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A Lecture by Justice Scalia

By Editor-in-Chief Sarah Aviles (3L)

Many of us, having read and agreed or disagreed with the famous opinions of Supreme Court Justice Antonin Scalia, probably pictured him as a formidable, black-robed judge with a gavel. However, the affable, exuberant man who visited the William and Mary School of Law this past Monday, September 10 was anything but formidable.

The original purpose of Justice Scalia’s visit was to accept the highly coveted Marshall-Wythe Medallion. However, perhaps in reminiscence to his former career as an Administrative law professor at the University of Virginia Law School, Justice Scalia took the time to guest lecture Professor Larsen’s Administrative Law class and Professor Devins’ Supreme Court Seminar. Expanding in particular upon his dissent in *Morrison v. Olson* and his majority opinion in *Edmond v. United States*, Justice Scalia discussed the constitutional separation of powers principle in the context of the President’s power to remove executive agency officials.

“It was a really unique experience to hear about administrative law from somebody who has had such an important role in shaping some of the cases we have read,” says third year law student, Barb Marmet.

Apart from an apparent fear by students to answer questions, both student and professor attendees appeared to be interested and engaged by the Justice’s frank, dynamic teaching style.

“It was an absolute honor to have Justice Scalia guest teach,” says Professor Larsen. “It may have been some time since he played the role of an ad law teacher, but you wouldn’t know it from his performance yesterday. He was thoroughly familiar with the cases, quite engaged with the students, and displayed his characteristic wit and voice with his commentary. I just hope he doesn’t want to come back here and teach ad law or I may be out of a job. It was a thrilling experience for all of us in the room.”

 Earlier in the day, Justice Scalia was on hand to sign students’ copies of his new book, *Reading Law: The Interpretation of Legal Texts*. This book, co-written by Bryan A. Garner, has debuted to high praise. The *New York Times* called it “compulsively readable” and an overall “wonderful book.”

Finally, at a dinner in his honor, Justice Scalia was presented with the Marshall-Wythe Medallion, the highest honor awarded by the law school faculty. Past recipients include, Kenneth Feinberg, Richard A. Posner, and fellow Supreme Court Justices Ruth Bader Ginsburg, Thurgood Marshall, William Brennan, John Paul Stevens, and Sandra Day O’Connor, among others.

Justice Scalia’s visit was an inspiring start to the semester - afterall, if a lecture by Justice Scalia doesn’t encourage students to do their work, nothing will.

Students browse Justice Scalia’s new book while waiting for him to sign it

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I’m Batman!

By Special Contributor Scott Lawrence (3L)

A somewhat popular movie entitled The Dark Knight Rises came out this summer. If you’re unsure of the plot specifics, you live under a rock. However, since “under a rock” and “Williamsburg” are basically synonymous, I’ll give you a quick blurb (SPOILER ALERT): Hermit lives alone in his mansion with an English butler. Despite his good looks and money, he has no social life, no girlfriend, and, evidently, no more cartilage in his knees. However, when trouble strikes Gotham (yet again), he pulls out his black body suit with cape and returns to the life of cool bat-toys and crime fighting to save the city from a man clearly on steroids wearing a muzzle.

Watching this movie (in IMAX, yo!), it suddenly became clear to me that I am Bruce Wayne. It’s difficult to see the shocking similarities if you’re looking at the apartment I share with my roommate and seasonal roaches (though my roommate – let’s call him “Alfred” – does slightly resemble Michael Cain), or my bank account, which, like a drug addict, is so high on student loans, it doesn’t realize that it’s seriously screwed. I also, unlike Bruce, have two very fine and living parents who have more than one child and no penchant for opera. But apart from all that trivial context, it’s like we’re the same person.

I’ll give you a list:

<table>
<thead>
<tr>
<th>Batman</th>
<th>Me</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fights Crime</td>
<td>Future prosecutor – totally the same</td>
</tr>
<tr>
<td>Masked Man of Mystery</td>
<td>Anonymous NWS Writer of Mystery</td>
</tr>
<tr>
<td>All his money was stolen by Bane</td>
<td>All my money was stolen by education</td>
</tr>
<tr>
<td>Sometime friend/enemy of Catwoman</td>
<td>Sometime friend/enemy of roommate’s cat, Bubbles</td>
</tr>
<tr>
<td>Sleep deprived due to nights fighting crime</td>
<td>Sleep deprived due to nights reading legal texts</td>
</tr>
<tr>
<td>Drives Batmobile</td>
<td>Ok, I wish..</td>
</tr>
<tr>
<td>Thrown into a hellish prison pit of despair</td>
<td>Law student</td>
</tr>
<tr>
<td>Life gets so unbearable he fakes death and runs away to Italy with a hot woman</td>
<td>One clerkship application away, baby, one clerkship application away..</td>
</tr>
</tbody>
</table>

Knowing that I am Batman, I now realize that the Dark Knight series has been a metaphor for my existence as a law student. Christopher Nolan should have had Christian Bale follow me to get a feel for the emotional intensity involved. In your spare time (oh, spare time...) rewatch the Dark Knight trilogy with the following analysis in mind.

- **Batman Begins**: Bruce Wayne, a rich, privileged kid with no direction, decides to dedicate his time and money to helping the world, believing that running around at night in a leather suit with bat trinkets is the way to do it
- **1L year**: I, a privileged kid and philosophy major with no options, decide to dedicate all my time and money trying to make a difference in the world as a lawyer.

- **Dark Knight**: A force of evil with no regard for the well being of the populace wreaks chaos in Batman’s life
- **2L year**: I join a law school journal.

Finally,

- **Dark Knight Rises**: Batman has been beaten down into a life of hermitage and bad hygiene, but rises up for one last surge into the fray
- **3L year**: Beaten down into a life of hermitage and bad hygiene, I start my 3L year, rising up for one last surge into the scholastic arena.

While I hope that my final year at law school does not involve a complete mental and physical break down (and does involve Anne Hathaway in a leather cat suit), like the Dark Knight Rises, I feel as though I’m rising out of the darkness. I am almost free to live my life and leave my metaphorical batsuit for the next generation of law students to struggle on with.

And with that somewhat forced metaphor, I leave you with my final words: Holy Bar Exam, Batman!

End Note: I sent this article to my editor who came back with, “So, Scott... should I be worried about you?” So to end on a positive note, just like Batman and Catwoman, Bubbles and I have worked out our differences and are currently sitting – dare I say, snuggling – together on my couch.
DEAR SCALIA and ABBY,

I believe that my husband is cheating on me, but I don’t know how to prove it. He has become detached, uninterested in me, and he works so late that sometimes I don’t see him until the next morning. While he was under anesthesia for a root canal last month, he mentioned that he has a second cell phone that I don’t know about. What do I do? HELPLESS IN DETROIT

Dear HELPLESS,

These things happen. If you are really worried about it, just have a discussion with him and be very frank. Don’t be accusatory, but try to talk openly to him about your issues. Hopefully things will work themselves out in the end.

Hugs,
Abby

Justice SCALIA, dissenting.

I don’t watch much TV, but when the Court is out of session I catch the occasional hour or two on the WB (that still exists, right?), and from what I can tell, a wide swath of Americans cheat rampantly all the time. See, e.g., Maury R. Povich, I Cheated with 8 Men… But I Know You’re My Baby’s Father, available at http://www.facebook.com/mauryshow.

What are you people doing? I certainly understand how annoying it is when a jealous partner tries to pry into someone else’s affairs solely because they think they aren’t getting enough attention. See generally Morrison v. Olson, 487 U.S. 654, 697 (SCALIA, J., DISSENTING) (finding that jealous partners, vis-à-vis Congress, should not be assumed to be right in their paranoid accusations against their significant other, vis-à-vis the Executive Branch, just because they are paranoid).

But cheating? What has this world come to? Are you people really so bored that you cannot raise 2.5 kids, have a dog, and spend your life content with watching quality television like The Maury Show? Go on a hike with each other or something, jeez.¹ I have been happily married for 52 years, and I file full dissenting opinions to my wife detailing how the meatloaf used too much ketchup the other night. That opinion was 47 pages long.

What should you do? I have no idea. Also, you just stole that last sentence from a TV Show. See Breaking Bad, Season 2 (AMC- great channel, but don’t tell me what happened this season, I missed it because I was too busy deciding whether Maury or National Federation of Independent Business v. Sibelius was a bigger joke).


The Honorable Justice Scalia continues to be channeled by Joseph Figueroa (2L)
Food Corner

The DoG Street Pub

By Columnists Diana Cooper (3L) and Matt Turtoro (3L)

Hello and welcome (back) to Williamsburg! With another year, comes another deluge of snarky and borderline rude food reviews by Matt and I. We've reviewed some of the best (and worst) of the 'burg, and can't wait to tell you about some of the new places we've been. This time we're going to talk about one of the newest spots in Colonial Williamsburg: Dog Street Pub. Before we begin, we would like to point out that we pay for these reviews on our own and that makes us extra snarky; if something is not at an 8/10 level or higher—especially at the "specialty" or "high-end" locations, they're doing something wrong—so you don't waste your money. So without further ado, the Dog Street Pub:

Matt:

The Gastro Pub: Possibly the greatest innovation in the food world since Paula Deen first shimmied a chicken inside of a duck and then shoved that all inside a turkey to create the "Turducken." So you can imagine my sheer, unadulterated joy when I heard of a gastro pub opening right here in Colonial Hell-town…mean scenic and historic Williamsburg, VA. Walking into the Dog Street Pub, unsuspecting patrons are immediately greeted by a cavernous and stark space thinly swaddled in the suffocating embrace of neo-colonial kitsch. What I can only assume were "ye olde flat panel Samsung TVs" provided the only decor to interrupt the faux-historic austere monotony of the wall and ceiling paneling.

Despite this dismal first impression, our party slowly made its way to a table. Service was prompt, but somehow our wait staff managed to seem both disinterested and clingy at the same time. I will say that the drinks menu is simply phenomenal—over two pages of microbrews and imported beers, coupled with a decent selection of wines and a beguiling assortment of gourmet sodas. Our waiter appeared knowledgeable on the subject, and directed me to ward a very refreshing Tangerine lager. To stomach the solid foods that follow, diners are advised to imbibe freely and continually.

I began my meal with an order of something called "Potted Crab," which tasted like a cross between low tide on the Hudson River and Fancy Feast premium cat chow. A mason jar of tepid, stringy crabmeat, scented with the noxious fumes of a pickling whose main agent appeared to be ammonia, was placed alongside five slices of what I can only assume was soda bread. The bread was dry, mealy, and possessive of a sickly-sweet taste that in no way complemented my ammoniated crab mush (as if anything could).

For a main course, I ordered a Cottage Pie thinking that this was a safe bet. The menu advertised the Cottage Pie as a "traditional beef pot pie topped with whipped potatoes and cheddar cheese." What appeared, in a woefully undersized dish, was a solid, dry, dense beef patty, topped by thin, chalky, and flavorless mashed potatoes. There were no vegetables, no cheddar, no non-ground meat, and what little gravy that the dish possessed was of such a thin and oily consistency that I was left to wonder whether BP was a corporate sponsor of this eating establishment.

A mere three bites into this dish and I felt transported back to a Victorian-Era workhouse in industrial Lancashire, reincarnated as a Dickensian orphan choking down a spoonful of inedible grizzle and gruel. The only difference I could discern between this "Cottage Pie" and that served by the ladle to Oliver and his orphan friends is that NO ONE would ever ask for "please sir, some more" of this inedible slop. I left the Dog Street Pub feeling more nauseous than at any point in my life since Rick Santorum withdrew from the Republican primaries.

Thankfully, the Trellis is a mere step away, a quick jaunt from that culinary equivalent of the Western Front that purports to be a "gastro pub." Prompt service and pleasant earth tones quickly transported me away from the Fauxlonial desolation.

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of Dog Street Pub. An aged tawny Port alongside a decadently delectable dark-chocolate and fleur-de-sal caramel tart (with pecan caramel brittle and burnt sugar ice cream!) banished the fetid rancor of “Cottage Pie” from my mouth and mind. In summation, Williamsburg’s newest restaurant is more Gastroenteritis than Gastro Pub. Go for the drinks, but run screaming next door to the Trellis if any one approaches you with what can questionably be called “food.” Welcome back to Williamsburg!

Diana:
I’m going to keep this short because 1. Matt used ALL the words, and 2. I wasn’t impressed with this place. I had heard so many great things about the DoG Street Pub, and I was excited to try it out. I had the Scotch Egg for my first course. It was Underwhelming, mostly because it was so dry and slightly stale. I ate it, but only because my mother taught me not to waste bacon or sausage (not really). My entrée was the DoG Street Burger. It was described as “our custom blended Black Angus burger with Tillamook Cheddar, back bacon & grilled Vidalia onion on an herb better bun”. It was delicious. It was perfectly cooked and it made me want to dance in my seat... But I didn’t. Mostly because the creepy waiter kept looking at us like he wanted to assault us, but also because I tried Matt’s weird crab appetizer (ew) and our guest’s Chicken Tiki-Masala (winner winner dry rice and chicken dinner...), and it made me sad. We were planning on getting dessert at the grill, but changed our minds because of the lackluster quality of food. We went to the Trellis instead and I got an awesome trio of handmade sherbets and ice creams that completely made up for the major disappointment of DoG Street Pub.

Overall, our crew tried seven items on their menu. All of the main points were covered, and it was disappointing as a restaurant BUT amazing as a pub. Perhaps the food might be better if you first take advantage of the pub portion of the gastro pub...

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**Electile Disfunction**

*By Staff Writer Frantz Farreau (2L)*

A few years ago, MENSA had a competition: change, remove, or add one letter to an already existing word and come up with a new definition. One of the winners was elective dysfunction, defined as the inability to become aroused by any of the year’s presidential candidates. Now, another presidential election year, and I am once again afflicted with another bout of elective dysfunction.

Four years ago, then Senator Barack Obama ran for president on a platform of “hope” and “change” – I think there was also some “believe” sprinkled in. Now, we hope that the “change” left in our pockets will get us through the rest of the month, and I no longer “believe” in President Obama because there has not been much improvement in my life since he took office. The economy is worse, gas prices are higher, and I am faced with dismal job prospects for my chosen profession. Try that again. I don’t think so. So much for that.

This brings us to Mitt Romney. Romney’s campaign slogan is “we built it.” I am not sure if I can trust a candidate whose campaign slogan comes from misquoting. No, Obama has not yet mastered the art of speaking in sound bites, but that is no reason to misquote him. And what am I supposed to do with a candidate who twists other people’s words to make me think they said something they did not. Not somebody to be trusted.

Mitt Romney also seems to lack the filter that tells most people when certain combinations of words are better off staying in your head. He is the presidential candidate with the biggest number of gaffes since George Bush. The only difference is that Bush had eight years in office to rack them up and Romney had four months on the campaign trail. Whether referring to “the poor” or insulting the London Mayor about their preparations for the Olympics, Romney really needs to keep his mouth shut, or learn to pass his words through that filter before they escape his lips and pommel our unsuspecting eardrums.

Furthermore, both candidates are trying to play up nonsense about “having come from struggle.” Quite frankly, I have little interest in either of their struggles. What matters to me is that both candidates are where they are today, not that they had to claw their way up from hardship. A president needs to understand the ways of the wealthy to function in Washington. The first family is the bridge between the average person and those who hold power and purse strings. Presidents should talk about how they will be able to implement policies for the average person, not tell stories about how they used to be average. Besides, I want a first family that is capable of supporting itself, and will not use the position as a personal piggy bank. Therefore, success stories are much more inspirational to me than stories of perceived “struggle.”

And so, I am once again suffering from elective dysfunction. Maybe in another four years a hot new prospect will come along and cure me.
Organization Spotlight:
LGBT Equality Alliance

By Special Contributor Amelia Vance, President of the LGBT Equality Alliance (3L)

This year, the Law School’s LGBT (lesbian, gay, bisexual, and transgender) Equality Alliance has many events planned. In today’s legal world, it is imperative that law students know about the legal issues surrounding the recently repealed Don’t-Ask-Don’t-Tell, the Proposition 8 court fight, LGBT adoption, LGBT marriage, anti-bullying laws, taxes, employment discrimination, the Defense of Marriage Act, and partner hospital visitations. Since there are no classes on LGBT law at the law school, the Equality Alliance brings speakers to the law school to ensure that every student is prepared to deal with these emerging issues that might arise in their area of practice. In addition, the Alliance advocates for LGBT students and allies, works with the law school administration to promote tolerance and awareness in the school, and organizes social events.

We have several exciting speakers planned for this semester. On September 18 from 12:50-1:50, the Equality Alliance is bringing the Human Rights Campaign Legislative Counsel Ty Cobb to campus. The Human Rights Campaign is the largest civil rights organization working to achieve equality for lesbian, gay, bisexual and transgender Americans since 1980.

On September 27 from 12:50-1:50, we will be co-sponsoring a debate with the Federalist Society, the American Constitution Society on the Defense of Marriage Act. The Federal Defense of Marriage Act (DOMA) of 1996 denies federal recognition to gay marriages and grants each state the right to refuse recognition of same-sex marriage licenses issued by other states. This forces married gay and lesbian couples to either reside in the states where their licenses were issued or lose the benefits of marriage in their home state. DOMA also denies gay and lesbian partners access to the 1,138 marriage benefits granted to heterosexual couples. However, in February 2011, the Department of Justice will no longer defend DOMA because they found it to be discriminatory and believe that it will likely be found unconstitutional.

Paul Smith, an attorney who argued Lawrence v. Texas, will speak at the law school on September 28 at 3pm. He is currently a partner at Jenner & Block’s Washington, DC office and is also the Co-Chair of Lambda Legal’s National Board of Directors. Lambda Legal is a national organization committed to achieving full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people and those with HIV through impact litigation, education and public policy work. The next day, September 29th at 2:45, the Supreme Court Preview will have a panel on gay rights.

Our largest event will be held in October: a full day LGBT Legal Conference on October 20th. The conference will consist of several panels and workshops: including panels on “The LGBT legal environment in Virginia,” “Foster Care, Adoption, and the Virginia Conference Clause,” “Diversity in the Legal Profession,” and workshops on “Children and Parenting,” “Employee Benefits,” “Education Law Issues,” and “Transgender Paperwork.” The program is from 9am-5pm and is free for anyone in the William & Mary community, though registration is required. Please register at http://eaconference2012.eventbrite.com.

The speakers at the conference include: the Executive Director of the Virginia ACLU; the Deputy Legal Director of the Southern Poverty Law Center; a GLSEN representative; and W&M Law alum Marc Purinton of Hunton and Williams. Other notable speakers include Diane Schroer, who won a potentially groundbreaking federal sex discrimination lawsuit against the Library of Congress for rescinding a job offer to her after learning that she was transgendered; Heron Greenesmith of the Family Equality Council; Megan Scanlon of LeClairRyan; Eva Juncker and Michele Zavos of the Zavos Juncker Law Group; and Michael McHugh of the

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Come Donate Blood!

By Special Contributor Megan Cowles (3L)

On Thursday, October 11th, the Student Bar Association is hosting a blood drive with the American Red Cross from 9 AM to 3 PM. There will be two buses taking blood throughout the day. Before donating, make sure you have eaten and had plenty to drink. Bring a photo ID. Staff and volunteers will sign you in and review basic eligibility and donation information. Then, you will be asked to fill out a private, confidential, and brief health history questionnaire to determine eligibility. Staff will also check your temperature, pulse, blood pressure and measure your red blood cell count. The actual donation typically takes less than 10 minutes. Snacks and refreshments will be provided after donating.

Facts about blood and blood donation from the American Red Cross:
- Every two seconds, someone in the United States needs blood.
- More than 38,000 blood donations are needed every day.
- One donation can save or sustain up to 3 lives.
- A single car accident victim can require as many as 100 pints of blood.
- Each year, about 9.5 million people donate blood in the United States.

To schedule an appointment in advance, visit redcrossblood.org and enter the code MWSL. The blood drive will also accept drop-in donors.

How I Spent my Summer

By Managing Editor Matt Finley (2L)

For many, many years, my first day of school was relegated to essays exposing what I did during my summer vacation. Unfortunately, by the time I began having summers that I wanted to tell people about, they stopped asking. So today I’m ignoring your insufferable desire to dive headfirst into the mounds of dust-covered volumes that hold the strings of our lives and I’m going to explain how I spent my summer vacation.

This summer I lived with my grandmother in my hometown, the hometown I hadn’t visited in nearly five years. Whatever patronizing statement is running through your head right now, grab hold of it however you can and put it away (even “Oh! I bet that was adorable!” or “Well, I bet you ate your fill!”). Day one: I walked through the living room. That was a mistake. My grandmother sat me down and gave me a stern talking to about how, “this was her house,” and, “I should respect it.” You can understand, reader, the confusion with which I registered this. No one walks through the living room. NO ONE. I had to vacuum to get the threads of the carpet headed in the right direction and dusted some of the shellacked wooden surfaces to make sure I got rid of all the dust that follows me around as I walk.

I mentioned earlier that you should hold your immediate thought of eating well in your head, but let me explain. Oh, I ate my fill. That’s for sure. But let your imagination run on until you’ve eaten everything... then go farther. It’s great when you visit your grandparents. I remember we would have a feast. Everyone laughed and had a good time and you left feeling a little too full. That was fantastic. But what about the next night? And the next night? And the next night? For months. Now it becomes clear: Saying no? That’s not an option. She’s your grandmother and she’s just so nice and she made all that food so you might as well eat it. Let’s go farther down the rabbit hole. She makes you lunch. She gives you snacks. She gives you snacks in-between the snacks. You just can’t stop until you recognize the Pavlovian effect that washes over you when she walks in the room and you wonder what you’ve become.

Also, one would think that the fact that we’re blood relatives is rent enough. Clearly, that was not the case. I don’t know if you’ve ever crawled through connected cabinets to clean them, reader, but you’ll never understand until you do. (Side note: whichever bygone era put glued paper to things such as cabinet bottoms and walls didn’t think it through). When I finished the cabinets, there was the grass, the deck, the carpet, the attic, and, just in case I ran out of stuff to do, the garden was always there to keep me busy.

The days came to a close, and I would finally walk past the numerous rooms I wasn’t allowed to step foot in to reach mine. I had my own bathroom, filled with spiders. Every foray into the bathroom required significant dexterity in order to brush my teeth and wash around falling arachnids. Unnecessarily alert, I would crawl up the step ladder to reach my bed, all the while imagining the ten foot fall to my neck-snapping. The old house had that feel that every horror movie exuded, and the painted portrait that watched over me as I slept assured me I would die. In the last moments before I passed out I would always wonder what divine force had led me to that place.

There was no water pressure, everyone went to bed at eight, it was freezing, and they only watched evangelical television. Oh, I also had a job. Then I came back to law school. Perhaps I would rather have nothing to write about, but that’s how I spent my summer vacation.
McHugh Law Firm. W&M’s Professor Hamilton and Dean Douglas will also attend. It should be a great event; we hope to see you there!

The Equality Alliance will also be hosting Amanda Simpson, the Special Assistant to the Assistant Secretary of the United States Army (Acquisition, Logistics and Technology) and the former Senior Technical Adviser in the Bureau of Industry and Security. She was the first openly transgender woman political appointee in any administration. Her event is on November 2nd during lunch.

A couple weeks later, on November 13th at lunch, we will be having a live video lecture with Professor Andrew Koppelman, the John Paul Stevens Professor of Law and Professor of Political Science at Northwestern University. He is the author of the books Defending American Religious Neutrality, A Right to Discriminate? How the Case of Boy Scouts of America v. James Dale Warped the Law of Free Association, Same Sex, Different States: When Same-Sex Marriages Cross State Lines, The Gay Rights Question in Contemporary American Law, and Antidiscrimination Law and Social Equality.

We also have several events planned for the spring, including one with Nathalie Gilfoyle, Esquire of the American Psychological Association. We hope our many events will be helpful and enjoyable for all students! I would like to thank all of our members from last year and this year who have helped to create such a great program for this school year.

Any students who want to get involved in the Equality Alliance or learn more about these issues are always welcome!

Contact us at lglawm@email.wm.edu if you have any questions or want to join our email list. I look forward to an exciting year with many events, and hope to see you there!