Judicial Nominations:
Senator Carl Levin’s Perspectives

By Rebecca Chavez

Senator Levin noted that although five Bush nominations have thus far been blocked, some fifty-five nominees from Clinton’s second term were blocked by Senate Republicans. The Senator also noted that the recent decisions to block have been made after hearings on the nominees’ merits. He then listed several examples and explained his reasoning behind each refusal.

He defended his choices by stating that federal judges, which he called the pillars of support for civil rights and liberties,

Levin also has been admonished for his refusal to approve a hearing for Bush administration appointments to the Sixth Circuit Court of Appeals. In response he cites two female Clinton nominees from Michigan who were prevented from receiving hearings previously and were thus denied a chance at appointment. Senator Levin and his colleague Senator Stabenow (D-MI) have decided not to approve any such hearings for Sixth Circuit seats until either one of these overlooked nominees...
Clerkship Applicants Seek Guidance During Process

By Jessie Grodstein Kennedy

Although Robin Kaplan described this year’s round of clerkship hiring as “fairly successful,” several third-year students still found the process to be chaotic, confusing, and wildly unpredictable. And many were disappointed. This year marked the first attempt at the imposition of some sort of order on the clerkship application process through the implementation of a formal hiring plan, commonly known as the “moratorium.” Under this plan, Federal judges agreed to look only at the applications of students entering their third year of law school. Furthermore, they agreed to wait until Labor Day to begin reading students’ applications.

Yet many students viewed the moratorium as complicating this year’s application process, particularly since several renegade circuit judges ignored their self-imposed rules and reviewed applications in the beginning of the summer. Michigan students who applied to clerkships in the most coveted districts, namely those in New York or California, felt disadvantaged because they were not able to travel as easily as students at other law schools.

Because of these problems, the Office of Career Services (OCS) has petitioned for further refinements to the moratorium process. Among these proposed changes is a reading period, where judges take two weeks after receiving applications to review them all at one time. The judges will then set up interviews the following week, giving students in all areas of the country the same amount of time to schedule interviews. Another factor to bear in mind, according to OCS, is that because the doors swing open on September 7, 2004 students are well advised to use a courier service – Federal Express, Airborne Express – to get their applications to the judges’ chambers as soon as possible.

Lest anyone think that the moratorium takes the application process out of a student’s control, there are still a couple of ways that one can increase his or her chances of landing a clerkship following graduation. For those interested in working in less glamorous locales – Nebraska, West Virginia, Oklahoma – clerkships often remain open. Or consider the less popular courts. District courts offer an inside look at the proceedings of a trial. While less theoretical than an appellate position, these clerkships are often described as more interactive for the clerks. Then there are the specialty courts – United States Tax Court, the Court of Federal Claims. (Of course, if you have never taken tax, and as of publication have yet to even do your taxes, then think twice before applying.) These clerkships will offer the same benefits of establishing a relationship with a judge, someone who can be a mentor and help guide your career. The prestige factor of working for an appellate court simply shouldn’t matter, especially when many private employers insist that it is not a major consideration on their end.

Let’s move on to the application itself. Grades. They matter. They always matter, whether applying for a public interest job, a firm job, or a clerkship. However, OCS insists that more than 20% of Michigan clerks come from the bottom half of the class, despite the fact that these students apply for clerkships in fewer numbers. The bottom line: don’t rule yourself out of the process based on a “blemished” transcript. A judge will look at your whole application, not just the transcript.

Continued on Page 17
Former Secretary of State Albright Forecasts 'Perfect Storm' for U.S.

By Michael Murphy

In her speech to a packed 100 HH on Tuesday, March 9, former Secretary of State Madeline Albright forecasted rough waters ahead for U.S. leaders in the area of foreign policy.

She described the current U.S. foreign policy issues as a "perfect storm," in which separate issues have combined into one extremely precarious situation for the Bush Administration.

Albright stressed the linkage between domestic and foreign policy, and that this year's election season should bring questions about the role of U.S. in the world and the subsequent effect on national security to the forefront of American political debate.

As elements of this "perfect storm," Albright first addressed Iraq. She stated that she "understood the why of Iraq, but not the why now," citing Saddam Hussein's reluctance to comply with weapons inspections as a valid concern, but that she felt Iraq "Never posed a great, deep, imminent - whatever the word of the day was - threat."

Albright further stressed that President Bush had won a political victory with the readmission of weapons inspectors and should have allowed their work to continue longer. She characterized the changes of power in Iraq as leaving in it "a fairly chaotic state right now."

Building on that point, she added another element of the storm: a general lack of attention by the United States to the Middle East peace process. "The road map is in the glove compartment," she said. She pointed out the failure of the U.S. to appoint a high-level negotiator, the breakdown of past peace accords and pointed to the continued violence in the region as "troubling."

Albright also mentioned Afghanistan as a potential trouble spot, with the current U.S.-backed administration not having much power outside of Kabul, and the unrest in Haiti as a once-ignored foreign policy issue that's now both a foreign and a domestic issue because of potential refugees heading to the United States.

Albright characterized the Bush administration as having "not a unilateral but a uni-dimensional attitude, seeing [the world] through the prism of fighting terrorism, with too much hard diplomacy [force] and not enough soft diplomacy [pressure]."

She classified the civilized world into four general types of countries: The first group Albright described were countries the U.S. may not always agree with but had normal diplomatic exchanges with, and with whom the U.S. has attempted to create and continue a system of international law in which those exchanges perpetuate. Albright said this group included most countries.

Second, Albright characterized emerging countries that wanted to be in the first group but lacked the infrastructure to do so - generally ex-Soviet republics.

Third, Albright described countries who "just had nothing" - for example, Haiti and Somalia - countries that badly needed international aid.

Finally, Albright described countries characterized as "rogues," now "more politely called 'states of concern,'" who want to destroy the system.

Albright then wondered whether the United States is a country of the first group. She added that even if the United States disagreed with the system of international law, "we should be interested in supporting and fostering it."

Finally she added that she was not very happy with the present direction of U.S. foreign policy. "America is an important country," she said, "but I never thought our strength came from acting alone, but from helping other nations by example, not dominance."

Madeline Albright is the former Secretary of State under President Clinton. She was the first female secretary of state and the highest-ranking woman in the history of the U.S. government. She is a distinguished scholar of the William Davidson Institute at the University of Michigan Business School.
The case was remanded to the Circuit court, where the KKK counter-claimed under the First Amendment for monetary damages. Granzatto remarked that the courts had already found that the Klan’s constitutional rights were violated, but what was at stake was being able to sue because of violation of those constitutional rights. The district Court judge granted summary disposition for the city of Lansing, and again the ACLU appealed. At this point, Granzatto became involved with the case. The hearing went before a panel of the Michigan Court of Appeals. In affirming the circuit court’s decision, the court of appeals ruled that the mayor and city were not liable for the wrongful issuance of the injunction. Even if the protestors were harmed by the violation of their First Amendment rights, the actions of the mayor and city in seeking the injunction did not cause the violation. Rather, the violation was caused by the circuit court’s erroneous issuance of the injunction. The ACLU appealed again, which the U.S. Supreme Court ultimately denied.

Despite representing a generally disliked group, there was no serious backlash from the community to this particular case. A particularly dividing case was the Skokie case. The Skokie case involved Nazis wanting to march through a section of Illinois populated by survivors of the Holocaust. American Nazis claimed the right of free speech, while their Jewish “targets” claimed the right to live without intimidation. The town, arguing that the march would assault the sensibilities of its citizens and spark violence, managed to win a court injunction against the marchers. The ACLU took the case and successfully defended the Nazis’ right to free speech, as the First Amendment rights of the Nazis were found to supersede the nature of the message they conveyed. While the ACLU did win the case, it was a costly victory, as nearly 30,000 of its members left the organization. And in the end, ironically, the Nazis never did march in Skokie.

Grazzatto’s most gratifying case in his legal career occurred early in his career in a case called *Bergman v. U.S.*, which involved the violation of a person’s constitutional rights for which the FBI was responsible. In 1961, a group called the “Freedom Riders,” rode south from Nashville on buses to test the reach of the *Brown v. Board of Education* decision. They arrived in these locales with African-American organizations...
Visiting Faculty Profiles

**Joel Samuels**

Classes Taught:
International Litigation and International Arbitration. Also, Civil Procedure and Transnational Law

Law School Attended:
Michigan. Class of 1999

Areas of Academic Interest:
International law and in particular on issues relating to the challenges and opportunities presented by evolving notions of sovereignty over the past 60 years.

Taught Previously:
This is the first place I have taught.

Likes/Dislikes about Ann Arbor:
Dislike: At times, it feels far removed from the world.
Like: At times, it feels far removed from the world.

---

**Yoseph Edrey**

Classes Taught:
Federal Income Tax, Public Finance, Tax Policy

Law School Attended:
Hebrew University Jerusalem

Taught Previously:
Dean at Haifa University Faculty of Law, Hebrew University Law School, Tel Aviv Business School, UCLA, USD, Emory, GW, WCL

Likes/Dislikes about Ann Arbor:
Like: The high intellectual environment, extremely friendly atmosphere and great colleagues.
Dislike: The freezing weather and the gray sky.

---

**Marvin Krislov**

Classes Taught:
Congressional Oversight of the Executive Branch. Previously taught The Role of In-House Counsel

Law School Attended:
Yale

Areas of Academic Interest:
Public policy, civil rights, Congress and executive branch

Taught Previously:
GW, Michigan Poli Sci

---

**Robert Sitkoff**

Areas of Academic Interest:
Right now I am concentrating on a series of articles on trust law in the law-and-economics tradition.

Taught Previously:
Northwestern University

---

**Kim Forde-Mazrui**

Classes Taught:
Criminal Law, Constitutional Law and Race and the Law

Law School Attended:
Michigan Law School (Go Blue!)

Areas of Academic Interest:
I am interested in examining contexts in which our society’s commitment to racial equality confronts other fundamental societal values.

Taught Previously:
University of Virginia Law School

About Michigan:
I grew up in Ann Arbor and attended Michigan College and Law School. I met and married my wife in Ann Arbor; my son attended Kindergarten through 3rd grade in Ann Arbor and now attends the University of Michigan Residential College; and my mother and several long-time friends still live in town.

---

**Zena Zuneta**

Classes Taught:
Mediation clinic with Professor Duquette

Law School Attended:
Michigan Law School

Taught Previously:
I have done mediation training around the country, including for law schools and bar associations.

Likes/Dislikes about Ann Arbor:
The small city with a cosmopolitan attitude. Everyone may know your business, but nobody cares.
Law Students Commemorate 26th Annual Alden J. "Butch" Carpenter Memorial Scholarship Banquet
Summer 2003 Bar Exam Pass Rate:
UNIVERSITY OF MICHIGAN
98%
Students Supplementing With PMBR (131 of 133 Passed!)

Increase Your MBE Score...
Increase Your Odds Of Passing!

pmbr
MULTISTATE SPECIALIST

Absolutely, Positively, A Necessary Multistate Supplement!

NATIONWIDE TOLL FREE: (800) 523-0777 • www.pmbr.com
Many Law Students chose Woodbury Gardens as their choice for housing in 2003. Make it your choice in 2004!!!

You will be captivated by this distinguished address nestled in the beauty of the former Botanical Gardens.

- Flexible Lease Agreements
- Conveniently located on the AATA Bus line
- Study Lounge
- Continental Breakfast Every Wednesday
- Hospitality Apartment for Visiting Family/Friends
- Social Activities
- Concierge Resident Services

Choose A Lifestyle

Choose Woodbury Gardens
Phone-734-663-7633 Fax-734-663-8700
www.woodburygardens.com

Come and visit us at our

Go Blue! Rendezvous 2004
Open House
April 2nd, 3rd & 4th
You Bid It, You Bought It: Students Support SFF, Remember Next Day What They Purchased
Protesting Solomon is Part of a Larger Battle: A Response to Joe Brennan

From Srikanth Katragadda

This letter is a response to Joe Brennan’s article in the last issue of Res Gestae regarding JAG recruiting. Because of the manner in which Brennan framed the debate, the true costs of failing to protest the Solomon Amendment are hidden from view, and ought to be exposed. Brennan advocated rejecting Outlaws’ proposal of “minimal compliance” with the Solomon Amendment in favor of “full and substantial compliance.” He suggested that minimal compliance, as represented by “[p]enny-ante policies such as restricting [JAG] recruiters to small rooms only and allowing only formal recruitment, impedes access . . . and hamper[s] the armed forces’ objectives.”

Outlaws’ proposed restriction follows the letter of the law with respect to the Solomon Amendment, and goes no further. The “access to students” required by 10 U.S.C. §983(b)(1), is arguably satisfied by providing a room sufficiently large to accommodate the number of students who volunteer to meet with JAG recruiters. Thus far, small rooms have been sufficient, and Brennan is arguably wrong in suggesting that access has been impeded within the meaning of the statute.

But let’s say for the sake of argument that Brennan is right — that access is impeded by the minimal compliance regime, and this reduces both the quality and quantity of the JAG applicant pool. Brennan identifies three costs to this, which presumably far outweigh any benefits:

(1) most importantly, the damage to national security in a time of terrorism, (2) the damage to quality legal service for JAG clients, many of whom are of low income and some of whom are accused of homosexual conduct, (3) the burden on those students not excluded by the military’s discriminatory policy (heterosexuals or closeted gays) from full and unfettered access to this career opportunity.

These alleged costs of the minimal compliance regime must be weighed against three benefits, which Brennan does not mention:

(A) maintaining a more comfortable, safe, accepting environment for LGBT students,

(B) making a normative statement condemning sexual orientation discrimination as wrong,

(C) combining this normative statement with other legal/normative challenges that pressure the government to overthrow this discriminatory policy.

For those unsympathetic to the concerns of LGBT students, the costs, particularly to national security, may seem to outweigh the benefits here.

However, left completely unexamined by this analysis are the costs of the discriminatory policy itself, known as “Don’t Ask, Don’t Tell, Don’t Pursue, Don’t Harass” (DADTDPDH). If minimal compliance is an act of resistance, one that constitutes part of the struggle to overthrow DADTDPDH, then the long term benefits of overthrowing DADTDPDH deserve to be weighed in this analysis. Such benefits with respect to JAG would include:

(*) improving national security by increasing the quantity and quality of the JAG applicant pool. Students who would otherwise join JAG but for their openly LGBT status or moral boycotting of the military would now be available for recruiting.

(‡2) providing clients of JAG, many of whom are of low income, with improved legal services because of (‡1). And of course those clients currently threatened with expulsion for their LGBT status would no longer require legal services, thus reducing unnecessary workload on JAG attorneys.

(‡3) allowing ALL students, LGBT or heterosexual, access to this career opportunity.

Brennan’s article also argues that the Law School should not fund talks by discharged LGBTs or their advocates while prohibiting JAG career-related talks because this would be “taking sides” in the debate. Nor should it waste its scarce resources on FAIR litigation and lobbying Congress to repeal Solomon because this money ought to be spent only on educating students.

However, the school already “took sides” by adopting a non-discrimination policy in the first place. This act, just like maintaining the status quo, is inevitably a political act, and requires making normative choices about right and wrong. Allowing formal JAG recruitment of any kind already forces the Law School to violate its own non-discrimination policy, effectively breaking a promise to its LGBT students. Therefore, funding only those talks that advocate against Solomon constitutes an effort to ameliorate this violation.

With respect to FAIR litigation and lobbying Congress, it’s only necessary to note the Law School’s legitimate interest in upholding its nondiscrimination policy. These additional legal/normative challenges to sexual orientation discrimination are expenses which can be...
Continued from Last Page

shared with other law schools, and are arguably a price worth paying. The injustice to LGBT students under the current Solomon regime is far more costly.

Returning to the question posed earlier, what are the national security costs of maintaining DADTDPDH? Since 1994, at least 8,700 lesbian, gay, and bisexual servicemembers have been expelled from the military due to their sexual orientation. This during an era in which the military has had trouble meeting its staffing goals.

There are also specific costs in the war on terrorism. In the Fall of 2002, “the Defense Language Institute (DLI) - an elite training school for military linguists in Monterey, California - discharged seven fully competent Arabic linguists” because they were discovered to be gay. One of those expelled, Alastair Gamble, was a human-intelligence collector, one of the Army’s “greatest foreign language needs” according to a 2002 General Accounting Office (GAO) study. Gamble had completed 30 weeks in intensive Arabic and several of his teachers believed him to be the top student in his class. Such expulsions are particularly remarkable because a House Intelligence Committee report produced shortly after 9/11 concluded that there was a critical shortage of analysts, particularly with the necessary language skills, at both the NSA and CIA. The study concluded that such shortages “have adversely affected agency operations and compromised U.S. military, law enforcement, intelligence, counterterrorism and diplomatic efforts.”

The GAO study also reported that in 2001, “the U.S. Army, FBI, and State and Commerce Departments failed to fill all their jobs that required expertise in Arabic, Chinese, Korean, Farsi, or Russian.” Indeed in 2001 the Army was only able to fill 42 Arabic translator positions out of the 84 it authorized.

So what are the purported benefits of DADTDPDH that might offset such costs to national security? The benefit argued is that there will be greater morale and unit cohesion in a military that excludes openly gay servicemembers. Proponents argue that heterosexuals would be uncomfortable serving in close quarters and fighting alongside gays. While issues surrounding race and sexual orientation are not exactly the same, it is noteworthy that these arguments sound similar to those once made against racial integration of the military. Note also how exclusion is multiplied for those LGBTs who have also been excluded on other grounds of sex and race. It must be frustrating for a gay woman of color to perpetually wait clear before she may finally be accepted into our armed forces.

What did they say then about racial integration and what do they say now about integration of LGBTs? Two army studies in the 1940s found that more than 80% of white soldiers opposed racial integration. The military similarly argues today that 74% of soldiers oppose lifting DADTDPDH. During WWII and the Korean War, Gen. Eisenhower and Gen. George Marshall opposed racial integration. Sen. Richard Russell of Georgia voiced concerns about how white soldiers would deal with being forced to eat, sleep, use the same facilities as, and live in close association with blacks.

Undoubtedly there was a transition period in which the forced racial integration of the military imposed costs. But does anyone doubt that our military is better today, both in protecting national security and as a matter of social justice, because it welcomes racial minorities? If history is any guide, the discriminatory policy of DADTDPDH will one day be lifted. When it is, the contributions of LGBT servicemembers will be recognized as making the military stronger, not weaker, just as the contributions of nonwhites to the military are recognized today.

Protesting the Solomon Amendment, by complying in the most minimal fashion required, should be considered part of the larger struggle to condemn and overthrow DADTDPDH. If we do recognize costs to minimal compliance,

FOOTNOTES:
3 Id.
4 Id.
5 Id.
6 Id.
7 Id.
8 The Abrams Report 18:00, MSNBC, Nov. 11, 2002
9 Solomon Response, supra note 1, “Comparison to the Policy of Racial Segregation in the Armed Forces”
10 Id.
11 Id.
12 Id.
13 Id.
Somebody Stop Me Before I Sell Out Again

By Michael Murphy

"Money Talks, I hate to listen, But lately it's been screaming in my ear" -Ben Folds

I'm jinxing myself by even writing this down, but, a distinct possibility exists that somebody, somewhere, might actually give me a job this summer. And it's not even Quizno's!

As I start to look at my (deep breath) job options this summer, I've noticed something; damn, The Man is powerful. The choice between work that seems intrinsically fulfilling and work that seems economically lucrative is a real struggle at this point, and I'm sure it's not going to get any better.

When I graduated with a degree in Journalism, I had a similar dilemma. Newspaper and television journalist jobs were hard to come by, required living in a small town, and paid damn near minimum wage. They weren't even an option if you have student loan debt coming at you, as it does after you graduate, like a loan shark on post-Super Bowl Monday.

I had two offers. One was in a small town in Virginia at a newspaper, doing their web site, making less money than I did as an intern. The other was a public affairs job a major corporation, 20 miles from home, working on part of their gigantic web site, making three times as much money as the average Journalism grad from my school made.

It wasn't much of a decision. And the small town seemed boring. I took the money and the "Office Space" job. The cynical, acerbic ex-journalists at the big company credited me for selling out immediately, whereas it had taken them years (and houses and babies) to reach the same cynical, acerbic conclusion. I laughed about it at the time, but then and now it made me feel uneasy.

The uneasiness grew, as I realized after a year that, yeah, I had some nice things and went to Europe but my life wasn't getting any better. A lot of my friends are struggling with this now, two and three years outside of school. They see their future opening up in front of them and wonder what they have to do to get where they wanted to go in the first place. A lot of them say that they've forgotten or compromised those ideas and dreams that made them want to be writers, and engineers, and doctors, and lawyers.

I'm not as concerned with what I do. I just want to help people. I've been ridiculously lucky enough to get where I am, and in return want a job that makes me feel like I'm leaving the world a better place at the end of the day than it was when I woke up in the morning. I think most people want that, sure.

Looking at that last paragraph, I'm proud of what I just wrote. I only wonder if I really believe it. The problem is, I also want to make sure I don't have to count pennies, like my parents (and many of my classmates' parents) had to. And I'm going to have a debt that's "slight" in the way that my Contracts exam was "Complicated." You can't ignore that. That'd be like running an organization (say, a country) to more than a trillion dollar budget deficit and still talking about "economic growth." I'll tell you; when I get my loan check, you're damn right I go to Sizzler. But I'm aware that it's not "economic growth." I know that the five-dollar beer I buy on Access Group's cash will end up costing me dearly over time. It almost takes the fun out of dollar pitchers at Mitch's. (Okay, it doesn't. They still rule. But you know.)

I want a job that helps the world and pays. I want to help the children get hot lunches and good parents, and still drive past them playing on the playground in my German or Italian automobile (and no, not a VW). Is that so hard? For God's sake I drive a Mercury Tracer.

Of course it's hard. Because it's what everyone wants. Balancing employment options between that which will help you sleep at night and that which pays for the roof above your bed may be the hardest part of law school.

And not to sound like a brochure, but, this school does offer extensive career counseling and debt management programs. So I don't feel like I'm wandering in the dark here, or that I'm going to have a "Will Litigate for Food" sign clipped to my tie outside a federal courthouse somewhere. But come on. Even with debt management for an entry level public service job, there's an economic disparity between that and a first-year associate salary for a New York firm.

Like so many of the issues we talk about in our coursework, it comes down to the proper balance of competing interests, a tension of dynamic opposites. Realistically, I can't expect to be completely satisfied with whatever jobs I find on every intrinsic and extrinsic level. Nothing's perfect, and nobody's perfect, either. I know I like it here; I know I'm in the right place. But I'm not sure where I'm going from here. I just hope that when all that's washed up when this job search is washed out, I can look at my paycheck and tell people what I do and know that it's something I believe in.
Twenty Questions Two Times

By John Fedynsky

Why do 3Ls have to pay nearly $50 to rent a graduation gown?

Will Dean Caminker live up to his announcement last November that Colonel Paul Pirog of the United States Air Force Academy, who was so hastily turned away last semester, will return to campus this semester for his lunchtime talk? The clock is ticking.

The following professors teaching the courses listed below had the highest (rounded) proportion of students exercising the pass/fail option last semester:

Steven Croley – Administrative Law – 40.7%

Rick Hills – Jurisdiction and Choice of Law – 42.1%

Robert Howse – Transnational Law – 50.1%

Douglas Kahn – Taxation of Individual Income – 44.6%; Corporate Taxation – 41.2%

Karl Lutz – Law Firms and Legal Careers – 34.4%

Nina Mendelson, Administrative Law – 34.7%

Leonard Niehoff – Legal Ethics & Professional Responsibility – 46.7%

John Pottow – Secured Transactions – 38.0%

Why?

Why is it that a semester of tax did not teach me how to fill out my own tax return?

Why do students get credit for the professional responsibility requirement for enrolling in clinical programs that do not focus on that subject, save for perhaps one class and the occasional roundtable discussion touching on ethical issues surrounding some students’ cases?

Why is spring break so early in the semester?

Why is transnational law only a two-credit course when students and at least one professor teaching it claim that it involves the work of a three-credit course?

Why don’t minority students attend LS SS Prom and the SFF Auction in the same numbers that they attend the Juan Tienda and Butch Carpenter Banquets?

Who will be the stars of the faculty now that Yale Kamisar has retired from teaching at U of M and J.J. White is opting to work half-time?

Would the administration support a conference about right to life in the same manner in which it supported a conference on reproductive choice?

Why are certain student organizations’ announcement boards behind glass whereas others are not?

Could not the men’s bathrooms use more space – shelves or tables, perhaps – for temporarily placing one’s books, bags and such? Could the women’s bathrooms use the same improvement?

How long have some stickers been on the lockers in the basement of Hutchins?

What is the etiquette for taking pizza at a lunchtime event? Is more than two slices too much? Three? Four? More? What if it’s Papa John’s? How should one share the little containers of garlic sauce and the little spicy peppers?

Why is class rank a secret until after graduation?

Why are the vast majority of scholarships listed on the Docket so restrictive along minority, gender and geographic lines?

Why do some student organizations get offices while others do not? Why do some share an office while others do not?

Why do white males dominate the membership and leadership ranks of the Federalist Society?

How many 3Ls are still looking for work? 2Ls? 1Ls?

What happened to the yearbook this year? Will there be one? Did the expanded facebook, which now contains the 2Ls and 3Ls, take the wind out of the yearbook’s sails?

Has the poster policy achieved its purposes without adversely affecting the vibrancy of student life too much? What about the alcohol policy?

Why do murders of crows descend upon the Law Quad every year?

Are these questions better left unasked? Was Socrates right? Does nobody like a gadfly?
Response to Joe Brennan's Letter on JAG Recruiting

From Cliff Davidson

A s someone who worked for the federal government in waging the war against terrorism, I object to Joe Brennan's resort to arguments of patriotism as a justification for enthusiastically supporting employers that discriminate against me. In his words, "the correct and patriotic response by the Administration would be to fully and substantially comply with the Solomon Amendment, especially during the current war against terrorism." Neither Outlaws nor I suggest that this school do differently; we must comply with the Solomon Amendment, and an argument over the choice of modifiers (Brennan objects to Outlaws' use of the term "minimal compliance") misses the point. Nor do I suggest that we prevent students from pursuing opportunities with JAG, which is what many students erroneously believe Outlaws and S-O-S propose to do. Rather, as a matter of fairness, we should do no more than what is required of us under Solomon, and a choice to do so is not unpatriotic.

What Brennan calls for is more than compliance. He cites in his letter the passage in Solomon specifying that a school may lose federal funding if it either prohibits or in effect prevents "entry to campuses, or access to students ... on campuses for purposes of military recruiting." He then goes on to say that the Law School should facilitate informal recruitment sessions and describes a policy of compliance as "penny-ante."

With all respect to Brennan and his commitment to the military (which I share), compliance with Solomon, and nothing beyond that, is not a "penny-ante" policy, but rather a meaningful balance. It is a simultaneous recognition of the Law School's duty to country and commitment to non-discrimination. Unfortunately, compliance and nothing more is not particularly respectful to the military or to students who have served therein. This pains me deeply, especially because I have friends (some of whom are gay) who have been or are deployed. The Law School does what Congress deems necessary for military recruitment on campus — it provides facilities, coordinates interview times, collects resumes, notifies students of JAG visits through OCS channels — so choices about what to do beyond compliance are about symbolic recognition, rather than military necessity. If Congress believes the military requires more, it would say so in the Solomon statute.

What we are left with after complying with Solomon is this dilemma: Do we go out of our way to encourage recruiting? Or, do we stick to our guns on non-discrimination?

Brennan's characterization of this choice as one about patriotism deeply disturbs me. I suspect he views this issue as a struggle between red-blooded Americans who support their troops and limp-wristed liberals who are more interested in political correctness than fighting for their country. As far as I'm concerned, nothing could be farther from the truth. This is a choice about fairness. A segment of the student population has been excluded outright from JAG. Schools with policies against discrimination on the basis of sexual orientation should neither flout that policy by doing more than what is required of them by law, nor should they add to the indignity of automatic exclusion by enthusiastically supporting a discriminatory institution.

The University of Michigan Regents, elected by the people of Michigan, have chosen to adopt a policy of non-discrimination on the basis of sexual orientation, except when it comes to military recruiting. Complying with Solomon but doing no more is a fair way of reconciling the Regents' decisions and the federal government's need for skilled soldiers. As someone who respects states' rights, I find nothing unpatriotic about this choice.

LEVIN, from Page 1

is appointed or some bipartisan compromise regarding judicial appointments can be reached.

When asked how he thought such a compromise could be achieved the Senator outlined a plan he had proposed for a bipartisan advisory committee which would make recommendations as to nominees to the President, but whose suggestions would not be ultimately binding.

Senator Levin also took time to discuss the President's recess appointments. Although such appointments are not unknown, neither are they common. In addition, the Senator could not think of any prior instance where a recess appointment has been made of a judge whom the Senate has previously rejected. Such appointments, however, he noted, last only for a year. After that time the appointees need either to attempt to win through the Senate again, or given a change of executive party, will be allowed to fall by the wayside.
American members sitting in front and whites in back. These people were met in Anniston, Alabama and beaten severely, including a school teacher from Detroit who was beaten and later suffered a stroke. It was later revealed that the FBI knew these beatings were taking place and did nothing about it. The case was based on the deprivation of the injured parties of the equal protection of the laws and of their right to interstate travel. The proponents recreated what Alabama was like in 1961, including an emotional reunion of the original Freedom Riders. Granzatto was impressed by the incredibly emotional and vivid testimony of how it was like to live in the South back then.

Where should one draw the line on First Amendment rights versus impinging on other people’s rights? When the competing right is hurt feelings as opposed to personal safety, Granzatto found it difficult to draw a line against First Amendment rights. Yelling “fire” in a theater deals with personal safety, and there is an implicit understanding that there is a curtailing of rights there. When people do not like to hear others speak or their message, it is more absolutist. Granzatto remarked that governmental threat to rights are more important than the message that the Klan espouses. He feels that the greater threat is not the KKK or groups like them, but government agencies who would violate First Amendment rights.

The freedom of speech must be defended even when the beneficiaries of that defense are far from admirable individuals. It raises both constitutional and moral issues critical to our understanding of free speech and carries important lessons for current controversies over hate speech.

Next up, the letter of recommendation. According to Judge Dyk, an Appellate Judge of the D.C. Federal Circuit, this is the most important part. In the second year of law school, students can (hopefully) establish relationships with their professors, ones that extend further than the seating chart. Talk to them now, don’t wait until the end of the year. Also think about asking a lawyer or someone outside of the law school who might provide a third reference. Judge Dyk, for example, values recommendations from lawyers at firms. The important thing is that the recommender knows you and knows your work. Dyk often follows up with a phone call to have a personal conversation with the recommender and verify that he or she knows you well.

The writing sample must also be polished. If you have written a note for a journal, great. Send it. But if you haven’t written one, if you haven’t even been to the library since the first year of school, then go ahead and use your Legal Practice brief. Just remember to include a page describing the context of the sample. So long as the writing sample represents an analytical paper that shows you are qualified to write a good opinion, the format doesn’t necessarily make a difference.

The last two pieces of the application, the resume and the cover letter are hopefully well-trodden ground by the third year of law school. To keep things short and sweet, remember to be relevant and to be concise. One tip is to add a list of interests to your resume, as this is where a judge will look when trying to find a fit. According to Professor Molly Van Howeling, the list of interests might be where the match is made. “The main thing to remember is that you can’t predict what the results will be.” Go ahead and add the fact that you spent the summer painting in the south of France, it might turn out that the judge is a big fan of Impressionism. Remember, judges are people too.
Friday, Mar. 26

80TH ANNUAL HENRY M. CAMPBELL MOOT COURT FINALS

100 HH
2 PM

FINALISTS:
AARON PAGE AND STEVE SANDERS
FOR THE PETITIONERS

JESSIE GABRIEL AND KAITE LORENZ
FOR THE RESPONDENTS

“Comedy for a Cause”
To Benefit Access to Justice Fund

Joey’s Comedy Club
36071 Plymouth Road, Livonia
Tickets $20 - Includes Appetizers and Show

Meet and Greet, 5:30PM
Comedy Show, 8-9:30PM

Raffle for Pistons Tickets

Contact jfedynsk@umich.edu
ASAP for further information and to purchase tickets

Sponsored by the Law Student Section of the State Bar of Michigan

Saturday, Mar. 27

WLSA’S THIRD ANNUAL “RACE IPSA LOQUITUR”

5K RACE TO BENEFIT SAFE HOUSE AND SAPAC

10 AM AT NICHOLS ARBORETUM

PRIZES FOR 1ST, 2ND, 3RD (MEN AND WOMEN!)

FOR MORE INFO:
WWW.DVPSH.ORG
AND WWW.UMICH.EDU/~SAPAC

Send Your Student Organization Announcements to rg@umich.edu

The Federalist Society Announces its 2004-05 Officers:

President - Matt Nolan
Vice President - Joe Brennan
Secretary/Treasurer - Weston Hall
Speaker Chair - Nick Bronni
Social Chair - Joe Ashby

Tuesday, Mar. 30

THE ANNUAL LAW REVUE (A.K.A. TALENT SHOW)
8 P.M.
MENDELSOHN THEATER
MICHIGAN LEAGUE

Thursday, April 8

BLUE JEANS LECTURE
FEATURING PROF. SHERMAN CLARK
4-5 P.M.
LAWYERS CLUB LOUNGE

Saturday, April 17

SKATE FOR JUSTICE HOCKEY TOURNAMENT
TO BENEFIT ACCESS TO JUSTICE FUND
YOST ICE ARENA

TICKETS ARE $5, INCLUDE CHANCE TO SKATE WITH PLAYERS
CONTACT SKATEFORJUSTICETICKETS@UMICH.EDU

4PM WAYNE STATE VS. U OF D MERCY
5PM MSU - DCL VS. U OF M
7 PM CONSOLATION GAME
8PM JUSTICE CUP CHAMPIONSHIP
Announcements

Today, Mar. 23
Justice Stephen Markman of the Michigan Supreme Court
"The Role of Politics in a Legal Life"
12:30 PM
150 HH

Pizza will be Served
Presented by the Republican National Lawyers Association

Wednesday, Mar. 24
Self-Defense Presentation
Featuring
Katy Mattingly, Director,
Washtenaw Area Model Mugging (WAMM)
12:15 - 1:30 PM
218 HH

Pizza Will be Served
Sponsored by WLSA-PAC and the Office of Student Services

Thursday, Mar. 25
Criminal Law Society Presents
A Panel Discussion on White Collar Crime
12:35 PM
138 HH

LSSS
Faculty/Student Wine and Cheese Reception
4:30 PM
Lawyer’s Club Lounge

OUTLAWS Presents
Ruth Harlow
former Legal Director of Lambda Legal Defense and Education Fund
Discussion on Lawrence v. Texas and the future of LGBT rights
7 PM
220 HH

LSSS Election Results:
President:
Jay Surdukowski
Vice President:
Doug Sanders
Treasurer:
Aaron O’Donnell
Secretary:
Seneca Theno
2L Representatives:
Zac Lindsey, Pamela Grewal, Bayrex Marti
3L Representatives:
Ali Shah, Josh Kalb
3L Representative Summer Starter:
Holli Føemming

Many thanks to the Law School community for coming together to make this year’s SFF auction such a huge success!

-From the Student Funded Fellowship Board