A Monumental Fight for City Speech

By all indications, Demo- crats are pretty excited about their performance in last week’s Virginia election, according to Governor Ralph Northam who will trade up to Governor. Polls leading up to the election suggested that his Republican opponent Ed Gillespie might be able to pull out a win by ap- pealing to neo-Confederates turned out to be incorrect. In the Thirteenth District, journalist and musician Danica Roem won election as America’s first openly transgender state legislator, defeating Bob Marshall, the self- proclaimed “chief ho- mophobe” of Virginia who authored our state’s version of the “bathroom bill.” Dem- ocrats made up a great deal of lost ground in the House of Delegates, as a whole turn- ing fifteen red seats blue. Good news, certainly, but far from necessary. Current pro- jections have the GOP cling- ing to a 51-49 seat majority. This, in a year more-or-less defined by Republican po- litical scandals, and coming on the heels of a loss of a state elec- tional election in which the Democratic candidate won Virginia by better than five percent, is nothing short of an embarrassment.

Given that this dysfunc- tion can of course be at- tributed to voter suppression brought about by Virginia’s new voter ID law, and much of the rest is owed to ger- rymandering across districts. It was a runaway success and a big part of why Republicans can expect to lose one of the Delegates majority despite garnering barely 45% of as many total voters as occurred last Tuesday’s election. Indeed, they’re downright gleeful about their new website—yes, it has a website—describes the effort thusly: “The rationale was straight- forward: Controlling the re- districting process in these states would have the grea- test impact on determining how both state legislative and congressional district

Several states would have the great- est influence in determining the form of the state’s ban on removal of Confederate statues. In the current version, it covers all ad- ditional wars since the Civil War. She said the issue now is: “What happens when the city no longer wants to be associated with the message of the monuments, but the state is forcing them?” While cities have largely been be- holden to state regulations, they have gained some rights against the state, such as in the realm of taking down monuments. Blank suggested it might be possible to conceive of a regime where cities were granted free speech rights and compared cities to cor- porations, which under decisions such as Citizens United, have been treated more like individuals when it comes to free speech. He noted that there are pros and cons to this approach, and that for “city speech,” the line between expression and action is a very difficult one. He said city speech could en- compass maintaining statues, raising flags. Black Lives Matter signs on town halls, or be as broad as covering lobbying activities, which are currently covered for corporations. “But if all this is protected under the First Amendment,” he said, “there could be huge ramifications.” One potentially positive ramifications might be that cities could counter corpo- rate influence in politics. Blank also noted that the state’s politics is more re- cently reflecting partisanship on the national level, and giving cities First Amend- ment rights might prevent federal and state encroach- ment on local politics. But he was careful to emphasize that cities wouldn’t be totally unregulated in their speech, since they would still have to show a compelling inter- est. And some cities might use opt-out mechanisms for citizens so that their money would not be used for speech with which they disagree.

Schrager explained that our concept of cities is not that of an individual entity with rights, but rather as an entity of the state that ex- erceses power. At the same time, they’re also subordi- nate to the state, creating tension. He discussed SB 4 introduced in Texas, which would not ban cities from becoming sanctuary cities, but would keep cities from endorsing such poli- cies. He also noted that there was nothing Charlottesville could have done to prevent Unite the Right or Ku Klux Klan members from opening carrying weapons during their rallies, because state law preempts them from do- ing so. And of course, if the city wants to remove confed- erate monuments, the state forbids it. In effect, he said, the city “can only speak in the form of monuments at the state’s suffrage.”

“We might say as a policy matter, it doesn’t make sense for the state to decide what monuments to put up in any locality,” he continued. Why would they care?” States might decide to regulate cit- 
around north grounds

Columns Editor
Katherine Mann ’19 (h/t/h/ax/hn)
Running From the Law, and How You Can Too

First, I will admit, I’m biased— I love running. I’m in this for the mental health benefits and for the endorphins. And who doesn’t love new shoes? Depending on the type of shoe and your running form, you need to replace your shoes every 300-500 miles. Run more, get more shoes! Running also gives you an excuse to buy other brightly colored articles of clothing—shirts, socks, shorts, hats—the options are endless! As an aside, brightly colored clothing is encouraged not just for the fabulous fashion statement you make wearing it, but also to help drivers see you and not run you over (this is especially important as the days get shorter—consider adding reflective items to your otherwise busy day will be worth it.

**Con:** Running burns calories. The exact number is a function of your body weight, your fitness level, your level of effort, and the distance you run. There are multiple calculators online to help you figure out how many calories you are burning, but a general rule is about eighty calories per mile. So two miles burns a beer, ten miles burns five beers! That will almost make up for your night at Bilt. And the calorie burn doesn’t stop when you stop running, running increases your metabolism throughout the day.

**Pro:** Running gives you a reason to get out of the library and go commune with nature. There are miles and miles of trails and farm roads close to the Law School. Running gets you out into the fresh air and gives you a chance to be one with the squirls.

**Con:** Running is boring. When you run on a road or a treadmill, running IS boring. You can alleviate boredom by finding better scenery or listening to music. If you are still bored, you might consider moving to a different run; fueling, hydrating, and preparing your body for the run will all affect your enjoyment of the run.

**Pro:** Running improves your fitness level. Studies have shown that regular running improves bone density, strengthens joints, and improves aerobic endurance. Improved aerobic endurance means you will have an easier time doing other vigorous activities (escaping zombies, racing to class, etc.).

**Cons:** Running hurts. There are two kinds of pain associated with running, the good kind and the bad kind. The good kind is a benevolent muscle fatigue and soreness, this is the good kind, pain is weakness leaving the body. The second kind is the bad kind—it’s the kind that feels like you sprained something, bruised something, or pulled a muscle. If you rolled an ankle you have a pretty good idea how long it will take to heal from it. If you have shooting or sharp pain when you run any variation from bad kind could be hurting you (muscle imbalance, shoes, inflammation). Normally this can be fixed by altering your shoes and a visit to the physical therapist—but it needs to be taken seriously.

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erate shift in causation, and life outlook. After receiving her law degree from Harvard Law School, Dr. Gibson followed the natural route of many Virginia students through law schools, beginning her career in the Washington, D.C. office of the firm known as WilmerHale. Dr. Gibson practiced corporate law work for twelve years. With a laugh, she added that it was fun to spot ads for the companies whose deals she was working on around town. However, she noted that life was as grueling then as it is now. Family health issues and concerns about existing stress eventually prompted Dr. Gibson to reconsider her path.

This reevaluation led Dr. Gibson to the realization that she needed to work with clients on an individual level most fulfilling. Personal experience and a growing interest in clinical psychology, Dr. Gibson tested this potential new career through volunteer work. Even considering such a change was a big step for her. She describes herself as an “incremen
talist,” just as do many law students, for whom di
verting from the clear path ahead is a struggle. However, feeling that it was her vocation, she applied for graduate school at George Washington Univer-
sity’s professional psychology program. This program in clinical psychol
ogy allows candidates to fo

cus on what they want to work; there is no disserta-
tion component or phar

You (Yes, You Specifically) Need to Get Out the Vote

Right now, control of the Virginia House of Delegates may be determined by just nine

In 2006, Dr. Gibson joined the staff of Counseling and Psychological Services (CAPS) on Main Grounds as a predo

tor. She remembers her first job of interviewing her doctorate, working at

Joe Charlet ’18 (he/him/his)

Guest Columnist

nineteen provi

sional elections. The Depart

ent of Elections reports that in 2015, dozens of races across the Ninety-Fourth District, en-

compassing Newport News, incumbent David Yancey (R) is currently winning by just thirteen votes over Shelly Simonds. In Yancey’s favor, the difference is remarkable given that, in 2015, Simonds lost to Yancey by 15.2% in a
tout the-vote (GOTV) opera

tions. The Ninety-Fourth District—just like small
groups in both external, such as a local government, can have a large impact on the results. Even just a small amount of additional work on either side would decide the election in the ninety-fourth dis

You (Yes, You Specifically) Need to Get Out the Vote

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Though characterizing herself as more of a spectator than an intervenor, Dr. Gibson is a

ntial community. This

no-cause medicolegal training (only psychiatrists are able to pre-

and the chance to learn the rhythms of the Law School.

Dr. Gibson remarks that working at the Law School has been a unique opportu-
nity to combine both phases of her career arc: vivid memories of the stress of

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The Court of Petty Appeals is the highest appellate jurisdiction court at UVA Law. The Court has the power to review any and all decisions, conflicts, and disputes that arise involving, either directly, indirectly, or tangentially, the Law School or its students. The Court is comprised of four associate justices and one Chief Justice. Opinions shall be released periodically and only in the official court reporter: the Virginia Law Weekly. Please email a brief summary of any and all conflicts to jmg3db@virginia.edu.

“Appellants contest that their behavior is involuntary and that by their nature as law students they “have an uncontrollable urge to demonstrate our superior intellect to everyone within our vicinity at all times.”

-C.J. Goldman
**“Family Freak Out” Favorites**

**Amy Cameron**

**Duncan ’19**

**she/her/hers**

1. Where can you find the best margarita in NYC?
- Petrocich. It means the smell that comes after a rain.

2. If you could meet one celebrity, who would it be and why?
- Dame Helen Mirren because she kicks a lot of ass and generally seems like she would be an incredibly good time.

3. Where did you grow up?
- All around the DC area, but I went to high school in Alexandria, VA.

4. If you could meet one celebrity, who would it be and why?
- Dante Hall because he is incredibly talented and generally seems like she would be an incredibly good time.

5. What are you most excited for on the UVa calendar?
- The FBI Shaping Justice Conference: Counterterrorism. It’s more of a shameless plug because I’m co-directing it with Ryan Snow, but I think it’s going to be incredibly this year.

6. If you had to pick one song to play non-stop in the background of your life, what would it be?
- “Picking one song to play in the background forever sounds absolutely horrendous, but I have been listening to “Rain” by Future. I feel pretty much crazy for the past few weeks...

7. If you were a superhero, what would you be and why?
- I have always wished that I had the power to fluently speak any language of anyone I met, including the ability to understand jokes and idioms. I’m not sure what kind of superhero that would make me, but it’s a power that I’ve always wished I had.

8. What’s something you wish you’d found out about law school before enrolling at UVa Law?
- I wish I knew that I could try to sing for fear that they’ll drop out, but I think I’d have preferred to know. And on that note, don’t be afraid to get involved, but also don’t take on leadership responsibilities unless you are actually excited about doing the work associated with them.

9. If you could live anywhere, where would it be?
- Berlin, though I don’t have a good explanation as to why.

10. What’s your least favorite song?
- My alarm.

11. What’s the best gift you’ve ever received?
- My grandmother sent me a $100 chipotle gift card out of the blue right before finals last year and it was AMAZING.

12. Backstreet Boys or NSYNC?
- Boyz II Men. Seriously, they were just better. I saw both bands in concert and they’re still incredible.

13. What is the best concert you have ever been to?
- I got super lucky a few years back and randomly ended up at this party that Taib Khweli was playing. She is one of my favorite artists in such a small setting that was pretty unbelievable.

14. If you could make one change to the UVa Law student body, what would it be?
- I don’t think there are any students out there who don’t have some kind of new fact that has no basis whatsoever in actual fact on social media.

**ELECTION**

continued from page 2

imposed upon him by his opponent, as if daring to dream just a little bit bigger would somehow make him a less sober and realistic candidate than a professional lobbyist just pretending to be a gray-haired old boy. Had Northam been even a iota more sincere, he would have had no difficulty rolling over Gillespie, a carpetbagger from New Jersey whose strategy consisted of wrapping himself in the stars and Bars and dog-whistling about “Southern Heritage.” Nor can he afford to have failed so he too can lose everything they came to lose nothing.

... gpr@virginia.edu

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**Mondays at 6:00 pm in SL279**

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**Wednesday, 15 November 2017**

**VIRGINIA LAW WEEKLY**

Columns 5
the state would win in the Rule in states like Virginia, that generally, in Dillon's

CITIES

continued from page 1

governing the city and the citizens of the city. On the question of current politics in Virginia, Schrag-
ger said that both Governor McAuliffe and Attorney General Mark Herring have come
down on the side of localities in deciding whether to take
down monuments, although exit polls from the recent Virginia elections showed people favoring keeping
monuments by a margin of about sixty to thirty. "What puzzles me as a conces-
tual matter is why the state would care, and yet the state
cares deeply—the citizens—the culture, they care deeply
even if they've never seen the monuments."

While the debate over speech rights of cities has yet to be resolved, it's certain
that contentious issues like Confederate monuments and
sanctuary cities will keep it alive.

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kmm2zb@virginia.edu

CITIES

continued from page 3

to talk about something as personal and potentially an-
agonizing as politics. But this is how elections are won
on the ground level; not by changing minds door-to-
door, which is not supported by the data, but by actively
ensuring your own supporters get out and vote. Looking
back, I probably spent fifteen to twenty hours spread
over the past two months going door-to-door in vari-
ous neighborhoods around Charlottesville and Albemar-
le County. Fifteen to twenty hours over the course of two
months is an unbelievably small sacrifice for someone
with as flexible a schedule as a law student has. Oth-
ers did way more and spent all of Election Day provid-
ing rides, directing people to their polling places, and any
other manner of supportive activities. The aggregate re-
sult of all this work was a his-
toric sweep for Democrats. If the Ninety-Fourth District
had just a few more people getting out the vote on either
side, the future balance of power in the Commonwealth of Virginia would be much clearer. Even just one or two people spending a single af-
fternoon going door to door or
phone banking could have gotten out enough votes to determine the Ninety-
Fourth District.

There are a lot of post
collections are written about this election in Virginia and
what it means for the Com-
monwealth and the nation as we move into congressional midterm elections in 2018. Some of those are interest-

ing, and some of them may

even turn out to be correct.

But the only true take away
one can glean from any elec-
tion is that voting matters.

You must vote. You should
tell everyone you know to
vote. But, if you really want
to do more than just hope

that an appropriate aggre-
gate of other voters express
your voting preferences,
then you need to get out the
vote.

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jmc3jh@virginia.edu

Wednesday, 15 November 2017

Puzzle 1 (Very hard, difficulty rating 0.78)

Solution

\[
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