

2002

The Amicus Curiae (Vol. 12, Issue 7)

Repository Citation

"The Amicus Curiae (Vol. 12, Issue 7)" (2002). *Student Newspaper (Amicus, Advocate...)*. 126.
<https://scholarship.law.wm.edu/newspapers/126>

The Amicus Curiae

VOLUME XII, ISSUE TWO

TUESDAY, FEBRUARY 12, 2002

WILLIAM & MARY SCHOOL OF LAW

Professor McConnell Delivers Cutler

By Rebecca Goodgame Ebinger

Professor Michael McConnell delivered the annual Cutler Lecture on Thursday, January 31, and spent the day at the law school, having both breakfast and lunch with students.

The Cutler Lecture series was established to provide for an annual lecture by "an outstanding authority on the Constitution of the United States." Professor McConnell is such an "outstanding authority" as a preeminent scholar on the Establishment Clause of the Constitution. He is currently on the faculty at the University of Utah College of Law and is awaiting Senate confirmation following his nomination to the Tenth Circuit Court of Appeals by President Bush.

Professor McConnell's lecture, "Establishment and Disestablishment at the Time of the Founding," focused on the history and circumstances around established religion before and during the Colonial period.

Professor McConnell's motivation for the lecture stemmed from a dearth of historically grounded Establishment Clause arguments in modern Supreme Court cases addressing issues of church and state. Professor McConnell noted that "establishment of religion" was a familiar phrase at the time of the founding and advocated an exploration of the meaning during Colonial times for insight into the application and relevance of the clause today.

Professor John Duffy stated, "In law school, I took Professor McConnell's course in the Religion Clauses of the First Amendment, and the last lecture he gave in that course was one of the most ambitious and creative that I have ever attended. This year's Cutler lecture reminded me of that class; both showed the work of a truly brilliant and thoughtful academic." Approximately 100 members of William and Mary community attended the lecture, originally scheduled for Room 127, but moved to Room 120 because of the demand for seats.

Some students also took advantage of the opportunity to meet for breakfast or lunch with Professor McConnell. These gatherings in the Dean's Conference Room were more informal and covered a wide variety of topics.

Michael Gentry, a first year student, attended the breakfast and commented, "Professor McConnell talked somewhat about his area of expertise, religion and the First Amendment, but he also addressed broader issues and touched on a number of cases that we have covered thus far in constitutional law. It was an interesting discussion."

Professor McConnell's Cutler Lecture will be published in an upcoming issue of the *William and Mary Law Review*.

BLSA Law Day

By Katie Riley

On Saturday, January 19, 23 people (college students, individuals out of college, and even a high school student) visited Marshall-Wythe for the Black Law Students Association's Law Day. This was the fourteenth year of BLSA's Law Day, a fact which demonstrates BLSA's longstanding presence at Marshall-Wythe.

BLSA's theme this year is "Preserving Our Past--Securing Our Future," and in a letter of introduction to the Law Day attendees, BLSA President Jason Everett (2L) describes BLSA's goals for the year: "(1) increase interaction among faculty, law students and BLSA members; (2) strengthen the relationship between current BLSA members and African-American alumni; (3) work to increase the number of minority students that attend the Law school; (4) emphasize community service projects that give back to the community."

BLSA's Law Day goes to the third goal, working to increase the number of minority students attending law schools. Although the day's events did emphasize the qualities of Marshall-Wythe, BLSA members fielded questions about law school generally, both about applying the law school and surviving law school once there. The morning began with welcoming remarks by Lacrechia Cade (3L) who is the National Recording Secretary of the National BLSA, Dean Revelry, and Assistant Dean of Admissions Bennie Rogers. The attendees were next given an introduction to the LSAT by a Kaplan representative. (One free Kaplan course was raffled off at the end of the day.) Third, the attendees heard from Marshall-Wythe alum Viveon Kelly, currently an attorney at Troutman Sanders Mays Valentine in Richmond. She described her experience at William & Mary, saying she "met her match in law school," but was positive about her experience at Marshall-Wythe overall. She also introduced the attendees to African-American

Inside the Amicus

Letter to SBA President.....	p2	Prof. Alces Interview.....	p7
News from the 5th Dimension.....	p3	Prof. Lee Interview.....	p9
Three Babies and a Wedding.....	p4	Terrorism Response.....	p11
Valentine's Day Thoughts.....	p6	Client B Top Ten.....	p12

Virginian law legend Oliver Hill, describing the idealism of his work. After a luncheon at Sal's Restaurant and tours of the law school, the attendees watched a moot court demonstration by Bushrod winner and runner-up Carl "Zeke" Ross and Jason Everett. Professor Dickerson taught a mock civil procedure class. The attendees had been given reading material on the Maplethorpe obscenity case before the class and were asked questions regarding jury selection issues for such a case. The attendees then learned more about admissions and financial aid from Deans Shealy and Rogers. The day ended with a Q&A session with current students and BLSA members. The student panelists further offered to remain available to answer any future questions through e-mail.

This year's Law Day was chaired by Cheran Cordell (2L) and co-chaired by Lacrechia Cade (3L). In organizing the event, notices were sent to colleges, pre-law advisors, and black student associations throughout Virginia, Maryland, and the D.C. area. The attendees came from throughout those three areas.

Hess Named Drapers' Scholar

By Katie Riley

Upon graduation, after taking both the Pennsylvania and New Jersey bars, third year James Hess will be moving to London for a year of study at Queen Mary College of the University of London. Both his tuition and board will be paid for by the Drapers' Scholarship. Although officially a student of Queen Mary College, James will also be able to take classes at four other University of London schools: King's College, the London School of Economics and Political Science, University College, and the School of Oriental and African Studies. He hasn't decided what will be the subject of his LLM, but assumes that it will be some aspect of international law.

The Drapers' Company of London is

over 600 years old and historically was a guild for the woollen cloth trade. Today, it manages various charitable trusts, with one project being the funding of two law graduates, one from the University of London and one from Marshall-Wythe, to exchange places and get LL.M.s abroad. The scholarship pays full tuition, transportation, and a living stipend. Although there is no graduate housing for James to live in at the school, most William & Mary Drapers' Scholars end up living at a private dorm that caters to international students. (James is still waiting to hear if there's room for him.)

The Drapers' Scholar is chosen by the administration without any interviews. James merely had to submit a resume and a three page letter describing why he wanted to be chosen. For James, he wanted to be chosen because he really enjoyed a six week summer program in London he attended as an undergraduate at James Madison University. (In contrast, the Drapers' Scholar from England, Iria Giuffrida, explained that their application process is a little more demanding. After submitting an application and resume, professors are asked to give comments on the candidates. The pool is then narrowed to three people for interviews before the final selection.) Although James doesn't know who he was up against, he does know that competition was tough. (Iria guesses that she was up against approximately fifty students.)

Iria Giuffrida is the Drapers' Scholar from London studying at William & Mary this year. Originally from Italy, she attended the University of London to study law with the hope of finding an opportunity to study abroad. She found just such an opportunity with the Drapers' Scholarship. Iria has really enjoyed her time here at William & Mary, making lots of friends (a necessity for running errands since she doesn't have a car and lives in the Gradplex). Besides learning American law, she has enjoyed learning about American culture. Iria plans to continue living in the United States after her year at William & Mary, and will be taking the New York bar. If you are interested in meeting Iria and learning

See DRAPER, page 9

Staff Writer Published

Amicus staff writer Sue Henshon signed a contract on December 21 for the publication of *FOREVER AND A DAY: A POETIC VISION*, with Royal Fireworks Press. The book includes two essays originally published in Amicus in fall of 2001. She also has three other manuscripts accepted for publication, pending revisions. Prior to coming to William & Mary, she earned a B.A. at Wesleyan University, was a Visiting Student at St. Catherine's College, Oxford University, and received an M.A. from The University of Chicago in 1999. On January 19 she coordinated Focusing on the Future: A Career Awareness Conference for Students in grades 6 to 12 and Their Parents; the community outreach program offered almost 40 different informational sessions to the 450 people attending. Since 1986 she has helped her parents coach a Special Olympics swimming team in Massachusetts, and since coming to William & Mary she has volunteered at the Saturday Enrichment Program for gifted children. According to Sue, "Coming to William & Mary was the best decision of my life. I've benefitted tremendously from all the wonderful people I've met - students, professors, staff, and Williamsburg residents. I could not have found a more wonderful, supportive place to be, as both a scholar and as an artist. It's truly a privilege being part of this community."



EEOC Commissioner Paul Miller Visits

By Adrienne Griffin

The Institute of Bill of Rights Law sponsored a visit to the law school by Paul Steven Miller, a Commissioner of the U.S. Equal Employment Opportunity Commission, or EEOC. The EEOC was founded in by Congress in 1965 as an agent to enforce the Civil Rights Act of 1964. Throughout its history, the Commission has worked to eliminate illegal discrimination in the workplace and has fought to win recompense for those who have suffered the consequences of such discrimination. Mr. Miller was nominated by President Bill Clinton in

1994 and is currently serving in his third term as a Commissioner. His specialty is in the field of employment discrimination against people with disabilities. In addition to his work with the EEOC, Mr. Miller is currently a member of the Presidential Task Force on the Employment of Adults with Disabilities, whose purpose is to formulate a uniform national policy to increase the employment rate of adults with disabilities. He came to the Marshall-Wythe on January 29 and met with students for breakfast and lunch discussion groups in the Dean's Conference Room.

During the breakfast discussion group, Commissioner Miller focused on the current state of litigation under the Americans with Disabilities Act of 1990 (ADA). He briefly explained the process of filing a claim against an employer through the EEOC. He then revealed that a great deal of litigation occurs over whether or not the individual charging discrimination may be properly classified as disabled. The ADA requires that the person have "a physical or mental impairment that substantially limits one or more of the major life activities," which activities Commissioner Miller said included things like walking, breathing, seeing, hearing or speaking. However, the Act further requires that the individual establish the existence of such a disability in order to have standing to sue. Unless that threshold is met, the court will never hear the merits of the discrimination claim. Mr. Miller stressed that other groups do not have to meet this kind of standing threshold and instead are allowed to self-certify that they are members of a protected class. In recent history, according to Mr. Miller, courts have been very willing to classify as protected those individuals with overt physical limitations, such as golfer Casey Martin. These disabilities fit with the public's traditional notions of severely limiting and debilitating conditions. However, Mr. Miller fears that courts adopt a too-narrow definition of "disability" when they deny protected status to individuals with less visually obvious limitations, such as high blood pressure.

Commissioner Miller acknowledged that the certification issue is difficult to resolve and students articulated some of the reasons weighing against self-definition after the breakfast. Gary Abbott acknowledged that there is disparity in allowing some groups to self-certify while not allowing others. However, he said, "I think there needs to be some way to weed out those who would claim a disability that is not grossly evident. Putting the burden on the person requesting protection seems to be the most efficient method." Peter Allen expressed the "slippery slope" concern when he commented, "I find myself wondering: if high blood pressure, diabetes, or other very common genetic ailments may be considered disabilities, why not intelligence?" Mr. Miller did address the fear of overburdening employers when he pointed out that the disabled individual must fulfill job requirements such as skill, education or experience, to have a claim. For example, an airline would likely not be required to employ a pilot who is legally

Tuesday, February 12, 2002 THE AMICUS blind. Additionally, under the ADA, employers are only required to make reasonable accommodations that do not place an undue hardship on their business.

Commissioner Miller ended his breakfast talk by highlighting a recent development causing concern at the EEOC: the increase in situations where employers have made mandatory arbitration of employment disputes a condition of employment. However, he did note with some hopefulness that with the recent Supreme Court ruling in *EEOC v. Waffle House* that although employees who have consented to arbitration may not sue their employer directly, the EEOC may do so on behalf of the employee and win monetary damages for that individual. Commissioner Miller then reminded those at the breakfast that twenty-two of the seventy-five cases before the Supreme Court this term concern some type of employment claim. William & Mary Law School was indeed fortunate to have an expert in this important field take time to visit with students and faculty.

J'Accuse!

By Carly Van Orman

President Malveaux, do you remember sitting in the SBA office last Friday when Sarah Toraason approached you about our graduation speaker? Do you remember how she said that as much as our class likes and admires Professor Marcus, many students have voiced their preference for a speaker from outside the law school? Do you remember that she suggested we ask Virginia Supreme Court Justice Elizabeth Lacy, a jurist with ties to William & Mary (and a welcome respite from the usual parade of male voices at our graduation exercises)? And do you remember as well as I do that you listened to Sarah and encouraged her to create a petition? Then why, less than one week later, did you send an e-mail to our entire class, stating that Prof. Marcus would be our graduation speaker and that we should "thank and congratulate him when [we] see him." Why would you speak to Professor Marcus or publicize his selection without determining the status of the petition? Did you forget your conversation with Sarah? Or, as I fear, did you act to make any petition more difficult.

Courtney, I apologize for placing this in a public forum rather than speaking to you privately (and Sarah, I apologize for the publicity), but I think that this issue affects us all. You've stated a love for politics. Well what about politics do you enjoy? Is it acting like a politician or acting as a representative? If you truly seek to represent the interests of your class, you should pay more attention to their expressed wishes. I'm not sure what might be done at this point, but I believe you owe at least an explanation and perhaps an apology.

THE AMICUS CURIAE

William & Mary School of Law

P. O. Box 8795 Williamsburg, Virginia 23187 (757) 221-3582

"Dedicated to the complete and objective reporting of student news and opinion"

Editor: Katie Riley
Managing Editor: Sarah Kinsman
Features Editor: Brooke Heilborn
Calendar/Copy Editor: Deborah Siegel
Business Editor: Brian Miller
Technology Editor: Eric Nakano
Layout Editor: Michael R. Thompson

Writers:
Gary Abbott Adrienne Griffin Jim Parrett
Dennis Callahan Suzanna Henshon Tim Peltier
Andrea D'Ambra Tim Kollas Char Rieck
Rebecca Ebinger Douglas Levy Seth Rundle
Jeremy Eglen George McAllister Paul Rush
Tim Emry Dale Mobley Edith Sanders
Peter Flanigan Todd Muldrew Melissa Winn

Editorial Policy

The letters and opinion pages of *The Amicus* are dedicated to all student opinion regardless of form or content. *The Amicus* reserves the right to edit for spelling and grammar, but not content.

Letters to the Editor may not necessarily reflect the opinion of the newspaper or its staff. All letters to the Editor should be submitted by 5 p.m. on the Thursday prior to publication. *The Amicus* will not print a letter without confirmation of the author's name. We may, however, withhold the name on request. Letters over 500 words may be returned to the writer with a request that the letter be edited for the sake of space.

News from The 5th Dimension:
Reporting on Things that might have been....

Wizards Consider 2L Matt Gernstein as Part of New Winning Initiative

By Andrea D'Ambra

WASHINGTON, D.C. In a move that surprised many basketball insiders, the Washington Wizards announced today they are considering William & Mary law student Matthew Gernstein in the upcoming draft. "We aren't sure yet whether we're going to have to make some draft pick trades, but Matt certainly has some qualities we're looking for on the Wizards," said Coach Collins at this morning's press conference held outside his home in McLean.

When asked what those qualities were, Coach Collins cited Gernstein's neurotic organizational tendencies and his "unique" size. "Obviously we're in the strategizing phase at this point. But we think he'd do well in the *small* forward position," Collins said.



Current small forward Tyrone Nesby was defensive about the plan. "I don't know who this Gernstein guy is, but he can't just walk in here and expect to play right away!" said Nesby. "Coach Collins thinks he's so great, but I think he's taking this 'shake up' thing a little too far. I've heard Gernstein is short...and I mean really short."

Coach Collins dismissed player misgivings stating, "We've all got to start thinking outside the box. Gernstein's size is going to be a *huge* advantage on the court. We think he'll be able to duck under other player's arms and perhaps even between their legs to get the ball down court."



Co-owner and recently returned player Michael Jordan was similarly confident in Gernstein's potential: "I looked at his re-

sume, and he really seems to have the skills this team needs to win. Most importantly, he owns a rabbit!!! And after *Space Jam* that's all I need to know. I just hope this new found fame doesn't go to his head. Though, I did hear that he and Shaq are considering a Kazaam II. I just hope they don't pitch it to the moron who green-lighted Glitter!"



Other players remain skeptical. "We will see how well he plays," said center Brendan Haywood. "Then the team will make its determination."



One Washington Wizards dance team member expressed no such reservations. "We've only seen his head shot, but he looks really cute. If he doesn't have a girlfriend I'm hoping he'll ask me out."

Mr. Gernstein is currently his second year at William & Mary. When asked why he chose to apply to the Wizards instead of choosing the usual law related employment, he smiled and replied, "Well, I originally applied to be a legal intern for the Wizards, but hey, this has the added benefit of putting me on a track to the Playboy mansion, so I'm all for it."



New Editorial Board for W & M Law Review

Editor-in-Chief
Holland M. Tahvonen

Managing Editor
Robin E. Perrin

Executive Editor
Brian S. Kelly

Senior Articles Editor
Paul A. Dame

Senior Notes Editor
Ann M. Mason

Articles Editors
Dennis J. Callahan, Amy J. McMaster, Richard A. Zimmer

Associate Articles Editors
David G. Browne, Alicia B. Kelly, Carl E. Ross,
Ragan L. Willis

Notes Editors
Paul A. Ainsworth, Darren M. Creasy,
Curtis S. Miller, Benjamin R. Orye III



William & Mary School of Law
Journal of Women and the Law
Presents its annual symposium

*Lost in the System: Female Juvenile
Delinquency in the 21st Century*

Friday
February 15, 2002
1 p.m. - 5 p.m.
W&M School of Law
McGlothlin Courtroom

Topics will include:

Domestic Trafficking of Girls Across State Lines

Reactions to the ABA-NBA Report on Female Juvenile
Delinquency

The Rise of Female Juvenile Delinquency in the Late 20th Century



Three Babies and a Wedding



left:

Lilian "Lily" Marie Black, daughter of Jim (3L) and Michelle Black
born 1/9/02, 3:03 p.m.
7 lbs. 3 oz., 19.5 inches long

bottom left:

Vanessa Isabella Serafine, daughter of Dawn (3L) and Domenick Serafine
born 1/10/02, 4:51 p.m.
7 lbs., 19 inches long



The *Amicus* would like to hear about your personal accomplishments. Please e-mail photos and announcements to Katie Riley (kbrile@wm.edu) or drop them in the Amicus hanging folder.

below:

Abigail Grace Dry, daughter of Mike (3L) and Christie Dry
born 11/29/01, 6:30 p.m.
6 lbs., 9 oz., 19.5 inches



Kelly Kosek (3L) married Jason Wheat on 12/29/01 in Washington, PA. Left is a photo of the couple. Above is a photo of them and all their law school friends. Back row: Brook Rolka, Gen Yasaki, Mike Zogby, Liz Speck, Lou Campbell, Jason Wheat, Karen Mooney, Matt Bingham, Erin O'Callaghan, Steve Jack. Front row: Julie Harmon (bridesmaid), Jamie Desciak (bridesmaid), Kelly Kosek, Sandy Mastro (bridesmaid), and Adina Dzuik. The bread Kelly is holding was a present from Lou Campbell along with five toasters.

KeyCite® on Westlaw®:

Tells you instantly
whether your case is still good law.



Westlaw

WHERE AMERICA FINDS THE LAW.



A THOMSON COMPANY

Odi et Amo

By Jeremy Eglén

I think people's feelings about Valentine's Day can be summed in one of three ways: I hate it, I love it, or I don't really care. Admittedly, people's opinions on almost everything could be placed in one of those categories, but work with me here. You might hate Valentine's Day because it is grossly commercialized, because you were injured as a child by a flying baby with a bow, or just because you're bitter. Probably just because you're bitter, but options must come in threes. You might love Valentine's Day because you have fond memories of a special event on that day, because you hope for new or renewed love, or because you're still in Junior High. Finally, you don't really care because, well, who cares about reasons?

I have been in all three of those categories, though presently I don't care at all. Perhaps it has something to do with the fact that there are NO SINGLE WOMEN in the law school. (I have been told that the same problem exists with single men, but this is my one-sided column, and I'll write my one-sided view.) Here's a game my roommate invented: go up to any random girl in the law school and ask her how her boyfriend is doing or what she did with her boyfriend over break or something along those lines. For fun and profit, bet someone beforehand that she has a boyfriend. I played this game at the first bar review this semester, and I ended the night with a perfect record. It seems that relationships that begin law school are maintained, unlike college, so to be honest, I don't bother even playing much anymore, but I suggest you try it for yourself.

Since the school has been so accommodating in inflating the grade curve, I would like to request the addition of a few new questions to the admissions application. The first would be: Are you a single female? The second: Do you enjoy the company of nonthreatening computer nerds? (By the way, if you answered yes to these questions, my email address is jieglén@alum.dartmouth.org) Then, just to be sure, there should be a picture here, but not my picture. The picture which the school has of me looks like I had a stroke triggered by the flash going off. I have requested of my SBA rep that it be taken down, but sadly to no avail. So, let's put his picture in this slot on the admissions application. Now, you may say, "Jeremy, you and George Booker don't look much alike." I would agree with that. However, George's picture is much better than mine: he's smiling and he appears to retain use of the right side of his body.

Until the school is persuaded to add my questions, I am left to explore more practical avenues. My roommates suggest the undergraduates, though a couple of my female friends have advised against this. I have no real excuse to meet undergrads, or even other graduate students, and I'm not really a predator, no matter how hard I try. I have noticed that Wawa attracts stu-

dents, but it's always the first line that's the hardest when you have nothing natural to talk about. I do have two cute Shetland Sheepdogs that I walk across the main campus, and they have afforded me a few minor opportunities to meet new people. The dogs are not interested in meeting people, though. When we're out, they want to catch squirrels, or at least to bark at them. It's hard to be smooth or even polite when someone comes up to you and all of a sudden your two dogs tear off at a tree rodent, knocking you off your feet, or at least tying you up in a set of leashes. I've talked to them a few times about their public behavior, but they don't seem to understand. "We have a big fenced in yard, and you can chase squirrels all day," I tell them. And they reply, "You're having a dialogue with your dogs. In the newspaper. With your name at the top of the article. And squirrels are your problem?" My dogs talk too much.

If you have some extra coin and have difficulty with introductions to the point of psychosis, you might check out www.conspiracydesign.com. For around \$80K, they will profile the woman of your choice, finding out about her habits, her interests, her fears and her desires. They will present you with the data and suggest ways for you to meet her. If she has any serious problems, such as alcoholism or drug abuse, they'll warn you ahead of time. There are two caveats: you must be a man seeking a woman, and you must not be overweight. I think this is perfect for the thin, rich stalker who just doesn't have the time to be creepy himself anymore. I mean, there is an employment opportunity: I could do the world a favor by picking through women's garbage instead of becoming one more lawyer. Or, look at it from an investment standpoint: a company which has a market of only the wealthiest, most discriminating (and thin) clients. It doesn't have much growth potential, or repeat business, but it's a service to your fellow man. The company claims a success (i.e. marriage of clients to targets) rate of 11 out of 23. Those twelve guys have it rough: \$80 grand down, and even wealthy, thin, and with all of the woman's personal information at their fingertips, they were unsuccessful. I have been unable to independently confirm that this is not all a joke, incidentally. They refuse any journalistic (snicker) requests, and the Illinois database of businesses is presently unreliable.

If a meeting designed by private investigators is out of your budget, might I recommend an investment in beads. I was in N'Orleans over the New Year this year. New Orleans sells its own rather crude, and merely physical, form of love in the form of cheap plastic beads. These beads are exchanged for services which could not normally be purchased from most people at any price, but for several nights during the year, their value skyrockets. One of my friends was walking around just after midnight looking for girls who were obviously with somebody. Over half of the women were willing to engage in extended kisses in front of their fuming significant others in exchange for the beads. Then he'd move

on while the rest of us nervously watched his back. In truth, none of us even bought any beads, that friend just found some which were on the ground, and had been through who knows what. Incidentally, I obtained one strand of beads towards the end of the night, after most of the evening's trading had subsided. I thought about taking them to bar review and auctioning them, but I figured the bidding would just get me thrown out.

The title of this particular column (I think of my writings in general as "Constructively Funny") is "*Odi et Amo*" which is the first part of a short Latin poem by Catullus, and which means "I hate and I love." Hating Valentine's Day is cliché. It's unbearably hip to scoff at Hallmark cards, at chocolates, at flowers, and at hope that love springs eternal. Sometimes I wonder if in gaining wisdom through experience, I've also lost some things I used to know. I'm certainly not saying I'd like to go back to Junior High, but I think there was more magic back then. "Magic" is after all just "possibility"—the possibility that amazing and unexpected things can actually happen. Experience teaches to expect a great deal of life, and takes away the unexpected. It trades wonder and uncertainty for stability. It isn't necessarily a bad trade, but there must be a happy medium somewhere, or times when one extreme yields to the other. Hate to love, beads to conversation, stalking to fluffy dogs. I'm not advocating a love for Valentine's Day, but neither do I think hatred is necessary; it's just another day. The days you make magic—those are the special ones. Well, those and the days your beads pay off.

If you have any comments, you will find the author at Wawa with two Shelties and a George Booker mask on his head, or you can email him at jieglén@alum.dartmouth.org.

Loose-Fish

Enron: A Case of Unbridled Democracy

By Dennis Callahan

Never ones to miss a risk-free opportunity for displaying righteous indignation for the cameras, Congressmen from both sides of the aisle are clawing over each other to defile the rotting corpse of the rotten corporate entity known as Enron. As Toto pulled back the curtain, the Pennsylvania Avenue crowd attempted to distance itself from the Wonderful Wizard of Campaign Contributions as PACs, parties and pols all returned their tainted take to the bankrupt sham. Fair enough—even a brainless Scarecrow could recognize the political necessity of adopting the 100% return policy. The Congress' next move, setting to legislatively safeguard the populace from future Enrons, was sadly predictable and proved that in Washington at least, two wrongs may come out all right.

Quicker than you can say, "There's no

place like Houston," a dozen congressional oversight committees and various executive agencies had begun investigations of the \$64 billion Ponzi scheme. How could Enron's deceptions and false profits have gotten so out of hand? Many leapt to the conclusion that the smoldering moral depravity of Enron executives, its auditors, and lawyers was fueled by the runaway capitalism of deregulated energy markets. This greedy unchecked marketplace combusted historically, the story goes, and from the ash pile of broken careers and pension plans rose a clarion call for tighter government controls of the economy.

A closer look reveals that Enron was not the free market champion of lore. Rather, Enron was an opportunistic two-timer that called for deregulation only when it suited its purpose. Enron advocated a string of self-serving government interventions into the free energy markets it was credited with creating. As energy industry expert Jerry Taylor documented in a recent Wall Street Journal editorial, through its legendary lobbying efforts, among other regulatory "victories" Enron won (1) price controls on access to the nation's power grids, (2) the forced separation of energy utilities and producers, (3) nationalization of energy distribution, (4) subsidies for its money-losing solar power companies, (5) aggressive regulation of greenhouse gas emissions (because Enron was the dominant player in the pollution credits-trading market), and (6) increased taxes on oil imports to subsidize its pipelines.

Was Enron an inevitable result of unchecked markets? Hardly—the Enron debacle was another fallout of unbridled democracy in action. Considering the bill of particulars above, it is no wonder that Enron is not only the largest bankrupt in history, but is also the all-time record-holding campaign contributor. It is only because we have allowed our democratic institutions to so control the marketplace that Enron's well-placed millions in contributions (and corresponding influence on the regulatory playing field) was able to facilitate its phenomenal growth.

Recently, Prof. Richard Epstein wrote, "Under the current system the astute politician asks: 'What is the minimum political coalition that I have to put together in order to be able to steal from my fellow man?' After that, it takes little imagination to dress up the idea with some high-sounding rationale that will withstand constitutional scrutiny under a malnourished rational basis test. The weak protections for property and economic liberties translate into feeble incentives for sound legislative behavior." Enron is Exhibit A for this proposition. Enron's greatest skill was in combining its purchased access to the halls of power with its adeptness at forming politically palatable rationales for its favored regulations. Until we reign in the allowable outcomes of the democratic process and leave to the spontaneous logic of the market the job of rooting out corporate frauds before they grow into multi-billion dollar thickets, government-enabled Enrons are bound to recur.

Amicus Staff Picks

By Brian Miller

This issue's Staff Picks topic is the **greatest albums of all time**. Here's what our writers had to say:

Well, my personal favorite is Live's first album *Mental Jewelry*. It was full of more passion, emotion, and symbolism than their second more popular album *Throwing Copper*.

But the best album of all time has to be Led Zeppelin's *Houses of the Holy*. There is not one bad song on the album and all of them are classics.

Brook Rolka

This is any easy one. I was just listening to it on my way home. The greatest album of all time is *Double Nickels on the Dime* by the Minutemen, the greatest punk band of all time. Sadly, their lead guitarist/vocalist died in a car accident in 1985 at the tender age of 25, so there aren't a lot of Minutemen albums out there, but *Double Nickels* is a masterpiece that covers a lot of ground. Although most of their songs are less than two minutes long (hence the band's name), there are 42 of them on this double album, and every one is magnificent. Not your typical faster-louder-3 chord punk outfit, these self-taught musicians finessed their great sounds out of their instruments. Their real secret weapon: Bass player Mike Watt moves those four strings like you've never heard. Jazz bassists listen to his inventive riffs to get inspired. If my house were on fire and I only had time to rescue one CD, this would be the one, without a doubt. (A somewhat close second: Violent Femmes' debut album).

Tim Kollas

Led Zeppelin - *Four* - but on vinyl, not on CD. Almost a religious experience for someone who likes classic rock. (Though Zeppelin should have their own category.)

Michael Thompson

The hands down best speed metal album ever is Metallica: *Kill 'Em All* (Megaforce Records 1983). Yes, it was seriously under-produced. No, James Hetfield couldn't sing, and he still can't. All is forgiven in the name of Kirk Hammet's impossibly paced pentatonic solos (whatever that means) and the eternal coolness that is "The Four Horsemen" and "Motorbreath". The best rap album is West Side Connection: *Bow Down* (Priority Records 1996). Although the 13 track assault on civilization makes a better case for censorship than Robert Bork, that doesn't seem to have stopped me from memorizing every single word. One thing about gangster rappers that the Right hasn't picked up on: it is hard to find a more libertarian conservative than a man such as Ice Cube.

S.L. Rundle

Paul Simon - *Graceland*
Rebecca Ebinger

Les Miserables, the International Cast
Andrea L. D'Ambra

I definitely have to say for me, it is Public Enemy's 1988 release *It Takes a Nation of Millions to Hold Us Back*. The album transformed the face of Hip-Hop. Chuck D, Flavor Flav, Professor Griff, Terminator X, and the S-1W's gave the music listener a whole new world to consider. Never before had a strong political message been applied to Hip-Hop in such a widespread manner. In addition, the album pioneered the faster 144 BPM sound that had never before been attempted in Hip-Hop. Without this album, and without PE, I'm convinced that Hip-Hop would not have the widespread appeal that it currently enjoys. It expanded the potential for the art form of Hip-Hop and many of today's artists owe some [Almost all. Ed.] of their success to Public Enemy.

Tim Emry

Couldn't choose. But here's a few in no particular order. The Band - *Best of*; Beastie Boys - *Hello Nasty*; The Beatles - *Abbey Road* (And Many Others); Big Wreck - *In Loving Memory of*; The Black Crowes - *Southern Harmony...*; Black Sabbath - *Anything Before Ozzy Left*; Johnny Cash - *Live at Folsom & San Quentin*; Chemical Brothers - *Exit Planet Dust*; Joe Cocker - *Maddogs & Englishmen* (Great Movie Too!); Crosby, Stills, Nash & Young - *Four Way Street*; Cypress Hill - *Debut*; De La Soul - *Three Feet High and Rising*; Derek & the Dominoes - *Layla*; Bob Dylan - *Blood On the Tracks* (And Damn Near Everything Else He's Ever Recorded). That's enough for now. Maybe next time I'll get to the E's and beyond.

Brian Miller

No way could I choose just one. A few personal favorites: Beatles - *White Album* and *Revolver*; Led Zeppelin - *Houses of the Holy*; The Clash - *Combat Rock*.

Brooke Heilborn

Am I the only one who like happy, peppy music? My favorite albums: Dee-Lite - *World Clique* featuring "Groove is in the Heart"; Aqua - *Aquarium* featuring "Barbie Girl"; The B-52's - *Time Capsule*; Songs for a Future Generation with such class as "Love Shack," "Rock Lobster," and "Private Idaho"; and anything ABBA. For something really fun (and equally ridiculous) try *Hampsterdance: The Album* by Hampton and the Hamsters.

Katie Riley

No comment. All future inquiries on this topic should be addressed to my spokesman (me when I'm in an honest mood (e.g., drunk)).

Char Rieck

Best of the Doors--nothing else quite like it!

Paul Rush

In-Depth Faculty Interview - Prof. Alces



By Brian Miller

I'd like to put a tattoo on my forehead that reads:
"ESREVER OT TLUCIFFIDERA TAHT SNOISICEDDIOVA"

[Proving yet again that our faculty is even smarter than Bill Gates, the Editors were unable to find a Word command that would allow us to reverse, or "mirror" the individual text letters, as Prof. Alces so cleverly took the time to do in his written response to this question. But you get the point. Ed.]

10. What's the best thing about your job? What's the worst thing about your job?

Best thing: Students and writing

Worst thing: Faculty governance and grading

11. If you could talk to one person living or dead, who would it be?

Immanuel Kant

12. What's one little known fact about William & Mary School of Law that everyone should know?

Most graduates never practice Constitutional Law

13. If you could appoint the next three Supreme Court justices, who would they be?

The Dixie Chicks

Professor Grover's Question:

When students in your class laugh, is it usually at you or with you?

Yes.

Now you have a chance to pose a question to the next faculty member to answer this questionnaire...

"Which of the foregoing questions did you answer least honestly?"

*Questions borrowed heavily from Bravo's Inside the Actor's Studio's Bernard Pivot Questionnaire and the National Journal's Media Monitor spotlight questionnaire. A few actually conceived by William and Mary law students.



1/2 PRICE POOL

WE DO PARTIES!

NIGHTLY SPECIALS!

Every Monday is William and Mary night at The Corner Pocket. Come in and enjoy your favorite snacks and beverages and play pool for 1/2 price! Offer good with valid college I.D. Monday nights from 9 p.m. to 1 a.m.

Williamsburg Crossing Shopping Center
220-0808

Call Me Stupid

By Peter Flanigan

You know, I thought I knew better. I am not one who anxiously awaits the next Nicole Kidman movie. I am not one who runs out to the video store to rent such Oscar worthy films as *Days of Thunder*, *Billy Bathgate* and *The Peacemaker*. However, something intrigued me about the plot to *Birthday Girl*. Maybe it was the fact that Kidman was playing Nadia; a Russian girl who you could buy as a wife over the Internet. The plot was so like my dreams I had to go.

What did I get for my hopes and dreams? Absolute garbage. John Buckingham (Ben Chaplin, *The Truth About Cats and Dogs*, *The Thin Red Line*) is a British loser who decides to buy Nadia over the Internet. It's the typical boy buys girl, girl learns boy is into sadomasochistic porn, girl ties herself up with ties to keep boy plot line that Hollywood keeps replaying over and over. When will they learn you can only remake *Casablanca* so many times?

The fun begins when two Russians visit Nadia on her birthday and then go *Deliverance* on poor John and force him to rob his own bank. I won't compel you to think about the rest of the plot as I had to. For example, Chaplin successfully used the passport of one of the Russians who looked nothing like him to get on a plane. Or how about the time that John, knowing Nadia's true intentions, decides to mope around the fire rather than trying to clear his name? Sufficed to say, the rest of the hour and a half made me wish I could take my five-hour closed book Con. Law exam all over again.

Chaplin has a great presence and a very stoic British demeanor. Conversely, Kidman's bruises could out-act her. Tom and Jez Butterworth were the brothers who wrote and directed this movie. Obviously, one of them had to be the uncle as well to come up with this absolutely ridiculous movie. However, I'm sure this movie will be in Oscar contention next year because the Academy will feel sorry for Kidman's breakup with Tom Cruise and nominate her for playing someone "evil." On a side note, there is nothing like charity Academy awards to make your heart feel good (how about Julia Roberts and Helen Hunt's Oscars?).

Although *Birthday Girl* was horrible and slow paced, *Ghost World* comes through as an intelligent, slow paced movie. Based on a comic book, *Ghost World* follows the adventures of Enid and Rebecca through the summer after high school graduation. Played by the chesty duo of Thora Birch (*American Beauty*) and Scarlett Johansson (*The Horse Whisperer*), *Ghost World* does not pander to the expectations of the audience.

Personally, I was expecting a live action *Daria* with the hipster cool outsider sniveling at contemporary culture. Con-

sidering the cleavage that was being pushed up, I am surprised that Enid and Rebecca were outsiders in the hormonally rich atmosphere of their high school. Regardless, the world certainly does not embrace Enid and Rebecca and they are forced to make their way in a world that does not inspire creativity.

Along the way they meet Seymour (Steve Buscemi, *Fargo*) who seems to be the grown-up version of Enid. She quickly falls for this loveable loser after tricking him by falsely answering a newspaper advertisement. The next half of the movie follows Enid as she sets up Seymour, tries to reconcile her relationship with Rebecca who has become employed in the suburban world of a coffee shop and deal with her insipid dad.

This would be a lot for anyone, much less Enid who has no idea what she wants to do except take a summer school art class. The movie offers moments of hilarity and plenty of good '20s bluegrass. What it lacks is a clear message other than teenage Diaspora. The stupid people seem to win (an overachieving girl's art piece made out of coat hangers is treated by the teacher as the next major feminist art piece) and Enid gets the shaft.

It would be disappointing if this movie had an "outsider who stuck true to herself and won" message. Instead, the ending is ambiguous and disturbing and continues to challenge the viewer rather than giving a pat answer to Enid's problems. Terry Zwigoff (the director responsible for the excellent *Crumb*) does an excellent job with the pacing and does not have an intrusive camera. In a word, *Ghost World* is challenging to all different types of stereotypes and is a great movie you'll probably never see.

As most of you know, I am a huge James Bond fan. I was saddened when those TBS bastards cancelled the *15 Days of Bond* and only decided to show late '70s Roger Moore Bond's. Luckily, ABC came through with the *Bond Picture Show* encompassing 12 classic Bond films. Unfortunately, they chose characters on their shows to host each movie. There is nothing more I like to see than James Belushi pretending he's funny.

The first three movies shown so far were *Dr. No*, *From Russia with Love* and *Goldfinger*. All have Sean Connery, amazing women and over the top villains. They were the trendsetters and are still considered by many to be the best of the series. Today, we have better chases and gadgets but there is something missing from the Pierce Brosnan era. Perhaps it's the fact that it has been all down hill for the Bond girls (Terry Hatcher and Denise Richard's careers have really taken off after being Bond girls haven't they?).

Whatever the reason, when one gets a chance to view the originals, one should take the opportunity. While there is certain historical value to slapping women on the butt and drinking martini's on the job, Bond is a part of the culture of film and should not be missed. Next issue, the Oscar nominations will be out and I will devote the column to my inspired predictions on who will win. Of course, Vegas has

a better line on the winners, but I give myself a 50-50 chance.

Upcoming Bond Movies: *Thunderball*, *You Only Live Twice*, *Diamonds Are Forever*

Kimball Theatre: *Sideways of New York*: February 12-14th; *Apocalypse Now Redux*: February 16-18th; *Sexy Beast*: February 19-21st

Most Ridiculous Movie Coming to Video: *Most Vertical Primate 2*. Thoughts: 1) There was a most vertical primate 1? 2) This movie "stars" Cameron Bancroft (was Eric Roberts too busy?)

DVD Pick of the Week: *Following*: The first movie written and directed by Christopher Nolan (*Memento*). A great movie made on less than what Charlie Sheen spends on prostitutes during a week.

New Music Reviews

By Brian Miller

Christmas always brings lots of new music my way, and I thought I'd share a bit of what was in my stocking this year (because most of you could never guess what is in my stockings). This isn't so much of a recommendations list as it is a more traditional review. Some of these are winners, some of them are losers, and most are, like most music is, quite mediocre.

Coldplay-Trouble (Norwegian Live LP) Here is a rare and welcomed departure from the above-mentioned mediocrity. Probably my favorite CD of 2001, Coldplay's major-label debut *Parachutes* provides some wonderful, simple moments of musical genius and integrity. They admittedly borrow heavily from early Radiohead, but since Radiohead has moved away from the traditional instrumental-based rock and roll, it's nice that someone is filling in the niche. This particular import is a collection of live versions of songs from that album, with the title track "Trouble" being the most impressive. A simple piano phrase and wave melody create a wonderful feel, with intriguing lyrics. And by simple, I mean that it only took my hack-piano-playing ass two whole nights to figure it out. The band, and anything they put their stamp on, comes highly recommended by me.

Pink-Missundastood I like her cause she's proof that spelling counts for nothing. It took a lot for me to invest in this CD. I think she has the strongest female voice of that whole category of throwaway female pop singers today, ironically and cruelly caused by a lengthy smoking addiction. Her "Get the Party Started" single is fun, and lets your ass do all the thinking. Problem is, the CD was written and produced with her newfound friend and mentor Linda Perry of 4 Non-Blondes obscurifame. Just as they were good enough for one-and-done,

so may be the album which she contributed to. It starts off with cheesy pop songs, bad guitar, and no real soul in the vocals. "Revealing" lyrics reveal things about her that I just don't care about and which are far from unique to a young white middle-class female. But it picks up a tad, takes on a bit of a harder edge, adds a small, obligatory dose of hip-hop, and at least includes some more beat driven, dance singles towards the end.

Motley Crue-Greatest Hits How a band without enough songs for one greatest hits album can actually put out two is beyond me. But the first attempt sucked, and luckily was made up for by this release. Nothing takes me back to middle school quicker than these Jack Daniel's-injecting dropouts. "Smoking in the Boys Room"—those were the days...even though I have never officially smoked a cigarette before. "Girls, Girls, Girls"—ok, so I didn't go to my first real strip club until I was 13, but thanks to the video I had a pretty good idea of what they were talking about. "Kickstart My Heart"—sure to be an anthem as my middle-ages approach. Holding back fear-induced vomit as I talked on the phone to one of my endless two-week girlfriends in seventh grade while Vince crooned "Without You"... What more can I say besides, "girl, don't go away mad. Girl, just go away."

Cat Stevens-The Very Best Of My whole life up until a year or two ago, I had always thought that Cat Stevens and Ray Stevens were one and the same. From what I could gather, Cat got tired of being an actual musician and started writing painful "joke" songs for kids that were sold on TV. In fact, Cat Stevens has no discernible connection with Ray, and was once a pretty good singer-songwriter, before he got tired of being an actual musician and became a devout Muslim. Featured prominently, and to great effect, in the movie *Rushmore* (which deserves an article all its own), I picked this one up to see what else he had. Impressive. Contemplative. Mellow and moody. Adequate acoustic guitar work. A very unique voice with impressive range and a nice collection of story and romance songs, and songs that can make you look at the world in a better light on days when things just don't feel right.

Flickerstick-Welcoming Home the Astronauts If any of you happened to watch VH-1's dip into the reality TV money trough called *Bands on the Run*, you'll recognize the name. Without a doubt the most talented of the four bands chosen to compete on the show (Josh Dodes Band was too pretentious to have any fun and so by definition can't be considered a talented rock band, and the other two were awful), they apparently must have won the gig. I watched the first two-thirds of the series last spring, but then moved to Chicago without a TV for the summer. But the grand prize was your very own record deal, and while browsing, I saw they must have won, because there was no way they were get-

In-Depth Faculty Interview with Professor Lee

By Andrea D'Ambra

1) What's your favorite word?

The choice is hard, between categories of "learning," scholarship, teaching and family. Picking one word, I go for "illuminate," which I hope to do in teaching, scholarship and with my family. My surname "Lee" in proto Germanic was *lauhaz, a "clearing in the woods" from the (golden) light shining through a hardwood single canopy forest with no underbrush (the Latin cognate is lux, i.e., *lukas-"k" sound in Centum languages is "h" in Germanic languages, e.g. canis and hound. And illuminate is derived from the same root in Latin). The line between "illuminate" and "pontificate" is fine.

2) What's your least favorite word?

The choice is easier here-favoritism, as in giving preferential treatment to insiders or cronies. Even a "meritocracy" when it becomes a "winner-take-all" market comes under favoritism in my book.

3) What's your most vivid childhood memory?

This too is hard since my memories go back to around 22 months (somewhere between December 1944 when my grandparents, my mother and I moved to California to work in a Naval munitions plant at Mare Island and April 1945 when I was 2 and could go to a daycare center) and most are visually vivid. But picking one, I go for the epiphany when I was a third grader performing in the third school play in a row in a Dayton Ohio inner city grade school-half Afro-American and half poor white, largely Appalachian. I suddenly realized that all of the children in the three plays were white and looking out over the audience, that all of the teachers were white. I remember thinking that "this is wrong."

I probably would have come to same position without this experience because shortly thereafter I went to live permanently with my maternal grandparents. My grandmother was a storyteller, she "illuminated." They had moved from St. Louis to North Florida in 1922 and stayed there until they were foreclosed on in 1935. She apparently hated every part of it. She repeatedly told me stories of what was wrong with "Cracker" Florida. The side door and segregation usually came first with the foreclosure of the family farm at the end. My grandmother recounted that the lawyer came by and asked if they would give a deed in lieu of foreclosure by local noteholder (who had promised them that they could pay interest only during those hard times) because foreclosure would cost \$200. This was *same* amount that the farm was appraised under the mortgage principal; therefore, a FDR program to save homes was unavailable. My grandmother would tell me with anger still in her voice that she replied "Hell will freeze over first." Then with some satisfaction she would tell me that my grandfather had cut down all the fruit trees he had planted. All of this conditioned me to feel for the under-

dog and those discriminated against.

Even without these experiences I might have come to the same place because I often recall at least twice being discriminated against personally because of stereotypes about the places where I lived. The first was in the first grade when I was put in the corner of the classroom and had virtually no attention from the teacher. As best I can figure out, this happened because I lived literally on the other side of the tracks in an Appalachian enclave in what became Kettering, Ohio. True my step-father was a truck driver from Davis Creek, West Virginia and we used an out-house, but the teacher made this judgment without knowing me or my abilities. The second instance is not conjecture; at the end of the first half of the fourth grade, the teacher told me that although she loved me, I belonged in the other fourth grade class (for the middle class kids) but not to tell the others in either class. I never did. Why had I been placed in the room for lower class kids? I then lived in a trailer camp inside the Dayton city limits. (It is still there along with 5 other trailer camps inside the city limits that I lived in over the years. Now, however, the individual trailers have water and sewer connections rather than the single communal bathroom they had then. That's progress.). Or perhaps it was in part because I had moved there in the third grade from an inner city tenement with many holes in the lathe and plaster walls and large rats with a single communal bathroom on another floor. The second teacher resented my transfer and gave me a hard time. At least when I went to school the next year in the North Carolina Blue Ridge, there was no class or ethnic discrimination. There I lived there in a shack with no indoor plumbing (and no outhouse either, just chamber pots which I had to empty).

4) When you were a child, what did you want to be when you grew up?

In high school I wanted to be a teacher of foreign languages. At the University of North Carolina I double majored in German and Spanish and took Greek and Russian as well. Let those kids who had gone to the good high schools and prep schools compete with me in beginning language courses. I was worried about losing my National Merit Scholarship-one of the only 100 nationwide that were not awarded to children of employees of the particular big corporation that funded the particular Merit Scholarship. That favoritism didn't bother me at the time since I had mine.

5) What's your favorite smell?

This is a tie between my daughters' freshly washed hair and Appalachian woods in the summer time.

6) What's your least favorite smell?

Currently, dog elimination because our non-house trained 90-pound dog generates a lot (some if it inside). Historically emptying some one else's chamber pot into a lime pit.



7) What other profession would you like to try?

In an ideal world I would like to be a carpenter, as my maternal grandfather and his father and maternal grandfather. (I built our home in the mountains at 16, it had modern plumbing.) In the real world I know from my brother the roofer you can't make a living and support your family in this profession. You of course meant "profession" as in graduate education required. The truthful answer is I could be a tax lawyer-I view my profession now as teacher not lawyer. But I already "tried" it for 11 years, 13 if you count clerking on the Tax Court. But I would prefer over "practice" to be a tax teacher in a business school; tax person on government staff, etc. You get the picture.

8) What other profession would you NOT want to try?

M.D. and, after Enron, CPA and especially business consultant.

9) If you have a tattoo, what does it say (or depict)...if you don't have one, and decided to get one, what would it say (or depict)?

I don't, but my step-father had a large Army Air Corps emblem with the nickname "Hut" under it on his biceps, he was Hut Hudson, pronounced Hutson. (He had "Mom" tattooed on his forearm.). Another of my brothers on my mother's side has initials on his knuckles (I have 14 half-siblings). That's probably enough about tattoos.

10) What's the best thing about your job? What's the worst thing about your job?

For the best thing, re-read Answer # 1. As to the worst thing, that I can not spend as much time with my family and teach, learn, and write as much as I do (and want to).

11) If you could talk to one person living or dead, who would it be?

My maternal grandmother. Without her encouragement, guidance and stories, I am sure I would not be here or in any profession as contrasted with a trade.

12) What's one little known fact about William and Mary School of Law that ev-

eryone should know?

The closeness that can exist between teachers and students and between colleagues. O.K., I fudged, both are known. Perhaps, little known to you readers is that the law school used to be in the library of a dorm, and when I started to adjunct 22 or so years ago the tax library still was. I never entered it for that reason. Now the little known fact, when I shared this with a tax student during my first year teaching full-time, he told me that I had made a mistake. The tax library had been better than the law school library-all of this before we got the new building.

13) If you could appoint the next three Supreme Court justices, who would they be?

All tax people.

14) Professor Dickerson's Question: Do you think we are the way we are because of nature or nurture? And Professor Stein's Question: Why?

The studies indicate 50/50. I find more significant studies that indicate the common characteristic of poor children who succeed academically is a strong supportive family member. That certainly was my story. Why? Because my grandmother loved me and her only son had been still-born. I was her "Sonny," my name still to some of my cousins and brothers.

Now you have a chance to pose a question to the next faculty member to answer this questionnaire...

What is your favorite number and least favorite number and why? If you are interested, I formed biases about numbers sitting unattended in the corner of that first grade classroom. (My grandmother taught me that you can find a silver lining in most clouds.) Ten was my favorite number because it made any number it was added to greater and the increased number still retained its own identity, e.g. 10+5=15. So 5 is increased but still retains its 5ness. Nine was my least favorite number because when added to any number it reduced part of that number's identity, e.g., 9+5=14. The 5ness is reduced to 4. I still think of this whenever I do addition. And I still don't respect people who take away or put down others.

DRAPER, continued from page 1

more about her European education, she will be the first lecturer in a series of "Lectures by LLM's" hosted by the International Law Society on Thursday 2/14 at 3:00 p.m. in Room 239.

James is looking forward to his year in London and is already considering plans for traveling around Europe. His parents and brother have all promised to visit him while he's there. In making preparations, he's been in close contact with Marshall-Wythe graduate Heather Forrest, the current Drapers' Scholar in London.

**Rewards of Working Smarter****1L's...2L's...3L's****WIN!*****Full
Law School Tuition!*****AND****\$100***weekly winners from your school!***AND****\$1000***monthly winners from your school!****Enter!*****lexisnexis.com/lawschool***Promotion runs September 2 — November 10, 2001*

Simply go to the Rewards of Working Smarter banner on the lexisnexis.com/lawschool home page to register for the Promotion. After that, each time you sign on to the LexisNexis™ service for your research projects, you're entered to WIN! (up to 5 entries per week)

For official contest rules, visit our Website at:
lexisnexis.com/lawschool

LexisNexis and the Knowledge Burst logo are trademarks of Reed Elsevier Properties Inc., used under license. It's How You Know is a trademark of LexisNexis, a division of Reed Elsevier Inc. © 2001 LexisNexis, a division of Reed Elsevier Inc. All rights reserved. LA9617-G 0801

**LexisNexis™***It's how you know™*

Helen-Keller-ghanistan & Tantrums in the Global Supermarket

By Paul Rush

I know you've seen it before. I've seen it more times than I care to remember. Truth be told, somewhere in the deep recess of my mind I can still remember being one of them—one of those screaming, insufferable, unrestrainable brats who threw epic tantrums in the grocery store. Of all the tantrums that I must have thrown, however, I can't remember the root cause of a single one. I can't help but marvel, at times, when I am on the outside observing these colossal displays of gross immaturity, that I was once that young and infantile. My wife, on the other hand, who was also once that young, insists that, as "a very good child," she never behaved in such a shameful fashion. The embarrassing truth is I believe her.

As children we were not all prone to such vicious fits of rebellion—just those of us who didn't believe in the unquestioned rule of authority figures. For those of us who were fit-throwers, take heart. You might be comforted to know that one of the greatest humanitarians of all time (in my humble opinion) was once the most tantruming tot the world has ever known. Helen Keller's tantrums were of such a sort that Anne Sullivan could not even begin to teach Helen without first disposing of the self-centered fits of anger and frustration. Helen Keller, as a child, had the peculiar habit of walking around the table at dinner time and thrusting her hands into any person's plate she wanted and removing food for herself. While Sullivan's sympathy for the blind, deaf, and mute Helen Keller ran deep—having been nearly blind once herself—she nevertheless realized that Helen's own discipline problem stood in the way of Helen's education, and that it presented a unique and substantial problem. The dilemma was this: the very obstacles that prevented Helen from learning were the same causes of her tantrums. Anne Sullivan, much to her credit, creatively found a path around Helen's disabilities and taught Helen self-control using the power of restraint. Interestingly, the power of touch, which Sullivan used to restrain Helen Keller during her juvenile fits, was also employed to teach Helen how to spell and communicate. The logic was as simple as it was profound: use what resources are available. Helen responded to touch, as it was one of the few senses left intact by the childhood fever which left her bereft of sight, speech, and language. When traditional avenues of communication are not available, one must inevitably turn to nontraditional methods of communication, if the goal truly is connection. For Anne Sullivan, allowing Helen to live in an isolated, self-contained, and self-oriented world was not a viable option. We have learned, in recent days, that continuing to allow the juvenile delinquents of the world to throw tantrums in our global supermarket is also not a viable option. For many years, the child-nation of

Afghanistan has existed as an island unto itself—occupying its own little niche far removed from the affairs of others. Having successfully walled itself up, escaping outside communication, it has behaved no better than an unruly brat who blames everybody else for its problems. A fever of self-importance insured that the nation's eyes would remain blinded to the culture of the outside world and its ears deafened to offers of assistance. All the while, as Afghanistan sank deeper and deeper within itself, that nation became used to hearing and believing only its own rhetoric, and it lost the ability to communicate to the rest of the world in a civilized fashion. For long enough, we have allowed Afghanistan to wail in the aisles because it didn't get what it wanted. For years, the world community allowed Afghanistan to lash out in childish rage, from time to time knocking boxes off of the storeroom shelves. No one really took any significant notice that an embassy or two was bombed now and then. "It will learn," we thought. "Some day, when Afghanistan grows up, it, too, can become a productive member of our society." We were content, it seems, when the child's expressions of immaturity were predictably limited in scope. It couldn't reach the top shelves, where all of the valuables were kept, so why should we have cared?

Unfortunately, we all lacked the courage and the wisdom of Anne Sullivan. She knew that Helen, if she was not reached while still only a child, could grow into an unmanageable young woman. We declined, for this reason or another, citing noninterference here and isolationism there, to manage the brat while it was young and controllable. On September 11, we all learned that, in the meantime, Afghanistan had blossomed into a an unspeakably disturbed delinquent, fully capable of reaching and clearing away even our highest shelves whenever it chose to do so, sending our valuables crashing to the ground. Now we are faced with the difficult situation of training the young deviant in the ways of global grown-ups.

How to communicate, then, with a country that for so long has squinted tight its eyes and plugged its ears with its fingers all the while expecting us to nurture it with our millions of dollars in humanitarian aide? The same way that Anne Sullivan did: the power of touch. Have you ever noticed what happens to a child when it is spanked or restrained during the middle of a full-blown fit? Complete and total embarrassment. Often, the observer will not realize that this is what he is seeing, but a child's defiant wail after punishment is usually due to one or two main stimuli: 1) the pain of the spanking, or 2) having been forcefully "communicated" with in front of others. I know; I can remember. Children soon tire of domination and mend their ways. I know; I did.

Bush's State of the Union speech created

ripples of disapproval in many countries when Bush referred to Iraq, Iran, and North Korea as an "axis of evil." I was astonished by the strong negative responses that many (particularly Europeans) had to Bush's speech. Have we learned nothing, after all? Perhaps Bush could have avoided criticism by labeling them as spoiled, blind, militant children who need to learn the miracle of touch. Probably not. Meanwhile, Afghanistan will grow. It will grow in leaps and bounds as televisions and radios are resurrected from their underground hiding places. It will develop as the blindfold loosens. It will become successful as it learns to communicate. Will the other brats in the store learn from the one whom they saw disciplined? Probably not. I never did.

What to do to change the position, then, of those who believe we are interfering too much, that we would be overstepping our bounds if we employed the power of "touch" to restrain Iraq, Iran, and North Korea as they begin to show evidence of the signs of a major tantrum? Perhaps there is nothing that we can do to change their minds. Maybe we can only wait for their minds to change on their own when the brat with arrested development comes screaming down *their* aisle with an outstretched hand, ready to clear *their* shelves...

I Should be Studying

By Char Rieck

I should be studying. O.K., I know, that's a blatant lie, but aside from my lack of need to study, at least now, at this time of the year I know I am not alone in not having the desire to study. Pending dates and events have provided us all with a distraction from our schoolwork. Signs are up in the lounge. Plans must be devised; decisions must be made. After all it is that time of year; time to choose the style of the new graduation gowns. Has there been a more heated debate in recent history than whether to abandon the old style gown for a new one. Not only is this new style green but it is also open in front!!!! Does it get anymore controversial? Someone get Joan and Melissa Rivers on the phone ASAP. Luckily the new style received almost unanimous approval from a group of third-years and this situation was resolved without any major bloodshed.

Now that that is settled I can free my mind to think about other more important things ... things I thought of while you were probably studying, such worth while issues such as ...

Playmate "Fear Factor" - I think I speak for a large portion of men when I describe my reaction as, "Wait... what the h... they're wearing... man, just change it back to U2."

Thank you to E*Trade for once again proving my theory: monkeys are always funny.

After taking Torts, Con Law, Entertainment Litigation Law, and now one-third a semester of First Amendment, I feel pretty confident saying this: I basically could write anything I wanted to in this space about any of you and get away with it. Not that I would, I'm just saying ... I mean it's not like I'm holding a grudge or anything. It's not like I woke up on Tuesday with a hellacious hangover cursing the name of everyone involved helping me "celebrate" my birthday or who wasn't there to stop me. It's not like that hangover was still in full gear almost 24 hours later. It's not like I'm in a foul mood or anything. I think I lost my mLife.

Alcohol is evil.

Don't get me wrong, I enjoyed the Super Bowl this year. I always enjoy it when the underdog wins. I do, however, have one complaint. Why in the name of Garo Yepremian and Scott Norwood did Adam Vinatieri not win the MVP?

Prom, um, I mean Barristers Ball is approaching. Allow me to put forth this modest proposal: you should go. All law students should go. (Just a second... there's my soap box... now I can continue). I mean it, for the sake of the law school community and law students everywhere who have to fight the popular stereotype that law students are dull, ugly and boring. Find a suit; find a dress; get a sitter; I really don't care what it takes, just go. I don't care if you don't drink, (actually, considering the chronic lack of bartenders, it'd be better if you didn't) buy a ticket and come get your groove on. It's the one night a year when we should show our fellow classmates our other selves, you know the part that enjoys fun, the part that cleans up nice? If you need another reason, the band is called "The Hot Nuts" (come on, that's funny, just say it and try not to laugh). [The preceding paragraph is the sole opinion of this writer, is in no way intended to endorse the SBA as a whole, and is in no way motivated by the fact that I plan on writing about the whole thing later.]

Speaking of law student's cleaning up nice, by the time this is published the annual Date Auction will have occurred. As someone who has been on the block twice before I have some things to say (rare for me to have a comment, I know). First, these types of auctions are pretty common, but I was wondering if the following exchange has ever occurred, "Dad, how did you and Mom meet?" "Well Timmy, your mom bought me." Second, PSF really should get all the dates something. How about a T-shirt that reads, "Be nice to me, I gave my dignity to PSF." That being said, I almost went for the hat trick this year (my apologies for any drop off in attendance caused by my absence.)

While I am at it, I might as well complete my thoughts on the Law School Triathlon of Love, Valentine's Day. Wait a second ... I've got nothing to say. Not a thing—no rant, no smart-ass comment, nothing. I cannot even bring myself to start the whole Hallmark holiday ... Forget it; I'm going home.

Calendar of Events

THE AMICUS CURIAE
Tuesday, February 12, 2002

Thursday, February 14th

International Law Society
Lecture presented by Iria Giuffrida, LLM student. 3:00pm in room 239.

Student/Faculty Reception, 4:00 p.m. Sponsored by the SBA and Law Review.

Friday, February 15th

Journal of Women in the Law Symposium "Lost in the System: Female juvenile Delinquency in the 21st Century"
1-5p.m. in the McGlothlin Courtroom. Topics include: Domestic Trafficking of Girls Across State Lines; Reactions to the ABA-NBA Report on Female

Juvenile Delinquency; The Rise of Female Juvenile Delinquency in the Late 20th Century.

3L Class Gift Committee Meeting 1:00pm. in room 138. Contact John Mauk at Jemauk@wm.edu or at 565-7378 with questions

Saturday, February 16th

Barristers Ball, from 9:00 pm-1:00am at the Hospitality House with music by Doug Clark and the Hot Nuts.

Monday, February 18th

IBRL Student Symposium "Civil Liberties and the Fight

Against Terrorism"

2:30 - 5 p.m. in the McGlothlin Courtroom
1L Moot Court Final Round 2:30 - 3:30 p.m.

Thursday, February 21st

Washington Road Show co-sponsored by OCPP & BLSA

Friday, February 22nd

Rule of Law in China Scholarly Symposium Sponsored by the Institute of Bill of Rights Law and the Reeves Center for International Studies, William & Mary School of Law, 10:00 a.m. 5:00 p.m.

Saturday, February 23rd

Spring Golf Tournament at the Golden Horseshoe. The price is

about \$50 and spots are limited to 36 people.

March 18-19th

3-L's can pick-up rain tickets for graduation, purchase Bar-b-q tickets, order cap and gown rentals and proof their information in the law school lobby.

March 23rd

Oliver Hill Luncheon.

Sponsored by BLSA to honor the civil rights legal scholar and current BLSA achievements. Tickets cost \$15 per student and must be purchased by March 5th.

Please submit your entries for the Amicus Events Calendar to Katie Riley (3L), Deborah Siegel (3L), or the Amicus hanging file. Entries may include activities sponsored by law school organizations, main campus or community events.

Rule of Law in China Scholarly Symposium

William & Mary School of Law Friday, February 22, 2002 10:00 a.m. 5:00 p.m. - Sponsored by the Institute of Bill of Rights Law and the Reeves Center for International Studies

Since 1978, China has adopted market-based economic reform and a "rule of law" campaign. This conference will assess these developments in three areas. First, how will China balance economic growth against protection of the environment? Second, what does the "rule of law" mean in China and Chinese culture and to what extent does it include protection of individual rights? Third, what is the extent of Chinese commitment to international rules and international governance institutions? Schedule attached. For information and to register, contact Melody Nichols at IBRL@wm.edu or phone (757)221 3810.

IBRL Student Division Symposium "Civil Liberties and the Fight Against Terrorism"

Mon, Feb. 18, 2002
2:30 - 5:30 pm
(1L Moot Court Final Round 2:30 - 3:30 p.m.)
McGlothlin Courtroom

Throughout American history, Civil Liberties have been constricted when the nation faced a time of crisis. From the Alien and Sedition Acts, to the suspension of Habeas Corpus and the internment of Japanese Americans, the commitment to personal rights has often weakened when America has been challenged. This symposium will examine how the country has reacted to the current crisis and attempt to discover if Americans can maintain a commitment to Civil Liberties while fighting an effective battle against terrorism.

Speakers Include:

Tim Edgar - ACLU Legislative Analyst
Congressman Bobby Scott
Professor John Douglass - University of Richmond, former Assistant U.S. Attorney and Special Counsel in the Iran/Contra Investigation
Professor Cynthia Ward (moderating) - Marshall-Wythe Law School

Top Ten Signs You May Be Taking Your Role as "Client B" Too Seriously

By Adrienne Griffin

10. You spent more time practicing in front of a mirror for your Client B interview than for your Moot Court presentation.
9. You spend time worrying whether your imaginary child will ever recover.
8. Your friends keep asking you if your imaginary child is going to make it.
7. You walk around reading your fact pattern and muttering, "But what's my motivation?"
6. You're thinking of writing a screenplay entitled *Being Client B*
5. Instead of accidentally signing your own name to the Client Agreement form, you signed Client B's name to your rent check.
4. You have made a phone call at 2AM to ask your "attorney" how your case is progressing.
3. You lie awake at night thinking about how you may have negligently misrepresented the condition of the house you just sold.
2. You are thinking of setting up your own "Legal Defense Fund."

AND the number one sign you may be taking your role as Client B too seriously . . . During an interview for a summer associate position, when asked why you chose William and Mary Law School, you replied, "Because it offered me the best chance to hone my acting skills."