The Marshall-Wythe School of Law honored one of the nation’s premier oral advocates last month, and established the Edmund Randolph “Silver Tongue” Award, named for the one-time mayor of Williamsburg who became the first Attorney General of the United States and who set the standard for arguing before the Supreme Court.

Seth Waxman, who served as Solicitor General from 1997-2001, under President Bill Clinton, received the inaugural Edmund Randolph Award from Interim Dean Lynda Butler in the McGlothlin Courtroom on Wednesday, Feb. 20.

“I’m honored to receive the Edmund Randolph Award,” said Waxman. “I’m honored to have, in a small way, my name associated with him. He is a giant of the Executive Branch.”

In brief remarks after accepting the award, Waxman admitted he could not articulate the key to oral advocacy, saying that despite his many trips before the highest court in the land, he did not know of any “secret rules” to share. “It’s sort of intimidating to be asked to be wise,” he said.

Waxman spoke in praise of Randolph, who also served as governor of Virginia and a delegate to both the Continental Congress and the Constitutional Convention. He also spoke highly of Daniel Webster, who still today is considered a legend—the best oral advocate ever to go before the Supreme Court. Webster argued such monumental cases as McCulloch v. Maryland, Gibbons v. Ogden and Luther v. Borden.

“The highest praise any of us can hope is to be almost as good as Webster,” Waxman said. “In the realm of oral advocacy, Webster doesn’t just sit in the pantheon—he was Zeus himself.”

Following the award ceremony, Waxman served as Chief Justice of the Bushrod Moot Court Final between Noah Kuschel and Matt DiMuzio, 1Ls. Kuschel and DiMuzio endured several weeks of preliminary rounds before arguing on Feb. 20 in front of the panel that included Waxman., Chris Casey (2L and author of the problem), and others.
Reveley Settling into Presidency: Students Like Reveley, but Wanted Nichol Renewed

by Alan Kennedy-Shaffer
Features Editor

Most law students think highly of Interim President W. Taylor Reveley, but a surprisingly high percentage responded “I Don’t Know” when asked to rate the former dean’s job performance as Interim President, The Advocate’s “Marshall-Wythe Issues Survey II” showed. 59 percent of law students gave Reveley either a 4 or a 5 on a scale from 1 (Poor) to 5 (Excellent). 38 percent of students, however, answered “I Don’t Know,” indicating that a significant portion of the student body either does not know Reveley well enough to develop an opinion, perhaps a consequence of Reveley leaving the law school part-way through the Class of 2010’s first year.

Almost two out of every three law students wanted former President Gene Nichol’s contract to be renewed, reflecting the unpopular nature of the Board of Visitors’ decision in February not to renew Nichol’s contract. Nichol’s abrupt resignation sparked massive student outcry against the controversial decision not to renew the former president’s contract and resulted in the temporary promotion of Reveley to the position of president of William and Mary. Nearly four out of five law students responded in last month’s survey that they thought that Nichol’s contract should be renewed. The difference may be attributable to increased acceptance of the reasons given by the Board of Visitors for its decision.

Overall, however, only 59 percent of law students said that the College is headed in the right direction, while 41 percent said that the College has gotten off on the wrong track. The percentage of law students who affirmed the direction in which the College is heading declined 17 percent from last month, when more than three out of four students said that the College was headed in the right direction. Such a significant decline is readily explained by Nichol’s ouster by the Board of Visitors and subsequent resignation since The Advocate’s last survey was conducted.

Released to students in the wake of Nichol’s non-renewal and resignation and with Reveley’s installation as president fresh in mind, the survey results indicate broad approval of Reveley’s performance and continued support for Nichol across all three law school classes and among males and females, although Democrats were significantly more likely than Republicans to say that Nichol’s contract should have been renewed. Of those students who identified themselves as Republicans, 61 percent said that Nichol’s contract should not have been renewed. Conversely, nearly nine out of ten self-identified Democrats wanted Nichol’s contract renewed.

198 law students, or nearly a third of all law students, completed the six substantive questions in the survey. Full-time faculty members and administrators did not respond to the survey in sufficient numbers to draw statistically significant conclusions.

The survey was conducted online from Tuesday, March 11 to Thursday, March 13. At a 95 percent confidence level, the survey has a margin of error of plus or minus 5 percent.
Advocates for Special Education in Demand

by Kelly Pereira
Co-Editor-in-Chief

What do you know about special education? Do you think that most judges, lawyers, or legislators are more knowledgeable on the issue than you? Would you be prepared to give advice to friends and family members to deal with educators and administrators? Would you be able to speak out on your own behalf some day, should your own child need special education?

On March 12, a panel hosted by the Child Advocacy Law Society (CALS) addressed these issues and more. Addressing the issue of “Legal Issues in Special Education,” the panel consisted of Kathy Maybe, Parent Educational Advocacy Training Center; Cheryl Ward, Endependence Center of Norfolk; and Sharon deFur, William & Mary School of Education. Prof. Greg Baker offered an introduction and also participated in the discussion. Maggy Lewis (1L) moderated the panel and then opened it up to questions from the audience.

In his introduction, Baker said, “You [law students] feel more comfortable [with the topic of education] than judges and lawyers. I find that to be troubling and unfortunate.” Baker brought up a theme that pervaded the panel discussion: most parent and school disputes are not suited for litigation because of the time, expense, and lack of expertise by both judges and lawyers. Yet, there is a cry from the public for more special education advocacy.

Several community members in attendance strongly encouraged the law school to develop a clinic program, similar to one at the University of Richmond (UR) School of Law. At UR, law students help parents navigate such challenges as individual education program (IEP) meetings concerning their children.

One community member shared that, despite being a well-educated and outspoken individual, she was still unprepared to advocate on her child’s behalf at an IEP meeting. She stated that she was willing to pay an expert or advocate to attend her child’s IEP meeting but could not find one.

The panelists acknowledged that it is nearly impossible to find a pro bono advocate but expressed surprise that she could not find someone willing to attend for compensation. Still, all acknowledged that there are few resources available to educate and inform parents of special needs students. Maybe said that her agency, Parent Educational Advocacy Training Center, does some training. DeFur shared that Virginia requires every school to have a special education advisory committee, although they vary in activity level and purpose.

Baker said NCLB is “more politically than policy driven,” and often legislators are the least qualified to draft these kinds of laws. He continued, “NCLB has admirable goals, but we don’t have it right yet.” For example, how do we measure accountability; is testing the only option? According to Baker, last year the Virginia General Assembly took a step in the right direction by recognizing technical diplomas because “college is not for everyone.”

The panel initiated a dialogue on the prospect of a new clinic program and demonstrated the level of community interest. A clinic would help prepare Marshall-Wythe students for future dealings with special education as advocates, judges, legislators, and parents.

Panelists discuss the need for special education advocates. Panelists and the student moderator from left to right: Judge Baker, Kathy Maybe, Cheryl Ward, Sharon deFur, Maggy Lewis (1L).

Photo by Whitney Weatherly, Staff Photographer.
Two and a half years after Hurrican Katrina, military police patrol the streets of the Ninth Ward, the New Orleans City Attorney’s Office carries a backlog of pre-Katrina lawsuits, and hundreds of law students from across the nation spend their spring break helping to preserve the rights of immigrant workers and giving aid to the American Red Cross along the Gulf Coast.

Thanks in large part to a law school grant, twenty of us William & Mary law students became part of that effort earlier this month, when we rented two twelve-passenger vans and drove straight through the night to the Garden District of New Orleans. It marked the first time that the Marshall-Wythe School of Law had partnered with the Student Hurricane Network (SHN)—a national non-profit organization run in part by Tulane University law students—but it will not be the last.

Our mission on this trip, like all of SHN, was to provide as much volunteer assistance as we could in a week to a city in need. For those of us who had not spent time in New Orleans since the storm hit, this was also an opportunity to put names and faces to this place—names like Rev. Joseph Merrill, who does amazing work as a contractor and pastor in the Ninth Ward; Kathy, a friend of Jen Bacon’s who showed us her magnificent home, which survived the storm; and Miss Annie, who put hot breakfasts of eggs, biscuits, and grits on our plates every morning.

A majority of us spent our days at the City Attorney’s Office in the downtown business district, doing legal research and drafting motions for summary judgment on frivolous lawsuits filed against the city pre-Katrina. Others served three community-based organizations: the American Red Cross, where we helped solicit and coordinate volunteers; the Workers’ Center for Racial Justice, where we assisted with an immigrant worker walk-out that made national news; and Desire Street Ministries, where we cleared debris from damaged homes in the Ninth Ward.

Outside the work day, we got a chance to take in some New Orleans’ staples: Bourbon Street, live concerts, fresh crawfish, benefits, and a tour of the large strawberry farms outside of Alabama. The guest workers’ story has been featured by the AP, CNN, ABC News, and the New York Times, as well as being widely reported in India.

The Ninth Ward is a sad place these days. Many of the people we encountered pass their time smoking and drinking, when they are not surveying block after block of storm-damaged homes, churches, and schools. I struck me that people in the Ninth Ward say that this is the best the place has looked since Katrina; I have no reason to doubt them, but to me the place looked more like a third-world country.

There appear to be more military police patrolling the Ninth Ward than New Orleans police. One of the workers we spent time with was patted down by MPs as she entered a local business and spent the night in jail for violating probation on a minor drug charge.

While there are reasons to be concerned about both drugs and potentially illegal searches, what remains in my mind is the feeling of distrust that permeates the streets of the Ninth Ward.

Of course, there is reason to hope. The contractor we worked with, through Desire Street Ministries and C.U.R.E. (Churches United for Revitalization and Evangelism), is a reverend, Joseph Merrill, a truly amazing and inspiring man. Men and women like him, blessed with non-profit boards that have donated millions to the cause, are the ones rebuilding the Ninth Ward. Still, the process is slow, painstakingly so. The city does not extermism exist because some homeowners cannot be located or say they will return, someday.

And so the rebuilding is slow—one house at a time, perhaps, on each block. At the current pace, it may take fifteen or twenty years to return the place to normal, whatever that might look like. The houses are stripped to their foundations and frames. Myron, Kathleen Parks, and I helped tear down wet ceilings, rip up buckled tile from the floors, and pull rusty nails from soggy boards. Once the process is finished, the good Rev. Merrill goes in with his crew to fix the places up so well you could not tell the difference between the inside of one of his houses from a new interior display at Home Depot.

One morning we found a sign posted on the front of the house where we were working, announcing that the house was ready for demolition. The sign was clearly posted by mistake—soon, the house would be ready for restoration. After Rev. Merrill instructed us to remove the sign, it became a prized trip souvenir—a reminder of the daily confusion and headaches in the Ninth Ward, and the constant attention required there.

Rev. Merrill also showed us the churches of the Ninth Ward, including a large church with only a foundation standing. We asked him about it, and he pointed to another smaller church, two doors down, still fully intact. He said that the smaller church, with a congregation of four hundred, had been preparing to expand. The concrete had been poured for a new, larger church—two months before Katrina. After the storm hit there was no reason to finish it. The church’s congregation went from four hundred to seventy-five. But Rev. Merrill does not dwell on this, the sadness of it all. He says that Katrina reminded him of that Bible verse which declares that we are all one family, that denominations do not matter. I asked him if he was a Baptist, and he said, “Yes, but I am all faiths.” I asked him if he was also a Presbyterian, and he said, predictably, “Yes.” He cannot be choosy about his congregation, even if he wanted to be. Unlike the rest of the city, only fifteen percent of the Ninth Ward’s population has returned.

Our experience at Desire Street Ministries was an amazing and profoundly rewarding one. I am eager to return to New Orleans next year. The city will still need plenty of help.

Three law students were placed with a community organizing group called the Workers’ Center for Racial Justice (Center). We had not been briefed on what we were to do in New Orleans before arriving to work on a Monday morning. Our first day at work was definitely a surprise, as we guessed the night before that we would do intake work with day laborers. Instead, the staff told us that they were about to assist over one hundred Indian guest-workers in a labor walk-out in Pascagoula, Miss., and asked us for our help.

The guest workers, predominantly from southern India, were skilled pipe-fitters and welders. They each had paid the company they came to work for approximately $20,000, with the understanding that they would receive green cards. Instead, they received H2B temporary work visas, and were unable to recoup the money they had paid the company. The guest workers were sent to live in trailers with 24 beds and two bathrooms. They had made contact with the Center, and were in the final stages of walking out on their jobs as well as filing a complaint in federal court for, among other things, human trafficking.

We were sent as legal observers to monitor a protest held in front of the company the day after the walk-out. We were there in case there was any engagement with authorities that might turn heated. The legal effort for both the observation and the civil action was headed by attorneys from the Southern Poverty Law Center and the ACLU chapters of Mississippi and Alabama. The guest workers’ story has been featured by the AP, CNN, ABC News, and the New York Times, as well as being widely reported in India.

The Center bustled with activity throughout the week we were there. Besides the action in Pascagoula, the Center was planning meetings with displaced Katrina victims that were unable to return to their neighborhoods, organizing day laborers who worked the large strawberry farms outside of Baton Rouge, and beginning another labor walk-out with a group of Brazilian workers. We did everything that week from interpreting Spanish in a community hospital to condensing press clippings into talking points for reporters. It was an exciting, unpredictable, and altogether rewarding experience.

Spring Break Stories:
W&M Law Students Volunteer in New Orleans

by Rob Poggenklass
News Editor

One thousand forty-four miles is a very long way to drive. It becomes longer when you make the trip at once, in two twelve-passenger vans packed to the gills, pausing only at the odd service station or Waffle House, longer still when you are on spring break with nineteen other people whom you barely know. All of us dreaded the driving, thelong shifts spent either at the wheel or conversing mindlessly to keep the unlucky driver awake. We knew something exciting awaited, but 1,044 miles is a very long way to drive, even for something exciting.

By drive’s end, we were bleary-eyed and achy, yet grateful for the morning sunlight and the knowledge that the house was ready for demoli-
tion. The sign was clearly posted by mistake—soon, the house would be ready for restoration. After Rev. Merr
rill instructed us to remove the sign, it became a prized trip souvenir—a reminder of the daily confusion and headaches in the Ninth Ward, and the constant attention required there.

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Our experience at Desire Street Ministries was an amazing and profoundly rewarding one. I am eager to return to New Orleans next year. The city will still need plenty of help.

by Rob Poggenklass
News Editor

by Rob Poggenklass
News Editor

by C. Genevieve Jenkins
Contributor

by Aaron Larrimore
Contributor

by Rob Poggenklass
News Editor

by Rob Poggenklass
News Editor
Waxman Honored

Continued from front page.

Amy Markopoulos (3L), Larry Perrone (3L) and Professor Van Alstyne. According to Kelly Pereira (3L), “Kuschel picked the uphill battle of defending the policy [at issue], and his gamble paid off. Waxman acknowledged that Kuschel would likely have been on the losing side of the legal argument, but the panel selected him as the best oral advocate of Bushrod.”

Waxman proved the most frequent interrogator of both finalists, asking close to 20 questions of each contestant during oral arguments. Waxman shared the bench with Professor William Van Alstyne, well known at the law school for arduous inquisition of students during oral arguments. This exchange came at the end of DiMuzio’s argument:

“I see that I am out of time,” DiMuzio said.
“May I state a prayer for relief?” DiMuzio asked.

“‘Our Father,’” said Van Alstyne.

Exploring the Past: Phi Delta Phi’s roots at William and Mary

by Brian Kargus
Contributor

William & Mary Law Students recently opened a proverbial time capsule back to 1965 when Mr. Oldric “Joe” Labell visited the Law School and shared with Phi Delta Phi the origins of the legal fraternity at William & Mary.

Labell graduated from William & Mary Law in 1967 and was a founding member of the College’s chapter of Phi Delta Phi. During the fall of 1965, Labell and 13 others set out to form their own legal fraternity after strongly disagreeing with the membership policies of the legal fraternity Phi Alpha Delta, which excluded members based on race, gender, and religion. “This was back in the days of Mapp v. Ohio,” said Mr. Labell, “but before the Civil Rights movement really took off.”

With a common goal in mind, Labell and his colleagues formed the “Thomas Jefferson Legal Society.” Its fourteen founding members ratified a constitution that prevented the organization from restricting its membership on race, gender, or religion. Initially, the society was unaffiliated with any national legal fraternity but the members sought to be part of something bigger.

In early December 1965, a delegation of members traveled to Quebec City, Quebec, to attend the National Convention for Phi Delta Phi International Legal Fraternity and to seek charter under the Phi Delta Phi banner. However, Phi Delta Phi, like its Phi Alpha Delta counterpart, also had membership restrictions, including those based on race, gender, and religion. As such, the members refused to budge on their stance regarding open membership.

Joe Labell (Class of ’67), a founding member of W&M’s chapter of the legal fraternity Phi Delta Phi, visited the law school to discuss the history of his fraternity.

The stance of these fourteen law students changed Phi Delta Phi forever. In addition to being accepted into the fraternity, Society members convinced Phi Delta Phi to amend its membership policy and follow the example set by the Thomas Jefferson Legal Fraternity. Soon after, Phi Alpha Delta followed. Today, Phi Delta Phi at William & Mary continues to bear the name chosen by the original fourteen members: Jefferson Inn.

Labell and other founding members of Jefferson Inn will join the organization for its Spring Initiation, March 28 at 6:30 p.m.

Phi Delta Phi is the oldest legal fraternity in North America and has 197 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. If you are interested in joining the tradition of Jefferson Inn, contact Brian Kargus (bjkarg@wm.edu) for more information. Also, you can check out the fraternity website http://www.phideltaphi.org.
2008: a Presidential Year to Remember

by Rob Poggenklass
News Editor

After more than a year of campaigning by Republican and Democratic presidential candidates, proportional delegates, superdelegates, winner-take-all primaries, and chaotic caucuses, many people have remarked that the nomination process could use a drastic overhaul. But Winston Churchill once famously said that democracy is the worst form of government—except for all the others that have been tried. It may be that the way we nominate the presidential candidates of the two parties is preferable to any of the alternatives.

A standing-room-only crowd and four experienced election panels considered this issue at an Election Law Symposium held Thursday, Feb. 21, at the law school. Davison Douglass, constitutional law professor and advisor to the Election Law Society, served as moderator.

The panels were Doug Chapin, director of ElectionOnline.org; Susan Swecker, a Democratic superdelegate and advisor to the Hillary Clinton campaign; Jason Torchinsky, a W&L alumnus and senior associate at Holtzman Vogel PLLC specializing in election law, who also worked for the Rudy Giuliani campaign; and Hans von Spakovsky, a 2006 recess appointee to the Federal Election Commission and former counsel to the Assistant Attorney General for Civil Rights at the Department of Justice.

False Expectations

Chapin led his remarks with his take on the 2008 presidential campaign thus far—a campaign, he believes, that has by and large defied everyone’s expectations. For example, he said you now have a Republican candidate, John McCain, daring a Democratic candidate, Barack Obama, to take public financing during the general election—a challenge that defies conventional wisdom.

“Everything we thought we knew was wrong,” Chapin said. “We thought that states that didn’t bully to get to the front of the line would get left out of the process. The problems we were looking for in 2008 . . . haven’t by and large happened. The problem we have is too many voters. Voters have poured into polling places like floodwaters, and officials have not been able to keep up.”

For his part, von Spakovsky repudiated the idea that the nomination process is somehow broken, or that any of the proposed alternatives would solve the so-called problems without creating a whole set of new ones.

As an example, von Spakovsky cited the reaction, in Florida and Georgia, to the problems of hanging chads and butterfly ballots. The push came for election reform, and, in 2002, passage of the Help America Vote Act cleared the way for electronic voting machines. Oops.

“Georgia completely switched over,” Spakovsky said. “Now places are trying to get rid of electronic voting machines. That is a prime example of unintended consequences.”

Von Spakovsky also addressed an issue, often cited by proponents of campaign finance reform, that there is “too much money in politics.”

“I think ‘too much money in politics’ is a red herring,” he said. “Look at the relatively clean nature of our elections compared to the rest of the world. Other countries are amazed at the system we have. I don’t really see what the supposed problem is with our election process.”

Order of Primaries

One problem often cited by critics of the nomination process is the order in which primary contests are held. Swecker said that Iowa and New Hampshire, which have traditionally held the first caucus and primary, respectively, have “far too much sway.” But both parties contests continued beyond the early states this year, dampening concerns that the two small, predominately white states have too much influence.

“If we’ve kind of broken that bubble where the momentum doesn’t roll forward, then good,” Swecker said. “Maybe they’ve lost their relevance, which is good.”

Torchinsky noted that the conventional wisdom prior to 2008 was that the states that moved up in the process would be more important in deciding who the nominees would be. Such thinking prompted the state parties in Michigan and Florida to move their contests ahead of a Feb. 5 benchmark. The Democratic Party, in particular, came down hard on Michigan and Florida, refusing to seat their delegates at the national convention. Now both states are scrambling to make themselves relevant. Meanwhile, Torchinsky said, Texas looked for ways to move up its contest last year but found itself constrained by state law. On March 4, Texas Democrats found themselves at the center of the political universe.

Chapin said it will be important to see whether the Democratic Party can hold firm with Michigan and Florida, so that states are discouraged from trying to move up in the future.

Several alternatives have been proposed to the current system, which began with Iowa on Jan. 3 and will end with Montana and South Dakota on June 3. One is a national primary, which some fear would unfairly advantage the candidates with the most money for advertising. Another option, favored by Senator Carl Levin, D-MI, is a “rotating regional primary.” Such a calendar would put one part of the country first in a given election year—say, the Northeast or Southwest. But as von Spakovsky noted, that kind of calendar could create its own problems, favoring candidates like Bill Clinton and Mike Huckabee in years that the South goes first, and perhaps candidates like Mitt Romney and John Kerry in years that the Northeast goes first.

Moreover, von Spakovsky said, any attempt by Congress to tell the parties and states how to nominate their candidates would not pass constitutional muster.

“I can tell you what we should not do,” he said. “The federal government does not have the constitutional authority to tell the states how to run presidential primaries. The idea that you could have a piece of federal legislation that would tell states when and where to hold their primaries is wrong.”

Allocation of Delegates

Douglas asked the panelists to comment on the allocation of delegates. For the Democrats, most states use a complex proportional delegate system, differing according to each state, often awarding delegates based on how many voters turned out in the previous presidential election. Swecker said the proportional system, which has contributed to the prolonged Clinton-Obama contest, was created in response to the 1984 race.

“In 1984, Jesse Jackson turns out so many people in so many states and gets no delegates, so the system gets revisited,” Swecker said. “She suggested that the proportional delegate system gives comfort to people like her, who work for a candidate who loses a state primary. Speaking of the Clinton campaign, she said, “We got waxied in Virginia, but we still got delegates.”

The result is that the Democratic contest may come down to the votes of so-called superdelegates—a term coined by the media for delegates who are not directly chosen by the people during presidential nominating contests. Rather, the superdelegates are prominent party leaders and elected officials, such as former Vice President Al Gore, former President Jimmy Carter, all the way down to people like Swecker, who chairs the Virginia Department of Alcohol and Beverage Control and has worked on countless Democratic campaigns.

“I worked my way up the ranks,” Continued on page 9.
On Friday, Feb. 22, members of William & Mary’s chapter of the American Constitution Society (ACS) drove to Washington, D.C., to explore some of the capital’s most important landmarks. Ten members all told made the trek, embarking from in front of the law school on a dreary, drizzly morning at the entirely absurd hour of 7:00 a.m.

The first stop of the day—not counting Wawa on I-95—was the Supreme Court of the United States (SCOTUS). After inquisitively checking out the many busts of Chief Justices past (and wondering why the first, John Jay, was tucked away in a random stairwell), the group sat in on an informational question and answer session inside the very courtroom where oral arguments for cases such as Bong Hits for Jesus were heard. Ironically, the only other group at the Court on this particular day was composed of approximately sixty ten-year-olds. When the tour guide invited us to try to stump her on Supreme Court trivia, it was not one of the law schoolers who succeeded in doing so, but a small child from California who asked, “What was the fifth case argued in this Court?” The tour guide was stumped. She did know, however, the mythological significance of the many sculpted figures decorating the upper walls, nearly all of whom were religious figures.

The second stop of the day, only a few feet from the SCOTUS itself, was the Cafeteria of the Supreme Court of the United States (COTSCOTUS), where the group enjoyed a tasty meal in the same room where, as a plaque in the room explained, Antonin Scalia eats his breakfast every day, even when the Court is not in session, “because that’s how the Framers did it.” Highlights of the COTSCOTUS menu include the Burger and Frankfurter and the Black mun and White milkshake. Hey-o!

After finishing the meal, the group headed to one of the Senate office buildings where the students met with Kevin Landy, Chief Counsel to the Senate Committee on Homeland Security and Governmental Affairs, chaired by Senator Joseph I. Lieberman. Mr. Landy was kind enough to explain what his job involves and to answer our questions about the inner workings of government in general. His charming mix of obvious intelligence, political savvy, and a keen sense of humor made him an immediate hit with the group.

The next stop was at U.S. Rep. Bobby Scott’s office. Although Rep. Scott was not there, one of his highly affable aides was kind enough to meet with the group to give the students a guided tour of the Capitol Building. Highlights included the former basement-locus of the Supreme Court, where our own Chief Justice John Marshall wrote McCulloch v. Maryland, and preserved exactly as it was when (not our) Chief Justice Roger Taney handed down the infamous Dred Scott decision. The group also took a look at the old Senate chamber where John Quincy Adams is said to have feigned rage-induced feebility in order to listen in on the conversations of his opponents across the room, making use of an odd curvature in the ceiling which amplifies noises from across the floor.

By that time it was time to leave, or else be stuck in seven hours of traffic just to get from D.C. to Fredericksburg. It may have been a short trip, but there’s no doubt that the ten ACS members who embarked on this journey, much like Frodo and Sam, will never forget it.

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**Spring Break Stories**

Continued from page 4.

that we had reached New Orleans without incident. We spilled out of the vans still almost strangers. An unspoken appreciation emerged amongst us—a knowledge that every person here had some reason for dedicating the single week of “free time” in law school to something greater than ourselves. As we paired off into roommate coupleings, the conversations started in earnest; the excitement suppressed through much of the long car ride at last bubbled over.

Although it had been two and a half years since Hurricane Katrina, most of us had not been to New Orleans since the storm; for several of us, this was our first time in the city. The suddenness of being there, of having a week to explore, to get to know this foreign place, was exhilarating. Each of us felt it, ripping through the air, coursing through our veins, as we stood in the courtyard of the brightly painted bed and breakfast. What we had not realized, fully, in that moment, was the equally great excitement of getting to know one another throughout the week.

It happened slowly, slowly, and then all at once. We found ourselves, almost strangers, walking the streets of New Orleans, witnessing both the vibrancy of the city and the tragedy that still hummed through many neighborhoods, visible in the high-water marks nature had scribbled into paint and wood. It was too emotive an experience for us to remain strangers, and each of us caved willingly to it.

On the first night, we wandered Bourbon Street, where we eagerly eyed the varied crowd of old couples, children and parents, hookers with their chests bejeweled, high school brass bands, and college spring-breakers. Days and nights later, we shared excitement and laughter and frustration and more laughter. During runs through the Garden District, over Miss Annie’s hot breakfasts, over crab claw and Ibita (the local brew), during morning walks to work, through thunderstorms, while singing on rooftops, over daiquiris, during dance sessions to bad jukebox songs, we shared stories and became stories. We left New Orleans for the 1,044-mile drive home to Williamsburg no longer strangers and carrying more memories than that with which we had come. We were happily burdened with the knowledge of one another, with the experience of a place, and with stories that will long survive.

We had used each other as landmarks in this strange place, taking comfort in the familiarity of faces long seen in Williamsburg, but not yet known. The biggest problem of law school, so many of us know, is that personalities are effaced in the library, the classrooms. We each become more studious, more grounded, more guarded versions of ourselves while we walk the grounds of Marshall-Wythe. Each of us knows it, and yet rarely do we have the opportunity to walk outside those bounds, except with those few people we have gotten to know despite this obstacle. For me, the best possible outcome of the SHN trip was one I had least expected: true knowledge of nineteen of my fellow law students. And in this knowledge, I realized why and how communities like New Orleans will always survive hurricanes, why humanity will always persist. Getting beyond the stranger is something that takes a jolt, but once it happens, there is no going back, and their laughter becomes your laughter.
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 email TheAdvocateWM@gmail.com.

All Week, March 24 - 28
3L Class Gift Campaign
All day in Law School Lobby.
Contact Elizabeth Wright for details.

Wednesday, March 26
Therapeutic Jurisprudence Otis Spunkmeyer Bake Sale
All day in the Law School Lobby.
Contact Harmony Mason to donate time, cookies, or just find out about joining the TJ Society.

J. Reuben Clark Society Guest Speaker, Judge Robert P. Frank
In room 133 at 12:50 - 1:50 p.m.
Joint Journal Interest Meeting
Are looking for some great resume fodder? Just really like legal research and writing? Come to this informative meeting to learn about all being a member of a law school journal. In room 120 at 12:50 - 1:50 p.m. Contact Jeff Palmore for further details.

The Federalist Society Presents Professor Michael Lewis
Professor Michael Lewis of Ohio Northern University will talk to members of the Federalist Society about the Supreme Court’s recent national security cases. For more about Professor Lewis, visit www.law.ou.edu. In the Faculty Room at 6 - 9 p.m. Contact Will Sleeth for details.

Thursday, March 27
Post-Graduate Public Service Fellowship Program for 2Ls via Teleconferencing
In the Dean’s Conference Room at 12:40 - 2 p.m. Contact Dean Sein for details.

Students for the Innocence Project General Meeting
Open to all students interested in this organization. In room 134 at 1 - 1:50 p.m. Contact Tom Fitzpatrick for details.

Cutler Lecture: A Tale of Two Executives by Professor Prakash
The lecture will consider the original understanding of Article II as it relates to law execution and war/foreign affairs. It will then compare those original expectations with the modern presidency. Saikrishna Prakash is Professor of Law at the University of San Diego School of Law. This spring he is at the University of Virginia. This event is open to all students. In room 127 at 3:30 - 5 p.m. Contact Cassi Frizzius for details.

PAD Spring Initiation
Congratulations all new PAD members! In room 120 at 7:30 - 10 p.m. Contact Reneta Green for details.

Friday, March 28
Spring Job Fair
Dry clean those suits and print out those resumes, the Spring Job Fair is a great opportunity to meet with employers from all over the country. Interviews will be held all day in rooms, 127, 133, 138, 236, 262, 266, 269, DCR, and TFR. Contact Dean Kaplan for details.

Admitted Students Day
Be nice to the future law students and make all feel welcome. Contact Dean Shealy to find out how you can help with this all day event.

Saturday, March 29
Admitted Students Day
Welcome to William and Mary! Our law school offers outstanding professors, a brand spanking new library, a collegial environment, and much more. Make sure to drop by the Green Leaf before you leave Williamsburg.

CPR/AED Training
The Red Cross and SBA are sponsoring this opportunity to get certified for CPR/AED. At the King of Glory Lutheran Church at 9 a.m. - 2 p.m. Contact Joelle Laszlo for details.

SBA Sponsored Global Playground BBQ/Kickball Tournament
Leave finals stress behind in the library and play outside. At Kidsburg in Williamsburg at 4 p.m. Contact Kerry Loughman for details.

Monday, March 31
Military Law Society General Meeting
Open to all students interested in this organization. In room 134 at 1 - 2 p.m. Contact Brian Kargus for details.

Tuesday, April 1
BAR/BRI Table Day
All day in the Law School Lobby.

Wednesday, April 2
International Law Society’s Annual LLM Legal Systems Program
Our LLM students will discuss the legal systems of their countries and compare them to the American system. In room 127 at 1 - 1:50 p.m. Contact Ima Bassey for details.

Thursday, April 3
Wythe Lecturer: Professor Clay Gillette, Can Public Debt Enhance Democracy?
Professor Gillette will discuss the conditions under which creditors’ interests align with those of constituents, and examine both the ability of public credit to enhance democratic institutions and the boundaries of that ability. In room 124 at 3:30 p.m. Contact Cassi Frizzius for details.

Mr. Marshall-Wythe
So who is the hottest law stud? It could be you! Find out at this PSF fundraiser. Location is still TBA, but contact Jennie Cordis for details.

Friday, April 4
EXAM CONFLICT FORMS DUE AT 5 PM TO GLORIA TODD

Saturday, April 5
Lab Trial
This lecture will be held in the Courtroom at 8 a.m. - 4 p.m. Contact Professor Fred Lederer for details.

African Legal Systems Program
Our LLM students will discuss the legal systems of their countries and compare them to the American system. In room 133 at 1 - 1:50 p.m. Contact Amanda Christensen for details.

Wednesday, April 8
BAR/BRI Table Day
All day in the Law School Lobby

Monday, April 7
March Madness Annual Free Throw Competition
Cost is $1.00 per throw; pizza and soda for participants. Proceeds go to the W&M Bone Marrow Drive. On the Law School Patio at 11:30 a.m. - 2 p.m.

International Law Society General Meeting
All law students are welcome to attend and find out how they can become a member of this group. In room 127 at 1 - 1:50 p.m. Contact Brian McNamara for details.

Tuesday, April 8
Bone Marrow Drive Day
Members of the law school and outside community are invited to join the National Marrow Donor Registry at no cost and no pain. Pizza, snacks, and soda will be provided. All day in the Law School Lobby.

George Wythe Society Presents Judge Henry Hudson
Judge Henry Hudson of the United States District Court for the Eastern District of Virginia will speak about his lifetime of service as a citizen lawyer having been a United States Attorney, Director of the United States Marshals Service, and now a judge. The event is free and all are welcome. In room 119 at 12:50 - 1:50 p.m. Contact Dean Sein for details.

Wednesday, April 9
BAR/BRI Table Day
All day in the Law School Lobby

Now You’re Hired, Don’t Get Fired & Get a Jump on the Fall Job Search
An important OCS lecture for all students. In room 119 at 12:50 - 1:50 p.m. Contact Kaila Heffner for details.

Saturday, April 10
Children’s Advocacy Law Society, Guest Speaker Christie Marra of the Virginia Poverty Law Center
Open to all students. In room 141 at 1 - 1:50 p.m. Contact Kaila Gregory for details.

Christian Legal Society, Guest Speaker Professor Douglas
Open to all students. In room 133 at 1 - 1:50 p.m. Contact Bradley Ridelehoover for details.

Virginia Bar Association Law School Council Meeting
Educational meeting open to all students. In room 127 at 1 - 1:50 p.m. Contact Amanda Christensen for details.

African Legal Systems Program
Our LLM students will discuss the legal systems of their countries and compare them to the American system. In room 133 at 1 - 1:50 p.m. Contact Cassi Frizzius for details.

Remember that full tuition is due today.

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PSF Bake Sale
All day in the Law School Lobby. Contact Marie Corcoran for information on donating.

-- compiled by Jennifer Stanley, News Editor

Welcome to William and Mary! Our law school offers outstanding professors, a brand spanking new library, a collegial environment, and much more. Make sure to drop by the Green Leaf before you leave Williamsburg.
Official U.S. military forces are not alone in foreign combat zones. Independent contractors are there too, performing critical support functions. Blackwater Worldwide, for example, boasts a 100 percent success rate in escorting State Department vehicles along war-ravaged landscapes.

However, in the line of fire and heat of combat, these independent security contractors are making decisions and exercising discretionary authority which, Paul R. Verkuil said, has not been granted to them by the U.S. government.

Speaking on Mar. 12 at a luncheon sponsored by the Student Division of IBRL, Verkuil, former president of the College of William & Mary, outlined his argument against the constitutional-ity of independent security contractors supplementing the overextended U.S. military.

In 2007, Verkuil published Outsourcing Sovereignty: Why Privatization of Government Functions Threatens Democracy and What We Can Do About It. The book examines the trend toward privatization of government functions and calls into question the constitutionality of delegating inherently governmental functions to the private sector.

Some say FDR’s New Deal spawned a fourth branch of government—administrative agencies. While President Bill Clinton worked to scale back the bureaucracy, a new “fourth branch” sprouted in its place: private independent contractors. According to Verkuil, spending on federal contracts has now reached more than $381 billion annually. “The transfer of government power to private contractors has become quite pronounced, and we’ve got to get a handle on it,” he said.

Privatizing government tasks is not new, even with respect to military objectives. In the post-WWII period, the government routinely contracted for production of arms and war materials. However, following U.S. demilitarization after the Cold War, in order to support the Bush Administration’s foreign policy in the Middle East, the government has had to rely increasingly on contracts for personnel, for “people to engage in military-style incursions abroad.”

“There are 130,000 independent contractors in Iraq, roughly equivalent to the number of military personnel,” Verkuil said. Some 100,000 of them perform uncontroversial and appropriate support services, such as transportation and food service. The remaining 30,000 security contractors are essentially performing military functions.

“They’re assigned heavy weapons,” he said. “They are put into offensive military possibilities where they have to make decisions and strategize.” For Verkuil, sending armed contractors into an active combat zone presents a range of political, logistical, and constitutional problems.

Private military companies “threaten democratic principles of account-ability and oversight, and they might just be plainly unconstitutional,” Verkuil said. Not only are they shielded from the usual constraints and regulations of traditional armies, but they often exercise discretionary authority which does not constitutionally belong to them. According to Verkuil’s argument, private military forces in Iraq are performing inherently governmental functions that are of a non-delegable nature. Private contractors’ authority, he said, “undermines the separation of powers and jeopardizes our constitutionally-protected political arrange-ments.”

To bolster his analysis, Verkuil examined history, precedent, and policy arguments. Tales from George Washington at Valley Forge, Thomas Jefferson and the Barbary Pirates, and the Iran-Contra scandal inform Verkuil’s historical analysis of government outsourcing.

As for legal precedent, Verkuil drew from Buckley v. Valeo and its treatment of non-delegable executive functions. In Buckley, the Supreme Court held that Congress could not appoint members of the Federal Election Commission; such power to appoint officers of the U.S. resides exclusively within the “significant authority” of the executive branch and is non-delegable. Likewise non-delegable, Verkuil suggested, is the significant authority to commission military personnel: by contracting with firms like Blackwater, the President has unconstitutionally delegated his authority as commander-in-chief.

Blackwater vests its security workers with the sort of authority that military personnel can obtain only through a presidential commission. Indeed, a military officer’s discretionary authority does not arise out of thin air. Himself a former military lieutenant, Verkuil knows well the content of a commis-sion: “I was an officer of the United States, appointed by the President and confirmed by Congress.” Without such a commission, a private contractor should not be able to exercise a military officer’s discretionary authority.

Verkuil referred to an Office of Management and Budget (OMB) policy against outsourcing what it
Majority of Grad Students Want Their Student Assembly Senators Appointed

Graduate students at William & Mary voted on a referendum about whether they believed their representatives to the student senate should be elected or appointed. According to a Mar. 20 story from The Flat Hat, “Appointment won with 53 percent.” Graduate students were also asked to vote on various other referenda that day and The Flat Hat reported on these results as well. The green fee referendum passed with 85 percent. The green fee would be a $15 charge included in all students’ tuition and would support making buildings on campus more energy efficient, grants for student research, and maintaining a campus sustainability office. Fifty-five percent of students thought that the William & Mary Police Department was “overly harsh and unresponsive to the daily student needs.” Lastly, graduate students were allowed to vote in favor of or against the College reallocating funding from the Campus Movie Channel to obtain an HBO movie package for on-campus residents. 35 percent of students did not support spending money for HBO or reducing the Campus Movie Channel’s budget. These referenda are not binding. The Board of Visitors will be voting on the green fees at their April meeting and will be taking the student votes into account.

Law Students Hit the Ground Running for Ali’s Run

135 runners took their places at the starting line in Bicentennial Park on March 15 for the fourth annual Ali’s Run. This 5K race benefits William & Mary’s Alan Bukzin Memorial Bone Marrow Drive, which helps to defray the cost of registering new donors to the national bone marrow registry. The campus-wide bone marrow drive, now in its seventeenth year, is the largest college-sponsored bone marrow drive in the nation. The law school’s Bone Marrow Drive Committee first sponsored this event in 2005 in honor of Ali Kaplan, daughter of Associate Dean Rob Kaplan, who died at the age of 12 in 1997 from aplastic anemia. The final numbers are not in yet, but the event’s organizers 3Ls Aida Carini and Layne Dreyer estimate that the event helped to raise almost $7,500.

Law students were joined by community members in the race. 3L and Iron Man Ryan Stevens was the fastest law student and placed second in the race with a time of 17:12:88. (Ryan Stevens actually did compete in the Iron Man Competition in Kona, Hawaii.) 2L Justin Graf, 3L Nathan Pollard, and 1L Joshua Wolff placed ninth, tenth, and eleventh respectively, coming in about three minutes behind Stevens. Many more men from the law school placed in the top twenty of the race. 3L Sarah Valenta was the first female law student to finish the race, placing 28th overall with a time of 24:29:33. 2L Angie Cupas finished about a minute behind Valenta as the second female law student.

Isaac Rosenberg is (Sort of) Famous

Did you ever think that anyone (besides the editorial boards of the journals) would read your journal write-on submission? Well, people Continued on next page.
Rosenberg wondered why his mea-
saly comment was being downloaded so
many times from SSRN. There were
up to fifteen people a day downloading
his comment! However, he discovered
the answer when he went to Volokh.
com and saw the title of his article.
Volokh did not review the article, he
read the comments. The comments
on the blog were “a little harsh” accord-
ing to Rosenberg. One comment read,
“So sorry, but sex-tra-territorial sounds like
came out of a 1950s expose magazine;
dated and crass.” However, Rosenberg
is not affected by these comments be-
cause Volokh (who he adoringly refers
to as EV) finds his title amusing.

More Law Students Run for
a Good Cause
On March 17, instead of drinking
St. Patrick’s Day away, a group of law
students traveled to Virginia Beach
to run the Shamrock Half Marathon.
The half marathon is part of the annual
Shamrock Sportsfest, which benefits
numerous charities, including Opera-
Smile and Soles 4 Souls. Law
students Jeff Palmore (2L), Christian
Miller (2L), Genevieve Jenkins (2L),
Ann Battle (3L), Emily Reuter (3L),
Erik Jennings (2L), and Kate Codd
(3L) ran the 13.1 mile race. According
to Reuter, “Despite a strong headwind
for the first few miles, everyone did
really well and had fun.” The students
divided themselves up “unofficially”
along party lines. “Team Democrat,”
consisting of Jennings, Reuter, and
Codd, battled it out against “Team Re-
publican,” consisting of Battle, Miller,
and Palmore. The team competition
was a close one: Team Republican’s
average time of 1:33:59 edged out Team
Democrat’s average time of 1:34:52
for the win.

Jo Eason and Megan Tumi (3Ls)
finished their first full marathon that
day as well. They trained a long
time and did awesome!

Your New SBA President:
Jenny Case
Last week law students went to the
polls to cast their vote for next year’s
SBA president. Current Secretary Jen-
ny Case ran against newcomer Andrew
English. Both candidates garnered a
lot of support from law students, as
evidenced by the numerous stickers and
t-shirts worn by law students in support
of their favorite candidate. English
Case fought hard for every vote. Both
candidates held lunches in the student
lounge. Case brought sandwiches, and
English made Lasagna. Both candidates
baked. Case baked a myriad of green
cookies and other treats, and English
stuck with the classic brownie recipe.
Both candidates plastered the student
lounge with posters featuring their smil-
ing faces. In addition, the candidates
participated in a question and answer
session where they promoted their vi-
sion for the law school next year.
In the end Case took home more
votes than English. Current SBA
President Sarah Fulton will be proudly
passing the torch to Case. Fulton says,
“I have the utmost confidence in Jenny
Case. Aside from her experience in
SBA, she has both the personality and
character that make a great leader.”

2Ls Jenny Case and Andrew English spoke to law students at an infor-
mal debate and Q&A session before the SBA Presidential elections.
Case is the new SBA President.

Photo by Whitney Weatherly, Staff Photographer.

Moot Court Team Tastes
Success Yet Again
On Feb. 23, 3Ls Tom Robertson
and Dan Kruger, and 2L Alex Brodsky
won the UNC Constitutional Law
Moot Court Tournament. Robertson
and Kruger argued in the final round
in front of a panel of esteemed jurists
including a justice from the Fourth
Circuit Court of Appeals and the cur-
rent Chief Judge of the North Carolina
Supreme Court. Their slick work
managed to edge out the team that won
both the Best Advocate and Best Brief
awards in the tournament.
Outsourcing Sovereignty

Continued from page 9.

In the case of violence against women, we are talking about male violence. The number of women killed in the U.S. is staggering, and the numbers are growing. In 2005, 1,200 women were killed by intimate partners in the U.S. The majority of these murders were committed by men who were in a relationship with the victim. This is a problem that affects women in all walks of life. Whether they are working in the classroom or on the battlefield, women are at risk of being targeted by men who feel threatened by their independence or success.

The problem of violence against women is not limited to the U.S. Women around the world are at risk of violence in their homes and communities. In many countries, women are expected to be subservient to men, and this expectation can lead to domestic violence.

We must work together to end violence against women. This is not a problem that can be solved by any one group or organization. It requires a collective effort to change the attitudes and behaviors that lead to violence.

In the U.S., there are organizations working to prevent violence against women. The National Domestic Violence Hotline is one such organization. They provide confidential support to victims of domestic violence and help them find safety.

In addition to support services, we need to address the root causes of violence against women. This includes changing attitudes towards women and their roles in society. We need to promote gender equality and empower women to speak out against violence.

We must also hold perpetrators of violence accountable for their actions. This includes holding individuals, families, and societies responsible for violence against women.

Violence against women is a global problem, and we must work together to end it. It requires a commitment from all of us to stand up against violence and support those who are most vulnerable.

By working together, we can make a difference in the lives of women around the world.
America’s Drinking Water Has Been Contaminated by the De Beers Group

by Rob Thomas
Features Staff Writer

Over spring break, America was treated to the news that its drinking water is tainted with innumerable pharmaceutical drugs. There is already plenty of evidence that these trace amounts of drugs are adversely affecting the food chain at all levels, and that such contamination could have serious effects on human health. It’s clear, however, that the contamination has already infiltrated the student body here at Marshall-Wythe, and that the source of the contamination is none other than the world’s largest diamond mining corporation, the De Beers Group.

Look around the hallways, the library, and the classrooms, and you’ll see a dazzling array of jewelry on the left ring fingers of several female law students, with more appearing every day. That’s right, the contamination in the water is compelling the student body to get engaged at a frighteningly alarming rate, thereby fattening the coffers of the already-bloated diamond merchants.

Within the past few months alone, several of my fellow 3Ls have suffered from a shift in brain chemistry due to De Beers’s nefarious activities and are now convinced that it is a good idea to get married. Stephanie Novak, Jennie Cordin, Chris Gottfried, Mike Kourabas, Darren Abernathy & Amy Markopolous (“Darkopolous”), Bryan Sleen & Christi Cassel (“Bristi Brassel”), and Kim Wilson constitute a mere handful of these poor affected souls. It is obviously too late to reverse the damage wrought upon their neuroreceptors and chemical regulatory systems, but it is not too late for you.

The first step towards prevention is to stop using tap water altogether. Don’t rely on faux filtering systems (e.g. Brita water pitchers and the like) for your drinking needs. Although commercial bottled water may or may not be more reliable, it is currently the only feasible alternative. It’s true that relying solely on prepackaged water is quite expensive, but can you really put a price on your mental well-being?

If that option is unworkable, then the next best step is simply to be aware of the symptoms of contamination. Do you gaze upon happy couples with a palpable sense of yearning? Do you sometimes think of how great it would be to settle down and have kids? Do you daydream about your ideal wedding dress? Do you feel confident that your bridesmaids’ dresses won’t look ridiculous? Do you sometimes hear voices in your head, asserting delusions like “I could definitely spend the rest of my life with him/her?” If any of these symptoms apply, it may already be too late, but hope is not yet lost.

First, find other unaffected single friends, and go out to social settings with purely unromantic and/or lascivious motivations. The benefits of this treatment speak for themselves.

Second, avoid at all costs any events like “movie night,” “game night,” or “wine and cheese night” where happily engaged couples thrive. Such sickly-sweet and wholesome activities with moonstruck couples will only reinforce the chemical imbalances already wrought by De Beers’s pharmaceutical contamination.

Third, watch the movie “Blood Diamond” and read extensively about conflict diamonds in general. By convincing yourself that diamonds are merely glittering emblems of war, death, and despair, pure guilt will compel you to avoid handing over thousands of dollars to De Beers and the like. A healthy mistrust of all diamond peddlers is also highly recommended.

I realize that this column is very sobering and grim, but being knowledgeable and aware of the problems facing us is the first step towards solving them. I wish all of the remaining single law students the best of luck, and to the poor, engaged wretches, I extend my deepest condolences. But now, I need to wrap up this column and go return some DVDs. Did you know that “Runaway Bride” is actually a pretty decent movie? . . . Oh my God . . .
DEMOCRACY TRIUMPHED over disenfranchisement last week when 82 percent of law students said that we should have the right to elect our own representatives to the Student Assembly, according to a survey conducted here at Marshall-Wythe from March 11-13. With an exceptionally high participation rate of 32 percent and a margin of error of only 5 percent, the students at the law school have voiced their support for democracy loud and clear.

This is good news. Almost immediately after the release of the survey results showing that more than eight out of every ten law students want to elect their own Student Assembly representatives, the Student Assembly voted by unanimous consent to put a referendum on the ballot that the law school’s Student Assembly Senators, the future looked bleak. The Review Board had ruled that the Student Assembly Constitution did not clearly mandate that all Senators be elected. The Student Bar Association had held a last-minute, unpublishable town hall meeting which, not surprisingly, few students attended. Hope for democracy was in short supply.

As the SBA elections neared, however, the candidates for president began to talk about change. They began to talk about such marvelous things as elections and transparency and accountability. They began to take the possibility of allowing law students to elect their own representatives to the Student Assembly. And they began to reach out to students who had long ago written off reconciliation.

At the same time, the outgoing SBA officers and representatives started to think about their legacies and changed their talk to include more discussion of democratic principles and sensible election reforms. After a year of dis-cord, they extended an olive branch in the form of a compromise referendum. For the first time, law students would finally get the opportunity to vote in an official referendum on whether we should elect our Student Assembly Senators.

We have reason to be hopeful. The majority of students at the law school believe that the new leadership of the SBA should pursue change, rather than maintaining the status quo. The same survey in which 82 percent of us said that we would prefer to elect our representatives to the Student Assembly also showed that 54 percent of us believe in change. We have hope for the SBA.

At an SBA presidential debate on Tuesday, March 18, both candidates indicated that they were open to new ideas and were willing to change the way the SBA does business. Asked whether she supports the right of law students to elect our own representativos to the Student Assembly, Jenny Case (2L) stated that “it is something we should at least put to the graduate students.”

“I think the majority of our student body felt that our Student Assembly representatives should be elected, that’s very powerful and something that should be addressed,” said Case. She also said that the process of applying for appointed positions “should be a very open process.” “I don’t have friends in my back pocket who I want to appoint to those positions.”

Andrew English (2L) emphasized that the SBA must become more proactive in crossing the divide between the law school and the rest of campus. “It’s an excellent idea to go out there and connect with the undergraduates,” he said. Specifically responding to calls for greater transparency, English said that “every student should be heard.”

The SBA will only be successful if its leaders can bridge the gap among students of different classes, different backgrounds, and different ideologies. The SBA needs both wisdom and vision—the ability to learn from the past in order to create a brighter future.

We must be able to count on the SBA to hold open meetings and fair elections. If we have hope for the SBA, we will strive to reclaim our student government for the students. We will stand up and demand more from our elected representatives. We will elect leaders willing to take a stand on the issues that matter. We will elect leaders willing to reach out to undergraduates and other graduate students in order to unite our College.

We have the power to turn the SBA into an organization that hears our concerns, finds innovative ways to solve problems, and stands as a beacon of hope for students from all walks of life. We have the opportunity to make the SBA our voice for progress and our agent for change.

I have hope for the SBA.

Should the new leadership of the Student Bar Association (SBA) pursue change, or maintain the status quo?

- Maintain the Status Quo: 45%
- Pursue Change: 54%

Should law students have the right to elect their own representatives to the Student Assembly?

- Yes: 82%
- No: 19%
I cannot help but to acknowledge, to pay homage to the law’s obsession with the line. It may seem obvious sitting in class, reading these cases line after line: lines of argument, lines of logic, lines to draw but not to cross, even slippery slopes; holdings and rules to excuse and transcribe, the lines of text and precedent, decisions and revisions and opinions, restatements. This time of the semester, of course, how could we forget outlines: those great catalogs of knowledge organized, classified, codified, security blankets stitched lovingly by hand, a fabric laced with roman numerals and bold headings. Here rests our great attempt to italicize memory and swath ourselves in its fuzzy, fabricated comfort: we can pass the exam, so say these lines we hold fast. And repeat, and repeat.

Escaping, I found myself again walking the familiar, fabulous city grid. There I went to put on perspective and set down a horizon, to draw a vanishing point anywhere on that horizon, and train my eye toward that point where all the lines would vanish. Just then I reached that intersection, the point of collection, where my trip down the avenue stopped. Unexpectedly, my route had run into his road. I had expected none of Kerouac’s life, at least retrospectively. Sixty feet long by 8 ½ inches wide: one literary line insisting that we follow-follow-follow. Looking backward from his vanishing point, I could see it all laid out, the paper only slightly yellowed and the keystrokes dark and deceptively young, fresh from the tomb of some collector. All these lines (continuous, continuous) become, as you look at the scroll, a language flag, a banner, a textual field without a title and without an ending, since Kerouac’s friend had a dog that accidentially ate the last feet of typing. The scroll is the fabric of literary revolution, and walking its length, bending over the words and peering at them like spiritual relics, I seem to stand in line with Homer, Whitman, Ginsberg, and yes, Kerouac. We stand in line, and I stand with legs tired from walking and standing and taking it all in—and ready to move again. The road keeps on; so say these lines, we hold fast again. And repeat, and repeat.

Kerouac does what Kerouac does best—he broods. Music, and still more. The quantity of the materials was manic; the quality was overwhelming; the curation of the works was nearly impeccable. When I realized what I had happened upon in this detour, what seemed to have happened upon me in fact—a line break—I realized what was at stake. A mix of panic and excitement (must/want/need to see everything/cannot miss anything) simultaneously incapacitated me and spurred me on through the phases of Kerouac’s life and literary development. This would be a sort of expedition, and my legs already ached from hours of the MoMA earlier that day: here it was four in the afternoon and Kerouac standing before me. His handwriting filled up the glass display cases, and still more: his own outline for what the Beats could be, a Valentine colored for his mother, a painting of one of his many cats, the crutches he used after a Columbia football injury, his Buddhist bells, the first drafts of Town and the City, a note from his doctor scrawled on a prototype box of Valium, Ginsberg’s photographs from San Francisco and Morningside Heights, and most everything never on public view until now.

Here for the first time was Jack Kerouac (1922-1969). My route had met his road. I had expected none of this. And yet, as soon as I entered the exhibit, I realized that running perpendicular to my former avenue was the scroll. The mythic, the epic—part sideshow freak and part literary masterpiece—here was the scroll version of On the Road Kerouac typed on 120 feet of rolled tracing paper practically non-stop, fueled on nothing but coffee, starting April 2, 1951 at his West 20th Street apartment and stopping three weeks later. Kerouac later re-typed and edited this manuscript, based on earlier journal writings and prior false starts at what he wanted to be a great “road” novel, for publication as a more or less fictionalized account of his experiences on the road from New York to San Francisco and his mid-century travels around the U.S. with his Beat posse.

In fall 2007, in honor of the novel’s 50th anniversary, Viking (Kerouac’s original publisher) reissued On the Road, not as the book appeared in 1957, but as Kerouac had written his words on this original scroll, including the names of his friends, the places they lived and visited, the sex and the drugs that editors had before removed as obscene. But even without chapters or paragraph breaks, and with vaguely “grammatical” sentences and punctuation, the scroll, as published by Viking for the first time, is still constrained by its book form, standardized font, front matter, and worst of all, pages that require turning.

For Kerouac, roads were not about turns. The “road period” of Kerouac’s life, as scholars now call it, was one continuous expanse, an unreasoned linear trajectory, and here unrolled in front of me (and under glass) were 60 feet of the 120 most important feet in Jack Kerouac’s life, at least retrospectively. Sixty feet long by 8 ½ inches wide: one literary line insisting that we follow-follow-follow. Looking backward from his vanishing point, I could see it all laid out, the paper only slightly yellowed and the keystrokes dark and deceptively young, fresh from the tomb of some collector. All these lines (continuous, continuous) become, as you look at the scroll, a language flag, a banner, a textual field without a title and without an ending, since Kerouac’s friend had a dog that accidentally ate the last feet of typing. The scroll is the fabric of literary revolution, and walking its length, bending over the words and peering at them like spiritual relics, I seem to stand in line with Homer, Whitman, Ginsberg, and yes, Kerouac. We stand in line, and I stand with legs tired from walking and standing and taking it all in—and ready to move again. The road keeps on; so say these lines, we hold fast again. And repeat, and repeat.
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