2012

Not Wythe Standing: The News (Vol. 4, Issue 2)
IMPORTANT ANNOUNCEMENTS!

PLEASE DONATE! On Thursday, October 11th, the Student Bar Association is hosting a Blood Drive with the American Red Cross from 9 am to 3 pm. Please consider donating blood if you are able.

Life as an International LLM Student

By Staff Writer Yan Yan (2L)

I am an LLM student and, like most of the LLM international students at William and Mary, I am from China. I have been through lots and lots of exams, beginning way back when I was a child. I have always had to compete with people my age, and most of those competitions were through different kinds of exams. Even after I graduated from university, all my options involved more exams to choose my future path: the bar exam, exams to be a public servant, or the Graduate Record Examination for the furtherance of studies in universities.

Yet, despite my previous hard work, as I started the program at the College of William and Mary, I was overwhelmed by the amount of cases and all the other reading materials required. I did not use to speak out in classes or read cases all day. I found out that even my roommates who are JD students still occasionally read cases to themselves in the dining room at night. Sometimes, I found that a good way to help me concentrate on the case material was to read it aloud. A Chinese friend of mine likes company when she does the reading or preparation for a class, however, some LLM classmates would rather study on their own.

Another thing that I miss the most is the food. Although I could have western food in my hometown once in a while, I could not eat it everyday. I have even heard people say that the fast food, such as hamburgers, pasta, or sandwiches, tastes better in China. How I miss my mother’s dishes! I cook much worse than my Mum, and it takes time for me to make myself comfortable when I am all on my own like everyone else. Sometimes Chinese students living in the graduate complex do cook together, or bring food to a guest’s apartment to share. If someone is very good at making something delicious, it will make all of us so envious.

Like most of the other Chinese children of my age, I am the only child in my family. Because of this, I am the treasure of my parents and my grandparents. If I were a boy, I am afraid that the hope and responsibility put on my shoulders would be even stronger. Therefore it is not strange that my parents would provide me with everything they could offer. I was a lucky and happy child, and I am at all times a fortunate and blessed girl. My parents would let me do everything that I could want and give their full support, even if it would cost them a great fortune, such as supporting me to go abroad, like what I am doing now. When I was a little girl, I really had the feeling of being a little princess, or maybe a spoiled child. I still remember the time when I heard our kindergarten teacher play the piano, and told my father that I wanted one of my own. My parents tightened their belts for a whole year to buy me a piano and found me a tutor when I was just four years old. And when I was bullied in school, having growing pains, or when I was sick and upset, I could always turn to them for love and support.

I am happy that I can constantly make progress and bring them good news, and I know, even without all these surprises, I am still the most precious apple to them and I am eager to hear them say that they are proud of me.

Here in law school, teachers and staff are very helpful and insightful. What’s more, most of the fellow students and local classmates are also fairly friendly and warmhearted. My Mum does not need to worry about me so much, although I know she will be concerned about me all the time no matter what. I want to do the best I can and make the most out of the program, so that the people who love me will feel relieved and contented.

With all my hope and dreams, I believe that there are lots of surprises and choices just waiting for me.
A (not very) Rousing Presidential Debate

By Staff Writer Frantz Farreau (2L)

The Biggest Story to Come Out of the Debate

For anybody who watched the first presidential debate, it is no surprise that the biggest story to come out of it is that Mitt Romney likes big bird. The debate itself was an incomprehensible muddle of facts, figures, and information that probably put even the statisticians to sleep.

Overall, Mitt Romney seemed relaxed and on top of his facts. He seemed considerably more engaged and interested in being there than President Obama. President Obama missed key opportunities to defend his position on several issues, the biggest of which were his healthcare plan and jobs creation. He did nothing to directly refute Mitt Romney’s assertion that small businesses pay taxes at individual rates. On the other hand, Romney could have used the opportunity to illustrate what a five percent tax increase would mean for a small business making $250,000 per year (a $12,500 tax increase or $1,041 per month). President Obama also missed an opportunity to rebut Romney’s proposition to have stratified Medicare benefits based on income. This certainly made Mitt Romney seem more innovative and more like a problem solver instead of a stiff businessman who only cares about big business.

President Obama also missed another major opportunity in the segment about healthcare. Despite his background as a constitutional law professor, President Obama was unable to rebut Mitt Romney’s federalist argument with respect to the health care issue. Yes, Romney did come up with a similar, if not identical plan as governor of Massachusetts, but healthcare should be left up to the states. Agree or disagree, President Obama could have used his background in constitutional law to respond to that argument in an intelligent, articulate way.

However, the biggest problem with the debate was the lack of strong moderation by Jim Lehrer and the lack of direct conversation between the two candidates. It was clear twenty minutes into the debate that Lehrer had completely lost control of the candidates, which, ordinarily, would have been fine. However, because the President was (most likely) unprepared for Romney’s direct attacks on his record, he did not directly refute or rebut Romney’s attacks. This resulted in a fairly boring, seemingly mismatched contest between one candidate who was extremely well prepared, and another candidate who was simply trying to keep up.

So, for the next debate: moderator, do your job and moderate. If candidates go over time, ramble on too much, or interrupt each other, say something! President Obama: prepare. Do not let the opportunities to attack pass by. Mitt Romney: don’t interrupt, don’t talk over people. It looks defensive; if you have something to say, figure out another time to say it. Everybody ready? Forward! On to debate number two.

Schedule for the Presidential and Vice Presidential Debates

Vice Presidential Debate
Focus: Foreign and Domestic Policy
Date: October 11, 2012
Time: 9-10:30 pm
Location: Danville, Kentucky

Presidential Debate
Focus: Town Meeting Format on Foreign and Domestic Policy
Date: October 16, 2012
Time: 9-10:30 pm
Location: Hempstead, New York

Presidential Debate
Focus: Foreign Policy
Date: October 22, 2012
Time: 9-10:30 pm
Location: Boca Raton, Florida
A Conversation with Professor Jayne Barnard

By Staff Writer Adam Wolfe (1L)

Much talk today is devoted to the burnout and frustration of those who populate the American legal profession, but William and Mary professor Jayne Barnard stands for the proposition that a satisfying career in law is possible, in many different settings.

“I’ve thrived as a lawyer in four different careers,” Professor Barnard says of her life in the law. Currently, she presides over the Virginia Chapter of the American Civil Liberties Union, in addition to her work teaching business-law classes. After initially training as a journalist, working in government, then going to law school, she excelled for nearly a decade at Chicago’s Jenner & Block. Later, she returned to government, working under Chicago’s first African-American mayor, Harold Washington.

Professor Barnard said she arrived at William and Mary almost accidentally in the mid-1980s. When her commitment to city hall was ending and her husband was making noises about wanting to leave law practice, they came to Williamsburg for what was supposed to be a one year experiment. Nearly thirty years later, still in the same place, she said teaching law continuously engages her.

“One of the joys of this job is that new things keep happening -- you don’t have to think about the same things each year,” Professor Barnard said. “Ideas for scholarship generate themselves; I try to stay on the cutting edge... It’s about what lights my fire at a particular time.”

The heat of that intellectual flame has produced nearly 40 scholarly articles and symposium contributions, in addition to a slew of book chapters and other writings. Her body of work smolders with variety. In 2008, she entered the fray of academic work commenting on sentencing in online fraud cases, for example. That same year, she wrote a symposium piece intriguingly titled, “Narcissism, Over-Optimism, Fear, Anger and Depression: The Interior Lives of Corporate Leaders.”

“Right now, I’m learning about the acquisition of expertise,” Professor Barnard said. “Everybody wants to be an expert, and the world needs more experts, but I’m finding that it actually takes a lot of time. The rule of thumb is 10,000 hours of concentrated, focused effort.”

Immediately before this, it was the behavior of psychopaths and financial decision making in the elderly that kept her burning the midnight oil.

In addition to Professor Barnard’s exploration of diverse ground over time, she also balances a variety of jobs at once. Sure, she’s a scholar, writer, and teacher, but Professor Barnard is also involved in the world. She’s played multiple roles at the Financial Industry Regulatory Authority (FINRA). And she has served in the ACLU since her long-ago private practice days when she was recruited as a greenhorn associate in Chicago. She was on the Illinois board of the ACLU when they decided to take a now-historic case of American neo-Nazis who were blocked from marching in Skokie, IL. The town had a sizable Jewish population in the mid-1970s and several were Holocaust survivors. It’s a First Amendment case so famous one of your professors has probably recycled it in a hypothetical. Still, Professor Barnard said she and the board never regretted their call.

“The decision took only two minutes,” she said. “I mean, they were denied a permit to march. That’s what we do... It was just a natural decision to make.”

But Professor Barnard said the American neo-Nazis were the exception, not the rule.

“Most of our clients are normal everyday people being trampered on by the government,” she said.

Every year, the Virginia ACLU staff whittles over 5,000 requests for representation down to 50 cases. Professor Barnard says it’s the most egregious ones that keep her committed to the cause of civil liberties. For instance, her hackles were seriously raised by a string of attempts to prosecute teenagers for possessing child pornography simply for receiving picture texts from their boyfriends or girlfriends. Some were 13 years old.

“One of the joys of this job is that new things keep happening-- you don’t have to think about the same things each year.... I try to stay on the cutting edge... It’s about what lights my fire at a particular time.”

“Whatever this is, it is not a criminal moment,” Professor Barnard said, with a common-sense conviction. “There’s no need to ruin someone’s life by putting them on the sexual offender registry.”

She said she’ll miss the presidency when her term is up in 2013, but with so many causes left to fight for, she intends to stick around the organization. And there’s always more academic ground cover, too. In the warmth of the ever-present promise of tomorrow, Jayne Barnard shows no signs of slowing down. Whatever work that day brings through her fingertips, one can be assured that it will be different from what has come before.

“I really pride myself on not recycling old ideas,” she said.
Food Corner
Chocolate, Kabobs, and Beer

By Columnists Diana Cooper (3L) and Matt Turtoro (3L)

With new eating establishments opening all across this formerly desolate wasteland of a college town, we decided to try some of the new offerings. What follows are our collective musings on some of our most and least favorite new spots in Williamsburg. We apologize in advance if we seem overly harsh... Actually, no, because we mean every sarcastic and acerbic syllable.

Diana:
Extraordinary Cupcakes
I hate everything about this place, and I mean it. From the décor, to the staff, to their sub-par cupcakes, not only will I never go there again, but I almost literally shake my fist at them every time I drive down Richmond Road. Let me break down my hatred for you. First, the décor. Yes cake baking people, I would love to sit in the oh yeah, there is no reasonable place to sit. As a child, I would love trying to eat at the adult sized slab of wood you call a cupcake bar. Your website highlights the giant peacocks, the weird cloud at the top of your shop, and other things that don't matter (because yeah, there's nowhere to sit, but that cloud sure is nice...) You know what else I love? Not being able to see the cupcakes under the table. What is under that table? Is a leprechaun handing you cupcakes? A troll? Is Gollum passing out your preciouses? Maybe. Moving on...

But what about the staff? A cupcake staff should be warm, welcoming, and sweet; just like a cupcake. The staff in my experience was slightly emo, dismissive, and really bad at their job. My group shouldn't have been ignored when I walked in. My first interaction with the counter-lady should not have been me making the first affirmative move. I shouldn't have to ask for a box if I asked for a to-go order; I shouldn't have to ask for milk with my cupcakes. She sighed when she took my credit card, she sighed when she handed me the cupcakes, and instead of the standard “thanks for coming, see you again”, there was an additional sigh. I couldn't. I mean, seriously. This alone reveals the real issue with this place. A shear lack of competent training, and a clear business plan... But I’ll get into that later...

On to the cupcakes. The cupcakes were OK. By OK, I mean, let’s buy some Betty Crocker; make them two times as big as a normal cupcake, and fill it and top it with stuff. They were not worth $3+ each. That being said, there is one stand out: Their Sinful Salted Caramel seems to be loved by all, but honestly I can’t do it. I had at least four other types of cupcakes, and they all left me missing Crumbs Cupcakes. A magical place where they have an MBA to come up with that “ordinary cupcakes”. Then you’ll probably think it’s an OK place to go.

Mad About Chocolate
What can I say about Mad about Chocolate? It’s simply amazing. I first caught wind of the place when a friend described their cookies as “a warm hug”. I knew I had to have it. I’ve gone to Mad About Chocolate five times since then, and it gets better every time. Mad About Chocolate is essentially the opposite of Ordinary Cupcakes. Their staff is friendly, they have plenty of seating, and their food is simply extraordinary. They have some delicious standbys (Chocolate Chip Cookie, The most delicious dense OMG Brownie ever, etc.), and then they have a rotating schedule of delicious things (Coffee Cheesecake, Coconut Macaroons, etc.).

There are two other awesome things about this place. First, they have savory options. Their Savory Bread Pudding was so good I got a quote for a whole pan (which they will gladly do for you).

Continued on page 6
Strike of the Decade: Ref Lockout 2012

By Staff Writer Christopher Rollins (1L)

The one-thousand, nine-hundred and ninety-eighth year of our Lord was a dark one. Going on the information superhighway was a task best braved by the abortive screeches of some eldritch beast, which could not be mastered, only persuaded. That godless hellhole known as Europe banned human cloning to the dismay of the powerful mad scientist lobby. The Phantom Menace had just come out. I was 11, and it was the first, last, and only year that I watched the Super Bowl. I am the only human being in the totality of all existence that has ever been punished for a youthful indiscretion by being forced to watch the Super Bowl. I could not care less about watching people chase a ball: there were insufficient explosions, and I prefer soundtracks over commentators.

At least the Budweiser frogs were funny.

So you might think that the National Football League is an odd choice for my first editorial ever. But the 2012 NFL Referee Lockout was important. Its causes were alarming, and the way it ended should give us pause as a nation. As many are aware, the NFL already had a lockout in 2011; they wanted to lower player salaries and increase the length of a season in a sport that is already very physically hazardous. Though this lockout was resolved prior to the beginning of the season proper, the federal courts found that the NFL had been scheming to force a lockout or strike for two years. Yes, scheming.

A word that evokes oiled mustaches in darkened rooms, maniacal laughter, and gleefully rubbed hands. That’s about what I think of the NFL owners, as a whole.

Average NFL Player Salary: less than $800,000 a year. Average NFL Team Value: in excess of $1,100,000,000. With a 45-player roster, the entire team’s aggregate salary is in the neighborhood of 3.22% of the team’s worth. As exorbitant as I find the entire fiasco that professional sports, the players ain’t making a patch on the team owners; as a football player, they have plenty of health injuries and few marketable skills for when their bodies give out and they have to move on to other things.

But that’s enough about 2011. Back to the future, it’s 2012 now. The referees wanted to maintain their guaranteed pensions, and they wanted to make sure that their pay would be in line with the NFL’s better-than-the-economy growth. The League wanted to give them 401(k)s, lower wages, and less job security. The overall estimated cost of the referee demands? About $3.2 million annually. Yearly revenue of the NFL is $9 billion. For those of you playing along at home, that is what we call a rounding error’s worth of money. Scrooge McDuck probably spent more on just one of his daily field trips with Huey, Dewey and Louie.

It was never about whether or not the NFL could afford to do this. Ever. The lockout was not the result of two well-meaning sides that just didn’t have room to budge; it was caused by a greedy, monopolistic corporate entertainment complex that decided it could do what it wanted. The lockout was used to demonstrate the NFL’s power, it was a chance for them to flex their muscles and groom their sinister mustaches. For this, the NFL allowed incompetent replacement referees who endangered the health of their talent and demoralized fans and players alike as games were stolen or destroyed - until the NFL acquiesced under the weight of public pressure.

But as contemptible as that behavior was, that was not what really toasted my goose about the 2012 NFL Lockout. No, gentle readers, the point at which I snapped and attempted to find my inner, vengeful ninja that would totally flip out at people? When Wisconsin Gov. Scott Walker (R) - he that pushed an unconstitutional anti-union bill; he that stripped public employees of their right to collective bargaining; he that ran Wisconsin so deep into the ground that China wants to consider it their new special administrative region - took to twitter to demand that the NFL #returntherealfans.

Ladies and gentlemen, the NFL referees are unique individuals, who possess a special combination of drive, talent, and skill. They deserve treatment commensurate with that combination. But in the end, they are part of a monopolistic corporate entertainment complex that—with any fiscal responsibility—can set most of its participants up for the rest of their lives. Simply put, sports matter, but no one needs them. Nonetheless, there were petitions; there were discussions of laws; progressives, neoliberals, and libertarians locked their metaphorical arms and marched against the crime being perpetrated upon the sports world. It was a beautiful moment of omnipartisanship. And by “beautiful,” I mean “ridiculous.”

There was a teacher’s strike in Chicago this month. Did you know anything about it? The issues were a lot more complex than pay. Firefighters and Police Officers held a strike in Wisconsin last year. Did you know anything about that? Indiana, Ohio, and Wisconsin have all passed anti-union bills within the last two years. Florida nearly followed suit. A bipartisan anti-union law for air traffic controllers passed into law earlier this year - you know, Air Traffic Controllers, one of the jobs with the highest suicide and stress rates in the world? Essential to safety. Hear anything about any of those?

If you didn’t, I don’t blame you, and I’m not surprised. But it’s a forgotten story that bears consideration. We have seen how a major corporation treats its most visible employees on the national stage, and how slow they were to make a small concession. Imagine the treatment of miners of a forgotten shaft in the middle of the mountains.
Their salads are pretty good for salads, and their Savory Cheesecakes are also Mmmmmmmmmmm. Second, I really like their staff. Not only are they friendly, but the owners allow for great leeway for food experimentation. For the customer, this means receiving a variety of awesome foods, and occasional free samples of awesome drinks, desserts, and savory options for you to try. Most importantly, they ask for feedback, and actually make changes based on what the customer says. I love everything about this place, and I think you should go and check it out!

Matt:

Sticks

I’m on a diet...but apparently having one smoothie and one cocktail a day is “unhealthy” according to my trainer, and “potentially harmful” according to some dubious healthcare professionals. Accordingly, I’ve been trying to find healthy eating alternatives in this culinary equivalent of Hiroshima circa September 1945. Hence my newfound fascination with Sticks. Now let me preface my gushing by stating that I normally loathe chain restaurants. Despite this inherent snobbishness, even I am forced to admit that this place is pretty damn decent. The menu is not overly large, and is composed of basically three options with different permutations of meats, sauces and sides. You can order either a kebab platter (with rice, sauce, and side), salad, or sandwich.

I’ve been there three times now in the past two weeks, and each time have ordered a lamb kebab platter with herbed basmati rice, cucumber-yogurt sauce, and roasted eggplant salad with lemon. The lamb has been cooked perfectly each time—beautifully seared on the surface, but still medium rare and succulent within. The rice provides a nice foil to the lamb, and the sauce melds well with both. The roasted eggplant is so wonderfully creamy and flavorful that I would gladly consider trading my first-born son for the recipe (let’s face it, my total lack of nurturing skills and complete self-centeredness would quickly mess that kid up beyond repair anyway). My biggest complaint is that Sticks appears to be having some staffing issues—I’ve ordered “to go” three times, and three times the kitchen staff have forgotten this, and been forced to repack my order while I awkwardly stand by the counter. The wait can be a bit excessive, the only calorie count information is hidden online, and the portions are about as generous as a nun with sexual favors. That said, I would highly recommend popping in and sampling something. It is, after all, really difficult to go wrong with meat on a stick.

Red Robin “Oktoberfest”

A few weeks back, the lovely Ms. Cooper and myself noticed a deluge of Facebook posts concerning Red Robin’s new “Sam Adams Oktoberfest Beer Milkshake.” Being the Pulitzer-prize winning (...in our minds) reporters that we are, we felt it was our journalistic duty to try this frightening concoction alongside the rest of the Oktoberfest menu and report back to the 3 of you who read this article and simply must know our opinion on the cultural phenomenon.

I was the brave soul who ordered the diabolical dairy-beer concoction. My first taste was surprisingly pleasant—a sweet cream flavor accented by a malty hops note. This pleasant nonsense soon transformed though, like something from the Exorcist, into a terrifying and palate-killing plague. The aftertaste is nothing but potent stale beer. My mouth tasted like a stadium post-game, or a frat house floor on a Sunday morning—it was abhorrent. If anyone is brave enough to try this shake themselves I suggest they drink it quickly so their palate has no time to adjust to the foes tid after notes, and to order water (or better yet, a nice gin and tonic) to wash down the rancorous slop.

The remaining Oktoberfest menu would make a German cry, which is no small feat (see anything from the era of 1914 through 1945). Pretzel bites with some kind of toxic and viscous cheese dipping sauce, and then a platter of chicken fried in various manners and drenched in diverse types of caloric sauces. In short, if you’re in the mood for insult comedy, Red Robin is the place for you. The décor (reminiscent of a dismal, post-apocalyptic future where polyester and wood laminate have become the dominant life forms on earth), abysmal food, and nauseating drinks combine to insult most of the senses. And the proudly porcine patrons provide insight into what eating too much of the deep-fried menu would do to your once noble physique. Stay away.
Reel Deels

By Columnist Samuel Clemens (noL)

The Master is epic. It features four of the best acting performances I have ever seen, courtesy of Joaquin Phoenix, Phillip Seymour Hoffman, and the woman who sat behind me, who, with a straight face, managed to say it was “boring.” This analysis is akin to characterizing the JJC experience as “life affirming.” I suspect hers was a problem mostly of expectations. The Master garnered a frenzy of media attention when it was first rumored that the film chronicled the nascence of Scientology. Although it is inarguable that the life of Scientology founder, L. Ron Hubbard, served as a template for Phillip Seymour Hoffman’s character (and Tom Cruise’s life), to say The Master is about Scientology would be like saying Taxi Driver is about the cleanliness of New York transit in the 1970s. It would be more precise to conclude that The Master is about woefully misguided souls seeking validation for their very existence. Kind of like everyone involved in the production of Battlefie...
Dear Scalia

Romantic advice from that most eloquent of Supreme Court Justices

DEAR SCALIA:

I am having serious family issues. My son doesn’t listen to me at all. He says I have never been a good father, and that I have made awful decisions for the family in the past. If that’s not bad enough, my mother, who passed away last month, told me on her death bed that the man who I called my father for 50 years was not my real father, and that I was birthed out of wedlock. I am taking it from all sides. How do you deal with family issues, Your Honor?

OVERWHELMED IN ATLANTIC CITY.

Dear OVERWHELMED,

My solution to any family problem is to have more children (or, lately, to issue writs of mandamus ordering more grandchildren). When people remark that nine children is a lot, I simply respond by saying that they are looking at it the wrong way, and that nine marital issues is a very low number. The nerve of some people. With that said, I can’t really relate to any of your messed up family problems, and while I am tempted to assume that part of the issue is that you’re living in the most sinful town, in the most sinful state, I will attempt to be as empathetic as possible in the next two paragraphs.

Actually, I do have some experience dealing with sniveling little children. It has been my experience that Reuters is very willing to grant interviews in which you can publicly call underlings liars and set the record straight once and for all. See Terry Baynes, Fanning Furor, Justice Scalia Says [Richard Posner] Lied, Reuters, Sept. 17, 2012, available at [website] (arguing that Judge Posner is beneath me, childish, a liar, and should be subject to the House Un-American Activities Committee that I so desperately want to see reinstated); see also U.S. Const. art. III, §1 (“The judicial Power of the United States, shall be vested in one supreme Court, and in such Inferior Courts . . . ”) (Obscene overemphasis and improper capitalization added by Scalia, J.).

As for your status as a bastard-child, I am truly sorry. This sounds like a situation that is one-of-a-kind and uniquely tragic. See Michael H. v. Gerald D., 491 U.S. 110, 113 (1989) (stating that a case with an adulterous situation and a child born out of wedlock constituted “extraordinary” facts”). I see no salvation for you in my religion. However, I read an article recently (in America’s Finest News Source, so you know it’s legitimate) about a preacher who might welcome you into another denomination of Christianity. He sounds like a pretty neat guy. See Willard Mitt Romney, Now that my Campaign is Over, I’d Like to Talk to You All about the Church of Latter Day Saints, The Onion, Sept. 19, 2012, at 7.

SCALIA FIN.

The Honorable Justice Scalia continues to be channeled by Joseph Figueroa (2L)

1 It’s easy to argue that New Jersey used to be one of the most upstanding states in the Union, right up until the time that I left in 1942 (notwithstanding the 100% fictional Boardwalk Empire). Hey, that’s a great idea. See Antonin Scalia, Statistical Abstract of the Social and Moral Decay of New Jersey since My Departure, 65 Rutgers L. Rev. (Presumably Upcoming 2013 – if they don’t read it first).

2 LAW CLERK: PLEASE PUT INTERNET THING HERE. DON’T KNOW HOW TO DO IT. MAKE SURE THIS GETS DONE; I DON’T WANT PEOPLE KNOWING I DON’T KNOW ANYTHING ABOUT THE INTERNET OTHER THAN THE EXISTENCE OF SEXUALLY EXPLICIT MATERIAL. If my law clerks do forget to put in the link (they have dropped off since the Meese days), then know that I am only aware of this because of Reno v. A.C.L.U., 521 U.S. 844 (1997). And as you might expect, Justice STEVENS wrote that opinion – he was a little too eager to jump at that one, if you know what I mean. (Editors Note: We don’t.)

3 Editors Note: Justice Scalia actually said this. Really. See Michael H., 491 U.S. at 156-57 (Brennan, J., dissenting) (“The atmosphere surrounding today’s decision is one of make-believe . . . . When and if the Court awakes to reality, it will find a world very different from the one it expects.”).