



DE MINIMIS

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OPERATION FORTITUDE

A STORY OF STRAW MEN

Friday's failed plan was not the first 'Operation Fortitude' in history. For some, Border Force's proposed operation conjured images of a 1940s Orwellian dystopia.

By coincidence (and by a poor appreciation of history on behalf of Border Force) the first 'Operation Fortitude' actually took place in 1944.

In the months leading up to the Allies' invasion of occupied Europe, the Allied command hoped to keep the Germans guessing about when/where the invasion would come, D-Day.

They devised a plan, called 'Operation Fortitude', which involved creating entire dummy armies—inflatable tanks, dummy straw soldiers, and wooden airplanes. They placed these dummies all over the south of England, at key towns and intersections, so German aerial surveys would confuse the actual strength of the Allied forces.

Unlike Friday's Operation, the original Operation Fortitude worked—the Germans were confused, and Europe was liberated.

But the two Operations do share at least some things in common: both Operations confused a whole lot of people, and both were the product of a whole lot of dummies.

Matthew Psycharis is a third-year JD student.



A straw parachutist from the original Operation Fortitude. Image source: user 'Pajx', wikipedia.org.

Opinion

BERNIE SANDERS AND DONALD TRUMP An American civil war

Some of you may have heard this idea quoted before, in that while Hilary Clinton, Jeb Bush, Ted Cruz and other presidential candidates are fighting the campaign to be the next President of the United States, Bernie Sanders and Donald Trump are openly fighting the real war.

A silent war of capital flows and wealth distribution. The war between The People and Corporate America; vis-à-vis the 1%.

The state of the union has never been worse. It may be ad nauseam among Generation Y and the Millennials that the US has been going downhill for years, but never forget that the United States is held up as THE democratic exemplar; however much that statement is untrue.

Actually scratch that, the statement IS untrue. When did the passing bell of democracy in the United States actually ring? It's hard to say.

But what can be said is that the socio-economic system that now exists is not a democracy, but rather an oligarchic plutocracy.

That is to say, America is ruled by an elite class whose power rests on capital.

When Wall Street collapsed in 2007, there was a strange conflation between the US Federal Government and the finance sector.

Something up to, and perhaps exceeding \$29 trillion dollars were allocated as relief funds by the Federal Government and the Federal Reserve (over several years, of course – and with the

government now earning dividends from shareholdings in various major US companies such as Freddie Mac and Fannie Mae).

Compare this to the fact that, before Obamacare, around 40,000 Americans died annually because they didn't have health insurance.

But before you get your hopes up; remember that the Republicans are still steadily working away at destroying Obamacare through whatever means they can – or that the Obamacare legislation was basically written by the health insurance industry to keep themselves profitable.

It didn't create public insurance, instead it made private health insurance mandatory, however subsidised. There is perhaps something to the argument made by Republicans that this system is 'unfree'.

Even Americans with health insurance need fear their ailments won't be ameliorated; between 5 and 22% of claims are rejected in order to keep costs down and ensure healthcare companies remain profitable.

Wealth distribution in America now has the top 10% with around 80% of all wealth in the United States. The top 1% holds around 48% all to itself.

Arrayed around this wealth are a small number of large corporate sectors: Silicon Valley, Oil and Gas, Pharmaceuticals, Fast Food, Arms, Tobacco, High-Finance (including real-estate and insurance), Risk management (a byword for private intelligence and security firms; i.e. Booz Allen Hamilton, highlighted during from the Snowden Affair of 2013), Telecoms, Public Relations/Advertising, and the Federal Government (including the military).

Consider this state of affairs in

light of the fact that every 4th child born in the United States will be born into poverty – and that 45 million Americans are dependent on food stamps issued by the Federal Government.

This poverty is one of the reasons the United States has such a large prison population, at ~2.2 million people. The need to eat, lack of opportunities and desperation all drive people to crime. Indeed, one in three Americans has a criminal record of some type.

You'd think statistics like this might breed a comprehensive response to such stark inequality, or to the social or economic factors that breed it.

Instead, one of the ugliest incarnations of capitalism rears its ugly head: private prisons. 2.4 million people are a big market, even if the people are the commodity.

Keeping with the neoliberal ideology that has a stranglehold on US government, corporations realised that there was a profit to be turned from managing prisons, and charging States per bed occupied.

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This encourages corporations to promote greater social inequality, more opportunities for crime, and for a high turnover of people within the prison system to ensure profits by meeting inmate quotas, even if their crimes do not benefit the punishment.

To this end, such companies as the Corrections Corporation of America, Management and Training Corporation and Mid-Atlantic Youth Services Corporation have all been involved in the lobbying of State governments to make sentences harsher, encouraged the greater imprisonment of children through bribing local judges, and signing contracts with states to receive fines if imprisonment quotas aren't met.

Minor offences such as possession of 'personal-use' quantities of marijuana, or related paraphernalia carry sentences of 6 months imprisonment in some States. Obama has recently brought the spotlight on this issue, but there is much more to be done. Is such a situation not the logical conclusion of the free-market? Illegality itself is made profitable, but who is committing the greater wrong?

Finally we turn to the electoral system. We could navigate the intricacies of the Federal electoral

system for days and the labyrinth of laws from Florida to The Supreme Court of the United States (SCOTUS), but the truth of the 2000 Federal election was that Gore received 543,895 more popular votes.

The Electoral College system is fundamentally flawed. It is not fair to say that Bush was guaranteed to win the election because his brother was governor of Florida, or that it was because of the Supreme Court justices appointed by his father, but I encourage you to research the issue.

Too much of it was forgotten in the wake of 9/11. Federal gerrymandering in the United States is now so bad the Democrats are currently under-represented by 18 seats.

This anti-democracy is quite deliberate, as in their own policy documents, Republicans admit to deliberately redistributing votes as part of REDMAP to ensure a greater Republican representation despite the popular vote.

The Democrats do not have clean hands on this issue either: the balance of over- to under-represented seats is 22 to 40 in the Republicans favour, hence an overall outcome of 18.

The SCOTUS *Citizens United* decision of 2010, in layman's terms, equated capping political

contributions akin to restricting free-speech. This quite literally means that corporations can give unlimited sums to candidates that best serve their interests in any denomination; and through a complex web of financial entities, these contributions can be entirely secret.

A recent Princeton University study found that the federal vote of the bottom 90% of Americans for income distribution had absolutely no effect in determining federal policy.

But, on the other hand, the top 10% had a perfectly equitable distribution. It seems (with all respect to George Orwell) that some animals really are more equal than others.

All these facts aside, we cannot look backward to the past and say the future is hopeless. That is what enemies of genuine positive utilitarian change would like us to do, and they have been only too successful in this age of disaffection and disinterest.

Mitchell Holman is a first-year JD student.

This article will be continued in the next issue. An annotated version will be published online.

Don't like the content? Write your own!

De Minimis is written by, and for, the students of Melbourne Law School.

We welcome any and all quality writing that might interest our readers.

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MLS BOTCHES MARK RELEASE

The views expressed below do not express those of De Minimis.

In breaking MLS news, the author has become aware that a clerical error affected the release of marks for an unfortunate bunch of Second Year JD students who took 'Administrative Law' last semester.

Reports from several close sources (students who experienced the error) confirmed last week that marks were released to several students which did not include the exam mark (80% assessment), resulting in their automated removal from enrolled second semester subjects requiring Admin as a pre-requisite.

In a spate of irony, the subject premised around how decision

makers should be held to account for such indiscretions as breaches of natural justice and unreasonableness, all second year students were then expressly told that they could not book individual consultations with their teachers.

It should also be noted, by way of context, that the marking allocation on the exam was infected by jurisdictional error, and part of the exam was featured on the second (pink) page which a number of students missed.

It is also rumoured a petition was circulating to rectify marks of students who missed the section.

The author understands that these were probably errors, but can't help but wonder whether the subject is actually a semester-long experiment designed to break student will, with survivors automatically becoming eligible

for jobs at high-pressure law firms.

He or she also wonders why this couldn't have happened in a subject that he or she didn't enjoy, like Dispute Resolution or Tax Law, instead of one he or she would like to build a career in.

The author notes that the erroneous marks were quickly rectified, and that those students who received them were immediately contacted by the Wellbeing department.

It is understood that those involved handled the situation with professionalism, and apologies were duly made.

Anonymous is a second-year JD Student who is relieved that first semester is over.



'Go back where you came from!'
(Concept by Amani Green)