

'21' reasons to quit HLS

Third-year student triumphs on TV game show

By Alyssa Caples

On Wednesday's episode of "Twenty-One," Rahim Oberholtzer '00 became the biggest game show winner in television history, taking in a whopping \$1.12 million.

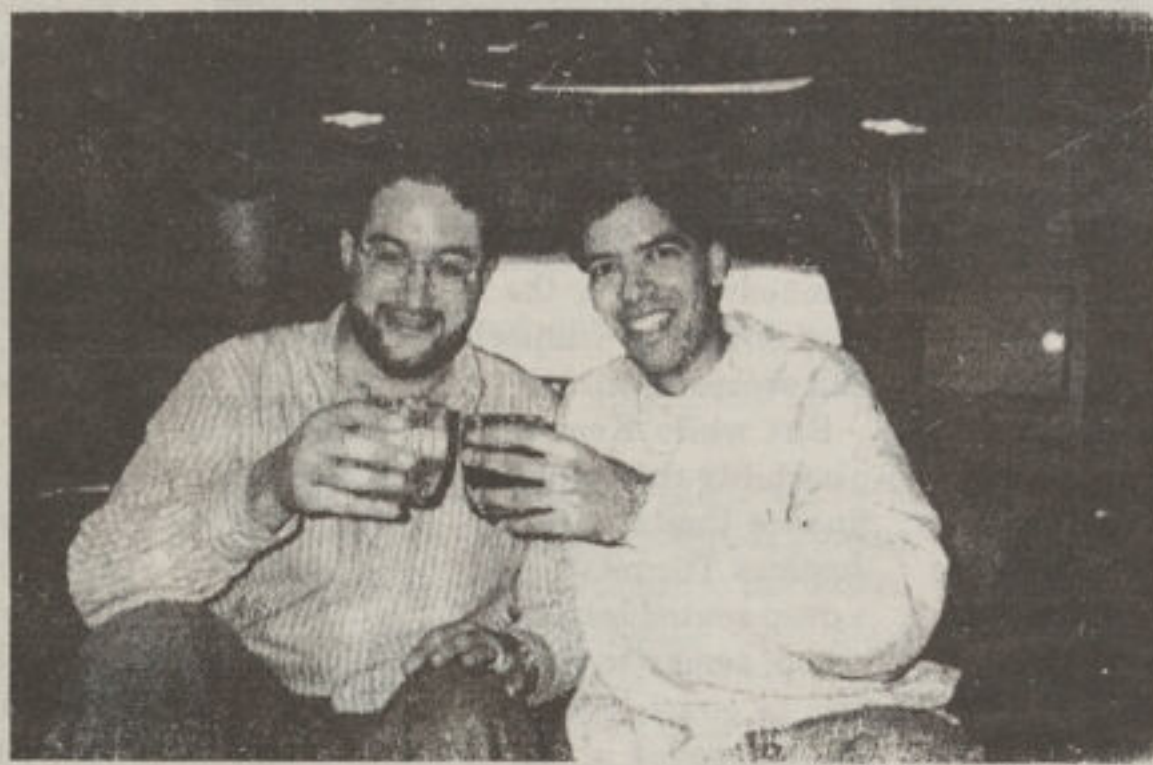
"It hasn't really sunk in yet that I won all that money," said Oberholtzer, who will use the money to pay for school, pay some medical bills for his family and set up a scholarship fund at his undergraduate alma mater, the University of Texas.

"It was pretty surreal," said Phil Calabrese '00, who accompanied Oberholtzer to the taping. "In a way it was hard to believe that it happened. There was a lot going on and everything happened very quickly."

Several weeks ago, a Yale law student appeared on another game show, "Who Wants to be a Millionaire," and won \$32,000.

Oberholtzer played four successful rounds of the television game show, which pits two contestants against each other, each answering multiple choice trivia questions while standing inside an isolation booth. The first contestant to reach 21 points wins the round.

"When I first got on the show



Rahim Oberholtzer '00, right, and Phil Calabrese '00 celebrate Oberholtzer's big winnings on "Twenty-One."

and talked to Maury [Povich, the host of the show], I was so nervous, I couldn't even remember who won the 1924 world series," said Oberholtzer. Oberholtzer is a sports fan who knows all the World Series winners by heart.

"When you're in the booth, you can't hear anything, you can't see anything, just your reflection. You are just in your own world. After the first round, I was much more relaxed. I had already won \$130,000, so I felt that that was good enough. Even when I missed a question or wasn't sure, I didn't feel very nervous."

Calabrese accompanied

Oberholtzer to the taping as his "Second Chance" or consultant, offering Oberholtzer advice on difficult questions.

"We talked about our relative strengths and weaknesses so he'd know when I might be of help to him," said Calabrese.

"On the second day of taping, I called on Phil twice, and he was right," said Oberholtzer. "We worked pretty well together. You need to have someone on the ball like that in order to win multiple rounds."

Oberholtzer's appearance on

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NEWS ANALYSIS: SUPREME COURT UPDATE

Bold Court revisits abortion, campaign finance reform

By Francesco Barbera

While the Supreme Court's agenda of recent years might be characterized as anti-climactic, the last two weeks have made it clear that the same simply cannot be said today. By any standard, the Court's current term is shaping up to be one of the most notable in recent memory.

Most dramatically, for the first time since its 1992 decision in *Planned Parenthood v. Casey*, the political scourge of abortion is once again on the Court's docket. In January, the justices agreed to rule on the constitutionality of a Nebraska law banning the late-term abortion procedure characterized by its opponents as "partial-birth abortion."

In recent years, some 30 states have adopted statutes banning the use of the procedure, known among medical doctors as intact dilation and extraction (D&X). Although used infrequently, the procedure has achieved widespread notoriety, largely stemming from its gruesome depiction during Congressional debates on the issue. D&X involves the extraction of a fetus feet-first through the birth canal, leaving its largest part, the head, inside the uterus. The procedure

is then concluded by collapsing the skull and suctioning out its contents to enable the fetus to pass more easily through the cervix.

The case, *Stenberg v. Carhart*, comes to the Court from the Eighth Circuit, which struck down the Nebraska statute under *Casey*'s "undue burden" standard. Under *Casey*, a State may regulate and even ban post-viability abortions, provided an exception is allowed where the life or health of the pregnant woman are at risk. States may also regulate pre-viability abortions provided the regulations do not constitute an "undue burden" on a woman's right to terminate her pregnancy. The procedure at issue in *Stenberg* is employed during the second trimester of pregnancy, before the fetus has achieved viability.

Nebraska's statute, which does not contain an exception to protect the health of pregnant women, defines a partial-birth abortion as "an abortion procedure in which the person performing the abortion partially delivers vaginally a living unborn child before killing the unborn child and completing the delivery."

The term "partially delivers" is in turn defined as "deliberately

and intentionally delivering into the vagina a living unborn child, or a substantial portion thereof."

In an opinion by Judge Richard Arnold, the Circuit court found that the "substantial portion" language broadened the statute's prohibition to include dilation and evacuation (D&E) — the most common procedure employed for second-trimester abortions. In its brief, the state argued that Nebraska's legislature had not intended to ban D&E and that the court should interpret the language narrowly to apply only to D&X. The court, rejecting that argument, held that such an interpretation would "twist the words of the law and give them a meaning they cannot reasonably bear."

Having found the statute to prohibit D&E, the court went on to conclude that such a prohibition "imposes an undue burden on a woman's right to choose to have an abortion."

Seven other courts have ruled on statutes substantially similar to Nebraska's, and all but one struck them down on the same grounds — vague or overbroad language — as the Eighth Circuit. The single exception, in the Western District of Wisconsin,

Please see **COURT**, p. 2

Donahue trades OCS for the Yard

By Justin Herdman

In the end, she may have saved the best career advice for herself.

Sally Donahue, who has served as Director of the Office of Career Services (OCS) for two years, announced last week that she is leaving the post. As of Feb.



Sally Donahue

1, Donahue has taken up residence in a new position, as Director of Financial Aid for Harvard College.

Temporarily replacing Donahue at the helm of OCS will be Linda Mishkin, who currently heads the International Tax Program.

Donahue did not leave OCS without deliberation. "It was a very difficult decision for me to leave, since I was in OCS for two years, and Financial Aid [at HLS] for ten years," Donahue said.

As her departure corresponds with the spring recruitment period for 1L students, Donahue admitted that the timing of her move was cause for hesitation. "It was difficult to leave when I did," she said. Nonetheless, Donahue anticipates being on-hand to help OCS if problems arise.

Sally's Tally

Donahue's tenure coincided with OCS's transition to a technology-driven 21st century. Under her supervision, HLS was able to institute an on-line system of interview bidding, as well as an Internet-accessible database of judicial clerkship openings.

Donahue anticipates that the integration of technology into the OCS operation will continue in her absence. "In the area of technology there is so much that would ease the process for students, but would also free up the [OCS] staff. If you could utilize technology to deliver services more efficiently, you'd have a much more vital staff that are better able to respond creatively to problems," she said.

Donahue noted that past mishaps could have been better handled with a fresh staff,

eased of the recruiting season's fatiguing burdens by better technology. As an example, she cited the fall semester of 1999,

when student dissatisfaction soared due to long lines outside of OCS during the résumé "drop-off" period. Ultimately, the students themselves devised a solution, suggesting an alternative method of deposit-

ing résumés.

"Next fall, OCS is trying to move to electronic submission of resumes. I don't know which way that will go," Donahue said.

When asked to name a specific accomplishment, Donahue cited the creation of a Spring Break Alumni Mentoring Program for 1Ls. The program was founded to offer students an opportunity to meet HLS alumni in a variety of legal fields, and to experience a week in the life of a working lawyer.

"The 1L Mentor Program is easy to identify because it's relatively self-contained," she said. "In student services, a lot of your work isn't that easily visible."

Last spring, 40 students participated in the program. Half of those students shadowed attorneys in firms, while another ten worked for judges culled from the ranks of HLS alumni. Other students worked with public interest lawyers, prosecutors and even a film industry executive.

But Donahue is loathe to claim individual credit for these advances. "These are not my accomplishments, but the accomplishments of the entire [OCS] staff. And in the case of the judicial clerkship database, we had help from the Berkman Center [for Internet and Society]," said Donahue.

The Dean's Office was unable to provide a timeline for the selection of Donahue's permanent replacement. Additionally, the fate of Donahue's seats on the Administrative Board, Placement Committee, and Campus Planning Committee remain unclear as of this publication date.

See what happens when two 3Ls get press passes to the New Hampshire debate... p. 3

We like Johnny... p. 4

Remembering the struggle... p. 5

Justin pretentious? Surely not... p. 6

and the bodacious Fenno...

Court tackles PAC funding, federalism

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construed the statute's language narrowly to prohibit only D&X.

Notwithstanding the near unanimity, it is difficult to deny that the opinions striking down the law bear the strained quality that arises when judges cloak their politics in legal reasoning. In the Wisconsin District Court's words, "Everyone understands what partial birth abortion is and what it is not. It is the D&X procedure." Still, with the arrival since *Casey* of the Clinton appointees, **Justices Breyer and Ginsburg**, and the departure of *Casey* dissenter **Justice White**, the Circuit Court's ruling stands at least a solid chance of surviving the flames.

Campaign Finance Reform

In a ruling with far-reaching implications for nationwide campaign-finance reform efforts, the Court upheld a Missouri law limiting state campaign contributions to amounts ranging from \$275 to \$1,175, depending on the state office at stake. Reaffirming its 1976 decision in *Buckley v. Valeo*, the Court, with **Justice Souter** writing for a six-member majority, found that the state's interest in "the prevention of corruption and the appearance of corruption" is sufficient to satisfy the heightened scrutiny required by the

First Amendment.

The decision overrules a 1998 Eighth Circuit opinion, *Shrink Missouri Government PAC v. Adams*, which held that Missouri's stated interest in fighting corruption was insufficient by itself to satisfy the *Buckley* standard and that the state was required to produce "some demonstrable evidence that there were genuine problems" resulting from large contributions.

In support of its law, Missouri produced newspaper stories pointing to the undue political influence of big-time donors and a state senator's affidavit stating that contributions have the "real potential to buy votes." Noting that academic research on the subject was inconclusive, the Court stated that the evidence gives "little reason to doubt that sometimes large contributions will work actual corruption of our political system, and no reason to question the existence of a corresponding suspicion among voters."

The Court also rejected the argument that inflation since the *Buckley* decision had rendered the \$1000 limits upheld in that case insufficient to purchase adequate speech today. Souter noted that such an argument mischaracterized *Buckley* as upholding a specified numerical limit, when instead that case mandates only that limits not be "so low as to

impede the ability of candidates to amass the resources necessary for effective advocacy."

Souter's opinion inspired two exasperated dissents by **Justice Kennedy** and **Justice Thomas** (joined by **Justice Scalia**), both of which called for prompt eradication of the *Buckley* decision. With admirable candor, Justice Kennedy noted that the *Buckley* decision — which upheld limits on political contributions while striking down limits on expenditures — created a new breed of "covert" political speech in the form of soft money. Because *Buckley* has spawned an evil worse than the one it was intended to prevent, Kennedy argued, the Court has the responsibility to "acknowledge its missteps" and overturn *Buckley*.

But while Kennedy leaves open the possibility that constitutional campaign-finance limitations may yet be devised, Justices Thomas's opinion, animated by a deep-seated loathing of the *Buckley* decision, seems to foreclose it. "States are free to enact laws that directly punish those engaged in corruption and require the disclosure of large contributions," he writes, "but they are not free to enact generalized laws that suppress a tremendous amount of protected speech along with the targeted corruption."

Federalism

Despite its recent spate of strident federalism opinions, the Court's appetite for states-rights controversy apparently remains unabated. On Friday, the Court accepted certiorari in a case raising the issue of whether federal government has the authority to apply the Americans with Disabilities Act (ADA) to states.

The announcement comes on the heels of the Court's decision in *Kimel v. Florida Board of Regents*, handed down just two weeks ago, which struck down a federal age-discrimination statute as an unconstitutional exercise of Congressional power. Last June, the Court ruled in *Alden v. Maine* that states could not be sued by its employees for violations of a federal minimum wage and hour law.

Though such decisions make it evident that the ADA is in considerable jeopardy, some reasoning in *Kimel* suggests that the ADA may yet survive. In *Kimel*, the Court found that, since age is not a suspect class, and since Congress had virtually no evidence of age discrimination among state employers, the age-discrimination law at issue was a "disproportionate" response to a perceived problem and thus not authorized by the Fourteenth Amendment's enforcement clause.

This case, then, is likely to turn on whether, according to the justices, discrimination on the basis of disability is a more invidious phenomenon, entitled to heightened constitutional protection, and whether the Congressional record on such discrimination compiled when the ADA was passed a decade ago was sufficient to justify the law.

Although language in prior decisions points to a recognition — at least among some justices — that disabled persons are subject to invidious discrimination, the hardened stance of *Kimel*'s five-member majority suggests that the outcome of this case is highly uncertain.

Capital Punishment

The Court's latest capital punishment decision indicates a continued commanding emphasis on efficiency, finality and deference to states' prerogatives in the administration of criminal law.

On January 14, the justices upheld the death sentence of Lonnie Weeks, Jr., rejecting his argument that his trial judge failed to clarify jury instructions upon the jury's request.

Weeks was convicted in 1993 of murdering a Virginia state trooper. Upon conclusion of his trial, the jury retired to deliberate whether to impose the death sentence. After about an hour and a half,

the jury asked the judge whether Weeks could become eligible for parole. In response, the judge stated: "You should impose such punishment as you feel is just under the evidence, and within the instructions of the Court. You are not to concern yourselves with what may happen afterwards."

A few hours later, the jury submitted a second question: whether they were required to impose the death penalty upon a finding that at least one mitigating factor existed beyond a reasonable doubt. Rather than clarify the law on the issue, which clearly states that a jury may impose a life sentence notwithstanding the existence of aggravating factors, the judge referred them to a paragraph of the instructions he had already given them.

Two hours later, the jury returned its verdict of death.

Chief Justice William Rehnquist's majority opinion begins by narrowly framing the issue as "whether the Constitution is violated when a trial judge directs a capital jury's attention to a specific paragraph of a constitutionally sufficient instruction in response to a question regarding the proper consideration of mitigating circumstances." Rehnquist then proceeds to note that, since the defendant's argument did not occupy many pages in his brief, it "has some of the earmarks of an afterthought," and, since a jury is presumed to understand a judge's response, it must be presumed to have understood the judge's non-response in this case.

Disturbing as it is for opponents of capital punishment, the decision is not surprising, especially in light of recent decisions such as last Term's *Strickler v. Greene*, which upheld another Virginia death sentence — despite finding that prosecutors had withheld evidence impugning the credibility of the state's key eyewitness.

Other Supreme Court developments include the following:

The Court agreed to hear the Boy Scouts of America's appeal from a New Jersey Supreme Court decision holding that the group cannot exclude a gay troop leader. The state court found the Scouts to be a "place of public accommodation" and therefore subject to state anti-discrimination laws. The Court further found that the group's First Amendment right to free association was not violated by application of the law since "the statute does not have a significant impact on Boy Scout members' ability to associate with one another in pursuit of shared views." The Boy Scouts say the case goes to their ability to "create and interpret their own moral codes." The case should be heard in April and decided around early summer.

The Court, per **Chief Justice Rehnquist**, continued its steady construction of Fourth Amendment protections in a decision holding that a person's flight at the sight of a police officer may create the reasonable suspicion required to conduct a *Terry* stop. The suspect, carrying a white bag, ran away at the sight of a police officer patrolling the area. Rehnquist's opinion concluded that these circumstances, combined with the fact that the area was allegedly "high-crime" (he ignores the Illinois Supreme Court's rejection of that characterization), justified the stop. **Justice Stevens**, joined by **Justices Souter, Ginsburg and Breyer**, concurred with the Court's holding that flight is a relevant factor in a *Terry* analysis, but rejected the majority's conclusion that the facts in this case warranted the search. Contesting Rehnquist's quality-of-the-neighborhood inferences, Stevens noted: "Because many factors providing innocent motivations for unprovoked flight are concentrated in high crime areas, the character of the neighborhood arguably makes an inference of guilt less appropriate, rather than more so."

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NEWS COMMENTARY: ROAD TO THE WHITE HOUSE

NH: Not a speed bump, but a weigh station

Raj Goyle and Darin Johnson

For anyone who follows presidential politics, New Hampshire is a slice of heaven. Perhaps even a slice with a salad on the side. Where else do voters expect — even demand — to have a cup of coffee and talk shop with someone who might be the next President of the United States? Or how about discussing the state of the American electorate with hard-nosed journalists who have been covering the primary for umpteen election cycles and can tell stories from the days of President Kennedy?

In short, presidential candidates are made and broken in the snow of New Hampshire, and in the process, the entire political system is affected. In 1968, Eugene McCarthy and his loyal group of anti-war followers single-handedly drove a sitting president to retirement. In 1992, Bill Clinton deftly resurrected his campaign from two devastating scandals by exhibiting his now-legendary skills as a politician of the people, using his self-declared status as the "Comeback Kid" to propel him to victory.

The question for this campaign, the first of the new century (not the millennium), was whether it would go down as one rife with historical ramifications, or fall into the category of 1996 where the only news was the erstwhile wacko Pat Buchanan's upset of the politically inept Bob Dole. Going into Tuesday's vote, would the people of New Hampshire care about politics? Would the results shock the pundits again?

Given the effect on the candidates and the results, the answers seem to be a resounding yes. After all, aside from some eleventh-hour character maligning on the



Photo provided by Raj Goyle and Darin Johnson
Three protestors express their views on the Vice President's fundraising past.

Democratic side, this campaign has been relatively free of slashing negative attacks and has stuck relatively hard to the issues.

New Hampshire residents are known for taking their politics seriously and many view the state as a successful model of democratic politics for the nation as a whole. While candidates rely on endorsements, organizational power, and advertising in other states, New Hampshire votes must be earned. Town hall meetings, debates, and personal conversations in restaurants all serve to foster a feeling of responsibility and interest in politics among New Hampshire residents.

This year, New Hampshire residents responded.

Voter interest was strong, and town hall meetings overflowed with residents seeking more information from the candidates. And as a result, we witnessed the following: the metamorphosis of Al Gore, the in-

troductory of the "new politics" by Bill Bradley, a candidacy based on personal charm and little intellect in the form of George W., and John McCain trying to devastate the GOP Establishment on the strength of his ideas and personality alone.

As to what happens from here, only time will tell. Ronald

Reagan drubbed George Bush in 1980 by 20 points (much like the hammer McCain dropped on Governor Bush), and went on to the presidency. No one before Al Gore had won both the Iowa caucuses and the New Hampshire primary in a contested field. Armed with these tidbits, the pundits seem to be agreeing that the Bradley-Gore fight will continue for another five weeks, and that the only effective Bradley strategy will be to highlight the alleged ethical lapses of Gore — prime fodder for the Republicans in the general election in the fall. The more likely scenario is that Bradley will only obliquely mention the "trust" issue and have his surrogates continue to bash the Administration generally and Al Gore specifically. One has to wonder, though, what is the rationale for Bradley's candidacy? Outside of the cozy confines of Harvard Law School, where it is easier to blow-

ing your nose to be a liberal without doing anything about it, most "core" Democrats are not defecting to the Bradley camp. While he is of course a good man, he does not capture the imagination of the party stalwarts, nor does he offer a sense of vitality that is needed to topple a frontrunner. He talks about race, but the vast majority of blacks and minorities are supporting Gore. One study called Bradley's supporters "Starbucks and sushi" Democrats, and that is precious little to build a movement around. To the extent Bradley brings new people into the process, though, he is certainly to be applauded.

As for the Republican side, the clear story from New Hampshire is John McCain. No one, including the candidates, thought the voters would so devastatingly reject the front-running Bush. Nevertheless, with all of McCain's success, the consensus is that Bush is still going to be the nominee. Why? Organization, money, and endorsements — the very reasons which set New Hampshire apart in the primary process. The one thing that GOP faithful ALL agree on is a visceral dislike (some might say venomous hatred) of Bill Clinton, and by extension, Al Gore. They will vote for the candidate who is most likely to regain and reinsert "morals" back into the White House, because no one can complain about the economy. ("Morality" from these two is an interesting notion given that the W. is an admitted alcoholic and won't tell us how many drugs he's done in the past and John McCain openly talks about his sexual exploits which ruined his first marriage. But hey, who's counting?)

All for now from these political swamis. Remember the Massachusetts primary on March 7!

TIMELINE

2 p.m. We rent a video camera in an attempt to be inquiring reporters.

3:30 p.m. Arrive in the press room. First stop: free food.

4:30 p.m. In a pathetic attempt to be legit, we interview two people dressed in pig outfits and three teenage mallrats dressed as Buddhist monks.

6 p.m. Insulted and blown off by a U.S. Senator. Felt good.

7 p.m. GOP debate starts. George Stephanopolous sits down ten feet from us. Everyone around us tries to be cool and not stare at him.

8:30 p.m. GOP debate is over. I approach George with a pre-planned pitch involving Professor Chris Edley. Before I finish pronouncing my one-syllable name, he says, "Great. Good to see you," and walks on.

8:35 p.m. Steve Forbes is a very strange-looking man.

9 p.m. Democratic debate starts. Most of the reporters hardly react; they're beginning to need some alcohol.

10 p.m. Democratic debate ends and we rush to videotape again. After 60 seconds, a C-SPAN reporter asks us: "Do you two always talk this much?"

10:30 p.m. We turn to Clarence Page, syndicated columnist from Chicago. He proceeds to talk about everything under the political sun for 30 minutes. Good quips.

11 p.m. We finally leave and are on the prowl for a bar with famous journalists.

11:30 p.m. Jackpot! The greatest post-debate scene imaginable. A quaint hotel bar holding the cremé de la cremé of political journalism.

11:45 p.m. After fumbling around, I approach Jack Germond. I say his name twice and he doesn't respond. On the third try, he turns around. The conversation lasts about five minutes, as I see that he

is a little in the suds. Disappointed, I return to my drink. So does he.

Midnight I engage a local barfly who is gathering the autographs of all the famous journalists in the room. In the midst of the conversation, he claims to have hired Steve Case in 1982 and that AOL was his idea, but he's not bitter about it. Now I know why CEOs have bodyguards.

1 a.m. I spy Tucker Carlson, the young bow-tied, baby-faced right-winger. He looks like one of those 20-somethings who was a dork in high school and now is trying to make up for lost time. I ask him how he got to be a pundit. He states the obvious, "Glibness and shallowness." I tell him he writes pretty well. He counters, "Yes, I know. I just didn't want to sound too pompous."

1:15 a.m. Tucker gets personal. He insists that I could not know what he knows about politics. I tell him that's definitely true, but that I follow the issues as much as I can given my student status. His

three friends smirk at me mischievously. After I tell them to stand down, they counter, "[Expletive] off." I respond in kind. This turns Tucker into serious mode. He says that was unnecessary. I apologize, but insist that they started it. He then says, "[Expletive] off and get the [expletive] out of this bar." Hoping Darin would wake up soon and come to my rescue, I decide to stand my ground. "Why don't you go do to yourself what you suggested I do?" (Or something to that effect.) This is intelligent political discourse, don't you think?

1:20 a.m. After five minutes of purely Tucker-inspired expletives, the battle moves outside. As Jonathan Alter and Mary McGrory watch, the Tuck and I trade insults. We stop — it's the moment of truth.

1:21 a.m. He blinks and walks back to his buddies. I claim victory and stroll out of the bar. Ain't New Hampshire great?

HLS's Oberholtzer beats Yale by factor of 30

Continued from *GAME SHOW*, p. 1

the show was almost accidental. Oberholtzer's friend, Emily Kuo '00 called in to be a contestant on the show, after Oberholtzer noticed the commercial on television. A week later, Kuo received a call from the producers of the game show to come to a test site at the Boston Hilton for prospective contestants.

"Rahim just came along," said Kuo. "There were 30 multiple choice questions, and they let everyone who was there take the test."

Kuo and Oberholtzer were among those 80 to 100 people out of the hundreds of would-be contestants taking the written test who passed. Out of this group only four people, including Kuo and Oberholtzer, were selected to come to Los Angeles to be contestants on the game

show.

"They video taped everyone playing the game to send to the producers to select the contestants" said Kuo. "They said we could get a call to be on the show in a week, a year or never."

But four days later, both Oberholtzer and Kuo were summoned to Los Angeles. The call could not have come at a worse time. The producers of the game show selected Oberholtzer and Kuo as possible contestants for the Jan. 22 and 23 tapings of the show, just one day before winter term exams.

"I had TAW, so I didn't have an exam, and Rahim had negotiations," said Kuo. "Both of us had a Spanish exam on that Monday [Jan. 24] though."

"When they called me, I asked them if I could go a week later because of exams, but they couldn't guarantee

that, so I went," said Oberholtzer. "The hardest part was deciding who we would take for our 'Second Chance' people, because all of our law school friends had exams. I had to convince Phil that it was worth it to take the flight with me." Kuo invited a friend from Texas to accompany her.

Although no one slept much before their exams, everyone feels relatively comfortable with their exam performance the day after the taping. "I'm reasonably confident I did not fail my venture capital final," said Calabrese.

Security on the set of the game show was very tight. After going through hair and makeup sessions and signing a barrage of forms, the two contestants and their "Second Chances" were kept sequestered in a waiting room with all of the other prospective contestants.

"There was no television, and you couldn't have any trivia books or almanacs in the room," said Oberholtzer. "They even followed you to the bathroom."

Oberholtzer was selected for the final round of the Saturday taping and then returned on Sunday to play the game four more times. Kuo was not allowed to play once Oberholtzer was selected because the two were friends. Kuo will be returning as a prospective contestant on the show again this weekend.

There will likely be a media blitz surrounding Oberholtzer now that he has become the biggest game-show winner in history, but the millionaire is taking it all in stride. "I don't know what to expect. They've given me a publicity person at NBC," said Oberholtzer. "I've already been contacted by a few magazines. We'll see where it all goes."

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Run, Johnny, Run

Out of necessity, a politician's toolbox is filled with medieval instruments, like ruthlessness and cunning, that seem more at home in a Shakespearean drama than in a New Hampshire diner. But the presidential candidates who tested, and spent, their fortunes in New England this past week practice a subtler form of palace intrigue. Instead of stabbing rivals through the heart with wicked, twisting daggers, modern powermongers slice through cheese danish and skewer their opponents with tongues that worm around mouthfuls of coffee cake.

In short, it is a lawyer's world now. The law has ruled duels and poisoning off-limits, so politicians are left with only the sharp word in their scabbards. This fact has been acknowledged by the electorate, and their desire for more free-wheeling was reflected in the New Hampshire primaries. Not in the candidates themselves, as none of the top four finishers are attorneys. After two terms of carefully ambiguous double-speak by the White House, another lawyer would probably fair poorly at the polls (just look at Orrin Hatch). Rather, the voters' desire to cast ballots against prevarication and calculated statements carried the crass, the cranky, and the oh-so human John McCain to victory.

What voters seem to want, then, is someone who plays the game without being too obvious. They want men and women who lead from the outside, who speak straight and kick ass. They want the genetically-created love child of John Wayne and Clint Eastwood and Madeline Albright and St. Joan of Arc. More than anything, they want a winner.

Whether the Republicans have found a winner in John McCain is a good question. An even better question is whether they've found a loser in George W. Bush. Because soon enough, the race shifts from intra-party feuding to a full-fledged ideological conflagration. There is a feeling among conservatives that this presidential election must be won at all costs. Perhaps to clean eight years of Clintonian backwash from the democratic cup, perhaps to lead the fallen angels of the Gingrich revolution back to paradise. No matter the reason, though, the party needs to put their money on a horse that can finish the race. My hopes are that Republicans will start looking closer at the odds, realize that the race ain't fixed, and bet on the ugliest pony in the field — John McCain. He's got heart, and that goes a lot further than the best pair of artificial legs that money can buy.

— Justin Herdman

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—First Amendment, U.S. Constitution

• Letters •

Full disclosure for profs

An article in today's *Wall Street Journal* raised the question whether law professors who publish articles in the law journals or who give television interviews ought to be required to reveal the source and amount of their funding. I am writing to suggest that our faculty adopt such a rule.

In a courtroom, a witness, even an expert, is subject to cross-examination. One of the purposes of cross-examination is to reveal the witness's biases. The jury then has the opportunity to judge the witness's credibility, giving the evidence of bias as much or as little weight as it thinks right. We wouldn't think a witness has a right to refuse to answer questions about his own bias on the stand. Yet Dean Cass

of B.U. Law School is quoted in the *Journal* article as saying that people are more interested in the quality of his argument than the size of his fees — as though no law professor's judgment had ever been corrupted by money. In the article, you can fairly hear Dean Cass bristling at the thought anyone might think him biased.

Don't we worry about doctors in drug trials who are paid by the manufacturers? Don't we worry about judges and legislators with a financial stake in the outcome of the matters they have to consider? Why shouldn't we worry about law professors, too? Dean Cass (who, incidentally, refused to disclose the amount he is paid by

Microsoft while he gives pro-Microsoft interviews and writes pro-Microsoft editorials) is asking us to trust law professors in a way we are rightly hesitant to trust anyone else.

In 1977, Grant Gilmore wrote that "consultation work at high fees plays the same role in academia that bribery and corruption play in the courts." HLS should take the lead in requiring its faculty to disclose the sources and amount of funding they receive. Such a step would allow the public to decide for itself whether academic authors are biased, rather than leaving the public to rely on the authors' assurances.

Theodore J. Folkman '00
Jan. 31, 2000

• Briefs •

Putting brakes on Miller '58

After years of watching Prof. Arthur Miller '58 hock Kaplan courses, host "Miller's Court" on television and sell lecture tapes or case books regarding Civil Procedure, HLS is making a bid to reign in his extracurricular activities. The administration maintains that Miller's association with Concord University School of Law, an Internet-based operation owned by Kaplan Educational Centers that offers on-line degrees, violates school policy.

The policies at issue include a prohibition against Harvard professors teaching for another educational institution during the academic year without receiving Dean Clark's [72] permission, and a provision recently added to the faculty manual which extends the rule to teaching activities on the Internet. This latter provision has been interpreted by some as threatening the on-line lecture and discussion series offered by the Berkman Center for Internet and Society, where Miller serves as co-director and has offered in the past a discussion series entitled "Privacy in Cyberspace."

Miller, who serves on Concord's Board of Advisers, maintains that he has done nothing wrong. He pointed out that his involvement was limited to taping ten hours of lectures, an activity which Miller insists does not involve teaching and is no different from making tapes of his lectures available for sale. In addition, Miller charges the University with treating Internet forays by professors unequally. The provisions in the Law School faculty handbook have not been applied to all departments of the University, and Miller points to similar ventures by the Business School and Henry Louis Gates Jr., head of the Department of Afro-American Studies.

Miller is reported to be considering his options, and insists that he will not turn his back on the Internet.

Microsoft: Lessig Returns

Just when Microsoft was breathing a sigh of relief after Judge Thomas Penfield Jackson '64 named Judge Richard Posner '62 as the mediator in settlement discussions between the software giant and the U.S. Department of Justice, Jackson put pressure on the Microsoft negotiators by asking Prof. Lawrence Lessig to rejoin the case.

Lessig was removed as special master from the case last year after Microsoft claimed he was biased against them. He has now been asked by Judge Jackson to prepare a 50-page *amicus curiae* brief on the issue of technical tying, considered by many antitrust experts to be the weakest aspect of the government's case. Lessig is expected to make the intellectual case against tying, which he often characterized as Microsoft's way to hold its dominant market position in last fall's Microsoft Case Seminar.

Nesson '63 Joins Task Force

Prof. Charles Nesson '63, Director of the Berkman Center for Internet and Society, has agreed to serve as an advisor for a new task force created by the American Bankers Association to study consumer financial privacy.

The task force is charged with designing industry-wide standards to protect consumer privacy in order to reduce the probability of government-imposed regulations.



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PERSPECTIVE

By Charlene Morisseau '01, President, Black Law Students Association

Whence We Came

"Though I am the first woman of color to join the tenured faculty, I know I will not be the last, and that is important to me." These were the remarks of Professor Lani Guinier upon her appointment to the faculty in 1998. Yet, over nearly two centuries, Harvard Law School has tenured only eight African-American men and one African-American woman. To this day there remains conspicuously absent any Latino, Asian-American, Native American, or disabled persons among the ranks of tenured professors at one of the most pre-eminent law schools in the nation, if not the world. Moreover, let us not be tempted to believe that the sole appointment of Professor Guinier, albeit an undisputed occasion for celebration and an indication of progress, dissipates the urgency of increasing the diversity of leadership and intellectual perspectives at HLS.

Last year, a diversity movement led by a multi-cultural coalition of various student organizations focused attention on the declining representation of minority students on campus. Partially as a result of the questions and challenges raised in this collective effort, the number of minority students enrolled has increased. Professor Wilkins '80 was appointed to the Admissions Committee, and HLS reaffirmed its commitment to developing a diverse community. Certainly these are outcomes of which many of us are proud.

Yet the recent reaction of one illustrious African-American alumna continually sounds in my ears: "That's nice. But when I was an HLS student, there were over eighty African-American students in my class alone. Are we really moving forward, are we standing still, or worse? Besides, where's the faculty diversity issue at these days? Who is teaching this more diverse class?" Her questions underscored the fact that last year's tremendous effort does not exist in isolation; rather, it reflects only one component in a long struggle of individuals committed to challenging the marginalization of people of color and women from positions of great influence. Holding ourselves accountable to a commitment to diversity requires a clear sense of historical perspective. Thus, on this first week of Black History Month, we should commemorate the efforts of the brave women and men who came before us, and claim their legacy as both a mandate for continuing the pursuit of a more diverse community and as a marker for measuring our progress.

Madness With Method

Wake up at noon, brew a pot of coffee, scratch my ass. Second semester 3L. Download Internet porn, masturbate for an hour, check the stock market. Second semester 3L. Light a cigarette, check my e-mail, watch Springer again. Second semester 3L. Take a couple of valium, shower, go out drinking. Second semester 3L. Return home drunk and disappointed at 1 a.m., download Internet porn, masturbate for two hours. Second semester 3L. Feels like I've been here before. Only this time, I am riding solo.

From what memory serves me accurately, I recall a similarly scripted malaise in my final collegiate semester (which, oddly enough, seemed to occupy the equivalent of four years), now save for the absence of meaningful companions embarking on a communal agenda towards decadent experimentation. And less partner-swapping.

Towards the twilight of an academic career one invariably expects to encounter a resurgence in socialization and debauchery, marked by the reappearance of faces from contexts distant who surface at efficacious moments and locales in order to exploit the concluding opportunities of a liberal academic existence.

One individual can sometimes provide the dynamic leadership that thrusts open the doors of change. For the first 154 years of its existence, HLS exclusively appointed White males to tenure-track positions. Only in 1981 did Derrick Bell become the first African-American professor appointed to a full-time faculty position. Over the next decade, it would take repeated threats of resignation from Professor Bell before HLS would appoint a handful of African-American men, such as Professor Christopher Edley, Jr. '78 in 1987, and White women, such as Professor Minow in 1986, to tenured positions. However, HLS's refusal to appoint Clare Dalton LL.M. '73, a tenure-track professor at HLS since 1981 and a proponent of the progressive and controversial Critical Legal Studies Movement, led Professor Bell to conduct a "sit-in" in his office for over three days to express his "disappointment and shame." Once the Massachusetts Commission Against Discrimination found probable cause to believe HLS discriminated against Dalton in its hiring decision, HLS settled the case out of court. In the spring of 1990, Professor Bell announced that he would take an extended leave of absence until a woman of color was offered a tenured or tenure-track position.

Similarly, student activism has been a critical catalyst for change and meaningful discussion at HLS. For example, in the spring of 1988, the Black Law Students' Association staged an over-night sit-in at the Dean's office. On April 6, 1989, 35 law schools nationwide, including Yale, Stanford, Chicago, Michigan and UCLA, participated in National Strike Day. One hundred and twenty-five HLS students peacefully occupied Langdell Hall to protest the lack of faculty diversity at HLS. Later that year, Professors Randall Kennedy and Kathleen Sullivan '81 were tenured.

As the struggle entered a new decade, the purpose of the movement, although salient, had begun to assume a new character. Originally, the objective entailed the illumination of the lack of diversity at HLS and the legitimization of civil disobedience as relevant to changing perceptions and significant in changing realities. In 1990 students involved in the Diversity Movement would expand their strategy by bringing national attention to the lack of diversity as detrimental to academia in general, and would attempt to use the law as an instrument for change. The Coali-

tion for Civil Rights (CCR), a multi-racial student organization affiliated with various campus cultural and political organizations, filed suit against the Presidents and Fellows of Harvard College alleging that the subjective nature of the law school's faculty hiring practices resulted in discrimination on the basis of gender, race, ethnicity, physical disability and sexual orientation. After the Middlesex County Superior Court dismissed the students' motion because the students lacked standing, on March 3, 1992, two Harvard Law students — Caroline Wittcoff '92 and Laura Hankins '92 — argued an appeal, that some have termed "The *Brown v. Board of Education* of the 1990s," before five white male justices, including a Chief Justice who was an HLS alumnus. Discussing the injury that the students suffered, Ms. Wittcoff argued:

When Rosa Parks said she wanted to ride in the front of the bus, everybody wanted to know what she was complaining about. . . Today, we say that we are allowed to sit in the back of the classroom, but receive the message that we will never stand up front. It is the move from the back to the front that women and minority students are being denied.

Although the Supreme Judicial Court would affirm the lower courts' dismissal of CCR's complaint on the basis that the students lacked standing, the suit was a landmark in the struggle for increased diversification.

The struggle for increased diversity would escalate during the spring of 1992, as students engaged in numerous rallies, letter writing campaigns, sit-ins, speeches, teach-ins, and forums. In April of that year, more than 400 graduate students, including Harvard Kennedy School and Business School students, participated in the fourth consecutive National Strike Day. CCR organized "teach-ins," whereby professors canceled classes or participated in group discussions with students. Four days later, nine students conducted a 24-hour non-violent sit-in in Dean Clark's Griswold Hall office suit. Although these students would later be "tried" before the Administrative Board in an open hearing in the Ames courtroom, they avoided formal sanctions. Most importantly, their passion and sacrifice represented a compelling declaration of the importance of the diversity issue to

students at HLS. Later that year, Harvard would appoint Professor David Wilkins '80 to a tenured position. Students and faculty would continue to engage in activism and spirited dialogue about diversity. Yet, in July of 1992, the HLS announced that the protest of Professor Bell, who refused to return to HLS barring the appointment of a woman of color, constituted a resignation. While the Diversity Movement lamented the loss of a great leader, HLS later appointed two more African-American male professors, Professors Charles Ogletree '78 and Scott Brewer. It would not be until 1998 that Harvard would finally announce that Lani Guinier had accepted an offer for a tenured position on the faculty.

This brief history represents only a minute sample of the complexity, bravery, and resolve that characterized the HLS Diversity Movement, which has contributed tremendously to the discourse about race and gender in the legal and academic communities and advanced campus activism as a legitimate means for civic participation. Spanning nearly two decades, and drawing from students and faculty of various cultural and political backgrounds, the composition of the movement itself stands as a testimony to the power of diversity. Undoubtedly, we come from a courageous lineage of students, faculty members, and alumni who have made important sacrifices for the betterment of our community and for the sake of egalitarian principles that drew them from the safety of their everyday routines and into a project greater than themselves.

Still, we can not afford to be lulled into a false sense of completion. With the recent addition of Professor Guinier to the faculty, the increase in minority enrollment at HLS over the past year, and the appointment of Professor Wilkins to the Admissions Council signal notable advancement, we must continue to be vigilant in encouraging the HLS Administration to commit to diversity. Because Professor Wilkins is on sabbatical this year, the decision-making process of the Admissions Committee once again will need a range of diverse experiences and perspectives that students, faculty, and alumni advocated for last year. Even if there is another appointment to the Committee, there is the need for admissions standards that are tied to long-term diversity goals and our institutional mis-

Please see DIVERSITY, p. 7

COUNTDOWN TO ZERO

By Darren Schlanger '00
RECORD Columnist

The 3L phenomenon, though, has evaded this mighty billing. Less a collective tussle with excess in anticipation of emancipation, 3L year has instead degenerated only towards the repetition of chagrin that defined the previous two years: students needlessly panicking and clamoring over studying and grades and jobs, parties and bars and clubs abating far shy of an appropriate bewitching hour, women dangling sexual favors like a Black-Jack dealer maliciously teasing a double-down on 11 with a dreaded Ace. For those with a less unassailable gambling proclivity, that shit ain't cool.

Proponents who reify this abstemious condition counter that, unlike college, a legal education entails a far more serious and disciplined existence that precludes extravagance, that the law school populace comprises an older, matured student body evolved beyond insouciant frolicking and puerile fraternizing. With half a student body engaged, married, or with spawn (and the other half as pleased with their own social dysfunction as a child sculpting with its own feces), it is difficult to assail this position.

Nonetheless, the hope endures that a radical shift in the pursuit of experien-

tial acumen will accompany this, my final semester in academia (discounting the possible matriculation of my corpse in Med School first-year Anatomy). My drug dealer, an ardent realist, chastises this unabashed optimism, counseling me to embrace the unavoidable resilience of history: having serviced and observed other law students through their tenure, he contends that 3L year rarely deviates materially from the first two years of law school. In testament to his kindness, however, he does simultaneously buttress my frustration by prognosticating a sunny horizon after graduation. Unlike mom, he always has my best interests in mind.

But why discount a vision of romantic possibility — perhaps an event planned by the Class Marshals not housed at Brew Moon. A party that transcends the inescapable ennui of meaningless dialogue with a redundant cast of characters. An all-out nocturnal cocaine binge with a leather-thong clad Roberto Unger. A drink with an interesting classmate, of whose company by the whims of fortune I was deprived. Physical intimacy with some attractive law student who no longer harbors a grade school inability to distinguish sex from emotion.

Short of such a dramatic metamorphosis, the only plausible alternative currently available remains frequent escapes from the stasis of this existence, to New York, to Foxwoods, to ex-girlfriends from eons past whose appeal has declined at the identically meteoric pace as the girth of their backsides has expanded. Indeed, former avenues of distraction no longer suffice to assuage my boredom. The irreverent mocking of the weak, pathetic, infirm has lost its luster. Theater and the arts won't do: last semester I directed a play, and in conspicuous contrast to getting a healthy dose of what is typically concomitant with stage success, laid, I got heart-break, stage-left. Even the taunting of 2L intramural basketball opponents who sublimate their homoeroticism and humbled masculinity with team jerseys and back slaps fails to titillate.

With football season sadly lapsed is magnified the exigency of manufacturing tangible final semester mirth. But the time is running out — though remuneratively superior, the demands of a lawyer's existence constrains one's capacity to ruminate, to reevaluate, to express and to freebase. And there's only so much distraction that shopping at Hold Everything can sustain.

Can You Spare a Razor Blade?

By Dusan Stojkovic '00
RECORD Columnist

ALMODÓVAR'S FAMILY VALUES

So the best film of the preceding year was "American Beauty." If you don't believe me, go see Tanya. She'll sit you down and talk you through it, just like she did with that controversial "Buffy" episode last season.

A close second on my list ... Hold up, if you've been paying any kind of attention to these reviews, you would have figured out by now that I am too much of a free thinker/slacker actually to compile a "list," but if I had one, "*Todo sobre mi madre*" ("All About My Mother") by Pedro Almodóvar would sure as heck be a close number two.

In fact, the two films grapple with many common themes, such as the value of life versus living and the societal norms constraining sexual identity.

But the perspectives of the two works are too divergent to engage in a fair comparison. "American Beauty" is a poignant, albeit stylized, vision of middle America through the ostensibly unbiased eyes of a British director. "*Todo sobre mi madre*," on the other hand, is unapologetically Spanish, a film imbued with a distinctly national mentality. Those among the readers who were awake for that part of his lecture can, and should, feel free to undertake an Ungerian "insider/outsider"

analysis of the two films while I proceed to the plot.

Manuela (Cecilia Roth) is a 38-year-old organ-transplant coordinator who lives in Madrid with her son, Esteban (Eloy Azorín), a comely, mature "fine young man with big dreams trying to make his own way." (Macy keeps that shit so tight, I can't take it!) On Esteban's 17th birthday, the aspiring writer's mother takes him to a performance of Tennessee Williams's "A Streetcar Named Desire." While the two wait outside the theater for Esteban to get an autograph from stage star Huma Rojo (veteran actress Marisa Paredes), Manuela promises to tell him the truth about his father. Huma emerges from the building with her heroin-dependent lesbian lover and co-star, Nina (Candela Peña), and is quickly whisked away in a taxi.

In what is technically one of the most perfect scenes in recent movie history, Esteban is felled by an oncoming car while chasing after the cab and dies in his mother's arms.

Retracing the route she took when pregnant with Esteban, Manuela travels to Barcelona in search of Esteban's father (Toni Cantó), to tell him the tragic news.

If the story line is starting to sound a tad too conventionalist for an Almodóvar

flick, perhaps I should mention that the father is a transvestite who goes by the name of Lola, *La Pionera*. Add to this that Manuela is soon befriended by Hermana Rosa (the strikingly beautiful Penélope Cruz), a nun who has recently been knocked up by Lola, and all notions of conformity to cinematic norms are out the door.

For the first time since "Mujeres al borde de un ataque de nervios" ("Women on the Verge of a Nervous Breakdown") — and it has been 11 years — Almodóvar crafts a forceful, cohesive motion picture that truly warrants his designation as the quintessential Spanish director of our time. "*Todo sobre mi madre*," whose name was inspired by "All About Eve," is a literary film that shows that the likes of Capote can play a part in the everyday lives of ordinary people.

The movie also draws support from vigorous technical acumen. Particularly effective is the subtly breathtaking cinematography capturing the city of Barcelona, which in and of itself is a character in the movie. In one haunting scene, Manuela rides a cab from the city center to a field where prostitutes turn tricks, while austere pretty Catalan music plays in the background. Indeed, the film's score, com-

posed by Alberto Iglesias, is weaved so well into the film's fabric that I only noticed its subtle insinuations during my second viewing of the film.

Even though the entire ensemble is worthy of praise, Roth shines most brilliantly in the role of the protagonist; she skillfully combines an earnest sensibility for the tragic with immaculate comedic timing. Far be it from me to gush, but this is the most realistic portrayal of mourning I have ever witnessed on celluloid.

To be sure, Roth's performance toward the very end of the film (which, in its notion that the death of one character is necessary for the self-realization of another, is rather reminiscent of "Breaking the Waves" and more recently, but less expressly, "The End of the Affair") was somewhat excessively melodramatic. But then again, this is a Spanish film — it is supposed to be melodramatic by definition.

In the bygone world where actresses performing in non-English films didn't have to wait 30-plus years for an Academy Award nomination (to wit, Fernanda Montenegro and Catherine Deneuve), Roth's Oscar nod would be in the proverbial bag. But alas, what can one do against the anglophone hegemony that is Hollywood? Revolt, and do it well, as Almodóvar does.

Vino & Veritas

By Justin Dillon '02
RECORD Columnist

PRETENTIOUS? Moi?

Let me recount an interesting conversation I had recently, which may elucidate some of the hurdles people have to jump if they want to learn about wine.

I was at an alumni event for my undergrad college, where I met someone who goes to HLS. Everyone wore name tags, so she saw mine and said, "You're the guy who writes that wine column, aren't you?"

Yes, I said, enthralled with the possibility that my readership extended beyond my study group. Before I could grasp the concept of one day having, think of it, seven readers, she added, "I think that's so pretentious."

Oh.

"Have you ever read the column?" I asked. "I try to write it conversationally, you know, so people won't, uh, think it's pretentious."

"No, I've never read it. I just think the whole idea of a wine column is pretentious." She then proudly defended her love of White Zin and defied me to tell her she shouldn't drink it.

Never one to tell people — at least to their faces — what they should and should not drink, I muttered something along the lines of "maybe you should try reading the column," stopped myself from suggesting that she might have to move her lips while doing so, and headed back to the open bar, where I cuddled my third glass of free cabernet and wished that Liz Falk were there.

That little encounter made me think again about something I have mentioned previously in this space: What is it about wine that makes many people find it pretentious? Wine critics have for years banded about various reasons, from our Puritan roots to the sheer incomprehensibility of most wine descriptions (my favorite: when two *Wall Street Journal* critics described the taste of a wine as "blue").

Moreover, there is so much to learn that people have a hard time knowing where to start. Thus, those who have some of that knowledge can, if they're not careful, come across as haughty and dismissive of other people's tastes. (Unless they're bashing Merlot and White Zin.)

That was what I thought when I first set out to learn about wine. Faced with such a daunting knowledge gap and the seemingly insurmountable goal of overcoming it, many people simply decide to stick to beer — or White Zin, for that matter.

That's a shame, because it takes surprisingly little effort to gain big rewards in learning about wine. Once, for example, you read about Zinfandel, the RuPaul of red wines (massive and fruity), you can walk into a wine store and ask for it. No more "Oh, just a \$10 Merlot" for you. You start to learn what you like and what you don't like, start to complicate your palate a bit, without having to turn wine into a full-time hobby or major investment.

Where, then, might you start if you would like to learn more? While there's no substitute for pulling corks, there are a few excellent books that can provide far more guidance than I can in a short newspaper column (not to mention that their authors' knowledge far outstrips my own).

By my lights, the best introduction to wine is an opinionated one. Sure, you can start out with a massive tome like Jancis Robinson's *The Oxford Companion to Wine*, but do you really want to sift through more than 800 pages when you'd just like a good white wine with dinner?

With that in mind, it's hard to beat Willie Gluckstern's *The Wine Avenger*, which costs just \$11 and is as snarky and fun a wine read as you'll find. Gluckstern's was the first wine book I ever read, and he packs a surprising amount of information into fewer than 200 pages. He not only rants amusingly about over-oaked Chardonnay and overpriced Merlot, but he also provides a whole chapter on wine-food pairings that I turn to frequently. If you want a quick intro to wine that will sift through a lot of the technicalities and wine-industry hoopla, go with Gluckstern.

Another excellent book is, believe it or not, *Wine for Dummies*, my old edition of which sold for \$17 (the new edition may be slightly more). Written by a husband and wife team (frustratingly, he's listed first in the credits, even though her qualifications dwarf his), this is a fairly comprehensive tour of the wine world and as jargon-free a look at wine as you can get

in 400 pages. Their chapter "Navigating a Restaurant Wine List" I found particularly helpful.

Finally, if you're looking for a second or third wine book, I'd go with *The Wall Street Journal Guide to Wine*, by Dorothy Gaiter and John Brecher. Yes, these are the same people who once called a wine "blue," but they write in a chatty, accessible style that makes you want to run out right away and buy the wines they recommend. If you're not sure you want to spend \$25 on a hardback wine book, take a look at their *Journal* column, which appears in the paper every Friday.

Wine is not just for snobs. It's a complex, social beverage more nuanced and interesting than any other, and even knowing a little about it can be a lot of fun. I was again reminded of that when I was told at a job interview over the break to pick the wine at a pricey Atlanta restaurant. Remember that wine, like anything else, always tastes better when someone else is paying for it.

I can't wait to be a 2L...

Tasting notes:

Two bottles this week, neither of which has anything in common with the other. The first is the 1998 Di Majo Norante Sangiovese, which costs \$6.99 at Bread

and Circus and most other places. I first drank this at an A-group tasting given by faculty oenophile Mort Horwitz and have returned to it often. For a straight-ahead, light and fruity wine that I guarantee you'll like if you're just making the jump from Merlot, you can't beat this for quality or price. Stick it in the refrigerator for about 20 minutes before opening.

The second wine, which I bought at the University Wine Shop, is the 1996 Emerald Hill Cabernet Sauvignon, which comes from the Golan Heights and costs \$9.99. (Note to Ehud Barak: Peace process or no peace process, don't let the Syrians take the vineyards! Water rights are one thing, but we're talking about wine here.)

There's a lot of good wine coming from the Golan these days, and this Cab is no exception. While its young tannins make it a bit rough around the edges, it has a solid core of fruit and a sort of leathery finish on the palate. This wine may seem a bit harsh if you're used to Merlot, so try pairing it with red meat, the fat of which cuts through the tannins. Note, moreover, that it's certified kosher, so if that's a concern for you, drink away. Thank God (so to speak) that kosher wine can now mean more — a lot more — than syrupy Manischewitz.

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Quote of the Week

"True."

— Rahim Oberholtzer '00 in response to winning question on game show "Twenty-One"

Rude Awakening

By Elizabeth Falk '00
Staff Columnist

'THE WARM OF HEART SHALL NEVER LACK A FIRE'

I've always believed in Robert Frost's poem that begins "The warm of heart shall never lack a fire, no matter how far he roam." But lately, I've had cause to believe that good old Robert forgot about the I-95 stretch between Boston and New York in his mental map of potential meandering. Right before I left for intercession, I was particularly convinced that not even a Duraflame could flicker near the John Harvard statue. I couldn't remember ever feeling so alone.

As an antidote, I decided to travel solo to Argentina. This counterintuitive logic failed some of my friends, who hardly considered hostelling around the "third world" alone a good cure for loneliness. I had to admit, it didn't make much sense to me either. But a free ticket I had, and so I went.

Within an hour of my entry to the Ricoleta Youth Hostel in Buenos Aires, a bunch of people had gathered in the courtyard to exchange information about their travels. Within two hours, we were exchanging political views. After three hours, someone brought out a 750 ml of

Tres Vacas scotch, valued at \$5.95. After four hours, the conversation turned to intimate details about our personal lives.

Amidst stories of a woman strip-teasing in BA for travel money, and the guy who got caught smuggling cocaine into Argentina for travel cash and spent six months in an Argentinean prison, people were interested in why I went to Harvard Law School, what I thought of the American corporate "suit" mentality, and my views on the false security of the American Dream. What I felt were rather boring experiences on my part, (especially after all I'd heard) actually prompted stimulating conversation about all of our future plans, dreams and aspirations.

And suddenly, it hit me that I felt far more at home in a room full of complete strangers after five hours than I had in two years around people at HLS. Funny, I thought, a bunch of interesting people, schooled in different languages, exchanging political views, future visions, and personal trials and tribulations. Exactly what my delusional thoughts had been that HLS would be like. And in one day,

in a tiny slice of Buenos Aires, I found it with people who supposedly had far less going for them than an HLS degree. People who, by our calculation, should be far more insecure and uncertain about themselves, and thus far less willing to share and give of themselves.

And after this trip, I again am reminded that there are many fires that a HLS degree can't fuel — Frost's exact message that I had been missing. At HLS, there is isolation, but isolation has little to do with aloneness. Isolation has nothing to do with hopping on a plane to a foreign country alone; this is aloneness, the celebration of individuality. Isolation is the denigration of this celebration, and it occurs when those around you stop believing in the capacity of others to challenge, remold and reshape one's vision of life through their own uniqueness. At HLS, the nature of the workload may require aloneness. But what festers here is the intense distrust of other people,



and a tunnel-headed view of the One True Way to lead a life and a fear of any other view. This is the isolation that Frost couldn't have comprehended for his life travelers — when people stop sitting around the fire because they are convinced that there is such a thing as thinking too much

about where we are headed, for what purpose, and at whose expense. Even the warmest of hearts cannot find a flame in a world where the glory of human exchange is lost.

I want to live in the world Frost envisioned. Ricoleta reminded me that it's out there, somewhere. And it also alerted me yet again to the mental danger that still lurks in my final months here ... danger I am determined yet again to avoid.

One of my cab drivers sternly chastised me on the way to the airport. "Women who travel alone are crazy," he said. And I smiled inside. No my friend, I thought. I know where all the crazy people are. And hopefully, I'll never be one of them.

Fenno

Fenno stared at the screen sullenly, immune to the applause and cheers on the television. She shifted forward and hit mute, then collapsed backwards into her stained sofa. The only sound in her basement lair was the stifled clanking of emptied Stroh's cans.

Rahim Oberholtzer's beaming mugshot stared back at Fenno. After years of sniping at the misfortune of others, Fenno was truly stumped. Here was a student who had hit the jackpot — someone who had made more money in an hour than David Rosenberg, while actually working less. As if things weren't bad enough, Fenno was still looking for a new Author, and now this.

If there was to be a way out of this labyrinth of jealousy, Fenno would have to find it herself. She picked up the phone, flicked away a two-week old slice of pepperoni from the receiver, and dialed.

"Dersh Consulting Group. You slash 'em, we trash 'em."

"Hello," said Fenno, trying her damndest to sound like Daryll Kreml, "Or as they say on the leper island of Molokai, aloha. It's Rahim Oberholtzer! I'm calling for Harvard's resident expert on ill-gotten celebrity. Alan Dershowitz."

A gasp came from the other end. "Rahim Oberholtzer? The same Rahim Oberholtzer who just won \$1.12 million as reported by those cutting-edge journalists on the Harvard Law RECORD?"

Fenno snorted, "Yeah, and that's my final answer. You think there's another Rahim Oberholtzer at this place?"

Dersh retorted, "Well, not that I know of. Anyway, what do you need, champ?"

"Look Dersh, let's get one thing straight. I don't like you, and you don't like anyone, so let's can the buddy-buddy act. I need advice, alright?"

Dersh lowered his voice. "Yes, Rahim. I'm happy to give it to you. It's a little known fact that I once tried out for the '\$64,000 Question,' but they bumped me due to a personality conflict. If you ask me, they were just trying to keep that pretty boy Charles Van Doren on for as long as possible, but..."

Fenno interrupted, "Great. Listen, I have a feeling that we're in the same boat. We both owe great fortunes and national recognition to our big mouths, and in my case, Phil Calabrese. What I need from you is guidance, Dersh. I need to know how to

milk the media for every last second of TV time, how to publish meaningless tracts of unreadable trash, and how to make lots more money than I've already got."

Dersh replied sharply, "No problem, Rahim, I can help you."

Fenno chuckled, "Oh, I know that you can help me. But first I want to see how smart you really are. Are you ready?"

Dersh sounded a bit hurt. "Frankly, Rahim, I don't see why you'd doubt my obvious brilliance, but go ahead."

"Great. True or False? The closed door meeting in DC between Raj Goyle and Ralph Nader wasn't just about catalyzing justice, if you know what I mean."

"Uhh, gee. I've always considered Washington to be the Venice of the East Coast, so I gotta go with true. Something else had to be going on there."

"Wrong, Dersh. Everyone knows that Nader is unsafe at any speed, especially reverse. Do you know Jamaica Potts?"

Dersh stuttered, "Jamaica Potts? Isn't that Charlie Nesson's Internet alter-ego?"

Fenno laughed. "Yeah, good one. Anyway, Jamaica Potts recently pulled a throat muscle. How did this tragic injury occur?"

"Oh, did our friend try to get a good grade the easy way?"

"Ha! Watch yourself, Dersh, there's no attorney-client privilege here. Actually, Jamaica just giggled too hard. Let's try a few more. What RECORD columnist can best be described as an onanistically fixated cretin besotted with polysyllabic verbiage who is also a rapacious, hyperphagic trencherman of nugatory scatology?"

"Easy. Joseph H. H. Weiler."

"Jesus H. H. Christ," Fenno exclaimed, "I said it's a student!"

"Oh," Dersh gushed, "Well, you didn't make that clear, Rahim. That's one thing that you must pay attention to now that you're famous, no careless slips of the tongue. I tried to impress that fact upon the Deabler boy, but with the terrible things he said about Tek and Amaya, he must not have taken them to heart."

"What are you talking about, you old coot?" Fenno shouted, "One last question. And this comes straight from the lips of my own personal informant, Celeste 'The Snitch' Pagano. How did Carol Bell hurt her knee?"

Dersh answered, "Now that one, I'm sure about. Carol was dancing with some Slovenian LL.M. at Sally Donahue's farewell party. I know, because I was chatting with Bob Clark about the going-away present that the administration purchased for Sally, a slinky little silk number..."

"You're right! Good news, Dersh, you've got the job. Don't call me, I won't call you." With that, Fenno slammed the phone

down. She glanced down at this week's issue of the RECORD and began to read the Supreme Court Update. Fenno didn't see what it had to do with breath mints, but the fact that they granted Certs to some partial-birth abortion case did not sound too good. That was such a convenient way of eliminating the undesired consequences of a lousy HLS date. Next thing they'd have her using a hanger, like back in the '60s.

Ah, yes, the '60s, when Scott Brewer was truly a bodacious biracial babe, Fenno leaned back again and imagined how

Brewer's voice would quiver as he read these lines to the nerddoids in his "Excellence of Jurisprudence" class (yes, all three of them!) who would surely blush, perchance pass out. Fenno decided to pay Scott a visit during office hours and suggest creative ways to set the wheels of Randall Kennedy's Social Project into motion.

Not full motion, of course; she'd have to hit up her contraception dealer, Amelie von Briesen, for some of those Frenchie morning-after pills. Fenno was not about to let the Supremes ruin her party.

Remembering the Past

Continued from DIVERSITY, p. 5

sion. Also, despite the fact that nearly two-thirds of our student body signed a petition in support of diversity last year, our student council has yet to pass an affirmative resolution advocating for increased diversity at HLS. Now that the halls have quieted down and the platforms and microphones have been stored away, has our commitment to diversity proven to be a momentary outburst? If not, if it is an enduring commitment to engaging in constructive discourse and contributing to the social and intellectual fiber of our campus, as well as the national debate on diversity, then what are we waiting for this year?

Are we awaiting another great leader to emerge from the mist? Or perhaps we need just the right combination of particular circumstances, such as a dramatic decline in minority enrollment from the previous year, or a confederate flag hanging from a dorm room window? Great leaders are not merely the results of great moments; they are the every-day individuals who contribute on a consistent basis to a cause they believe in. Both the students who "minded the store" by continuing the struggle in small ways, such as writing campaigns, and those who picked up the reigns by inventing new strategies for engendering constructive dialogue about the rights and responsibilities of the legal community, transformed Professor Bell's actions from the noble, final gestures of a great individual to the opening gestures in a greater movement. Nor will it ever be the "right" or the most convenient time. The stars simply will not align. We must choose to act now because everyday is the only time to make a significant difference. Then again, perhaps we are all just too weary — burdened by the weight of class schedules, outside commitments, re-

cruiting, personal relationships, and the myriad other legitimate demands that consume the minutes of our day-to-day struggle for self-affirmation — to locate any space in our lives for collective political engagement. This can only be so if the source of our ideals is the ephemeral passion of those who are only willing to contribute what they can afford to lose comfortably, rather than the profound conviction of those who are willing to sacrifice what little they have even when they need it the most. Change does not come without a price. Moreover, through effective coalition building we may also provide each other the requisite support for making this a fulfilling individual experience.

Let this month mark the reemergence of the diversity issue from its own brief sabbatical. Let this time not pass without the reaffirmation of our commitment to expanding the opportunity for diverse intellectual engagement. Let us not squander the opportunity to reclaim a treasured legacy to which so many of us owe so much. We must continue to challenge standing generalizations about who are best qualified to serve as intellectual leaders in the academic field and locate our own conclusions about what range of experiences indicate the potential for individuals to become incredible legal advocates. We must not allow the Administration's ostensible commitment to diversity to be simply a veneer that withholds full disclosure or an empty formality that prevents concrete advances, such as a long-term proposal for furthering faculty diversity at HLS and the appointment of a more diverse Faculty Selection Committee. As the history of the Diversity Movement eloquently demonstrates, only through collective dialogue, participation, and commitment, may we significantly advance the quality of life on our campus and contribute a lasting legacy.

Too-L

by Gene Koo'01



BEFORE THE LAW

BY DEREK WINDHAM

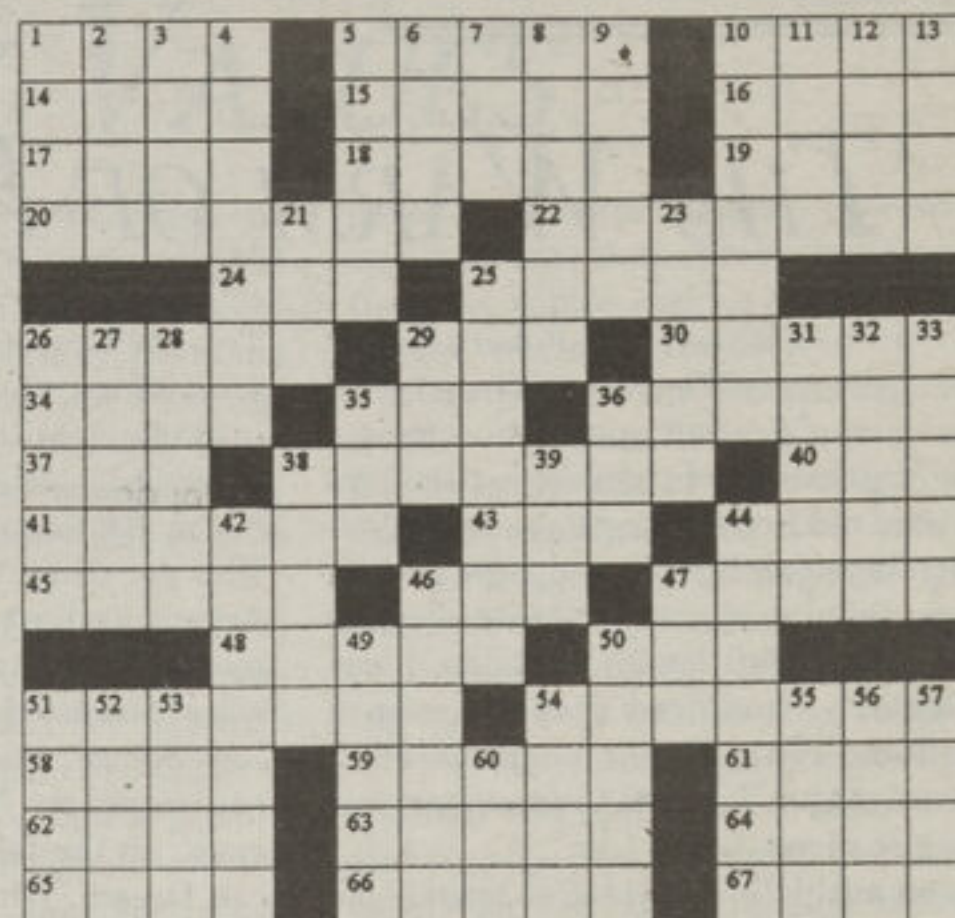


Crossword 101

" Millennium Meandering "

By Ed Canty

- ACROSS
- 1920's Yankee legend
 - Building plans
 - 1881-1963 John XXIII
 - Labor law inits.
 - Region in the Alps: Var
 - Seed covering
 - Shakespeare's soon
 - 1836 siege site
 - Peddle
 - 1901 radio man
 - 1960's pop group
 - Roulette bet
 - Class
 - Fanny 1891-1951
 - Substitute: Abbr
 - Sousaphones
 - Take heed
 - Whitney 1765 - 1825
 - Almost not
 - News org.
 - Gutenberg's 1455 job
 - Title: Abbr
 - 1950's TV star Sid
 - Lifeguard's fringe
 - Big theory
 - Reykjavik money
 - Mortar trough
 - Recipient of a gift
 - 1950's Bridge expert
 - Al Gore, for one
 - 1885 auto pioneer
 - 1610 star gazer
 - Civil rights org. of 1920
 - Zealous
 - parmesan
 - Leg bone
 - Creep away
 - Stake
 - Master & Mistress lead in
 - Borderlines
 - 1776 seamstress
- DOWN
- Wander
 - Coll. established in 1845
 - God of thunder
 - 1776 signer
 - Follows fruit or vegetable
 - Hairlike structures
 - 1972 U.S. proposal/Abbr
 - June 17, 1775 Battle of Bunker Hill, e.g.
 - Blackthorns
 - 1822-1895 biologist
 - 1980's pitcher Hershiser
 - Heap
 - Building wings
 - Ludwig's 1823 "to Joy"
 - Rose petal aroma
 - 1817 Erie Canal builder
 - Actor Lee 1940 to 1973
 - Give back
 - More slippery
 - 1964 boxing champ
 - 1923-1964 Irish author
 - Only
 - 1871-1909 Irish author
 - Goof
 - 1776 signer Franklin
 - Oral statement: Law
 - Small amount
 - Freud of 1856 to 1939
 - Simon of 1783 to 1830
 - 1835 Birth of NY
 - 100 cts.
 - Actress Della born 1931
 - Bert, Ms. America MC
 - 100 yard run
 - Painful sensation
 - Pelvic bones
 - 1907-1998 cowboy Autry
 - 1990's TV host
 - Consumes
 - Barcelona cheers
 - Musician's job



Quotable Quote

" Youth has no age. "

... Pablo Picasso

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