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Terror trial proposals debated

by Tiphonie Miller, 2L
Law Weekly

Last Monday, Sept. 25, students, faculty, press and local community members packed into the Hart Auditorium to hear a panel convened for the third annual Georgetown Law Forum, sponsored by Dean Aleinikoff and the Georgetown Law Student Ambassadors. The four distinguished panel members spoke on "Guantanamo and the Rule of Law: Military Tribunals and the Geneva Conventions," which focused on President Bush's suggested legislation calling for an entirely new system for dealing with the prosecution of individuals currently being detained in Guantanamo. Moderated by Jeffrey Smith, the National Investigative Correspondent for The Washington Post, and a winner of the Pulitzer Prize for his coverage of the Jack Abramoff lobbying scandals, the panel discussed both the potential benefits and potential pitfalls of the proposed legislation.

See DETAINEES, page 4

Judiciary conference brings big names

by Ellen Padilla, 3L
Law Weekly

Law students were greeted Thursday by heightened security, restricted access to some areas of campus and limited parking. In addition to the gym being closed until 4:00 p.m., many classes were displaced to other rooms to make space for a special conference on the "State of the Judiciary." Spurred by their concern of recent verbal attacks on judges and the judicial system, retired Justice Sandra Day O'Connor and Justice Stephen Breyer co-chaired a conference, sponsored by Georgetown University and the American Legal Institute, which pulled together prominent legal scholars, businessmen, politicians and judges to discuss recent criticism of our nation's judicial system.

Justice O'Connor began with praise for the American judicial system as something many nations "want to copy"; but quickly noted that "I don't know if that would [still] be the case today in face of all the criticism we are hearing about 'activist judges;' it appears to be a common mantra today."

"Directing anger toward judges has had a long tradition in our nation," noted Justice O'Connor while citing examples from the eras of Presidents Jefferson and Roosevelt and recalling



photo courtesy of Georgetown University Law Center
Justices Thomas, Souter, former Justice O'Connor, and Justice Breyer with Dean Aleinikoff (left) and University President John J. DeGoia (right)

childhood memories of "Impeach Earl Warren" signs. "While scorn for some judges is not altogether new, I do think the breadth of unhappiness being expressed ... shows that there is a level of unhappiness that is perhaps greater than in the past and certainly cause for great concern."

Justice O'Connor explained that when she retired, two of her goals were first, to try to turn the tides and dis-

course of judges and courts in a more positive light, and second, to restore education about government and civics in the schools. The conference at Georgetown was the first step toward these goals and evidence of what Charlie Rose, host of the Charlie Rose Show and guest at the Conference dinner, praised as true "active retirement."

See CONFERENCE, page 3

Groups show solidarity with OUTLAW

by Sarah Hale, 2L
Law Weekly

Last week's Government Interview Program brought military recruiters to the Law Center's campus and the presence of these recruiters spurred protest and debate among Georgetown students and faculty. The military's "Don't Ask, Don't Tell" policy, which bans openly gay and lesbian persons from serving in the military, was the topic of concern as military recruiters made their way to Georgetown's campus.

The Law Center, through Dean Alexander Aleinikoff, freely admitted in a letter delivered to all students that allowing the US military to recruit on campus is contrary to the Law Center's policy against discrimination on the basis of sexual orientation. In the same letter Aleinikoff explained that military recruiters are permitted on campus, despite their discriminatory policies, because if the Law Center were to disallow their presence critical federal funding could be withdrawn from all of



photo by Sarah Hale, 2L
Students gave out information as student group banners greeted military recruiters

Georgetown University. A 1994 withdrawal constitutional and in 2006 Congressional provision known as the Solomon Amendment made such a

See OUTLAW, page 3

Fall float a splash with students

by Adam Taylor, 1L
Guest Writer

Several hundred Law Center students cruised the Potomac aboard the Odyssey party boat last Saturday. The annual Fall Float tradition provided an opportunity to wine, dine, and dance the afternoon away, all while steaming past the landmarks and monuments that dot the waterfront.

After boarding began at 3 p.m.:00, students were introduced to the Odyssey, a luxury cruising vessel specifically designed to entertain large crowds on the river. The Odyssey comes complete with two dining rooms, each with its own bar and dance floor, as well as an outdoor deck. There were worries Saturday

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Got beef?

The SBA wants to know what you think about the dining options at Courtyard and in McDonough. The SBA is compiling a comprehensive list of students' wants, comments and complaints about dining options on campus in an effort to make eating on campus a better experience for everyone.

Email sbafood@law.georgetown.edu with your comments.



Walk for AIDS!

Georgetown Outreach invites everyone in the Law Center community to join a team of Georgetown Law students participating in the AIDS walk scheduled for Saturday, Oct. 7 to benefit the Whitman-Walker Clinic. We will be meeting at the Second Street entrance to McDonough Hall at 8:45 a.m. The walk will be over before noon. Georgetown Outreach section reps will be making announcements and signing up students in first year classes. Faculty, staff, friends and all other students interested in participating or making a donation, please contact Jacqueline Smith, 1L, jvs8@law.georgetown.edu. Please let us know you are coming by Wednesday so we'll know how many people to expect!



Women's Law Fellowship Applications

The Women's Law and Public Policy Fellowship Program is inviting applications from recent law graduates and law students graduating in 2007 who have a strong interest in women's rights. In particular, we would like to highlight the possibility of one or more new fellowships addressing issues surrounding women's rights and HIV/AIDS, in addition to our other fellowship opportunities. Women's Law Fellows work for one year in Washington with a public interest organization or governmental agency on legal and policy issues affecting the status of women. Applications must be postmarked by Oct. 16 and early applications are encouraged. The Fellowships will begin in Sept. 2007.

Additional information, including the application form, can be found on our website at wlpfp.org.



Learn about Healthy Living at Law School!

The Center for Wellness Promotion and the Sport and Fitness Center invite you to attend their Healthy Living Series. The programs, designed for both staff and students, include: Exercise 101, on

Oct. 2; Nutrition: Eating Right, Eating on the Run and Other Eating Issues, on Oct. 16; The Mind/Body Experience: Reiki, Yoga, Massage and More, on Oct. 23 and Stress Management, on Oct. 30. Programs will be held in McDonough Room 437, at 3:30 p.m. Please join us!



Interested in Military Law?

The Military Law Society is hosting a JAG Career Panel on Tuesday, Oct. 3, at 8:00 p.m., in McDonough Room 156. Current and former Armed Forces military lawyers will discuss why they chose the JAG Corps, the application process, their experiences and answer your questions about this exciting career field! Pizza and beverages will be served. All are welcome.



JLSA Events

The Jewish Law Student Association will be putting together our Sukkah on the patio outside of McDonough next Wednesday, Oct. 4 at 3:30 p.m. Feel free to drop by and help out (we even have new tools this year)! In addition, JLSA will be having a Shabbat service and catered meal in Professor Chused's home on Friday, Oct. 13. RSVP now, by e-mailing jlsa@bulldog.georgetown.edu, as this is always one of the most popular events of the year, and you don't want to be left out!



Save the Date!

The Georgetown Law Journal will be hosting a symposium on "The Law of Politics: the Role of Law in Advancing Democracy," on Wednesday, Oct. 18. The symposium will begin at 3:00 p.m. in Hart Auditorium, and will include two panels, one at 3:15 p.m. concerning the regulation of non-profits in political campaigns, and another at 5:00 p.m. on the Voting Rights Act and redistricting. The two panels will be followed by a key-note address, which will sojourn to a wine and cheese reception.



A British Perspective on the War on Terror

Dean Aleinikoff and the Law Center Student Ambassadors invite you to the second Georgetown Law Forum of the year, a discussion of "Human Rights and the War on Terror: A British Point of View," with Lord Falconer, Lord Chancellor and the Secretary of State for Constitutional Affairs of the United Kingdom. The forum will take place on the twelfth floor of Gewirz, on Tuesday, Oct. 3, at 5:30 p.m.



Four Sudoku puzzles

Fill in the grids so that every row, every column and every 3x3 box contains the digits 1 through 9 with no repeats.

		3	4	1				7			9						3
5		1		9				8	4		3		8				1
7				2	5	3					1	9		7			
		6				2	3		3				2				
9	5		8	2			6	1		5	4	7		6	9	2	
	1	2					9					9					6
		7	5	6				3			5		1	9			
	6			7		4		9		7	2		5				4
2			9	4	8				8							1	

V EASY #17

5								2
	1		6		5			
3	4				7	8		
		3	7		1	4		
		6				9		
		8	6		4	2		
8	5					6	7	
		9		5		1		
1								9

MEDIUM #17

EASY #17

	2			4	7			
	1				3	2	4	6
		6						
1	2							
								5
9	3							1
						4		9
							5	
6	5	4	8					1
			9	5				6

HARD #17

Solution on page 11

Learn All About Outlining!

Join Assistant Dean Mitch Bailin and upper-class students on Wednesday, Oct. 11, from 3:30 p.m. to 4:30 p.m. in Hart Auditorium, and Tuesday, Oct. 17, from 8:00 p.m. to 9:00 pm in McDonough Room 206, for a discussion of various strategies for "Outlining First Year Courses." Day and evening sessions are repeat presentations of the same topic.

ELS Introductory Meeting!

The Georgetown Environmental Law Society is holding its welcoming meeting on Wednesday, Oct. 4, at 3:45 p.m., in McDonough Room 344. Come and get to know the organization and learn about some of the planned activities, such as hiking, Supreme Court panels and more! Snacks will be copious, delicious and maybe even organic!



It's a World of Choices!

Learn about the different areas of practice and employment available to law school graduates at the "World of Choices Program: Career Exploration for Students," to be held on Saturday, Oct. 28, in Hart Auditorium and the Hotung Lobby. The event, presented by the Office of Career Services and Distinguished Alumni, offers current students a glimpse into the extremely diverse employment opportunities available to them. Please contact Amy Jones Mattock, at asj6@law.georgetown.edu, for more information.



Having Trouble Picking an Elective?

Join Associate Dean Carol O'Neil and faculty members who will be teaching first-year electives for a faculty panel discussion on electives for first-year sections 1, 2 and 4. The panel will meet on Monday, Oct. 30, from 3:30 p.m. to 5:30 p.m., in Hart Auditorium.



Mid-Autumn Moon Festival

Please join the Chinese Development Forum and the Korean American Law Students Alliance for a celebration of the traditional Mid-Autumn Moon Festival, on Thursday, Oct. 5, at 6:30 p.m., on the twelfth floor of Gewirz. Dinner and traditional mooncakes from China, Korea and Vietnam will be served, and games and prizes will be included. Tickets are on sale from Oct. 2 to Oct. 5, from 12:00 noon to 1:00 p.m. You can also RSVP to ff5@law.georgetown.edu, with your name and the number of tickets you will need. The admission fee for members of the Chinese Development Forum and KALSA is \$4, and \$5 for all other attendees.

Got Quotes?

Send us your professor quotables:

lawweekly@law.georgetown.edu

Justices draw crowds as conference takes over campus

CONFERENCE from page 1

The bulk of the conference was in the form of panel discussions, which took place in Hart Auditorium Thursday and Friday morning. The five panels featured speakers who focused on topics such as the historical perspective of judicial independence, a comparison of state and federal judges and the public understanding, media and education.

"It has been quite interesting to learn so much about something we're supposed to know so well," noted Justice Breyer during his lunch comments.

Showing support for their colleagues, seven Justices were in attendance throughout portions of the conference. Justices Thomas and Souter joined Justices O'Connor and Breyer early in the day on Thursday with Justice Ginsburg sitting in later in the day. In fact, Chief Justice Roberts, the key speaker at dinner, the only portion of the conference hosted off the Law Center, joked that as he was looking for Justices around the Court Thursday he was pleased to learn that they were gainfully employed defending the judiciary.

Justice Breyer, appearing much like a stand-up comic at lunch, joked about the role of a judge: "Haha, you think because I have a robe, I can do whatever I want?" Justice O'Connor remarked, "Everyone has a law they think is absurd that you wouldn't on your worst day vote for as a legislator. But you took that oath and you support the Constitution."

While it was noted by many that judges are not above criticism, the concern is for those individuals that do not get the results they want and thus threaten to tear the system down and even put judges in jail.

While there appeared to be an overall consensus from those in attendance that the judiciary is a valuable aspect of our government, the panel discussion of inter-branch relations revealed some more skeptical opinions, with Newt Gingrich, Former Speaker of the House of Representatives, appearing as the most combative. Gingrich commented that both the Executive and Legislative branch, as the first and second branches of the Constitution, deserve equal respect from the Court.

On the same panel, Former Senate Majority Leader Tom Daschle found the current trends and criticism of the Court's legitimacy to be "very chilling and troubling." He praised the response of Al Gore in September 2000: "I accept the decisions of the courts, even though I disagree."

Another passionate topic centered around the unique difficulties faced by state judges who must face public elections. "If you worry about it," remarked Chief Justice Ronald George, of California, responding to a question about re-election, "then it is time to hang up the robe. You need to put it out of your mind or else it will be impossible to do your job." Along with Chief Justice Ruth McGregor, of Arizona, Chief Justice George noted his concerns for

recent proposals such as South Dakota's J.A.I.L., the Judicial Accountability Initiative Law, which could hold judges civilly and criminally liable.

Following the panels, attendees split off into smaller groups in which they were encouraged by Justice Breyer to "put on their thinking caps" and "please help with concrete suggestions." These group discussions were held privately, thereby encouraging participants to partake in candid discussion. Only those ideas that were decided upon as a group would then be shared at the end of the conference on Friday.

In preparation for the conference, the Conference Steering Committee, lead by Dean Alexander Aleinikoff and Dean Emeritus Judith Areen, commissioned ten papers on relevant topics, such as the meaning of "judicial independence," modern criticisms of the judiciary and inter-branch relations. Professors Viet Dinh, Vicki Jackson and Roy Schotland each contributed a paper. The papers were intended to prepare the invitees with background information prior to the conference. Final edited versions will be published by the *Georgetown Law Journal*.

Although admission was by invitation only and not open to students, the Law Center broadcast the discussions live onto cafeteria televisions and across the Law Center's website. A few lucky students involved in Student Ambassadors served as hosts and sat in on a lunch in Courtside that featured a speech by Justice Breyer and a Question



photo courtesy of Georgetown University Law Center
Justice O'Connor co-chaired the conference with Justice Breyer

and Answer session by Justices O'Connor and Breyer. According to Trevor Stanley, 2L, several Student Ambassadors not only served as escorts for all of the Supreme Court Justices around the campus but spent the morning with Warren Buffett, and had the opportunity to eat lunch with Ted Olson, the former solicitor general.

In their closing remarks, Justices O'Connor and Breyer expressed their gratitude for the conference participation and concluded with the words, "you haven't heard the end of it." The Conference Committee will meet in the coming weeks to collect and reflect upon the ideas and suggestions that emerged from the Conference.

Panelists debate on-campus military recruitment

OUTLAW from page 1

in *Rumsfeld v. FAIR* the Supreme Court upheld the provision and interpreted it to mean that military recruiters must be given the same access to the Law Center campus and students that nonmilitary recruiters receive. This provision and its interpretation by the court were the catalysts, the Dean explained, for allowing military recruiters to come to GULC. Last Tuesday, Law Center students and faculty displayed their displeasure with the recruiters' presence on campus and for the "Don't Ask, Don't Tell" policy in general.



photo by Marika Maris, 3L
Students and faculty protested DADT

OUTLAW, a student organization dedicated to supporting the fight for equal rights for the gay, lesbian, bisexual and transgender community, organized two key functions in the protest against the presence of military recruiters on campus. For its first function OUTLAW solicited the help of other student organizations. Members of student organizations on campus were asked to show their support for OUTLAW's cause by making "solidarity banners". The "solidarity banners" were large sheets bearing brightly colored and artfully designed messages and were intended to, "visually demonstrate an

alternative to the discriminatory policy of the military." They were hung in the second floor atrium of McDonough Hall. As students made their way to classes Tuesday morning they were greeted by banners proclaiming, "BLSA Stands with OUTLAW" and "The Aids Law Movement supports OUTLAW," among others. The Animal Legal Defense Fund contributed one of the more creative banners, displaying their support by reminding passersby that homosexuality is natural and placing the message alongside drawings of gay and lesbian penguin couples. The banner submitted by the Women's Legal Alliance presented a critical reason why their group stands with OUTLAW, citing statistics that indicate that a disproportionate amount of women are discharged under the "Don't Ask, Don't Tell" policy. As a show of their own support, the Law Center administration allowed these banners to be hung in the atrium, an act which is ordinarily not permitted. In conjunction with the solidarity banner event, OUTLAW staffed a table in the atrium from which it distributed educational materials about "Don't Ask, Don't Tell" and the Solomon Amendment.

In addition to the solidarity banners, OUTLAW, along with the Office of the Dean, co-sponsored a panel discussion about the issue of military recruiting on campus. The event was held on Tuesday evening on the twelfth floor of Gewirz and attracted a sizable crowd. Dean Aleinikoff began the event by introducing the topic and speaking briefly about the Law Center's policy. He acknowledged again, as he had done in his letter, that by allowing military recruiters and their "Don't Ask, Don't Tell" policy on

campus the Law Center is violating its own anti-discrimination policy. He expressed his hope for a day when the military could be held to the same standards to which the University holds private employers.

At the conclusion of the Dean's remarks Professor Chai Feldblum took the floor and similarly questioned why the University must make exceptions to its anti-discrimination policy for the military, when those exceptions would not be given to private employers. She lamented that the Solomon Amendment and the FAIR decision by the Supreme Court force the University to give military recruiters treatment that is better than, not equal to, the treatment received by their private sector counterparts.

When Professor Feldblum finished her remarks she passed the topic to Professor Louis Michael Seidman who expressed his disdain for the military's policy and urged the University to do more. He drew attention to the fact that although the University professes a policy of anti-discrimination it has been unwilling to take the financial hit necessary to actively combat discrimination by disallowing military recruiters on campus and thereby sacrificing federal funding. Seidman also took the politically unpopular position of expressing disdain for current military servicemen who he said were making "moral mistakes" by serving in the armed forces. In this same vein, he expressed displeasure at that portion of the Dean's letter which conveyed the Law Center's support for the US military by asserting Georgetown's pride for and gratefulness to the men and women serving in the armed forces. Seidman admonished that

the phrase "Don't Ask, Don't Tell" should be amended and to it we should add, "Don't Enlist."

In the spirit of fair debate, Seidman's distinctly anti-military commentary was rebutted by another panelist. Sharra Greer, a member of the Serviceman's Legal Defense Fund, also sat on the panel and she presented the argument that while the "Don't Ask, Don't Tell" policy is undeniably wrong, military service is not. Greer's group, the SLDF, provides legal counsel to members of the military that suffer the effects of "Don't Ask, Don't Tell" and also pushes for legislation to end the policy. She reported that nearly 65,000 members of the gay community currently serve in the US military and reminded the audience that to those servicemen and women "Don't Ask, Don't Tell" has serious implications for their lives and careers. They live in fear of being discovered and discharged.

Greer and the other panelists encouraged the audience to get involved in the effort to repeal "Don't Ask, Don't Tell". Professor Feldblum went so far as to offer her legal expertise to students willing to take on the task of drafting legislation to end the discriminatory policy. The evening provided robust debate and discussion on a topic that is of utmost importance to students at the Law Center and encouraged the students in attendance to educate themselves on the issue and to lead the push for change. OUTLAW and the Office of the Dean clearly invested a significant amount of effort in planning this event and as students and faculty mingled afterward it appeared that the discussion had prompted healthy debate and excitement for the cause.

New prof McCabe has the "write" stuff

by Jen Gaspar, 1L
Guest Writer

Professor Heather McCabe is one of three professors of legal research and writing among the five new full-time faculty joining the Law Center this fall. McCabe is teaching Legal Research and Writing for section one this year, a job she balances with her other full-time role, raising her 6-year-old triplets, Sam, Cole, and Annabel.

McCabe comes to the Law Center from Washington College of Law at



photo courtesy of Washington College of Law
McCabe's face is new to the faculty lounge this year

American University, where she taught legal research and writing and family law last year.

McCabe received her B.A. in political science from Amherst College and her J.D. from George Washington University Law School. She worked at the Annapolis office of Mason, Cawood, and Hobbs from 2001-2005, and was an associate at the Baltimore and Annapolis offices of Mason, Ketterman, & Morgan from 1996-1999. While there she worked on medical malpractice, sexual harassment, and age and race discrimination cases.

In addition to legal research and writing, McCabe's greatest area of interest is family law. From 1999-2005, she operated her own practice in Columbia, MD, where she covered all aspects of family law including divorce, custody, visitation, child support, and adoption cases. She says that the adoption cases were the most memorable to her. "There is nothing quite like helping people build their families or helping people who have been doing the work of parents for years to obtain the legal acknowledgment they crave," she said.

McCabe's work in family law goes back to her time as a law student at

George Washington University, where she participated in the school's domestic violence clinic. While in law school, she also served as a clerk at the Maryland Attorney General's office.

Her research interests include the impact of assisted reproductive technology on custody and parental rights determinations, especially for children living in alternative families. She is currently working on an article evaluating the law's treatment of egg donors entitled, "Sperm, Sperm, Sperm, Egg, Sperm: One of These Things Is Not Like The Other."

McCabe says that she has been impressed with the other faculty members she has met at the Law Center, and overwhelmed by the warm welcome she has received. She is enthusiastic about working in the legal research and writing department, especially because of what she sees as the faculty's ability to innovate a subject that is "too often perceived as dull."

She has been similarly impressed by the students she has met so far. She said, "The unrivaled highlight of my week is teaching my class. My students are enthusiastic, engaged, and bright."

Law Center alums pack Jersey court

by Ben Rubinstein, 2L
Law Weekly

Two Law Center alums were elevated to the highest court in New Jersey by Governor Jon Corzine some two weeks ago.

Associate Justice James R. Zazzali, L '62, was named to the Chief Justice seat to replace Chief Justice Deborah T. Poritz, who reaches the court's mandatory retirement age of 70 this month. Zazzali is a six year veteran of the court whose nomination to the top spot is widely seen as a time-buying move by Trenton observers. Zazzali reaches the mandatory retirement age next June, meaning that Corzine will have to find a replacement for the top spot in the top court at that time.

Judge Helen E. Hoens, L '79, was nominated to take Zazzali's seat on the court. She has been a judge for some 12 years, the last four of which have been at the appellate level.

While both nominations have to be confirmed by the Democrat-controlled state Senate, the choices were praised by members of both parties as well as by the state's legal establishment. By choosing as he did, however, Corzine is seen to be assuring that a Democrat will occupy the Chief Justice spot on the court in the future. New Jersey has a tradition of alternating appointments between justices associated with both major political parties. While Zazzali is a Democrat, Hoens is a Republican. Thus when it comes time to replace Zazzali in the summer, it will likely be time for a Democrat to be nominated (because Hoens is currently the last nominee).

Zazzali is not only a Law Center graduate but also a graduate of Georgetown College who addressed students in the Law Center's London program this summer. He was the New Jersey Attorney General in 1981 and 1982, and served as chief of the appeals division of the Essex County Prosecutor's office. He also has been general counsel to the New Jersey Sports and Exposition Authority, Receiver for Bloomfield College, Chairman of the New Jersey State Commission of Investigation, and Vice-Chairman of the Disciplinary Review Board. He was originally nominated to his Associate Justice seat in 2000 by Governor Christine Todd Whitman.

Hoens attended the College of William and Mary before matriculating at the Law Center. She was named appellate judge in 2002 and was a Superior Court (trial level) judge from 1994 to 2002.

Panel wrangles with detainee rights

DETAINEES from page 1

The first speaker, Philip Zelikow, Counselor of the United States Department of State, stressed the importance of the legislation, and that the question that should be asked is not whether the policy is legal or illegal, but what the policy should be concerning the administration of justice.

Zelikow emphasized that within the world created by the War on Terror, the paradigm of criminal law is simply not working. Osama bin Laden was indicted in the Southern District of New York, which has done little to decelerate his terrorist activities. The goal of the legislation is to complement the criminal law paradigm with the procedures included in the law of armed conflict. Zelikow saw two main policy objectives: to provide protection and security, both in terms of personal safety and personal liberty, and to preserve the viability of the rule of law. To achieve both ends, an entirely new policy approach is needed, which Zelikow suggested the proposed legislation provided. He outlined eight policy objectives that needed to be reached, including placing the new framework on an existing legal foundation, such as that of the law of armed conflict, while clarifying the meaning of Common Article 3 of the Geneva Convention. Zelikow ended his lecture on a positive note, arguing that the discussion in Congress of the proposed legislation gave the public a view of democracy in action.

After Zelikow spoke, the next speaker, Professor Neal Katyal, who recently gave the winning arguments in *Hamdan v. Rumsfeld* in the Supreme Court, countered that the proposed legislation amounted to a direct attempt by the President to assume powers beyond those given to him in the Constitution, including the ability to interpret international treaties, a function reserved to the judicial branches. To demonstrate what he perceived as the fundamental unfairness of the proposed system, Professor

Katyal compared it to the criminal procedures currently in place for citizens. As the bill applies only to non-citizens, Professor Katyal maintained, American citizens would receive a "Cadillac version of justice," while foreigners would be tried under "a beat-up Chevy version of justice," which Professor Katyal views as a clear violation of the Equal Protection Clause, which guarantees its protections to all persons, not just citizens. Professor Katyal ended his presentation by discussing the habeas corpus-stripping provisions of the legislation, which even Ken Starr has referred to as unconstitutional. For Professor Katyal, there is no reason why the detainees in Guantanamo cannot be tried like anyone else, by either a criminal trial or a court martial proceeding.

The next speaker, Col. Lawrence Morris, who led the inter-service team charged with developing rules and strategies related to trying suspected terrorists by military commissions, began on the same positive note that Zelikow used to end his presentation, claiming that the current controversy demonstrates that the democratic system is essentially working. Col. Morris defended the commissions set up by the legislation by invoking the long history of military commissions and tribunals that have been used in previous states of emergency and war. Col. Morris emphasized that the systems set up by the legislation, while a beat-up Chevy in comparison to standard criminal trials, are luxurious when compared to the "rickshaw version of justice" that Nazi saboteurs received, which was held lawful by the Supreme Court in the 1940s. Starting, as he did, from a baseline where no procedure was required by law, Col. Morris argued that some procedural protections were necessary to preserve the legitimacy and transparency of the system, and such procedural safeguards were included within the legislation. For Col. Morris, due process is important, but criminal trials are not necessary, required or sufficient for trying the detainees in

Guantanamo.

The panel's fourth and final speaker, Deborah Pearlstein, the Director of the United States Law and Security Program at Human Rights First, like Professor Katyal, began by emphasizing the usurpation of executive power that the legislation suggested. Pearlstein also agreed with Zelikow that the wrong question is being asked; however, she felt that the legality of any policy goal needed to be the most important question being asked, one that she felt was being ignored in the debate. The major problem Pearlstein saw with the legislation is that there is no mechanism within it to ensure that any procedural protections within the legislation are actually being used.

Under the legislation, the Geneva Conventions cannot be invoked in federal courts, and the President is given the authority to interpret the Conventions, so that he is given the power here to make the rules interpret the rules, and execute the rules, which does not amount to the rule of law, and does not preserve the independence of courts in determining whether any process was received. What bothered Pearlstein the most about the legislation was that it removed the protections of the Geneva Conventions, which is the law of the United States. In concluding her remarks, Pearlstein asked the audience to consider whether the protections and rights stemming from the Geneva Conventions actually meant anything.

The moderator, Jeffrey Smith, then asked the panel a few questions before permitting the audience to pose its own questions, which led to a lively debate amongst the panelists on the propriety of the specific procedures detailed within the legislation. After serious discussion and debate, the audience and panelists converged upon snacks and beverages in the atrium, to further discuss amongst themselves the troubling concerns and questions raised by each of the panelists who had spoken that evening.

SCI previews upcoming high court term for press

by Sean Kulkarni, 2L
Guest Writer

The Supreme Court Institute held its annual media briefing last Monday in anticipation of the Court's new term. A panel of six professors discussed nine key cases scheduled for argument this fall and took questions from members of the national press, including NBC's Pete Williams and Linda Greenhouse of the New York Times.

Professor Susan Bloch, the event's moderator, introduced several themes likely to emerge this term. First, all eyes will continue to be fixed on Chief Justice Roberts and Justice Alito. As advocates seek a firmer indication of the voting habits of the Court's newest members, the panelists predicted mixed results. Though Roberts and Alito garnished conservative reputations in their respective roles on the D.C. and Third Circuit, both men paid substantial lip service to the importance of stare decisis in their confirmation hearings. Thus, each is expected to cast multiple votes with a given majority to uphold precedent.

The second issue discussed was whether "Kennedy is the new O'Connor." Professor Bloch identified Kennedy as the Court's most important swing voter, having voted 12 times in the majority and 5 times with the dissent in 5-4 decisions in the 2005 term. Professor Barnett predicted that Kennedy, rather than Alito or Roberts, was the key justice to watch in the companion abortion cases of *Gonzales v. Carhart* and *Gonzales v. Planned Parenthood*.

Third, "conservative" and "liberal" positions are largely blurred in the more complex cases, leaving advocates guessing as to who might provide a fifth vote in any case. *Massachusetts v. EPA*, discussed by Professor Heinzerling, provided the best illustration. Conservative jurists typically advocate for a strict, textual interpretation of congressional

statutes. However, a literal reading of the Clean Air Act provision at issue in the case should lead the Court to rule on the side of environmental groups pushing the EPA to regulate greenhouse gas emissions, a move that would stir opposition from conservatives skeptical about climate change.

Abortion

The abortion cases are expected to garner the most publicity, but Professor Barnett cautioned against treating either case as a bellwether as to whether the Roberts Court would overturn *Roe*. The companion cases currently on the docket, *Gonzales* and *Planned Parenthood*, deal solely with the requirement of a health exception to an abortion statute, and not with the overarching liberty or privacy right that is the mainstay of the *Roe* and *Casey* opinions.

Gonzales and *Planned Parenthood* involve a challenge to the partial birth abortion ban signed into law by President Bush in 2003, which contains nearly identical language to the Nebraska statute struck down in *Stenberg v. Carhart*. The federal ban lacks an exception that would allow a physician to use the procedure to protect the health of the mother. Though the absence of such an exception proved fatal to the Nebraska statute in *Stenberg*, Professor Barnett explained that at the time the federal statute went into effect, Congress had assembled a substantial factual record indicating that a partial-birth abortion is never in fact necessary to preserve the health of the mother. If the Court gives deference to Congress's factual record on this issue, the federal ban might withstand judicial scrutiny. Again, Justice Kennedy is the key vote to watch in this case. Although he filed a vehement and emotional dissent in *Stenberg*, he co-authored the majority opinion in *Casey* in which he and Justice O'Connor famously relied on stare deci-

sis as a compelling reason to uphold *Roe*. A reversal by Kennedy could ingratiate against his conscience given the horror he expressed at the nature of the procedure. However, a vote to discredit *Stenberg* and uphold the federal ban could severely devalue his stare decisis argument in *Casey*.

Education

The Court will also hear companion cases involving programs to increase racial integration in high schools, designed by local school boards and without any judicial desegregation mandate. Professor Forman, a former clerk to Sandra Day O'Connor, wondered aloud whether at least five members of the current Court truly "get" why diversity matters, as Justice O'Connor brought a certain passion both on and off the bench to her articulation of why diversity must be a compelling state interest. Moreover, Justice O'Connor provided the swing votes in the 5-4 decisions in *Gratz v. Bollinger* and *Grutter v. Bollinger*, both of which serve as controlling precedent in the upcoming cases. Professor Forman believed the real battle in these cases was on the question of narrow tailoring, as the "holistic review" of graduate students' applications approved in *Grutter* is in many ways impracticable in the realm of high school assignments. The fact that these programs emanated from local school boards is also a key factual distinction from the University of Michigan cases, as any momentum toward eliminating the use of race as an admissions factor will be balanced by the Court's longstanding deference to local school boards.

Environment

Professor Heinzerling discussed two cases arising under the Clean Air Act. Both environmental cases present high stakes on account of the volume of pollution at issue and the political rami-

fications of the debate over climate change. *Massachusetts v. EPA* involves a challenge to the agency's decision not to regulate carbon dioxide and other greenhouse gas emissions from motor vehicles in the face of relatively straightforward statutory language that should compel the EPA to do so. The agency questions whether the emissions at issue fall under the category of pollutants subject to regulation in the statute, and contends that Congress would have been more explicit if it intended for the agency to take action on global warming. Professor Heinzerling disclosed that she was the lead author on petitioner's merits brief in *Massachusetts*, working alongside twenty-nine other attorneys in representing a conglomeration of states, cities, and environmental groups. "Imagine the conference calls," she added wryly.

Patent Law

Professor Thomas discussed two patent law cases, noting that the Supreme Court has been less deferential of late to decisions arising out of the Federal Circuit, which has exclusive jurisdiction over patent cases. He predicted that *KSR International Co. v. Teleflex, Inc.* will be a watershed in patent law, as the Court will review the Federal Circuit's "motivation test" that it attaches to the "obviousness" doctrine. Professor Thomas expected the Court to dispense with the motivation test, but it is unclear how the Court will reshape the doctrine.

Professor Bloch, sensing the media's attention was on the personnel changes on the bench, preempted any speculation as to whether another seat would open up this year. She noted that Justice Stevens, who turns a spry 87 this term and "commutes from Florida," shows no signs of slowing down, having authored more opinions than any of his colleagues during the prior term.

Snakes serious business to one student blogger

by Brian Corcoran, 1L
Guest Writer

The internet is leading to a renaissance in creativity, says Brian Finkelstein, 2L, and he ought to know: Finkelstein is the owner and webmaster of *snakesonablog.com*, the internet clearinghouse for everything related to the recent cult movie *Snakes on a Plane* (*SoaP*).

"Since the advent of TV, we've simply had our entertainment spoon-fed to us," pointed out Finkelstein. "The internet, by allowing people to create their own versions of stories, is encouraging a return to a time when people were an actual, integral part of the entertainment they consumed."

Snakes on a Plane is a movie which stars Samuel L. Jackson fighting snakes on a plane. It is that simple. The movie

first gained public notice when screenwriter Josh Friedman wrote on his blog about his brief work on the project for New Line Cinemas. The movie's painfully honest title caught the imagination of readers everywhere, even though they knew only three elements: (a) Samuel L. Jackson, (b) snakes, and (c) a plane.

Excitement over the film found an outlet on the internet, as movie lovers began to post hundreds of flash animations, tributes and ideas for script additions to *SoaP*. The title itself became an internet catchphrase meaning "sh-t happens." One phrase in particular summed up the obsession: above all, fans wanted to hear Jackson say the line, "I want these motherf-cking snakes off this motherf-cking plane!" New Line, astonished, took the unprecedented step of adding R-rated scenes to a PG-13 movie to give the fans what they asked for most: nudity, blood, and profanity.

The extreme extent of that buzz was due in large part to Finkelstein. The student created *snakesonablog.com* in January so he could document his "quest to be an invited guest to the world premiere of the movie that is destined to change the world." As it quickly became boring to update his site with "Day 7, still haven't been invited to the premiere," he decided instead to begin collecting *SoaP* fan-made content like web-

comics and fan "trailers." When an article mentioning his site was picked up by the AP in mid-March, his site exploded with activity.

Fans started to send their homemade material directly to Finkelstein, who somehow found the time as a 1L to compile what became the largest aggregation of *SoaP* content on the web. Although Finkelstein himself created no content, his huge site became the natural gathering place for fans. He happily posted pictures of himself in *SoaP* T-shirts given to him, and announced his willingness to shill for the movie as much as needed to win tickets to the premiere.

As the months ticked by and ConLaw came and went, he was interviewed by most of the major news outlets (except for *The Daily Show*, to his surprised disappointment) and was rewarded with a trip to the premiere and personal interviews with Jackson, co-star Kenan Thompson, and director David Ellis, who declared, "[Finkelstein]'s awesome. The guy should be president."

When the movie came out, reviews were mixed. Roger Ebert, who refused to watch the movie, lambasted fans, saying they lived in "a little bubble brained universe of lost time." The media pounced on the box-office figures, shocked that, after all the buzz, the

movie hadn't made even more money - although it had certainly made a lot more than the original estimates had guessed. The fans who had promoted the movie, however, were happy: as Finkelstein puts it, "Nobody walked out of that movie and said, 'you know, there just weren't enough snakes on that plane.'"

Finkelstein is not sure exactly what the future holds for *snakesonablog.com*, but in recent posts he has begun to toy with the idea of creating other sites to hold even larger amounts of aggregated fan-made material. He recognizes that the viral, irresistible lure that was *Snakes on a Plane* may never be recreated, but thinks that the idea of a one-stop resource for fan-made content has a huge amount of potential, especially for studios who want a better way to promote their material.

"People want to be a part of the entertainment they consume," Finkelstein noted. "Had New Line done the normal thing and sued us over all this quasi-copyright infringement, they would only have alienated their greatest fan base. Instead, they let us go ahead with it, and we ended up making them more money than they could ever have originally hoped, even before DVD sales and all that. It's a win-win scenario, and hopefully more studios will realize that and encourage this phenomenon."



photo courtesy of The Washington Post
Finkelstein still updates his blog

Professor challenges EPA in Supreme Court

by Prashina Gagoomal, 1L
Law Weekly

Very few people expected the Supreme Court to grant a writ of certiorari in *Massachusetts v. Environmental Protection Agency (EPA)*. The case, broadly speaking, concerns the divisive, controversial issue of climate change. Yet, as Professor Lisa Heinzerling, a leading petitioner in the case, pointed out during her talk last Wednesday, "the [real] issue is not science ... it is whether the EPA got it wrong ... it is a pure legal question." While the EPA maintains that it lacks the authority to regulate air pollutants associated with climate change under Section 202(a)(1) of the Clean Air Act (CAA), petitioners argue otherwise. The latter have adopted a limited approach, focusing on the interpretation of one section of one statute rather than debating the science of climate change, and are pursuing the reasonable goal of a remand. Yet, even while embracing this realism, Heinzerling - a self-described "eternal optimist" - remains hopeful that a win could pave the way for improvements in addressing climate change.



photo by Marika Maris, 3L
Prof. Heinzerling is a leading petitioner in the climate change case

The case's history has its origins in a 1999 petition to the EPA, which was brought by Friends of the Earth, Greenpeace and The International Center for Technology Assessment. The petition asked the agency to regulate greenhouse gas emissions, namely carbon dioxide, methane, nitrous oxide, and hydrofluorocarbons, from new motor vehicles under the CAA. Heinzerling colorfully noted that this "petition went into the black hole where petitions for rule-making exist." In 2003, the EPA finally gave its answer, denying the petition on the grounds that it does not have authority to regulate these pollutants.

Dismayed by the response, the original petitioners - joined by a coalition of 12 states (led by Massachusetts), three major cities, one island government and several environmental groups - challenged the decision before the federal appeals court for the DC Circuit. On July 15, 2005, the court's three-judge panel voted 2-1 to let the EPA's refusal to regulate greenhouse gas emissions stand. Whereas Judge Sentelle determined that the EPA had no standing, Judge Randolph did not resolve the issue of authority; rather, he said that EPA could take into account the sort of policy judgments that Congress makes in deciding whether to enact legislation in a particular area. These "other factors" include unenacted legislation and economic and

foreign policy considerations. The court's decision proved frustrating for petitioners, who viewed it as a greenlight to the EPA to decline to regulate greenhouse gases on policy considerations outside the scope of the CAA.

Naturally, Heinzerling called Judge Tatel, who dissented from the panel's decision, a "brilliant jurist" and laments that "there was only one of him." Unlike the other judges, he spoke to the EPA's unusual approach to statutory interpretation in determining whether or not it has the authority to regulate. The EPA, according to Heinzerling, has essentially said "let's come to a conclusion and then look at statute" instead of the other way around. Petitioners argue that the plain language of the CAA confers on the EPA the authority to regulate "any air pollutant" that may endanger the general welfare, with "air pollutant" defined elsewhere in the statute as "including any physical, chemical, biological, radioactive...substance or matter which is emitted into or otherwise enters the ambient air."

For its part, the EPA claims that physical matter does not qualify as "an air pollutant" just because it is emitted into the air. Moreover, the agency contends that the class of air pollutants must be narrower than what is suggested by the "including" clause. It is precisely here that statutory interpretation comes into play. During her presentation, Heinzerling shared a personal anecdote regarding the meaning of the term "including." She said that she verified with her ten-year old daughter, Mariah, that an "including" clause necessarily indicates that what follows it is narrower than what immediately preceded it. Mariah, thinking the matter was simple, remarked in disbelief, "These people are 70 years old and don't know what including means?"

The parties will argue the case before the Court at the end of November or beginning of December. Each has adopted markedly different approaches, with the petitioners endorsing a plain language argument and the EPA presenting a collection of arguments. In Heinzerling's opinion, the agency has discussed "other factors not relevant under the statute" and, its conclusion, in effect, says "I prefer not to look at the statute."

She observed that the Justices "are quite enamored with looking at plain language," and is thus cautiously hopeful that they will adhere to a similar line of reasoning in this case.

Who will win remains to be seen, but Heinzerling's realistic approach and reasonable goal make success all the more likely. As she stated, "We can only ask for a remand...for a fair opportunity to make a case based on statutory interpretation." In keeping with their realistic approach, the petitioners do not expect the EPA to regulate greenhouse gas emissions even if the court finds that it has the authority to do so. They do, however, hope that a sense of professional responsibility or pride ultimately compels the agency to regulate, especially in light of the concrete injuries of climate change, such as reduced water supplies and the flooding of coastal properties. In Heinzerling's own optimistic words, "hope springs eternal."

EJF hopes early fundraisers will lead to full funding this year

by Eamonn Moran, 3L
Guest Writer

This fall 144 second and third-year law students will have one more responsibility on their plate: working to fully fund every student who applies for Equal Justice Foundation (EJF) funding for a second year in a row. EJF is Georgetown's premier public interest organization dedicated to raising money to fund students participating in unpaid or under-funded public interest summer internships. EJF outreach vice chair Winston Sale, 2L, explained, "EJF seeks to promote public interest work within the Georgetown Law community in a tangible way, by funding fantastic summer jobs." Sale was one of the 144 students who applied for, and received, a summer fellowship from EJF which made possible his unpaid summer internship with the Alaska Public Defender Agency.

The EJF class of 2006 was the first in EJF's twenty year-history to be fully funded; every qualified applicant received an EJF fellowship. The organization accomplished this feat by raising over \$400,000 through its silent and live auctions and spring fundraising drive. Generous participation by students, alumni, faculty, staff, and the Dean's office helped make the 2005-2006 school year a record breaking year.

Times were not always so heady for students interested in public interest internships. In 2005, EJF was unable to accommodate over 30 students who applied for summer grants. "While there is no guarantee that EJF will be able to fund every applicant again this year, we are going to do everything possible to see that no student gets left behind," Sale noted.

Under the leadership of Chair Stacia Cardille, 3L, and Auction Chair Jessica Galante, 3L, the Equal Justice Foundation has undergone an extensive restructuring designed to maximize the efficiency of its volunteer workers and fundraising efforts. New for this year is the "hit the streets" program, where volunteers go business to business throughout D.C. in search of prize donations for the silent and live auctions. "Unlike past years where we relied exclusively on phone calls and letters to get prize donations, this year we decided to have recipients also solicit prizes themselves so business owners could meet the students who have benefited from community support," said Galante. "This personal touch has helped EJF build relationships with the community and increased both the quality and quantity of prizes up for auction this year."

However, the efforts of EJF volunteers are for naught without the generosity of the Law Center community as a whole. "We are under a lot of pressure to achieve full fund-

ing again," pointed out Sale. "There are many 1Ls who will be eager for EJF satisfaction, and it's going to take team effort to give it to them."

The focal point of EJF's fundraising effort is the live auction, to be held on Thursday evening, October 26. This year's theme is "Saturday Night Auction Fever" and will feature professors serving as auctioneers while EJF volunteers serve complimentary beer and non-alcoholic beverages in disco outfits. For those new to the Law Center, the live auction is one of the largest and most exciting student-organized events on campus all year and always promises to be a highly entertaining event. Traditionally, third-year law students returning from summer associate positions set a high standard for generosity by opening up their wallets and bidding for auction items at high prices.

The live auction will be preceded by a week-long silent auction featuring many outstanding prizes. Past auction items have included Super Bowl tickets, dinners with professors, Supreme Court justice bobble head dolls, and vacation packages. "Not only is the auction a great time, but it brings out the best in the student body," noted Cardille. Last year, for instance, one particularly generous 1L bid over \$1,000 for a romantic date package. Sale said of the importance of students' willingness to give, "that donation alone funded one-third of my summer. There's no way I could have afforded my internship without the help of my peers."

EJF has several other programs designed to supplement donations garnered from the auctions. The "One Day for Justice" program asks students working as summer associates in law firms to donate one day of their summer wages to EJF. Cardille explained, "For every seven students that participate in the program, another EJF applicant will receive a grant."

In the spring, EJF fellowship applicants raise funds through an annual spring fund drive in March which focuses on calling Law Center alumni and persons who have donated to EJF in the past. Students and faculty can also participate by "purchasing" the opportunity to preference which internships receive funding. These efforts, combined with individual fundraising by EJF grant recipients, comprise the vast majority of the grant pool available to applicants.

While it may be too early to speculate as to whether all applicants will be funded, Cardille remains optimistic. "We have a tall order to fill this year, but with the help of our friends and community we should be able to meet last year's success and hopefully exceed it." Sale added, "Next spring I plan to say, 'mission accomplished.'"

Students cruise Potomac in style

FALL FLOAT from page 1

morning that the weather would not cooperate with the cruise, as cold and wet conditions met anybody who went outside early in the day. Luckily, the clouds broke in time for the "booze cruise," and the temperature rose, setting the stage for a very pleasant boat ride.

Students took advantage of the opportunity to get dressed up. The ladies looked great in slinky numbers, and the gentlemen matched with sport coats and dress shirts. Zach Myers, 2L, noted the upscale dress of his classmates. "Everybody stepped it up today."

The afternoon began with an



photo by Virginia Mack, 2L
Law students dressed to the nines for this year's Fall Float

early dinner, served buffet style onboard the boat. Roast beef, pasta, chicken, and salmon dishes were available, as were fruit and salad. By 3:30, when the boat shoved off, most students had sat down to eat their fill. Later in the cruise, dessert was served in the form of cheesecakes and carrot cake, though by that point, some students found it difficult to find flatware and resorted to eating dessert by hand.

Of course, what would the booze cruise be without alcohol? Like many Georgetown events, the Float included open bar/beer and wine in the cost of admission, something students were more than happy to take advantage of. Chardonnay, Cabernet

and Merlot glasses seemed to be the most popular choices early on, later being replaced by bottles of Heineken, Bass and Sam Adams. The switch to beer for many was spurred by the boat's shortage of clean wine glasses, but thanks to the beer, the glass shortage could not stop the revelry.

With two dance floors keyed by two DJs, the revelry had plenty of help. The DJs managed to play a variety of music, and each took a different approach. One dance floor was packed with students dancing in an environment that felt more like a club than a luxury cruise. The other floor heard songs like "Brick House" and pop hits from the 90s. Joe Anderson, 1L, commented that this second dance floor reminded him of a wedding reception, also noting that the "different moods on the different sides of the boat was a little schizophrenic."

The nice weather made the outdoor open-air deck another popular option for students who felt more like taking in the fall afternoon air than dancing. The rails along both sides of the boat were crowded with groups of students talking about anything from politics to classes to the monuments passing by. The outdoor deck was so crowded as to make it difficult to walk along the narrow sides of the boat at times. It got so packed at the front of the boat, that on more than one occasion, the captain had to sound the horn to clear students from his view.

For first-year students, Fall Float was the first open bar event since the conclusion of Orientation events and the first such event since classes started. Many saw the cruise as a chance to unwind and relax after a hectic first month of law school. "I needed this chance to let go," noted Anderson. He was one of several first-year students to recognize the parallel between the Float and



photo by Kristin Detwiler, 2L
Decorum aside, party-goers reached for the sky as the boat left the dock

Orientation, something also noticed by Patricia Casey, 1L. "I talked to a lot of people I hadn't really seen since Orientation," she said. "It was a lot like meeting them for the first time."

When the cruise returned to the dock on the Southwest waterfront, students stuck around for an after-party at Cantina Marina. The bar is built right into the dock on the Washington Channel, meaning only a very short trip of a few steps after disembarking from the Odyssey to get to the bar itself. The bar's environment helped to prolong the laid back atmosphere fostered by the boat cruise.

Beginning the drinking night at 3 p.m. in the afternoon was not to be without consequence, though. Some students recognized this danger, while others didn't realize until later. As Anderson recalled, "When we went to eat afterward at 9 p.m., it felt more like 1 a.m. because of the early start." Regardless, he said, "It was a lot of fun."



photos by Kristin Detwiler, 2L, Lisa Keels, 3L and Virginia Mack, 2L



Throw the laugh at them...

On Campus

Saturday, Sept. 23: A Bon Appetit manager reported a theft of funds at Courtside.

Monday, Sept. 25: A backpack was stolen from Hotung 5023. An employee left her office unlocked and went to lunch, returning to find her bag missing. Stolen items included a cell phone, glasses, and work papers.

-Courtesy DPS

Around Town

At GWU, **toke the time to call home (Friday, Sept. 22)**: University Police responded to a call from a concerned parent who wanted police to check on her unreachable son. UPD and housing officials arrived at the student's room and smelled a suspicious odor. A search revealed a small amount of marijuana and drug paraphernalia. No word on whether he did not call his mother because he did not want her to know that abba-zabba was his only friend.

Also in Foggy Bottom, **have a chill latte (Saturday, Sept. 23)**: University Police responded to a call from Gelman Library about a disorderly individual. They found said individual wandering around the library's Starbucks screaming and yelling at customers. The man had previously been banned from campus, so he was arrested and sent to the Metropolitan Police station for booking. It is not clear whether the man simply had too much coffee or went nuts that someone could charge so much money for a cup of crappy coffee.

Still at GW, **garage doesn't rock (Sunday, Sept. 24)**: University Police responded to multiple panic alarms in the hall of a Virginia Avenue parking garage. When officers arrived, they found a male student in the garage who appeared to have activated the alarmed. The student said he was having a party in the garage with ten friends, but officers did not see any other individuals in the area. They did, however, note that he seemed to be under the influence. It seems that the lad arrived about 15 years too late for garage rock.

Again in Foggy Bottom, **don't floss the sauce (Sunday, Sept. 24)**: Someone reported that students were throwing cups full of an unspecified sauce out of a Thurston Hall window. University Police identified the window from which the items were thrown and found four individuals there, one of which admitted to throwing the sauce out the window. Who knows whether this young man was simply hoping for saucier ladies at GW or if he simply wanted to spread some barbecue love around the school.

-Courtesy The Hatchet (GWU)

Rugby club prepares for real game

Thomas Leroe-Munoz, 2L
Law Weekly

Many of you might not know it, but Georgetown Law has a rugby club. And while Georgetown Law has participated, and has been dominant, in many sports for some time (softball, soccer and flag football to name a few), rugby is a sport that has only recently come to the Law Center. This might seem surprising, given the international mix of people that the Law Center boasts.

The game of rugby is largely unfamiliar to Americans, though it is the sport from which came football as we know it. While the object of the game is to score a "try," worth five points, field position is considerably more important than flashy plays or individual efforts. Because of the importance of passing and running with the ball, this is how the club begins practice before moving into more complex drills. The basic skills of passing, running and tackling are especially critical now that the team has some real competition.

While conducting a Google search for tournaments to enter, club president Erik Kenerson, 3L, found that Widener Law School, in Wilmington Delaware, held a tournament in the spring. After contacting the Widener team about playing in the spring tournament, Widener proposed a fall game. Though he is excited that the club will finally have a chance to test its skill against another team, Kenerson is unsure about

Widener's abilities. "They said that they're pretty bad, but everyone says that about their team."

Holding a real game against another law school will be the biggest challenge the club has had thus far. Preparing for the game has become a top priority for the club, as it has shifted its practices from some basic drills and a light game of touch to a more intense schedule. In addition to beginning practices with the basics, the club also practices "rucking," in which a ball carrier who has been tackled is protected by fellow teammates, and the ball is picked up and advanced by other teammates. Similarly, "mauling" is practiced by the club, which is where one player with the ball is pushed by a number of teammates towards the goal. Both of these maneuvers, and others which the club practices, are a large part of the game of rugby and must be practiced so as to be done correctly and effectively. If done right, the game should flow smoothly and in the club's favor.

One of the less exciting, yet very necessary, tasks for getting a real game together has been figuring out the logistics of the match. Places to play rugby in the D.C. area are hard to come by and getting officials is difficult as well. Optimally, the club will be able to procure permission to play on the Gonzaga College High School field, which is located only a few blocks from the Law Center on North Capitol Street. Alternatively, there are

other fields scattered around the Mall and on other campuses.

Despite all of the effort involved in getting practices and the game versus Widener together, players continue to join the club for a number of reasons, from learning the game to just having fun playing again. Nadium Jinnah, 3L, the founder of the club, has played before, as many in the club have, and wanted a chance to play while here at the Law Center. "I started the club because I just wanted to play. Over time, I found that there were a number of other students who had played, or were interested in playing so we started the club." And from those beginnings, a full blown team has emerged, "At first, we were just playing [touch rugby], but as time went on, it got more involved."

Anyone interested in participating with the rugby club may contact Erik Kenerson at: emk37@law.georgetown.edu.



photo by Thomas Leroe-Munoz, 2L
Members of the Georgetown Law Rugby Football Club face off in practice

This week's GU Sporting Events

Women's Tennis

v. Delaware
Saturday, 11 a.m.
@ McDonough Tennis Complex

Men's Tennis

v. Delaware
Tuesday, 2 p.m.
@ McDonough Tennis Complex

Men's Soccer

v. Howard
Tuesday, 3 p.m.
@ North Kehoe Field

Sailing

Tom Curtis Regatta
All Day Saturday and Sunday
Georgetown University

Football

v. Lehigh
Saturday, 1 p.m.
@ Multi-Sport Field

Georgetown Law Sports

Georgetown Law Softball

Saturday, 11 a.m.
@ West Potomac Park

Georgetown Law Rugby

Friday & Sunday, 2 p.m.
@ 3rd and Madison, National Mall

Women's Basketball Club

Sundays, 6 p.m.
Sport and Fitness Center

Women's volleyball off to slow start in Big East

Sean Byrne, 3L & Thomas Leroe-Munoz, 2L
Law Weekly

The rafters of McDonough Gymnasium bear the banners of basketball success of years past: over 20 NCAA tournament appearances, ten NIT runs, and a national championship in 1984. Though the men's basketball team has not regularly called the Gymnasium home since 1980, the Gym still emits a feeling of emptiness, as if still waiting for vaunted Hoya teams of yore to return. Against these banners, this feeling, and mostly empty bleachers, the Georgetown Women's Volleyball team (5-10 overall, 0-3 in the Big East) hosted Big East competitors Marquette and Syracuse.

With the southern bleachers devoid of all humanity, the most fervent Hoya fans huddled together in one section across the court from the visitors' bench. Scattered around the fans were isolated individuals dispersed among the rest of the northern bleachers. Judging by the ages of these relatively silent stalwarts, one thinks they must be parents of players. For certain, one displayed an aptitude for knitting and pearling.

The louder fans, perhaps part of an organized outing (this writer having seen a sign-up sheet passed around), sported capes, large wigs, some mild applications of face paint, and a healthy spirit prone more to generating cacophony than directed cheers. Opening the game with a recantation of the Georgetown fight song (a.k.a. "There Goes Old

Georgetown"), the crowd would continually encourage Hoya servers with crescendoing claps of growing rapidity and chants of "We are <clap> <clap> Georgetown <clap> <clap>."

After a quick start against Marquette, where the Hoyas took a brief lead in the first game, the Golden Eagles of Marquette dominated the rest of the match, winning in three relatively games. Georgetown was simply outplayed by Marquette, though a number of costly miscommunications only hastened the Hoyas' defeat. Players for Georgetown could not seem to coordinate to react to loose balls and play at the net was controlled entirely by Marquette, as its outside hitters consistently were able to find gaps between the Georgetown blockers for easy points.

Despite the claims of their t-shirts that these fans bleed Hoya Blue, it was noted that perhaps these Sons of Georgetown and their accompanying co-eds could have done more from the sidelines to give the Hoya volleyballers the full benefit of a home court advantage. The boosters, while displaying volumes of spirit before a Hoya serve, would silence themselves once the ball had crossed the net, allowing the Golden Eagles unfettered communication with which to plan and set-up their attacks. Not until the third and final game of the evening did members of the crowd capitalize on the benefits attendant to yelling while the opposing outside hitters try to talk to their setters.

The Sunday game was far more fruitful for the Georgetown Women, as the Hoyas rallied to win games three and four and force a fifth and final game against the Orange of Syracuse. In the final game, unfortunately, Syracuse proved to be the better team, squeaking by the Hoyas 15-13 in a first to 15 final game. It's been that sort of season for the team, as it has yet to put together the kind of wins that will put it in the top tier of Big East teams. Said Head Coach Arlisa Hagan, "The team tried hard and came out with heart. It is disappointing for all of us that this one got away...."

Getting wins in the Big East conference is difficult enough without having self-induced problems to deal with. If the Georgetown Women are to get better, and they need to get better, as they are currently in a six-game losing streak, it will take better strategy in addition to better play to get a foothold in the conference. Coach Hagan is only in her first year and it will take time before her game strategy takes hold with the team. In the meantime, the Hoyas will have to find other ways to win, despite their young team. "...[T]here are always bright spots - Kiersten McKoy hit .481 [and senior] Annie Connor had 25 kills and five blocks and Buffum had 13 kills and nine digs," said Hagan.

Poor communication and a lack of key plays plagued Georgetown at the Stanford Invitational Tournament earlier this year, where the Hoyas were beaten by UC Irvine, Stanford

and Santa Clara. The Hoyas were able to hold their own against UC Irvine, pushing the match to five games, but were swept by Stanford and Santa Clara. While both Stanford and Santa Clara are top ten teams, numbers 7 and 8 respectively, Georgetown will have to play at this level more consistently in order to improve. The performance against Stanford was encouraging, as the Hoyas played a strong game against the Stanford Cardinal and had a number of freshmen perform well.

This Saturday, the Georgetown Women will face off on the road against a tough Pittsburgh team that is 13-6 overall, but lost to Villanova on Sunday, 3-2. On Sunday, the Hoyas will take on West Virginia before returning home on the 10th of October for a match against UMBC.



photo courtesy of guhoys.com
Annie Connor led the volleyball team over the weekend

NBA basketball preview - Harsha v. Zeeshan

Harsha Rao, 3L & Zeeshan Hafeez, 2L
Law Weekly

From time to time, two writers for the Law Weekly decide to do something of which the Sports Editor in no way approves. Rest assured, this travesty will never happen again.

Harsha: Welcome to the *Law Weekly's* 2007 NBA preview, or, as I like to call it, "when Zeeshan Hafeez again picks the Rockets to win it all despite the fact that they suck" article. Instead of subjecting you to Zeeshan's terrible predictions, and then my column excoriating him a week later, we decided to combine them into one massive column that you will never fully read.

Zeeshan: I just want the record to state that my partner is a man who entitles his weekly column "Harsha Rao is better than you." I mean come on, better than me at what? Bad predictions and making inane comments about sports?

Harsha: Zeeshan, who then is your pick to win the championship this year? Is it Houston again? It's Houston, isn't it?

Zeeshan: Well, all I have to say in response is that I might sound like a broken record player, but this year I will be right about the Rockets. I mean you have to admit the Rockets suffered a number of injuries last year. And all I have to say this year is BONZI! You can consider that a Japanese patriotic cry or joyous shout, but I am actually referring to the fact that this year's Rockets are completely revamped after the Bonzi Wells signing. Now it's more than just T-Mac and Yao Ming.

Harsha: Bonzi Wells is awful. One good playoff series doesn't make you a star. I cite Tim Thomas when he was a young "rising star" on the Milwaukee Bucks.

Zeeshan: You have two other solid Olympians in Shane Battier and Greek hero Vassilis Spanoulis. Luther Head is coming along well, Rafer Alston could be a surprise, and Bob Sura is returning from injuries, not to mention Juwan Howard. Besides, Wells took a bargain-level deal because he is hungry. And that hunger is what will translate into a championship.

Harsha: Rafer Alston? Bob Sura? Juwan Howard??? These are your Rockets all-stars? I feel like I'm on crazy pills here. And besides, where was Tracy McGrady last year? The Bonzi signing is good, and the Battier trade worked out well, but Tracy McGrady loves to just hold the ball for 10 seconds, try to beat his guy one-on-one, and then pass it off with 3 seconds left if he doesn't have a shot. You just can't build a team around McGrady. Jeff Van Gundy is the worst coach in the history of the NBA. While there have been worse coaches (see Tim Floyd, Rick Pitino, or Isiah Thomas), Van Gundy has somehow perpetuated the myth that he's good, when in fact he's awful. He has no offensive sets, his defense is based on who can foul the hardest, and he's bald. I think the Rockets, while improved (of course, anything would be an improvement from last year), will fall victim to

the Mavs, Spurs, and Suns, the true top dogs in the West.

Zeeshan: Agree to disagree on T-Mac, and if the Rockets don't go all the way this year, I'll be the first to join *FireJeffVanGundy.com*. I think you can safely agree with me that this is one of the most stacked Western Conferences of all time, but they all pale compared to the Rockets. Without Amare Stoudemire, the Suns have never had the defense or the heart to go all the way, and they can't match up against Yao. The Spurs are hurting after Ginobili's injury in the World Championships, and they haven't done much to improve a talented squad that couldn't get the job done last year. The Mavs are in the same boat as the Spurs, except their owner is a moron. Cuban is what kills the Mavs.

Harsha: Tim Duncan is now healthy for the Spurs, and Ginobili's always injured, so that's a non-factor. As for the Mavs, they slammed every team except the Spurs last year. No one can stop Nowitzki and, as for depth, Dallas can probably field a better lineup off their bench than Atlanta's starters.

Zeeshan: Atlanta is an absolute mess. But I believe that Avery Johnson is not opening up the offense enough, and they will falter because last year was just a fluke. Besides, I think you're forgetting about my favorite LA team: the Clippers. They are solid, flush with young talent, and led by Elton Brand. They scare me the most.

Harsha: The Clips are doing well. Sam Cassell and Gary Busey's illegitimate son Chris Kaman really rounds out that lineup. While the Clips might field the ugliest starting 5 in the NBA, they are undoubtedly effective. But coach Mike Dunleavy is awful. He's another Van Gundy as both will never take their teams to the next level.

Zeeshan: Don't forget about my boy, Cuttino "Cat" Mobley. He can light it up and play defense.

Harsha: Cuttino Mobley is to defense like Representative Mark Foley is to not stalking teenage boys.

Zeeshan: Their nucleus of young talent - including Shaun Livingston - is why I pick them to play the Rockets in the Western Conference Finals.

Harsha: Your Western Conference Finals are the ROCKETS and the CLIPPERS? I opened with the Rockets as a joke. You never cease to amaze me. Yes, everyone, you heard it here first. Zeeshan believes that the Rockets will take it all the way to the Western Conference Finals despite no bench, a terrible coach, and Stromile Swift, the greatest disappointment in years.

Zeeshan: Once again, you missed the memo. The Rockets got rid of Swift in the off-season.

Harsha: Stromile Swift is so bad that his awful-ness has permeated that whole organization. It'll take years for them to recover.

Zeeshan: And you have the experience of a great Hoya and everyone's favorite name to pronounce: Dikembe Mutombo.

Harsha: Mutombo's still alive?

Zeeshan: If you're so smart, then, what about your boy, no, your idol, on the "Flakers," Kobe Bryant?

Harsha: The Lakers will do well, make it into the playoffs as the eighth seed and lose in the first round. It's not Phil Jackson or Kobe's fault, but their terrible GM Mitch Kupchak's. I mean, you can't draft Andrew Bynum and think you're on the right track. He destroyed the franchise that Jerry West built.

Zeeshan: In a conference that is oversaturated with talent, will they survive?

Harsha: Yes, and I have two words for you: Kwame Brown. He's set to have a monster season.

Zeeshan: Ha. He's nothing more than a poor man's Stromile Swift. I mean, I like Vlad Radmanovic's shooting abilities, but, I mean, as a European, that's the default. The question is, can he get the boards, because in the NBA, power forwards have to get rebounds? If he could, he could be Nowitzki.

Harsha: Radmanovic is the greatest hoax ever perpetuated on the NBA. He can make a shot...but only if he's absolutely wide-open. He can't play defense, pass, or rebound. Yet people think he's worth a lot of money because everyone hopes he'll one day turn into Dirk Nowitzki. Sorry, not happening.

Zeeshan: The West is a tough conference. Kevin Garnett is still in Minnesota, Sacramento is still above-par, and Carmelo thinks he's better than LeBron James. There's always our favorite Mormon team as well.



Photo courtesy of www.tna.ca/nba

Radmanovic: Great NBA Hoax or Serbian Superstar? Just ask Harsha Rao.

Harsha: The only way Utah will succeed is if they trade for James Augustine and bring Roger Powell Jr. back from Europe. Then they can run out a lineup featuring Dee Brown, Deron Williams, Augustine, and Powell to re-create the magic of the 2005 NCAA finalist Illinois basketball team.

Zeeshan: You are insane.

Harsha: Thank you. As for the Eastern Conference, I'm liking the Bulls and the Heat, with the Bulls taking the Championship.

Zeeshan: You are even more insane. This year's Bulls may be the

most over-hyped team of all time. I mean, Michael Jordan didn't make a comeback, did he? The Heat are my second favorite team aside from the Rockets.

Harsha: The Bulls have finally exorcised Jordan's ghost. Kirk Hinrich is the most underrated defender in the league. Remember, the Bulls took the Heat to 6 games last year, all the games were tight, and they did that without Ben Wallace or a real center.

Zeeshan: Ben Wallace is as overrated as your column. Wallace benefited from being surrounded by amazing big men and defenders on the Pistons. Remember when Bo Outlaw outplayed Wallace when they were in Orlando? Bo frickin' Outlaw? Wallace is cashing out because he knows he's overrated. I wouldn't be surprised if he got injured and did nothing for a Bulls team that I am not even confident will make the playoffs, even in the East.

Harsha: Ouch, harsh words. But remember, people, this comes from a man who thinks the Rockets are going to dominate the West.

Zeeshan: But the team that I think can beat the Heat this year is the Cavs. I hate the Jordan comparisons as much as the next guy, but there is some validity with LeBron.

Harsha: Hey, for LeBron to be compared to Jordan, he needs to learn how to play defense. If you get ripped by the Euros in the World Championships, something's not right.

Zeeshan: People said the same thing about Jordan when he came out of North Carolina. Cleveland's got a good big man in Zydrunas Ilgauskas, and you know how I love the Big Z. Plus, they have shooters in Damon Jones and David Wesley, leadership from Eric Snow, and a non-injured Larry Hughes.

Harsha: Wesley and Snow are old and broken down, Jones was benched for most of last year, and Hughes is an injury waiting to happen. Their coach, Mike Brown, can't teach any semblance of an offense beyond the "dump it to LeBron and watch" game they played all last year. Brown is like a younger, balder version of Van Gundy.

Zeeshan: Everyone's like Van Gundy to you! But moving on, my MVP candidates this year are Yao and Brand in the West, and LeBron and Dwyane Wade in the East.

Harsha: I like the picks. I've got Nowitzki as the favorite to win it all. Dirk has improved every year he's played, and I think that he'll be on a tear after blowing a 2-0 lead in the finals. Yao is my dark horse, because he was absolutely dominant during the second half (before he got injured).

Zeeshan: Well I hate the Mavs.

Harsha: And the Mavs hate you.

Zeeshan: Hey, we should probably mention something about our home team...What are they called again? The Bullets?

Harsha: Gilbert Arenas is great. The rest of the team, not so much. And there you have it; lots of arguing over inane observations and not much analysis. Just the way we like it.

Taqueria Distrito Federal's authentic food

by Sean Byrne, 3L
Law Weekly

Taqueria Distrito Federal
3463 14th St NW
Phone: 202-276-7331
Fax: 202-986-1138

Metro: Columbia Heights (plus 5 block walk)

Bus from campus: Circulator to 14th St, then take 52, 53, or 54 north.

Prices: \$2 - \$6 per dish; one or two dishes per person

Mexico may have her embassy on 19th and Penn., but her food lives at 14th and Otis. Taqueria D.F., located in the semi-basement of a former row house, serves its fare about five blocks north of the Columbia Heights metro. Featuring a regular menu of only five items, Taqueria D.F. sticks with the simple and homecooked, reminiscent of the best taco shops back in my own California.

Owner Luis Marroquin, who lives in the Columbia Heights neighborhood, said he just wanted to have a restaurant where he could serve the food with which he grew up: "It's what we ate, it's what we all ate, and it's good!" he said. This good food includes tacos, burritos, tortas, tostadas, and quesadillas, served with a variety of meats. While there are no vegetarian dishes on the menu, Luis's kitchen can omit meat and add other vegetables to any dish.

For those who have only experienced Tex-Mex or Taco Bell, some of the items on the menu may surprise. Tacos come as two, three-inch corn tortillas topped with meat and vegetables - no crispy shell. Tostadas come not as a large crispy bowl, but on the same three-inch corn tortillas, but toasted or fried until flat and crunchy. A torta has its fixings served on bread resembling a French roll. No item on the menu comes as a combination plate with beans and rice. No item costs more than \$6.

On a recent visit to the Taqueria, Omer Horvitz, a Bethesda resident and Tyson's Corner restaurateur, said his taco with barbacoa chivo (barbecue goat) was "good, so I had another." He and his dining companion also ate and approved of their tacos with barbacoa res (barbecue beef) and pollo.

Marika Maris, 3L, had only this to say about her pollo quesadilla while enjoying its cheesy goodness: "Mmm!"

When judging my two favorite tacos, the standards by which I compare taquerias, Taqueria D.F. scores a one out of two, but with an asterix. Taqueria D.F.'s carnitas (shredded, fried pork) has the proper ratio of moistness to crunch, but my other favorite, chili verde (pork cooked in a spicy green sauce), fails to appear on the menu. In its place is chicharon en salsa

verde (pork rinds).

The specialty meat of the house, or at least the one advertised by the sign outside of the restaurant, is al pastor. Introduced by Lebanese immigrants to Mexico in the 19th century, al pastor resembles Greek gyros or Turkish döner kebab in that the pork is cooked on a vertically-standing, rotating spit. The meat is cut from the mass right when you order your taco/burrito/tostada and therefore loses none of the crisp from the outside nor any of the moistness of the inside.

Another meat worthy of particular note is the costillas de puero (baby back ribs). Served on a taco, the costillas de puero seems a bit more saucy and less stringy than the carnitas (whose stringiness I enjoy). Like the carnitas, however, one occasionally (once every couple tacos) encounters little fat globules that, while a bit of a turn off, are *my authentic*.

Taqueria D.F. offers two tables of outdoor seating in pleasant weather, and half a dozen tables inside during any weather. A countertop provides seating for an additional six people or so. The restaurant features two small flat panel TVs which usually show soccer or Mexican news, though on a recent visit aired an episode of *This Old House* filmed in the neighborhood. Adorning the walls surrounding the dining area and open kitchen are paraphernalia from soccer team Las Aguilas del América, Catholic iconography, and kids' drawings.

Beverages include three fresh juices; horchata, a cinnamon-spiced rice milk; overly-sweetened Jarritos soda; and Mexico-bottled Coca Cola. Sorry, no alcoholic beverages of any sort.

Apart from the jovial owner and delicious, cheap food, Taqueria D.F. also attracts customers with its kids eat free policy. Also, free delivery is made to the area roughly bordered to the north by Missouri Ave, the east by Georgia Ave, the south by U St, and the west by Connecticut Ave.

Taqueria D.F. opens its doors at 8 a.m. every morning and serves its fare until 9 p.m. Sunday through Wednesday, and 11 p.m. Thursday through Saturday. Mexican breakfast, featuring choices of huevos rancheros, huevos de chorizo, and huevos con jamon, is served until 11 a.m. every day.



photo by Marika Maris, 3L
Luis Marroquin of Taqueria D.F. serves up D.C.'s best Mexican food

Neumeyer's direct

by Christopher Neumeyer, 3L
Law Weekly



photo courtesy of Judge Iscoe
DC Superior Court Judge & GULC Professor Craig Iscoe

Why did you come to Georgetown? Georgetown is a terrific law school with interesting students, many of whom have had significant work experience in the real world. I find the students to be intelligent and stimulating. Also, I was a graduate fellow at the Georgetown Institute for Public Representation my first year out of law school, and served as a visiting professor here in the 1980s, so it's nice to be back on campus.

When is it a good idea to run with scissors? Never, if you ask my mother.

Would you rather argue in court with a clown wig or a pirate patch? Pirate patch. Pirates are fierce, and I would get some respect. Clowns get no respect.

Do you think Ralph Nader ever speeds? I don't think he even drives a car.

Should there be explanatory cartoons in casebooks? Anything that makes the law more understandable would be useful, and anything that makes it more entertaining would also be good. Back when students handwrote notes, there were lots of explanatory doodles.

Are electronic voting machines a conspiracy to rig the vote? I do not know, but there are certainly a lot of theories about these machines.

Would you rather have a constantly runny nose or an itch you can't scratch? The itch. Nobody else would see it.

What will be the first noticeable change if the Democrats win the House in the Fall? I do not think it is appropriate for me to comment as a judge on political matters.

Would you rather work for the DMV or the IRS? The IRS. Nobody likes you if you work at either of those places, but I enjoy reviewing financial matters.

Do you think Robin Hood kept a little on the side for himself? I certainly hope not.

Should DC be granted statehood? Again, it's not appropriate as a judge to comment.

What is a book or author you recommend? I go through periods of reading fiction and then non-fiction. Right now I would recommend *A Hope In The Unseen*, by Ron Suskind. It's about Cedric Jennings, an African-American youth who grew up in inner city D.C. as an excellent student, and the challenges he faced in high school and college. I also recently enjoyed reading Nate Blakeslee's *Tulia: Race, Cocaine, and Corruption in a Small Texas Town*, an interesting book about events in my home state. It is also a reminder of the important role a judge plays in the administration of justice.



photo courtesy of GLC Facebook
Denise Gitsham, 3L

Why did you come to Georgetown? I knew this was a place where I would find a good balance of professors who are practitioners and theorists. I also fell in love with the school when I visited my cousin here during her 1L year; when I met her friends, I saw that they were smart, savvy, and interesting - just the type of people I want as friends and future colleagues.

When is it a good idea to run with scissors? When you've abandoned all concern for poking an eye out. I'm a safety scissors devotee.

Would you rather argue in court with a clown wig or a pirate patch? A pirate patch. I could blame it on a scissor-running incident. I'm not clever enough to explain away a bright red wig.

Do you think Ralph Nader ever speeds? I doubt it, but then, I don't know much about him. He spoke at Bowdoin College when I was a freshman, and he was so boring I left after 10 minutes.

Should there be explanatory cartoons in casebooks? Absolutely. It might make me actually read them!

Are electronic voting machines a conspiracy to rig the vote? I think they're genuine efforts by well meaning people to make the system more fair. But I'm a complete luddite, so I personally prefer paper. Hanging chads be damned!

Would you rather have a constantly runny nose or an itch you can't scratch? The itch. I'd rather keep my misery to myself than share it with the rest of the world.

What will be the first noticeable change if the Democrats win the House in the Fall? There will be no noticeable change. Change takes time, and a general shift in public opinion. Plus, American political parties are much closer to each other on the political spectrum than they're willing to admit. They just campaign on the fringe, to appeal to their base, but it doesn't translate to action when they're actually in the driver's seat.

Would you rather work for the DMV or the IRS? I would hate to be a reviled tax collector, so I would rather deal with angry people the DMV. In fact, I'd love doing the license photos - a little glamour shot action is just what they need!

Do you think Robin Hood kept a little on the side for himself? I doubt it - have you seen his tights?

Should DC be granted statehood? Not unless you can find a design-savvy place to put a 51st star!

What is a book or author you recommend? As cliché as it sounds, *Atlas Shrugged*, by Ayn Rand. A little dogmatic, but brilliantly written and reasoned.

Justin Timberlake: future penance for past misdeeds

by Devin Cain, 1L
Guest Writer

At some point over the past two years, it has become socially acceptable to like Justin Timberlake regardless of one's gender or sexual orientation. Two GQ covers in that timespan attest to this. With the recent release of his second solo album *Future Sex/Love Sounds*, Timberlake has found a solid foothold of critical acceptance, and deservedly so. Understanding how this all transpired is mystifying, but some things are so undeniably enjoyable that it is not for us to explain how they came about. We can, however, explain our enjoyment.

The singles from *Future Sex* (this abbreviation would have been a better title) were heavy on the radio well before the album's debut. They were the first clue that something quite fabulous was awaiting the patient. The first single, "Sexyback," is probably the best song in the history of pop music, and it fairly well represents the concerns of the album as a whole: dancing; sex; "love;" stealing unavailable women because you're Justin Timberlake; and also dancing. Unlike most dance songs, "Sexyback" manages to keep its momentum listen after listen, while never being a burden on the album as a whole. It is infectious but not fatal. Moreover, it underlies the mission of *Future Sex*: entertainment as substance. Justin's sound may not be groundbreaking, but who needs innovation when mining the old stuff produces results like this? No one.

The second single, "My Love," has received an even warmer reception from critics. Whether or not it is in fact a better song than "Sexyback" is endlessly debatable. What is certain is that it contains the best minute of the entire record, a minute during which Justin is completely absent. Instead, we get T.I. rapping, a move that would make almost every extant song better by about threefold. Especially brilliant here is the boast, "You don't come [sic?], I ain't gonna die," words fitting of Donne's *Jack the Rake* poetry. Through the rest of the song, Justin's attempts to maintain high notes do not entirely succeed, but the fullness of the orchestration, the appropriately distracting nature of the synths and the ignorable meaninglessness of the lyrics mitigate this shortcoming.

"My Love" also draws to the fore one of the surprising strengths of the album as a whole, the interludes. The song is perfectly introduced by the "Let Me Talk to You Prelude" found on the end of the relatively strong third track, "Sexy Ladies." This prelude consists of a slightly off-kilter (of an imperfection is beauty sort) chanting of "my love" by a male and female voice, and some minor rapping by Justin and Timbaland (who has garnered many kind words for his work on this album, who has truly earned those accolades, but who will probably be left at least partly in Justin's very attractive shadow all the same). "Love Stoned" and its attached interlude, "I Think She Knows," display an elegant counterpoint. Unlike most albums with hit singles, *Future Sex* progresses seamlessly through its tracks largely owing to these interludes.

To backtrack a bit, the opening song, "Future Sex/Love Sounds," offers an ideal introduction and could well be the

finest track here (which, by the logic of this review, would make it the best song ever). The sensuality of the song is perfectly restrained, with the refrain "Just tell me which way you like it," deftly enforcing this balance by its simple spoken quality. It sounds like martinis and mahogany and misogyny-but never excessively so. It sets the table, and *Future Sex* fairly well lives up to that standard.

Alas, the album does suffer some serious flaws. The decision to make a cohesive, thematic record is an admirable one; however, ambition is not always pretty. *Future Sex* falls short of its ultimate goals because of its rather immodest, imprudent length (66 minutes). A simple remedy was available: the last three songs are unnecessary, irrelevant, and bad. Especially awkward is "Losing My Way," an epic mistake of Bon Jovi-meets-falsetto proportions. A wise listener might axe these tracks from her iTunes and live a happier life thereafter.

In a larger context, both album and artist have drawn comparisons to the early 80s glory days of Michael Jackson, a correlation not so terribly far-fetched. Anyone owning a copy of *Off the Wall* on vinyl knows that the first side astounds, while the second has been listened to maybe once, much like the painful finale of *Future Sex*. The overtones are similar as well, except that history suggests Michael Jackson was perhaps not so interested in the women, unavailable or otherwise. Comparisons to *Thriller* are a bit misleading as, other than "Billie Jean" and that cover photo of Michael in a white suit, *Thriller* is not particularly great.

The real fruit of this comparison lies in the respective entertainment value of Michael's and Justin's music. The reason we have put up with Michael's proclivities for all these years is dual: first, in appreciation of the greatness of the pre-nose-op, pre-bleached-skin days; second, in the hope that that music might be revisited. With Justin, we of pop sensibility offer to ignore his youthful transgressions, *Mickey Mouse Club* and 'N Sync, in exchange for albums like this. The mere existence of songs like "Sexyback" and "My Love" goes far beyond his required penance. Hopefully the hit songs will not cease, to be inadequately replaced by a narrower nose and more groping hands. Hopefully the faded denim outfits can be left firmly in the past, and there will be only dancing and happiness hereafter.



photo courtesy of eonline.com
Can we ever really forgive Justin for this denim atrocity? Sure, just blame Britney.

Tony and Joe's: good times on the Waterfront

by Clifton Dubose, 1L
Guest Writer

With cooler weather fast approaching, there probably aren't too many weekends left to head down to the Georgetown Waterfront and hit up one of the area's more popular nightspots. Tony and Joe's inside bar is pleasant enough, with a modern décor and plenty of sports-tuned televisions, but it isn't the main draw of the place with regards to nightlife. When the weather is accommodating, the main attraction is the roped-off outside bar. It affords its (usually youthful) patrons a pleasant mix of outside ambiance, reasonably priced drinks, and lively conversation. And that's exactly what a group of predominantly 1Ls and I found ourselves enjoying there last weekend.

We started off the night not far up the street at Mr. Smith's of Georgetown on M Street. There to check out its piano bar and have a few drinks, we found the place to be overcrowded and the piano bar unimpressive (a man sat behind a bar playing on a poorly concealed electronic keyboard). I think most of us had expected to hear a pair of dueling baby grands and to have a bit more breathing room. At the recommendation of one of the 2Ls in the group, we made our way down to the Waterfront to check out Tony and Joe's.

I quickly found one of my favorite things about Tony and Joe's was the way in which the absence of loud music facilitated intelligible conversation. If you ever grow tired of screaming over abrasively loud music into the inches-away eardrums of your poor inhibited neighbors, you might find a night at Tony and Joe's to be a welcome break from the norm - I know I did. I don't think I had to repeat myself once throughout the entire night, and I certainly didn't strain any vocal chords by yelling. I usually have a hard enough time just communicating my name to a new acquaintance in many a DC nightspot: "It's Clifton, not Clinton... No not Clifford, freaking Clifton." (The Southern accent doesn't help with intelligibility either.) We'd started off the night with a group of about ten or so, and we ended up with a group 3 or 4 times that size at Tony and Joe's. We probably each enjoyed more

quality interaction with one another that night than we would have over the course of any other 5 nights put together at Adam's Morgan or Dupont Circle; though I certainly enjoy those places too.

Just because it lacks loud music, one need not fear of trading atmosphere for interaction at Tony and Joe's. Situated at the Washington Harbour on the Potomac River, the place has quite enough atmosphere of its own. It offers views of the Kennedy Center, the Washington Monument, Roosevelt Island, and Key Bridge. The Washington Harbour itself has been described as combining "the social pleasures and style of Georgetown with the natural beauty of the Potomac riverfront." Indeed one can't help but appreciate the elegance afforded by the area's massive water fountains, the impressive post-modern style office/condo building, and the terrace lit wooden boardwalk. Speaking of that terrace lit wooden boardwalk, if you at any time find yourself unsatisfied by the atmosphere or the interaction at Tony and Joe's, the boardwalk offers a pleasant getaway for a romantic stroll with an already-accompanying, or newly-acquired significant other.

This past Thursday, business would have been quite slow at Tony and Joe's, had they not the good fortune of hosting the weekly Law Center SBA Bar Review. Rainy weather forced the crowd inside as a good number of students turned out for a well-deserved study break of drinks and conversation. Spirits were high and although the drink specials weren't low, everyone seemed to enjoy their break from casebooks all the same.

During the daylight hours, Tony and Joe's operates as a full seafood restaurant. The menu has an extensive selection of fresh fish entrees as well as shrimp, lobster, and scallop entrees and Maryland-style crab cakes. They also offer sandwiches and salads for all you land lovers and vegetarians out there.

Tony and Joe's is a great place to go with friends, as well as a great place to make new ones. If you really want to get the most out of Tony and Joe's, though, be sure to go soon before the beautiful weather fades and the crowds move away from the outdoor bar.

Sudoku solutions

from page 2

6	2	3	4	8	1	5	9	7
5	4	1	3	9	7	6	8	2
7	8	9	6	2	5	3	1	4
8	7	6	1	4	9	2	3	5
9	5	4	8	3	2	7	6	1
3	1	2	7	5	6	9	4	8
4	9	7	5	6	8	1	2	3
1	6	8	2	7	3	4	5	9
2	3	5	9	1	4	8	7	6

2	1	9	5	6	7	8	4	3
4	6	7	3	2	8	5	1	9
5	8	3	1	9	4	7	6	2
3	9	6	8	5	2	4	7	1
1	5	4	7	3	6	9	2	8
7	2	8	9	4	1	3	5	6
6	3	5	4	1	9	2	8	7
9	7	1	2	8	5	6	3	4
8	4	2	6	7	3	1	9	5

5	6	7	9	4	8	3	1	2
2	8	1	3	6	7	5	9	4
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8	9	1	4	7	6	5	3	2
6	5	4	8	3	2	9	1	7
2	7	3	9	5	1	8	6	4

Universal Law

Libra (Sept. 23 - Oct. 23)

A red ink pen will have a significant impact on your week.

Scorpio (Oct. 24 - Nov. 21)

Be sure to carry your camera this week, as you will encounter more than one camera-worthy event.

Sagittarius (Nov. 22 - Dec. 21)

Something mysterious is lurking in your refrigerator.

Capricorn (Dec. 22 - Jan. 19)

A trip down memory lane will leave you feeling car sick.

Aquarius (Jan. 20 - Feb. 18)

Tan is your signature color.

Pisces (Feb. 19 - March 20)

Wear a tiara on Friday.

Aries (March 21 - April 19)

You will have an encounter with the world of celebrity this week (D-list, that is).

Taurus (April 20 - May 20)

Your iPod will malfunction and you'll be left to talk to other people on the Metro for entertainment -- it will be awkward.

Gemini (May 21 - June 21)

This isn't the week to begin your boycott of Starbucks.

Cancer (June 22 - July 22)

Watch cartoons this week, but don't let your roommate see you.

Leo (July 23 - Aug. 22)

Someone is reading your emails in Con Law, use a smaller font.

Virgo (Aug. 23 - Sept. 22)

An embarrassing photo of you will appear on Facebook this week.

Horoscopes by Sarah Hale, 2L.

Fun at the airport...

As many law center students fly off to distant lands for call back interviews, we may find ourselves stuck in various airports with little to do. Boredom need not overtake us, as there are plenty of ways to stay occupied as you await your flight in Terminal C.

Read the casebook you packed and swore you would read at some point during the weekend. (Note: Although this option is listed first, it is to be an absolute last resort. After all, we are trying to alleviate boredom, not enhance it.)

Partake of the overpriced and undercooked food. It's the rare occasion that you get to pay \$20 for rubbery chicken tenders and a bottle of water.

Sit outside of security and apply all of the contents of your makeup bag so you don't have to throw it away. (Note: This option is a winner if for no other reason than the fact that afterward you get to walk around the airport in pink lipstick and purple glittery eyeshadow; but, be warned, this option also includes eating toothpaste.)

Find another bored traveler (maybe even a fellow Hoya, if you're lucky) and have luggage cart races.

Bring a camcorder and chronicle your wait. If anyone asks, tell them you are taping a reality show. (Note: Actually try to sell the footage to a network later. Seriously, have you seen the stuff they're showing lately? Your tape can't be much worse.)

By An Increasingly Irritated Delayed Traveler

The Quotable...

Professor: "Is sex a matter of general public interest?"

Poor Suffering On-Call Student: "uh...."

Professor: "The answer is YES!"

- The Quotable Professor Westmoreland

"Let's talk about debt. I'm sure you're all familiar with that." - The Quotable Professor Regan

"What would Auer do? It's like the corporate version of the bumper sticker." - The Quotable Professor Dinh

Sage Advice for 1Ls

by Ono Youdidn
Guest Writer, 1L

Water and fruit are for wimps. Law school champions are fueled by Doritos and Mountain Dew.

Raise your hand immediately after you notice someone else has already raised theirs. They'll get called on because they were first and you'll still get the benefit of looking like you know what's going on.

Note taking is overrated, play TextTwist instead.

Don't forget to fake laugh when your professors tell "funny" stories. Grading may be blind, but letters of recommendation are not.

Heat on the Hill

The Laws of Love by Logan & Lucy

Dear Logan & Lucy,

In college, I got really close to one of my professors. He was my college advisor and completely unavailable. We lost contact, but recently I called him to thank him for sending some nice cheer at a point where I needed advice. We chatted, but after a while things got very weird. He told me that he has feelings for me and suggested we meet and talk in person. I laughed it off but now he's flying across the country to attend a conference in D.C. and wants to meet up for dinner. Is this a date? Should I go? What do I do?

~Anxious Jane

Jane,

It seems like you have quite a predicament. First, why is this professor unavailable? Is he unavailable because he is married? With children? Unavailable because he was your professor and you were in class with him? Figure it out. Second, in your letter you don't describe your feelings for him. Are you attracted to him? Can you see a relationship working out with all of the underlying issues? These questions are just to start you off. I really just don't feel comfortable giving you advice one way or the other. In relationships such as these, the student-professor relationship will always intrude on any kind of future love relationship you might want to establish. But if you want to go for it, well, I wish you good luck!

Sincerely,
Lucy

Janey, Janey, Janey, why are you anxious? Here is a man who wants to devote an entire evening to YOU. You will command this man's undivided attention. There is no reason why you shouldn't go eat dinner with him. If you don't want to discuss a relationship then don't. Just want to talk about your anorexic pet bullmastiff with the drooling problem? Sure, go ahead. What about the new psychedelic Death Cab For Cutie CD? Just ramble on and tune out any segways to other more serious topics. Two hours fly by and then you'll be home free. Why ask us for advice? You girls know exactly how to play dumb and brush us poor guys off.

Flipside,
Logan

Log on to our anonymous email account, lucyandlogan@gmail.com (password: georgetown) to send comments, questions, and problems to laweekly@law.georgetown.edu. Confidentiality guaranteed!

Got Questions? Quotes?

Email Heat on the Hill

laweekly@law.georgetown.edu
Confidentiality guaranteed!

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Some question scenarios are fictitious, and written by members of the Law Weekly staff.

Un-reality television: the real American Idols...

The John Galt Line
Jacob Cote

Not since the *A-Team* has the American spirit been captured so perfectly on the television screen. Today, it is difficult to find even mildly amusing programming. However, in the obscure town of Stars Hollow, depicted on an even more obscure channel (the new CW), there thrives a dramatically and spiritually appealing world of make-believe. *Gilmore Girls* has grown in critical and popular appeal - but its status as the most romantic hour on television has passed well below the cultural radar.

Gilmore Girls is undoubtedly the most beautiful show on television, topping even *Desperate Housewives*. The program unabashedly showcases Rory and Lorelei as natural beauties, and so much more. There is comfort in knowing that despite years of "progress," not everyone who graces the television screen is your Average Joe or a "real" person. Television was never supposed to function as a mirror or a vapid tube, and from 8 to 9 p.m. tonight and every other Tuesday on the CW, it does not.

Nihilism abounds in the entertainment world, but it is not welcome here. Work is not a nine-to-five

trip through hell and back selling shoes, but a way of life. And it pays off. Lorelei busies herself running her inn, Rory immerses herself in her studies, and Luke devotes himself to the diner that is his pride and joy. The airwaves only have one collection of people who enjoy productive achievement so much. The true American heroes are not those who eternally trudge through the graveyard shift with nothing to show for it but thirst for drunkenness -- and we should not have to stare at them, week after week.

Rory's intelligence, unparalleled work ethic and burning desire to succeed culminated in her acceptance to Yale. Just the simple act of opening the mailbox to retrieve that acceptance letter was treated as a momentous event. To all those who were jealous rather than overjoyed when Rory realized that she was in: please find alternate fare. Art was not intended for the likes of those who derive happiness from the roadside crash.

Even though she never attended college, Lorelei, equally as intelligent and successful, has her own inn. The American dream of owning one's own business has long been treated as archaic and foolish, but here it comes to life and is treated as the noblest of aspirations. The day when Lorelei held the ribbon-cutting ceremony for her bed and breakfast, I wish I could have been there. I wish I

did not have to wish, and that this make-believe world was transpiring outside of my window. But on planet Earth, society preaches that dreams are best left in the hands of silly children; and the beer bottle is best glued to the hands of the mature.

There are no sermons or family chats around the dinner table, but *Girls* is indeed a heavy dose of morality. This pair of teenager daughter and mother (who was a teenage daughter when she gave birth) swims against the current of the superficial values espoused by the family-friendly genre. The program is committed to a familial philosophy of substance over style in which ethical behavior is tied not to religious doctrine or normalcy but to independence and hard work. Rory is not played as a Bible-thumping caricature who solemnly swears off intercourse or as a slut whose whorish lifestyle was inevitable from the start. When deciding to wait until college before having sex, she was looking out for her own future, and what a future it is going to be. Lorelei delights in knowing she has "got the good kid." It is nice to see good kids on television, and it is even nicer still to see them idealized for it.

Girls rightly steers clear of any misplaced paradigms that have crippled other programs. Lorelei's wealthy parents are not the heads of a *Dynasty*-like clan who destroy each other's lives with the archetypical

root of all evil, but diligent workers who actually earned the very expansive roof over their heads. Additionally, the single mother concept is not infected with feminism; Lorelei was a perfectly able caregiver but has romantic dreams of her own. Nothing would make her happier than to have Luke, or the father of her child, sweep her off her feet, and make life even more perfect. Whether she ends up marrying Luke or Christopher is not important. What is important is that by the end of the season -- and this is probably the show's last season -- Lorelei will be happily married. There are happy endings in life, and this will be one of them.

The cops and prosecutors keep our airwaves lawful and ordered, and biting satire would not have a home if it were not for *Family Guy*. But it is an asset that we can turn on television each week and actually walk away feeling more uplifted than crabby -- smiling more than frowning -- and knowing that happiness and success are not mere fiction. Knowing that getting into a prestigious university and owning a thriving company are possible - even if there is no Stars Hollow.

Jacob Cote is a regular columnist for the Law Weekly. He can be reached for comment at jtc@law.georgetown.edu

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On Prof. Feldblum's DADT Proposal

To the Editor,

Last week the Law Center hosted "What's Fair After FAIR?" to discuss the military's "Don't Ask, Don't Tell" policy. Professor Chai Feldblum, a noble and deeply respected advocate for gay and lesbian rights, moderated the event.

At the forum, Professor Feldblum proposed a bill she thinks could pass through Congress repealing "Don't Ask, Don't Tell." I think she is right that her proposal could pass. But I hope not.

Her bill sacrifices the dignity of the cause for a goal that is short-sighted and strategically wrong.

Previous proposals to repeal DADT have included a few words about sexual misconduct to assuage conservatives' fears of love in the fox-holes. Professor Feldblum's proposal turns the old model on its head: she wrote a bill about sexual misconduct - gay or straight -- and at the end of the bill included a small section repealing DADT.

Professor Feldblum is making a strategic choice. She sidesteps a direct

confrontation over the wrongness of "Don't Ask, Don't Tell" in the hope that legislators will be more willing to repeal it if the bill is primarily about something less controversial. This is a mistake.

"Her bill sacrifices the dignity of the cause for a goal that is short-sighted and strategically wrong."

I can proudly say, *I deserve equal rights*. I sacrifice the dignity of that statement when I have to temper it or mute it. The injustice of DADT is not, after all, that I cannot serve, but that I cannot serve *openly*. When Professor Feldblum slips the repeal of DADT into another bill, she legitimizes the spirit of the DADT policy while simultaneously asking for its end. We'll take our rights, she says, but we'll do it quietly so we don't make bigots uncomfortable. This proposal sacrifices some of the pride of the gay rights movement.

A civil rights struggle may require a balance between pride and strategy. I can appreciate that argument, but this bill wouldn't even be a strategic win.

I am confident DADT will be repealed. In a year or five, the act will be repealed, and I look forward to that day. When it comes, though, the fight for gay rights will continue.

In that struggle, we need a clear, unequivocal rejection of state-sanctioned discrimination. Maybe, next year, we can get Congress to quietly acquiesce to the end of DADT. But if we hold out, we can get a majority of Congress to stand up and declare, "*No to discrimination, no to inequality.*" That will be a bigger victory even if it takes an extra year or two. That will be a weapon we can use to fight for other rights, such as marriage, that affect far, far more gays and lesbians than the military ban.

Sometimes, we are justified making strategic sacrifices. In this case, though, we can win the battle and the war: the battle over DADT and the war for gay equality and dignity. We need - we deserve - a loud, proud affirmation of equality, nothing less.

-Thomas Saunders, 1L

iPods and culture: time to face the music

Brianne Kennedy

So I've done it. I've sold out. And with this column I'm admitting it to the world: Last week, I bought an iPod.

And within days I've already become one of them. Maybe one of you - one of those people who floats around the city in my own little world of music, pretending not to hear when homeless people ask me for money, pretending that I'm not going to work and sincerely hoping that I don't damage my hearing in the process.

In any case, as much as I am enjoying having an iPod (not having to mess around with a huge box full of CDs in order to find the song or two that I want to listen to is great), I've found myself thinking not less, but more, how significant it is that they are so ubiquitous (more than 42 million - and one - have been sold so far).

The first things worth discussing are the ins -and-outs of iPod ownership. I think that Steven Levy had it very much right when he noted in 2004 that, "When people buy iPods, they often obsess, talking incessantly about playlists and segues, grumbling about glitches, fixating on battery life and panicking at the very thought of losing their new digital friend." I've done my best to avoid being like this, and would like to think that I've done a good job, but do count myself lucky that there were few people around at lunch on Friday when I thought I really had lost my iPod. Until locating it in an obscure pocket of my purse, I'm sure I looked like I'd just found out a beloved family pet had died. Basically, I guess I now understand why iPod owners do obsess so much, even if I can't totally explain it.

And the camaraderie is also worth noting. Since apparently my iPod is one of the first "2nd Generation Nano" models most people have seen on the street (a

mere coincidence considering I didn't even know there were multiple generations of Nanos when I decided to purchase one), I'm often approached by other people - listening to their own iPods - who ask to take a look at it. As weird as it is that they do, it's probably just as weird of me to let them (especially considering how sad I would be if one of them decided to permanently borrow it). Still, since I can see that they're one of us, it's something I'm comfortable doing.

Oddly, there may be evidence that the trust that exists among iPod owners is rightfully granted. In a January 2006 article, *Mac Daily News* reported on a study that found iPod owners "significantly less likely to steal music than the average person...with only 7% of iPod people downloading illegally compared to 25% on average." And despite the predictions of many (including myself) that the proliferation of iPods will kill the traditional music sales industry, the study also found that the average "iPodder" buys "2.3 albums a month compared to the average of 1.8." So Microsoft CEO Steve Ballmer's onetime statement that "the most common format of music on an iPod is 'stolen,'" may be as wrong as I might have been for despising iPods for so long.

One study released in August 2005 by *Intelliseek* also found that, on the whole, iPod owners use the Internet and technology more often and to a greater degree than even those who own other types of digital music players. Specifically, "iPod owners are twice as likely to have created a weblog than people who don't own an mp3 player, and far more likely to have blogged than owners of other mp3 players," and, "they are 2.5 times more likely to text message on cell phones, three times more likely to take pictures with camera phones, and three times more likely to download Internet video clips to their computers."

And while the people who own iPods come from all races, places and walks of life, it isn't hard to find information about some of the most famous

owners and their iPod habits. According to the *New York Times*, President Bush has about 250 songs on his iPod. Tony Blair, John Kerry, Dick Cheney, and even the Pope are other important people whose iPod ownership and contents have been reported on. There is plenty of decidedly less cheerful information that I'd be remiss not to address.

One (admittedly fairly minor) example is the impact they have had on the levels of petty theft on public transit and in big cities. "iPods are definitely part of the newest items to be stolen and appear to be driving the recent spike in subway robberies," Paul J. Browne, the Police Department's deputy commissioner for public information told the *New York Times* in 2005. There are even stories of "iPod muggings." Some female owners won't even use their iPods when they're out at night.

But the biggest concern I think we should all have about iPods is not as quantifiable or easy to agree with: we are allowing iPods to replace emotions and interaction that we should receive from within ourselves or through contact with the people and the world around us.

In his *Newsweek* article, Levy interviewed Michael Bull, a lecturer at the University of Sussex who has studied iPod users extensively. He said that, "Shuffle [the function that plays stored songs in a random order] throws up almost anything - you don't know it's coming but you know you like it...Because of this people often say, 'It's almost as if my iPod understands me.'" He also pointed out how "people define their own narrative through their music collection."

But that's all I'll say about that problem. My hope is just to get an important conversation started. One that even those of us with our iPods going will probably hear.

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How not caring about workers' rights can kill you

Christina Davis

The recent E. Coli outbreak has network news reporters around the country anxiously asking rhetorical-sounding questions:

Are current health guidelines for soil and water testing adequate to protect consumers?

When will consumers be confident enough to eat spinach again?

What Would Popeye Do?

The dialogue reveals widespread ignorance about the actual cause of E. Coli and the realities of agro-business that lead to outbreaks. To put it plainly, E. Coli comes from poop. Specifically, human poop. It lives in everyone's intestines, and doesn't cause anyone any problems as long as it stays there.

What you may or may not also know is that many, if not most, of America's agricultural workers are undocumented, live and work in deplorable conditions, choose to do

so because it is often the best of several terrible options, and have little say in their conditions due to their undocumented status. In 1995 I visited an asparagus farm in Stockton, Calif. to deliver relief supplies to farm workers affected by a major flood that had hit the area. What I saw shocked me and catalyzed my interest and career in the labor movement; in short, slave-like conditions exist for farmworkers all over California. Cement bunkers, shower water drawn from pesticide-

polluted irrigation ditches, bunk beds stacked four high, 36 to a room, festering, untreated wounds created by farm tools to pick asparagus - and, one of the most common complaints -- no bathrooms in the fields.

In case the connection is unclear, I've created this helpful diagram shown in **Figure 1**.

Or, to put it more simply, see **Figure 2**.

Something similar happened in 1996, when Odwalla, popular for its "raw juices," was found to be the

source of an E. Coli outbreak that sickened 13 people. The outbreak was traced to Odwalla's apple suppliers. But rather than commit to verifying the fair labor practices of its fruit suppliers, Odwalla pioneered the technique of "flash-pasteurizing," whereby the juice is heated momentarily at a high enough temperature to kill any bacteria, while still preserving its "raw" taste.

That's not likely to be a viable option for fresh spinach, but the question remains: will we ever dis-

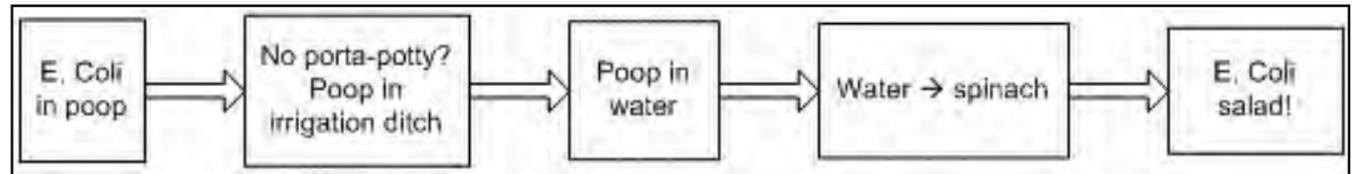


Figure 1: The E. Coli pipeline

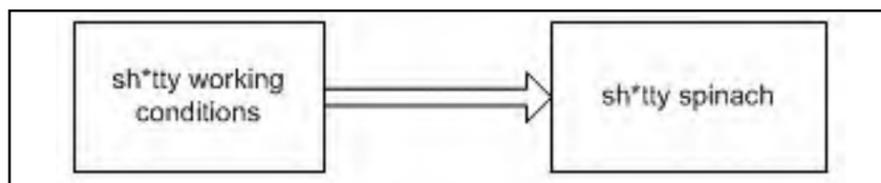


Figure 2: For the slow among us

cuss the underlying issue, or will we invent a new technique to sterilize the spinach and quell consumer hysteria, at least until the next crop of E. Coli strawberries pops up?

Christina Davis is a 2L, and can be contacted at ced28@law.georgetown.edu.

Law students: help save democracy

Zachary Myers

Why are we here at law school? In the midst of the first few overwhelming weeks of law school; the blur of callbacks, extra-curriculars and even more classes; or the motivational drain that is third year, "Why am I here?" crosses most of our minds. We could still get good jobs without going to law school, so there must be more to it. One reason may be that the Law Center often reminds us that "Law is but a means, justice is the end." The same could not be said of accounting.

While we all realize that our careers after law school are important, it is just as important to remember that politics, elections and the rule of law are important, too. Every time a professor talks about the separation of powers, they are saying that elections matter. When a casebook author writes about statutory interpretation and Congressional intent, they are saying that elections matter. When the Constitution repeatedly expands the right to vote, the American people are saying that elections matter.

The tightly contested elections of the past decade prove both how much elections matter, and how broken our system has become. We don't need to go through the sordid details of Florida 2000, or Ohio 2004 to see dangerous failures of the electoral system. The most recent of these failures began two weeks ago, up the road in Maryland.

All over the state of Maryland, and particularly in Montgomery and Prince George's Counties the primary election was a disaster. Polls did not open on time and, in some cases, judges had to issue orders to keep them open late. Electronic "smart-cards" needed to run the machines were not delivered on time. Security tape inside of some machines was missing or tampered with. Poll workers -- hard working, poorly compensated, minimally trained, and often senior

citizens -- were overwhelmed with technical problems involving the electronic pollbooks and voting machines.

Many of these problems occurred in Maryland's Fourth Congressional District, the site of a heated Democratic primary between incumbent Congressman Albert Wynn and lawyer/activist Donna Edwards. Rep. Wynn had never faced a competitive challenger. The unofficial count shows him ahead of the upstart Edwards by 2,725 votes, leading 49.7% to 46.4%. This strong challenge to Wynn was spurred by his support for the President's failed policies in Iraq, as well as the lobbyist written and funded bankruptcy and energy bills, and other failings. Ms. Edwards conceded Monday and declined to take the issues to court stating, "My gut tells me the problems we experienced aren't going to be cured in litigation."

Even more disturbing than the problems in the electoral process was the Congressman's reaction to them. In a September 19 Energy and Commerce Committee hearing (video is available on the Committee's website), Congressman Wynn and Chairman Joe Barton (R-TX) had the following exchange:

BARTON: Down in Texas, we had a Democratic primary about 50 years ago that Lyndon Johnson won by 54 votes. And he got the nickname "Landslide Lyndon." We have Mr. Wynn next. He had a little bit of a tussle last week, but he did win. And so, I want to recognize "Landslide Wynn" for any opening statement that he wishes...

WYNN: Well, thank you very much, Mr. Chairman. In fact, they're still counting, but we're quite optimistic. And I did take a couple pages out of Lyndon's book, so if I win, it can be attributed to Texas know-how.

(LAUGHTER)

(UNKNOWN): Did you (inaudible)?

BARTON: I hope not. I hope you

win fair and square.

(LAUGHTER)

WYNN: A win is a win.

(LAUGHTER)

Almost as shocking as a sitting Congressman's vile joke about cheating in such a flawed election was the laughter of the audience of staffers, reporters and other Hill insiders. Too many people have died for the right to vote for this sort of behavior to be tolerated. Voter confidence in the electoral process is the bedrock of the democratic system.

As law students, we are not powerless in the face of such grave challenges. The National Democratic Law Students Council has designated Tuesday, October 3 National Voting Rights Awareness Day. The goal of the event is to raise awareness of voting rights issues and to prepare students to do their part to protect democracy.

There is a sharp divide between the political parties' approach to problems in the electoral process. Generally, Democratic organizations and community groups in disadvantaged areas focus on "voter protection," fighting for citizens' right to vote and using the law to ensure that eligible voters get to cast a real ballot and that the ballot is counted (most provisional ballots are not).

Republican organizations generally focus on what they call "voter security," which, in too many cases, amounts to voter intimidation and harassment. They send volunteers to challenge voters about their place of residence or name or ID, often in predominantly minority districts. They send registered mail to voter registration lists, and when no one signs to receive mail from the Republican Party, they claim this as affirmative proof that the voter does not live there. These challenges to voters, often unsuccessful, contribute to long lines at the polls and discourage potential voters from exercising their rights. They say that these efforts are to stem

voter fraud, but voter fraud in person almost never happens. It's hard enough to get voters to the polls in the first place; organizing groups of fraudulent voters to head out to the polls is an extremely inefficient way to cheat in an election. The real threats to the security of elections are absentee ballot fraud and the appalling vulnerability of many electronic voting machines.

There are concrete things you can do as a law student to protect voting rights in the upcoming elections. The Law Democrats will be organizing training to staff voter protection phone banks, and organizing an Election Day field effort to protect voting rights at the polls. Voter protection workers get trained by practicing attorneys on the applicable federal, state and local election laws. Volunteers field calls from concerned voters who want to know more about their rights, or are concerned that they will be kept from voting. On Election Day, voter protection volunteers monitor polling places and help make sure that everyone eligible to cast a vote is able to do so.

There's nothing like the feeling of accomplishment when you've helped someone cast a vote using your knowledge of the law. The preamble to the ABA's Model Rules of Professional Conduct begins: "A lawyer, as a member of the legal profession, is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice." Election protection work is one way we as public citizens can take responsibility for the quality of justice. Ensuring that citizens are able to elect the representatives of their choosing is essential to the quality of justice in our democratic system. Please take a few hours to help preserve this basic right. If you can miss class for callbacks, you can miss a day of class for your country.

Zachary Myers is president of the Law Democrats. He can be reached for comment at zam3@law.georgetown.edu

Demystifying Hizballah's controversial resistance

Akbar Rahel

In the summer of 1982 Israeli Defense Forces (IDF) invaded Lebanon to allegedly root out displaced Palestinian resistance fighters who were attacking Israel. A brutal war and the complete devastation of Lebanon followed, resulting in tens of thousands of Lebanese casualties. Amidst this backdrop, a resistance movement was born: Hizballah. The Resistance eventually succeeded in driving the Israelis out of most of Lebanon in the year 2000, although it still claims the Israeli-occupied Shebaa Farms as Lebanese territory.

On July 12, 2006, Hizballah resistance fighters killed several Israeli soldiers and abducted two in a guerilla operation that indisputably did not target, nor kill, any civilians. As in the past, the goal was to use the kidnapped soldiers to negotiate the release of Arab prisoners. At any given time, Israel holds nearly 10,000 Arabs with little to no legal recourse, and widespread torture of such prisoners is well documented -- especially by Israeli human rights groups.

The State Department lists Hizballah as a "terrorist" organization; the European Union, comprised of 25 countries, does not. The Non-Aligned Movement, roughly 118 countries, regards Hizballah as a legitimate resistance movement. Thus, at a bare minimum, almost the entire world sees Hizballah as much more than a "terrorist" entity. Sheik Sayyed Hassan Nasrallah was elected Secretary-General of Hizballah in 1992 after the Israeli assassination of his predecessor, wife, and child. Hizballah is primarily based in southern Lebanon, is militarily independent from the impotent Lebanese army, actively participates in the democratic process with numerous members in the Lebanese parliament, and has resisted calls to disarm because it argues its weapons are necessary to protect Lebanon against Israeli aggression.

After the military assault by Hizballah, Israel opened a wide scale war with a massive bombing campaign followed by sending troops into Lebanon. Among the first targets were the runways of Beirut's International Airport, which immediately grounded roughly 25,000 American citizens and thousands of Europeans. Roads, bridges, power plants, and other civilian infrastructure were bombed -- a significant setback for a country that spent years rebuilding from the carnage of the Israeli invasion of 1982. The casualty toll for Lebanese civilians quickly mounted, eventually exceeding 1,000 (including hundreds of children) by the end of the 34-day war. The bombing of the Jiyah plant alone resulted in over 12,000 tons of leaking oil, polluting much of the Lebanese coast. So egregious were the bombings that there were reports of Israeli pilots aborting missions and missing targets on purpose. One article quoted a former Israeli Blackhawk helicopter pilot as saying, "Some pilots told me they have shot at the side of targets because they're afraid people will be there, and they don't trust any more

those who give them the coordinates and targets." (*The Observer*, 8/06).

In the midst of destroying all of the roads and bridges, Israel dropped leaflets warning civilians that everybody south of the Litani will be considered a target. One Israeli leaflet read, "All cars and of any type will be shelled if seen moving south of the Litani River because it will be considered a suspect of transferring rockets, military ammunitions..." The sick paradox of destroying mediums of travel and then telling an entire population that they will be targeted by mere virtue of their attempt to escape should not go unnoticed.

Still, the most stunning pieces of information were revealed in the Israeli press well after the ceasefire took effect. The head of an IDF rocket unit conceded that the IDF fired about 1,800 cluster bombs, containing over 1.2 million cluster bomblets. "What we did was insane and monstrous, we covered entire towns in cluster bombs", the soldier confessed. The same article revealed, "it has come to light that IDF soldiers fired phosphorous rounds in order to cause fires in Lebanon." (*Haaretz*, 9/12). Even if cluster bombs and phosphorous are technically allowed under international law, Israel's widespread and indiscriminate use of these weapons is nothing short of terrorist in nature. Nearly 100 Lebanese civilians -- more than twice as many Israeli civilians killed during the actual war -- have died since the ceasefire as a result of unexploded cluster bombs, estimated at over 500,000. 90% of Israel's cluster bomb strikes were conducted in the last 72 hours before the ceasefire was supposed to take effect. A phrase comes to mind: ethnic cleansing.

Many Israeli leaders didn't even bother to hide the truth. At a pro-Israel rally held in New York that drew such people as Sen. Clinton, Sen. Lautenberg and Nobel Laureate Elie Weisel, Israel's Ambassador to the U.N., Dan Gillerman, proudly exclaimed, "And to those countries that say we are using disproportionate force, I have only this to say: you're damn right we are!" (*Jerusalem Post*, 7/18). The comment invoked wild cheers from the audience. And before the war went into full scale, Lt. Gen. Dan Halutz famously threatened to "turn back the clock in Lebanon by 20 years." If it were not for the Resistance's heroism in fighting a military with superior (U.S. supplied) weaponry, he may have followed through all the way.

Israeli Prime Minister Olmert's Rumsfeldian fantasy aside, Hizballah lost less than 100 guerillas, whereas Israel lost well over 100 soldiers. This includes dozens of soldiers killed in the last-second Israeli offensive launched in a feeble attempt to save face before the ceasefire. In sum, the mighty Israeli army could not muster control over a five-mile stretch of territory. Countless reports detailed overwhelmed Israeli soldiers complaining about the strength of the guerillas. They found out the hard way that fighting trained guerillas is a lot more difficult than shooting at effectively defenseless Palestinians. Politically, Israel also lost-the U.N. peacekeeping force has made it clear

that it will not disarm Hizballah, and is reportedly standing down as the Resistance is replenished with weapons from Iran. Quite predictably, Israel will also negotiate for the release of the abducted soldiers.

In an attempt to cover up their atrocities, the wheels of the Israeli propaganda machine consistently sell the insane idea that Hizballah fighters were hiding amongst civilians. In addition to dehumanizing the perceived enemy, the intent, of course, is to rob humanity of our most vital and irreplaceable intellectual asset: common sense. Would grown men endanger their own women and children by hiding amongst them? Would Hizballah enjoy the support of over 87% of Lebanon (crossing all ethnic and religious divides) during the course of the war if their constituents viewed them as such cowards? One group of people who themselves are for sale purchased such philistinism: the American Knesset, which passed a resolution in the midst of the war by a 410-8 margin summarily endorsing Israel's genocidal campaign.

American politicians also blocked calls for a ceasefire by the international community, and only allowed the U.N. to broker a ceasefire when it was apparent that Israel's mission as an errand boy for certain dark actors in Washington was failing. Top investigative journalist Sy Hersh revealed that Israel had been given the green light to invade Lebanon well before the Hizballah incursion (it was supposed to be a "demo" for a possible invasion of Iran); the abduction of the soldiers was a pretext for what was already planned. Interestingly, before the Hersh revelation, Sheik Nasrallah had also indicated that Hizballah had gained similar intelligence shortly into the war.

Israel also attempts to justify its attacks on civilian populations by arguing that they are Hizballah "supporters" -- a conveniently broad definition. Given the educational scholarships, health clinics, reconstruction teams, lack of corruption, armed resistance, and general aid programs, Hizballah indeed enjoys popular support. If support qualifies someone as a target, then Israel supporters may be surprised to find themselves in familiar company-al-Qaeda's number two, Dr. Ayman al-Zawahiri, routinely justifies attacks on American civilians by arguing that they pay taxes, support U.S. troops while they are in the U.S., etc.

Whereas Israel frantically engages in deceit and deception, at least Hizballah has the *chutzpah* to admit responsibility for the death of Israeli civilians. Responding to criticism of Hizballah, which essentially equated victim and executioner, Hizballah legislator Hassan Fadlallah explained, "The act was begun by Israel...How could we confront the Israeli aggression? With roses? The Resistance said that the bombardment of Haifa was in response to the bombardment of Dahiyeh (Beirut's southern suburbs)." Roughly 40 Israeli civilians were killed in the war, creating about a 25:1 ratio of Lebanese civilians to Israeli civilians killed. This is *not* a "cycle of violence"; it is about a group of oppressed fighting against oppression.

In fact, however, it could be accurately asserted that it is Israeli soldiers who are hiding among civilians. Despite Israeli censorship laws, it's no secret that military installations are spread out among civilian communities. As an illustration, when a Hizballah rocket killed twelve Israelis in Kfar Giladi, it took some news agencies almost two days to reveal that they were Israeli soldiers preparing to enter Lebanon -- not civilians, as the media headlines initially roared.

Regrettably, any serious criticism of Israel in America is met with immediate charges of anti-Semitism, insensitivity to the Holocaust, or just ignorance. Not surprisingly, then, the most rigid criticisms of Israel come from Jewish writers, and often in the international press. In an article appropriately titled, "Israel's response risks its security", Harry Seigman, a former president of the American Jewish Congress, wrote, "Despite bitter lessons from the past, Israel's political and military leaders remain addicted to the notion that, whatever they have a right to do, they have a right to overdo" (*The Observer*, 7/16). Prominent Israeli author David Grossman, was quoted as saying that Israeli leaders believe "what doesn't work with force, will work with even more force." (*Haaretz*, 8/10). His own son, a soldier, was killed late in the war.

And writing in the *International Herald Tribune* (8/4), Avi Schlaim reacted after Israel killed about 30 innocent civilians in Qana (half of them children). The Israeli bombing was a disturbing replay of the well-publicized 1996 Israeli shelling that killed over 100 civilian refugees in a U.N. compound in Qana. Schlaim wrote, "Killing children is wrong. Period. A 'war on terror' cannot be won by a democratically elected government acting like a terrorist organization." A more accurate statement would have been that the Israeli government *is* a terrorist organization--that is, after all, the logical conclusion based on the very criterion advanced by Bush, Cheney, Perle, Wolfowitz, Feith, Rumsfeld and company. If you act like one, then you are one.

It's quite easy to dismiss Hizballah as a group of radical Islamic terrorists bent on destroying Israel because they are anti-Semitic, unemployed and in need of some democratizing. A more sober assessment properly considers that people will fight for their freedom, religion, land and honor. In light of the Israeli invasion of 1982 that killed thousands of civilians, destroyed Lebanon, and inspired the creation of the Resistance; the recent murder of over 1,000 Lebanese civilians; Dresden-style Israeli air assaults on civilian infrastructure resulting in billions of dollars in damage, including lasting environmental consequences; and the indiscriminate use of cluster bombs, it would be both remarkably ignorant and extraordinarily unwise to view Hizballah's resistance as an anomalous phenomenon.

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