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# Dean Logan's Blog

## Fall Programs Tackle Supreme Court Nominations and Gun Control

Posted by David Logan on 10/06/2009 at 12:00 AM

The new academic year brings with it a chance for students and faculty to hear from experts on the most pressing issues of the day, and fall 2009 is no exception.

[Professor Michael Gerhardt](#) offered "An Insider's View on the Sotomayor Confirmation." Mike was my colleague at Wake Forest and is now the Ashe Professor of Constitutional Law and Director of the Center for Law and Government at the University of North Carolina School of Law. He served as Special Counsel to the Senate Judiciary Committee for the Senate's consideration of President Obama's nomination Judge Sonia Sotomayor to the Supreme Court. (Mike also advised the Clinton White House for the nomination of Judge Stephen Breyer, the last time the Democrats had to fill a spot on the High Court.) In his formal comments, Prof. Gerhardt identified a number of "myths" about the process, including that widely-held notion that the nomination of Robert Bork was what made modern nominations highly partisan: emphasized the role of politics in both the selection of nominees and the Senate's confirmation process, and that there were many tough battles fought well back in our history (like the Senate refusing 8 straight nominations put forward by President John Tyler). In the lively Q&A session afterwards, he addressed a related point, the statement [Justice Scalia](#) made in his 2007 visit to RWU Law ("The process is so partisan now that I would never have been confirmed by a unanimous vote.") In Mike's opinion, the fact that Scalia sailed through the process was based upon a strategic decision on the part of Democrats to use their political capital to oppose the concurrent nomination of Associate Justice William Rehnquist to the position of Chief Justice.

Here are some pictures from Mike's visit to RWU Law.

Later that day, Mike participated in a panel on "Judicial Selection" sponsored by the United States District Court, where he was joined by two other experts, Prof. Michael Yelnosky of the RWU Law faculty and Alan Rudlin from the leading firm Hunton & Williams (Richmond, Va.). Here is some [press coverage](#) of that panel.

The other fall highlight so far was a program jointly organized by the RWU Law Federalist Society and American Constitution Society, a debate between two experts on gun control, our own [Professor Carl](#)

[Bogus](#) and attorney Alan Gura, who led the legal team that successfully challenged DC's gun ban in the landmark case *D.C. v. Heller*. Carl has written extensively on the Second Amendment, including his book *The Second Amendment in Law and History: Historians and Constitutional Scholars on the Right to Bear Arms*. One hundred and thirty students came to see witness the throw-down, revisiting the debate held previously at Columbia Law School.

Professor Bogus conceded early that the conservative majority on the SCOTUS means that Second Amendment is going to be incorporated, and the debate quickly shifted to whether or not the Second Amendment was meant to enshrine a right to arms among members of the general public. Professor Bogus challenged Alan's view that Americans have historically held the right to bear arms to be a fundamental one. After forty minutes of spirited debate, students were invited to ask questions and both speakers were eager to address their opponent's arguments, each having their own statistics and historical studies to draw from their debate arsenal. Here are some pics from that exciting event

NB: Shortly after the debate, the Court announced that it had granted cert to hear the appeal of a case refusing to incorporate the Second Amendment to strike down Chicago's 27-year old handgun ban, so once again, Mr. Gura will be on the front lines of legal history. [Read more...](#)