**BOIES -- THE 90th DAY**

by Peter Kay

Pledging to "stand by his word," SBA president David Boies will resign as promised on November 24 if he cannot fulfill the six campaign promises made in last year's controversial election. Upon Boies' resignation, if it occurs, Gary Reinhardt, current vice-president would be elevated to the presidency. The SBA would then hold a special election for the vice presidential spot. The final facet of Boies' campaign -- the $500 challenge -- would require Boies to contribute $250 to the Public Service Fund, and throw a $250 party for the law school.

Stressing he would consider his campaign goals achieved if he received firm commitments from the parties relevant to each promise within ninety days, Boies recently discussed their chances of success.

Moot Court:

Academic credit for Moot Court raises the most difficulties because of the longstanding policy that activities receiving BSA funding are ineligible for credit. Short of changing that policy, Boies hopes to split Moot Court into academic and activity components, with the academic component strongly supervised by the faculty and receiving credit. He states his chance for achieving this goal are about "50-50."

Exciting Speakers:

While emphasizing that Justice Scalia will be this year's graduation speaker, Boies also promises an appearance by Senator Chuck Robb. On the more controversial side, Boies is negotiating to bring Ollie North on campus. On the backburner is a plan to hold a Free Speech symposium centered around the speech rights of hate groups like the KKK.

Better Parties:

This year's Barrister's ball will be held in a hotel ballroom rather than the rather incommodious Campus Center.

Continued on Page Three

**SIX MODEST PROPOSALS:**

1. Better Parties
2. Academic Credit for Moot Court
3. Published Teacher Evaluations
4. Expanded Library Hours
5. Nationally Recognized Speakers
6. More Real Estate Law Classes

I WILL ACHIEVE ALL SIX OF THESE PROPOSALS WITHIN 90 DAYS OR I WILL RESIGN!

VOTE TODAY!

**DORM PLANS**

by Heather Sue Ramsey

There is good news, and there is more good news. The good news: funding for the graduate student housing complex located more steps from Marshall-Wythe exists, and construction will begin soon. And more good news: law students won’t lose any parking spaces during the fourteen month construction period.

Dean Galloway confirmed that despite earlier difficulties acquiring funding from the state, construction of a housing complex adjacent to the law school should begin in March of 1991. Contractors are presently bidding on the proposed plans and the state expects to award a contract in January.

Despite the delay in funding, the complex should be available for the 1992-1993 academic year. As the state approved the entire funding program, the College need not depend on annual appropriations to cover building costs. Without these funding delays, Dean Galloway expects the complex to open on schedule.

Architect Jane Wright designed the complex to accommodate the needs of graduate students. Each unit will have two or three private bedrooms, one or two bathrooms, a large common area, and a modern kitchen. Wright included a children’s play area in her design to make the apartments more attractive to students with small children.

The College intends to comfortably furnish the apartments, but students with their own furniture may have the option of unfurnished apartments. Nine and twelve month leases will be available to suit students’ needs.

The Office for Residence Life will assign the new housing to both law and non-law graduate students. Due to the location, law students may have priority, but the complex is not exclusively for them.

Continued on Page Three
The Advocate reserves the right to edit submissions for reasons of space and clarity. Printed by the Virginia Gazette.
Continued from Page One

London and then four weeks in Exeter at the University of Exeter. Long bus, train, or plane rides, myriad of historic sites, Wimbledon matches and excellent theatre are real incentives. In addition, the proximity to Parliament and Lincoln's Inn bring the English legal system to life. The beauty of Exeter in the surrounding countryside will enchant your heart. Exeter is southwest of London and only 12 miles from the South Devon beaches. Nearby are the beautiful moors of Dartmoor National Park with their shaggy sheep, ponies and hiking trails. Also within easy train rides are Tintagel (King Arthur's Castle), the art colony of St. Ives, Plymouth (sailing point of the Mayflower), Mount St. Michael (a castle perched on an island and reached by a causeway during low tide), and Stonehenge.

The Exeter Cathedral is a superb example of the Decorated Gothic (1370) with Norman transept towers unique in England. An organ recital during the evening in the Cathedral was quite inspiring. The Guildhall on High Street dates from the Middle Ages. The Crown Courts meet in this castle which stands amid the old ruins of the city wall. Tours of the undergound passages used to carry water to the city and a ghost walk are also fun. The English pubs, in particular a favorite of Charles Dickens and lots of places to get cream tea (scones, the addictive Devon cream, jam, and tea).

Because classes meet just Monday through Thursday, many students use the long weekends to travel throughout Britain and to the Continent. Numerous summer accommodations packages are available. Edinburgh is a must see with its castle dominating the city and thousands of woolen items becorking as souvenirs. A number of students went to St. Andrews for golf. Others spent a weekend in Paris being bewoed by its architecture, art and beauty. Ireland and Scotland were also popular pros and post-program trips.

Tom Barret (2L): "The Exeter program provided me with a unique opportunity to experience the English legal tradition, both in the classroom and in everyday practice."

For those of you who want a warmer climate for your summer abroad, there is the program in Madrid. William and Mary began the program at Complutense University in 1988. It was the first summer law program in Spain. The program has been successful with 129 students attending in 1990. Tuition for the Madrid program is $900.00, and room and board is $990.00.

Madrid is located in the center of Spain on a great, central plateau. It is a vibrant city with a population of four million. As the capital of Spain it offers a wide range of cultural and historic features as well as an active business and legal community. Students can delight in the flamenco dancers and bullfighting as well as the astro, a sort of flea market. Madrid also has a wide range of spectator sports and facilities for many participant sports. Three-day weekends make it possible to take advantage of the historic cities and regions of Spain within easy reach by rail or car. Many students visit Barcelona, the beaches, and neighboring countries.

The program takes advantage of the Spanish legal system offered to students for their comparison to the American system. A visit to the Supreme Court of Spain with an insider's view on the English legal system, both in the classroom and in everyday practice."

Continued from Page One

BOIES -- THE 90TH DAY

In addition, the SBA this year sponsored a Golf Tournament.

Increased Real Estate Offerings

In addition to asking the administration to increase entering students, Boies hopes to sponsor single day no credit seminars by local practitioners on relevant land use topics.

Faculty Evaluations

While plans are still tentative, Boies envisions an independent SBA evaluation form that would ask more relevant questions than the standard William and Mary evaluation form. The results would be collated and distributed among the student body.

Regardless of the resignation issue, Boies feels a degree of accomplishment in opening the lines of communication necessary to achieve his stated goals. He further stated the current SBA administration has pledged to pursue his plans if he does step down.

An informal survey of the student body reveals mixed responses to the possibility of Boies’ resignation. Some student suggests by ballot campaign methods, think that Boies ought to abide by his promise and step down. Others feel that the resignation of Boies would be too disruptive, especially in light of Boies’ performance as compared to that of last year’s somewhat inert SBA. A significant minority of students perceive the SBA as having no significant role in their lives at Marshall-Wythe and no real power to affect decisions, and are apathetic.

If Boies chooses not to step down, and student sentiment calls for his resignation, a little-used power of the Judicial Council could remove him. Upon a student complaint alleging malfeasance in office, and a determination of merit by the Judicial Council, a public removal hearing would be held, followed by a decision to remove or not to remove by the Council. The issue of whether failure to fulfill promises constitutes malfeasance has yet to be determined.

The Advocate
A KRISTMAS KAROL

by Peter Kay

It is well beyond argument that in America, Christmas is a secular, commercial holiday. In Williamsburg the marketing of Christmas has taken the inevitable step: Christmas franchises, which have become as ubiquitous here as pancake houses. In addition to three Christmas Mouse outlets, Williamsburg boasts several independent "classic Christmas" shops (including one at the Pottery).

Upon entering the Christmas Mouse, the shopper is immediately assailed by an aroma of cinnamon not unlike elves chewing Dentyne. Tinkly Christmas Muzak encourages consumers to tread as quietly as overpriced pseudo-teutonic ornaments, and shockingly line the walls. Fellow shoppers browse among figurines. White birch wreaths are to be found, along with cardboard turkeys and otherwise, engendered by television's monopoly on our collective memory, franchised consumer classicism fills a void that is as profitable as it is bottomless.

A classic Christmas is not a Bronx Christmas. Gaudy flashing colored lights have been replaced with tiny unblinking white strands. Hallowed wooden figurines now stand in the place of the four-foot glow-in-the-dark Wise Men. Classic. Just as it adheres to rock music, Coca-Cola, and MTV, the concept of "classic" implies a return to tradition after unsatisfactory Modern and Post-Modern experimental periods. Modern Christmas brought plastic trees and snow. Postmodern Christmas flowered in the mid-eighties, when women punched and bit one another in order to grab the last Cabbage Patch doll at Toys-R-Us. Each period failed as miserably as New Coke did, and Classic was back.

Classic rock radio stands for the widely accepted and untrue proposition that the music of the sixties and early seventies had the power to eliminate greed, hatred, war, and hunger in the world. Franchised Classic Christmas represents an equally fraudulent, but eminently marketable, belief in a quasi-historical period of Currier and Ives gentility. Like Colonial Williamsburg, it reconstructs a past that never existed but for sincere and myopic hindsight. With the destruction of authentic American traditions, Christmas and otherwise, engendered by television's monopoly on our collective memory, franchised consumer classicism fills a void that is as profitable as it is bottomless.

A POEM . . .

WEBB v. McGOWIN

FACTS

While Webb was dropping pine blocks from above, He saw McGowin below.
He had already given the block a shove,
So down with it he had to go.

In consideration for Webb's injuries, McGowin
Agreed that he would give
A fifteen-dollar-a-fortnight allowance
To Webb, for as long as Webb lived.

But some eight years later McGowin died
And his relatives cancelled (of course),
So now the court has to decide
If the promise can be enforced.

HOLDING

McGowin's rescue from death or much pain
Was of infinitely more worth
Than any kind of financial gain
That you can receive on Earth.

When someone receives a material benefit,
And then feels a moral obligation
To pay the person who gave him it,
There's sufficient consideration.

His subsequent agreement must therefore stick.
It's enforceable in full,
Just like in Roethe v. Fitzpatrick,
Where the plaintiff had cared for a bull.

And another important point in this case:
Appellant was injured severely
So, as the agreement, if taken at its face,
Was clearly intended sincerely.

The Appeals Court is sure. They couldn't be surer.
The court below didn't understand it.
They erred when they granted defendant's demurrer.

Reversed and remanded.

by Sean Sell (IL)
by David Ziemer

This past summer, I used my grant from the William & Mary Public Service Fund to live while I worked as a legal intern for the People for the American Way (People) in Washington, D.C. People is a bipartisan non-profit organization formed ten years ago to fight the religious right.

My personal desire was and is to work in the first amendment area defending freedom of religion and speech. Although the organization is involved in several other areas, and is primarily a lobbying organization, it has a permanent legal department of three people, two of whom do first amendment law. The third is in charge of reviewing federal judicial nominees.

All three attorneys were highly intelligent and dedicated lawyers with whom it was a great pleasure to work, though occasionally humbling. The most enjoyable aspect of the job was always knowing that I was on the side of the law on which I wanted to be.

The way the litigation section of the legal department operates is that an individual who feels his/her rights are being violated contacts the organization. In my capacity as a summer lawyer on which I wanted to be.

One person with whom I worked had been prohibited from tape recording school board meetings after she had used such recordings to criticize local policies. I also did research to assist an historian who had been trying for a decade to receive a history from the Air Force under the Freedom of Information Act. Despite the fact that the document had been completed and unedited and that portions of it had been published, the Air Force maintained that it was an unfinished draft, which is exempt under the terms of the Act. I also worked on a case involving the removal of a textbook by a fundamentalist religious organization and a school board acting in violation of the state’s Open Meeting Law. We also received a request from an artist whose exhibit had been padlocked by local authorities to write an amicus curiae brief. I chose the position we should take in that case, as his own lawyer’s position and brief were completely without foundation in law. In spite of this prior inadequacy, however, the local officials had abused their authority in handling the matter.

I also drafted a law review article reviewing the first amendment decisions of the previous Supreme Court term for the legal director of the organization, who will be publishing the article this fall. This was a fascinating task even if disturbing in light of recent decisions. I did very little during most of the summer in the area of judicial nominations. I did, however, write one report to be sent to the Senate Judiciary Committee, and once Souter was nominated for the vacant Supreme Court seat, reading the briefs he wrote as New Hampshire Attorney General was all I did.

My experience was very satisfying and rewarding. It was also very exciting to work for People while the fight to defeat the flag amendment was going on. Although I did very little myself, the non-legal departments did little else at that time, and it was a very uplifting experience to have been there.

Thank you to everyone who works to support PSF and who contributed to enable me to spend my summer defending civil liberties. And to those who may disapprove of defending such activities, let me add that only because of my extreme dedication to the first amendment, and my stubbornness, did the organization back away from its prior position of supporting certain election reform laws prohibiting the campaign expenditures of corporations.

Dave Ziemer (3L) clerked at People for the American Way through a grant from PSF.

We’ve Just Taken The Guess Work Out of Bar Review.

Kaplan-SMH is taking Bar Review into the 1990’s with our Exclusive Computer Diagnostic Analysis (CDA)

We now studying the bar exam has been a guessing game for many students. Our Bar Review course will teach you the law, and more, and get you practice exams along the way. But now Kaplan-SMH is introducing the computerized diagnostic test free to all of its students, as an integral part of our review course. Now we not only teach you the law and give you tons of practice we analyze your practice by computer and give you detailed personal diagnostic profiles showing which subjects need more study.

The CDA makes your study more efficient and therefore more effective. It guides you the accurate and confident you get from discovering exactly what you know and don’t know. And in plenty of time to really make a difference your bar exam performance!

Call us for a free brochure on this exciting new program and take the guess out of your bar review!

THE TRADITION CONTINUES

CAFÉ

 Appearing at the Greenleaf:

Mon., Nov. 19 Mike Lille
Tues., Nov. 20 Harbor

Thurs., Nov. 22 - THANKSGIVING NIGHT
OPEN 9 PM
ENTERTAINMENT BY THE BLENDERS

Mon., Nov. 26 Mermaids in the Basement
Street & James
Tues., Nov. 27 (The Leaf’s 1st ALL-GIRL band!!!)

220 - 3405 765 SCOTLAND STREET
AT WILLIAM AND MARY’S CARY FIELD

212-444-1130
by Wendy Watson

Learning to use a word processor instead of a "typing machine." Being able to leave the car unlocked without fear of it being stolen. Being surrounded by thousands of trees, still brushed with their vibrant fall colors. These are just a few of the new facts of life for Professor Santiago Sanchez Gonzalez.

Professor Gonzalez and his wife, Professor Maria Dolores (Leila) Lopez Diaz, are visiting Williamsburg while Professor Gonzalez is on sabbatical from the law school of the Universidad Nacional de Educación a Distancia in Madrid, Spain. They arrived October 8, and although Gonzalez's sabbatical ends in the middle of June, they are considering staying in the United States until September.

In Spain, Professor Gonzalez teaches Political Law (which corresponds roughly to our Constitutional Law). Gonzalez explained that currently, Political Law is a mandatory two-year course, with the first year devoted to the study of general concepts and philosophy and the second year spent on practical applications. Reforms of legal education may lead to a format change in the near future.

Professor Diaz, after teaching high-school Spanish language and literature for 17 years, received her Ph.D. in Seventeenth Century Spanish novella this September. While in Williamsburg, Professor Diaz is teaching Spanish language and literature through the Undergraduate Department of Romance Languages.

According to Professor Gonzalez, he is devoting his sabbatical to "reading." In actuality, Gonzalez fills his days studying freedom of speech. Ultimately he hopes to write a short, clear handbook on the subject for Spanish students and journalists. He is also considering writing an article in English for the Spring Bill of Rights Institute Symposium on the right of private persons to reply to the press and other mass media.

Professor Gonzalez characterized freedom of speech as the "hub of the rest of the rights. Without freedom of speech the rest are worth nothing."

Gonzalez and Diaz chose Williamsburg as the site for their stay in the United States as a result of Professor Gonzalez's affiliation with William and Mary's summer Madrid program. For the past four years, Marshall-Wythe has organized a summer program in Madrid open to students from all law schools. For three of those years, Professor Gonzalez has taught Spanish Constitutional Law and Policy to the students in that program. Marshall-Wythe Professors Williams, Levy and Smolla all aided Professors Gonzalez and Diaz in the organization of their stay in the U.S.

Gonzalez said that while he finds it strange to be in such a small town after living in Madrid, he is particularly impressed with the natural surroundings Williamsburg. He has been collecting some fall leaves, one of which, a bright crimson leaf, he uses as a bookmark. He expressed some dismay, however, that even here, nature is "spoiled" by pollution. In particular, he commented on the deplorable state of Lake Matoaka, comparing it to a similarly polluted river that runs through his hometown of Toledo, Spain.

Gonzalez further compared Williamsburg and Toledo with respect to their historical natures. He mentioned that Colonial Williamsburg is "full of a sense of history for many people which [he] cannot appreciate fully." He explained that the house in Toledo in which he was raised was built in the 17th century and that buildings that old are not uncommon. So from his perspective, Colonial Williamsburg is not particularly old. Gonzalez remarked that he found Jamestown more interesting because of its historical significance than the culturally oriented Williamsburg.

While Professors Gonzalez and Diaz are in the United States, they plan to do some further traveling. They hope to go to Boston for Thanksgiving and to see San Francisco, Big Sur and Carmel over the winter break. Gonzalez said they were considering taking a trip to Canada in the spring, when the weather would be more favorable.

Professor Gonzalez said that he did not overly miss his friends and family in Spain, as he knows he will be returning in a year. He is only sorry "that they are not able to see what [he] is seeing."
GOOD LUCK
TO OUR NATIONAL MOOT COURT TEAMS:

Sabrina Johnson
Tamara Maddox
Jeff Euchler

Steve Nachman
Monica Taylor
Ann Mayhew

As they compete at the Regionals in Richmond this weekend

GRADUATION COUNTDOWN
185 days... and counting!!!

COURT APPOINTED ATTORNEY PROJECT

There will be a meeting to schedule court dates for spring semester on Monday, November 19, 7:30 pm, in Room 119.

The meeting is open to all students. If you are unable to attend, please contact John Edwards (2L) or Linda Fox (2L) via, what else?, hanging file.

FAIR NOTICE

2Ls: The Graduation Committee needs representatives from the Class of 1992 to start planning for the '92 graduation and festivities. Interested persons should contact Maxine Cholmondley (3L) via hanging file. IT'S NOT TOO EARLY TO GET STARTED!!

CASINO NIGHT TONIGHT
CAMPUS CENTER
9 PM

Featuring
Reubens, Sailors, Beethoven,
Mozart, Corned Beef & Pastrami
Also N.Y. Cheesecake, Homemade Soups and Lasagna
Try Our Famous French Onion Soup
Au Gratin (nightly)
Join us and relax with good food in a pleasant classical music atmosphere.

Beethoven's Inn
a Cafe-delic
467 Merrimac Trail (Rt. 143)
open 11 am - Sundays noon
229 - 7069
COLLEGE ATHLETES: ELIGIBILITY AND THE DRAFT

by Mychal Schulz

"When someone says to me, 'Mr. Head Coach, you are preventing me from using my rights,' something is wrong with the process." - Joe Resic, Harvard football coach

In the pro football draft last spring, 20 out of the 38 undergraduates who declared for the draft were undrafted. Most notably Brad Gaines of Vanderbilt, the SEC's 1989 leading receiver, Braxton Banks, a fullback for Notre Dame who sat out last year with a knee injury, and Eugene Burkhalter, a defensive back from Washington. Banks and Gaines instituted court actions seeking to force the NCAA to reinstate their final year of eligibility before this season began, directly challenging NCAA regulations that prohibited them from so doing.

Bylaw 12.2.4.1 of the National Collegiate Athletic Association states that when a college football player declares his intention to enter the draft, he automatically forfeits his remaining collegiate eligibility. Bylaw 12.3 provides for a preliminary injunction that would have allowed him to rejoin the Notre Dame team, the United States District Court in South Bend stated that, while it sympathized with Banks' position, the NCAA regulations did not constitute an unreasonable restraint on an athlete's ability to compete in the marketplace and were not violative of any federal laws, including the Sherman Antitrust Act. A month later, Gaines also lost his suit for an injunction.

Lost in this legal maneuvering, however, is the basic unfairness of the NCAA regulations in issue. Proponents of the rules argue that the bylaws represent one of the few "bright lines" between professional and amateur athletics. Elimination of the rule, it is argued, would hurt professional teams because of the uncertainty of whether a draft pick would actually play for the team, and would hurt college teams because every spring a coach would know who would be present for draft, or had many scholarships would be available. Perhaps the most powerful argument for retention of the bylaws is that an athlete's decision to forego his final year of eligibility is freely and knowingly made, without duress. Why should the rules be abandoned simply because a player makes an economic decision that doesn't turn out well? Such guarantees are not available to others who make similar economic decisions based on what they believe is a good decision.

What the above arguments fail to recognize, however, is that this is a game and not constitute an unreasonable restraint on an athlete's ability to compete in the marketplace and were not violative of any federal laws, including the Sherman Antitrust Act. A month later, Gaines also lost his suit for an injunction. In the rush to capture the almighty entertainment dollar, the welfare of the student-athlete is too often overlooked. The Banks case is particularly instructive. A key member of the Irish 1988 national championship team, he started ahead of Anthony Johnson, projected by many as the top fullback in last year's draft. Despite a knee injury that kept him out last year, Banks believed that he would be drafted, a belief encouraged by the fact that every NFL team contacted him expressing interest. He therefore entered the draft, only to find that, after a mediocre time in the 40 yard dash at a scout combine, the interest in him had disappeared. He was not drafted. In addition, he was not offered nor did he sign a free agent contract. He never received any money from any NFL team. Though he consulted with a family friend who was an attorney, he never signed a contract with an agent, nor did he receive any money from one. Significantly, Dick Schultz, the executive director of the NCAA, was stating his belief that athletes should be able to test their worth without losing their eligibility. At present the NCAA Professional Sports Liaison Committee, under the direction of Charles Theokos, communicates with professional teams, formulating a resolution that will allow undergraduates to enter the draft, and if after going undrafted or being drafted lower than expected, be allowed to return to school. NCAA makes this difficult, if not impossible, for such advice might constitute consultation with an agent. The result, as Banks found, is that an athlete may either make an informed choice and lose his eligibility, or make an uninformed choice and lose his eligibility. If, as the NCAA contends, the rules make sense, then why do they apply only to basketball and football, which just happen to be the two revenue-producing sports at just about every school? Why should a tuba player not be able to go out and seek a job with a symphony, fail to do so, and then be able to return and march in the school band, yet the football player cannot do essentially the same thing? It makes no sense.

Fortunately, the NCAA is finally beginning to recognize this. At the same time that NCAA lawyers were vigorously arguing the viability of the rules, Dick Schultz, the executive director of the NCAA, was stating his belief that athletes should be able to test their worth without losing their eligibility. At present the NCAA Professional Sports Liaison Committee, under the direction of Charles Theokos, communicates with professional teams, formulating a resolution that will allow undergraduates to enter the draft, and if after going undrafted or being drafted lower than expected, be allowed to return to school.

The Advocate "THE LOOK" is all important

BE YOUR BEST
Interviewing or Partyng "THE LOOK" is all important
We are ready to help

Save on interview wear.

Major credit cards accepted.
Personal accounts available.
We rent formal attire.