets, for a living; and you also get to hobnob with the wealthy and powerful, and maybe even call yourself "Esquire") by acting a little more honorably and MLK-like in the future than she would have otherwise, then writing this article has been more than worth it.

RG



# The Wailing Wall

by John Fedynsky

Tradition is the democracy of the dead. I forget who said it, but I invoke it as I eulogize an institution I will never know: the Wailing Wall. I mean not the one in Jerusalem, but the one in Hutchins Hall, now home to the question of the week and little else.

The Wailing Wall got its name from its seasonal function of posting students' final grades. Presumably, it was met with either wails of disappointment or wails of achievement, depending on whether one met or exceeded personal expectations. Alas, now those wails will echo wherever a student might check e-mail in solitude. What was once a communal event and a shared space is today testament to the detached and empty, yet ever-"connected/wired" existence we have.

Some might say that the death of the Wailing Wall is a welcome change. It's evidence of an administration trying to make the Law School more student friendly, they will say. (For all we know, the reason for the change is that it is simply easier to e-mail students grades.) I decry the change.

Perhaps the greatest advantage of law school is that it is a reasonably uniform experience that all American lawyers must undergo. It is a rite of passage that is a prerequisite for membership in the club that is the legal profession. It is one big experience, which is, in reality, a bundle of little ones. Michigan Law students just lost one of those little experiences. We have less to share amongst ourselves or with future lawyers who studied elsewhere.

Symbolically speaking, what does this change say about us? Are we so thin-skinned that we can no longer stomach the rough and tumble of previous years? Would we rather add another layer of dependence to the electronic age? Why do we always have to change with the times?

Generations of students attach a significance to that bulletin board that I can never understand. To me, it will always be just another board where I can read stuff other people write down. The assignment board down the hall means more to me because I actually use it at the beginning of each semester. I attach specific, personal experience to it. Maybe someday it too will fall to the phantom menace of e-mail. Someday, the experience that is law school will be so diluted that alumni will find very little in common with current students, if that is not already the case.

The irony of it all is striking. Who will wail the end of the Wailing Wall? I do, for I knew it not and am the worse for that. In 1830, Daniel Webster made the following remarks about his home state of Massachusetts. Consider them in light of the freshly killed Wailing Wall:

*...it will stand, in the end by the side of that cradle in which its infancy was rocked; it will stretch forth its arm with whatever of vigor it may still retain over the friends who gather round it; and it will fall at last, if fall it must, amidst the proudest monuments of its own glory, and on the very spot of its origin.*

RG



# The Case for Tribunals

by Harry Mihas

I am amazed that so many people are horrified by President Bush's intention to try foreigners accused of terrorism by military tribunals rather than civilian courts. In theory, even Osama Bin Laden deserves justice on the full American plan, if he survives long enough to get it. Honestly, the only thing worse than military justice might be justice by the people.

Do any of those who object to military tribunals believe that Bin Laden and other al-Qaida or Taliban leaders would or should be acquitted? That's an unlikely scenario. Bin Laden would lose before a military tribunal, a civilian jury, or a board meeting of the ACLU. In real terms, the discussion is about Bin Laden's right to get his death sentence in an American courtroom from an American jury, and not in a military courtroom from a military judge (or judges). The debate proves that, at least concerning terrorist higher-ups, all the grand rhetoric about not giving in to mob rule and mass hysteria is a bit hollow.

Moreover, in their opposition to military tribunals, civil libertarians seem to have forgotten that they aren't that wild about civilian justice either. Their general complaint is that guilty verdicts are all-too-predictable, even when the defendant isn't Osama Bin Laden. Eyewitness testimony, crime lab data and line-up procedures are unreliable, although that's not the full extent of their suspicion of the American justice system. Other criticisms of civilian justice are that jurors are too trusting of prosecutors; elected judges bow to political pressure, and that juries are swayed by all the wrong facts.

The redeeming quality of the American criminal justice system isn't the results, it is the procedure. At the bottom, the con-

cern is not with giving alleged terrorists a fair trial, since the outcome is, if not already known, at least highly predictable. The concern is that military tribunals short circuit the American procedural justice system. This fondness for procedure has a serious, although unappealing, premise, which is that we can't trust juries to hear

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The idea that Bin Ladin or any of his associates can expect a fair, open-minded trial from any American institution is dubious at best.

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hours of testimony and render a fair verdict. We feel that jurors are prejudiced, gullible saps, easily misled by a slick defense attorney or prosecutor. Procedural rules are intended to make sure that juries see or hear only the evidence they can be trusted to assess correctly.

As lawyers, we are all hung up over procedure. It's our professional fetish. That's why we go to school. That's how we'll earn our money, relying on this esoteric knowledge to keep clients coming back. (Unless, of course, we decide to enter a field like trusts and estates, which is so arcane and procedure-based that not even the lawyers know what's going on sometimes.) We have shelves of rules about which types of evidence the jury can't see and what adjectives a prosecutor may use to describe a witness. By doing so, we maintain faith in a system that says making fair rules and following them

to the letter can prevent jurors from acting like, well, ordinary unfair people.

Good luck. I am not knocking procedural rules. The fact that rape victims no longer can be accused of wearing too short a skirt is surely an advance. Don't rely only on procedure, however. It certainly doesn't prevent a juror from imagining what the victim's skirt length might have been. Or if the juror is racist, giving the victim's skirt length the benefit of the doubt because the accused rapist happens to be black.

Procedure is a two-edged sword. As much as it might set a guilty person free, it may also send innocent people to prison on the earliest bus. For all the praise procedure receives, the all-too-real fact is that the system is unfair to minorities, poor people, and other disfavored groups.

As disfavored minorities go, fanatical foreign Muslim mass murderers are pretty high on the list. The idea that Bin Ladin or any of his associates can expect a fair, open-minded trial from any American institution is dubious at best. In fact, a military tribunal may even be more fair than a group of "average" citizens. A military tribunal decision will be handed down by blue-ribbon judges, maybe even federal judges, Supreme Court justices, or well-respected figures like George Mitchell. The Sixth Amendment to the Constitution, on the other hand, ensures that any civilian trial will be decided by 12 ordinary Americans.

Which would you choose if you were the defendant? Even trials for members of al-Qaida will have to make some real distinctions and judgments about both what the accused individuals did and how they should be punished. A civilian jury is certain to give us an answer to these questions. Whether it is the right one, simply because it was produced by a jury, is not guaranteed.



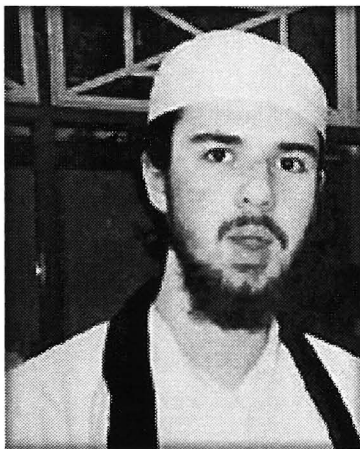


# The Rant

Brought to you by A. Garret Hughes and the Digital

Can we answer the critics of the BCS and tell them that all is right in college football? No, but what we can do is point out that college football season is over, and college basketball season is in mid-swing. As we gaze at the bracket on the wall in our bracket lounge, we remember what is good and right about college sports: March Madness. In a March Madness type setup, Oregon would surely have gotten their shot. But enough about that. We have decided to make a return visit to the vaunted bindings of the Res Gestae to afflict the afflictors, and rant for the rantless. Dis-ranted? Un-rantable? Who the hell knows what we're doing.

What does it mean to be a true American? Does it mean that we are faithful to our country or does it mean that we join enemy forces and kill our own people through both terrorist acts and use of machine guns? When you think of a true American, do you think of people like Hulk Hogan, Neil Armstrong, John Wayne, Abe Lincoln, and John Walker? If you asked Mr. Walker's dad, he might give you that answer. John Walker's father said Thursday morning on CNN that his son loved America, and that he was trying to get back to America while he was part of Al Queda. What? Is this guy serious? My boy yoooper Bob had to switch from CNN to Jerry Springer to hear from people who weren't certifiably insane. I would have loved to see Sam Kinnison interviewing Walker's father, Back to School style. Maybe we can make some sense of this if we look to the Walker family's surrounding community.



What the hell is the matter with Californians? We understand that the answer would require a lifetime of research, but we have to ask. Haven't we all seen more than enough Californians on CNN at their little coffee shops with their little *Bijon-Friezee* rat-dogs, drinking their little mocha frappaccinos, and telling the world why John Walker is being treated too severely? *He's just a misguided youth. He was just searching for religious truths. Nothing he did really harmed anyone.* Shut up and please go away. FAR AWAY. At least get

off our TV (which is the Digital's sole respite in life). The bastard is lucky that we can't afford to juice him because of the energy crisis. Enough.

And seriously, while on the topic, is there a group of people (outside of religious fanatics, of course) more miserable than Oakland Raiders fans? A bunch of 40-year old guys living out a pre-teen, Dungeons & Dragons fantasy. Imagine being the brother of that moron in the stands with the skull and the spikes on the shoulder-pads – you know who we're talking about. *Hey, how's Earl doing? Good, you know, job's good, Susan's fine. Hey, he still got tickets to the games? Yeah, wait – that's him on the screen with the black and white face paint biting the head off a stuffed Seahawk... Seriously.*

Speaking of being stuffed, GOD BLESS MARK CUBAN. The man just wants to feed the people (with Taco Bell and Dairy Queen Blizzards). We like Taco Bell and we love Dairy Queen Blizzards® too. That may be why we tip the scales at over 5 bills combined. Anyone who berates the man (officials, sportswriters, commissioners, etc.) is just not willing to admit what we all know.

Mark Cuban has the best life of anyone presently walking this planet. Stop attacking him.

By the way – Dave Anziska, we love you – you are our old-school, throwback friend. They don't make them like you anymore. But you have to lose the Mark Cuban/Robert Smith hairstyle. You look like the guy who didn't quite get to be Horshack on Welcome Back Kotter. Enough, before it is too late.

Have you ever lived with a Michigan State fan? How about one named Jake?

MSU's basketball team finally sucks! This makes our roommate Jake very unruly. The culmination was last week's loss to the mighty Hawkeyes of Iowa. But let's go a little farther back in time. MSU was too late against Wisconsin, but it almost didn't matter. Ten days ago, down 1 with 0.2 seconds left, they inbounded to Anagonye or Ballinger or one of their other thugs, who leisurely caught the ball, took a deep breath, prepared some rigatoni di casa for that fathead Izzo, and layed the ball in. All without the clock moving. MSU wins. OHHHH, but unlike college football, they can replay the video in such situations.....*Badgers Win!* F people who can't count, and F schools involved in this sort of BS three



times in the last four months. Enough.

Finally – Enron. STOP IT! Stop the jokes, Michigan Law professors A through Z! No more jokes about it! No More! It's not funny, and at this point it's also not witty, which we know is your sole reason for telling jokes in the

first place. Enron is bankrupt, and so is your ability to make us laugh. Enough.





# Who Killed Buddy Clinton?

by Harry Mihas

Last week, former President Clinton's dog, Buddy, was struck by a car and killed. The Clintons, saying it was an accident, reassured the 17-year-old high school student who hit Buddy with her car. Most media sources have treated the death as a simple accident – Buddy ran off the Clintons' property and was running along a highway when he was killed. I, however, don't believe this simplistic view. I'm supposed to believe that Buddy died by accident? That's just too simple an explanation for the latest Clinton casualty.

What do we really know about Buddy's death? Who stood to benefit? Consider the following: As many as nine strange, and unexplained facts remain. Keep an open mind and consider the possibilities of what a former President who misses the spotlight could do to get public support and sympathy back on his side.:

## THE NINE SUSPICIOUS FACTS ABOUT BUDDY'S DEATH

1. With all the high-tech security available to an ex-president on the Chappaqua property, Clinton apparently somehow failed to install the one essential safety feature, an invisible fence. This system would have given Buddy a small shock as he neared the property line, warning him not to cross it. Unless, of course, it had been turned off or was never installed at all!

2. We're told that on the day of Buddy's mysterious, violent end, neither Mr. or Mrs. Clinton was at home. Is this really a coincidence? Would the former first couple pay \$1.7 million for a suburban headquarters and then just happen to not be at home when their dog is killed? On the other hand, if you wanted to do away with your dog, you'd want no fingerprints. Wouldn't you arrange to be out of town that day?

3. Would the trained ex-presidential personnel entrusted with Buddy's care

really unintentionally allow him to "bolt" through the "front door" chasing a "contractor"? Who were these handlers? Why haven't such key eyewitnesses been subpoenaed by the Republican controlled House of Representatives?

4. Who is this shadowy "contractor" and why was he in such a hurry to leave? What was he installing at the Clintons' residence, which had been fully remodeled several years ago? Isn't it strange that he would leave the gate open, when any "contractor" worth his tool belt knows that an open gate plus a dog equals a lawsuit?

5. Buddy is said to have "scampered" fully "600 feet down the road," and then another 100 feet on heavily traveled Route 117 before he was hit. Have you ever "scampered" 600 feet, the length of two football fields?

6. The 17-year-old "high school senior" who allegedly ran over Buddy has been described in the press as a "pretty brunette"—hmmmm, that's the same description applied to a former White House intern named Monica Lewinsky. What, if any, was her connection with the ex-president? Or to Monica?

7. It is *illegal* in Chappaqua to allow a dog to run outside your property without a leash unless the dog is "under the owner's voice or visual control." Was Buddy actually being controlled? If not, who decided, at what level, to break the law? Why did an employee of the town

clerk's office in heavily Democratic Chappaqua tell reporters that the penalty for violating this regulation only applies if a dog is picked up by a dog catcher?

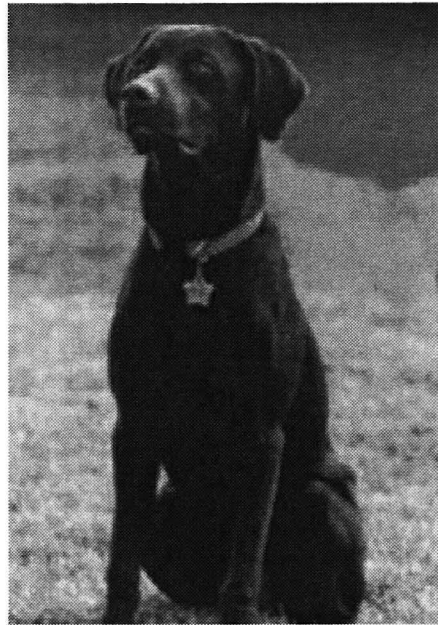
8. Celebrity dog trainer Bash Dibra has now come forward to say that he strictly advised Clinton to always use a leash with Buddy outside the home. Why was this celebrity advice ignored?

9. A former Clinton aide, now a shadowy "communications consultant," disclosed that when Clinton was in office—

perhaps at the very height of the impeachment scandal—Buddy would "pad on down to the basement of the West Wing, poking his nose into the wastebaskets outside *Sidney Blumenthal's* office." Yes, *that* *Sidney Blumenthal*, the *partisan* conspiratorialist who is so often at the center of Clintonian machinations—the same *Sidney Blumenthal* who had seemingly

eerily anticipated last week's deadly event by writing a play about a scandal involving *the president's dog*. Why Blumenthal's trash, and no one else's? What did the doomed Labrador find there? Had Buddy smelled too much?

Connect the dots. It doesn't add up. No other conclusion seems even possible. Perhaps some subpoenas would help shake loose the real story. But who in Congress will step forward to do what is necessary?



# When your favorite shows suck

by Hannah Mufson

So, since I'm writing for this paper, it's obvious I'm a law student. As far as I can tell, one of the absolute, unwaivable requirements for entry into any elite law school is some form of obsessive-compulsive disorder. Therefore, by being at Michigan Law, I'm more than slightly obsessive.

Every law student has different obsessions. Some follow sports with fanatical intensity, to the point of spending hundreds of dollars on special team jerseys. Some knit sweaters overnight. Some just study, every second of every day. Since I'm in my third year, and the only sport I've ever been interested in is track (Damn! Did you see Kennedy's two-mile? He just sucked!), and it's not exactly riveting, especially the distance racing, my obsession has always been television.

A very dear, but very evil friend of mine, as many of you already know, introduced me to *Buffy the Vampire Slayer* last February. That, along with its sister spin-off, *Angel*, kept me occupied for most of last year, along with occasional episodes of *Dark Angel* (no relation), *Dawson's Creek*, and *Charmed*. Then, this fall, FX began airing, in order, all of the *Buffy* episodes, starting from Season One. I was a happy obsessive law student.

Unfortunately for the health of my obsession, I have watched all of the reruns. I have purchased the first season on DVD. I have seen the genius that was Seasons One through Three. There is nothing left for me in the *Buffy* universe.

You, as an informed person, might ask why this is so. Wasn't there, you ask, an extremely ugly fight between the WB, which aired *Buffy*, and Fox, which distributed it, which resulted in *Buffy* fleeing to the UPN? Aren't there new episodes, if not every week, at least fairly regularly? What about *Angel*? Or *Dark Angel*? Or *Charmed*? What's wrong with them?

Well, my friends, I'll tell you. They all suck. I am a sad obsessive law student.

This season, *Buffy* herself was brought back from the dead. Fine. For the second time. This strains the credibility of the show slightly, but no problem. Us rabid obsessive fans will deal. However, the rest of the developments for the season have been equally stressful on the credulity of most fans. Characters have begun acting out of character. True character development has been scrapped in favor of "messages" like "drugs are bad." Most interesting characters, among them a geeky trio that owes more than a little to the *X-Files*, and a vampire who can't bite people anymore, have either not appeared enough or been completely emasculated.

Spoilers for upcoming episodes offer no respite. *Buffy* seems to be exploring the multiple personality side of her nature, by turns submissive and violent. Willow, a witch since the beginning, has renounced magic in an overly dramatic Alcoholics Anonymous way – one spell could cause her downfall. The geek trio – mysteriously missing. Even Willow's girlfriend, Tara, commendably put in to reach out to the gay and lesbian audience, has dumped Willow and disappeared, bad dressing and all.

I could even deal with the bad writing and pathetic character development, if the show hadn't degenerated to a soft-porn action movie format. Watch *Buffy* have sex! Watch *Buffy* throw her boyfriend against the wall! Watch *Buffy* kick several kinds of shit out of him! Blech.

*Angel*, while initially being sucky, then improving dramatically and unexpectedly, and then descending to the abyss of suckiness again, is not helping my obsession. The writers' decision to hook *Angel* up with his long-time detective agency partner and friend Cordelia is cute but puzzling. *Angel* left Sunnydale (to start his spin-off) because he couldn't offer *Buffy* a normal relationship and couldn't let himself love her because of his stupid (I think) Gypsy curse. (For those of you not in the know, if *Angel* ever

experiences a moment of perfect happiness, he will lose his soul and revert back to the blood-sucking, havoc-wreaking, leather-pants-wearing vampire he once was. Go evil!) So now, he's going to get into a relationship with someone else. Brilliant. I see world destruction in the making.

While the possibility of *Angel* losing his soul again is interesting, the rest of the show isn't. The villain of the season, a 200-some-odd year old resurrected vampire hater/hunter, seems doomed to lurk around in the shadows, sneering, delivering portentous and inscrutable comments, and reimagining himself as Tyler Durden in the lye scene in *Fight Club*. Every time he appears on screen, I leave the room. *Angel's* child with his sometime-lover, Darla, seems to be the only baby in the entire universe, either real or imagined, whose parents and/or caretakers, have no baby-carrying device. After several episodes of *Angel* carrying the baby around in one hand like a ticking bomb, I cringe every time I see his sweet little face. Nobody seems to have any spoilers for *Angel*, in part, I think, because no one cares anymore.

So what do I do? Recently, I've reverted to my nerdier antecedents and started watching *Enterprise*, the UPN's new incarnation of the *Star Trek* franchise, set before the Kirk-commanded version took to the stars. *Enterprise*, with Scott Bakula playing the captain of the almost-weaponless, pretty-much-prototype vessel, is wittily written, amusingly developed, and well designed. I'm getting back to my geek roots on Wednesday nights at 8 pm. I'm even, as a result, thinking of installing Linux (34% geekier than Windows!).

Come to think of it, since all of my previous entertainment has degenerated (please – adding Rose McGowan to *Charmed* to replace Shannen Doherty does not make the show better), reinstalling Windows and learning C++ is starting to look more attractive. After all, that might be useful in my future, and, hey, I've got to have something to obsess about.







# THE INSIDER

by Yingtao Ho

## Olympic Hockey: Real tournament

Beginning on February 8<sup>th</sup>, and lasting the duration of the sixteen-day Olympic Games, the greatest hockey players in the world will converge on Salt Lake City and put on a tremendous display of hockey. Not everyone, however, is enthusiastic about this event. Among the upper brass of NHL there is strong resistance to allowing NHL players to miss regular season games in order to participate in the Olympics. The strength of this opposition is sufficient to threaten the participation of NHL players in future Olympic years. Fans, cherish this year's contest, since it may be the last time in a very long time that the best players in the world will participate in a tournament other than the Stanley Cup Playoffs.

Fourteen teams participate in the tournament, with six teams receiving byes to the second round. Canada, Sweden and the Czech Republic are automatically placed into pool A, while the United States, Finland and Russia are automatically placed in pool B. The remaining eight teams will play in two groups of four teams each, and the winners of each group will receive a spot in the second round. While only the first round of the Olympic tournament takes place before the NHL shuts down its regular season, star players such as Peter Bondra, Ziggy Palffy and Miroslav Satan will be released from their NHL obligations to play at least one game during the Olympics. The preliminary round thereby offers an excellent opportunity to evaluate the talent gap between the NHL and the elite European Leagues, where most of the second tier nations' players come from. After the second round of pool play, eight teams will receive spots in quarterfinal games. The tournament then goes into single elimination mode until the winner is determined. Fans will note that there are four major rule differences between Olympic hockey and the NHL. First, the ice surface is 100 feet wide, rather than the 85 feet that NHL

fans are used to. That 15 feet makes all the difference in the world. Instead of forechecking, most teams will play a neutral zone trap. They will place five players in the neutral zone, and hope to create odd man rushes by forcing turnovers. Due to the relative absence of forechecking, the intensity of physical contact will drop substantially. Once the offensive team does enter the offensive zone, the defensive team will be more reluctant to force turnovers through physical play



because they are forced to cover more ice. On the positive side, because of the relative absence of physical play, the game will feature more displays of individual skill and combination passing than the NHL game.

Second, there is no fighting in international play. Any player who drops the gloves is assessed a match penalty, rather than the five minute major as he would face in the NHL. In the game, the viewer will see many more cheap shots with the stick, because the fear of repercussion is not there.

Third, once the tournament goes into single elimination mode, if a game is tied after regulation play the teams will play a ten-minute sudden-death overtime period. If the overtime period ends without a score, the game then goes into a shootout: Each team will send five shooters for a breakaway shot, and the team that makes the most goals out of five wins. If the game is still tied, the shootout will

continue until one team makes a shot, and the other team misses. Finally, there is no touch-up icing in international play. Icing will be whistled as soon as the puck is iced, and the defensive team will not have to touch the puck.

Looking at the six teams that received byes into the second round, Team Sweden and Team Finland are probably a cut below the others. Team Sweden has a very good goalie in Tommy Salo, four extraordinary forwards: Mats Sundin, Magnus Arvedson, Daniel Alfredsson and Markus Naslund, and the best defenseman in the NHL in Niklas Lidstrom. The rest of Sweden's roster, however, is filled by journeymen NHL players and Swedish Elite League players. If the Swedes had the great Peter Forsberg, they may have a chance in pulling an upset or two in the tournament, but much to their misfortune, the Swedes will be without the services of Peter the Great. Finland, on the other hand, probably has better defensive depth than Sweden, including Edmonton Oilers defenseman Janne Niinimaa, but they have very little depth up front. With the exception of Sami Kapanen and Teemu Selanne (who, by the way, has been a tremendous disappointment in his first full season playing for the San Jose Sharks), Finland does not have another player capable of playing on the top two lines of a NHL team.

When one considers the big four teams – the United States, Canada, Russia and the Czech Republic – it becomes very clear that all four teams overflow with offensive skill. To find razor thin differences between these four teams, one has to look deeper. The games between these superpowers will come down to three things: Goaltending, the willingness to play good defense, and team speed. Consider each of the four superpowers:

Team Canada: Without question, team Canada is the deepest team in the tournament. Canada can probably field two teams capable of medalling in the tournament. The team is lacking, however, in each of the three critical areas it needs to win. With the great Patrick Roy skipping the tournament, Canada's goaltending will consist of Ed Belfour, and Martin Brodner, both of whom have under performed this year, and the very over-rated



Curtis Joseph. None of these goalies appear capable of stealing a game. While the team is loaded with good defensive players, led by Michael Peca among the forwards and the incomparable Chris Pronger on defense, team Canada is full of prototypical North American players who play defense through their physical presence. In the international game, physical play will lead to players being caught out of position and excellent scoring chances. It is virtually inconceivable that Team Canada can adjust its style of play in a two-week tournament. With the exception of Paul Kariya, the team is filled by playmakers rather than speedy players. On

paper, Team Canada appears to be the stereotypical North American Team: A team full of talent, but not suited for the international sized rink. Player to watch: Mario Lemieux. Watch the best player in the world perform on the biggest stage of them all for the very last time.

Team U.S.A.: Like team Canada, Team U.S.A. is relatively weak in goaltending. Mike Richter will assume the majority of goaltending duties. While Richter is an excellent goalie, he has a tendency to let in soft goals from time to time, and is as over-rated on this side as Curtis Joseph is north of the Border. Like Team Canada, Team U.S.A. will have a tough time adjusting to the different style of defensive play that the international game demands. Unlike Team Canada, Team U.S.A. does have two defenseman in Brian Rafalski and former Boston College standout Brian Leetch, who rely on the finesse game, and should adjust well to the international style of play. Compared to Team Canada, Team U.S.A. has much better team speed with players like Mike Modano, Tony Amonte and Chris Drury. With a few good bounces and the home crowd, this team has a chance to make a run in the tournament that will captivate a nation. Player to watch: Mike Modano. Modano is a genuine great player and a tremendous all around talent. This may be the tournament that affirms Modano as the

greatest player in the history of USA hockey.

Team Russia: As good as Dominik Hasek is, Nikolai Khabibulin may be the best goalie in the world right now. He leads the NHL in save percentage, and is single handedly leading the Tampa Bay

tioning and his tendency to wander from his net at the worst possible times. In a penalty shootout, there is no bigger factor in the tournament than Hasek. With Hasek, a good group of finesse defensemen, and several defense-minded forwards, Team Czech Republic is the best defensive team in the tournament. Offensively, however, this team will struggle. With the exception of Milan Hejduk, Patrik Elias, and Petr Sykora, this team lacks overall team speed. Further, even the aforementioned players are having down years in the NHL. While Jaromir Jagr is a skating human highlight film, he can only do so much by himself. Unless Hasek stands on his head,

this team will not advance beyond the semifinals. Of the big four, the Czech Republic is also the team most likely to lose in the quarterfinals. Players to watch: Jaromir Jagr and Dominic Hasek - who else?

#### Predictions:

Preliminary round winners:

Switzerland, Slovakia

Semifinals:

United States over Canada

Russia over Czech Republic

Final:

Russia over United States

#### Olympic Women's Hockey: Fake tournament

Apparently, at the same time the greatest spectacle on earth is occurring, eight women's teams will play in a tournament of their own. Given the lack of speed and skill in the women's game, these games will not be worth watching unless the participants either dress like figure skaters, or if they drop their gloves and start cat-fighting. Then again, maybe the games will look better after a certain number of beers, just like the participants themselves...




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That 15 feet makes all the difference in the world. Instead of forechecking, most teams will play a neutral zone trap.

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Lighting to respectability. Unlike the North American teams, Team Russia is used to playing in the international style, and is loaded with finesse players who play defense through positioning, rather than physical play. However, in a game against a North American team, Russia has the physical defensemen like Boris Mironov, Darius Kasparaitis and Vladimir Malakhov to mix it up physically. Team Russia is also by far the fastest team in the tournament. Led by the Bure brothers, (and with the exception of Igor Larionov) every Russian forward is a far above average skater. Four years ago, Team Russia reached the final game with a far less talented roster. This team is ideally suited for the international game, and is very capable of winning it all. Players to watch: Alexei Kovalev and Sergei Gonchar. There is a very good argument that Kovalev, with his speed, shot, and hockey sense, is the best player in the world. This tournament represents Kovalev's chance to show how great of a player he is. So far this year, Gonchar has been the best offensive defensemen in the NHL. It will be interesting to see how he measures up with players like Nicklas Lidstrom and Chris Pronger under the bright lights of the Olympics.

Team Czech Republic: Most people will tell you that Dominik Hasek is the best goalie in the world, despite his poor posi-



# PUZZLE

## ACROSS

1. Before the storm
5. "She'll be there \_\_\_\_\_ 3 p.m."
7. Seven year \_\_\_\_\_
10. Lassie
12. Opposite of Yes
13. There are seven
15. Begone! (Imperative verb)
16. Mentally exhausted
19. State next to California
20. Without people
21. A ballerina dances here
22. Madman
24. Wily
25. Long ago times
26. Hair color
31. Rose \_\_\_\_\_
35. The highest point
36. Spain and Portugal
38. To neaten
39. The conscience
41. Carmen, e.g.
43. Baha
46. Obliquely
47. Tibetan priest
51. Unwholesome
53. "In the same book"
55. A clam
56. Overly showy
57. A tide
58. Present indicative of he
60. Prods
61. A major star
62. Hair style
63. Eye ailment

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## DOWN

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|--|--|
| <ol style="list-style-type: none"> <li>1. Piece of garlic</li> <li>2. False name</li> <li>3. Opera singer Jerry</li> <li>4. Change from one stage to another</li> <li>5. Actinon chemical symbol</li> <li>6. One not living on campus</li> <li>7. Managing Editor of "Sports Night"</li> <li>8. Sea bird</li> <li>9. Percentages of Irish farm crops</li> <li>10. Whining speech</li> <li>11. Nabisco cookie</li> <li>14. Whirl</li> <li>17. States of being free</li> <li>18. Elongated fish</li> <li>20. One puts this on first</li> </ol> | <ol style="list-style-type: none"> <li>23. Malt beverage</li> <li>26. Hotel parent company</li> <li>27. "Learn it to"</li> <li>28. Roman Goddess of plenty</li> <li>29. A degree</li> <li>30. Pass this and get \$200</li> <li>31. Female</li> <li>32. Rage</li> <li>33. Young swine</li> <li>34. Portuguese saint</li> <li>37. To occupy a space</li> <li>39. A stamp</li> <li>40. Where ashes lie</li> <li>42. A NY lake</li> <li>43. Military supplies</li> <li>44. A people of Northern Thailand</li> <li>45. Sicker</li> <li>46. Island in the New Indies</li> <li>47. A 30's dance</li> <li>48. A traditional saying</li> <li>49. Allot</li> <li>50. Singing brothers</li> <li>52. Priestly garments</li> <li>54. After shave brand</li> <li>59. Thus</li> </ol> |
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the RG says: "Eat 3 to 5 servings of vegetables each day"

# Moderately Priced Restaurants in Ann Arbor

## Russell Krauter

It can't be seriously doubted that Ann Arbor is a wealthy town. As such there is an amazing number of restaurants catering to those who are willing to pay ten to twenty dollars for a meal. I don't always have the wealth to fall into this category, but I have had relatives visit often enough to gain a good familiarity with many of them. Unfortunately, these restaurants' quality is not always in line with their price. Very often, it seems that the restaurant will not meet the expectations set by its high price. As a result, I chose to review several restaurants in the moderate price category which vary wildly in quality.

### Prickly Pear Southwest Cafe 328 South Main 930-0047

The best adjective to describe Prickly Pear is cramped. When you first enter, you are crammed in a tiny space next to a wall and, usually, a table of people trying to enjoy their food. During summer there is some outside seating, but for the majority of the year that you are likely to be in town, seating is limited. The restaurant also seems to be popular, compounding the crowding problem. Unfortunately the food is simply not good enough to justify the wait. I realize I can't expect authentic Mexican cuisine in most of the United States, but Prickly Pear's version is even more heavy on the fat and low on interesting flavor than many. The menu is fairly predictable and so is the taste. Like many Main Street staples, Prickly Pear seems to depend more on location than uniqueness of their dishes. All of this isn't to say that it is a bad restaurant (i.e., in

the same class as Chi Chi's), but it would be better to spend your money elsewhere.

### Seva Restaurant 314 East Liberty 662-1111

The first thing that should be said about Seva is that it is a vegetarian restaurant. This alone can be off-putting to many who think that a meal without meat is not a meal. Seva is an interesting type of vegetarian restaurant, though. Unlike many, it has a full bar. The food is also extremely hearty in the style of seventies vegetarian, before the diet was taken up by those who wanted to become more healthy. For instance, many items are just loaded with fat, from the spinach enchiladas to the granola and fruit desert. Some items also seem to come with completely irrational side items like ravioli accompanied by an ear of corn and a bunch of grapes. The only real downside, apart from getting people to agree to go there to eat with you, are the extremely uncomfortable seats. The booths seem to have been modeled on church pews. However, reservations are typically not necessary.

### D'Amato's Neighborhood Restaurant 102 South First 623-7400

D'Amato's name is somewhat misleading. Many of its menu items are not precisely Italian, bearing more of a resemblance to modern American fare. It is also far from what I think of when I hear "neighborhood restaurant," which usually conjures images of ten dollar



pepperjack fajitas, overpriced Budweiser and reproductions of vintage advertising. D'Amato's is fast becoming my favorite restaurant in Ann Arbor despite the price. The decor is dark and woody with something of a New York feel. The food is also consistently excellent. Especially good is the cannelloni in cream, butter, and tomato sauce, and the grilled lamb. Some other amazing notables are the baked brie with a fruit and nut glaze and the awe-inspiring crab cake. Personally, I would avoid ordering appetizers as the entrée portions are large, without being grotesque. There is also an extensive selection of wine by the glass. The downsides are certainly the price, which is above those appearing above and the bad parking situation in the area. I would highly recommend going on your next special occasion. It could very well be one of the best spots in Ann Arbor.

### Blue Nile of Ann Arbor 221 East Washington 998-4746

Blue Nile delivers standard and adequate Ethiopian food. This means primarily lentils, greens and such in strong curries eaten with a spongy bread instead of utensils. They offer meat, but the vegetarian plate is more reasonably priced and is certainly satisfying. All in all, Blue Nile is not special nor is it disappointing. It is a good place to go if you've never had Ethiopian, but I would predict that you wouldn't become a regular. On the plus side, the iced tea is interesting. It's entirely sugar-free but quite sweet.

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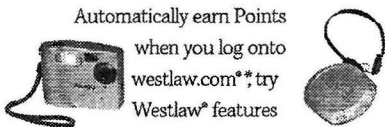
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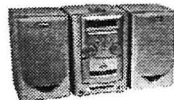
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