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Open Hearing Edition

WASHINGTON AND LEE UNIVERSITY

THE RING-TUM PHI.

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BY THE STUDENTS AND FOR THE STUDENTS SINCE 1897

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the TRIDENT

THE WEEKLY INDEPENDENT NEWSPAPER AT WASHINGTON AND LEE UNIVERSITY



LENORA NUNNELY / Staff photographer

First open hearing in twelve years ends with cheers, screams and hugs when jury clears student of charges

By Nina Coolidge and Jacob Geiger
TRIDENT CO-EDITOR-IN-CHIEF
AND PHI MANAGING EDITOR

Lee Chapel exploded with cheers yesterday at 8:15 p.m. when Open Hearing Chairman Adam Hull said "not guilty."

Those words were preceded by a nine-hour hearing and less than two hours of deliberation by the jury of 12 students. When the chapel bells began ringing at 7:44 p.m., students raced back towards the chapel to hear the verdict of Washington and Lee's first open hearing in 12 years.

As students in the chapel stood and cheered, the accused hugged the honor advocates who had worked so hard to present the case. As students poured out of the chapel after the verdict, most of those present seemed pleased with the

outcome.

"It makes me have more faith in the W&L student body that they can listen to all the facts and come out with a fair verdict," junior Colette Moryan said.

One of the honor advocates for the accused agreed.

"I think the hearing ran great," said law representative Jane Ledlie.

Students flocked into Lee Chapel and the Commons theater throughout the day to watch Executive Committee advocates and honor advocates for the accused deliver opening statements, question witnesses and finally deliver closing statements.

Ledlie, a second-year law student, and Josh Humphries spoke for the accused. Humphries is currently the head honor advocate. Ledlie is the incoming EC Secretary.

"I think Adam Hull did a great job, I think the honor advocates did a great job and I think the EC reps did a great job. I think this was a good opportunity for the student body to get to have a say in the honor system."

ROB RAIN, Executive Committee President

Josh Payne, Oleg Nudelman and Jordan Campbell represented the EC. Payne will become the new EC President later this month.

"I'm very pleased with the way the [hearing] worked," EC President Rob Rain said. "I think Adam Hull did a great job, I think the honor advocates did a great job and I think the EC reps did a great job. I think this was a good opportunity for the student body to

get to have a say in the honor system."

Rain recused himself from the closed hearing and from the open hearing, so he spent the day handling logistical details with Sergeant-at-Arms Quiana McKenzie.

The main floor of the chapel was mostly full when Hull, the president of the Student Bar Association, brought down his gavel and called the session to order shortly after 9 a.m.

Hull began the hearing by laying out the ground rules for the chapel. Members of the community were ordered to remain silent at all times and only allowed to enter or exit between witnesses.

The parents of the accused arrived around 8:30 a.m. and watched the hearing from the balcony in the rear of the chapel. During the hearing they occasionally showed hints of nervousness, as the father of the accused would occasionally drum his fingers on his hand. At other breaks he would pace around the balcony. Mostly, however, the two sat impassively, listening to the testimony from both sides.

When the verdict was announced, the parents both reacted joyously, clapping and waving as the crowd below cheered.

Since the last open hearing occurred in March 1995, McKenzie found herself without much guidance while she organized the hearing.

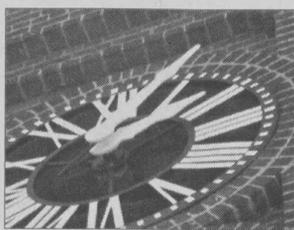
"It was a little stressful because there aren't any real directions for it," she said. "You just know you have to make it happen."

Student interest remained high throughout the day as waves of students moved in and out of Lee Chapel and Commons theater during the entire hearing. Attendance at both locations peaked around 1 p.m.

At times the crowd was extremely engaged, leaning forward in their seats and silently listening to testimony. During other parts of the proceedings, however, the crowd's attention seemed to fade.

See "HEARING" on page 3

news



At the Commons

Letter from the editors



JACOB GEIGER / Managing Editor

Atmosphere in Elrod Commons theater is much more relaxed as students come and go during the hearing

By Catherine Carlock
COPY EDITOR

While students in Lee Chapel were dressed to the nines in dresses and ties, students in the Elrod Commons Stackhouse Theater enjoyed the luxury of not having to dress up to view yesterday's open hearing.

A live streaming video of the proceedings was shown in the Commons theater from 9:00 a.m. until 4:30 p.m., when the South Indian Classical Music Performance "Jayanthi" took over the stage. The open hearing broadcast would have returned at 10:00 p.m., but a verdict was announced at 8:15 p.m.

Palpable differences emerged quickly between the proceedings in the straight-backed pews of Lee Chapel and the comfortable movie theater chairs of the Commons.

Students in Lee Chapel were encouraged, sometimes even ordered, to remain silent. Any noise from the crowd could possibly sway or affect the eventual decision from 12-member jury.

Open Hearing Chairman Adam Hull sometimes asked students to remain quiet while during writing breaks for the jurors, but that prohibition certainly did not extend to the Commons theater.

Those who attended the viewing in the Commons "didn't really know what to expect," said junior Blair McCartney.

With its straight-backed pews, original portraits of our founders and Lee's sarcophagus, Lee Chapel had a naturally intimidating interior. The broadcast e-mail sent to the W&L community asked that members of that community act in "a quiet and professional manner."

According to freshman Erin Galliher, however, the proceedings were a "little more light-hearted" than she originally expected.

"People started treating it more like entertainment rather than a serious proceeding to determine a student's future," Galliher said.

"There were definitely periods where there was a lot of laughter."

After the proceedings began to get underway, however, "people started getting bored."

Students in the Commons, however, were far removed from the actual Lee Chapel proceedings and thus, far removed from its serious nature.

"People were able to express their thoughts," said McCartney. "Everyone was able to react."

While those in Lee Chapel were expected to remain quiet with nothing but Washington and Lee identification in their hands, students and faculty in the Stackhouse Theater could talk, laugh, eat and drink.

The Stackhouse Theater also had a higher daily traffic flow outside its doors. Backpacks and purses were piled outside the doors of the theater.

The theater is located outside the freshman dining hall, directly below the Commons living room and right in the path from the sorority bridge to the main part of campus.

Broadcasting the hearing in such a heavily trafficked area made it much easier for students to duck in between classes or after lunch.

The fact that students did not have to dress in Lee Chapel attire to view the hearing in the Stackhouse Theater was another key component to the broadcast's success. Many students just didn't feel like wearing a dress or a coat and tie.

However, some students in the theater were still wearing their Lee Chapel clothes.

Students found it easier to respond to a particularly hostile witness or a particularly amusing comment in the Commons than in the Chapel. Without the jury present to influence, those in the Commons could behave in a way very dissimilar to the behavior of those in Lee Chapel.

Sophomore Carson Bruno felt that the general atmosphere was "much more serious in the Chapel," but that it "still convey[ed] the seriousness of an honor violation."

Student reactions

"From what I saw today, it seemed pretty fair...I thought the Honor Advocates did a good job." – Emily Martin, Class of 2010

"It definitely makes me have faith in the Honor System." – Maureen Grant, Class of 2008

"I feel like we're a close community and it helps [to have the trial out in the open]." – Rosemary Boyle, Class of 2009

"I think it was very helpful. It helped clarify what the EC looks at during investigations." – Diane Kuhn, Class of 2008

"This makes you think about [the honor system] more." – Erika Rost, Class of 2009

"If he doesn't get kicked out of this school, the Honor System is a joke." – anonymous male, Class of 2008

"Procedurally, things went well. It was administered really well. Adam [Hull] did a good job running and organizing things." – Andrew Morton, Law Class of 2009

"It's an important way to show that the Honor System is student run. I think it was shown through attendance how important this is." – Rhodes Proctor, Class of 2008

The open hearing yesterday was undoubtedly one of the most important things students will experience during their four years here at W&L. It gave everyone in the community a chance to see the Honor System at work and reaffirmed for many their belief in the student-run system.

It was also an important day for the news outlets on campus. It was the first time we were allowed to provide any type of significant coverage of an open hearing and report to the community about the events.

With the help of Executive Committee President Rob Rain, Chair and President of the Student Bar Association Adam Hull, and Sergeant-at-Arms Quiana McKenzie, we were able to come to an agreement that allowed us to report on the hearing.

As you will see in this issue, we focused on the atmosphere of the audience in Lee Chapel and the Commons theater, along with student reactions and opinions to the hearing and verdict.

We were not, however, permitted to release details, including the names of the accused, the witnesses called or any specific facts of the case.

We agreed to these restrictions because an open hearing is different from a public trial in a court of law.

Rain and the EC firmly believe that specific information about open hearings should not extend beyond current students, faculty, faculty emeritus and staff. Because our joint issue will be so readily available to people who are not members of the W&L community, we agreed it would be inappropriate to publish the name of the accused or details of the case.

One of the EC's most important concerns was protecting the privacy of the witnesses and jurors. As Rain pointed out, none of these witnesses or jurors volunteered for this job. Each was summoned by the EC or the accused and had to obey.

We came to the conclusion that we could provide thorough and accurate coverage of the day's events and student reactions without focusing on the details. Above anything else, we wanted to be able to give the community an accurate picture of the events and news of the day.

We also need to extend a huge thank you to all the Trident and Ring-Tum Phi writers and photographers who took time out of their days to help make this special edition possible.

Thank you to all of the writers, editors and photographers who spent their part of all of Wednesday in or outside of Lee Chapel and the Commons theater.

This week we have managed to put out a total of 34 pages over three editions between the two publications in only four days.

Putting out a weekly paper requires a hard-working and dedicated staff. Putting out three papers in one week requires a staff willing to forgo sleep, work long hours and put their newspapers in front of all other concerns.

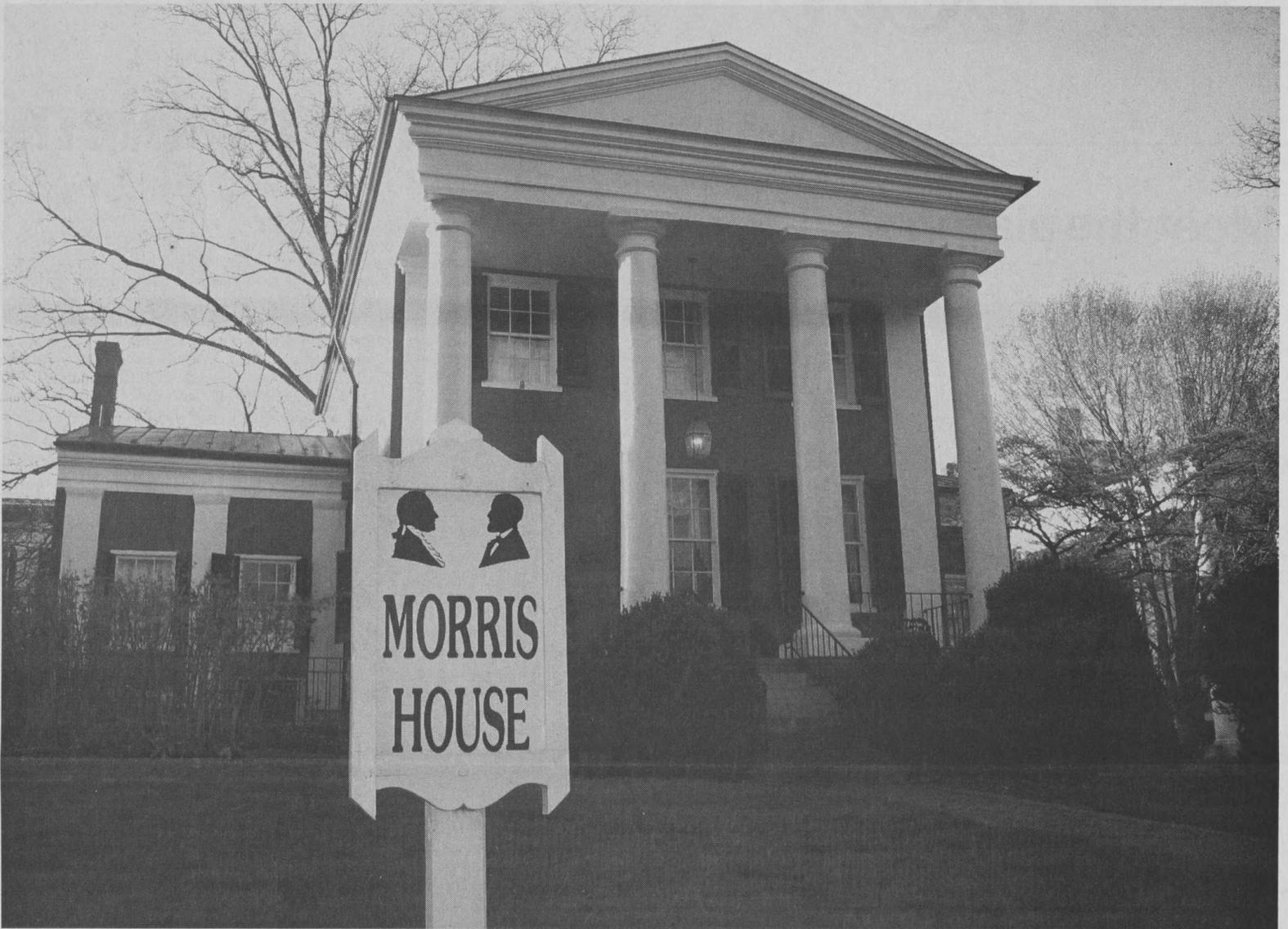
We are also greatly indebted to the staff of A Week in General, who helped us interview students and shared footage of the interviews they filmed throughout the day.

This open hearing was extremely difficult for many members of the community, but we hope our coverage has helped provide an accurate and thorough record of this important week.

Nina Coolidge
Co-Editor-in-Chief
The Trident

Jacob Geiger
Managing Editor
The Ring-Tum Phi

Campus tunes in to hearing



JACOB GEIGER / MANAGING EDITOR

(Top) Jurors were sequestered in the Morris House during breaks in the trial. The jury also conducted its deliberations in the building.
 (Left) Students file in and out of Lee Chapel during a break in the hearing. Since students were only allowed to come in and out of the chapel when witnesses were not testifying, lines formed outside the chapel.
 (Above) Students wait outside the chapel before closing statements. The trial ended at 6 p.m.

Hearing allows campus a rare glimpse at how EC administers the honor system

Continued from page 1

The hearing was the talk of campus throughout the day. Students in the Marketplace were discussing the hearing at 10 a.m. while eating their breakfast, and students coming in and out of both the chapel and theater were eagerly dissecting the atmosphere and testimony.

During breaks between witnesses, Lee Chapel was full of whispers and murmured conversations among the audience.

Even students who could not watch the proceedings were constantly trying to stay abreast of the news.

"When we go for a long period of time without an open hearing, people are still aware the honor system is here and it's a big part of our lives," Rain said. "For one day, for the entire university community to focus on the honor system and focus on an open hearing, I think that's great for the student body as a whole."

Despite the constant in and out traffic, students were respectful of the proceedings. Hull and McKenzie had been prepared to take action if students were disruptive, but aside from Hull's late afternoon warning to turn off cell phones, the proceedings went off without any major problems.

"I was really surprised at how smoothly [the hearing] went," Hull said. "We were able to deal with a lot of the more contentious issues before the [hearing]

began—issues like admissibility and the scope of the trial—that's why we had a stipulation of facts at the start."

While attendance among students was fairly high—even though just two days of classes remain before exams—turnout among faculty and staff was far lower. A scattering of faculty were seated near the rear of the chapel during most parts of the day, but the majority did not attend the hearing.

Most of the major academic

administrators were present for at least part of the hearing. The lone exception was President Ruscio. Dean of Students Dawn Watkins said he was out of town and had been unable to return to campus. Watkins was at the hearing after arriving home from Orlando early that morning.

Despite the long day of proceedings, Lee Chapel was nearly full when Hull finally delivered the verdict.

As proscribed by the White Book, the jurors voted by anony-

mous ballot and did not know the outcome until Hull announced it. Eight votes would have been needed for a guilty verdict. The jurors were sequestered in the Morris House during breaks and their deliberations.

Ledlie said the hearing reaffirmed the community's faith in the honor system.

"Based on the reaction in Lee Chapel I don't think you can have any doubt that the system works," she said.

opinions

Trial (and error)

Both sides face problems

It was the first open hearing in over a decade, but participants were unprepared

Meet the players

Executive Committee

1 **Josh Payne**, incoming EC president

2 **Jordan Campbell**, junior class rep

3 **Oleg Nudelmann**, first-year law

Honor Advocates

1 **Josh Humphries**, head honor advocate

2 **Jane Ledlie**, incoming EC secretary

By Katherine Greene
PHI COLUMNIST

The honor system was tested yesterday by a mix of uncomfortable students that seemed neither representative of the student body nor appropriately authoritative in their positions.

As our fundamental academic structure came under question in the open hearing, one couldn't help but wonder, who was doing the asking?

Between the fumbling over papers and seeming inability to ask a coherent question, the Executive Committee representatives and the honor advocates weren't leading so much as being led.

Granted: an open hearing hasn't happened on our campus in 12 years.

But what does it say for us that our academic careers hang in a balance maintained by people who don't seem to know what they're doing?

You can almost forgive EC representative Jordan Campbell for not knowing that you have to ask a witness a question.

You can almost forgive honor advocate Josh Humphries for being intimidated by a witness.

You can almost forgive the

newly-elected EC president Josh Payne for his shaky delivery.

Until you realize that the premise of your education is on the line.

The EC representatives, for their part, got plenty of collaborative help from their fellow EC members during breaks.

But Josh Payne, the leader of sorts, held his cards with shaking hands and tripped over his own tongue.

Running his hands through his floppy black hair, he repeated himself in that soft, husky voice at least once every question, and didn't seem to really know what he was asking.

Humphries forgot who was in charge of questioning when dealing with witnesses.

He, like Payne, had a quiet delivery with no apparent direction.

Beads of nervous sweat appeared on his forehead, even as he questioned his own witnesses.

Campbell's voice, echoing from the pristine white walls of the chapel, shook with passion for honor. But the speech itself had little substance, and he was practically non-existent for the rest of the hearing.

The one shining star in the

open hearing was honor advocate Jane Ledlie, who at least utilized basic public speaking skills and kept her composure.

She had at least a basic understanding of what was going on, and wasn't afraid to show it.

Standing before a half-capacity Lee Chapel, she seemed more relaxed than her colleagues, maintaining control in

They have the enormous responsibility of deciding whether students should get kicked out. Shouldn't there be some kind of training for this?

her simple suit and pearls. She wore no make-up, and didn't have a fancy haircut.

But let me tell you, Plain Jane at least convinced me that she was giving me the plain facts.

Thank God she was there.

In all fairness, these representatives and advocates are just students. They are our own age, with practically the same level

of experience as any one of us has in giving legal arguments.

Except that they have the enormous responsibility of deciding whether students get kicked out.

Shouldn't there be some kind of training for this?

It's disconcerting to think that on a day when a fear of authority loomed over Lee Chapel like a deep black cloud, promising to rain punishment, those in charge of arguing the case felt nervous.

It's a huge responsibility to take on, but confusion over the process raises questions about it.

The true voice of the community was heard—and felt—when the verdict was announced: before Chair Adam Hull could finish reading, the crowd jumped from their seats and cheered, running for the door to congratulate the exonerated student and chattering excitedly.

There were tears and smiles and hugs and sighs of relief as students rushed off to celebrate (or perhaps do homework).

Too bad the advocates and representatives couldn't capture that kind of decisiveness in their arguments.

That is, after all, their job.

A literal look at the book

Open hearing acknowledges students' ability to apply a flexible interpretation

By Peter Locke
TRIDENT COLUMNIST

I have to say, I'm terribly upset about this. I think it is completely wrong and it makes a terrible statement about the system we use here. The system I am terribly upset about, of course, is Groupwise.

Mass emailing took forever to notify all the students, and as a result, I missed EASILY the most dramatic thing to happen at this school during my FOUR years, possibly ever.

According to the fastest moving object in Virginia, W&L's rumor mill, Lee Chapel erupted when the gavel hit the table and the verdict was read.

The atmosphere must have been electric. I see something analogous to the response to Robert Sean Leonard's performance of Puck in Dead Poet's Society, the liberal reaction after the Scopes monkey trial, and the cheering in the final seconds of a certain 1980 Olympic hockey game (which was a semifinal, by the way). And I have to say, I'm happy for the guy/girl (because we can't actually talk about it).

I caught most of the trial in the Commons Theater, and as I sat down, I remarked to my next door neighbor how this trial felt like such a throwback.

It was then pointed out to me that I was watching this on closed circuit television beamed there from Lee Chapel, so so much for nostalgia. Neverthe-

less, the history was apparent.

The trial was a manifestation of the ancient White Book, the stage filled with modern re-enactors of dusty history. The portraits of George Washington and Bobby Lee, staring at witnesses and the defendant with their gaze of truth, were as pregnant a symbol as one could possibly imagine.

A famous truth-teller and the original southern gentleman, flanking the students as they breathed life back into their honorable legacies. If nothing else, it was goddamned cool.

The buzz around campus was palpable. I shove that in the face of any faculty member who believes the students are apathetic. Just give us a controversial honor violation concerning a well-known guy/girl on campus, and we'll put on our cocktail gear and pay attention.

And the trial itself was like a 1,000 times better version of Court TV. Some of it was real, high comedy. But kidding aside, it was impressive to see campus so alive today. People cared, plain and simple.

But what does the verdict say about the student body? What implications does it have? After such an interesting, and no doubt exhausting day, what are the major issues that linger?

Without going into too much detail about the case (because I ain't allowed), I think the verdict of the trial says something important about the school: students just don't buy an absolute

reading of the White Book.

I don't mean to be a negative nancy here, but if the jury made a LITERAL interpretation of the White Book, my guess is the verdict would have been different. However, don't misread that as condemnation. I think the verdict was the correct decision, but I think it was apparent there was some shady business going on as well.

I hate being so vague, but the EC says I have to be.

It may not be the case that a literal interpretation would have changed the verdict, as it is clearly more complicated than that, but that's certainly what it looked like.

And what the students effectively said is that a violation like that should not be punishable by expulsion from school. If things of this nature are punishable by expulsion, then a TON of people at this school should pack their bags.

The flipside, of course, is the slippery slope argument. No breach of honor is insignificant. One small violation is still a breach of trust, and if we let it one small thing slide, how far will it go?

As usual, I believe the answer lies somewhere in the middle. Just as prohibition and the administration's definition of hazing illustrate, absolutist policies don't make sense in practice.

There are always exceptions. Such cut and dry definitions work well when 450 petrified freshmen sit in Lee Chapel for

the explanation of the honor system, but it doesn't always work well when there is an intricate and excessively complicated case at hand. (Which, by the way, was the most infuriating part of the case. Each side spent the whole time confusing each other with terms that 95 percent of the student body wouldn't understand with a two hour tutorial).

There were gray areas in this case. And today, the intent of the defendant to break the rules was a major area of reasonable doubt. But that's not to say that the honor system is flawed. I think it worked well today. The honor system is simple, but it's open for interpretation by the student body.

The Constitution is worded in a similar manner, and that's why it works, because ideally there is a give and take between letter of the law and the modern collective's opinion of what is right.

And today, the student body exercised their right to interpret the White Book. I hate to get all schmaltzy on you here, but I think it worked. The White Book says that, "the Honor System condemns only acts that the current student generation views as breaches of the community's trust," and that was upheld in Lee Chapel last night.

The trial proved it, the verdict said it, and the roar of the crowd at 8:15 was its exclamation point.

I'm just sorry I missed it.

WASHINGTON AND LEE UNIVERSITY

THE RING-TUM PHI.

The Trident

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