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PSF’s annual Date Auction raised more than a few eyebrows. Providing a night of song and dance, as well as the promised “occasional booty shake,” the event brought in over $16,000. Organized by PSF boardmembers Alexis McLeod (2L) and Courtney Bennett (2L), the Auction featured a five-act cast of characters involving lots of dates and enticing date packages. Funds raised by the Public Service Fund provide students with stipends for unpaid summer public interest work.

Finding strength, i.e., courage, in numbers, most scenes had a theme and featured multiple entertainers, however, each date was auctioned off separately in order to maximize donations. Keeping a steady pace, MCs Stephen Cobb (2L) and Shawan Gillians (2L) did an excellent job of presentation and mastered the use of the foot stomp to seal each deal.

The highest bid of the night was $510 which was paid for Courtney Bennett, master of the cowbell, who will be treating her lucky date to tenth row tickets to the Washington Wizards. Other high bids were made for Karen Anslinger (2L) who pillowfought with Amy Liesenfeld (2L) and Megan Erb (1L); Danielle Pellegrin (3L) for gracing the stage as a ring-girl for a boxing match between Bob Fay (2L) and Ryan Browning (2L); and Matt Gaetz (2L), who offered up two kegs and a party at his home.

Many are deserving of thanks for their efforts and contributions in this endeavor, but of particular note are the students, professors and local businesses who donated all that was auctioned. Benefits will be reaped well beyond the walls of Marshall-Wythe by all those assisted through the work of our stipend recipients. Congratulations on a job well done, PSF!
Hollywood Found Not Guilty of Honor Code Violation

by Mike Lockaby

On the evening of March 2, around 7 p.m., Dana M. Hollywood (3L) sat at a table in the Tidewater Room of the University Center on main campus. He wore a green U.S. Army winter dress uniform and had the bleached-out look of a man under serious stress with too little sleep. Beside him sat honor counsel Nick DePalma (3L), in a business suit, looking serious; even the confident, calming smile he wore was mirthless. Sitting in a panel at a large table in front of them were Honor Chief Justice Chris Johnson (3L) and Associate Justices Tom Barrow (3L), Seth Zucker (3L), Erin Ashcroft (2L), Anne Brinckman (2L), David Bules (1L), and Ryan Brady (1L).

Opposite Mr. Hollywood and Mr. DePalma, also facing the panel, was the “investigators’” table, at which sat Eric Pohlner (1L), Rob Eingurt (2L), and Barbara Rosenblatt (1L). Behind the investigators’ and defense’s tables were about seventy seats, most of which were full of spectators. The audience consisted of most of the executive editorial boards of the law school journals, many friends of Mr. Hollywood’s, and various other law students who simply had an interest. The only law professor present was Susan Grover, the advisor to the Journal of Women and the Law.

Mr. Hollywood was accused of plagiarism. He had, the accusers said, either through intent or reckless disregard for scholarly standards, tried to pass off the work of another as his own. The panel was convened to determine whether this had, in fact, occurred.

Before the trial began, Mr. Johnson asked everyone involved in the trial to leave the room, and explained the process to the audience. The trial was non-adversarial, he explained, but there would be presentation of evidence by both sides. The accusers and the accused would be given the opportunity to speak to the panel, under questioning from the investigators or counsel. Despite the fact that the trial was “non-adversarial,” those of us in the audience regularly slipped into calling the investigators “prosecutors.” Whether this was because of our habituation into the law or the alacrity with which they put on their case and their arguments, it was unclear; most likely, it was some of both. A guilty verdict required five of the six panelists, of whom Mr. Johnson only moderated and did not have a vote, to vote for conviction. Mr. Johnson finally emphasized that this was the first Honor Trial in three years; no one knew how to run one. He asked that we bear with him.

As the trial went forward, three of the accusers, Jennifer Hillman, Maren Schmidt, and Matt Gayle, all 3Ls, came out with essentially identical stories. Mr. Hollywood had been the Editor in Chief of the Journal of Women in the Law. They, along with him, were the Executive Editorial Board for this year. All of them had submitted notes at the end of last year, for publication in the journal. Mr. Hollywood’s had been extremely ambitious—112 pages and 421 footnotes when it was turned in— and had been accepted for publication, a high honor. Then, it was put through the editorial process. This began with cite-checkers pulling every source in the note and checking every single assertion and quotation. Then the Articles Editor again did textual editing and re-checked every single assertion and quotation. Finally, it went to what was called an “exec edit,” at which a member of the Executive Board, in this case Ms. Schmidt, again re-edited the note.

Ms. Schmidt testified that when she got the note, she discovered that there were a number of assertions that were in fact direct quotes. These direct quotes did not have quotation marks. At this point, she said, the red flag went up in her mind that this might be plagiarism. She did admit, however, that every one of these quotes was pinpoint-cited, meaning that it was cited to the source with a page number that the quote was on. Other accusers also went through the fact that there was a vote, even after this problem was discovered, and that they had voted 3 to 1, with Ms. Schmidt as the dissenter, to go ahead with publication of the note. Ultimately, they had decided the problems with the note were simply too bad, and, in their opinions, rose to the level of plagiarism. At that point, they had cancelled publication of the note, and asked Mr. Hollywood to resign his position as EIC, which he willingly did.

Annie Lahren (3L), another accuser and a member of the exec board of the Journal of Women and the Law as well, told a story somewhat at variance with the other three accusers’ stories. She said that there had been serious animosity on the exec board, especially serious fighting between the other three accusers and Mr. Hollywood. This arose—a point which was never contradicted— because of Mr. Hollywood’s lackluster leadership style. She said that in her opinion, the note was not plagiarism—in fact, that she wished more submissions to the journal were as well-cited as the note was. In her opinion, the whole thing was about Mr. Hollywood making mistakes and giving the other three accusers an opening to accuse him of something, when his poor leadership had given the excuse. When asked why she accused him, she said that she had been advised that she had a duty to accuse him, and that if she did not, she might be subject to honor prosecution herself, a possibility worth avoiding at any cost.

Appearing on Mr. Hollywood’s behalf were Brad Russell (3L), an Articles Editor on the Bill of Rights Journal, Brooke Rodgers (Law ’05), an alumnus who had been Editor in Chief of Women in the Law last year, and Steven MacDonald (3L), Editor in Chief of the Environmental Law and Policy Review. Mr. Russell explained that he sees articles with mistakes like...
Media Influence on Criminal Justice

by Kelly Pereira

What is the public perception of crime and criminal justice in America? Is it accurate? Is it influenced by the media?

On February 28, Professor Sara Sun Beale of Duke University presented the annual George Wythe lecture. The topic, drawn from her upcoming journal article, was “How Market-Driven News Promoted the Punitiveness Revolution: The News Media’s Influence on Criminal Justice Policy.”

According to Beale, news media influence on American criminal justice policy is akin to a tsunami: “[a] tremendous force sweeping across the landscape.” Specifically, Beale has noticed a trend of “punitiveitiveness” in the criminal justice system. The law requires longer sentences for both general and specific offenses. Some examples include drugs, firearms, violent offenses, violations of the Sarbanes-Oxley Act, and harsher conditions of incarceration (including reintroduction of chain gangs in eight states).

For the first part of her paper, Beale researched some mind-boggling statistics on “punitiveitiveness.” Between 1980 and the mid-1990s, the average sentence in the criminal system doubled. The steep rise in incarceration rates has resulted in the United States ranking fifth times above other Western nations. One of every 138 U.S. residents is now in prison or in jail. Expenditures for incarceration have increased 529% within the past generation.

While punishment has continued to escalate, crime statistics have declined. We are at 30 year lows for crime rates. Does our lowered crime rates? No one of imprisonment correspond with our decreased crime rates? No one agrees that reason is not that punishment serves as a deterrent. Beale’s journal article demonstrates no relationship between incarceration and lowered crime rates in 14 other countries (half had crime rates going up and half going down).

What does the public think? Does the public think that sentences are too long, or that too many people are in prison? Since the early 1980s, the public has thought that sentences in local courts are “not harsh enough.” In the most recent annual poll, 68% of those surveyed so believed. Meanwhile, when asked, “Is there more or less crime now?” more than 60% of those surveyed said there was more crime now than in the past.

How important is crime as a political issue? It was rated first or second in public opinion polls throughout the 1990s. Crime did not fall off the public radar in 2000; sixty-nine percent of the public said it should be a “high priority.”

What does the majority of the public erroneously think crime is increasing?

What role does the news media have to play? Eighty-one percent of the public base their perception of crime on what is seen or read in the news. Network crime coverage grew rapidly in the 1990s and spiked in 1995 with the O.J. Simpson trial. Yet, omitting the coverage of the O.J. Simpson trial itself, the decade showed a steady margin of increase.

While local news coverage of crimes had no correlation with crime rates in the area, there was a correlation with viewer interest in violent programming and local stations’ marketing strategy (in terms of coverage and lead story).

New media coverage is “not a mirror” of the actual frequency and magnitude of events (with the exception of important national events). According to Beale, market-driven news is “more like entertainment programming than the traditional concept of journalism.” Networks and stations sell audiences to advertisers. Content and style is adjusted to attract audiences, especially audiences sought by advertisers (particularly the 18 – 34 age group). There is a marketing assumption that younger people are more impressionable and that this age group has highest taste for violent programming.

In 1986, NBC news lost $100 million through news coverage and continued on page 4

Hollywood Cleared of All Charges

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Mr. Hollywood’s all the time. He stated that in a 90-page paper he had edited recently, there were 70 missed quotation marks, while in Mr. Hollywood’s there were 60 in 115 pages. Ms. Rodgers testified that even knowing what she now knew about the note and its problems, it still would have been the best note submitted last year, and she still would have selected it for publication. Finally, Mr. MacDonald testified the same thing, substantially, as Mr. Russell. He said that 60 missed quotation marks was not out of the ordinary, and the fact that the first draft of the note had 421 cites and the final had 455 means that Mr. Hollywood had done an uncommonly thorough job with citation; adding 150-200 cites in a paper of that length was not unheard-of.

Finally, Mr. Pohlnner and Mr. DePalma got down to the crux of the case: The honor code defines plagiarism as when a student, with intent or reckless disregard for scholarly standards, tries to pass off the work of another as his own. Reckless disregard includes failure to use quotation marks properly. In the opinions of the accusers and investigators, this was open and shut; it didn’t matter whether this was intentional or reckless, either way, it was plagiarism based on the definition, because proper quotation format was not used in a final paper turned in for a grade and publication. In the opinion of Mr. DePalma and Mr. Hollywood, there could be no question of Mr. Hollywood’s integrity—even two of the accusers had testified to his high moral character—and because his mistakes were not out of the ordinary, this was not reckless. And further, Mr. DePalma asked, why would he have used pinpoint citations if he were trying to pass this off as his own work? If that element was not met, he said, then the verdict must be not guilty.

Finally, Mr. Hollywood rose in his own defense. He was not making any sort of rational argument for his acquittal, and he admitted that the accusers were right that he had been a poor leader, and he had been a fool not to be more careful with his quotations. He simply went through the ramifications of a guilty verdict. He pointed out that he was 37 years old; that he had served his country in the Peace Corps for three years; that he had served his home city of Boston as a counselor for at-risk youth for three years; that he had enlisted in the Army, and served his country, honorably in military intelligence for seven years. He pointed out that if he were found guilty, regardless of the penalty formally assessed against him, he would be pulled out of school by the Army—in other words, a guilty verdict was tantamount to expulsion—stripped of his commission, and made to serve the next six years as a low-level enlisted soldier in a non-sensitive capacity. In other words, he said, a guilty verdict meant that his life would be ruined.

By this point in the trial, it was around 3 a.m., and the panel retired to consider the case. About half the spectators had left; the rest of us were determined to stay around until the bitter end. As we chatted like zombies and wished there were an open coffeeshop somewhere, Mr. Hollywood and the accusers had a bit of a rapprochement. They went and chatted, even as the rest of us sat as a huddled group and waited for the verdict.

Finally, Justice Zucker waved Mr. Johnson into the deliberation room, and Mr. Johnson came out a few minutes later. He waved Mr. Hollywood and Mr. DePalma into another room, where they conferred for an uncomfortably long period. Finally, Mr. Johnson came out. “The accused has asked me to announce to you all that he was found not guilty,” he said, a grin spreading across his face. A certain grim, sleep-deprived mirth followed, as everyone shook Mr. Hollywood’s hand or gave him a bear hug. Finally, at 5:45 a.m., we all went home to get some sleep.
A Summer in the U.S. Attorney's Office

by Stephanie Harris

Thanks to receiving PSF funding last summer I was fortunate enough to intern in the Civil Division of the U.S. Attorney's Office in Los Angeles, CA. The Civil Division of the Los Angeles USAO is comprised of approximately fifty attorneys who are generally responsible for defending suits brought against the United States. The attorneys practice in many different areas of law including: common law and constitutional torts, federal prisoner and commercial litigation, employment discrimination, immigration, civil rights, and administrative law.

Upon arriving for my first day of work, I learned that I was one of nine interns selected to assist the attorneys on various cases. Although I was somewhat worried that the large number of interns would affect the quality of assignments, this thought quickly passed. I soon discovered that the Los Angeles USAO prides itself on treating each intern like a practicing attorney. Thus, throughout the summer I found myself simultaneously working on multiple assignments with ever approaching deadlines. No assignment was ever the same; one week I was researching a discrete issue of the law pertaining to a cross-claim under the Federal Tort Claims Act, and the next week I was able to assist an attorney with the development of discovery and preparation for trial in a suit alleging negligence in a postal vehicle collision case.

As an intern, I was also encouraged to attend district and appellate court hearings, participate in conference calls, depositions, and settlement conferences. On my first day of work, our supervisor informed us that the Ninth Circuit was convening in Pasadena the next day for appellate arguments. One of the attorneys for the Civil Division was arguing an appeal for an immigration case and our supervisor wanted us to watch the argument. In addition to seeing the Ninth Circuit, the summer was filled with other court excursions. Throughout the remaining weeks “Motion Monday” became part of my regular schedule. Every Monday all of the interns would check the district court calendar, find out what was going on and attend some of the motion or settlement hearings that seemed interesting.

One highlight of my internship was the simulated FBI training. Because the Civil Division is responsible for defending federal officers, as a way to foster relationships and understanding between the Los Angeles FBI and the USAO, the FBI has allowed the USAO attorneys and interns to participate in FATS which is the FBI’s Firearm Training System program. FATS is a virtual reality shooting program that displays real life law enforcement scenes such as bank robberies, burglaries, and drug busts on a big projection screen while the “players” are given video guns and are instructed to act as agents and try and resolve the situation. I had two attempts at FATS to perfect my FBI training. Because I am not a gun person, my first turn did not go so well. Instead of shooting the attacker, I hesitated and my partner and I were killed. However, on the second attempt I was prepared. I assessed the situation and defended myself by firing back against the attacker. Overall, the program gave me an inside look at federal law enforcement and the FBI in particular. After going through the FATS simulation I gained new appreciation for the demanding life and death situations that FBI agents and all law enforcement officials place themselves in every day.

Aside from office work and court proceedings, the Los Angeles USAO also organized some social events to further the bond between the summer interns and the attorneys. The first event was a night at the Hollywood Bowl. For those who have never experienced the Hollywood Bowl, the Bowl is well-known for its summer music festivals. As one of the largest natural amphitheaters in the world, each summer the music of the Los Angeles Philharmonic attracts thousands of people to the Bowl. In July, I attended the Bowl along with my fellow interns and USAO attorneys to listen to the movie music of Woody Allen. Not being a Woody Allen fan, I must admit the performance was a little boring, but I still had fun hanging out and talking with other people in the office.

The second event was a dim sum lunch outing coordinated by the USAO. Near the end of the summer, all of the Civil Division attorneys and the interns traveled to Chinatown to gorge themselves on an array of dumplings, egg rolls, and other seafood, chicken, and pork delicacies. After the multitude of assignments, array of hearings and trials, and FATS training, the lunch was a great way to meet with everyone once again, and to discuss our experiences at the USAO office. It was a nice end to my summer internship at the Los Angeles U.S. Attorney’s Office.

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that was fine with executives. This is no longer the case.

The second part of the article considers whether the amount and type of coverage of crime affects the public in terms of their voting. An affirmative answer has been well documented by social scientists. Agenda setting is when “news media can direct public attention to certain issues,” particularly by placement and frequency. Priming is “affecting the criteria by which viewers judge candidates, public officials, and public policies.”

Social scientists agree that the media does influence the public, but they disagree on the explanations. Three possible explanations that Beale addresses in her article are framing, racial typification, and fear. Episodic (as opposed to thematic) frames encourage the view that crime is the product of individual choices, not social conditions. News coverage plays like stock stories or “scripts.”

An experimental stimulation showed a news segment to various subjects. Sixty percent of subjects who saw no perpetrator in their segment falsely recalled seeing one, and 70% of these thought the perpetrator was black. Subjects who actually saw a white perpetrator were 50% less likely to recall seeing a perpetrator (because it didn’t fit the script). White subjects who saw a black or no perpetrator were more likely to attribute crime to individual factors and were six percent more likely to support punitive policy.

Survey research showed daily viewers of television news were 16% more likely to support punitive policies. Daily local television news viewers were 28% more likely to support punitive policies. News viewers were 28% more likely to individual factors and were six percent more likely to support punitive policies.

Racial typification is tied to scripted news coverage. Content studies have found skewed portrayals of blacks as perpetrators and whites as victims. A Chicago study showed white victims were over-represented and given longer trials of blacks as perpetrators and whites as victims. A Chicago study showed white victims were over-represented and given longer.

In conclusion, market forces shape the news media and “unintentionally inflate support for punitive policies.” The major countervailing force is budgetary, especially at the state level. Said Beale, “[Imprisonment] is expensive not just in moral terms, but in dollars and cents.” Imprisonment involves a state’s loss of income tax and often a family’s need for welfare. The purse string effect could allocate expenses of criminal justice money elsewhere, such as therapeutic justice. Meanwhile, profound changes in news media (cable, internet, etc.) mean network and local TV news may have less impact.
W&M Law Students Attend Federalist Society Symposium

by Kelly Campanella and Will Sleeth

On the weekend of February 24-26, eleven William & Mary law students traveled to the 25th Annual Federalist Society Student Symposium. The annual gathering, held this year at Columbia University Law School in New York City, brought together over 1,200 students from more than 100 student chapters across the country.

During the two-day conference, students heard several panels and debates featuring a variety of law professors and federal appellate judges. The panel discussions touched on topics ranging from the extent of executive power to the role that decisions by foreign courts should have under our Constitution. The topic of this year’s symposium was “International Law and the State of the Constitution.”

The highlight of the conference was a speech by John Bolton, the United States Ambassador to the United Nations. Ambassador Bolton spoke about American efforts to reform the United Nations, and its institutional reluctance to undergo such reforms. He also had stern words for Iran, bluntly stating that the United States will not allow Iran to acquire nuclear weapons.

In addition to the academic panels, the Federalist Society sponsored a breakfast and lunch, as well as a free late-evening reception. The event culminated with a dinner banquet, where students were treated to the keynote address by Wall Street Journal columnist John Fund. Overall, the symposium proved both educational and enjoyable for all of the W&M students who attended.

Next year’s symposium should prove an equally worthwhile intellectual and social event, and 1Ls and 2Ls are encouraged to attend. Registration costs only $5, and the Federalist Society’s national office subsidizes students’ travel costs to and from the event. For more information, students are encouraged to contact Andrew Knaggs (afknag@wm.edu) or Will Sleeth (wwslee@wm.edu).

EPA Attorney Speaks at Marshall-Wythe School of Law

by Nick Fitzgerald and Matthew Sutton (reprinted from The Virginia Informer)

On July 17, 2001, a storage tank at a petroleum refinery in Delaware exploded, sending one million pounds of sulfuric acid into the Delaware River and the surrounding area. One person was killed, and eight were injured. This incident became the case United States and Delaware v. Motiva Enterprises and ended up leading to a $23.7 million settlement.

On Wednesday, February 22, Joyce A Howell, senior counsel at the Office of Enforcement, Compliance, and Environmental Justice (EPA—Region III), and aunt of third-year law student and Dupont Hall director S. Douglas Bunch, gave a lecture detailing her participation in this blockbuster case. Speaking to an audience of law school students and undergraduates, Ms. Howell explored the troubled history of this refinery, the tragic, fatal accident, and the legal saga that stretched for four years before ending in a settlement.

Tank 393, a 415,000 gallon capacity tank at the Delaware City Refinery had a long history of problems including numerous holes and leaks. Slated for repair in February 2001, the company decided to postpone any work because of the potential financial loss Motiva would suffer from taking the tank offline. On a hot July day, a team of maintenance workers were sent to do repairs on the outside of the tank. The explosion killed one worker, Jeffrey Davis, and injured eight others. The Delaware River was contaminated with one million pounds of sulfuric acid, which killed a substantial amount of marine life.

In 2002, another chemical release occurred at this same refinery. According to Ms. Howell, those in charge during this second incident did not have the highest level of training or competence in these positions; in fact, she referred to them as the “C-Team.” When dealing with hazardous chemicals, including known carcinogens like Benzene, Howell quipped, “This is not amateur hour.”

In July 2003, Motiva pleaded guilty to charges of negligently endangering workers and violating the Clean Water Act. A final settlement was reached in September of 2005.

When asked about his reactions to the lecture, one undergraduate student said that “it was interesting to see how one issue could balloon into something so complex.”

Nephew Doug Bunch added that “her energy and enthusiasm are remarkable, but it doesn’t surprise me. This is one of many cases that Aunt Joyce has prosecuted both successfully and passionately, including lead contamination in public schools and strip mining by coal mines.”
On February 27, Dr. John C. Eastman of Chapman Law School and Professor William Van Alstyne of the William and Mary School of Law, representing the Federalist Society and the American Constitutional Society, respectively, were pitted against each other in debate over the constitutionality of the words “under God” as they appear in the Pledge of Allegiance. Dean Reveley offered a brief introduction in which he urged the participants and audience to abide by civility, to which Van Alstyne offered the reply of “maybe.”

In this debate, the critical language in the Constitution is the First Amendment, which reads in pertinent part, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.”

The Pledge of Allegiance to the flag of the United States was first enacted in 1931. Codified at 36 U.S.C. section 172, it reads, “I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.” The italicized words were inserted by an Act of Congress in 1954, and are what is currently at issue.

Eastman supports the constitutionality of the Pledge. He began by reciting President George Washington’s Thanksgiving Proclamation of 1789 in which the President stated, “Whereas it is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits, and humbly to implore His protection and favour.” Eastman continued by reading a portion of the Northwest Ordinance, adopted by the first Congress in 1789: “[R]eligion, morality, and knowledge, being necessary to good government and happiness of mankind, schools and the means of education shall forever be encouraged.”

Eastman’s position is that the First Amendment is a federalism clause, limiting the federal government’s involvement with religion, but having no effect upon state governments. This position is premised in the words of the First Amendment, “Congress shall make no law…” Noting that the Liberty clause of the 14th Amendment has been held to incorporate the First Amendment, making it applicable to the states, Eastman’s position is that the Blaine Amendment would have explicitly made the First Amendment applicable to the states and by failing to be passed, the history of the Blaine Amendment indicates that it was not Congress’s intention to make the First Amendment applicable to the states. As a result, Eastman believes that the First Amendment serves two functions that are applicable here. First, it bars establishment of a national church, and second, it bars federal government interference with state churches. Eastman also believes, however, that based upon recent Supreme Court precedent, the words “under God” do appear to be unconstitutional. This legal precedent is unfounded, however, Eastman believes.

Van Alstyne began by stating, “everything is upside down about this presentation.” He clarified that he is not a member of the American Constitutional Society, but he happens to agree with their viewpoint here. Also, he believes that pursuant to Supreme Court precedent, the words “under God” as they appear in the Pledge are constitutional. Lastly in his introduction, Van Alstyne noted that a more adult presentation would acknowledge shades of grey in the debate, as opposed to this more athletic competition where one wishes to deliver a half-nelson to his opponent.

Van Alstyne’s view is that the First Amendment is applicable to the states, presumably through the Fourteenth Amendment’s Liberty clause. Regardless, in this debate the constitutionality of the national Pledge of Allegiance is at issue, thus, the federal government is implicated and the First Amendment no doubt applies. And, if the debate were focused upon the states, where would the extent of their power cease in relation to establishment of religion and free exercise thereof, inquired Van Alstyne. As the First Amendment is applicable here, setting aside the Court’s precedent, Van Alstyne opined that the current version of the Pledge is unconstitutional.

The words “under God” were slipped in the Pledge by irresistible impulse, said Van Alstyne, as government propaganda against the atheistic Soviet Union during the escalation of the Cold War following World War II. It was an unfortunate attempt of government to gain stature by association with religious affectation. Illustratively, Van Alstyne drew a parallel with more fundamentalist countries that from time out of mind have played on the intolerance of religious sects in order to rally patriotism. Van Alstyne is not alone in holding this position. He referred to Thomas Jefferson’s refusal to...
by Kelly Periera

How did you spend your Spring Break? Nathalie Fassie (2L) used her time and talent wisely and won the Miss Roanoke Valley Pageant! Nathalie won scholarship money and will compete in the Miss Virginia Pageant this summer. The Advocate’s Kelly Pereira interviewed Nathalie about her win.

ADV: Which competition did you participate in?
N.F.: Miss Roanoke Valley (MRV). It’s a preliminary competition to the Miss Virginia and Miss America pageants.

ADV: Where was it held and what was it like?
N.F.: It was held in Roanoke over spring break. There were 16 contestants, ranging in age from 17-24. It was a big production, with guest celebrities from the Police Academy movies and the Love Boat TV show, a lighted runway, live video feeds, song and dance routines, and even a celebratory balloon drop. Check out www.missroanokevalley.org for pictures.

ADV: Was this a new experience? If so, was it different from what you expected?
N.F.: In high school I competed in the Junior Miss Scholarship Program, and was Virginia’s Junior Miss in 2000. The Miss America Organization (MAO) is different from Junior Miss because they do not factor in academic achievement and require you to have a platform of community service. The premise of the MAO is “scholarship through service,” and they are the number one provider of scholarships for young women, awarding over $45 million dollars each year. This is my first year competing in the MAO.

ADV: Who or what was your motivation?
N.F.: My goal in competing was to gain personal relations skills, win scholarship money, and further my platform of increasing cultural exchanges and raising multicultural awareness.

ADV: What sorts of challenges did you compete in (speaking, talent, etc.)?
N.F.: There are several different categories of competition. Talent encompasses 35%, interview 25%, evening wear 15%, swimsuit 10%, casual wear 10%, and onstage question 5%. At MRV I won the talent and the swimsuit categories. The other categories did not give out awards. I performed a lyrical dance for my talent to the Bill Withers’ song “Ain’t No Sunshine.”

ADV: What were the judges like?
N.F.: The judges are there to get to know you as a person -- to see if the contestant is intelligent and personable. They range from community figures to members of pageant board of directors from other states. Alana Malick, a William and Mary Law School graduate, was one of my seven judges. She was a former Miss Virginia contestant.

ADV: Were you surprised by your win?
N.F.: I was surprised especially that I won the swimsuit category. I have a very athletic physique, and I don’t consider myself a beauty queen per se. If you look at the girls that compete, however, it’s less about physical beauty and more about putting the effort into looking your best, developing your talents, and being genuinely dedicated to giving back to the community. They are trying to pick a good role model and spokesperson for the MAO.

ADV: What did you win?
N.F.: I have won over $3,000 in scholarships competing this year. I also won a crown and gift package to help me prepare to compete at Miss Virginia this summer.

ADV: Would you recommend the experience? Would/will you do something like it again?
N.F.: Pageants are not for the faint of heart! I think law students should participate because we must be well-rounded people to be taken seriously by the public. I had a great experience, I had a lot of fun, and I met a lot of great people. I would absolutely consider doing pageants again.

ADV: What advice do you have for the Mr. Marshall-Wythe contestants?
N.F.: I’m sure the Mr. Marshall-Wythe pageant is quite a bit different from the MAO, but both likely encourage the contestants to be glamorous and confident on stage. A few tips: when walking on stage keep your shoulders back and lead with your toes—not heels, when answering questions on the spot take a second to think of your answer before talking, pick a talent you are comfortable doing but that is, above all, entertaining, and make sure all your costumes and outfits fit well and reflect your personality. Above all be yourself and have fun!
Women and the Law Symposium Explores Developments in Gender and the Workplace

by Myriem Seabron

The 12th annual Journal of Women and the Law Symposium was held on Saturday, February 25, in the McGlothlin Courtroom. Titled ‘Current Developments in Gender and the Workplace,’ the symposium brought together six esteemed attorneys from different parts of the legal world to discuss how issues of gender and employment intersect in their fields.

The symposium opened with Jennifer Goldstein of the Equal Employment Opportunity Commission’s Office of General Counsel, speaking on gender harassment law. Ms. Goldstein spoke briefly on an interesting case she argued in front of the Ninth Circuit that concerned a workplace bully who had acted churlishly towards both men and women. In the facts of that case, however, the bully’s behavior seemed to take on an added aggression or intensity when he was interacting with women. What Goldstein had come to speak about was the so-called ‘equal opportunity harasser.’

Some courts have suggested where there is no motive based on sex, the harasser’s actions do not violate Title VII. In Goldstein’s case, however, the Ninth Circuit instead found that it is not a question of the harasser’s motive, but of the impact of the harasser’s behavior on members of the sex in question. Goldstein said, “What’s funny to me is how the courts tie themselves in knots... and the Supreme Court kinda says ‘duh, it’s not this hard.’” She referenced Oncale, the 1998 same-sex harassment case where the Supreme Court said the main question to be answered was: “Were members of one sex being exposed to disadvantageous terms and conditions because of their sex?”

Goldstein suggested the reason there has been so much confusion is because there is little in the way of legislative history to guide the courts in what Congress meant when it listed ‘sex’ as one of the banned bases for discrimination in Title VII. The word was added to the proposed version of the bill by an opponent of Title VII, in the hopes that the measure would lose some supporters with ‘sex’ included, and be defeated. Instead, the measure passed. As Congress hasn’t said much, it is presumed that they agree with how the Court has approached the question.

 Asked whether a bright line rule might be the solution, Goldstein said she didn’t believe so. In this area of the law, “a bright line rule would be a disaster.” Bright line rules, she explained, don’t work because it’s all context in these gender harassment cases. “As someone told me one of my first days on the job—you really can’t just write about the law and ignore the facts.”

Ms. Goldstein was followed on the program by Joseph M. Sellers. Mr. Sellers is co-lead counsel in what some call the largest civil rights case in the history of the United States: Dukes v. Wal-Mart Stores, Inc. Dukes is a class action lawsuit against the retailer for sex discrimination in the denial of promotions and equal pay to women.

According to Mr. Sellers, the class is made up of approximately two million current and former female Wal-Mart employees. Mr. Sellers spun an engaging tale of how the class came to be (beginning with a single mother in Oklahoma in 1997 who was told her male counterparts had been given raises while she had not been because they had families to provide for), the grounds of the employees’ claims, and how the suit is progressing so far. Listing four primary types of discrimination against women in the workplace-stereotyping, discrimination based on pregnancy, sexual harassment, and customer preference-Sellers submitted that the Dukes case was an example where all four could be seen in play.

When female employees with Wal-Mart asked why more women weren’t in management or offered top executives? The answer: “Because men are more articulate.” A look at wages paid to male and female employees in Wal-Mart’s across the country revealed great wage disparities, even among male and female employees that had been hired at the same time.

The class was certified in the summer of 2004, after an eight-hour certification hearing. As of summer 2005, however, the certification was being challenged on appeal before the Ninth Circuit. So what happens if the certification is defeated? Would Wal-Mart truly prefer to face two million mini-trials? Sellers suggested smaller, regional classes might be a likely possibility, as Wal-Mart stores are organized by region.

The use of the social sciences, an issue that was discussed repeatedly during the symposium, seemed to be most welcome for Mr. Sellers. He said that social science use, especially at the trial level, is definitely evolving. “I think we’re going to continue to borrow from several allied fields whether it’s sociology, industrial psychology... to explain” the culture of a workplace like Wal-Mart, its ethos, and how literally thousands of managers “might all come to act to the detriment of women.” After, he said simply, such behavior “[is] not mass hallucination.”

Asked what changes he’d seen since litigation proceedings began in this case, Sellers spoke of the attention the case has gotten in “the employer community,” with seminars being held with titles such as How Not To Be The Next Wal-Mart. Ultimately, however, he believes it may take a generational change before stereotyping becomes less of an obstacle for women in the workplace. There are those employers who recognize they need to change their behavior whatever their beliefs, but there are some who are incapable of doing so and it’s going to take a change in leadership to change the attitude of some workplaces and organizations.

William and Mary’s own Professor Jayne Barnard spoke next, on whether the recent rash of corporate scandals will really lead to increased female presence on corporate boards, as some have predicted. Current statistics register a 16.7% female presence on the corporate boards of Fortune 500 companies. At the current rate of growth, Professor Barnard pointed out, it will take women 50 years to reach parity with men.

Recent legislation that more tightly regulates how corporate boards should run has meant that more of the traditional candidates for such positions are saying no. Where one might have served on five or six corporate boards in the past, with the demands and responsibilities tied to sitting on a corporate board in the post-Enron/WorldCom era, traditional candidates are loath to sit on more than one or two. Companies may also be reaching out to women because it might be a better return on investment. Barnard said “there is a sense that having more women on the board may translate into more women customers.” Some studies show that corporate boards that are diverse may be seeing as much as a 35% better return on investments.

Barnard spoke briefly of an intriguing social experiment currently ongoing in Norway. As of January 1, 2006, legislation went into effect there that required all publicly traded companies to have boards comprised of at least 40% women by the end of 2007. This legislation is expected to generate 700 new board positions, and the percentage of female board members has already increased from 8% to 16% in anticipation.

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JOWL, continued from page 8

“It’s probably fair to say that there’s no interest in the United States in any legislation that will look anything like this,” Barnard said with a slight smile, but praised the efforts of several organizations—the Alliance for Board Diversity, the Boston Club, and Boardroom Bound, to name a few—which monitor and encourage diversity on corporate boards.

The most diverse Fortune 500 board? You may be surprised to discover that it’s Target, whose 14 member board has seven members that are either women or minorities.

Judith Conti of the D.C. Employment Justice Center spoke on the limitations of the Family and Medical Leave Act and the realities of family life and responsibilities. She herself would note the appropriateness of her topic, as she was late to the symposium and would have to leave right after her talk to tend to her husband, who was recovering from surgery. Like many working people all across the United States, Conti was having to balance family responsibilities with her work and other commitments.

She began by posing a question to the audience—of 155 industrialized countries, how many have no system of federal provision for paid leave for workers? The answer? Just three. The U.S., New Zealand, and Australia. While the average worker needs five days a year for his or her own illnesses, a child typically requires four days of sick leave—realistically, a working parent needs at least 10 days of sick leave a year. If it’s a low income worker the numbers are higher, because their health care tends not to be as good: no regular check ups, or early detection.

Despite this reality, existing sick leave policies are not very flexible— 86 million U.S. workers cannot use their personal sick leave to stay home and care for an ill family member. The impact of such inflexibility is disproportionately harder on women—women are twice as likely to lose their jobs for staying home to deal with family problems than men are. What’s more, in most states, women are disqualified from receiving unemployment compensation when they are fired for taking unauthorized sick leave to care for family. In such states, missing work is misconduct.

As far as what’s being done, Conti said she could foresee no major changes so long as women are the ones who need to take the time to take care of families. “It really is an important issue and to me, quite frankly, it is a human rights issue as well,” she said. She took a moment to ask the men in attendance to do their part to make use of sick leave and personal leave to care for ill children and parents not just a “women’s issue.” She pointed to the efforts of several organizations to educate employers as to the cost of such rigid policies (for example, lower workplace production when employees go into work sick, and end up making others ill as well), and the turnover that results when employees lose their jobs for taking the time they require to care for family members.

Emphasizing the importance of how the issue is perceived, Conti pointed to the example of wholesale giant Costco. Their wages are higher than those paid to employees of BJ’s and Sam’s, and 82% of their employees are covered by health insurance. Despite having lower labor costs, their stock has been devalued on Wall Street, in part because it fails to recognize the utility of such preventative measures.

Kathi S. Westcott of the Service members Legal Defense Network spoke of how “Don’t Ask, Don’t Tell” disproportionately impacts women, youth, and the poor. Noting that while women compose only 13% of the military, they account for almost 30% of “Don’t Ask, Don’t Tell” discharges.

Westcott attributed the high number to the fact that women in the military are often questioned because military service is still perceived to be a nontraditional role for a female. What’s more, women who don’t go out to social functions and who turn down advances from their superiors are often closely scrutinized, despite the fact that “Don’t Ask, Don’t Tell” also includes two other prongs: Don’t Pursue and Don’t Harass.

In the wake of the Supreme Court decision in Lawrence v. Texas, SLDN is part of a litigation team challenging the constitutionality of “Don’t Ask, Don’t Tell” in Cook v. Rumsfeld. “Don’t Ask, Don’t Tell” has been upheld previously in four circuits, and each time, the courts relied on the Supreme Court’s decision in Bowers. With Bowers having been overturned by Lawrence, the new suit was filed in December of 2004 on behalf of 12 former service members who have between them 65 years of service. All were discharged under “Don’t Ask, Don’t Tell”.

The sixth and final speaker was Professor B. Glenn George of the University of North Carolina at Chapel Hill. George addressed employer liability for sexual harassment, or as she put it, what happens when an employer says “Okay, okay, they were sexually harassed, but it’s not my fault?” She explained that employer liability is presumed under Title VII—except in sexual harassment cases. The question then becomes what do you have to show to make the employer liable? The affirmative defense in such cases requires an employer to show that (1) the employer reasonably attempted to prevent and correct sexual harassment, and (2) the plaintiff failed to take advantage of the corrective mechanism, or failed to otherwise attempt to avoid harm. George said, “The rate of success on this defense is stunning.” George believes the success rate of this defense reflects to some degree the discomfort of the lower courts with this as a cause of action.

Asked why there should be a different standard for employer liability in a race discrimination case versus a sexual harassment case, George said that the Supreme Court had pointed to sexual harassment as being “outside the scope of employment” and speculated that it was “a compromise the court made because of discomfort with the cause of action.” She explained, however, that because it’s much more difficult to prove than racial discrimination, the standard for imputing liability to the employer should be different.

George was asked if she believed the attitude of the courts made it hard for women to find lawyers to take their cases. “For cases that fall outside the clear ‘tangible employment action’ standard,” George agreed, “it does seem [at times] like it’s a fruitless effort, even when you think you have really good facts.”
of its economy to the detriment of industry before its government much of Malaysia’s business and minority ethnicity lives in poverty. For example, ethnicity that dominates the economy. Namely, they have a minority population. Rather, these scholars recommend imposing ethnic quotas in business ownership, education, and employment so that the economic players constitute a group that is more representative of the overall population. Thus, for example, Malaysia instituted quotas imposing a minimum Malay presence in the business, university, and professional work force.

Professor Cao rejects this model for development as invidious and superficial. It is invidious because it requires the government to mandate ethnic discrimination and it is superficial to the extent that it does not examine the reasons why an ethnic minority has attained market dominance. If these reasons are benign then punishing the minority would likely hurt the whole economy.

Instead, Professor Cao suggests two other approaches. The first involves instilling in a majority population societal habits that generally correlate strongly with economic development. For example, educating women in societies where women generally are not educated. This approach has been criticized by some scholars as a form of cultural imperialism.

The second approach consists of instituting a version of antitrust law modified to help reduce the concentration of market power held by the ethnic minority population. The virtue of this approach is that it would give the majority broader access to market power without focusing on ethnicity.

William & Mary instituted the Blackstone lecture series to commemorate Blackstone’s founding of the first law school in the English speaking world at Oxford, a mere 16 years before Thomas Jefferson set up the law school at William & Mary. The lecture series features young faculty at the law school.

Professor Cao Gives the 2006 Blackstone Lecture

On Thursday, March 2, Professor Cao delivered the 2006 Blackstone Lecture, entitled The Ethnic Question in Law and Development. She explained that several developing countries face a similar dilemma as they move to be part of the global free market economy. Namely, they have a minority ethnicity that dominates the economy while a majority ethnicity lives in poverty. For example, a Chinese population controlled much of Malaysia’s business and industry before its government sought to promote Malay control of its economy to the detriment of the Chinese.

In considering this ethnic dilemma, some scholars have suggested that developing countries should not embrace a free market economy and the rule of law. In their view, developing a free market would consolidate the ethnic minority in its economic power and fuel ethnic resentment from the poorer majority population. Rather, these scholars recommend imposing ethnic quotas in business ownership, education, and employment so that the economic players constitute a group that is more representative of the overall population. Thus, for example, Malaysia instituted quotas imposing a minimum Malay presence in the business, university, and professional work force.

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LRAP Offers Students the Chance to Serve

by Nicolas Heiderstadt

Many students come to law school with the noble goal of a career in public service already in mind. Several others are inspired by the spirit of the citizen lawyer that pervades the William & Mary School of Law. Many, however, find that mounting loan debt forces them to accept more lucrative employment simply to make ends meet.

The John Levy Loan Repayment Assistance Program (LRAP) provides financial assistance to Marshall-Wythe graduates with high loan debt who take on the all-important task of public service. As jobs in the public service sector typically pay much less than private employers, LRAP provides a vital function for not just the individuals who receive the funding, but for the legal community as a whole.

Dean Robert Kaplan, who administers William & Mary’s LRAP program, also pointed out that while, as far as he knew, none of the bodies that compile law school rankings (most famously, U.S. News and World Report) currently factor the level of LRAP assistance a school provides into its ranking, there are other ways for students to compare such programs. Equal Justice Works, for example, has recently begun publishing an e-guide to how well law schools around the country support public service. This guide does not rank law schools, said Kaplan, but may be consulted by law students contemplating a career in public service, and may affect their choice of school.

Although the LRAP at William & Mary is still in its early stages, it is already providing substantial assistance to numerous graduates. The program provides for a stipend of up to $5,000 per year for up to three years for students with substantial loan debt and a salary of less than $50,000 per year, who accept positions in public service organizations (including military and JAG positions).

Four members of the Class of 2004, the first class eligible to receive LRAP assistance, were awarded stipends in amounts ranging from $1,500 to the full $5,000. Three of these students later renewed their stipends at the same level, while one became ineligible for the program due to an increase in salary (students must re-certify for the process each year, and when moving to a new position).

This year, 10 students, nine from the class of 2005 and one from the class of 2004, made initial applications for funding. Six of those students received LRAP funding, in amounts ranging from $1,500 to $4,000. Dean Kaplan stated that the goal of the LRAP program is to fund at least three new students each year, and more if possible.

Most funding for the LRAP program is currently provided by individual gifts from generous alumni. Several have provided for generous future bequests to the program. Funding is also provided through the Office of Career Services, which has recently begun to charge employers $250 to conduct on-campus job interviews. This move was somewhat controversial, although other law schools charge much more for on-campus interview slots. The William and Mary Public Service Fund has also committed $5,000 per year to LRAP, starting last year.

The Class of 2006 Gift Committee is attempting to raise $89,859, focusing on LRAP. At an average award of $3,500 per year, that amount could provide funding for eight or nine students across a full three years, or one year’s funding for as many as 26 students.

Public service is one of the most important facets of being a true citizen lawyer. Soon-to-be alumni are encouraged to help their class meet this goal by supporting LRAP through the class gift campaign.

Sunday: Brunch 11am-5pm
Monday: $8 Entrees 5-9pm
Tuesday: VA Draft Night 5-9pm
Thursday: An Evening With Tony 4-9pm
Friday: New Draft Night
Saturday: Shrimp Night 4-9pm

Check the website for daily lunch and dinner specials: www.greenleafe.com
William & Mary Holds Inaugural Conference on Law & Morality

by Nicole Travers

On Thursday, March 16 through Saturday March 18, William & Mary School of Law hosted its first ever Conference on Law and Morality. The event was organized by contract and philosophy professor Peter Alces, and hosted by the Institute of Bill of Rights Law, and the William & Mary Law Review. Professor Alces gathered some of the top names in legal philosophy to spend the weekend in Williamsburg, presenting their views of the effect of morality on various branches of American law.

Professor Michael S. Moore of the University of Illinois opened the conference with his introductory remarks on Thursday afternoon. Friday and Saturday were reserved for the participants to present five panels on different areas of law. The Contracts panel consisted of Professor Alces, Professor Peter Benson (University of Toronto), and Professor James Gordley (UC-Berkeley). The Torts panel contained Professor Jules Coleman (Yale University), Professor Arthur Ripstein (University of Toronto), Professor Benjamin Zipursky (Fordham University), and Dean Heidi Hurd (University of Illinois). The Constitutional Law panel ended Friday’s events with presentations by Professor Larry Alexander (University of San Diego), Professor Frederick Shauer (Harvard University), and Professor Kent Greenawalt (Columbia University).

On Saturday morning, the conference opened once again with the Property panel: Professor Emily Sherwin (Cornell University), Professor Carol Rose (University of Arizona), Professor Thomas Merrill (Columbia University) and Professor Henry Smith (Yale University). The conference concluded with a panel on Criminal law featuring Professor Paul Robinson (University of Pennsylvania), Professor Clare O. Finkelstein (University of Pennsylvania), and Professor Kyron Huigens (Cardozo University).

Each professor presented a portion of a paper written especially for the conference. After the panel concluded their presentations, the moderators opened the floor to questions. Many of the professors in the audience had rather pointed remarks on each participant’s presentations, which generated lively, and often heated, discussions of the nature of morality as it exists in law which carried from the conference room into the lobby over coffee, or the faculty lounge over lunch.

In attendance were many non-participating law and philosophy professors from across the country, all of whom expressed their delight in the opportunity to meet the distinguished participants of the conference and share their ideas and questions. There were also several Marshall-Wythe students who appeared to be slightly more intimidated at the complex and sophisticated theories presented during each panel (myself included), and refrained from asking questions, but took avid notes.

If you missed the Conference on Law and Morality, don’t worry. The International Bill of Rights Law website at www.ibrl.org contains the list of panel participants, their chosen topics, and the text of each professor’s paper in PDF form. Additionally, a streaming video of the conference presentations and question-and-answer sessions will be made available on the website by Tuesday, March 21.
Nobel Laureate Tutu and Professor Van Engel to Receive Honorary Degrees

Press Release Courtesy of Brian Whitson

(Williamsburg, VA) – Archbishop Desmond Tutu, who received the Nobel Peace Prize in 1984 for leading the nonviolent movement against apartheid in South Africa, will deliver the 2006 commencement address at the College of William and Mary on May 14, 2006. In addition, William and Mary Chancellor and retired U.S. Supreme Court Justice Sandra Day O’Connor will deliver remarks to the Class of 2006.

“Archbishop Tutu’s leadership during the struggle against apartheid inspired an entire continent,” said William and Mary President Gene R. Nichol, “and his message of peace and forgiveness continues to instill a sense of encouragement throughout the world. We’re delighted to honor him along with one of our own, Willard Van Engel, whose contribution to the field of marine science—and the college’s Virginia Institute of Marine Science—is literally unparalleled.”

Professor Emeritus Willard A. Van Engel, who taught at William and Mary’s Virginia Institute of Marine Science for nearly four decades, will be recognized during the commencement ceremony with an honorary doctorate of science. Tutu will receive an honorary doctorate of human rights and social justice to share with our graduates. We are deeply honored that he will be with us to hold the position of dean of St. Mary’s Cathedral in Johannesburg. From 1976-78, Tutu served as bishop of Lesotho.

In 1978, Tutu was the first black person to be named general secretary of the South African Council of Churches. It was in this role that he became an international figure for speaking out about the racial injustice of the apartheid system. As he became more involved with anti-apartheid movement in South Africa, Tutu became a target of the government. For years, he was denied a passport to travel outside the country. That restriction was lifted in 1982 and the name Bishop Tutu became soon synonymous with the nonviolent crusade to end apartheid and racial injustice around the world.

In choosing Tutu for the Peace Prize, the Nobel Committee noted his role as a “unifying leader figure in the campaign to resolve the problem of apartheid in South Africa. The means by which this campaign is conducted is of vital importance for the whole continent of Africa and for the cause of peace in the world.” The Committee added that Tutu’s selection “should be seen as a renewed recognition of the courage and heroism shown by black South Africans in their use of peaceful methods in the struggle against apartheid.” Tutu became archbishop of Cape Town, South Africa, in 1986 and retired in 1996 and was named archbishop emeritus. After South Africa’s first democratic election, President Nelson Mandela appointed Tutu chairperson of the Truth and Reconciliation Commission, which was established to investigate previous human rights atrocities between 1960 and the president’s inauguration in 1994. The commission published its report in 1998 and the archbishop once again provided the moral voice by advising forgiveness and cooperation instead of revenge.

In addition to the Nobel Prize, Archbishop Tutu has received the Order of Meritorious Service Award, presented by President Mandela; the Archbishop of Canterbury’s Award for outstanding service to the Anglican Communion; the Family of Man Gold Award; and the Martin Luther King, Jr. Non-Violent Peace Award. Since 1998, Tutu has served as a visiting professor at several universities and has also authored several books, including his latest, “God Has a Dream: A Vision for Hope in Our Time,” which was published in 2004. In 2000, he founded the Desmond Tutu Peace Foundation with the mission to nurture peace by promoting ethical, visionary, and values-based human development.

When Willard Van Engel retired in 1985 at the age of 70, he had dedicated 39 years of his life to teaching and research at William and Mary and the School of Marine Science. In fact, Van Engel is credited with being one of the individuals responsible for the creation of the Virginia Institute of Marine Science, or VIMS.

Van Engel, also known as “Van,” led the way with cutting edge research in the Chesapeake Bay and he was a pioneer in many research areas of marine science, including his work and research of the blue crab fisheries.

Van Engel grew up in Wisconsin and attended high school in Milwaukee before serving in the U.S. Air Force. He earned bachelor’s (Ph.B) and master’s (Ph.M.) degrees in philosophy from the University of Wisconsin at Madison. In the late 1940s, Van Engel and his colleagues at the Virginia Fisheries Laboratory had the foresight to create a diverse academic community, known today as VIMS. Van Engel is also credited with initiating the need for keeping duplicates and reprints of scientific papers and reports in one centralized location—an effort that grew to become the VIMS Library. Van Engel has also been a strong supporter of the college and his generosity has allowed for the Van Engel Graduate Fellowship and VIMS Library to continue in perpetuity.

In 2003, VIMS awarded Van Engel with its first ever Lifetime Achievement Award for his outstanding contributions to the state and the college. At that time, William W. Warner, author of “Beautiful Swimmers,” called Van Engel “the complete estuaries biologist, as much at home in theoretical discussions with his scientist colleagues as he is in meeting with watermen throughout the Bay.”
What Originalism Is: A Reply to Mike Kourabas

by Will Sleeth

In the last issue of The Advocate, we made edits to Will Sleeth’s article on originalism to clarify ambiguous diction. However, we should have consulted the author before final publication. For this, we apologize and encourage readers to read Will Sleeth’s unedited article in this issue of The Advocate. —Features Editors

Two weeks ago, Mike Kourabas treated us (or maybe I should say “scared us”) with an article examining the shift on the Supreme Court following the confirmation of Justice Samuel Alito. Kourabas claimed that the vision of the Constitution expounded by Alito’s backers—that of original intent—represents a threat to Americans. The purpose of this article is to clear up the misconceptions regarding original intent created by Kourabas’ piece.

First, I want to start off by saying that Kourabas’ article contained many redeeming features. It intelligently examined the broken confirmation process and provided a solid analysis of Justice O’Connor’s legacy on the court. My point here is not to take issue with large parts of his factual analysis. Rather, the real purpose is to explain what originalism really is, free from the misconceptions portrayed in both Kourabas’ article and the popular media as a whole.

Originalism is the theory of interpreting the Constitution that holds that judges should look to how the constitution was originally understood in order to rule on its provisions. Originalism is commonly but wrongly referred to as “original intent.” It is not original intent, since different founders of the country intended a lot of different things. Originalism, rather than looking to what the Founders “intended” (an inherently subjective standard), looks to what the founding generation “understood” (a practice that will usually yield a sound, identifiable historical verdict).

Originalism is not a “conservative” or a “liberal” theory; rather, it’s a neutral theory. If there’s one thing that we should all be able to agree on, whether we’re liberal, conservative, or moderate, it is that judges should interpret the law and not make it. Judges should act like referees, leaving Congress to make the law, and keeping for themselves the task to apply it. Originalism seeks to do just this. It prevents judges from imposing their own views by providing the standard to which they should look to: the understanding of the appropriate Constitutional clause at the time of ratification. Thus, a judge is more like a historian, rather than a philosopher. He researches and arrives at a truth that anyone else doing the same research could arrive at. He does not meditate-on-high, searching for the best metaphysical answer to the question, because he recognizes that his philosophical answer would not be superior to the average guy-on-the-street’s answer. Originalism therefore prevents the judge from imposing his own views, and instead allows the democratic views of the legislature or of the ratifying generation to stand.

Today, many people think that originalism equals conservative judicial activism. This is incorrect. Let me give an example—let us consider the topic of abortion. What would an originalist say on this issue? He would look at how the Constitution was understood in 1789 at the time of its ratification, and in 1868 at the time of its amendment, and conclude that it was understood at both these time periods to say nothing on the topic of abortion. Since the constitution says nothing about abortion, the issue is left to the states for the people to democratically vote on. Some states will vote to legalize it; some will vote to ban it; some will impose restrictions somewhere between those two views. Originalism says that all of these choices should be left to the people to democratically decide, since at the time of the Constitution’s ratification and amendment, it was understood to say nothing on the topic of abortion.

What would a conservative judicial activist say about abortion? He would say that the constitution bans it. Where would he find this view? Good question, since the Constitution says nothing about the topic. He would probably make an argument similar to this: when the Constitution was ratified, it was meant to take the principles of the Declaration of Independence and incorporate them into law. Therefore, when judges interpret the constitution, they are really interpreting the Declaration of Independence as well. The Declaration refers to natural rights and natural law, and there is a longstanding natural law tradition of opposing abortion. Therefore, the Constitution bans abortion.

Now what is wrong with this view from an originalist (neutral) perspective? When the constitution was ratified, it was understood to say nothing about abortion! Therefore, it would be judicial activism for a judge to impose his own view of what he thinks on abortion to that of the people who are allowed by the Constitution to vote on the issue.

What would a liberal judicial activist say about abortion? He would say that the Constitution requires it. Where would he find this view? Good question, since the Constitution says nothing about the topic. He would argue not from a natural law perspective, but rather from a pseudo-natural rights emphasis on privacy and autonomy. He would say that the Constitution explicitly provides for a wide variety of privacies, and therefore, by implication, it provides for abortion.

Now what is wrong with this view from an originalist (neutral) perspective? When the Constitution was ratified, it was understood to say nothing about abortion! Therefore, it would be judicial activism for a judge to impose his own view of what he thinks on abortion to that of the people who are allowed by the Constitution to vote on the issue.

Both conservative and liberal judicial activism share one thing in common: they want judges to impose on the country their views of what is morally superior, in opposition to the democratic choices of the people.

The originalists on the Supreme Court therefore are not “conservatives” in the sense we think of the word when we think of a political conservative. Rather, they are neutrals, rejecting both conservative judicial activism (which would ban abortion) and liberal judicial activism (which would mandate abortion). The originalists would leave the issue to the democratic choices of the people, since the Constitution says nothing on the subject. Originalists are thus criticized from both the left and the right for their views (it so happens that Kourabas criticized them from the left). Yet originalism is not a partisan method of judging—rather, it is a philosophy that recognizes that on vital issues of national importance, judges should play the role of the fair referee and let the people decide. Scary concept? Hardly.

—Will Sleeth is the Vice-President-elect of the W&M chapter of The Federalist Society
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Features

Legal Mad Libs

by William Durbin & Rajdeep Jolly

The Internal Revenue Code

Section 117. Qualified scholarships
(a) General rule
Gross _____1_____ does not include any amount received as a(n) _____2_____ scholarship by an individual who is a candidate for a degree at a(n) _____3_____ organization described in section 170(b)(1)(A)(ii), and
(b) Qualified scholarship
For purposes of this _____4_____:
(1) In general
The term "qualified scholarship" means any amount _____5_____ by an individual as a _____6_____ or fellowship grant to the extent the individual _____7_____ that, in accordance with the conditions of the grant, such amount was _____8_____ for qualified tuition and related _____9_____ expenses
(2) Qualified tuition and related expenses
For purposes of paragraph (1), the term "qualified tuition and related _____10_____" means -
(A) tuition and fees _____11_____ for the enrollment or attendance of a student at a(n) _____12_____ organization described in section 170(b)(1)(A)(ii), and
(B) _____13_____ , books, supplies, and equipment required for _____14_____ of instruction at such an educational _____15_____.

SAMPLE
Section 117. Qualified scholarships
(a) General rule
Gross duck-billed platypus does not include any amount received as a(n) schmaltzy scholarship by an individual who is a candidate for a degree at a(n) Turkish organization described in section 170(b)(1)(A)(ii).

(b) Qualified scholarship
For purposes of this eyebrow -
(1) In general
The term "qualified scholarship" means any amount farted by an individual as a bubble gum or fellowship grant to the extent the individual snorts that, in accordance with the conditions of the grant, such amount was squatted for qualified tuition and related seminiferous tubules.
(2) Qualified tuition and related expenses
For purposes of paragraph (1), the term "qualified tuition and related chicken nuggets" means -
(A) tuition and fees belly-danced for the enrollment or attendance of a student at a(n) Cajun organization described in section 170(b)(1)(A)(ii), and
(B) Ape-like creatures, books, supplies, and equipment required for moose of instruction at such an educational circumcision.

Canadian Bacon

by Matt Dobbie

Hey, it’s been a couple of weeks since our last issue; apparently we don’t publish over spring break because of a “lack of readership”—whatever. Anyway, because it’s been a while, I thought I’d weigh in on a few random topics.

It’s the middle of March and, for most people, that’s a good thing. Winter is giving way to spring, which brings with it numerous traditions: NCAA March Madness, Spring Training and that deeply religious festival known as St. Patrick’s Day.

As everybody knows, St. Patrick’s Day is quite big in Ireland and is celebrated by people of Irish descent worldwide. This is of course to honor St. Patrick, the patron saint of Ireland and the man who converted the Irish to Christianity.1 So in honor of this deeply religious and spiritual man, everybody gets drunk. And not slightly drunk either—it’s like sloppy, puke-off-a-12th-story-balcony drunk.2 I don’t know how or why this came to pass (although I’m betting it has something to do with the Irish being a very pro-alcohol people), because—and I may be crazy—I don’t imagine that Patrick told his followers to remember him by drinking green beer until they pass out in the street.

Lots of businesses and corporations try to get into the St. Patrick’s Day spirit with special products and promotions. Guinness is the clear leader; billing themselves as the “official beer of St. Patrick’s Day,” they promote/pimp their St. Patty’s Day connection pretty much year round. On a related note, Bud is now the “Official beer of Father’s Day,” Miller has claimed Labor Day, while Natural Light is the “Official Beer of teenagers drinking in the woods to avoid the police.”

Following as a close second to Guinness in the marketing of St. Patrick’s Day is Major League Baseball (MLB), which outfits numerous teams in special green jerseys and hats for the day. In recent years, a handful of NBA and NHL teams have followed suit. Although the official reason for

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1 At least that’s what happens back home in Canada; in Virginia winter does not exist. You may think it does, but you’re wrong.
2 He is also given credit for driving all the snakes out of Ireland. I’ve always thought this was an interesting combination, like a personal challenge from Patrick to all the other saints. He looked at their efforts to convert pagans and decided it wasn’t enough just to bring the Irish to Christ; he was going to rid the island of snakes while he did it. Very impressive double takedown by the father of Celtic Christianity.
3 My buddy Studd in March 2001. Part of Studd’s long summer of 2000 campaign, an 18th month period in which he set new records for both laziness and alcohol consumption.
Word to the Wise: Avoid Trying to Dismiss Objectivity as Impossible

by Dan Hobgood

For the enjoyable “Citizen Lawyers” seminar that Dean Revelle facilitates, I recently finished a book entitled *A Nation Under Lawyers*, written by Harvard Law School Professor Mary Ann Glendon. In the book, to summarize it, Ms. Glendon argues that our legal system, over the last several decades, has become detestable in many respects. This is especially upsetting to her, a reader learns, because she believes the legal system had been at its best just prior to the last several decades—i.e., during the progressive era when, most notably, the Supreme Court delivered its ruling on *Brown v. Board of Education* (a decision Ms. Glendon would probably characterize as our legal system’s zenith).

Throughout the course of *A Nation Under Lawyers*, Ms. Glendon expresses herself quite assuredly and with considerable gusto; therefore, it surprised me when, in a chapter about her favorite judges, she nonchalantly applauded jurists who had been “resigned to the fact that total objectivity is an unattainable goal.” This statement is rather consequential because, via it, Ms. Glendon effectively repudiates the thesis of her entire book. In the same way that a person can’t eat a piece of cake and save it, too, Ms. Glendon can’t logically evaluate the legal system if she proposes that total objectivity is impossible—for if somebody proposes that total objectivity is impossible, he submits that people cannot truly evaluate anything whatsoever.

Worse still than not making sense in relationship to her thesis, Ms. Glendon’s suggestion that objectivity is impossible doesn’t even make any sense in its own right. Crucially, if one contends that there’s no such thing as true objectivity, he instantly contradicts himself: he claims to have knowledge while simultaneously trying to claim that knowledge can never exist. Given this, it is preposterous for somebody to declare it a fact that objectivity is unattainable; by asserting as much, what a person does, figuratively speaking, is bite the philosophic hand which feeds him.

That it is absurd to regard objectivity as unattainable becomes particularly apparent if two people strive to debate the issue. Inevitably, whichever one attempts to reject objectivity is going to be stuck between a rock and a hard place; besides needing to be ambivalent somehow about murder, rape, pedophilia, etc., this individual won’t be able to prevent himself from affirming the view he seeks to discredit. As soon as he has alleged that objectivity is false, he will have argued, on a fundamental level, that fact and fiction are readily identifiable; correspondingly, he concedes by default that objectivity actually is something legitimate.

Towards the conclusion of *A Nation Under Lawyers*, Ms. Glendon fittingly quotes an astute observation that famed author Alexis de Tocqueville made during the mid-19th century. It reads as follows: “The principles on which [America] rest[s], the principles of order, balance of power, true liberty, and sincere and deep respect for the law, are indispensable for all republics…[I]t is safe to conclude that where [these principles] are not found [a] republic [cannot thrive].” For my own conclusion here, let me in turn quote another well-respected French author: Voltaire, who long ago warned us that “[when people] believe in absurdities, [they] shall commit atrocities.” If we hope to preserve our great nation, we above all must devote ourselves to a steadfast defense of objectivity—to the intelligible realization that we indeed can understand the nature of the world around us. Otherwise, simply put, the political system we were once tasked to keep will undoubtedly become nothing more than a distant memory.

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CLARIFICATORY NOTES ABOUT PHILOSOPHY

by Rajdeep Singh Jolly

The Advocate recently published a thoughtful article about originalism, which contained the following passage: “[A] judge is more like a historian, rather than a philosopher. He researches and arrives at a truth that anyone else doing the same research could arrive at. He does not meditate-on-high, searching for the best metaphysical answer to the question, because he recognizes that his philosophical answer would not be superior to the average guy-on-the-street’s answer.” As a former philosophy student, whose major discipline elicits unfortunate comparisons to bullshit, I wish to make a few points about the foregoing passage.

First—metaphysics is, as I understand it, the study of conditions that can or must be satisfied before something can be said to exist. The objects of metaphysical inquiry can be as abstract as moral prescriptions, as perceptible as the redness of an apple, or as tangible as a book. Metaphysics is a sub-discipline of philosophy; a metaphysical argument is a philosophical one, but a philosophical argument need not be metaphysical, as the foregoing passage suggests. Contrary to popular belief, metaphysical inquiry is not inherently impractical; for example, to the extent that the question of God’s existence is a metaphysical one, its resolution, one way or the other, has enormous practical implications for the way individuals conceive of themselves and others, and, derivatively, for the way societies are organized.

Notwithstanding its importance as a philosophical sub-discipline, metaphysics is commonly regarded as having something to do with paranormal phenomena—an ironic development, in light of modern philosophy’s longstanding hostility toward pseudoscience and supernaturalism; and so its students and practitioners have to contend not only with charges that philosophy is bullshit and that metaphysics is an especially steamy variety thereof, but also with a fundamentally mistaken belief that it has something to do with ghosts and space aliens. Second—although there is robust debate about whether every (or even any) philosophical question admits of a single answer, one answer to a philosophical question can be worse than another or just plain bad for being inadequately justified. If we disagree about the moral permissibility of, say, abortion, and I oppose it—slogan-like, without saying anything more—on the ground that fetuses have a God-given right to life, then my answer to the question is poorly justified, owing to the presence of critical but unaddressed assumptions about the existence and nature of both God and rights.

Notwithstanding the possibility of making philosophical progress, many people—usually non-philosophers—throw their hands in the air at the appearance of a philosophical dilemma and explain away their frustration with the difficulty of the enterprise by calling it all “bullshit.” Fortunately, philosophy has the last laugh because, if you subject the proposition “Philosophy is bullshit” to critical scrutiny, you will ordinarily find that it is poorly justified.

Having offered my two Turkish liras about metaphysics, bullshit, and the possibility of arriving at a good answer, a better answer, or even the best answer to a knotty problem, I will end by confessing agreement with the principle that judges should tether themselves, as much as possible, to the text of the Constitution as understood by its authors; this serves as a fair safeguard against the specter of right-wing judicial activism, which is far more worrisome in theory and practice than the rights-affirming, people-oriented activism of progressive judges.
Sex and the Law: Sexable Hours

by Nicole Travers

Spring has almost sprung! The weather is turning freakishly warm (then freezing again), brightly colored flowers are pushing their snouts through the soil, and Jesus is hopping around wearing bunny ears and laying brightly colored Easter eggs, as is my understanding. Now is the time when the thoughts of young law students turn to getting the hell out of school. One third of Marshall-Wythe’s population will soon be leaving, never to return. But amidst our thrills of excitement in getting to wear teal robes and hats called “tams,” and wondering whether Desmond Tutu might throw a peaceful custard pie at Sandra Day O’Connor, we have one question on our minds. That question is: is there sex after law school?

Many of us 3Ls, married or unmarried, are hot-blooded lads and lasses who enjoy what sex we can get for ourselves. Though we may not have as much of it as we did in college, law school is still structured so as to allow us a healthy sex life. Once we enter the workplace, however, this will change drastically. That 8:30 class we complain so much about twice a week transforms into a 7:00 am meeting every day. Our carefully engineered three-day weekends are a thing of the past. And the homework that only affects our grade and class standing suddenly becomes vital to the well-being of our clients. All of these changes are quite reasonable, particularly when we remember that we’ll actually be getting paid for it. But how will these changes impact our sex lives?

To answer, we must first remember some basic facts about sex in general.

1. Sex takes time if it’s going to be any good, unless you’re a frat boy. The problem here is that our free time is going to essentially disappear. When we’re not at work, we’re catching up on work, or chasing ambulances trying to find more work.

2. It’s hard to schedule sex. Sex isn’t like a conference call or dinner reservation. It’s best when it is both a spontaneous and organic event, without a strict schedule. As for lawyers, though, our days will be so structured that it will be tempting to schedule personal time with our spouse or other in just as rigid a manner. To reduce this to black letter law: you can’t have sex during billable hours. A non-lawyer spouse or other is, however, going to rebel against such structure. And they ought to, because “sexable hours” are just not romantic, no matter how many truffles, roses, or conflict diamonds you purchase to mitigate this.

3. Sex has too many variables. First, you need someone else to do it with, and not everyone is lucky enough to have one stored at home, vacuuming your house in a frilly apron until you get home from work. If you don’t have a partner at home, you have to go out and find one. If you thought this was hard in college when you had time to go out and look, just wait until you start to work for 18 hours a day. And trust me, having money is not the best way to get sex. Even the shallowest of gold diggers won’t date you unless you have time to actually spend the money on him.

Second, sex makes babies and spreads disease. And unless you want one of these products of your hot lovin’, you’re going to have to take some precautions. Not only do these precautions take up time and resources you may not have, but there is the embarrassment factor as well. No one really wants their grocery receipt to sport the words “sterilical” or “ribbed for her pleasure,” no matter how necessary or enjoyable such products might be. There is also the possibility that one of these items may unexpectedly fly out of a young lawyer’s bag or briefcase a la Elaine from Seinfeld, causing no end of embarrassment.

Finally, sex is awkward. If you don’t have a partner waiting at home, you have a whole host of issues to worry about. Do you have a 7:00 am meeting? If you tell your prospective partner about said meeting, do you run the risk of him thinking “she must not be that into me,” and blowing you off? Or if you decide to run the risk and have sex with him anyway, will you have to endure a walk of shame, not to the comfort of your home, but to your office, where your co-workers will immediately recognize your suit as the one you wore yesterday? Sexual relationships, just like work relationships, must be carefully cultivated, and sometimes you just don’t have time for both. So you run the risk of either irritating your partner or irritating your colleagues. This can either lead to a lifetime of sex-free work, or having plenty of time for sex because you’re unemployed.

So what’s to be done? For those of us who weren’t lucky enough to “lock in” a spouse or partner before law school the way we can “lock in” a barBri rate, the future looks bleakly un-sexy. For those of us who have found somebody to love, it appears that we may be looking into the abyss known as “early divorce” for not performing our spousal duties. But don’t despair, things aren’t as bad as they seem. After all, we don’t have to work forever. We’ll be sitting on a fat retirement account by the time we’re 80 or so, and then we’ll have time to cruise strip clubs and find us a trophy husband/wife in the style of Anna Nicole Smith. Sure, he’ll kill us in our sleep and take all of our money after we die, but after a life of not having sex in order to be lawyers, won’t it be worth it?

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1. Except for alumni events, to sip watered down drinks, and get fleeced for cash.
2. Well, my mind, but do me the courtesy of believing that I can tap into the 3L collective consciousness.
3. And honestly, who ever does?
4. And more importantly, our bank accounts.
5. Well, unless you’re in public interest work.
6. This is what my future husband will be doing. It’s in the pre-nup.
OFF THE BEATEN PATH: Make Mine Virginia Wine

At this point, I should make a confession: I don’t like wine at all, and as a general rule, as some members of the 2L class can verify, I only enjoy consuming alcoholic beverages that contain the words “light,” “lite,” or “ice” in their names. I did see the movie Sideways and my fiancé currently has Under the Tuscan Sun in our Netflix queue, which I think should count for something. However, despite my clearly unrefined palate, the group I toured the wineries with thought the wine surprisingly good.

Four wineries that I/we can vouch for are Linden Vineyards, Naked Mountain Winery, Three Fox Vineyard, and Swedenburg Estate. Each of these vineyards is located in a very different setting, but all are situated within a 10-mile drive of one another. All have free tasting, tours, and bottles of wine for purchase. Interspersed between these vineyards are great places to stop and eat or pick up gourmet items for a picnic. A couple recommendations are hors d’oeuvres at Linden Vineyards, English pub food at the Hunter’s Head in Upperville, or the gourmet deli in Middleburg. Other wineries in the area are Rappahanock Cellars and Oasis Winery.

Even if wine isn’t your thing, just getting out into this beautiful part of the state with friends is well worth the trip. There is no denying that Virginia wine country is exceptionally beautiful. It is located deep in the heart of Virginia Hunt Country, so named for the tradition of mounted foxhunts. This area consists of rolling green hills, sunny pastures, manicured equestrian farms with white three-board fences, and the occasional quaint settlement complete with pub, inn, and antique shop.

A trip to Virginia wine country would make a perfect post-spring break/pre-exam getaway with friends or significant others. The tastings and tours are almost always free and there is no better spot in Virginia to take a picnic. For those of you on a budget, the Hampton Inn in Front Royal or a chain motel in Warrenton are good staging points. But if money is no object, then either the Ashby Inn in Paris or the Red Fox Inn in Middleburg are first rate (so I am told).

All of the information regarding Virginia Wineries is located at: http://virginia.winecountry.com/wineries. As the website indicates, there are vineyards all over the state, and creating your own winery crawl only requires a map and a few hours. To access the wineries I mentioned above, just head up I-95 to Fredericksburg and get on Route 17 North to Marshall, Virginia. It is about a 3-hour drive from Williamsburg. Another option is to head to the Charlottesville wine country region. The wineries centered around Charlottesville include Monticello, Barboursville, Oakencroft, and Kluge Estate. For those of you who will be in D.C. this summer, I really encourage you to make a weekend out of Virginia wine country, as it is only about an hour from downtown.

C A N A D I A N B A C O N

Continued from pg. 16
these alternate jerseys is to “honor our Irish fans,” the real reason is “to sell more jerseys.” I mean, is your closet incomplete without a green New York Yankees jersey?4

Although I make fun, I actually do enjoy the St. Patrick’s Day promotions put on by MLB. It just seems to fit into the fun and frivolity of spring training. You have to love spring training—everyone’s having fun; lovable players from yesteryear are hanging around the field; and, inexplicably, the Kansas City Royals actually think they might win some baseballs. It’s a wonderful time of year.

This year, the spring training atmosphere has been interrupted a little by the World Baseball Classic,5 an international competition featuring the best players from 16 countries. I won’t lie to you; I love the idea and have thoroughly enjoyed watching it. Part of this is due to the exciting and emotional baseball being played, and part of it is because the Canadians beat the Americans.6 Other highlights of the tournament include Korea beating Japan and then destroying the pitchers mound in Anaheim in order to plant their flag in middle of the field, and the laughably bad umpiring. The latter is getting to the point where even WWE matches feature better officiating then the WBC.

And now, if you’ll excuse me, I’m off to buy my limited edition St. Patrick’s Day-themed Team Canada WBC jersey. See you in two weeks.

4 Mine isn’t, and neither is Flavor Flav’s.
5 Yet another clever attempt by MLB to separate you from your wallet
6 The lesson here, like always – we’re better than you.
Happy St. Patrick’s Day!

Marshall Wythe students (and deans) started their St. Patrick’s Day celebrations in the library with a round of "Library Golf." Later in the evening, students divided into teams to compete in a Flip Cup tournament.