

The Justinian

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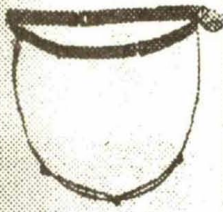
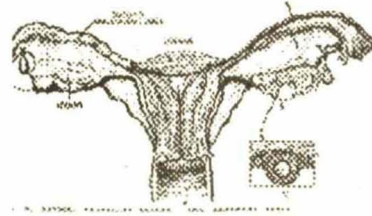
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The Justinian

Founded in 1931 • A Forum for the Brooklyn Law School Community

April 1992 • Volume 61 • Number 5



chastity belt
Two views of a medieval
chastity belt

THE BROTHERHOOD OF
OPPOSED TO
WOMAN SUFFRAGE

Whose
Choice
is it
Really?



Coverage of the Washington, D.C.
March for Choice

Perspectives: Our Political World

Report on Dean's Day at BLS

Dueling Crosswords

...and More!



Alleged Victim

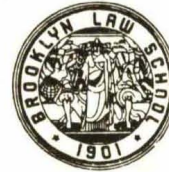
p. chin

CNN
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Pitler Article

The Justinian

Member of American Law Student Association



Profile:

BROOKLYN LAW SCHOOL, BROOKLYN, NEW YORK

MAY 13, 1966

Bob Pitler: "My Friends Call Me Robert"

by EMILY NOVITZ

Success in law school is not all that matters to Robert M. Pitler; he's only second in the class of '66. Furthermore, it is not true that he's been a straight A student—Bob Pitler ("My friends call me Robert") has gotten six Bs.

Mr. Pitler, who is Editor-in-Chief of the Law Review, suspects that his image is of one who constantly studies. The graduating senior denies that he does, although he spends an average of ten hours a day in school.

The high-ranking student, who majored in accounting and political science at CCNY says "social life has no real purpose for me and ended with college." But he does make time for non-academic interests and pursues them with the exacting thoroughness he manifests in the study of law. Mr. Pitler reads four newspapers every day (The New York Law Journal was not mentioned), is a great sports and theatre enthusiast. His theatre tastes are extremely critical, but those dramas he likes — particularly Edward Albee works — he sees no less than three times.

"What Brooklyn Law School needs," says the future University of Michigan graduate fellow, "is to take a look at itself, re-evaluate the education it's giving, and make sure it's a proper one." In appraising BLS, Mr. Pitler said,

"You can't change a school by moving into a new building. The biggest shame would be to go to the new building without a re-evaluation of the admissions standards and the direction in which we are going. And there can be no real re-evaluation without considering student opinion."

Student opinion was generously forthcoming as Mr. Pitler was interviewed in his sixth floor office. "People passing the bar isn't a valid reason for existing," stated the crew-cut senior, discussing the impressive 90% of last year's graduates who passed the bar first time around. "We are here for a broad legal education."

Given an opportunity to express his dreams for the school, the Review editor openly yearned for a university affiliation, which would be more conducive to seminars and electives rather than the concentration on required courses. Mr. Pitler would greatly expand the study of Constitutional Law; in fact, he envisions an entire course on the First Amendment. Mr. Pitler thinks that Moot Court should be a mandatory one-year course replacing Legal Research and Brief Writing. He'd like to see the Law Review published a minimum of three or four times rather than twice yearly and would have one issue devoted to a particular area of the law.



Robert Pitler

Mr. Pitler would like to see the BLS placement service enlarged. He thinks one obvious reason BLS graduates are not usually hired by the major law firms is that their recruiters are not invited to Pearl Street. "The students are capable of doing work for the best law firms but they rarely attempt to get those jobs; if they try and fail, then the school had better examine itself." One gets the impression from Mr. Pitler that any Wall Street law firm would be pleased to hire him.

Robert Pitler candidly states that he puts himself first at all times, and in all situations. A person with tightly controlled emotions, Mr. Pitler analyzes his every act in terms of what it will do for him and has often been criticized for this. "It's one value judgment after another," says Robert M. Pitler. "I recognize that which other people see in me, but would do nothing to change. I am satisfied."

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In the intervening weeks prior to the release of this issue of *The Justinian*, a new publication made the scene at Brooklyn Law School: *Night Gavel*-The Evening Session Newsletter. While *The Justinian* generally welcomes all new mediums of discourse and discussion in the law school community, the premiere issue of The Evening Law Society's *Night Gavel* leaves much to be desired. This statement and the following critique is not made lightly or out of malice towards the authors of said publication, rather it is to be considered as an aide towards the development of effective future issues.

First: the newsletter's tone was overly hostile. See *Night Gavel*, page two, column two, second paragraph where the unnamed author asserts "[l]et's face facts - the day session will never be Harvard or Yale (or even Hofstra)" but its evening division "COULD become known as the Harvard of evening law schools[.]" Unless the purpose of the newsletter was to cause factionalism between day and night students, which we hope it was not, the true gist of the publication, regarding perceived and existing inequities between day and night students, was all but lost, if not dismissed. Surely, this is not an effective means of either putting forth a message or building a consensus of support for the valid concerns of evening students. Reasonable people, especially in law school, should be able to amicably, if not civilly, discuss the relevant issues which effect their lives.

Second: get the facts straight. Often the most damaging part of journalism is the inability to substantiate facts; whether it is through reckless disregard or plain carelessness. *The Justinian* is deeply disturbed by *Night Gavel*'s thoughtless broadside on BLSPI (Brooklyn Law Students for the Public Interest) issued in the form of the following challenge: "Dear BLSPI: If you can't stick up for your fellow student's [sic] rights, how will you ever do it for others? ... since you're loaded with ready cash from your auctions held on school

premises, why don't you sponsor our Evening Session Clinic Program?" We don't know if the challenge was made in ignorance or just plain stupidity but the result was to cast slanderous aspersions on BLSPI's character and goodwill. Needless to say, anyone familiar with BLSPI, a NON-PROFIT organization, recognizes the tremendous service they have and are performing in the field of public interest law. *The Justinian* has nothing but the highest regards for the dedication and accomplishments of this exceptional student group. Last year the National Association for Public Interest Law, someone who should and does know something about "sticking up" for people's rights, awarded BLSPI with a special plaque for "Most Growth for a Member Program."

Regarding the microwave on which the Evening Law Society will supposedly spend the remnants of its "meager budget" and gratuitously allow the day students to use, we have but one comment to make: Save your money, but keep your altruistic spirit - it may prove helpful in resolving future conflicts. A microwave has already been purchased by the SBA for the use of all students, day and night; funding to be provided from the sale of the Fallfest T-Shirts (BTW shirts are now only \$3; frequently available at the SBA office).

Third: Eric Wollman's *Heroes & Goats* Column, in which the author rates the various student groups on their sensitivity to evening students, totally misses the point. Mr. Wollman opines that any student group which holds events before 5 p.m. is essentially "hanging out an 'EVENING STUDENTS NOT WELCOME' sign." Using this standard, Wollman just listed all the groups that had events after 5 p.m. as heroes and the rest as goats (to be fair in the actual article he listed groups which held events before 5 p.m. under the heading of "NEEDS IMPROVEMENT"). Time for a reality check Mr. Wollman. Evening students comprise 27% of the student body. This necessar-

ily means that the majority of students, 73%, are daytime students. The fact that Brooklyn Law School is still a commuter school, lacking sufficient housing/dormitory facilities for all students, means that many, if not a majority, of day-students will not be present at events held at later hours. Of course, arrangements could be made for interested evening students to contact the leaders of the respective student clubs, which they are interested in, to see whether mutual accommodations may be possible; but to categorically chastise all groups which hold events before 5 p.m. is quite silly because the majority of events will most probably be held at such times. Therefore, unless every student group acquiesces to Mr. Wollman's post 5 p.m. meeting demand they will always find themselves on his list of "Goats". While we believe that Mr. Wollman acknowledges that the student groups at Brooklyn Law School will never have all their

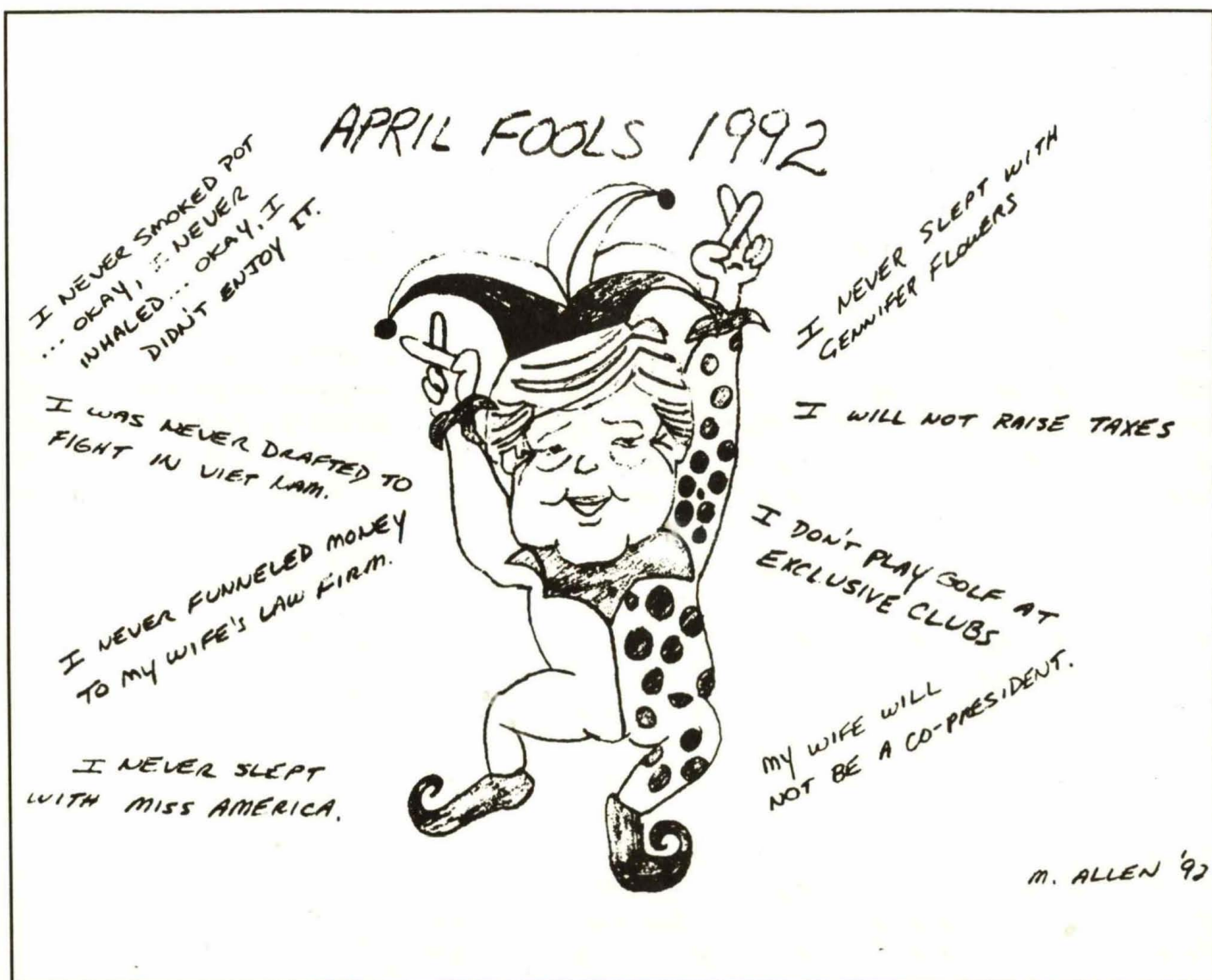
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meetings and events at night, his ill-concieved *Heroes & Goats* column attempts to ridicule them for it.

Fourth: We will stop here, even though, in truth, more could be criticized.

The comments we have made in the previous paragraphs are not meant to deny that *Night Gavel* serves an important function. It highlighted the problems confronted by evening students: lack of clinics (although we don't know if a solution is logistically possible); shortage of night events; and the present ineffectiveness of communication between the evening and day students as well as the administration (No blame is being portioned out here, although there is probably enough to go around). The solution to these problems exists, and the debate should be joined by all.

AF



Letters to the Editor

To the Editor

Two issues ago, I submitted an anonymous letter regarding Prof. Hauptman's accounting class and his policy of not admitting students with accounting backgrounds to the class. In the last issue, Mr. Broderick wrote a letter to the editor chastising *The Justinian* for a) printing my letter without waiting for a response, b) printing the letter without my name, and c) substantive complaints about my letter.

First, *The Justinian* has always been quite fair and afforded all an opportunity to respond. It's now two issues later and Prof. Hauptman still has not chosen to reply. This is obviously his choice since nothing has been submitted to the paper. Thus, Mr. Broderick's claim of unfairness is obviously itself unfair in its unjustified attack on *The Justinian*. Prof. Hauptman is a grown man and does not need children like Mr. Broderick to defend him.

Secondly, the reason my name was not used is obvious for those among us who are not graduating immediately as is Mr. Broderick. Although the school claims to use anonymous grading we all know that in practice that this is not the case, since teachers have latitude in what will determine a grade. Hence, if my name is used, it might be detrimental to my grade to have my name associated with the

letter. This is not meant in any way to criticize Prof. Hauptman. I am merely stating a fact of life. Also, my name need not be mentioned since my point about the discrimination is a general one rather than one which is specifically aimed at only myself.

Finally, on to the substantive aspects. Yes, discrimination is occurring at the school. Although Mr. Broderick would not like to think so, the fact remains that certain classes of people are being discriminated against. Since my first letter was written, I have seen that the requirements have been changed. Now the administration says that the class is not open to anyone who has taken any undergraduate accounting classes, whereas previously the requirements said that the class was not open to anyone with an accounting background.

The only thing the new requirements do is to prevent people with undergraduate accounting classes from taking this course. This is, of course, a more specific requirement than that which previously existed. However, this still has not solved the problem.

This prejudice towards accountants is unmatched by any other class at school. For example, a professional real estate seller can take "real estate practice" despite the obvious advantage they will have over other people in this class. The same logic would apply for the owner

of an extremely large insurance practice who knows all the ins and outs of business, has to know insurance law to be registered, but is nonetheless permitted to take "insurance law". A similar example is a securities broker who obviously knows all about securities law and must be licensed in the state, but who is still allowed to register for "securities regulation."

In summation, listen to Mr. Fong, and GROW UP!!

Anonymous

[Editor's Note:

Although my riposte was emotionally satisfying, upon reflection I believed it to lack sufficient information on our policy concerning anonymous letters. So here it goes: The Justinian generally frowns upon the submission of anonymous letters, believing that views which are meritorious should be openly supported by the author. However, exceptions are permitted, if at the discretion of the editors, the publication of the letter is both concerning matters of import to the law school community and the author's identity is not essential to the effectiveness of the letter.]

AF

Letter to the Editor

This letter is to express dissatisfaction with the modification of the Brooklyn Law School grading policy without distribution of adequate information or the opportunity for input from those affected. This

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letter is not aimed at addressing the pros and cons of the new grading system versus the old, but that not enough information has been made available for a meaningful comparison. It is to highlight the cavalier disregard for the second year evening student that is evidenced by a policy change, made without sufficient representation, and with a disturbing absence of accessible information and explanation.

Evening students work very hard at their jobs as well as at law school studies. Throughout our day we are responsible adults who stay informed about the circumstances relating to our employment and embrace opportunities to become educated about those things that will affect us. We pay a lot of money and choose to make many sacrifices in order to attend law school. To relinquish the input, awareness and dialogue we value during our work day when we come to school is neither productive nor acceptable.

Second year evening students accepted the invitation to join the Brooklyn Law School team on certain terms and conditions and had the rules changed on them in the middle of the game. We were not given sufficient opportunity to learn of the newly adopted policy, nor offered an adequate forum to share our thoughts, ideas and concerns. As second year evening students, we are the only group already attending Brooklyn Law School that is affected by this change of policy over which we had no control or influence, and of which

we have little information or understanding.

It is hoped that in the future, evening students with less time to spend on the politics and policies of Brooklyn Law School are not assumed to be less interested in such matters. When changes affecting students are considered, students should be given respect and credit to successfully and intelligently become a significant part of the decision making process at Brooklyn Law School.

Jennifer Schuman
Class of 1994

To The Editor

Of what I gather are scores of factual inaccuracies in the Evening Session's newsletter, *Night Gavel*, I can only correct two.

First, under the heading, "A Challenge to BLSPI," *Night Gavel* belligerently asks for money recently raised at the public interest auction (see auction article, p. 40) to be used for an Evening Session Clinic Program. It demands: "If you [BLSPI] can't stick up for your fellow student's [sic] rights, how will you ever do it for others?" We have already helped our fellow BLS students by awarding six stipends for full or part-time public interest law work; they in turn will provide legal representation to those who cannot afford to retain counsel. More to the point, BLSPI would not dream of using funds generously donated by the BLS community for any other purpose than funding BLS students to do pub-

lic interest legal work. To do so would be to breach the trust of our donors.

Second, under the heading "Needs Improvement," *Night Gavel* chides BLSPI for scheduling an event during the day: "BLSPI [sic] had its auditions for its video on March 10 from 10:00 a.m. to 4:00 p.m." True enough. However, there is no mention that the auction itself — which the video advertised — was held from 6:00 to 9:00 p.m. March 19; or that we played the video in the cafeteria, not only during the morning and afternoon, but also from 5:00 - 8:00 p.m. several nights before the auction; or that both this and last year we had a procedure for sealed bids so that students who could not attend the auction itself could nonetheless take part; or that our major educational events this and last year began at 6:00 p.m.

Since its founding in September of 1990, BLSPI has strived to involve night students in all of our activities. Thus, it is especially troubling to have been included in the *Night Gavel*'s laundry list of targets for criticism. Despite such treatment, I am certain that BLSPI will continue to keep its doors open to all students — even after hours.

Paul M. Zimmerman
Founding Member, BLSPI

Letter to the Editor

In response to Eric Wollman's letter to the editor which appeared in last month's issue of *The Justinian* questioning the importance of the animal

rights movement, I wish to point out that a perspective such as his, is the reason animals need humans as advocates.

Mr. Wollman's first mistake is to disparage the attributing of human characteristics to animals. Animals and humans do in fact share many traits, most important of which is the treasuring of their lives, and the ability to feel pain. If you raise your hand to any living being, it will recoil in fear of the imminent infliction of fear or a life threatening blow.

We disregard this basic right to live without senseless infliction of pain so that we may satisfy some very trivial desires such as those of our palate, or our vanity. I will concede that there have been some advances in medicine which have resulted from animal testing, but the number of experiments that have led to a definite conclusion is miniscule compared with the number that are inconclusive and ambiguous. Consequently, millions of animals are sacrificed for naught. I do not agree with the often raised point that if one human life is saved, all the death of animal life expended is justified. How can we place a value judgment on lives? What right do we have to evaluate the worth of an individual's life? Where do you draw the lines? Is killing mice for the benefit of science okay? What about cats? What about monkeys? What about Jews in Nazi laboratories? What about African American men in the Tuskegee syphilis experiments?

Animal nerve endings are

just as sensitive as ours. Their nerves transmit and detect pain just as effectively as ours do. Just because they do not have as developed a cerebral cortex as we do, and are not capable of sophisticated thought does not mean they cannot experience physical sensation just as acutely as we do. How did it get to be okay to kill millions of cows a year while they are screaming in pain, hanging by their legs from chains in slaughterhouses? Yes, that is how it is done.

Mr. Wollman defends our present treatment of animals contending, we are indeed a humane and sensitive society. I do not think a society which sanctions the torturing and destruction of a living being is a very humane one. Yes, we have laws criminalizing animal cruelty, and we have organizations such as the A.S.P.C.A., and most people take good care of their pets. But these forces benefitting animal welfare are so minor compared with the larger cruelty that is allowed to exist, some of it in those very contexts. The A.S.P.C.A. and shelters in every town and city must euthanize tens of thousands of animals each day because there is just not enough room to accommodate the overpopulation. In addition to those that are killed, hundreds more sit in cages waiting for the rare adoptive parent or for their turn to be euthanized. How many animals are tortured and killed in homes and on streets and in pornography? How many more are tortured in slaughterhouses, fur farms, laboratories, and dairy

farms (calves from milking mothers often are killed for veal)?

Mr. Wollman is correct in directing our attention to the importance of attending to the alleviation of human suffering. But he fails to see the connection between our world problems and the way we treat animals. The discrimination, need for domination, indifference to suffering, and ruthless determination to satisfy our desires has led to oppression of so many people in our world. There are more victims than there are oppressors. But the oppressors wield so much power that they have been able to prevail. Look at South Africa, Cambodia, Chile, Haiti, Ethiopia, China, Cuba, and the United States for examples of this dynamic. There is suffering in these lands because some individuals feel a need to control and dominate, just as most human animals feel a need to exert power over the natural world by killing the animals residing therein and by destroying the environment. All of the ills of the world are connected. We need to recognize the importance of respecting each individual being's right to exist without the infliction of suffering. I agree with Mr. Wollman: there is a lot of work to be done in the world. A good place to start is learning to appreciate the value of life.

Pamela Fanning
Class of '93

Dear Editors

If Eric Wollman wants his peers to know that he believes

“animals have only the rights we bestow on them” that is his problem. However, I cannot allow his ignorant remarks which mock the value of work done on behalf of animal rights and animal welfare to go unanswered.

It is not fantasy to recognize that many non-human animals do indeed possess so-called “human” characteristics and feelings. Beings other than humans can make rational decisions regarding their welfare, can feel pain and can love their children. In addition, each species also has attributes which others lack. It is only Mr. Wollman’s anthropocentric world view which makes the qualities possessed by humans to be those by which all other species are measured.

The inability of those not human to drive a car or speak our language should have no bearing on whether or not it is acceptable to torture or inflict other cruelties upon them. The only relevant requirement that should be necessary to keep us from inflicting pain and suffering on someone is that individual’s ability to feel pain and to suffer. Should our ability to form a democracy entitle us to to oversee the total destruction of another species? I think not. Yet, Mr. Wollman informs us that such unique characteristics do entitle the human race to pass final judgement on all the world’s living creatures.

Mr. Wollman is grossly inconsistent when he states that there should be no animal rights movement but “[w]e should rely on humane law enforcement and enhanced legal sanctions to ful-

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fill our caring agenda.” Obviously, this cannot happen by itself. In our country when people care about an issue they get together to take action.

Even worse is his absurd assertion that animal rights “distracts us from our efforts on behalf of those in our nation who truly have rights and are enjoying them.” Eric, maybe your mind and schedule is so limited, but myself and others who are concerned with animal welfare also find time to work on important issues that are significant only to our brothers and sisters.

While Mr. Wollman makes light of those creatures different from his race, the broad variety of issues and concerns that encompass the animal rights movement becomes clouded. In addition to working against needless inhumanity of the fur industry or exposing scientific fraud and intense suffering in animal experimentation, protecting animal welfare includes working to prevent domestic pet overpopulation, the destruction of natural wildlife habitats and seeking enforcement and practical updates of CITIES, the Convention on International Trade in Endangered Species.

Like President Bush, Mr. Wollman has the uncanny ability to portray the prosperity of our nation and our world despite the true facts. Statements like, “America is not at war, and we creep closer to making the country truly domestically tranquil” are a sad joke. I am not sorry that I feel compassion for the animals of our world who cannot speak for

themselves as well as our oppressed neighbors throughout the lands. There is much work to be done on all fronts. If you are not afraid to become informed you will have no trouble becoming involved.

Scott Forschein
Class of 1992

Dear Editor

In Re Eric Wollman’s letter. It is with great pleasure that I am again afforded the opportunity to defend those among us who can’t defend themselves. Historically, there have always been prejudiced people like Mr. Wollman who have caused torture, pain, suffering, and death to millions, and for various reasons have rationalized their behavior. In the 1700’s and 1800’s, Southerners did this to black people, saying they were better than the blacks. In the 1940’s, Germany did this to Jewish and non-German people, also saying they were better than these people. And again in 1942 President Roosevelt did this to Japanese people, for similar reasons. It seems Mr. Wollman has something in common with these other prejudiced people since he also feels these “others” do not have rights.

The reason animals have rights is the same reason people do, as Justice Marshall said, there are certain rights one acquires just by being born. These sentient beings have the same rights that people do, within the ordinary meaning. Perhaps they don’t have

a right to drive, but they can't pass the test. However, there certainly is no test, that I am aware of, that one must pass to avoid being tortured, electrocuted, raped, trapped, mangled, beaten, starved, (etc.) All of which are done to animals!!! Therefore, as sentient beings the animals do indeed have the same rights as people. Perhaps, some people are not giving them these rights but that is because of certain peoples hatred, or contempt for animals. It has nothing to do with the animals inherent right to basic rights.

Mr. Wollman says he likes animals. His proof of this is that he takes care of his dog. Big deal. He adopted the animal and it is his responsibility to take care of it. If Mr. Wollman really liked animals would he feel so threatened by animal rights people who only want to help animals, and stop their abuse?

As far as attributing human qualities to animals goes; that is because they do have human qualities, or rather humans have their qualities, as they were here first. However you look at it, a dad is a dad, dog, cat, person, or monkey. The problem with saying that this is attributing human feelings to animals, is that they are not human feelings, they are only human names for universal feelings. If Mr. Wollman ever really spent some time with his dog, perhaps he would realize that dogs and people alike have feelings, such as pain, happiness, (etc.) Of course, for a person to see his dog's feelings, he must look. A good example is happiness; this is quite easy to see

when you come home and see your dog waiting for you, jumping on you, kissing you, (etc.) Of course, in order to realize this the dog must like you, and obviously, this is not the case with certain persons.

Mr. Wollman further belittles the animals because they can not speak or drive. Many people in this country can not do either, (children, retarded people etc.) yet Mr. Wollman does not say that these people should be treated any differently. In terms of people being able to do things that animal can't, like making the world, who cares? People have done a wonderful job, there is now an abundant supply of murderers, rapists, robbers, criminals, torturers, animal abusers, child abusers, (etc.) The environment is being destroyed at an alarming rate, and yet Mr. Wollman looks at this as good. Well, personally I think the animals did a better job, and even if through natural selection some of them will die, that is nature. Natural selection is not a method whereby humans can rationalize their abuse of animals. This is the same argument used by fur wearers, who say the animals raised on fur farms wouldn't have been born, or if they were in the wild, they'd be dead anyway. This argument fails for several reasons. First, if I didn't have my child he or she wouldn't be born, yet that does not give me the right to torture, eat, or kill my child. I also do not have the right to kill or mug an old person by rationalizing that they would be dead through natural selection, or that they'll

be dead soon anyway. However, you look at it, once the sentient being is here, it has rights.

Although there are societies that have been around for years to help animals, it is not nearly enough. In 1991, 100,000,000 animals were tortured and killed in lab experiments. If you've been reading our column, or attending our events you know the horrendous tortures these animals have gone through, so these few societies that have been around for years are not nearly enough.

Remember, as Gandhi said "The greatness of a nation can be judged by the way its animals are treated." Looks like America failed, doesn't it?

Hayley Greenberg
Class of '93

To the Editors

It warms my heart to see a student so compelled by The ARG's activities and articles as to write a letter to the Editor, thank you, *Justinian* for publishing it and for giving me this opportunity to reply. While I believe that the article that appeared in the issue that contained Mr. Wollman's letter might be enough of a reply I feel compelled to add this brief reply. Here at this fine legal institution we call BLS we learn many things, one of them is that an assertion made without logical reasoning to back it up is, well, not worth very much. Mr. Wollman's assertion that the concept of animal rights "flies in

the face of reason and logic" is not backed up by anything but another assertion that "animals have only the rights we bestow on them". The sentences that follow come without a logical segue then slip and slide around without harm until settling on the naive and paternalistic statement that "America is not at war, and we creep ever closer to making the country truly domestically tranquil." "Truly domestically tranquil"? I refuse to believe that someone living in NYC in 1992 can really believe that this country which is seething with tension over race, drugs, money, crime, corruption, the backlash against women, environmental suicide, and the killing of God and Nature's creatures to the tune of six billion (yes, billion with a "B") a year is moving towards "domestic tranquillity".

I'm sure Mr. Wollman knows, as I do, that a subject as complex as this one cannot be properly addressed in the Editor's space provided. That's why I'd like to invite him to debate me on this topic where he will have ample time to logically back up that which he obviously did not have the space to in his letter. This semester may be over but next semester is as good a time as any to debate this topic, I'm sure there will be plenty of interest in a school "obsessed by animal rights".

PEACE

Johnny Fernandez
President, The Animal Rights
Group
Class of 1994

To the Editor

et al.: The Justinian

I was offended by the speaker at this year's Christmas party given by the Italian-American Law Students, the Christian Legal Society, Phi Delta Phi and the Democratic Club.

The speaker, a local attorney, was apparently asked to give a talk on the "meaning of Christmas." In my opinion, his presentation was inappropriate, inaccurate, and rude. In a style more befitting of a street-corner evangelist, this man proceeded to preach that the true meaning of Christmas was, most basically, about Christ's crucifixion, an event which he described graphically over and over again. In a voice easily approaching a scream, he described images such as "Christ's blood dripping down the cross..." His manner was almost confrontational. He urged all in the room toward Christian beliefs and his personal prescription for eternal salvation.

I am a Christian and I practice and study my religion, Roman Catholicism. For Christians, of course, there will be times when we contemplate the sorrowful mysteries of our faith, such as Christ's sacrifice for us. The time and the place in which to do that, however, is not at a Christmas party to which the entire law school community has been invited to attend, a party at which the community was promised a festive time. Furthermore, I would like to remind the speaker that the last time I checked we Christians had the Easter season in which to explore deeply within

ourselves and as a community the meaning of the Lord's death and resurrection. On Christmas, we celebrate His birth. We study scripture and sing songs about peace on Earth, mercy mild, charity, hope and light. A kind person does not gather atheists, agnostics, Jews, Muslims and people of as many diverse faiths as we are fortunate to have here at BLS and scream at them about Christ's blood dripping down the cross and the road that they may be paving to hell by not accepting that.

As a Christian and as a student of this law school I resent the way this man behaved. I resent it because he distorted what is beautiful in Christmas into something ugly, he distorted what is capable of being shared in Christmas with people of other religions into something that drove most of my friends from the room, he distorted what is a source of pride for Christians into something that made me terribly embarrassed.

I personally bear no ill will toward any individual or club for the content of the speaker's presentation. Until someone indicates otherwise, I will assume that whoever scheduled the speaker was expecting a very different lecture than the one which was given. In the future, however, let this be a lesson to all clubs at BLS to thoroughly investigate who it is that they are asking to speak on their behalf.

Michelle Maratto
Class of 1992

Message From Roger Bennet Adler **President of Brooklyn Law School Alumni Association**

As winter fades, spring blossoms and the days dwindle down to "Spring Fling," the specter of final examinations and the ultimate test—THE BAR EXAM—loom large on the horizon. Before you look around, you will be alumni-bound for real jobs and careers.

On behalf of the officers and directors of the Alumni Association, I welcome the opportunity to congratulate you on your upcoming graduation.

The journey from your college campuses to Brooklyn Law School has been an arduous one. I am sure that thousands of cases have been read, analyzed and digested, and very shortly each of you will have the opportunity to test yourself in the "real world."

The Alumni Association exists as a working post-graduate support group for BLS graduates.

To that end, legal seminars, discount memberships for everything from health clubs, restaurant dining discounts and reduced car rental plans provide the recent graduate with helpful transition from recent graduate to freshman lawyer.

We welcome your graduation and note that as diplomas are distributed on the Lincoln Center stage, you will have satisfied the cherished hopes and desires of both parents and loved ones.

A new challenge is beginning. We hope you will continue to affiliate with BLS as you move along in your chosen careers, and that we will see many of you at upcoming alumni events.

1992 ALUMNI HOMECOMING and SPRING FEST

THE BROOKLYN LAW SCHOOL ALUMNI ASSOCIATION
presents
"Recent Developments in Civil and Criminal Trial Evidence"
Professor Richard Farrell '64

THE BROOKLYN LAW SCHOOL STUDENT BAR ASSOCIATION
presents its
First Annual Alumni Achievement Awards

to

Leonard Garment '49, partner,
Dickstein, Shapiro & Morin
Washington, D.C.

The Law Firm of
Grubman, Indursky, Schindler,
Goldstein & Flax



THURSDAY, APRIL 30, 1992
5:30 p.m.
Jerome Prince Moot Court Room
Brooklyn Law School
250 Joralemon Street

A COCKTAIL RECEPTION IN THE THIRD FLOOR LOUNGE WILL
DIRECTLY FOLLOW THE PROGRAM

Dean's Day

March 14, 1992

On Saturday, March 14, 1992, Brooklyn Law School hosted its 6th Annual Dean's Day. Dean's Day gives BLS alumni the opportunity to become "students" again by attending "courses" taught by BLS faculty and alumni.

Here are some of the highlights of this year's courses.

Reflections on the Thomas Confirmation Process

This was a two-part session. Both sessions were moderated by Professor Nan Hunter.

Session I: "Racial Politics and Sexual Harassment."

Speakers: Professors Beryl Jones and Minna Kotkin.

In this session, **Professor Kotkin** addressed the current legal definition, remedies and status of Title VII and sexual harassment. Professor Anita Hill's allegations against then Supreme Court nominee Clarence Thomas fell under the rubric of "hostile work environment" rather than quid pro quo sexual harassment. The seminal case of *Meritor Savings Bank* acknowledged the legitimacy of a hostile work environment yet at the same time the Court said that Title VII only provided compensation for back pay. However, this was changed by the 1991 Civil Rights Act Amendment. The hearings also highlighted the inherent problems of bringing charges of sexual harassment given the short statute of limitations and that the

reasonable woman standard does not resolve the different notions of what is too much sexual harassment.

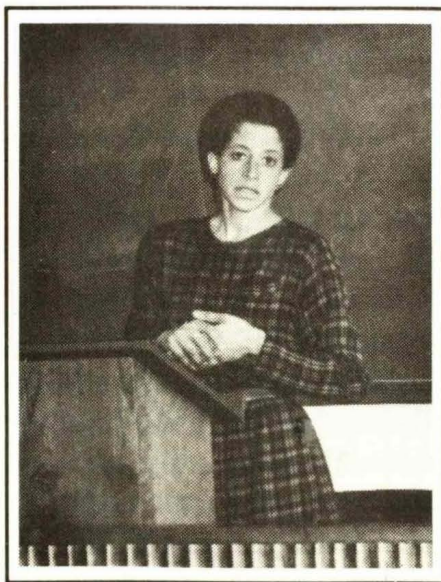
Professor Jones discussed the role that race played in the Thomas confirmation process. A presumption underlying Thomas' nomination to the Supreme Court was that as an African-

narrow vote in support of the Thomas nomination. Professor Jones also raised the interesting question of what would the outcome have been had Thomas and/or Hill had been white. The real question that was never addressed by the Senators, was whether Thomas would be a good Supreme Court Justice.

Session II: "The Confirmation Process."

Speakers: Professors Margaret Berger, Susan Herman and Michael Meadow.

Professor Herman addressed the appropriate role of the Senate in the confirmation process. The Constitution gives the Senate the "advise and consent" power. But what does this mean? Historically, the Senate has taken a greater role in the nomination process than is evidenced by the Reagan and Bush nominations to the Court. For example, during the presidency of Andrew Johnson, the Senate reduced the number of seats on the Supreme Court so that Johnson could not name anyone to the Court. After he left office, the



American he represented the entire African-American community. This presumption showed a failure to comprehend the diversity within the African-American community itself as evidenced by the Urban League's

Senate again increased the number to nine. Another example of the Senate's take charge attitude in the process occurred during the Hoover administration where the Senate told Hoover we are confirming Benjamin Cardozo. The take charge attitude has almost disappeared from the nomination process. However, the Senate has the constitutional power to control the nomination process but it must seek to define what its role is.

Professor Berger addressed the evidentiary and procedural issues raised by the hearings. The rules of evidence and procedure normally seen in a trial were conspicuously absent from the hearings. However, a congressional hearing is not a court of law but rather a political event. The evidentiary rules in this context do not make sense and unlike a criminal defendant, the nominee, in this case, Thomas, came to the Senate with the full weight of presidential approval behind him. She also discussed the proposal of having a counsel present for those who wish to bring charges against a nominee. Thus, this counsel could ask the nominee questions that the Senators did not.

Professor Madow discussed the role of the media in the confirmation process. The media's performance during the hearings was rated the lowest among all the participants in the hearings including that of the senators. This severe judgment was based on the public's belief

that the publication of the leak was inappropriate and that the media was accountable for the circus which gave us another stage of tabloid government. As to the Senate's Special Counsel's decision to subpoena the reporters, Nina Totenberg and Timothy Phelps, this should not have been his first recourse. Rather, under the "qualified privilege" standard, the Senate should have gone to other individuals to discover the leakor before they went after the reporters. Another aspect of the media's coverage of these hearings was that they took place on live TV. The televising of these hearing allowed for more grandstanding and speechifying than can be done when courtroom events are televised given the structured atmosphere of most trials. In the end, we lost not only our innocence about TV but about our government as well.

Environmental Law

Speaker: Marc S. Gerstman '77, Deputy Commissioner and General Counsel, New York State Department of Environmental Conservation.

Mr. Gerstman provided an overview of New York's environmental program for the 1990's. By 1995, cars with California's high environmental safety standards will be sold in New York. He spoke about the efforts of the Department of Environmental Conservation (DEC) to make New York environmentally safe. This will be achieved by the DEC's commitment to

enforcing environmental regulations, a mission that is broader than that of the federal government. Other topics discussed by Mr. Gerstman included: New York's solid waste management plan, NYC's water supply and New York's hazardous waste site in Buffalo.

Suretyship, Guaranty and Other Credit Enhancement Devices: Old Concepts, New Contexts

Speaker: Professor Neil Cohen

Professor Cohen, who is the Reporter for the American law Institute's new restatement of Suretyship, highlighted aspects of the new Restatement. The Restatement of Suretyship will supersede Division 2 of the Restatement of Security promulgated in 1941. The tentative draft of the new Restatement sets forth the scope and coverage of suretyship law. It begins with the analysis of the rights of a party with suretyship status. Given the broad use of the word surety, the Restatement to lesson any possible confusion avoids the use of the word surety and instead use terms such as "principal obligor," "secondary obligor," and the "obligee." to avoid confusion.

The Role of the Entertainment Lawyer in the Recorded Music Business

Speakers: Allen Grubman '67, partner Grubman, Indursky & Schindler and Associate Dean **Joan Wexler**.

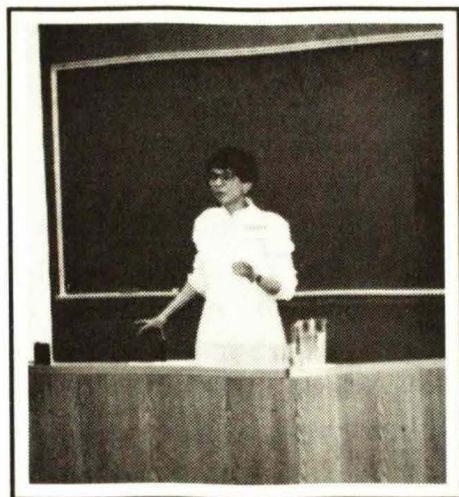
Mr. Grubman spoke about "The Art of the Superstar Deal." His firm is one of America's largest and most successful music industry law firms representing such industry heavyweights as Madonna, Bruce Springsteen, and Mariah Carey. After chronicling his rise to prominence in the music industry, he discussed the transformation of music industry in the last 20 years and the development of "superstar" status. He explained that as record sales started to boom in the 1970s, business people began to treat music as a serious enterprise. Consequently, the "superstar"—an artist who sells millions of records, does enormous concert business and has longevity—was created. The most dramatic change in the industry however, has occurred in the last five years. There no longer exists the independently owned and operated record company of the 1970's and 1980's. Now, five multi-national corporations control the billion dollar music business. It is also interesting to note that at the helm of these corporations; Warner Bros., Sony, Polygram, EMI and MCA, are non-music oriented executives.

Women as Lawyers: A View from the Silver Screen

Speaker: Professor Stacy Caplow.

Professor Stacy Caplow discussed how women are portrayed as lawyers by Hollywood and how this portrayal has shaped

the perception of the legal profession. Professor Caplow focused her discussion on five current movies which were selected on the basis that a woman lawyer



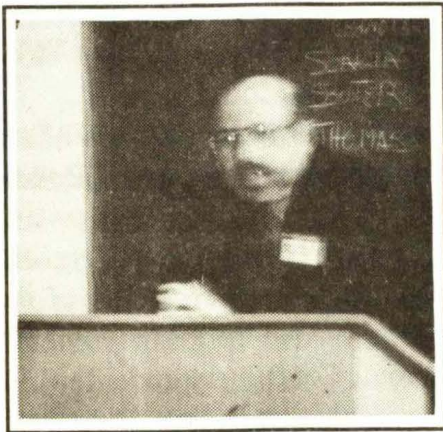
played a central character and that her legal skills were on center stage: "Jagged Edge," "Music Box," "The Accused," "Suspect," and "Class Action. The theme common to the contemporary films Professor Caplow studied is that the woman attorney displays a more traditional female character who is caring, loyal nurturing, etc. She consistently breaks professional legal convention usually from a relationship with a man, either her client (*Jagged Edge*), juror (*Suspect*), father (*The Music Box*), etc., because she becomes sympathetic to his plight. The woman is ultimately forgiven for her misconduct because she has become a better person for it and others are better off or she is forgiven because she has been right all along. The dilemma contains the strong undercurrent of the fight between good and evil, right and wrong, and in the end, the situation is resolved in a manner that never

occurs in reality and the resolution is given the force of law to back it up. Apparently, the only questionable part of these films is the conclusion. And with each point, Professor Caplow illustrated with an excerpt from a movie, starting with the classic black and whites and progressing to Glenn Close in *The Jagged Edge*.

Constitutional Law: The Rehnquist Court Speakers: Professors William Hellerstein and Henry Holzer

Professor Hellerstein gave a general overview of the conservative trends in recent Supreme Court jurisprudence. The professor sees the Rehnquist Court as being segregated into two narrowly defined voting blocks: conservative and liberal; seven to two. Hellerstein listed Justice Blackmun and Stevens as the only liberals remaining on the Court. The other seven, Chief Justice Rehnquist, and Justices White, O'Connor, Scalia, Kennedy, Souter, and Thomas are basically core conservatives; within this group a smaller block of Justices tend to be more conservative than the others. Justice Scalia being considered the head of the far right; with Souter and Thomas aspiring to be proteges. Justice Kennedy has, outside of a few aberrations, most notably equal protection jurisprudence, consistently voted along with the Chief Justice to the tune of 88%. (An aside: Professor Hellerstein failed to list Justice Kennedy on

the blackboard. Well, I guess no is perfect.) Hellerstein lamented the loss of the five-to-four decisions of years gone back due to the lack of ideological diversity on the Court. Hellerstein ended his lecture by addressing his concerns about the newest Justice, Clarence Thomas. Addressing the case of *Hudson v. McMillian*, 112 S.Ct. 995 (1992),



in which the Supreme Court decided seven-two that the use of excessive physical force against a prisoner may constitute "cruel and unusual punishment" even though the prisoner suffers no serious injury. The facts of the case are the following: Hudson, a Louisiana prison inmate, following a disagreement with two prison guards, was first, handcuffed and shackled, and then haplessly beaten by the two guards, while the guards' supervisor merely instructed them "not to have too much fun." Hudson suffered minor bruises, facial swelling, loosened teeth, and a cracked dental plate. Justice Thomas dissented vociferously. Hellerstein was sadly amused by Thomas's analysis which the professor interpreted to mean that

no cruel or unusual punishment occurs unless serious physical damage or injury occurs. Hellerstein pointed out that injury can occur without physical injury: beating with rubberbands, deprivation of sleep, and other forms of stealth torture. Hellerstein continued by chiding the youngest Justice for his insensitivity. This after all was the man who consistently reminded everyone "I'm from Pin-Point Georgia," and who openly declared to the Senate that as he sat everyday in his court chambers he observed prisoners being taken to and from the detention hall everyday: "There but for the grace of God go I!"

Professor Holzer began his lecture by calling Hellerstein a quote-unquote SORE LOSER. He sees the swing of the Supreme Court to the right as a natural reaction to the excesses of the liberal Supreme Court of the 60's and 70's. His premise being that the choice as to what kind of Supreme Court the country has depends on what type of government the people want: government by the populace or government by the judges. Holzer disputed Hellerstein's assertion of an impregnable voting conservative block. He stressed that the Justices all have their own ideology and independence. Holzer spent a considerable amount of time expounding his belief that the Supreme Court had gotten it right in *Brown* and *Bakke* and Harlan's dissent in *Plessy*; where the notion of a color-blind constitution arose. He sees the liberal Supreme Court decision in the

areas of affirmative action as faulty and deservedly narrowed by the present Supreme Court. On the issue of Clarence Thomas, Holzer defended the so-called "youngest cruelest" Justice's opinion in *Hudson* by reiterating that Thomas opinion was consistent with present jurisprudence, in addition to being in line with the conservative policy of observing state sovereignty. He agreed with Justice Thomas that the 14th Amendment should not be used as a federal tort statute which would have the practical effect of opening the floodgates of litigation in the federal courts. Holzer believed that the present Supreme Court is doing well and should be left in its own accords.

Professor Hellerstein, reclaiming the podium, proudly proclaimed that he did not mind being a sore loser, having lost over 40 cases in a row at the Criminal Appeals bureau of the Legal Aid Society, if the cause is worthwhile and if you ultimately win. The professor ended the session by giving his prediction of the Court's future voting pattern. Hellerstein believes that Justices White and O'Connor will move to the center or left of the core conservatives, Rehnquist, Scalia, Kennedy, and Thomas, joining Blackmun and Stevens; thereby making Justice Souter the crucial swing vote in future cases.

The following individuals contributed to this article: Kelli Bailin, Rick Feldman, Austrack Fong, Ayame Konishi, Margaret Mayora, Teresa Matushaj, and Maggie Tam.

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I NEED A JOB...

by Laura Amos

I, too, am trying to enter the job market during the longest recession since the great depression. This, however, is not the reason why I do not have a job. Ask any graduate from the 1970's or 1960's, finding a legal position has always been difficult. Using the 1980's as a gauge for comparison is unfair, considering that many firms expanded their size well past their needs and eventually were forced to downsize to their proper capacity. No matter what the circumstances, firms still need first year associates to provide services at an affordable price and experienced attorneys are not competition for these entry level positions. Therefore, there are jobs. The question is - how to get one?

To answer this question, I made an appointment to speak with the newest member of Placement and Career Services Office, Joan King. I also picked up literature from the Placement Office and other sources.

Joan King and the literature agree that to have a successful job hunt the most important contribution is your mindset. The search must be taken seriously and must be a full time occupation. For BLS students, the search requires a combined effort between the student and the Placement Office using the services offered by the Placement Office to your advantage.

Joan King prescribes a three-prong approach to a job search:

1. Placement Office - Use the personnel and resources for guidance on strategy: "interviewing and search techniques, preparation of effective legal resumes and cover letters, and career counseling."

2. Mailings and responses to listings - "Search the Placement Office's job listing books. Use Lexis, Nexis and Westlaw to do individual searches. Use cold mailings, either general or

targeted to specific areas where something in your undergraduate studies or experience which might be interesting to prospective employers. Respond quickly to listings."

3. Networking - This is the most difficult part but necessary to an all out job search. Informational interviewing (networking) is not asking for a job, but "building a network of people willing to talk to you. This network can eventually lead to a job lead or even a job, but it takes time." Networking articles, advice and firm descriptions are available at the Placement Office.

From experience, I know that looking for a job is depressing and offers no instant gratification, thus the mental approach is very important. Perseverance and a concentrated effort will get results. The first job is the hardest to get. Don't limit your search to one practice area. Joan King believes that solid skills learned in the first years are transferable. The process is learning to be a lawyer and "then you have a better chance of moving into the practice area you want."

A job search should commence in your first year at BLS. First year students (day and evening) should make counseling appointments as soon as possible to get a sense of what is required for a "productive" search and learn what resources are available at the Placement Office. The Office is open 9 - 5 (until 6:00 p.m. on Tuesdays), and the job listing books are always available on reserve in the library. If you need a special time for a counseling appointment, just ask.

The Office offers an Interviewing Skills Workshop in February, and various Cover Letter and Resume Writing Workshops that every first year should attend. Ask the counselor to evaluate your resume and cover letter personally. Every little bit helps.

The second, third and fourth year students should participate in On Campus Recruiting. You should check the part-time (all students) and full-time (evening and third year students) job books at least two or three times a week. Due to competition in the market, a quick response is needed for any job listing. Although the large firms mostly recruit in the fall, many of the mid-size or smaller firms recruit in the Spring and Summer. So keep looking.

The Placement Office also offers Specialty Series such as Labor and Employment Law Forum, Pathways to the Judiciary, Law Practice Spectrum, Nuts and Bolts of Solo Practice and many others.

In addition, the Office assists alumni and if you take the time to view the full-time book you will notice that this is a good source for alumni. All services remain open to graduates, even if you are planning to move to a different state or you are reentering the job market after an absence. The office also issues a monthly alumni job bulletin called Jobnet and offers specific alumni programs in specialized areas of law.

"For the 1992-1993 year, the Placement Office plans to make job development the number one priority. The Office will continue to offer individual attention to students on strategies and resume and cover letterwriting to make students more competitive in the market. Increased use of computerization will aid the search for judicial clerkships and job opportunities generally. A Spring On-Campus for smaller firms is planned for 1993, in addition to the usual Fall On-Campus."

Although this information may be old news, it still works. I have experienced both sides of a job search. The rest of the article is based on my own opinions and advice. I obtained a summer position through the part-time job book in the Spring of last year. I applied and in less than three weeks, I was offered the job. It was quick and had I not been checking frequently, I would have missed it.

This year, I was in charge of hiring the new summer associate. My firm placed a job listing and interviewed nine of the first 15 resumes received. Any resumes received after that first wave were not considered. Therefore, it is important to check the books frequently and respond quickly.

One person received an interview at my

firm through networking. She called and asked for help with her job search. Although she had not submitted her resume through the placement office, the firm called her in for an interview. So don't forget to use the three prong approach.

As I said before, I am still looking for a job, but in another state. The Placement Office offers assistance for this purpose. I am now in contact with the Career Services Office of the local law school in the new state. Additionally, the Placement Office helped me get a listing of BLS graduates in the new area and of course advised me on a strategy for my long-distance search.

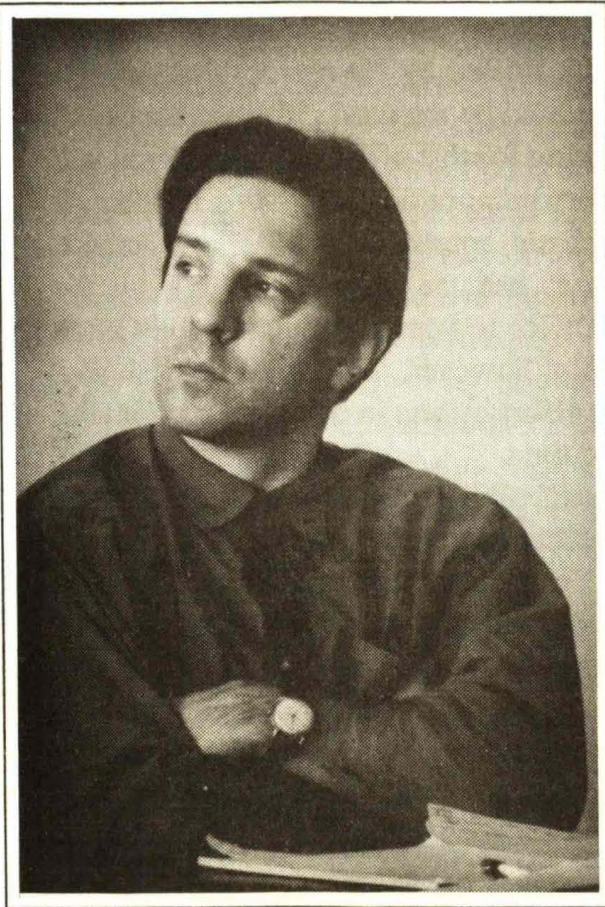
I believe that many people fail to use the services of the Placement Office properly. Students should not be misled by the name "Placement". The office should be renamed, "Career Services" because waiting for that office to "place" you in a job is mistaken reliance. Although this happens, it is not a realistic approach. Rather, the proper approach is to use the services offered by the Placement Office to your advantage. The Office can be a help, however, to get the more elusive jobs, a joint effort by you in conjunction with the Office is required.

Additionally, third and fourth year students and graduates can search the Law Journal and other sources for listings and send a quick response.

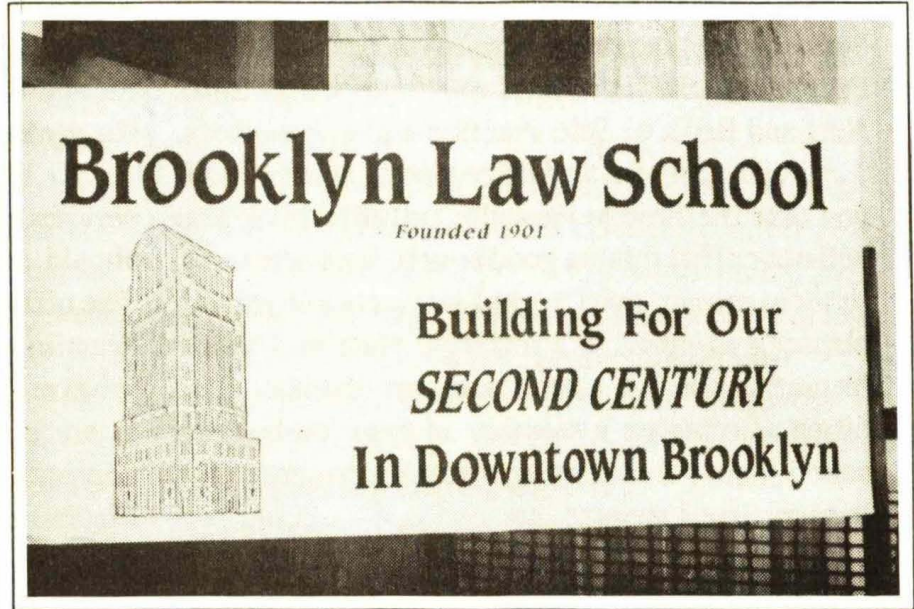
The administration can assist students in the preparation of entrance into the job market by requiring a course that teaches job search skills. The course would offer information and discussions about various areas of practice and what courses will lead to an understanding in that area. Also the course would offer appearances by attorneys to discuss lawyering in their chosen area of practice. The students would learn what resources are available through BLS and how to take advantage of them. Resumes, cover letters and follow-up documentation would be assignments in the course. This would give some guidance to students who are not familiar with areas of law in which they could develop an interest. Also, the increasing the job search skills of the students will only reflect favorably on BLS with an increase of favorably employed alumni.

Don't give up.

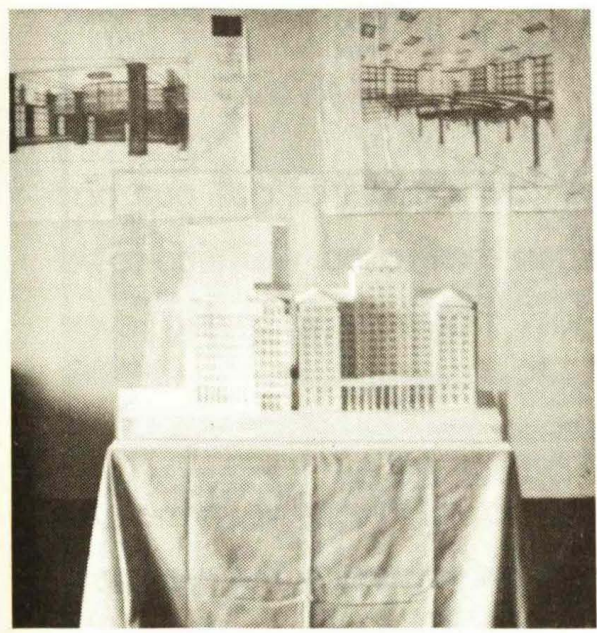
Photos, Events, and Highlights



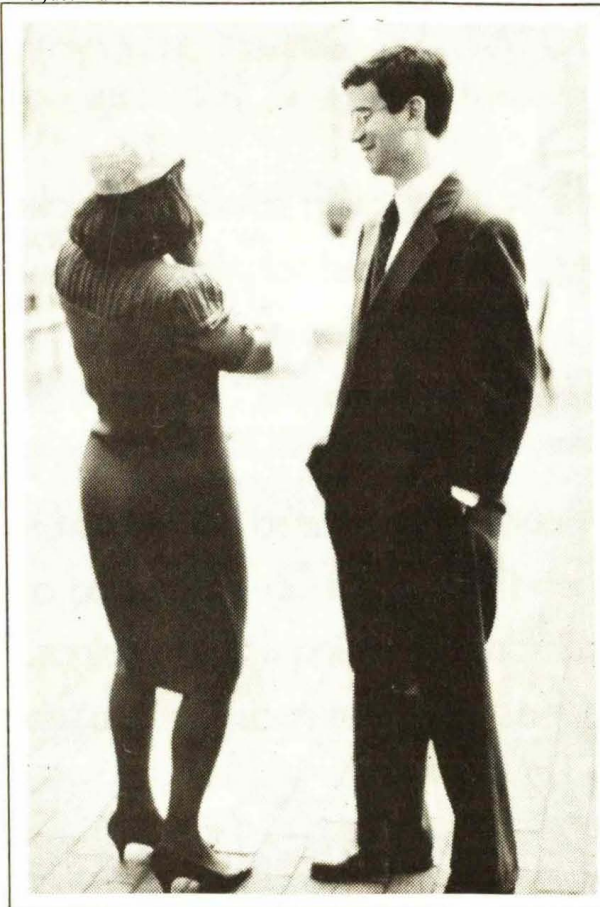
BLSPI Auction-A-Go-Go: "A mere \$230 for my 'magical self?'"



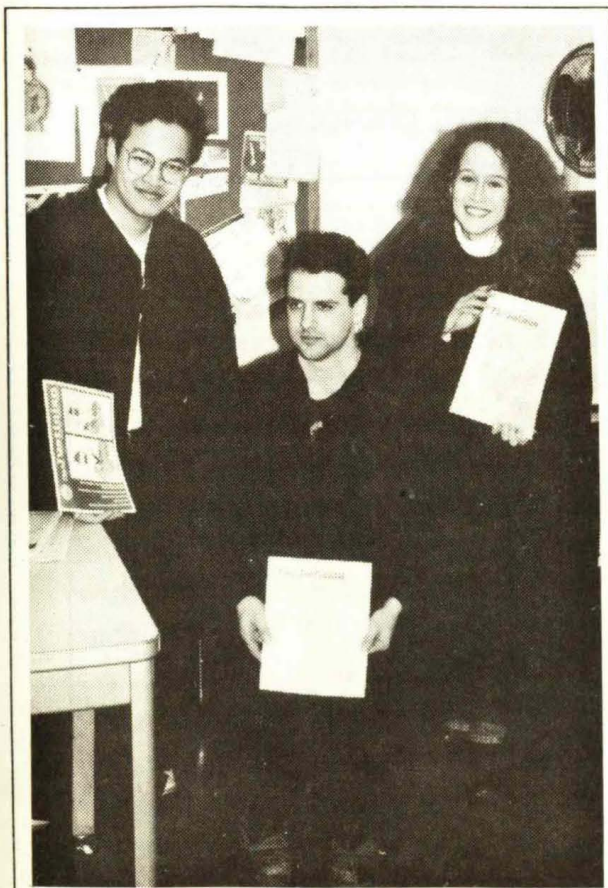
Alums and dignitaries at the BLS Groundbreaking Ceremony on April 10th.



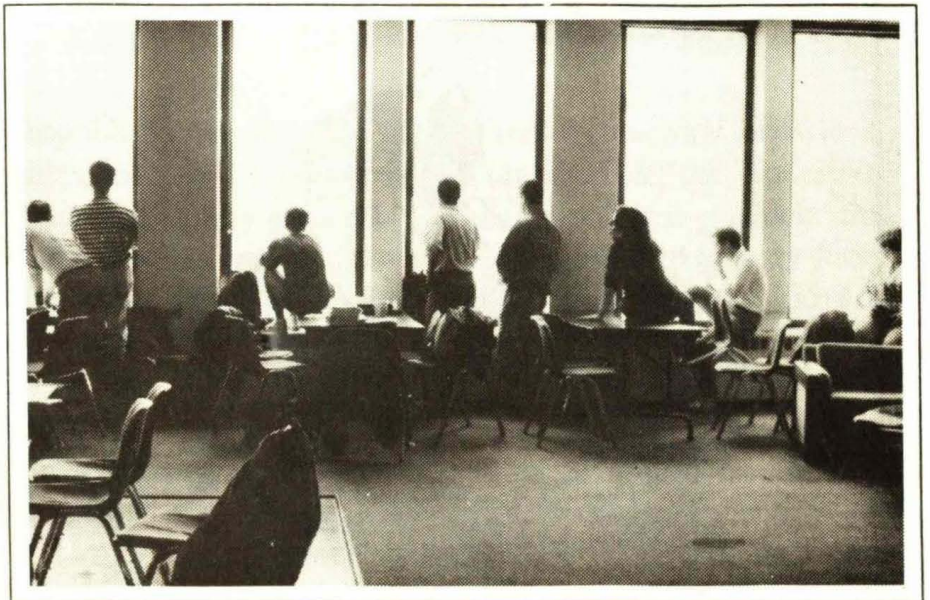
Pictured above is a model of **BLS World**, an amusement/angst park scheduled to open in the Eastern District next Fall. Unfortunately, rumor has it that the grand opening maybe postponed due to delays in the construction of **Cafeteria World**.



Secret Service Agent Eric Schwartzman consoling Mrs. Kennedy following the assassination.



The evening of May 10th will see the grand opening of the BLS Wax Museum. Pictured above is the exhibit entitled, *Famous People Who Never Attended BLS*. From left to right: Austrack Fong, Toulouse Latrec, and Robert Plant.



"A Room Without a View."

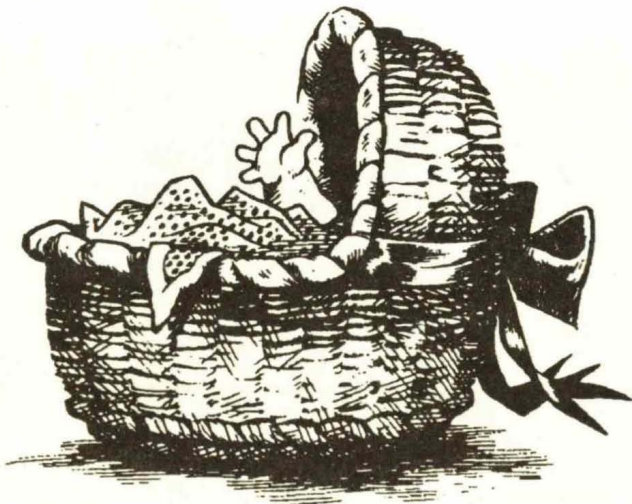
THE REASONABLE MAN/ THE REASONABLE WOMAN

Life is filled with minor setbacks, and so we just could not get our act together to write about something of substance. When that failed, we tried to be funny. That effort likewise went down in flames. It just that we have spring fever — four finals, two papers, 30 hours of clinic and a bad attitude.

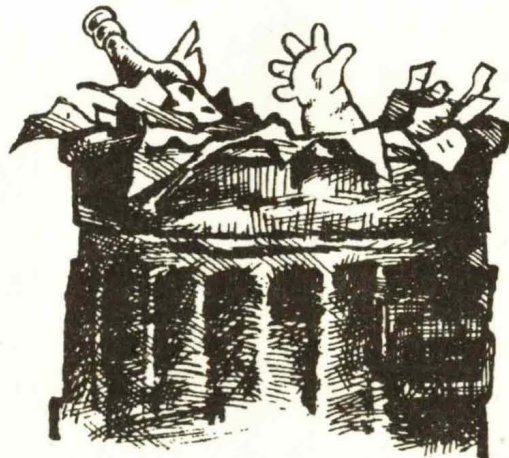
When they measured our heads (for the cap and gown), much like in the Old West when the undertaker measured a gunslinger for his funeral suits, we knew that it was time to relinquish the reigns. We both (think we) get to graduate, so we are in the market for reasonable people to carry on with the battle of the sexes.

If you are interested in dedicating some time next term as either the reasonable women or reasonable man, stop by the Justinian with your name, address, phone number, political affiliation, and a passport photo.

CHOICE A.



CHOICE B.



ARE YOU PRO-CHOICE?

WINTER
PROVIDENCE
JOURNAL-BULLETIN

Perspectives



Our Political World

Austrack Fong

Divided government, essentially Republican control of the presidency and Democratic control of Congress, has ruled the fabric of American life over the past forty years. The reasons for the stalemate are not easily forthcoming. On the local level, the electorate seems to be more comfortable with Democrats to provide for the basic services, such as social services, police, and emergency assistance. On the presidential level, however, voters tend to vote more along the line of economics and ideological values (some may say "family values"). Nationwide, about 38-40 of the state governors are Democrats; in Congress the Democrats have routinely, ever since the FDR years, maintained a majority in both the Senate and the House of Representatives; in the latter institution the margin of dominance is commonly over 100 members. But when it comes to the presidential election, the Republican Party is King; having won

five of the last six elections by electoral landslides.

It was not till the 1980 election that either party was able to break the political-gridlock: the Republicans were able to gain a temporary foothold into the Senate and gain a working majority of Republican and Conservative-Democrats in the House of Representatives. The result of this alliance permitted President Reagan to institute a program consisting of massive tax cuts, huge increases in defense expenditures, while simultaneously eroding domestic federal spending for the states. The net effect of the Reagan plan was to bankrupt the Treasury and to deny vital funds to the states, which had, rightly or wrongly, become partly-dependent on federal assistance in order to provide social services for its citizens.

The Democrats regained control of Congress in 1982 after the disastrous recession caused by the Reagan tax-cuts. Voters chose to elect more

Democrats to both the Senate and the House of Representatives. Since that point in time a struggle has emerged between the Republican Presidency and the Democratic Congress as to the proper allocation of resources and principled ideological positions. The national deficit (\$4.5 trillion, that's twelve zeros folks—over \$50,000 for every man, woman, and child in this country; the interest on the debt alone accounts for over 22% of the national budget) has spiralled out of control as neither side has been willing nor inclined to make compromises on what it wants: the Democrats not budging on social domestic issues and the Republican president not budging on military and revenue enhancing issues. On the ideological war front, funding for abortion—and the related issue of fetal-tissue research—and the arts have continued to be incessantly political; with the threat of a presidential veto (D.O.A.) echoing throughout the air. In this environment, the concerns of the populace has taken a back-seat to the public posturing of both parties. I don't believe it, but I am going to quote Edmund G. Brown, Jr: America, "Take back America!" At least, take back effective government not divided government.

Of course, I am advocating that one party have control of both the executive and the legislature, be it the Republican or Democratic party. One may argue that such a government may be too majoritarian and abusive of its powers. The answer to such complaint is simple: throw the bums out at the next election. At least with this process there exists true accountability to the public for the ills or failures of government. The final guard against a truly imperial party, which should rule oppressively, shall be, as it should be, the Supreme Court.

In Congress, we see a great upheaval of public discontent with the check-kiting scandal. Although it is not really a big deal, unlike the Savings & Loans failure and subsequent government bail-out, since no taxpayer money was involved, many erstwhile-politicians and political commentators sought to make a gain from the situation. They and their pundits argue that the House-banking scandal is very potent due to the fact that it is so simple. The public can relate to check bouncing because it is a perk to which they

are not entitled. It is said to be evidence that the members of Congress are detached from the real world, that they just "don't get it!" While it is true that check-kiting does show some level of irresponsibility, it is insulting if not elitist to minimize the intelligence of the public by asserting that it is not able to comprehend issues beyond the superficial level. One hopes that the next generation of Congressman should be able to offer more than promises of no perques and check bouncing. After all, government is supposed to be for the people, as well as by the people.

Similarly, the argument surrounding the implementation of term-limitations on the Congress is misdirected. As an institution, the Congress has very low popular approval. However, the populace also seems to have a knack of immunizing their respective Representatives and Senators from the scrutiny or ill-will which the institution receives; believing that other members of Congress are blameworthy. Eventually, this attitude, other advantages of incumbency aside, causes the majority of Congress to be continually re-elected. The goal of term limitation is to paternalistically take the choice away from the populace. It basically puts forth the proposition that the electorate agrees (at least a majority of them necessary for an amendment to the Constitution) that they are not responsible enough to keep their own elected representatives accountable; requiring the intervention of an exclusive and anti-democratic measure. While a term limitation exists for the presidency through the enactment of the 22nd Amendment in 1951 (it probably was a backlash against FDR who had won an unprecedented four elections) the argument for a presidential term limitation, although I believe incorrect, is more understandable. People feared the aggregation of power in one individual. However, the legislature is a different animal; comprised of 535 members collectively sharing power.

Returning to the theme of divided government, the Democrats seem to have a commanding control of the Congress at the present time. Therefore, the most plausible scenario for the elimination of "divided government" is to elect a Democratic president. The Democrats, to be successful, will have to "pick" the so-called Republican elec-

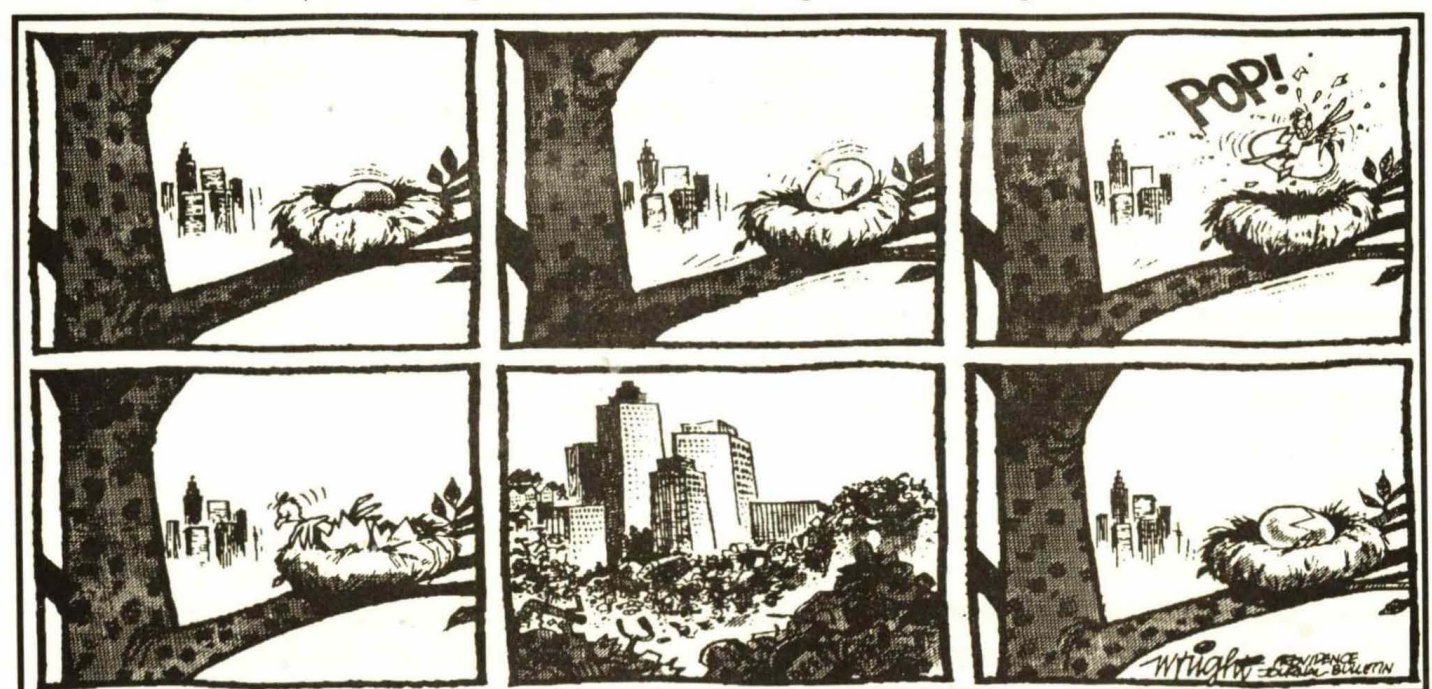
toral college lock. The electoral college, the constitutionally prescribed methodology for electing the president, operates by apportioning to each state the equivalent number of votes corresponding to its congressional representation. Since there are 535 members of Congress (435 Representatives and 100 Senators), there are 535 electoral votes. The passage of the 23rd Amendment in 1961 added three electoral votes for the District of Columbia. (Representing two Senators and one Representative). Therefore, the electoral college has a total of 538 electoral votes; with 270 electoral votes necessary for victory.

An unfortunate flaw of the electoral college mandates that the winner of a state general election receive all the state's electoral votes. This means that the doctrine of "one man one vote" is not truly applicable to presidential elections. As a factual matter, Grover Cleveland defeated William Harrison by over 500,000 votes in the general election, but still managed to lose in the electoral college by over 100 electoral votes. This winner-take-all tradition has led to following skewed results in the past six presidential elections, where the national popular vote was relatively close: 1968 Republican Richard Nixon 301, Democrat Hubert Humphrey 191; 1972 Republican Richard Nixon 520, Democrat George McGovern 17; 1976 Republican Gerald Ford 240, Democrat Jimmy Carter 297; 1980 Republican Ronald Reagan 489, Democrat Jimmy Carter 49; 1984 Republican Ronald

Reagan 525, Democrat Walter F. Mondale 13; and 1988 Republican George Bush 426, Democrat Micheal Dukakis 111.

What do these numbers add up to? Continual dominance for the Republican Party on a Presidential level? I don't believe so, but the statistical evidence appears to be overwhelming: The Republican Party may indeed have an "electoral lock" on the presidential election. Studies have shown that the GOP candidate can routinely count on a base of over 200 electoral votes, consisting of states which have voted Republican in the last six elections, in addition to another 150 electoral votes from states which have voted Republican in five of the last six elections; easily surpassing the 270 votes necessary for victory. The Republican dominance stems from their base in the Southern and Rocky Mountain States, rich in electoral votes due to historical shifts in population from the North and Midwest over the decades. The "old liberal coalition" of the Northeastern establishment and the Industrial Midwest, lost prominence as the majority of voting America began to migrate to the suburbs, thereby diluting the power of cities and other major urban centers. In fact, it appears that the Democratic Party has no electoral base, or only a minute base, garnering only Washington D.C.'s three-electoral-vote-support in the last six elections.

Therefore, for the Democratic Party to be competitive in this presidential election calls for



them to at least target the Republican stranglehold in the South. A southern candidate—Bill Clinton—is almost a necessity for victory. The last democrat to win the White House was Southerner Jimmy Carter. The possibility of a Clinton presidency would be very interesting. He would be the first president from the Baby-Boom generation; contrasting with George Bush who represents the older generation. In addition, the high visibility of his wife, Hillary Clinton, would, in my opinion, positively raise the consciousness and debate concerning the role of women in all facets of society, well into the 21st century. One of Clinton's main strengths, which many of his detractors cite as a flaw, is his ability to negotiate and compromise. These traits are essential to the efficient workings of government and society: too often the political process and political parties have actively worked to separate and pit various groups, which make up the celebrated diversity of this country, against each other for their own avarice. The gridlock in Washington over the past 12 years has served to acerbate these divisive ills.

I don't know exactly what it is about Mr. Clinton that I find so appealing, but I can say that there is an intangible quality to the man that inspires hopes of a better future for all (almost JFKish); he actually appears to care, whereas Bush appears to only hollowly mock those words. In addition, there is probably an empathy for the man which has developed over the course of the Democratic primaries. Despite all the abuse and suffering that Clinton has and continues to endure, his resiliency is truly admirable. Almost to the point that one feels that Clinton may be the better person, for we all would prefer not to be so pummelled as he has been. Governor Clinton's candidacy will ultimately rest on two questions which the electorate must answer: Is change in the country necessary and is the country comfortable enough with Clinton, acknowledging both the good and the bad, to elect him to be their agent of change.

The third party candidacy of H. Ross Perot is also quite unique: No one in recent memory has had both the popularity and financial resources to make a credible run for the presidency. Representative John Anderson had similar popularity at this

time in 1980, about 20%, before being reduced to only six percent in the fall election; Anderson, however, never had the money which Perot has. In fact, Mr. Perot has publicly stated that he is willing to spend 100 million dollars in the campaign, if he is on all 50 state ballots. This is twice the amount Bill Clinton (the presumed Democratic candidate) and George Bush combined are allowed to spend. (By federal law, candidates receiving matching federal funds for the campaign are allowed to spend a maximum of \$50 million. H. Ross Perot self financing campaign excludes him from this barrier.)

I like Mr. Perot. He seems to be a very genuine and likeable fellow possessing the rare ability to connect with diverse groups of people. As for his viability as a political candidate, I often wonder how a CEO would be able to deal with situations where his words or decision are not final. Government after all is the process, if not art, of negotiation and compromise. The electoral college also is setup against Mr. Perot and any other third party candidate. Basically, Mr. Perot has to be able to carry/win states in order to any receive electoral votes. While he is popular, I have yet to see any individualized state poll showing him as the leader in a presidential contest. This may change in the fall when the voters have had enough time to discover whether or not they are comfortable with Mr. Perot as a candidate and if they believe that he has a viable chance for victory; voters generally disdain wasting their votes on someone perceived as unelectable. The most likely scenario of Mr. Perot's effect on the general election will come from the fact that the two other candidates will both see some portion of their support drain away. The interesting thing to look for is which party loses more support. Some commentators argue that the Perot-wildcard is so powerful that he could deliver Texas to the Democrats, due to his strong support in the business community sapping Bush base, while simultaneously delivering New York, through his appealing urban-common-man message, to George Bush. Frankly, I don't know how the Perot-wildcard will swing but I know that it and the other intricacies of the 1992 elections will definitely keep me up on election night in November.



Safeguarding Reproductive Freedoms after *Roe v. Wade* A Sparer Symposium

The symposium began, after an introduction by Professor Herman, with a video tape of the oral arguments in the Guam case challenging the statute that bans all but medically necessary abortions. (The 9th Circuit has recently invalidated the statute and is awaiting guidance from the Supreme Court as to the future direction of *Roe v. Wade*).

The discussion was moderated by Professor Nan Hunter

The first speaker was David Garrow, author of *Bearing the Cross*, a Pulitzer prize winning biography of Martin Luther King, Jr. He is also working on the history of the abortion rights movement. He provided doctrinal analysis of the fundamental status of abortion rights originating in *Griswold* and *Eisenstadt* up to *Roe*. He sees the *Webster* case as a dissolution of abortion as the fundamental right. He believes that the new standard will be some sort of quasi undue burden standard.

Following Mr. Garrow, was Lynn Paltrow, a staff attorney with the ACLU Reproductive Freedom Project and one of the attorneys litigating *Casey v. Planned Parenthood*. She started her discussion with the following inquiry: How many people in the audience have engaged in sex or know

people who have engaged in sex (audience laughter was the answer to this question). This rhetorical question was followed with a question that asked the same question with the predicate being not sex but abortion. This question provoked no laughter in the audience. (realizing that a serious discussion was to begin). A theme throughout Ms. Paltrow's discussion was the subjugation of women to the rights of a fetus without consideration for the women's bodily integrity. She referred to the Angela Carter case, where the doctors performed a court ordered C-section on a terminally ill 26-week pregnant woman to save the life of the fetus. Both mother and child died soon after. Another case concerns Pamela Rae Stewart a mother prosecuted for endangering the life of her fetus. She believes that the *Casey* case may be the end of the *Roe v. Wade* protection of a woman's right of choice.

Dorothy E. Roberts, a professor of law at Rutgers and the author of "The Future of Reproductive Choice for Poor Women and Women of Color." Ms. Roberts spoke about the minority perspective on abortion. She believes that the Court's decision not to fund abortion disproportionately affects low income individuals, primarily "women of color."

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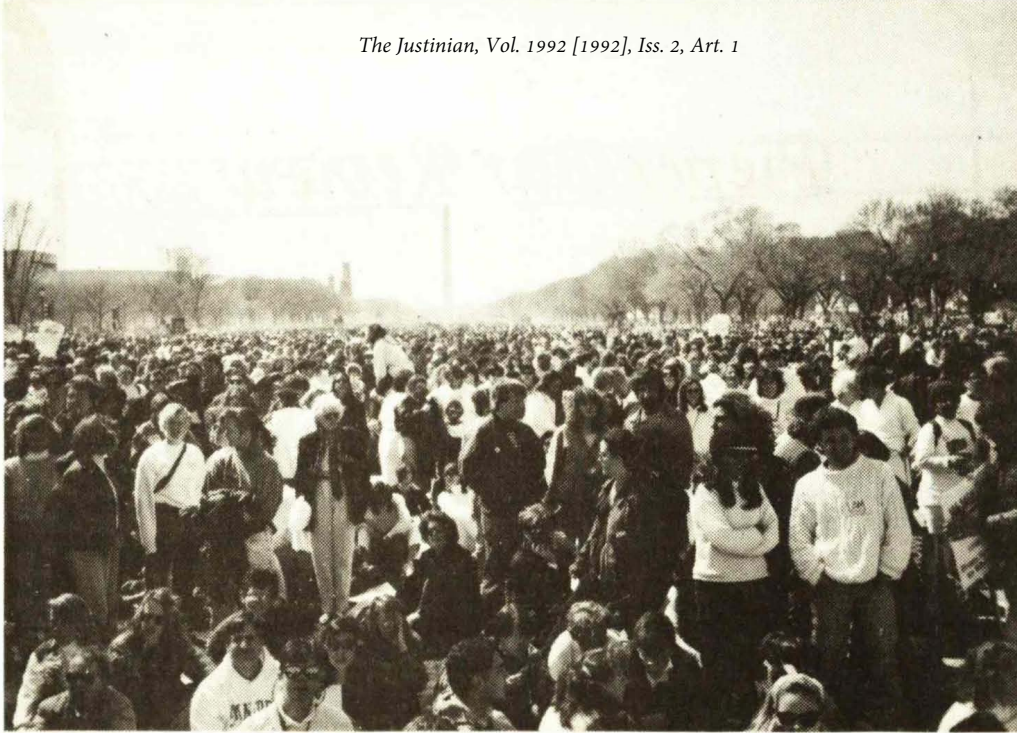
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Brooklyn Law School's Voice for Choice

I was incredibly fortunate to grow up in a household where issues such as politics, religion, and reproductive rights were discussed as frequently as television, homework and who's turn it was to dry the dishes. Never was this more apparent than on April 5th. I was honored to march with my friends, my professors and their families, my figurative sisters and brothers and my "real" sister Erica.

There I was, marching with three-quarters of a million people, and my sister, and I noticed that the only time the marchers in my immediate vicinity were vocal was when we were in front of a television camera. (Most of the people in the group I went down with left D.C. with sore throats from screaming slogans.) People seemed unwilling to learn long slogans and had even shortened the ever popular "What do we want? CHOICE When do we want it? NOW" to "Choice, Now". I find this to be very telling about the present state of reproductive rights. People, generally, seem unwilling to talk about the lack of adequate daycare, national health

insurance, free and adequate prenatal care, choice for medicaid recipients, free speech in federally funded family planning clinics, choice for minors and married women (in some states) and domestic partnership legislation (in most states). These issues, among many others, all relate in a significant way to reproductive rights. Yet, people seem to shorten the list and focus on the right to abortion. This is unfortunate, and shortsighted. All of the speakers at the rally said many interesting and inspiring things. (The notion of God as a woman was not one of them - pandering never is - Sorry Mr. Silver.) Ron Silver did redeem himself by recognizing that abortion is not a choice people embrace. Not only is this the truth but when you consider that abortion is usually a last resort, reproductive rights takes on its broader meaning.

The march was awe inspiring and as I looked back on the crowd I was grateful that three-quarters of a million people were able to make the trip. When you consider the number of people who missed the march because they couldn't afford

to miss a day of work (yes, people do work on sunday) or couldn't afford to pay for transportation (for some, twenty or thirty dollars is a lot of money), the numbers of those who support reproductive freedom are astounding. To all those people who marched, wanted to march but couldn't, or haven't yet realized how acutely reproductive rights affects their lives - I urge you to vote in November for politicians who support the recent Reproductive Rights Freedom Act and legislation, in general, aimed at protecting our civil and reproductive rights.

In the true spirit of collective feminism, I asked several people related to the law school to write about their experiences at the march. The following statements were wonderful and I was not surprised to find that those who found the time to attend the march also found the time to write thoughtful and interesting statements. I apologize to those who attended the march but didn't get a chance to write for this piece, I hope you found your voice expressed. If not, please write a letter to the editor - we don't want your voice silenced.

Jennifer Sessler (3D)

The initial agreement to go to the march was easy; I simply believe that decisions regarding reproduction are personal decisions properly belonging to women and not the government or certain religious groups. I knew it was important to speak up about these rights. What it took to go, however, was not as easy. However, speaking up usually isn't easy. It took stumbling out of bed at about 4:30 in the morning and spending about 12 hours on the road going to and from Washington. It meant losing a weekend of studying at the beginning of the semester crunch (although, it did provide the best excuse I've come up with yet for avoiding schoolwork), and, of course, it meant spending a good amount of money. This is evidenced by the fact that several people I know who wanted to go ended up cancelling out because of money or time or comfort. As I sat on the lawn that Sunday with my friends, looking around at the ocean of people surrounding us in every direction, I considered the serious commitment that being there was for so many people. We had to be there for women who couldn't afford to come, who were too tired or had to work, or who didn't have the support of their families. It was a great, and



unfortunately rare, opportunity to feel that I had a voice, that I was participating in a public debate in which I usually feel silent or silenced. Too often I listen to the media and out-of-touch politicians as they claim to know (or care about) my opinion. America can't realistically continue to claim democracy when only 25% of the eligible population votes and when national decisions are determined by the wealthy few. We have to participate in the process to claim it (or reclaim it), and we should finally accept the fact that political freedoms are never secure and that we can't afford to get too comfortable. At a time when I feel increasingly alienated by the political process, it felt very good to be able to act on something I strongly believe in and to share my voice and actions with a few friends and a few hundred thousand others.

Jeanne Friedland (3D)

When I first heard about the "March For Women's Lives" in Washington, I was excited about marching with thousands of people and taking over Washington for an afternoon. The last time I was in D.C. was for the National March For Lesbian and Gay Rights in 1987 and I was looking forward to marching for reproductive freedom. My commitment to attending this event was tempered by my concern that the pro-choice movement needs to be more supportive of the lesbian rights movement and that the agenda should include reproductive issues affecting all women.

I am active in lesbian and gay rights protests and demonstrations and always wonder where all the progressive, left wing, pro-choice, anti-war activists are when lesbians and gay men are out in the streets of New York City protesting or marching on Washington.

Every year Act-Up (AIDS Coalition To Unleash Power), organizes many AIDS demonstrations and at least one major demonstration in New York City to demand that our government do something about this disease which has killed thousands over a decade. Yet, consistently, the folks lining the streets and demanding to be heard are members of Act-Up, lesbians and gay men.

Only a month ago, members of the Irish Lesbian and Gay Organization (ILGO) were protesting the bigotry of the St. Patrick's Day Parade and again the support from folks outside of the lesbian and gay community was virtually nonexistent, (with the exception of my great friend and the faculty director of the Elderlaw Clinic, Marc Finkelstein). People need to broaden their perspectives and understand that the right to privacy as articulated by the Supreme Court in *Roe v. Wade*, is not limited to the right to have an abortion.

Despite my apprehension about the march, I decided that as a lesbian this march was one which I should attend. Demonstrations are one of my favorite activities. (I'll leave all the fun details of the Elderlaw Clinic's march experience to Marc Finkelstein). I love marching, chanting and engaging in political discussions. This year our group was very close to the stage so it was easy to concentrate and focus on the speakers.

A few things struck me about the speakers and the agenda of this march. This march was about reproductive freedom which encompasses many reproductive control issues. Forced sterilization, welfare policies which discourage women from having children, poor or nonexistent prenatal care, the lack of health insurance benefits for lesbian partners that would cover abortions, and the lack of medicaid funded abortions and birth control are reproductive right issues affecting women of color, poor women and lesbians. At the rally, these issues were raised only by people of color who challenged everyone to confront racism and to broaden their perspectives.

When I was in law school, Professor Arthur Kinoy of Rutgers Law School came to speak on a number of occasions and each time he emphasized the fight for people's rights. His perspective is global and always includes every progressive movement. We need to recognize and embrace that perspective. Straight people need to get out in the streets and support the lesbian and gay rights movement. White people need to expand our agendas, educate each other on reproductive freedom issues affecting our sisters of color and sisters of low economic means and emphasize reproductive freedom for all women. Only when we have an

inclusive agenda can we honestly march for women's lives.

**Teresa Calabrese,
Adjunct Clinical Instructor, Elderlaw Clinic**

On the one hand, attending the reproductive rights demonstration in Washington finally made me feel my age. At some point, I'll just have to let go of the 60's and reluctantly accept that it's the 90's, with the two intervening decades having wrought many devastating political consequences along with advancing my age. On the other hand, I realize that attending demonstrations and fighting for what is right, decent and just is an ageless endeavor which I will probably keep doing long after I become a client of the Elderlaw Clinic, of which I am faculty director.

I decided that I was long passed the time when I was willing to go to D.C. on a N.O.W. or Planned Parenthood bus which I would have to board at some god-forsaken hour at some inconvenient location. Plus, I now had a family, colleagues and students and we had the opportunity to go together in a mode of transportation more to our liking. So off we went to rent a fancy, all-equipped van from a place called Vantastic so we could all go down together, from Brooklyn, in style, leaving and returning whenever we wished. Who would have had the money for this in the 60's or even thought about demonstrating in style.

Since it's the 90's, our main concern now was whether the TV, VCR, Nintendo games and front speakers were working properly (of course,

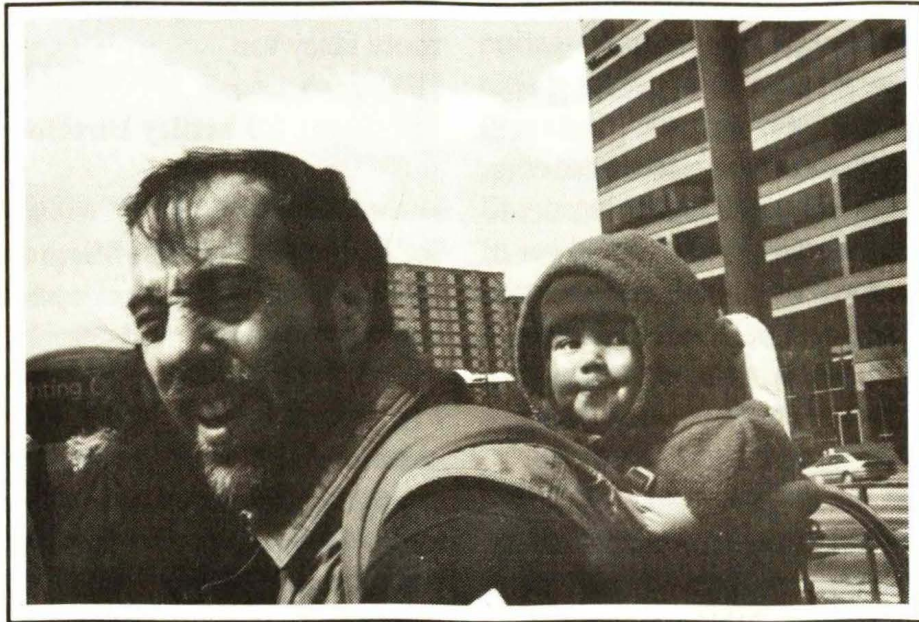
et al.: The Justinian they weren't and we made our trip in technological silence). It was heartening that the owners of Vantastic had a flier for the demonstration posted and were giving special rates to those going to Washington (which is not to say they still weren't charging a hefty sum). The scene at Vantastic was fantastic. Half the folks picking up vans were going to the demonstration and the other half were beer-belly guys trying to get specially appointed vans to go on fishing trips. I thought of the less fancy Volkswagen van days of the 60's. Were we

90's generation flower children?

Besides the wonderful and important event the demonstration turned out to be, what was especially nice was who I went with. There was my wonderful wife and ten month old daughter ("say it loud, I'm

little and proud," "kids for choice", etc.). This was my first demonstration with an entire biological family, not to mention my extended family. There was my clinic colleague and good friend, Teresa Calabrese, our secretary Phyllis Ratchick (it was really nice to have her join us), two of my students (they're not really "mine"), Jennifer Sessler and Jeanne Friedland, and some of their friends and relatives (12 in all). And, besides, I got to drive this funky van the whole way.

The demonstration started out slow and built tremendously. The speeches and entertainment were excellent, compared to the usual demo fare. I couldn't help but feel frustration with the contradiction between the fact that the only time the sea of three quarters of a million people stood up in unison and chanted was when the speakers exhorted "Bush must go", and yet he and other anti-choice



Professor Marc Finkelstein and his daughter Isadora.

politicians of his ilk continually get re-elected (and may yet again in November). I was particularly impressed with the rousing speech of the actor, Ron Silver, who I went to school with and who, at best, may have been just developing his progressive politics at the time. He especially hit home when he said that the choice of abortion is not one which women (or men who support them) relish or enjoy, but it is the choice, made by the woman and not forced on her by the government, her spouse, or her economic means, which is important. Given the work I do and the clients I represent, I was also pleased to hear many of the speakers tie in related issues of poverty, homelessness, discrimination against people of color and women, homophobia and the fact that people of economic means will probably always retain access to abortion and other reproductive rights while the disadvantaged will be, and, in fact, have already been, locked out of that access. It is poor women on Medicaid, women in the military and in prison, Native-American women, female children and in some cases women with spouses, who have already been deprived of their right to choose and their right of privacy.

It reminded me of a medical malpractice trial which myself and a number of students attended a few months ago. In what was clearly a manufactured case initiated by the Right to Life movement in Manhattan Supreme Court, the anti-choice lawyers and plaintiff were arguing that it constituted medical malpractice for a well-respected private gynecologist to have performed an abortion upon the plaintiff, who was a psychologist in her mid-forties, who already had 5 children, and who was referred to the doctor solely because she was requesting the abortion, because the doctor had not, on his own, first imposed a 48 hour waiting period on his patient and had not counseled her about alternatives to abortion. It was clear to me during the trial, and even more so at the demonstration, that the right-to-lifers were simply (and, by the way, unsuccessfully as the case turned out) trying to quietly, without publicity or demonstrations, sneak through a legal precedent after trial that they were unable to otherwise obtain through the New York State Legislature.

I don't know when folks will wake up on

this and many other issues. What I do hopefully know, however, is that as long as they are asleep, myself, my family, friends, colleagues and students will continue marching, whether by van, by foot or by wheelchair, until there is a new and just dawn. The demonstration was topped off by my learning that both of the students who we went with have been motivated to apply for Legal Services positions upon their graduation this June. For me, that is a large part of what the demonstration and the Elderlaw Clinic are all about. Maybe next time (and, unfortunately, I am sure there will be a next time), we will be able to rent an even larger and more fancy van.

Marc Finkelstein
Faculty Director, Elderlaw Clinic

The Pro-Choice March on Washington D.C. was attended by men and women of seemingly all ages, and all ethnic and racial backgrounds; many of them with children. The purpose of this gathering - to declare our belief in a woman's right to choose when and if she will bear children. But, there was also a festive air to the day. The sun shone brightly and although the wind was brisk, I did not feel it in the midst of the protective wall of the immense crowd. Against the backdrop of the bright white D.C. buildings, pink cherry blossoms in bloom, the crisp blue sky, and the colorful and provocative signs; the smiling but determined faces put me in mind of a celebration - It was like a parade! "A parade of my 'sisters'", I thought, but then winced at the corniness of it. Yet, looking around me, I was again swept up in the emotion and the sense of unity. I knew that I must see them as my sisters so that our cry for "CHOICE" could be heard as one, very big, remarkable voice.

There was a quiet strength that permeated the gathering. There was no pushing, shoving, violence, or fear. There was just a steady movement of half a million people down the streets of Washington to the [Capitol]. [Our purpose] - to cry out for women's right to choose and to have that right respected and upheld. I felt proud to be there and I was in mild awe of a system of government which could not only withstand such a demon-

stration of dissatisfaction, but which would actually facilitate the marchers' efforts through heightened Metro and Police services.

For me, the high point of the march was when I reached the Department of Justice building. There were approximately ten people on the top steps with a huge banner reading "U.S. DEPARTMENT OF JUSTICE ATTORNEYS FOR CHOICE". The crowd let out a great cheer and everyone was waving and smiling. For all of us who had gone to D.C. to do our "duty" as a woman, it had turned into a parade after all. [Happily], we came home with so much more than the satisfaction of a job well done!

Jean Lawry (4E)

I do not know exactly what feminism means in 1992 and I do not spell "women" as 'womyn' or 'wimmin.' And though I do not spend much time thinking about these things, on April 5th, I was proud to march among the many for whom these are important issues.

The March for Choice/Reproductive Freedom was so strong a reminder that Americans are willing (and able!) to stand up and be counted for their beliefs, it could have been a lesson in a civics textbook. Admittedly, some amount of cynicism

cautions me against believing that this march, and rally, will change the opinions of those opposed to Choice. I marched, then, for those who have not yet "considered or discussed" *Roe v. Wade*, including perhaps a Supreme Court Justice. I marched with at least a half million others to force thought and discussion, to make the following points: that it is inappropriate and intolerable for the government to interfere with reproductive rights and that pro-choice is not necessarily pro-abortion.

I also marched for the other marchers. They included a mass of strange bed-fellows: "Republicans for Choice" and Jesse Jackson; the elderly "Menopausal and Nostalgic for Choice" and the "Gray Panthers of Montgomery for Choice" alongside the youthful "Waiting for Choice"; the staunchly serious "We Will Not Go Back" and the humorous "Not Every Sperm Deserves a Name"; the reverent "Catholics for Choice" and "B'nai B'rith for Choice" beside the irreverent "Bad Girls". I marched so that my daughters and sons will know that they were the product of choice.

Miriam Cytryn (4E)

[Editor's Note: Special thanks to Marc Finkelstein, Jean Lawry, and Erica Sessler for the great pictures.]



In Your Own Backyard

by Joe Accetta

It was another busy morning on the Brooklyn Queens Expressway - the BQE - as the southbound lanes began to clutter in the tiny bottleneck off Northern Boulevard heading toward Roosevelt Avenue in Jackson Heights, Queens. Over the years, I've pulled off the road and parked my car in this area hundreds of times, but I haven't been here in, oh, almost six months. As I made a left turn onto 37th Avenue, I glanced to my left and noticed something was missing: something that had given the neighborhood a certain "character" for over two years. You see, out on the concrete ledge that serves as an overcross to the BQE below, a half-dozen or so homeless men had set up a plywood paradise overlooking the expressway, complete with clotheslines, lawn furniture, a pigeon coop, and a small parking area for the shopping carts they used in gathering valuable cans and bottles that generally accumulated on the abandoned railroad tracks that run parallel to the BQE. They even flew a tattered American flag, which was mounted proudly on the fence and flapped out over the expressway.

Over the course of two years of passing by this site on my way to the 65th Street BMT station, I was given a chance to watch these lost souls attempt survival, through harsh snow and rain as well as brutal heat. All the while, at least in my estimation, these people minded their business and, in fact, elicited some kindness from local businessmen. There was the deli man who would bring coffee to them in exchange for a sidewalk sweeping, and there was the Taystee breadman, who would occasionally stop by and disperse a few loaves of bread that were ticketed for the thrift store.

In my mind, one of the crew, in particular,

emerged as a central character to this tale. He was short, oh, about 5'6", and graying, but you could see from his frame that he had been an athlete at one time or another. His clothes were generally tattered, and his trademark attire was a combination of old army fatigues, a crusty misshapen Yankee hat, and a navy-blue, white trimmed, heavily-soiled carpenters union jacket. I remember, one morning, as I was passing by, this man flashed me a toothless grin and said, "How'ya doin', kid?" Taken aback, I paused, gave him a short wave, and kept going, because I didn't want to give the guy any money. But he persisted, "Hey, kid, I'm talking to you. Where you headin'?" I stopped abruptly, turned to him, and shot back, "I'm on my way to school. What can I do for you?" "Nothing, I just watch you go by here a lot, and thought I'd say hi." Smooth delivery, I thought. But I didn't know what to say. Part of me wanted to tell him to go out and get a job and stop living on public property, while part of me wanted to pull up a chair and chat. Fortunately, the latter part triumphed.

I found out that he and his buddies were formerly carpenters, hadn't been employed in over three years, and basically scrounged the area for menial work. They had all been victims of the late 1980's real estate market collapse in the city, as the odd jobs they had all dwindled down to a precious few and eventually, ceased altogether. He wouldn't tell me why they chose this particular site to set up living quarters, nor did I have the heart to ask him. He told me that the police generally left them alone, as long as they didn't bother anybody. I asked him about his attire, and he told me that he had been a sargeant in Vietnam, was kicked out of his union for failure to pay his dues, and was a die-hard Yankee fan from the last days of the Mickey

Mantle era in the mid-1960s. He asked me if I wanted to meet some of the boys, but I politely declined, and told him I had to be going. When I asked if I could write about him someday, he smiled and gently replied, "Sure, kid. Tell 'em what's goin' on in your own backyard."

I guess that last comment stayed with me, because, as I passed the abandoned site, a great many themes from that encounter suddenly coalesced in my mind. Staring momentarily at that empty site, I was reminded of the failure of organized labor to rescue such similarly-situated persons from the despair associated with being cast aside from one's profession. We all know that General Motors has targeted its North Tarrytown auto plant for closure in 1994. But here in Queens, closer to home for me, the Taystee Bread plant, a landmark located off the Van Wyck Expressway in Flushing, will shut down in a few weeks, putting nearly 500 plant workers and route drivers out of work — a devastating blow to the local economy. Moreover, having known some of these route drivers from my teen-age employment as a Pepperidge Farm route helper, I thought to myself that it's awfully hard to sympathize with the National

et al.: The Justinian

Hockey League players — individually making an average of over \$250,000 annually — for striking over free agency and use of image or likeness issues when bread is literally being taken out of the mouths of ordinary, middle-class people.

In any event, as I parked my car and headed for the station, there was one lingering souvenir of my encounter with reality: the American flag remained impaled on the fence. I guess it was a reminder to me — and to all who has passed by and knew what once stood on this site — that in this presidential election year, it is important for all of us to realize that there are far too many human lives slipping through the cracks, and America is quickly losing its legacy as the "land of opportunity." This anecdote, hopefully, will serve as a reminder to us that despite the tasks and challenges we all face, we are fortunate enough to be working toward a professional degree and a better way of life for ourselves and for future generations.

In the interim, don't be afraid to demand more from the people we choose to lead the country in terms of that better way of life. Please, just take a good look around, and see what's happening right here, in your hometown.

SBA Election Results

...

President: Eric Schwartzman

Day Vice-President: Pat Russo

Evening Vice-President: Doug Gladstone

Secretary: Peter Toumbekis

Treasurer: Beth Lopez

ABA Representative: Robin Bramwell

NYS Bar Representative: Tom Small

Meet Court Update

by Joe Williams

Congratulations to **Helene Fisher, Gary Heller** and **Richard Noll** whose talents earned them second place in the Nassau Trial Moot Court Competition. The team also wrote the second best brief in the competition.

Michael Boyajian, Dominique Brady and **Carmine Venezia** represented our school well in advancing to the quarter finals in the Irving R. Kaufman Moot Court Competition held at Fordham Law School.

This year's trial advocacy teams did very well in the competition held by the National Institute of Trial Advocacy. Both of the teams advanced to the quarter finals. The team members were **Melissa Lukeman, Stacey Frascogna, Sam Rudman, Adam Firestone, Tina Giampino, Steve Landis, Suzanne Treibitz** and **Karen Grottalio**. Special congratulations to Tina Giampino who received the best oralist award for the quarter final awards.

A strong effort was put forth by **Kim Gilman, Marcy Norwood**, and **Michael Uysal** who represented our school at Pace University's Environmental Law Competition. **Kenneth Brown, Jeff Melcer**, and **Elizabeth Mihalyek** also put a solid effort at the University of Dayton's Administrative Law Competition. **Jewell Esposito** and **William Inzerillo** competed forcefully in the University of Buffalo's Tax Competition. **Karin Fromson-Segal** and **Norman Leon** also made a strong showing at the F. Lee Bailey Moot Court Competition. The International Law Team consisting of **Brian Frawley, Traycee Kelin, David Kim, Renee Redman**, and **Helene Werger** did very well to place fifth in a field of thirty teams in the regional rounds of the Phillip C. Jessup International Law Competition.

Special thanks to the persons who coached these teams and to all the professors and students who helped judge practice rounds.

The ARG

Why are the Furriers on the Run ?

by Johnny Fernandez

The anti-fur crusade is probably the one aspect of the animal rights movement that has received the most attention and has been the most successful. The furriers are liquidating inventory, closing stores, and trying to come up with new and inventive ways to use animals' fur as fast as they can. On virtually any given day in New York you can open any newspaper and you'll see an advertisement for some fur "liquidation sale". Furriers are now counting any garment that has fur on it as a sale of a fur so their fur sales' figures are no longer accurate, but even with that fancy footwork fur sales are down every year. This season is looking like their worst in many years. Almost everywhere in New York City you can see people wearing "No Fur" buttons, or "No Fur" stickers on posters and billboards.

The question is, with a mainstream culture that is supposedly opposed to the animal rights movement, why has the anti-fur crusade been so successful? There are many reasons, of course, but the most obvious one is the most disturbing to the people who cling to the past...torturing and killing an animal for the sake of vanity is just plain immoral, compassionless and wrong! Do I have to get into the gory details of how they anally electrocute the foxes (while they're still wide awake) so as not to damage their valuable pelt? Or about how the mink are driven so insane because of their confinement that they try to eat their young? Or how about how the trappers often find animals' legs alone in a trap because the animal chose to chew it's own limb off rather than remain in the iron jaws of death and await their fate? Nah, I think we've all heard about enough of this, or have we? People are seeing the barbarity of it and are rightfully appalled. The furriers are getting more desperate and the public is getting more turned off to fur. The once rich and fashionable Daniel Antonovich's original fur salons have gone out of business and he has taken to holding a fur fashion

show for women inmates at Rikers Island prison. Even fellow furriers thought that was "horrible, offensive, disgusting" and "pathetic". Furriers now are making fur coats with the fur *inside* because customers are ashamed to wear it! The furriers' trade papers now regularly devote a quarter to a half of their space to the animal rights movement! In America, where it seems that the only thing that speaks is money-maybe only the furriers filing for bankruptcy realize that this movement is for real.

It has been said that revolutionary ideas move through three stages in the popular culture: first, the idea is ridiculed (e.g., the earth is round and rotates around the sun; Africans should not be enslaved; women have souls and the ability to reason and should be allowed to vote, etc.) second, the idea is vigorously fought (the Civil War); and third, the idea is accepted as self-evident (*of course* the world is round, *of course* skin color or sex is irrelevant when considering intelligence or spirituality, etc.).

So, what's the point? The point is this: we are in the second stage now and the "fighting" is inevitable. As all of the great social change movements before us have shown, though, with truth and justice on our side the march will not seem as long and the feet will not get as weary. No lie can live forever, the furriers now know that. As future lawyers we know that just because something is legal does not mean that it is morally right. Slavery in this country was legal. Segregation was legal. Everything that Hitler did in Germany was legal. Apartheid is/was legal. Our future lies with the peaceful ideas that promote love and life for all beings. Welcome to the future, welcome to The Animal Rights Group and to the animal rights movement. We look forward to providing you with interesting and thought-provoking articles and events in the time that remains in this semester and next, and next, and next....

AUCTION-A-GO-GO

by Victoria Doyle

Perhaps it was the beer, or maybe the cause, whatever it was Brooklyn Law Students for the Public Interest's (BLSPI) second annual Auction-A-GO-GO inspired many to spend. In fact, more than \$13,000 was raised at the March 21 event, money that will provide stipends for Brooklyn Law students working in public interest jobs. Last year's auction raised over \$5,000.

The third floor student lounge was transformed into a party room by BLSPI members, who draped the walls with little white lights, donned red carnations in their black-and-white outfits, and served keg beer and snacks.

Up for grabs was a dizzying array of items, ranging from a nighttime plane ride over Manhattan, to homemade cheesecake, to Mets box seats, to lunch with Deans David Trager and Joan Wexler.

The auctioneer, Stuart Medow, did not let one moment escape as he unleashed his rapid-fire vocal talents. In just three hours, over 100 items were auctioned off to students, faculty, and friends. Medow's family helped spot bidders in the animated crowd, and add rousing cheers as prices soared.

The biggest draw of the night was a week-long stay at a vacation house on Fishers Island, New York, which went for \$1,350. Located off of New London, Connecticut, the island's long beached, fresh lobster, lone pool bar, and rambling lilac bushes should provide the eight high-bidding students with a good time.

A five-day stay at Professor Susan Herman's Montauk house went for a hefty \$1,150. After hearing how popular it was, Herman spontaneously threw in a second five-day stay, which was nabbed by a group of BLSPI members for \$775.

Meals with professors drew high bids, and

occasionally fierce competition. Dinner with Professor Michael Madow, for example, went for a stunning \$230, accompanied by roars from the crowd. What is so magical about Madow? People asked. Must be that compelling way he has with the First Amendment.

Similarly, Professors Jerome Leitner, Jeffrey Stempel, George Johnson, Richard Allen, Ann McGinley, Paul Finkelman, Aaron Twerski, Baily Kuklin, Nancy Fink, and Joel Gora proved to be desirable meal-mates. A pizza and Pictionary party with Professors Nan Hunter and Elizabeth Schneider also went for a good sum. Are there federal rules of pictionary procedure?

Other big draws were theater and dance tickets, Mets tickets, health club memberships, and an antique model of the SS America in a glass case donated by Professor Gerard Gilbride. Additionally, piano lessons, 45 pounds of laundry, a computer printer, a month of squash games with Professor Spencer Waller, a facial, a hypnotism session, and a handmade baby quilt by Professor Marilyn Walter brought in good money for BLSPI.

Enhancing the evening's excitement was the evening's attachment of 5 \$250 discount certificates for BAR/BRI's bar review course to 5 random auction items, as well as 5 drawings for 5 \$250 BAR/BRI door prizes.

Overall, the night was a smash hit full of nervous auction energy, cheers, and beer drinking not to mention gasps from the people shocked at what they'd had spent.

BLSPI would like to extend its sincerest thanks to all who attended and participated in the AUCTION-A-GO-GO.

Next on its agenda is a pledge drive which will be announced soon.

MORE WINE, WOMEN AND SONG...EXPERIENCING BROOKLYN

By Joseph Bondy

Last month's food review was received well both by the restauranteurs reviewed, and by the BLS community. I thank you.

This month I am happy to report that I have found more in Brooklyn than just food. But, staying on track, I have two excellent restaurant picks today. One is the moderately priced **Monte's Venetian Room** at **415 Carroll St. (just over the Gowanus Canal)**, and the other is the inexpensive **Fountain Restaurant** on **Atlantic Ave (bet. Clinton and Court)**.

Among the most famous of all Brooklyn's infinite Italian Restaurants is **Monte's Venetian Room**, which was established in 1906. Since then, the restaurant's ownership has been passed down three generations to current owner Nick Monte, who also owns **Gurney's** resort in Montauk. The host and Maitre d' **Louis Lamotte** has been a host at such world renowned restaurants as **The "21" Club** and **Peyraud**. The restaurant's interior is captivating, and has appeared in several movies, most recently in **Prizzi's Honor**. A high quality antique mural of the city of Venice covers all four walls. A huge Chandelier hangs from the ceiling and red leather and brass stud lounge chairs wrap around the dining room. A carpet fit for a casino and big bubbly fishtanks at the bar complete the scene. The dim lighting and fine cuisine further complement any eating experience here.

Among the appetizers, the fresh seafood salad (with octopus, shrimp, and conch) is excellent, as are the escargot with cream pesto sauce (these are admittedly the best escargot, served in the largest portions that I've ever had), and the mozzarella and roasted pepper salad (home made). For wine lovers, **Monte's** is one of the only (and so far the cheapest) restaurants in the entire city that carries the superior Dom Perignon 1982 (crisp and fruity), as opposed to the utterly dismal Dom Perignon 1983 (yeasty and a rip off). They also have a vast selection of reasonably priced wines, which are predominantly Italian. Rounding out the high end of the list is the **Bertani Amarone** (check for year—try for

'79, '64, or '62), which is one of my favorites. Also available are various Valpolicello's, Pinot Grigio, Frascati, etc.. The entrees are all excellent. Try the Chicken Rollatini with Marsala Wine, which is stuffed with hard boiled eggs and Prosciutto, or the beautiful Veal Chop. The Chicken Francese is also excellent. For dessert, the Zambaglione is amazing, the Tartufo is good. The Espresso and Cappuccino are also great. The portions are large, and the service is impeccable. No jacket is required—only "proper attire". Try **Monte's Venetian Room** for an entertaining evening, excellent food, and a piece of Brooklyn's history.

The other restaurant up for review today is much closer to BLS, is less formal, and is inexpensive. It is the **Fountain Restaurant**, so named for the shower head situated in the middle of the floor which spews water into a concrete and broken bathroom tile tank. The paintings on the wall are all the same except for minor variations, and traditional Arabic music plays continually. The food is excellent, and the waiters are friendly and attentive. Try the \$4.95 lunch specials of chicken or shish kebob and humous or babaganoush served with a salad. That last sentence made me realize that the **Fountain** only serves a few items, and that eating there is always a minor variation on a theme. The entire menu consists of Humous, Babaganoush, Shish kebob, Chicken kebob, Pita bread, Shwarma, and salad. Sodas, water, and amazing Arabic coffee comprise the beverage menu, and Bird's Nest and Baklava the dessert menu.

Try the **Fountain Restaurant** as a peaceful alternative to the BLS cafeteria which is becoming louder and louder with the miserable construction of "our new building", which has stripped us of a library, and any vestiges of a campus which we could have expected during our stay here. Oh well, it's for our school's future.

Stay tuned for my next article entitled "Lunch at Gage and Tollner's with Deans Trager and Wexler—Eating Habits and Outlooks".

Passover Polka with Professor Aaron D. Twerski

by R. Chang Feldman

Jewish Heritage Society strongman Naftali Dembitzer greeted the heterogenous crowd (I sat beside an Iranian) with a most apropos allegory. "During a flood", began Dembitzer with Captain Kangaroo charisma, this fellow was sitting on the porch of his house. As the water flowed over the porch, a passerby in a rowboat called out to the stranded man offering him rescue. No thank you replied the fellow, "God will save me." As the water level rose, a string of boatmen offered the fellow assistance but he denied their altruism, prophesizing that the holy one blessed be he would effect salvation. As it emerged, the obstinance was in vain for eventually the gullible fool drowned. When the shlemiel's soul shlepped to the pearly gates he inquired of the maker, "Why didst thou not save me?" With perturbed condescendense, the almighty responded, " who do you think sent the boats?" As Rabbi Twerski would thereafter explain, the freedom celebrated at Passover is, more

precisely the notion of free will.

During the Passover seder, the religiously correct read from the Haggadah that in every generation a person is required to see himself as if he personally had gone out of Egypt . . . and to praise God for bringing the jews from "darkness to great light." The Professor then addressed the topic of the lecture by explaining the significance of "from darkness to great light."

The great light says Twerski does not merely refer to freedom but more precisely the opportunity to struggle with moral choice; a precious gift slaves are not afforded. Twerski boldly stated that the major difference between human and animal is that as humans "we are the only ones capable of moral choice. . . of deciding right from wrong." The holy man set the audience dumbstruck by informing them that humans "put off gratification because we should be doing something else." Paraphrasing the legendary Rabbi Moishe Chaim Luzzah, a man who does not involve himself with moral choice is nothing more than an animal", moral choice is what makes man godlike because man, through moral choice is self-defined." Luzzah gave man the ultimate ultimatum: either belong to the world in which the rules of nature governs or the world in which moral choice governs.

Acknowledgement of mans free will does not however conflict with the notion of a all powerful supreme being. After all, Twerski noted, as the Jews approached the Red Sea enroute from Egypt, God, before altering the natural order of water, demanded that the Jews make a moral choice to follow God's plan.

On Pesach while Jews imagine themselves leaving bondage, they acknowledge the existence of moral choice. Twerski urged the crowd that upon recieving this gift, they choose right.



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Fairstein on Law

by Hemantha Parvatharaj

On Monday, April 6, 1992, Professor Lisa Smith's Extern Criminal Clinic class played host to one of New York's leading public servants: Manhattan Assistant District Attorney, Linda Fairstein. Ms. Fairstein, most recently known for her prosecution of Robert Chambers in the so-called "Preppie Murder" trial, has been with the Manhattan District Attorney's Office for the past 20 years. Having graduated from the University of Virginia Law School in 1972, she has devoted the majority of her time working in the Sex Crimes and Child Abuse Division.

Ms. Fairstein first gave a general overview of the changes that have occurred in the past 20 years regarding the criminal justice system and its members' attitudes and perceptions towards sex crimes. She discussed the almost insurmountable evidentiary requirements placed upon women by the pre-1974 rape statute if they were to put forth such allegations. It was particularly interesting to learn that the District Attorney's office had yet to establish a Sex Crimes unit as far back as 1972.

Ms. Fairstein also spoke

about the progress that the District Attorney's office has made in successfully prosecuting both acquaintance rapes and stranger rapes. With regard to stranger rapes, Ms. Fairstein attributed high conviction rates in this field to the advent of DNA technology. This technology, coupled with the contact nature of sexual assaults, makes it easier to solve the question of identification. Unfortunately, identification is not at issue when acquaintance rape is involved; Ms. Fairstein noted that the conviction rate in this area is substantially lower due to an unwillingness on society's part to accept the occurrence, let alone the frequency of acquaintance rape.

Several issues touched upon in the question and answer session were: whether or not victims' names should be revealed

in the media, AIDS testing for defendants of rape allegations and media coverage of rape trials. Ms. Fairstein felt that it was the victim's prerogative to have her name revealed to the public, but that society's attitude toward rape will not change until more women go public with these incidents. On the AIDS issue, Ms. Fairstein had no problem with requiring defendants to submit to AIDS testing after they had reached a certain point in the arrest process, explaining that such testing is routinely required if the presence of sexually transmitted diseases such as syphilis and gonorrhea is suspected. Finally, Ms. Fairstein finds the media to be frustrating in that they are interested more in the facts which are "titillating to the public" rather than focusing on the issues which are involved in the particular trial.

**SpringFest Coming to
a Cafeteria Near You
May 1, 1992**

EVENING STUDENTS SURVEY RESULTS

Compiled by Eric Wollman, Evening Students SBA Vice President

Last November, *The Justinian* printed a SURVEY for Evening Students, so that the SBA could measure the Quality of Life at BLS for its part time student body and learn what could be done to make life a bit easier for those who work while attending law school.

The response to the short survey was underwhelming. Of the approximately 395 part-time students at BLS, only about 6% responded to the SURVEY. However, some patterns did emerge which may shed some light on what our classmates are thinking about.

We encourage evening and part-time students to speak with their SBA representatives. They are Merilee K. Coen, Helene Werger, Marvin E. Wolf, Sharen D. Hudson, Leonard Oppenheimer, Piku Thakkar, Linda Fox and Stuart Minkowitz.

SURVEY RESULTS SHOWING % OF ANSWERS TO THE POSED QUESTION:

1. I PATRONIZE THE CAFETERIA:

A. FREQUENTLY	62%
B. ONCE IN A WHILE	10
C. ONLY DURING BREAKS	19
D. NOT OFTEN	10
E. NEVER	0

2. THE FOOD SERVICE AT BLS IS:

A. EXCELLENT/GOOD	10%
B. ADEQUATE	38
C. INADEQUATE	43
D. POOR	10

3. WHEN I GET TO THE CAFETERIA:

A. THERE IS A GOOD SELECTION	0%
B. USUALLY FIND SOMETHING	29
C. LITTLE OR NOTHING LEFT	71

4. I WOULD LIKE VENDING MACHINES INSTALLED:

A. FRUIT JUICE	30%
B. COFFEE/HOT CHOCOLATE	43
C. FRESH FRUIT/YOGURT	20
D. CIGARETTES	0
E. NO CHANGE NEEDED	36

5. THE BOOK STORE COULD BE IMPROVED IF:

A. IT KEPT LATER/WEEKEND HOURS	60%
B. HAD A BETTER INVENTORY OF NEW BOOKS	16
C. HAD MORE USED BOOKS	20
D. FINE AS IS	4

6. I BUY BOOKS FROM:

A. OTHER STUDENTS	0%
B. OFF CAMPUS BOOKSTORES	38
C. BLS BOOKSTORE	29
D. MIX OF ABOVE	33

7. I USE THE LIBRARY:

A. ONLY DURING CLASS HOURS	0%
B. LATE NIGHTS/WEEKENDS	45
C. MIX OF ABOVE	25
D. I DON'T USE THE LIBRARY	30

8. THE LIBRARY'S HOURS ARE:

A. ADEQUATE FOR MY NEEDS	88%
B. INSUFFICIENT	6
C. OPEN MORE THAN NEEDED	6

9. WHEN I'M AT BLS AT NIGHT/WEEKENDS/HOLIDAYS:

A. I FEEL SAFE	48%
B. I THINK SECURITY SHOULD BE INCREASED WITH UNIFORMED SECURITY OFFICERS ROVING THE FLOORS AND STAIRWELLS	24%
C. I HAVEN'T GIVEN IT MUCH THOUGHT	29%

FROM THE GREAT SBA PRESIDENT ERIC SCHWARTZMAN**SURVEY OF BLS FACILITIES AND SERVICES**(Results to be published in the next issue of *The Justinian*)

PLEASE SUBMIT COMPLETED SURVEYS TO THE SBA OFFICE

1 being lowest
5 being highest**(A) LIBRARY****ADEQUACY OF STUDY SPACE**

- (1) Have you been able to find a place to study ? _____
- (2) If using a desk-carol did the desk have a light fixture? y/n
- (3) If using a desk-carol with a fixture did the light work? y/n
- (4) Was this space generally quiet enough for your needs? _____
- (5) How have you found the general temperature in the Library ? _____
- (6) How often have you made use of the study space in 1 Boerum Place ? _____

ACCESS TO SERVICES

- (7) Were the Library hours sufficient ? _____
- (8) Should the Library hours be expanded ? _____
- (9) How often do you find that you need books that are currently boxed ? _____
- (10) How do you rate the access to the Computers for Wordprocessing ? _____
- (11) How do you rate the access to the research computers (LEXIS / WESTLAW / INFOTRACK) ? _____
- (12) Do you access to other law school law libraries ? _____
- (13) How would rate the overall quality, service, and dependability of the copy machines ? _____
- (14) Are the current number of machines sufficient for your needs ? _____
- (15) How would you rate the service provided by the full time library staff ? _____
- (16) How would you rate the service provided by the part time student assistant staff ? _____

BATHROOMS (Library bathrooms on the 2nd Floor)

- (17) Basic cleanliness ? _____
- (18) Working Order ? _____
- (19) Lighting ? _____
- (20) Supplies sufficient ? _____
- (21) Safety ? _____

(B) NON-STUDY AREAS**THIRD FLOOR LOUNGE**

- (22) How often do you utilize this space ? _____
- (23) Was this area generally clean ? _____
- (24) How often did you clean up after yourself ? _____
- (25) Would you like to see more study tables ? _____
- (26) Would you like to see more lounge-type chairs ? _____
- (27) If the school would allow a microwave in this area
would you use it ? y/n
- (28) How would you rate the new vending machines in
this space ? _____
- (29) How often have you been kicked out of the
lounge due to scheduled events ? _____
- (30) How do you rate the current smoking policy in
the lounge ? _____

CAFETERIA

- (31) How often do you utilize the cafeteria service ? _____
- (32) Are the selections varied enough ? _____
- (33) Are the prices reasonable ? _____
- (34) How would you rate the quality of the service ? _____

VENDING MACHINES

- (35) How often do you use the machines ? _____
- (36) Are the selections varied enough ? _____
- (37) Are the prices reasonable ? _____
- (38) How would you rate the quality of the service ? _____

SEATING AREAS

- (39) How often do you use the cafeteria for studying ? _____
- (40) Do you smoke ? y/n
- (41) How well is the area kept up ? _____
- (42) How often do you pick up after yourself ? _____
- (43) How often do you "hang out" here between classes ? _____

(C) CLASSROOMS

- (44) Now with the construction, how well do you hear
your professors ? _____
- (45) How well are the classrooms kept up (cleanliness
wise) ? _____
- (46) How often do you bring food / beverages into the
classes ? _____
- (47) How often do you pick up after yourself ? _____

(D) BATHROOMS IN GENERAL (FLOORS 3 THROUGH 7)

- (48) Cleanliness ? _____
- (49) Working order ? _____
- (50) Lighting ? _____
- (51) Sufficiency of supplies ? _____

Brooklyn Law Student Mental Health Quiz

et al.: The Justinian
by Alan Adler*

1. The upcoming construction of the new building will
 - A) make the law school more attractive to perspective students and faculty.
 - B) improve Brooklyn's national rank among law schools.
 - C) stir the man-eating rats that dwell beneath the building into a bloody feeding frenzy.
2. The most frequent activity in the student lounge is
 - A) studying.
 - B) talking.
 - C) being chased out by the custodial staff.
3. Smoke in the lounge and cafeteria
 - A) leaves non-smokers gasping for air.
 - B) leaves smokers gasping for air.
 - C) could cure a ton of meat.
 - D) All of the above.
4. Emmanuels
 - A) supplement assigned reading materials.
 - B) supplement class discussions.
 - C) substitute for assigned reading materials and class discussions.
5. Footnotes
 - A) expand on points not fully covered in the main text.
 - B) are hard to read due to small print.
 - C) make reading assignments much shorter.
6. Fallfest means
 - A) students break from their studies for a few hours to celebrate the fall harvest.
 - B) loud music drowns out afternoon classes.
 - C) free pizza and beer.
 - D) next year, none of the above
7. Springfest means
 - A) students break from their studies for a few hours to celebrate the arrival of spring.
 - B) loud music drowns out afternoon classes.
 - C) free pizza and beer.
 - D) this year, none of the above

8. The most challenging activity of a Brooklyn Law School student is
- A) taking final exams.
 - B) finding a summer job.
 - C) finding a 7.1-year-old law review article in the library.
9. A Hewlett-Packard Deskjet is
- A) a popular inkjet printer.
 - B) the type of printer connected to Westlaw and Lexis terminals.
 - C) a free, yet slow copier.
10. Dissenting and concurring opinions
- A) offer interesting alternative analysis.
 - B) indicate future trends in judicial doctrine.
 - C) make reading assignments much shorter.
11. Students speak in class to
- A) inject their insights into class discussions.
 - B) earn class-participation points.
 - C) hear themselves talk.
12. The person best qualified to lead this country is
- A) George Bush.
 - B) Bill Clinton.
 - C) Eric Schwartzman.
 - D) Eric Schwartzman.

Scoring:

For each A) answer, give yourself 2 points.

For each B) answer, give yourself 1 points.

For each C) answer, give yourself 0 points.

For each D) answer, give yourself 0 points.

If you scored above 0, you are taking this law school thing a little too seriously.

Next issue, *The Justinian* will report how students' results compare with the mandatory curve.

* *The contents of this test do not reflect the personal views of the author, but rather years of research at Brooklyn Law School. [Ed].*

TARRYTOWN

Well, I'm drivin' my car, headin' north on Route 9,
 Ridin' shotgun along that Metro North line,
 It's a quarter past eight, and there's no one around,
 As I get off the road, I'm pullin' into Tarrytown.

Headin' west for a bit, I can make it on time,
 Foreman looks in my window, through the dust and grime,
 He's a big man, standin' at about six-foot four,
 His hand's extended as I open my door.

As we walk toward the plant, the guard opens the gate,
 He's got nothin' to say when he knows you're not late,
 Man, that plant's really huge, and as I climbed up the stairs,
 I slipped on some oil, but no one really cares.

As we walked through the halls, where blow torches glow,
 He put his arm around me, and our pace became slow,
 As he turned to face me, there was a tear in his eye,
 But I stiffened my lip, not askin' him why.

As we headed downstairs into the men's locker room,
 Foreman braced himself, then lowered the boom,
 "I just got the news, they're shuttin' us down,"
 Things just won't be the same, here in Tarrytown.

Yeah, the boys from Detroit, they've made up their mind,
 They don't need our cars 'cause they're in a bind,
 Down a few billion, changes had to come,
 As I put on my helmet, my fingers went numb.

No more lunch hours in town, or down at the mall,
 No more cruisin' on Main Street and havin' a ball,
 No more wavin' at girls, all dressed up so pretty,
 As they come here to shop from all over the city.

Two years from now, when that last whistle blows,
 The assembly line ends, and God only knows,
 What will become of the cars that we make,
 Especially when all our jobs are at stake.

I remember what happened when four-thirty came,
 When the whistle went off, it just wasn't the same,
 As the hard-hats went home at the end of the day,
 They all headed to church, and knelt down to pray.

When I came home that night to my wife and my son,
 They both started to cry over what had been done,
 I couldn't sit down at the table that night,
 "Cause they're takin' my job; man, that just isn't right.

So I got into my car and sped down the street,
When I got to the plant, I jumped out of my seat,
I pounded my fists on the fence 'til they bled
"Cause takin' a man's job damn near leaves him for dead.

As I looked out over the mighty Hudson below,
With the lights from the Tappan Zee Bridge all aglow
There was a darkness on the edge of the river, all right,
As I sat in my car for the rest of the night.

When morning came 'round, I decided to leave,
There was no point in stayin'; I just couldn't believe
That 12 years spent buildin' cars out of steel
Meant nothin' right now, 'cause this nightmare was real.

Lord, please, take care of my family for now,
I know that I'll get work after this somehow,
As engines warmed up, with that rumblin' sound,
It's time to survive, and believe in Tarrytown.

Welcome back, Bruce.

Joe Accetta

daisy petals scatter
I cannot gather them
a butterfly flutters
loves me says a petal
an infant cries
loves me not says another
the sun lowers its head
more daisy petals
where is the last petal
oh please love me
the owl swooshes down
he loves me
the stars twinkle
I do

Teresa Matushaz

HE'S A RACIST
SOLELY ON THE FACT THAT HIS BASIS OF THOUGHT
IS THAT ALL BLACKS ARE WHACKED
MAN, I HATE THIS.
I CAN'T UNDERSTAND
HOW A MAN WITH A NARROW PLAN
CAN COMMAND SUCH A FAITHFUL FOLLOWING.
IT'S TIME TO UPLIFT
NOT TO DRIFT FROM TRUE TEACHING
EXTEND PROPER VALUES TO A CHILD WITHIN REACH
SO THE NEXT GENERATION'S EVALUATIONS OF RELATIONS
WON'T HAVE THE STATIC WE HAD
'CAUSE OF SKIN PIGMENTATION.

THE ONLY COLOR IS RED
THAT IS SPREAD AND SPLASHED
FROM THE YOUTH OF OUR CITY WHO'VE BLED.
IT TAKES PREACHING AND TEACHING
AND PLEADING AND READING
FROM FAMILY TO FAMILY TO STOP ALL OF THE BLEEDING.
IS IT POSSIBLE?
ONE MIGHT ASK, I DON'T KNOW
IT'S A TASK TO AT LEAST FEEL THE STONES THAT WE THROW
SO THE PAIN THAT REMAINS IN OUR BRAIN
MAY SUBSIST
TO THE SEQUEL THAT ALL PEOPLE ARE EQUAL
EXISTS.

ROSS INTELLISANO '94

Remorse

*Night Falls, day breaks at five
Made it through another day surprised to be alive*

*Wishing that day never began
I silently regretted that mistake which caused me angst
Especially when that stapler came flyin' straight for my head
Made it through another day, surprised I'm not dead*

*But if a madman has struck once, may strike again
To be wise be wary, else suffer the recriminations of the bad pollyanna
Or walk out the door and step on a banana*

*Made it through another day, I think I should move to Montana
A place where no madman calls home
Not even George Santayana*

*Made it through another day
What else can I say?*

The Staff

Better Grades. ~~Less~~ No Reading!!!

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William Kuntzler

"**EXTERNAL MANIFESTATION** makes insightful reading for both legal scholar and layman alike. I've been reading the cards for 3 months and already I am almost finished."


Clarence Thomas

"... those sons of bitches! If I ever get my hands on the m_____ f_____ who stole my idea, I'll ..."


Arthur Miller

Below are but a few examples of our product. Although the actual cards contain only illustrations, we have provided, for your convenience, written explanations.

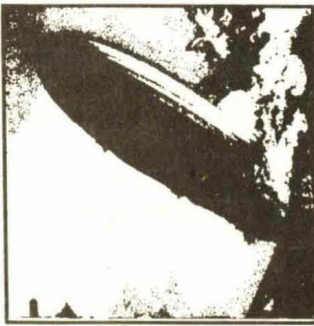
Negligence 1 TORTS


Duty


+


Breach

+


Damage

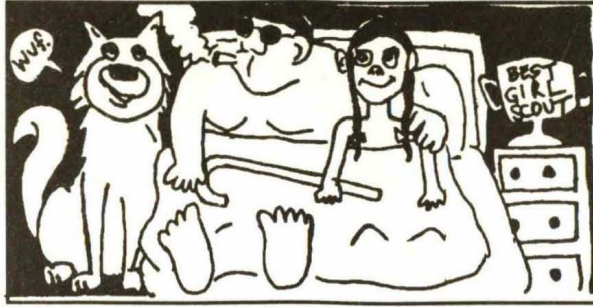
=


Remedy

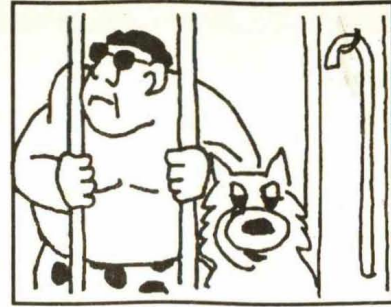
Strict Liability 1 Criminal Law



Actus Rea



Lack of Mens Rea



Strict Liability

(NB: Vicarious liability applies in most jurisdictions for canines and other pets.)

Adverse Possession 1a Real Property



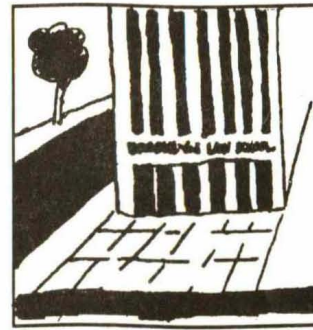
Open

+



Notorious

+



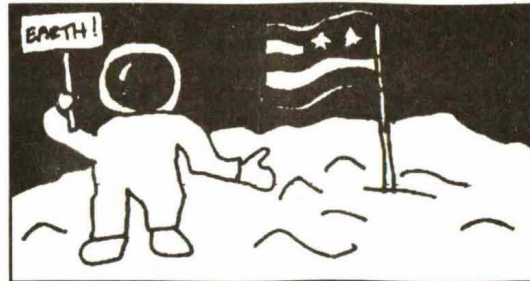
Exclusive

Adverse Possession 1b Real Property



= Adverse Possession

or



Adverse Possession

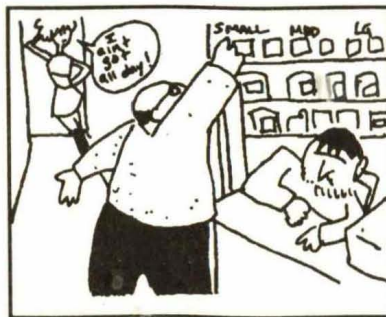
NB: For those offended by this picture, our engineers have also provided you with the following "politically correct" image.

Privacy 1 Constitutional Law



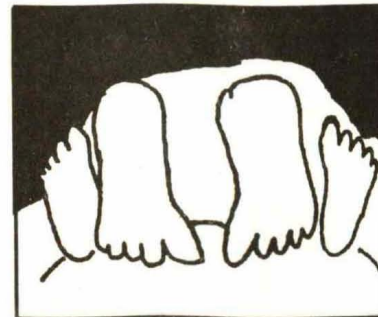
The Government's Interest

<



The Individual's Privacy Interest

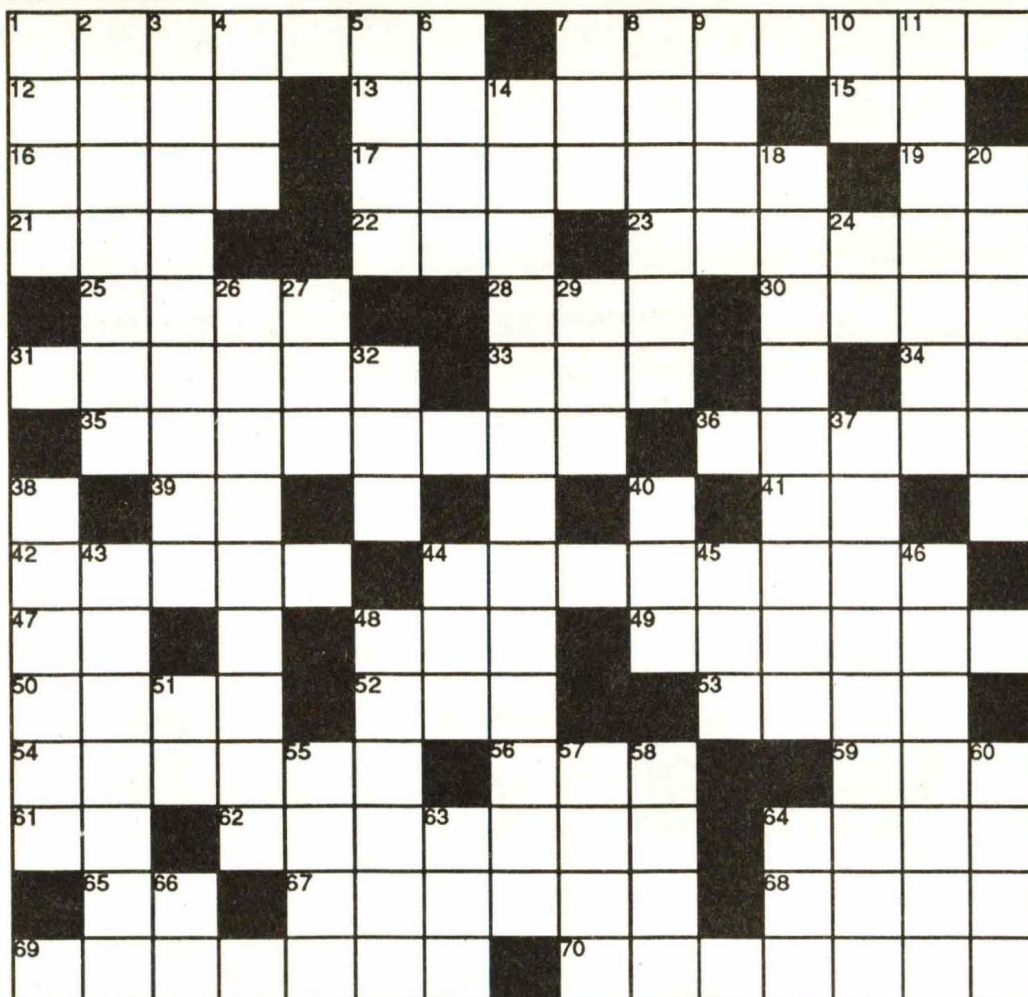
=



A Victory for Individual Autonomy (at least for now)

ACROSS

1. She's in vogue
7. Zedong of China + Ricardo's wife
12. Having wings or chemical sprayed on apples
13. Baseball game component
15. Richmond capitalizes this(abbr.)
16. Where Clinton and Brown got their J.D.'s
17. Childishly foolish
19. Album
21. Schlissel, Gladstone, Schwartzman, and Gilman
22. Wind direction
23. Chihuahua owner
25. Rock Hudson killer
28. Pink Floyd's "Hey ____"
30. Roman 902
31. Roman 953
33. gp. of American countries
34. We
35. Eats ants and termites
36. San Antonio mission
39. I
41. ____M, Master of Laws
42. Keep ____ of the pack
44. O'Neill and Foley (backwards)
47. If, to Pedro
48. Zadora or Lindstrom
49. Barbie's beau + LBJ's VP
50. Andrew Sisters
52. Vase for cremated ashes
53. Grateful Dead's Dark ____
54. ____ and ____;

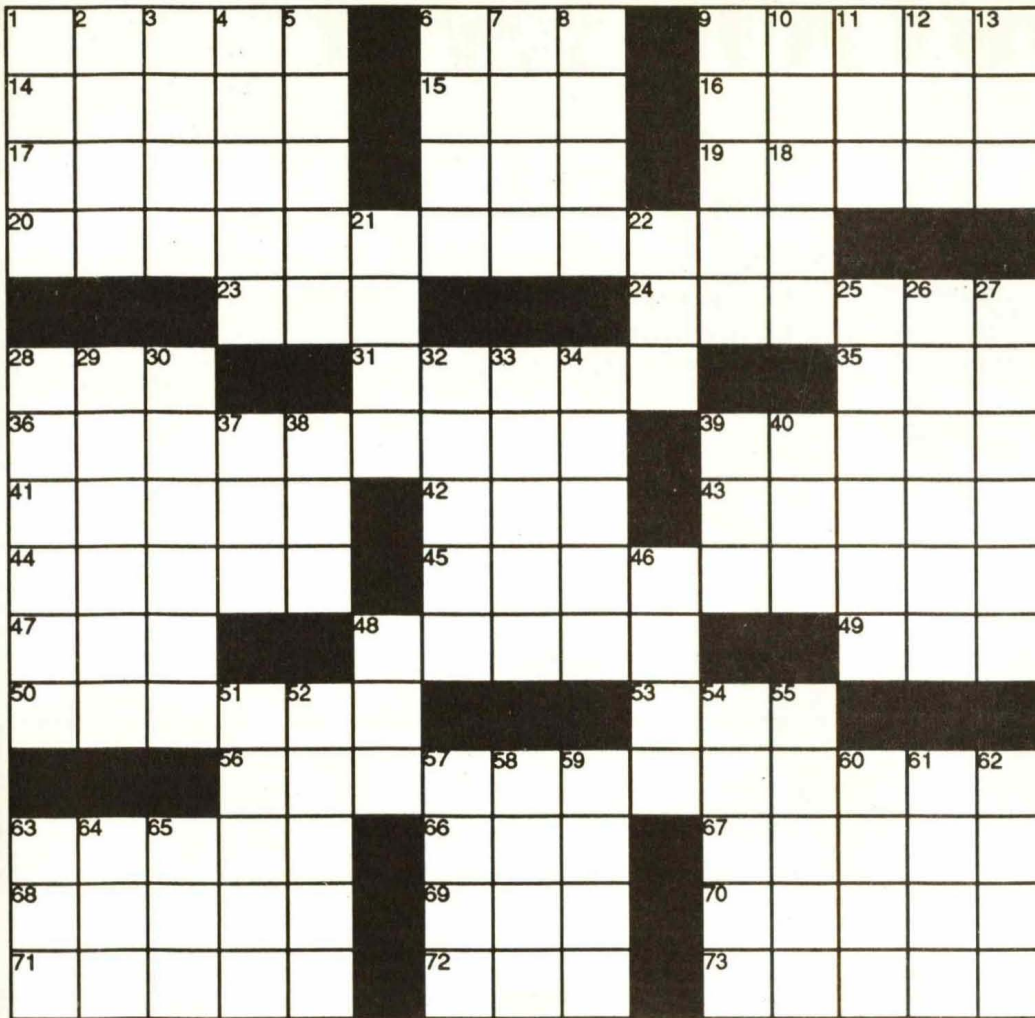


- | | | | | |
|------------------------------------|-----|--|-----|---|
| dine and flee | 5. | Compresses tightly | 37. | a,b,c ... and alpha, beta, gamma ... |
| 56. ____ Metro car | 59. | Tom Hanks film | 6. | Opening at the lower end of the alimentary canal |
| 61. M.D.'s helper | 62. | Type of baseball pitch(plural) | 7. | Russian space station |
| 64. Ballestros of golf | 65. | The President's middle initials | 8. | Spirit |
| 67. Relating to the nervous system | 68. | Separate article or particular | 9. | Look at amorously or flirtatiously |
| 69. Hewlett ____ | 70. | 1 Across's Blond Ambition ____ + Spanish men (abbr.) | 10. | Type of light |
| | | | 11. | Type of deposits |
| | | | 14. | Messier or Gartner, e.g. |
| | | | 18. | Awesome |
| | | | 20. | Rock group |
| | | | 24. | "____ a little teapot" |
| | | | 26. | Kazan, Spielberg and Scorsese |
| | | | 27. | A Caesar |
| | | | 29. | Yellow ribbon tree |
| | | | 32. | Common contraction |
| | | | 37. | a,b,c ... and alpha, beta, gamma ... |
| | | | 38. | Commemoration of the resurrection of Jesus Christ |
| | | | 40. | David Duke was Grand Wizard of this |
| | | | 43. | Attack fish |
| | | | 44. | Formal address to male |
| | | | 45. | ____ alienum |
| | | | 46. | Tennis' Pam |
| | | | 48. | Smaller |
| | | | 51. | Stephen King novel |
| | | | 55. | Forearm bone |
| | | | 57. | Part of Q.E.D. |
| | | | 58. | Oslo capitalizes this |
| | | | 60. | Precious stones |
| | | | 63. | Firecracker failure |
| | | | 64. | Same as 44 Down |
| | | | 66. | Former British P.M.'s initials |

DOWN

1. Baseball's Willie
2. Montgomery capitalizes this
3. Tibetan religious leader
4. Iron ____

by Joshua M. Levine



ACROSS

1. Dim bulbs
6. Adherent
9. Cripples
14. Anoint
15. Pub quaff
16. Ferber and others
17. Street show
18. As well
19. Pries
20. Yield
23. Demi-fly?
24. Code of silence
28. Arthur of sitcoms
31. Wan
35. Scrap
36. Working space
39. Skit vehicle
41. _____ firma
42. Curve segment
43. Sporting locale
44. _____ Coast
45. Unthinking reactions

47. Federal org.
48. Black ink item
49. Compass pt.
50. Win one's heart
53. Hint
56. Property owners, sometimes
63. Laurie of films
66. Exist
67. Williams of films
68. Assemble
69. All(comb.form)
70. Gaucho's rope
71. Penne
72. Suitable
73. Ski resort

DOWN

1. _____ Passage,
Bogart movie
2. Son of Judah
3. South American nation
4. Seat

5. Endeavors
6. Lot
7. Famous baseball name
8. Light gas
9. Argentina's presi-

- dent
10. Love
11. Federal org.
12. West of Hollywood
13. Draft org.
21. Regan's dad
22. Put on
25. Peripatetics
26. Brit's boots
27. Attention follower?
28. Happen to
29. Eagles, e.g.
30. Away
32. Overcharges
33. Dilemma adjuncts?
34. Host
37. Hockey great
38. Course
39. Indian dominion
40. Poetic contraction
46. Major ending
48. Jackie's second
51. Expel
52. Main artery
54. Within (comb. form)
55. Helen's abductor
57. California valley
58. Bunker
59. Scout's need
60. Low tide
61. London gallery
62. Ollie's partner
63. Vim
64. George's lyricist
65. Quadruped's foot



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