1974

Amicus Curiae (Vol. 4, Issue 8)

House Group Includes Plan Funds

By Charlie Burr

In a February 11 speech, Gov. Mills Godwin dealt an apparently fatal blow to hopes that a new law school would be built for Marshall-Wythe by 1976.

Speaking before a joint meeting of the House Appropriations and Senate Finance Committees, Godwin proposed that $73.4 million in capital outlays be removed from the $126 million total contained in former Gov. Holton's budget for the 1974-76 bienium. The new law school was among those projects indefinitely deferred.

Godwin indicated that the readjustments were precautionary measures necessitated by the energy crunch. Citing a point from his recent inaugural address, he described the energy crisis as "... posing a threat of unknown proportion to state revenues on one hand and to the cost of conducting the state's business on the other hand." As late as one week before the speech, the Governor's Advisory Board on Revenue Estimates stated that the revenue projects on which the Holton budget was based were sound.

The House Appropriations Committee approved $218,000 in planning funds for the new law building, in a vote taken last Friday. Students are still encouraged to write to Senate Finance Committee members so that the Appropriations Committee action is sustained.

Besides the $4.8 million cut in planning and construction funds for Marshall-Wythe, a number of other capital outlay projects were also deferred. Other victims of budget cuts were a library addition for Christopher Newport Community College, the controversial penal facilities at Green Springs, a $5.6 million Science Museum for the state, a $2.7 million fine arts center at V.C.U., a $4.2 million undergraduate library at U.Va., a $6.5 million library addition for Virginia Tech and a $4.5 million psyciatric institute in Richmond.

Projects which remain include construction of the Woodbridge Community College, buildings to replace trailers now being used as classrooms by the Virginia School in Hampton, and construction of Bicentenial facilities in Yorktown, Charlottesville and Alexandria.

Primary beneficiaries of the readjustments will be state employees, who will receive $25 million in salary increases in 1975. Godwin also proposed that $15 million be set aside for unforeseen inflationary needs which would be funneled through agency and institutional budgets. This has generally been referred to as a "contingency fund" for the Governor.

As the readjustments are primarily oriented to contingencies, Godwin could make reallocations out of reserve funds when the General Assembly meets in short session in 1975.

The House Appropriations Committee has just completed its review of the entire budget, but the Godwin proposals have not been firmly adopted. Most legislators expressed regret over the necessity for the cuts, and several hoped that after considering the entire budget package, at least planning money might be squeezed out for the new law school.

NEWSLETTER OF THE STUDENT BAR ASSOCIATION

AMICUS CURIAE

Marshall-Wythe School of Law College of William & Mary

Vol. IV, No. 8 Williamsburg, Virginia Wednesday, February 27, 1974

Students are encouraged to inundate members of the Senate Finance Committee with letters urging inclusion of planning funds for a new law building in the new budget. If anyone doubts the necessity of a new building, try walking through the halls sometime.

M-W Reacts

Whyte, SBA Urge Students To Write Finance Committee

Nearly 50 students and faculty members attended a special meeting called by the SBA to organize a letter-writing campaign supporting the reinstatement of planning funds for the proposed law building in the 1974-76 budget. SBA Secretary Charlie Burr told those attending the February 14 meeting that Governor Godwin's message to the House and Senate committees considering the proposed law building resulted in elimination of the entire allocation.

Dean Whyte and SBA Board members urged students to write members of the House Appropriations and Senate Finance committees, in an effort to persuade the legislators to appropriate the $240,000 necessary to continue planning of the project. The Governor's action, in response to uncertainties resulting from the current energy problem, makes appropriation of construction funds in the coming biennium impossible, but law school officials believe that there is about a 50-50 chance of receiving planning funds — if members of the law school community barrage members of the House and Senate committees with pleas for the funds.

Since the February 14 meeting, the House Appropriations Committee has reported its budget recommendation to the floor of the House. The Senate Finance Committee will begin consideration of the House action sometime this week.

Although all state-supported schools in Virginia have been hit by the budget cut, with U. Va. losing an undergraduate library and V.P.I. a library addition, the Governor's action has stymied progress on an entire school here at M-W. Students are encouraged to write to those members of the Senate Finance Committee whose names appear elsewhere in this issue.

Right Confronts Left in SBA Tilt

The Student Bar Association, through its office of Professional Affairs, has organized its first major event ever, "A Dialogue: Nicholas von Hoffman v. James J. Kilpatrick," scheduled for Monday, March 11, at 8:00 p.m. at William and Mary Hall.

The event will consist of a discussion of issues and attitudes concerning impeachment, the energy crisis, credibility of public officeholders and other current topics as seen through the liberal and conservative eyes of the guest speakers, followed by a question and answer session with the audience.

A nominal general admission fee of $1 per person is being charged, with profits from the event going to the Woodbridge Memorial Scholarship Loan Fund.

In addition to the speaking program, a $10 per couple cocktail party is scheduled for a side-room at the Hall immediately following the main event.

Kilpatrick and von Hoffman are probably best known for their acid wit and vehement altercations in "Point-Counterpoint," on the CBS-TV news program "Sixty-Minutes," though each is an established journalist in his own right.

Kilpatrick, formerly editor of the **Richmond Times-Dispatch**, has spent his entire adult life in the newspaper business, and currently writes a nationally-syndicated column based out of the **Washington Star**. He is an honorary member of the Virginia Bar Association and is the author of several books, including "The Smut Peddlers," "The Southern Case For School Integration" (Kilpatrick originated the doctrine of "interposition"), and "The Sovereign States."

Mr. von Hoffman, presently the author of a syndicated column originating with the **Washington Post**, became a full-time journalist only after having spent several years with various reform-oriented organizations, culminating in a brief career with the late Saul Alinsky. Since the early 1960's, von Hoffman has been an active participant in liberal journalism circles, saying, "I know there are some sacred things in this world; it's just that I haven't discovered any of them yet."

A steering committee established last September under the guidance of Professional Affairs Director Bob Sichta in conjunction with SBA President Jim Murray, Honorary Chairman Buster O'Brien, and faculty advisor Asst. Dean Timothy J. Sullivan, initially broke ground for the event.

Since that time, committees headed by John Weber, Don Lewy, Jack McGee, Steve Watkins, Frib Bergman, Bob Copeland, Norm Marshall, and first-year reps Ellen Pirog, Bill Bridge, and John Ellis have been hard at work setting up publicity for the event through solicitations, press information, printing, correspondence, finance, post-cocktail party, Hall set-up, and general admission ticket sales, respectively.

"Every effort is being made to seek total involvement from all facets of the community," noted SBA President Jim Murray. "It is hoped that every member of the SBA will participate at least to the extent of buying a ticket."

Tickets to the feature attraction may be purchased at William and Mary Hall, the Campus Center Main Desk, or from SBA representatives.

Tickets to the cocktail party may be obtained by calling the SBA at extension 430. (Note: General Admission tickets are included in the purchase price of cocktail party tickets.)

See Dialogue, p. 7

Nicholas von Hoffman and James J. Kilpatrick will square off in a "Dialogue" scheduled for Monday, March 11. The event, sponsored by the SBA, will produce income for the Woodbridge loan fund. Tickets are on sale at the William and Mary Hall box office, and may be obtained from first-year SBA representatives.

Editorials

Volunteers Appreciated

In past issues the *Amicus* has criticized operations of the library, as most of our readers are aware. Since the recent budget cut which left Dean Whyte with a piddling sum with which to run the law school, students have been informed of the cutback in library hours. This cutback is partly due to insufficient funds with which to pay student employees. Despite the announced cut in library hours, the library has remained open late in the evenings and somewhat normal hours have been maintained.

Due to the efforts of several students, most prominently Max Dale, and Mr. Whitehead, who has returned late at night on many occasions to lock up the premises at midnight, students have been able to avoid the inconvenience once thought to be an inevitable result of the budget crunch. To all those students who have, and who will continue to donate their time, we offer our appreciation. We wish to especially thank Mr. Whitehead, whose concern for the library and for the law students, has been clearly demonstrated during the current budget crisis.

Planning Funds Vital

On Monday, February 11, the day before our last issue was released, Governor Mills Godwin, in a communication to the House and Senate committees considering proposed allocations, recommended a drastic cut in capital outlay expenditures for the coming biennium. As everyone in this law school knows, the idea of a new law building for Marshall-Wythe by 1976 went up in flames on February 11.

The reaction at Marshall-Wythe to the Governor's decision has been rather schizophrenic, to say the least. On one level, a number of concerned faculty and administrators and students have organized letter-writing campaigns to persuade the Virginia legislature to allocate planning funds for the project in the new budget. On the other level, the great majority of the students have done absolutely nothing. Which, unfortunately, is normal.

It would be very impressive for Marshall-Wythe to be able to tell the state legislators that the entire law school is united in this "cause" to salvage the new building. Perhaps the entire law school is so united. But this school is presently engaged in an uphill battle to save planning funds for something it, the oldest law school in the country, has never had — a law building. Not a renovated mausoleum that the College finds it no longer needs, but a building designed for the unique needs of a law school. And with typical Marshall-Wythe luck, we find ourselves in the midst of a "crisis" that poses a serious threat to Virginia's revenues. Consequently, if we are to persuade the legislature that Marshall-Wythe's need for a law building of its own is great enough to warrant an allocation in this uncertain year, we need more than this good argument; we need to inundate the legislature with letters telling the legislators that the planning funds are not only needed, but essential.

The SBA held a meeting on February 13 for the purpose of urging students and faculty to write such letters to members of the House Appropriations and Senate Finance committees, which are to consider the possible appropriation of planning funds. Around 50 students showed at the meeting, and in the typical legislator's eyes, that would hardly indicate massive student concern over the circumstances in which the law school finds itself. Since the meeting, the SBA has posted notices of this letter-writing campaign.

In light of the dismal turnout at the SBA meeting and the apparent attitude of many students to the effect that "We won't see the building, so why bother?" we feel that something else must be done.

First, we offer some facts. The House Appropriations Committee specifically discussed the proposed new building when it studied the Governor's budget request. There will be no funds appropriated for construction of the building. Marshall-Wythe's only hope is for sufficient planning funds. The committee sent its final bill to the House floor yesterday. Later this week, the House will approve the committee's bill and the budget will then go to the Senate Finance Committee. The Senate Committee is expected to send its bill to the full Senate around March 8. SBA President Jim Murray, after a quick trip to Richmond last Monday, returned with the impression that some planning funds might be included in the House Appropriations Committee bill. Whether the appropriation is sufficient is another matter.

It is too late, then, to write to members of the House Appropriations Committee. It is *not* too late to inundate members of the Senate Finance Committee with letters in support of a law building for Marshall-Wythe. None of the students now in this law school will be able to benefit directly from this new building. If that is your primary concern, we feel you are missing the point. We find ourselves crammed into an old building, originally designed as an undergraduate library, with insufficient space for the sort of library which Marshall-Wythe should or must have. 450 students stumble

See Planning Funds Vital, p. 4

Letters to the Editor

Murray Seeks Committee Aid

Hon. J. Harry Michael, Jr.
Eighth Street Office Building
Richmond, Virginia 23219

Dear Senator Michael:

I am writing you on behalf of the 450 law students whom I represent, and more generally as a citizen of the Commonwealth. I am sure that you are already well aware of the tremendous importance placed on a new law school at William and Mary by an impressive variety and number of Virginians, but I feel compelled to try to convey to you the sense of urgency and dire need felt by the students of the Marshall-Wythe School of Law themselves.

Any student or lawyer who has ever undertaken even rudimentary legal research in the cramped and overcrowded corner of our old converted building euphemistically dubbed a law library can attest to its total unsuitability for this the most fundamental of legal pursuits. The library problem is compounded because there is not only inadequate space for the people, but with each passing day more essential books and legal publications arrive and we have no shelf space for them. A significant portion of our library's collection is in storage in various buildings or on the third floor of a distant building in a library "annex," making essential research works virtually inaccessible though paid for and nearby at the same time. We have 450 law students confined to only 4 classrooms and a moot courtroom and thus despite classes scheduled from 7:45 a.m. to 6:30 p.m. classes must be held in disparate buildings often inconveniently remote from the law school.

These conditions have been deteriorating with each passing year with a concomitant increase in concern by the students and faculty. The situation is most distressing because William and Mary is a genuinely excellent law school with a fine faculty and a student body which has met admissions standards as rigid as those in the nation's most prestigious law schools. This leaves only a decent physical plant standing between the present law school and its recognition as one of Virginia's finest professional schools. As students we are particularly disturbed that during the past half century our similarly situated student brethren in Charlottesville have seen two new law school buildings constructed for them by the Commonwealth while we have been shunted from one castoff, reconverted facility to another.

The news that a new law school building was in the offing brought great hope and a renewed commitment to excellence at Marshall-Wythe. Then Governor Godwin's "recommendations" of February 11 cast a demoralizing pall over this institution unlike anything in recent memory. As many as 10 brilliant young law professors who had come to Virginia to participate in the resurgence of the nation's oldest law school are now looking for positions elsewhere and the school is in danger of slipping to second echelon status again. Governor Godwin's other suggested capital outlay cuts were characteristically to particular buildings with general impact which could be absorbed institution wide, while his suggestion of deleting the William and Mary Law School from the budget is in effect excising an entire academic unit.

I would also urge you to consider the proposed new law school building at William and Mary in light of the current conditions of legal education in the Commonwealth. While there is a growing clamour among the ever increasing number of Virginians aspiring to attend law school, William and Mary has been accepting more than 60 percent of the students in each entering class from Virginia and soon fully 70 percent of the school's graduates will be Virginia lawyers, and the new proposed building would permit the further expansion of enrollment to 600.

There is another, equally compelling argument which suggests conclusively that now is the time to build a law school in Williamsburg. This is the recent news that Williamsburg, Virginia has been chosen from amongst a host of bidders from across the nation as the site for the new National Center for State Courts. This selection is a major step toward establishing for the Commonwealth of Virginia a nationwide reputation as the leader in the field of legal scholarship and as the epicenter of the American legal system. We can assure Virginia this status by constructing the state's second great law school on the proposed site adjacent to the new National Center, and by doing it now while the Marshall-Wythe School of Law stands simultaneously at the threshold of greatness and the brink of reposition into mediocrity.

I, and the law students of William and Mary urge you to do whatever you can to assure the construction of the new law school building during the coming biennium.

Sincerely,

James B. Murray, Jr.
President, Student Bar Association

To the Editor:

Disregarding the admonition of "let him who is guiltless cast the first stone," I'll cast some anyway.

As anyone knows who has ever spent more than 15 seconds on the first floor of M-W, our library (also known as the thoroughfare to the Moot Court Room and all points north) stinks. It is overcrowded with people and books and is underallocated with space and money. As a place in which to do research, it is nearly worthless. The books one needs are never on the shelf or are located in the basement or in the attic of a building far removed from the stream of student traffic. Of course, that presupposes that

See Cooperation, p. 6

AMICUS CURIAE

EDITORIAL BOARD

George W. Campbell
Editor-in-Chief

Evan E. Adair
Managing Editor

Daniel Z. Shapiro
Production Editor

Clifford R. Weckstein
Features Editor

Malcolm Parks
Copy Editor

Raymond Villarosa
Business Manager

Charlie Burr
News Editor

ASSOCIATE EDITORS
Charles Allen, Michael Cassidy, Terri Frantz, Elisa Grammer, David Holmes, Carl Howard, George Mason, Gary Roth, Sue Villarosa

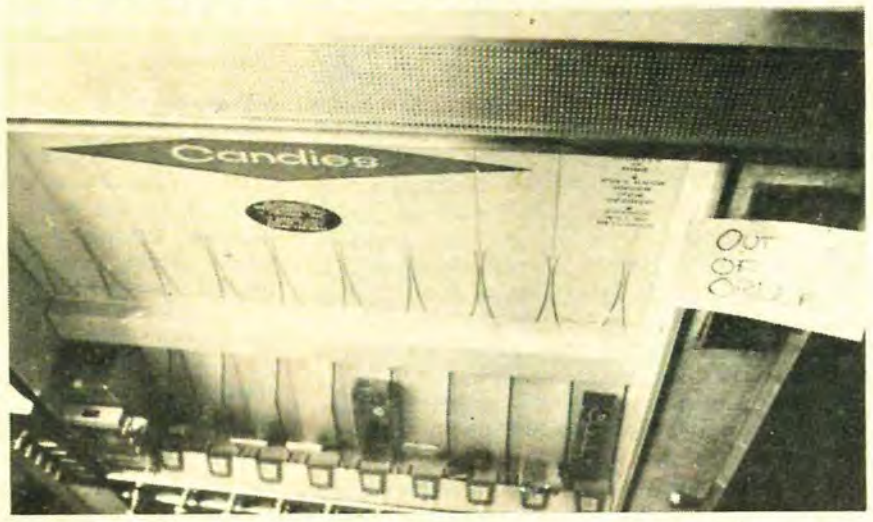
EDITORIAL STAFF
Lee Albrecht, Frib Bergman, Kathy Boyle, Bill Bridge, Jim Callear, Lou Campbell, Jim Dickinson, Debby Dickson, John Fletcher, Phil Ferguson, Mike Geffen, Peter Heinz, Jean Hoppe, Lise Courtney Howe, Kathy King, Ken Leonard, John Mizroch, Dianne O'Donnell, David H. Osborn, Debbie Prillaman, Burt Saunders, Doug Stanard, Daniel W. Stolper, Jim Thurman, Mark Tunnell.

Opinions expressed in articles and initialed editorials do not necessarily represent those of the Editorial Board or the Student Bar Association. The editors reserve the right to edit all copy for space and policy considerations. Letters to the editor and other submissions are encouraged.

The Amicus Curiae is published every other week during the academic year by the Student Bar Association of Marshall-Wythe School of Law, College of William and Mary, Williamsburg, Virginia.

Faculty Commentary

Dealing With The Distressed



By Tony Fitch

Judge Edward Tamm of the United States Court of Appeals for the District of Columbia recently stated:

> Little has been done, legislatively or judicially, in a comprehensive fashion to examine the parameters, interrelationships and constitutional bases of the various laws dealing with mental illness. This loosely organized field encompasses such diverse areas as sexual psychopath laws, the criminal insanity defense, civil commitment — voluntary and involuntary — incompetency to stand trial and the civil commitment which may result, and mental retardation. (**In re Ballay**, 482 F. 2d 648, 654-655, n. 29 D. C. Cir., 1973)

Judge Tamm may have underestimated somewhat the amount of attention which has been paid to these areas in recent years, albeit in piecemeal fashion (an inherent problem, of course, with the judicial process, where the activity has been much greater than in the legislative sphere), but his concern for these developing areas of the law is certainly not misplaced. As he points out in the same opinion, "one in three American families is likely to be disrupted by the commitment (to an institution) one one of its members." More than half a million people are inmates of mental institutions at any one time; in fact, more people are confined in mental institutions than in our prisons for convicted criminal offenders. **In re Ballay, supra,** 482 F. 2d at 654.

Anytime a governmental or private system or institution — whether it be a welfare department, a university, a police department, or a mental health system — processes so many people, injustices and mistakes are bound to occur. The particularly high rate of mistakes coupled with the distressing lack of any real, demonstrable results or benefits (the same can be said of course for our prisons and our schools) has engendered increasingly great concern about the purposes and methods of various stages of the processing of the allegedly mentally handicapped. Indeed, the case in which Judge Tamm made his observations involved a naturalized citizen who came to the United States "because everybody knows that the United States are (sic) the country of freedom and democracy," (**In re Ballay, supra,** 482 F. 2d at 648-649) and who simply liked to tell guards at the United States Capitol and the White House that he was a Senator from Illinois and married to Tricia Nixon. (**Quaere**, whether Senator Stevenson or Senator Percy of Illinois is likely to feel less affinity for the Nixon family). It was this gentleman's misfortune that his admittedly inexplicable propensity offended various people enough that he was committed to Saint Elizabeth's Hospital in Washington on three different occasions.

The use of various institutions (including, I would assume, universities, but that is a matter best left for another day except for the observation that the same kind of problems and abuses have occurred in the field of education as in the areas more directly addressed in this article) as dumping grounds for the poor, the black, the elderly and others whom the majority find strange or troubling or disagreeable requires the development of processes or tools which reasonably protect the (usually but not always) conflicting interests of the individual and the larger community. I propose in the remainder of this article to briefly identify some problems in the entire area involving the deprivation of the liberty of the distressed and distressing, the troubled and troubling members of our society and to preliminarily suggest some solutions for those problems.

The first major problem is the lumping together for various purposes — problem analysis, development of effective treatment programs, development of adequate protections, development of efficient procedures — of every different group of individuals. The so-called mentally ill and the so-called mentally retarded are not only different from you and me; they are also very different from one another. Indeed the psychotic is very different from and has different needs and potentialities than the neurotic; the borderline retardate has very different problems and requirements and potentialitites than the severely retarded person. We simply throw away a lot of resources — the tax payer's dollars as well as human lives — by statutorially and operationally ("scientifically" or "medicinally" would be inaccurate) treating all of these individuals as though they were one disagreeable entity. For example, the economic rationale, not to mention the ethical propriety, of authorizing the institutionalization of the borderline or mildly retarded completely escapes me, since nearly all of these people can, with adequate and rather routine schooling, become contributing and responsible citizens. As if this kind of senseless and cruel lack of differentiation were not bad enough, the law in this Commonwealth not only authorizes the commitment of the mentally ill and the mentally retarded to the same institutions but also provides for the same type and locus of institutionalization for drug addicts and alcoholics. (Va. Code 37.1-63). For some unknown reason, even the proposed revision of the mental commitment statutes now pending in the General Assembly which is sponsored by the American Civil Liberties Union continues the applicability of the section to the alcoholic and the addicted.

Frankfurter's belief that procedure is the great protector of constitutional rights has not been forgotten in recent reform efforts. In Virginia and elsewhere, often as the result of judicial decisions or the threat of such decisions, statutes governing the commitment procedure are being studied and often amended. Those in the Commonwealth merit total revision.

The current statutes quite properly require a prompt hearing on the issue of commitability within seventy-two hours (Va. Code 37.1-67), a period which actually could without objection be extended to seven or even fourteen days provided that an initial hearing were authorized), provided that the Court "shall" appoint an attorney for any person not already represented by counsel (a provision which apparently allows for the appointment of counsel for the indigent, the disproportionately frequent subjects of commitment proceedings, although the authorization for reimbursement of counsel for this service is not clear, **id.**) and authorizes the discharge of the inmate by the superintendent at any time (Va. Code 37.1-98). An amended statute should further provide that the subject of the proceedings may not waive the hearing, that the person is entitled to retain, at state expenses if necessary, an independent psychiatrist, that the person has a right to confront and cross-examine witnesses against him, that he has a right to a trial by jury, that he has a right not to testify at the hearing against himself, and, perhaps most important of all, that he may not be committed except upon a finding of mental illness beyond a reasonable doubt. **Lessard v. Schmidt**, 349 F. Supp. 1078 (E.D. Wis. 1972); **In re Ballay, supra.**

Two particularly important substantive amendments are also in order. First, no one should ever be committed unless he is mentally ill, a term which should be much more carefully and extensively defined than it now is, and presents a substantial risk of physical harm to others or to himself. (Cf. Mass. Gen. Laws Ann., Ch. 123, Sec. (1972)). (Under the standard of proof suggested above, both of these elements would have to be proved beyond a reasonable doubt. One commentator has suggested, "Since it would be virtually impossible to prove beyond a reasonable doubt that a person is likely to cause serious harm, if the reasonable doubt standard is imposed on civil commitments the standards should apply — as is required by Lessard — only to the facts on the basis which the likelihood is estimated." Walker, **Mental Health Law Reform in Massachusetts**, 53 Boston U. L. Rev. 986, 1001 (1973).

A second indispensable substantive change is the elimination of the commitment of persons labelled as mentally ill for an indefinite or indeterminate period and the establishment, instead, of definite time limits for each commitment. For example, the first commitment might extend for a maximum of six months, and each subsequent commitment would be for a maximum of one year, with a requirement that the hospital must initiate the entire commitment process at the end of each six-month or one-year period. (In addition, more frequent administrative reviews of the inmate's progress should be required, and the right to habeas corpus, of course, should not be affected.)

With regard to those persons who are committed, three additional groups of considerations arise. All should be incorporated into the controling state statutes.

First, commitment without treatment is a sham — an unconstitutional sham a number of courts have held, **Wyatt v. Stickney**, 325 F. Supp. 781, 785 (M.D. Ala. 1971); **Nelson v. Heyne**, 355 F. Supp. 451, 459 (N.D. Ind. 1973) — which, I feel confident in saying, every public institution in the United States is guilty of. Statutes should require — and state courts should enforce the requirement or the federal courts will, **Wyatt v. Stickney, supra,** also 344 F. Supp. 387 (1972) — that all patients should be treated in community facilities or other less restrictive alternatives to the extent consistent with the individual patient's needs. (Danger to the community is not really a significant problem here because mental patients as a group are much less dangerous than any other group in society.) In effecting every patient's constitutional right to treatment, the system should be required by the state statutes to develop an individualized treatment plan which specifies treatment goals, treatment methods, and a time table for the utilization of the specified methods and the achievement of the specified goals.

Similarly, mentally retarded, autistic, learning disabled, and other exceptional children either in our public schools or, as is more commonly the case, illegally excluded from our public schools have a strong constitutional (notwithstanding **San Antonio Independent School District v. Rodriguez**, 93 S. Ct. 1278 (1973) and, usually, statutory argument for thier right to education, ir, put somewhere more precisely to an education that will as equally meet their needs as more "normal" education meets the need of "normal" children in the public schools. **Mills v. Board of Education**, 348 F. Supp. 866 (D.D.C. 1972); **P.A.R.C. v. Pennsylvania**, 343 F. Supp. 279 (E.D. Pa. 1972).)

Second, just as he is entitled to treatment which can reasonably be expected to improve his condition or, in the alternative, to be immediately released from confinement, the inmate also maintains inviolable rights against certain types of treatment. The Wayne County, Michigan Circuit Court recently held on First Amendment grounds that an involuntarily committed patient simply cannot consent to experimental psychosurgery. **Kaimowitz v. Department of Mental Health**, 13 Cr. L. Rptr. 2452 (1973). (In their brief, Robert A. Burt and Frances A. Allen of the University of Michigan Law School, counsel for the plaintiff, argued that such surgery is also prohibited by the Eighth Amendment and the due process and equal protection clauses of the Fourteenth Amendment.) Burt and Allen, **Experimental Psychosurgery**, 18 Law Quadrangle Notes 9 (Fall, 1973). Lobotomy, sterlization (in or out of institutions), electro-shock therapy, and the administration of various durgs for treatment or control purposes raise similar and equally difficult questions. The world of **Clockwork Orange** is not even so distant as 1984, but is already upon us in nearly every state of the Union.

See Commentary, p. 5

Planning Funds Vital

Continued from p. 2

over each other as they struggle to classes, which begin at 7:45 a.m. and run to as late as 6:30 p.m. A number of faculty members are seriously considering a move elsewhere because of the dismal financial situation, and the probability that Marshall-Wythe will continue in its cramped confines for years to come.

Those of us who will never reap directly the benefits of a new building *will* be affected by the outcome of the building proposal. In the past few years, Marshall-Wythe has tripled in size. Talented faculty have been hired despite the inexcusably low salary scale. The caliber of the students has risen to a level comparable to most prestige law schools, and the law school continues to receive almost 2500 applications each year for 150 openings. Marshall-Wythe is a fine law school despite the fact that the Virginia legislature somewhow has failed to recognize its compelling need for adequate funding. We are able to say that all this law school needs in order to become one of the truly outstanding law schools in this country is money. Yet while our friends in Charlottesville await the opening of their second law building, Marshall-Wythe is still waiting for its first.

We will carry the diploma of Marshall-Wythe with us upon our graduation, and whether we can say that our law school is a good one, a great one, or a lost cause will depend in good part on the outcome of our efforts to extract planning funds from this legislature. Marshall-Wythe is at a crossroads. A new building is crucial to the continuation of this law school's efforts to become an even finer institution, as is adequate funding for the law school's operations and decent salaries for faculty. The failure of the legislature to afford Marshall-Wythe funds even comparable to those granted the law school at the University of Virginia has thus far been a sore point. Now it threatens to severely harm this law school.

Students at Marshall-Wythe have, as Dean Whyte has noted, a compelling argument. As students at a state-supported law school, we are entitled to fair treatment. Thus far, we have not received fair treatment. Budget appropriations for this law school are so inadequate that an across-the-board 7.5 percent budget cut leaves Dean Whyte *with a mere $5000 to operate the school for the next five* months. Faculty salaries rank fourth from the bottom among law schools in this country. Now, due to what apparently is a legitimate financial crisis, we are threatened, not only with loss of prompt construction of our very own building, but with the prospect that a building may not come before conditions here reach desperation.

Your individual efforts in writing to members of the Senate Finance Committee may not be successful. It's one of the chances we have to take. The only certain thing is that our failure to take some of our time to tell the legislators of the importance of the new building can only serve to heighten their unawareness. The time for our action is now. If you care about this law school, send a letter to the legislators on the Senate Finance Committee. Their names and addresses are included elsewhere in this issue. Ask for planning funds adequate to keep the project going. Inform the legislators that there are indeed students at the seemingly-forgotten "other" state-supported law school. They must recognize the plight of Marshall-Wythe; and this is the time to do it.

The Amicus welcomes reader response to its editorial comment

Contributions Flow in Drive

By Kathy Boyle

The *Amicus Curiae*, in cooperation with the Post Conviction Assistance Project, has responded to a plea for contributions of books to the inmates of the Federal Penitentiary at Petersburg, Virginia. The *Amicus* was alerted to this desire for books by a letter from a Petersburg inmate. (See the February 13, 1974, issue of the *Amicus Curiae)*

Boxes have been placed in the **Amicus** office to receive contributions of used books for this worthy cause. Plans are being finalized to place boxes in other locations throughout the law school. Books have begun to trickle in, but there have been no significant contributions from law students to date. If the book drive is successful at the law school, it may be expanded to the rest of the community.

If you have any books that you can donate please bring them and deposit them in one of the designated boxes. These books may be paperback or hardback and deal with any subject matter. Any legitimate books, including law books, old textbooks, and novels are acceptable. Library facilities at the prison are practically nonexistent so that inmates are not given a meaningful opportunity to use their time to broaden their education. Please bring your old books so they can be read and enjoyed by someone who really needs them.

Kathy Boyle, Amicus coordinator for the book drive for prisoners at the Petersburg Federal Penitentiary, deposits some of the many volumes donated to the project. Students are urged to contribute any used books.

SBA Reviews Budget Status

By Evan Adair

Jim Murray reported the "fruits" of his journey to Richmond to SBA officers at the Board meeting last Thursday. Although there is no chance for construction funds for the proposed law building, Murray told the officers that Del. Ed Lane, Chairman of the House Appropriations Committee, had admitted to him that the proposed law building "had been considered very carefully," and Murray left Richmond with hope for appropriation of planning funds necessary to keep the *project going.*

Murray also explained some of the intricacies of budgeting in Virginia, noting that the budget as approved by the House will contain a "slush fund" for the Senate Finance Committee. If the House version of the budget does not include an appropriation of planning funds, the Senate committee may include the project in the "slush fund." Murray again asked officers to write letters to members of the Senate Finance Committee, and to encourage other students to do likewise.

Malcolm Parks told the officers present that questionnaires regarding the law students' sentiment on a proposed day care facility and on a new law school calendar moving first semester finals to December will be distributed this week. Dean Whyte told students earlier this month that the proposed calendar for 1974-75 could be changed if such a survey demonstrates strong student sentiment for the alternative calendar.

Bob Quadros, SBA's party-giver, announced the "Spring Fling" to be held this Friday evening at the Community Center, and suggested that the SBA also sponsor a grain party, for which he offered several questionable names, the evening of the last exam in May. The feasibility of such a party will depend on the financial success of Friday's party.

Senate Finance Committee members

Hon. Edward E. Willey
Richmond

Hon. George S. Aldhizer II
Broadway

Hon. Leslie D. Campbell, Jr.
Ashland

Hon. Hunter B. Andrews
Hampton

Hon. William B. Hopkins
Roanoke

Hon. Willard J. Moody
Portsmoth

Hon. Herbert H. Bateman
Newport News

Hon. J. Harry Michael, Jr.
Charlottesville

Hon. Leroy S. Bendheim
Alexandria

Hon. George M. Warren, Jr.
Bristol

Hon. Adelard L. Brault
Fairfax

Hon. Stanley C. Walker
Norfolk

Hon. Howard P. Anderson
Halifax

Hon. Robert S. Burruss, Jr.
Lynchburg

Hon. George F. Barnes
Tazewell

RICHMOND ADDRESS:
Eighth Street Office Building
Richmond, Virginia 23219

M-W To Receive Little Coverage in Yearbook

By Debbie Prilliman

Students at Marshall-Wythe probably will not see much coverage of law school activities in the **Colonial Echo** this year. The **Echo** costs about three times as much to produce as students pay in their tuition Activity Fee, but the yearbook will contain only four pages on the law school.

According to new **Colonial Echo** co-editor Sally Shank, who with Cindy Reasor replaced Brian O'Boyle as head of the W&M yearbook, the problem of scant law school coverage is a "matter of communication." Six law and graduate students signed up at registration to have their pictures taken. Ms. Shank speculates that the small turnout for individual portraits was due to the lack of publicity informing law students about the sign-up procedure. The editor added that next year she hoped a better effort would be made to notify students.

Ms. Shank also cited lack of a liaison to provide a schedule of law school events as part of the problem with yearbook coverage. Candid photo coverage of the law school is not yet complete. The number of pages Marshall-Wythe rates may depend on the number of acceptable photographs and the amount of copy the yearbook staff obtains before their March 10th deadline.

Yearbooks will arrive for distribution to students at the **Colonial Echo** office in the Campus Center in early May.

Frats Initiate New Members

By Debby Dickson

Fraternity rush at Marshall-Wythe, which began with three well-attended and riotous parties, culminated last Friday, February 22, with initiations held in the Wren Bulding.

All week long, the three fraternities were vying for members, each promising bigger and better activities, both social and professional. First-year students were heard asking their friends, "which fraternity are you joining?" To many, joining a fraternity was serious business To others, it was a chance to find an outlet from the everyday grind of law school studying.

The new initiates of Phi Delta Phi include Gary Anderson, Greg Barton, Jerry Bowman, Kathy Boyle, Bill Bridge, Janet Brown, Robert Brown, Rick Burdick, J. Parker Cann, John Deal, Debby Dickson, Moira Donoghue, Heather Dorion, David Duff, John Elliott, John Ellis, Don Elmore, Eugene Ferreri, Cheryl Flowers, Bill Friedery, Michael Girard, Bob Goldman, and Louis Gonnella.

Other new PDPs include Steven Heller, Sharon Henderson, Joanne Hickcox, Jean Hoppe, Mark Horoschak, Carl Howard, Gary Howard, Lise-Courtney Howe, Michael Hughes, Albert Hulett, Tom Jacks, John Jackson, Douglas Kahle, Alan Kelley, Kathy King, John Klein, Kenneth Leonard, Leo Lubow and Ronald May.

Also, Mary Francis Morris, Jim Nejfelt, Dianne O'Donnell, Phil Paschall, Ellen Pirog, John Renfrow, Kenneth Rye, Rick Seaman, Gene Shannon, Joyce Sisson, Charles Sizemore, Mark Slaughter, Kris Sundberg, Howard Sykes, Jim Thurman, Jerry Talton, Page Williams, Paul Wilson, Bill Wotherspoon.

New members of Phi Alpha Delta are James Dickinson, John Fletcher, Phyllis Harden, and Sandra Spooner.

Delta Theta Phi initiated Steven Perles, George Price, Craig Teller, and Michael Willis.

Phi Delta Phi by far got the most new members, but all staged impressive initiations.

Parties followed the ceremonies — Phi Alpha Deltas feasting on pizza and beer, and Phi Delta Phis hosting an evening beer blast in the Campus Center.

Former Virginia Senator William Spong spoke to a large gathering sponsored by the International Law Society on Friday. Sen. Spong spent several hours on campus, answering students' questions after his speech.

Commentary: Dealing With The Distressed

Continued from p. 3

The administration of behavior-controlling drugs underscores the difficulty of distingushing between treatment and discipline, cure and punishment; this points to the third important group of issues revolving around the fact of institutionalization, that of day-to-day institutional administrative practices. My basic premise is that there is absolutely no justification, absent the strongest of showings, for any curtailment of or impingement on the exercise of any of the constitutional rights of the civilly committed. I fail to see how any infringements upon the right to send or receive mail, to visit with whomever one wishes, to interact with members of the opposite sex, and to exercise one's religion can be justified, as they frequently are, for "administrative reasons" or for any reasons other than clearly dvmonstrated treatment-related considerations. Similarly, I fail to see how the acting out of inmates labeled as mentally disturbed can be subjected to any disciplinary sanctions (as opposed to brief, carefully monitored protective steps), let alone such barbaric methods as physical restraints and isolation cells (which I have often heard justified by institution officials as part of the treatment program), given the constitutional prohibition against the punishment of status offenses, **Robinson v. California**, 370 U. S. 660 (1962). Physical restraints and isolation, in particular, like the administration of drugs, should be authorized only by qualified medical personnel who have interviewed or observed the patient and should be limited to extremely short periods of time, eight or twelve hours at the most. I also believe that the Fifteenth Amendment's prohibition against involuntary servitude is violated by requiring institution without compensation in accordance with the federal minimum wage.

I might add, in order to avoid my own labeling as a completely naive law professor, that I don't really expect the legislatures of very many states to enact the provisions which I have proposed or to allocate the requisite resources; if nothing else, the public wouldn't stand for it. After all, the underlying purpose of these processes is to rid ourselves of our responsibilities of those whom we find to be nuisances. I will further add that the inevitable result of the failure to act will be, as it was with schools, voting, and the criminal justice system, the intrusion of the federal courts into the decision-making and resource-allocating process.

The same kind of problems, particularly those relating to the commitment process, inhere in insanity and competency determinations in criminal trials.

In Virginia as elsewhere a person who lacks substantial capacity to understand the proceedings against him or to assist in his own defense may not be tried. (Va. Code 19.1-227-228). Beyond this general statement the pertinent Virginia statutes are difficult to interpret and appear to be contradictory. Section 19.1-228 provides that if the defendant is incompetent and therefore unable to stand trial he should be committed in accordance with the prevailing civil commitment statutes discussed above. Section 19.1-231, however, provides that if the defendant is found to be insane or feebleminded the criminal court **shall** order him to be confined in an institution or part of an institution for the criminally insane until he has been restored to sanity. If anything these two methods of commitment of those lacking the capacity to stand trial or suffering from a mental disease or defect (section 19.1-228) and for the insane or feebleminded (section 19.1-231) should be reversed to that the criminal court would retain jurisdiction over the incompetent, and the insane would be within the court's civil jurisdiction. It appears, however, that insanity or feeblemindedness and incapacity or mental disease or defect are simply — and improperly — used interchangeably and that the two sections in question are just flatly contradictory. Moreover, the provision that a person shall remain institutionalized pending trial *until he has been restored to sanity* (Section 19.1-231, see also section 19.1-230) allows the indefinite detention of a defendant which the United States Supreme Court recently held, in a case dealing with a very similar Indiana statute, to be unconstitutional. In **Jackson v. Indiana** 406 U. S. 715 (1973), the court held that:

> "(A) person charged by a State with a criminal offense who is committed soley on account of incapacity to proceed to trial cannot be held more than the reasonable period of time necessary to determine whether there is a substantial probability that he will obtain that capacity in the foreseeable future. If it is determined that this is not the case, then the State must either institute the customary civil commitment proceeding that would be required to commit indefinitely any other citizen, or release the defendant. Furthermore, even if it is determined that the defendant probably soon will be able to stand trial, his continued commitment must be justified by progress toward that goal. In light of differing State facilities and procedures and a lack of evidence in this record, we do not think it is appropriate for us to attempt to prescribe arbitrary time limits. We note, however, that petitioner Jackson has now been confined for three and one-half years on a record that sufficiently establishes the lack of a substantial probability that he will ever be able to participate fully in a trial."

Fortunately, Section 19.1-228 authorizes the initiation of the commitment process pursuant to section 37.1-67. Thus Section 19.1-231 (as well as section 19.1-230) should be repealed or at least amended to provide that a person who is incompetent to stand trial cannot be detained indefinitely and that the charges against him must be dismissed on the date, for example, on which he would have been paroled had he been convicted and then sentenced to the maximum sentence possible. (Cf. Mass. Gen. Laws Ann. Ch. 123, Sec. 17(b) (1972).) Further, Section 19.1-228 should be amended to make clear that a finding of incompetency to stand trial is very different from a finding of insanity, especially under the standards which I have suggested earlier in this article.

The provision for dealing with those who have been found not guilty because of insanity after a criminal trial raises similar problems of constitutional dimensions. Section 19.1-239 quite properly provides that after such a verdict a court shall place the defendant in temporary custody for examination of his present mental condition; thus the statute does not allow the presumption that a person who was insane at the time of the alleged crime has continued insane to the present moment.

Beyond this provision the section raises serious questions. It apparently allows the court to commit the defendant indefinitely if it finds that he is "insane or feebleminded **or** that his discharge will be dangerous to public peace and safety or to himself . . ." (Section 19.1-239). In other words the court is authorized to indefinitely commit a person whom it believes to be dangerous **even though that person is no longer insane or feebleminded** just because he was found, in accordance with his statutory and constitutional rights, not guilty by reason of his insanity at the time of the alleged *offense. Further, the court is apparently* authorized to make this commitment without any type of hearing, thus violating at least the principle of **Baxstrom v. Herold**, 165 U. S. 107 (1966) and squarely contradicting the holding in **Boston v. Harris**, 395 F.2d 242 (D. C. Cir. 1968). Additionally, if the defendant is committed, he cannot subsequently, unlike those who have been civilly committed, simply be released by the institution; instead the institution must apply to the court for permission to discharge the inmate, and in such a hearing the burden, improperly, is on the committed person to prove that he is not insane and that he is not dangerous.

This statute also should be largely repealed and replaced with authorization for temporary commitment for examination of the defendant found not guilty by reason of insanity and a subsequent civil commitment proceeding which conforms to the procedural and substantive requirements suggested above.

The ethical, statutory, and constitutional problems raised by institutions — schools, prisons, juvenile training schools, institutions for the mentally retarded, hospitals for the mentally ill, homes for the elderly — are endless; this little article has scratched the surface at best. Judge Tamm is eminently correct in stressing the need for concentrated conceptual, judicial, and legislative inquiry into the various processes by which, the reasons for which, and the conditions under which millions of individuals are deprived of their liberty. Drawing in part on the insights which the social sciences have provided us above the methods by which society labels certain behavior as deviant, the American Bar Association, several law schools, foundation-supported research groups and public interest law firms, a few scattered governmental agencies and state legislatures, legal services programs, and public defender offices have begun in various ways to chip away at the edifice of neglect, abuse, and shirking of familial and societal responsibilities represented by the Beaumonts and Richmond Penitentiaries and Eastern State Hospitals of this Commonwealth and other States. The work is interesting, and very plentiful; it is demanding, morally and intellectually challenging, and highly amenable to the assumption of large amounts of independence and responsibility by young lawyers. On either a full-time or part-time basis, the field offers lawyers tremendous opportunities for fulfilling their responsibilities to the public interest which are so much more commonly honored at the present time in the breach than in the observance.

Rep. Thomas Downing spoke to a recent International Law Society gathering on the necessity of unilateral action by the U.S. to prompt an international agreement on the law of the seas.

U.S. Should Prompt Pact

By Burt Saunders

Thomas N. Downing, fearful that an international agreement on a law of the seas is many years off, favors unilateral action taken by the United States to prompt an international agreement. This view was expressed Friday when over 75 students and guests attended the second of a series of speaker programs presented by the International Law Society.

At the address, Virginia's First District Representative emphasized the importance of a universally acceptable law of the seas. However, he was pessimistic about such an agreement developing out of the Conference on the Law of the Sea to be held in Santiago, Chile in May of this year. "The Conference on the Law of the Sea has a unique opportunity to accomplish the most significant step forward in several generations. It can do so if it can devise a system of law and order for the oceans of the world which will not only be acceptable to the overwhelming majority of the world's nations, but will also provide for dispute settlement mechanisms which are capable of settling claims between nations and which will discourage confrontations and conflicts in resolving national differences. I am hopeful that this can be accomplished, but I recognize the practical difficulties ahead."

In order to force the world's nations to act promptly, Rep. Downing suggests that the United States take certain unilateral steps which could have the effect of forcing rapid acceptance of an international accord. One such step would be to immediately increase our jurisdictional control from the present 12-mile limit to 200 miles.

Reflecting on his recent flight over the hundreds of Soviet fishing trawlers that are draining our fishing resources off the entire east coast, Downing noted that such a move would have two major effects. First it would force the immediate departure of the Soviet trawlers, providing American fisherman exclusive fishing rights in the most productive coastal areas. Secondly, it would provide American industry with exclusive control of the oil and mineral rich continental shelf.

Downing's second suggestion consisted of encouraging American industry to begin mining of the ocean floor. As additional nations undertake such operations, bilateral agreements could be arranged whereby each mining country would respect the right of way of the others. Eventually an international clearinghouse for mining licenses could be established. Such a process of encouraging small numbers of industrialized countries to agree on certain rules would eventually lead to a strong inducement for a universally acceptable law of the seas.

Though he is strongly in favor of an international accord, Downing emphasized that he "will not hesitate to support national legislation which becomes necessary to protect the interests of the United States until such time as international decisions become effective."

Hoopsters Bow In Playoffs

By John Fletcher

Three Marshall-Wythe basketball teams compiled good enough records to enter playoff competition last week, but none survived even the quarterfinal round. It's definitely a tough circuit.

Only third year's Thunderchickens managed to advance beyond the first round, defeating first year's tough Five Easy Pieces in a hard-fought 55-36 victory. The Pieces (neglected in last week's article due to gross and reckless disregard on my part), managed a 6-1 regular season record behind high-scoring Bobby Harris (local boy made good), forward Paige Williams, and Duke's lean-leaper Mark Slaughter. A horrendous field goal percentage from the first-year boys made things easy for the Chickens, who led throughout the contest. Doug Brown led everyone from the floor with 14 points.

The Thunderchicken victory was short-lived, however, bowing to Lambda Chi Alpha in the quarterfinals, 52-41. The fraternity champions proved too much for the aging Chickens, who had trouble keeping up with the youngsters' run and gun style of play.

The first round of the playoffs also wrought havoc with second year's Over the Hill Gang. Hampered by the conspicuous absence of guard Jeff Fairbanks, the Gang got off to a slow start against Pi Lambda Phi, trailing by six at the half. The boys began the second half with a flurry of points, but ran out of gas in the fourth quarter, dropping the contest 46-38. Still out of breath five days after the game, star forward Anthony Radd declined to comment on his team's weak performance (in fact he could not even remember the game having taken place, so absorbed was he in a current Moot Court problem), but he did refer me to forward Bob Fitzgerald, who referred me to guard Wayne Lee, who referred me to 289 F.Supp. 969. A tough circuit indeed.

Frib Launches Local Campaign

By Charlie Burr

Today, second-year student Arthur ("Frib") Bergman will announce his candidacy for the May 7 Williamsburg *Councilmanic election.* At present, there are three announced candidates for two at-large seats. A field of five or six, including two incumbents, is expected in the traditionally non-partisan race. Of this field, Frib is the only "new face" anticipated.

Bergman anticipates running on a three plank platform: unresponsiveness of the Council to the average citizen, often in deference to the wishes of *Colonial Williamsburg;* Council's neglect of the comprehensive master plan for the city, particularly in areas of housing, street repair and beautification; and finally, proposals for public services, especially for senior citizens. On the third point, he hopes to establish credit and consumer counseling services, a non-salaried Director of Cultural Affairs, and a coordinated bus system aimed at the *convenience of the city's elderly*

Hoping to pick up a number of votes from the College and the Law School, Frib points out that residents can register to vote in the election by going to the Courthouse before April 6.

Hanes Briefs

Louis Rothberg, who is acting as an aide to Delegate George Grayson, recently had the satisfaction of seeing a bill he drafted reported favorably out of the House Committee to the House of Delegates.

Tuesday, February 19, the House Education Committee held hearings on the bill sponsored by Del. Grayson, which provided for reduced or waived tuition fees for senior citizens in state-supported institutions of higher learning. A number of interested persons, including the State Director of the Council on the Aging, testified in favor of the bill's passage. Sources in the General Assembly predict that the draft will become law this year.

While Rothberg was unable to testify himself, due to the Committee's tight schedule, it is reported that his facile tongue remains unimpaired for use in class.

....Preparations for this year's Libel Night are continuing at a frenetic pace. Certain casting is expected to be completed Thursday, but more "actors" are still needed. Any student with no sense, lots of guts, little taste, and a fevered desire to "get" those gentlemen and gentlewoman who "get" us every day save March 21, is asked to see either Gary Roth, Dave Joanis, or George Campbell. Talent is obviously not a prerequisite; all that is needed is an ability to speak the English language in a passably coherent manner.

Cooperation Can Aid Situation

Continued from p. 2

the sources one needs are even part of our library.

But even realizing and accepting those hopefully temporary limitations, the most unlibrary-like feature of our present set-up is the decibel level reminiscent of Interstate 95 near Jarrell's Truck Stop. Although there may not be a lot of backfiring or downshifting, there is a lot of noise.

First, I'll attack the permanent employees. Every day at about 5:00 or 5:30, a herd ascends from the dungeon amid raucus jocularity, passes by the student at the desk and is gone until the next morning. It would seem that library workers would be the enforcers of silence, not the destroyers. Also, during the day, in order to forever inscribe the date of receipt of periodicals and other documents, there are various periods of pounding emanating from the library's answer to a shipping and receiving room (an area separated from study tables only by porous bookshelves). It would seem that a muffled stamping operation, or if that is impossible, another area in which to pound, might be substituted.

Secondly, the group of student employees, those long-suffering masochists who appear to be the only ones in the library able to maintain their sanity when all around them are . . . well . . . , anyway, this group appears to be another area where some improvement is possible. Although bored with the work and-or the studying they're doing, if they can resist the temptation to BS, or at least to BS not above a whisper (as well as deal with customers at that decibel level) others might follow their example.

And then lastly, I would like to talk of the real problem creators — we users of the library. It is very easy to slip into the habit of showing our contempt for the present library conditions by the use of loud if not foul language on these few occasions in which we are forced to enter the library's doors.

If everyone would make an effort to resist conversation or restrict it to the lobby (or to a whisper), anyone spending time in the library will find such time much more fruitful. The increased silence can increase concentration which can decrease the amount of time one must spend in the "libe."

(It is submitted that we could also save each other a great deal of time and furtive bouts with our sanity by making the miniscule effort required to reshelve a book which we've been using. Since you know where it came from, you're the person who can use the least time in returning it to its slot, thereby saving others from the task of examining every book on every table and carrel on every floor of the library to find a needed volume of forgotten lore.)

I'd also like to offer one last suggestion: Since it is obviously impossible to change the traffic flow from the Moot Court Room through the library (who wants to walk around?), it would seem the most logical method of reducing noise in the library from the 10-minute period before each hour by placing some sort of carpet or rug down to reduce and dampen any noise.

Although initial reaction to such a suggestion might be "no money," one might note that there are two red carpets in our space-hogging entrance lobby which only serve to dampen Mrs. Forbes' and Dorothy's footsteps when going to the Xerox machine or their male counterparts when going to that other little room across the way. A more logical place for the floor runners would be the library.

At any rate, with a little cooperation and a lot of consideration for other people, each of us can do our part to make a bad situation somewhat better.

— Bob Johnston

Law Day Focuses on Youth

Plans are underway for Law Day, but much work remains to be done, according to first-year representative Ellen Pirog, who is coordinating the event together with Bill Bridge and John Ellis, also first-year reps.

A naturalization ceremony, at which Dean Whyte will present the Marshall-Wythe medallion, is definitely scheduled for the morning of May 1. The afternoon's program will be a mock trial, to be conducted by area attorneys. In keeping with this year's Law Day theme of "Youth and the Law," a symposium on juvenile law is tentatively planned, and during the week of Law Day, first-year students and area attorneys will visit high schools and colleges in the area to speak on legal topics.

The Law Day program has traditionally been the responsibility of first-year students; in the past two years their efforts have won the ABA's award for the best Law Day program in the fourth circuit and in the nation. Student help is needed for all aspects of Law Day. Ms. Pirog stressed the need for students to visit the colleges and high schools. In the past, these visits created a "very favorable impression" for the law school and the legal profession in general, she said.

Frustrated actors and actresses who have always wanted to be cross-examined by Perry Mason are needed to participate in the mock trial. There is also a need for students to work on publicity, and to send news of Law Day out to local newspapers and radio stations. The coordinators further hope to arrange TV coverage of the program.

Pirog said that student response to Law Day has been disappointing so far, and she added that only a few hours of work is needed from most of the first-year class members to make the event successful. Those interested should contact Ellen Pirog, Bill Bridge or John Ellis.

Transportation Committee Stymies Parking Efforts

By Dave Osborn

Have you wondered what happened to the SBA's scheme to provide law students with parking spaces in the Baptist Church parking lot? The plan has been abandoned by the SBA for this year because there seems to be no feasible method by which the SBA can secure control and supervision over the use of the lot as required by the Baptist Church.

SBA efforts this year to get additional parking space in the Baptist lot began last October when the SBA officer in charge of the project, Daralyn Gordon received a letter from the church which gave provisional approval of the proposed lease provided that the SBA could obtain some sort of policing of the lot, preferably from the college. This lease called for the church to provide 24 spaces in return for 75 dollars a month. After receipt of this letter the SBA, through Alan Karch, turned to the college administration to see if they might provide the supervision the church required, just as they do for the college parking areas. The appropriate college body, the Transportation Committee, apparently beset by many parking problems due to new construction, was unable to find time in two consecutive monthly meetings to deal with the SBA's request. In December, two months after the original negotiations, the church informed the SBA that it would have to reconsider its offer.

After midterm break, the SBA sought to determine if they could police the lot privately and provide their own towing. According to Ms. Gordon, policing the lot might have been possible, but the cost of towing was prohibitive. Kinnamon Garage explained to Alan Karch, who devoted much time to the project, that they would be happy to tow away those cars illegally parked but that the SBA would have to guarantee them $25 for each tow if the owner refused to pay the $40 charge. Kinnamon also explained that the lot would have to be clearly posted and there would have to be assurances from the city police that their towing from a private lot was legal. This required guarantee of $25 was financially impossible for the SBA, as the parking venture was to be a completely non-profit effort. Subsequently, the idea of church parking for law students was abandoned for this year.

Amicus Ombudsman

by Dave Holmes

From the mountains of letters and questions received by the **Amicus** in enthusiastic response to the announcement of the Ombudsman column, the editorial board after much deliveration selected a question of primal importance.

Although the question was originally framed as "Hey, what gives with law student parking at the Baptist Church?", the editors, exercising sound discretion changed the inquiry to "What has the College Transportation Board done for the law school lately?" The answer to either question is **nothing**, which should be of some concern to those students required to reach M-W by automobile.

The story of how the College Transportation Board helped us to reach our current state is not a happy one. The recent history of the law school efforts to secure this parking space began last spring when an agreement in principle was obtained by then-SBA vice president George Campbell for 24 parking places at $75.00 per month, provided the patrolling of the lot would be done by the college. It appeared that there remained only the resolution of a few details in the fall.

But the college security police could not patrol this lot without proper approval.

Enter the College Transportation Board. This august body, concealing its meeting dates with a zeal normally reserved for matters of national security, tabled for the entire fall consideration of this question of approval to unleash our security forces on the lot daily. Attendance by an SBA representative at these meetings was not useful, because the board advised that, while visitors were welcome, they would be limited to a non-participatory role. On one occasion the question almost was discussed, but at the last minute it was driven from the agenda by the din created by a gaggle of twelve female college employees complaining about their lack of parking. "You know what its like to be in a meeting with twelve women," was the eloquent explanation of this sudden diversion of the Board's attention.

Such assistance forced consideration of self-help discussed elsewhere in this issue, but it does seem as though the College Transportation Board should somehow receive public acclaim for its role in assiting in securing law student parking. *The* ***Flat Hat*** would seem to be an appropriate forum for extending this credit.

Meanwhile are there any other ideas for resolving the parking problem, keeping in mind the fact that the Baptist Church has apparently revoked its tender offer in view of our inability to accept and meet the terms?

Right Meets Left

Continued from p. 1

While participation is being sought from all facets of the community, tickets will also be sold via a local door-to-door canvass on March 2, headed up *by Jack McGee and Dave* Wolper. Anyone interested in participating in the canvass, which is a prerequisite to attend a beer bust at the Williamsburg Community Center immediately afterward need only contact Jack or Dave for details.

Of these committees, the most involved job is in the hands of the first-year reps, whose organizational efforts have, according to Director Sichta, "been nothing short of outstanding." Theirs is the job of *manning tables in the law* school lobby and the Campus Center, as well as a booth at Coliseum Mall, along with leafletting the campus and virtually leaving no stone unturned in an effort to sell tickets to raise funds for the event.

Growing DAC Sponsors Various Local Programs

By Frib Bergman

If you're worried and you can't sleep, you can seek help, instead of just counting sheep. Here in the Williamsburg area, a dedicated group of professional staff members and volunteers man a round-the-clock service called The Hot Line. This is just one service of the multi-faceted Drug Action Center.

The history of the DAC is a reflection of both the concern and the tremendous support of the community. Realizing the horrors that drug abuse can lead to, concerned citizens in the community and in our churches went forward with an idea to create an agency that would offer an alternative to reliance on drugs. They sought funding for their idea, and finally found a receptive benefactor in the United Givers Fund. Other funds were later solicited from the Department of Justice and Crime Prevention and from other Federal Grants.

The original professional staff consisted of Fran Turansky and James Reilly. Ms. Turansky is now the clinical and training director of the DAC, while Mr. Reilly, who has had previous experience with suicide prevention in the state of California, is the director.

Largely because of increased support from the community and the great respect generated from its work with the courts and the probation offices of the surrounding areas, the DAC has received the necessary funds to increase its professional staff to six. The staff now includes Paul Haley, Bruce Murray, Judy Nauman and Sandy Fagan, all of whom concentrate much of their energy on a specific facet of the DAC program. It may be added that all of these staff members were volunteers as well.

Services Rendered

The Drug Action Center provides the citizens of the greater Williamsburg area with a variety of services. The purpose of the group is to foster personal growth by providing help to those who seek an alternative to drug abuse. The DAC is not a narcotics addiction program, but rather a group of individuals who collectively exhibit a fundamental concern in helping others.

The Hot Line can aid an individual with any number of problems. There are now approximately 30 volunteers who have been specially trained to handle problems concerning domestic relations, problem pregnancies, child care, birth control, drugs and suicide prevention. Moreover, anyone in a legal jam can seek emergency aid through the gracious volunteer services of three members of our law faculty.

In addition to the Hot Line the DAC also conducts personal growth sessions. The DAC feels that drug abuse is prohibitive of personal growth, and their program is an alternative. One prime requisite of working with adolescents in the program is that there be parents accompanying their children, so that the underlying situation can be remedied as well as the immediate problem.

The DAC offers regularly scheduled community awareness sessions, which recently have included programs on Yoga and on the problems of a 17-year-old. Among the other valuable output of the group is a publication containing a directory of social services available in the Williamsburg, James City and York county areas.

Long Range Goals

The DAC is always looking towards the future. They are presently housed above an insurance company at 1003 Richmond Road. Their long-range goal however, is to create a community wide drop-in center, where anyone with a problem or a need to communicate can come and speak with a DAC staff member.

The Drug Action Center would also like to expand their personal growth sessions to accommodate more people. Although the present emphasis is on adolescents, the DAC welcomes any community member, and at present does have a group of college students and another group of older residents working with them.

Naturally, the DAC can use all the help that is offered to them. Volunteers are always needed to support the maintenance and expansion of the services of the DAC. Eight law wives have already volunteered their services; they are Gail Campbell, Toni Kimble, Debby Bowman, Sue Seidel, Beth Bender, Tanya Carver, Sharon Benser and Marian Renne. The DAC can use many more.

And just a reminder. If you or anyone you know needs help, the HOT LINE number is 229-9897. On campus, it can be reached at extension 554.

Williamsburg's Drug Action Center has grown quickly, now having a professional staff of six. The DAC's activities are not limited to counseling drug addicts, but extends to a wide range of personal growth programs.

SBA to 'Fling' Friday

The SBA will hold a "Spring Fling" this Friday evening at the Williamsburg Community Center. This dance-party, which begins at 8 p.m., is intended to honor the persons taking the February Bar exam, and to welcome them back from the dead. Tunes will be provided by Slapwater Jack, who, in their appearance at the Hoi Polloi, drew a record crowd of about 900 students.

In addition to Slapwater Jack, ML&T student John Everett will perform a folk music-comic act during the band's intermissions.

The "Spring Fling" will offer all the cold beer you can drink plus set-ups. Admission is $2.50 per couple, and $3.50 for couples who have neglected to pay their SBA dues.

All students and faculty are cordially invited to take part in the post-bar drunk front, which has been predicted by Buster O'Brien, Marshall-Wythe's crack weatherman, to descend on Williamsburg Friday evening.

Put Another Nickel In

The Gripes of Roth

By Gary Roth

Last semester in Urban Land Use, John Donaldson passed around a collection plate into which his students placed their nickels and dimes in payment of Xerox services. That was in an era when the school could afford to provide the photostats for free. This semester, however, M-W has a mere $5000 on which to operate, which in these days of inflation is hardly enough to pay for the Ajax we need to rub the graffiti off the bathroom walls.

Since the economy doesn't seem to be getting any better, our future expense accounts may not either. Inasmuch as we can't count on the General Assembly, the administration has formulated a plan to raise money for the school's daily operation in the style to which we've become accustomed. Reasoning that education should not be exempt from inflation and that a family that pays together stays together, Dean Whyte and Company have decided to pass the cost of Marshall-Wythe's existence onto the students and faculty. Below you will find the new operating procedures that become effective next semester and my estimate of their success given the current state of things.

THE FIRST FLOOR— 1) Xerox fees will be increased to 25 cents a copy. This will fail; instead of paying a quarter a page (and the machine will only accept one dime, two nickels, 4 Indianhead pennies and three S&H Green stamps), everyone will come to school wearing a trenchcoat and take home all the necessary books underneath. This will make the colon system easier to follow since all that will be left in the library will be the pamphlet on how to use the colon system.

2) There will be a charge of $2 an hour to sit in the library, with a 50 cents discount if you sign an affadavit that you will study in the library. This will bomb also; everybody will do their talking standing up.

3) Reserved seats will be sold in the Moot Court room for $4.50, $5.50 and $6.50. The choicest seats are the most expensive, i.e., the last row in Civil Procedure, the first row in Property, the bridge chairs outside the M.C. room in Admin Law and Torts, and on the ceiling in Contracts. This won't make it either; the end result will be that first year students will learn a year early that you can get A's by reading Gilbert's in your living room while class is meeting.

THE SECOND FLOOR— *1) It will cost 50 cents* to sign up for a job interview if you can find one to sign up for. This will fail; nobody is going to shell out four bits to sit in a little room with some down-and-out lawyer to find out his firm has no jobs this year because he has no firm.

2) The faculty will be paid by the hour with daily bonuses if the entire class is present. The success of this is dependent upon the professor involved, but indications are that Bob Scott is buying a Lincoln Continental and Arthur Phelps is checking his birth certificate to make sure he can retire.

3) It will cost $3 to ask a question in class whether you are a professor or a student. This will fail as well as drive Tim Sullivan up the wall and into debt. And no student is going to pay to be a turkey.

4) A copy of the **Amicus** will cost 15 cents. This will fail; You can stand in the second-floor hallway and get for free as much as the **Amicus** tells you.

THE THIRD FLOOR— 1) A deposit will be charged for coffee cups. This suggestion is poor; you can't return cups with holes in them and they all get holes if you pour in any of that coffee.

2) A charge of 20 cents will be imposed for using the third-floor men's toilet. This will not work; there are no more answers to "What do you have if Raquel Welch is in Congress?"

3) The Law Review will be assessed $1 for every page it publishes with footnotes. This will not succeed because nobody in their right mind can contend that those unreadable things at the bottom of every page are footnotes. I hate to be the one to let the cat out of the bag, but if you ever bother to read any of the footnotes you'll find that they are the same in every article.

There you have a few of the innovations Marshall-Wythe will institute come September. If my estimates are correct, the whole plan will be a dismal failure. But there is one way we can increase our budget. The school should buy the candy and soda machines from the athletic department and keep them in their normal operating condition. On a rainy day when nobody wants to walk to the Wig and everybody is hungry, the school will make a fortune. And if that doesn't work, we can always incorporate and become an oil company.