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AMICUS CURIAE

AMERICA'S FIRST LAW SCHOOL

A Publication of *The Advocate*

VOLUME II, ISSUE SEVEN

MONDAY, NOVEMBER 25, 1991

TWENTY PAGES



AIDS educator Rob Donahue and William & Mary student John Abbott look on as alum Chad Taylor answers a question at the SERCH panel on AIDS. See story, page 6.

Greg Brummett

Moot team takes second

By STEVE SHEBEST

The Marshall-Wythe National Moot Court team of Paige Budd, Tom Jones, and Ruth Nathanson placed second in the regional tournament in Richmond, earning the right to compete at the National tournament, which is to be held January 13 in New York City.

William and Mary's other team, consisting of Dave Arnold, Elizabeth Dopp, and Carolyn Tillotson, advanced as far as the quarter-finals before being eliminated. They also earned the distinction of being the only team to defeat the team from the University of Kentucky, which went on to win the regional tournament.

Things looked promising for Marshall-Wythe after the preliminary rounds of the regional

competition, when both teams went 2-0, defeating teams hailing from North Carolina Central and Wake Forest, as well as two teams from the University of Kentucky.

In the quarter-finals, Budd, Jones and Nathanson defeated Wake Forest's second team, which had captured the best brief award. Arnold, Dopp and Tillotson lost a close round to hometown favorite University of Richmond, which Marshall-Wythe went on to beat in the semi-final round.

A distinguished panel heard arguments for the final round of the competition. The panel consisted of Chief Justice Carrico of the Virginia Supreme Court, Justice Martin of the North

See MOVIN' ON UP, page 20

Faculty debates future of M-W graduate tax program

By NANCY KILLIEN

Faculty members voted last Thursday to continue Marshall-Wythe's graduate program in tax, and passed a motion making the hiring of a tax instructor their "highest priority." Currently, professors Coven, Lee, and Donaldson are the only full-time faculty members teaching in the program.

The faculty discussed abolishing the program entirely, due in part to the conclusions of Coven, the program's director. Those conclusions were part of a report authored by an ad hoc committee appointed last year to study the program's future. In the report, distributed to faculty members before the meeting, Coven said that "until the faculty is prepared to fill the tax instructor vacancy, on either a permanent or visiting basis, the LL.M. program should not be offered."

The other committee mem-

bers, Dean Williamson and Professor Alces, differed with Coven about the necessity for an immediate hire. In the report, Williamson said "tax must be considered a high priority," but that for hiring decisions, the faculty should weigh curricular needs and consider the pool of candidates.

Alces recommended developing a part-time program using adjunct professors. At the meeting, he said, "we need to hire another tax teacher right now to keep the LL.M. program from being an embarrassment to William and Mary," but he was "not convinced that there is a commitment to hire another faculty member."

In the report, neither Williamson nor Coven fully supported a part-time program. Coven said that "a good adjunct taught, part-time program is an oxymoron."

Dean Sullivan said the future of the tax program was "a very hard issue. In one of the school's many brushes with death, the tax program saved the school in the 1950's. There are very loyal graduates of the program."

Sullivan also said that he believed Marshall-Wythe "should continue the program on a full-time basis, and that the program

needs a new person." However, he said the hiring of a new tax instructor "doesn't have to be this year," thus disagreeing with Coven.

Williamson also said College Provost Melvyn Schiavelli told him in a recent conversation that "modification of the tax program would require consultation with the Board of Visitors. Abolish-

ment of the program could result in the reduction of the size of the faculty."

Lebel, a member of the faculty appointments committee, said "our primary responsibility is to the J.D. students. The tax program detracts" from the J.D.

See GABFEST, page 20

D.C. edges 'Burg as site for talks

By GREG BRUMMETT

(Compiled from reports in the Boston Globe and the Washington Post.)

News reports earlier this month touted Williamsburg as a potential site for the next series of Mideast peace talks. It now appears that Washington, D.C. is the more likely site, if the talks are held in the United States. As recently as November 21, Israeli Prime Minister Shamir was reportedly still hoping for a Mideast venue, perhaps Cyprus, but negotiators from the Arab states appear to prefer a Washington venue.

Although the initial talks were held in Madrid, Spain, the conference participants are currently deadlocked over the site for the continuation of the talks. Israel has suggested a Mideast forum,

perhaps Jerusalem, but the Arab parties are resistant to any action which could be interpreted as *de facto* recognition of Israel's legitimacy before the treaties have been signed.

Shamir, Secretary of State Baker, and President Bush held a meeting in Washington on November 22 in an attempt to find a mutually agreeable site for the next round of talks.

While there had been no official announcement, various diplomatic sources indicate that the talks will resume in Washington during the first week of December. A French wire service report detailing an invitation to the Palestinian delegation for meetings in Washington starting December 4 supports these diplomatic sources.

The focus of the next round of

talks is the possible negotiation of treaties between Israel and Lebanon, Syria and Jordan. The Jordanian delegation will include some Palestinian members.

A subsequent round of talks focusing on regional issues such as the allocation of the scarce water resources, arms control, the environment, and the Palestinian refugees, is anticipated once the basic treaties are in force. Although a site within the Soviet Union was mentioned as a possible location for the regional talks, their expected length and political instability may prevent the selection of a Russian site.

Reports that the Williamsburg site was vetoed because of diplomats' fears that local outlet stores would distract visiting participants could not be confirmed.

— Inside this issue —

• Union alleges ULP's at Food Lion. Page 4.

• Henry Lerner on Magic Johnson. Page 9.

• Study tips for non-tools. Page 11.

• Amy Jarmon reflects on law school. Page 16.

Out of our heads

With exams looming just beyond the horizon, and the job search promising to continue into next semester for many of us, it's sometimes hard to get into the holiday spirit, let alone recognize that we are all much more fortunate than many in Williamsburg. Whether you love the 'burg or hate it, it's our home for now. As members, even transient ones, of this community, we should all try to give something back.

There are several stories and notices in this issue about community service programs seeking the assistance of the law school community. Some of them, like the Toys for Tots drive, actually offer a bonus for those of us desperately cramming now to make up for all of the time we spent on other projects during the semester. A new, unwrapped toy is a pretty small price to pay for the security that comes with knowing you can go to class without getting called on.

Other programs, like the FISH food pantry collection and the Avalon clothing drive, are programs most anyone in the law school can contribute to without even making a dent in what's left of our student loan checks. And cleaning out a closet, drawer or cupboard can be a great way to take a break from the books without amassing guilt over time spent unproductively.

So take a few minutes out of the last-minute rush to make sense of future interests or sales, and put life in perspective. God willing, none of us will ever need to call on these organizations for help, but we can all make a small contribution that will make a real difference in somebody else's life.

THE AMICUS CURIAE

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"Dedicated to the complete and objective reporting of student news and opinion"

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Letters to the Editor are not intended to reflect the opinions of the newspaper or its staff. All letters to the Editor should be submitted by 5:00 p.m. on the Wednesday prior to publication. Writers **MUST** submit their letters as computer files. Please include a double-spaced hard copy with your disk.

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.

From the Editors...

As most of you already know, the school newspaper has undergone a change in management. *The Advocate* and the *Amicus Curiae* have merged. The new law school newspaper, which will continue to be known as the *Amicus Curiae*, will be published every other week.

Our commitment to serving the law school community is unchanged. The new *Amicus* will continue to reflect the diversity of opinions and ideas found in our community. We

will adopt neither a conservative nor a liberal stance; instead we will provide a forum for all points of view. As always, readers will be free to form their own opinions based on the ideas presented in the paper.

Unfortunately, the timing of the merger left us with only a few days to prepare and publish our final edition of the semester. Consequently, many of the features normally found in *The Advocate* are absent from this issue. We hope that the regular features

of *The Advocate* will find a home in the new *Amicus*. Over the semester break, we will be talking to the reporters and columnists from *The Advocate* and inviting them to submit their columns, features and editorials.

Finally, we encourage all of our readers to contact the editorial staff with their ideas and suggestions. We feel confident that with the continued support of the law school community, the new *Amicus* will be greater than the sum of its predecessors.

Letters

To the Editor:

Your November 11, 1991, editorial, Out of Our Heads, addressing our possible building edition is based on erroneous assumptions. There are no plans to increase our enrollment. Most funding sources are available for fixed purposes only, and I have been advised by Dean Sullivan that when funded, the addition will be paid for by state monies available exclusively for building construction. I do not expect to "trade in" loan forgiveness or placement assistance for bricks and mortar. The reasons for expansion were well set forth in William DeVan's article on the page opposite your editorial. It is unfortunate that you did not heed your own reporter's information and make further inquiry before voicing such a misleading editorial opinion. Our goal is to accommodate the legitimate space needs of our community, a goal that may include library carrels for each student, proper interview and negotiation office spaces, and appropriate space for student organizations in addition to other serious needs. The addition committee not only has an SBA representative, we are making strenuous efforts to obtain student input on what facilities students believe desirable if an addition should be constructed. Contrary to your editorial, the "administration" has heard and values student opinion. Improvement of this institution requires a long term multifaceted approach.

Very truly yours,
Fredric I. Lederer
Professor of Law

To the editor:

Soon the students of Marshall-Wythe will be asked to consider a proposal regarding the school's smoking policy. As I understand the proposal, two questions will be asked:

(1) Do you believe that the smoking policy should be changed?
(2) Regardless of your answer to question 1, which of the following two areas would you designate to be the school's "smoking

area": the naugahyde station nearest the administrative offices and the moot court room, or the vestibule between the lobby and the patio?

I applaud the effort to gather community opinions about the current smoking policy. As a lifetime non-smoker, I am deeply concerned about the effects of second-hand smoke. For both health and pleasure reasons my preference is clean air rather than smoky air, and I probably will vote that the policy should be changed. However, I am appalled by the second option in question 2.

A few cursory observations about the vestibule option suggest its unreasonableness. I make no claims of personal expertise in physics, but aren't vestibules like the one at issue designed to insulate the main area of the building from the outside weather? If the vestibule option is enacted, the smokers constantly will be subjected to the very cold, wind, and other bad weather conditions against which that subroom is designed to protect. I can virtually promise that a population of cold, sick, and cranky smokers will be assuredly less pleasant than the current population of smokers at the school.

And when a door is opened between a room filled with smoke and a room not filled with smoke, doesn't the smoke generally billow into the other room until some balance is struck? If the vestibule option is enacted, the vestibule will be filled with thick smoke (many people, many cigarettes, no ventilation except the doors), and smoke will pour into the middle of the lobby every time one of the four doors between the vestibule and the lobby is opened. That result seems to defeat the entire purpose of the proposal.

Also, won't it be nice when the first impressions of the few potential employers who visit Marshall-Wythe are set against a backdrop of smokers wedged into their smoky penalty box?

Most importantly, though, I am not prepared to condemn smokers to serve some sentence

in an overcrowded glass cell just because of their ugly habit. Yes, the imagery of that analogy is proper. The government punishes criminals by forcing them to live two- or three-abreast in 6' x 8' cells. Given the large number of tobacco smokers at Marshall-Wythe, a policy that would allow smoking only in the vestibule would cram dozens of people into an area that is only twice the size of a jail cell for acting in a manner not proscribed by the law.

If the smoking of tobacco products is ever publicly criminalized, then the vestibule option might contain some hint of morality and decency. Until that day, we must not allow the significant curtailment of anyone's liberties by choosing the poorer of only two poor options proffered by an offended public figure.

Indeed, if offensiveness is the basis for the suggested incarceration, I can think of many more offensive and hurtful practices than smoking that occur with great frequency at our law school. Of course, we could never fit all the day's gossips and jerks, nor all the students with coughs or colds on a single day, into that vestibule.

Although the naugahyde station option ostracizes smokers, greatly inconveniences smokers by setting them at a distance from the library and the primary social area of the school, and simply repositions all the smoke in the law school to the area immediately adjacent to the administrative offices (an area which is frequented by dignitaries and deep pockets), the naugahyde option does, at least, allow smokers the room to sit, move, and schmooze comfortably.

Perhaps when the additions are made to the school's physical plant, a large smoking lounge will be constructed. At this time, however, only two other options are available. The vestibule option is outrageous. I am astonished that it has been proposed for serious consideration, and I will vote against it.

Sincerely,

Robert Ulmer (3L)

CASA volunteers find role drastically reduced due to DSS

By DAVID PFEFFERKORN

The role of the Williamsburg Court Appointed Special Advocates (CASA), a program staffed largely by volunteers from Marshall-Wythe, has changed due to conflicts with the Department of Social Services (DSS) and a mandate from Judge Samuel Powell of Williamsburg's Juvenile and Domestic Relations Court (J&DR). The program was originally created to act as an independent fact-finder, providing more information to the court in domestic situations involving abused or neglected children.

Now, CASA volunteers only occasionally perform investigations of a child's situation and report back to guardians ad litem or to the judge. Under the new structure, more frequently the role simply involves monitoring the effect of the judge's ruling on the child.

CASA's director and volunteers do not all agree with this new role, and there is still some conflict between DSS and CASA. Nevertheless, Judge Powell has spoken. CASA's future role will not be the one envisioned by its

founders. Instead of acting as an independent gatherer of information, CASA volunteers will follow-up on decisions made by the judge.

While CASA will continue to fill a void in the system, this revised role has been a disappointment for some who endorsed CASA's initial prerogative and feel that CASA does have something to add in the investigative stage of the process.

According to Judge Powell, new federal legislation suggests that children should be left with the parents in situations where, in the past, they have been separated. Thus there is a larger need for a monitoring body - people to check on and befriend a child who must remain in a potentially troublesome situation. Through their efforts, Powell said the CASA volunteers add immensely to a system that is ill-equipped to follow up on the effects these decisions have on the child.

The CASA organization in Williamsburg is a relatively new one, founded by the authority of the state government in 1990.

Before CASA existed in Williamsburg, DSS was the primary provider of information and recommendations for the judge in making decisions about the placement of children. In spite of the additional information that CASA was striving to provide, the existence of the organization was met with both strong resentment from DSS and practical concerns from Judge Powell.

The main objection from DSS was that information from CASA did not always agree with the Department's assessment of the situation. Powell pointed out that the efforts of CASA were often redundant, saying that teachers and counselors should not be required to give the same information to two different investigatory groups.

Originally, the CASA volunteer was envisioned as an investigator into a troublesome domestic situation where parents had developed a problem affecting their ability to adequately care for the child and DSS had determined that some action should take place with respect to the child while the parent re-

ceived treatment or counselling. As the program was designed, the CASA volunteer would be charged with interviewing the child and the parents, as well as gathering information from teachers, neighbors, counselors and any other people who have some knowledge of the situation. The volunteer would typically submit the findings to the judge or the guardian ad litem for use in the decision making process.

Now, though, the CASA volunteer's responsibilities often become a duty to monitor the situation, and ensure that the judge's ruling is having the desired effect. If, for instance, a parent drops out of a drug treatment program, the CASA volunteer would report this information back to the court for further action.

CASA volunteers go through a rigorous training program to prepare them for their work -- 20 classroom hours and eight hours of courtroom observation. They are then sworn in and become officers of the court.

This year there are eleven CASA volunteers from Marshall-

Wythe, four of whom returned to the program for a second year.

Jean Holden, director of the Williamsburg CASA program, said that the Marshall-Wythe volunteers bring a much-needed enthusiasm to the job. She notes that working with a local attorney who is appointed to represent the child gives the volunteers valuable exposure to family law issues.

In spite of all the benefits that CASA adds to the judicial system, some volunteers sense that the jealousy of DSS is the true reason for the decreased role. One volunteer, who wished to remain anonymous, noted that "Social Services, like any bureaucratic agency, got upset about other people intruding on its turf."

The unfortunate effect of DSS's jealousy is that the CASA program may not be as effective as it could be. Allegedly, some of the reports written by CASA volunteer may never reach the judge.

The anonymous volunteer

See ENVY, page 7

Ad hoc appeals committee disbanded; standing group meets

By ANDREW HERZIG

Students who have tried to appeal parking tickets this year may have been surprised to learn in the November 11 issue of the *Amicus Curiae* that their appeals were not handled by the process described on their tickets and appeal forms. The temporary change in procedure was due in large part to the delay in appointing a Traffic Appeals Committee. The Appeals Committee is now in place and, according to Committee members, appeals will be heard according to published procedures.

While the school waited for members of the Traffic Appeals Committee to receive their appointments, an ad hoc intermediate board was appointed to process pending appeals. The first meeting of the Appeals Committee was held November 11, and another meeting was held on November 21. According to Vice President for Administration and Finance William Merck, the intermediate board he chaired has been disbanded.

The delays in appointing members to the Appeals Committee are not uncommon at the College of William and Mary. Other committees and campus-wide councils experienced similar delays. Appointments to university-wide committees were not announced until October 16th this year.

School of Business Administration Professor Wagih Dafashy, a Committee member, pointed out that reviewing appeals is "a thankless job." He and the other members of the Appeals Committee said that not too many people are knocking down doors to read stacks of appeals, so it is difficult to establish the Committee. To help ease the growing backlog of

appeals, Dafashy said, Merck offered to form his own board.

Professor Hugh Easler, chair of Appeals Committee, recalled that last year the group also met for the first time in mid-November. He said that part of the delay is due to the fact that the Appeals Committee is appointed yearly. When it was suggested that the appointments could be made in the spring to avoid this delay, members said this was a good idea, but that such decisions are up to the Provost.

Let it not be said, however, that the Appeals Committee lacks enthusiasm. In fact, members agreed that, had they known they would be appointed, they would have met much earlier. They in fact expressed dissatisfaction with the way that the delay in appointing Appeals Committee members has been handled.

As for the confusion created for students by the intermediate board, Appeals Committee members seemed to have few answers. Members said they had no

knowledge that Merck's board existed, nor was Merck appointed to the Appeals Committee.

Lee Scraggs, a business graduate student and Appeals Committee member, was not surprised that Committee members knew nothing of the intermediate board's existence. He said that the only duty his group is charged with is reading appeals.

See TICKET MANIA, page 7

Brooks seeks funds for M-W yearbook

By PAM ARLUK

SBA President Richard Brooks is attempting to reclaim the over \$4500 in student fees that law students pay to the undergraduate yearbook, the *Colonial Echo*. Brooks hopes to use the money to start a yearbook for Marshall-Wythe.

Currently, every William and Mary student, including all graduate students, pay \$9 of their student fees to the *Echo*, even though a very small percent of the yearbook is devoted to graduate students. Brooks is attempting to divert the money back to the respective graduate schools through a resolution to the Publications Council. The hearing for the resolution has not been scheduled as yet.

"Although the *Colonial Echo* is a fine undergraduate yearbook, law students and graduate students are not particularly interested in a book that almost exclusively covers the undergraduate school," said Brooks. Of the 400 pages in last year's yearbook, only two were dedicated to the law school specifically, and only 30 pages were devoted to all of the graduate schools combined. This year, the *Colonial Echo*

doubled its coverage, dedicating four pages to Marshall-Wythe.

Additionally, while the *Colonial Echo* is free to all students, the yearbook is never distributed in the law school. "Heaven help them if we sent 600 law students to the undergraduate campus to pick up a yearbook," said Brooks.

Recently, Brooks made a presentation to the Publications Council, urging them to pass a resolution to divert the money currently paid by graduate students to the *Colonial Echo*, back to the respective graduate schools. The Publications Council, an independent body comprised of the editors of a variety of campus publications, is funded by the Board of Student Activities (BSA).

In 1992, the Publications Council is scheduled to renegotiate its funding contract with the BSA. Brooks' proposal would require the Publications Council to decrease the funding request for the *Colonial Echo*.

There are four representatives from the law school on the Publications Council. Professor Selassie, the faculty representa-

tive, and Paula Sinozich, the SBA appointee to the council, both have voting power. Additionally, Matt Pullen, editor-in-chief of the *Bill of Rights Journal*, and Jenny Click, editor-in-chief of the *Amicus Curiae* have a voice on the council, although neither has voting rights.

Although the hearing on the resolution has not yet been held, Brooks' proposal seemed to evoke a favorable response from law school representatives on the Council. "Richard made a powerful presentation," said Professor Selassie. Paula Sinozich said that she supports Brooks' idea, and doesn't see why the law school shouldn't be able to have its own yearbook. However, Sinozich qualified her support by saying that she doesn't believe she knows all the information, and that every person on the Publications Council is supposed to support every publication.

Janice Moseley, chairperson of the Publications Council said that there will be opposition to the resolution from the

See BROOKSBOOK, page 7

Union accuses Food Lion chain of unfair labor practices

By ANDREW SMITH

You may know that Food Lion owns three supermarkets in Williamsburg, giving it the largest presence of any of the five grocery store chains operating in this market. You may even know that Food Lion's "extra low prices" and strict cost control have made it one of the most successful food retailers of the last decade. But what you probably didn't know is that Food Lion is being accused by the United Food and Commercial Workers International Union (UFCW) of treating its workers unfairly.

UFCW alleges that the company has violated wage and hour standards, as well as a number of government regulations involving pension and health plans. Food Lion management has responded that it considers UFCW's charges harassment. The company has long resisted UFCW efforts to unionize its 50,000 member workforce.

UFCW has filed a complaint with the Department of Labor's (DOL) Wage and Hour Division on behalf of 183 current and former Food Lion employees who claim the company made them work "off the clock" through a process known as "effective scheduling." Effective scheduling is a means of controlling labor costs on a store-by-store basis, whereby each store manager is allowed a fixed number of man-hours to get a task done. Nick Clark, Assistant General Counsel for UFCW, says that while effective scheduling is "good business sense" in the abstract, in practice it can be coercive of workers.

In practice, a store manager using effective scheduling will assign a store worker a certain amount of time to complete a task. If the task is not completed

in that time, the worker will be fired. If the task is completed, but the worker says it took longer to complete, the worker will also be fired, because he or she took more than the allotted time to finish the job.

Thus workers have a strong incentive to misrepresent the time it takes them to complete a job - either they say they completed an assigned task in the allotted time, or they don't work at Food Lion anymore. UFCW's complaint with DOL alleges that Food Lion earns more than \$65 million annually - more than one-third of fiscal 1990 net profit - from off-the-clock work. In a similar case decided earlier this year, a U.S. District Court in North Carolina ordered Food Lion to pay more than \$50,000 in damages and back wages to two workers who were forced by store managers to work without pay.

Clark says that while almost all supermarkets have implemented effective scheduling in one form or another, the situation is exacerbated at Food Lion, because the workers do not have a union representative to whom they can turn. In union stores, says Clark, the union functions as "a cop on the beat," and workers may make claims anonymously. This puts union stores at a severe disadvantage vis-a-vis their non-union competitors, because they are not able to exploit off-the-clock hours like a union shop.

The grocery store business is extremely labor intensive, making lower labor costs one of the primary ways in which competitors can gain an advantage over one another. Given that grocery store workers all make about the same hourly wage, the only way supermarkets can effectively lower labor costs is to increase employee productivity. Because

the grocery store industry is not particularly sensitive to advances in technology, overworking employees without pay is a primary means of increasing productivity.

Clark contends that Food Lion does this better than anyone, and the numbers seem to bear him out. While Food Lion has a gross profit margin that is about 80 percent of its competitors', its net profit margins are more than twice the industry average. While this is good news for Wall Street - the company trades at about twice the price-to-earnings multiple of the rest of the industry - these tremendous savings in overhead have to come from somewhere, and labor costs are

far and away a supermarket's largest overhead expenditure.

The UFCW's accusations of wrongdoing do not end with the DOL complaint. The union has also filed a lawsuit in a U.S. District Court in South Carolina alleging that Food Lion is firing employees or forcing them to quit just before their pension plan begins to vest, in violation of ERISA regulations.

In accordance with federal regulations, Food Lion has established what is called a "five-year cliff" vesting schedule, whereby employee benefits from the plan vest fully upon their five year anniversary with the company, but not before. In its

complaint, UFCW says that Food Lion has wrongfully terminated employees just short of their five-year anniversaries in order to escape its obligations under the profit sharing plan. Currently, UFCW is suing on behalf of eleven employees so terminated. An undetermined number of co-plaintiffs may join the suit if it is awarded class action status.

A number of these plaintiffs are also suing Food Lion for wrongfully terminating their employment and then not providing information about their right to continuing health care

See FOOD SLAVES, page 20

Institute debates job drug testing

By HEATHER SUE RAMSEY

"There's something about the idea of Homer Simpson operating a nuclear power plant and not being tested [for drug use] that doesn't seem right," observed Professor Rodney Smolla at the Institute of Bill of Rights' symposium on Drug Testing in the Workplace. The symposium, held on Saturday, November 16, attracted a varied audience.

One highlight of the symposium was a panel discussion on the Institute's Task Force Proposal to reform drug testing laws. After admitting the concept of drafting a proposal seemed like a "half-cocked scheme" due to the seemingly insurmountable disagreements among Task Force members at the first meeting, Smolla encouraged Panel members to recount their impressions of how they eventually overcame these disagreements.

The Task Force Proposal includes model legislation that would apply to both public and private entities that wish to test

their employees. R. Claire Guthrie described lay people's misperception that their Constitutional rights protect them from both public and private actions when Constitutional rights protect us only from governmental action. Guthrie recalled telling a student at Princeton, "if you wanted Constitutional rights, you should've gone to Rutgers."

While Task Force participants initially disagreed over extending the proposed legislation to private as well as public employers, Professor Paul Marcus explained, "if we recognize an expectation of privacy, why should we distinguish between public and private [employers' drug testing]?" In describing how a urine test for drugs violates a person's privacy, panelist Craig Cornish called drug testing "a type of biochemical surveillance."

Professor Stanley Ingber, Director of the Constitutional Law Resource Center at Drake University, delivered a keynote address on how the Bill of Rights

has been a victim of the America's drug problem. Noting that "the most important victim of drugs may be the liberties we thought we possessed," Ingber examined the ways in which the Supreme Court's interpretation of the Fourth Amendment has been colored by the demands of the criminal justice system.

Ingber said that despite the Court's claim that the Fourth Amendment protects people, the Court has used it to protect places. Ingber drew his audience's attention to the greater limitations placed on searches and seizures in the home, and the lesser standards applied to cars, vans and mobile homes. Ingber said that the fact that drug dealers commonly use vans and mobile homes for their illicit transactions may restrain the Court from extending the privacy accorded the home to these vehicles.

A town meeting discussion debating the legal, public policy and scientific future of drug testing closed the symposium.



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Phi Alpha Delta sponsors Toys for Tots

By BOB DICKINSON

Have you been bothered by unwelcome, late night visitors? Perhaps it was just a bit of underdone pudding, but if you want to sleep soundly through the holidays, the Toys For Tots drive offers insurance against the Ebenezer Scrooge syndrome. On Wednesday, December 4, and Thursday, December 5, many professors will offer "Classroom Immunity" to those who take part in the drive. Classroom immunity means that students who bring a toy to qualifying classes on those dates will not be in jeopardy of being called on for class participation. Helium hands will not be prohibited from volunteering, of course, whether they bring a toy or not.

The Toys For Tots drive is sponsored at the law school by Phi Alpha Delta (PAD) legal fraternity, in cooperation with the Colonial Capital Kiwanis Club. Last year the law school community donated over two hundred and fifty toys and over one hundred dollars in cash to the drive, and had great fun in the process. Members of PAD will be in the lobby on Wednesday, December 4, and Thursday, December 5 to collect the toys after classes. Cash contributions will also be accepted.

The Toys For Tots program in Williamsburg-James City County began in 1977, sponsored by WMBG radio. In 1980, sponsorship was taken over by the Colonial Capital Kiwanis Club. At that

time, the program was serving about fifty children, identified through the Aid to Dependent Children (ADC) program.

David L. Sisk, Kiwanis member and chairman of the drive since 1981, says that the program has provided toys for over six hundred children in each of the last two years. Work on the program continues throughout the year and consists of three phases: Identifying children in need; fund raising; and purchase and distribution of the toys.

The Colonial Capital Kiwanis Club works with the Williamsburg-James City County Department of Social Services, the Community Action Agency, and the Salvation Army on the task of identifying children for Toys For Tots. Referrals are also received from area churches, well meaning friends, and from the mothers of the children themselves, Sisk said.

The Department of Social Services performs the job of qualifying families for the program. In addition to children from ADC families, those who are victims of disasters such as fires are eligible, as are kids in families suffering from underemployment due to the job crunch. Each child will receive two or three new toys, necessitating a budget of over \$10,000 this year.

The more than fifty members of Colonial Capital Kiwanis are actively involved in fund raising year round. Ac-

cording to Sisk, efforts include a letter campaign, a pancake supper, a golf tournament, and the holiday canister program, in which club members collect donations in area shopping centers. Club members provide ushering services at William and Mary basketball and football games as another means of fund raising.

The climax of each year's activity is the purchase and distribution of the toys. Over the years, Sisk has developed relationships with local merchants that allow him to purchase toys at thirty-five to forty percent of retail cost. Each child in the program will receive sixty to seventy dollars worth of toys, retail value. Parents of eligible children come to an annual "Toy Store" and pick out the toys for their kids. This year, the toy store will be located in the Outlet Mall on Route 60.

Although the drive aims at fund raising to take advantage of Sisk's discount channels, Toys For Tots welcomes the donation of new toys as well. Last year approximately \$1,500 worth of donated toys were included in the more than \$13,000 worth of toys distributed. The contribution of the law school community was appreciated. "This effort requires the efforts of many groups and individuals," Sisk said. "It's a community project. The enthusiasm of the students and faculty at Marshall-Wythe bolsters our enthusiasm for the project."

Immunity offered

As of Friday, November 22, the following professors have agreed to participate in the Toys For Tots drive on Wednesday, December 4 and Thursday December 5 by offering "Classroom Immunity" -- bring a toy to class and you won't get called on. After class, place your toy in the donation box in the lobby. Look for posters displaying an updated list the week of December 2.

Prof. Alces	Prof. Malone
Prof. Barnard	Prof. Marcus
Prof. Coven	Prof. Moliterno
Prof. Douglas	Prof. Schmidt
Prof. Gerhardt	Prof. Selassie
Prof. Lee	Prof. Zelder

David L. Sisk, chairman of the drive, recommends toys that have extra play value, such as multi-purpose toys, gender neutral toys, and toys with educational value. Toys with small parts should be avoided, as should toys that require batteries. Sisk named Etch-a-sketch, Erector Sets, Transformers, teddy bears, and books as examples of toys popular in past years.

LSC sponsors speaker from pro-choice religious coalition

By GREGG M. SCHWIND

A representative from the Religious Coalition for Abortion Rights (RCAR) spoke to a small group of students on November 12. The presentation was sponsored by Law Students For Choice.

Ellen Applebaum began by emphasizing that RCAR is for abortion rights and attacked the inaccurate assumption made by many that deeply held religious beliefs automatically translate into an anti-choice stance on abortion.

According to Applebaum, the Coalition brings together diverse religious groups who "support women being able to make decisions that are appropriate for themselves, and not only make those decisions, but being able to have access to safe and legal medical abortions."

RCAR has members from the Presbyterian, Methodist, and Episcopal churches as well as some Jewish groups. While RCAR and its member religions do not trace their stance on abortion to specific biblical passages, Applebaum said members of the group recognize the right of women to make moral decisions.

For example, the statement of the Union of American Hebrew Congregations says the group has "confidence in the ability of a

woman to exercise her ethical and religious judgment," while the Episcopal church takes the position that any legislation passed in regard to abortion "must take special care" to respect "individual conscience" and ability to decide.

In speaking to the origins of RCAR, Applebaum noted two primary factors motivating formation of the group: the religious community's concern for safe and healthy medical facilities, and the notion that "women are moral decision makers" when faced with the crisis of a problem pregnancy.

Applebaum said that a woman can make a moral decision to abort an unplanned or problem pregnancy with the guidance of her family, her minister, and above all, her conscience. Although RCAR seems a natural opponent for highly political anti-choice or pro-life groups, Applebaum said the sole purpose of the group is to educate communities, not to play the role of a political action committee.

Members of the audience pointed out, and Applebaum conceded, that there is no consensus among RCAR's members as to when life, or "personhood," begins. Also in response to questions, she said RCAR contends that any law prohibiting abortion would present a free

exercise dilemma, because it would inhibit religious people from practicing the tenets of their faith. According to Applebaum, RCAR members believe such a law would violate their religious liberty.

Applebaum's talk focused on the politics of all reproductive issues rather than the specific views of the different member-religions involved in RCAR.

Many of her comments addressed subjects such as contraception, teen pregnancy, recent state legislation, reproductive education, and the fight to preserve the 1973 Supreme Court decision *Roe v. Wade*.

Reaction to the presentation was somewhat mixed. Linda Fox(3L) said afterward, "I had hoped the discussion would be less political and legal and more

philosophical and theological." Rob Clayton (1L), said he felt it was important to have a speaker with Applebaum's perspective come to campus. "The religious right has kind of appropriated the issue [of abortion rights]," said Clayton, "I think it's important for people to know that there are legitimate pro-choice positions that religious people can take."

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SERCH panel humanizes AIDS epidemic, promotes safe sex

By BRETT JOHNSON

Having AIDS or testing positive for the HIV virus no longer happens only to "the other guy." Hoping to humanize the AIDS epidemic, Students for Ethnic, Racial & Cultural Harmony (SERCH) hosted a panel discussion on the subject November 13. Scheduled to take place before former L.A. Laker Magic Johnson's announcement that he had tested positive for the HIV virus, the panel discussion coincided with increased public attention to AIDS.

Speaking to a group of over 90 students, participants on the panel included John Abbot, a 1985 W&M graduate, Chad Taylor, a current W&M senior, and Rob Donahue, an AIDS educator and substance abuse counselor. For Abbot and Taylor, both HIV positive, the panel discussion marked the first time they have spoken publicly about living with the HIV virus.

Abbot contracted the HIV virus in the summer of 1982 between his freshman and sophomore years at W&M. Taylor, who was infected with the virus in December 1989, spoke of having unsafe sex as a result of "passion and a couple of pitchers at Paul's." Both men were able to pinpoint the particular sexual encounters from which they contracted the HIV virus, as each recalled brief bouts with serious flu-like symptoms within 10 days of the sexual contact.

Abbot discovered he was HIV positive in March 1983 while reading a *Rolling Stone* article on the then relatively unknown AIDS virus. His fears were confirmed by medical testing in 1987. Taylor, a member of the National Guard, found out he carried the HIV virus in March of 1990 while on active duty with the Army in Georgia after a routine blood test.

Both Abbot and Taylor said they initially treated the virus as their "deepest, darkest secret." Without informing his family that he had tested positive for the virus, Taylor went on a spending spree because he thought he "only had a week left to live." His purchases included a video camera in order to record a goodbye message to his parents. Taylor also wrote a "will," listing the possessions he wanted his sister to have.

Feeling guilty, and not wanting to burden his loved ones, Taylor delayed telling his parents that he had tested positive for the HIV virus. Although his family has been supportive, an initial visit to the family doctor brought out intolerance--the doctor told Taylor that AIDS was a process of natural selection.

Taylor said he has since switched doctors.

Abbot spoke of the difficulty of maintaining a positive attitude about the HIV virus, particularly because his lover is dying of AIDS. Although he tries not to project ahead to the day when he will be as sick as his lover is now, being nervous and thinking about death are everyday experiences Abbot said. As an example, he mentioned the upcoming holiday season and said that for the past 9 years he has consciously wondered, "Is this going to be my last Christmas?"

Donahue stressed the importance of having safe sex. He referred to the combination of passion and blurred judgment as a "deadly mix." As an AIDS educator, Donahue said that he is often frustrated by feeling powerless in fighting both the disease and the ignorance that accompanies it. While many heterosexuals are of the opinion that AIDS is not something they need to worry about, Donahue stressed that one-third of all new HIV virus cases occur in heterosexuals.

Young people are particularly at risk for contracting AIDS as a result of unprotected sex. Using the familiar adage that when you sleep with someone, you are actually sleeping with all of that person's former sexual partners, Donahue cited a disturbing statistic. He said, "If, while in college, you have unprotected sex with only 2 different people, it is the same as actually having slept with 586 people." Both men and women should take responsibility for using condoms, Donahue said, but women need to be aware that the risk of contracting AIDS from heterosexual intercourse is four times greater for them than for men.

The panel urged that anyone who has engaged in high-risk behavior and is worried about having contracted the HIV virus be tested. Since the HIV virus can be dormant and not show up in blood tests for over a year, Donahue recommended having an initial HIV test within 3 to 6 months of the high-risk behavior and being re-tested every 3 months for a period of up to 18 months. If tests remain negative and the person has not engaged in other high-risk behavior during the interim, he or she does not have the HIV virus.

According to the King Student Health Center, confidential AIDS testing is available for a \$10 fee. In confidential testing, students give the health center their name and student number. After pre-test counselling and signing of a consent form, the health center assigns a number to

the blood sample for identification. Actual testing of the blood sample is done at the Williamsburg Community Hospital, where samples are identified only by the number. Results of tests are returned to the health center in two weeks, but are only given out in person after showing a student I.D. The Commonwealth of Virginia requires the health center to report the names of people who test positive for the HIV virus to the public health department.

Anonymous AIDS testing is available free of charge in Virginia. With anonymous testing, identity is never known by the testing agency. Participants are given an I.D. number before testing so they can receive the test

results. Because identity is unknown, the testing agency cannot report the test results to anyone. For more information on anonymous testing, students can call the Virginia AIDS Hotline at 1-800-533-4148.

After the panel discussion, SERCH president Chris Farris said he was delighted by the large number of students who attended, filling Room 124 to capacity. A similar meeting last year attracted fewer than 20 students.

Farris attributed the increased attendance to Magic Johnson's announcement and to the lobby display case advertising the discussion. While student attendance was high, Farris was disappointed by lack of faculty turnout -- only Professor Barnard

and Associate Dean Shealy came to the meeting.

Student comments after the SERCH meeting were uniformly positive. While the panel provided valuable insights, Stephanie Coleman (2L) would have liked a little bit more practical information about protecting yourself from the HIV virus. Coleman said, "I'm hoping not to deal with AIDS personally. I want to take care of it now." Stephanie Rever (3L) described the meeting as "a moving experience."

Peter Kane (1L) wanted to "thank the panel members for being so courageous in sharing their experiences and for making an educational impact much stronger than just statistics."

VITA lets students do area taxes

By TIM HRYNICK

Many of you probably know that sinking feeling that you get when it's late in the evening on April 14 and you're looking down at a blank tax form for the first time. This year, members of the law school community can help both themselves and others to avoid this predicament by participating in VITA -- Volunteer Income Tax Assistance -- a volunteer program organized and coordinated by the Internal Revenue Service. The VITA program is designed to offer free assistance to those who cannot obtain professional help. Last year, VITA volunteers at approximately 7,000 sites nationwide assisted almost 200 million taxpayers.

The goal this year is to increase the level of involvement in the VITA program. Law students will join forces with members of the Wayne F. Gibbs Accounting Society, a main-campus organization. Candidates in the law school's LL.M. in Taxation program or the business school's M.S.T. (Masters of Science in Taxation) program, and local attorneys and accountants who attend graduate level courses in taxation are also invited to participate in this new College chapter.

There are also plans to expand the range of activities open to VITA participants. As in previous years, participants from the College will work with other VITA chapters, including the AARP and Colonial Williamsburg chapters, to assist members of the Williamsburg community in preparing their tax forms. For the first time in a number of years, however, student participant may also be able to establish their own VITA site. Other activities

under consideration include tax-counseling visits to "housebound" populations, preparation sessions for college students, and community presentations on new features of the income tax. Both the number and the nature of the activities will depend on the level of student involvement.

All students, regardless of their previous experience with the income tax, are eligible to participate in VITA. The program will begin on February 8 with a training session conducted by Barbara Barto and Patsy Carroll, VITA coordinators from the IRS's Norfolk Office. This training session, which will last from 9 A.M. to 4 P.M., covers basic return preparation, with a special emphasis on income tax problems common to students and to lower income taxpayers. Following the training sessions, participants will take a self-administered examination, which is graded by the IRS Norfolk office.

Rather than attending the training session, participants experienced in return preparation may obtain a copy of the materials used in the session and review it on their own. Student's interested in obtaining additional training by attending the IRS' Tax Counseling for the Elderly (TCE) program may be able to join members of the Colonial Williamsburg chapter in a series of training sessions to be held from January 9 to January 11. For those who cannot attend these sessions, TCE training materials will be available for self-study.

Don't wait -- because planning for VITA activities is already under way, interested students should identify themselves as soon as possible. Drop a slip

of paper with your name and phone number into the VITA hanging file (located among the student activity hanging files), or use the VITA sign-up sheet on the student activities bulletin board. Additional information about VITA will be posted immediately following Christmas Break; students who have already identified themselves will receive this information in their hanging files. If you have any questions, leave a note in the VITA hanging file, or contact Tim Hrynick, the law school's VITA coordinator.

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ENVY, from page 3

added, "Before the CASA program was created, Social Services had the judge's ear. He only saw their point of view. Then along came these volunteers who conducted independent interviews and investigations and who formed independent opinions. Naturally the people at Social Services got upset. The CASA volunteers' reports didn't always agree with Social Services' views, so the Social Services people thought they (CASA members) were wrong."

Holden admits that it has been difficult for DSS to get used to the program, and that some resentment still exists. Powell said that CASA's desired role in the system, although noble, is one that must be balanced with the procedural realities of our legal system. He noted that CASA volunteers often came to him with second and third hand information -- evidence which simply could not be used in a court.

It appears that CASA has been forced into a new shape by a system which may or may not have an adequate supply of information. Critics point out that the more information the judge has, the better he is able to make a decision that puts the child's best interests first. Judge Powell, however, feels that the new role is the place where CASA can help the most.

BROOKSBOOK, from page 3

Editor of the *Colonial Echo*. Although the *Colonial Echo* currently receives \$28,280 from the Publications Council, staff members still raise \$43,400 through advertisements to satisfy budgetary needs. Moseley was concerned that pulling out the graduate money from the *Colonial Echo* would leave the yearbook in a bind. "The money has to come from somewhere," Moseley said.

Brooks thought of a law school yearbook after discovering that members of the Class of 1987 had put together a yearbook for Marshall-Wythe. He looked into independently publishing a yearbook, but found the cost to be prohibitive. Thus, he came up with the idea to reclaim BSA money. Brooks said that he would be happy to get a percentage of the money back to start a yearbook for the law school.

Before going to the Publications Council, Brooks proposed the resolution to GAPS, the Graduate and Professional Students Association, which is comprised of the presidents of the five graduate schools at William and Mary. The resolution was passed by GAPS without opposition.

Brooks went directly to the BSA last year to request that funds be reallocated to the graduate schools, but was turned down.

TICKETMANIA, from page 3

knew nothing of the intermediate board's existence. He said that the only duty his group is charged with is reading appeals. Another committee, the Transportation Advisory Committee suggests changes in parking policy. The Advisory Committee reports to Merck, who may approve the proposals.

According to Easler, the Advisory Committee gets many of its ideas on policy from the Appeals Committee, as problems in procedure become evident from reading the appeals. Easler said that although the Advisory Committee had "forgotten" to include a member of the Appeals Committee on the Advisory Committee to communicate the former's suggestions, he himself has taken on the yoke of responsibility.

Students who receive tickets now will have their appeals reviewed by the Appeals Committee. Members of the Appeals Committee say there is a considerable backlog of appeals at present, so results may be delayed.

For those who filed an appeal before the appointments were made to the Appeals Committee, it is likely that Merck's ad hoc board reviewed it. According to Merck, his board held over a few appeals that were too complicated to immediately

decide for the Appeals Committee. The other "more straightforward appeals," -- many from the mayhem-filled first days of school -- he either granted or denied.

When asked if dissatisfied students had recourse, Appeals Committee members said that they would accept appeals of these decisions. In light of the couple of hundred appeals before them, however, they did not encourage this action.

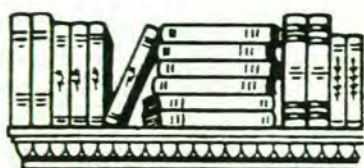
Merck added that some students had come to him personally to elucidate their claims. "William and Mary students aren't shy," he said. "They don't generally take things quietly. They [some appellants] came in and added information to their appeals." Easler explained that this behavior is not part of the accepted appeals process; rather, a second written appeal, more clearly defining the objection to the ticket, is the proper method.

The saga is not yet over, though. Dafashy said that the Faculty Assembly is considering replacing Appeals Committee, due to difficulty in finding participants and delays of up to six months in returning decisions. The Appeals Committee members, in an idealistic moment, also expressed concerns at these delays, saying they were unfair to appellants.

Both Merck and Appeals Committee members agreed on one point: equity in the school's courts is of paramount concern.

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Right to death with dignity more important now than ever

Kevin Kroner

The firestorm of controversy which surrounded the vote over Initiative 119 in Washington will come up again and again in the years to come. In today's technological society, the right to "death with dignity" is more important now than it has ever been in the past. While the initiative may have failed, the problem it sought to address continues to loom over the lives of every one of us.

Initiative 119 would have allowed a patient to receive physician assisted suicide if two doctors certified he would die within six months. The act also required that the patient's voluntary request of aid in dying be certified by two disinterested witnesses. The measure also amended the state's 1979 Natural Death Act to say that tubes for nutrition and water are among the life supports that can be withheld or removed upon written request by the patient.

Contrary to the propaganda put forth by the opposition, the initiative would have had no impact on an incompetent patient who expressed no past desire to refuse life-support. The law could not have been used to rid a family of an unwanted relative. It merely empowered the competent, terminal patient to determine the time, place, and manner of his death.

Defeat of the initiative is not the end of the issue. 64% of Americans favor physician assisted suicide for patients who request it. A Seattle-Times poll found that

support for the initiative was highest among those who have personally faced death. Of course, majority approval does not make a concept morally "right." However, it does recognize that changes in our world sometimes necessitate a reevaluation of our values.

Perhaps the greatest obstacle to physician assisted suicide is the section of the Hippocratic oath which prohibits the administration of any lethal drug. The principles of Hippocrates are eloquent in their simplicity, and will doubtless serve physicians well for centuries to come. However, it must be remembered that the oath is thousands of years old. Hippocrates could not imagine the technology available today which enables doctors to save, and maintain, the lives of patients who would have died 1,000, 100, or just 10 years ago. It is certainly possible that Hippocrates imagined this part of his oath to apply to the non-terminal patient who feels like giving up. The writings of Plato, Pythagoras, and Aristotle each contain passages referring to the permissibility of suicide in cases of terminal illness accompanied by great pain.

But this issue should not boil down to which Greek philosopher we like best. We must acknowledge the fact that some of today's medical technology maintains people in either agony or vegetation. We must also admit that, despite all of this technology, advanced hospice care cannot guarantee a pain-free death for everyone. As powerful as morphine is, it is not omnipotent. Unfortunately, the body builds a tolerance to opiates which shortens the time and the magnitude of the effect.

There appears to be some arrogance in the idea of imposing this technology upon people without their permission and then not allowing them to refuse the

treatment when it creates a life of unstoppable agony. Despite the fears of Mr. Carlson, this is not a method of ridding society of its burdens. It would not be used to rid the world of the mentally handicapped. The focus of the initiative was the voluntary consent of a competent patient.

What right have any of us to prohibit a person from declaring that he wants no more of the pain and misery that life heaps upon him? The ultimate arrogance is the doctor (or the law) who tells the patient she must endure the pain that he created, but that he does not have to experience. When I hear of a terminal patient suffering from the everyday agony of cancer say that no one in his shoes should be allowed relief, I will rethink my position.

There is also the argument that a community must have a fundamental respect for life. Euthanasia certainly can detract from this concept, but not in every case. To say that the presence of a heartbeat and brain waves is respect for life is to exalt form over substance. Respect for life also means that these tough decisions should be made by the person most directly affected.

There is no greater form of freedom or liberty than the right to choose the time of one's death. Any society which claims to protect the right of the individual to live life as he or she sees fit, must also secure the right to end life by choice.

Kevin is a 2nd year student. He received his B.S. in clinical psychology and philosophy from Vanderbilt Univ. He has worked for 9 years in the mental health field, most recently as a caseworker in diagnostic facility for emotionally disturbed teenagers.

Compassion means caring for people, not killing them

Rick Carlson

A right to die and taxes, as Ben Franklin wryly noted, are the two things we all have guaranteed. But this is not the "right" that right-to-die activists are talking about. They want to end the lives of the "burdensome" who are not leading "quality lives," or are not dying according to someone else's timetable.

Passage of Washington State's "Death with Dignity Act"

would have made it the first governmental jurisdiction in the world in which medical professionals could legally assist in suicides. The initiative was unnecessary in a state that already allowed people to direct the withdrawal of life support systems when death is imminent or when the systems artificially prolong the moment of death. Doctors have always been ethically free to withdraw extraordinary medical services, but only after they have taken every reasonable measure to care for their patient.

At stake in this debate are the most notable guidelines ever established for doctors: the first rule of medical ethics "Do no harm"; and the Hippocratic Oath, which at its heart states, "I will give no deadly medicine, even if asked." Hippocrates clearly knew that ethical doctors would be asked, and would be tempted, to "finish off" their patients. For two millennia his famous guidelines kept that from happening on any great scale. Euthanists would like to change all that. In fact, passage of such an initiative would undoubtedly lead to "suicide clinics" established by any two doctors who would attract people bringing their ill relatives from all over the country.

Notably opposed to the initiative was an organization whose members were to be the beneficiaries—the Asso-

ciation for Retarded Citizens of Washington (ARCW). The ARCW listed the following arguments against the initiative:

"(1) It demeans the dignity of people with disabilities. It promotes the prejudice of those who believe life with a disability is not worth living. Many able-bodied people cannot conceive that life in a wheelchair, or with mechanical supports, is tolerable or even desirable."

"(2) It opens the door to abuse regarding the imminence of death. The provision that two physicians can approve a voluntary lethal injection if they believe death will occur within six months does not take into account that such determination carries with it a vastly greater uncertainty than the provisions of the present law, which requires that death be 'imminent.'"

"(3) It creates the possibility of abuse of the voluntary nature of consent. Research shows the mentally retarded willingly yield to authority figures when they do not understand something. No safeguards exist to protect the true wishes of the retarded."

"(4) It does not address who is competent to make such a decision. Hence, only one deemed incompetent would be prevented from requesting assisted death, while someone whose actual intelligence was merely suspect would be killed."

Perhaps a look at the Netherlands' experience would enlighten the advocates of doctor-assisted suicide. Though euthanasia is technically illegal, Dutch doctors are permitted much more latitude in ending the lives of terminally ill patients. In 1990, the Dutch government established the Rummelink Commission to study euthanasia. It found that despite a reporting requirement, only 200 cases of the 2000 patients actually killed were reported. An additional 23,000 patients' lives were shortened by massive dosages of painkillers, in which

death was called a "side effect."

In fact, the Dutch system is so oppressive that Dr. Edmund D. Pellegrino, director of the Center for the Advanced Study of Ethics at Georgetown University revealed that, "Older and handicapped people are fearful of entering Dutch hospitals . . . Older Dutch physicians have confided to me that they are fearful of entering their own hospitals."

The most fatal aspect of the Washington initiative was that it made no allowance for the patient who had not persisted in his or her request to be killed. Thus Aunt Nellie, who in a moment of despair wished to die, would no doubt be accommodated by doctors and relatives who viewed the passage as good riddance. Additionally, the initiative would have allowed a doctor to kill the patient "who would die within six months if left untreated or is in a persistent vegetative state" yet could have lived indefinitely if provided some treatment. This relegates the ill and aging to a premature graveyard.

Finally, the result of such an Act would be to turn families against one another in a time when they need to bind together for mutual support and the support of the dying member. The hospitalization and death of a loved one is never convenient for family members, yet their convenience should not outweigh the needs of the dying. Although death and suffering produce character, unite families, and promote healthy grieving, they result in finality. For God has said, "There is a time to live and a time to die." What a terrible burden to bear for the individual who must carry the weight of deciding when its convenient for a loved one to die rather than leaving it to the only One capable of such a decision.

Rick Carlson is a third year law student. Some of the arguments were taken from an article by Michael D. Harmon.

Many are responsible for the rise of David Duke

Tobin Roth

"Between two evils, I always pick the one I haven't tried before." These were the words of the indomitable Mae West who, unfortunately for Louisiana's David Duke, was unable to vote in his November 16 gubernatorial runoff with Edwin Edwards. Despite Duke's decisive defeat, the former Grand Wizard of the Ku Klux Klan will not soon fade from politics. Speculation has included runs at the Senate, House of Representatives, or the Presidency for this wildly controversial man.

Yet the greatest speculation has attempted to label Duke and explain his phenomenon. One particularly troubling hypothesis appeared in *Newsweek's* November 4 article on Duke's candidacy, in which the magazine asked: "A G.O.P. George Wallace?" Although the comparison to the four-time Democratic Governor of Alabama initially appears accurate, a closer examination explains that the answer is "No" — on two counts.

While I am by no means an apologist for George Wallace's past, he is definitely not yesterday's David Duke. Mr. Duke's resume is now familiar news. His experience in hate and bigotry seem easily parallel to Wallace's notorious "stand in the schoolhouse door" and his segregationist rhetoric of the 1960s and 70s. But the career of George Corley Wallace reveals a man driven by lust for political power. In the 1958 Alabama Governor's race, John Patterson successfully tagged Mr. Wallace as an outsider to the Thurmond

Dixiecrat movement, thus portraying Wallace as weak on the segregation issue. From this humility came Wallace's infamous quote, "I'll never be out-niggered again" (Wallace asserts he said 'out-segged'). Accordingly, he was transformed into Segregation's standard bearer and stormed into Montgomery with victories in 1962, 1970, and 1974. Mrs. Lurleen Wallace took the helm in 1966 when the state Constitution (at that time) refused her husband two consecutive terms. Clearly, George Wallace had an iron grip on the "Heart of Dixie", and he also took his message into two strong campaigns for the White House.

But it was in his successful Gubernatorial campaign of 1982 that George Wallace disproved this current identity with David Duke. Amazingly, Wallace rode to victory with almost all of Alabama's sizeable black vote, repudiating and apologizing for his ugly past. Moreover, he was true to his supporters with an administration considered by many as the most beneficial to minorities in state history. On a personal level, I can recall a particular gesture of Wallace's ideological change. As a Freshman at The University of Alabama in 1986, I was one of 55,000 who watched the wheelchair-bound Governor crown and kiss our black Homecoming Queen. While the act itself was admittedly in a ceremonial capacity, it struck me as symbolic of just how far the politician had come. Thus, in the truer comparison, George Wallace proved a political animal who used racism to achieve his ultimate objective, while David Duke stands as an avowed racist who is utilizing politics to realize his own suspect goals.

The second "No" to *Newsweek's* question is in response to the inference that David Duke is only the Republican Party's problem. It is a fact that Duke is a nominal Republican, but he was once a Democrat and has greatly benefitted from both parties. On a state level, the Louisiana G.O.P. blundered in its handling of the October 19 general election — a costly error that allowed Duke into the runoff. With most Republican voters contemplating Duke and incumbent Buddy Roemer, the Party bigwigs foolishly endorsed a third G.O.P. candidate with the longest of odds. Apparently, the Party elite weighed their distaste for the ex-Grand Wizard and the ex-Democrat, and the latter tipped the scales.

But the Democrats of Louisiana are not without fault, either. Since their voter registration numbers are nearly 75% of the state electorate, it is obvious that many Democrats are onboard the Duke machine. Furthermore, the state Party leadership should ask itself how the only viable candidate it could produce was Edwin "Fast Eddie" Edwards. In fairness, partial explanation for the Democrats' dilemma goes to Roemer's recent defection to the Republican Party. However, it is a sad commentary that the best candidate the Louisiana Democratic Party could muster was the three-time former Governor. Edwards himself best characterized his blatant disregard for ethical and moral leadership when he quipped, "The only way I'll get in trouble is if I'm caught in bed with a dead girl or a live boy."

As for national responsibility for Duke's showing, it has been frequently suggested that George Bush and his Party re-evaluate their platform and campaigns

to discourage any more offensive candidates. While this is a sound suggestion, perhaps Ron Brown and his Democratic Party could do their own assessments. Specifically, the Dems might review their position on one of the main issues that Duke seized upon in the campaign: affirmative action. Without judging the merits of affirmative action (and they are significant), the reality is that the dissenting voices are growing louder. The resentment and disgust of these voters were evident when Jesse Helms retained his Senate seat last fall, and when Kirk Fordice toppled the Roemer-like Governor Ray Mabus of Mississippi just a few weeks ago.

Although David Duke ignored many facts and figures in his attack on affirmative action, he exploited this volatile issue so well that only his reprehensible past kept him from the Governor's Mansion. Indeed, as affirmative action programs are implemented with the noble purpose of racial equity, they are creating a backlash that is undermining racial harmony. While the objectives of the program may be worth these side effects, such ills should not be blamed on those who argued against the therapy in the first place.

In the final analysis, many of the labels and explanations for David Duke are missing the mark. Even though the debate may seem trivial since this man was handily defeated in his latest campaign, such disinterest poses dangerous consequences. For if the American public is satisfied with tagging David Duke as rehashed history, and it is content to consider him another's burden, then the future efforts to defeat this man may prove unfocused and undermanned.

Hank's World

Why all this fuss about Magic Johnson?

By HANK LERNER

"Those who get pennies from heaven should beware the winds of change."

Earvin "Magic" Johnson has tested positive for the AIDS virus.

Big, fat, hairy deal.

There are over ten million (that's a "1" with seven (7) zeros) people in the world who have the AIDS virus — more than a million in the U.S. alone. Hundreds of thousands of AIDS victims have died a horrible death at the hands of this disease, and all anybody seems to care about is that one (that's a "1" with no zeros) professional athlete has contracted it.

All across the country people were asking how such a bad thing could happen to such an innocent victim. Let me clue you in on something — Magic Johnson is not an innocent victim. Kimberly Bergalis was an innocent victim, MAGIC JOHNSON

WAS A HO! He slept around. He had unprotected sex with a large number of partners. He may not be Wilt Chamberlain, but Magic has said that he was "never at a loss for companionship" and that the reason he is unable to say where he contracted the virus is that "it's just a question of numbers." Innocent victim? I don't think so.

The initial reaction to his announcement absolutely amazed me. Within a few days Los Angeles had renamed the steps of their city hall after Magic, and the President made a special point — at his NATO news conference in Rome — of sending his condolences to Johnson and saying he was "willing to go the extra mile" to help find a cure now that Magic was ill. There was even an unofficial report that Bush had suggested boosting his approval rating by proclaiming "The United States of Magic Johnson."

Magic's response to the hoopla was to kick off a cam-

paign to promote "safe sex" in America. Oh please. A public service announcement promoting "protected promiscuity" seems to be missing the big picture.

A few days after Johnson's announcement, Vice-President Quayle gave a speech in which he suggested that abstinence might not be a bad way to go. People laughed, but people always laugh at Dan-o. In the last two weeks, however, almost every columnist I have read, from Pat Buchanan to Jesse Jackson, has made this suggestion in some form or another.

I don't think that preaching a "save-yourself-for-marriage-and-never-ever-sleep-with-anyone-else"-type of abstinence will get very far, but what about a "don't-jump-into-bed-with-every-member-of-the-opposite-sex-just-to-prove-how-cool-and-studly-you-are" version of restraint? Instead of preaching semi-safe studliness, maybe Magic should preach a mode of

behavior that downplays the major importance placed on sexual behavior — especially since the teenage audience he is trying to reach is most susceptible to this image. After all, I don't think Earvin will be practicing too much magic himself in the next few years.

Maybe, just maybe, he should be telling teens that condoms have a failure rate of about 1 in 10. Maybe he should mention that natural (lambskin) condoms are totally ineffective against sexually transmitted diseases. For those who still don't fear heterosexual transmission of the virus, it might not be bad to also let people know that over 75% of AIDS transmissions world-wide are through heterosexual contacts.

Magic presents a unique opportunity to get a message across to America, especially teenagers. He's got the right idea, but doesn't take it quite far enough. If teens believe that they can totally avoid the disease by investing in some

lubricated balloons, they are wrong. Perhaps a gentle suggestion from a widely respected role-model to "have sense, not sex," might help to slow the spread of AIDS (not to mention other STD's and pregnancy) and let America concentrate on healing itself.

MINI-EDITORIAL: Those of you who are observant may have noticed that there is one less law school newspaper. *The Advocate* seems to have been legislated out of existence by virtue of a forced merger with this paper. I suppose that by virtue of being "in charge," the Publications Council can do that, but it just doesn't seem right. Actually, I think it sucks — big time. Granted, *The Advocate* wasn't the best piece of journalism in the world, but in this wonderful capitalistic world we live in, there is something to be said for the idea of having a wee bit of competition. Oh well, maybe next year....

Test yourself with the ultimate first year exam question

By JOHN EDWARDS

Assume the following: the cable tv station was showing an NC-17 rated biography of an underage sex star which bled over to the *People's Court's* station; the loudspeaker manufacturer's specs were written in Chinese and in blue ink; the utility contractor failed to curb his dog which was subsequently run over; Hamburger Helper calls for 2 cups of water; the children looked old enough to buy the fireworks, the landlord did not; the Rosenberg Rap and Gospel show was canceled because a crowd believed it was to be a judge's convention; Z. David is not David Z., a famous fourth-year practicing law at a far-away golf course; the candidate wore blue boxers; the \$20 dollar bill was of Canadian denomination; federal regulations required water bill payments on a daily basis whenever a local nuclear plant had a 1-in-1000 chance of meltdown; due to a deeply held religious belief, Frank refused to separate his garbage; the city had a rule requiring payment of all taxes and bills on the first Monday of each month, regardless of whether the day was a national holiday; the landlord owned the house in Fee as a tenant in common with a law student who wanted a desk next to Arnie Becker; the city requires that any suit brought be pressed.

Do not assume that the cat had been spayed. Use any aid normally used in Professor Grover's class except candy wrappers. Do not leave the room unless it is to consult with another student. Return the test to me so I can use it next year. I will put it on permanent reserve for you to check your answers. If you have ques-

tions I will be chairing a seminar in D.C. If you can figure out which one it is, you may call. You have 7 minutes to complete the exam.

Answer the question following the hypothetical:

Frank was putting out his trash when Felix approached. Noticing that Frank was handling an oriental lamp which would go for thousands in any respectable Tunisian street bazaar, Felix asked the cat if Frank would be willing to sell. The cat told Felix that he could have the lamp if Felix ran around in a circle three times and paid him \$20. Not replying, Felix pinned the \$20 to his shirt and began his trek, planning to grab the lamp on his third go-around and take off for parts unknown.

Just as Felix began his third round, a giant cicada flew up and bit his head off. A motorist, shocked at the sight and eyeing the \$20, ran into a motor home driven by a gubernatorial candidate. Determined to avoid any possibility that he be taped during a phone call, the candidate always conducted all of his business via the loudspeaker mounted on the roof. The accident made the airbag go off, suffocating the gubernatorial hopeful just as he was about to further exercise his first amendment freedoms. When the airbag deflated, the candidate, now dead, fell forward and tripped a switch marked "Radar Detection Device" which caused his radio's signal to go through the loudspeaker at the same moment that the Rosenberg Rap and Gospel Band came on with their new anthem devoted to the glory of Satan and velcro.

The older couple stealing Frank's pe-

tunias went deaf. Based partially on the lyrics, and partially on the beatings they had received that day at school before they were summarily expelled for wearing Elvis pins, the children decided throw firecrackers at the old couple. The firecrackers, bought from a vendor who had disregarded regulations against selling firecrackers to minors, went off behind the old couple who, because they were now deaf, did not cringe.

Felix, having lost an enormous amount of blood as well as his head, stumbled onto Frank's land seeking help. Frank, deathly ill at the sight of blood, screamed and picked up Felix and threw him onto his neighbor's land. The cicada, giant and malformed because of herbicidal spraying done at a nearby tourist attraction, flew into a Church of Elvis just as the preacher was singing "Blue Suede Shoes".

Frank's neighbor, a fourth-year law student named Z. David, had just exited his house. He did not see the eviction notice posted to his door, a notice posted while he watched Peoples Court on the cable tv he had pirated from the cable company. Wiping the blood from his face and retrieving the \$20 bill pinned to Felix's shirt, David approached Frank. Confident that he had passed the bar the day before, he said "It appears to me that you have a tort here, and that ain't no pastry!"

Grabbing the oriental lamp, Frank began to approach David in a threatening manner, just as the police arrived. Figuring Frank was merely trying to shed some light on the situation, David began fantasizing about the case of the pensive cow,

figuring the cost of the cow, what with the time-value of money thing.

The motorist had just been served with a subpoena in a case involving her challenge to the fed's new water regs in the State Juvenile Court because her children ate Hamburger Helper. Dismayed the Wiener Wagon sold no wieners, she had eaten a ham sandwich with a bad pickle. Hallucinating, she saw Elvis holding a small office meeting about Legal Skills client M, which was to go to the judicial recusal stage. Seeing the police arrive, she jumped back into her car, screamed out "People who have long side-burns and wear sparklies are heathens!" and began to drive away.

Remembering the newly proclaimed state Church of Elvis holiday and recognizing the blasphemy, the officer took off after her on foot, too incensed to think to take his car. The officer slipped in the blood and careened into the children, still throwing firecrackers at the couple now leaving with Frank's petunias. The children, off-balance from the impact of the officer, threw one last set of firecrackers which landed in David's home in a crack leading to a gas line. David, of course, had complained to the landlord about the crack. The landlord, of course, claimed it was the city utility contractor's fault. The city utility contractor, of course, blamed the pipe manufacturer. The pipe manufacturer, of course, was now bankrupt and out of the country. The house, of course, blew up.

Based on the above hypothetical and upon the assumptions spelled out above, was there a contract?

Ask Miss Demeanor

By MISS DEMEANOR

Greetings Happy Students! I trust that all of you are looking forward to a long, relaxing holiday weekend before the grind of exams begins. Exam period is an especially dangerous time, particularly when it comes to etiquette matters. Unfortunately, final exams are often accompanied by a slight increase in the levels of stress and anxiety that Happy Students experience during the course of the semester. I cannot emphasize enough the importance of maintaining one's poise in the face of adversity.

Please, Happy Students, try to keep a firm perspective on why your friends may be acting a bit out of character, and afford them a little more patience. Remind yourself that you too may be treating those close to you somewhat differently because you're a little anxious about contingent remainders and springing executory interests. Simple courtesies can make a world of difference, so take time to turn to a classmate and say "Thank you for not stealing my outline, you overly-competitive power tool."

With that gentle warning in

mind, let's take a peek into this week's mailbag.

Dear Miss Demeanor,

Some of the less considerate first year students have been actually holding study sessions in the computer lab of the library. Usually, one of the group will type while the others discuss the topic or read to each other. I understand the urgency they must feel in putting together a good outline, but they seem to have completely forgotten that other students need to get papers and outlines finished as well, and they're making it impossible for us to concentrate. I would like to tell them that they should meet in someone's home, or write the outline in a study room and then have one member of the group type it up, but I'm not sure how to approach them. Is there a polite way to remind these people that the computer lab is not the place to hold group meetings?

signed "Deadlines of my Own"

Dear "D.O."

I most certainly agree that this type of inconsiderate behavior

should not have to be tolerated by other Happy Students who need to concentrate in the computer lab. Fortunately, the administration agrees, and has been monitoring the problem.

The problem you speak of seems to run in cycles -- it last occurred with the class of '90. At that time, the problem was eliminated by the upperclassmen themselves, who would snicker, shake their heads, or laugh uncontrollably whenever one of the little tools made a point of law. Another remedy is to offer assistance to the frightened cretins and fill their heads and outlines with erroneous information. And some frustrated second and third years simply reached over, unplugged the abusers' machines and dumped all of their work.

However, all of these solutions required members of the upper class to waste valuable study time of their own. Fortunately, the administration has decided to take action this year. In order to return the first year class to its normal size, plans have been made to covertly alert the upper classes and, at a pre-set time, gas the entire lab, thus killing off the bulk of ultra-competitive first

years and returning the class size and personality to normal levels.

Dear Miss Demeanor,

Like most law students, I find myself somewhat financially embarrassed this holiday season. I barely have enough funds to make it home for winter break, let alone buy gifts for my friends and family. What should I do?

signed "Broke and Bumming"

Dear "B.B."

Please don't allow this temporary situation to get you depressed. Certainly those people who care about you realize the predicament you're in and expect little more than a token gift or card. Most everyone has been in a financially difficult position during the holidays at one time or another.

Perhaps you can take this opportunity to be a little creative! I'm not suggesting that you take time from your studies to make gifts, but with a little imagination, you can satisfy all of your gift giving needs with I.O.U.s for personalized legal services. How about a gift certificate for free Trust and Estate work for that

wealthy Uncle? You can even be creative and make combo packages for your married relatives - a free divorce for your sister and a bankruptcy filing for your brother-in-law. Maybe insurance work for Dad, and a free manslaughter defense for Mom. If you put your mind to it, the possibilities are endless.

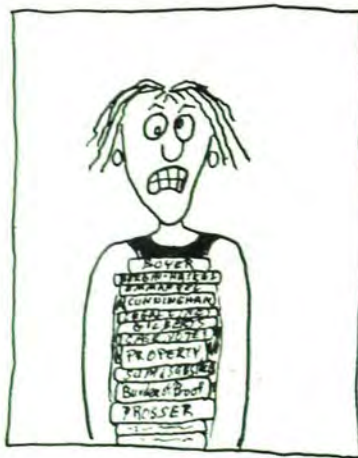
Confidential to "Are we Next?"

No. The fact that three members of the administration now have Mazda sports cars, coupled with the planned expansion, does not mean that America's oldest law school has been purchased by the Japanese. While it seems those lovable faculty folk are simply making a desperate attempt to recapture their long lost youth, I suppose they've forgotten that in their youth, the last thing they wanted was a car with no back seat.

Questions for Miss Demeanor should be placed in the Amicus Curiae hanging file. The editors will make certain that she gets them. Letters can be anonymous, and will remain that way unless Miss Demeanor figures out who you are.

Naugahyde

by Bob Dickinson



Surprise source!

First year study tips clear the way for success at exam time

By RICHARD A. HRICIK

OK, OK you can stop laughing now. "Why ME," you may be asking? Because I subscribe to the "minimum-effort-maximum-grade return" theory of law school. I feel it is my solemn duty to pass along this knowledge to the first year class.

• STUDY TIP #1 — 1-800-253-1594

Can you say study aids? No, not a venereal disease hotline but the number for Lerner Books! Believe it or not there are people who actually present material in an understandable format, something first year professors are genetically incapable of doing. As Deiter from *Sprockets* would say, "Love them! Touch them! USE THEM!"

• STUDY TIP #2 — BEFRIEND 2 and 3Ls

Take a look at the second and third year class. Pick a person whom you never see studying or attending classes, but who often came to school dressed up for interviews. Then ask them for the outlines they used to get through their first-year exams. You'd be surprised at the grades some of the Leafie regulars got simply by having those gems! Cautionary note: Some of these outlines have been handed

down from class to class over as many as ten years. For most professors this doesn't matter but keep it in mind anyway.

• STUDY TIP #3 — LOCATE THE LIBRARY

This will prove invaluable in helping to locate law geeks (see Tip #4) as this is their natural habitat. There are also other things in there, but I'm really not sure what. Maps are available free from the *Amicus*, a full service newspaper.

• STUDY TIP #4 — ACCESS A LAW GEEK, POWER TOOL, HELIUM HAND, ETC.

The cornerstone of capitalist theory rests upon the premise of acquiring wealth from the fruits of another's labor. Why should law school be an exception? All of you (to VA natives, the translation for this phrase is "Y'all") know someone who has read every assignment, hornbook and treatise and who prepared their outlines months ago. Invite them into your study group. Lie, cheat, or steal a copy. Act like a lawyer for chrissakes and get your hands on a copy. But of course, one should never violate the Honor Code!

Also, it may be easier to befriend a schmoozer who has already got their own copy. In this case, a few dollars spend on

pitchers at the Leafie could help your career tremendously.

• STUDY TIP #5 — READ THE STUFF!

For those who aren't quite sure what to do with these outlines, you must actually read them. I know, I know — they didn't tell you it would be this difficult in law camp. Then again, there is a lot they didn't tell you, e.g., parking, muggings, etc. It may require a superhuman effort since some of those outlines can be a couple of pages long and actually reading them would put serious dents in your social activities. Oh, the injustice of it all!

• STUDY TIP #6 — PSYCH OUT THE OPPOSITION

Remember the Brian Titus maxim, "Every minute you keep others from studying is as good as actually spending a minute studying." By properly organizing group happy hours, you can improve your rank in the class immensely. Other ways to hinder your classmates' studying include citing verbatim the most innocuous detailed areas of a given subject. Tell them 2L's and 3L's said it was on their exams. Even better is to discuss doctrines that don't exist. Imagine the fun of making someone spend countless hours look-

ing through numerous texts only to find their efforts were in vain. Hey! Wait a minute! That sounds like Law Review, doesn't it?

• STUDY TIP #7 — BOOT LICKING WON'T HELP

Your exams are graded by the blind. I mean your exam is blindly graded (the professor doesn't know who you are). The results however are the same. If this is news to you, I am sorry. Your undergraduate study tricks won't help here. All those apple-polishing and butt-kissing skills you honed to perfection as an undergraduate aren't going to help your grades one bit.

• STUDY TIP #8 — DRASTIC MEASURES

If you are completely convinced there is no way you can be prepared for the exams, there is still hope. Desperate times call for desperate acts! Seriously injure yourself or hospitalize a loved one so that you will be excused from exams.

If you have any other questions I'd be glad to answer them. Leave a message at the Deer Run Pro Shop or in bad weather, with any of the local mixologists who will always know where I am. But if you call me at home before noon, I'll kill ya'!!!

Collect them all! This week: the homeless of Marshall-Wythe!

More clip 'n' save Marshall-Wythe trading cards



Bobby Boy



The Drifter



Lawrence



Squeaky

Life after Law School

Ziemer leaves entertainment law to aid conservative PAC

By DAVID ZIEMER

Midwestern Correspondent

Well, it finally happened. After six months of being a law school graduate, I finally found a real legal job. So much for life on the road with the Cheatin' Hearts.

Actually, I got fired by the rest of the band, so I had no choice. One night we were singing at the Honey Bucket in Oconomowoc and I was even drunker than usual. So I was talking to the audience between songs, like all great performers do, and I asked "Does anybody out there like country Music?" and the crowd yelled back "Yeah!" Then I yelled "Anybody like to drink beer?" and got the same response. Then I yelled "Anybody out there working for minimum wage?" Everybody started yelling back with approval until some smart-ass figured out I was insulting them and tried to start a fight. Not a good scene.

The band was willing to let it slide if I promised never to do it again. But when, after the show, I tried to get them to quit the musicians union and join the Industrial Workers of the World, I went too far. They could stand an urban lawyer snob for their Hank Williams coverman, but a socialist urban lawyer snob was just too much.

So now I've got this great job in the legal department of a conservative PAC called Businesses Against Fraudulent Slip-and-Falls. Whenever it snows, we go from one member's place of business to the next, shoveling snow and spreading salt to melt the ice.

It's kind of seasonal work but, you know, that's the way real world legal practice is. You get more homicides in the summer, and more slip-and-falls in the winter. At least I'm in the right part of the country to be a "tort specialist." Up here in Wisconsin, we get a lot more "snow days" than "It's hot and humid; therefore I kill" days.

Which reminds me. Those of you who actually have interviews, don't be schmoozed by those Northern law firms that do all of their interviewing and call-backs in September. The world class cultural amenities, ethnic neighborhoods and plethora of professional sports teams they always boast of are only subjective assets. Inches of snow and degrees below zero are real, objective liabilities that CAN be measured and truly suck.

But of course, if life were perfect, there'd be no need for lawyers. Then you'd all have to go to work every day, instead of sleeping till noon and getting drunk all night. (I trust that's still what law school consists of.) And me, why I'd have to get a job doing manual labor instead of working in a nice, cushy job for a PAC and shoveling snow. Yes indeed, wherever life sucks the most is the place for a lawyer to be.

This is actually the first time I've ever truly enjoyed the coming of winter. It should do wonders for my moonlight law practice -- I can just see all those cars sliding on the snow and ice, hitting and damaging people and property. And a third of those damages are just for me!

Money may not buy happiness, but misery can sure bring in a lot of money if you have a J.D. after your name.

Perhaps winter will bring in so many lawsuits that I'll be able to practice full-time and resign from the PAC. That public interest stuff is strictly for the birds anyway. I'm really only doing it to get expertise for when I practice full-time and can file fraudulent complaints of my own.

Of course, I'd rather file legitimate claims, but really, insurance companies only pay on the fraudulent claims any-

way. What am I to do, work for justice or money? The question kind of answers itself. In the meantime, I'll just keep working for the PAC, dressing warm, and pretending to be concerned about the protection and restoration of private property in this once-great nation of ours.

Take care, and if you happen to be foolish enough to go up North over vacation, watch your step. If you don't, just give me a call. There are two things this world will never have a shortage of: liars and thieves. So what's one more?



Just back from a spin around the 'burg, debonaire Dean Danny, er Tim, Sullivan poses with his new RX-7.

Greg Brummett

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THE
TRADITION
CONTINUES

**Green
Leaf**

Uprising: Tuesday, November 26
Rasmel: Tuesday, December 3
Uprising: Tuesday, December 10

Kathy Frahm

Long a fixture of the law school lobby, Kathy claims she "Just gets too distracted studying at home." While those who don't know her well may find this excuse plausible, Kathy also claims to be sharing an apartment with Robert Bryant, prompting many to question the existence of any possible distraction, since Robert has never been seen leaving the law school. While these two hapless third years can be commended for at least sticking to their story, Professor Moliterno has privately expressed dismay that even after a full two years of Legal Skills, they haven't learned to tell the type of believable lies befitting members of the legal profession.

Lawrence l'Anson

Although the last name evokes a rich, proud history in Virginia, many wonder if Lawrence isn't using an alias. How else can one explain his desire to spend hours in the spartan conditions of the library, rather than in the comfortable digs befitting a relative of one of Virginia's most distinguished jurists? Those close to Lawrence though, swear that he is not an imposter, but only a dedicated student trying to escape the strange proclivities of his alleged roommate, granola-eating Californian Sean Sell.

Mark Donald

No one knows where Mark came from, and Dean Shealy is still not sure how he got into the first year class. While he claims an aversion to personal property as the explanation for his transient status, criminal records in several states list a man of almost identical description wanted for numerous heists of expensive foreign sports cars. While no one in the administration has been able to confirm the similarities between the suspect and Mark, the Dean was seen in Ames last week, pricing anti-theft devices for his new RX-7.

Robert Bryant

Robert took the position of Chief Justice on the Moot Court Board so he could keep his pillow in the team's office. Although he once had a promising career in banking, his world came crashing down around his ears when underlings on his staff were accused of embezzlement. Recognizing the handwriting on the wall, Bobby beat a hasty retreat to his alma mater, and was able to work out a plea agreement that called only for restitution. Still, it was a mighty hefty amount of money. Not only is Robert unable to pay rent, but this year he was forced to take a position as a Legal Skills T.A.

A kinder, gentler SBA

SBA President, Richard Brooks, described his regime as a "kinder, gentler" student government after cancelling the SBA meeting last Wednesday. At a private interview, Brooks explained, "With finals approaching, I thought I'd give everyone a break." If only that were true. What Brooks really meant was that he had a semester's worth of work to do in three weeks and no time for meetings.

Nevertheless, Brooks had some information to divulge. Brooks noted that the smoking referendum has been postponed until January and that arrangements for Barrister's Ball have been made. The event will be held at The Lodge as promised, but Brooks had no comment on the issue of new taxes. Tickets for the February 22nd shindig will cost \$20 per person. Sales begin immediately following winter break. Brooks said, "Two hundred tickets must be sold by the end of January or there will be no ball." For some reason, The Lodge questions SBA's fiscal integrity.

In other SBA news, commencement plans are underway. Jessica Lynch has secured Phi Beta Kappa Hall as an alternative location in case of rain. Realizing that inclement weather would be the only way he would ever get into Phi Beta Kappa, Brooks was last seen practicing his rain dance.

In closing, Brooks issued a warning to the Marshall-Wythe community in light of the upcoming holiday. Displaying his knowledge of bacterial infections, Brooks urged, "Eat your stuffing at the table; avoid the temptation to let it sit out for several hours."

— Suzanne FitzGerald

LSIC sponsors food drive

As the days grow shorter and colder, the thoughts of Marshall-Wythe students inevitably turn to Thanksgiving turkeys (exams), holiday shopping (exams), vacation breaks with family and friends (exams), and last, but not least, exams. Lest we become too wrapped up in either the coziness of the holiday or the terror of exams, Law Students Involved in the Community (LSIC) is sponsoring a food drive to benefit the local food pantry, FISH.

FISH is an ecumenical volunteer organization that has operated in Williamsburg since 1975. According to FISH volunteer Karen Berquist, the food pantry distributes three-day supplies of canned, non-perishable food to families in the community. Many of these families are in need of emergency food supplies as a result of disasters or to supplement gaps in other forms of community support. In 1990, the pantry served nearly 4000 people.

Boxes for food donations are located in the student lounge next to the hanging files. Donations of canned goods, soups, rice or pasta, and peanut butter are especially appreciated. Donations for FISH will be accepted through the end of the exam period.

—Paula Hannaford

Home for the Holidays

Need a ride? Want someone to share the expenses on your drive home? Phi Alpha Delta has created a "ride board" to help connect riders and drivers. The board is the result of an idea offered by PAD member Kate Atkins (3L). Atkins said that she had been interested in the project since her first year.

The ride board is located with the student organization bulletin boards. It consists of pegs labeled with different areas of the state and country, for example, Richmond, Norfolk, and Washington D.C.; South, Northeast, and Midwest. If you want to find a ride and share costs, fill out a white card and hang it on the peg for the area of your destination. If you are looking for riders, fill out a colored card. Blank cards are available on the board. In both instances, include when and where you want to go. Share the ride and save!

—Bob Dickinson

Firm plans new community program

Going back to high school may strike most law students as a frightening prospect. But don't worry, this time you won't have to suffer through the horrors of gym class. Starting next semester, Marshall-Wythe students will have the opportunity to help teach local high school and middle school kids about the role of law in society and government.

Initial involvement for Marshall-Wythe students will include a brief training session and one or more excursions into local high schools and/or middle schools. Students will work with government and social studies teachers to educate the kids about how laws, courts and lawyers function within the American governmental structure. The program, organized by the legal skills firm of Lederer, Posey, DeVan and Rothstein, will provide an opportunity to use that all that stuff they teach in Con Law. All students are encouraged to get involved.

Members of the firm hope that next semester will mark the beginning of a continuing effort to improve the educational opportunities available in the local schools. Becoming involved in the program in this early stage has its advantages for law students as well. First, the initial commitment will be limited. The program will be starting slowly, and the total time commitment for the spring semester will probably be less than ten hours. Second, for students interested in law-related education will have an opportunity to increase their level of involvement.

Announcements for an organizational meeting will be posted in January. With sufficient involvement, the firm hopes to start a meaningful, mutually-beneficial working relationship between the law school community and the kids and educators in the surrounding schools. Any comments, questions or suggestions about the new program should be directed to Mike Hirn (1L).

—Mike Hirn

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Dancing about architecture

Exam freak-out holiday buying Guide

By KEVIN WALSH

Here we are again at that magical time of the year when the world takes some time out and sings sweet songs about peace on earth, goodwill to men and chestnuts roasting on open fires. As law students, we are driven to the verge of psychosis by exams. I've got your goodwill. Ho ho ho.

One of the myriad reasons why fruit cake just doesn't make it as a cool gift is that the best kind of gift, of course, is the kind that keeps on giving. The second best kind of gift is the kind that's pretty cheap and easy to find at the last minute.

So, let's recap: Keeps on giving, cheap, easy to find. No, I'm not talking about warts. This is a music column, for Chrissakes, and its Christmas time. I'm talking about music.

Christmas Records

Even though I've always questioned the wisdom of giving Christmas records as gifts for Christmas (you essentially give the person a whole day of enjoyment and then they have to wait until the next November or so), there are a few neat Christmas releases that everyone should know about. The best Christmas record of all time is *A Christmas Gift from Phil Spector*. Phil Spector was a great producer in the early 60s and this record is filled songs by the (now) obscure black groups he produced. Almost entirely Christmas standards, from the dramatic reading of "Rudolph The Red-Nosed Reindeer" to the big band sound of "Marshmallow World" to the galloping, soaring "The Bells of St. Mary's," this album captures the feeling of longing and optimism present in late December and almost no other time. Best of all is "Christmas (Baby Please Come Home)," the album's only original, sung powerfully and beautifully by Darlene Love. U2's version of this song on 1987's *A Very Special Christmas* only hinted at the strength and emotion of this version.

For the Nuevo Wave-o on your Christmas List, IRS released *Just In Time For Christmas* last year around this time. This one's really a hit-and-miss collection, but a few stand-out tracks make it worth your while. Squeeze's excellent Christmas original, "Christmas Day" and Timbuk 3's world peace anthem "All I Want For Christmas" are stand-outs, with the dB's country-tinged "Home For The Holidays" and Dread Zeppelin's combined "Dazed and Confused" with "Viva Las Vegas" also adding to the collection's overall quality. Torch Song's "Hark", a disco take on "Hark The Herald Angels Sing", and Wall of Voodoo's "Shouldn't Have Given Him A Gun For Christmas" are the bottom of the barrel. In between are Go-Gos imitators, Rebel Pebbles, doing a neat peppy original "Cool Yule" and the Reckless Sleepers (Jules Shear's band) doing Booker T.'s "Every Day Will Be Like A Holiday" among others.

The best Christmas release I've heard this year is Atlantic's re-release of *Soul*

Christmas, an outstanding collection of songs by well-known and not-so-well-known soul artists. There really aren't enough superlatives to describe this album. Including a lavish 20-page booklet with pictures and extensive liner notes, this 20-song set boasts crystal-clear sound and consistently superb performances. Otis Redding does a version of "White Christmas" which is so desolate and grim that it forces the listener to wonder if it was a racist song in the first place. "This Christmas" by Donny Hathaway is a horn-driven, energetic scorcher that manages to be both soulful and in the spirit of the holidays. Clarence Carter's over-the-top "Back Door Santa" combines Christmas and raw sex with incredible results, including the classic lyric "I ain't like old Saint Nick / He don't come but once a year." The set is rounded out by two versions of Luther Vandross's "May Christmas Bring You Happiness", songs by the Drifters, Otis & Carla, The Impressions, King Curtis, Joe Tex and two great instrumentals by Booker T and the MGs, among others. This is one for the archives.

CD Singles

For the more money-conscious among us, CD singles offer a cheap (\$5-\$6) alternative to buying someone a whole album. Especially if you have a specific group or song in mind for someone, giving CD singles can be the best of both worlds - offering both the known and the unknown. The best CD singles are those which include the hit song, along with some live or unreleased material. For instance, the Smithereens' "Top of The Pops" CD single included an unreleased B-side, an acoustic version of their last hit, "A Girl Like You," plus covers of "Shakin' All Over" and the obscure Beatles track "One After 909". All in all, the single was better than the whole album and about \$9 cheaper. Record companies seem to be releasing CD singles if a) the song is pretty popular on the radio or b) the song is by an up-and-coming artist. Artists as diverse as Lloyd Cole, Crowded House, Naughty By Nature, Morrissey, and PM Dawn have great CD singles out now. Check your friendly neighborhood record store for more details.

For The Kids

Although it was released last summer, Disney's *For Our Children* is a natural for holiday gift-giving, especially for little kids. It's hard enough to think of a universe containing both Debbie Gibson and Bob Dylan, much less this excellent 20-song album. The album also contains performances by ex-Beach Boy Brian Wilson, Meryl Streep, Paula Abdul and Sting. Bruce Springsteen's "Chicken Lips and Lizard Hips" is like "Calvin and Hobbes" set to music and Little Richard's frenetic "The Itsy Bitsy Spider" has to be heard to be believed. Dylan's version of "This Old Man" sounds like some kind of sublime joke, while Paul McCartney's

previously released "Mary Had A Little Lamb" makes clear everything that's ever been annoying about McCartney. Parent-pleasers James Taylor, Elton John, Barbara Streisand, Jackson Browne and Bette Midler are also included.

Disney is donating a significant amount of the *For Our Children* proceeds to the Pediatric AIDS Foundation, so your money is going toward a good cause too.

New Releases

The Pet Shop Boys have released a greatest hits compilation called *Discography* that might be worth investigating for the disco-aficionado on your list. The set compiles all their singles (including "West End Girls," "Rent," "Always On My Mind," "What Have I Done To Deserve This," among others) as well as two new songs. The Pet Shop Boys have always been a dubious album proposition, at best, so this collection might be the perfect vehicle for what has always been essentially a singles band.

For the Springsteen fan on your list, while they're waiting for the Boss's new album (now slated for an early 1992 re-

lease), pick up Southside Johnny and the Asbury Jukes latest effort, called *Better Days*. The single "It's Been A Long Time" includes performances by Springsteen and Little Steven and is a classic slice of New Jersey bar band rock, with a great horn track and some propulsive drumming by ex-E Streeter Max Weinberg. The whole album, produced by — and with most of the songs written by Little Steven — sounds like a great party between a bunch of old friends who are just remembering how fun it is to hang out together. Standout tracks include Springsteen original "All The Way Home", the rocking opening track "Coming Back" and title track "Better Days". The only real piece of crap on the album is the cliché-ridden Huey Lewis-like rocker "I've Been Workin' Too Hard" which, coincidentally, features a cameo by cliché-prone rocker Jon Bon Jovi.

Other new releases to keep an eye out for before Christmas include the new U2 album *Achtung Baby*, the new Phil Spector box set *Back To Mono*, and the supposedly excellent new Clash box set *The Clash On Broadway*.

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Movie review

Cape Fear proves a suspenseful place to visit

By R.L. CLAY

Cape Fear - R

CAST: Robert DeNiro, Nick Nolte, Jessica Lange and Juliette Lewis.

Cape Fear follows the obsessive efforts of a psychotic ex-con who seeks revenge on the attorney he feels screwed him. Unfortunately, the attorney's action may cause some of us future guardians of justice to ponder what our own conscience might have dictated had we been placed in a similar situation. *Cape Fear* is best as a no brainer though. Leave the pondering of ethics for legal skills or at least until after the credits. Suspense is what *Cape Fear* offers.

If there is an overused analogy in movie reviews it's the invocation of Hitchcock in conveying the "feel" of a movie. In this case, it fits. Martin Scorsese, who's directed films such as *Goodfellas* and *The Last Temptation of Christ*, uses odd camera angles, strange lighting and often unfulfilled tension in a manner even the great one himself would be proud to of. Scorsese does add one component that Hitchcock never touched -- gruesomeness. There are a few scenes that the weak of stomach may need to turn away from.

The cast of *Cape Fear* is superlative (I don't want to use words like superlative, but I have to, this is Showbiz after all), and they act the part, pardon the pun. Robert DeNiro, Nick Nolte and Jessica Lange headline but *Cape* also has Joe Don Baker (Walking Tall), Robert Mitchum, Gregory Peck and newcomer, Juliette Lewis who portrays the daughter of the Nolte/Lange couple.

DeNiro plays a real sweet-heart, sort of a combination Charlie Manson and Rocky. Unfortunately for attorney Nolte, DeNiro has Manson's personality, and Rocky's toughness. DeNiro is great. So good, in fact, that his character may become a cult hero to white trash -- that's how the character refers to himself -- everywhere. DeNiro's character in 10 words or less: ruthless, avenging, intelligent, sexually deviant, detail oriented, philosophical, physically fit. Sounds like a fun guy, huh?

Nolte and Lange are a married couple who have had a few rough times, in the marital sense. Nolte is an average (attorney) person who tries hard, but just can't quite let his better nature rule his existence. Lange is a neurotic housewife stereotype, jealous (with good reason) and paranoid, but above all, a good-hearted person. Both Nolte and Lange do wonderful work.

Lewis, is the best surprise of the movie, an unknown who holds her own when surrounded by some of the best Hollywood has to offer. She plays the part to perfection: curious, sweet, awkward, innocent and confused in equal portions. And best of all she's not cut from the Hollywood mold, you know, blonde and buxom with long legs. I'm sure we'll be seeing her in the future.

The cast is rounded out by some well known actors in bit roles, all beautifully conceived and equally well executed. Joe Don Baker plays an "ends justify the means" sort of individual, Robert Mitchum portrays a "Me first" character and Gregory Peck plays righteous indignation to the

hilt. All are exemplary performances.

All in all, *Cape Fear* is a very good film, but remember, it's intention is to create fear and suspense. If you don't like those feelings, this film isn't for you. If you do enjoy those sensations, then give it a try.

MOVIES AT LARGE

This weeks video genre: Mindless Humor.

These are movies that are funny.

There's no reason why they're funny, and you're ashamed to admit you like them, but they transcend reason. In other words, they're the movies we need during finals.

Animal House: Raunchy, raucous, road trip-drunken binge stuff with snappy tunes, lyrics that aren't difficult to remember and John Belushi. Need I say more?

Airplane: Intelligent slapstick,

but this can only be appreciated if you avoid senseless humor for a few weeks. *Airplane* has been copied so many times, badly I might add, that it is diminished by its imitators but the original is a classic.

Life of Brian: Monty Python at its best. Cheesemakers, naked messiahs and Roman bureaucrats with speech impediments. This is a film with a message: look on the bright side of life....amen!!!

Book review

A Harlequin Romance follow-up to *Gone With the Wind* saga

By HEATHER SUE RAMSEY

Scarlett by Alexandra Ripley

Having undertaken the formidable task of creating a sequel to Margaret Mitchell's *Gone With the Wind*, Ms. Ripley performs admirably. This is not to say that the sequel equals the original, because it does not, but rather to say that *Scarlett* complements *GWTW* delightfully. Ms. Ripley, a born and bred Southerner, obviously loves *GWTW* and painstakingly researched the original to develop the sequel.

The character development in the sequel is not as full and rich as that in the original, with the notable exception of Scarlett herself. Scarlett enters social groups very different from those of her antebellum Georgia, and finds the pleasure and beauty in each. Perhaps inadvertent hints at the depths of Scarlett's

strengths and weaknesses found in *GWTW* allowed Ms. Ripley to let Scarlett grow from a self-possessed belle to a self-aware woman. Through this maturation, *Scarlett* becomes a love story about a woman coping with love, not searching for it.

Ms. Ripley's admiration for *GWTW* lulls her into believing that everyone knows the characters in the original too well for her to develop them further for the reader who remembers them, or give them the introduction they deserve to the reader making their first acquaintance.

The sentimental scene of Scarlett unselfishly nursing the ailing Mammy cannot be as poignant for readers unaware of their relationship through Scarlett's childhood. Since Mammy's character isn't redeveloped well in the sequel, her words and actions are too easily

dismissed.

This lack of character development aside, *Scarlett* easily stands on its own for what it is: an exceedingly well written romance novel. The reader who yearns for a Harlequin romance to alleviate the intense boredom of *Farnsworth on Contracts* will find a charming story without mentally stooping so low. And the reader raised on the victories and defeats of Scarlett and her world will enjoy Scarlett's introduction to post-war Charleston society and the whirl of excitement that Scarlett's mere presence stirs.

If you haven't read *Gone With the Wind*, read that first. If you remember reading *GWTW* fondly, read *Scarlett*. If you only watched the movie, shame on you. But don't miss the Hollywood version of *Scarlett*, which can't be far off.

Double Vision video reviews

Humor and intrigue now available for home viewing

By STEVE SCHOFIELD and MICHAEL REYNOLDS

What About Bob? - (1991; starring Bill Murray, Richard Dreyfuss; directed by Frank Oz)

Successful psychiatrist Dr. Leo Marvin, played by Dreyfuss, gets a new patient on the day before his big summer vacation. The only problem is that the patient, Bob Wiley, portrayed by Bill Murray, wants to see the doctor all the time.

Bob, a harmless but neurotic hypochondriac, thus follows the doctor and his family to New Hampshire, much to the chagrin of Marvin but to the delight of his family. Bob works his way into Marvin's family and ends

up seriously aggravating Marvin, who is an egotistical jerk.

Essentially a one joke movie, *What about Bob?* does have its comic moments and endearing features. The humor is somewhat cartoonish, reminding one of a demented Roadrunner & Coyote cartoon. Murray delves into his bag of clown faces often, yet he seems to be getting a bit tired of the same old routine. Another drawback is that if you've seen the commercials, you've seen the movie.

It definitely has some good laughs but unfortunately there is little more. Both of these fine comic actors have done much better work, but even at half-speed, these guys are still entertaining. We give it a generally good recommendation if you're into silly humor.

Mortal Thoughts - (1991; starring Demi Moore, Glenine Headly, Bruce Willis; directed by Alan Rudolph)

Ethereal story of a killing and the effect it had on the two women involved, as told through a series of flashbacks based on the recollections of Cynthia, played by Moore. She is the best friend of Joyce, portrayed by Headly, who is married to Jimmy (Willis).

Jimmy is a violent and irrational husband whose occupation seemed to be snorting coke and beating his wife. Jimmy is killed and the movie moves forward to explore the question of what really happened before and after his death. It becomes a fascinating exercise in causing the viewer to wonder what is fact and what is illusion.

This riveting drama has a complex plot and an eerie tone. The viewer is never quite sure what will happen next. This is the rare film that actually creates interest as the story unfolds and the questions accumulate. Your attention is demanded throughout the film, as each detail is examined.

Solid acting and directing also contribute to the overall quality of the intricate storyline. Harvey Kietel was especially good in a short, understated role as a police officer.

This is definitely not your average action thriller because of its unique way of generating suspense and tension. We highly recommend this overlooked film, especially for those who like intrigue.

How the Cookie Crumbles: A Chinese view on Law School

By AMY JARMON

Chinese food is a favorite with many law students. It's cheap and fast--two major criteria. And with four Chinese restaurants in town, you can get to a restaurant in minutes no matter where you are. Also, those cute little cartons are great for leftovers to heat up in the microwave in the student lounge the next day. Besides, where else in town do you get the true philosophical view on the law--the fortune cookie.

As a 1L, the first time I went out for dinner with another law student, we decided on Chinese. Both of us had been plugging away mercilessly at the books for several weeks. As older students we were suffering from the effects of rusty study skills, of doubts about our ever being competent again, and of starvation for the real world outside Marshall-Wythe. After a great meal at Hsing Ling and mutual consolation about our law school bewilderment, the moment arrived for the fortune cookies.

Now, I have eaten at Hsing Ling for fifteen years with the occasional fortune cookies which made sense in my own life. Once upon a time, I was married to a sociology professor, and he received: "The criminal commits the crime: society prepares the crime." But basically, I was a skeptic. Like horoscopes, fortune cookies seemed too generic and contrived.

I opened my cookie with nonchalance. It read: "You will win success in whatever calling you adopt." How's that for being on point for a law student in the throes of wondering why she has been crazy enough to give up a successful career, very nice salary, and beautiful home to subject herself to the manic-depressive experience of a legal education? I began to feel that something eerie must be happening in the fortune cookie factory; maybe V.C. Andrews or Stephen King could use this plot idea.

The next time I went for Chinese food first year, I was really down. The most excitement I'd had in two months had been going grocery shopping and finding a sale on Little Debbie fig cakes.

There are several disadvantages to being in law school at my age. You're significantly older than most of the male students in the entire student body, not to mention some of your profs. You have to work to support your law school habit, and have no time for romance, even if it did come along. And financially, you're at a point where you would really rather be practical about the whole thing and find a wealthy 95 year old. I opened my fortune cookie and it read: "When time permits, your personal life will be exciting." Okay, so I have to wait three years. Is that too big a price to pay for a J.D. degree?

Right before 1L first semester exams, I went back for Chinese food. By now, I was a little anxious as I opened up my fortune cookie, but tried to use an objective standard. The message was: "The laws sometimes sleep, but never die." Taking this to heart, I stayed up until almost 2 a.m. studying for my contracts final. Of course I overslept, and woke up for the 9:00 exam at 10:30-- a 1L nightmare!

For those who are wondering about the

administrative policy, I got to take the exam and was given three hours to complete it. In return, my grade was dropped from an "X+" to an "X". I was just glad it wasn't an automatic "F", like it would have been under the strict faculty policy I (rather ironically) enforced as a dean at the undergraduate college for 9 years!

During the second semester of first year, I worked two jobs for over half of the semester. I went back to Hsing Ling. My fortune read: "A friend asks only for your time, not your money." Good thing! I was having trouble making ends meet, and had figured out that all of my savings would be gone by February of March. Time I could eek out, but money was another story! Ah, the privilege of amassing even more loan debt when I hadn't even paid off all the loans from the last graduate degree.

Second year was a virtual nightmare for me. I was broke. I wasn't finding my niche in the job market. (What's that song from *Meet me in St. Louis*? Ding, ding, ding goes the trolley?) Then the summer funding for my job in England fell through. Ever the optimist, I succumbed to the temptation of another bit of wisdom from the sages. It read: "Life is a tragedy for those who feel and a comedy for those who think."

As those of you who've known me for three years may have guessed, I'm a feeler. Fortunately, after a lot of tears, pep talks from profs and friends, and sessions with the nice folks in the counselling center, I got my perspective back.

Within weeks, I went back for more Chinese. The fortune said: "Good news will come to you from far away." Shortly afterwards, my British firm agreed to take me on for five weeks for academic credit. Then Professor Williams decided to hire me as a Program Assistant for the Exeter program. England, which had looked like such a dream, became a reality.

Preparing for exams after weeks of being academically non-functional is a real experience. Stopping by Hsing Ling for a quick meal on the run, I opened my cookie without really thinking about the significance of the act. It read: "A good time to finish up old tasks." Yeah, like the hundreds of pages I was behind in every course, and the outlines I hadn't even started. Fortunately, I'm well organized in a crunch and had learned more from classes than I had thought.

So, what has third year brought in the way of wisdom so far? The first try at the fortune game got me: "You have a deep appreciation for the arts and music." I think this was referring to my 3L penchant for reading novels and watching inane movies on cable when I'm too tired to study. Everyone always said 3L's had a different attitude.

A few weeks ago I received a fortune that said: "you will be travelling and coming into a fortune." I had been trying to get an Articled Clerk position with an English firm but the chances looked bleak because the hiring cycle for these type of jobs in England runs two years ahead. And we thought we had it rough here in the States! Shortly after reading this fortune, I found out I would be travelling to England for October interviews. As far as coming into a fortune, well, I'm filling out

new loan papers for an SLS.

I'm now a believer. On my honor, all of the above fortunes are true. I have the evidence at home in an envelope. Now I'm calculating how many more Chinese meals I'll have to eat before I get fortunes that read: "You have been chosen for worthwhile legal pursuits to fill your waiting period before the Articles Clerkship at Woolcombe Beer Watts begins." and "You have passed the three examina-

tion for your practice certificate in England and Wales."

I wonder if I should write the fortune cookie factory owner and make these suggestions for new slogans? Naw, I'll just continue to believe in the Fortune Cookie Deity. She has been good to me so far. Maybe I should hang red lanterns and dragon murals in my apartment. What about getting little paper umbrellas for drinks in my library-approved PSF mug?

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Events Calendar

THE AMICUS CURIAE
Monday, November 25, 1991

17

MONDAY, NOVEMBER 25

- **Movie:** "Blow Up" Charles Center, Tucker basement, 8 p.m. Free and open to public.

SATURDAY, NOVEMBER 30

- **Men's Basketball** vs. Navy, W&M Hall, 7:30 p.m.

SUNDAY, DECEMBER 1

- **PAD 'S TOYS FOR TOTS GOLF TOURNAMENT**, \$200 per foursome includes greens-fees, golf cart, and a meal at Kingsmill Course. Proceeds go to Toys for Tots drive. For more info contact Joe Agee at 221-2768.

MONDAY, DECEMBER 2

- **Men's Basketball** vs. Davidson, W&M Hall, 7:30 p.m.
- **W&M Chamber Orchestra:** Third Annual Holiday Festival, Wren Great Hall, 7:30 p.m.

TUESDAY, DECEMBER 3

- **Reception** celebrating 20th anniversary of W&M Hall, 4:30-6:30 p.m.
- **W&M Chamber Orchestra:** Third Annual Holiday Festival, Wren Great Hall, 7:30 p.m.
- **W&M Theatre Second Season:** "Welcome to Andromeda," "Dolores" and "The Typists," PBK, Lab Theatre, 8:15 p.m. Free, no reserved seats, no seating while play in progress. Also December 5.

WEDNESDAY, DECEMBER 4

- **Men's Basketball** vs. UNC-Greensboro, W&M Hall, 7:30 p.m.
- **Movie:** "Brazil" Charles Center, Tucker basement, 8 p.m. Free and open to public.
- **Commonwealth Center Seminar:** "The Dawn of Black Design," Robert Farris Thompson, professor of African and Afro-American art history and Master of Timothy Dwight College, Yale Univ.; Swem Library, Botetourt Theatre, 3 p.m.
- **W&M Theatre Second Season:** "Birdbath," "Manny and Jake," "Hello Out there" and "A Chance Meeting," PBK, Lab Theatre, 8:15 p.m. Free, no reserved seats, no seating while play in progress. Also December 6.

THURSDAY, DECEMBER 5

- **Public Policy Colloquium:** "The Industrial Organization of Health Care," Leonard G. Schiffrin, Chancellor Professor of Economics, Morton 342, 3:30 p.m.
- **Town & Gown lunch:** "The Philippines Today: Mount Pinatubo, the Presidency and Other Problems," Mario Zamora, CC ballroom, 12:15 p.m.

FRIDAY, DECEMBER 6

- **Chemistry Seminar:** (Topic to be announced), Carol Cunningham biochemistry department, Wake Forest Univ.; Rogers 100, 3 p.m. (Refreshments at 2:30.)
- **Reves Hall Council coffee hour:** "Holidays Around The World," Reves 1st floor lounge, 5 p.m.
- "1991 Cape Dorset Annual Graphics Collection"
- **Psychology Colloquium:** "Terminally Ill Patients and the Right To Die: What is the Psychologist's Role in the Legislation Process?" Thomas Hafemeister, National Center for State Courts, Millington 211, 4 p.m. (Refreshments served in Millington 232, 3:30 p.m.)

SATURDAY, DECEMBER 7

- **Men's Basketball** vs. Virginia Tech, W&M Hall, 7:30 p.m.

SUNDAY, DECEMBER 8

- **"The Rainbow Connection,"** a vocal program of seasonal and secular music by elementary and middle school students from local schools, Genrose Lashinger, directing, Muscarelle Museum, 3 p.m. Informal reception follows. Free.
- **Music at the Muscarelle,** final fall concert, Muscarelle Museum, 4 p.m. Free.

WEDNESDAY, DECEMBER 11

- **Gallery Talk:** Mark M. Johnson, director, Muscarelle

THURSDAY, DECEMBER 12

- **Town & Gown lunch:** Christmas Concert, Botetourt Singers, CC ballroom, 12:15 p.m.

SATURDAY, DECEMBER 14

- **Chamber Ballet of Williamsburg:** "The Nutcracker," PBK, 2:30 and 8 p.m. For tickets and information, call 229-1717.
- **Yule Log Ceremony,** Wren Yard, 6 p.m.
- **Graduating Senior Reception**

SUNDAY, DECEMBER 15

- **Chamber Ballet of Williamsburg:** "The Nutcracker," PBK, 2:30 p.m.

THURSDAY, DECEMBER 19

- **Virginia Symphony:** "The Messiah," choral, orchestral, PBK, 8 p.m.



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Mychal's Myopia

Magic should remain a positive force in society; first year contracts found irrelevant in context of professional sports

By MYCHAL SCHULZ

One of my heroes has the HIV virus. I wasn't born when JFK was shot, so I never really knew what older people meant when they said that they knew exactly where they were when they heard that the President had been shot. Now I do.

Maybe a professional basketball player should not be compared to the President of the United States, but the fact is, most people will remember where they were when they heard that Magic Johnson had the HIV virus. And they should. Magic transcended the basketball court. He was, and still is, a symbol. A symbol that sports can and should be a positive force in our society. He was just a basketball player, but at the same time he was a lot more. And now he has the HIV virus. He and Larry Bird basically gave the NBA the popularity which it enjoys today. Now, hopefully, he can bring the same awareness to AIDS. I've never been a Lakers fan, so when Magic and Los Angeles would lose, I didn't mind. Now, however, I want nothing more than for Magic to win.

Ralph Sampson is now a Washington Bullet, where he backs up Charles Jones. Gee, that must mean that Professor Dave Douglas is about ready to sign with, say, Orlando as a backup to Greg Kite.

Anatomy of a very bad day: Drive six hours to a central Pennsylvania cornfield code-named Penn State. Watch Miami beat Florida State on television to effectively win the national championship. Then watch the cornfield dwellers beat, and I mean beat, Notre Dame. Drive six hours to get back, all the while listening to a Tennessee fan complain how the luster of the Volunteer victory over Notre Dame was tarnished by the Irish performance in the cornfield. A very bad day.

An analysis of the bowl lineup: What a joke. Miami, true to form, ducked having to really earn the championship. But then again, who expects any more from the Hurri-pains? Florida State choked, again, and so will go to the Squat-ton bowl to play whoever the SWC sends to lose. The best game will probably be Michigan and Washington, but once again, the Rose Bowl won't mean much. The Sugar Bowl will be watched, no doubt, but a more intriguing, if not better game would have been California-Florida. But you know Notre Dame. It's also nice to see Virginia rebound from such a horrendous start. The Cavaliers should have a good chance against the Big Eight representative. Still, the whole bowl situation is clouded by the fact that, once again, the best teams won't be squaring off for the title. Ah, well, wait

until next year when the bowl alliance kicks in.

Quote of the week, if not the month, if not the year: Third-year lounge puppy Kathy Frahm, in the middle of a heated Church of Elvis co-ed flag football game, turned to high priest and law student impersonator Eric Branscom and asked, "Can I pull his flag off while he still has the ball?" The Church was, needless to say, severely desanctified by the blasphemous horde posing as the other team.

Did you see:

—Evander Holyfield is fighting, not Mike Tyson, not Francesco Diamanni, but Burt Cooper? Who, you ask? That was my reaction.

—Miami has offered to meet Washington after the bowl games to decide the national championship? Why didn't they go to the Sugar Bowl and face Florida if they really wanted to play against a quality team?

—David Klingler or Ty Detmer among the potential Heisman Trophy candidates? Neither did I.

—All the computer equipment working properly? Again, neither did I.

—Bobby Bonilla spurned a four year, \$18 million offer from the Pirates. Now, let's see. How much would you pay to a man who never brought the World Series to his team?

—The New Jersey Nets had to waive two players just so rookie Kenny Anderson can make far more money than he is worth? He's responded by shooting under 39%. Nice.

—The pre-season NIT. No? I sleep through it as well.

—Jenny Click catch a pass in her co-rec football game? You didn't miss anything, because it didn't happen.

The law school sent a plethora of teams into intramural flag football this year, and they seem to be doing very well. Rather than offend anybody by leaving their team out, simply ask an athletic looking law student, either one of them, how their team did in the playoffs. No, this does not include third year John Edwards.

Have you ever noticed that everything we learn in first year contracts doesn't seem to apply in professional sports? An athlete signs a contract, sure, and the team is obligated to honor and perform under the contract. Players, however, are seemingly immune from having to honor a contract following a really good year. I wonder why Dean Sullivan never taught us the Ricky Henderson rule for contracts, i.e., both parties must honor a contract

unless the player feels that he doesn't make enough, in which case the contract doesn't mean a damn.

High and lowlights of the first semester:

• Professor Alces' basketball-related ankle injury seemed to mellow his teaching style -- only the first two rows of students in his classes now need ear plugs, not the usual three.

• Likelihood of Confusion, the infamous third year football team, set an unofficial team record by actually playing a full regular season schedule. No word yet on whether they've been kicked out of the playoffs.

• Eric Chasse's fifty-yard field goal in a flag football playoff game. Wow.

• Abuse of Discretion's win over defending champion Marshall's Marauders in intramural softball. Both teams were so awestruck by the occasion that they immediately lost in the playoffs.

• The merger of the *Advocate* and the *Amicus*, because now you only have to put up with my sports writing in one paper.

• Rockin' Ron Rosenberg assuming control of Professor Butler's property class, because now the first years don't learn property from two totally different perspectives.

The final Professor Charles Koch Award of the semester, which goes to the individual who actually possesses athletic talent, though you'd never know it by looking at him, goes to second year Kevin Kroner. Kevin's reckless abandon on the flag football field amazes friend and foe alike, especially because they can't figure out if he's really a law student or a Dead-head wannabe. Only Kevin gets mad when he doesn't make a quarterback sack from his usual position on the sideline. Congratulations to all the Koch Award recipients this semester. Have a good break, and remember, a trip to the Rec Center during exams is a great way to relax from studying. Besides, that's where a lot of the professors hang out during exams. They figure it's the only time they can show their legs without having students around to snicker. Peace.

Getting in the hole: chutzpah distinguishes great golfers

By TOM BOOK

Fellow golfers, this is the final issue for the semester, and this article ends my trilogy on the important elements of getting in the hole. Earlier we discussed the mental side, as well as, the importance of proper alignment. Today we discuss the "OTHER" element. Although it only comprises one percent of getting in the hole, this element contains many varying factors which, when combined, distinguish merely good golfers from the great ones.

In preparation for this article, I tried to define the elusive quality that makes a great golfer. Unfortunately, either because of my own intellectual shortcomings, or the fact that I need to learn much more about this quality, I could not put it into words. I can, however, point out many golfing greats that ooze "OTHER."

Ben Hogan, for one, had what many golf followers called the innate ability to go for the jugular. Ice water ran through Ben's veins, and he had "nerves of steel." In one of his early tournament victories, he came back from a six shot deficit on the last nine holes. Hogan knew how to spot an opponent's weakness and then attack mercilessly.

I see this same characteristic in the ambidextrous and quickly improving Scott Conover (2L). If any of you golfers want to watch a man on a mission, play a round with Scott, who is affectionately known

as "GOLDEN TONGUE".

Another great is Arnold Palmer. Once during a playoff for the U.S. Open at Cherry Hills Country Club, the crowd was amazed when Arnie eased out his big stick on a shortish but dangerous par 4 (around 300 yds.) in an effort to get in the hole. If Palmer miss-hit the drive, an easy hole could have turned into a disastrous bogey or double bogey. On the other hand, a successful shot on the green would pull him away from his competition.

Needless to say, Palmer drove the green and two-putted for a birdie. Many say this one shot guaranteed Palmer's victory. Tommy Donaldson (2L), a newcomer to the game of getting in the hole, possesses this same brass. Although his game is not as strong as Arnie's, surprisingly the two men share the same level of determination when it comes to taking chances trying to get in the hole.

From these illustrations it appears that the important factor distinguishing players who consistently score -- as opposed to those who just have lucky days -- is the ability to take chances while not being afraid of success. I think the Yiddish word *chutzpah* most accurately reflects the "OTHER" quality that makes winners great. My uncle calls it "getting guts." Whatever you call it, make sure either you have it or develop it, if consistently getting in the hole is a priority.

Sports roundup

Co-ed team takes title; Elvis disciples stun opponents

SOCCER TEAM TAKES TITLE

Final score: K.v.P. 3, Longhill 2. The law school soccer team pulled together and captured the coveted James City-County Rec. League Co-Ed Championship in a fierce battle under the lights last Tuesday night.

The team, known as Kirsten v. Post in honor of flashy forward Kirsten Lindberg (3L) and the much-loved property case (Joe Somerville's (2L) idea of humor), finished the regular season at 8-1-1, with the only loss coming late in the season to Longhill.

K.v.P. was captained and organized (and I use that term loosely) by Matt Rea (?L). Actually Matt did sacrifice from day one, risking eviction by using his rent payment for the league dues, and then selflessly taking to the goal when he was unable to scrounge up a keeper from the undergraduate ranks.

Commitment, always a problem for law student organizations, took its toll on K.v.P. as well. Kudos to several K.v.P. players who actually showed up at most of the games. The one constant was fan/strategist Pat Connolly (2L), whose Hell's Angels jacket and sinister pacings on the sidelines threw fear into the hearts of the opposition.

Much like the Germans against the Argentinians in the World Cup, the law

school players adopted a tactic of brutal, calculated fouls against the opposition's top players in the championship match. Dave "the human guillotine" Haase (1L) was a key component, chopping mercilessly at one particularly adept Longhill ballhandler. Christian "you are such a #\$%@ baby" Connell (3L) added insult to injury, prompting a near-brawl at the end of the first half.

Down 1-0 and 2-1 in the opening stanza, the team rallied to take a 3-2 half-time lead and then controlled the tempo and the play in the final 30 minutes to earn the crown. Haase, Scott Greco (1L) and Jay Hambrick (1L) all scored for K.v.P.

Place your bets now for K.v.P. to repeat next year. A core of first year players will combine with a select group of veteran second years to form a potent team that should dominate the league.

-David Pfefferkorn

C. OF E. MAKES PLAY-OFFS

The Church of Elvis expanded into the realm of secular sports in October as part of its effort to further spread the gospel of Graceland. The mission of the team, as envisioned by High Priest Eric Branscom and Brother Robert, head of doctrinal athleticism, was to gather a multitude to go forth and struggle for the greater glory

of Elvis. In short, the team expected to lose.

But, faith knows no bounds and in no time at all the team roster was overflowing with eager converts. Venerable Vernon was named as QB, Brother Jan as receiver, and the Abbot Sproule as deep safety. With such a line-up defeat seemed assured, but HE had other plans.

The season was a resounding success. The first two victories were granted without the Church even having to face an opponent. Truly, the King was guiding His team's cause. The faithful then faced the Ed-Heads in what could only be described as a cosmic struggle of good against Elvis. Naturally, the team lost. But in that loss, Brother Jan scored a glorious TD and despite the 40-6 setback, the Church revelled in evangelic ecstasy. The Church rebounded quickly with another default victory.

In the final game of the regular season, the faithful once again faced live opposition. Brother Mychal, the only cloistered member of the order, took the field as QB and with divine grace and infinite patience threw repeated interceptions. On occasion Brother Mychal misthrew and allowed the Reverend Shannon, Brother Anthony and himself to bless the scoreboard with the team's presence.

The ladies of the Church were instrumental in the great victory the team

achieved that day. Sisters Kerry, Jan, and Squeaky were nothing less than fearsome as the defensive line. Mother Jennifer and Sisters Deborah and Abby dominated the offensive line and threw blocks that would cripple a bull moose. Elvis always had a special place in his heart, and the Jungle room, for women.

On the sidelines the High Priest led the congregation in the traditional hymns "Plastic Jesus" and "Rawhide". E was pleased. Victory followed, 18-12. The C of E closed regular season play with a 4-1 record. *Pax Elviscum.*

-Eric Branscom

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GABFEST, from page 1

program. According to him, the issue was whether "we should devote a faculty slot to the LL.M. program in a time of shrinking resources."

Coven, in the report, asserted that to cover both the J.D. and LL.M. programs the school had reduced "J.D. level tax offerings . . . to what must be the lowest level in all of legal education." Lee called the J.D. tax program "weak" in comparison to "peer schools."

Professor Heller asked whether one new hire for tax would improve both the J.D. and LL.M. programs. Lee said one new hire would be enough to support either the J.D. or graduate program, but one hire would only be "doing half of both."

Also at issue among the faculty was the priority for hiring an international business expert. Citing recent developments in Eastern Europe, Alces emphasized the importance of such a hire over a new tax instructor. In the report, Williamson said he "would rank tax slightly ahead of international business."

According to Professor Malone, also a member of the appointments committee, she and Professors Moliterno and Lebel have interviewed a variety of "exceptionally strong" international business and tax experts this semester. Malone said she felt the tax program "could limp along one more year" without a new hire.

In the report on the program, Coven

criticized the appointments committee for "pursu[ing] a policy of opportunistic or 'best athlete' hires, which have not furthered our curricular needs." Coven said that the policy may have benefitted the school, but the "unavoidable price" is that "either we will have gaps in the curriculum or some of us will have to teach courses that we do not wish to teach."

At the meeting, Donaldson said the faculty had been on "a binge of self-indulgence" not looking at the curriculum in terms of what was needed but rather in terms of what professors wanted to teach.

At the suggestion of Professor Barnard, Williamson asked for a straw vote on abolishing the tax program. Only four faculty members voted in favor of abolition. After the straw vote to maintain the program, the faculty voted 12-7 to make hiring a new tax instructor their "highest priority."

In response to a question from Lebel, Williamson agreed that "highest priority" in this context means "bringing in the best people . . . if they turn us down, or we don't want them, we'll hire a visiting professor" for the next academic year.

FOOD SLAVES, from page 4

coverage, as required by the federal COBRA statute. These employees claim the company fired them and then neglected to inform them about eligibility for continuing group coverage at their own expense.

According to Clark, incentive for Food Lion to do this is provided by a concept known in the insurance industry as "adverse selection," whereby only those employees most likely to make claims will elect to carry continuing COBRA coverage. The more claims made under a group policy, the more expensive that policy becomes per capita. According to the plaintiffs, Food Lion manages to keep its health insurance costs down by illegally excluding "adversely selected" ex-employees from its group plan.

While some plaintiffs claim that they were illegally denied coverage by simply not being notified of their eligibility, others claim that the company fired them on illegally trumped-up charges and then legally denied them coverage. Under the COBRA law, only those employees fired for "gross misconduct" may be denied continuing health coverage. Termination for gross misconduct is also the only means by which employees may be denied their stake in the profit sharing plan. Several plaintiffs claim that Food Lion management has undertaken a systematic program of wrongfully firing workers for gross misconduct, and then denying them both their pension and their health coverage.

DOL's investigation into Food Lion's alleged wage and hour violations will not be completed for some time. About a month ago, Judge Falcon B. Hawkins of the U.S. District Court in Charleston, handed down a preliminary ruling allowing the bulk of alleged ERISA and COBRA violations to proceed for further pre-trial discovery. "[T]he DOL has a massive file on Food Lion," says Clark, "and new plaintiffs are joining our case every day."

While Clark is optimistic that the UFCW plaintiffs will eventually get their day in court, odds are that until then, Williamsburg residents will continue buying their Thanksgiving turkeys at Food Lion.

MOVIN' ON UP, from page 1

Carolina Supreme Court, federal Judges Turke and Wilson of the Western District of Virginia, and Judge Spencer of the Eastern District of Virginia.

The problem involved the intricacies of copyright law. The defendant was a large, for-profit research firm that regularly purchased a number of scientific publications and distributed them to the scientists it employed. One of the employees photocopied three of the articles from a particular journal for his personal use without permission of the publisher. The publisher sued the company, which then requested a jury trial.

The two main issues in the case were whether or not the firm had a right to a jury trial under the Copyright Act, and whether the employee's photocopying constituted "fair use," and was thus allowable. The "fair use" doctrine is an exception to liability which the courts have created for instances of conduct that are technically illegal, yet cause no real harm.

The publisher's counsel advanced arguments that it was just as convenient for the employee to purchase his own copy of the publication or get approval to photocopy the publication as it was to copy it without permission, and that the commercial nature of the research firm barred invocation of the Fair Use doctrine. Counsel for the research firm generally argued that scientific research was both favored under copyright law and a benefit to society, and that the market effect on the original was not significant.

The Marshall-Wythe teams also enjoyed the luxury of having a customized cheering section, imported from the South Henry area of Colonial Williamsburg, present at the competition.



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