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# The Advocate

VOLUME V, ISSUE SIX

WEDNESDAY, NOVEMBER 21, 2007

WILLIAM & MARY SCHOOL OF LAW

## President Nichol Promotes Equal Justice in Wythe Society Lecture

by Alan Kennedy-Shaffer  
Features Editor

Editor's Note: This story was originally published online in another campus publication, *The William and Mary News*.

President Gene R. Nichol called on the legal profession to recommit to the citizen lawyer ideal in the inaugural speech of the George Wythe Society lecture series at the Marshall-Wythe School of Law on Nov. 7. Speaking to a full auditorium of law students, professors, and scholars, Nichol likened the fight for equal justice to "missionary work."

"We write equal justice under law on our courthouse walls," Nichol said. "We swear fealty to that notion every day. But there can be no equal justice if the amount of justice a person gets depends on the amount of money a person has."

Challenging all lawyers to take up the "constituent call to equal justice," Nichol emphasized the disastrous consequences of a legal system accessible only to those who can afford to pay. He said the scarcity of pro bono legal services "leave[s] the poor unrepresented on some of the most important and challenging matters of life."

"The largest domestic problem in American life is the level to which we are willing to turn our gaze away," Nichol said, noting that many law schools do not adequately address issues of equality and access to justice. "Unequal access to justice has not made it to the core of American

legal education. When we survey this landscape, I think we would say that we would have hoped for more," he said.

The twenty sixth President of the College of William and Mary emphasized, however, that the mark of the citizen lawyer is the ability to turn challenges into opportunities and barriers as building blocks.

"We would refuse to believe that the charge of equal justice is beyond us," said Nichol. "If the gap between our words and our deeds is large, then surely we decide to go at it full-bore."

Optimistic that William and Mary will lead the "charge of equal justice," Nichol returned again and again to the notion that the citizen lawyer concept can reverse the American legal system's current "flight from equality."

Taylor Reveley, Dean of the law school and the John Stewart Bryan Professor of Jurisprudence, introduced Nichol as someone who "really has walked the walk of the citizen lawyer." Pointing to Nichol's stint as a candidate for the United States Senate as an example of his dedication to public service, Reveley posed the question, "What am I on earth for?"

Nichol answered that question in stages, beginning by breaking down the citizen lawyer concept into its core components. "First of all," he said, "as citizen [lawyers]... we have additional obligations that flow from our commitment to this profession... even if your work moves into... areas far removed from... what passes for



President Nichol at the Wythe lecture.

equal justice."

"You will take with you a sense of obligation," he said. "There are some things we won't do, even if it is in our personal interest, even if it is in the narrow interest of our clients... More pervasively, we also embrace the notion that we will undertake some responsibilities, some obligations, even if there are reason-

Photo by Whitney Weatherly. able arguments just to let them alone, to let them lie."

Some of the citizen lawyer's obligations may be unpleasant, unpopular, or uncongenial, but necessary for the greater good, Nichol stressed. Referencing the difficult decision by Atticus Finch to represent Tom

Continued on page 2.

## Feeling disenfranchised? VOTeline's got what you need

by Rob Poggenklass  
News Editor

William & Mary students and registered voters throughout the Williamsburg community had a new resource this Election Day.

The law school's Election Law Society formally kicked off its VOTeline campaign on Tuesday, Nov. 6, the day of statewide elections in Virginia. Through VOTeline,

law students offer voters the kind of information that can mean the difference in making a vote count, including where to vote, what to take to the polls, and what to do when your name is not in the book.

"It's more than just looking stuff up on a web site," said Jeff Palmore, 3L, a member of the Election Law Society. "You have to have some knowledge about voters' rights."

The law students did not provide

legal advice, but Dean Patty Roberts acted as supervising attorney in case legal issues arose. The "multi-partisan" group, as Palmore calls it, also did not offer voters advice on which candidates to elect.

"There's no delving into partisan issues," Palmore said. "If people ask who they should vote for, we just encourage them to vote."

Between two and four law stu-  
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Robinson in *To Kill a Mockingbird*, Nichol said that “there are a lot of different choices that you can make” as a lawyer and that some of those choices require courage.

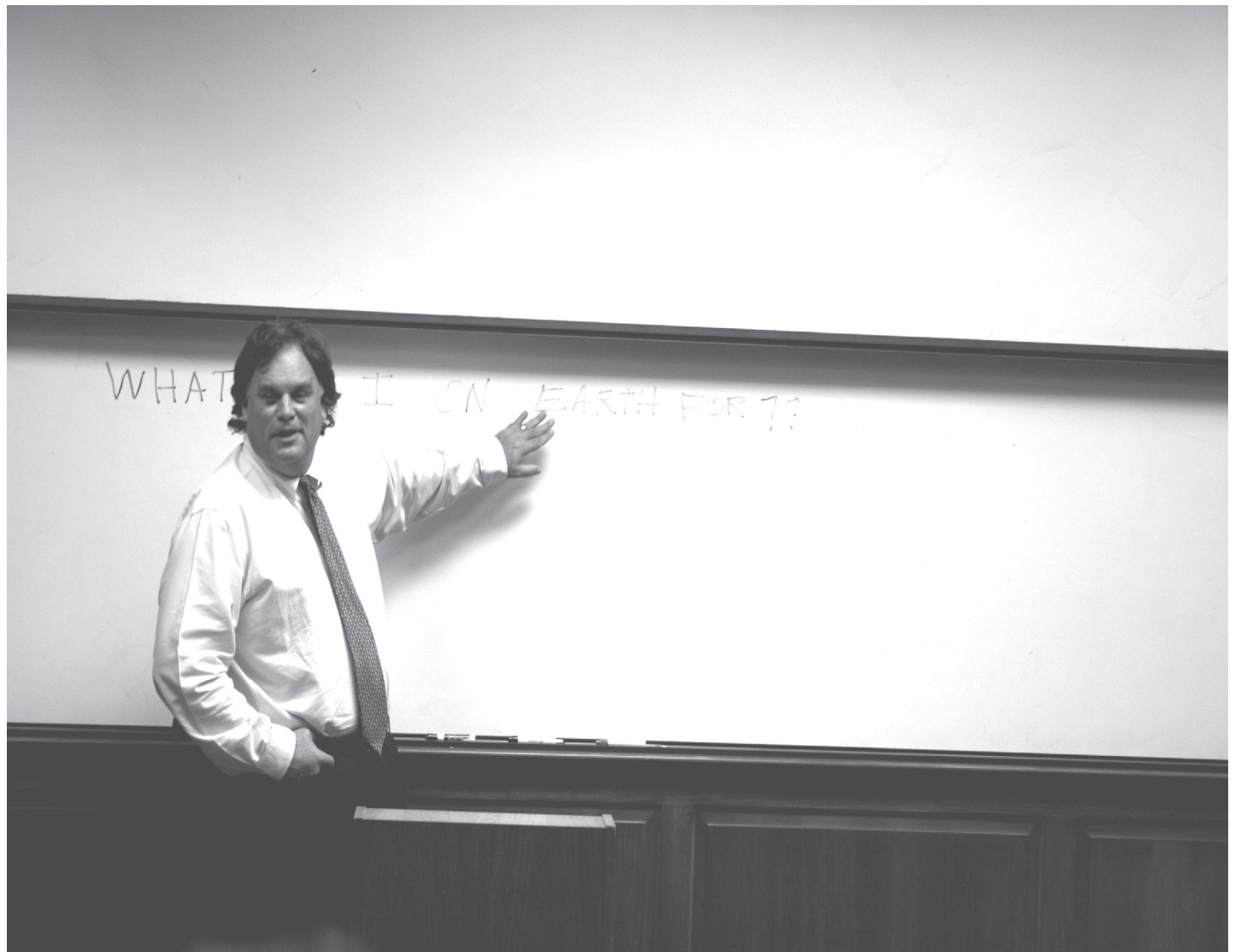
Nichol told the story of how Senator William Belser Spong, Jr., a former Dean of the law school and one of Nichol’s mentors, once gave a public speech at the University of Virginia after receiving death threats “that the FBI told him had come from the Klan.”

“Courage of that magnitude, I can’t get my arms around,” Nichol said.

Nichol advised his audience to search for work that not only carries forth the citizen lawyer ideal but also “[goes] to the heart of what you want to do.” “The great capacious legal profession means that there is happiness to be had here,” he said, “[if] you believe powerfully in your undertaking [and] you do things which you believe important at their core.”

In Nichol’s case, that meant moving from a lucrative career in the private sector to a teaching position where he would have the flexibility to work on constitutional issues and civil rights. Although the decision was not an easy one, Nichol said, it was “the best one.”

“This did entail leaving a job at which I was making seven or eight times as much as my new job at West Virginia University for sixteen thousand ripe dollars,” he said. “I tried to explain to my father why I was leaving this job and going to work at



President Nichol addresses the students at Marshall-Wythe.

Photo by Whitney Weatherly.

West Virginia University. Not only did he think I had made a mistake, there were discussions in my family of whether something had gone seriously wrong.”

Reflecting on his personal journey from lawyer to litigator to scholar to journalist to politician to law school dean to university president, Nichol said that he has found happiness

through teaching and writing about what he called the “most powerful force for hope and progress in the world.”

“Working in the venue of equality and liberty and constitutionalism has, for me, been immensely rewarding,” he said. “I think it is a terrific thing that you are moving forward the legacy of George Wythe. It says a lot about the professional character of the law school.”

Nichol concluded with a power-

ful depiction of the modern incarnation of the citizen lawyer ideal as “missionary work” that imposes on every lawyer, and every citizen, an obligation to push the “American enlightenment political philosophy” of equal justice a little closer to reality.

“Our constituent call to equal justice surely interrogates us...and finds us lacking,” he said. “We cannot escape responsibility for the system of justice that we have created.”

## THE ADVOCATE

"Complete and objective reporting of student news and opinion"

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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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An advertisement for the CALS Toy Drive. It features a cartoon illustration of a teddy bear sitting down. The bear is holding a CD in its right paw and a box of the board game Monopoly in its left paw. The text "CALS Toy Drive" is written across the bear's chest. Below the illustration, there is a block of text providing details about the drive.

Throughout November, CALS will be collecting new teddy bears as well as toys for kids older than 12 (such as sports items, makeup, cds, games, etc.) to donate to Child Protective Services in James City County. For more information, please email [chadls@wm.edu](mailto:chadls@wm.edu).

## SIDEBAR: Colbert in Williamsburg?

After South Carolina Democrats refused to put his name on the ballot for the presidential contest, Comedy Central pundit Stephen Colbert nearly found victory in Williamsburg this fall. During the Nov. 6 election, Colbert got two write-in votes for an uncontested seat on the Soil and Water Conservation Board.

At first, a reporter at the *Daily Press* thought this would be enough for Colbert to have a shot at the seat, if he wanted it and established local residency. As it turns out, Colbert came up one vote short.

Matt Beato and Benjamin Strahs, both undergraduate students at W&M, each received three write-in votes for the same Soil & Water seat. Winifred Sowder, Williamsburg Voter Registrar, said she planned to pull a name out of a hat at 2 p.m. on Wednesday Nov. 14, to determine whether Beato or Strahs would be elected.

However, Mr. Strahs conceded to Mr. Beato before this was necessary. Mr. Colbert could not be reached for comment.

## Ron Mexico: Itchin' to Play

by Andrew Gore  
and Rachel Jones  
Contributors

Camaraderie. Sportsmanship. Quarterback controversy. Big egos. Career ending injuries. Front office politics. HGH. Welcome to the heartless, cold, often brutal, win-at-any-cost world of IM Flag Football. Think less *Little Giants* and more *Any Given Sunday*. Players sell their souls for a chance at the infamous IM Championship T-Shirt ("the Shirt"). While we easily could have provided a lengthy expose on the dark side of the sport, we instead choose to focus on the feel good story of league: Ron Mexico.

As two current Ron Mexicans, we are uniquely capable of giving you an inside look into what makes this team so special. As we said though, IM football isn't all cheerleaders and sports drinks, so our sources within the team have agreed to speak only under the condition of anonymity.

What is Ron Mexico, you ask? Ron Mexico is a team consisting of entirely 1Ls brought together by the team captains (collectively known as "the Captain"). A team of finely tuned athletes and natural born winners, Ron Mexico is looking to represent the law school on the quest for the Shirt. To find the origins of the name Ron Mexico one need look no further than the dirty laundry of the now notorious (VT's finest) Michael Vick. As the Captain explains, "When getting tested for certain ailments of a sensitive nature, shall we say, Ron Mexico was the name Vick provided in order to remain discrete. I picked this name for our team because of the way we play ball; a night on the gridiron with us will stick with you in an unpleasant

way for a while afterwards."

Ron Mexico's first opponent must have brought protection to game, because they had their way with us and left unscathed. Despite our evident talent, we were in trouble after losing the first game by the slaughter rule.

Once the wounds had healed from that fateful game, the team was able to regroup and solidify. The Captain realized the need for definitive action. This action came in the form of a new strategy and strict rules, curfews and regulations, similar to the rules of civil procedure. The memo specifically forbade drinking within seventy-six hours of game time, a lights out 8:00 p.m. curfew, no fraternization with females, and a mandatory viewing of an inspirational sports movie: *Dirty Dancing* ("nobody puts baby in the corner" brings tears to the eyes).

Which brings us to another point which one of our players wanted us to emphasize, "Well, a lot of girls in the 2L class have referred to me as Baby Rob, but once I win that badass t-shirt, there's going to be a big change and I'm gonna say "how do you like me now?" and they're gonna be like "I want to have your baby, Rob", 'cause that's what flag football is about, respect and ladies."

Speaking of that, quarterback ("The Meezy") was heard saying in regards to an opposing team, "I'm coming for you man. My style is impetuous. My defense is impregnable (that's what she said), and I'm just ferocious. I want your heart. I want to eat your children." It is this attitude that has allowed Mexico to go 3-0 in the last three weeks; the Meezy points out, "75% of the time we win every time."

The burning desire of some play-

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## VOTELine

Continued from Page 1.

dents staffed the phones throughout the day on Nov. 6, answering questions from primarily Williamsburg voters. Palmore said that relatively few William & Mary students used the service, but VOTELine did get calls from as far away as Norfolk.

"There was a wide reach," he said. "We definitely want to improve on that for next time."

The VOTELine effort got a boost from some local press before the event, as well as the now mandatory Facebook group. Ali McGuire, 1L, the Election Law Society's press secretary, gave interviews to several local newspapers and 92.3FM, a local radio station.

"I think it definitely had an impact on the community's awareness," McGuire said.

The idea for VOTELine came from what Palmore said had become a strained relationship between William & Mary students and the Williamsburg Voter Registrar Office. Since the new registrar, Winifred Sowder, has taken over, Palmore said the relationship is much improved.

"We're extremely pleased with the help she's given to students on campus," Palmore said.

In a telephone interview, Sowder

said she received several calls from VOTELine workers on Election Day, and that she was more than happy to assist.

"I think it's wonderful that the students are actively participating in voting. I love working with the students," she said.

Sowder said the election went smoothly in Williamsburg.

"We had no problems that I know of," she said. "It was a nice, calm day."

New voter identification laws also drove the need for VOTELine, which promises to become more important in the 2008 presidential election. Palmore said that voters who head to a particular polling place for the first time next year will find greater requirements for identification.

"It's going to be an issue for a lot of people come 2008," he said.

Students who are unsure about their voter registration status can contact the local voter registrar office or visit the State Board of Elections at [www.sbe.va.gov](http://www.sbe.va.gov).

Election Law Society members see the VOTELine effort as another important way for law students to give back to the Williamsburg community.

"We see this fitting into the citizen-lawyer charge that's part of studying at William & Mary," Palmore said.

## Students Collaborate to Recycle E-waste

by Abby Murchison  
Assistant News Editor

Responsibly ridding yourself of e-waste has just gotten easier at W&M.

The Environmental Law Society is joining forces with Legal Skills law firm Lederer & Posey to provide a way for students, faculty, and staff to dispose of their used printer and toner cartridges—electronic "e-waste"—in an eco-friendly way.

When your printer next runs dry, no need to toss the spent cartridge into the garbage. No need to send that piece of complex plastic and its residual ink to premature residence in an ever-growing landfill. ELS and L&P encourage you to bring your used cartridges to the law school for recycling.

There are two strategically located drop-off bins. One is under the hanging files, primarily for students and lower-floor administrators. The other is in the faculty lounge on the second floor, room 206. ELS is in charge of publicizing the initiative. L&P is in charge of collecting the

cartridges and shipping them off to be recycled or re-manufactured.

This cartridge recycling program has actually been in place for about two years, but the L&P-ELS collaboration is new and fortuitous. At the beginning of the term, both organizations were promoting separate recycling efforts independently. Then, when L&P associate Tricia Melochick (1L) was checking on the cartridge receptacles around the law school, she saw that ELS was up to the same good work. "I stumbled on the ELS bin in the faculty lounge," Melochick said in an email. "No need to compete with another organization when it is such a worthy cause - so, I approached them for the partnership."

"They were very receptive," she added. "And, here we are."

After collecting the cartridges from the drop-off bins, Melochick boxes them up and sends them along to a recycling organization. There are a number of such organizations, most of which facilitate the process by providing shipping labels and by

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## News in Brief

compiled by Kelly Pereira & Tara St. Angelo  
Co-Editors-in-Chief

### Trial Team Competes in San Antonio

William & Mary's National Trial Team attended the Lone Star Classic in San Antonio, Texas. The team won their first two rounds and lost in the third round. The team consisted of Alex Brodsky, Cabell Clay, Ryan Stevens, and Alison Stuart.

### Dwyer named Class of 2010 Professor by BOV

The College's Board of Visitors recently selected Prof. Dwyer out of all the College's faculty at large for a three-year endowed professorship in recognition of his outstanding teaching and scholarship. Prof. Dwyer is only the second recipient of this professorship which was created by a vote of the College's Class of 2004. Dean Reveley nominated Prof. Dwyer for the professorship because he is "among the most pedagogically innovative members of the law faculty" and "a prolific scholar, doing work that materially shapes the national debate on children's rights."

When asked what he most enjoys about teaching at WM and if he has a favorite class, Prof. Dwyer responded: "I've most enjoyed students' openness to debating theoretical issues, which makes classes intellectually stimulating for all of us. Many times since arriving seven and a half years ago, I've thought a course I was teaching was my favorite because I was finding it so productive and enjoyable, but it was not always the same course; each has its own special rewards." Prof. Dwyer is currently teaching Trusts & Estates and Law and Social Justice this semester, but he will be on sabbatical next semester "finalizing a book on children's moral status, and beginning a book on dialectic discrimination in schools."

Congratulations Prof. Dwyer!

### Law Students Participate in D.C. Dance Inferno

Burn, baby, burn! No, it wasn't just a disco inferno when law students took to the floor to compete in ballroom dance at the D.C. DanceSport Inferno held at the University of Maryland, College Park, on November 2-4, 2007. The law school was well-represented at the extremely competitive event by 3Ls Carrie Boyd, Jonathan Bolls, Alex Cloud, and Laurissa Stokes. Alex, the Captain of the Men's W&M Ballroom Dance Team, competed at



PSF helped to build its fund this year with various tabling events this week, including a bake sale, the singer-songwriter event, and t-shirt sale. Pictured left to right are: Jessie Coulter, Corey Kaplan, Jane Honeycutt, and Nikeshia Womack (all 1Ls).

Photo by Joelle Lazslo, Staff Photographer.



William & Mary's proud men and women in uniform pose for a picture on Veteran's day.

Photo courtesy of Brain Kargus.

the Pre-Championship, Gold, and Silver levels in various dances and placed second, third, or fourth in each. Carrie and Jonathan were paired together in the international rounds. Laurissa made it to the quarterfinals in the newcomer division in rumba (rhythm) and tango (smooth).

Dance fever is gripping the law school as the number of law students in the club demonstrates. Free half-hour swing dancing lessons are held in the 800 building of the GradPlex every Thursday night at 7:30 pm. The Ballroom Dance Club offers lessons and practice in various styles every Sunday afternoon. Newcomers are always welcome.

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1L Laura Collins sings to support PSF at the Singer-Songwriter event on Nov. 16.

Photo by Alan Kennedy-Shaffer, Features Editor.

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## Upcoming Events

Look to this space for news about speakers, meetings, 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](mailto:TheAdvocateWM@gmail.com).

**by Jennifer Stanley  
News Editor**

All month

**CALS** will be collecting new teddy bears as well we toys for kids older than 12 (such as sports equipment, makeup, cds, games, etc.) to donate to Child Protective Services in James City County. Contact [chadls@wm.edu](mailto:chadls@wm.edu).

November 20

**Marshall-Wythe Republicans Informational Meeting**

In Room 135 at 1:00 p.m. - 1:30 p.m. For more information about this organization contact Jason Mullins.

**PAD Meeting.**

In Room 124 at 1:00 p.m. For more information about how you can join this legal fraternity contact Reneta Green.

November 21 - 23

**Thanksgiving Holiday**

November 26 - 30

**Children's Advocacy Law Society Charity Drive**

In the Law School Lobby at 10:00 a.m. - 2:00 p.m. For details on how you can help contact Liz Mercuri.

November 27

**Students for the Innocence Job Discussion**

In Room 124 at 1:00 p.m. - 1:50 p.m. For details contact Benjamin Anger.

November 29

**Honor Council Speaker, Chris Honenberger, Esq**

Mr. Honenberger will speak about the history and tradition of the Honor Code at William & Mary. A reception will follow. In Room 124 at 12:50 - 1:50 p.m. Contact Kia Scott for more details.

**St. George Tucker Lecture presented by Professor Linda Malone**

Linda Malone, the Marshall-Wythe Foundation Professor of Law at William & Mary Law School, will

deliver a lecture entitled, "Think Globally, Act Locally: A Pivotal Transformation in the Global Warming Debate." The talk is free and open to the public and will be followed by a reception in the lobby of the Law School. In Room 127 at 3:30 p.m.

December 3

**Williamsburg Bar Association Pro Bono Committee Meeting**

In the Faculty Room at 11:30 a.m. - 2:00 p.m. Contact Dean Kaplan to RSVP for this event.

December 2

**Grand Illumination**

Music begins at 4:45 p.m. on DOG Street with fireworks at 6:15 p.m.

December 5

**Federal Courts Review Session**

In Room 119 at 5:00 p.m. - 7:00 p.m. Contact Professor Koch for details.

December 6

**Dedication of the Wolf Law Library**

In the Law School Lobby at 4:00 p.m. Contact Kathy Pond to RSVP.

December 7

**Classes end**

**Employment Law Review Class**

In Room 124 at 7:00 p.m. - 8:30 p.m.

December 8 - 10

**Reading Period**

December 11 - 15

**Exams**

December 16

**Yule Log Ceremony**

President Nichol will be Saint Nick at this W&M tradition with music, interfaith readings and refreshments. 6:00 p.m., Wren Courtyard

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# News in Brief

Continued from Pg. 4.

## Judges Share Courtroom Experiences with Students

CALS and the Therapeutic Jurisprudence Society presented Judges Logsdon and Kline, Newport News Juvenile & Domestic Relations Court. The Honorable Logsdon and Kline shared their courtroom experiences and promoted various community service initiatives on Nov. 11.

## Isaac Rosenberg is a Winner

3L and Guitar Hero Champion Isaac Rosenberg has been selected as the Division I third place winner of the Section of Public Contract Law of the American Bar Association's 2007 Writing Competition

for his paper entitled "Raising the Hue...And Crying: Do False Claims Act *Qui Tam* Relators Act Under Color of Federal Law?" Not only has Rosenberg earned himself a place in the annals of history, but he has also been awarded \$1,000. He has decided to forgo the trip to Disney Land and has used a good portion of his winnings to finance the purchase of Guitar Hero III.

The law school's Judge Baker discusses issues affecting children in local courts with Judges Logsdon and Kline in an event sponsored by CALS and the Therapeutic Jurisprudence Society.

Photo by Whitney Weatherly, Staff Photographer.



ABOVE: ILS hosting a Thanksgiving celebration for the law school's LLM students on Nov. 14 at the Reves Center.

BELOW: Brian McNamara (3L) shares dinner and conversation with Philipp Oppermann (LLM).

Photos by Whitney Weatherly, Staff Photographer.



William & Mary students attempted to stay healthy for the upcoming exam period by getting their flu shots this week in the lobby.

Photo courtesy of Jennifer Stanley, News Editor.

## PSF Raises Big Bucks

PSF has raised a substantial amount of money at the following events: Casino Night--\$1500  
Halloween Party--\$1800  
Singer/Songwriter--\$1000  
Bake Sales--\$300  
Study Guide Drives--\$700  
Gift Shop--\$2500  
Pledge Drive--\$8000

According to co-chair Jennie Cordis, "That's a total of about \$15,800 so far this semester--we're on track with fundraising as compared with last year--in fact we're a few thousand dollars ahead. Last year we gave out over \$42,000 in summer stipends though....so we have a lot of money to raise still to meet our goal of giving out the same amount or more!! Keep supporting PSF and its events--we've

Students gather to listen to the talent of Marshall-Wythe at the Annual PSF Singer/Songwriter event.

Photo by Alan Kennedy-Shaffer, Features Editor







Ron Mexico prepares to do what it does best.

Photo by Rachel Jones.

## Ron Mexico

Continued from Pg. 3

ers can make them desperate for any advantage. One defensive player, while making some unusually athletic plays, also gets unnecessarily rough on occasion. This combination led teammates to believe he may be getting a little extra help: “We kept

seeing him injecting syringes of something, but we are just hoping he has diabetes. Plus he always grunts when he’s getting his swell on at the gym because he wants everyone to see how jacked and tan he is.” Perhaps only a new testing program or a congressional investigation will uncover the truth.

So after finishing the regular season at 3-1, Ron Mexico is now poised

to run rampant in the playoffs. If you want to be part of the magic come to the IM fields after Thanksgiving and witness the birth of a dynasty as Ron Mexico brings home the Shirt to Marshall-Wythe.

And at the end of our absurd investigation of Ron Mexico we arrive at this quote, “If we are triumphant in our quest for the Shirt...the memory of that day will transcend generations,

like so many other important days in American history...The 4th of July, Cinco de Mayo, Flag Day, TGIF, the day “Where’s Waldo?” was found... That shirt is symbolic of everything American, and it is our duty to claim that shirt, in honor of our patriotism, Mr. Wythe.”

## Phi Delta Phi Initiates Ten

by **Brian Kargus**  
Contributor

The William & Mary chapter of Phi Delta Phi Legal Fraternity, the Jefferson Inn, welcomed ten new initiates in a ceremony Nov. 9 at the home of Professor and Mrs. Don Tortorice. “The Jefferson Inn is honored to add to its growing ranks a number of excellent new members. By taking the oath of membership, these individuals have vowed to lead by example and with integrity as a way to not only better the William & Mary community, but the law profession as a whole,” said Erica Brannon, magister of Jefferson Inn. New chapter members include: Carly Opyd, Busola Taiwo, Elizabeth Mercuri, Joseph Kanfer, David Benatar, Tom Hendell, Nathan Mortier, Ryan Marion, Tabitha Blake, and Nichole Ailing. As part of the initiation ceremony, Inn officers shared with candidates the fraternity’s history and informed them of the duties of an attorney to the public, their client, and the court. Upon taking an oath

to uphold and perform these duties, Professor Tortorice and the Inn officers pinned each new initiate with the Greek letters ΦΔΦ. The evening concluded with a social mixer.

Jefferson Inn will conduct another initiation during spring semester.

Established in 1869, Phi Delta Phi is the oldest legal fraternity in North America and has thirty one Inns spread across the United States, Canada, Mexico, and Europe. Between students and practitioners, Phi Delta Phi has more than 200,000 members. More judges, American presidents, elected officials, American Bar Association Presidents, and law school deans have come from the ranks of Phi Delta Phi than from any other legal fraternity.

Make plans to join Jefferson Inn next semester during its annual trip to the Supreme Court, followed by a networking event with fellow Phi Delta Phi members from American University. Those interested in joining Phi Delta Phi should contact Brian Kargus at [bjkarg@wm.edu](mailto:bjkarg@wm.edu) for an application or more information.



PDP initiated its new members at the house of Professor Tortorice on Nov. 9.

Photo by Brian Kargus.

# Race and Public education: an Argument Over the Core of our Democracy

by Rob Poggenklass  
News Editor

During a Nov. 12 lecture at Marshall-Wythe, one of Washington D.C.'s most distinguished lawyers called attention to America's greatest political problem, race and K-12 public education, "the overriding social issue of our time." Now, more than fifty years after *Brown v. Board of Education*, John Payton said, "We have become more separated by race than I think anyone would have thought."

About fifty five people from William & Mary School of Law attended the lecture by Payton, a partner at the D.C. firm WilmerHale. The talk, titled "Race and the Roberts Court: The Battle over the Legacy of Brown," was sponsored by the W&M American Constitution Society.

In 2003, Payton argued for the University of Michigan in the affirmative action cases *Grutter v. Bollinger* and *Gratz v. Bollinger*. The Supreme Court upheld the Michigan Law School's affirmative action program in *Grutter* and ruled the university's point system unconstitutional in *Gratz*.

At William & Mary, Payton questioned the Supreme Court's 5-4 decision last term in *Parents Involved v. Seattle Community School District No. 1*, which held that school districts in Seattle and Louisville could not maintain voluntary desegregation plans.

"The court says in 2003 that it's constitutional to use race as a factor," said Payton, referring to the decision in *Grutter*. "Then in June, student assignment that uses race as a factor is unconstitutional."

But Payton's criticism of the current court goes much deeper than the decision in *Parents*. Payton is troubled by four justices' interpretation of *Brown*, which played a pivotal role in the Civil Rights movement of the 1950s and 1960s.

"*Brown* is our most momentous Supreme Court case because it is about the core of our democracy," Payton said.

Thurgood Marshall, who argued for the plaintiffs in *Brown*, made an argument about democracy, Payton said, and Chief Justice Earl Warren responded to that argument.

"Democracy at its core requires that all of the people be included in We the People," said Payton.

But Chief Justice John Roberts,

who wrote for the majority in *Parents*, ignored that argument about democracy, Payton said. Instead, Roberts used *Brown* to invalidate voluntary desegregation, even quoting from plaintiff's counsel in *Brown*, Robert Lee Carter: "We have one fundamental contention which we will seek to develop in the course of this argument, and that contention is that no State has any authority under the equal-protection clause of the Fourteenth Amendment to use race as a factor in affording educational opportunities among its citizens."

In his opinion in *Parents*, Roberts said, "The way to stop discrimination on the basis of race is to stop discriminating on the basis of race." Roberts' plurality—Justice Anthony Kennedy joined the majority decision only in part—would have ruled the voluntary desegregation plans unconstitutional.

"You've got to just stop and think about that, whether the plaintiff's counsel in *Brown* would have agreed with (Roberts') position," Payton said.

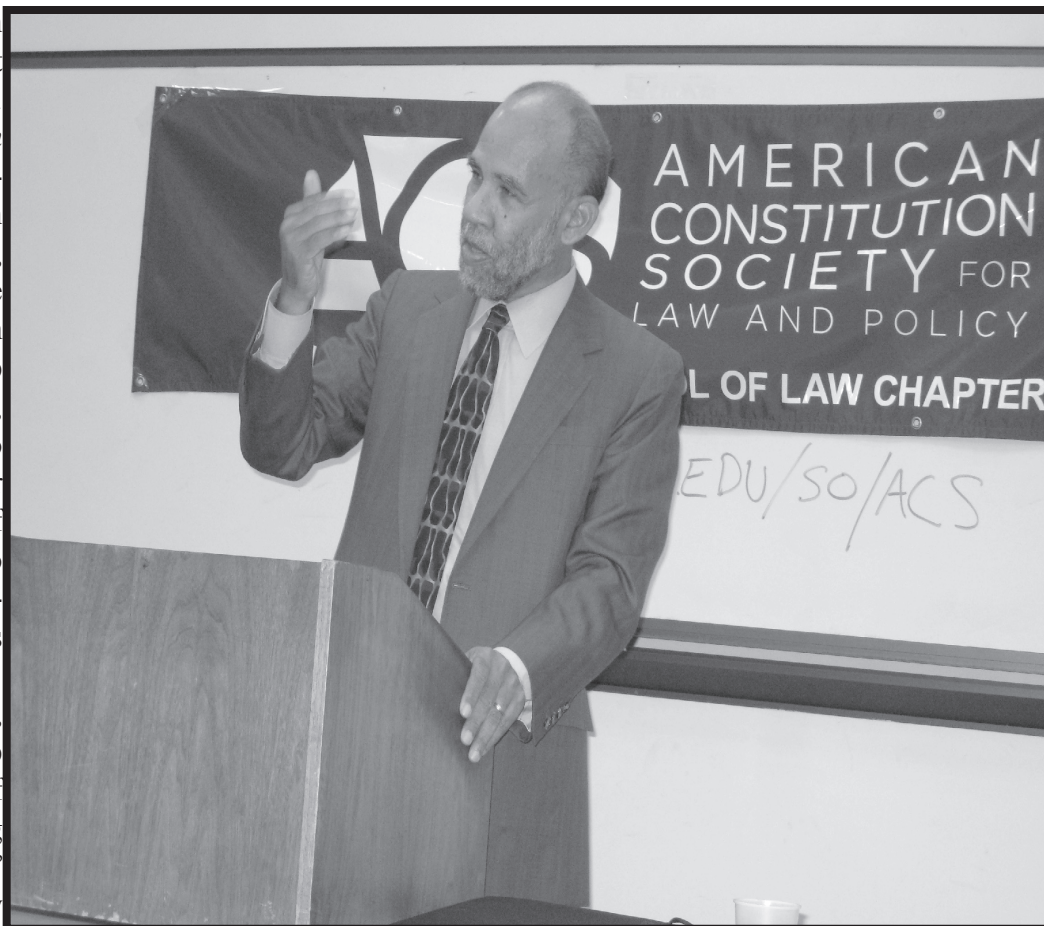
Carter, now a 90-year-old federal judge in Manhattan, told the *New York Times* in June what he thought of Roberts' opinion in relation to *Brown* and the 1950s. "All that race was used for at that point in time was to deny equal opportunity to black people," Carter told the *Times*. "It's to stand that argument on its head to use race the way they use it now."

Payton suggested that the Chief Justice's interpretation of *Brown* misses the mark by failing to acknowledge the historical context of the decision.

"A black person had no right to participate in the process that determined the government of the state," Payton said. "White supremacy ruled the economic world. There were no federal laws being actively enforced that discouraged discrimination. At the same time, there were plenty of state laws that required discrimination."

Payton said that white supremacy "sought to destroy the concept of blacks and whites seeing each other as peers," a concept that he believes is fundamental for democracy to function in the United States.

While Payton admits that *Brown*



John Payton, a partner at the D.C. firm WilmerHale, spoke to the W&M American Constitution Society on Monday, Nov. 12. Payton criticized four justices' interpretation of *Brown v. Board of Education* in the Supreme Court's recent decision, *Parents Involved v. Seattle Community School District No. 1*.

Photo courtesy of Jacky Bilborrow.

arose in a world that is hardly recognizable today, he said that white supremacy has hardly been relegated to the "dustbin of history." Payton said that every month, there are news reports of another corporation settling some class action. He pointed to political ads that suggest racism and impact an election—a veiled reference to the U.S. Senate race in Tennessee last year, in which a white candidate, Bob Corker, defeated a black one, Harold Ford. Payton also mentioned Hurricane Katrina and the Lower Ninth Ward as evidence that even in 2007, race is "easily our most confounding social and political problem."

"After the 1964 Civil Rights Act, after the 1965 Voting Rights Act, after the public housing act in 1968, people thought, 'Well, we had those, so the problem must be solved,'" Payton said. "Things don't automatically fix themselves. We lose interest and we lose patience."

At the heart of the race issue, Payton said, is public education. Because of today's "unforgiving economy," the stakes could not be higher, he said: "The consequence of not graduating from high school today is you go to economic oblivion. Our economy has no use for him or her."

While the letter of the law has

mandated integration for the last half-century, the results still have not taken hold. Black and Hispanic boys, in particular, drop out of school at alarming rates, Payton said.

"Black segregated schools were almost always inferior to the white schools," Payton said, "but the gaps were nowhere near what they are today."

With this in mind, Payton said some academics have argued that perhaps it is time to give up on the "zero-sum game" of affirmative action, in which a white student is denied admission and a black student gets in. These ideas were the backdrop to *Grutter* and *Gratz*. But whatever you think of race and higher education, Payton suggested, the same ideas do not apply to K-12 public education.

"When you're talking about K-12 schools, there's no zero sum," he said. "There are no requirements for admission. What do you have to do to get into second grade? Get out of the first grade. It's all about the value of integration. There's no zero sum to it."

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## Second Annual IP Lecture Features Copyright Register Marybeth Peters

by Joe Massicotte  
Contributor

The U.S. Constitution grants Congress the power to “promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.” That exclusive right is what we now know as copyright. From piano rolls to digital media, copyright has protected the creative interest for hundreds of years. Marybeth Peters, Register of the United States Copyright Office, discussed the evolution of American copyright law with the Marshall-Wythe community on Tuesday, Nov. 13, as this year’s speaker for the Stanley H. Mervis Lecture on Intellectual Property. Register Peters, the eleventh individual to serve as head of the United States Copyright Office since its inception in 1897, emphasized that copyright law reflects a country’s values, provides an incentive to authors, and recognizes the dignity of creative efforts.

Peters has an extensive background in the field of copyright with forty three years of experience in the U.S. Copyright office. Relying on this formidable knowledge of copyright law, Peters traced the thread

of copyright protection through a historical tapestry. She began her discussion by citing Thomas Paine’s plea for copyright protection as the “means to reach the heights of European culture.” Early state statutes also recognized the importance of copyright protection. From these state statutes Peters delineated three distinct approaches to copyright protection. Under the first approach, states saw copyright as a natural right of protection for a work created by an individual. Other states focused on the economic importance of affording artists protection of their works. Finally, some states saw a lack of copyright protection in terms of its harm to the victim. Responding to these concerns, Congress passed the first federal copyright statute in 1790. In offering protection to authors, the Copyright Act of 1790 was exclusive to United States citizens and limited to fourteen years with the right to renew for a second 14-year term provided the author was still alive. Previous to such legislation, artists were dependent upon traditional systems of patronage by the church or by the rich in order to survive. Peters observed that copyright provided the means for authors and artists to have economic independence as

well as assuring that creativity will continue.

Furthering her historical account, Peters highlighted the major legislative benchmarks in the evolution of copyright. Focusing on the Copyright Act of 1909, Peters highlighted the “compulsory licenses” that were extended to player-piano rolls despite the fact that the rolls lacked the notes necessary to constitute copies of the music. These compulsory licenses required the user to pay a royalty for use of the original but allowed that use without the author’s permission. From here, she explored copyright’s evolution through the 1976 Omnibus Act and the 1998 Digital Millennium Copyright Act. In discussing these developments, Peters impressed upon her audience the flexibility that developed with copyright law. The original constitutional language that protected “writings” was expanded to encompass all creations from player-piano rolls and audio recordings to photos, video, and digital media. In regard to the “limited times” expressed in the constitution, today’s copyright protection is assured for seventy years after the death of the author.

Peters elaborated on the benefits that copyright provides, particularly in regard to its vital role in today’s mu-

sic industry. Savvy new artists freely post their songs online in the hopes of winning over a larger audience. According to Peters, these artists are free to do this because they know that copyright law is behind them to protect their economic interests. Peters addressed the problems presented by digital media in regard to copyright infringement, yet seemed confident that copyright law would evolve alongside the innovative creations it must protect. In looking to the future of copyright law Peters expressed some uncertainty as to whether copyright itself might be abandoned in favor of a levy system or even the compulsory licenses of the early twentieth century.

Register Peters demonstrated a great pride in the accomplishments of the U.S. Copyright Office and lauded the work of her predecessors. Reviewing over 200 years of developments, Peters described copyright law as an “evolving, adaptive legal regime.” In closing, she revisited the words of Thomas Paine with which she began her lecture. In regard to his concerns from the early days of copyright law, Peters enthusiastically quipped, “we’re not doing badly.”

## E-waste

Continued from Page 3.

printer cartridges can bring in one to three dollars each.

Some of these buy-back organizations have contracts with computer companies like Lexmark or Dell, recycling and re-manufacturing the cartridges for re-sale. Other cartridge buy-back organizations are middlemen who collect the used products from schools and charities, only to re-sell them to the recycling plants. Whatever their path back to the market, used print and toner cartridges are generally deemed good as new.

Tara St. Angelo (3L) got ELS involved last fall, after spending her first year coordinating law-school recycling efforts as part of her graduate fellowship. As St. Angelo explained in an email, the ELS recycling committee was aware “of the harmful toxins that are contained in printer ink that can seep into the ground when printer cartridges are thrown out and into landfills, not to mention just physically the more waste they create.” So, she placed bins in the student and faculty lounges where people could drop off their used printer cartridges.

“Unfortunately,” St. Angelo said, “the program was a failure.” The drop-off bin in the student lounge collected more banana peels than cartridges.

In contrast, the drop-off bin the faculty lounge was brimming with toner cartridges. They were not the desired printer cartridges, but St. Angelo did some research, found a toner buy-back company, packaged and shipped out the used products.

It’s a time-consuming project for the student volunteers: advertising the program, collecting the cartridges, and shipping them back for re-manufacture. St. Angelo thinks the collaboration will lead to greater awareness of and participation in cartridge recycling. “I think the program will be much more successful with L&P on board working with ELS,” she said.

While ELS and L&P consider the project a fundraiser, the monetary pay-off is modest in comparison to the potential impact on the environment. “If we didn’t get any money we would still do it,” ELS President Carrie Boyd (3L) remarked. Melochick echoed that sentiment, noting that “the program is truly not focused on the money. Trust me – not much in it! The focus is environmental

protection.”

W&M’s printer and toner recycling program is a localized snapshot of a global initiative to reduce the amount of e-waste.

On November 9, Xerox Corporation announced that the company had diverted more than two billion pounds of electronic waste from landfills around the world. The “Xerox Green World Alliance” achieved this milestone primarily through product take-back and remanufacture. According to Xerox, re-manufactured cartridges contain approximately 90% recycled parts and are still built to the same performance specifications of the new products.

In a company press release, Xerox VP for Environment, Health and Safety Patricia Calkins announced that the 2 billion pounds of e-waste kept out of landfills would fill more than “160,000 [garbage] trucks, stretching more than 1,000 miles, from Seattle to the Mexican border.”

Not all computer companies endorse cartridge buy-back and re-manufacture. They argue that re-furbished cartridges are not “like new” and can muster only sub-par performance: If re-furbished cartridges produce splotches and streaks,

users will have to re-print pages more often. Cartridges made from recycled materials, these companies suggest, just generate more waste.

Furthermore, profit-driven companies must weigh the monetary costs and benefits of recycling. According to trade publication *Recharger Magazine*, companies often bundle a free or reduced-price printer into the sale of a computer, expecting to recoup the losses by selling new cartridges well above cost. It is harder to recover this money from re-manufactured cartridges, which are typically 40 to 60% cheaper than their new, pristine counterparts.

Xerox’s recycling milestone, and its attendant positive publicity, might encourage other companies to re-manufacture and re-sell e-waste. In the meantime, private individuals can still send in all brands of used cartridges to be recycled in some way.

You might already separate out your glass, plastic, and aluminum for recycling. You might already be quite diligent about tossing your used paper into the proper bins in the law school. But, guided by the green gusto of ELS and L&P, it is possible to do even more.

## Innocent Until Proven Lame: Did I Do That?

by John Newton  
Features Staff Writer



The sensation is universal.<sup>1</sup> Your brain finally catches up to your body, and the realization hits. Sweat begins to pool in your palms and under your arms. Your face takes on an interesting rouge hue. Saliva becomes less plentiful, and that slight tingling feeling... ahh, the tingling feeling. Moments of embarrassment often strike without warning, leaving its victim paralyzed and feeling like he or she is the one and only center of focus in the entire room. Even when one is spared *public* humiliation, the private ridicule he gives himself can be just as bad. As law students, these instances of embarrassment seem to occur with more frequency than with "regular people." Maybe it's our heightened sense of awareness or our incessant pursuit of perfection.<sup>2</sup> Or possibly our desire to impress those around us amps up the pain we feel when the tingling feeling hits. Despite my uncertainty regarding the naissance of this keen distaste for embarrassment, I am certain of one thing: Law students have some great stories of embarrassment.

As I attempt to do in each article, I will begin with a story involving myself.<sup>3</sup> I was in my freshman year of college, and the setting was biology class. As many of you know, biology can be a bit dry.<sup>4</sup> One morning I was having particular difficulty staying awake while my professor droned

on about phenotypes and phylum. Though I was unaware of my actions, I drifted off to sleep. An indeterminate amount of time later, I woke up to find my head resting on the shoulder of the girl sitting next to me.<sup>5</sup> I looked up at her, and she looked down at me. After slowly removing my head from her shoulder, I was painfully aware of how much more time was left in the class. Every time I glanced in her direction, she would turn away to avoid eye contact. For reasons still unclear to me, she never sat next to me in class again... or looked in my general direction.

Other lovers of Marshall-Wythe have also experienced that moment where self respectability seems impossible. Emily Reuter (3L) was pedaling her way to work on her Schwinn, with her usual sunny demeanor splashed all over her face. The rainy morning did not affect her mood, as she waved to the guard on her way into the military base. It seemed that each person in the line of cars waiting to enter the base was waiving at Emily, too, as she maneuvered her Schwinn past them. In fact, she barely even noticed when her tire caught on an old railroad tie. Then she flipped over her handlebars, flying through the air in front of the guard and the long line of cars waiting on her to cross. The rain on her face stung just a little bit more after that.

An anonymous first-year student decided she and a friend would entertain their church congregation with their gift of song one Sunday in her early high school years. Despite her shaky voice, she was confident that she and her best friend would be able to put on a serious, possibly moving

performance. As the song began, she sang more steadily than she believed possible, slowly gaining momentum. Then, she and her friend both forgot a line in the song. They looked at each other, while the congregation sat in awkward silence. She is not sure which one of them started to laugh first, but she knows that it was impossible to control. Soon, she and her friend fell to their knees to avoid urinating on themselves. It didn't work. As she walked off the stage, the future law scholar had to face an entire congregation of disapproving glares with a wet spot on her pants.

The well-publicized Shana Hofstetter was to meet her friend's boyfriend at Grand Central Station in New York City. As she had never seen the beau before, Shana attempted to devise a way to be recognized. After rejecting the boyfriend's idea of wearing red shoes or red pants,<sup>6</sup> she agreed to carry a pirate hook from her Halloween costume. At Grand Central Station, Shana waited for twenty, then thirty minutes without an appearance from the pirate cruiser. Just when she had given up hope, a voice from the loudspeaker caused everyone to pause. "Shana Hookhand, please report to the information center." She was not sure that she heard correctly, until everyone in Grand Central Station turned to the girl with the hook on her hand. Shana slowly removed the hook, with an awkward smile for the crowd.<sup>7</sup>

A gregarious 1L related this story of mortification from high school. She was in study hall, but she did not want to study. Her study hall teacher was a basketball coach, and she often charmed him into letting her talk with

him while other students worked. On this day, she was particularly charming, and she noticed a stray hair on the coach's sweater. With a smile, she quickly snatched it from his clothing. The coach yelled. Instead of pulling a stray hair, she pulled a chest hair that was poking through his sweater. She avoided the coach for the rest of the year.

My final tale of discomfort comes from an anonymous third-year student. He was six years old, and his parents had taken him to an outside office party. Ms. Maryland was entertaining the crowd, and the future law student was enjoying the playground. He needed to use the bathroom but was at the top of the slide before the realization hit. Not wanting to bother his mother, he raced to the bathroom to clean up the mess in his pants. After he finished cleaning up the mess, he ran back outside just in time to hear Ms. Maryland begin to sing Whitney Houston's classic, "The Greatest Love."<sup>8</sup> The young boy smiled and waved at Ms. Maryland, who suddenly lost her words and gave him a disgusted look. Upset at this pompous behavior, the boy turned to his mother, who gave him one look and rushed him away from the crowd. You see, the boy had done a poor job of cleaning himself up, and his face, nails, and hair were covered with, well, poo. He has never returned to the state of Maryland.

Sometimes life does not go as planned. We stumble or laugh inappropriately or misplace our fecal matter. But as law students, we should be prepared for a little embarrassment. After all, that's what happens when you demand perfection.

<sup>1</sup> This footnote is for Nathan Pollard. It has no point, except to make sure he knows I spurn his attempted footnote-less tyranny.

<sup>2</sup> I use the word "we" as loosely as I can. Those who have witnessed my many failures in life and law school will be glad to know this is not what I consider "perfection."

<sup>3</sup> This story goes out to those who still doubt my imperfection.

<sup>4</sup> If you're not a science freak. No offense, science freaks.

<sup>5</sup> Apparently, my friends had asked her if she wanted them to wake me, but she declined their offer with fear in her eyes.

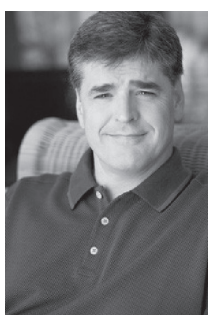
<sup>6</sup> We applaud Ms. Hofstetter for not owning a pair of red pants... and we shake our heads at the boyfriend for questioning her fashion sense.

<sup>7</sup> The boyfriend had forgotten Shana's last name, and Hookhand was the first name that came to mind.

<sup>8</sup> In case you are not familiar, this song begins with the lyrics, "I believe the children are our future..."

## Welcome to Marshall-Wythe! Please Deposit Sense of Humor Here

by Rob Thomas  
Features  
Staff Writer



Whenever *The Advocate* publishes one of my articles, I typically get one of two forms of feedback from readers: 1) "That was freaking hysterical," or 2) "...I didn't get it." After last week's column, I received a decidedly different form of feedback: "That was completely awful and offensive."

In case you don't remember, I wrote a piece making fun of young,

white, über-conservative males and their half-baked views of the world around them. I wrote jokes that, on their surface, berated women, minorities (both racial and sexual), and foreigners. I figured that everybody would be able to tell from the overall tone and ludicrousness of the piece that I was being completely facetious and that I wasn't actually attacking any of those groups, but I

was wrong.

I've always felt that the funniest television shows, books, and movies have adhered to one simple maxim: Nothing is sacred. Anything can (and everything should) be subject to ridicule. It's the reason why "South Park" and "The Simpsons" have stayed on the air for so long. It's the reason why *A Confederacy of* Continued on next page.

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

by David Bules  
Features Staff Writer



The following column was written by members of the Tom Jackson Project.

WILLIAMSBURG, Virginia--Tom Jackson Project announced the signing of five new players Monday. The signings come in preparation for the University of Virginia Law Softball Invitational, which is set for April 4-6 in Charlottesville. The new players are Laura LeRoux, Mary Mintel, Andrew English, Nathan Hagler, and Dan Redding.

LeRoux and Mintel joined Tom Jackson Project for fall co-rec intramurals and immediately provided the spark the team was looking for. LeRoux hit five home runs in the first four games including two grand slams. Mintel added three home runs including one multi-home run game.

"Laura has definitely made her presence known to other teams," outfielder Jason Stickler said. "It's fun to watch, because opposing teams are clueless before she smacks it over their heads. Her defense is top-notch, which is something we are used to at the second base position, but she

takes it up a level. She completes the best defensive infield we've had in three years. We got a referral from Jenny Finch, which solidified her roster spot."

Mintel impressed first baseman Nora Burke. "Mary's a hard-nosed player who leaves it all out on the field," Burke said. "We watched her take batting practice off of Lisa Fernandez and that was all we needed. Her varsity softball experience in college really helps our team. We knew she'd be something special before she set foot on the field."

English, a jaw-dropping power hitter, will fit in nicely to the middle of the line-up. Hagler used his speed to crack the men's league line-up for Tom Jackson Project and parlayed that into a spot on the co-rec team, never looking back. Redding is an all-around athlete who adds speed, power and superb defensive skills to an already elite outfield.

Commenting on Redding, two-year starter Johnny O'Kane was very blunt about adding the speedster to the outfield. "Look, Dan's the fastest person east of the Chickahominy River, but he's going to have to cut that hair if his speed's gonna be the difference maker." O'Kane also announced a new promotion modeled after the Cincinnati Reds. "We're going to have a Fan Fest this winter where Redding will race a cheetah from centerfield to home plate. Redding gets a five-second head start,

and the cheetah's chasing a lure. My money's on Redding."

Third baseman Kurt Wolber explained English's power. "Drew and Hinchclife are the muscle," Wolber said. "Drew has a very deliberate and drawn out swing that starts with his front foot up on his tiptoes, and that strength comes from his pig-tossing days in West Virginia. Hinchcliffe's swing is more compact, but his strength from lumberjacking in Oregon helps him drive the ball just like he's chopping wood." O'Kane again bluntly put in his two cents: "Drew's still only the second prettiest man on the team."

Some lobbied hard for Hagler to sign on. Shortstop David Bules explained, "Nathan is the selfless, speedy, smart ballplayer we have been missing the last few years. Where we have a need, Nathan is always willing to fill it. It doesn't matter when, what position, or what the situation is. Nathan is always ready to go. The Mets called because José Reyes wanted the spot, but Nathan runs a 3.7 to first. José runs a 3.9. Easy choice."

Saturday the team also announced the hiring of Scott Miller as its Chief Operating Officer. Miller's close ties to the University of Virginia and NASCAR will assist the team in finding the right bars and best happy hours in Charlottesville. Also, former Gonzaga cheerleader Kate Codd and University of North

Carolina Tar Heel fanatic and grad John Newton were hired as Directors of Marketing. Their duty is to recruit Marshall-Wythe students to attend the UVA tournament to show William & Mary spirit. Carrie Harris explained the need for more team support: "Other teams travel gosh-darn 900 miles away with buses of fans and we show up with what? ten people, all ball-players? That's piss-poor. If we might-could go ridin' into Charlottesville with a sea of green and gold, we sure as heck might scare them Cavaliers."

Finally, Tom Jackson Project wishes O'Kane a speedy recovery after he suffered a broken collarbone and separated throwing shoulder when he was tackled viciously in a recent flag football game. Wednesday, O'Kane will travel with teammates to Ohio on the team's Gulfstream V to visit the world-renown Cleveland Clinic. Friday, O'Kane and Bules will fly to Birmingham, Alabama, to consult Auburn team doctor and legendary sports orthopedic surgeon Dr. James Andrews at the Alabama Sports Medicine and Orthopedic Center. Dr. Andrews and the boys will hop back on the Gulfstream V and head for The Loveliest Village on the Plains (Auburn) for Saturday's rare nighttime Iron Bowl match-up between Auburn and Alabama. Auburn heals.

## Deposit Sense of Humor Here

Continued from previous page.

*Dunces*, *Animal Farm*, and *Candide* are literary classics. And it's the reason why "Blazing Saddles" and "Dr. Strangelove..." are still watched and appreciated today.

All of these classic examples of entertainment tackled controversial subjects and blew them up to absurd proportions to expose their flaws, while making people laugh in the process. I'm not comparing anything that I've ever written to any of the above examples, but I was still pretty disturbed to hear that my innocuous, silly little student article was considered offensive.

For the purposes of this article, I'm going to assume that the people who read my column are smart enough to tell when I'm joking. So, my article must have offended people

based on the sole fact that I was making jokes about women, minorities, etc., in the first place, regardless of the context or meaning behind them. This is nonsensical. I hate to use such a cliché, but this is classic 1990s-era "political correctness" taken to idiotic extremes. Since when did cultural sensitivity equate to blind self-censorship? Muzzling speech concerning delicate issues isn't helpful and, frankly, seems pretty cowardly.

Now, don't get me wrong, making racist or sexist jokes with no purpose other than to belittle a target group, or otherwise promulgate an invidious stereotype, is certainly inappropriate, especially in a publication distributed to hundreds of people. Furthermore, I think we can all agree that when some mouth-breathing troglodyte defaced a gay and lesbian law student

billboard with homophobic slurs last year, such behavior was unthinkably boorish and reprehensible.

That kind of speech is offensive for the sake of being offensive, and doesn't serve any purpose other than to hurt or humiliate. Conversely, I made sexist and racist jokes in order to expose the stupidity behind both sexism and racism as well as those who still hold on to such beliefs. Read between the lines, folks.

I like to write humor for *The Advocate* because it's a fun hobby and also because it's a good way to vent about topics and events that range from mildly annoying (the law school's collective reaction to W&M's dip in the rankings last year) to completely ridiculous (the 3LT saga). While it is unfortunate that some people found my last piece

offensive, I'm certainly not going to neuter myself for the sake of not stepping on any toes.

I don't think this article is going to change any minds, but I do hope it encourages everyone here to think twice about their own perceptions of what is appropriate for public discourse and what isn't. I also hope it motivates people to submit their own articles, satirizing and attacking whatever they see fit, no punches pulled. Hell, I'd be happy if someone wrote in for the simple purpose of ripping me a new one. The more "offensive," the better.

## The Arts Brief

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

### Sister Spit: The Next Generation

by Jenny Kane  
Arts  
Correspondent



**F**acts: Sister Spit, the self-described "legendary all-girl spoken word roadshow," heated up a recent, cold Saturday night in Williamsburg. The troupe's Nov. 10 performance on the William and Mary campus marked their second performance of that evening. The women arrived a bit later than expected, having just completed a show at Virginia Commonwealth University in Richmond, but the audience in the intimate Tucker Theater seemed to think that it was worth the wait. After some brief technical difficulties with the sound system, Michelle Tea, the group's co-founder and the night's MC, abandoned the shoddy microphone to everyone's encouragement. The performance's lineup featured the work of seven women, including Michelle Tea, on a variety of issues in some way related to fashion, style and clothing. Many of these pieces were drawn from or inspired by the writings collected in the new, feminist anthology "It's So You," which, not so coincidentally, Michelle Tea edited. In this performance, Kat Marie Yoas paid credit to her improv background in her adoption of several different personas, including a little girl struggling to understand class relations and the dramatization of an instruction manual on effective stalking. Next, slam poet Meliza Bañales reflected on the complicatedness of beds and recalled her mother teaching her how to punch a boy at school. Briefly, Michelle Tea read a slice of her newest memoir on living in Boston in the 1980s. Chelsea Starr, writer and dj, then read a short story entitled "The Cave" and an excerpt from her job-zine on blackberry picking. Dexter Flowers followed with an ode to her favorite, girlhood green velvet dress. Author and filmmaker Tara Jespen read an excerpt from her blog. Finally, Australian visual artist Texta Queen showcased a selection of her favorite felt-tip marker nude portraits of friends and fellow artists.

Procedural History:

"Sister Spit: The Next Genera-



Members of Sister Spit performing.

tion" continues the tradition of the original San Francisco based "Sister Spit Ramblin' Roadshow" that toured the United States in the 1990s. A decade later, this all female group of some of our generation's most radical and innovative zinesters, bloggers, poets, performers, and slammers hits the road to bring their voices to audiences across the country. The ladies began this most recent tour in October 2007 in Seattle and will have traveled in their infamous van throughout the states, performing at bars, coffeehouses and on several college campuses before ending up in Atlanta.

Issue:

Was Sister Spit really worth the wait? Should you catch their return appearance here in Williamsburg next year or in another city on their tour?

Holding:

Yes, *inter alia*, see "Reasoning" below.

Reasoning:

Maybe as a woman and a poet I

should be a biased (re)viewer when it comes to critiquing the Sister Spit show. But to be honest with you, I pride myself on being skeptical of most readings that are organized primarily by, for example, the gender of the participants. I think I also fear that in brandishing their gender or sexuality—though necessarily an integral factor to these women as individuals, artists and to their work—they possibly endanger their audiences' focus on the work itself. Of course, such a brandishing of the author's life and self is also powerful and empowering, not to mention inescapable in witnessing these pieces as theater, rather than in the pages of the anthology. Killing off the author is a slippery slope, and it is a lot harder when the artist is, for instance, Texta Queen and she is standing in front of you wearing an all-spandex superhero costume with a utility belt for her felt-tip markers. I was pleased that this performance represented two sides of a performative spectrum: there was the extreme Texta Queen and there was Chelsea Starr standing on stage reading from her laptop a description of the bar at the

hotel in upstate New York where the girls had stayed the night before. The readings ranged from fierce to hilarious and many images were memorable and worth remembering, including: the "hirsute men at the YMCA" in Tara's piece; the exception to Meliza's "one syllable butches;" and Michelle Tea handing out pamphlets in Harvard Square.

Beyond the specific critiques of the individual poets, it would also be to our benefit, I think, to step back and remember that this is a group of queer women, a group of female artists from around the United States (and Australia/Canada!) reading and performing their work in a basement theater in the

English department at William and Mary! In fact, this is not something we should merely remember. These facts are simultaneously thrilling and horrifying. It compels me to ask the question I have spent so many hours asking myself about William and Mary and about our beloved Marshall-Wythe: where have all the women gone? How do our voices sound and who can and who does hear them? We need to manifest ourselves in this space in positive and active ways. We need to listen to each other and speak to each other instead of talking about one another. The artists of Sister Spit, in making it their practice to commit their voices to inspiring others, can only help us to speak up and start a dialogue.

Photo courtesy of [www.sisterspit.com](http://www.sisterspit.com).

## Defending the Rule of Law: Courageous Lawyers Take to the Streets in Pakistan

by Alan  
Kennedy-Shaffer  
Features Editor



Lawyers have led protests in cities across Pakistan over the past two weeks, sending a clear message to General Pervez Musharraf, to President George W. Bush, and to the world that it will take more than soldiers, guns, and barricades to extinguish the rule of law.

Dressed in black suits with black ties, crisp white shirts, and shiny black shoes, the lawyers challenge stereotypical notions of protesters.

They know that the world is watching and they feel compelled to stand up not only for their profession but also for justice. They seek to end the regime of Musharraf, a political leader who came to power on the shoulders of the military, and to resurrect democracy in a country under martial law. They yearn for the restoration of the nation's true Constitution and the release of the Chief Justice of the Supreme Court, who has been under house arrest since Musharraf removed him and six of his colleagues from the highest court in the land.

In an interview with the *Washington Post*, one lawyer framed the battle as a struggle for survival of the rule of law. "[U]ntil there is freedom for the judges and the overturn of the

emergency rule, this war will continue," Anwar Shaheen said. "They can't quiet us."

With free and fair elections impossible under martial law, the protests led by the lawyers have gathered momentum both within Pakistan and around the world. Just last week, former prime minister Benazir Bhutto, the leader of the Pakistan People's Party, announced that she could not support a ruler who acts more like a dictator than a president.

And on Friday, the *Times of India* reported that "the bell tolls" for Musharraf, with a White House official questioning the possibility of real elections when the country is under the gun. "You want to have emergency rule lifted so that people could protest peacefully, or that they could campaign, and so that a free media can cover the election as we do here," the unnamed official said.

The Bush Administration has, of course, been noticeably hesitant to criticize Musharraf, a longtime ally of the lame duck currently residing at 1600 Pennsylvania Avenue. Until recently, Bush considered Musharraf a key ally in the war on terrorism and gave the general billions of dollars in military aid.

Musharraf's decision to impose martial law, arrest scores of dissenters, and abolish the last remaining vestiges of a once vibrant democratic system of government, ironically arrived as word was beginning to spread that Musharraf is losing the war against Al Qaeda and the Taliban

in the northwest part of Pakistan.

The courage and conviction of the lawyers who have risked their lives so that the rule of law might survive in Pakistan is incredible and should serve as wake up call to every person who believes in liberty and justice for all. Without the lawyers, the protests might have amounted to little more than a comma in the history of the fall of the Musharraf regime. With the lawyers, with their organization, with their unwavering courage in the face of power and resistance, the protests grow by the minute and the denunciations arrive by the hour.

The sight of hundreds of prominent lawyers marching in front the Supreme Court of the United States spurred the Bush Administration to open its eyes to a regime that does not tolerate dissent. The latest incarnation of the movement for democracy is truly international, with lawyers marching in Islamabad, in Seattle, in New Delhi, and in Washington, D.C.

The ability to reach out to those on the other side of the world is one of the greatest benefits of globalization, and we must not waste the opportunity to support our struggling sisters and brothers. We should be marching through the halls of Marshall-Wythe, marching through the streets of Williamsburg. We should be shouting for justice and raising our fists against the dictators and tyrants who would eradicate dissent and suppress protest.

As law students who will soon

become lawyers, we must never take for granted the rule of law and the democratic process. We must never forget that those with the power to take our rights sometimes do—and that the only way to regain the rights is to make it clear that we will do whatever it takes to secure the blessings of liberty.

The photos that appeared on the front pages of newspapers across the land on Nov. 6, including the cover photo in the *Washington Post* of a lawyer defiantly walking through the clouds of tear gas toward the oncoming soldiers in riot gear, represented a vision of the rule of law that knows no bounds, only courage. The amount of courage needed for a single lawyer to stand up for the law in the face of thousands of batons and machine guns is enormous.

The question is whether we would have that kind of courage if we were faced with political leaders who trampled on our constitutional rights and who arrested those with the tenacity to object. Would we have the courage to face the soldiers in our suits? Would we have the courage to carry the banner of liberty and justice? Would we have the courage to defend the rule of law?

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

## Letter to the Editors

To the Editors:

Kudos to news editor Rob Poggenklass for calling out staff writer David Bules for bragging about his sexual exploits involving intoxicated 1L women.

Titling his Oct. 24 column "nonsense" does not give Bules an excuse to degrade or objectify women. Neither does disingenuously protesting that the "1L girls have the uncanny ability to accost 3L guys who are wandering lonely at 4 a.m."

Bules owes the first year women an apology--if not his resignation.

Then again, this is someone who has spent his time on the Honor Council removing political candidates from elections, opposing open government reforms, and lobbying for more student government resume padding.

This is someone whose last column consisted almost entirely of vicious and misleading personal attacks against an *Advocate* editor who actually takes the honor code seriously.

This is someone who apparently did not even perform enough community service last year to meet the Virginia Bar Association's community and pro bono service commitment.

As Forrest Gump would say, "That's all I have to say about that."

Alan Kennedy-Shaffer, 2L

**\*Editor's Note: this letter is written in response to a column written by David Bules which appeared in the Nov. 7, 2007 issue of *The Advocate***

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## 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.

### My Summer at Philadelphia VIP

by Kelly Samuels  
Contributor



I spent the summer riding the SEPTA R2 regional train into Philadelphia, PA for my internship at the Philadelphia Volunteers for the Indigent Program (VIP). VIP provides legal representation to low-income Philadelphians with property transfer issues and locates attorneys that will take on other legal issues on a pro bono status. VIP is also the pro bono arm of the Philadelphia Bar Association.

After about two days of training, I was given my own caseload. I would call clients to gather more information on their legal issues. I would then draw up detailed intake forms and give them to the Managing Attorneys. The Managing Attorneys would then decide what the next step in the process would be for

each client.

If a client had a legal issue dealing with property, then the case would go to the LawWorks Program. Attorneys in LawWorks would take on cases themselves, while also referring cases out to attorneys in the city. For instance, many clients lived in houses that were still deeded in their deceased parents' names. LawWorks would help these clients go through their family trees to see if there were any other potential heirs and work to get the property deeds transferred into the clients' names so that they would be eligible for city repair grants. Property class definitely came into use with these cases.

I worked on LawWorks cases, but I primarily dealt with family law. I talked to many clients going through many different experiences, but the bulk of the cases involved child support proceedings, divorces, and child custody hearings. It was an eye-opener as to human nature and what people will do to each other. I had to listen to some traumatic experiences

from clients and many times they just wanted someone to listen -- to hear what they had been going through. It was emotional at times to hear what these clients were going through, but heart-warming at the same time that they were determined to resolve these issues. It was also good to hear from clients who researched their legal issues and knew what the next step would be, but just needed help getting there.

I also contacted attorneys with outstanding cases to check on their case status and to see if there was anything VIP could help with. Most attorneys responded quickly to my e-mails or phone calls, but there were a few that I had to track down on a regular basis. The attorneys I talked to found their work really rewarding, and sometimes they said that their pro bono cases were more interesting than their paid work.

Overall, I had a great summer at VIP. I was able to have a lot of client contact, which I loved, and I learned a lot about how the legal system

works in Philadelphia. I worked with a lot of awesome people, including a William & Mary Law alum who gave me lots of tips about area restaurants and about William & Mary in general. I was able to attend case review meetings where the lawyers discussed particular client issues and brainstormed solutions to the problems. I was able to see firsthand how lawyers find creative solutions to issues. My input on cases was taken into consideration in the decision-making process and I was able to advocate for low-income clients in dire straits.

The summer also showed to me the importance of pro bono work. Most of the clients' problems would never be resolved unless lawyers volunteered to help the clients. These clients should not have to suffer because they do not have the money to hire lawyers for court proceedings. The legal system is supposed to give equal justice to all and working on pro bono cases helps to achieve this goal.

### My Summer at Lone Star Legal Aid

by Timothy Newman  
Contributor



I did some work for Lone Star Legal Aid in Nacogdoches, Texas over the summer, and what struck me the most was not the subject matter or the number of people who needed help, or even the amount of help we were able to provide. What surprised me were the circumstances under which most people came to us. Most who came to us were past

help because deadlines had passed or their attempt to handle the matters on their own precluded us from taking action.

Being surrounded by law students, geared toward intelligent discussion and analysis, it is difficult to imagine someone who cannot understand that "response is required within 20 days" means that a response is required within 20 days. We laugh, but, contrary to common belief, people like this exist. Legal terminology seems clear and simple to those of us exposed to it every day. But consider the state of mind

of someone who has an eighth grade education, receiving an eviction notice, barely able to hold down a job, and trying to support a family. Most do not respond until the deadline is near because they do not have the resources or wherewithal to understand the severity of the situation. Those that do respond sometimes do not respond using the proper legal format or language. This reality is not the result of laziness or apathy. It is usually a result of someone not understanding the situation he faces. Some, with the other challenges they face in every day life, simply do not

have the capacity to juggle more controversies.

For whatever reason, many of the clients who came to us at Lone Star Legal Aid were beyond assistance. Resources provided to combat this very problem often went to waste for lack of comprehension of court terminology or simple inability to focus in the face of increasing adversity. This essay is not meant to be political commentary or an attack on the legal system. It is meant to provoke thought. Perhaps education and exposure to the legal system for the general public should be a heightened goal for our legal services community.

### What I Did This Summer

by Joanna Klein  
Contributor



This summer I worked for the Fairmount Community Development Corporation (CDC) in the Art Museum area of Philadelphia. The Fairmount CDC is a non-profit community-based organization whose mission is fostering the improvement of the residential, commercial, and social fabric of the Fairmount neighborhood, while preserving its

present character and diversity. The organization is small, having only one full-time employee and occupying a one-room store front. However the Fairmount CDC plays a large role in the community, including projects such as neighborhood block improvement and cleanup, planting trees, store front signage, and numerous studies to identify future initiatives.

My main job this summer was working with the Fairmount Area Business Association (FAB). FAB started as an idea of the Fairmount CDC in order to bring together the many retailers and restaurants in the

Fairmount area. Established in fall 2006, FAB had many goals which its members hoped to achieve but had not yet accomplished. It was my task to move them along in the process and leave them in the position to grow as they entered their second year.

During my time at the Fairmount CDC, I worked with the Board of FAB to create a restaurant guide card and a neighborhood business directory, to collect information for their website, and to help plan for their big annual membership meeting. More importantly, I became a contact and liaison between the Fairmount CDC, the FAB Board, and the FAB general membership. In order

to complete the various projects, I had to identify and address many of the needs of the Fairmount business community. This required visiting many of the businesses and speaking one on one with the business owners, which was incredibly interesting and informative.

It was extremely satisfying working for the Fairmount CDC because, by the time I left, not only had I achieved all my concrete goals but I had also become part of the neighborhood and established personal relationships within the community, which is really what public service is all about.