



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

Volume IV

2004–2005

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The *Law and Society Journal at the University of California, Santa Barbara* (ISSN: 15448746) 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 that 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, the nation and the world. The *Law and Society Journal 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 Journal 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 Journal 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 Journal at UCSB* does not prohibit authors' submission 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 Journal at UCSB*, permitting the prior publication allows.

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Christoffer Dunstan is a second year Political Science major. He grew up in a small town near Auburn, California and took an interest in politics while in high school. He has since been active in the Green Party, and helped found the UCSB chapter of the Campus Greens. Issues of particular interest to Chris are electoral reform and environmental protection. An Eagle Scout, in his free time Christoffer enjoys listening to music, working with computers, and cooking.

Patricia Horner is a senior Law and Society Major from Danville, California. She loves the city of San Francisco, but also enjoys living in Santa Barbara. When she is not in class or at the library she enjoys watching legal shows like Law & Order or Boston Legal. After graduation, she intends to work for a law firm in order to gain a better understanding of the legal profession. Eventually she plans to practice civil law or entertainment law in California.

Erin Beavers is a senior at UCSB and has spent the last three years as a volunteer at the Santa Barbara Legal Aid Domestic

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

The Santa Barbara County Bar Foundation is the sponsor of the *Journal's* annual paper prize competition. Every submission to the *Journal* 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 *Journal* selects paper prize award winners that exemplify outstanding scholarly undergraduate writing in the field of law and society.

**2004-2005 Santa Barbara County Bar Foundation
Paper Prize Award Recipients**

First Prize

Patricia Allison Horner

*Domestic Violence in the Military: Addressing the Need for
Policy Reform*

Second Prize

Christoffer Dunstan

*The Systematic Exclusion of Third Parties in American
Politics*

Third Prize

Erin Elizabeth Beavers

Public Opinion and the Death Penalty

EDITOR'S NOTE

The 2004 - 2005 academic year at the University of California, Santa Barbara, marks a period of tremendous growth and academic recognition for the *Law and Society Journal at UCSB*. As we close our fourth year of publication, the *Journal* continues to mature as we learn from both our mistakes and successes of each passing year. Accordingly, the approach to this year's *Journal* has witnessed many changes.

One of the primary adjustments concerns our name. This year, the *Law and Society Review at UCSB* was officially renamed the *Law and Society Journal at UCSB*, at the request of a national printing company. The intent was to mitigate any confusion with the *Law and Society Review*, a major academic journal. We were thrilled with the change, as it is symbolic of our independence and national growth.

On a national level, we continue to fill subscriptions to major university law libraries and have even received a request from an educator seeking to include the *Journal* in a curriculum. We are consistently alert, however, to the concern that such expansion heeds careful scrutiny of our publication; therefore, in an effort to ensure academic integrity, the editorial process was considerably more involved this year than in previous years.

Applicants to the editorial board were presented with grammar quizzes to evaluate their editorial capacity, and we strove to admit editors demonstrating a strong writing background. The majority of this year's staff has authored published materials, or has edited at a semi-professional level, and we are confident that this edition of the *Journal* will demonstrate an elevated attention to content and grammar. With these developments and dedication to further our mission statement, this year's article topics again exemplify issues of traditional and novel relevance to Law & Society. Before you embark upon our newest endeavor, it is critical to briefly acknowledge, in no particular order, those whose actions made this possible and whose generosity vitalized our ability to bring the *Journal* to you.

To our faculty advisor and founder, Dr. Eve-Darian Smith, your vision four years ago made all of this possible. To the editorial staff of Volume I; your perseverance and innovation continues to serve as the foundation of our efforts. To the editorial staff of Volumes II and III; it is your guidelines from which we draw the principles of fruition. And to this year's editorial staff of Volume IV - congratulations; your work represents the accumulation of your new ideas and formulas for success. And finally, thank you to our benefactors: the Santa Barbara County Bar Foundation; the various community businesses and organizations; the friends and family of our staff; it is your financial support that makes this publication possible.

It is with great honor that we present to you Volume IV of the *Law and Society Journal at UCSB*.

