

The Barrister

Howard University School of Law Student Magazine

Publishing since 1964 • Spring 2013 Edition



Finding your
HUSL



Letter from the Dean

Dear Howard University School of Law Community:

The 2012-13 academic year could easily be referred to as one of the most momentous years of student activism because of the number of impactful projects that Howard law students were engaged in this year. The various activities demonstrated the commitment of Howard law students to affect legal, political, economic, or social change to improve the lives of those in vulnerable communities or to ensure that their voices would be heard and counted in an election.



In the fall, Howard law students, through the Student Bar Association (SBA), focused on voter registration and voter protection. Throughout the fall term, they regularly set up a voter registration tables to assist students, faculty and staff with voter verification and/or registration processes. In addition, the SBA along with my office, sponsored a program on voter suppression laws that had been adopted in many jurisdictions across the country. The keynote speaker was in charge of the litigation team challenging those statutes in court for the Lawyers Committee for Civil Rights under the Law. The SBA partnered with the Lawyers Committee and held at least two training sessions for poll monitors. Many of Howard's law students attended those training sessions and became official poll monitors. On Election Day, law students, faculty and staff were located at the polls in Virginia, Ohio, Pennsylvania, Maryland and the District of Columbia as part of a nationwide effort to ensure that all who were eligible to vote, could and did vote.

Under the leadership of the Civil Rights Clinic, law students researched and wrote several amicus curiae briefs that were filed in the United States Supreme Court in some significant cases. These cases are *Fisher v. University of Texas* (affirmative action), *Shelby v. Holder* (two amicus briefs filed) (section 5 Voting Rights Act of 1965), *State v. King* (constitutionality of Maryland statute permitting police to collect DNA evidence from persons arrested for certain crimes but not convicted), and recently, *Hollinsworth v. Perry* (supporting same-sex marriage). All of these briefs were the product of a great deal of talent, critical analysis, comprehensive research, careful draftsmanship and full commitment to social justice by Howard law students. On the day that the Fisher case was argued before the U.S. Supreme Court, Howard law faculty and students joined civil rights and human rights organizations from around the country and were a strong presence in front of the Court to underscore the significance and importance and need for affirmative action in higher education.

In the spring term, over fifty law students went to New Orleans as part of the Alternative Spring Break to work at seven sites on various legal matters. The law students organized the trip with the assistance of faculty and staff and they raised the money necessary to cover their travel expenses. Because of this continuous commitment of Howard law students, the New Orleans City Council presented them with a Proclamation in recognition of their dedication and service to the residents of New Orleans.

Throughout this academic year, there have been so many examples of how Howard law students have demonstrated by their deeds that they truly understand what it means to be a "social engineer" in today's global society.

Yours,

Okianer Christian Dark
Interim Dean and Professor of Law

Letter from the SBA President

Dear Howard Law Community,

It's amazing how quickly time flies by. The days seem to last forever but the years go by in an instant. As the class of 2013 prepares for graduation, one cannot help but think of the many amazing experiences we have shared. From hosting notable speakers such as UN Ambassador Susan Rice and Supreme Court Justice Elena Kagan to partaking in unforgettable movements like the #AmISuspicious campaign and the 2012 Voter ID initiative, Howard University School of Law played a pivotal role in influencing the legal minds of a generation and continuing the fight for social justice.



It has been an honor to represent the students of Howard Law as the 2012-2013 Student Bar Association President. Throughout my two-year tenure, I have learned a great deal about collaboration, communication, and diligence. These three principals have helped many before me and will continue to guide those community leaders who come after me. While organizations at the law school may have to deal with budget issues and administrative hiccups from time to time, our biggest strength comes from our ability to overcome these obstacles using our social capital. It is by working together and helping one another further our respective causes that we have truly been able to succeed. It is through these bonds that we have been able to endure and it is through the constant renewal of these bonds that both future students and recent graduates of this illustrious university will continue to excel.

Although my term as Student Bar Association President is coming to an end, my commitment to the law school is only just beginning. As we prepare to leave this institution and join our colleagues in the legal community, we will do our best to honor Howard Law in our respective fields of work and ensure the same opportunities that were provided to us will also be available for those future social engineers.

Thank you for all of your support and hard work during our time here at Howard University School of Law. I look forward to hearing about the many accomplishments our graduates will achieve in their lifetimes.

Thank you and God Bless,

A handwritten signature in dark ink, appearing to be 'N. Z. ...', written over a light blue circular seal.

HUSL Class of 2013
Student Bar Association, 2012-2013 President



Letter from the 3L Class President

CLASS OF 2013

The Finish Line Is Visible . . . Keep Calm, You Made It!!!

This is a bittersweet moment. It seems like just yesterday we walked up the hill to 1L orientation, and in a few months we will walk across the stage to begin bar prep and our careers.

I am so proud of our class. We've accomplished great things in our time at Howard Law. The success of our co-curriculars and clinics, the impact of our social activism with the Fisher case and Trayvon Martin, and the influence we've had on our university and law school.

However, the work is not done. We did not come to law school to simply graduate. I encourage you to discover your passion and to stay encouraged even when it gets tough.

I do sincerely love you all and wish you the best of luck in the future. It has been a privilege to call you my classmates.

Brittany J. Gause



President, Class of 2013



***And Thank-You to our very own
2012-2013
Graduate
Trustee!***



Courtney Scrubbs

Check Out The Barrister Online At www.huslbarrister.com

The website is for you! We hope you will take ownership by sending us articles and commenting on posts! We look forward to hearing from you.

Table of Contents

I. Why Are We Still Here?	
A Look at the Relevancy of HBCUs.....	5
II. Student Views	
Marriage Equality	11
Gun Control in the U.S	17
III. HUSL Lifestyles	
Relationships	
Cuffing Season	19
Marriage	21
Children	23
IV. Personal Well-being	
Navigating this Brave New World.....	24
Clothes Don't Make the Man, But They Can Break Him.....	26
V. Crossword	16

Executive Board

Morris Davis

Faculty Advisor

Anitha Vemury

Editor-in-Chief

Daniel Moore

Managing Editor

Sharaya Cabansag

Copy Editor

Chike Chijioke

Layout Editor

Staff Editors

Austin Edwards

Toni Goodin

Carmel Henry

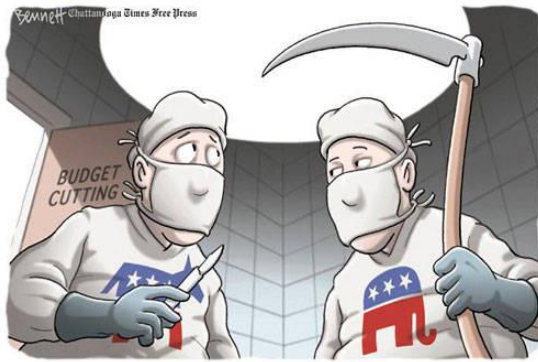
Pamela Okafor



Why Are We Still Here? A Look at the Relevancy of Historically Black Colleges and Universities in Light of Congress' Financial Troubles

Austin J. Edwards

You know what keeps me up at night...other than the dark, and, talking about the dark, Dean Dark's Torts Exam? I have nightmares about some upstart freshman Tea Party Republican in the House. He comes across an annual \$250 million of federal funds given to Howard University. He cuts this money from the newest budget plans. He presents it to John Boehner, the Speaker of the House, as a means of reducing the deficit. Boehner packages it in his new budget and Congress passes it. As of Fall 2013, your \$50,000 allotment could all go to tuition, no discretionary spending. Howard students would be forced to scrape together an even more outrageous amount of loans, find alternative scholarships, or simply drop out. Sadly these are my nightmares.



Considering how close Howard University is to being on the chopping block, it makes me wonder: what would happen if Howard had to charge its students more? Would the university still be the same? Would higher tuition mean a different student body? Would the make-up of the university change? Would the brick and mortar still stand?

When I thought about all the hurdles a student would have to face in order to continue one's education at this university, I began to think

more deeply. What is the relevancy of the HBCU today? If we lost Howard, would the world feel the loss? Given all we African Americans have achieved, do we need to cling on to the dream that once was? Surely, the African American has triumphed over the obstacles present when the university was founded. We have been declared citizens of this country. We have prevailed against the legal badges imposed upon us pre- and post-slavery. We have built a nation and furthered our legacy, not only in America, but throughout the world. We have a Black president (Black in the sense Homer Plessy was Black; may we not forget Obama is also of mixed race, but held to be Black in this country¹). Have we not overcome? Justice Bradley once wrote, "When a man has emerged from slavery, and by the aid of benefit legislation has shaken off the inseparable concomitants of that state, there must be some stage in the progress of his elevation where he takes the rank of mere citizen, and ceases to be the special favorite of the laws . . ."²

Or is there still more to overcome? The same quote continues, "...his rights as a citizen, or a man, are to be protected in the ordinary modes by which other men's rights are protected."³ Are our rights as citizens really being protected? What role does the HBCU, Howard in particular, play?

Justice Thomas went on the record saying:, "It never ceases to amaze me that the courts are so willing to assume that anything that is predominately black must be inferior."⁴ To this day, the stereotype still persists. In my experience, I often had to repeat the colloquium of "Howard, the Black Harvard" in order for others to understand my decision to attend. However, echoing Thomas's decision, "...there is no reason to think that black students cannot learn as well when surrounded by their own race as when they are in an integrated environment."⁵ African Americans are capable of learning no

¹ See *Plessy v. Ferguson*, 163 U.S. 537, 552 (1896).

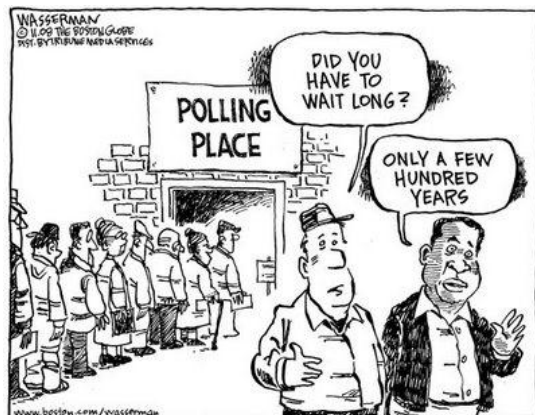
² *United States v. Stanley*, 109 U.S. 3, 25 (1883).

³ *Id.*

⁴ *Missouri v. Jenkins*, 515 U.S. 70, 114 (1995).

⁵ *Id.* at 122-23.

matter the composition of the student body. So what makes an HBCU so special?



Maybe it has something to do with how we compare to other colleges. In his recent State of the Union address, President Obama listed a need for a “college score card” to find out more about college’s affordability and value so students can make more informed decisions about which college to attend.⁶ According to WhiteHouse.gov, Howard ranks among average in the nation for costs (\$16, 771 to attend), higher than average in terms of graduation rates (62.6%), and lower than average for the rate of students who default on their loans (7.2% as compared to the national average of 13.4%).⁷ With every pro is a con. We are ranked higher than most in the category of average amount of borrowed money per student (\$32,000 a year or \$368.26 per month).⁸

Finally, although the Department of Education has not published the average earnings of former undergraduate students, how many of its graduates get jobs, what kinds of jobs they get, and how much those graduates typically earn,⁹ 72% of Howard Law students are placed in jobs at graduation with a \$160,000 mean salary from the 551 law firms actively recruiting on-

campus.¹⁰ Maybe this is only one fruit of our relevance in this world.

The list of those who came out of Howard or were at least influenced by this is endless. I recommend you consult Wiki to begin to understand the depth of the Howard influence. Although I cannot name it all, Howard has influenced not only the DC community, but the world. Howard had bred the Black education, the Black identity, the Black pride, and the Black history. This university is responsible for bridging the gap from our universal beginnings to our history in America: our fight to find a place in society, to forming organizations to better our society, to breeding minds to change our society, and to movements which continue to this day to progress our society.

We are not limited to the contributions of those with more melanin. We can thank not only General Oliver Howard but also Presidents Lincoln and Johnson, along with the members of the Reconstruction Congress, for the brick and mortar, that still stands today. The first few graduates from this university including those who previously owned the law school were White.¹¹ Even today, we still celebrate the contributions of a diverse student body. With a mix of White, Asian, and Latino students, we as a student body are more equipped to enter the ever-shrinking world. And who is there to facilitate this transition? Our alumni. Howard alumni are responsible for the continuation of such a legacy . . . and jobs for those going through the Howard experience (the Howard network is REAL).

⁶ *College Scorecard*, THE WHITE HOUSE, <http://www.whitehouse.gov/issues/education/higher-education/college-score-card> (last visited Mar. 4, 2013).

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Howard University Law School*, TOP-LAW-SCHOOLS.COM (July 2010), <http://www.top-law-schools.com/howard-university-law-school.html>.

¹¹ Jana Homes, *White Students at Howard No Big Deal*, THE DAILY HELMSMAN (Nov. 20, 2012), <http://www.dailyhelmsman.com/2.14450/white-students-at-howard-no-big-deal-1.1850570>.



As someone who went through an entire educational experience home in New Jersey without learning anything of his roots, to one who came to Howard and was able to visit the home of his ancestors in Afrika, I know I would not have been the same had my parents not forced me to accept the scholarship to attend this university. I have changed into a better me. I can only thank Howard; all of its experiences; and all the friends, professors, connections, Brothers, and Sisters I have made and will continue to make into the future for making me into the person I am today. I only hope an HBCU, Howard (since you're here,) can do the same for you. I promise you will, as we all say, "love Howard despite Howard." And that is worth much more than \$250 million.

FULL ARTICLES
@ WWWHUSLBARRISTER.COM

Waianae: Hawaii 1993

It is early summer, right before midnight.
A little girl cannot sleep.
She has her nose pressed up against the dusty
window screen,
Looking up at the stars through the leaves of
the mango tree.

The stars always sparkled brighter back then,
unrivaled by street lamps.
The sky was so dark you could see the blue
shadows of clouds;
The hidden stars of the Milky Way strung across
the sky.

But, the stars were not keeping the girl awake
that night.

It was the smell of rain.
It was the sound of thick veined mango leaves
rustling against each other, and the sleepy sway
of a green mango in the dark.
It was the glow of a long yellow hibiscus bud,
tipped in white; the dark cracks in the dirt yard;
the tinkling wind-chimes.

The blue clouds drift over the pale moon.
Misting down from the valley. Rain.
The warm water sweeps through the leaves of
the mango tree; fills the cracks in the dirt;
drenches the slick soft skin of the green
mango.
Rivulets gather at the half-opened center of the
golden hibiscus.
The wind-chimes sing sweetly through the
chorus of rain.

And the little girl sits back satisfied, lines of fine
dirt on her nose.
She breathes in the earthy smell of rain, lets the
cool air flutter at the hem of her nightgown,
and closes her eyes.



Taking the New York Bar Exam?

Study with the Best.



PIEPER
BAR REVIEW

For more information, call **1(800)635-6569**
or visit **www.pieperbar.com**

Pieper New York-Multistate Bar Review, Ltd.

Howard Super Stars



**The Huver I. Brown Trial Advocacy Moot
Court Team**

- Finalists in Mock Trial Competition for Mid-Atlantic Region of the National Black Law Students Association
- Participated in the National competition for the Black Law Students Association Mock Trial Competition



**Charles Hamilton Houston National Moot
Court Team**

- James Mason, Michael Goode, and Carlos Segarra competed in the Tulane University Law School National Sports Law Competition.
 - Advanced to quarterfinal round, tied for the highest brief score for Petitioners
 - Carlos Segarra received the Best Oralist Award.
- Alyssa Scruggs and Martha Tesfaye competed in the Charleston School of Law National Constitutional Law Competition.
 - Ms. Scruggs and Ms. Tesafye earned awards for advancing to the quarterfinals and earned the competition's Professionalism Award.



**Goler Teal Butcher International Moot
Court Team**

Overall, IMCT successfully participated in more competitions this year than prior years.

- Placed 5th in Susan J Ferrell Competition.
- Placed 3rd in North American region in Stetson Environmental Law Competition.
- Recognized for excellence by Chairman Willem C. Vis International Commercial Arbitration Moot Court Competition
- Recognized Oralists in Jessup International Moot Court Competition

THE OFFICIAL HUSL CLASS OF 2013 BARRISTERS BALL AFTER PARTY
AT JOSEPHINE WEDNESDAYS

SuperRich



JOSEPHINE
★★★

1008 VERMONT AVE NW WDC 20005

WEDMAY8

RSVP: HOWARDLAW2013@GMAIL.COM | TABLES/BOTTLE SERVICE: 202 550 0424



oknation

Dates to Remember

3L Roast: April 18

1L Picnic: May 6

Barrister's Ball/Clearance Day: May 8

Baccalaureate/3L Class Meeting: May 10

Hooding Ceremony/Commencement: May 11



PRO Same-Sex Marriage

Doug Quzack

"Injustice anywhere is a threat to justice everywhere"--Martin Luther King Jr.

Howard University School of Law has continuously served as an advocate for the African American community; however, as society evolves we must recognize that our rich legacy of civil rights advocacy extends well beyond the black community. For this reason, I write in support of same-sex marriage.

Those who oppose same-sex marriage rely primarily on two arguments: (1) it's contrary to the concept of a traditional family structure and (2) it's repugnant to normative religious principles in this country. In my view, however, the first reason is unpersuasive; the second, irrelevant, when addressing whether same-sex couples should be legally permitted to wed.

With respect to religion, no matter how marriage is defined, marriage for opposite-sex couples will have spiritual significance, as many consider the act an exercise of religious faith. And for some, opposition to same-sex marriage stems from profound and deep convictions that shape their ethical and moral principles.

These are not trivial concerns and these views should be respected. This, however, does not negate the legal validity of same-sex marriage. The argument is not that same-sex marriage is recognized by religious doctrine or there should be acceptance within a particular religious community. Rather what same-sex couples argue is they are relegated to second-class citizenry in the *eyes of the law* because they are unjustly denied the right to marry the person of their choice.

Also, there is a wall of separation between church and state. As the Howard University School of Law Civil Rights Clinic amply demonstrates in its amicus brief to the Supreme Court in favor of same-sex marriage, the arguments against same-sex marriage are merely recycled rhetoric once used to oppose interracial marriage:

"Opponents of interracial marriage justified criminal prohibitions against such unions by pointing to the purported detrimental effect of interracial births and parentage, the supposed destruction of society if people marry between the races, and the so-called natural law rationale for keeping the races separate . . . Without acknowledging the racial provenance of these discredited arguments, opponents of marriage equality have attacked same-sex couples as a threat to American society, American families and heterosexual marriage, as an affront to the laws of God and nature, and as a menace to their children."

Cultural tradition is the driving force for those who oppose same-sex marriage. Unfortunately, they rely on tradition that predates the twentieth century while ignoring that sixteen states prohibited interracial marriage in the mid-1960s. Interracial marriage was scarcely condoned and by no means deeply rooted in American history and tradition when the U.S. Supreme Court invalidated the Virginia statute that criminalized interracial marriages.

SAME SEX MARRIAGE



Further, modern-day society would balk at the idea of a ‘traditional’ subservient role for a wife. This comes just a few decades after a husband could not be charged with raping his wife.

Finally, the notion that a traditional married couple is ideal for raising a child is tenuous at best. Present day parenting successfully includes adoption, step-parenting, and a myriad of other parental relationships. Even if opposite-sex couples provide a more suitable environment for raising a child, the nation’s divorce rate for opposite-sex couples hovers near fifty percent. These statistics do not include the children born outside of marriage. It is laudable that opponents contend that such disruption to the ‘traditional nuclear family’ is the optimal environment for a child.

Marriage is not a static concept; it is an evolving paradigm. It is more representative of American tradition which despite past achievements, we continue to strive forward to extinguish any

lingering injustices that remain today. As President Obama stated at his most recent inaugural address, “[o]ur journey is not complete until our gay brothers and sisters are treated like anyone else under the law—for if we are truly created equal, then surely the love we commit to one another must be equal as well.”

Opponents of same-sex marriage who cling to tradition as a valid reason for denying same-sex couples the right to marry are guilty of what Oliver Wendell Holmes describes eloquently as when the “foundation has vanished long since, and the rule simply persists from blind imitation of the past.”

Justice Kennedy also aptly stated for the majority in *Lawrence v. Texas*, “times can blind us to certain truths and later generations can see that laws once thought necessary and proper in fact serve only to oppress.” While we cannot erase past injustice, we can move forward as a nation. With the issue now before the Supreme Court, I am confident my views will prevail and marriage equality will be extended to same-sex couples.



Deciding if Marriage Should be Redefined



Warren D. Robinson

I Hate Gay People! That is absolutely a fictitious statement. However, I have no doubt that those in favor of redefining the traditional definition of marriage will broadcast such rhetoric. Ultimately, the people of California (as well as the 40 other States with similar laws) have the right to decide to protect the cultural and societal norms of their state.

I have no doubt others will excoriate me for my convictions. However, my opponents are unable to proffer a legal explanation or foundation for their arguments. Instead, they attempt to manipulate others through bullying tactics and emotional appeals. While I must admit their media campaign is masterful, there is no legal basis for their claims.

From a moral perspective, I do not practice or agree with those who preach hate. Hatred was never part of the ministry of Jesus Christ. However, the ministry also did not condone immoral behavior. Jesus believed that marriage should be between a man and a woman, explaining in Matthew 19: 4-5 that “[h]e who made them from the beginning made them male and female . . . For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one.”

The words of Jesus are not and should not be open to interpretation. Moreover, lascivious sexual behavior between those of the same sex is no different than any other sin, for example stealing or pre-marital sex. While I do not approve of the sinful act, I still love and respect the person. I would befriend, employ, work alongside, protect, and defend them and their human rights regardless of their sexual orientation. Individuals who chose to live a

homosexual lifestyle are still people and still the children of God.

Furthermore, I support *Lawrence v. Texas* and such private acts within one’s own home. Marriage however was defined by God in the book of Genesis, who am I to change his definition?

The above sentiments are similar to those of the people of California who chose to preserve their long honored definition of marriage. There is no malicious intent. However, instead of respecting the popular vote, a few zealous advocates accused the people of California of hatred for and against same-sex couples and brought the issue to court.

In court, Judge Walker chose to ignore seminal cases such as *Baker v. Nelson* and *Washington v. Glucksberg*. *Nelson* upheld the Minnesota State Supreme Court ruling that denying same-sex couples the right to marry was not an Equal Protection violation since procreation and child-rearing are legitimate state interests. Additionally, *Glucksberg* established that a liberty interest not “deeply rooted in the nation’s history” or one that has been offensive to our nations traditions and practices is not privy to liberty protections. Further, the *Nelson* court ended any notion that denying same sex couples the right to marry was comparable to race, distinguishing the case from *Loving v. Virginia*. The court stated, “—in common sense and in a constitutional sense, there is a clear distinction between a marital restriction based merely upon race and one based upon the fundamental difference in sex.” Paramount to this constitutional difference is the fact that race and cases involving race are analyzed under a strict

scrutiny standard — the highest possible standard. In *Loving*, the strict scrutiny standard is justified to eliminate “racial discrimination” as this is “the central meaning of the Equal Protection Clause.” Based on history, it would be dubious to presume that the purpose of the 14th amendment was to provide support to those wishing to redefine marriage.

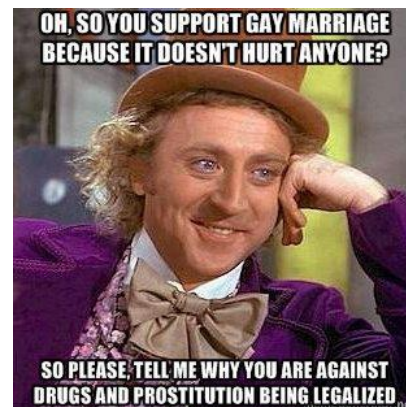
Furthermore, the Court would set a dangerous precedent if it allowed a higher standard for same-sex couples because it would open the possibility for behavior to constitute a suspect classification. Judge Walker attempted to do just that, suggesting sexual orientation could be considered a suspect class.

Homosexuality is not a visible trait, if one chose he could disguise his lifestyle choice and in fact many do. It is completely within the control of the person when and if they choose to disclose their sexual proclivities, unlike race or gender which can neither be hidden nor chosen. Homosexuality is also distinct from national origin, alienage, and religion because one’s sexual orientation cannot be established and verified. To judge sexual orientation by a higher standard would require irrefutable scientific or medical proof that sexual orientation is more than a mere desire, such evidence currently does not exist.

The democratic process will work if it is allowed to do so. If opponents of Proposition 8 wish to repeal the law, they should do so through a popular vote or legislation. For example, Maine, Maryland, and Washington state have recently done so through popular vote, indicating that homosexuals are not a suspect class. Therefore under a rational basis review, the law should be upheld. The argument is not akin to *Lawrence v. Texas* where the state criminalized the private sexual behavior of its citizens; nor is this *Romer v. Evans*, where the proposed law excluded

people based solely on a single trait for the expressed purpose of removing them from any protections of the law. Contrarily, Proposition 8 is based on a legitimate state interest as expressed in *Baker* and in no way eliminates the protections of law afforded to homosexuals by the state of California.

While I am not convinced that the majority of citizens in this country are ready to approve of these unions, it shouldn’t affect the Supreme Court. The Justices are appointed, not elected, to protect them from public backlash. And if the numbers have really tipped in the proponent’s favor, they should have no problem passing the laws through state legislatures and/or the public initiative process.



The 14th Amendment does not expressly mention sexual orientation, there is no proffered evidence that the legislators purpose or intent was to include sexual orientation, and there is no binding case law to conclude that it is covered under the 14th amendment. One can only hope that the Supreme Court is above the influence of the quixotic perorations of a very vocal but misguided chorus.

Losing Religion

the word took on
a monotone whisper
i had been straining
to hear for years

dialogue took a backseat
to old hymns, old ideas

the youth fled
to their respective
secular flats
of existence

leaving behind a trail
of forgotten baptisms

i trace the corners
of my bible, no longer
searching for answers

but a question
where does the word end
and interpretation begin?

i do not carry the faith
of my parents, but i do carry
their spirit that lives
through me through Him

that much is understood
and it is because of them

(or Her) i find myself on
certain sundays, head bowed
at the altar, mouthing
the holy ghost

Climax

your voice was the song
i was thinking of
while we made love.

the neighbors told us
to turn the music down
but we were at the part

when the chorus
doubles back into itself
again and again,

just to make sure
we felt it the first time.
the sound our lips

make while touching,
sweat dripping
off my brow

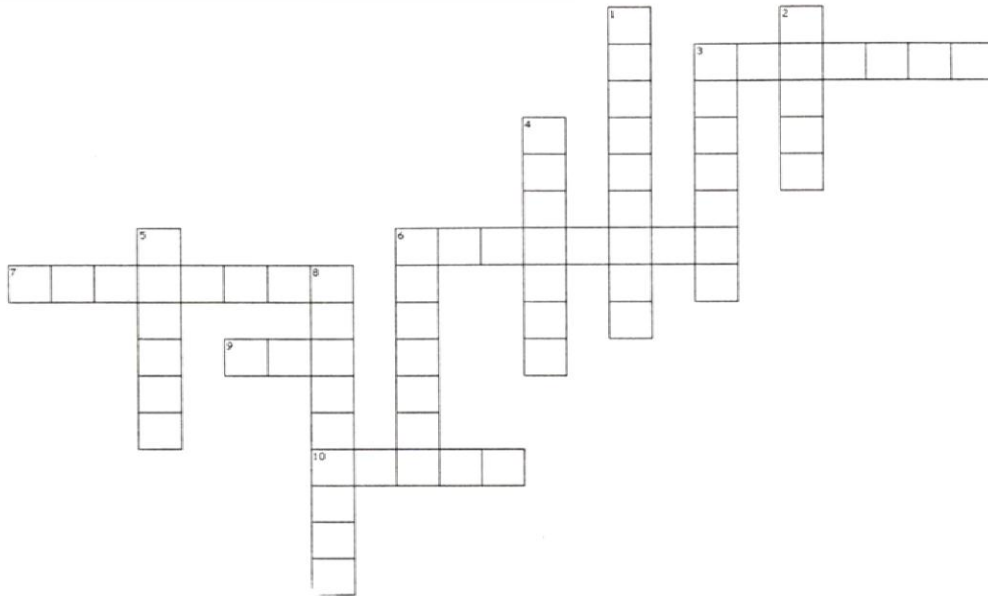
finding rhythm,
the moon's light
at your collarbone,

as our bodies
danced inside
a beating drum

-Brian Jones-



Crossword Time



ACROSS

3. Central text for understanding the role of the Courts to interpret law in light of the Constitution, known as judicial review. It is the centerpiece of many constitutional law classes
6. The Court held that the right of privacy within marriage predated the Constitution. The ruling asserted that the First, Third, Fourth, and Ninth Amendments also protect a right to privacy
7. The Supreme Court struck down this windy city's gun law and held that the Second Amendment applied to state and local governments
9. A controversial Supreme Court decision that held the right to privacy include the decision to have an abortion
10. The Supreme Court affirmed the basic ruling of Roe v. Wade that the state is prohibited from banning most abortions. However, that states may regulate abortions so as to protect the health of the mother and the life of the fetus, and may outlaw abortions of "viable" fetuses.

DOWN

1. "Let the end be legitimate ... and all means which are ... consistent with the letter and spirit of the Constitution, are constitutional."--Chief Justice Marshall (1819)
2. This case is infamous at Howard University School of Law because it was argued by a HUSL alum and future Supreme Court Justice
3. "You have the right to remain silent ..." (1966)
4. "The Constitution is color blind, and neither knows nor tolerates classes among citizens."--Justice John Marshall Harlan, dissenting opinion. (1896)
5. Brought before the Supreme Court after the state of Virginia denied a mixed race couple the right to marry
6. In this Commerce Clause case, the Supreme Court affirmed Congress's power to regulate interstate commerce, and held that by virtue of the Supremacy Clause, state laws "must yield" to constitutional acts of Congress
8. "The Constitution does not consider slaves to be U.S. citizens. Rather, they are constitutionally protected property of their masters."--Chief Justice Roger Taney (1857)

Gone with the Wind Fabulous!

Realistic Solutions: Gun Reform and the Second Amendment

Chike Chijioke

“A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.”

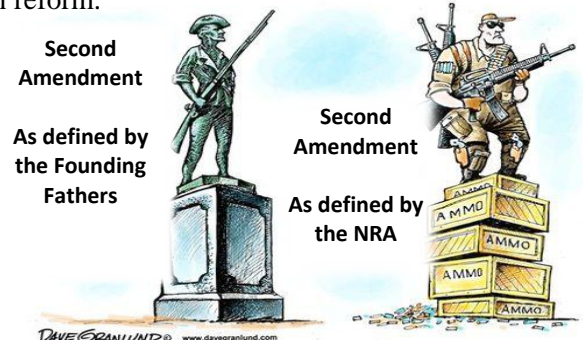
The Second Amendment serves as the “no regulation” advocates’ unwavering basis to own and bear any and all arms. These “no regulation” advocates blindly embrace the unrestricted use of guns and a heavily armed civilian population as the means of maintaining freedom.

Aside from the outright “freedom” to bear arms, “no regulation” advocates endorse contemporary interpretations of the Second Amendment because they believe the availability of guns grants citizens the power to resist tyrannical governments. In truth, history is replete of instances where secular leaning or flexible governments transform into repressive regimes, so this perspective is more than understandable. However, the alarming frequency of unfettered gun violence begs for realistic parameters to deal with the externalized consequences of such a broadly interpreted and broadly used freedom.

We examine the scope of these parameters by analyzing the modern regulation of other fundamental rights, namely those covered under the First Amendment. The First Amendment, the quintessential representation of free flowing ideas and American democracy, has been highly regulated since its inception. While respecting

the foundational importance of the First Amendment in our country, citizens, government, and the judiciary recognize the potential harm caused by its unencumbered use and have substantially regulated this freedom through balancing personal freedom with government interests. Like the First Amendment, the Second Amendment should also be regulated. The key to successful regulation lies in the idea of a “*well-regulated militia*.” By interpreting the statement’s expression and placement as intentional and significant, one can see it as a foundation for the rest of the amendment. That being said, the purpose of the right to bear arms, in its most fundamental sense, is to establish a *well-regulated militia*—emphasis on *regulated*. Persons or groups acting outside of this constitutionally ordained context should face higher governmental scrutiny or amplified regulations.

There are multiple avenues to limit gun violence; the only real limit is willing participants and creative minds. Fortunately, the majority of American citizens—from bleeding heart liberals to lifetime NRA members—currently believe that something should occur to curb the trend of gun violence. This uncanny agreement spawned of incredible tragedy, can serve as the launch pad for realistic and pragmatic gun reform.



GUN CONTROL

Lacking an Essential Nexus

Carmel Henry

“A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, *shall not be infringed.*”

As the framers of the United States Constitution believed, the right to keep and bear arms is both fundamental and necessary to the nation's system of ordered liberty. However, in light of events like Virginia Tech University and Sandy Hook Elementary, some politicians, in an attempt to pacify the temporary emotional cries of their wounded constituency, seek to annihilate your right to use semi-automatic rifles. Yet, their proposed quick fix solution to the “gun problem” has devastating constitutional implications.

Yes, the government has the right to regulate *your* fundamental rights. In *District of Columbia v. Heller*, the Supreme Court acknowledged that an individual's right to bear arms is not unlimited and the government is entitled to create gun laws that regulate your Second Amendment rights. However, a complete ban of semi-automatic rifles without a compelling government interest is not an appropriate or constitutional regulation. There must be an essential nexus existing between a legitimate state interest and the permit condition imposed by the government. If a nexus exists, then exactions imposed by the government must be roughly proportionate to the projected impact of the proposed development.

Liberal Democrats would have us believe that banning semi-automatic rifles will stop or drastically reduce the number of individuals who

die each year from gunshot injuries. This argument is baseless and lacks an essential nexus between the actions they are taking and the goals they seek to achieve.

While Columbine, Virginia Tech, and Sandy Hook were tragic events, they are infrequent occurrences that do not warrant a ban of semi-automatic rifles. Banning such firearms will not stop or drastically reduce the number of individuals who die from gunshot injuries. According to the Federal Bureau of Investigation, in 2011, 8,583 murders occurred after an assailant used a gun. However, of those 8,583 murders, only 323 individuals died from injuries caused by rifles. This includes *all* rifles (assault, automatic, sniper, semi-automatic, etc.); thus less than 4% of murders in the U.S. were caused by rifles and even less from semi-automatic rifles. Meanwhile, handguns cause 73% all gun-related murders in this country; however, no one is suggesting a complete ban on handguns. The government's conditions are not reasonably related to the impact of the proposed development, and therefore, are likely to be overturned if brought into a court of law.

As a registered Democrat and Second Amendment supporter from the South, I find it unsettling that “bleeding heart liberals” *and* “radical conservatives” dispute our Second Amendment rights. In my opinion, the government disturbing my right to use a semi-automatic rifle, while lacking an essential nexus between its interests and the permanent condition it imposes on my Second Amendment rights, is wrong and unconstitutional.

Cuffing Season: \ˈkʌf-ɪŋ \ˈsē-zʰn\

(Noun) —During the fall and winter months, people who would normally rather be single or promiscuous find themselves, along with the rest of the world, desiring to be ‘Cuffed’ or tied down by a serious relationship. The cold weather and prolonged indoor activity causes singles to become lonely and desperate to be cuffed.

-Wikipedia

Austin J. Edwards

This concept may be new to you. I know it was new to me when I was a freshman at Howard undergrad. After a few years, and a few women, I learned what this season was really about. Some of you reading this know exactly what the season is about. Don't front. For those of you who are new to this game, and to those trying to act brand new, Cuffing Season is a time-honored tradition...maybe even of myth.

A self-proclaimed “cuff god,” Dennis Joseph of Toy Sldrs clothing line, explains the calendar in detail:

“It all begins towards the end of August. You meet a few people and send out a few text message ‘fishers’ (a few “hey, what’s up” ’s to cast out the line and see who bites). Toward the end of Labor Day weekend, you narrow down the prey. No longer are you hunting a group, but you have found the antelope to give chase.

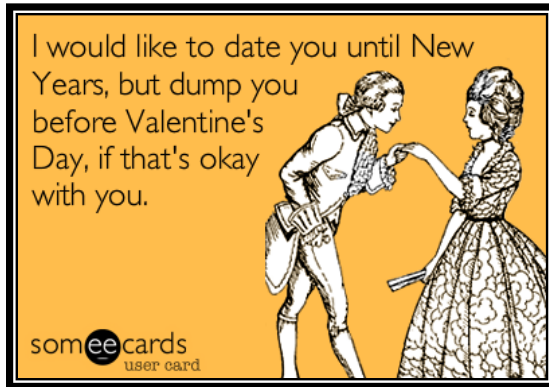
In September, things get serious. Quick texts turn into conversations. Long texts turn into phone calls. Phone calls become *insert ominous music* ...DATES. After a few dates and throughout the next few days, you two get mushy (‘You hang up; no, YOU hang up’ late night conversations to the pain of your roommate).

In October, things get a little dangerous. Although without the benefit of a full relationship, you two understand there probably isn't anyone else in the picture until *ominous music again* ...the opposite-sex best friend. You know what I'm talking about, the ‘friend’ who suddenly comes around all the time, always hanging out with your partner, engaging in ‘date-like’ behavior but claiming ‘just to have a good time,’ and you know they're low-key trying to ruin what you've got going on. Yea, them. However, if you remain patient and play the game right, the end of October pays off with a ‘so I really like you...’

November is an awkward month to say the least. Midterms have just hit with finals around the corner, the sun begins to set at noon, and your new-found relationship already has to navigate the approaching winter. Just when you think all is clear, *WILL SOMEONE TURN OFF THAT OMINUS MUSIC?!?!* the old flames contact you. Drake's song ‘Marvin's room’ is the soundtrack for this interaction. You get the intoxicated, late-night phone call from your ex, explaining that they miss you and want you back. You struggle for a bit because you like what your current partner is giving you, but those feelings for your ex still remain. To make matters worse, in some weird twist of fate, your new boo finds out about your ex's activity. Social media is no joke. All bad. From November until the New Year, you and your partner have to make the decision about how to continue. The success of these relationships will vary from case to case much like a race-based strict-scrutiny Supreme Court case. Hopefully, you guys work through it and you come out a winner: Thanksgiving dinner with the family, Christmas presents, New Years kiss under the mistletoe, etc.

While the truth of the cuff god cannot be denied, what next? I assume these relationships either work out or they don't. After all, you don't always marry the first

person you date. But the real question is, for those who missed out on the season, must we wait another year to have our shot at love? Or does Cupid have something else in store?



This writer finds no precedent on post-cuffing season, leaving the question as one of first impression. Being no rule on the matter, we must look to behavior to issue a ruling. Many times with the invention of "new semesters," we meet new acquaintances. These new acquaintances can fit schemas for those with whom cuffing would normally occur. It would be absurd to exclude potential mates because you met in January as opposed to August. These potential mates have the same ability to love, care, laugh, nag, and heartbreak like one found earlier in the year. Is not our time together the same regardless of the month? Thus Cuffing Season must not be exclusive to fall and winter. Rather, it is on a rotation, beginning and ending with the same choices, chances, and consequences, but with flexibility to the start and end dates.

Since cuffing season can start outside of August, we must incorporate this season elsewhere on the calendar. If the season begins in January, in early February the phone call and text caking will begin. The first date occurs somewhere around Valentines Day. V-Day is when things begin to get serious, but not necessary "officially official." Or, depending on how

well the date goes, maybe you can seal the deal. However it goes down, V-Day signifies that the cuffing has begun. After this monumental moment, the end of February into March creates a self-inflicted wound...sports. Between The Super Bowl, All-Star Weekend, and March Madness, time spent together may start to dwindle. This is when "that friend" begins to "creep," parallel to October. But the dream does not have to die; past Spring Break (when you two constantly call and text each other more often than you go to the beach), things heat up more than the weather. Like all good things, this too must come to an end. There is always a friend named Marvin and a night with one too many drinks. This Heartbreak Hotel usually opens at the end of April, perfectly in line with finals crunch time. I know this guy named Murphy who made this law. Time to put up or shut up. Will your relationship and grades plummet or will you amjure in life? It's up to you. But remember, summer's right around the corner.

Weapons of Mass Destruction

her tongue slices his ego
to nothing as he looks down

at his fists

two bulldozers aiming
to bring down a house

that love built

--

Brian Jones

Married to the Law (and Married)

*For better, for worse; For richer, for poorer;
In sickness and in health, Until death do us part.*

Male Perspective:

Brian S. Jones

I married my wife in April 2010, a few months before I entered law school. We were together for 5 years prior to that, and I believe our firm foundation was pivotal to staying together during my time at HUSL.

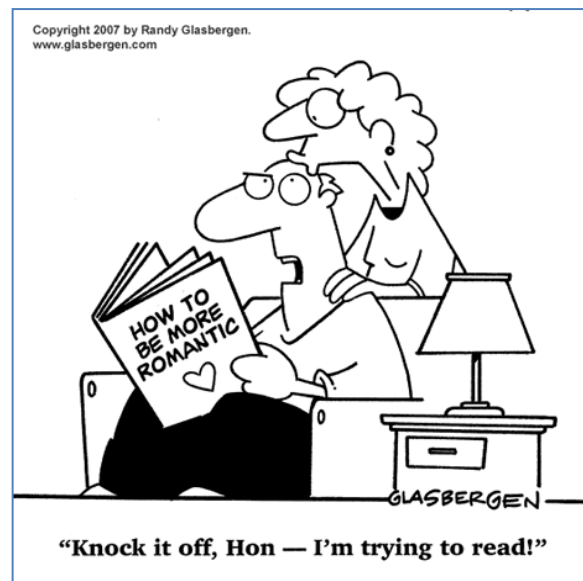
I would imagine that when we look back on our many years together sometime in the future, the first year (HUSL 1.0) might be regarded as one of our most challenging as a couple. Everyone reading this has at least been through the first semester of HUSL 1.0 and understands that all other aspects of your life take the back seat. 1L year—*where swag comes to die*. The work is new, rigorous and time consuming. I remember collective woosahs percolate the halls of Holy Cross after our contracts exam (1Ls, we all feel your pain).

However, it did not take long to realize that no matter how “unavailable” I found myself, it was still my responsibility as a husband to reassure my life partner that she was my first priority. This meant taking advantage of my “free time” by remembering that it was not mine and should be spent with her. Whether it was eating dinner together, going to see live music, or even explaining terms of conveyance, there needed to be a positive connection to grow our relationship.

I was stubborn, selfish and distant at times, but my wife was patient, honest and supportive. She had no problem telling me that I was not the center of the universe and that law school was not the center of the universe—even though it often felt like it. To put it simply, she told me *what was what*

and *what it would be* if I did not make it *what it should be*.

I consider myself lucky and honored to share my life with a woman who would agree to take this journey with me and as I prepare to graduate . . . as **we** prepare to graduate in May, I can say with confidence that I could not have made it through without her support. Still standing, still strong.



Female Perspective

Sharaya L. Cabansag

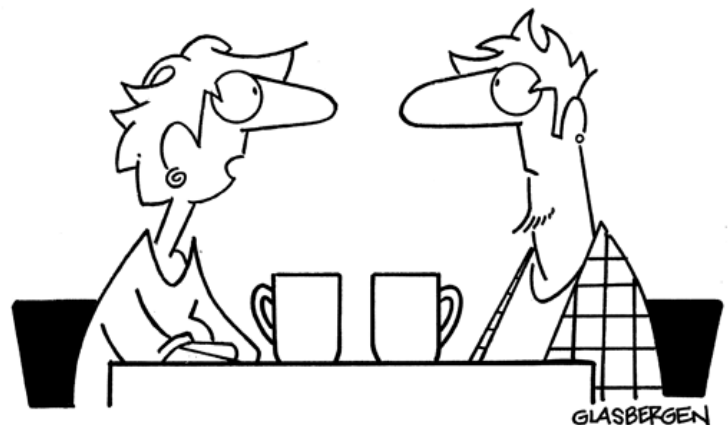
I said my marriage vows a year before law school on a beautiful Sunday morning, holding the hands of the love of my life. Then I started law school. Law school changed me. The stress changed me. And, in turn, the change affected my marriage. So how do you survive law school and still maintain the relationships you care about?

Law school is incredibly demanding. Relationships are also demanding. Healthy relationships involve a constant cycle of conflict resolution. If there is no conflict, chances are one partner is not communicating their needs. Relationships also strip bare all of the things you need to work on as a person: your doubts, insecurities, and deepest fears. It's a difficult look in the mirror. Also, when you're tired, the ability to see clearly through the haze of stressors, relationship and otherwise, often gives way to one big black cloud. And sadly, when you are in a relationship your black cloud becomes your partner's black cloud. The hardest barrier to overcome is a partner who doesn't understand the demands of law school.

But it is possible. The bottom line is that it takes the honesty, endurance, and commitment to work on your emotional baggage and your partner to do the same. It begins with a choice to reject defense mechanisms and passive aggressiveness and accept the god-awful apology. You can't, and shouldn't try to, control your partner. Chances are, you fell in love with their vibrant autonomy.

Giving up control is a valuable lesson that you can use in the practice of law. Any lawyer knows that whether your witness will show, what judge you will be before, or what the professor actually decides to include in your final, are all **out of your control**. You just prepare for the worst and hope for the best. Growth in relationships is much the same. As my dad explained it: "To catch the biggest fish, sometimes you have to let the line go." It's a powerful de-stressor when you realize all you can do is to work diligently on the things you do have control over and **let the rest go**.

© Randy Glasbergen
glasbergen.com



**"Of course I can accept you for who you are.
You are someone I need to change."**

If you are one of those brave souls juggling a relationship and law school, hats off to you! It's quite a challenge and not one that you should have to go through alone. If relationship problems are beginning to affect your ability to work and function happily and healthily, reach out to a peer assistant in the Peer to Peer counseling program. Just join the Peer 2 Peer TWEN site, browse the Peer Assistants and sign up for a confidential time slot (sign-up sheets).

You can also contact the Howard University Counseling Service (check out <http://www.howard.edu/services/counseling/nav%20links/index.html> or call (202) 806-6870), or the Howard Law Office of Student Affairs if you just want to talk or need to find more information on counseling.

Sometimes it just takes a kind outside soul to help you see clearly again.

The HUSL Village **“It takes a village to raise a child”**

Irnise Fennell

This proverb resonates with me now that I am a mother who is also a student at the Howard University School of Law.

My class shared my experience with me. From the day we found out his sex to the day I received detailed sonogram shots of his beautiful face, I had their support. I was skeptical about how to tell my professors and waited until it became impossible to hide. To my relief and amazement, they fully supported my decision. I was offered encouragement and reassured that finishing law school was the right decision.

I had created a perfect scenario in my mind. I would have my son before the semester started, find a full time sitter well in advance, and birth him naturally to minimize the healing required. However, like perfect plans always do - it crumbled; nothing happened the way I planned. After 20 plus hours of natural labor resulting in the need for drugs and surgery, my son arrived on the first day of the fall semester and on top of everything else, I had no idea who would watch him.

Through all of this what was my biggest obstacle? Howard's attendance policy. We all know it is rigid but there is absolutely no cushion to allow a mother the necessary time to heal. Having already missed a week of class, I gathered my wits and showed up to school 3 days after my discharge from the hospital and 1 week after major surgery.



Returning to class was the craziest, most unhealthy decision any new mother could make. Being a nurse, I should have known better. But at the time, I felt as if I had no choice.

While leaving my child was difficult, I was not prepared for the pain induced when the professor yelled at me on the second day of class because I had not signed my name on the attendance sheet.

Additionally, there are no facilities on campus for mothers who breastfeed. When the administration claimed there was no such available facility, the village stepped in to create impromptu spots when necessary. The HUSL community supported me. I thank my classmates who expressed love and support and even approached professors on my behalf.

When the day came that I did not have someone to watch my son, my classmates donated their time. When I needed to bring him to an evening class because my husband was working, the entire class allowed it and helped facilitate it. When I had to miss class because my son was sick, classmates emailed me their notes and offered to help. While this sense of community seems to come naturally for my section two classmates, it means the world to me. My son has learned how to interact with so many people in the last six months, he is easygoing and happy with everyone.

Fellow students who had children while at HUSL expressed some of the same experiences and concerns: classmates and professors offer support, mothers return to school before ready to do so, classmates babysit or allow the child in class; there is no facility for mothers to breastfeed.

I am not the first law student to have a child, and I will not be the last. When a new mother has the support of village like the community of Howard Law students, she survives and thrives.



Try to hurry it up if you can, kiddo . . . this is America. It's legal to put French fry ads around the country until half the people die of eating, but I'm not supposed to do this in public.

Navigating this Brave New World

Sharaya L. Cabansag

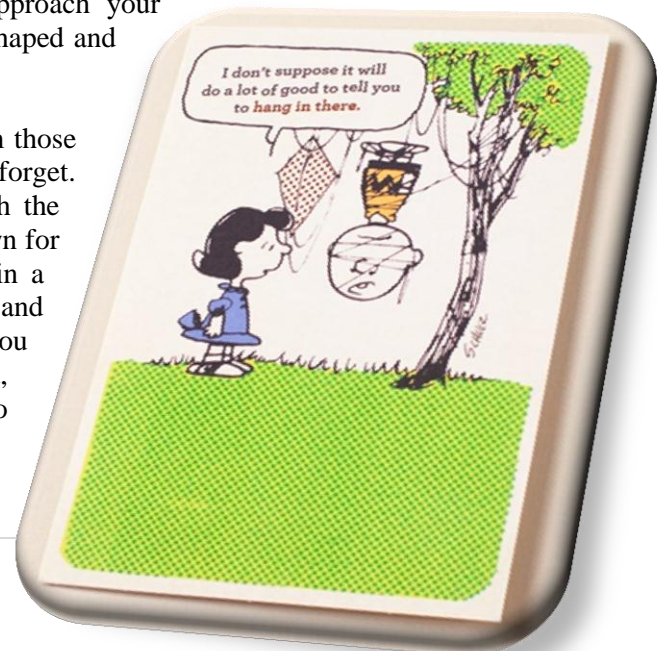
In search of that perfect match, perfect job, perfect story of success, why does that leave so many of us so very, very unhappy?

It's because we are in the limbo, the in-between, the "haven't made it yet with no promise to make it for a very long time," the bottom of the barrel, the neo-professionals. How do you deal with the knowledge that you know nothing compared to everyone in this profession? What do you do when you're really not seeing success in your work? How do we make it through this formative time with a shred of happiness and satisfaction to ourselves? Our plight is not unique. One of my mentors described how in medical residency people would constantly leave her with the worst tasks—and not even know her name. It always bothers me when I see abuses of power. If you've ever felt this abuse in the legal profession, dare I say, in law school, I have some advice for you to strike that balance between personal dignity and the ability to be shaped and molded.

1. Don't lose touch with the rest of the world and the suffering of others. When I feel hopeless, a dose of perspective usually does the trick for me. Before law school I worked with small groups of individuals with disabilities. There are those who go through the world without eyesight or mobility, with a communication difficulty, or no way to speak at all. We are all so blessed.

2. Scale back your expectations if they are unhelpful. High expectations can start you off on a positive foot and get you going. But, if you expect that you will be a natural or a standout, if this does not occur, the disappointment of that not happening can hurt you. I encourage you to examine your expectations. What did you think law school would be like? If you are disappointed with the way law school is turning out, with your legal career, or with your personal life, it may be time to throw out those impractical expectations. If you lower those unrealistic expectations, just a bit, you will find the ability to approach your challenges with the humility and open-mindedness to be shaped and molded.

3. Finally, if you encounter cruelty or dismissiveness from those in power, hold onto it only long enough so that you never forget. When you are in a superior position, treat everyone with the kindness you wish you had received. Howard Law is known for students that help each other. 2Ls and 3Ls, if you are in a position to help, to teach, to mentor, take the opportunity, and do so with kindness. I need not say this, but any kindness you dig deep down and give always, always comes back tenfold, in ways you may not even know. 1Ls and 2Ls, be open to the simple opportunity to learn from every experience in law school, not just the professors in the front of the



classroom, but the teachers all around you. Swallow that pride, swallow everything you thought you knew, and give yourself the opportunity to be shaped and molded. It's a vulnerable, stressful state, but it's also the only way to really grow.

This is a brave new world. An opportunity certainly—a chance to reinvent yourself—but don't be fazed when it all goes terribly wrong: it's all part of the territory. **So buckle down, sink those heels in, open your eyes...and never never never give up!**

Proudly display your
achievement.



Miniature License

Miniature Diploma

To order visit:

www.kdaengineers.com

Click on Merchandise



Clothes Don't Make the Man

but Can Break Him

Daniel Moore

I was the only Black person on the set. It was unusual for me to be in a circumstance in which every move I made was tantamount to representation of 18 million people...

— Sidney Poitier

When you are the only black man in the room, you cannot help but notice and others notice too. No matter your opinion on race, you represent more than yourself or your school.

Sidney Poitier's words ring true for each of us, our appearance not only influences our own lives, but it affects those who come after us.

It's human nature; after your race and sex, people notice what you wear. Do you look like someone who is serious about that interview? Or meeting that important client? Recently, a DC partner at a large firm informed me that his clients refused to employ someone who wore taupe. Yes, you want to be original and noticed. But do you want to have the opportunity to be noticed for the *right* thing? The following is advice I have received over the years. No one has given me advice on women's fashion, but these tips seem universal enough to apply to the ladies too.

Remember:

- **Old is new**
 - Poitier's look is timeless. Classic professional attire will never steer you wrong. If you are an athlete, look to Muhammad Ali or Jim Brown in their youth for guidance.
- **Tailor**
 - Find a tailor. It is worth it. You can buy a \$600+ suit that looks awful because you did not make the effort to have it fitted.
- **Simple Shirts**
 - Unless it's casual Friday, and hell even if it is, keep a few white and light blue shirts on hand. These are incredibly versatile. Older partners or judges may/will not be hip to that pink or yellow shirt you matched with a pastel tie.
- **Shoes**
 - Go to shoeshine stations and keep a shoeshine kit at home. A good shine will make a bargain bin pair look Allen Edmonds. In a town where people walk a lot, don't ignore your shoes.

Barbri Is Not Enough

In a July 2011 bar exam exit survey, examinees who took Kaplan rated **Kaplan's MBE Practice Questions higher than BARBRI** students rated BARBRI's MBE Practice Questions*.

Watch our Qbank video demo at KaplanBarReview.com/MBEQbank. Buy the MBE Qbank there for just \$299.







"Like" us on Facebook to try your hand at the MBE Question of the day. It's Free!

Prep. Pass. Prevail.®

1-800-523-0777

KaplanBarReview.com/MBEQbank

KAPLAN
BAR REVIEW

 facebook.com/KaplanBarReview  twitter.com/KaplanBarReview  youtube.com/KaplanBarReview  BarExam.com

*Based on an exit survey of 1,973 July 2011 bar examinees who took bar review. Survey conducted at 24 randomly selected locations in states where Kaplan offers full service bar review. Each respondent rated his/her primary bar review course.