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IBRL Presents: The Militia and the Right to Bear Arms

by Adrienne Griffin

On Friday, January 24th, the Institute of Bill of Rights Law hosted a program to discuss an upcoming book entitled The Militia and the Right to Bear Arms, Or, How the Second Amendment Fell Silent. An audience of faculty, students, and community members filled Room 119 to its capacity to hear a panel that included the book’s two authors. The book is part of the Constitutional Conflicts book series, published by Duke University Press. One of the co-editors of this series is William and Mary’s Professor Neal Devins, who is also the acting director of the Institute. The two authors of the book began the program by giving an overview of their thesis. Several Second Amendment scholars then offered commentary on the book, mainly highlighting where they agree and disagree with its conclusions. The program finished with a question and answer session between the audience and the two authors.

H. Richard Uviller of Columbia Law School explained that he and his co-author William Merkel, Uviller’s former student at Columbia, concluded that the only purpose of the Second Amendment was to ensure the existence of an armed militia. To them, the grammatical structure of the amendment’s text indicates that in order for private citizens to have a constitutional right to bear arms, there must be a militia for them to serve in. Because they.

Militia Continued p.4
Meet Prof. Lederer

by Marya Shahriary

1) What’s your favorite area of law?
Criminal procedure.

2) What’s your favorite subject to teach?
Legal Skills.

3) How long have you been here?
Since 1980.

4) Have you taught anywhere else?
I taught at the Judge Advocate General’s School for the U.S. Army and I was an Adjunct Professor at U.V.A..

5) What are you best known for?
Our work with the Courtroom 21 project, which everyone knows, and has heard too often, is the world’s most technologically advanced trial and appellate courtroom.

6) What’s your most vivid memory?
My favorite memory is proposing to my wife. I was on active duty at the time, clerking, and I had sent the Army a list of all the places I could continue dating my then girlfriend, now wife, and the army sent me a note saying no to all of my suggestions. I had to respond to the Army, so I found myself at home picking up the phone and asking Diane, “Assuming all the other questions are answered appropriately where would you like to live next year?” She said, “What are my choices?” We discussed all of them, including Europe, and I didn’t say anything else. After we agreed on what our preferences would be, I said, “How about I come into New York tomorrow to discuss all those other questions?” and she agreed. After hanging up with Diane, I went upstairs and said to my mom, “I think I just proposed” and she dryly observed, “To Diane, I hope.”

7) What is your most vivid memory from childhood?
One of the memories that hit from childhood is standing on the side of the ship that brought my family back to America, from Germany, and looking at the statue of liberty as we approached New York City.

8) When you were a child, what did you want to be when you grew up?
An astronautical engineer.

9) What’s your favorite smell?
I don’t know, but perhaps peach.

10) What’s your least favorite smell?
The result of cleaning up after one’s very young children after they have been dramatically ill.

11) What other profession would you like to try?
I am delightfully happy with the one I have.

12) 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 do not have a tattoo, but if I were to get one, at this point it would probably be the Lederer & Posey motto “We Serve”.

13) What’s the best thing about your job? What’s the worst thing about your job?
The most wonderful thing about my job is working with students and the rest of our colleagues. The worst thing is a tie between not having enough time to do everything as well as it needs to be done and the recognition that sometimes very deserving students do not get the job, the grades, or the honors they so richly deserve.

14) If you could talk to one person living or dead, who would it be?
My father.

15) If you could appoint the next three Supreme Court justices, who would they be?
(On recommendation of the correspondent) Nancy Archibald, Marya Shahriari and Dean Reveley.

16) Professor Tortorici’s Question: What one most important thing should be done to improve this law school?
The one thing this law school needs more than anything else is additional income from outside sources. The school has the best students, a superb faculty, a wonderful staff, and a tremendous heart; what we don’t have is the money to do all the things we need and want to do.

THE AMICUS CURIAE

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"Dedicated to the complete and objective reporting of student news and opinion"
Popov v. Hayashi: Paul Finkelman Discusses Legal Battle Over Barry Bonds Home Run Ball

by Adrienne Griffin

When you sat in your first semester property class, you probably never thought there could be a connection between Person v. Post and major league baseball. If you didn’t, don’t worry, because you were certainly not alone. Perhaps the only person who could make such a connection is Paul Finkelman, a professor at the University of Tulsa who is probably the foremost expert on baseball and the law. In a program co-sponsored by the Sports and Entertainment Law Society and the Institute of Bill of Rights Law, Professor Finkelman spoke with a group of William and Mary students on January 23th. He talked mainly about his involvement in the legal battle for ownership of the record-breaking seventy-third home run ball hit by Barry Bonds of the San Francisco Giants in 2001.

Professor Finkelman began his talk with a brief history of the law of ownership of home run balls. He explained that at least since the 1940’s, fans who have been lucky enough to catch a ball hit into the stands have not been required to return the ball to the field or the umpires. Finkelman reasoned that when you think of who could possibly own such a ball, the practice of allowing the fan to keep it seems sound. It cannot belong to the player who hit the ball, for he never had possession of it and, in fact, committed a battery on the ball when he hit it. It cannot be the pitcher, for he abandoned the ball by throwing it away. According to Finkelman, the owner must be the person who catches or, if you will, subsides it (even if he could not have it “by the scruff of the neck”).

When Bonds hit number 73 into the stands of Pac Bell Park back in 2001, a fan named Alex Popov caught the ball. He was immediately tackled by a group of fans and, when the struggle was over, a man named Patrick Hayashi had the ball. According to Finkelman, video of the incident reveals that Popov appears to have made a clean catch and does not show that he dropped it at any time. Nevertheless, Hayashi asserted that Popov never had control of the ball and claimed full ownership. Professor Finkelman first became involved when he received a surprise phone call from ESPN, asking him to comment on the dispute. He later gave an affidavit on behalf of Popov when he sought and obtained an injunction to prevent Hayashi from selling the ball. At the subsequent trial, Finkelman served as an expert witness on behalf of Popov, whom he feels had true possession of the ball. Despite Finkelman’s testimony and opinion that Popov was the true owner, the Judge found that the two men had equal claims to the ball. He ordered that the ball be sold at auction with the proceeds to be split between the two men. Professor Finkelman disagrees with this ruling not only because he believes Hayashi forcefully took the ball away, but also because he thinks it sets a bad precedent. Finkelman explained that this will only encourage fights in the stands in the future. Finkelman also focused on the cost of litigating the dispute and estimated that Popov spent at least $250,000.00 in legal and expert witness fees alone. He also noted that the ball has not yet been sold. Although the Mark McGwire record-breaking home run ball fetched $3 million dollars, Finkelman speculated that Popov and Hayashi may not be so fortunate. Factors that may decrease the auction value include the weaker economy, Bonds’ lack of popularity, at least in comparison to McGwire, and the fact that the record Bonds broke was only three years old.

Professor Finkelman gave the students an informative and entertaining presentation. He also brought the words “replevin” and “trover” back into their vocabularies, if only for an afternoon. If you want to learn more about baseball and the law, he recommends reading a student note entitled The Common Law Origins of the Infield Fly Rule, 123 U. Pa. L. Rev. 1474 (1975). Professor Finkelman is the author of Baseball and the Rule of Law, 46 Cleve. St. L. Rev. 239 (1998). He also recently participated in a conference on baseball and the law at Cardozo Law School. His remarks as well as those of the other participants can be found in Volume 23 of the Cardozo Law Review.

According to Tron Kohlhaugen of the Sports and Entertainment Law Society, this program was a joint effort with the Institute of Bill of Rights Law. Professor Finkelman was also in town to participate in their program dealing with the Second Amendment. The SELS is now busy planning for its annual symposium, which will take place on 28th. This event will feature sports and entertainment law practitioners and is open to the entire school. Please watch for future announcements from SELS.

Fighting Gravity: Learned Law By Hard Knocks

Band struggled to hit the big time

Continued from p.1

trials and tribulations of fighting to take a band to the next level, while former band member and current personal manager, David Triano, talked about his experiences as a musician and as Management for this Virginia mainstay. Starting out more than a decade ago as Boy O Boy, Fighting Gravity has created a distinctive sound that has developed from ska, to world beat pop, to rock while learning more about Entertainment law that they probably would have liked. Struggling under the inept management of Billy Joel’s brother-in-law and dealing with an expensive, long term contract with Dave Mathews’ management group, the band learned about contracts and personal management while getting a brief lesson in copyrights that forced a change in name.

Still Fighting Gravity has put together an impressive list of six studio albums, with a seventh due out this year (advance copies were handed out free to everyone who attended Silfen’s class); two double disk live CDs, another single disk acoustic live CD, and a twelfth CD that would be best described as a best of collection. While currently unsigned the band has flirted with the big time. They have been the subject of a six page article in Rolling Stone and were briefly signed by a major record label, before Mercury was bought out and left the band behind. But after more than a decade of extensive touring, and a loyal group of fans, I’ve been following them since I first saw them live in 1992. Fighting Gravity will continue to energize College crowds across the nation and fight to find a way to that elusive Next Level.
Militia crucial to Second Amendment debate

Continued from p. 1

found that there is no organization in current existence with a “genetic resemblance” to the militia of 1789, the Second Amendment has no meaning today.

William Merkel, who received his J.D. from Columbia and will soon earn a doctorate in History from Oxford University, elaborated on the thesis of the book in his opening remarks. He spoke about the differences between a standing army and a militia and explained the Second Amendment as a concession to the anti-Federalists. The anti-Federalists feared that a standing army alone would not only be expensive, but would also have the power to suppress dissent. With the Second Amendment added to the Constitution, the federal government would not have the power to disarm the citizen militia even though it could still maintain the standing army. Merkel further explained the conclusion that there is no militia in today’s United States. Although the National Guard may appear militia-like, service in the Guard is not compulsory or universal. At the time of the Founding, militia service was mandatory for all men of appropriate age who were not members of the professional army. In addition, the historical militia was funded by the states, while the National Guard could not exist today without federal funding.

Professor Paul Finkelman of the University of Tulsa College of Law spoke next, and stated that he agreed with most of what Uviller and Merkel have written as well as the ultimate conclusion that the second amendment does not apply today. He did emphasize that while he finds no constitutional right to bear arms or to use such arms to hunt, fish or defend one’s self, individual states do have the power to confer that right on their citizens. Jonathan Simon of the University of Miami School of Law spoke about issues that the book raised for him. He theorized that the Second Amendment may be seen as an individual right to have a militia and that citizens have lost something with the disappearance of this “democratic form of discipline.” Simon also reasoned that the Second Amendment is still part of the living struggle over what to do about crime.

Sanford Levinson of the University of Texas spoke next. He revealed to the audience that Uviller and Merkel have mentioned him in their book as someone they disagree with. That being said, Levinson contended that he substantially agrees with the conclusions of the new book. Levinson explained that his previous scholarship was motivated by a desire to bring new attention to the Second Amendment and the implicit idea behind it, namely that citizens have the right to rise up against and overthrow corrupt governments. Levinson discussed what that right would mean to the general population in 1791 (so soon after the Revolution) and contrasted it with what it might mean today.

The final speaker on the panel was Randy Barnett of Boston University School of Law. Barnett prefaced his remarks by explaining that he is an originalist when it comes to Constitutional law. He examines the language of the Constitution and how that language would be understood by the general public at the time. He does not claim to examine the actual intent of the framers because that would be too speculative. He pointed out that while Uviller remarked earlier in the program that he is not an originalist, Barnett and Merkel actually use the tools of originalism in their analysis of the grammar and language of the amendment. Despite a similarity of approach, Barnett disagreed with the authors in two especially important areas. Uviller and Merkel concluded that the average citizen in 1791 would associate the term “bear arms” exclusively with militia service. Barnett pointed to state constitutions that use the same term while explicitly granting the right to own guns that is not conditional on militia membership. Barnett also explained that he thinks there is a militia today due to the language found in 10 U.S.C. § 311. This statute calls for an “organized militia” in the form of the National Guard, but also speaks of an “unorganized militia” consisting of “all able-bodied males” between the ages of 17 and 45 who are not members of the National Guard. He pointed to the passengers who subdued the hijackers and crashed the plane in Pennsylvania on September 11th as an example of a time when an “unorganized militia” acted to protect the national interest.

Law School Alumnus and Former Attorney General Mark Earley Visits Marshall-Wythe

by Marie Siessseger

Addressing a small group of students gathered in the Reves Center on Tuesday, January 21, 2003, former Attorney General of Virginia and William & Mary Law School alumnus, Mark Earley spoke of the states’ role in the shaping of federal law, his experience in Virginia politics, and his personal experiences at William & Mary. Earley visited the campus as the Carter Lowance Fellow. The fellowship is sponsored by the Institute of Bill of Rights Law and is awarded annually to a lawyer working in the public service.

After graduating from William & Mary as an undergraduate, Earley spent four years working in campus ministry, two years of which were in Manila, Philippines. While there, he gained a profound appreciation of the American political system, largely through the stark contrast he witnessed between American democracy and the tumultuous and repressive regime of Ferdinand Marcos. Upon returning to the US, Earley entered law school at William & Mary, from where he launched his successful career in litigation and public service.

As attorney general, Earley saw how integral the states were in shaping federal statutes firsthand. He said that his experience at an assembly of state attorney generals, during which he found himself in the

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BLSA Update on Thanksgiving Drive

by Angeleen Godbev

The Thanksgiving basket drive is an annual community service event sponsored by the Black Law Student’s Association. Community service is an integral part of our organization’s objectives, as we believe service to the community to be an essential part of our responsibility as lawyers and future lawyers.

John Tarley, the Senior Partner of the winning firm, Tarley & Flanigan, spoke with Erma Mason from Williamsburg Social Services which is the agency to which the BLSA delivered the baskets. He knows Erma from his work and asked her what was done with the baskets and how this project helped families in our area. This is what he reported:

“Erma told me that this year’s turnout from the law school was unbelievable. From the BLSA Thanksgiving Basket Drive alone, an additional 58 families received Thanksgiving services. The total number of families receiving Thanksgiving services from the Williamsburg Social Services was approximately 136, so the BLSA drive increased the reach by 75%! Even more importantly, because of the BLSA Thanksgiving Baskets, these services reached families who had otherwise fallen through the cracks: people who make too much money to receive Salvation Army benefits, but too little to support their family; people who just moved here and have not qualified for benefits, etc.

All of us have worked hard to get where we are and our futures are limited only by our imaginations. However, as lawyers, it is our responsibility to make a difference, and I wanted you to know how our relatively small contributions made a big difference in this community.”

BLSA wants to thank all of the firms, classes and organizations that participated in this year’s Thanksgiving basket drive, and we appreciate the efforts made to make this drive one of the most successful ever!
From Baby Blues to Mothers Who Kill

The United States is unique among Western societies in prosecuting women with postpartum induced psychosis

by Susan Billheimer

The United States is the only Western country to incarcerate mothers with postpartum psychosis who have killed their infants, charging these mothers with homicide and incarcerating them without treatment, according to Dr. Margaret D. Spinnell's article "Antepartum and Postpartum Depression." Other countries, like England and Italy, consider childbirth a time of increased vulnerability to mental illness and treat women with "a preference for psychiatric treatment."

On January 31, the William and Mary Journal of Women and the Law hosted "From Baby Blues to Mothers Who Kill: Responses to Post-Partum Disorders in the Criminal and Civil Law." The symposium examined the current attitudes and legal framework for addressing post-partum mental illness in mothers. Professor Susan Grover moderated a discussion among four panelists that culminated in a Q&A session with William and Mary law students and members of the community. Ian Foxxworth put together the symposium, with the assistance of Ansley Peacock, Shannell Manning, and Ashley Moore. Law students Kate Goff, Joyce Wong, Lindsey Carney, Katie Brewer, Mary Reeves Murphy, Sada Andrews, Kendra Arnold, Ragan Ferraro, Karen Mooney and Jessica Cook also helped put together the symposium.

Panelist Ronald S. Honberg, director of the policy team for the National Alliance for the Mentally Ill, helps raise awareness of postpartum disorder. It is estimated that 70-80% of all women suffer some degree of mood disorder following pregnancy. Three syndromes, postpartum 'blues,' postpartum depression, and postpartum psychosis describe the spectrum of mood disorders found in women. Footnote 2 With the 'blues,' women experience mood swings that usually subside within two weeks after childbirth. About 10-15% suffer from depression which severely impacts their daily life and requires medical treatment. At the far end of the spectrum are women who suffer from delusions and hallucinations about the infant and who place their children in danger. Approximately one in a thousand women suffer from postpartum psychosis.

The keynote speaker, Professor Michelle Oberman, used vivid case studies of teenage girls who left their babies in toilets, gave them up for adoption or abandoned their children in cars to introduce the four 'lesser' through which the law views women with postpartum mood disorders. These four approaches are insanity, incapacity, extreme emotional disturbance defenses and disability laws. In infanticide cases, women with postpartum psychosis, like Andrea Yates, are very unlikely to succeed with an insanity defense because juries often find that mothers who kill their children knew that their actions were wrong. Professor Oberman suggested that excuse of extreme emotional disturbance, where permitted, could reduce the culpability for women suffering from mental illness to manslaughter, instead of murder.

Similarly, mothers who relinquish custody of their children whilst in the throes of depression are generally unable declare the contract void on the grounds of incapacity, because they were capable of understanding their actions at the time of relinquishment and they could have avoided it. Because post-partum mental illness (PPMI) is fleeting, it may not be viewed as stable enough to gain recognition as a disability under the Americans with Disabilities Act, although Professor Oberman expressed hope that the ADA might provide relief for sufferers of PPMI.

Professor Oberman argued that the law needs to step back from the traditional dichotomy in which women who kill their children are either viewed as crazy or evil, that is, "mad" or "bad," and consider reducing culpability or excusing mothers from their actions and providing them with medical treatment. At the heart of her argument rests the notion that our society places enormous expectations on mothers to be able to raise a child alone, and that often the needs of mothers suffering from abuse, isolation, and mental illness must be taken into consideration when dealing with their actions.

Psychiatrist Dr. Deborah Giorgi-Guarnieri stated that because PPMI is a temporary condition, attributable to motherhood and occurring to "otherwise normal" women whom we would not be afraid to meet on the street, it is therefore rational to mitigate sentencing and/or culpability for the crimes. In other words, because these women have a verifiable medical condition, and are often otherwise "harmless," they should be treated differently than a severely depressed or psychotic male who commits murder, because the latter form of psychosis is unpredictable and uncontrollable.

While I sympathize with the plight of these women, can we really justify sweeping instances of infanticide under the rug with a wave of the hand and a cry of "medical syndrome?" A guilty verdict, and accompanying sentence, is more than just a way to keep criminals off the street, it is a way that we impress upon those who commit crimes that their acts have consequences, prohibiting future actions and sending a message to the community that women who kill their children are held accountable for their actions. Panelist Professor Michael Perlin stated that while it has long been known that the 'rotten social background' defense holds no water, it can be used to mitigate someone's sentence. Similarly, a mitigated sentence could result if PPMI can be shown to exist. Unfortunately, because few women seek treatment, infanticide trials then become a battle of the experts to determine whether a mother who was not diagnosed actually had PPMI at the time of the killing. Yet is merely reducing incarceration time for women really the answer, or should additional preventative measures be taken into account? Prolonged incarceration without medical treatment is inhumane. Forced sterilization, another option, seems equally abhorrent. Perhaps, in extreme cases, a contract agreeing to give future

Motherhood Continued p.9

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**Features**

**Age, Shops, & Cars: Farewell Williamsburg**

by Jeremy Eglen

One more semester in Williamsburg.

I didn’t understand what it meant to live in a “tourist town” when I accepted my admission. I didn’t realize that there are two separate populations in Williamsburg, one youthful and collegiate, the other ancient and energized. It never crossed my mind that 25 down a highway actually means 25 miles per hour, and never in a million years would I have thought that 25 means 20.

And yet soon after I moved here, I was cruelly introduced to these truths. When I first moved here, I enjoyed it. After all, the roads in and around Williamsburg were laid out by drunken colonial teamsters, and are not the easiest to find your way through. You missed the junction with I-64? Just stay on the same road and you’ll hit it again.

Being forced to drive as I watched my car and let their airbag do its work. “Road rage is your inner child,” Dave Minko, who I’m sure answers partially to the Andy Griffith Mayberry existence that I so greatly appreciated. Scores of conversations filling diners and retirement homes today all begin with the same three words: “I remember when...”

As a young child, I often marveled that I was destined to live in the mixed-up modern world opposite to the Andy Griffith Mayberry existence that I so greatly craved. Give me my choice, and I’d turn back time and live in a world where men wore hats rather than ballcaps and met at the bar-

nousely solve the school’s budget crisis. Step 1: Put a sign on the Williamsburg Transit bus that advertises “Free Denture Cleaning - Tell Stories That Go Nowhere While You Wait.” Step 2: Inform various cities around the country that “We have the old people. If you want to keep them, you will pay us one million dollars.” Step 3: Deploy the aged into downtown Baghdad. Step 4: Accept small bags marked with prominent dollar sign from other city leaders. And step 5: Accept Iraqi surrender and turn Saddam over to the UN for his war crimes trial.

Now some naysayers may claim that such behavior is clearly limited by moral standards and the Geneva Convention: no enemy deserves the hell that is the over-75 tourist crowd. Sure, Amnesty International may issue a statement denouncing my tactics, several papers written by scholars who just happen to have the same political outlook, and yet another criticism of the countries that allow the organization’s members to be free to say what they like, but it’s not like it’s the first time that has happened. I say we have to go no-holds-barred. Re-release the elderly on their markets like so many toothless sharks on chum. Let slip the dogs of antiquing.

Until Fort Bragg takes up my suggestion for special operations, I suppose we'll be condemned to driving down Richmond Road at a snail’s pace. At least I try to avoid the lights most attractive to the tourist-mortals: the outlet stores. I am not a fan of shopping. I know what I want, and I will get it by searching the Internet for the cheapest possible price. I will not go to a store and browse around a building for whatever. My clothes shopping is done by my mother and sister. That’s right my mom dresses me. (Insert “ha-ha” here.)

For one thing, what is “in style” changes every year. At one time in my innocent youth I believed there was some sort of reason, or rational progression to fashion from year to year. But there’s not! There’s like 3 people in Europe who decide what is going to be stylish this year. They’re the pentavart of clothing and deep inside their highly decorated lairs they set the paws of their industry in motion to control the hip styles around the world.

Members of the pentavart are secret, but my sources tell me the ghost of that old lady with big glasses on the Old Navy commercialsheads the group with that dog as her unholy hound.

The group actually only designs directly for movie stars and other particularly flaky groups in California, France, and Italy. Their minions, led by the diabolical duo Abercrombe and Fitch, refine their efforts for mass consumption. I fight the good fight by letting my sister deal with these monsters; I just wear the fruits of their labors.

But even when I have my clothes chosen for me, I have to match them up to put them on. There are some rules to which clothes match, but I think I would have to acquire another advanced degree to master these rules. I cannot for the life of me determine whether or not specific pants go with a specific shirt, or whether I should be wearing black shoes or brown shoes. My sister did once refuse to be seen with me because I was wearing a black belt and brown shoes. I have learned two things that dominate my fashion choices: 1) blue jeans go with everything so long as you wear sneakers and white socks, and 2) khakis will go with enough of my wardrobe that I am safe with them, though I have to stay with shirts of fairly neutral color. But I have black and gray pants, but I have no idea what they go with, so I don’t wear them. As if it’s, I’m paranoid about my shoes being the right color — it worries me. But even more than being caught behind a driver who’s decomposing behind the wheel.

Even so, I will miss Williamsburg when I go. We do have many shopping options (if that’s your thing), a goodly share of the candle and pottery outlets extent on the surface of the Earth, and almost every food chain known to man. After I’ve got all of my things packed, my utilities shut off, and my dogs loaded into the ear, I’ll drive very slowly away. Especially since the guy in front of me will be going 15.

Representatives of the AARP, Amnesty International, Old Navy, and any other groups I have offended can contact my press secretary, Dave Minko, who I’m sure will have several creative places where you might forward your message. All others can reach me at jieglen@alum.dartmouth.org

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**Perspective: What's left on the Left?**

by Paul Rush

I suppose it’s human nature for everyone to romanticize his or her youth, and to look back on that youth through rose-tinted glasses.

Things are always better, it seems, some time after they can truly be appreciated. Scores of conversations filling diners and retirement homes today all begin with the same three words: “I remember when...”

As a young child, I often marveled that I was destined to live in the mixed-up modern world opposite to the Andy Griffith Mayberry existence that I so greatly craved. Give me my choice, and I’d turn back time and live in a world where men wore hats rather than ballcaps and met at the bar-

bershop for more than an over-priced haircut from a stranger.

What values did I grow up lacking that generations before me appreciated? Having respectfully borne the label of “Gen-X,” I fear even more for the new “Millen-Gen” which is up and coming soon to public schools near you. Of all that has changed since the 1950’s and 1960’s, perhaps that which has changed the most is that which has changed the least — American Politics.

One thing is for certain — these aren’t your parents’ parties, young fella. Indeed, time has aged the two parties not unlike wine, and the results have been remarkable.

Republicans no longer support purely rigid economic policies and goals over social legislation — they have come to a realization that, for the most part, big government is here to stay. Sure, sure, wait until the stump speeches for the next big election, and you’ll hear all kinds of rhetoric bantered about this way and that, but the inescapable truth of the matter is that there are limits as to what can be done by a president of either party in a government structured such as ours is. Appesement and compromise are the better parts of valor these days, and the Republican Party has mellowed greatly in this respect over the years. Nevertheless, the party remains true to its original mission in many ways. As a result, so-called “compassionate conservatism” has struck a chord with the American people, for better or worse, and it is here to stay.

On the other hand — the Left hand — the Democratic Party is struggling to cement itself securely in the minds of neophyte political participants of today who will be the financial contributors of tomorrow.

Young voters today are confronted with a myriad of policies favored by the Left. As they ask themselves what it means to be a Liberal in American politics today, the wizened Democratic Party answers paternalistically, “It can mean many things, my child. Those of our ranks include extreme humanitarians who cannot abide the suffering of people in any...”

Left Continued p.9
Two High-Quality Films on Drug Running and Mob Warfare

by Peter Flanagan

Spike Lee’s movies always have an underlying subtext against which his main characters play out their stories. Do the Right Thing was not only a story about Mookie but also about race relations in New York and, to some degree, the differing philosophies between Martin Luther King Jr. and Malcolm X. He Got Game, is not just about a son’s relation to his father but also a exploration of basketball as metaphor for the country and notions of race.

25th Hour is a movie that revolves around not only Monty Brogan’s (Edward Norton) attempt to reconcile his fate of going to prison for drug dealing but New York City’s reconciliation with the events of September 11th. It also interweaves the stories of the two best friends of Monty, Frank (Barry Pepper) and Jakob (an inspired performance by Phillip Seymour Hoffman). Frank is a stock broker with a hundred million dollar line of credit to play the market. Jakob is a private school teacher with a not so secret crush on his student (Anna Paquin).

However, the main part of the story focuses on Monty and his dual fits of panic and resignation towards his alcoholic father. All of Monty’s friends (including his girlfriend Naturelle who is played by Rosario Dawson) meet up at a club to celebrate Monty’s last night. The subplot revolves around X trying to figure out who sold him out to the DEA. His suspects Naturelle and vows to find out before his night ends.

The story takes several interesting twists and turns and ends with an intentionally ambiguous ending (although if you know upstate New York geography you know how the story ends). However, like many other Lee movies, this one is more about the trials Monty and his friends are facing. It turns into a meditation on the September 11 terrorist attacks.

Many of the continuing wounds that the characters bare are symbolized by the scarred earth of the World Trade Centers. The City reflects what is going on in the character’s lives and constantly impresses itself upon the plot. Monty’s dinner with his father is framed by the photographs of fallen firemen.

Monty has a five minute long diatribe ranting against the City and all of the inhabitants. Yet, by the end of the movie, he is smiling and waving at the same people he initially hates. What this seems to point to is Lee’s attempt to reconcile his love and hatred for the City, especially in light of past events. Monty could run, give up or face his fate (much like the choices faced by New Yorkers after the attack). How Monty deals with the inevitable is a showcase on New Yorker’s fears, anger and acceptance of living a life in New York.

Lee, of course, does a credible turn as director and creates several visuals that have become staples (for example, the camera and characters float through the scene almost independent of their surroundings or putting background images that interact with the foreground characters [at one point while Monty is questioning Naturelle about selling him to the DEA, a picture in the background seems to be stabbing her head]). While Norton and Pepper put in solid performances, once again, Hoffman steals the show with his performance (see Boogie Nights, Magnolia, Punch-Drunk Love for other scene stealing examples). Certainly this is a movie worth watching.

I was going to watch and review Chicago, or Auto Focus or even Bowling for Columbine. However, I was too lazy to get out to another movie so instead, I am reviewing a great DVD that no one has every heard of, Boondock Saints.

The movie tells a story of two Irish brothers in South Boston who rise up to beat up a few Russian mobsters. They get a taste for blood, and a mandate from God, and decide to wipe out South Boston’s mobsters.

The brothers are played by a great Sean Patrick Flanery (who turns in as good a performance as in Powder or Suicide Kings) and an unfortunately still unknown Norman Reedus (Mimic and SMM). Helping their bloodbath is Rocco (played by David Della Rocco) who is a “package boy” (i.e. deliverer of meatball sandwiches) for the mob. With his help, the boys start to wipe a sodid cast of characters (including a classic performance from porn legend Ron Jeremy).

Along the way, they run up against an FBI agent played superbly by Willem Dafoe. On a side note, I would argue that outside of Johnny Depp, Dafoe is one of the most underrated actors out there. Just look at Shadow of the Vampire, Basquiat and Mississippi Burning to show why he is so good.

Along the way, we are introduced to spectacularly choreographed violence, intriguing ideas regarding religion (more so than Dogma) and great catchphrases (“where you going, NOWHERE!”). In the end, what we are left with is a great story, great acting and a thought provoking movie.

The distribution of this movie is also an interesting story. The Columbine tragedy caused the studio to tank the movie and not support it on a limited release. However, a few people who encountered this movie started spreading the word on the Internet and showing the movie to friends.

The story how I saw this movie is fairly typical. A friend of mine bought the DVD online for an outrageous amount of money and showed it to me. Slowly but surely the DVD was released to more distributors who sold it for lower prices. Now, Target is selling the DVD for $5.99. Feel free to buy or rent this movie and you will not be disappointed. Just learned, they are making a Boondock Saints II, soon to be in theatres!

Pete’s Picks

DVD Pick of the Week: Sure Moulin Rouge and Castaway come out this week. For the non-obvious pick, I vote for The Big Lebowski. Decried by some Coen brother fans as a movie about nothing (Curtis Edmonds TXreviews.com) it is, instead, a glorious ode to laziness. As Jeremy Heilman points out “Bridges imubes the Dude with so much character that his laziness isn’t just a habit, but instead becomes a full-fledged ethos.”

TV Pick of the Week: Stagecoach (TCM Feb. 5th 1 pm) Not only does it offer one of the first examples of zoom in modern cinema, but the collection of rascally characters and exciting chases is THE mold for the western. Also, watch out for Married by America on, of course, Fox starting March 10 (8pm). Suffice to say, the “home audience” picks which couple gets married. I love democracy!

Kimball Theatre Schedule: Seven Samurai, starting February 2nd at 7:30pm; All Or Nothing starting February 9th at 6:45 and 9:15.

The Corner Pocket presents

Jon Wade Quintet

JAZZ every thursday night 7-9 pm

featuring bill brown on trumpet
mike jacobs on saxophone
jordan ponzi on bass
ryan corbett on keyboards
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Features

Reality Bites: "Reality" T.V. Shows Pure Drivel

by Tim Castor

Let's get something straight: people. The title to this piece is not a clever lead-in to one of those wonderfully mediocre Winona Ryder jokes that Jay Leno pulls from his ass on a nightly basis (I am still waiting for a late-night talk show host to open the monologue with the following: "Ladies and gentlemen, let me tell you, we have a freaking awful show tonight"). Nor is it a tribute to the life and times of Ethan Hawke, a man who has attained success despite the fact that his last name contains a renegade "e." Rather, the title to this article serves two purposes. First, it exemplifies my opinion toward the current crop of reality-based television programs. Second, it reminds me of a time of reality-based television program, I would be more than willing to shower it with compliments (and possibly even bathe it with some Irish Spring). Since the suits are unlikely to create such a show, I feel that it is my duty as a card-carrying member of L.L. to put forth an idea for a reality-based television program.

While many critics and viewers have welcomed these programs into their homes, as well as their hearts, I have been hesitant to follow suit. This reluctance to join the masses in their unquestioning praise of pure drivel is not a product of my disdain for the concept of reality-based television. Instead, it stems from my belief that the current batch of reality-based programs rivals green ketchup for the title of "Worst Thing Ever" (try tapping that puppy to Mom's fridge). Thus, if television executives were competent to the point that they could create a decent reality-based program, I would be more than willing to shower it with compliments (and possibly even bathe it with some Irish Spring).

Since the suits are unlikely to create such a show, I feel that it is my duty as a card-carrying member of J.C. Penny to put forth an idea for a reality-based television program. Although my idea does not deviate tremendously from the concepts underlying the reality programs currently on television, it has two features that distinguish it from its brethren. Rather than focusing on the lives of MTV dorks (yes, dorks!) or lying construction workers, my program would examine the lives of two of the most prominent individuals of the last 836 years: Edward Norton and Tim Castor (granted, Norton may not be that prominent, but my stuffed animal pose always told me I was special). During each of the fourteen episodes, Edward and I would live each other's life for a day. In other words, Edward would chill with the stuffed animal pose, hone his cartwheeling skills, and attend law school. I, on the other hand, would frequent the talk show circuit, play high-stakes poker, and beat the living snot out of everyone I met. Now, I realize that this overview of my reality program may have left you thinking, "Is this what happens to a person when he inhales musty book fumes for an extended period of time?" While a broad overview of the program may not entice you to turn your TV dial to E! on Thursday nights at 8 p.m. (Watch your back Anna Nicole!), I tend to believe that a more specific description of my program will have you Catholic in my imaginary dog (for some reason, Morris and the stuffed animal pose have never gotten along very well)

In the premier episode of the Norton-Castor production, Norton would have himself quite a day. In the morning, Norton would put on some trousers, consume a scrumptious Pop Tart, and witness three different individuals break down in tears after they were walloped by a super-sized can of Socratic whoop-ass. In the afternoon, Norton would check his empty hanging file for the 33rd and 34th times that day, in the hopes that the hanging file fairy left him a Bar/Bri flyer. Finally, Norton's day would end on a high note, as he would dine on Easy Mac, practice his cartwheels, and spend some time alone with Sanford the marker (do not tell Morris or the stuffed animal pose about my relationship with Sanford).

My day would be as equally stupendous as Norton's experience. In the morning, I would appear on LIVE with Regis and Kelly, where I would ask Regis for one million dollars and then proceed to beat the snot out of him when his "final answer" was "no." In the afternoon, I would play some poker with Malkovich and the boys until John Cusack, Cameron Diaz, and Papa Smurf emerged from the depths of Malkovich's cauldron. Finally, I would end the day by attending a sports mascot convention, enabling me to spend a good four hours beating the snot out of that Stanford Tree.

If you are intrigued by the aforementioned description of the premier, you should be delighted to learn that the program would become even wackier as it progressed. For those of you who are still skeptical, you might as well resume filling out your applications for Survivor 41: Disney World. Regardless of whether you subscribe to my idea, I ask that you mention my name the next time you don a sweater vest and hit the links with the executives from NBC. With a bit of luck, we can replace an image of a person eating maggots with my smiling mug (I walked myself right into that one).

Encourages students to continue legal studies

Continued from p. 4

middle of a polarized debate over tobacco regulation, illustrated state power in action. While serving on a committee charged with drafting proposals, Earley had to defend the large tobacco companies against the protests of the non-tobacco states. The proposals and recommendations that came out of that conference were eventually included in federal legislation.

Earley's speech highlighted the importance of state government in constitutional law. He spoke of the founders' conceptions of how the states should be involved in the lawmaking and law-interpreting process. Emphasizing the continued importance and influence of state governments in federal decision-making, Earley discussed his experiences as Attorney General. In particular, he noted that although the more memorable Supreme Court decisions are those wherein the Court strikes down state action, there are many instances in which the states' powers to regulate have been upheld. To illustrate this, Earley spoke of his own participation in a Supreme Court case, Brzonkala v. Morrison. In Brzonkala, the Court struck down a federal statute on the grounds that it improperly invoked the Commerce Clause of the Constitution.

At the conclusion of his presentation, Earley encouraged the assembled LL students to persevere in their legal studies. He invoked the visions for a democratic society of John Marshall and Thomas Jefferson, and told students that they now had the duty, as Marshall and Jefferson had, to secure the future.

Earley currently serves as president of Prison Fellowship Ministries, a nonprofit organization that supports churches in their ministry to prisoners and their families.
Motherhood depression widespread but misunderstood

Continued from p. 5

children up for adoption, or placing them in temporary custody until the mother is well, would suffice as a way to appropriately balance the needs of the infants and the mothers.

Given the prevalence of women who are affected by some type of postpartum mood disorder, the sentencing and treatment of women who kill their children while suffering from postpartum depression or psychosis needs to be re-examined in order to tailor a solution that is practical, compassionate and effective in preventing future incidents.

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1. This article is available at http://www.mmhc.com/jsfm/articles/JGSM9811/spinelli.htmlMental Illness


Left Needs to Adopt A True Coalition Strategy

Continued from p. 6

measure, as well as those who are pacifists, refusing to fight for any cause great or small, here or abroad. You can fight rabidly for free speech in all forms, or against hate speech in any form. As a Democrat, you can denounce the death penalty as cruel and unusual punishment while supporting the termination of unborn life. You can support affirmative action, or not.

You can argue for the legalization of drugs, or not. Above all, my child, being a Democrat means NOT being a Republican.” The party of the Left has not only confused and alienated young voters by its internally conflicting policies, but it has also abandoned those who are looking for procedural consistency from without. Consider, for example, the recent and current judicial nominee debacle. During the first half of Bush’s term, the Left engaged in the (historically party-neutral) typical, though intensified, process of blocking what it considered to be right-wing judicial nominees. After the shift of power, however, the Democrats have purportedly proposed a new rule that the committee should limit confirmation of controversial nominees. Nobody appreciates a change in the rules midstream. A hard-line approach is usually met with an equally hard-line approach. You can’t expect one team to play tackle football and the other team to play flag football. Consistency is the key.

The Left, if it is to maintain legitimacy in the eyes of new young voters, must continue to play by the rules. The dominance of the two-party system in America is a rather enduring tradition, and it will likely continue to be so in the near future. Recent elections have proven that splinter candidates such as Ralph Nader and Ross Perot have done more to hurt their broader-based political parties than they have helped. Americans are still reluctant to vote for anyone other than their tried and true Two. As a result, the party of the Left, if it is to survive, must change with the times. Lately, the Left has failed to articulate a mission that is clearly distinct from that of the Republican Party. Although the numbers are still close (split about 51%-49% Republican-Democrat), current crises that face this nation, such as the Iraqi conflict, only serve to highlight the inconsistencies facing the Party of the Left. What does the Left stand for? Is it still the noble party of the 1960’s and 1970’s, vowing to avenge foreign human rights violations and free oppressed people from their governments, or does it now stand for pacifist policies of nonintervention? The Left is no longer a quantified region on a theoretical political continuum. Rather, it is a political continuum of its own, an Ouroboros of sorts, with no true beginning or end. There are, after all, very few clear and unified “Leftist” policies, excluding, of course, abortion. The seemingly internally contradictory nature of the Left is not only its greatest current weakness, but it could also potentially be the Left’s greatest strength. The Left, like it or not, is a Coalition Party. It is a Party which thrives on the diversity and depth of its various members, despite the fact that they don’t always agree. To its great detriment, the Left refuses to acknowledge this point, and, as a result, it has failed to extricate its tail from its mouth, as warring factions from within continue to struggle for power.

I suggest that a New Coalition Left will rise from the ashes of the old Left, and may even lead our nation into uncharted multiparty waters. If it fails to do so, however, its shelf-life may be short-lived. After all, if a voter has the choice to vote for either a Republican or a Democrat who sounds like a Republican... well, you get the picture.
Should The NFL Apply Affirmative Action in Considering Head Coaches?

Yes; Sometimes Grown Men Need a Kick in the Ass

by David "The Voice of Reason" Stern

"Don't worry about trying to throw the ball son. One of the smarter players will get you the ball so you can run like the wind."

For years, this was the cry of football coaches everywhere. Who were these smarter players? Why it was the White Quarterback, of course. If you could figure that out, you probably won’t have trouble figuring out who the coach wanted to run like the wind either.

Now such a statement is certainly not the cry of coaches anywhere anymore. It took a long time, but now if the coach can’t have the next Donovan McNabb, you better find him the next Michael Vick. So what happened? Did the coaches simply change their mind? Not likely. Someone, somewhere, gave a black kid the chance to play quarterback. And somewhere, that person realized that winning was more important than stereotyping. After all, we are a nation that only cares about winners. Losers, lose their jobs.

This leads us to a new revelation in the National Football League. There is now a league wide mandate that whenever a team is selecting a Head Coach, it MUST interview a minority for the position. There are a thousand reasons why I think this is a great new rule. There are also a thousand reasons why I think that this is a terrible new rule.

More than half of the players in the league are black. There are only 3 black Head Coaches out of 32 teams. Something has to be done about such a discrepancy. What is even more striking is that the National Football League should be doing more to help the lack of minorities in top positions than it is doing. Out of 32 teams, there is only 1 black General Manager.

On the surface, someone might look at the mandate and think it is hypocritical. After all, why does such a mandate exist for a Head Coach and not for a General Manager?

Baby Steps!

First the Quarterback, then the Head Coach, then the General Manager. One day, the Owner. You can’t exactly throw a group of people into a swimming pool when they don’t even know how to doggy paddle.

My esteemed colleague on the other side of this page is going to argue that no one should have the right to tell a private business owner who they should and should not hire. He is going to try to convince you that because of this the interviewing that will take place with the minority candidates in a lot of situations will be a joke. This was certainly the case when the Jacksonville Jaguars interviewed Notre Dame Head Coach Tyrone Willingham for their vacant coaching position last month. Everyone knew that Willingham would never leave Notre Dame. But, at least the Jaguars interviewed a minority, right? The Dallas Cowboys interviewed Dennis Green last month before hiring Bill Parcells. Raise your hand if you thought that Dallas was not going to hire Bill Parcells. Feeling lonely?

The answer to this argument is simple. He is absolutely right. This will go on. Worse yet, this will go on often. However, just as it did with the quarterback position, it only takes one person to get it right to convince a group of people who got it wrong to change their ways. This rational is at the heart of the new rule. There are a large number of minority coaches out there that are just waiting for an opportunity to prove the group wrong.

There is another argument that this rule is unnecessary and that the National Football League will eventually fix this perceived problem on its own, just as it fixed the problem of not allowing minorities to play quarterback. However, the quarterback situation took over 40 years to fix itself. Do we really want to wait until we are all in our adult diapers before we see an influx of black coaches? Football coaches who may do for coaching what Donovan McNabb and Michael Vick did for quarterbacking? Why not give the old coach a good swift kick in the ass, just to give him a little jumpstart?

No; First Black Head Coaches, Next White Running Backs

by Brad Spedale

The National Football League has instituted a new affirmative action program relevant to the hiring of head coaches. NFL teams must now interview at least one minority candidate for the position of head coach before deciding who they will hire for the job. It is obvious that the "minority" rule means African-American. There are some exceptions, but no one is complaining that there are too few Hispanic or Asian head coaches. I agree that the NFL needs at least one black head coach, but I completely disagree with the program the league has chosen to use in dealing with this problem.

The NFL is composed of 32 independently owned and operated teams in 31 cities. Each team is a separate corporation. Each team is a separate corporation. Each team has the right to hire the head coach of its choice who they feel will bring the most success to their team. When a team is hiring for a head coaching position, it only oversees the team in question. The general manager oversees the team in question. The general manager has the power to hire other people to do the hiring, but the general manager must ensure that the selection is based on merit and that the hiring process is fair.

Before the rule, other coaches would be granted interviews. New coaches, including black coaches, would become candidates. Owners would be free to hire black head coaches, but I completely disagree with the program the league has chosen to use in dealing with this problem.

There is a similar situation in the NFL until 1991. People criticized the NFL for not having enough black quarterbacks. Should the NFL have said, "Each time you sign a white quarterback, you have to sign a black quarterback to allow him to compete for the job?" Not! That is ridiculous and so is the NFL's new affirmative action program for the hiring of head coaches. The NFL did nothing. Eventually black Washington Redskin quarterback Doug Williams won a Super Bowl and a Super Bowl MVP. More black coaches were given a chance.

Some of these children were Donovan McNabb, Steve McNair, Aaron Brooks, Michael Vick, and Dante Culpepper, and many other NFL black quarterbacks. Prior to Williams' Super Bowl victory, there were still black quarterbacks such as Randall Cunningham and Rodney Peete, playing in the NFL. It took one to win the big game and then many black quarterbacks began careers in the NFL.

The same is true for head coaches. Once a black head coach wins the Super Bowl, it will inspire other African-Americans to become coaches and eventually head coaches in the NFL. This will happen. Forcing the owners into this new plan is not necessary and might be counterproductive.
Letters to the Editor

Miyares: Don't Make Assumptions

Dear Amicus,

There is nothing more enjoyable that an open and honest campus debate. There is nothing wrong, however, than mono- 
thetic thinking by a student body. A student body gains by learning, challenging and exploring our assumptions and beliefs. Unfortunately, some students may have taken my letter on October 10 as a personal attack on a specific group or class of students. This was not my intention. Both letters to the editor from Ms. Berndt and Mr. Houlihan misconstrued the intent and purpose of my communication to the Amicus. Perhaps I was not clear enough in its intention or message, so allow me to clarify on several points.

First, as a first year student I cannot comment on previous "decorations" on the memorial.

Second, the Gay & Lesbian Law Association know nothing about my personal views on Gay and Transgender Rights, Gay Marriage or on National Coming Out Day, yet members still chose to attack me on my attributed "positions" that they have the complete inability from knowing unless they have attained super human psychic ability.

Third, some sensitive students were offended by a perceived misuse of the word "decoration", which is defined as "To violate the sacredness of"). Ms. Berndt's letter, which chastised me on its use, espoused an Oliver Stone like-theory to instigate that I was not supportive of the First Amendment. I encourage her to re-read the last paragraph of my October 10 letter clearly stating my opposition to a First Amendment.

I hope this letter clears up any misunderstanding and wish that all were unimpressed of the disapproval of such objectionable behavior as anti-Cuban, anti-Hispanic, or anti-First Amendment.

Jason Miyares

Don't Oversimplify Capital Punishment

Dear Editor:

Discussions of capital punishment are often overly political. I would like to rephrase this response to your last article by saying that I am a Liberal; I believe in the moral progress of human beings toward good and the capability of social institutions to shape that progress.

However, if I had the chance to punish Osama bin Laden or Adolf Hitler with death, I would do so unequivocally.

Here are three of the arguments that support that decision:

1. A great many arguments against the death penalty stem from general attacks of the legal system. Racism does exist and it does affect jury verdicts. Often poor people receive substandard representation from their lawyers. These two facts color the entire legal process and the administration of every single sentence. Because these facts may affect death sentences, we should attack the death penalty as a social institution, not as a philosophical or moral act. We should create safeguards of intense scrutiny that assure the death penalty is instituted with justice and then work on eradicating the underlying problem: racism and the distribution of legal services. In my mind, a life sentence handed down because of racism or inequity is a shade less abhorrent than a similarly-instituted death sentence.

2. The role of the legal system is not merely to deter negative behaviors or to reform criminals; ceremonies such as weddings or holidays can also add significance to human events. In light of that, it is immaterial whether or not the execution of Osama bin Laden would deter terrorists or "rehabilitate" him (it would at least keep him from communicating to his followers and quash any hope of his future leadership). Rather, America as a whole would breathe a palpable sigh of relief. Those terrible events of September elevenths would be behind us in a particularly pleasing way; there would be closure and a wave of reassurance that had been infinitely greater than his value to the world as a human being.

To me, the Liberal view on capital punishment is a elaborate form of vain sophistry that willfully ignores more pressing issues and the everyday practice of government. Law enforcement officials give up their lives in service to our country and its citizens. We draft our finest young men, expecting them to sacrifice their lives for democracy and freedom. Why can't the government intentionally sacrifice the life of a man who has unequivocally raped and killed small children? The government decides on countless matters of life and death; it is vain to say that it must retract from the ultimate expression of its current legitimate powers. Also, so many more public debates are more worthy of our time: the general problem of racism in the legal system, the inequity of wages between men and women, and socialized medicine (how many more innocent Americans die through a lack of medical care than through state-sanctioned executions?). I would rather fight real fights than symbolic fights. From a practical view, all of this effort only results in a murderer dying in prison after thirty years (the 'ideal' system) instead of fifteen years (our current system).

In conclusion, the death penalty is a morally and philosophically sound expression of the government. The reasons why other governments do not have the death penalty are often incompatible with our principles of Democracy. Britain had a 60% approval of capital punishment when it was finally dismantled in 1998; however, they also have an "enlightened" elite of politicians in deciding the matter. According to a 1999 Gallup poll, 75% of American citizens endorse it. Is the American public that morally uniformed? Of course not. When a majority of the subjects of a state believe in a morally justified punishment, don't the judges have a duty to institute it? Of course they do.

Andrew Suber
Aksube@wm.edu

Public Service Fund Announcements & Upcoming Events

Valentine's Day Bake Sale

Thursday, February 13th

The PSF will be holding a bake sale in the lobby to celebrate Valentine’s Day and raise money for summer stipends. If you have been looking for a way to volunteer to help the PSF, please bake something for our sale or work the table for an hour or two. Sign up sheets are on the PSF board or email Adrienne Griffin at aegrif@wm.edu

Date Auction

Saturday, March 15th

This is the biggest PSF event of the year. Come and bid on many great prizes from local businesses. We need volunteers to help with the program, and especially people to volunteer to be dates. Please watch for more details and email Laura Schemp or Brittany Campbell to volunteer to be a date.

Phi Delta Phi

U.S. Supreme Court Trip

Wednesday, February 26, 2003
- Visit the U.S. Supreme Court
- Meet Justice Scalia
- Hear Oral Arguments

Due to Supreme Court seating restrictions, there are limited seats available. Arguments from 10-12pm, Meeting with Justice Scalia from 2-3pm. PDP Members have priority.

Interested? Please contact
SUSAN BILLHEIMER
sebill@wm.edu
R.S.V.P. Deadline: FRIDAY, FEBRUARY 14 AT 5pm

Apartment for Rent

An efficiency apartment will be available in July to a quiet, mature, female student. The apartment is located right across from the main campus. Please call 229-3311 from 6 to 8 pm for information.
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<td>Trial Team Training</td>
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<td>Military Law Society Meeting</td>
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<td>Trial Team Training</td>
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<td>Trial Team Training</td>
<td>Thu, February 13</td>
<td>6:00PM</td>
<td>Room 141 John Hackel</td>
</tr>
<tr>
<td>Business Bankruptcy Make-up Class</td>
<td>Fri, February 14</td>
<td>11:30 AM</td>
<td>Room 127 Mechele Dickerson</td>
</tr>
<tr>
<td>Professor Peter Alices Colloquium</td>
<td>Fri, February 14</td>
<td>12:30PM</td>
<td>The Faculty Room Rich Hynes</td>
</tr>
<tr>
<td>ABA/LSD Spring Meeting</td>
<td>Sat, February 15</td>
<td>9:00 AM to 6:00 PM</td>
<td>Room 127 Marguerite Carr</td>
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<tr>
<td>Trial Team Training</td>
<td>Tue, February 18</td>
<td>6:00PM</td>
<td>Room 133 John Hackel</td>
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<tr>
<td>Breakfast for Chief Justice Margaret Marshall</td>
<td>Wed, February 19</td>
<td>8:30 AM</td>
<td>Room 239 Paul Marcus</td>
</tr>
<tr>
<td>Breakfast for Cutler Lecturer, Anthony Lewis</td>
<td>Wed, February 19</td>
<td>8:30 AM</td>
<td>The Faculty Room Paul Marcus</td>
</tr>
<tr>
<td>Luncheon for Chief Justice Margaret Marshall</td>
<td>Wed, February 19</td>
<td>12:30PM</td>
<td>The Faculty Room Paul Marcus</td>
</tr>
<tr>
<td>Luncheon for Cutler Lecturer, Anthony Lewis</td>
<td>Wed, February 19</td>
<td>12:30PM</td>
<td>Room 239 Paul Marcus</td>
</tr>
<tr>
<td>Cutler Lecture Anthony Lewis</td>
<td>Wed, February 19</td>
<td>3:00PM</td>
<td>Room 127, 119 Cassi Fritzius</td>
</tr>
<tr>
<td>Trial Team Training</td>
<td>Wed, February 19</td>
<td>6:00PM</td>
<td>Room 133 John Hackel</td>
</tr>
<tr>
<td>Material Due for the next issue of the Amicus Curiae</td>
<td></td>
<td></td>
<td><a href="mailto:amicus@wm.edu">amicus@wm.edu</a></td>
</tr>
<tr>
<td>Professor Marcus’ make-up Criminal Law class</td>
<td>Thu, February 20</td>
<td>12:20PM</td>
<td>Room 127 Paul Marcus</td>
</tr>
<tr>
<td>Dean Mitchell Reiss to speak to students about Korea</td>
<td>Thu, February 20</td>
<td>3:00PM</td>
<td>The Faculty Room Melody Nichols</td>
</tr>
<tr>
<td>Trial Team Training</td>
<td>Thu, February 20</td>
<td>6:00PM</td>
<td>Room 141 John Hackel</td>
</tr>
<tr>
<td>Spong Tournament</td>
<td>Fri, Feb 21 - Sat. Feb 22</td>
<td></td>
<td>Room 119 Jonni Wiredu/BAR/BRI</td>
</tr>
<tr>
<td>Professor Kathryn Urbonya Colloquium</td>
<td>Fri, February 21</td>
<td>12:30PM</td>
<td>The Faculty Room Richard Hynes</td>
</tr>
<tr>
<td>MPRE Review Class</td>
<td>Sun, February 23</td>
<td>9:30 AM</td>
<td>Room 119 Jonni Wiredu/BAR/BRI</td>
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