



COMMONWEALTH OF VIRGINIA
HOUSE OF DELEGATES
RICHMOND

ROBERT G. MARSHALL
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THIRTEENTH DISTRICT

COMMITTEE ASSIGNMENTS:
PRIVILEGES AND ELECTIONS
COUNTIES, CITIES AND TOWNS
SCIENCE AND TECHNOLOGY

February 12, 2008

The Honorable Michael Powell
Rector, College of William & Mary
7921 Bracksford Ct.
Fairfax Station, VA 22039

Dear Mr. Powell:

I have just learned that the e-mail that former president, Timothy Sullivan, sent to then-President, Gene Nichol in December of 2006 regarding James McGlothlin's withdrawal of a \$12 million pledge, has been publicly released by the College of William & Mary.

In a Freedom of Information Act (FOIA) that I sent to you dated March 22, 2007, I requested any e-mails or other documents relating to alumni suspending or withdrawing financial pledges to William & Mary (see attached). I was given information by the Freedom of Information Officer but the e-mail in question was not included, nor was it even mentioned. Neither was the letter by McGlothlin to Nichol of December 2006. I don't know what else might not have been supplied to me that are in the records requested. There were no claims of privilege raised with me by the FOIA Officer and the information I received was supposedly a complete record of contact with the college on this issue.

I would like an explanation of why my FOIA request was deliberately not honored by the College in violation of state law? I would like to renew my FOIA request as stated in the attached letter and hope that this time it will be correctly fulfilled and the law upheld.

Additionally, former President Nichol told me at a lunch that we had in early 2007 that he didn't know about Mr. McGlothlin's pledge withdrawal until late February 2007. In light of the release of the e-mail which clearly shows that former President Nichol knew that this pledge was being withdrawn in December 2006, I would also like to request a copy of Gene Nichol's contract to review.

I would suggest that this intentional and calculated misrepresentation of the truth constitutes failure of duty and gross malfeasance in office which are grounds for his complete termination from the College of William & Mary. It is my understanding that at this time he will be allowed to continue to serve as a professor of law. I cannot believe that a person who would deliberately create such a fabrication in the midst of such turmoil on campus can be an asset in any way to the college.

Please answer these questions at your earliest convenience.

Thank you for your time and consideration. If you have any questions please feel free to contact me at (703) 895-8423.

Sincerely,

Bob Marshall

Delegate Bob Marshall

RGM/ccg