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Federalist Society Hosts Debate Over Use Of Military Tribunals

By Adrienne Griffin

On February 7th, the Federalist Society presented a debate on the proposed use of military tribunals to prosecute persons accused of terrorism directed at the United States. Bob Levy argued against the use of the tribunals. He is an adjunct professor at the Georgetown University Law Center and the Senior Fellow in Constitutional Studies at the Cato Institute, a non-profit public policy foundation. The Institute’s website states that its purpose is “to broaden the public policy debate to allow consideration of the traditional American principles of limited government, individual liberty, free markets and peace.” Arguing in favor of the tribunals was Colonel John F. Phelps of the United States Army Legal Services, who noted that he was appearing in a private rather than official capacity.

Dennis Callahan of the Federalist Society explained that reading All the Laws But One: Civil Liberties in Wartime by Chief Justice Rehnquist caused him to think more about civil liberties during wartime. The Chief Justice discusses the suspension of habeas corpus during the Civil War, military tribunals and the Japanese internment cases, but, Callahan points out, “it was clear soon after 9/11 that we would soon be dealing with the issues Rehnquist discusses, only in the context of the war on terrorism.” Because of the timeliness of the tribunal idea, and because “civil liberties issues really highlight the conserva­tion/libertarian divide within the Federalist Society,” Callahan decided a traditional debate would be the best format to promote careful consideration of the broader topic of civil liberties post 9/11. Callahan knows Mr. Levy from a summer job at the Cato Institute and credits James Ewing with being “instrumental in making the program a success” because he knows Colonel Phelps and arranged for him to participate in the debate.

Mr. Levy spoke first and prefaced his remarks by explaining that a leak from the Justice Department in late December indicated that the administration has changed its original conception of the military tribunal. Specifically, the rules leaked described a revised system where the threshold of proof would be beyond a reasonable doubt, the proceedings would be open, Fifth Amendment protections would apply, and the accused would have the right to civilian counsel “and reasonable access” to witnesses and evidence. Further, capital cases would require a unanimous verdict and the option of a three judge appeal process. Although Mr. Levy characterized these proposed changes as bringing the tribunals closer to the American system of justice and “good news,” he cautioned that the news “is not good enough.”

He also pointed out that the government has ruled out tribunals for American citizens, which was cited when it was announced that John Walker Lindh, the man described as the “American Taliban,” would be tried in a civilian court. Mr. Levy conceded that tribunals could be used for persons apprehended overseas, but that they absolutely cannot be used for those arrested in the United States.

Mr. Levy first looked at the text of the Constitution and said that the Bill of Rights applies to “persons not citizens.” Those non-citizens arrested here would be deprived of their Fourth, Fifth, and Sixth Amendment rights if tried by tribunal. Further, he argued that the Constitution is not meant to be set aside during wartime, except for the narrow emergency situation provisions like the revocation of habeas corpus. If the Framers had wanted to provide for other changes during wartime, they could and would have done so in the Constitution. Levy then cited the 1942 Supreme Court case of Ex Parte Quirin, which allowed for tribunals even for citizens, if declared unlawful combatants. Although Levy contends that Quirin itself was wrongly decided, he stated that it lays out three conditions for the use of the tribunals. The tribunal system must allow for civilian judicial review, must be autho...
JWOL: Teenaged Girls Lost in the System

By Sarah Kinsman

Girls who are arrested and prosecuted in the nation's juvenile courts have different problems underlying their situations than boys, yet rarely receive rehabilitation or treatment tailored to their special needs. These issues were the central theme of the recent Journal of Women and the Law symposium, "Lost in the System: Female Juvenile Delinquency in the 21st Century." The symposium, held in Courtoom 21 on Feb. 15, was one of the most successful that JWOL has produced, according to Editor-in-Chief Kari Lou Frank. The issue was timely, coming on the heels of an ABA report on female juvenile justice, and featured four well-respected professionals in the field of juvenile law.

Managing Editor Jennifer Thibodeau engineered the event while in the midst of production on the first two JWOL issues, a feat one of the guest speakers described as "amazing." "The speakers and audience enjoyed it immensely," Thibodeau said, "and the speakers hope it will open a dialogue on female juvenile delinquency for years to come."

Presenting twenty minute speeches were Prof. Emeritus Robert Shepard of the University of Richmond School of Law; Prof. Cheryl Hannah, of the University of Vermont School of Law; Mary Ann Scalzi, Esq., of the ABA Center for Juvenile Justice; and, in a special video conference link, the Hon. Brook Hedge, and associate judge and head of the domestic violence unit at the D.C. Superior Court.

The presenters described changes in the treatment of female juvenile miscreants in the past 40 or so years. Before the latter years of the 20th century, teenaged girls were arrested more often for status offenses, such as running away or having sex, than for crimes like drug possession or trafficking, prostitution, or violent crime.

Now, girls are often tried for drugs and violent crimes. Scalzi presented statistics from the ABA report that showed decreases in convictions of boys, or a smaller rate of increase, for drug offenses, property crimes, and violent crimes, compared to increased convictions for girls. The greatest differences between boys and girls were in convictions for drug offenses and assaults.

Several theories explain this statistic, whether it is a result of reclassifying some offenses; or the system's approach to girls as one to protect them by removing them from the streets or to punish them for behavior that, in boys, may be considered with a "boys will be boys" approach; or the inadequacy of programs to help these girls, who largely come from dysfunctional families. A theory which Hannah illustrated with a quote from a female juvenile delinquent, is that committing these crimes gives the girls a sense of liberation. Society has become more open to women in non-traditional roles, girls are participating in illegal activities that were once the province of boys. In her example, the girl stated she wasn't oppressed, but felt free when she and her male friends spray-painted and got into fights. The last theory was that as boys are marginalized, girls follow. With a smaller pool of responsible, crime-free boys with whom girls can associate and date, girls will be drawn to crime to fit in with the boys on the margins.

Girls have different problems than boys, speakers said. In a recent ten-year period, the number of female juveniles in the system on psychotropic medications increased from around 30 percent to around 60 percent. Sexual abuse is a severe problem, where 70 percent of girls in the system have been sexually abused at some point in their lives, as opposed to only 30 percent of boys, Shepard remarked. Rehabilitation programs tailored to the needs of girls are almost nonexistent, as most programs were developed for male juvenile delinquents, and state budget woes may reduce the few programs that exist.

The problem begins at home, all the speakers said, where girls are often subject to physical, emotional, and sexual abuse, at the hands of a family member or quite often the mother's boyfriend. Domestic violence is one of the most serious problems underlying female juvenile delinquency, as well as child neglect. Girls may have nowhere to turn to escape situations in which they are abused or are not receiving minimal care and supervision from an adult. The girl runs away, or turns to drug abuse to escape the pain of her home life, or both. These girls are susceptible to further involvement in crimes, and when stopped by police are charged with serious offenses. During incarceration, they receive little counseling to help them cope with abuse and lack of life skills, and are often subject to abuse by corrections staff.

The symposium finished with a panel discussion moderated by Prof. Jim Dwyer. The speakers addressed solutions to the problem, mostly centering around developing programs in the juvenile justice and corrections systems to aid girls in trouble, providing funding targeted at female juvenile justice programs, and convincing lawmakers that female juvenile delinquency needs solutions and different approaches than those that now exist.

ATLA/VTIA Intra-team Trial Preps for Tourney

By Sarah Kinsman

In a few days, the ATLA/VTIA trial team will go forth in regional competition in D.C., wearing their coveted "ATLA 2002" berets made by Roots, before cheering throngs shouting "W-N-M! W-N-M!" at the 15,000 seat litigation venue.

Well, maybe not. To prepare for the competition, the team nonetheless took its training seriously by performing a dress rehearsal intrasquad competition. The "First Annual Sheyna Burt Intrateam Competition" was open to spectators, and attended by several including a jury of 1Ls.

The tournament, organized by 3L Burt, was opened to all the usual dramatic flair and fake tears she brings to roles of victimized women in legal proceedings, alleged that the defendant was negligent in engaging in a risky rock climb with inadequate equipment or training, and failed to warn his rescuers of the dangerous cliffs. The rockclimber was played by Ross, who brought the attitude of a laidback, Rocky Mountain climbing bum to his role. Lawson was the defense expert witness, a fire chief, who melded elements of Sheriff Andy Taylor and Private Sarge Pyle in one of the folkster performances given in Courtroom 21. Finally, Herman played the EMT partner, a role suited for the Coast Guardsman, who had the difficult job of separating his real-life search and rescue heroes from the make-believe trial. The jury, one of whom flew a Cessna and a half hour trial was done, took a majority vote, finding that Ross had been negligent, but assigning him only 40 percent of the fault.

The National Trial Team will also send a team to compete in this tournament.
Tuesday, February 26, 2002 THE AMICUS

ILS Lecture Series Kicks Off with Iria Giuffrida
By Katie Riley

Sponsored by the International Law Society, Iria Giuffrida (L.L.M. and Drapers’ Scholar) presented her thesis from the University of London on “Ministerial Responsibility” on February 21st. Although the concept is relatively foreign to American politicians, ministerial responsibility is the accountability of the executive ministers and officials to the legislative branch, and ultimately, to the public. The idea is that in the face of scandals and controversy, executive officials should take responsibility for their errors, explaining their actions to the legislature and public, issuing apologies, and possibly resigning. Iria explained that in Britain and Belgium, the entire executive branch resigns on a regular basis whenever scandals erupt. She termed these continually renewing executives kamikaze governments.

In analyzing ministerial responsibility, Iria compared the British common law government with the Belgian civil law government and the European Union’s hybrid common-civil law government. She described the governmental structure of the three units (the parliamentary systems of Britain and Belgium and their monarchies, and the supranational nature and cooperation difficulties of the EU), and then cited recent scandals and their outcomes to demonstrate how the executive ministers often did not show enough responsibility for the problems. In Britain, the scandals cited were the government’s treatment of Mad Cow’s Disease and the sale of arms to Iran. In Belgium, scandals included a terrible football riot, the accidental killing of an immigrant during deportation, and the police investigation of a horrific pedophilia ring. For the European Union, the major scandal was the bribing of members of the European Commission, resulting in the voluntary resignation of the entire Commission in 1999.

Iria evaluated the legal mechanisms for ministerial responsibility within the three systems. The British Parliament has very little authority over the executive ministers. It does have a censure power which is relatively rare. The idea is that in the face of scandals and controversy, executive officials should take responsibility for their errors, explaining their actions to the legislature and public, issuing apologies, and possibly resigning. Iria described the disjointed nature of the British government as “a federation of separate agencies.” Belgium’s Parliament has more judiciary and inquisitional powers with rights of investigation, investigation, and the indicting of ministers. To promote governmental stability, the Belgian Parliament made several reforms in 1993 making the resignation of single ministers less likely. Instead, the Belgian Parliament must now force the entire executive government to resign. The European Union’s lack of ministerial responsibility results from its having multiple executive and legislative bodies with poor communication channels, and thus a lack of a hierarchy of authority.

Finally, Iria made many suggestions for improving responsibility in the three governments including more cooperation amongst the branches, stronger, more explicit definitions of when resignations or other actions (like apologies, government investigations, and legal responsibility) are needed, more watchdog media oversight, and improved communication generally.

Iria’s lecture was the first in a series of lectures showcasing the wealth of talent of our L.L.M.s. Attendance was strong with approximately 25 attendees including several professors. There were very few questions after the presentation, as many of the attendees both had very little prior experience with European governments and had not previously explored the topic of ministerial responsibility. Those questions that were asked were more technical in nature, oriented at the basic structure of European governments. Obviously, there is much for the W&M community to learn from our international students. Keep a look out for future opportunities to hear from our L.L.M. colleagues.

Safety on Campus
By Brooke Hellborn

You probably received an administrative email a few days ago warning of non-law students hanging around the law library, acting suspiciously. And if you frequented the library, maybe you noticed a bright orange flyer hanging on a bulletin board by the circulation desk which speaks in a bit more detail about certain recent events. But realistically speaking, most students don’t always pay attention to every email that comes in, nor do they read the bulletin boards if there is no specific reason to do so. Still, I believe it to be important that all students know about the series of criminal incidents occurring on campus lately. Nobody has made a big deal over these incidents, but maybe we should.

Early this semester, a female student was going to study at the library on a Saturday. When she arrived at school, an unidentified male observed her getting out of her car, and is presumed to have followed her from the parking lot into the library. This person then watched as the student set her possessions down on her carrel and went to retrieve books. Once she had left the immediate area, there was opportunity for this man to quickly take the student’s wallet and keys, and then drive her car away from the parking lot in broad daylight, unobserved. The car was found approximately two weeks later, abandoned somewhere in the Virginia Beach area. There was some evidence found in the car, and the police have a possible suspect identified from a composite sketch put together from witness reports, but so far there is nothing concrete.

On Saturday, February 16th, a student was sitting at her carrel when she noticed her backpack, which was sitting at her feet, was being moved. When she looked down to investigate, there was a large African-American male appearing to be in his late 20s and wearing a white hard hat crawling around under the desk. She asked what he was doing, and he replied that the school had hired him to scrape gum from the underside of the desks every Saturday. The student collected her things and immediately reported the incident to the administration, and was subsequently informed that there was no such person employed for this purpose. She provided the school with a description of the man, and apparently he was seen afterwards driving away from the school in a gray car. The same day, an employee at the Tennis Center reported her purse had been stolen from the office sometime between the hours of 2:30 p.m. and 6:30 p.m. The employee remembers seeing a suspicious looking man in the parking lot of the school who claimed to be “looking for a telephone to use.” Luckily, when they ignored him, he left them alone.

Living in the small, relatively safe community of Williamsburg, it is so easy to forget that, yes, bad things sometimes do happen. Also come from small towns, where major crimes were generally unheard of, and it is often difficult for me now to think to lock doors, bring keys, not go running by myself after dark. But when occurrences such as these happen, every one needs to be aware of them in order to have a heightened sense of alertness in an environment where we usually feel safe.

The law school is locked during the daytime hours on the weekends, which is when these incidents have been happening. The sense of community we feel when students at William and Mary makes us comfortable leaving our belongings unattended, or coming to school late at night alone. Please be aware that, unfortunately, these practices may now be unwise.

Malveaux Ends SBA Reign
By Sarah Kinsman

His reign as SBA President almost over, 3L Courtney Malveaux told Amicus how pleased he is with the progress SBA has made in several areas, and hopes next year’s SBA will continue important work in those areas.

“SBA become leaner and meaner, is doing a lot more, and has been more efficient,” Malveaux said. “We have come a long way since my first year here.”

When campaigning for office last spring, Malveaux set four goals for SBA to achieve. The first was promoting diversity.

“I wanted to put the issue of boosting diversity up front and center,” he said. “We’ve done really well, and I’m pleased to see a real festering of discussion of the issue.”

When the ABA accreditation committee inspected the school in the fall, the diversity issue was a point of discussion between its members and students and faculty, Malveaux said. Throughout the year, faculty and students have been involved in programs to attract more minority students, such as having a high school law day with a predominantly minority school.

“We pulled the politics out of it, and succeeded in the discussion of how to recruit students to the school, not politics of whether we should,” he added.

The second goal was consolidation of email, which Malveaux said was successful and appreciated by the law school community, slowing a torrent of individual emails from organizations.

The third goal was promoting the resurrection of the Variety Show, an event that had been discontinued.

“It turned out to be a really nice alternative to all the beer-centered events,” Malveaux said. “Melissa Newton (DPD President) pulled it off with a lot of people, and did a lot of legwork to make it happen.”

Finally, Malveaux wanted to have more wine and cheese socials with faculty and with other graduate schools. Several faculty wine and cheese socials have been held this year, and one with other grad schools is planned.

“We had a social with the other grad schools last year, and it went over well,” he said. “The reason I did that is that there was a feeling of we’re all tired of seeing
Dick Speaks on Diversity
By Seth Rundle

When I was 13 years old I found Dick Gregory’s No More Lies: The Myth and the Reality of American History on a bookcase in my grandfather’s farmhouse in western Kansas. In some ways, it’s one of the most important books I’ve read. Besides delivering a chronic case of White Guilt, it introduced the idea that history was taught in public schools is loaded with lazy repetition of traditional myths, outright fraud, and political indoctrination. I remember two things from high school history. One, a teacher harping, “If you take nothing else from my class, remember that the Civil War was not about slavery.” The other thing is anecdotal. During a lecture on the development of Rhode Island colony, a student asked what the Trinity was. (Rhode Island originally limited citizenship to those professing to believe in the Trinity.) The teacher said she could not explain it because she would get in trouble with the school district. To those critical of private school curriculums, top that for institutionalized idiocy.

Dick Gregory spoke on campus February 28th for nearly 150 minutes: spoke, joked, needled, cried, teased, instructed, and raged. After opening with a short prayer, Gregory started telling of when he was the first black speaker at a Harvard graduation and how he told them he did not want their money, an honorary degree, or anything to remind him he had ever been there. Harvard and the rest of the Ivy League are part of the Racist White System he said, and he will not seek to be validated by it. He later said, in an aside, that he has always believed there are only about 5 white people in the world and that the rest are imposters. The Queen of England being one of them: Gregory was irritated that she makes $250,000,000 in interest every 24 hours.

Gregory divides the world into blacks folks and white folks. There is, after all, great beauty in simplicity. Brown folks and yellow folks pop in and out of the analytical framework, mostly to illustrate certain aspects of the Racist White System. His Hal-Holbrooke “Mark Twain Tonight” speaking style makes it difficult to review the lecture. One minute he would remind everyone to drink lots of “water...water...water” and the next observe that black folks say they are tired of “blacks killing blacks”, but never just “blacks killing.”

Gregory dedicated himself early to non-violent civil rights protests and is probably in the top twenty noteworthy figures of the civil rights movement. (He kept referring to “The Movement”, but never defined it. I had to ask somebody afterwards.) His Segregation Era humor, particularly collected in From the Back of the Bus, is worth reading both for the comedy and for a reminder of why the civil rights movement started.

Since breaking into comedy fame at the Playboy Club in Chicago a few decades back, he has branched out into wackier fields, notably conspiracy theory. A few of his funny, odd, deep, or irritating observations:

- Clarence Thomas is a “fool” and the only reason he is on the Supreme Court is that he married Barbara Bush’s niece. (Were I picking a highly visible black to denigrate because of a supposed delusional effect on America, I’d spend the time pointing out what a moron Oprah is.)
- He accidentally took two viagras instead of two ginseng beforehand, so he would have to talk fast.
- First Class airline passengers drink $800 million in free whisky a year and 98% of first class passengers write off the ticket.
- Calling his autobiography Nigger cost him $8 million in sales. (We could use this man in Contrasts to determine lost profit damages. Also, Gregory subscribes to the Quentin-Tarantino-defanged-repetition school on the n-word. And he doesn’t like it when people call it the n-word.)
- The number one and two causes of death in the U.S. are dehydration and sleep deprivation. (Probably truer than it sounds.)
- Coffee causes more stomach cancer in the U.S. than cigarettes cause lung cancer. (He didn’t say whether this is on a per-user basis or over-all, plus I doubt it.)
- The first 8 presidents of the U.S. were black. (Didn’t check that fact. I’d guess that the reason the presidents under the Articles of Confederation (1781-1789) were black isn’t that the government-fearing Founding Fathers were big on equality.)
- Ron Brown, Bill Clinton’s Secretary of Commerce, was shot in the back of the head, not killed in a plane crash. He produced large full color autopsy photos. (Agreed, but I must question the kosherness of those photos.)

After noting that lawyers got 40% of the tobacco lawsuit money, Gregory confirmed that slavery reparations are coming, too. He believes this because he trusts lawyers to be greedy. And white folks, he added, shouldn’t get gourmets because more than know it have some black folks in the family tree. When the reparations come, Gregory said the black folks better get there quick because the white folks are already going to be in line. To save anybody from standing in line needlessly, I devised a simple 3-step home DNA test to determine your eligibility for reparation money. (1) This only works if you are a man. (2) Look down the front of your pants. (3) I guess I won’t be getting any reparations money.

Like Al Franken, Dick Gregory is merciless in exposing the foolish idiocracies and the outright corruption of The System. Unlike Franken, Gregory doesn’t fit neatly into the political spectrum, reading from left to right. He is pacifist to the point of vegetarianism, but his first few violent outbursts of (admittedly righteous) anger had me literally sweating and my heart racing. He is morally opposed to all methods of birth control but on the other hand apparently a socialist on medicine and economics. He made jokes about Jesse Jackson’s illegitimate child. He raged against the Racist White System but most of his stories about heroic incidences in the civil rights movement had white protagonists. He fits nowhere.

Gregory stated that when America is an ancient memory he will be one of the few remembered, because of his work for equality and peace between blacks and whites. The egoism is off-putting and a bit of an overestimate to boot. I disagree with many of his views toward history and the purpose of government. But he is partly right about himself. If this whole mad enterprise doesn’t fly away, it will be in a small part because Dick Gregory laughed when fighting was justified, and coaxed along the foolish with a joke.

News from The 5th Dimension:
Reporting on Things that never happened!!...

Student Moves in to Storage Closet
By Andrea D’Ambra

Williamsburg, VA. Yesteray, administrators at William and Mary School of Law announced they had served an eviction notice on J. Michael “Ian” Foxworth. Foxworth, who had recently taken up residence in one of the newly dedicated North Wing storage closets, was surprised and dismayed by the eviction notice.

“I don’t know why they are picking on me. I’ve really spruced up the joint.”
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Flavor In
Your Ear
By Tim Emery

I've been devoid of a music review for a while, but I've been writing. I've got some quick picks and pans of new Hip-Hop that I hope you find useful. Here we go.

Seed is...
Seed is... (out of *****)

This is a local act out of Norfolk. They are a hot band worth checking out. Their sound is part-hop, part jazz, part reggae, part funk, part rock, part go-go (I'm sure you get the idea). It's a sound that really showcases the band's versatility and the strongest on the album. The vocals and instrumentation are all without a doubt, the album drops off a bit after that. The title song "Iron Flag" is an exception. It sounds a bit like some old Cuban Link, vintage Wu-Tang. In short, this is a very strong Wu-Tang release that is worth serious consideration.

Mob Deep
Infamy...***

In short, this album is probably Mob Deep's worst release. The sound is unimaginative and not as smoothly produced as "Holl on Earth" and "Murda Muzik." The Mob has maintained true to its hardcore roots in the release, but it is just a little less satisfying this time around.

The first single "Hey Lux" features 112, and it just doesn't do much for me. In general, the guest spots on the album seem like a pointless effort and do not add to the product. On the bright side, "Get Away" is very good track and "Bounce" is interesting and a good change of pace. The "Learning" with Big Noyd is probably one of the strongest songs. "So Long," the bonus track, is a nice end to the album. However, the effort was overall weak by the Mob here. Or it simply may be that their extremely violent music has run its course.

The Pity Oscar
By Peter Flanagan

Gather the children round the fire ma and pa: it's Oscar time. Yes, it's that time of the year America holds its breath for not only who the best actress is but also what that Goodie Mob, Slick Rick, and Be-Real. This CD is so good that even the interludes featuring Rev. Do Good are hilarious. Simply, pick it up and thank me later!

Wu-Tang Clan
Iron Flag ****

This is a very strong Wu release. I feel it is much better than the new Ghostface album. It is the first Wu-Tang album that was recorded in New York since the legendary "Enter the 36 Chambers." The move back to New York is noticeable. The CD has a much more grungy, real, and authentic sound that "Forever" and "The W" lacked. The album starts with a blaze of fury, "In the Hood," "Rules," and "Chromes Wheels" are all classic. The much hyped collaboration with Flavor Flav, "Soul Power" leaves a bit to be desired. "Uzi," the first single, is simply amazing. "One of These Days" and "BAW" are both solid, but the album drops off a bit after that. The title song "Iron Flag" is an exception. It sounds a bit like some old Cuban Link, vintage Wu-Tang. In short, this is a very strong Wu-Tang release that is worth serious consideration.
You’re Not Supposed To Be Watching Those Kinds of Movies!

By Brian Miller

Or at least that’s what I thought, as a three-year citizen of the Burg. What kind of movies you ask? Well, obviously we get our fair share of typical Hollywood fodder; you know, the blockbusters, the romantic and the main viewing theater is a quaint stream theaters. For students, it's $5 at the door. It's a great bargain, especially considering the advantages over the sterile, gas-chamber-like megaplex's of Mall America. For one run-in, the same price as my ticket at the main theater. I'm not sure how long it's been open, but I do know that in less than a month, I've seen five very good movies there. Now, don't get me wrong, I enjoy the occasional Hollywood spectacle from time to time, but more often than not, I'm looking for a film with interesting, well-developed characters, who have intriguing and thought-provoking things to say, and who live and interact in unique and compelling environments. The Kimball delivers these types of movies, and in doing so, provides unique advantages over the sterile, gas-chamber-like megaplex's of Mall America. For one thing, a night at the Kimball gets me in the door and with a large bag of popcorn for the same price as my ticket at the mainstream theaters. For students, it's $5 at the door. It's a great bargain, especially considering there's much less of a chance that you'll be demanding your money back two hours later. Second, as would be expected in CW, the theater itself is quite inviting. The renovation was wonderfully done, and the main viewing theater is a quaint throwback to the main street theaters of the first half of the last century. You don't get the NASA-approved Lazy-Boy-like recliners at the AMC, but the seats are plush and comfortable enough, and the walls, made of the old-timey feel of the décor and architecture, the theater is coupled with a very modern and effective sound and projection system (which isn't always the case in theaters that run these types of movies). Lastly, and most attractive for the procrastinator in me, is the turn around time for their movies. They only have one screen, so they can only show one movie at a time, but they run a movie for three or four nights, before they bring in the next feature. So, unlike when Williamsburg Crossing stands in 9 bad movies for six weeks at a clip, at the Kimball, if you don't like what's playing on a particular night, just wait a day or two and you'll get a new choice. Or if you're like me and enjoy most of your offerings, you can catch two or three enjoyable films a week, and at 2 hours per, that's up to 6 hours a week you can kill without opening a book!

If this sounds like an advertisement, I suppose in a way it is. But only because, for the sake of this city's population's sanity, I really hope it's able to maintain enough business to keep going. And if my financial plea doesn't work, I'll give you a taste of what I've been seeing down there as another possible enticement. (Note: this is not meant to supplant, but rather supplement, the more effective and thorough movie reviews of my much more knowledgeable colleague, Pete "Two Thumbs In" Flannigan.)

The Man Who Wasn't There-S. Spielberg.

Even if you mom had had quintuples, and all five of you tried to make a movie, it still couldn't hold a candle to anything done by the Cohen Brothers. Film made effectively in black and white, with their trademark groundbreaking cinematography and spectacular use of light (which is really all you have to work with in black and white, right?), it tells a haunting, funny, and yet disturbing tale of an everyman barber, set in 1940's noir America. Slingblade Thornton, Francis McDormand, and Rutger-sham James Gandolfini give great performances, all culminating in a finale that leaves you thinking, and laced with exquisite selections of Beethoven and contemporary composer Carter Burwell.

Ghost World-See P. Flannigan's review in the last Amicus issue, which I join and add even more praise. And while he was right to say you'll probably never see this movie, I bought the DVD on-line the very next day and with a large bag of popcorn for the same price as my ticket at the main theater. I'm admittedly biased. But at the very least, it was amazing to have the opportunity to see this movie, released in the mid-seventies, on the big screen. Presumably, it presents director Francis Ford Coppolla's true vision of his Heart of Darkness in Vietnam epic. It includes the addition of at least five or six scenes which failed to make the final cut. And seeing as how the final cut was almost 2½ hours long, this one predictably clocks in at a way-too-long 3½ hours of film.

Apocalypse Now Redux- With the original ranking as my second favorite movie of all time, behind Goodfellas, I'm admittedly biased. But at the very least, it was amazing to have the opportunity to see this movie, released in the mid-seventies, on the big screen. Presumably, it presents director Francis Ford Coppolla's true vision of his Heart of Darkness in Vietnam epic. It includes the addition of at least five or six scenes which failed to make the final cut. And seeing as how the final cut was almost 2½ hours long, this one predictably clocks in at a way-too-long 3½ hours of film. Luckily for the movie-going public, the scenes that were cut out, and now placed back in, were either comical or sexual in orientation, and didn't seem to fit with the film as we have come to know it. And while the additional scenes do tie up some loose ends, Coppolla was right to cut them, and leave only the dark, distressed tale of the approach to and tearing past of two men's "breaking point."

P.S. If you one and only fan out there who is interested in seeing the theater in person, it would be my treat and pleasure.

In Search of God, NYC, December 2001

By Sue Henshon

I looked out at the panaramic flashlights projecting from the sky, reflecting from millions of windows, I tried to think of all those questions I was supposed to have at The Moment of Contemplation.

Did God strike the first match, light the first flashlight? Or was she the engineer behind the wheel of a cosmic car? Where was Halley's Comet at this moment, 15 years before or 61 years in the future? Could I find myself in the cosmos with the precision of longitude and latitude? Thought I would find the answers, standing somewhere between pensiveness and reverie, in the middle of a street in New York City on a Sunday night.

"Move it, girl!" a disembodied voice cried out to me. Not everyone was a street philosopher, I quickly realized, collecting my thoughts that had spilled all over the street.

Greatful Dawg -A documentary detailing the lives and friendship of Dead front man Jerry Garcia and bluegrass mandolinist David Grisman. A slow little paced, but packed with great performance footage.

Sidewalks of New York-Written, starring and directed by Edward Burns (you've seen him acting in something I promise, and directed by Edward Burns (you've seen him acting in something I promise), it's a truthful, revealing, pseudo-documentary relationship movie that breaks no new ground in this well-tread genre, but is entertaining nonetheless, due in no small part to its compelling and realistic portrayals of a handful of main characters, and their attempts at finding and maintaining "true love" and "good sex."

Sun Revisited

By Tim Kollas

I've long been longing for longer days, For commuting in darkness no more. I want the sun's light and warmth To greet me when I wake up, And keep me company until I'm already for bed. I've tired of tumbling around in the morning dark, Trying to find slippers To shield my feet from the cold floor. Oh, sun, It sounds so perfect.

But then again, I dread the sunburns. Commuting into it both to and from, I can't always see where I'm going. In afraid I'll be hurt in a crash That will be my own fault. You and I dissapeared, Didn't maintain an adequate guard. Will my sunglasses prove me, Serve as my fortress, Let my eyes be caged And go where they will? Will the sun be able to blind me If it can't see that I'm looking, Just thinks I'm aloof. Doesn't know its own allure? Can I inch nearer, Sneak a peak, And revel in its goodness Without wandering off course And melting my wings? Memories of sunburns past suggest not, And they too put the brakes on my zeal. Sure, I can put on sunscreen, Or wear long sleeves and a hat. Seems like a good compromise. But once I'm in that light, It feels too good, And I forget to keep up my guard. And then, Burn, baby, burn. Can I have it all? That's all I want. Warmth AND Safety. Protection from Burn AND Chill. It never seems to work out. I think I'll stay inside for now.
The Real Deal on the Graduation Speaker Debate

By Tim Emry

Okay, 3L's and all other interested individuals: LISTEN UP! I'm gonna give you the real and only take on the Graduation Speaker Debate. First, let me say that this is not personal; I'd have the same feelings regardless of who was trying to add another speaker, or who that speaker is. Now that is out of the way, let me say that what is going on is total bullshit.

Those trying to subvert the selection process at this late stage are no better than the old cronies who ambushed the graduating class with Orrin Hatch a couple of years ago.

Let's examine the history of what happened. Nearly two years ago, concerned with the way Orrin Hatch was un-democratically selected as a grad speaker, they formed a legitimate committee. This committee was initially spearheaded by John Coughlin and Cari Collins, among others. For the past year or so, our president, Courtney Malveaux has handled the committee. The committee solicited open nominations from the ENTIRE class. This list of nominated potential speakers was compiled, and put to a vote. The top 10 voters getters or so were put to an additional vote.

In this process, the selection of female graduation speakers (myself included), rallied before the voting, there undoubtedly would have been at least one woman in the top 4.

The process has been fulfilled. The students have had their chance to vote, and that should be honored. Yet, that is not what happened. A small group of students were "connected" enough to create a new vote on whether we should ask a particular person to give a "charge." You should know that this "vote" was a compromise, a disingenuous effort to try and sell this new speaker as an additional speaker, rather than a replacement speaker, what they probably really wanted. So, a voluntary vote was held, and some 30 students of a class of 150 voted for adding a "charge" speaker. The other 160 either voted against the idea or didn't vote at all.

I'm going to make the reasonable assumption that most of those that did not vote, were of the opinion that they wanted to maintain the status quo, no "charge" speaker. Well, certainly I am glad that less than 1/5 of the class was able to change the graduation program less than three months before graduation! This was a process that was started nearly two years ago! This "charge" speaker issue is an insult to the committee, our democratically voted-on speaker, Paul Marcus, and all the 3L's that voted in the initial polls regarding speaker preferences. I have no problem with dissent. I simply argue that this process should have been started much earlier. We have known for a long time. It should have been challenged last spring or early this fall, not in February 2002.

Further, on the issue of a "charge" speaker; if those involved in this change and usurpation of the process just wanted a "charge" speaker period, we should have voted on that. But to say that, if we have a "charge" speaker, it has to be X... is inappropriate.

See also: Sliding in through the back door.

See also: Ramming it down the throat.

My main point is that I have no problem with the person who will apparently be our "charge" speaker, or the people who supported this person. To be honest, I'm not really sure who all is behind it and I have no idea about what the "charge" speaker stands for or is about. It is the PRINCIPLE of the matter. We have a problem, it was followed, and now the last minute will of a few are distorting the class will. OK, I'm out... Let the persecution begin! (But first read my music picks!)

Thoughts On Graduation

By James Parrett

I'm imagining that there are already several rants that have been written about our current graduation fiasco. It has been made clear that if someone's not happy with something that the SBA does, we can just call for a popular vote to change. Even better, things can now be changed after they've already been voted on by the students. Aftat all, the graduation process needs to be pretty flexible, doesn't it?

Initially, I thought I'd write about how bad it is to just forget all the process and work that the graduation committee has done already. I'd probably mention that we started this process in the first place due to criticism over the Orrin Hatch graduation fiasco that happened when we were first-years. I also thought it might comment on how dishonorable it is to Professor Marcus to suggest that we want to add (much less replace him with) another speaker at the eleventh hour. I might even speculate that we are well aware that there is no hidden pretense in the addition of a graduation charge, that it is really a critique saying we don't think Professor Marcus is good enough to speak at graduation.

But I'm not going to do that. Instead, as it seems that anyone can call a referendum and change anything, I think I'm going to start my own. After all, I have a really cute dog. So I hereby nominate my Yorkshire Terrier named Brohdi as the W&M mace carrier for the graduation ceremony. Of course, he's a pretty small dog so we'll likely have to tie the mace to his back. The mace also might weigh as much as he does, but I'm sure an intensive exercise program will whip him into shape.

Moreover, I'm going to extend my referendums to everyone. I think 40 students can decide that we want to change graduation for everyone, imagine what 100 students asking for such a cute dog says. After all, it doesn't matter if most of the third years don't vote in the referendum. We can apparently add Brohdi anyway if he gets just a few votes. And if third-years can vote in general SBA elections for officers that will serve after they graduate, it seems only fair that first and second-years get some say in how graduation takes place. It's all SBA business and apparently SBA business is subject to the whim of the moment.

So remember, when you see that referendum form in your hanger file, please vote for Brohdi. He's very heartbroken after losing to Surry Spice Girl in the Westminster Kennel Club Dog Show and this would be really good for his ego. Did I mention he's really cute?

Sam

By Michael R. Thompson

Sam hung his head in the rain. The love of his life, his wife Mary, was in the shiny box before him. Married five years before, they had decided to wait to have children. The chill in the air reminded him of just how alone he was now. With no children, Sam and Mary had turned from each other to their careers. Mary was an attorney and Sam was an investment banker. None of that mattered now.

Sam was speechless for the longest time. He just stood and cried. He could not remember the last time he had told Mary that he loved her. When the time came for him to say something to the mourners who had gathered, he could not think of anything to say. His throat was clogged by the pain of her passing. He just put his hand on the coffin over where her heart would be. He was silent.

Pulling his hand back and placing it in the pocket of his black wool suit, he gripped a rosary that he had not used in such a long time. He said to himself, "I wish I could tell her how much she meant to me. I wish we had one more chance." His heart thumped heavily in his chest. He wanted to die.

Just then he felt a tightness in his chest and a lightness in his head. Sam wondered if this was a heart attack, and then passed out, falling to the ground. All was hazy and then, through a moment of unconsciousness, he saw Mary, looking as she did when the two were freshmen in college. With her sweater, white shirt, and short pageboy hair, she was so beautiful to him. He stared across the lecture hall at her until she turned, and then quickly looked away. He played this game with her for a while, until the class ended. Then, while he was still picking his books, she walked up to him and stared directly into his eyes. He tried to apologize for his rudeness. He tried to say hello, but he was breathless. The air around her seemed to vanish and he felt a warm nervousness creep over him. She spoke up, saying hello more with her eyes than with her voice. With his own voice loosened, he asked her to coffee. Mary accepted. The two walked off into a hazy school corridor.

Through another gray cloud, Sam saw a white angelic form. It was Mary, years later, on the evening of their wedding. Her skin radiated a joy that made her eyes seem like emeralds. She felt a feeling of pure, intense, even blessed love for her. She was his first and only, and he was hers. They were as halves of a balanced whole, and all Sam could do was stare, and try to calm his heart so that he could kiss her. Her eyes were wet with tears of unabashed joy, and apparently her heart so that he could kiss her. Her eyes were wet with tears of unabash...
Military Tribunals, continued from Page 1

ized by Congress, and must be limited to unlawful combatants. Levy argued that President Bush’s order to establish the tribunals fails to meet all three requirements. First, the order states that accused persons can use habeas corpus to challenge their classification as non-citizens; but provides no additional chance for a civil justice remedy at later stages of the proceedings. Second, no act of Congress or Declaration of War has been enacted to support the Bush initiative. Third, even if the September 14th Congressional sanction of the use of force against people involved in the September 11th attack be considered sufficient, Levy challenges the idea that only unlawful combatants will be subject to trial by tribunal. While members of Al Qaeda would certainly qualify as unlawful combatants, according to Levy, members of the Taliban would be a “closer call.” Additionally, the Bush order extends further, to any non-citizen the executive department “has reason to believe” is involved in acts of terror, preparing for acts of terror, or aiding in any invasion of acts or preparation. Mr. Levy fears this broad definition will create a slippery slope and allow tribunals to be applied to such diverse individuals as drug dealers and those who have made charitable contributions to organizations that have some link to terror.

Colonel Phelps then spoke in defense of the Bush administration’s policy. He explained that terrorism is distinguished from criminal activity in that the focus is on committing the acts, rather than the cause. Those who participate in terrorist activities are so distinguishable from ordinary criminals that they must be treated differently once captured. Phelps said that this paradigm shift is evident from the way the United States is conducting its investigation into the events of September 11th. The procedures followed were those of war, not traditional police investigation. The fact that force has been sanctioned by both the legislative and executive branches further justifies the shift to treating those persons with ties to terrorism as prisoners of war rather than ordinary criminals. Colonel Phelps argued that the Joint Resolution passed by Congress was sufficient to serve as a declaration of war, because although it was not specifically titled as such, it gave the executive authority to begin military operations in the search for those responsible for the terrorist acts in this country.

Phelps stated that the Bill of Rights was designed to protect residents of the United States against their own government, not to protect unlawful combatants from the country and government they seek to invade or destroy. He explained that the Geneva Convention draws a distinction between lawful and unlawful combatants. Unlawful combatants attack civilians, disguise themselves as civilians, wear no uniforms and no open arms. To Phelps, it does not matter where those who violate the rules of war are captured and what crimes they are charged with as unlawful combatants strip them of their Bill of Rights protection even if they are residents of the United States. Colonel Phelps did note that the definition of unlawful combatant must be strictly applied in cases where military combatants are possible, indicating that he was unsure of the usefulness of the expansive definition in the Bush plan. However, his ultimate proposition was that military tribunals are the most appropriate means of dealing with captured combatants who have violated the rules of war because the military officers who sit on the tribunals understand those rules and how to apply them. The Thursday afternoon debate was well attended and appreciated by students.

The Federalist Society accomplished its goal of initiating a conversation about the merits and disadvantages of the military tribunal system, as evidenced by the question and answer period that followed the debate. No winner was declared and indeed, the rest of the proposed system may be its eventual application to prisoners currently being held at Guantanamo Bay and elsewhere.

Pity Oscar, continued from Page 6

BEST SUPPORTING ACTOR: Jim Broadbent, Ethan Hawke, Ben Kingsley, Ian McKellen, Jon Voight

WW:SW: Ian McKellen: Chalk up a victory for Lord of the Rings on this one. McKellen, playing Gandalf, brought convincing depth and humility to the role of a wizard. He will be sorely missed in the next two installments and credit to that his acting.

NM: Ethan Hawke? Ethan Hawke? Ethan Hawke of White Fang II, The Newton Boys and Quiz Show? I know he was good in Training Day but it’s Ethan Hawke! I mean, is Christian Slater far behind?

BEST SUPPORTING ACTRESS: Jennifer Connelly, Helen Mirren, Maggie Smith, Marisa Tomei, Kate Winslet

WW: Jennifer Connelly: Career Opportunities aside, Connelly put in a decent performance in A Beautiful Mind. Mirren and Smith will cancel each other out because both were in Gosford Park and Winslet was in a movie that no one saw (Iris). SW: Helen Mirren: If ever there should be a pity Oscar then this woman deserves it. She has done incredible work overseas (Prima Suspect) and has done excellent turns in Caligula and Mosquito Coast. In Altman’s remake of the Rules of the Game, she does an excellent job as Mrs. Wilson. The Academy might just pick her.

NM: Marisa Tomei. Since My Cousin Vinny, I really haven’t heard too much about Marisa Tomei. It was good to see her act again in In the Bedroom, but her role was on the smallish side, which will probably deny her another Best Supporting.

Moot Court Board 2002-2003

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BEST MUSIC (SCORE): A Beautiful Mind, Harry Potter, Lord of the Rings, Monsters Inc.

WW/SW: A Beautiful Mind: The very first thing that happens in this movie is the music that hooks the viewer immediately and is repeated throughout the film. The score of a film is one of the most understated but important components of any film. The music helps to subtly sell a scene or misdirect viewers. James Horner’s score does this so well it deserves the Oscar.

NM: I was impressed by the Lord of the Rings music (Howard Shore). It swelled in all the right places and is distinctive enough on its own to listen to without the movie. Certainly, it is one of the favorites going into Oscar night.

Here are the rest of my picks:

WRITING (Adapted): A Beautiful Mind

WRITING (Original): Memento: Finally the best movie of the year gets an Oscar!

CINEMATOGRAPHY: Lord of the Rings

ANIMATED FEATURE FILM: Shrek

ART DIRECTION: Lord of the Rings

MUSIC (Song): Vanilla Sky: written by Sir Paul McCartney, this is another pity Oscar for a relatively unoriginal song (in other words, time to give a Beatle an Oscar).

FOREIGN LANGUAGE FILM: Amelie: absolutely excellent French film.

MAKEUP: Lord of the Rings

SHORT FILM: Give Up Your Aul Sins

COSTUME DESIGN: Lord of the Rings

DOCUMENTARY FEATURE: Promises Promises

SHORT SUBJECT: Gregor’s Greatest Invention

SOUND: Black Hawk Down

SOUND EDITING: Monsters Inc.

VISUAL EFFECTS: Lord of the Rings

FILM EDITING: Memento: May as well make it two for Memento.
Winter sports orgy stops casebook reading

By Sarah Kinsman

After the NBC-Salt Lake Winter sports orgy, I can't really say when COGSA will screw a shipowner, or how to get a variance under the Clean Water Act.

But, I know how many runs are combined to make a luger's final time; who won the women's gold in alpine skiing; and just who the heck is Ole Einar Bjoerndalen.

I can't put my finger on why I get such a thrill out of the Winter Olympics. I suspect it's revisiting childhood. The Winter Olympics are like one action-packed, gar­ gantuan snow day.

It was thrilling enough sledding down the big hill at the nearby golf course; even cooler to stand up on the sled and, when someone buried a car hood in the snow, launching off that ramp felt like serious air.

Standing on the sled while going over the hood didn't work quite as well, but sure produced some spectacular biffs.

So, if that's exciting, how much of a rush could it be to do that kind of stuff in international competition? On international TV? With medal ceremonies? We figured those Olympians had it made!

Perhaps my most interesting sprint break was my senior year in high school, when I took a school trip to Russia as a graduation present. We had the opportunity to tour schools, to meet with students, and to see a part of the world that we had previously only read about in books. While I didn't come back with a tan, I did come back more ready to interrogate some of the stereotypes I had acquired over the years about this country. From time to time I take out my scrapbook and remember that cold, wintry spring break fondly.

Staff Picks: Spring Break Stories

By Brian Miller

This issue's Staff Picks topic is our best/worst Spring Break stories. Here's what our writers had to say:

Perhaps my most interesting spring break was my senior year in high school, when I took a school trip to Russia as a graduation present. We had the opportunity to tour schools, to meet with students, and to see a part of the world that we had previously only read about in books. While I didn't come back with a tan, I did come back more ready to interrogate some of the stereotypes I had acquired over the years about this country. From time to time I take out my scrapbook and remember that cold, wintry spring break fondly.

Sue Henshon

Worst: The one I spent cramming for the MBRE because I totally procrastinated on MPRE because I totally procrastinated on getting ready.

Tim Kollas

Contrary to popular belief among the editorial staff, I've never been on one of those wild and crazy tropical vacations of the sort shown on MTV... My best spring break was definitely my senior year in college, when by a miracle of good fortune, Mardi Gras and our vacation coincided (it was also the first spring break over which I had been legitimately 21...). So my three best girlfriends and I packed our stuff and headed to New Orleans without making any real plans (I literally called my mom from the road and said, "Guess where I am?!"). We were able to catch all the festivities from Friday through Tuesday, and then we drove to my parents' house in Ft. Lauderdale to hang out at the beach for the remainder of the week. It was the best road trip I've ever had, and a great way to finish my senior year. Especially considering that spring break my junior year undoubtedly qualifies as the worst -- but I'll save that story for another day.

Brooke Heilborn

The second day of my freshman year in a Catholic high school back in Rockford, IL, we had a tornado start less than a mile from our school, which sent us out into the hall ducking up against our lockers, and which ultimately went on to kill 17 people outside Chicago. Didn't seem to bother me much at the time. Fast forward to March 29th, 1991, the Friday before our Spring Break of that same freshman year. We were outside measuring a tree to see how much it would grow over the year, when off in the distance, we all started to notice a darkening of the horizon. It was gorgeously sunny, and unusually hot for that time of the year, 79 degrees. Our teacher got a little nervous when we were able to catch all the festivities from Friday through Tuesday, and then we drove to my parents' house in Ft. Lauderdale to hang out at the beach for the remainder of the week. It was the best road trip I've ever had, and a great way to finish my senior year. Especially considering that spring break my junior year undoubtedly qualifies as the worst -- but I'll save that story for another day.

Brooke Heilborn

Tuesday, February 26, 2002 The Aemus

golf balls, and the wind was buckling the windows in our classroom. Suddenly, our vice principal came over the loudspeaker and demanded that we all get to the "tornado hall positions" immediately, and off in the distance I could hear the tornado sirens going off. Though I didn't know it at the time, through all this I was suffering my very first panic attack, much akin to a heart attack for those who have never had one. This time quickly spiraled into a full-blown, cripplingly terrified phobia of tornadoes, and eventually of something as benevolent as even a single dark cloud. It dominated my life for two years, with me not being able to leave my basement if the Weather Channel were on as much as a rain shower. To put a happy ending on it all, after a year of wonderfully effective therapy, I had completely overcome my aversion to bad weather. But as for that Spring Break, while it had been 79 degrees July 4th, I woke up Saturday morning to find five inches of snow on the ground.

Brian Miller

Negril, Jamaica. The Bus Ride there. Crazy, high, Jamaican bus driver almost getting us all killed trying to pass another bus uphill, with another one coming at us and some livestock crossing in between. Only in Jamaica.

Char Rieck

Eric Nakano and I spent our spring break from Oxford in Rome. Besides getting ripped off by cabdrivers and pickpocketed in the subway, we thoroughly enjoyed our Roman holiday: ancient ruins, astounding artwork, and picturesque fountains. Our favorites were the Roman Forum and the catacombs.

Katie Riley

Bill of Rights Journal

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In-Depth Faculty Interview with Professor Dwyer

By Andrea D’Ambra

1) What’s your favorite word? What’s the worst thing about your job? Best thing: Occasionally students tell me they’ve benefitted from something I’ve done, and then I don’t feel like a complete hack.

2) What’s your least favorite word? Worst thing: When I see that a student is feeling alienated by something I’ve done or by law school in general and I feel unable to do anything about it.

3) What’s your most vivid childhood memory? If you could talk to one person living or dead, who would it be? I haven’t had it yet.

4) When you were a child, what did you want to be when you grew up? When I was a child, I protested against the pervasive conceptualizing of childhood as a mere prelude to the sacred status of adulthood, and I refused to engage in the oppressive acculturating game of “imagine yourself being a real (i.e., old-like-us) human being” that adults tried to force me to play. Until I got to high school, that is—then I decided I wanted to be an accountant.

5) What’s your favorite smell? good coffee

6) What’s your least favorite smell? bad stilton

7) What other profession would you like to try? Family court judge. Or rock star. I waver.

8) What other profession would you NO try to try? Wal-Mart greeter. I’m kind of introverted.

9) If you have a tattoo, what does it say (or depict)...if you don’t have one, and decided to get one, what would it say (or depict)? I could get fired for answering that truthfully.

10) What’s the best thing about your job? What’s the worst thing about your job? probably, the best thing is that adults try to force me to play. Until I got to high school, that is—then I decided I wanted to be an accountant.

First-Time Team Wins Spong

By Eric Nakano

William and Mary hosted the 31st Annual William B. Spong, Jr., Invitational Moot Court Tournament on February 22 and 23, drawing teams from twenty law schools. The case argued, Katherine Baptista v. Commonwealth of Wythe centered around a fictitious law school’s affirmative action program for admissions. The Fordham University team, a first-time competitor in the Spong Tournament, emerged victorious on Saturday over Georgia State University.

The final round, held in the McGlothlin Courtroom, provided competitors and observers with a small view into the Courtroom’s technology. Justices Robert B. King from the Fourth Circuit, Chief Justice Harry L. Carrico and Elizabeth Lacy from the Supreme Court of Virginia, and Frank Schwebel from the District of Columbia Court of Appeals, were joined by teleconference by Justice Phillip M. Pro, from the U.S. District Court for the District of Nevada. Slightly larger than life and floating just above the witness stand, Justice Pro appeared on the Courtroom’s 42” plasma monitors and was distinguishable from the other justices during questioning primarily by his slightly better lighting and fluctuations in his booming voice arising from the volume limiter of his microphone.

Stephen Thibodeau, this year’s Spong Tournament Justice, was seen breathing a sigh of relief after the final round of the tournament he organized finished without a hitch. When grilled about whose idea it was to teleconference a judge, Stephen confessed, admitting that it seemed like a neat idea at the time, and expressing relief that the technology functioned almost flawlessly. Melissa Newton, this year’s Spong Research Justice, was pleased by the quality of the arguments the teams made from the packet she had written. Like most moot court problems, they contain a bit of the personality of the author; in this instance, each of the characters in the problem were named after either her friends or Shakespearean characters.

The Spong Tournament is named after William B. Spong, Jr. who served as Dean of the Law School between 1976 and 1985.

SEARCHING FOR HOUSING IN DC? NEW RESOURCE AVAILABLE FROM W&M WASHINGTON OFFICE

Many students will be heading to Washington, DC this summer for summer jobs. For those students who are not from the Washington metropolitan area, finding housing is often a challenge. The William and Mary Washington Office is trying to make the hunt easier, by creating a new page on its web site (http://fsweb.wm.edu/dfcoffice) (the link is in red in the middle of the home page). The new page consists of links to university and private housing sites, and also contains a forum for students to communicate about leads, locate roommates, etc.

“The Washington Office is trying to continually improve its services to the students,” said Susan Wayland ‘68, Director of the Office. “David Carter ‘01, the Executive Assistant of the Office, is able to combine his extraordinary skills with his very recent experience as a student to ensure that the office is stepping up to meet the needs of the campus community. I hope that students will find this to be a helpful new resource.”

Wayland and Carter can be reached on the Washington Office email, dfcoffice@wm.edu.
Public Service Fund's Dinner Date Auction

By Katie Riley

PSF's Fifteenth Annual Dinner Date Auction on February 9, 2002 raised over $9000 in total. The live auction raised approximately $5500. Among the highest priced dates was Carter Chandler (1L) who, paired with two Busch Gardens passes and lunch at Manhattan Bagel, went for $250. Dean Reveley's lunch with four students at the Williamsburg Inn also went for $250. Professor Barnard's champagne dinner cruise on the Chickahominy for her and six students went for $200. A movie and pizza night for six with Jammie Jackson (3L), Lacrecia Cade (3L), and Brett Ellsworth (2L) went for $205, due largely in part to the fancy footwork of the three dates. Andy Franck (3L), who played a guitar and sang during the bidding, went for $200 for his package of dinner for two and admission to a music event at JM Randall's. The golf packages were also very popular with one package donated by Dean Shealy (golf for two at one of three Kingsmill courses and breakfast at IHOP) going for $175. There were approximately 30 dates in total and approximately 30 volunteers to help throughout the evening. Most of the donations came from over 50 local establishments.

An impressive variety of items were also offered in a silent auction, with the highest priced item being two Barbri courses at a guaranteed price $900+ going for $900 each. As usual, Professor Silfen graciously donated several music items for the silent auction (CDs, videos, clothing items, etc.). In total, the silent auction raised approximately $3600.

A new addition to the Date Auction was the use of numbered paddles to use in bidding (donated by Barbri). Several of the paddles included door prizes of gift certificates to restaurants and the like.

A good time was had by all, and several of the dates really got into the spirit (as evidenced by the accompanying photos). Although less money was raised this year than in past years (possibly due to a slowing economy), Date Auction Chair Amy Lamoureux considered the event a success. She noted, "We had the greatest percentage of participation overall from the 1L class, whose enthusiasm for the event was unparalleled and greatly appreciated!"

Below: Brett Ellsworth, Lacrecia Cade, and Jammie Jackson as Destiny's Child: Right: Sada Andrews strikes a pose

What I really learned in Legal Skills...Monique Harris ties up Jeremy Bell

"I just got out of jail!"
Tim Emry

Andrew Suber performs "Strokin'" with Brooke Heilborn and Krissy Froelich

MC Dennis Schnieder

Mike Gulland prepares for a day at the beach...
Barrister’s Ball (or how we came to stop studying and love The Hotnuts)

By Char Rieck

It's Tuesday night; I have just returned from Richmond and I'm in the library... with beer. Yes, I am up to something, but don't say I didn't warn you. Last issue, during my rant on why everyone should go to Barrister's, I told you that I was going to write about it. Did you think I was bluffing? The way I figure, it is the biggest night of the law school social calendar; someone needed to document it in a way that does it justice. I've been plotting this for a while.

So Saturday night, I had on my tux and in my pocket a pen, paper, and my Barrister's ticket. I was already drunk and going a little sponte. So I took notes, I made a journal. In other words, you're all in big trouble.

9:35 p.m. - All I can think about as I am wandering around the Hospitality House looking for the Ballroom is how many people staying in this hallway will demand refunds after a ton of drunken people storm past their doors at 1 a.m. I almost feel sorry for them... almost.

9:50 p.m. - Standing in line for another drink I hear two 1Ls talking behind me about how it might be a good idea to get two drinks for each of them instead of just one. Awww, 1Ls, they grow up so fast.

9:55 p.m. - I've always said that Barrister's isn't as much like the Prom as the proms you see in movies of the High School genre except that where they have choreographed dance numbers (think Teen Wolf or She's All That) we have excessive drinking. Well, the electric slide just started, so I guess that just leaves us to eliminate the drinking.

Oh... man... I'm sorry; forget I brought it up... just forget I ever said it.

10:13 p.m. - From the people I am talking to there is a buzz going around the room. It's pretty exciting. No idea has held this type of promise to improve the quality of life of a people since Gorbachev introduced Glasnost. So to whoever came up with the idea of having THREE BARS, stand up and take a bow; we salute you.

10:32 p.m. - Yup, you guessed it, I'm drunk.

10:47 p.m. - The Hotnuts (huh, I wrote "Hotnuts") have just illustrated one of the two eternal musical truths. The song "Shout," contains subliminal messages that force drunken people to dance. The other truth is that "Louie, Louie" forces drunken people to sing. Yes, I have seen Animal House too many times.

11:11 p.m. - "Damn!!" That's the first "Damn!!" of the night. One of the things I enjoy about this night is the effort you women go through to get ready. Believe
me, it does not go unnoticed or unappreciated. All of you look great but some command attention. I refer to the latter as Trelliis Award Winners. Why? Glad you asked. You see last year at The event my friend, "Alex," and I were standing around talking when a young woman who had obviously taken great pains to get ready walked by us. Conversation stopped, gawking (brief and tasteful) began. 5-10 seconds later we realized that "Alex’s" better half (who is pretty damn cute herself) had been part of our conversation too. He then calmly, without missing a beat, turned to her and said, "I owe you a present." She responded with just two words, "The Trellis." That, my friends, is the antithesis of a Trelliis Award Winner. A non-comprehensive, but representative list of this year’s winners include: Blonde 1L silver dress, three red dresses (a 2L, two 1Ls, all light brown hair), 3L reddish hair with a purple dress, tall 2L silver/white/tea dress, 2 brunette 3Ls in black, blonde 2L low-cut black. (oh...God...was that list out loud?) While you women may think my descriptions a little vague, trust me, the men who are mad because I may have associated. All of you look great but some guys dancing may rate perfectly on the James Bond-ish, regal scale. Though one of them does say (in someone's words, "Alex") I’ve been so confused. But that does explain the whole "Hotnuts" thing.

1:03 a.m. - I’m in mourning. No more Hotnuts. Must have found some hydrocortisone. Yes, I did just make that joke and no, there isn’t anything you can do about it. Been holding that one back all night. I’m done. Besides, you got off easy.

Malveaux, continued from page 3

TWO. Now guys you wear pretty much the same thing as each other most of the time, but I have to think that if you’re not in Scotland and you go through the trouble of wearing a kilt and you find some other guy wearing the exact same kilt, part of you wants to eat fight.

"No longer are these decisions made by officials and undergrad students on main campus, who may not know what law school organizations do and why they need funds," Malveaux said. "Now it’ll be done by people who sit next to you in class."

An issue on the horizon Malveaux hopes the next SBA resolves is use of money from law student activities fees on the undergraduate campus.

"We spend hundreds of thousands of dollars on student fees for things we don’t use," Malveaux stated. "We spend $885 a head for intercollegiate athletics. At a time when the budget for the school is strapped; when the law school has no funds to add to on the library; when we could use new professors; we’re spending $885 on football scholarships. I hope they beat Rhode Island and take it to James Madison, but do any of us really go follow football?"

Malveaux also mentioned that our fees help pay for William and Mary Hall and for the "Green Monster" campus bus line. He suggests one solution, charging law students a user fee for things like football tickets or riding the bus, and allocating the saved money to law school programs.

"(College) President Tim Sullivan is going after the General Assembly for taking extra money out of tuition to pay for state funding," Malveaux said. "By the same token the College charges law students for things that we don’t use. They can’t balance their books on our backs."

Institute of Bill of Rights Law Student Division

II Moot Court Tournament
Winner: Sarah Rohn
Finalists: Casey Chmielewski, Jason Eiser, Erin Butler

IBRL would like to thank everyone who helped with the Symposium:

(apologies for anyone left out)

Symposium Chair: Timothy Pelletier
Moot Court Coordinator: Peter Allen
Faculty Advisor: Prof. Davidson Douglass
Institute Coordinator: Melody Nichols
Publicity: Adrienne Griffin
Program Cover Art: Nicolas Boring

Eric Herbst, Todd Muldrew, Eric Nakano, Katie Riley, Christina James, Prof. Paul Maceau, Prof. Kathryn Urbonya, Petra Klemmack, Courtroom 21, Gloria Todd

Moot Court Participants:
And Casey Chmielewski, Harmony L. Cooper, Eric Cook, Mary Carol Daly, Bruce Davis, Michael DeLucia, Jason Eiser, Michael Gentry, and Adrienne Griffin.
And Stephen Glyph, Shannon Hadseed, Nicole Harms, Melinda Hashbrouck, Brian Hayes, Jeremy Hobcough, Heather Hodgman, Bo Kim, and Joseph Krause.
And Tricia Lightcap, Dale Mobley, Karen Mooney, Christopher Parrott, Eric G. Peterson, Joshua Raynes, Natasha Robinson, Sarah Rohn, Kristine Schmidt, Monica Shollar, Jeffrey Spann, and Ping Tao.
And Sean Tepe, Trina Walters, Maxwell Wiegaard, Spencer Wiegaard, Laura Wright, and Laura Zinnani.

Moot Court Judges:
And Bo Foley, Kari Lou Franck, Ross Fulton, Harrison Gibbs, Ashley Hornsby, Christina James, Samantha Keck, Sarah Kinsman, Amy McMaster, and Eric Nakano.
And Melissa Newton, Timothy Pelletier, Derek Redmond, Zeke Ross, Elisabeth Sawyer, Nicole Spain, Barrett Thies, and Keith Wescowski.

Moot Court Balliffs:
Daniel Barnes, Adrienne Griffin, Todd Muldrew, and Laura Wright.
Symposium - Civil Liberties During Fight Against Terrorism

By Todd Muldrew

Can the government listen to your phone calls without a traditional warrant? Who can they tell about your call? Do we care if military tribunals are used instead of our normal courts? These and other topics were the subject of a symposium entitled "Civil Liberties and the Fight Against Terrorism." The Institute of Bill of Rights Law, Student Division, hosted panelists Professor John Douglass of the University of Richmond, Timothy Edgar of the American Civil Liberties Union, and U.S. Representative Robert Scott in the McGlothlin Courthouse on Monday, February 18. Our own Professor Cynthia Ward moderated this discussion of the status of civil liberties in the United States after September 11th.

The program began with the final round of the 1L Moot Court Competition. The participants argued the fictional case of a 23-year old man of Jordanian descent, Abdul Rahim. In this scenario, a police officer stops Rahim near the State Department and conducts a "stop and frisk," resulting in the discovery of a detonator cap, which later leads police to an apartment full of explosives and architectural schematics. The legal question was whether the cap was admissible as evidence. Oral arguments were presented by Counsel for the government, Casey Chmielewski, and Counsel for Rahim, Safi Rohn. They were assisted by their Co-Counsels, Erin Butler and Jason Eitner, respectively. The judges affirmed the Circuit Court of Appeals decision to not allow admission of the seized detonator cap as evidence.

Against this backdrop, the panelists began their discussion of government action in recent months. The conversation focused on the Patriot Act, H.R. 3162, which passed both houses of Congress within weeks of being proposed. The panelists expressed concern that the benefits of this legislation were outweighed by the potential abuses. A "sneak and peak" provision allows law enforcement to conduct some searches without ever notifying the subject that she or he was searched. The Foreign Intelligence Surveillance Acts were expanded to allow eavesdropping on communications of all types. After passage of the act, the government only has to show that gathering foreign intelligence is a "significant" purpose of the eavesdropping. Previously, gathering foreign intelligence had to be the purpose. Scott indicated that the original draft of the Patriot Act even proposed changing the language to "a" purpose, a semantic difference that we future lawyers can appreciate. Information gathered this way may now be shared between departments of government. Additionally, even grand jury testimony, normally secret, can be released to other executive agencies.

The speakers also discussed the Bush administration's proposed military tribunals, which do not even meet the standards of a court martial. Under tribunal rules, even client-attorney conversations can be monitored. Scott expressed his view that these changes are just another step in a process that has been assaulting well-accepted civil rights in the past two decades. Edgar argued that the executive branch is attempting to exercise powers it already has, but it wants to use those powers unencumbered by checks and balances. Douglass added, "Legislation that favors law enforcement is like a ratchet," meaning that it only moves in one direction, up. When asked about the sunset provisions, which would cause elements of the act to expire, the panelists replied that only a small portion of the act had sunset clauses. Much of the law passed in the heat of the moment last fall will be with us until Congress acts to repeal it. When asked about the make-up of the panel, Symposium Chair, Tim Peltier, explained that representatives of law enforcement agencies and related groups had generally not been available to participate. Douglass, a former prosecutor for the government, pointed out that some things, such as the information sharing between agencies and nationwide service of search warrants, are beneficial to law enforcement without necessarily resulting in significant intrusions into our civil liberties. The general consensus, though, was that the Patriot Act was part of a pendulum swing in the wrong direction. Nor did the panelists express any hope for immediate action that might repeal any of the legislation. As Scott explained, no one wants to be seen as siding with terrorists in an election year.

John G. Douglass is an Associate Professor of Law at the University of Richmond School of Law, where he teaches Criminal Law and Criminal Procedure and manages the Second Year Lawyering Skills Program in trial and appellate advocacy. Timothy H. Edgar is a Legislative Counsel for the American Civil Liberties Union in the Washington National Office. He is responsible for defending and promoting civil liberties in Congress and in the Executive Branch on the issues of national security, terrorism and immigration. Congressman Robert C. "Bobby" Scott (D) represents Virginia's Third District in the U.S. House of Representatives. He was elected in 1992, and serves on the Education and Workforce Committee and on the Judiciary Committee. The Institute of Bill of Rights Law, Student Division is designed to provide students at the School of Law with the opportunity to plan and participate in activities relating to the Constitution and Bill of Rights. The student symposium is an annual event. Past symposiums have covered issues such as racial profiling, religion in public schools, and the juvenile justice system.

More Clip 'n Save Marshall-Wythe Trading Cards! Collect them all!! Love is in the air as both Date Auction and Barrister's Ball fan the flames that Valentines Day lit... did we say lit? Oh, and just because you brought your own, doesn't mean you won't share...
Sports & Entertainment Law Symposium: March 23rd
By Tron Kohlhagen

The College of William & Mary and Regent University’s Law Schools are proud to announce the 4th Annual Sports & Entertainment Law Symposium. The event will be held Saturday, March 23rd at the College of William & Mary’s Law School, which is located on S. Henry Street in Williamsburg, Virginia. The Symposium is designed to attract law students, professors, college students and lawyers interested in sports and entertainment management. It is a one-day event, which begins at 8:30 a.m. with registration and check-in. The first panel discussion will begin at 9:00 a.m.

The Symposium will consist of numerous discussions focused on the evolving roles of sports and entertainment lawyers in the 21st Century, as sports, entertainment and business become increasingly intertwined. Students interested in a Sports or Entertainment Law career today must be versed in a variety of sports and entertainment related topics. The Symposium will explore the many necessary steps for building successful Sports and Entertainment Law careers. Our speakers will also outline and explore the many developing career paths in the business. Discussions will further cover lawyers’ roles in the sports and entertainment arenas, the media’s interaction with the sports and entertainment world, and the local and national environments which support the growth of sports and entertainment businesses. The panel discussions will be conducted by some of the region’s most prestigious sports and entertainment lawyers, agents and professors.

The Symposium represents an excellent opportunity to network with sports and entertainment lawyers and personal managers, as well as to gain valuable information concerning the practice of Sports and Entertainment Law. We are proud to welcome the following speakers to William & Mary’s Law School on March 23rd. The speakers are listed with their respective topics and panel times.

Getting into the Sports Industry
Erica Bashour, Sports Attorney
Octagon Athlete Representation Group - McLean, Virginia

Daryl Taylor, Sports Attorney
Vorys, Sater, Seymour & Pease, LLP - Alexandria, Virginia

Role of the Sports Lawyer in Sports Event Management and Dispute Resolution
David Maraghy, President & CEO
Sports Management International - Richmond, Virginia

Vernon Inge, Sports Attorney
LeClair Ryan - Richmond, Virginia

Anatomy of a Record Deal
Martin Silfen, Professor
Sports & Entertainment Law - College of William & Mary; Regent University

Stuart Silfen, Entertainment Attorney
Frankfurt, Garbus, Kurzit, Klein & Selz, P.C. - New York, NY

Intellectual Property in Entertainment Law
R. Joel Ankney, Intellectual Property/Entertainment Attorney
Troutman, Sanders, Mays & Valentine, LLP - Virginia Beach, Virginia

Steven Masur, Intellectual Property/Entertainment Attorney
Masur & Associates, LLC - New York, NY

We look forward to hosting students and practitioners from around the region. Prices are $55 - for active students with student identification. Admission is $50 for all other attendees. There will be lunch served for no additional charge. Lunch represents a great opportunity to meet and converse with our speakers. Please direct any questions to Tron Kohlhagen at (757) 345-0270 or tkohl@wm.edu.

Upcoming Bar Workshops
By Assistant Dean Bennie Rogers
To all Law School students—

The Academic Support Program is proud to announce several upcoming Bar Preparation Workshops. All workshops are free to current law students, including the associated books and materials. However, to attend the workshops, you must respond to this email by Thursday, February 28th. (Please see below for details.) The workshops are designed to help law students plan and prepare to take the bar exam.

Upcoming workshops schedule:

A) February 26th, Bar Preparation Orientation for third-year law students. The program will answer basic questions about the Bar exam and explain the format of future Bar Preparation Workshops. Time: 1:00 PM to 1:30 PM. Room: 119

B) February 27th, Bar Preparation Orientation for first- and second-year law students. The program will answer basic questions about the Bar exam and explain the format of future Bar Preparation Workshops. Time: 1:00 PM to 1:30 PM. Room: 119

C) Bar “MiniReview” featuring Virginia Bar subject matter presentations (video format). Students attending these workshops will receive a multistate bar exam study aid.

We encourage all law students to attend the March 19th OCP Bar Preparation Program where representatives from the Virginia State Bar Board of Bar Examiners will be available to answer questions regarding character and fitness issues and subjects tested. They will also provide their own insights on taking the Virginia Bar Exam.

If you are interested in attending any or all of the Bar Preparation Workshops, you must respond in writing (preferably via email) to either Dean Rogers (bcrogen@wm.edu) or Dean Roberts (perobe@wm.edu). In your response, please include the following information:

1. Name (first and last)
2. Class Year
3. Are you interested in attending all of the workshops and receiving all associated materials?
4. Are you only interested in attending the February 26th or 27th Bar Workshop?
5. Are you only interested in attending the PMBR sponsored program and taking the MBE diagnostic?
6. Are you only interested in attending the Bar mini-review workshops to be held evenings between March 18th and April 2nd.
7. Are you only interested in attending the Virginia Bar? A Yes or No response is required.

If you have any questions regarding the workshops, please contact Deans Rogers (221-3307) or Roberts (221-3821) for more information. Thank You!