

By the WAY #8

by W. Andrew York
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Commentary

Well, for the next game in the subzine, we've had one vote for a variant of By Popular Demand, such as Scattergories!. That is basically the reverse of BPD, you go for low score by trying to choose something that fits the category but no one else (or just a few) will also choose. For instance, if the item is "Current Dip zines with more than 250 issues", you'd have to choose between *Cheesecake*, *TAP* and *Graustark* (assuming I didn't forget one). Your decision, which one would the fewest folks pick?

That's one possibility for the next "everyone plays" game. Other options might be a "Facts in Five" game or a quiz of some type? Any other requests?

Also, I'm open to run games that aren't "everyone plays". Are choo-choo games (Railway Rivals or Empire Builder series) of interest? Acquire? Metropolis? Gunboat Dip? Campaign Trail? Anything else??

Texas History

Depending on your sources, there have been four or five "USS Texas" ships over the years. The four that are not in dispute are:

- Battleship, launched in 1892 and served during the Spanish-American War. Semi-retired and renamed the San Marcos in 1911 to allow the Texas name to be reused (see next ship). Eventually sunk during gunnery target practice.
- Battleship, currently part of the State of Texas Navy berthed near Houston at the San Jacinto Battleground State Park. Launched in 1912, served in WWI and WWII - the later war as the flagship of the Atlantic Fleet. Decommissioned in 1948 and donated to the State of Texas.
- Guided Missile Cruiser, launched in 1975. Served in various Middle Eastern posts, including some combat duty. Ship decommissioned in 1993.
- Guided Missile Attack Submarine of the Norfolk class. Christened in 2004 and just commissioned this summer into the Fleet by Laura Bush in Galveston.

The one Texas in dispute is a Confederate ironclad. It was being build in New Orleans and eventually was scuttled/destroyed when the city was overrun by Union troops. The first controversy - is a Confederate ship counted as a "USS" ship in the registry and, secondly, the ship never was launched. However, it was commissioned into the Confederate navy on the slip as it was being built.

And, yes, there currently is a State of Texas Navy with officer commissions granted by the Governor of the State. There are quite a few ships in the Navy, including sailing ships, aircraft carriers and many others. Maybe something for a future column.

Also, the Republic of Texas had it's own navy that was surprisingly successful during the war for independence and existed in various states afterwards. The remaining ships in the fleet were brought into the United States navy when Texas joined the Union.

Information for the above gathered from the October 2006 issue of *Texas Highways* in an article on page 17 by Mary G Ramos and various other things I've read over the years.. There was another very helpful article I'd recently read that had information on the Confederate ironclad. However, I can't locate it to cite it and had to use my memory for the above.

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Feature: Some time back, I'd planned to comment on my jury service. Unfortunately, that service was cut short by the plea agreements reached and cases being reset. However, last week I had another opportunity to serve on a jury. After doing the juror's questionnaire online, I was assigned to the Community Court for a one-day panel.

I wasn't even aware that Austin had a Community Court. It is in a historical building amongst restaurants and stores on 6th Street (the City's well known music draw). It deals with non-traffic Class "C" misdemeanor cases (fine only offenses) written in the central city area. Not surprising, considering the location, there is no available parking for jurors. So instead of finding a pay lot, I ended up parking at one of the commuter lots and taking the free 'dillo (read shuttle) service downtown.

Arriving early, I went through what was billed as "airport" style screening. Basically, just a metal detector and x-ray machine. I was told that I couldn't carry my small backpack into the building and it was placed on a shelf behind the guard (unsearched and not sent through the x-ray machine). Interestingly, others carrying both a large purse and tote bag (bigger than my backpack) were allowed through as were laptop cases (again, larger than my backpack).

After a brief wait, one of the court administrators brought me back to the jury room. As can be expected, there was free coffee (which I don't drink) but sodas cost money. Skipping a drink, I settled in to read. Luckily, it was some time before other jurors started to show up as immediately the TV was turned on and tuned to forgettable daytime programming at a loud volume.

There were 20 of us called with three being no-shows. A briefings card was given to all of us to read and we had some paperwork to fill out to get our \$6 (or donate the money to one of four programs). The bailiff gave us a short briefing and orientation. Then the judge went over what to expect and answered questions. Basically, there were 17 cases set for that day only one of which (at most) would go to a jury. So, we were on hold until the prosecutor had talked with the defendants and their attorneys.

Eventually, one case went to a jury trial. It was a homeless man cited for public intoxication (PI) with a young lawyer which, based on his comments, was doing some pro bono work. After we were called into the court room, the judge requested anyone who was not eligible to serve or felt they would not be able to be impartial to identify themselves. The two who raised their hands were called individually to the bench along with the two lawyers for a private discussion. They were both dismissed.

Then, the voir doir process was started as a group. First the prosecutor then the defender made statements and asked the group matters of opinion. Those who raised their hands were individually polled to make sure that they understood the question and that their answers were correctly stated. Some of the jurors' responses to some of the questions were surprising to me.

The prosecutor asked if anyone would be unable to convict without the results of a field sobriety test or blood alcohol test. About 1/3 of the folks indicated that without test results, they couldn't find someone guilty of being intoxicated in public - regardless of the rest of the testimony. For the record, in Texas, the definition of PI is being under the influence of alcohol or drugs in public while presenting a danger to yourself or others. Unlike driving under the influence, there is no "legal limit".

I guess this may be a part of what I've read in the news as the "CSI Effect" on juries. Basically, CSI (and other police procedurals that focus on the scientific aspects of police work) has impressed upon the public that compelling scientific evidence is a necessary part and parcel of any conviction. In real police work (and my experience), most evidence is not scientific and, except for the breathalyzer, scientific evidence (read laboratory tests, forensic recreations, etc) are done only in the more serious cases. DNA tests are not routinely done in basic burglary cases as some juries have expected.

The next question with surprising answers was whether the jurors could convict based on the testimony of only one witness. From what I gleaned, the citing officer was the only person available to testify for the prosecution on the defendant's actions. Again, about a 1/3 of the jurors stated that they couldn't convict solely on the word of one person, even if the person was a police officer. In fact, one juror indicated that if the only testimony was from police officers, they wouldn't convict at all.

The last question that remains in my mind was how the jurors would feel if the defendant didn't testify. One juror, after the defense patiently explained "innocent until proven guilty" and the "right not to testify", insisted that a failure to testify would mean that the defendant was guilty as "if he was innocent, there would be no reason for him not to testify".

After the questioning as a whole, we went back to the jury room (or outside to smoke, for some folks). As we waited, some jurors were called back into the courtroom for follow-up questions. After some time, we were reseated and informed that after all strikes and removals for cause, there were only five folks left. For the trial, they needed to seat six jurors. So, we were released and the case was to be reset for another day and, hopefully, enough jurors would be found.

Overall, the experience was an OK one. The judge, court staff and bailiffs were very professional and wanted to make the jurors' experience as pleasant as possible. The biggest complaint was that we weren't released until after 1:30 in the afternoon (I was there at 9am). They only allowed lunch to those actually chosen to sit on a jury, so by the time I got my work excuse and got lunch, it was after 2pm. I was a mite hungry by then.

The responses by my fellow jurors really surprised me. Whether they were answering truthfully or just trying to avoid serving on the jury, I'm not sure. But, if they were mostly truthful, it makes me wonder about the influence of mass entertainment on the population, be concerned about the lack of knowledge of constitutional rights and wonder about the evident distrust towards public servants.

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Review: Just a short tribute to the late Ann Richards. A Democratic governor of Texas that was unseated by George W. Bush prior to his move to Washington D.C. She was a classy lady from what I've heard from folks who met/knew her. I never had the pleasure of spending time with her and I count that as something that I should have done.

One of my closest friends met her many times while jogging on the Town Lake hike and bike trails. She always had an encouraging word for him and, even when seeing him somewhere else, would remember his face and comment "you are going running today, aren't you?". A true representative of the spirit of Texas.

In watching her funeral on C-SPAN, Lily Adams (her granddaughter) related some of Ann's personal philosophy. It is something we all should keep in mind:

"This is your life. It is the only one you get. So no excuses, and no do-overs. If you make a mistake or fail at something you learn from it, you get over it and you move on. Your job is to be the very best person you can be and to never settle for anything less."

Observation: Only in Texas could the race for Governor include a Republican candidate (Rick Perry), who is leading after a term and a half with little to show for it, a Democratic candidate (Chris Bell) that most folks haven't heard of (and hasn't had a TV ad I've seen) and an even less well known Libertarian hopeful (James Werner - it took me about 15 minutes to find his name in back issues of our newspaper). Added to that slate, there are two independent candidates - Kinky Freidman, an anti-establishment candidate with one of his campaign slogans being "Why The Hell Not?" and Carol Keeton Strayhorn (her current name) who originally ran as a Democrat, switched to the Republican party when they started to take over State politics and now, because she couldn't get the Republican slot, switched to run as Independent. Her slogan is "One Tough Grandma" and is blanketing the TV with pot shots at Perry. What a mix!

Playlist for this issue: "Master & Commander" DVD, Musak/TV Drivel in Saturn waiting room while having an oil change and brake job, 7th Heaven "And Tonight's Specials Are...", the whirl of fans after the show was over and nothing else worthwhile was on the TV. Proofreading, watched the first episode of "Friday Night Lights" (filmed here in the Austin area). It looks to be a stellar show and quite representative of Texas football.

Coming up Next Time: More Texas History.....and maybe a trip to the Texas State Fair? I can also do "requests". Is there something in particular folks are interested in regarding Texas history (Civil War battles in the State, personalities from Texas, a tour of Texas missions and Mission Trail, Texas authors, or ??), history in general, book reviews, a quotes section or something else, just let me know. I'm more than willing to write or research things y'all are interested in. The only real feedback I've had is on some of my reviews (particularly the movie ones). So, speak up and we can make this something that you'll look forward to reading!

=====GAME SECTION=====

On TAP:

By Popular Demand (Join Now! Open to Anyone at Any Time!)

Let me know what else you're interested in seeing here.....(sorry, we're out of Shiner).

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BY POPULAR DEMAND

The goal is to pick something that fits the category and will be the "most popular" answer. You score points based on the number of entries that match yours. For example, if the category is "Cats" and the responses were 7 for Persian, 3 for Calico and 1 for Siamese, everyone who said Persian would get 7 points, Calico 3 and the lone Siamese would score 1 point. The cumulative total over 10 rounds will determine the overall winner. Anyone may enter at any point, starting with an equivalent point total of the lowest cumulative score from the previous round. If a person misses a round, they'll receive the minimum score from the round added to their cumulative total. And, if you want to submit some commentary with your answers, feel free to.

NOTE: I always acknowledge an Email submission. If you've sent something in and don't hear back from me after a couple of days, send again or check with Jim. I let him know if I expect to be away from the computer for any extended period of time.

Round Seven Category – Books

Round Seven Results:

- 01) Favorite Author: Tom Clancy 4, Stephen King 2, Jordon 1, David Weber 1, Harry Turtledove 1, JK Rowling 1
- 02) Favorite Genre: Sci-Fi 6, Mystery 2, Suspense 1, History 1
- 03) Best Non-Fiction Book of the Past Year: 1776 2, The Worst Person in the World 1, Guinness Book of Records 2007 1, None 1, A Million Little Pieces 1, The World is Flat 1, Dark Age Ahead 1, This Just In 1, State of Denial 1
- 04) Paperback or Hardback: HB 5, PB 5
- 05) Best Fiction Book of the Past Year: , None 2, The Kite Runner 1, Prey 1, Latest Harry Potter 1, A Million Little Pieces 1, A Feast for Crows 1, Never Call Retreat 1, The Grapple 1, Dark Celebration 1

Individual Scores:

01) Nathan Simmons:	Tom Clancy, Mystery, none, HB, none	= 119 + 14 = 133
02) Jim Burgess:	JK Rowling, Sci-Fi, State of Denial, PB, Dark Celebration	= 99 + 14 = 113
03) Doug Kent:	S King, Suspense, A Mill Little Pieces, PB, A Mill Lit Pieces	= 102 + 10 = 112
04) Tom Howell:	Tom Clancy, Mysteries, Dark Age Ahead, PB, The Grapple	= 97 + 13 = 110
Jamie McQuinn:	S King, Sci-Fi, Worst Person in World, HB, The Kite Runner	= 95 + 15 = 110
06) Steve Koehler:	[no entry received]	= 98 + 10 = 108
Edi Birsan:	Jordon, Sci-Fi, 1776, PB, Prey	= 93 + 15 = 108
08) Brendan Whyte:	T Clancy, Sci-Fi, Guinness Record Book, HB, last H Potter	= 89 + 17 = 106
09) Marc Ellinger:	Tom Clancy, History, 1776, HB, Never Call Retreat	= 85 + 13 = 98
10) Fred Davis:	Harry Turtledove, Sci-Fi, This Just In, HB, None	= 80 + 15 = 95
11) Kevin Wilson:	D Weber, Sci-Fi, The World is Flat, PB, A Feast for Crows	= 78 + 14 = 92
12) Christopher Janik:	[No Entry Received]	= 61 + 10 = 71

Best possible score: 19. Best score achieved: 17 by **Brendan!**

WAY's Commentary:

- 01) Favorite Author: Hmmmm, much different than I expected. To me, Clancy has lost some of his edge. If this was five or ten years ago, definitely he would be at the top of the pack. But, these days, he seems to be in the background. With the penchant for SF, Turtledove was a likelier candidate in my book (though his writing is becoming a bit formulaic and padded). The last book I bought for the sake of the author was Fragile Things by Neil Gaiman – it just came out. It is next in line to read.
- 02) Favorite Genre: Sci-Fi, of course #1. I had expected history to come in a close second though.
- 03) Best Non-Fiction Book of the Past Year: No expectations here except that there would be a wide range of entries. I wasn't disappointed. Most of the listed books I've heard of, though I've not read any of them. 1776 is definitely on my radar and I'll look for the others. Not sure what I would have chosen here.
- 04) Paperback or Hardback: An even split, hmmmm. Due to portability, I would have expected PB to come out far ahead of HB. I would probably choose PB just because of cost. I generally wait for books issued in HB to come out a year later in PB unless I can get a good deal in the interim. That being said, reference-type books I tend to buy in HB for durability.
- 05) Best Fiction Book of the Past Year: Many of the books I've not heard of. But, I'll be keeping an eye out for them. My choice would have been Gaiman's Anansi Boys.

Player Commentary:

- 01) Favorite Author: **[Jim-Bob]** This is not my favorite author {JK Rowling}, though I read each Harry Potter book eagerly. The point of this game is to score points, so I'm going to score points. I can't possibly choose ONE favorite author, but if I had to, really HAD to, it would be Samuel Johnson, after all TAP is named after him. **[WAY]** I've not actually read any of the Harry Potter books and only own the first one. I have seen the movies, but there's always something more interesting to read. As for scoring point with Rowling, methinks you misguessed what the other folks would say. **[Fred]** I wish to specify my Favorite Living Author as Harry Turtledove. You should have offered different categories for dead and living authors. **[WAY]** Choice of dead or living author was up to the players, though I didn't expect many (any) dead authors to be guessed. **[Tom]** For this one, the author of Red October and that ilk {Mr. Tom Clancy}. His name escapes me, but that's the one I want. **[Marc]** That's a tough one. Between Tom Clancy (fiction) and David McCullough (nonfiction). I look forward to each one's new book, but probably more to Clancy. So, Tom Clancy. **[Edi]** currently Jordon only because I want him to finish the god damn wheel of time before he dies. **[Brendan]** Jumpha Lahiri and John Buchan at present, but I'll go with the more popular Tom Clancy. **[WAY]** Wise choice! **[Doug]** Stephen King – which I guess is an older choice, these days I would do better to put one of those people like Dean Koontz or Clancy. And King isn't even my favorite, Vonnegut still is. **[WAY]** I've not been a fan of King at all, he's way too wordy plus I'm not a horror buff. That being said, I have enjoyed his occasional columns in *Entertainment Weekly*. **[Kevin]** I have many authors I like but I buy all of Weber's since falling for his Honor Harrington series. He does great characters and good action. His books are light reads but entertaining. I also really like George R.R. Martin's Song of Ice & Fire series and the Liaden books by Sharon Lee and Steve Miller. For others, the Dryni books by Katherine Kurtz, anything by Frank Herbert or Tolkien or... I could go on and on.
- 02) Favorite Genre: **[Jim-Bob]** My favorite genre is non-fiction historical, but again, I think Science Fiction will score the most points with this crowd. **[WAY]** And you are correct. **[Tom]** Specifically, murder mysteries. **[WAY]** Do you read historical murder mysteries or just ones set in modern times? I particularly enjoy Lindsey Davis's and Stephen Saylor's set in Roman times and Barbara Hambley's Benjamin January series set in New Orleans circa 1830 with the main character being a free man of color. **[Marc]** As is obvious from my first answer, that's a tough call. History or military/thriller. The answer is the opposite, while I can't wait for the next Clancy novel, I constantly read history. So, History. **[Edi]** actually it is history, but for this group the best

- answer is Sci-Fi. **[Brendan]** Sci-fi, though the last time I read any was that of Bengali film-director and author Satyajit Ray's work. I prefer classics of the western canon myself. **[Kevin]** I have been reading a lot of alternative history lately. I liked Peshawar Lancers by Stirling and am just finishing Lion's Blood by Steven Barnes. I'm considering Turtledove's Great War series. **[WAY]** If you are going to delve into the Great War series, start with the first book that establishes the stalemate resulting from the Civil War. That is followed by the Second Civil War (three books) and then into the Great War series. That leads into a series covering the Depression era and rise of the "Hitler" persona in the South and into the Second World War (currently being written). Though not Turtledove's best efforts, they are definitely worthwhile reads if you like the genre.
- 03) Best Non-Fiction Book of the Past Year: **[Jim-Bob]** It's a good book, happens to be at the top of the Amazon.com list this week, doesn't make the NY Times Non-Fiction list at the moment, but might score the most points. It came out a little more than a year ago, but the book in my field, Freakonomics by Steven Levitt, is changing things a lot (even though to me, it isn't that interesting) -- Levitt also writes a great column in the *NY Times Magazine* section, and last week's on doctors and how they just WON'T wash their hands was a tour de force (the secret, as I argue to everyone and will be the new economics word of the 21st century is "vividness", think vivid and you'll see what happens and is going to happen. Tom Friedman's The World is Flat also is good. And The God Delusion, by Richard Dawkins, is getting a lot of play. There's also a great new book out on Julius Caesar that is on my MUST BUY list right now. **[WAY]** I've not read any of those books you mentioned and only am aware of State of Denial. Friedman's an excellent author, though it has been years since I've read any of his books. Later note - I saw a number of the books you mentioned in the listing in this week's *Entertainment Weekly* including a revised The World is Flat. I guess I'd better look for these! **[Tom]** Not sure this one fits within the time frame, but let's try Jane Jacobs' Dark Age Ahead. One folks should read anyway. **[Marc]** An amazing book about an amazing year in an amazing country. **[Edi]** though an argument could be made for the Yellow Pages. **[WAY]** And why is that? **[Brendan]** Guinness Book of Records 2007 is up on the NYT bestseller list (under 'advice' books!???) so I'll go with that. **[Doug]** A Million Little Pieces, even though most of it turned out to BE fiction. **[Kevin]** A good, quick read. I'm not sure I agree with everything he says but it was fun.
- 04) Paperback or Hardback: **[Jim-Bob]** But again, I think Hardcover is what I prefer. Keeping at tilting at windmills just won't work. **[Fred]** If you mean do I prefer books in Paperback or Hardback form, I'd vote for Hardback, since they keep better. **[WAY]** The idea behind this was "does the player think more people will choose HB or PB?" If that also matched what they preferred, that would be a nice coincidence. **[Marc]** Hardback. Everything else is for, well you know...everyone else. **[Brendan]** A man has to be seen with something hard in his hands to impress the ladies, ya know! **[Kevin]** I prefer hardbacks for particular authors but most of my books are mmpb.
- 05) Best Fiction Book of the Past Year: **[Jim-Bob]** How the hell should I know, other than Harry Potter, I read almost ZERO fiction. About the only thing I did read in paperback in the last year is The Time Traveler's Wife, by Audrey Niffenegger, which is a cool book, but that was published a few years ago. The last Harry Potter also was over a year ago, so that's just a guess. I'll bet someone wins with something that doesn't actually qualify. I haven't read Dark Celebration yet, but like The Time Traveler's Wife, it sounds like a book that I'd like, and it's gotten some good press. This is an attempt by Feehan to "step up" her long Carpathian vampire series into wider circulation, it sort of has my attention. Sigh... I'm not a fiction guy. **[WAY]** As a general rule, to keep balance, in book reading, I read one fiction for every non-fiction book. I always have a slew of things in my "to read" pile so it isn't difficult - finding enough time to read can be! **[Tom]** How about Harry Turtledove's The Grapple? It's not, but at least I've put something down - and I've actually read it! **[Marc]** A combination of my favorites is my favorite fiction book of the last year. Never Call Retreat by Newt Gingrich (Civil War novel). **[Edi]** How I Plan to Win the War in Iraq by G.W. Bush.... Wait that has been delayed in publication.... Political Campaign Promises Kept... wait that is still waiting for script.... Hmmmm.... Prey **[Brendan]** being in a non-English speaking country, I have no idea what's new 'this year'. I think the more recent fiction I have read to date is from 2001... a Jhumpa Lahiri story in the *New Yorker*. **[Kevin]** Probably the best fantasy of the last few years. No Tolkien, but still very good.

General Player Commentary:

[Fred] I see you didn't print any of my comments on Round 7, but several other people agreed with me that this was a hard category for those of us who've been married for a long time. **[WAY]** When you wrote that you had no submittal for the game, I took your comments to be part of a personal letter rather than something intended for the column. Different categories can be difficult for different folks for various reasons. In this case, those of us that are older could have their kids, close relatives (nieces/nephews) or neighbors' children that could have provided some input. In this case, some players who read very little had no idea what is currently available on a bookstand.

[Fred] Please allow more time for us to get our answers in. **[WAY]** I give as much time as possible to match Jim's publishing schedule and I do accept entries up to the point that the column is submitted (usually it is Monday or Tuesday following the deadline). Even then, most times, if I can get a revised column in with later entries I will do so. So, always send an entry in even if it is "late". Additionally, I send out an email reminder to those who haven't submitted an entry near the deadline and will happily resend the categories to give folks the best chance to provide their answers.

[Tom] I don't keep a copy of Books in Print. Besides, just the copies our library purchases in the last nine months in each category fills two shelves (for four total). They are displayed prominently and picked over regularly by most everyone who uses the library, so I'm sure the actual quantity is much larger! **[WAY]** Yep, there are plenty of new books published each year (and I don't know ANYONE that has their own, personal, copy of Books in Print). However, there are usually a few that generate "buzz" and are well known and get strong media coverage. **[Tom]** Bet you get really low scores this go round. **[WAY]** Not bad, really for the top end. However, some folks scored quite low....

[Brendan] *TAP* arrived today. I'm out of town tomorrow then it's 4 days of Yom Kippur. So, gotta do orders now. **[WAY]** Yom Kippur came early this year, didn't it? I thought it was during the second week of October and it was a one day holiday (well, sundown one day to sundown the next). In any case, I hope that it was a relaxing and enjoyable time for you!

[Doug] You can see my own review of "The Illusionist" at **Error! Reference source not found.** We were going to see it as a sneak preview a month earlier, but I wasn't allowed to go so we gave the passes to a coworker. **[WAY]** I see you thought the movie was good as well. It does seem to be getting a low level "buzz" in the media and has long legs in the box office. And, yes, Doug is back in the publishing business in his blog. Check it out and keep up with his doings at the address above.

Round Eight Category – Gaming

- 01) Best Family Game
- 02) Best Two-Player Game
- 03) Best Multi-Player Game
- 04) Computer or On-line Game
- 05) Best Card Game

Submit Email entries to wandrew88 of gmail.com or by mail to W Andrew York; POB 201117; Austin TX 78720-1117

Deadline is: October 28, 2006 at high noon Central Time