Both constitutional law professors here agree that if the case will never reach the merits, it would have wide-ranging effects throughout government.

The brief relies on recent decisions like INS v. Chadha (1983), where the Supreme Court invalidated the legislative veto, Buckley v. Valeo (1976), where it invalidated congressional delegation of "non-legislative duties" to its subordinate groups, and Bowsher v. Berry (1980), where it invalidated the delegation of spending and cutting budget powers to the Comptroller General, in support of its view that any encroachment of one branch into the functions of another cannot be tolerated no matter how necessary or beneficial it may seem. The defendants distinguish those cases as involving legislative encroachment, not the case here.

Walsh's Defense

North's brief argues that the criminal prosecution is an exclusive executive function. The wide range of authority the independent counsel has allows him or her, in the context of the investigation, to "fill the shoes of the Attorney General"—indeed, of the President himself. And yet, the brief argues, the judiciary appoints the counsel, and the counsel can not be removed at will like other executive branch subordinates. The brief thus sees three constitutional difficulties: the panel's power to appoint violates Article III, the awarding of executive responsibility violates Article II, and the restrictions on removal violate separation of powers generally.

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Walsh's Defense

Independent counsel Walsh responded in his motion to dismiss that his independence from the executive branch and freedom from removal except for good cause shown have both been ratified by U.S. v. Nixon (1974), where the Supreme Court validated the role of the Watergate special prosecutor, the forerunner of the independent counsel. Professor Ledshtter said she sees Nixon as a bad analogy, since the relevant issue was Nixon's claim that the Attorney General's initial appointment of the special prosecutor made the dispute over the Watergate tapes merely an intra-executive branch dispute incapable of proper court intervention, a wholly different sort of question than the one posed here.

As for the judiciary's power of appointment, Walsh relies on Article II's Appointments Clause, which empowers Congress to vest the appointment of "[federal] officers" in the courts of law. "Inferior officers" was defined in Buckley v. Valeo as any officer who does not exercise "significant authority under the Constitution." North denies that Walsh is an inferior officer, and argues alternatively that the Appointments Clause authorizes federal courts to appoint inferior officers with judicial functions only, not executive. Walsh points to the judiciary's appointment of federal elections supervisors and U.S. Attorneys.

Candidates Reveal Platforms

SBA Candidate Briefs

Amy Larson

Brian Jackson

Cathi Wirth

I strongly urge all voters to join me in making this election more than just a popularity contest. My campaign is one of issues, not popularity. Anyone with minimal mental faculties can offer a leg of beer, or plan a party (with SBA funds), but we should expect more from our SBA President. We should expect our President to provide everyone with a copy of the SBA bylaws and constitution. We should expect frequent and open SBA meetings, full disclosure of SBA expenses and aggressive representation of our concerns.

Once I take office, my first official task will be to give every student a copy of the bylaws and constitution. Some of you will be surprised by what you read. Next, I will set up office hours to ensure that an SBA member is always on hand to answer calls and general inquiries.

Do something good for yourself and for Marshall-Wythe, vote for the candidate that will best serve the students. Vote for someone who is a good manager and reader. Vote for me!
Letters to the Editors
Affirmative Action

Dear Editor,

The attempt of The Advocate to address the viability of an affirmative action program to increase minority representation on William & Mary Law Review was inadequately focused. The thinly veiled logic of the article was that minorities lack the ability to make Law Review and that therefore minority representation on Law Review would involve a relaxing of the traditional standards to that esteemed board. What the article did not point out is that the Law Review is merely symptomatic of a larger and more pressing problem unrelated to minority academic ability. The problem is the dearth of minority students at William & Mary.

The suggestion of a Law Review affirmative action program is reinforced by the misused term of "preposterous" as suggested by some commentators; however, a Law Review affirmative action program is anything but preposterous. A Law Review affirmative action program recognizes the continued necessity of such programs; however, we also recognize that Law Review itself is involved in affirmative action programs and recognizes the continued necessity of such programs; however, we also recognize the Law Review itself is involved in affirmative action programs, not complaining about and criticizing the programs while wishing to discriminate against minority students.

In fact, blacks have realized since the inception of affirmative action that they are very dear for society's attempt to rectify the ills of past discrimination. As one black student put it, "Affirmative action programs have given us much deserved opportunities, at the same time our abilities are disregarded by those who have pressed yet measure of respect. The first minority who made Law Review was automatically recognized as his or her integrity. Of course we do this by operating within the present system without the aid of an affirmative action program. Efforts need to be directed toward improving the system in free of personal bias.

The suggestion that a "Law Review minority student participate in the evaluation of write-on papers is shortsighted. The commentator oblivious to the fact that minorities are being considered for the Law Review position is that there are a truly unbiased and non-affirmative action law student, many of whom are on the law school faculty. Such programs provide for them the same opportunities that whites have enjoyed.

I responded to this year's solicitations because I need the money. I was thinking of sending a letter bomb back to the business reply mail, but I decided that the Dean would be opening it. Instead, I sent back a nasty little note on their own solicitation letter (far be it from me to waste my time). It wasresearch, I am sure. I certainly hope that you can find a solution. That was, of course, before the affair broke.

I respond by saying they have a "secret reason" for their decision which they cannot tell the students or alumni. In the first place, it is obvious that there is no "secret reason," secret or otherwise, could truly be enough to overcome Prof. Corr's tenure. Instead, the true reason is that "we are unable to have the tenure of a man who so richly deserves it."

Dearest Advocate,

The magnoliotic prattle of Stephen Gaylord, a.k.a. "Dean" to the Advocate readers? I am at once both horrified and intrigued that even our students are in possession of such an omniscient reader should find humor in such neatharistic ravings. It is no trifling occurrence, however, that such a student responded to the pretented poll, to such an absurdly misleading comparison. What of Mr. Melnick? Simple platitude provides no solace. There is something of the sort of things to go past. Frazier must be stopped lest his buffering besmirch us all! Vox populi superadra est, we must rise up and crush this menace before it is too late.

Traditionally, The Advocate is select (A).
In previous years, Advocate editors have been hard pressed to find enough material to fill its voluminous pages. The motto was inappropriate this year because hordes of enthusiastic contributors gave us reams of material. We actually had material to edit, that is, leave material out. Seriously, we feel the quality of the Advocate's material improved this year and we would like to thank our staff for that. We have also received the highest of compliments on how we arrange our news, that is, "Shit's not run down, like it used to be." Heartwarming praise, indeed.

Selection (B) sort of backfired on us. At first, we assumed no one took the paper seriously. A brief review of the letters to the editors will prove this assumption wrong. The Advocate tried to retool our course somewhat and do something serious, like the Reader's Poll, everyone assumed we were joking. Oh, well, so much for knowing one's audience.

But perhaps the least appropriate motto is selection (C), "Nothing Reads It Anyway." The inaccuracy of this motto was demonstrated by the inordinate amount of feedback The Advocate received this year. We believe this to be evidence that a great many people read, dissect, criticize, and hopefully enjoy each issue. This increased attention has been the most satisfying part of the job. Every editor wants to be read and knowing that every part of our paper - from "Wayneburg" to "alright" - was read by someone makes it all worthwhile.

All of this discussion leaves us with no motto at all. For turns sake, let's give the up and the Publications Council of the College of William and Mary has appointed Gerry Gray and Kim Young to be next year's editors. They can think up a motto of their own. Great newspaper has at least one.

(M.K.M. & J.D.K.)
**Letters**

**Responsibility**

Last fall, nine members of the faculty signed a letter to The Advocate in which they requested that the co-editors of this newspaper resign if their article on “shoring up the James River” might offend some people. In the subsequent issue one of the co-editors, Mr. Klein, stated that the student’s First Amendment rights would not be curbed, especially in the case of humorous articles.

In the last issue of The Advocate, Mr. Klein and Ms. Morgan became co-editors of the newspaper and stated that they would not only the nominal position of editor but also the responsibility of approving controversial material. Editors must often make decisions to print material with which they disagree for the sake of freedom of expression. The editors cannot plausibly argue that Damian’s article had to be censored in its entirety because it might be offensive to some. If Mr. Klein and Ms. Morgan truly believe in the editor’s code of ethics and are willing to accept the responsibility and maturity the code demands, then they should do the right thing—resign.

**Distinguishing characteristics and/or birthmarks: None.**

**Darn Again?**

To the Editor:

Darn. Damian’s been at it again—incurring the wrath of his supervisors, fellow students and administrators. There’s a bootleg “Colo­neses” circulating among us. Each is the stuff of ABC after-school specials (if not full blown mini-series): “The Trouble with Damian...brought to you by Alpo-brand food products.”

Well, what do you do with this vaxtacious New Mexican? Perhaps one of: 1-900-Kill-Horn, obscene phone calls, like Big Boy, lives to offend another day. What would the Vegas line be on a popular legal target of small stature and/or those Damian has and has not offended may lend insight.

H.A.: Women, first-year males (No, Damian, those are two discrete/isulgar groups), second-year males, third-year males, law women, Doug, Melanie, the Dean, women, nine letter-writing faculty members in particular (doubtless nearly all in general), his own mother, Greer, Amy Green, women, the Marine Corps, Latane, Lisa, Laurie, innumerable inanimate objects (e.g. Neal’s couch, women’s stall walls, the hot tub which hosted Norm...and Greer...and—please God, don’t repeat) and, his father, his brother, his native state, women, anyone not American, homosexuals, heterosexuals, Neuls, the W&M Law Rev., ad infinitum.

**H.A. NOT: Stan O., Ingrid H., the Colonial L.**

Let’s dispense with the phoniness.

Clearly we’ve been warned. You firmly honed collective legal training now comes into its own and the term “remedy” comes to mind. Let’s mail over one or two, shall we?

1. Full frontal debridement (Cf. Skinner v. Oklahoma, dehumanized in Alaska, performed in a straightjacket on Tuesday and Thursday evenings at Frank’s). It’s neat, clean—we’re left with a dock, obfuscative Damian, and yet still intact. The public installations of Wayneburg and/or Neils Cabrals photo essay rather than a single panoply of each issue.

2. Call his mother.

3. Send him to the Dean’s office for a title search. Frank is a pretty M.W. M. weld. We can’t shibboleth from class to class, year to year, but there’s a lot of shibboleth and asking that we say what we mean and mean what we say (long discussion of shibboleth). Frank even has the audacity to sign his own suggestions and criticisms are frequent.

I think I know what’s going on here. Damian’s not taking himself seriously enough. How can we be wooded and predictable and unassuming and whitely proper with him poking fun all the time? He ruined it for the rest of us. Next thing you know we’ll be all running around with “Colo­neses.”

Sincerely, Dave Schroeder

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Sincerely, Dave Schroeder
Women in Politics

“The Future of Women in Politics,” the third in a series of political forums sponsored by the Marshall-Wythe College Republicans and the Marshall-Wythe College Democrats, will be held Thursday, March 26 at 4:00 p.m. in room 122. Ernie Gates, Editor of the Daily Press, will be moderator and the panelists include Cynthia Bates, candidate for the Virginia General Assembly, and Laura Parks, Special Assmt. to the Governor for State Affairs for Senator Paul Trible, Mary Sherwood Hold, Newport News City Councilwoman, and Sandy Howen. All are invited to attend.

Libel Night ’87

Libel Night ’87 plans are underway! This year’s program is a murder mystery featuring the faculty as suspects. Skits or songs will be worked into the theme, but need not be based on it. The deadline for submission of material to Melissa McKenney or Amy Birkimer in Thursday, March 26. As much material as possible will be included in the program, but care will be taken to avoid a show that runs too long or takes up too much space. A meeting will be held Monday, March 23 to answer any questions. Persons working on skits or songs should attend so that others can find out what is being done and what needs to be done. Time and place will be posted.

Libya Raid

W. Hayes Parks, currently of the International Law Section of the U.S. Army Judge Advocate General Corps, will discuss the legal considerations involved in the U.S. raid on Libya on March 24 in Room 124 at 4:00 p.m. The lecture, which is sponsored by the International Law Association, will include a slide presentation and will be followed by a reception.

SBA Applications

The Student Bar Association is now accepting applications for Vice-President, Secretary, and Treasurer as well as class representatives. Deadline for applications, which are available in the SBA office, is March 23 at 5:00 p.m. Elections will be held one week following the election for President.

International Trade

The International Law Section of the Virginia State Bar will present a lecture March 26 on international trade and American pettition. Sponsored by the International Law Society, the lecture begins at 4:00 p.m. in Room 124 and will be followed by a reception.

BLSA Food Drive

The Black Law Student Association is sponsoring a food drive for the Williamsburg Task Force on Spousal Abuse. Please deposit canned foods, canned spices, and other non-perishables in the collection box located in the Student Lounge. The drive will be conducted March 16-25.

Plunger Award

The First Annual M-W Platinum Plunger Rejection Letter Contest Awards Ceremony will be held Friday, March 27. The Festivities will be held on the patio and in the student lounge at 3:30 in the afternoon. complimentary golden beverages will be served, courtesy of the SBA.

Women Capture Title

Marshall-Wythe men are not the only law students to excel in intramural sports. After winning the William and Mary title, two first-year travelers advanced to the finals of the Three-on-three College Intramural Basketball Championships at George Washington University, March 7. Capturing the coveted Regional title were Janet McGee, Lisa McGraw and their anonymous Marshall-Wythe cohort. The highlight of the three-game series came when McGee's two free throws, resulting from a foul at the buzzer, gave the Marshall-Wythe team a one-point win over its opponent.