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The ADVOCATE

Marshall-Wythe School of Law

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Muscarelle Honors Mapplethorpe Supporter

PRESS RELEASE

Dennis Barrie, Director of the Cincinnati Contemporary Arts Center, has been named recipient of this year's Cheek Award for Outstanding Presentation of the Arts. Barrie has taken a significant stand on issues relating to the First Amendment and freedom of expression. Barrie is recognized for his efforts in furthering the cause of art through his exhibitions, acquisitions and programs as a museum director as well as for his steadfast and leading role in defending the freedom of expression in the arts in the controversial Mapplethorpe case.

On April 7, 1990, for the first time in American history, criminal charges were filed against a legitimate art museum and its director for publicly displaying alleged obscene materials. The materials in question were seven photographic images by the late Robert Mapplethorpe, which were excerpted from a retrospective exhibition consisting of approximately 170 works by that artist. After indictment and a two-week trial, the Contemporary Arts Center and Dennis Barrie were acquitted on all charges following a jury deliberation of less than two hours.

Despite this victory for the advocates of artists' rights, along with the enactment of the Visual Artists Rights Act of 1990 which extends to visual artists certain rights governing the display and resale of their work, the political climate brought to surface by the Mapplethorpe controversy remains a prevailing concern. The issue may cause artists and others to consider, for the time being, more mainstream subjects over challenging or confrontational material. Barrie stated that, "for the short term this is certainly going to be a part of the consciousness of the museum world, it will affect everything." He added that, "the next few years could be hell for all of us, and we may hurt a lot of cultural institutions that we have come to care about. And once they're damaged, they'll take a long time to repair."

The choice of Barrie as this year's recipient of the Cheek Award is relevant and meaningful to the purpose of the award itself. Barrie has been director of the

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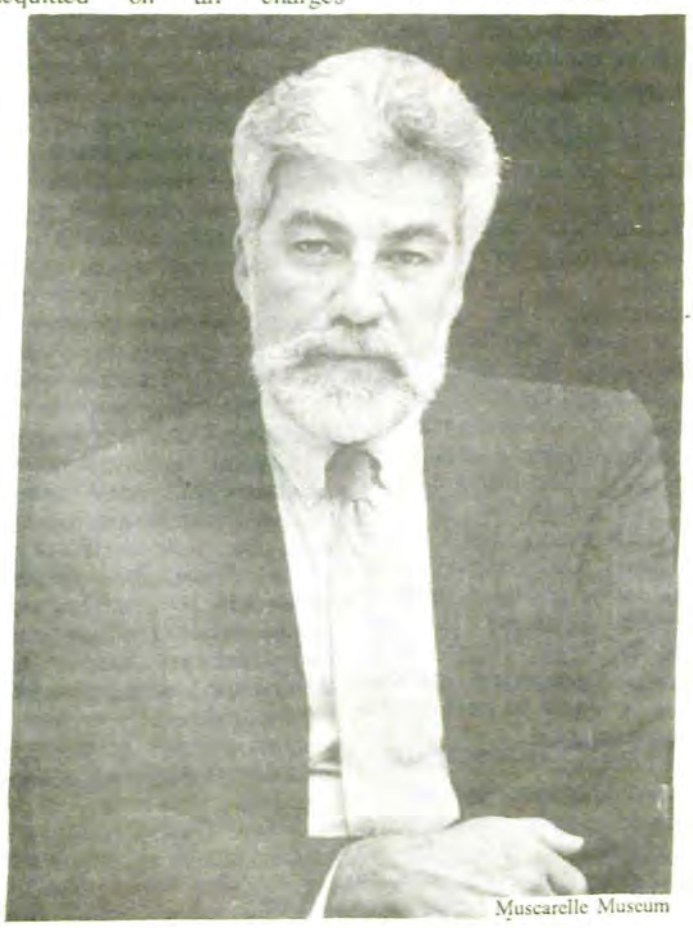

Muscarelle Museum

Dennis Barrie, Cheek Award Recipient

Bobby Carll

Will these lodges disappear? Will the students ever find a place to park? Will the ducks die? To find the answers to that and more, turn to page three.

Making the Code Accessible -- Students to Vote on Changes

by Wendy Watson

The members of the Judicial Council are currently debating changes to the Honor Code. The entire Code will be redrafted prior to the April 2nd elections, at which the student body will vote, in accordance with Article VI, sec. 7 of the S.B.A. Constitution, whether or not to adopt the new Code.

Mike Flannery, Chief Justice, said that some of the changes were not substantive, and just a matter of clearing up the language, but that many major alterations will be made. Steve Gerber of the Judicial Council explained that the existing Code is not an accessible document. The Council cited an incident last semester in which a first year had difficulty in determining whether an incident he had witnessed constituted an Honor Code violation as an example of the current Code's deficiencies. The purpose of the amendment project, Gerber said, is to "take this collection of policies . . . and make it into a real, workable document. [The goal of the changes is] not so much to change the spirit . . . but rather to clarify."

On March 13 the council held an open meeting to discuss the proposed changes and take student suggestions. In addition, a 2-3 page summary of the major changes will be made available in the S.B.A. office, at the reserve desk in the library, and with Gloria in the administration office, for students to review before the election. The members of the Judicial Council stressed the importance of student involvement with this revision: For the changes to be adopted, a majority of the student body must vote and, of those who vote, 2/3 must approve the changes. The council also emphasized that they are still discussing the changes and student input is welcome.

At the March 13th meeting, Richard Brooks (2L) suggested that anyone accused of a violation have access to past cases and rulings of the Judicial Council. Brooks stressed the Due Process problems of not having any body of material for reference by accused students and the danger of contradictory opinions with the existing system. Gerber said that the council members "have discussed and are still discussing whether [the council] want[s] to have some sort of common law." Tom Cody explained that a common law/disclosure policy does not currently exist because of the strong history of confidentiality within the Judicial Council. In addition, Cody continued, there is a strong interest in keeping the interpretation of the Code flexible and allowing each class to create their own system of interpretation.

The Judicial Council provided a brief overview of the currently proposed changes at the March 13th meeting:

Jurisdiction:

Mike Flannery explained that the Council feels there are certain matters which the council should not handle. The council proposes to create a mandatory hearing to determine whether or not the Council has jurisdiction. The jurisdiction hearing would be conducted at the outset of the proceedings, with only the Chief Justice aware of the identity of the accused. A majority of the Council members would be required to hold the hearing, and 1/3 of the voting members would have to approve of jurisdiction before the trial would go forward.

One of the factors in determining jurisdiction is deciding whether the claim is "trivial." The Council is discussing the possibility of including a commentary on the meaning of "triviality." The

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Inside This Issue

High Fiber!

Low Sodium!

Less Saturated Fats!

INTER ALIA

Earth Day is April 22, one month from tomorrow. Conserving and recycling our resources are more than the latest MTV trend: they're necessary to preserve this planet.

Being aware of the environment also involves picking up after ourselves. The cleaning staff are not our personal maids. Cans, coffee cups with cigarette butts floating in them, and candy wrappers are left on tables and the floor in the lobby for days. The garbage cans are only a few feet away. As a reminder, the Environmental Law Society has set up recycling containers for aluminum cans in the student lounge. Think of it as aerobics for the Earth and take a stroll down the hall.

The **ADVOCATE**

Marshall-Wythe School of Law

A student-edited newspaper, founded in 1969 as successor to the Amicus Curiae, serving the students, faculty and staff of the Marshall-Wythe School of Law.

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Opinions expressed in this newspaper by columnists and other contributors do not necessarily reflect the views of the editorial staff of the Advocate, or of the students, faculty or administration of the Marshall-Wythe School of Law.

" Several minutes into the meeting, Sedgewick left. "

POLITICS, POWER and POP MUSIC

by Peter Kay

Now that the cutting-edge journalists at Newsweek and Time have stumbled upon "political correctness" and made it an issue of sorts, the PC "movement" has been blamed for crime, poverty, illiteracy, teenage pregnancy, and the incipient decay of western culture. "PC" has a nice ring to it, is easy to make fun of, and God knows enough ridiculous things have happened on college campuses to warrant the mockery.

More interesting are the issues that no one talks about, concerning the allocation of power relative to race and gender. Between the fun of academicians uncritically foisting a monolithic plurality-based model of culture upon college freshmen, and the Remnant-type people satirizing the academicians, nothing resembling a constructive dialogue is being formed. What we need is a vocabulary through which we can discuss uncomfortable issues of race and gender instead of engaging in name-calling.

The first victim of enforced political correctness is humor. Even WASPs are prickly about the term WASP now. The only group that it is safe to joke about is rednecks, and they are generally heavily armed. The lack of humor, ironically, indicates that the public dialogue is not serious at all, and is at best superficial.

Political correctness at its worst is menacing groupthink. College freshman throughout the country are forced to endure freshman English classes that are nothing but seminars in liberal conformity. Instead of scaring the hell out of them, why not teach them to read and write critically first? Law students are not immune. NYU law students forced the school to drop a moot court competition topic concerning the rights of same-sex couples to have custody of children. No one wanted to be on the opposing side. As a reward for their tenacity, the students were given a new exciting topic concerning securities regulation or something.

The most egregious offense of political correctness is that it places perceived victims of establishment thinking on a privileged moral platform. For example, take the practice of outing; radical gay activists forcibly revealing that a person is homosexual. The "outers" justify their arrogant and intrusive behavior on the grounds that because they are discriminated against they occupy moral high ground. As self-appointed victims they are unshackled from the rules of civility, free to invade the privacy of others to fulfill an agenda. Not only does this "victimhood is powerful" line of thinking lead to some nasty behavior, it reifies victimhood, making it a status to revel in, not to avoid.

Foolish as well are the attempts to prune away biased words from our vocabulary. Forced changes in language (i.e. chess piece for chess man) do not alter a thing. Language does not shape attitudes; changed attitudes are reflected

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An Open Letter to M-W Students

On Tuesday, April 2, *1991, each of you will notice a* referendum issue on the ballot for S.B.A. officers and class representatives. The question: Yes or No - Should the Honor Code, complete with all the revisions proposed by the Judicial Council, be adopted by the student body? As Chief Justice of the Judicial Council and a concerned student, I urge you to vote yes.

I will highlight four of the most important revisions we are proposing:

1. Two members of the Judicial Council would act as School Prosecutors.

The current Honor Code mentions, but does not define, the role of a prosecutor. We propose that the Code be amended to clearly define the role of School Prosecutor. Two School Prosecutors would present the case of the accuser; they would have a duty of zealous advocacy and a duty to see that justice is done. Two members of the Judicial Council, appointed at the start of any investigation of an Honor Code violation, would fulfill these important roles.

2. The Chief Justice would act as an administrative judge during an Honor Code adjudication, but would not vote on ultimate issues of guilt or innocence.

Currently, the Chief Justice is involved at all pre-trial stages and also participates in ultimate deliberations on guilt or innocence. Our proposals would make the Chief Justice primarily an administrator of the Honor Code process. Under the new scheme, the Chief Justice would determine if proper confrontation had occurred between accuser and accused, would rule on all pre-trial matters, and would preside at trial (including ruling on motions and evidentiary questions). However, the Chief Justice would not be a voting trial panel member for the purposes of determining guilt or innocence or recommended sanction.

3. The Judicial Council would be expanded to fifteen (15) members.

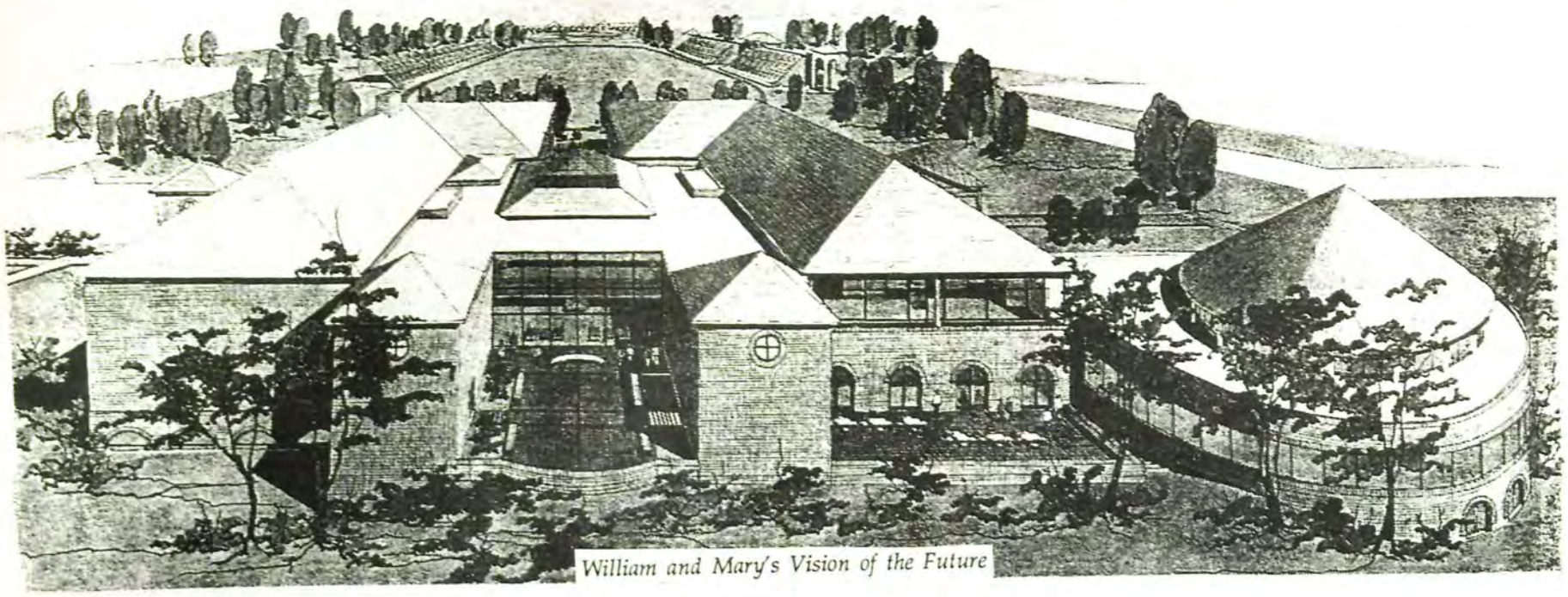
The Judicial Council is currently composed of nine Justices. Six more Justices are needed to fill new positions, such as the two School Prosecutors and an additional investigator. With two investigators, three probable cause panel members, two prosecutors, five trial panel members, and the Chief Justice serving in an administrative capacity, additional Justices are necessary. The increased size is also important to add flexibility during critical times of Honor Code adjudications, such as the end of a semester when many students have left school.

4. A separate sanction hearing would be held after a finding of guilt.

Currently, the Honor Code does not provide an accused with a separate opportunity to argue for an appropriate sanction after a finding of guilt; the trial panel deliberates sanctions immediately following a finding of guilt. Thus, an accused may be placed in the difficult position of establishing extenuating circumstances during trial (thereby possibly admitting guilt) at the same time he or she is arguing innocence of the charge. The Judicial Council proposes that a separate sanction hearing be held within 48 hours after any finding of guilt. This would give the accused a full and separate opportunity to argue for an appropriate sanction without prejudicing the determination of guilt or innocence.

The Judicial Council has worked very hard to add language and procedures that clarify the Honor Code and ensure a just resolution of any Honor Code adjudication. We have held a public hearing and, although it was sparsely attended, we have incorporated several suggestions from students. To get an overview of the changes that we are proposing, I ask that you read the recent articles in *The Advocate* and *The Amicus Curiae*. I also ask that you read the full draft of the revised Honor Code, copies of which will be available in the S.B.A. office and on reserve under "Judicial Council" in the Library on Monday, March 25. Finally, please vote on this important issue at the S.B.A. officers election on Tuesday, April 2.

Michael Flannery (3L)
Chief Justice,
Judicial Council



William and Mary's Vision of the Future

WHERE WILL ALL THE FLOWERS GO?

University Planning New Campus Center

by Sean Sell

In the summer of 1992 the College will begin work on the new University Center, located between Cary Field and the lodges. Three lodges will be destroyed to make room. The current Campus Center may be renamed, but will continue to exist in relatively the same form (marketplace *and Grad Thing porch intact).* The new Center will contain more meeting rooms, a 500 seat theater, several small stores, a pub serving actual beer, and the College's third campus dining room. It is all part of William and Mary's "Master Plan" to promote greater and more effective use of the central area on campus.

Since most who will read this were not undergraduates here, the preceding paragraph requires some explanation. Cary Field is where the football team plays (not to be confused with Zable Stadium, where people sit to watch the football team play). Since the south end of Cary Field is close to the center of campus, the College decided it would be a good place for a campus center. The lodges are a group of eleven college owned houses. Three of them stand right where the new Center is planned, the rest across the street. Seven students live in each lodge. Most students consider them preferred housing, as evidenced by their consistently being among the first places chosen in the housing lottery.

The original 1987 plan called for the destruction of all the lodges. Vice President for Student Affairs Samuel Sadler said, however, that the Master Plan "was more of an academic exercise than a serious proposal." The original plan was too involved and complicated, and thus, unrealistic. Moreover, students overwhelmingly opposed such a move. Even though most of us never got to live in lodges, we still appreciated their presence. The campus has many quaint areas, but this was one that seemed to belong solely to students.

Furthermore, many students feared that construction *would damage the wildflower* refuge on the other side of the lodges. This refuge is along the bed of the creek which runs from Crim Dell (the picturesque pond with the bridge) to Lake Matoaka.

Due to the student concern for environment and lifestyle, the College revised its plans. The Center will be limited to the area on the same side of the street as the field/stadium. Thus, most of the lodges will be saved, and the wildflower refuge will not be harmed. The Student Association has set up a 24 member Master Plan Committee to try to ensure that student opinion is represented in the College's plans.

Environmental concerns remain, however, as do concerns about cost, aesthetics, and need. While many (possibly most, depending on whom you ask) students still oppose the center, the Virginia General Assembly voted in February to approve the College's funding request.

Negative effects from past campus construction have been a major cause of the continued environmental concern. Anything on campus west of Crim Dell ends up affecting Lake Matoaka, since all the creeks run there. The lake used to be open to students for boating or jumping from trees, but has been closed for about a year and a half due partly to contamination from construction silt run-off. Contamination levels were down for a while last semester so Matoaka was reopened on a limited basis. Subsequent tests then revealed higher contamination levels than ever, and the lake was once again closed.

The most recent new building on campus is the Co-rec Gym, behind William and *Mary Hall, overlooking a creek* which runs directly into the lake. Builders used such measures as stacking plastic wrapped hay bails behind the structure to provide a barrier against siltation. The improperly maintained barrier did not withstand the first strong rainstorm, and the creek behind Co-rec is now visibly silted.

In order to prevent such problems with the new Center, the Campus Conservation Coalition (CCC), a student environmental group, has called for a complete environmental impact study. In addition to the issue of run-off, CCC has asked that the builders look into energy efficiency measures such as water-control faucets and using windows for light. CCC president Amanda Allen said, "Since we know it will be built, we want to make sure it is built as well as possible." Tim George, chair of the Master Plan Committee, agrees with that position, and the Committee passed a resolution on February 5 requesting such a study. The College accepted. The date has not yet been set, but according to Sadler, the College plans to adopt the requested measures.

Professor Gerald Johnson of the Geology Department is the College's consultant regarding construction projects' effects on the land. He has looked at some of the possible problems with the construction, and said that the surface there will be effective for holding up a building, but that "We ought to be very, very cautious."

Johnson also said, "I can show you twenty places on campus where there's been poor construction," and offered the south end of the law school building as one example. "I *think most of the concerns can* be addressed, but that doesn't mean I'm for or against the Center." Johnson compared himself to a lawyer who works for the best interests of the client, regardless of personal opinions on the merits of the case.

The cost to students is another concern, one that affects us all. At the end of this year, according to George, the College will have completely paid off the bond it obtained for William and Mary Hall. That would mean student fees, which we all pay as part of our tuition, would go down $188 per person. But instead that money will go toward interest on the $13.5 million in bonds the Virginia General Assembly allocated to the College for the new Center. In the fall of 1993, when the Center is scheduled to be finished, fees could increase by as much as $120. Sadler considers such a dramatic increase highly unlikely. The College will offset student costs as much as possible through private donations.

Do the benefits outweigh the costs and the risks? There are more factors to consider. Although most of the lodges will be saved, many students fear they will not be as desirable with the new Center and all of its commerce right across the street. In deference to this concern, the side of the Center facing the lodges will have no doors. The College hopes to encourage foot traffic, and has therefore planned no additional student parking for the area. Of course, this means the Center may be less accessible to off-campus students such as ourselves, but atmosphere won out over accessibility. Sadler also emphasizes that the William and Mary Hall lot is only two *blocks away.*

There is no guarantee that the College will not create new plans to destroy more lodges, but Sadler assured that such plans are not even remotely considered. In fact, the College is currently putting money into maintenance of the eight lodges that will survive.

Many students, like Allen, are upset by the architectural design. "The building is not appropriate," Allen said. "It will be a permanent blot in a high-profile area, adjacent to the nicest part of campus."

George does not agree with that assessment. "I wouldn't say it's ugly. I would say it's different." He does note people's concern, however. The Center will not be in the same Georgian style as the rest of old campus, and the more modern buildings on new campus have not been well received. The architects and engineers for the new Center will meet with the Master Plan Committee to discuss these concerns. This meeting, on March 28, will be open to the campus.

Sadler believes that the vast majority of students do like the style. "You cannot expect the architecture to be a copy. We never suggested that the building would be Georgian." Sadler likes to think of the style as a "bridge" between old and new campus. This is superior, he feels, to having two completely incongruous styles next to each

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Drapers' Scholars Come and Go:

Scholarship Offers a Chance to Study Abroad

by Jeff Crabill

This fall, Marshall-Wythe students Charles Glaskie and Littleton Tazewell will both travel to London as Draper's Scholars. Glaskie will be returning from a year of tax study towards his L.L.M. at Marshall-Wythe, while Tazewell and his wife Mary Carol will move to London for the first time, where he will start his L.L.M. study at the University of London.

Stephanie Burks

Lit and Mary Carol Tazewell

Lit Tazewell

Between late September and early October of last year Dean Timothy L. Sullivan solicited letters of interest and resumes from third years. Tazewell wrote about his interest in developing countries that he had acquired working as a Peace Corps volunteer in Napal and interning at the Agency of International Development after his first year. Tazewell plans to explore the issue of countertrading. Through this system companies build factories in third world and Eastern European countries and accept payment through the company's output. Companies thus avoid having to deal in hard currency or obtain loans.

Tazewell said he was extremely happy about the chance to study in England and has started to converse with current Draper's scholar Christopher Heimann. Tazewell just received a letter from this year's Draper scholar, concerning what items to bring, what classes to take and the amount of money to bring in order to survive until the stipend comes through. Tazewell plans to pool the information for future Draper scholar applicants.

Although he will be enrolled at the Queen Mary & Westfield College's law department, Tazewell will have access to four other law schools, including Kings College, the London School of Economics and the School for Oriental & African Studies.

Tazewell plans to use the L.L.M. for his future career. "For most people, the L.L.M. is good for teaching or specializing," he said. "My purpose is to work in the international sphere...in development. This will also serve my long-term career goal in teaching." Tazewell hopes to be part of a changing U.S. attitude toward development in third-world and Eastern European countries. He sees himself either acting as a representative for a developing country or facilitating deals between western countries and third-world countries.

Before they arrive in England, Lit and Mary Carol plan to enjoy the Edinburgh and Stratford Festival and other sites in Western Europe. During his stay Lit hopes to spend Christmas in Portugal and after he leaves he will visit old friends in Napal, Bangladesh and Thailand. When Tazewell returns he will have a job waiting for him at a law firm in New Haven, Connecticut.

Charles Glaskie

As Tazewell anticipates his future trip, Glaskie contemplates the end of his stay at William & Mary.

Glaskie views his two university experiences as a trade-off. One offering the excitement of a big city -- fancy restaurants, critically-acclaimed plays and late-night clubs; while the other offers more of a campus environment where "everything evolves around the student." Glaskie went to the Queen Mary & Westfield College that is one of about 30 colleges within the University of London.

Once Glaskie returns to England in September he will go through a one year exam and review to become a solicitor, similar to the bar examination in the United States. After the first year, he will apprentice for two years with Clifford Chance, the largest law firm in England. Once those two years are up, he will automatically become a full-fledged member of the firm.

In England, a law degree is received in the first three years of college rather than after an undergraduate degree. "In England you choose one subject and you come out with a specialized degree" Glaskie explained. Those who graduate with a law degree then must apply either to be a solicitor or a barrister. A barrister handles the job of speaking in court while the solicitor deals with the client. Glaskie said the trend is for solicitors to try some cases as the system becomes more Americanized. Only about half of the students that get their undergraduate law degree go on to solicitor or barrister school. The rest, Glaskie said, use their law degrees for other careers like banking or accounting.

Glaskie learned about the Draper's offer while in the law faculty library where he saw the Draper's announcement on their bulletin board.

Glaskie first trip to the states came two summers ago as a camp counselor for children in upstate New York. After spending two summers there and seeing many of the universities in that area, he had an instant ambition to study at an American University.

Besides the obvious difference in the subject matter of law schools in England, Glaskie said his law school focused more on large lectures and small tutorials rather than the U.S. method of large interactive seminars. "The large seminars tend to benefit only those that have the ability and confidence to participate," he said.

While having to fulfill the requirements of an L.L.M. in tax, he has gotten the chance to take a few classes out of that mold including Torts and Health law. Glaskie said that although most of his classes won't help with his future practice, they further his general knowledge of the law. "It has given me a great insight into the American legal system and any kind of education will always be beneficial in some way."

Another William & Mary attribute Glaskie likes is *spring break. In England the* year is divided into three terms starting in October and ending in June with a month off for Easter. He said people go home for the month. "It is usually not considered a holiday. You don't see a flock of students going to the south of France," Glaskie said. Glaskie experienced his first ever spring break by travelling to the Bahamas.

Glaskie said he still clings to some of his London lifestyle by frequenting the delis in the area and by making the Greenleafe "a second home." Besides the nightlife, Glaskie enjoys living in Colonial Williamsburg as well as playing soccer for the William & Mary Club team and law school team. He said sports are taken much more seriously in the States than in England. While playing for the University of London's soccer team, Glaskie said it wouldn't be unusual for 10 people to show up for a game. Glaskie was surprised by the tremendous hype for sports in America as compared to England.

Glaskie called living in a different environment an eye-opener. "The U.S. is such a melting pot of diverse cultures, yet there seems to be a distinct and identifiable 'American' way of life," he said. "I've especially enjoyed the openness and warmth of the people here which has pretty much destroyed the English myth of American superficiality."

Bobby Carll

Charles Glaskie

Crossfire:

DOES SIZE REALLY MATTER?

Look for this and other hard hitting news in the next *Advocate* - on your newstand April 4!

Honor Code Changes cont'd.

continued from page one

Council is also considering whether or not the Chief Justice should be allowed to vote on jurisdiction. Because the Chief Justice would have greater information about the particulars of the case, some Council members feel that it would be inappropriate for the Chief Justice to vote.

Size and Composition of the Council:

Currently there are 9 members of the Council. For any given trial, one member is assigned as an investigator (a neutral, fact-finding position), three members serve on a probable cause committee, and the remaining four members and the Chief Justice serve on the trial panel.

The Council proposes to expand the size of the Council to 13 members. Because the composition of the Council is dictated by the S.B.A. Constitution, any change will require a conforming amendment to that document. The Council proposes to create a Council of six second years and seven third years (including the Chief Justice). Flannery explained that such a distribution would provide balance, experience, and equal representation. Flannery outlined a number of reasons for the expansion.

First, Flannery said that with a trial, there is a great deal of work. The Council feels that it would be more effective if there were more members over whom to distribute that burden.

Second, the proposed expansion would provide for two Council members to serve as investigators for each trial. This would lighten the work burden on each investigator. In addition, the new Code will redefine the investigator position, making it more neutral. By having two investigators, either one can recuse him/herself if a conflict of interest arises, without unduly slowing the trial procedure.

Third, the new Code would create a role of "School Prosecutor." Two council members would be assigned as prosecutors for each case. Currently, the 5-member trial panel acts as both jury and prosecution. An accused student is allowed two defense counsels, so the Council feels the assignment of two prosecutors would not create an imbalance. As with the investigator position, having two prosecutors would allow one to recuse him/herself if a conflict of interest arises.

Finally, the proposed expansion would allow the Chief Justice to preside over the trial, but not vote with the five-member panel. This would create a system more similar to a judge and jury system. As it stands, the Chief Justice, who has already heard potentially prejudicial evidence at the pretrial motion hearings, is one of the voting members of the trial panel.

Currently, if one or more members of the Council is unable to attend the proceedings, the Chief Justice may choose a member of the student body to replace that Council member. The Council is considering expanding the size of the Council to 15 instead of 13, the additional 2 members acting as back-up, to decrease the likelihood that the Council will have to seek out members of the student body. The two non-active positions would not be permanent, but rather would vary from trial to trial.

Confronting the Accused; Duties of the Accuser:

The Council is primarily concerned with clarifying this portion of the Honor Code. One notable change, however, is a proposed provision that the accused must present the accusation to the Judicial Council in writing. This would allow both the prosecution and defense to thoroughly understand the issues before the trial commences.

As it stands, there is a heavy burden on the accuser. First, he or she must investigate the situation to the fullest extent possible to determine if there has been a violation. Then the accuser must personally confront the accused with the accusation, to allow the accused an opportunity to explain the situation before the Judicial Council is approached. If the Chief Justice does not feel that a sufficient confrontation has occurred, the trial will not go forward until the accuser remedies the situation. Under the new Code, the Chief Justice's determination of the sufficiency of confrontation will occur prior to the jurisdictional hearing.

Another issue regarding confrontation which the Council is exploring is the obligation of faculty members to confront students. According to the Honor Code, all "persons" are bound to confront students who have violated the Honor Code; to fail to confront is in itself a violation of the Code. Council member Patty Erikson said that the Council envisions that all members of the Marshall-Wythe community should be bound to follow these procedures, including faculty. The Council concedes, however, that there is no real practical recourse against a professor who fails to come forward.

The Council is considering clarifying this language, but the specifics have not yet been determined. They might leave this issue for next year's Council. In furthering their understanding of the options, the Council plans to meet with the faculty on either the 21st or 22nd of this month. In addition to the faculty's obligation to bring student's forward, the Council will discuss the question of whether professors are bound by Judicial Council trials.

Separate Sanction Hearing:

Under the current Code, as soon as guilt is determined, the trial panel begins to consider sanctions and the accused must introduce evidence of extraordinary circumstances. The council recognizes that this forces the accused to contradict him/herself, first pleading innocence, then pleading circumstances surrounding guilt. To remedy this, the Council recommends a separate sanction hearing to occur within 48 hours of a guilty verdict. At this separate hearing, the parties would not be allowed to reintroduce evidence solely for the purpose of reiterating guilt or innocence.

Under the new Code, the Council would adopt a presumption that the appropriate sanction is expulsion. The presumption could only be overcome by clear and convincing evidence that mitigating circumstances warrant a different sanction. Proposed lesser penalties include a formal reprimand; loss of privileges, benefits, honors, or financial aid (the Council is unaware of whether this is within their power); public and/or school service; failure of the course (although final grades are to be determined by the faculty); and suspension, with or without a refund of tuition (although, again, the Council is unaware of whether this is within their power).

Dean's Power of Review:

Currently, if a student is found guilty, the Dean has the power to review all evidence, redetermine guilt, and review the penalty, but he must give "great weight" to the student Judicial Council findings. The Council proposes to rewrite this section of the Code to bind the Dean more to Council decisions. They propose to place the Dean's power of review somewhere between its current status and power to overturn only if the student decision is "arbitrary and capricious." Gerber and Erikson explained that limiting the Dean's power of review would be important in giving significance to the lesser sanctions. The Dean may not overturn an acquittal.

The Council further proposed that the Dean's review should be bifurcated, just as the student proceedings would be. The Dean would first review the evidence pertaining to guilt and innocence, then review the sanction proceedings. The Council is also considering requiring the trial panel to write a formal opinion to aid in the Dean's reviewing process.

The Council plans to meet with Dean Sullivan to get his input on the proposed changes to both his review process and the other parts of the Code. If the student body approves the changes to the Honor Code, the Council will have to acquire the Dean's approval to finalize the New Code.

GRADUATION COUNTDOWN -

Fifty-nine days . . . and counting!

ATTENTION 3L'S!! The Advocate wants your pictures, comments, reminiscences, et al, for a SPECIAL GRADUATION SUPPLEMENT. . . Find Steffi Garrett for more details.

*Wall Street Journal*ist to Visit M-W Next Year

by Katie Finley

Next year, journalist Stephen Wermiel will join the Marshall-Wythe faculty as the Bill of Rights Institute's 1991-92 Visiting Lee Professor. He will take a one year leave of absence from his present position as the Supreme Court and law correspondent for the *Wall Street Journal* which he has held since 1979. He has previously visited Marshall-Wythe as a panelist in the annual Supreme Court Preview in 1989 and 1990.

This is the first time that the Institute has hosted a journalist rather than a law professor. As a career journalist, Wermiel should bring a diverse prospective and unique experiences to the classroom. He will teach a Supreme Court course this fall and Law and Journalism next spring. However, Wermiel does have a law degree from American University Washington College of Law and is a member of the District of Columbia Bar Association.

While in Williamsburg, Wermiel expects to finish his judicial biography of Supreme Court Justice William Brennan which is scheduled to be published in the fall of 1992. The author has the cooperation of Brennan and complete access to his files and records. Professor Rodney Smolla hopes that Brennan may visit Marshall-Wythe to meet with Wermiel and possibly informally interact with faculty and students. Wermiel should provide the rare opportunity for an inside view of the Supreme Court and one of its Justices.

Movers & Shakers Celebrated

by Wendy Watson

The events scheduled for Women's History Month are underway. During the first week after Spring Break, Professor Douglas gave a speech on Women in the Law. This week, a panel discussion on Women in the Military, featuring a number of law students who are in the military or have been in the past, is scheduled for Thursday the 21st at 2:00 p.m. in room 127. Women's History Month will draw to a close with a speech on Native American Women on the Peninsula on Monday the 25th. The talk will be given by Rose Powhatan, whose artwork is currently on display in the Moot Court trophy case.

On Wednesday March 13, Professor Douglas spoke to a gathering of students on "Barred from the Bar: A History of Women in the Legal Profession." Professor Douglas' speech gave an overview of the history of women in both legal education and the legal profession in America, from the first woman lawyer in the new world, Margaret Brent, who, in 1638, settled in the colony of Maryland and was counsel to the governor there, to the current status of women in the profession.

Douglas pointed out that women were excluded from the Bar until the late 1800's (Iowa was the first state, admitting Arabella Mansfield in 1869). The reasons given for the exclusion, said Douglas, ranged from an observation that if married women were not allowed to enter into contracts then they were unable to effectively practice, to a belief that women's "nature," timid and gentle, made them unsuitable to the practice. Douglas also discussed the parallels between the women's movement and both the abolitionist movement and the westward expansion of the United States.

Stephanie Burks

Professor Douglas speaks on women in the legal profession.

The last state to allow women into the Bar was Delaware, which resisted the trend until 1923 (Alaska, not then a state, did not admit women to the Bar until 1950). Despite their ability to join the Bar, women remained largely unrepresented in the legal profession. As late as 1960, only 3 1/2 % of the practicing attorneys were women. According to Douglas, the principal reason for this low statistic is the lack of legal educational opportunities for women.

In this area as well, the Midwest proved the most progressive region of the country, with the first female law student at Washington University in St. Louis (late 1860's) and the first female law graduate from Union College in Chicago (1870). Schools in the Northeast and along the Atlantic Seaboard were more reluctant. Harvard did not admit women to its law school until 1950, and Washington and Lee admitted its first woman in the early 1970's. In response to this situation, a number of law schools exclusively for women were created in the early 1900's, including Portia Law School (now the New England School of Law) in Boston, the Cambridge School of Law for Women (now defunct) also in Boston, and the Washington College of Law (now American University Law School) in Washington D.C. The first woman law student graduated from William and Mary in 1937.

Those women who did find a law school to attend and were admitted to the bar still faced a great deal of prejudice in the work force. Most women lawyers practiced family law or trusts and estates, and many worked for legal aid. Very few were hired by large firms and even fewer sat on the bench. In fact, when Sandra Day O'Connor graduated from Stanford in the 1950's the only job offer she received was as a stenographer. Recently a number of women have sued law firms for discrimination in their hiring practices and law school placement offices for their failure to aid in the appropriate placement of female law school graduates.

In the 1980's, said Douglas, the hot issues were discriminatory practices in partnership offers and sexual harassment. A 1989 National Law Journal survey found that 60% of the women who responded reported being sexually harassed on the job, and 2 % of those reported being raped on the job. A California Bar survey reported similar findings. Seven years ago a prominent firm (which Professor Douglas declined to name) held a bathing suit competition for the female summer associates . . . the case is pending in the Supreme Court.

According to Douglas, today greater than 40% of the people entering law school and 20% of the attorneys currently practicing are women.

Next week's program will focus on Native American Women on the Peninsula. Rose Powhatan, a Washington D.C. native, will speak on Monday.

Powhatan is a descendant of Chief Powhatan's brother Opechankanough, and a member of the Pamunkey tribe, whose tribal seat is in Prince William County, Virginia. The Pamunkey tribe was united with 31 other tribes by Chief Powhatan (father of Pocahontas), forming the Powhatan Confederacy. Its territory stretched from what is now Washington, D.C. to the Carolinas.

Rose Powhatan's art is characterized by the bright colors and stylized figures. Her work has been displayed in museums and galleries across the United States, including the Smithsonian, as well as in Jamaica, West Indies. She has entered into several collaborative efforts with her husband, Michael Auld, who is from Jamaica and is a member of the Arawak tribe. Together they crafted six totem poles in the Powhatan style, entitled "Totems to Powhatan." The designs gracing the poles describe the history of the tribe.

Currently Powhatan teaches art at Eastern High School in Washington, D.C. and coordinates many workshops, lectures, and multi-cultural programs for a wide variety of organizations.

Douglas's speech was videotaped; anyone interested in viewing the tape should contact Kate Atkins. For more information on any of the programs scheduled for Women's History Month, contact Kate Atkins, Andrea Amy, or Ann Rogers (all 2Ls).

BULLETIN BOARD

Congrats to Moot Court Teams on Their Latest Successes:

Fordham –
Dan Kelly and Wes Rice made it to the semi-finals
Manny Arin and Chris Cashen made it to the round of 16

Cardozo --
Andy Condlin, Michael Davis and Patti Durio qualified for the quarter-finals

Prince --
Rob Garnier, Gary Reinhardt and Anne-Marie Shaia made it to the round of 16

INTERNATIONAL LAW SOCIETY

Thurs., March 28 - The ILS will host an informal reception for Prof. Calvo-Satelo in the student lounge. Madrid-bound students are especially encouraged to attend.

- -

Thurs., April 4 - Professor Antonio Fernos of the Inter-American University of Puerto Rico will give an address entitled *Self-determination and Equal Protection for US Citizens: The Territorial Clause and Fundamental Rights*. 11:00 am in Room TBA.

SHOULD THERE BE A PRO BONO REQUIREMENT FOR GRADUATION?

Come to an open panel discussion moderated by Prof. Smolla. Prof. Butler will argue for and Prof. Coven against the program. Students also will voice their opinions. Come and be heard!!

Wed., April 3, at 2:00 pm - Room 127

In Dispute at Paul's Deli Saturday, 23 March 9 p.m.

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SIGNATURE _____ DATE _____

PARENT'S SIGNATURE (If under 18) _____

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SUNNY PRO BONO

by Robert Church

On Wednesday, April 3, an open forum discussion will be held to discuss the possibility of adopting a pro bono requirement at Marshall-Wythe. Professor Smolla will moderate the discussion, and several other faculty members and students will participate in the panel. The discussion will take place in room 127 at 2:00 p.m.

The dialogue will focus on the different types of pro bono requirements that have been adopted by other law schools, the merits and problems of such programs, and the possibility of implementing a pro bono requirement at Marshall-Wythe.

In an effort to increase student awareness about the importance of pro bono work and to provide many hours of free legal service to the public, the Law Student Division of the ABA passed a resolution at its national conference in August 1990, that states: "Be it resolved that the American Bar Association encourages law schools to establish a public service requirement, the fulfillment of which would be necessary for graduation. The notion of public interest requires no partisan program or philosophy. It is work which, judged on the merits of the issue addressed, furthers justice, fairness and the public good rather than the interests of a client who is represented on the familiar commercial terms."

Several law schools (including the University of Pennsylvania, Tulane University, Florida State University, and Valparaiso) have already incorporated some type of pro bono program into their curriculum. The first school to institute such a program was Tulane, where students must perform at least 20 hours of pro bono work during their last two years of law school as part of their graduation requirement. Students at Tulane work exclusively with indigent clients in the New Orleans area. While Tulane does not accept clinical work done in conjunction with the school, it does accept qualifying summer work as part of the 20 hour requirement.

Florida State has also adopted a requirement in which students must complete 20 hours of pro bono work during their last two years. In addition to work for indigent clients, the school accepts legal work performed for government agencies, disadvantaged minorities, or other groups which suffer discrimination.

The University of Pennsylvania's public service requirement is similar to those listed above, except that students must perform a total of 70 hours of unpaid law-related work during their last two years. The definition of pro bono work is also broader: The school accepts any work which is performed for non-profit organizations, public interest law firms, legal aid offices, or government employers.

Although there were many students who initially felt that the program at the University of Pennsylvania was a form of involuntary servitude, after performing the required number of hours, most reported that they felt the work had been a valuable learning experience as well as a great help to Philadelphia's many disadvantaged residents.

At other schools, students have taken the initiative to adopt a pro bono requirement. At Harvard, for example, the faculty was initially unreceptive to a pro bono program, However the students organized and have so far been effective in rallying to get a majority of student support and to get the administration to consider a pro bono requirement.

Even though pro bono requirements have been largely accepted by the students at schools with such programs, many have voiced their concern that pro bono is not something that should be mandated by law schools. Good deeds, they argue, should come from within the individual; any outside force that compels such works subverts the character of charitable acts.

To counter this, advocates state that a pro bono requirement's primary function is to educate students by demonstrating to them the vast need of indigent clients and the various methods of serving those clients. Proponents argue that a pro bono requirement is no different than a requirement to learn contracts or any other field which is needed to become a qualified lawyer.

Detractors also note that while a pro bono requirement might function relatively well in a big city (such as New Orleans or Philadelphia) a town as small as Williamsburg could not support 170 or more students all trying to work with indigent clients or non-profit organizations. To this, pro bono advocates respond that there is a great need for free legal assistance in any sized community, and that even in the Williamsburg area there is plenty that could be done for indigent clients.

Alternatively, if a pro bono requirement were to be adopted at Marshall-Wythe, it could be broadened to include not only indigent clients, but also research work for non-profit organizations and government agencies. This would allow students to work for employers in Richmond and Washington and then fax or mail their work to their counterpart.

If you feel strongly about the implementation of a pro bono requirement at Marshall-Wythe, you are encouraged to attend and participate in this open panel discussion. At a time when nine out of ten legal needs of the poor are going unserved, and only 17% of all attorneys participate in pro bono programs, the need for more public service work by the legal profession is an issue that affects us all.

PSF FUNDS

LEGAL AID SUMMER

by Barbara Evans-Yosief

A fellowship from the William and Mary Public Service Fund made it possible for me to work this summer for the Peninsula Legal Aid Center in Hampton, Virginia. The Center is a non-profit organization which provides legal assistance to low income and elderly clients in civil cases. Domestic relations, bankruptcy, housing and public funding are types of law practiced by the Center.

The staff consists of four attorneys, two paralegals and four support staff members. The staff was wonderful. Questions were answered freely and assistance was provided as needed. My opinion was readily welcomed and valued. Overall, the setting was conducive to learning and testing my level of legal functioning.

As a legal intern, I conducted research, interviewed clients, wrote letters to judges, physicians and clients, and attended administrative hearings. The experience at the Center culminated in my providing representation for a client in a social security disability hearing.

The experience I gained at the Legal Aid Center enriched my previous legal training. I was able to use many of the skills taught in the Legal Skills course at Marshall-Wythe. In addition, I was exposed to a field I've not yet studied--administrative law.

For those students who are interested in gaining practical legal experience by working in an environment where she/he will be treated as a colleague and not a student, contact Denise Dunn, Senior Attorney, at 247-6621.

continued from page three

other, as is the case where Landrum Hall, a Georgian style dorm, looks across the street at Rogers Hall, which contains the chemistry labs.

Why do we need a new University Center? According to Sadler, the College has over 100 student groups, but only twelve of them have permanent office space. The new Center will take care of that, as well as creating two new hotel style ballrooms which can be separated by curtains and used for meetings. Of course there are classrooms all over campus that can be used for this purpose, but the new Center would be a better location. The new dining room will ease overcrowding in the Commons and Marketplace, and the pub could help prevent drunk driving by keeping the drinks near home. It would also have food and a section for underage students.

The University Center will also free up space in the current Campus Center. Realignment plans are sketchy at this point, but they include a faculty club (details undetermined) and possibly a graduate student center. We could then more easily move the Grad Thing inside on cold nights.

One reason not being given for the Center is expansion. Sadler asserts that although class sizes have grown recently, the College is not planning for further growth, and in fact expects a smaller student population next year.

While disagreements as to cost, risk, benefit, and need will likely continue, all sides agree that the College should be (and appears to be) making every effort to prevent any damage and keep student opinions foremost in the plans. And all sides agree that the new University Center will be built.

CLERKING FOR DOLLARS

by Robin Quash


Bobby Carll

My experience as a judicial clerk this summer was very rewarding. I clerked for four judges at Henrico County Circuit Court in Richmond, Virginia, where the Honorable James E. Kulp oversaw my externship. During my externship, I also worked with two other law clerks who were permanent employees.

In a typical week, hearings and trials for domestic relations and civil litigation were held on Monday. Also on Monday, I reviewed divorce files to make sure that the necessary statutes and procedures had been complied with by the attorneys who filed divorces. When necessary, I telephoned or wrote the attorneys and requested corrections. Once the clerks had checked the divorce files, they were given to the assigned judge for a final review and his signature. Generally, criminal hearings and trials were held Tuesday and Thursday, and motions were heard on Friday.

My clerking experience exposed me to diverse areas of the law. In the area of domestic relations, I worked on divorces, property settlements, adoptions, child abuse and neglect cases, child custody disputes and abandonment of parental rights. With respect to civil litigation, I worked on cases involving mechanics liens, car accidents, intentional interference with contracts, and medical malpractice. In the area of criminal law, I was exposed to cases involving embezzlement, robbery, driving under the influence, failure to carry a green card, conspiracy to distribute drugs, kidnapping and murder. Moreover, in the process of researching motions, I became well acquainted with Virginia civil procedure.

This externship provided me with a wide variety of informational opportunities while fine tuning my research and analytical skills. My duties included research and writing in the areas of domestic relations, civil and criminal law. More specifically, I reviewed motions submitted to the court and researched and prepared legal memoranda. Once I had reviewed the motions and briefs of opposing attorneys, I prepared a summary of the case for the judge to whom that case had been assigned. A summary consisted of an overview of the facts, arguments of opposing attorneys, the relevant issues, cases and/or statutes to support the issues, and my analysis of the case. Upon completion of my research, the judge and I would discuss my proposed analysis.

In addition to learning the law from researching legal questions, I learned the law from my discussions with the judges and other law clerks. I also had some interaction with attorneys when they delivered the briefs for their cases.

My summer job experience was very enjoyable because it consisted of more than just research and writing. It provided me with the opportunity to attend hearings and trials. On occasion, I attended court and learned from observing the judges and attorneys. What made my clerking experience so rewarding, however, was not simply my ability to observe the trial process. Typically, I was a well-informed observer because I often had read the relevant files and briefs and discussed the case with the law clerks or judges prior to the courtroom hearing or trial. After attending court, the judges were willing to answer questions and explain the reasons underlying their decisions.

The most memorable case from my summer experience was Commonwealth v. Stephen Rea. This case received much publicity and was tried by the Honorable James E. Kulp. Judge Kulp did extensive research on the Rea case and made sure I was knowledgeable about the complicated issues. The Rea case involved a sixteen-year-old male who was tried as an adult on three murder charges. The defendant was tried for killing a schoolmate and the schoolmate's parents. This case received so much attention because it involved many complex issues ranging from whether television cameras could be used in a courtroom in which juveniles would testify to whether the death penalty was the proper punishment for this young man in the state of Virginia.

I would like to thank the Public Service Fund for awarding me a partial scholarship to supplement my summer income.

Administration Gives Students a Break

by Tamara Maddox

You've heard about it from your friends in other graduate departments ... and now, you can finally experience it for yourself (that is, unless you're a third year)! As students may have heard, next year's fall schedule will include the two day "fall break" long familiar to all William and Mary students ... except those attending the law school.

Despite popular belief to the contrary, previous denial of a fall break to law students was not the product of a massive campaign by the faculty to destroy the minds, bodies and spirits of Marshall-Wythe students (although that may have been the inevitable result). In fact, Marshall-Wythe once had a fall break, but it was eliminated more than seven years ago in order to shorten the length of the fall semester.

Since that time, both students and faculty members have periodically requested reinstatement of the break. This past year, at the instigation of Professor Susan Grover and the Student Services Committee, the question was raised again and evidently was pursued more seriously. In order to discover the views of the entire law school community, both faculty members and students were asked for their opinions regarding inserting a fall break into next year's curriculum. Dean Connie Galloway stated that "a majority of faculty [members] liked the idea ... and students overwhelmingly chose that option." Even third year students were polled, although Dean Galloway mentioned that their votes would carry less weight. "We decided we wanted to get their sense, but planned to give more credence to [responses by] 1Ls and 2Ls," Galloway remarked of the determination to include third year students in the query.

Additionally, students need not worry that the new holiday will result in an extension of the fall semester. Instead of adding days to the class schedule, the administration has integrated the lost time into the fall exam period. According to Galloway, the "net effect is that it eliminates one reading day from the semester."

Although Galloway no longer has the data from the poll, she recalls that there was "pretty much an 80-85% preference for the break across all three classes ... maybe more." Presumably, with this type of response, few people will be upset by the new plan. In any case, Galloway appears content with the change in schedule. "I hope it's everything everyone wants and more!" she quipped in closing.

POWER, POLITICS cont'd.

continued from page two

in language. In a literary criticism class in college, I remember a good portion of a class spent on the propriety of a male anthropologist's use of the word "penetrate." Was it a patriarchal rape metaphor? Did I care? The sad thing is that most of the class agreed that "penetrate" was an unacceptable word, effectively stifling the day's discussion.

The "controversy" about language is largely a smokescreen; what the smoke obscures is the relevant issue: power. Take feminism, for example, which, for me, boils down to two essential propositions: 1. Women should be given fair opportunity in the workplace and be paid comparably to men, and, 2. Women should not be subject to violence because they are smaller than men. English professors constantly sniping about acceptable language strip people (especially unwitting and gullible college freshmen) of the tools required to meaningfully ponder the issues. The debate about acceptable language is not only a prior restraint on thought, but it also diverts of attention from important issues towards basically non-volatile ones.

Unfortunately the parameters of the "power" debate are often defined by mainstream media institutions. Why are African-Americans so often portrayed as members of an amorphous "underclass" when they are no more likely to be on welfare or drugs or whatever it takes to be a member of the underclass than any other Americans. Why are American banks more likely lend money to bankrupt South American countries than they are to black entrepreneurs? Why is an African-American writer like Harold Mosley chided by critics for portraying Holocaust victims in his work when for years television producers have been beaming the buffoon-like families of "What's Happening" and "Good Times" into our living rooms for years? Power.

The rawest nerve struck by the politically correct is the alleged deconstruction of Western Culture and subsequent substitution of non-western forms. What is western culture? The Bible? Last I checked, most of the action took place in the Middle East and Jesus was a Rabbi. Homer? I think I read the Cliff Notes in high school. Led Zeppelin? Didn't they rip off almost every southern black bluesman that died penniless? Those who cherish the notion of a purely European based western culture are hardly suggesting that we all spend an afternoon with Aristotle. The implications are far more ominous.

Exhorting the values of "western" culture is the highbrow equivalent of burning a cross. Western, more specifically, North American, culture, is nothing but the aggregate of the mosaic of all people here, and it is right that the academia and the rest of the world recognize that. To parse out a purely European-based cultural tradition is impossible. The barn door was opened centuries ago.

The potency of the term "western" as anti-pluralistic is not isolated to academia. Anybody who was in high school/junior high in the mid to late seventies will remember the ugly confrontations between fans of disco and rock, which culminated when the Cleveland Indians blew up a bunch of disco 45's on field during "Disco Destruction" night and had to forfeit the second game of a double header. Rock in the seventies focused on long-haired white guys playing vaguely teutonic martial music on electric guitars. Disco (excluding the Bee Gees) focused on the dancer and embraced minorities, gays and women. White vs. non-white. The vigorous and sometimes violent confrontations between fans of rock and disco were nothing but a pop culture version of what passes for today's debate.

"PC" is an attractive talisman through which Americans can heap abuse towards the basically mistrusted institutions of academia. Much of that abuse is richly deserved. Underpinning the current public debate, however, is a yet unformed vocabulary of race, gender and power which hopefully will make some sense out of the name-calling and forced thinking.

MUSCARELLE cont'd.

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Contemporary Arts Center since 1983. He has been responsible for innovative programming at the art center, including exhibitions of the works of many young artists. He was previously Midwest area director of the Archives of American Art, Smithsonian Institution. Barrie received a M.A. from Oberlin College in 1970 and a Ph.D. in American Cultural History from Wayne State University in 1983.

An endowment was established in 1986 at the College of William and Mary by Leslie Cheek, Jr. to fund an annual award to be given to an individual for his or her "outstanding presentation of the Arts." This award of recognition is given in honor of the achievements of Cheek at the College of William and Mary from 1935 to 1939. Cheek organized the College's art department, one of the first at a southern university. During Cheek's tenure, exhibitions were organized bringing to the College the works of prominent artists such as Frank Lloyd Wright and Georgia O'Keefe. Cheek became the director of the Baltimore Museum of Art in 1939 and, after serving in the military during World War II, served as the director of the Virginia Museum of Fine Arts from 1948 until his retirement in 1968.

The recipient of the Cheek Award is selected by a jury of three William and Mary faculty: the Director of the Muscarelle Museum of Art (Chair), and the Chairs of the Fine Arts and Theater Departments. The award can be presented to any citizen of the United States.

The first presentation of the Cheek Award was made in 1987 to Gaillard F. Ravenel II and Mark A. Leithauser, chief and deputy chief of the department of design and installation at the National Gallery of Art, Washington, D.C. The second award was given to interior designer Florence Knoll Bassett in 1988. The third award was given to costume designer William Ivey Long in 1990.

Barrie will be present at the College of William and Mary to receive the Cheek award on April 9, at 7:30 p.m. in Andrews Hall auditorium. The event will include a talk and slide/video presentation by Barrie followed by an informal question and answer period. A reception will follow at the Muscarelle Museum of Art. The event is free and the public is encouraged to attend. For more information, call the Muscarelle Museum at 221-2700.

FAVORITE LINES

by Jon Hudson

Twinkle Twinkle Little Star

Twinkle twinkle little star,
how I wonder what you are,
up above the world so high,
like a diamond in the sky.

Scintillate scintillate
infinitesimal self-
luminous heavenly
spheroid,
intellectually I question your
corporeal existence,
in your prodigious attitude
above the terrestrial
sphere,
similar to a carbonaceous
isometric octahedral
in the celestial
firmament.

Time Enough for Love
Robert Heinlein

Sin? Let's haul it out in the middle of the floor and let the cat sniff it. "Sin" like "love" was a word hard to define.

Time Enough for Love
Robert Heinlein

God wants us to be happy and He told us how: "Love one another!" Love a snake if the poor thing needs love. ... And by 'love' he didn't mean namby-pamby old-maid love that's scared to look up from a hymn book for fear of seeing a temptation of the flesh. If God hated flesh, why did he make so much of it?

Stranger in a Strange Land
Robert Heinlein

"Mike gives a kiss his whole attention. I've been kissed by men who did a very good job, but they don't give kissing their whole attention. They can't. No matter how hard they try, parts of their minds are on something else. When Mike kisses you, he isn't doing anything else. You're his whole universe ... and the moment is eternal because he doesn't have any plans and isn't going anywhere." Just kissing you. She shivered. "It's overwhelming."

Stranger in a Strange Land
Robert Heinlein

BUDGET CUTS THREATEN SPORTS

by Jan Brown

On February 22nd, President Verkuil announced that the College would restore the four varsity programs that were earlier eliminated by budget cuts. This announcement came two weeks after William and Mary decided to cut women's basketball, men's and women's swimming and men's wrestling because the athletic department needed to save $300,000. However, because of overwhelming response from athletes, families and alumni, as well as serious financial commitment from outside sources, the school decided to reinstate the teams.

Unfortunately, William and Mary's athletic department is not the only school facing financial difficulties. Colleges and universities across the nation face the same problem as William and Mary of how to manage existing varsity programs with a decreasing budget. It was recently reported in the *Chicago Tribune* that 70 percent of the major athletic programs were experiencing serious financial difficulties. Changes will have to be made and programs will have to be cut.

In facing the issue of what programs must be eliminated, athletic departments will not only have to look at the figures, but will also have to look at the legal implications, such as possible Title IX violations. William and Mary did not consider this possibility when they made their initial decision to cut the programs. And as a result, the women's basketball team was prepared to bring suit against the school and had retained legal counsel.

As athletic departments make their budget cuts, many will be watching to make sure that cuts are equitable and based on objective standards. If there are any slip-ups, universities will face more serious problems than budget concerns.

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against Florida State. If they can do that again, look for the Hoosiers to get to the Final Four, but if not, Alabama or Arkansas may out-athletic them.

Seton Hall is on fire, but I don't think they can contend with the Tucson Skyline. Look for Arizona to meet UNLV (easy winners over Utah) and give the Rebels a tangle, but lose when the Anthony-Hunt backcourt takes over.

Connecticut is another Big East team that is red-hot, but this is not the same Huskie team that lost to Duke last year by shot at the buzzer. This also is not the same Duke team, but this version is better, whereas Connecticut is weaker. Duke will meet Ohio State, though I say that with trepidation, for the Buckeyes are ripe for a fall. Few teams can have their star go 8-28 as Kenny Anderson did for Georgia Tech and still be in the game, but with the Buckeyes, you don't have to be at the top of your game to win. Duke won't let them escape the region.

North Carolina should handle the Hurons, but who they will meet is a good question. Temple has looked impressive, but Oklahoma State's Byron Houston is the most underrated player in the tournament. Look for the Cowboys to overcome an unbelievable performance by Mark Macon, only to fall to the Tarheels.

Of course, the women's NCAA tournament is in full swing too, and if you think that the men's side had all the excitement, check again. This past weekend, James Madison beat top-seeded and #1 ranked Penn State at Penn State. Vanderbilt beat second-seeded and # 5 Purdue at Purdue, Lamar beat second-seeded and #8 ranked LSU at LSU and Oklahoma State beat fourth-seeded Michigan State at Michigan State. Virginia, second-ranked and top seed in their region, needed a last second shot from Heather Burge to down Stephen F. Austin, 72-70. If the Cavaliers, who lost in the ACC tournament semifinals to Clemson, don't get their act together, a second straight Final Four appearance may be a dream. Look for national Player-of-the-Year Dawn Staley to start lighting up the scoreboard.

There you have it. A run-down of what happened and what will happen. Of course, this is all subject to change, for I've been known to error (DePaul really was playing well, so I really thought they would go to the Elite Eight), but no doubt those who have filled out brackets have not done well either.

MARCH MADNESS:

The Return of the NCAA Tourneys

by Mychal Schulz

March Madness is upon us with all its perplexing wonder, excitement and energy. Will anybody beat UNLV? Will Duke get to the Final Four for the fifth time in six years? Will somebody slap Arkansas' Todd Day for all the trash he talks? What the heck is a Huron, a lake or a bird?

The first and second rounds of the tournament are history, but the memory of some of the games will likely live for a long time. Few will forget the amazing, magical Richmond Spiders upset of second-seeded Syracuse. Never before since the tournament field was expanded to 64 teams had a fifteen seed beaten a number two seed. Of course, Syracuse is a chronic flop in the tournament, with one notable exception. The Spiders run ended against Temple, itself a surprise winner over another perennial tournament flop, Purdue, but few will forget the excitement provided by the Spiders.

Sunday found CBS in a quandary, for Jim Nance had to somehow juggle three games that were winding down at the same time, each close contest. While St. John's buried its free throws to send Texas back to Austin, Utah-Michigan State and Penn-State Eastern Michigan were nail-biters to the end. The Running Utes survived a mysterious foul call which resulted in a four point play to beat the Spartans in double overtime, proving that they are worthy of their gaudy 30-3 record. Eastern Michigan, meanwhile, carries the Cinderella label into the Sweet Sixteen after squeezing by the Nittny Lions.

The weekend ended with the much anticipated UNLV-Georgetown matchup, and the game provided a fitting conclusion to an entertaining four days. Georgetown again proved that it is one of the most tenacious (bordering on vicious) teams in college basketball, refusing to collapse as the Running Rebels made run after run. Many lesser teams, and a number of better teams, would have folded, but the Hoyas gutted the game out before eventually losing by eight. UNLV meanwhile, though looking a little more mortal, demonstrated its versatility by having Larry Johnson step outside for jumpshots. Sure Georgetown had the Twin Peaks, but UNLV has everything else.

Speaking of flops, the tournament had a few besides Purdue and Syracuse. Nebraska seemed to have turned the corner during the regular season, sharing the Big Eight crown, but Xavier, which seems to always do better than expected, dumped the Cornhuskers convincingly. The Shaq' was back, but Connecticut sent LSU packing. Sure Shaquille O'Neill is the player of the year, but he's got NT around him, baby, no talent. In fact, consider the SEC, minus Alabama, a flop. Mississippi State, the regular season champions, got blitzed badly by the Hurons of Eastern Michigan. Georgia also lost, though in overtime to Pittsburgh. UCLA is big, strong, fast, and can shoot. They also lost, which shouldn't have happened to a team that good. Virginia staged the most incredible regression of any team in the country. Looking like a top ten team in mid-January, the Cavaliers proceeded to lose seven of their last ten ACC games, then were terrorized by Shawn Bradley and BYU.

The fade of UVA marks a dramatic contrast to the Cavaliers pattern of the past few years, when they usually peaked in March. Other teams, however, usually are safe bets to do much worse than their seed would usually have you believe. Each year when I fill out the brackets, their are a few teams than I automatically have losing in the second round, and maybe the third. Besides the aforementioned Syracuse, LSU, Purdue and Pittsburgh, other teams that are chronic underachievers in the tournament are Illinois, Michigan, UCLA and St. John's. While there is a rare time when one team will get hot, usually its a safe bet these teams will get upset and will never upset anyone.

In tribute to the NCAA seeding committee, thirteen of the top sixteen seed made it to the third round, and in only one region, the East, did more than one seeded team fall. Even with a flurry of upsets, it seems the cream always rises to the top.

Interesting matchups in the third round include Arkansas-Alabama, Seton Hall-Arizona, Ohio State St. John's, Kansas-Indiana and Connecticut-Duke. Arkansas has looked lack-luster in its first two games, while the Tide has been rolling. Look for the upset. Indiana had one of the finest halves of a basketball game I have seen all year

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Leave It to Geezers

by Eric Turner

The Wheezing Geezers have proved the selection committee right once again. The first intramural team ever to be invited to the tournament has quickly advanced to the round of eight teams remaining. The much hyped rematch between the Geezers and the Runnin' Rebels looks likely now, given that the Runnin' Rebels have beaten back Georgetown and the Geezers have a cake walk into the finals. Boy, did the selection committee pick 'em this year.

The Geezers advanced on sheer determination and persistence. In the opening round match-up, the Geezers downed the Peanut Chuckers from Carolina by getting great outside play from Trent "Bomber" Doyle, Mark "Madman" Fader and Greg "Hotrod" Casker. Madman Fader helped to ice the game by hitting four free-throws late in the second half as a result of two technical fouls called on the Chuckers for abusing the refs and poor sportsmanship. I commend the refs for calling the T's, but overall the game was not officiated well.

One fan told this reporter that those Geezers' games look like football matches played on a basketball court. Air Marty Sengers will attest to that point, as he was taken down and nearly mauled by a couple of Chuckers.

The next round saw the Geezers wheezing a little bit more. Madman Fader and Gary "Lefty" Reinhardt had prior tournament commitments and could not make the game; congratulations Lefty. Air Marty missed the connecting flight in Charlotte, which left the Geezers with just enough players to take the floor. Come on guys, read those nifty pocket schedules that the coach gave you.

The Geezers faced stiffer competition, but held tough through the first half on the backs of rebounding by Jim "Spider" Reynolds and Tom "the Spacemaker" Broadhead. Casker ran the point well, given the swarming defense by the undergrads. The usually potent Geezer offense was stymied by the skyscraper frontline of the undergrads, and the refs who refuse to believe that basketball is not supposed to be a contact sport.

The second half opened with the Geezers down by one. They began asserting more pressure on the ball handlers and came up with steals by Hotrod, Spider and the Bomber. They were also able to add a few blocked shots from the inside play of the spacemaker and Eric "the Red" Turner. Quickly, they took over the lead and the game became tough. Both big Geezers were whistled for nonexistent fouls and were on the verge of fouling out mid-way through the period. God and the Geezers only know how they managed to complete the game without being disqualified.

The undergrads began to get antsy, as they saw time running off the clock, and began to foul intentionally. Turner, whose only offense to that point had been a few missed layups, went to the line and sank a perfect front end of a 1 and 1, followed by a brick. Deja vu Turner was at the line again, same result, as you should have realized by now. Doyle was much better hitting three out of four. With but seconds on the clock, the Geezers got the rock to Hotrod, who not only ran time off the clock, but also hit his free-throws.

The undergrads scored a big three pointer to bring the game closer, followed by a cheap layup after a no-call from the ref. The score now sat at 21-18 in favor of the Geezers. The Geezers knew they needed the ball in the hands of either Hotrod or the Bomber to run the clock down, but the only open man was Turner. He began to quickly sprint towards the other end and away from the defenders, until mugged at the half court line. Four seconds remained on the clock. Would Turner seal the game by hitting the freebies or become the toad by missing? Well, I'll tell you, I haven't seen a better shot until the undergrad bench and cheering section pulled out their pocket fans and blew it away from the rim. An AIRBALL had been fired by Turner. The Geezers presented good defense and troubled the inbounds pass, but somehow the undergrads were able to get off a prayer from near half-court which careened carelessly off the glass. The GEEZERS ADVANCED AGAIN!

Whoever said that the selection process was political was all wrong. Only the best are invited, witness Richmond (Spider's alma mater). The Geezers may be the last true hope of preventing the Runnin' Rebels from repeating and casting a dark shadow on Wooden's great record at UCLA.

Dr. Love on Golf:

Set-Ups Are Crucial

by Tom Love

Proper set-up is essential for the development of a consistent and reliable golf swing. The player must set-up over the ball the same way each time in order to develop a consistent swing that can be repeated over and over. According to Jack Nicklaus, the set-up "is the single most important maneuver in golf. It is the only aspect of the swing over which you have 100 percent conscious control." Jack Nicklaus, Golf My Way (1974).

One of the questions asked by many beginning players is how wide the golfer's stance should be. A good rule to follow is that the stance should be about as wide as the player's shoulders. A stance the width of the player's shoulders will allow the player to maintain proper balance during the swing while helping the player to generate power through leg drive.

If the player's stance is too narrow, the player may lose his or her balance. On the other hand, if the stance is too wide, the player will be unable to generate any significant leg drive. The width of the shoulders rule is an effective rule to follow.

A second question asked by many beginning golfers is where the ball should be placed. There are two general rules to follow with regard to proper ball placement. First, place the ball off your left heel for every shot. Placing the ball off the left heel will help get the ball higher into the air.

The second aspect of proper ball placement deals with how far the player should extend his or her club in order to reach the ball. Both overextension and underextension of the club can lead to nasty swing problems. The rule to follow with regard to club extension is that the player should hold the club straight out in front and then allow the club to drop to the ground while keeping his or her arms straight. The point at which the heel of the club touches the ground is the bench mark for proper club extension.

Remember that set-up is extremely important and think about these rules each time before hitting the ball.