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Professors debate reform of class action lawsuits

by Katie Tenney, 1L
Law Weekly

Mass tort reform was the subject of the breakfast panel hosted Wednesday morning by the Federalist Society, and featuring torts experts Kenneth Feinberg and Michael Horowitz. Feinberg, an adjunct professor at GULC, is currently serving as special master of the Sept. 11 Victim Compensation Fund, while Horowitz, also a GULC adjunct professor, is director of the Hudson Institute's Project for Civil Justice Reform. The two panelists engaged in an energetic debate, moderated by Professor Heidi Li Feldman, focusing on the nature of the mass torts problem and suggesting possible reforms.

Feinberg led off the discussion by telling the assembled group that he "always gets nervous anytime people

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Durbin defends Democrats on nominees

by Jenny Cieplak, 2L
Law Weekly

Last Tuesday, the American Constitution Society (ACS) presented Senator Richard Durbin (D-IL) in an annual keynote address on Congress and the Courts. The Senator's topic was "The Right Wing Agenda - Can Our Court System Survive?" Senator Durbin, a member of the Senate Judiciary Committee, used his experience as a practitioner and a Senator to deliver his answer to this question.

Senator Durbin graduated from GULC, and also received degrees in economics and foreign service from the main campus. He has become well known for reaching across party lines when the chance arises, but sticking to principles when they are in danger of being compromised.

Lisa Brown, the acting executive director of ACS, was on hand to introduce the Senator. She offered praise for the Georgetown ACS Chapter, the founding chapter of the organization. ACS was founded in 2001 to counteract the prevailing conservative vision of law that exists in many courtrooms and legislatures around the country. Since its founding, the organization has grown swiftly around the country, and it



Photo courtesy Lan Hoang

Senator Dick Durbin (D-IL) makes his case concerning the judicial nomination and confirmation process during his speech last week at GULC.

held its first National Conference this summer.

The Senator began his speech in praise of ACS as well, saying "I'm glad this organization exists." He spoke about how Bush's nominees have all "punched their ticket" with the Federalist Society - a conservative organization that comprises only one percent of lawyers nationwide. He compared Federalist Society membership to a secret

handshake that all nominees know, but mentioned that they are usually unwilling to admit agreement with the group's conservative and libertarian orthodoxy. Durbin said that he asked the judicial nominees whether they agreed with the Federalist mission, and Alabama Attorney General William Pryor was the only one to answer yes.

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SBA introduces new GULC tradition - first Oktoberfest on the quad a winner

by Amy Messigian, 1L & Erin Lien, 1L
Law Weekly

Last Wednesday, as the leaves changed on the trees and a cool fall wind blew through the quad, scores of students attended the Oktoberfest keg on the quad sponsored by SBA and BarBri, complete with German foods, German beer, and a German band. According to Alaina Dartt, SBA 2L Delegate and Chief of Staff, SBA held the event as a social break for students mid-way through the semester, and is considering making Oktoberfest an annual event.

The event featured an authentic, lederhosen clad polka band, The Bavaria Three, and included a performance by the Law Center's a cappella group, Moral Hazard. Feather plastic hats were handed out, and students were offered



Photo by Amy Messigian, 1L

The Bavaria Three played last week at the first annual Oktoberfest.

Bavarian pretzels, German sausages, sauerkraut, onion-quiche bread, potato soup, and cookies. Beverage service included warm apple cider, Heineken beer on tap,

bottles of various beers and a variety of sodas.

The event had a strong turnout, with many students partaking in

See OKTOBERFEST, page 4

GULC alumni and students raise \$6K at golf outing

by Jim Day, 1E
Guest Writer

Law Center students and alumni from local D.C. firms and organizations played in the first student/alumni golf tournament last Monday. The outing was held at the prestigious Tournament Players Club at Avenel in Potomac, Maryland. The event was sponsored by the SBA and raised over \$6,000 for the Loan Repayment Assistance Program (LRAP).

Teams of four played in a "scramble" format, meaning that the team selected the best shot of four from each position until the ball was

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**Alumni come back for
GULC Reunion
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at the Love Cafe
Page 7**

**Fear & Loathing in
Las Vegas - GULC style
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Briefs Briefs Briefs Briefs Briefs Briefs! Briefs Briefs Briefs Briefs!



Human Rights in Columbia

Presenting a panel on The Struggle for Human Rights in Colombia, featuring Jose Humberto Torres, Comite de Solidaridad con Presos Politicos, with panelists Andrew Fandino, Peace Brigades International, and Charlie Roberts, Colombia Human Rights Network. The event will take place on Wednesday, Oct. 22, at 3:30 p.m. in the Moot Court Room. Co-Sponsored by: La Alianza del Derecho, CAROLA, Amnesty International, and International Law Students.



Looking for a Partner?

You can have several while enjoying the game of bridge. The bridge club meets weekly from 6 p.m until tiredness sets in on Thursday evenings in the cafeteria. No previous knowledge of the game required - you will be taught. Feel free to bring friends and food.



After Lawrence v. Texas

ACS presents a panel on same-sex relationship recognition, featuring Matt Coles of the ACLU Lesbian and Gay Rights Project, Winnie Stachelberg of the Human Rights Campaign, and Lisa Mottet of the National Gay and Lesbian Task Force. The discussion will be held today at 4 p.m. on the 12th floor of Gewirz. A reception will follow.



Mass Schedule

Sunday Mass will be celebrated in the Chapel at 11 a.m. and 5 p.m. Daily masses will continued to be held daily at 12:15 p.m. and Mondays and Wednesdays at 5 p.m. in the Chapel.



Learn to Outline!

First Year academic orientation continues with a presentation on "Outlining First Year Courses." Professor Jill Ramsfield and upper-class students will discuss the best outlining techniques on Tuesday, Oct. 21. Day students can come from 3:30 to 5 p.m. in the Moot Courtroom, and evening students can catch the presentation from 8 to 9 p.m. in Room 202.



ACLU Speaker

The American Association of Jewish Lawyers & Jurists, along with the JLSA, present Art Spitzer, the Legal Director of the ACLU, speaking on civil liberties post-Sept. 11 at the firm of Stinson, Morrison & Hecker on Oct. from 12:15 - 1:30 p.m. RSVP to Jason Kristall at jkristall@ajcongress.org ASAP.



World of Choices

Mark your calendars for the upcoming World of Choices Program, presented by Career Services, OPICS and the Office of Alumni Affairs. It begins on Saturday, Oct. 25 at 9 a.m. in the atrium. This is an excellent networking opportunity. RSVP to OCS to carsvcs1@law.georgetown.edu or call 202-662-9300.



Want to Get Published?

Georgetown University's Center for Democracy and the Third Sector invites article submissions for the first edition of its newsletter. The newsletter will give substantive treatment to important themes related to democratic governance and the third sector. For the first issue, we are seeking submissions of 800-2000 words on the themes of trust or representation and their relationship to democracy and the third sector. Deadline for submissions is Friday, Nov. 14, 2003. For more details, please e-mail cdatsnews@georgetown.edu.



Washington Area Lawyers for the Arts

Join WALA for several CLE events this month. CLE events are a great way to network and learn more about a field of law. The first event will be on Oct. 27 from 6:30 to 8:30 p.m. and will discuss common legal issues facing newly minted and young non-profit organizations. Check out www.wala.org for more information.



Player's Club

The GULC Player's Club, the law center's newly formed poker club will be holding its first meeting of the year Thursday, Oct. 23 at 8:30 in the cafeteria. Players of all skill levels are invited to join. Come to play cards, learn the game, or meet other members of the law center community who share an interest in poker. Nominations for officer elections will be conducted this night only. Those interested in holding a position on the executive board who cannot attend on Thursday should contact jps46@law.georgetown.edu or elliottj@law.georgetown.edu. Food and drinks will be served.



Health Fair is Coming...

Join us for the Health Fair, scheduled for Wed., Oct. 22, from 12 to 5:30 p.m. in the Chapel area. Sponsored by the Fitness Center, this annual event is a great way to learn more about a variety of health and wellness issues. Massages, blood pressure screenings, and \$7.00 haircuts by Bubbles are some highlights, as well as a 3:45 tumbling demonstration by the "Lions" daycare class. See you at the fair!

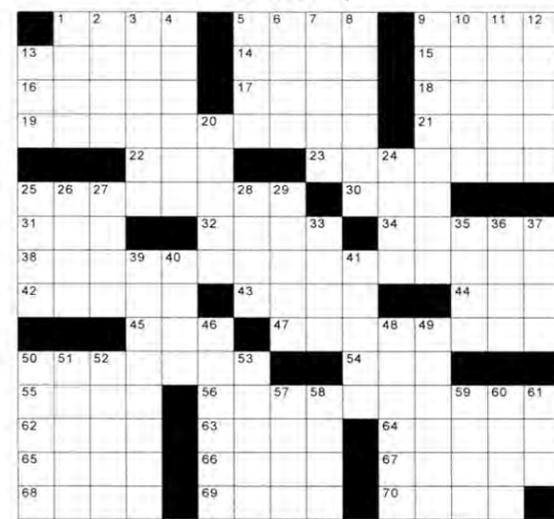
Crossword 101

By Ed Canty

Animalizations

Across

- 1 Beige
 - 5 Christmas story starter
 - 9 Slightly open
 - 13 Poe's middle name
 - 14 IRA starter
 - 15 Not any
 - 16 Shapeless forms
 - 17 Greek letter
 - 18 R&B singer Turner
 - 19 Stealthy one
 - 21 Oklahoma city
 - 22 Anger
 - 23 Connected
 - 25 Spinal column bone
 - 30 H.S. test score
 - 31 Pass with flying colors
 - 32 Piece of cake
 - 34 Combine
 - 38 Grisham novel
 - 42 Repaired the shoes
 - 43 _____ contendere
 - 44 Kind of scan
 - 45 Collar
 - 47 Kerry Blue and others
 - 50 Construction worker
 - 54 Pasture sound
 - 55 Smash hit
 - 56 Swam like fido
 - 62 _____ fruit
 - 63 Sticky substances
 - 64 Pat Riley team
 - 65 Adolescent
 - 66 Finishes
 - 67 Actress Dickinson
 - 68 Sea eagles
 - 69 Log Z's
 - 70 Egg holder
- Down**
- 1 Former Gov.Grasso of CT.
 - 2 Coagulate
 - 3 Potter's Peter
 - 4 Doubtful
 - 5 H.S. course
 - 6 Ireland export



- 7 Rose oil
- 8 Divvies up
- 9 Aardvark, e.g.
- 10 Marijuana cigarette:Slang
- 11 Broadway hit
- 12 Tally again
- 13 Judge Judy's home
- 20 Maverick
- 24 Mary's pet
- 25 Tubs
- 26 Imitate
- 27 Virginia dance
- 28 Baseball killer
- 29 Cravat
- 33 New Haven landmark
- 35 Houston landmark
- 36 Camping equipment
- 37 Newts
- 39 Pittsburgh player
- 40 Cocktail party offering
- 41 Marilyn Monroe's birth name
- 46 Univ. of Wisconsin player
- 48 Dennis of the Bulls
- 49 Antiseptic
- 50 Stars and Stripes star
- 51 Semiautomatic pistol
- 52 Poet Ginsburg
- 53 Not a soul
- 57 Deities
- 58 Attention getter
- 59 Falls behind
- 60 Expel
- 61 Game cube

Quotable Quote

Man is a rational animal who always loses his temper when called upon to act in accordance with the dictates of reason.

• • • Orson Welles

Crossword solution on page 4



Alumni Mentor Conversations

The OPICS office's Alumni Mentor Conversation series continues with a discussion of Refugee and Asylum law this Tuesday, Oct. 21. Join us from 12:15 to 1:15 p.m. in Room 342 for an hour of candid conversation and inspiration.



Bar Admissions Process

Come to a panel on bar admissions to learn about any state bar. Learn from a former D.C. bar examiner what scorers look for in bar exams. Hear recent graduates discuss their experience of applying for and taking the bar. Learn about cases relating to the Character and Fitness Evaluation. All this and more on Wednesday, Oct. 22 from 4:30 to 5:30 p.m. in Room 205.



Loan Repayment Assistance Program

Next Monday, Oct. 27, the Office of Financial Aid and OPICS will present an information session on qualifying employment, income qualifications, and application information. If you plan to attend, please RSVP to Dubin@law.georgetown.edu.



SBA Meeting

The next SBA meeting will be held today, Monday, Oct. 20 at 9 p.m.



Public Interest Career Fair

Equal Justice Works will host the largest annual gathering of public interest and government employers in the country on Oct. 23 and 24 at the Washington Hilton. Come meet with employers informally and attend numerous scheduled career panels. Registration is on-line at www.equaljusticeworks.org and must be completed by Oct. 17.



Exam Review

Exam review for Fall 2002 and Spring and Summer 2003 begins Wednesday, Oct. 1 and runs through Wednesday Oct. 29 in Room 322. Please wait until then to make any new requests to obtain your exams.



Take a Walk on the Wild Side

Meet in front of Gewirz on Fridays at 12:30 p.m. to join the Fitness Center for a half-hour walk around the city.



Rehearsal Pianist Needed

The Georgetown Gilbert and Sullivan Society needs a pianist 3-4 nights per week, starting immediately. Call 662-9270.

GULC reunion weekend - alumni return to campus

by Sharon E. Houle, 2E
Guest Writer

"The Law Center is going to have five buildings?!" "When I was here the library was on the third floor." "My wife and I met in that classroom." "People use computers to take notes?" You may have heard comments like these last Friday as over 600 Georgetown Law alumni returned to campus for the Law Center's annual reunion weekend.

The classes of 1998, 1993, 1988, 1983, 1978, 1973, 1968, 1963, 1958 and 1953, as well as members from classes as far back as the 1920s, celebrated their reunions this year with a packed three day schedule of events.

On Friday morning alumni went "back to school," visiting Professor Goldberg's 9:30 Constitutional Law I class. After getting a reminder of the joys of the Socratic method, many alumni headed off for student led tours of the campus. Others headed over to the library open house, visited the new Edward Bennett Williams exhibit and attended a book signing with Michael "Micky" Gardner, L'77, author of *Harry Truman and Civil Rights: Moral Courage and Political Risks*.

Alumni from the classes of 1953 and earlier joined Dean Areen and Father Drinan at the Golden Years Alumni Luncheon, sharing stories and reminiscing about their time at the Law Center. Members of the class of 1953 were even able to meet the 2L who received the benefit of their class's newly established scholarship.

The Dean's opening remarks and a reception kicked off Friday night's activities. In these remarks, Dean Areen provided an overview of the Law Center and noted that the alumni have served

as "a hand reaching back through the generations" to assist students today and to help students to begin their careers in the law. The alumni in turn had questions for the Dean about GULC's current programs and expressed their appreciation and support of her service as Dean of the Law Center. After catching up at the Dean's reception, some alumni and their families headed out for a trolley tour of D.C. while others went off for class specific gatherings.

After a networking breakfast buffet, alumni headed to panel presentations put on by Law Center professors and fellow alumni, including the presentations *The 2003 U.S. Supreme Court Term* and *From the Well of the Court - Trial Perspectives from Seasoned Practitioners*.

Many then headed to the Paul R. Dean Alumni Awards Luncheon. This year's honorees, for distinguished alumni service, are David G. Bradley, L'83 (Chairman of the *Atlantic Monthly*, *National Journal*, Advisory Board and Corporate Executive Board), The Hon. Marc C. Ginsberg, L'78 (Former U.S. Ambassador to Morocco, CEO of Northstar Equity Group), Nancy P. Jacklin, F'69, L'73 (Executive Director of the International Monetary Fund), Robert E. Lighthizer, C'69, L'73 (leader of the International Trade Department at Skadden, Arps, Slate, Meagher & Flom), The Hon. Michael K. Powell, L'93 (Chairman, Federal Communications Commission), and Edward M. Ricci, L'73 (Senior Trial Attorney at Ricci Leopold, P.A.).

Alumni then headed out for tours of area museums as well as tours of the historic presidential yacht, the Sequoia, which is berthed on the Potomac River. There was also a special cocktail recep-



Photo courtesy Sharon E. Houle, 2E

Dean Areen joined Law Center alumni at the annual weekend reunion.

tion for LL.M.s and FLAG (Foreign Lawyers at Georgetown) alumni.

The weekend culminated in a grand celebration at the Corcoran Gallery of Art. By incorporating all classes into one large class dinner, alumni had the chance to interact within and between classes while enjoying the Corcoran's current exhibit, *Beyond the Frame; Impressionism Revisited*. This series of sculptures by J. Seward Johnson, Jr. reinterprets key impressionist works in a three dimensional format, allowing the viewer to interact with the artist's subject. Alumni were able to enjoy their classmates and fellow alumni in a truly engaging environment.

On Sunday, alumni gathered for a reunion mass and brunch and said their farewells. Other opportunities for reflection in the weekend included an interfaith panel on Friday, "The Religious

Experience at the Law Center."

Two things stood out at this year's reunion festivities, high attendance and fun. Sam Gabremariam, Assistant Director of Alumni Relations and a 2E, noted that "We've had a really good turnout for reunions this year." Megan Wagner, also in Alumni Relations, felt that the good turnout was due in large part "to excellent reunion committee members, who worked hard to inform their classmates and encourage them to attend."

Katherine McCarthy, Special Assistant to the Dean and in charge of Special Events, noted, "Reunions are fun for the alumni and fun for us [the staff]." Alumni definitely enjoyed themselves at this year's reunion weekend as they walked around our campus with smiling, slightly awed faces, talking of their own Georgetown days.

Please join the

WOMEN'S LAW & PUBLIC POLICY FELLOWSHIP PROGRAM

For a Panel Presentation on Women's Rights
Highlighting the Graduate Research of our 2002-2003

LEADERSHIP & ADVOCACY FOR WOMEN IN AFRICA & AFGHANISTAN FELLOWS

BELQUIS AHMADI FROM AFGHANISTAN
Women in Decision-Making and Leadership in Muslim Countries

MERCY GAREKWE FROM BOTSWANA
The Economic Status of Women in Botswana as an International Human Rights Concern

KENEILWE LEKOBA FROM BOTSWANA
Domestic Violence Against Women as an International Human Rights Issue in Botswana

TERESA MUGADZA FROM ZIMBABWE
A Case Study of Zimbabwe's Compliance with CEDAW in Relation to Women's Access to Land

TANDAZWA NDITA FROM SOUTH AFRICA
Inheritance Rights and Rural Women in South Africa

Friday, October 24 Noon
Room 492 at Georgetown University Law Center
600 New Jersey Avenue, NW

A light lunch will be served
Please RSVP by Tuesday, October 21
202-662-9650 or vrb2@law.georgetown.edu

The Catholic Forum

Presents:

Not all Catholics are Roman

Campus Ministry's Father Alexei Michalenko will join us to discuss the development of Christian Churches in the "Eastern" world, including the Byzantine Catholic Church in which Father Alexei is ordained, and the relationship between these Churches and Rome.

This is an excellent opportunity to get to know Father Alexei and to meet other students interested in Catholicism.

Our meeting will be this Wednesday, October 22, at 3:30 in room 588.
Refreshments will be served.

Durbin discusses judicial confirmation process

DURBIN from page 1

Turning to the ever-fascinating rules of Senate procedure, the Senator described how they had suddenly become controversial as liberal Senators attempted to prevent party line votes to confirm the most conservative and activist candidates. A rule was voted along party lines to eliminate the filibuster as a tactic to prevent nominees from coming to the floor, but as it was only passed along party lines, there was not the requisite supermajority to pass it.

This left Republicans with no choice but the so-called "nuclear option," in which the Vice President of the Senate, Dick Cheney, would declare the filibuster rule unconstitutional for obstructing nominees. Then, only a bare majority of Senators would be required to eliminate the filibuster option. Although this radical step has not yet been taken, it has been discussed as a way to prevent future holdups on the road to remaking the judiciary.

ACS President Ron Lee, 2L, was glad the Senator spoke out against the current process: "The speech is a wake-up call for those of us who think it's business as usual in the judicial confirmation process. As future lawyers, we need to make clear that we will not stand for a court system that is pervaded by a judicial philosophy that is antithetical to individual rights and effective access to justice."

As the Senator explained, a lot is at stake in political appointment of judges. Professor Cass Sunstein of the University of Chicago Law School

studied the way three judge panels voted when appointed by different political parties. Although judges are supposed to be nonpartisan, Sunstein found that the judges did tend to vote their principles. For example, Democratic appointed panels ruled against corporations in environmental suits 80 percent of the time, and Republicans found against them only 25 percent of the time.

Although the press has questioned the ethics of holding up judicial nominees when many courts are

whose dissent in an abortion case was referred to by the current White House counsel as "extreme activism"; and Miguel Estrada, who refused to name a single Supreme Court case with which he disagreed.

Senator Durbin provided insight into the process nominees undergo before the Judiciary Committee. When Clinton's nominees were before the committee, Republican senators had asked questions about how they had voted in all elections since they could vote, and had reject-

the court-packing scandal of 1937, where Franklin Roosevelt attempted to bend the Court to the Executive Branch's will. In that year, there was an amazing public outcry, and Roosevelt's own party stood up to him for trying to get the court to do his bidding. But for this administration, Sen. Durbin alleged, the Republicans are acting as a rubber stamp on Bush's nominees.

Senator Durbin ended his speech with a ringing call to action against activist nominees that could overturn progressive precedents. The courts, he declared, are the last refuge of those injured and discriminated against. When they cannot reach a legislature captured by special interests, an independent judiciary is necessary to ensure that all of our constitutional rights are protected.

ACS President Lee was pleased with the speech's impact. "I got the sense that people were satisfied with the event. Senator Durbin was very well-spoken, and delivered his arguments in a clear and persuasive manner. Most importantly, I think the audience took something with them, whether they agreed or disagreed with him."

The obstruction by Democrats may leave Republicans with no choice but the so-called "nuclear option," in which the Vice President of the Senate, Dick Cheney, would declare the filibuster rule unconstitutional for obstructing nominees. Then, only a bare majority of Senators would be required to eliminate the filibuster option.

operating without a full bench, only three of Bush's nominees have been held up - that is, all others made it to a floor vote. With 164 nominees passed, President Bush has had more circuit judges approved than any other modern President. In contrast, when President Clinton was in office and the Senate was ruled by the Republicans, 20 percent of his nominees never made it to the floor.

The three nominees who were not given a full vote are Alabama Attorney General William Pryor, who had a long record of hostility to many liberal causes; Priscilla Owen,

ed them on what some saw as the thinnest of pretexts. But while William Pryor was asked questions about his moral beliefs, conservative senators allowed him to refuse to answer them because the questions related to religious beliefs. Senator Durbin expressed outrage at using religion as a shield to avoid questions, saying that religious issues are political, and that if Pryor would vote based on his morals, the committee had a right to know just what those morals were.

Drawing a historical comparison, the Senator reminded attendees of

ANIMALIZATIONS														
E	C	R	U	T	W	A	S	A	J	A	R			
A	L	L	A	N	R	O	T	H	N	O	N	E		
B	L	O	B	S	I	O	T	A	T	I	N	A		
C	A	T	B	U	R	G	L	A	R	E	N	I	D	
V	E	R	T	E	B	R	A	S	A	T				
A	C	E		E	A	S	Y	M	E	R	G	E		
T	H	E	P	E	L	I	C	A	N	B	R	I	E	F
S	O	L	E	D	N	O	L	O		C	A	T		
				N	A	B	T	E	R	R	I	E	R	S
F	L	A	G	M	A	N		M	O	O				
L	U	L	U		D	O	G	P	A	D	D	L	E	D
U	G	L	I		G	O	O	S		M	I	A	M	I
T	E	E	N		E	N	D	S		A	N	G	I	E
E	R	N	S		R	E	S	T		N	E	S	T	

GULC Oktoberfest takes its place among local festivities

OKTOBERFEST from page 1

the event during their class breaks. Many students corroborated that they had come for the beer, but were impressed with the additional, German features of the event.

With regard to SBA possibly making Oktoberfest an annual event, most students expressed support for its continuation. Mohsen Manesh, 1L commented, "They should do this again next year. People are having a good time hanging out. The Bavaria Three are bangin'."

Jim Gallagher, 3L, concurred, adding, "The hats are a plus." This sentiment was shared by James Bond, 3L and SBA Vice President, who said, "I am glad we brought back a tradition." Dean Bellamy also commented that he liked the event and supported it becoming an annual tradition.

Many people enjoyed the themed nature of the event. The Bavaria Three provided a backdrop of various polka tunes and their oompah music and authentic lederhosen added a whimsical element to the event. "I like German beer straight and I like the squeezable piano [i.e. accordion]. I feel like I am in Germany," said Paul Bravo, 1L.

Nevertheless, most students doggedly refrained from dancing along to the tunes of the band - an

element common to many Oktoberfest celebrations.

The greatest response, however, may have not been for the food or the music, but for the lederhosen. Take, for example, Silvia Alpert, 1L who claimed she was "just here to meet the men in lederhosen." Several attendees also suggested that the SBA hand out lederhosen in lieu of plastic hats next year. However, as Scott Drexel, 2L authoritatively stated, "Decent lederhosen are really expensive." In lieu of authentic lederhosen, some students wore other regalia, including Nathan Headrick, 3L and SBA President, who sported a lederhosen apron, commenting, "Jim Pyle said I look good in it."

The Law Center's Oktoberfest event supplements a barrage of activities available in the area to celebrate the annual German tradition. Maryland Brewer's Oktoberfest, for example, held this past Saturday in Timonum, MD, featured 50 locally brewed beers, food, arts and crafts, contests, live music and barstool racing.

A similar event was held the Saturday before at the Village in Shirlington, VA, on behalf of Capital City Brewing Co.

The general timeframe for Oktoberfest events is from the end of September to the middle of October.



Photo by Mark Leighton, 3L
SBA President Nathan Headrick finds his inner kraut at Oktoberfest last week.

THE FUTURE OF INTERNET SURVEILLANCE LAW

A SYMPOSIUM TO DISCUSS INTERNET SURVEILLANCE, PRIVACY & USA PATRIOT ACT

Hosted by *The George Washington Law Review*

Thursday, October 23, 2003
GW Law School - 2000 H Street

Open to All Faculty & Students
Pre-Registration Not Required

www.law.gwu.edu/stdg/gwlr

Golf event raises money for loan assistance program

GOLF from page 1

holed. This format was selected in an effort to allow individuals with little golf experience or ability to play in the tournament. James Bond, 3L, made his golfing debut at the outing and found himself in the winner's circle at the end of the day with teammates William Sullivan and Colin Beebe. Mr. Sullivan is a partner at sponsoring firm Coudert Brothers, Ltd., and Mr. Beebe is a consultant for the legal recruiting firm North Berman. The team also included Jim Day, 1E, as its fourth player. The winning team shot an 11-under 60, beating their nearest competitors by two strokes.

"For me, part of the great satisfaction of the day came in meeting two of my teammates for the very first time, capitalizing on what we had in common, and moving forward together with great camaraderie in a common purpose," Sullivan said after the round. Beebe, who hit one of the day's best shots on the back nine at when he drove the green on a par 4, added, "It was great to win although I must say it was more enjoyable spending the day with three good guys and playing a golf course that hosts a PGA event every year. I knew this was a charity event, but upon learning that the proceeds were going to help support Georgetown graduates who go into public interest jobs, I was even more pleased. I think the cost of law

school has gotten so high that it prohibits young lawyers from choosing to help the less fortunate as a career. I will be back next year and will recruit additional alumni to attend. The food was excellent and the people that put it together did a wonderful job."

The greatest contributors to the event was alumna, April McClain-Delaney, L'89 and her husband John K. Delaney, L'88. The Delaneys allowed the Law Center to use their membership to the course, and also contributed financially to the event.

The tournament was sponsored by the SBA Student Alumni Relations Council (SARC), and the Law Center alumni organization. SARC is a new organization on campus co-chaired by Jim Pyle, 3L and Brian Guiney, 3L. Nathan Headrick, 3L and SBA President commended the work of the committee. "Last spring, Jim Pyle and Brian Guiney approached me with the idea of an alumni golf tournament. We formed an SBA Alumni Committee to explore the idea.

"Thanks to them, today we have the foundations of a great new legacy in place, and both the school and the students stand to benefit substantially from the funds this tournament and future tournaments will raise," continued Headrick. "Though many people were involved and worked hard, this event was Jim and Brian's, and the two of them deserve all credit and a pat on the back from the Development office, alumni, and each of us as students."



Photo courtesy Jim Day, 1E

GULC students and alumni line up for their tee times at the recent annual outing.

Pyle hopes the tournament will be continued next year. "I see the event as an annual tournament that both the students and alumni can look forward to each year. I think that students who participate while going to school will be much more likely to participate for years to come as alumni. I also see the tournament as something that will draw alumni back to the school and make them more interested in what is happening with Georgetown even after they have left the school."

Guiney credited Pat Roth, Director, Law Alumni Affairs and Sharon Houle, Assistant Director of Research & Special Projects for their organizational efforts. "It really was a tremendous amount of work to put this thing together. Pat and Sharon really came through in terms of getting alums to participate, and delivering the many amenities - bags for each of the players with towels, balls, etc. - that jazzed up the event." Houle also organized a phone drive to increase alumni participation.

Sept. 11 Compensation Fund at the center of tort reform

MASS TORT from page 1

say they want to talk about reform." In the case of mass torts, he said, rallying cries for reform have gotten ahead of an honest assessment of what the actual problem is. He point-

Feinberg proposed that mass tort reform might not even be an issue that can be considered on the national level. "After all," he said "if there was ever an area carved out for state practice, it was torts." He mentioned that successful reforms have been undertaken in several states, including Texas and Mississippi.

ed out that the judicial system handles a high volume of torts cases quite ably, and in certain unwieldy cases such as asbestos liability, industry and government have recognized the need to come together in order to find the most just and efficient compensation for victims. Feinberg also dismissed the complaint that punitive damages in mass torts cases are excessively high, remarking that punitive damages in other contexts have also risen exponentially over the past several decades.

Feinberg proposed that mass tort reform might not even be an issue that can be considered on the national level. "After all," he said "if there was ever an area carved out for state

practice, it was torts." He mentioned that successful reforms have been undertaken in several states, including Texas and Mississippi.

As for the Sept. 11 Victim Compensation Fund serving as a model for mass torts reform, Feinberg granted that "you could

solve every mass tort problem overnight if you gave everyone with a complaint \$1.5 million tax-free." But, he added, the Sept. 11 Fund was a unique response to an unprecedented event, justified by the nature of the attack on civilians by foreign terrorists and unlikely to ever be replicated.

Horowitz eagerly responded to Feinberg's minimizations of the problems that mass tort litigation presents. He contended that mass torts impose a heavy burden on the American economy that needs to be addressed. Liability is so high, Horowitz said, that companies risk solvency if they decide to take a case to court. As a result they often decide to settle, but only because, as

Horowitz put it, they have "guns to their heads."

"Unelected lawyers using the judicial system irrespective of the merits in the name of some justice makes no sense," Horowitz said, suggesting that the American social welfare system exists to take care of those people who are harmed or disabled. He said the political process is a better mechanism for re-distributing wealth than torts litigation, since politicians have to be responsive to multiple constituencies.

He made several suggestions for reform in the mass torts arena, including limiting liability for industry, allowing classes from which people opt-in rather than opt-out, and setting a standard fee schedule for mass torts lawyers in order to lessen the transaction costs that mass torts cases currently face.

Schiffman said that mass torts ... is especially appropriate for the Federalist Society to deal with as it "represents a fundamental question about the federal power to legislate versus the state power to legislate, and the proper role of the judiciary in answering that question."

As the discussion wound down, Professor Feldman pointed out the common ground occupied by Feinberg and Horowitz. Both felt that lawyers' fees in mass torts cases have become excessive and that many

"represents a fundamental question about the federal power to legislate versus the state power to legislate, and the proper role of the judiciary in answering that question."

Celebration of collegiate "wuss-rock" at main campus

by Michael Palisano, 1L
Law Weekly

Let me preface this article by saying that I ordinarily like my music like I like my women: loud, quirky and just a little hairy. However, there is, within me, a Peter Gabriel-loving sensitive guy just fighting to get out. I have long since reconciled the two, since the latter only needs to be let out every once in a while. I hoped that my warmer, fuzzier side would be willing to "Come Out and Play," to paraphrase The Offspring, when a friend from undergrad asked me to attend the Georgetown Homecoming Concert, which consisted of Sister Hazel, Vertical Horizon and Train. I'm pretty open minded about concerts, and the only time I won't go is if I feel that there will be a lot of hippies there and/or I hate the music.

Neither of these was the case for the bands above. However, I also didn't know much about them except for the vague sense that my masculinity might in fact be in danger if I attended. Respectively, I knew one song by Sister Hazel, "All for You," which you can't have lived for the past twenty years and not know when you heard it; I knew a few more by Vertical Horizon; and I tried for weeks to get Train's hit "Drops of Jupiter" out of my head since you couldn't go anywhere summer before last without hearing the damn thing.

I tried not to think about the little putative return on my thirty dollar investment and played the good friend. I even tried to be enthusiastic, which if you know me, takes a great deal of effort on my part. In the end, my inner wuss was slowly but surely lured out of his cage and I feel only a small degree of shame when I declare that he had a good time.

On Friday, we made our way to the McDonough Gymnasium on the main campus, the venue for the concert. Having taken a break to eat a tasty dinner, we arrived late for Sister Hazel's set. I was momentarily dazed by being in McDonough Gymnasium. The building itself is worth the torturous trip over to the

Main Campus. The foyer is adorned with pictures of all of Georgetown's hoops greats, with the notable exception of Allen Iverson, and the gym itself is filled with NCAA banners. I had never seen anything like it, and sports were looking better to me at that moment than Sister Hazel was.

Sister Hazel, for their part, were at least very catchy and upbeat, and their melodic lines were infectious, as well as the intensity with which lead singer Ken Block's sang his passionate and meaningful vocals in such songs as "Your Mistake" and "Champagne High." But, part of me still wanted to thrash and feel violent. Call it animal instincts awakened by being in the same room with 500 sweaty undergrads. Don't get me wrong, the guys in Sister Hazel are talented singers and song-writers, but their music left me wanting and wondering the source of their success.

I found out shortly thereafter when I saw them mobbed to sign autographs by every 30-something female and seemingly adolescent teeny-bopper in the joint. I was briefly alarmed when I saw two girls wearing homemade t-shirts with the provocative phrase "Swan Dive Into Me" written on them, a reference to the band's song "Swan Dive." Then it hit me like a ton of bricks: wensitive lyrics + not-too-hard alt rock + down to earth guys = success!

The concert represented a sort of homecoming for Vertical Horizon, a band based in the D.C. area and whose lead singer and lead guitarist, Keith Kane and Matt Scannell both graduated from Georgetown in 1992. The band opened with their new song "Sunshine," which sounds like it must be their strongest effort yet, with a harder edge and a driving beat fueled by dynamic drummer Ed Toth. They followed with their hits "Everything You Want" and "You're a God," both of which I have to admit are guilty pleasures of mine, and it was great to see the band perform these songs live, since the studio versions sapped a great deal of the energy from the songs. However, it turns out that these are some of their more "rock" oriented songs. Many of the others seemed to be ballads,

acoustic or otherwise, which had something generally to do with "my father" or "a really tough period in my life" according to Kane. I could not disguise my disinterest and waited for Train to come on.

Train's lead singer, Pat Monahan, is a dynamo on stage and within his incredibly versatile tenor seems to be able to convey an astonishing range of emotions with more ferocity than a man of his short stature should have. In every sense, he is the ideal front man of a band; he puts an attractive face on the band and makes it accessible to all. Train played hits from their latest project, "My Private Nation," and opened with a hit from the album "Calling All Angels." Impressively, Monahan managed to make the next song "All American Girl!" seem lyrically interesting despite the fact that it seemed to have roughly the exact same subject as "Drops of Jupiter." The band played their first hit "Meet Virginia," a classic which had the entire crowd bleating the chorus with Monahan, including yours truly. Then the real fireworks began

Those who didn't know beforehand were in for a treat, but Train really enjoys covering classic rock songs, and they do it extremely well, a fact which I happened to know almost by accident, hearing them perform on a radio show. Monahan launched into the Robert Plant wail that led into the Led Zeppelin classic "Ramble On." Monahan sounded eerily like Plant during this song, and with the energy he was singing with, you wanted to believe it was Plant, Page, Jones and Bonham up there in their heyday. Even better, Monahan eventually transferred into another Zeppelin classic, "Whole Lotta Love," and I had reached my fever pitch for the night with the pounding baseline. It wasn't the same without the guitarist taking a violin bow to his guitar, however. Nor was Monahan done yet. Before finishing he at one point began singing Lou Reed's "Walk on the Wild Side" which I found less compelling, possibly because of it's brevity. Whatever happened, Train saved the night. But I was still so desperate for angst and irony that I couldn't help but go home and listen to Radiohead's "Hail to the Thief."

FOOTBALL PICKS

STANDINGS	W	L	PCT.	GB
Mark	47	25	.653	-
Audrey	44	28	.611	3
Jon	44	28	.611	3
Annie	39	33	.542	8
Avedis	39	33	.542	8
Emy	37	35	.514	10
Tye	36	36	.500	11
Alaina	34	38	.472	13

The pack begins to separate with Audrey and Jon as the only participants left with a chance of knocking Mark off the top. While the Cubs and Red Sox are sulking, the others are bickering over who gets fourth place.

Tye Andersen
"I really feel for that Cubs fan. Then I realize the Cubs lost, and quickly that feeling goes away."

Mark Leighton
"I'm sorry professor, I didn't read that case because I was too busy watching *The 80s Strike Back* on VH-1."

NFL WEEK EIGHT	TYE	AVEDIS	ANNIE	AUDREY	JON	MARK	ALAINA	EMY
NY Giants at Minnesota	NY Giants	NY Giants	NY Giants	Minnesota	Minnesota	Minnesota	NY Giants	Minnesota
Cleveland at New England	New England	New England	New England	New England	New England	New England	Cleveland	Cleveland
Carolina at New Orleans	Carolina	Carolina	New Orleans	Carolina	Carolina	Carolina	Carolina	New Orleans
Dallas at Tampa Bay	Tampa Bay	Tampa Bay	Tampa Bay	Tampa Bay	Tampa Bay	Tampa Bay	Tampa Bay	Tampa Bay
Tennessee at Jacksonville	Tennessee	Tennessee	Jacksonville	Tennessee	Tennessee	Tennessee	Jacksonville	Tennessee
Denver at Baltimore	Denver	Baltimore	Denver	Denver	Denver	Denver	Denver	Baltimore
Detroit at Chicago	Chicago	Chicago	Chicago	Detroit	Detroit	Detroit	Detroit	Chicago
Seattle at Cincinnati	Seattle	Cincinnati	Seattle	Seattle	Seattle	Seattle	Cincinnati	Seattle
St. Louis at Pittsburgh	Pittsburgh	Pittsburgh	Pittsburgh	St. Louis	Pittsburgh	St. Louis	St. Louis	Pittsburgh
San Francisco at Arizona	San Francisco	Arizona	Arizona					
Houston at Indianapolis	Indianapolis	Indianapolis	Houston	Indianapolis	Indianapolis	Indianapolis	Indianapolis	Indianapolis
NY Jets at Philadelphia	Philadelphia	Philadelphia	Philadelphia	Philadelphia	Philadelphia	Philadelphia	Philadelphia	Philadelphia
Buffalo at Kansas City	Kansas City	Buffalo	Kansas City	Kansas City	Kansas City	Kansas City	Buffalo	Buffalo
Miami at San Diego	Miami	Miami	Miami	Miami	Miami	Miami	Miami	Miami

Alaina Dartt
"I feel kind of bad for Tye because I think he's really trying."

Emy Hancock
"People from Kentucky really have a problem doing their own picks."

Avedis Seferian
"U.S. history rules this week - the team that's from the state that joined the Union earlier will win the game."

Jon Massimino
"Thank god for the following things: cold weather, boots, boot socks, skirts, sex advice columnists."

Audrey Perry
"This week, the only thing I hate more than football is baseball."

Annie Wartanian
"I'm feeling sneaky this week..."

The Love Café experience: let them eat Cake Love

by Erin Lien, 1L and Amy Messigian, 1L
Law Weekly

The phrase "to die for" should not be thrown around lightly. Saying your Aunt Frieda's chicken is "to die for" implicates that you love the chicken, for sure, but would you really die for it? Probably not. As lawyers in the making, we know that words mean everything, so we would clearly not write that something was to die for unless we really meant it. That said, one trip to the Love Café will actually have you contemplate giving up your life - or your waistline - for the love of cake. We conclude that some things are to die for, and if there were a tray of these decadent cakes that risked sure disaster, we would sacrifice ourselves to save them.

Many a history teacher has scoffed at the now famous phrase of France's Marie Antoinette to "let them eat cake" but maybe Marie was just way ahead of her time. Certainly she never had the pleasure of eating a Cake Love creation, but she should have. As should you. So, class, here is your next assignment. Put the beer down and take a short trip by metro to U Street. You will be glad you did.

Many of you may already be familiar with Cake Love. Our journey last Thursday began amongst a chorus of praise for the place and the owner. One GULC student suggested we try any of the "pretty pink" confections while another advised us to look for a certain mocha dessert that would knock our socks off. Yes, this place has a reputation. But was it deserved?

Cake Love owner, Warren Brown, recently opened a complementary café across the street from the original bakery, feeling the neighborhood adjoining U Street was lacking a communal meeting place. In addition, truth be told, people loved Cake Love, but the bakery did not offer any seating. Enter Love Café. Love Café opened on Aug. 25, 2003, after fourteen months of planning and sleep deprivation on the part of Mr. Brown. Not only does this shabby chic café offer the signature Cake Love desserts, but it also

offers an array of sandwiches, salads, espresso drinks and loose leaf teas.

As we walked down U Street, Erin recognized Brown from his appearance on *Oprah*. This show almost convinced Erin to forego law school, and here is why. Billed as an episode to help you "decide what to do with your life," Erin tuned in with great interest to make sure that her life was heading in the right direction. However, two of the three featured guests were former attorneys who were so intensely dissatisfied with their profession that they walked away from the legal field. Warren Brown was one of these attorneys. He loves making desserts because, he says, "I like food. It's my passion. There's something special about dessert."

Upon entering Love Café from the busy street, we were met with an immediate sense of hip relaxation. The umber and maroon tones of the décor married well with the brick walls and the randomly assorted furniture. Brown describes the café as "the kind of place where mothers come to breast feed their babies." While we didn't see any of that, Amy claims she will run out and find a baby if that is what is necessary. Erin thinks the appeal is much broader than that demographic. Scattered among the tables and couches were couples sharing cake and espresso drinks, students enjoying a bite to eat and corporate folk who had just finished the work day and came here to unwind. The music was mellow & funky. There were several employees busy behind the counter and they were attentive and jovial.

And then there were the desserts... Hundreds of cupcakes of mix-matching cake and frosting flavors. Oddly named confections such as "crunchy feet" and "buzz balls." Gorgeous cakes bearing such names as "My Downfall," "Suzie's a Pink Lady," "Epiphany," "Heavenly Hazey" and "Least Common Denominator." Now, Erin can't corroborate, but Amy swears that one of the cakes called to her directly. We stood, like deer in the headlights, gawking at the sheer beauty of it all. At last, we had found our nirvana.

We asked Brown if we could interview him briefly about the café history and he invited us to watch him while he experimented with a new creation - chocolate sandwiches. We peered over the counter while he guided us through the process. What blew us away was the combination of ingredients: Sourdough bread, chocolate ganache, bananas, dark chocolate wafers, mixed nuts, cheddar cheese, lemon zest and pepper. The ingredients were mixed and matched on the pieces of bread and baked. While baking, Brown greeted many customers by name.

When his experiment was done, we had first dibs on sampling. He then walked the room, offering samples and asking for feedback. One table at the back of the room applauded the new confections. Regarding the chocolate and cheese combination, one woman declared, "I didn't need to know that they went well together." Neither did we. Outcome: the cheddar stays and so may the creation. In fact, the list of offerings is constantly evolving as a result of Brown's immense creativity and love of his work.

We asked one of Brown's employees which cake was her favorite. She told us, "It's something different everyday. Today, it's the New German Chocolate." Being well advised, we purchased the NGC, as Brown calls it, and tried it later that evening with a group of friends who Brown can now count as his friends too. The only concern either of us had for the place was that it would make the DC population thicker. The truth is, this is the first time in our reviews that we could not find a thing to complain about.

We counted ourselves blessed to be there. Indeed, after leaving the Love Café, both of your guides felt a heightened love towards humanity. After a long day of studying law, we could all use a little more of this. Are we saying that eating cake will turn you into a regular Mother Teresa? Not necessarily, but an experience like this will help to avoid the stereotypically cynical and misanthropic behavior often associated with lawyers.

Amy emphatically says yes. Erin says yes. Who needs beer when you can have cake like this?

AS GEWIRZ STANDS



by Jackie Cohen, 4L
Inquiring Reporter

Note: As a service to the members of the Law Center community who do not live in Gewirz, the Law Weekly from time to time provides an update on the relevant goings-on. Some say they aren't true, but how do they know?

At the professor's small section party, Harold and Brian compete to impress the host with their intelligent-sounding jokes, while Walt is disheartened when the girl he had his eye on shows up with a boyfriend in tow. Melinda irritates the people sitting near her by eating food in class. Edwin makes sure everyone knows he found a very helpful case while working on his Legal Research and Writing memo.



Adopt A Pet Today!



This week's Pets of the Week are Madeline and Lexus. They are currently in foster care, waiting for permanent homes.



Madeline is a shy petite 11-month-old girl who was left abandoned and alone in an apartment for three weeks when her owner moved. She cuddles and purrs once she is picked up and petted by someone she knows. She is incredibly sweet! For more information about this girl, please call Elizabeth at 202-544-0999.

Lexus is a 5 year old, male, Setter mix. He is a really sweet boy who is housebroken and gets along great with other dogs and children. Just look at him - how can you not fall in love with this handsome boy. He is being fostered by Carol, call her at 301-829-4405.



Madeline and Lexus have many furry friends also available for adoption. For more details contact:

Washington Humane Society
Shelter
7319 Georgia Ave., NW
Washington, DC 20012
12-4 pm, seven days a week
202-723-5730 (24 hours)

If you'd like to help out animals, but can't adopt a pet at this time, consider volunteering. Check out the Washington Humane Society's website, at www.washhumane.org/volunteer.htm, for a list of volunteer opportunities.

Kill Bill slays the competition at the box office

by Nicholas Erickson, 1L
Law Weekly

Watching *Kill Bill - Vol. 1*, reminded me of those warnings posted on amusement park rides.

You know, those warnings filled with legal mumbo jumbo that you only read because you are stuck in line for over an hour waiting for your turn. "This film is not for the light of heart, those accompanying small children, medium-sized children, some with larger children, and those that are still adult children." While I am not saying there is a risk of heart attack or the sudden need to spill your lunch - a la *American Wedding* - this film does have its fill of blood, guts, blades, and more blood. The movie is probably not appropriate for your grandmother, your kid sister, or Dr. Laura, but you might just be perverse enough to find it enjoyable.

Quentin Tarantino's much anticipated film, *Kill Bill - Vol. 1*, his first in six years, opened number one in the box office last weekend. This film is both a montage of his unique directorial style, shown in *Pulp Fiction* and *Reservoir Dogs*, and a tribute to a variety of film styles Tarantino obviously loves.

As with Tarantino's previous films, the story in *Kill Bill* starts in the middle with a number of significant events portrayed in the form of flashbacks. To complicate the telling, the story is presented out of order, but gradually comes full circle.

Uma Thurman plays an assassin who seeks revenge on her former comrades after they try to kill her on her wedding day. They succeed in killing her husband, the minister, and her guests, but by some fluke she survives a gunshot to the head and the resulting coma. This film is the first

of a two part story that tells how she gets her revenge, here against two of the assassins.

What makes this film unique is Tarantino's focus, or dependence, on alternative filming styles. For example, the life story of the Japanese villain, played by Lucy Liu, is presented entirely in Japanese anime with the accompanying over-dramatization and gore associated with that genre.

The reader should be forewarned that this is a very bloody film with little plot beyond the constant violence embedded in the story of revenge. However, the viewer is not disturbed because the blood and guts are so overly done that the film reaches the point of comedy. In fact, one would almost consider it to be a badly made "B" film, if it were not for the knowledge and skill brought by Quentin Tarantino to the production of this movie. Tarantino obviously intended to honor his inspiration found in lesser made films by accentuating the qualities that make those films both good and bad.

However, the over-dramatization and fake, comical gore is over done to the point that the viewer gets a bit frustrated and wants to yell, "Get on with it! I realize he lost his head, I don't need 30 seconds of blood spewing to accentuate the point." The film is well written and filmed, but even the obvious tongue-in-cheek comical gore becomes too much and the viewer longs for the last Japanese guard to be killed or dismembered before moving onto the climatic battle.

This battle between Uma Thurman and Lucy Liu is one of the highlights of the film. While most of the sword fights in the movie last merely seconds, both characters are skilled with the use of a samurai sword, as demonstrated by the dramatic face-off. The life or death struggle between the hated enemies is contrasted with the tranquility of a snow covered Japanese garden and a light snow-fall.

Just as *Kill Bill* starts to get exciting, it suddenly ends. This is as a result of Miramax's questionable decision to release Tarantino's three-hour film in two parts. While I can understand the economic advantage to releasing this as two films instead of one long epic, the impact of Tarantino's work seems to be lost in the process.

However, the plot twist, at the end, is extremely unexpected. If you rate a movie based upon your willingness to go see the sequel, I think this one must get high marks. I was extremely frustrated when the movie ended and am already looking forward to Feb. 20, 2004, the release date of *Kill Bill - Vol. 2*. As an individual film, I found *Kill Bill* to be extremely inventive with many unique style changes and a compelling, and uncomplicated, storyline, but the overly dramatic fight scenes and extreme gore eventually become too much. I do not know if I would recommend this for a first date, you should probably stick with something a little safer, such as *Under the Tuscan Sun*. However, if you are confident that she will like it - ask her what she thought of *Pulp Fiction* - or if you are looking for a break with your schoolmates between studying, I would wholeheartedly suggest seeing this one.

But, do not forget "Watch this movie at your own risk."

Kill Bill
Rated R
★★★

Quentin at his best ★★★★★
Slightly overdone, but good ★★★
Probably not worth the gore ★★
Warning:: stay away ★

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Anti-Americanism, equality, and responsibility

Tarek Maassarani

Scott P. Lindsay's article "The overwhelming spirit of equality in anti-Americanism" (*Law Weekly*, Oct. 14, 2003) expresses in refined language the familiar assertion of American apologists that international distaste with the United States is fundamentally based on jealousy. While I do not doubt the existence of this human emotion, to project it onto the larger dynamics of politics and society begs a more sophisticated analysis.

Lindsay uses the examples of South Korea and Hong Kong to demonstrate that these countries, and the world at large, have greatly benefited from the U.S., its political influence, neo-liberal stimulation of markets, and stabilizing military role. The citizens of these countries must then be irrational in expressing anything but gratitude. Unfortunately, there are some gaping holes in the factual fabric of his argument.

As concerns South Korea, for example, the U.S. indeed sacrificed a great deal in American lives. However, as a quick jaunt to the Korean War Memorial will show, the United Nations forces collectively lost 1,093,839 soldiers, the majority of which constituted Koreans, not Americans - Lindsay's statistic was probably correctly meant to cite 400,000 American lives lost. The years of "U.S. patronage" that followed the Korean War were marked by fifteen years of martial law, a massacre, and wide-spread corruption. Furthermore, South Korea's economic miracle grew out of heavy-handed command and control policies that lay in stark opposition to the United States professed devotion to free market and trade in industrial development.

Lindsay's article glosses over the "bad policy" explanations for international resentment of the U.S. while unabashedly admitting to our overwhelming "unipolar concentration of military, economic, and cultural power." Curiously, he does not connect the two. Since the end of World War II, when the U.S. was to some extent propped up to global dominance by the providence of geographical accident, it has consistently betrayed its designs for not only maintaining this status quo, but increasing its monopoly on power. Its ensuing economic trade policies, military adventures, and engagements in multilateralism were always dreadfully loyal to the ubiquitous "national interest" - which, incidentally, has always been substantially aligned with major corporate and special institutional interests - to the extent that it regularly compromises the very spirit of democratic equality that Lindsay holds inviolable. For one, the very Afghan and Iraqi civilians, to whom he claims the Europeans were formerly indifferent, suffered under regimes that had been receiving US support. Moreover, it is not at all clear that the U.S. military and reconstruction efforts in Afghanistan and Iraq have provided the significant improvement in the lives of the average individual that initially were touted as a justification for its rallying war-cry.

In short, what is "bad" about American policy is that it is shamelessly aimed at maintaining the superiority of which Mr. Lindsay gloats, especially of the military hue. The self absorbed bully on the block can surely rouse emotional responses, but do not flatter yourself that this is pure jealousy. At no time has America's political narcissism and double-standards become more obvious than under the recent Bush administration whose ideological backbone, a cadre

of neo-conservatives dating back to the Reagan era, have made their worldly ambitions tangibly known. Weak proclamations of altruistic motives, when they exist, are undermined by the revealing rhetoric of Ameri-centrism. Of course, I make no pretenses that "national interests" are not part and parcel to the identity of any sovereign nation-state, however no other state has comparable power to effectively impose its national interests like the US does. For this reason, it makes sense that many other states willingly take up multilateral cooperation, the rule of international law, and balance of powers as the landmarks of their foreign policy: hence the concept of enlightened self-interest that is the true essence of democracy.

Thus, the historic rise in anti-Americanism among the international public - after enjoying record-breaking levels of sympathy following Sept. 11th - is not against America's supremacy per se, but rather against the actual and perceived means it uses to aggrandize itself further. While I have no personal experience in the Far East, I can tell you that most Western Europeans who are, after all, living in vibrant democracies with increased economic growth and comparable if not greater medium standards of living, have little material reason to envy the New World. Furthermore, in the Arab countries I have visited, it is standard script to hear diatribes aimed at the American government as explicitly distinguished from the American people. Can this be explained by a mere theory of jealousy? If anything it is this answer - not the "trivial" politics of the Middle East conflict, American unilateralism, and heavy-handed U.S. military presence - that is too simple.

In closing, I would like to turn the tables for a moment. Perhaps there is a

socio-psychological phenomenon pervasive in the U.S. that assumes we should be envied, thanked, applauded because we are a superpower, and thus implicitly better, more deserving people. This unhealthy assumption vainly brushes over the historical accident of our great ascendancy; the struggles faced daily by the disadvantaged, yet equally capable and hard-working, of the world; the substantial non-military support of other countries and the U.N. that significantly improves these lives; the historical contributions made by the French Revolution and other movements in paving the way to democracy; and the multi-cultural identities of our own populace. Even worse is that it relieves us of the great responsibilities towards others that accompany privilege and power, and this should be no less part of the spirit of America. To quote Judge Learned Hand:

"Some of us have chosen America as the land of our adoption; the rest have come from those who did the same. For this reason we have some right to consider ourselves a picked group, a group of those who had the courage to break from the past and brave the dangers and the loneliness of a strange land. What was the object that nerved us, or those who went before us, to this choice? We sought liberty; freedom from oppression, freedom from want, freedom to be ourselves. This we then sought; this we now believe that we are by way of winning. [But] what do we mean when we say that first of all we seek liberty?... It is not the ruthless, the unbridled will; it is not freedom to do as one likes. That is the denial of liberty, and leads straight to its overthrow. A society in which men recognize no check upon their freedom soon becomes a society where freedom is the possession of only a savage few; as we have learned to our sorrow."

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Please RSVP for a box lunch ASAP

Georgetown Law Weekly

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Spy games and the leakers who play them

Nicholas C. Erickson

Over the last week, the media coverage of the spy scandal in the White House has died down as more interesting stories about the California Recall, spending in Iraq, and the Kobe Bryant rape case have grasped the nation's attention. Lest we forget, however, that a Federal felony has occurred somewhere within the hallowed halls of the West Wing. Some unnamed "Senior Administrative Official" illegally revealed, to a number of reporters, that the wife of Ambassador Joseph Wilson was a covert spy for the CIA. Her identity was revealed in a Jul. 14 column by Robert Novak which questioned why the CIA sent Ambassador Wilson to Niger, earlier this year, to investigate the charge that Iraq was trying to purchase uranium, "Wilson never worked for the CIA, but his wife, Valerie Plame, is an Agency operative on weapons of mass destruction." The purpose of the Novak's article was to suggest that one of the Administration's loudest critics, Wilson, should not have been the person investigating uranium issue and was probably was not intended to "out" Ms. Plame's true identity, but that was the practical result.

This federal crime, unlike reading your neighbor's mail or failing to pay taxes, can actually get people killed and severely compromised our national security and covert intelligence operations. Ms. Plame was operating under nonofficial cover. These NOCs are the most covert agents and if caught abroad they receive no guarantee that the United States will acknowledge their true identity. Her work reportedly focused on the development of Weapons of Mass Destruction (WMDs) in foreign countries. If this is true, the leak could have seriously compromised our intelligence gathering capabilities overseas. It is known that "Hard Target" countries like China and North Korea keep records of every known meeting of an American and their scientists or officials. Most likely, these lists were quickly checked in the wake of this scandal and anyone she may have recruited could have been exposed.

What about Ms. Plame? With one subtle comment to a number of reporters, this Administration leaker ended a prominent, if unsung career. A very small percentage of CIA employees are clandestine officers working in overseas operations. Their safety and mission security depends on their anonymity. Now uncovered, Ms. Plame's career as a spy is over. She must be reassigned and forced to refrain from contact with any of her overseas contacts. Furthermore, she won't be safe traveling abroad, as foreign governments will surely attempt to track her movements and possibly capture her in an effort to find out what the CIA knows.

There doesn't seem to be any newsworthy value in "blowing the cover" of a covert operative, so why was this done? The answer is so incredibly petty and vindictive that it is difficult comprehend. Ambassador Wilson has been in the news recently as one of the most outspoken critics of the Administration's rationale for the war in Iraq. One of these rationales included that claim that Iraq attempted to purchase "yellowcake uranium" from Niger. This erroneous claim was made in the President's State of the Union Address and has become a scandal in its own right, known as "sixteen words". As the individual who investigated the uranium issue in Niger earlier this year, Ambassador Wilson had a unique perspective to show that the Administration willfully ignored information and reports that challenged the official conclusion. Revealing the identity of Ms. Plame was meant to hurt an individual who criticized the Administration. It was a pure act of revenge.

The act would not been so disturbing if it had not been done with such malice and forethought. It is despicable that one would think to politically discredit someone by destroying his wife's career. If anything can be taken from this outrage, it is the extent to which this Administration is willing to go to injure their political rivals.

This leak, however, was probably the petty actions of a singular Administration Official, without sanction of the President. In fact, President Bush has publicly stated that he wants the culprit located and will work with the Department of Justice to those ends. There is nothing to suggest that

this is another Watergate, with President Bush sitting in the Oval Office directing Karl Rove and John Ashcroft to cover this scandal up at all costs, but one must question the willingness of the White House or the Justice Department to identify the felon. President Bush has stated that he will cooperate, but won't ask his staff whether they played a role. Why not? If finding the leaker and restoring the reputation of the Presidency was his goal, one would expect President Bush to locate the individual, fire him/her, and publicly apologize for the failings of his Administration. There is no indication, however, that any of this will ever be done.

Many suggest that President Bush should not be injured politically for the failings of his subordinates. One man, even one from West Texas, cannot be expected to control the actions of every Administration Official. I disagree. As our "First CEO," the first President with an MBA, President Bush has been touted as an organizer, capable of bringing together different people with different strengths and creating a working team that is greater than its parts. Many have argued that this is the strength of this Administration, for while President Bush is not necessarily brilliant, the people he leads are. Being the leader of this team requires added responsibility, for the President is no longer the lone decision-maker, but the leader of decision-makers. What does it say when one of these team members unilaterally attacks a political rival out of spite? The President must personally accept the consequences of the failings of his decision makers, because he as failed as their leader.

It has been about three weeks since this story broke and the Justice Department began its investigation. During that time, nothing has happened. It seems like the President is more content with letting the story die than finding the criminal in his midst. Yet Ms. Plame is still out of a job and CIA operations overseas are still compromised. At what point do we question the capabilities of the Administration, through the Justice Department, to investigate itself? It is time to consider hiring a new Independent Counsel to investigate.

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- ~massages
- ~blood pressure screenings
- ~counseling services
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- ~chiropractic care
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- ~heart disease and other health issues
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- ~hypnosis/memory/recall
- ~gait and shoe analysis
- ~body image

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Fear and loathing in Las Vegas - GULC style

Mass Appeal
Jon Massimino

As I sit here in the Las Vegas International Airport, I am struck by my own mortality. Ten minutes ago I was in a great mood. I had just fended off a pack of tired yet relentlessly ambitious savvy business travelers for the last available power outlet here at the gate. I even managed to rub my victory into their faces by playing the old classic game of Solitaire right in front of them. However, this mood quickly faded as I looked up and soon realized that if you're not careful, there is something about this town that will just suck the life and energy out of your soul and leave you an empty shell of your former self. There will be nothing left to do but ask the hard questions about your own existence and face the truths that you otherwise could not bear to face in your normal day-to-day life.

I look up and two things immediately attack my senses. First, the Las Vegas airport is where old leftover casino carpets go to die. Crews of workers must get together before old casinos are renovated, or worse, imploded, and remove the carpet installation in the airport. That is the only explanation - I will not argue about this. I know at some point this stuff was en vogue, but I can't imagine anyone's sense of interior design was ever this warped. Second, the number of people sitting at the slot machines in the airport at 10:30 on a Wednesday night was simply unholy. Bastard slot machines - in the interest of full disclosure, let me reveal that, if given the opportunity, I could very easily develop a ruinous gambling habit to such a high degree that its only rightful end would involve my brethren in the Italian mafia. Let's ignore the fact that I tore through fifty bucks on the quarter slots with nothing to show for it before I pulled myself away, and get back to this philosophical and melancholy picture I'm trying to paint.

At any rate, watching other people unenergetically gamble really has an inescapable way of making one think. You could visibly notice their hopes and optimism rise and fall with each dollar bet and lost. I'm sure that for 99% of them it was just a way to pass the time between inevitable America West delays, but for each and every one of them, the chance of doing something great was clear and present, no matter how mathematically small it really was. Immortality can be found with one quarter and one pull but if not, what greatness awaits? It must have been the two nights in a row of eating airport Burger King, but the thought and the scene before me really messed with my head. As I sit and write this, I cannot escape the thought - I am blessed with more opportunity and ability than these slot machines provide, but what have I done that is great? Have I or will I make use of these gifts? And then the truly saddening and maddening fact struck me - I'm running out of time to do so at Georgetown.

I saw a great magazine cover in John Wayne International Airport as I hustled to grab the last seat at the

seedy sports bar to watch the Marlins ultimately triumph over the Cubs. I wish I could remember exactly which magazine it was - if I had to guess it was *Details* or something like that - but the solid rock god Dave Matthews was featured, as solemn and deserving as ever. His tagline read something like the following, "Dave Matthews has a great new solo album, millions of loyal fans, and unmatched musical talent. Why is he so angry?" That's a great question. As the proud owner of every musical product Dave Matthews has so much as breathed on, I believe I am qualified to answer. Dave struggles with these questions of existence, relationships, and life in his music. Dave is pissed off because, even after unquestionable artistic and commercial success, he is no closer to the answers, and now I'm pissed off because, even after the past two years of the pursuit of academic and personal rewards, I know that neither am I.

I know I speak as a 3L, but I'm sure this ever-present sense of missing out of something is there in the members of every class. An acutely painful awareness overcame me as I discussed this sudden realization with my *Law Weekly* right hand men. Sure, we've won awards and critical praise from just about everyone we care about. We know the important role that we play at Georgetown and we constantly kick around ideas to make the newspaper better. Putting this crazy thing out every week is no small task, but I asked them, isn't there something big that we could do? Isn't there some way for us to become something more than the sum of our parts or more of the same? Something that classes years down the road will create urban myths about and tell their children about that damn Class of 2004 and all the wild and wacky stuff they came up with and how, in the end of it, they really made a difference and things were never the same after they left?

It is funny how, when we become so aware of our mortality, we desperately grasp for immortality. We put together issue after issue - but we haven't really done anything that marks us for the ages. But because my sense of mortality was so palpable, I felt the pressing need to come up with something new and exciting, something that would give people something to talk about for a long time to come. I had thought and thought about it, but was unable to come up with any answers, so I finally turned to my brethren. We kicked around some ideas, but I think Avedis finally came up with the answer that makes the most sense, even if it may be ultimately unsatisfying, "We show up here everyday and do our jobs the best we can - that's all we can do. That's our gift to the ages."

I formally nominate Avedis for the Nobel Peace Prize, a Pulitzer, Playmate of the Year, and even an Oscar. Ye gods, he's exactly right. Ultimately, this is what we are left with. The final rewards and meanings we strive for are, in all likelihood, probably worthless - what counts is the journey on the way there; how we conduct ourselves in



our search for immortality. We can find excellence within ourselves, but it is not an easy discovery to make. Dave Matthews still struggles with how exactly to go about that search, so do I, and so does everyone to one degree or another. That search can get incredibly frustrating, and that's when we focus on the materially measurable things around us to gauge what we have accomplished in this world - the ABA award for best newspaper, 1,000 coins out of the Wheel of Fortune slot machine, an offer from our favorite New York firm, and all the others that are out there. These benchmarks are different for everyone, but they provide a comforting place to turn to when

improvement from within is tough to come by. But, like what happened to me in the Las Vegas airport, when these benchmarks lose meaning and significance, it is far too easy to lose hope and turn down a path where the end, mortality, is all too clear. These benchmarks mean little to an individual's successes and struggles within. That's when having the sage wisdom of a guy like Avedis is so valuable - when we have lost our way, it doesn't mean that we have lost everything that we have. There is still much to look back on and be proud of within yourself and your own life, and, even more importantly, there is a lot to look forward to.

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FIRST-YEAR RESUME WORKSHOP SCHEDULE:

SECTION 1: MONDAY, OCTOBER 20 AT 2:20 PM IN ROOM 203
MONDAY, NOVEMBER 10 AT 3:30 PM IN ROOM 202

SECTION 2: WEDNESDAY, NOVEMBER 5 AT 10:00 AM IN ROOM 110
FRIDAY, NOVEMBER 7 AT 1:20 PM IN ROOM 141

SECTION 3: MONDAY, OCTOBER 20 AT 4:30 PM IN ROOM 203
THURSDAY, NOVEMBER 6 AT 4:30 PM IN ROOM 160

SECTION 4: MONDAY, OCTOBER 20 AT 3:30 PM IN ROOM 202
THURSDAY, OCTOBER 30 AT 3:00 PM IN ROOM 205

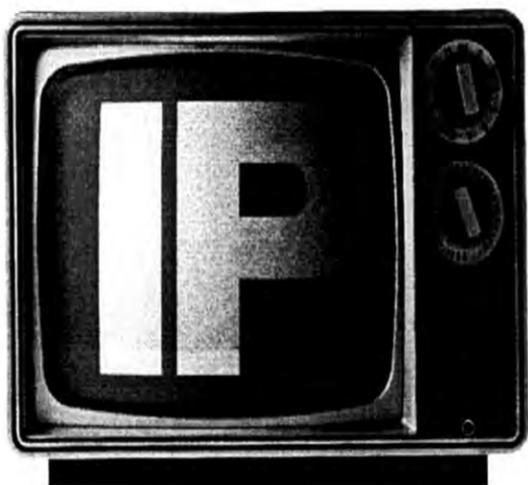
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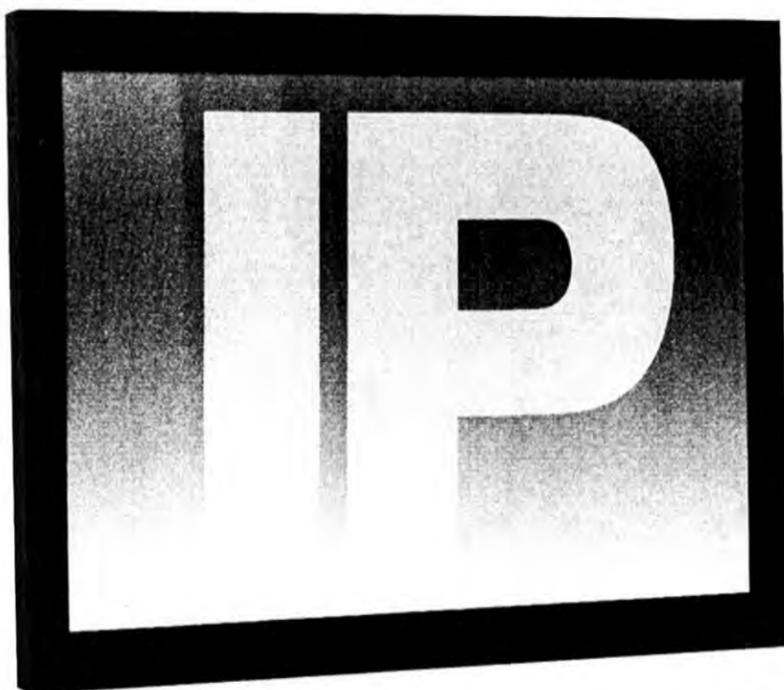
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