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## Panel argues the future of international war crimes prosecution

by Katie Tenney, 1L  
*Law Weekly*

The future of the international prosecution of war crimes was the topic of last Monday's panel, "From Rome to the Congo: Implications of the International Criminal Court." Hosted by the International Law Society, the American Constitution Society and Phi Delta Phi, the event featured presentations from Professor David Scheffer, former U.S. Ambassador at Large for War Crimes Issues and Jerry Fowler, Staff Director of the Committee on Conscience at the United States Holocaust Memorial Museum. Nearly one hundred students packed the twelfth floor of Gewirz to hear from the distinguished panelists and to share their own ideas about the future of the Court.

Professor David Luban served as moderator and kicked off the event with

See WAR CRIMES, page 5

## Hurtgen speaks at annual Kaiser lecture

by Matt Dalton, 2L  
*Law Weekly*

Last Thursday, the Honorable Peter J. Hurtgen, F'63, L'66, Director of the Federal Mediation and Conciliation Service (FMCS) addressed students, faculty and labor lawyers on the changing dynamics of workplace dispute resolution in the 14th Annual Henry Kaiser Memorial Lecture.

Dean Judith Areen introduced Kaiser's brother, Ambassador Philip Kaiser, who in turn presented the Henry Kaiser Scholarship to Brian Stone, 2L. The scholarship is awarded every year to a student who exemplifies the standard of excellence in labor law set by Henry Kaiser.

GULC Professor Michael Gottesman introduced Hurtgen, saying that although he worked on the management side for 25 years he is "universally respected and revered by the Union bar in this country". Gottesman also mentioned that when Hurtgen was President of the undergraduate student body at Georgetown, a freshman named Bill Clinton asked advice on becoming President of the school.

As FMCS director Hurtgen is responsible for all FMCS operations in the 50 states, Puerto Rico, the U.S.



Photo by Matt Dalton, 2L

GULC Dean Judith Areen, and Brian Stone, 2L, look on as the Honorable Peter J. Hurtgen, F '63, L '66 speaks at last week's Kaiser lecture.

Virgin Islands and Guam. Prior to serving on the FMCS, Hurtgen was Chair of the National Labor Relations Board under Presidents Bill Clinton and George W. Bush. In 2002, Bush nominated and the Senate confirmed Hurtgen as Director of the FMCS. Within months of assuming the new position Bush asked Hurtgen to help settle the West Coast ports labor-management dispute which resulted in a strike. Hurtgen and the FMCS

were able to resolve the dispute and re-open ports after they were closed for ten days during the strike.

"Everyone attributes the rapid resolution of that dispute to the Herculean efforts of Hurtgen," Gottesman said.

Hurtgen began by describing what he called the "birth of labor law" as he knew it in the 1935

See KAISER, page 4

## OPICS and OCS sponsor event assisting students in learning range of legal careers

by Jon Massimino, 3L  
*Law Weekly*

Last Wednesday, a combined effort by the Office of Career Services (OCS) and the Office of Public Interest and Community Service (OPICS) resulted in the annual Students Helping Students Career Information Fair. The fair centered around 2Ls and 3Ls offering advice to other students as to how they got their own jobs, and how others can go about getting similar positions. The students enjoyed a variety of geographic locations and backgrounds, from non-profit public interest and government jobs to positions with large firms. The event was well attended by students, and their reactions were positive. Many students came away with a better sense of what it will take to achieve their career



Photo by Sayo Kondo, 1L

Students helped students at last week's event of the same name, sponsored by OPICS and OCS.

goals in an increasingly difficult job market.

Close to 80 students volunteered their time to sit in the second floor atrium and dish information on

what types of jobs are out there, and more importantly, what it takes to get them. Just about every type of

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## SBA debates parliamentary rules, liability concerns

by Mark Leighton, 3L  
*Law Weekly*

The Student Bar Association met last Monday for the second-to-last time this semester. The student representatives discussed several administrative issues, most notably a reform of the parliamentary procedure used at their meetings.

When the SBA meets, it operates according to *Robert's Rules of Order*. *Robert's Rules* originated from an army officer, Henry Robert, who wrote the first edition of the book in 1876 after being called upon to conduct meetings and having no rulebook to go by. *Robert's* is the most commonly used ver-

See SBA, page 5

**ELF attempts to bring wind power to GULC**  
Page 3

**Crimes of Fashion**  
Page 8

**The FCC messes up like they always do**  
Page 11

*Briefs Briefs Briefs Briefs Briefs Briefs Briefs! Briefs Briefs Briefs Briefs!*



**Georgetown Outreach - Red Cross Blood Drive**

Give the gift of life! Every two seconds in the United States someone needs blood. Before you go home for Thanksgiving, give someone something to be thankful for! Donate at the GULC blood drive Nov. 24, 12 - 6 p.m. on the 12th Floor of Gewirz. Sign-up in the Chapel Area this week, Nov. 10-14, or please e-mail Tamara Killian at [trk4@law.georgetown.edu](mailto:trk4@law.georgetown.edu) to schedule an appointment or to ask any questions.



**Scotch Tasting - Sign Up Now!**

The GULC Wine Tasters is please to announce its second annual Scotch Tasting, sponsored by JD Jungle and Dewar's Finest Scotch Whisky. The event is free and is completely paid for by JD Jungle and Dewar's. The event will be held at Vida, a Latin American restaurant/bar. All are invited, but in order to attend the event, you must RSVP by going to this web address: [www.dewars.com/masterclass](http://www.dewars.com/masterclass) and signing up for the event that will be held on Thursday, Nov. 20 from 6:45 - 9 p.m. The event will include the chance to sample scotch whisky, enjoy scotch cocktails, non-alcoholic beverages, and hors d'oeuvres. If you have any questions, please forward them to [wfk@law.georgetown.edu](mailto:wfk@law.georgetown.edu).



**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.



**Attention Graduating Students!**

The Graduating Class Gift Program needs you! Make a gift to your favorite Law Center program and help increase your section's participation rate. Remember that a gift of just \$5 counts towards participation. The section with the highest participation rate on Dec. 1 will win a free happy hour at the Irish Times. And for gifts of \$15 or more, you will receive a Class of 2004 T-shirt. Please pick up a pledge form from the Office of Student Affairs and make your gift before Dec. 1. E-mail Sara at [ses57@law.georgetown.edu](mailto:ses57@law.georgetown.edu) with questions.



**Sovereign Debt - Focus on Iraq**

On Wednesday, Nov. 19 at 4:00 p.m., in Room 207, the Foreign Lawyers at Georgetown presents a panel discussion concerning Sovereign Debt Restructuring - Focus on Iraq. A reception will follow.



**Angel Tree Book Drive**

Share the gift of reading! Once again, the Office of Students Affairs along with the Christian Legal Society and the Catholic Forum will be taking contributions for the Georgetown Angel Tree book drive. Books will be distributed to local schools and tutoring projects. Simply select an Angel from the tree in the Office of Student Affairs, Room 170, and buy a book for the child described on the Angel card. Return books by Dec. 5 and Georgetown students will wrap and deliver your gift. For more information, please visit <http://data.georgetown.edu/president/angel/beneficiary.htm>.



**Food Drive for the Homeless**

Join JLSA students on Thursday, Nov. 20 at 6 p.m. to prepare food for the homeless. If you are interested in participating, simply show up at the Kosher Kitchen on the 1st floor of the law building on Thursday, Nov. 20 at 6 p.m. Feel free to bring any canned goods if you would like.



**Choice - Something to be Thankful For**

Join Law Students for Choice and the American Constitution Society on Monday, Nov. 24 from 4:30 - 6:30 p.m. for a panel on the right to choose and a reception celebrating choice and the creation of this new student group! This event is supported by WLA and WCC.

The first panel, from 4:30 - 5:30 p.m. in Room 207, will look at the right to choose and contemporary challenges to choice, and will feature: Karen Mulhauser, the first Executive Director of NARAL Pro Choice America, Crystal Plati, Executive Director of Choice USA, Necole Irvin, Director of Government Relations at the National Abortion Federation, and Jatrice Martel Gaiter, President of Planned Parenthood of Metro Washington. A reception will begin at 5:30 in the East Atrium outside OPICS, and is an opportunity to give thanks for choice, learn about Law Students for Choice, and sign up to take part in the historic March for Choice next spring with LSFC, WLA, WCC, ACS and others.

Visit [www.lawstudentsforchoice.org](http://www.lawstudentsforchoice.org) for more information about the group, or e-mail [mjj7@bulldog.georgetown.edu](mailto:mjj7@bulldog.georgetown.edu) with questions.



**Democratic Energy Policies**

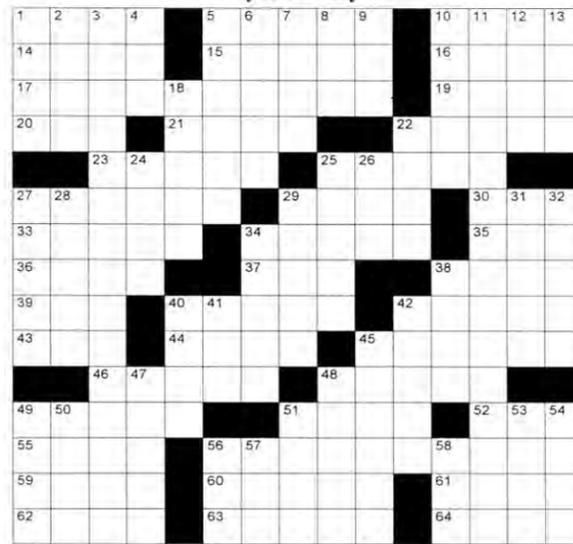
Join us for a forum on Democratic Presidential Candidates' proposed energy policies on Nov. 21 from 5 - 7 p.m. in Room 200. Energy advisers from each of the campaigns have been invited to present their candidates' positions. Co-sponsored by the *Georgetown International Environmental Law Review* and the Environmental Law Forum.

**Some Old Flicks**

- Across**
- 1 Defense alliance acronym
  - 5 Fry
  - 10 Scruff
  - 14 Reverberate
  - 15 Hollywood's Dickinson
  - 16 Subject
  - 17 Paul Newman '61 movie
  - 19 Without
  - 20 Liner's locale
  - 21 People in general
  - 22 *Elsewhere*
  - 23 Chimney parts
  - 25 Capitulates
  - 27 Panelists
  - 29 Tolerable
  - 30 Kind
  - 33 Bermuda, for one
  - 34 Evil spell
  - 35 Negative prefix
  - 36 Gun jerk
  - 37 Porkpie
  - 38 Amusement park device
  - 39 JFK initials
  - 40 Barrel part
  - 42 Dance
  - 43 Room
  - 44 Masquerade
  - 45 Speckled
  - 46 Name the price
  - 48 Dressing type
  - 49 Burst
  - 51 R & B singer Braxton
  - 52 Self-importance
  - 55 Travels
  - 56 Jodi Foster's '88 movie
  - 59 Kind of club
  - 60 Health care provider
  - 61 Accumulation of money
  - 62 Shipped
  - 63 Teepees
  - 64 Singles
- Down**
- 1 Profits
  - 2 Pine
  - 3 Bogart's '51 movie

**Crossword 101**

By Ed Canty



- 4 Expression of pleasure
- 5 Cumberbunds
- 6 Ponies up
- 7 Frightful
- 8 Dead heat
- 9 Poet's oft used word
- 10 Kind of twang
- 11 Poitier's '61 movie
- 12 '98 *Hurlyburly* star
- 13 Follows big or down
- 18 Driver's maneuver
- 22 *gin fizz*
- 24 Facial expression
- 25 Strong point
- 26 Pompous fool
- 27 Jested
- 28 Connect
- 29 Smooth
- 31 File a formal complaint
- 32 Manipulate dough
- 34 Pursue
- 38 Basic training for Lts.
- 40 Blemish
- 41 Bambino
- 42 Two-dimensional figure
- 45 Tangoes
- 47 Distressed
- 48 Friar's Club event
- 49 *Benedict*
- 50 Part
- 51 Slender gull
- 53 Hackman
- 54 Gambler's probability
- 56 Explosive
- 57 Tinge
- 58 Extraterrestrial vehicle?

**Quotable Quote**

*The movies are the only business where you can go out front and applaud yourself.*

... Will Rogers

Crossword solution on page 4



**1L Study Break**

It's almost time for exams, so come get some outlines a free snacks!! Bring a blank floppy disk so that you can download the outlines on Tuesday, Nov. 18 in Room 140 from 7:30-9:30 p.m. Sponsored by Women's Legal Alliance.



**Interested in Entertainment and Media Law?**

The Georgetown Entertainment and Media Alliance and the MBNA Career Education Center have developed a collaborative program that will provide a unique opportunity for Georgetown students to spend time with experienced professionals in entertainment and media to get a first-hand look at day-to-day operations in those industries. Externships will be scheduled during Spring Break, Mar. 8-12, 2004, in Los Angeles, CA. Applications are available in OCS and must be submitted by Nov. 14.



**Weekend Ignatian Retreat**

Law Students! Come pray with us at the Weekend Ignatian Retreat, Nov. 21-23, 2003. Registration forms are available in the back of the Law Center Chapel and Dahlgren Chapel and in Campus Ministry, Healy G-01. Please call Catherine Heinhold for more information at x7-4990.



**AIDS Action Counsel**

The Women of Color Collective invites you to chat with a former legislative council of AIDS Action Counsel and other deans and professors over cheesecake, sandwiches, and tea at the Faculty Tea on Wednesday, Nov. 19 from 4 to 6 p.m. on Gewirz 12th floor. Sponsored by the Office of Development and BarBri.



**JLSA Events**

On Nov. 18, join us for a round-table discussion and brown bag lunch in Room 207 at 12:30 p.m. 2L Tarek Maassarani, Adam Miles (a friend of Tarek's), and 3L Jeff Helmreich will share their thoughts on their recent experiences in Israel and the Palestinian Territories. Adam and Tarek spent last summer working in various capacities in the region, ranging from working to implement a joint women's peace commission to film-making to acting as international monitors and voluntary peacekeepers. Jeff has also spent a substantial amount of time in the region interviewing people on all sides while working on an upcoming documentary film. Please join us for this exciting discussion to be moderated by Father Alexei Michalenko. We will provide drinks.

On Nov. 19, we present *Relentless: The Struggle for Peace in Israel* in Room 203 at 3:30 p.m. This engaging and critically acclaimed film reveals a side of the Middle East story that most people are unaware of. The film lasts one hour with a discussion to follow. We will provide refreshments. Please join us for these exciting events!

# Students offer advice on broad range of career options

CAREERS from page 1

position was represented at the event, again showing the broad range of careers Georgetown students enjoy upon graduation and during the two summers in law school. For example, a sampling of the represented jobs included Kristen Buppert, 2L, at the AARP last summer, Sherri MacLeay, 3L, who has spent her two summers at the New York Stock Exchange and the firm of Alston & Bird in Atlanta, Jonathan Beardsley, 2L, who worked for the U.S. Attorney's office in the Eastern District of New York, and Claudia Slavin, 2L, who was in Bangkok Thailand working for the Mekong Region Law Center.

Lauren Durbin, the Senior Public Interest Advisor in OPICS, played a key role in organizing event. She commented on the important networking value of the event, which does not necessarily mean figuring out exactly what positions are available, "The event shows the value of networking by offering a snapshot of the variety of different positions that are available. This event makes what seems to be really big a lot more attainable. This event is not just about networking about potential jobs, but also about what these positions are like. Everyone has to learn about what is out there before they go apply for it. A lot of this stuff is hidden, but interesting opportunities are definitely out there."

Durbin is aware how engulfing the process of finding a summer position can be for a 1L. "It may be overwhelming as a 1L to see all those possibilities, but it is great to see students who are only a year or two

ahead give such valuable advice. My goal is to reduce anxiety, and I really think a lot of 1Ls walked away from this feeling better," he said. Melissa Byroade, 1L, came away feeling a little less overwhelmed, "I was there for pretty much the whole thing, and I learned that I don't have to be completely intimidated by the process of getting a job. It was good to talk to people and learn what is out there, and it was great to see students talking and supporting each other."

Efforts such as this on the part of OCS and OPICS are key in any job search, but especially now when it is widely agreed that the economy is not at its former heights. Gihan Fernando, Assistant Dean of Career Services, is well aware of the recent difficulties, but senses the markings of a turnaround. Stated Fernando, "Our impressions about the legal market overall is that it is at least as good as last year, and perhaps marginally better. Initial indications from firms participating in Early Interview Week are that most are hiring at the same rate as last year, and some are even considering increasing their second year summer classes. Although many 2Ls and 3Ls have received offers from firms already, the hiring season is not over and we won't have any concrete numbers until at least early next semester."

Barbara Moulton, Assistant Dean in OPICS, similarly sees encouraging government and public interest job markets, "Federal government hiring appears to be at least comparable to last year. It's impossible to do more than predict at this point, because government hiring decisions are still in the early stages. That said, a very encouraging sign is that several agencies have already made offers to

Georgetown students for either summer or post-graduate employment."

Moulton also described the public interest job market, "Public interest hiring has really just begun, but it tends not be as market-dependent as other sectors. Although some public interest organizations have incurred a leveling off or decrease in funding, the major public interest fellowship programs, which are a large source of entry-level public interest jobs, are hiring at the same rate as in the past."

Many of the students participating in the event already have some firm experience in their background. One such student, Bill Ferreira, 2L, who worked at Sanchoff & Weaver in Chicago, described the event as a great way for 1Ls to become informed about summer opportunities. "Be confident, don't get discouraged, and try to have fun with it," Ferreira advised. Another student with firm experience, Adam Gehrie, 3L, of the New York City office of Orrick, Harrington & Sutcliffe, also recognized the value of the event, "When I was a 1L, I was confused about how to get into what I was interested in, so it's good to have people who have recently gone through the process and talk about it." Gehrie also advised, "Do the best you can on those first semester exams."

Tovah Minster, 3L, who worked at Spriggs & Hollingsworth here in D.C., wishes that she had engaged in similar networking efforts when she was a 1L, "I wish that when I was a first year I had participated in this event. It is a good opportunity for students to get advice from other students instead of a skewed administrative office."

Eleanor Hicks, 3L, worked in the Environment Section of the

California's Attorney General Office, and truly enjoyed her experience there, "I was given very broad assignments and autonomy. I was asked to take the facts and discover potential causes of action. The lawyers were great mentors." Hicks liked the event "because it is helpful to find out what the positions were really like, and to find out which organizations have hired GULC students."

One student who had an intriguing public interest summer was Grant Geyerman, 2L, who worked for the New York Lawyers for the Public Interest, funded by the law firm of Skadden Arps. In Geyerman's words, because of the program he was able to "afford a New York City summer." Geyerman felt a need to help out at the event, "I remember going to this event myself last year and getting advice from people who are now 3Ls, so I figured it was my duty to do it as well." Geyerman also advised students to "explore lots of different options - private, public, government. Also, contact your undergraduate institutions, especially at smaller schools. Jobs are out there, so don't worry about it and wait until spring."

Many of the students had varying advice to offer. Eleanor Hicks expanded, "Apply to as many positions as you can, it can be hard to get attached to one job. Keep your options open." Minster offered, "Be persistent, and try lots of different things." MacLeay wants students to "start early." Jonathan Suh, 3L, while describing the event as "a good opportunity for kids to come here and flirt," also advised, "For your first summer, choose a location that you like and try to find something there, it is much more important than getting a 'name job.'"



Photo by Jon Massimino, 3L

Kristen Emmons, 3L, signs a petition presented by the Environmental Law Forum last Thursday. The petition is designed to encourage the Law Center to purchase wind energy as a part of its monthly energy bill.

## Correction

Last week, in the article entitled "Judge Deborah Adams and Anthony Adams convey life lessons at BLSA event," the daughter of this intriguing couple was incor-

rectly identified as Angela Adams. In reality, her name is Ashley Adams, a 1L here at the Law Center. The mistake came about because Angela Adams is also a 1L here in Section Three, while Ashley is in Section Four. The *Law Weekly* regrets the error.

## Whose Choice?



*Convinced that reproductive decisions should be made by individual women and men? Concerned about the state of reproductive rights?  
Want to learn more?*

**Join Georgetown Law Students for Choice  
and the American Constitution Society on  
Monday, November 24<sup>th</sup> for a panel on the right to choose and a  
reception giving thanks for choice and getting mobilized to protect it!**

**Panel: 4:30 – 5:30 – Room 207**

Featuring:

**Karen Mulhauser**, first Executive Director of NARAL Pro-Choice America,  
**Crystal Plati**, Executive Director of Choice USA,  
**Necole Irvin**, Director of Government Relations at the National Abortion Federation  
**Jatrice Martel Gaiter**, President of Planned Parenthood of Metro Washington

**Reception: 5:30 – 6:30 – East Atrium outside OPICS**

***This event is supported by WLA and WCC***

Visit [www.lawstudentsforchoice.org](http://www.lawstudentsforchoice.org) for more information  
Email [mjj7@bulldog.georgetown.edu](mailto:mjj7@bulldog.georgetown.edu) with questions

# Hurtgen addresses future of labor dispute resolution

KAISER from page 1

Wagner Act. The act replaced the law of master and servant, a strictly individual relationship, with collective bargaining which Hurtgen called a system of workplace democracy based on dispute resolution involving living agreements and procedural rules.

Hurtgen then addressed the future of labor dispute resolution saying that the law always lags and that the task of future lawyers will be to grapple with what is to come. "The essential system for channeling labor disputes into collective bargaining, unfair labor practices, and then creating the FMCS to help resolve disputes on a mediation basis, hasn't changed," Hurtgen said. Hurtgen said labor disputes remain an adversarial process because labor and management are in eternal conflict, but that collective bargaining brought the conflict out of the streets and into bargaining and a process-oriented system.

The United States sees the collective bargaining structure as balanced, allowing the employees to bargain on a relatively equal basis with management. However, it is crucial in striking the balance that the employer is still able to control the essential elements of what puts that employer in business Hurtgen noted.

"In recent years, employers are losing control, so that which is being balanced is not within the party's control," Hurtgen said. As an example, he

mentioned the crisis in health care costs. "Until we have a national consensus producing legislation which decides how we deliver it, who pays for the delivery of it, and how it is distributed, etc. it is going to simply continue to be a constant problem at the bargaining table," Hurtgen said.

The combination of the expansion of capitalism, the elimination of economic borders and technological innovation are also changing the landscape of collective bargaining, according to Hurtgen. "When competition is global, when jobs are so knowledge infused, when technology makes it so easy to produce or supply or create here-or-there or someplace with ease, only the most efficient and productive employers survive," Hurtgen said. This forces companies to be more productive and efficient and causes them to focus on what they do best, he added.

According to Hurtgen, this push to efficient production is pushing the traditional employment relationship aside in favor of contingent workers - temporary and part-time workers who are brought in to supplement whatever is needed by the employer at any particular time. Collective bargaining doesn't deal with these types of workers, Hurtgen said.

Hurtgen said that unions and employers need to find a way to be efficient and productive or they won't be in business because of the fall of economic borders. As a result, part of the FMCS focus is to become counselors to help unions and employers

collaborate and survive in the new economic landscape.

With the new relationship between employee and employer, non-collective disputes are returning. Individual employee claims are harder to resolve, more costly and difficult to measure than collective claims. When individual interests become more important in the workplace, the collective interest is subverted. In addition, most individual claims are not lucrative enough to be taken by a good attorney and so the vast majority of claims have no where to go according to Hurtgen. In response, the FMCS created Dynamic Adaptive Dispute Systems (DyADs). DyADs is based on the theory that successful organizations do not avoid conflict, but recognize that conflict is a human condition that cannot be eliminated.

"In an organization, it [conflict] will be adapted and managed to be helpful or it will be hurtful". DyADs will assist and encourage employers and unions to adopt their own adaptive dispute resolution system according to the FMCS plan. The process will be neutral, inclusive and will allow for the parties to be flexible in allowing for more than one option to dispute resolution, Hurtgen expanded.

"If you have some well functioning adaptive system, employees and managers alike will ultimately grow to revere it and it will have the effect of eliminating the grotesque aspects of our enforcement system," Hurtgen said. The FMCS is going to support and promote the DyADs system, and

if the pilot project is successful, FMCS will try it on the non-unionized sector. However, if it appears that the system may be used to avoid unionization in the non-unionized sector, the FMCS will not likely proceed with the program because it is not a union avoidance system according to Hurtgen.

The Henry Kaiser Memorial Lecture and Scholarship was established by family and friends of Henry Kaiser in honor of his devotion to labor law and to bettering the lives of working people. Kaiser received his J.D. from the University of Wisconsin Law School. During his career he worked for the American Federation of Labor, as general counsel for the Bakery, Confectionary and Tobacco Workers and for the American Federation of Musicians. Kaiser was also instrumental in establishing the Bakery and Confectionary Union and Industry International Pension and Health Benefits Funds which now has assets of over two billion dollars.

**SOME OLD FLICKS**

N	A	T	O	S	A	U	T	E	N	A	P	E	
E	C	H	O	A	N	G	I	E	A	R	E	A	
T	H	E	H	U	S	T	L	E	R	S	A	N	S
S	E	A	T	H	E	Y	S	A	I	N	T		
F	L	U	E	S	F	A	L	L	S				
J	U	R	O	R	S	S	O	S	O	I	L	K	
O	N	I	O	N	C	U	R	S	E	N	O	N	
K	I	C	K	H	A	T	R	I	D	E			
E	T	A	S	T	A	V	E	C	O	N	G	A	
D	E	N	P	O	S	E	D	O	T	T	E	D	
Q	U	O	T	E	R	A	N	C	H				
E	R	U	P	T	T	O	N	I	E	G	O		
G	O	E	S	T	H	E	A	C	C	U	S	E	D
G	L	E	E	N	U	R	S	E	F	U	N	D	
S	E	N	T	E	N	T	S	O	N	E	S		

*National Symphony Orchestra*

*Leonard Slatkin, Conductor*

*Dotian Levalier, Harp* 🎹 *Donald Litaker, Tenor* 🎵 *Thomas Hampson, Baritone*

*MOZART, Overture to Cosi fan tutte, K. 588*

*ADAMO, Harp Concerto (world premiere)*

*MAHLER, Das Lied von der Erde*

*Friday, November 21 at 8:00 pm*

*\$31 - Orchestra Level*

*The Kennedy Center Concert Hall*

*These half-price tickets are available to GULC students only.*

*The Office of Student Affairs, Room 170*

**LAW**

**STUDENTS**

*Come pray with us.*

*The Weekend Ignatian Retreat*

*November 21-23, 2003*

Registration forms are available in the back of the Law Center Chapel and Dahlgren Chapel and in Campus Ministry, Healy G-01. Please call Catherine Heinhold for more information at 7-4990

# International Criminal Court at the center of discussions

WAR CRIMES from page 1

a description of the International Criminal Court (ICC). He explained that the ICC was established by the Treaty of Rome in 1998 as the first permanent international criminal court. Following the ad-hoc tribunals created to prosecute the war crimes of World War II, Yugoslavia and Rwanda, Professor Luban said, the international communi-

The next panelist to take the podium was Professor Scheffer, who led the U.S. negotiating team to the U.N. talks on the International Criminal Court under the Clinton administration. Throughout his presentation, Scheffer voiced disappointment that the Bush Administration has not continued in these negotiations. He surmised that this termination was a concession to fears of some Americans that the ICC will become a tool for other

that the U.S. is already a party to many treaties that allow for the extradition of American citizens to countries where they will not have the right to a jury trial. The protection of Constitutional rights was foremost in the minds of the American negotiating team. Scheffer said, a team which consisted of several Constitutional experts.

Professor Scheffer was not shy in voicing his criticisms of the Bush Administration, which he accused of abdicating its responsibility to protect American interest by refusing to participate in continuing negotiations surrounding the ICC. "If this administration had a policy of constructive engagement, rather than destructive engagement," he said, "it could essentially establish the [ICC] docket for years to come."

"We often lose sight of other issues by asking 'How does this affect the U.S.?' " Scheffer said, adding that "as a deterrent and as a beacon of hope for the victims, the U.S. needs to stand for this treaty."

Jerry Fowler followed Professor Scheffer's remarks with a discussion of the current situation in Congo. Because Congo is a party to the Rome treaty, he said, the prosecution of those who have committed atrocities there will be the first test of the ICC.

Despite the likely punishment of the perpetrators in Congo, Fowler said, "we need to know a lot more about how to recognize these events [genocide and crimes against humanity] before they happen. They don't come out of nowhere." Fowler explained that his job at the Holocaust Museum is a part of that

institution's effort to create a living memorial to the tragedies of World War II by working to prevent such tragedies from happening again. While the Holocaust Museum does not have an official position on the ICC, Fowler seemed to believe that its existence would help to shine a light on the atrocities that are committed around the world and hopefully deter would-be war criminals.

Fowler also echoed the sentiment shared by Professor Scheffer that the failure of the United States to sign the treaty is a major weakness for the ICC. "Success will depend on the willingness of the countries that support the ICC to follow through and make it work," he said. "The bottom line is that a lot of diplomatic, economic and military muscle will be needed, and who will provide that if the U.S. is not on-board?"

The audience at Monday's event seemed quite receptive to the remarks from both panelists, and a vigorous question and answer period followed the presentations. Nearly everyone in the audience was in agreement that the United States should join the ICC. The general theme of the questioning was how to get the United States back to the negotiating table, but neither panelist had a definitive answer.

Barry Junker, 1L, summed it up as follows: "If America turns its back on the development of International Law, we could find ourselves in 30 years surrounded by a series of interlocking treaties to which we are not a party, but which nonetheless directly affect us. The short-sightedness of the current administration is frustrating and frightening."

***Professor Luban explained that the ICC specifically handles the crimes of genocide, crimes against humanity and war crimes, and it has jurisdiction over these crimes only when the territory where the accused crime occurred is a party to the treaty or the accused individual is a citizen of a signatory nation.***

ty recognized the need for a permanent court to try these matters when national courts could not or would not do so themselves.

Professor Luban explained that the ICC specifically handles the crimes of genocide, crimes against humanity and war crimes, and it has jurisdiction over these crimes only when the territory where the accused crime occurred is a party to the treaty or the accused individual is a citizen of a signatory nation. He noted that while ninety-two countries have since ratified the treaty, the United States has yet to become a signatory.

countries to unfairly target U.S. citizens. Scheffer tried to dispel these concerns by pointing out that the ICC is designed to prosecute only the worst crimes. He explained that these consisted of "planned assaults on civilian populations and war crimes executed by militaries that are trying to break the rules - and there are governments and militias who do that. We are not talking about errant bombs."

Scheffer also addressed other concerns about the ICC, such as the fact that it would not guarantee a trial by jury to Americans. Such concerns should be tempered, he said, by the recognition

## SBA debates meeting procedures, conflicts of interest

SBA from page 1

sion of parliamentary rules used in organizations.

The topic of rules is a perennial one for the SBA. Each year's group has adopted changes or amendments in the rules to achieve a more efficiently run

***The idea of a graduating student yearbook was raised. The Law Center has previously produced a softcover book with graduating photos of 3Ls and LL.Ms. The book was done away with [due to cost and time]. Adrienne Watt, 3L Delegate, agreed to look into the feasibility of making one this year.***

meeting. The group used to have an appointed parliamentarian who would maintain adherence to the rules. However, that position was eliminated when meetings began to approach three hours in duration.

The group now uses an abbreviated version of the rules, and amending them was a main topic of debate at the meeting. The amendments were designed to make the procedures easier to follow; as it is, delegates often have to ask the chair, Nathan Headrick, 3L President, which motions they can or can't make. The changes passed with minor changes.

Another rule change discussed was a resolution proposed by Yvette Liebesman, 2E Delegate, to ban all cur-

rent and future SBA members from holding a position on any other student organization, due to what she asserted would be the potential conflict of interest. The resolution, however, ran into immediate objection when Sterling Darling, 3L Delegate, asked for a ruling on the legality of binding future elected bodies. The question was unclear, but

the delegates voted to disregard the potential unconstitutionality of the issue for the moment and go straight to debating it. But Liebesman was the only person to speak in favor of the resolution, and shortly thereafter it was voted down unanimously, without even the support of its own sponsor.

Besides the rules changes, the idea of a graduating student yearbook was raised. The Law Center has previously produced a softcover book with graduating photos of 3Ls and LL.Ms that cost \$15. According to Elise Perram of Student Affairs, the book was done away with because the students who volunteered to prepare it did not follow through on their commitment and it ended up falling to Student Affairs to complete. The book's low price also did

not recoup the cost. Adrienne Watt, 3L Delegate, agreed to look into the feasibility of making one this year.

The group also went through reports from the various Student/Faculty committees, which are responsible for most aspects of the school's administration. The SBA is largely an advisory body, but all members are required to serve on at least one student/faculty committee. Alaina Dartt, 2L Chief of Staff, reported that the Finance Committee, which has the important duty of approving budgets for school departments, would be wrapping up its work for the year. The school will decide next year's tuition level in the spring. Meredith Simmons, 2L Delegate, reported that the Journals Committee was considering starting a new journal or combining existing journals. *The Journal of Law and Policy in International Business* last year changed to the *Journal of International Law*, potentially conflicting with the *Journal of International Environmental Law*.

Several resolutions were also discussed, most notably a plan to hold a "Pub Crawl" for 1Ls to help alleviate the stress of first year. However, the plan ran into opposition by Elle Sutherland, 1L Delegate, who was concerned by the potential liability of funding a drinking excursion. Despite the other delegates' attempts to reassure her, she resolutely clung to the idea that the delegates themselves might be held liable for an accident suffered by a student. The issue was resolved by a successful roll call vote on whether to fund the plan. A resolution from Charlemayne Walker, 3L Delegate, asking the library to extend its

hours during exams passed. Several other resolutions were postponed until the next meeting.

The meeting was the first since the controversy over Nick Gillard-Byers, 2L Delegate, and Dartt's resolution that would have eliminated pizza at SBA general meetings and spent the money saved on poorly funded student groups. As promised by Fentrice Driskell, 3L Treasurer, the pizza was placed in the 2nd floor atrium to emphasize the fact that it is designed to draw student attendance to the meetings. The pizza, which is usually partly left over, ran out even before the meeting started, after being snatched up by students, mostly evening and LL.M. students exiting class. However, no non-member students attended the meeting.

Inside, the atmosphere of the pizza controversy lingered, as several delegates had publicly and privately blamed this newspaper for causing the hubbub. When Alex Stern, 2L Delegate, a member of the Speakers Committee, at one point blurted out the name of the person invited to speak at graduation, which is a closely guarded secret, Headrick asked this reporter to leave the information off-the-record. Brian Guiney, 3L Delegate, who was quoted in an earlier article about the pizza debate, lashed out, saying sarcastically, "'Off-the-record' means you can't print it." A member of the SBA's elected board later called Guiney's outburst "not right."

The next meeting will be held on Nov. 24, when the group will vote on the appropriations bill, which allocates funding to student groups for the spring semester.

## Georgetown hoops program needs major overhaul

by Tye Andersen, 2L  
*Law Weekly*

Lebron James would sure look good in a Duke uniform. Can you imagine James and his hated Blue Devils traveling to Syracuse and the raucous Carrier Dome to face Carmelo Anthony and the defending national champs? That game would certainly be more intriguing than their overly-hyped first meeting last week, where all the winning team did was postpone the inevitable truth that it won't make the playoffs.

But the problem with college basketball isn't James or Anthony. Both are making quick work of any lingering doubts that they don't belong in the NBA. In fact, the problem isn't even Travis Outlaw, Ndudi Ebi, Kendrick Perkins, or James Lang, the other high schoolers selected this past June. Rather, the problem is that there is a draft in the first place. Each year 58 players are selected despite the fact that there aren't 58 NBA caliber players available. Quickly this situation has created a vacuum, annually sucking every last bit of talent out of the college game and into the NBA. To watch college basketball today is at least in part to reminisce about what used to be.

So against that cheery backdrop, we roll out our annual *Law Weekly* college basketball preview. But rather than regurgitate preseason rankings or what I heard on ESPN, our annual preview focuses solely on the one team that we all have in common - the Georgetown Hoyas.

If you take only one thing away from this article, let it be this: the Hoyas are a program in severe disarray. I cannot emphasize this enough. I will not argue about this. If I could stand in front of the MCI Center and preach, I would, "Come hither all ye lost and forsaken supporters of the mighty Hoya program of old; come hither and let us throw off the shackles and chains of the NIT; let us aspire it a greatness within, look up and behold the banner unfurled, 1984 National Champions."

A quick disclaimer - I strongly dislike sports writers who wax poetic, who call for coaches' heads or who excessively dwell on negative topics - a phenomenon that I call the Jim Rome-ization of sports, but the Georgetown program is deserving of such criticism.

Coach Craig Esherick is a graduate of the Law Center, but he's got to go. He has piloted the Hoya program since John Thompson's midseason departure in January of '99. Since then he has compiled a 90-59 record, which at first glance appears pretty good. However, as anyone who follows the Georgetown program knows, the Hoyas are notorious for scheduling the weakest out-of-conference opponents humanly possible. So, after noting 30 victories and no defeats against the likes of Marist, Bethume-Cookman, and Morgan State during his tenure, Esherick's record is more accurately reflected as 60-59. That is a poor record for a program with the prestige and exposure of Georgetown. Playing such a lightweight schedule does the program no favors with the NCAA tournament committee either. The Hoyas have been selected for the tournament only once under Esherick, and though they reached the Sweet Sixteen that year, they benefited substantially from the #15 seed Hampton's record-tying upset of #2 Iowa State.

Potentially more indicting is Esherick's consistent inability to recruit or develop any talent. The greater D.C. area is a basketball hotbed. But area hoopsters are steering clear of the Hoyas. Unbelievably, this year's squad has only two players from either D.C., Maryland or Virginia. Is it coincidence that the Georgetown's decline has exactly coincided with Maryland's rise? And Esherick does little with the talent he has. Center Wesley Wilson and shooting guard Tony Bethel are two recent examples of gifted players that never reached their potential. Now Bethel has transferred to N.C. State, Point guard Drew Hall is gone to Gonzaga, and Small forward Brandon Bowman was out the door before he changed his

mind and returned. Also, long-time assistant Ronny Thompson, son of Coach Thompson, and a key recruit jumped ship for comparable positions at Arkansas. Not exactly a ringing endorsement for the Coach.

Of course, Coach Esherick doesn't deserve all the blame for horrendous state of affairs. The Athletic Department must bear its share of the blame. Athletic Director Joseph Lang has certainly had a hand in constructing the cream-puff schedule. Also, he has refused to undertake an effort to build a suitable on-campus facility for the team. In recent years, the MCI Center has been a virtual morgue. While sitting at a game, one has to wonder, why is it that I don't have anything better to do? Combined with the team's struggles and it's little wonder that recruits go elsewhere. Most of all, AD Lang has set the bar far too low. During last season, he was quoted as saying, "It is unrealistic to expect to make the NCAA tourney every year." Okay, even if that's true, which it's not, why say it publicly? Lang compounded his mistakes when seizing on last season's surprising run to the NIT championship, Lang signed Esherick to a multi-year extension this off-season. Now with Big East expansion a certainty, the Hoyas figure to fall further down the conference ladder as strong programs like Cincinnati, Louisville and Marquette join the league.

The 2003-04 Hoyas are simply not good. They will count on senior guard Gerald Riley and returning sophomores Brandon Bowman and Ashanti Cook to carry the load. But keep in mind that even with NBA lottery pick Mike Sweetney last season, the Hoyas had to win three of their last four to qualify for the Big East tournament! The coaches have picked the Hoyas to finish eleventh out of thirteen teams. And that sounds about right. With a schedule laced with the likes of Elon and Delaware State, the Hoyas could finish around 11-18. But that would end the Hoyas current streak 29 straight postseason invitations, their last link to their storied past. Maybe then they would wake up and realize they its time for a fresh start.

# FOOTBALL PICKS

STANDINGS	W	L	PCT.	GB
Mark	78	50	.609	-
Avedis	77	51	.602	1
Jon	75	53	.586	3
Audrey	74	54	.578	4
Annie	70	58	.547	8
Alaina	61	67	.477	17
Tye	61	67	.477	17
Emy	60	68	.469	18

**The standings have gone topsy-turvy. Avedis somehow manages to leapfrog into being a game away from taking Mark's throne, Jon and Audrey do their best to hang in, and after an impressive 3-11 showing last week, Emy occupies the basement for the first time this year.**

**Tye Andersen**  
"It's do-or-die. I'm looking to go big. From last to first in one week."

**Mark Leighton**  
"I never realized how much fun reading the United States Code Congressional and Administrative Service can be."

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

**Avedis Seferian**  
"I hereby succumb to the prospects of possibly winning this thing - I'm going with the team I actually think will win, given my miniscule knowledge of this sport!"

**Jon Massimino**  
"After all these years of doubting, I've found that the old saying is actually true - blondes really do have more fun."

**Audrey Perry**  
"It isn't whether you win or lose... It is whether I win or lose..."

**Annie Wartanian**  
"I started studying complex probability theories and decided they were probably wrong."

**Alaina Dartt**  
"I've found a way to cure my boredom, I'm going to see how far behind I can finish."

**Emy Hancock**  
"Isn't fat supposed to rise to the top? I knew physics was a conspiracy."

# Happy Hour at MCCXXIII affords indulgence on a budget

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

This week's article presupposes the following regarding the majority of students here at the Law Center: it is nearing the end of the semester, your financial aid allotment is almost gone and your amount of "free time" is sparse. In September, you were running around spending money like you had a winning lottery ticket in your pocket, and now you are paying for coffee with dimes and nickels. Or, maybe by "you" we mean Amy. Either way, this week we look at cheap and efficient ways to get liquored up. Warning: drunkenness is closer than it appears.

Amy's section decided to take a group outing to MCCXXIII - "Twelve Twenty-Three" for those who don't like or understand Roman numerals - for a Friday evening happy hour and, if you have been reading our column thus far, you probably already recognize that we don't generally turn down opportunities to drink - especially for the bargain price of \$15, *all you can drink*. Before going any further, let's take a moment here to discuss what "all you can drink" includes at 1223. Unlike many bars with similar promotions, 1223 actually provides what it promises - ALL YOU CAN DRINK. The only items not included in the offer are wine and champagne and, if this bothers you even slightly, we will counsel you privately and help you deal with your issues. However, for those of you who are reading the same thing into this as we did, you are adding up the cost of ordering top shelf items at a bar and grasping what a fabulous bargain is offered at the 1223 happy hour.

The deal improves markedly when you take into account that this promotion runs from 5 to 9 p.m. As a student preparing for finals, drinking during happy hour provides an efficient alternative to a full night of drinking. If you make the most of a happy hour experience, it is true that you will probably not be a very effective studier the rest of the night, but your night will end earlier and make studying the next morning

possible. Your guides were both back home and in bed by midnight, though it seemed much later. Saturday morning, we were up and ready for a full day of studying.

Another dimension that changes the posture of 1223 as a happy hour location is its elegance. The main floor of 1223 rises two stories high, houses several leather booths and a dance floor. The long room is dimly lit by candles and gorgeous fabric columns which flow around hidden light fixtures. There is another bar on the second floor. This bar is connected via a perforated metal walkway to a lounge area, also on the second floor. Additionally, there is a third floor with another bar and a VIP area.

Most of the happy hour crowd hovers around the first floor bar while the booths are packed to capacity. You are most likely to nab a booth if you reserve one in advance. In our case, we arrived promptly at 5 p.m. and snagged a booth from a party that missed its reservation. This afforded us seating - a luxury most patrons were without - and a waitress. We learned quickly that drinks were best ordered in rounds, as the waitress often took long intervals in returning to our table, and we began ordering both shooters and mixed drinks for the entire party.

Ordering a drink at the bar was not too difficult and Erin found that if you make friends with patrons sitting on the barstools in front of the bartenders, those patrons are more than happy to order for you. This certainly speeds up both the process of getting a drink and the process of meeting new friends. Moreover, if, like Erin, you have the good fortune of befriending someone who knows the bartender, you may get your Sweet-tart martini served in a full Collins glass rather than a dinky martini glass - three times.

The crowd was a very happy group of folks. Even the bouncer, a huge and otherwise frightening man, greets you cheerfully at the door. Erin wanted to hug him. After a few drinks, so did Amy. He may have let us, but the half-price appetizers beckoned Amy and the dance floor called to Erin, Amy and the

group checked out the menu while Erin took to the floor. Amy decided to order the calamari and the spicy tuna rolls, both of which were very good. However, the big roman numerals pervading the menu indicated that, beyond happy hour, one could throw down a lot of lira at a place like this.

In our four hours at 1223, our party sampled everything from Long Island Iced Teas, to martinis, to scotch, to shots and rail drinks. Those who mingled at the bar had more shots because when the drinks have already been paid for, everyone wants to hand out rounds of their favorite shot. Every drink save one was well prepared. Amy ordered a Grey Goose cosmopolitan which was sadly deficient in potency, but felt the Long Island Iced Teas were strong yet tasty. Indeed, one of our friends, a Long Island aficionado, claimed that 1223 served the best Long Island he'd ever had.

As the night wore on, we became more and more jolly. We met droves of other merrymakers who proffered rounds of drinks. We both agreed that the crowd at 1223 was far more engaging and fun than that of Local 16. The style and sophistication of 1223 were enjoyed by a crowd that relished in, rather than retarded, the natural elegance exuded by the facility. Though by 9 p.m., some people were far from elegant, none were exceptionally rude. We recommend that you find \$15 in your dwindling budgets to enjoy a happy hour at 1223. For that \$15 you'll get heretofore unimagined amounts of high-quality drinks and fine company.

Amy says Yes. Erin says Yes. Indulgent happy hour at a price that cannot be beat!

**MCCXXIII**  
1223 Connecticut Ave.  
Dupont Circle Metro

Ambiance	★★★★
Service	★★★
Fun Factor	★★★★



AS  
GEWIRZ  
STANDS

by Jackie Cohen, 4L  
*Inquiring Reporter*

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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?

Brian feels close to fainting when he realizes he got two questions wrong on his Legal Research and Writing test and therefore will not achieve his dream of graduating with a perfect average. Alissa is frustrated when she pursues a guy from her home state but he turns out to be a total dud. Walter wonders if forcing himself to get along with the extremely irritating girl from his journal is worth it just to get to know her cute roommate.



## Adopt A Pet Today!



This week's Pets of the Week are Gompers and Hope. They are currently in foster care, waiting for a good home.



**Hope** is a 4 year old, female, terrier mix. She was brought to the shelter by someone who saw her almost get hit by a car when she ran into a busy street. Hope weighs about 45 pounds and has an adorable black face with brown markings. She is friendly and lovable. She is a great dog who promises to love you forever! She is being fostered by Carol at 301-829-4405.



**Gompers** is a 1 and a half year old, male Domestic shorthair cat. This fantastic cat is black as night and loves to talk. He is super sweet and loves people. Gompers has gorgeous, deep green eyes and loves to held and rubbed. Come rescue this perfect companion! He is being fostered by Laura at 301-277-0409.

Gompers and Hope 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](http://www.washhumane.org/volunteer.htm), for a list of volunteer opportunities.

# Cast's enthusiasm overcomes faults of *City of Angels*

by Kevin Mittler, 1L  
*Law Weekly*

Putting on an amateur production of a multi-award winning musical is a challenge unto itself. Add the stress of a very restricted budget, and a cast and crew many of who have papers and exams on their mind, and it becomes a daunting task. When it turns out that the musical just isn't as good as all the awards it received, the difficulties are almost insurmountable. It was against these odds that the Georgetown Gilbert and Sullivan Society, under director Jamie Roberts Rasch, put on their rendition of *City of Angels* last week. While the end result was unable to surpass last year's impressive *Chicago*, the cast's energy made for an entertaining and ultimately enjoyable experience.

Set in two completely different worlds, the show revolves around the reality of Hollywood movie creation and the fictional world inside the movie itself. People from the real world are represented by people with similar personality types in the movie. As events unfold in the real world, the effects of those events change the lives of the fictional characters. This often results in them reliving scenes several times until they get it right, or at least the way it will finally be written.

Working within the confines of the law school's Moot Courtroom, the stage was very basic, but well designed for quick maneuverability. The backdrop was a view of Hollywood from the distance. Props such as desks and boxes were used for multiple purposes depending on the scene, and a permanent pipe structure allowed for curtains, ties, beads, and even paintings to be hung from them. These changes helped delineate the different rooms and worlds for each scene. While most items were simple, the impressive painting of Buddy stood out as an example of the great and varied talent of the people involved with the show.

The show's two leads hold it together. Jeff Mikoni, 2L, is the insecure novelist Stine who is being bossed around by his producer (played by Aaron Copsey) Buddy, a Hollywood bigwig who abuses everyone else's talent. His inability to stand up to his boss' changes to his script is the core of the story. Colin

Moriarty, 2L, plays the quintessential 1940s private eye as Stine's fictional alter ego Stone. Affected by Stine's life, Stone is everything Stine wants to be, and everything he actually is, at once. Both characters took several minutes to get used to, as they had to develop from their one-dimensional stereotypes. Once they did, the show moved more smoothly. "You're Nothing Without Me," where the two joined up for a duet at the end of the first act, was one of the highlights of the show.

Not to be outdone, the female leads also had their share of impressive singing. Standouts included Emily Arnold-Fernandez, 3L, as Stone's love Bobbi, singing "With Every Breath I Take" cabaret-style, and Melissa, 2L, Sanchez, as the once-missing girl Mallory, seducing Stone with "Lost and Found." "What You Don't Know About Women," a duet between Stine's wife Gabby, played by Kristen Emmons, 3L, and Stone's secretary Oolie, played by Jen Geiser, 2L, was also impressive.

Many more cast members deserve to be written about, but actors playing two of the smaller roles stood out as exceptional. Charles Hildebrandt played Dr. Mandril, the doomed doctor whose accent and grandiose movements made every line he had hilarious. Meanwhile, Chris Nelson's role as the singer Jimmy Powers received some of the largest laughs of the show. His facial expressions combined with a little audience interaction reminds one of a stand-up comedian. His singing, intentionally over the top, was a wonderful representation of the painful crooners of old - good singers who just don't know when to hold back.

Unfortunately, despite the efforts of the cast, the performance suffered from the poor acoustics and a lack of amplification in the "theatre." Many lines were inaudible when actors were not facing directly at the audience. Worse was the difficulty in hearing lines of certain songs where the orchestra drowned out the singers. For a musical that is so filled with puns, referential jokes, and double entendres, missing even single words here and there, especially in the songs, can greatly detract from the experience. The eight-piece orchestra, conducted by Leah R. S. Kocsis, was quite good, if loud, though the odd syncopation of the jazz

score made it difficult at times for some audience members to enjoy. For a person unfamiliar with the style, it could feel very stilted and at times out of rhythm. This is a knock on the music, not the musicians.

*City of Angels* is a challenging musical in the sheer difficulty placed upon the cast. No fewer than 17 people had two or more different speaking roles in the play. Many of these roles included singing, both solo and ensemble. There is even some dancing involved, along with plenty of choreographed fight scenes, some of which have to be acted out both forwards and backwards. Scene changes are quick, requiring fast costume transformations as well as stepping out of and into multiple characters, sometimes in a matter of seconds.

While the cast and crew held up well under the pressure of these challenges, and even overcame a couple minor miscues, the largest challenge they faced was overcoming the poor script. While *City of Angels* may have won awards for its score and book, the reasons why that happened are not so obvious. It suffered from an overabundance of jokes that tried unsuccessfully to overshadow the gaping holes in the plot. Women who had strong feelings towards another person suddenly stopped caring about them. Characters who appeared in the second act out of nowhere dropped out never to be seen again. Worst of all was the "Hollywood ending" which was more contrived than any deus ex machina. Not only was it beyond belief, but it also trivialized everything that had gone before, and left the cast besieged by the fancies of the playwright.

Remarkably the cast managed to overcome these faults, mostly by sheer enthusiasm. The joy of the actors and actresses was palpable, bringing the audience along with them. While this may not have been the best choice of musicals, what the cast and crew were able to do with it shows how great this group can be, and provides a glimpse of promising days to come.

The Georgetown Gilbert and Sullivan Society's season continues in February with an as yet undecided drama, and in April with their production of *H.M.S. Pinafore*. They are dedicating this season to the memory of their co-founder, Professor Richard Alan Gordon.

## Fashion Torts: tote bags

by Angela Corridan, 3L  
*Law Weekly*



Last week I explored the atrocity of the commuter shoe. Such an affliction would be fairly innocuous if it did not occur with such alarming frequency in tandem with another fashion tort: the canvas tote bag. In drug rehab parlance, the former faux pas enables the latter in a vicious cycle: when the Metro rider arrives at work and sits at her cubicle, she reaches into a canvas tote to grab her work shoes and store the other ones, making the reverse switch later in the day.

Many people receive tote bags as free gifts from organizations who would be more solicitous if they dispensed black eyes to their patrons. Most people have the sense to discard the bags or recycle them as a donation to another organization, like the Good Will or Salvation Army.

I don't understand why people keep the bags or use them. It's not like they can't afford another purse or duffel. The fact that they donate suggests they have enough money to at least purchase an Old Navy number. Is it really a close call between shelling out twenty bucks for a new bag or donating to a non-profit? News flash: sparrows won't twirl out of trees to their death if a

small check never reaches the Audubon Society, and Method Man won't suddenly replace Mozart if an enlightened person opts for a new bag in lieu of a WETA donation.

More specifically, green Harrods bags have been infesting D.C. with frightening virility. Homegirl should have stayed in the USA and bought a nice Kate Spade instead of squandering her money on a trip to London only to come back with a tote bag. Or are well-intentioned friends bringing them back from England? What happened to shot glasses or snow globes?

Harrods bags represent a twisted irony to me, the allusion of extravagance and grandeur imprisoned on a fashion icon about as cultured as a mesh hat - the logo of department store that reeks of opulence on a bag that looks like it stinks of dirty diapers!

Using Harrods bags as a souvenir demeans the sanctity of the department store experience, by replacing the purchase of the many beautiful things there. It says, "I went to Harrods and all I got was this tote bag."

Like anything else, though, there is a time and place for the tote bag. One GULC professor sported an Enron tote bag in the height of the whole scandal. That's funny! I stand behind tote bags as a joke and so should you.

## The American Constitution Society

For Law And Policy

PRESENTS

### 'What's At Stake: Judicial Activism and Our Rights

THURSDAY NOVEMBER 20TH, 6:00 PM  
MOOT COURT ROOM

CATERING WILL BE PROVIDED

#### SPEAKERS INCLUDE:

- Nan Aron  
from Alliance for Justice,
- David Bookbinder  
from the Sierra Club,
- Susanne Martinez  
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# Rainer Maria - A Better Version of Me is worthy listening

by Jason Bache, L'03  
Guest Writer

Rainer Maria is the greatest rock and roll band you aren't listening to. This three-piece has arrived, and in truth have been here for a while. From any of their CDs, two things are self-evident: Rainer Maria can light the night on fire with rock, and they like the number nine. And that is my only complaint about any of their albums. If anything they are too short. But I will take 36 minutes of the finest crafted rock over 50 minutes of any of that radio-distilled slock.

*A Better Version of Me* starts with "Artificial Life," a moving and pulsing song that slowly unrolls the majestic power of Rainer Maria, "Do one defies, artificial life." Just try and not bang your head to that monstrous beat. The song is more than just driving, it is introverted and examining at the same time. "Artificial Life" prepares the listener for what is to come.

Second on the disc is "Thought I Was," perhaps the run away hit of the album. The message of devotion and self-confidence this song delivers warms the soul as it moves the feet. If you are feeling conflicted or unsure, listen to this song. Sometimes it takes rock music to say something to make you really think about it. This song touches me and my subjective reality believing self in such a way I could never explain it. And I wouldn't try. "I was starting to think I couldn't fly. I've got to fly; I've got to fly. Just not in the way I once thought right." If you need your rock to make you think, nay feel, Rainer Maria couldn't be more for you.

This album like Rainer Maria's other two, *Long Knives Drawn* and *Look Now, Look Again*, is a perfect collection of songs for the thinking man's rocker. Post-punk defined better than *Rolling Stone* ever could attempt to do. Rainer Maria is the band to prove how cool and hip you are at a low key get together between you and a bunch of school friends,

but not just friends from any school of rock, the law school of rock! I know rock, I was sent home from middle school for wearing a Metallica t-shirt, I saw Nine Inch Nails at the Button South, and Velocity Girl at the Black Cat. I know rock n' f'n roll! Rainer Maria are four on the floor, balls to the wall, bitter-sweet, heart felt rock and most definitely roll!

Every track on the CD is worth the time it took to download. So much so it made me go out and buy it in a store. Nothing is better praise than paying for what you already have. But I would do no less, including driving to see them whenever they play

***Rainer Maria is the band to prove how cool and hip you are at a low key get together between you and a bunch of school friends...***

within five hours of here, buying their t-shirts at concerts and writing articles about them so everyone else can know they are making a terrible mistake by not buying *A Better Version of Me*, or any other Rainer Maria CD for that matter.

I am a big believer that happy and sad, love and hate, are just mirror images that are needed to reflect the other. Bitter is the only way sweet comes. Rainer Maria shares those beliefs on "Atropine." A sorrowful song that reminds you how happy you were. When Caithlien sings, "Because my baby is in the ground, and she's not coming back now." If something in you doesn't limply break in a quite place, I am sorry for the colors of emotional paint you are missing from your pallet. With a long guitar and crashing drum solo, there has never been any rock opera as moving, even from Bohemians and pinball wizards.

But like any classic tale, one is only sunk to be raised the next song with "Spit and Fire." Because Rainer Maria bring up the beat and determination and proves that even if the end is certain, you never stop the struggle. Whatever you want in life, you are going to have to work for. Whether it is money, power, love or happiness, all destinations take a fare. So, "Everything expires. Even you and I will die, so why are we hesitating?" It is going to take spit and fire to get through it all. In closing Rainer Maria plead for us to, "try all the things we are scared to try."

And to prove every cat has claws, Rainer Maria close with the ninth song, "Hell and High Water," a slightly mocking and curiously vicious ditty that keeps one's toes tapping to distract from the agile lyrics that dance in the mind like all truly great music should. "Hell and High Water" is a medley of it all, great lyrics and great music.

Nine-hundred is never enough words to try and contain something as bravura as Rainer Maria. There are so many highlights the whole album glows. Here is a short list: "You've never been hit before, how can deal with that kind of information." - "The Contents of Lincoln's Pockets"; "Do you ever hear what the stars are saying to you." - "The Seven Sisters"; "I'll find a way to save my skin, that precious way it holds me in." - "Save my Skin." Rainer Maria is the band you have been looking for if you are curious enough to read music reviews in law school papers by people you don't know.

Rainer Maria <i>A Better Version of Me</i>	
★★★★	
<i>It's a sin to miss this one</i>	★★★★
<i>Pretty darn fantastic</i>	★★★★
<i>I wouldn't change the radio station</i>	★★
<i>Leave this one alone</i>	★



Movie showing: Wednesday, November 19  
**3:30 pm (one hour film with discussion following movie)**  
**Room # 203**  
Refreshments will be served

"...stunning new film...chilling..."  
4 stars for the must-see documentary 'Relentless'!"  
Listen here to Michael's review Michael Medved, Movie Critic, Author, and nationally syndicated talk radio host

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**Hate Crimes Panel Discussion:**  
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Sponsored by APALSA & SALSA

**November 19th, 4:30-6PM McDonough 141**

Panel including:

- Jayesh Rathod, *South Asian American Leaders of Tomorrow*
- Harsimran Dang, *Sikh Coalition*
- Benjamin de Guzman, *National Asian Pacific American Legal Consortium.*

The Panel will discuss hate crimes and address the continuing backlash against South Asians and prevalence of hate crimes after 9/11.

Featuring "Raising Our Voices," a video that documents hate crimes in the South Asian community.

Reception afterwards.

For more information, write [apalsa@law.georgetown.edu](mailto:apalsa@law.georgetown.edu).

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# The lessons of excess and regret to come

Nicholas C. Erickson

On Nov. 9, former Vice-President Al Gore delivered an inspiring speech at the Daughters of the American Revolution Constitution Hall, put on by *MoveOn.org* and the American Constitution Society on a number of policy concerns Gore had with the current administration. I won't share all of these issues, but I found one, slightly obscure point to be very profound and I feel it deserves more discussion. Gore contends that, throughout American history, civil liberties have been limited and abused during times of war or "perceived threats" to our security and every time the war ended, or the threat disappeared, the country recovered its "equilibrium" and "absorbed the lessons learned in an recurring cycle of excess and regret."

At every point of our history we have experienced these excesses of civil liberty abuses, suffered in exchange for the perception of greater security. The founding fathers - our present day icons of everything constitutionally holy - were not above petty political bickering and extreme fear mongering. Within eight years of enacting the Bill of Rights, which established the limitations on the federal government's power to abuse person freedoms, these very same founders passed the Alien and Sedition Acts. These Acts were targeted against any individual who spoke out against the President or either house of Congress for the purpose of protecting our nation from the possibility of French aggression, but in a thinly disguised attempt to muffle public dissent. The Sedition Act alone limited the freedom of speech and discouraged people from peaceably assembling. What made this law despicable was the blatant omission of the Vice-President Thomas Jefferson - political rival to the majority Federalists - from the list of individuals who could not be brought into "contempt or disrepute" by the writings of a publisher and the Act was to sunset upon the inauguration of the President in 1801. The latter provision obviously as insurance that the law could not be used against them if they lost to Jefferson's Democratic-Republicans, as they ultimately did.

During this period, a number of publishers and writers were driven out of business or thrown into jail for expressing their opinions. But following Jefferson's election to President, the end of the Alien and Sedition Acts, and the pardoning of all those convicted for their writings, the American public welcomed the return to equilibrium and regretted the abuses that they had to endure. Since these acts wasted away, they have been universally recognized as unconstitutional and a dark chapter in our nation's history. Justice Brennan's majority opinion in *New York Times Co. v. Sullivan* (1964) states, "[a]lthough the Sedition Act was never tested in this Court, the attack upon its validity has carried the day in the court of history." Unfortunately, this was just the beginning of a list of civil liberties abuses spanning the length of our republic.

During the American Civil War, venerable President Abraham Lincoln suspended the right of habeas corpus for a short period of time, based on the legitimate fear of rebel insurrection.

During World War I, Congress passed a sweeping Espionage Act, which made it a crime punishable by up

to twenty years in prison, to "cause or attempt to cause insubordination, disloyalty, mutiny or refusal of duty in the military and naval forces." A number of individuals were convicted under this law, including former Socialist party candidate Eugene V. Debs for a speaking against the imprisonment of people under this law. The Supreme Court heard a number of these cases during the period, only to find them constitutional. Defending the Court's opinion, Justice Holmes writes, "in ordinary times the defendants...would have been within their constitutional rights. But the character of every act depends upon the circumstances in which it is done." Thus supporting restrictions on civil liberties during times of war.

Between the World Wars, the country was faced with the Red Scare and the Palmer Raids, where President Wilson's Attorney General, A. Mitchell Palmer, searched the country looking for subversive aliens.

During World War II, the balance between personal freedoms and security concerns was strained the most when the government forcefully removed and interned over 110,000 Japanese and similarly-looking individuals of Asian descent, regardless of their citizenship. The Supreme Court, in *Korematsu v. United States* (1944), determined that internment camps were "inconsistent with our basic government institutions" but constitutional. "[W]hen under conditions of modern warfare our shores are threatened by hostile forces, the power to protect must be commensurate with the threatened danger."

All these cases had one commonality - the abuses of civil liberties in exchange for security would ultimately end. The war end or the perceived threat would dissipate and we would quickly regain what was lost under the excesses of patriotism and fear. These listed actions were mistakes proven by history and hindsight, from which we must learn to be more tempered in our reactions future crisis, lest we fall into the same trap.

Currently our nation is overcoming a great tragedy that occurred on Sep. 11, 2001, and the resulting excesses in patri-

otism and security concerns that have proven all too common during war and perceived threat. As we rush to protect ourselves from terrorists, we should not forget the lessons of history and the extent to which we have willingly abandoned our freedom for greater security. I fear that we have already gone too far. Government powers under the Patriot Act, our treatment of immigrants, and the military tribunals have already strained our limited freedoms. These very freedoms are what make us unique as a country and a republic. I fear a great national regret, once again, as the euphoria of patriotism wears away and we are confronted with the hangover of our impulsive actions.

What makes this crisis different than those that came before is declaration by the Bush Administration that this War on Terrorism will last our entire lives. These restrictions on civil liberties will sustain indefinitely as we battle a never-ending fight against evil. This cannot be good for our country or our core values. When will we have time to step back and calmly reflect upon our actions? When will we have the opportunity to regret? I doubt this Administration is taking note of the mistakes of our past, but we cannot stand idly by and watch as they destroy our legacy of personal freedom. I fear a new trend is being created one of excess followed by more excess until there are no more freedoms to remove and we live in the restrictive police state envisioned in George Orwell's *1984*. The limitations on our freedom have to end now and we need to be given the opportunity to learn from our most recent mistakes.

In interesting twist of history, during World War I, patriotic fervor lead sauerkraut to be temporarily renamed liberty cabbage. I give Republicans credit during our current flood of patriotism for the renaming French fries to Freedom fries. At least, this name change is a plausible analogy to the original and probably much more cost efficient for those that change the Congressional cafeteria menu. It is interesting to note that things have not really changed much over the last one hundred years.

## Individual Graduate Photographs!



Chappell Graduation Images will be at  
the Law Center on

**Wednesday, November 19th and  
Thursday, November 20th**

11 a.m. until 7 p.m.

to take individual graduate portraits.

No Sitting Fee. Photographs will be taken in room 322.

# FCC censorship procedures ineffective and misguided

Michael Palisano

It was a warm, humid day in August 2002 in midtown Manhattan. It was the Feast of the Assumption, and worshippers were gathered in St. Patrick's Cathedral to celebrate the assumption of the Virgin Mary. It was then and there, improbably, that a radio stunt shocked the world and showed the impotence to impose substantive fines upon radio syndicates in order to uphold supposed community standards of decency.

On that day, "The Opie and Anthony Show," a popular syndicated radio show out of WNEW-FM aired their third annual contest called "Sex for Sam," in which various teams consisting are awarded points for having sex in public places around New York City. Each of the couples would be accompanied by a "spotter" who would report the location back to Opie and Anthony. The couple with the most points won a trip to the Sam Adams Brewery. In an ill-advised move, there was a 20-point value for having sex in a "place of worship." "Daily Show" writer Paul Mercurio was a "spotter" for a couple who entered a vestibule in St. Patrick's, and proceeded to commit sexual acts.

The reaction was swift and furious. Mercurio, as well as the couple, were arrested for their lewd acts. Within a week, after a boycott and threats of license revocation by the Catholic League under its President William Donohue, "The Opie and Anthony

Show" was cancelled. Both the General Manager and Program Director were fired, and the format switched from talk to light adult contemporary. However, the fine placed on WNEW shows that the FCC was incapable of dealing with this situation, and if there are any victims, they are the hosts themselves.

The hosts prided themselves on pushing the envelope, and their employer, Infinity Broadcasting, which is owned by Viacom and also employs Howard Stern, was well aware of the fact when they hired them. They were hired to capture the male demographic, and they never wavered in terms of strong ratings. The content of the show was not always sexual, but also included discussion of music and culture. They also had run-ins with the FCC and controversy. They were fired from their previous gig for an infamous April Fool's Joke in which they claimed that the Mayor of Boston, Thomas Menino, was dead. According to the recent FCC decision, there were previous actions pending against "The Opie and Anthony Show" for two other bits in which the hosts held a contest for the "Most Offensive Song Ever" and another segment ominously entitled "What's In My Pants?" In addition, there were two previous "Sex for Sam" contests that didn't garner so much as a peep from the public.

Infinity executives approved all of these segments, and indeed, due to the popularity of "The Opie and Anthony Show," were probably hoping for more outrageous radio in order to draw attention to their advertisers, thus producing more revenue. It was doubtful that

moral considerations had anything to do remotely with Infinity's decision to cancel "The Opie and Anthony Show." The show was not cancelled for more than a week after the incident. The hosts remained under contract with Infinity, and even though their show had been cancelled, Infinity decided to keep paying them. The contract allowed them to extricate themselves from the pressure of the situation by canceling the show while reducing potential competition externally. The only burden was to pay the hosts' salaries, which, if you know anything about Viacom, is a drop in the bucket compared to the potential loss in advertising revenue.

Even though Infinity had clearly not learned it's lesson, at least in the long term, the FCC proved to be powerless to stop it. The FCC found that the broadcast was indecent by "community standards," which is itself dubious, considering that there was a time not long ago when one could not visit Times Square without being accosted by junkies and prostitutes, although not "obscene," that it was in violation of 18 U.S.C. § 1464 and imposed a fine of \$357,000 upon Infinity for broadcasting the show that day. This sum is so insignificant that it could easily have been paid by the hosts themselves. If the FCC truly wants to prevent indecent broadcasts, it must recognize the state of radio today, in which most radio stations are owned by large corporations that can afford most pecuniary impositions. Over the course of time, it is more profitable for these large media syndicates to simply pay a FCC fine as a business cost while putting out more

shocking material on the airwaves.

Commissioner Michael J. Capps issued a stinging dissent in this matter in which he advocated revoking WNEW's license: "I defy anyone to argue that a \$27,500 fine to each of the stations owned by a multi-billion dollar conglomerate is adequate to address this clear violation of federal law. Infinity/Viacom could pay this entire fine by tacking just one commercial onto one of its prime-time TV shows and probably pocket a profit to boot. Some punishment!" However, revoking WNEW's license would substantially damage Infinity by depriving them of one of their media outlets. The puzzling inability and unwillingness to do this is part of what seems to be a climate of frustration on the FCC board. FCC chairman Michael K. Powell, a GULC alumnus who also serves on the law school's Board of Visitors, is set to resign from the Board of Commissioners citing his frustration with the politics of the FCC.

Attending a Jesuit institution as I now do, and being Catholic myself, I must admit that I laughed out of sheer discomfort when I heard the situation at St. Patrick's unfold. The incident and its consequences is symptomatic of several other problems. Perhaps the media syndicates that the FCC is supposed to regulate are too large for them to handle. The seeming ineptitude of the FCC might be the best argument for freedom of speech. If people grow a thicker skin and simply turn the radio or TV off when they don't like what they were hearing, we wouldn't need an FCC to perform a censorship function anyway.

## Fixing perceptions of the Manchu-era Chinese legal system

Chen Fong Goh

Georgetown University has a diverse student body that hails from all parts of the world. GULC students experience a considerable exchange of ideas that stem from different legal cultures. However, not all the ideas circulating in GULC are accurate. Some have been making the erroneous claim that the Chinese legal system discouraged civil litigation by beating litigants at the door of the court. This article aims to debunk that myth.

There is no textual support for the claim that Manchu courts beat litigants indiscriminately before hearing their claims. Lawsuits were filed in Manchu China using standard forms much like the FRCP. The standard forms state various penalties involving beatings for noncompliance - but closer examination of the text reveals perfectly sensible procedural rules. For example, false accusations were punished by beatings; petitions lacking names or addresses were merely rejected as incomplete.

This brings us to our next question: why beatings at all? This was due to the "penal" nature of the Chinese legal system - a system primarily designed to facilitate the functioning of the Imperial government. The "constitution" of Manchu China, the Great Qing Code (GQC), is structured on "a doctrine of fault." Article I of the GQC is labeled "The Five Punishments" and Article II "The Ten Great Wrongs." All of the 436 articles of the GQC describe punishments involving beatings, imprisonment, death or exile.

There are Qing laws on private property that protect property rights against illegal occupation, appropriation, or destruction and treat violators as criminals. These do not cover commercial disputes of the kind where neither party is guilty. Hence, there were no true parties in Chinese litigation. There was only an accuser and an accused. This system worked on the assumption that either a crook deceived an honest person, or some liar had brought suit wrongfully. Hence, judges did not award punitive damages but ordered the losing party beaten instead.

The possibility of being beaten for losing a case did not dissuade litigants from filing suit, since the harsh punishments were rarely applied in full. Chinese courts were also obliged to hear petitions submitted by a broad cross-section of society. There are many cases of women, peasants and day laborers who filed repeated petitions to the courts. These were litigants who were not beaten despite losing their cases - all this led to enormous backlogs because courts didn't discourage litigation sufficiently.

One GULC professor cited the existence of woodcuts showing beatings being administered in courts as a reason why the general population would be discouraged from litigating. This reliance on woodcuts as evidence of civil procedure is foolish - one famous 19th century woodcut shows pigs and goats being beaten in a Chinese court. Considering the social context, the woodcut would be proof that Chinese litigants had faith their courts would punish the evil and wicked.

Detractors have pointed out that Chinese culture and Confucianism do discourage litigation and confrontation. "Failure to maintain harmony" is actually one of the Ten Great Wrongs. Imperial decrees exist where the Emperor urged judges to discourage people from bringing complaints to court in the hope that they would settle their problems amicably among themselves. It has also been alleged that Chinese courts discouraged litigation by dismissing cases for violating any one of several procedural rules. However, it must be stressed that this perspective is overly loaded with modern expectations. As anyone in Professor Abernathy's Civil Procedure course understands, the traditional Civil Procedure in English courts was not friendly either and the 20th-century FRCP is actually a modern development intended to simplify litigation.

Chinese courts did not need to employ coercive means to discourage litigation because alternative legal systems existed and were preferred. There was extensive use of village councils and dispute resolution committees formed by clans or trade guilds, which arbitrated or mediated claims between their members.

What about some anecdotes of litigants being beaten or charged extortionate fees by court officials before they filed suit? These represent failings of the system. The number of civil disputes in Manchu China increased to unprecedented levels because of increasing commercialization and the long period of peace and prosperity. More disputes took place outside the jurisdiction of rural-based clan and vil-

lage committees. The Imperial government never changed in size and revenue remained static - so magistrates had to handle their increasing caseloads on fixed stipends. This led to a decrease in the quality of judicial work, with court officials inventing reasons to beat litigants as a means of extortion.

We should reject the notion that "Chinese courts beat litigants at the door before letting them file their claims." There is no textual support for this in established rules of Chinese civil procedure, the GQC, or in actual case history. The penal nature of the Chinese judicial system treated torts as crimes and contract litigants as accuser and accused, and due to the lack of available remedies courts beat whichever party that lost the case. Litigants did not regard the possibility of beatings as a major disincentive to pressing their claims.

The claim that Chinese courts sought to limit litigation as part of official ideology is only partly true. The courts were overwhelmed by their caseloads and this was because many people had standing to sue. Better venues for adjudicating disputes also existed outside the official judicial system and these alternative venues could rely on the official courts for enforcement. If civil litigants were beaten in Manchu China, it was generally for violating rules, telling lies, or else it was extrajudicial behavior on the part of unprofessional court officials not acting within the proper scope of their duties.

*For the full text of this article, including references and citations, please contact Chen Fong at cfg4.*

# Dating scene at Georgetown Law approaches the insane

**Mass Appeal**  
Jon Massimino

So I am about to violate two cardinal rules of being the Editor in Chief. The first is I am going to backtrack a bit on some of what was written in last week's issue. Generally, I stand by every word that is printed every week, but last week I made some mistakes and I'm man enough to admit when I am wrong and when I make mistakes. Due to a complete editing oversight on my part, some language in the budgeting article that explained the Appropriations process in greater depth was left out. While I am not entirely displeased with the final product, it did not come out exactly the way I wanted it to. For that, I am sorry. But, am I sorry for the ruckus it caused? Not for a second. Am I happy for even more controversy that entices people to snatch up the *Law Weekly* as soon as it comes out on Monday? Yes. Believe me, I know what a fine line we have walked in the last few weeks, and I know that it wouldn't take much more to push us on the wrong side of that line. Some may think we might already be there. But, I think that is a small price to pay when viewed in the context of raising the level of discussion here on campus. For whatever reason, covering last week's lecture from Professor so-and-so from the Hoboken School of Law doesn't get people to talk - writing about Pizzagate (even though that particular issue is dead and buried) and student group budgets does. So, if questions about our objectivity are the price I have to pay

every week for this level of campus buzz, that is a deal I will make ten times out of ten.

With that said, and it being all too clear that my time as EIC is running short, I am going to break another rule - this one being more of the personal sort. I swore that I would never do this, but with my writer's block being as crippling as it is right now, desperate measures are the order of the day. It is time, finally, for me to write about dating at GULC.

But I guess when it comes right down to it, there is no dating at GULC! In an unofficial poll conducted by yours

***In an unofficial poll conducted by yours truly, using the latest scientific and mathematically correct methods of conjecture, making stuff up, and guesswork, I found that 93 percent of Georgetown Law women are currently attached! 93 percent! How can this be right?***

truly, using the latest scientific and mathematically correct methods of conjecture, making stuff up, and guesswork, I found that 93 percent of Georgetown Law women are currently attached! 93 percent! How can this be right? What are the reasons for this? I often get compliments on assembling the best looking editorial board of all time - the male component excluded naturally. Well, first, of course that wasn't unintentional, but second, what good does it do me

other than them being easy on the eyes in the office!? They'll all attached, they're all committed. There is no flirting, there is no thought of future possibilities. Unfortunately, this is simply a microcosm of the GULC dating scene.

I can only speculate as to the reasons why this is. GULC men may be lacking in that certain something, or otherwise exuding excessive nerdiness that no amount of potential future income can offset. I've been guessing that as LSAT scores and GPAs go up, the dork quotient escalates right along with that, at least for the men. Now, before I keep bashing let me disclose that I'm no Brad

entry on the application form. We must know the relationship status of applicants, and we must go beyond the simple question of marital status. We need to know if the applicant is attached, and if so, for how long. We need to know if the applicant plans on pursuing a long distance relationship. We need to know if the applicant's relationship is on the rocks heading into law school. This is all key information if we are to cure this ridiculous 93 percent attachment rate. I say that it is the responsibility, nay, it is the duty of the Admissions Office to carry this through. This is just as important as any LSAT score or extracurricular activity. Actually, it is extracurricular activity that we're after here. I challenge Dean Cornblatt to cure this social ill. A non-attached campus is a happy campus, and it is time to start paying attention to something beyond the numbers in GULC applicants.

In the meantime, for the rest of us, are we doomed to keep roaming the halls lamenting for what cannot be? Are we really that bad? We're smart and promising, and honestly we came to law school prepared to pursue new endeavors, new glories. We dropped old commitments ready to start fresh, why didn't the women here do the same? Single law school men, we are undercapitalized assets, we can be molded. I mean, I saw my first ab in the mirror this morning! All I am saying is that there is potential. If one more woman here says to me "I gotta man," I will follow the wise advice of master Positive K and respond, "What's your man got to do with me? I'm not trying to hear that see."

Pitt - a fact of which I am only too painfully aware. But come on! Honestly tell me that you haven't noticed it too. Another reason could be that many come here to law school already in relationships, or they just don't have the time or the drive to explore. It could be any or all of the above, but it is clear that we need a plan of action.

As always, the landscape of Georgetown Law begins and ends with the Admissions Office. I propose a new

The Women of Color Collective invites you to chat with a former legislative council of

**AIDS ACTION COUNSEL**

and other deans and professors over *cheesecake, sandwiches and tea* at the

**Faculty Tea**

**Wednesday, November 19<sup>th</sup>**  
**4pm - 6pm**  
**Gewirz, 12<sup>th</sup> Floor**

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Last holiday, more than 1500 children received books from Georgetown Angels. But the need is great and this year, we want to do even more. Please join with other students, faculty and staff at Georgetown to give a gift that matters to a local youngster.

**Law Center Instructions:**  
You'll find an Angel Tree in the Office of Student Affairs, room 170. Pick up an Angel and buy a book for the child described on the Angel card. Deliver books to the Office of Student Affairs, room 170, by December 5<sup>th</sup> and we'll do the wrapping. All gifts must be received by December 5<sup>th</sup>. Contact Elise Perram, X9292 or [perramem@law.georgetown.edu](mailto:perramem@law.georgetown.edu), for more information.

*Cosponsored by the Office of Student Affairs, Christian Legal Society and the Catholic Forum.*