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1994

## Amicus Curiae (Vol. 4, Issue 11)

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### Repository Citation

"Amicus Curiae (Vol. 4, Issue 11)" (1994). *Student Newspaper (Amicus, Advocate...)*. 323.  
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# AMICUS CURIAE



MARSHALL-WYTHE SCHOOL OF LAW  
America's First Law School

VOLUME IV, ISSUE ELEVEN

MONDAY, MARCH 28, 1994

SIXTEEN PAGES

## 'Family' still undefined after heated symposium

By LULIT MILLION

A symposium entitled, "Defining Family: Gays, Lesbians and the Meaning of Family," drew an intensely divided crowd of more than 450 people to the University Center auditorium on March 24. The symposium was sponsored by the Student Division of the Institute of Bill of Rights Law.

Congressman Barney Frank, the planned keynote speaker, was unable to attend due to a late-running session in the House of Representatives. Instead, Beatrice Dohrn, legal director of Lambda Legal Defense and Education Fund, gave the keynote address.

Dohrn asked the audience, "Why should we need to define family?" She stated that it is the traditional conception of family that elicits the notion that

children must live with a man and a woman.

"When we use the words 'traditional family' in the context of discussions like this, we are really talking about the difference between a majority and a minority," said Dohrn. Dohrn challenged the fact that some families are protected and supported while others are not. She stated that this should be especially troubling to lawyers because it represents a tyranny of the majority.

"What is it that is so difficult about acknowledging the differences among us?" asked Dohrn. "There have always been and will continue to be lesbians and families . . . The option to ignore this family form is gone, so let's talk about it," she said.

Moderated by Professor Rodney Smolla, a panel



Moot judges are from left: Mike Cox (2L), Gretchen Knoblauch (2L), Beatrice Dohrn, Professors Neal Devins and Kay Kindred.

--staff photo

discussion and town hall meeting followed the keynote address. Both contained heated dialogue and had very emotional moments.

Professor Herbert Titus, a

former faculty member at Oral Roberts University and Dean of the Schools of Law and Public Policy at Regent University, started the discussion, "There is a law that pre-exists society . . .

[Dohrn] is not right because that's not the legal and political philosophy of the nation." Titus

See FAMILY, page 16

## Judicial Council releases proposed Honor Code changes

By PAULA HANNAFORD

After two years of public debate and many interim drafts, the Judicial Council released its proposed Honor Code amendments to the M-W community on Mar. 23 at a sparsely attended open forum.

The low attendance was attributed to the number of other law school activities occurring on that day including the lecture by Virginia senatorial candidate Oliver North. Copies of the proposed changes are on reserve at the law library.

"The [proposed] Honor Code changes are the product of a lot of painstaking and thoughtful discussion," said Fred Jacob (3L) who chaired the Judicial Council subcommittee that drafted the amendments. "The most important thing

is that they will make the Council more representative, more focused in its goals, and they will make the trial procedures more fair and open."

See CODE, page 16

## North takes responsibility for mistakes; toes party line

Less government, lower taxes, and more "traditional" family values

By NINA HVAL

Lieutenant Colonel Oliver L. North admitted that he has made mistakes and didn't "want to endorse anything" he has done to a more than packed-to-capacity crowd on March 23. While taking responsibility for those mistakes, he failed to specify what those mistakes were.

"I acknowledge my mistakes and blame no one else for them except myself. Sometimes, the toughest choices are those between bad and worse--in combat and in the White House," said North.

Some members of the audience

suggested that those mistakes might include lying to the United States Congress during sworn testimony. North neither agreed with that interpretation, nor thought it was ironic that he is now running against economist Jim Miller for a seat in United States Senate.

In defending himself, North said that he was the first person in history to testify before Congress for six days on national television. According to North, the press

See SOUTH, page 16



Candidate North fields questions from students.

--staff photo

### Inside this issue

- Jeremy Rabkin visits M-W to debate Prof. Smolla. Page 3.
- Battered Women's Syndrome explored. Page 4.
- Restaurant reviewer has the ultimate experience. Page 10.
- Quick, messy French art exhibit inspires law student. Page 11.



## Out Of Our Heads

The Bill of Rights Symposium, "Defining the Family: Gays, Lesbians and the Meaning of Family," proved to be the most controversial, fervent, and well-attended discussion in recent M-W history.

March 24 was not a night for the apathy that generally surrounds this community. The usually sleepy population of Williamsburg came out in droves for the debate held at the new University Center.

The shock for the majority of law students was the amount of homophobic hostility and general ignorance expressed by the Regent Law School students who attended the Symposium to cheer on Herb Titus, the former Regent dean and champion of the anti-gay crusade. (Titus was dismissed from the Regent deanship by Pat Robertson supposedly for his extremist right-wing views.)

While well aware that William & Mary is located in the Bible Belt, Marshall-Wythe students were surprised by the Regent students' prayer circle prior to the event.

Once the question-and-answer portion of the evening was underway, the ignorance displayed by these students about the sexual behavior of gays and lesbians was truly appalling. The fear of contact, the fear of disease, the fear of losing control, and the fear of the unknown were all prevalent. Such a disturbing exhibition of prejudice only goes to show that hatred is still a pervasive part of our society.

What might have been a revelation for some of the attendees was the fact that the same foolish assumptions about gays and lesbians could be substituted for any minority that faces discrimination. Unfortunately, it seems unlikely that attempts at rational or dispassionate debate by the panel members reached the ears or hearts of the vocal anti-gay observers at the event.

It is truly unfortunate that what should have been an open and enlightening discussion about equal protection and respect for the rights of others so quickly and easily degenerated into a shouting match reflecting the narrow-mindedness of the Religious Right.

The law school in general, and the Student Division of the Bill of Rights Institute in particular, deserve many kudos for sponsoring this discussion. One can only hope that at least one member of the conservative community learned something about tolerance or came to appreciate the fact that family is defined by love, not hysteria and stupidity.

## THE AMICUS CURIAE

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and Jon & Ted as Zola & Mary

I was compelled to testify at the Congressional Hearing... Charged with protecting my family against Abu Nidal... Then they dropped all charges against me... So I should be your Senator!



## From the Editors' Desk . . .

Over the past two years, the substantive and procedural weaknesses of the M-W Honor Code have become all too apparent to this community. At least two Honor Code trials were held with less-than-satisfactory results for the participants involved.

The Kroner and Short trials, as well as other Judicial Council hearings, clearly demonstrated the need to clarify Honor Code terms, streamline trial procedures, and ensure procedural fairness for participants in such adjudications.

In an effort to rectify its most egregious flaws, the Judicial Council has recommended some

long-overdue amendments to the current Code. In the process of revising the Code, the Judicial Council made an admirable effort to solicit and incorporate input from the entire student body, the faculty and the administration (a fact evidently overlooked by some of the students attending the March 23 open forum who attempted to engage in some belated consensus-building on policies agreed upon long ago). The proposed amendments incorporate the collective experience and wisdom of present and past Judicial Council members, accusers, accuseds, witnesses and other concerned

members of the community.

To be sure, the revisions will not alleviate the turmoil which is inherent in such proceedings. However, the proposed changes constitute a well-reasoned, rational, and hopefully effective means of sparing future participants from some of the more nightmarish and unnecessary trauma experienced by those individuals involved in the Kroner and Short trials. The editors of the *Amicus Curiae* heartily endorse the proposed amendments and encourage all the M-W students to cast their ballots in favor of ratification on April 7.

## Letters

To the editor:

Recently, Danny Reed, President of the Lesbian and Gay Law Student Association, informed me that his organization's space on the Student Activities Board had been defaced and vandalized. To think a law student at Marshall-Wythe may have possibly done this act both offends and outrages me. Every legitimate law student organization, which the LGLA easily qualifies as, has a right to have space on the Student Activities Board.

While I personally may not agree with or support everything the LGLA stands for, the LGLA has as much right as any other law school organization to express its views and announce its events to the rest of the student

body via the Student Activities Board. I believe that any law student who thinks that the LGLA should not be allotted Student Activities Board space or who views the defacing of the LGLA's space as a legitimate form of protest to be both narrow-minded and too cowardly to publicly express his views.

Moreover, this act may rise to the level of an Honor Code violation. If I learn of the perpetrator of this act, I will not hesitate to report this individual to the Judicial Council. I would hope that every other law student would act in the same manner.

--David Delk (3L)  
SBA President

### Editorial Policy

The letters and opinion pages of the *Amicus Curiae* are dedicated to all student opinion regardless of form or content. Opinion articles are not edited for content, only spell checked.

Letters to the Editor are not intended to reflect the opinion of the newspaper or its staff. All letters to the Editor should be submitted by 5 p.m. on the Wednesday prior to publication.

We cannot print a letter without confirmation of the author's name. We may, however, withhold the name on request.

Letters over 500 words may be returned to the writer with a request that they be edited for the sake of space.



# Smolla and Rabkin debate hate crimes, free speech

By JON SHELDON

Do hate-crime statutes restrict speech and thought, or do they only punish conduct? This was the essential question posed by Jonathan Koenig (2L) to the participants in a debate on hate-crime legislation held March 23.

The debate, sponsored by the Federalist Society, featured Jeremy Rabkin, Professor of American Government at Cornell University and author of *Judicial Compulsions: How Public Law Distorts Public Policy*; and Professor Rodney Smolla, author of *Free Speech in an Open Society*.

Rabkin was remembered by some in the audience for his spirited participation here last year in the Bill of Rights symposium on civil rights. Those hoping to see more zealous debate were not disappointed.

The debate centered on the desirability and constitutionality of statutes that enhance penalties for criminals who choose their victims based on race, national origin, religious belief, or sexual orientation.

The focal point was the 1993 Supreme Court decision *Wisconsin v. Mitchell*, for which Rabkin was an advocate. The case involved a young African-American defendant, Mitchell, who went to see the film "Mississippi Burning" with his friends. The film depicted the vicious, unprovoked beating of a young African-American boy by a white racist. Emerging from the theater, Mitchell asked his friends, "Do you all feel hyped up to move on some white people?" When a white teenager approached the group, they severely beat him. Mitchell was convicted of aggravated battery

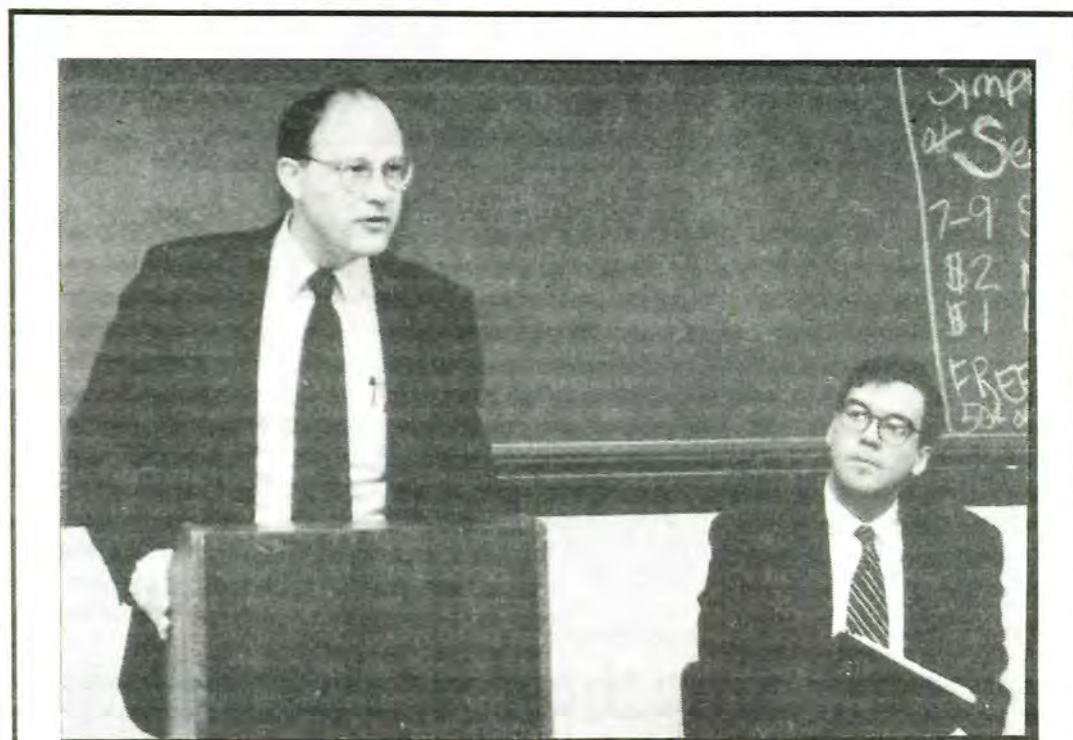
and sentenced to two years in jail; however, under the Wisconsin hate crime statute Mitchell's penalty was increased to seven years in jail.

Rabkin was animated and energetic, arguing that while distinguishing between different mental states is useful, distinguishing between different motives is ineffective. Moreover, no moral foundation exists for the distinctions that we make between motives, further setting our society morally adrift, he asserted.

The debate began with Rabkin pointing out that traditionally criminal law has been concerned with proving *intent* and not  *motive*. It is valuable for the criminal law to make distinctions between inadvertence and deliberateness, but it serves little purpose to distinguish between motives for violent crimes once intent is shown.

Does it make sense to ask whether someone was "motivated to do crime for a bad reason or for a good reason?" asked Rabkin. He then posited a hypothetical asking whether would it make sense to give a greater punishment to someone who shoplifts because they don't believe in private property rights, and a lesser punishment to the individual who merely shoplifts for the sake of stealing? Rabkin pointed out that the Wisconsin court gave two years for the violent crime, and five years more because the defendant had a particular *kind* of hate. Motive, he said, should not count two-and-a-half times the violence.

Rabkin also disagreed with the Supreme Court's characterization of *Mitchell* as a case about



Jeremy Rabkin (l) was the Federalist Society's guest at a debate with Professor Rodney A. Smolla moderated by Jonathan Koenig (2L) (r).

--staff photo

action and not speech. And if society decided that distinguishing between motives was a worthwhile expedition, Rabkin also saw a danger in attempts to discover the motives of criminals. Would we now examine books read by criminals, movies they saw, and words they have spoken in the past to discern a bad motive? This, Rabkin said, would have a chilling effect on free speech. The listed bad motives, moreover, are an arbitrary underinclusive list that leaves out other equally evil or nihilistic doctrines. Why are race, religion, and sexual preference chosen among all others?

However, Rabkin said that the damage to First Amendment jurisprudence was the least of his worries. His real concern

was the lack of moral foundation in this policy. Rabkin noted that this case is interesting because it divided the interests of civil liberties and civil rights, presenting the Court with a choice between freedom and equality. He further lamented the fact that the Court has once again chosen equality over freedom, and that our civil liberties are becoming morally incomprehensible because of the constant favoring of equality. According to Rabkin, the resulting message is that we must fund "Piss Christ" photographs, we must burn the flag, but we must not hate.

Smolla responded in a more subdued and academic manner, pointing out the issues raised by Rabkin. He explained that the characterizing of positions as lib-

eral or conservative is not useful because of the diversity of opinion within each movement. Smolla pointed out that the flag burning case, *Texas v. Johnson*, pitted conservatives against conservatives and liberals against liberals.

Smolla argued that using motive to punish some action more harshly was perfectly consistent with many things we do in the law, and gave examples found in the Fourteenth Amendment, fair housing, torts, and criminal law.

The Fourteenth Amendment, for example, prohibits some otherwise allowable actions solely if the state acted with improper

See HATE, page 5

## Sullivan calls budget an "affirmation of higher education"

By SHELLEY EVANS

In sharp contrast to the last budget meeting two-and-a-half months ago, President Sullivan emerged "delighted" with the General Assembly's budget proposals of March 11.

Sullivan hailed it as "the first budget in five years that increases the amount of tax dollars going to higher education. The budget shows a renewed commitment to higher education generally and to the quality of W&M specifically."

The most positive trend in the proposed budget was the cap on tuition increases. The biannual budget reflects the intent of the General Assembly to limit tuition increases to 3 percent per year for in-state students and 7.5 percent for out-of-state students. The increases are due to inflation. Sullivan expressed a concern that attending this institution not become impossible for the average Virginian. A

limit on increases allows the College to control tuition increases.

One of the main changes in this budget was the essential repudiation of the tuition transfer tax. This tax would have removed tax money from W&M and sent it to other institutions. Thus, money from the College would be used to pay for improvements at other universities. In order to pay for this transfer of funds, the College would be forced to raise tuition at a rate higher than inflation. The Assembly's rejection of the transfer tax returns 100 percent of the money taken away by the Wilder budget. Money saved from the tuition transfer tax will go to curriculum revisions in the Arts and Science department, technology advancements, and the program of applied sciences and partial accelerator in Newport News. Approximately 95 percent of funding was restored for the

funding of the Research Centers. This amounts to a total of \$200,000 per year. This money will be divided three ways between the Institute of the Bill of Rights Law, the Institute of Early American History and Culture and the Bureau of Business Research.

Other major budget issues were faculty salaries, capital outlay, higher education restructuring and a proposed decentralization plan. Faculty salaries will be increased by 3.4 percent in 1994-95 and by 2.25 percent in 1995-96.

Capital outlay includes a general fund to purchase Tercentenary Hall equipment such as the built-in gardens in the science facility and Rogers Hall renovation from the non-general fund. Higher education restructuring will provide quality of education in different ways. At this point, no funds will be withheld for the restructuring by the College.

The proposed decentralization will provide greater flexibility and freedom for the College to make decisions on how to use money. Funds for decentralization will provide pilot programs and administrative areas such as accounting and personnel. The College would be one of four institutions that would be allowed to operate more independently from state-mandated guidelines. The other colleges are the University of Virginia, Virginia Tech, and George Mason. This policy is an important turn-around as the Wilder budget seemed to increase centralization.

This budget was passed through both houses of the General Assembly. The next meeting is set for April. Traditionally there have been no wholesale changes in the budget bill once it has passed both houses. With a different atmosphere in Richmond, Sullivan remains "hopeful that these positive trends will continue."



## Judge Merle Renne discusses family court, judicial collapse

By STEPHEN THOMAS KING

Virginia District Court Judge Merle Renne (class of '75) presented his views on the proposed restructuring of the Virginia court system to M-W students on March 25.

As it stands now, upon appeal from the district court the Virginia court system requires a second jury trial if requested by one litigant. "Virginia is very procedurally conservative," according to Renne. The second jury trial grew out of an historical concern with the individual's right to a jury trial.

A commission of judges, prosecutors, law professors and other members of the legal community was formed to address and make proposals on numerous problems in the Virginia legal system. In

response to the costly appeals resulting from the second jury trial, the commission suggested allowing only one jury trial, rather than two.

"If someone wants to appeal, let them appeal to the Court of Appeals," rather than allow a second jury trial, Renne said. In addition to the costs of a second jury trial, the delay between trials works to the detriment of justice, Renne explained, as time diminishes memories and witnesses move away.

Part of the court restructuring proposal includes the creation of family courts. These courts would deal with juvenile crimes, divorce, adoption and

See JUDGE, page 12



Phi Alpha Delta sponsored a talk by District Court Judge Merle Renne.

--staff photo

## Understanding the defense of Battered Women's Syndrome

By MARYBETH DINGELDY

When most people think of the Lorena Bobbitt trial, the first thing that comes to mind is the surgical procedure that Ms. Bobbitt performed that fateful July night. Yet to others, the Bobbitt trial was more than a sensationalized drama on CNN.

Many view Lorena Bobbitt's acquittal as not just a personal victory, but also a victory for the thousands of women nationwide who are victims of spousal abuse. By allowing an expert to testify about the effects of Battered Women's Syndrome, the Mannassas court gave credence to a condition that has long been held in the dark.

On March 23, the Mary & William Society presented a discussion on Battered Women's Syndrome. Kate McCord of Avalon Battered Women's Shelter and Willa Fay McKenna, a local attorney, spoke to a group of approximately 25 students in a lecture that included statistics on domestic violence, an explanation of the syndrome, its "cycle of violence," and its use as a criminal defense.

Statistics show that between 25 and 50 percent of domestic relationships are abusive. Contrary to general belief, domestic violence is not limited to the poor and uneducated. Rather, it is a "huge problem across all socioeconomic boundaries." According to the FBI, 30 percent of all female homicide victims are killed by men they love. Three to four women are killed every day by their partners, and three to four million women annually are battered by their husbands or partners.

Domestic violence consists of a three-phase cycle: the ten-

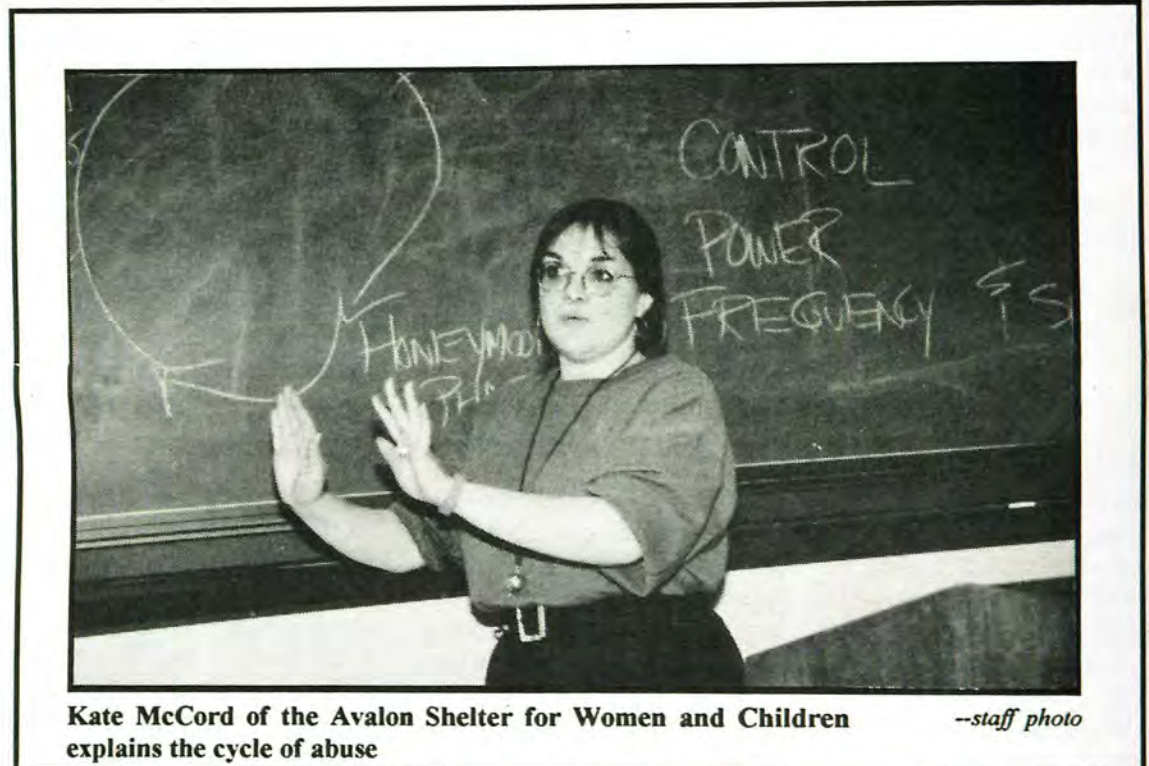
sion building phase, the acute battering incident, and the honeymoon phase. The cycle begins slowly, and if the woman loves her partner, she often does not see it coming.

The first stage occurs when the man feels his power and control slipping away. To reassert this control, he threatens the woman and destroys her sense of autonomy by imposing arbitrary restrictions on her, such as telling her what to wear, when to go to the bathroom, and who she can see. Although sporadic acts of violence may occur during this phase, the tension comes to a head with the acute battering incident.

According to McCord, the man does not necessarily enjoy beating his partner, but it is the only way he feels he can maintain his power. Many times, he does not even remember what he did during the incident.

The acute battering incident is followed by the honeymoon stage of the cycle. In this phase, the man often is sincerely remorseful and promises never to abuse his partner again. He begs, pleads and tells her that if she leaves, he will kill himself. Hoping for the best and believing that this time, he will stop, the woman stays with her abuser. In almost every case, the cycle begins again, usually with greater severity than the last.

The rational response of the woman to the situation described above would be to leave her abuser. Yet in most cases, this does not occur. She is appeased by his remorse in the honeymoon stage, and naturally wants to believe the best about the man she loves. There must be something good about him, she ratio-



Kate McCord of the Avalon Shelter for Women and Children explains the cycle of abuse

--staff photo

nizes, because she could not fall in love with a monster. By denying reality, she is able to keep whatever remains of her sanity.

Furthermore, because of his systematic infliction of psychological trauma, the woman believes that all of the insults her abuser hurls at her are true. The man's control of every aspect of her life has deprived her of the friends that could bring back her sense of reality.

Most often, when the cycle ends in criminal charges, the woman is the victim. Occasionally, however, it is the woman who takes the action, as in the Bobbitt case. The problem with using Battered Women's Syndrome as a defense in these latter cases is that she is not often in "imminent danger" when she finally reacts. Traditionally, because there was no immediate threat to her safety, the defense

was not recognized. As a result, many victims of domestic violence were convicted for murder because they reacted too late.

Faced with this injustice, some courts began to allow Battered Women's Syndrome to be used as a defense. Many are still leery about opening up this new area, however, and even those jurisdictions which have recognized the defense are reluctant to allow experts to testify.

Currently, nine states allow expert testimony on Battered Women's Syndrome. Other courts allow friends and neighbors to testify about what they have seen and heard. But without expert testimony, it is impossible to educate the jury about the many psychological aspects of the defense. They often cannot understand why the woman does not just leave her abuser. It is also difficult to establish self-defense when the jury is not al-

lowed to hear evidence about the woman's state of mind when she commits the act.

Aside from murder or other dramatic acts of violence, there are alternative means for women to break out of the domestic violence cycle. Battered women's shelters have cropped up around the country.

In Williamsburg, Avalon Center for Women and Children provides victims with alternative living arrangements and help them establish a positive self-identity. Avalon also operates a crisis hotline, provides peer counseling and support groups, and furnishes legal information and referrals to victims of spousal abuse. If you are interested in volunteering for Avalon or obtaining more information on Battered Women's Syndrome, please contact Kate McCord at 258-5022, or Marybeth Dingledy at 221-0144.



# M-W students practice chasing ambulances in PSF race

By CAROLINE BOUTWELL

The Public Service Fund's annual 5K Ambulance Chase Road Race began with a bang on March 26, with 62 people running behind a real ambulance through the William and Mary campus. The money raised by the event will be used to fund students working in unpaid public interest law positions.

Jon Sheldon (2L) took first place, with a time of 18:23. Brian Goebal (1L) came in second, with a time of 18:28, and George Snead followed closely behind, placing third with a time of 18:34. Ellen Ferris (3L) placed first among the women with 21:29. Gina Love (3L) placed second with a time of 21:37, and Dawn Raines (1L) finished third with 23:03.

When asked about his victory, Sheldon commented, "I feel like vomiting." He added "I was most worried about a challenge from Ted Atkinson, but I took care of him at the start of the race. When the officials' eyes were averted I

borrowed the cane that Mike Cox was using to hobble along with, and I gave Ted a sharp whack in the knee. It obviously had a devastating effect, considering the time Ted finished in. I was only able to run as fast as I did due to my intense desire to escape Ted's whining of 'why meeeeee.'"

Other runners were cheered by the sunny, but cold, morning. According to Raines, it was a "great day for a run."

Although 62 people ran the race, over 100 people actually registered for the run. Matt Bissonette (2L), a race organizer, estimated that approximately \$1,000 was raised for PSF, making this the most successful PSF road race yet. "I thought it was a great turnout, a lovely day, and everyone had a great time," Bissonette said.

Several students felt that success in the race countered any success, or lack thereof, they have achieved while in law school. Doug Steinberg (2L)



Jon Sheldon (2L) is the first to cross the finish line at the Public Service Fund's annual Ambulance Chase 5K.

--Peter Owen

observed that the race results were the least arbitrary ranking in the school. Loyst Fletcher (3L) placed seventh in the race, commenting afterwards, "I didn't make *Law Review*, I didn't

make Moot Court, so at least I'm in the top quarter of something."

After the race, the runners were treated to fruit and water outside the William and Mary Rec Center. The runners were

also treated to the satisfaction of raising money for PSF. As Sheldon observed, "What a beautiful organization to put this race on, with kind and beautiful people."



Female winners were, from left, Gina Love (3L), Ellen Ferris (3L) and Dawn Raines (1L).

--Peter Owen

## HATE, from page 3

motive, such as violating equal protection. Smolla used the Fair Housing Act as an example, saying that a broker may choose not to rent to a prospective tenant because of irrational dislike, but would be punished for that same action if motivated by race.

In torts, malice, or bad motive, is often used to determine punitive damages. Lastly, Smolla pointed out that motive is always used in capital murder cases as an aggravating factor to determine if the defendant should be sentenced to death.

Smolla argued that in all these cases the crime is the conduct,

not the statement or motive itself. Moreover, he stated that our civil rights law is based on the necessary distinction between conduct and speech because it depends on motive to create a cause of action. Accepting Rabkin's position could, therefore, be an unraveling of civil rights statutes. Smolla concluded by claiming that equality does not always trump freedom, pointing out that the Catholic Church, for example, does not have to ordain women.

Rabkin and Smolla had several minutes for rebuttal and questions from the audience. Rabkin argued that if the questioning of motivation implicates unsoundness of the civil rights

statutes, then maybe we should question the bases of those statutes. He also pointed out, in response to a student's question, that lawyers' and law students' views on these issues are narrow that we are not fully aware of how things are out in the real world. Smolla ended by pointing out that the civil rights statutes are not the premise, but free speech and equal protection are, and that to reconcile the tensions between these two ideas we must make some difficult decisions.

The debate was partially funded by a grant from the Hume foundation. The participants were enthusiastic and kept the audience amused and interested.

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6  
 '94 SBA Candidates  
 Julie Patterson

The arrival of Dean Krattenmaker this summer presents an important opportunity for law students. Surely we will witness many changes at M-W ranging from how the administration operates and interacts with students to what the curriculum and the law school has to offer us.

It is critical that we as students establish an interactive, cooperative relationship with Krattenmaker as soon as he begins as dean. In this way, the next academic year is an important one for us. We have the opportunity to shape the degree to which law students will be involved with the work of the new administration for years to come.

Next year the S.B.A. should be the vehicle to establish an immediate and close tie to the dean, setting a precedent for the future. The S.B.A. president should be a voice of the students to ensure that we have strong input on all decisions affecting our careers at M-W, while representing all student groups, concerns, and viewpoints.

As president of the S.B.A., I would work especially hard to establish this type of cooperative relationship with the dean and the administration. Specific issues of importance include the continuing examination and modification of the curriculum, the on-going process of amending the Honor Code, the expansion of clinical opportunities

available to students (as both educational tools and methods of securing future employment), and the education of first-year

students as to the contents and consequences of the Honor Code.

With an enthusiastic group of S.B.A. officers and represen-

tatives, we all can impact the future of M-W and its students--and have some fun along the way.



Julie Patterson

--staff photo

Brooks Patten

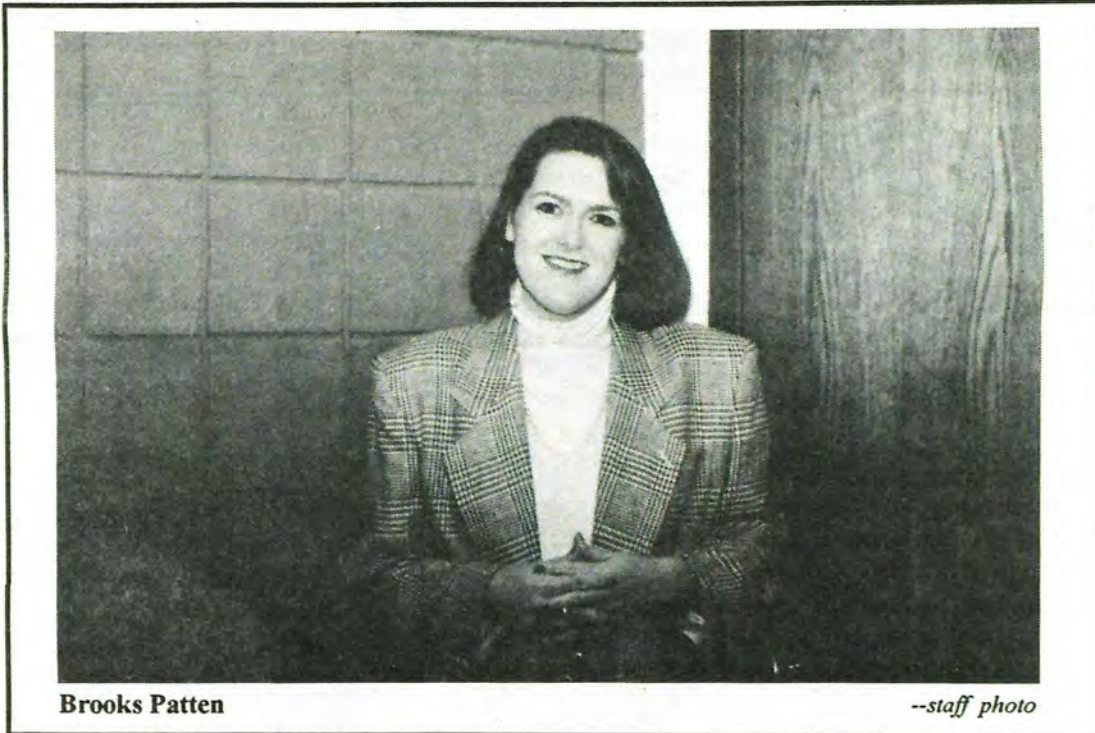
My name is Brooks Patten and I am running for the office of S.B.A. President. For those of you who don't know me, I'm that spirited social chairman who has encumbered a lot of your studying time with numerous events such as weekly bar reviews in an attempt to supplement the excitement of academic life.

While the responsibilities as social chair have been a priority for me, I have also had the opportunity as S.B.A. Vice President to learn about all facets of the organization. I have dedicated a majority of my free time to the S.B.A. and if elected President, I am willing to make that same commitment for next year (there's not much else to do in Williamsburg...)

We've been very successful in getting student participation in events and pro-

grams. I would welcome the challenge of this office to obtain even more involvement next year. If elected President, I would continue to strive for more interaction between faculty and students. Another one of my objectives is for students to have a greater voice in the governance of the school in an effort to overcome some of the apathy that has been known to attack law students occasionally by generating enthusiasm and vitality in the S.B.A.

These may sound like very trite campaign promises that probably mean very little to you in the scheme of things. The most important assurance I can make is that if I am elected, I will use my past experience in the S.B.A. to become an energetic and hardworking President. I would appreciate your vote on Wednesday.



Brooks Patten

--staff photo

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## Law Watch

By JOHN CROUCH

**IMPLANTS SETTLED:** The three major breast implant makers settled for \$3.7 billion with an open-ended plaintiff class. (*Richmond Times-Dispatch*).

**REVIEW CAN BE LIBEL:** A book review factually alleging "shoddy journalism" might be libel, the D.C. Circuit held. (*National Law Journal*).

**PARODY OK:** "Fair use" may be an affirmative defense of 2 Live Crew's parody of "Pretty Woman," the Supreme Court held 9-0. It said commercial use is not presumed unfair, nor is copying a song's "essential heart," as most parody does. Market harm from criticism is irrelevant, but 2 Live Crew may have hurt the market for a serious rap version, or excessively copied the bass riff, Justice Souter wrote. Harm could be ignored if courts made sure a parody's main purpose was criticizing the original, not exploiting it, Justice Kennedy said. (*Law Week*).

**SATIRE HARMLESS:** An order forged on a judge's letterhead is not defamation since reasonable people are sophisticated enough to recognize satire, California's Court of Appeal held. Dissenting justice Thomas Crosby said people believed the forgery, as "stranger, much stranger things have come from Los Angeles judges... gone off the beam." (*New York Times*).

**USMC RACISM:** Racist violence, harassment and discrimination make most minority officer candidates fail or quit, the Marine Corps admitted as it settled candidate Bruce Yamashita's suit. (*Washington Post*).

**U.S. SEEKS DEATH FOR BLACKS:** 75 percent of convicts under the 1988 drug kingpin law are white, but the U.S. has sought the death penalty for 29 Black kingpins (78 percent), four whites and four hispanics. The present administration has sought it for 10 Blacks and no others. (*Wall Street Journal*).

**SLAVERY IN BOSTON:** Kuwait-born student Talal Alzanki was convicted of keeping Sri Lankan maid Vasantha Gedara in involuntary servitude. (*USA Today*).

**FEMALE BOBBITTING:** A Portland, Ore., immigration judge refused to deport Lydia Oluloro to Nigeria, where her U.S.-born daughters would be ritually mutilated. Customs there are changing, the U.S. argued. (*Daily Press*).

**HOMOSEXUAL GETS ASYLUM:** The INS gave political asylum to a gay man from Mexico who said police there raped him. (*Washington Post*).

**U.S. TEEN GETS CANING:** A Singapore judge sentenced Michael Fay to six strokes of the cane for spray-painting and egging cars. (*USA Today*).

**ST. PAT'S PARADE WARS:** Justice Souter refused to stay a ruling that made a Boston veterans' group let gays into its parade. The group then cancelled the parade and held an informal drive-by. In New York, U.S. courts let sponsors bar gays. (*USA Today*).

**ACCUSED ABUSERS HAVE RIGHTS:** A state registry of 2 million

New Yorkers with "some credible evidence" of child abuse against them violates due process and keeps innocent people out of day-care jobs, the Second Circuit held. (*New York Law Journal*). Child sex abuse defendants have the right to fire counsel and cross-examine in person, the Fourth Circuit said. (*Virginia Lawyers Weekly*).

**SEX LIABILITY:** "Incompetent, stupid and weak-kneed" Texas school principals and superintendents may be liable for "deliberate indifference" to illegal teacher-student sex, the Fifth Circuit held. (*Wall Street Journal*).

**RENT CONTROL TAMED:** New York ended rent control for rich tenants and luxury apartments. (*USA Today*).

**ABOVE THE LAW:** Federal agencies cannot be sued for unconstitutional torts, the Supreme Court held 9-0. (*Law Week*). The Resolution Trust Corporation can disobey rent control, a creature of contract, not statutes, the Second Circuit said. (*New York Law Journal*).

**CASING THE JOINT:** The Resolution Trust Corporation cannot use administrative subpoenas to gauge potential defendants' wealth unless it suspects they may be liable, the D.C. Circuit held. (*Wall Street Journal*).

**POLICE MAY BUST IN:** Judges issuing warrants cannot make police knock, Wisconsin's Supreme Court said, because the duty to knock came from common law, not the U.S. Constitution. "In today's drug culture," it said, knocking is more dangerous than breaking in. (*Law Week*).

**WORKPLACE PRIVACY:** The Fourth Amendment keeps OSHA from inspecting an entire workplace in response to complaints and numerous injuries, the Sixth Circuit said, as this encourages merely harassing complaints. (*Law Week*).

**STUPID COP TRICKS:** A D.C. judge imposed \$350,000 in punitive damages on officers who hit a man's head with a nightstick for not signaling a lane change, then put him in a wagon and joyrided for half an hour to bounce him around. (*Law Reporter*). Los Angeles Council members become personally liable when they vote to pay brutal officers' punitive damages, the Ninth Circuit said. (*National Law Journal*).

**ONE STRIKE, YOU'RE OUT:** A law against permanently replacing strikers violates the U.S. constitution and federal law, Minnesota's Supreme Court held. (*USA Today*).

**JESUS OK IN SCHOOL, NOT IN COURT:** Fairfax cannot charge churches more than other groups that use its school buildings, the Fourth Circuit affirmed. (*National Law Journal*). A Detroit court banned Jesus shoes from courtrooms. (*Trial*). Crosses on state land and police badges must be removed, the Ninth Circuit said. (*USA Today*).

**U.S. INCAPACITATES COURTS:** Federalizing criminal law is "incapacitating" U.S. courts, Justices Souter and Kennedy told a Senate Committee. (*USA Today*). Mandatory minimums are "unwise and often unjust," Justice Kennedy

## Meet Rod Smolla

By VANESSA PETERSON

With his hands on the podium, Professor Rodney Smolla stands wearing a grey suit and a Bugs Bunny tie. Humming that cartoon's theme music he states, "It's time for another Con Law in the News with Crack Conlaw reporter..."

Smolla's original calling was not to academia. He clerked for the Honorable Charles Clark, U.S. Court of Appeals for the Fifth Circuit, and practiced at Mayer, Brown & Platt in Chicago before entering the teaching profession.

"The story is, when I was a lawyer, the managing partner called me in and said, 'You're not going to make it with those ties,' and I felt I had to enter teaching in order to have an outlet to express myself," Smolla explained.

Smolla said his resource for ties is confidential, but did add in jest that the chosen tie for the day is "geared toward the subject matter of [his] class."

Before joining the M-W faculty in 1988 as the Arthur B. Hanson Professor, Smolla taught at DePaul, Illinois and Arkansas. As a professor for 15 years, Smolla would most like his students to remember him as "fair."

Smolla is the author of many books including *Free Speech in an Open Society*, *Suing the Press: Libel, the Media and Power*, *Defamation: Jerry Falwell v. Larry Flynt and Smolla and Nimmer on Freedom of Speech*. Surprisingly, Smolla said his attraction to the First Amendment was an "accident."

"It's just luck. The true story is I was lawyer in Chicago, a young associate working in a law firm, and a crusty, colorful, old partner gave me a fascinating libel case involving, among other people, the Cardinal for the Catholic church in Chicago," Smolla said. The case "was so fascinating that I just got into the area and kept moving."

Smolla said his first love was not the First Amendment; it was not even law. While growing up, he wanted to be a professional football player.

"Like every kid in the neighborhood, in my fantasy world I thought that I really could be a professional football player," Smolla reminisced. He jokingly attributed his detour into the legal profession to the fact that "the Bears didn't offer me enough money."

In 1989, former Chief Justice Warren Burger appointed Smolla to the position of Reporter to the Bill of Rights Advisory Committee to the Commission on the Bicentennial of the U.S. Constitution.

said. (*Id.*)

**CHICAGO TOLERANT:** A Chicago judge approved a lesbian stepparent adoption. (*National Law Journal*).

**JESSICA THRIVES:** "Baby Jessica" appears happy with her natural parents. Her predicted traumatization from leaving her would-be adopters has yet to arrive. (*Newsweek*).



Smolla is also a Senior Fellow of the Annenberg Washington Program in Communications Policy Studies of Northwestern University, the American Bar Association Delegate to the Uniform Commissioners on State Laws Committee on Drafting a Defamation Act, past Chairman of the Association of American Law Schools Section on Mass Communication Law, and current Chairman of the AALS Section on Defamation and Privacy.

Despite this long list of accomplishments, Smolla said his greatest accomplishment is "to raise children who are humane and generous, open, happy and able to face the world."

Smolla is a family oriented person. He said the most important things in life are his family and the safety of his children.

A day absent all professional activities, Smolla said, would include his wife, five-year-old daughter, and the baby that's due any day now. "It includes non-stop attention to my children and family," he replied.

Smolla said that he grew up in a "pretty big" family with three brothers and a sister. He said his family was very close. He has a lot of memories filled with lots of friends and being very boisterous, but his past did not influence the paths he chose in life.

"I think that how you turn out is much more a product of accident than past experience," he added.

If he could choose any profession for just one day, Smolla said he would be the world's greatest mountain climber on the day he reaches the top of Mount Everest.

In the end, when the day comes that all is said and done, Smolla said he would like it to simply be stated that he "could've been a contender."

**CHILD OF A PROMISE:** Michael Pietros must support his ex-wife's child because she chose not to abort when he promised to marry her and help raise it, Rhode Island's Supreme Court said. (*USA Today*).

See LAW WATCH, page 9



## Meet the dean

Dean-designate Tom Krattenmaker will hold an informal get-acquainted session on March 29 at 3:30 p.m. in Room 127.

## Editor needed for *Journal of Environmental Law*

The Publications Council is now accepting applications for the position of Editor of the *Journal of Environmental Law*. Applications are due April 1 in the Student Activities Office in the Campus Center. Interviews will be held on April 4. All those interested can pick up applications from the *Journal* office, Room 238.

## Parole panel discussion

"The Parole System, Should We Abolish It?" is the topic for a panel discussion today, March 28, from 7 to 8:30 p.m. in the Commonwealth Auditorium in the University Center. The panelists include William Barr, former Attorney General and Chair of the Governor's Task Force on Parole; Professor and Deputy Attorney General, Walter Felton; Deputy Attorney General; Gene Johnson, Deputy Director of Department of Corrections; Jerry Kilgore, Virginia Secretary of Public Safety; defense attorney John McGarvey of Richmond and Professor Margaret Spencer.

For your convenience, a shuttle bus will leave the law school at 6:30 p.m. to the University Center.

## S.B.A. elections announced

The election for SBA president will take place on March 30 with polls open from 9 a.m. to 5 p.m. in the lobby. Elections for Vice President, Treasurer, Secretary and the second- and third-year class representatives will be held on April 7 at the same polling hours.

Declarations of candidacy for the April 7 elections are due by March 31 at 5 p.m. in the Judicial Council hanging file. Write-in candidates are accepted in all SBA elections. In addition to the declared candidates, any unsuccessful presidential candidate may have his or her name added to the ballot by requesting the addition in writing, to the Chief Justice of the Judicial Council within 24 hours after the results of the presidential election have been determined.

In addition to the officers' elections, 3Ls will be voting on the SBA Best Teacher Award on April 7. The Judicial Council will also have a few referenda to amend the SBA Constitution which are necessary to implement their proposed changes to the Honor Code.

## Can't get enough of "Defining Family?"

Writer Charlotte Allen will speak on "Family Women, Family Values" Tuesday, March 29, at 7:30 p.m. in Washington Hall 201. She is the author of "When Motherhood was for Sale" and "Our Archaic Adoption Laws."

## Only you can make Libel Night

Libel Night will be held on April 2 at the University Center. Anyone interested in doing a skit should drop a note in the SBA hanging file or notify Brooks Patten (2L) ASAP. Remember that Libel Night will be canceled without your participation.

## Deadline for summer stipend applications

All 1Ls and 2Ls interested in public interest summer jobs must submit a PSF application form, a current resume, a personal statement and a letter of support from the applicant's prospective employer by April 1. In addition, all applicants must apply for Work Study through OCPP. If you have any questions, please contact a PSF Board member.

## BLSA blood drive

The Black Law Students Association (BLSA) is sponsoring a blood drive on April 12 at the National Center for State Courts from 9:30 a.m. to 3 p.m. Refreshments will be available to those who give the gift of life.

## Cutler lecturer announced

Professor Thomas C. Grey, Sweitzer Professor of Law, Stanford University will present the James Gould Cutler Lecture, "Molecular Motions: The Holmesian Judge in Theory and Practice," on April 7 at 11:45 a.m. The lecture will be held in Room 127.

## Richmond attorney to discuss fourth amendment

Criminal defense attorney David Baugh of Richmond will present a lecture titled: "A Stupid Idea Whose Time Has Gone: An Analytical Discussion of the Ignorant Precepts of *U.S. v. Leon* and the Good Faith Exception," on Monday, April 11, at 12:30 in Room 124.

Baugh is a colorful and controversial attorney who has become a "legend" in Richmond legal circles for his flamboyant style and adversarial disposition in a courtroom. Baugh is a graduate of Virginia State College and Texas Southern University School of Law. He is a former Assistant United States Attorney for the Eastern District of Texas and a former president of the Richmond Criminal Bar Association.

*U.S. v. Leon*, 468 U.S. 897 (1984), involved a police raid in Burbank, California, based on an invalid search warrant where drug evidence was seized illegally under the Fourth Amendment. The Supreme Court in *Leon* created a "good faith" exception for officers acting in objectively reasonable reliance on a search warrant. The evidence seized in violation of the Fourth Amendment was not excluded from the prosecution's case under the "good faith" exception announced by the court.

## George Wythe and John Marshall Awards

April 4 at 5 p.m. is the deadline for submitting nominations for either of these awards. Faculty, administrators, staff and students are invited to make nominations of members of M-W who embody the principles of George Wythe and John Marshall through traits of character, leadership and a spirit of selfless service to the law school community.

The George Wythe Award is presented to a student; the John Marshall award is presented to a faculty member, administrator, or staff member at the Diploma Ceremony. Please submit nominations to Della Harris, Dean's office, in a sealed envelope marked confidential.



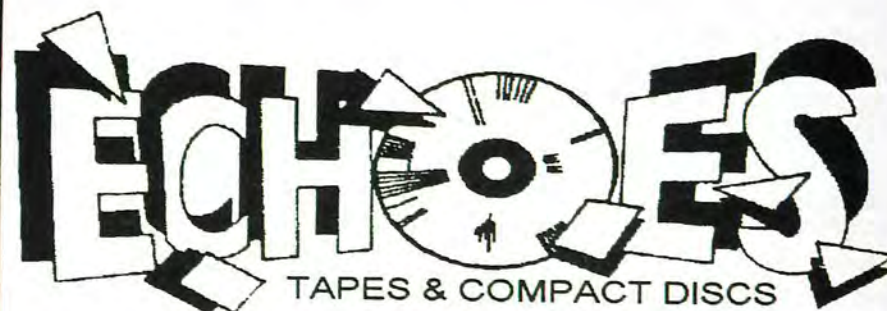
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## Judicial Council urges students to vote on Code changes

**By Gretchen Knoblauch**

The Honor Code. The very words probably prevented you from reading on. I know this because only seven members of the 500+ student body attended the March 23 public meeting on the proposed Honor Code revisions. For those of you who did not attend, the following is a summary of SOME of the most important amendments:

### First-years on the Council

A proposed change is to alter the current make-up of the Judicial Council from seven 2L reps and seven 3L reps to four 1Ls, five 2Ls, and five 3Ls. If an honor trial occurs before the 1L reps have been appointed, there would still be enough second- and third-years to conduct the trial. The maximum term limit would be two years (four semesters).

### It's a MAD World

The "pros" for 1L representation include: greater awareness of the Honor Code because more people will apply for appointment to the Council, vindication of the right to have representation in a system that can sanction you, and the introduction of a "fresh" perspective to the Council as many upperclassmen may have forgotten the unique position of a first-year.

The "cons" include: appointment of first-years may be difficult because a lot of what goes into choosing a member is one's reputation among classmates. A 1L on the Council may not have even gone through an exam period before he/she is thrust into deciding whether a fellow student "cheated."

The Council works fine the way it is now, so why change it if we can't even get one first-year to attend a public meeting on the Code?

### New Office of the School Advocate Created

One proposed alteration is to create a new "Office of the School Advocate" from which two prosecutors would be chosen to represent the school and the Code for any honor trial. Currently, the prosecutors are taken from the membership of the Council. Also, the role of the advocate/prosecutor was redefined. The proposal includes a duty to zealously advocate for the Code and conviction. In the past, the role was more neutral.

The "pros:" separation from the Judicial Council avoids the appearance of impropriety, zealous advocacy is a better balance for defense counsel's zealous advocacy, and greater student involvement.

The "cons:" greater student involvement may lead to increased risk of disclosure of confidential information, and the system works fine now--why

change?

### Reducing the Standard for Confrontation

Currently, before someone confronts a person he/she believes to be in violation of the Honor Code, that person must believe in good faith that an Honor Code violation has occurred. The proposed change allows confrontation if the person has a good faith reason to believe that an Honor Code violation may have occurred.

The "pros:" a lesser confrontation standard takes the burden off the accuser to determine that the accused actually committed a violation, and the Code is strengthened when more students take it upon themselves to confront.

The "cons:" a possibility that more students will be accused.

### Changing the Definition of Intent to Knowledgeable

There are many sections of the Honor Code which rely on a

standard of intent that has not been clearly defined. Our proposal is to make the standard equal to "knowledge."

### A Note on the SBA President

Only one candidate for the SBA Presidency, Julie Patterson, attended the public hearing on the Honor Code revisions. The SBA President is almost solely responsible for the appointment of the Judicial Council. How can one make an informed decision regarding Judicial Council appointments without ever having seen the Council in action?

### The Vote

Whatever your opinion on the proposed changes, I hope you will do us all a favor and vote on April 7. Without one-half of the student body casting a ballot, the changes cannot be considered until next year. The Council has put many hours into changing the Code to better serve the student body--please do your part and vote on April 7.

## Columnist forsakes springtime in the 'burg to surf the net

**By M. A. DONALD**

Come springtime, life fills quickly with distraction. The sun and warmth of outdoors beckon, and phalanxes of law students answer by walking, biking, jogging or just beaching together. March-madness is in full swing, making it possible to avoid virtually all studying for entire four-day weekends, and of course, exams loom like distant thunderheads. For some, graduation plans cry "now or never." For others it's a last-ditch effort to find work or at least to pick a bar examination to take. So why, with all this going on around me, do I find my body indoors so much, instead of out in the sun where by any aesthetic standard it needed to go for a long time? And why, if I have to be inside, am I not doing something productive? The reason has to do with my recent discovery of William & Mary's Internet service and gopher server. No, a gopher server is not wait-staff for rodents. Rather, it is the free on-ramp that the College provides each and every one of us to get onto the so-called information superhighway, or more trendily, the "Infobahn." The gopher server is easily accessed through the old pro-comm system that we used to use for e-mail access (look for the line that says gopher on it, choose that one, log-in and type GOPHER). What you'll see if you take the time to try, will be a simple looking menu with a handful of choices that lead to even more choices and eventually into

other systems. Choose any that look interesting. It's all self-explanatory. What isn't self-evident is the sheer amount of information that is accessible. From the catalog of the Library of Congress to the e-mail address of your friends still in college (or elsewhere on the net), to job openings in federal, state, and local governments, to the local time in Jerusalem, to full text on-line books, the Internet truly spans the globe, and it's all free. That is, free from a monetary point of view anyway. But any who venture into this ethereal realm, characterized by some as one of the most significant technological/cultural innovations ever, should be prepared to be enthralled and perhaps a little aghast by the sheer size of the systems on the net. Those who truly fear that the computer is significantly changing the human dynamic and other Neo-Luddites are advised to avert their eyes, or more realistically to simply confront the beast. By all accounts the 'net has truly given birth to its own culture. With its origins in networks set up by the government and leading research institutes in industry and academe, the 'net has grown exponentially. Net-culture is not, as one might fear, either rigidly formulaic or dominated by computer nerds without the social skills to live in the "real" world. A whole new form of communication with its own dynamic is coming into being at this very moment. It is surprising how personal non-face-to-

face communication can be (the art of personal letter-writing having been laid to rest some time ago). I could go on at length about all that there is on the net and how easy it is to get to all of it, but instead I'll just say that it's as easy to work as P-Mail, and urge everybody to try it for themselves. I'm just sorry that I discovered it all a little late in my tenure here, and wish that someone had called my attention to our "free" access earlier. One of the most striking features of the 'net, as it is currently organized (and one that suits my inclinations nicely) is that nobody is in charge. While the government has propagated certain use guidelines (basically, don't be excessive, don't be a jerk, and don't exploit the net commercially) those guidelines only apply to information routed through government servers, and are good advice in any realm. Other than that, the only people who "control" the 'net are the operators of the various component systems, and they only have control over their machines. The vast web spun by the Internet is truly an untamed frontier of the mind. If you

don't believe me look around for a discussion forum called alt.sex. You get the picture. For those more interested in legal issues, there are several guides, ranging upward of 100 pages, just listing legal resources on the net. If you thought Lexis and Westlaw were big, either database is a mere speck when compared to immense free-ranging information available through the 'net. If the paradigm that in the modern world information IS power is given any credence, nobody should leave here without at least being exposed to this resource. So if you see me huddled over a computer in the lab, it's a good chance that I'm not actually putting the finishing touches on that pesky Corporate Governance paper, but more likely "surfing" on the 'net. Yep, just like the channel clicker but with millions of stations. I might just be chatting away with some guy in Australia about my beloved Wildcats' chances in the Final Four, seeing if my friends are still alive in L.A. after the next earthquake, or just maybe talking to a hiring partner somewhere.

### LAW WATCH, from page 6

**U.S. CAN DO ADR:** Parties in federal court can agree to make the judge or magistrate an unappealable arbitrator, or can reserve appeal rights, the Seventh Circuit said. (*Wall Street Journal*).

**DISH BAN:** Saudi Arabia banned satellite dishes to restrict speech. (*Guardian*).  
**DESIGNER VENIRE:** A Black graft defendant may keep suburbanites off a federal venire, said Brooklyn judge Edward Korman. Suburbanites had similar rights until the current judge shortage. (*New York Law Journal*).



*Music for the Masses***R. Kelly inspires libido; Soundgarden sounds like sex**By ELEANOR BORDEAUX  
and SCOTT LAYMAN**R. Kelly, *12 Play***

An early heatwave has hit Williamsburg with R. Kelly's second release, *12 Play*. The sensual theme of the album is reflected in its title, which refers to the fact that 12 play is three times more exciting than mere foreplay.

R. Kelly's music embodies several different styles. The album begins with the smooth beat of "Homie Lover Friend." The tempo picks up with "Freak Dat Body," a danceable track that, as one enthusiast exclaims, "you can really groove to!" The pace then slows down with "Sadie," a cover of a classic R&B

song. Kelly dedicates this song to his deceased mother and packs the tune with an emotional punch.

R. Kelly's sultry voice apparently inspires great lust in M-W females. His funky "I Like the Crotch on You" rendered one listener virtually speechless, while "Bump 'n Grind," as another fan puts it, "You should just put it on and it gets you in the mood to go!"

This recording is great for dancing and partying. But it is most appropriate for those times when one is attempting to set the mood on a special night with a nasty groove.

**Soundgarden, *Superunknown***

The fourth release from Soundgarden

takes the Seattle-based foursome in an unknown direction. Perhaps this willingness to expand musically can be attributed to the familiarity the group has attained as a result of working together with the same line-up on two consecutive CDs. The group has moved from the strictly hard-edged sound of previous CDs towards a style that combines the best of the old with a new, more melodic approach.

This new style is best showcased in "Black Hole Sun," as vocalist Chris Cornell moves from a quiet baritone to his signature wail. "Fell on Black Days" best demonstrates Cornell's vocal range, something that has not been as apparent

on previous albums. As one die-hard fan says, "If sex had a voice, it would sound like Chris Cornell."

The title track, "Superunknown," features the classic Soundgarden killer guitar riffs and vocal assaults that sound a bit like Zeppelin. "Spoonman," the first single, is about a person in Seattle who uses spoons as musical instruments. Listen carefully, and you will be able to hear Spoonman's musical contribution to the track.

Long heralded on the Seattle scene, Soundgarden may have finally made their "breakthrough" release. The band has progressed musically making this the group's best album to date.

**Ferrington House Restaurant: the perfect lovers' getaway**

By JANET BRECKENRIDGE

In honor of this past Valentine's Day, my fiance, Will, and I took a trip down South to the Chapel Hill, N.C., area. We spent the night and dined at The Ferrington House, located between Chapel Hill and Pittsboro on US 15-501. The Ferrington House is a 14-room inn modeled after European country inns, and is a member of the international Relais & Chateaux chain of luxury resorts.

I was really excited about the prospect of spending the night in an old farmhouse that had been renovated and outfitted with all the modern conveniences. So, I was a little disappointed to find that the "inn" part of Ferrington House consists of brand new flats.

My disappointment quickly vanished after I took a good look at our room. It was sumptuously decorated with beautiful fabrics and antique furniture. The decor was elegantly country that was neither overdone nor boring. We had a large queen-sized bed with a wonderful down com-

forter. The T.V. and sound system were state-of-the-art. The bathroom was as large as a small bedroom, and featured a large, oval-shaped, two-person bath tub and a heated towel rack.

Needless to say, the rate was fairly steep at \$150 per night. We paid only \$125 because when we made our reservation, the owners were renting one "economy" room and they were good enough to honor the lower price. They no longer offer an economy room, and the rates are \$150 for a standard room with a queen or double bed; \$190 for a deluxe room which is larger than the standard room and has a sitting area; and, \$230 for the superior room with king-size bed and a spacious sitting room.

As much as we enjoyed our room, the true highlight of the evening was dinner. The Ferrington House Restaurant is located in the original Ferrington family home built in 1927. The restaurant is a collection of small dining rooms, including two glassed-in

porches. We were first seated in the lounge (originally the living room) while we waited for our table. I tried an excellent cabernet sauvignon from the Laurel Glen vineyard on Sonoma Mountain, California named Terra Rosa. It was very full-bodied without a bit of sourness or bitterness to its aftertaste.

We were then taken to our table in one of the porch rooms, and began our meal with consommé and a small cheese biscuit surrounding an almond. For our first course, Will had crawfish fritters with remoulade sauce; I had grilled quail with a corncake and smoked tomato sauce. The fritters consisted largely of sweet tender crawfish with little filler, and were perfectly fried. The quail was also grilled to perfection and was tender and tasty. However, the corncake was the highlight of the meal, excluding dessert. It resembled a cross between cornbread and a pancake, and had kernels of fresh corn and sage.

After our first course, we were served lemon sorbet to cleanse our palates. This is definitely the best sorbet I've ever tasted—it was like butta. I am convinced it contained butter due to its rich taste. At this point, I switched to a different wine that would better complement my meal. The wine steward suggested a Chardonnay from the Sanford vineyard in Santa Barbara County, California. This was another great wine choice. It had a clean flavor and a buttery texture.

For the second course, Will selected the roast lamb tenderloin with bourbon molasses sauce and accompanied by steamed asparagus. The lamb was good, and the sauce was wonderfully sweet and tangy. The asparagus was cooked al dente, but was a bit bitter. I chose a seafood medley of grilled tuna and mahi-mahi, and sauteed shrimp, served in a rice paper cup with asparagus and yellow peppers and a ginger sauce. The presentation of my meal was lovely, and this was a great tasting combination. I enjoyed it so much I ate everything including the rice paper cup which is similar to the shells in which taco salads are served but lighter, and not nearly as greasy. Now for the true piece de resistance—dessert. In honor of Valentine's Day, the chef had prepared a special medley of chocolate delicacies. The medley consisted of chocolate souffle with hot dark chocolate sauce and fresh whipped cream, chocolate sorbet, a triangle of white and dark chocolate terrine, a huge fresh strawberry dipped in choco-

late, whole almonds dipped in chocolate and heart shaped white and dark chocolate cookies. We were also given homemade chocolate nut clusters with our coffee as a finishing touch.

What really made the evening was our waiter moving us over to the garden house, where we ate our dessert in front of a huge fire on a comfy couch with not a soul around. It was incredibly romantic, although it was also kind of sickening. After eating a large meal, we hardly had any appetite left for dessert. Faced with such a work of art, however, we felt compelled to eat every last bit (and what we couldn't eat, we wrapped in napkins to save for later!)

Our dinner at the Ferrington was truly one of the best meals we've ever had, separately or together. The service was impeccable, and the surroundings were pretty and tranquil, with the exception of the "loudtalkers," an obnoxious party of four across the room. However, we were moved to the garden room because of my comment to our waiter regarding the noise, so all in all, it turned out to be a great experience.

The price of the meal is fixed at \$48.00 per person, and our total bill including drinks and a healthy tip came to \$150.

Altogether, our stay at The Ferrington House was quite pricey, but someday when we're all wealthy, successful lawyers, we won't even blink at such expense. Rich or poor, the experience is worth it. I highly recommend the Inn to anyone wishing to get away a loved one.



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## Cinema Cynicism

1993 best films: *Father* should never be forgotten

By STEVEN YOUNGKIN

The year 1993 was both great and sad for movies. It was great because of the plethora of high quality films that were released at year's end. It was sad for the very same reason.

After all, when films like *Age of Innocence*, *The Fugitive*, *The Piano*, *Remains of the Day*, *Schindler's List* are all nominated for awards, it seems unfair to award a trophy to just one of them, as if the rest of them didn't matter. All of these movies (and others that I failed to mention) deserve recognition and praise.

However, that is exactly what makes *In the Name of the Father* so tragic. Though brilliantly acted and passionately directed, it was forgotten amongst the hoopla surrounding movies like *The Piano* and *Schindler's List*.

This is a real pity since this movie succeeds on many levels--as a character study, as a diatribe against the legal system and as a discussion of a relationship between a father and his son.

*In the Name of the Father* is based on a true story involving Gerry Conlon, the alleged leader of the "Guilford Four." In 1974,

Conlon, an Irishman, arrived in London seeking "free love and free dope." He was not at all interested in politics; his only concern was hanging out with his friends.

Unfortunately, one night when he and a friend were sitting in a park talking to a homeless man, a pub a short distance away was blown up by IRA terrorists. A number of innocent people were killed and the police arrest Conlon and his friends for the bombing. Under British law, terrorist suspects can be held for questioning for up to seven days before being charged. During that week, Conlon and his friends were tortured, beaten, deprived of sleep and brutally interrogated. Despite these conditions, Conlon refused to confess. However, the police ultimately find Conlon's weakness; obtaining his confession by threatening to kill his father.

The trial continues this mockery of justice. Conlon and his friends are convicted of terrorism and are sentenced to 15 years in prison. In addition, Conlon's family (including his father Giuseppe) are arrested and convicted of assisting in the bomb-

ing. They are also sentenced to serve prison terms.

During their incarceration, Gerry and Giuseppe take different approaches to their false imprisonment. While Gerry wants to give up and try to survive, Giuseppe tries to stir up support on the outside in order to overturn the convictions. Eventually an attorney (Academy award nominee Emma Thompson) becomes interested and agrees to handle their appeal. Gerry is resistant to her at first, convinced that if the legal system failed them once it will continue to fail them, but Giuseppe is confident.

Unfortunately, Giuseppe becomes ill and dies while in prison. Gerry is then left to carry on the appeal and eventually, 14 years after being arrested, Conlon, his friends and family are released and the charges against them are dropped. Unfortunately, Giuseppe, who fought the hardest, died without being vindicated. To this day he is still listed on the books as guilty.

It is hard to say where credit for this movie most belongs. On the one hand, Daniel Day Lewis as Gerry Conlon is nothing short of marvelous. In *My Left Foot*

and *The Age of Innocence*, Lewis proved himself to be one of the most exciting actors of his generation. What is remarkable about his performance in this film is his ability to convey a sense of subtly changing in attitude and personality over the course of the movie. At the beginning, he's a self-centered, ungrateful jerk. By the end, he comes to realize how brave and strong his father really was and he adopts some of Giuseppe's heroic characteristics. The fact that Lewis allows these changes to come across slowly rather than in one big moment is amazing.

In addition, special mention has to be made of Pete Posthelwaite as Giuseppe Conlon. Even though it is clear that he is the true hero and tragic figure of the story, he manages to keep the character firmly rooted in reality. He is brave, not because he is such a great person, but only because he can think of no other way to react to his situation.

Finally, director Jim Sheridan received a well deserved nomination for his work here. The movie manages to be both poetic and angry at the same

time. While he focuses nearly all of his attention on Gerry and his father, Sheridan does not forget the rest of the Guilford Four. He gives the audience a shorthand depiction of their horror by showing us how they changed in appearance between 1974 and 1989. For example, a girl initially depicted as a freespirted, loving, happy seventeen year old appears to have aged far more than 15 years when we next see her in the courtroom. The shot of her haggard face--a face that has long since lost its glow and radiance--is enough to tell us that she went through a hell every bit as horrible as Conlon's.

Overall, *In the Name of the Father* is a movie that could be easily overlooked. In November and December of 1993, Hollywood released an amazing number of films destined to become classics.

Unfortunately, the human memory can retain only a small number of them. That means the rest will fall through the cracks and be forgotten. If there is any justice at all, *In the Name of the Father* won't be one of the forgotten treasures.

## Dump those boring old lawbooks and go create something

By MICHAEL HOMANS

The first half of my law school career has whizzed by, like a painful, dripping, endless snap of the fingers.

And in all this time, I never even peeked inside the college's Muscarelle Museum of Art--until last week.

The visit was prompted by a search for art. Editors here assigned me to cover an exhibit in Trinkle Hall of furniture and art created by prisoners ("I call this sculpture 'Seated Nude, No. 38.' The media is hacksaw blades, and I want it displayed in my cell, damnit!"). But alas, the prison exhibit is gone. So last Tuesday, I trekked over to the Muscarelle and took a look at the offerings.

The new display there is an overwhelming array of modern mixed-media "paintings" by Nissan Engel, a 63-year-old Israeli now living in Paris. These are abstract paintings with splashes and streaks, and lumps of stuff, and newspaper clippings pasted on, and no real form. They are exuberant and wild, and have pretentious names like "La Deuxieme Symphonie."

Rubes like myself like these paintings in an artsy-fartsy way, but are immediately prompted to comment, "Gee, I could do that!"

And in my little mind, that's the point of this exhibit. Do it! Create something! Be an artist, you boring lawyer!

This art by Nissan ("I like what you do

for me!") celebrates the process of creation. Just looking at the splattering paint and mix of materials, one can imagine a scruffy Nissan dancing around his studio, flinging gobs of color, and sticks, and photos, and lace, at the canvas. Maybe he's blaring some LOUD classical music in the background. He is laughing and smiling and happy to be creating, and he is full of life. He is being himself!

Nissan's art lacks the virtuosity of the Renaissance, or the beauty of the Impressionists, or--hell, to be frank--any talent. But it's still wonderful art to look at. It makes you feel something.

As does the art upstairs at the Muscarelle, which includes a Picasso, an O'Keeffe, some medieval religious art, portraits of William and Mary looking ever-so-stuffy, and delicate Native American pottery.

Before getting back to my point--I think there's one buried in here somewhere--I wanted to note that Nissan created almost all of the nearly 100 works on display in 1993. No Michelangelo dabbling on the Sistine Chapel for years. Nissan doesn't analyze or plod like a lawyer. He has fun with his art, and does it quick and dirty.

Anyway, Nissan's work made me think that we all have the potential, and, I think, the need to create, to be artists of some sort. Walk around the undergrad campus. These folks are young artistic

idealists, creating all the time--with their hair, their makeup, their T-shirts, and their piercing of body parts.

But here at Marshall-Wythe, the weight of the law seems to crush every drop of creativity and art out of our bones. We are weary automatons, processing old law, drawing endless analogies, footnoting papers until they become unreadable and boring. Our weekly intake of art is to watch a movie, wear a new garment, or draw a smiley face in the margin of a textbook.

Where is the juice of life in this thing called law? Where is the art?

Yes, I hear the chorus of law-lovers that creativity is required to develop new legal arguments or persuade a jury in the closing statement. That's true to an extent. But such acts are not art. Lawyering defeats the seedling of art because it requires FACTS, and PRECEDENTS, and AUTHORITY, and LOGIC. These things are all good and well, but THEY ARE NOT ART.

"A good artist lets his intuition lead him wherever it wants," says the Tao Te

Ching.

Law is the antithesis of intuition. It is rules and guidelines and principles. It is a job. It leaves us partially empty, wanting something more.

Anyway, despite all this babble, I have no talent as an artist. But Nissan's exhibit at the Muscarelle emphasized to me that we need not be talented to create art. The art is in the creation, not in the finished product. It is the process that liberates the soul, that expresses the unexpressable, that frees the notions that cannot be captured in legal principles, or case law, or logic.

So what are we to do to create? The outlets are myriad and simple:

Write a poem, mold some clay into a lump, paint with watercolors, sing in the shower, act in a play, design a building, dance in a field, put flowers in your hair!

If you like what results, show it to someone. If you don't, so what? You'll still feel better by having exercised that urge deep within. And you can laugh and smile, like Nissan Engel, because you have created something.

DON'T FORGET THE NEXT MEETING OF THE

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**RENNE, from page 4**

custody. The 1994 General Assembly did not fund the Family Courts. Apparently the courts were not one of Governor Allen's priorities. Renne conjectured that the Republicans want to wait for the next General Assembly elections before considering the funding of the family courts. If

the Republicans gain a majority in the legislature they will be able to appoint 32 new judges to the newly created family courts.

Judge Renne devoted the rest of his talk to his career first as a prosecutor and then as a district court judge in Yorktown. "Being a judge is a matter of good fortune--being in the right place at the right time." He finds judging much less stressful than

prosecuting. "After a while, you get tired of trying to convince people that justice is important, that they ought to be forthright." As a prosecutor, "you constantly have to sell the system to people, but the system takes courage to operate effectively." It takes the courage of witnesses and victims of crime to come forward and provide the foundation of a prosecutor's case.

The problem of crime brings with it the problem of prison overcrowding. The legislature can pass laws that put more police officers on the streets, but that leads to more arrests, which in turn leads to the overloading of courts and prisons. Legislators need to look at the system as a whole, with the consequences of their legislation in mind, according to Renne. One partial

solution to the problem of prison overcrowding is to sentence lesser criminals to community service.

As a judge, Renne also must contend with the problem of an overcrowded docket. Judges have to direct people towards solving their own problems through alternate dispute resolution. Sometimes it appears to Renne that litigants come into court just to participate in an organized brawl where the judge is supposed to raise the hand of the winner. On occasion, the litigants enter court with a misguided conception of the function of the courts.

America needs reasonable alternatives to the problem of docket and prison crowding, concluded Renne.

"This will be the debate that affects your careers," he told the audience. "There has to be some way of allocating responsibility or else we have anarchy." Renne implied that undue stress on the system, if carried to an extreme, could leave crime unpunished or lead individuals to find less civil means of resolving their civil disputes.

"We aren't really free," said Renne. "The legal system can't solve it all," but it can try to make the community safer and more tranquil."

**M-W advances in U.S. News rankings**

Marshall-Wythe placed 29th in the 1994 *U.S. News and World Report* rankings of law schools. *U.S. News* based the rankings on the following criteria:

Reputation rank among academics:	34
Rank among lawyers and judges:	31
Student selectivity rank:	23
Faculty resources rank:	99
Placement success rank:	22
Median 1993 LSAT score:	164
1993 acceptance rank:	20.6 %
Grads employed after 6 months:	95.3 %
1993 median salary	\$53,000

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## Monday, March 28

- **Panel:** "Should Virginia Abolish Parole?" Commonwealth Auditorium at University Center, 7 p.m.
- **Demon Drummers:** Ondekoza, world-famous demon drummers of Japan, Phi Beta Kappa Hall, 7 p.m.
- **Art:** "More Than Just Something to Keep You Warm: Tradition and Change in African-American Quilting," Hampton University Museum, through July 31.
- **Springtime for Hitler:** Spanish Civil War ends, fascist Francisco Franco wins (1939).

## Tuesday, March 29

- **Amicus Curiae:** Last Staff Meeting of the year. Come help us plan the end-of-the-year Amicus party at The Library, 6 p.m. (Ladies' Night with \$1 highballs).
- **Open Forum:** Dean-to-be Thomas Krattenmaker addresses students, 3:30 p.m., Room 127
- **Music:** The Razor Posse, Green Leaf, 10 p.m.
- **Speaker:** "Family Women, Family Values," with writer Charlotte Allen, Washington 201, 7:30 p.m.
- **Workshop:** Strategies in writing research papers, Tucker 115A, 8 p.m.
- **Music:** The Botetourt Chamber Singers, Bruton Parish Church, 8 p.m.
- **Film double feature:** "When Harry Met Sally," and "Sleepless in Seattle," University Center, The Cafe, beginning at 8 p.m. Free.
- **Satisfy your craving:** Coca-Cola is created--with cocaine (1886).
- **Day of solemn remembrances and weighty ruminations for public-policy enthusiasts:** Birthday of William and Mary Chancellor and United States President John Tyler (1790).
- **Finally:** U.S. troops leave Vietnam (1973).

## Wednesday, March 30

- **Election:** S.B.A. Presidency, Law School lobby, 9 a.m. to 5 p.m.
- **Lend an ear:** Happy Birthday to Vincent Van Gogh (1853).
- **Right to vote:** Fifteenth Amendment passes (1870).

## Thursday, March 31

- **Candidacy:** Deadline for S.B.A. declarations for V.P., Treasurer, Secretary and 2L and 3L representatives, 5 p.m.
- **Dance:** Cultural Exchange 1994, featuring the Chamber Ballet Company. 7 p.m., Phi Beta Kappa Hall.
- **Music:** "Continuity and Creativity in Traditional Music," presentation by Carol Elizabeth Jones, James Leva and Cari Norris, Botetourt Theatre, Swem Library, 5 p.m.
- **Music:** Kim Wilson, at Flood Zone, Richmond.
- **Town and Gown Lunch:** Business Professor John Strong will speak on "Privatization in Russia," University Center, 12:15 p.m.
- **Storyteller:** Dylan Pritchett, performance of African-American stories, Room 120, 2:30 p.m.
- **He thought, therefore he was:** Happy Birthday to Rene Descartes (1596).

## Friday, April 1

- **Deadline:** PSF, Work/Study and Fellowship Grants for summer '94, 5 p.m.
- **A reason to come to school on Friday:** *Weekly World Ambulance Chaser* will appear in the Law School lobby.
- **Pianist:** Ruth Laredo, Phi Beta Kappa Hall, 8 p.m.
- **Lecture:** "The Dilemma of Free Blacks in a Slave Society," Dr. Tommy L. Bogger of Norfolk State University, Williamsburg Regional Library, 7:30 p.m.

## Saturday, April 2

- **Libel:** Libel Night, time and place TBA.
- **Music:** William and Mary Orchestra, University Center, 8 p.m.
- **Thought for the day:** That must be wonderful. I don't understand it at all.
- **Spring Forward:** Before you go to bed, set your clock one hour ahead. In the wee hours of Sunday morning, 2 a.m. will become 3 a.m. as Daylight Savings Time begins.

## Sunday, April 3

- **Happy Easter!**

## Monday, April 4

- **Play:** "The Trial of Oliver Wendell Holmes," Commonwealth Auditorium at the University Center, 8 p.m.
- **Film:** "Bread and Chocolate," Washington 201, 2 p.m. and 7 p.m. The tale of a closet Italian who flees to Switzerland in search of a job and romance, and refuses to admit his nationality.
- **Neither rain, nor snow:** Pony express begins service, from St. Joseph, Missouri (1860).

## Tuesday, April 5

- **Music:** William and Mary Chorus, Bruton Parish Church, 8 p.m.
- **Thought for the day:** Some rise by sin and some by virtue fall

## Wednesday, April 6

- **Music:** The Jerusalem New Music Ensemble, Ewell Recital Hall, 8 p.m.
- **For better, for worse:** Brigham Young marries number 27, his final wife (1868).

## Thursday, April 7

- **Lecture:** "Environmental Policy and the Role of the University," University Center, through April 8.
- **Elections:** S.B.A. elections for V.P., Treasurer, Secretary and 2L and 3L representatives, Law School Lobby, 9 a.m. to 5 p.m.
- **Award:** 3Ls vote for S.B.A. Best Teacher Award.
- **Later to star in M\*A\*S\*H:** Radar bounced off sun from Stanford, California (1959).

## Friday, April 8

- **Make my day:** Clint Eastwood elected mayor of Carmel, California (1986).

Please submit your entries for the *Amicus* Events Calendar to Daryl S. Taylor (1L) or the *Amicus Curiae* hanging file. Entries may include activities sponsored by law school organizations, community events of interest to M-W students, or just about anything else that you can think of.



*A Duck Out of Water*

## Duck plummets to bottom of basketball tournament pool

By ALAN DUCKWORTH

It's been awhile since my last column, just long enough for my tournament pool to go to hell. What was I thinking, picking UNC? There was no way they could avoid choking two years in a row. I was going to waive the remainder of my opening, because, after weeks of complaining that I had nothing to write about, I now have too much to discuss. And away we go.

**COLLEGE BASKETBALL . . .**

First, I want to make one thing clear. Despite the fact that by the time you read this, the Final Four will be determined, I am writing this prior to the regional finals. My editor summarily rejected my suggestion of holding the paper a couple of days for my column. I was very disappointed that she proved unwilling to make a hard, but logical decision.

Well, I did get one thing right. A couple of months ago, I said that in this topsy-turvy basketball season, the tournament would be very interesting. Who would have picked Tulsa in the Sweet Sixteen and not UNC? How about BC going farther than UConn? A #1 seed and two #2 seeds failed to make the final eight. That two #3 seeds did make it is a major surprise.

However, #9 Boston College is the shocker of the tournament. Well, one of the shockers. An-

other is the West region. When the seedings were announced, most people, Duck included, figured this would be the region of upsets. However, this is the only region where the top four seeds reached the Sweet Sixteen and the top two seeds reached the regional final.

This tournament seems to revolve more around individual players than most. The Big Dog, Glenn Robinson, is trying to prove he is the best basketball player named Robinson in the country, including the Admiral. Grant Hill is attempting to live up to Dickie V's hype on him. And without Chris Webber, Jalen Rose has finally come of age. He now appears to be a complete player with leadership and shot selection, two attributes which never would have been associated with him prior to this year. Enjoy this year's tournament; this type of parity does not come around often.

**PRO BASKETBALL . . .** Magic Johnson is back. Not as a player, but as a coach. This is not a joke, no matter how much I wish it were. Magic was hired to replace Randy Pfund as head coach of the Lakers. This continues a disturbing trend of hiring coaches who have just retired as players. While several coaches who qualify in this category have the potential to be good NBA coaches, they lack the proper

seasoning.

Here is just a quick note, because I know no one else cares, but the NBA playoffs are rapidly approaching.

**PRO FOOTBALL . . .** Free Agency has caused the owners to go insane. Scott Mitchell and his seven NFL starts in four years signed with the Detroit Lions for three years, \$11 million including a \$5 million signing bonus. No, this is not a typo. This kind of stupidity is usually reserved for signing draft choices, but free agency has changed the NFL.

The Redskins admitted several mistakes in their free agent signings from last year by releasing Carl Banks and Tim McGee. The question is, what is Mark Rypien's future? While I could understand the Redskins' decision to cut the former Super Bowl MVP, this waiting game is rotten. The quarterback openings in the NFL are being filled regularly and Ryp's opportunities are shrinking.

Note to Charlie Casserly and Norv Turner, if you are going to cut Ryp, do it soon. He has been a good soldier for the Redskins and he did lead the team to a Super Bowl title and deserves better treatment than this slow death while waiting to find out his future.

**THE COURTROOM . . .** I swore I would never use the heading Figure Skating again, but I

have to at least mention Tonya Harding's plea bargain. Everyone should have her defense attorney. She escaped jail time despite a lot of evidence connecting her to the conspiracy. Now, her biggest problem is finding a way to spend all the money she is going to make on the Scandal Circuit, like John Bobbitt and the Buttafuocos. **BASEBALL . . .** Spring is here and baseball is back. My heart is light and my soul sings. Opening day is just around the corner. Here is a quick preview of each division.

**NL East--**The Atlanta Braves should win their fourth consecutive division title. This will, however, be the toughest division in baseball. The Braves will have to contend with the Phillies, last year's NL Pennant winners, and the Expos.

The Phillies will fall short for two reasons. First, they traded one of their best starters, Terry Mulholland. Second, after having almost no injuries last year, problems are already beginning. John Kruk has testicular cancer. Although the prognosis is good, he will at least miss the beginning of the season. The Expos will come up short because their infield lacks experience and their starting pitching lacks depth.

**NL Central--**This division is filled with teams which were in contention for nothing last

year and did not bother to try and improve. Forced to choose a winner, I pick the Astros, feeling that Greg Swindell and Doug Drabek have to pitch better than they did last year. Everyone in this division is a contender.

**NL West--**This is the year the San Francisco Giants get the division title that they almost won last year. No one else in this division is close to their talent. The other three teams are the Dodgers, the Padres, and the Rockies, an expansion team last year. And the best of the bunch probably is the Rockies. Says something about the division, doesn't it?

**AL East--**This should be a great race. First, you have the two-time defending World Champion Toronto Blue Jays. Granted, they have a few holes on their team, but Pat Gillick and Cito Gaston will fix them. The rest of the team is too solid. Next, there is the vastly improved Baltimore Orioles. The team had trouble scoring last year, but, with the addition of Rafeal Palmeiro and Chris Sabo, that won't happen anymore. Pencil them in at the end. The Yankees, Tigers, and even the BoSox could compete if everything breaks their way. Look for this race to go down to the wire. My pick is the Orioles.

**AL Central--**Another division with two very strong teams. The Chicago White Sox, now that they have exiled Michael Jordan and his travelling circus to the minors, have a great shot at the division title. However, this could finally be Cleveland's year. If Charles Nagy can bounce back from a bad year and be the pitching staff's ace, Cleveland can end a long drought. I think they will do it this year.

**AL West--**The Texas Rangers are the team to beat. Question marks surround their pitching, but they have too much offense, led by Juan Gonzalez and Will Clark. This offense could be enhanced by a successful comeback by Jose Canseco. Seattle may have enough to catch them due to good pitching and hitting. It's amazing; the Mariners and the Senators (now the Rangers) are competing for a division title. Who'd of thunk it? Well, that's it for this column. See Ya.

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## Amicus computer-like rankings

## Undeclared Hoops win coveted M-W basketball crown

By BILL MADIGAN

**BASKETBALL** . . . The movies may have their Oscars, and music may have its Grammys. But the most prestigious, most coveted award for excellence and achievement in a given field is without a doubt the annual M-W 5X5 basketball crown.

After months of blood, sweat and anxious anticipation, the votes have been cast, and a champion has emerged. For the second year in a row, the title goes to Hoops. But before we get to further accolades, here is the final computer-like ranking of the M-W basketball teams:

1. Hoops
2. Delk Suxs
3. Bigger Faster Stronger
4. Severed Organs
5. Sleepin' Dogs
6. Juice
7. Hoops II
8. Crimes Against Nature
9. Court Jestors
10. Co-Trouncers
11. The Lore
12. Strict Liabilities
13. Men's C

Hoops went 7-0 this season on their way to their second straight intramural women's title. Led by 2L terrors Kerri Gilmore "Than A Feeling," Erica "Strada" Swecker, "Break of" Dawn Leporati, and Kathryn "Pizza" Hutton, Hoops evidenced their dominance once again in a 36-26 victory in the women's final. Their hapless undergraduate opponents couldn't handle the driving and dishing of Gilmore, the paint pounding of Swecker, the board crashing of Hutton, and the outside j-burying of Leporati. As 2Ls, Hoops will have a chance for a three-peat next year, and will probably have their hanging files retired when they graduate.

Delk Suxs, the only other law school team to make it to the championship game in their division, fell two points short of bringing home the t-shirts, losing 46-44 to Kappa Sigma in the finals. In a

game at times marred by undergraduate whining and atrocious ref-ing, Suxs played down to the level of their opponents for much of the game, and couldn't get back up in time to put them away. One bright spot for Suxs was the unselfish play of Brian "Damage" Platnick, who was perfect from the field and the line.

Moving up two spots, Bigger Faster Stronger was one of the few M-W teams to win a playoff game (they won two in fact). They clawed their way into the quarter-final round before being flattened by the 250's (later beaten by Delk Suxs in the semi-finals), a team that turned out to be bigger and stronger, if not faster, than our own BFS.

The only other teams to win a playoff game were #4 Severed Organs, #6 Juice, #8 Court Jestors, and #10 Co-Trouncers. And for the second year in a row, Men's C captures the bottom spot on the strength of a slaughter rule loss in the first round in the typically pathetic men's C division of the playoffs. Fortunately for us M-W sports fans, the Men of C are only 2Ls, and have vowed to reform next year to provide another season of comic relief from the intensity of M-W's good teams. Overall, M-W was a disappointing 13-12 in the playoffs.

**FLOOR HOCKEY** . . . The regular hockey season is on ice, and the playoffs have begun. The eight law school teams are all vying for the honor of being M-W's best.

Unfortunately, things don't look especially hopeful for the post-season. Only two teams were able to patch together winning seasons: 2L's Gross Misconduct in the men's B division and 1L corec-ers Co Joke. Both teams went 3-1. Overall, M-W is a wretched 13-17-1 as of this writing.

Despite the slim hopes for a M-W title, the playoffs will showcase some exciting matchups of law school teams, including the much anticipated grudge match in the first round between 3Ls Mad

Earles and 1Ls Co Joke. This game will feature the bruising, no-holds-barred style of the Earles versus the skill and finesse of the Jokesters. This battle will settle once and for all which team has the bigger sticks. Next time, we'll have some playoff results and the final rankings for all eight teams.

**SOCCER** . . . Halfway through the regular season, only two of the eight M-W teams have losing records, the appropriately titled Losers (both co-rec and men's versions), and two teams are still undefeated and untied, the pre-season favorite, the co-rec Daisies, and 1Ls Malpractice, both teams benefitting from early season wins by forfeit to pad their records.

M-W's two men's A teams, FDS (2Ls and 3Ls) and First Impressions (1Ls), met last week in a conflict reminiscent of the hard-fought battles of the U.S. invasion of Grenada. FDS sprayed the Impressions' goal with shot after shot, and when the smoked cleared, FDS had triumphed 6-1. Dave Pfefferkorn "On The Cob" led all scorers with two goals. The other four goals were contributed by Jim Lister "Ine," Jay "Green Eggs And" Hambrick, Christos Badavas "Dabba Do," and Dave "Burnin' Down The" Haas.

Upcoming intra-law school confrontations include the 2-0 Daisies versus the 1-1 Bashers, a team known for its propensity to injure itself, and the undefeated Malpractice versus the always defeated Losers.

**RACQUETBALL** . . . Congratulations to 2L "Frosted" Blake Guy who won the intramural racquetball title in the men's B division. Guy beat fellow M-Wer and pre-season favorite Lee "Don't Hang On The" Rimler (3L) in the finals to capture the crown.

**SWIMMING** . . . In an activity that for most of us is drowning prevention at best, three M-Wers excelled in a pre-Spring Break meet.

1L Kim Dustin "The Competition" took first in the 100-yard freestyle and the 100-yard individual medley. 2L Bryan Fratkin "Stein," despite the weight of his impending nuptials, buoyed to first place in the 50-yard freestyle and took fourth in the 50-yard breast. 3L Karen "Abbott And" Castello captured first in both the 50-yard freestyle and the 50-yard fly.

However, the crown jewel of the meet was the first place finish of the team of these three (plus another anonymous grad student) in the 200-yard medley relay. And to think I thought drinking was the only thing law students could do like fish. **NEXT TIME** . . . We'll have highlights from the floor hockey playoffs and a complete wrap-up of the regular season of outdoor soccer. Events that are still upcoming this semester include wrestling, track and field, golf, sand volleyball, and softball. Check the SBA window or call the rec sports office for more details. And remember, it's not whether you win or lose, but how good you look on your crutches the next day.

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**FAMILY from page 1**

continued with the idea that there is a higher divine design or law.

Dr. David Flaks, a psychologist who has researched children growing up in lesbian households and judicial presumptions against gay parents in custody cases, shared his data on families with the audience.

"Six to 14 million children live in homosexual families," Flaks said. According to Flaks' studies, gay and lesbian families are comparable to heterosexual families with respect to stability and satisfaction. Flaks' studies have also found that lesbian couples scored no worse than any other couples. Overall, he concluded that we must look at each family individually regardless of sexual orientation.

At least a dozen individuals from the audience approached the microphone to ask questions, pose hypotheticals, and respond to the panelists. One audience member posed a hypothetical which included a father, a mother, and several children who were having sex with one another and asked whether that constitutes a family.

"It's a troubled family," stated Dohrn. "You define a family by the relationships in it. . . . Whether the family is troubled or dysfunctional or not is a separate question," stated panelist Steven Pershing, the Legal Director of the American Civil Liberties Union of Virginia.

Judy Conti (3L) made a forceful statement directed at Titus. Conti's statement centered on the idea that Jesus Christ said, "'Judge not lest ye be judged.' . . . The success of a family is measured on the love, support and self-esteem that it nurtures in each individual, and that has nothing to do with sexual orientation. It has to do with the individuals in that family. . . . You and I both believe in Jesus Christ. . . . yet you are standing up here judging other people. Why don't you just let families who are non-traditional do their own thing?" she stated. Conti argued that laws can step in only when there is harm to children.

In response to a comment concerning disease rates, Dohrn stated, "If we are going to rank diseases and who has the most of them, then lesbians are God's chosen people." In closing Dohrn said, "My question to you is that the law leaves lesbians and gay men out. . . . My point is not that we must define family. We should decide what it is that

we really value. We must make our social institutions available to everyone."

Flaks stated that nothing is going to stop gays and lesbians from becoming parents. And there is no evidence to suggest that they are in any way inferior to traditional families. Flaks said we need to focus on what qualities make a family work.

Titus stated that homosexuals are not capable of the same commitment as heterosexuals. "God did not create one male for one male," stated Titus. Broadus asked why should we expand the definition of family to include other types of families. He stated that we are trying to move social institutions not by knowing why but by asking why not.

Pershing stated, "This is not about politics. It's about love. We can't deny that love exists and it's precious. All the state can do is recognize this love. That's the rock of the family." Pershing is one of the attorneys representing Sharon Bottoms, the Virginia woman whose 2-year-old son was removed from her custody because of her lesbian sexual orientation.

The organizers of the symposium were 2Ls Clay Batchelor and Scott Drabenstadt, and 1Ls Peter Owen and Danny Reed. "I think it went well. It was obviously a heated debate, but it's really a credit to William and Mary and Marshall-Wythe," stated Owen.

Smolla said he was surprised at the intensity, hostility, and hatred displayed by members of the audience. Regardless, Smolla agreed that student organizers should be proud.

The evening began with a moot court argument concerning a custody case. The father is gay; the mother is not. The father appealed the lower court decision denying him custody. 1Ls Jim Cady and Kenya Parrish were counsel for the gay father, and Ramsey Taylor and Wendall Pai were counsel for the mother. The judges hearing the case included Beatrice Dohrn, Esq., the legal director of Lambda Legal Defense and Education Fund, Professors Neal Devins and Kay Kindred, and 2Ls Gretchen Knoblauch and Mike Cox.

After much discussion between the judges, the court remanded the case to the trial court for further findings of the comparative fitness of the parents without using homosexuality as a per se bar to custody.

Professor Jayne Barnard, Acting Associate Dean at M-W, was the master of ceremonies for the symposium.

**CODE from page 1**

"They also represent a lot of experience of the Judicial Council," added Jacob. "The biggest problem in student government is that there is no institutional memory. By amending the Code we can create that. It's important that future generations have the benefit of our experience."

The proposed amendments are intended to correct several substantive and procedural weaknesses which were discovered in the current version of the Code during the trials of Kevin Kroner ('93) and Kyle Short (3L).

"Our experience has shown that there are a lot of holes in the [current] Code," explained Jacob. "The changes include the right of an accused to call witnesses, and the right of witnesses to be free from badgering. These are important procedural guarantees that were overlooked when the Code was first drafted."

Enactment of the amendments requires a two-thirds majority vote by the M-W student body and approval by Acting Dean Paul Marcus and W&M President Timothy Sullivan. Several of the proposed changes also require amendment of the SBA Constitution. The student body will vote on the amendments during the SBA election on April 7. If approved, the amendments will take effect beginning the 1994-95 academic year.

**Proposed Changes**

Among the most hotly contested changes on the ballot are proposals to include 1Ls on the Judicial Council, to establish an independent Office of the School Advocate to act as prosecutor in Code trials, to reduce the standard for confronting suspected violators, and to provide clearer definitions of Code terms such as "intent," "probable cause," and "compelling circumstances."

If the proposal regarding the Judicial Council composition is enacted, the 1994-95 Council would be composed of a third-year Chief Justice, five each of third- and second-year Associate Justices, and four first-year Associate Justices. The first-year members would be appointed to the Judicial Council by the SBA President two weeks after the election of 1L SBA representatives. The appointment process for first-years would be the same as for second- and third-year Justices.

**SOUTH from page 1**

has maligned his character by insinuating that he did lie to Congress when a jury found him not guilty of that charge. He admitted being convicted of three offenses: aiding and abetting an "un-named" witness' perjury before Congress; removing government documents from the White House (this conviction was later dropped because they had been returned); and "allowing General Serpent to put a security system around my house before leaving for Grenada because of an assassination threat by Abu Nidal."

Several students held up signs saying, "Liar," "Ollie, your nose is growing!" and "Ollie, law students don't vote for felons!" throughout his speech. While North was answering a question, an audience member burst out, "Thank you for giving Virginia a chance!" North elaborated upon his theme, explaining that today's federal government has drifted dangerously from the representative government envisioned by our country's founders, with examples of over-regulation of small businesses and private property, excessive taxes, Clinton's national health care plan, and the demise of the "traditional" American family.

If elected, North promised to champion the following causes: line-item veto, a balanced budget amendment, a supermajority requirement in Congress to raise taxes, term limits for both parties and houses, and the American family.

In closing his speech, North said, "I would be pleased to take questions. Fire away!" and the audience took him at his word, asking questions for over 45 minutes on such topics as over-regulation of land, Lyme disease, Reagan's letter denouncing North's candidacy, family definitions, Americans who lack healthcare insurance, convicted felons being set free, foreign policy, Whitewater hearings, Bosnia, taxing of capital gains, and the "don't ask, don't tell" policy towards homosexuals in the military.

At all times, North appeared comfortable and confident, even when being hissed at by the law school audience for making a derogatory comment about attorneys. While asking North about Reagan's recently published letter denouncing North's candidacy, Ken Hickox (2L) generated the biggest laugh from the audience when he referred to Ronald Reagan as the

greatest living American President. North responded by saying that his opponents had "misled a 83-year-old man that I revered" by misrepresenting his written and spoken comments. North denied ever stating he had private meetings at the White House with the President or that he was given instructions to mislead Congress.

Mary Beth Dingley (2L) asked North how he proposed to lower taxes while failing to cover the estimated 30 million uninsured Americans that use state and federally funded emergency room services to get healthcare.

North insisted that forcing employers to insure their employees diminishes the small business person's effectiveness. In redefining the health care problem, North called it a tort problem, not a doctor problem, because damage awards are way too high and doctors are not allowed to deduct the cost of care given to indigent patients from their gross income. When questioned again on the American uninsured problem, North dismissed the 30 million number and said that it really was a portability problem because most of the uninsured Americans were in transition from job to job.

Neil Lewis (1L) asked North if any other family had value except for the traditional American one. In response, North said, "every single citizen has value," but the Constitution should not be expanded to include special interest groups of any kind. North denounced intolerance of and discrimination toward special groups, but declined to create a new definition of family when the current one is perfect in that it comes from the Bible.

As was to be expected given his distinguished military background, North's ideas on foreign policy were the most specific and complete. He warned of a new world disorder in which the U.S. is making concessions to the remaining communist countries while downsizing the armed forces.

The audience would have continued to pepper the would-be Virginia Republican nominee with questions if Martha McGlothlin (2L), president of the Law School Speakers Forum, had not requested that the next question be the last.

Oliver North's speech received local news coverage. Channel 3 aired a segment on the speech in which 2Ls Michael Homans and Kathryn Hutton were interviewed.