

College of William & Mary Law School
William & Mary Law School Scholarship Repository

Student Newspaper (Amicus, Advocate...)

Archives and Law School History

1979

Amicus Curiae (Vol. 10, Issue 7)

Repository Citation

"Amicus Curiae (Vol. 10, Issue 7)" (1979). *Student Newspaper (Amicus, Advocate...)*. 199.
<https://scholarship.law.wm.edu/newspapers/199>

Copyright c 1979 by the authors. This article is brought to you by the William & Mary Law School Scholarship Repository.
<https://scholarship.law.wm.edu/newspapers>

Van Alstyne Queries Protection

by Jack Sadler

"Congress shall make no law . . . abridging the freedom of speech, or of the press," says the First Amendment to the Constitution — freedom of speech or of the press. Does this mean that speech and press individually are so unique that each deserve singular assurance of Constitutional protection, or were the framers merely indulging in a bit of harmless tautology? Does the press contribute so extraordinarily as purveyor of information to our society that it should stand above others in its freedom

from restraint, or is its potential to do harm so great that it must bear the closest scrutiny?

~~~~~

The questioner was Professor William W. Van Alstyne, as he delivered the third annual George Wythe Lecture on January 19 to a standing-room-only audience in the Moot Courtroom of the Marshall-Wythe School of Law. Van Alstyne, Perkins Professor at Duke University School of Law and well known legal scholar and lecturer, spoke on "The First Amendment and the Predicaments of the Press."

To use the word "predicament" is not to be whimsically irreverent or willfully obscure about the plight of the press, Professor Van Alstyne said. There is wide disagreement among lawyers and within the press itself as to what First Amendment protection means, as several recent U.S. Supreme Court cases indicate. The highly publicized Farber case pitted those who say "the need for vital evidence in a murder case outweighs any press right to protect the confidentiality of its sources" against those who say "loss of confidentiality will have such a

chilling effect on sources that the ability and duty of the press to share vital information with the public would be undermined irreparably." In a somewhat similar case, Professor Van Alstyne noted, the court ruled that local officials could search the files of a newspaper if the element of probable cause could be shown — "license to conduct a fishing expedition," said critics of the decision. And another recent case, although not widely reported, raised some compelling First Amendment questions, he said. It involved a suit by a television station in California which sought access

to a local jail to check out a report that an inmate had committed suicide. The sheriff had adhered to a policy which denied access to anyone other than a few authorized individuals and the relatives and attorneys of the prisoners. At the same time, representatives of the NAACP sought access to the jail, but for a different reason. They wanted to investigate reports of discriminatory treatment of black inmates. So we have two groups seeking the same thing, both claiming First Amendment interests. What should the court's response be? Should the standard for the press be different? Should the journalist who wants to check out a story stand above the representative of a volunteer service organization or any other person who lacks press credentials? Should we draw a line somewhere between an established press-New York Times-Washington Post reporter and a free-lance journalist without any affiliation? These are difficult questions, but there is a more basic one which the court must decide. It is not whether the press deserves any protection (clearly it does), but what kind of freedom and how much protection the Amendment guarantees. Should a test of what the press must or must not be constrained from doing be more rigorously applied to journalists than to others, or more leniently?

~~~~~

Members of the press and the judiciary have argued both ways. Some have said that the First Amendment is entirely too vague about the press and others have condemned it for its clarity. One of our eminent jurists is not in doubt about one point, Professor Van Alstyne said. Supreme Court Justice Stewart, in talking about freedom of the press and the First Amendment, has said that we are not engaging in deductive speculation as to some zone or superzone of freedom in the absence of a textual basis. The language of the Amendment suggests a set of standards on its face, according to Justice Stewart; the Constitution is not redundant here — it says freedom of speech or press.

The question of a special place for the press in political life apart from free speech is by no means a modern phenomenon, Professor Van Alstyne said. Edmund Burke as addressing this very point when he described the press as the Fourth Estate, a "fourth branch of government," and thus it long has been regarded — an institution set apart to check on government, to measure its integrity by caustic investigative journalism.

Professor Van Alstyne suggested that the First Amendment might be viewed in light of a "counter-theory." A proponent of this counter-theory would contend that the language

Please see page six

Marshall-Wythe School of Law

AMICUS CURIAE

Vol. XI No. 7

Williamsburg, Virginia

Published Fortnightly

February 1, 1979

Soaper Scales Soviet Mt.

Editor's note: In 1977 the Soviet Mountaineering Federation invited the Sierra Club of California to send a team of qualified mountaineers to climb Pik Communism, the tallest peak in the Soviet Union. Richard Soaper, currently a second year student here at Marshall-Wythe, was one of seven persons selected to make the climb. Richard, a veteran of eight years of snow and ice climbing, left on the expedition August 1, 1978 and returned the day before classes began last semester. Here he writes of his experiences.

by Richard Soaper

For several days we traveled in Russian army trucks through Central Asia. The dirt roads were masterpieces of casual construction and persistent neglect. Where there were no roads we drove in dried up river beds and discovered a new dimension to discomfort. But physical discomfort is bad only when the mood is wrong. We were traveling at the official invitation of the Soviet Union in a frontier region that had previously been closed to the rest of the Western world. Our



goal was to become the First Americans to climb the tallest peak in the Soviet Union and the western Himalaya, appropriately named Pik Communism. The uniqueness of the situation didn't stop the constant pounding from hurting but we would have been foolish to let it bother us.

As we traveled hundreds of miles farther east into the Asiatic interior we met the mysterious Kirghis nomads. Later we ate with them and discovered a world set apart from the rest of the U.S.S.R. These fiercely independent natives have inherited the spirit of Genghis Khan and refuse to submit to the Soviet filing systems and planned way of life. To them the world was still flat and the soul of man was just as real as the feet he walked on. The Kirghis have remained substantially the same during all their existence. It was an eerie feeling to find myself in this strange and marvelous place knowing that when I left I would be unable to take the complete understanding of its wonders with me.

Some two days later in a part of the Himalaya known as the Pamir our mountain appeared, a silent part of the natural world, indifferent to our approach and the significance which we attached to it.

The climb began in the fall of 1977 when the Soviet Mountaineering Federation extended an invitation to the Sierra Club of California to send a team of qualified mountaineers to the Soviet Union. By last February the team had been selected: Dana Isherwood, 41, our leader; Capt. Gil Harder, deputy leader, 33; Errol Flagor, 35; Sally Greenwood, 35, a writer for National Geographic; Maynard Cohick, 40; Dana Dee, 33, and myself, 23.

Please see page five

ATLA Duo To Detroit For Regional Title



Clayton Sanders and Ralph Santos

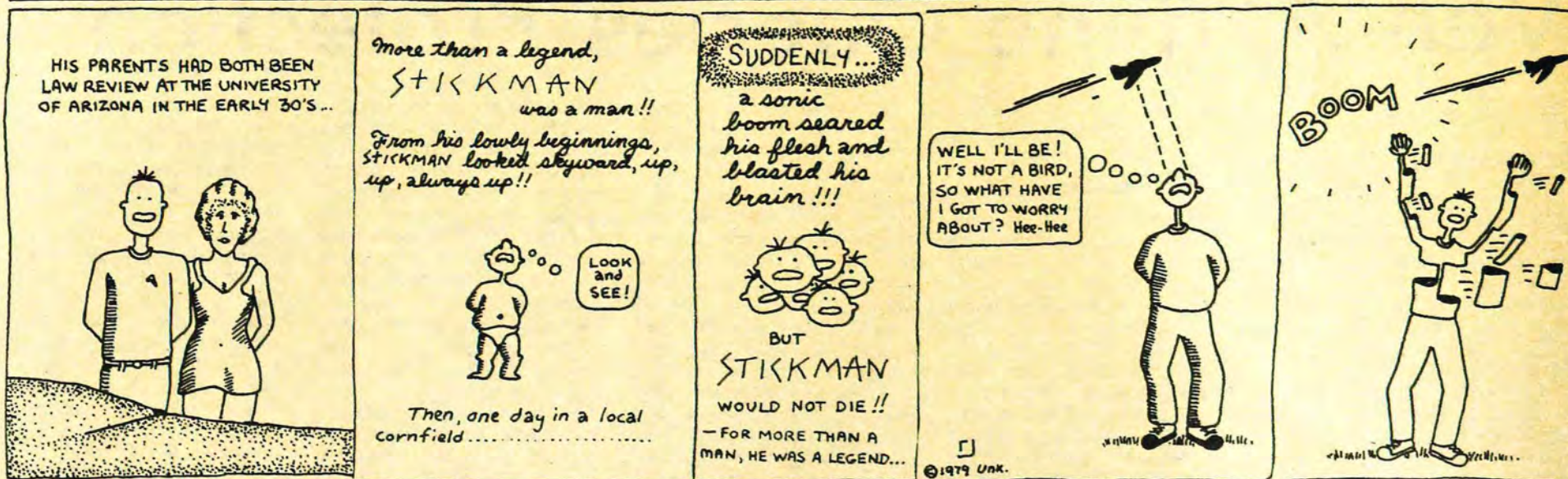
Two Marshall-Wythe students will travel to the University of Detroit School of Law on February 16 & 17 to compete in the Regional Tournament of the National Trial Competition. Clayton R. Sanders and Ralph Santos, both second year students at the law school, are preparing to litigate a criminal conspiracy case against teams from other law schools in a five state region.

The Marshall-Wythe team will be one of 21 teams from 13 law schools competing regionally in Detroit. Each team will be striving to qualify to participate in the National Competition to take place (March 1, 2, & 3) in Houston, Texas. Over 100 teams from schools throughout the country will vie for the championship at that time. The National Trial Competition is sponsored by the American College of Trial Lawyers and the Young Lawyers Committee of the Texas Bar Association. This moot court competition is the only one in the country which involves trial court litigation.

Bolling R. Powell, Jr., a faculty member of Marshall-Wythe and active trial attorney on the Peninsula, has been coaching Sanders and Santos in their preparation. Professor James P. Whyte has aided the team significantly in developing their substantive arguments. The case will be tried before a jury prior to the competition on February 13, beginning at 1 p.m.

in the Moot Court Room of the Law School. All interested students and community members are invited to attend.

The Marshall-Wythe Student Chapter of the Association of Trial Lawyers of America (A.T.L.A.) is sponsoring the law school's participation in the tournament; however, both enthusiasm and financial support have been college-wide. The competition is an annual event which the A.T.L.A. would like to continue to promote as one of its regular activities. All students who have taken Civil or Criminal Procedure and Evidence are eligible to participate. The competition is an excellent opportunity for students to improve their skills and understanding of trial litigation. First and second year students who may be interested in participating in next year's tournament are advised to start thinking about it now, particularly when registering for next semester's classes. An excellent course to consider in this regard is Professor Powell's Trial and Appellate Practice and Trial Advocacy sequence. It is recommended that students also take Criminal Law as early as possible, as the competitive trials to date have been criminal in nature. Interested students are welcome to attend any of the A.T.L.A. meeting and discuss the competition further, or contact Mr. Powell or Barbara Swatling.



M-W Students in King Arthur's Court

by David B. Kirby

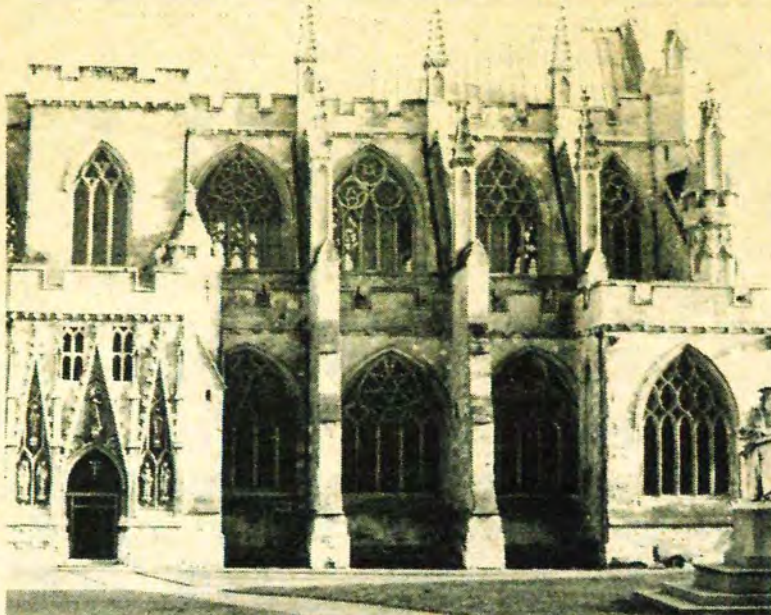
Just when you had decided that you were finished with exam questions for another three months comes one final problem: The Summer Law School in England is (a) a way to add credit toward your law degree, (b) a chance to sample dark regional beers from England, (c) a method used to pick up a foreign car for hundreds of dollars off the price in the United States, (d) the opportunity for travel throughout England and the rest of Europe, or (e) all of the above.

Don't you wish all exam questions were this easy? According to four students from Marshall-Wythe who went to Exeter to study law for five weeks last summer, the correct answer is (e).

"The big reason you were there was to travel," said Kerry Hedrick, a third year student. She took time on either side of the law studies to travel extensively throughout southern England: London, Stonehenge, Cornwall. She also managed to see "a play or two" performed at Stratford-upon-Avon. "The atmosphere was one of a holiday," she said.

Travel seemed to be the biggest attraction to all of the students who attended the school. Joe Rosenthal, a second year student, managed to visit Dartmoor during the school session and, along with Andrew and Katherine Jillson, both second year students, saw Cornwall and the North Coast. Before the school started, Rosenthal spent a few days in London and Greenwich, although he said he did "nothing spectacular" during these visits.

The Jillsons were not content with confining their travel to England. After school ended they spent two weeks in France, visiting Versailles, which Katherine called "disgustingly magnificent," Chartres, and Paris. The trip to Chartres was highlighted by a tour of the cathedral in which the guide



The Exeter Cathedral, built in the 11th Century.

Photos by Nuckols



View of the Campus. The cluster of buildings in upper left are the dorms, Lafrowda Flats.

would stop at a single stained glass window to explain the history behind each segment of the glass. They managed to learn of old cultures and peoples in a way unlike anything else available.

The trip to Paris provided the Jillsons with a sampling of art

ranging from the classics on view in the Louvre to the modern pieces displayed in the Georges Pompidou Center.

Before school started the Jillsons took a canoeing trip in Cambridge, a camping trip to York, where they visited the cathedral and walked on the city walls that had been built centuries earlier to keep out invaders, and saw a castle in Edinburgh, Scotland. The camping trip could have been more pleasant, Katherine said. "It rained the whole time."

Katherine said she and her husband took advantage of the British Rail Pass, which allowed them unlimited travel anywhere in the country for one set fee.

T. Moorman, a third year student, spent a few days before the school started traveling farther north. He and his family went to Wolfsburg, West Germany, near the East German

border and the site of the original Volkswagen factory, to pick up a Rabbit Diesel that they had previously arranged to buy through an American dealer. Even with customs charges, exceptionally high insurance rates while in Europe, and the cost of shipping the automobile home, Moorman said he still managed to save close to one thousand dollars off the price of the same car in the United States.

Moorman had to make his trip to Germany a quick one. He had arranged to work for forty hours before the start of the summer school with a British solicitor in order to gain an extra hour of credit through the Marshall-Wythe legal clerking program. He said that the work was one of the most enjoyable experiences he had while in England. Working with a solicitor is especially valuable in light of Chief Justice Warren Burger's comments on the British system of dividing legal duties between solicitors and barristers. Burger has called for the American legal system to look closely at the British system and "I frankly think Burger's system is pretty good," Moorman said.



The Ship Inn - A favorite of Sir Francis Drake, T. Moorman, Mac McCullough, and Mike Nuckols.

Moorman said his experiences with British lawyers convinced him that many solicitors in the Exeter area are anxious to have American students work in their offices for a short time. He urged any students interested in the program to look into it.

Please see page seven

AMICUS CURIAE



EDITOR
Christine M. Barlow

EXECUTIVE EDITOR
Elizabeth Begby

Ken Kopocis
Brian Buckley
Layout Editors

Andrew E. Thurman
Contributing Editor

Mona Schapiro
Headline Editor

Anita Zuckerman
Humour Editor

Ray Bules
Business Editor

Tom Horn
Photography Editors

David Kirby
Features Editor

Carol Hill
Society Editor

Brad Evers
Copy Editor

Bill Hopkins
Walter Williams
Sports Editors

Staff: Nelson Blish, Larry Davis, Judy Foster, Michele Gillette, Jack Sadler, Richard Soaper, Barbera Swatling, John Young.

Opinions expressed in by-lined articles and initialed editorials do not necessarily represent those of the Editorial Board. The Editorial Board reserves the right to edit all copy for space and policy considerations. Letters to the editor and other submissions are encouraged.

The Amicus Curiae, serving the students, faculty and staff of the Marshall-Wythe School of Law, is published every other week during the academic year by the Publications Council of the College of William and Mary.

14K GOLD
STERLING SILVER
PEWTER & BRASS GIFTS

Suttle Jewelers

WILLIAMSBURG CHARMS — WATCH & JEWELRY REPAIR
431 PRINCE GEORGE STREET
WILLIAMSBURG, VIRGINIA
23185

De-Bugging The System

by Anita Zuckerman

One day last week I had a most civilized chat with a small red ant who was Mark Spitz-ing his way through my vending machine chicken soup. One glance at my charming companion and the natural inquiry leapt to mind:

"What's a nice ant like you doing in a place like Marshall-Wythe?"

The ant stopped his butterfly stroke long enough to hop aboard a piece of dried parsley, which, like himself, had been happily aswirl in the brown cardboard container. He looked around the coffee bar and sighed. I saw a tear curl 'round his antly eye and plop into my much-populated broth. And then he spoke.

"I rode down here on a transfer student from Yeshiva University School of Law . . ."

"It wasn't always like dis, ya know." If you had told me that an ant could invoke the machismo tones of Tony Baretta, I wouldn't have believed you. But then again, until last week neither would I have believed that there was ants in the chicken soup. Who says you don't learn anything in law school?

"I'm from the North," the little bugger continued. "I was born and bred in a bowl of matzoh ball soup in da Canarsie section of Brooklyn. Shelly's Deli—you know da joint?"

He looked so hopeful, so pitifully homesick, that I had to tell a teeny lie. "Of course! Shelly's Deli—I know the place. Dynamite rye bread and the best borscht east or west of Tel Aviv. Sure—great place Shelly's."

My friend beamed appreciatively and, warming to his subject, continued. "Yeah, dat was strictly a class act—now look at me. I rode down here on a transfer student from Yeshiva University School of Law and I miss da Big Apple like crazy. By da by, name's Eddie Fantana—but back in da old neighborhood dey just call me 'Da Kid.'"

Eddie extended one tiny red leg, and with a great deal of uneasiness I took it between two fingers and shook tentatively.

"So—what brings you to Marshall-Wythe?"

"Well," here Eddie blushed as much as a red ant can. "It was da only law school accepted me. All da udder places wanted interviews. Naturally dey took one look at me and nuttin' doin'. But since I got to Marshall-Wythe, no one seems to mind dat I'm—un—different. Come to tink of it I feel about as home here as I could in da south."

"So you want to be a lawyer, huh?" I could've kicked myself for asking such a stupid question. My Uncle Max always asks me that and I hate it. My interviewing technique certainly lacked pizzazz. Well, I might not be Baba Wawa, but Eddie Fantana wasn't exactly Henry Kissinger either. He wasn't even Donnie and Marie. But he was cute as the dickens.

"Actually, I got political aberrations, ya see..."

"Aspirations."

"Huh?"

"Political aspirations, not aberrations."

"Oh year. Aberrations—dat's

what I said. Pardon my French, okay? I guess I been hangin around law professors too much. Dey got some problems in da pronunciation department, if ya get my drift."

"I get your drift."

"Terrif. Well, anyway, I know bugs are kinda low in da social power hierarchy, but it ain't forevah you know. You see 'Da Boids?'"

"Da Boids??"

"Yeah, you know—dat great Hitchcock film.."

"Oh—you mean 'The Birds'?"

"Right. The one where Vivian Leigh gets it in the shower.."

"That WAS 'Psycho' and it wasn't Vivian Leigh, it was Janet Leigh—"

"Yeah—right. Viv's kid sister, right?"

"Not exactly—"

"Well, whatever. Anyway, dem boids had the idea alright. Band together and take over da world. Us bugs is gonna do the same."

Just look waht's goin on in dis neighborhood—"Eddie indicated the coffee bar and environs with a wave of one graceful antenna. "Bugs is here

to stay and dat's a fact. Me and Doris—dat's the wife—we got real comfy quarters in the chicken soup section of the coffee machine—got it on a real sweet sublet deal from a centipede that went to Lauderdale for the winter."

"And next door we got two very attractive powder post beetles livin' in the cream and sugar section of the coffee machine. Boy, have does two got it made—shag carpet, quad sound system and a complete wet bar. Some set up, huh? Den there's the Cucharacha Quints over by the Krispy Kreme boxes. Five of the shiniest, decentest cockroaches you'd ever wanna meet. And New

Yorkers too, can you believe dat? Grew up in a sixth floor walk-up on da Lower East side of Manhattan—real artsy types, doncha know? And dey love those damn donuts! But even better is exam time dey tell me. Last semester Carmine and Consuela, two of the Quints, o.d.'ed on the Law Wives' brownies. They've sworn off surger since den and are heavily into brown rice and seaweed."

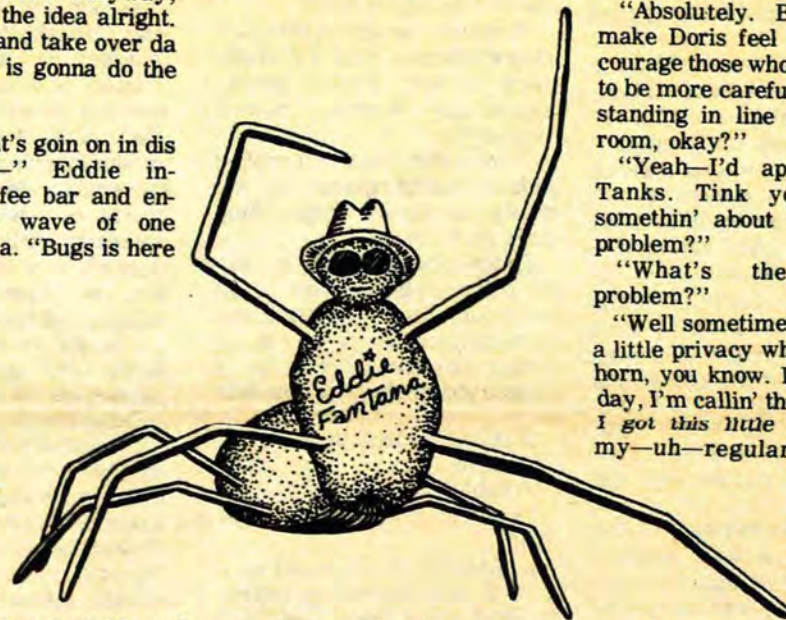
"And you and the powder post beetle couple and the Cucharacha Quints are going to take over the law school?"

"You gat it, mama. 'Course we're gonna wait till everybody

moves into da new building, den we're gonna divide dis dump up into condominium units, redecorate completely and sel' 'em at a terrific profit. Put in a pool and maybe even a sauna for the powder post beetles. They're from California—very kinky you know. Strictly on the Q.T., I hear they're into group massage. But dat's anudder story. Anyhow, we're gonna put in tennis courts and someone suggested squash courts too, but as insects, frankly we're a little sensitive on the subject of squash. Just wait and see. Yessirree, the day's gonna come when the bugs of Marshall-Wythe rise up and really made der presence known. When dat time comes I'm plannin' to be head honcho. So I'm in law school to learn politics and big business Whaddaya think?"

"Sounds great. All in all I'd say you seem pretty happy here."

"Well up to a point, I guess I am. But dere are problems. Like



when we got here I sez to the wife, Doris I sez, you gotta get a job. Maybe a little typing, some receptionist work, something. Well Doris takes one look at Ron Brown and no kiddin, dat's it. Spends all her time moonin' around his office door. So I tell her, Doris, you're gonna get crunched for sure like dat and she tells me that death at da hands of Ron Brown would be better den nuttin' at all. Can ya beat dat? Look, I like Ron Brown as much as the next guy, but come on! Lately though she's got her eye on Colonel Walck. Sez she'd go to hell and back for a man in an ascot. The little woman's not exactly liberated, if you get my drift..."

"... death at da hands of Ron Brown would be better den nuttin' at all."

"Got it."

"And Doris is always gettin on my back about what she calls the life support systems around here. Like the can. Sez she had to wait in line for half an hour the udder day. Sez the only thing she's stood in line that long for before was the Rolling Stones..."

"I've had the same problem. But I figure at least the seats are still free, even is you have to stand in line for them."

"So tell Doris dat, okay? She keeps tellin me her life's in danger. Like the udder day she almost bought the farm. Imagine please what an Earth Shoe looks like when its comin'

down on your head and you're only a micro-millimeter long. As a rule Doris is no slouch in da self-defense department, but she does better in da summer when she's dealing' wit bare feet in sandals. Perfect her nipping technique on the IRT subway in New York. Some of the toughest tootsies in the world are shuttling between 42nd Street and Canarsie and you'd better believe it."

"A guy's gotta keep some self-respect ya know. But in law school it ain't easy."

Eddie paused for a moment, tears of nostalgia welling up once again in his tiny orbs. He obviously had great foundness for the IRT. But then he shrugged off the moment of bittersweet memory and turned to regard me suspiciously.

"Hey—you wear Earth Shoes?"

"Certainly not."

"Ya sure?"

"Absolutely. But if it would make Doris feel better I'll encourage those who do wear them to be more careful when they're standing in line in the ladies' room, okay?"

"Yeah—I'd appreciate dat. Tanks. Tink you could do somethin' about the telephone problem?"

"What's the telephone problem?"

"Well sometimes a guy needs a little privacy when he's on da horn, you know. Like da udder day, I'm callin' the doctor cause I got this lile problem with my—uh—regularity, so to

say; you know how it gets in law school. Anyhow, I'm tryin to talk real real quiet like and the doc keeps sayin' we got a bad connection and could I speak up some. But dere are all kinds of people dere in da office so I'm tryin to maybe duck into the men's room or somethin' but the cord's so short all I do is get it tangled up around my neck and I'm just about chokin' to death. So finally I just give up and I say plenty loud, 'Hey Doc, I haven't done Number Two in ten full days!' And he's still sayin' we got a bad connection, so I take a real deep breath and wit' all my might I shout, 'DOC, I GOTTA MAKE LIKE CRAZY!!' Well, do I hafta tell you that every single head in the office toined im my direction, den everything gets real real quiet and I'll tell ya I was wishin I was dead, that's how embarrassed I was. A guy's gotta keep some self-respect ya know. But in law school it ain't easy."

"I'll drink to that!" I countered with enthusiasm, lifting my cup and planning to do just that. Luckily Eddie stopped me just in time.

"Hey! Put me down!"

"Whoops. Sorry. I forgot." I set the cup back down on the table and Eddie looked grateful.

"While we're on da subject of life support systems—" the little devil was just getting warmed up, I could tell. But that was fine with me. Making Eddie Fantana's acquaintance was easily the most interesting thing that

had happened to me in a year and a half of law school. I leaned back and smiled in Eddie's direction.

"Okay—what else? If you've got something really important to say, maybe I could get it in the school newspaper."

"Hey could ya? Dat would be terrific. My udder big gripe is about the food in dis place. Look, its bad enough is you're stuck here for breakfast and lunch like

most suckers. But for me and Doris, I'm talkin' three squares a day. We gotta live on dis stuff." Eddie cast a derisive glance at the quartet of vending machines.

"And I figure yer likely to croak of cancer or diabetes before ya can collect yer first contingent fee. Yessir. What we got here is real crapola and you can quote me on that..." Eddie glanced over at me to see if I was noting down his objections; he looked a bit disappointed to see that I hadn't taken pencil in hand. "Now what we got here, we got diet soda—great stuff right—the total synthetic experience, right? Hot chocolate, which in fact is hot water with a squirt of brown food coloring mixed in, not to mention coffee that could kill Rose of Aberlone. And oh yeah—woist of all—dey got ants in the chicken soup!"

Eddie twinkled mischievously at me, then executed a little water ballet arabesque that would have had Esther Williams sick with envy. When I applauded his performance, a group of students by the cigarette machine turned to stare at me. They seemed to find it peculiar that I would be so happily engaged with nothing but a small cardboard cup.

"Burned out her brain in Donaldson's T&E, I hear," said one in a perfectly audible whisper.

"Pity," said another. "It is good of the administration to keep her on here. A truly eleesymsonary act, as Bud Furr would say."

Not unmoved by the cruelty of my peers, I decided to try to tone down my conversation with Eddie. Unfortunately, it is very difficult to have a tete-a-tete with an ant, primarily because the insect tete is very small. And desire for intimacy is considerably vitiated by the fact that a small red ant does not have the skin you love to touch. I turned back to Eddie, who was paddling softly through soupy waters.

"Why don't you try the Wigwam sometime. It's not Maxim's or anything, but at least the selection's a little better."

"Oh I have, I have," Eddie replied. "But all dat plastic and styrofoam makes my skin crawl, if you'll pardon the expression. And besides, standing in line next to do professors makes me real nervous. You know how it goes: you look up at dem and den a minute later they look up at you, but as soon as they realize you're a student they look down real real quick, so den you look down, but you can't get your lunch just looking

Please see page four

Bugging, Cont'd.

Continued from page three

down like dat, so den you both just stare straight ahead. Well if dis all begins at the silverware container, by the time you hit the salad bar you got dis real bad cramp in yer neck and the tension is killing, but you sitll can't turn your head so you just kinda ease it around in place real slow like, so as not to attract attention. And you hear all dese little tiny bones or something crackin up there in your neck and den the next ting you know you've dumped a bowl of blue cheese dressing on yer

"I hopped into one of Dean Spong's Hush Puppies, quick as a bunny. Did you know the guy wears white socks?"

professor's best London Fog raincoat, so you run real fast and get a handful of napkins and you're sucruddin the mess off him, and here you are in fairly intimate bodily contact, but you're still both pretending not to see each udder. By now you're doing some serious sweating and by da time you get to your table you wished you'd stayed in the coffee bar and had peanut butter crackers. You get up and leave and you're so nauseous you wind up giving your chicken a la king and baked alaska to that Welsh Corgi who hangs out on the Campus Center steps. Nope—"and here Eddie paused to catch his breath—after all he'd told a pretty long story for a very short ant—"Eatin at the Wigwam just ain't worth it."

"Actually," I whispered to Eddie, making a real effort to avoid notice of my classmates. "I think I've had similar feelings myself come to think of it. I just never put it into words quite as well as you do."

"Yep—dat's true, I got a way of expressin myself that just won't quit, doncha think?"

"I definitely do."

"Okay now—one last ting's really on my wick as dey say."

"Okay, shoot."

"Somehow I feel very unloved when I walk into da front office downstairs. I mean one day I went in to check my class rank and for a guy my size dat's no easy ting. Took me over fourteen hours to make it down all dose damn marble steps. Anyway, I just barely walk into da place and I'm trying real hard to keep a low profile when wouldn't ya know it, Mrs. Forbes sees me and lets out wit a scream. Next ting I know she's comin at me wit a Family Size can of Raid."

"My God, what did you do?"

"Do? What could I do? I hopped into one of Dean Spong's Hush Puppies, quick as a bunny. did you know the guy wears WHITE SOCKS? I kid you not. Anyway, I almost threw a seven dat day for sure. And I keep tinkin', how come dey don't like students in dere? I thought dat schools were for da students."

Eddie's naivete was most disarming. I decided not to disabuse him. I would not share with him the rumor I had recently heard, that in a bid for greater administrative convenience, the powers-that-be had under consideration a proposal that would relieve the school of its greatest impediment to guaranteed smooth operation—the students. Actually I wasn't so sure I didn't like that idea. But some amusing thought of his own seemed to be occupying Eddie, for a moment later he looked very pleased

with himself then punctuated his delight by turning a half-gainer off the edge of my cup and landing with a splash. Half my soup splashed across a copy of the William and Mary Law Review which had been left for twixt-class perusal on the table. I attempted to look casual, humming softly and trying in vain to sponge up the spill with my Corporations syllabus. I'd have given my kingdom for a half a Bounty!

Unfortunately the act of telekinesis which had moved my soup from cup to table with no apparent effort on my part brought one of the cigarette machine oglers to my side.

"You okay?" he asked without concern.

"Sure, fine thanks."

"You sure you don't have some problem or something?"

I decided to play it straight. "Actually I'm just waiting for Eddie Fantana to re-surface out of my chicken soup. Frankly I'm a little concerned since he hasn't got on his scuba equipment today."

"Oh? Hmmm, I see." Now the student was more than curious; he was frightened. "Well—so long," he said, and perhaps fearing that I would unleash some of my evil powers on him added as an afterthought, "Have a happy day," and returned to his circle of friends.

"She's nuts—certified schizo, no kidding. He made a little circle with his finger by his left ear and crossed his eyes at the bridge of his nose for illustration. "Let's get outa here. I want to hold on to the shred of sanity I've still got left."

When the trio had gone Eddie surfaced with a little sadistic giggle. "Alone at last!"

"You card!" I was starting to feel just as playful as my wee friend.

"Kindly explain the Rule Against Pituutaries," Eddie said, apropos of nothing.

"Perpituities, The Rule Against Perpituities!"

"Right—that's what I said. Please explain it to me."

"You're kidding of course—"

"No, I'm not. The ting's driving me crazy. I'm obsessed wit' it. I see it coming after me in da night like da monster from my favorite flick. "The Glob that Loved New Jersey." you see dat one?"

"I took Cardozo's name in vain."

"Nope. But then I miss all the good ones."

"Yeah. Dat's tough. Anyway please explain about da Rule Against—"

"Eddie—" I began.

"Friends call me Da Kid, remember?"

"Right. Da Kid"

"Yes?"

"I hate the Rule Against Perpituities' guts."

"Huh?"

"You heard me buster. I hate the Rule Against Perpituities' guts and while we're on the subject I also hate quasi in rem jurisdiction, the common counts, Articles five through nine of the U.C.C. and animals ferae naturae—nothing personal, of course." Suddenly I jumped to my feet: Eddie's pugnacious spirit seemed to have infected me. Before I knew it I was shouting, turning over

chairs, ripping mail out of those tiny, unpainted pigeonholes. All the rage and frustration at the mistreatment, the constant demands on body and soul. The endless, remorseless frustration of it all was driving me onward. At last! Catharsis was mine. I leveled a left to the belly of the change machine, I threw a mighty right through the cute little plastic window with the Diet Rite cola peeking out. That hurt like hell. I howled. I shrieked. I took Cardozo's name in vain.

Too late I stopped my tirade. Mrs. Murtaugh had come quietly into the room to find me raging at my cup-o-soup. Now I'd never get a job; the only placement I could hope for would be a padded cell in the local cuckoo's nest. But Mrs. Murtaugh was merciful; she took one look at me, turned softly on her heel and left the coffee bar. With a sigh of relief I collapsed in my chair.

"Hey, calm down kid—pull yourself togedder." Actually Eddie was a great comfort in my time of need; I felt better than I have since August 25, 1977.

"Listen, what's yer next class?" he asked me.

"Sounds really relevant—" mind if I hitch a ride? I'd like to check it out. I'm a deeply aquatic guy. Probably you've noticed."

"How could I miss?" I replied with a rueful glance at my empty cardboard cup. "Step right up."

Eddie hopped onto my shoulder, zippity do dah, requiring no further encouragement. There he sat, a midget Jiminy Cricket as I trudged down the hall towards 216.

"Eddie," I called to him after a moment.

"Yeah?"

"You're into revolution, right?"

"You betcher sweet aqueduct."

"Well, sometimes I get some wild and crazy ideas myself—"

"Like what?"

"Like standing up in the middle of Admin Law, one of those moments when the numbers and letters are coming thick and fast and screaming "Students arise and rebel! You have nothing to lose but your chains!" Or handing in a blue book full of knock knock jokes and dirty pictures instead of an exam or throwing chocolate cream pies during registration. I don't know, something, just a kind of general protest against jumping through the hoops all

the time, against the Reggie bars and the crowded bathrooms and the general front office blues, you know?"

"It's what I been tellin ya for the last hour."

"Well someday I'm going to do it, I really am."

"Would you like some assistance?"

"I sure would."

"Den its a deal? I can tell the powder post beetles and the Quints?"

"Deal." And there in the hallway, I shook hands with my left shoulder, not a bit concerned that around me students and professors were nudging each other and pointing with ill-concealed astonishment. Eddie and me, after all, had each other.

Authors Note: It's not nice to complain all the time; it neither wins friends, influences people

nor helps you to succeed in law school without really trying. But I really did find a red ant in my chicken soup and the story had to be told.

When I first showed the little critter to some innocent bystanders, the unanimous response was "Hey, come on, its just oregano" but I know that tired old line; its the one you gave your mother when she asks you what your rolling in your Zig Zag paper. And besides, oregano is not red. Later, in the SBA office, I was vindicated, when, under strict scrutiny and the influence of alcohol, three fairly reliable sources agreed that in fact there were tentacles on the particles in my soup and that

since oregano, at least the domestic American breed does not enjoy the possession of such appendages it was indeed fauna in my soup and not mere flora. I rest my case.

But, you protest, I exaggerated unnecessarily, toyed indelicately your willing suspension of disbelief, right? Frankly, I lied; of course there never was any ant named Eddie Fantana from Canarsie in my soup. Truth to tell, da Kid was from Jersey City, but he made me promise not to print that. Said Jersey City made Newark look like Forence, Italy. Or It-lee, as Eddie would say.

Never mind.

Students Have Right To Ask About Grades

Grade Appeal Policy

I. Substantive Standards

Every student has the right to examine his grade examination or seminar paper submitted in partial or complete satisfaction of the requirements for credit in any course or seminar offered in the Marshall-Wythe. Every student is entitled, at his request, to meet with the faculty member concerned to discuss the quality of any examination or seminar paper submitted by the student for credit in any course or seminar offered. In meeting with a student to discuss his examination or seminar paper, it is not the obligation of the faculty member to justify or to document in detail the grade given a particular seminar or examination paper. It is within the sound discretion of a faculty member to decide in what manner a grade conference with a student will be conducted. The student, however, may properly inquire into the following specific subject areas:

(A) The particular strengths and weaknesses of the student's seminar or examination paper.

(B) The general grading scale utilized by the faculty member in evaluating a particular set of examination or seminar papers.

(C) The relative ranking of the student's examination or seminar paper when measured against the quality of all the papers in the class.

II. Procedural Standards

In the event a student believes a member of the faculty has not complied with Part I of this regulation in some material respect, a formal notification of dissatisfaction may be filed in writing with the Associate Dean for Administration. Upon receipt of a formal notice of dissatisfaction, the Associate Dean for Administration will take immediate steps to ascertain whether (1) there has been a failure by a particular faculty member to adhere to the standards prescribed in Part I herein, or (2) whether the formal notice of dissatisfaction may be filed in writing with the Associate Dean of Administration. Upon receipt of a formal notice of dissatisfaction, the Associate Dean for Administration will take immediate steps to ascertain whether (1) there has been a failure by a particular faculty member to adhere to the standards prescribed in Part I herein, or (2) whether the formal notice of dissatisfaction is without reasonable foundation. In the event that a

determination is made that a faculty member has not complied with Part I herein, the Associate Dean for Administration will make all reasonable efforts to secure compliance satisfactory to both the student and the faculty member concerned.

If a student is dissatisfied with a determination by the Associate Dean that a faculty member is in substantive compliance with Part I herein, or if the student believes that efforts to remedy an asserted non-compliance by a faculty member have not produced satisfactory results, the student concerned may, in writing, appeal to the Academic Status Committee of the Faculty. Such appeal must be filed with the Chairman of the Academic Status Committee and must include a full statement of the events which, in the student's view, justify his appeal.

In considering a properly filed appeal, the Academic Status Committee is limited to determining whether the student has been afforded the procedural rights provided in this regulation. The Committee is not authorized to review the justification for the particular grade given a student. The Committee may not direct any member of the Faculty to change a grade. The Committee's function is to insure that the procedural rights outlined in this regulation are not denied to any student. The Committee must inform both the faculty member and student concerned whether the standards provided for in this regulation have been observed. If the Committee concludes that there has been a material non-compliance, the faculty member, subject to a right of protest outlined below, should take whatever action is necessary to effect compliance with this regulation as interpreted by the Academic Status Committee.

If either the faculty member or the student concerned are dissatisfied with the actions taken by Academic Status Committee, a protest of the Committee's action may be filed in writing with the Dean of the Law School. After the filing of a protest, the Dean is empowered to review the entire case with a view determining what action is appropriate under the circumstances. The Dean's decision will be a final adjudication of the dispute between the faculty member and student concerned.

Soaper's Climb, Cont'd.

Continued from page one

For several days we ferried fifty pound loads of food and equipment up the mountain to Camp I located on a rocky wind swept ridge at 17,000 feet. Throughout this time layers of civilization began to peel away. Our umbilical cord to the "outside" was slashed: no letters, newspapers or home cooked meals. We were entirely dependent on our own resources. If we ran out of food or had an accident then we would just have to suffer a little. You can plan for only so many situations and after you take those precautions there is little room for "what-if . . ." types.

The weather and snow conditions were perfect and we made excellent time up the mountain. As we gained altitude we felt it our duty to be awed by the great mass of canyons appearing on both sides of us. We turned to each other exclaiming over some natural wonder and hoped the mountain appreciated our perception. At times a drop of five thousand feet was framed between our legs but nobody became a victim of Newton's law. However after seven days of this high adrenalin climbing four members of our team decided to abandon the climb. It is always hard to explain why some people turn around but without putting any gloss on it they decided that the mountain was too extreme and that they hadn't trained hard enough for it. It is too bad that the public puts so much emphasis on making the summit as the only criterion for success on a mountaineering climb. To climbers it doesn't matter if you reach the summit or not. The idea is to give everything you

have. As long as they went all out and could do no more then they were content.

The route to Camp III situated at 21,000 feet was through an icefall. To imagine such an obstacle think of a huge flood of water spuming down rapids, thundering over cliffs, bouncing from ledge to ledge. Now snap your fingers and freeze the whole torrent. That's an icefall and every section of our route seemed late with its date with the forces of gravity. Gil spurred Maynard and me on by convincing us that if one of those precarious thirty foot ice cycles broke off and went through us we would be O.K. as soon as it melted.

For the next few days the climb up the icefall turned out to be damn close to fun. In a few places the icefall flattened out and the exposure was less severe but you still had to be careful because the glacier was as full of hidden holes as Swiss cheese. Subterranean rumbles often filtered up from beneath the glacier which made us quicken our pace. You are always roped up on a glacier. Sometime along the way you expect to fall into these crevasses and the rope is your security. You might say crevasses are to mountains what water holes are to golf. You put the ball in the water once in a while and that's part of the game. Like most mountain hazards the mind eventually begins to accept crevasses as a normal part of the environment and after that happens the particular danger never seems quite so bad again. When you are actually up there hungry and dead tired from climbing in the thin air the dangers barely impress you. On the mountain it

takes energy to be afraid, or for that matter, to have any emotion at all and often there just wasn't that much extra energy around. Climbers have long tried to keep this secret so it will not spoil their "romantic" image, but the fact is now revealed that a brave mountaineer is most often merely a tired one.

For some reason climbing as a sport always suffers from having to explain the "why" aspect of it. I like the challenge it presents. Employers, government regulations and speed limits all serve to hem us in and control and inhibit our lifestyle. Also today we fear such things as cancer, high taxes, increasing crime and polluted rivers which are all more dangerous than the worst part of any mountain, but that kind of modern fear causes drinking, heartburn, smoking and ulcers. Primitive fear encountered on a mountain causes a humming of the bloodstream, a whitening of the teeth and an explosion of the emotions when you utter the words, "well here goes . . ." and take that step. It calls for faith and commitment and having faith in things and oneself is what we always claim makes us a success. Mountain climbing then is an attempt to fulfill this primitive aspect of our human nature that has gone largely unsatisfied in today's society. Like children running through a sprinkler not wanting to get wet but not really minding if they did, we had come to this mountain to do a little flirting with fear and it felt good to give in to the deep human urge to try the improbable. Unrealization of all the bodily and emotional resources tends to promote in us a feeling of an unlive life. Climbing is one way to

safeguard oneself against this. It puts things in proper perspective to have something to worry about besides exams and deodorant failure.

By the third week we reached the 23,000 foot level on the mountain and the site for our fourth camp. Above 20,000 feet the human body deteriorates rapidly in the oxygen-poor atmosphere. If a man were suddenly transported from sea level to 20,000 feet he would be dead in a few minutes because of the unaccustomed lack of oxygen. However if you climb gradually to that level you can endure for a limited period of time until your alertness, reflexes and strength are all gradually sapped away.

It was a fearful struggle setting up our tents at Camp IV. The wind was whipping over the ridge at 40 miles per hour and the cold was literally audible. It was 50 below zero and the moisture of exhaled breath froze instantly and the colliding crystals made a rustling sound. Finally we got the tents anchored with snow blocks and crawled into our goose-down bags. Soon a stove was purring away and we fixed a freeze-dried dinner. Tonight it was beef stroganoff — a sort of "build your own dinner" in 340 easy to assemble pieces. As usual it would have made a vulture lose his appetite. Our usual topic of conversation centered on the girl in the Noxema commercial but now it turned to how much longer our tent would last in this wind. To take his mind off the situation Gil was sorting out a bag of M&M's by color and Maynard became inordinately fascinated by lists of ingredients on food packages — a clear symptom of printed word hunger.

The next several days of the climb blended into one. Like old men in an unemployment line we slowly ascended Pik Communism. As far as enjoyment was concerned the climb was finished. Our thoughts resembled records played at too slow a speed. We became surly and depressed. Deciding when and how to do a simple act like pitch a tent became a sullen test of will. Most often we just continued climbing by a vote of silence. It seemed the remembered commitment to the climb was reassuringly concrete and increased as our reference to things around us diminished. We simply acted and reacted to different situations without really experiencing them. Finally we established Camp V at 24,500 feet and feeling strong prepared ourselves for the summit attempt the next day.

At 4:00 a.m. the next morning I heard a voice above the machinegun racket from my wailing tent. It was Maynard calling for Gil and me to get ready. The moment had come. If we waited for the wind to die down we might have had to wait all summer. Far above us where white met blue was the summit of Pik Communism. We had fourteen hours of daylight to reach it and return. All we had for breakfast was two cups of sugar-laden tea apiece. Our stove wasn't working properly using the Russian fuel we had with us and finally chose this time to go out. Slowly we made progress up the immense mountain. The sun appeared, a red glow giving out as much heat as an electric fire a million miles away. We looked like three periods on a blank white page but now for the first time in four

weeks we were on terrain lacking drama. I started counting steps; take twenty-five, stop, and count to ten and then take twenty-five more steps. Soon I was taking ten steps and counting to twenty-five. Then down to five steps and repeating the Lord's Prayer.

Finally after six hours I looked up from my feet and thought it strange that the mountain fell down on all four sides. The release had come much too suddenly. I looked around and discovered that the mountain had a large summit the size of a tennis court which is kind of like discovering that Cleopatra had cavities. The panorama was innocent of even a jet's contrail to mark the existence of man. A cold wind blew wreaths of mist between us as we grunted monosyllables at each other. We had worked hard for a month to reach this spot and yet here we were too numb to communicate — dumb shells of our former exuberant selves. There was little backslapping or handshakes, a reluctance to photograph and only a strong feeling towards descending. Still we spent an hour on the windy summit eating shrimp cocktail under a little tent of blue which prisoners call the sky.

People have asked me how it feels to conquer such a peak. Conquest is an odd word to use. After a year of planning and six months of training by seven people, three of us numb and swaddled in down clothing stood for a brief moment gasping like stranded fish in the rare atmosphere with our heads some six feet higher than the hoary peak. The question has to be asked — why leave a centrally air heated home to travel thousands of miles to huddle in a cold, cramped tent on the cliffs of a difficult mountain in some arctic wasteland? Do we get our inspiration from beer commercials & I like doing what few other people have done. If you want to see Mexico or visit Yosemite you pay to go there with money but so can everyone who wants to spend the money. The only way you can pay to get to the top of Pik Communism is by half killing yourself. That is why so few people have ever done it; the price is just too high. That makes me feel rich.

To look for challenges is to affirm man's existence. We know what we are, but not what we may be. The essence of mountain climbing is to push oneself to one's limit. Inevitably this involves risk and intellectually, of course, this is understood to be totally dangerous. But you do not deliberately try something you know you cannot do. What you do is deliberately try something which you are not sure you can do. You kind of stack the cards against yourself to expand your limits. To be more than what one thinks he could be in a situation is a sensation utterly new to most people.

Now after the climb I hate mountains. I hate icefall, snow and icy cliffs. I will get sick if you show me an ice axe. But it will not stay that way for long. Already a little nostalgia is creeping back into my body. For example, the pilot of our jet flying us back to New York announced rather proudly that we were cruising at 25,000 feet over the ocean. Smiling I turned to Maynard and said rather loudly, "hell, we walked higher than that." It had been a long time since we smiled.



Richard Soaper atop Pik Communism.

PADs Boast Spirit

There is a rumor circulating the Marshall-Wythe community that there is in fact only one fraternity which makes sense for an aspiring semi-professional law student to consider joining. Like all other rumors circulating through this sacred institution, it is true. Only one fraternity provides the spirit, enthusiasm, and an endless supply of legal drugs to stimulate and/or negate the legal and social objectives which are sought in the tradition of Marshall, Jefferson, and Forbes.

P.A.D. offers the 1st year class a chance to become a part of the largest national legal fraternity from a professional standpoint and a part of an unlimited entertainment tool from a social standpoint. Due to the membership distribution in P.A.D., the 1st year class will immediately gain the commanding voice over the P.A.D. machinery and money to activate the events they wish to use to disrupt the well known social void of Williamsburg.

Last Saturday P.A.D. attempted to drug all those attending the rush party in an attempt to provide the proper social mood. The original plan called for just an inspirational speech by the Reverend Jimmy Jones, but we all know what happened when Jimmy discovered that fateful weekend in Guyana that Mark Lane was a P.D.P. (Well, it's not the first time a P.D.P. has destroyed a great party.) Our rush party simply intended to demonstrate the motto of P.A.D. "We may run out of luck, time, and excuses, but we never run out of booze." For the most part we succeeded in this goal. We even were able to save the initial ingredients necessary to begin the brewing of the deadly but tasty Animal House Punch which again will be featured in the spring P.A.D. presentation of Toga II. (Plea bargaining and bribery were successfully used to gain the release of all P.A.D.'s who were still being held in James City County Jail from Toga I and therefore why not do it again. What the hell?)

In all seriousness, the time to commit yourself to a fraternity of high professional standards but one which is willing also to let the walls crumble at appropriate social functions is Friday, February 2, at 1:00 in the Wren Chapel. Following the traditional ceremony there will be a reception for all new and old P.A.D.'s.

It's
Your
Future

PAD
or
PDP?

Future
Your
It's

PDPs Win At Softball

In order to decide which of M-W's two legal fraternities to join this Friday it is necessary to ask yourself but one simple question. That question is: why has PDP won the inter-fraternity softball championship for the past four years in a row?

The answer to this question is not as simple as might appear. The obvious answer might be that PDP has superior softball players. This is not, however, the correct answer. Merely having good softball players is a persuasive but not absolutely convincing reason for joining a legal fraternity. More to the point, PAD (better known as the bad guys) president Jim Hixon will admit under duress that PAD actually has better softball players. The reason for PDP's preeminence is therefore both more subtle and more fundamental.

First off, Truth, Justice, and the American way are on the side of PDP. For those who would doubt this statement, is there any other possible explanation for the bad guys, after having recruited the best softball players in school (including some turncoat PDP's), still losing? Obviously, Divine Intervention played a part.

Second, PDP's are smarter than the bad guys. This was demonstrated in the softball game, as brains and luck (the well-known companion of brains) triumphed over brawn.

Finally, PDP's are far more numerous than PAD's. Sheer weight of numbers suggest that almost everybody who is anybody is a PDP. It might also be pointed out that it is tough to win a softball game against a defense composed of 19 fielders.

Lest some begin to wonder, PDP's are human. We do, on occasion, make mistakes. For example, we ran out of Scotch and bourbon at our rush party by 11:00 p.m. However, in our defense it must be pointed out that this mistake, like most of our errors, are caused by the nefarious and underhanded activities of the bad guys. In this instance PAD's alcoholic rush chairman, who was allowed to attend PDP's rush party in a magnanimous gesture, abused the proffered hospitality by drinking all the Scotch and bourbon so we would look bad. Would you want to belong to a fraternity which resorts to such tactics?

In addition to superiority at softball, PDP offers strong membership, a solid loan and scholarship program, great social activities, and general good times. Come join us on Friday at 2:00 p.m. in the Wren Chapel, if for no other reason than that there will be a good party afterwards.

Van Alstyne, Con't.

Continued from page one

which appears to distinguish between speech and press does so not in order to assign to the press a preferred status but to separate the standards, to make those for the press more regulatory, to hold the press more responsible, more accountable than the mere orator. If the press had a duty to inform the public, it also has a duty to inform correctly. As surrogate for public information it must serve faithfully the right of the public to know the truth, and be held accountable if it publishes libel. The reasoning is this: the power of the press to inform or misinform is infinitely greater than that of the speaker whose audience is limited by the range of his voice, and whose countenance and inflections allow nuances and subtleties to be understood. But it is not so with the press, when the impersonal handbill of an anonymous author can be spread across the land and be taken at face value — and you cannot ask it a question.

As a matter of First Amendment history, Professor Van Alstyne said, it was no accident that the press was singled out for protection by the framers. It was not to allow for greater or less rigorous review; rather, it was singled out because of their sensing of a need for caution in placing controls over the press in order to ensure that it received no less protection than speech. The Bill of Rights, he noted, were built largely on questions raised by the press, and were drafted out of anxiety over excessive federal controls. This attitude, however, did not reflect any widely held pious notions of lofty idealism concerning the press. Jefferson, father of many remarks upholding the value of a free

press, was also the author of statements which "deplored the putrid stink" and regretted the "mendacious spirit" of some of the *Fourth Estate's* reporting.

On historical and functional grounds, Professor Van Alstyne said, to claim more First Amendment freedom for the press than for others is a doubtful proposition. We probably can find sounder support for holding it more accountable than less, and it is difficult to argue convincingly for claims of a press elitism. We have some publications and journalists who fully deserve to be called elite, but we also have a steady flow of careless reporting and feckless publications which invites challenge of any general assertion of journalistic excellence. We are sometimes reminded, he said, of H.L. Mencken's cynical remark that no one ever went broke underestimating the intelligence of the American people.

Returning to recent First Amendment court decisions, Professor Van Alstyne noted that he has not been convinced by arguments for a two-tier interpretation of the Amendment's language or for the theory of elitist press "rights." I would have been uncomfortable, he said, if the court had held that a journalist could visit that California jail but not the NAACP representative or others. If only the press has access, who monitors its reporting? What if the sheriff believes the story is badly slanted? Can he reply? Does he have a right to space in the press to make his reply? This is a hazardous venture.

We are wrestling with a very old problem, Professor Van Alstyne said. When movable type made the printed word a reality in 15th century England, the penetrating power of the medium was recognized. Arguments for some measure of control soon arose and by 1428 a set of rules had been drawn up. We probably should not be greatly surprised, he said, that the reasons set forth to justify regulation "in the public interest" of this early-day press are so similar to the reasons cited by our government in the 1930's to justify federal control over radio frequencies that the two sets of rules are largely fungible.

If we must conclude anything tonight about "The First Amendment and the Predicaments of the Press," Professor Van Alstyne said in closing, we might say that if the First Amendment provides no special protection for the press, neither does the press owe us any greater accounting than anyone else.

A pass is required to use the Supreme Court State Law Library in Richmond. These passes are available at the Dean's office.

Grad'n Plans Under Way

by Michele Gillette

Although the present weather gives no indication of it, May is just around the corner; and with May comes, inevitably, graduation. This is an open letter to the third year class from your graduation committee, being something of an attempt to let you know that someone, somewhere, is doing something about that magic day.

First, about the diploma. Well we tried. We really did. You said you wanted it bigger and we tried; there is, however a college-wide policy mandating that all diplomas, from whatever school, will be of a standard size. Therefore, the 1979 diploma will be of the same size and in the same language as those received by the class of 1978. Despair not, however; every effort is being made to insure that this year the quality of that diploma will be commensurate with the dignity of the degree of which it is representative. Meetings with Henry Johnson, College Registrar, James Kelly Vice President in charge of Student Affairs, Dean Spong, Professor Carl Roseberg, (designer of the Marshall-Wythe medallion) and representatives of several companies interested in obtaining the contract to print the College's diplomas have kept the members of the committee busy. (The state is requiring the College to let bids for the printing of diplomas for the first time this year.) Final results are not known, but hopefully will include better quality paper, a newly designed medallion either in gold, embossed, on pastels, and a smaller version of the College seal, making the diploma more aesthetically pleasing.

Second, the Day itself.

Sunday, May 13, 1979. The place, Phi Beta Kappa Hall. The time is tentatively set for 5:00 p.m. An invitation to The Hon. Edward Re, Chief Judge of the U.S. Customs Court has been extended to speak at our "presentation of diplomas." All who heard Judge Re speak last year at Marshall-Wythe will remember his wit and eloquence. The program presented to your parents and friends will be newly designed by committee member Carol Hill and will include a short history of the law school by Professor William Swindler, in honor of the law school's bicentennial year. A reception on the lawn outside PBK Hall will follow the ceremony.

Third, plans are being made for a small cocktail or sherry reception to be held Saturday, May 12, 1979, at a place to be decided (by the fates and Mr. Kelly in that order.)

Fourth, if you wish to wear the hood of your undergraduate degree-granting institution in the academic procession on Sunday, write to them now for it. They should send it at a nominal cost upon request.

Fifth, the law school representatives to the College Commencement Committee, T. Moorman and Michele Gillette attended the first meeting of that committee on Nov. 14, 1978.

Sixth, a method of ticket distribution to the law school ceremony has not yet been decided upon. There are 805 seats in PBK and the committee welcomes suggestions about the allotment of seats among the members of the class.

Suggestions and comments are welcome by any member of the committee, with regard to any aspect of graduation.

Job Materials Available

MATERIAL AVAILABLE IN PLACEMENT OFFICE

PRIVATE PRACTICE

Books

Martindale Hubbell, Law Directory
Miller, After Law School
A.B.A., How to Find the courthouse
Richard Irish, Go Hire Yourself an Employer
The Council of New York Associates, Practicing Law in New York City

Notebooks

Firm resumes from firms who cannot come on campus to interview.

SOLO PRACTICE

Books

A.B.A., Career Opportunities in International Law
Moore Society of International Law, Directory of Opportunities in International Law
Cooper-Mondaunt, The International Law List-1976

PUBLIC SERVICES

Books

Legal Services Corporation, Narrative Program Directory, Recruiting Unit - July 1978
LSCRRRC - Report on Law Student Internship Program, 1975, 76
Legal Services Corporation - Job Vacancy Bulletin - published 1st and 15th of the month.

Notebooks

Variety of opportunities coming in all the time: see - Current Job Opportunities - Public Service

GOVERNMENT - FEDERAL

Books

Congressional Quarterly's Washington Information Directory G. S. A., Government Manual
Susan Gilmore, The Washington Want Ads
NALP Employment Opportunity Survey of Government Agencies
Richard Irish, Go Hire Yourself An Employer
Lukowski-Piton, Strategy and Tactics for Getting a Government Job
U.S. Civil Service Commission, Summer Job- Opportunities in the Federal Government
Various Application Forms - SF 171, 171 Continuation sheet, CSC 226

GOVERNMENT - FEDERAL, STATE, & LOCAL

Books

National Directory, National District Attorneys Association
United States Lawyers Reference Directory

JUDICIAL CLERKSHIPS

Books

United States Lawyers Reference Directory

Notebooks

Judges' responses to questionnaire concerning hiring practices

CORPORATIONS

Books

College Placement Annual - 1979

MISCELLANEOUS

Books

Ehrlich-Hazard, Going to Law School?
John Dobbyn, So You Want to Go to Law School

Notebooks

Unsolicited Job Opportunities - all areas Alumni Response indication willingness to give advice
Current computer print-out of alumni

MILITARY - various pamphlets and application forms

ACADEMIC - various teaching, teaching-fellowship, and fellowship opportunities

MORE MATERIAL IS ON ORDER.

OPPORTUNITIES WITH THE COLLEGE PLACEMENT OFFICE

For those interested in seeking opportunities with corporations, business and banking, etc., the College Placement Office has a library full of information. Students may also leave their resumes in that office to be perused by corporate recruiters.

The schedule of college placement interviews is being posted weekly. Please note that the sign-up is at Morton 104 on a particular day each week.

B-ball Picks Prove True

by Bill Hopkins

The 1978-79 basketball season is now well under way and the Amicus Curiae apologize for not getting our annual college basketball article out before the season began. It is unfortunate because the season so far has gone pretty much the way we expected.

For instance, we felt that Duke would not last long as the No. 1 team probably getting knocked off a couple of times in a holiday tournament. We also felt Notre Dame would probably take the No. 1 ranking, but then lose a tough game on the road to Maryland. Finally, we felt there would probably not be a dominant team as there has been in previous years. And we were right! But that is not important now because we are so far into the 1978-79 season and our predictions have once again come true. So now our problem is how to fill our annual basketball article.

Well, in Street & Smith's Official 1978-79 Yearbook, we came across a list of the all-time high school records, and some of them are pretty amazing. Others are downright unbelievable. Now, we know what you're saying. "Who gives a damn about some trivial high school records?" Well if you don't care, you can stop reading this rag and do something else. If you do care, we're off and running.

The most points scored by a player in a single game are 135

by Danny Heater of Burnsville, West Virginia, in 1960. Heater hit 53 of 70 field goals and converted on 29 of 41 free throws. Unbelievable.

If you're wondering how anybody can even take enough shots to score 135 points in a 32 minute game, then you've never seen David Robbins play. Heater, however, did not routinely throw up 70 or so shots a game. Going into the contest against Widen he was averaging a paltry 29 points a game. But, the coach of the Burnsville team wanted Heater to shoot for the single game record to draw the attention of the, until now, indifferent college scouts. The Burnsville team let Heater take every shot unless one of them had an uncontested lay-up. In addition, the gym was only 37' x 77'. Despite these advantages, Heater's performance was still incredible.

After scoring only 55 points in the first half, Heater caught fire and pumped in 82 points in the last half, including 55 points in the last ten minutes leading the Burnsville team to a 173-43 win.

Unfortunately, this story did not have a happy ending. A number of colleges contacted Heater after his performance, but only the University of Richmond offered him a scholarship. Danny, however, never did make it to college. Shortly after the high school season, he was injured in a car accident which ended his playing career. He subsequently decided against

going to college and went to work in a filling station in Burnsville. What can we say?

Longest Field Goal — 93 feet by Steve Patterson of Etowah, Tenn. in a 1976 District tournament game.

Longest Field Goal on bounce — 81 feet by Mike Kempton of South Tahoe, Calif. on Jan. 4, 1977.

Scored all of team's points — 97 by Walter Garrett of Birmingham, Ala. in 1963. Garrett hit 39 field goals in a 97-54 win.

Consecutive Free Throws — 67 by Denton Jones of Knoxville, Tenn. over an 11 game stretch in the 1969-70 season.

Consecutive Game Scoring — 77 and 74 points by John Drew of Beatrice, Ala. in 1972.

Most Points for a team in a single game — 211 by Grand Ave. High of De Quincy, La. in 1964. The opposing team only scored 29 points.

Widest Shutout Margin — 13-60 by Shinnston, W. Va. vs. Weirton in a game on the loser's court in 1918.

Total points — 278 as Chelsea, N.Y. Vocational defeated Manhattan Vocational, 153-125 in a game in 1971. Both teams combined for a record 100 points in a quarter.

Lowest Score — 1-0 win by Georgetown, Ill. over Homer in a District Tournament game in 1930.

Worst Shooting — 0 for 60 field goal attempts by Wynot, Neb., in a 118-4 loss to Laurel in 1972. Amazing!

King Arthur's Court, Cont'd.

Continued from page two

One other activity in Exeter that proved particularly interesting to the Marshall-Wythe students was visiting the pubs. They are only open until 10:30 or 11:00 o'clock each night, but there was ample time to become acquainted with several of the 1d types of beer commonly sold in England. Katherine Jillson said she became particularly fond of Wadsworth's 6X, a dark lager that is "still brewed in the kegs." It is one of a number of regional beers each available only in a specific area of England.

Travel, beer, and reduced prices on automobiles were not the only reasons that people spent part of last summer in England. No one undertook the trip just for the fringe benefits, Hedrick said, but no one went just for the academic credit, either. "You could stay in Williamsburg and do that," she said. The program this year will offer more than ten choices of classes, with each student able to earn about five credit hours.

The course work is not exceptionally difficult. "People cut a lot of classes on Friday but no one cared," Hedrick said. One of the students interviewed said that the professors are "not at their best" during the summer session and advised anyone looking at the school strictly as a way to gain an education to attend summer school elsewhere. Still, this lack of dedication is probably tolerated by all of the students. Joe Rosenthal said that as many as fifty percent of the more than 200 students from around the country who attended the school

were in England just for the fun of it.

The dreary English weather was one problem all students faced. Moorman said that he and his family had wanted to live on the beach but that the weather was "not conducive" to it. His family spent the first week of their time in England looking for housing away from the beach and eventually ended up renting part of a townhouse owned by a mathematics professor.

It was expensive to live on the economy but Moorman said he probably did better than those students who lived in campus housing. He said he heard a lot of complaints about housing and food from on-campus students.

Hedrick said the Americans who went were "an unusually warm group of people" and that "most of our spare time was spent hanging around with

people from other schools." Of the trip, she said "I'd recommend it to everybody, absolutely everybody."

This year the program will cost \$857.00 including room and board. Students must arrange their own transportation but several of those who attended last year said they cut costs by using the Laker Airlines standby schedule. Four \$1,000 scholarships are available for Marshall-Wythe students and ten scholarships of smaller amounts are open for any student attending the program. All scholarships are awarded exclusively on the basis of academic performance.

The deadline for applications for students seeking financial aid is March 31. All other students must apply by April 30. Everyone interested is urged to apply early.



Williamsburg Racquet Shop

Stringing Specialists

TENNIS, SQUASH, HANDBALL, RACQUETBALL
EQUIPMENT & SUPPLIES, SHOES & APPAREL

605-B Prince George St. — Phone 220-2319



Buy one of our

Great Sandwiches

Get a small cup of frozen yogurt

FREE with this coupon

Call ahead 220-0298

M-W Teams Battle Friday

Forget Seattle and Washington! Forget Duke and Notre Dame!! The basketball championship of the world, and, more importantly, the law school, will be duked out Friday night when deadly Death Row takes the court against the stupendous Supreme Court.

These reporters first interviewed Ken Geroe, manager and star scorer for mighty Death Row. "Who does Supreme Court think they are? They're a C League bunch of bums. They're in over their heads now. I mean, we've got our own jerseys and everything; they'll be lucky to wear shirts. Friday night we will welcome the Supreme Court to the big time."

When apprised of these remarks Andy Thurman, manager and top ball-handler of the dazzling Supreme Court replied, "This is going to be a basketball game, not a fashion show. Those guys will be so busy wondering whether or not to shave their legs that we will blow them off the court!"

The team matchups show that it should be a tough and well-played game. Death Row has a distinct height advantage with Jay Neal, Bob Woolrich and Geroe up front, but they are all pretty spastic, so the rebounding should be even. Further, both Neal and Woolrich try to score as though they are shotputting, so don't look for either of those guys to be in double figures. Look for small forward Mike Soberick to come off the bench and trip over the out-of-bounds stripe because he can't see with his new contacts.

Look for the Death Row backcourt to be a marvel of ineptitude. Starting guards Rich Pickard, who has a tendency to slip on his beard, and Kevin Brunick, who may not get into the gym because Security has trouble believing this youthful-looking guard's I.D., both can't pass and gun the ball too much. Backup guards Larry Davis and Bob Rappaport are rejects from the Snaildarters, who are currently tearing up D League.

Supreme Court counters this awesome array of talent with a collection of players that can only be called unbelievable. Their main man up front, Brian Buckley, communes spiritually with the Biafrican babies by eating only half of his food. Perhaps this explains his chronic disability to walk and chew gum at the same time. He is the brains of the Supreme Court front court. Larry Murray, their other horse up front, is a good solid player who spends most of his time waving at his girlfriend in the crowd. This kind of solid play leads to a happy romance but not many points. Andy "Flash" Thurman, that well-known marathon man and ballhandling wizard, brings

a new dimension to the term "running basketball." Tom Broas, the last forward on this team, has a good sense of humor, which is fortunate, because anybody who has ever seen him on a basketball court has laughed. He is clearly the best forward on this team.

Look for an exciting and unpredictable evening out of the paraplegics who play in the backcourt for the Supreme Court. Ward Eason, who moves with the grace of a wounded water buffalo, is handicapped by the shape of the ball and a tendency to tell his teammates to run square-outs. Dennis Hasse's best chance to make a real contribution to the success of the evening would be for him to do his John Belushi imitation and forget about basketball. Phil Bane went to UVA. and will consequently gag under pressure. Look for Death Row to let Phil Bane do anything he wants, they know that he is a product of his education. Rich "Little Bo" Schafrann has a problem in that he spends the whole game running square-outs for Eason. Mike Nuckols' sky hook is easily the most fearsome weapon in the Supreme Court arsenal. Nuckols spent last summer demonstrating the finer points of his specialty to his "A" student Kareem-Jabbar.

Andy Thurman confidently predicted "Supreme Court by twenty points. We've got the rebounding, the scoring, and the ballhandling. Our defense is tough. Those guys are so bad they lost to Devo, and everybody knows what a bunch of fags the second-years are."

Ken Geroe, in a rare moment of calm, bravely predicted that Supreme Court would not only not win by twenty but would not even score twenty. "Death Row views this game as an opportunity to strike a blow for all condemned men everywhere against the son-of-a-bitch judges who put them behind bars." Geroe advised the Supreme Court not to eat the day of the game because "they'll be eating their shots all night long."

Thurman quietly responded to this, "Everybody knows that Death Row is always trying to strike a blow, and we won't go into what you guys eat." Geroe responded, "We know what we eat, we like it, and so do the people who eat with us. After the game, we will be drinking the Supreme Court's beer and maybe eating a little later."

The game will be referred by Bruce Gerrity and Wes Heppler, two mediocre players for one of the law school's weak entries. John Rodgers, the Snaildarter's high-scoring guard, will keep the clock. The game will be at 7:30 Friday evening on the small court at Blow (!) Gym followed by a postgame party for all players and spectators at The Ranch.

HARDMAN



Spring Symposium

Women in the Law

Featuring

Mark Faegen-Fasteau
Brenda Faegen-Fasteau

Workshops-

Rape
Credit Rights
Abortion
Women & Military
Title VII

When: Saturday, March 17

Where: 1776 Holiday Inn

Cost: \$10 (includes lunch)

Workers needed for Publicity and Fund-raising Committees

Contact Katy Davis or Robin Strickler

It's a Racquet

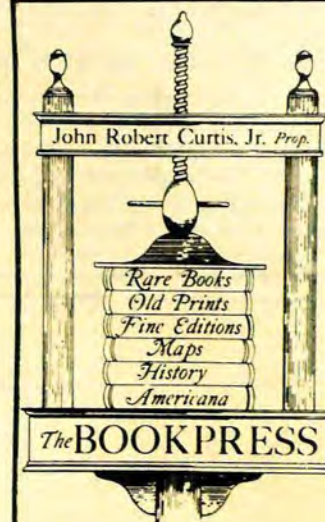
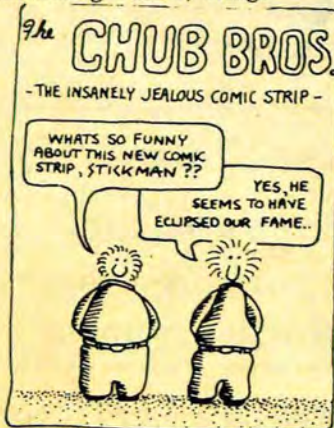
If you started the semester feeling slow and sluggish or if you just want an excuse to get out of the library try the Marshall-Wythe racquetball tournament.

The tournament is open to players of all levels and everyone will play at least two games. There are three divisions: men's and women's singles and mixed doubles with winner's and consolation brackets in each division.

Registration is on the second floor Thursday, February 1 from 11:30 to 2:30 and Friday, February 2 from 12 to 3. The fee is a dollar per person and will entitle players to enter one or two divisions. The fees will go towards a party at the end of the tournament.

Players will have a week to play their matches and post their own results on the tournament chart. The games are 21 points, the winner must win by two points, and the player who wins two out of three games wins the match.

The tournament begins Monday, February 5 so sign up this week and prove that you're the lawyer with the best racquet. See you in court!



420 Prince George Street
229-1260