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Cautionary Lessons from Rwanda

by Tara St. Angelo

Movies such as Hotel Rwanda and Sometimes in April have brought knowledge of the Rwandan genocide into mainstream culture. Most of our knowledge of the genocide focuses on the 100 days in 1994 during which 100,000 people were killed. Lars Waldorf has spent the most recent portion of his career studying the aftermath of this tragedy and how justice is being sought. On October 4, 2005, Lars Waldorf of The New School’s World Policy Institute visited our law school to present his lecture entitled “Mass Justice for Mass Atrocity: Cautionary Lessons from Rwanda.”

Waldorf holds a B.A. from Harvard College and a J.D. from Harvard Law School. He clerked in the New Jersey Supreme Court and worked as a senior trial attorney at the Civil Rights Division of The United States Department of Justice. In recent years Waldorf has turned his attention specifically to the Rwandan genocide. He ran the Human Rights Watch’s field office in Rwanda for 2 years and has been observing dispute resolution proceedings, known as gacaca, in Rwanda since they began in 2002. Currently, Waldorf is writing a book on gacaca with support from the United States Institute of Peace. His lecture stemmed from his experiences and observations in Rwanda.

The Rwandan genocide is unique in the speed with which it was carried out, the large scale participation, and the limited use of technology. Waldorf began the lecture by dispelling misconceptions about the genocide in Rwanda. Although a conflict between the Hutus and Tutsis lies at the center of the genocide, it was not a result of ethnic hatred or state failure. The Hutus and Tutsis speak the same language, are part of the same culture and community, and often intermarry. The conflict between the two ethnic groups began at decolonization. In 1959 the monarchy was dissolved and Belgian troops withdrew from Rwanda. This created a power vacuum which both groups fought to fill.

The conflict also stemmed from widespread fear that Tutsi forces were working with citizens to dispossess people of their land. The conflict escalated in 1994 when Tutsis were blamed for a plane crash that killed the presidents of Rwanda and Burundi. After that, the extremist Hutu militia took control of the country and used the central government to apply pressure and coerce the people of Rwanda to per-Continued on page 5
White Water Rafting: More Fun than a Game of Cornhole?

by Tom Robertson

The other working title for this article was “White Water Rafting: An Experiment to Determine Whether Girls Float.” But more on this later.

On September 30, fourteen law students and one Air Force pilot drove west (if you’re looking at a map, that’s left) to tackle the mighty Upper Gauley River in Fayetteville, West Virginia. Numerous friends and mere acquaintances saw them off with words of support. “Try not to die,” said David Bules (1L), whose dark perspective on fun was echoed by many others. “I heard someone died there recently,” said Memphis John Newton (1L).

With over 350 miles of Interstate to cover, there was plenty of time to let the encouragement marinate.

Six of the adventurers, led by first-time rafter Carrie Harris (1L), pulled off for a pitstop in Covington, lured by the widely heralded calzones (called “turnovers” in rural Virginia) of a local mafia hotspot. The restaurant, “Cucci’s”, is owned by a convicted felon and offers excruciating slow service that nobody dares to complain about. The turnovers were indeed delicious, but upon waking up Saturday morning for the rapids, Team William and Mary found itself down a man, with Jason Stickler (1L) confined to bed rest and college football.

The survivors, torn from slumber by a 5:00 am wake-up call, trudged in utter darkness to breakfast with heavy eyes and uneven footsteps. After a spirited pep talk from the head river guide that involved 30 minutes of tips on how not to die, the gang bussed through soupy fog to the mighty Upper Gauley and shoved two bright yellow rafts onto the river around 7:30 am.

River rapids are classified on a scale of 1 to 6, where 1 is the gentle gurgle of your buddy’s hot tub and 6 is mad dogging Niagara Falls. The path down the Gauley included four sections of Class 5 rapids. The first test came at “Pillow Rock,” where one overzealous river guide took his raft high off the rock and dumped Carrie Harris overboard. The guide then hurled a safety line, yet succeeded only in hurling himself overboard, losing both the equipment and Harris. Another raft managed to scooped Harris from the water, but, sadly, the safety line was lost.

The water itself was a bit of a mystery—the rafting company listed the temperature at 58 degrees, but the wetsuits felt superfluous. “People have asked me how cold the water was,” explains Dennis Chong (2L). “And I tell them to ask the girls. They would know since they all fell in, and the guys didn’t.” The ladies’ next chance to get wet came at another Class 5 called “Shootin’ the Box.” According to Trey Freeman (2L), the second raft shot the box backwards and nearly flipped. “We looked around and there were only guys on the boat. All the girls bailed.”

Diana Holz, Kelly Pereira, Loren Smith, and Melissa Sonnon (1Ls) floated downriver where they were fished out in front of approximately fifty curious onlookers.

Back on land, all energy and focus turned to Cornhole, an underappreciated sport screaming for national exposure, in which two-person teams of “Cornholers” attempt to toss beanbags into a softball-sized hole carved into a wooden box. The game gets competitive quickly, and it is no wonder that the law students took to Cornhole like a Canadian to poutine. The 2Ls asserted their dominance early. Whereas your average Cornholer uses an underhand motion analogous to horseshoes, standout Richard Neely employed the stroke of a jumpshot, which was, in a word, breathtaking. And to his right, stood Trey Freeman. “There is no one more clutch when it comes to the Cornhole,” says J.D. Goodman, rookie 1L southpaw. Luckily, 2L dominance was tempered by Williamsburg native, Christi Cassel (1L), who with one fateful toss, cleared the cornhole by three feet and hit Freeman square in the groin.

There will be a rematch. Freeman made it clear that the trip is on for next fall. So grab a beanbag and start training—Cornhole is easy to play, but difficult to master.
Defender of Dragons, Monsters, and Bogeymen

by Kelly Pereira

When was the last time that you read the Bill of Rights? When did you last read the Federalist Papers? Did you really read them? How far would you go to defend the Constitution? On October 7, David Baugh, a defense lawyer from Richmond, challenged and inspired his audience of law and public policy students with a lecture entitled "Dragons, Monsters, and Bogeymen: Representing Unpopular Clients to Preserve the Constitution."

Is there anyone whom you could not represent as a client? If you are David Baugh, you can’t think of a case that you wouldn’t take. Said Baugh, “I’m a human being and nothing that humans do is alien to me. The government is the real bogeyman.” No stranger to controversy, in his distinguished career Baugh has represented a Ku Klux Klan member and an Al Qaeda operative. Baugh’s mantra is, “You are not defending the person. You are defending the principle.”

Baugh likened the role of a lawyer to that of a doctor. “If you were a doctor, would it matter if your patient was an idiot? When you are a lawyer people think you agree with your client.” A lawyer’s objective, according to Baugh, is to protect the Bill of Rights above all else. “It doesn’t mean protect those we agree with. It’s only the extremes that test our principles.”

While Baugh was serving on a legal advisory panel for the American Civil Liberties Union (ACLU), he agreed to take on the case of Barry Elton Black, a member of the Ku Klux Klan, who was accused of a felony in 1998 for violating Virginia’s cross-burning statute. The law provided that “any such burning of a cross shall be prima facie evidence of an intent to intimidate a person or group of persons.”

As an African-American, Baugh’s zealous defense of Black’s First Amendment rights was shocking to many. Although the judge rejected Baugh’s objections to jury instructions and Black was fined $2,500, the case proceeded to the U.S. Supreme Court. The “prima facie” provision of the state statute was struck down, and the court reversed Black’s conviction.

In another high-profile case, Baugh represented one of the Kenyan Embassy bombers, Mohamed Rashed Daoud Al-Owhali of Saudi Arabia. At trial, Baugh conducted a television interview with former Secretary of State Madeleine Albright and produced former Attorney General Ramsey Clark as a witness, to attest to the harm done to Iraqi civilians as a result of sanctions stemming from the Gulf War. On June 12, 2001, after five days of deliberations, the jury could not reach unanimous agreement in order to impose the death penalty. Al-Owhali was sentenced to life in prison.

Baugh claims, “There’s a certain thrill in doing the right thing even when it scares you.” Baugh sometimes hears his own theme music and carries on the principles of freedom in the name of his Civil Rights heroes. “They didn’t do it so I could watch a widescreen t.v. or drink expensive vodka.” That is not to say that there are not hardships along the way in standing up for what you believe. “Going to jail ain’t that bad. All my heroes have been to jail.”

Baugh peppered his talk with homage and caricatures of some of America’s founding fathers. Why do we have freedom of religion? According to Baugh, “The only way to protect something is to leave it alone.” Thomas Jefferson knew that and protected freedom of religion, although his personal piety was “close to the anti-Christ.” Meanwhile, Baugh dubbed Benjamin Franklin as “the first metrosexual” for his trendy eyewear. Baugh quoted Franklin’s observation that, “Those who would sacrifice liberty for security shall have and deserve neither!”

There were words of encouragement for Baugh’s audience. “This is so much fun. This is the best job in the world. For those with a lot of testosterone, everyday you get to be a hero.” Baugh claims to have struggled through undergraduate school, but something clicked in him when he began law school at Texas Southern. “It was meant to be. I coasted through law school and the bar.” After admittance to the bar, Baugh had his first case in three hours and his first murder case within seven days.

Baugh cautioned that there are tests of principle along the way. He had some choice words for some of the judges he has faced, but said, “I’ve never seen a jury cheat.” He keeps firm faith in democracy and had some harsh criticism of the Patriot Act. “We can do a better job spreading democracy by practicing it here... I’m not patriotic... maybe I am. I don’t wear a flag on my lapel.”

Baugh’s lecture was sponsored by BLSA, the American Constitution Society, the Bill of Rights Institute Student Division, and the College of William & Mary Law Library. For more information on David Baugh, some useful websites include www.abanet.org/irr/hr/fall00/oneil.html and www.firstamendmentcenter.org.

AFL-CIO President Talks at William & Mary

by Myriam Seabron

Students interested in labor relations and union issues had a rare opportunity on October 4, 2005. John Sweeney, president of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), was invited to speak on the undergraduate campus. President Sweeney was at William & Mary to speak on labor issues and the nation-wide sweatshop free campus campaign. He was a guest of the Tidewater Labor Support Committee, a group of students who work with the college employees’ union on national and local labor issues.

Across the country, campus groups involved with United Students Against Sweatshops have been working to get policies in place at universities that would protect the health and dignity of workers who produce college-licensed apparel. The campaign began last semester here at William & Mary, with the goals of getting the school’s administration to institute a Code of Conduct for the manufacturers who produce the school’s apparel, to create a committee at the college that would be responsible for enforcing these standards, and to affiliate William & Mary with the Workers’ Rights Consortium. The WRC is a third party organization that investigates manufacturers to insure standards are met as set by the affiliate colleges. Currently, 140 colleges across the nation are affiliated with the WRC.

The talk was scheduled to begin at 7pm, but delayed by traffic, President Sweeney did not take the podium to speak until approximately 7:30. Elected in 1995, and currently serving his 4th term as AFL-CIO president, John Sweeney is the head of a labor organization that is 10 million members strong. He opened his talk by remarking how glad he was to be in Williamsburg, a town that reminds him of “our values, our tradition, and our history”. It was nice to be here, he said, far enough from DC “where our values are being trampled, our traditions forgotten, and our history ignored.”

Sweeney characterized labor unions as the only force in America dedicated completely to working families. “Our members don’t just lift themselves up, they lift all workers up, and they lift up communities.” He spoke of how the efforts Continued on page 5
Tom Jackson Project Defeats the Unicorns
Law School Softball Teams Face Off

by Jennifer Rinker

Notably, Unicorns' Chris Johnson's diving catch at center ended the first, and TJP's Heather Hopkins' topped the second with an infield homer.

The Unicorns' Nick Grainger was first at-bat at the top of the third. He nailed a solid grounder up the center infield that was deftly fielded by Michael Sweikar on the mound, but an outside throw to 1st gave Grainger a double to start. Sweikar then walked Christina Eberhardt to put runners at first and second. With Ryan Riesterer at bat, Sweikar let him watch 2 balls, threw a strike, but Riesterer ultimately took his base. Grainger was now in scoring position and the bases loaded.

Jeff Mead was up to bat. He knocked the ball through a hole at second, bringing Grainger and Eberhardt home. Riesterer rounded third against the direction of third base coach Patrick During, quickly changed his mind as Sweikar took the throw from far right (Roxie's gotta gun). Riesterer slid to safety at third just inches short of Sweikar's tag.

Kelly Campanella and Levy's well-placed line drives knocked Riesterer and Mead home. A great TJP defensive play by Hopkins forced Levy out at second. With Evelyn Protano on first with two outs, Sweikar got the next batter swinging for the strike out to end the Unicorns' 3rd inning streak.

Bauer thought TJP could have held them to fewer runs that inning but for the unfortunate error at third by Tristan Tyler. "We worked on this before the game," Bauer said. "I told him he can't catch the ball with his chest anymore."

Bottom of the fourth, TJP's Sweikar doubled with a solid line to left, and Fulton brought TJP's fastest base runner home. "If Sweikar's on any base, 9 out of 10 times he's going to get home if the ball's on the ground," said spectator Mike Kaufman. Bauer's infield homer brought two more runs in. Roxie, at bat with one out, really made Mead work from the mound and ended up taking her base.

Ryan Wertman hammered the first pitch to deep, deep center field for another home run for TJP. Hopkins kept the spirit alive with a single, but the next two batters grounded or popped out to end the fourth.

Unicorns at bat in the top of the 5th. Matt White and Mead got themselves in scoring position, but Levy's efforts were no match for Roxie's solid glove in right field. With two successive outs, hope was then on Protano. Two strikes on the call, she hit a solid drive right to Bauer at short left to end the up for the Unicorns.

Bottom of the fifth, TJP's Casey Ewart's foul tip was snagged by catcher Meg Bisk who tossed the mask for the out. David "D-Mo" Morrison hit one over Chris Johnson's head at center for a triple. Sweikar's nice cut to right sent D-Mo home. Unicorns' Eberhardt stole one from Tyler, but the Unicorns' defensive efforts were too little too late. With the score at 20-5, the game was called and Unicorns did not get another at-bat.

Thanks to Blake Skogland and Mike Kaufman for some sports-sounding turns of phrase for the article.

Unicorns' Chris Johnson (foreground) and Third Base coach Nick Grainger watch Unicorns batter during the Unicorns' 2nd inning rally. Spectator Scott Leonhardt said of Chris Johnson: "That kid played his heart out!"
Sweeney, continued from page 3

In 2004, the AFL-CIO moved to undergo a massive reorganization of the group’s resources. Sweeney talked of the AFL-CIO’s recognition of the need for change in its priorities. More resources have been allotted for organizing efforts to enlist new union members, and several new campaigns have started up, especially in the aftermath of the hurricanes.

"The Fairness In Federal Disaster Relief campaign, for example, has been set up to see that restruction in the Gulf serves all people. It is headed by a committee of former Department of Labor secretaries and Housing and Urban Development officials. Sweeney warned of the need to counter and defeat attempts by Congress to offset the relief efforts in the Coast by cutting programs that benefit working families."

Sweeney spoke for approximately 30 minutes before reaching the end of his prepared remarks. "I’m really sorry to be dwelling on all this bad news about the country you are about to inherit,” he told the students and young people who had gathered to hear him speak. "The good news is, there is nowhere to go but up.”

"I am,” he said, citing his record for organizing workers as president of the Service Employees International Union. Chapter 21 suggests that unions have struggled against what he called “the corporate conservative mindset,” and have found themselves declining as a percentage of the workforce. In order to keep pace with job growth the AFL-CIO would need to bring in about 1 million new members a year; their current numbers are closer to 400,000 new members a year. This is not because the public has turned against unions, Sweeney said, quick to point out that the greatest percentage of workers in recent memory (57% of non-union workers polled) have said they would join a union if they could. The problem is that the great success American employers have had with “union-busting”. In a country that reveres human rights and worker rights, this is what can happen when "laws are weak, and the elected and administrative officials behind them are even weaker."

The recent fallout from Hurricane Katrina has shown Americans the result of this state of affairs. Sweeney spoke of the images of those most impacted by the hurricane: young, old, black, and disabled, and all of these people poor. "Our president and his corporate and conservative allies have broken faith with the American dream,” Sweeney said somberly, pointing out that the poverty rate in America has gone up for the 5th straight year. "All of us knew about these realities, but Katrina swept them into public view. The hurricanes have shown just how far our country has moved in the wrong direction.”

Sweeney said the AFL-CIO recognized even before the tragic and dramatic events of recent weeks that there was a need for change. Referring to the July convention where the members of the AFL-CIO moved to undergo a massive reorganization of the

Rwanda, continued from page 1

form the genocide. The genocide ended in July of 1994 when the Rwandese Patriotic Force (RPF) took control and set up the current authoritarian government.

The new government had to deal with the problem of seeking justice for the killings. The RPF, claims Waldorf, has gone further than any other government in instituting mass justice and has brought about great consequences. Since 1999, 120,000 people have been arrested in conjunction with the genocide. 10,000 have been tried and 55,000 suspects are in detention.

According to Waldorf, this mass justice has overburdened the country’s legal system, fostered a culture of accusation, and shifted the focus away from the victims. Waldorf explained that it was in response to these troubles that the national government of Rwanda turned to gacaca proceedings, which have typically been used to deal with small civil disputes.

Waldorf explained that the proceedings of a gacaca occur in four stages: the pretrial, the indictment, the trial, and the sentencing. During the pretrial, the members of the community tell their stories and the local history of the genocide. During the indictment the accused are separated into three categories of offenders. The first category includes planners, perpetrators of sexual violence and notorious killers. These people are tried in national courts. The second category and includes those who committed homicide, manslaughter, and assault. And the third category of people involves those who committed property offenses, which involve no jail time.

Gacaca began as a pilot project in 2002 in 10% of the country and was not instituted nationwide until March of 2005. Waldorf points out that gacaca is weak in its structure. The system does not allow for reparations for victims, accountability for RPF war crimes, or adequate redress for crimes of sexual violence. Waldorf went on to explain further problems with gacaca. The first stage of gacaca heavily relies on public participation, which is lacking because of the unpopularity of the proceedings. The micro politics of local communities limit the revelation of the truth at the pretrial. There is also little reconciliation. The proceedings do not foster repentance or forgiveness. Political manipulation has allowed for collective guilt and social control of Hutus. The accusations disenfranchise the Hutus.

Waldorf points out the lessons that society can learn from the mass justice proceedings in Rwanda. One such lesson, according to Waldorf, is that governments should avoid arresting masses of people and encourage informal justice mechanisms without changing them. Waldorf said that these proceedings should promote conflict prevention. In addition, Waldorf noted that there is a lack of victims’ justice and human rights concerns associated with the proceedings. Ultimately, Waldorf’s lecture showed the negative consequences of mass justice and what lessons can be learned from the mistakes made in Rwanda.

unions have been at the forefront of all major social changes from public education to social security, a program he reminded those gathered was not just about retirement, but is also a program that provides for dependent children and disabled workers. “We are the single voice of the labor movement, [but] we couldn’t have made those changes without people in political offices who supported these movements.”

Sweeney also voiced pride in the work done by the AFL-CIO to "revitalize" student participation in the workers rights movement. After his election in 1995, and under his direction, the AFL-CIO sponsored teach-ins on college campuses across the country. He spoke of the success student labor organizations have had in making changes for college employees, such as the much-publicized living wage campaign at Harvard. "The flames we helped spark are now a roaring fire,” he told gathered students; a good thing, given the AFL-CIO’s constant need for new energy, fresh ideas and the involvement of young people.
Every year the Public Service Fund, in cooperation with the Law School, provides financial support to a large number of William & Mary students during the summer so that they can pursue opportunities with government and public interest organizations. Each issue of The Advocate will feature stories authored by the sponsored students.

You're so UN-believable

by Adrienne Di Cerbo

So, never heard of UN-OHRLLS? Somebody wasn’t paying attention in Public International Law. UN-OHRLLS is the United Nations Office of the High Representative for Least Developed Countries, Landlocked Developing Countries, and Small Island Developing States; a small office with a big name, and a big mandate, yet still easy to overlook.

A relatively new office, UN-OHRLLS is located in the Secretariat Building at UN Headquarters in Manhattan. The Office advocates for the poorest of the poor and the smallest of the small countries. The main objective is to try to get attention for the citizens of these countries who often suffer without any of the international assistance that they so sorely need. I have to admit that before working at UN-OHRLLS, I had never even heard of most of the countries for which the office advocates (for instance: Vanuatu. You can’t claim that you had heard about it before Survivor taped a season there).

As an intern, I primarily worked with the Media Officer for UN-OHRLLS on a project designed to call attention to the positive work that is being done with UN funds in the fifty least developed countries in the world. In a few months, a booklet will be printed with reports that I wrote about “best practice” projects that were done in these fifty countries. Working with the Media Officer provided me with an overview of the work of UN-OHRLLS, as well as familiarizing me with development work in general.

In addition to the general on-the-job learning I did, there were a lot of perks to working at the UN. My internship position gave me access not only to what was going on in my office, but also to meetings of the Security Council and General Assembly. I also attended EcoSoc meetings when they were in session. Not to mention, I was within like 5 feet of Kofi Annan not once, but twice. He walked right past me, no joke. This was by far the closest I have ever come to recognizing my life-long dream of high-fiving a dignitary or head of state.

This internship, although prestigious, was unpaid. Without PSF funding, there is no way I would have been able to spend the summer in NYC (home of the $20 cocktail). Even though New York is possibly the most expensive city in the universe, it was worth going into a little more debt to spend the summer there. Sundays playing soccer in Central Park and weekends that started on Tuesday (that’s right, Tuesday) were just the beginning. New York really does have it all—concerts, museums, shopping, not to mention the great scenery and the incredible nightlife.

Thanks again to all of those who work hard for PSF and attend PSF functions. Who knows, with your help, I may get the chance to high-five Richard Bolton. On the flip-side B-man… or maybe not.

Summer at the Prince William County's Attorney's Office

by Mike Lockaby

This past summer, I took a position at the Prince William County Attorney's office, in the hinterlands of Prince William County, near Manassas, Virginia. In my job search last fall, after it became apparent to me that I wanted a job with a big corporate firm or in criminal law about as much as I wanted a root canal, I went looking for a job in public service on the civil side. One of my first moves was to ask Dean Kaplan who I should get in touch with. Unlike private firms, public servants tend to work too hard and be too busy to take time out of their schedule to do on-campus interviewing, it's necessary to go to them if you want a position. He recommended I apply to Prince William County, where he knew the County Attorney. I applied in November, and in January they interviewed me; in April I was offered the position, and I accepted. The position was fairly competitive—there were two Summer Law Clerks, as we were called, and quite a few people applied, as I understood it.

My chief task, along with my co-clerk, was to do research. A County Attorney's Office deals with every area of civil law. It gives basic advice on criminal law and works on policy alongside the Planning Office and the County Executive's Office. This requires that everyone in the office be something of a generalist, but in a specialized discipline like law, being a generalist means constantly doing research to ensure that your knowledge of the general principles remains current and that there are no specifics that create an exception. My main role was to do this kind of research. However, I also sat in on negotiations, drafted contracts and pleadings, drafted letters to the County Supervisors advising them of the legal status of their pet projects, accompanied the attorneys to court, talked over policy and strategy with staff in the Planning Office and County Executive's Office, and relaxed some. I learned that I would love "general practice," featuring negotiation and policy, to be a big part of my practice.

The work environment was undoubtedly the best I have ever been in. The hours were reasonable—most of the attorneys worked around fifty hours a week, except the County Attorney and the Deputy, who probably worked around sixty to sixty-five, but it was all right to take some time if you needed it, as long as the work got done—and the people were extremely intelligent and funny. I knew that I would love it from the first week I was there, when Angela, the Deputy, drinking her tea from a dainty teacup, said, "I feel like Jeeves," and Ross, the County Attorney, answered, "oh, I see—does that make me Bertie?" I laughed a bit, and thought, "bless your P.G. Wodehouse-loving hearts." The younger lawyers in the office were sports fanatics, and we talked sports trivia constantly at lunch. Curt, the land use guy, was a sports trivia master who had stumped the Schwab, and he answered trivia I thought no one knew—which Red Sox third baseman have won a batting title? The other staff were also extremely friendly, mainly family people, who were highly dedicated to their jobs. Most were William & Mary Law grads, and the most common combination was U.Va. and W&M Law, like me.

Going forward, I would love to work in a County Attorney's Office. Although they do not hire until after bar results are in, they do hire right out of law school for entry-level positions. If my search for something more secure this fall doesn't work out, I would be pleased and honored to make a career of local government work.

1 Wade Boggs, Carney Lansford, Bill Mueller. No one remembers Lansford. Except Curt.
The Environmental Law Society Presents...
Katrina and the Bigger Picture

A Panel Discussion on Environmental Risks and the Regulatory Climate pre- and post-Katrina

TODAY!!!
Wednesday, October 19, 3:30 PM
Room 127
With snacks and refreshments

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### October 2005
#### General District Court Docket

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DOCKET CALL

by Nicolas Heiderstadt

While learning the theory behind the law in a classroom is important, witnessing its practical application in a court of law is an essential part of any law student's education. Accordingly, we present the docket for the General District Court for the City of Williamsburg and the County of James City.

The schedule for the General District Court over the next two weeks can be found below.

The docket for the Circuit Court is unavailable for publication. To find out when cases are being tried in the Circuit Court, contact the Clerk's office at (757)-564-2242 on the day you plan to attend.

The Courthouse is located at 5201 Monticello Avenue, across from New Town (for those who navigate Williamsburg in a more alcohol-centric way, it's across from the Corner Pocket). Take a left out of the law school parking lot, and take South Henry Street to 199. Make a right turn onto 199, and follow it until you reach the exit for Monticello Avenue. Take the right-hand fork of the exit ramp onto Monticello Avenue. The Courthouse is the large brick building on your right just before you reach the traffic light.

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News

THE ADVOCATE 7

Call by Nicolas Heiderstadt

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Happy, Rich, Both or Neither?

by Mike Kourabas

“Anyone who tells you that money isn’t everything, doesn’t fucking have any” (paraphrasing Ben Affleck in Boiler Room).

Is Affleck’s character right? Most Americans—and dare I say law students—would probably, albeit begrudgingly, agree with Affleck. The developed world, led by the United States, tends to equate progress with economic growth. The figure pointed to as a measurement of growth is a country’s GDP. The higher the GDP, the “better-off” the country is said to be.

To what degree has this idea been tested outside of the theoretical realm? In America, a country that strives for a successful capitalist economy, the test never came—at least not experimentally. If we don’t embrace the gist of Affleck’s statement, we generally accept it.

However, just because this idea is accepted does not mean that it is true. The implications of this are substantial. If a country is rich, but unhappy, what good is its overall wealth (read: GDP)? Some people might go an entire lifetime without considering this question. Some people have considered it, answered it, and lived their lives accordingly.

However, we are constantly reminded that there is nothing more important than the almighty dollar. This mantra is reflected in the social policies our government chooses to fund, cut, or forget. Thus, equating money with happiness, as I believe we in America do, has a direct impact on our lives.

Is there a rumbling of dissent? Actually, yes, and it centered in Bhutan. Never heard of it? I hadn’t either until a couple of weeks ago, when I came across this headline in the New York Times: “A New Measure of Well-Being From a Happy Little Kingdom.” The article focuses on the tiny Himalayan country of Bhutan, which is experimenting with new ways of quantifying a country’s progress.

Startlingly, between the years 1984 and 1998, while household incomes in Bhutan remained some of the world’s lowest, life expectancy increased by 16 years. Do advances in medical care alone explain this phenomenon? What good are the marvels of modern medicine if one cannot afford the benefits such progress provides? Bhutan has clearly grasped this concept and has made access to healthcare a top priority. A healthy workforce is necessary to any country, especially a developing one. Bhutan sees the goal of equal access to healthcare as justifying the expenditure of providing such access. In the long term, it looks as though this strategy has paid off.

However, Bhutan has done much more than simply grant free healthcare to its entire population. After all, that idea is not a novel one, as America remains essentially the only developed, democratic country not to offer such benefits to its citizens. Accessible, quality education is another top-priority in Bhutan, as are environmental conservation and general sustainability. Bhutan views these goals as means to creating a happy, progressive populace.

Happiness in the absence of wealth is being experienced outside of Bhutan as well. A recent study, part of the World Values Project, shows that people in Mexico, Puerto Rico, El Salvador, Venezuela, Nigeria, and Colombia are as happy as, or happier than people in America, Britain, Germany and France. Puerto Ricans, with a per capita GNP of roughly $12,000, are happier than Americans?

Furthermore, while Americans’ median incomes are higher than they were thirty years ago, we’re not any happier. What gives? The Bhutanese would probably juxtapose our ideals with theirs, as reflected in government initiatives, and think the question resolved. What about countries like France and Germany that tend to be more socially progressive? Bhutan’s vision is holistic—it connects individuals to the land and seeks to foster an awareness of the well-being of all. Bhutan’s is not just top-down government regulation either; it is a vision that puts the happiness of its people above all, and economics is just an ingredient in the formula it uses.

According to the Times article, when a country is climbing out of poverty, income and happiness increase “in lockstep”. However, when a country’s per capita GNP surpasses $10,000 or $20,000, happiness lags behind. Why is this? Generally, as countries become wealthier and more developed, focus on economics becomes all-consuming, while little attention is paid to what else makes us happy.

The Bhutanese government has created what appears to be a mission statement encapsulating the vision of the entire country. It is titled: “Bhutan 2020: A Vision for Peace, Prosperity, and Happiness.” In this document, one can see Bhutan’s unique vision for a happy, sustainable future—one that not only accounts for the importance of economic progress, but has gained much recognition among respected economists.

Just to our north, Statistics Canada is working with a group of economists to develop Canada’s first “well-being index.” While the well-being index will never take the place of the GDP, it can be used as an indicator to help government shape legislation that fosters the well-being of the nation.

If a democratic government is not constantly engaged in ways to improve the welfare of its people—in the pursuit of happiness, if you will—then what good is it? Certainly, economic progress is a necessary ingredient of a country’s welfare, but it is not sufficient by itself. Maybe the relationship between money and happiness is more tenuous than we thought, and maybe Affleck was wrong.
The Argument Against Instinct

by Margot Freedman

In our first year courses, when we do not yet have sufficient knowledge of substantive law, professors ask us to think about cases based on our "instincts." This article is an attempt to explain why the use of instinct in determining the validity of legal outcomes is nonsensical, misleading, and intellectually treacherous.

An instinct is an innate impulse, based on the natural requirements of the survival of the species. In order for the human race to survive, nature programs each human being with instincts, such as those to eat, sleep, and reproduce. Instincts are, therefore, necessarily identical in every member of a species. Yet, if there is such a thing as a "legal instinct," necessarily identical in all human beings, there would be no disagreement about the justice of a legal decision. This is obviously not the case. There is undeniable, overwhelming evidence that all members of the species do not in fact agree on the proper outcome of legal matters, as they do about something that is biologically programmed in their humanity, such as hunger. Since there is such disagreement even within the microcosm of a single first-year law school class, no such thing as a "legal instinct" can be said to exist.

Since there is no legal instinct, those who encourage others to employ "instincts" in determining legal issues are using that language to mask a request that they abandon reason and solely employ feelings to form legal conclusions. These people relegate reason to the role of ex post rationalization. The danger of discussing instinct in legal reasoning is that it actually displaces reasoning; it asks legal thinkers to stop thinking. It asks them to abandon reason—the one thing that separates Man from the rest of nature—and embrace the mindless emotions that they share with primates.

The definition of a rule of men, not of law, is just such a system of retro-rationalization of emotions. The rule of individual feelings, unpredictable and indecipherable, is the anarchic horror that law is established to eradicate. The rule of law, which entails intelligible, predictable, reliable, objective standards applying equally to all, is exactly what law schools such as this one were established to maintain. To encourage the determination of cases based on instinct is actually to ask for the abolition of the rule of law; it renders moot the need for such a thing as "law school." All the administration of law would require in such a system of the tyranny of feelings would be a record of the whims of various people placed in positions of power, where they would be able to back their feelings with physical force. Such is the only possible impact of instinct on the legal system. Such is the danger of relegating reason to the rationalization of whim.

Rajdeep Jolly and William Durbin Interview

A Plant

RJ: As I understand it, evolutionists believe that life has evolved by a process of natural selection, by which organisms with advantageous traits survive long enough to reproduce and perpetuate genes that code for the very traits that enabled the progenitor organisms to survive long enough to reproduce in the first place. On the other hand, proponents of intelligent design believe that certain biochemical phenomena are so irreducibly complex that such phenomena could not possibly have arisen by natural selection. Many people discount the scientific validity of intelligent design because it does not lend itself to observation and falsifiability, which are the pillars of scientific inquiry. Do you believe that intelligent design is a scientific theory?

Plant:

RJ: Very interesting. You know, Will and I were discussing the notion of "Scientism" earlier . . .

WD: If I may interject, Raj . . .

It wasn't "Scientism," perse, Plant, that Raj and I were talking about before. "Scientism," I believe, amounts to faith in secularism and materialism, "science," you might say, almost to the level of religious fervor. Raj and I were talking more about a higher-order issue: whether, as some proponents of intelligent design suggest, such "Scientism" should be subject to the same scrutiny and criticism that their beliefs are subject to. Do you think this is a fair critique and that science is really being used as a tool to remove religion from public life? Or do you see a fundamental difference in the methodologies underlying evolution and intelligent design?

RJ: (interrupts) I don't think those questions can be asked in the alternative, Will. Even if there is an irreconcilable difference between the methodologies underlying evolution and intelligent design, science can still be used—inappropriately—to remove religion from public life. You've also added an interesting twist to the higher-order issue: Are you suggesting that the falsifiability criterion in science is itself unfalsifiable?

WD: Point taken. But now we're talking about self-referentiality and notions of "meta," which I find truly fascinating. Not to say that what we've been talking about isn't fascinating . . . I think it is possible, as you suggest, Raj, that the falsifiability criterion is indeed unfalsifiable. The Czech-born mathematician Kurt Gödel made a similar claim in his incompleteness theorems, basically saying that, in any formal system, it is possible to construct a statement which is true but neither provable nor refutable within the system . . . But, Plant, we should ask you your take. Do you think the scientific method is a system subject to the limitation Gödel described and that we ought to cut the intelligent design proponents a little slack?

Plant:

RJ / WD: Thanks for your time.
Ask a Canadian

by Matt Dobbie

Hello, and welcome to another edition of “Ask a Canadian.” In this week’s column, we discuss why you should visit the true north, strong and free. As always, send any questions or comments to askacanadian@gmail.com.

I have never had the opportunity to travel to Canada. However, I have experienced very cold winters in the United States, so I feel like I haven’t missed anything. Am I wrong? Will my life be complete without a trip to the Great White North?
—Alexander Blumenthal, 2L

While perhaps your life might be complete without a trip to Canada, I don’t think most civilized people can consider their lives complete without at least visiting my homeland. On a side note, Alex is one of my best friends, yet he felt the need to include his year when he emailed me. Thanks, Alex. Despite having four classes together last year, I would have known what year you were.

Anyway, I would highly recommend taking a vacation to Canada, and to aide you in such an adventure, I’ve decided to provide you with a small guide to help plan your trip. So, these are some of the things to see and do in Canada (sorted by province, starting in the west and heading east):

**British Columbia**—B.C. has two main tourist attractions: Vancouver and Whistler. Whistler is a kick-ass ski resort while Vancouver features a lot of wheat. Only place in the world where you can watch your dog run away from you for three days.

**Manitoba**—Similar to Saskatchewan in that it’s flat, but it has a little less wheat and a few lakes thrown in. It’s a less populated and less fun version of Minnesota.

**The Yukon, Northwest and Nunavut Territories**—There is nothing here but snow, ice, and polar bears. Surprisingly, tourism is not a very big industry here, but, on the bright side, they do lead the world in igloo production. So, if you like snow, ice, igloos, and perhaps killing the odd seal, this is the place to be.

**Ontario**—Home to our national capital (Ottawa), our largest city (Toronto) and my family (hi, Mom). Ottawa’s cool because it has the Parliament buildings and a number of other national landmarks/treasures/museums/complete wastes of taxpayer money. Some of you are no doubt surprised that Ottawa is the capital (thinking it should be Toronto), but when picking our capital, the Queen felt that cities like Toronto or Montreal were too close to America and chose Ottawa instead. This is not a joke; that is actually how they decided to choose our capital. The lesson here is that the Canadian government has a long history of irrational decisions, but I digress.

**Quebec**—Quebec is an amazing place and definitely worth checking out. Its biggest drawback is the fact that most of the inhabitants speak French. On the plus side, Montreal does feature more strip clubs per capita than any other place on earth. So it’s really a trade-off. Montreal also has some great food. In fact, Schwartz’s, a small Jewish delicatessen on Rue St. Laurent, is the greatest restaurant in the world. It’s small, poorly lit, and extremely busy, but the food is amazing—so good that, while home this summer, I considered (on numerous occasions) driving the 12 hours round trip just to eat there. Quebec’s other major attraction is Quebec City. While very old and beautiful, it does not have a restaurant on par with Schwartz’s. Therefore, when visiting “La Belle Province,” go to Montreal.

**Newfoundland, Prince Edward Island, New Brunswick and Nova Scotia**—Collectively known as the Maritimes, they are all pretty much the same. Pretty, a lot of seafood, and interesting people. If you like to eat lobster, quaint villages and looking at the ocean, it’s worth visiting. If not, you’ll be bored—unless, of course, if you’re in Halifax, Nova Scotia, which my friend Bubsy describes as “the best place to get drunk in the world.”

So there you have it, friends—a quick whirlwind tour of my homeland. Hopefully, you will visit and take in all the great culture that my country has to offer. Or, you can stay here in America and spend another summer visiting Mount Rushmore. Your call.
The Spiritual Solution to Radical Islam

by Will Sleeth

America is currently engaged not only in a war on terrorism but also in a campaign to spread liberal values to the Middle East. When I say “liberal values,” I don’t mean contemporary domestic political liberalism; rather, I mean classical liberal values such as freedom of speech, freedom of religion, and market economics. With these political values come a host of cultural values such as gender and racial equality. Many Americans are shocked not only by the reluctance of many in the Middle East to embrace these values but also by the outright hostility that many Muslims show towards them. What is behind this opposition to embracing modernity and liberalism? The answer is difficult for the West to understand, and the solution may prove even more difficult for the West to embrace.

The heart of the problem is that many Muslims perceive that the West’s embrace of modernity and liberalism has led to spiritual poverty. Why would Muslims want to embrace an ideology that they believe has turned the West into a culturally decadent, post-Christian society? Sayyid Qutab, the radical Egyptian cleric who has provided spiritual inspiration for Osama Bin Laden, spent three years in America, studying at American universities. However, he left America in disgust, appalled at its spiritual depravity. The answer to the West’s spiritual poverty, he said, was radical Islam. Qutab advocated an Islam that rejects modernity and liberalism, saying that radical Islam is the only solution to “this unhappy, perplexed, and weary world.”

Many in America—including our President—believe that bringing political freedom to the Middle East will solve the problem of radical Islam. And there is truth to that belief; the Middle East does need political freedom. Yet such an undertaking is only a partial solution, since the political component of radical Islam is only tangential to its spiritual core. Radical Islam sees the West’s failure to sustain its spirituality while embracing modernity as a danger not worth replicating. Therefore, it refuses to embrace modernity and liberalism.

In a very limited sense, it’s difficult not to sympathize with their reasoning. Indeed, the political philosopher Leo Strauss devoted his life to warning of the dangers modernity poses to the West’s careful balance between reason and revelation. Especially in the last fifty years, the whole world has seen how what Strauss spoke of as “Athens” (reason) has come to virtually overtake “Jerusalem” (revelation) in America. The Supreme Court’s rampant secularism, popular culture’s embrace of violence, and the redefinition of sexual standards are only the most visible manifestations of this problem. The deeper problem is the West’s embrace of relativism, historicism, and nihilism. The West has—lamentably—shown the world that modernity brings spiritual corrosion. It’s not difficult to understand why Muslims concerned about their spiritual culture would not want to embark on the same journey.

Whether one agrees with the Straussian rejection of modernity, however, is irrelevant for our purpose here. Whatever one thinks of the West’s embrace of modernity, one can surely still see the value of working to improve what at this point we’ve inevitably inherited. But even if one accepts the Straussian critique of modernity, one need not therefore conclude that spreading modernity to the Middle East is misguided, since the radical Islam we seek to alter through modernity is wholly of a different kind from the West’s spiritual heritage that modernity’s elevation of reason over revelation has corroded.

The Iraq project proves that there are those in the Middle East willing to give modernity and liberalism a try. But if we in the West want to see modernity spread to the Middle East, we need to try to show them that modernity is not necessarily the death-knell of spirituality. And in order to do this, we need to start reforming our own modern project by reclaiming our spiritual heritage. The writer Whittaker Chambers told us that “man without mysticism is a monster.” For the past several hundred years, the West has increasingly rejected the mysticism that made its civilization great. We continue to do so at our own peril. In our war to modernize radical Islam, the solution of proving the feasibility of the modern liberal project really lies within us. Let us hope our society takes up the challenge of trying to redeem one of the failures of modernism by focusing on elevating the spiritual.

Off The Beaten Path: The Nation’s Most Historic Beer Run

by Zach Terwilliger

Whoever said it was impossible to combine drinking and learning clearly never played an aggressive game of kings or traveled to the Yorktown Pub (YTP). Now, I admit that the idea of traveling 15 miles for a pint or two sounds a bit ludicrous, especially given the staggering gas prices, but this is one beer run that should not be missed.

I love the Leafe and the Ho’ House as much as any other Marshall-Wythe high school student, but even Screech and Zach had to get away from the Max once in awhile. If you decide that you are ready to break out of the comfort zone and actually consume alcohol outside of the one-block radius that makes up the William and Mary “bar” district, then the YTP is the place for you.

The YTP is a legitimate bar. The bar tender serves draft beers in mason jars, and you will be hard pressed to find anything containing goat cheese on the menu. The clientele’s attire is devoid of pastels and jeans costing more than $30, and these good folks have not found a beer that doesn’t suit them yet. No, the YTP is a real watering hole where the smell of Pine-Sol, tobacco, and beer flow together to create a perfume that forces all entrants to crave fried seafood and a cold draft. As if cheap seafood and deep fried appetizers weren’t enough, the YTP also has live music on weekends, which is one thing that the Leafe is clearly lacking.

While traveling to the YTP may seem like a chore, getting there is really half of the fun. The most direct and scenic route is the Colonial Parkway. How many other law students can claim that they drove between America’s two most historic cities just for a beer? Simply enter the parkway by taking a left out of the law school, crossing straight over 199, then making a left onto the un-lined gravel/element boulevard. The parkway leads straight to Yorktown, traveling through some heavily wooded areas teeming with wildlife (watch out for the deer), and then finally opening up to a beautiful view of the York River. The YTP is located right on the river at 112 Water Street.

The bar is open from 11:00 a.m. to 12:00 a.m. (Sun.-Thurs.) and 11:00 a.m. to 2:00 a.m. (Fri.-Sat.). If you decide to make the trip, take a gander at the YTP’s website, which lists their menu and provides a map of the pub’s exact location (http://www.yorktownpub.com/).

Similar to the Hog Wild Smokehouse, which, I have been glad to hear, many of you have gone to investigate, the YTP is a great excuse to get out of town, and the atmosphere, food, and drink is well worth the short jaunt.
The Advocate Answer Man

a.k.a Rob Eingurt

All right kids. You begged...you pleaded...you cried like babies...but despite your protestations to the contrary, the good folks at The Advocate relented and are letting me write for them again. But, alas, the Horoscopes are dead. Gone. Done. Kaput. Not 'cause the editors said so, but because I couldn't think of any. Bummer, I know. Anyhoo, we are trying something new this year...a quasi advice/information column. Got a question about asking out that crush? I'm here to help pave the way to romance. Need help settling a question about some movie you saw starring Charlie Sheen and the chick who played Laura Palmer in Twin Peaks without resorting to the internet? I'm your man. Trying to come up with a philosophy to live your life by? Send me an email and let me be your oracle. Just shoot me your questions at advocateanswerman@gmail.com. And just remember to keep a sense of humor about the whole thing. On to the questions!

I have a friend who is under the impression that he has "tremendous amounts of animal magnetism," but he clearly does not. How do I break this to him without hurting his feelings?

—The Amicable Amiga

Well, um, hmmm..."animal magnetism" you say? [stifled laughter] A couple things come to mind. Buy him some deodorant. It's an unfortunate fact that men often mistake their own B.O. for an alluring animalistic musk that the ladies can't resist. Wrong, wrong, wrong. From what I understand, women can't resist money and/or chocolate and/or John Cusack. (I am actually too afraid to talk to women to know this personally, so take it with a grain of salt or two). It seems that the double-X chromosomers are repulsed by that nasty sweat sock aroma that seems to follow your friend around wherever he goes. That said, even though Eau de Joe may be a step up from Drakkar Noir, it's no substitute for a bar of soap, a shower, and a spritz of Calvin Klein. Of course, while this may take care of the odious stench, it probably won't dispel any beliefs he has about his over-inflated sense of machismo. The only way to do that is to spread rumors about him being, well, quite under-inflated. Oh, and that he puts gerbils down his pants. Or chinchillas...Jay-Z says they're the softest.

Is it OK for a guy to cry during a movie?...And by movie, I am specifically thinking of Jumanji. And I am specifically thinking of a particular law student the morning after bar crawl.

—Crying in the Colony

The larger question here is, "when is it OK for a guy to cry at all?" Putting aside personal and societal tragedies and such, the list is pretty limited. Let's look at some examples of when it isn't OK, when it might be OK, and when it is probably acceptable.

**RED LIGHT** (never, ever, ever): Weddings; any movie starring Meg Ryan (you are supposed to be there during When A Man Loves A Woman to give comfort, NOT receive it); and sex (unless you're into that sort of thing...sorry, not my bag).

**YELLOW LIGHT** (proceed with extreme caution): The Olympics (Kerril Strug hits that vault on a gimpy ankle in '96—if your eyes are misty with national pride and maybe some sympathy pains then that might be OK. Peter Forsberg beats Corey Hirsch to win the ice hockey gold—Sweden was just a better team so save those tears for another moment and move on); when Goose dies in Top Gun (Meg Ryan did not star in that film, she had a SUPPORTING role); and if you are drunk and listening to Cat's in the Cradle.

**GREEN LIGHT** (let it flow): If you are a Cubs fan and they finally win the World Series (for reference please talk to Boston Red Sox and New York Rangers fans); 2L year; getting kicked between the legs; your first child is born (which is hopefully not precluded by the previous approved event); and when you receive the credit card bill from that weekend in Vegas with the boys. Ouch.

P.S. And this has NOTHING, and I mean NOTHING to do with the above question (honestly, I swear)...But, I hate you Megan Kaufmann. Hate, hate, hate, hate, hate, hate, hate, hate, hate.

The Answer Man takes any and all types of questions, but prepare to be mocked, whipped, and pointed at. No, don't worry...it's not THAT bad. Send your question and an alias (if you don't have one, one will be provided for you) to advocateanswerman@gmail.com. The Answer Man refuses to make up questions just for the sake of writing a column, so if you don't submit anything, he'll have nothing to write. So sad.

* Answer: The Wraith. I saw this on WGN a few years ago. About some killer ghost car that drag races out in the California desert. Terrible. Awful. Horrible. Yet, I couldn't turn it off. To use a Maryann Nolanism—"blech, blech, blech."
Sex and the Law: Porn. No?

by Nicole Travers

Ok everyone, I have a secret confession to make.
In all my 25 years on this planet and in this great country of ours, I have never seen a porn film.

Nope, not a single one—I’m serious! I’ve seen trashy porn magazines written entirely in Dutch, and the red light district in Amsterdam. I’ve seen pictures taken off a high school teacher’s school computer depicting Superman doing horribly embarrassing things to Wonder Woman. I’ve seen Boogie Nights, Salome, and the NC-17 version of Last Tango in Paris. But I have never seen an actual porn film.

To be honest, I figure that I’m not missing all that much. I mean, why do people watch porn, anyway? For titillation? To get ideas for new sexual positions to try? To laugh at the stilted dialogue and the obviously prosthetic appendages? None of these things interest me at all much, so I just never sought it out. But the recent examination about pornography addiction in the media got me a bit interested. It boggled my mind, honestly, because I couldn’t fathom how someone can get addicted to looking at pictures and movies, especially when I personally harbor such indifference to the genre.

Actually, come to think of it, maybe it’s not so mind-boggling. For instance, while there are many people addicted to gambling, Las Vegas is at the top of my list of “places I will never visit.” Come to think of it, I really don’t have any addictions, unless being in the law school library 12 hours a day counts. So, when examining something like porn addiction, I have to start from the very beginning.

What many people call “porn addiction” occurs when someone spends so much time looking at pornography—that it controls his or her life, especially in relationships with significant others. Basically looking at pictures of other people having sex becomes more important than having actual sex. And that’s just sad.

But is pornography addiction really an addiction in the sense of alcoholism or drug addiction? The Diagnostic and Statistical Manual of Mental Disorders does not seem to think so, as they do not have any entries for “pornography addiction.” However, there are some who claim that not only do “addicts’” behaviors towards pornography contain elements of classic addiction (increased tolerance, withdrawal, etc.), they can exhibit a physical addiction to the dopamine produced by the emotions that looking at pornography can produce in the brain. However, these claims may be over-exaggerated. For instance, according to the Christian anti-porn website, www.xxxchurch.com, “a little porn is like a little heroine [sic].” Though I have neither seen a porn film nor taken heroin, it seems to me that a little applied common sense might come up with a few differences between the two.

Additionally in my research, I noticed that while most web sites advocating the existence of pornography addiction are Christian in nature (that is, promoting not only an end to porn addiction, but also an end to premarital sex and promiscuous behavior in general for religious reasons), those which vehemently deny that people can be addicted to pornography seem to have connections to the porn industry. So it’s pretty difficult to find an objective opinion on the subject.

Indeed, the controversy has traveled to the United States Federal Government. For instance, the proposed Internet and Child Safety and Protection Act of 2005 also contains many stringent legal requirements for the operation of web sites which do not contain any illegal pornography, but only the work of consenting adults. There is even a proposed 25% internet pornography tax on adult themed web sites which is controversial due to its selective nature. The FBI has also played a part, recently raiding the home of the owner of a website dedicated to erotic stories—that is, text, and no pictures whatsoever—under the color of US obscenity law.

All of this means nothing good for the pornography industry, but is because politicians are worried about protecting children, the possible damage to American families caused by pornography addictions, or merely to promote an agenda of morality that does not approve of sex outside of marriage? I can’t answer these questions, but I can only offer my own objective opinion: looking at other people having sex can’t compare to actually having sex yourself, whether you prefer strictly marital sex, anonymous one-night stands, or anything in between. Just make sure you don’t get addicted to sex, because that opens the door to a whole new world of problems.

1 I didn’t see, but heard in great detail from male friends of mine, about the sex shows they put on there. Many involve bananas.
2 Disturbing, huh? Actually there is a perfectly plausible explanation involving a virus, but I don’t feel like getting into it right now.
3 You people have absolutely no class. Salome, the opera, which has the first scripted striptease in stage history. I don’t know why I try.
4 I have nothing against Vegas, you understand; I just break out into a very embarrassing rash if I get within fifty miles of Celine Dion.
5 Apparently Jesus loves the sinner but hates the spell-check.
6 Googling “pornography addiction” the day before deadline. Opinion columns are so much easier than journal notes!
see what will open up to her after graduation, but her dream job would be in teenager counseling or for a drug treatment program.

"Everyone is so proud of her," lauded Linda.

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**Marshall-Wythe Community B-LAWS**

**by Jennifer Rinker**

Janie Johnson and Linda Green are your fabulous Java City Ladies. Personally, my day is always brightened with Linda’s “Hey, dear, how are you doing?” and Janie’s “What can I get for you today, Sweetie?” I know for a fact I am not alone. Marshall-Wythe loves the Java City Ladies!!

This mother and daughter team really enjoy working together. “The best part is that from the time I get here to the time she leaves, we’re gigglin’ and talkin’,” Linda said. “When she leaves, I’m sad, but then when I go home, I go home to my mama,” she laughed.

“I get to spend more time with Linda than any of my other children,” added Janie. Linda is the oldest and is herself a mother of one 19-year old son.

One of the reasons the Ladies get along so well is their mutual love of Unsolved Mysteries and Cold Case Files. Linda, however, also frequently watches the SciFi Channel—most notably *Kolchak the Nightstalker* and *The Incredible Hulk* marathons—usually with a bag of Doritos in hand.

Janie has worked for the College of William and Mary for 14 years. She has worked in every food service building on campus and says the Java City post at the law school is her favorite. Java City is close to her heart because she loves working in a learning environment. Plus, she loves the smell of coffee.

The undergraduate campus always did hold an appeal, however. “I liked seeing the students come in as freshmen and watching them grow up over the years,” Janie remembered. “And when they’d miss their mommy or have a bad day, they’d come to me.” I believe it. I’d probably have done the same. Actually, I think I have.

Janie will receive her college degree in December, attending school at night after her full-time work commitments. She plans to work at the library just over a year, and

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**John E. Vajda**, of law library circ desk fame, is a first generation American of Hungarian parents, the middle child of 7, and is rapidly approaching 75 years old, if you can believe it. He claimed to be too old to work in the library, but added: “I can still jump over this counter, so I guess I’ll hang it up when I can’t.”

John has been a part-time staff member of the law library since 1995. After retiring as Director of the Departmental Library of the Navy in 1994, John moved to Williamsburg for retirement. “A year later I decided I needed something productive in my life, so I thought I’d try a semester at the law library,” John remembered. “I fell in love with the students and the staff, and here I am 10 years later.”

Following a stint in the Marine Corps from 1951 to 1954, John was a student for the priesthood for eight years. He left the seminary in 1963 and shortly thereafter received his Master’s of Library Science. John worked in the D.C. Public Library for 15 years before moving to the Departmental Library of the Navy, which he described as a “glorious, historical library with some 300,000 volumes.” John even has his own entry in LION with the publication of the Seventh Edition of the definitive bibliography of the history of the U.S. Navy. It is available at SWEM—E182.A1 U54 1993.

Despite a now 45-year library career, John said his glory days, were spent in the Marine Corps. “The oft-repeated adage that you can take the man out of the Marine Corps, but never take the Marine Corps out of the man is absolutely true,” John said. “Even though it’s been 55 years, I could still probably catalogue every experience on Paris Island training from day 1 to three months later,” John maintained. “It was the most intense and worthwhile experience I’ve had.”

Colleague Steve Blaiklock warned, “When John retires, this place will go under.” Hyperbole aside, John is one of those responsible for updating the law library’s serial publications (that’s what he’s always doing with those binders).

And, like Janie and Linda, John is due thanks for improving my occasional bad day.

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**Lauren Seney** has worked at the library just over a year, and
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has aspirations to get her Master’s of Library Science. In fact, she recently performed very well on the GRE, so she’s a shoo-in to the school of her choice.

Her undergraduate degree is in English with a concentration on writing. She is a published author in LOOKOUT: A CREATIVE NON-FICTION MAGAZINE with her piece entitled Battle with a Nail Gun (archived at http://clubs.users.cnu.edu/lookout/issue1.html). While not perhaps obvious from the title, the work catalogues, describes, analyzes, and muses over bodypiercing.

The article begins:

“It’s Friday night and I’m out having a blast with some friends at the club. The floor is sticky with beer, the air a cloud of smoke. We’re down on the dance floor with guys we don’t know when I spot Kevin leaning against the railing watching us. I smile and pull myself up on the railing to talk. The guy I was dancing with taps me on the shoulder, observing Kevin with fear in his eyes. “It’s been fun,” he says and scurries away. I turn back to Kevin a little bewildered and it hits me. Kevin’s tongue, eyebrow, multiple ear, and forearm surface piercings, . . . coupled with his white contacts could be a little intimidating to someone that didn’t know him. I’m not upset though, the guy couldn’t dance and now I have a chance to find one that can.”

Lauren herself has an industrial, a piercing that goes through the upper ear cartilage in two places. “You might not think it of me,” Lauren said, “but I also have a small sun tattoo on my back.”

In other news, Lauren has traveled quite a bit recently, including spending five nights on a catamaran in the British Virgin Islands and three weeks in Europe. According to Lauren, beer in Prague is one hundred times better than it is here and Germans are crazy about white asparagus, called Spargel.

While in Freiburg, she witnessed the miracle that is Spargel season, tasting Spargel wine and getting her fill of the delicate sauces poured over the white stalks. Her sister has lived in Germany and was able to warn that the day after you eat a lot of Spargel, it will smell like asparagus upon your first trip to the bathroom. This is a truth.

Not to end Lauren’s blawg on that note, I will add that the library’s own Becky Mazzarella is Lauren’s mom, Lauren has participated in an Indian fashion show, and she loves Thai food and sushi.

Brett quote

“All a man needs in his apartment is Gatorade, a La-Z-Boy, and Febreze.”

Don’t come to the Leafe when a Phish show’s in town and expect to see Eric Gilbertson around. But, as Phish is no more, so strike that and replace with new favorite, Raq.

Gaining culinary expertise in the parking lots of jam band concerts, Gilbertson, a.k.a the Shaolin Master of Late Night Munchies, has worked at the Green Leafe Café on and off for over six years. His approach to the culinary world can be described as Scandinavian meets Pacific Rim . . . and he cooks a pretty mean burger. So come in and grab some food and a tasty beverage.

Green Leafe

Somethin’ special’s going on, every day at the Green Leafe Café!

Sunday: Brunch 11am-5pm
Monday: $8 Entrees 5-9pm
Tuesday: VA Draft Night 5-9pm
Thursday: An Evening With Tony 4-9pm
Friday: New Draft Night
Saturday: Shrimp Night 4-9pm

Check the website for daily lunch and dinner specials: www.greenleafe.com
Flip Cup Tournament to Benefit the Bone Marrow Drive

by Jennifer Rinker

In by far one of the most hilarious, exciting and entertaining events of the last two years, the flip cup tournament on Monument Dr. was historic. Teams came in varying degrees of readiness to participate. Team America and Team I ♥ Townies sported matching shirts, and Team America added the extra flair of red white and blue wrist bands, circa 1982.

Eight teams pre-registered with Team Miscellaneous cobbling itself together at the last minute to form the ninth team. I ♥ Townies and Team Miscellaneous faced each other in the first round of play to even out the bracket. Team Miscellaneous had the score at 5-2, but Townies came back for the win.

Despite the near miraculous cup flipping abilities of Blake “Donger” Skogland, his odds-on favorite team of Brian Flaherty, Kelly Campanella, Amrish Wadhwa and Christina Eberhardt was knocked out in the middle of the double elimination tournament.

Josh Baker and a bunch of people nobody knows formed the Out of Towners, named for the distance from which Baker brought his ringers. The Out of Towners defeated Team Old and Hot in a neck and neck series to win the tournament. Sara Armstrong, who is not old, was not entirely thrilled with the name her teammates DG Judy, Noel Coates, and Robin Walker put to their team. Name aside, they were formidable opponents, but ultimately no match for whoever those people were with Baker, who get no mention by name here for obvious reasons.