



LAW AND SOCIETY REVIEW
AT THE
UNIVERSITY OF CALIFORNIA,
SANTA BARBARA

Volume II

2002-2003

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The *Law and Society Review at the University of California, Santa Barbara*, is published annually by undergraduate students at UCSB under the leadership of Law & Society Program faculty. The Law & Society Program is an inter-disciplinary major, draws faculty from the humanities and social sciences, and utilizes both a theoretical and empirical approach to the understanding of law, with courses ranging from alternative dispute resolution to human rights. The Program is among the most diverse majors at the University and is designed to explore topics extremely relevant to current issues facing the community, Nation and world. The *Law and Society Review at UCSB* aims to be an interdisciplinary endeavor, seeking creative and original submissions from undergraduates in all majors and disciplines in order to gain a more comprehensive outlook on contemporary law in action within our society. The *Law and Society Review at UCSB* is an undergraduate, peer-reviewed journal highlighting outstanding undergraduate scholarship that increases the body of knowledge in this field.

Selection Criteria

The *Law and Society Review at the University of California, Santa Barbara*, carefully considers all submissions of undergraduate scholarship received. Submissions are reviewed and considered anonymously, without regard to the author's name, major, political affiliation, race, color, national origin, religion, sex, physical abilities, age, ancestry, marital status, sexual orientation, prior publications, or pending publication offers. Authors of submission must have undergraduate standing at the University of California, Santa Barbara, at the time the submission was written and works can be submitted no later than one school calendar year from the author's commencement from UCSB. Publication in the *Law and Society Review at UCSB* does not prohibit authors' submissions to concurrent or future publication in other journals or publications, nor are previously published works in other journals or publications ineligible for publication in the *Law and Society Review at UCSB*, permitting the prior publication allows.

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UNIVERSITY OF CALIFORNIA, SANTA BARBARA**

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Dylan Ballard is a third year Philosophy major hailing from Vacaville, California. Originally interested in Political Science, Dylan became distracted by the seemingly intractable problems of Philosophy and chose a path of logic and rumination. When not pondering such problems Dylan enjoys watching and playing sports and living his life according to the precepts of an Americanized version of Soto Zen Buddhism. His plans for the future are unsettled, but he has a strong interest in journalism as well as in the law and may pursue a law degree.

Bret Beheim is a junior History and Cultural Anthropology major. He and his colleague co-wrote their paper after feeling a sense of defeat on Prof. Kalman's Legal History midterm. When he is not in class or working, Bret pursues interests in a variety of fields including game theory, evolutionary psychology, sociology, and foreign language. After graduation he hopes to teach in Japan and pursue a PhD in History.

Craig Burnett is a third year Political Science and History double major and will be graduating from UCSB in June 2003. Craig is also the outgoing Vice President of Theta Chi Fraternity for the 2002-2003 school year. Currently Craig is working on researching Romania's involvement in attaining a diplomatic peace in the Vietnam War via his internship with the Cold War International History Project at the Woodrow Wilson International Center for Scholars in Washington, D.C. After graduation Craig plans on pursuing a PhD in either Political Science or History after some time away from school.

Johnpaul Bondonno Cross graduated in 2003 with a BA in Business Economics. He also studied Italian and French and spent one semester studying in Italy. At UCSB Johnpaul served as Chair of the Associated Students Investment Committee from 2000-01 and taught the Quickbooks program to 800 students as an accounting TA. His passion for writing and trenchant social commentary has been parlayed into several papers such as the "dot.con: The Dupe of A Decade" (2000) and the project which follows, which was recently nominated by the UCSB Emeriti Association's annual undergraduate research competition. He would like to thank Professor H. Sander for his support on this project and for his role as a mentor these past four years. Johnpaul can be reached at jpc@umail.ucsb.edu.

Kate Grabel, who is originally from Huntington Beach, California, is in her third year at UC Santa Barbara and plans to receive her B.A. in Global and International Studies next fall. Her emphasized areas of study within the Global Studies major are political science, peace and security, and Middle Eastern affairs. Upon receiving her degree, Kate hopes to either attend law or graduate school in order to further her education in international politics.

Amber A. Hawk, a San Francisco Bay Area native, is a Junior majoring in Psychology and Law & Society with a Criminal Justice Emphasis. Presently, Amber is an employee of UC Santa Barbara's Davidson Library in the Map and Imagery Lab, as well as an intern at Santa Barbara County District Attorney's Office in the criminal investigative unit. This summer, she plans to intern with the US Attorney's Office in Washington, DC as part of the UCDC program. Amber is highly involved with the College of Letters and Science Honors Program, and in her spare time enjoys traveling, reading true crime novels, playing the flute, and spending time with family and friends. After graduating from UCSB, she plans to attend law school in California and later work within the criminal justice system.

Natalie M. Pitre is a senior majoring in Law & Society and will be graduating in 2003. She will be entering Chapman University School of Law as member of the class of 2006. She is an earnest supporter of animal rights and is an avid participant in various animal rescue programs such as the Save the Manatee Club and local animal shelters.

Melody Reis is a graduating third year Political Science major. Raised in Seattle, Mel is a political junkie with a penchant for quality Andre champagne. She actually watches Senate coverage for fun, and owns political documentaries. When she's not reading the Washington Post or watching the Daily Show and SNL Bill Clinton, Mel can be found eating Frosted Flakes, listening to Pulp and the Cure, and reading. She's beginning law school this fall. After that, she plans to buy a penthouse in Manhattan and become president. If that doesn't work out, she plans to earn a living as a supermodel.

**SANTA BARBARA COUNTY BAR FOUNDATION
PAPER PRIZE AWARDS**

The Santa Barbara County Bar Foundation is the sponsor of the *Review's* annual paper prize competition. Every submission to the *Review* is eligible for the prizes, with first prize receiving \$500, second prize \$200, and third prize \$100. After the submissions have been chosen for publication, the *Review* selects paper prize award winners that exemplify outstanding scholarly undergraduate writing in the field of law and society.

**2002-2003 Santa Barbara County Bar Foundation
Paper Prize Award Recipients**

First Prize

Johnpaul Bondonno Cross
*Sport Utility Legislation Loopholes
and the Resulting Social Impact*

Second Prize

Melody Reis and Bret Beheim
*A Theory of Social Formalism:
The Four Horsemen and the New Deal*

Third Prize

Amber A. Hawk
The Dangers of Racial Profiling

EDITORS' NOTE

We have been born, and so we grow. On our second anniversary, we celebrate the proliferation of our enterprise. Statewide libraries enlightened us that the marking of a “real” journal is the manifestation of a second volume. In many ways, we feel that we have achieved this milestone. With the recognition that we could not have realized this alone, we express our sincere gratitude to the numerous individuals who have made it possible for the *Review* to come to fruition.

The diverse scope of this publication's articles again confirms how law is intertwined in every aspect of society. Volume II of the *Review* includes papers that deal with recent tax legislation and its implications, ongoing issues with UC Regents sexual harassment policies, a historical review of New Deal United States Supreme Court justices, and new trends in racial profiling after the September 11, 2001, attacks. Furthermore, the fact that only two of the eight published authors are Law & Society majors is another indication of the interdisciplinary nature of the *Review*.

We find it especially imperative to seek out analytical academic discourse for answers in this year when our world is ripe with political and social turmoil. The main focus in creating the second annual *Law and Society Review at UCSB* is the search for outstanding undergraduate work that contributes to and inspires the growing body of knowledge in law and society scholarship. As an undergraduate publication, the task of compiling works is a multi-faceted one. We struggle to choose papers that explore pertinent yet timeless legal topics, involving both the United States and the international community.

Most importantly, through the *Review* we challenge our readers to explore and grapple with perspectives on topics that may be different from their own. The struggle for answers is often arduous and uncomfortable, but is essential; for it is only in this persistent search that true peace and understanding will ever come.

It is with great pride in our growth and our unquenchable thirst for answers that we present to you Volume II of the *Law and Society Review at UCSB*.

SARAH CRAMER
Co-Chief Editor

MONICA FAWZY
Co-Chief Editor