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Sines v. Kessler: Far-Right Conspiracy Trial in Charlottesville

Anna Bninski '23
Executive Editor

Like most current students at the Law School, I was not in Charlottesville during the events of August 11 and 12, 2017. But this is my hometown. And so throughout the day of August 12, I followed the events through news headlines, through friends' posts. I called my family. Alone in New England, I watched feeds with disbelief spiking into horror. It was one of the worst days of my life—and my trauma was remote, mediated by six hundred miles of distance and a computer screen. I still cannot quite fathom what those events must have been like for those on the ground when the white supremacists descended on our town.

That experience is at the heart of *Sines v. Kessler*, the jury trial currently in progress at the Charlottesville federal courthouse.[1] On Tuesday, November 2, the Karsh Center for Law and Democracy and the UVA College of Arts & Sciences Jewish Studies Program hosted "The Charlottesville Trial,"[2] a panel discussion of the case featuring the Law School's former Dean John C. Jeffries, Professor Leslie Kendrick, and Professor James Loeffler of the Jewish Studies Program. Professor Micah Schwartzman moderated, and opened the event with a brief overview of the far-right rallies, the counter-protests, and the violence that took place on August 11 and 12, 2017.[3] He noted that the case fills a space that might have been filled by

1 A variety of criminal proceedings also followed those events (which are variously termed "Unite the Right" or "The Summer of Hate," depending on whom you ask). The most prominent of these led to the 2019 sentencing of James Alex Fields, who drove his car into counter-protestors, to life in prison for the death of Heather Heyer.

2 Out of consideration for the fact that Charlottesville is a *place*, whatever its (abundant) problems and complexities, rather than solely a *thing that happened*, I would have lobbied for a different event title. Other locals might disagree with me, though.

3 Elizabeth Sines '19, the named plaintiff, was a student at the Law School when she counter-protested and witnessed Fields' car attack.

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International Student Appreciation

EDUARDO CAMPOS (BRAZIL)

Over the past 9 years, I have assisted Brazilian companies in financial transactions, including listing their shares in the Brazilian Stock and Exchange, raising capital to fund business development, and assisting on M&A transactions.

Currently, I am part of the award-winning Investment Banking legal team of Itaú Unibanco—the largest bank in Latin America—where I work on the most relevant and challenging financial transactions of the region, such as the three-billion-dollar financial support scheme for Brazil's electricity sector. This transaction reduced the potential impacts of the COVID-19 crisis on the electric bills of every Brazilian (which was very cool!).

Despite the intense routine of an investment bank, I wrote academic articles and book chapters over the years, publishing them in relevant Brazilian corporate, arbitration, and agribusiness law journals. In 2019, I submitted my master's dissertation to the University of São Paulo on the Securitization of Agribusiness Credit Rights, which allowed me to actively participate in the discussions of the new Brazilian Securities and Exchange Commission's regulation of such complex transactions.

Aside from law, I love music, especially a good Brazilian Samba (I encourage you to listen to it while reading cases!)

MARWA EL-SHAARAWY (EGYPT)

Marwa is an LL.M. candidate from Egypt. Her LL.M. is sponsored by the Fulbright Foreign Student Program. She earned her Bachelor of Laws degree in Egypt in 2013. She graduated with honors, received 22 awards for academic excellence, and ranked 5th in a class of 111. Upon graduation, she joined Sharkawy and Sarhan, one of Egypt's leading law firms, working as a corporate lawyer. Marwa's work as a corporate lawyer focuses on the energy sector. She worked on several big-ticket transactions, which were part of the Egyptian Government's reform plans to achieve energy self-sufficiency. She provided consultation to the Egyptian Government on drafts of energy bills and has been involved in rolling out Egypt's first feed-in tariff program for renewable energy. She was recently seconded to two international oil and gas companies, where she acted as Egyptian in-house counsel.

Marwa co-authored several articles and reports, including the Egypt chapter of the World Bank's Doing Business 2019 report and the Egypt chapter of Çakmak Avukatlık Ortaklığı's Global Renewable Energy Guide 2017. Marwa's decision to attend law school was inspired by her mother, who was the first female justice to sit on Egypt's Supreme Constitutional Court, and by her two older sisters, who are law professors at Egypt's top university and are leading successful professional careers as lawyers.

MASON LIU (CHINA)

Before I came to the U.S., I worked at the law firms King & Wood Mallesons (Beijing) and Beijing HengDu as an IP lawyer for two years. I mainly handled disputes over patent infringement, trademark infringement, competition, and trade secrets. In general, technical analysis and prior art search constituted the most important parts of my work. I often had to analyze technical issues that I had never learned before, which required a good ability to learn.

For example, in a patent infringement case, the defendant's attorney submitted an expert testimony against us, in which the defendant tested the infringing product used the "X-ray stress measurement method." My partner wanted me to research the X-ray method to see if it is possible to claim that this method could not be applied to the infringing product. I spent a week reviewing the relevant technical literature and found that this method is indeed not applicable to this case, and I drafted a memo to my partner for this. Fortunately, my conclusion was accepted by the technical investigator hired by the court, and the court didn't admit the defendant's expert testimony.

LIZETH AZUARA (MEXICO)

Lizeth is a seasoned Mexican-qualified lawyer specializing in international trade and customs litigation. She has significant experience advising businesses and customs brokers in import and export control, customs regulatory compliance, and supply chain issues. Her practice also includes counseling businesses in both English and Spanish on expanding their trade operations into Latin America, handling international commercial transactions, and renegotiating contracts. Lizeth had also litigated complex customs matters before the Mexican Fiscal Federal Court and developed strategic solutions to recover goods seized and fines paid.

Prior to the LL.M., Lizeth was the lead of the customs and litigation practice team of a customs broker agency in San Diego with operations in Mexico. At the same time, she was a compliance manager for a start-up company also located in San Diego. During her practice in Mexico, she worked as a mid-level associate at the customs litigation practice team of the Customs Brokers Association of Tijuana and Tecate in Mexico.

Lizeth holds a Law degree from the Autonomous University of Baja California, where she graduated first in her class. She is also a certified tariff classificator and recently obtained a paralegal certificate from the University of California, San Diego's extension program.

HANNA SKRYPIKAVA (BELARUS)

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around north grounds

Thumbs down to snakes. Whether in human or animal form, ANG hopes these creatures stop roaming ScoCo and hibernate sooner than later.

Thumbs up to everyone having donuts on tables the last two weeks. ANG refuses to participate in their events on principle, but loves the sugar rush they provide.

Thumbs sideways to 1Ls that have been studying in ScoCo. ANG appreciates that it will make them graduate and leave ANG alone but ANG needs them out of ANG's favorite stomping grounds.

Thumbs up to the vending machines in Brown Hall. ANG prefers machines that distinguish snacks by category rather than lumping them together.

Thumbs sideways to the end of Daylight Savings. While ANG appreciates the extra hour to sleep in, it assumes that ANG wouldn't already be sleeping until noon. The darkness forces ANG to go to bed earlier, which is a level of responsibility ANG does not appreciate.

Thumbs up to the Emmet Street detour. ANG loves it when no one can get around to see their friends, while ANG can still hang out with ANG's squirrel buddies and feel socially superior for once.

Thumbs down to student orgs that host events in Scott Commons during the evenings. It is outlining season and ANG needs total silence as ANG lies to ANG's self that ANG is prepared.

Thumbs sideways to the approach of finals. ANG dreads having to come into the Law School at the same time as everyone else, but relishes the masochism of multiple all-nighters watching *You* instead of outlining.

Thumbs downhill to Darden having a ski weekend in Whistler. While ANG isn't athletic, ANG wouldn't mind a little Apre-Ski instead of finals.

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federal action, if the Department of Justice had pursued claims.

Sines v. Kessler is a multi-plaintiff suit, brought against the far-right organizers by people harmed during the rallies and violence. Opening statements took place on October 28; as of writing, the trial is scheduled to end on November 19 but has been moving slowly.

Each panelist brought an interesting, nuanced approach to multiple issues, which this article can only provide an abbreviated summary of.

Dean Jeffries explained that *Sines* includes both a state law civil conspiracy claim (essentially, that the defendants "contemplated and committed" torts in concert) and a federal claim under 42 U.S.C. 1985 (3). Enacted in 1871, the "Ku Klux Klan Act," as Section 1985 (3) is known, provides for damages against people who conspire to deprive others of "equal enjoyment of rights secured by law," (as phrased by the presiding Judge Norman K. Moon '62, quoted by Dean Jeffries).[4] Unlike the more familiar civil rights claim under Section 1983, this action does not require that the action be taken under color of law.

The scope of this action is a narrow one, Dean Jeffries emphasized, as our legal system generally secures individual rights against government interference, rather than against the actions of other people. "You are free to not date Democrats, or not date Republicans," Dean Jeffries pointed out, in one of the lighter moments of the discussion. However, the few rights that *are* secured against private actors are rooted in the 13th Amendment; this brings racially-motivated infringement of rights within the scope of Section 1985 (3).

Dean Jeffries hazarded a guess that the plaintiffs will be able to make out their federal claim, but stated that the state law civil conspiracy claim looks like a better bet.[5] He also noted that the case functions more as a statement about the consequences of organizing events like the ones that occurred in 2017 than as a source of meaningful compensation, since "these defendants are mostly judgment-proof … you can't get blood from a stone." Indeed, more than one defendant is currently imprisoned; the prospects of plaintiffs actually receiving damages for their physical and mental harms appear slim.

Professor Kendrick spoke to the First Amendment questions raised by conspiracy claims that are adjacent to political expression. Conspiracy typically consists of an agreement plus an overt act. Even though the agreement component means that "most conspiracies, you can imagine, are made of words," Professor Kendrick clarified that in general conspiracy falls outside of the First Amendment's protection of free speech. She noted that, while political speech is protected, political motivation for someone's violent act "is not going to immunize their actions."

Professor Kendrick explained that there is a line between teaching or "conspiring to convince someone of ideas," which is not actionable conspiracy, and making preparations for violence. If plaintiffs can show conspiracy to commit violence, "the First Amendment is not going to swoop in and change that."

Professor Kendrick noted that the trial outcome will depend on how well explained the somewhat thorny legal issues are, how concretely defendants can be connected to the violence, and how well the jury understands the whole picture—which is quite a complex one, given the multiple plaintiffs and defendants.

Professor Loeffler has been following the trial closely, watching on closed-circuit television at the courthouse along with members of the media. One primary takeaway: "there is no substitute for actually knowing the law." He described a somewhat chaotic scene on the defense, with a multiplicity of lawyers (one of whom apparently started a line of questioning that implicated his client, before being cautioned by Judge Moon) and two defendants appearing pro se. Professor Loeffler had perceived a "palpable reluctance to get involved" during the voir dire process, as many people who were called as potential jurors had no interest in reliving the events that traumatized the community. Jury service, especially in a case this long, is a substantial and difficult responsibility.

He also expanded upon Professor Kendrick's point that the long, complex case offers plenty of room for a mixed verdict, or for jury confusion. There's the potential both for the defense to torpedo itself and for the jury to turn against plaintiffs' very well-organized legal team, which has suffered some dog-whistles about being from "out of state."[6] With all the moving parts and many parties, Professor Loeffler predicts that the jury will look to Judge Moon for guidance—and perhaps to move the case along.

While the courtroom is closed to the public, one can listen to the proceedings in real time by calling (888) 808-6929; access code 4334643. Judge Moon has prohibited recordings; "I would respect that prohibition," advised Professor Schwartzman.

With the outcome remaining uncertain, likely for weeks, Dean Jeffries had one certain observation: in a case making a statement about the consequences of racist and anti-Semitic violence, "a statute called the KKK Act is exactly the right remedy." I know I am not alone in hoping that the application of the law brings this town some type of justice, however difficult and delayed.

4 I was lucky enough to intern in Judge Moon's chambers this past summer—happy to be a resource if anyone is looking into interning in the W.D.Va.!

5 He also brought us all back to CivPro basics with a reminder about supplemental jurisdiction and the incentives out-of-state attorneys have to file in federal court.

6 The plaintiffs' team includes prominent attorneys. Karen Dunn, a former federal prosecutor, served as associate White House Counsel under President Barack Obama and Senior Advisor and Communications Director to former Sen. Hillary Clinton. Roberta Kaplan successfully argued at the Supreme Court for the invalidation of the Defense of Marriage Act, and recently resigned from the Time's Up Legal Defense Fund due to her ties to former New York Governor Andrew Cuomo.

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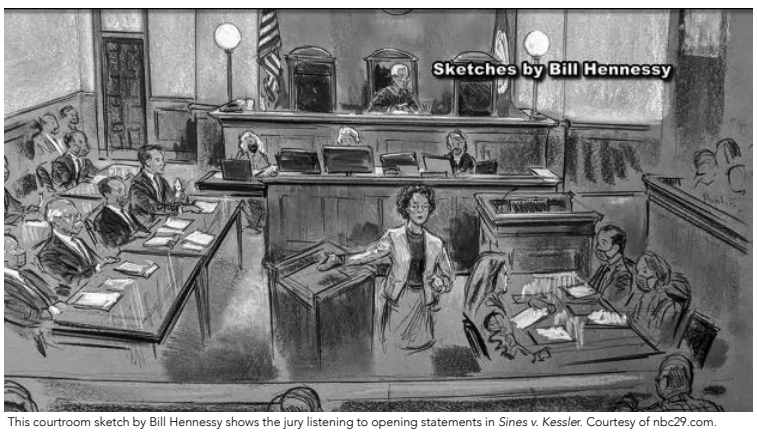

This courtroom sketch by Bill Hennessy shows the jury listening to opening statements in *Sines v. Kessler*. Courtesy of nbc29.com.

LL.M.

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Hanna Skrypikava grew up in Belarus. She studied law at International University MITSO, Minsk with a specialization in international commercial law and graduated with distinction in 2018. From 2018 to 2021, Hanna worked as in-house counsel for an e-commerce consulting company in Minsk, mostly advising on IP-related issues. When protests broke out in Belarus after the 2020 presidential election, Hanna became active in the democratic movement and served on its legal aid committee.

Hanna's main academic interest lies in international law. She has participated in several international law moot courts, summer camps, and conferences. She has also interned with the Belarusian section of the International Committee of the Red Cross. Given the political situation in her home country, Hanna also has a strong interest in democratic development, institution building, and national security. After graduating from UVA, Hanna would like to work in international law or international development. In her free time, she likes to paint and spend time with her friends. She also loves travelling and learning more about different cultures.

ALEXIS RAMIREZ (CHILE)

Hi, y'all! My name is Alexis Ramirez, and I am from Santiago, the capital of Chile. I came to Charlottesville in 2019 to pursue an LL.M., and after finishing my Master studies, I started an S.J.D. here (which is the equivalent of a Ph.D. in Law). I

am expected to finish my doctoral dissertation in three and a half years. During my law studies in Chile, I was a teaching and research assistant in Constitutional Law and Jurisprudence. After graduation, I worked for a couple of years as a legal researcher and an instructor in a Chilean university. My dream is to be a constitutional law professor back in my home country, using what I have learned here at UVA Law. In that sense, my goal is to incorporate not only everything I have studied and researched here, but I also part of the vibrant and supportive atmosphere that makes UVA Law unique among all U.S. law schools. I am delighted to know that I will be part of this amazing community for a few more years to continue what has been one of the best experiences of my entire life!

ALEJANDRA ROCHA (COLOMBIA)

Alejandra comes from Colombia, where she grew up seeing inequalities, political corruption, and war as part of everyday life. She studied law because she had the desire to find legal solutions to armed conflicts with the goal of being a change agent. After becoming a lawyer, she worked providing pro-bono services, where she learned how to understand and represent vulnerable populations in need. It strengthened her resolve to help others through her knowledge of law.

Afterwards, she became a law clerk in an administrative court, where her work concerned reparations for the deaths of young conscripts. She continued seeing the effects of war through the lens of a spousal volunteer in Fort Polk, Louisiana, where she used to live.

Now, she is a 2022 LLM candidate at UVA, a 2021 Tillman Scholar, the current president of GLSA and volunteers with the International Rescue Committee. Her objective is to continue learning about and researching legal strategies that can end armed conflicts in completely different societies around the world. By doing this, she hopes to limit international human rights violations and finally achieve post-conflict stability.

First Annual Transactional Law Competition

Registration opened this week for the First Annual Transactional Law Competition at UVA Law. The Transactional Law Competition is a five week competition that culminates in a final mock negotiation on Friday, February 25, 2022. It is a great way for students who are interested in practicing corporate or transactional law to get experience. This competition is open to 2Ls and 3Ls to compete in two-member teams. All necessary information, including identity of the team's clients, for this negotiation will be released over winter break in a packet. The packet will include information about the clients, the types of agreements available to them, the facts surrounding the negotiation, and other resources to help them prepare. The competition will officially launch on January 28, 2022 with a Kick-Off event where professors will discuss different agreements and what factors participants might consider in a similar negotiation. Participants will work with their teammate to draft a term sheet which they will trade with their opposing counsel two weeks after the Kick-Off. After exchanging agreements, participants will have two more weeks to prepare for their mock negotiation. The negotiation will take place at Darden and start with a breakfast and end with a luncheon. The luncheon will be open to 1Ls and a great opportunity to network. Practicing lawyers will serve as judges for the negotiation and will judge the negotiating process. The winner will be announced at the end of the luncheon.

You can register for the competition at https://www.uvalawecvc.com/transactionallawcompetition. You will be able to sign up individually or with a partner. If you sign up individually, you will be paired with a teammate before the competition begins, and if you are registering as a team, please indicate the other member of the team when registering. Email Lauren Johnson (lnj6kq@virginia.edu) and Matt Cook (mpc8v@virginia.edu) with any questions.

Bones Day, or Why I Trust a Prophetic 13-year-old Pug

Sai Kulkarni '23
Culture Editor

My first ever front-page appearance in this esteemed newspaper came from an article about how great holiday-based trends on TikTok were. It also included a pitch to all of you to join the social media app at a time when we all needed community the most. I am happy to say that anecdotal information has taught me that many people, because I recommended it, of course, have joined the app in the past year.[1] So I come to you today, my dear readers, to inform you of the latest TikTok phenomena: the great prophet, Noodle the Pug.

For those of you who don't know how TikTok's algorithm works, we need to briefly mention that. As you like and share content, it shows you more. Simple enough, right? Every platform does that. But this app also studies how long you view a video, whether you pause and come back, and even your real-life conversations.[2] So as more people see something and simply find it interesting (not even like it!) it starts getting recommended to more people. Hence, the burst of viral (non-music) TikTok trends in the last year.

With that background out of the way, we can focus on the star of the hour: Noodle. If you don't know, Noodle is a thirteen-year-old pug owned by a user with the handle @jongraz on the app. While the pug is cute by himself, he has gone viral for something Mr. Graz has been doing every morning. Noodle, a thirteen-year-old dog, is understandably tired all the time. Sometimes he just doesn't feel like sitting up. But every morning, Mr. Graz faithfully picks Noodle up from his dog bed and gently places him back down. On days when Noodle stands on his own instead of flopping back down, it's a bones day: Noodle has woken up with bones and can walk around and face the day. On days when Noodle instead flops back down, it's a no bones day. He just doesn't have the energy to face the world and needs to be taken care of. This simple act has evolved into a multi-million viewer daily phenomenon.

Helped along by Mr. Graz himself, users of the app, viewers of network television, and even readers of famous magazines have begun to create lore about these two types of days.[3] If Noodle has bones, then he has energy to get things done, and so should you. If Noodle has a no bones day, then you should also take care of yourself the way he needs care. This simple daily dichotomy has captured the hearts and minds of millions (including myself) to the point where it has led to its own fan-created media in the form of songs about the prophet and mentions of him in podcasts. All of us fans and true believers check our feeds every morning to know whether we should get work done or simply stay in and take care of ourselves. As a note, I am writing this during a no bones day, so I am half tempted to stop writing here, go get a peppermint mocha, and curl up in my blankets. But alas, my vaunted role as Cultural Commentator on *The Law Weekly* demands that I discuss the implications of this great prophet with you.[4]

You may be asking yourself why I, and so many others, take direction from a random internet pug. To that, I ask you, why do you take direction from things like Co-Star,[5] crystals, and a groundhog, of all things? Because it's something to rely on. Something consistent, that occupies a few minutes of your day, that is really an active demonstration of confirmation bias. So why hate on my daily prophet of choice? In today's culture that is *obsessed* with hating popular things simply because of their popularity, I say we let people have the peace they want in this reliance. At the end of the day, it doesn't actually affect my behavior. I take care of myself and work hard in waves throughout the day as needed.[6] But for just a few moments a day, I can stop and look at a TikTok and know that millions of other people are tuning in, just as fervently as I am, checking to see how their day will go.

1 I don't know if it was because of me but I am claiming credit anyways: the Corporate America way.

2 This last one hasn't been 100% proven but if it isn't true, I'll be very surprised.

3 Noodle has appeared on The Today Show and gotten "cancelled" by *Rolling Stone*.

4 As a point of order, my title is actually "Culture Editor" but I'm choosing to rename it because I can.

5 I don't use this app and if Sarah Walsh '23 tells you I do, she is lying.

6 As you all should. Take breaks you nerds.

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What About Taiwan?

Will Holt '23
Reviews Editor

The ever-more-plausible scenario where the People's Republic of China forcibly occupies and reintegrates Taiwan should raise the concern of all Americans. Far too often, pundits imply a false dichotomy between regional ambition and global vision; the Chinese Communist Party's present focus on regional hegemony is dispositive of neither broader and evolving dreams nor terrific indirect consequences. Those who cite the Middle Kingdom's supposed disinterest in imperialism to downplay America's stakes in Sino-Taiwanese affairs (two-thirds of Taiwanese do not identify as "Chinese") belie the magnitude of the threat. Emboldened by success and more confident in its capabilities, a "reunified" China inevitably would seek opportunities to trap other, more distant democracies within its sphere of influence. I struggle to find a historical example of a superpower that, after achieving such a long-awaited victory of arms, confined its future foreign policy objectives to only those in accordance with its government's prior ambitions.

Although the specific and long-term consequences of a Communist takeover remain

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Perspective On the First Semester of Law School from an "Old" 1L

Nikolai Morse '24
Staff Editor

When I was considering applying to law school, my age was one of the things I weighed heavily. Assuming I got in, I would be thirty-one when I graduated, and turning thirty-two shortly after taking the bar and beginning work. I worried that this might be too old to begin a new career, but like many people, I also felt certain it was a career that I would regret not pursuing. While I'm not really *that* old by any objective standard (contrary to what my friends in Section A will tell you),[1] I do think being a few years older can lend a different perspective than the average law student[2] might have. As our semester begins to wind down and people tell me more and more that I "really need to start outlining" and "maybe you should go to office hours, even just once", this "old" 1L wants to offer some observations from his first semester in law school.

First, we go to school in an incredible place. And believe me, I was prepared to dislike it—having lived in Chicago, New York, and Northern California, I was frankly not thrilled at the idea of living in a college town for three years. But any irrational[3] fears I had have quickly been quieted. All of the things people usually say about Charlottesville—beautiful landscapes, breweries and wineries, hiking, restaurants[4]—are of course true. But what's truly remarkable about Charlottesville is how balanced it is. We have all of these things, but in a relatively small town. We are surrounded by beautiful rolling hills and farmland but have a terrifically walkable downtown. There is a gigantic incredible university, but there are a variety of neighborhoods with their own non-college personalities. This all combines to make Charlottesville an unbelievably "liveable" place in general, and particularly so for three years of law school. For all of you young(er) law students living in Pav, Arlington, and the general law school-Barracks strip mall bubble, I strongly encourage you to explore the rest of the town. Take it from a geezer who has lived in a couple of large cities—we are truly lucky to be here.

Second, we are swimming in a sea of incredible opportunities. I could not imagine an environment where in one day you could go from discussing challenging legal concepts in class, to hearing a judge speak during lunch, to going back to class and learning that railroads are basically torts in infrastructure form, and then working with local attorneys to help community members to file refugee applications for their family members in Afghanistan. Now to be clear, I have never done any of this, so it technically is imaginary. BUT, I have seen students doing these things, heard them describe all that they've learned, and am impressed at how many weeks they have lived on free food. The daily reality of attending a world-class law school is that you are bombarded with opportunities that you rarely get the chance to access in the working world. I cannot emphasize strongly enough how valuable not only our class time is, but also the plethora of lectures, pro bono opportunities, and extracurricular activities. It was one of the things I was most excited to experience coming back to school after working for six years, and I have been awed by the array of avenues for education, self-improvement, and service which we are surrounded by.

Third, and most importantly, the people here are incredible. I'll be honest – everyone is a bit younger than I had hoped when I came to law school. I assumed that there would not be quite so many K-JDs. I was wrong. I assumed I would not be surrounded by so many people ironically wearing 90's clothes and calling them "retro" or asking "if skinny jeans were back."[5] I was wrong. I assumed that most 2Ls and 3Ls would not regularly be four years younger than me. I was wrong. But most importantly, I did not know how incredibly kind and insightful all these youths would be. I am surrounded each day by peers who are here to learn, willingly and seriously engage with the material, and strive to improve themselves. This kind of earnestness and interest in something intellectual is something I haven't been around in years. The reality is that most people in the working world generally don't have the time, interest, or energy to sit around and discuss issues of policy or justice in deep and meaningful ways. Having worked for even just six years has helped me to appreciate just how valuable and rare this is. And we are lucky enough to be surrounded by these kinds of people every day.

All of this goes to underscore this elderly 1Ls my main takeaway from the first semester of law school: I am deeply grateful and appreciative of being in law school at this point in my life, and specifically, grateful to attend law school here. And every day I am reminded of that.

1 Shout out Section A, specifically shout out the Gen-Z's who keep trying to convince me that TikTok is a thing.

2 Apparently, the average age is 24. Given all the youths in my section, that must mean every other section is filled with folks catching the early bird special at Denny's. https://www.law.virginia.edu/admissions/class-2024-profile

3 Genuinely was worried this might be my life: https://en.wikipedia.org/wiki/Neighbors_(2014_American_film)

4 Special shout-out to the Alley Light where my fiancé works part-time and I mooch free drinks full-time.

5 Again, looking at you Section A Gen-Z's. Skinny jeans never went anywhere.

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Pictured: This reporter enjoying 1L Contracts with Section A.

LAW WEEKLY FEATURE: Court of Petty Appeals

The Court of Petty Appeals is the highest appellate jurisdiction court at UVA Law. The Court has the power to review any and all decisions, conflicts, and disputes that arise involving, either directly, indirectly, or tangentially, the Law School or its students. The Court comprises eight associate justices and one Chief Justice. Opinions shall be released periodically and only in the official court reporter: the Virginia Law Weekly.
Please email a brief summary of any and all conflicts to pjt5hm@virginia.edu

UVA Student Body v. Ivy Gardens Pool, et al.

74 U.Va 12 (2021)

Lake, J., delivered the opinion of the Court, in which Tonseth, C.J., Birch, Sandu, Reyna, Bninski, Wunderli, and D'Rozario join.

Pazhwak, J., dissents.

Petitioner comes to us today with a complaint rooted in the common law, which is our favorite sort of complaint. They're already off to a great start. We granted review of this case to resolve whether the District Court of Petty Affairs was correct in dismissing the petitioner's complaint for failing to state a claim. Upon review of the limited record, and relying, as we always do, on sound precedent,[1] we reverse and remand for a new trial.

Background

Based on the limited discovery that has taken place, it was determined that Ivy Gardens, The Pavilion, and other joined parties closed their apartment pools on or around September 27 of this year. Petitioner relies on the public trust doctrine to argue the pool closures were improper, and requests an injunction that would have them immediately reopened. Respondent was uncooperative with legal proceedings, but did make comments alleging that petitioner is a "troublemaker," "nobody wants to go swimming when it's thirty degrees out anyway," and "if your silly law newspaper keeps suing us, we will be contacting a real lawyer to serve you a cease and desist." Given these facts, a closer look at petitioner's argument is clearly warranted.

Whose Water is it Anyway?

The public trust doctrine holds that some submerged lands are held in trust by the state for the enjoyment of its citizens. Affected land can't be sold or leased to private parties except in very limited circumstances, like improvement to the land for the benefit of the public. A pool is certainly an example of a submerged land, and closing a pool for half the year would not seem to be in-line with citizen enjoyment. Petitioner has presented strong evidence that pools are way more fun when they are accessible and people can swim in them, as opposed to sitting sadly on the deck throwing rocks at the vinyl cover. Respondent has pointed out that North Grounds Recreation Center (NGRC) is open year-round for indoor swimming, and the lower court found this alternative to be a suitable substitute for loss of apartment swimming facilities. We find the court erred in their judgement. Swimming at NGRC brings with it substantial risks not present in apartment pool swimming, including the chance of running into a professor during a midday workout.[2] The strength of petitioner's claim is situated squarely in their application of public trust doctrine.

The public trust doctrine consists of wishy-washy water law handed down from ye olde Byzantine days.[3] As American philosopher Kanye West once asked, what's the basis?[4] Is this doctrine based on an inherent right of citizenship, or is it rooted in the Ninth Amendment? Like so many other aspects of the law held together by Lepage-brand tape[5] and judicial clerk tears, it's better not to worry about it. As far as this Court is concerned, the declaration of independence may well have said "we hold these truths to be self-evident, yadayadayada, life, liberty, and the pursuit of navigable waters."[6]

With the doctrine's authority established, we turn to its application in the instant case. Our beloved sister Court has long held the State's own submerged lands in trust for the enjoyment of their citizens.[7] While the cowardly dissenter in this case may point out Ivy Gardens is a privately owned development and not a state agency, we argue that the University of Virginia's purchase of the land in 2016 transformed Ivy Gardens into something "public entity adjacent." That's good enough for us. Our focus is instead on what submerged lands this doctrine covers. The English common law requires a body of water to be subject to the ebb and flow of the tide to be part of the public trust. The United States, on the other hand, has actual water like the Great Lakes and Mississippi River to deal with so we don't have such a dumb requirement.[8] We follow a simple, all-American standard: if a submerged land was susceptible to navigation at the time of statehood, it belongs to the State as part of the public trust and must therefore be protected from private influence for the benefit of the public.

Was Ivy Garden pool susceptible to navigation at the time of Virginia's statehood on June 25, 1788? The record is shockingly silent. For this reason we must remand for full trial and discovery.

"Like so many other aspects of the law held together by Lepage-brand tape and judicial clerk tears, it's better not to worry about it."

Justice Pazhwak, dissenting.

There are many who have suggested that the law ought to conform to common sense. If that were true, I might be out of a job, so this Court will dismiss that notion out of hand. That being said, there are times when even this Court must attempt to inject some kind of common sense into its opinions, so here it goes. The temperature of outdoor pool water objectively gets far colder during the off-season months when they are traditionally closed, and while I have no doubt there are some who would enjoy dunking themselves in freezing cold water and give some apparently scientific reason for why it is good for the body and mind, most people do not have such a drive to take the plunge, or perhaps even the right level of preparation to survive it.[9] It is mystifying that Justice Lake, who has spent time in Alaska, and understands that swimming in extremely cold water, is, well, really cold, could find the petitioner's argument for enjoyability persuasive. Moreover, the residents of North Grounds (excluding Darden students) have enough challenges on their plate without the temptation to conquer the cold water plunge in their neverending need to live a life of achievement. Thus, those who would enjoy the outdoor pools being open year-round are undoubtedly limited, at least from a swimming perspective, and this Court should not have found that the threshold for citizen enjoyment had been met as a condition for invoking the public trust doctrine. Yes, it could be argued that there are other ways for a pool to be enjoyable besides swimming, and some might cite the fact that Chief Justice

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1 *Law Weekly v. CoPA Copiers,* 369 U.Va 96 (2019) ("We do what we want.").

2 The risk of irreparable psychic damage is too high for us to agree to such a substitution.

3 *See* L. Szeptycki, WB302E if you need more details.

4 Kanye West, *Jesus Walks,* The College Dropout (2004)

5 This court holds antitrust litigation close to its heart.

6 Probably included in secret lemon juice code on the back.

7 *Martin v. Waddell's Lessee*, 41 U.S. 367 (1842)

8 *Illinois Central Railroad v. Illinois*, 146 U.S. 387 (1892)

9 https://theconversation.com/diving-into-cold-water-can-be-deadly-heres-how-to-survive-it-119341

Faculty Quotes

E. Kitch: "There are so many federal criminal statutes I can't guarantee I'm not breaking a law right now."

L. Szeptycki: "I am constantly harassed by my family for my crankiness around crowds."

G. Rutherglen: "Maybe you don't care about summary judgment as much as I do."

J. Monahan: "This is quite the dog. It can smell suspicious documents. The next day the DEA got a second opinion, from another dog."

Heard a good professor quote? Email us at editor@lawweekly.org

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Tonseth enjoys hanging out by them as often as he can. However, I believe the onset of cold weather dissuades even individuals like Chief Justice T[10] from such behavior, especially if he is wearing shorts that provide less than adequate heat retention.[11]

Even if we were to take the petitioner's argument for enjoyment seriously, Justice Lake's holding involves an extraordinary application of the common law public trust doctrine as a basis for remanding this case to the lower court to determine whether the Ivy Garden pool was susceptible to navigation in 1788. To get to that conclusion she stretches the doctrine to its utter extreme, disregarding or dismissing its contours to apply it to swimming pools. I think Kayne West was in there somewhere? Justice Lake is clearly myopically interpreting the common law to attain a certain legal result in the instant case, and while other judges have used this approach to arrive at much lauded opinions that get put into casebooks for future law students to read and scratch their heads over, in this case I believe she goes too far and would set a dangerous precedent on this usually consistent, rational, and objective Court.

Finally, Justice Lake writes that the "cowardly dissenter in this case may point out Ivy Gardens is a privately owned development and not a state agency." I thought it important to break down my dissent to this portion of her opinion into two parts. Firstly, I assume that I am the so-called "cowardly dissenter" to whom she is referring. After having a clerk research the test for this designation, I cannot deny her finding that I am indeed a dissenter by virtue of writing a dissent. However, after examining the test for a designation "cowardly," I found no legally cognizable doctrine under which I could be placed under this definition, unless Justice Lake actually meant cowardly to mean courageous.[12] An alternate theory is that the inclusion of "cow ardly" was an attempt at *ad hominem*[13] to deter me from addressing this part of her opinion, or to prejudice others against my dissent. If so, this was a nice try by Justice Lake. However, after I spent some time repeating an age-old adage to myself regarding sticks and stones, I decided that a Justice of the Court of Petty Appeals has a duty to apply the law based on sound precedent no matter the attacks levelled against them, even by their respected peers. So, under multiple theories this "cowardly dissenter" designation clearly holds no material weight beyond recognition that I am a dissenter. Instead, to address the second part of Justice Lake's statement regarding the appropriate designation of Ivy Gardens, I will channel the tenacity of a Justice Clarence Thomas dissent and firmly object to attempts to erode property rights by this Court and all courts! Assuming that the public trust doctrine is appropriately applied, Justice Lake's assertion that Ivy Garden has become "public entity adjacent" by virtue of UVA's purchase, and therefore subject to a taking by the public for the purpose of year-round operation, is what I would call a "communist takeover adjacent" legal innovation. While creating such a property designation and using it for a taking might fly in the People's Republic of China, North Korea, or Cuba, sadly for Justice Lake, this is America! I thus respectfully dissent.

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10 EIC.

11 *See Knee Length or Just Above the Knee Length Shorts v. Short Shorts*, Law Weekly (Sept. 29, 2021).

12 *See Courage the Cowardly Dog v. Cartoon Network,* 21 U.Va 64 (2009). (describing how a dog labelled as cowardly was actually courageous).

13 No opinion is complete without some Latin.

7 Wonders of the Law School: Clark Hall

Monica Sandu '24
Staff Editor

At the intersection of Brown and Hunton Andrews Kurth Halls lies a hidden gem of the law school. The Clark Hall Murals aren't hard to miss, but they can be criminally easy to overlook.

Though currently the home of UVA's Department of Environmental Sciences, Clark Hall was originally constructed in 1932 to house the Law School.[1] The murals we see today are reproductions of the 1934 originals created for Clark Hall by famed American muralist Allyn Cox.[2] Clark Hall is listed on the National Register of Historic Places (NRHP), and its Memorial Library—home of the original murals—is "one of the Commonwealth's most significant 20th-century architectural interiors."

As described by the NRHP: "[T]he three large panels in color depict a passage from the 18th book of the Iliad... The primitive trial over the blood-price of a slain man... Opposite, on the east wall [in three panels], is Moses delivering the Tablets of the Law to the Children of Israel." In short, the murals represent scenes in the development of civil and moral law, respectively.

I see these murals as the descendants of Baroque art, and in particular, French Academy history painting. The *Académie royale de peinture et de sculpture*[3] held near-complete control over artistic production in the pre-Revolutionary regime. History paintings, the most prestigious genre, were massive works often containing dozens of figures arranged across a flat and highly organized visual plane, depicting scenes from either religion or antiquity. Foremost among these *académiciens* was Nicolas Poussin, who founded the school of French classicism, with strong figure drawing, use of distinct primary colors, and highly-ordered horizontal organization of figures across a canvas in relation to a central action.

The *Poussiniste* influence is reflected by the central positioning of both Moses and Achilles in the Clark Hall Murals, as well as the subject matter itself. Furthermore, the figures' nudity—doubtless among the first things many people notice—arises from this same tradition. The focus on the solidity of the underdrawings emphasized the physical expression of emotion via the human body itself.[4] Furthermore, history paintings, like the murals we see, almost always depict a snapshot in time, where the audience are onlookers into a moment interrupted, yet with subjects unbothered by our presence.

Overall, the Clark Hall Murals, both in their original form and in the homage that we find within the Law School today, are definitely worth checking out. Spend some time tracing the behavior of the characters, make order out of the cacophony of bodies and color, and appreciate a small slice of UVA's long artistic—and legal—tradition.

1 Where the Law School would remain until 1974, when it moved to North Grounds.

2 There's a short biography of Allyn Cox next to the murals themselves; I'd suggest checking it out if you're interested.

3 Royal Academy of Painting and Sculpture.

4 As opposed to facial expressions and softer colors found in the work of artists like Peter Paul Rubens and the later Baroque and Rococo movements.

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HOT BENCH

Eveling Clark

Interviewed by Phil Tonseth '22

Hi Eveling, welcome to the Hot Bench! I know students see you around the school and bookstore a lot, but I'm excited for them to get to know you more.

First off, where are you from?

I was born in Mexico City, Mexico, but my dad was in the U.S. Army and Navy, and we traveled and moved around a lot. By the fifth grade, I was already in my eighth different school, and I had been to 47 of 50 states. We eventually moved to southern Indiana, where my dad was from, and my dad built his dream underground house on my great grandparents land.

You worked at Harvard before coming to UVA. Can you tell me about that experience, and why you decided to make the move back here?

I was a buyer for the museum bookstore, and it was an amazing experience. I met a lot of famous people, and would go to the different museums on campus on my lunch break. I left Harvard after my dad died, as I wanted to be closer to my mom.

UVA gives its employees the ability to take paid days off to volunteer. Why do you take advantage of these and how do you use those days?

My mom and dad were Park Rangers at Shenandoah National Park (SNP) for 20 plus years. I have always volunteered at SNP, even before I came to UVA. It was instilled in me to always give back. I have seen so many budget cuts over the years, and saw the effects on my parents being given a heavier workload. I would go to work with them on my vacation and saw the effects firsthand.

We've chatted a lot about golf in our interactions. What's your favorite thing about the sport, and what other hobbies do you have outside of work?

My husband plays, and I am just a beginner. I have not even been on a golf course yet, but I enjoy watching it and going to the driving range and hitting the ball as hard as I can. I also enjoy hiking, museums, plays, opera, symphony music, and historical sites.

In seeing classes shuffle through UVA Law frequently, you've seen your fair share of things. What would be your best piece of advice to give to students?

Trust your gut, as you know more than you know. Listen and ask questions when needed, and help when someone is needing help.

Let's do a lightning round!

Favorite food?

Pizza—as every Saturday was family game night, and we had pizza.

Favorite place in Charlottesville?

Mr. Jefferson's home, Monticello

Peanut butter, jelly, or both?

Both

Biggest Pet peeve?

Rude people

If you could live anywhere, where would it be?

La Jolla, California.

If you won the lottery, what would you do with it?

I would pay off my bills, quit working, get a new car, and build my dream house with a heated multi-car garage with a drain so I can wash the car. I would also build a house for my brother and his family next door, and donate money to help cats and dogs find homes.

If you could pick one song to play in the background of your life, what would it be?

Conviction of The Heart by Kenny Loggins

What is your least favorite sound?

Bus brakes screeching as they stop outside my place all the time.

Where's a place you've never been, but would like to go?

Covadonga, Spain. My ancestor was the first Christian king of Spain in 717-737 A.D., Don Pelayo. He helped defeat the Moors, and built a church at the site of the Battle of Covadonga. He is buried close to the church in the mountains where the terrain helped him win the battle.

If you could make one rule that everyone had to follow, what would it be?

Everyone should be nice to others, as people are going through a lot that others don't know about.

Common Law Grounds Hosts Abortion Discussion

This past Tuesday, Common Law Grounds held its second event of the year, with abortion as the selected discussion topic.

Nikolai Morse '24
Staff Editor

In an email previewing the event, the organization acknowledged the highly sensitive nature of the topic, saying, "Is any topic in American politics more contentious than abortion? Since *Roe v. Wade*, there has been almost constant litigation about abortion access and abortion regulations." The contentious nature of the topic is one of the reasons Common Law Grounds selected it for this event's focus.

Given recent legal developments in the fight over abortion rights, the discussion seems particularly well-timed. With several major cases before the Supreme Court this term, the issue of abortion is more salient and relevant than any time since 1992 when the Supreme Court affirmed abortion rights in *Planned Parenthood v. Casey*. Just last week, the Supreme Court began hearing oral arguments in two cases challenging Texas' infamous SB 8, which effectively deputizes anyone who is not a Texas state government employee to enforce abortion restrictions by granting standing to sue any person who performs an abortion or "aids and abets" one. Within a month, the Supreme Court will hear arguments in *Dobbs v. Jackson Women's Health Organization*, in which plaintiffs are explicitly asking the court to overturn both *Planned Parenthood v. Casey* and *Roe v. Wade*, and thereby effectively end the constitutional right to an abortion.

It was against this backdrop that approximately twenty-five students gathered in the Purcell Reading Room and engaged in small-group discussions about their views on abortion from personal and policy perspectives. Each group had a facilitator from Common Law Grounds, who began the conversation by asking people to identify where they fell along the ideological spectrum generally, and specifically with regards to abortion. Following this, the group considered questions designed to guide the conversation and display the range of views everyone in the group held.

As they discussed the issue, students ate pizza from Mellow Mushroom. The choice to discuss the topic over lunch was one that leaders of the event noted at the outset as being intentional, that by "breaking bread together" the students were building community and a space in which challenging and enlightening conversations could be more easily had. This is in line with the group's mission to "encourage discussion and debate among students and faculty across the ideological spectrum with the goal of identifying and articulating areas of agreement about core values and practices, isolating points of substantive disagreement while also looking for common ground and fostering a culture of open and civil dialogue about legal and political issues."

Despite the challenging topic, students appeared to enjoy themselves and engage in the discussion. Many noted that their group had several places where they found common ground.[1] Rachel Martin '23 said, "We were still all able to talk to each other respectfully and understand the values that motivated each other's viewpoints. While we might have disagreed on the relevant weight to give to different considerations and whether/when abortion should be legal, my group agreed that abortion isn't a *good* thing and that it is better to ensure access to contraceptives and sex education so that people can avoid unwanted pregnancies in the first place. There was also agreement that we should really treat pregnant women and mothers better, so that we're not punishing those who choose to bring a child to term."

Overall, the event was seen as a success by those who attended. Common Law Grounds President Connor Kurtz '22 said, "Abortion is the most divisive issue in American politics. You wouldn't know it from our CLG event. Yes, there was passion, but there was also mutual respect and engagement—no sloganeering or semantic sleights of hand in sight. I was impressed at how deep every group went on this topic: If we can discuss abortion civilly and respectfully, it gives me hope that we can discuss other less divisive political and legal issues in similar good faith."

In full disclosure, this is why I joined Common Law Grounds. To many of us, the last few years (decades, even) have seemed like a never-ending cycle of outrage with little evidence of people having good-faith conversations to try to chart a path forward. This only empowers our elected officials to prevaricate and posture, inflaming their bases rather than working to find concrete solutions to pressing issues. Recognizing that surface-level conversations do nothing to improve our understanding of one another or find points of agreement from which we can build consensus means that we need to get out from behind our screens and engage with one another in more meaningful and personal ways. I would encourage anyone interested in strengthening our capacity for civil discussion to consider ways in which you can help, formally or informally. As future lawyers, we are in a unique position to help our society, and for all those who believe that a healthy and respectful discourse is essential to a robust democracy, discussions like the one held Tuesday provide a blueprint for progress that should encourage us.

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1 Do you see what I did there?

Wearing Your Mask Below Your Nose = New Manspreading

It seems like any other day in class during the 2021 Fall Semester. Everyone is exhausted from the usual pressures of law school and last night's bad decisions. Textbooks are opened to a random page by those who have them, others are already pounding on their Macs, doing something that is definitely not texting their friends in the same classroom. Some people are wearing unique masks, others are wearing the simple blue medical masks (lacking any creativity). You take all this in, when, to your shock, you notice that the guy at the end of your row is doing something that can be barely called wearing his mask. It hangs loosely over his mouth and doesn't even bother covering his nose. You stare with your mouth agape, although, since you are a good member of society, no one can see that through your properly donned mask. You can't believe that, in a class when you should be worried about whether you remember what breach of contract is and if it is relevant, you are instead worried about this offender. At the end of the day, his personal choice to be lazy and not move that mask two inches up is affecting those around him.

Sai Kulkarni '23
Culture Editor

What does that sound like to you? For me, and two concerned members of our esteemed Class of '22, it brings up similarities to another such nuisance: manspreading.[1] Stay with me, folks. Think back to your consulting jobs, time on Wall Street, or unpaid internships in D.C. that you mention every time there's a lull in the conversation. In those pre-COVID times, I am sure most of us had to take public transportation. Whether it was buses, the metro, or other rail service, you undoubtedly had to struggle to find a seat at times. Pushing through tightly packed crowds to find some respite from your long walk to the station so you could slow your heart just a bit before you get to your stressful job. Only to find that there's a man[2] deciding to lounge on the seats and taking up more real estate than he has paid for with his Metro/Subway pass.

This kind of behavior is common and a nuisance to the general public. There is limited space already on these transports even though they are essential to the general public. While it may provide more comfort for the person in question, it simply puts a barrier on everyone else who is similarly trying to catch a break. Everyone is going through it on the morning commute, and this block on the one comfort you can count on is ridiculous. Now, mask-wearing is not similar in that it gives us all a tangible, immediate benefit. Rather, it protects us from potential future pain and accidentally harming of your family members.[3] The accurate comparison remains though, because, like the morning commute, wearing a mask indoors is something that everyone in the Law School has to do. We are all equally uncomfortable; so someone not taking part in that is a profound betrayal of the collective attitude we all have as law students. Similar to how we commiserate over o*****g season, we should all have to go through the same degree of discomfort.

That one student not wearing his mask appropriately may give himself some brief comfort in the moment, but it hurts those around him, both in breaking solidarity and (more importantly) in putting other people at risk. Like that manspreader in the metro, this mask-misuser is causing slight harm to those around him and generally being a nuisance. So, this is both an informative piece, telling you about this latest collective harm[4] and to a call out to those mask-misusers amongst us to get it together. Yes, people are talking about you behind your back for this. Do better, or the public shaming will get worse.

So how do you do your part in fighting this problem? Well, it's simple. If you are able to get vaccinated, do so. Get the booster if you can, a lot of places are offering it to everyone. Tell your more conservative family members that the vaccine would actually prevent the government from tracking them. At the end of the day, dear reader, you and I both know that despite this public shaming in the form of this article, those mask-misusers won't stop. Their comfort is more important to them than the risk they are causing to others. So I end this, my last article of the semester, with a plea for all of us to do our part and fight both the pandemic and the nuisances it has caused.

1 Shoutout to Maggie and Elizabeth for this excellent article idea.

2 Yes, it's always a man. Don't fight me on this incels.

3 I am not an anti-masker and I am being very clear about that here.

4 There's got to be a torts case here, right? Please help me, Professor White.

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TAIWAN

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unclear, these unknowns clouding America's strategic outlook no longer (if they ever did) justify continued ambiguity as to our support of Taiwan: One does not take shelter during a storm for fear of the possibility of lightning; one hides because he knows not where lightning will strike. In pursuing its foreign policy objectives, China presently wields a credible threat of force underpinned by popular conviction and set only to grow in intensity should Taiwan fall. Party indoctrination, Han nationalism, revanchist attitudes, and other sociocultural phenomena together may spawn an indomitable will amongst the population to prevail heedless of the costs (including loss of life) in the event the government deems violent force necessary to effect reunification. Any nation so content to sustain casualties in pursuit of state aims enjoys a distinct advantage over the United States where their respective interests conflict.

The U.S. has never itself conducted an operation similar to an invasion of Taiwan, with Operation Olympic, the planned invasion of Kyushu, having been canceled after Japan's capitulation in 1945. From the perspective of an invading force, Kyushu perhaps represents the best analog for Taiwan in the Western Pacific. The two islands are similar in size, with the former spanning 14,202 square miles and the latter covering 13,976 square miles. Both Kyushu and Taiwan also boast mountainous geographies, and neither features more than a handful of beaches suitable for amphibious landings. Considering that U.S. war planners expected Olympic to consume as many as 100,000 men a month for no less than four months, there is little doubt that the CCP operates assuming that "One-China" may demand the sacrifice of tens of thousands of its sons.

The collective will to suffer for state aims is a phenomenon foreign to Americans. Chinese nationalism, in reality, more closely resembles that which existed in Western societies during the years immediately preceding the First World War. For example, one can identify many parallels between China's eagerness to conquer Taiwan and France's ambitions to recover Alsace-Lorraine after the Franco-Prussian War. How the former's unequivocal commitment to reunification affects Sino-American relations resembles the manner by which French revanchism exacerbated tensions between France and Germany in the years before 1914. And even more concerningly, just as the German guns awoke French *élan*, shots across the Taiwan Strait would harden Chinese resolve to win, notwithstanding bloodshed.

The United States can expect neither to preserve its global predominance nor foster a *Pax Americanus* in the Twenty-First Century, so long as we continue to forgo clarity in our foreign policy for the satisfaction of our pocketbooks and the comfort of fearful souls. The American people must not forget that they face far more malevolent actors abroad than they do at home; our grievances against one another are trifling compared to the perils growing in the Far East. The United States is not a perfect country—but it remains a good one. However, a good country, like a good shepherd, does not leave a lamb to the mercy of wolves (a pack so fed will simply develop a taste for mutton). We are duty-bound to protect the sovereignty and fundamental rights of our allies. Should the United States willfully abandon its friends at the most critical hour, the nation's credibility will thereafter lie in tatters, damaging the cause of democracy around the world. The issue is as much a referendum on our self-image as it is a foreign policy debate.Although an invasion of Taiwan may never materialize, the prospect of one will haunt us until we declare our commitment to the island's security. For my small part, if Taiwan is to be America's Belgium—then so be it.

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