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The Advocate

VOLUME 2, ISSUE FOUR

WEDNESDAY, OCTOBER 20, 2004

WILLIAM & MARY SCHOOL OF LAW



Derrick Bell Honored At William & Mary

by Marie Siesseger

William & Mary bestowed its highest honor, the Marshall-Wythe Medallion, on Professor Derrick A. Bell, Jr. of New York University Law School on Tuesday, Sept. 28. Prior to receiving the award, Professor Bell addressed students, faculty and community members on the subject of *Brown v. Board of Education* and the "lessons it likely did not intend to teach." At the beginning of his speech, he announced that although he was present to receive an honor, what he really wanted was a "chance to proselytize."

Professor Bell's message was clear: The promise of *Brown* failed to translate into much more than a symbolic victory, and as a result, "we need leaders...[who are] able to understand the restrictions of rac-

ist thinking and courageous enough to propose and push for policies that are sorely needed both despite and because of the strong opposition they will encounter."

As a "person whose actions have reflected his beliefs," as Dean Reveley said, Professor Bell is uniquely positioned to make such a plea. Before arriving at NYU Law, Professor Bell taught at Harvard, where he was the first black professor to be tenured. In 1992, however, Professor Bell left Harvard in protest over the school's failure to hire women of color to its faculty. For much of his academic career, Bell wrote in the area of critical race studies. He is the author of *Race, Racism, and American Law*, a case-book now considered to be a staple in the field. He has also written on the subject of ethics.

While admittedly not heralding the 50th anniversary of *Brown* to quite the extent as some sectors of academia, Professor Bell noted that "the Supreme Court in *Brown*... acted in the face of criticism that they were altering the status of blacks." He reviewed the history and aftermath of the *Brown* decision, particularly how Justice Hugo Black had been "reviled...for doing what the Constitution demanded and his conscience dictated." As difficult a decision as it was, however, "the *Brown* precedent did no more than cast a half-light on that fierce and eventually successful resistance," Bell said.

Drawing upon W.E.B. DuBois' analysis that *Brown* was driven in large part by U.S. efforts to cope with communist pressure, Professor Bell explained the cor-

respondence between the equality mandate in *Brown* and the necessity of warding off communist criticism of segregationist policies. Bell said that although "there is no record that foreign policy considerations were debated by the justices," the Court was "acutely aware of the
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1Ls Take a Closer Look at Substance Abuse and The Law

by Myriem Seabron

"In my generation, going off to college was the time for experimentation with drugs and alcohol...but what we're starting to see—and there was a report about this on NPR just the other day—is experimentation in middle/high school instead of college. So we're seeing more people in college and graduate school who have already begun to develop substance abuse problems." So said Susan Pauley, executive director of the Virginia branch of Lawyers Helping Lawyers (LHL), as she explained why 1Ls were asked to give up an hour one Friday afternoon to attend a program on Mental Health and Substance Abuse.

The program featured short talks by Kelly Crace, director of the William & Mary campus counseling center, Dean Lynda Butler, Professor Susan Grover, Ms. Pauley, and a local attorney

battling alcoholism and depression who is a current volunteer with LHL. "This is one of the most important programs you will attend all year," Dean Butler stressed to the 1Ls crammed into Room 119. Substance abuse and mental illness "do not respect boundaries of any sort," she explained. Stating a theme that would recur throughout the afternoon's program, she emphasized that "even if you do not develop the problem yourself, you will, in all likelihood, know someone who does."

Professor Grover spoke of how law is one of the most challenging professions in our society, and given the pressures upon practitioners, "Lawyers Helping Lawyers is good news. We provide alternatives to disbaring lawyers."

Just what is it about the drive to succeed that causes so much trouble for lawyers and those who aspire to the profession? Crace

diagrammed "the chronically evaluative mindset" that has students asking "How am I doing now? How about now? How about now?" It never rests." As a result, it "becomes overwhelming to the point that we have to escape from that ever-present demand." It is that desire for escape that drives many to drugs and alcohol.

Executive Director Susan Pauley spoke next, giving a brief history of Lawyers Helping Lawyers in Virginia and explaining why there's been a need for such a program. Evidence indicates that "12-20% of attorneys will have a substance abuse problem" at some point in their adult lives. Additionally, there have been increasing rates of depression within the profession. LHL and other institutions have been looking at the law school experience and "wondering why things have been getting worse over time instead of better." The first step, Pauley explains, is making sure that law students and professionals know that addiction is a disease. "It is a chronic disease; you don't get treated for it like a cold and it goes away. It is a disease whose symptoms don't go away and they only get worse over time. It's also a disorder that is a neurochemical disorder," she said. She emphasized the nondisciplinary aspect of LHL. About 80% of LHL volunteers are people who are in recovery themselves.

These volunteers take referrals, provide resources, help with monitoring for the board of examiners, and, most importantly, are a source of peer support. One such volunteer was there to speak to the 1Ls. It was his talk that closed out the program, and by all subsequent accounts, was the most effective part of the awareness presentation. A practicing attorney in Williamsburg who graduated from W&M, he qualified to speak to the class, he said, be-

cause he was a recovering alcoholic who has also been suffering from depression. "If this subject had been discussed when I was in law school, either I wouldn't be here or I'd be asleep. The people that probably need to hear this aren't gonna listen. Be aware that... you are guaranteed to run into this problem in your life, and it's up to you to change the perception outside this room... this is a disease... I didn't believe that and there are days that I don't want to have it." For a moment he did lighten the mood a bit as he joked that along with stress comes days when a person's energy levels are extremely low. Just like the character Scotty on *Star Trek*, he exclaimed that "I need more power, you can't keep the shields up and fire the phasers at the same time without more power."

But, it was those stresses and lifestyle choices that led him down a dangerous path. He began to tear up as he spoke of denying his problems because he was afraid that admitting them meant his children would be fated to suffer from the same disease. "I was misinformed about alcoholism and I think many of you are. And my misinformation led me to do nothing about it." He recalled the intervention staged by his family and friends seven-and-a-half years earlier, and the realization that the patterns he established in law school were what led him there. He left the audience with this thought: "Don't wait to figure it out. Don't be afraid to get help. Please find someone to talk to before you set into motion a chain of events that's gonna make you desperately unhappy." After all, he pointed out, the obituaries do not usually indicate the deceased as having died of alcoholism. Car accidents and heart attacks usually mask the underlying cause.

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THE ADVOCATE

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

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

Supreme Court Preview

by Jeff Mead

Prominent legal scholars, lawyers, and Supreme Court journalists will converge on the law school October 22 and 23 for the 17th annual Supreme Court Preview, sponsored by the Institute of Bill of Rights Law. The Preview offers attendees a unique and in-depth analysis of the cases on the Court's docket for the 2004-2005 term. The Preview is free for students.

This year's panelists include eight people who together have argued more than 100 cases before the Supreme Court; at least two of those eight will be arguing cases this term. Additionally, journalists from top U.S. newspapers—including The New York Times, The Washington Post, Los Angeles Times, and USA Today—will also serve as panelists.

The Friday session features a special briefing on human rights and national security law. Professor Linda A. Malone and General Charles Dunlap, Jr., who are co-directors of the newly established program in human rights and national security law at the law school, will present the briefing.

A moot court argument of one of the Court's most prominent cases this term, *Roper v. Simmons*, highlights the Friday session. The Missouri Supreme Court held in the 2003 *Simmons* decision that execution of criminal defendants who were 16 or 17 at the time of their crime violates the Eighth Amendment's prohibition of cruel and unusual punishment. The U.S. Supreme Court held 15 years ago that such executions were not barred by the Constitution.

William Hurd will represent the state of Missouri, and John Blume will represent Christopher Simmons. Hurd successfully represented Virginia before the Court when it upheld a state statute that prohibits cross-burning with intent to intimidate. Blume is a co-founder and current director of Cornell Law School's Death Penalty Project and has argued numerous death penalty cases before the Supreme Court.

Also Friday, panelists will discuss legal developments under

George W. Bush, including administration efforts to redefine presidential power as a part of the War on Terror, the president's support of a constitutional amendment to ban gay marriage, Bush's appointments to the federal judiciary, and the role of the Supreme Court in 2004 election politics.

Saturday panels feature discussions of the leading cases on the Court's docket. These cases include constitutional challenges to the racial segregation of prisoners, restrictions on out-of-state purchases of wine, medical marijuana legislation, and challenges to fees cattle producers are forced to pay to fund beef advertising campaigns that the producers don't support. Panelists will also discuss the role international law should play in Supreme Court decision making.

This year's participants include:

- Joan Biskupic (USA Today)
- John Blume (Cornell Law School)
- Michael Carvin (Jones Day, Washington, D.C.)
- Erwin Chemerinsky (Duke University School of Law)
- Walter Dellinger (O'Melveny & Myers, Duke University School of Law)
- Lyle Denniston (SCOTUSblog)
- Neal Devins (William & Mary School of Law)
- Davison M. Douglas (William & Mary School of Law)
- James G. Dwyer (William & Mary School of Law)
- Kenneth Geller (Mayer, Brown, Rowe)
- Michael Gerhardt (William & Mary School of Law)
- Linda Greenhouse (The New York Times)
- William Hurd (Troutman Sanders, Washington, D.C.)
- Neal Katyal (Georgetown Law Center)
- Charles Lane (Washington Post)
- Dahlia Lithwick (Slate)
- Linda Malone (William & Mary School of Law)
- John McGinnis (Northwestern University Law School)

- Alan Meese (William & Mary School of Law)
- Thomas Merrill (Columbia Law School)
- David Savage (Los Angeles Times)
- Stuart Taylor (National Journal)
- Kathryn Urbonya (William & Mary School of Law)
- William Van Alstyne (William & Mary School of Law)
- Amy L. Wax (University of Pennsylvania Law School)
- Stephen Wermiel (American University, Washington College of Law)

The mission of the Institute of Bill of Rights Law is to contribute to the ongoing national dialogue about issues relating to the U.S. Constitution and our Bill of Rights.

One of the guiding philosophies of the Institute is the conviction that our collective understanding of constitutional issues is enhanced significantly when experts from diverse disciplines—lawyers, journalists, historians, political scientists, economists, sociologists, and politicians—are brought together for serious discussion and debate. Following this interdisciplinary approach, the Institute provides a forum for debating matters of law and policy as a means of increasing our understanding of important constitutional issues.

For more information about the Supreme Court Preview or the Institute of Bill of Rights Law, please contact Melody Nichols at ibrl@wm.edu.

Following is a schedule of events (subject to change):

Friday, October 22:

- 3:00 p.m. Special Briefing: Human Rights and National Security Law
- 5:30 p.m. Registration
- 6:10 p.m. Welcome
- 6:15 p.m. Moot Court Argument: *Roper v. Simmons*
- 7:45 p.m. The Law Under George W. Bush
- 9:15 p.m. Recess

Saturday, October 23:

- 9:00 a.m. Civil Rights
- 10:00 a.m. International Law at the U.S. Supreme Court
- 11:00 a.m. Criminal Procedure
- 12:00 p.m. Lunch (on your own)
- 1:30 p.m. Federalism
- 2:30 p.m. Business Law
- 3:30 p.m. Update and Looking Ahead: Recent Certiorari Grants and Upcoming Issues in the Court
- 4:30 p.m. Recess

W&M Law School Came First. Why Care?

by W. Taylor Reveley III

During the Revolutionary War, Thomas Jefferson became governor of Virginia and a member of the Board of Visitors of William & Mary, his alma mater. Jefferson was acutely unhappy with the then current state of legal education. Fledgling lawyers worked as apprentices in the offices of practicing lawyers, in theory learning the law from their mentors but in practice spending most of their time as human copy machines. Jefferson wanted to educate *citizen lawyers*.

On December 4, 1779, Jefferson succeeded in persuading his colleagues on the William & Mary board to begin legal training at the College. To this end, the

board created a new professorship in "law and police" ("police" meaning public policy). Jefferson then recruited his own beloved law teacher, George Wythe, to assume the post. Over the course of his career, Wythe served in all three branches of Virginia's government: as attorney general of the colony, member and clerk of the House of Burgesses and later speaker of the House of Delegates, and as one of Virginia's leading judges. In the forefront of the Revolutionary generation, he signed the Declaration of Independence and served in the Continental Congress. Wythe was among the framers of the U.S. Constitution and thereafter one of its most effective champions in Virginia's ratifying convention.

He was also a scholar of striking range and depth, as well as a master teacher. In short, Wythe's appointment as the College's first law professor was a perfect way to begin legal training at William & Mary.

While Wythe emphasized political economy and public law, he also insisted his students build a solid foundation in English common law. Wythe lectured twice a week. He revived the old English custom of moot courts, sitting once or twice a month with other professors to judge student arguments. He initiated a Saturday custom of holding mock legislative proceedings in the old colonial capitol in Williamsburg; the students dealt with substantive and procedural

aspects of important bills then pending in the Virginia General Assembly in Richmond. Thomas Jefferson liked what he saw. In 1780, he wrote James Madison enthusiastically:

Our new institution at the College has had a success which has gained it universal applause. Wythe's school is numerous. They hold weekly courts and assemblies in the capitol. The professors join in it; and the young men dispute with elegance, method and learning. This single school by throwing from time to time new hands well principled and well informed into the legislature will be of infinite value.

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Monday Nights 5am-9pm: Mexican Night

Wednesday Nights 5pm-9pm: Italian Night

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Terry Searches at Warp Speed? Not So, Says Prof. Taslitz

by Nicole Travers

Science fiction TV shows and criminal law are not topics you would normally associate with each other—unless you're Professor Andrew Taslitz of Howard University. Professor Taslitz is a graduate of the University of Pennsylvania, and practiced in Philadelphia before moving to Washington, DC to teach at Howard University. On Friday, October 1, Taslitz spoke to a small gathering of William & Mary students and professors about his theory of time perception, and how it relates to racial profiling in criminal law.

As an example of time perception, Taslitz first discussed an old episode of *Star Trek* in which Captain Kirk and his crew discover that there are other, "invisible" aliens living on the *Enterprise* with them. As the episode continues, the crew learns that the aliens are not actually invisible, but move so quickly that the slower-moving humans (and others) on the crew cannot see them. "As is usual on the show," joked Professor Taslitz, "one of the alien females takes an interest in Captain Kirk and gives him an elixir so he can experience time moving quickly." Once Kirk drinks the elixir, his time perception speeds up, and he can interact with the fast-moving aliens as they study the slow-moving crew. Taslitz's point in discussing the science fiction program is that time perception is not always the same for everyone in every situation. But most people don't actually need an elixir to affect time perception. It's also affected by circumstances, and by stress.

This brings us to criminal law, specifically to "stop and frisk" situations. These occur when a police officer stops another person on the street, and quickly frisks them for weapons. These are also called "Terry stops" after *Terry v. Ohio*, the 1968 case in which the Supreme Court declared such searches rea-

sonable under the Fourth Amendment. Their reasoning was that such a quick search is not invasive—the police officer will only run his or her hands on the outside of the suspect's clothing, and the search is limited to weapons which could be used to harm the officer or others. Another reason is that the searches are much faster than "full" searches, and therefore less invasive to the suspect's privacy.

Although the court and the police describe *Terry* stops as "fast," this description is based only on their perception of time passage during such a stop. Taslitz explained that although a police officer, who may perform such searches (and more invasive ones) on a day-to-day basis perceives a search as fast, the person being searched is likely to perceive time as moving more slowly during the search. This is due to the effects of stressful circumstances on an individual's time perception. Any time a person is stopped by a police officer, they will probably consider it a "big deal," even if the third parties in courts describe a *Terry* stop as noninvasive. Psychological evidence shows that the party being searched usually perceives the search as taking longer than would the police officer, or even a third party observer.

This problem is compounded when racial profiling is involved. Professor Taslitz presented a brief history of racial profiling, and judicial action to prevent discrimination within profiling. When racial profiling is used in a *Terry* stop, the court does not see it as a "big deal" unless the suspect can prove the police officer was not stopping members of other races in the same situations. As can be imagined, this proof is extremely difficult to come by, so civil remedies for harmful racial profiling are largely a legal fiction.

Taslitz went on to describe how minority groups can react to evidence of police profiling their

race. When someone is stopped by a police officer, and that person believes the officer is profiling them based on race, that person perceives the situation as extremely hostile because she has lost confidence that she will be treated fairly by the officer. This in turn increases the stress of her situation, and her perception of time slows because of it. Therefore, claims Taslitz, racial profiling makes *Terry* stops even

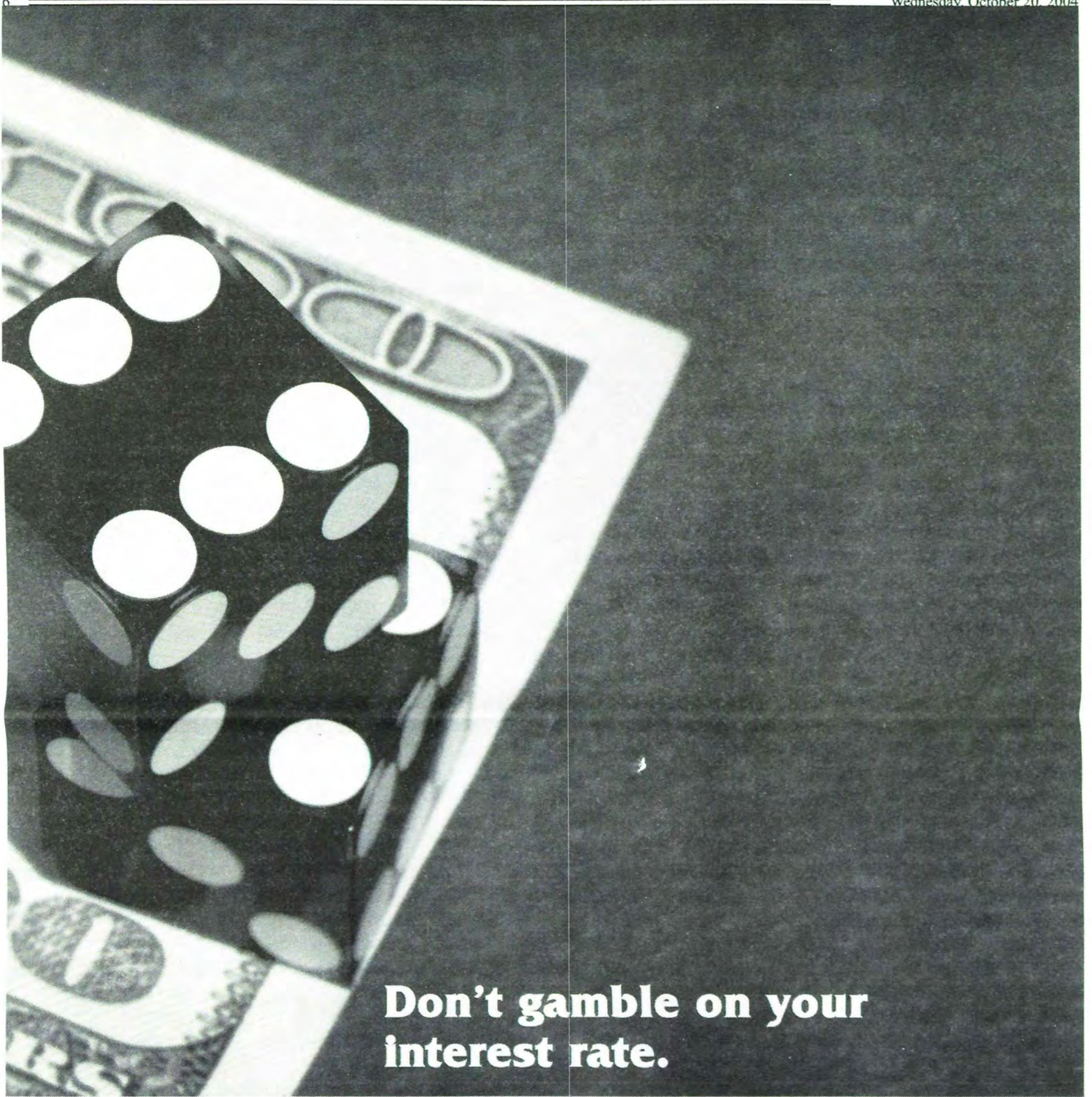
more time consuming and invasive to those who are searched. Because America's War on Terror has made racial profiling even more common and accepted than it once was, the incidents of searches perceived as very invasive by profiled suspects are increasing.

Will racial profiling in *Terry* stops lead to a further abandonment of civil liberty? Only time will tell.

October is Domestic Violence Awareness month. Phi Alpha Delta will be collecting items from October 13 - 31 for AVALON, a local women and children's shelter that provides lodging, support, and legal services to victims of domestic violence and sexual assault. A collection box will be located in the lobby.

AVALON's Needs List:

- Soap and detergent
- Toothpaste
- Toothbrushes
- Cleaning items (e.g. Comet)
- Bleach
- Paper towels
- Toilet paper
- Disposable diapers
- Baby wipes
- Certificates from grocery stores for fresh food
- Non perishable food items
- Laundry baskets
- Trash bags
- Personal care products
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W&M Continued from pg. 2

Among Wythe's first students at William & Mary was John Marshall, later the fourth and greatest chief justice of the U.S. Supreme Court. Over the course of his career, Wythe taught a host of Virginia's and the country's early leaders, starting with Thomas Jefferson and ending with Henry Clay. They revered him.

Wythe led the new program in law at William & Mary for a decade. Another lawyer of striking ability and prominence, St. George Tucker, followed him. Both of these seminal figures in legal education insisted that their students engage in the leading issues of the day, even the most sensitive, slavery in particular. Between them, George Wythe and St. George Tucker got legal training off to a splendid start at William & Mary. This was the first university-based legal program in America, coming only slightly later than Sir William Blackstone's 1758 professorship in law at Oxford.

So William & Mary Law School came first. Who cares? To judge by behavior, people do put stock in what came first and, more generally, in things with some age on them. Perhaps this is because there is a presumption of quality inherent in age. And why should there be a presumption of quality in age? Perhaps because it suggests staying power, the capacity over time to survive adversity and seize opportunity, the poise and dignity that comes from surmounting countless flaps and crises, and the wisdom born of experience, especially the knowl-

edge of what not to change even as everything else does. To quote myself from a related context:

Whether universities, regiments or law firms, some institutions move powerfully from one generation to the next. Others find themselves becalmed, or they founder. Reasons for success or failure are legion. But those institutions that prevail usually take strength from their past. They remember their heroes, their times of peril and triumph, and their basic beliefs. The importance of the past as a source of confidence and poise grows with the turmoil of the present.

It does matter, in my view, that William & Mary Law School's roots run old and deep into American history. The resilience and strength of these roots brought the school back to life after a near-death experience during the Civil War and preserved the school in 1939 when William & Mary's own Board of Visitors voted to close it to save money for the impoverished College. It was roots the students argued, in surging opposition to this Board decision (which they got reversed in three days). It is roots that provide William & Mary Law School with its original and enduring intent. Thomas Jefferson's design for legal training at William & Mary—the education of *citizen lawyers*—remains as compelling in 2004 as it was in 1779 when George Wythe became Professor of Law and Police and in 1939 when students saved the school into which he had first breathed life.

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nation's paranoid fear that national security was endangered by those who would exploit our internal difficulties for the benefit of external forces." This fear manifested itself two years prior

to *Brown* in *Dennis v. United States*.

After *Brown*, "blacks and their lawyers were too busy celebrating...to recognize the self-interest component of this or any other civil rights policy acknowledged

Substance Abuse from pg. 2

Afterwards, many students appeared to have found the program extremely worthwhile. "I thought it was important. [It was] important to tell us and important to emphasize," said Katie Clair (1L). The statistics about substance abuse and depression were "surprising," and the volunteer's story was "powerful."

John Ambrose (1L) agreed. "The last guy was very powerful. I respected him. It takes a lot to get up there and tell everybody your business. Your personal experience—'This is what I did. This is where I've been.'" This was a theme that resonated with several students. "He might have saved some people's lives," said Bereket Bisrat (1L). Katie Falk (1L) found it frightening to realize what could happen "if we're not careful and we don't look out for each other."

by the Court," Bell said. He noted that the desegregation campaign of the 1960s and 70s "led school boards to close black schools, dismissing black teachers in droves, and sending black children to all white schools...where they were often met with more hostility than acceptance." Bell briefly explained his own role in the desegregation efforts, which included service as counsel for the NAACP Legal Defense Fund and Deputy Director of the Office for Civil Rights in the Department of Health, Education and Welfare. He noted that, sadly, the drive to desegregate has largely proven fruitless—"most black and Hispanic children today attend schools that are heavily, if not entirely, black and Hispanic."

In sum, Professor Bell said, "the *Brown* decision, as far as the law is concerned, is of little beyond symbolic value." The subsequent cases made it difficult for reformers to implement change

After the program, Susan Pauley spoke to *The Advocate*. The majority of their volunteers are in the 40s, 50s, some in their 60s, she said. So what does she hope the 1Ls get out of programs like this? "An increased awareness," particularly about the potential problems they may encounter. They should know that there's "a safe place to go talk about it, if they're concerned." Lawyers Helping Lawyers isn't "just some theoretical, abstract thing, but something that's readily available for anyone who needs it."

Professor Grover indicated that the Student Division of LHL plans on sponsoring more speakers in the future, even as soon as next semester.

More information on Lawyers Helping Lawyers can be found on their web site, www.valhl.org.

Additional reporting by Will Durbin and Rob Eingurt.

through the legal system because those cases required proof of school administrators' intention to create minority schools. Other attempts at legal reform of racial injustices met with a similar pattern of resistance, except when external interests aligned with racial remedies, Bell said. He pointed to historical examples including the Emancipation Proclamation and the adoption of affirmative action policies. At the close of his lecture, he renewed his call for strong leaders to put an end to the cycle of "blacks [being] the fortuitous beneficiaries of measures undertaken to further other ends."

Professor Bell also spent much of Wednesday in dialogue with students and faculty, including breakfast and lunch discussions, which bore the imprint of his ardent hope that the leaders America needs in order to implement true social change will be found in this generation of students.

Professors Try Not to Make a Splash: Raft Debate 2004

by Dave Zerby

On Thursday, September 30, William & Mary held its annual Raft Debate at the Commonwealth Auditorium in the University Center. The debate pits faculty representatives of the natural sciences, social sciences, and humanities against one another. The speakers are presented with a hypothetical situation: after some disaster, the three representatives (plus a fourth, the Devil's Advocate) are stranded with only a single raft, just large enough to fit one person. Each speaker must attempt to convince the audience that they should be awarded the position in the raft, based on the value of the speaker's respective field to humanity at large. Meanwhile, the Devil's Advocate strives to convince the audience that none of the fields deserves to be on the raft.

Once a longstanding tradition at the College of William and Mary, the Raft Debate was discontinued for twenty years. Beginning in 2002,

however, the Debate was revived.

This year's representatives were: John Wells, Dean of VIMS, representing the natural sciences; Joel Schwartz, director of The Charles Center, representing the social sciences; Monica Potkay, an English professor, representing the humanities; and David Holmes, a professor of Religious Studies, playing the Devil's Advocate. Physics professor Hans von Bayer acted as moderator.

The audience appeared to take the Debate's central premise at full value, as it voted to place Dean Wells into the imaginary raft. Had the audience voted based on the speakers' entertainment value, Professor Holmes certainly would have won, with Professor Schwartz coming in second.

Dean Wells clearly had the strongest argument, however. His arguments centered on the physical and everyday improvements to human life for which the natural sciences are responsible, a strong

argument, albeit one presented rather dryly. Professor Potkay took a two-prong approach, seeking to criticize the discipline she (accurately) recognized as her chief opponent while promoting the humanities. She argued that although science improved life, it could not teach the proper use of its improvements. Rather, the humanities must be employed for that purpose, for the humanities encompass ethics.

Professor Schwartz proposed that the social sciences should be selected because they combine the fields of both natural sciences and humanities, and thus possess the knowledge necessary to regenerate both. He illustrated his point quite well by using two hats (one of which was a joker's belled-cap), and switching from one to the other rapidly as his speech wound from natural sciences to humanities and back.

The most entertaining speaker was the Devil's Advocate, Profes-

sor Holmes. For the sake of the Debate, Professor Holmes adopted a persona, who, upon taking the podium, announced that Professor Holmes could not be present, but that Professor Holmes had asked him to fill in; subsequently, the persona stated that he had met Professor Holmes in a hotel bar in Las Vegas. Afterwards, Professor Holmes's persona—a professor of Hotel, Motel, and Restaurant Management and Trailer Park Studies from Iowa State University—spoke loudly about the enormous numbers of Americans who use hotels, motels, and restaurants in their daily lives, and the need for someone capable of running the nation's hotels, motels, and restaurants.

After the speeches, each speaker was given two minutes to rebut. Following rebuttal, the audience voted, but not before the floor was opened to a limited number of questions. Sadly, no one asked Professor Holmes how to convert a single into a double-wide.

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Exercising Political Speech

by Rob Eingurt

Svetlana Khvalina stands in front of the John Marshall-George Wythe statue in front of William & Mary School of Law. She and seven other law students are stretching and talking about classes, friends, and other Marshall-Wythe gossip. Finally, she looks at her watch and announces to the other students—all 1Ls—that it is time to go. Suddenly, in a blur of matching blue t-shirts, the group takes off running north on Henry Street. They are the William & Mary chapter of Run Against Bush, a national group organized to raise money and voter awareness in an effort to defeat President Bush this November.

"It's a grassroots campaigning experience that is fun and happens to be a great workout," says Khvalina, who organized the William and Mary group. "It also helps spread the feeling that there are a lot of people out there who would like to see a change of the current administration."

Khvalina and her William & Mary colleagues are not alone. Over the past year over 13,000 people have joined Run Against Bush as participants in road races such as the upcoming Marine Corps Marathon in Washington, DC, and on recreational runs in towns and cities throughout the United States. Campus groups have sprouted nationwide, at schools such as the University of North Carolina, Auburn University, Emory University, Arizona State, and the University of Wisconsin-Madison.

Originally organized when the Democratic field was congested with 10 candidates vying for the nomination, Run Against Bush is now firmly in the corner of Senator John Kerry. "Rather than pick one candidate over the others we decided to coalesce our energy behind whoever the nominee would be," says Marc Laitin, Director of Running for Change PAC, the sponsor organization behind Run Against Bush. Laitin pointed out during a telephone interview with



The Advocate that, since being nominated, the Kerry-Edwards ticket has been prominently touted on the latest batches of Run Against Bush t-shirts.

Running for Change PAC is a Washington, DC-based political action committee that raises so-called "hard money" for federal races. According to www.runagainstbush.org, the group's official web site, the PAC has contributed over \$25,000 for the Democratic National Committee and more than \$130,000 for coordinated campaigns in 17 battleground states. In addition, several key congressional races have received donations from Running for Change. Overall donations, as of October 11, were listed as exceeding \$400,000.

However, the main impact of the William & Mary group has been interpersonal rather than financial. The route the group runs takes them through the gaggles of tourists on Duke of Gloucester Street in Colonial Williamsburg. As runners dodge horse-drawn carriages, fife-and-drum bands, and photo-snapping tourists, they always draw a reaction. While some tourists strain to read the silk-screened campaign messages before the runners vanish in a blur, many of the less myopic passersby are unable to restrain themselves from commenting.

"Sometimes," says Khvalina, "people clap, sometimes they heckle you. Either one means that at least you got their attention." Some members have heard everything from hisses to words of encouragement—each making a lasting impression. Khvalina remembers one incident in Baltimore, where she first joined Run Against Bush, when her group ran past some diners. "We ran past a restaurant in the inner harbor and we had people

actually stop eating, stand up, and clap for us."

So far, Khvalina estimates, the group has run a total of 60 miles in and around the William & Mary campus and Duke of Gloucester Street. The group plans to add to this total right up until the election. Whether or not a victory run is in the works is something they would rather not talk about, but it is an idea they'd like to have the opportunity to consider.

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Nothing Moot About It—Pollom Wins Bushrod Tournament

by William Y. Durbin

For three weeks in September, second-year law students competed in the William & Mary School of Law Bushrod T. Washington Moot Court Tournament, which culminated in the final round on Sunday, Sept. 26. John Pollom (2L) won the tournament, which serves not only as an intramural moot court exercise but also as the means of selecting and ranking new members for the William & Mary Moot Court Team.

In all, 61 2Ls took part in the six-round tournament. From these, the third-year Moot Court team members invited 26—the 13 men and 13 women who survived the first two rounds of cuts—to join the team.

“We couldn’t have been happier with all the 2Ls who participated,” said Justin Hargrove (3L), who, as the Moot Court team’s Bushrod Justice, helped organize the event. “The 26 who made the team are especially impressive. We had originally planned to invite just 24 to join the team, but things were so competitive and the participants so impressive that we took the opportunity to invite a couple more strong participants.” Assistant Bushrod Justice Chris Burch (3L) and Bushrod Research Justice Caroline Fleming (3L) joined Hargrove in putting together the tournament.

For a host of reasons, including declining rates of participation among job-seeking and cite-checking 2Ls, the Moot Court Team and the Marshall-Wythe faculty have

just recently agreed that the next Bushrod Tournament will be held in the spring semester of this academic year instead of next fall.

Bushrod is similar to actual Moot Court tournaments that the team takes part in over the course of the year. Participants research a selected problem, write an appellate brief, and defend it before a panel of judges in an oral argument. The exercise allows students to develop and refine both brief writing and oral advocacy skills.

This year’s problem, written by Fleming, dealt with copyright issues and an Internet file-sharing service like KaZaa. The facts of the case were made up, but the common law the participants applied was real. The team selected Fleming for the job in April, and she spent the summer researching

the case law and writing the fact pattern. Professors Trotter Hardy and John Levy advised Fleming in writing the problem.

“Growing up in the Napster era, I wondered about the legal precedents for the decisions being made,” Pollom said. “The problem was really interesting, providing an insiders perspective on the issues. I enjoyed trying to figure out what I thought was right and what I thought was the stronger argument.”

As the tournament’s winner, Pollom earned a spot on the Moot Court’s “A team.” The other three participants who finished in the top four—Shane Smith (2L), Anne Forkner (2L), and Jennifer Evans (2L)—also won the “A team” distinction.

Continued on pg. 13

Add a French Twist To Your Class Schedule

by Marie Siesseger

Thinking globally while acting locally is about to become more than just a recycling slogan—it’s soon to become the mantra of lawyers everywhere. The importance of understanding the judicial systems in other countries may not be readily apparent to American law students who spend three years immersed in common law studies, but the way things work abroad can have important implications for even largely domestic practices, say Professors Koch and Warren. This pair of William & Mary professors teach Civil Code Litigation, a course designed to introduce students to the operation of the most prevalent form of legal system, the civil law system.

With over 50 percent of the world population governed under some variant of the civil code system, including the majority of Europe and South America, as well as large portions of Asia and Africa, the utility of understanding code-based systems should not be underestimated. The course in Civil

Code Litigation isn’t just legal and intellectual “tourism,” Professor Koch said, it is “really useful...to understand how people in civil law systems do trials.”

Although few American lawyers will practice before a foreign tribunal, understanding how foreign legal systems operate can be a major advantage for budding corporate lawyers. When structuring the transnational components of a transaction, Professor Koch noted, it is important to consider how lawyers in other countries think about the process. The evidentiary requirements or enforcement options may be quite different in other countries, and it is vital that transactional lawyers appreciate the differences between systems to avoid potential pitfalls.

Future litigators will have the chance to try their hand in a totally new setting in the Civil Code Litigation class, Professor Warren said. The course will culminate in two trials—one civil and one criminal—done in the style of a French court, in which the students will assume roles ranging from the

investigating judge to prosecutor to defendant. Although the course focuses on French law because it is one of the most pure civil law systems, as well as one of the most widely exported, “the lessons [of French law] can be used in any civil code-based system,” Professor Koch said.

It’s a different course, said Professor Warren, emphasizing the participatory nature of the material. Unlike the traditional law school class, Civil Code Litigation is meant to give students both an appreciation for the differences among the world’s legal systems as well as the practical tools for addressing those differences.

“Lawyers are going to be brokers between systems,” Professor Warren said. Recent work she has undertaken in Southeast Asia is exemplary of this point. Professor Warren spent last summer working for the U.N. to assess the ten-year anti-drug strategy in each of six countries. Each country utilized a different legal system and Professor Warren helped to bridge those systems in order to help the countries

come into compliance with the U.N. requirements.

The burgeoning interaction between neighboring countries, in addition to countries that lie in different hemispheres, reveals the need for lawyers to think about the transnational elements of their practices. Studying the procedural differences among legal systems is the “wave of the future,” Professor Warren said. “Once you understand a different system, it’s like learning another language,” she said. The linguistic analogy works particularly well in the context of domestic practice—while it is critical to know the U.S. system, a thorough appreciation of foreign systems is a currency that has, until now, been undervalued.

The course in Civil Code Litigation offers William & Mary students a unique opportunity (quite literally—no other law school offers a course like this) to learn about civil law systems in an experiential setting. Class sessions will be enhanced by the visit of a French judge and likely also a French lawyer.

Interview Nightmares... A Warning To All Law Students

by Nick DePalma

As some of you head into a heavy part of the interview season, you may need a few pointers. I am writing this article to give everyone advice that I never had. As much as Dean Lewis and Dean Kaplan hold career services seminars, they probably still regard some things as probably too obvious to require mentioning. Among these must be the following (because I never heard them): (1) don't tell Skadden Arps that though they aren't necessarily the 'best' law firm, they are still 'pretty good all around;' (2) don't ask about art in people's offices; (3) don't call interviewers by the wrong name; (4) don't pack black pants with your gray suit jacket; and finally, (5) don't roll down your window on the way to an interview, because the possibility exists that a bird will excrete on your shoulder.

Now, before the Career Services Office protests that no one would ever do any of these things, I assure you that I have done all of them, as well as many other questionable interviewee practices. While most people would assume that I was out to sabotage myself, this is certainly not the case. In fact, I wanted to get a job even more than my interviewers wanted to give me a job, (my record of 0 and 3 at the present for offers via callbacks is instructive here). The point is that while many of you may think that you have taken every precaution and are sufficiently prepared, there are at least two things that can still hurt you: yourself, and packing the wrong pair of pants.

I apologize in advance for harping on the pants issue, but if that didn't completely ruin my last interview, then I don't know what did. I also want to make it clear that I am not at fault here. It

is dark inside my closet, and the pants tend to hang relatively close together. Anyone could have made this mistake.

This all went down on September 24, 2004. I was in New York at a swank hotel, the Michelangelo, preparing to interview with a firm, (hereinafter referred to as "Firm X" in order to protect its identity). I had arrived the night before and prowled around NYC for a little while, but the pertinent part of this story happens around 9:30 in the morning. My interview at Firm X was scheduled for 10:30, and at 9:30 am, feeling refreshed and confident, I put on my suit. Though it was dark in my hotel room, I could immediately tell that there was something wrong. My pants didn't feel like the same material as my jacket. I turned on the lights and there they were—heavy black pants that didn't even remotely resemble my light gray blazer. I spent a few moments turning around in front of the mirror to make sure that the pants really didn't match. They definitely didn't. I was finished. Oh, and I had also forgotten a belt.

Fortunately, the hotel desk provided me with directions to a suit store. They told me Brooks Brothers was two blocks away. I ran there. At 9:45, I arrived at Brooks Brothers, sweating and out of breath, only to discover that they did not open until 10:30. At this point I just stood awkwardly in front of the door and tried to act like my pants matched. Finally at 10:00 someone came and began fooling with the door. He took out key after key and tried them all in the lock. By 10:05 he finally gave up on that door and opened another one. I went inside the store and immediately grabbed a suit salesman. I told him I needed either gray pants or a black blazer, NOW! He showed me some exor-

bitantly priced gray pants, which I changed into, ripped the tags off of, and bought, along with an expensive black belt. Though the pants didn't match perfectly, at least they weren't so bad. By 10:25 I was in the lobby of Firm X and ready to interview.

Did Firm X notice that my pants were an off shade of gray? Maybe, but that's not the point. The point is that I was so flustered that I probably didn't seem my charming self. Another pointer for you: don't get flustered. Of course things didn't end with that episode during my interview with Firm X. The other thing I did that day was to order a ridiculously large steak for lunch, and then spend all my time sawing at it. Another point: Do not order large steaks if you do not have a sharp knife. Never underestimate the value of double-checking your knives for sharpness if you are ordering steak.

Some of the other things, like the Skadden episode mentioned above, pretty much speak for themselves. While I was interviewing at another firm in NY, (Firm Y to protect that firm's identity), I met someone by the name of Erin. I had done the research and knew everything about her that I could know; her law school, her area of practice, etc. I was also quick to pick up that she liked cats, (when I got to her office, there were pictures of cats everywhere). So we talked about cats for half an hour. I believe that I was doing extremely well, but by the time she bid me goodbye I had somehow become certain that her name was Sarah. "Make sure you get her name right," I was thinking to myself. Remember to say, "Thank you Sarah." Anyway, she said goodbye, and I said "Thank you Sarah," and she flashed me a big smile, so I thought I had really scored some points. It was only

later in my next interview, when the guy asked me, "So, how did you like meeting with Erin?" that I realized my mistake. And, the fact that I realized my mistake made me flustered for this interview as well. So, again with a point: say "Goodbye" regardless of whether you're sure about the name or not, and DO NOT get flustered. (I actually called Erin back and told her voicemail that I was aware that I had gotten her name wrong, and if she wanted to call me back and laugh about it, that would be cool. She never called back).

As far as the bird story, that really did happen, but I don't want to get into it. Suffice it to say that when it happened, I really started questioning whether it was me, or the universe that was causing these problems. If it was the universe, then there really wouldn't have been much that I could do about the bird, the pants, the wrong name, or the inopportune comments. Also, if it's the universe, there is nothing that you, or career services can do to help you out. However, if it was me, and I believe that it was, then I could have avoided everything by packing the right pair of pants, and perhaps not getting so flustered when I didn't. And since it is going to be you either next week, or next year, remember to pack the right pair of pants to match your blazer, (I suppose the female law students ought to worry more about dresses and shirts, but then again, somehow men seem to make fashion mistakes vastly more often than women), and finally, because it bears repeating, **remember not to get so flustered.**

A last bit of advice. When a firm says, "You'll hear from us in a week to 10 days," you won't always "hear" from them. Sometimes, if you don't learn from my mistakes, they'll simply send you a letter.

Becoming A Child Advocate and a Jersey Girl

by Allison Hatchett

This past summer, I traded biscuits for bagels when I moved from small-town Southern Virginia to Newark, New Jersey to intern at the Education Law Center (ELC). ELC advocates on behalf of low-income children and children with disabilities throughout New Jersey to ensure that they receive an adequate education. Along with another intern, I worked with the two attorneys comprising the Student Rights Project, which provides free legal representation to parents of children who have been denied educational rights by New Jersey school districts.

Besides conducting research and drafting memos (duties undertaken by all legal interns), I attended two administrative hearings and a mediation regarding a class action suit against Newark Public Schools. I also assisted ELC's executive director with the Abbott Schools Initiative (ASI), ensuring that

children in urban school districts receive the same quality education as students attending schools in more privileged areas. ELC filed *Abbott v. Burke* in 1981 due to the inadequate funding of underprivileged schools, and represented over 300,000 school-age children and 54,000 preschool-age children. This landmark case led to the most comprehensive set of programs and reforms for the education of disadvantaged students anywhere in the nation.

Because there were only two attorneys at ELC, it was difficult for them to advocate on behalf of all of the distraught parents that needed assistance obtaining special education services for their children. I was eager to help out because I knew that advocating for my very own client would be very rewarding. However, my client was far from pleasant. When I first contacted her, she told me that her son was supposed to receive speech therapy, but he had been denied these services for two years and she

was considering sending her son to a private school. I empathized with her and promised to contact the district's attorney and demand that he investigate the matter. However, I advised her that ELC would only be able to negotiate compensatory speech with the school district and would not be able to represent her in an out of district placement hearing because both attorneys presently had a full case load.

The district's attorney agreed to set up compensatory speech for her son, but she never returned my calls and I learned that she had started harassing the special education department. Two weeks later, she finally called back and insisted that we help her with an out of district placement. I reminded her that ELC could only obtain speech for her son and she let me have it for the next ten minutes, yelling that I was just as bad as the school district and had been wasting her time. I was afraid that I had screwed up royally, but the attorneys both assured me that they often receive similar clients—it's a

big part of non-profit law practice.

Other than the client mishap, my overall experience was very rewarding. Both of the administrative hearings with which I helped out proved successful for the parents and it was a great feeling to finally see them smile. I also conducted psychology research for a new class action suit regarding the integration of special education children in regular education classrooms. This suit will be filed against the entire state of New Jersey and could possibly have as large an effect as *Abbott*. The entire ELC staff was extremely nice and really made me feel like a valuable asset to the organization.

Contrary to popular belief, working in Newark was actually fun. The city gets a bad rap, but the downtown corporate area is really nice and the Performing Arts Center hosted a great happy hour on Thursdays with live music. The train ride into the city was relaxing and I never got mugged (although my roommate did once).

Not Your Average PSF Summer: The D.R.

by Will Hamilton

This summer I worked in the Dominican Republic for DPK Consulting, an organization that is contracted to USAID to develop the Rule of Law in the Dominican Republic. Generally, DPK seeks to increase access to justice systems for Dominican citizens and to create greater transparency in that system in order to increase accountability and eliminate corruption. The main way DPK accomplishes these tasks is by conducting training programs all over the country. They train judges in efficient operations of the judicial system, train journalists in ethical and fair reporting methods, and educate both attorneys and lay citizens on the changing law.

That description, while accurate, doesn't exactly jump off the page. It certainly does not reflect the wonderful and colorful country that is the Dominican Republic or my

experience there. To say the least, my time in the Dominican Republic kept me on my toes both at work and in the off time. I'll start with the beginning of my trip.

I arrived in Santo Domingo on a Saturday. The first thing they handed me off the plane was a cup of rum. Potent rum. Make no mistake--that clear liquid with ice in it is not water. It's rum. You wouldn't want to drink it, thinking that it was water, because you might start gagging violently and then almost spray said rum all over the feet of a customs officer. That customs officer would not be pleased. Additionally, those around you would look at you with, let's just say, looks of superiority. All in all, you would feel silly.

Moving on, the trip from the airport to the city was not what I'd call speedy. This was not helped by the fact that my cab driver elected to take a "short-cut" through the middle of nowhere. If you are

inclined to car sickness, as I am, I would advise against such "short-cuts" if presented with the opportunity. Unpaved, rocky dirt roads filled with holes and strewn with refuse, as navigated by a man with a penchant for swerving around such pitfalls at the last moment and for braking hard suddenly for no apparent reason, do not make for pleasant trips. Needless to say, combined with oppressive heat, the "short-cut" may provide an additional opportunity for spewing things on someone's feet. Maybe even your own.

While the beginning of my trip may have seemed to bode ill for the rest of my summer, nothing can be further from the truth. I lounged on beautiful beaches with crystal clear water, I hiked through jungles, ate fruits I'd never heard of before, and met people that were kind and generous. Compared to these extracurriculars, my job was fairly low-key. My translation skills have greatly

improved, as has my appreciation for the intricacies of contract drafting. I spent several weeks working out the details for a contract with a local institution--in English and Spanish--for a training program to be carried out in Santo Domingo for attorneys and educators. DPK was also kind enough to allow me to attend all the training sessions they had over the summer. I was even able to partake in a roundtable discussion with a group of local attorneys on the criminal procedure code that has recently been adopted in the Dominican Republic. I think I would have gotten even more done if the power hadn't been out about fifty percent of the time.

All in all, I thank PSF for making possible a summer I would have otherwise spent in my parents' basement. I learned about the operation of the Dominican judiciary, the inner workings of a multi-level bilingual contract negotiation, and the value of a flashlight.

A PSF Summer in Southern California

by **Stephanie Harris**

This summer I worked at the Los Angeles Attorney General's Office. As an east coast resident being in Los Angeles for three months was a completely different experience. Summertime in southern New Jersey always meant humid weather, hot summer rain, mosquitoes, watching 4th of July fireworks in Philadelphia and spending weekends on various parts of the Jersey Shore. In Los Angeles there were no real worries of mosquitoes, rain or humidity. Instead LA brought smog, high gas prices and very congested freeways. Aside from that, LA was a good place to work and hang out. During the 4th of July weekend I was able to travel with family and friends to Rosarito, Mexico. Throughout other weekends I hung out in Pasadena and Santa Monica and was able to go to Southern California events such as the Lotus Festival.

My time at the Los Angeles Attorney General's Office was spent in the Health Quality Enforcement Section (HQE). HQE is responsible for prosecuting complaints against a range of medical professionals including physicians, physical therapists and acupuncturists. The complaints that the office sees are varied, ranging from negligence to sexual assault and can even include allegations of prostitution rings within acupuncture clinics. When a complaint is made, it is sent to the corresponding medical board and is then investigated. Once the investigator has found enough information necessary for a legitimate case, the investigative file is turned over to a Deputy Attorney General (DAG) who then drafts the accusation and takes ownership over that case.

In the beginning, my responsibilities included doing research. I quickly became very familiar with legislative histories. The first assignment I had concerned Senate Bill 2039. My task was to examine the legislative intent of the bill as it

related to disciplinary procedures for the Respiratory Care Board of California. My second assignment involved more in-depth analysis. It required that I examine Senate Bill 1802, also known as the Intractable Pain Act. In researching the bill I focused on the issue of whether SB 1802 was designed with the purpose of giving broad authority to intractable pain physicians or whether intractable pain physicians were still subject to peer review.

After being there a couple of weeks I began to get non-research assignments and was given the opportunity to assist the DAGs in drafting accusations. The accusations usually involved a situation where a physical therapist or physician had been convicted of a DUI or robbery and where, because of that conviction, the medical board was seeking a public reprimand or probation. Under the Business and Professions Code such convictions are substantially related to the duties of these professionals. Another aspect of my work consisted of reading through cases and helping out the DAGs with their huge case-loads. For example, after reading through one case I was asked to talk with a potential medical expert, explain the details of the case and see if that expert saw any departures from the standard of care. Another time, I was asked to read through a case and make a list of potential witnesses and evidentiary materials. Working with the DAGs was great because it really allowed me to get a lot of hands-on experience and to see the inner workings of a case.

As a summer intern, the atmosphere within the Los Angeles Attorney General's office was also enjoyable because law students were constantly encouraged to hang out and meet interns from other sections. The office hosted a variety of happy hours, baseball games and brown bag lunches. The brown bag lunches not only introduced students to each other,

but also informed us about the other sections within the Attorney General's office. Each Wednesday we would meet and learn about the cases and the responsibilities of the Civil Rights Enforcement, Environmental Law or Consumer Rights section. By learning about the different sections we were exposed to different areas of law

that we might find interesting and were encouraged to consider a permanent position at the Los Angeles Attorney General's Office.

Overall, the experience I had at the Los Angeles Attorney General's Office was great. I really enjoyed the work and was able to build on everything that I had learned in my first year of law school.

Bushrod Tournament from pg. 10

Each of the first three rounds required the participants to argue twice, once for the petitioner and once for the respondent. After each round, the organizers tallied scores and read comments, advancing some participants and cutting others. Organizers pared the field down to 44 after the first round, and then to the final 26. Succeeding rounds determined only the participants' ranks on the team. After one more round of arguments, the remaining participants numbered only eight. They then squared off in the quarter-finals of a single-elimination tournament.

Interested first-years served as bailiffs, keeping time and order in the classrooms-cum-courtrooms.

Through most of the tournament, third-year Moot Court team members served on three-judge panels, scoring participants on oral presentation criteria such as knowledge of the facts and case law, responsiveness to questions, and deference to the court. A five-member panel of judges decided the final round. In keeping with tradition, last year's Bushrod winner, Virginia Vile (3L), sat on the panel. Dean Taylor Reveley, Dean Linda Butler, Professor Greg Baker, and Professor Hardy, who lent his intellectual property and Internet law expertise, joined Vile.

The tournament, now in its 44th year, is named for Bushrod T. Washington, nephew of the nation's first president, student of George Wythe and fellow Supreme Court justice of John Marshall.

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Sex and the Law: Miss(ing) Manners

by Nicole Travers

Though many have approached me to tell me my column is a great laugh, I take my duties as a sex columnist very seriously. It is my job—nay, my moral duty—to ensure you, my little poodles, have the best sex with the fewest side effects possible. It is with this weighty goal in mind that I bring up my new, non-frivolous topic: the one-night stand. Most of us will have at least one one-night stand, whether we mean to or not. But before any of you embark upon a potential one-night stand, it is important to remember the rules. No, I'm not talking about physical rules of protection (though I am always interested in keeping this world disease-and-baby-free).¹ I'm talking about the emotional rules—the etiquette, as it were, of the one-night stand.

Before we get into the rules, let's first examine what a one-night stand is. What I'm talking about here is the *pure* one-night stand, when you meet a person, sleep with them, and then never have any sexual or romantic involvement with that person again. This is not your on-again-off-again sexual relationship, and this is not about emotional moments.² This is about full-on, no-holds-barred sex for one night, and never again.

In every one-night stand there are (hopefully) two people. One of them is the stander, and one is the standee. The stander is the participant who truly does not care about the other, and is only in it for the single night of sex. The standee is the one who has any emotional involvement, however slight, with the stander. The standee is the participant whom these rules are designed to protect, because the standee has the most potential for broken-heartage.³ The first rule of the one-night stand is to identify yourself as the stander, or the standee. Chances are good that un-

less you have no recollection of the other participant's name or face, or even of the events of the previous night, you are the standee.⁴

Here are some important facts about the standee.

1. The standee will almost always, given the chance, sleep with the stander again.

2. The standee will often, but not always, begin an emotional relationship with the stander given the chance.

3. Whether the standee wants emotional involvement or not, he/she will always be hurt once the stander starts to ignore him/her (and the stander always will).

Once the standee has self-identified, there are a few basic steps to take to ensure minimal emotional pain. First, never assume the one-night stand will be repeated. This is why it is a one-night stand. Though there are some sexual relationships that can go on for years with minimal communication or emotional attachment from one or both participants, never assume that this is one of them. The reasoning for this is basic. For many standees, emotional involvement with the stander doesn't even begin until the sex is had. Once the standee begins to hope that sex will be had again, he/she will begin to notice other agreeable things about the stander, increasing the standee's desire for the stander. This desire will likely blossom into a full-blown crush, and I think we all know where crushes go. Nowhere but down.

Second, the standee must pretend to be the stander. This can be tricky, especially if the one-night stand occurred *while* the standee has a crush on the stander, instead of *before*. So instead of following the basic instinct of standees everywhere and excitedly telling all of your friends about the wild night of rabid monkey-love you just had, memorize this speech and say it any time you are asked about

your one-night shenanigans.

"The other night? Oh that. It was nothing special. I hardly remember anything about it."

You can add little embellishments about the events of the night: for instance if the stand was during/after a party, it is often helpful to say something like "Oh man, I was so wasted, I don't remember a thing."⁵ The most important part of your speech is that you say it often, and loudly, especially if you are in the same general proximity as the stander. If you are *very* lucky, the stander will start feeling a great loss of self-esteem due to your harsh words, and maybe even switch positions with you, making you the stander and giving you the upper hand. I have never actually heard of this working, but it sounds great in theory, doesn't it?

The last rule for the standee is to remain pessimistic at all times. Though it's nice to think about your stander having a sudden change of heart and falling madly in love with you, the chances of this actually happening are so slight as to be virtually nonexistent. So if you always act as if the stander's coldness is not surprising or extremely unwelcome, you might actually fool yourself into believing the act.⁶ If the stander *does* start to show interest, don't believe him/her. If you start dating, assume it will all fall apart at any minute. Keep up this pessimistic view until the stander buys you a ring.⁷ This rule follows the age-old wisdom that if you don't get your hopes up, you'll never be disappointed. For civilians, this may not be the best way to lead life, and can lead into a downward spiral of depression, but not us. We're lawyers. We're the opposite of people.

This brings us to those who identify as the stander in a one-night stand. Chances are that after the stand happens, you don't care enough to identify yourself.

However, if you are reading this and happen to remember a certain circumstance in which you were carelessly indiscreet, let this rule guide you in future liaisons. For a stander, there are two potential situations after a one-night stand. Situation one: the standee follows the rules I've enumerated today, backs off, and leaves you alone. Situation two: My column doesn't become syndicated and the standee develops an annoyingly clingy crush. In either situation, the rule for the stander to follow is gentle yet firm assertion of non-interest.

I've found that most standers feel the best way to handle a standee of any kind (even if the standee has not developed a crush at all) is to ignore him/her to the point of actually diving into nearby sinkholes and/or sewers when the standee walks by. I have to stress that this is not the way to still a crush. Standees are notoriously optimistic (see rule three for standees—it's there for a reason), and can justify any stander action as occurring for any reason other than lack of interest in them.⁸ So don't ignore your crushing standee! Take him or her aside, and explain briefly that while you had fun,⁹ you're really not interested in any further sexual contact. It's as simple as that. And I promise that standees only rarely turn out to be psycho axe-murderers, so chances are you won't wake up tomorrow with a mountain climber's axe through both temples.

Of course, I guess the best way to prevent the broken-heartage and awkward conversations necessitated by the one-night stand is not to ever have a one-night stand. But I don't recommend that, if only because a law school full of abstainers probably wouldn't respond well to a bi-weekly sex column in their newspaper. So screw happily, kids. Just follow the rules. And don't be serial killers, ok? With my luck you'll start offing my reader base.

¹And let's face it, the two essentially amount to the same thing, especially when you're stuck next to one on an airplane.

²Though I have met some people who insist that there can be emotional one-night stands without any actual sex, I look upon this view with skepticism.

³Yes, I just made up that word.

⁴Especially if you're taking the time to identify yourself right now.

⁵This is harder if you don't drink. My advice is to start drinking, or at least start pretending to drink. Hip flasks filled with iced tea are great for this.

⁶Only if you are very gullible. This isn't *The King and I*, people.

⁷For us lawyers, though, it's not over until we sign the pre-nup.

⁸These excuses can include painful shyness, social anxiety, explosive diarrhea, or being an international secret agent. Oddly enough, all of these excuses serve to make the stander more intriguing and mysterious, and only increase the level of the Crush.

⁹Even if you hated every second of the stand and would rather have chewed off any appendage than stayed in bed/couch/library carrel a second longer, say you had fun.

Legal Lines and Other Rhymes: Irrelevant Irreverence Ripped From the Headlines

by Marie Siesseger

Loyal *Advocate* readers (c'mon, you know there are some of you out there...) will recall that last year we ran an occasional series entitled "House of Haiku: Basho's Lessons for the Legal Aesthete." I wasn't the author of that column. But, in the grand journalistic tradition of Jayson Blair and Stephen Glass, I'm not above exploiting a novel idea cooked up by someone far more clever than myself—particularly not when the paper needs copy. (Write for *The Advocate*!)

At any rate, in the interest of lightening up legal study a bit, I offer the following (totally, if a bit unfortunately, original) haiku. Because the 5-7-5 framework is a bit constrictive, I've taken liberal poetic license. Furthermore, due to the fact that like all budding lawyers, pith is not my specialty, I find myself unable to fully express myself in seventeen skimpy syllables. So I've added explanations a la the "annotations" of the U.S. Code, or the regulations the IRS occasionally deigns to issue. And much like those predicates, my explanations are not necessarily designed to further comprehension or clarify whatever totally unintelligible gibberish I've written. They're purely meant to fill space.

(*Advocate* writers wanted!)

An actual poet (who, to his credit, has never read anything I've ever written) once told me that I must cull subjects from my own experience. My current "experience" can pretty much be summed up in two words—"law school"—so I'll do my best to keep these little ditties somewhat relevant to the law and recent legalistic developments. File this under "News You Can Use (But Only if You Don't Mind Sounding Like a Total Geek)." My sincere apologies to poetry purists and Jeff Spann, who did a much better job of penning these puppies.

*From Bridgeport, Conn.
Martha heads to Alderson.
Wild, Wonderful!*

Self-appointed queen bee of the home-makers, Martha Stewart has found her way to Club Fed in the small town of Alderson, WV (pop. 1,091), where her accommodations and lifestyle are likely somewhat less luxe than those she got rich peddling. The all-female federal prison in Alderson has hosted several famous guests of the government before Martha, including "Axis Sally" and "Tokyo Rose" (released in 1961 and 1956, respectively), and would-be

Ford assassin, Lynette "Squeaky" Fromme. Ever the creative guest, Martha foiled the paparazzi by making an early-morning entrance into Camp Cupcake. So for the next five months, it's Martha Stewart living ... in West Virginia.

*Supreme Court clerks,
Spilling beans to magazines.
Vanitas, Vanitatum!*

Thackeray would've loved it. Wedged between the Hermes and Versace ads on the glossy pages of this month's *Vanity Fair* magazine is an article that has the Supremes up in arms. Several of their former law clerks from the *Bush v. Gore* era elected to talk to writer David Margolick about the process behind the controversial decision. This divulgence would seem to violate Canon 3D of the Code of Judicial Ethics, which prohibits employees from disclosing confidential information (and the Federal Judicial Center's handbook on ethics for federal judicial clerks explicitly classifies "observations about the judge's decision-making process in specific cases" as confidential information), but at the very least it irked the bench. Like the novel without a hero, it seems 2000 truly was an election without a winner.

Bush lost the popular vote, Gore lost the electoral vote, and the Supreme Court lost a lot of respect. Thank goodness everything is going so swimmingly this year.

*Ex ante,¹ ex post.²
Latinat³ words get my goat.⁴
Editing madness.⁵*

How many times have you picked up one of the Law School's esteemed publications (excepting *The Advocate*, of course), and pondered the possibility that the authors of the mini-treatises published therein just might speak, or at least write, a different language than you? Disregard, for the moment, that you've never actually read an entire mini-book because: (1) the possibility that § 502.788888888888 of the U.S.C. (governing the patentability of caterpillar larvae cultivated on historic preservation sites in Wisconsin) might be unconstitutional is fundamentally less interesting than a game of Yahoo! Chess, and (2) they're peppered with hundreds of annoying little numbers that direct your eyes from the actual text you're attempting to read to more totally incomprehensible words. And we wonder why lawyers have an image problem.

¹ Latin mumbo-jumbo pronounced "eks an-tee" and defined as: "*adj. & adv.* [Latin "from before"] Based on assumption and prediction, on how things appeared beforehand, rather than in hindsight; subjective; prospective <from an *ex ante* perspective>. Cf. EX POST." BLACK'S LAW DICTIONARY 705 (some ed. 2004).

² More Latin gibberish. Defined as follows: "*adj.* [Latin "from after"] Based on knowledge and fact; viewed after the fact, in hindsight; objective; retrospective. Cf. EX ANTE." BLACK'S LAW DICTIONARY 705 ½ (yet another thrilling ed. 2005).

³ You're a smart person (although there may be some question as to your common sense given the fact that you're reading this footnote) and can probably guess what "Latinat" means, but because I need support for everything I don't make up (and even then, it's debatable), here's the part-of-speech and definition: "*adjective:* of, relating to, resembling, or derived from Latin." MERRIAM-WEBSTER ONLINE DICTIONARY, available at <http://www.m-w.com/cgi-bin/dictionary?book=Dictionary&va=latinate> (last visited Oct. 15, 2004 (which was a couple of days past my deadline)).

⁴ I don't actually have a goat. I have a couple of houseplants which were doing fine until my roommate's cat ate the leaves off of most of them. This feline feeding frenzy seems to me to be just as destructive, albeit on a somewhat smaller scale, as the eating habits of most goats. I think I'm going to get a cactus.

⁵ I have no medical or psychological studies to support the bald assertion that this is an actual ailment, but I do have a *footnote*. See *supra* notes 1-4 and accompanying text.

Vote If You Can

by Nicolas Heiderstadt

This election season, we will likely see a very heavy voter turnout on November 2. That turnout, however, will still likely be nowhere near the full count of the eligible, registered voting populace. Why don't more people vote? Although the answers are as varied and complex as our nation's population, I've chosen to address the three excuses I most often hear for not getting to the polls.

Excuse 1: "Neither of those idiots can fix what's wrong with this country. I don't want to choose the lesser of two evils."

The pragmatist's view here is that, like it or not, one of these two clods will be the President of the United States of America for the next four years. Even if they aren't

the people you'd choose, even if neither platform is one you can wholly embrace, there *are* differences that you can use to tell the difference between them.

Like tie selection and neatness (extra points for the Full Windsor). And, failing that, "eeney, meanie, miney, moe," with perhaps a "one potato, two potato" failsafe thrown in for good measure. I understand that some candidates also have things called "views," but these are rarely as consistent as a good, solid tie-fastening method.

If it is too depressing to think that we seem to be stuck with a bunch of candidates incapable of any constructive reform, just try to remember that our democracy, like our judiciary, is a huge, hidebound system that cannot be steered so much as gently nudged. Unless, of

course, you have a honkin' big pile of cash. That's more of an elbow check to democracy's throat.

Excuse 2: "I'm a (Democrat/Republican) in a (Republican/Democratic) state (or a third-party voter anywhere). My vote won't count."

This may be true in the short term. The Electoral College is rather an outmoded system, which removes the actual election of the president from the hands of the populace so that the states have something to do besides sitting around being bankrupt all the time. It is an "all-or-nothing" system, which awards all of a state's electoral votes to the winner of the election in a given state, regardless of voter breakdown, thus arguably disenfranchising up to 49.9% of the state's population.

But don't worry! There is a strong anti-electoral college movement right now, and there is an initiative on the ballot in Colorado to divide the state's electoral votes by the breakdown of the actual votes, meaning that the popular vote would be reflected with *slightly less inaccuracy!*

There are also several other electoral vote-splitting schemes in the works, including the preferential electoral system, the approval-based electoral system, the coinflip electoral system, and the cow pie bingo electoral system. A proposed scheme to "just count the popular votes" was briefly considered but dismissed out of hand as the ramblings of some lunatic mind.

Excuse 3: "I'm making a statement by not voting."

Continued on pg. 19

The Devil's ~~Advocate~~ Horoscopes

as derived by Rob Eingurt

Editor's Note: The author of these horoscopes wrote these over Fall Break when he was stuck in the GradPlex working on his course outlines. As the content will indicate, he's a tad grumpy and senile. We're pretty sure he'd apologize if pressed. But remember, they're for entertainment purposes only (though, mostly those of the author—we think.)

ARIES (March 21 – April 19)

You've developed a nasty habit of shouting "sua sponte" every time you mooch something from the student lounge fridge. That's funny, because it's also the last thing you'll hear as the owner of that tuna sandwich throws you through the patio window.

TAURUS (April 20 – May 20)

You will once again quote a *Simpsons* character at study group. You will then be kicked out of said study group. They didn't choo-choo-choose you.

GEMINI (May 21 – June 21)

Listen, about that idea you had for a Halloween costume . . . I've got some bad news. Your Legal Skills partner already rented the only Liberace outfit within a 60-minute drive. Too bad too; your pompadour was coming along nicely.

CANCER (June 22 – July 22)

Think back to August and how happy you were to be here. You were making new friends. You were full of enthusiasm and optimism. What happened to that person?

Oh, right . . . I forgot. Do they have an ointment for that?

LEO (July 23 – August 22)

Yeah, that interview went great! If the point was to not get the job. High five!

VIRGO (August 23 – September 22)

No, YOU shut up!

LIBRA (September 23 – October 22)

You will be incredibly disappointed when you discover the *Sex and the Law* column is actually written by a 52-year old man named Floyd. He's damn funny, but, yeah, the idea creeps me out too. Especially the underwear article. *Shudder.*

SCORPIO (October 23 – November 21)

Remember that pick-up line you used on the cute 1L? "Hey, somebody call Theo Lu and the Honor Council, cuz you just stole my heart." Remember that? I'd call you a loser, but it worked. 1Ls (*sigh*). Go figure.

SAGITTARIUS (November 22 – December 21)

So, let me get this straight... A Sagittarius has the upper body of a human and the lower body of a horse. Hmmm. Is it true that you can really **CENSORED**?

Wow, you lucky bastard.

CAPRICORN (December 22 – January 19)

So, your significant other keeps saying you remind them of Mc-Guyver. But, everybody knows the only tight situation you've gotten out of lately involved your pants, a three hour visit to Golden Corral, and a spatula coated in Crisco . . . hardly the stuff of legends .

AQUARIUS (January 20 – February 18)

For your November ballot you were considering Mayor McCheese as a write-in candidate. Don't do it. He'll pack SCOTUS with the Fry Guys and everybody knows they're commies.

PISCES (February 19 – March 20)

You will find yourself explaining to your fellow students who Mayor McCheese is. For gosh sake. He's the mayor of McDonaldland! Idiots.

Election 2004: Student Opinions

Let History Decide, Mr. President? I Thought WE Got To Decide. (That's what Fox News Tells Us, Anyway)

by Jennifer Rinker



Senator Kerry tells the American people the way it is.

Photo from msnbc.com

The American people deserve a leader who has the critical, reflective, and insightful ability to evaluate decisions [mistakes] against the backdrop of reality and honestly communicate those evaluations to the American people.

Duh-bya's¹ response to that, as if in the words of Dana Carvey's inspired parody of Bush, Sr: "Not gonna do it."

More importantly than honestly communicating mistakes is the ability to actually see them. Duh-bya's response to that seems to be: "Wouldn't be prudent." (Carvey's genius, folks).

President Bush's stubborn, steadfast resolve to push bad policy for the sake of certainty is not productive - it is gravely dangerous. As Senator Kerry eloquently stated on October 5: "It's one thing to be certain, but you can be certain and be wrong. It's another to be . . . certain about a principle and then learn new facts and take those new facts and put them to use in order to change and get your policy right. . . . certainty sometimes can get you in trouble." See <http://www.debates.org/pages/debtrans.html>.

On October 8, Ms. Linda Grabel thoughtfully asked Bush to "[g]ive three instances in which [he] came to realize [he] had made a wrong decision, and what [he] did to correct it." In response, Bush said [stammered]: "[h]istory will look back, and I'm fully prepared to accept any mistakes that history judges to my administration,



President Bush seems to wonder where these October 8 Town Hall people came from. Certainly not the stump audience he's accustomed to.

Photo from msnbc.com

because the president makes the decisions, the president has to take the responsibility." See <http://www.debates.org/pages/debtrans.html>.

WE have the ability NOW to judge this administration and hand Bush the responsibility [blame] for the disaster his policies have created by REFUSING him a second term. History will judge the American people right along with this President if we do otherwise. We cannot let future generations be the entire barometer for our successes and failures - we owe it to OURSELVES, too.

Nevertheless, we CAN let future generations see that we have the ability to see our own mistake [electing Bush], to critically evaluate the results of that mistake [see list below], and to realize and implement the solution [elect Senator Kerry as our next President].

The Center for American Progress has listed 100 mistakes of this Administration at <http://www.americanprogress.org/site/pp.asp?c=biJRJ8OVF&b=64326>: any one of which Bush could have chosen when asked the "What mistakes have you made" question; all of which justify a ballot for Senator Kerry on November 2.

Here's a sampling directly from Center for American Progress (The site provides links to additional information and resources [journalistic, White House, other governmental, and not-for-profit] from which it has assembled the information.)

Iraq

1. Failing to build a real international coalition prior to the Iraq invasion, forcing the US to shoulder the full [sic] cost and consequences of the war.

13. Failing to give UN weapons inspectors enough time to certify if weapons existed in Iraq.

15. Announcing that "major combat operations in Iraq have ended" aboard the USS Abraham Lincoln

Pre-Election Reflections

by Duane A. Lawrence, M.D.

Over Fall Break I read *Unfit for Command* as the first reader of the law library's copy. Its author, John O'Neill, an attorney and Democrat, relieved John Kerry on a Swift Boat patrolling in South Viet Nam in 1969. Transcripts of John Kerry's testimony before the Fulbright Committee in 1971 and his subsequent debate with John O'Neill on the Dick Cavett Show are posted on www.WinterSoldier.com.

During my own tour of duty in South Viet Nam, I served as the Battalion Medical Officer assigned to the 1st Marine Division, 1st Tank Battalion, Fleet Marine Force, in Chu Lai and Da Nang in 1966-1967. I was stunned, shocked and sickened (to the gut—emotional distress ensued—do I have a case?) to read John Kerry's assertion that multiple thousands of officers and troops in South Viet Nam were committing war crimes and atrocities upon the populace on a daily basis. I never saw anything of this kind during the time (over a year) that I was there—in fact, quite the opposite. I was privy to ALL weekly command briefings of the daily activities of the three tank companies assigned to the Marine infantry regiments within the First Division. EVERY Marine Battalion, including the 1st Tank Battalion, was assigned a nearby hamlet in which Marines and Navy corpsmen (medics) worked on daily projects to benefit the villagers. Many Marine civic action workers were trained in the language to enable them to communicate with the Vietnamese. I accompanied my corpsmen to "tent clinics" in which

we examined and treated sick villagers with American medicines. During one of the tent clinics one Vietnamese child showed up in the midst of an epileptic seizure. I vividly remember being entreated to make an urgent "house call" on another seriously ill teenager in the nearby village. Such humanitarian activities were not photographed by the stateside television news media—any more than such activities in Iraq are today.

John Kerry presented his testimony as a leader of the group, Vietnam Veterans Against the War, which was encouraged and likely founded by American Communists. This testimony and his 1971 book, *The New Soldier* (also posted in substance on [WinterSoldier.com](http://www.WinterSoldier.com)), contributed mightily to the US withdrawal from South Viet Nam—when we were winning. Kerry declared that no more than "two or three thousand" South Vietnamese would likely be killed. In actuality, the North Vietnamese reprisals against the South Vietnamese led to *hundreds and hundreds of thousands* being slaughtered, slain or sunk at sea as the boat people attempted to exodus from their homeland. Kerry is truly a hero—to the North Vietnamese—his picture hangs in a place of honor in the American Protestors' Section of the War Remnants Museum in Saigon. His actions in time of war worsened the plight of the POW's in Hanoi. It has been noted that John Kerry was actually given a less than honorable discharge from the US Naval Reserves BEFORE he was given an honorable discharge. On Election Day, before you pull that lever, punch that card or touch that screen, think carefully—KEEP AMERICA FREE.

¹ Molly Ivins spelled out the Duh in Duh-bya back when he was Governor of my home state of Texas.

Library DVD Review: *Heir to an Execution*

by Rob Eingurt

Michael Meeropol is a professor of economics at Western New England College in Massachusetts. He has a wife, Ann, and two adult children, Ivy and Greg. Sounds normal so far, right? Well, Michael Meeropol began life as Michael Rosenberg—the eldest son of Julius and Ethel Rosenberg. There goes “normal.”

The childhood and family life of Michael and his brother Robert are just part of what is explored in “Heir to an Execution: A Granddaughter’s Story,” a documentary by Michael’s daughter Ivy Meeropol. The film, which was screened at the 2004 Sundance Film Festival, is just one of the newest DVD additions to the Marshall-Wythe Library film collection.

The shadows of secrecy and whispers that haunt the Meeropols—neè-Rosenbergs are evident in the opening scene. Ms. Meeropol, accompanied by her cameraman, arrive at the cemetery where her grandparents are buried only to have the attendant refuse to disclose the gravesite’s location. It is evident from these first few minutes that even if the Meeropols themselves accept their family history, the rest of us will always view them somewhat askance.

The film essentially divides into three themes—Who were Ethel and Julius? What happened to their family during and after their execution? What dynamic existed to allow their acceptance of death sentences, especially since they knew that two young sons would be left parentless. Conspiracy buffs will be sorely disappointed if they seek definitive answers painting the Rosenbergs as scurrilous traitors or tragically innocent scapegoats murdered by a frightened government. In a film barely longer than 90 minutes, it is probably too difficult a task to answer such difficult questions and explore the impact of the Rosenberg legacy on the family.

Luckily, the filmmakers are keenly aware of this. Innocence and guilt are mentioned mainly in the context of how the family would accept such revelations today—especially after Michael and Robert spent much of their lives crusading to uncover evidence that would vindicate their parents. “Heir” doesn’t attempt to exonerate or condemn, it merely wants to show a family forever impacted by their infamous forebears.

The impact is never more evident than when Ms. Meeropol phones the relatives of Julius and Ethel’s siblings—the cousins she has never met and, as she is rejected by virtually all, never will. Outside of her immediate family, the only willing participants are the Rosenberg’s surviving friends and contemporaries. Among these are Morton Sobel, the Rosenberg’s long forgotten co-defendant who spent 19 years in prison because, as he says, of his refusal to point his finger at Julius. Also interviewed is 103-year old Harry Steingart, a former labor union official. Steingart claims the Rosenbergs were offered a commutation of their sentences if they would testify against persons named on a government watch list. Steingart’s name was on that list and he credits them with saving his life. Choking up, Steingart proclaims “I admire them.”

Two moments in the film begin to show the impact of Julius and Ethel’s legacy on today’s generation. Ms. Meeropol and her cousin Rachel, an attorney and Robert Meeropol’s daughter, visit the New York City courtroom where their grandparent’s trial was held. Reflecting on how her family’s history led her to pursue a legal career, Rachel comments “I think from the beginning I never had a sense that justice was easy or something that you could count on, something that would occur unless people worked at it. I guess I started off with the sense that these huge injustices occur. Being in here I can’t help



Ethel and Julius Rosenberg were the only two American civilians to be executed for conspiracy to commit espionage during the Cold War.

thinking about being their lawyer, you know, how that would be... I think part of the reason why I wanted to get into law when I was younger was the sense that ‘Oh, I’m going to be a lawyer and I’m going to prove their innocence. I’m sure we all thought about that when we were kids.’”

Another moment occurs when the family is confronted by revelations that Julius was likely involved in some form of espionage—though not the kind he was convicted of and executed for. Greg Meeropol, who was adopted into the family as a toddler, tells his sister, “It’s difficult, because I grew up my whole life thinking that Ethel and Julius were totally innocent the whole time. And now that new evidence has come out and perhaps that Julius was involved, it’s difficult. And at the same time I always wondered to myself: if he was guilty and if he did do something, why didn’t he say ‘look it was me and not my wife. Spare her life’ And that’s what’s bothering me and I know that’s gotta be what’s bothering Dad right now.”

It’s that question—why Julius and Ethel didn’t act together to spare one of their lives for the

sake of their two boys – that will also leave many viewers unsettled. Some of the Rosenberg’s contemporaries say it was because the two shared such a strong bond that neither would allow one to be sacrificed without the other. Michael Meeropol theorizes that his mother knew she couldn’t raise her sons with all three of them knowing that she signed Julius’ death warrant in order to spare her own life. No matter how strongly friends and family seem convinced that Julius and Ethel acted honorably in this situation, it is difficult to imagine that two people who believed they were innocent would be willing to orphan their own children. Whether it was their belief in the Soviet brand of socialism and a desire to be martyrs or a misguided belief that their lives would be spared, sympathy for the Meeropols is likely to be accompanied by a lack of sympathy for the decision made by the Rosenbergs in accepting their fate.

Heir to an Execution: A Granddaughter’s Story, a film by Ivy Meeropol, is 99 minutes long. The DVD edition is available on reserve at the library circulation desk.

Big Bad Bush, from pg. 17

on May 1, 2003, below a "Mission Accomplished" banner – more U.S. soldiers have died in combat since Bush's announcement than before it.

17. Refusing to cede any control of Post-invasion Iraq to the international community, meaning reconstruction has received limited aid from European allies or the U.N.

Counterterrorism

25. Focusing on missile defense at the expense of counterterrorism prior to 9/11.

28. Opposing the creation of the September 11th commission, which the President now expects "to contain important recommendations for preventing future attacks."

36. Telling Americans there was a link between Saddam Hussein and al Qaeda.

Afghanistan

39. Reducing resources and troop levels in Afghanistan and out before it was fully secure.

43. Not committing US ground troops to the capture of Osama Bin Laden, when he was cornered in the Tora Bora region of Afghanistan in November, 2001.

44. Allowing opium production to resume on a massive scale after the ouster of the Taliban.

Weapons of Mass Destruction

45. Opposing an independent inquiry into the intelligence failures surrounding WMD – later, upon signing off on just such a commission, Bush claimed he was "determined to make sure that

American intelligence is as accurate as possible for every challenge in the future."

48. Spending \$6.5 billion on nuclear weapons this year to develop new nuclear weapons this year – 50% more in real dollars than the average during the cold war – while shortchanging the troops on body armor.

Foreign Policy

49. Ignoring the importance of the Middle East peace process, which has deteriorated with little oversight or strategy evident in the region.

51. Undermining the War on Terrorism by preemptively invading Iraq.

52. Failing to develop a specific plan for dealing with North Korea.

Economic

59. Running up a foreign deficit of "such record-breaking proportions that it threatens the financial stability of the global economy."

60. Issuing inaccurate budget forecasts accompanying proposals to reduce the deficit, omitting the continued costs of Iraq, Afghanistan and elements of Homeland Security.

61. Claiming his 2003 tax cut would give 23 million small business owners an average tax cut of \$2,042 when "nearly four out of every five tax filers (79%) with small business income would receive less" than that amount.

69. Moving to allow greater media consolidation.

Education

73. Under-funding No Child Left

Behind

75. Signing off on an FY 2005 budget proposing the smallest increase in education funding in nine years.

76. Under-funding the Title I Program, specifically targeted for disadvantaged kids, by \$7.2 billion.

79. Freezing funding for after school programs, potentially eliminating 50,000 children from after-school programs.

Health

80. Not leveling with Americans about the cost of Medicare – the president told Congress his new Medicare bill would cost \$400 billion over ten years despite conclusions by his own analysts the bill would cost upwards of \$500 billion over that period.

82. Letting business associate David Halbert, who owns a company which stands to make millions from new discount drug cards, craft key elements of the new Medicare bill.

83. Underfunding health care for troops and veterans.

Environment

88. Abandoning the Kyoto Treaty without offering an alternative for reducing greenhouse effect.

90. Gutting clean air standards for aging power plants.

91. Weakening energy efficiency standards.

93. Lifting protection for more than 200 million acres of public land.

96. Opposing legislation that would require greater fuel efficiency for passenger cars.



Law Students take a break to brave the foamy rapids during the SBA whitewater rafting trip.

Vote if You Can, from pg. 16

The only statement you make by deliberately not voting is that you're too lazy to get down to your polling place once a year.

What on earth do people think will happen if they all stay away from the polls?

Congressman 1: The vast majority of eligible Americans refuse to vote! We have no mandate; no right to govern!

Congressman 2: All is lost! Let us flee to some neutral nation under

cover of night, leaving the governance of the country to the paragons of virtue who will doubtless take our place, and who will most certainly not be ruthless despots lording unparalleled might over an indifferent populace. No sir. Not ruthless at all. Nope.

Instead, what would really happen:

Congressman 1: Hey, Fred, did you know that nobody except our immediate families voted in the last election?

Congressman 2: Really? That's great! Now we can finally sell Alaska to Texaco!

The Voting Populace: Huzzah! *American Idol* is on! Hey, what happened to the kid from Nome?

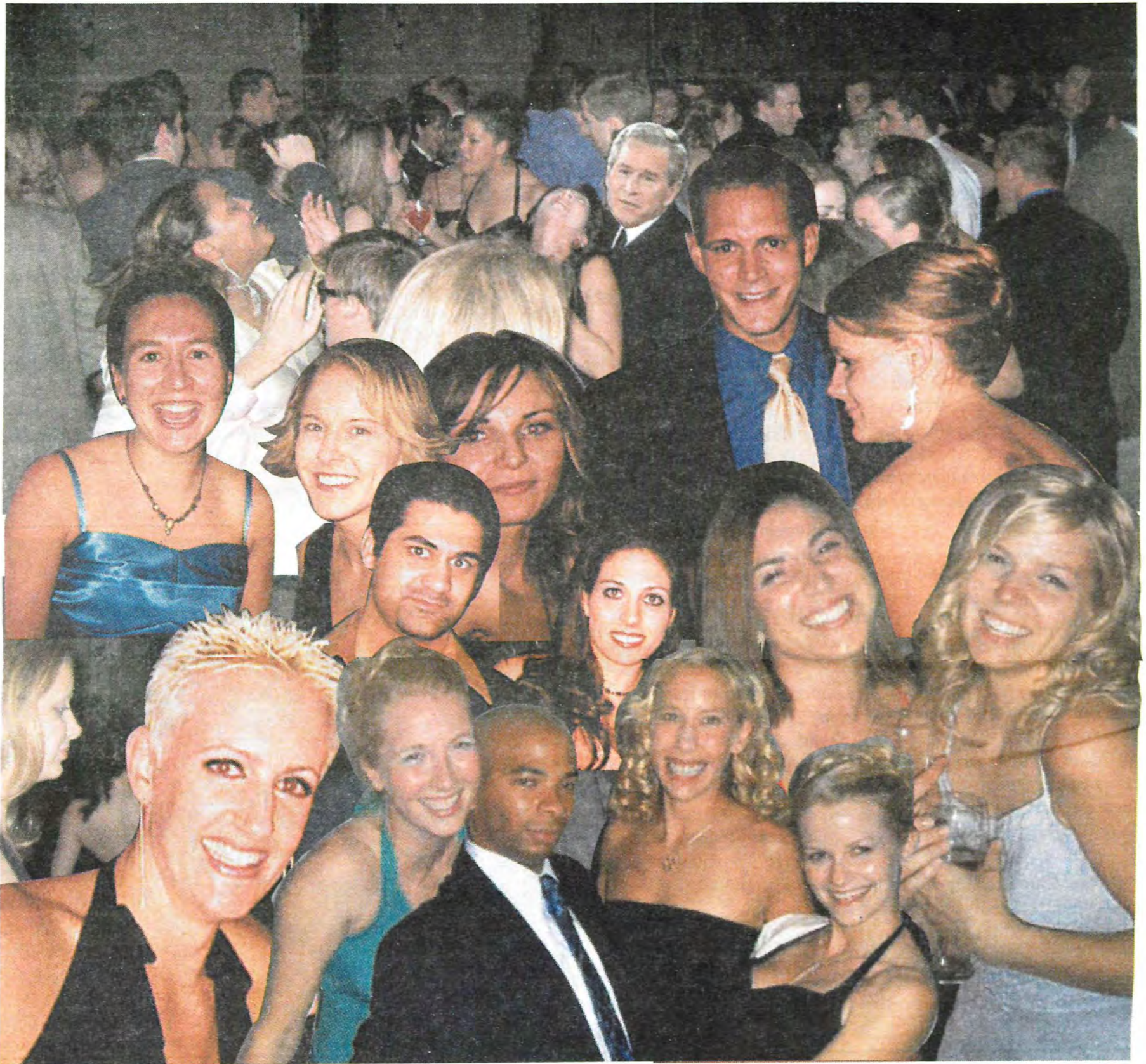
Of course, if you really can't get to the polls on the big day, there are any number of ways to make sure your vote is counted, including absentee ballots, early ballots, and, of course, the semaphore ballot, which for secrecy's sake can only be cast at night. Just fill them out and

obtain the signatures of a witness or two and you're good to go!

Assuming, of course, that your ballot makes it through the mail in a timely fashion (or at all), that every line is filled out correctly, legibly, and with a model 405-B rollerball pen, and, of course, that election officials don't simply decide to discount all absentee ballots because that kind of thing just encourages truancy. Other than that, you should be just fine!

Happy voting everyone!

Fall From Grace Knocked Me Out



Photographs by Will Durbin, Jennifer Rinker, and Ryan Browning

**by the Ghost of Wesley Willis
(aka William Durbin)**

In the spirit of Halloween and verse experimentation, Wesley Willis, that schizophrenic street singer we loved so well, has returned from beyond the grave to give his unique musical assessment of last weekend's "law school prom."

The dance was at the Ramada Inn off of Bypass Road
There were about 300 people at

the show
The jam session was awesome
It whipped an ebirt's ass

Fall From Grace
Fall From Grace
Fall From Grace
Fall From Grace

The crowd roared like a lion
The DJ played popular mega-hits
A lot of people got down and funky with their bad selves
They were dressed nicely

Fall From Grace
Fall From Grace
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The open bar wupped a frog's behind with a belt
Bartenders made drinks and people made friends
The crowd got down like a magikist
It was a glass-breakin' good time
After the dance it was the hotel

lobby
A lot of people went to room parties
R. Kelly would have been proud
The Student Bar Association is to be commended

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Burger King, it's the home of the Whopper