

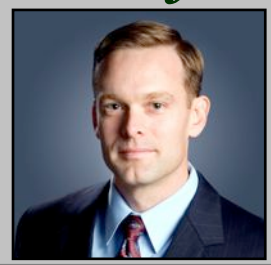
# The Gothic Guardian

at Duke University



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# Sexual Misconduct Policy

by Trent Serwetz

Ever had sexual relations with an underclassman, or someone who is your subordinate in a Duke Club hierarchy? Under the university's new sexual misconduct policy, you are likely guilty of sexual misconduct.

The university's new policy, adopted in summer 2009, destroys the importance of context clues and nonsensically broadens Duke's adjudication of sexual harassment to indict students who are clearly innocent of any sexual misconduct<sup>1</sup>. As such, the policy is both antithetical to the proper enforcement of sexual misconduct on campus, as well as lethally dangerous for students.

On March 4, 2010, the Foundation for Individual Rights in Education wrote a concerned email to President Brodhead discussing the university's policy<sup>2</sup>. The letter highlights three (among other) especially ambiguous textual areas of the policy which, FIRE argues, make Duke's new policy inconsistent with the North Carolina statute on sexual misconduct.

The first problem centers around the clause, "[r]eal or perceived power differentials between individuals may create an unintentional atmosphere of coercion."<sup>3</sup> Are the sexual partners of Duke Basketball players or seniors automatically incapable of consenting if they are underclassmen girls, as FIRE intimates<sup>4</sup>?

It seems like this clause's elasticity destroys the importance of context; power differentials must only vaguely be "perceived" and/or "unintentional" to qualify as power differentials with implications for the possibility of consensual or "coercive" sex<sup>5</sup>. So everything from public sex to sex in private in both committed and casual relationships might qualify as coercive sex regardless of the expressed consent of both partners at the time. Perhaps

Duke students are the "cream of the crop" because we have been legally interpellated as such<sup>6</sup>.

The second troublesome issue is the policy's definition of conduct as being categorically "without consent" whenever an individual is intoxicated or "high."<sup>7</sup> In other words, "in some situations an individual's ability to freely consent is taken away by another person or circumstance."<sup>8</sup> Again, the clause's elasticity obscures the importance of context. As FIRE points out, parties are an inevitable reality on a college campus,

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*As a result, it uses the forest to hide the trees, as the cliché goes; the policy conceals the real acts of sexual misconduct at Duke by legally defining many consensual acts as coercive sex.*

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and this new policy treats casual drinkers and "wasted" people identically.<sup>9</sup>

As a result, it uses the forest to hide the trees, as the cliché goes; the policy conceals the real acts of sexual misconduct at Duke by legally defining many consensual acts as coercive sex. For the welfare of the students, shouldn't our policy differentiate between the consenting capacity of someone who has had one drink at a party and someone who has just downed a fifth?

The third particularly frightening issue covered in FIRE's letter concerns the rights of the accused under the new sexual misconduct policy. "Due process" for students accused of sexual misconduct is constituted by a completely disparate set of criteria from any other area of UCB policy.<sup>10</sup> While the normal UCB jury consists of a 3:2 student: faculty ratio, the ratio is reversed in sexual misconduct

cases.<sup>11</sup>

Additionally, students involved in typical misconduct accusations are permitted an advisor who may advocate on their behalf; in sexual misconduct cases, the advisor may not speak at the tribunal. The normal rights of the accused are foregone under the new sexual misconduct policy, implying that the accused in these cases are presumed to be guilty in a way which is not applied to other potential offenders.

Overall, the new policy is surrounded by an atmosphere of "guilty until proven innocent." Students accused of sexual misconduct are treated differently from other students at every ideological level, regardless of the policy's claim that "[s]tudents accused of sexual misconduct have the same rights as any student accused of a policy violation."<sup>12</sup>

Duke students adhere to a strict community standard with minimal infractions each school year, and should be treated with the respect of a consistent sense of due process, even those accused of sexual misconduct. Furthermore, Duke students who are involved with "perceived" powerful groups on campus seem especially and arbitrarily singled out by the policy.<sup>13</sup> The very serious issue of sexual harassment is trivialized if students are implicated for coercive sex simply for being upperclassmen or varsity athletes.

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# Interview with Congressional

## by Lingfeng Li

*As we look forward to the 2010 elections, The Gothic Guardian sat down with BJ Lawson, a Republican candidate for the United States Congress representing North Carolina, for an interview.*

“I’m not trying to fit into anyone’s box, in terms of labels,” William “BJ” Lawson says.

At age 36, Lawson, a Republican Congressional candidate for North Carolina’s fourth district, has already fit and outgrown many labels. He has been an engineer, a doctor, an entrepreneur, and now again a potential congressman (he ran in 2008 as well). His political leanings are similarly difficult to pin down – having been deemed progressive, Republican, libertarian, Lawson prefers to simply cite the United States Constitution as his platform.

Accurate, concise labels, appear difficult to find for this particular political candidate.

This is not to say that Lawson is arbitrarily running for the GOP nomination. He has considered himself a Republican his entire life – reading the *National Review* at a young age, listening to Rush Limbaugh, and even supporting the George H.W. Bush campaign. Many of his political beliefs align safely within Republican party lines: for example Lawson, like most of his conservative peers, is pro-life and against gun control. He supports a smaller government and reduced bureaucracy.

But for each stance that colors within the lines, there is also a thoughtfully articulated idea that challenges standard-issue Republican beliefs. These are not the outlandish suggestions of a radical, but the product of a thoughtful political evolution that took place over the last 10 years.

For example, Lawson is vehemently against the existence of the Federal Reserve, a major point of contention between him and his opponent in the Republican

primary, Frank Roche. While his stance deviates significantly from that of his party, Lawson defends his belief with plenty of factual evidence and intelligent rhetoric.

Lawson claims that the Federal Reserve fits the mold of a Marxist organization and has helped provoke inflation since its inception in 1913. “Plank number five [of the Marxist “ten commandments”] is centralization of the control of money and credit in the hands of the state,” Lawson says. “That’s it. That’s the federal reserve.”

Using a simple example of purchasing milk, Lawson described the lack of flexibility and free market in the Federal Reserve “monopoly” system. He says that, under a commodity purchasing system analogous to that of the Federal Reserve, all Americans would be forced to buy their milk from the Federal Reserve at a price solely determined by the Federal Reserve itself. If you want chocolate milk and the Fed only sells vanilla, Lawson says, then you just cannot have chocolate milk.

Instead, Lawson advocates for a system that promotes free market currency options. “There’s nothing wrong with the Federal Reserve note as a currency ... but it shouldn’t have a monopoly. Just like the post office still exists, even in the age of Federal Express and UPS,” he says.

It is because of his belief in a less monopolistic currency system that Lawson supported the Plenty, a community currency coupon intended to encourage Pittsboro, NC consumers to purchase local goods. Roche, Lawson’s Republican rival, was critical of Lawson’s belief in competing currencies. Lawson counters that the plenty is really a means of promoting grassroots prosperity and local self-sustainability. “The idea behind the plenty was simply to recognize that at a very basic level we need to have communities who are able to sustain themselves in certain areas,” he says.

Even Lawson’s more conventional political positions seem to be a product of research and careful consideration. He is against affirmative action because he believes that Americans should be protected

by government policy as individuals, not groups. By following “systems of counting noses and doling out special favors based on things like affirmative action,” Lawson believes that the U.S. is taking “a step towards collectivism.”

Lawson’s own history with gun control policy best illustrates his commitment to



adapting his views to a consistent, logical framework. As a child, Lawson says that he was not raised around guns, and as a medical resident, grew increasingly wary of guns as he personally watched gunshot victims brought into the emergency room. “You’d just see bullets in places where they’re not supposed to be,” Lawson says.

But after the Virginia Tech shooting, Lawson says his perspective changed. He argues that had a campus bystander been able to successfully shoot down the gunman, the end results would have been less catastrophic. A means for self-defense, Lawson believes, is critical to the preservation of individual freedom and protection against tyranny.

# Candidate BJ Lawson

“If you do not honor an individual’s right to self defense, with firearms being ... the fundamental equalizer between people of different physical strength, you’ve paved yourself a nice downhill path to tyranny pretty quickly,” Lawson says.

Lawson’s open mindedness has allowed him to form opinions that go beyond



Image courtesy of BJ Lawson

cookie-cutter arguments, especially on controversial issues such as gay marriage. Lawson believes that marriage should be outside of government jurisdiction altogether and, consequently, that gay marriage is permissible because it is not the government’s place to dictate a social principle like marriage.

But Lawson goes further. He recognizes the necessity of government involvement in a domain like marriage for practical reasons (taxes must take family structure into account, etc.) and argues that the government should simply create a more accommodating legal framework for families and partnership. He says the necessity for such a legal framework

extends beyond gay marriage and would also affect partnerships such as those between unmarried, elderly siblings caring for one another. “We need bigger churches, we need better, stronger families, we need more individual liberties and the way you do that isn’t by growing government to make it define more things,” Lawson says. “It’s by saying you know what, you’re right, this isn’t a government issue.”

Lawson’s willingness to make innovative, controversial proposals separates him from many other Republican politicians, including Roche. Roche previously said in an interview with *The Gothic Guardian* that he did not consider Lawson to be a Republican and believed that Lawson should be running as a progressive.

Lawson, too, cites a number of crucial differences between Roche and himself. On a basic level, Lawson believes that he has more experience in observing economics through a personal lens as an entrepreneur and doctor.

He also rejects Roche’s criticism about his place in the Republican Party and any claims that his progressive social views will hurt his ability to win the Republican base. In Lawson’s view, these are merely arguments that inhibit actual discourse about important issues. “As soon as someone starts to label me a Republican, conservative, progressive, libertarian, whatever ... as soon as we rely on labels, instead of actually talking about the issues ... it really shortcuts the dialogue,” he says.

He also believes that he has the grassroots support and media presence to challenge and beat David Price. Lawson initially dropped out of the 2010 race because he questioned his ability to win against Price, but has since reevaluated his position. After seeing Price vote in favor of the health care bill last December, Lawson decided that it was time to reenter the race.

He is hoping to build on the relationships first formed in his 2008 run, when he received 36 percent of the vote. Lawson reasons that, without the wave of Obama-support Price had in 2008,

his campaign will have a much higher likelihood of success. With the roughly 150,000 votes he received, Lawson believes that he would have earned 45 to 47 percent of the vote had it not been for the Obama factor. “We have a chance, and we can do that because the dynamics for voter turnout are gonna be lot different in 2010 than they were in 2008,” he says.

Unlike many other Republican candidates in traditionally Democrat districts (Price has been in office for two decades now), Lawson may also have the financial backing needed to pose a serious challenge. While the fourth district Republican candidate raised only \$50,000 in 2006, Lawson was able to raise \$600,000 in 2008. Aided by endorsements from traditional conservatives like Ron Paul, in poured the donations in small increments, each one averaging around \$100. This year, Lawson hopes to raise over a million.

Should he win, Lawson seems determined to restore constitutional order to Congress. He routinely carries pocket-sized copies of the Constitution to hand to potential voters (he gave each of us interviewers a copy) and gave out 50,000 of these copies the last time he ran for office.

He says that if Americans want real change, even the ones “who are progressive and who [were] just weeping on election night in tears of joy,” they should simply return to the Constitution. That kind of change will not include auto-industry or big bank bailouts, or the continued military presence in countries like Afghanistan. It will also not include approving votes for initiatives like the Patriot Act, for which Price voted in favor.

“Let’s get beyond the fact that the constitution was written and put into place by imperfect human beings in a social environment that left a lot to be desired in terms of equal rights for every American individual. And let’s look back to the philosophy upon which our nation was founded and that is life, liberty, and the pursuit of happiness for every human being,” he says.

# Now is the Time for Tax Reform

by Christina Sun

You know there is a problem with the tax system when the U.S. Secretary of the Treasury fails to file his taxes correctly.

Whether or not Timothy Geithner knowingly evaded his taxes, the discrepancy shows how complex our current tax system really is.

If you've ever filed taxes, images of inscrutable tax policies and forms are probably ingrained in your recent memory – studies agree. A Tax Foundation survey in April 2007 found that 83 percent of people surveyed said the federal income tax is "very complex" or somewhat "complex." The Brookings Institution reports that a recent study estimated that taxpayers spent 3.2 billion hours and \$18.8 billion preparing and paying taxes in 2000. On average, each taxpayer spent an average of 25.5 hours and \$149.

The tax system is difficult to navigate because over the years, Congress has made rules and exceptions to incentivize taxpayers to use their money in certain ways. However, taxpayers often cannot easily take advantage of incentives, because they are hidden amid the mounds of instructions.

In addition to being complex, the current tax system discourages savings, according to a testimony to the President's Advisory Board on Tax Reform. The government taxes hard-earned income each step of the way. With payroll taxes and income taxes, state taxes, local taxes, property taxes, sales tax – even taxes on money made from investments, the government seems to have developed a never-ending stream of innovative methods that serve the sole purpose of taking money from the Americans that earn it.

To fix this system that fails to reward the middle class for working hard

and being economically productive, the tax system needs to be completely overhauled. We need a simpler, flatter tax. It seems that most Americans would agree, as

78 percent of people surveyed by the Tax Foundation believed the federal tax system needed "major changes" or "a complete overhaul."

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One alternative tax proposal is the "FairTax." The FairTax would eliminate all federal income and payroll-based taxes and institute a flat 23 percent national sales tax in its place. The tax is levied at the point of purchase on all goods and services for personal consumption.

According to the Americans for Fair Tax, the FairTax is more progressive than the individual income tax, payroll tax, and the corporate income tax. Only those with the ability to pay actually pay. It eliminates both the payroll tax and hidden tax costs passed along to consumers in the price of goods and services.

By proposing federal government issue monthly "prebates" that would ensure no American pays federal taxes on spending up to the poverty level, this tax method would continue to protect lower-income families. For example,

under the U.S. Department of Health and Human Services poverty guidelines for 2005, a family of four could consume \$25,660 worth of new goods tax-free (under this system, used products would not be taxed at all). Above the poverty line, taxes increase according to how much a family consumes. The tax, unlike the current tax system, gives workers their full paycheck so they can choose to spend, save, or invest without having to pay the government first.

One primary point of concern is the viability of such a flat tax, even though this model has already improved financial stability in a number of European countries. In a February 2010 article, the *Financial Times* compared 27 European countries' gross government debt to their gross domestic product in 2010. The overall European Union nation has a gross government debt that represents 79.3 percent of their gross domestic product. European nations with flat tax systems tend to have more financially efficient government systems: six of the eight lowest indebted countries have a flat tax system, with an average gross public debt of 29.2 percent.

Tax policy is complicated and controversial, and ideas for tax reform are often met with cautious silence from political leaders and misrepresentation from media outlets. According to research by the Business and Media Institute, the media has largely ignored the FairTax and has mischaracterized many of its measures when the FairTax has been covered. It is time that the American people set the facts straight and advocate for a better system.

So when the dreaded April 15 rolls around again, just remember that the Secretary of the Treasury could not even get his taxes right. Hopefully that will offer some consolation. When it doesn't, consider supporting a better method of taxing.

# Healthy Dining Costs \$\$\$

## Dining Options Marginalize Low Income Students

by Kevin Kauffman

Fees, unions, directed choice, two-million dollar deficit: these are the buzzwords that have framed the dining debate in recent months. While creating a self supporting dining program and providing the campus with diverse, appetizing foods are both worthy of, and receive, much attention, other pertinent issues in Duke Dining that are less broadly discussed. Of these issues, the most troubling is the lack of healthy options available to low income students on a small dining budget.

It is a well-known that Duke students tend to be wealthier than their counterparts at many other institutions. It is almost assumed that everyone on campus is sufficiently affluent to eat well. For most students, it is normal enough to eat out several times a week and to add food points as they run out in the closing weeks of the semester.

There are, though, those students that cannot afford to buy more food points at will and rely on outside dining. The students that are forced to eat their meals on campus and to monitor their food point usage are also the ones ignored in the current dining model. While most students cannot afford to eat at the Wa-Duke every night, these students' choices are even more limited as they are forced to accept lower quality and less healthy food choices on campus.

I consider myself an average Duke student. I think I eat well. I eat out about once a week and often spend time off campus with meals on my own tab. When I am on campus, I do not seek out the most expensive meals, and do try to put some effort into not overspending on food. Each semester I buy the cheapest meal plan at \$1,710. Each semester, I overspend this amount by about \$200



Photos by Lingfeng Li

to \$300. At 21 meals a week, this means over the course of a semester (once you take out the 20 or so meals I eat off campus), I can spend about \$6.50 per meal on average. Even someone who has an appetite the size of mine, but can't afford to eat out and acquire additional points, will only have about \$5 available per meal. Thus, these students are forced to strictly dictate their meal choices by the price of the items they buy.

In a survey of the dining options on campus, price and quality of the food are definitely positively correlated: the more expensive the item, the healthier it tends to be. This is to be expected though. No one is expecting a sirloin steak and spaghetti to carry the same price tag, but Duke dining should not allow the health-value of food to have such a large range.

For example, a meal at the Great Hall (main dish with 2 sides and a drink) will cost \$9 to \$10 depending on the particular entrée, well above the allocated \$5 dollars. A meal at Alpine Atrium, a fairly healthy option, will run between \$8 and \$8.50. Meanwhile, a meal at Chick-fil-a will cost \$6 to \$6.50 and a Big Mac meal at the campus McDonalds costs \$5.09. Of all the meals presented here, only one is remotely close to meeting the average meal

cost goal demanded by an affordable university meal plan.

Even within the same restaurant, healthier options tend to be more expensive. A soda at the Great Hall costs \$1.19, but a comparable fruit juice costs \$1.69. A fried chicken sandwich at Chick-fil-a costs \$2.85, but the same sandwich grilled will cost an extra \$0.70. The price differential for a salad is even greater, at \$4.85. At McDonalds, the Big Mac is one of the cheapest meals on the menu. While these small increases in price may not seem significant, a few extra dollars per meal is a huge burden for students struggling to stay within their budget.

While the debate rages on about how to close the dining deficit, the dining 'people' need to realize this campus needs an eatery where students can regularly eat nutritious meals without spending \$9 to \$10 each meal. The Great Hall is not a viable option, as its products are drastically overpriced, not to mention generally unappetizing. Another issue with the Great Hall is its lack of service on weekends, which assumes that every student has the means to eat elsewhere for the weekend. Changes need to be made so that every student can eat both healthily and affordably.

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