Unique opportunities available for student advocacy

By Matt Estes

Arizona State University has long been subject to affirmative action debate for student advocacy and otherwise shape educational policy. The organization with the position of student regent on the Arizona State Board of Regents (ABOR), the Arizona Civil Rights Initiative. The national campaign is championed by Ward Connerly, founder and chairman of the American Civil Rights Institute, and the de facto public face for the elimination of state-sponsored race and gender preferences for the last decade. Clint Bolick, director of the Goldwater Institute for Constitutional Litigation, is listed as the Initiative’s legal advisor.

Unique opportunities available for student advocacy

The Arizona Students Association (ASA) provides many other means of direct student advocacy on a regular basis. Besides keeping the student population aware of ABOR action, ASA organizes a Student Lobby Day each spring, where students meet with legislators to express student concerns and deliberate upon potential solutions to problems. More specifically for graduate students, ASA is seeking to increase student awareness of The Higher Education Affordability and Equity Act, a proposed measure that expands the ability of graduate students to obtain student advocacy and ASA! One way to do that is to join our Legislative Action Team. Members of this team actively lobby state legislators on issues that concern students, such as financial aid, textbooks costs, and university funding. I think that law students are particularly well placed to sway legislators since most law students are articulate and well-versed with state statutes. If you’re interested in joining the ASA Legislative Action Team, please send an email to info@azstudents.org or call ASA at 602-294-6900. And even if you’re not interested in joining the Legislative Action Team, I’d encourage you to contact your state legislators on issues important to you.

We will be able to enact more changes and cause greater state investment in higher education if more students are politically engaged and actively advocate for student issues.

Affirmative action debate implicates law school

By Matt Estes

National advocates seeking to ban race and gender preference in state employment, contracting and university admissions procedures have targeted Arizona for a November 2008 ballot initiative. Arizona is one of five states – Colorado, Missouri, Nebraska and Oklahoma are the other four – targeted for ballot initiatives next year.

The ballot effort is being spearheaded by the American Civil Rights Institute, through its local affiliate, the Arizona Civil Rights Initiative. The national campaign is championed by Ward Connerly, founder and chairman of the American Civil Rights Institute, and the de facto public face for the elimination of state-sponsored race and gender preferences for the last decade. Prominent Arizona civic leaders are leading state efforts. Andrew Thomas, the Maricopa County Attorney (and formerly listed as a faculty associate at the Sandra Day O’Connor College of Law), holds the position of honorary chairman of the Arizona Civil Rights Initiative. Clint Bolick, director of the Goldwater Institute for Constitutional Litigation, is listed as the Initiative’s legal advisor.

The local media quickly identified the College of Law as a potential hub of controversy over the proposed ballot initiative, holding televised interviews with current law students and soliciting the opinion of law school administration on the topic. Contemporary law school admissions procedures are an oft-cited example of the type of race and gender preferences that the proposed ballot initiative is seeking to combat.

While the College of Law’s website avoids any explicit mention of race or gender preference, the wording of several listed factors appears to give sufficient flexibility to consider

1) Many law students feel impotent when confronted with rising tuition rates. How do you recommend they devote their actions to bringing about fairness in graduate and professional tuition rates?

I think that law students should be sure to be involved with their student government, so that their student government can represent them and respond to their concerns. It also is important for any student who cares about rising tuition rates to express concern to the Arizona Board of Regents (ABOR). The Regents will have a public hearing for students to comment on proposed 2008-09 tuition and fees on November 29th from 5:00-7:00 pm in Old Main’s Career Development Room (ASU Tempe campus). Any student who can’t attend the hearing can also write the Regents to make sure that their voice is heard.

2) Law students are in a unique position, in that they have more analytical tools and professional contacts to enact change with respect to student issues. Ideally, how would you like to see law students involved with ASA and student advocacy in general?

It would be great to see more law students involved with student advocacy and ASA! One way to do that is to join our Legislative Action Team. Members of this team actively lobby state legislators on issues that concern students, such as financial aid, textbooks costs, and university funding. I think that law students are particularly well placed to sway legislators since most law students are articulate and well-versed with state statutes. If you’re interested in joining the ASA Legislative Action Team, please send an email to info@azstudents.org or call ASA at 602-294-6900. And even if you’re not interested in joining the Legislative Action Team, I’d encourage you to contact your state legislators on issues important to you.

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Supreme Court to Examine Lethal Injection

Current Method May Consti- tute “Cruel and Unusual” Punishment

By Jeff Lee

Not since 1878, when the Supreme Court ruled that Utah’s use of a firing squad did not constitute the “cruel and unusual punishment” forbidden by the 8th Amendment, has the nation’s highest court examined a method of execution. Next year, that will change.

In October, the Court granted stays on three executions pending its ruling in Baze v. Rees, a death penalty appeal from Kentucky which challenges the constitutionality of the so-called “three drug cocktail” method of execution. This method is employed by 37 of the 38 states that currently execute convicted felons (Nebraska still employs the electric chair). The result is a de facto moratorium on capital punishment until the case is decided, making October the first month in nearly three years in which no executions took place.

The “three drug cocktail” works by first injecting the condemned prisoner with sodium pentothol, a fast-acting barbiturate, to cause loss of consciousness. The next drug is pancuronium bromide, a powerful muscle relaxant that effectively paralyzes every muscle in the body, including the diaphragm. Finally, a large dose of potassium chloride is administered to stop the inmate’s heart. At issue is the fact that sodium pentothol has not been shown to induce and maintain unconsciousness throughout the execution in all cases, while pancuronium bromide is a powerful enough paralytic to prevent the inmate from moving, speaking, or asking for help. The potential result is that the condemned could be fully conscious and unable to breathe while the executioner, completely unaware, administers potassium chloride, a chemical that causes excruciating burning sensations in the blood veins and can take several minutes to cause death. Because of the difficulty in determining pain in someone who is completely paralyzed, the actual amount of suffering that an inmate could be experiencing is unknown.

The method was devised by Dr. Jay Chapman, the Chief Medical Examiner of Oklahoma in 1977. Despite being a self-described expert in death, he acknowledges never having re- searched the best method for execution.

The American Veterinary Medical Association banned the use of the three drug cocktail to euthanize animals over a dec- ade ago after a study concluded that the practice is inhumane. Currently, animals are euthanized by injection with a single very large dose of a powerful barbiturate that induces sleep and then death. This method is what is euphemistically referred to as “putting a pet to sleep.” No study has ever been undertaken with respect to the cocktail’s effects on human beings, and ex- pert opinions in either direction are likely to form the core of the arguments presented before the Supreme Court. Next year, the justices will attempt to conclude whether inmates might be conscious, paralyzed, and in excruciating pain while the potas- sium chloride takes effect.

At present, few are willing to speculate on the direction that the Roberts Court will take in deciding Baze. Arguments are scheduled for January, and a ruling is expected some time in March. Until then, it is likely that capital punishment will ef- fectively cease in the United States while opponents and proponents of the death penalty alike wait with bated breath for this historic ruling.
Submission Policy

Res Ipsa Loquitur welcomes submissions from all students, faculty, and staff. Submissions will be reviewed by the Editorial Board and therefore accepted for publication subject to editing for length and clarity. Res Ipsa Loquitur does not take a position on any of the opinions or submissions contained herein. We do, however, fully support the importance of free speech and will NOT publish anonymous letters or articles. Email submissions to Matt Estates, Editor in Chief, at matthew.estates@asu.edu or Tracy Rineberg, Editor in Chief, at tracy.rineberg@asu.edu.

We believe we have transgressed the acceptance bounds of their constitutional authority, it is also undeniable that many of the decisions made by the US Supreme Court have interpreted the Constitution to give us rights that we now regard as absolutely fundamental. While there have been decisions that history has shown to be deeply flawed for both constitutional and policy reasons, not every ruling is a Plessy v. Ferguson. In the aggregate, the re- sults that history has shown to be deeply flawed for both constitutional and policy reasons, not every ruling is a Plessy v. Ferguson.

By Jeff Lee

William Marbury sued James Madison for his job in 1801. The decision was handed down in 1803 and is largely credited (or discredited) for establishing Judicial Review.

Travis S. Borquez, Poet       Jeff Lee, Contributing Writer

Jeff Lee, Contributing Writer

Matt Estes, Contributing Writer

Melissa Cymbal, Contributing Writer

Kyle Shelton, Contributing Writer

SRS.A Board, Contributing Writer
Schedule of classes: What Happened?!

By Matt Nelson

We now have a new Attorney General, Judge Michael Mukasey. His confirmation was the closest thing to being held up because he would not flatly say that all of these should be banned. Judge Mukasey has been held up because he would not flatly say they were used. He refused to say whether or not it was illegal or that he was used in any class. He refused to say whether or not he was used in any class. He refused to say whether or not he was used in any class.

I'm not arguing that night classes should be eliminated. Instead, I propose that any night classes be offered, that is, that they also be offered during the day. That way those who want to go to a particular class of classes will do so. Someone may argue that eliminating or duplicating night courses would increase the problem of class-scheduling during the day. That is true, but if they were forced out of the day, it would also increase the likelihood that a student will find a class that is interesting in the remaining available time.

2. What happened to 1:30pm classes this semester? Only 20% of classes are offered in the early afternoon. Even during the late afternoon, only 30% of classes are offered between 2:30 and 5pm. It should at least beat out night classes. And, what's with the overload of Thursday afternoon classes? 36% of the early afternoon classes are on Thursday.

3. Why are 26% of classes offered at night? An average of 15 hours a week or because they can't dictate their schedules in the real world, etc. don't go far. Having a class at an inconvenient time is hardly preparation for life as an attorney; that much truth is hardly preparation for life as an attorney; that much truth is hardly preparation for life as an attorney.

4. Is it hard to tell us what will be offered next semester? I don't know how scheduling works, but I have to believe that professors know or would like to know what they're teaching next semester. Part of the problem with picking a schedule is not knowing whether an interesting class that conflicts with a requirement (Crim Pro, Con Law II, PR) will be offered again before graduation. And no one is going to make a claim of reliance if that changes, so that planning tool would be nice.

And arguments that student's should stick it up because they can't do their schedules in the real world, etc. don't go far. Having a class at an inconvenient time is hardly preparation for life as an attorney; that much truth is hardly preparation for life as an attorney.

So, in my opinion, a better effort should be made to reduce the dependence on foreign oil (stricker through) night classes, communicate the likely schedules for future semesters, and spread classes evenly through the day and throughout the week. Even if none of these changes are made, at least it still control 91% of my time, which is consoling.

Is torture ever acceptable?

By Matt Nelson

We now have a new Attorney General, Judge Michael Mukasey. His confirmation was the closest thing to being held up because he would not flatly say that waterboarding was torture. Waterboarding is simulated drowning, and Judge Mukasey had not been cleared to make a statement about a technique that he, and most of the American people, knows nothing about. As we know from Miranda and our Criminal Procedure class, every custodial interrogation is coercive. This is not in the front line of battle.

As we know from Miranda and our Criminal Procedure class, every custodial interrogation is coercive. This is not in the front line of battle. The DTA defined torture as the "intentional infliction of severe pain or suffering" and said the CIA was free to interrogate terrorist suspects as long as the method did not violate the "shock of the law" standard. It also said treatment that is "cruel, inhuman or degrading" is forbidden. All of these words are open to interpretation. When I was in the military, I saw some brutal physical and mental training techniques that might shock a 50-year old lawyer but

Photo By Matt Nelson

were acceptable to young military recruits. It would have been a mistake for Judge Mukasey to make a statement about a technique that he, and most of the American people, know nothing about.
Maricopa County Attorney has himself arrested

By Kyle Shelton

Maricopa County Attorney Andrew Thomas accidentally had himself arrested this week, his office reported.

Thomas, in a press conference from his jail cell, noted that this was just a simple misunderstanding.

"Earlier this month, I stressed to the sheriff’s department the importance of harassing and crushing those who express dissent against myself or this office," said Thomas. "Well, when I started talking about the mistakes this office made when it arrested the editors of the New Times, I guess the boys from the sheriff’s office took note of my criticism about myself, and arrested me for it.”

Thomas dismissed all charges against himself less than 24 hours after his own arrest.

"This really is a win for the Constitution," said Michael Clancy, head of the Phoenix ACLU. "Andrew Thomas had no right to do that to himself. When Andrew Thomas tried to crush Andrew Thomas’ free speech, it proved the chilling effect of what can happen when big government goes too far.”

Others offered support to Andrew Thomas in his fight for free speech against Andrew Thomas. "There is only one place for friends of freedom to stand at this moment," the conservative Goldwater Institute wrote in a press release Tuesday, "and that’s shoulder to shoulder with Andrew Thomas against the tyrant Andrew Thomas.”

Thomas is now a subject of legal and ethical complaints with the State Bar of Arizona over his actions in using his position to censor himself.

At his news conference from his jail cell, Thomas denied any ethical violations and accused the state Bar of engaging in rumor-mill behavior.

"What they have done is they have attempted to smear me and this office, because of my questionable tactics against myself," said Thomas. "The Bar is endangering public safety, by holding me accountable for my actions against me.”

Sheriff Joe Arpaio, a long time ally of Thomas, noted his displeasure in Thomas’ actions.

"Frankly, Andy deserved to be in jail for what he said about himself and his office,” said Arpaio. “I’m disgusted by Thomas freeing himself just because of the public pressure. He doesn’t really care about free speech, but only cares about how bad imprisoning himself over his comments looks to the public.”

Thomas, who looked contrite and atypically uncomfortable as he faced cameras from his cell, said this entire situation has taken attention away from the real issues Arizona faces.

"Let’s not forget the real dangers we face, Arizona: truancy in our schools,” said Thomas. “Let’s worry less about what I did to myself here, and pay more attention to my television commercials about truancy and the importance of talking to your kids.”

William Rehnquist: Ghost Whisperer

By Kyle Shelton

Former Supreme Court Justice, William Rehnquist, will guest star on CBS’ popular program “Ghost Whisperer” next week, the network announced Friday.

Rehnquist, a conservative figure on the Supreme Court who passed away in September of 2005, was offered a role on the Jennifer Love Hewitt led drama this season. "Still, there's something about Rehny that always help the spirit pass on to the other side,” said Frank Wills, associate producer of the series. "Everyone assumes that Hewitt will save him? You're going to be on the edge of your seat.”

Producers say the episode includes a twist that few will see coming.

"Everyone assumes that Hewitt will always help the spirit pass on to the other side,” said Frank Wills, associate producer for the show. "But in this case, you've got this ghost judge who basically fought against the Civil Rights Act of 1964 and still, even as a ghost, believes in the wisdom of Plessy v. Ferguson. So can Hewitt save him? You're going to be on the edge of your seat.”

Rehnquist noted that if this guest-starring role was a hit, he might continue to work in television.

"I would love to have a part on ‘Grey's Anatomy,’” maybe as Meredith’s dead grandfather or something,” said Rehnquist. “Or maybe on ‘24’ as a ghost that gives Jack Bauer hints on how to torture terrorists. Really, I’m up for anything.”
By Matt Estes
On October 22nd in the Great Hall, Professor Bradley Allenby of the Ira K. Fulton School of Engineering delivered a Templeton Research Lecture, one in a series of public lectures dedicated to exploring the proposition that humanity is entering a new phase in human evolution, caused primarily by advances in science and technology. The lecture series is the public face of a series of activities sponsored by The John Templeton Foundation, and The John Templeton Foundation, and The Center for the Study of Religion and Conflict at Arizona State University. The current academic year is devoted to an exploration of the interplay of science, technology and culture that has given rise to transhumanism, termed "Transhumanism, Technology, and Culture." Dr. Allenby, a Templeton fellow, spoke on the subject of rethinking the notion of human identity and the relationships that humans have with technology and the environment. "From Human to Transhuman: Technology and the Reconstruction of the World" surveyed the characteristics and achievements of "The Age of Man," and the manner in which rapid technological change looms in the present and near future. Dr. Allenby cautioned that outdated human ontologies must be revised to keep pace with such changes, or else humanity will lose its control upon future development on Earth.

Part cautionary-tale and part prospectus, "From Human to Transhuman" engaged the audience with poignant quotations about the impact of humanity on the world, and stark predictions for a future in which humans do not diligently consider their increasing embeddness in technological and information structures, as well as their role as the driving force in climate and ecological change. Dr. Allenby sketched a picture of a "New Enlightenment" ontology to replace modern liberal views of human beings as separate, self-sufficient entities with respect to other persons, technology and the environment. To him, a new theory must confront the present ontological crisis with an increased sensitivity to the complex networks and relationships of the current and future world, as well as a desire to embrace new challenges and responsibilities.

Dr. Allenby was kind enough to answer a few post-lecture questions:

You described the world’s problems as requiring an increasingly interdisciplinary and international response. So far as you see, will technological change affect American jurisprudence, which is viewed by some as hostile to scientific integration and foreign notions of law?

I’m not sure that the problem is necessarily that each legal system has a particular cultural perspective and implicit prioritization of values; indeed, much progress comes from the interaction of different approaches to complex problems, and we might well lose something if we strive for premature uniformity and agreement. Rather, I think the problem lies in the conservative nature of legal systems generally (by which, of course, I mean not just explicit law, but the implicit governance systems which may or may not map easily onto the explicit structure). The inherent tension is that conservative institutions have a relatively slow cycle time. This is entirely appropriate for law, and is not a problem when the rate of change of cultural and technological systems is also relatively slow. Where it becomes problematic is when the rates of change of the latter accelerate beyond the capability of legal and governance systems to keep up, which is where we are now.

Do you see current and future technologies further evolving the model of a rational and efficient bureaucracy (briefly, Max Weber and others theorized that such a institutional model, emphasizing specialization, delegation and centralized information structures, best fits the needs of complexity -- and, with accelerating complexity in virtually all relevant dimensions, they begin to fail. Indeed, this is the root cause of the failure of the Soviet Union: Gosplan cannot keep up with complexity; market capitalism (as an information management system, leaving aside moral judgments) can. Advancing levels of complexity require diffuse and decentralized information patterns and control systems, and thus begin to rely more on "network of network" configurations rather than hierarchies. In this sense, Weber's model is already obsolete and is rapidly being replaced by Net mobs in governance and information transmission mechanisms.

For more information on the lecture series, go to http:// www.asu.edu/ transhumanism

Totally Useless Legal Facts

- In 1980, a Las Vegas, Nevada, hospital suspended several workers for betting on when patients would die.
- Ohio is the only state not to have a rectangular shaped flag. Their’s is in the shape of a pennant.
- Croatia was the first country to recognize the United States in 1776.
- The forward slash character (/) on your keyboard is called a "virgule" or "solidus." The infinity character is called a "lemniscate." The pound sign (#) is called an "octothorp." The dot over the letter "i" is called a "tilde.
- Dirty Harry’s badge number was 2211 (San Francisco P.D.). Sargent Joe Friday of Dragnet carried badge number 714 (Los Angeles P.D.).
- Pro golfer Wayne Levi was the first PGA pro to win a tournament using a colored golf ball (orange). He did it during the Hawaiian Open in 1982.
- The author of "Robert’s Rules of Order," was Col. Roberts of the U.S. Army Corps of Engineers.
Chevron settles SEC charges in oil-for-food scandal

By James M Yoch Jr., Reprinted from The JURIST

The US Securities and Exchange Commission (SEC) [official website] on Wednesday agreed to a $30 million settlement of Foreign Corrupt Practices Act [materials; DOJ backgrounder] charges against Chevron [corporate website] in connection with the oil company's alleged involvement in a scheme to exchange illegal payments to Iraqi officials under the now-defunct UN Oil-for-Food program [official website; JURIST news archive]. The settlement [press release] requires Chevron to disgorge $25 million in profits, including $20 million by agreement with the US Attorney's Office for the Southern District of New York and $5 million by agreement with the Manhattan District Attorney's Office. Chevron must also pay penalties of $3 million to the SEC and $2 million to the Office of Foreign Asset Controls [official website] of the US Treasury Department. According to the SEC complaint [PDF text], Chevron paid more than $20 million in kickbacks taking the form of surcharges from third-party oil sellers that were exchanged for inflated premiums on future oil purchases during the period from April 2001 to May 2002. The complaint [litigation release] alleges that Chevron knew or should have known that the surcharges were being paid directly to Iraqi bank accounts in Lebanon and Jordan. Chevron instituted a ban on paying surcharges and implemented several management checks on oil purchases, but the SEC claims that the measures were ineffective due to management's reliance on the misrepresentations of the company's purchasers. Chevron has neither denied nor admitted wrongdoing in the settlement agreement.

The UN Oil-for-Food program allowed the Iraqi government of Saddam Hussein [JURIST news archive], under UN sanctions in the wake of the first Gulf War, to sell limited stocks of oil in return for foodstuffs and other humanitarian supplies. Hussein's regime nonetheless bribed foreign officials and commercial interests so it could sell oil on the black market, embezzling over $1 billion in program funds and perhaps as much another $10 billion from other sources. In August, David Chalmers, owner of Bayoil USA Inc and Bayoil Supply and Trading Ltd, pleaded guilty [JURIST report] to charges that he bribed Iraqi officials in connection with the scandal, while Ludmil Dionissiev, a Bulgarian oil trader who helped Chalmers buy Iraqi oil, pleaded guilty to smuggling.
In addition to this year's publishing concerns, our staff writers have been striving with their Note & Commentary editors to provide us with novel and enlightening candidates for student publication next year. Their tireless efforts have paid off, and we have several great candidates for publication who have nearly completed their second drafts, with topics ranging from the economic impact of homosexual marriage to state constitutional issues regarding school vouchers. Clearly, our staff writers have made an effort to keep their topics current and relevant to Arizona politics.

As always, the year moves fast, and elections for next year’s leadership swiftly approaches. Editor-in-Chief elections will be held early next semester, with appointments to the Senior Board and Editorial Board immediately following. Furthermore, next semester brings us the unique opportunity of honoring Judge Barry G. Silverman, a Judge on the 9th Circuit who loved Tempe enough to call ASU home for both his undergraduate and law school days. Since he is an alumnus of the Arizona State Law Journal, it is our distinct pleasure to award him with the John Lancy Award for the distinguished service of a former Law Journal staff writer. Details of the commencement will be forthcoming.

For all you first-year-law students burning with curiosity about how to experience the JOY that is Journal, keep your eyes peeled for announcements regarding this year’s write-on competition. Although grades taken into account, we stress keen writing skills and an attention to detail; it is not uncommon for candidates below the top twenty percent of the class to get in because of superb writing skills. We also take a limited number of second-year applicants, so if you do not make Journal last year and you have been honing up your composition talents, we urge you to apply. It is a fantastic opportunity to publish an original academic work, and we need all the talent we can find—from all walks of life. If you have any questions about the write-on process, please contact Ed Gonzales, the write-on chair.

Thanks again to the students and faculty that have worked so hard to make the Law Journal a success in the first half of the year. We look forward to another semester of success in making this publication one of the foremost legal authorities in the country.

France Constitutional Council approves DNA testing for immigrants

By Mike Rosen-Molina, Reprinted from The JURIST

The Constitutional Council of France [official website] Thursday approved a controversial amendment to an immigration law [text; dossier, both in French] that would allow voluntary DNA testing to establish family ties between recent immigrants and relatives already living in France. The Council also rejected an amendment that would have allowed for the collection of ethnic data to promote diversity. The French Parliament passed [JURIST report] the immigration bill in October, and it will take effect after French Immigration Minister Brice Hortefeux [official profile, in French] made last-minute changes [Reuters report] to the DNA test section and the lower parliamentary house, the National Assembly [official website], passed the bill 282-235. Under the version adopted, the tests will be optional, sponsored by the state, will test only an applicant’s maternal side so as to avoid potential disputes over paternity and will require the approval of a magistrate. Earlier versions of the bill [JURIST report] provided for mandatory testing. The DNA tests are meant primarily to verify family ties to French residents for potential immigrants who lack family records and to speed up the immigration process, but that provision has proved highly controversial. Critics argue that genetics should not be used to determine citizenship eligibility and opposition lawmakers have promised to challenge the law before France’s Constitutional Court.

The bill was passed by French Senate [official website] in a 185-136 vote last month after French Immigration Minister Brice Hortefeux [official profile, in French] made last-minute changes [Reuters report] to the DNA test section and the lower parliamentary house, the National Assembly [official website], passed the bill 282-235. Under the version adopted, the tests will be optional, sponsored by the state, will test only an applicant’s maternal side so as to avoid potential disputes over paternity and will require the approval of a magistrate. Earlier versions of the bill [JURIST report] provided for mandatory testing. The DNA tests are meant primarily to verify family ties to French residents for potential immigrants who lack family records and to speed up the immigration process, but that provision has proved highly controversial. Critics argue that genetics should not be used to determine citizenship eligibility and opposition lawmakers have promised to challenge the law before France’s Constitutional Court.

SBLSA Poker Fundraiser a Success

By The SBLSA Board

The Small Business Law Students Association would like to thank all the students, faculty members, attorneys, and community members for supporting the SBLSA Poker Fundraiser on November 1. Specifically, SBLSA would like to thank the event’s sponsors, including Squire, Sanders & Dempsey L.L.P., Dos Gringos, Oregano’s, Ra, Southern Wine and Spirits, Swistar Watches, Westlaw, and others.

Over seventy people participated, and Professor Andy Hensick took home the first place prize, which included a gift package containing a Kenneth Cole watch and a set of glasses.

Overall, the event was a huge success, and SBLSA raised money earmarked toward improving the student lounge area and beginning a speaker series fund. We look forward to restarting our speaker series next semester, with several guests who will speak about the intersection between business and the law. We also look forward to holding a 2008 Poker Fundraiser, and we hope to see you all there. So keep honing those poker skills.

Student Organizations and Series

Law Journal update

By Spencer Proffitt

Half the year has gone by and our staff writers have performed admirably. Volume 39, Issue 3 is on its way to the printer, including a record number of student written pieces compared to issues in the recent past. The fourth issue of this volume isn’t far behind, and this year’s Arizona Supreme Court Review promises to bring us meaningful analysis of a number of interesting issues brought before the state’s high court. Throughout-out, our staff writers and editors have been hard at work to keep us right on schedule. We’d like to thank everyone for their hard work so far.

In addition to this year’s publishing concerns, our staff writers have been striving with their Note & Commentary editors to provide us with novel and enlightening candidates for student publication next year. Their tireless efforts have paid off, and we have several great candidates for publication who have nearly completed their second drafts, with topics ranging from the economic impact of homosexual marriage to state constitutional issues regarding school vouchers. Clearly, our staff writers have made an effort to keep their topics current and relevant to Arizona politics.

As always, the year moves fast, and elections for next year’s leadership swiftly approaches. Editor-in-Chief elections will be held early next semester, with appointments to the Senior Board and Editorial Board immediately following. Furthermore, next semester brings us the unique opportunity of honoring Judge Barry G. Silverman, a Judge on the 9th Circuit who loved Tempe enough to call ASU home for both his undergraduate and law school days. Since he is an alumnus of the Arizona State Law Journal, it is our distinct pleasure to award him with the John Lancy Award for the distinguished service of a former Law Journal staff writer. Details of the commencement will be forthcoming.

For all you first-year-law students burning with curiosity about how to experience the JOY that is Journal, keep your eyes peeled for announcements regarding this year’s write-on competition. Although grades taken into account, we stress keen writing skills and an attention to detail; it is not uncommon for candidates below the top twenty percent of the class to get in because of superb writing skills. We also take a limited number of second-year applicants, so if you do not make Journal last year and you have been honing up your composition talents, we urge you to apply. It is a fantastic opportunity to publish an original academic work, and we need all the talent we can find—from all walks of life. If you have any questions about the write-on process, please contact Ed Gonzales, the write-on chair.

Thanks again to the students and faculty that have worked so hard to make the Law Journal a success in the first half of the year. We look forward to another semester of success in making this publication one of the foremost legal authorities in the country.

France Constitutional Council approves DNA testing for immigrants

By Mike Rosen-Molina, Reprinted from The JURIST

The Constitutional Council of France [official website] Thursday approved a controversial amendment to an immigration law [text; dossier, both in French] that would allow voluntary DNA testing to establish family ties between recent immigrants and relatives already living in France. The Council also rejected an amendment that would have allowed for the collection of ethnic data to promote diversity. The French Parliament passed [JURIST report] the immigration bill in October, and it will take effect after French Immigration Minister Brice Hortefeux [official profile, in French] made last-minute changes [Reuters report] to the DNA test section and the lower parliamentary house, the National Assembly [official website], passed the bill 282-235. Under the version adopted, the tests will be optional, sponsored by the state, will test only an applicant’s maternal side so as to avoid potential disputes over paternity and will require the approval of a magistrate. Earlier versions of the bill [JURIST report] provided for mandatory testing. The DNA tests are meant primarily to verify family ties to French residents for potential immigrants who lack family records and to speed up the immigration process, but that provision has proved highly controversial. Critics argue that genetics should not be used to determine citizenship eligibility and opposition lawmakers have promised to challenge the law before France’s Constitutional Court.

The bill was passed by French Senate [official website] in a 185-136 vote last month after French Immigration Minister Brice Hortefeux [official profile, in French] made last-minute changes [Reuters report] to the DNA test section and the lower parliamentary house, the National Assembly [official website], passed the bill 282-235. Under the version adopted, the tests will be optional, sponsored by the state, will test only an applicant’s maternal side so as to avoid potential disputes over paternity and will require the approval of a magistrate. Earlier versions of the bill [JURIST report] provided for mandatory testing. The DNA tests are meant primarily to verify family ties to French residents for potential immigrants who lack family records and to speed up the immigration process, but that provision has proved highly controversial. Critics argue that genetics should not be used to determine citizenship eligibility and opposition lawmakers have promised to challenge the law before France’s Constitutional Court.
The Cruel Tutelage of Sister Antillico

By Travis S. Borquez

Dear Sister lived on public land
To which she held a lease,
And dwelled upon it for some time
With hardship but in peace.

Certainly no stranger
To the challenges of life,
With husband gone and child past
Antillico knew strife.

Eking out a living
In the best way that she could,
She settled rather comfortably
And far from acred wood.

Until one fateful darkened day
Lo! delivery of a note,
Brother-in-law Kirksey
Posed the following in quote:

"Dear Sister it is known to me
My brother is now dead,
And I would like to visit
But pose you do this instead.
I find that I am overwhelmed
By matters of my bachelorhood,
And feel you should instead come down
It's certain that you should.
For you have suffered in the past
But this is far too much!
Your spouse deceased, bad country
Bad society and such.
Now I have many acres
Indeed too much land to tend,
Come down to me with all in tow
And housing I shall lend.

In comfort live out all your days
This I can most ensure",

Under illusion of goodwill
By false pretenses lead,
Antillico packed up her home
And faced the road ahead.

She traveled long and winding stretch
By carriage was the mode,
In sheer anticipation
Of her comfortable abode.

After awhile, nearly two years
The future did look grim,
For Brother Kirksey changed
The house the family would dwell in.

What insolence, what poor regard!
For mother and her kin,
To place them in the wooded fields
Near all the rubbish bins.

Now what took place, events not clear
Are subject to romances,
Antillico may not have cared
For unsuitable advances.

What notion had young Kirksey
Ancient normatives he reckon?,
That brother dead and gone
The widow there for call and beckon?

In any case dear Sister
Rendered to the thickened wood,
In most unpleasant housing
It was clearly understood.
That she should be evicted!
Little care for time or season
With little understanding
Of the rhyming or the reason.

Now after this gross incident
Antillico knew good,
That justice would be served
By the Supreme Court brotherhood.

Alas after much arguing
Judge Ormond clearly chided,
The brotherhood affirmed a gift!
No recourse was decided.

What cheek, what outrage!
Our Dear Sister told she has no cause,
First husband dead, then moved about
What says this of the laws!

Upon a legal doctrine
Brothers came to rule the case,
No consideration
Bargain null without this base.

But in their hearts they saw
The unfair treatment of this mother,
And could not bring themselves to write
The words they could not utter.

The opinion one would think would show
Majority had led,
But in their cowardice to Ormond-
"Write the thing instead."

For you have suffered in the past
But this is far too much!
Your spouse deceased, bad country
Bad society and such.

Now after this gross incident
Antillico knew good,
That justice would be served
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Out of Context

Best Of...

This Section is where we quote your esteemed professors at their finest. In order to keep properly stocked, we need to keep your ears tuned to your professor’s off-key utterances and submit them for publication. The more irreverent and audacious, the better.

"The registrat made me cut the question out, like a cancer; but have no fear, it will be there on the final, waiting for you, pulsating.” - Prof. Miles Lynd

"Want to take a stab at O'Connor? That sounded bad.” - Prof. C. Hessick