

# The OPINION

William Mitchell College of Law Student Newspaper

Minnesota's Only Law School Student Newspaper

December 2002

## Hi-Tech Elections?

By Alfredo Lorente

There is no doubt that one of our most cherished rights is the right to vote. However, more important than being able to cast a ballot is to have those ballots count. This is one of the reasons why we don't put any weight behind the recent election in Iraq, and why there are people still uncomfortable with the 2000 election results.

To make certain every vote counts, we are moving quickly towards all sorts of electronic voting systems. From touch-screen voting machines to Internet voting, there seems to be any number of ways to modernize our electoral system. And many people hope that with added simplicity and ease our low voter turn-out will be a thing of the past.

And yet, do we have any guarantees that these hi-tech mechanisms will make for truly blunder-free elections? In 1988, the New Yorker magazine quoted Willis Ware, a renowned computer scientist, as saying, "[t]here is probably a Chernobyl or a Three Mile Island waiting to happen in some election, just as a Richter 8 earthquake is waiting to happen in California."

Concerns in Florida in 2000 ran the gamut from people erroneously/intentionally (take your pick) being prevented from voting to how to deal with hanging chads during recounts. Resolving the recount issues was important, of course. But making sure that people who were eligible to vote could certainly seems more important – the courts were used to resolve what could and could not be counted. Nobody held another election for those who could vote but were turned away at the polls.

Certainly, problems are bound to crop up, and the goal is to eliminate as many sources of friction as possible. Not everyone will use the same false address in their fraudulent voter registration forms (as happened in Coates, right here in Minnesota). Those who are intent on subverting the electoral process will find a way (perhaps simply by sitting down and thinking through their plans). But electronically registering a vote, instantly when cast, certainly seems like a good way to guarantee there won't be any more butterfly ballots or hanging chads. Unless problems crop up.

As I write, there have already been problems in some localities. In North Carolina, almost 300 people who cast early ballots did not have their votes recorded properly by the touch-screen machines. In Texas, some

machines were not calibrated properly, making votes for Democrats go to Republicans.

We use computers day in and day out. We are used to their idiosyncrasies. We know that if we ask too much of them, we are bound to have to reboot. What we aren't quite sure of is what asking "too much of them" is. Peter G. Neumann of SRI International has collected many election technology horror stories. One of the most interesting ones was how in the Philippines, after a very localized power failure affecting only the area of the computer center, the computer immediately declared the underdog to be the winner of the election after rebooting. (Mr. Neumann's site is at

<http://www.csl.sri.com/users/neumann/illustrative.html>. The story about the Philippine election was published in the June 10, 1985 issue of The Washington Post.)

Should we worry about a sudden black-out? Who is to tell? Perhaps not. But if did occur, or if there was an unusually close election, as it happens occasionally, the ability to backtrack and recount should be there.

It rarely is.

Many of the new voting machines lack paper backups, according to Kimbell Brace, president of Election Data Services, a research company in Washington, D.C. In her words, "The reliability of the election is only as reliable as the machine can be."

Most of the current systems just tally each vote as it is cast. What you get a growing vote count total. If you want to do a recount, you are just all out of luck.

The ability to have a paper trail to corroborate results if the need arose hasn't been seriously considered. It is seen as too cumbersome and not truly needed. And what kinds of standards are required of the manufacturers and their equipment? Are there benchmarks these machines must meet or exceed? And most importantly, how many people have the technical training to look at the code in these computers and tell that the errors are honest mistakes and not intentional? The engineers with the training exist, but manufacturers are unwilling to give experts access to their systems. Reasons range from keeping manufacturer's trade secrets to claims that examining the system would void their warranty.

Democracy be damned, we gotta save the \$60 of the service call.

We keep moving inexorably into the future. Technology is a great tool,

*continued on page 8*

## Back in Iraq

By Dan Gilchrist, 4L

On November 8th, after many weeks of delays and maneuverings, the 15-member United Nations Security Council unanimously resolved that Iraq allow an international team of weapons inspectors "immediate, unimpeded, unconditional, and unrestricted" access to any and all sites in Iraq. The resolution empowers inspectors to freeze traffic to and from any potential weapons sites and to "remove, destroy, or render harmless all prohibited weapons...and other related items." In the event of an Iraqi breach, the resolution demands that the Security Council immediately reconvene to vote on consequences of the breach.

The resolution demands that Iraq confirm its compliance within seven days and that it provide detailed lists of weapon programs and sites within 30 days. At the time this article went to publication, Iraq has not yet replied to the resolution.

President Bush immediately responded to the unanimous vote. He said, "The American people are grateful to the Security Council for passing this historic resolution. The members of the council acted with courage and took a principled stand. The United Nations has shown the kind of international leadership promised by its charter and required by our times."

President Bush is right in this respect. The United Nations did show an international leadership required in our times. This resolution gives Iraq the ability to avoid war and its horrible destruction while at the same time providing security to Iraq's neighbors.

The UN's international leadership has wider effects too. It sends a message to other dangerous rouge nations that the world, collectively, will not tolerate them and will hold them in check. This collective international leadership will make the world a safer and better place for all nations.

However, in the same speech, President Bush undercut the international leadership that he had praised. He reserved the right for the United States to make war on Iraq if the US determines that Iraq is in breach of the resolution even if the UN does not make such a determination. He said, "America will be making only one determination: Is Iraq meeting the terms of the Security Council resolution or not? The United States has agreed to discuss any material breach with the Security Council, but without jeopardizing our freedom of action to [invade]."

President Bush's unilateral-action statement can be viewed in at least two ways. First, it can be viewed as legitimate exercise of power designed to keep the UN focused on the urgency of the situation. Second, it can be viewed, particularly by other UN member states, as a blatant disregard for the rule of international law. Such a viewpoint, which is not uncommon in other countries, opens the United States to harsh criticisms. Some such criticisms make me cringe when I read them. One of the worst, which was reprinted in London's "Financial Times" was, "U.S. = #1 rouge state."

Results (or aftermath) will ultimately write the history on which of the two viewpoints of the President's statement prevails as more widely held. To write the history in its favor, the United States ought to stick with the UN – applying appropriate diplomatic pressure as needed. In the end, we need the world at least as much as it needs us.



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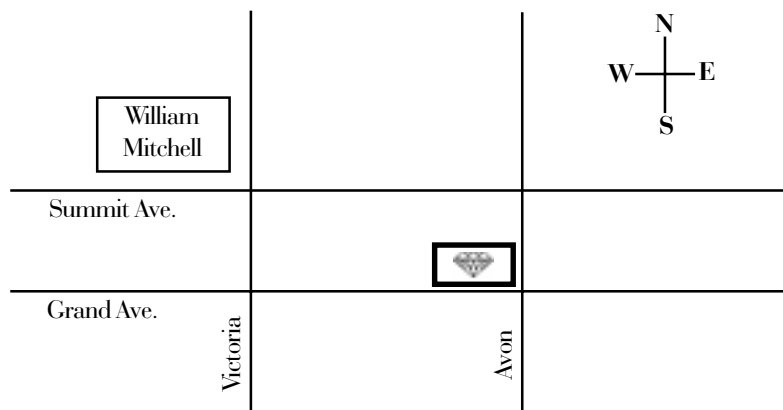
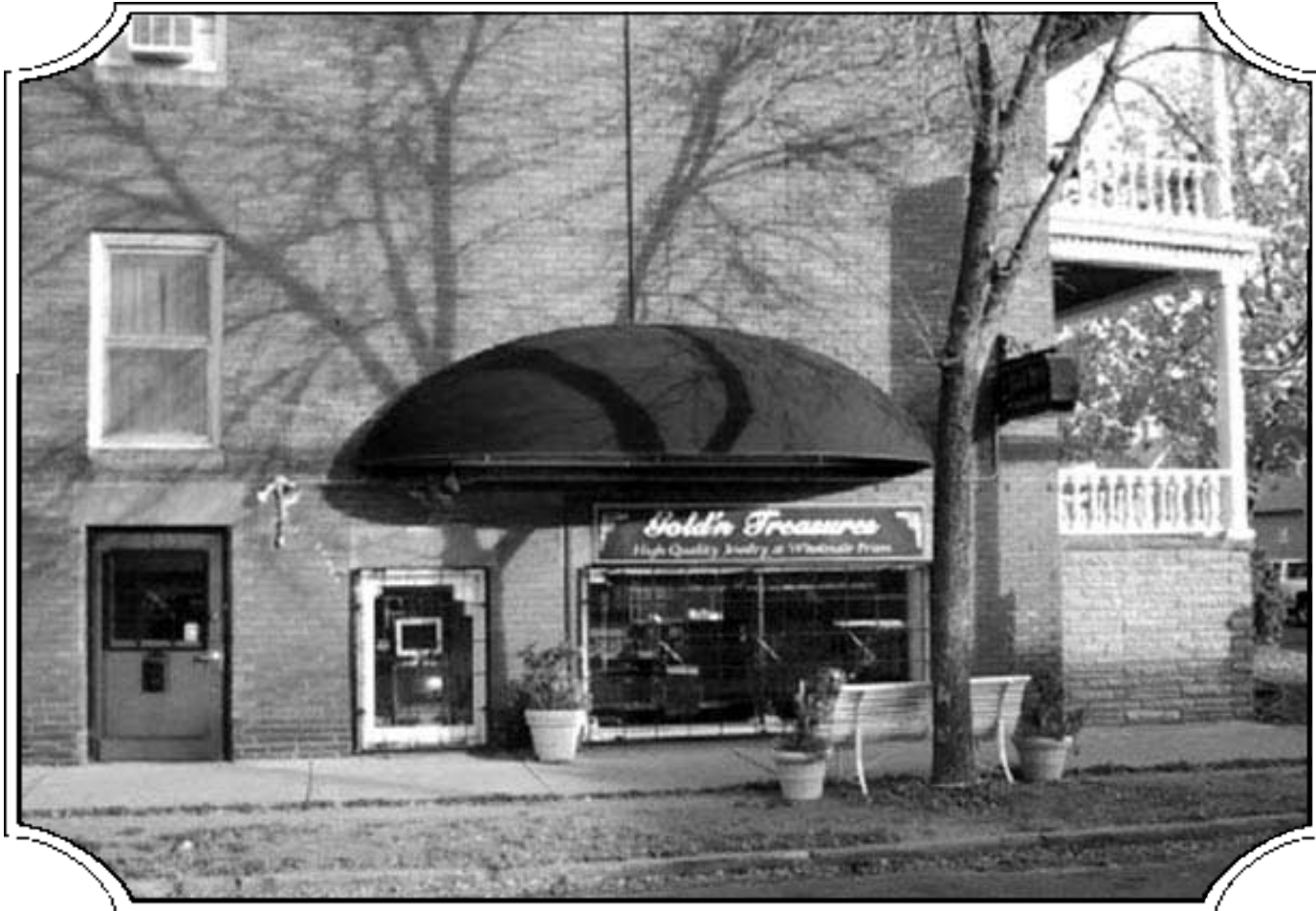
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# The OPINION

William Mitchell College of Law Student Newspaper

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## From the Editor

Ahh, December. The time for family and frolic and pressure-less days of holiday.

After finals, that is.

Aggggh. Finals. That spinning, whirling time when self-doubt and second-guessing reign. It's the scourge of the law student.

Undoubtedly, there are some students who relish the beginning of finals. They love the challenge or the opportunity to wow some professor with their legal brains. But, I don't know any—do you?

So, don't take it too hard. We're all in this together, whether we realize it or not. Do your best, that's all you can do. Trying to funnel everything you've learned in this semester into the vortex of some professor's long thought-out fact scenario can be daunting. Thoughts of "did I take decent notes?? Is my outline finished?? Do I have every nuance of every legal premise down pat?? Can I really write for 3 hours??" can rule your dreams. Relax a little. After all, you can't go back and take notes over. You can't read 5 hornbooks in three weeks. You can only do your best. And that will be good enough, believe me.

Remember to take relax time as you prepare for finals. Don't shut yourself off from humanity for the next three weeks. Take a deep breath once in a while. Your free time with family and friends over the holidays will be sweeter.



### The Opinion Submission Dates

Submission for the spring quarter issues are:

January Issue	12/11
February Issue	1/15
March Issue	2/12
April Issue	3/12
May Issue	4/16

## MANAGING YOUR MONEY

How To Avoid Becoming A Victim Of Credit Repair Scams; Consumers Can Improve Their Own Credit Profiles

By David R. Wolff, Vice President, Consumer Relations, TransUnion

(NAPSI)-Many consumers have received mailings or seen messages in their e-mail inbox proclaiming, "Repair your credit and get approved..." Certainly the number of so-called "credit-repair companies" or "clinics" has grown rapidly. These companies are targeting unsuspecting consumers by promising to clean up negative, but truthful, information on a credit report to obtain a home mortgage, auto loan or credit card—and they charge hefty fees for these services.

What many desperate credit seekers don't realize is that these organizations often cannot perform the services they advertise—and in some cases are conducting illegal activities.

TransUnion, a leading consumer credit reporting company, is working to help consumers avoid these scams, which are not worth the associated risk and potential long-term headaches. Instead, credit seekers are advised to obtain a copy of their credit report on their own so that they can improve their credit independently for little or no charge. With a credit report in-hand, consumers can easily correct any errors at no cost to them beyond the stamp to mail the documents.

While negative information that is accurate must legally remain on a consumer's credit report for a specific length of time, consumers can legally improve creditworthiness by:

- Remembering to pay all bills on time. Delayed or delinquent

payments lead to late fees, more interest charges and overall reduced credit health.

- Applying for a department store card or gasoline credit card, which are often easier to qualify for—and then paying those bills on time to help re-establish good credit.

- Maintaining a small number of credit cards. Creditors look at your potential for going on a spending spree and falling too deeply into debt.

- Keeping your debts at a reasonable level. Financial experts say that, as a rule of thumb, non-mortgage debt payments should not exceed 10 to 15 percent of your take-home pay each month.

- Avoiding unnecessary inquiries on your credit profile. Any time you authorize a creditor or other business to check your credit report, an inquiry is added to your report. If you have a large number of inquiries in a short amount of time, this could look bad to creditors.

In the absence of these six behaviors, nothing else—not even so-called "credit repair companies"—can make you appear more creditworthy. In many cases, time is the only thing that will heal a record of past credit problems. But the sooner consumers get started on the path to a healthy credit profile, the better.



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FAIRLY TRADED HANDICRAFTS FROM AROUND THE WORLD

## Why does the water look like root beer?

By Matthew Krohn



I asked my dad that question during my first visit to the Cascade River. I was 10 years old. Now, twenty years later, that same question echoes off the wet rocks of Cascade, as another generation ponders the mystery of the "root beer river".

It has become an annual pilgrimage for me, returning every year to Minnesota's scenic North Shore. I am barely conscious of other choices available to me. At fifteen, a camping trip with my father sealed my fate. Camping beside the Cascade, hiking its banks and breathing in the beauty of the Great Lake created in me a yearning to return, year after year, to find fulfillment once more.

O.K., so maybe it sounds a little dramatic. I mean, fulfillment? Come on! Well, yeah - fulfillment in a way. It's the unchanging nature of the river that brings peace. Like a family tradition you've depended on for your whole life. Every one has one, right? For example, every year my mom makes quiche on Christmas morning. She has done this for as long as I can remember, and, it's the only day of the year I eat quiche. I depend on it because it doesn't change, or at least it shouldn't. Except for last year, she substituted the quiche for some kind of nasty egg-bake-loaf-thing, it wasn't a pretty sight. Oh, she had some convenient excuse, like she was too busy buying presents for her grandkids, or something like that. Nevertheless, people were upset!

Anyway, the Cascade River hasn't changed since I was a kid. That's

what I love about it! Some things around it have changed, like, the Park service built some nice wooden stairs for day-hikers to feel safer while negotiating the muddy banks. There's also another place to park beside the road. But, that's about it.

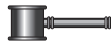
There's something else that hasn't changed too much either. The Cascade Lodge, which sits just south of the river, facing Lake Superior. This year, they are celebrating their 75th Anniversary in business. I can tell you, this historic lodge seems pretty much the same since I was a kid. And, of course, that's what draws me to it every year. Actually, for the last 4 years I've been dragging a dozen or so of my friends there every October to share the experience with me. We rent the "Cascade House", which is a separate house away from the main lodge that easily accommodates large groups up to sixteen people. It is, by far, the most affordable large group accommodation on the North Shore. With resort prices ranging from a couple hundred to a five thousand for a weekend on the North Shore, people who wish to book a large group would be well advised to check out the Cascade Lodge's accommodations.

If you've never been to Lake Superior's North Shore, you should go. Everyone I know who's been there falls in love with it. And, they all have their favorite river to visit on the way (there are many to choose from). For me, it's the Cascade River, with its root beer foam always floating, always gliding down into the Lake. And, the Cascade Lodge, always waiting patiently to greet me, and, to remind me why I always return.

If you want to find out more about visiting the Lake Superior's North Shore, go online to

<http://www.northshoreguide.com> for lots of good info on lodging, food, etc. If you're curious about the Cascade Lodge, you can visit their website at <http://www.cascadelodgemn.com>, or you can just ask me.

Matt Krohn



## Billy Bites!

- a review of The Muddy Pig

By Lori Bower, restaurant critic



Two of my friends and I try to take a break from the madness of school every week and go out to lunch. We usually choose somewhere close to Mitchell because someone always has some pressing issue: a paper, a reading assignment, whatever ... to get done that afternoon. We explore new places and have some favorites spots too. I thought other students might want to be aware of some of these places that are very close to school. In the event that Hachey is too crowded, or you just need to get out of the building, there are plenty of great places within walking or a short driving distance.

On this particular afternoon, my friend and I decided to be adventurous for the sake of this column and visit The Muddy Pig, located near the corner of Selby and Dale streets.

I spent four months in England during college, and walking into The Muddy Pig brought me back to the many hours I spent in small town pubs in the English countryside. We chose to sit in a booth near the bar, which takes up most of the space in the main room. We were there around noon and it was fairly quiet. There were a few regulars sitting at the bar, eating their lunch and chatting with the bartender. I got the feeling that it's more of a night hang out place. It would be an ideal place to bring your books and eat lunch though.

Although we're students on tight budgets, we ordered the bruschetta as an appetizer. Now, I consider myself a bruschetta critic because I work at

an Italian restaurant and our bruschetta there can't be beat. I was right about that. The bruschetta was tasty - four huge pieces of toasted bread came with big slices of tomato and basil with some olive oil drizzled over the top. It was very tasty, but nothing to write home about and the bread was broiled too long so the edges were burnt.

My friend ordered a spicy chicken sandwich, served with chipotle sauce and chips. The chicken breast was huge, and she said it was really juicy and flavorful. Her final comment about the sandwich was that it was good, but nothing special. It was a chicken sandwich.

I ordered the grilled vegetable salad, which was a bed of mixed greens with huge chunks of grilled zucchini, carrots and onions on the top. The light vinaigrette dressing was awesome and they threw in some black and green olives for flavor. The salad looked really weird, but tasted really great. One thing I wasn't very pleased about was that I chose to add shrimp to my salad for \$3. There were three cold shrimp thrown on my salad, and it didn't match the taste of the grilled veggies very well. I was also kind of disturbed that I had to pay \$1 per cold shrimp.

We were tempted to try their pumpkin cheesecake, but the portions were a good size, so we really didn't have room to spare. My final conclusion about The Muddy Pig's food was that it was Ok. It wasn't incredibly special, but their lunch menu had a variety of other items to choose from and it would be a great place to sit and study during the day. Our server was incredibly attentive and made sure we had everything we needed. I haven't ever gone there at night, but their beer selection looked great and I think it would be a fun place to go on a weekend night. The atmosphere was warm and comforting, kind of like a piece of jolly old England right here in St. Paul.



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## Visual Learning in the Legal Journey

-Favorite Legal Movies

By Lori Bower

It's almost time for Christmas break, and while I'm sure no one will lack things to do, take some time to pop some popcorn and rent some good movies. I picked some of my favorite legal movies and briefly summarized the plot, and why I like them. You have a different appreciation for these movies once you begin to have an understanding of the legal world. I saw *Legally Blonde* before I started law school, but find it even funnier now that I am in my second year of law school (mostly because I can breathe a sigh of relief and thank God I'm not a first year anymore).

No matter what year you're in – if you haven't seen these movies I highly recommend them. All the movies I reviewed are out on video and DVD, and should be available at your local video store.

### *Legally Blonde*

**Stars: Reese Witherspoon**

The Plot: The movie is about sorority girl Elle Woods (Reese Witherspoon) turned law student, who decides to attend law school to win back her college boyfriend. It's about her failures and successes as a first year student, and her transformation from beauty queen to trial lawyer.

This movie is for all law students, despite your age or hair color. I saw the movie the summer before I started law school, and have watched it many times since. It's a movie that first-year students will identify with, and one that 2Ls through attorneys can enjoy. It's light-hearted and shows that trust, hard work, and good friends really do mean something.

### *A Time to Kill*

**Stars: Matthew McConaughey, Samuel L. Jackson, Sandra Bullock**

This movie is about the trial and struggles of Carl Lee Hailey (Samuel L. Jackson), a Mississippi factory worker, when his ten-year-old daughter Tonya is brutally assaulted by two racist thugs on a drunken spree. An eager young lawyer, Jake Brigance (Matthew McConaughey), is called upon to defend Carl Lee in court after Hailey shoots both men in an act of passionate retribution for the shattered innocence of his victimized little girl.

Awesome and emotional. Those two words describe this movie best. The supporting cast is loaded with Ashley Judd, Oliver Platt, Kevin Spacey, Donald Sutherland and Kiefer Sutherland. It's a movie with a message about how dangerous racism is and raises a lot of tough ethical issues for those of you that are in PR this semester ...

### *Erin Brockovich*

**Stars: Julia Roberts**

The true story of Erin Brockovich (Julia Roberts), a persistent, flashy and poor young mother who discovered a cause and fought for it with all she had. She is desperate for a job, and hounds her personal injury lawyer for a job until he gives her one. She stumbles upon a giant case involving a local power plant and the small town where many families are mysteriously getting sick. This is the story of her fight because she was convinced that she knew the truth.

The best thing about this movie is that it shows that sometimes lawyers lose touch with people, and that people are looking for someone to

trust. Erin is unconventional, and wins the trust of the people she works with because she is real. It's a very inspiring movie, and makes you want to be a better person.

### *I Am Sam*

**Stars: Michelle Pfeiffer, Sean Penn**

This is the compelling story of a mentally challenged father, Sam Dawson (Sean Penn), who is raising his daughter Lucy with the help of an amazing group of friends. As Lucy gets older, her intellectual ability surpasses that of her father. Lucy and her father's close relationship is threatened when a social worker decides that Lucy should be in a foster home. Sam hires Rita Harrison (Michelle Pfeiffer), a self-absorbed, high-powered attorney, who takes the care pro bono as a challenge from her co-workers. Together they fight the uphill battle to get Lucy back home.

Sean Penn plays an amazing character in this movie. His character alone is reason enough to see this movie. This movie is chock-full of emotion and will tug at your heart-strings. It has everything – you will laugh, cry, get mad, feel happy and everything in between. It is a must see for anyone interested in Family Law.

Other good legal movies:

**High Crimes** (just recently released on video and DVD)

**The Devil's Advocate**

**12 Angry Men**

**A Man For All Seasons**

**The Paper Chase**

**A Civil Action**

**The Firm**

**The Rainmaker**

**To Kill a Mockingbird**

## Hearsay

What is it about public spaces that lead some people to think their mother (or maid) works there? It happens in workplace kitchens (used lunch containers left on the counter for days) and refrigerators (someone's lunch left to rot until the smells drives some forgiving soul to clean it out for them), and it happens here in classrooms and in Hachey.

We walk through Hachey many times at night, since we're here all the time. It's amazing the amount of garbage people leave on the tables. Night after night—ok, we're here too much, but that's beside the point—we see food/wrappers/eating utensils and other various bits of trash left on the tables, the floor, and just about every other flat surface. What's up with that? Everyone knows that a) their mother/maid isn't here and b) someone has to clean it up, since when they get here on a weekday or weekend morning, Hachey is clean.

We're not aware of any gremlins or little elves that wait around to clean up after law students, so it must be someone else. The unsung maintenance crew, probably, or, as we saw, a security guard who said, "I'm just trying to help the maintenance crew out—they are pretty busy," as he walked around throwing out our trash.

C'mon people, have a heart. The least we can do is throw our garbage out and give someone a break. Act like grownups if that's what you purport to be. And that goes for classrooms, too.

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## I. INTRODUCTION

This<sup>1</sup> is<sup>2</sup> the<sup>3</sup> world's<sup>4</sup> greatest<sup>5</sup> law<sup>6</sup> review<sup>7</sup> article.<sup>8</sup> It<sup>9</sup> is a bold, brash piece, unashamed to proclaim: "Yes, I am nontraditional scholarship. What about it?" Looking for a sound thesis? Hah! Child's play. Try a great plot, crammed with suspense, romance and thousands of potboiling footnotes.

And yet, perhaps the paramount beauty of the work is that, despite being light years ahead of the competition, it never strays too far from its roots. In other words, it is nontraditional but in a classic, traditional, bet-hedging sort of way. We're talking about an article that: rethinks practically on automatic pilot, drives a hundred miles an hour toward a model<sup>10</sup> of important stuff, is subject to spontaneous deconstruction, tosses the word hermeneutics around like a walk on the beach, puts post in front of (and sometimes behind) at least one word on every page, and, best of all, will take a thaumaturge<sup>11</sup> to figure out.

\*\*\*

[Unbelievable amounts of really great material are omitted here.]

## CLXIII. CONCLUSION

In conclusion, I am confident that legal academicians everywhere will agree, probably unanimously, that the only important thing lacking in The World's Greatest Law Review Article<sup>28343</sup> is a colon in the title, but that is only because the author is beyond caring about such things, way beyond.

\*Professor of Law, University of Arkansas at Little Rock. I would like to thank Lawrence Tribe, Sandra Day O'Connor, Richard (I like to call him "Rick") Posner, Judge Lance Ito and a lot of other legal personalities with good name recognition. They didn't have anything to do with this article, but there's no law that says I can't thank them just for being them in this important space for name-dropping. Special thanks to the editors of the Harvard Law Review for their hard work, unless they never bothered to read my submission, in which case I hope they spend eternity lost in a Sisyphean supra-infra citation loop. Finally, no introduction would be complete without thanking everyone for their "helpful comments," including Lisa, the waitperson at Vino's Bar in Little Rock, who suggested I move my laptop computer before someone dumped a pitcher of beer on it.

<sup>1</sup> "This" is a pronoun that means "the person or thing mentioned or understood." WEBSTER'S NEW WORLD DICTIONARY 1392 (3d ed. 1988). I will be happy to find a more recent source if the editors at an elite journal think this one is too dated, because I aim to please. See John Lennon & Paul McCartney, Paperback Writer (Northern Songs Ltd. 1966) ("I can make it longer if you like the style, I can change it 'round and I want to be a [law review] writer, darr-darr-darr, [law review] writer"). Along the same line, if I should hereinafter screw up and use supra when I mean infra, please don't say See! Rather, cf. you can find it in your hearts to forgive me. Compare it to some really horrible faux pas like USING THE WRONG TYPEFACE, and it won't seem so bad.

<sup>2</sup> "Is" is an intransitive verb. WEBSTER'S NEW WORLD DICTIONARY, supra note 1, at 715. The word has a long, tedious history that, although irrelevant, I will explain in elaborate detail because I don't want the time I spent researching it to have been wasted. In Middle English is is found in ... [three pages of etymological history follow]. Is is sometimes used as an abbreviation for islands, but that topic is beyond the scope of this article.

<sup>3</sup> "The" is an article used to refer to a particular person, thing or group. See id. at 1386.

<sup>4</sup> Pay attention! I'm talking GLOBAL here, which is very hot right now. It goes without saying that my global realm is jam-packed with diversity and virtually overflowing with multiculturalism.

<sup>5</sup> Brace yourself, law review editors! This conclusion is actually my own, original thought. I spent three days researching to see if anyone had thought it before, but if they did they didn't write it down anywhere. My mother read a draft of the article and commented on its brilliance, so I suppose you could cite to her in a pinch (with a see signal only since she did not actually come right out and say it was the "greatest"). In any event, I assure you this original thought was an isolated incident and will not happen again.

<sup>6</sup> As used in this article, "law" includes any positivist, naturalist, realist, feminist, nihilist, hedonist, economic, semiotic, narcotic, psychotic, post-modern, post-millennial, post-office syndrome, or any other theory of the rules we live by. Take your pick. If I play my cards right, the finished product will be so obtuse that no one will have a clue what it means, which will naturally lead to the assumption that it's a brilliant piece.

Of course, there's law and then there's scripture. The reader should disregard anything herein that even remotely conflicts with The Bluebook. THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (15<sup>th</sup> ed. 1991). The Bluebook, widely misunderstood, was originally an English translation of the Tao Te Ching, a book of Eastern philosophy written 26 centuries ago. Interview with Lao-tzu, "Larry King Live" (A Dream I Had, Mar. 29, 1995). Taoism advocates a life of complete simplicity. Somewhere along the way, some Ivy League law students got hold of this great work and ... well, let's just say they have at times lost sight of the original purpose.

However, even today The Bluebook remains a source of great, spiritual comfort in troubled times. Just recently, for example, my significant other dumped me for a professor from a higher echelon law school who regularly publishes in the better journals. I became completely distraught, to the point where, I am sad to admit, I was a danger to myself. However, The Bluebook proved to be my guiding light. Now, instead of contemplating jumping in front of trains, I meditate about the intricate rules for abbreviating railroads. See The Bluebook, supra §10.2.2(b), at 61 (PLEASE! Just see subsection (b). Do not even think about looking at either subsection (a) or subsection (c) because that might be construed as seeing generally, which would require me to add one of these annoying explanatory parentheticals.).

<sup>7</sup> I'm taking a rest here, but I promise to compensate for it by making the next footnote extra-long and monotonous.

<sup>8</sup> "Article" is the one and only perfect word to describe what I'm trying to accomplish here, unless, of course, a student law review editor thinks a different word would be better, in which case I will gladly defer to his superior wisdom.

<sup>9</sup> From now on, I will use exclusively feminine pronouns, even for inanimate objects, to show I'm really with it, or I should say, with her.

<sup>10</sup> Pretty cool italics, huh?

<sup>11</sup> One of the truest measures of great legal scholarship is using words that no one understands. To assure that the terminology in my article meets this high standard, I made a lot of it up.

<sup>28343</sup> Andrew J. McClurg, The Worlds' Greatest Law Review Article. Only the first of many, many citations, I'm sure.

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# The Opinion's Opinion Page

## Chicken Little is Here!

By Sara Dady

A while ago, I was telling my three-year-old niece the story of Chicken Little who panicked when a pebble fell on his head. Like most kids, my niece has a finely tuned appreciation for high drama and quickly joined me in throwing her arms over her head and shrieking, "The sky is falling! The sky is falling!" Unfortunately, I couldn't remember precisely how the story ended but my niece didn't seem to care whether Foxy Loxy offered Chicken Little and his hysterical crew haven in his cave and then ate them up or if the king gently chided the mob for their alarmism and sent them safely home. She was too caught up in the fun of whirling and shrieking.

I can think of only one sort of pebble that falls on an American voter's head, consistently causing loss of all perspective and reason. Taxes. We see it in every election and hear it from opponents of every legislative initiative. "He'll raise your taxes!" "You'll have to pay for it with higher taxes!" Despite the fact we know that we will always have to pay taxes, that everything costs money and as the years go on, everything gets more expensive, we fly to the illusory shelter offered by anti-tax Foxy Loxy's. Walter Mondale was crucified in 1984 for saying that he would raise taxes if elected President. Former President Bush's broken promise not to raise taxes contributed to his defeat in 1992. Americans reward anti-tax talk even though we know it's unrealistic at best and just plain irrational at worst. There is one issue that exemplifies this. Universal Health Care.

The shrieking reached a deafening pitch this November in Oregon. Measure 23, offering comprehensive healthcare to all Oregon residents, was soundly defeated by voters- 80% to 20%. An astonishing result for a state where one in six residents are uninsured. The measure proposed a Health Care Finance Board with both elected and appointed members to administer and negotiate comprehensive health care for all state residents. Under the plan, residents could choose their own physicians, never be denied coverage or dropped from coverage, premiums, co-pays and deductibles would be eliminated and everything is covered- including pre-existing conditions. The state would simply be expanding what it already does for some residents and all state employees. Two-thirds of the program would be funded by monies the state already dishes out through various health care plans, the rest would be made up by progressive payroll (self-employed individuals would be exempt) and personal income tax revenues.

Here's where the bottom fell out- Taxes! The opposition campaign, financed heavily by private health insurance companies (who would become obsolete if the measure passed), sounded the cry "Your taxes will go up!" But they didn't tell the whole story. Yes, personal income

taxes were projected to increase anywhere from 0% to 8%. The average non-elderly American family already pays between 4% and 7% of its income on health care- that includes deductibles, premiums and co-pays. All of which Oregon residents would no longer be paying. In addition, state income tax is deductible from federal income tax. Basically, Oregon residents would be paying about the same as they do now but with greatly expanded benefits. Opponents also claimed that Measure 23 would destroy Oregon's businesses with an increased payroll tax of 3% to 11.5%. But businesses already pay between 5% and 9% of an employee's wages in health insurance.

Health insurance premiums have increased by nearly 50% in the last couple of years for both employees and employers. Businesses negotiate with private insurance companies for plan coverage. Small businesses end up paying higher premiums because they cannot negotiate for better discounts. The smaller the risk spread, the greater the premiums. Large companies end up paying larger premiums due to "cost shifting". Health care providers charge employers higher prices to make up for underpayments by uninsured patients. While there are many reasons why health care is crushingly expensive, these two particular problems fade when a state program can negotiate coverage that spreads risk over millions of people and where everyone is insured.

Most insurance companies and HMO's would be shut out of Oregon, they would lose clients, profits...no wonder they contributed an average of \$400,000 each to oppose Measure 23. And they had a winning strategy- your taxes will go up! It's too bad that 80% of the voters in Oregon did not stop whirling and shrieking in time to examine what exactly fell on their heads. Next time a tax pebble drops there or in any other state, I hope voters will keep enough perspective to steer clear of Loxy Foxy's belly.



## Sound Reasoning Battles Chicken Little

By Chad Collins

I have an idea. Let's have a world where we don't have any cares...a world where everything we need is free and guaranteed. We will have free food, free clothes, and even free health care. But how will it be paid for? Who cares as long as I have it!

This socialist idea may sound ridiculous, but the voters of Oregon had a shot at making it a reality this past November when they went to the polls to vote on Measure 23. Measure 23 was an act to replace traditional health care in the state with a single-payer health care system. This system would replace all private health care and HMOs and provide all health care to the citizens of Oregon with no deductibles and no cost-sharing.

The plan would cover 100% of medically necessary procedures and include prescription drugs, mental health, long-term care, dental, vision, and even many alternative therapies. Sounds great, but how is it funded? The plan was to be funded by a dramatic increase in personal and employer taxes. Projections put the personal tax increase at 8% and employers would see an increase in the range of 11.5%. Necessary procedures could even include cosmetic surgeries like a sex change.

The sound you just heard was the bubble bursting on this absurd proposal. How can a state even think a system like this would work after the debacle of the 60's called Medicare? Most states in this country are facing unprecedented deficits (including Oregon) and are looking for ways to cut general budget spending. Oregon seems to think the way to spur the economy is to force businesses to eliminate jobs and lower pay in order to meet their new tax burden. In fact, Associated Oregonian Industries agrees and has said that Measure 23 would "cripple business and cost jobs".

The plan, as proposed, was so well thought out that the projected revenues included Medicaid/Medicare payments that the federal government had not even agreed to provide. The federal government in reality would likely not fund such a plan as the costs would skyrocket and drive the federal government further into debt.

It shouldn't be that much of a surprise that a state that legalized the "medical use" of marijuana in

1998 would come up with such a haphazard plan for wastefully spending your hard earned tax dollars. Who are you as a private citizen to think you should be able to choose how to spend your money?

The costs of the plan are not the only problem here. The outcome of such a radical plan would result in a health care system that embodies mediocrity and harms patients due to the lack of competition and drive. No longer would one be rewarded for innovation and creativity in this system. There would be no profit for such innovation. People would no longer enter the health care industry to make money because there would no longer be profits.

When there is profit to be made at something, this attracts creative people who are looking to improve something in order to realize a reward. This is the "American Dream." One who works hard and comes up with new and better ways is rewarded. While the individual benefits, society as a whole is the real winner. Society now has a better product or a more efficient system to recover from an injury or illness because of the creativity of few. With Measure 23, this incentive would be removed.

There is no doubt that managed health care (HMOs) have struggled to show their value and that we are in need of health care reform, but Measure 23 is not the answer. This measure is nothing more than another irresponsible way for the liberal left to enlarge government and take money from hard-working Americans and spend it on things we don't want or need.

We do need to continue to look for ways to improve the present health care system. One idea might be allowing tax-free savings accounts (like retirement accounts) that would be dedicated to health care. These accounts would come with no penalties from carrying them over from one year to the next.

For what its worth, disaster was averted this November as the citizens of Oregon agreed with me and wisely chose to defeat Measure 23. I can only hope that the nation takes a cue from Oregon's voters and looks elsewhere for its health care solutions.



## Hi-Tech Elections?

continued from page 1

but the same way we stop to look for the proper size wrench, we should stop and look for the proper technology solution. We must not only vote, our vote must count. Otherwise, what's the difference between the Iraqi elections and ours, other than coercion?



# Horses And The Joy Of Playing In Traffic

By Shawn Bakken, sports columnist.



Playing sports can't be a pleasant experience for everyone. In gym class, some kids are picked last for teams, some become the first targets for dodgeball and some keep getting wedgies in the locker room afterwards. Fortunately, as time passes, the standards for excellence in sports can change.

When you're older, it can be an advantage just to be a large person. You don't have to move quickly; you don't have to pass, dribble or shoot. Sometimes you can obstruct. In some sports, just getting in the way of the opposing team benefits your own.

Blockers in football protect the quarterback. Goalies in water polo prevent the ball from squirting through any openings. Forwards in basketball stand in front of guards who are chasing someone else—if they can't avoid the collision, someone's brains can turn into a brain on drugs, scrambled instead of fried.

Unfortunately, that doesn't say much for sports based entirely on individual efforts. Try obstructing while playing darts. Throw your body in front of someone hurling a shot put. Move into the path of horses at the Kentucky Derby. Do anything on the track during the Indianapolis 500. Can't you just see those basketball guards smirking?

I mention the horses because of a flashback to my life as an undergrad. During my senior year, an English professor gave the class an extension for a paper. However, if anyone turned it in on or before the original due date, he would "give that person

a piggy-back ride around the classroom."

One girl called his bluff by handing in her paper, but he wasn't. He lifted her up onto his back and began trotting in a big circle for everyone to admire. In the process of doing so, he was so impressed with her riding skill that he said, "You must be on the equestrian team!"

There are two reasons why it was probably best that I used my extension, given my status as an obstructer. First, he might have snapped his spinal column in two trying to lift me off the ground, let alone carry me anywhere. Second, an experience last week helped me realize why I could never join an equestrian team.

I'd like to apologize right off the bat by pointing out that this article is going to print a long time after I wrote it. It was chilly last week, but there weren't snowdrifts several feet deep packed along the side of the trail. We rode horses, but not Clydesdales dragging a sled of Budweiser. (If we had, I could have steered them up to school and immediately become the most popular guy on campus.)

I did have a chance to prepare myself for horseback riding beforehand—there's a little farm with horses just a few miles down the road from my house. I didn't take the opportunity to jump over the fence, slip on all the mud and poop leading down the slope towards those horses just in time to get stomped on by a stallion that thought I might be trying to hit on the mares.

I suppose I did have a little practice a week earlier, though practice never matches the experience of watching the leaves change color, the wind blowing in your face, a pack of rabid wolves jumping out of the bushes, the horse rearing up, tossing you to the ground and stomping on you again. Nope, I decided to pack up a couple dollars worth of quarters, head down to the local K-Mart and

take a long ride on the motorized horse in front.

I stayed in the saddle, but the 8-year-old who got tossed from the horse when I popped in my first quarter and mounted up didn't think my effort was all that impressive. She expressed her disapproval in a most effective manner, delivering a swift kick to my groin after I got off. In retrospect, perhaps that was the best practice I had for the event.

When I finally arrived at the ranch with a bunch of friends, we got propped up into our saddles and started riding. If you can call sitting on top of walking horses "riding." With the group plodding along in a straight line, I wondered, "If the guide in front accidentally fell off a cliff, would the other horses follow her over the edge like a bunch of lemmings?" I also wondered whether rabid wolves like the taste of lemming.

So we rode up, we rode down, we rode across fields, we rode through mud puddles and trees... well, not through trees. Horses might be strong enough to hold me up, but solid oak makes an even better obstruction than I do.

In general, though, it was pretty slow going during the first half of the ride. At one point, the guide pointed out a buck and doe off the trail, adding that they might be having sex by the time we turned around and got back to that spot.

We didn't see the deer on the way back (thank God), nor did we have to sit on walking horses for the rest of our trip. At two points during the return, the guide asked if we wanted to speed up a bit. That's when I thought my training on the K-Mart horse would pay off, but it was my training off the horse that made those quarters a good spending decision.

I imagine I painted an interesting picture while the horse was galloping: legs flopping around against the horse's back, holding the reins in one

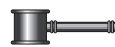
hand while clutching the saddle horn with both... maybe I looked like a chicken trying to prevent its young from being turned into scrambled brains, I don't know. What I do know is that there was something going on underneath the scene as well.

While watching horseracing at the Kentucky Derby, you'll notice that jockeys always have very short stirrups, keeping their butts bouncing well above their saddles. My stirrups weren't set that high. My butt bounced, but it wasn't above the saddle.

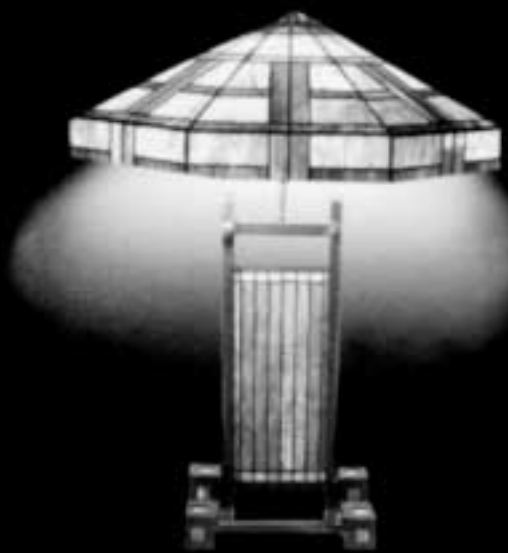
While galloping, the horse's body would move down as my body popped up. When it bounded back up, I would come smashing back down again. After last weekend, I can now verify that very little compares to the pain of having your testicles pounded repeatedly up into your ribcage.

I managed to suppress the moans that wanted to burst out of my throat for the rest of the ride (and hopefully, those would have been the only things bursting out). After one of the stable workers helped me out of the saddle, I understood why so many cowboys in Western movies have that awkward bow-legged stance while walking: it allows everything to slowly drop back into its original location.

Did I learn anything from the experience besides how ignorance is bliss until it turns into a painful throbbing in the long run? Probably not. While I'll be avoiding members of the equestrian team in the future, I'll keep developing my ability to obstruct. And on that note, I'm off to go play in traffic.



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## HEALTH AWARENESS

### Fight Flu: Five Reasons To Be Vaccinated

(NAPSI)-The U.S. Centers for Disease Control and Prevention (CDC) urges Americans to see their doctors about receiving influenza vaccinations.

"Many patients are not vaccinated due to concerns that the vaccine will cause the flu, that it will make them sick, or because they don't consider themselves to be at high risk. We must let patients and physicians know that a flu vaccine will not cause the influenza, and that it is not too late to receive a vaccination, even if it is administered late into the season," said Janet McElhaney, M.D., Associate Professor of Medicine and Director of the Glennan Center for Geriatrics and Gerontology, Eastern Virginia Medical School.

To help, the experts at one of the nation's leading distributors of the vaccine, Henry Schein, Inc., offer five reasons for vaccination:

1. Influenza kills. In the *Journal of Clinical Infectious Diseases*, Dr. Gregory A. Poland of the Mayo Clinic estimated that, on average, as many Americans die from influenza each year (20,000) as from H.I.V., the virus that causes AIDS. The West Nile outbreak resulted in 1,641 hospitalizations and 80 deaths in the spring and summer of 2002. The flu hospitalizes an estimated 114,000 Americans each year, killing 20,000

of them.

2. The virus is a constantly moving target, mutating every flu season. Therefore, last year's vaccination won't be effective against this year's strain.

3. Seniors are particularly at risk. While up to 90 percent of those who die from influenza are over age 65, only 60 percent of the elderly are vaccinated. Fewer than half of African-Americans over age 65 are vaccinated each year.

4. Influenza poses a major health risk to asthma sufferers, yet only one in ten with the condition is vaccinated. The American Lung Association says flu vaccines are safe for people with asthma.

5. The *Annals of Internal Medicine* says an annual flu vaccination is economically beneficial for healthy adults, reducing the average 2.8 days lost from work, as well as the costs associated with treatment.

For more information on vaccine supply, doctors can call 1-800-772-4346 or see the Web site: [www.henryschein.com](http://www.henryschein.com). Anyone can learn more about the flu online at [www.cdc.gov](http://www.cdc.gov).

The Centers for Disease Control calls influenza the "single most vaccine-preventable illness."



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# Thank You

*Thank You* to everyone who attended BlackAcre! If you have any comments or feedback about the event, please direct it to Lori Bower, SBA Social Committee Chair at [LBower@wmitchell.edu](mailto:LBower@wmitchell.edu). We hope to see you at GreenAcre this spring!  
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## CAREER COLUMN DECEMBER 2002

By Kari Jensen Thomas

### Finals are here and the Winter Break is approaching!

We know you will be very busy preparing for and taking final exams this month and will need a break from law school after they are completed. If you have time and want to think about something else besides your final exams, Winter Break is a good time to start evaluating your career goals and taking steps to achieve those goals.

Here are a few ideas for job searching activities you can perform during Winter Break:

- Revise your resume and draft a cover letter. Remember, we can

review it for you. You can either e-mail it to us at [carserv@wmitchell.edu](mailto:carserv@wmitchell.edu), drop it off in our office, or set up an appointment.

- Research prospective employers. Here are some websites to get you started:

- [www.wmitchell.edu/services/career](http://www.wmitchell.edu/services/career)
- [www.lawmoose.com](http://www.lawmoose.com)
- [www.martindale.com](http://www.martindale.com)
- [www.nalpdirectory.com](http://www.nalpdirectory.com)

- Start telling family, friends, relatives, co-workers and classmates about your career goals and see if they know anyone you can speak with. Start a "contacts" list.

- Set up a couple of informational interviews with people from your contacts list and start gathering information about your ideal legal career.

- Mark your calendar with Spring 2003 career-related events from the calendar below.



Here are the Career Services office hours during December & the Winter Break:

	12/2 – 12/4:	8:30 a.m. – 7:30 p.m.
<b>Reading Days:</b>	12/5 & 12/6:	8:30 a.m. – 5:00 p.m.
<b>Final Exams:</b>	12/9 – 12/18:	8:30 a.m. – 7:30 p.m. M-Th 8:30 a.m. – 5:00 p.m. Friday
	12/19 & 12/20:	8:30 a.m. – 5:00 p.m.
	12/23:	8:30 a.m. – 5:00 p.m.
<b>Winter Break:</b>	12/24 – 1/1:	College Closed
<b>J Term:</b>	1/2 – 1/10:	8:30 a.m. – 5:00 p.m.

Enjoy the Winter Break and we'll see you back on campus in January!

## Career Services Calendar of Events

Month	Date	Title	Time	Place	
December	12/9 - 12/18	M & M MADNESS!! Stop by our office for a treat during final exams. Good luck on finals and have a great winter break!	During Regular Office Hours (NOT on weekends!)	Career Services Office	
January	1/15	Dean's Round Table #6	5:15 p.m.	Kelley Boardroom	
	1/16	Quad School Public Interest Employer's Reception	5:30 p.m. - 7:30 p.m.	Hamline Law School Room 106	
	1/21 - 1/24	Sign Up For 1L Mock Interviews Begins	8:30 a.m. - 7:30 p.m.	Career Services Office	
	1/22	MJF 2003 Summer Clerkship Program Applications Due		MJF Office	
	1/28	Dean's Round Table #7	12 noon	Kelley Boardroom	
	1/28	Interviewing Workshop	4:30 p.m. - 5:30 p.m.	Kelley Boardroom	
	1/28	1L Mock Interviews	5:30 p.m. - 8:00 p.m.	2nd Floor Interview Rooms	
	1/29	"The Other Half" (a program to dispel the myths about graduating in the bottom half of your class)	6:30 p.m.	Auditorium	
	February	2/12	Dean's Round Table #8	5:15 p.m.	Kelley Boardroom
		2/19	Career Carnival	4:30 p.m. - 7:30 p.m.	Auditorium
2/27		Dean's Round Table #9	7:45 a.m.	Kelley Boardroom	
March	3/10 - 4/4	IL Career Appts		Career Services	
	3/11	Dean's Round Table #10	12 noon	Kelley Boardroom	
	3/19	Careers for Multicultural Students	12 noon	Kelley Boardroom	
	3/27	Dean's Round Table #11	7:45 a.m.	Kelley Boardroom	
April	4/4	Dean's Round Table #12	7:45 a.m.	Kelley Boardroom	
	4/9	Dean's Round Table #13	5:15 p.m.	Kelley Boardroom	
May	5/2 - 5/13	M & M MADNESS!! Stop by our office for a treat during final exams. Good luck on finals and have a great Summer break!	During Regular Office Hours (NOT on weekends!)	Career Services Office	



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