

inter alia

wednesday, august thirty first, two thousand five

Thoughts on War and Peace

By Kirk O'Reilly

The Iraqi Wars. There are at least two wars going on in Iraq and neither one is in America's best interest. The first is the so called "War on Terror" and the second is the war to control Iraq's future.

Although prior to the war Iraq was one of the Arab countries that least supported international Islamic terrorism, the current situation is the best thing that could have happened for the terrorist cause. American taxpayers are spending \$400 billion to turn Iraq into the perfect terrorist training ground. They are getting real world experience in leading and implementing guerrilla warfare and urban terrorism. Criminally, the current policy makes it much too easy for Americans to be killed every day. Also, the war is a great recruiting asset. Only America is watching the Fox News version of the war. But propaganda works both ways. As pictures of dead babies and American tanks are broadcast throughout the rest of the world, the next generation of terrorists is signing up. Finally, as our Forces and resources are bogged down in Iraq, terrorist organizations are free to flourish in countries that have historically supported their cause.

The other war is to control Iraq's future and resources. The country is made of three major groups that have nothing but contempt and mistrust of the others. Each of these is further fractionalized into warring or potentially warring sects. We speak of creating a democracy, but a pure majority vote would result in an Iranian type Shiite theocracy. As this is clearly not to our

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Welcome to Law School!

By C. Dale Slack III

For those of you who are new, you probably don't know me. But don't worry; a more experienced 2 or 3L will be glad to explain to you that I am a monumental slacker, a dilatory popinjay, an inebriate of incomparable proficiency and widely regarded as an inveterate liar; and rightly so. I have never earned more than a B+ in any class, and have made a science of living in the Law School basement (or "LawCave") for nearly 20 hours a day.

For all these reasons, plus the fact that I still have not been expelled or suspended, I consider myself a font of practical knowledge of all there is to know about the Ol' Shyster Mill. Therefore, let me pass on some of my sage advice to aid you in this new journey of life called "Law School" at U of I.

1. Tina's: Tina is a sweet woman who sells sandwiches, Red Bull, coffee and donuts in a small room off the student lounge. If she sees you regularly, she will remember your name and give you a kind word and listen to your troubles; however, she has an allergy to certain perfumes, colognes and hair-products, so you have to be fairly aware of what you have used that morning. I have run afoul of this rule several times myself. You see, my natural scent has been favorably compared to Lemur Urine, so I douse myself in Polo Blue each morning to try to counteract this problem. Try the turkey club croissant; it's excellent.

2. The Carrel System: I personally spend about 15 hours a day sitting in my carrel. I read homework, look on the Internet for funny pictures of kittens doing cute things, and post "Little House on the Prairie"/"Magnum, P.I." crossover fanfiction on an Indonesian website designed for that very purpose. I take all my meals at my carrel, and I treat it with respect, as should you. I would not recommend

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Why does my carrel smell like syrup?

By Jeff Dearing, Associate Editor for National Affairs and Politics

In my three years here at ye olde lawyer factory I've put up with a lot of crap. I've had to tolerate everything from suffering the indignity of actually having to show up for class in a capacity beyond "Special Guest Star," to the inexplicable tire fire that's still burning in Dale Roller's old carrel. But minor annoyances such as these don't hold a molten Michelin to the threat to my mental well-being posed by the shrieking children of law students.

I know this has been discussed before but I wanted to bring the Lawyerlings, Third Class (1Ls) up to speed. So listen up, here's the score:

There are certain law students who have done the special hug that mommies and daddies do to make the stork use his powers in the dark arts to conjure a baby using unspeakably horrible rituals. Those people who have used the special hug properly get a baby. Hooray! This baby then becomes important to them for reasons which science has been unable to unravel. Despite the failings of these "scientists," law students with babies and slightly older children feel the need to cart them around everywhere they go.

Now as most of you have noticed there are signs all around the carrels that say things like "Quiet Study Zone." You would think that would apply to everyone. But you would be wrong. There is something I've noticed about parents. They seem to be generally immune to

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Inter alia would like to congratulate Kris Meek on his recent promotion to the position of Editor-in-Chief of *Law Review*.

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interest or acceptable to the Kurds or Sunnis, the real goal is to find a negotiated settlement. The policy is a house of cards. While some of the Shiites and Kurds are willing pretend to go along with Washington's wishes, it is only to consolidate their power for the struggle ahead. There is too much history, hate and oil for those unhappy with the result not to take up arms or continue their current fight. Our disengagement policy, to arm and train as many Iraqis who say they agree with us as quickly as possible, will only make the matter worse. Hundreds of thousands of combatants on all sides of the upcoming Civil War will be fighting with American weapons. With or without the continued presence of American troops, actions in Iraq have destabilized the heart of the Middle East for foreseeable future.

A naive goal would be for Americans to have a real debate about how we are minimize the danger of the current situation. But since those who brought us here consider disagreement to be treason, we are in for dark days ahead.

Horoscopes

By Señor Jaime Pressly

Aries (Mar. 21 – Apr. 20): Several asymmetric children will spend the next few weekday afternoons lounging in your attic.

Taurus (Apr. 21 – May 21): Because of that embarrassing performance at CJs last weekend, Jay-Z will finally make good on his promise to retire.

Gemini (May 22 – Jun. 21): Ginger Altoids will pleasantly fail to freshen your breath.

Cancer (Jun. 22 – Jul. 22): The ghost of Sherman Bellwood will gradually shave off the bottom of the back right leg of your carrel in order to emphasize his displeasure at your having repeatedly failed to read even one opinion Alan Page authored.

Leo (Jul. 23 – Aug. 22): You'll finally learn the source of that "sweaty feet" smell emanating from beneath the pool tables in the lounge.

Virgo (Aug. 23 – Sep. 23): Hurricane Katrina will show up on your doorstep, demanding you write updated, Cajun lyrics for Desire's opening tune.

Libra (Sep. 24 – Oct. 22): You will discretely be informed that when those cool kids from the other section refer to you as "Steve Carell," they're not impressed with your wit, but rather are commenting on your atrophied genitalia.

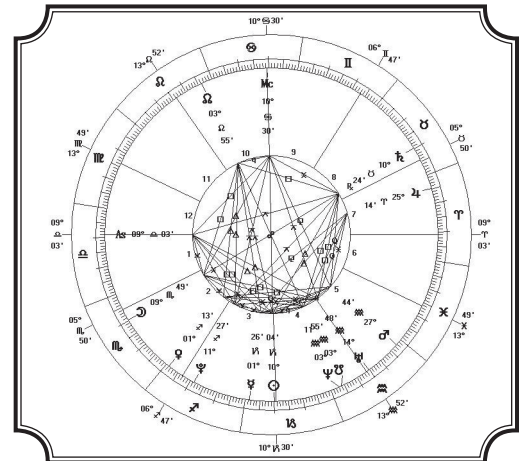
Scorpio (Oct. 23 – Nov. 22): You will find a sturdy chair near the loading dock.

Sagittarius (Nov. 23 – Dec. 21): Your favorite professor will unintentionally urge you to contemplate the humor inherent in the word "duty;" resist it.

Capricorn (Dec. 22 – Jan. 20): Your least favorite professor will intentionally urge you to set fire to your favorite professor's assigned reading; indulge it.

Aquarius (Jan. 21 – Feb. 19): Aren't long distance telephone calls neat? I mean, you're able to talk to someone halfway around the world with an almost imperceptible lag.

Pisces (Feb. 20 – Mar. 20): You will discover the Garden no longer carries Mirror Pond, coin fourteen expletives, and thereby strain the Court's context-matters-when-it-comes-to-obscenity precedent.



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 spending less than 8 hours in your carrel each day.

3. Scotch and Cigarettes: I'm not a real doctor, but any physician worth his salt will tell you that nothing eases the tension and worries of Law School like a good Highland single-malt and a smoke. I recommend McClellands for its smooth finish, peaty bouquet and cheapness, as well as Dunhills for their pleasing aroma and suave-looking pack. If you don't smoke, start now. If you don't drink, hold onto your knees and breathe out your nose, because you're in for a wild three-year ride.

4. Dating: Haha. Forget it, pal. If you came in with a significant other, prepare to not see him or her for three years, assuming they're still there. If you don't have one, you might consider taking The Vows, since you'll be celibate from now on anyhow. People just do not want to date Law Students. Get used to it. Some people here will date other Law Students, but I don't recommend it—the potential for awkwardness if things go badly is too troubling. Don't dip your pen in company ink, and don't crap where you eat, I always say.

5. The Garden: The unofficial Law Student bar since time immemorial. Fast, friendly service and comparable drink prices make this popular spot a "sure-thing!" Opens at 3:00 for your convenience.

6. Nancy Leubert: Make friends

with this woman, and do it fast. She has books, advice and free candy in her office.

7. LexisNexis and Westlaw: Use them sparingly, because they are like a drug. As I found out this summer, in the real world there is no unlimited subscription, and searches can cost upwards of \$100. If you plan on getting hired by one of the silk-stocking firms that rent out the top three floors of bank buildings, this probably won't be a problem for you since you'll be able to access either service as many times as you want on your solid gold and ruby-encrusted computer terminal; but if you plan on working somewhere that isn't a mythic land, learn to use the CFRs and Reporters.

8. Seating: You know the old standard wisdom that sitting in the back of the class means you won't be called on? That's crap. In Law School you will be called on and often, so it doesn't matter at all where you sit.

9. Coffee: Coffee is for closers only.

10. The Free Book Table: In the basement next to the elevator is a table on which the library, other students and occasionally professors put free books. These are usually outdated hornbooks on the Maritime Law of Lichtenstein, but sometimes there's a good one, like the 1991 desk-reference on entertainment law I found there once ("Compact Discs, or 'CDs,' and Laserdiscs offer more room for music than LPs and cassettes and will revolutionize the music and movie industry..."). Also, occasionally some well-meaning but misguided soul will put an ugly tie or perhaps a pair of legwarmers on the table.

## Events Calendar

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Thursday, September 1  
 SBA Council and Tenure  
 Committee Elections

Friday, September 16  
 SODA Drag Show  
 The Beach

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Send event listings to  
 crtaylor@uidaho.edu.

11. The Rest of Campus: Avoid it. Don't go to the SUB, don't go to the general library, and do not under any circumstances attend any concerts in the quad. The whole place is packed with undergrads. Those kids all smoke dope and will not give you the deference you deserve and command as a Law Student. Last year Reel Big Fish played a concert somewhere over there; one of the 3Ls made the mistake of attending. Some say her tortured screams still haunt the drainage ditch from which her bullet-riddled body was dredged.

12. Law School Social Events: I'm not just saying this because I'm on the SBA Social Committee, but attend ALL the social events you can. This is not only for purposes of fun, but also valuable for your later life. Face it, schmoozing and charming others is the only sure way to success in this world. Having good friends who are actually competent got me a lucrative job this last summer; it sure as hell wasn't my "award-winning" McNichols Brief—it was who I knew. The main events are: the Picnic, Karaoke Night, the SODA Drag-Show, the Halloween Party, the Barrister's Ball and the BSA Talent Show. There are others, of course, but those are the old standbys that are constantly amusing. If you don't attend the social events, how will you find out that Joe Miller is an expert in Chechnyan Break-Dancing, that Chris Taylor can sing Top 40 Hits like a damnable angel and that I start telling blue tales of my years in the Légion Etrangere when drunk.

If you follow this simple advice, I think you'll find that your three years here will be fruitful and pleasant. If not, fine you little turds—see if I care (I just had to add the word "turds" to my spell-check...).

Did you know Blackacre  
 is located on the Palouse?



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the soul-shattering noises and smells made by their children. It might come from the fact that they have to deal with it 24-7 and simply no longer sense it. In this way I can relate; I no longer notice when I do something silly like fail to bathe for weeks on end. Or possibly they are fully aware of this distraction but seek to impose their waking nightmare on all of us. If that is the case I'm completely with them. Life isn't worth living if you can't make others resent it. This might be the reason I've found the contents of my carrel disturbed by someone else's child and their syrupy leavings.

So parents bring their children to school and deposit them in their carrel. I can understand harried parents and short notice; I can deal with that. And I can even handle children who sit quietly and eat highlighters and paste. Well, I'm guessing that's what children eat. But the ones who seem to be here at regular intervals throughout the semester regardless of the time, day or exam schedule... those are the ones who bother me.

Thus, I put forth a humble call to our student leaders on the SBA. I'm asking you to pass a resolution or decree or papal bull or whatever you call it to ban these children. I feel it should be called the "No, Child Left Behind Act of 2005." It would be a simple solution to the problem. We could just make it official law school policy that no one under the age of 18 is allowed in the building at any time. Exceptions will be made for those children who are being used to clean the ventilation ducts or who are performing heartwarming songs in a holiday pageant.

I understand that this probably doesn't sit well with a lot of you. So I will withdraw my proposal for this act if you will endorse another one. Allow smoking and barbecuing in the carrels. Lord knows if I could eat some pork ribs and have a smoke in my carrel I wouldn't even care about the tire fire anymore.

## Lifers support slavery.

By Christopher Taylor

John went to Vegas to gamble. John signed a contract at one off-the-Strip casino whereby if he rolled a 2, 3, 4, 5, or 6, he would receive \$10,000, but if he rolled a 1, he would be compelled to work for the casino doing odd jobs for nine months, receiving only food and shelter in return. In the law we have a word for such a contract: void.

The Thirteenth Amendment: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

One can contract for employment; one cannot contract for employment without the ability to unilaterally terminate.

If John rolled a 1, then started working for the casino, then, after two months, decided to leave, the casino would be liable for unjust imprisonment if it were to prevent his doing so. Furthermore, the casino would not be able to seek damages from John for the seven months he failed to work. And the U.S., Nevada, and Las Vegas governments would all be specifically precluded by the Thirteenth Amendment from helping the casino realize its value lost, or preventing John from realizing his freedom.

If instead of a casino, John formed the above-described contract with Billy the Imbecile. Now we have two grounds to void the contract: both the Thirteenth Amendment and the incapacity of one of the contracting parties.

If John formed the above-described contract with Billy the Imbecile, and when John decided to leave after two months, Billy tried to stop him using physical force, John would be within his rights to retaliate with force, even deadly force, to secure his freedom.

If instead of Billy using physical force to stop John, he simply threatened force, John would still be within his rights to retaliate.

If instead of Billy threatening or using physical force to stop John, he simply stands in front of the only exit, John is legally permitted to shove Billy out of the way (assuming asking Billy to move is ineffective).

Now consider the following: John and Billy form the above-described contract. John loses by rolling a 1. John works for two months as Billy's valet. John decides he wants out. Billy, without threats or use of physical force, stands in front of the only door and refuses to budge. The floor in the foyer has been removed while it is being repaired, so there is a twenty foot drop on either side of the temporary bridge that leads from the door into the house. John can either 1) wait until Billy decides to move, or 2) shove Billy out of the way. Should John be permitted to shove Billy out of the way, knowing that doing so will result in Billy falling to his death? I contend the answer is

obvious: yes. One person's right to be free from slavery trumps another's right to be alive. And I don't think John must wait until his life is in danger.

What's the point of all this? The pro-lifers have two hurdles to overcome in every case where they seek to block an abortion:

1. Showing that a particular mass of pre-birth tissue is a rights-bearing individual, and

2. Showing that a pregnant woman's right to be free from slavery under the circumstances is trumped by the aforementioned pre-birth tissue's right to be alive.

Yes, I know that the act of coitus differs from the act of signing a contract. If anything, though, I would think it cuts against the lifers. At most you have an implied contract between the fetus and pregnant woman based upon her consent to receive a third party's ejaculate.

Yes, I know a fetus differs from Billy the Imbecile in many respects. But again, I would suggest this cuts against the lifers. While there is the possibility of talking Billy away from the door, there is little chance of talking the fetus out of the womb prematurely.

Yes, I know feeding and sheltering a fetus differs from acting as Billy's valet. But again, I would suggest this cuts against the lifers. I would expect the danger to the pregnant woman's health, the restrictions on her ability to enjoy life, and the repulsive closeness of the slaveowner-fetus's demands may far exceed any duties demanded of a valet. And besides, do we really want to get into the actual demands made by the slaveowner? Does slavery become okay simply because the slaveowner only requires his slaves to work eight hour days, feeds them well, and never abuses them?

Perhaps one could argue John doesn't have the right to shove Billy away from the door, and that John's moral and legal duty is to die of dehydration, or at least wait until dehydration is imminent before shoving Billy. Or perhaps one could argue if John knew for sure that Billy would move in seven months, he ought to wait; and it becomes permissible to shove Billy only if John does not know for how long Billy intends to remain. But these seem to me to be too fine hairs to be particularly split-worthy.

In conclusion: pro-lifers support slavery insofar as they wish to deny a pregnant woman the right to free herself from a fetus who demands her services. As with every employment relationship in modernity, both parties must be legally capable of unilaterally terminating the relationship; pregnancy without the abortion choice removes that possibility.