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# Amicus Curiae

MARSHALL-WYTHE SCHOOL OF LAW

America's First Law School



VOLUME VIII, ISSUE FOUR

MONDAY, OCTOBER 27, 1997

SIXTEEN PAGES

## Streit Wins Moot Court Tourney; Worst Takes 2nd

By Danielle Berry

The 1997 Bushrod Moot Court Tournament ended on Sunday, October 19, when Robert Worst and Kevin Streit faced off in an argument so well presented and reasoned that the judges had to seek clarification on the Tournament rules in order to determine a winner. After a lengthy deliberation, though, a panel of three sitting judges declared Streit the victor and recipient of the coveted number one ranking on the M-W Moot Court Team.

This year's problem, crafted by Kristan Burch (3L), involved a hospital's termination of an emergency room nurse (Janet Moseley) who had tested positively for the HIV virus. Moseley apparently acquired the virus that causes AIDS from an

infected patient while she was treating the patient in the emergency room of the hospital that became the petitioner in this matter. The nurse subsequently filed a claim under the Americans with Disabilities Act (ADA), alleging that the hospital terminated her because of her disability without making available any of the accommodations set forth in the Act.

Effectively a problem of statutory interpretation, the problem raised ethical and pragmatic issues relating to the accommodation of a health care worker in the context of a busy hospital emergency room. Issues similar to those brought out by competitors throughout the rounds of the tournament have become prominent

See MOOT COURT on 4



Semifinalists Elizabeth Sumner and Robert Worst.

—staff photo

## Dean William Spong Dies at Age 77; Lifelong Friend of M-W

By Sutton Snook

On Wednesday, October 8, former Dean William Belser Spong, Jr. died of a ruptured aneurysm in Portsmouth's Maryview Hospital. He was 77. Spong served as Dean of Marshall-Wythe during one of its most difficult times, from 1976 to 1985, during which time, he brought the law school from a basement local college of law to one of national prominence.

College President Tim Sullivan noted that Spong was "the most thoughtful public servant of his generation. His greatness was made of a rare sense of

honor, a rarer sense of humor, a powerful intellect, and a dazzling capacity for practical judgment." Sullivan later wrote that "Virginia—to its lasting loss—will see none like him ever again."

Dean Paul Marcus wrote that "During his time here, he successfully responded to accreditation concerns in the American Bar Association, skillfully guided us to a new first class building facility, and hired many of the outstanding people who still form the core of this law faculty."

Spong was born in Portsmouth and attended Hamden

Sydney College. He received his law degree from the University of Virginia in 1947.

Spong's life can best be summarized by his commitment to public service. Spong served with the Ninety-Third Bomb Group of the Eighth Air Force during World War II. Entering politics in 1954, Spong was elected to the Virginia House of Delegates.

Two years later he joined the Virginia Senate, where he spearheaded a two-year study of Virginia's public school system. In 1966, Spong beat a twenty-year incumbent, A. Willis

Robertson, father of televangelist Pat Robertson, in the Democrat primary for the United States Senate by just 611 votes. He later won the seat and served one term.

Then Majority Leader Mike Mansfield called Spong the "best freshman member" he had ever seen. Among his achievements in the Senate is his authorship of the now famous War Powers Resolution and the Clean Air Act. Upon retiring, Spong became a founding member of the law firm of Cooper, Spong and Davis.

In 1976, Dean Spong was challenged to save the then

doomed Marshall-Wythe School of Law. The American Bar Association was threatening to remove accreditation from the school unless it moved to new facilities.

Spong took the challenge with veracity, building not only a new facility, but also the reputation of the school to national prominence. He raised \$5 million to do this and established the Institute of the Bill of Rights. He also doubled the number of volumes in the library, increased the number of faculty, students, and courses. Without these efforts,

See SPONG on 4

## Tenth Annual Supreme Court Preview Showcases Civil Rights

By Dana Loftis

The 1997-98 Supreme Court Preview was once again held at Marshall-Wythe on Friday, 24 October and Saturday, 25 October, to the delight and wonder of all involved. This was the tenth annual Preview.

Held contemporaneously with Alumni Weekend and the Annual Alumni Barbeque, parking spaces were as rare as wrinkles on a supermodel's forehead. Attendance was high, however, and the usual business of discussing and analyzing the upcoming issues facing the Supreme Court went off with only the usual number of hitches.

The highlight of the Preview was the Moot Court Argument on Friday evening.

As always, this was the most heavily attended event of the weekend. The case, *Piscataway v. Taxman*, involved two teachers with identical qualifications, hired on the same day in the same school. When a layoff was necessary, Taxman, the white teacher, was fired and the black teacher retained in order to maintain the diversity of the teaching staff.

Taxman challenged the decision and the Bush Administration backed her in order to test the constitutionality of affirmative action. Although the Clinton Administration asked the Supreme Court not to review this case because it was not felt to be suitably representative as a test of affirmative action due to the particularity of its facts, the Supreme Court will hear

the case this year. It is a closely watched case that could have far reaching implications for affirmative action programs and practices that are based solely on a desire to encourage diversity rather than redress past discrimination.

The case was argued, for the purposes of the moot court argument, by Samuel Issacharoff and Suzanna Sherry. Issacharoff, who was involved in the landmark affirmative action case, *Hopwood v. State of Texas*. Issacharoff represented Texas successfully in *Hopwood*, overturning preferential admissions practices for minorities at UT schools.

Sherry is a well-known legal scholar and a professor of civil rights and civil liberties at the University of Minnesota

Law School. Two Marshall-Wythe professors, Alan Meese and Susan Grover, presided as justices along with a distinguished group of legal scholars and journalists.

The decision was 6 affirming, 2 for reversal and 1 to vacate and remand. Professor Meese offered the strongest opinion.

See SUPREME COURT on 5

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# From the Editor's Desk . . .

Last week, Dean Marcus dropped a letter into all of our hanging files regarding the new addition to the law school. Although the administration correctly decided to build the larger addition, it has neglected the sad state of the current building.

The most obvious example of this is the problems with the heating system. While I would expect Key West to be a comfortable 90 degrees as I comfortably sit on the beach sipping a margarita, I don't expect it in Room 127 on Monday mornings as I sit in Professor Felton's Criminal Procedure Class, listening to a lecture on the Bail Reform Act. Room 127 is equipped with neither sand nor a blender, so the temperature is not a welcome addition on an already groggy morning.

Although this problem is not new to the administration, it remains an enigma for them and an annoyance to students, who dress for cold weather only to find that El Nino has visited the M-W classrooms. For years the administration has been plagued

with temperature problems. One must wonder, however, how the administration can find the perfect temperature for the administrative and faculty wing, but not for the classrooms.

The problem is not localized to Room 127, but rather infests all of the classrooms and the library, making study environments conducive to napping rather than concentration. It is hard to pay the necessary attention to the readings for Secured Transactions in an overwhelmingly hot carrel in the library.

The administration should view this problem as an indicator of the potential problems in the new wing. If they cannot keep the current building at a comfortable temperature, the new building should be equipped with a better and more user-friendly heating system. But first, the administration should recognize the seriousness of the heating in the current building and finally find a mutually agreeable solution.

The second, and perhaps more serious problem, the ad-

ministration must focus on is the structural damage in the current building. Although the administration finally addressed the leaking roof and had it re-surfaced, there remains major damage to the building itself. For example, the *Amicus* office wall has a not only a crack and a hole, but also the top half of the wall is separating and moving south while the bottom half is remaining in place. In other words, the building is falling off its foundation. Although I have brought this to the attention of several members of the administration, nothing has been done. The hole remains. The crack remains. And the division is widening.

This is not the only example of structural damage. Dean Fred Thrasher's office also has damage. One of the stairwells is also cracked. The classrooms are plagued with audiovisual problems. The carpeting in both OCPP and the library is badly damaged, held together by duct tape. Although individually these problems seem minor, collectively they indicate a massive structural problem with the building.

It is true that the law school is in dire need of the addition. It is

also true, however, that the current building desperately needs attention. The law school administration would be wise to get its current house in order before the construction of another. By waiting much longer, such as when the backhoes begin digging, the continued surface disruptions will cause reverberations, further exacerbating the damage to the building. The cost of repair is rising. We cannot afford to wait much longer.

Before the administration embarks on a new addition to the law school, perhaps it would be wise to ensure that the current facility does not fall into the ravine. The new roof is a good beginning, but there is still much work to be done.

On a final, and perhaps only tangentially related, point, the new building will be financed by loans, to be repaid with higher student tuition. Although the increase will only be \$300 per student, this amount can be significant to some. It can cover books for a semester, food for a month, or utility bills for several months. Many students choose M-W partially because tuition is so low. I agree that the addition is necessary, but is it necessary



to build it on the backs of students?

I realize the administration has been placed in a Catch-22, having to choose either a smaller building or borrowing the money to build a larger addition, but already financially strapped students cannot afford to fill the gap. Questions arise, such as is this \$300 increase on top of the regular annual percentage increase, or is it in lieu of it? Does this increase affect the current 2Ls, or only the incoming 1Ls? And, when will the increase take effect? It might be noted that the administration has already announced next year's tuition, so will this change, or will the increase take affect the following year? These are questions that the administration has not yet answered, but needs to do so soon.

I have no doubt that the administration is working in our best interests in a very difficult situation, but I am concerned at what cost.

## Letters

Dear Editor:

As students of the law, we should want to know whether the candidates for Virginia's top lawyer have been ethical in their past practices of the law. The following is a true story that will allow you to be the judge of whether Bill Dolan meets the ethical standards of one who should be Virginia's next Attorney General.

In 1989, Judge Joseph Campbell instructed his clerk to intentionally misspell the name of a recipient of a traffic ticket in order to disguise that person's identity. The recipient of the traffic ticket happened to be the Virginia Beach Commonwealth's Attorney who was in the middle of a campaign for reelection. This Commonwealth's Attorney also had a notorious driving record. For this attempted cover-up, Judge Campbell was charged with forgery and malfeasance and a special prosecutor was hired to handle the case.

William Dolan, the Democratic candidate for Attorney General, was the attorney hired to handle the prosecution of this judge. Although a jury found Judge Campbell guilty and recommended a sentence of three years for the forgery and 12

months for the malfeasance, the trial judge threw out the malfeasance charge as double jeopardy and reduced the sentence for the forgery to six months. Contrary to what any prosecutor should have done, Dolan stated no objections to the trial judge's departure from the jury's recommendations.

On appeal by the judge, the Court of Appeals then reversed the conviction and ordered a new trial on the grounds that Dolan had erred in a jury instruction on the elements needed to prove forgery. The judge appealed further to the Virginia Supreme Court but did not prevail and the case was remanded for a new trial.

By this stage in the case against Judge Campbell, Dolan and his firm had billed the taxpayers \$313,000 for their work, a fee far in excess of the state-allowed rate. The state rejected most of the bill and paid Dolan \$112,000 for the work. Immediately after Dolan's unsuccessful campaign for Attorney General in 1993, Dolan and the judge reached a plea agreement whereby the felony charge was dropped and Judge Campbell pleaded "no contest" to a misdemeanor charge of computer tres-

pass. Per the plea agreement, the judge was to serve a six month sentence under electronic home incarceration.

Dolan billed the taxpayers another \$4,000 for this plea bargain. Interestingly, in a recent debate with his opposition in the Attorney General's race, Dolan stated that Judge Campbell had pled "guilty." This assertion is absolutely untrue. Campbell's plea of "No Contest" was not an admission of guilt and was a far cry from the jury's guilty verdict for a felony.

I find this whole Dolan-Campbell situation quite alarming. But, I am even more disturbed by something I personally heard Bill Dolan say during the above-mentioned debate. Mr. Dolan referred to Judge Campbell as a "good friend" of his and talked about how tough it was to prosecute such a good friend. Okay, law students, what does our code of ethics say about avoiding even the "appearance of impropriety"? If Judge Campbell was a good friend of Bill Dolan's, why did Dolan accept the assignment as special prosecutor on that case?!!!

Keep this in mind when you vote on November 4th!!!

Cindy Ewing (3L)

## THE AMICUS CURIAE

Marshall-Wythe School of Law

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The letters and opinion pages of the *Amicus Curiae* are dedicated to all student opinion regardless of form or content. We reserve the right to edit for spelling and grammar, but not content.

Letters to the Editor are not intended to reflect the opinion of the newspaper or its staff. All letters to the Editor should be submitted by 5 p.m. on the Wednesday prior to publication. We cannot print a letter without confirmation of the author's name. We may, however, withhold the name on request. Letters over 500 words may be returned to the writer with a request that they be edited for the sake of space.



# Student Privacy Compromised By Data Available Under University's "Public Information" Policy

By Danielle Berry

No sooner had the first inning of Game Four of the World Series ended than my telephone rang last Wednesday evening. The caller first asked to speak with Danielle, then asked a series of questions to ascertain whether she had reached the "right" Danielle. Fortunately, she had. More fortunately, I did not object to receiving a telephone call from a person who I had met socially and with whom I had neglected to exchange information so that we could remain in communication.

Yet, because I knew that this person had no information about me other than my first name and the fact that I was in my third year of law school at William and Mary, I became curious as to how she obtained my telephone number. The caller informed me that she simply had called the law school and asked for the telephone number of "Danielle in the third year class." Based on this scant amount of information, this individual (who, incidentally, has no connection to W&M and who was visiting Williamsburg for the first time when my friends and I met her two weeks ago) received not only my home telephone number, but that of Danielle Roeber (3L) as well. Presumably working in alphabetical order, she called me first and found the person for whom she was looking.

I mentioned this unusual chain of events to several people, all of whom shared my irritation at the fact that personal information such as telephone numbers and addresses could be obtained so easily, not from the internet about which we receive such extensive warning, but from people within the law school itself. Concerned that my experience might not be an isolated one, I decided to investigate the school's policy on releasing information about students, both those presently enrolled and alumni.

Beginning with the one person who knows all about all at M-W, I asked Gloria Todd whether she had received any calls for me recently. She relayed her end of the above recounted story, but then informed me that she acted in accordance with her understanding of the standard policy governing situations such as that. Noting my surprise at this policy, Todd suggested that I could have had the school's release of my personal information blocked by filling out the appropriate form at the beginning of the semester, before the new directories had been printed.

A block on a student's information at the beginning of the semester would produce a situation in which that student's telephone number was excluded from all university directories so that, not only could people who didn't know the person not

reach him or her, but no one other than those to whom the student had specifically given his home number could reach that student for any reason, academic or otherwise.

Somewhat unsatisfied with the information I had received, I approached Dean Connie Galloway who confirmed that Todd had followed the school's procedure correctly in releasing information about me. Galloway noted that the school retains the right to release a myriad of information about a particular student, including a recent situation in which a Legal Skills firm sought to obtain the birth dates of its members in order to arrange intra-firm birthday celebrations. Galloway indicated surprise that students' birthdays may be released, but deferred the decision to the University Registrar who wields final authority over matters such as these.

When asked about the possibility of implementing a system whereby law school administrators would not release information about currently enrolled law students except under certain, legitimate circumstances, Galloway seemed open to exploring options such as a message system in which the person receiving the call could take down the information of the caller and transmit that to the student who, in turn, would have the option of

contacting that person. No such system currently exists in the law school, however, leaving students with only the option of going through university mechanisms to prevent individuals inside the law school from releasing personal information.

Finally, I contacted Jacquie Bell, Registration Coordinator, who is based in the Office of the University Registrar and who administers all aspects of the release of student information considered to be public. Bell informed me that any department of the university may release, or cause to be released, the following information about a particular student: their address and telephone number, both locally in Williamsburg and at their parents' or permanent home; the student's dates of attendance at W&M; their current enrollment status; and their date of birth. Bell did note, however, that students' schedules, transcript information, and social security numbers cannot be released without specific authorization in writing from the particular student himself.

Bell, like Todd and Galloway, then explained the possibility of a student requesting the imposition of a "Directory Lock" on personal information that would prevent the university from releasing data

See STUDENT PRIVACY on 4

*From the President's Desk . . .*

## An Important Update on the Activities of the Student Bar Association and Two Fond Farewells

Welcome back from Fall Break. There are some upcoming events of which I would like to take the time to inform you. First, the SBA will hold a General Membership Meeting on Monday, November 3rd in Room 119 at 11:30 a.m. The purpose of this meeting is to give the entire student body an opportunity to hear some presentations about some current issues affecting all of us.

The Dean Search Committee will make a presentation about the Search process and Professor Douglas, who chairs the committee, will be available to answer questions from students regarding the search for our new Dean. In addition, the Building Committee will present information to the students about plans for the new North Wing. Dean Galloway chairs the Building Committee on which two students are members (Ian Iverson and Doug Dziak). They will be available for questions from the students concerning this issue.

The third part of the Novem-

ber 3rd meeting will be presentations by the Executive Board about other issues such as food service and parking, and then we will open the floor up for general

**The SBA will hold a General Membership Meeting on Monday, Nov. 3rd in Room 119 at 11:30 a.m.**

comments and questions from the SBA membership. It is important for all students to attend this meeting. There will be free pizza and refreshments for all those who do attend.

I recently met with the Presidents of the other graduate school governments and Vice-president for Student Affairs, Sam Sadler. We discussed a recent self-study of the graduate program conducted by some MBA students about the quality of graduate life. The report is available through Sadler's office for those who wish to look at it. The Graduate Student Council will be using it as a benchmark to improve the quality of life for graduate students in areas such

as housing, academic support, course selection/availability, career planning, and social activities. While not all graduate schools have the same areas of concern, it was realized at the meeting that it is important that we work together with Sadler's office to improve the graduate experience overall at W&M.

The Grad Council is also planning a bus trip to one of the local hockey games (either the Renegades or the Admirals). The Council is looking into getting a block of discounted tickets that would be available to students and then hosting a pre-game party at the Greeneleafe or the Williamsburg Brewery. The food at the party and the bus would be free to students and the tickets to the game would be available at a discounted rate. There will be more information on this in the next issue of the *Amicus*.

One final word about the Grad Council meeting. It was brought to my attention that there are still spots open on some of the Student Assembly's college-wide

committees. There was a great deal of apathy shown by the law school last semester when I was informing you of these committees and had the applications made available to you. Frankly, I am quite disappointed and seriously troubled by the fact that more law students did not apply to serve on some of these committees. The reason for this is that we need as much representation from the law school over

**There are still spots open [to law students] on some of the Student Assembly's college-wide committees.**

there as possible or we run the risk of losing some very important power to the other grad schools or to the undergrads. Remember, these are the committees that determine our budget and make decisions regarding issues that will affect us. For example, the law school has five major publications and not one law student sitting on the publi-

cations Committee. I realize that the 1Ls were not around last year when the applications were being accepted, so now is your chance to become involved too. If you have an interest in serving on a college-wide committee, please contact me or Ginger Ambler in Student Affairs on the main campus.

On the social scene, ticket sales for Fall From Grace have been steady, but with only this week left, I must say that the 1Ls and 3Ls better pick up the pace and follow the bold example of the 2L class by *purchasing your tickets now, before the price goes up*. They are on sale from 10-2 in the lobby this week for \$12, and will be \$15 at the door. The event features an *open bar*, a great DJ, free food, and a chance to get your picture in the school paper if you do something stupid. It is not necessarily a date event, so do not let that impede your ticket purchasing.

The attire is semi-formal (jacket/ cocktail dress) or *taste-*

See PRESIDENT on 9



## Dean Spong Dies at Age 77

SPONG from 1

Law students today would not have the vast number of opportunities afforded them.

Spong came to M-W as the Cutler Lecturer in 1975. When appointed dean, Spong also became the Dudley Warner Woodbridge Professor of Law.

In 1988, Spong again rescued an educational institution, this time Old Dominion University, which had fallen out of grace with the Virginia General Assembly.

While there, Spong boosted morale, and was able to win badly needed funding from the General Assembly to increase faculty positions, buildings, and



Dean William Spong, Jr.

equipment. Spong served two years as president of the university. Among his achievements at ODU included forming the Commonwealth Center for Coastal Physical Oceanography there, the first of three "Commonwealth Centers of Excellence." The center now brings in millions of dollars a year in grant money. He also received \$11.8 million for a library addition, funded out of the state lottery revenues.

Spong continued his involvement in William and Mary, serving as a member of the Board of Visitors from 1992 to 1996, chairing the Committee on Academic Affairs. As always, Spong remained close to the law school, acting as confidante and advisor to the deans, both past and present.

In May of 1997, Spong received the Citizen-Lawyer Award from the law school for his lifetime commitment to excellence in the law. The award recognizes alumni who "have a steadfast commitment to professionalism and who have distinguished themselves through outstanding public service." In 1987, the Board of Visitors and the College awarded Spong an

honorary Doctor of Laws degree at Commencement.

A memorial service was held on the lawn of the Sir Christopher Wren Building on Monday, October 13 at 2:00 p.m. The officiant was the Reverend Julia Dorsey Loomis, while his grandson, Edward Bauer acted as Crucifer. Bob Crouch, Bill Battle, and Tim Sullivan offered reflections to the more than 600 people gathered to celebrate Spong's life and achievements. The College also tolled its bell both before and after the sermon.

Spong is survived by a daughter, Martha Kingman Spong, a son, Thomas Nichols Spong, and his wife, Misty Cupp Spong, and five grandchildren, Edward Belser Bauer, Peter Stewart Bauer, Lucy Wise Bauer, William Chase Spong, and Emily Madison Spong. Spong's wife, Virginia Galliford Spong, passed away in 1992.

Spong's family has requested that memorial gifts be made to the Children's Museum of Virginia.

A fund has also been established in the Law School Foundation to receive gifts made in Dean Spong's memory.

## Moot Court Problem Raises Timely Issue

MOOT COURT from 1

nationally and locally in recent months, both by the introduction of an HIV-positive nurse on the critically acclaimed television series "ER," and by a case emerging in the Hampton Roads area in which a local karate school disenrolled an elementary school-aged boy after the school discovered that the boy had acquired the HIV virus.

The crux of the Bushrod problem seemed to lie in the classification of the nurse as "disabled." Worst, who argued on behalf of the hospital in the final round, framed his classification argument as one in which the hospital had not determined Nurse Moseley to be disabled, but had concluded that her HIV positive status presented a "significant risk" to ER patients, particularly those in grave condition, such as to require her transfer to a different position.

When the hospital attempted to place Nurse Moseley in a position offering equal benefits and equal pay, but in a different area of the hospital, the nurse contended this proposed accommodation to be unreasonable and unfair. Rather, the nurse pro-

posed a reorganization of the nursing rotation system within the emergency room itself so that she could remain in her current position, but operate in such a manner as to reduce whatever risk she may pose to patients seeking treatment to the ER. Both Worst and the Court expressed concern at a situation in which Moseley would be forced to assist with operations occurring inside the body cavity of a seriously injured or ill patient.

Presented with the real possibility that the system of restructuring proposed by Moseley could pose risks to ER patients as well as other hospital workers in the area, Streit presented a strong argument of the feasibility of Moseley serving in the position of triage nurse or in some other comparable position in the ER that would not require her to come into contact with patients in any way that would place the patients at risk of contracting the virus from Moseley. First, Streit suggested that the occurrence of such a situation would be rare and easily accommodated by other available personnel on duty at the time. Responding to

See BUSHROD on 10

## University Gives Out Too Much Information for Student Comfort

STUDENT PRIVACY from 3  
about an individual.

According to Bell, a Directory Block may be imposed at any time during a student's tenure at William & Mary, even after student directories have been printed and disseminated. Once in place, the block remains effective indefinitely, Bell noted, thus precluding the release of information about a student even though they have graduated and evacuated the Williamsburg area.

Few students take advantage of the Directory Lock, however, with only 30-40 individuals currently maintaining service, including several students who have graduated. Bell indicated that students may remove the Directory Lock only by requesting in writing to the University Registrar that such action be taken or by completing a form available through the Registrar's office.

A sojourn to the web site maintained by the University Registrar's office (go-phur://warthog.cc.wm.edu:70/00/ACI/UREG/SR/director) reveals a different story, though. According to the Registrar's page, the College considers the following "Directory Information" [that] may be released to the public: (1) Student name and address (permanent and local); (2) Telephone number (permanent and local); (3) Student's birthdate; (4) Dates of attendance at the College; (5) Field of concentration; (6) Current classification;

(7) Current enrollment status (full or part-time); (8) Degree awarded at W&M; (9) Previous schools attended and degrees awarded; (10) Honors and special recognition; and (11) the height and weight of members of athletic teams.

The web page further indicates that students may place a Directory Lock on records, but that a student "must inform the Office of the University Registrar in writing no later than the last day to register for courses" of his or her intention to block the dissemination of the "Public Information." Additionally, whereas Bell indicated that the Directory Lock remains in effect indefinitely, the Registrar's web page stated that the Directory Lock form "remains on file and is valid for that particular academic year only."

The amount of personal information the university wields authority to release troubles many students, particularly those having past experiences in which they have received unsolicited and unwelcome attention from overzealous admirers. Perhaps more troubling, particularly to the general student population, is the fact that any person who has access to a student's address, date of birth, and telephone number potentially can retrieve the student's social security number or credit report — a situation that might lead to falsified credit card applications, fraudulent phone cards, and a panoply of miserable situations for the student.

## OVERHEARD . . .

There is a lot to learn from playing the opposite gender, but it's just not on our learning agenda. — Professor Blaustone

She's the customer and I want to satisfy what she thinks she should get. — Ryan Ketchum

I talk fast because people are always trying to interrupt me or cut me off. — Erik Meyer

This could be a movie and you could be the tech guy or android. — Professor Smolla to Erik Meyer

If the rumors about me were true, I would be getting more ass than the naugahyde. — Kevin Rasch

I've got a womb, so I have a way to make money. — Bill Fox

God is a secured creditor — he has a lien on your soul. — Toni Brown

You have to think of how you want to handle the witness. — Professor Felton

Your Honor, I object . . . this testimony is, like, not trustworthy. — Karin Larson



**Bob Dole on W&M Campus**

Retired U.S. Senator and 1996 Republican presidential candidate Bob Dole was on hand at a rally for Republican gubernatorial candidate Jim Gilmore. The event, sponsored by the College Republicans, brought a large crowd mostly interested in seeing Dole rather than rallying around Gilmore, who is involved in the most expensive gubernatorial race in Virginia's history. The rally, held on Sunday, October 19 was part of an all-day campaign strategy in which Dole traveled with Gilmore all over the state. State Republicans believe that the gubernatorial election will be a measure of how well Republicans will perform in the state in the 1998 national elections.

**W&M Alums Come Home**

The College of William and Mary held its annual Homecoming celebration this weekend with one of the largest crowds of returnees ever. There was a pep rally and bonfire and a semi-formal dance on Friday as a preface to the Homecoming parade, football game, and tailgate party on Saturday. Marshall-Wythe held a student/alumni barbeque on Saturday afternoon. The Alumni Society honored Joseph J. Ellis '65, Carol W. Owens, Jr. '63, G. Elliot Schabach, Jr. '59, Robert L. Simpson, Sr. '38, and Rebecca Beach Smith '71 with the Alumni medallion.

**Executive Council Recommends Investigation**

The Executive Council of the Student Assembly passed a resolution at its October

22 meeting suggesting that Marriot, the food service provider at the College of William and Mary, "investigate the feasibility" of a dining facility at the law school. Some day, there could be food here. And someday pigs may fly. Don't throw away your lunchbox yet.

**Undergrad Killed in Pre-Fall Break Folly**

John Parkinson, a 21-year-old senior studying Chemistry, died Friday, October 10, while swimming with friends in College Creek. The area in which Parkinson was swimming when his friends lost sight of him around 4:00 a.m. lies near where the creek feeds into the James River and is known to produce strong currents that imperil swimmers. Recipient of the prestigious Dow Scholarship for his work in Chemistry, Parkinson had planned to attend graduate school next year. Parkinson's fraternity, Sigma Nu, has established a scholarship fund to benefit Parkinson's young son, Matthew.

**Frat Boys Get Dirty**

Pi Kappa Alpha, an undergraduate fraternity, is currently supervising the cleanup of the long-abandoned Lake Matoaka Amphitheater. By clearing pathways and digging up underbrush, the Pikes hope to restore the Amphitheater to usable condition. Restore the Amphitheater if they can recover from the nasty effects of poison ivy infestation, that is.

## Supreme Court Preview Tackles Difficult Issues of The Term

SUPREME COURT from 1 ion in favor of affirmation. Of course, if past experience is repeated, the actual Supreme Court will decide along completely different lines and come up with an entirely different result.

Chief Justice Joan Biskupic, the Supreme Court reporter for *The Washington Post*, concluded the discussion period following the Moot Court argument by reminding those present of last year's experience in which the Supreme Court Preview Court decided *Clinton v. Jones* five to four in favor of President Clinton. The real Supreme Court subsequently held unanimously in favor of Paula Jones.

For those who are students of Supreme Court Preview history, the curse of Room 119 was repeated this year. In spite of a full scale rewiring of the speakers in Room 119, one minute into the

Moot Court argument a packed house was left with only video feed of the event due to an unlucky short in a speaker fuse.

The audio was entirely silent until after the argument was finished, when the justices retired to consider the arguments and settle on their decisions. So, much to the chagrin of the Preview organizers and the disappointment of a great many observers (including law students and undergraduate students), only Courtroom 21 was able to hear the arguments.

Professor Davison Douglas, Director of the Institute of Bill of Rights Law, was impressed by the Moot Court arguments, saying, "it was unfortunate that the students didn't get to see the argument, but it really was fabulous."

A happy consequence of the mass exodus from Room 119

was the massive quantity of free food available to those hearty souls who lip-read their way through the argument or were lucky enough to secure a spot in Courtroom 21.

In fact, the weekend offered a great deal of free food to those willing to sneak in early or skip the official activities in favor of chatting up the caterers. Obviously, Supreme Court Scholars are a hungry bunch who must be constantly fed in order to sustain their docile moods and ability to concentrate for extended periods of time.

Panel discussions included topics such as race relations, criminal law and procedure, civil rights and federal election law, and the First Amendment. The panel discussions were organized with a moderator and a panel of notables to lead the discussion and answer questions from the audience. Topics were focused on cases that the Supreme Court is slated to hear this session, including same-sex sexual harassment, the admissibility of polygraph tests and liability in high-speed pursuit cases.

One of the more heavily attended discussions was the same-sex sexual harassment panel. The case, *Oncale v. Sundowner Off-shore Services*, addresses the question of whether a sexual harassment case can be brought in a situation where a male feels that he has been sexually harassed by a male or a female by a female.

Also expected to be addressed



Panelists engage in conversation with the audience on Saturday.

is whether the sexual orientation of the alleged harasser or the individual being harassed is pertinent to a sexual harassment complaint. Lower courts are widely divided as to whether a same-sex sexual harassment case can be brought and as to whether sexual preference should be considered. The case was brought under the auspices of Title VII of the Civil Rights Act of 1964, and the court will decide if Title VII applies to such situations. This discussion played to a full house in Room 120 and an overflow crowd in Room 119.

Falling under the heading of "Civil Rights," this meeting was moderated by M-W Professor Kathryn Urbonya and the panel included M-W Professor Neal Devins, as well as David Garrow, Linda Greenhouse, and Suzanna Sherry. Other cases and topics were discussed, but *Oncale* was by far the most hotly discussed topic of the civil rights discus-

sion.

For those who would like to see what they missed, C-SPAN will be showing bits and pieces of the Supreme Court Preview throughout the Fall, including the Moot Court Argument and the many panel discussions.

C-SPAN had command central parked in front of the law school for both days of the Preview. Friday's events were broadcast live and rebroadcast immediately. Saturday's events will be broadcast as a part of the "America and the Courts" series this Fall.

According to Professor Davison Douglas, "The fact that [the Supreme Court Preview] was broadcast live by C-SPAN is a tribute to how important this event is and the value it serves."

Professor Douglas also gives special thanks to Sheila Staggs and Allison Cox, who compiled the Supreme Court Preview notebook.



C-SPAN covered the Supreme Court Preview live for Friday's Moot Court demonstration, but taped the remaining panels for re-broadcast through their "America and the Courts" program.



# More PSF Summer Work Experiences

## Fighting To Protect the Environment in Washington, D.C.

The Public Service Fund financed my clerkship this summer with the public interest law firm of Terris, Pravlik, and Wagner in Washington, DC. Established in 1970, the firm does environmental, employment, and civil rights litigation on behalf of groups that could not otherwise afford such services. I sought work there because of the firm's track record with Clean Water Act litigation under the citizen suit provision. The firm obtained the highest settlement in a citizen suit (\$10 million), as well as the two highest civil penalties ever imposed by the courts in citizen suits (\$4.1 and \$6.2 million). The firm's other victories include a Supreme Court case that resulted in the establishment of a program to protect areas with clean air, an injunction against development of 50 million acres of Forest Service Wilderness, and an injunction against clear-cutting in National Forests.

I had spent the first part of the summer at the Department of Justice in the Environment and Natural Resources Division, so had some working knowledge of basic environmental statutes by the time I arrived at TPL. I conducted research on the viability of a client claim under state clean water regulations. I got to attend the deposition of one of our experts in a Clean Water Act case by a deputy state attorney general. I was encouraged to attend DC bar section meetings, which were convenient to our offices, and sat in on both environmental and international law programs at the Bar Association.

Much of my time was spent on a group of cases that were non-environmental. The firm had brought a class action suit against the District of Columbia for failure to follow District and federal requirements in administering the Medicaid program. In particular, many Spanish-speaking legal residents, as well as pregnant women and children, were not being provided with Medicaid services despite their eligibility. As a result of this litigation, DC District Court Judge Gladys Kessler put the District under a court order to provide services, and appointed TPL to monitor the order. I monitored the District's compliance by visiting hospitals, interviewing administrators, and review-

ing the District's procedures for identifying eligible outpatients and providing them with Medicaid applications and services. I also reviewed the District's monthly Medicaid reports (issued pursuant to court order) for discrepancies.

The District has the highest child mortality rate in the Nation, and we were particularly concerned with identifying and providing care for pregnant mothers and newborns. The post-court order report card was mixed, and is the subject of ongoing litigation. I definitely felt, however, that my work contributed to a more humane and just application of Medicaid regulations in the District.

In addition to doing worthwhile work, I got to work with outstanding attorneys. While the office is quite small and casual, the lawyers at TPL work hard and make sacrifices for their commitment to public interest law. It's the kind of practice that one is led to believe does not exist in the 90's, but they prove otherwise and have been doing so for 25 years. I'm privileged to have been able to help them and learn from them, and grateful to PSF for the chance to do so.

Shannon Fagan (2L)

## Helping to Provide Legal Services to the Poor in Gainesville, Florida

Thanks to a summer grant from the Public Service Fund, I was able to undertake the personally rewarding and professionally challenging opportunity of working for Three Rivers Legal Services in Gainesville, Florida. TRLS provides a wide variety of civil legal representation and advice to the impoverished residents of a twelve county area in North Central Florida—similar in size to the state of New Jersey. Predictably, the issues generated by their caseloads fall predominantly in the practice areas of family law, public benefits, landlord/tenant, and consumer law.

One of the primary reasons I wanted to work for a legal aid clinic this summer was to get valuable hands-on experience. I definitely got what I asked for. As expected, I researched a wide range of poverty law issues involving consumer, family, housing, contract, property, trust, and administrative law and wrote corresponding legal memorandums, client letters, and briefs. However, my summer was filled with much more than just this standard fare.

Additionally, I was asked to participate as a silent observer in a divorce mediation. I was also

able to attend several settlement negotiation conferences. I actively participated in the weekly merits conference, in which we discussed all of the potential cases that had been brought to us that week and decided which cases would be accepted. I performed background checks on clients, witnesses, and opposing litigants. I had the painful experience of teaching myself to do rudimentary real property title searches. I frequently served subpoenas, sometimes driving an hour and a half away to do so.

Finally, I spent a good portion of my time creating community education resource materials designed to keep our clients aware of such things as changes in entitlement programs and how to legally withhold rent payments when the landlord refuses to make needed repairs.

Other than the overwhelming amount of real world legal experience I received, the biggest thing I learned from my summer with TRLS is an awareness of the competing philosophies as to how to best provide legal services to impoverished citizens. Just prior to my arrival, TRLS had hired a new Executive Director. Under the leadership of their previous Executive Direc-

tor, TRLS had followed the "Band-Aid" philosophy. Under this system, attorneys focus on winning the battle instead of the war. A "win" is garnered by such things as keeping a client in her home as long as possible, even though this is only delaying the inevitable eviction. As a result, the attorneys spent almost all of their time doing such things as protesting the sufficiency of an eviction notice, which even if successful will only result in the landlord having to serve another eviction notice and delaying the eviction for another week or two.

The new Executive Director subscribed to the often conflicting view that Legal Aid attorneys should focus primarily on making systemic changes that will improve the lives of poor people in general; in other words, attorneys should look for ways to "fix" the problem rather than just covering it up with another "Band-Aid."

Although I have not decided if either of these philosophies is the "best" way to provide legal service to the poor, I do know that without the support of W&M's Public Service Fund I never would have had been exposed to the debate.

Anthony Smith (3L)

## A Thank You To PSF Volunteers for a Summer in the Commonwealth Attorney's Victim/Witness Assistance Program in Virginia

I just want to take a moment to thank everyone who put in those long hours volunteering during the many Public Service Fund events. Those of you who solicited donations, poured beer for Bahamas Blast, sold tickets, were dealers at Casino Night, worked the door, became dates at the Date Auction, and helped to set up for the fund-raising events were the reason that these events were a huge success. More importantly, you are the reason that many of our summers were also a huge success. I want to publicly recognize you and all of your hard work.

It is because of you that I had both a challenging and rewarding summer work experience. I was fortunate enough to work in the Newport News Commonwealth Attorney's Office in their Victim/Witness Assistance Program. I spent my summer helping to prepare victims and witnesses for trial, assisting the attorneys in their struggle to

maintain contact with witnesses, and helping guide victims of domestic violence through the legal system. I worked from the beginning of the process by court accompaniment to preliminary hearings to the final stages of preparing statements of the victims to be presented at sentencing. I helped these people navigate through a system that frequently victimizes the victim again in an effort to make it a little less daunting and a little more just.

Many of us who applied for Public Service Funding this past summer wanted to demonstrate our commitment to public service by working in jobs that often paid little or nothing. Unfortunately, if it had not been for Public Service Funds, I know that I could not have worked where I really wanted to last summer. The funding afforded me the opportunity to explore an area of the law that I would never have been able to without con-

stantly worrying about paying for those little "extras" in life like food or rent.

Again, thank you to those of

you who spent your sparse free time volunteering for the Public Service Fund.

Holly B. Cox (2L)

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## Great expektorations: The real story of the 1995 World Series

**Chris Ambrosio**

Given Atlanta's dominant pitching, and Cleveland's explosive hitting, the central question that emerged from the 1995 World Series was: Why can't the players from either team refrain from spitting on national television? It seems that these guys are physically incapable of holding in their saliva and mucus, especially when the cameras move in for close-up shots.

Spitting is so rampant among baseball players that team physicians should be concerned about players dehydrating and shriveling up on the field. Never mind the L.A.P.D. crime lab folks, the real "cess-pool of contamination" is the floor of the Braves' dugout.

The spitting phenomenon, while difficult to understand, has at least been acknowledged by players and observers alike. Andy Van Slyke, the former Pittsburgh Pirates' center fielder, once remarked that he hated playing in Philadelphia because Lenny Dykstra, the Phillies' center fielder, created a "toxic waste site" in the outfield from all his spitting of tobacco and other substances.

Even though it is acknowledged, the spitting mystery is difficult to crack because, off the field, most of the players appear to be normal, upright-walking human beings. Yet once they put on a major league uniform, and the television cameras begin to roll, they turn into saliva-spewing Neanderthals.

Most difficult to fathom is the quantity of digestive juices and enzymes that a player will discharge while he is in the batter's box. The player is aware that the camera is focusing intently on him, because Lord knows nothing else is happening on the field; yet, the player has no qualms about launching a saliva-coated projectile directly across the camera's field of view.

A golfer doesn't spit while he is lining up a shot, and he is undergoing the same

process, i.e. swinging an implement at a small, hard sphere. (One could argue that a golfer exerts about the same amount of effort in this endeavor, but that is a story for another time.) As a matter of fact, a golfer has more time to spit because the ball is stationary and the timing of his swing is purely at his discretion. But a golfer doesn't spit. Why, then, all the spitting in baseball?

At least the players who are chewing tobacco, or "dipping" as they say in the "sports guy" vernacular, have a clinical explanation. Chewing tobacco, in addition to causing oral cancer, sends a message to the salivary glands, which in essence commands them to "open the floodgates."

**When one attempts to analyze the spitting phenomenon in baseball, no theories appear in bas-relief, ready to be spotted by a keen observer.**

What about the players who are not dipping? And why must the players who are "resting" in the dugout eat sunflower seeds and spray the waste products all over the place like Letterman's old confetti cannons? (The players "resting" in the dugout must be contrasted with those who are "playing" on the field, although this contrast is not immediately obvious because in both cases the players are stationary and often overweight.)

Perhaps the later "sunflower" problem could be solved by creative catering. For instance, the dugout staff could provide seedless grapes or popcorn instead of sunflower seeds, although there is no guarantee that the player won't spit out these items as well.

When one attempts to analyze the spitting phenomenon in baseball, no theories appear in bas-relief, ready to be spotted by a keen observer. If George Will were asked about baseball's spitting problem,

he would undoubtedly make reference to the "cathartic and epiphanic" nature of the game in which a player must "purge himself of personal and societal demons, while simultaneously attempting to achieve success as a singular protagonist in an egalitarian team-dominated milieu." Of course, George Will wouldn't make the cut at an MTV Rock 'n' Jock softball game, even if he and Kennedy were the last players available. Thus, we look elsewhere for some insight into the spitting enigma.

At the risk of sounding Will-esque ("dammit, the craft guilds of the 18th century didn't need workers' compensation, so there is no reason for government to intervene to protect the workers of today"), but from the opposite perspective, I would propose that baseball is perhaps the ultimate example of federalism gone awry.

Baseball lacks a central governing body. Each team and indeed each player behaves as a separate entity, answerable only to itself or himself. The consequences have been manifest in many recent imbroglios:

Steve Howe, a seven time drug offender, is still on the Yankee roster; Doc Gooden and Darryl Strawberry, the Marion Barry and Hunter Thompson of major league baseball, have been allowed to play together again on a New York team.

Rob Dibble, the former Cincinnati reliever who could throw a baseball ninety-five miles per hour, beamed a van in a fit of anger and was allowed to play again.

Vince Coleman, the bore and sometime outfielder who "accidentally" threw a lit firecracker at a young fan seeking an autograph, just played in a postseason series.

Bobby Cox, the current manager of the National League champion Atlanta Braves, earlier this season admitted to drunkenly beating his wife after losing a game.

And the World Series, baseball's showcase event which ran uninterrupted for

nearly ninety years and which survived five wars and the Great Depression, was cancelled last year because of appalling greed and selfishness on the part of the game's caretakers.

Without a strong, centralized governing body to establish and enforce any

**No theory adequately explains the spitting syndrome.**

policy other than unadulterated greed, baseball operates in a climate of moral ambivalence. Players, then, feel unconstrained by even the general rules of organized civilization, let alone by the subtle mores of sportsmanship and decorum. Each player subconsciously realizes that if the aforementioned abominable behavior is tolerated by major league baseball, nobody will give a frog's fat ass if the player spits on a national television.

Baseball isn't the only sport with problems. It isn't the only sport that occasionally allows uncivilized subhumanoids to pose as athletes. But why all the spitting?

Maybe it's a Freudian thing, an oral fixation that is somehow linked to the notion of men swinging a big stick and trying to "get to first base" and to eventually "score" by "sliding into home." (This theory may actually explain the players' uncontrollable crotch-grabbing, but that, too, is a story for another time.)

Maybe it's a metaphor for the players' guilt that results from accumulating obscene wealth for playing a child's game. These men are so wealthy they can taste it and are desperately trying to rid themselves of the guilty taste by spitting it out.

No theory adequately explains the spitting syndrome. Perhaps baseball should just acknowledge and, for that matter, embrace the problem by handing out another post-season award: the MVS, for Most Voluminous Spitter.

*Editor's Note: This article originally appeared in the November 6, 1995 issue of the Amicus. It is rerun as part of the critically acclaimed retrospective series that will continue throughout the year.*

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## Crossfire

# The race for Virginia's Governor: Gilmore vs. Beyer

## *Jim Gilmore's Policies Reflect Traditional Virginian Values.*

## *Don Beyer Offers Education and Tax Plans to Save the Future.*

**Jim Scott**

On November 4, 1997 Virginians, many Marshall-Wythe students among them, will go to the polls to elect the governor who will lead the Commonwealth of Virginia into the next century. The best candidate for this position is former Attorney General Jim Gilmore, whose experience and policies leave him ready to lead Virginia into the next millennium. To a great degree Gilmore will continue the successful policies of Governor Allen, while still making his own prudent policy decisions.

The choices which Virginians have on November 4th are indeed different. They might choose a man who has private sector experience as an attorney and meaningful government experience as a Commonwealth's Attorney and as Attorney General or they might choose a man whose private sector experience is limited to running the car dealership his father gave him and whose government experience is limited to eight years in a do nothing position whose only constitutional responsibility is to break ties in the state Senate. Or Virginians might note that their choices are a sensible, centrist Republican whose policies reflect traditional Virginian values. In the alternative, Virginians might choose a Democrat who has so consistently waffled on the issues that he can hardly be classified, although to the extent he can be, he has proven to be so liberal that he currently trails in the polls taken even in Northern Virginia.

As I know my readers will expect the facts, I will provide them, going issue by issue, proving Gilmore to be the better candidate.

The issue which has received the most attention in this campaign is the personal property tax that localities have the power to assess on cars. This anachronistic tax which dates to the 1650's (although not applied to cars at the time) surprises just about every person when they move to Virginia for good reason. It is arbitrary, odd, bothersome, and grotesquely inefficient to administer. Jim Gilmore proposes largely to eliminate the personal property tax by no longer allowing localities to tax the first \$20,000 value of any car or truck. In return, the state will refund the localities for their lost revenues. Much because of Governor Allen's successfully growing the Commonwealth's tax base, the refunds to localities may be achieved without otherwise raising taxes. Ninety percent of Virginians who are continuously bothered by this tax will be completely relieved of the burden.

Not to be outdone, Don Beyer developed his own plan to address the personal property tax. His plan is simply a day late

"Jim Gilmore supports sensible, innovative environmental policies which will help him lead a strong Virginia into the twenty-first century."

and a dollar (or millions of dollars) short. Unlike Gilmore's simple plan, one can understand Beyer's plan only if one has a degree in accounting. In a nutshell, Beyer promises that after localities take car owners' money away from them, he will provide some of them a tax credit whose amount declines as their income increases. Indeed, millions of Virginians will get no relief and no Virginian will be relieved of the burden of paying the tax. Localities will still have to administer this inefficient tax (some localities spend a dime to administer the tax for every dollar it raises.) Perhaps Beyer should have taken a cue from President Clinton by completely co-opting Republican ideas. Instead, he went only half way, coming up with an inane alternative to Gilmore's idea whose time has come.

Abortion is another issue where the candidates' views differ sharply. Gilmore supports modest, reasonable restrictions on abortion. These include limiting most legal abortions to the first trimester of pregnancy (when most are currently performed). In addition, Gilmore is with the vast majority of Virginians who believe that the parents of a minor who seeks an abortion must consent to the procedure. When the law finds that a contract into which a minor enters is unenforceable because the minor is believed to lack judgement to enter into a contract, the law should also find that the same minor does not have the capacity to consent to so critical a medical procedure.

On the other hand, only Don Beyer knows where he really stands on abortion related issues — he has made so many contradictory statements and supported such mutually incompatible stands that one cannot figure out what he actually supports. He once supported both parental notification and consent. When notification became an issue, he backslid. Now he claims he supports notification once again. Now he claims to oppose parental consent. Your guess is as good as mine, but if history is any indicator, Beyer will support the wrong side.

Jim Gilmore supports sensible, innovative environmental policies which will help him lead a strong Virginia into the twenty-first century. Despite the detractors of the Allen administration, Virginia's environmental health is strong and no one can point to any specific environmental problem which has developed as a result

See GILMORE on 12

**Jason Rylander**

A packed crowd of more than 200 students stood before the Campus Center Steps right here at William and Mary last week to see and hear Democratic candidate Don Beyer talk about his vision for education and for Virginia. As those in attendance will attest, it was a stirring event, and it brought home the reasons why it is so important that we elect Don Beyer the next governor of Virginia.

Don Beyer knows that for Virginia to lead the Nation again, Virginia must lead the world in education. He knows that the future of Virginia is *right here* at William and Mary and in schools across the commonwealth. This November we can send a message to Jim Gilmore, George Allen, and the world, that our generation will not stand for less than ensuring that every young person has an opportunity to learn and attend college.

The Allen/Gilmore administration made building new prisons one of their top priorities, but the fact remains that 80 percent of prison inmates failed to graduate from high school. Prevention through education is the answer to crime problems, not warehousing more and more young people in institutions. Even the Fraternal Order of Police agrees. They've given their support to Don Beyer.

Don Beyer understands that before we spend one more dime to build prisons, we should focus our attention on making sure every Virginian receives a quality education. To that end he's pledged to cut our high school dropout rate in half, ensure that no Virginia school has a classroom ratio of greater than 15 students per teacher. As a result of his long-standing commitment to Virginia's kids, Don Beyer has received the endorsement of Virginia Education Association. Jim Gilmore's endorsements include \$100,000 from Pat Robertson and more than \$1 million from Big Tobacco.

Jim Gilmore thinks this race is about taxes, so much so that it often seems Don Beyer is running against a slogan, not a man. But that "No Car Tax" pledge that adorns every Gilmore bumper sticker is a gimmick. Under the Virginia Constitution it is highly questionable whether he could even achieve it without a constitutional amendment, and it is even more dubious that he could get it through the Virginia Legislature. It's simply not going to happen.

That said, let's look at what he's actually proposing. Gilmore's plan assumes the state will take in \$5.5 billion in revenue over the next several years, a figure far in excess of the state's own official projections. In fact, leaders of the Virginia governor's board of economists say Gilmore's numbers are "risky," and on a

"Don Beyer knows that for Virginia to lead the Nation again, Virginia must lead the world in education."

higher economic growth and lower government spending than Virginia has seen in 30 years.

While Beyer opposes abolishing the car tax, he has proposed a plan to offer tax credits of as much as \$250 for working middle class families to offset the impact of the car tax. Beyer's plan would go into effect in 1998.

Gilmore will not abolish the car tax. His plan is phased in over five-years; so you won't see any tax relief until 2003. Moreover, under the Gilmore plan local governments would still be free to raise their existing personal property tax rate. It's a sham, and Jim Gilmore knows it.

Virginia Democrats have kept taxes low: Virginia has not increased its personal property tax since 1972. Virginia ranks 46th out of 50 states in state and local tax burden as a percentage of personal income, according to the Department of Commerce. And Virginia's sales tax of 4.5 percent is the nation's sixth lowest—including the five states that have no sales tax. Virginia Democrats have kept spending in check: Virginia ranks 47th in spending for welfare and 42nd in per capita Medicaid payments. Virginia ranks 49th in total state expenditures as measured by average expenditure per \$1000 of personal income. And Virginia Democrats have made Virginia a well-managed state: Virginia is one of only six states with a triple-A bond rating, the best rating that can be given. And Virginia ranked as the best fiscally managed state in the Nation in 1992 and 1993, when Democrats controlled the governorship. Virginia's ranking fell in 1995 under Republican George Allen.

The values Virginians hold dear are under siege thanks to George Allen and Jim Gilmore. They are under siege from an Allen/Gilmore administration that puts special interests above community interests, and practices the politics of division when we so need to come together. They are under siege from a Governor and an Attorney General who would rather protect corporate polluters than the environment. They are under siege from a Governor and an Attorney General who put ideology above the needs of Virginia's school children by denying Goals 2000 funding to our schools — making Virginia the only state in the nation to do so.

Slashing taxes and spending will only serve to cripple the good things that this

See BEYER on 12



## Social Butterflies . . .

## More Than Onions Bloomin' At the Outback

By Erika Kroetch  
and Kindra Gromelski

It can be hard to remember what happened at a Bar Review that seems like it happened seven weeks ago, especially when our intrepid writers are watching "Party of Five." Such are the sacrifices (along with hearing all the whining from those who would prefer not to be mentioned) regularly endured by our staff, namely Kindra "Slippery when wet" Gromelski, Erika "Frigidaire™" Kroetch, and Philip "I'll try Pi Phi" Bohi. No expense is too great, no acrimony too severe, no toes are sacred. Let's get ready to rumble!

Okay, was it at the Outback that all the cheap mother (hush, I'm just talking about the 1Ls) came to get their grub on with some free appetizers? Little did they realize that Bloomin' Onion Breath™ was not the best method with which to hook up with those 3Ls you'll never see again. The squirrels can't be

blamed for trying to get a nut, right?

Rebecca "You want fries with that?" McElfresh™ and Lauren "Benedict Arnold™" McLanahan were noticed on the right side of the bar making friends with the Hot Wings™. Fresh from her threatened impeachment and surrounded by would-be bodyguards, Carla "Brickhouse™" Boyd showed up to spread some love with her supporters.

The Gradplex Posse made an astonishing showing with double deuces in hand. Jammed into a cozy booth were Megan "I never" Hogan, Sung "Tree boy" Choi, and Judd "Ummm . . . Bloomin Onion™" Welle. Also Dave "Wheah ahhh thah Patweeotts?" Kolman along his trusty sidekick Darren "Tonto" Welch came out for some fun.

And a big gossip central round of applause to those lovely ladies who came out to even the numbers: Leigh "Sweet, petite, and

oh so neat" Hudgins, Kelly "Balls out" Collins, and Kimberlee "I'm too sexy for your onion breath" Wisniewski. The Green Leaf Girls™ thank you for picking up their share of the burden.

The boys were pleased with the many opportunities to develop close filial friendships (incest is fine too) with so many of the girls. Jeff "I'm down with OPP™" Polich, Chris "Depends™ if it's past my bedtime" Morrisson, Tyler "Why buy the cow?" Dow, Rick "Naughty by nature" West, Matt "We have an understanding" Kuehn, Kevin "Longhorn™" Rice, Giancarlo "Somebody has to keep them in business" Campagnaro, Mac "If it's not the deed, forget the creed" Stuckey and Liam "That egg salad best be ready" McCann were happy with tipped scales.

The steadfast ladies felt, however, they should be valued for their consistency. Chris "Where are all the hot guys?" Hewitt, Chris "I've got a sure thing™"

Murphy, Jen "2L-ovely" Stanley, and Marybeth "Jersey Girl™" Lenkevich, and Jessica "South Park™" Arons. If we knew any 2Ls other than Dana "Kicking ass and taking names" Loftis, we would mention their sorry asses. We would like to give a shout out to the 3Ls who showed up. Kelly "Nice to see you again" Clopper, Andy "Whatever happened to dating" Lustig, Kevin "But 90210™ was on" Muhlenhof, Matt "But Party of Five™ was on" Kaiser, Alexis "Did your insurance cover that?" Bennett, Rick "But I bought you dinner" Ensor, Stephanie "You da woman" Zapata, and Max "Mc D.L.T.™" De Witt.

And now to show our threats are not idle (check out the last *Amicus* for a refresher), show up to Bar Review or be shown up. Fran "Hooters™" Puleo, Paul "Aren't you married?" Ziegler, Monique "Tell us how you really feel" Reid, Paul "And I mean grand Tetons" Schmitt, Jonathan

"He don't say much but what he do say sure is pithy" Scott Campbell, Greg "The Devil's Advocate™" Bergethon, Mark "Okeley Dokeley neighbor" Baumgartner, Dan "If I speak into my hand, no one can hear me" Kieser, Don "Policy man" Martin, and John "I get no respect" Lanou. Apologies to those who failed to make our stringent cut.

Sorry this column is so out of date. Since no Bar Reviews were scheduled for the past two weeks, we lowly 1Ls resorted to the meager entertainment our elders (3Ls) enjoy: Must See T.V. followed by a trip to the Leaf. Now for some parting shots from the staff:

1. Sewanee boy, why don't you come to Bar Review?
2. Howdy Wrangler! what a fine ass you gots!
3. Hey Ms. Thang, the Grounds! beckon.
4. So Mr. Powers, what side of the fence will it be this week?

## From the Desk of the Student Bar Association President

PRESIDENT from 3

ful Halloween costumes. Costumes are not required, but encouraged. If anyone would like to help out with decorations on the day of the social, please meet us in Trinkle Hall at 3 p.m. when we will be setting up. Hope to scare . . . I mean see you all there Friday night. The dance starts at 8 p.m. and alcohol will stop being served at 12:30 a.m. in accordance with college policy.

In closing, on behalf of the entire SBA, I would like to wish Rick Overy, Associate Dean for

Development and Alumni Affairs, the best of luck as he leaves us at the end of this month to enter the private sector. The entire law school community will miss his great service over the past five years as he has helped to build M-W's strong alumni programs which have helped hundreds of students and alumni over the years. Best wishes, Dean Overy in all of your future endeavors.

On a sadder note, I would also like to say goodbye to one of the law school's greatest cham-

pions. Former Dean of M-W and former Senator William Spong passed away earlier this month. Although many of you may not know Dean Spong, you surely recognize the name from the Spong Moot Court Tournament held here every year. Bill Spong was the Dean here at a very trying and troubled time for the law school. The school was close to being shut down. Some regard Dean Spong as the man who single-handedly saved our law school from extinction and started it upon the path toward

excellence which it has become known for today.

I regret that I only had the pleasure of knowing Dean Spong for a brief time. As co-members of the Dean Search Committee, we met in early August. For those of you who do not know him, Dean Spong was a highly charismatic individual whose style was a mixture of no-nonsense and country charm that made him instantly likable upon meeting him. The hundreds of family, friends, and associates who attended his memorial ser-

vice on the main campus last week are just a small hint at how much this man was loved and respected by the school and the entire community. His sudden and unexpected death has surely brought a great loss to W&M, and we will always be in his debt for the service he provided us throughout the years. The Student Bar Association extends its condolences to the family of Dean William Spong.

Thank you for your time,  
Frank T. Sabia  
SBA President

More Clip 'n' Save Marshall-Wythe Trading Cards! Collect them all!!  
This week: The Final Four . . . Make It Moot



Robert Worst



Elizabeth Sumner



Kevin Streit



Ann Haselbauer



## Out To Lunch . . .

# Chowing Down and Talking Politics at Chowning's

By Andy Lustig and  
Kevin Muhlendorf

As many of you are hopefully aware, the end of October and beginning of November is an exciting time in Virginia as campaigns heat up. It is especially exciting in the 'Burg, where one can imagine Jefferson himself getting trashed and talking politics in the taverns and bars about town. In the spirit of the political season, this week we review **Chowning's Tavern**, a C-W creation on Duke of Gloucester Street.

It was a dark and stormy night when we decided to attempt dinner at one of the C-W Taverns. Hoping to find some warmth, I called the C-W reservations hot line (229-2141) in an effort to discern whether or not Chowning's had a fireplace. The answer I received could have come from Don Beyer himself — it had shades of truth, but showed a complete lack of common sense or basic understanding of the point of the question. Yes, Chowning's has a fireplace as I was told by the reservations dolt, however, upon arriving we found that they had no intention of ever lighting it.

Having trekked through the rain, we arrived at Chowning's to find a man in the traditional garb acting as doorman. He escorted us in, announcing two for dinner. The doorman offered to take care of my horse, but I told the silly man that nobody really rode horses anymore (though horseback might still be the more

efficient mode of navigation in C-W). The atmosphere in Chowning's was warm, with candles (lit, unlike the fireplace) on every table. Shortly, the house bard began a lovely little colonial ditty on his flute. Apparently he doesn't take requests, so don't ask if he knows anything by Van Morrison — he doesn't.



The menu at Chowning's is fairly pricey, but the food is decent and worth a shot, if for no reason other than the experience. I kind of feel, in my last year here, having never set foot on either the W&M campus (as I told those fools handing out the College Food Services surveys to law students last week) or ever taking advantage of C-W, I should avail myself of some of the opportunities here in C-W.

Candle dipping and watching paint dry is next week, weather permitting.

I opened with a cup of hot apple cider (\$1.25). It was very nice, with a whole cinnamon stick floating in the mug. The menu at Chowning's is fairly limited, somewhat like a Democrat's concept of government (or reality, for that matter). I

(about \$16). This dish was far more attractive (than the stew, not my guest). A 1 lb. chicken was surrounded by roast vegetables such as onion, carrot and potato. Gravy covered the chicken, making for a delicious and attractive entree, save for the excessive bones — a hearty meal, nonetheless. Both dinners were served with a salad and bread. For dessert we had some sort of chocolate custard (about \$4) and coffee (\$1.75 — a bit pricey). The dessert was okay, though as with all desserts, could have stood more chocolate sauce. The coffee, surprisingly, was very good.

Others dishes on the menu include roast lamb and a salmon dish. Chowning's, in the spirit of being a Colonial Tavern, serves a variety of beers, and has pitchers (about \$9). Considering the candles, dark atmosphere, and the traveling bard, it makes for a fairly attractive date spot, though I'd have to say for the cost, you could probably do better elsewhere on the food. Finally, remember that though Jefferson may have been a Democrat, he was a Renaissance man, not a used car dealer with a penchant for half-truths. Also remember that it was the last Democrat (Wilder) in the Governor's office that caused tuition at Virginia colleges (including this one) to skyrocket, placing us in the position we are in now (most expensive public colleges in the country). But even that Democrat has refused to endorse Don Beyer. Vote for Gilmore.

had Brunswick Stew — sans bird (about \$13, \$15 with the chicken). The stew was all right, and definitely a good choice on a cold night. It tended, however, towards the sweet side, and the portion could have been bigger. The stew does include your choice of dessert, making the price effectively \$10, a reasonable bargain. My lovely dinner guest (I'm not talking about Andy this time) selected the Roast Chicken

## Moot Court Issue Parallels Television, Court Cases

BUSHROD from 4

Streit's suggestion that allowing Moseley to retain her position would not disrupt the orderly operation of the ER under certain, very grave circumstances, the Court quipped, "Well, it happens on TV all the time."

Presiding over the final round were general district court Judges Woodbrigde and Keenan (serving as Chief Justice) and Federal

District Court Judge Robert R. Merhige. The Court repeatedly interrupted both Worst and Streit, peppering them with questions and hypothetical arguments throughout their arguments. According to Chief Justice Keenan, it was the Court's persistent questioning that made its final decision as to a winner so difficult as neither finalist successfully presented more than

two minutes of his argument before the Court's inquisition began.

The Court's deliberations lasted over ten minutes, during which time the Justices sent the bailiff out to retrieve Renee Esfandiary, Bushrod Justice and Tournament Director, so that she could clarify the scoring procedure. Additionally, the Court indicated in its final comments

that, had it been possible, it would have declared the advocates tied, leaving the decision on the victor to some other body. Although Streit prevailed, the Court commended both advocates on their presence and oral argument style.

Streit and Worst emerged from a field comprised of over one hundred second year students who participated in this year's Bushrod Tournament.

According to Judy Ledbetter, the Moot Court faculty advisor, this year's problem was argued over 150 times by the tournament participants. Over 500 people were involved in the organizing and successful execution of the tournament, most serving as judges and bailiffs for the various rounds.

Streit, Worst, Ann  
See TOURNAMENT on 14

### TRADING CARDS: Moot Court Final Four

#### Ann Haselbauer

Finally, someone too nice that even our *Amicus* spies could dig up neither incriminating information nor people willing to divulge any of Ann's dirty, little secrets. Barring any real information, we considered making something up about Ann, Marv Albert, and Marshmallow Fluff. Ultimately, though, we decided against it in hopes that Ann will continue writing for us this year.

#### Kevin Streit

Known to Chief Justice Keenan throughout the final round as "Mr. Sprite," Kevin proved bubbly enough to sway the Justices' vote in his favor. After swaying Justice Keenan with his charm and an occasional stroke or two on his infamous goatee, Streit received a bouquet of roses from an admiring audience member. Fortunately for Kevin, the Chief Justice did not see the other object of Kevin's affections. You can't have it both ways, son.

#### Elizabeth Sumner

One of the few (some would undoubtedly say lucky) people totally unknown to the *Amicus* staff, Elizabeth intimidated our reporters by bringing a briefcase into her semi-final round argument. When we attempted to interview our 2L moles in our quest to dig up information on Elizabeth, none would go on record, fearing the linguistic cunningness and impassioned advocacy she displayed throughout the Bushrod Tournament.

#### Robert Worst

The Editor's roommate progressed remarkably well throughout the Tournament, despite several concerted attempts by derelict 3Ls to distract him from his preparation. His true secret to success lay in his *ex parte* visitations with the judging corps, where Robert would serenade the Court with an aria, then boogie around the Courtroom in synch with the beat of their rapid-fire questioning. Robert's plot fell through in the final round, however, when the judges flatly rejected Robert's "It's got a good beat and you can dance to it" argument.



*Music for the Masses*

# Leaving on a Jet Plane Comes Full Circle: A Tribute to The Life, Music and Memories of John Denver

By Two Guys Who Won't Miss His Music (Matt Kaiser and Ulcickas)

We were stunned to learn of John Denver's tragic death while enjoying a lazy Sunday of watching football, sitting on our asses. After a moment's contemplation, another Bud, and a great touch-down run, it was quickly forgotten. However, after the fog of our alcohol induced coma lifted, and realizing that we again had absolutely no idea what to write our column about, we decided to author an expose on the life of John Denver.

Having not a clue in the world as to who this guy was, or what any of his songs were about, we realized that we had a lot of work to do in order to write a respectable and poignant review of his life's work. Having received critical acclaim for our ground breaking story on the East Coast - West Coast Rap Spectacle (see the last issue of the *Amicus*), we were eager to bolster our reputation as legitimate journalists. Needing to do some background research, we sent our intern, Patrick Muldoon, on an expedition to the library.

After a few days of patiently waiting for some information, we called Patrick to see what he had found. Patrick answered the phone from his hot tub and explained that he had been unable

God!, and hung out with the Muppets. Now we turn to an in-depth look at the music of John Denver.

John Denver is credited with one of the most popular folk

revelry, we got drunk. Soon thereafter, the Oompahpah band composed of large Bavarian men in rather small and non-flattering lederhosen performed a rousing rendition of this John Denver

Amtrack. Songs include such masterpieces as *Freight Train Boogie/Choo Choo Ch'Boogie*, *Jenny Dreamed of Trains*, *Waiting for a Train*, *Last Train Done Gone Done*, and such family favorites as *I've Been Working on the Railroad* and *The Little Engine that Could*. After a brief call to the producer to check the volume of sales, we are happy to report that only seven copies have been sold, reportedly all to sing-a-long clubs in the U.K.

John Denver's life of stardom ended as it began. Denver's first hit that brought him into the public eye was *Leaving on a Jet Plane*. Tragically, this performer was taken from us in the same way. Seeking comment from other musicians on this loss, Alanis Morissette remarked "Now, that's ironic." Look for her re-recording to hit stores soon.

### Hook-Up Pick of the Week:

Jimmy "The Doctor of Love" Robinson picks *Whats New Pussycat* by Tom Jones to get things started and Weird Al Yankovic's *Eat It* to get 'em to sign on the line which is dotted.



to find the library. However, he told us that he had located a few articles while purchasing some snacks for his pet duck, George, in the grocery store check-out line. We don't know about y'all, but we have always found the *Star* to reflect the high level of journalistic integrity that makes me proud of our First Amendment.

Having concluded our research, here is the life story of John Denver. Born 1944, Died 1997. Somewhere in between he wrote some songs, starred in *Oh*

songs of all time, *Take Me Home*, *Country Road*. The global reach this song has had is incomprehensible to your authors. In a recent British poll, fans listed the song as one of their top ten sing-a-long songs for long drives. One would hope that the English have better things to do with their time, such as taking a trip to the tanning booth.

However, as we remember fondly back to Oktoberfest 1992, we do owe John Denver a debt of gratitude. Having joined a group of Germans for a night's drunken

classic.

As we leapt up onto the picnic table to join in song with Germans who frankly had no idea what the words to the song are, we saw our night's fate. Three Finnish girls approached, a bottle of Chivas was purchased, and we will leave the rest to your imagination. Thank you, John!

Denver's most recent release is entitled *All Aboard*. It appears to be a tribute to the Railroad, emphasizing the romantic aspects of rail travel that I'm sure we have all experienced with

## Don't Kiss the Girls, But Consider Trying The Full Monty



By Kristi Garland and Chris Murphy

Being the super-busy 11s that we are, it was impossible (difficult, inconvenient, tortuous, labyrinthine) for us to go to the movies together, so, though your abs will not be worked out this week by laughing at our polar disagreements regarding a single movie, do not fear, for we would never let you down. Wow, long sentence.

**KISS THE GIRLS:** Morgan Freeman, Ashley Judd, and the Dread Pirate Wesley.

Chris: For those of you who do not

find me at all witty ("gasp"), I will give you a brief summary of my movie review for this week — *read the book*.

Okay, onward . . . To get right to the heart of the matter, I assure you that I have heard of both Morgan Freeman and Ashley Judd. I have even seen other movies in which they have starred. In fact, prior to seeing this movie, I was under the impression that both of them could act. Heh. Morgan Freeman was the exact same character from the movie *Seven*. He was smart, drove a cool car, didn't look stupid in a turtleneck, and, conveniently, had extensive knowledge of analgesics.

This D.C. cop discovers that his (beautiful) niece (who is a law student at Duke and takes her violin everywhere she goes) is missing, and it is likely that she has been taken by the serial kidnapper-murderer who is sweeping through the Research Triangle Park area of North Carolina. I must warn all of you former Duke/UNC students that the Research Triangle has been taken over by a bunch of small-town hicks with heinous accents, and any sem-

blance of civilized life has been smothered by endless corn(?) and tobacco fields.

Anyway, Morgan Freeman, like any good uncle, decides to cruise on down to North Carolina and take matters into his own hands, because those cracker cops obviously aren't capable of doing their jobs.

Right about this time, Kate McTiernan (Ashley Judd) gets kidnaped, which gives her a great opportunity to show off her ability to gasp and fall as she runs from the bad guy. Gasp, run, run, run, fall, get up, gasp, run, trip, run, run, run, fall, get up . . . I wonder how long the audition for that role lasted.

Seriously, though, we all know someone like Kate. She is the beautiful medical intern who takes kick-boxing, doesn't have time for a man, refuses to take orders, and lives alone in the woods in the house her grandmother used to live in, where she cooks gourmet meals in her spare time. You know . . . her.

The absolute demise of this movie had to be the Dread Pirate Wesley. I can't

even tell you what he did or said in this movie, because every time he started to talk, I had to put my hands over my ears, close my eyes, and repeat "As you wish, as you wish, as you wish . . ."

I gave him too much credit in *Liar, Liar* by assuming he was so annoying because he was supposed to be playing an annoying character. No such luck. He is annoying all on his own. His accent coach must have been Forrest Gump, and his attempt to play the "Don't tread on my turf, Mr. Tough D.C. cop-guy who doesn't look stupid in a turtleneck" detective was purely calamitous.

So, in short, this movie blew. Its one redeeming quality, according to the male-person I went with, is that Ashley Judd is beautiful (earning her two full, deeply-felt, sincere, and from-the-gut groans). The book is very good, though, so for those of you who have free time, I recommend it. Just don't read it in the bathtub late at night on Duke campus when your roommate's name is Kate and she is two

See MOVIE on 14



## Coqua Felix

# Breakfast at Kimberle's — Serving Up More than Coffee

By Kim Hackett

An Englishman once commented that the only way to survive in his country was to consume breakfast three times a day. Here in America, too many people think breakfast is four cups of coffee and an ample dose of nicotine.

But breakfast losers beware! Skipping breakfast leads to unproductive mornings and overeating at lunch. So be like Kelly! Eat your Frosted Flakes™!

For this edition of the *Amicus*, I have put together a Saturday morning breakfast. Some of the ingredients may be substituted with their low fat counterparts.

Good choices include nonfat buttermilk, reduced fat cheddar cheese, and low fat or nonfat cream cheese. If you decide to use reduced fat bacon, be sure to decrease the frying time.

This menu is designed to serve four persons, but the reci-

pes can be divided in half to accommodate breakfast for two.

### Menu:

Blueberry pancakes  
blueberry syrup  
scrambled eggs with cheese  
bacon or sausage  
orange juice  
Starbucks™ coffee

### Blueberry pancakes

(Adapted from America the Beautiful Cookbook, © 1990 Weldon Owen, Inc.)

3 eggs, separated  
1 tablespoon sugar  
2 cups buttermilk  
¼ cup unsalted butter, melted  
2 cups all purpose flour  
½ pint blueberries  
1 teaspoon baking soda  
blueberry syrup

Beat the egg yolks with an electric mixer or in a Kitchen Aid™ until light.

Add the buttermilk and beat until smooth.

Stir in the flour, baking soda and sugar until well mixed. Do not overbeat. Do not worry if the batter is a little lumpy. Stir in the melted butter.

In another bowl beat the egg



whites until stiff. Fold (do not beat) them into the batter. Stir in the blueberries.

Bake on a hot griddle or in a

large nonstick frying pan. Wait until the pancakes form bubbles and the undersides are light brown.

Flip the pancakes over and brown the other side.

Repeat the process until all of the batter is used.

You may place the pancakes in a warm oven (200° F) while you use the remaining pancake batter.

Heat the blueberry syrup in a saucepan over low heat until warm and ready to serve with the pancakes.

### Pigs-in-a-Blanket

For a variation on the pancake theme, especially appealing to certain newspaper editors, omit the blueberries and blueberry syrup.

Make large pancakes.

Wrap one cooked sausage link in each pancake.

Serve with maple syrup.

Fix these Pigs-in-a-Blanket

for your girlfriend so you will not have to spend another night on the cold, hard floor.

### Scrambled Eggs

8 large eggs  
½ cup grated cheddar cheese  
¼ cup milk  
2 tablespoons cream cheese  
dried dill (optional)

Beat the eggs with a wire whisk. Add the milk.

Pour into a heated nonstick frying pan and cook over medium heat.

After two or three minutes add the cheddar and cream cheese.

Stir frequently until done. Lightly sprinkle the eggs with dill. Serve immediately.



## Gilmore Will Lead Virginia to the 21st Century

GILMORE from 8

of the environmental policies which Gilmore enforced as Attorney General. Beyer, on the other hand, has promised a new wave of regulation and intrusive enforcement which will surely compromise the Commonwealth's position as a good place to locate a business and make the lives of ordinary people more difficult.

The former Attorney General differs strikingly from Don Beyer on crime control issues as well. Sharing concern with Governor Allen and millions of Virginians that violent criminals went through a revolving door in our prisons, Jim Gilmore shepherded the abolition of parole in Virginia. Don Beyer claims credit for this too. This is asinine. Beyer campaigned four years ago as an opponent to the abolition of parole and then supported it only for the most base political reasons. While his eventual support was proper, Virginia needs a governor who does not have to be dragged kicking and screaming to the proper policies on crime. In addition, Beyer still supports notions of addressing social causes of crimes with expensive programs which have been discredited for their ineffectiveness for decades.

Jim Gilmore also pursues the proper policies on education. He proposes hiring an additional 4000 elementary school teachers for Virginia's children. In addition, he has already supported the Allen administration policy of limiting tuition hikes at state universities. Gilmore further supports innovative primary educa-

tion funding techniques such as providing tax credits for those who seek private alternatives to what may otherwise be a governmentally sponsored system of primary education which fails to provide appropriate alternatives for Virginians. Last, Gilmore wisely supports allowing the localities to exercise significant autonomy over their curriculum, including that over sex education.

Finally, Gilmore will oversee intelligent, well thought out development of the Commonwealth's infrastructure as is necessary to attract businesses to Virginia. For example, he has publicly supported western and eastern bypasses of Washington to reduce much traffic congestion there. Gilmore, unlike Beyer, will not support the creation of regional transportation authorities with unbridled taxation power.

The choices which Virginians face on November 4th are quite distinct. For the reasons stated above, Jim Gilmore is the better choice to be our new governor.

In addition, and for many of the same reasons, John Hager is the better choice for lieutenant governor and Mark Earley will make an excellent Attorney General. On the local front, David Sisk promises a welcome change to the twenty-four year long reign of mediocrity Delegate George Grayson has enjoyed and Colleen Killilea brings superior prosecutorial and management experience to ensure that she will properly carry out the duties of Commonwealth's Attorney for Williamsburg and James City County.

## Beyer's Priorities Will Help Virginia Lead the Nation

BEYER from 8

state has achieved, endangering the poor, making education more expensive and exclusive, and undermining the Virginia's traditional Democratic values.

Don Beyer is a businessman who believes the tools he used to build a successful company — commitment, hard work, personal responsibility, and strategic investments — will build a strong Virginia.

Don Beyer will protect our values. He will bring compassionate leadership back to a Virginia now ruled by the politics of indifference. As Bobby Kennedy said, "If we fail to dare, if we do not try, the next generation will harvest the fruits of our

indifference — a world we could have made better by caring more — and we shall be left with only a hollow apology." Don Beyer will build a Virginia of which we can be proud.

If you care about keeping your tuition affordable, protecting the environment and the Chesapeake Bay from polluters, ensuring equal rights for all Virginians regardless of gender or sexual orientation, and maintaining the kind of fiscal progress that has kept Virginia one of the best managed states in the Nation, the choice is clear. With Don Beyer's leadership as Governor, Virginia can lead the Nation again.

## Bahamas Blast

Saturday, November 8  
8:00 p.m. Trinkle Hall

Live Reggae Band



Trip for Two to  
the Bahamas  
Will Be Given  
Away



## Monday, October 27

**Meese Fan Club Alert:** Federalist Society Informational Meeting, 1-1:30 p.m. Room 124. Presided over by Professor Alan Meese, this meeting will allow students entree' into the secretive and selective world of federalism.

**Desperation is the Worst Perfume:** OCPP Presents, "Judicial Clerkships for Second Years." Find out how to bribe your favorite judge into taking you in as a slave, 11:30 a.m., Room 119.

**Avalon Legal Panel on Domestic Violence:** Room 119, 6:30 p.m.

**Scare Someone You Love:** No, we don't mean leave a disembodied horse's head in his or her bed. Just send a Halloween Gram from BLSA. On sale today through October 30 in the lobby.

**Flu Shots Now Available:** At the Death, I mean Health Center, M-F, 9 a.m.-12:30 p.m. and 2-4 p.m. Arrive early and be ready wait. Shots cost \$7 for students and \$10 for faculty and staff. It's a pain, but it beats missing a week of Legal Skills because you're sick.

## Tuesday, October 28

**Heathens vs. God's Team:** Women's Soccer vs. VCU, 7:30 p.m., Busch Turf  
**Boo!!** Frazier's Halloween special tonight, 9 p.m., WAVY 10.

**Somebody Else's Old Crap For Sale:** Halloween clothing sale sponsored by CSA and F.I.S.H. from 11 a.m. to 6 p.m. in the Chesapeake C Room. Maybe you'll find that perfect interview suit, or the Tickle Me Elmo costume you've been dreaming about. Or maybe you'll just get a headache from the smell of mothballs.

**Finally, Someone Makes Fun of French Films:** Well, sort of. It's still some artsy film about film, but it's at the Williamsburg Theatre and our entertainment options are limited here, so go check out "Irma Vep" at 7 p.m. and 9 p.m. tonight through Thursday.

**Palm Trees and Coconuts:** Here's your chance to get control of a law school social event. Volunteer meeting for PSF's Bahamas Blast today from 12:45-1 p.m. in Room 127. It should be hot enough in there to closely approximate real Bahamas conditions. If you are interested in volunteering but cannot make the meeting, contact Mogy Omatete (3L).

**HIV/AIDS Questions?** If that moot court problem got you worrying about your own history, SHAPE will be available to answer your questions in the Fish Bowl every Tuesday from 11 a.m. to 1 p.m. Your questions and concerns are confidential and informal.

## Wednesday, October 29

**It Worked in Afghanistan, Maybe It'll Work For You:** OCPP Presents, "Guerrilla Tactics for Getting the Job of Your Dreams" featuring Kimm Alayne Walton. A Free seminar for all interested 1Ls, but 2Ls and 3Ls are welcome on a space-available basis. 2:30-4:30 p.m., Room 119

**3x3 Basketball:** Entries close today, so get your teams in.

**Insomniac Alert:** In case you have trouble catching a few zzzz's, there's a chamber concert at 8 p.m. in Bruton Parish Church. The W&M Gallery Players with director Burton Kester will be performing your chamber faves and raves.

## Thursday, October 30

**Chick Rock Rules!** Fiona Apple at the Boathouse in Norfolk, 8 p.m., tickets \$15 from the evil Ticketmaster monopoly.

**Spooky Stuff on Campus:** Not just the usual spate of undergrad suicides, but the Halloween benefit concert at Phi Beta Kappa Hall, 8 p.m. The W&M symphony accompanies the silent film "Nosferatu," the first film version of "Dracula." \$4 general admission, \$3 for those in costume.

**Griffin Ave. Rocks Again!!** Halloween party tonight, costumes required, be ready to raise the roof. 302 Griffin Avenue, 7:30 p.m.. 2Ls invited with a bottle of their favorite beverage for bonding, everyone else at 9 p.m. The legend lives.

**Deadline for Entry:** You must have your sign-up forms in to Nathan Green (3L) by today in order to play in the Rise From Grace SBA Flag Football Tournament. There will be both men's and co-rec divisions, each will play at different times, no games before noon.

**Body Image/Eating Concerns Group:** Therapy group meets Thursdays from 4-5:15 p.m. in the Counseling Center. Contact Melissa Strachan or Jan Pattis at 221-3620 for more information or to schedule an individual session.

## Friday, October 31

**Scandal and Disgrace:** Fall From Grace, Trinkle Hall, 8 p.m., \$12 if you buy your tickets early, \$15 at the door. It's not who you go with, it's who you leave with.

**Misogyny Made Fun:** "In the Company of Men" runs tonight through November 6 at the Williamsburg Theatre, Oct. 31 - Nov. 2, 9:15 p.m. and Nov. 3-6 at 9 p.m. Come

see the wacky story of a couple of really bitter guys taking out with being rejected by every woman they've ever met on one woman. Sick fun, and fun to talk about.

**X-Files Junkies and Alien Autopsy Fans, Here's the Movie for You:** Sort of... It's a Robert Zemeckis ("Forrest Gump") Joint about aliens or something. Showing at the Williamsburg Theatre, tonight through Nov. 2 at 6:30 p.m..

**Boys Love Drag, and Here's Your Chance to Prove it:** "Rocky Horror Picture Show" tonight and tomorrow (Nov. 1) at the Williamsburg Theatre, 11 p.m. Birdseed only, no rice allowed. No food props, no super soakers, and the staff reserves the right to confiscate any undesirable materials. Virgins, tonight is your night to be deflowered! Break out the fishnets and garter belts and prove that you are a sweet transvestite from transsexual Transylvania.

## Saturday, November 1

**And After You Make the Walk of Shame...** it's the Rise From Grace Flag Football Tournament. Sign up in the lobby this week or drop your form to Nathan Green (3L) by October 30. You can get over your overindulgence and lack of sleep by noon, so that's when the first games are scheduled. Thanks, Nate!

**Big Name Entertainment Comes to Williamsburg:** Stephen Bennet and Bill Gurley play or sing or do something at the Williamsburg Regional Library, 8 p.m. Tickets are \$6.

**Abby Aldrich Rockefeller Folk Art Center:** "Covered in Glory" and "Meet the Makers" through Dec. 31.

## Monday, November 3

**What Has the SBA Done?** The SBA will host an SBA meeting for the entire student body today to update students on the current projects of the SBA. Topics will include the new building, food service, and parking. Starts at 11:30 a.m. in Room 119. Free pizza and drinks for those who attend.

**Hit the Playground:** 3x3 basketball tournament play begins

**2Ls Fight Off Panic Attacks:** OCPP is closed to 2Ls and 3Ls today from 11:15 am to 5:30 p.m. for 1L orientation. Take a day off from the stress of your job search to laugh at the looks of fear on the 1Ls faces as they begin the stress-of their job search.

**Yo Prez, Great Grub:** President Timothy Sullivan will be hosting a series of informal luncheons at the President's House (not the White House, silly). Each will begin at noon and last about an hour. To sign up, contact Gail Sears at gbsear@facstaff.wm.edu or at 221-1693.

**Damn Those Subtitles, Cuba Rules:** "Guantanamo" shows Nov. 3-6 at 7 p.m. at the Williamsburg Theatre.

**Cashing in on Princess Di:** Privacy v. Freedom of the Press Panel Discussion, sponsored by Institute of Bill of Rights Law, Wendy & Emery Reeves Center for International Studies and Council on Foreign Relations. See if the press is cashing in on her death, or if the legal scholars are. 7:30 p.m., Law School.

**As if the Closet Wasn't Deep Enough:** The Gay Student Support Group meets Mondays from 9-10 p.m. in the catacombs under St. Bede's church on Richmond Road. Open to everyone, respects members' privacy, and no obligation to tell your sexuality.

## Tuesday, November 4

**Chrysler Museum:** Norfolk, \$4 adults, \$2 students and seniors. "Rembrandt and the Golden Age" through Nov. 30. "Toulouse-Lautrec: The Baldwin M. Baldwin Collection" through Dec. 31. "Masterpieces of Impressionism: Paintings by Claude Monet from the Museum of Fine Arts, Boston" through Jan. 4. "Contemporary Glass from the Permanent Collection" and "China Trade Porcelain from the Collection of the Chrysler Museum of Art" through Jan. 11.

## Wednesday, November 5

**Dewitt Wallace Gallery:** "Revolution in Taste" through Dec. 31

## Friday, November 7

**We Are Young, But She Ain't:** Pat Benetar tonight at The Boathouse in Norfolk. Tickets \$10 from the evil Ticketmaster anti-trust violator.

## Saturday, November 8

**Smoke a Spliff for Us, Bob:** PSF's Bahamas Blast tonight, 8 p.m., Trinkle Hall. Live Reggae Band. A trip for two to the Bahamas will be given away. So put on your grass skirt and coconut bra, drink a few daiquiris, and hula the night away in sunny CW. Or something like that.

**John D. Rockefeller, Jr. Library:** "The Coins of Colonial America: World Trade Coins of the 17th and 18th Centuries" through April 30.

Please submit your entries for the *Amicus* Events Calendar to Kevin Muhlenford (3L), or the *Amicus* hanging file. Entries may include activities sponsored by law school organizations, main campus or community events.



## Coughlan Up Predictions . . .

# The Dean, Michelob, Pigskin, and the World Series

By Kenneth J. Coughlan

An era in college basketball came to a close on October 9 when North Carolina head coach Dean Smith announced his retirement. He stated that he has simply lost the enthusiasm level that he used to have. So, he's handing the reigns over to Bill Guthridge, Smith's assistant for the past 31 years.

Smith started coaching for the Tar Heels in 1958 as an assistant to then coach Frank McGuire. He took over as head coach three years later and has held that position ever since. During that span his accomplishments have been nothing short of remarkable. He is the winningest coach in college basketball history with 879 victories to his name. He has led UNC to 11 Final Fours, two national titles, and 13 ACC tournament championships. As a matter of fact, only once in his 36 years of coaching did one of his teams fail to finish in the top three of the ACC, arguably college basketball's most competitive conference. Also, for 27 consecutive seasons his teams have won at least 20 games. That's an NCAA record.

So for those of you who aren't fans of college hoops, bear with

those of us who are for a little while. When the season begins, it will seem like a morning without a sunrise. When something is there long enough, you just come to expect that it always will be, and you feel a little awkward when it's gone.

playoff with Duffy Waldorf and Grant Waite. Duval collected a \$279,000 paycheck for the win. He had been a runner up seven times before finally winning a tournament.

College football has had three different teams take the number

ing Penn State to reclaim the top spot. Then, the very next week, Penn State put in a very lackluster performance against a Minnesota team who is now 2-4. The Lions won 16-15, but only thanks to a fourth quarter rally gift wrapped by the Golden Gophers

Packers at Lambeau Field, then proceeded to get embarrassed at home by Barry Sanders and the Lions. Sanders racked up 215 yards rushing by himself. When these two teams played earlier in the season, Sanders was limited to 20 yards and the Lions lost 24-17.

What a difference five weeks makes. But don't worry yet Tampa fans. The Bucs are still a legitimate team. Unlike the Redskins last year, they didn't achieve their great start against sub-par opponents. They have the talent to make the playoffs as long as they get out of the psychological rut. Fortunately they had a bye week after the two losses which should help them get back on their feet for the rest of the season.

The World Series got off to an impressive start with neither team dominating. Most people couldn't believe the match-up in the first place: the Florida Marlins against the Cleveland Indians (Hey, weren't the Indians the hopeless team in that movie "Major League"?). But through the first four match-ups, these opponents have traded every other game with one another and weretied at two apiece.



Williamsburg has been getting some national exposure recently. Kingsmill played host to the Michelob Championship for the PGA. Twenty-five year old David Duval earned his first tour victory by sinking a 10-foot birdie putt on the first hole of a

one spot in three consecutive weeks. Florida leapfrogged Penn State back on September 21 after their win over Tennessee even though the Nittany Lions were still undefeated, but the Gators couldn't hold on. Florida fell to LSU 28-21 on October 11 allow-

because of late game turnovers. Nebraska took the top honors from Penn State with a 29-0 victory over Texas Tech.

In the NFL, the once unbeaten Buccaneers have started to falter. After starting 5-0, Tampa Bay lost a heart breaker to the

## The Full Monty Ranks Among Great British Comedies

MOVIE from 11

hours late coming home. Take it from me, that is not a smart idea.

⊗ (i.e., zero out of four)

### THE FULL MONTY

Kristi: Another must-see comedy from the Brits. This hysterical yet poignant film follows six unemployed men from Sheffield, England, who fall on rough economic times following the demise of the steel industry. Too proud to re-train for office work and too poor not to do anything, they stumble on the idea of making money the old-fashioned way — taking off their clothes.

While the movie focuses on their recruitment efforts, their rigorous training regimen, their tricky choreography steps, and their other logistical planning, you are still afforded the chance to get to know each of the six in a more intimate way . . . if that is possible . . . In fact, I think it is the friendships between these six men — and not their outrageous pursuit — that

makes this film so compelling.

You truly want each to succeed — not necessarily in getting naked — but certainly in terms of life. You can't help but laugh with them as they struggle through their trials and tribulations — and in the spirit of Roddy Doyle, they succeed in making you laugh even when life is at its bleakest.

This movie has been chalked up as one of the best of the year and if you are in need of a good laugh, I highly recommend this film.

⊗⊗⊗⊗ (out of four)

### Bushrod Tournament

TOURNAMENT from 10  
Haselbauer, and Elizabeth Sumner, by virtue of their qualification for the semifinal round, automatically receive rankings on the 1998-1999 Moot Court National Team. The top four will be joined in the national competition by the Moot Court Bar members ranked fifth and sixth as a result of the Bushrod Tournament.

## Fall From Grace

SATURDAY, OCTOBER 31

FRINKLE HALL

8:00 P.M. - 1:00 A.M.

COSTUMES OPTIONAL

Tickets on Sale in the Lobby for \$12  
\$15 at the Door



## Amicus computer-like rankings

## IMs headline goes here

By Mac Stuckey

With the Wednesday night's snowfall in Cleveland, a Dolphins-Browns match-up seemed more appropriate than a World Series clash among the boys of summer. Here in Williamsburg, five straight days of rain washed out the intramural softball championships, which still remain unscheduled.

With softball on hold, this past week marked the opening of the intramural flag football season, as several law school squads took to the gridiron.

The Monday night game of the week featured the 1L Assault and Battery against the undergraduate Blutarskis. Quarterback Rick West led the way, throwing for five touchdowns and rushing for a sixth. While obviously strong on offense, West struggled to master the concept of "flag" football and received a stern warning from the officials for laying a Mike Singletary hit on an unsuspecting ninety-five pound undergrad.

Receivers Matt Keuhn, Steve "MVP" Lastelic, and Mac Stuckey each crossed the plane, successfully starting up the A&B Bandwagon. Jeff Polich received the game ball on defense with his two interceptions. Defensive linemen Pat Blake and Eric Lehtinen combined for several sacks, while sure footed Dan Kieser drilled it through the uprights to ice the victory.

In Co-Rec action, the 1L Legal Motions met an unfortunate fate, dropping a close one to a team unfairly comprised of

intramural referees and workers. Quarterback and captain Don Martin led a valiant effort until being injured. Tackled by a female opponent, Mr. Martin was carried off the field. He's listed as day to day.

Kindra Gromelski put on a Deion-esque clinic, running the ball back for several touchdowns and following her runs by taunting the opposition. Several teammates were unamused, noting that the refs almost ejected Kindra for unsportsmanlike conduct and stating, "Sometimes she just needs to shut up."

With Martin knocked out at the QB slot, Eddie Harrick filled in admirably, connecting on his passes and marching the Motions down field. Kudos go out to Kelly Collins and MaryBeth Lenkevich for their strong efforts on both sides of the ball.

Additional co-rec action pitted the 2L Bud Law Stars versus an unnamed undergraduate team. With their opponents one player short, the Law Stars donated Bob Toy to the other team. After their philanthropic gesture, the Law Stars suffered a loss as Toy guided his new team to victory.

Slick conditions and a light rain worked against the 2L offense, as Andrew Pearson couldn't get a handle on the ball, dropping the ball on numerous occasions. QB Matt Cambi tried to ignite the offense, but a key injury to team captain Tom Christiano could not be overcome. Dana Loftis remained confident that the

B.L.S. machine would return with a vengeance in next week's contest.

In more gridiron action this past Wednesday, VIMS assassinated 1L Ex-Presidents. With only one first down to show for two halves of play, Ex-Presidents' captain Adam Hills conceded that his team was not in top form.

Quarterback Hunter Eley earned top honors for the executive branch, for a grand total of four completions. The aforementioned Don Martin was on hand on the sidelines to cheer on his mates. Martin, you will recall, was taken down by a female opponent and injured in the ruckus.

Shaolin native John MacDonald displayed impressive skills running the ball, but Los Presidentes had nothing to show for their effort. Taking a lesson from the Penn State-Nebraska polls debacle, VIMS exhibited Nebraskan uncouth and kicked a thirty yard field with two seconds remaining and a 34 point lead. The Presidents were not amused. Hills vowed to avenge the loss in their next contest.

The Men's B-Team, Hammers of

Justice lost a tight game, 13-12, when a ref inadvertently blew a whistle during the winning (and successful) two-point conversion attempt. The mistake negated the play, so the Hammers lost. Carl Ewald had an interception to stop a drive and Eddie Hatrick caught two touchdowns. Dan "Sticky Fingers" Gasink made several key stops. Others on the team are: Ken Walsh, Mike Defricke, Mike Wilson, Ken Shook, Liam McCann, and Joe Bantan.

Stay tuned for the unfolding drama of the flag football season and the eventual results of the softball season. Look here next time to find out if the Legal Briefs will three-peat, whether the Bud Law Stars can tackle their opponents, and if the Ex-Presidents can put some numbers on the board.

(I know that there are more flag football teams out there that I have not written about. If you'd like to have your team included in the Amicus, drop me a note with some details of your last game or leave me your phone number and I'll give you a call.)

## CROSSWORD PUZZLER

## ACROSS

- 1 Split — soup
- 4 Make amends
- 9 Mimic
- 12 Go astray
- 13 "— Eagles"
- 14 Meadow
- 15 Deal secretly
- 17 Father or mother
- 19 Land measure
- 21 Nickel symbol
- 22 Small talk
- 25 Doctrine
- 27 Church part
- 31 Decay
- 32 Prominent figures on "L.A. Law"
- 34 At home
- 35 Gi's add.
- 36 Seine
- 37 Stack ID
- 38 Shockingly wrong
- 41 "— Hard"
- 42 God of love
- 43 Sweet potato
- 44 Wolfhound
- 45 Printer's measure
- 47 "William — Overture"
- 49 Kind of material
- 53 Announcement
- 57 Arabian garment
- 58 Trials
- 60 Bambi's ma

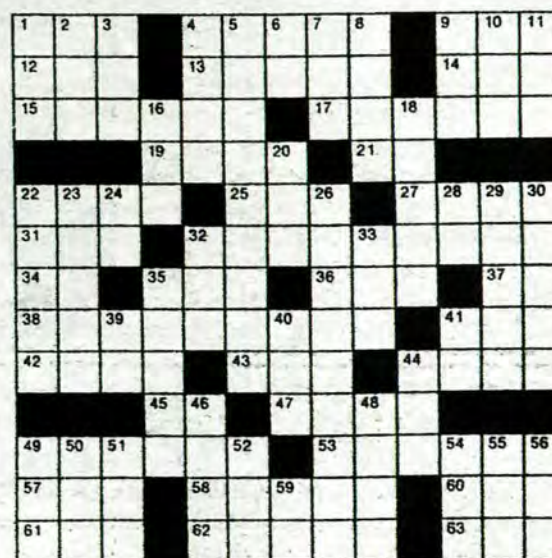
- 61 Protective napkin
- 62 Cheese with holes
- 63 Shoemaker's tool

## DOWN

- 1 Fondle
- 2 Period of time
- 3 Limb
- 4 Fish sauce
- 5 Large tract of land
- 6 King of Bashan
- 7 Short sleep
- 8 Verve
- 9 Ginger —
- 10 Write
- 11 Dine
- 16 Butter square
- 18 Laughing
- 20 N.Y. time
- 22 "— Story"
- 23 Fame; credit
- 24 Near
- 26 Statues; effigies
- 28 Hebrew letter
- 29 Country of Asia
- 30 City in Germany
- 32 Dwelling; abbr.
- 33 Court matter
- 35 Item of property
- 39 Bond nemesis
- 40 Grain

- 41 Letterman ID
- 44 In music, high
- 46 Witty remarks
- 48 Defeat
- 49 Engineer's compartment
- 50 Kimono sash
- 51 Flap
- 52 Unused
- 54 Mountain on Crete
- 55 Farm animal
- 56 Moray
- 59 Yes, to Carmen

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A few years ago I came to Williamsburg and began my education at a venerable institution with a proud tradition. On the side I went to the college across the street from the Green Leaf. Not to borrow a phrase: I won't say that all I needed I learned from the Green Leaf, but some of the best lessons were definitely imparted there. It was there I learned: the difference between whisky and whiskey, and why an eighteen-year old beats two twelves. Just how reasonable a great cabernet can be. That Babe Ruth's record for most scoreless World Series innings pitched stood until 1961, the same year his home run record was eclipsed. That a properly poured Guinness will hold the shamrock to the bottom of the glass. That there used to be fish in the river so thick you could hear 'em coming. That a good cigar's composition changes from tip to butt. That the British were preparing to abandon Virginia when Rolfe suggested they try growing tobacco. That Mickey Gilley, Jerry Lee Lewis and Jimmy Swaggart are cousins. The difference between an IBU and an IPA. That a good idea beats a good intention any day. The mystic words to the Gilley classic, "The Girls All Get Prettier at Closing Time." That the secret to a long life is knowing when it's time to go.

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