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The Advocate

VOLUME V, ISSUE TWO

WEDNESDAY, SEPTEMBER 26, 2007

WILLIAM & MARY SCHOOL OF LAW

This Is Not a Test: Chemical Spill Tests Emergency Notification System

by Alan Kennedy-Shaffer
Features Editor
and Abby Murchison
News Editor

When a chemical spill occurred in the Marketplace dining hall Sept. 18, W&M administrators nabbed the chance to deploy their multi-pronged emergency alert system.

The system, implemented on the heels of last April's shooting at Virginia Tech, had been scheduled for test run on Sept. 24.

Almost two hours after the 9:30 a.m. spill, members of the W&M campus community received a wave of emails, voicemails, and text messages alerting them to the incident, which forced staff and students to evacuate the Campus Center and left four Aramark employees hospitalized.

At 11:14 a.m., Vice President of Student Affairs Sam Sadler logged into the emergency notification system and alerted all students, staff, and faculty that "[t]here has been a

chemical spill in the Marketplace. The building has been evacuated. The Marketplace will not be able to serve food until further notice. The UC and Caf are available."

Within a minute, phones began to ring, text messages began to buzz, and emails began to arrive.

"I was in the middle of class, and the system worked," said law school Professor Fred Lederer. "Had I answered my phone, I would have seen a text message saying, 'There has been a chemical spill.'"

Although Lederer turned off his cell phone and apologized for the interruption to his 10:00 a.m. Evidence class, his old-fashioned ringtone led many students to discover text messages and voicemails on their phones as well.

Heidi Schultz (3L) said that she first received an automated telephone message at 11:17 a.m., followed swiftly by a text message, and finally an email at 11:35 a.m.

"I felt very well informed," she said.

After listening and reading her

messages, however, Schultz said that she felt a bit mystified as to why law students, who rarely go to the Campus Center, needed to know that the Marketplace would not be serving lunch.

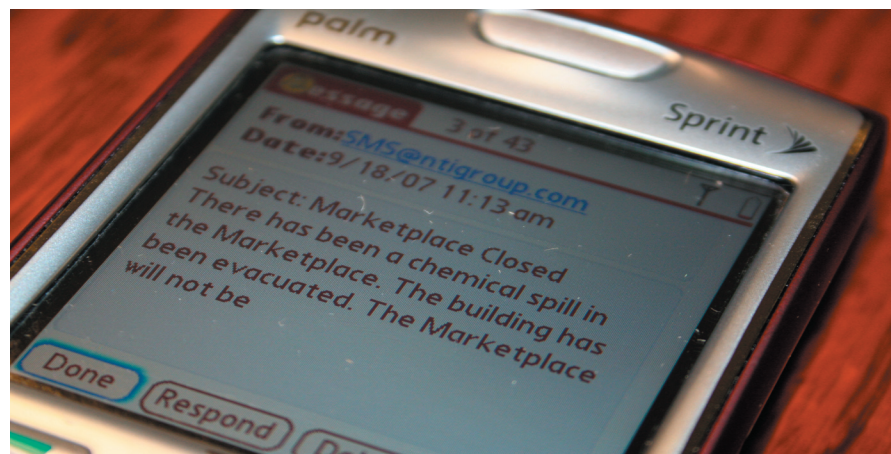
"Once I listened to the whole message, I realized it was way over on the main campus and didn't really affect me."

Other students, such as Candy Counter student worker Jacob Dreyer, did not receive the text message, even though he previously signed up to receive text message notifications through the W&M website.

"It is strange that they sent them out and I didn't get one," said Dreyer. Unlike Schultz, Dreyer had reason to care: the Candy Counter faces the Marketplace in the Campus Center.

Sadler called the unexpected test of the emergency notification system "moderately successful" and said that "word got out pretty quickly" to the 18,000 plus numbers

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A palm pilot display of the emergency message for the chemical spill that closed the Marketplace. Photo courtesy of Whitney Weatherly.

Marshall-Wythe's Iron Man

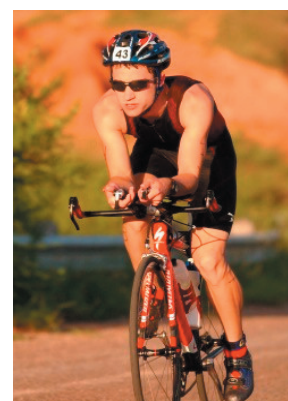
by Tara St. Angelo
Co-Editor-in-Chief

On Oct. 13, while most law students are thinking about exams (or avoiding thinking about exams) Ryan Stevens will be swimming, running, and biking in the Iron Man World Championship in Kona, Hawaii.

The Iron Man is a grueling race which starts with 2.4 miles of swimming, followed by 112 miles of biking, and ends with a marathon (26.2 miles of running). Stevens notes that the Iron Man in Hawaii

is particularly difficult. First, you are swimming in the Pacific Ocean which is choppy and contains a heavy dose of salt. If you swallow too much of the water during the race you can become very sick. In addition, the race begins with a floating start, which means that all 1,700 competitors must tread water for 10 minutes before even starting the race. Stevens is most nervous about the swimming portion of the race because he is a distance runner.

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Ryan showing us how it's done. Photo courtesy of Ryan Stevens

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Chemical Spill At William & Mary: Four Hospitalized, Campus Center Evacuated

by Alan Kennedy-Shaffer
Features Editor

The College of William & Mary's new NTI emergency alert system was tested Tuesday morning Sept. 18—but it wasn't a test. A chemical spill in the Marketplace dining hall at 9:30 a.m. caused the evacuation of the Campus Center and injured four Aramark employees, who were taken to a local hospital for evaluation and treatment.

For two hours, students, staff, and administrators waited outside the building, which includes the offices of the Vice President of Student Affairs and the Dean of the College, while the Fire Department tested for fumes from the harmful chemicals that made their way into the air ventilation system.

Vice President of Student Affairs Sam Sadler said that the fire department pulled the fire alarm and evacuated the building after "one of the Aramark workers reported



Students perusing the Marketplace selections after the chemical spill had been treated. Photo courtesy of Whitney Weatherly.

getting violently sick."

"We all got dumped out of the building about 9:30 or 9:40," he said.

Sadler said in an exclusive interview that there was "no problem with the evacuation" and that efforts to notify students and staff of the problem were "moderately successful."

Jacob Dreyer, a student worker at the Candy Counter in the Campus Center, said that the Marketplace workers were evacuated first, then the rest of the building.

"I was sitting here and saw some firemen go by," he said. "I heard the alarms. Then everyone was evacuated."

Because the Candy Counter faces both the Campus Center entrance and the Marketplace, Dreyer had an excellent view of the arrival of emergency responders and the evacuation of the building. He said that an Aramark employee had "passed out" and that both Campus Center workers and emergency responders were worried that the fumes from the chemical spill might

cause an explosion or get into the ventilation system.

"[The firemen] suggested evacuation in case the fumes got into the ventilation system," he said.

"Apparently [the harmful fumes] had circulated throughout the building to some degree," said Sadler.

Many workers in the Campus Center did not know whether the alarm bells signaled a disaster or a drill.

Beverly Tyler, the Business Manager for the Campus Center, said that the evacuation "was kind of normal, like a fire drill."

Not until Tyler was outside did she realize that the evacuation was not a drill.

"I was told there was a chemical explosion in the Marketplace," she said. "Only then did I realize what was going on."

HAZMAT, fire, and police responders quickly blocked off the back road into the Campus Center and shut down the cafeteria, where local workers often eat lunch.

"I was [across the street] cleaning the sidewalk when the ambulance showed up," said Ronald Chavers, a landscape gardener for Colonial Williamsburg and a former deputy sheriff from Hampton who eats at the Marketplace at least

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The Advocate

"Complete and objective reporting of student news and opinion"

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The letters and opinion pages of *The Advocate* are dedicated to all student opinion regardless of form or content. *The Advocate* reserves the right to edit for spelling and grammar, but not content, unless the author's content violates the law school's Honor Code.

Letters to the Editor and opinion articles may not necessarily reflect the opinion of the newspaper or its staff. All letters to the Editor should be submitted by 5 p.m. on the Thursday prior to publication.

The Advocate will not print a letter without confirmation of the author's name. We may withhold the name on request. Letters over 500 words may be returned to the writer with a request that the letter be edited for the sake of space.

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Corrections:

David Bules is from Canton, OH. An editor's note in his column, "Shug's Nights" in the previous issue incorrectly noted that Bules is from Kanton, OH.

David Bules's name was mistakenly omitted as a contributor to the article "Tom Jackson Project Crushes Hopes and Steals Candy from Babies" published in the previous issue

The article "What Does an Entertainment Lawyer Do?" was mistakenly attributed to Abby Murchison. The author was Tiffany Walden.

The article "The Arts in Brief: Tim Gunn's Guide to Style" was mistakenly omitted from the previous issue. It appears in this issue.

Virginia's Apology For Slavery: BLSA & IBRL Welcome Professor Brophy

by Lorri Barrett
Contributor

In February of this year, the Virginia Legislature became the first state legislature in the nation to issue an official apology for slavery. While the apology came short of making a commitment to achieving atonement, it did express the state's regret for its part in the slave trade. In August of this year, the mayor of London added another historic apology for slavery—apologizing for his city and for the British corporations still headquartered in London who profited from the slave industry. Currently, legislative bodies in Missouri and Maryland are debating whether to issue their own apologies. Other legislatures have enacted legislation requiring

businesses to disclose past ties to slavery.

On Thur., Sept. 20, 2007, University of Alabama Law Professor Alfred Brophy spoke at Marshall-Wythe on the topic, "Considering a University Apology for Slavery: The Case of William & Mary President Thomas R. Dew". Brophy discussed the controversy over slavery and apologies, the racial divide on this issue, and some of the moral issues on either side. He also discussed the College of William & Mary's connections to slavery. Thomas R. Dew was William & Mary's President in the 1830s-1840s. He was the author of "Review of the Debates in the Virginia Legislature," one of the most reprinted arguments on slavery in the years leading to the

Civil War.

In addition to teaching law at the University of Alabama, Brophy has written *Reconstructing the Dreamland: The Tulsa Riot of 1921* (Oxford University Press, 2002), and *Reparations Pro and Con* (Oxford University Press, 2006). He currently is working on books on jurisprudence in the Old South, and the idea of equality in early twentieth-century African-American thought and its relationship to the Civil Rights Movement.

Brophy graduated from Columbia Law School and has a Ph.D. in the History of American Civilization from Harvard University.

The event with Professor Brophy was co-sponsored by the Black Law Students Association and the Student Division of the Institute of Bill of Rights Law. The presentation provided not only the chance to talk about the virtues and pitfalls of apologizing for slavery but also to remind us about the connections of the past to the present.



Prof. Brophy signs his book for the WM library. Photo courtesy of Shalanda Franklin.



Prof. Brophy mugs it with Marshall-Wythe students, from left to right: Prof. Brophy, Joy Thompson, and Megan Tumi. Photo courtesy of Shalanda Franklin.

The NewsHour with William & Mary

by Kelly Pereira
Co-Editor-In-Chief

The NewsHour with Jim Lehrer was filmed in William & Mary Hall as part of Williamsburg's participation in the World Forum on the Future of Democracy. The forum was a multi-venue summit as part of Jamestown's 400th Anniversary.

On Mon., Sept. 17, Jim Lehrer moderated a group of esteemed panelists: the Honorable Sandra Day O'Connor, Chancellor of the College; the Honorable Lawrence S. Eagleburger, former U.S. Secretary of State under George H.W. Bush; and Dr. Ali Ansari, Director of Iranian Studies at the University of St. Andrews. The evening's theme was "The Future of Democracy: Why Does It Matter?"

The evening began with much pomp and circumstance with performances by undergraduate musicians, videos documenting Forum events from earlier in the year, and College President Gene Nichol and Virginia's Attorney General Robert F. McDonnell warming up the crowd. At 7:30 pm, NewsHour began in a format of thematic segments with previously recorded questions from W&M students and Forum participants. The questions were fielded to the panelists off the cuff with Lehrer clarifying ques-

tions and asking follow-ups.

In the first segment, "Realism and Idealism," Eagleburger noted that world democracy was veering "toward executive authority." The panelists concurred that democracy has not been successful in countries with ethnic separatism. As a former statesman, Eagleburger spoke of the experience of Yugoslavia, and O'Connor spoke of a visit that she made to Rwanda prior to the genocide. Ansari added that Iranians are accustomed to voting, not civil and human rights.

The panelists also agreed that democracy is a process. Eagleburger received an ovation from the crowd when he said, "You don't do democracy in a hurry." Although the subject of Iraq was never directly broached, it seemed certainly to be in the back of the minds of the panelists and audience.

O'Connor added that, in the words of Benjamin Franklin, we created "a republic if [we] can keep it." She stressed that democracy is something, "you don't learn through the gene pool. . . . Every generation needs to learn it." She expressed dismay that more young people reportedly know the names of the three stooges than the three branches of government.

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Conservative Court "Can Get a Lot Worse," Scholars Warn

by Rob Poggenklass
News Editor

President Bush's two appointments to the U.S. Supreme Court "have been everything conservatives could have hoped for and everything liberals could have feared," prominent law scholar Erwin Chemerinsky said during a visit to William & Mary this month.

Pam Karlan, professor of law at Stanford, and Chemerinsky, professor at Duke Law School, spoke to about 35 members of the American Constitution Society at the William & Mary School of Law on Fri. Sept. 14.

Karlan and Chemerinsky agreed that the appointments of Chief Justice John Roberts and Associate Justice Samuel Alito have swung the court decidedly to the right. Karlan expressed concern about the prospect of a Republican being elected president in 2008, which could ensure that conservatives hold the balance of power on the Court for many years.

"Things can get a lot worse," said Karlan, who does not hide her own political views. "I think of myself as a liberal, and I'm not embarrassed to say I'm a liberal."

Chemerinsky's political views are also well known: earlier this month, he signed a contract to become Dean of the new law school at UC-Irvine, scheduled to open in 2009. Just a few days later, the school's Chancellor reneged on the deal, saying that Chemerinsky's leadership and liberal views would send a polarizing message. On the day Chemerinsky spoke at William & Mary, *The New York Times* published an editorial titled "A Bad Beginning in Irvine," berating the school's decision to part ways with the Duke scholar.

At a panel discussion later that evening, John Yoo jokingly referred to Chemerinsky as the "former Dean of UC-Irvine," prompting a red-faced Chemerinsky to smile and bury his head in his hands. Last week, UC-Irvine changed course and offered Chemerinsky



Prof. Karlan (third from left) and Prof. Chemerinsky (fourth from left) with assorted law students. Photo courtesy of Mark Pike.

the job after all.

For his part, Chemerinsky reserved his judgment for the Roberts Court and, in particular, for the two newest Justices. He criticized the decision last term in *Parents Involved in Community Schools v. Seattle School District No. 1*, 127 S. Ct. 2738 (2007) in which the Court ruled that voluntary diversity programs in previously segregated school districts violated the Equal Protection Clause of the Fourteenth

Amendment. Chemerinsky suggested that the decision flew in the face of Roberts's promise to uphold local government control.

"That was not an originalist's interpretation," Chemerinsky said. "The originalists on the Court aren't originalist when it comes into conflict with their political views."

Karlan said that under Roberts's leadership, the Court has sent

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Not a Test

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in the NTI system.

He did acknowledge, however, that the system did not work perfectly and will need several adjustments before the next emergency situation arises.

"We learned some things it was important to learn," he said.

Sadler's message, for instance, was too long. Students who had signed up to receive the text message only saw the first two and a half sentences, ending with the letter "f" in the word "food."

Students whose phones were turned off only saw the number 221-4000, which is the number for the main William & Mary switchboard.

"Everyone started calling in at once," said Sadler, who subsequently had to field phone calls from inundated switchboard operators who did not know how to answer questions about either the chemical spill or the emergency notification system.

"This is a test before the test, I

guess," he said.

In a Sept. 21 email to the campus community, Sadler elaborated on the "lessons learned" during the first test. He noted that phone messages could be delayed or sound incomplete, but that people should wait on the line for them to repeat. Sadler added that to avoid excessive phone traffic—a chief goal of the alert system—people who attempt to return missed emergency calls will hear recorded instructions to check their messages.

In his email, Sadler also described a "unique" new siren alarm that, in the event of real and imminent danger, will sound three ten-second blasts followed by a three-minute drone.

Back in the law school Dean's Office, Executive Assistant Cassi Fritzius realized on Sept. 18 that the emergency notification system was working after hearing the automated message on Dean Taylor Reveley's private line. Fritzius said that after Reveley's phone rang, her cell phone rang, followed by the two office lines, a text message, and an email.



Prof. Karlan and Prof. Chemerinsky
Photo courtesy of Mark Pike.

"I was impressed by how quickly the phones were ringing," she said.

Reveley, who was out of the office when the messages came through, termed Tuesday's incident an "alpha run on the emergency plan," part of an "evolutionary process" to better prepare the campus for a disaster on the magnitude of the Virginia Tech massacre.

"Having an effective notification system is absolutely crucial to having an effective emergency plan," he said, "[but] I think the more difficult part will be spotting people like [Seung-Hui] Cho and getting them the help they need."

Moot Court: Detainees Have Habeas Rights

by Rob Poggenklass
News Editor

After hearing powerful arguments for and against the detention of so-called enemy combatants at Guantanamo Bay, the nine Justices of the Supreme Court Preview's Moot Court voted, 5-4, siding with the detainees in their quest for habeas corpus.

The Moot Court arguments, heard Fri., Sept. 14 in the McGlothlin Courtroom, were based

on two upcoming cases—*Boumediene v. Bush* and *Al Odah v. U.S.*—which will be heard by the U.S. Supreme Court this term.

Arguing for the petitioners was Pam Karlan, professor of law at Stanford University. Michael W. McConnell, professor of law at the University of Utah and a federal judge in the 10th Circuit Court of Appeals, argued for the government.

At issue in the two cases is whether foreign nationals who were

taken captive overseas and are being held at a U.S. military base on the Cuban coast may file a writ of habeas corpus—the common law right to be charged with a crime or released from detention.

According to “Chief Justice” Joan Biskupic, who covers the Supreme Court for USA Today, the case hinged on the Court's prior ruling in *Rasul v. Bush*, 542 U.S. 466 (2004). By a 6-3 margin in *Rasul*, 542 U.S. 466 (Kennedy, J., concurring), the Court held that for-

eign nationals captured outside the U.S. and detained at Guantanamo Bay—Shafiq Rasul was captured in Afghanistan in 2001—could file a writ of habeas corpus. Strangely enough, Rasul was released to the United Kingdom about 40 days before his case reached the U.S. Supreme Court.

However, much has happened since *Rasul*, McConnell maintained as he laid out the government's case

Continued on pg 7.

Iron Man

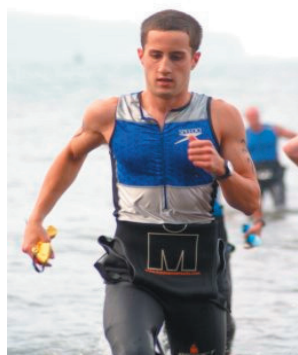
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Also, people have described the start of the race as “like being in a washing machine.” There are 1,700 people swimming and kicking.

The biking and running portions of the race are also more difficult in Hawaii because they occur on roads flanked by flowing lava fields. Stevens notes that you get heat from all angles: from the sun above, the pavement below, and the lava on the sides.

Stevens qualified for the Iron Man World Championship by winning a half iron man qualifying race in June in Lubbock, Texas. He came in first for his age group of 35 men by one minute. He had to drop out of another iron man race in order to accept the slot in Kona.

Stevens has had to work incredibly hard to get to this stage of his athletic career. He trains with a professional triathlon coach who has offered to train him for free for Kona. A single day of Stevens' training schedule is probably more tiring than one month of the average person's. He works the hardest on weekends, running 5 miles and biking 120 on Saturdays. Sundays are dedicated to a 20 mile run. On Mondays and Tuesdays he “takes it easy” and swims two miles and then runs. On Wednesdays he swims, bikes, and runs. (I do not know what he does on Thursdays and Fridays because I was too tired to write it down while just thinking about all the other exercise he does.) His Mondays and Tuesdays are so “light” because it is his recovery



Ryan Stevens Running out of the Water after a 1.2 mile swim in Lubbock, TX

Photo courtesy of Ryan Stevens

from his intense weekend workout. During this time Steven says, “I am actually getting stronger because my muscles are building back up after being broken down.” In his spare time Stevens does actually attend law school at William & Mary and is Selection Committee Chair of the trial team.

Stevens notes, “This is the biggest race of my life. The only race bigger than this is maybe the Tour de France, but that's not really an option for me since I'll be starting my career soon. I'll probably get a time I will never be able to beat.”

Stevens says that he has gotten a great deal of moral support from his friends and family. One of his biggest supporters at the law school, his morality coach, Josh Whitley says, “I am so proud of that boy.” Stevens' family is traveling from Hazelton, Pennsylvania, to Kona to watch the race. After he won the qualifying race his teenage sister said, “You are the best brother ever. I get to go to Hawaii now!” Stevens notes that this sport costs time and money and without the support of his friends and family

Conservative Court

Continued from pg 4.

a signal to plaintiffs that fewer and fewer cases will be allowed. She referred specifically to Bivins actions, the ability of people to seek damages as a result of government officials' bad behavior.

“Courts are shutting themselves down from certain kinds of claims,” she said. According to Karlan, that leaves lawyers wondering, “What will the courts allow us to get away with?” instead of “What will the Constitution allow us to do?”

Karlan suggested that the decision in *Parents* was a direct result of the replacement of retired Justice

Sandra Day O'Connor with the more conservative Alito. In 2003, O'Connor cast the deciding vote to uphold higher education affirmative action programs in *Grutter v. Bollinger*. This time when it came to diversity in schools, the new “swing Justice,” Anthony Kennedy, went the other way—the conservative way. That's a trend that has the liberal scholars frustrated.

“I'm pretty worried about where the Supreme Court is going to go,” Karlan said. “They are not in the middle of the road by any stretch of the imagination.”

Announcement

In response to concerns about the appearance of past and current Advocate issues in Google searches. The Advocate has inserted a robot.txt file into the web page. This file essentially causes Google to skip over webpages while searching the internet.

This file will be put in place as soon as possible.

The Advocate would like to thank Mark Pike, Alex Chasick and Professor Trotter Hardy for help with this issue.

If you have any questions regarding this issue please contact Tara St. Angelo at tastan@wm.edu.

Upcoming Events

Look to this space for news about meetings, speakers, and other events at the law school. If your organization has an event in the next month you would like advertised, please e-mail TheAdvocateWM@gmail.com.

Wednesday, September 26

Students for the Innocence Project Reception and Speakers. Rob and Deb Smith will be speaking about their experiences in starting a DNA database. Reception prior to the speech will be in the lobby at 6:00 p.m. followed by the presentation and video in Room 119 at 7:00 p.m. Contact Christina Murtaugh for more information.

Thursday, September 27

Phi Delta Phi (PDP) Bake Sale. Come support PDP Law Fraternity, learn more about this organization, and eat yummy cookies! 9:00 a.m. in the law school lobby. Contact Karen Gurth for more information.

Bone Marrow Drive General Interest Meeting in Room 124 from 12:50 to 1:50 p.m. Contact Jason Stickler to find out how you can help save a life.

Distinguished Lecture Series: Human Rights and National Security Law Program sponsored by the Human Rights and National Security Law Program. Professor Jordan J. Paust, Baker Law Center Professor of International Law at the University of Houston Law Center, will present a lecture titled "Human Rights at Stake in the War on Terror" at 5:00 p.m. on Thurs., Sept. 27 in Room 127. In addition to the numerous books he has authored and co-authored in the areas of international law and human rights, Paust has published over 150 articles, book chapters, papers, and essays in law journals around the world, many of which address treaties, customary international law, jurisdiction, human rights, international crimes, and the incorporation of international law into U.S. domestic law.

Friday, September 28

Writer's Workshop focusing on Sentence & Paragraph Structure in Room 124 from 1:00 p.m.-1:50 p.m. Contact Kristin Young for information and handouts.

Monday, October 1

Phi Alpha Delta Fall Outlining Event. Come meet the members of PAD legal fraternity and learn about outlining methods in Room 124 at 1:00 p.m. Contact Reneta Green for more information.

Student Hurricane Network Meeting in Room 133 at 1:00 p.m. Contact Rob Kaplan for details about this event.

Tuesday, October 2

Election Law Voter Registration Drive. Voting is kind of a big deal, so make sure you're all registered up so that you can vote on the issues that affect the place you live. In the law school lobby, Oct. 2 through Oct. 4, 10:00 a.m.-3:00 p.m. Contact Liz Howard for details.

ASP Workshop: "Outlining" Learn how to make an outline that will be your friend rather than your enemy during exams. In Room 120, 1:00 p.m.-1:50 p.m. Contact Kristin Young for details.

Wednesday, October 3

MicroMash Bar Review Information. Learn how this exam prep course can help you excel on the bar exam. In the law school lobby, 9:00 a.m.-4:00 p.m. Contact Satya Baumgartel (2L) for more information.

Careers with the Coast Guard JAG, sponsored by OCS. 12:50-1:50 pm in the Faculty Room. Contact Dean Sein for more information.

Thursday, October 4

The Federalist Society Presents Professor John McGinnis at 1:00 p.m. in Room 127. Professor John McGinnis of Northwestern University Law School will speak on "Originalism and the Constitution." Contact Will Sleeth (3L) for more information.

Friday, October 5

SBA Rafting Trip. We would like to welcome everyone to SBA's annual CRAZY, FUN, and EXCITING white water rafting trip day!!! We will leave Friday night and stay the night on the grounds. Saturday morning we will have breakfast, go rafting, have dinner, and then drive back in the evening. The price will probably be around \$90 and includes everything (except transportation). This is a once in a lifetime opportunity! If you are interested, please e-mail Sarah Fulton at sarah.fulton@verizon.net. Spots are limited! To get more info about this EXCITING adventure, check out www.rivermen.com.

"Whose Constitution Is It? Privacy, Security, and the State in the 21st Century" Presentation by David Baugh, Richmond Trial Lawyer in Room 124 from 9:00-11:15 a.m. For more information contact Jim Heller.

Brigham-Kanner Property Rights Conference presented by the William & Mary Property Rights Project and the Institute of Bills of Rights Law. Professor Margaret Jane Radin of the University of Michigan Law School will be honored with the 2007 Brigham-Kanner Property Rights Prize. The conference will include panels on Professor Radin's work, the application of redevelopment law to blight, case studies on Kelo's empowerment of condemnors, and abuses of eminent domain. The conference will run on Friday, Oct. 5 from 1:00-5:00 p.m. in Room 127 and on Saturday, Oct. 6 from 8:30 a.m.-2:00 p.m. in Room 119. For more information contact Kathy Pond at 757-221-3796 or ktpond@wm.edu.

Writer's Workshop focusing on writing correspondence pieces. In Room 124 at 1:00 p.m. Contact Kristin Young for information and handouts.

Tuesday, October 9

BAR/BRI Table Day. Come learn about this bar exam prep course in the law school lobby from 9:00 a.m.-3:30 p.m. Contact Megan Alexander for more information.

Lunch with Lawyers: Internet Law in Room 133, 12:50-1:50 p.m. Contact Judy Corello in the OCS office to sign up for this event.

Phi Delta Phi (PDP) Monthly Meeting in Room 141, 12:50-1:50 p.m. Contact Satya Baumgartel (2L) for more information.

Student Intellectual Property Society Meeting in Room 124, 12:50-1:50 p.m. Contact Benjamin Anger for more information.

Wednesday, October 10

"Representing the Unseen: Lawyering on Behalf of Detainees at Guantanamo Bay" ACS presents guest speaker Jeff Colman, Esq. of the Chicago firm Jenner & Block. He will be speaking about his experience representing enemy combatants at Guantanamo Bay, Cuba. In Room 124 at 1:00 p.m. Contact Jacksy Bilsborrow for details about this event.

Distinguished Lecture Series: Professor Robert M. Chesney Robert M. Chesney, Associate Professor of Law at Wake Forest University Law School, will speak on "Terrorism and the Convergence of Criminal and Military Detention Models" at the law school on Wednesday, Oct. 10 at 4:00 p.m. in Room 127. Free and all are welcome. Chesney is a graduate of Texas Christian University and of Harvard Law School. Among his endeavors, he is the founder and moderator of "nationalsecuritylaw," a listserv for professors and professionals, and a member of the board of directors for the Center on Law, Ethics, and National Security at Duke University. He has presented papers and lectures at a number of academic and military conferences, has received law of war training as a civilian guest at the JAG's Legal Center and School, and has participated in inspection tours of the detention facility at Guantanamo Bay in both 2005 and 2007.

Christian Legal Society Meeting in Room 141, 6:30 p.m.-8:30 p.m. Contact Bradley Ridlehoover for information about this group.

The NewsHour

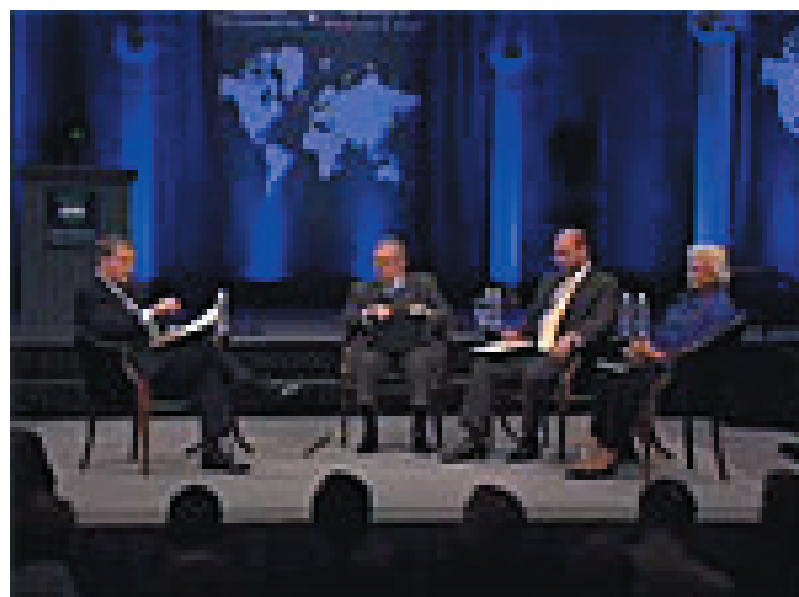
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Eagleburger noted that America “would be a second rate power, if at all [a world power]” if it only acted idealistically. All the panelists seem to agree that democracies encouraged by the U.S. which have failed do not reflect poorly on the institution of democracy itself. Yet, Ansari added, “A lot of people would laugh that America’s impulse is democracy” and not economics.

In the second panel, “Religion and Democracy,” Eagleburger put Ansari on the spot, asking point blank if democracy is compatible with Islam. Ansari answered that it is a matter of interpretation. Eagleburger ventured, at the self-acknowledged risk of being unpopular, that Christianity and specifically Protestantism had a major role in our country’s founding.

Ansari fielded other questions on the need for preserving culture when instituting democracy and stated that democracy needed to be an “organic growth” within an existing culture and not simply a transplant. All of the panelists resisted giving an easy answer to a question about what India (the world’s largest democracy) should do when facing a fragmented parliamentary election with two hundred political parties.

The panelists concurred that democracies do not necessarily provide more peace and security.



Moderator Jim Lehrer and panelists: Ali Ansari, Lawrence Eagleburger, Sandra Day O'Connor

Photo courtesy of http://www.icitizenforum.com/world_forum.cfm

Although rejecting the idea of military intervention in the case of Venezuela earlier in the evening, Eagleburger supported the general need to take security measures “within limits” that we otherwise would not take in the absence of a terrorist threat.

During the third panel, “Economics and Democracy,” the panelists acknowledged a seeming connection between democracy and capitalism. Eagleburger stated that visiting China twenty years after an initial visit was eye-opening because of the degree of change. O'Connor agreed that WTO membership has influenced China’s laws and judicial structure. Ansari added, “You can’t create a quiet, wealthy middle class.”

Both Eagleburger and Ansari agreed that a regulated economy is necessary, but all dodged questions about the environment. When

Lehrer asked O'Connor to field a question because of her reputation for being somewhat of an environmentalist, O'Connor said, “I don’t know about that.” Eagleburger stated that agreement to the Kyoto Protocol would have disastrous

economic ramifications.

In closing, the panelists addressed the final topic of “Democracy Misunderstood.” Lehrer asked each panelist to conclude with a statement on what they thought was most misunderstood about democracy. The panelists were initially at a loss for words, and Lehrer suggested leaving it as an open question, but the panelists recovered. O'Connor said, “Each of us needs to be involved to make it work.” Eagleburger said that a global solution to nuclear proliferation is vital because “nuclear disaster is hanging over our heads.” Ansari returned to his earlier comment that democracy is a process, “a means to an end.”

Moot Court

Continued from pg 5.

before the Moot Court. In 2005, Congress enacted the Detainee Treatment Act, which said that “no court, justice or judge” could hear habeas writs filed by detainees at Guantanamo. The law also provided that the D.C. Circuit Court serve as the appeals court for decisions of the military tribunal system, which determined the status of the detainees.

McConnell argued that Congress has the constitutional authority to say that habeas does not apply to detainees. He argued that under Article IV, Section 3, Congress has exclusive authority to determine the judicial territories of the United States, and that Congress has said Guantanamo is not part of the U.S. Moreover, McConnell argued that Rasul was only a statutory ruling that, in the wake of congressional and executive actions, no longer applied to detainees at Guantanamo.

In the dissent opinion read from the bench, David Savage of the *L.A. Times* agreed with McConnell. “It’s up to Congress to write the rules,” Savage said. “In this case, Congress

wrote the rules.”

Karlan argued that Guantanamo is not “a black hole” where detainees have no rights. She said that the military tribunals in many cases forbid the detainees from having lawyers. She argued that even in prisoner-of-war camps, the Geneva Conventions take effect, providing an adequate substitute for habeas. She also said that under the executive branch’s guidance, which counts financial backers of the Taliban as terrorists, “every citizen of Afghanistan would be counted” because they had paid their taxes. Karlan argued that the court should stick with its ruling in Rasul, which said that Guantanamo detainees are within the jurisdiction of U.S. courts.

Though she was hesitant to forecast the actual outcome of Al Odah and Boumediene, Biskupic said the Moot Court justices considered prior decisions. Justice Anthony Kennedy, often called the “swing Justice,” voted with the six-Justice majority in Rasul. Even if Justices Roberts and Alito side with the government, Kennedy’s vote would give the petitioners a 5-4 victory this term.

Chemical Spill

Continued from pg 1.

twice a week.

“I saw at least four ambulances,” he said, “as well as William & Mary police cars.”

At 11:30 a.m., the fire department said that it was safe to reenter the building and the Marketplace reopened shortly after noon.

One dining hall worker, who

asked not to be identified because Aramark did not permit her to speak to the press, said that “everybody’s okay,” but seemed a bit anxious about her hospitalized coworkers.

Sadler emailed students and staff later that day to say that although two of the hospitalized dining hall workers had been treated and released, two Aramark employees remained hospitalized.

“The four people taken to the hospital, they’re all fine,” he said.

We Know What You Did Last Summer...

The Movie reference may be outdated, but the Public Service Fund continues to support law students. Every year the Public Service Fund, in cooperation with the Law School, provides financial support to a large number of William & Mary students during the summer so that they can pursue opportunities with government and public interest organizations. Each issue of The Advocate will feature stories authored by the sponsored students.

Interning in the Santa Clara County District Attorney's Office

by **Tom Whiteside**
Contributor

This summer, I had the opportunity to work in the Santa Clara County District Attorney's. Santa Clara County is located about 50 miles south of San Francisco and encompasses the bulk of what is known as "Silicon Valley." The District Attorney's Office is the largest prosecutor's office in Northern California and handles thousands of crimes a year.

On my first day of work, I wondered how much court time I was going to get. My question was quickly answered when I met my supervisor, Chuck Gillingham—the prosecutor who handled the "Teri Hatcher Case" in 2002.¹ During our first conversation, Chuck made it clear that he believed in trial by

fire. He told me that as soon as I had my third-year practice certificate, I would be arguing motions in court and conducting preliminary hearings—essentially bench trials where a judge determines whether there is probable cause to proceed to trial. Within a week of receiving my certification, I had conducted two preliminary hearings and argued one motion in state court.

The very first court appearance I made was for a preliminary hearing on a hit-and-run case where the defendant was accused of running over a little girl while he was driving under the influence. Prior to a preliminary hearing, everyone involved in a case gathers in one courtroom where the judge basically calls attendance. If all the parties are present—prosecutor, defense attorney, witnesses, and

the defendant—then the case is assigned to another courtroom where the preliminary hearing is actually conducted. As I waited for "roll call," I could feel my adrenalin begin to pump. Before the judge came in, one of the prosecutors told me with a straight face that there was a direct correlation between how well a person does in their first court appearance and their subsequent career as a prosecutor. This prompted another prosecutor to begin telling me about his initial court appearance and how he almost threw up. This pre-appearance chatter did not make me feel any better.

By the time the judge entered the courtroom, I was petrified. As I sat waiting for him to call my case, I could hear my heart pounding. Suddenly, he called

out my case. I was shocked, and my mind went blank for a second. Then, I immediately stood up and announced myself, "Good morning, Your Honor. Tom Whiteside bar-certified law clerk supervised by Joe Smith for the People. The People are ready Your Honor."

The judge suddenly stopped taking notes and looked up. He gave me a smirking look that said, "You've got to be kidding me."

Had I done something wrong? Did I not say my name right? I started feeling faint. Just when it looked like he was going to address me directly, he promptly looked back down at his papers and barked, "Courtroom 54!"

I breathed a sigh of relief. The prosecutor beside me started laugh-

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¹Terri Hatcher discussed her experience for the first time in a 2006 interview with Vanity Fair. See Leslie Bennetts, Terri Hatcher's Desperate Hour, VANITY FAIR, Apr. 2006, available at <http://www.vanityfair.com/fame/features/2006/04/hatcher200604>.

Thank You PSF! My Summer at the EEOC

by **Megan Erb**
Contributor

My summer at the Equal Employment Opportunity Commission was not the typical 2L summer job. While some of my classmates were off being wined and dined at law firms in NYC and DC, I was an unpaid employee of the federal government. However, I was certainly not alone. The EEOC had a total of 40 legal interns – only five of which worked with me in the Office of Legal Counsel.

After getting over the initial disappointment that I would probably not get schmoozed by the federal government with power lunches on the hill or exorbitant summer bonuses, I did have legitimate goals for my summer – primary among them was to experience how public policy is made and implemented. After an initial meeting with the at-

torney who would oversee most of my summer work, we decided that research, writing policy memos on recent developments in the employment field and revising some of the EEOC "Best Practices" Guidelines was the best way to accomplish my goal of experiencing public policy.

However, some of the best/worst days of the summer were the days I worked as the "Attorney of the Day." During these occasions, it was my responsibility to provide information and recommendations to employers and employees who called the EEOC asking for legal advice. It was the epitome of a "sink or swim" job and my advising attorney took a decidedly hands-off approach to advising me during these occasions. Some of the employee callers had legitimate work problems and sincerely needed help. For these employees, I explained

their rights and gave them as much information as possible regarding who to contact, what laws applied and whether they were protected.

Other employee callers were belligerent people who only wanted someone new to yell at and blame for their life crises. It was impossible to help these people (yet they did add some very necessary levity to a stressful day). As anyone who has interned or worked for a member of Congress knows, the only thing to do when a person calls looking to vent is to play along, assuring them that the world indeed was evil and that I could sympathize with their plight.

Yet, the most interesting callers were from the employers, who were concerned about their company policies and potential liabilities to employees. Employers can be attacked from every angle and must be careful in what they

say and how they treat employees. The employer's problems usually ranged from diseased employees, to scandals among supervisors and subordinates, or to issues with mergers. It became apparent that general counsel for many private corporations usually relied on agencies like the EEOC to avoid potential lawsuits.

Overall, despite not getting a personal note from the president thanking me for a job well done, it was a great summer. The interns that I worked with this summer tended to be like-minded individuals, who were interested in public policy and public service, yet also understood that DC was a fabulous city that needed exploring. I would highly recommend looking outside the normal law firm box if you're interested in public policy and the opportunity to immediately gain real world legal experience.

Shug's Nights: Nonsense from the Mind of David Bules

by David Bules
Features Staff Writer



This is the story of my trip home for my sister's wedding. Before you put this down and stop reading, give it a shot. It's a pretty odd story and has little to do with the actual wedding. Let's get something out of the way quickly, without delv-

ing too much into it: I don't get along with my "mother's side of the family," which includes my three sisters. Now, I've skipped one sister's wedding already, but since my father was attending this wedding I felt obligated. So the fact that I went to the wedding and skipped Bar Crawl is a sensitive subject.

I began my trip Friday afternoon soon after waking up at the crack of 12:30 pm. Another late night of playing Corn Hole with Dave

Peters and Amy Owens...oops. Now, I was excited for this trip, not because of the wedding, but because my flight was going through Boston. I've never been to Boston, but I love airports. I thought going through Boston would be more fun than my usual trip through Atlanta. (If you're wondering why I usually have to go through Atlanta to get to Ohio, your guess is as good as mine.) Anyway, I was very proud of myself for checking in online, getting to the airport on time and for the first time ever, traveling with only carry-on bags (yup, left all the liquids at home). Well, to my surprise, while reading about Fred Thompson at the newsstand, I got a call from a fellow student, Jennie Cordis (3L). She said, "Turn around!" This was only slightly creepy, but Jennie was at the Newport News airport and was on the same flight as me. This was easily the most exciting part of my day.

Jennie is on her way to Boston to meet up with her boyfriend and my friend Les Boswell (W&M Law '07) for a wedding. Our first flight was "mediocre" according to the captain. It was a little bumpy, but we landed 15 minutes early. Meanwhile, Les's flight got cancelled, but Jennie had to wait

at the airport to pick up another wedding guest, Lynn Spies (wife of Mike Spies W&M '07). After a quick chowder and a few beers I'm off to my next flight, a 6:53 p.m. departure.

After getting on the plane I decided this is the best trip through a busy airport I've ever had. And then... "Excuse me folks, I think you heard some hesitation in my voice when I was giving you the flight plan. My hesitation is now a reality. A warning light just came on, and we're going to have to ask everyone to exit the plane." As we exited the plane this nice flight attendant says, "We'll have you back on here in five minutes, just a minor problem." Well I got a dirty look when I laughed at her, but I was right. Five minutes later a nice Air Tran guy announced, "Well, the plane is broken. We have to get you a new plane. That plane is in Baltimore and has not taken off yet. It will be here at 9:40, putting you into Canton at 11:50."

The events that followed can only be described as absolutely absurd. Jennie and I met at the Sam Adams bar in the next terminal. A few beers later we see a group of

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We Still Know What You Did Last Summer...

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Mmmm...Burritos

by Cameron M. Rountree
Contributor

Made famous by Reggie Bush's eye-black, the city that calls the 619 area code home is where I served my summer internship. For those not in the know, the city is San Diego and I worked at the civil division of the City Attorney's office.

Shedding the Code of Wythe for three months, I eagerly adopted the San Diego Municipal Code as my legal Bible and assisted Deputy City Attorneys in addressing current legal issues facing the city. Some of the specific topics I treated were: mini-dorms (and the morally corrosive impact of cohabitation among binge-drinking twenty-somethings upon San Diego State University neighborhoods), city liability for injuries sustained while in the performance of an early morning arrest on a poorly maintained sidewalk outside of a bar, and research into the litigation history of two community development groups in a traditionally Latino neighborhood, to name a few. By far, I found the biggest distinction between the real world legal environment and the static womb of academia to be the impact the work my colleagues and I had on the actual crafting of policy. We were heavily relied upon to fill a gap of capable assistants who were responsible for the initial cut at directing the City's legal opinions.

The opportunity we had to be the individuals responsible for initiating a change to residents' lives was empowering, not to mention a great stroke to the ego.

To be sure, however, my time in the Paradise of the Pacific was not wholly dominated by legal discourse and the chance I had to pursue other interests was just as intriguing to me as the legal work. My daily routine consisted of working about six hours a day after which I would come home and go for a run in historic Old Town, Balboa Park, or Mission Beach. After that I would often meet friends or co-workers for happy hour, fish tacos, or a swim in the "refreshing" (i.e. cold) waters of the Pacific or Mission Bay. Nights were filled with playing kickball (yup, the game you played in grade school P.E.), watching the Padres and Chargers (pre-season sans LT), or strolling down 6th Avenue in the Gaslamp. Lastly, on the weekends, if it wasn't a holiday with an ice luge on the beach, my friends and I would wonder down to Mexico for spiny lobster, or I would teach sailing classes with the assistance of a reliable south-westerly breeze.

Of course graciousness dictates hearty recognition to the Public Service Fund and fellowship coordinators, without whom this opportunity would have been missed. In addition to helping me fill my wallet, the funds helped keep me

Santa Clara D.A.

Continued from pg 8.

ing and said sarcastically, "Amazing. The 'good morning, Your Honor' was an excellent touch. Superb, simply superb."

I smiled weakly at her and quickly walked out of the courtroom.

I don't remember a whole lot about the preliminary hearing that occurred afterwards. I do remember that while I was conducting the direct examination of my first witness, I felt strangely calm. In fact, I wasn't nervous at all during the entire hearing. Evidently, I had used up all my adrenalin when announcing myself during roll call. Thirty minutes later it was over. Luckily, the judge ruled in the People's favor and held that

there was probable cause to find that the defendant had committed the hit-and-run as charged. I had successfully made it through my first preliminary hearing.

I went on to have an incredible internship experience at the Santa Clara District Attorney's Office. By the end of my twelve-week internship I had argued six motions and conducted nine preliminary hearings. Although the cases I handled grew more and more complex, I was never as terrified in court as I was on that first day. In addition, I also had many great experiences outside of work. Interning at a prosecutor's office in the Bay Area gave me the opportunity to explore one of the most beautiful and interesting parts of the country. None of this would have been possible without the funding and support that I received from PSF.

Innocent Until Proven Lame: Over-Driven

by John Newton
Features Staff Writer



Hubris is a funny thing. It fuels our passion to succeed in the classroom, driving us to be ultra-prepared for class in order to avoid embarrassment. The quantity and quality of our job interviews become a badge of pride, worn on the lapel of every pressed suit in which we strut around the halls of Marshall-Wythe. Journal selections take on the eerie quality of an intellectual status indicator. Even an annual softball tournament causes some students to gather all of the elite hardball talent onto one mighty team, crushing the spirit of all other teams, while proving their physical superiority. Yes, we law students take pride in almost every area of our lives. This is why a quick scan of the law school parking lot reveals an irony of sorts: most law students cruise Williamsburg in hoopties.

It seems fitting that law students, bred for monetary greatness, should be forced to swallow our

pride as we clank around town in our vehicles, praying that the journey will not be the car's last. Even if you are now blessed with a reliable, attractive car, you most likely have dealt with a less desirable transportation option at some point in your life. In high school, I proudly drove a 1984 Honda Accord. The excitement of owning my first car wore off quickly when I realized that the brakes were engaged, even when my foot was not on them. Attempts to fix the problem proved futile, so my car maxed out around fifty miles per hour. Unfortunately, I took a wrong turn one day and found myself putting along on the interstate as cars zipped by me. On the positive side, I learned many new curse words as people yelled at me while waving from their velocity-endowed vehicles. Of course, my Honda had its perks. Who knew car manufacturers had invented power windows by 1984? However, the passenger's side window did not age gracefully. Friends would excitedly approach my car to converse with me, only to walk away when the window had not moved more than an inch after a full minute of

holding down the button. Some of you might be familiar with the car to which I upgraded: a 1993 Ford Escort station wagon. Its lack of air conditioning ensured that I arrived at every job interview last year with a beautiful layer of sweat covering my body, as well as an attractive wind-blown appearance to my hair. And its hatchback shape and tan exterior ensured that I could never depend on my car to garner me any positive social status.

Other Marshall-Wythe scholars have experienced the thrills and chills that accompany the ownership of a hooptie. Alison Stuart (3L) drove an '86 Chevy Nova in high school. While everyone else left the parking lot every day in nice cars, she would stall out, only exiting the lot after subsequent attempts to cajole her Nova into motion. If she turned a corner while her air conditioning was on, Alison's feet would be covered in a gush of cold water from under the dash board. She kept a spare pair of shoes in the backseat. You might be aware of a 1992 Mercury Topaz in the parking lot bearing a bumper sticker that asks fellow drivers to "honk if you see something fall off." This

jewel of a machine belongs to Katy Mikols (3L). While you might laugh at the hilarity of her bumper sticker, you should know that her exhaust pipe fell off on an excursion to New Jersey, and people honked. On the same trip, Katy managed to maintain her sanity, despite the constant presence of a dinging noise informing her that her lights were on while her door was open. The Topaz also must be put in neutral to avoid stalling out when it is not in motion, and the driver's side windshield wiper flies off if it is pushed past medium speed. No end is in sight for Katy's transportation tribulations.

Lauren Hughes (2L) is frequently accused of transporting geese in her car when friends phoning her hear the sound her brakes make. Until his recent acquisition of a new vehicle, Nathan Pollard, a third-year, had to plug in his 1982 Mercedes. Its need for diesel fuel and lack of antifreeze mandated its connection to an extension cord that actually plugged into an outlet in Nathan's house. When outlet space ran out, he alternated plugging in his alarm clock and his car. Dana

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Shug's Nights

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drunken hooligans, one of whom is carrying one of those fake dogs on a leash. It's pink, and he's making it crawl up the leg of just about every bar patron he sees. Oh, and he's wearing a Jamaican Rasta hat complete with fake dreadlocks. This guy came straight out of "To Catch a Predator." And another guy was wearing one of those beer helmets that can fit one beer on each side.

After watching the hooligans spill beer all over the place, I headed back to my gate to catch my flight. As soon as I get there they announced that we have changed gates and we are now waiting another hour for the flight. I called Jennie to relay the news and we realized that we were waiting for the same plane to arrive. Naturally I found another bar, the third one I visited that night. The plane ar-

rived and I boarded. Ten hours after leaving Williamsburg I finally reached Canton. Saturday morning. I could've driven there faster. Besides hanging out with Jennie the lone bright spot was the free round-trip ticket we all received for the delays.

Saturday was relatively quiet during the day. The wedding was not until 6 p.m., but after fighting with my sister numerous times over her decision to have a "dry" wedding, I knew I had a lot to accomplish before then. After a full day of running around with my family, I had one important thing to take care of when I returned home to put on my suit. Like I said this was going to be a dry wedding. I had threatened to bring a flask if my sister did not reconsider her terrible decision, but ultimately decided to leave it in Williamsburg. I think the point where she hung up on me was when I said, "Just because you don't drink doesn't mean you have to punish everyone else." Her poor decision did not stop me from

taking shots of Goldschläger with my step-mom before leaving for the wedding. The wedding itself was odd, but you'd have to know my weird sister to understand. We always told her she was adopted, and this wedding showed why we were probably right. The ceremony included the minister asking, "Deal or No Deal?" to my sister's future husband, and then when it was time for my sister to say, "I do," she stepped back and walked over to a flower arrangement and told the entire audience to "hold on one moment." I totally thought she was about to bolt and leave her man standing at the altar. As if this wedding wasn't odd enough already, she started fussing with said flower arrangement and then pulled out a megaphone. She walked back to the minister and her future husband and screamed, "I DO! I DEFINITELY DO!" into the megaphone. Folks I can't make this stuff up.

Sunday rolled around and I was off to Cleveland for the Browns/Bengals game. First of all, if you

don't know anything about football, the Browns are horrendous. Secondly, I am more of a Bengals fan, because a) I work in Cincinnati and b) the Bengal running backs are Auburn guys. This game was one of the best I've seen in person. Add in the vendors selling t-shirts that read, "I love Appalachian St." (Michigan reference) and "Who Dey Gonna Arrest Next?" (hilarious Bengal reference to their battle cry and criminal troubles) and it was a pretty good day.

I'll end this with one last bit of flight drama. My Monday morning flight was at 5:44 a.m. After my alarm failed to go off and my dad forgot to wake up on time, he came running into my room at 4:45 a.m. Long story short, I checked in online with 1 minute to spare, he drove 70 m.p.h. to the airport, I walked onto my plane on time, changed flights in Atlanta, walked off the plane in Newport news at 9:33 AM and walked into Health Law at 10:01 a.m. Nothing short of a miracle.

Found in Our Inbox...

Sometimes The Advocate prints things that neither David Bules nor Nathan Pollard thought up in the shower the night before the paper went to print. Sometimes we find anonymous submissions from our inbox. If you are not Bules or Pollard and would like to print something anonymously, send it to TheAdvocateWM@gmail.com.

It's Hard Out Here for a 2L

by **Figurative 3.6 Mafia***
Fictional Character

CHORUS: You know it's hard out here for a 2L (you ain't knowin')

When he tryin to get this treatise for a 'check (you ain't knowin')

For the coffees black and Fit Pass at the Rec (you ain't goin')

[1] Because a whole lot of authors don't cite shit (you ain't knowin')

[2] We'll let a whole lot of authors not cite shit (they ain't goin') [Jay-d]

In my eyes I done seen some crazy thangs in the stacks

Gotta couple GrFs workin' all my outlines for me

'Cause I gotta keep my Note tight, like Nino on states' rights

But takin' from a 1L don't know no better, I know that ain't right

Done seen people panicked, done seen people deal

Done seen people live on Lexis candy as meals

It's fucked up here I live, but that's just how it is

Library be new to you, I been right here for years

It's blood, sweat and tears – need a comma there, shit!

I'm tryin' to get called back so I'm not slingin' Big Macs

I'm tryin' to have faith but it's hard fo' a 2L

And I'm prayin' and hopin' to God I'm not a tool, yeah

[Chorus] [Jay-d]

Man it seems like I'm gettin' law firm rejects every day

Partnerz hatin' on me cause I got Bs and not As

But I gotta stay calm, gotta drink more...water

Couldn't give up Client B, that's when shit got harder

North Henry where I'm at, I'm Green Leaf bound

Where towniez all the time should be buyin' me rounds

Man these folks think we prove thangs, logic we buy it

They go drinkin' every night, they might end up bein' my client

Well I had a "June Morgan," and a 'lergic dude too

You pay the right price and I'll represent you

That's the way the game goes, gotta keep strictly to hypos

Gotta earn my third year cert, and change all of these typos.

Nathan Pollard's State of *The Advocate*

Dear Editors,

So at the bar crawl I received a couple shout outs from 1Ls who actually read *The Advocate* (I think they may have been confused at the time and meant they read the menu at South of the Border). They were not referring to my article of course; these people were excited about the 300 articles about Shana Hofstetter and were wondering if the entire paper could be about her. Sorry to disappoint, but I am pretty sure *The Advocate* has to have at least 10% non-Shana related articles

each week, so you are stuck with me writing about something other than her (except for that last bit).

All of this got me to thinking: have I been doing a disservice to people by writing what is basically the rambling train-of-thought of a young kid whose got nothing to lose? Do they really want to read about how great the 3L lifestyle is and that Kate Codd actually goes out now on weekdays (and bathes in Tabasco sauce at the bar, no less)? What is it that people want to read about in their law school paper?

Skipping all the "interesting" stuff from the first pages (which I guesstimate nearly tens of people read), I looked at the Features section and tried to make sense of it all. Bules writes a gigantic superlatives section shouting out to his friends, and for some reason, bringing to light my—but which should have been Mike Kourabas's—Jesse Kastopolis hair obsession. Rob Thomas hones his interest in all things creepy (Edward Scissorhands, Satan, Hannah Montana) and writes a "witty" satire every week that always leaves us scratching our heads, like we just read a Gary Larson cartoon. Finally, the

new kid, John Newton—who has still yet to learn that you don't need to use footnotes in a newspaper article—surveys our foibles and brings them out into the open. So what has this all taught me. Nothing. I have learned nothing...and neither have you thus far from reading this paper. I will not try to help the world or write articles that really get to the heart of "issues" and "things," and I will keep going back to what is more important than journalism: defamation and getting myself in trouble with the various groups at the law school.

Love Always,

Nathan Pollard

Don't Take This Seriously: To Catch a Predator ...Williamsburg

by **Nathan Pollard**
Features Staff Writer



As the title of the article suggests, I love "To Catch A Predator" (TCAP), almost as much as the 2Ls love studying, not going out, and being completely lame. Now, most of you are probably thinking that this is where I will start making fun of certain individuals for being "predators." But I don't need to make fun of them, because, let's be honest, their lives have already

done that for them.

No, I wanted to take the angle of using TCAP as a springboard to discuss George Bush's recent decisions regarding troop withdrawal and its socioeconomic impact on Northern Iraq. Tara (the Co-Editor-in-Chief of *The Advocate*...who is from New Jersey...whose parents look like Billy Ray Cyrus and a Bon Jovi groupy...need I say more?), however, thought that this would probably confuse my normal reader (notice the lack of an "s"). So I will try, instead, to make a correlation between the ways the show treats the criminals and how our school

treats its students.

Watching this show gives you a glimpse into the seedy underbelly of society, and also a chance to possibly see your friends on TV. If you don't know the show, go to Wikipedia or watch MSNBC at basically any time of any day (although there might be a prison show or Stone Philips on the other two hours of the day when TCAP isn't on). Much like TCAP, but lacking the whole "creepy guys trying to get with young children" angle (well keep the "creepy guy" angle), the law school acts like *Dateline* and sets you up for embarrassment,

public ridicule, a lot of sweating (if you hang around Dave Peters or Eric Topor), legal action, and eventually prison (or, as I like to call it, "a firm").

Much like TCAP, William & Mary lulls you into a false sense of safety. The 1Ls see that light class load without the pressure of the job hunt, citechecks, and having to keep the reputation of being completely lame (which I must say the current 2Ls are doing a fantastic job of) just as those predators see that 13 year old girl and pitcher of lemonade

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The Arts Brief

Look to this space each week for the more "cultured" side of *The Advocate*

Tim Gunn's Guide to Style

by Jenny Kane
Arts Correspondent

This column was originally slated to run in the Sept., 12 2007 issue of The Advocate, but due to an editing mistake was left out.

Facts:

Bravo television proffers its newest reality series as Tim Gunn's "makeover of the makeover show." Gunn, formerly Dean of Parsons School of Design and currently chief creative officer of Liz Claiborne, Inc., is best known to viewers for his role as workroom mentor and confidante on the Bravo hit "Project Runway." In "Guide to Style" (the title and concept of the show are drawn from Gunn's recent book), Gunn, with the aid of former supermodel Veronica Webb as his sidekick, takes an apparently helpless fashion victim under his well-tailored wing, and convinces her to give up her shapeless t-shirts for structured jackets and wrap dresses. The first episode focuses on Rebecca, a 20-something newlywed from the Tri-State area, who "has not worn a dress



Tim Gunn and his co-host Veronica Webb

in two-and-a-half years" and has feared showing off her curves due to lack of confidence for even longer. After Gunn, Webb, and their hair, makeup and "lifestyle" associates have coached Rebecca through a barrage of tips and transformations, the once victim emerges in a Catherine Malandrino dress to the tears and applause of friends and family—a new woman.

Procedural History:

We cannot help but see "Guide to Style" as an upscale cousin of the longtime TLC reality makeover show "What Not to Wear" hosted by Stacey London and Clinton Kelley. Of course, the makeover

trope is ubiquitous across a wide variety of television genres these days: from daytime to primetime, fashion consultations to plastic surgery.

Issue:

Whether Gunn can really (to borrow his catchphrase of "Runway" fame) "make it work" with his own show and whether "Guide to Style" will stand out in an admittedly crowded reality television marketplace.

Holding:

No, sadly. While the well-edited aesthetic of "Tim Gunn's Guide to Style" is refreshing, overall Gunn's reserved and erudite persona is not suited to assuming this principal role in even a "dressed-up" reality series.

Reasoning:

Unlike other reality makeover shows, "Guide to Style" is as pointed as the Gunn we have come to adore from his, albeit brief, appearances in "Project Runway." There are moments in "Guide to Style" when Gunn delivers the blunt and witty asides we expect from him: "Doesn't this look like a shaved hamster," he comments

while cleaning out the participant's closet. Or, with epigrammatic perfection: "This is woeful," regarding another outfit. However, such moments are lost in what feels like an hour-long trudge, which lacks the verve and self-mockery of, for example, "What Not to Wear." For a fashion reality show, "Guide to Style" is simply too quiet; no need for a Stacey London "Shut up!" here. Webb's presence has some redeeming effect, and incorporating visits to the stores and studios of "design stars" like Malandrino and Bill Blass to find "the perfect outfit" is unexpected. Nevertheless, if you seek Gunn's personal style advice, it seems you had better consult his book—*Tim Gunn: A Guide to Quality, Taste and Style* (Abrams Image 2007)—at least until the new season of "Project Runway" premieres later this year. As *The Washington Post* aptly observed, when explaining how to clean out one's closet in his book, Gunn quotes Kierkegaard.

"Tim Gunn's Guide to Style" airs Thursday nights on Bravo at 10 p.m. ET.

Bring It!: My 1L Experience With Totally Lame Cliques

by Rob
Thomas
Features
Staff



So, this column is for all the totes kewl 1Ls in the hizzy, and it's dedicated to the sweet friendships y'all have undoubtedly made over the last four weeks! I remember when I first got here I met sooo many new and awesome peeps in SUCH a short time, and it was really overwhelming but also really, really fun! But my most special BFFs were, and still are, my roommates from the GradPlex (we called it the RadPlex, omgomg lololol!!1!!1!!). We hit some rough spots and started

to grow apart during 1L year, but now we're as close as we've ever been!

The first roomie I met on Move-In Day was Dan Leary, and I could totally tell he was, like, into sports and being kind of jocky and stuff. He had a Rutgers letter jacket to prove it, and he still RoCkz It HaRdCoRe! He liked to talk about the New England Patriots and other sports teams, and he was always going on runs and doing pushups in his room.

My second roomie was Mike Kourabas, who was more artsy and indie, but not in like a weird or mean way. He listened to lots of alternative music that he found from Pitchforkmedia.com and he

even played guitar! He sent me some songs from bands that he liked, and they were ok, but not really my style. Still, he was totally kewl and we got along great.

The last roomie was Ben Lusty, who was more of the strong, silent type. All business, you know what I mean? I could tell he would be more into the books than partying, but that's totally fine. I mean, we're in law school, right? Besides, if we had the same classes, I knew I'd have someone to help me out in case I missed a class here or there, haha! Even though I was more into partying, we still had really deep conversations about stuff. Those were great, and I still cherish them. For realz.

In fact, all four of us hit it off pretty much immediately! We would have breakfast together before class and, no matter how busy we were, we'd always make sure to have at least one dinner together during the week, you know, just to catch up and everything. Still, as the weeks went on, we could all tell there was trouble in paradise. :-(

It first started when Ben decided he didn't want to go out on Thursdays for bar review because he wanted to start outlining for exams. The rest of us were like, "Um, ok, that's cool, he doesn't drink that much anyway and he just wants to get ahead." But then, we caught

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Bring It!

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him at Cheeburger Cheeburger with some other brainy types and he said he was just taking a study break, but we were really skeptical. He looked WAAAAAY guilty in between bites of onion rings.

Then Dan started hanging out with more of the jocks and, after workouts, they'd go to the HoHouse like every night to break it down to Bon Jovi and Journey. I went there a couple of times, but I was totally sketched out. But, I mean, it still wasn't that big a deal. I still saw him around the Plex and at class and stuff, and we got along fine. But still, the HoHouse? Eeeew.

I figured that even if Ben and Dan went their own separate ways, I'd still have Mike, right? Not so much, y'all. We had totally planned on bringing our respective girlfriends down to the 'Burg for Fall from Grace and we were just gonna rage it up. It was gonna be awesome. At, like, the last second, Mike bailed and said his gurlie couldn't come. So I'm like, ok, these things happen. I asked him if he wanted to go anyway, and he said that he was just gonna stay at home and watch a movie or something. So, I went to FFG and raged it up fine, and later on I found out that Mike was hanging out with other artsy fartsy types the whole time, listening to Arcade Fire and reading *The New Yorker* or whatever. That was the last straw, y'all.

I called a RadPlex meeting on Friday to sort this shiz out for good. I told the guys that I was totally upset about how we didn't hang out nearly as much and how I felt like we were growing apart. They all looked confused and they accused me of drifting apart from them! WTF??? So I asked them what the hell they were talking about, and they started talking all sorts of crap about how I'd started hanging out with Nathan Pollard and the other popular kids, and had totally dissed them whenever they'd tried to come up and hang out while I was with that group. Of course, I said that was a load of BS, and called out the other three for all the crap that they'd pulled. Then,

Mike, Dan, and Ben started turning on each other with everything they had noticed. Needless to say, it turned into a major b*tch-fest. We each wound up storming off to our rooms and slamming our doors at the exact same time.

The next couple of days were totally miz. We didn't speak to each other unless we absolutely had to. I was completely bummed, and I wondered how things had become so awful in the No-LoNgEr-RaD-pLeX. To get my mind off of how sucky things were, I went out with Nathan and some other people for dollar Kewlronas. I went to the bathroom, and only the stall was open, so I went in there. While doing my thing, I overheard Nathan and Eric Topor talking about how all the 1Ls at the time were perfectly organized into cliques, and how he was obviously holding the strings and everything. He said "We totally rock, and I'm gonna be class president, obvi."

"Obvi," grunted Topor. O... M...G! I had been played like a freaking fiddle. This whole time, Nathan and his b*tch-@\$\$b*tches had been setting everyone against each other and making sure we were all divided and stuff. I bailed from Paul's and called another RadPlex meeting, STAT. It time to get everyone to agree to meet up because tempers were still pretty high. Dan was definitely really pissed because of all the crap we said about Bon Jovi, but he agreed eventually.

I told them all that I'd heard, and they were all waaaaay flabbergasted (I love that word! LMAO). Dan suggested kicking some a\$\$s. Ben wanted to figure out and dismantle Nathan's political machinations (that's what Ben said, I still don't know what it means really). Mike wanted to stage a sit-in protest and write to *The Advocate*. I said, "Whoa, whoa, whoa, bros. Don't get mad, get even!" They asked me how, and I responded with two simple words: "Date Auction."

It was perfect, y'all. Nathan is really good at piano and singing and smiling, and he was planning on taking complete control of the student body at PSF's DateAuction. I figured that the only way we could beat him at his own game was to get a higher bid from someone.

"Dude, we'll never beat him!

He knows like a million Billy Joel songs! Chicks love Billy Joel!" exclaimed Mike.

"Yeah, but what kind of music do chicks like more than Billy Joel?"

"Bon Jovi?" asked Dan.

"No, retard! They love slightly funny, yet somewhat serious versions of classic boy band songs!"

"F%\$* yeah!!" shouted Ben.

We definitely kick-started the old bond that we had, and we worked out the most dope rendition of "I Want It That Way" that is humanly possibly possible. We needed a Howie Dorough, so we recruited J.D. Goodman, who was really cool about helping out (thx J.D.!! :-P). We were all TOTALLY stressing as date auction approached, but we knew we'd kick @ss.

Finally, the big event. The crowd was kinda bored for the first half of the show, and they were looking for something to really get the party started. Nathan came out and did a medley of "Piano Man" and "Big Shot," and the crowd pretty much flipped. We were way nervz. I felt like I had to say something.

"Guys, I know we've totally had our problems, and maybe doing 'I Want It That Way' is like 7 years too late, but listen! We've

got a great routine, and we can totally show this douche Nathan that he can't control us, and he can't control our friendship. I heart you guys!" The bros were definitely pumped, and even Ben stopped stressing for a while. We went out there and lip-synched the crap out of "I Want It That Way," wearing matching Abercrombie khakis and white Polo oxford shirts.

Y'all, I don't mean to brag, but we killed it! We totally got more total bids than Nathan did! Mike was attached to a prize for two tickets to see Blonde Redhead in concert. Dan was connected to a year-long membership to Gold's Gym. Lusty was affiliated with a Cheeburger Cheeburger credit card. And me? Banana Republic shopping spree, baby! From then on, Nathan's social clique empire totally crumbled, and now all of us 3Ls are friends, no matter what!

So 1Ls, you should definitely stick with the 4realz friends that you make, regardless of whether they are brains, jocks, indie whatever, or, like me, pArTy BoLz. Most importantly, remember this: When the chips are down, and your relationships suffer because of outside commitments or otherwise personal growth, just remember that everything can be fixed with a competitive talent contest. Peace!! :-*

Over-Driven

Continued from pg 10.

Hall (2L) formerly drove a '94 Nissan Quest with a malfunctioning driver's side door. When he opened the passenger's side door on a date, the girl was impressed with his chivalrous display... until she realized he was climbing in first. Jo Eason (3L) owned an '81 Caprice Classic in high school. A faulty exhaust system required her to wait until all of the students left the parking lot left before she filled the lot with thick black smoke.

Even successful legal professionals have at some point experienced the humility that accompanies the ownership of a hootie. Judge Baker sported a 1986 Oldsmobile as a new associate at a law firm. One day, he had just picked up his mail and was perusing it with the car in park.

Without warning, the car shot off as if fired from a canon, taking out two phone poles, three newspaper boxes, and a city trash can before he knew what was happening. Two witnesses claimed that the car actually became airborne for a short distance. The manufacturer, General Motors, scrambled to Virginia, eager to study the phenomenon that was Judge Baker's car.

As aspiring legal intellectuals, we take pride in almost every action we commence during a given day. Possessing superior logic and impressive reason, we march through our lives, laughing in the face of each challenge thrust upon us. With each triumph we celebrate, our confidence teems and our pride swells. How ever will we stay grounded? For most of us, it simply requires a stroll to the parking lot.

SBA v. AKS

by Neal Hoffman
Contributor

In the last few weeks, we have seen yet another clash involving Alan Kennedy-Shaffer (2L) and the law school. This time, Mr. Kennedy-Shaffer takes on the SBA's process for selecting Student Assembly representatives. This is probably an issue that not many of us are overly concerned with, myself included. But after reading about this brewing conflict, I found myself thinking about the situation in which we have found ourselves.

For the sake of disclosure, before I proceed, I will state, first, that I voted for Sarah Fulton (3L), the current SBA president, and, second, that I believe I ran for one of these SBA positions during the first of two calls for interest (though I can't fully recall if this is the case).

If one was to see this debate as solely one over the proposal

articulated by Mr. Kennedy-Shaffer and Sen. Coggins, then Ms. Fulton and the SBA are clearly in the right. The language of the Student Assembly Constitution, Article V is clear that "graduate senators shall be sent . . . as the Graduate Council shall designate . . ." This explicit language clearly trumps (but is not inconsistent with) the language of the Student Assembly Code.

Indeed, Mr. Kennedy-Shaffer's own arguments are diminished by the fact that the goals he claims to support (law students having a say in who serves as their SA representatives) are actually undermined by the bill he supports. This bill would allow all students, including undergraduates, to elect graduate senators. The result would incredibly diminish any voting power law students might possess, if not eliminate our voting power outright. Of additional interest, in the bill Mr. Kennedy-Shaffer supports, there is no mention of law students voting

for undergraduate senators. One must wonder why Mr. Kennedy-Shaffer did not choose to support or push for a bill that would require electors of graduate senators to be members of only their respective schools.

In answer to the claims made by Mr. Kennedy-Shaffer, Ms. Fulton, as head of the SBA, prepared a response, which was published in the last issue of *The Advocate*. The SBA's position is that the real issue is simply how much autonomy and freedom to act should the law school enjoy? Indeed, the main points of their argument all deal with the same thing: that we should keep the current system because of precedent, and that this is the way we've always done things and no reason exists to change that method. And yet, for all the well-crafted language and carefully structured arguments, Ms. Fulton has not addressed the question that truly matters, the one and central issue in

this case: should we directly elect our representatives?

This question requires an answer from Ms. Fulton, not because she has done anything wrong by arguing for the status quo, but because of the curiosity of the situation. Why shouldn't we elect our student assembly representatives, or our Honor Council representatives? What is the goal that SBA is striving for when it prevents us from engaging in this process?

If the SBA has a valid reason for keeping the current system, then without a doubt the system should remain. However, I am unsure that such a reason exists, particularly in light of the official, precedent-focused response made by SBA. I've tried to consider some of the possible answers to the question of why we should keep the current system but have been unable to find a truly satisfying answer.

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Predator

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sitting on the counter and think they are in the clear. Things such as bar crawl lull them into a false confidence about school. [Side note: I would just like to say that I am proud of all the 1Ls that came out to bar crawl two weekends ago. You guys had a fantastic showing and you really further proved to me that the 2Ls this year suck a lot. In Dave Bules fashion, I will make sure to mention your names here because you are awesome: Sarah Simmons, Jeff Palmore, Mike Smith, Jen Bacon, Tim Brown, Shannon Daily, and Leigh Wilson) you are my summer jam]

Then, much like when Chris Hansen pops out from behind the curtain or door, 2L year hits you like a ton of bricks. Your life is basically over, at either point. In TCAP you will get arrested, go to jail, and forever be known as a pedophile. During 2L year you become imprisoned in the library, go to job interviews and are forever known as lame for not going out

to things such as bar crawl or any social events.

But you are probably wondering: how do we get set up for this? We are all smart people right? We at least made it through undergrad (although somehow many of us made it through without gaining any necessary "normal" social skills). The problem: in trying to be a part of the law school we end up shooting ourselves in the foot. How do we do this? Well let's see: 14 1Ls tried for 3 spots for SBA, 44 of the 1Ls tried out for 5 honor council spots, and the 2Ls make comments about how lame the class ahead of them is...but then themselves become the biggest lame-os to have ever walked these hallowed halls. [Another side note: you 2Ls are probably taken aback...how could someone make fun of us? Why do we suck so badly? Because only seven of you came to the entirety of bar crawl! SEVEN! Are you kidding me with this?! If you ever try to say that my class blew last year, take a look at yourselves. Now I am not including those 2Ls with families or who do not normally go out to drink, but the 3Ls had about

1/3 of our class at bar review last year, we went out every weekend, and although we had a lot of work, we didn't whine about it every 14 seconds. The second you 2Ls had more than just a Torts exam and Client A on your plate you broke down like J.D. Goodman's will to stay at the bar after Sarah tells him she wants to go home.]

Another way we are set up to fail—interviews. The 2Ls (to know who these people are—make sure to not go to the bars...) are currently going through this process and some of the 3Ls are as well. 1Ls soon you will know the joys. Now for people in the top 10-20% of the class, your only worry is deciding how much you want to complain to other people about how many interviews/call-backs you have/how many dinners you have to be taken out to by firms. For the rest of us peons, the process is arduous in a different way. We get dressed in our suits (handed down from older brothers/found at a yard sale/made from a bunch of old suits sown together), and walk to the interview room, only to find that everyone else on the sheet before

and after you is more qualified and actually has no interest in this firm, but decided to interview because, "why not?"

Then when you get into the interview room and you settle down to speak with the interviewer (who of course went over in their last interview because the person before you went to the same undergrad, was in the same fraternity, dated the interviewer's cousin, owns a summer home in the Cape that is adjacent to the interviewer's summer home, etc.), you can tell right off the bat that this person has absolutely no interest in speaking with you and finds a way to make you feel a kind of bad about yourself you never thought you could know.

Then 5 out of the 20 allotted minutes later, you are told that everything looks in order and that they will get back to you. And then you naturally hear from them about 6 months later in a form letter that spells your name wrong...but don't fret—you WILL find a job. Even if you end up living in New Jersey...with Tara...

The Jena Six v. Duke Lacrosse: Prosecutorial Misconduct and Racism in America

by Alan
Kennedy-Shaffer
Features Editor



Much like the Duke lacrosse case, the Jena Six case highlights the tragic, but foreseeable, consequences of prosecutorial misconduct.

Both cases have involved District Attorneys in southern states who played politics with justice, ruining the lives of student athletes and dividing communities along racial lines. Both cases have revolved around unwarranted charges, a lack of evidence, and an ability to ignore warning signs. Both cases have sparked protests, angry letters, and heated debates.

The crucial distinctions between the Duke lacrosse case and the Jena Six case lie not in the actions of the prosecutors but in the reaction and response of the legal profession and the American public.

In the Duke case, former Durham District Attorney Mike Nifong charged three white lacrosse players with raping a black woman hired to strip at a party. The overzealous prosecutor exaggerated the strength of his case, the evidence did not sustain the charges, and the North Carolina Attorney General eventually declared that the accused men were actually innocent. Nifong was also disbarred and a judge sentenced him to twenty-four hours of jail time for lying to the court. The William & Mary School of Law required all second year students to attend a panel discussion on the case on Sept. 14.

In the Jena Six case, a black student at Jena High School in Jena, Louisiana, asked and received permission from the principal to sit under a tree where white students were known to congregate. Three nooses hung from the "white tree" the following day.

The principal recommended

expulsion for three white students responsible for hanging the nooses but the School Board reduced the punishment to in-school suspension, the same punishment given for "gambling" and "refusal to sit in assigned seat," according to the school district's discipline policy. The Superintendent sided with the School Board, dismissing the noose hanging as a "prank."

Despite efforts led by some of Jena's black football players to peacefully protest what the black community rightfully viewed as the school's unacceptable response to the hate crime committed in the school's courtyard, tensions rose and confrontations between students grew increasingly violent. District Attorney J. Reed Walters looked directly at the black students at a segregated school assembly and warned them not to fight back.

"With one stroke of my pen, I can make your life disappear," Walters said, according to NPR.

The night after an arsonist set fire to the school building, white students beat up 16-year-old Robert Bailey, a black student who dared to attend a predominantly white party. At a convenience store the next day, a white student pulled a pistol grip shotgun on Bailey, who wrestled the gun away. Walters later charged Bailey with firearm theft, second degree robbery and disturbing the peace, but did not charge the student who had pulled the gun on Bailey.

A few days later, a group of black students beat up a white student named Justin Barker who had been mocking Bailey and hurling racial epithets. Barker attended a school social event that evening.

The police arrested six black students, including Bailey, for aggravated assault, but Walters raised the charge to attempted second degree murder. He charged five black students, including Bailey, with attempted second degree murder and obtained a conviction on aggravated second-degree battery and conspiracy charges for 16-year-old football star Mychal

Bell from an all white jury. Because Bell should not have been tried as an adult, a judge dismissed the conspiracy conviction and the Third Circuit Court of Appeals vacated the remaining battery conviction. Walters has vowed to appeal the Circuit Court's decision concerning Bell, the only defendant still in jail, and to continue to press charges against the other five.

Denied habeas corpus by LaSalle Parish District Judge J.P. Mauffray one day after the largest civil rights march in recent history, Bell sits in prison on a juvenile conspiracy count, a victim of an overzealous prosecutor and a judicial system stacked against him. Two of the other members of the Jena Six still face attempted murder charges while the charges for the remaining three defendants have been knocked down to aggravated second degree battery and conspiracy.

The police never arrested, and prosecutors never charged, any of the white students who hung the nooses and violently attacked their white classmates. Walters remains at his post, free to further destroy the lives of the Jena Six and other members of the Jena community.

Unlike the Duke lacrosse case, the Jena Six case remained largely unknown to the American public until several weeks ago, when the mainstream media finally picked up the story. Until that point, the Jena Six were mostly the talk of civil rights activists and bloggers, pushed aside by the major news outlets in favor of the new book about the Duke lacrosse case.

Over the past couple of weeks, support for the Jena Six has spread rapidly, leading many law students at William & Mary to wear black tee-shirts and green ribbons sponsored by the Students for Equality in Legal Education (SELE). The law school community has begun to mobilize, but there is much more to be done.

Just as we united against hate last year following the vandalism of the Lesbian and Gay Law As-

sociation (LGLA) bulletin board, we have an opportunity to stand up for the principles of equality and justice that guided Martin Luther King, Jr., and other civil rights leaders during the marches and strikes of the 1960s. We have an opportunity to turn racial discord into racial dialogue and to turn violence into votes.

We owe it to the Jena Six and to ourselves to speak out against prosecutorial misconduct, fix a judicial system that disproportionately punishes black and poor defendants, and throw prosecutors like Walters out of office.

Finally, we must recognize that the legal profession and the American public have responded much less vigorously to the Jena Six case than to the Duke lacrosse case, reflecting the fact that we have not yet eradicated racism in this country. As law students, we will someday control the bar association disciplinary committees responsible for disbaring people like Nifong and Walters. We should not wait to begin exerting our moral influence in the legal realm.

The responsibility to fight for equality under the law belongs to all of us.

Alan Kennedy-Shaffer is the author of "Denial and Deception: A Study of the Bush Administration's Rhetorical Case for Invading Iraq."

AKS v. SBA

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Possible answer 1: precedent. We keep the current system because it is how we've always done things. This answer seems lacking. After all, throughout our history there have been numerous changes made to longstanding practices that a strict, unyielding adherence to precedent would otherwise have prevented, such as allowing 18 year olds the right to vote and the direct election of Senators in 1914.

Possible answer 2: fear of crynism/overt popularity. We keep the current system because we are concerned about the emergence of a popularity contest where these positions are not filled by the most skilled, but rather by the most popular. Yet what is an appointment system other than a popularity contest, but with a smaller group making the decision. Since the entire process is closed, there is no way at all to determine the reasons for who is and is not selected for a position. Indeed, choices may be made entirely because of who sits on SBA, who is friends with whom, and similar reasons. This answer contains the same problems

that its solution would possess, but without the benefits of increased student voting rights.

Possible answer 3: desire for skill. We keep the current system because this allows SBA to select the most deserving, most driven, and most skilled for these positions. This argument assumes that we, the students, are incapable of selecting the most skilled individuals for these positions. It suggests that we might choose a less skilled candidate than we might otherwise select, simply because a candidate had more friends vote for him. The problem here is twofold. First, when faced with candidates of similar abilities, determinations of skill/qualification are solely in the eyes of the beholder; the fears of a popularity contest are lessened when all the candidates are qualified. Indeed, a screening process could be set up to ensure that this was the case, if this is truly a major concern. Second, it ignores the fact that we already directly elect people to positions of authority requiring skill and dedication. Ms. Fulton's own election over Mr. Kennedy-Shaffer is proof that people of skill can be and are elected (unless of course Ms. Fulton would claim that the only reason she won is that she

was the more popular of the two candidates).

Possible answer 4: alternative goals. These include things such as keeping the current system because it allows SBA to pursue alternative goals, such as maximization of group representation/diversity. I will concede that this argument may have merit. However, even if a direct election system was in place, it is likely that the same people would choose to run, creating a possibility that the exact same group of individuals who were appointed would be the same individuals that are elected.

Possible answer 5: we elected SBA to represent our interests. That is, because we elected SBA to represent us, any decisions made by SBA represent our interests by default. Thus, we have elected by proxy the individuals receiving these appointed positions. The flaw here should be obvious. That we elect representatives does not mean we always agree with them, and, indeed, we may disagree with them on the best candidate for an appointment. We elect them to determine policy, but we still desire the right to vote for candidates for another, distinct office. Student Assembly and the Honor Council

constitute entirely separate entities here at William & Mary. If SBA is the executive branch, why should we let them determine who shall serve as our judicial branch (Honor Council) and our legislative branch (Student Assembly)?

Possible answer 6: democracy frightens and confuses us. This answer is flawed because we aren't cavemen.

There are certainly other answers to this question, some possibly more valid than those I listed. I would love to know them and would certainly love to know which reasons motivate the SBA. An argument based upon history and precedent alone should not be enough to deny students the right to vote for these positions. Even a system where SBA selected a group of the most deserving and qualified, from which we vote to elect our representatives, is better than the current system. But as I said, if SBA has good reasons for keeping the current system, then SBA should share them with us, and the current system should remain. But until those reasons are made known, I am forced to conclude that Mr. Kennedy-Shaffer is right, even though his are the wrong reasons and the wrong solutions.

