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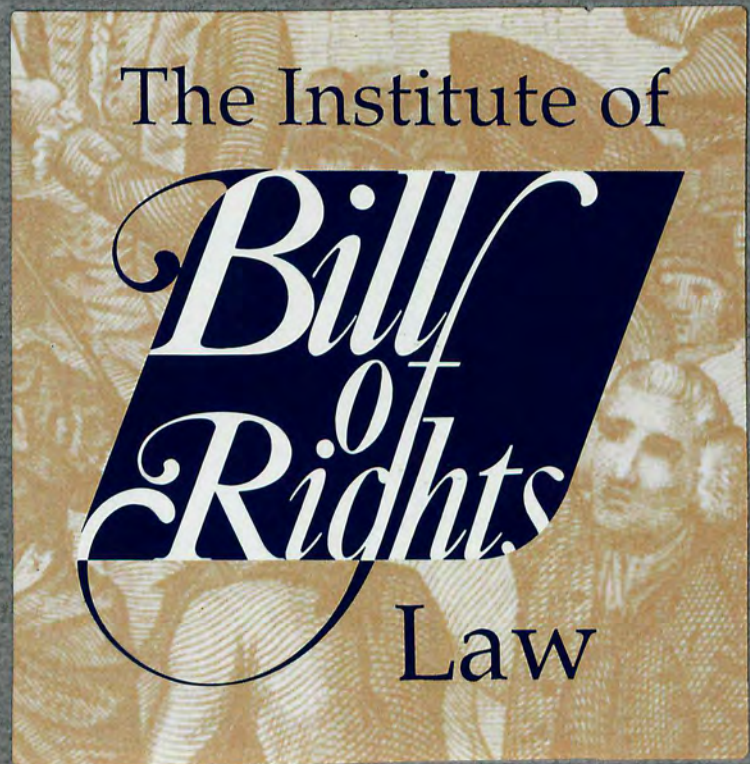
The Institute of Bill of Rights Law

Institute of Bill of Rights Law at the William & Mary Law School

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The Institute of

*Bill
of
Rights*
Law

THE COLLEGE OF
WILLIAM & MARY
WILLIAMSBURG, VIRGINIA

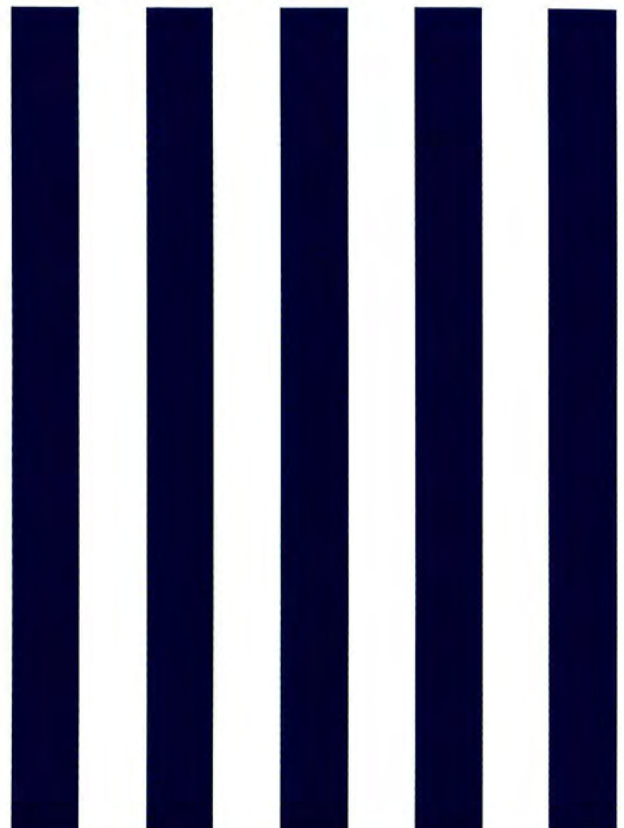
THE MARSHALL-WYTHE
SCHOOL OF LAW

The Institute of

*Bill
of
Rights*

Law

The College of William and Mary
Marshall-Wythe School of Law



FROM THE ADVISORY BOARD CHAIRMAN

I want to introduce to you the Institute of Bill of Rights Law, at the College of William and Mary, Marshall -Wythe School of Law.

Established in 1982, the Institute supports research and education on the Constitution and Bill of Rights. Since its founding, it has sponsored an extraordinarily rich mixture of programs and publications designed to broaden public knowledge, promote scholarly research, enhance the educational experiences, and facilitate creative public policy solutions to conflicts involving the Constitution and Bill of Rights.

As the accompanying financial statement explains, the Institute is jointly supported by private endowment funds and appropriations from the Commonwealth of Virginia to the College of William and Mary. The initial endowment was created in a bequest from the Lee Memorial Trust Fund, in memory of the founders of the Iowa communications company, Lee Enterprises, Inc. That endowment has since been augmented by generous gifts from supporters. The Institute is now actively campaigning for additional endowment support, so that it can remain one of the premiere institutions in America dedicated to study of the constitutional issues that largely define our national experience.

On behalf of all members of the Advisory Board, I invite you to learn more about the programs and publications of the Institute, and to join in the ongoing study of the Constitution and Bill of Rights.

A handwritten signature in dark blue ink, reading "Stewart Bryan". The signature is fluid and cursive, with the first name "Stewart" and last name "Bryan" clearly distinguishable.

—J. Stewart Bryan, III
President, Chairman and Chief
Executive Officer, Media General, Inc.
Chairman of the Advisory Board
of the Institute of Bill of Rights Law



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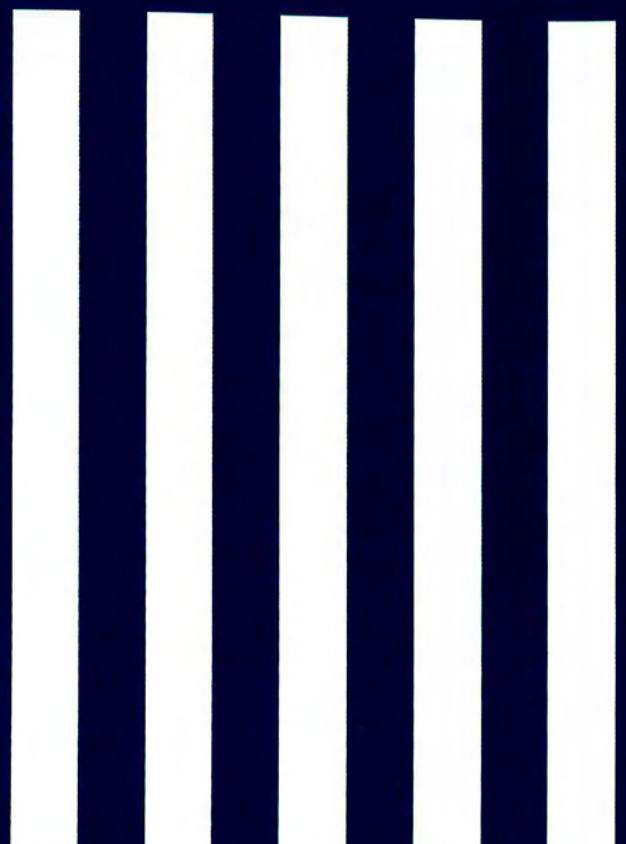
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STAFF

RODNEY A. SMOLLA, Director and Arthur B.
Hanson Professor of Law

KAY P. KINDRED, Deputy Director and Lecturer-
in-Law

MILDRED A. ARTHUR, Administrative Assistant



THE COLLEGE OF WILLIAM AND MARY MARSHALL-WYTHE SCHOOL OF LAW

The Institute of Bill of Rights Law is a teaching, research, and public education unit of the College of William and Mary, Marshall-Wythe School of Law, and is located in the School of Law building on the William and Mary campus.

The Marshall-Wythe School of Law at the College of William and Mary is named for John Marshall, the Chief Justice of the United States most responsible for forging the authority of the Constitution, and George Wythe, who held the first Chair of Law in America at William and Mary from 1779-1790. Wythe's students included John Marshall and Thomas Jefferson.

The Marshall-Wythe School of Law is a uniquely appropriate place for an institution with the mission of the Institute of Bill of Rights Law, for legal education at the College of William and Mary is graced by long historical ties and a fervent ongoing commitment to the ideal of teaching law, in the words of Oliver Wendell Holmes, "in the grand manner," encouraging students to see themselves as "citizen-lawyers", with obligations to public service, the profession, and the processes of democracy.



Rodney A. Smolla, Director



Kay P. Kindred, Deputy Director

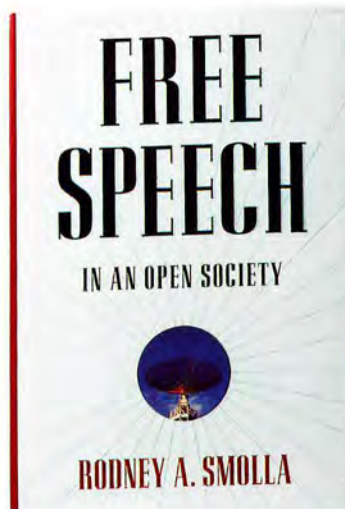


Mildred A. Arthur, Administrative Assistant

RODNEY A. SMOLLA

Rodney A. Smolla is the Director of the Institute and the Arthur B. Hanson Professor of Law at the College of William and Mary, Marshall-Wythe School of Law. The Hanson Professorship is named after Arthur B. ("Tim") Hanson (1916-1989), an attorney dedicated to robust public service and the defense of the rights of freedom of speech and press. Tim Hanson was instrumental, along with former United States Senator and Marshall-Wythe Dean Emeritus, William B. Spong, Jr., in the creation of the Institute of Bill of Rights Law. The Hanson Professorship was established by a gift from the Lee Memorial Trust.

Rod Smolla received his B.A. from Yale in 1975, where he majored in American Studies, and his J.D. from Duke in 1978. He writes and speaks extensively on constitutional law issues, particularly on the First Amendment. His most recent book, *Free Speech in an Open Society*, was published in April 1992 by Alfred A. Knopf. His other books include: *Suing the Press: Libel, the Media, & Power* (Oxford University Press 1986) (which received the ABA Gavel Award Certificate



of Merit in 1987); *Law of Defamation* (Clark, Boardman Callaghan Publishing Co. 1986) (supplemented annually), a legal treatise; *Jerry Falwell v. Larry Flynt: The First Amendment on Trial* (St. Martin's Press 1988; paperback edition by University of Illinois Press); and *Constitutional Law: Structure and Rights in Our Federal System* (co-authored with Professors Daan Braveman and William Banks) (Matthew Bender & Co. 1991), a law school casebook. He is in the process of completing a new First Amendment treatise, *Smolla and Nimmer on Freedom of Speech*, to be published by Matthew Bender & Co.

Professor Smolla is an active participant in legal and civic matters. He was appointed by former Chief Justice Warren Burger in 1989 to the position of Reporter to the Bill of Rights Advisory Committee to the Commission on the Bicentennial of the United States Constitution. He is a Senior Fellow of the Annenberg Washington Program in Communications Policy Studies of Northwestern University, and has been the leader of several major Annenberg Washington

Program projects. He is currently the American Bar Association Delegate to the Uniform Commissioners on State Laws Committee on Drafting a Defamation Act. He is the past Chairman of the Association of American Law Schools Section on Mass Communications Law, and of the Section on Defamation and Privacy. In 1992-93, he is Chair of the AALS Constitutional Law Conference Planning Committee.

KAY P. KINDRED

Kay P. Kindred is the Deputy Director of the Institute of Bill of Rights Law, a Lecturer-in-Law at the College of William and Mary, Marshall-Wythe School of Law, and a member of the adjunct faculty of the College's School of Education.

Kay Kindred received her A.B. in political science and sociology from Duke University in 1977, and her J.D. from Columbia University Law School in 1980. After practicing law in Connecticut, she joined the Office of General Counsel at Old Dominion University, before coming to the Institute of Bill of Rights Law at William and Mary.

Kay Kindred is responsible for the administration of the Institute, and also actively participates in the Institute's substantive programs, and pursues scholarly and teaching duties at the law school where she has taught Education Law and Family Law. Her article "When First Amendment Values and Competition Policy Collide: Resolving the Dilemma of Mixed-Motive Boycotts" appeared in 1992 in the *Arizona Law Review*.

THE INSTITUTE'S DISTINGUISHED LEE VISITING PROFESSORS

The Alfred W. and Mary I. W. Lee Professorship is an endowed visiting chair awarded each year to a person of national stature in academic fields relating to the mission of the Institute. The Lee Professor typically teaches for either a semester or a full academic year at the law school, and participates in the events and scholarly activities of the Institute. The Lee Professors have contributed greatly to the programs of the Institute and to the academic life of the law school, offering fresh perspectives and contributing to the opportunities for development of both students and faculty.

Since the initiation of the professorship, the Distinguished Lee Professors have included: David A. Anderson of the University of Texas Law School, Robert Kamenshine of the Vanderbilt School of Law; Kent Greenawalt of the Columbia University Law School, Yale Kamisar of the University of Michigan Law School, G. Edward White of the University of Virginia Law School, Robert F. Nagel of the University of Colorado Law School, David M. Rabban of the University of Texas Law School, Vincent A. Blasi

of the Columbia University Law School, Stephen Wermiel, former Supreme Court Reporter for the *Wall Street Journal*, biographer of Justice William J. Brennan, and now of the Georgia State University Law School, and John E. Nowak of the University of Illinois College of Law.



Stephen Wermiel, Distinguished Lee Visiting
Professor for 1991-92

THE ANNUAL SUPREME COURT PREVIEW

Each year in late September or early October, the Institute marks the commencement of the new term of the Supreme Court of the United States with its Supreme Court Preview program. This conference, often rebroadcast on C-Span, explores the key cases upcoming on the Supreme Court's docket, and the evolving direction of the Court. The conference participants are primarily the journalists for major American news organizations who cover the Court on a daily basis. These journalists combine with law professors and lawyers who follow the business of the Court in lively panel sessions that explore the legal issues, political implications, and personalities that comprise the Court's work.

The Supreme Court Preview program is attended each year by journalists, editorial writers, academics, and students from throughout the country. It is among the most highly visible activities of the Institute, and has gained an impressive national reputation for its quality.



Linda Greenhouse of *The New York Times*
and David Savage of the *Los Angeles Times*

The Supreme Court Preview program attracts journalists and academics from throughout the country.



(from left): Tony Mauro of the Gannett News Service, *USA Today* and the *Legal Times*, Neal Devins of the College of William and Mary, and Walter Dellinger of Duke University

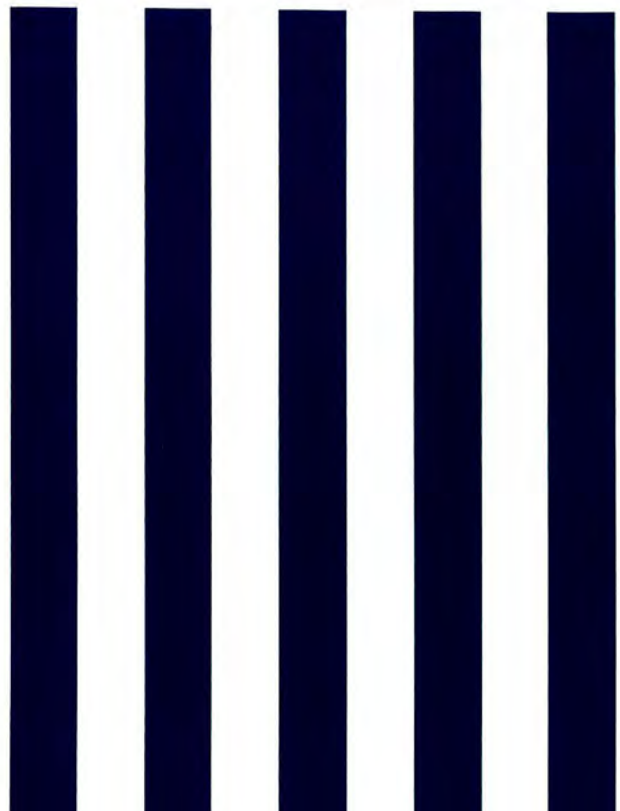


(from left): Linda Greenhouse of *The New York Times*, David Savage of the *Los Angeles Times*, Aaron Epstein of Knight-Ridder Newspapers, Lyle Denniston of the *Baltimore Sun*, Tony Mauro of the Gannett News Service, *USA Today* and the *Legal Times*, Neal Devins of the College of William and Mary, Walter Dellinger of Duke University, and William Banks of Syracuse University.

THE DUKE UNIVERSITY PRESS SERIES

The Institute of Bill of Rights Law, in collaboration with Duke University Press, has established a book series as a publication outlet for the scholarship generated by the Institute's programs and activities. The series will include books written by individual authors, as well as edited collections. The Series Editors are Professor Neal E. Devins of the Marshall-Wythe School of Law, and Rodney A. Smolla, Director of the Institute of Bill of Rights Law.

The first books scheduled for the series include a collection on the United States Supreme Court, edited by Rod Smolla, and a collection on the future of civil rights and equality issues in America, edited by Neal Devins.



THE WILLIAM & MARY BILL OF RIGHTS JOURNAL

The *William & Mary Bill of Rights Journal* is published twice each year. The *Bill of Rights Journal* is jointly sponsored by the Institute of Bill of Rights Law and the Publication Council of the College of William and Mary.

The *Bill of Rights Journal* is edited by students of the Marshall-Wythe School of Law, and contains both professional and student articles. Membership is open to all interested students of the Marshall-Wythe School of Law. The *Bill of Rights Journal* often features articles or essays produced in conjunction with programs offered by the Institute. The *Bill of Rights Journal* strongly encourages the submission of scholarly contributions for possible publication.

Correspondence relating to submission of articles for publication in the *Bill of Rights Journal*, or relating to subscriptions, should be addressed to: Managing Editor, William & Mary Bill of Rights Journal, Marshall-Wythe School of Law, College of William and Mary, P.O. Box 8795, Williamsburg, Virginia 23187-8795.



THE ANNUAL WILLIAM AND MARY LAW REVIEW

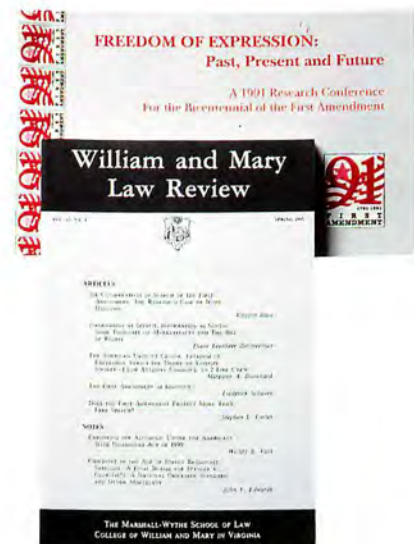
Each year the Institute of Bill of Rights Law sponsors one major academic symposium published as a symposium issue of the *William and Mary Law Review*.

Begun in 1983, the annual symposia have addressed a variety of topics, including:

“Defamation and the First Amendment: New Perspectives” (1984); National Security and the First Amendment” (1985); “Religion and the State” (1986); “1787: The Constitution in Perspective” (1987); “The American Tradition of Shared and Separated Powers” (1988); “Bicentennial Perspectives” (1989); “Freedom of Speech and the Problem of Racial, Sexual, and Religious Harassment” (1990); “Freedom of Expression: Past, Present and Future” (1991); “Drug Testing in the Workplace” (1992); and “Defining Equality: The Future of Civil Rights in America” (1992). The 1993 Symposium will focus on issues relating to criminal law and procedure. The 1994 symposium will mark the 40th anniversary of Brown v. Board of Education.

Since its inception, the annual Institute of Bill of Rights Law symposium has attracted

contributions from scores of the nation’s leading scholars on constitutional law and history, and has established itself as one of the most significant academic forums for publication of scholarship on the Constitution and Bill of Rights.



THE STUDENT DIVISION AND ANNUAL STUDENT SYMPOSIUM

The Student Division of the Institute of Bill of Rights Law is an integral part of the Institute's mission, and has become an important component of student life at the Marshall-Wythe School of Law. The Student Division is designed to provide law students with the opportunity to participate in activities relating to the Constitution and Bill of Rights. Each year, the Student Division organizes and conducts an academic conference in which both students and professionals participate. Conference topics have included "Bio-Ethics and the Law;" "The Second Amendment: The Right to Bear Arms," and "The War on Drugs and Its Constitutional Implications."

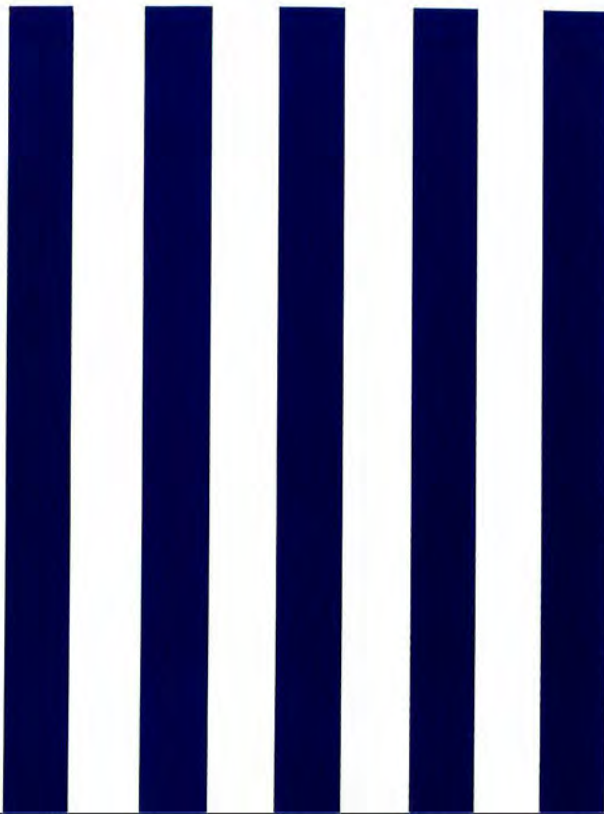


Each year members of the Student Division organize and participate in a major academic conference. Above, Joan Quigley, Class of '91, a founding member of the Student Division, talks about constitutional issues and the War on Drugs.

THE CARTER O. LOWANCE FELLOWSHIP

The Carter O. Lowance Fellowship was established in 1989 by friends of the late Carter Lowance as a tribute to his great public service to the people of Virginia. It is awarded each year to a prominent citizen who has demonstrated a commitment to public service in his or her career.

The Lowance Fellow stays in residence at the Law School over the course of several days to deliver lectures, meet informally with students and participate generally in the life of the Law School and the College. The first Lowance Fellowship was awarded to Supreme Court Chief Justice William Rehnquist in October 1990. The 1991 Carter O. Lowance Fellow was former United States Supreme Court Justice Lewis F. Powell. The 1992-93 Fellow is the distinguished journalist, Roger Mudd.





(from left): Chief Justice
of the United States,
William Rehnquist, the 1990
Carter O. Lowance fellow,
with Timothy J. Sullivan,
President of the College
of William and Mary and
Dean Emeritus of the
Marshall-Wythe
School of Law.



United States Supreme Court Justice (retired)
Lewis F. Powell, the Carter O. Lowance
fellow for 1991

THE TASK FORCE SERIES

As a part of its on-going effort to play an active role in resolving public policy issues, the Institute sponsors a public policy task force series. The first was a “Task Force on the Drug-Free Work Place”. Composed of individuals from diverse backgrounds with varying points of view, including leaders of industry, lawyers and law professors, public officials, medical and health experts, and a member of the judiciary, it produced a model statute regulating the rights and responsibilities of workers and employers in the controversial area of drug-testing. The chairman of the task force was Paul Marcus, R. Hugh and Nollie Haynes Professor of Law, College of William and Mary.

A second task force, “Winds of Change,” focuses on international human rights and the evolution of democracy. Supported by a grant from the Henry M. Jackson Foundation, the work of the task force will culminate in a symposium issue of the *Bill of Rights Journal* and a book on comparative constitutional reform.



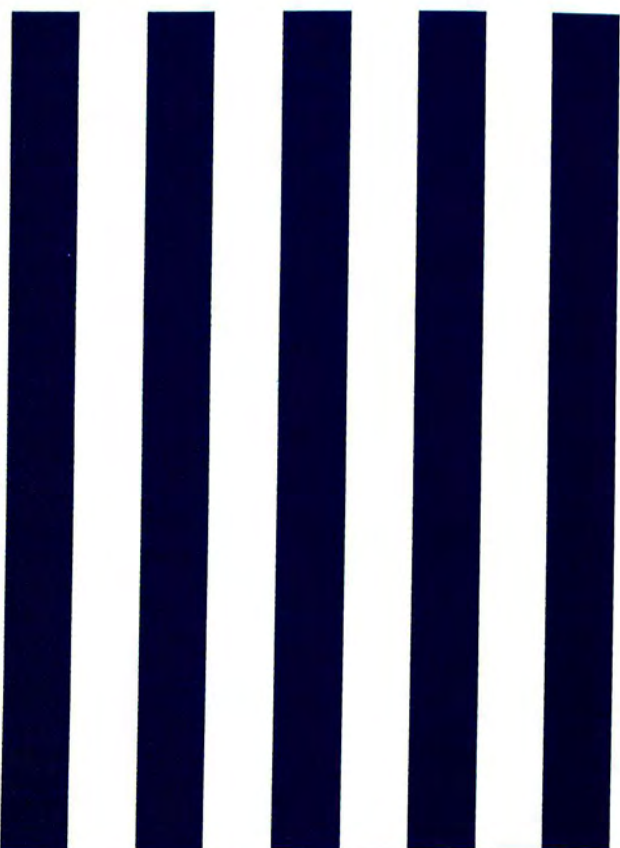
ADDITIONAL ACTIVITIES

In addition to the regular cycle of activities undertaken by the Institute each year, the Institute also conducts a number of special events and programs, often in connection with other organizations.

In October of 1991, for example, to mark the two hundredth anniversary of the Bill of Rights, the Institute hosted the Bill of Rights Bicentennial Conference of the Judicial Conference of the United States. This three-day event, attended by over 350 federal judges, was the largest gathering of federal judges in American history, and featured over 90 scholars, lawyers, and jurists from around the world as speakers and panelists.



(from left): The Honorable Frank X. Altamari of the United States Court of Appeals for the Second Circuit, the Honorable Damon J. Keith of the United States Court of Appeals for the Sixth Circuit and the Honorable Adrian G. Duplantier of the United States District Court for the Eastern District of Louisiana present a plaque commemorating the 200th anniversary of the Bill of Rights to the Marshall-Wythe School of Law on behalf of the Judicial Conference of the United States Committee on the Bicentennial of the Constitution.



GIFT OPPORTUNITIES FOR THE
INSTITUTE OF BILL OF RIGHTS LAW

GIFT OPPORTUNITIES FOR THE INSTITUTE OF BILL OF RIGHTS LAW

Both current operations and endowment funds are needed to maintain the quality and increase the breadth of Institute activities. Recognition of endowed gifts for any of the following opportunities may include a named endowment fund (minimum of \$25,000).

For Permanent Endowment:
Student Support

IBRL Student Division.....From \$50,000

The activities of the Institute's Student Division enrich the educational experience of Marshall-Wythe Students and serve to promote the ideal of the lawyer as a thoughtful citizen contributing to the resolution of social and political problems.

For Permanent Endowment:
Faculty Support

Endowments are needed for the creation of new faculty positions, visiting professorships and enhancements to existing positions. Income from these endowments may qualify for matching funds available under the Commonwealth of Virginia's Eminent Scholars Program. Named faculty endowments may be established at the following levels:

Director of the Institute.....From \$1,500,000

This named endowment will be reserved for the Director of the Institute, providing salary, benefits and discretionary funds befitting the position.

Distinguished Chairs.....From \$1,250,000

These endowments enable the creation of new faculty positions of national and international distinction, with accompanying support for teaching and research.

Professorships.....From \$750,000

These endowments enable the creation of new faculty positions in key areas of the Institute's program emphases.

Visiting Professorships, Scholars-in-Residence....From \$750,000
.....Partial from \$250,000

Visiting Scholars and practitioners in various areas of academic inquiry complement existing, permanent faculty and curricular offerings.

For Permanent Endowment:
Program Enrichment

Endowment Task Force Series.....From \$1,250,000

This endowment would enable the Institute to assemble groups of professionals, experts in their fields, to explore creative solutions to contemporary problems in law and policy and foster reform.

Annual Symposium.....From \$500,000

The annual symposium brings together

scholars of various disciplines, practicing lawyers and journalists. It serves a broad public education function and contributes to the national reputation of the Marshall-Wythe School of Law.

Annual Supreme Court Preview.....From \$300,000

Endowment funds are needed to ensure continued success of this annual project which has a reputation for quality among journalists of national stature. Through a review of key cases on the Supreme Court's docket at the start of each term, this project provides in-depth education for journalists on the constitutional issues involved and, enhances the effectiveness of press coverage of the decisions.

Faculty Research and Curriculum development.....from \$25,000

Institute faculty are actively engaged in scholarly pursuits and to support these efforts endowment is sought for faculty fellowships and curriculum grants for sabbaticals and research-related activities.

For Permanent Endowment:

Unrestricted

Institute of Bill of Rights Law.....From \$5,000,000

The Institute seeks unrestricted endowment to provide utmost flexibility in carrying out its academic mission. The Institute may be named in recognition of an unrestricted commitment designed for the Institute but unrestricted therein.

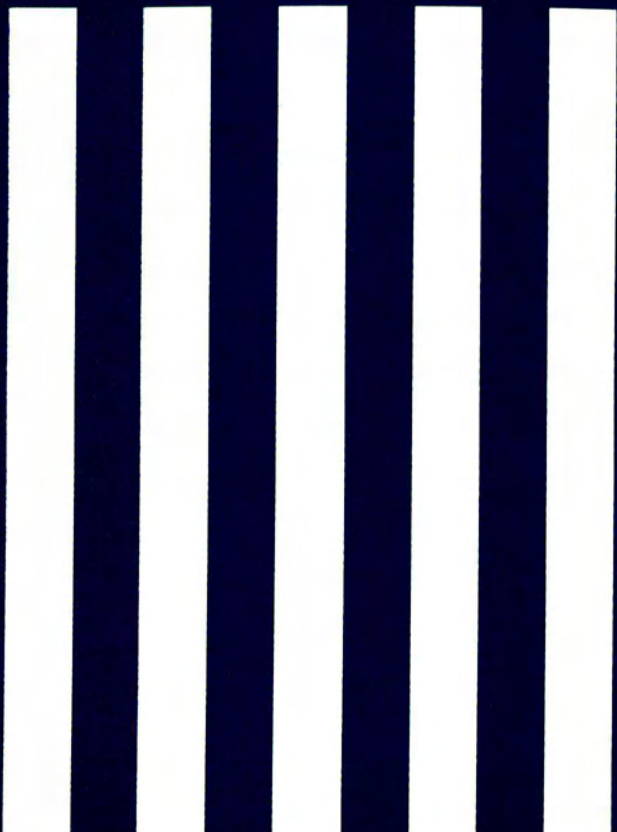
For Current Operations

The cost of operations will continue to grow as the Institute's existing programs expand and its new initiatives take shape. Expendable funds, whether restricted for certain Institute activities or unrestricted, are necessary to supplement state appropriations and income from a modest endowment. Private gifts, of any amount, to meet operational needs are welcome and appreciated.

GIFTS MAY BE IN THE FORM OF CASH, SECURITIES, REAL OR TANGIBLE PERSONAL PROPERTY. DONORS ARE ENCOURAGED TO CONSIDER OUTRIGHT GIFTS, A PLEDGE OVER A CONVENIENT PERIOD OF YEARS, OR AN APPROPRIATE TESTAMENTARY PLAN SUCH AS A TRUST OR BEQUEST PROVISION.

ALL GIFTS TO THE MARSHALL-WYTHE SCHOOL OF LAW ARE TAX DEDUCTIBLE AS PROVIDED BY LAW. INTERESTED DONORS ARE ENCOURAGED TO CONSULT THEIR PERSONAL FINANCIAL ADVISORS WHILE CONTEMPLATING A GIFT.

FOR ADDITIONAL INFORMATION ABOUT THE FORM OF A GIFT, PLEASE CONTACT: **RICHARD D. T. OVERY, ASSOCIATE DEAN FOR DEVELOPMENT, MARSHALL-WYTHE SCHOOL OF LAW, THE COLLEGE OF WILLIAM AND MARY, WILLIAMSBURG, VIRGINIA 23185, TELEPHONE: (804) 221-3796.**

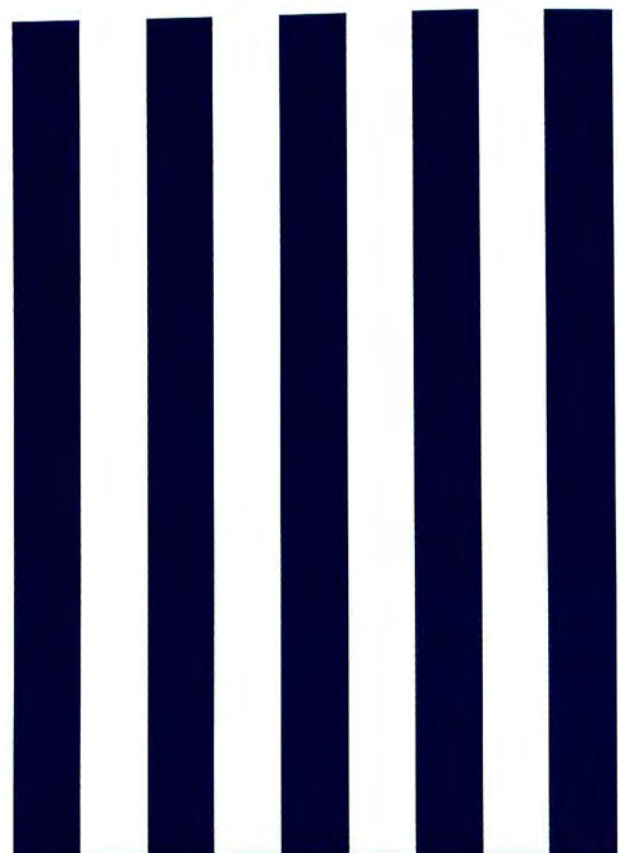


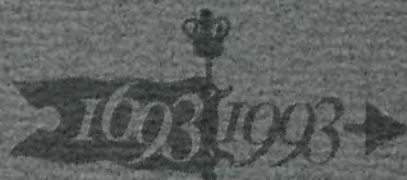
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WILLIAM & MARY

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