

The Justinian

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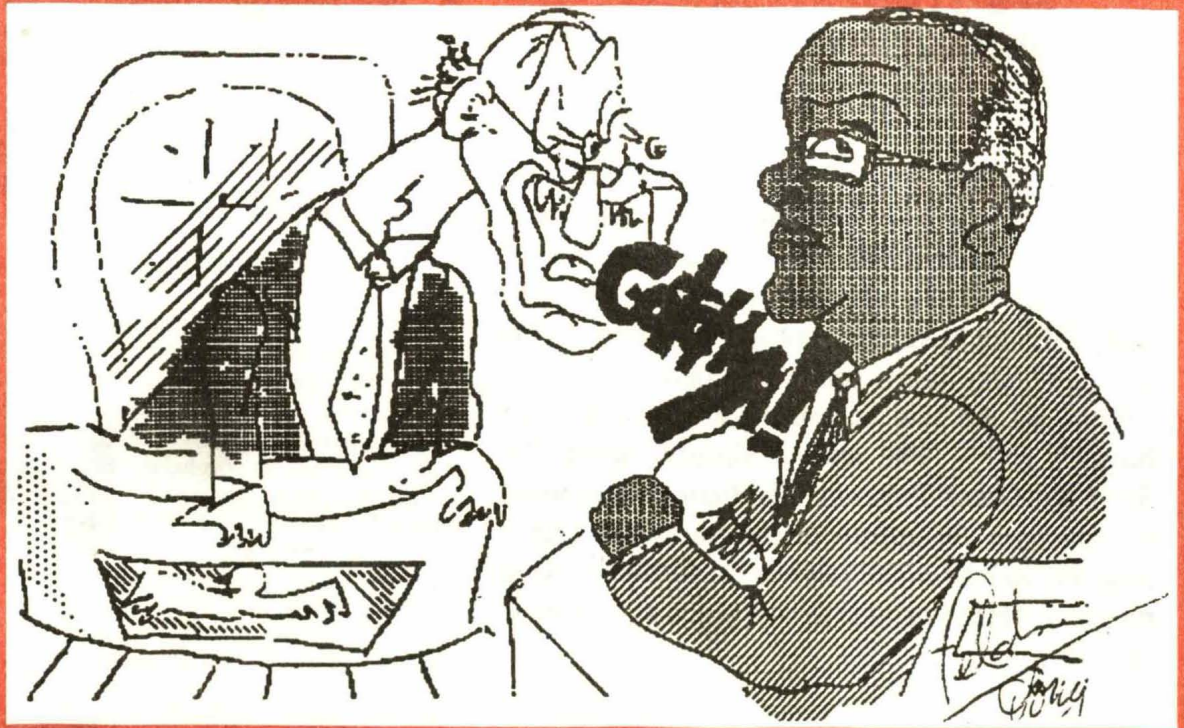
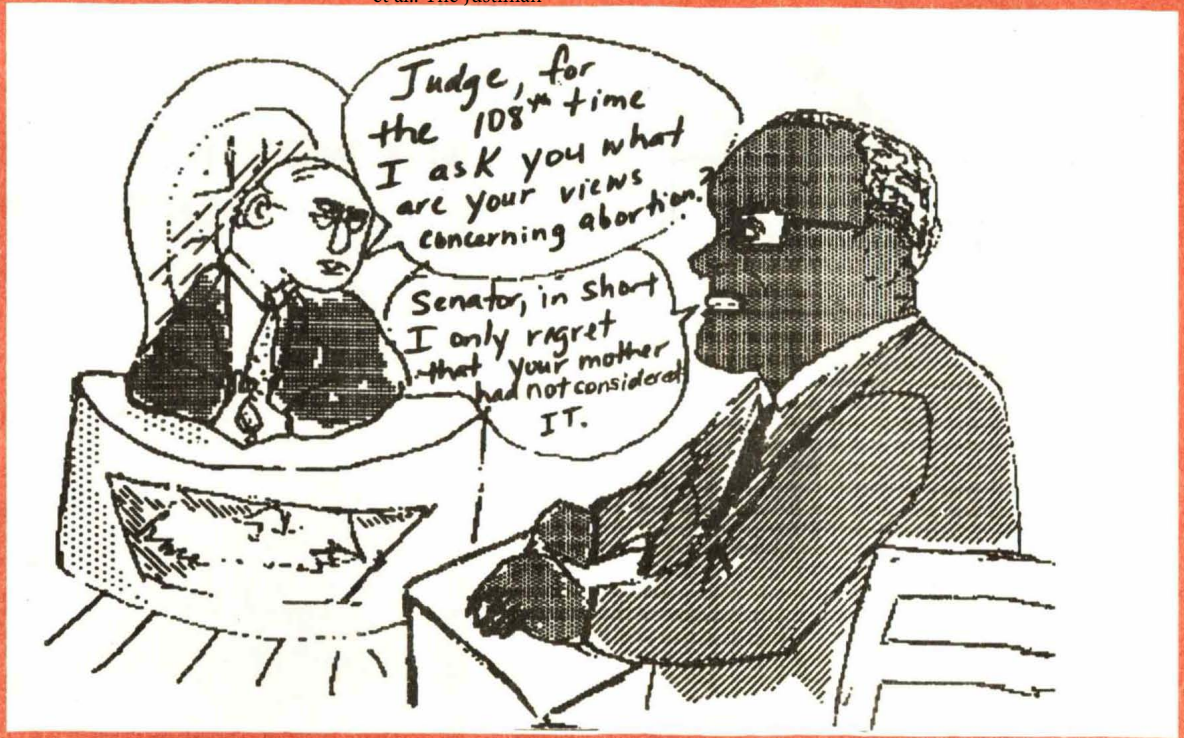
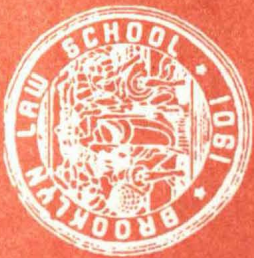
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The Justinian

Founded in 1901 • A Forum for the Brooklyn Law School Community
October 1991 • Volume 61 • Number 1



New Columns: The Reasonable Man and Reasonable Woman

Perspectives: The Role of the Supreme Court

Open Note Guidelines

Fall Fest 1991

plus the Crossword Puzzle and More

March, 1961

Snowball Queen



BLS STUDENTS AGREE: SNOWBALL QUEEN PAGEANT MUST RETURN

In recent years, the morale of the BLS student body has been spiralling downward toward an apparently irreversible nadir. Luckily, the solution to our social malaise is quite clear. Historically, BLS has hosted an atmosphere of frolic. This fact inevitably leads today's student to ponder, "What did the law school of old have that we haven't got?" The answer simply stated The Snowball Queen Pageant. *The Justinian* is proud to announce the return of the Snowball Queen pageant, and the installation of the Snowball King pageant, which is slated to take place sometime in January.

BLS Chooses First Queen At Successful Fall Dance

The Annual Fall Dance held by the Student Bar Association for the benefit of the Student Loan Fund was the most successful in SBA history. Owing largely to the efforts of Dance Chairman Herb Weissman, the event set new marks socially as well as financially.

As the 6th floor lounge filled to overflow capacity, the student body showed its first real support of student bar activities in some time. Under the direction of Miss Marcella Stapor the lounge took on a nightclub atmosphere with the lights turned low and illuminated by candle light. With balloons and gay red and white streamers covering the ceilings, a gala party spirit prevailed. Music by Jerry Norman and his 4-piece orchestra kept the dance moving throughout the evening.

The evening's feature attraction was the choosing of BLS's first Snowball Queen. With Professors Crea, Forkosch, and Herrmann presiding, Miss Arlene Kirsch was awarded the first prize of an Admiral radio. Runner-up was Miss Phyllis Litter.

An unexpected delight was the serving of a wide assortment of cold hors d'oeuvres at the beginning of the dance, in addition to the beautiful buffet catered by Mr. Dave Grossman.

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Greetings

As the new editor-in-chief of *The Justinian*, I wish to first acknowledge the exceptional work of last year's Editorial Collective. Under the heroic leadership of Joseph Accetta, Daniel Tam and Irene Chang, *The Justinian* became the recipient of two prestigious literary prizes annually awarded by the American Bar Association. Our publication garnered second place in the coveted yearly publication category as well as third place in the editorial category. On a personal level, it is heartening to see all their hard work and dedication so justly rewarded. To Joe, Dan and Irene what else can I say but "Thanks, you guys are the greatest!"

I now wish to introduce all to our fine publication. *The Justinian* is the forum for Brooklyn Law School. We plan on providing six issues for the academic year of 1991-1992, three in the Fall and three in the Spring. The issues, as you may have already noticed, will be more colorful than in past years. We have emphasized the inclusion of more pictures and photographs in hopes of better acquainting you with Brooklyn Law School, its students and faculty. As *The Justinian* is a completely student run publication, we are always in need of support staff participation. All interested should see either myself or Teresa Matushaj, the managing editor.

The Justinian is the community forum of Brooklyn Law School. We serve as the nerve center of the law school community. It is our duty and responsibility to address the concerns and needs of the law school community in a manner which most efficiently informs and empowers the student body to "engage the wheels of change." In addition to the serious stuff, we also serve to promote discussion of and reporting on subjects outside of law school life. To this end we actively seek out student contributions in the forms of articles or letters to the editors.

Our goal for the year is to produce a paper that is both responsive to the needs of the student body and which adds value to the community of Brooklyn Law School.

Thanks,

A.F.

P.S. Please do not forget to personally thank both Joe Accetta and Dan Tam for a job well done.

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"Goodfellas"

Joe Accetta

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Editor's Corner

Over the past two years, I have met many individuals in both the legal and non-legal fields who have been impressed with the quality of education found at Brooklyn Law School. Yet, that is not the only thing people were impressed with as many expressed admiration and surprise at the strong sense of community found at Brooklyn Law School. They find this sense of community in the open door policy of the faculty and the presence of upper class student counselors for first years. They also find it in the absence of the "cut-throat" atmosphere that some believe to be prevalent in law schools. You can see this sense of community by walking through the cafeteria, library or third floor lounge and listening to the conversations. You hear students offering to help one another with problems, sometimes without even knowing the individual they have offered to help. You see community at the Fallfest and Springfest.

Yet that sense of community disappears when it comes to other school events, such as panel discussions, speakers and the like, which are sponsored by the various organizations at Brooklyn Law School. For example, last spring the Legal Association for Women sponsored a self-defense workshop. This is an issue which both men and women express an interest in, yet only 10 students were present. For a school of 1200 students, this is a miserable turnout. This is not an isolated occurrence but an example of what happens at many of these events. Go to any of these events and you can probably count the number of people on your fingers (okay, sometimes on your toes, too). The conspicuous absence of students at these events gives lie to Brooklyn Law School's reputation for community. (There have been a few exceptions to this including the BLSPI Auction and the Sparer Hate Speech Symposium.)

Who suffers from this absence? Not only do the students from the various organizations that spend countless hours preparing these event suffer, we all do. It is Brooklyn Law School's reputation that tarnishes a little after one of these events. Respected individuals take time out of their busy schedules to speak to an empty room. They leave Brooklyn Law School with a negative experience and they convey that impression to their colleagues and friends.

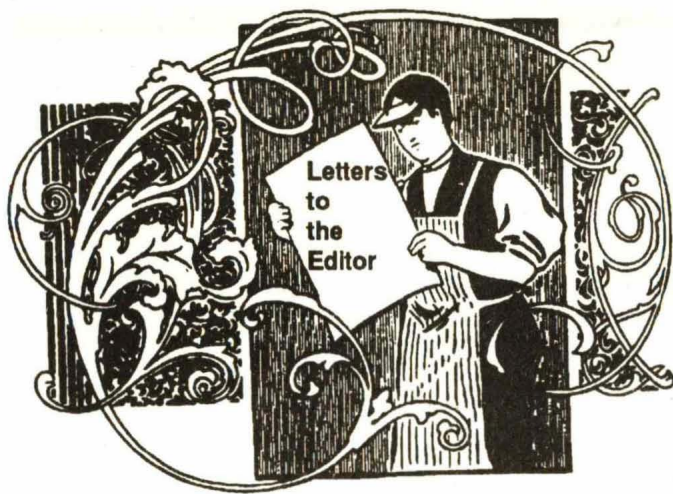
Given the realities of a shrinking job market, any negative thoughts about Brooklyn Law School will only weaken the prospects for getting the job we want. What would happen if you were being interviewed by one of these speakers and she asked what you thought of the speech. What are you going to say, "I was in the cafeteria." Not the answer that will get you the job.

Some of you will say that it is impractical for a busy first-year student to worry about something as inconsequential as a lecture that won't help me on my finals, or make law review. Others will say "I'm working!," "I'm behind in my reading" or countless other excuses, for that is what they are, excuses. These events do not occur everyday, they occur sporadically throughout the semester and one event will not detract from whatever else you have to do.

If you only attend one event each year, that can be enough. Going to one of these events will be a great opportunity for you to meet not only other students but esteemed members of the legal community.

Remember law school is more than just about books, it is about people.

T.M.



Dear Editor:

On September 23, 1991, I had an opportunity to meet with the Dean of Belgrade Law School, Obrad Stanojevic, at an informal meeting with the representatives of the Student Bar Association of Brooklyn Law School. While I looked forward to meeting a leader of Belgrade's elite intelligentsia, I was both shocked and horrified by Comrade Stanojevic's hard-line nationalist reactions to my questions regarding the future of the Yugoslav union and, most specifically, that of future Croat-Serb relations. With all the deftness of a rank amateur propagandist, Comrade Stanojevic seized the opportunity presented by my questioning to legitimize the current unilateral aggression imposed by the Communist Serbian government in conjunction with its loyal army leaders upon the Croatian people and culture. While Croatian villages lay smoldering in ruins as a result of Communist army attacks, Comrade Stanojevic had the audacity to lecture at length and in detail on alleged Croatian

atrocities committed during World War II. If these actions were not right then, why should they be legitimized today? Comrade Stanojevic even attempted to excuse the revocation of basic human rights and the imposition of Serbian oppression in the form of martial law on the ethnic Albanian province of Kosovo, where Albanians constitute 90% of the population, by explaining that Kosovo is historically Serbian territory.

It is obvious the the administration at Brooklyn Law School has little regard for anything other than prestige associated with international exchange programs. The effort to create relations with law schools and legal institutions in developing Eastern European nations is most commendable. However, as educators and members of the world's foremost legal community, perhaps our administration should place the importance of human rights over and above the self-centered initiatives for international commercial exploitation that are apparently the driving force behind these exchange pro-

grams.

Three months ago, the plight of the Serbian minority living in Croatia could have been resolved through diplomatic and legislative channels. Comrade Stanojevic could, and perhaps should, have played its role in the legal community by enlightening our prominent visitors on the value of human rights guarantees in a western world rather than on the values of economic prosperity. We do not need the virtues of the Ivan Boeskys and Michael Milkens being taught at our legal institutions. While it may be too late for Croat-Serb relations, we could do more than just hope that the sufferings of other peoples is not prolonged by our American insensitivities.

Robert Radman
Class of '92

Dear Editor:

ENVIRONMENTAL CONCERNS: IN DOMESTIC AND INTERNATIONAL REGULATORY FRAMEWORKS FOR BIOTECHNOLOGY

International trade in the area of engineered biotechnology is quite a complex field. Adding to the usual trade issues in the domestic and international arenas, e.g., trade balance, product safety and testing, are the questions of public, governmental, and industry goals and standards, potential environmental hazards, and possible emergency planning.

Biotechnology is a billion

dollar industry and America is a leader in the development of both the science and the resulting products. Such products include enhanced agricultural produce, oil recovery technology, used most recently in the Persian Gulf, pesticides, leaching minerals and concentrating metal as well as conversion of bio-mass to energy. Biotechnology plays a significant role in pharmaceuticals as well, e.g., the fight against AIDS, Cancer and numerous other lethal diseases. We are in close competition with the Japanese, and the European producers. The field is equally viewed as strategic from the trade and military perspectives. Similarly to mustard gases of WWII, the destructive potential of engineered biotechnology is not something that can be casually underestimated. Aside from the obvious vulnerability of tampering in the food chain, a few reports have suggested that some modern, fatal diseases may have been the results of family release experiments, e.g., AIDS, others suggest that human biologically programmed gene behaviors will lead to mass extinction in natural species who will be unable to compete for food or reproduction with the "improved" designer gene species. The Darwinian theory of survival of the fittest and biological specialization overtime, will be tested in light of the quantum leaping genetic development and specialization offered by biotechnology.

The industry is based on traditional trade principles, risk and assessment of risk. A game the world has always played, but unlike the fabric industry or the music industry, it is played on scale similar to that of air pollution or atomic energy. The consequences of miscalculation result in regional or global pollution. On the other hand, biotechnology engineering offers hope of eliminating disease, and possibly mortality, as well as improving the quality of life, expanding the food chain and so on. No leading government, or domestic industry can afford to ignore this technology.

The field is relatively new (1940's) and so presents certain security problems, e.g., deliberate release experiments, the immediate impact on health and the food chain, and the

potential for misuse. The present regulatory systems worldwide differ significantly in dealing with the potential hazards ranging from no regulation in Italy and Eastern Europe to the advanced U.S. model involving numerous departments and agencies with areas of expertise and overlapping jurisdictions. There are, of course, lingering questions, in all models as to the sufficiency and safety of the system. My paper explores the domestic and international regulatory schemes, the potential benefits and hazards of the industry, points to innovative solutions, and makes recommendations to improve the models.

Linda Maher
Class of '91

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An Introduction: TRW / TRM

The Reasonable Woman/The Reasonable Man grew out of the repeated arguments between the two authors on issues ranging from abortion to the use of the masculine pronoun in legal literature. Despite their constant sniping, they continue to be friends and agree to disagree. In this time of "political correctness" and paternalistic censorship, TRW/TRM seeks to show that there are two sides to every issue and each side should be given the respect it deserves. We invite those of you who disagree with these opinions to let us know how you feel, either in writing or by yelling at us in the street.

The Reasonable Woman

by Jennifer Sessler

Associate Justice Clarence Thomas. There, I've said it. Unfortunately, by October 7th everyone else will be saying it too. I've tried to flesh out



exactly why I am so dismayed by the prospect of Clarence Thomas' confirmation. I've finally decided on several issues that I feel I can express with some degree of clarity.

The first problem is that the Senate Confirmation Committee Hearing consisted of more posturing than postulating. (I don't reserve

this complaint solely for Judge Thomas.) Senators Biden and Metzenbaum, amongst others, appeared to care more about convincing Judge Thomas of their views than convincing themselves of Judge Thomas' views. As a result, very little significant information was elicited during the hearings. Some might argue that the Senate Judiciary Committee's

role is merely to extract potentially disqualifying information from the candidate. I disagree. In case we have all forgotten, the Senate Judiciary Committee's role is to advise the President in his choice of justice, and not just to apathetically confirm or deny an appointment. Apparently the senators understood their role but forgot about issues other than natural law, affirmative action and abortion. While these issues are important and pertinent, other more "mundane" issues, like freedom of speech (i.e. National Endowment for the Arts and Senator Helms) and freedom of religion (i.e. prayer in school) were tabled in favor of the "spicier" issues. What is truly disappointing about the Committee hearings is that we didn't even learn any of the relevant aspects of these issues. The Committee even permitted Thomas to "pull a Souter" by allowing him to keep quiet about his real beliefs (even though many of us were hoping the Committee would "Bork him"). How many times should we accept, "I was born in a poor Georgia town ..." or "No, I never expressed any opinion on that issue ever in my entire political and/or social life." as satisfactory answers to such important interests? The end result is that the next Supreme Court justice was allowed to camouflage his lack of experience and convictions with an exasperating and disappointing hearing process. After this hearing, a little more than a year and a handful of decisions, we know as little about Thomas' judicial proclivities as we did before.

We live in an era of "hot" issues and as a result we make political decisions based on our own personal "litmus tests" (to quote Mr. Sullivan). A justice's stance on individual rights is my litmus

The Reasonable Man

by Peter Sullivan

Clarence Thomas will probably be confirmed by the full Senate as the next Associate Justice of the Supreme Court, if he has not been confirmed already. His nomination has caused tremendous discord in both the African American community and the Pro-Choice movement because of his perceived stands on affirmative action and the right to choose. Indeed, the Democratic Senators on the Judiciary Committee repeatedly questioned Thomas on his views on *Roe v. Wade* but were repeatedly foiled by Thomas's refusal to comment on cases that may appear before him. The Senator's frustration will, in all probability, result in Thomas being confirmed by default.

Still there are lingering and significant concerns over whether Clarence Thomas should be the next Associate Justice. His muddling performance before the Judiciary Committee and his record on civil rights underscore the need for further investigation into his viewpoints and his competency. I believe there are four major concerns about Thomas' performance on the Court. He is seemingly against the use of affirmative action programs; he probably does not agree with *Roe v. Wade* decision; his views on the use of natural law in constitutional adjudication are not in the legal mainstream; and he has very little experience on the bench and as an advocate.

The first two criteria go less to Thomas' ability to adjudicate than on his predilections in adjudicating. His dissatisfaction with affirmative action is a defensible position; it is merely not a position considered to be associated with African Americans. While organizations who advocate the rights of people of color have stated that Thomas does not speak for black America, it is disingenuous to claim that any one person can speak for an entire race or argue that one African American's political belief is discounted because it is not in accord with the majority's ideas. It is curious that his opponents seem to impugn him for not embracing affirmative action precisely because he is black.

Thomas' view on abortion has been less apparent, but he is considered critical of the *Roe v. Wade* decision. This is of significant concern to the country because the right to choose will probably be significantly altered by the present Court. This concern is again about political belief rather than judicial competence. This is not to say that there is no room in the Advise and Consent role of the Senate to question politics. It does mean though that the President is also correct in choosing candidates that reflect the attitudes of those who elected him in 1988. I do not believe his attitude on this issue makes him any less capable as a judge.

The other two concerns do address the question of judicial competence. Thomas's writings on natural law are considered out of the mainstream, but it is unclear whether he had ever intended to employ his theories while on the bench. We do not know because Thomas has not been a judge for very long, sitting only for about a year and a half. A year and a half is not nearly enough experience for someone about to step into the role as one of the nine most important judges in the country. I heard it said that if someone made a list of the 1000 most qualified people for the position of Associate Justice, Clarence Thomas's name would not be on it.

After weighing these arguments, my feelings on Thomas are mixed. I do not believe that he should be penalized for being African American and against affirmative action. Race-based preference programs hurt the overall racial atmosphere in this country and do not attack the problem of




TRW Continued

test. While being pro-choice is a number one political priority for me, the issue is not simply whether or not a justice is pro-choice. Hopefully, being pro-choice is indicative of an entire liberal mindset. For example, those who oppose sodomy laws believe in individual privacy rights and accordingly those believing in individual privacy rights also support a woman's right to privacy. As a result, I support those who oppose sodomy laws, Jesse Helms, prayer in school, censorship and generally, those who would take away an individual's fundamental right to privacy. The problem with Judge Thomas is that he is equivocal regarding his beliefs on individual rights and more generally his beliefs regarding the existence of fundamental rights arising from natural law doctrines. For example, he has supported natural law when he talks about a person's right to be free from enslavement and racial discrimination. Yet, as chairman of the EEOC he shelved the issue of employer's attempts to adopt Fetal Rights policies to aid in gender discrimination.

Finally, I just want to comment that I find it incredible that Judge Thomas' opposition to Affirmative Action is an issue merely because he is African American. To pigeonhole someone's political beliefs because of his color defeats the purpose of any civil rights or affirmative action legislation. (It is ironic that a man who opposes affirmative action was appointed by a President who went looking for a minority candidate.)

It is unfortunate that I am not in the position to appoint Supreme Court Justices. However, until

then lets hope that the process of choosing a justice improves (with our help) and that Judge Thomas will use his thirty or more years on the Court productively and progressively. 

TRM Continued

discrimination. His views are consistent with Bush administration sentiment and the views of the majority that voted him in. Furthermore, I do not believe that his views on the particular methodology of the *Roe v. Wade* decision is dispositive either. There are many legal scholars who have criticized the legislative form of the opinion and it is a fair legal position to take. Using a one case litmus test to assess a person who will quite likely serve on the Court for over 30 years is misguided, no matter how important the issue.

While I agree with his views on both of these issues and I do not find

them to be inconsistent with the ability to perform on the Court, other statements he has made cause me concern. For example, he does seem to propose some very peculiar ideas on the use of natural law in constitutional adjudication. This itself is not quite a monumental flaw, since the use of "fundamental rights" analysis often looks like a form of natural law analysis as well. His views on natural law, however, may demonstrate his propensity for unorthodox views on other constitutional rights. I do not know if this is the case, because the Senators at the confirmation hearings seemed more interested in listening to their own voices spouting complex legal ideas (spoon-fed from their aides, no



doubt) than on getting answers to these questions. These views in conjunction with his statements on past Supreme Court decisions at the hearings cast doubt on the strength of his legal scholarship.

The other concern I have is Thomas' experience as a lawyer and judge. He is 43 years old. He worked as an attorney for zero years. He worked as an aide to Senator Spectre and then eight years for the EEOC. He has been a judge for less than two years and has written a total of 18 opinions. His responses to Committee questioning on specific Supreme Court cases demonstrated a lack of familiarity with the case law. This may have been due in part to the Administration's coaching of the nominee. Some of his responses were incredulous — who knows of one person in all of America over the age of 18 who has not discussed *Roe v. Wade*. His response had everyone shaking their heads, and his overall performance at the hearings have left me wanting to know more about his legal capability.

Does this man belong on the Court? There is nothing in his record to disqualify him, but nagging concerns abound. He can be a credible member of the Court, but in the back of my mind, I am disappointed in President Bush for recommending such an average person for the country's highest court. Having recently been through this nomination process assessing the credentials of the equally ordinary Justices Kennedy and Souter, my question is "Don't we have any better choices?"

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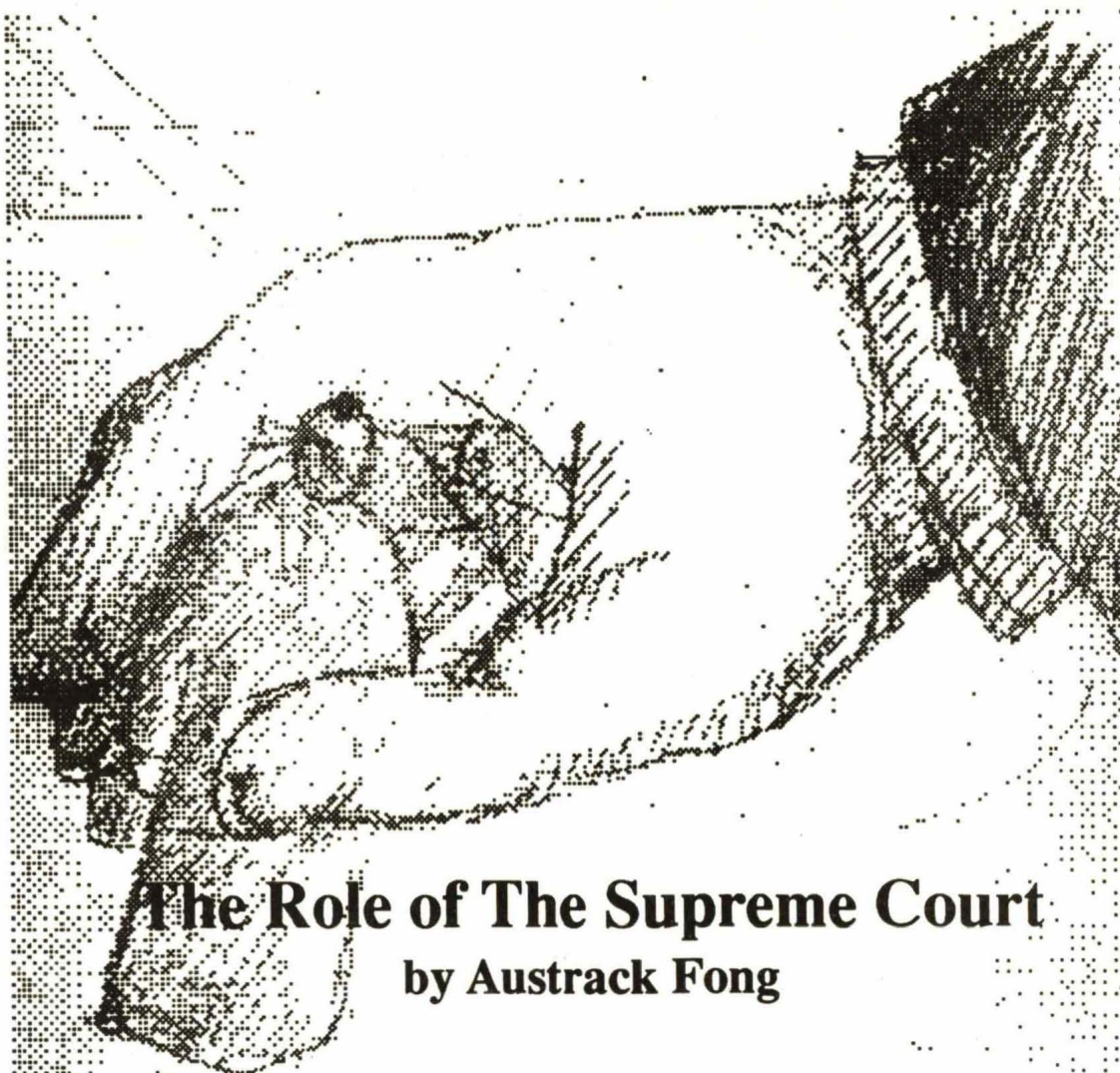
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The Role of The Supreme Court

by Austrack Fong

In today's society we have become accustomed to having the courts play the role of "Guardian of Our Individual Liberties." We and the Senators on the Judiciary Committee usually expect if not demand that any nominee to the highest court reveal their insight on the rights and liberties that are presently deemed to be fundamental, such as abortion. Therefore the confirmation of another conservative, whether it be Clarence Thomas or another person, to the Supreme Court has spawned fear in many Americans. The reason for the concern stems from the fact that the current Supreme Court, which can safely be called conservative, has chosen to employ the interpretative philosophy of judicial restraint in determining the constitutionality, ergo legitimacy, of executive and legislative actions. The role of the Supreme Court, however, mandates that neither interpretative philosophy of "Judicial Restraint" nor "Judicial Activism" should

be dominant. Rather a mix of the two ideologies is preferable.

The proper role of the Supreme Court is to act as the ultimate arbiter of the Constitution. The Court has achieved this status through history and tradition. Historically speaking, the Supreme Court owes its power of "Judicial Review" to the life-long Federalist John Marshall. Marshall just happened to be the Chief Justice of the Supreme Court which decided the seminal case of *Marbury v. Madison*, 1 Cranch 137 (1803). Justice Marshall and other Federalists wished to retain power if not control over the then newly elected President, Thomas Jefferson and the rest of the Democratic-Republican Party.

Although this was not the best of reasons for the Supreme Court to receive the power of "Judicial Review," history has validated the choice since the Supreme Court is in effect the only truly

competent branch of government to efficiently, if not correctly, interpret the Constitution. Being the "Ultimate Arbiter" requires the Supreme Court to interpret the actions of the coordinate branches of government in relation to the Constitution. Encompassed within the Constitution are guarantees of individual rights and liberties. These rights are found in the Bill of Rights, and in sixteen additional Amendments as well as in the other Articles of the Constitution. These rights limit the government's ability to oppress the individual, and their existence creates a natural if not affirmative duty on the Supreme Court to be "anti-majoritarian" in these matters. The coordinate branches of government, namely the Executive and the Legislature, however, are equal members of our tripartite system of government. Therefore, the Supreme Court needs to provide some degree of deference to their respective actions.

Clearly the dilemma facing the Supreme Court today is whether it can be deferential to the government and still maintain its status as "The Guardian of Our Liberties." A grave concern brought forth by this conflict is that many rights deemed to be vital are not specifically enumerated in the Constitution. The notions and meanings of terms such as "liberty," "property," "due process" and "equal protection" have traditionally been interpreted to meet the changing needs of society. The choice of which interpretive philosophy the Supreme Court chooses to employ will greatly effect the meaning and application of the above mentioned terms.

Judicial restraint as an interpretive philosophy requires that the Justices refrain from finding or creating laws beyond the text of the written constitution; the rationale being that laws should be created and executed by persons accountable to the political process. This type of interpretive philosophy implicitly provides greater deference to the other coordinate branches of government than the previously employed philosophy of judicial activism.

The problem with judicial restraint is that unless the actions of the legislature and/or the executive are facially repugnant to the Constitution, the Supreme Court usually will not question

their decisions. The actions of the coordinate branches of government are given a presumption of "constitutionality." This is the correct analysis for the Court to partake in since the coordinate branches of government share equal roles. However, the Supreme Court must not, in its willingness to be deferential, abdicate its responsibility of protecting individual rights and liberties.

The Supreme Court today has gone out of its way to be deferential to the government. Cases such as *Matthews v. Eldridge*, 425 U.S. 319 (1976) (use of a cost-benefit analysis, between the government interest and the individual property interest, is proper in determining the quantum of due process required) and *Deshaney v. Winnebago*, 489 U.S. 189 (1989) (the "due process" clause of the Constitution only protects individual from the government and not from private actors) reveal the present Supreme Court's deferential stance towards the majoritarian consensus. In reaching these and other like decisions the Court has for all practical purposes abandoned its constitutional role of being "anti-majoritarian" in matters of individual rights. "Judicial abdication" rather than "judicial restraint" is commonly said to be practiced by today's Supreme Court.

One may say that the Supreme Court as presently constituted is an activist court. The reason being that this Court has been very liberal in their disregard for precedence. The response to this claim is that the Court is not being "activist" when overturning previous liberals precedent because they are not taking away any rights which were legitimately procured. To them it is not a question of altering the Constitution's past but of restoring it. This argument sounds appealing but it is really a semantic point, because whatever label one chooses to apply to the present Court, it can not be denied that it has an eagerness to overturn liberal precedents.

On the last day of the past term the Supreme Court released two extraordinary opinions; *Payne v. Tennessee* (No. 90-5721) and *Harmelin v. Michigan* (No. 89-7272). These two opinions vividly represent this Court's current "conservative and activist" mindset. In *Payne*, a case which involved the question of whether victim impact

statements were admissible to the jury during the sentencing phase of a criminal trial, the Court overruled the precedent established in *Booth v. Maryland*, 482 U.S. 496 (1987) and affirmed in *South Carolina v. Gathers*, 490 U.S. 805 (1989) just two years ago, and allowed the introduction of victim impact statements for sentencing purposes. Chief Justice Rehnquist writing the majority opinion articulated a new test in determining whether stare decisis would apply to a precedent. The Chief Justice generally stated that if a precedent had been established by the narrowest of margins, over spirited dissents and involved only individual rights, procedural and evidentiary, and not property or contract rights, then such a precedent may be ripe for reconsideration. This is a shocking commentary on the present state of constitutional jurisprudence.

In *Harmelin*, a case involving the question of whether a statute which provides a sentence of life in jail without an opportunity for parole for the simple possession of 650 grams of cocaine, among other things, constituted cruel and unusual punishment under the Eight Amendment, the Court, in a 5-4 opinion, upheld the statute. Justice Scalia in his opinion wrote that the notions of what constituted "cruel and unusual" punishment under the

Eight Amendment consisted of only those items traditionally recognized, for example "the rack and thumbscrew." Therefore, Justice Scalia concluded that disproportionate life sentences did not apply under the Eight Amendment's prohibition against "cruel and unusual" punishment.

The continued use of traditional notions by the Supreme Court to interpret the various provisions of the Constitution can only have a limiting effect on the meanings of the terms involved. Thereby, the potential exist for cutting back the progress made through the expansive interpretations of the Constitution through the years. This backward looking interpretative philosophy is not effective in meeting the needs of a growing and changing society because it relies on static definitions, made at a time when future contemplations of these terms were not paramount.

In the past, activist Supreme Courts, particularly the Warren Court, were instrumental in creating new liberties through interpretive readings of the Constitution. The right of privacy, created via Justice Douglas' penumbra argument in *Griswold v. Connecticut*, 381 U.S. 479 (1965), has been a leading source for activist Courts to discover new right and liberties.

During the Warren Era, the Supreme Court



was receptive to interpretations of the Constitution in such a manner as to rectify past injustices which the Legislative and Executive branches of government had either condoned or mandated. None will deny that *Brown v Board of Education of Topeka*, 347 U.S. 483 (1954) was properly decided, despite the fact that the case overturned nearly a half century of Supreme Court precedent and an even greater period of government sanctioned segregation. The difficulties arise when no clear consensus on the important issues of the day exist. School segregation in the abstract was unjust, yet, rectifying the situation called for the creation of a totally new school system which was integrated. Since society at that particular time was not ready to accept such a drastic change overnight, the Supreme Court chose not to end school segregation with "all deliberate speed."


The flaw most commonly associated with the Supreme Court practicing "judicial activism," is that society has established an institution which it hopes will function in the manner akin to a "beneficial or benign tyranny." The Justices, unelected officials accountable only to their conscience, are entrusted to be enlightened enough to wield their powers in a just and precise manner.

Examples of the dangers associated with an activist court can be found in the *Lochner* era. The Supreme Court of that era was interested if not fanatical with the preservation of the individual's right to contract. This protectionist attitude of the Court caused it to invalidate many laws propagated by the government. These regulations, many of which placed limits on the number of hours a person could work, were enacted in order to safeguard the health and safety of the public. The Supreme Court in invalidating these laws behaved in the manner of a super-legislature, imposing their will upon the public. The Court's fanaticism with the right to contract led it to strike down an anti-child labor statue in *Hammer v. Dagenhart*, 247 U.S. 251 (1918).

One can dismiss the *Lochner* Court as being unenlightened to wield the power of an activist court, and thereby still attempt to make a credible argument in support of the "benign tyranny." However, it should be noted that even one of the Su-

preme Court's greatest Justices, Oliver Wendell Holmes Jr., an individual whom all would agree was enlightened, once wrote that "three generations of imbeciles is enough!" in a case authorizing the sexual sterilization of the mentally retarded.

I hope, therefore that it is readily foreseeable that neither interpretive philosophy of judicial restraint nor judicial activism is acceptable. The Supreme Court's role as "The Guardian of Our Liberties" requires that thoughtful consideration be given to our individual concerns and fears. The Court should by all means apportion some deference to the other branches of government, but not total deference, unless it chooses to become extinct. Additionally, the Supreme Court should in no way, shape, or form strive to become a super-legislature: — too many times has history shown us that "absolute power corrupts absolutely."

What is needed is a Supreme Court which is both responsive to the needs of the individual as well as deferential to the government. These two conditions are not always mutually exclusive, therefore in the clash between the two interests, individual and government, the Court must make a correct, if not just, decision based on all the available information. Vigilance in the protection of individual liberties on the part of an informed citizenry will help insure that the Supreme Court is examining all necessary and relevant information before making the right decision. 



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Unforgettable...October 3, 1951

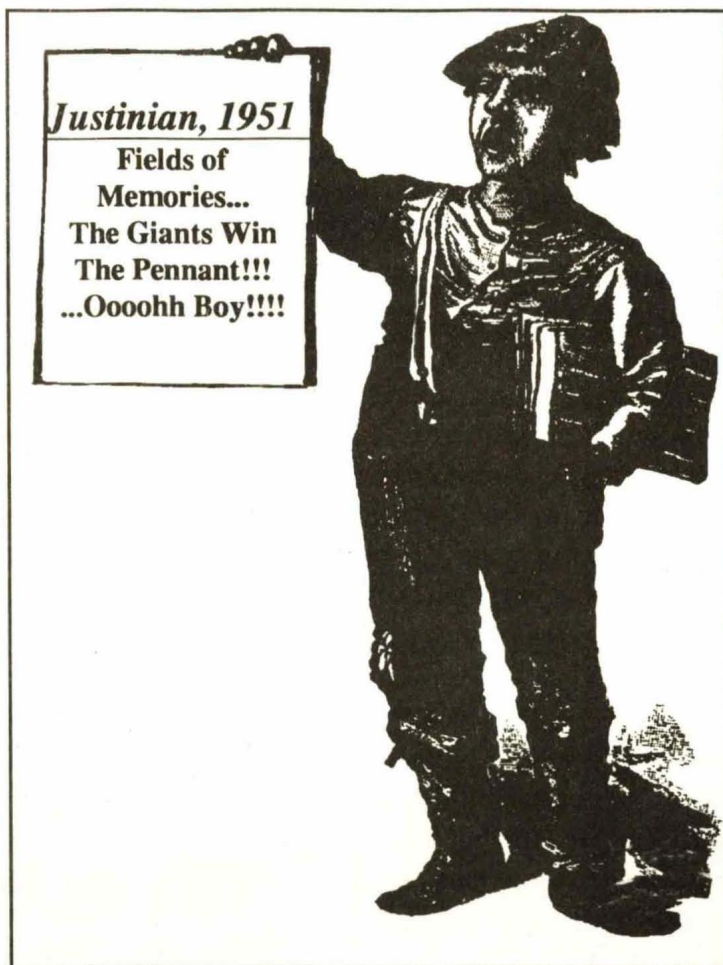
by Joe Accetta

The following are the immortal words of New York Giants' announcer Russ Hodges as he described the final pitch of the third playoff game between the Giants and the Brooklyn Dodgers on October 3, 1951:

".... Hartung down the line at third base, not taking any chances. Lockman with not too big a lead at second, but he'll be running with the wind if Thomson hits one. Branca throws. Thomson hits a long drive - it's going to be - I believe... **THE GIANTS WIN THE PENNANT!**
THE GIANTS WIN THE PENNANT!!
THE GIANTS WIN THE PENNANT!!!
THE GIANTS WIN THE PENNANT!!!!
THE GIANTS WIN THE PENNANT!!!!!
Bobby Thomson hits one into the lower deck...of the leftfield stands. **THE GIANTS WIN THE**

PENNANT!!!! They're going crazy...They are going crazy!!!!

two-out, ninth inning home run off Ralph Branca to win the deciding game of the Giants-Dodgers National League pennant playoff. Forty years have passed, yet this date - this legendary event - lives on so vividly in the minds of those who are so fortunate enough to possess an ardent appreciation of the drama of sports. In fact, baseball fanatics mark this date in a similar way to the way the history books mark such infamous events as President Kennedy's assassination and the bombing of Pearl Harbor. Why has this game emerged as such a classic, unforgettable contest, probably un-



Oooooooh boy!!!

These words will forever echo throughout the corridors of time.

Wednesday, October 3, 1951 is arguably the most memorable, most discussed date in baseball history. Any true baseball fan knows the basic story of Bobby Thomson's three-run,

matched by any other sports moment in sheer excitement? Why has this moment survived the test of time and continued to resonate throughout our American culture?

Well, this moment - often referred to as "The Shot Heard 'Round The World" - is a product of a specific set of unique cir-

cumstances, and to fully understand the sense of history that unfolded on that day, one must examine and discuss the background events leading up to the bottom of the ninth inning of that third and deciding playoff game.

For the record, the Giants and Dodgers had finished a furious 154-game regular season in a flat tie for first place in the National League. In fact, the Giants had overcome a 13-game deficit from early August to the season's last week to finish in a tie with the Dodgers with identical 96-58 won-lost records to force only the second ever National League pennant playoff series (the Dodgers had been involved in the first only five years before, losing to the St. Louis Cardinals). The Dodgers won the coin flip to determine home field advantage for two of the three games, and chose to host the opening game - apparently to gain an early advantage in the series - and travel to the Polo Grounds in Upper Manhattan for the second and, if necessary, third games of the series. The two teams then split the first two games: the Giants had won the opener 3-1 at Brooklyn's Ebbets Field, while the Dodgers rebounded for a 10-0 victory in the second game at the Polo Grounds. In the ninth inning of the third game, also at the Polo Grounds, the Giants came to bat facing a 4-2 deficit and a Dodger pitcher - Don Newcombe - who had struck out all three Giant batters in the Giants' half of the eighth inning. Needless to say, the Giants batted in the bottom of the ninth with

their backs to the wall.

This scene was unquestionably the prototypical setting for a heroic feat - as exemplified in the 1984 Hollywood version Bernard Malamud's 1952 novel *The Natural*, where Roy Hobbs hit a pennant winning home run in eerily similar circumstances. (Ironically, Malamud's novel has Hobbs striking out to end the game in defeat.) In addition to this dramatic setting, this scene was ripe for a fan to indulge in a

"Somehow, that man was supposed to hit that home run, and it really didn't matter against whom he would hit it."

favorite pastime - second-guessing the decisions made by Dodger manager Charley Dressen that led to the fateful Thomson-Branca confrontation. As the players tell the story, Don Newcombe had returned to the Dodger dugout after the bottom of the eighth inning and requested to be removed from the game on account of fatigue. However, Dressen, sensing imminent victory behind his ace, sent Newcombe back to the mound to face the Giants in the home ninth inning. Newcombe did retire two Giants, but became arm-weary and al-

lowed one run while leaving Giant runners on second and third base - the potential tying runs - before Dressen removed him.

To this day, baseball writers and critics alike have hounded Newcombe about wanting to be relieved at such a crucial point in the game. Even Dressen felt that "Newcombe should have been able to gut it out."* Newcombe, twice voted the National League's Most Valuable player in his career, would henceforth be labeled as a pitcher who could never win "the big one," an epithet that would haunt him the remainder of his career and beyond.

However, when Dressen went to his bullpen, he chose Branca, who had given up a home run to Thomson in the series' opening game on an inside slider - the same pitch Thomson would eventually hit for his series-winning home run on this day. Baseball critics have lambasted Dressen for not choosing to relieve Newcombe with one of two of the other pitchers in the Dodger bullpen at the time: Clem Labine (who had pitched a complete-game victory the day before) or reliable Carl Erskine. Labine would later say, "Dressen could have brought in anybody, but it wouldn't have mattered. Somehow, that man was supposed to hit that home run, and it really didn't matter against whom he would hit it."*

Others wonder why Dressen didn't elect to walk Thomson, thus filling the open base and taking his chances pitching to an untested rookie

waiting on deck - Willie Mays, or why Roy Campanella, the injured star catcher of the Dodgers, was not inserted into the game to replace rookie Rube Walker in such a pressure-ridden situation. Campanella, the acknowledged leader of the team was probably fit to catch the last inning, despite an ankle sprain, and many critics feel that Campanella would not have called for a slider in that situation. Anyway, as we all know, hindsight is always 20-20, and second-guessing will always take a backseat to the fickle finger of fate.

So, Thomson "took Branca into the seats" down the


left-field line. Ironically, the home run barely cleared the fence, only 279 feet away from home plate. Quite simply, this ball probably would have been caught in any other National League ballpark at that time, but due to the strange configuration of the Polo Grounds' outfield wall - more adequately suited for its football seating arrangement - Thomson's sinking line drive carried over the only part of the fence it could have possibly cleared, and the Giants unbelievably became National League champions with a 5-4 victory in their home park atop Coogan's Bluff, overlooking the Harlem

River.

Yet, the playoff victory itself is hardly the most incredible aspect of this story, for on August 11, the Giants trailed the Dodgers in the standings by 13 1/2 games. Defying all odds, the Giants embarked on a torrid pace and actually passed the Dodgers on the final weekend of the regular season. It was the Dodgers who had to come up with a dramatic extra-inning victory in Philadelphia on the season's final day just to force the playoff with the Giants.

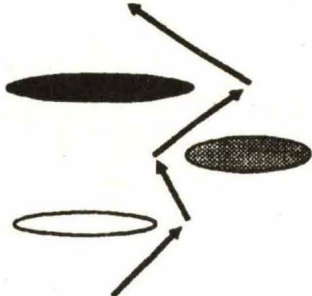
Unfortunately, when discussing the Giants' miraculous pennant drive - they won 37 out of their final 44 games - baseball fans and critics constantly undermine the Giants' accomplishment by mentioning the term "choke" in reference to the Dodgers' inability to hold such a big lead from that particular juncture of the regular season. The "choke syndrome" - a highly critical term when debating the intestinal fortitude of a ballplayer - is all too often a snappy response to explain an unlikely defeat. Sadly, up to that point in their history, the Brooklyn Dodgers were the perennial bridesmaids of baseball, never able to win an important game, and always coming up short when representing the National League in the World Series. They wouldn't shed this burdensome label as also-rans until 1955, when they won their first - and only - world championship while residing in Brooklyn.

Forever failing in the big game, the Dodgers compounded



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their past failures with this devastating loss to the Giants. There is something quite tragic and unjust about the Dodgers' reputation of futility, because over a ten-year span (1947-56), the Dodgers were far and away the best team in the National League: winning six league pennants and that one World Series before moving to Los Angeles in 1957. Even down the stretch in 1951, the Dodgers played adequately - winning 24 of their final 44 games - but not well enough to hold off the charge of the Giant brigade. Thus, once more, the Dodgers were forced to "wait'll next year," as this "sudden death" playoff loss only reinforced the Dodgers' inability to overcome adversity when the money was on the line.

Subsequently, an even more unique phenomenon arose from this game: that of the instantaneous classification of one man as hero, one as goat that is so intertwined with sporting events through the ages. One hanging slider has dogged Ralph Branca for the past 40 years. Branca himself admits that he could never understand his fate of carrying around this albatross like that of the Ancient Mariner, as all he could think of upon leaving the Polo Grounds that day was, "Why me? Why do I have to live with this?" A priest, who was a friend of the family, eventually told him that "God chose you because He knew your faith would be strong enough to bear this cross."* Small consolation, I'm sure, for a man forced to swallow such a bitter defeat at that time.

In fact, many casual

baseball fans do not know that Branca was one of the anchors of the Dodgers' pitching staff for the five seasons preceding this playoff series. He consistently won between 12 and 15 games and pitched well in two World Series appearances. But sadly, when trying to come back too soon from a freak accident-back injury, Branca hindered his pitching motion and injured his arm. By 1953, Branca was gone, and he never had the opportunity to convince his teammates or opponents that Thomson's home run on that fateful day was not the

most influential factor in his professional demise.

Conversely, one swing of the bat has immortalized Bobby Thomson. He was never Hall of Fame material as a player, but was admired in his day as a solid third baseman and outfielder. After his dramatic home run, he became the consummate hero - the storybook legend who crashed the winning blow when it was most needed. In a split-second, Thomson was suddenly the toast of baseball: the leader of the perhaps the most incredible comeback staged in sports his-



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tory, while Branca became the fall guy for what is all-too-harshly considered the worst collapse by any team in the modern sports era. Two men linked together by a few precious seconds, not ever dreaming that they would be reliving this moment over and over again for the rest of their lives.

After 40 years of folklore, both men have become the best of friends, as an unbreakable bond has formed between these two men, forever entwined by fate. Both are modest, unassuming men, at once gracious and classy in both victory and defeat. Without question, their personalities and appreciation for their place in history have contributed mightily to the lasting impact of their moment in the sun. To those who have had the good fortune to hear their story, there is an instant realization that both are heroes in their own right.

To this day, Bobby Thomson swears that the thought of lasting fame didn't enter his mind until well after this game had ended. He claims that while rounding the bases, all he thought about was that "we had just beaten the Dodgers."*** This statement introduces perhaps the most crucial element of the extraordinary lasting power this game has achieved - the intensely passionate rivalry between the Giants and Dodgers during the "golden era" of New York City baseball. This rivalry helped to nurture during the late 1940's and early 1950's.

"Forget first place or even the pennant, it was an event every time we played the Dodgers,"

says Thomson, who sorely understates the out-and-out hatred these two cross-town rivals harbored.*** "They were all no good bastards, and Durocher was the cause of it all," claimed the late great Dodger outfielder Carl Furillo, alluding to the person many fans considered as the central figure in this storied rivalry: Giant manager Leo Durocher.* Durocher had been the Dodgers' manager in the 1940's, and was never forgiven by the Brooklyn faithful for signing on to manage the hated Giants after the Dodgers did not rehire him in 1948, the year after he had served a season long suspension, imposed by then Commissioner Happy Chandler, for associating with known gamblers. The bad blood boiled within many of the players as well, as Durocher would often resort to cursing at the other team from his perch in the dugout, having his pitcher intentionally throw at opposing hitters, and starting fist-fights with some opposing players: Furillo in particular.

The rivalry, specifically in 1951, was also fueled by the personal feud between Durocher and Dressen, who had been Durocher's top coach and right-hand man when Durocher was the Dodgers' manager. Dressen had always been out to prove that he was a better manager than Durocher, and both men seemed to pull out all the stops whenever they met during this 1951 season - Dressen's first at the Dodgers' helm.

But this rivalry went beyond the baseball diamond; it was

a feud between the boroughs of Manhattan and Brooklyn. In the 1920's and 1930's, the Giants had been the classy and dignified champions, while the Dodgers labored in the anonymity of the National League's second division, rewarded only by the intensely faithful support of the rough-and-tumble Brooklyn fans, who referred to their team affectionately as "Dem Bums."

In essence, both teams became a point of identity with the people of each borough, as civic pride became a fierce aspect of team loyalty. Coupled with the success of the American League's Yankees in the Bronx, New York City baseball evolved into a cultural phenomenon. "People ate, slept and drank baseball. You could go anywhere in the city and there would always be a conversation or an argument about which team you rooted for and how they were doing in the standings," says Red Barber, the voice of the Dodgers on WOR television and radio from 1939 to 1953.**

Indeed, baseball became a daily routine for so many New Yorkers, as the subways were carrying record numbers of fans to and from the Polo Grounds via the IND, Ebbets Field via the BMT and Yankee Stadium via the IRT and IND. Nine New York City daily newspapers battled for baseball readership by heating up inside stories about the teams to a point where the players and fans were seething at each other. Also, the advent of television enlarged the scope of these rivalries by creating larger than life heroes for children and

adults to follow through the grueling season. In fact, the 1951 Giants-Dodgers playoff series was the first multi-contest sporting event to be fully televised from coast to coast.

The fond memories of a weekday at the ballpark with the family or of young delinquents cutting classes to attend important games adds a romantic flavor that could hardly exist in today's society, as the nostalgia from the post-World War II era contributed mightily to the legacy this one game has left from that long-gone era. Indeed, a seemingly trivial matter somehow wrenched the minds and hearts of an entire city that had fallen in love with baseball, as the emotional significance of this one game apparently has lasted long enough to transcend the limits of a mere sporting event.

Admittedly, it is not within my power as a baseball fan to adamantly state that this was the greatest baseball game of all time, for that determination is a purely subjective one. But with all of the factors touched upon here, Bobby Thomson's home run off Ralph Branca in the third game of the 1951 National League pennant playoff may never be equaled as a dramatic/cultural phenomenon that stems from a mere sporting event. There may be other famous single moments that ardent baseball fans will quickly recall and relive, but there doesn't seem to be any that is recalled with the clarity and emotion that this particular game evokes.

Maybe Ralph Branca

himself accurately pinpoints the crux of this event in his own assessment of the legacy left by that fateful moment:

"(Dick) Sisler hit a home run off Newcombe in 1950 to win a pennant for the Phillies, and (Bill) Mazerowski hit one off Ralph Terry to win the 1960 World Series, yet you never hear about these guys. (Chris) Chambliss off Mark Littell in 1976, Bucky Dent off Mike Torrez in 1978. He hung him a slider - just like me - but you rarely hear about those moments. The only reason you will always hear about Branca-Thomson is that it happened in New York, and there was a great rivalry between the Dodgers and the Giants. The game, home run, the legend; they are all part of something bigger than baseball - a fateful set of circumstances."*

He's probably right. The Dodgers-Giants rivalry was something bigger than baseball itself. Most likely, there will

never be another rivalry - or era - quite like this again, for it was a force that flourished in a memorable place during a memorable time, bolstering the significance of Wednesday, October 3, 1951 to incredible heights as both a memorable sports moment and an unforgettable phenomenon encompassing emotions and elements vital to our human existence.

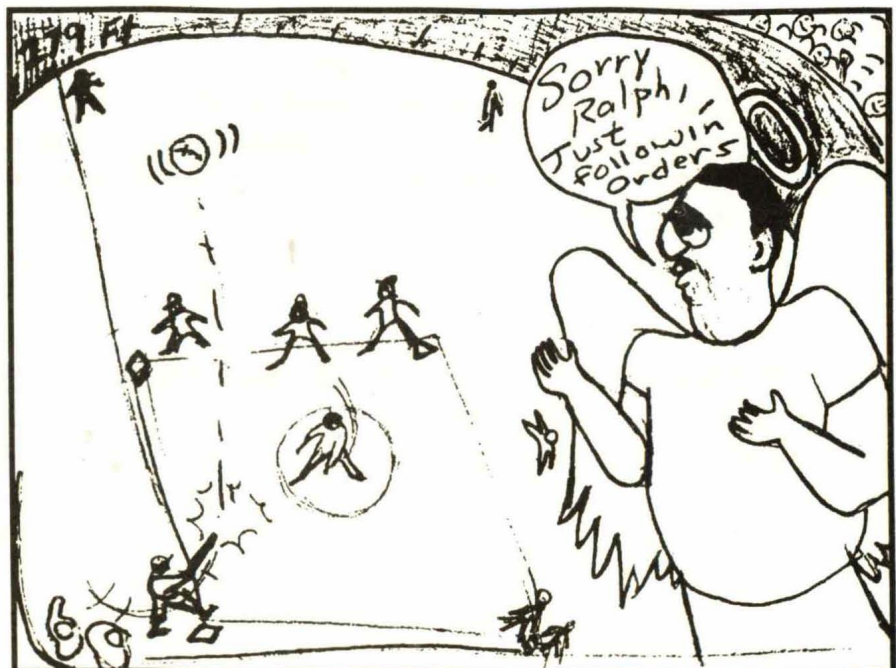
[Editor's note: The author wishes to acknowledge the following sources in writing this article:

* *BUMS: An Oral History of the Brooklyn Dodgers*, by Peter Golenbock (New York, Putnam & Sons; 1984)

** *New York City Baseball: The Last Golden Era: 1947-57* (New York, MacMillan; 1980)

*** "Distant Replay" (by Mike Lupica, *Daily News Magazine*, Sept. 28, 1986)

**** "Greatest Thrill Lives On" (by Steve Jacobson, *Newsday*, October 3, 1986)]





STUDENT BAR ASSOCIATION UPDATE NOTICE

BY MARNI J. SCHLISSEL
SBA PRESIDENT

This morning I asked myself, "What happened to the summer? Didn't finals just end?" While counting the number of pages assigned in Corporations it hit me ... I only went to the beach once! Thoughts of summertime quickly passed however, as the page numbers on the syllabus danced in front of me. On behalf of the Student Bar Association, welcome back to school everyone! And to all the new first years, a special hello!

The Student Bar Association is the law school's student government which is primarily responsible for the disburse-run organizations. In addition the SBA operates as the student representative. For example, members of the SBA sit on joint committees with the administration, such as the curriculum, calendar, drive committees. The SBA also has its own organizational committees. Some of such include the faculty evalua- tions, student affairs, charity and food drives), food service committees (e.g. SPRINGFEST organizers).



ment of funds to all student- tion to its oversight function; dents representative. For SBA sit on joint committees as the curriculum, calendar, drive committees. The SBA tional

include the faculty evalua- table donations (e.g. clothes vice, yearbook, and social FALLFEST and

While these committees are

generally comprised of SBA delegates, any students interested in serving on these committees are welcome. The more help we have the better!

The rest of this article will be devoted to the discussion of current student and administrative concerns. The most widespread student concerns stem from the temporary dislocation of the library and the upcoming construction of the new building. Other pressing issues, brought to our attention by the administration, include computer sabotage and the violation of school smoking regulations.

LIBRARY EXPANSION

The library staff has meticulously planned for the transitional stages of the libraries' expansion so that students will have access to most books. The library newsletter "INFORM" provides information regarding the location of moved books. Do not fret first year students the library has made special accommodations across the street at One Boerum Place so that you can do all of the research that you ever wanted ...and then some. In addition to placing essential books for first year students across the street, the library increased the number of available Lexis and Westlaw terminals, as well as study areas, on the third floor of One Boerum Place. Now would be an ideal time to become computer friendly!

For the inevitable materials that you are unable to find at the law school, the library provides several solutions. First, you may receive a library referral from a reference librarian. New York Law School, which has quite an expansive library, is open to BLS students with a valid BLS id card. In addition, a limited number of passes are available to visit Cardozo, Columbia, CUNY, Fordham, Hofstra, NYU, Pace, Rutgers, St. John's, and Seton Hall Law Schools. The Brooklyn Supreme Court Library is also accessible to BLS students, but only upon the showing of *specific* need. Finally, if your research does not require law books, students may also visit any of the numerous public libraries in the area. Another option available to students is to borrow texts through the school's interlibrary loan system. The reference staff can locate books anywhere in the country through its OCLC computer and borrow them on interlibrary loan. If you have any questions regarding the library, the staff is always available. Do not hesitate to ask for help!

UPCOMING CONSTRUCTION

For students interested in seeing what the new BLS law school will look like, architectural plans will be displayed soon. Groundbreaking will begin this fall.

COMPUTER SABOTAGE

A very troubling problem in the library is that of computer sabotage. Not only does computer vandalism hurt the computers, it denies students of necessary access to computer terminals. To remedy the problem the library operates special surveillance of the computers. However, if the problems ensue the terminals will be taken away. Remember that the use of Brooklyn Law School property is a privilege to be respected, not abused.

SMOKING REGULATIONS

A major concern in the administration is the violation of smoking regulations in the school. Oddly enough, this matter was brought to the attention of the administration after official complaints were filed by students with the City of New York Department of Health and the New York City Environmental Health Service. In addition to a court appearance by a representative of the school, the school building will undergo re-inspection this month. While the administration sympathizes with students who would like to have a "quick smoke" between class breaks, adherence to state regulations is mandatory. What does this mean? No smoking in the general areas outside of classrooms, by the fire escapes, or in the stairwells. If this problem is not rectified the school will be forced to take stronger measures in order to comply with state regulations. The school does not want to resort to the use of hall monitors that *fine* violators (most students are broke enough already), but it might have no other choice. Please smoke in the designated smoking areas only, and prevent the creation of a police state in our school.

FOR FURTHER INFORMATION...

If you have any questions or suggestions for the SBA please visit our office in the basement, through the cafeteria, or drop a note in our mailbox.

WORKING AGAIN, FOR YOU!

by Eric Wollman, Evening S.B.A. Vice President

The Student Bar Association (SBA) is the principle representative organization for students at Brooklyn Law School. It works best when students take interest in its functions, by seeking elective SBA office, and by speaking with SBA officers and delegates. This keeps us on our toes and helps gets problems solved.

Last spring, I was re-elected as the Evening Vice President. To every evening student who took the time and trouble to find the ballot box and vote for me, I thank you. I particularly want to single out my classmates in the Class of 1993 whose strong support for my candidacy allowed me to win with 69.3% of the votes cast. As Bosco Hearn once said "I'm happy to be working again, for you."

I want to especially welcome the Evening Class of 1995. Your class is entitled to elect two delegates to the SBA House of Representatives. Although you are new to law school and will need time to adjust to the rigors of work and classes, I strongly urge you to consider serving with us at the SBA. It is my intention to work closely with the new SBA president Marni Schlissel, and to assure that SBA meetings are held at reasonable hours and are of appropriate length, so that evening students can meet their unique commitments and still participate in student government. The SBA office is located in the rear of the Cafeteria and that is where our meetings take place. With the exception of the class of '93, all other evening classes also have delegate vacancies. It is important that we take advantage of our opportunity to be represented. Remember, the overwhelming numbers of day students often puts us at a disadvantage. Let's not abandon the leverage that we have. Accordingly, when SBA holds elections in the Fall, I hope students in the classes of '92 and '94 seek office as SBA reps.

ON MY AGENDA

Brooklyn Law School is a fine institution and the faculty and administration are generally responsive to the needs of the students. The first goal of my present term is to assure continued administration commitment to the Evening Division. Last spring, the SBA administered a referendum on the matter of changing the academic calendar. Although the results were mixed, it is my belief that the present calendar is helpful to evening students and should be maintained. I'd like to know what you think. In that connection, I intend to establish office hours so that I can meet with my evening constituents. Look for my schedule posted on the SBA bulletin board. I look forward to seeing you.

Food service remains an on-going problem at BLS. The cafeteria is run by a good-natured crew, led by Scott and Larry. However, evening students are not well served by the early closing times, lack of selection by the 6:50 p.m. break and the inadequacy of the vending machines. I hope to persuade the food guys to expand the vending machine array, to bring in a hot beverage machine. Vending coffee may not win *El Exigente's* approval, but at 8:00 p.m. a cup of "Joe" would be welcome by many. It would also dispense hot cocoa and chicken soup.

Arising under the topic of vending machines, I'd like to see the library bring in a ballpoint pen dispenser. It would be a service to students and a way to raise a bit of revenue for BLS.

From time to time, my classmates involved in various academic honor societies have brought to my attention real or perceived inequities in the selection process for these groups. One re-occurring problem stems from the short time periods students are given to compete for certain honors. I intend to learn more about this problem and to work with the administration to remedy this purported problem.

The last item on my agenda is to promote a wider range of school-sponsored social events. I

believe there is a pent-up demand for activities that go beyond an infrequent "Kegs and Tunes" hop in the 3rd floor lounge. One suggestion is to sponsor "BLS Nites" at Madison Square Garden or Yankee Stadium. Also, small dinner parties at local eateries in the Heights. Such family-style events would be a good way of bringing day and evening students together. I'd like to know your thoughts on these ideas. Drop me a note or visit. Be seeing you!

ABA Update

by Steve Landis

Policy, politics and parties governed during the weekend of the American Bar Association-Law Student Division's Annual Meeting this past August in Atlanta. Over 150 representatives from law schools across the country considered 35 resolutions, ranging from advertising by the military in *Student Lawyer* magazine, law school student loans, and free speech on campus, to abortion counseling, a boycott of California grapes and the confirmation of Judge Clarence Thomas.

The first day of the meeting began with a speech by ABA President Sandy D'Alemberte on the future of legal education, including possible proposals to move the bar exam after the second year of law school and to place greater emphasis on clinical programs. Father Robert Drinan, a former Member of Congress and current Georgetown law professor, next spoke on the need for lawyers to focus their energies on the protection of individual rights and liberties

The audience, composed of ABA-LSD representatives and SBA Presidents, then turned their energies for the next several days to the myriad of resolutions before the Division. While most resolutions were relatively non-controversial and passed by large margins, the remainder occupied the most time and provided the most fun. Successful resolutions included:

- creates a "Public Service Award" for schools that demonstrate a strong, admirable and extraordinary commitment to public interest law

- encourages student participation in school policymaking

- urges schools to provide fuller disclosure during the admissions process for various areas, including admissions policies, composition of the student body, tuition history, the school's budget and its sources of funds, the curricula, the placement rate in various legal fields, pending construction projects significantly affecting the school
- discourages schools from using students to grade other students

- urges Congress not to pass a bill that would financially penalize schools that deny access to military recruiters because of the military's policy to discriminate on the basis of age, disability and sexual orientation

- urges law firms to compensate students up to one third of expected salary when the law firm breaches its commitment of summer employment

- urges a ban on the use of certain pesticides
- urges Congress to increase the maximum annual Stafford loan amount from \$7,500 to \$10,000

- urges Congress to exclude from taxable income the amount of loans forgiven under loan forgiveness programs

- urges law schools not to adopt restrictive speech codes

- urges conservation of natural resources
- urges environmentally conservative multilateral development bank lending policies

- urges approval of law schools that allow students to work more than 20 hours per week after the first year of school

- supports the Family and Medical Leave

Act of 1991

- denounces all forms of bias at colleges and universities
- designates May 17, 1992, the 38th anniversary of *Brown v. Board of Education*, as Justice Thurgood Marshall Day
- opposes the decision in *Rust v. Sullivan* and supports Congressional legislation to allow health care professionals to counsel their patients on abortion
- creates a committee to investigate the unfair or unreasonable treatment of law students by law firms with regard to offers of summer employment

In addition, a Georgetown student introduced a resolution to urge the U.S. Senate to confirm without delay the nomination of Judge Clarence Thomas to the U.S. Supreme Court. After debate by two speakers, the ABA-LSD representative from Brooklyn Law School spoke on the issue and moved to amend resolution by replacing "to confirm" with "to reject." The amendment passed 102-53, and the sponsor then successfully moved to withdraw the resolution from further consideration.

The convention ended Saturday night, a day early, with a banquet honoring the outgoing and incoming national officers, and distributing various awards from the ABA-LSD, for which *The Justinian* received second place honors for one of the categories in the "Excellence in Law School Newspaper" Competition.

What is the American Bar Association(ABA)?

The ABA is a national professional legal organization comprised of over 385,000 members, representing nearly half of all attorneys in the U.S. The ABA, through its various divisions and sections, takes stands on policy issues in Congress, and, in conjunction with state and local bar association, forms a national network to educate and inform both lawyer and layperson on important

issues of law and its practice. The ABA communicates to its members through the monthly magazine *ABA Journal*, which contains articles on trends in legal and social issues and recent Supreme Court cases.

Most work in the ABA occurs through its sections involved in particular practices of law. Sections include Litigation, Criminal Justice, Labor and Employment Law, Taxation, Business Law, Family Law and General Practice. Many sections publish law journals for their members.

What is the Law Student Division(LSD)?

Generally, the LSD represents law students within the ABA, helps to shape the policies and priorities that effect legal education, and creates a deliberative forum for the exchange and expression of law student views. The Law Student Division of the ABA is open to all students of ABA-approved law schools (Brooklyn is ABA-approved.) *Student Lawyer*, a Division magazine published during the school year, contains articles on controversial social and legal issues, including indigent defense, law school sexism, hiring practices, annual salary surveys, and bar exam and bar review guides. Student membership in ABA sections is also available.

Apart from receiving the *ABA Journal* and *Student Lawyer*, LSD members also are eligible for health insurance, a law student Mastercard, and discounts for MCI long distance telephone service and PMBR Bar Review.

Applications for membership are available in the SBA office or on the third floor of 250 Joralemon. If anyone encounters any difficulties with their membership, or hasn't yet received any materials from the ABA upon a previously submitted application, leave a message for the Brooklyn Law School ABA-LSD representative, Steve Landis, including your name, address and phone number, in his mailbox in the SBA office.

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The Club Scene:



LAW

by Leslie Eisenberg

The Legal Association for Women (LAW) is well-established student organization at Brooklyn Law School. This year, LAW's goals are twofold. First, we hope to serve as a network and support system for first year students. In doing so, we intend to hold meetings, often referred to as "rap sessions," at different stages of the first year. For instance, we plan to have rap sessions focusing on outlining, preparing for exams and preparing for moot court. During these sessions, we try to give support to first year students by enabling them to talk with upper class students who have gone through the same law school experiences. In addition to the rap sessions, we intend to have a student-faculty gathering where students will get to meet and talk to faculty members, as well as hear about what the faculty members are involved with outside of teaching at Brooklyn Law School. We also have organizational meetings so students can get involved with planning and organizing group events.

Second, we hope to provide programs which will educate and inform students about different topics that focus on women in the legal profession. For instance, we may have panel discussions on the following topics: women in non-traditional areas of law, women judges, the status of the law dealing with either battered women or rape, health related issues, such as women and AIDS. We welcome any and all students to attend meetings and to assist in preparing programs. We also look forward to seeing you at upcoming events.

HILSA

by Orietta Ramirez

The Hispanic Law Students Association (HILSA) is a student organization whose primary function is to serve as a support group for hispanic

law students. HILSA strives to: (1) bring to the attention of the BLS community the various hispanic issues and concerns prevalent in our social and legal environment; (2) to enhance the values and culture that hispanics have in common; and (3) to understand and appreciate the people with whom you work, study and socialize. As future lawyers, with many areas of specialty, there will be circumstances in which we will come into contact with hispanic clients, colleagues, adversaries and judges.

As former President of HILSA, I had the opportunity to interact with students of similar backgrounds, to share our fears, goals, dreams, sorrows and even frustrations. Our group welcomes students from all backgrounds who wish to discuss everyday concerns, especially as law students.

My experiences as an officer were beneficial and exciting. One of the challenges was getting active student support. Response to our efforts was disappointing. One of the possible factors may have been that posters/fliers were taken down the minute after we had finishing posting them. This is not meant to overlook the support and attendance of our present members, including many evening students (you know who you are, and THANK YOU.) I also extend this gratitude to those dear friends who stood by me during my panic sessions (you know who you are too!)

One of the results of past discussions was the creation of the Northeast Latin American Law Student Association (NeLALSA.) It was a response to a lack of contact between law students and their schools. Its primary goal is to establish a network for communication and support among the law schools on a regional level. The schools presently include — BLS, NYU, Columbia, Yale, Fordham, Cardozo, CUNY, New York Law, Hofstra, Syracuse, UConn., Villanova, UPenn, Albany, and Seton Hall, and its membership continues to grow. NeLALSA has coordinated its first social event for Saturday, October 12th at NYU. More details will be provided at a future date.

Some of HILSA's scheduled events at BLS include a panel of attorneys addressing areas in

entertainment law, criminal law and immigration law; a symposium coordinated with BLSA and AALSA addressing minority issues, entitled "Affirmative Action — Who Cares?"; an informal reception with HILSA alumni to discuss resumes and interviewing preparation and career opportunities; and establishing a mentor program to further assist students in law school. There will be other events, so if you are interested, please stop by, or stop any of us, we are willing to talk!

For those of you who are considering enjoying the benefits of becoming a member of HILSA, please come to the meetings, and/or attend our events, which are open to all. This year's President is Ricardo Velez. Our Vice President, Jeannette Rodriguez, is also the President of NeLALSA.

Finally, we ask that you give us a chance. Let us share our experiences, goals and dreams. You will be pleasantly surprised to find out that we have much in common, a great deal to share, and even more to learn. Join us in making these events and efforts both enjoyable and successful. We regularly schedule our meetings on alternate Thursdays, usually at 5:00 p.m. Check the bulletin boards, especially the one in the lobby to the left, when facing the elevators, provided for HILSA, BLSA and AALSA.

In closing, I wish to extend my heartfelt appreciation to those of you who worked with me, tolerated me and even supported me by giving up some really valuable study and job time to make events possible and successful.

BLSA

The National Black Law Students Association, Inc. ("NBLSA") was founded in 1967 at the New York University School of Law. The founder, A.J. Cooper, and other students envisioned NBLSA to be a catalyst for change in the legal system. The association's founder endeavored to sensitize the law and the legal profession to the ever increasing needs of the African-American community. Currently, NBLSA has over 200 chapters representing nearly 6,500 law students throughout the United

States, Puerto Rico, and the Virgin Islands. Members of the chapter at Brooklyn Law School actively participate in events at the subregional, regional and national levels of NBLSA. Allison Corbie '93 serves as Secretary of Metropolitan Combined Chapters ("MCC" which is the local subregion of the NBLSA, comprised of the thirteen law schools in the metropolitan area) and Shauna Reeder '92 serves on the National Convention committee.

Although BLSA sponsors social events, BLSA is not primarily a social organization. The chapter at Brooklyn strives to articulate and promote the needs and goals of African-American students at the Law School, foster an attitude of professional competence, and provide community service to the African-American community. One aspect of BLSA's community service is the Adopt-A-School program. For the past two years, members of BLSA have mentors students at Pacific High School, an alternative school located near the Law School. Earlier this year, members of the Brooklyn Law School BLSA chapter participated in a "Street Law" seminar, sponsored by MCC, held in the Bedford-Stuyvesant Restoration Center. In the Street Law Clinic, attorneys lectured to community members concerning landlord-tenant issues, debtor/creditors rights, housing discrimination, immigration law and criminal procedure.

BLSA sponsors several forums, an annual Kwanzaa celebration, Black History Month and other events throughout the year. BLSA also recruits for the Law School by attending forums, such as the annual Law Forum held at the Vista Hotel. The chapter invites all students, faculty and friends to attend it's upcoming event

BLSPI: What Will They Do Next?

by Lance Sealy

At about this time last year, a group of students who were concerned with the least advantaged among us parlayed a \$350 investment from SBA into more than \$15,000 over the school

year, substantially captured the interest of not only students but many influential staff and faculty with its events and established a fellowship which will hopefully remain an institution at Brooklyn Law School for years to come — The Brooklyn Law Students for the Public Interest (BLSPI).

At BLSPI's first meeting, a lively group of participants which occupied most of the seats of a first-year lecture room discussed the year's plans with an orderliness and maturity of an organization which has clear goals: to 1) educate the public about careers in public interest law; and 2) raise funds for public interest law fellowships in order to provide legal services to the local community.

Accordingly, BLSPI, in its plans for achieving these goals this year, is considering adding new activities such as a Casino Night and a fund-raising run to its calendar; however, the calendar will primarily include more of the same events which were responsible for its considerable success last year.

Fall semester events will include two educational activities, one of which will be a faculty forum, and a raffle reminiscent of the event last year which gave away a two-thirds discount and two one-third discounts on Bar-Bri bar review courses.

The spring semester will include BLSPI's Second Annual Auction-A-Go-Go which last year included such items as a beach house get-away, tickets to Broadway shows, and meals and sporting events with our most popular professors. The group will also sponsor a symposium on the Defense of Battered Women, to be appropriately held on March 8, Women's Day in Europe.

An event which added a new item to the wardrobe of many members of the BLS community was BLSPI's Work-A-Day in the Public Interest Pledge Drive. Again this year, BLS students will be asked to pledge one day's earnings from their summer job and in return will receive a designer T-shirt. All who have not fulfilled their promise to pay last year's pledge should send their checks (made out to BLSPI) to the treasurer, Phoebe Wilkinson, 100 Pierrepont Street #1A, Brooklyn, NY 11201.

BLSPI's fund-raising events make pos-

sible its annual summer fellowship program for students who want to pursue public interest work. Last year's award went to Todd Krichmar, who completed a summer internship with the Legal Aid Society's Office for the Aging. More than one award will be available this year — look for details on BLSPI's space on the Student Activities board in the lobby.

BLSPI urges everyone to participate in its upcoming exciting year by attending its monthly meetings and its events. See the bulletin board for further information.

AALSA

by Walter Krishna Adam, III

I would like to take this opportunity to welcome all to Brooklyn Law School and to introduce the Asian American Law Students Association, a.k.a. AALSA.

Currently AALSA has been an active part of the Brooklyn Law School community for the past 4 years. AALSA was established to recognize and discuss the concerns and issues of Asian Americans in today's legal society, induce the awareness in law schools and the legal community of the need for legal representatives from the Asian American community, and act as a representative body for Asian American law students in Brooklyn Law School.

Our membership is open to all students and has steadily grown from its inception. It currently consists of a cross-section of Asian heritages, e.g., Chinese, Japanese, Korean, Filipino, Indian, and Pakistani.

The rigors of a law school curriculum can be extremely challenging and in your first year, extremely frightening and overwhelming. This point emphasizes even more so the need for joining a club such as AALSA. Throughout the year AALSA will host and sponsor career forums, symposiums, guest speakers, social events, an in-house "Big Brother/Sister" program, and in conjunction with the recently formed Asian American

Bar Assoc. of New York, an Attorney-Student Mentor Program, as well as many other fun events. AALSA also provides several intangible benefits such as: a club in which you will meet new friends in the same predicament (overwhelmed & apprehensive); a support group; and a place to get the advice and reassurances from fellow upper-class members.

Another important attribute of this year's AALSA is our participation in the newly assembled Association of Asian American Law Students of New York. AAALSNY is a coalition of seven N.Y. area law schools' (Brooklyn, Columbia, Cardozo, CUNY-Queens, Fordham, NYU, & New York Law) AALSAs and APALSAs (Asian/Pacific American Law Students Association.) It is a committee, comprised of delegates from each school, which I was able to organize this fall and am currently chairing, dedicated to promoting and coordinating events among the various groups, establishing a regional platform from which to voice our concerns and further our goals, and as a liaison to work in conjunction with the Asian American Bar Assoc. of N.Y.

On behalf of AALSA and its members, I wish you a successful and rewarding year, and look forward to meeting you at one of our bi-weekly meetings or events. Please check the AALSA bulletin board (to your left, when you're facing the elevators on the main floor) for up-coming meetings and events!!

Amnesty International at BLS

by Mark D. Goodwin

The Amnesty International student group at BLS recently held its first meeting of the semester. Amnesty International is a worldwide, 700,000 member strong organization which seeks to mobilize a public response for the release of prisoners of conscience, fair and prompt trials for political prisoners, and an end to torture and executions in all cases. Letters and petitions are sent seeking just

treatment or release of prisoners whose human rights have been violated.

New students are encouraged to participate in the group at BLS. Activities will include a petition table set up in the lobby and a possible symposium with special speakers. Any new ideas and efforts are welcome.

The BLS group tries to focus on cases where lawyers' or law students' human rights are violated. For example, four law students and a law professor are believed to be in detention for political activities in the People's Republic of China. Detention and trial procedures have been closed to the public, in violation of Chinese and international law. The BLS Amnesty International group will be collecting signatures on a petition to be sent to the PRC Ambassador in Washington, D.C. Watch for your opportunity to sign a petition and to participate in other Amnesty International activities.

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Welcome new students. We are the group that tries to save the helpless abused animals. Come to our next meeting to find out what you can do to stop animal abuse. Look for announcements on the bulletin boards.

THE FUR SCAM

In the U.S. alone over 70 million animals die annually for the sake of vanity. These animals are trapped, beaten, anally electrocuted, and live lives of misery and despair; all for the sake of vanity.

The fur industry has done a good job of covering this torture up through the use of slick ads, high-priced fashion models, and much talk about how animals are raised for this purpose. What the fur industry does not tell you about is the ugly side.

The fact that trapped animals often bleed to death, are stomped to death, or eaten by predators is hidden. The public is not told about "fur farms" where animals, who are bred to die, live in cages. These farms have no federal regulations regarding humane treatment and no inspection of facilities occur. The fur rancher is less concerned than a food rancher with the living conditions of the animals, because the physical and psychological condition of the animal does not usually effect the quality of its fur.

FUR FARMS

The animals on fur farms are kept strictly confined in small cages their entire lives. They endure genetic manipulation to produce the desired characteristics. Many animals exhibit signs of this manipulation in their pacing, abnormal neck spasms in minks, and contractions of the uterus in females resulting in high miscarriage rates. When it is finally time for these animals to be killed more suffering arrives. Unlike factory farm animals, the federal Humane Slaughter Act does not protect them. They are poisoned with strychnine, which causes suffocation; they are killed with ancient electrocution devices in which the current does not pass through the brain and thus great suffering is caused; and they are gassed with uncooled and unfiltered carbon monoxide causing severe burning.

LEGHOLD TRAPS

The agony of this trap begins when the steel jaws clamp shut on the animal's limb. The animal is in terrible pain, sometimes for days. Regulations require trappers to check traps daily but most do not, and even checking once a day can leave an animal in a trap for 24 long hours. In the animal's struggle to escape, it often breaks its bones, dislocates a shoulder, and suffers severe dental injury in trying to bite off its own limb. If it succeeds, it often bleeds to death. Some animals struggle so much in the trap that they kill themselves trying to escape.

An animal that is unable to free itself often freezes to death, dies from thirst or starvation, or is killed by predators while it is helpless in the trap. If the animal manages to survive until the trapper arrives, it is often killed by barbaric means such as clubbing, drowning, stomping, or strangulation.

ENVIRONMENT

The making of fur coats results in the massive destruction to our environment. Fur farms pollute the soil and water due to the large quantities of animals imprisoned in cages on such a small size

of land. The large piles of dead "de-furred" animals, and excrement are too much for the size of the typical fur farm. These farms consume a great amount of water and energy that could be used for other types of clothing. It requires at least three times as much energy to make a fur coat than is required to make a man made coat.

HOW TO HELP

1. Get involved with our group and attend our meetings and events.
2. Call Justice For Animals at (718) 224-2531. This is a local grass-roots animal rights group, that can tell you how to get more involved.
3. ATTEND THE KICKOFF FUR PROTEST OF THE SEASON. It will be held on Sunday, November 3rd in front of Fendi's in N.Y.C. Call Justice For Animals for more details.

PHI DELTA PHI

by Laura Amos

PHI DELTA PHI, established in 1869, is the oldest professional fraternity in continuous existence in the Western Hemisphere. BLS is home to the "Evarts Inn" chapter. It is one of the oldest clubs at BLS.

The co-ed fraternity was established to promote a higher standard of professional ethics. It has 131 active Inns in the United States, Canada, Mexico, Guatemala and Puerto Rico. Our goal at BLS is to connect the school with the community through charitable projects. We also provide services to BLS through symposia, bookfairs and social events.

We are an honor fraternity and consider ourselves a brother/sisterhood, encompassing 140,000 alumni. We have social events open to the entire BLS community including rush parties, initiations, sporting events and concerts. Additional benefits include scholarships, loan programs, health and life insurance and student exchange programs.

With your support, PHI DELTA PHI can

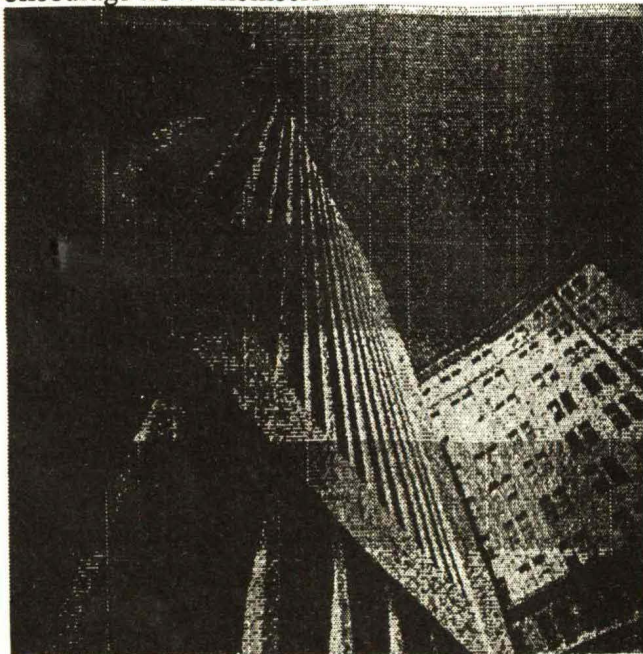
be a rewarding as well as fun experience. We will be holding an open meeting soon- please come. Laura Amos - Magister, Jay Berg - Vice Magister, Steve Baker - Vice Magister, Nella Molinini-Rivera - Historian/Clerk and Rich Walsh - Exchequer.

CHRISTIAN LEGAL SOCIETY

by William Smyth

The Christian Legal Society is a national organization serving lawyers, judges, law professors and law students. Its purpose is to help Christian lawyers integrate their faith with their professional responsibilities; to promote religious freedom; to provide a forum for discussing problems related to Christianity and the law; and to establish and maintain high standards of legal ethics.

The BLS chapter of the Christian Legal Society is a non-denominational group that meets every Tuesday at 4 pm to study the Bible. Discussions include how the law affects Christians and how Christian law students can make a difference. We also sponsor speakers, hold legal symposiums, show videos presentations, and jointly participate in events with CLS chapters from other New York area law schools. We welcome and encourage new members.





Court TV: From the Courtroom to Your Living Room

by Alan Adler

Looking for a simple and inexpensive escape from the pressures of law school? How about some quality time with your television? In another era, maybe that was possible. But today's TV lineup provides anything but an escape from the law. Ironically, the same society that gleefully compares lawyers to toxic waste, scum-sucking slime and laboratory rats craves "legal" entertainment and the television industry been accommodating. This fall, *The People's Court* enters its second decade, *Night Court* begins its eighth season, and everybody's favorite, *L.A. Law*, opens its sixth year, albeit minus some familiar faces. Several shows patterned after these ground-breaking successes—*Divorce Court*, *Equal Justice* and *Law and Order*—are also back for another year. Even Raymond

Burr's *Perry Mason* has returned to the courtroom after decades in recess. But an even larger legal authority has appeared on the screen. No need to worry about viewing conflicts—this one is on 24 hours a day. It's called Court TV and it airs on channel 51 on Brooklyn/Queens Cable.

Court TV began broadcasting in July 1991. It is the brainchild of Steven Brill, a publisher of a variety of legal trade journals. Brill conceived of the idea while riding in a New York City taxi back in 1988, after he heard on the radio that cameras would capture a prominent child-murder trial. Before the trip ended, Brill had Stephen Ross, then chairman of Warner Communications, on his cellular phone to discuss the possibility of a cable channel dedicated to trial coverage. Three years

later, Court TV brings more than 4.5 million cable viewers into the courtrooms of at least 44 states, as well as civil proceedings heard in federal court.

Court TV's goal is to educate and serve the public interest rather than to merely entertain. It takes the constitutionally mandated public trial one step further by offering analysis of the events taking place. Moreover, the channel plans to address difficult issues such as abortion, the right to die and free speech, rather lower its ideals for the sake of ratings and become essentially "the murder channel." Brill enthusiastically touts his venture as the modern day equivalent of 19th-century courtrooms that featured huge public galleries. His backers have given him four years to prove his vision is correct.

The question stills remains whether a channel offering 24-hour trial coverage can compete with popular weekly and syndicated daytime legal-oriented programs and acclaimed movies such as *Reversal of Fortune* and *Presumed Innocent* found on premium cable and pay-per-view channels. In an age where viewers sit poised with their fingers on the button (of the remote control), it won't be easy. Over the years, television viewers have become accustomed to the very slick, often steamy, scripts of *L.A. Law* and its clones. Other viewers have developed a cozy familiarity with that part cherub, part pitbull guardian of the *People's Court*, Judge Wapner. Thus, when the average television viewer may be surprised to discover that watching a real trial can be a trying experience. The mature, patient viewer, however, will find the Court TV informative and worthwhile.

Because Court TV reports from actual courtrooms, the presentation lacks the polished appearance that television viewers have grown accus-

tomed to seeing. When someone in the courtroom coughs or sneezes, or when an attorney bumps the microphone or rustles through papers, you hear it. When a court officer nods off or a witness is noticeably confused by a question, you see it. But live coverage of actual proceedings adds a dimension that Hollywood's courtrooms simply cannot duplicate. True, the action is often slow and the

participants are not always articulate. But everything is genuine and the viewer can sense it. Unlike Perry Mason always winning his case or Arnie Becker always losing his pants, the events are unpredictable. As Court TV's advertisement asserts, this is real life drama.

Still, in order to maintain viewer interest, Court TV has adopted many devices employed by other news programs. For example, each trial



segment begins with a short piece called a *Backgrounder*. In a criminal case, this might include footage of the scene of the crime while a narrator delivers the facts. In a civil case, the scene of an accident might be shown. Although intended to spark the viewers interest, the *Backgrounder* report avoids the sensationalist tone of programs like *A Current Affair*. Consistent with that philosophy, the channel uses no reenactments.

In a way, Court TV's trial coverage has all of the elements of a Sunday afternoon football broadcast. At the anchor desk in the studio sit two commentators, one a regular anchor person and the other an expert in a relevant area of law. During quiet moments, the anchor gives what is basically a play-by-play on procedure and possible strategy. During prolonged lulls in the testimony, the picture cuts from the courtroom back to the studio for some in-depth discussion of more exciting aspects of the

During these breaks, Court TV brings its viewers up to date with *Recent Verdicts*. On the screen appears the charged crime, a picture of the defendant, the name of the case, and the verdict. Viewers interested in other recent outcomes or wanting information on sentences or damage awards, can call the *VerdictLine*—(212) 973-6791. Similarly, the *Daily Docket* advertises what's coming up on the network. This, too, is available by phone by calling (212) 973-3378. In addition, like most other channels, Court TV features periodic *Newsbreaks*, only these focus on late-breaking legal news.

Court TV continues even when courts are not in session. Weekends and evenings are filled with rebroadcasts of selected portions of trials appearing on the network live during weekdays, often with more live discussion of an important aspect of the case. In addition, many completed high-profile trials are the subject of a nighttime program called *Trial Story*. Essentially a mini-documentary, a *Trial Story* details a case from start to finish, from opening statements, to status on appeal. Thus, viewers need not stay home in order to follow a trial

LIVE FROM NEW YORK...

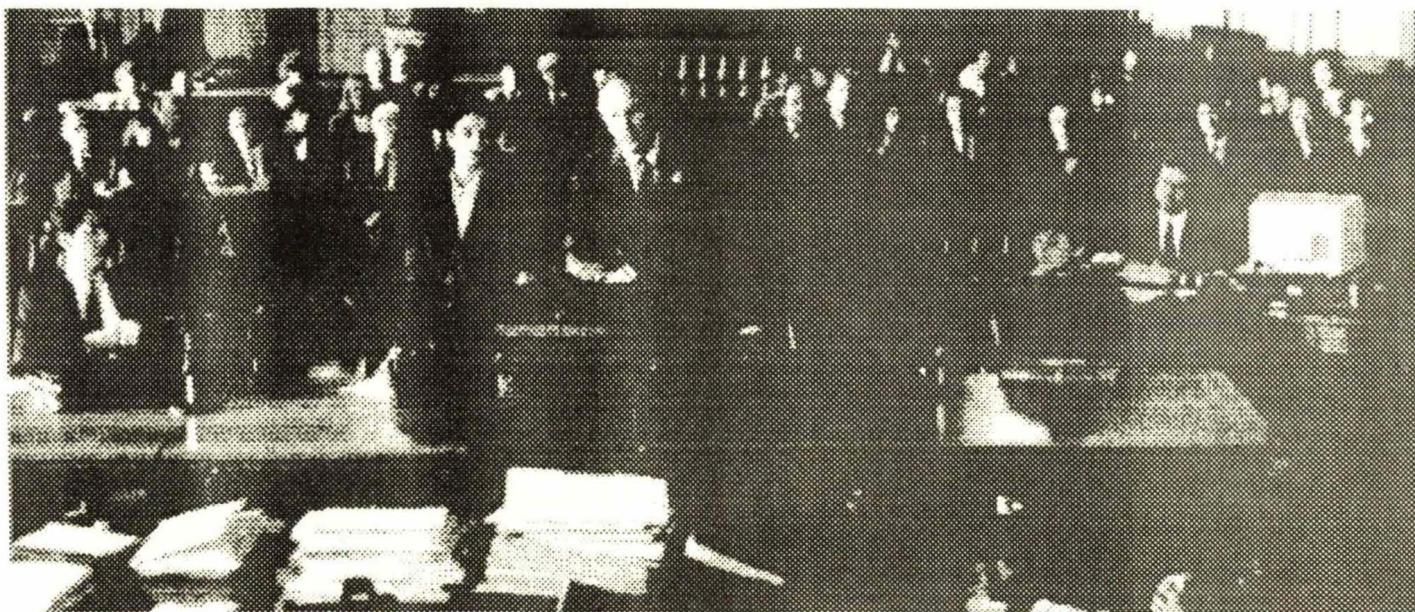
When most people buy something like a stereo or computer, they skim the instructions and immediately proceed to experiment with the new gadget. Many law students, however, buy two semesters of legal education, but spend their first year staring endlessly into thick casebooks, never experiencing the legal system first-hand. For Brooklyn Law students, the solution is simple: go outside and explore the neighborhood—our law school is literally surrounded by courts. In addition to supporting Brooklyn's excellent judicial clinic, the local courts provide a great informal educational opportunity. All you have to do is enter any of the courts listed below. Most court officers are friendly and willing to give you the scoop on what's happening on a given day. Moreover, you don't need cable to see it!

Supreme Court, Kings County, 360 Adams Street
Supreme Court, Appellate Division, 45 Monroe Place

Civil Court of the City of New York, 141 Livingston
Supreme Court, Appellate Term, 111 Livingston
Criminal Court of the City of New York, 120 Schermerhorn

United States District Court, 225 Cadman Plaza East

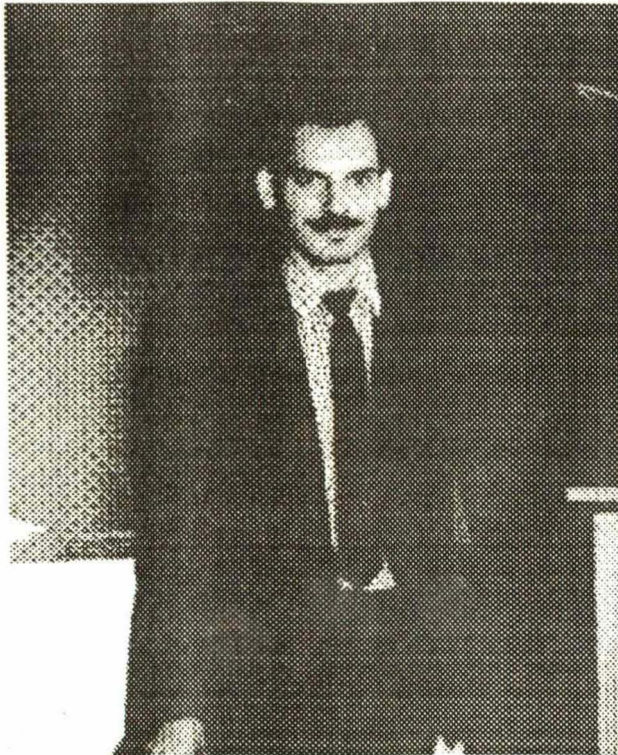
[Editor's Note: We have discovered that *Equal Justice* has been cancelled, sorry to ruin your day.]



Khatching Up With Khachaturyan

By R. Chang Feldman

Several years ago while at Penn State University, I attended a lecture by a local congressman who had just returned from the Soviet Union. As a guest of the campus Zionist Organization, the politician addressed the plight of the Soviet Jews. During the question and answer segment following the speech, one man raised his hand and asked in a distressed tone, "What about the plight of the Ukrainians?" After receiving a verbal lynching from the audience, the bewildered gentleman was informed by the congressman in so many words that the Ukraine was not the topic of discussion. Clearly, in the Fall of 1986 few Americans gave a damn about the Ukraine. Today, however, thanks to the demise of the Soviet Union, the Ukraine is a potential paradise for both investors and vacationers.



My interest in the Ukraine was first ignited when my boss handed me my latest assignment: seek out the visiting Ukrainian law professor by the name of Khachaturyan and dig up some dirt on the Ukraine. Above all, I was ordered to uncover controversy. I accepted the mission and immediately embarked within the elevator for room number 810.

Based on my preliminary research, I knew that the Professor hailed from the Kiev Institute of National Economy where he teaches Soviet Law as well as international and comparative law. As part of an exchange program sponsored by the

American Bar Association, he and 10 other Soviet legal scholars were dispersed to various law schools throughout the United States in order to study our ways, politically and economically, and inculcate whatever is appropriate into the Ukrainian experiment.

As the elevator doors released me unto the eighth floor, I traversed the hall and as is customary, was immediately warned by _____ to "get out." Disregarding her counsel, I sauntered to room 810 where I first encountered the Professor.

After we exchanged credentials, the ebullient sojourner invited me to take a seat and ask him what I would. I enthusiastically submitted the one question I had prepared: "Based on your research, what economic and political institutions found within the USA should the Ukraine adopt in its effort to achieve a free market Democracy?" In response, the professor just stared at me incredulously, and replied, "I do not know; I only arrived 3 days ago." Talk about faux pas of the highest degree! In an effort to circumvent an international incident, I

sat there dumbfounded. However, Professor Khachaturyan, being a nice guy, assumed the role of both interviewer and interviewee in what became quite an informative dialogue.

The professor predicted that the USA will engage in direct relations with the Ukraine, which is the third largest republic of the now defunct Soviet Union. In fact, in July, President Bush visited the republic which for years was known as the breadbasket of the Soviet Union. The visit was monumental for not since Franklin Roosevelt has an American president set foot upon Soviet soil outside the borders of Russia. Clearly, the United States is interested in the Ukraine; our president would not have spoken before the regional bodies

of France or Germany. Although Bush's visit occurred prior to the dissolution of the Soviet Empire, his tacit endorsement of a peaceful democratic evolution implies that a trade agreement between our nations is imminent.

In June the Ukrainian legislature passed a new foreign Trade Act which established guarantees for foreign trading partners in an attempt to stabilize foreign trade. Following popular forecasts, the professor acknowledges that once the Ukraine has established a market economy, it could very well be the number one producer in all of Europe. Besides the well known fields of grain, the country is also one of the most industrialized of the former Soviet Republics; coal, steel, and nuclear power plants abound throughout the south. Conveniently, the potential for trade is enhanced by the numerous ports along the Black Sea. In addition, for a quick profit, the professor suggested that Americans invest in the aesthetically incomparable resort area of the Crimean Peninsula.

It was clear to me, from Khachaturyan's description, that the Ukraine was heaven on earth for investors. Suddenly, however, the words of my boss began dancing in my head: "uncover controversy!" Heeding the instructions from my superior, I shot from the hip. "Professor", I asked, "wouldn't you say that the Ukraine is akin to a pressure cooker containing various ethnic elements, all historically antagonistic toward one another, and that now since the simmering effect sustained by the Soviet Union is but a memory, that pressure cooker will most assuredly explode, enveloping all

foreign investment with a wall of hell fire?"

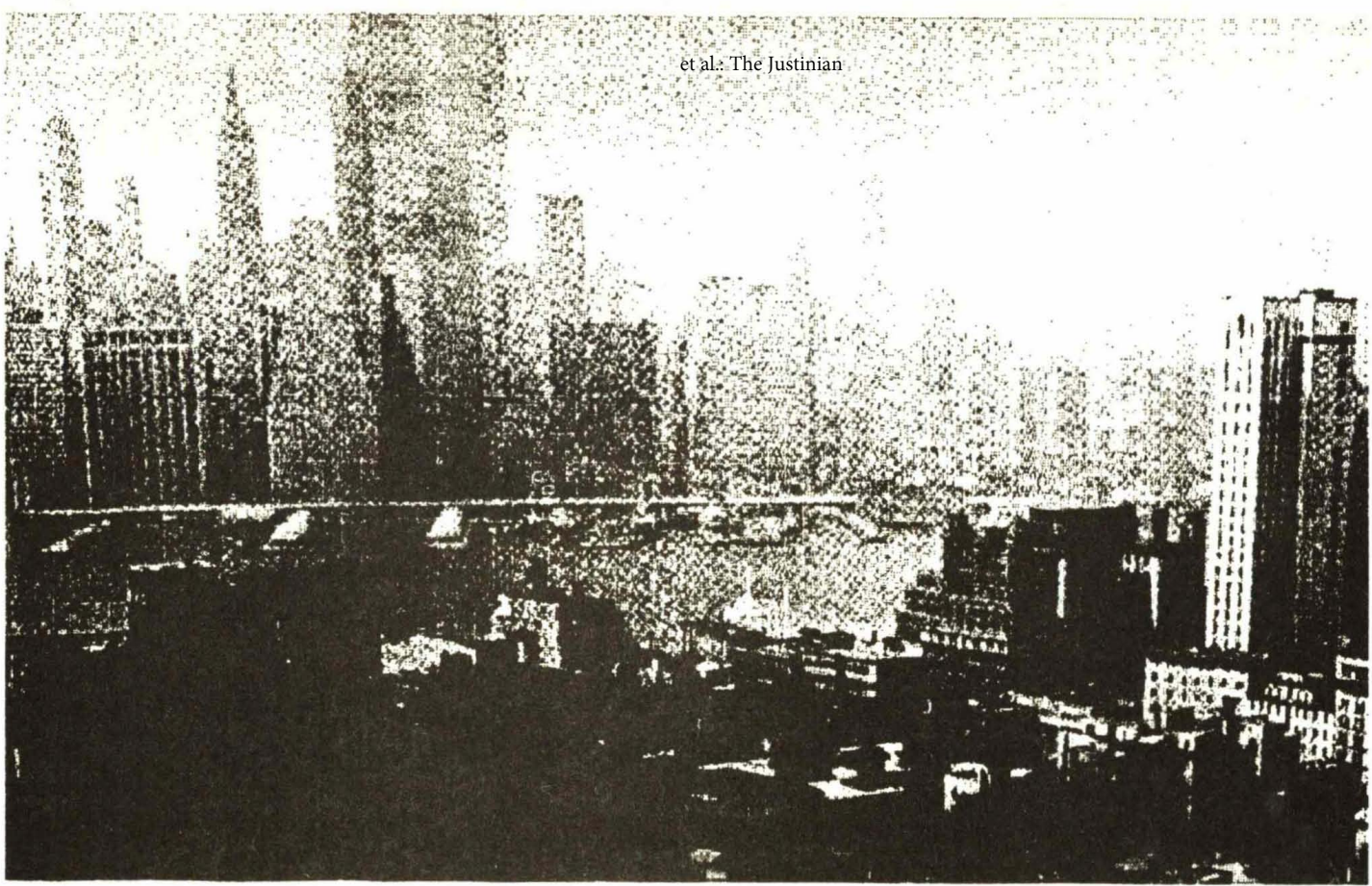
"I would not say that," softly replied the professor. While he admitted that the industrialized south is comprised mostly of Russian speaking people and that scattered throughout the land are those of Czech, Armenian, Jewish, and Hungarian ancestry, the Professor professes that there is no history of hatred between the peoples. Of course, he acknowledges that the Ukrainian speaking people of the north have a name for the Russian speaking people of the South which translates roughly into "stupid person." But as the prof pointed out, in the USA such a relationship also exists between Northerners and Southerners.

The Ukrainian government plans to maintain unity among the various peoples within its borders through its law on National Minorities which is almost in effect. Under the act, only government officials need speak Ukrainian while all others may learn to speak only the language of their ethnic group. In addition, the Act also establishes freedom of religion. Still, the professor concedes that for the future the important question is whether the Ukraine will maintain democracy considering that the majority of the population is linguistically and religiously Ukrainian.

*Within the coming weeks, Professor Khachaturyan will act as guest lecturer in Professor Waller's International Trade course (bulletins will be posted). In the meantime, the professor welcomes all those who seek his insight to visit him at room 810.



NEW KIDS ON THE EASTERN BLOCK



Touring Brooklyn Heights

by Alan Podhaizer and Mark Gaw

Most of Brooklyn Law School students are familiar with the quaint brownstone-lined streets and the spectacular view from the Promenade in Brooklyn Heights. But few are familiar with the history and historical places of the Heights. Hopefully, this article will introduce some of the more interesting places and their significance to the BLS community.

The Downtown Brooklyn area is divided into two parts: Brooklyn Heights, which is mostly residential, and Downtown Brooklyn, which is primarily commercial. This article will deal only with Brooklyn Heights.

Brooklyn Heights is bordered by Atlantic Avenue on the south, the Brooklyn Bridge and Court Street in the east and north and the East River on the west. It was originally settled as a suburb of lower Manhattan. Ferries were a common form of

transportation used to carry people from their new homes in Brooklyn Heights to their jobs in Manhattan. Although the ferries no longer run, it is still easy to travel to Manhattan as almost every subway line stops in or very close to Brooklyn Heights.

The Brooklyn Heights Historical Society is a good place to begin your acquaintance with Brooklyn Heights. The Society is located at 126 Pierrepont Street (at the corner of Clinton and Pierrepont Streets) and is the home to books, maps, newspapers and other material pertaining to Brooklyn's history. The library and museum are open to the public for a nominal fee. The Society also sponsors special events, for example, on Sunday, October 20 at 2:30 PM, they will be presenting a slide show on the development of the Arab-American community in Brooklyn Heights. Also, on Wednesday, October 16 at 6:30 PM, they are

sponsoring a talk on Santeria, a fusion of West African religious beliefs and Spanish Catholicism.

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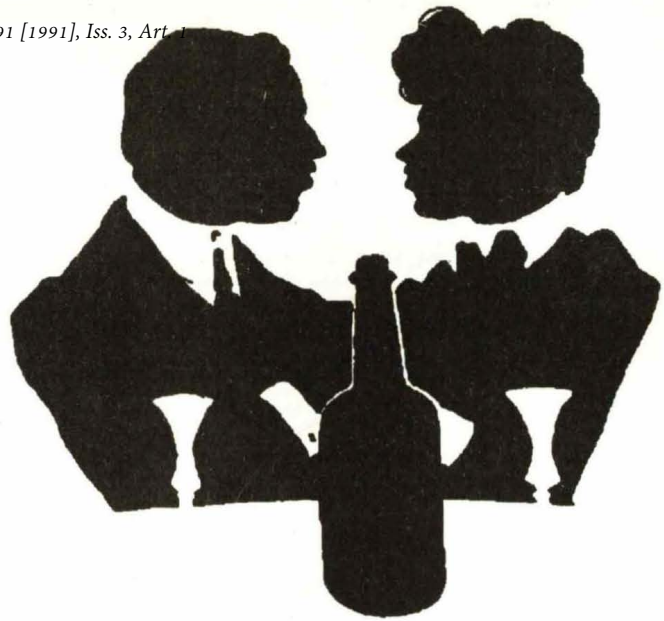
On Wednesday, October 30 at 7:00 PM, the Society will present a festival of ghost stories suitable for children of all ages. Finally, in addition to these events, the Society provides walking tours of various Brooklyn neighborhoods.

Brooklyn has been known as the borough of churches and Brooklyn Heights is no exception to that description. Several of our community's churches provide cultural events as well as religious services. For example, St. Ann's, located on Montague Street, between Clinton and Henry Streets, organizes activities ranging from plays and concerts to community discussion groups. If you are interested in the events offered by St. Ann's be sure to stop by and take a look at the bulletin board outside the Church.

The Unitarian Church, located on the corner of Monroe Pl and Pierrepont St, also provides place for various community groups. The Women's Cauldron Coffeehouse premiered at the Unitarian Church on September 29 and will continue on the last Sunday of every month. On Saturday, October 12, at 10:00 AM, there will be a workshop to help those contemplating a career change and on Sunday, October 13, at 11:00 AM, the Church's service will focus on the religious and racial tensions in Brooklyn.

Other place of historical interest include the Plymouth Church on Orange Street, between Henry and Hicks Streets, and the Promenade which runs from Montague Street to Orange Street. The Plymouth Church was a stop on the Underground Railroad which helped fugitive slaves escape to Canada. In addition, in 1860, Abraham Lincoln worshipped there with Henry Ward Beecher, the pastor at time. The Promenade, which was built to appease the angry Brooklyn heights residents who lost their waterfront access due to the building of the BQE, has a superlative view of Manhattan. In addition, it is the home of a biannual arts and crafts show.

Future columns will highlight other parts of the neighborhood and new activities in the Downtown Brooklyn area.



Points of Inebriation:

by Jennifer Sessler

If you are looking for a place to forget about law school for a few hours, let me recommend a few of our local watering holes.

1. Montague Street Saloon, Montague Street between Henry and Hicks Street. The "Saloon" is a favorite BLS hangout, especially on Tuesday, \$1 Heineken Nights. The Saloon also celebrates Mexican Night on Wednesdays with 2 for 1 Margaritas. The Saloon features a full menu with appetizers, burgers, salads and interesting entrees. Occasionally, the Saloon features a live guitarist.

2. O'Keefes, Court Street between Joralemon and Livingston Streets. This bar is such a BLS institution that it is rumored that the new BLS building is actually O'Keefe's. O'Keefe's has a full menu in addition to the ever popular pinball machine.

3. Cousins, Court Street, corner of Amity and Court Streets. Cousins has something special for everyday of the week. On Monday, Cousins features Monday Night Football. On Wednesday through Saturday they offer live entertainment. Usually they serve up contemporary jazz but keep a watch out for rock and even reggae bands. On

Saturday and Sunday, Cousins offers brunch complete with a piano player. Cousins also has a full menu.

4. Peter's Ale House, Atlantic Avenue, between Henry and Hicks Streets. Peter's Ale House has a full menu as well as an extensive exotic beer list. Occasionally, they offer live entertainment but it's not necessary for a good time. Just ask any member of the Law Review or Journal, as everyone has enjoyed their party at the Ale House.

5. Clark Street Station, Clark Street, corner of Clark and Henry Streets. Clark Street Station has undergone some changes recently. They used to offer live music on the weekends and a full menu but they changed their menu to feature Wings of Westwood which offers 12 different sauces.

6. Brooklyn Sports Page Saloon, Court Street, between Pacific and Amity. The Sports Page Saloon has five large televisions and two satellite dishes for your sports pleasures. While they offer no specific sports night, you can be sure that for special sports events, this is the place to be.

ENJOY!!!!

et al: The Justinian

BODY BASICS FOR THE 90's

STUDENTS

TAKE IT TO THE

Hights

MEMBERSHIP
LESS THAN
A DOLLAR
A DAY!

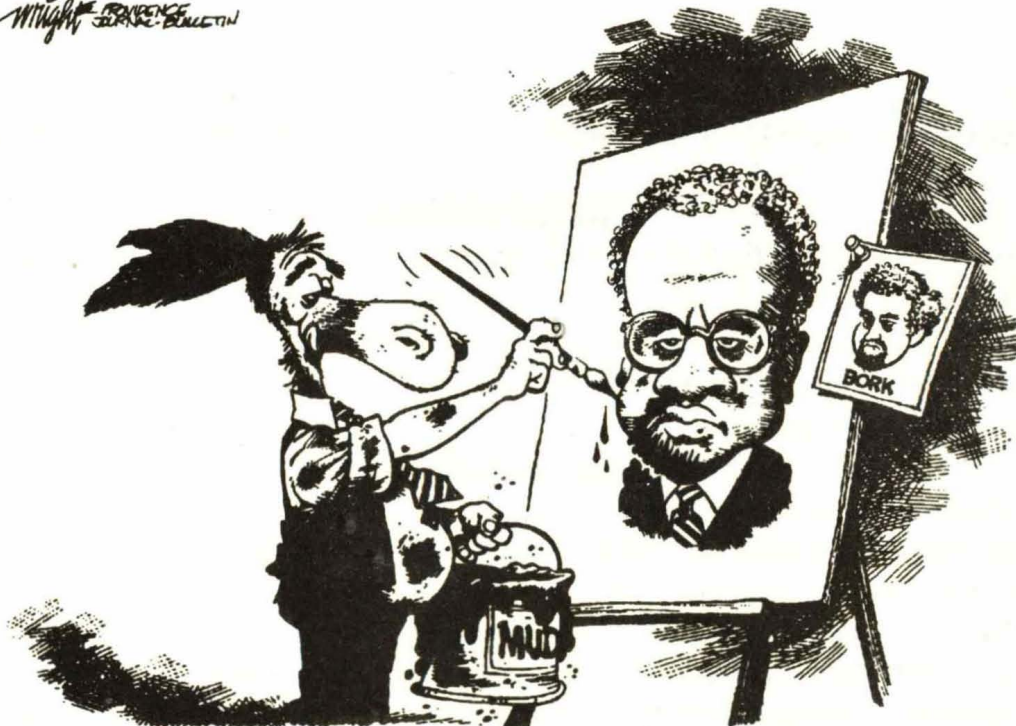
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Around The Corner from BLS

WITKIN PRINCE BULLETIN



BROOKLYN LAW REVIEW and BROOKLYN JOURNAL OF INTERNATIONAL LAW OPEN NOTE COMPETITION GUIDELINES

The Brooklyn Law School student journals, the *Brooklyn Law Review* and the *Brooklyn Journal of International Law*, sponsor an ongoing Open Note Competition. The competition provides a way for students who are not members of either journal to have their scholarly work, known as a Note, published. In addition, students whose Notes are accepted as publishable before their final year are eligible for membership on the journal that accepted the Note.

Students may submit Notes to one or both of the journals. Notes submitted to the Journal of International Law must have an international or comparative law focus. Students are strongly encouraged to consult with the executive board of one or both of the journals about the topic for their note before they begin working on it. Details about the competition are described below.

Contents of a Student Note

A Note is a scholarly article that thoroughly analyzes and evaluates a legal issue. The Note should be timely, and it should comprehensively deal with the topic discussed. Clear and concise writing is essential. The Note must contain an analysis section that is scholarly, thorough, and original. The introductory section of the Note should contain a clear statement of the thesis. The body of the Note should logically progress to a conclusion, with appropriate headings and subheadings.

All major assertions in the Note must be substantiated by an authoritative source. The citations should cover a wide range of sources. The citations must be contained in end notes, which must be in proper blue book form. Points raised in the text may be elaborated on in the end notes.

Publishability Criteria

In deciding whether a Note is publishable, the journal considering the Note will evaluate the submission in the same manner it evaluates unsolicited articles submitted by non-Brooklyn Law School authors. The following factors will be considered in descending order of importance: the originality of the Note and the contribution it makes to legal scholarship; the thoroughness of the legal analysis of the Note; the extent to which the Note contains a logical and well-developed thesis; the clarity of the writing; and the amount of work required by the journal staff to prepare the Note in publishable form.

Review of Notes

The Note will be read by the Editor-in-Chief and at least one other member of the executive board of the journal to which the Note is submitted. If the Note is rejected, a one page explanation of why it was rejected will be provided. The student will have two months from the date of rejection to submit a revised version of the Note. If this revised Note is also rejected, the student may appeal to the faculty adviser for the appropriate journal.

Acceptance of Notes

If the student's Note is accepted as publishable, the student must be available to work with the journal staff to prepare the Note for publication. This requirement applies even if the student has graduated after the Note has been accepted.

If the Note is accepted as publishable before September 1 of the student's final year, he or she will be eligible to become a staff member of the accepting journal. As a staff member, the student will be required to do office hours and source checks. Upon the successful completion of staff member duties,

the following year the student may run for an editorial board or senior staff position, provided the student is still enrolled at the law school.

et al.: The Justinian

The student will receive one credit for work done as a staff member. The student will receive two credits for the accepted Note so long as the student has not previously received credit for work on the Note and has made no arrangements to receive credit in the future for the Note. If the student continues to work on one of the journals for a second year and is elected to an editorial board or senior staff position, he or she will be eligible to receive one to three credits, depending on the position held.

Although most accepted Notes are published, it is possible that circumstances may prevent an accepted Note from being published. Failure to publish an accepted Note will not deprive the student of journal membership.

Form of Submission

All Notes must be submitted in typed form, double spaced, with one inch margins on all sides. Students should submit three copies of the Note to each journal that will consider the Note. Students should also indicate at this time whether academic credit has already been, or will be, received for the submitted Note. If the Note is accepted for publication, the student is responsible for providing a copy of the Note on a computer disc in WordPerfect format. The student will also be responsible for providing copies of all the sources cited in the Note.

Time of Submission

Notes may be submitted at any time during the student's second, third, or fourth year. Notes submitted during a student's final year must be submitted no later than two months before the student's last day of classes.

Additional Information

Please contact the Editor-in-Chief of either journal for additional information.

**NOTICE
JUDICIAL CLERKSHIP FORUM
WEDNESDAY, OCTOBER 23, 1991
5:00 - 7:00 PM
STUDENT LOUNGE -- THIRD FLOOR**

SPEAKERS:

Professor Hellerstein	Chairperson, BLS Judicial Clerkship Committee (Moderator)
Hon. Edward R. Korman	BLS '66, U.S. District Judge, Eastern District of New York
Professor Cynthia Dachowitz	BLS '87, former law clerk to Hon. Leonard B. Sand, U.S. District Court, Southern District of New York
Mark Levine	BLS '91, currently law clerk to Hon. Jacob Mishler, U.S. District Court, Eastern District of New York

Attendance at the forum is very important for those who are interested in seeking a judicial clerkship upon graduation. Much information about the procedures that must be followed will be provided and copies of the 1991 Judicial Clerkship Manual will be available to all attendees.

When I first entertained the thought of going to law school, friends and colleagues spoke of this thing called "law review". I didn't know what "law review" was, but when I asked the only response I received was "I don't know,—but I know its good to have." At Brooklyn Law School, this mystery over the importance of law review continued. Throughout our first year, we beat our brains into legal pabulum trying to "make" law review, but I still had no idea why it would make me a better lawyer.

During my legal work this summer, I realized what was so important about writing for a journal. I had received very important training in the areas of research, writing and editing during my year on the law review. This training proved very valuable in demonstrating my skills to my employer as well as in furthering my overall development as a lawyer.

Working on a legal publication is an educational experience and should be available for all interested students. As helpful as it is to a legal career, the students at Brooklyn Law School can only work on a publication through invitation. There are no journals that have open membership. In contrast, other laws schools including NYU and Harvard, have numerous open membership journals from which to choose. I believe the time is ripe for the students of Brooklyn Law School to have the choice to write for a journal.

I propose that the students of Brooklyn Law School form the Brooklyn Law School Journal of Law and Policy. Membership to this journal is to be entirely voluntary; all that is required to participate is the commitment to publishing a quality publication to serve the legal community. If you are a first or second year full or part time student or third year part time student, and you would like the opportunity to participate in such a journal, please fill out the response card on the bottom of the page and return it to the response box in the lobby directly in front of the guard's station. We will take the results of this survey and present our proposal to the Dean for consideration. Keep in mind that strong student support for this publication will substantially improve our chances of forming the journal. Thank you for your time and we will keep you informed of any further developments in this space.

Please complete form and return to response box in the lobby.
Thank you.

I am interested in participating in the Brooklyn Law
School Journal of Law and Policy.

Name: _____
Address: _____
Phone: _____

<u>Division</u>	<u>Year</u>
Full Time	_____
Part Time	_____

[Editor's note: This proposal was written by Peter Sullivan.]

OFFICE OF PLACEMENT AND CAREER SERVICE
NOTICES

P*B*S: Pro Bono Students

Interested in acquiring legal experience, exploring different areas of the law and working on issues that you care about?

P*B*S* offers you the opportunity to work at legal services offices, civil rights organizations, District Attorney's offices, non-profit organizations and regulatory agencies as well as with private law firms on pro bono cases.

Students can participate in most types of legal work; research and writing, assisting in case preparation, appearing in administrative hearings, and doing client intake. All legal work is done under the supervision of an attorney.

P*B*S projects can be flexible to fit your schedule.

Contact Karen Comstock to arrange your P*B*S placement!

More Pro Bono

The Charles Revson Foundation has announced the availability of Law Students Public Interest (LSPIN) Fellowships for law students interested in working in public interest positions. Stipends of \$3,250 are available for first and second year law students attending law school in New York and New Jersey who have secured volunteer summer placements with public interest organizations in the New York metropolitan area.

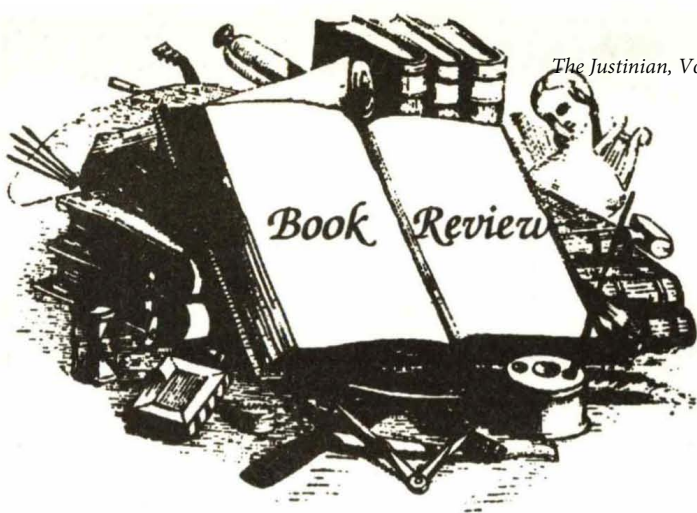
The 1992 LSPIN Fellowship Program is being administered by the Root-Tilden-Snow Program at New York University School of Law. Up to 50 grants will be made to students working full time for ten weeks during the summer of 1992. Applications and more detailed guidelines have been forwarded to both the Dean's office and the Placement Office of your School. LSPIN encourages all interested students to apply.

Deadline for applications is Friday, January 31, 1992.

Awards will be announced by Friday, March 6, 1992.

**New York University
School of Law
Law Students Public Interest (LSPIN)
Fellowship Program**

**40 Washington Square South
New York, NY 10012
Telephone: (212) 998-6207**



The Justinian, Vol. 1991/1992, Iss. 3, Art. 5

vides answers to questions such as "Can an individual be punished for guilt by association? Are there any limits on the right to advocate forcible or violent overthrow of government authority? Can speakers advocate the use of force or violence by their supporters to accomplish their political objectives? Are consumer or political boycotts allowed? Can a speaker use foul and vulgar language in public? Can an individual be penalized for criticizing, condemning or defaming the government? To what extent are public assemblies and demonstrations protected by the First Amendment?

These and many other important questions are answered in a clear and concise manner that appeals to both the lawyer and the layperson. Each chapter ends with a Notes section that provides the reader with the case(s) used to support the answers.

The book is necessary reading for those who actively seek to change their government, places of employment or school and as well as those who do not.

The authors include our own Professor Joel M. Gora; David Goldberger, a professor of law and director of clinical programs at the Ohio State University College of Law; Gary M. Stern, a research associate at the Center for National Security Studies and legislative counsel with the ACLU Washington office; and Morton Halperin, director of the Washington office of the ACLU and the Center for National Security Studies.

The Right to Protest: The Basic ACLU Guide to Free Expression

By Joel M. Gora, David Goldberger, Gary M. Stern, Morton Halperin. (356 pages, Southern Illinois University Press, 1991, \$7.95)

The revolutionary events these past months in the Soviet Union and its republics demonstrate how important the right to speak out against the government is to people all over the world. As Americans we have sometimes taken our right to protest for granted. How many Americans (and law students) know what the First Amendment protects? You should know, and the answer for those who don't can be found in *The Right to Protest*. (For those of you who don't know the First Amendment not only protects speech, press, petition, assembly and religion; but also includes among other things: the handing out of leaflets, picketing, carrying a sign, marching, demonstrating, and gathering at the seat of politics to protest its policies.)

This book is divided into three major parts: Part 1: The Sounds of Protest: Regulation of the Content of Political Speech; Part 2: Protest Activities in Public Places; and Part 3: Government Investigation and Surveillance. It is written in an easy to read question and answer format. It pro-



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FALLFEST 1991

The Justinian, Vol. 1991 [1991], Iss. 3, Art. 1

by Idette Grabois

By 2 p.m. on September 13, one of Brooklyn Law School's longstanding traditions was well underway. Over 100 students gathered on the plaza while outsiders looked on. Students, faculty, and alumni joined in and once again made Fallfest a great success.

Fallfest has always been a great opportunity for first years to meet fellow students, as well as relax and allay some of their anxieties from their first few weeks on school. Second and third years also took advantage of the opportunity to take a break from the job hunt and fraternize with friends. Some faculty joined us as well as guest appearances from several alumni.

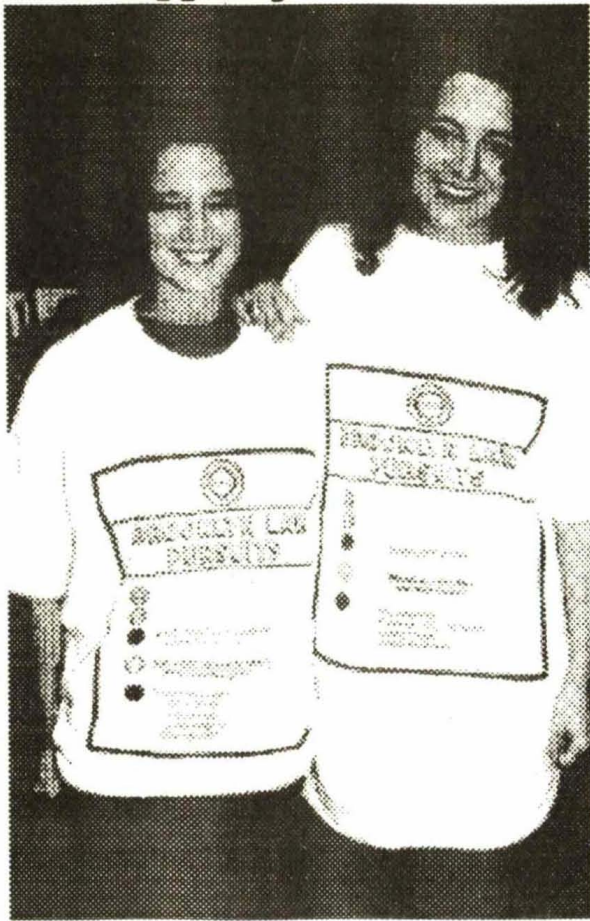
A late beer truck did not dampen spirits. Pizza was served to satiate any hunger pangs. The band played our favorite tunes all afternoon. Several students even dared to dance, but not on top of the beer truck as they did as Springfest last April.

T-shirts with a trivial pursuit theme were sold by the Student Bar Association. Printed on the T-shirts were trivia questions, with the answers on the back. In his Corporations class for the following Monday, Professor Pinto refuted the allegation on the T-shirt that he was separated at birth from Rick Moranis. However, he admitted that he was separated at birth from Mel Gibson. Anyone interested in purchasing a shirt as a memento of Fallfest can do so at the Student Bar Association Office.

We hope to see everyone at Springfest this year, which promises to be another great Brooklyn Law School gala.



Support your School...



et al.: The Justinian

*"They say I'm the
greatest; I say
admissible hearsay!"*



The Greatest

*...purchase a genuine Fallfest Shirt.
Frequently available at the SBA
office. Thanks.*



Carpe Diem!!!



Poetry Corner:

Goodbye Summer

By Marcus A. Spevak

Barbecues
Morning dew
Summer's end is here
Mets ticket stubs
Late-night clubs
Will soon disappear

Summer lovers leave
And we can not retrieve
All that had to go
The thunderstorm screech
And the moon on the beach
Only memories will know
A flower's scent
The camper's tent
We must bid adieu
To orange skies
And butterflies
Of red and green and blue

As winter nears
The football cheers
Roar to the beat of a drummer
But the ice cream cone
And Coppertone

N.J. Transit

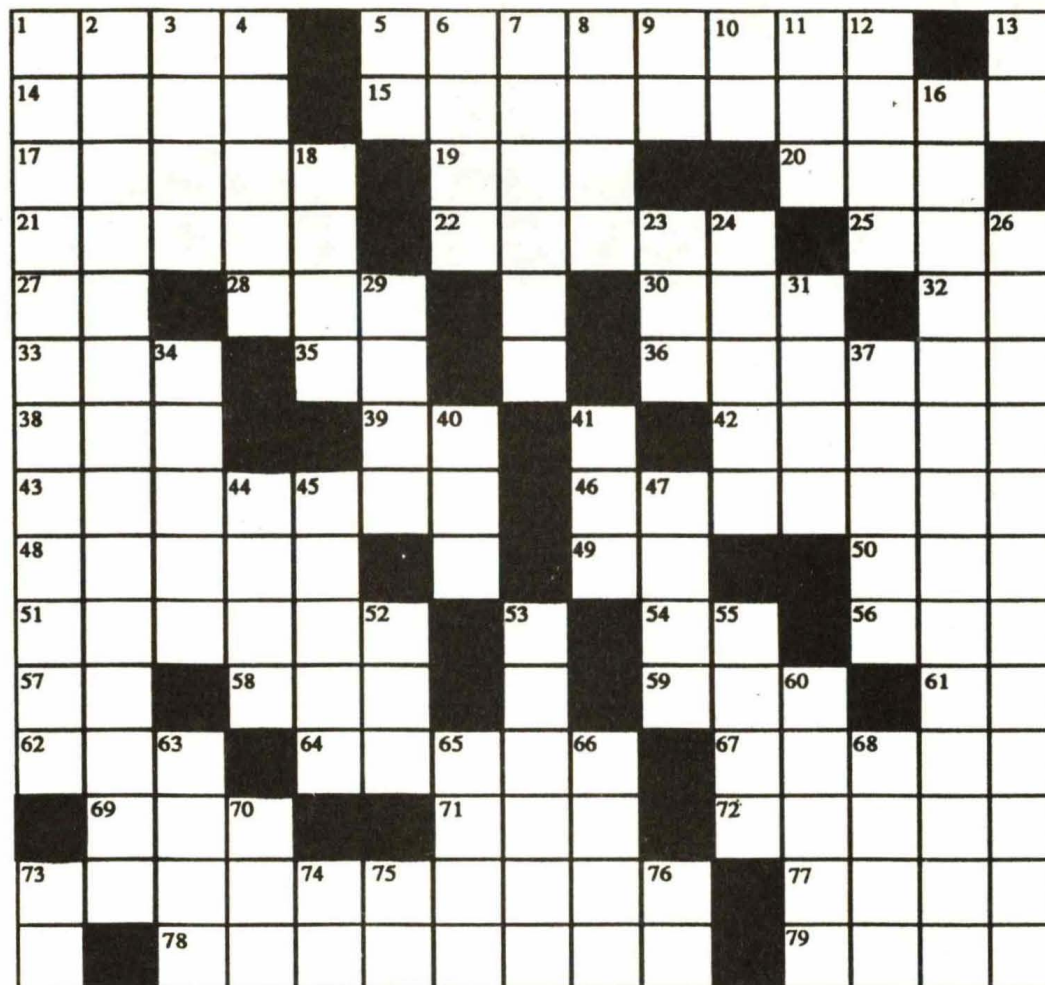
By Ralph G. Depalma III

I love to go
I love to travel
I love the hopeless landscape
And the cows grazing in the toxics
And the sky that bends the earth at the end of its
length.
Onward, we cross across the waste.
Left in our past for the future of our kin.
Respiratory madness unchecked
No relief for the broken highway
Passengers hope for safe arrival and the survival
of our kind
As we glide into technological abandonment
The station, ornate and filthy, is a dark dingy
relic of an industrial age rusted.

Crossing Spevak:

by Marcus Spevak

et al.: The Justinian



ACROSS

1. Take a _____ on the wild side
5. Darwin's _____ for survival
14. East of _____
15. What Eugene T. Maleska of *The New York Times* edits
17. Abel was _____ by Cain
19. Part of I.O.U.
20. What Robert M. Gates wishes to direct
21. Salt water _____
22. _____ cotta
25. _____ Marie Saint
27. Roman 6
28. Electric fish
30. Yoko _____
32. _____ D, type of contraceptive
33. A rose _____ rose
35. From Here _____ Eternity

36. _____ apart
38. Rd. for travel
39. 6th tone of the diatonic scale
42. Sniffed or to fuse ore
43. Japanese women companions for men
46. Master short story author John _____
48. Ebony counterpart
49. Et _____, Brute?
50. 7th letter of Greek alphabet
51. To spay or castrate
54. M.D.'s helper
56. Long list follower, abbr.
57. _____ The Heat of the Night
58. This is your brain on drugs. _____ questions?
59. Possible tennis call
61. _____ G, short for electrocardiogram
62. Cigarette residue

64. Greek writer of fables
67. San Francisco's Fisherman's _____
69. Possible baseball call
71. Type of man Tarzan was
72. Nintendo's _____ Bowl
73. A.D.
77. One of three countries in which U.S. passports are not valid
78. Violent streams of water
79. Xiaoping, Chinese communist leader

DOWN

1. "Mountain Mama" state
2. 23rd U.S. Vice President
3. _____ and Bean on Montague Street
4. Goes on the right side of

- the plate
5. GA neighbor
6. Type of horse gait
7. A crew's oarsmen
8. _____ friendly
9. Famous Ms. editor
10. Initials of only U.S. Prez not to call White House "home"
11. Tone _____ of music fame
12. City in PA or a Great Lake
13. _____ Eliot
16. Former weatherman turned late night star
18. Russian no
23. Type of boat
24. "Strike The Gold wins by _____"
26. New Justinian chief
29. She gets what she wants
31. Is it you, _____?
34. Non-consonant list
37. "Drove my Chevy to the _____"
40. Start of famous JFK quote _____
41. Part of a play
44. Young Sp. girl
45. Laughing _____
47. To throw with great force
52. Bread with caraway seeds
53. Polish composer and pianist
55. Congressman Gingrich
60. The ego, the superego, and _____.
63. Search for game
65. _____ 'ol stuff
66. _____-up anger
68. 43,560 square feet
70. Also
73. What B.C. becomes later in life
74. EC companion in ABA's Model Code
75. Common conjunction
76. Pink Floyd's "_____ There Anybody Out There?"

BAR/BRI

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BAR/BRI

BAR REVIEW

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Sun., 11/3
Sat., 11/2
Sat., 11/2
Wed., 10/30
A - Sun., 10/27 LIVE

9AM - 1PM
10AM - 2PM
10:30AM - 2:30 PM
11AM - 3PM
6:30PM - 10:30PM
11AM - 3PM

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Room 108
Room 135
Room 308
Ramada Hotel at
Madison Square Garden
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Room 108
Room 202
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B217
Knight Hall-Room 115
Room A
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Sun., 11/3
Sat., 11/9

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11AM - 3PM
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