

The OPINION

William Mitchell College of Law Student Newspaper

Minnesota's Only Law School Student Newspaper

February 2003

Charles Hamilton Houston

By Student X

Charles Hamilton Houston: Helped craft the legal groundwork and train lawyers for the Civil Rights Movement.

At Charles H. Houston's 1950 memorial service, his cousin, Federal judge William H. Hastie, eulogized him as the "Moses of our journey." Referring to the hard-won victory against segregation, Houston's protégé and successor as NAACP chief counsel, Thurgood Marshall, described him as "the engineer of it all". In his work at both the NAACP and Howard University Law School, which, according to historian Richard Klugar, Houston made into a "living laboratory where civil rights law was invented," Houston was one of the most influential American lawyers of the twentieth century.

Born in Washington D.C. in 1895, the only child of William and Mary Houston was raised in an atmosphere of racial and family pride. Houston graduated from the M Street School, the most academically rigorous black high school in the nation, and in 1911 entered Amherst College in Massachusetts. The only African American in the Amherst class of 1915, he studied diligently and was elected to Phi Beta Kappa.

After college, Houston returned to Washington, where he taught part-time at Howard University until the United States entered World War I. Determined to avoid the menial service to which most black soldiers were subjected, Houston joined other black college men in pushing for a separate officer's training school for African Americans. The War Department complied by establishing a camp in Des Moines, Iowa, to which Houston reported in June 1917. He earned his commission as a second lieutenant and was sent to France in 1918, where he saw no action but did experience the racism that the segregated United States Army brought to Europe during the war.

Houston returned home during the Red Summer of 1919, named for its near-epidemic racial violence and lynching. That fall he entered Harvard Law School, determined to "study law and use my time fighting for men who could not strike back." Houston excelled at Harvard. He was the first black student elected to the prestigious Law Review and after graduating, was awarded a traveling scholarship for further study, which he spent in Madrid, Spain, completing his education in 1924.

Houston joined his father's law firm and began teaching evening classes at Howard University's law school. In 1929, Mordecai Johnson, Howard's

first African American president, tapped Houston to revitalize the moribund institution, which had been denied accreditation by the American Bar Association. Houston closed Howard's legal night school, hired new faculty, coordinated guest lectures and workshops, and designed a curriculum aimed at his dream of "litigation against racism". He recruited bright young men throughout the South to attend the school, including future civil rights leaders Thurgood Marshall and Oliver W. Hill, telling them, "a lawyer's either a social engineer or he's a parasite." Due largely to Houston's boundless energy and exacting standards, the school was accredited in 1931.

Once he had established Howard as the nation's premier training ground for "capable and socially alert Negro lawyers," Houston was ready for a new challenge. He had served on the NAACP's legal committee and as informal adviser to NAACP Secretary Walton White since the early 1930s. In 1934, he reluctantly agreed to assist in the defense of George Crawford, a black man accused of murder in Virginia, where African Americans were systematically excluded from jury duty. Houston lost the case (though the following year the Supreme Court of the United States ruled such jury discrimination was unconstitutional) but saved Crawford from execution.

It was in the field of educational equality that Houston, who finally accepted White's invitation to become the NAACP's chief counsel, proved indispensable. With financial support from the Garland Fund (later called the American Fund for Public Service), the association commissioned the Marigold Report, a rough blueprint for the fight. Houston agreed that education should be the primary battlefield, writing in a 1935 letter "discrimination in education is symbolic of all the more drastic discriminations which Negroes suffer in American life." Reflecting Houston's understanding of political power and sensitivity to public opinion, his strategy differed from the Marigold Report in its emphasis on gradual change and the building of legal precedent. He chose three targets: the different pay scales for black and white teachers, the disparity in transportation provided to black and white students, and the inequality in opportunity for graduate study at state-supported segregated institutions. It was the third approach that proved most successful, spawning the three Supreme Court cases that together provided the ammunition to topple

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60th Anniversary of Tuskegee Airmen Is Observed

(NAPSI)-The 60th anniversary of the mobilization of the Tuskegee Airmen during World War II will be observed during Black History Month at the American Airpower Museum at Republic Airport, Farmingdale, New York, thanks to a grant from Equal® Sweetener.

The announcement was made with New York Governor George Pataki who called the effort, "an important tribute to men who confronted a two-front war some 60 years ago-Nazi fighters in the air and American segregation on the ground. This latest effort to use the Internet to tell their story is an effective way of reaching a new generation."

Educators from throughout the nation are being invited to direct their students to the museum's Web site. They will find a special section that includes images from the museum's exhibit on the Tuskegee Airmen and photos of the full scale replica of a P-51 Mustang fighter flown by Tuskegee ace Lee Archer during combat. The Web site address is www.americanairpowermuseum.com.

Mr. Archer stated, "This Mustang represents every one of us who has been willing to fight-and to die-for our nation's liberties."

Equal® executive Karl Sestak explained, "Equal® is proud to be afforded the opportunity to support this Internet outreach program that seeks to bring the story of these amazing African-Americans into every classroom."

Sixty years ago the Tuskegee Airmen were reassigned from training bases to combat operations in North Africa and then defend American bombers striking Nazi targets. Their combat record was exemplary and helped spark the process of breaking segregation.

Museum director Jeff Clyman said, "We are grateful to Equal Sweetener and its corporate parent, Merisant, for recognizing the importance of this effort."

Under the leadership of its CEO Arnold Donald, recently named one of Fortune Magazine's '50 Most Powerful Black Executives in America,' Merisant has one of the highest percentages of minority executives and employees in the country. They are an example of how we can effect positive change throughout our society."



Liberal Media?

By Alfredo Lorente

Language is a funny thing. Beyond alliteration and puns, it has the unique ability to grow and transform itself. It even has the potential to create myths. Take for example the myth of the liberal media.

Like most myths, there is a grain of truth to this – most entertainment media tends to be "liberal." We all remember the Quayle versus Murphy Brown incident of a decade ago. And although it is hard to see how showing a part of normal life in TV is glorifying or encouraging it, this is besides the point to this argument. A portion of the population now believes that showing homosexual couples kissing on TV is going to "turn" people into homosexuals. It might very well encourage homosexuals to express their love in public, but it won't "convert" heterosexuals any more than watching *The 700 Club* will convert Catholics, Jews, or Hindus to the brand of Christianity Pat Robertson preaches. And before we go on, yes, *The 700 Club* will convert people to Robertson's flock, if those people have unmet needs and doubts in their heart, and Robertson addresses those needs and doubts. Furthermore, while people (mostly teens) have copied the stunts shown in TV programs, there is no statistically significant correlation between, say, the *Jackass* audience and the jackass population. If there was a correlation, teenagers would be considered an endangered species.

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The OPINION

William Mitchell College of Law Student Newspaper

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Please contact the Editor at mkilgus@wmitchell.edu for specific questions or comments.

Parties interested in advertising space should contact Sara Dady at sdady@wmitchell.edu.

From the Editor

What is the value of a school newspaper? The open and engaging discussion of ideas, the useful information, the stories about interesting people, and how about the good ol' 'free press' ideas of anything and everything that's fit to print--- wait...I think that's someone else's line...but you get the idea.

If you haven't noticed, The Opinion has expanded its publication rate. In the old days, The Opinion was published, maybe, three times a year. There was the requisite "1L" issue in August, so the school could put Opinion issues in the 1st year packets. Then a fall issue would publish and then, perhaps, a spring issue.

There were few ads. Those ads that were garnered were difficult to collect on, because it seems the advertisers didn't take us seriously.

No one knew when to expect an issue. One of the first things I heard as editor from a Dean was, "maybe you can publish The Opinion in a consistent way." And obviously, if you think about it a second, in order to sell ads in a newspaper, you have to publish consistently so the advertisers know they are getting bang for their buck. They will only advertise with us if they know the paper is published regularly and that people read it.

So, when we planned out the year, we planned 10 issues and we planned to sell ads. Maybe you've noticed there is a new Opinion every month?

Someone notices, because the issues are gone soon enough. In addition to students, we gained some interest in the legal community. The Opinion, as the ONLY law school newspaper in the area, is delivered to the U, Hamline and St Thomas law school. It's also placed in key legal areas such as restaurants near the courthouse and other "lawyer" establishments.

I tell you this because I want you to know we've put a lot of work into The Opinion because we believe in the value of a campus newspaper. We do it for you.

The Opinion is more than a student group. It is an entity that is for the students and by the students. It takes work, for sure. But it's worth it. All the ideas in these pages are worth something. The Opinion is the only place on this campus where students can be free to write whenever or however they want. (That's right, you don't have to cite!)

All you writers out there, March issue submissions are due February 19, so start thinking. For the rest of you—consider writing something. Consider taking an active role in The Opinion. I know there are ex-college newspaper editors from whom I've heard nada. Get with it!

We'll be gathering interested parties for a managing editor job next year, as well as an editor-in-training. Watch for the announcements in March.

Happy February, everyone.



Billy Bites

By Lori Bower

Welcome to the second installment of Billy Bites. I have to disclose up front that I have a personal bias for the restaurant I am going to review. I believe that Ciattis on Grand Avenue is one of the best restaurants within miles of our campus. I am basing this statement on the fact that I know the menu up and down, inside and out, and have tried most everything that is on the menu. Although I have a vested interest in the place, I think this information gives me an insider perspective that I can share with you.

Not only is the food absolutely delicious, but there is an extensive wine menu and great appetizers that are half off during happy hour. Some may operate under a misconception that Ciattis is expensive, and I'm here to dispel that myth. Especially at lunch, there are great entrees that are half the price. Chicken parmigian and chicken Marsala are \$9.95 at lunch – and are served in fairly large portions! Also, I eat lunch frequently at Ciattis and Café Latte, and I know that you can easily spend \$10 at Latte for lunch. For two to three dollars more, you can have a sit down meal that includes salad and bread, and you don't have to worry about walking up the treacherous stairs with a full tray while envisioning your foot slipping through one of the holes and food flying all over. Maybe I'm the only one that thinks about that.

Let me share some of my recom-

mendations from the menu with you. The appetizers are absolutely wonderful. The shrimp mariano and the seafood fritto misto are two of my favorites. The mariano is jumbo marinated shrimp served on a piece of garlic toast with a garlic butter sauce. The seafood fritto misto is a combination of scallops, shrimp and calamari, deep fried and served with marinara and horseradish sauces. The artichoke dip and the bruschetta are also exceptional. Appetizers are served in the bar until late, and are half price during happy hour, which is twice a day from 2:30 to 6 p.m. and 9 p.m. to midnight.

If you are an adventurous eater, I recommend the Mediterranean flatbread. It has an interesting combination of tastes. A flatbread is a real thin grilled pizza crust and the Mediterranean is piled with artichoke hearts, calмата olives, feta cheese, and sautéed onions topped with a feta cheese dressing. This item is on the lunch and dinner menu. Of course, the chicken parmigiana and eggplant parmigiana are excellent and I would highly recommend both of them as well. Some people like to stick to old favorites, what Italian menu would be complete without fettuccine alfredo, spaghetti and lasagna? These are good as well. The tortellini Gorgonzola and tortellini straw and hay are served with a white Parmesan cream sauce if you like rich flavor. The tortellini Gorgonzola is another popular menu item that is a unique blend of flavors. It is spinach tortellini pasta with a Gorgonzola cheese sauce. Gorgonzola cheese has a strong flavor, analogous

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For more information on Ten Thousand Villages and fair trade, visit the website at: www.tenthousandvillages.com

FAIRLY TRADED HANDICRAFTS FROM AROUND THE WORLD

Dam Those Beavers

Don't you just love government bureaucrats? And don't you love even more those who have enough time on their hands and indignation in their hearts to put them in their place? Check out this classic "cease and desist" letter sent by the Michigan Department of Environmental Quality regarding the unauthorized construction of two dams on some property, and the hilarious reply. I've inserted some paragraph breaks to make them more readable.

CERTIFIED

December 17, 1997

Dear Mr. DeVries:

SUBJECT: DEQ File No. 97-59-0023-1 T11N, R10W, Sec. 20, Montcalm County

It has come to the attention of the Department of Environmental Quality that there has been recent unauthorized activity on the above referenced parcel of property. You have been certified as the legal landowner and/or contractor who did the following unauthorized activity:

Construction and maintenance of two wood debris dams across the outlet stream of Spring Pond. A permit must be issued prior to the start of this type of activity. A review of the Department's files show that no permits have been issued.

Therefore, the Department has determined that this activity is in violation of Part 301, Inland Lakes and Streams, of the Natural Resource and Environmental Protection Act, ... being sections 324.30101 to 324.30113 of the Michigan Compiled Laws annotated. The Department has been informed that one or both of the dams partially failed during a recent rain event, causing debris dams and flooding at downstream locations.

We find that dams of this nature are inherently hazardous and cannot be permitted. The Department therefore orders you to cease and desist all unauthorized activities at this location, and to restore the stream to a free-flow condition by removing all wood and brush forming the dams from the strewn channel. All restoration work shall be completed no later than January 31, 1998. Please notify this office when the restoration has been completed so that a follow-up site inspection may be scheduled by our staff. Failure to comply with this request, or any further unauthorized activity on the site, may result in this case being referred for elevated enforcement action. We anticipate and would appreciate your full cooperation in this matter.

Please feel free to contact me at this office if you have any questions. Sincerely,
David L. Price
District Representative Land and Water Management Division

REPLY:

Dear Mr. Price:

Re: DEQ File No. 97-59-0023; T11N, R10W, Sec 20; Montcalm County
Your certified letter dated 12/17/97 has been handed to me to respond to. ...

First of all, Mr. Ryan DeVries is not the legal landowner and/or contractor at 2088 Dagget, Pierson, Michigan

- I am the legal owner and a couple of beavers are in the (State unauthorized) process of constructing and maintaining two wood "debris" dams across the outlet stream of my Spring Pond. While I did not pay for, nor authorize, their dam project, I think they would be highly offended you call their skillful use of natural building materials "debris."

I would like to challenge you to attempt to emulate their dam project any dam time and/or any dam place you choose. I believe I can safely state there is no dam way you could ever match their dam skills, their dam resourcefulness, their dam ingenuity, their dam persistence, their dam determination and/or their dam work ethic.

As to your dam request the beavers first must fill out a dam permit prior to the start of this type of dam activity, my first dam question to you is: are you trying to discriminate against my Spring Pond Beavers or do you require all dam beavers throughout this State to conform to said dam request? If you are not discriminating against these particular beavers, please send me completed copies of all those other applicable beaver dam permits. Perhaps we will see if there really is a dam violation of Part 301, Inland Lakes and Streams, of the Natural Resource and Environmental Protection Act, ...being sections 324.30101 to 324.30113 of the Michigan Compiled Laws annotated.

My first concern is - aren't the dam beavers entitled to dam legal representation? The Spring Pond Beavers are financially destitute and are unable to pay for said dam representation - so the State will have to provide them with a dam lawyer. The Department's dam concern that either one or both of the dams failed during a recent rain event causing dam flooding is proof we should leave the dam Spring Pond Beavers alone rather than harassing them and calling them dam names. If you want the dam stream "restored" to a dam free-flow condition - contact the dam beavers - but if you are going to arrest them (they obviously did not pay any dam attention to your dam letter-being unable to read English) - be sure you read them their dam Miranda rights first. As for me, I am not going to cause more dam flooding or dam debris jams by interfering with these dam builders.

...

In my humble opinion, the Spring Pond Beavers have a right to build their dam unauthorized dams as long as the sky is blue, the grass is green, and water flows downstream. They have more dam right than I to live and enjoy Spring Pond. So, as far as I and the beavers are concerned, this dam case can be referred for more dam elevated enforcement action now. Why wait until 1/31/98?

The Spring Pond Beavers may be under the dam ice then, and there will be no dam way for you or your dam staff to contact/harass them then. In conclusion, I would like to bring to your attention a real environmental quality (health) problem:

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Getting the Willies



By Shawn Bakken, sports columnist

We're in the midst of hockey season, watching little kids out on the lake try to stay upright while slashing away with their sticks, making contact with the puck as often as they plow into dogs who followed them out onto the ice. However, some people lack a nearby lake, a neighborhood with children or eyelids that open due to high temperatures in the single digits this winter.

If that's the case, they can still watch (or listen to) professional hockey on TV instead. Teams are as diverse as the Minnesota Wild and the Team Formerly Known as the North Stars (you can just call them "the Team" now), but there's one group of not-even-semi-pro players that should be even closer to our hearts: the hockey team here at William Mitchell.

Let me say that again: the hockey team here at William Mitchell. Seriously! Log on to the school web site, click on Student Life, then Events Calendar and take a look. William Mitchell has... well, we had a hockey team. The NHL is heading towards the post-season, but the Willies—or whatever the team name might be—untied their skates, ran to the warm interiors of their homes at the end of January (hopefully after putting on their shoes) and grabbed some needles and thread to stitch themselves together again.

After all, they weren't playing in an intramural league, where your friends and classmates are the ones slamming you up against the fiberglass and potentially forcing blood out of your body through several major orifices. Nope, they were facing other schools, meaning everyone on the ice had an agenda.

Those weren't friendly elbows being thrown at our players to split their lips open—the other teams were trying to break some noses and send chunks of bone into some brains to kill some Willies. Hey, what's two minutes in the penalty box if they get to play 5-on-4 for the rest of the game?

Our guys are some very brave individuals, too. If you look around at various players in the NHL, you'll notice that some of them are missing three of their four front teeth. It's creepy enough to think they could have fun playing "Newborn Baby and Nursing Mother" with their wives at home, but a lawyer with a large gap in his smile trying to convince a jury that his client could never perform a violent act? That's a scary picture.

Before writing any further, I'd like to clarify something. I'd prefer not to be walking down the hallway in the next few weeks and suddenly get nailed in the back by a group of Willies, so here's my excuse: I haven't done any research for this article aside from learning of the team's existence. For all I know, the goalie

has a third arm sticking out of his forehead. Forget about his presence in the courtroom; he'd have a hard enough time buying a facemask with an extra appendage like that.

And I'm not saying that I respect the Willies just because they can beat me up. They can take a beating better than me, too. I was painfully reminded of this fact during Winter Break this year. The injury occurred while I was standing on ice, but I'm not sure whether my shoulder or my ego was bruised more as a result.

I spent a few days with my family at our cabin with an extra guest. Our neighbor's kids went to South Dakota to play in a hockey tournament, so they asked us to take care of their dog until they got back. I don't think it was a setup, but given that they left to "play hockey," I'm not so sure anymore, especially after taking the dog for a walk out on the lake.

Either this dog had never moved across ice before or he was lulling me into a false sense of security, but he was slipping and sliding all over the place. At one point, he bolted towards me and just barely swerved around my leg, clipping the side of my knee. When I saw him running directly at me from my right a second time, I figured he'd swerve again and I didn't want to jump in the wrong direction. That's when he struck the killing blow.

I imagine that being on the receiving end of a body-check in a hockey game would be preferable for several reasons. First, you're wearing pads all over your body. Second, fiberglass can flex a little bit. Third, you're getting hit by a human being. When a dog takes out your legs, slamming your shoulder onto a frozen lake with only a jacket to cushion your fall... kicking puppies, especially while wearing ice skates, becomes a lot more tempting.

Whenever I think about that, I start to consider the possibility of skating out onto the ice with a hockey stick and try to get some of that dignity back. I'd have to get rid of my third arm, of course, but I could try nonetheless. But then a little angel and devil always pop up on opposing shoulders wearing full courtroom gear, so I sit back, listen to their arguments and plan to make a ruling according to the facts or whichever tie I like better.

Devil: Bestow your hatred upon the other team, make them fear your wrath and smite the back of the net with the hockey puck!

Angel: You shouldn't kick puppies. Before going any further into the opening statement, the devil always throws off his gloves, runs to the defendant shoulder, pulls the angel's suit coat up over his head and starts beating him with a gavel. The angel flails his arms around, trying to squirm out of his clothes while keeping his wings tucked inside his belt as I wonder why the hell you can't find a referee or at least a bailiff when you need one.

Suddenly, the angel thrusts his hand out and latches his fist around one of the devil's horns. As the horn gets yanked down, the angel follows through with a nasty uppercut to the

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The Road To Financial Health

(NAPSI)-Anyone who has ever run a marathon knows that endurance is one of the most important fundamentals to a successful race. The same holds true for your financial health. "Like training for a race, building financial endurance doesn't just happen overnight," said Wade Lagrone, personal finance expert at Yahoo! Finance. "You must have patience, a well-balanced plan, and most importantly, commitment."

Try the following steps to establish a healthy financial training program:

Mapping your course and getting started

Many financial experts agree that one of the biggest obstacles to achieving a healthy financial outlook is simply devising a plan. Most of us are guilty of procrastination when it comes to our finances, but by taking the first step and drawing a realistic road map, goals are easier to achieve than you may think.

Start by visiting one of the major Internet finance sites, such as Yahoo! Finance (<http://finance.yahoo.com>). These sites provide many educational resources free of charge, as well as secure, easy-to-use tools that make financial management a breeze. These sites are great for beginners who need to grasp the basics; they also have more sophisticated tools for experienced users. Evaluate the tools available and choose the ones most appropriate to your needs.

Changing your financial course

Start by observing your spending patterns. In many cases, you can trim expenses by reviewing your spending habits on a regular basis. Tools like Yahoo! Money Manager

(<http://moneymanager.yahoo.com>) can help you jump-start your routine by categorizing and tracking your expenses on a monthly basis, customizing a practical budget, and providing suggestions for a long-term financial plan. At month's end, check back over your income and expenses to see how closely they map to your budget and savings goals.

Set in front of the race

Stay ahead of expenses and avoid late fees or a damaged credit rating by maintaining monthly bills and expenses. Online bill payment services allow you to automate recurring payments and schedule payment reminders so that you never miss a payment again.

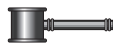
Set short- and long-term goals

Start planning early for retirement and saving for college tuition. Internet sites like Kiplinger.com offer free advice on saving for retirement and college expenses. The Yahoo! College Savings Center (<http://finance.yahoo.com/college>) provides easy-to-use online calculators to determine how college budgeting fits into your overall financial goals, as well as live advice from savings experts.

Train for the long haul

Set attainable financial goals and institute an easy-to-manage regimen. Save and invest at a steady pace-by following these tips, you will be well on your way to a healthy financial future.

The information superhighway may help you on your way to success.



Napoleon: The Legend And The Facts

Since you don't have time to watch television...

Here's what you're missing

Napoleon: The Legend And The Facts

(NAPSI)-With the A&E Network premier of Napoleon, an original miniseries event starring John Malkovich, Isabella Rossellini and Gerard Depardieu, and a national online sweepstakes, here are a few interesting facts about Napoleon that may help you build your own empire:

1) Napoleon Bonaparte was born in 1769 on the island of Corsica into Corsican-Italian gentry, but also was a French citizen as the island had been purchased by the French in 1768.

2) No Bonaparte had ever been a professional soldier until Napoleon, who graduated from the Ecole Militaire in Paris in 1785.

3) In 1799, Napoleon left a promising career in the French Army to lead a "coup d'etat" that resulted in the creation of The Consulate. By 1802, the French Constitution was revised to make Napoleon "consul for life" and, in 1804, he was crowned Emperor.

4) The "Napoleonic Code" that standardized French law and guaranteed the rights and liberties of individuals won during the French Revolution is still the basis for the state laws of Louisiana, as well as France and much of Europe.

5) The given name of Josephine, Napoleon's wife, was Rose.

6) In addition to acquiring a far-reaching empire for France in the early 1800s, Napoleon made many strides for French culture, including making The Louvre into a world-class museum (from a former royal palace)

and ordering the building of the Arc de Triomphe.

7) After his defeat by the British at the Battle of Waterloo, in Belgium in 1815, he was exiled to the island of Saint Helena, where he died in 1821. In 1840, King Louis-Philippe returned his remains to Paris, where they now rest at the Invalides.

8) Napoleon's nephew, Napoleon III, commissioned the Bordeaux Wine Classification of 1855, which created the current system of rating wine from the region according to "growths." Today, there are only five wines awarded the prized "First Growth" designation, including Chateau Mouton Rothschild.

The legendary French wine, Mouton Cadet, is partnering with A&E to celebrate Napoleon by providing the grand prize trip for A&E's "Legends of France" national sweepstakes. One grand prize winner and guest will be awarded a VIP trip to Bordeaux, France to visit the vineyards of Baron Philippe de Rothschild and the Musee de Napoleon, just outside of the city of Bordeaux.

To enter the A&E "Legends of France" Sweepstakes, which runs from March 1 through April 15, go online to AETV.com or go to www.caravellewines.com for more information.

The mini-series, Napoleon and a national sweepstakes that awards a trip to Bordeaux, France to the winner, will please many Napoleon fans and wine lovers.



Women's Right to Remain Inferior

By Sara Dady

Until now, I'd always blamed the various boneheaded choices I've made on naivety or immaturity. With the help of a recent job interview and the Minnesota State Legislature, I can chalk it up to the fact that I'm a woman. It's odd how I had always believed that men and women were equal. Even in law school, I scoffed at the cases where women were dismissed as fragile, delicate beings, incapable of defending themselves or standing on their own two feet. The courts and the legislatures have consistently protected my frail sex by making decisions for us because we can not be trusted to make them ourselves. Most of these decisions have gone out of fashion but fashion has a funny way of recycling itself.

Several weeks and a flurry of resumes ago, I was invited to interview with a small firm. I was dressed in one of my favorite lawyerly suits and pasted the can-do law clerk grin on my face. It began as a standard exchange of professional handshakes and credentials. We were seated in a stylish conference room with a great view of downtown- I pitched my most winning quips, outlined my professional career and extolled my capable legal experience. All was well until the senior partner informed me that I need to be aware of a few firm poli-

cies. Actually, it turned out to be just one policy and it's a doosie. As calmly as day turns to night, he told me that the firm's dress code requires that women wear only skirts or dresses.

As he watched my jaw dent the highly polished table, he began to tell me the long, long history of why the firm adopted this policy. The lengthier the explanation, the less justified it became. The message I received loud and clear was this: women just aren't smart enough to know what professional dress is if they are allowed to wear pants. If left to their own devices, female employees will show up wearing jeans that expose their belly-buttons. And shortly thereafter, the firm would go belly-up. While I was offended, I was uncertain that a law firm- of all places- would implement a facially discriminatory policy. Also, the firm has a female partner- her mere presence in the firm seems to give the policy credibility. Therefore, the policy could not be discriminatory. It must be true, women can't be trusted to make appropriate decisions about anything as simple as dressing themselves for work.

It follows that women certainly cannot be trusted to make big decisions. Thankfully, the state legislature and Governor Pawlenty agree. The "Women's Right to Know"

bill is expected to be introduced and passed this legislative session. The bill will require women seeking abortions to receive all sorts of information before they can even agree to the procedure. This includes information on the gestational age of the fetus, risks associated with the procedure, alternatives to abortion (which I'm guessing would be continuing the pregnancy- but I could be wrong about that) and possible eligibility for state medical care programs to help pay full-term pregnancy costs and possible child support from the father. The bill requires this information to be given to women face to face by a doctor twenty-four hours before the procedure. Also, women would have the right to sue the doctor if they did not receive the information before the procedure.

This bill could not be more timely. While Minnesota already has a state statute that requires informed consent to all medical procedures regardless of the sex of the patient, this single statute does not address the special needs of women. Women just aren't as smart as men. When it comes to making a medical decision, doctors need to go that extra mile to make sure that female patients have actually thought about it. The bill should require that the information be provided by only male doctors. That way even female doctors who

may chose the procedure will be able to make an informed decision. While female doctors may have as much education as their male counterparts- no amount of school can really overcome the inherent infirmities of our sex.

Although this bill lays an excellent foundation- it doesn't go far enough. In light of the recent double mastectomy tragedy, it only makes sense that women should have extra guidance for all of their medical needs. The only way to truly protect women is to require not just their consent but also the consent of their father, husband or eldest living male relative.

Women who support this bill have done their sex the greatest service. They have reined in our fruitless quest for holy grail of equality. They have opened our eyes to the fact that we really are not very smart and never will be. And thankfully, the men and women of the Minnesota State Legislature will codify our intellectual short-comings. This bill is but a single brick rebuilding the necessary social and legal wall between the sexes. How long before the other bricks follow?



Charles Hamilton Houston

continued from page 1

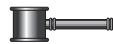
Plessy vs. Ferguson's prescription for "separate by equal" accommodations.

The first, Missouri ex rel. *Gaines v. Canada*, involved Missouri's refusal to admit African American students to the state university law school, offering applicants instead the choice of going out of state or attending a separate black law school yet to be established. The Court found in 1938 that such unequal provisions created an unfair "privilege...for white students" that was denied African Americans. Though argued by Marshall, who has succeeded him as chief counsel, it was Houston's strategy and advice that helped win two cases in which inequality was less blatant. *McLaurin v. Oklahoma* concerned a lone black student who was segregated within the state's graduate school of education; and in *Sweatt v. Painter*, Texas provided a separate black school law school that shared some facilities with the white institution. In both cases, eventually decided in 1950, the year of Houston's death, the court edged closer to overturning *Plessy*, ruling that intangible effects of inequality could violate a plaintiff's right to equal protection under the Fourteenth Amendment.

His health poor, in 1938 Houston stepped down as NAACP chief counsel. But he continued fighting for racial justice, as his biographer Genna

R. McNeil says, "on diverse fronts." Returning to Washington, where he had served on the district's board of education from 1933 to 1935, Houston rejoined his father's law firm and began to focus on economic inequality. Representing two railroad unions, he challenged discriminatory actions by government negotiators and contractors. In 1944 he was appointed to the Fair Employment Practices Committee (CFEPC), from which he resigned in 1945 in protest over its imminent disbanding. Already hospitalized for exhaustion once before, Houston suffered a serious heart attack in 1948. He died two years later, leaving behind his second wife, Henrietta, and their only child, Charles Hamilton Houston, Jr.

Friends and associates remembered him as hard driving and brilliant, a perfectionist whose passion was submerged beneath a dignified demeanor ("Lose your temper, lose your cage" was one of many aphorisms his law students heard). For his work on behalf of school desegregation (which ultimately prevailed in 1954's *Brown v. Board of Education*), the NAACP posthumously awarded him its Springarn Medal. In 1958 Howard University renamed its main law school building after the man who has written to one of his students, "the most important thing...is that no Negro tolerate any ceiling on his ambitions or imagination."



Billy Bites

continued from page 2

to bleu cheese or any pungent cheese. The sauce is combined with spinach and mushrooms and topped with walnuts. It is a unique and tasty dish.

I've highlighted some of the unique things on Ciattis menu, and I also want to mention one thing about the salads. They are huge!! It is worth coming to Ciattis to try the Mediterranean chicken salad or the spinach salad. Both are sizable portions and the presentation alone is worth getting one. If I haven't given you enough reasons to divert some of your cash flow from Billy's and get some lunch or dinner that tastes great, the tiramisu is out of this world and the turtle cheesecake is excellent as well. And, you get great to interact with a very friendly, helpful staff (me!). Don't let the 80s fake plants in there scare you - Ciattis is a gold mine of great food and the view out on to Grand Avenue is spectacular during the day or night. Or, if you get out of class late and you and your classmates need a bite to eat - come try some appetizers at happy hour. You'll be glad you did!



Hearsay

Has anyone ever noticed that a fountain cup at the snack bar in Hachey costs five cents? We, at Hearsay, were very thirsty one day and filled the smallest size fountain cup with water and ice. We were informed that the cost of such beverage was free but the cup cost five cents. Ok. We are ardent capitalists and are happy to contribute to the economy. So, some days later, we decided to fill the smallest cup with a carbonated beverage. The cost was 75 cents. When we returned to refill our beverage, the cost of the refill was 75 cents. Now, if we have already paid five cents for the cup shouldn't the refill only be 70 cents?

Why do we have to log on twice in order to access our William Mitchell email accounts? Has the IT department colluded with psych majors at the U to see how long we will dutifully type and re-type our passwords before going insane? Or perhaps it is an extra-special security measure to keep hackers with short memories from stealing our passwords in order to access *The Scoop*.

Hearsay has been told that the library is cracking down on food and drink within its borders. Students who have been caught with such contraband have been sternly frowned upon and such items are either confiscated for library staff use or disposed of by forcing the offender to eat or drink them as quickly as humanly possible and then denying them access to the restrooms. Hearsay must agree with the library that food should be banned. It is bad enough to creep about the bowels of the library in search of elusive WRAP exercise answers without stumbling upon an elderly half-eaten chicken wrap sunning itself on West's Georgia Statutes.



COURTHOUSE SQUARE

by Charles Pugsley Fincher



Getting the Willies

continued from page 3

chin, sending the devil airborne and knocking some teeth onto my t-shirt. The angel promptly straightens his halo and suit (cleanliness is right next to Godliness), then jerks his head up towards me with an embarrassed look on his face.

Angel: Um... you shouldn't kick puppies?

He didn't need to worry. The uppercut itself, let alone the blood spilled all over the devil's tie, was good enough to affirm my original ruling: I'm staying off the hockey team. If I'm lucky, the Willies left their wrath on the ice and I won't have to worry about playing "Nursing Baby" with anyone any time soon. If I'm not that lucky, maybe my neighbor's dog will run towards me in the hallway after learning how to steer.



Dam Those Beavers

continued from page 3

bears are actually defecating in our woods. I definitely believe you should be persecuting the defecating bears and leave the dam beavers alone. If you are going to investigate the beaver dam, watch your step! (The bears are not careful where they dump!) Being unable to comply with your dam request, and being unable to contact you on your dam answering machine, I am sending this response to your dam office.

Sincerely,
Stephen L. Tvedten

— Thanks to Lihwei Lin for yet another classic weird legal gem. Lihwei's sleuthing verified that the letters are authentic. He found Mr. Tvedten's website, where you can find not only the original letters, but the intriguing follow-up responses:

<http://www.safe2use.com/tvedten/dam.htm>
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IRS e-file Eases Taxing Chore

(NAPSI)-The list of chores you can handle online continues to grow:

- Shop.**
- Pay bills.**
- Balance checkbook.**
- Order groceries.**

Now, you can add another task to your online to-do list:

File taxes.

Last year, nearly 47 million people filed their taxes electronically using IRS e-file. The IRS expects this number will increase significantly each year. "Much like electricity and ATMs, someday IRS e-file will be a convenience we can't recall being without," said Terence H. Lutes, IRS Director of Electronic Tax Administration.

IRS e-file: Available to All

Virtually all (99%) of individual tax forms are available through IRS e-file. You can e-file your own taxes or your tax preparer can do it for you.

The number of tax preparers offering IRS e-file has increased 26 percent during the last year, so there's an excellent chance your preparer offers the service.

If you do your own taxes, you have three options to complete the IRS e-file process:

1. Purchase tax preparation software at your local electronics retailer
2. Download software from a vendor's Web site
3. Complete and e-file your taxes on a Web site that uses IRS-authorized software

"IRS e-file offers individual taxpayers a way to file taxes with less hassles, far fewer errors, quick turn-

around, and probably most importantly, fast refunds," said Lutes.

Many Happy Returns

Within 48 hours of e-filing tax forms, you will receive a proof-of-receipt e-mail. It will either tell you that your form has been accepted for processing or alert you to any errors. E-filers typically experience an error rate of less than one percent.

E-filers also receive their refunds in about half the time as those who use paper forms and as quickly as 10 days with Direct Deposit. If you owe taxes, you can file electronically at any time and delay payment until April 15.

Information security is a top priority for the IRS. "When you use IRS e-file, your tax information is secure and only authorized users have access to the system," said Lutes. "We do not share the credit card or bank account information we receive with anyone."

Free File

Free File, new in 2003, will allow at least 60 percent of individual taxpayers to e-file their taxes for free.

Check www.irs.gov or www.firstgov.gov to find out if you qualify for Free File.

(The IRS has never charged a fee to use e-file, but most Web sites and tax software programs customarily charge fees ranging from \$7 to \$30).

For more information on IRS e-file, visit www.irs.gov.



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Cooking Up A New Way To Deal With Spam

(NAPSI)—There may be good news for consumers who are tired of receiving fraudulent unsolicited commercial e-mail-material commonly referred to as spam.

That's because a trade organization representing Internet service providers (ISPs), and others concerned about the issue, is working to delete this online problem.

The organization, known as the Internet Alliance, is quick to point out that not all commercial e-mail is spam. Legitimate businesses use e-mail to inform consumers about new products.

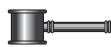
However, when e-mail offers false information in the source, subject or routing information, fails to provide reliable contact information and is sent to someone who has asked to be left alone, then it meets the criteria of spam.

The organization contends that the costs of spam to consumers is significant. Factors contributing to this cost include:

- time used deleting material,
- inadvertent exposure to material that may be considered offensive,
- loss of consumer confidence in the Internet, and
- increased cost of Internet connection as ISPs pass the cost of spam on to customers.

The Internet Alliance believes that the continued success of ISPs, in part, rests on their ability to continue to deliver permission-based e-mails. That's why it is in the industry's interest to regulate itself before government legislates a solution.

To learn what you can do to help in the battle against spam, visit the Web site at www.internetalliance.org.



Liberal Media?

continued from page 1

But the myth of the liberal media is much more interesting than how this amorphous media is trying to convert us into dysfunctional families a la *The Simpsons* or *The Osbournes*. When politicians refer to the liberal media, most often they refer to the news media. And here is where the myth becomes most fascinating.

How many liberal talk show hosts can you think of? All the radio personalities that quickly come to mind happen to have a right-wing slant. Their slant, in and of itself, is not the problem. The problem is that the myth does not stand to examination.

24-hour cable news stations are not particularly different. Fox News Network, CNN and MSNBC at best simply report the news; at worst have commentators with clear political leanings. And again, those leanings are not a problem per se. The problem is that when a news show has both a left-of-center and a far-right host on it, the dialogue and discussion inches ever so slowly towards the right. If the alternatives provided are either to go to war or to "nuke the bastards" (to borrow a headline from *The Onion's Our Dumb Century*), which is the most reasonable course of action?

According to an article that appeared in the British newspaper *The Guardian* on January 13, 2003 (available at <http://media.guardian.co.uk/media-guardian/story/0,7558,873395,00.html>), the media environment in America has changed dramatically since the Watergate era. I'm far too young to remember, but I can say this – it seems as if all widely distributed contrary opinion nowadays comes

from the real liberal media – the entertainment media. *The Onion* and *The Daily Show with Jon Stewart* seem to be some of the few places where writers can truly say: "Ok, why are we following this course of action?" While *Mother Jones*, *Ms.* and other publications are out there, their circulation and reach seems infinitely smaller than that of the TeeVee. Satire is a valid form of discourse, but we need more analysis, not less.

The most telling – and saddest – indictment of the myth of the liberal media comes from the last paragraph of that *Guardian* article. The "liberal" media ignored the Trent Lott story for almost five days. Dan Perkins (AKA Tom Tomorrow) and other true liberals kept it alive in their "blogs" (internet diaries), until it exploded in the national media. Why was it not covered? Is it that reporters do not have the same leeway to investigate news events that they used to have? Is it that the "liberal" news media missed its significance? And why is it that these "bloggers" are the only muckrakers (in the tradition of Upton Sinclair's *The Jungle*) left?

(An answer can be found in "Where, Oh Where Has the Muckraker Gone?" published in April 17, 2002 by Michelle Chihara, in *AlterNet*, and available at

<http://www.alternet.org/story.html?StoryID=12899>. Be warned, the answer it provides isn't pretty.)

Ultimately, when a sizable portion of the discourse is ignored, the result is a highly polarized environment where loudness is confused with soundness and the First Amendment loses most of its significance. Under these circumstances, no matter what your political beliefs might be, we all lose.



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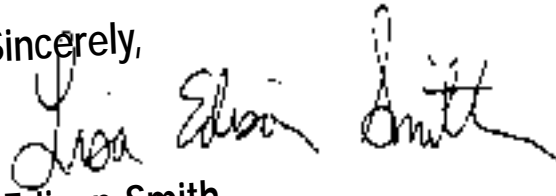
Dear Mr. Feinberg:

I am writing to thank you for your excellent 3-day course which I attended here in Minneapolis, Minnesota this past July. I am happy to report that not only did I pass the July bar exam, I scored 175 on the MBE! As you know, because I received such a high score on the MBE, I am eligible for admission to the bar in my home state of North Dakota without further examination. Needless to say, I am quite relieved at not having to take another bar examination.

I took PMBR as a supplement to my regular bar review course. While the regular course provided a good overall review and preparation for the essay portion of the examination, PMBR was extremely valuable in preparing for the MBE. Not only did the practice exams and review materials give me confidence in approaching the MBE, I also recognized many similar PMBR questions on the actual exam. I cannot imagine taking the MBE without PMBR!

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