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The Opinion is an independent publication of the Student Bar Association of William Mitchell College of Law. Its purpose is to provide information, commentary, and a little fun on topics of interest to the school community. Opinions expressed are not those of William Mitchell College of Law, its employees, the Board of Trustees, or the Opinion editors and staff, unless specifically authorized and attributed to them. We welcome contributions from all members of the college community.

All New Trial Advocacy Competition

BY COLLEEN HOEY

Do you want to improve your courtroom skills? Get credit at the same time? Have a chance to go to Chicago and compete in a regional competition? If you answered yes to these questions and have at least one more year of school, then the (almost) all new Trial Advocacy Competition is for you!!!

The Trial Advocacy Competition develops trial skills. WMCL has a four member team further divided into teams of two. Students practice alone and with their coaches, receiving extensive individual instruction in trial advocacy skills. Each team prepares to present both sides of a case at trial (including opening and closing statements and direct and cross examinations). At the regional competition, each team presents both sides of a full trial, with the possibility of advancement within regionals and on to nationals.

In past years, students competed during the fall in an in-school competition and the top four students comprised the team that competed at the regional competition in Chicago. The team received the regional problem in December and began team preparation around the first of the year; the team traveled to Chicago in early February for the regional competition.

This year, the format has been changed. Students will compete in the spring for the next year's team. The top eight students from the spring competition will participate in a two credit study of trial skills with Professor Sonsteng in the fall. The top four students from this group will comprise the team that competes in Chicago. After an intensive semester working on trial skills, the students will put together what they have learned in preparing the regional problem for the February competition. Preparation will include extensive time with the coaches. The four students preparing for the regional competition will receive two additional credits for the trial competition phase.

To compete this spring, students must register by March 24 for the Saturday, April 1 in-school competition. Students will be required to present an opening statement, a direct examination, and a

cross examination. Students are not required to have finished their Trial Advocacy . or Lawyering Skills classes. Natural ability and interest is important and will be looked for.

Why is the trial advocacy competition going through this metamorphosis? Because other teams at regionals have practiced for years, not just weeks. Judging is subjective, and the added poise, presence and quick thinking gained by fifteen weeks of study will give WMCL teams the edge needed to win the regional competition and advance.

Participants will learn great courtroom skills, everything from evidence to proper objections and how to make them, laying foundation for and entering exhibits, impeachment of a witness, techniques for direct and cross examinations, and how to think on your feet. Additional questions can be directed to Professor Sonsteng or Resa Gilats.

Image

Edited, black and white group photo. Captioned: The 94-95 team practices a new stance. Teammates from left to right: Colleen Hoey, Mimi Hasselbalch, John Worrell, and Jessica Warren.

A Trip to Chicago

BY COLLEEN HOEY

My first courtroom experience in the windy city began in a room with a sick-yellow tinted light and a hypnotizing buzz. The jury filed in and sat. Three lawyers gave their opening statements. Although it was a personal injury case, the first attorney, the plaintiff's lawyer, didn't tell us his client was injured until about fifteen minutes into his opening statement. The attorney paced back and forth, looking at and playing with a pen in his hands, and told us a lot about brand name soaps (the brand now escapes me) and chemicals therein. Fifteen minutes later; when he finally told us his client got injured (I had begun thinking this must be a contract case or something), he said something about as riveting as his arm hurts and he cannot do anything-no details, no descriptions of doctors opinions. That was it. The only thing going for the client was that he looked pathetic.

Up next was an attorney for one of the defendants. She started off brilliantly-she was poised and articulate with a clear voice. (And, thank god, she was wearing colored hose-a point of contention between team members and one of the coaches). But this brilliant start soon gave way to an almost tree-like rooted stance where this woman read her opening statement to the paper she was reading it from. She started talking about the eight subsidiary companies of the company; XYZ, Inc. was the parent of XYZ Contracting, XYZ Engineering, XYZ design, etc. She talked about the functions of each, and sooner rather than later I was counting ceiling tiles and telling my partner she needed a chart. We all agreed on this point later.

Next up was an older gentlemen; the type of polished lawyer who tries to be folksy. He represented the other defendant. Too bad his hands made him look like a naked Adam just ejected from the Garden. But he got somewhere, he laid out the factory by indicating where various stations would be placed in relation to the court room floor (he would actually raise a hand at this point), he had a good explanation of why the other defendant was to blame for any accident that may have occurred (also explaining why it was questionable there was an accident), and when he mentioned the disease the plaintiff had, you pretty much knew he wasn't going to have to pay out.

After quietly exiting (our team and two of our coaches watched these Oscar performances), Sonsteng commented he wanted to jump up there and rip that guy's pen out of his hands (referring to attorney #1). My partner graciously informed me that after I gave our opening statement that evening, he would hold up one, two, or three fingers indicating which attorney I was most like. At the close of the first evening, I realized that I had missed the signal and asked for my rating. Thankfully, it was a four.

This gets to the reason of why you would want to expend so much time and effort for this competition. There are numerous reasons. Perhaps the most important is the level of skill achieved through extensive practice and coaching-that level will be higher than many attorneys in court today, unless they are there frequently. Our team had three outstanding coaches in Tom Flaskamp, a civil attorney, Cindy McCollum, a public defender, and professor John Sonsteng. They put in a tremendous amount of time and effort, critiquing and judging as we prepared, and were great people to work with. The competition was a great experience to get to know fellow students and work as a team. Last, but certainly not least are competing and winning (whether its one judge or one round or beyond). The trip to Chicago isn't bad either.

I whole-heartedly re-recommend this competition for anyone who wants to work hard, improve their trial skills, have fun, and compete to be the first WMCL team to advance to nationals in this particular trial competition.

Image

Informal snapshot of two women smiling at camera. Captioned: Teammates Jessica Warren (left) and Mimi Hasselbalch (right) practice in Chicago.

Why Does WMCL Have Counseling?

A Counseling Clinic In A Free-Standing Law School: Its Genesis, Development, and Functioning

BY RICHARD WAGNER

UCSW, Coordinator of Counseling Services. WMCL

In 1990, WM CL, a free standing law school located in St. Paul, Minnesota, established a counseling clinic to address the psychological needs of its students. WMCL has a student population of 1050 students and is located in a residential area near metropolitan St. Paul. It is "free standing," meaning that it is not affiliated with a college or university. The school therefore does not have the benefit of services often associated with institutions of higher learning, notably counseling.

The idea for such a clinic was born out of the needs of the students. Two students who had previously been social workers returned to school to pursue law degrees. They were impressed by the frequency of emotional distress among their classmates and the lack of institutional support for this stress. Spontaneous discussions developed in The library or after classes. Students spoke of their lack of sleep, their fears of tests or speaking in class; Relationships seemed particularly vulnerable during this time. Equipped with their prior professional experience, these two students noted that their classmate's off-hand remarks sounded remarkably similar to symptoms described by clients in a clinical setting. The establishment of a counseling center could address and hopefully alleviate the pressures and stresses that appeared to affect many students.

The first step in establishing a counseling service was to move from these informal observations to a formal inquiry as to whether a need for such a service actually existed among the students. A survey was developed over time and with considerable input from numerous sources. The survey, completed by 517 students, was aimed at determining "student views regarding the need for an informational type/referral/counseling service" at the law school and "the types of services which might be desirable."

The results of that survey are summarized:

1. 50% of the students responding indicated they would use counseling if it were available.
2. 69% of those who would use the service said they would pay or donate money for such a service.
3. 53% indicated that they wanted the service located on campus and 28% wanted the center located within walking distance of the campus.
4. Only 44 of the 241 students who indicated an interest in using such a service indicated they would use it more than 5 times in a school year.

The results of this survey were impressive and had an impact on the administration and faculty. Evidence existed documenting both the need for counseling and that counseling services would be used if they were available. Equipped with this data, a decision was made to form an advisory committee to further pursue the possibility of establishing a counseling service. This committee was composed of the WMCL Dean of Students, administrators, attorneys, judges and mental health professionals. The composition was chosen carefully to address the concerns of the students and school administration. The committee's goal was also to determine what was the best model for delivering counseling services.

Eventually, after much discussion, proposals and refinements, the administration agreed to the establishment of "Counseling Services of WMCL." The center began its operation in September, 1991. The budget was \$25,000 for the academic year; this amount was funded by the school. The service was located on campus. Four licensed clinicians were selected to provide counseling, one of whom was the coordinator of the center. They were chosen because of their clinical experience and reputation. They also possessed a mix of qualities that would be helpful in establishing a credibility on campus; of the four two were men, two women, two were psychologists, and two social workers. As to ethnic composition, two were African American, and two Caucasian. The clinicians were not hired by the school, but paid as independent contractors, thereby obviating the need to provide benefits and reducing costs. Their contract was clearly stated, circumscribing any potential malpractice concerns to the practitioner, and not to the school. All clinicians were required to carry adequate malpractice insurance. The counseling provided would be short term, limited to six to ten sessions.

Counseling Services' initial goals were to first, make itself visible to the students, faculty and staff of the law school, and second, to be at the same time accessible and confidential to students. Toward these ends, the staff performed a number of public relations tasks aimed at making all students, staff, and faculty aware of the existence of Counseling Services. They developed a brochure describing the program, its staff, and the type of concerns for which those connected to the school would contact the service. These brochures were distributed to the students during the beginning of classes along with a brief announcement by one of the counselors (giving students a chance to familiarize themselves with the counselors, in order to make a more direct approach more comfortable). An open house publicizing the center was held and local merchants contributed food and flowers for the occasion. The coordinator

of the center attended staff meetings and described the services, giving advice on who would likely use the service and how to refer these people.

An essential ingredient to establishing a credible counseling service was confidentiality. Students needed to know that the school funded the service but was not involved in its operation. Students also needed to clearly understand that no information they supplied would go outside their session(s).

During the first year of operation, the center saw 36 clients, approximately 3% of the student population, which was a number ahead of the anticipated first year use. The original Advisory Board had anticipated that a fully operational service would be used by 36% of the student population.

In the second year of operation, the numbers of students using the service grew to 43 or 4% of the student population. The service, which previously had been free of charge to the clients, now cost \$10.00 per session after the initial appointment, to supplement the school's subsidy. Not one objection to this change was voiced by the clients.

A continual logistical tension existed, and continues to exist, between cultivating referrals and making time available to see those referrals. A pattern has developed over the semesters where the earlier weeks are spent making the center being more visible to the larger student population. In the later weeks of the semester, when the stress and demand for clinical hours is higher, staff time is spent in counseling individuals and couples.

The counselors came to a better understanding of the problems specific to law students. This was very important because most counselors have little or no experience with the law school environment and its impact on students. In addition to direct counseling, more educational presentations were offered on topics relevant to students such as "Coping with Test Anxiety" and "More Effective use of Your Brain." Faculty members invited the counselors in to discuss in general terms the issues facing the students. These educational offerings have helped over: 200 students better understand the psychological pressures facing them and learn adaptive ways of coping with stress and other problems.

In the third year of operation, the number of people using the service remained the same as the previous year. This may suggest a leveling off of use by students at about 4-5% of the student population. While the service is available to students, staff and faculty, the predominant use, by far, is by students. Some staff have used the service and no faculty have sought counseling at the center.

The credibility of Counseling Services has been established in several ways: through increased exposure and direct contact with students in counseling and in the classroom; through staff addressing the needs of the students; and with the faculty understanding student behavior and helping to free up faculty time previously taken up by students' emotional issues.

Counseling Services is now in its 4th year at WMCL. At this point, each of three clinicians have contracted to provide four hours per week, plus an additional administrative hour for the coordinator.

After this many years of operation, several observations can be drawn about the use and impact of counseling services at the law school. Counseling services main function is as a clinical service to faculty, staff and, primarily, students. Most clinical hours available by the staff are well used. Data compiled from intake forms indicate that people have used the service for 4 main reasons (clients usually present more than one concern): 1) 66 % of clients required help for stress and anxiety; 2) 60% of clients experience

relationship difficulties; 3) 38% of clients experience academic and work concerns; and 4) 27% of clients are experiencing depression. Almost all contact with the center is prompted in some way, directly or indirectly, by the additional stress and pressures of law school.

The concerns for which students request counseling are of significant clinical relevance and cry out for more research. One wonders if law school causes this distress or heightens existing or latent psychological distress. So far the data collected is not conclusive but suggests that law school contributes to, if not outright causes students' psychological distress. If this proves to be the case, the providing of counseling may not be just a benefit offered by law schools, but a responsibility.

Over the three plus years in operation, Counseling Services continues to provide primarily direct clinical care. However another benefit are programs offered to students in an educational, nonclinical format, that help make students aware of the psychological stresses affecting them while they are in law school. An additional benefit to the students and the center is an opportunity for the students to "look us over" and become familiar with the counseling staff without having to make a commitment to counseling. This makes the service more approachable.

Counseling Services appears to have an impact not only on the students seen, but also on many who do not directly use the service. Student evaluations clearly reveal that counseling services has made a positive impact on the users,

Of those responding to evaluation forms, 70% gave high ratings to the service they received. Almost all these students stated that they would refer others, creating a ripple effect on the overall student population (not just those who use the service but also with those who may be reassured that the service is available to them should they need it). The institutional acceptance and promotion of mental health in the legal community helps instill an ethic of openness to recognizing rather than hiding emotional distress.

WMCL has established a successful Counseling Service for its students. Projections of student use have been accurate, indicating that this very effective service can remain relatively inexpensive for the law school. Our experience at this law school strongly supports the notion that law students generally experience increased psychological distress while they are here. The concerns for which they contact the center relate directly or indirectly to pressures from law school. The center has been available to the students and to those; such as faculty and fellow students, who see the need to refer a fellow student for counseling. In sum, not only does Counseling Services appear to be a worthwhile and utilized program in the law school setting, it seems logical that the same environment that enhances or produces stress and anxiety should do what it can to alleviate these problems.

[Rick's Ravings](#)

Providing-Arguably Socially Relevant Satire to the William Mitchell Community for Nearly a Fiftieth of a Century.

By Rick Raver

Readers,

I certainly hope everyone had a happy and prosperous holiday season. I most assuredly, did not. I threw out my shoulder attempting to decorate a Christmas Tree (known in our spiritually diverse home, in order to placate the Orthodox relatives, as a "Nondenominational Holiday Bush.") Being Jewish, there are simply some movements which are wholly unnatural to make. I should have known better.

I spent most of the break, frankly, polishing up and perfecting my soon to be released treatise, "Raver on Trial Advocacy: Definitive Fundamentals of Cross Examination." If you will indulge me, I am proud to first unveil excerpts of this ultimate polemic of legal studies, which has taken me exhaustive weeks of observation and research to complete, in Rick's Ravings at this time. It is my belief that this work will revolutionize legal thought and education. Below, I illustrate how to destroy the substance and credibility of a witness and his/her testimony in as quick and efficient a manner as possible. In this case, the witness is a 93 year old blind woman who claims that her purse has been snatched. I represent the accused:

RAVER: Ma'am, you can't see a thing, can you?

BLIND WOMAN: Well, I can vaguely detect changes in lighting and ...

RAVER: Just answer the question, please. Now, isn't it true that you are in fact so clueless when it comes to anything visual that for all you know at this moment it could be F. Lee Bailey talking to you and O.J. Simpson at the defense table?

BLIND WOMAN: Well I ...

RAVER: Ma'am, you wouldn't know your purse, if I showed it to you, from a 50 pound sack of Idaho Red Potatoes, would you?

BLIND WOMAN: I am not feeling so well, please leave me alone.

RAVER: You never actually SAW the defendant take your purse, did you?

BLIND WOMAN: No, no!!! Oh, please, I just want to go home!!! (At this point the witness collapses and has to be provided with emergency medical care and assisted from the courtroom).

RAVER: No further questions.

Nothing to it. Effective, bare-bones, no-frills, zealous legal advocacy. Like taking candy from a baby, which, incidentally, is described in great detail in a later chapter of the book, but I don't want to give away too much here. Look for my face soon in a book store near you.

Speaking of book stores, I am proud to have been asked to officially announce, though I am sure it will come as no surprise to anyone who attempted to purchase their books for the semester in progress, that the WMCL bookstore no longer carries books! The late Bruce Mills, apparently, took all Spring 1995 book orders with him to the grave. A wide variety of sweatshirts in an assortment of sizes and colors, however, remains! Get yours before it is too late.

Before continuing, I wish at this time to publicly register my shock, amazement, anger, horror, disappointment, and disbelief at the inexplicable decision of People Magazine to conclude Brad Pitt to be the "Sexiest Man Alive." Clearly, there has been a glaring oversight. I am certain that I reflect the overwhelming view of, if not the greater public at large, then certainly, at least, the unanimous outrage

of all of the WMCL community, that neither myself, Ross Nathauson, nor Professor Peter Knapp was selected for that position. An investigation, and quite likely a lawsuit sounding in fraud, is underway.

Since a certain article appeared on the front page of a major Twin Cities newspaper some weeks ago, more than one person has suggested ideas to me as to how the circumstances attending this article might be incorporated into this column. After much thought, I have decided that I am not going to dwell on this topic. It is too easy. The satire speaks for itself. Though my better nature would have me avoid the delicate subject altogether, I simply can not resist a few brief and muted words. In that spirit, I will merely say that if Little Rick were writing this column, he might believe everything he reads and sees. However, this is Big Rick. Big Rick knows a staged scene when he sees one. Big Rick thinks someone who teaches at WMCL has a Big Problem. Big Rick thinks that someone had to tell a Big Lie or they would be in Big Trouble. Big Rick thinks that someone belongs in a Little Cell in the Big House (Disclaimer: I wish it to be a matter of public record that neither I, my psychoanalyst, nor any person purporting to represent me or my interests, has provided prior consent that I be placed in a bear hug, wrestled to the ground, or in any other manner physically molested or assaulted should such an eventuality accrue as result of statements contained in this column).

Recently, a good friend of mine relocated to Minnesota. Unfamiliar with the Twin Cities, she queried me at length. Unaccustomed to Minnesota winters, she asked where she might find a new set of clothes. I thought for a moment, then suggested she go to Dayton's. She wanted to know where to get a good sandwich. After considering the restaurants in her neighborhood, I told her to give Davanni's a try. Then, showing me a recent picture album, she asked me if I knew where to find a good frame. Obviously, without hesitation, I immediately referred her to the Minnesota Attorney General's Office Shabazz investigation unit.

I don't know if any of you have had this experience, but I am often approached by legitimately earnest and Interested people, inevitably never having attended law school, who want to know what interesting, exciting, and provocative things I am learning at WMCL. "What do they teach you about the O.J. Simpson case?" is a typical example of such an inquiry, exposing the representative naivete of our friends in the non-legal community. Inevitably, the questioner comes away crestfallen as I am left to explain that law school is not about anything topical, interesting, or provocative. It is about legal analysis (by now the questioner is already shifting uncomfortably, trying his/her best not to betray the dispirited puzzlement which has swept into his/her consciousness, and crept across his/her face). A deranged gang of naked, castrated albinos, I explain, could storm into WMCL, hold all students, staff, administrators, professors, and a former Civil Procedure instructor (who happens to be there simply because he apparently has nowhere else he needs to be) hostage for 15 days, demanding only to be granted an audience with their spiritual mentor, Michael Jackson. A specialized local paramilitary team; expertly experienced in the use of violent authoritative intimidation, armed by the Pro-Life Movement, and led by Minneapolis Police Lt. Mike Sauro, could raid the premises and capture the invaders. The following day, I guarantee, the only mention of the incident, as uniformly posited by law professors in classrooms all across WMCL, would be, "On what legal theory or theories might the intrusive eunuchs be held liable for their actions under state or federal law?"

It is my understanding that at least one major Sports Book in Las Vegas has established an official line on which will occur first: the Vikings winning a playoff game, or Rick Raver getting a job. It began at even

money, but based on heavy early money flooding in from the public. (notably the legal community), the Yikes are currently 3 to 5, and I am 5 to 1.

As long as I am on this subject, I want to make clear that I have, in fact, held jobs in the past. I am, ostensibly at least, employable. My most recent job, however, I will admit, did not pan out so well. I was going through a difficult time. I was working as a hit-man in the shadowy gangster sub-culture of Los Angeles. I decided I should return to Minnesota and attend law school. I had just finished shooting three upstart teenagers who got themselves way over their heads attempting to rip off my boss. I was in transition (if you haven't seen "Pulp Fiction," drop whatever you are doing at once. I fully appreciate the dubious nature of this endorsement, but this is the film I would make if only someone would appreciate my genius and have the good judgment to provide me with a 2 million dollar advance payment and a 20 million dollar budget). I was down. I was confused. I was frustrated. In a brief moment of overwhelming despondency, I grabbed a noose, and tried to do myself in! I had forgotten perhaps the only iron-clad principle of employment law: if you hang yourself on the job, you will be suspended (I realize that the above represents an awfully long way to go for such a marginally [at best] satisfying punch line, but I am, from here on out, effectively, in a "filler" mode. It has, quite candidly, simply been a relatively slow news break.)

I am told that James Bond was a serious candidate to become the new Dean of WMCL. As long as we're seriously considering unrealistic, manufactured characters from the entertainment industry, I am disappointed, to say the least, that my candidate, Cher, was not selected or at least given more serious consideration. Having said that, before the selection process is formally finalized, and remaining in the show-biz motif, I would like to propose an eleventh. hour candidate, Dean Martin. I have no illusions that this overrated alcoholic (earned for years by the more talented members of the Rat Pack) possesses anything resembling the necessary attributes for the position. However, as was the case in Rodney Dangerfield's "Back to School" (Rick's Ravings proudly draws from only the most serious and important works in literature, cinematography, and art), I simply think that the opportunity to call the new head of WMCL "Dean Martin" is too rich to pass up. Give it some thought.

FORMAL NOTICE: LET THIS PARAGRAPH SERVE TO PERMANENTLY, FINALLY, AND FOREVER TERMINATE THE ALTERNATELY SYCOPHANTIC FLATTERY AND PERSISTENTLY INTERMINABLE BADGERING OF ME BY MY GOOD FRIEND, FALL 1994 WMCL GRADUATE TIBOR TALLOS, WHO HAS CONSISTENTLY HOUNDED ME TO INCLUDE HIS NAME IN THIS COLUMN.

It is time for me to conclude. As I am sure you will all agree, I have said too much already. As Jeffrey Dahmer might say, it looks like I am in big trouble now.

[First Hand Evidence of What Americans Fought For in the Civil War](#)

What They Fought For: 1861-1865

By James M. McPherson

Louisiana State University Press,

(LSU) 1994

\$16.95, 85 pages

BY HENRY KENNETH EVANS

I. Introduction

By using personal letters and diaries of Civil War soldiers, James McPherson in his newest American Civil War history, *What They Fought For: 1861-1865*, presents a revisionist view of enlisted Civil War soldiers. McPherson demonstrates that Southern and Northern enlisted soldiers understood that they fought to resolve slavery, secession, and Union preservation. In his history, McPherson challenges his own skepticism and the established interpretation of the enlisted Civil War soldier.

McPherson is the George Henry Davis Professor of American History at Princeton University and has been called the successor of preeminent Civil War Historian Bruce Catton. McPherson's writings on President Abraham Lincoln are distinguished authorities. McPherson's other histories on the Civil War include: *Battle Cry of Freedom: The Civil War Era*, winner of the Pulitzer Prize for history in 1989; *Ordeal by Fire: The Civil War and Reconstruction*; and *Abraham Lincoln and the Second American Revolution*.

McPherson's *What They Fought For*, is the collection of McPherson's 1993 Walter Lynwood Fleming lectures in Southern History which he presented at Louisiana State University. In 1997, McPherson hopes to have a larger history entitled "Why They Fought" published. McPherson intends to distinguish between the soldiers personal and patriotic motives in "Why They Fought."

In a newspaper interview, McPherson encouraged everyone to read *What They Fought For* because he believes the reader will gain a new perspective of the enlisted soldier. As a graduate student at John Hopkins University during the 1960's Civil Rights movement, McPherson first became interested in the Civil War. He found parallels between the 1860's and 1960's. McPherson views both decades as times of federal intervention, Southern resistance, and confrontation.

II. McPherson's History Summarized

McPherson demonstrates that enlisted Civil War soldiers were, at that time in history, the most literate soldiers. McPherson states that 90% of the White Union Army, and 80% of the Confederate Army were literate. As evidence McPherson quotes from a Mississippi private's diary where the private states, "Spend much time in reading daily papers & discussing the war question." McPherson also quotes General Ulysses S. Grant, "our armies were composed of men who were able to read, and who knew what they were fighting for."

From letters and diaries McPherson in three chapters presents a balanced view of Northern and Southern attitudes. McPherson's evidence includes 562 letters written by Northern soldiers, and 374 letters written by Confederate soldiers. McPherson chose these letters from 25,000.

McPherson uses only the writings of enlisted soldiers who actually fought because only half of all enlisted soldiers in the Union and Confederate Armies actually fought. McPherson selected letters which soldiers wrote to their wives, parents, siblings, based on a belief that soldiers would be honest with the people whom they were most intimate. McPherson claims these writings reflect the soldiers' true attitudes because, unlike other American Wars (such as World War II), enlisted Civil War soldiers were allowed to write freely.

In his first chapter, "The Holy Cause of Liberty and Independence," McPherson uses the letters and diaries to demonstrate that "Johnny Reb" fought for Southern Independence. From these letters, McPherson determines that Confederate soldiers perceived Southern Independence as a mixture of

Southern patriotism, State's Rights, and protection of property. McPherson also determines that Confederate soldiers perceived themselves like the 1776 American soldiers who fought for American freedom.

To describe this attitude McPherson quotes a wealthy Alabama planter who married Mary Todd Lincoln's [wife of President Lincoln] half sister and became a captain in the 4th Alabama, "I am willing to fall for the cause of Liberty and Independence." McPherson also quotes a Georgia dirt farmer who in 1864 wrote to his wife from the trenches, "if I fall let me fall for I will fall in a good cause for if I can not get Liberty I prefer death." McPherson additionally quotes a North Carolinian dirt farmer, as a minority attitude among McPherson's sample, who in 1863 wrote to his wife that he was fighting to win a rich man's war.

In his, second chapter, "the Best Government On God's Footstool," McPherson demonstrates that "Billy Yank" fought to uphold the legacy of 1776. To the Union soldiers, upholding the legacy of 1776 meant to preserve the legitimacy of a free government and to protect the liberties contained in the United States Constitution. These Union soldiers perceived themselves just like American soldiers in the war for independence.

To describe the 1776 legacy attitude, McPherson quotes an officer from the 101st Ohio who wrote in December 1862, "our fathers in coldest winter, half clad marked the road they trod with crimson streams from their bleeding feet that we might enjoy the blessing of a free government."

In chapter three, "This War Will Never End Until We End Slavery," McPherson demonstrates how slavery became the primary issue. McPherson begins this chapter with the proposition that the Confederacy understood before the Union that they fought to determine whether African-Americans and Anglo-Americans are equal.

McPherson first describes how Confederate soldiers understood they fought for racial inequality: McPherson quotes from Alexander Stephens's [the vice president] March, 1861 "cornerstone speech." In this speech, Stephens states the Confederacy is founded on racial inequality. McPherson also quotes from a Confederate private who wrote in 1864, a year before Lee's surrender, that "we are fighting for our property and homes; they, for the flimsy and abstract idea that a negro is equal to an Anglo-American."

The reader will discover the Confederate soldiers' attitudes towards slavery as an investment, and endorsements for the 1865 "Negro Soldier Bill." The "Negro Soldier Bill" became a Confederate law one month before Lee's surrender in April, 1865; under the bill, slaves who fought for Southern Independence earned their freedom:

With a quote from President Lincoln's 1865 Inaugural address, McPherson describes the Union perception of slavery. In December, 1861 only three soldiers foresaw that ending slavery would end the War. Among these soldiers is a twenty-one year old Minnesota farmer's son who fought with the 1st Minnesota and wrote in 1861, "the war will never end until we end slavery." After 1861, Abolitionists joined the Union Army. As an example, McPherson quotes a soldier's letter to his mother, written by a Connecticut farmer's son who left his studies at Yale University for the Army, "for Liberty, for the slave and white man alike ... I have turned out to be a right out and out Abolitionist."

McPherson uses letters to describe how the Union decision to end slavery motivated soldiers. McPherson quotes the colonel of the 5th Minnesota, who wrote from northern Alabama in September, 1862 "It certainly makes the rebels wince to see their 'niggers' taken off which is a source of private satisfaction to me."

The letters also demonstrate the attitude that many Union soldiers fought to uphold a white 1776 legacy. One, an abolitionist clergyman's son, who fought with the 12th Maine, wrote home from Louisiana in the summer of 1862, "I do not want to hear any more about negroes when I get home ... I have got sick and tired of them ... They are a set of thieves."

III. Other *What They Fought For* Reviews

Before the LSU Press published McPherson's history, reviewers in the lay press eagerly awaited for its publication because of McPherson's previous histories.¹ Since publication, this academic oriented book, has become popular with a lay reading audience. Reviews of *What They Fought For* have been both favorable and unfavorable.

Most of the reviews favor McPherson's history, including one by Karen White of the *Wilmington News Journal*, and Forbes magazine; they have favored McPherson's use of the uncensored letters and diaries.² Hal Goodman of *The New York Times*, Jonathan Yardley of *The Washington Post*, and Matthew Berke of *National Review* favored McPherson's history because he presented strong evidence to describe the novel interpretation that enlisted soldiers understood what they fought for.

Unfavorable reviews include one by Robert Hjlldrup of *The Roanoke Times & World News*, who thought McPherson bit off too much, and that McPherson could never prove that the enlisted fought for any reason besides personal survival.³ Don Melvin of the Fort Lauderdale *Sun Sentinel* suggested that McPherson's history is only appropriate for a Civil War knowledgeable audience.⁴ Woody West of the *Washington Times* thought the \$16.95 price was too steep for an 85 page history.⁵

IV. Conclusions

McPherson's *What They Fought For* is appropriate for the lay reader and the Civil War buff alike because of the simple format as well as the use of first hand evidence. By quantifying his evidence into statistics, McPherson strengthens the credibility of his evidence. McPherson sub-divides the 562 Northern soldiers' letters and the 374 Southern soldiers' letters into four categories.

First, by social class, McPherson subdivides the Northern and Southern letters. Using the soldier's occupation before the War, McPherson defines a soldier's social class. McPherson concludes that most of the Southern sample came from the Southern Upper-Class, and the Union sample reflected all social classes.

Second, McPherson sub-divides his samples by military rank into officer and non-officer. McPherson concedes that his samples may be skewed because officers constituted most of his sample.

Third, McPherson sub-divides his sample by soldiers' attitudes. McPherson separates the patriotic letters from the non-patriotic letters. McPherson defines patriotic letters as the letters where soldiers expressed an opinion about secession, slavery, State's Rights, Southern Independence, or preserving the Union. McPherson only uses the patriotic letters in *What They Fought For*. The ideas behind patriotism are the

"what" in McPherson's title. McPherson concludes that 60% of the enlisted soldiers fought for the resolution of slavery, secession, and Union preservation.

Finally, McPherson divides his sample by the date of enlistment. If the soldier enlisted before 1862, the soldier's letter was placed in one group, those enlisting after were placed in another group. McPherson uses this separation to monitor how slavery manifested itself as an issue in the war.

McPherson additionally sub-divides his Southern sample into a slave holding and non-slave holding group. McPherson uses this separation to determine whether slave owning Southerners fought for different reasons than non-slave owning Southerners. McPherson concludes that only one third of the Confederate Army owned slaves.

From these statistics, the reader who may know nothing about the Civil War, as well as the Civil War buff will gain a new understanding of the enlisted soldier.

If the non-Civil War buff enjoyed Ken Burns' 1990 PBS Civil War Series, then this reader will enjoy McPherson's history because he employs the same technique that Burns did use of first hand evidence. In the Burns' Civil War series, different actors read personal letters, written by different soldiers, about the War. The use of these letters contributed to Burns' success with this series because the viewer became exposed to the soldiers' attitudes. Similarly, McPherson's use of letters and diaries exposes his readers to soldiers' attitudes.

For the Civil War enthusiasts, McPherson's history will supplement pre-existing Civil War knowledge. They will enjoy learning from the first hand evidence how the enlisted Northern and Southern soldiers in the 1860 Presidential election voted, and returned home from battle in 1862 and 1864 to vote in National and State elections. McPherson states that 80% of Union soldiers who voted in the United States Presidential election voted to re-elect President Lincoln. McPherson presents evidence that an Ohio regiment formed a debating society, and they debated secession, slavery, state rights, and Union preservation.

Regardless of whether the reader agrees with McPherson's overall thesis, any reader will gain a new perspective of the enlisted soldier. McPherson's new perspective warrants a reading.

0 See, Don Melvin, "Soldier, Why: Some. Clear Answers," *Sun-Sentinel* (Fort Lauderdale, FL) June 26, 1994 p. 110 (Available Lexis, Current Library).

1 See, Karen White, "Historian Fascinated By Motivation Behind Civil Soldiers," *The Wilmington News Journal*, (part of the Gannett News Service) June 6, 1994 (interviewing James McPherson) (Available Lexis, Current File).

2 See For a recently published history about the First Minnesota Regiment, ~ Richard Moe, *The Last Full Measure: The Life and Death of The First Minnesota Volunteer*. (Avon Books, 1993).

3 See, George Meyers Jr. "Publishers to Play Ball This Spring" *The Columbus Dispatch*, (Columbus, OH) February 27, 1994 p. 7F (Available in Lexis, Current Lib).

4 See, S.S. Goldsmith, "People Behind the Press; Small Staff at LSU Press Sets Goal of Quality in all Phases," *Sunday Advocate*, (Baton Rouge, LA) August 7, 1994 p. 14 (Available Lexis, Current File).

5 See , Karen White, "Fighting For Their Beliefs," *The Wilmington New Journal*, (Gannett New Service) June 6, 1994.5", "Writing Warriors," *Forbes*, July 4, 1994 p. 26. (Both Available Lexis, Current File).

6 See, Hal Goodman, "'IQ Short/ Civil War,'" *The New York Times*, June 12, 1994 Section 7, p.22 Jonathan Yardley, *The Washington Post*, April 3, 1994; *International Herald Tribune*, May 4, 1994. Matthew Berke, "What They Fought For: 1861-1865. -Book Reviews," *National Review*, May 2, 1994 (All Available Lexis, Current File).

7 See, Robert Hilldrup, "'What They Fought For,'" *The Roanoke Times & World News*, (Roanoke, VA) September 11, 1994 (Available Lexis, Current File).

8 See, Melvin, *supra* note 1.

9 See, Woody West, "Revealing 'What They Fought For'; Work examines soldiers idealism," *The Washington Times*, April 2, 1994 p. B3 (Available Lexis, Current File).

10 See, V.S. Engle, *The Washington Post*, October 4, 1994 (stating how McPherson chapter on slavery has found itself in the Confederate Flag controversy) (Available Lexis, Current File).

11 See, White, *supra* note 2.

Ask Jo B.: The Career Advisor

Ask me anything!

Dear Gentle Readers,

Find a job. That's what you're going to do. But you have questions about finding one? That's why I'm here. In each issue of the Opinion, I will answer your questions or concerns about the job search process. No question is too difficult or bizarre. So, for you wise-acres out there, try and stump me! Submit any questions you have to the Career Services Office (room 104) or call the new "Jo B. Hotline" at 290-6110. (Remember, this is not a substitute for meeting with the Career Services staff one-on-one.) Okay, let's get started.

-]o B.

Dear Jo B.,

I haven't sent out any resumes yet. In fact, I don't think my resume is really up to date. When is it too late for me to start looking for a summer job?

-Not Yet Looking in St. Paul

Dear Not Yet,

It's time for you to get busy. Summer is just 3 months away, and the clock is tickin'. The first step is to make sure your resume is ready to go. That means it contains all pertinent information about you, is formatted in a readable and attractive manner, and has no typos. Free resume samples are available from career services. Get your resume done now. And, start sending them out as soon as possible!

For those of you who are graduating in June, don't miss

"JUNE GRADS
EMPLOYED
BY
SUMMER:

REFINE,
FOCUS, AND
NETWORK"

on March 30. Keep an eye on your mailbox for more information.

Dear Jo B.,

I will graduate this June and want to set up my own practice. I've read the handouts available in room 104D on starting a solo practice. My question is where can I get furniture for my office that is like the Career Service Office's.

-Decorating in Edina.

Dear Decorating,

Gold star to you for having such wonderful taste!! Yes, the WMCL Career Services Office certainly has attractive, yet functional, furniture. Gina Sauer, assistant dean of Career Services, was tight-lipped about their furniture source. So, after much research, I have learned that the furniture came from the WMCL basement but can also be purchased at your local Salvation Army Store. Good luck with your decorating efforts!

Dear Jo B.,

School, family, and working-how do I squeeze a job search into my already too busy schedule?

-Squeezed in North Minneapolis

Dear Squeezed,

Many of your classmates have the same problem. Unfortunately, we can't make the days longer or the clock tick slower. (there seems to be a tick-tock theme in today's column.) With the day-to-day demands on your time, you have to integrate your job search into your schedule. Rather than trying to find one weekend to do it all, set aside 2 hours (or some other goal you want to have) every week to look for a job. Put it on your calendar as you would with any other appointment or commitment and then stick to it!

Letters | Open Letter to the William Mitchell Community

January 3, 1995

My fiancée, Jeanne Chacon, and I have recently experienced the pain of having intimate details of our private lives become a subject of public comment. Our personal lives have become public because the St. Paul City Attorney is choosing to ignore the truth about Jeanne's struggle with the symptoms of Post-Traumatic Stress Disorder (PTSD) resulting from extreme childhood abuse.

To make certain that the truth is not covered up, Jeanne asked the court's permission to be my lawyer and defend me against charges of domestic assault in which the City Attorney says Jeanne is the "victim." She took this step only after it became clear that the City Attorney was not interested in speaking with her, or learning the truth about the effects of adult "flashback" reactions to the childhood abuse.

I was arrested on November 6 after Jeanne placed a 911 call during a PTSD flashback. She was crying and sounded very afraid. The arresting officers acted properly and professionally when they were confronted with a crying, frightened woman and man who admitted having touched her, as I did.

The police reports from November 6 correctly note that I told the arresting officers that I had held Jeanne, as our doctor recommended, to protect her and me during her PTSD flashbacks. I told them that these PTSD flashbacks are as uncontrollable as epileptic seizures and can be just as dangerous. On November 6, the arresting officers could not have known whether I was telling the truth or not.

However, in the two months since the arrest, the St. Paul City Attorney has refused to confirm these facts by interviewing Jeanne, our therapists and doctors, other family members familiar with Jeanne's recovery process, or by reviewing medical records. He has ignored Jeanne's confidential attempts to explain PTSD and the very real, very painful, present effect of past abuse.

In addition to refusing to speak with Jeanne, he also refused her request to remove the "protective orders" that he said Jeanne needed to protect her from me. He added charges of disorderly conduct because we were outside in our backyard when I held her. He argued against Jeanne when she went before a judge without a lawyer, to have the protective orders removed even though she testified that she does not need to be protected from me. He even questioned the competency of the judge who lifted the protective order, after Jeanne appeared in open court and satisfied the judge that she was not in any danger.

Both Jeanne and I have offered sworn evidence that my "crime" was passively holding her during a "flashback," as our mutual therapists said I should. We would welcome any effort to confirm these facts with the therapists, doctors, and hospital records from the past year.

If Jeanne did suffer from epilepsy, I doubt that anyone would be prosecuted for restraining her during a seizure. However, my fiancée suffers from PTSD, not an organic disease. Our entire family is suffering because of what was done to her by her mother, and others, not because there is something wrong with her. We are trying to cope with the effects of her having suffered in silence for 30 years.

The St. Paul City Attorney's Office is re-victimizing Jeanne by denying the reality of the abuse she suffered. As a child, Jeanne feared that "authorities" would not believe her either, and she remained with her abusive parents until she ran away from home at 14. Now she has finally been able to remember and tell about the abuse, and the City Attorney says he "doesn't buy" her story.

Like millions of unacknowledged abuse survivors, who suffer in silence and who do not initially understand what is happening to them, the memories of Jeanne's abusive childhood overwhelmed her many years after the abuse stopped. Her memories began to surface a little over a year ago, after she began a judicial clerkship in Juvenile Court. Like a Vietnam Combat Veteran who is forced to watch war movies, and

feels that he is actually in combat again, the abuse cases Jeanne heard in court caused her to re-experience the pain and horrors of a past she thought she had put behind her.

Because of recurrent abuse memories and nightmares, she has been unable to work for nearly a year. She has tenaciously and courageously faced the unspeakable horrors from her past. She is making remarkable progress in her recovery, but she is often overwhelmed with feelings of helplessness, terror, abandonment, and anger. Sometimes she strikes out physically, like a child defending herself, as she relives the abuse of the past.

Psychologists and psychiatrists know that these are all normal reactions for anyone who has PTSD from childhood abuse. Anyone who has lived through the hell of the Holocaust, concentration camps, war, or a brutal family will recognize both the symptoms and the power of the memories to effect life in the present.

The City Attorney is not alone in wanting to ignore the uncomfortable truth of serious adult reactions to childhood abuse. In the 1890's, Freud was ridiculed when he theorized that physical and sexual abuse of children was the source of his adult patient's most serious symptoms. Most of us prefer to avoid thinking about our own pain, the pain we have caused others, and particularly the pain that abusive adults inflict on helpless children. Of course, this is particularly true for perpetrators of abuse who have a strong interest in denying the damage they have done.

I consider myself highly privileged to have shared Jeanne's recovery process for the past year. In learning the story of her life as her memories have returned, I have come to a deep and abiding respect for her strength, her courage, and her commitment to tell the truth of her life.

How does a child survive 15 years of a father who killed, beat, and raped his children; a stepfather who was "nice; to little girls who did "favors" for him, with mother's blessing; a married mother's "boyfriend" who forced himself on a 3 year old during mother's secret trysts; and a mother who beat a 4 year old girl with an electric cord "because she didn't want her to be a tramp." The horror stories are endless, but, miraculously, Jeanne managed to survive with her spirit intact.

Jeanne has raised two fine teen age boys and has remained a kind and loving person. She completed college by taking one course at a time over 12 years. She graduated from law school and was beginning a promising career before the memories returned. She is a remarkable human being who has survived childhood tortures more insidious than any adult can imagine. She is the most courageous person I have ever known. She will recover.

Prosecuting me, in spite of Jeanne's efforts to make the truth known, does not protect her, it only serves to protect the reputations of the mother, father, step-father and mother's "boyfriends" who really did abuse her. The resolution of the minor charges against me is not the most important issue in the case. It is much more important that our society acknowledge the devastating long-term effects of child abuse on the lives of adult survivors and their loved ones.

In particular, Jeanne's story deserves to be treated with the reverence and respect that she has earned with her tears and her blood, her pain and her courage. Hers is the story of millions of other silent survivors who are struggling to overcome years of silence imposed on them by fear, shame, denial, and authority figures who didn't care, or wouldn't listen.

The case against me will be over soon, but for Jeanne, and other survivors of childhood abuse, the pain of their memories will last forever. When abuse survivors find the courage to speak, please, have the courage, and the compassion, to listen.

P.S. This open letter was written with Jeanne's help and is being published with her permission.

Peter Erlinder

[A Rude Awakening](#)

We live in a country where personal ideas and opinions can freely flourish, or do we? Not too long ago I had the unfortunate experience of being personally attacked simply because of the political views I possess. Although my sense of humor has never been my strong point, I suspect that being called a conservative bitch would not be deemed funny to most people. Now, some would like to take this opportunity to bring the situation into the realm of sexual discrimination, in addition to pointing out the obvious poor judgment displayed by my adversary. However, I will not stoop to this type of emotionally based attack. There was no confusion as to why I was labeled a conservative bitch, it was directly due to my political views.

Many may find it odd that over the years I have never experienced such an incident considering the lack of popularity towards conservative views (which fortunately is changing). The truth is, I have been spared the typical conservative bashing because of my "appearance." Simply put, I am a female with a background of volunteering and a liberal based education. A conservative with a heart and an education who is capable of having children may not be the norm, but the stereotype of conservatives as heartless white males in suits and out of touch with the average American is pretty ridiculous. This is especially true in light of the 1994 elections.

After finding the humor in this unpleasant incident, thanks to my mother who innocently asked if I was offended by the word bitch or conservative, I began to understand the source of my anger and frustration. It was due to the "stench" of hypocrisy. For years conservatives have been classified as closed minded people by liberals who sit upon their "politically correct" thrones. However, when questioned about their beliefs they are the first to condemn an opposing point of view by throwing out degrading titles such as

racists and sexists. Obviously this childish name calling goes both ways, but for the party that has given us the "PC" era, where has their tolerance gone? Maybe the message is, only those who hold similar political views are awarded the "ribbon" of acceptance. I am not attacking the views a person may have, but rather the hypocrisy of some who claim to create freedom of choice while belittling those who do not make the "left" choice.

Another point I wish to address is the defense this person had to their outrageous remark, which was the First Amendment of the United States Constitution. Often it is the same people who promote hypocrisy

that hide behind the First Amendment is usually because their statements are contradictory that they must justify them somehow, and do so by claiming a legal right. The First-Amendment is a awesome tool of power and give Americans a type of freedom most countries do not offer to their citizens However, I have a hard time believing our forefathers fought for their independence from Britain so that they could call one another unflattering names. Rather, it was so people could possess different political views and be able to express them without fear of punishment.

I realize that we are a long way from obtaining utopia, and that the blame lies on all political sides (for I was not without fault in this conversation). However, we will only advance with an occasional eye opening, which I hope this was.

Traci M. Ranallo