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Inside this issue:

Reflecting On a Warrior for Justice

Mitchell's Friend and Teacher Dies at 47

William E. McGee, late Hennepin County chief public defender, mentor teacher, father, husband and friend died Monday at his home in Golden Valley. At age 47, McGee lost a four-month battle with cancer. As was his signature, he fought a good fight.

A three hour "homegoing celebration" at Central Lutheran Church in downtown Minneapolis was attended by more than 2,000 people.

In life, McGee was a leader, a fighter and a champion for justice. Minneapolis Mayor Sharon Sayles Belton remembers Bill from when they grew up together in Saint Paul. "He was a warrior," she said. "He was one of the soldiers willing to stand in the front lines and get things done."

In death, he leaves behind a legacy of important battles, indelible victories, and accomplishments that will continue to serve as both an inspiration and a guiding light for generations of justice warriors to come.

McGee grew up in Saint Paul where he was one of the first African-Americans to attend the St. Paul Academy in 1964. After graduating from high school in Rochester, MN in 1970, McGee attended Luther College in Decorah , Iowa before transferring to the University of Minnesota in 1972. After majoring in Latin and minoring in Criminal Justice, he earned a Masters degree in Classical Studies in 1977 as a Bush Foundation Fellow. In 1980, he graduated from the University of Minnesota Law School with honors.

After graduating from law school, McGee worked as a Hennepin County Public Defender for 2 years and then for the Legal Rights Center from 1981to 1984. He later went on to become the executive director of the Legal Rights Center in 1985, a position which he serve in until 1992.

In 1997, McGee was appointed Hennepin County's chief public defender after a fierce political battle with William Kennedy, the incumbent of nearly 25 years.

Throughout his legal career McGee was the consummate warrior for the underprivileged and for people of color. Often seen wearing his signature dashiki, McGee was proud of his African-American heritage. Attorney Keith Ellison an attorney at the Legal Rights Center who credits McGee with teaching him to practice law said, "He was one of the proudest black men I knew. He communicated the pride and dignity of our people."

In Minnesota's legal community , McGee might be best remembered for his efforts to expose racial profiling and judicial bias, for his fights against police brutality, or for his work on the case of *State v. Russell*, (Minn. 1991). (*Russell* was the Minnesota Supreme Court case holding that tougher penalties for possession of crack cocaine as compared to powder cocaine had a disparate impact on blacks and such penalties could not pass constitutional equal protection muster .)

McGee's work was not limited to the courtroom. He was a member of the NAACP, chair of the Legal Redress Committee, the Minnesota Criminal Rules Committee, and founding member and past president of the Minnesota Association of Black Lawyers. (MABL).

His dedication did not go unnoticed by the people and communities it served. In 1992 he was awarded the Hennepin County Bar Association Pro Bono Award and the Minnesota Minority Lawyers Association Leadership Award. In addition, his memory was honored on November 18th at Annual MABL Foundation Scholarship Gala where he was awarded the "Profiles in Courage" award. Ben Omorogbe ('95), the newly-elected president of MABL remembers McGee fondly both as a leader and a warrior, but also as a mentor. Omorogbe noted that MABL had decided to honor McGee with its Profiles in Courage award even before he began one of his most courageous battle with the cancer that eventually took his life.

Omorogbe also remembers McGee for his teaching and mentorship., noting that "he was devoted to helping and inspiring young attorneys and law students with his passion and experience"

Many Mitchell students will remember "Professor McGee" for the classes he taught at the college as an adjunct professor. Just this fall semester he taught Juvenile Justice at the college. His students remember him for his ability to bring his decades of experience into the classroom to inspire and empower students with practical, rather than merely academic, ideas of fairness, justice and equality.

Susana DeLeon (3L) remembers McGee as "an inspiring role-model for students of color" as well as an "example of the important battles that can be won when a person with McGee's courage and devotion dedicates himself to making meaningful change." "We should remember him, but we should also carry on his work," said DeLeon.

Perhaps his obituary said it best : "Even now, he is exhorting all of us to persevere, to fight the fight, walk the talk, and win the battles for ourselves, for African people, for all people. He was a warrior of the first magnitude who loved to serve. That is how he will be remembered. That is how he would want to be remembered."

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FROM THE EDITOR

Last issue, we published an article from 2L Patrick Ostergren, "It Is Time for Palestine" in which Mr, Ostergren discussed his sentiment that a unified Palestine was crucial to the stability of the Middle East region and, dare I say, morally preferable. His article asserted that "the longest-lasting victims of World War II are the Palestinians"; that the "Israeli conflict provides proof that we have not learned from history and are destined to repeat it over and over again"; and asserted that the Jews, once oppressed, were now the oppressors and their behavior, in a word, was barbaric.

Mr. Ostergren's opinion met with some heated feedback...which is exactly the sort of thing we hope for. In this issue, we some of that feedback in the form of two letters to the editor from Professors Gelpe and Kleinberger. In particular, Professor Gelpe states that some of Mr. Ostergren's observations are morally misguided while some of them are factually wrong.

Now, we at the Opinion welcome controversy (now there's a surprise.).and appreciate the clash of ideas, probably more than the average bear. However, this doesn't mean we take our roles as communicators lightly also. Both the Managing Editor and I will own up to a serious lack of knowledge vis-à-vis anything but the merest basics of the Israeli-Palestine conflict. However, that doesn't render us unaware that the issue is not merely heated, but rather reflective of deep, long-held beliefs and the scars of a post-WWII-ravaged Europe. We here at the *Opinion* are grateful that Professors Gelpe and Kleinberger took time out to share something which is no doubt both difficult and heartfelt.

Readers will note that Mr. Ostergren weighs in again this issue with a comment on the homeland problem of ethnic Kurds. We are equally privileged and pleased to continue to publish those authors which generate visceral response, but we will never take it lightly—*Lisa M. Needham, Editor-in-Chief.*

SUBMIT

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Submissions may be sent via e-mail to theopinion@wmitchell.edu; via floppy disk passed along to an Editor; or via hard copy. Obviously, we prefer electronic communication, and will probably accidentally steal your disk and re-save an incoherent paper of our own on it at a later date. We read and appreciate all letters and submissions, but of course reserve the right to edit for space and clarity. This means we won't change your content but will correct your flagrant and persistent misuse of commas or the word "proactive."

The success of this newspaper and is tied to our ability and willingness to build a community that appreciates and cultivates a diversity of opinions and points of view. The contributions of students, staff, faculty are essential to make this venture successful. We look forward to hearing from you.

LETTERS TO THE EDITOR

An outrageous article by Patrick W. Ostergren, published in the last issue of the *Opinion* demands response, and I cannot keep silent. The article, "It is Time for Palestine" is full of crucial factual errors, biased evaluations presented as facts, and unsupported claims.

Let me first clarify my own background on this matter. I am an Israeli, as well as an American. I am also a Jew. As many in the William Mitchell community know, I divide my time between the United States and Israel, living in Jerusalem and returning to teach one semester a year at William Mitchell. This year I am on leave from William Mitchell.

The article states, "the International (sic) community agrees almost unanimously that the Israeli's (sic) have no legitimate claim to the land of Israel." I cannot imagine the basis of this statement. Israel is recognized as a state by the international community. There are some states that do not recognize Israel, most notably several Arab and predominantly Moslem states, but that is far from constituting almost unanimous agreement.

The article reports that at the time of the British Mandate, "the Jewish population in the region was only 2.5% ." It is not clear to what time during the British Mandate the article refers and to precisely what "region." The accuracy of the figure given depends on the time and region. Since neither this information nor the source of the 2.5% figure is provided, it is impossible to determine how to understand the figure. In light of the article's argument, the area considered should be that covered by present-day Israel. If that is the relevant area, the figure is far too low.

First, some factual background: The British began their military rule of the region at the end of World War I, replacing it with a civil administration in 1920, although the final League of Nations agreements on the Mandate came only in 1922. (Paul Johnson, *A History of the Jews*, p. 439; Conor Cruise O'Brien, *The Seige: The Saga of Israel and Zionism*, p. 133.) The British Mandate continued until the British withdrawal in 1948. (Johnson, p. 527; O'Brien, p. 286). Until 1921, the area administered by the British as Palestine included present day Israel (except for the Golan Heights, which was administered by the French) and all of what is now Jordan. In 1921, the British split off the area east of the Jordan, naming it the "Emirate of Transjordan" and placing as ruler a Bedouin tribal chief from the area of Saudi Arabia. (Thomas Friedman, *From Beirut to Jerusalem*, p. 14.)

Population figures reported by the British for Palestine in 1918 put the Jewish population at 10% . (O'Brien, p. 133, citing a report to the Foreign Office by Sir Gilbert Clayton, as quoted in Ingrams, Seeds of Conflict, pp. 43-44.) At that time, Palestine included the area later split off as Transjordan, which was completely non-Jewish. Therefore, if the British figures refer to Palestine as it was in 1918, the Jewish population of the area now under dispute is even higher than 10% . During the rest of the Mandate, the Jewish population grew. As to Jerusalem, which is given special emphasis in Mr. Ostergren's article, Jews have been in the majority for more than 100 years. (O'Brien, p. 31.)

The article describes the British promise of an independent state to the Arabs. In context, the article suggests that this should be the basis of recognizing the Palestinians' right to the land today. From what is written in the article, the reader may be misled into thinking that the British made the promise to local Palestinian Arabs. Actually, the Arabs that fought with Lawrence of Arabia were from the Arabian peninsula. Furthermore, during World War I the British made multiple, inconsistent promises about the fate of the region to various parties. The British were concerned with all of Greater Syria, as it

(Continued on page 6)

I'm Nailed to the Nightlife Like Christ on the Cross

Lisa Needham

Nailed To The Nightlife Fun—Reasons to Leave the House

May— The The Live at First Avenue
I only went to the show because there was some cute girl in my life who had revered the darkly handsome, eternally angry, Matt Johnson since her youth. With an ever-shifting cast of characters that he throws out after every new record (a cast that's included Johnny Marr and Sinead O'Connor at times), I was wary of a live show that featured 17-minute epic rants against religion and the United States. Instead, I got a tight, danceable set where Johnson stalked the stage exhaling sex and rage with every step. I ran out and bought everything the "band" has ever recorded the next day.

September--The Get Up Kids Live at the 400 Bar
All ages, no alcohol, and I had to cut class to go. It was just like being 14 again. With no booze, my fellow class-cutting 3L and I were forced to chain smoke like it was going out of style (which I guess it sorta is). 16 packs later TGUK took the stage and reminded all the youth of Minneapolis that emo is alive, well, kicking, crying, and laughing. Pop punk with a piano. it just doesn't get any better than this.

October— Travis Live at the Quest
Anyone who does an acoustic, serious cover of Britney Spears. "Baby One More Time" and insists on calling it one of their favorite songs of the year is OK by me. This packed show didn't feature that, but did showcase an amazing cover of "The Weight," one of the best rock-n-roll songs of all time. In Britain, these guys are gods. As it should be.

Staying in My Windowless Basement Fun—Reasons to Build a Fortress

Black-Eyed Peas— Bridging the Gap: Along with Common, these boys have brought positive, uplifting, melodic, challenging rap back with a vengeance. With a record featuring Esthero, De La Soul, and Macy Gray, it's music you can't ignore.

Various Artists--Loud Rocks: Do you want a Lexus or justice/ A dream or some substance?": Dead Prez spit out rhymes over the relentless Static X reworking of "Hip Hop"; Wu-Tang teams up with everyone from System of a Down to Ozzy, and Butch Vig gives up the melodies of Garbage to go all-out hardcore again. This rock-rap collaboration made every other piece of white boy rip hop (think Limp, Korn, Papa Roach) weak at the knees. Probably my favorite record of the year.

Gomez All Over Your Damn TV—Every time you see those ever-present Phillips Electronics ads, you hear snippets of one of Britain's finest bands singing a cover of "Getting Better All the Time." Their most recent release of B-sides and rarities, *Abandoned Shopping Trolley Hotline*, is a sprawling slab of blues, roots, skiffle, and dream pop.

Napster—Screw downloading whole records—it just isn't going to happen on my 56K. As the record industry quakes about lost sales, the real gift of peer-to-peer file sharing is that you can find other like-minded fools who kept your favorite out-of-print song from 1983. Napster is how I found James' "If Things Were Perfect," a debut single never available in America and out of print in Britain for over a decade. Added bonus: people upload things like the *Malcolm in the Middle* theme song (the best minute or two of pop from They Might Be Giants in a long time) and the songs from Playstation's Japanese animated guitar-slinging teen sensation, Um Jammer Lammy.

The Law Review Review

Beyond the (blah)…an argument for (blah)'s rights under (blah).

Jennifer Macaulay

Recently in my Legislative Advocacy class, we had an opportunity to participate in a panel discussion on careers at the legislature. Our professor invited attorneys from various departments like the Revisor's Office, Senate Counsel and Research, and Republican Caucus research. Our professor always expects us to participate in these discussions. "Expect" may not be strong enough. Participation is compulsory.

Well, for lack of a better question, or perhaps because she was genuinely interested, one student asked the panel, "How do you balance your career with family?"… Which, frankly, is a pretty relevant question, given the fact that we all know that when we graduate and pass the bar, we're looking at about $7.50/ hour net at about 100 hours per week…For at least 10 years. And the panel responded, letting us know that they were all "big firm refugees", having left the predictable scariness of the billable hour factory, for public service.

And, because I rarely think of anything besides this column, I was inspired. It made me think about the law review refugees that The Opinion tends to attract. And I was thinking how lucky we were to have the opportunity to steal writers from such a revered WMCL institution. (We're working on Public Relations next.) I mean, by the time someone finally leaves law review, either because they were unable to climb the law review ladder to editorship…or because they were simply too busy, or even because they just plain didn't "like it"…We get to skip the learning curve. Especially the deadline part. Nobody from law review has ever been late for a deadline. Ever.

But the part I like the best, is the fact that they give good title.

I bet when I say "law review article title," most of you think: "All bark no bite…", or "the outer boundaries of (blah)…", "Some thoughts about (blah)", "Beyond the (blah)…an argument for (blah) or "Protecting (blah)…", "Preventing (blah)…", "Challenging (blah)…under the (blah)" or "Litigating (blah)…for (blah)".

Well, don't "…Judge your chickens before they've hatched" (International Farm Law Journal, 3:1). Even some of the most painfully dry legal scholarship is under titles like: "Three's a Crowd; an Argument Against Joint Representation" (Rutgers Law Journal, 32:2), or "Gnawing at Gilmer: Giving Teeth to "Consent" in Employment Arbitration Agreements", and "Trying to Board a Moving Volkswagen: *Bensusan Restaurant Corp. v. King* " (Yale Law & Policy Review, 16:2). And of course, although it's certainly not "dry", since it came from WMCL'ers…in our most recent law review issue, we had ""Warning! Failure to Read this Article May Be Hazardous to Your Failure to Warn Defense!", and "Where the Rubber Hits the Road: Steering the Trial court Through a Post-*Kumho Tire* Evaluation of Expert Testimony."

We here at the *Opinion* leave titling up to the discretion of our editorial staff. That means we sit around on Friday nights trying to get our brains around people's articles, and then trying to find an adequate synopsis; one that both alerts the reader to the topic, and maybe draws them in. If you're reading this, then we're doing a good job. Our advertisers will be happy to hear it.

When I sat down to review the most recent issue of the William Mitchell Law Review, I was excited. I clerk for a firm that does quite a bit of products liability litigation, so I think of relevant law review articles as "canned briefs". (Doesn't everyone?) And the most recent issue of the WM Law Review gives me lots of material. I thought that the articles were really informative, and generally practically useful for a neophyte practitioner like myself.

I especially enjoyed "Economic Loss: Commercial Contract Law Lives", by Cortney G. Sylvester of Halleland, Lewis, et. al. It's interesting to look at products liability litigation from a defense point of view. (The economic loss doctrine can really operate to limit or foreclose an otherwise tenable products liability action, based on the logic that the UCC sort of pre-empts any cause of action between merchants in tort unless there's a personal injury or damage to other property.) So, if you're a plaintiff's attorney, you might file "economic loss" away in the "potential problems" part of your brain, and you also might want to check out Sylvester's article.

I also enjoyed "The Future of Products Liability", by a team of authors from Robins, Kaplan, et. al., Shockingly, the plaintiff's lawyers were against tort reform. If you're shocked, take a break, go get some fresh air and maybe you'll see things a bit more clearly. OF COURSE!!!! RKMC lawyers are against tort reform…at least inasmuch as it makes it harder to succeed in a loss-spreading suit against a deep pocket of a manufacturer in a products liability action. Duh. But I liked it anyway. Too many people write about tort reform. More people need to take out their academic tensions, or other odd-little need to publish on keeping things the way they are. Loss spreading is the American way. Go Plaintiffs!

Finally, it didn't escape my notice that the law referred to Professor Steenson's introduction as a "Foreward". (Usually referred to as a "foreword") I'm sure they've noticed it by now. Or maybe it was a pun? If so, I don't get it.

Random Thoughts

"Rampology 101"

Chris Frank

It is 5:30 PM on a Wednesday, the heart of rush hour. I enter the freeway only to find myself in pure gridlock. This has happened to me every day since the ramp meter shut-down. Before the ramp meter shut-down, I sat at a ramp meter for 20 minutes before entering this same gridlock. The Minnesota Department of Transportation (MN-DOT) is currently in the process of deciding whether we are better off with or without ramp meters. What will be our final fate with regards to the ramp meters? Right now it looks like the Bush-Gore election: "too close to call". It appears that half the people benefit from ramp metering and half do not. Our traffic fate now lies in the hand of MN-DOT and the outcome of the ramp meter study.

The further outside of the Minneapolis-St. Paul area you live, the more you benefit from ramp metering. The shorter the distance you travel inside the city, the more ramp metering becomes a significant portion of your travel time. It appears that it is currently MN-DOT policy that vehicles traveling to and from the suburbs have priority freeway access as a result of ramp metering.

The study of ramp meters is a fairly new science. MN-DOT claims to have performed evaluations in the late 1970's and early 1980's. However, instead of posting any results from those studies, MN-DOT posted 15 year old ramp meter studies from other cities. http:/ / www.dot. state.mn.us/ rampmeterstudy/ faqs.html. However, since metro-area freeway traffic has doubled during rush hour in the past decade, any studies conducted before 1990 would be meaningless. If MN-DOT has never studied ramp meters, why are they starting now?

First, public opinion has become more divided over ramp metering. Second, MN-DOT, in the interest of regulating freeway traffic, set ramp meter times so long that drivers would be discouraged from taking freeways and instead take alternative routes. This did not bode well with the Minnesota Legislature. The Legislature required MN-DOT perform a study demonstrating effectiveness of ramp metering. This study is to be completed by February 1, 2001.

The ramp meter study is being conducted under the direction of MN-DOT and has led us to the ramp meter shut-down that we are experiencing now. The study will evaluate such things as travel time, travel speed, and changes in the number of crashes. The method by which these variables are studied affects their outcome. Travel speed and travel time are going to be measured by sending cars down various corridors and measuring their average speed. This method fails to consider the amount of time lost by a person sitting at a ramp meter. For example, I wait 20 minutes at a ramp meter in Minneapolis and then drive 10 minutes to William Mitchell in St. Paul. This is a total travel time of 30 minutes. With the shut-down I have a total drive time of 15 minutes. I admit that traffic speed is slightly slower but I no longer have the 20 minute ramp meter time delay. Since MN-DOT is only measuring average speed in my corridor, MN-DOT will incorrectly determine that I am better off having the ramp meters turned on.

Another measurement is that of safety. The way that safety will be measured is by the number of crashes in selected corridors. This means that if more crashes occur they will be attributed to the ramp meter shut-down. The shut-down allows more cars on the road at the same time. If there are more cars on the road there probably be more crashes. A real measure of safety would be to determine the frequency of crashes, the number of crashes per 1000 cars, for example. But that is not how the study will be conducted either.

Finally, MN-DOT will compare the results of the metered versus un-metered traffic. The metered results were gathered prior to the ramp meter shut-down. This occurred in relatively warm, dry weather and there was daylight during both morning and afternoon traffic. The un-metered results are being taken during daylight savings time so it is dark during rush hour, it is colder, and there have been rain and snow conditions. I shall not anticipate how MN-DOT will differentiate between traffic patterns and accidents caused by weather conditions as opposed to those caused by the absence of ramp metering.

Based on the method by which MN-DOT is conducting this study we will probably see ramp metering for a long time to come. Even if this is the case, ramp metering could be used to improve traffic slightly. At best, ramp meters can be used to allow cars to merge more efficiently. A 2-3 second wait time between lights would put a few car lengths between cars merging onto the freeway. This would ease the flow of traffic but would not involve substantial waiting times at ramp meters.

In making its final decision, MN-DOT needs to decide on a policy for ramp metering. As it stands, ramp metering counters the other objectives of city planning that MN-DOT claims to uphold. MN-DOT's other projects include the Twin Cities Metro Transit bus line and the light rail project. Both of these projects encourage mass transit. The less urban sprawl that we have the more successful these projects will be. Ramp metering allows and encourages urban sprawl by allowing people who live further out from the cities to enjoy the benefits of regulated traffic while those living towards the core of the cities are forced to spend more time at ramp meters than on the freeway. Shutting down of the ramp meter system would certainly add an incentive to moving the population towards the city. If you choose to live way out in the suburbs you choose to have a much longer travel time to the office. If you choose to live near the city, you should have a shorter travel time. The further outside of the Minneapolis-St. Paul area you live, the more you benefit from ramp metering. The shorter the distance you travel inside the city, the more ramp metering becomes a significant portion of your travel time. It appears that it is currently MN-DOT policy that vehicles traveling to and from the suburbs have priority freeway access as a result of ramp metering.

Regardless of the outcome of the ramp meter study, in the end we need to face one inevitable conclusion: Minneapolis is becoming a large city. Maybe right now it is a toss up between ramp meters and no ramp meters, but inevitably our traffic will continue to get worse. On your way to work and on your way home you are going to be stuck in traffic. .

Letters to Editor, Cont'd

(Continued from page 3)

was sometimes called during the Ottoman period, which includes not only the present-day areas of Israel and Jordan, but also Syria and Lebanon and parts of Turkey. (Daniel Pipes, *Greater Syria: The History of an Ambition*, p. 3). They promised parts to the Ottoman governor of Mecca; parts to France, in the Sykes-Picot Agreement of 1916; and endorsed the establishment of a national home for the Jewish people in Palestine in the Balfour Declaration of 1917. (Pipes, pp. 22-23.) Clearly, the British had to violate some of these commitments, so none can be the sole basis for a current solution. In fact, the Balfour Declaration was repudiated by the British in the White Paper of 1939. (Johnson, p. 445).

From what is written in the article, the reader may be misled into thinking that the British made the promise to local Palestinian Arabs. Actually, the Arabs that fought with Lawrence of Arabia were from the Arabian peninsula.

The article repeatedly refers to the "Jewish faith." That is a Christian view of Judaism. Judaism has traditionally seen itself not as a faith but as a people, a civilization, a tribe. It is understandable that an American would see us as merely a faith, since the frame of reference in the United States is Christian, but that does not make such a characterization correct.

The article refers to the bands of "new Israeli citizens, young and old" who "ravaged" the Arabs, "seizing anything in their path." This is simply not true. There were numerous, documented Arab riots before 1948, in which the rioters killed many Jews, as the Arabs tried to press for an Arab state all of Palestine. (Johnson, pp. 444-5; O'Brien, p. 184-186.) Of course, during the 1948 war there were actions by Jews against Arabs, and actions by Arabs against Jews. Strife between the groups continued after the war, but there is no trustworthy report that I know of that supports the assertions in the article.

Overall, the article provides an incomplete and biased view of the history of the region. It omits basic, crucial information. The U.N. resolved in 1947 that the area of the British Mandate be divided between a Jewish and an Arab state. The Jews accepted this division. The local Palestinians and the other Arab nations did not. They attacked Israel, there was a war, and the Arabs lost. Jordan took over the area known as the West Bank, including part of Jerusalem, losing it all to Israel in another war in 1967. Also in 1967, Syria attacked Israel from the Golan Heights and lost the Heights. The issues now on the table are whether the area that was under Jordanian rule from 1948 to 1967 should now be handed over to the Palestinian Authority, whether Gaza, which was formerly held by Egypt should be handed over to the Palestinian Authority, whether an independent Palestinian state should be recognized as the successor of the Palestinian Authority, and whether the Golan Heights should be handed over to Syria. These issues involve many difficult questions, on which volumes have been written.

Limits of space prevent me from reviewing all the mistakes in the article. Clearly, the above comments show that the article is riddled with serious errors and omissions. Furthermore, the article is mainly about history. While history should have a voice in what happens now, it should not have the only voice. There are legitimate differences of opinion as to how to create a tolerable method for the various peoples in this region to live together with minimal friction. Most importantly, those of us who live here have to work it out. Outsiders, such as Mr. Ostergren, often misunderstand not only our history, but also our political and social systems and sensitivities.

Professor Marcia Gelpe

I write to second Professor Gelpe's well-documented rebuttal of Mr. Ostergren's calumnies and to offer an additional perspective for readers unfamiliar with the past 50+ years of Mideast history.

It was the United Nations that in 1947 sanctioned the creation of Israel. Any land now controlled by Israel beyond the country's original boundaries was acquired in response to unprovoked attacks by the countries bordering Israel. One of those attacks came on the holiest day of the Jewish year (Yom Kippur).

Those who urge that Israel consent to international governance of Jerusalem should recall that, before Israeli soldiers liberated Jerusalem in 967, Jews were not allowed in the Jordanian-controlled portion of Jerusalem (including the Old City). Jews were thus barred from our most holy sites: the Temple Mount and the Western Wall. The international community condoned that exclusion. Moreover, during the period of exclusion, a number of synagogues in the Jordanian-controlled area were destroyed, and others were turned into stables.

Finally, and more generally, those who urge Israel to surrender land for peace should think about how well that strategy served Native Americans.

Professor Daniel S. Kleinberger

Train in Vain, Subway to Boredom

Robert Scott

Another World Series is complete, and baseball fans everywhere are left with only their memories as football shoves America's national pastime off the country's radar screen for the next five and a half months–a changing of the guard as abrupt as a quarterback's head slamming off of the artificial turf.

But what a series it was–a true fall classic if there's ever been one! The first subway series (pitting two New York teams against each other) in a half century. So who won again? Oh yeah, the Yankees of course. And what a huge hit in that last game by–who was it? Oh yeah, Luis Sojo. *Luis Sojo*? Doesn't he play for the Pirates? And that clutch hit in game one by–what's his name? Right, Luis Polonia, one of the true greats the grand old game has ever seen. Wait...*Luis Polonia*? Didn't he retire in about 1994?

Unfortunately, what may have been the biggest sporting event in recent memory in America's biggest and best sports town turned out to be a sleeper of a World Series for baseball fans elsewhere in the country

Unfortunately, what may have been the biggest sporting event in recent memory in America's biggest and best sports town turned out to be a sleeper of a World Series for baseball fans elsewhere in the country. It started promisingly enough. Game One was an extra-innings thriller that saw the Mets roar back in the late innings against the best bullpen in the history of the game, only to fall in the twelfth. Game Two featured the now infamous broken bat throw by an out of control Roger Clemens in the direction of Mike Piazza, whom the Rocket had hit in the helmet in July with a ninety-eight mile an hour fastball. Oh yeah–the Yanks held off another improbable late inning charge by the Mets to go up two games. Game Three saw the Mets get on the board with a win, thanks to an eighth-inning rally in front of a delirious Shea Stadium crowd.

But alas, memories are not made in the first three games (forget for the moment, Kirk Gibson's game one home run off of Dennis Eckersley to give the Dodgers game one of the 1988 series). Memories come from game sevens–from Kirby Puckett home runs and ten inning shutouts by Jack Morris. Memories come from game sixes and Carlton Fisk home runs off of the foul pole over Fenway's Green Monster. Memories come from clinching games, when Gibson lines eighth inning, three run home runs into the overhang in the right field upper deck of Tiger Stadium to win it all for the Tigers, or from Bill Mazeroski and Joe Carter–both of whom ended the series with game winning home runs for the home team in the bottom of the ninth.

None of that this year. We've seen it all before. What's so memorable about Mariano Rivera mowing down batters methodically to save games four and five when he does it every year? Why should we remember Derek Jeter digging his elbow into his rib-cage to turn an inside fastball into a go-ahead home run in game five? He did the same thing in 1996 and again in 1998! And why should we get excited about Paul O'Neil hitting over .500 for the series when we already knew he was one of the best clutch hitters around?

The bottom line is that baseball is experiencing yet another Yankee dynasty at exactly the wrong time. As if free agency, trading deadline makeovers, four hour games and million dollar salaries hadn't robbed the game of enough of its appeal, now we have to deal with the damn Yankees again. Forget about getting excited about your team's chances in Atlanta, San Francisco, Seattle, or on Chicago's South side–the Yankees are on another roll!

After all the 'Subway Series' hype, television ratings for this year's series were as low as they've been in years. Except for a small throng of Jeter-worshiping teenage girls in New York, Americans just aren't captivated by the sport like we used to be. After all, why should we watch Bernie Williams take five practice swings between every pitch when we could be doing dishes? Sad as it may be, the greatest sport on the planet has lost the admiration of the country where it all began.

But true diehard baseball fans can take consolation in the fact that we can blame it all on the Yankees.... Again!

Writing Law Examinations

John H. Langbien, Professor of Law, Yale Law School

Editor's Note: Some years ago Professor Langbien prepared this little essay for the guidance of his students. Over time, the essay began to circulate everywhere. Professor Langbien has welcomed us to share it with "the masses" through The Opinion.

Law examinations share a good deal in common with other stock forms of legal writing, such as the brief, the law office memorandum, and the judicial opinion. Developing proper skills of exam writing will have, therefore, permanent returns.

Ideally, a good law examination tests how well a student has mastered the course material, and the ability to apply this knowledge to new situations. There are, however, some recurrent mistakes, oversights and unwise practices that prevent students from doing as well as they might. If your are alert to avoiding these pitfalls, you will improve your examination results.

Lack of Organization. The most costly mistake an examinee can make is to fail to organize an answer well. An answer which flails at the examination question without a plan will overlook issues and connections between issues. There is not universal scheme of organization. Depending upon the layout of the question, it may be convenient to organize by parties or by legal issues. When the facts set out a substantial number of transactions or events extending over time, it may be best to organize by dates, beginning with the earliest facts and working forward, explaining what issues and arguments change as the plot thickens. Especially in property and tax courses, it is sometimes quite sensible to key your answer to the treatment of particular assets or groups of assets. Regardless of the mode of organization, organize. You are not wasting time when you sit in an examination room thinking about how best to approach and argue the issues. Careful organization can also spare you the serious error of inconsistency in your treatment issues. I doubt that a mental checklist is enough - I think you need to jot down a little outline to which to refer as you write your answer.

Of course, virtue can be carried to excess: it is possible to overorganize, to splinter your essay into useless subheadings that lose continuity and conceal interrelations. One mode of organization that is usually unwise is to segregate the pros and cons of a great number of issues ("Plaintiff makes the following eight arguments....Defendant offers the following nine responses..."). Usually, the time to say what's wrong with an argument, or what difficulties may ensue if a certain rule is applied, is right after you state the case for the argument or rule. I recommend that you try to address liability-creating factors before you discuss defensive ones. Defective considerations are difficult to evaluate in the abstracts. You get the cart before the horse when you raise the defensive position in advance of the notional theory of liability that would bring it into play.

Regarding the fact. Before you can organize, you must know what your are organizing. It is worst sort of false economy to hurry through the facts in order to start writing bilge.

Examination questions are dense: every sentence, every word may have significance. You should read a question through to get its general drift, then reread it with care. You must question the question. "Why is this fact being told me, why this date, why these parties?" Above all, get the facts right. It is easy to confuse parties and places on an examination because you have not had long familiarity with the facts. Only your own commitment to avoid carelessness can save you from doing it.

Here too excess is possible. Some answers display a preposterous suspicion of the facts, e.g. the examinee who has been told that Mr. Corpse is dead, but insists on reciting that "Mr. Corpse appears to be dead," or "If Mr. Corpse is in truth dead..."

The importance of role. Pay attention to the role the examiner has assigned you. If you are told to be an advocate, you will necessarily approach a question differently than if you are put in the shoes of an impartial judge or legislative draftsman. Be alert to the common tendency of examiners to change role assignments when they change questions. Be sensitive to the significance of your role when looking at the state of the facts in the examination question: have the facts been found below in the lower court or are you being asked to shape them for argument to a trier, and if so to whom, a professional or a jury of layperson?

Read the instructions. I have been staggered by the amount of abject carelessness that is exhibited by examinees. Some students disregard plain instructions to begin a new question in a new bluebook. Some omit their examination numbers. Other misallocate their time although told in advance and again on the examination itself what the relative weight of the question will be. You should go into an examination with a schedule. When you have been told in advance that there are three questions of equal weight and that you will have two and one half-hours to write the examination with a schedule. When you have been told in advance that there are three questions of equal weight and that you will have two and one half hours to write the examination, you should work out beforehand that at 9:45 you will move on to Question Two, and at 10:30 to Question Three. The student who writes a total of four sentences on the last question, concluding with the breathless report, "Time!", is displaying a self-inflicted wound whose consequence is deserved.

Padding. No examiner gives credit for quantity of words written. Nonetheless, a huge proportion of examination papers contain many paragraphs that should not have been written and for which no credit can be given. The two most common varieties of padding are regurgitating the facts, and what I call wind-ups (lengthy preliminary discussions of issues which might be involved, or of general policies or values like enforcing intention, or of the scheme of organization the essay is going to utilize). The examiner has written the question and knows what the facts are. You will never get credit for summarizing them all over again, even if your "role" in answering the question is that of the judge.

Go immediately to the issues, then mention those facts that are relevant when they are relevant. A particular variety of padding is to write out quotations from casebook materials or statutes in an open book exam. Cite it, don't copy it.

Inventing facts. An especially maddening trait of some examinees is the manufacture of facts. Usually these are very

(Continued on page 11)

WILLIAM MITCHELL COLLEGE OF LAW STUDENT NEWSPAPER

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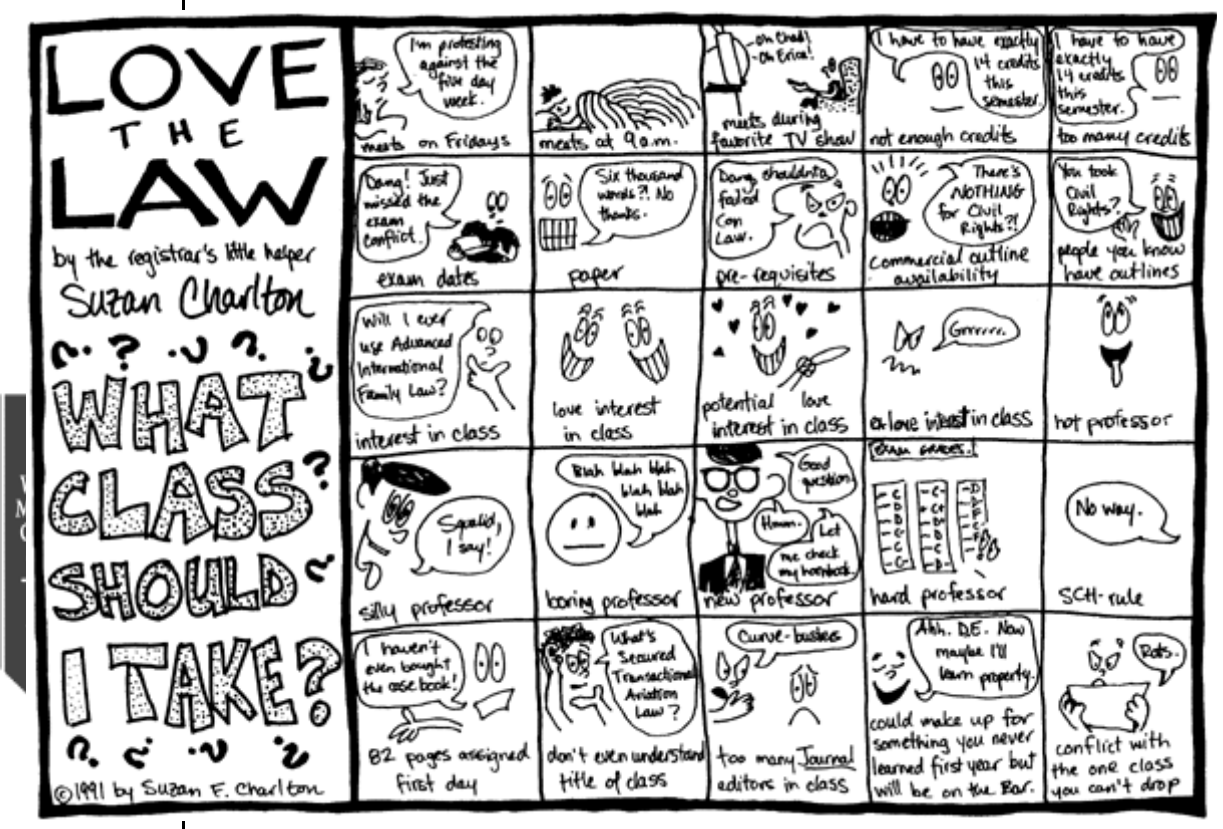
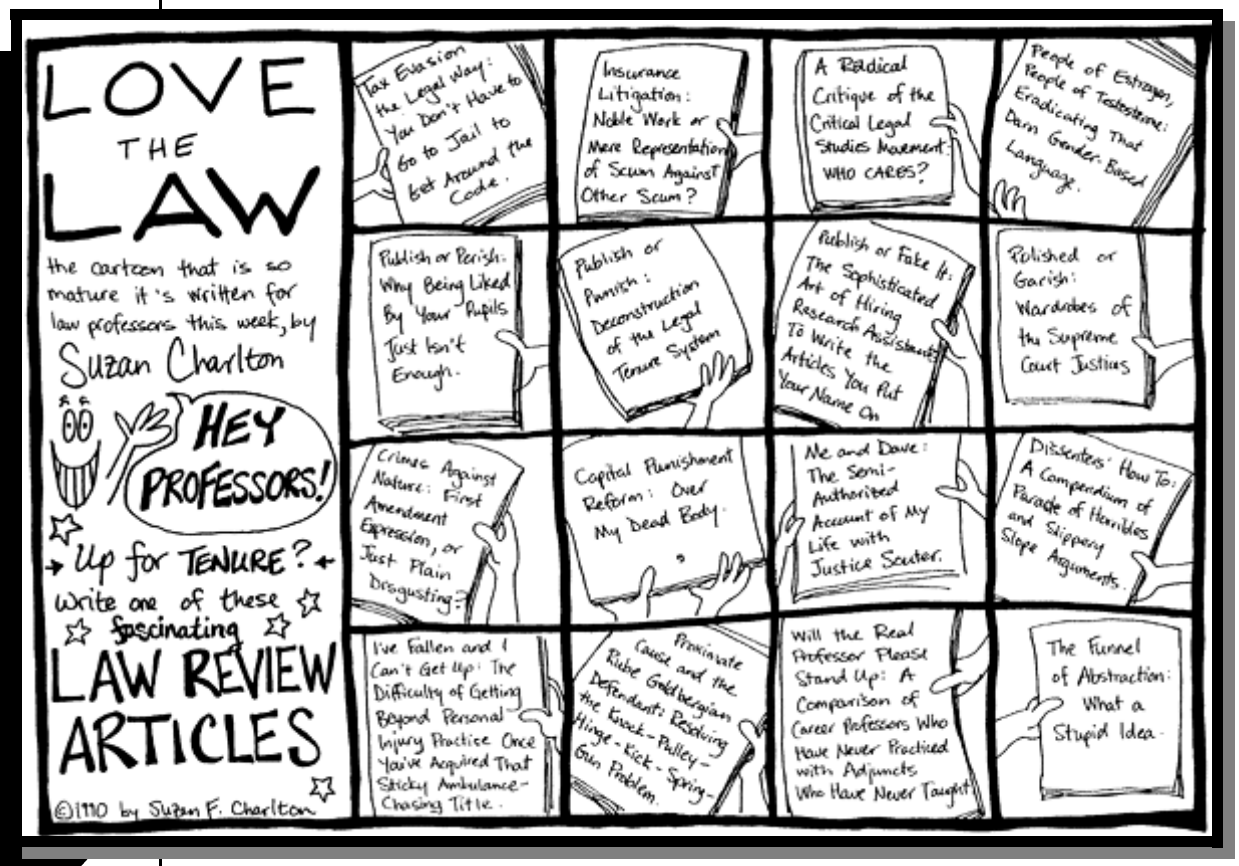
1900 WILLIAM MITCHELL COLLEGE OF LAW 100 YEARS 2000

The Opinion

The Student Newspaper of the William Mitchell College of Law





Truth, Justice, and the Adversarial Way

Alex Brown

My view of the legal system is unique due to my experiencing it as a criminal, cop, and forensic therapist working inside the justice system. In my youth I was cognizant of right and wrong, and chose wrong. However, after losing the majority of my associates to prisons or bullets, I saw the light. The U.S.A.F offered me the privilege of giving something back to society as a law enforcement officer, which lasted, until I completed my college degree. As a forensic therapist specializing in juvenile criminal behavior, I realized that the justice system placed itself in direct conflict with my client's best interests and mental health. As a result, I chose to enter the field of law concentrating on family, criminal, and juvenile/ child.

I will explore the moral conundrum posed by zealousness and how habituated responses to zealousness hide a bankrupt, pathological strain of the adversarial ethic. My viewpoint is based on personal experience, courses at William Mitchell, my mentor, and an interest in the cognitive process that a person travels thorough from "outsider" to "insider".

". I became disgusted with the profession." Mahatma Gandhi. You do not have to be a sociologist to realize that lawyers are faced with public ambivalence. Most attorneys want to believe that the profession is undeserving of this ridicule, and that the image is correctable simply by doing charitable deeds. However, many lawyers act as if they are not bound or limited by the most basic tenets of ordinary morality. Furthermore, even though lawyers concerned with professional ethics have raised the issue, the rank and file has difficulty identifying what the problem with ethics is, and if a problem exists, how to respond. Therefore, there is ample reason for a penetrating examination of our professional conscience.

We must attempt to understand the problem before it proves fatal to the profession. One way to ignore the moral problem of lawyers and their ethics is to engage in the kind of discourse that makes lawyers, as "insiders," reject what the public, as "outsiders," already knows: the ethics of lawyers do not deserve the name ethics. After all, the adversarial ethic is a major cause of the problem behavior. I observed that lawyers assume that the practice of law is the embodiment of a moral life, and the adversarial ethic the bedrock for that life. This adversarial ethic is accepted as an uncontestable "good," a pragmatic means to justice, and this acceptance fuels the illusion that so long as lawyers represent the "legal" interests of their clients, they should be free from moral scrutiny. Lawyers discount criticisms and critiques of adversarialism, and assume that those who analyze and criticize do so because they fail to understand the legal profession and how it serves the judicial system.

Zealous representation and the Model Rules allow lawyers to: discredit valid evidence; blur the truth and mislead the jury; provide information that enables a client to tailor his recollection of the facts; counsel and assist a client with respect to violating environmental regulations and/ or breaching contracts; filing suits solely to obtain delays; lying during negotiations; committing custody blackmail; allowing child abuse by ignoring state statutes; concealing past fraud; allowing an innocent imprisoned individual to remain incarcerated; conceal past murders; further immoral objectives; take advantage of ignorance and unrepresented persons; and lastly, require lawyers to be so hypocritical as to further an argument that they themselves do not believe in.

Attorneys within the judicial system take for granted that their colleagues are moral people engaged in productive work, which will illuminate the world. I propose that this mindset is a barrier against the disturbing moral implications of the adversarial ethic. After all, how can "outsiders" take lawyers seriously when they proclaim the adversarial system to represent "good," yet that same system rationalizes hardball litigation tactics(?) While reading Why Lawyers Behave As They Do for Professional Responsibility, I realized how corrosive adversarial representation could be. Zealous representation and the Model Rules allow lawyers to: discredit valid evidence; blur the truth and mislead the jury; provide information that enables a client to tailor his recollection of the facts; counsel and assist a client with respect to violating environmental regulations and/ or breaching contracts; filing suits solely to obtain delays; lying during negotiations; committing custody blackmail; allowing child abuse by ignoring state statutes; concealing past fraud; allowing an innocent imprisoned individual to remain incarcerated; conceal past murders; further immoral objectives; take advantage of ignorance and unrepresented persons; and lastly, require lawyers to be so hypocritical as to further an argument that they themselves do not believe in. Finally, the author gave the obligatory mantra, which included legal reasoning on why problem behavior is "good", and proper under our judicial system which is the finest in human history. In my experience, only "insiders" voice this opinion.

When zealous advocacy becomes a guise for amorality and self-deception, the adversarial ethic is an unreliable bedrock for a moral existence. Unfortunately, this ethic is at the heart of a lawyer's role in our judicial system and as such, becomes a source of pathologies of character that distort the legal persona. Zealous advocacy is associated with good lawyering and being zealous is something that lawyers learn without reflection. When lawyers live up to the ideals of the profession, and gain the admiration of their peers, they act as zealous advocates. When lawyers are less than zealous in their advocacy, the perspective of both "insiders" and "outsiders" is a sense of failure. Therefore, internalizing zealous advocacy serves two purposes. First, it becomes a habit, which lawyers take pride in; and second, it fills psychological and sociological needs. In sum, when zealousness becomes habit, lawyers behave without thinking and aspire to become the best advocates possible. In so doing, they become a part of the judicial system that the public holds in disdain.

The emotional pressure to view yourself as honest and honorable force attorneys to rationalize what they are compelled to do by zealousness, as ethical conduct. If not, the abandonment of the profession is likely. Due to this probability, attorneys must become cognizant of the rehearsed verbalizations used to embrace a morally bankrupt ethic. Once cognizant, lawyers will recognize that the rhetorical responses to zealousness have become symptoms of poor character. This self-confrontation and eventual stance against the power and pathology of the adversarial ethic will build the judgment and character of practitioners in the eyes of both "insiders" and "outsiders".

To conclude, as our adversarial system is as much a problem as the attorneys greasing its wheels. Litigation is more about zealous advocacy, where the pursuit of victory is more important than morality, truth and justice combined. As a criminal, I found our legal system to be the best in the world. As a police officer, I lowered my head at its failure to protect society. Finally, as a therapist, I would diagnose the judicial system as antisocial, and the lawyers as paranoid schizophrenics with delusions of grandeur. For the sake of the profession, I only hope that attorneys open their minds to "outside" criticism, and demand change from the "inside" for the betterment of society as a whole.

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William Mitchell Calendar

November

Nov. 15 W Dean's Round Table (5-30 – 6:30 p.m.) Kelley Boardroom
Nov. 16 Th Admissions Fall Open House
Nov. 16 Th Jungle Tactics: Quick Job-Search Strategies 12:00 to 12:45 p.m., room TBA
Nov. 21 T Dean's Round Table (7:45 to 8:45 a.m.) Kelley Boardroom
Nov. 23 Th 100th Anniversary of signing of articles of incorporation For the St. Paul College of Law.
Nov. 23 Th **Thanksgiving (college closed)**
Nov. 24 F **Day after Thanksgiving (college closed)**
Nov. 27 M Make up day for Labor Day (Monday classes)
Nov. 28 T Make up day for Thanksgiving (Thursday classes)
Nov. 29 W Make up day for Nov. 24 (Friday classes)
Nov. 30 Th Reading Day

December

Dec. 1 F Reading Day
Dec. 2 S LSAT test date
Dec. 2 – 13 Fall semester exams
Dec. 16 S Admissions Fall Open House

January

Jan. 2-6 J-Term
Jan. 8 M Spring Semester classes begin
Jan. 14 Su Winter Commencement
Jan. 15 M **Martin Luther King, Jr. Day holiday (college closed)**
Jan. 17 W Dean's Round Table (5:30 – 6:30 p.m.) Kelley Boardroom
Jan. 26 Th Federal Judicial Clerkship Luncheon (5:30 – 6:30 p.m.) Kelley Boardroom
Jan. 31 W Tri-School Public Interest Career Fair (5:30 – 7:30 p.m.) Location TBA

February

Feb. 1 Th Dean's Round Table (12:00 to 1:00 p.m.) Kelley Boardroom
Feb. 7 W Taming the Beats: Networking Strategies Time & Room TBA
Feb. 10 S LSAT test date
Feb. 12 M Deep Sea Adventures: Careers in Civil vs. Criminal Law Time & Room TBA
Feb. 13 T Dean's Round Table (7:45 to 8:45 a.m.) Kelley Boardroom
Feb. 20 T MN Supreme Court & Court of Appeals Luncheon (12:00 – 1:00 p.m.) location TBA
Feb. 21 W Dean's Round Table (5:30 – 6:30 p.m.) Kelley Boardroom
Feb. 26 M "Spring" Break begins

March

March 2 F "Spring" Break ends
March 8 Th Navigating the Atlantic & Pacific: Careers in Litigation vs. Transactional Law (5:30 – 7:00 p.m.) location TBA
March 13 T Dean's Round Table (7:45 to 8:45 a.m.) Kelley Boardroom
March 21 W Jungle Animal Behavior: Interviewing Strategies Time & Room TBA
March 29 Th Dean's Round Table (12:00 to 1:00 p.m.) Kelley Boardroom

Writing Law School Exams, Cont'd

(Continued from page 7)

convenient facts that let issues be avoided. Typical: "The law in this jurisdiction is...." Or "It was argued in this matter..." Never add to what the examiner has told you about the facts. If you don't know what positions were taken into court, deal with them as possibilities rather than attributing them to particular parties. If the examiner hasn't told you what jurisdiction you are in, and you know that there is a conflict of authority on the issue, talk about the conflict, don't try to weasel out by assigning the governing rule. It may sometimes be in order to tell the examiner that particular additional facts, if present, would affect your analysis in some particular aspect, but do not dwell on such matters.

Authority. There are two opposite extremes to be avoided in citing statutes and cases. If you are taking an open book examination, especially in a statutory course, don't neglect to mention the statute section numbers you are referring to. That is to say, when relevant authority is close to hand, take advantage of the opportunity to make your answer more precise and lawyerly by citing the statutes or cases you are discussing. The greater failing, however, is senseless reference to authority. It weakens rather than strengthens your argument when you cite case names whose relevance you do not and cannot explain.

Negative issue spotting. It is usually quite appropriate to say that on these facts, a particular issue that might have arisen does not arise, having been foreclosed by such-and-such fact or factor. But this shades into a flagrant error that will cost your points. If you have come prepared to talk about the ABC issue, and disappointed to find no ABC issue on the examination, it is not solution to write an essay about the subject of your disappointment. (Since I don't find an ABC issue on these facts, I'll tell you that there is no ABC issue here, and then I'll spend a page telling you about ABC.') The examiner knows what's on the exam.

Knowledge. A common failing in a needlessly weak examination essay is the tendency to try to barf back the contents of classnotes or course materials. What the examiner look for is not memorized knowledge, but ability to use the knowledge of the course. To be sure, you have to have the knowledge. That's the essential precondition. But what distinguishes strong work is that the student brings that knowledge to bear on a new problem, or that (in response to a question) the student uses that knowledge as a basis for thinking about new facts or new issues.

Another way to make this point is to say that you must not expect to employ everything you know about a course on the examination. Often a course starts with the basic concepts, then adds more advanced knowledge, and in these circumstances the examiner is likely to probe for the advanced knowledge. You have not wasted your efforts learning the basics that are not called for on the examination. Without the basics, you couldn't deal with the frontier. It is a major blunder in such circumstances to insist on emphasizing the rudiments when the question invites you to higher ground.

Procedure and remedy. Common procedural issues cut across most substantive issues: does a particular party have sufficient interest to have standing; what are the remedy implications of the substantive legal rights you think pertinent; has there been delay such as to raise laches or statute of limitation problems. Remedy is especially important. It will be a rare examination that does not pose problems of remedy. Consequently, to speak in tort terms, get in the habit of asking yourself: "Now that I see there has been a wrong, which of the many conceivable things a court can do about the wrong seem appropriate here and why?"

Question-begging. The most recurrent error that we all make in legal analysis is failing to justify our conclusions. The art has many forms. Beware the adverb "clearly" or the phrase, "It is clear that..." Examiners tend not to set questions that can be resolved by sentences that properly begin with the word "clearly." I do not mean to suggest that there are no easy issues on law exams. There are. One thing your examiner is testing for is your ability to distinguish straightforward problems from complicated ones: a hallmark of a weak answer is that the student spends time thrashing an easy point to death rather than facing up to the hard problems. Because legal issues do not involve the same degrees of doubt, you should signal your awareness of how open a particular issue is.

Under the heading of question begging, the basic failing I am talking about is the practice of stating legal conclusions without giving the reasoning. You will get little credit for saying "Bloggs committed fraud and so his legacy fails." You have to show why the issues inheres in the facts (what conduct amounted to fraud and why), why your result follows from the facts and the law. The right answer isn't right unless you show why.

Issue spotting is not enough. We emphasize issue spotting on law examinations because it is so central to the lawyer's job. Your client is not going to come in and say "I have a Section 1983 action I'd like you to bring." Instead you will hear something of what happened, or what the client wants to achieve, and it is you job (after getting at the facts) to see what legal issues may arise on those facts.

But however important issue spotting is, you need to do more. It is not enough to hit the side of the barn. Once you see that an issue is in question, that doctrine or a statutory section applies, continue to ask yourself: what are its implications, its ramifications for the various parties, the difficulties it raises? Have you indeed spotted the applicable rule, or can the rule be distinguished? The examiner will commonly set a question whose facts suggest, but do not quite fit, some conventional rule of law. The student who displays sensitivity to distinguishing the particular case according to the purposes of the seemingly applicable rule is on the way to an A.

If you are going to get beyond issue spotting, you must refrain from dealing with issues in generalized terms that prevent you from developing your analysis. Abstract discussions of legal doctrine are seldom justified. The examiner wants to know which facts raise the issue and how the issue affects the rights of parties.

The other side. The hardest part of legal analysis, I think, is to keep one's mind open to all sides of an issue. We tend especially in the adversary process to blot out opposing positions. We take a stand and justify it. But there is almost always another side, or several. And you can't be sure that your view is (a) correct or (b) properly articulated and defended, unless you have asked yourself: "What can be said against my interpretation of the facts and the law, what would the other side argue?" A really good examination answer not only suggests the preferred solution, but it develops both sides of the problem.

You should master the technique of arguing in the alternative. If you deal with an issue and resolve it, and you are aware that had you resolved it the other way you would have had to deal with other issues consequent to the other solution, argue the point in the alternative. Don't duck issues that the facts do invite you to discuss.

Irresolution. It is usually best to reach results. Lawyers are paid to advise and judges to decide. Hence you are not doing your job on the typical examination questions if you say that only such-and-such doctrines may apply. Do they? Why and how? A strong essay constantly signals the weight being attached to various issues, rules and arguments, and it suggests in a reasoned fashion the probable outcome(s).

Inspiration. It sometimes happens that the examiner puts an issue on the exam about which you have thought long and hard, or indeed, about which you find yourself with something daring to say even though you have not thought long and hard. You have an analysis that not prior legal thinker has ever suggested, or you think the relevant doctrines to be quite wrong for such-and-such reason. It is quite proper for you to put such observation on your examination answer, they are the stuff from which A-plus grades can be made. But before you reach the unconventional, be prudent. Set out the ordinary analysis that would govern the problem in case the court or the examiner where to think less of your inspiration than you do.

The seamless web. In statutory courses students have a tendency to overlook consideration not directly tied to code number. Statutes do not work in isolation in our legal system.

The code may not reach all aspects of the problem. Furthermore, don't let course titles become blinders. Don't be afraid to use your knowledge from one course in another. It may be quite appropriate to point out on a torts exam that a problem would also be susceptible to contract analysis. On the other hand, don't get carried away with such efforts. If it's a torts exam, the bet is good that the examiner has supplied you with lots of torts issues to write about.

Writing. No matter what the level of your writing skills, there are some mechanical things you can do to present your work at its best. Break up the main scheme of your answer into paragraphs. Use complete sentences and avoid abbreviating ordinary words. Avoid slang; expressions like "to throw out of court" can conceal distinctions that your examiner regards as important. Write legibly, if you have difficult handwriting, skip a line between each written line. Leave a conventional left-hand margin for your examiner's notations. Remember that if your examiner is spared having to decipher your script, more time will be available to concentrate on the nuances of your meaning.

Typing. I recommend to students that they consider typewriting or word-processing examination answer whenever it is

(Continued on page 18)

POLITICAL WINGTIPS: Matthew Torgerson and Aaron Zitselsberger

What better way for The Opinion to inaugurate our new feature, "Political Wingtips", then a time when the country's political chaos level outstrips anything we remember. {Note to the overly historical: yes, 1960 was close. Yes, 1976 was an electoral college nail-biter. However, I bet you knew who the President was a week after the election.} Two Mitchell students, Mr. Torgerson and Mr. Zitselsberger, have agreed to provide us with cantankerous, contentious, Crossfire-style political punditry from now on. They've also agreed to remain friends...but we here at the fourth estate have decided that's their problem.

We'll forgive Mr. Torgerson, weighing in on the right, for quoting Reagan while we also extend the hand of absolution to Mr. Zitselsberger's left for gracing us with the oh-so-disturbing tag of "Bushies" to refer to the Governer's supporters.

Truthfully, we're lucky to acquire two folks who take their politics seriously without degenerating into bipartisan sniping. We hope you enjoy our new column. It goes without saying that the views of Mr. Torgerson and Mr. Zitselsberger are their own and in no way necessarily reflect the staff of the Opinion as a whole...because that would just be schizophrenic and difficult.–Ed.

LEFT WINGTIP

No Trust, No Inclusion, No Truth

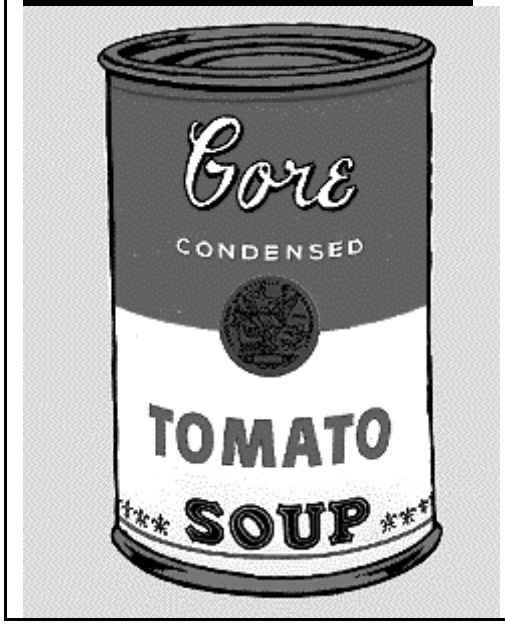
Aaron Zitselsberger

There seems to be an idea being perpetuated by Governor Bush and his "Bushies" that what is occurring with the presidential election is somehow improper and unhealthy for our democracy. That what Vice-President Gore should do is simply concede the election for the good of the country so Mr. Bush can proceed in an expeditious manner in implementing his administration. The truth is what we as a nation are experiencing today with the election is not in the least improper and in reality is the very thing that strengthens our democracy. A premature concession or coronation by either Mr. Gore or Mr. Bush before the state's election officials, candidates and voters have exercised their rights to legal remedy with regard to the Florida votes, let alone before all votes have been counted, would be in direct contrast to the principles both candidates proclaim to stand for.

Edmund Burke once said, "[T]he only thing necessary for the triumph of evil is for good men to do nothing." By this I mean the likeliest threat to our democracy is succumbing to the comfortable easy conclusion to this election, that being for Mr. Gore to concede simply because it seems to be the path of least resistance. I see this view as inherently dangerous as it fails to represent the ideals of the American people and defeats the very purpose of a democratic election. As a nation the responsible course of action is to seek the truth even if the truth is momentarily inconvenient.

In addition, I am disheartened by the comments and actions displayed by Governor Bush, his campaign and G.O.P supporters since November 7th. For all his rhetoric of "reaching across the aisle", "the party of inclusiveness", "working in a bipartisan fashion," and "trusting the people," Governor Bush and his campaign have shown anything but trust and inclusiveness and that they will do and say nearly anything to gain White House control and that trusting the people applies only so long as the people vote Republican. Several events from and since Election Day illustrate this point perfectly.

Edmund Burke once said, "[T]he only thing necessary for the triumph of evil is for good men to do nothing." By this I mean the likeliest threat to our democracy is succumbing to the comfortable easy conclusion to this election, that being for Mr. Gore to concede simply because it seems to be the path of least resistance...



During the course of November 7th it became readily apparent that voter turnout this election would far surpass predictions of the pundits. In fact, voter turnout was so high that many precincts in many states had voter lines in excess of three hours and other precincts ran out of ballots several times and were forced to print more, though for many the effort was in vain as time ran out and the polls closed.

It goes without saying that those precincts less likely to handle high voter turnout and therefore most apt to turn voters away or fail to service the needs of potential voters are poorer inner-city precincts. Most inner-city residents are blue collar and unable to wait in line for hours at a time or

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RIGHT WINGTIP:

Shriek With Horror! Democrats and the Fear of Freedom

Matthew Torgerson

"Squeaky wheel gets the oil." "Win at all costs." "Dumb down society." "People of, by, and for the government." "Whine 'til we win." Pick any left-wing credo; it represents a liberal agenda that has finally boiled over, extinguishing, hopefully temporarily, this country's fire of rule-abiding logic, grace, and patriotic selflessness. I guess it's an appropriate crescendo to the immoral reign of terror we've been subjected to these last eight years. If Gore wins this election, Clinton was but the first composition of a continuing concerto.

A supposed "irregularity" in Palm Beach results justifies the incredulity. "3,000 Palm Beach residents did NOT vote for Pat Buchanan." I'm sorry, but they did.

Shriek with horror! CNN shows "voting officials" in Palm Beach County hand-counting ballots, holding them up to ceiling lights, determining the voter's intentions. "Is that chad a 'swinging door,' a 'three-corner,' or a 'pregnant dent'?" This is where "freedom" stands. The appointed gods of democracy adorned in berets, round sunglasses, tie-die t-shirts, and black turtlenecks; Martha Stewart wannabe's abound, well-groomed Yorkshire terriers in their laps, popping organic ginseng in between "counts." These are the people that continue to manufacture additional votes for Gore—"Prairie Home Companion" faithfuls, Rosie O'Donnell nose-bleeds, and Rage Against the Machine zealots. Allow nine more recounts and the final tally will reflect a 400,000 to 1 Palm Beach victory for the "boy [that was] born to be president" (the late Al Gore Sr.).

In the meantime, "Victory is ours," is the chant of two sects of today's Gore fans: the freedom-fearing, what's-in-it-for-me self-victimized and the social engineering control freaks. Is victory theirs? Not rightfully, but this administration is on a winning streak. Democrats clearly need to demonstrate patriotic selflessness and concede to reality, for the good of the country.

Post-election, mere rhetoric coming from Gore's fear-mongering demagogue triumvarate Daley, Christopher, and Jackson, insults the intelligence of America. It is alarming that some have actually taken it seriously. A supposed "irregularity" in Palm Beach results justifies the incredulity. "3,000 Palm Beach residents did NOT vote for Pat Buchanan."

I'm sorry, but they did.

100 million votes were cast and counted in one day. There are "anomalies" across the nation. Gore has found a convenient foothold in Palm Beach County; he seems willing to extort that window of opportunity, sadly at the expense of the nation.

18-font type, in bold, naming the candidate of choice with an arrow pointing within a quarter-inch of a punch hole - only an incompetent would be "confused." Those claiming post-facto to have been led astray by this "voting for idiots" ballot did not have their right to vote "stolen" from them. They lost it on their own. Attribute it to stupidity. But far from reality is to assume liberals would be willing to suffer self-wrought consequences.

A Democrat approved the ballot before the election; the ballot was published and open for criticism in Palm Beach newspapers before the election; this same butterfly bal-

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No Attention to Detail: Americans Need to Change the Way We Vote

Robert Scott

In the wake of one of the most electrifying and turbulent presidential elections ever, much has been said about our election system and our entire democracy. In the immediate aftermath, Americans were overwhelmed with pride in our system. We were energized because we had just witnessed one of those moments in history that will be talked about long after. For the first time in twenty-five years, we had an election that wasn't over by the first day of fall! But our nation grew irritated as the morning after turned into the next week, and a straightforward recount of the Florida vote turned into a seemingly endless task of recounting by hand part of the first recount. The novelty and excitement of the election that was too close to call has now given way to irritation and resentment of two campaigns that, as it turns out, only paused to refuel on election night.

The plain and ugly truth of the matter is that a great many Americans vote, if at all, for president based on vague, thoughtless impressions they form of the candidates as opposed to educated evaluations of the economic policies, social positions, or leadership qualifications of the candidates.

Through all the enthusiasm turned skepticism, Americans have clung to one belief, one moral of the story to validate and give meaning to the uncertainty of this experience: "At least now, nobody can say their vote doesn't count." These words have been heard countless times on the networks by analysts, anchors, and interviewees alike. And after an election where three states are still too close to call a week after the fact, one can hardly argue. But the idea of everyone's vote counting equally is every bit as scary as it is reassuring.

The plain and ugly truth of the matter is that a great many Americans vote, if at all, for president based on vague, thoughtless impressions they form of the candidates as opposed to educated evaluations of the economic policies, social positions, or leadership qualifications of the candidates.

Need proof? Think back to the campaign. Remember the turning points–the moments when one candidate gained or lost substantial ground in the polls. Bush had a lead for months this summer that Gore couldn't dent until he gave Tipper a good long kiss on national television at the Democratic Convention. Al then enjoyed the momentum until W. one-upped him by kissing Oprah.

The two candidates entered the debates in a dead heat. Incredibly, we proclaimed W. the winner despite the fact that he was completely overmatched on major policy issues such as tax relief, social security, and prescription drug coverage for seniors. We gave W. the nod because of his friendly smile and catchy slogans

Americans also voted for W. because they didn't like Al. We were turned off by his aggressive debating style and his obsession with numbers. Heaven forbid that a president *aggressively* fight for American interests globally, or pay attention to *details* while forming domestic policies. We were offended by his sighs into the microphone whenever W. dismissed Al's numbers as "fuzzy math," but we didn't seem to notice the next day when independent news organizations said Al was right. Essentially, Americans ignored the candidates' records and made their decisions based on who they'd rather go have a beer with.

Now I'm guessing some of you (something tells me exactly one-half of you) are about to quit reading this article out of disgust for yet another bitter Gore supporter. Well, you're absolutely right. I was as disappointed as anyone when the networks prematurely declared Bush the president-elect early Wednesday morning. But this issue doesn't have to be partisan. The results would be much easier to stomach if our choice for president were based on an honest belief of the majority (however slim) that W.'s policies would be best for our nation. But this simply wasn't the case. And it works both ways. A vote for Al because he seems to love his wife is no less laughable than a vote for Bush because his makeup made him seem the least like a zombie in the first debate.

Consider some actual reaction from Twin Cities voters on election day, as heard on the Channel 5 local news. A woman wearing a full business suit said of her vote for Gore, with briefcase in hand, "He just seemed more presidential." What does that mean? Did he have better posture? Did he grip the podium with more authority than Bush? Here's another response, this one from an average looking, casually dressed man who voted for Bush: "Gore seemed a bit overbearing, and Bush seemed like he could be my neighbor." There's a good standard...Anyone else have a neighbor they want to send into negotiations with the North Koreans to try and persuade them to consider not starting World War III with their arsenal of missiles?

And if you think that's bad, what about the millions of Americans that simply didn't care enough to vote? It's sad that an election turnout of sixty percent of registered voters in this country is thought to be strong.

Admittedly, there are serious problems with American politics that need to be addressed (steady bombardments of attack-based political advertising on television, unlimited soft-money contributions from huge corporations to both parties, presidents that can't keep it in their pants in the oval office...), and a certain amount of disenchantment among Americans for the process is understandable. But we still can't afford to let things like the color of one candidate's tie influence our choices for president. It is our responsibility to take the time to first evaluate what we want from our president, and then to become educated enough about the candidates to know which one would best meet those standards. Last week's election was not decided this way. Instead, we voted for the candidate that we felt we could most easily befriend.

So before we pat ourselves on the back for being such a wonderful haven for democracy, or brag that we are a nation where the people's voice is heard, consider this: Somewhere on Florida's beautiful Gulf Coast, a nursing home full of happy blue-haired old ladies has just elected the next leader of the free world based on which candidate's smile reminded them most of their grandson.

Left WINGTIP, cont'd.

(Continued from page 12)

have the freedom to return to the polls if the precinct runs out of ballots causing hours of delay. The Bush campaign knew this and instead of recognizing the problems in inner-city areas such as Detroit, St. Louis, or even our own student precincts in Minneapolis, the Bush camp ran to the courts to force the polls closed as quickly as possible. The party of inclusion? Trusting the people? Hardly. A true statesman interested in the well being of our democracy would do everything in his power to ensure that all citizens, including those potentially not of his party or political persuasion, had a fair and equal chance to register their vote. Mr. Bush failed this test miserably.

Since Election Day the banter from Austin has consisted of questioning the integrity of Florida's process of recounting votes, of Florida voters' intelligence, and of the democrat's request of an additional measures including a hand recount in certain counties. How superior republicans are to know that if in a similar situation their particular state would respond with such a higher level of capability than Florida in this unprecedented event. How superior they are to pass judgment on those voters confused by the ballot in Florida. "Those people are so stupid" is the comment I heard in our very own Hachey commons and from G.O.P supporters on TV. Shame on Governor Bush and his supporters to proclaim the Republicans to be a party of tolerance and inclusion only to bash those they claim to tolerate and include. Is this the compassionate conservatism Governor Bush raved about during the campaign?

The request of the Democrats to ensure an accurate count of the Florida ballots is simply that, an attempt to ensure accuracy that everyone who intended to vote is granted their constitutional right. Attempts to thwart voters rights by law suits and threats of endless additional recounts in other states and boycotts is shameful and shows Governor Bush's true colors.

Right WINGTIP, cont'd.

(Continued from page 12)

lot was used in the 1996 presidential election, and despite having 14,000 ballots invalidated due to multiple punches, nothing was changed nor criticized. But yes, a Republican lost that election.

Endless creative arguments from the Gore camp exemplify ado-what-it-takes-to-win mentality and a desire to dumb down society, thus enabling Gore and his liberal hand puppets to control the masses. Republicans, and all others who accept rather than fear freedom and its requisite responsibility, have a right to be scared.

"I'm gonna fight for you, not the powerful," raved a paradoxically maniacal and robotic Gore on the campaign trail, pitting in liberal-like fashion one group against another. *We the people are the powerful*. Why doesn't he want to fight for everyone? Perhaps because not everyone lives life the way he sees fit. Gore's inaugural, if it happens, will represent a pathetic and disgraceful joke: sniveling liberals whining and cheating their way into the presidency.

In this matter, America cannot succumb to liberal whining and cheating. American conservatives cannot this time collectively absorb the shock of liberal-made mistakes. America needs to rely instead on rule-abiding logic, grace, and decency. In the end, we're all Americans, and if Gore cannot extol patriotic selflessness -- as did JFK and Ronald Reagan, then we must unite and resoundingly reject Gore's self-serving and subversive drive for the White House.

"The crisis we are facing today does not require of us the kind of sacrifice that so many thousands of others were called upon to make. It does require, however, our best effort and our willingness to believe in ourselves and to believe in our capacity to perform great deeds, to believe that together with God's help we can and will resolve the problems which now confront us. And after all, why shouldn't we believe that? We are Americans."—Ronald Reagan's First Inaugural Address, January 20, 1981.

America Must Develop A Policy Regarding The Kurds

Patrick W. Ostergren

America has no policy regarding the Kurds. The policy of "no policy" concerning the Kurds allows other countries to slowly, or sometimes crushingly quickly, eradicate a race from the earth. America, it seems will do more to preserve an animal from going extinct. America believes that favoring an independent Kurdistan will dramatically affect the region's stability. Kurdistan affects too many bordering states and neighboring countries. Iraq, Iran, Syria, Turkey and many others would view the establishment of an independent Kurdistan as a hostile act.

America deals with the Kurds as it would deal with any other minority population within the confines of the country they occupy. A problem exists, however, in the way in which the Kurds have been treated throughout the twentieth century. They are victims of WWI's arbitrary line drawing, and how, more recently they have become pawns of America's national interests

The Kurds are an ethnic people without a homeland. The Kurdish landscape occupies portions of three countries, historically called Kurdistan. They comprise between 20 to 25 million inhabitants of eastern Turkey, northern Iraq, and northwestern Iran. They are the single largest ethnic group in the world without a homeland. Kurds are primarily Sunni Muslim but have populations of Christian, Shiite and Jewish minorities.

Kurds can trace their land interest and culture in the area to between 8,000 to 12,000 years ago. The populace has changed dramatically over the course of history but has always maintained its Kurdish foundations. Kurds conquered or were conquered by numerous Indo-European tribes, eventually coming under the control of the Roman Empire. Kurds enjoyed a cultural and economic period of progress after the Byzantine collapse and formed independent states under the Muslim caliphate. Notably, Saladin, the 12th century Muslim hero who recaptured Jerusalem, was a Kurd.

There were times throughout Kurdistan's history that it controlled vast portions of the Middle East and, in fact, had a capital in Cairo at one time. Regardless of the Kurds' ancestry and historical dominance of the area of Kurdistan, the Kurds have always been viewed as a nomadic people, isolated from the more powerful entities, easily taken advantage of, and mistreated in the 20th century.

....The Kurds are not chess pieces and the post-war Middle East is not a chessboard....

The Ottoman Empire systematically eradicated the Kurds but the Ottomans were dissolved after WWI. Victim of WWI's arbitrary line drawing, the Kurds fell prey to the pen in the treaty of Lausanne (signed June 24th, 1923) which eliminated their hopes of an independent state. Since that division, the Kurds have fought against the countries they occupy and against the countries that occupy them.

Kurdistan was the site of a superpower tug-of-war between the Soviets and the United States. Furthermore, the United States has been a conniving participant in the persecution of the Kurds seemingly at the whim of our country's national interest, which changed daily in the 1960s, 70s and 80s.

The Soviet Union attempted to set up a Kurdish Parliament in the early 1970's but the American-backed Shah of Iran crushed it in under a year. In 1974, western powers backed a Kurdish uprising against Iran to help Iraq, but when the Iran-Iraq war ended, the West abandoned the Kurds.

Since the promise of an independent Kurdistan was broken in 1924, factional parties of Kurds have pushed for autonomy. They have formed parties such as the PUK (Patriotic Union of Kurdistan) and the KDP (Kurdish Democratic Party) and have led an ongoing guerilla warfare against Iraq, Turkey and Iran. Whenever the uprisings become too large, the parent countries crush the rebelling Kurds harshly. Iraq has used poison gas as a preferred weapon against the Kurds. Hussein's Iraq has devastated the Kurds in Northern Iraq causing the U.S. to impose a no-fly zone. This no-fly zone does nothing, however, to keep Iraq from ravaging this northern minority from the ground.

America has provided the Kurds of Northern Iraq with limited help because it was in our national interest. Nevertheless, when it comes to the Kurds of Turkey, our country's response is lethargic. Turkey is our NATO ally, a member of the EEU, and a major trade and tourism partner with the U.S. It is also a strategic military interest to the U.S. America looks the other way when the Turkish military bulldozes Kurdish villages and transplants the survivors to Ankara and Istanbul. It is the policy of Turkey to eradicate all religion, language and culture of the Kurds. Turkey's treatment of the Kurds harkens to America's treatment of the Native Americans. America looks the other way when Turkey squashes the Kurds. It supports the Kurds only when our national interests are at stake. The United States may even place the Iraqi Kurds in a worse position by abandoning them after we have used them as an excuse to "get Saddam." The Kurds are not chess pieces and the post-war Middle East is not a chessboard.

Kurdistan is now subject to the whims of America's national interests. America is partially responsible for the Kurdish situation. We must clean up the messes we have created. The problem of Kurdistan is a complex one. For 100 years the world has used the Kurds for their own interests. We elect officials who are supposed to appoint people bright enough to solve these problems. Are the Kurds not even important enough to garner a "policy"? America must help the Kurds!

Why is the Death Penalty Still Alive?

Dan Gilchrist

I vividly remember the day that the state of Utah shot Gary Gilmore to death. It was the first execution in the United States during my lifetime. How could a 10-year-old boy not be affected by a formal homicide by firing squad? I did not comprehend how any government could proclaim that premeditated intentional homicide was wrong and then proceed to kill the killer. I still don't. Before Gilmore, I had thought that the death penalty belonged to my grandfather's bygone era, like Prohibition and Al Capone. I was wrong. Executions belong to my era much more than my grandfather's. Since Gilmore's execution in 1977, state governments have killed about 670 convicted criminals. Interestingly, a full third of those executions were in Texas alone. Texas has killed ten times more condemned prisoners in the past 23 years than Minnesota has in its entire history.

Since Gilmore, I have been earnestly seeking a logical and justifiable answer to how any government can carry out premeditated intentional homicide. Why is there strong public support for an immoral system that doesn't deter, isn't fair, and isn't economically efficient? So far, my only conclusions are that capital punishment fulfills a desire for revenge and also that it is an historical legacy. In 1980, the U.S. Catholic Bishops wrote, "In ... contemporary American society, the legitimate purposes of punishment do not justify the imposition of the death penalty." I agree. I think most people now agree that the death penalty in the American system does not sufficiently deter murder. Most people probably agree it is unfairly applied. You don't have to look far to see that poor defendants and minority defendants draw the short stick. I am also convinced that a death sentence is considerably more costly than a life sentence because of the appeals process and the bloated bureaucracies in place to handle them. No logical reasons remain. Death penalty support really rests on a historical legacy and on revenge, both under the guise of deterrence.

Why is there strong public support for an immoral system that doesn't deter, isn't fair, and isn't economically efficient?

I am proud that Minnesota is one of the 12 states without death penalty statutes. Our tax dollars are used to build roads and schools, not death chambers. The state of Minnesota killed its last condemned criminal, William Williams, nearly 95 years ago. Five years after Williams' gruesome 14-minute hanging, the legislature abolished the death penalty. Unfortunately, that is not to say that Minnesota is out of reach of the federal government's and the US Military's death penalties.

Fredrick Douglass, a civil rights leader and former slave, visited Europe in the mid 1840s. From there he proclaimed that the United States was a pariah among developed western nations because it alone still kept humans as slaves. Mr. Douglass concluded that Europeans justly condemned the United States' slave system because slavery was not just a crime against the slaves residing in the U.S. but was also a crime against God. Therefore, any person, from any country had a legitimate natural right to protest for the end of slavery in the U.S.

If Fredrick Douglass were alive today and were to travel to Europe, as I did last summer, he would surely notice that the United States stands alone as the only industrialized western country that imposes capital punishment. European public opinion is strongly against our continuation of the death penalty. Mr. Douglass would probably agree that the Europeans countries that now condemn the U.S. have a legitimate natural right to do so because state-sponsored homicide is a crime against God. Similarly, Minnesotans can legitimately seek the abolishment of capital punishment in the 38 states where it still thrives. It is long past time for all of the United States to join fellow industrialized western nations and to follow Minnesota's 95-year-old lead by ending capital punishment. Thou shalt not kill.

Time to Rethink Blackacre?

Margaret Turner

Is Blackacre an outdated idea, a benefit for the few subsidized by all, a tradition whose time has passed?

This year's event, held on November 11, had approximately 430 attendees, and, while no actual breakdown was done as to actual students vs.spouses and dates, an estimate of 350 students is surely generous. The cost of the event came from SBA money, which in turn came from student fees ($30.00 per academic year) and Hachey revenue..

This year 1015 students attend William Mitchell. Each of these students paid for Blackacre, yet only a fraction attended the event. The reasons given by those who chose not to attend were varied, but a recurring theme was that Blackacre is only for some minority of the student body. Those who have children seem less inclined to attend; a married student stated it would make her husband uncomfortable because he would be an outsider at an insider event; one older student remarked he felt it was meant for "the kids" and not for the adults.

Could the money spent subsidizing Blackacre be better spent on events or activities that would reach a broader group of students? If so, what?

Suggestions by students ranged from day care subsidies to Friday night music events, a circulating SBA library of study aids, or even reduced student fees. One favorite suggestion was providing free massages during exam periods, but of course that would only appeal to students who are stressed and tense. Wait a minute! We may be on to something!

But then again, maybe Blackacre is such part of the tradition at Mitchell, and although there may be those who complain about it, no one really wants to see it end.

Lavender Law 2000

Lisa Needham

Though I usually adopt a sardonic tone about this sort of thing, I can say that I felt grateful and lucky to have Mitchell send GLBTSA head Ken Lewis and I to Washington D.C. for the Lavender Law 2000 conference in October. (Although, if that makes me feel lucky, I guess I also have to frame being sent to Green Bay by the school as some sort of punishment.)

Truth be told, for me, this was an experience that reminded me why I went to law school. Attorney General Janet Reno gave the keynote speech to a vast ballroom full of GLBT lawyers, an event that I cannot imagine happening even a decade ago. Though it was easy for some cynics to dismiss this as mere political pandering on Reno's part, it is worthwhile to remember that just a while ago, gay folk were not exactly a group to which one wished to pander.

Over the course of three days, we had the chance to attend conferences on employment, child custody, transgender issues, HIV/ AIDS return to work litigation, and a plethora of others. The conference also provided an opportunity for regional networking and law student networking. I always go out of my way to avoid the word "empowering" there is something. umm. er. you get my drift—about sitting in a room with over a hundred law students who are bright, eager, and committed to making sure that the law grows to accommodate our community. The conference also provided information sessions for those thinking about career changes such as teaching, the judiciary, or lobbying.

Unsurprisingly, much of the conference focused on the recent success of both judicial and legislative efforts in Vermont. Beginning July 1, 2000, Vermont began to allow same-sex couples to enter into "civil unions." A civil union is comparable to civil marriage under Vermont law. The legislation is written broadly to ensure that same-sex couples will have the "benefits and protections of a legal marriage." Again, although people—myself included—have found fault with the recent focus on marriage as the most desired goal of the GLBT community, I'm staggered by the opportunity to discuss—and even denigrate--the option of a civil union.

GLBT rights are civil rights, and some of the attendees and presenters read like a "who's who" of civil rights litigation over the past few years. Now, granted, I am a big huge geek, but it was very cool to have the opportunity to have Evan Wolfson, who argued the Boy Scouts of America case, discuss his take on the aftermath of that case; to have a chance to catch up with C. Dixon Osborn, head of the Servicemembers Legal Defense Network (fighting the dismissals under the "don't ask, don't tell" policy), who spoke at Mitchell my first year; and to meet William Eskridge, venerable legal and academic gadfly who I've quoted in every law and sexuality-related paper I've ever written.

In reflecting on this trip, perhaps what impressed me the most was that my school saw this as an important event worth supporting both financially and mentally. I'm indebted to Mitchell not merely because they spent money on us, but because they felt it was a worthwhile cause. When minority communities focus on the struggle ahead of us—which is unbroken and arduous—it is sometimes a pleasure and a necessity to step back and remember that we have indeed come a long way.

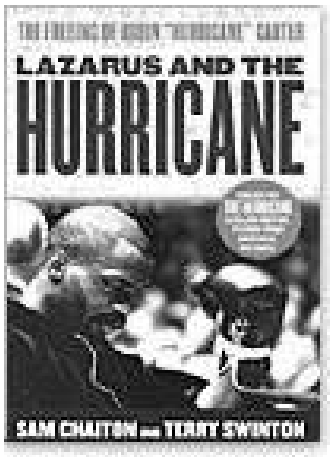
Lesra Martin at the Mel Goldberg Symposium on Justice

Lesra Martin, a crown attorney in British Columbia and portrayed in the highly acclaimed movie *The Hurricane*, was the featured speaker at the Mel Goldberg Symposium on Justice: The Value of Justice. The lecture was on Monday, Oct. 23, 7 p. m., St. Paul's Church.

Martin told of his experience as a teenager and how his pursuit of justice reopened the Rubin "Hurricane" Carter triple murder case and freed an innocent man.

Lesra Martin was an inspiring example of the power that one person has to make a difference. As a fifteen year-old youth, Lesra's life took a turn with a series of incredible events and coincidences. He was taken in by a group of idealistic Canadians, and moved from his home in New York to Toronto. Despite having been one of his school's top students at the time, Lesra was functionally illiterate, and began the process of learning to read with the hope that he could eventually achieve his dream of attending university.

Shortly after arriving in Toronto, Lesra purchased his first book at a used book sale (for 25 cents), The 16th Round: From # 1Contender to Prisoner # 45472. Lesra immediately became engrossed with Rubin "Hurricane" Carter's incredible autobiography and upon completing The 16th Round, wrote a letter to Carter who at the time was 13 years into a triple-life sentence for a crime he did not commit. This began an incredible and unlikely friendship, which started with letters, and then phone calls and visits by Lesra to Trenton State Prison in New Jersey where Carter was incarcerated. Lesra's newly found Canadian family took up the cause to free Carter from prison and after 5 years of tireless investigative work, legal wranglings and appeals, Carter was finally freed and cleared of all charges.



Since then, Lesra has completed high school (as an Ontario scholar), received his Honours B.A. from the University of Toronto, and then completed his law degree at Dalhousie University. He is now a Crown Attorney in British Columbia. His story was the subject of a best-selling book entitled Lazarus and the Hurricane and is featured in the new motion picture "The Hurricane" starring Denzel Washington and directed by Norman Jewison.

Cuba and the Establishment of a Just International Legal Order

Susana DeLeon

Democratic lawyers, jurists, educators and human rights activists from 56 countries gathered in Habana, Cuba to share, in solidarity with the Cuban people, the debate of what should be the judicial basis for a just international legal order. At the heart of this debate is whether any single's nation perception and experiences should be considered as the model. The meaning of justice in the global order must be more than judicial; it is social, economic and political in nature.

As stated in the Commission's draft rules and regulations, the Congress convenes within the framework of the principles and objectives of both organizations;

The Conference comprised both the XII Continental Conference of American Jurists (A.A.J.) and the XV International Congress of the International Association of Democratic Lawyers (I.A.D.L.) The I.A.D.L. and A.J.J. membership carries out their mandates through the work of four established commissions:

- The Right to Peace and International Safety
- The Democratization of International Organizations,
- The State and the Law meet the Globalization of Economics, Democracy and Human Rights Theory and Practice and,
- Access to Administration of Justice: The Independence of the Judiciary and the Preparation and Practice of Lawyers.

I arrived in La Habana on Sunday, October 15th, 2000. The Cuban team, along with the American organizers had prepared a number of documents and the amount of detail contained in our welcome package was overwhelming. I managed to carve out a schedule that allowed me to work in Commissions and participate in co-curricular events such as the Labor Committee. As part of a United States delegation consisting of two hundred delegates, my experiences in the Conference and in Cuba were somewhat mediated by the privilege and power of being a delegate in the Conference.

Cuba is somewhat of a mystery for all of us; it's hard to understand what people do to survive United States policy and the Cuban Revolution. However, the view that most people hold of Cuba leaves out the indescribable strength of a nation of fighters, a nation so disciplined and educated that it has not bent over to the Imperialist rule. Thus, to think of Cuba in a dichotomy pitting capitalism against socialism ignores the complex reality of human beings living (in a variety of ways) outside the matrix of consumption, and within the confines of nationalism.

It was this precise understanding that brought me into conflict with the Conference and the Cuban people. As a Chicana, I live my life in constant struggle with the power structure. The nature of my struggle runs through hundreds of years, from my colonized ancestors to my own neo-colonization.

Being seen as an "American" delegate, I was suddenly viewed as part of the oppressor and as much as I wanted to deny it, my every act of spending in dollars placed me neatly within the category. At the same time, I could not be "American" (you guessed right, I was missing certain phenotypical characteristics). Therefore, I was viewed as a conference participant at the Palace Convention but my credentials did not extend to my hotel where the first day I was suspected of being a prostitute trying to get into the tourists' spots. The coming and goings of my identity kept my analysis in focus. One moment I was given special privileges for having the right credentials, at another I was given scorn for being a brown woman in the company of blue-eyed people. However, instead of struggling with labels, I chose to stand back and watch. I watched everyone intensely, as if by observing I could decipher a workable approach to my identity, one that would let me be me and let ME be there.

I came to terms with my position of "power" through conversations with everyday Cubans in the hotel, the streets, the Conference and labor unions. Cuban culture and speech felt so familiar to me that I could see my family and friends walking on those streets, talking that lingo.

However, everyday life in Cuban society was marked by the absence of the typical societal problems I face in the Unites States. I could not see where the unemployed were, who was dealing drugs, what happened to the man holding the "I will work for food" sign? As much as Cuba reminded me of familiar places there was a striking difference in people's humanity. The Cuban people's dignity seemed intact; the struggle was there, but, significantly, not the despair that has plagued my community for centuries.

This realization both scared me and gave me hope for my own community. As far as I could see, it is possible to have an economic structure that places the well being of the people before individual's needs—even if there is an inherent degree of inequality in the implementation of economic reform. I was able to better understand people based sustainable economic development and political and legal reform while listening to Fidel Castro's speech at the Conference's closing ceremony.

First Comandante Fidel Castro entered the room and welcomed him with a standing ovation. He had come because, as he said, as a lawyer and friend he had no alternative. He had come with a secret hope that being among lawyers who know so much he would not have to speak. He said. "How could it be my turn when I have not even prepared a speech! Nevertheless, Comandante Fidel Castro delivered more than a speech; he delivered a declaration that exuded the sophistication of a man who has lead a nation for the past forty years of revolutionary struggle.

First Comandante found the work of the four different Commissions encompassing of the important points facing all nations. He found the Commissions had declared universal truths in clear and simple language. This he deemed important because, as he said, now days we do not know what kind of democracy we talk about, what kind of sovereignty is discussed. At the center of his analysis was the idea that the true exercise of democracy escapes the globally established paradigms. Democracy is not found in the existence of forty political parties but in the participation of a nation that can determine its own destiny.

As First Comandante delivered his analysis of the social-economic order in which most of us exist, I wondered what would happen if all of us truly understood the complexity of the term self-determination. We have mostly conditioned our view of Cuban democracy narrowly, within the confines of our legal order. Our view is also affected by the powerful Cuban exile in Miami and their influence over U.S.-Cuban policy. However, looking from inside out, self-determination and democracy could not be more evidently embodied than in the Cuban people's forty-year Revolution and the present state of affairs in all aspects of Cuban society. The constant changes in all ambits of the socio-economic, political and legal order have resulted in an emerging nation whom, against all capitalist odds, maintains the struggle for self-governance in a global economy favoring hegemonic economies. Cuba is not alone in this struggle as most developing nations face the aftermath of international policies that promised a panacea of development that has not materialized. Our challenge as citizens of this society is to educate ourselves and to question international policies that favor the free movement of capital without acknowledging the dire consequences to developing nations.

SBA UPDATE

Justin Weinberg,

This space is reserved for the student group that every student at WMCL belongs to. I would like to bring you up to date on some of the activities of the SBA.

We began the year by approving our yearly budget for student groups. Part of the budget for each was funding for travel to national conferences. The Board and the school funded up to $1650.00 for each group. One of the major factors behind the decision to take on such a large budget distribution was the value that a national conference has for the school. The students who attend have a voice in national issues and get ideas on how to make their group more involved in the community. Student groups who receive funding are open to all students and offer an excellent opportunity to get involved, meet new people and begin the crucial process of networking.

Some of you may have been discussing the impact the new law school at St. Thomas will have on WMCL and the direction WMCL is going in our second century. Some of us have been personally involved with the planning of these issues. Notably, there is something that all of us can do to assist in this process and help the school and ourselves. Most of us will graduate from this school and our attendance here will have a direct influence on employers. What they think of this school will have a direct effect on the types of jobs we are offered and the direction our careers will go. I know that the school has its faults, like everything, and they are presently being addressed. But, it does not favor any of us to only focus on the negative aspects of the school when we talk to friends, family, colleagues and prospective students. As students, we need to focus on the positive attributes of WMCL and convey all of the wonderful things the school has to offer. We have the best library of any law school in Minnesota and, some would argue, in the Midwest. The school offers a wide variety of classes and focuses on cutting edge methods of teaching through clinics. Probably the greatest asset of the school rests in our faculty. Their credentials are impeccable, their availability to students unprecedented, their desire to teach all of us to be great lawyers is unmet. These are just a few of the things that make WMCL great. I am asking all of you to focus on some of the positive aspects of WMCL and to spread this word to people in the community.

Lastly, the SBA threw the annual Blackacre extravaganza on the 11th of November at the Radisson Inn in St. Paul. As always, the event was very well-attended. Hats off to the organizers of Blackacre for a wonderful evening.

Remember that SBA Board meetings are open to all and we would love to see you there. Thank you for your time in reading this piece and good luck to all on finals!!!

What you Might've Missed

The Centennial Capstone Celebration Dinner

You couldn't possibly have missed the fact that November 19-25th is William Mitchell Centennial Week. Professor Knapp read the Gubenatorial Proclamation at the Capstone Celebration Dinner. (Apparently Jesse was unable to attend...busy negotiating important trade agreements with Mexico, or offending Mexico, or both.) The Dinner was hosted at the Radisson Riverfront Hotel, downtown Saint Paul. The dinner was preceded by several reunion receptions, also hosted in the hotel.

If you're a student, you missed a grand opportunity to schmooze with some of Mitchell's best and brightest alums, esteemed Judges, and WMCL faculty and administration. You also missed a great dinner, replete with yummy deserts, "Centennial champagne glasses" and gold wrapped chocolate coins (picture, left) stamped with the WMCL centennial insignia.

The Gala event was also attended by William Mitchell, Warren Burger and Teresa Payton (Class of 1909) (pictured right, with Genhi Givings Bailey (1L)). Of course, *these* important people were only actors. However everyone else who was important was not acting. At least I couldn't tell. As far as I could tell they were just as important as I thought they were.

(The text of the proclamation, signed by the governor and Secretary of State Mary Kiffmeyer):

"Whereas: William Mitchell College of Law is celebrating its centennial and its tradition of 'opportunity, leadership, and service'; and
"Whereas: Its predecessor law schools in Minneapolis and St. Paul were founded by attorneys and judges who were committed not to personal gain but to making legal education and legal careers available to many people, including the sons and daughters of immigrants, students who needed to work full time while attending school, and people of color; and
"Whereas: William Mitchell's 12,000 graduates have included attorneys who have well and faithfully served the law, their clients, and their communities; state and federal judges, including the 15th chief justice of the United States, Warren E. Burger, class of 1931; governors; members of the state Legislature and of the U. S. Congress; and leaders in business, finance, education, and many other areas; and
"Whereas: November 23, 2000, will mark the 100th anniversary of the signing of the articles of incorporation of the St. Paul College of Law, the first of William Mitchell College of Law's ancestral law schools.
"Now therefore, I, Jesse Ventura, Governor of Minnesota, do proclaim that the week of November 19–25, 2000, shall be observed as William Mitchell Centennial Week."

2-L's Patrick Ostergren and Dan Gilchrist, and myself (Eds.) were able to convince Judge Hachey (pictured far left flanked by Pat and I) and Justice Tomljanovich (ret.) (pictured left with Dan) to pose for pictures with us...for the Opinion, of course.

You also missed an opportunity to view a video presentation of WMCL history, complete with the part where everyone laughs out loud when we remember that tuition in 1900, was $60.00. (Some laughed louder than others. Some didn't laugh at all. Some just refused comment.)

Like I said, lots of students attended, either as volunteers, or as paying guests,. 2-L Nicole Anderson and friend (pictured right) had a wonderful time.

Likewise, as soon as we managed to confiscate their red grading pens, Professors Heidenreich and Haugen appeared to relax and have a fun time. Although notably, Professor Heidenreich told us that he didn't mind having his picture in the paper as long as the caption was grammatically correct. Well, oops. *De minimus non curat lex, eh?*

WMCL President and Dean Haynsworth (pictured, left) appeared to be specifically requesting that we "not do" something. I'm not entirely sure what it might have been. It may have been related to "making trouble", which the Opinion has a long, proud tradition of doing. I sincerely hope that he wasn't specifically asking us "to do" something, because I don't recall doing it. Oh well.

In sum, a good time appeared to be had by all. From a student's perspective, it was really a pleasure to "experience" William Mitchell's long, proud history with so many extraordinary people. I was inspired. There's something powerful about being a part of William Mitchell during this Centennial Celebration. Perhaps it's the sense that we have occasion to watch an institution pause and reflect at it's own crossroads; to look back at the past and forward to the future for this short period of time. As always, someone has already said it best (although there's been some argument about what this sage prophet really said): "We might be pygmies and they might giants, but we stand on the shoulders of giants, and from there we can see everything." -Sir Isaac Newton

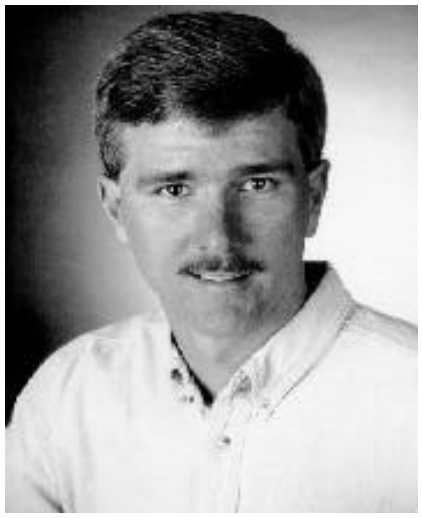
Mitchell's Delta Theta Phi's First Annual "Acoustic Cup"

Damien Riehl

Delta Theta Phi presented their "Acoustic Cup" on Thursday, November 2. The event, which organizers hope to be ongoing, was successful in raising more than $250 for the Children's Home Society of Minnesota .

Three acts, comprised of Mitchell students, provided the entertainment for the evening. Scott Moriarty, 2L, joined with a fellow trombonist and began the show with a mix of jazz standards and other more contemporary songs.

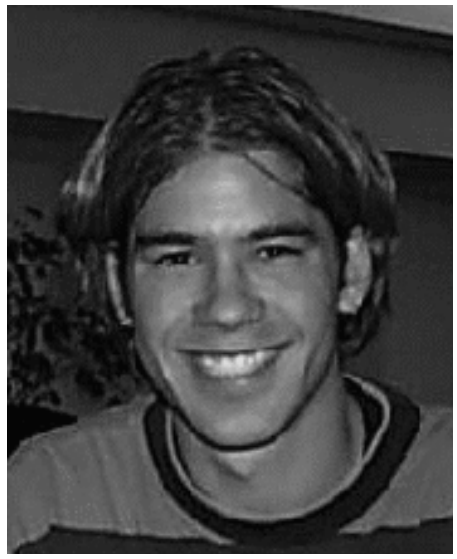
Damien Riehl, also a 2L, continued by singing a mix of original and cover songs while playing the guitar and piano. Mike Doubet, 2L, was the final performer, and gave Mitchell a taste of his nationally-known hypnotism act. Several were hypnotized and gleefully disco-danced, forgot basic math skills, and believed that they were Clint Eastwood and Dorothy from the Wizard of Oz.



Mike Doubet (2L) performed a hypnotism act at the "Acoustic Cup" fundraiser

The idea for the event came after last year's Talent Show, when one of the judges suggested that several students from the show have an opportunity to perform longer in a less formal setting.

Organizers ran with the idea, soliciting donations from Starbucks, Dahlco, and Sidneys, who provided the coffee and food that were sold at the event. Delta Theta Phi hopes to repeat the event in the near future.



Damien Riehl (2L) performed various original and cover songs.

The 2000 NLG Conference in Boston

Jennifer Macaulay

A few weeks ago, a small but rambunctious and by-in-large radical delegation of WMCL students and faculty hearkened out to Boston, MA for the 2000 National Lawyer's Guild (NLG) Annual Convention.

The conference was at the Park Plaza Hotel in Boston. Students attended workshops on topics including American Foreign Policy toward Columbia, Police Misconduct, and LGBT issues, Housing policy and Labor law. Students enjoyed having an opportunity to meet and talk with lawyers, law students and professors from around the country.

NLG members at the conference adopted resolutions including: a "Resolution Calling for the Enforcement of International Law in Israel/ Palestine", an International Committee Resolution on Submitting an Amicus Brief on the Cases Against the University of Michigan Challenging the Affirmative Action Plans at the Undergraduate School and the Law School", a "Resolution to End the Arbitrary and Indefinite Detention of Non-U.S. Citizens Being Unlawfully Held in United States Prisons:", and a "Resolution Calling for Participation in the International Labor Rights Monitoring Project"

NLG Law students at the Convention Banquet

(In case you're wondering, we didn't have an opportunity to do much sightseeing, but we can confidently report that you can't get a cab in Boston after dark.)

For more information on the NLG activities, check out their website, at http:/ / www.nlg.org

Exam tips, cont'd

(Continued from page 11)

allowed. Even a hunt-and-peck typist is not at a particular disadvantages, because it will not be necessary to do copy-typing on a exam. My hunch is that for most student typing facilitates clarity.

Avoid jocularity. Your examiner takes seriously the questions propounded on the examination. I don't suppose that I mean to recommend against all levity, but rather to say that in my experience most attempts seemed strained an cloying, and most seem needlessly to have preoccupied the examinee. As an empirical matter humor is associated with error and bad-exam-writing in a surprisingly high correlation. (Some students think that jocularity is invited because the examiner uses bizarre names for the parties and places in setting a question. This is done in order to help students avoid confusing the parties. Even when the examiner uses very awkward names, a goodly minority of examinees still confuses them. You have no reason to imitate the examiner's art in this manner).

Panic. Somehow it happens that a few students get all the way to law school without learning to steel themselves against panic psychology in exam taking. The thought process must be something like this: "Because this exam is important to me, I have to abandon my analytical good sense in a race to slop something on paper. I also have to jettison my usual attention to grammar, spelling and punctuation, and I shall adopt stream-of-consciousness prose style in order to show the examiner how desperately urgent I thought it all was." No matter how important the exam, panic will not help. It only renders you less capable and less persuasive then you otherwise would be.

Student Groups organize First Annual "Charity 5K"

Jamie Habeck

The school held its "First Annual Charity 5K" on Saturday October 14th, which turned out to be a perfect day for a lap around Lake Calhoun.

The event was sponsored by Phi Delta Phi, the Running Club, and the American Bar Association. Participants could choose to bring a pair of children's tennis shoes or clothes to donate to St. Anne's shelter for women and children, or donate to the Layne Jeffery fund. The event was a great success, a ton of fun for great causes. Thanks to all the participants for taking time out of their busy schedules to come out and participate.

…More stuff for your "to-do" list

(1) Pick up your student directory in Room 119. That way you can have a better idea of what people don't look like, and you can call them at home.
(2) Call someone about a flu shot. The flu sucks. If you're going to get it, you'll get it in court, during an exam, or while you're on a hot date. Don't risk it. Call 651-290-6440. We're doing them at Mitchell on December 18th.
(3) Grab non-perishable food and those clothes that haven't fit you since 1980 and donate them to charity. Why? Because we said so. There's a convenient drop-off at Mitchell.
(4) Find Scott Forbes and Heidi DeFord, and Chris Johnston and Mark Vavrek. Congratulate them for kicking butt in the Regional Negotiations Competition a few weeks ago.
(5) Write an article for the Opinion and submit it before the deadline. Email theopinion@wmitchell.edu
(6) Return your library books before they start charging you late fees.

PERSPECTIVES, RETROSPECTIVES, AND ANECDOTES:

Law in the Islamic Perspective

Hassan Mohamud

Hassan Ali Mohamud(3L) graduated from Somali National University, earning a Bec.(LL.B) of Law (Major Civil Law and Minor Islamic Law). and earned a Grad. Dip.(MA) of Islamic Law from the Higher Islamic Institute of Cairo, Egypt. (Hassan speaks and writes in Somali, English, Arabic and Italian fluently.) He is the President of the Somali Families and Youth Association of Minnesota. He attends the Imam of Al-taqwa Mosque and Principal of Al-taqwa Islamic School. He has worked as a Family and Youth Counselor, responding to critical issues for Somali youth in America, as a Law Clerk and Student Attorney at Legal Services of Southern Minnesota, as an East African & Middle East Cultural Advisor and trainer of St. Paul Public Schools, and as a Lecturer on Islamic jurisprudence at Darul-Hijra Islamic Center, and on East African Culture and Islamic Values at St. Catherine College, Metro State University, and St. Thomas University. He has authored several scholarly works, including: "Vital components of Somali culture. Oath in Somali tradition, Islam and Civil Law," "Female circumcision in Islam, Judaism, and Christianity," "Interest fee in Islam, Judaism, and Christianity," "Islamic Values and Somali Culture.," and "Death and Dying in Islamic perspective." The Opinion thanks Hassan for sharing his perspective with WMCL.

Islamic law *(shari'a)* derives from the Qur'an and from the *sunna*. The Qur'an is regarded by Muslims as the divine revelation from God, through the Angel Gabriel, to his last prophet Mohammed (c. 570 - 632 CE). Muslims believe that the Qur'an is a sacred text which contains the basis for all aspects of life. The *sunna* comprises the traditions of the Prophet and his companions that elaborate the jurisprudence contained within the Qur'an. Islamic law was developed from the systematic application of the principles of the Qur'an and the *sunna* by leaders of the Islamic communities which were established in the first two centuries after the hijra [622 CE].

In these two hundred years, Islamic jurisprudence *(usul al-fiqh)* developed with a particular juristic system of legal norms *(furu' al-fiqh)*, which permitted a living legal system covering all areas of social regulation, in a Western paradigm. This ranges from criminal law to family law, from constitutional law to public international law.

From the Islamic standpoint, Islamic law is a system of regulation that stems from human political authority but is itself created by God. In a sense, duties to other human beings, whether your equal or political superior, constitute a duty to God. Law is thus perceived as constituting an integrated part of social organization and is not seen a separate branch of human activity. Law, both as jurisprudence and as a normative system is an articulation and an expression of God's will. As a consequence, within the Islamic outlook, it is difficult to conceive of a secular state or a secular legal system.

There is a central debate within Islamic jurisprudence on the character of the conditions under which shari'a can be introduced. There are those who argue that this is only possible within the context of a thoroughly Islamic society, such as the Prophet established in Medina in the seventh century (CE). Others regard such a proposition as idealised and put forward a twentieth century Islamic state as a model. Islamic legal discourses are thus found within the texts and certainly no positivist legal code.

The development of Islamic law itself has been subject to historical processes which have given rise to distinct discourses which have in turn produced different schools. Broadly speaking there are significant differences between the sunni and shi'ite legal traditions with special currents of opinion within each. Western students of Islamic law should be wary of merely looking at the sociological or historical classifications of schools of juristic thought. It is necessary to take in account that its religious character endows it with legitimacy.

For a Muslim, shari'a is the application of divine will and as Abdullahi Ahmed An-Na'im reminds us, "To Muslims, Shari'a is the "whole Duty of mankind", moral and pastoral theology and ethics, high spiritual aspiration, and detailed ritualistic and formal observance; it encompasses all aspects of public and private law, hygiene, and even courtesy and good manners." Thus one of the special characteristics of Islamic law is that it constitutes an existing system of sacred law in the contemporary world. It is in this that much juristic work needs to be done in order to understand both the roles of shari'a within Islamic societies and in its contribution to the wider international legal community.

The Islamist understanding of the role of law constitutes a serious challenge to much of what we might call the Western jurisprudential lineage.

Principles of Islamic Law

1- BELIEFS
Important Islamic beliefs are divided in to two parts:

A. The five Pillars of Islam which are: 1) To witness the existence of one God (Allah) without equal or partner, who created and maintains the world. To also witness that the prophet Muhammad was the final prophet and messenger of Allah. 2) To pray five times a day. 3) To give 2½% of one's annual saving income in cash or in kind to charity. 4) To fast from dawn until dusk every day during the month of Ramadan (the ninth month of Islamic Lunar Calendar). 5) To make a pilgrimage to Macca, Saudi Arabia at least once if it is affordable.

B. The five Pillars of the faith (Iman) which are: 1) To believe in one God (Allah) 2) To believe in all prophets from Adam, Noah, Moses, Jesus and Muhammad as a final prophet and Messenger of Allah. 3) To believe in all books which God sent them to the human through the prophets including Torah of Moses, Injil (Bible) of Jesus and Quran of Muhammad. 4) To believe in all angels including Gabriel and two angels attend every person, one records sins and the other, good deeds. 5) To believe in the fate and the destiny of every creature planned by God (Allah).

2- FIVE RULES OF ISLAM
These rules dictate the actions of Muslims. These rules are: 1) Mandatory Rule states what is an obligation such as five daily prayers. 2) Permission Rule states what is permitted which is every thing which is not prohibited by rule five. 3) Recommended Rule states what is recommended such as to smile every day. 4) Non Recommended Rule states what is not recommended such as staying up after night prayer or after eight o'clock at night. 5) Prohibited Rule states what is prohibited such as alcohol, drugs, etc.

3- THE FIVE PROTECTED ASPECTS IN ISLAM
In Islamic Law, the following five aspects must be protected: 1- Religion 2- Human Soul 3- Mind 4- Wealth 5- Honor.

4- FOOD & DRINK
It is prohibited to eat and drink any thing related to Pork and Alcohol.

5- DRESS
Women should wear hijab which is to cover their body except face and hands. Men should wear clothing that covers their body between waist and knees.

6- WOMEN
Women and men are equal because they both came from single soul. Sura 4, Verse 1 (Quran).

7- MAIN HOLIDAYS
Muslims celebrate two main holidays: the first one is the end of Ramadan, a fasting month. The second holiday is the 10th day of the last month of Islamic lunar calendar. This month is called Dul-Hijja.

8- GREETING
Women cannot shake a man's hand as men cannot shake a woman's hand. (exceptional cases apply).

9- EDUCATION
Allah revealed in the 1st verse of the Quran, the importance of being educated. Therefore, each muslim required to be educated.

10- WORK
One must work for his/ her daily life in order to be forgiven. In the tradition of the prophet Muhammad, it is said that he kissed the hand of the man who just came back from work.

11- ART
Art is acceptable if they send a message which develops human-life and the nature surrounding us without violating the spirit of Islamic principles.

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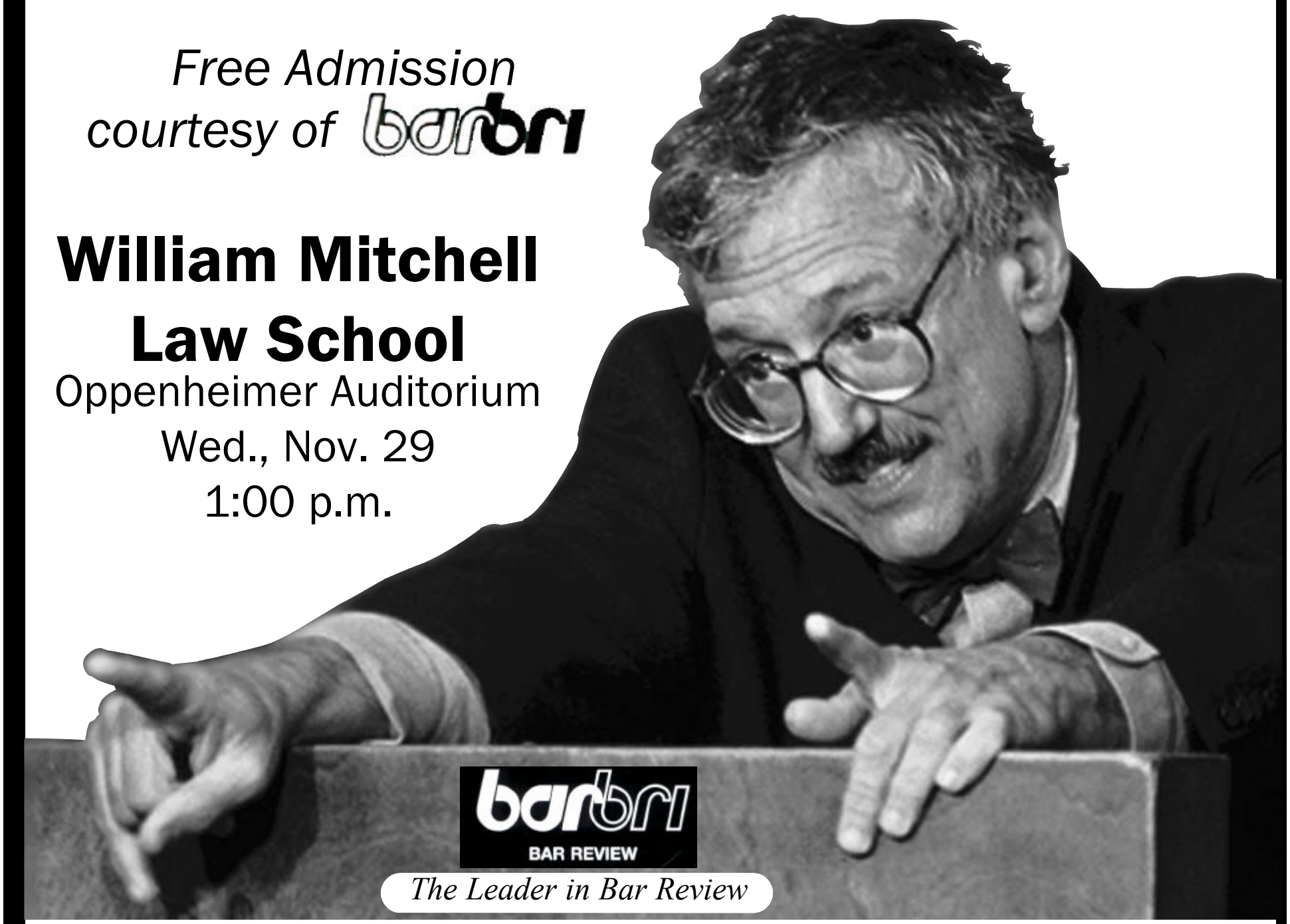

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