

# THE OPINION

Volume 21 No.7 November 2008



**VOTE**

*NO FANCY COVER PHOTO THIS TIME. JUST VOTE.*

## **DO YOU HAVE AN OPINION?**

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OR...

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**WE'RE LOOKING FOR REPORTERS AND HUMOR WRITERS!  
E-MAIL [michael.vogel@wmitchell.edu](mailto:michael.vogel@wmitchell.edu) IF YOU ARE INTERESTED.**

\* THE OPINION would like to apologize to all copyright and trademark attorneys everywhere. PATENT ATTORNEYS KNOW WHAT THEY DID!

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# THE OPINION

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# NOTED SERGEANT DISCRIMINATION/RETALIATION

by: Mike Vogel

In December, 2007 it began with Sergeant Giovanni Veliz being turned down for a position in elite Minnesota Gang Strike Force a couple months after charging the Minneapolis Police Department (MPD) with discrimination. However, on October 22nd, 2008, it ended with a jury striking down Veliz's claim of retaliation, after a 4 day trial. The verdict reportedly shocked Veliz, who along with the legal team, saw a long fought battle lost.

## THE BEGINNING

Ecuadorian born Giovanni Veliz joined the MPD in 1992. He spent parts of 1995 working with the DEA in investigations relating to anti-gang and anti-narcotics. In 1996 he was transferred to MPD's organized crime unit. In 1997, he worked as a patrol officer in MPD's fourth precinct where he worked with the SAFE Unit. In this unit, Veliz worked against gangs, drugs, and prostitution, in addition to cultivating a relationship with Minneapolis's Hispanic community. During this time, Veliz was promoted to Sergeant.

Through his work as Sergeant, Veliz helped with, and super-

vised, narcotics investigations, carrying out of search warrants, and anti-gang policing. Additionally, he was chosen constantly to aid in outreach to the Hispanic community.

In 2004, he was selected to be the Chief of Police's administrative assistant. As part of his duties, he was communicating on behalf of the MPD to the Latino Community. Here, he listened to the complaints of the community, and when he brought these complaints to the attention of the MPD, he was transferred out of the precinct, and into the Federal Mediation Compliance Unit. His duties here involved helping the MPD comply with the Memorandum of Agreement, an agreement between the MPD and various minority communities in Minneapolis addressing issues of language barriers and excessive force. Veliz continued to build relationships with the Hispanic community and communicated their complaints to the MPD, both of which, he was later ordered to stop.

In October, 2005, Sergeant Veliz filed discrimination charges with the Minneapolis Department of Civil Rights, asserting violations of the Memorandum of Agreement, as well as a city ordinance and federal law. The claim also alleged discrimination of city employees based on race

and gender, as well as alleging discrimination against Veliz himself. He held a press conference regarding these charges, and two days later, e-mailed his supervisor that he was taking time off work. The coming weeks after the conference, the charges were widely publicized on local television, and in the newspaper.

A job posting appeared on December 4th, 2005, for the position of Sergeant within the Minneapolis Gang Strike Force. This strike force stretched several precincts and government agencies. The advantages of this position would have been increasing contacts with different law enforcement officials and agencies, more overtime opportunities, and increased training. The qualifications for the position included: all the functions of a police officer, demonstration of leadership skills and supervisory skills, strong communication skills and an ability to communicate effectively within the MPD, strong investigative and analytical skills, being well organized, self motivated, and the ability to work independently.

Veliz applied for this position along with other MPD officers. At this point, he has been a

# LOSES

## CLAIM AGAINST CITY

Sergeant for 6 years. The position however, ultimately went to Sergeant Jeff Jindra, who had only 9 months experience as Sergeant. Jindra was born in the United States and is Caucasian.

### **PUSHING FORWARD WITH THE CHARGES**

In 2006, Veliz filed charges of discrimination and retaliation against the City of Minneapolis to the Department of Civil Rights, who, in 2007, ruled that Veliz had probable cause on both charges. The charges survived summary judgment in an order filed July 2nd, 2008.

However, in his ruling, Judge Kyle noted, "...it is somewhat inconsistent for Veliz to allege, on one hand, that he did not obtain the Strike Force position because of his race (or national origin), and for him to allege on the other hand that he did not obtain the position in retaliation for his discrimination." Despite this note, Judge Kyle allowed the case to continue to trial.

On Friday October 17th, 2008 the trial began with jury selection. The final number of jurors for this case would be eight. An observer

of the jury selection noted that no juror of color was picked in the eight.

The trial began on the same day. Attorneys for the City of Minneapolis used that opportunity to lay the groundwork for a case alleging that Jindra was more qualified for the Strike Force position.

Veliz himself took the stand. Veliz's legal team put the focus of their case on retaliation. The Minneapolis Star Tribune noted that towards the end of Veliz's direct examination, Veliz told the jury that he will never compromise his values. An attorney for the city cross examined Veliz on his assignments, and feelings towards them. Other witnesses included multiple other officers from the MPD.

Attorneys for Minneapolis argued that Jindra had more supervisory experience and gang expertise than the other applicants, including Veliz. The Minneapolis Star Tribune noted a juror who said by the time deliberations started, many jurors were already leaning against Sergeant Veliz, and that it was hard to tell whether there was retaliation. In the end, they returned a verdict for the City of Minneapolis.

Currently, there is no word as to any appeal.

### **FUTURE CLAIMS**

Without a doubt, this case was being watched by many others seeking to pursue claims of discrimination and retaliation. While the jury found that there was no discrimination or retaliation in Veliz's case, all isn't lost for these claims. In his opinion denying summary judgment, Judge Kyle noted that Veliz showed sufficient evidence "to create a genuine issue of material fact as to whether he was discriminated against and retaliated against as a result of his complaints." While this creates no guarantee as to the outcome of the jury verdict, at least it can give hope that these claims will see their day in court.

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# Around the Neighborhood: A Piece of Cake

by: Elise Peterson

A Piece of Cake is a bakery located near the corner of Selby and McCoven, a few blocks past Dale. It has been in that location for 7 of its 23 years. They have an espresso bar and many tasty treats. While there I ordered a freshly made rice krispie bar, a coconut cupcake, and a croissant, all delicious. The cinnamon rolls looked good, as did the cookies, but I already had enough sweets to last me for the day. It is a quiet place to study in the morning and early afternoon. It can get busy in the later afternoon. The owner, Mary Zahasky, told me that middle and high schoolers sometimes come there on dates when school gets out.

While there I enjoyed a shot of espresso. They have a range of espresso drinks including depth charges, and they always have coffee. They also have juice, soda, and tea. Their new specialty drink is a red tea espresso. It is an espresso drink for tea drinkers that has a little bit of spice.

One of their specialties is the black and white cookie, which came about by accident when Mary was experimenting and has become a long-time favorite. Each season they experiment with different flavors. They currently have pumpkin cupcakes, and soon they will have a host of holiday treats. In the summer they use a lot of fruit, making fruit tarts and other sweet desserts. The red velvet is the most popular cupcake, I think I may need to go back and try that one.

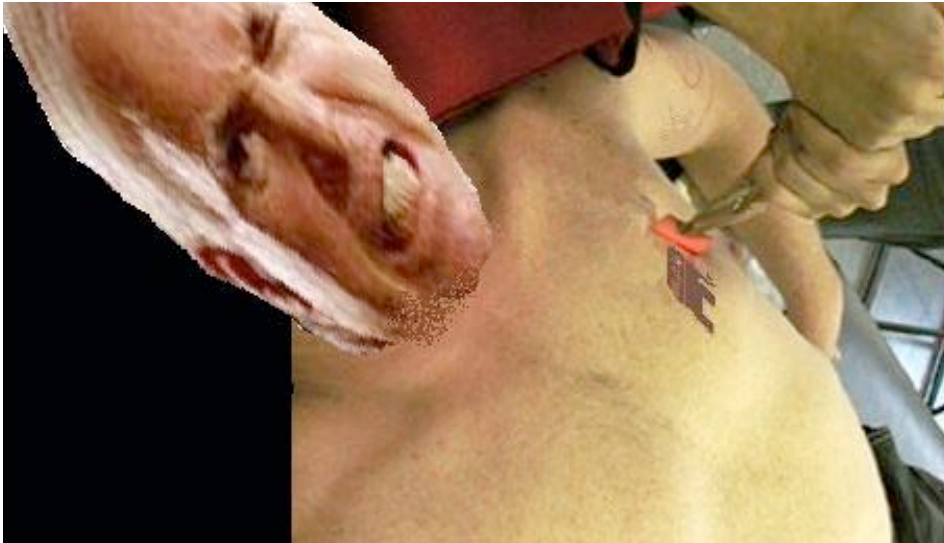
A Piece of Cake is open from 7am-1pm on Mondays, 7am-6pm Tuesdays-Fridays, and 7am-5pm on Saturdays, closed Sundays.

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# The O-PIN-YUN: The Humor Section

This section of the paper bears no resemblance to reality. In a way, this paper is to reality what law school is to legal practice.

## Maverick McCain branded, re-tamed



by Jeremy Byellin

With a touch of nostalgic romanticism, political historian Charles Pitney commented on the capture: “With the branding of McCain, we close a unique chapter in American politics.”

“Gone are the days where herds of free-thinking policy-makers wander the vast unspoiled political countryside.

“I can only imagine these magnificent creatures in their heyday: long, sprinting bounds across the grassroots meadows, their hair majestically billowing in the wind.” Pitney added while gazing off into the sunset.

“However, these days are long over.

“Because of encroaching capital interests and increasingly populated interest groups, these mustangs of government have been forced into smaller and smaller habitats over the past fifty years.

“McCain was one of the last mavericks roaming these territories.

“With his capture and re-taming, it’s only a matter of time until these free spirits are relegated only to the pages of history.”

Republican presidential nominee John McCain was captured, branded, and re-tamed last week.

McCain, long proclaimed by observers as a “maverick,” has spent the majority of his career roaming the wild political landscape untamed and unhindered by fences or boundaries.

The event was the culmination of a prolonged pursuit by a combined effort of Republican Party elites and prominent figures from the Religious Right.

Pat Robertson, one the leaders of the chase, was ecstatic at its success.

“It was quite a thrill to finally catch him.” Robertson commented.

“He has been evading us for quite some time.

“He gave us quite a good chase

for awhile there, but we finally got him, and we can now confidently say that John McCain has been tamed, and none too soon.

“One need look no further than his selection of Sara Palin as his running mate as proof that John McCain is not longer a maverick.”

U.S. Supreme Court Justice Antonin Scalia was also excited about the catch.

“McCain and other mavericks like him had long been trampling across the great unspoiled fields of American policy-making, destroying ideological unity.” Scalia said.

“What a great day it is that we’ve put that to an end.

“He had been irking me almost as much as substantive due process.”

Others, however, mourned it as the end of an era.

# Obama to Mandate Abortions

by Jeremy Byellin

Democratic Presidential candidate Barack Obama announced today his plans to enact new legislation regarding abortion if he were elected.

The proposed change would require all women to undergo at least one government-funded abortion during their lifetime and would include provisions requiring impregnation prior to the procedure if necessary.

“I am strongly committed to a woman’s right to an abortion.” Obama said.

“This new policy is proof of that commitment.

“Abortions should be an important part of every American woman’s life.”

Planned Parenthood Federation of America applauded the decision, calling it a “great advancement for women’s rights.”

“Obama’s policy would serve to greatly cement a woman’s right to choose in our legal system.” said Planned Parenthood spokeswoman Casey Bolton.

Bolton continued, “While it’s a great start, we hope to eventually expand on this policy with increases in the mandatory abortion quota to two or more.

“Abortions should be commonplace in this nation.

“We will not rest until that ideal is realized.”

Not all were enthusiastic about the announcement.

The policy was met with enmity from pro-life groups such as the National Right to Life Committee.

“While we cannot say that we are surprised by Barack Hussein Obama’s announcement, we stand committed to protecting innocent human life from its potential beginning until its natural end.” stated Grace Thomas, spokeswoman for the NRLC.

“In fact, we are currently engaged in a nationwide lobbying campaign to criminalize the killing of a wide range of unborn and potential life.

“Our goal is to see criminal sanctions brought against those found disposing of menstrual discharge or seminal fluids.

“Rest assured, we are committed to our cause; we will fight Hussein Obama’s policy by the most drastic measures available to us.

“We were already well aware of Hussein Obama’s desire to kill any babies who survived abortions [referring to Obama’s opposition to Illinois’s Born-Alive Infants Protection bill].”

Obama has defended his opposition to the bill several times, most recently while describing his new policy.

“It is paramount to the protection of a woman’s right to choose that we never cut and run and leave any abortion unfinished.” Obama said.

“The freedom for a woman to choose to have an abortion is an irreplaceable part of the American civil rights framework.

“Nothing should ever interfere with this freedom, and it is my goal in this policy to enforce this freedom on all American women.”

# Minnesota Election Beat

by: Shmuck Maccallister

## **AL FRANKEN RESPONDS TO NORM COLEMAN'S SLAM OF FRANKEN'S DEFENSE AFTER COLEMAN'S REBUTTAL OF FRANKEN'S ATTACK TO COLEMAN'S SMEAR**

Unaffiliated Critics this week are reported to be bored after Franken's latest campaign ad that the Republican Senatorial Campaign Committee has characterized as, "immature, childish and goes to show that Franken is a booger-brain." The response ad is the latest addition to a long exchange of negative TV ads beginning with Coleman speculating on Franken's personality. Two days later, Franken's campaign ran an ad criticizing Coleman's voting record and expressing Franken's hatred for Coleman's leadership. The next week Coleman camp released an ad against Franken saying, "I hate you too, and your comedy writing is unfunny." Franken then appeared in an ad mooning the camera and shouting, "Laugh at this, stink-face." Coleman responded saying, "Your mother's face is so hideous, it looks like she fell out of the ugly tree and knocked every branch on the way down. And YOU are a poop-head." In his latest add, Franken rebuts, "Oh, yeah, well YOUR mother is so old, her birth certificate is a cave drawing. And YOU are a smelly pie-face." The Republican Senatorial Campaign Committee has planned an attack ad calling Franken "a mean stupid-head." However, the Democratic Senatorial Campaign Committee announced that if the Republicans plan on moving forward with this ad, the Democrats will stomp their feet in the playground, beat them up, and take their lunch money.

## **ASHWIN MADIA COMPETES ON FEAR FACTOR, CHALLENGED TO TALK FOR FIVE MINUTES WITHOUT SAYING A MEMORIZED CATCHPHRASE**

Democratic 3rd District Congressional Candidate Ashwin Madia will appear on the television show Fear Factor this week, hosted by Joe Rogan. Madia will be challenged to speak to a group of voters, answer ques-

tions, and not say memorized slogans such as: "Reaching across the aisle", "Both sides coming together", and "Career politicians have been there too long." A spokesperson for the DNC commented, "We can't help but be worried. It is far beyond the expectation of any candidate to speak in a manner that actually says something." Madia's campaign is reported to also be concerned saying, "This will be particularly difficult for Ashwin, since he has never said anything but pre-approved catch-phrase in his life. In fact, his first words as a baby were 'Washington is broken.'" The episode will air this Monday at 7pm.

## **ERIC PAULSEN BLASTS TWIN CITIES RESIDENT FOR ALLEGEDLY TURNING OFF TELEVISION**

Twin Cities voter Peter Jameson was admonished by Republican 3rd District Congressional Candidate Eric Paulsen for, what Paulsen described as a "malicious and unmotivated powering down of the television." Paulsen continued, saying, "How can a voter plan on getting unskewed, completely accurate and unbiased information about the candidates without watching our campaign ads?" Jameson is allegedly planning on reading the newspaper and, in his words, "researching where the candidates stand on the issues." A spokesperson for the Paulsen campaign described this move as "thoroughly un-American. This is the same kind of poor excuse we saw from Aaron Johnson in late September." Johnson reported to have also turned off his TV on September 29. He responded to critics saying, "I live in St. Paul. I don't vote in the 3rd District. Why the hell am I being bombarded with these ads?"

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*SHMUCK MACCALLISTER IS A STAFF WRITER WHO WOULD HAVE MADE FUN OF THE INDEPENDENT CANDIDATES TOO, BUT COULDN'T THINK OF THEIR NAMES.*

# Profs Say the Darndest Things

We've all been there. You are sitting in class, innocently taking notes, when your professor says something hilarious. While this effectively prevents many of us from learning for the rest of the day, it is also, undeniably, one of the best parts of law school. As a public service, The Opinion will publish these gems of legal education.

**\*\*\*Send us your profs' quotes!\*\*\***

## PROFESSOR QUOTES:

"So, yeah, my life sucks."

"That sounds like a direct challenge to my bulls---"

"Anyone from Baltimore? Good, I can trash it. Baltimore's a hole!"

"Why do you hate America?"

(After a student's question) "I'll write that down later and take credit for it next year."

"Now that I've made you extraordinarily bitter..."

"Internet, shmiternet..."

"Are you asleep out there..."

"After the Fall Break you won't laugh anymore?"

"Do you think I'm a weenie?"

"I think you would want to call that a 'Practical Wisdom' moment, I'm not sure"

"I'm not as lazy as I want you to believe."

"(A judge at the CFC) all the time used to say that the CFC is the 'Supreme Court of Patents', until the Supreme Court told him to shut up."

"I was thinking about cancelling class. (Applause and cheering from students). I love you too."

"Law schools are designed for the enjoyment and pleasure of law professors."

"Did you use the word 'therein' a couple words ago? I do it too. There should be a vaccine."

"It was the Venetians who invented money, and since then, it turns out everyone loves the stuff."

"Only crazy people don't let students use laptops."



# The Stool: A Psychological Profile of It

by Stuart Stendahl

Have you seen the ad campaign featuring the word “Obeyz” with a silhouette of a man that looks like Fats Domino? I have. It is for a popular blog named “The Stool” (<http://thestoolpaper.blogspot.com/>).

The ads appear on WMCL bulletin boards one day, disappear the next, then re-appear again. What is going on?

The blog posts during the law school year, impressive vignettes of WMCL culture and various observations. Last week there was a humorous story about the red square outside room 323, which this week became that fluorescent red wall that we all snicker about. A story about our beloved own Opinion showed up late last fall. It was funny as heck.

Who is this masked man? Or is it a woman? A group of students? Or professor(s)? Or how about if the author is a spy from St. Thomas that comes over on the free shuttle bus from MPLS, just to use a library that actually has books in it?

The time has come for a deeper look into this stool character. Enlisted for this task is expert law school profiler, Swami-G’Amar. Swami passes all requirements of an expert on the matter -- he is: (1) from out of town; (2) wears eye-glasses; (3) speaks with an English accent; and (4) might have been the stool once in his day. A summary of his expert report follows.

The Stool is a seeker -- a spiritually and grammatically advanced being. It has gained insight into the essence of WMCL that cannot be gained by the average Joe the Plumber.

Take the story about the Blue Book for instance: to fully empathize with that poor 3L Law Review Assistant Editor doing citation checks shows a caring and compassionate soul.

What glee the students must feel when they realize someone else agrees with them that the Blue Book must be written by a group of aliens with shit-for-brains.

The Stool knows the law. Look at the perfect drafting of the subject-matter disclaimer, age warning label, and copyright on the blog. It would even pass express disclaimer muster

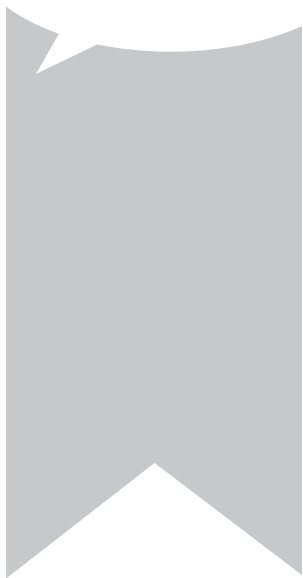
under the U.C.C. (if the blog were for a sale of a good), for it is conspicuous and a writing.

But The Stool throws out pejorative barbs in some articles. This shows a propensity to make jokes about others, probably aiming to re-direct attention away from their own self-consciousness and the ten cases they have to brief before tomorrow, which perhaps, makes them feel nauseous, Sartre might say.

Is The Stool really “the shit,” as a friend of mine said? So who is it? Would the real stool please stand up cuz I cannot tell. The answer does not come in the form of grades or class-ranking, this much is certain.

For these decisions could have been made as logically, sometimes, by analyzing just what the decider had for breakfast that morning, or conversely, what they did not have.

## THE OPINION



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